CONGRESSIONAL RECORD:

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CONGRESSIONAL RECORD,

FORTY-NINTH CONGRESS, FIRST SESSION.

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Mr. McPHERSON. Now it is proposed, as I understand, on the part of the committee, to appropriate $150,000 more to pay them a second time for this property.

Mr. McMILLAN. We propose to buy this property if we can get it for the sum named, if this board of engineers after an examination shall report in favor of it.

Mr. McPHERSON. I want to ask the Senator if it would not be, under all the circumstances of the case, exact equity on the part of this Government needing this property for a great public benefit to commerce and the navigation of the lakes to take this property?

Mr. McMILLAN. I did not hear the Senator.

Mr. McPHERSON. Would it not be exact equity to take the property by some act of public condemnation, taking into consideration the benefit the company has already received by reason of the land grant, and instead of appropriating $150,000 deduct what they have already received from the value of the canal?

Mr. McMILLAN. It would be rather an unusual course for the Government after having given to the State of Wisconsin a grant of land to say that because she granted it to a private corporation therefore we will take the property from the private corporation. That would be rather unusual.

Mr. McPHERSON. I understood the Government had granted this land direct.

Mr. McMILLAN. The Government granted to the State of Wisconsin 200,000 acres of land for the construction of this canal and harbor of refuge, deeming it to be of such great importance to the commerce of the country.

Mr. McPHERSON. Did the Government expect that, when the grant of 200,000 acres was made for this special purpose, this harbor of refuge would be subjected to tolls by everybody who used it?

Mr. McMILLAN. Of course it must have contemplated all that followed. The State of Wisconsin granted the land to this company.

Mr. COCKRELL. I should like to ask the Senator if it was not in the original act of Congress that when the State was reimbursed, then the whole thing was to be free. Was this grant to the State for the purpose of enabling the State to speculate off the commerce of the country? I should like to call the Senator's attention to the fifth section of the act making the land grant, which says:

> And whenever said State shall be fully reimbursed for all advances made for the construction, repairs, and operating of said canal, with legal interest on all advances until the reimbursement of the same, or upon payment by the United States of any balance of such advances over such receipts from said lands and canal, with such interest, the said State shall be allowed to tax for the use of said canal only such tolls as shall be sufficient to pay all necessary expenses for the care, charge, and repair of the same.

That was clearly the intention, that it should become a free canal as soon as the State was reimbursed out of these lands and out of the tolls.

Mr. McMILLAN. The Government subsequently extended that grant without any provision of that kind.

Mr. EDMUNDS. Merely extended the time, subject to all the provisions of the grant.

Mr. McMILLAN. It granted it to the State of Wisconsin and gave the State of Wisconsin the power to dispose of the lands. If the State of Wisconsin has granted to this company rights which are vested, I suppose they can not be divested without compensation.

The great difficulty is here that Senators do not remember that this appropriation is not for the benefit of this canal company. We do not intend to protect them or to advance their interests in any way. We wish to divest them of property which they have got into their hands, through which they burden the commerce of the country, through which they levy toll; and we can not relieve ourselves of the burden unless we take this property in some way.

Mr. McPHERSON. I understand that the General Government gave to the State of Wisconsin 200,000 acres of land in trust for a certain purpose; that when that purpose was accomplished and the lands were sold for sufficient to cover the cost then the harbor of refuge should be free. Now, what I want to know is whether the State of Wisconsin has abused the terms and conditions of the trust. What right had the State of Wisconsin to give to a private corporation the power to prevent the condition made by the General Government originally in the grant of land to the State of Wisconsin being carried out?

Mr. McMILLAN. In the accounts of this company, as they are furnished by this report, the total cost of the Sturgeon Bay Canal, including interest on advances made by stockholders to December 1, 1882, and expenses incurred in managing the canal to October 10, 1882, is $642,615.57; deducting all the receipts which they have given here for the whole, the balance is $178,168.58, which they still need to make up the expense of the construction of the canal.

If Senators will refer to page 17 of Executive Document No. 34, Forty-seventh Congress, second session, they will see this. I think it is very evident that Senators have not examined with accuracy and care these things for want of time. It can not be expected that they could observe all this information by merely looking at the report; none of us can do that. This statement shows the claims of this company.

We are not, as I said, considering the interests of this company. We want to get rid of it in some way, to get it out of the way, so that the commerce of the lakes may be free; and the easiest way, as we apprehend, is to get this property into the possession of the United States by a purchase of this kind. Evidently these tolls are sufficient to make it profitable to the company; and to go, even in the most favorable aspect which could be considered, into a system of litigation for the purpose of ascertaining the accounts of this company, whether they have been kept right or not, would be a course of proceeding which the Government of the United States can not carry on successfully; but if we can purchase this improvement, which is shown to be a profitable one, for this appropriation, after an examination which shall report it reasonable by agents of the Government itself, then we submit that the appropriation is a proper one.

Mr. EDMUNDS. Mr. President, I do not know that what I have to say will be of any interest to anybody, and there is not anybody here worth speaking of; still it is a duty to explore this thing and find out just what it is.

If you ever sailed along the beautiful shores of Green Bay, Mr. President, much north of its southern end at the head of the bay, you would find yourself in a magnificent territory of timber land, and if you go up the peninsula which lies between Green Bay and Lake Michigan you would find that it is not a country of great population, but it is a country of vast timber resources. You would find that Sturgeon Bay and Sturgeon River were a kind of slough, that almost connects Green Bay with Lake Michigan about midway the length of Green Bay. You would find from this report that the total amount of canal built was a little over a mile. By the engineer's plan on a large scale it is 6,000 feet, but as stated in the letter-press somewhere it is something over 7,000 feet; that is the canal. The thing that that canal was designed to do, and ninety-nine one hundredths of the thing that it has done, was to furnish facilities to the timber-men to get out their timber and lumber; and when you turn to the statistics of the vessels going in and the vessels going out, you will find that there is a large lack of information as to the voyages that those vessels were making. It says "freight and passenger steamers," fifteen or twenty, in the only year that we have any statistics about at all. Every one of those might have been freight and passenger steamers that were going in to haul out tugs, or to haul out rafts or haul out scows, or to carry in provisions to the lumbermen; probably some have gone through the canal. But these statistics as showing that there is the commerce of the great lakes, which my friend from Michigan so eloquently described as making use of this canal, are entirely delusive. Every time that a tug went in to haul out a raft or a stick of timber it was entered up to the account of a vessel entering; and every time it went out, as it might do twenty-five times a day, it is represented as a vessel going out. You might as well count the number of rats that go in and come out of their holes in an old barn as to count up these vessels in the way these statistics do. It does not give us any information at all. Such is the canal and such is the commerce.

Now, let us look a little at the state of things. We have not any information, statistical or official or any other kind except what will be given here in debate, in respect of this affair and its operations since the report of the Secretary of War on the 19th of December, 1882, which in round numbers and for all practical purposes is four years ago—long enough time to have a whole four years of reform administration—I mean of this canal—the only reform administration I know of.

Mr. McMILLAN. The Senator will permit me to suggest that is one reason why this board of engineers has still to examine this and report on the propriety of the appropriation.

Mr. EDMUNDS. Yes; I see. We are in such haste to commit ourselves to this business for a canal—and the canal will not be worth a dollar after the timber is out, in my humble opinion—that we can not wait to get any information now within four years, but we are to submit $150,000 of the money of the people to the disposition of the Secretary of War to purchase this property if his three engineers are satisfied that it ought to be purchased, and take upon ourselves the burden of keeping this up, and then if is not wanted any more it can be dropped.

This corporation is a concern with which we have nothing to do in a legal way. We dealt with the State of Wisconsin, and we dealt with nobody else. We did not authorize her to build this work through the agency of a corporation by name. We authorized her to receive 200,000 acres of land, which she did do, and required her in consideration of that to do four things, four important things in respect of the consideration for her money. The first was she was to build a breakwater in Lake Michigan to protect the entrance of this canal, so that in a hard storm or any storm a vessel that would wish to get in there would be able to get in, which can not be done without a breakwater except by the merest chance, as everybody knows. The act of Congress therefore required that a breakwater should be built—"to aid the State of Wisconsin in the construction of a breakwater." That was one thing.

The State of Wisconsin, second, was to construct a harbor. She was then to construct a canal—the third thing. The canal having thus been constructed, and the breakwater constructed, and the harbor constructed, Wisconsin was authorized to take tolls on vessels using the canal, not

taking shelter in the harbor of refuge, not taking shelter behind the breakwater, but to charge tolls for the use of the canal. She was bound to build these two most important works, if we are to take the opinion of gentlemen, and to keep them up herself.

Mr. BUTLER. Is that the act granting 200,000 acres of land?

Mr. EDMUNDS. That is the act granting the 200,000 acres of land. Neither of these things has been done. The State of Wisconsin, if she keeps her faith with us, is bound to do them now except that by a convenient and unnoticed act, which is said to have the effect of relieving her to that extent, Congress has undertaken to do the work on the harbor of refuge by a later act, so that the State of Wisconsin is out from any sound obligations in regard to the harbor of refuge. It has not yet occurred to her people, and to the Committee on Commerce, or both, that the United States, if we did not have this canal and these works, should build the breakwater; but that was an oversight which will have to be looked to hereafter.

In the next place, therefore, the breakwater being built and the harbor of refuge being built in consideration of this grant, the right of vessels to have the benefit of those two things was not to be taxable with tolls at all. The only right granted to her to take tolls was on the canal, as I said before. Having taken these tolls sufficient to reimburse, together with the land grant, for her necessary expenses about this business, then she was bound to reduce those tolls to just enough to pay the expense of keeping up the work and no more. That was a part of the consideration. That is now to be turned off upon the United States. That is the way it stands.

It is said we can not ask the company to do this sort of thing, because it is a company of Wisconsin, and if she has granted vested rights, they can not be taken away; but let us see what the State of Wisconsin did do. This is her act:

SECTION 1. That the lands, franchises, rights, powers, and privileges granted to and conferred upon the State of Wisconsin by an act of Congress approved April 10, 1866, "granting to the State of Wisconsin a donation of public lands to aid in the construction of a breakwater and harbor and ship-canal at the head of Sturgeon Bay, in the county of Door, in said State, to connect the waters of Green Bay with Lake Michigan, in said State," be, and the same are hereby, accepted, with the restrictions and upon the terms and condition contained in said act of Congress.

The State of Wisconsin, therefore, committed her public faith to doing all the things and observing all the conditions that Congress had imposed upon the grant, and she felt justified in doing it because the 200,000 acres of land that Congress had given to her was adequate for the purpose. Then section 2 of the act of Wisconsin from which I am reading provides:

SEC. 2. For the purpose [of] carrying out the objects of said act, the said lands are hereby granted and conferred upon the Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company, a company organized in the city of Milwaukee on the 4th day of October, 1866, under and by virtue of chapter 365 of the laws of Wisconsin of 1864, approved April 24, 1864, subject to all the conditions, restrictions, and obligations herein mentioned.

Some of those that are "herein mentioned" are those that I have read of doing those three things, the harbor, the breakwater, and the building of the canal, the keeping it up, and reducing the tolls and the cost of keeping it up when they should have been reimbursed. That was the plan. Now, when you turn over to the report of receipts and expenses you will find some rather curious things.

Mr. BUTLER. What did they receive for the land?

Mr. EDMUNDS. I will come to that in a minute. On page 11 of Executive Document No. 34, Forty-seventh Congress, second session, statement D is:

Cash receipts from May 7, 1872, to October 10, 1882.

They did not begin to build the canal until May, 1872. The grant expired and Congress renewed it, and then they began. They got in from stockholders cash subscriptions and sales $2,665. That was the total stock subscription. They got in besides (which would amount to the same thing), on cash loans which were finally paid with stock at par, $58,983.34, making a total for the capital stock of the company of $61,648.34. They got in "from trespasses on the land grant and sales of dead and down timber, being collections by timber clerks and assistants," the sum of $53,042.95, being for mere trespasses, timber that was taken off they got pay for, within $8,000 of the capital stock that was paid in in any form. They realized from the sale of the land grant—and whether the directors and operators of this concern bought the lands at any price they could fix with the Wisconsin State board, which it is sometimes said is done by rings and arrangements, I do not know—but they acknowledge to have received from the sale of the land grant patented to the canal company, the State did not sell the lands; they were patented direct to the company, so that they could sell them to their directors, and scoop in the concern as the phrase is—I do not know that they did, but I have heard that in New England and some such places they do—$324,922.27 from the sale of the lands granted. That makes, adding the money got from the timber trespasses, $53,042.95, $378,000 and a little over (I have not footed it up) from the land grant alone.

Then here comes an item of great interest in the way expenses are to be put up as a basis of the United States buying things afterward. They issued bonds it seems. They had to borrow money on bonds to build this mile and a quarter of canal. They issued $8,000 of bonds and sold them in New York at 90 cents on the dollar, and when you turn over to page 13 you find the expense of selling the $8,000 of bonds, and if the President of the Senate were in the chair, having been Secretary of the Treasury, I should like to know if he was able to do as well in selling public securities:

Bond expense account:

Paid M. L. Scudder, jr., financial agent and trustee, expenses and services as financial agent and trustee for bondholders	$4,250 00
Paid Sinnot & Meyer, attorneys, New York, preparing first mortgage land-grant bonds	$1,511 55
Paid for lithographing and engraving bonds and maps, printing pamphlet, and advertising bonds for sale	797 70

Making a total for disposing of $8,000 of bonds, $6,559.25.

Mr. HARRIS. What is the net balance?

Mr. EDMUNDS. The net balance would be $1,440.75. Then when you take off the 10 per cent. they lost on the discount, which is not in this statement, this being a mere expense account, they would get about $1,000—a pretty good commercial transaction! But, of course, all that will be made good if we only pass this amendment.

When we come down to the end of this thing, when these people are willing to sell out, we find this state of affairs, that they do not owe anybody. There is no allegation or pretense in these papers, and certainly none in this amendment, of any suspicion of any outstanding mortgage, so that $8,000 has been paid as stated. They have got their property to all appearances, if there is not any underground business about it, clear of any mortgage or incumbrance or any debt, and on the 1st of October, 1882, when they made up this statement for the purpose of selling out for $178,000, they had got their property clear of debt and had cash on hand $22,161.86.

Mr. BUTLER. Is there any expense account in that document stating the cost of construction?

Mr. EDMUNDS. Yes, there are lots of very interesting things here, but knowing that all Senators are financiers, I thought that $8,000 bond expense account would be a good item to present.

Saying nothing now about the honor and duty of the State of Wisconsin to keep up this work and build the rest of it, we find that this company has got of stock and cash paid in on stock $61,000. That is in, according to this statement, and that is all. We find that they have got cash on hand $22,000 in round numbers. They have got the work, and they have got a few little fragments of land left which I will not say anything about, because they are small, not worth taking any great account of. That is their situation. With only a paid-in stock of $61,000, on which 6 per cent. would be only $3,600 a year in round numbers, and the expense of the people necessary to keep such a canal a mile and a quarter long in order, you have got therefore only to realize to pay a fair dividend on the stock $3,600 a year, and to pay the necessary expense of keeping it up; however little or much that may be I do not know. That is what they undertook to do.

So as the matter now stands the property is paid for, and paid for by the United States, except the sum that is paid in on the stock of $60,000, and of that they had in 1882 $22,000 on hand apparently that they could have divided the next day. The obligation of the State of Wisconsin still is to build a breakwater, to make this harbor of refuge at the entrance to the canal of any account for any purpose that is necessary to use it. That is unperformed. You have got the duty to build the harbor of refuge unperformed by any fair construction. But, as I said before, the United States has been induced, without knowing it apparently, to undertake to make appropriations, probably in a river and harbor bill like this, for building a harbor of refuge at Sturgeon Bay, which the State of Wisconsin solemnly undertook to do, and we have not heard any statistics about this business, I repeat, for four years. And that is the condition of this company, its capital, and its property. My friend from Minnesota said that they were $178,000 out of pocket. Where did they get the money if they did not borrow it?

Mr. MCMILLAN. The statement on page 11——

Mr. EDMUNDS. I understand it perfectly, but I repeat that my friend from Minnesota is mistaken. It is impossible unless there is an outstanding debt, and there is no pretense that there is an outstanding debt of any kind.

Mr. MCMILLAN. The Senator will find the statement there made up of items that are printed.

Mr. EDMUNDS. I see the statement and it means just this: that running over their expense account which has been paid by them with only that amount of stock paid in as they state themselves out of these assets got from the sales of the land and the timber and the tolls down to the time this report was made, they are in a condition where their canal property as they say is worth $178,000. The way they figure up what it has cost is by compounding interest and charging the most enormous sums for general service, incidental expenses, and all that sort of thing; but I repeat it is mathematically impossible, unless behind and yet not known there is a debt, which the purchaser of this property will be liable for as the owner of it, to be paid. Their $178,000 is a piece of book-keeping to show what they consider the canal to be worth. It is not anything else.

Now, if after four years of no information and no reports the Senate of the United States desires to go into this speculation, my duty will

have been done. If it does not do any good here, as I am rather afraid it will not, I hope it may do some good in the future somewhere.

Mr. INGALLS. Mr. President, the Senator from Vermont has alluded to the fact that the original bonded indebtedness of this corporation was about $60,000. It will be interesting to know, I think, where that $60,000 went, and at the risk of trespassing somewhat on the indulgence of the Senate and infringing on its patience I will call attention to the statement made on page 18 of this report on which the president of this canal corporation endeavors to make a statement showing of what items the $178,000 of their indebtedness is made up. This letter is dated the 18th day of November, 1882, and in the charges making up the balance of $642,615.57, the cost of the canal to December 1, 1882, is stated as follows:

The par value of four hundred and fifty-six shares—

That is, at $100, $45,600, leaving about $14,000 of the entire amount of $60,000 outstanding to come somewhere else—

The par value of four hundred and fifty-six shares ($45,600) of full-paid stock, four hundred and fifty shares of which ($45,000) were issued September 9, 1872, to the officers and directors, by a vote of the board, for services rendered and expenses incurred prior to that date.

The canal company was chartered in 1866. They did not commence work until July 9, 1874, I think.

Mr. McMILLAN. Eighteen hundred and seventy-two.

Mr. INGALLS. Let me see about that.

On the 9th of July, 1872, work was begun on the canal, and the first quarter was completed November, 1874.

The Senator from Minnesota is right.

Mr. GEORGE. When was the stock voted?

Mr. INGALLS. The date of the letter is November 18, 1882. It must have been prior to that. He gives the items of the cost of the canal to December 1, 1882, and the first item is:

Cash advances made by stockholders in 1872 and 1873, with interest to December 1, 1882, as per schedule herewith forwarded.

That is to say, prior to the commencement of the work upon this canal the stockholders had advanced an amount which with interest to December 1, 1882, ten years afterward—the rate of interest not being stated—amounted to $140,383.58. Of course the principal and interest advanced by them must have been reimbursed out of the funds derived in some way, and yet this $140,000 is presented in this statement of the 18th day of November, 1882, as one of the principal items making up the indebtedness of $178,000 mentioned by the Senator from Minnesota as the excess of expenditure over and above the amount received from the sales of the lands granted by Congress.

The second item, as I have said, showing where $45,000 of this $60,000 of stock went to, shows that $45,000 of it was deliberately stolen, for there is no other name to give it under heaven or among men. There is no other description to make of it except larceny. Before this work was commenced this board of directors met together and proceeded to vote themselves for services rendered and expenses incurred prior to the time when the canal was commenced $45,000. And the Senator from Minnesota quotes that as an honest item in the aggregate of expenditures which have been made by this corporation in excess of the money that they received from the sales of the lands granted to them by the Government of the United States. But this is not all.

There was voted—

For services during the construction of the canal	$300
To the chief engineer, paid for in cash	100
To Joseph Harris, paid for in cash	100
To C. D. Robinson, paid for in cash	100

Making $600 more that was paid to these officers out of the six shares of stock in excess of the $45,000 that the president and directors voted themselves. That was "but one half-pennyworth of bread to this intolerable deal of sack!" as Prince Henry said about Falstaff's case. For actual services rendered by the engineer and others who had been actually engaged in doing the work on the survey of this canal, $600; to the officers and directors who had been engaged in manipulating this transaction $45,000, for services rendered and expenses incurred prior to that date!

This is the statement of honest expenditures incurred over and above what they received from the amount of these lands that the Senator from Minnesota regales us with in order to convince the Senate that we shall make a good bargain by paying these men $150,000 for a work which the statistics show they have been paid for over and above every legitimate outlay by the sums received from the sale of the 200,000 acres of valuable pine lands, of which, by the way, it appears from the statement of this board no public record was kept or could be found to show the parties to whom they were sold or the money that was received for their disposition, so that they were left solely in estimating what was received from the sale of the 200,000 acres of land to an estimate based upon supposition as to what the value was of surrounding land. I will read from page 7 of the report, signed by Houston——

Mr. GEORGE. Is there nothing on the books of the company to show what the land sold for?

Mr. INGALLS. This report is signed by D. C. Houston, lieutenant-colonel of engineers, brevet colonel; Henry M. Robert, major of engineers, and addressed to Brig. Gen. H. G. Wright, Chief of Engineers, United States Army, they having been directed to examine into the details of this transaction.

The governor, in reply—

That is to say, section 5 of the act of Congress making the grant required the Legislature of Wisconsin to cause to be kept an accurate account of the sales and net proceeds of the lands granted, and the board applied to the governor of Wisconsin for a copy of this record—

The governor, in reply, informed the board that the canal was built by the Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company, and that there is no public record of what the company realized for the land grant.

A very singular aspect of affairs! A very convenient method of keeping accounts! The act of Congress making the grant required the Legislature to keep an account of the land grant and the net proceeds of it, and when the board applied to the governor for a copy of the record that ought to have been kept under the act of Congress they were informed that the canal was not built by the State of Wisconsin, that it was constructed by the Sturgeon Bay and Lake Michigan Ship Canal Company, and there was no public record whatever of what the company realized from the land grant.

There being no other source of information on this point, the board, on the 14th of July, 1882, applied to the president of the Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company, and, under date of October 10, was informed that their total receipts from the land grant of 200,000 acres were (see Statement D, hereto appended) $377,965.22, and the total expenses of the land department were $33,278.05, leaving $344,687.17 as the net sum realized from the land grant on the 10th of October, 1882.

The most valuable pine lands in the peninsula of Wisconsin, sought after no doubt with avidity by hundreds of speculators, and the very fact that there was an absolute failure on the part of this company and of the Legislature of Wisconsin to require of the company a compliance with the plain provision of the act of Congress making the grant, is pretty conclusive ground for a presumption at least that the Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company did not report their receipts anything over the actual fact.

Mr. BUTLER. Fifty-odd thousand dollars were received from trespasses and sales of timber.

Mr. McMILLAN. I can not hear the Senator from South Carolina.

Mr. INGALLS. When it appears, as it does upon page 11 of this report, as has already been read by the Senator from Vermont, that from trespasses and sales of dead and down timber alone on this land they admitted that they received $53,042.95, which is 25 or 30 cents an acre on the average just simply for the windfalls and the dead and down timber, I think it is a tolerably fair presumption that a dollar and a quarter an acre for the land and all the rest of the timber that remained on it was, to say the least, not an entirely inadequate compensation.

But this is not all of the statement of how this $178,000 is made up. After the board of directors had voted this $45,000 in cash, and the engineers and the men who did the work $600 in cash, they go on to make a still further computation, and they say that——

A fair and reasonable compensation for the services rendered by the president, treasurer, and assistant secretary, and book-keeper, from September 9, 1872, to December 9, 1882, a period of ten years and three months—

Ought to be allowed. They had not previously made any charge for their services. That is shown by their report; but when they wanted to fill up the full measure of their claim on the Government and make an estimate of what they ought to charge over and above what they had received they cast about them for items; and so they say that the president and treasurer and assistant secretary ought to have compensation, not having charged it hitherto, from September 9, 1872, to December 9, 1882, a period of ten years and three months, amounting for the president to the modest sum of $10,250. They did not count interest on that. Then to the treasurer and assistant secretary $1,000 a year, they having previously paid $6,250—$4,000 more; and to the book-keeper $2,562.50, making a grand total of these items that are built up absolutely out of moonshine and fraud, the merest jugglery and caprice of book-keeping never thought of until they wanted to make up an account against the Government of the United States—they foot up a grand total of $202,796.08. The Senator from Minnesota informs us that in addition to the amount that they have received from this land in excess of the amount expended for the canal we ought to pay them $150,000 more, because they built up this simulated and fabricated account of moneys paid to themselves.

"Get money," says the drama. "Get money, honestly if thou canst, but get money." These navigators of the Northwest, these promoters of canal-boat enterprises who never began this work until they had succeeded in inducing Congress six years after they allowed it to lapse to make an appropriation for building a harbor of refuge at one end of it, have evidently obeyed the injunction of the drama, "Put money in thy purse." They are a thrifty set; and were it not for the traces and indications visible in the way in which this bill has been builded up here, the means by which it is being promoted and supported, I should be surprised that the chairman of a committee as important as the Committee on Commerce in this body should say that he had established through these items the foundation for a claim for the payment out of the Treasury of the United States of $150,000 in liquidation of sums like these.

But we have not yet got through entirely with the mysterious features of this transaction. They were not satisfied with voting themselves bonds and charging it to the construction account; they were not satisfied with charging for salaries that they never expected to claim; but on pages 14, 15, and 16 they have occupied I do not know how many lines in a statement of compound interest upon the sums of money that were advanced by these stockholders to themselves. I do not propose to occupy the time of the Senate in reading it.

Mr. GEORGE. What is the rate of interest charged?

Mr. INGALLS. It varies. Here is July 5, 1875, 7 per cent.; July 31, 1876, 7 per cent.; February 12, 1876, interest on account Henry Seibert & Brother, New York, lithographing and engraving bonds, maps, &c., $721.50. That they did not pay until a year and a half after it was due. After getting $1,600 out of an issue of $8,000 bonds, they did not pay the account for lithographing the bonds for a year and six months, and they charged on that interest at 7 per cent. making $75.75, thereby still further diminishing this diminutive and microscopic result to that bond transaction. June 1, 1876, the interest began to be larger. Apparently the credit of the company had suffered somewhat by their delay. It ran up to 10 per cent. In 1874, 1873, and 1875 all the items are computed at 10 per cent. June 3, 1876, interest on note to Green, Fox & Howard, contractors, they allowed at 7 per cent. That is followed by interest on various loans from national banks in New York and elsewhere and notes given to contractors. Interest to Green Bay Dredge and Pile-Driver Company, on past-due payment, 8 per cent.; and so on down through 1875 to 1881, making a total interest account of $10,151.26, which is to be added to all these other items which go to make up this account against the Government of the United States.

Not only do they charge interest, but they charge discount on their own paper. They charge up to swell this account by the worthlessness of their own paper in the market and demand that anybody who takes this canal shall bring it up to par.

January 1, 1875. Discount on eight bonds of $1,000 each, taken at 90 cents, or 10 per cent. discount, by O. B. Green, Fox & Howard, contractors, $800.

That is an item of the expense account. When their credit was so low that they had to pay their own contractors in bonds, and their bonds were only worth 90 cents on the dollar, they come in and charge the Government the deficiency. To make it up to 100 cents on a dollar they charge the Government the difference between the value of their own bonds on the market and their par value. And so on down through a large number of items bearing on this bond transaction aggregating $12,974.32, which is certified to be correct, without date, in Statement E, by Jesse Spalding, the president, and William E. Strong, assistant secretary and treasurer of the association. The Senator from Minnesota stated with some heat, I thought, that this was not an attempt by an insolvent corporation to sell their property to the Government. I should think not.

Mr. MCMILLAN. I said what it was, if the Senator will remember, that it was a purchase in the interest of the commerce and navigation of the country, and not in the interest of this company at all, with no regard to their wishes.

Mr. INGALLS. So I understood. I was about to say a company that exhibited such shining and brilliant capacity in the way of fabricating accounts never would become insolvent if book-keeping would protect it. They will always be safe in their books; they will always have a good balance to show, no matter what their assets may be.

But the Senator states now in qualification of his prior narration, that this is simply a desire on the part of the United States Government to take possession of this property against the will of this corporation. Let us see what is said about that. Evidently this matter had been talked about; it had been the subject of deliberation; because in this report of Mr. John Nader, who was the agent for the State inspector of canals, from which extracts have hitherto been read, he states expressly:

The canal company can have no serious, or in fact any, objection to the change suggested above—

That is to say, the taking possession of the property by the Government—

for, having completed the work according to law, it has no further pecuniary interest.

The statement of the State inspector of canals and of the Senator from Minnesota, the chairman of the committee, do not harmonize. There is not any indisposition manifested on the part of the canal company to sell this property, and I venture to say that if the corporation which constructed this little canal, a mile and a quarter or a mile and a half long, were opposing it, this amendment never would have been presented here.

I can only speak of the matter so far as my inspection of this transaction has proceeded. The Senator from Minnesota and the Senator from New York have rebuked us for presuming to say anything about it at all.

The Senator from Minnesota said it was an indication of the incapacity of Senators for comprehending these subjects that the Senator from Vermont and myself had ventured to comment upon the propriety of this transaction. How could we know anything about it? The committee have had the bill before them for weeks deliberating upon it. In the secret recesses of their conclave they have arranged this matter to suit themselves, and what presumption it is for the ordinary members of this body, without the opportunity of being on the Committee on Commerce, having no interest at stake except that which concerns the welfare of the country and the condition of the public Treasury, to venture to inquire upon what theory of constitutional law, upon what theory based on the welfare of the people, we are asked to appropriate $150,000 for a work that has been paid for, and that these people are entirely willing the Government shall take possession of, if we can judge by their own statement, because they say that from this time on the tolls that they derive from the canal are to be devoted to the reimbursement of the United States for the money advanced in the expenditure on the canal.

Sure enough, what interest have they got in it? They have got the profits of the transaction. The canal is built. The tolls that are paid must go to the United States Government to reimburse what has been paid out of the Treasury for its construction. Yet the Senator from Minnesota informs us that they hold on to it with a desperate grasp, and refuse to allow it to go; and he insists that if we take it we shall pay this excess of $150,000 built up of such items as I have described.

Mr. CONGER. Mr. President, I venture to say that no Senator desires to be misled by statements picked out here and there from reports, part of which are made by the engineers of the Government in answer to a resolution inquiring about this matter, part of which, and the last clause which has been read, made by the State inspector of the canal appointed by and acting solely in behalf of the State of Wisconsin in its relation to the canal, and partly by the statements from which the Senator from Kansas has read different items in different places, detailed statements made to the engineers appointed by order of Congress to ascertain what was the condition of the canal and its accounts.

If any other branch of the public service, if any other appropriation bill could be attacked in the way the Senator from Kansas and the Senator from Vermont have attacked this bill by miscellaneous statements, by garbled extracts, by reading a little here and a little there, and by the distinguished Senator from Vermont rushing to the attack of this bill with a story about rats and crying "rats, rats," as the argument to frighten Senators here, as if in that great overflow and rush of rats upon the people in one of the islands of the Rhine to frighten the people and the whole community from considering fairly a question, I think there is no bill which could pass the Senate in the course of a month or two. There are no bills but what are liable to attacks of that kind. There is no bill whatever but what statements made in reports without the corresponding remarks upon them would present to the mind of a Senator some unjustifiable proceeding on the part of the Secretary of the Treasury, or the Secretary of War, or the Postmaster-General.

I am not the special advocate of this bill. I have no other than the general interest in this bill which the people along the whole great chain of lakes have in it. I say to the Senator from Kansas, coming from a State which has already received great benefit by the improvement of rivers outside of his State (for unfortunately there are no rivers in Kansas that have any navigable interest, perhaps, except the Missouri), whatever he may say about this matter, the people of Kansas are to-day receiving more benefit from the improvement of the rivers and harbors and water ways of the United States than any other State in this nation. Yet they never did have an advocate on this floor; I do not know that they ever had a vote in favor of any appropriation to improve the great water ways and harbors of the country, not even so much as a vote in favor of a light-house along a dangerous coast.

So to me and to other Senators it is no wonder that the Senator from Kansas attacks this bill, as he always attacks river and harbor bills, and that perhaps without having had the opportunity of examining or thinking of any particular thing he seizes upon some point on which to make his attack upon the chairman of this committee and the members of this committee, and hold out to the country that they have not only been untrue to the trust confided to them, but that they have been remarkably ignorant. Those attacks have come annually. Whether the bill went through or whether the bill failed, whether it was postponed for lack of time to consider it, as last year or as the year before, whether it went through the discussions of the other House, the Senator from Kansas has shown his continued, his unwearying, his undilapidated opposition to all improvements of the highways of the people of the United States. Whenever they come up I expect it.

My friend is constituted so that he must let off about so much attack upon appropriation bills and upon other bills in this body. My friend is so constituted, with so many bills for the District of Columbia under his charge, that he has not time nor does he care to defend any other than the numerous bills relating to the District of Columbia, the committee for which has him at its head as chairman; and I must say, in the proper line of his duty, in the investigation of subjects which the Senate has committed to him, there is no man in the Senate who pursues his investigations and arrives at his conclusions and presents them to the Senate with more force and more clearness than the Senator from Kansas as chairman of the Committee on the District of Columbia.

Sir, it would be a great benefit to the country, it would be a marvel-

ous benefit to the Committee on Commerce, if it were possible to withdraw the Senator from Kansas from the arduous and tedious labors of the Committee on the District of Columbia, and if he could give a day in a week, a week in a month, a month in a year, to the consideration of those vast, overshadowing interests which come to the door of every man, and the interests of every man, woman, and child, from the remote regions of the West along to the borders of our Atlantic coast, and from the remote regions of the West over the mountains and over the hills to the borders of the Pacific coast. I would to God his efforts had been directed in that way, with his marvelous strength and with his marvelous powers of condensation, for if there is any one thing in my judgment in which my friend from Kansas excels more than another he excels in condensation of thought and study and examination in the defense of his bills, and the other thing in which he excels is in denunciation of his fellows, of their work, of their study, and of the confidence which their brethren here have reposed in them.

But let that go. If the Senator has made an impression upon the minds of Senators here as to this bill or this report that is printed and open for every Senator to examine, item by item and parcel by parcel, he has done it by that superior, by that almost superhuman power which God has given him for some wise or unwise purpose (it is not for me to decide) to make the worse appear the better side, and to attack the labors of his fellows here with statements which I say run from item to item and then skipping here and there to other items.

I ask Senators to take this report of the Committee on Commerce, and take the several reports which have been made and examine them for themselves, and if there shall have been a false impression made by the comments of the Senator from Vermont and the Senator from Kansas, in justice to the committee, in justice to the Senate, in justice to the interests of the people who live along our lakes, who desire this navigation to be free, I would ask that this amendment be passed over until time shall be given to Senators to take that executive document with all the statements, and more statements than the Senator has read, and if they be mathematicians, if they be accountants, if they be sensible men, they can arrive, without a word from me or without a word from the Senator, at a full, fair, free understanding of this subject, and can judge for themselves whether there is anything right or anything wrong in this statement.

For one, sir, I shall not, even under the lashing tongue of the Senator from Kansas, submit to the statements he has made, either in regard to the carelessness, or the ignorance, or the bad faith of that committee with which I have labored so long and labored so faithfully, with the Senator from Minnesota at its head. The Senate knows that that committee in its reports to the Senate, in its investigation of the thousand questions it has presented here, has the confidence of the Senate. The Senate knows that when it reports a creek bill, or a harbor bill, or a light-house bill, or any bill affecting the great diversified interests of this country committed to its charge, it takes it on trust that it has not been deceived, that there is no member of that committee who would tamper, either for selfish interest, or State interest, or any other interest, with the confidence of the Senate. If there is any other committee—and I say it with pride of that one committee to which I belong—if there is any other committee which has more of the confidence of the Senate than the committee that investigates all the questions relating to navigation and commerce, and light-houses, and life-saving stations, and rivers and harbors, with the most careful and scrutinizing accuracy, I do not know it.

Having said so much, to get back to the place from which I started, I want to call the attention of the few Senators who are here to one statement made by the Senator from Kansas. He says that in one part of this report the board voted $45,000 of stock to the president and some of the directors. Now, it is mere accounting, I do not care on what side, to state what such a proposition is, for the paper shows it. This paper shows that in 1872 and 1873 certain of these stockholders advanced $45,000 as stock—not the proportion which might have been assessed to them, 10 per cent., but as a loan—making the amount, as this report shows, $68,000. The full-paid stock was given to them, but there was not full-paid stock issued to anybody else. It was issued merely as the evidence that they had loaned and advanced to this company for, this paper says, full-paid stock, $45,000; and, as is shown in another part of the account, they are the men who received $45,000 worth of shares. It is all one transaction.

The stock of this company never was worth and never can be worth the snap of a finger. Why? The law of the United States giving the land to the State of Wisconsin to build the canal left to the State the authority to build the canal or use that land, or the proceeds of it, as it in its judgment should think best. The State of Wisconsin under its constitution can not build a canal, if I remember aright; it can not engage in any public work. My friend from Wisconsin will tell me whether that is so or not. It is the case in the State of Michigan that the State can not undertake any of these outside public works of internal improvement under our constitution. Under the constitution adopted in 1850 we were compelled to sell the State railroad and the State canal to carry out that instrument.

But Wisconsin, as many other States have done, saw fit to turn over these lands either to an individual or individuals, or to a corporate company, and let that company build the canal. The provisions of the general law and the provisions of the law of Wisconsin declare that when all expenses of building that canal and keeping it in repair have been paid, then the tolls shall only be sufficient to pay the actual current working expenses upon that canal. What is the stock good for? Whenever the business on that canal brings in money enough to pay all the expenses, it is not worth a cent, and so Mr. Nader, the State agent, says when these expenses shall all have been paid, for he is recommending that the General Government take the canal, then the company has no interest in the canal. Why? Because the law of Congress and the law of the State of Wisconsin both say that when all these expenses of building, constructing, repairing, and working the canal shall have been paid, and as far as they are paid, the tolls shall be only in amount sufficient to pay for the management of the canal.

The cost of management of the canal is not great. There are no locks; it is an open channel through; but it has been dug from one portion of the lake to another on the same level from Lake Michigan to Green Bay. Only repairs to prevent the decay of the revetments or of the piers would be necessary. So this company have no interest except to get back the money they have put in the canal—not a dollar's worth.

The report of the company is made out item by item and is sent to Congress by a board of engineers required to examine this matter and report to us. The company say they have paid out one hundred and seventy-eight thousand and some hundred dollars more than they have received. That is their statement—one hundred and seventy-eight thousand and some hundred dollars more than they received from all and every source. Whether that is true or not I do not know. That is what the engineers who were ordered by Congress to report to us say; at least they send that as the statement by the company of their expenses.

The Senator from Kansas says compound interest is specified and marked out in these tables. I say I can not find, nor can you find, any case of compound interest. The company had its outstanding bonds. The company had borrowed $68,000 at one time and they had issued bonds for $10,000. There is a statement here of what each year, year by year, the company paid in interest on its borrowed money. It was due at the end of the year. They paid it at the end of the year. The next year there came other interest and they paid it, and the next year other interest and they paid it. There is no charge of compound interest in that transaction. There is a statement of what was paid year by year on loans.

I do not profess to be much of an accountant; my avocations have never led me to that branch of business, so that I may not understand all these questions well, but I submit to any gentlemen in the Senate who are accountants, who understand business, who understand how to make up accounts, whether the several very minute and full statements in the report sent us by the engineers through the Secretary of War are honestly and fairly made up. It may be all trickery, it may be all a sham, but all the material items and all the natural order of things and charges come in here, and there is no charge of $45,000 to the president and directors. There is a charge of $45,000 for their services. They borrowed money; they loaned money. When the company did not have money and could not sell its bonds they carried on by money advanced by themselves; they put their hands to the oar and built this canal and drove it through for the interest of navigation.

Senators here as well as myself are accustomed to bow with profound respect to any utterances of the Senator from Vermont. The Senator from Vermont brought his atlas in here with him. Almost any man has to have something to play with when making statements about which he knows very little. Some play with their watch-chains, some roll their fingers, some scratch their heads, and the Senator from Vermont brings in his atlas always when there is any question of a locality here. He brought it in to-day, and here it is. He did not take it away with him; he had done with it; but the information which the Senator vouchsafed to the Senate—I wish he were here—is interesting to those who live in far-off lands and never have been on Lake Michigan, who have never been on the sandy point, the long sandy stretch through which this canal was cut. He says a tug would run in and get a boat and rush out, and a tug would run in and get another boat and rush out with the lumber that had accumulated on this little narrow point which he speaks of as being a narrow point stretching up into Green Bay. He says the time must come when the timber on this narrow point will get away from there where tugs are running in and out like rats—that was the expression and it is a very forcible one—running in like rats to get a raft or to get a boat that was loaded.

Mr. President, within miles of this canal either south or north, there is not a tree growing but a scrubby jack pine not so high as the top of this gallery railing, not a tree of hard wood, soft wood, pine, maple, beech, anything. It is an accumulation of sand separating Green Bay from Lake Michigan. There is no more timber on it—I say this to you Southern gentlemen—than on the sandy shoals that cut off Currituck and Albemarle and other sounds from the ocean. It is a great heaped-up bed of sand. Whether there be rocks under it to make the first foundation of that bay or not I do not know, but there is no timber on it.

The Senator from Vermont with his map undoubtedly thinks that

the 26,000,000 feet of timber came from these sand-spits. The Senator never has been up there. He thinks it came from that little narrow region that runs up for 80 miles to the real outlet of Green Bay. No wonder his lack of knowledge in that respect might impose upon some of my friends who live in other parts of the country and have never known the geographical position of this sand-spit at all, whether it is loaded with pine or whether it has millions of acres, when he himself said it was crossed by a canal a mile or a mile and a quarter in length.

Where did this pine come from and what was this canal for? Extending from 70 or 80 miles farther south and west, connecting there by the Fox River with Lake Winnebago, connecting there with the Wisconsin, connecting by rail and water with the vast pine lands of Wisconsin, connecting further, opposite this entrance and on the shore west of this place and northwest of it, with the great iron mines of Wisconsin and of Michigan, Green Bay is the outlet of a commerce wonderful in extent. Millions and millions of feet of lumber come in there from all points, not from this sand-spit, but across Sturgeon Bay and across Green Bay and for 60 or 80 miles up into the pine regions of Wisconsin and all along up to the rivers which furnish the Menomonee and the Cedar and the Escanaba, and where millions of tons of iron ore are shipped every year to the markets of the world.

There comes out of Green Bay a commerce of a magnitude which would surprise any one who would look at it. Thus out into Lake Michigan, and thus to Chicago and Milwaukee, and thus down through Lake Huron and down through the Straits of Saint Clair, and through Lake Saint Clair, and through the Detroit River to Detroit, and to Toledo, and to Cleveland, and to Dunkirk, and to Buffalo, and to the Erie Canal, timber and iron are going down. Vast quantities of wheat go out of Green Bay down through the whole length of the lakes, and the coal and merchandise supplying a million people through that Green Bay channel with their merchandise, and carrying off millions and millions of feet of lumber and millions of bushels of grain out into Green Bay. They can go on down or come north, as you call it. They can go up 80 miles beyond the Sturgeon channel and find the natural outlet of Green Bay to get into Lake Michigan, and can come right back by this narrow strip and pass this Sturgeon Bay Canal to Milwaukee, and Chicago, and Michigan City, and the cities along the coast of Lake Michigan on the eastern side. They can go 80 miles around and come right back, or with this channel they can come straight across through inland waters, safe waters, and come out into the lake 80 miles nearer to the markets than they can by going down to Green Bay, as we would say, and coming out through the natural opening of the bay.

That is this project. In a very short time after it was finished, in a month or two, the report which has been read from shows us a thousand vessels going through, not going into this place to get a load, for there is nothing there, but going through into that great Green Bay, itself almost as great, if not quite as great, as Lake Erie; itself the outlet by water for all Northern Wisconsin and all the southern part of the upper peninsula of Michigan; itself the outlet for the vast lumber fields of Northern Wisconsin and the southern part of the upper peninsula of Michigan; itself the outlet for all that vast amount of iron ore which is taken down to mix with the iron ores of Pennsylvania and Ohio, and making a kind of iron from the two, the soft Lake Superior ore and the harder ores of those States—a mixture which gives an iron unsurpassed in the world for mechanical and art purposes.

That is the position of this lake. That is the position of Green Bay. That is the kind of produce that can save 80 miles of travel by cutting through this canal. That is the condition of a canal and a harbor of refuge, where above on the Wisconsin side there is no harbor of refuge until you come within 40 or 50 miles, or along the rocky and sand-spit ledges that divide Green Bay from Lake Michigan. There is not a harbor of refuge anywhere that in a northeastern storm would protect a vessel. This gives a perfect harbor of refuge running through this open spit into Sturgeon Bay. Land locked almost as it is, it gives a perfect harbor of refuge for the people traversing those great lakes.

Sir, I did not intend to say anything in regard to this bill; I did not intend to reply to the attack made upon it; but it becomes me to say that before the committee for the rivers and harbors there was great urgency for doubling the appropriation for a harbor of refuge on Lake Champlain, 5, 6, 7, 8 miles wide, where vessels were represented as being exposed to the storm and the tempest, and the mariners clinging with disheveled hair to the reefs to save themselves from premature death. I will not say who made those arguments before the committee. But here is a harbor of refuge, with probably one hundred vessels passing in front of it every day, which has already been the means of saving many lives and much property, where the Government thought it of importance enough to establish a life-saving station, where light-houses are built, where all who know about it understand its value to the commerce of the lakes which are lakes and in storms which are storms. What are the little storms that get up on Lake Champlain? Boys with bellows and with dog-carts could almost start them any time; but God makes the storms on Lake Michigan, and men tremble when He sends them among them.

Yet we must double the appropriation in this bill for a harbor of refuge at Burlington, Vt., by somebody's agency and urgency (I forget just now whose), but the only harbor of refuge on an extent of probably 150 miles in the worst coast we have on Lake Michigan, exposed to all storms, is the point of attack in this bill; and the point of attack is made against a canal company of which I care nothing, which I am not here to defend nor to extenuate.

The law granting the land to the State of Wisconsin said that when the canal was completed which the land was given to aid, and when all the expenses of it were paid, then there should be no more tolls than were necessary, and it should be as far as might be a free canal.

The State of Wisconsin incorporated in its law to the same extent that provision. The State inspector says that with the great increase in tolls there the time must come when this company will have received tolls enough so that it will not care whether the Government takes the canal or not. All we ask is to relieve the navigation before that time comes to take off these tolls; to let the shipping go free, to let the vessels that have stood the storms and tempests of Lake Michigan have a safe place to enter, and, when they have entered, to free them from the subjection to onerous tolls for their entry and for their passage through.

If I might be permitted to do so without creating any supposed sectional feeling or ill-feeling of any kind, I might say that the Government took the Louisville and Portland Canal, a canal which was constructed by a company for the benefit of the navigation of the Ohio River, enlarged it, put in new locks, merely took the channel, the crease which that canal company had built there and which had been in the early days of great benefit to the navigation of the Ohio River. The Government expended $2,000,000 in making a canal there that is the pride of our whole land, and for which every navigator on the Mississippi and Ohio to-day is thankful. The company expended their money, and when it was expended the old stockholders of that almost worthless canal went into court. When Congress took off the tolls on the new canal the old stockholders went into court and procured an injunction against the officers without taking off these tolls, saying the tolls were pledged to the expenses of the old company, that the tolls were pledged to reimburse the bondholders and the stockholders, and the Government paid $1,240,000 or $1,250,000, nearly a million and a quarter of dollars, to the old owners of that canal.

By the vote of the Senate, and by the vote of the other House, and by the approval of the President, this was done in the case of an old canal disused for years; an old canal which merely was the line, the thread of work for the new canal; an old canal of which the locks had been torn away in building the new, and where there was no trace of the old left when the new was done.

Did anybody complain that Congress to make free navigation immediately paid this million and a quarter dollars to the owners of the old canal? Nobody. Not a voice was raised here. The Senator from Kansas slumbered in his seat. The Senator from Vermont did not rear his towering form to the skies to denounce that as a steal.

I could multiply these cases ten, twenty fold, and state the occasions where, for the sake of making free navigation for our commerce, the Government has taken works that companies have built and paid them what was right for them in order that they might the sooner make that channel of communication free to the vessels and to the navigation and commerce of our country.

That is the object of this amendment. If there is $178,000 that by fair accounting belongs to that company before they can be required to reduce their tolls to the minimum of merely seeing to the repair of the canal and keeping it in order, let it be paid. This amendment limits it to $150,000, and that only on the report of your own engineers that the payment is a proper one, that so much ought to be paid in equity and in justice to this company before you make it a free canal. That is all there is in this provision.

We give millions and millions of dollars to make through rapids, to make through gravel beds, and to make through rocky reefs passages for our own vessels without charging them any toll. We are all the while engaged in it. Here is a bill of $15,000,000 or $18,000,000, whose sole object ought to be, and I conscientiously believe is, to make the great highways of the people of the United States better and freer from cost and expense, to cheapen transportation, to bring to the farmer the value of his wheat without the enormous freight charges which might otherwise accumulate upon it in whatever part of the United States he may live. This is one object, to cheapen lumber, to cheapen the transportation of wheat, to reduce the rates of insurance, to make iron come to our markets cheaper and freer than it does now.

All the Western States get their lumber from Minneapolis, or from Chicago and Michigan City. Kansas can not build a house, nor a board fence, nor a barn, nor shingle a roof without paying tribute to the cost of transportation by water and by rail. Kansas can not get a bushel of its grain to the general markets of the world without paying whatever charges can be sustained as freight charges upon that bushel of grain.

Sir, if there is any value at all in these appropriation bills for rivers and harbors it is to enable the common people of the United States, the farmers, the men who work in woods, the men who work on the plains, the men who gather the little produce that they can sell and by their labor get ready for market, getting it there, to receive a few cents a bushel more for their grain, a few dollars more during the winter for their labor in the pine woods, a few dollars more a month or year for delving down in the dark recesses of the iron mine.

There is but little sympathy for that class of people. There are very few who seem to care whether the farmer can get his slight produce upon which he must live the rest of the year to market in such a way as to save part of its value to him. There are very few who care whether our miners, who do not see daylight from Monday morning till Saturday night, down in the deep iron mines of Michigan and Wisconsin, have for their families who dwell on the surface food during that time and clothing and education. There are few here who seem to care whether our lumbermen in the forests of Michigan, Wisconsin, and Minnesota, who leave their homes in November and return when the snow is quite gone in March and April, and endure hardships which would blanch the hair of Senators who talk so flippantly about not caring for the interests of this class of men, when all winter long in the woods they are laboring, away from all civilized society and away from their families, all winter long, wakened by nothing but the thundering crash of the pine which their sturdy blows have at last brought to the ground. Who cares for these lumbermen? Who cares whether they have easy markets for their lumber? Who cares whether 1,000 feet of lumber from the sale of which they get their pay brings $3 more or $3 less on account of the disproportionate and unfair charges for freight?

Ah, sir, in the sumptuous Senate Chamber, lolling in our easy chairs, with maps brought to us to find unknown and undiscovered countries by pages whom we pay, how little thought there is of the toil and privations of those men, not even like the farmers having homes in which to live, but the miners and the lumbermen working in the woods and then driving down in the late spring freshets their freight from the highlands, driving down these rivers the logs, exposed continually to death at every turn of a log and every slip of the pole?

Why should we think of the common people of the United States? Why should the sneers of men in high place, men of keen wit, men of great cunning, men of vast powers of sarcasm fall on part of a bill introduced here in behalf of the interest of the sailor on the lakes, the miner in the mines, the lumbermen in the forest and on the stream, the farmers in the far-off Northwest? Why should they be sneered out of existence and out of thought by those who have never known labor or want?

Sir, it has been my lot to be among those people, to be one of them, during the long winters in the forest; to go up and down in the mines; to engage in all the labor and hardships and trials and privations of far-off frontier life. When I forget the toil and the care and the anxiety of those with whom forty years ago I had something of an honorable association, when the sneer will turn me from yielding to their demands, I shall no longer deserve to represent the interests of my people with my feeble capacity upon this floor.

There is the bill, there is that provision safely guarded, well warranted, no money to be expended except on the report of a board of three engineers of the Army, supposed to be honorable men, appointed by the present Secretary of War; he shall determine that this purchase is desirable, that it is reasonable, that it is for the advantage of commerce and navigation, guarded carefully and safely from the least possible expenditure until all this provision shall have been ascertained to have been correct and satisfactory to the Secretary of War; and for one I have no fear but that the Secretary of War will see that the requirements of the bill are complied with by the report, and that no detriment will happen to the Republic of the United States by reason of the Senate's action on this appropriation.

Sir, it has been my fortune to have served in Congress for almost eighteen years, and during a great part of that time to have been upon the Committee on Commerce in the House or in the Senate, and I say that no appropriation that I ever knew of in the House was recommended to the House, with all the carping and all the criticism about it, until every report both of the Secretary of War, of the Chief of Engineers, of the local engineer in charge of each work had been made, and in most cases read aloud, with each succeeding appropriation for that particular work, until members of the committee who have been long on that committee can, if the name of the place be mentioned today, with their pencil make a rough sketch of whether it be river or harbor, whether it be deepening of the channel or whether it be removing rocks, or whatever it may be, and can tell from the continued reiteracy of their examination of these different bills what the identical work is as well as the Chief of Engineers.

He who charges the Committee on Commerce, I might say in either House, but I say in the Senate, with whom I have had the honor of acting for the last five and a half years, with not bringing a conscientious desire to discharge their duty faithfully to the Government and the people, to the Senate, to the interests of commerce and navigation, not to mislead a Senator, not to impose an uncertain and a doubtful improvement upon a Senator or upon the Senate, does them foul damage and wrong.

Whether I shall ever have occasion or not to speak upon this question again, here in my place, without fear of contradiction from any and all Senators, newspapers, the world at large, I make the assertion, which I believe will not be contradicted, that there is no committee in this body or in the other, in Congress, that has come to the performance of its duty with more painstaking investigation, with a more conscientious desire to frame and prepare a bill which should be in accord with our institutions, with the rules of the Senate, with the sentiment of the people, with the views of the Executive, as far as may be, than the Committee on Commerce.

Mr. President, I did not intend to take any part in the discussion of this question, not thinking it would be necessary to do so; and it would not be necessary to do this except that the two blind Samsons of the Senate have put their hands around the pillars of this bill and sought to bring down the whole structure of internal improvement and river and harbor navigation, though it crush them and the interests of the people in its ruins. But for that I should not have said anything here, and I leave to others the more full defense of this bill both in its details and in the principles upon which it is founded.

Mr. MILLER. Mr. President, I never was indicted for any heinous crime; but when I listened to the vindictive arraignment of the Committee on Commerce by the distinguished chairman of the Judiciary Committee and his great colleague the Senator from Kansas, I began to think that my time was short here; that probably with the rest of the Committee on Commerce we should find ourselves in the Old Capitol prison before night. But after having delivered that vindictive indictment the Senator from Vermont kindly took himself out of the Chamber, not caring to hear any of the arguments which might be urged in favor of the committee or of this appropriation. Of course after a casual examination by the Senator from Vermont of this proposition and of the report in the case he was undoubtedly able to satisfy himself that this amendment ought not to prevail, and therefore it was a waste of time for him to listen to any of the committee or to any of the explanations which they might make.

But after the defense of the Committee on Commerce by the distinguished Senator from Michigan [Mr. CONGER], I will venture in my own way to say a few words in regard to this amendment and the wisdom or unwisdom of its being adopted.

In the first place, the amendment does not compel the purchase of this canal or the payment of the $150,000 unless the Secretary of War upon an examination made by a board of three United States engineers is satisfied as to the importance and value of the free use of the canal and the harbor of refuge to the commerce and navigation of the country; and secondly, unless he is satisfied as to the reasonableness of the price mentioned, $150,000. So, before this theft, as it has been characterized by the Senator from Kansas, upon the Treasury of the United States of $150,000 can be consummated, another board of Army engineers must investigate this question, and their report in these directions must receive the approval of the Secretary of War.

Whether that is a sufficient guarantee and protection to the Treasury of the United States I am not prepared to say; but if any Senator can suggest any amendment which shall make it stronger and which shall make it certain that this canal shall not be purchased by the Government or taken by the Government unless it is necessary for the commerce and navigation of the lakes and unless the price named here shall be found reasonable and satisfactory, as one of the committee I should be glad to have any such amendment offered.

Now, a few words, and plain words, as to the history of this whole transaction. When this great country of the Northwest and of Wisconsin began to be settled years ago, and when ships began to go there to trade, to bring away its wonderful wealth of timber and minerals, it was found that a great saving could be made to the navigation if a small canal could be constructed across a peninsula which separates the body of water known as Green Bay from Lake Michigan. By the construction of that canal dangerous navigation of about 150 miles would be saved to every vessel going into and coming out of Green Bay. The commerce of the lakes sought for relief.

Mr. EDMUNDS. It would depend on where they were bound.

Mr. MILLER. It would make very little difference as to where they were bound, as the Senator from Vermont suggests, for all the great commerce of that country must of necessity come down the lakes, and its business is found in that direction. Of course, some of it might go north and it might not need it, but I say the commerce of the lakes sought for relief.

It was in the days when the Federal Government was not doing very much toward internal improvements. The great question of the constitutionality of carrying on works of internal improvements in the different States by the Federal Government was perhaps not fully settled in our policy; but the Federal Government was in the habit of making land grants to States for the purpose of aiding the States in constructing works of this kind. It was for a purpose of that kind that the Government gave, I believe, a large grant of land to the State of Iowa, and it has given such grants to many other States.

So finally the Congress of the United States said to the State of Wisconsin, "If you will build this canal we will give you 200,000 acres of the public land in your State," and an act was passed. But the State of Wisconsin for some reason or other did not seem willing to undertake the work as a State. Matters went on until it was necessary for Congress to pass an extension bill, for the time had expired in which the State could build the canal and take this land. The time was extended, and finally the State of Wisconsin, not being willing to build the canal itself, found some of its own citizens who were willing to undertake it on condition that the State would give to the company thus organized

this grant of 200,000 acres. So finally a charter was granted by the State of Wisconsin to a company to construct this canal.

That act was passed in 1868, but even after the State had passed this charter and the company had been organized it found itself unable to obtain funds enough to go on with the work, and it was not until in 1872 that the company finally secured funds sufficient and mustered courage enough to undertake the enterprise. Then it began it and it constructed the first quarter of it, completing that in 1874. Then the work dragged again. The funds of the company were not sufficient to push it on to successful completion, and it was not fully completed until some time in 1882, there being a period of ten years in its construction.

Then the State of Wisconsin had turned over to this company the 200,000 acres of land, and out of the proceeds of that, together with the moneys the company had invested in its own stock and which it had borrowed at the beginning, the work was at last completed.

There has been a movement upon the part of the commerce of the lakes to make this canal free and to relieve commerce from the burdens of the tolls levied on the commerce passing through it. It was with that view that in 1882 a resolution was offered in this body to which Executive Document No. 34, Forty-seventh Congress, second session, is an answer, and it is growing out of that investigation, and the subsequent demand of commerce for the freedom of the navigation of this canal, that the Committee on Commerce, considering this matter carefully, finally voted this amendment into the bill.

There are only two business propositions connected with this which should have any weight with the Senate in deciding whether it will leave the amendment in the bill or whether it will take it out: First, as to the necessity of this canal and its importance to the commerce of the great lakes; and secondly, as to the compensation that should be made to the canal company if the property is taken from them.

First, as to its importance. The Senator from Vermont, looking upon the atlas, judged that the peninsula across which it is constructed and the lands adjacent upon the other side were simply timber lands, and that in a few years all the pine timber would be removed, and there would be no longer any commerce or any necessity for the canal. If that supposition is correct, then the United States Government wants nothing to do with this canal; but what are the facts? Green Bay, which is cut off from Lake Michigan by this peninsula, except at the outlet much farther north, a distance of from 50 to 75 miles, is a great body of water, and the commerce upon its shores is of great importance to the country.

But if the Senator from Vermont, who watches so carefully after all the legislation of this body, had gone back in his memory a few years he would have found that the United States Government has been expending for many years many millions of dollars upon the Fox River, which enters into the head of Green Bay. We have made the Fox River navigable for large steamers from its mouth in Green Bay up to Lake Winnebago, a large lake and a wonderful body of water, and from there on the canal extends until the total navigation connected with this public work is very large. And remember, this canal and this improvement of the Fox River is not a State canal. The State of Wisconsin has nothing whatever to do with it. It has been constructed entirely by the United States Government. I say that canal extends into the interior of Wisconsin, I think a distance of one or two hundred miles. How near am I correct? I ask the Senator from Wisconsin.

Mr. SAWYER. I did not hear the Senator's question.

Mr. MILLER. What is the distance from the mouth of Fox River to the end of navigation improved by the Government of the United States? How far is the Wisconsin now navigable?

Mr. SAWYER. In the neighborhood of 200 miles.

Mr. MILLER. This work is completed and now navigable from the head of Green Bay a distance of 200 miles, and I need not tell the Chairman, and I need not tell the Senator from Vermont now that I have reminded him of it, that the original project in the improvement of the Fox River was intended to connect the great lakes with the Mississippi River and to make a free water way from the Upper Mississippi into the great lakes and through the great lakes down to the sea at the port of New York.

We have been going on year by year expending, as I have said, millions of dollars, and instead of this little canal here giving convenience to a small lumber interest, the canal as it is constructed drains the great body of the State of Wisconsin, and upon its shores, or at least in the country which is tributary to it, I have no doubt one quarter of the entire population of that State is located; and upon the Fox River, which has been thus improved, there are to-day manufacturing establishments of great number and turning out products of millions of value. In short, right upon that improvement in this Northwestern country is one of the greatest, if not the greatest, water-powers in the United States, and to-day on that river are several hundred important manufacturing establishments, and in the near future it is to be the great manufacturing center of the Northwest.

Much Eastern capital has been put into the improvement of manufactories upon that stream. Horatio Seymour, once the honored governor of the State of New York, was interested in its first improvement. It has been my good fortune in later years to also be connected with the manufacturing improvements upon that river, but it has grown so rapidly and so enormously that the West no longer needs any help from the East, and we have retired from it.

But when the Senator from Vermont sneers at the commerce which shall pass through this lake he sneers at one-half of Wisconsin, at one-half of its wealth and its industry and its intelligence; and I would advise him hereafter when he talks about a question of this kind and brings in his atlas to study it long enough to find out where the thing reaches.

So much as to the importance of this improvement. I have said enough to show that there is no more important work to-day in this country, considering its cost, than this very canal we are talking about. All this commerce which comes down the Fox River improvement and out of Winnebago Lake, if it shall go to the great city of Chicago, or if it shall go to the West, it is much cheaper and safer that it shall come into Lake Michigan through this canal than that it shall go through the dangerous navigation it must if it goes around the head of this peninsula.

I think I have said enough to convince any unprejudiced mind of the importance of this work and of the importance of making it free to all the commerce of the lakes.

Now, Mr. President, as to the question of how much should be paid for this if the Government is to take it, the Senator from Kansas and the Senator from Vermont have grown witty over an attempted dissection of the accounts made up by this company and presented in this report. I do not care to say much about that.

The Senator from Kansas denounces with fiery indignation the putting of a few hundred dollars into this statement for the services of a lawyer in connection with the organization of this company. Mr. President, he is a better judge than I of the value of a lawyer to a company in properly preparing its incorporation papers and seeing to the organization of the company. I will not join any issue upon that. But the Senator tells us that these accounts are cooked; that when the company have put in here a thousand dollars a year for the services of the president and perhaps another thousand dollars a year for the services of the treasurer they are all fictitious. Why, sir, I have shown you from the record that this company was unable for six or eight years to do very much in the way of building this canal; that the company was organized, that the surveys were made, and that the company issued its own notes and borrowed money to go on and complete the first quarter of the canal, which seems to have been the condition upon which it was to receive one quarter of the land grant.

I do not know what ideas a great lawyer may have upon the value of a plain business man; but when we look at the charges made by the great lawyers of this country for a few days' services in the Supreme Court of the United States, when we look at the salaries paid to the attorneys of railroad corporations running up as high as $25,000 and $50,000 a year, we find out something of their ideas in regard to the value of their own services. But I take it for granted that the great corporations of this country know something of the value of the business men who organize them, who conceive them, who put them into operation, who have made all the great internal improvements of this country, who have built its railroads and its canals, and who have made this country what it is, and some of the great corporations of this country recognize the value of business men in paying to their presidents $25,000 and $30,000 and sometimes $50,000 per year as salaries.

Undoubtedly in the beginning of this work the officers could not do a very great deal. Their account shows that they were borrowing money upon their own notes, and the Senator from Kansas denounces the interest paid upon discounting their own notes as an outrageous and fictitious account. Well, Mr. President, that is a strange business principle. These men made their own notes and discounted them in bank and took the proceeds to help build this canal. Was not the discount a legitimate charge upon the enterprise? I venture to say there is not a sensible business man anywhere in this country who would for a moment question the legitimacy of the charging of an interest account upon all the moneys furnished in an enterprise like this from the date of its beginning up to the hour of its completion. It is all a part of the expense until the work is done and until it begins to bring in an income. Is it not? Most certainly it is; and this account is full of charges for interest, full of charges for discount upon notes. They were so short of money that they were compelled to shin around not only the banks of the West but even down to New York. Here are numerous items paid for the collection of drafts upon New York. I suppose that was entirely legitimate. I suppose that if a business man drew a draft in Minneapolis, or in Appleton, or anywhere in Wisconsin, upon New York, he would have to pay some exchange to get the money, and if he wanted the money bad enough to pay the exchange, I think that exchange would be a legitimate charge upon the enterprise in which he was engaged. If a man engaged in ordinary private business failed to charge up his interest account, his discounts, and his charges for collection, he would very soon find himself in the bankrupt court.

And, Mr. President, this account does undoubtedly call for compound interest, and it should. As to the bonds that were issued, over which the Senator from Vermont has grown so comical, if he had read the statement closely he would have found that the service for which this

man was paid was not only for negotiating these notes but it was for his whole financial transactions. This man was the financial agent of the company, and not only sold these bonds, but he helped the company through the discount of its notes in various banks, raised money for it, and helped to carry the company along. I undertake to say that there is not a charge in this account for compound interest which is not as legitimate as every dollar which was raised for the canal, and I defy any man who understands ordinary business principles as connected with any of the coporations of this country or with any of its manufacturing industries to question that statement.

It does appear here that they voted to the officers of the company $45,000 of its stock as full paid. What that stock is worth I do not know. It may be worth $45,000; it may be worth $4,500; it may be worth 45 cents. If the United States Government decide to take this property, it is worth simply what we shall decide to give them. That is all.

I have not gone over these accounts carefully, but I find in the summary that the total cost of the construction of this work, including these enormous salaries of a thousand dollars a year to the president, and a thousand dollars a year to the secretary and treasurer, and $600 to the engineers, and the discounts, 8, 10, and 12 per cent., together with exchange upon New York, and with the interest figured up every year from the time the work began until it was completed and was able to earn something in the way of tolls—the president of the company has put it down at $642,615.57. They received out of the sales of the 200,000 acres of land, in round numbers, I think $344,000—let it go at that, more or less—and it appears some $53,000 for timber trespasses.

I do not care to go into the details of these accounts any further; they are here, they show for themselves. I do not hesitate, however, to claim that these charges for salaries, for engineers' expenses, for discounting their own notes in bank, or paying a discount upon their notes on which they raised the money to build the canal, and the figuring of compound interest upon all the money that was put in it from the time it began until its completion, are unquestionably legitimate.

It would seem from the act of Congress granting this land to the State of Wisconsin that after recompensing herself and reimbursing herself for all the cost of the completion of this work, she was then to maintain it at only such a rate of tolls as would keep the canal in proper repair. The State of Wisconsin did not undertake to do that work, but permitted a company of its own citizens to do it, and to that company it gave this grant of 200,000 acres.

What I desire to submit is this, and it seems to me that every fair man must admit it, that this company of private citizens who undertook that work are entitled to some recompense. It is not merely sufficient that they should recover back simply what it cost to construct the canal; and if their own accounts are to be taken that sum is $178,168.58. The committee, without going into a full accounting and examination of their accounts, put in here the lump sum of $150,000, believing that the company would prefer to take that rather than to go on and manage the canal and continue to secure tolls until they shall have reimbursed themselves for their entire expenditures; for I do not believe that any lawyer in this body will undertake to say that under the act of Congress and under the charter granted by the State of Wisconsin we could dispossess them from this canal until they had recouped themselves in tolls for every dollar they had put into it.

I say I do not believe that any lawyer in this body will assert any other doctrine than that, for certainly under the act of Congress and under the charter granted by the State of Wisconsin they can not be entitled to less; and is it reasonable to believe that any set of sane men would have taken this charter and constructed this canal if there was danger that they would be dispossessed of it before they had recovered back all the moneys put into it? I think not, and I think that provision in the amendment is well guarded. I have said already that if any Senator can suggest any language which will guard it more certainly against the improper acquirement of this canal or the paying more than should come to the builders of it, for one I shall be glad to accept it.

Mr. President, there is another question, and that is as to the public policy of the Government of the United States taking canals like this and making them free. For one I do not hesitate to say that I believe it to be wise public policy to do it. We have done it in several cases, notably in regard to the Louisville and Portland Canal around the Falls of the Ohio River. I do not believe there is a single Senator here who would desire to take back that action. Here is another case, which, if not as important as that is to-day in the Ohio River, will, in my judgment, in the increase of population which is taking place in Wisconsin and in the great Northwest, within a very few years be as important as the canal at Louisville.

There are two or three other cases of this kind in the country where the United States Government acting with State governments has allowed private individuals to come in and make public improvements and to collect and levy tolls from all the commerce passing through them. I believe it was unwise in the Government when it started upon that plan years ago. We have abandoned it. The Government of the United States would not for a moment think of allowing a private company to build a canal of this kind and charge tolls upon it now; but it has been done in several cases and done with the consent and knowledge of the United States.

What are we to do now? In my judgment the wise thing to do is to secure to the ownership of the United States these canals which are of the importance of which I have spoken. This is one; there are a few others, but very few, in this country, and when they shall have come into the hands of the United States and the tolls shall have been taken off, great relief will come to the commerce in the sections where these canals are located.

What have we done, Mr. President, at the gateway of the great Lake Superior? We have built there at the head of the Saint Mary's River the greatest ship-lock in the world, at a cost, I think, of between one and two million dollars. It is so large that it takes in at one time four or five of the great ships which navigate Lake Superior, Lake Huron, and Lake Michigan. It has been completed but a few years, and even now the commercial interests of Lake Superior have come down here *en masse* and demanded that the Government begin at once to build another lock at that point as large as the one now there; and we have in this bill put in an appropriation, I think, of $250,000 to begin at once the construction of another great lock at the Sault de St. Marie. I believe it to be wise. Before that lock is finished there it will be found that the present lock, notwithstanding it is the largest in the world, is absolutely unable to properly carry on the business and the commerce which passes through there. That is a canal, just as much a canal as this is or any other. No vessel could pass from Lake Superior into Lake Huron, save it ran the rapids, until the first little lock was built, which gave place a few years ago to the present lock which we have there.

Mr. President, the United States Government has entered upon a career of taking off all shackles from the commerce which floats upon the water. No matter how much casuists may cry out against it, no matter how much the great railroads of this country may attempt to break it down and to prevent all river and harbor bills from passing, these great works will go on to completion, and woe be to that public man who stands in the way of them.

Mr. President, I do not care to say anything more on this matter now.

Mr. INGALLS. Mr. President, the original resolution of March 9, 1882, upon which the report of the Chief of Engineers was made to the Secretary of War, was in the following language:

Resolved, That the Secretary of War be, and he hereby is, instructed to ascertain and report to Congress at its next session the cost of constructing the Sturgeon Bay and Lake Michigan Ship Canal, in the State of Wisconsin, and by whom said ship-canal was constructed; also, to ascertain the amount of money realized from the sale of the lands granted by Congress to the State of Wisconsin to aid in the construction of said ship-canal; said information being required for the purpose of considering the question of opening said ship-canal free to the commerce of the lakes.

That was the design and purpose as appears from the language of the resolution, to ascertain in the first place what the canal cost, who built it, how they got the money, and in the next place to ascertain, if the Government should think it necessary to take possession of it, how much should be paid by way of compensation to those who were entitled to it under the act of Congress.

The purpose of my remarks hitherto has been to show that the cost of the construction had been entirely paid and that a profit remained over from the sale of the 200,000 acres of land that were granted by Congress to the State of Wisconsin for this purpose. The Senator from Minnesota, in his justification of the amendment of the committee to appropriate $150,000 to pay these people for the work that they had already constructed at a profit, attempted to show that there was a balance of about $178,000 that remained unliquidated according to the statement of the officers of the corporation. Is not that correct? And my purpose has been to show, so far as I could from the printed information in the possession of the Senate, that the statement of accounts made by the officers of the corporation was fictitious, or, as the Senator from New York called it in his observations, a cooked account. I did not intend to use any phrases that would be obnoxious or that in any way would be in derogation of the apparent good faith of these officers, but inasmuch as the Senator from New York has applied that designation to them inferentially, I will say that in my opinion the use of the term "cooked" as applied to these accounts is justified by an inspection of the evidence that is now before the Senate.

Mr. MILLER. The Senator will permit me. Does the Senator mean to say that I expressed the opinion that these accounts were cooked?

Mr. INGALLS. No; quite the reverse. I said the Senator endeavored to convey the impression that I had argued that the accounts were cooked. I did not use the word "cooked." I employed no such phraseology. I did not use that term at all. That term emanated from the Senator from New York; but inasmuch as he employed it, and as it is a description that has obtained currency with regard to such transactions, I will say that in my judgment there is no doubt that these accounts have been cooked for the purpose of producing the impression upon the mind of Congress that there is an existing balance unsatisfied in the construction and expense account of this canal.

I do not propose to rehearse what I have already said, but in addi-

tion to what has hitherto been mentioned, I have recently discovered further evidence in my investigation of this report to which I will call attention.

It seems that the Wisconsin Legislature in 1879 appointed a committee to examine concerning the expenditures of the company that constructed this canal, the amount of money they received from the lands, and the condition of the work. That committee made a majority and a minority report, certain extracts from the majority report being published by this engineers' report in the communication they made to Congress the 8th of January, 1883, in which it appears first:

The officers claim that they have an office in Milwaukee, which is the only distinctive office which the company has. The president, secretary, and treasurer draw no salary—

Mark, this was in 1879, seven years after this work was begun—

and perform such official acts as devolve upon them at their private offices.

This work had been under contract for seven years. It began in July, 1872, and in 1879 this majority report of the committee of the Wisconsin Legislature declared that up to that time they had drawn no salary; that their work had been gratuitous, inasmuch as they performed their official acts devolving upon them at their private offices. When in 1882 these men come in and present a charge of $10,250 for the president alone, is not that cooking an account?

Mr. MILLER. Does the Senator desire an answer now?

Mr. INGALLS. It does not want any answer at all, because the document answers itself. A cooked account is one, as I understand, that is made up after the transactions are all over. If in 1879 the president of this company had not made any charge for services on account of his salary, had been acting gratuitously, when in 1882 he presented an account covering that period of seven years in which he charged a thousand dollars a year, that account was cooked, and there is no other description to make of it. It is bogus; it is an account that is prepared for the occasion. The same thing may be said about the salary of the secretary, which was declared to not have been asked for or paid, the services being rendered gratuitously.

On the 18th of November, 1882, ten years after the work was begun and three years after they had declared that they were charging nothing but had been rendering their services gratuitously, there is an account presented for the treasurer and assistant secretary of a thousand dollars a year. Was not that account cooked? What do you call that in the ordinary parlance of such transactions? When a man in response to the interrogatories of the State Legislature declares he has been acting gratuitously, that he has not charged any salary, and that his services have been rendered in connection with his private office, and in 1882 when it becomes necessary to manufacture a claim for a balance against the United States Government he puts in a charge of $10,250 for salary over that period extending from 1872 to 1882, is that cooked or is it not? Pretty thoroughly cooked, well done, and not rare at all.

Mr. EDMUNDS. May I interrupt the Senator?

Mr. INGALLS. I will listen to the Senator from Vermont.

Mr. EDMUNDS. May I ask the Senator for information whether the Committee on Commerce have in their possession or can furnish the Senate with copies of that majority and minority report made to the Legislature of Wisconsin, in which it would seem that the cooked or uncooked, the rare or the well-done—and I should think both—affairs of this concern went through an investigation?

Mr. INGALLS. No Senator has stated that; neither has the information come from the committee.

Mr. EDMUNDS. Is there such information here?

Mr. INGALLS. There is no such information here, nor is there any evidence that this report was investigated by the committee, although it is a document of the United States, appearing in the annual report of the Chief of Engineers for 1879, pages 1494–1505. I say in response to the suggestion of the Senator from Vermont that the observations I am now making are in reply to criticisms which were presented by the Senator from New York on the remarks I had previously made, to the effect that I had improperly stated that these officials in endeavoring to pile up their accounts against the United States Government had, as he phrased it, cooked them. In other words, they had put in fictitious, simulated, fabricated accounts, not thought of until after the effort was made to sell this property to the Government of the United States. So much about the salary account as cooked.

The Senator from Michigan in his comments upon what I said declared that I had made statements which were not warranted by the report from which I had read, in that I stated that compound interest had been charged by this company in presenting their final statement to the Government; and as the Senator from Michigan is now absent from his seat, I suppose on business for the Senate, and I have not the opportunity of calling his attention to the pages of the report from which I read, in order that the public, those who may hereafter read his statement may judge between us on the question of veracity whether I introduced evidence here that was not warranted by the facts or not, whether I attempted to convey false impressions in declaring that these men had charged compound interest or not, I shall trouble the Reporter to take down the pages of this document from which I read. But before proceeding to that I will make one other observation, to the effect that the Senator from Michigan and the Senator from New York do not agree in their views upon this subject. Whereas the Senator from Michigan declared that there was no charge for compound interest, thereby intimating that I had made a statement not warranted by the facts, the Senator from New York admitted that there was and justified it. Between the two you pay your money and take your choice; but now as to the fact:

On page 19, under date "September 10, 1873. Cash advances and interest to date, as per preceding statement, $31,490. Interest on same compounded annually to December 1, 1882," making an interest account, year by year, of $33,634.91, or $2,000 more than the principal, and an aggregate total principal and interest of $65,124.91. And yet the Senator from Michigan had the effrontery to say that I had not examined this report and did not know anything about it, and rather castigated me for venturing to express an opinion about a matter that I had no information whatever concerning.

Once more, on page 20:

September 10, 1873, cash advances and interest to date as per preceding statement	$12,190 00
Interest on same compounded annually to December 1, 1882—	

Giving the amount year by year, making an interest account of $13,021.31, or over $1,000 more interest than principal, and an aggregate of $25,210.31.

On page 21:

September 10, 1873, cash advances and interest to date, as per preceding statement	$12,190 00
Interest on same compounded annually to December 1, 1882—	

Total interest account, $13,020.31.

Total principal and interest	$25,210 31

Or a thousand dollars more interest than principal.

On page 22:

Stock received in settlement—

This does not seem to be even a money account—

Stock received in settlement, purchased by Mr. William B. Ogden December 11, 1875	$12,010 00

The interest compounded annually on this stock, and received in settlement down to December 1, 1882, total interest $12,828.05, or nearly $2,000 more interest than principal on the settlement of a stock account, and "total principal and interest $24,838.05."

And yet I am told that in criticising this matter I made a statement not verified by the record, that in making up these accounts for their presentation of their balance against the Government these men had charged compound interest, and the other member of the committee who addressed the Senate comes in and fortifies that statement by declaring that the Senator from Michigan was wrong and that I was right and the transaction was justifiable. Very well, it may be justifiable; but is it justifiable in making up an account against the Government of the United States?

Mr. MILLER. The Senator will permit me. This company has made up no account against the Government of the United States. It has not any account with it. The Government of the United States has not anything to do with the company unless it decides to take this property for public purposes; and when it does, then of course it must pay for it just as it is going to pay for the Library site out here; and so the Government asked these men to make a statement of what the property had cost them and they have made it. They have no account with the Government.

Mr. INGALLS. The Senator from New York would really be better advised if he was more intelligent. If the Senator knew more of what he was talking about he would really be better informed.

Mr. MILLER. I am much obliged to the Senator from Kansas.

Mr. INGALLS. The Senator has a right to be much obliged, because I know of no man who stands more in need of information on this subject than the Senator from New York. Now I call his attention to page 6.

Mr. MILLER. I shall go to some other source than the Senator from Kansas to get my information.

Mr. INGALLS. Then I direct him to the report of this board of engineers. He says there never has been any claim of this canal company against the Government of the United States, and no understanding, no arrangement, no treaty, no negotiation, no sort of an understanding by which the Government of the United States was to take possession of this property, and that they presented no account even against the Government. I say, Mr. President, that this account was made up by this canal company at the request of this board of engineers, and presented entirely as the basis of a negotiation with the Government. When the Senator desires to criticise my statement he should come here better informed.

Mr. MILLER. I will criticise it when the Senator is through.

Mr. McMILLAN. There was no negotiation between the engineers and the company.

Mr. INGALLS. I understand of course there was no negotiation, but this board of engineers was authorized and established for the very purpose of ascertaining what would have to be done with this company in order to get the free transit of that canal. It is disputing the alpha-

bet of this subject to deny that. That is what the inquiry of 1882 was made for, to ascertain how much we should have to pay this corporation in order to remove the impost of tolls from the commerce of the Northwest passing through this canal. And yet the Senator from New York tells me there has been no presentation of accounts against the Government of the United States.

Of course there has been no such presentation; but there was a presentation to this board of engineers appointed for that purpose to enable them to report to the Government how much it would cost to enable the United States to take possession of this property and remove the tolls from the shipping. I read from page 6:

As the Senate resolution calls for this information "for the purpose of considering the question of opening said ship-canal free to the commerce of the lakes," and the letter of instructions directs the board to "procure such information as in its judgment may be necessary to a proper investigation of the subject," the board obtained from the canal company full statements of receipts and expenses and moneys advanced, with interest charged, and that the amounts that they would expect to receive in case the Government should decide to take control of the work.

Yet I am told this never was presented with a view of preferring any claim against the Government of the United States, when this board of engineers called on them to make up their statement in order to ascertain what they would expect to receive in case the Government should decide to take control of the work.

This latter amount is $178,168.58.

That is a statement of the board of engineers derived from the canal corporation, that if the Government decides to take control of the work the amount they expect to receive is $178,168.58; and I have shown how that is made up, and do not propose to go over it again; but I state that it is fabricated, simulated, and fictitious, that it is made up almost wholly, with but very few exceptions, of estimates that were formed after this propositiou was presented to them by this board of engineers. It consists of interest compounded, of stock that never was sold, of salaries that never were paid. I believe it lacks in one very important estimate, in that it does not include the amount that was received for this land. And yet three years after that report was made, when this company has assured Congress that it has no pecuniary interest in this canal, that it would like to be relieved of it, we are recommended by the Committee on Commerce to pay out of the Treasury of the United States $150,000.

Mr. MILLER. Mr. President, of course I shall not call in question the great knowledge in regard to matters of this kind shown by the Senator from Kansas. He has been good enough to intimate that if I knew more I would be wiser. I wish I was wiser, and I hope the Senator from Kansas will impart some of his superabundant and supernumerary wisdom and information; but thus far I have not been able to imbibe any of it on this question. I suppose the lack is mine, not that of the giver.

The Senator has stated that these accounts are fictitious and, adopting my own language, he said "cooked." Mr. President, I know none of the members of this company. I know nothing about their character. He has intimated in the face of this report that their statement of moneys received from the sale of the lands is not correct. The Senator from Vermont intimated that quite likely they had formed a ring, or something of that kind, and sold the lands to themselves. I know nothing about that. It is entirely outside of this whole question; it has nothing whatever to do with it.

Here is a private corporation which holds a very important gateway in our commerce, and under the laws of this country it is entitled to take toll. The question is, how shall we rid ourselves of it. I have already stated what has been done heretofore in the appointment of a board of engineers to investigate this question and to determine what this work had cost and what it would cost the Government if we were to take it and make it free. The board, in the course of their investigations, called upon the company to make a detailed statement of what the work had cost them, and to say what they expected the Federal Government to pay them if it took possession of it. When I said that that statement was no claim upon the Government and no account against the Government, I simply stated what the cheapest and commonest book-keeper in this country would know to be true when the case was presented to him.

The officers of the Government asked the officers of this company to put down in a detailed statement what this thing had cost. These officers were under no obligation to render any account. They could simply have said, "This property is ours, and if the Government of the United States takes it it must take it by appointing a commission to assess its value and pay us its value." They could have stood absolutely upon that ground, and no court in this land would have taken it from them. Wherever the Government of the United States takes private property for public uses it first asks the owner to say what he will take for it, and he makes the offer, and if the Government is not satisfied with that it proceeds to condemn and take it by a commission, fixing its value. This company met the Government officers and presented their account. We are not under any obligation to look at it at all. We can say here by every right that this great water way, this gate, which they hold ought to be held and owned by the people of the country, and we will appoint a commission to assess the value of it and to take it, and there is no power in the company to prevent the United States Government from doing it.

Mr. President, as the Senator from Kansas has traversed this account and has declared that the items are fictitious and "cooked," I propose to look at them again for a single moment. Upon the question of the interest and the compound interest from the time the money was put in until the work was completed ready for commerce and was prepared to earn returns, I do not believe the Senator from Kansas himself, although he is a lawyer, will say that that is not a correct charge. I do not believe any reasonable man anywhere will make such a statement. He reads from the report showing that the interest thus compounded has amounted to more than the original loans. The simplest scholar in our public schools could tell us that money running at compound interest as long as the first advance made to this company did would have more than doubled itself.

Perhaps the Senator has discovered a new way of getting rich. If he will invest his salary here of $5,000 a year as Senator at the rate of interest prevailing in the West it will double itself in less than 12 years, depending upon what the rate may be, and I think that would be a legitimate way for the Senator to increase his worldly goods. I have no doubt he does it with all the money he has, and if it is loaned on bond and mortgage, or if it is in Government bonds or other securities, he collects his interest annually or semi-annually and reinvests it. He understands that, and so does every other business man.

But now as to the question of the officers' salaries. He says that they had been serving the company for ten long years and had made no charge for their services; but when the Government asked the company to give a statement of what the work had cost they put into it a thousand dollars a year for the president, and a thousand dollars a year for the treasurer or secretary, I do not know which, and he calls that fictitious and cooked. I am surprised at that statement.

Here were a few men; this company, as I understand, is composed of a very few men, perhaps not more than six or eight or a dozen in all. They were besought by the people living in that part of the country to take this grant from the State of Wisconsin and build this canal. They organized the company, took their charter, and after ten or twelve years of struggling with this work they completed it. It was all within themselves. They charged no salary, for they had no money with which to pay it; but will any one undertake to say that the services of this president and the services of this treasurer, who went about and borrowed the money here and there wherever he could to construct the canal, were worth nothing to this enterprise.

Suppose this company had started with all its money in hand that it received from this public land and from other sources; suppose it had started with a paid-up capital of $500,000; would not these officers have put in their bills and been paid for their services as officers? Undoubtedly they would; but so long as the matter was entirely in their own hands it mattered not to the president whether he charged up a salary or not. If he charged it up he would have to pay it out of his own pocket, for the company had no funds to pay it with. But when the United States Government steps up and says: "Perhaps we may want to buy this canal; will you tell us what it has cost? Will you tell us what you will take for it if we take it now?" these officers said: "A part of the cost of the construction of this canal has been the services of its officers, who have labored more or less constantly for it for ten or twelve years," as the case may be, and it was perfectly legitimate in estimating the cost of the canal to fix some proper sum for the services of the officers.

I say they were fixed at a very moderate sum, a thousand dollars a year for the president and a thousand dollars a year for the secretary or treasurer. I know of enterprises in the East, corporate enterprises, in which there are but a few stockholders, where the officers have served for long years faithfully and where the enterprises have even been profitable, in which the officers have never drawn a dollar of salary; but if you were to go to them and ask them to sell you their property, they would be very likely to figure up the number of years that they had given their attention and time to the development of the business. And that is what these men did. They have made no charge for their services, but when the Government came to ask for a purchase-price they put it in, and I think put it in very properly.

I have gone over this account somewhat carefully here to-day, and there are, so far as I can see, very few items to be questioned. But that is all outside of the question anyhow. Whether the accounts are right or not, if the Government of the United States propose to take this property, it must take it and pay a reasonable sum for it. I suppose we do not here as legislators propose to dispossess them of this property without some just recompense. They claim that in interest and in services and in the various ways which they have here described they have expended upon this work $178,000 more than they have received, and they have in this report substantially said to the Government, "If you want this work and want to make it free to the commerce of the lakes, you may take it now; we will relinquish our claim and our right to collect tolls for $178,000."

The Commerce Committee, in a sort of trading spirit, have said in this bill, "We will give you $150,000 for a perfect and clear title, provided that after another investigation by another board of Army engineers

and after their report the Secretary of War shall approve it upon the grounds that it is wise and just that it should be taken for the public benefit, and also upon the grounds that this sum of $150,000 is a just sum to pay for it." That is all there is in this question, and you may spend a week in pettifogging over these little amounts and that will be the final conclusion. It turns on the question of public policy.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Commerce.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont.

Mr. MCMILLAN. I think we had better take the vote on this question. I hope the Senate will proceed with the consideration of this bill until we get this item disposed of certainly. If we hope to get through with the business of the session in time to adjourn at a reasonable day it behooves the Senate, I think, to proceed with the business in hand. Certainly an executive session can be held at any time.

The PRESIDENT *pro tempore*. The motion is not debatable. The question is on the motion of the Senator from Vermont.

Mr. MCMILLAN. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GRAY (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

The roll-call having been concluded, the result was announced—yeas 31, nays 18; as follows:

YEAS—31.

Berry,	Cullom,	Jones of Arkansas,	Riddleberger,
Blackburn,	Edmunds,	Kenna,	Sherman,
Brown,	Eustis,	McPherson,	Teller,
Butler,	George,	Manderson,	Vance,
Call,	Gibson,	Maxey,	Walthall,
Cameron,	Harris,	Payne,	Whitthorne,
Cockrell,	Hawley,	Platt,	Wilson of Md.
Colquitt,	Ingalls,	Pugh,	

NAYS—18.

Blair,	Frye,	Miller,	Sewell,
Coke,	Gorman,	Mitchell of Oreg.,	Stanford,
Conger,	Harrison,	Palmer,	Vest.
Dawes,	Hearst,	Ransom,	
Dolph,	McMillan,	Sawyer,	

ABSENT—27.

Aldrich,	Fair,	Logan,	Sabin,
Allison,	Gray,	Mahone,	Saulsbury,
Beck,	Hale,	Mitchell of Pa.,	Spooner,
Bowen,	Hampton,	Morgan,	Van Wyck,
Camden,	Hoar,	Morrill,	Voorhees,
Chace,	Jones of Florida,	Pike,	Wilson of Iowa.
Evarts,	Jones of Nevada,	Plumb,	

So the motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 3d instant approved and signed the following acts:

An act (S. 16) for the relief of J. A. Wilson, administrator *de bonis non* of the estate of Gregory Jarratt, deceased;

An act (S. 498) for the relief of George T. Dudley; and

An act (S. 1352) granting the right of way to the Leavenworth, Northern and Southern Railway Company through the military reservation at Fort Leavenworth.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 2692) to amend and correct the act approved June 1, 1886, granting a pension to J. H. Thornburg; and

A bill (S. 503) relating to the supreme court of Montana Territory, and providing for the establishment of judicial districts in said Territory.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 199) providing for printing eulogies delivered in Congress upon the late Michael Hahn was read twice by its title, and referred to the Committee on Printing.

MARY J. NOTTAGE.

Mr. BLAIR. Before the doors are closed, I ask for the adoption of the following order:

Ordered, That Senate Report 1424 be reprinted, the files being exhausted.

The order was agreed to.

Mr. EDMUNDS. What is the report?

Mr. BLAIR. It is the report on the bill (S. 2005) granting a pension to Mary J. Nottage—one of the vetoed pension bills.

AMENDMENT TO A BILL.

Mr. EVARTS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After nine minutes spent in executive session the doors were reopened, and (at 5 o'clock and 47 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, July 7, 1886, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate this 6th day of July, 1886.

APPOINTMENTS IN THE ARMY.

Capt. Theodore Schwan, of the Eleventh Infantry, to be assistant adjutant-general with the rank of major July 6, 1886.

Fitz-John Porter, late colonel of the Fifteenth Infantry, to be colonel in the Army of the United States, to rank as such from May 14, 1861 (that being the grade and rank held by him at the time of his dismissal from the Army), in accordance with the provisions of an act of Congress approved July 1, 1886.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 6, 1886.

ASSISTANT SECRETARY OF THE TREASURY.

Hugh Smith Thompson, of South Carolina, to be Assistant Secretary of the Treasury.

POSTMASTER.

Henry J. Winn, to be postmaster at Birmingham, Jefferson County, Alabama.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July* 6, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Clerk proceeded to read the Journal of the proceedings of yesterday, when

On motion of Mr. BRECKINRIDGE, of Kentucky, by unanimous consent the reading of that part of the Journal relating to the introduction and reference of bills and resolutions was dispensed with.

The remainder of the Journal was read and approved.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. DIBBLE, for one day.

To Mr. SPRIGGS, indefinitely, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. BRADY, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, papers in the claim of the Washington and Ohio Railroad Company.

PENSIONS.

The SPEAKER. A bill transmitted from the Senate has been mislaid; and the Chair therefore lays before the House for adoption a resolution, which the Clerk will read.

The Clerk read as follows:

Resolved, That the Senate be requested to transmit to the House an engrossed copy of Senate bill No. 1526, "amending sections 4756 and 4757 of the Revised Statutes, relating to pensions of certain disabled persons who have served in the Navy or Marine Corps," the original having been mislaid in the House.

The SPEAKER. If there be no objection, this resolution will be adopted and the Clerk directed to make the request of the Senate.

There was no objection, and it was ordered accordingly.

NAVAJO INDIAN AGENCY.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting an estimate from the Secretary of the Interior for pay of employés at Navajo Indian agency, New Mexico, for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING AT VICKSBURG, MISS.

Mr. CATCHINGS. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of Senate bill No. 179 and that the same be now put on its passage.

The bill (S. 179) to provide a building for the use of the United States courts, post-office, custom-house, and internal-revenue offices at Vicksburg, Miss., was read, together with an amendment reported by the Committee on Public Buildings and Grounds.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MORGAN. I desire to inquire whether any United States court is now authorized by law to be held at this point.

Mr. CATCHINGS. There are no United States courts authorized to be held there now, and the bill does not so recite.

Mr. MORGAN. It proposes to erect a court-house.

Mr. CATCHINGS. No, sir; a building for the use of the public offices there now, and as a court-house, if courts should be authorized to be held there.

Mr. BRECKINRIDGE, of Arkansas. I wish to inquire whether any United States court sits at this point now.

Mr. CATCHINGS. No, sir.

Mr. MORGAN. That is the very point about which I inquired.

Mr. BRECKINRIDGE, of Arkansas. I must object.

VETO MESSAGE—CARTER W. TILLER.

Mr. McMILLIN. I call for the regular order.

Mr. TAULBEE. I rise to a question of privilege, and call up for present consideration a bill which has been vetoed by the President—the bill (H. R. 4002) granting a pension to Carter W. Tiller.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Carter W. Tiller, dependent father of G. W. Tiller, late a private in Company A, Twenty-eighth Kentucky Volunteer Infantry, on the pension-roll, subject to the provisions and limitations of the pension laws.

Mr. GIBSON, of West Virginia. Before this matter is considered I hope the gentleman from Kentucky will allow me to introduce a resolution of courtesy on the part of the majority to the minority. There is no objection to it, I understand.

Mr. TAULBEE. I have no objection.

The SPEAKER. The gentleman from West Virginia asks consent for the present consideration of a resolution which will be read.

The Clerk read as follows:

Resolved, That John T. Chancey be continued in the service of this House as heretofore until otherwise ordered, with the same compensation——

Mr. McMILLIN. I have demanded the regular order, and I can not exercise in this matter any respect of persons.

The SPEAKER. The regular order is insisted upon. The gentleman from Kentucky [Mr. TAULBEE] is entitled to the floor.

Mr. TAULBEE. Mr. Speaker, a great deal has been said on this floor with reference to the veto messages of the President on these private pension bills, and I think a great deal more has been said than ought to have been said; and there has been that character of talk which was not justified by the facts in the case or by the premises. At the outset, before stating this case, I wish to disavow any purpose whatever to criticise the President as to the exercise of a constitutional right which he possesses, or to make any attack on his methods or style in the veto of pension bills. These are matters in which I feel but little concern except so far as they relate to the general good.

The facts of this case are all set out in the report which I submitted on the 2d day of this month, and had printed in the RECORD, on pages 6448, 6449, and 6450. My object in submitting this report was to give every gentleman on this floor an opportunity to investigate to his satisfaction all the facts pertaining to the case. I regard it as a peculiar one. It was rejected in the Pension Office on the ascertainment of certain facts from the testimony of witnesses as well as from official letters addressed to the Commissioner of Pensions by the Adjutant-General. The bill was vetoed, as will be found by reference to the message, upon the ground principally that a charge of desertion stands against the military record of the son of this claimant.

On a subsequent investigation, an investigation had in the War Department after this veto message of the President had been transmitted to the House of Representatives, facts were ascertained which were fully set forth in this report by the letters from the Adjutant-General's Office touching the military record of this soldier, which I maintain will clear away every cloud from his record in the mind of every unbiased man. There was an effort made to investigate his military record before action was had by the Commissioner of Pensions upon his application for pension. From the information as furnished by the Adjutant-General to the Commissioner of Pensions there was room for doubt as to the military record of the soldier. This information was not based on a full investigation in the Adjutant-General's Office, as shown by his subsequent letters.

I am ready to say here, and I believe fully, that with the evidence before the President, or in the records of the Pension Office, his action in basing his veto upon the charge of desertion upon the soldier was to some extent defensible; but with the facts subsequently ascertained by an investigation of the records in the War Department—an investigation made in order to convince others and less credulous minds than those of the committee, there is no room for doubt upon that question.

Mr. Speaker, the veto message of the President rests upon two questions——

Mr. REAGAN. If the letters to which the gentleman alludes are not long I think he had better read them for the information of the House.

Mr. TAULBEE. Yes, sir; I propose to do so. They are printed in the RECORD, and I will call attention to them presently.

I was saying, Mr. Speaker, that there are two questions upon which the veto message of the President depends; first, that this father was not dependent upon the son for support. With reference to that this state of facts is found to exist from the record.

Mr. SENEY. What is the other ground on which the veto message is based?

Mr. TAULBEE. On the ground of the desertion of the soldier. I will bring them both up in their proper order.

The facts shown by the record with reference to the dependence of the father upon the son are about these: Carter W. Tiller was a plasterer by trade, and resided in the city of Louisville, Ky. In 1861 his only son, a bright, beautiful, and obedient boy, enlisted in Company A, Twenty-eighth Kentucky Regiment, and followed his command down into Alabama.

In 1862 the soldier was captured by the confederates, and was afterward returned to duty, and served faithfully, as shown by his captain's affidavits, and also by the affidavit of the captain of Company B, of the same regiment, and of the second lieutenant of Company A, his own company, until the 20th of September, 1863, when, near Stevenson, Ala., he was found to be absent from his company; and on the making up of the muster-rolls for the months of September and October, 1863, the captain made this entry: "Deserted September 20, 1863." The subsequent report made by the Adjutant-General's Office, and taken from the prison hospital records of Andersonville, shows that this soldier was admitted to the hospital about July 21, 1864, and that he died on the same day from diarrhea.

These facts were ascertained by the Commissioner of Pensions when the father of this soldier applied for a pension.

Previous to the enlistment of the son the father had been disabled from the performance of manual labor; and the authorities of the city of Louisville gave him a position on the police force at $1.75 a day. That was in the year 1859. In 1864, while the father was still on this force of the city of Louisville, in the discharge of his duty as detective and policeman, he was shot with a bullet through the left arm and entirely through the body, rendering him, as shown by the affidavits of some of the most eminent physicians of Louisville, wholly incapable of performing manual labor. But, as shown by the written statement of my honorable colleague from Kentucky [Mr. WILLIS], a member of this House, who is well acquainted with this gentleman, Carter W. Tiller, he was retained on the police force more in consequence of his high standing as a man in the community in which he lived and for the valuable service rendered prior to his disability than for the service performed on the police force of Louisville.

Prior to the enlistment of this son he worked with and for his father. After his enlistment and prior to his death he contributed of his earnings, during his military service, to his father and his aged mother, who died a short time before his capture. In the message of the President this statement is found:

It is probably true that the son while in the Army sent money to the claimant.

On that subject, Mr. Speaker, there can be no doubt. The captain of his company swears that he knows of this soldier having sent money home to his father more than once during his service. The second lieutenant swears that he carried of the allowance of this soldier to the father on two occasions, and $50 each time; and that he believes that he carried more money to the soldier's father, but of this amount he is absolutely certain. The captain, as well as this lieutenant, is certified in the record to be of good moral character and truthfulness and entitled to full credit. Now, upon that subject there can be no doubt that this son did contribute to the support of his father while in the Army.

It is further claimed in the President's message, and was claimed by the Commissioner of Pensions in adjudicating the question on the claim for pension, that this father's earnings were sufficient to support him prior to the death of his son without the necessity for contributions on the part of the son. There is printed in the record accompanying this case a schedule of the property belonging to this man from 1863 up to and including 1877, and I want you to pay close attention. It is marked upon the assessor's books as valued at from $150 to $250. It was a small frame house in the suburbs of Louisville, built on leased land, and its value was fixed at not more than $250. In 1867 the claimant found it necessary to dispose of the property and sold it for the price of $150, and never afterward was found to have by any one of the officers any taxable property in the city of Louisville, where he lived and worked.

Now the only reasonable conclusion at which I can arrive is this: That the income of this father derived from his position on the police force at Louisville was inadequate to his support, and that inadequacy was supplied by contributions of the soldier during his service in the Army. After his death it became necessary for the father to draw upon his little estate until in 1876 he had consumed it all.

There is a decision of the Pension Office which I wish to read in connection with this. It is found on page 179 of the Digest of the Pension Laws, and is a syllabus of an opinion of the Secretary of the Interior therein cited. It is this:

A father in receipt of a salary entitled to pension if employer has no legal obligations to contribute to his support and regards payment thereof as an act of charity.

That is one of the means of support which even the Secretary of the Interior says is not to be considered in connection with the adjudica-

tion of the question of dependence; and, as is shown by the record, the written statement of my colleague [Mr. WILLIS], who is acquainted with the facts, the salary which this man derived from his position was given him more as a matter of charity than as a remuneration for his services.

I maintain that even taking for granted that this salary of this man was amply sufficient for his support, with that statement of facts staring us in the face we must be driven to the conclusion that the income of this man under the ruling of the Secretary of the Interior could not properly be considered as a bar against his receipt of a pension.

Mr. REAGAN. If it would not interrupt the gentleman from Kentucky, I would inquire if he has information as to where this soldier was from the time he was marked as a deserter, in September, 1863, until he got out of Libby prison, and how he came there?

Mr. TAULBEE. Now, Mr. Speaker, with reference to the prison record of this soldier, there is but one witness who testifies in this case as to the capture of the soldier from personal knowledge; and that was a civilian employé of the regiment, or an attaché of the regiment, a teamster, who is certified to be of credibility and high standing in his community. He testifies that on or about September 20, 1863, he and this soldier, and another soldier perhaps, were captured by General Wheeler's cavalry at or near Bridgeport, Ala.

A MEMBER. At what date?

Mr. TAULBEE. On or about September 20, 1863. I think I will be able to show the precise date before I get through. The captain who made this entry on the muster-roll of the company afterward testified, and his affidavit is found in the record. The substance of his testimony is about this: A short time previous to September 20, 1863, he and his company and Company B of the same regiment were sent to guard a wagon-train of supplies from Stevenson, Ala., to Paint Rock, in the same State. He testifies that this soldier, George W. Tiller, was left in camp. The excuse for his being left he does not remember, but he does remember his excuse was a proper and a lawful one, and when he returned it was reported to him by "credible persons"—he uses that expression—that this man George W. Tiller was so sent out on some kind of duty, he does not remember the nature of it, but he was reported captured. This charge of desertion, as the captain swears, was entered against the soldier's military record from the fact that he as captain had no personal knowledge of the capture of this soldier. He seems to have entered this charge of desertion to begin on the last day of the presence of this man on the daily call of his company.

Witness Bottger, who testifies as to the capture of this soldier, says he does not remember the date, or he does not fix the date. He testifies that after they were captured they were turned over by General Wheeler's cavalry to General Longstreet at his headquarters. It is a matter of history, and General Wheeler's recollection will bear me out in the statement, that about this time or shortly subsequent to this date General Wheeler was leaving that immediate vicinity with his cavalry, after having patroled that country and captured a number of prisoners, and that he turned these prisoners over to General Longstreet at his headquarters.

Mr. SOWDEN. May I ask the gentleman a question?

Mr. TAULBEE. Yes, sir.

Mr. SOWDEN. Is there any evidence of any other members of this company having been captured about this time?

Mr. TAULBEE. Yes, sir; you will find that in the record. I am asked by the gentleman from Pennsylvania if there is any record of other members of this company having been captured at or about the same time. I am very much obliged to the gentleman for the suggestion; for I had taken the precaution myself to go to the War Department and have the Adjutant-General incorporate in his letter addressed to me a statement of a number of men who were captured at or about the same time and who were reported as deserters upon their company rolls and whose confinement in the confederate prisons corroborates the statement or the conclusion that they were captured at the time claimed.

Mr. WEAVER, of Nebraska. At the same place?

Mr. TAULBEE. At or near the same place. Only one was captured with him, and I think he died in prison, as shown by the prison record. But, further, Witness Bottger, who testifies positively as to the capture, gives the history of his prison life, and in the record (which will be found in the report printed on page 6448 of the CONGRESSIONAL RECORD) it will be seen that he is corroborated by the records of the confederate military prisons in every statement he makes. This man was taken to a rebel prison in Virginia, from there he was consigned to Castle Thunder, and Tiller, as Bottger testifies, was sent from there to Andersonville. There is no record reliable in the War Department of the prison at Andersonville during this period, and the authorities are driven to the necessity of relying upon the hospital record of that prison. Therefore we do not find Tiller's capture noted in the military prison records now in the War Department. The only evidence of his prison life is that we find that after his confinement in Andersonville, as is shown by the evidence of Bottger, he was admitted to the confederate prison hospital at Andersonville, Ga., and died there of diarrhea.

Now, Mr. Speaker, I maintain that this is one of the strongest cases that could be made by record and oral evidence. I maintain that the apparent discrepancy of dates between Bottger's statement of his capture, he having been captured with Tiller, and the date as given in the record precludes the idea of any fabricated statement on his part.

Mr. WEAVER, of Nebraska. How much is the discrepancy?

Mr. TAULBEE. Six days. The record of Castle Thunder, where Bottger was taken, is now in the War Department, and it shows that he was captured on the 6th day of September, 1863, that he was treated as a prisoner of war, and that he was kept in Castle Thunder for about a year and then discharged.

Mr. DOUGHERTY. Will the gentleman permit a question?

Mr. TAULBEE. Yes, sir.

Mr. DOUGHERTY. If the House should refuse to pass this bill over the veto of the President, would that prevent this man from having a reopening and rehearing of his case at the Pension Office upon the additional evidence that has now been produced, and of which the President had no knowledge?

Mr. TAULBEE. It certainly would, Mr. Speaker.

Mr. WARNER, of Ohio. How would it?

Mr. TAULBEE. There is a ruling of the Commissioner of Pensions here in which he holds, in substance, that after a man has applied to Congress for relief he has waived every right to a pension that he had under existing law.

Mr. MCMILLIN. On the contrary, Mr. Speaker, there are several cases in which the statement has been made to this House that the applicants ceased further exertion here because since the time of the filing of their claims before the committees of this House they had been allowed pensions by the Pension Office.

Mr. MATSON. If my colleague on the committee [Mr. TAULBEE] will permit, I think I can explain the proposition in regard to which he has been misled. The Secretary of the Interior, or at least the Commissioner of Pensions, has held that where a man receives a pension certificate under a special act of Congress he is estopped from prosecuting any claim that he may have in the Pension Office; but there is no ruling which will prevent the man from completing any claim that he may have pending in the office because of his having made an application to Congress for relief.

Mr. TAULBEE. Mr. Speaker, while we are on this point I will read the decision of the Commissioner of Pensions to which I have referred, and which is dated January 29, 1886. It is in reference to the case of Samuel Schuler. I read:

> This case coming before the Commissioner, he decides that, the pensioner having appealed to Congress for special legislation in his behalf, thereby waived his right under the general law, and should have plead before that body all the causes of action under which he believed himself entitled.

That is the decision of the Commissioner of Pensions, and therefore I was correct in what I said in answer to the gentleman from Florida [Mr. DOUGHERTY], that if we, as the representatives of the people, now deny this man the relief which he asks, he is forever barred under existing law, according to the decision of the Commissioner of Pensions which I have read. No other construction can fairly be put upon that decision.

Now, Mr. Speaker, I ask members who are interested in ascertaining the real facts of this case to glance over the letters of the Adjutant-General, which will be found on page 6449 of the CONGRESSIONAL RECORD, and which I have not time to read. The proofs show that while this man was captured and reported as a deserter, numerous others were in like condition, on whose military record to-day there is not the slightest stain or taint.

One man, as appears in this letter, is reported on the muster-roll as having been captured; but on the occasion in question, as is shown by the military records, there was an engagement and a portion of the Federal forces made their escape, which accounts for the entry of "captured" on that muster-roll. It seems from all the records to have been the custom at that time, especially with this particular captain, that where all the men who were engaged were captured and none were left to tell the story, the only entry he could make was that of desertion, whereas in engagements where a portion of the Federal forces escaped to report the engagement, they were reported as having been captured in battle. Nothing is more reasonable; and if you will read this veto message and this report closely, you will find that with the limited investigation had upon this man's military record, the Commissioner of Pensions was thoroughly satisfied as to that record; and the rejection of this claim was based alone upon the question of the dependence of the father upon the son at the time of the son's enlistment and death.

Mr. SOWDEN. Will the gentleman yield for a question?

Mr. TAULBEE. Yes, sir, I will yield for any question; I want the facts developed. I want to deal fairly with this case and with everybody.

Mr. SOWDEN. If this father was dependent upon his son for support, why did he not apply for a pension until more than ten years after the death of the son upon whom he is alleged to have been dependent?

Mr. TAULBEE. That is a very proper question. I am asked, if this father was dependent upon the son for support, why did he not apply for a pension before 1877? Now, what is shown by the facts in this case? As I stated a while ago, the father had a small amount of property, and as long as there was a dollar of that property left he made

no complaint; but in 1867 he had to sell this property to make up the deficit of his support afforded by his earnings; and not until 1876 did he find himself incapable of procuring for himself a support after the property on which he had hitherto drawn had been exhausted. At that time he found himself in such a condition that he was driven to the unpleasant necessity of applying to the Government for support in consequence of the capture and death of his son. As long as he had a dollar of his property he would not complain; but when his entire estate was exhausted, as is shown by the official records of the city of Louisville, then this man, whose noble character as a citizen has been testified to by my colleague [Mr. WILLIS], was driven to the disagreeable necessity, which so many disabled soldiers and bereft parents have to experience, of asking the Government for alms.

On this point I maintain that the claim of this father to a pension was eminently fair and just. The Committee on Invalid Pensions during this session of Congress has reported unanimously a bill now on the Calendar, and which I doubt not will become a law, providing that in case of application from a parent for a pension on the ground of dependence upon a son who lost his life by reason of military service, dependence at the time of the death of the son need not be shown, but present dependence shall authorize the parent or parents to receive a pension. I regard this as one of the fairest and most humane laws that could be passed by this Congress. Suppose the case of a man who at the time of his son's enlistment was worth $20,000, if you please, and who, having lost that bright son in the war, meets afterward with reverses; show me the difference between the son's obligation to his father in that case and the obligation of the son to a father who had nothing at the time of the son's enlistment. You can not make a distinction.

The cases must stand upon the same footing. Numerous pension bills have passed this Congress in cases where the parent at the time of the son's enlistment was not dependent upon him for support, but afterward met with reverses and became dependent. One notable case was that of the widow of an ex-State treasurer of Kentucky, a case in which the bill was introduced by my colleague [Mr. BRECKINRIDGE, of Kentucky] and is now a law. The treasurer of our State at the time of his son's enlistment in the Army was amply able to support his family. The son was killed in action; the father died; the estate became wasted; and the mother is now upon the pension-roll by the sanction of both Houses of Congress and the President.

But I call attention to the fact that the President does not put his veto upon any ground with reference to the dependence of the parent. Declaring himself satisfied with the decision of the Commissioner of Pensions on that point, the President bases his veto upon the military record of the son.

Mr. Chairman, there is another and graver question involved in this controversy than that of the relief of this father. Here is the case of a young man who went out to defend his country. You of my colleagues who know something of the privations of war, the hardships of battle, the toil consequent upon military service, know something about the manhood it requires for one to leave his home, enlist in his country's cause, follow the flag to the blazing cannon's mouth and on the reddened field of death. This young man, the pride of his father, the hope of his declining years, was given up as an offering to his country. He went out into the State of Alabama following his flag on and on to victory through faithful days of toil and nights of vigilant watching. But the news came to the old man in Louisville that his son had died in a rebel prison. I doubt not he thinks with pride of that neglected grave. The place of his son's interment is perhaps unknown; but in the distant "potter's field" of Andersonville there sleeps a son the pride of that father and the glory of our country.

Now a question as to his military record is presented. And I believe it to be due to the President of the United States to say that I doubt not he acts conscientiously in these matters and upon his best judgment from the evidence before him. The question of this soldier's desertion from duty is raised. Now, every man who served during the late war, following either the "Stars and Stripes" or the "stars and bars," feels an interest in the good name of every soldier who stood firm to his post of duty and never flinched.

Mr. WARNER, of Ohio. That is not a matter with which the President has anything to do.

Mr. TAULBEE. I have exculpated the President from any imputation upon the soundness of his judgment or the integrity of his purposes. I say he had not the facts before him at the time he acted on this case. I remarked in the beginning that with the evidences before him and to be had upon reasonable investigation his action in this matter was defensible.

Mr. BEACH. I wish to ask the gentleman whether it would be fair for this House to override the veto of the President upon facts which he had not before him at the time he sent in the veto. In this same connection, I will ask why does not the gentleman introduce a new bill granting a pension in this case, and let us pass it and send it to the President?

Mr. TAULBEE. Mr. Speaker, that is one of the easiest questions the gentleman from New York could ask——

Mr. SPRINGER. But it is hard to answer.

Mr. TAULBEE. My only surprise is he ever asked it. I am called on to state the reason why I do not introduce a new bill nearly at the close of the session, leaving this stigma of desertion against an honorable soldier who gave his life to his country for the privileges we enjoy as citizens and as members of Congress.

Mr. BEACH. We can pass a new bill sooner than we can override the veto of the President.

Mr. TAULBEE. I have been asked why these facts are not made known to the President. I say they are known to the President. I have heard that the Secretary of War submitted these facts to the President after his veto message came to the House. I do not wonder the President does not withdraw his veto; his jurisdiction has ceased so far as that veto is concerned. If he wishes to be consistent he will do as every fair-minded man should—take such action as the facts will justify, and at the same time do justice to this soldier, which the President is as anxious shall be done as any man on this floor, I doubt not.

Mr. WARNER, of Missouri. Will the gentleman permit me to ask him a question?

Mr. TAULBEE. Yes, sir.

Mr. WARNER, of Missouri. I ask the gentleman this question: I ask him whether or not all the material facts in this case which have been stated on this floor were not accessible to the President in the papers of the case or from the records of the Department?

Mr. TAULBEE. I wish to say, Mr. Speaker, that the records now incorporated in this report and before the House were accessible to all who would take the trouble to go to the War Department and search, as I did for four long hours, over the musty prison records of the confederacy until I searched out this record.

But the President acted on the written statement of the Adjutant-General of the United States Army, who, in response to an inquiry of the Commissioner of Pensions, said there was no such record found in his office. The President could but conclude that was true, and on that statement he acted. But on the evidence our committee had received they believed other records existed, and when written inquiry failed to develop them I went in person. I lost three days from this House nearly entirely devoted to searching those prison records for nearly four hours in one day to find all the facts in order that I might have the Adjutant-General incorporate them in his letter giving this soldier all the benefits he was fairly entitled to.

Mr. HEPBURN. Let me inquire of the gentleman from Kentucky whether it is true that affidavit of B. H. Bottger, who was captured at the same time as George W. Tiller, was before the President? Was not that part of the record as made up in this pension case? Did he not also have before him the affidavit of J. A. Weatherford, second lieutenant of this man's company, showing Tiller was not a deserter, and that he was captured in the line of duty? Did he not also have before him the affidavit of William E. Benson to the same effect, Benson being captain of the company?

Mr. TAULBEE. The gentleman is correct. I wish to say further if he will look at the affidavits of Benson and Weatherford, captain and lieutenant of Company A of the same regiment, he will find they do not positively speak of their own personal knowledge as to the capture of this man. Their affidavits must be corroborated, and there must be direct evidence before their testimony can be received with full credibility.

Mr. HEPBURN. Let me read.

Mr. TAULBEE. Hold on one moment. So far as Mr. Bottger is concerned he does testify absolutely to the capture. These facts were before the President, but the Commissioner of Pensions required response of the Adjutant-General as to the presence or absence of Bottger, and the answer was that he was not borne on any of the rolls of the Twenty-eighth Regiment. Subsequent investigation of the records found in the Adjutant-General's Office proved that this man is shown by the prison and hospital records to have been captured, and by that testimony as shown in that subsequent document his affidavit is corroborated so as to give him full credence.

Mr. MCMILLIN. But that was not before the President.

Mr. TAULBEE. No; it was not, but was found on subsequent examination.

Mr. CUTCHEON. Does not the President in his veto message say, "On the 21st day of July, 1864, he was admitted to the Andersonville hospital, and died the same day of scorbutis?"

Mr. TAULBEE. That is true; but in regard to that the gentleman will pay attention, I hope——

Mr. CUTCHEON. Certainly.

Mr. TAULBEE. There is no prison record of this man at that date.

The record of Andersonville prison hospital is given; and beyond that the President had no evidence except the testimony of Bottger as to the confinement in that prison, and if you notice, the President was going by the record, which showed that the man deserted September 20, 1863, and was afterward captured. As far as the testimony was before him, that was all that he had; and that, I maintain, sir, is not fully warranted by the record, but is a very reasonable conclusion. The facts of the desertion having been shown by the record, the fact of the confinement in prison a year subsequent, I say, makes the conclusion reasonable that the man was not captured on or about September 20,

as claimed, but that he deserted and was captured subsequently. But upon all of the facts I claim that neither the President of the United States nor any other man, I care not how far he may be hostile to pension legislation, in casting his vote in reference to this matter can justify it to his own mind on any other conclusion than that this man was captured in the line of duty, was a victim of the ravages of war, and that he died at or about the time specified.

Mr. FINDLAY. May I ask the gentleman from Kentucky a question? I was not in the House during the course of his remarks, and I ask for information. I would like to know whether the father was dependent upon the son at the time of the son's decease.

Mr. TAULBEE. I think I am justified in saying that he was, from the record. That matter has been discussed fully. I will repeat, however, for the benefit of the gentleman from Maryland, that this man was on the police force of the city of Louisville at $1.75 a day. He owned a little tenement house which was built on leased land in the suburbs of the city, which the testimony shows was worth $250. He kept drawing on that property until 1867, when he was compelled to sell it. He had eaten it up, and his son had contributed to his support during his enlistment. In 1867 or the year after he had to sell the property in order to support himself, and applied for a pension on account of the death of his son.

Mr. FINDLAY. Did the son contribute of the money received by him more money than the father received as his salary for police duty?

Mr. TAULBEE. Oh, no, he did not contribute as much.

Mr. CUTCHEON. The pay of the soldier was very much less.

Mr. TAULBEE. The son did not contribute as much, for at that time the father was a policeman and was getting this compensation, which, with the contributions from his son, was adequate for his support. But it is shown by the testimony of the lieutenant of the company in which the son served that he had carried on two occasions $50 each time from the son to the father.

In 1864 the father was shot through the left arm and entirely through the body, completely disabling him, and from that time to 1885, when he became an absolute mendicant, he was helpless to support himself. Since January 1, 1885, he has been supported by the Odd Fellows and other charitable institutions of the city of Louisville.

Mr. SKINNER. All of that since his son's death?

Mr. TAULBEE. Yes, sir.

Mr. FINDLAY. Under what circumstances was this father shot?

Mr. TAULBEE. In the discharge of his duty as a policeman, from all I can gather.

Mr. FINDLAY. Still we are not pensioning him for that, and it is not perhaps important.

Mr. TAULBEE. Oh, no; we are pensioning him under our system of pensions because he gave to his country's cause one of the grandest, noblest tributes that a father could pay to the country to which he felt patriotic and devoted.

Mr. LONG. At what date was he shot?

Mr. TAULBEE. The date is not given.

Mr. LONG. Was it before or after the death of his son?

Mr. TAULBEE. It was some time in the year 1864, but whether prior to the death of his son or not is only a surmise.

Mr. CUTCHEON. I would like to ask the gentleman another question.

Mr. TAULBEE. Yes, sir.

Mr. CUTCHEON. Whether he could state if it was the habit to capture men—that is, on the part of the confederacy—to capture men who had not the insignia of service; in other words, did they capture civilians?

Mr. TAULBEE. I do not know, of course, about that.

Mr. CUTCHEON. But is it probable?

Mr. TAULBEE. I think not. I yield the remainder of my time to the chairman of the committee [Mr. MATSON].

The SPEAKER *pro tempore*. The gentleman has twelve minutes remaining.

Mr. LONG. Let me ask the gentleman another question. The son died, as shown by the records, July 21, 1864. Now, is the gentleman able to state whether before or after that time the father was shot through the body?

Mr. TAULBEE. Well, he was shot some time in 1864, but whether it was before or after, I do not know. He had to quit his occupation in 1859 on account of inability to perform manual labor.

Mr. LONG. The relevancy of the question is that it might show the father's dependence upon the son more fully if he was shot before his son's death.

Mr. MATSON. Mr. Speaker, on behalf of the gentleman from Kentucky [Mr. WILLIS] who introduced the bill—and who is now present, I did not think he was at the time I rose—at his request I will ask that this matter be postponed to be called up hereafter. There are some strong reasons for this that are unnecessary to take the time of the House to state just now.

Mr. WILLIS. I would request my colleague [Mr. TAULBEE] to let this matter go over for three or four days. I believe the object he and I have in view will be accomplished by compliance with this request. The facts are quite voluminous. He has stated them at great length, and I think it is due to the House that these facts should be examined by the House before further action is taken.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. MATSON] moves that the further consideration of this bill be postponed.

Mr. WILLIS. I ask my colleague in the interest of the bill to let it go over for three days.

Mr. TAULBEE. This request is a little unexpected by me from, the fact that the understanding with my colleague was that this matter should be brought up for consideration this morning.

Mr. WILLIS. That is true.

Mr. TAULBEE. I have no interest in this case beyond my desire to see justice done to a worthy claimant and to the military record of a man who gave his life for the liberties we all enjoy. I am at a lost to know what to do; but this claimant being a constituent of my colleague and without due time to deliberate as to what would be the best to do, under those circumstances I shall certainly agree to his request; but it is with some reluctance I do it.

Mr. ANDERSON, of Kansas. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ANDERSON, of Kansas. As I understand, the request is made by the chairman of the Committee on Invalid Pensions——

Mr. BLAND. I rise to a question of order. Gentlemen who remain in their seats can not understand what is going on, on account of the confusion made by the gentlemen standing around in the aisles.

Mr. HENDERSON, of Iowa. I hope the gentleman from Kentucky will not agree to this proposed postponement. The session draws near to its close. We are familiar with every fact in the case, and I think it is due to these questions before the House that we go on and dispose of them.

Mr. ANDERSON, of Kansas. I rose to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ANDERSON, of Kansas. My inquiry is, whether when the President has vetoed a bill, when that bill has been sent to the proper committee, when that proper committee by its action has directed a given member to call it up and present it to the House, when in accordance with that action the member has called it up and presented it to the House and it has been discussed—under those circumstances my inquiry is, whether it is competent for any gentleman to deprive the House of its constitutional right to pass upon the veto of the President. Can it be done except by unanimous consent?

The SPEAKER *pro tempore*. The Chair will respond to the inquiry of the gentleman from Kansas by stating that this bill was called up by the gentleman from Kentucky [Mr. TAULBEE], who is a member of the Committee on Invalid Pensions, and it was a privileged question. But this House by a majority can postpone the further consideration of the bill if it desires to do so.

Mr. ANDERSON, of Kansas. I submit that when the bill has been brought before the House it can not be withdrawn except by unanimous consent.

The SPEAKER *pro tempore*. It is in possession of the House, and the House can postpose the further consideration of it.

Mr. ANDERSON, of Kansas. That is right.

Mr. HENDERSON, of Iowa. On the motion to postpone I demand the yeas and nays.

Mr. WILLIS. I hope my friend will not insist upon the yeas and nays. What we ask is that the further consideration shall be postponed until Friday.

Mr. JACKSON. A statement of the case having been made on one side, it is entirely fair that those who do not agree with that side of the case should have an opportunity to be heard.

Mr. HEPBURN. I desire to make a parliamentary inquiry. If there is a postponement, will not that involve a change of the rule which requires more than a majority vote?

The SPEAKER *pro tempore*. The Chair thinks not.

Mr. BAYNE. I wish to suggest to the gentleman from Kentucky [Mr. WILLIS]—— [Cries of "Regular order!"]

Mr. HENDERSON, of Iowa. I have requested the yeas and nays.

The SPEAKER *pro tempore*. The question is not debatable.

Mr. BAYNE. The gentleman from Kentucky [Mr. WILLIS] has stated——

Mr. MORRISON. I call for the regular order.

The SPEAKER *pro tempore*. The motion made by the gentleman from Indiana [Mr. MATSON] is not debatable. The question is on that motion, and upon that question the yeas and nays have been demanded.

Mr. CONGER. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. CONGER. If the motion made by the gentleman from Indiana to postpone the consideration of this bill is carried will it not lose its privilege?

The SPEAKER *pro tempore*. It will not.

Mr. SPRINGER. I hope gentlemen will not ask for the yeas and nays on this question. It will only take up time unnecessarily. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. Does the gentleman insist on his demand for the yeas and nays?

Mr. ANDERSON, of Kansas. I insist on the yeas and nays.

The SPEAKER *pro tempore*. The gentleman from Indiana moves that the further consideration of the bill be postponed to be called up hereafter at any time; and on that question the gentleman from Kansas asks the yeas and nays.

Mr. MATSON. My motion is that the further consideration of the bill be postponed till Friday next.

Mr. BAYNE. I want to meet this issue fairly and immediately.

Mr. RYAN. Let us meet it now.

The SPEAKER here resumed the chair, and having requested members to take their seats, said: The question is on the motion of the gentleman from Indiana [Mr. MATSON] to postpone the further consideration of this subject till next Friday. On that question the gentleman from Iowa [Mr. HENDERSON] demands the yeas and nays.

Mr. WILLIS. I hope the gentleman will not insist on that.

Mr. CUTCHEON. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CUTCHEON. If the motion to postpone till Friday shall prevail would this matter come up then without any further motion?

The SPEAKER. It would. It is a privileged matter at any time.

The yeas and nays were ordered.

The question was taken; and there were—yeas 117, nays 113, not voting 93; as follows:

YEAS—117.

Allen, J. M.	Dougherty,	Jones, J. T.	Seymour,
Anderson, C. M.	Eden,	King,	Singleton,
Barksdale,	Eldredge,	Laffoon,	Skinner,
Barnes,	Ellsberry,	Lanham,	Sowden,
Beach,	Findlay,	Lawler,	Springer,
Belmont,	Fisher,	Lore,	Stewart, Charles
Bennett,	Foran,	Lowry,	St. Martin,
Bland,	Ford,	Martin,	Stone, W. J., Ky.
Blount,	Forney,	Matson,	Stone, W. J., Mo.
Boyle,	Gay,	McAdoo,	Tarsney,
Bragg,	Geddes,	McCreary,	Tillman,
Breckinridge, C. R.	Gibson, Eustace	McMillin,	Townshend,
Breckinridge, WCP.	Glass,	McRae,	Turner,
Burnes,	Green, W. J.	Mitchell,	Van Eaton.
Cabell,	Hale,	Morgan,	Viele.
Caldwell,	Hall,	Morrison,	Wallace,
Campbell, J. E.	Halsell,	Neal,	Ward, T. B.
Candler,	Hammond,	Neece,	Warner, A. J.
Catchings,	Hatch,	Oates,	Weaver, J. B.
Clardy,	Henderson, J. S.	O'Ferrall,	Wellborn,
Cobb,	Herbert,	Outhwaite,	Wheeler,
Compton,	Hewitt,	Peel,	Wilkins,
Cowles,	Hill,	Perry,	Willis,
Cox,	Holman,	Randall,	Wilson,
Croxton,	Howard,	Reagan,	Winans,
Culberson,	Hudd,	Reid, J. W.	Wise,
Curtin,	Hutton,	Richardson,	Worthington.
Dargan,	Irion,	Robertson,	
Dibble,	Johnston, T. D.	Sadler,	
Dockery,	Jones, J. H.	Sayers,	

NAYS—113.

Allen, C. H.	Fuller,	Long,	Ryan,
Anderson, J. A.	Funston,	Louttit,	Scranton,
Atkinson,	Gallinger,	Lyman	Seney,
Baker,	Gilfillan,	Markham,	Spooner,
Bayne,	Grosvenor,	McComas,	Stephenson,
Bingham,	Grout,	McKenna,	Strait,
Bound,	Guenther,	McKinley,	Struble,
Browne, T. M.	Harmer,	Millard,	Swinburne,
Brown, C. E.	Hayden,	Milliken,	Symes,
Brown, W. W.	Haynes,	Moffatt,	Taulbee,
Buck,	Henderson, D. B.	Morrill,	Taylor, I. H.
Bunnell,	Henderson, T. J.	Morrow,	Taylor, Zach.
Burleigh,	Hepburn,	Negley,	Thomas, O. B.
Burrows,	Hermann,	O'Donnell,	Thompson,
Butterworth,	Hiestand,	O'Hara,	Van Schaick,
Campbell, J. M.	Hires,	O'Neill, Charles	Wade,
Cannon,	Hitt,	Osborne,	Wadsworth,
Caswell,	Holmes,	Payne,	Wakefield,
Conger,	Jackson,	Payson,	Warner, William
Cooper,	Johnson, F. A.	Perkins,	Weaver, A. J.
Cutcheon,	Johnston, J. T.	Peters,	Weber,
Dingley,	Kelley,	Pettibone,	West,
Dorsey,	Ketcham,	Pirce,	White, A. C.
Dunham,	Kleiner,	Plumb,	White, Milo
Ely,	La Follette,	Price,	Wolford,
Evans,	Laird,	Ranney,	Woodburn.
Everhart,	Libbey,	Rice,	
Farquhar,	Lindsley,	Romeis,	
Frederick,	Little,	Rowell,	

NOT VOTING—93.

Adams, G. E.	Clements,	Gibson, C. H.	Mahoney,
Adams, J. J.	Cole,	Glover,	Maybury,
Aiken,	Collins,	Goff,	Merriman,
Arnot,	Comstock,	Green, R. S.	Miller,
Ballentine,	Crain,	Hanback,	Mills,
Barbour,	Crisp,	Harris,	Muller,
Barry,	Daniel,	Heard,	Murphy,
Blanchard,	Davenport,	Hemphill,	Nelson,
Bliss,	Davidson, A. C.	Henley,	Norwood,
Boutelle,	Davidson, R. H. M.	Hiscock,	O'Neill, J. J.
Brady,	Davis,	Hopkins,	Owen,
Brumm,	Dawson,	Houk,	Parker,
Buchanan,	Dowdney,	James,	Phelps,
Bynum,	Dunn,	Landes,	Pidcock,
Campbell, Felix	Ermentrout,	Le Fevre,	Pindar,
Campbell, T. J.	Felton,	Lehlbach,	Reed, T. B.
Carleton,	Fleeger,	Lovering,	Reese,
Riggs,	Smalls,	Storm,	Tucker,
Rockwell,	Snyder,	Swope,	Wait,
Rogers,	Spriggs,	Taylor, E. B.	Ward, J. H.
Sawyer,	Stahlnecker,	Taylor, J. M.	Whiting.
Scott,	Steele,	Thomas, J. R.	
Sessions,	Stewart, J. W.	Throckmorton,	
Shaw,	Stone, E. F.	Trigg,	

So the motion to postpone was agreed to.

Mr. BOUTELLE. Mr. Speaker, I was about entering from the corridor when my name was called, but I was unable to get through the doorway in time. I do not know whether under the rules I am entitled to vote.

The SPEAKER. The gentleman from Maine [Mr. BOUTELLE] states that he was in the corridor and about entering the Hall when his name was called, and he asks leave to vote.

A MEMBER. What is the rule?

The SPEAKER. The rule is that a gentleman must answer to his name on either the first or the second roll-call, but that rule has been relaxed in the practice of the House so as to permit gentlemen to vote when they state that they were in the Hall but failed to hear their names called.

Mr. BOUTELLE. I presume, Mr. Speaker, that if I had rushed through the doorway I might have got into the Hall in time to justify me in making that statement.

Mr. RANDALL. The rule had better be executed.

Several MEMBERS. Regular order.

Mr. BOUTELLE. If permitted to vote, Mr. Speaker, I should have recorded my vote in the negative.

Mr. BARKSDALE. Mr. Speaker, I was in the Hall during the roll-call, but did not hear my name. I desire to vote.

The SPEAKER. The gentleman from Mississippi states that he was in the Hall during the roll-call, but did not hear his name called, and that he now desires to vote. Is there objection?

There was no objection.

Mr. BARKSDALE. I vote ay.

Mr. WARNER, of Ohio. Mr. Speaker, I ask unanimous consent that the reading of the names of members voting be dispensed with.

Several members objected.

Mr. CAMPBELL, of Ohio. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CAMPBELL, of Ohio. If this bill is postponed now, will it come up as a matter of privilege on Friday?

The SPEAKER. The Chair has already stated that it will.

Mr. CAMPBELL, of Ohio. Then I wish to change my vote from no to ay.

The following-named members were announced as paired until further notice:

Mr. TUCKER with Mr. STEWART, of Vermont.
Mr. BALLENTINE with Mr. GOFF.
Mr. RIGGS with Mr. WHITNEY.
Mr. SPRIGGS with Mr. OWEN.
Mr. HEMPHILL with Mr. DAVENPORT.
Mr. COLE with Mr. BRADY.
Mr. LANDES with Mr. HANBACK.
Mr. HEARD with Mr. ADAMS, of Illinois.
Mr. CLEMENTS with Mr. BUNNELL.
Mr. ARNOT with Mr. THOMAS, of Illinois.
Mr. SCOTT with Mr. WAIT.
Mr. HARRIS with Mr. PHELPS.
Mr. MURPHY with Mr. STONE, of Massachusetts.
Mr. REESE with Mr. FLEEGER.
Mr. LE FEVRE with Mr. BUTTERWORTH.
Mr. LOVERING with Mr. DAVIS.
Mr. WARD, of Illinois, with Mr. HOUK.
Mr. ROGERS with Mr. EZRA B. TAYLOR, for the remainder of the session.
Mr. BARBOUR with Mr. LIBBEY.
Mr. MILLS with Mr. HISCOCK, until July 9.

The following-named members were announced as paired for this day:

Mr. DAVIDSON, of Florida, with Mr. HOPKINS.
Mr. SHAW with Mr. JAMES.
Mr. ADAMS, of New York, with Mr. BUCHANAN.
Mr. MILLER with Mr. LEHLBACH.
Mr. THROCKMORTON with Mr. BURLEIGH.
Mr. SWOPE with Mr. PARKER.
Mr. JOHN M. TAYLOR with Mr. NELSON.
Mr. MULLER with Mr. STEELE.
Mr. GREEN, of New Jersey, with Mr. REED, of Maine.
Mr. SNYDER with Mr. ROCKWELL.

Mr. ADAMS, of Illinois. Mr. Speaker, I have heard my name read as paired with Mr. HEARD. I was not informed that I had been paired, and therefore I have voted.

The SPEAKER. The Clerk advises the Chair that the pair reads "until further notice," and that no notice has been given of its termination.

Mr. ADAMS, of Illinois. But I never was informed of the pair at

all. However, in courtesy to the gentleman from Missouri [Mr. HEARD] I will withdraw my vote, provided it makes no difference in the result.

The SPEAKER. It will make no difference.

Mr. ADAMS, of Illinois. Then I withdraw my vote.

The result of the vote was then announced as above recorded.

DANIEL J. BINGMAN.

Mr. BURROWS. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution which I send to the desk.

Mr. BURNES. Regular order.

The SPEAKER. The Chair will state that the resolution which the gentleman from Michigan desires to offer relates to a bill which has passed both the House and the Senate, granting a pension to a certain claimant who has since had his pension granted in the Pension Office. The gentleman from Michigan therefore desires to withdraw the bill from the President.

Mr. BURROWS. The pension has not been granted, Mr. Speaker, but the ground on which it was previously rejected by the Pension Office has been reconsidered by the office and declared to be without foundation. I therefore desire to have the bill suspended until the Pension Office shall have acted on the case, and this is the last day when I can have that done.

The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the President be respectfully requested to return to the House of Representatives the bill of the House 3501, granting a pension to Daniel J. Bingman.

The resolution was adopted.

LEGAL REPRESENTATIVES OF JOHN M. ROBESON.

Mr. RICHARDSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 209) for the relief of the legal representatives of John M. Robeson, deceased, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment to the bill of the Senate.

JAMES D. RICHARDSON,
J. LYMAN,
Managers on the part of the House.

JOHN H. MITCHELL,
GEO. GRAY,
Managers on the part of the Senate.

The following statement accompanying the report of the committee of conference was read:

The claimant in this case, John M. Robeson, now deceased, was the owner of a foundry in Independence, Mo., during the late war between the States. His foundry was taken possession of by the United States Army in the year 1862, and the same was used in this way for some months. The claimant asks for $18,220 for his property taken and used by the Army, and some of which was destroyed. The Senate found that the property of claimant so taken and used amounted in value to $1,000, which was made up of three items, as follows: 5 tons of wrought iron, $500; 3 sets of smiths' tools, $300, and seasoned lumber, $200; total, $1,000. The bill, having passed the Senate, was pending in the House, and was amended by striking out the amounts allowed in the two items, smiths' tools $300 and seasoned lumber $200, making $500, and the bill as passed by the House only allowed $500 for the wrought iron. The conferees on the part of the House are of opinion that claimant should be allowed compensation for the items of smiths' tools and seasoned lumber, amounting to $500, and they therefore have recommended that the House should recede from its amendment, being satisfied all of said property thus allowed for was taken and used by the Army.

JAMES D. RICHARDSON,
J. LYMAN,
Managers on the part of the House.

The report of the committee of conference was agreed to.

Mr. RICHARDSON moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EULOGIES ON HON. MICHAEL HAHN.

Mr. BURNES. I rise to move to dispense with the morning hour for the call of committees, but I yield for a moment to my friend from Louisiana [Mr. WALLACE], who wishes to submit a matter relating to a deceased member.

Mr. WALLACE. I ask unanimous consent to introduce for present consideration a joint resolution, to which, I think, when the Clerk has read it, there will be objection.

The Clerk read as follows:

Joint resolution providing for printing the eulogies delivered in Congress upon the late Michael Hahn, a Representative in the Forty-ninth Congress from the State of Louisiana.

Resolved by the Senate and House of Representatives, &c., That there be printed of the eulogies delivered in Congress upon the late Michael Hahn, a Representative in the Forty-ninth Congress from the State of Louisiana, 12,500 copies; of which 3,000 copies shall be for the use of the Senate and 9,500 for the use of the House of Representatives. And the Secretary of the Treasury be, and he is hereby, directed to have printed a portrait of the said Michael Hahn to accompany said eulogies; and for the purpose of engraving and printing said portrait the sum of $500, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

There being no objection, the joint resolution (H. Res. 199) was read twice, and ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. WALLACE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BROWN, of Pennsylvania. I ask permission to make a report.

The SPEAKER. The gentleman from Missouri has moved to dispense with the morning hour.

The regular order was demanded.

The question being taken on the motion of Mr. BURNES, there were—ayes 102, noes 19.

Mr. BROWN, of Pennsylvania. I make the point that no quorum has voted.

Several MEMBERS (to Mr. BROWN, of Pennsylvania). Withdraw the point.

Mr. BROWN, of Pennsylvania. All I ask is to make a report. It will not take a minute.

The tellers were ordered; and Mr. BURNES and Mr. BROWN of Pennsylvania were appointed.

The House again divided; and the tellers reported—ayes 145, nays 21.

So (two-thirds having voted in favor thereof) the motion of Mr. BURNES was agreed to.

DEFICIENCY APPROPRIATION BILL.

Mr. BURNES. I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the purpose of resuming the consideration of the general deficiency bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, and resumed the consideration of the bill (H. R. 9726) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1886, and for prior years, and for other purposes.

The pending question was upon the following amendment, submitted yesterday by Mr. BUTTERWORTH:

At the end of line 45, page 110 of the bill, insert the following:

"To pay the Magnolia Fire and Marine Insurance Company, of Cincinnati, Ohio, $5,333.33; to the City Insurance Company, of Cincinnati, Ohio, $3,000; to the American Insurance Company, of Cincinnati, Ohio, $5,744.52; to the National Insurance Company, of Cincinnati, Ohio, $3,000; to the Central Insurance Company, of Cincinnati, Ohio, $3,000; to the Eureka Fire and Marine Insurance Company, of Cincinnati, Ohio, $4,574.19; to the Citizens' Insurance Company, of Cincinnati, Ohio, $1,744.52; to the American Insurance Company, of Cincinnati, Ohio, $1,744.52; to the Magnolia Fire and Marine Insurance Company, of Cincinnati, Ohio, $2,287.10; to the City Insurance Company, of Cincinnati, Ohio, $287.10; to the American Insurance Company, of Cincinnati, Ohio, $4,667."

The CHAIRMAN. On the amendment submitted yesterday by the gentleman from Ohio [Mr. BUTTERWORTH] a point of order was reserved by the gentleman in charge of the bill [Mr. BURNES].

Mr. BUTTERWORTH. Mr. Chairman, when this amendment was offered last evening, just before the Committee of the Whole rose, my friend from Missouri reserved a point of order against the amendment. I do not know whether he did so from force of habit or whether he was serious. If he insists on the point of order, I would be glad to hear upon what it is based.

Mr. BURNES. Mr. Chairman, I am not aware of any law authorizing this amendment, unless we go back to some principle of the common law and by argument conclude that the provision is thereby authorized. If the gentleman from Ohio is aware of the law upon which this proposed appropriation is based he can readily present it; and when he shall have submitted it, I will allow the Chair to pass upon it without any further argument.

Mr. BLOUNT. Before the gentleman from Missouri takes his seat, I wish to ask him whether the present Comptroller has not rejected these accounts?

Mr. BURNES. Yes, sir.

Mr. BLOUNT. This bill, as I understand, provides simply for judgments and audited accounts, not for controverted claims.

Mr. BUTTERWORTH. I did not hear what the gentleman from Georgia said.

Mr. BLOUNT. I asked whether it was not true that the present Comptroller has examined these accounts and determined against them?

Mr. BUTTERWORTH. Yes; that is true.

Mr. BLOUNT. Is it not also true that in this bill simply judgments and audited accounts are paid, not claims, so that on this bill the amendment is not in order?

Mr. BUTTERWORTH. I will state to my friend that these claims were heretofore examined, audited, and reported for payment, and a part of them was paid by the last Congress. But without authority and without jurisdiction some of them were returned to the present Comptroller, who proceeded to re-examine them and reports against their payment.

Mr. BLOUNT. How are we to determine the matter? Does the gentleman want us to assume that the Comptroller was not doing his duty in examining the accounts? I take it the presumption is the other way.

Mr. BUTTERWORTH. I assume that by an examination of the law we are to judge for ourselves whether the House has jurisdiction to do what it is asked to do in this case.

Now, in answer to my friend from Missouri I will say that these are claims of several insurance companies which were audited and a part of which was paid by the last Congress. I have heretofore brought them to the attention of the Committee on Appropriations, who I presume are familiar with them. They were reported in the Book of Estimates to the Forty-eighth Congress; and a portion of them having been paid, these come over to this Congress, with an adverse finding I admit, by the Comptroller. I can not conceive that the amendment is subject to any point of order.

The CHAIRMAN. The gentleman must understand the Chair knows nothing about this matter whatever.

Mr. BUTTERWORTH. I will say, Mr. Chairman, that under a provision of law, the statute of 1849, revised and re-enacted 1864, it was provided that all horses and other property, including steamboats, which should be taken and used by the Government, by impressment or charter in cases when the property should be lost or destroyed while in the service of the United States should be paid for at its value.

It was the act of March 3, 1849, as amended by the act of March 3, 1863; and it now appears as section 3483 of the Revised Statutes.

During the years 1863–'64 certain steamboats belonging to citizens of Cincinnati and that locality were impressed into the service of the United States. They were lost in the service, not destroyed by the enemy, but lost by accident while plying on the waters of the Ohio and Mississippi, either burned while in the service or sunk on snags in the river.

Claims were presented to the Quartermaster's Department, the proper department of the Government, and under statute authorizing investigation and determination of amounts due to such claimants, and the amounts due to these several parties were ascertained. The amounts were paid less the insurance which the claimants had received from the underwriters who had insured their boats prior to or about the time of their entering the service. These claims were adjudicated by the Auditor and Comptroller of the War Department and reported to Congress for allowance in Executive Document No. 153, I think. A part of them were paid, as will appear by reference to the appropriation bill of last Congress.

Subsequent to that time the question was again raised as to whether these claims had been properly allowed. Several points were made to the Secretary of the Treasury. (I am running over the whole case, Mr. Chairman, so you may know the whole of it.) They were again referred to the Secretary of the Treasury to be examined *de novo* by the Comptroller, the First or Second Comptroller, as the case may be. He made examination of the case and reached a different conclusion from that which had been reached by his predecessor. And while they had been reported, a large part of them, to the previous Congress and paid in part, on re-examination they were rejected.

Although they are reported in the executive document I hold in my hand, with the opinion of the Comptroller that they should not be paid, I do not understand, Mr. Chairman, it is necessary a report should be favorable in order to give this House jurisdiction to act on them. Under a resolution of this Congress all these claims were reported to this House, all of them. In the executive document which I have in my hand is found also the adverse report of the Comptroller now in charge of this class of claims. Of course the fact that they have been reported adversely upon does not take away the jurisdiction of this House. This is a deficiency bill because there was no money heretofore appropriated to pay these audited and approved claims. These claims against the Government were adjudicated by a tribunal expressly charged with the performance of that duty. They were allowed and paid in part, but there was not a sufficient sum to pay them all. Hence they are reported again to be provided for in the deficiency bill.

One word touching this review of these claims by the present Comptroller. I may as well, if the Chair pleases, refer to it now. It is this: So far as this review is concerned these cases were *res adjudicata*. The statute in express terms so provides. In referring them again to the Comptroller the Secretary of the Treasury acted without jurisdiction. The statute in plain terms forbids him from exercising any such jurisdiction with reference to this class of claims. The statute points out the manner of review—by whom it may be ordered—and the language is too clear to be misapprehended.

In other words, the claims in question might have been reviewed on the suggestion of the Secretary of War under the plain language of the statute, but not at the request or order of the Secretary of the Treasury; and the statute is too plain in that behalf for any man familiar with legal construction to entertain a doubt. That question was expressly raised, and the Attorney-General had distinctly decided, as has also the Court of Claims, that these cases were *res adjudicata*. I do not mean these particular cases now in controversy, but cases on all fours with them, and that there could be no review except upon the request of the head of the Department under the administration of which these claims originated and were audited and settled, in this case by the Secretary of War.

I only refer to this to show that these claims have been reviewed without authority of law, and this report of the Comptroller cuts no more figure here than would the report or opinion of any other able gentleman competent to advise Congress in any behalf. That Congress has the reviewing power I do not question; but that the Secretary of the Treasury had the right to review or to direct the review is settled by the very language of the statute itself, a few lines of which I desire to read to the Chair. I do not know that in the decision of the question of order it will cut any figure, but if it does I would like it to be before the Chair.

Now, as I have stated, if the Chair pleases, these claims covered by the amendment were reviewed and an adverse report rendered, but without authority as I insist; and under the language of the statute itself they are *res adjudicata*, the statute providing that the question of the liability of the Government in such case shall not be raised by a head of an Executive Department, but that they may review the case in the manner pointed out in the statute, beyond which there is no review except by Congress or by the courts. Without doubt we are a law unto ourselves, and often abuse our privilege, I may add.

Touching this power of the Secretary of the Treasury to review the adjudications of the class of claims covered by my amendment, I wish to read from the Opinions of the Attorney-General, on page 17 of this document, which I hold in my hand:

> Accordingly, in so far as section 191 applies to the heads of Departments, the legal effect produced thereby is simply this: It prohibits the Secretary of the Treasury from changing or modifying the balances appearing upon the certificates of the First Comptroller and Commissioner of Customs, whereof copies have been transmitted to him by the Register; it prohibits the Secretary of War, from changing or modifying the balances certified to him by the Second Comptroller, and so with respect to other heads of Departments to whom balances may be certified by the Comptroller.
>
> But it authorizes the Secretary of the Treasury, where balances are certified by the First Comptroller and Commissioner, upon the transmission of copies of the certificates to him of the Register, and before issuing a warrant for any of such balances, to submit any facts in his judgment affecting the correctness of the balance to the Comptroller or the Commissioner, as the case may be, and the decision of the Comptroller or Commissioner thereon is to be final and conclusive as far as the executive branch of the Government is concerned. So where a balance is certified by the Second Comptroller to the Secretary of War, it authorizes the latter, before issuing a requisition for such balance, to submit any facts which, in his judgment, affect the correctness of the balance to the Second Comptroller, whose decision thereon is, in like manner, to be final and conclusive. And so with the other heads of Departments.

And it says the same thing with reference to the Secretary of War, that it was competent for him to direct that the review or re-examination which has been transmitted to the House should be made, but it was not competent for the Secretary of the Treasury to do that thing. Hence this——

Mr. BURNES. May I interrupt my colleague for a moment?

Mr. BUTTERWORTH. Certainly.

Mr. BURNES. The gentleman from Ohio, my colleague on the committee, has alluded to the decisions of the Auditor and Comptroller, and has declared that the adjudication of these cases is in the nature of a final settlement. In other words, that they were *res adjudicata*. Now, if that be a true proposition I wish to call the gentleman's attention, because I do not want to be unfair to him, to the fact that the Auditor and the Comptroller in 1866 and 1867 considered these claims and decided against them; and the claimants slept on these decisions for years and years. Their successors did not consider that a thing adjudicated; and so they took up the cases again and had them allowed under a new decision notwithstanding this previous adjudication. Then, under the statute, the Secretary of the Treasury was appealed to, and he had the authority to authorize the Second Comptroller to re-investigate the second allowance after the first defeat; and upon that order of the Secretary of the Treasury the re-examination was had and the claims were decided adversely. So they have been decided against twice; once in 1866, and again in 1886.

Mr. BUTTERWORTH. The first controversy grew out of the relation of the assured to the insurance companies, and the examination resulted in the finding which I claim to be final, a finding which was directed by an officer having jurisdiction to order the adjudication and review, and not by an officer not having jurisdiction in that behalf. The difference is, as I maintain, that in one case the proceeding was carried forward in accordance with authority of law and the finding made on that authority; whereas in the other case it was an adjudication without any authority whatever.

Now, in 1866, if my friend had investigated the matter, he would have ascertained that there was a question as to how far the Government might be liable, or how far the owners might claim as against the Government. I speak now of a fact *dehors* the record, but pertinent in this connection.

In view of the fact that the losses were covered in large part by insurance, this is an attempt on the part of the insurance companies to be subrogated, as under the law, with which you are all familiar, they had a right to be subrogated to the rights of the assured, and recover from the Government that which the owners might have recovered had there been no insurance at all.

In other words, where the owner of a boat was insured to the amount of $10,000 and his boat was worth $20,000 he recovered of the Government $10,000 and recovered of the insurance company $10,000. Then the insurance company having a right to be subrogated to all the rights of the insured, and the Government having stipulated to pay the value of that boat if it should be lost on the river, the insurance company asks the Government to keep its promise and pay to the insurance company,

that company having been subrogated to the rights of the insured, just as it would have had to pay to the owner of the boat if there had been no insurance whatever.

These claims grew out of that, and are simply an attempt on the part of several insurance companies of Cincinnati and other places to be subrogated to the right of the insured, a right as old as any other principle known in the administration of public justice under a system of jurisprudence which has any savor of equity in it. In other words, there rested on the Government an obligation to pay the value of these boats if lost. To whom they paid it was of no consequence to the Government, so that it owed the debt and the parties who sustained the loss appeared as claimants, whether as insurance companies or as the owners of the boat. The question as to whom the payment should be made was of no consequence to the Government, which stipulated to pay the value of the boat in case it was lost.

On the point of order I do not go into the merits of the question.

Mr. BURNES. I desire to call the attention of the Chair to a point which I regard as absolutely sufficient to justify sustaining the point of order. The law under which claims like this come to the House of Representatives reads as follows:

And the Secretary of the Treasury shall report the amount due each claimant at the commencement of each session to the Speaker of the House of Representatives, who shall lay the claim before Congress for consideration.

I submit that although under the former so-called adjudication these claims were sent to a preceding Congress, they have not been sent, as the law requires, to this Congress, because they came here with an adverse report and are not sent here with a recommendation of their payment. They are not then before the Forty-ninth Congress under the requirements of the law that governs in this matter.

Mr. BUTTERWORTH. I will ask my colleague from Missouri if he is aware these claims were sent here in response to a request of this House? That is the way they came. I have the resolution here.

Mr. BURNES. They came in the general report from the Treasury Department.

Mr. BUTTERWORTH. This came here in response to the request of this House under a resolution which I hold in my hand.

Mr. LONG. How is it of any consequence how this matter comes before the House? Even if it comes in the form of an amendment introduced by the gentleman from Ohio [Mr. BUTTERWORTH], the simple question on which the point of order turns is whether there is any law authorizing the payment of these claims. That law will be found in the section of the statutes which I presume the Chair has before him, section 3483, which provides for the payment of this class of losses.

Mr. HOLMAN. I think very likely the Chair sees the exact point involved, but if the Chair has had no occasion to examine the subject before, it may be the real question presented may not at once appear. The Chair, I believe, has before him the statute under which this claim is set out. It is epitomized in this language by the Second Comptroller:

In the case of the loss or destruction of a vessel the statute creates a liability on the part of the Government in two classes of cases, first, where the vessel is captured or destroyed by an enemy, or is abandoned or destroyed by the order of the commanding general or other proper military authority, while the property is in the military service, either by impressment or contract; secondly, where the vessel is lost or destroyed by unavoidable accident while in the service.

These vessels, to the extent the owner was interested in them, were the subject of the claim paid by the Government, and I presume the fact was the Government deducted the amount covered by insurance.

Mr. BUTTERWORTH. That is true.

Mr. HOLMAN. And the question before the Second Comptroller and before Congress has been whether the insuring party was entitled to be subrogated to the rights of the owner of the vessel. The Chair observes the fact that in the report which comes to us in answer to the resolution which has been referred to it appears the subject had undergone a full investigation. It would be tedious to go over the opinions in detail, but I will present two or three points to show the exact state of the case.

It appears that some of them—

Standing on the same footing—

which were probably regarded as test cases, were first brought before the Auditor and Second Comptroller in 1866 and 1867, and a decision was then made by the Auditor and the Comptroller in the case of the Eureka Fire Insurance Company—

One of the parties before the Comptroller—

for loss sustained by the destruction of the steamer Champion, disallowing the claims. An able and elaborate opinion was filed by the Second Comptroller December 14, 1866, in which he reached the general conclusion that insurance companies which had paid losses upon steamboats destroyed while in the military service, by impressment or contract, had no lawful claim against the Government for reimbursement on account of such payments.

This decision was delivered in 1866. It seems to have been final; but during the last Congress the following appears to have occurred:

For some reason, which the papers on file in the cases that I have examined do not disclose, these claims were subsequently taken up by the accounting officers, their former decision overruled, and allowances made aggregating $94,873.61.

This occurred in the last Congress, and Congress declined to allow the amount. Then the report proceeds to say:

The Secretary of the Treasury has caused all the certificates and accompanying papers to be returned to the Second Comptroller, under section 191 of the Revised Statutes, submitting to that officer facts which in his judgment affect the correctness of the certificates and the balances found due, and, pursuant to the authority conferred by that section, I have re-examined all these claims upon their merits, and reached the conclusion that the United States is not lawfully indebted to any of these claimants on account of the matters set forth in their respective claims or upon the facts proven in each case.

It concludes as follows:

If the laws are not covered by the policy, then, as we have seen in the other cases, the claimants have not brought their cases within the provisions of the act of 1849.

That is the same act which is referred to as amended in 1863 and 1864.

Mr. BUTTERWORTH. But let me remind my friend that Congress at the last session did pay $42,973 of these claims.

Mr. HOLMAN. But these claims which are now presented here were disallowed.

Mr. BURNES. Mr. Chairman, as the gentleman from Ohio [Mr. BUTTERWORTH] has said a good deal about some of these claims having been paid, allow me to say in answer, that in the documents sent to the Forty-eighth Congress there appeared, under the head of the "Allowance for horses," some of these items, intermixed with smaller ones, and they escaped the observation of the committee and were unwittingly included in the bill. It will be remembered that there was an immense number of items in that part of the bill.

Mr. HOLMAN. In any event, Mr. Chairman, it is very manifest that the attention of the House was not called to the subject, because it was never discussed either in the Committee of the Whole or in the committee from which the bill came.

Mr. BUTTERWORTH. That relates to the merits of the case, not to the point of order.

Mr. HOLMAN. Now, Mr. Chairman, I wish to lay down a single proposition. If these claims are to be regarded as deficiencies for which an appropriation should be made, it must be only upon the ground of their coming down to the House as audited claims. Certainly it can not be assumed that a claim against the Government would be entitled to be considered a deficiency unless it was either a deficiency in fact in a current appropriation or unless it approximated to that and was constructively a deficiency, in that it was certified as an allowed claim by a Department of the Government without funds to meet it. I submit that either of these two states of things must exist to entitle these claims to go into an appropriation bill as a deficiency. Now, these do not come to the House as audited claims; on the contrary, they come here as rejected claims.

I submit, therefore, that it is clear beyond all question, if any line is to be drawn between a mere claim upon the Government and a deficiency, that these fall within the class of claims which are cognizable under the rules of the House by the Committee on Claims and not within the deficiencies in the appropriations to carry on the Government, and therefore entitled to a place in this appropriation bill. In any possible view of the matter I think it must be held that these are simply claims, not deficiencies, claims resting possibly upon equity, but cognizable, as I have said, only by the Committee on Claims.

Mr. BUTTERWORTH. I wish my friend would point me to any rule of this House which draws the line of demarkation that he suggests. All the claims audited under the section of the statute to which attention has been called are deficiencies, there being no appropriation to pay them.

Mr. HOLMAN. They are deficiencies only by implication. They are assumed to be deficiencies because they are audited by a Department of the Government, and because there are no funds to pay them. That is the reason why they are treated as deficiencies. But these do not come here as audited claims; they come as rejected claims.

Mr. BLOUNT. Under the rules and practice of the House in dealing with a deficiency bill I think it will be conceded that it is not proper to place upon such a bill any matter which is a mere claim, which is not fully settled, which has not passed beyond the region of debate. It has been usual to insert in deficiency bills judgments and audited accounts; but wherever the House has gone beyond that it has done so unwittingly, in consequence of the matter not having been properly presented and discussed. Keeping this in view, what is the condition of these claims or, if you please, audited accounts? It appears that in 1866 and 1867 they were audited and rejected. It appears that subsequently—I read from the report of the Second Comptroller:

For some reason that the papers on file which I have examined do not disclose these claims are subsequently taken up by the examining officers, their former decisions overruled, and allowances made aggregating $94,873.31. The claims were reported to Congress by the former Secretary of the Treasury, but that body omitted to make any appropriation for their payment. In some of these cases the certificates are incomplete, not specifying the parties to whom the moneys are due and payable. The Secretary of the Treasury, construing section 191 (which the gentleman from Ohio regards of so much value in this matter), has caused all the certificates and accompanying papers to be returned to the Second Comptroller under section 191 of the Revised Statutes, submitting to that officer facts which in his judgment affect the correctness of the certificates and the balances found due (which the latter part of section 191 expressly provides for). Pursuant to the authority conferred by that section, I have re-examined all these claims upon their merits, and reached the conclusion that the United States is not lawfully indebted to any one of these claimants on account of the matters set forth in their respective claims or upon the facts proven in each case.

That is the attitude in which these claims stand to-day. There is the issue raised as to whether or not these claims should be paid. This being the case, it seems to me the Chair should not hesitate to say, "I will not entertain them under such circumstances." But, says the gentleman from Ohio, "under section 191 of the Revised Statutes it was not competent for the present Comptroller to review the action of his predecessors." Is that proposition correct? If so, the gentleman is not at all relieved, but is equally embarrassed by the fact that the ruling upon which he relies was a revision of a prior decision made by the accounting officers of the Treasury, a revision which he declares it was not competent for them to make. Therefore, if the gentleman's construction is correct, these accounts come here as though they were unqualifiedly condemned by all the accounting officers of the Treasury.

Now, the gentleman ventures a declaration to the Chair that he proposes later on to examine this question on the merits. That is what the rule intended the gentleman should not do—what the committee should not do. It was intended that there should be no re-examination of accounts—no questioning in this Committee of the Whole upon a deficiency bill as to whether or not there was merit in a claim.

Mr. BUTTERWORTH. Let me say to the gentleman that the authority is specially reserved to Congress (if such a thing were necessary) to review these findings.

Mr. BLOUNT. I do not speak of what may be done by Congress. There is a distinction here. Congress may review these findings; but the question is whether under the rules of the House it is permissible to review them on an appropriation bill.

Mr. BUTTERWORTH. We do that on every item we vote upon. Every item comes up on its merits.

Mr. BLOUNT. Then if the gentleman is correct the accepted practice of this House is all for naught. The gentleman's declaration is against the light of the experience we all have in this matter. The practice of this House which determines the nature of this bill is a wise one, and has always been sustained, and I trust that the present occupant of the chair, in the face of the fact that the Secretary of the Treasury has sent here the opinion of an accounting officer of the Treasury declaring that these claims have been examined and rejected on their merits under a section of the Revised Statutes will not plunge this House into a consideration of these questions. The very suggestion of the Treasury Department that the claims have been rejected ought to be enough to determine the action of the Chair in excluding this doubtful matter from consideration at all by the Committee of the Whole on a deficiency bill.

Mr. LONG. Mr. Chairman, a good deal of stress has been laid by the other side upon the statement that this is a claim. Suppose it were admitted to be a claim. If the question were before the House as to what committee the matter should be referred to, the Chair would say it should go to the Committee on Claims, not to the Committee on Appropriations. But in this particular case, even if the matter were a claim, and were offered in the form of an amendment to this deficiency bill, the only question which the Chair would ask upon the point of order would be, is there authority of law for the payment of this claim? In other words, I take the broad ground that I may present as an amendment to any general appropriation bill any claim whatever; and if there be authority of law for its payment, then under the rule the amendment is in order. Now, there is authority of law under section 3483 for the payment of losses of horses and steamers. It seems to me that is the simple question here.

Mr. SPRINGER. I desire to call the attention of the gentleman to the fact that cases of the class to which he refers are always embraced in a separate appropriation bill, are reported from the Committee on War Claims, and are not in any sense privileged, but stand exactly upon the same basis with other war claims. They are never embraced in general appropriation bills except by unanimous consent. The matters here presented are simply claims against the Government; and even if they had been audited by the Treasury Department for allowance they could not be placed upon a general appropriation bill except by unanimous consent, because it has been the universal practice to treat them as claims.

What are the matters which should be put upon general appropriation bills? The rule prescribes them very plainly; the matter is not one of doubt. Rule XI provides that—

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: Subjects relating,

* * * * * * *

3. To appropriation of the revenue for the support of the Government, as herein provided, namely: For legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications; for the District of Columbia; for pensions; and for all deficiencies: to the Committee on Appropriations.

This committee has no jurisdiction to consider any claim against the Government except such claims as relate to the ordinary expenditures and the providing of revenue for the support of the Government.

The circumstances out of which these claims arise occurred many years ago—twenty-five years ago, I understand. They are not only claims, but old and stale claims.

Mr. BUTTERWORTH. The gentleman will allow me to say that these are claims growing out of an expenditure authorized by law, because the Quartermaster-General was authorized to impress these vessels; and the statute provides that in such cases the claims shall be audited and reported to the House. These claims have pursued just that course. Having been audited, they are reported to the House.

Mr. SPRINGER. They are authorized by law, just as every war claim is a claim authorized by law.

Mr. BUTTERWORTH. Not at all.

Mr. SPRINGER. The law authorizes the military officers in the field to take possession of property and to give vouchers for it, and claims for property so taken are valid claims against the Government; they are regarded as regular and legitimate; but they have never been put upon general appropriation bills. That is the point I make. We are now considering a bill which makes appropriations for the support of the Government or to supply deficiencies where the ordinary appropriations have not been sufficient.

Mr. BUTTERWORTH. Exactly; where the ordinary appropriations fall short. In other words, this appropriation is necessary to meet obligations of the Government.

Mr. SPRINGER. But these were not expenses connected with the support of the Government in its ordinary capacity.

The CHAIRMAN. The Chair is ready to dispose of the question. [Cries of "Decision!"] The Chair thinks the amendment is out of order.

The Clerk read as follows:

For fees of clerks, United States courts, 1883 and prior years, $318.25.

Mr. BURNES. I move to insert the following amendment to cover payments the estimates for which have come in since the bill was printed.

The Clerk read as follows:

Claims allowed by the First Auditor and Commissioner of Customs:

For furniture and repairs, same for public buildings, 1883 and prior years, $76.20.

For furniture and repairs, same for public buildings, 1884, $124.26.

For salaries of keepers of light-houses, 1883 and prior years, $50.

The amendments were agreed to.

The Clerk read as follows:

For 50 per cent. of arrears of army transportation due certain land-grant railroads, 1883 and prior years, $1,331.54.

Mr. GALLINGER. I move to amend by adding after line 135, page 116, as a new paragraph, the following:

The Clerk read as follows:

For payment of claim No. 4377, and certified as due by Comptroller in Schedule A, page 22, Executive Document No. 210, in favor of the Hoboken Land Improvement Company, $15,800.

Mr. BURNES. I make the point of order that Schedule A has been considered in the Committee of the Whole and passed on. (See page 110 of the bill.)

Mr. GALLINGER. I did not hear the gentleman from Missouri.

The CHAIRMAN. He makes the point of order that this has been already considered and passed upon by the Committee of the Whole.

Mr. GALLINGER. I hope the gentleman from Missouri will not urge that point of order. This claim has special merit. It has been passed upon favorably by the last Comptroller as well as by the present Comptroller. I was absent from my place when the proposition on page 110 was passed.

I will make the further remark that in my opinion the point of order is not well taken. A claim of this kind can not be ruled out simply on a technicality that a certain schedule has been passed. It would please me better if the gentleman from Missouri would not urge a point of order of that character.

The CHAIRMAN. As it is intimated to the Chair this may come in at the close of the bill the Chair will for the present sustain the point of order.

Mr. BURNES. While I would like to accommodate my friend, if I should attempt in so plain a case to grant the favor he asks, I would be obliged to grant every request of the same kind. On page 110 this particular item was excepted and passed upon specially and particularly. Therefore a reconsideration of the action of the committee certainly can not be in order at this time.

Mr. GALLINGER. Do I understand the chairman of the committee to say my amendment may be offered hereafter?

The CHAIRMAN. The Chair was not aware at the time that this matter had already been determined on page 110, where it was specially in order. The committee having passed that portion of the bill, it, of course, is not in order to return to it now.

Mr. LONG. That only is an exception of this item which has never been considered at all, but on the contrary has been specially excepted from the bill.

The CHAIRMAN. It would have been in order at that place and time to have stricken out that exception. As that part of the bill has been passed it is not in order, if objected to, now to return to it.

Mr. LONG. That would have been true if this had not been specially excepted by the terms of the bill itself.

The CHAIRMAN. The Chair sustains the point of order on the ground that that portion of the bill has been considered and passed.

The Clerk read as follows:

CLAIMS ALLOWED BY THE SIXTH AUDITOR.

For compensation of postmasters readjusted under act of March 3, 1883, payable from deficiency in postal revenues, 1883 and prior years, $39,674.07.

Mr. BURNES. I move to strike out that paragraph.

The motion was agreed to.

The Clerk read as follows:

To pay Chauncey C. Morse, mail-contractor, for amount of transportation from April 1 to June 30, 1882, route numbered 28337, Missouri, $23.25. .

Mr. WINANS. I move, after line 198, to insert the following:

The Clerk read as follows:

To pay Flint and Pere Marquette Railroad Company, for additional transportation, per order of Postmaster-General, No. 621, $14,394.68.

Mr. BURNES. I raise on that amendment the same point of order decided a while ago, that this item has been already passed upon by the Committee of the Whole House on the state of the Union.

Mr. WINANS. I think this matter has not been considered at all, but excepted from consideration. I know of no good reason why it should be excepted. It is a deficiency submitted by the Comptroller. Others in the same category have been paid. What good reason there should be for its exception does not appear.

There seems to have been no consideration of this matter; and, therefore, I think the point of order is not good.

This, Mr. Chairman, provides for additional transportation, which arises out of the law of Congress passed in 1876, authorizing or directing the Postmaster-General to reduce the compensation for transportation of the mails.

In a suit that was brought by the Chicago and Northwestern Railway Company (United States Reports, 104, page 680), it was held by the Supreme Court that this railroad company is entitled to recover the contract price. These were land-grant companies—and it was held that a contract for carrying the mails, a specific contract, entitled them to have the full contract price.

Mr. HOLMAN. By whom was that held?

Mr. WINANS. It was held in this opinion, delivered in the case of the Chicago and Northwestern Railway Company against The United States.

Mr. HOLMAN. In the Court of Claims?

Mr. WINANS. Yes, sir, originally; but sustained, on an appeal from the Court of Claims to the Supreme Court; and the Supreme Court held that the company was entitled to recover the contract price for the service.

Now, this additional transportation, which is had under that decision, comes to us in the shape of a deficiency estimate by the Sixth Auditor, as will be seen by an examination of page 275 of the Book of Estimates. I can see, therefore, no good reason why the claim should not be paid, nor can I see any reason why it should not be provided for in this bill; and hence the point of order can not prevail. The gentleman makes the point of order, as I understand it, that this section has been passed. I find that it has been excepted, and that there has been no consideration of it. I hope, therefore, that the gentleman will not object to the consideration of the amendment.

The CHAIRMAN. The Chair will remark to the gentleman from Missouri that the excepted claims are excepted by numbers. The Chair does not know whether they embrace the amendment now proposed or not.

Mr. BURNES. They embrace specifically the very amendment of the gentleman. This proposition has been already excepted.

The CHAIRMAN. Does the gentleman concede that his claim is covered by one of these numbers?

Mr. WINANS. I think that is true, Mr. Chairman.

The CHAIRMAN. The Chair thinks the point of order is good.

The Clerk resumed and concluded the reading the bill.

The CHAIRMAN. Under the direction of the committee the Clerk will now return to that part of the bill which was passed over by consent.

Mr. ZACH. TAYLOR. By agreement of the gentleman from Missouri in charge of the bill, I ask consent now to go back to the paragraph which was passed over at my request.

Mr. BURNES. I desire to suggest that we go back to the beginning of the bill, and will reach my friend from Tennessee as we come forward again.

Mr. ZACH. TAYLOR. That will suit me very well.

Mr. CANNON. As we are to go back now to the beginning of the bill, in pursuance of the agreement, I ask recognition of the Chair for general debate upon this provision relating to the State Department.

The CHAIRMAN. The Chair will state that when this portion of the bill was passed over there was some agreement reached as to general debate; but the Chair would like to be informed by the gentleman in charge of the bill what that agreement was.

Mr. BURNES. I am at a loss to understand what agreement my friend refers to. I do not remember any agreement with reference to general debate. As a matter of course, if there is anything to be debated, it would be well to have some understanding, and particularly with the gentleman from Illinois. But I desire to state that it will expedite business if the gentleman will be satisfied to take such time as he may desire when the emergency arises. My impression is that nearly all of the first pages may be disposed of upon points of order; and it is unnecessary to discuss irrelevant questions, especially as we are now in need of all the time that we have at our disposal. At all events, let it be understood that the gentleman from Illinois is entitled to such time as he wants; and I know the committee has been liberal to my friend and will be, and I will consent that he shall have such time as he wants when the emergency arises.

Mr. CANNON. Touching these items of the State Department, I desire to say that I can much more satisfactorily debate the question which I desire to discuss at this time and consecutively. I do not want to be recognized a dozen times to make one speech. I would prefer to begin and conclude it now.

Mr. BURNES. What I want to suggest to my friend is that perhaps the very item he proposes to discuss may go out on a point of order; and therefore, after having the points of order passed upon, the gentleman can determine what subject he deems necessary to have general debate upon.

Mr. CANNON. That may seem well to the gentleman from Missouri; but these items under the head of the State Department, as they now stand, and no general debate ever having been had upon them, will form the subject upon which I desire to be heard.

Mr. BURNES. I think in view of the proposition I made to my colleague it could not be claimed that I am unreasonable; and I must insist upon the point that the argument should not be upon propositions or the criticism of portions of the bill that may go out on points of order. Let us get through with that first.

Mr. CANNON. The gentleman does not know and can not know what my line of argument is to be or what I shall speak on.

Mr. BURNES. Certainly not.

Mr. CANNON. I merely rise in my place as a member of the committee demanding to be recognized for general debate, none having been had upon this section of the bill, and that was the agreement and the only agreement by which the bill was allowed to be considered before the general debate was closed.

Mr. BURNES. I am perfectly willing to accept the suggestion of my colleague on the committee, but I submit to him that he should not desire to argue propositions that may never come up for consideration. After we shall have passed on the points of order with regard to these propositions I pledge him, so far as I am able to do, any amount of time he may require on the questions before the committee which may be left in the bill.

Mr. CANNON. It suits me better to have debate as we ordinarily have debates, instead of postponing it till after the questions are disposed of.

Mr. BUTTERWORTH. I submit to my honorable friend from Missouri that the understanding was that we might revert to this part of the bill with the view of considering it as my colleague [Mr. CANNON] suggests. I think it only fair that my colleague should have the opportunity for debate which he desires. It will not consume much time, I am sure.

Mr. BURNES. I only ask what is reasonable, that the gentleman from Illinois shall withhold his argument until he knows what is to be argued about.

Mr. CANNON. I prefer to make my argument before the bill is disposed of, adopting the same course as we do with regard to all other bills.

Mr. BELMONT. These matters which the gentleman from Illinois desires to debate referred to the State Department. I can not but concur with the gentleman from Missouri that the most satisfactory manner of dealing with them is to discuss them in order as the bill is read.

Mr. CANNON. It suits my purpose to discuss them before the bill is read, and I have the right to so discuss them in general debate.

Mr. BUTTERWORTH. I think there need be no misapprehension about this thing——

The CHAIRMAN. The Chair has been permitting this colloquy to go on with unanimous consent with the idea that it might save time by some understanding being arrived at.

Mr. BURNES. Will the gentleman from Illinois [Mr. CANNON] say how much time he wants?

Mr. CANNON. I think I can conclude what I have to say in thirty minutes or perhaps in fifteen minutes.

Mr. BURNES. Will the gentleman then say fifteen minutes?

Mr. CANNON. I will say thirty minutes.

Mr. BURNES. Say twenty.

Mr. CANNON. I prefer thirty.

Mr. BURNES. You will not yield anything?

Mr. BUTTERWORTH. And then gentlemen on the other side can have what time they desire.

Mr. BURNES. If the gentleman from Illinois says I made any promise on the subject, as a matter of course I will stand by it.

Mr. CANNON. The RECORD will show for itself what the fact is. General debate on this part of the bill has not been closed.

Mr. BURNES. I am willing to yield half an hour to the gentleman. And as the gentleman from Ohio has said we might have what we desire on this side, I would suggest that we may take thirty minutes.

The CHAIRMAN. Unanimous consent is asked——

Mr. CANNON. I did not ask this by unanimous consent.

The CHAIRMAN. The Chair can not decide the matter of right without consulting the RECORD.

Mr. RYAN. The proposition was to close general debate after one hour shall have been occupied.

The CHAIRMAN. The gentleman from Missouri [Mr. BURNES] proposes that debate be allowed to run on these paragraphs before read-

ing them for one hour—one-half hour to the gentlemen on the left, and one-half to the gentlemen on the right—and then that general debate shall be closed.

There was no objection, and it was so ordered.

Mr. CANNON. The omissions of appropriations for salary in the diplomatic service, being a deficiency for the years 1885 and 1886 in this bill as reported by the committee, are most extraordinary. I would not have claimed the right to have general debate even for a short time were it not that under the practice of the Committee on Appropriations, generally presenting their bills near the close of the session, minority reports are not submitted, so that the report made in this instance by the gentleman from Missouri [Mr. BURNES] would appear on its face to be the report of the whole committee, and in the absence of a minority report would appear to bind the whole committee. The practice has been for the minority of the committee by debate and by amendment to manifest its dissent touching any provisions of the bill, and it is for that purpose I have claimed for a short time the right of general debate.

This bill omits, Mr. Chairman, to appropriate for salaries of ministers and chargés d'affaires for 1885 $30,858, money that has been due for over twelve months to those officers. It also omits to appropriate for Mr. Hall, late minister to the Central American States, and to Mr. Osborn in round numbers $6,000, deficiencies for their salaries not provided for and which have been due to them for a year. It also omits to provide for contingent expenses for the consular service for the year 1885, in round numbers $35,000, and fails to provide for the contingent expenses of the same service for the year 1886, in round numbers $18,000; making in the aggregate over $90,000.

There are other minor items that the committee ought to have recommended in my judgment that would make the omission in the bill substantially $100,000 for our diplomatic and consular service. Now, I want to ask the gentlemen constituting the majority of the committee, who control the bill in committee and control it largely here, to explain to this Committee of the Whole why these items have been omitted. I want to know before I proceed to discuss item by item these omitted provisions whether or no your Secretary of State and your President have been so remiss and unfaithful in the discharge of their duties as well as your ministers and your consuls that they are not worthy to receive that money which the law gives them and which uniform custom and practice gives them; because if it be true that this Department has been so loose in its methods that it does not deserve to have the money that is due its employés under the law then I want to know it, so that some proceeding of censure, investigation, or otherwise can be instituted by the Congress of the United States which will develop the shortcomings of this service and hold up to the censure of public opinion the maladministration of that Department and the administration.

The first item that I desire to call attention to is to be found on the fourth page of the estimates:

To pay the balance found due upon the account of Messrs. Brown, Shipley & Co., United States bankers at London, for drafts of ministers' salaries paid by them, being deficiency for the fiscal year 1885, $22,000.

Then there is another item at another place due to the same parties, and still another item to the same parties for the payment of salaries of secretaries of legation, $2,847. It may perhaps be a matter of inquiry by some gentlemen how it is, as the salaries of these employés are appropriated for year by year, that there can possibly be a deficiency. In answer to that I will say that the practice of the State Department is to lump the appropriations for these salaries, the appropriations for the salaries of ministers and for the secretaries of legations, and then to draw upon that fund. It is a mere matter of book-keeping.

Frequently, however, when many changes are made, as for instance during the year 1885, after President Cleveland was inaugurated, it happens two men draw salaries for the same position. That happens in this way: Pending the appointment of a new minister at, for instance, the court of St. James, the old minister remains until the new one appears and is presented. In the mean time the new minister has his instruction and his transit pay, which comes out of this general fund, while at the same time the old minister receives his regular pay, and the result is that for a time we are paying two salaries for a minister at the court of St. James. I have a letter from the First Comptroller of the Treasury touching this practice in the State Department, as follows:

SALARIES FOREIGN MINISTERS.

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
Washington, D. C., June 21, 1886.

DEAR SIR: Referring you to Executive Document No. 62, page 4, "Salaries of Ministers, 1885," I beg to say in reply to your request of yesterday for some illustrations of the manner in which this appropriation became exhausted, that the sum of $17,500 was provided for each of the missions to Great Britain, France, Germany, and Russia.

Mr. Lowell received—	
For third quarter, 1884	$4,375 00
For fourth quarter, 1884	4,375 00
For first quarter, 1885	4,375 00
From April 1 to June 23, 1885 (home transit)	3,076 91
Mr. Phelps, the new minister, received for instruction and transit salary	4,326 93
Total amount paid to minister to Great Britain	20,528 84
Mr. Morton, the minister to France, received—	
For third quarter, 1884	$4,375 00
For fourth quarter, 1884	4,375 00
For first quarter, 1885	4,375 00
For part second quarter, 1885	259 38
Mr. McLane received during the same fiscal year	4,618 05
	18,002 43
So in Germany—Mr. Kasson, the late, and Mr. Pendleton, the present minister, drew out of the appropriation for 1885	$22,256 01
Though in Russia, during the same period, the amount paid was only	$17,224 04

These cases fully illustrate, I hope, the cause of the exhaustion of the appropriation.

If every post were filled July 1 of any year and no changes occurred until after June 30 of the next, the appropriation would not become exhausted.

The American bankers, Brown, Shipley & Co., our financial agents or bankers at London, have paid the drafts for these salaries, and have been laying out their money for a year because the deficiency has not been made up. Now, it may or may not have been improper for Secretary Bayard and President Cleveland to make these payments in the way they have done. Suffice it to say they did it, and these gentlemen, our correspondents, have paid the money and we owe it to them; we have owed it to them for over a year, and they ought to be paid. So it is with regard to some of these other items. Then again, as this appropriation was exhausted, one of our representatives in Central America, Mr. Henry C. Hall, who was not paid by drafts upon Brown, Shipley & Co., was left unpaid to the amount of $1,500, and we have owed him that sum for more than twelve months, and have kept him out of his money without interest. And this item includes, I believe, some money paid by him to other people.

How much longer is this servant of the Government to go without his money? The same is the case with Mr. Osborn, to a considerably larger amount, somewhere near $2,000. I believe I have said enough about these items to show the propriety of paying them, and I now desire to speak briefly of the consular service. There are two sections of the Revised Statutes that I desire to bring to the attention of the committee. The first is section 1748, and I hope gentlemen will notice its language:

The President is authorized to provide at the public expense all such stationery, blanks, record and other books, seals, presses, flags and signs, as he shall think necessary for the several legations, consulates, and commercial agencies, in the transaction of their business.

Observe the language: "The President is *authorized* to provide" these things at the public expense. Turn now to section 1706.

The President may allow consuls-general and consuls and commercial agents who are not allowed to trade actual expenses of office rent, not to exceed in any case 20 per centum of the amount of annual compensation allowed to such officer, whenever he shall think there is sufficient reason therefor.

Under these two sections of the statute the duty of the Secretary of State, or of the President, is to make these allowances. For a number of years the expenditures and appropriations to meet the expenses under these two sections have been as follows. I give them in round numbers: In 1878, $132,000; in 1879, $136,000; in 1880, 144,000; in 1882, $151,000; in 1883, $154,000. In 1884 the expenditures were $151,000, although the appropriation was only $110,000; in 1885 the expenditures were $144,000, although the appropriation was only $110,000; and in 1886 the appropriation was $110,000, and the expenditures were only a little less than $150,000. The deficiency estimate coming up to us for 1886, the fiscal year just closed, is $40,000. The Committee on Appropriations have recommended of this deficiency for the year 1886 $22,000 instead of $40,000.

Now, it may be claimed—I do not know what the gentleman from Missouri is going to claim—that any excess of expenditure over and above the appropriation here contained is not in pursuance of law. I can not agree with that view, because under these sections of the Revised Statutes which I have read the allowance of rent is to be made without reference to appropriations, and the other contingent expenses the President is to allow——

Mr. LONG. At his discretion.

Mr. CANNON. At his discretion.

Mr. HITT. A discretion regulated largely by custom and the necessities of the service as organized according to law.

Mr. CANNON. I take it that so long as these two sections of the Revised Statutes remain, whenever the necessities of the consular and diplomatic service demand more than the bare $110,000, which seems to be all that the gentleman from Missouri is willing to recommend, the Department in the exercise of a sound discretion might exceed it. At any rate the Department has exceeded it both for the year 1885 and the year 1886, and has done so, I take it, under the statute, or, if you choose, without any authority whatever.

But I will let the gentleman from Missouri, if he continues to oppose these items, fight that matter out with his own Secretary of State and his own President. I will say, Mr. Chairman, I have wished several times since the consideration of this deficiency bill commenced that I could wash my hands of it and let the other side of the House, under the lead of the gentleman from Missouri, settle these matters with their own administration and their own Departments. Suggestions have been made to me from time to time that I should pursue this course; and I would have done so were it not that in regard to the service of our country, upon every sea and in every civilized and some uncivilized

countries, the people there do not know the difference we have here between Democrats and Republicans; and I have felt that in the consideration of many items upon this bill I had a higher duty than a merely partisan one to perform; for although there is an administration in power with which I am not in harmony, yet after all and in spite of me it is my administration, it is my service, it is my Government. Hence I stand here advocating these appropriations for this service. I stand here saying the honor of my country requires that our own citizens and the citizens of other countries should be paid what we owe them.

Now, the deficiency for the year 1885, a year ago, it will be remembered, was $34,970.35 for rent and contingent expenses of consulates. We have a statement in this document submitted by the State Department as to what the deficiency will be for 1886; and the very important statement is made that in the first six months of 1886 the contingent expenses of consulates of the United States were $80,000, leaving only $30,000 for the last six months.

Now, what is the result of these deficiencies? The year 1885 has passed. You and I can not turn the hand back upon the dial and live it over again, nor can these Departments. What has been the result? The result has been that, as the necessary money was not appropriated, when these consuls have drawn their drafts on the depositary selected by the United States for contingent expenses or salaries due them and negotiated by them, the consul gets his money. The draft starts on its tedious journey for payment. By the time it arrives, which may be one month, two months, three months, four months, the scanty appropriation of $110,000 is exhausted, and the draft upon which the consul has received the money is protested, dishonored, and sent on its weary journey back. What is the result? Our representatives who go abroad to uphold the national standard and the national honor, to extend trade and make our Government respectable, are met by the correspondent, who has relations with the commercial public about him, with the statement, "Here is your draft, drawn upon your Government by an officer of the Government; it has been protested and dishonored; pay me the money." The compensation of most of these consuls is so small that they have not the money; and the result is, that in every land almost that the sun shines upon are to be found these correspondents who hold to-day the dishonored drafts drawn by our consuls. Is not that a nice way for us to extend our trade and our credit to gain favor in foreign ports?

Yet, Mr. Chairman—and I am glad the gentleman from Missouri gives me his attention—this is the legitimate result and outcome of the appropriations fought for through thick and thin, and, under the "iron rule" that the gentleman from Pennsylvania talked about the other day, forced through for the last three years appropriations of $110,000 when there ought to have been $150,000 appropriated for this item.

Why, sir, in the book which I have before me the Secretary of State, in speaking of the year 1886—I drop for a moment the year 1885—gives on page 18 of the supplemental deficiency estimates a long list of protested drafts, twenty-six in all, drawn July 1, 1885, and July 9, 1885, &c. He says:

> It will be noticed that all of the above drafts are now about nine months overdue, and considerable time must yet elapse before their payment. The law makes no provision for the payment of interest on these delayed payments, nor for the expense of protest fees.
>
> Moreover, besides the mortification caused consuls by the return of their drafts dishonored, there is imposed upon them, in consequence, unusual difficulty in negotiating drafts in future. It often happens that there is only one banker or merchant in the consul's locality who will negotiate bills on the United States, and he is not disposed to negotiate after such bills are returned dishonored.
>
> An additional appropriation of about $40,000 now, in anticipation of the deficiency for the current fiscal year, would relieve the service of its impending embarrassment.

These estimates were submitted nearly six months ago. Still no appropriation has been made, and the drafts remain unpaid and dishonored.

Well, gentlemen, it is true this is a Democratic administration, but as an American citizen I feel humiliated that any man should go to any part of this world as my representative to meet treatment of this kind. Are we poor? Is not the money in the Treasury to pay these demands? Would the Government of this country have suffered if some portion of the teeming millions of surplus had been voted out of the Treasury, as it ought to have been fifteen months ago, to pay these drafts? I surmise not. I thought of this and many similar transactions when the gentleman from Pennsylvania, the chairman of the Committee on Appropriations, spoke the other day of the "iron rule" under which they propose to hold appropriations down.

So, gentlemen, in my service of seven years on the Committee on Appropriations I have always stood, when I was in majority, as I was in one Congress, and in the minority, as I have been most of the time, ever ready to economize and retrench where it could be legitimately done. But the blunder of economizing when it can not be legitimately done, when it leads us to refuse to pay what we owe, is not politic, is not honest.

Mr. BELMONT. Will the gentleman allow me to ask him a question?

Mr. CANNON. Certainly.

Mr. BELMONT. The gentleman knows I agree with him as to the necessity of this appropriation. I would, however, like him to explain how these deficiencies could have existed since 1878. I say they existed in 1882 and 1883. At that time I believe the committee was under control of his Republican friends.

Mr. RICE. They followed bad examples. [Laughter.]

Mr. BELMONT. If the gentleman will permit me, we have in the appropriation recommended by the Committee on Foreign Affairs and carried through the House this year $150,000 for the first time in ten years in order to avoid this discreditable deficiency which seems to have been repeated since 1878. This must be the first time the gentleman from Illinois stated it so clearly and effectively to the House.

Mr. CANNON. My friend will recollect that in the Forty-fourth Congress the Democratic party came into power in this House. I have before me the original appropriation made year by year for this service by the Democratic party. I have not those prior to 1878, although if necessary I can find them with a little effort. In 1878 $115,000 was appropriated, with a deficiency of $17,000; 1879, $115,000; 1880, $115,000.

Mr. LONG. How much deficiency?

Mr. CANNON. Twenty-one thousand dollars and $29,000. In 1881 the appropriation was $125,000; $13,000 deficiency.

Now, mark you, commence two years when the Republican party had a majority, a bare majority, of the House, when you had held it by an overwhelming majority commencing with 1874. What did the Republican party do? It appropriated $135,000 as against $110,000 when you had power. Again, $135,000 for 1883. What did the Democracy do?

Mr. BELMONT. The fact is the same. If you created similar deficiency, even if smaller in amount, still you brought about the same condition of affairs as to require protested drafts.

Mr. CANNON. We did not appropriate enough in two short years. We did the best we could. The Government had been demoralized during the previous years. We did jump up to $135,000. The moment you came into power under the lead of the gentleman from Missouri you put it down to $110,000, and there it has staid until the present year.

[Here the hammer fell.]

Mr. BURNES. I will yield five minutes to the gentleman from New York [Mr. BELMONT].

Mr. BELMONT. I do not think I shall occupy even that amount of time. These questions can be better settled as we proceed with the reading of the bill. I have amendments to offer covering the different points made by the gentleman from Illinois. I hope therefore we will not spend any more time in general discussion. I do not think my friend the gentleman from Missouri [Mr. BURNES] intended injuriously to affect the State Department. But it does seem to me that these omissions from this bill of provisions of obvious necessity for the proper administration of an important branch of the public service prove the efficacy of the new rules distributing the appropriation bills among several committees of the House. The Committee on Foreign Affairs did report a bill, which was carried through the House, containing an appropriation sufficient to avoid this difficulty. The gentleman from Missouri representing the Committee on Appropriations does not seem inclined to resist these proper amendments except as they may be subject to the point of order.

Mr. CANNON. When has the gentleman from Missouri been converted?

Mr. BELMONT. I presume when he understood the facts.

Mr. CANNON. Oh, he understood the facts long before this bill was reported.

Mr. BELMONT. However that may be, I hope we will proceed with the bill. I do not know that anything need be said on this side.

Mr. BURNES. Mr. Chairman, I apprehend that the Committee on Appropriations are of opinion that they had some good reason for not appropriating for the items mentioned by the gentleman from Illinois. I only wish to submit now to that gentleman one consideration, of which I think he has full knowledge. I believe it has not been the policy of that committee, and I am quite sure it has not been my policy, to consider in the allowance or disallowance of any estimate whether the administration which would have authority to expend it was Democratic or Republican. Whatever may be the feeling of the gentleman from Illinois upon that question, and whatever may be the force and effect of his unmitigated partisanship, I believe that he is conscious of the fact that so far as the majority of this committee is concerned, and so far especially as I am concerned, we are disposed to be more strict with our friends than with our political opponents.

In the Forty-eighth Congress it was believed by the committee and by the House that $110,000 would be sufficient to defray the ordinary expenses of the consular service. That sum was appropriated and a deficiency ensued. At the second session of the Forty-eighth Congress a like sum was appropriated and expended and a deficiency ensued. The simple question, therefore, brought before the committee was not whether Mr. Cleveland, our President of the United States and a Democrat—and by the way the best and most growing that this country has ever had since the days of Andrew Jackson—would do his duty,

but the question is whether one of his officials, one of his clerks, as Mr. Benton used to name them felicitously, should confine himself to the appropriations as made by Congress, or whether he should be permitted to expend exactly that which he believed was required by the necessities and dignities of the service.

In saying this, sir, I beg to add that I realize the full worth of the Secretary who is now at the head of the State Department. I believe that this House and this Congress recognizes him as a gentleman whose integrity is above reproach and beyond all suspicion; and I will say furthermore that if I had any doubt upon either proposition, the fact that my friend upon my right [Mr. LORE] represents the State from which the Secretary hails would be sufficient to satisfy me that nothing vicious could come out of little Delaware.

But, Mr. Chairman, the Appropriations Committee have simply discharged their duty as they saw it. That committee had doubts as to the regularity and legality of these expenditures.

My friend from Illinois [Mr. CANNON] is as much exercised over the protested drafts that have been returned to the Government as a celebrated gentleman once was over the question of warming-pans.

Why, sir, what are these drafts? When I draw a draft, unless I have some improper and unlawful purpose in view, I will ascertain in advance if there is money to my credit, and unless I have such assurance I can not safely draw such draft. In fact I must ascertain that fact before I draw the draft. A man who draws a draft should have and must have a balance to meet that draft. The fault is not the fault of the Secretary of State; it is the fault of the accursed system under which that Department has been operated for twenty-five years or more. The whole system is wrong. We appropriate for the salary of a consul, say in China, $3,500. That $3,500 ought to be a sacred trust placed in the hands of the Secretary of the Treasury for the payment of that salary and exclusively for that purpose. That money ought to be set apart for him and used for no other purpose; and when it is otherwise used it seems to me it is unlawfully used. There never ought to be a deficiency in the consuls' salaries. There never should be a deficiency in the salaries for ministers, because the law has fixed their salaries and Congress has appropriated for them, and the amount has been placed at the disposal of the minister and the consul, to be paid to them through the proper channels.

Mr. BELMONT. Will the gentleman yield to me now for a moment?

Mr. BURNES. Certainly.

Mr. BELMONT. I was going to say to the gentleman a moment since that this was not a question of deficiencies in respect to salaries at all. These are deficiencies for expenditures under the law, for rent, stationery, postage, furniture, traveling expenses; and the gentleman will see that it is impossible for the Secretary of State to undertake to inform consuls all over the world as to the exact condition of the contingent fund. It may be, for instance, that a question like the fisheries, arising in Canada, will come up where a consul is called suddenly to perform an additional amount of duty. He is expected to perform the duty. The gentleman does not mean to say that the Secretary of the Treasury shall refuse to allow him to send a telegram because there happens to be no fund specially set apart for that purpose?

The salaries of consuls are divided into classes; and those whose salaries exceed $1,000 are also entitled to a sum for rent equivalent to 20 per cent. of their salaries. The consular salaries for the present fiscal year, above those of $1,000 per annum, amount to $345,000. Twenty per cent. of this sum alone would be $69,000, just $1,000 less than the amount to be expended for rent this year. This rent charge is provided for under section 1706 of the Revised Statutes. Then under 1732 rent is to be allowed feed consuls, and this additional rent charge would much more than make up the difference of $1,000. The amounts of the other main items of consular expenses are almost as certainly fixed as that of rent. For the first six months of the present year the expenses for postage have been $12,000; for stationery and blank forms, $11,934; for furniture, $1,669; for traveling expenses, messenger service, and miscellaneous expenditures, $12,000.

Now, the fund is provided by the last appropriation bill—but I beg pardon of the gentleman from Missouri [Mr. BURNES] for occupying his time——

Mr. BURNES. Go on.

Mr. BELMONT. I should not have done so except that I think he was under a misapprehension as to this part of the appropriation. The fact is the rent charge alone under the law amounted to about $70,000, and the total appropriation was only $110,000, so that all the other items which were necessary in the proper discharge of the duties of consuls in different parts of the world remain unprovided for. I can not imagine any statute which could be so drawn as to provide them in each case. The only thing the House can do is to meet the repeated request of the Department, which by annual experience finds that about $150,000 is necessary; and this year we have fortunately appropriated that amount for the year 1887. It seems to me if the gentleman from Missouri gives his attention to this matter he will not find objection to the amendment when it is proposed.

Mr. BURNES. I was pursuing a principle which was illustrated in the case of a consul in China. The same principle prevails, in my judgment, whether it is with reference to the payment of the salary of a consul or whether it has reference to an appropriation made for contingent expenses.

I have said that these things result from a mistaken system, and the system ought to be corrected. Or the question ought to come directly before this House, which I regret to say is too frequently on its knees before Department clerks and before other branches of the Government. I say, sir, I would like exceedingly if this system could be changed. There are a certain number of gentlemen engaged in the foreign service—we will say there are three hundred and fifty consuls and consuls-general. Now we appropriate not only to pay each one a certain salary, but we appropriate $110,000 to pay the expenses of the service. If that is not sufficient, why do we appropriate at all? If deficiencies can be created at will, if at least this Department of the Government can be operated in disregard of appropriations, why appropriate at all? Why not give *carte blanche* to run that Department of the Government without appropriation? I am simply saying that of this $110,000 the Secretary of State may well place to the credit of each consul, three hundred and fifty in number, first, the amount allowed for rent; secondly, a sum which experience teaches him to be sufficient for stationery, and so forth through the list. That sum can be divided out to each one of these consuls and consuls-general as well for the salary of each as for the contingent expenses of each. Why can not this be done here? For the simple reason that this unbridled Department of the Government feels it is not in accordance with the dignity of the Republic to live on $110,000 a year for the consular service, and therefore, regardless of the appropriation, $150,000 are spent.

Mr. HITT. Will the gentleman—for he is speaking of a project which is new and the explanation of which will be very instructive to those carrying on the Government—will he explain a little more fully how he would have the fund distributed to each of the six hundred consuls and consular officers as to all the minute classes of expenditures?

Mr. BURNES. If the gentleman will show me there are six hundred consuls and consuls-general I shall be very glad to receive the information.

Mr. HITT. Consuls and consular agents. There are that many consular posts.

Mr. BURNES. We do not pay posts; we pay consuls.

Mr. HITT. The plan of the gentleman seems so far-reaching, it should be applied all through. It would be very instructive to have it explained by the gentleman as a leading Democrat, so that we may know what is to be the policy of those who are to carry on the Government in this minutely classified way.

Mr. BURNES. So far as I am concerned, weak as I am and inexperienced as I am in regard to the affairs of Government, I would have every Department of the Government, whether the administration be Republican or Democratic, live within the means provided for its support by the Congress of the United States. [Applause on the Democratic side.]

But, Mr. Chairman, I have said that having particular confidence in the *bona fides* of this expenditure, being quite sure that the excellent gentleman who presides at the other end of the Avenue and that the gentleman at the head of the Department of State are honest and faithful in the discharge of public duties, although each is liable to make mistakes, as we all are—having this confidence, I propose and the Committee on Appropriations propose to submit to the gentleman occupying that chair, a gentleman distinguished for his learning and legal ability, to submit to him as a question of law under the rules of the House, whether these expenditures are sanctioned by law or not. If they are not sanctioned by law, why should we pay them; and if they are sanctioned by law, we will as a matter of course admit the amendments of my friend from New York [Mr. BELMONT] when he offers them. If these expenditures are contrary to law, then these gentlemen must come before the House and ask for compensation as thousands and tens of thousands of other good men have done who have had claims against the Government, and in that case they have simply mistaken the tribunal in which their claims should be considered. We are compelled under the rules of this House, which we, the Appropriations Committee, have sought at every step and stage to honor and respect, to make no appropriation for any object that was not authorized by law. I remember the other day the eminent and illustrious gentlemen from Texas [Mr. REAGAN], the distinguished gentleman from New York [Mr. HEWITT], the distinguished gentleman who is at the head of the Committee on Appropriations [Mr. RANDALL], and others, declared in Committee of the Whole, with the applause of Democrats and Republicans both, that hereafter they would emphasize their opposition to provisions of appropriations unauthorized by law by voting against every appropriation bill that made such appropriations.

We have followed our conceptions of our duty under the rule; we have lived up to them. If these claims are meritorious and are within the rule, put them in this bill, and let us then understand that if a claim is meritorious the rules will not shut it out. I have said this much, sir, simply because my distinguished friend from Illinois [Mr. CANNON] (who knows how to aggravate us sometimes, though always in a pleasant way) has dared to impute to us a disposition to act in one way when we have a Democratic President and in another way when we have a

Republican President. If the application of his remark was not to me, it was to the committee, and equally undeserved. Reserving the balance of my time, I ask for a decision.

The Clerk read as follows:

French and American claims: For payment of the amount necessary to strike a balance with France, after the payment, under the final award made by the late French and American Claims Commission against the United States, of the claims of French citizens against this Government, under the treaty of January 15, 1880, between this country and France, $15,639.16.

Mr. CANNON. I offer an amendment which I send to the desk.

The amendment was read, as follows:

Foreign intercourse:

Salaries of ministers, to pay balance found due upon the account of Messrs. Brown, Shipley & Co., United States bankers at London, for drafts of ministers' salaries paid by them, being a deficiency for the fiscal year 1885, $22,408.02; to pay the balance found due to Henry C. Hall, minister of the United States to the Central American states, being a deficiency for the fiscal year 1885, $1,500; to enable the accounting officers to effect a proper settlement of the accounts of certain officers of the United States acting chargés d'affaires *ad interim*, being a deficiency for the fiscal year 1885, $6,950.96; to enable the accounting officers to pay the balance due upon the account of Thomas Q. Osborn, minister resident and consul-general to the Argentine Republic, for a deficiency for the fiscal year 1885, $3,903.12; to pay the balance found due upon the account of Messrs. Brown, Shipley & Co., United States bankers at London, for drafts of salaries of secretaries of legation paid them, being a deficiency for the fiscal year 1885, July 7, 1886, $2,847.07.

Mr. BURNES. Mr. Chairman, I have the duty to discharge of making a point of order against the amendment as proposed. I do not know, sir, that it need be argued. I do not feel inclined to argue it. The whole subject is before you.

The CHAIRMAN. What is the ground of objection to the amendment?

Mr. BURNES. The ground of objection is that these are expenditures in excess of appropriations and in violation of existing law.

The CHAIRMAN. Does the gentleman mean that they violate any other law than the law limiting the right of expenditure to the amount that is appropriated?

Mr. BURNES. This is the law:

No Department of the Government shall expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriation.

Nothing can be plainer. There is the naked law. I leave the question to the Chair.

Mr. REAGAN. Mr. Chairman, we have had from year to year, for several years past, the expenditures of the Government going on without reference to the appropriations made by the Congress, which, by the Constitution, is charged with the duty of making the necessary appropriations for the support of the Government. In addition to the fact that the Constitution charges Congress with this duty, and that the Congress has performed the duty as it understands it (and Congress is the judge of its own powers and duties in this respect), a law has been passed, the law just read by the gentleman from Missouri [Mr. BURNES], which forbids the expenditure of money by any Department of the Government in excess of the amount appropriated. Yet, sir, we go on from year to year with the Departments of the Government utterly disregarding that law, utterly disregarding the letter and the spirit of the Constitution, and assuming the power to administer this Government in their own way, and to expend any amount of money they choose. This abuse is not confined to the State Department. It extends to every Department of the Government, and has become so habitual that it seems to be regarded as lawful that this should be done, and as impertinent for members of Congress to inquire why it is done. Now we ought to arrest this evil, and I know of no way to arrest it but by refusing to make appropriations for these Departments when they make these excessive expenditures. I felt specially gratified, therefore, when the gentleman from Missouri [Mr. BURNES], who has just taken his seat, announced his purpose of treating these extraordinary expenditures as mere claims against the Government, to be determined like any other claims that have been created without authority of law. If Congress will take this course it can control the Departments of this Government. If, in view of the practice which has become habitual and reckless in the expenditure of the people's money not appropriated, we refuse to make this appropriation, we may hope for some regularity and propriety in administration.

I speak without reference to partisanship, without reference to the question whether we may have Democratic or Republican administration. The Congress of the United States is charged by the Constitution with determining how much public money shall be expended and for what purposes. That duty is not confided to the Departments. The law provides that they shall expend the money which may be appropriated by Congress for their use, and shall not expend any more. In the face of this law, in the face of the theory of our Government, in the face of the Constitution, they go on creating deficiences of millions every year. There ought to be an end of this. I trust that the Committee on Appropriations, and all the committees charged with the duty of reporting appropriations, will insist that the Departments of the Government shall in this respect be subordinated to the power and duty of Congress.

Mr. BUTTERWORTH. The gentleman will allow me to ask him a question. Suppose a statute authorizes the appointment of an officer whose term is to continue four years and until his successor shall relieve him at the post of duty, wherever that may be. Suppose the appropriation is insufficient to pay the two officers, where there are really two officers under commission at the same time, and two salaries must necessarily be paid, does not the gentleman hold that to be a proper deficiency? That is precisely the case here.

Mr. REAGAN. Mr. Chairman, scarcely any proposition can be framed in regard to which there may not be suggested something of an extraordinary character which should not come within the general rule. When I speak of deficiencies by millions, I do not speak of such a case as that mentioned by the gentleman, and he understands that very well. I speak of the habitual practice of officers administering the Government in disregarding the appropriations by Congress and expending any amount of money which their judgment of a proper policy may dictate.

Mr. BUTTERWORTH. But I state the case actually presented. I thought my friend referred to it, because it is the precise case in point.

Mr. REAGAN. I am not a member of the Committee on Appropriations and do not know anything about the special facts involved in this amendment. I only rose to unite my voice with that of the gentleman from Missouri in protesting against the continued violation of the law of Congress and the continued disregard of the Constitution by the Departments of the Government.

Mr. BELMONT addressed the Chair.

The CHAIRMAN. The Chair is ready to rule upon the question without further argument.

Mr. BELMONT. It seems to me that the law bearing on this matter might very properly be cited. I should regret very much if the remarks of my friend from Missouri or the gentleman from Texas should create the impression that I am in any way not in harmony with the purpose of this side of the House to insist that the Departments shall expend money as it is appropriated. But that is not the question in regard to this item, and for that reason I desired to say a word against the point of order. If the Chair does not wish to hear further argument, I will ask that the Clerk read the statute which compelled this expenditure.

The CHAIRMAN. The Clerk will read the provision of law which the gentleman from New York desires to have read.

The Clerk read as follows:

Sec. 1740. No ambassador, envoy extraordinary, minister plenipotentiary, minister resident, commissioner, chargé d'affaires, secretary of legation, assistant secretary of legation, interpreter to any legation or consulate, or consul-general, consul, or commercial agent, mentioned in Schedules B and C, shall be entitled to compensation for his services, except from the time when he reaches his post and enters upon his official duties to the time when he ceases to hold such office, and for such time as is actually and necessarily occupied in receiving his instructions, not to exceed thirty days, and in making the direct transit between the place of his residence, when appointed, and his post of duty, at the commencement and termination of the period of his official service, for which he shall in all cases be allowed and paid, except as hereinafter mentioned. And no person shall be deemed to hold any such office after his successor is appointed and actually enters upon the duties of his office at his post of duty, nor after his official residence at such post has terminated if not so relieved. But no such allowance or payment shall be made to any consul-general, consul, or commercial agent, not embraced in schedules B and C, or to any vice-consul, vice-commercial agent, deputy consul, or consular agent, for the time so occupied in receiving instructions, or in such transit as aforesaid; nor shall any such officer as is referred to in this section be allowed compensation for the time so occupied in such transit, at the termination of the period of his official service, if he has resigned or been recalled therefrom for any malfeasance in his office.

The CHAIRMAN. Whether the Committee of the Whole or the House should appropriate money to meet expenditure beyond former appropriations is a matter for the committee to determine; it does not touch the point of order. This is a bill to appropriate money to supply deficiencies in appropriations for the fiscal year 1886, and for other purposes therein stated. The very object of the bill is to appropriate money to meet expenditures beyond former appropriations. The point of order is overruled. The question is upon the amendment proposed by the gentleman from Illinois [Mr. CANNON].

The question being taken on the amendment, it was adopted.

The Clerk read as follows:

Salaries interpreters to legations: To enable the accounting officers to allow and credit John A. Halderman, late minister and consul-general of the United States to Siam, the sum of $124.68, paid by him for salary of interpreter from July 1, 1884, to December 31, 1884, before he had received information of the reduction of the appropriation for salary of interpreter to the legation at Bangkok, Siam, from $1,000 to $500, by the act of July 7, 1884.

Mr. CANNON. I submit the amendment which I send to the desk.

The Clerk read as follows:

To pay George C. Foulk, chargé d'affaires *ad interim* at Seoul, Corea, the amount of protest fees and expenses incurred by him on drafts returned on account of the exhaustion of the appropriation for salaries of ministers for the fiscal year 1885, against which they were drawn, $24.01.

Mr. BURNES. I reserve a point of order on the amendment. I merely desire to call attention to the fact that there is no room for supposing that the salary in this case payable by law was not appropriated, and evidently it was drawn or ought to have been drawn. Furthermore, it seems to me that $24.01 is a pretty good fee for protesting one draft. But I submit this is on a par with a good many other propositions which we see presented here.

Mr. CANNON. In reply to the gentleman's remarks, which I understand to be upon the merits of the amendment——

Mr. BURNES. I have reserved a point of order.

Mr. CANNON. I am rising to speak upon the merits of the amendment. As I explained in the general debate, the salaries of chargés d'affaires are put in hotch-pot, and are drawn against in the same way as the salaries of ministers. This man was a chargé at Corea. He drew his draft for his salary. When that draft was presented there was no money to pay it, no doubt on account of the fund having been exhausted for the payment of other officers, and it was returned to him unpaid.

Mr. RICE. Drawing drafts is the usual way in which these officers get their salaries.

Mr. CANNON. Now I am not quite clear that I can exactly locate the place where this chargé performed his duty; but I have an impression that Corea is a long way off. I do not know what the protest fees may have been; but I do know that this draft came from this representative of the Government on the other side of the world for salary which was due; and it was not paid, because the money had been exhausted in paying salaries of other chargés, so that the draft was protested and returned. Now it may be that somewhere in this administration there is somebody who would undertake to steal the small difference between $24.01 and the amount which my friend from Missouri supposes the protest fees, expenses of exchange, and re-exchange, &c., ought properly to be. But this item comes here regularly submitted as a deficiency; and I think this Committee of the Whole ought to vote it on this bill.

Mr. HITT. It is not on one draft, but a number of drafts.

Mr. CANNON. My colleague [Mr. HITT] is better up in all these matters of the diplomatic service than I am or than the gentleman from Missouri is, and he says it is on a number of drafts.

Mr. BURNES. It is one draft, and so stated in the amendment offered by himself as well as in the estimate.

Mr. HITT. It is stated as drafts; it is in the plural.

The CHAIRMAN. The Chair will hear what the gentleman from Missouri has to say.

Mr. BURNES. I have to say, Mr. Chairman, that there is no law authorizing this man to draw this draft on this Government or for payment to him for the expense of the protest of this draft. Whatever may be the regulation of the State Department, whatever may be his presumed authority, there is no law authorizing him to have refunded to him the expense of protest of a draft drawn by him on the Government.

Mr. BURROWS. How much is this?

Mr. CANNON. Twenty-four dollars.

The CHAIRMAN. The Chair will ask the gentleman from Missouri how these consular officers are paid? How are their salaries sent to them?

Mr. BURNES. The Department sends drafts to the party entitled to payment. It may be possibly on London. The draft ought to be the draft of the Government. This gentleman in Corea, a country recently discovered, it appears drew his draft upon the Government here. What law authorized him to do so? That draft was protested. What law is there requiring us to pay the expense of that protest?

Mr. BELMONT. This is not a question arising in consular service necessarily, but it is the case as well of a diplomatic officer who takes the place of a minister when a vacancy occurs. Under the organizing act of 1856 a man in such a position is called chargé d'affaires *ad interim*, being in charge of the legation, and is entitled to receive one-half the minister's salary, although his own salary as secretary of legation is not then continued. For instance, our minister to Mexico has lately returned to this country, and during his absence his secretary of legation is in charge of his office, and he is, under the law of 1856, entitled to 50 per cent. of the minister's salary. So it is in Vienna, where we have no minister at present. The long-continued vacancy at that post materially increases the sum necessary to be expended under this head. As now interpreted the law requires a separate appropriation. The House can not with propriety fail to meet this obligation.

The CHAIRMAN. The trouble of the Chair grows out of its ignorance of the law. If a minister has the right to draw his salary and it is not paid, he would be entitled to have refunded the expense of protest. But if he has no right to draw for his salary upon the Government, then the Government is not liable for the expense of the protest, and it should not be.

Mr. CANNON. I understand from my colleague [Mr. HITT], who has had long experience in the diplomatic service, as well as from an investigation I have made into the subject myself, that some of our diplomatic corps are paid at our bankers in London, but our diplomatic officers in Asia and other places throughout the world are paid by drafts drawn upon the Government on other bankers than those in London.

The CHAIRMAN. But the gentleman from Missouri says there is no authority in law for the drawing of any such drafts.

Mr. CANNON. The gentleman from Missouri understands such to have been the unbroken practice.

Mr. BURNES. It has been the practice; there is no doubt about it.

Mr. CANNON. In the absence of authority to send disbursing officers about the world as the Army paymaster pays the Army, of course the payments will be made according to the commercial usages of the world, which, as we know, are well established.

Mr. HITT. The officer at the close of the quarter draws his draft against the place where the money of the Government is nearest at hand. His commission is his authority from day to day, and it gives him credit in the eyes of the bank. When there is no money in the distant bank the draft goes back to the local bank and there awaits payment. As the gentleman says, it is dishonored.

Mr. HOLMAN. It is manifest there is no law authorizing any officer of the Government, except officers connected with the Army and the Navy as paymaster, to draw on the Government. That is manifest. A foreign minister or consul has no right to draw a draft on the Government. It never occurred to any person that he may draw upon the Treasury at will for these amounts.

The CHAIRMAN. The Chair would like to submit a question to the gentleman from Indiana. Suppose there be no law authorizing the draft to be drawn, and yet it was drawn and the Government paid the protest fees?

Mr. HOLMAN. I do not understand that they were paid by the Government.

The CHAIRMAN. The Chair means paid by some officer of the Government.

Mr. HOLMAN. I understand that this official undertook to draw a certain sum of money on a draft when no such money was to his credit. Now, the authority for drawing such drafts seems to be only a custom allowed, for convenience perhaps in certain cases. But certainly there is no warrant of law for it.

Mr. HITT. Let me interrupt the gentleman to state that the custom of the service is for the officer when he goes out to carry with him a paper from the State Department addressed to the Government's financial agent or banker abroad, setting forth his character, office, and salary, which is something in the nature of a letter of credit, such as my friend from Indiana would take from his banker in New York when traveling in Europe, and that paper, accompanied as it is by his commission from the President, constitutes his financial credentials at the post in Europe or Asia or elsewhere to which he is accredited. Then as the quarter's salary falls due, these documents having been made known to the financial institutions through which he draws his money, he presents his draft for the proportionate amount or quarter of his salary as ascertained by the law and by this letter of credit or document which is signed by the Secretary of State, and draws his money, usually through a local bank at the place where he is stationed, upon the bankers of our Government at London. The Government takes care of the loss by exchange. That is the custom.

Mr. HOLMAN. I do not think the statement of the gentleman throws any light upon this question. I concede that if the money is paid by the United States and comes through this channel by reason of this paper which is furnished through the State Department the inference would be fairly drawn that the drafts in some sense are properly drawn, or that there was some authority for them. I do not understand that this balance, if allowed, would be in favor of the Department, but is a balance certified in favor of the person by whom the draft in this case was drawn. But these transactions, if the statement of the gentleman from Illinois be correct that the consul or minister goes abroad with a letter of credit and is permitted to draw a draft upon the funds of the Government to pay his own salary at London, for instance, where our funds are mainly deposited for the payment of our foreign service, why then it is manifest that the Government would be placed at the mercy of every person who had such letters and thought proper to draw upon the fund for any amount when he knew he had no right to do so. I admit if the money had been paid by the State Department out of any fund it would seem proper that this loss for protest ought to be paid. But the fact that the draft went to protest would seem to establish the fact that the party who drew it was not authorized.

The CHAIRMAN. Does the gentleman concede that these consuls are allowed to draw drafts on the Government funds for their salaries?

Mr. WARNER, of Ohio. The Government would have paid it if he had the right to draw it and the amount was due him.

The CHAIRMAN. But does the gentleman from Indiana concede that such drafts are allowed by the Department?

Mr. HOLMAN. I do not concede it, because until the gentleman made the suggestion that he did make, which is the first I have heard of such a system, I had every reason to believe that another plan was pursued.

Now, as I said a little while ago, the main depository for the payment of our foreign service is in London.

Mr. HITT. But not for the Asiatic service.

Mr. HOLMAN. In the main for all the branches of the foreign service the funds are deposited in London. Now the Government draws on that fund in favor of the various persons in foreign employ who are entitled to receive it under the appropriations made for their employment. No other plan could be safely pursued. There may be instances where under peculiar circumstances the Government might honor a draft drawn upon a fund in London or elsewhere; but the right of any person in our foreign service to go and draw drafts *ad libitum* upon such a fund

would not be tolerated for a moment, I imagine, by the head of any Department of the Government.

Mr. WARNER, of Ohio. If this consul drew a draft where he had no authority to draw it, and the Treasury Department declined to pay it, if it be a case of that kind, the man who draws the draft must himself bear the cost of protest.

The CHAIRMAN. The Chair is in a good deal of doubt about the matter; but thinks if the Department owed this salary, and it was usual to get it in the manner suggested by the gentleman from Illinois, and the draft was drawn for more than was placed to the credit of the Government, on being protested, that the man who drew the draft ought not to be put to the expense of paying these charges; and the Chair holds the amendment in order.

Mr. HOLMAN. I hardly think any gentleman is authorized to say that this draft was properly drawn. There has been no such statement to the House or to the Committee on Appropriations. On the contrary, the fair presumption on all of the facts, as far as I am aware, is that the draft was drawn without authority, and for that reason was protested.

Mr. HITT. This item is reported to the House by the Secretary of State himself and the payment recommended.

Mr. CANNON. In answer to the gentleman from Indiana I will state that this estimate comes from the Secretary of the Treasury, transmitted by the Secretary of State, for these protest fees on the draft drawn, which was stated to be in payment of salary. Some little credit must, I take it, be given to the estimates that are formally and in due course of law submitted. I think it is a mean government that will not appropriate in advance for the payment of the salaries of its employés, to pay its consular officers and others; and a meaner government still not to pay the poor fellow the $24 on this protested paper.

Mr. BURNES. I wish to correct the gentleman from Illinois. I object to his stating that the draft was $24.

Mr. CANNON. I said that was the amount of the protest.

Mr. BURNES. The exact amount is $24.01. That 1 cent is the straw that breaks the camel's back.

Mr. CANNON. If there is any difficulty about that, I will pay the 1 cent myself.

The question being taken on Mr. CANNON's amendment, it was adopted.

Mr. MORROW. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert after line 40:

"To enable the accounting officers to pay to Charles L. Scudder for his services as clerk to the United States legation at Corea from March 29, 1883, to March 9, 1885, the sum of $3,500.

Mr. BURNES. I make the point of order on this proposition that there was no law authorizing the appointment of that officer, no law authorizing him to serve.

Mr. MORROW. It appears from a letter from the Secretary of State that the clerk's fees or salary at this particular point should have been paid out of the contingent fund of the Department of State, and that that fund was simply not sufficient to pay the amount of salary. On the point of order I desire to have read the letter of the Secretary of State in answer to an inquiry about this claim.

Mr. BURNES. Let me draw the line somewhere. Let me say that the contingent fund is appropriated for clerk-hire at certain places. This gentleman's name is not included, nor is this consulate included. Furthermore, as regards the general sum appropriated for clerk-hire, that is to be used at the discretion of the Secretary of State. There is no law for this.

The CHAIRMAN. Does the gentleman from California concede there is no law authorizing this appropriation?

Mr. MORROW. I do not. The law provides a contingent fund, but so far as the clerk at Corea was concerned, as it was a new legation established by law, the contingent fund for that year was not sufficient.

The CHAIRMAN. The Chair will ask the gentleman from California to show the authority for this appropriation.

Mr. MORROW. It is contained in the letters which I have sent to the desk.

The Clerk read as follows:

DEPARTMENT OF STATE, WASHINGTON, *February* 16, 1886.

SIR: I have the honor to acknowledge the receipt of your letter of the 7th instant, accompanied by an affidavit made by Mr. Charles L. Scudder, of San Francisco, touching his connection with the legation of the United States at Corea, from March 29, 1883, to March 9, 1885. You accordingly ask for a statement from the Department showing the justice of Mr. Scudder's claim for $3,500 and the reasons for its payment.

It is true that Mr. Scudder's presence with Mr. Foote, who was, during the periods mentioned, United States minister to Corea, was known to the Department, but his employment was not contingent upon a promise of the Department that his services were to be rewarded, and so far as the records disclose the fact they do not show that Mr. Scudder has a lien upon this Government except so far as Congress may deem his unpaid services worthy of adequate compensation. To this extent the Department is disposed to favor Mr. Scudder's claim and to say that Congress should make such provision as it thinks equitable to meet the case upon a statement of the facts, which are these:

In his dispatch, No. 36, of October 24, 1883, Mr. Foote reported that his salary was inadequate to meet the demands upon him, and that the contingent allowance to his legation was also insufficient.

Mr. Frelinghuysen, in his reply of December 23, 1883, No. 35, stated that Mr. Foote's wishes had been anticipated by the Department, so far as it could, by making provision in the estimates for the fiscal year ending June 30, 1885, not only for an increase in the minister's salary, but for provision as well to enable him to place his mission, which had but recently been established, upon a more efficient basis. Mr. Frelinghuysen's instruction concluded as follows:

"A specific appropriation for a secretary of legation has not been asked. An effort will, however, be made within the appropriation to allow you clerk-hire."

Afterward Mr. Foote, in his dispatch, No. 116, of September 5, 1885, called attention to the fact that Mr. Scudder had up to that time continued to serve him in a clerical capacity without compensation, and suggested that if some future provision could be made for Mr. Scudder it would be a just recognition of his services. Mr. Foote in this connection cited the Department's No. 35, of October 27, 1883, and referred to its promised recommendation.

Mr. Frelinghuysen replied November 24, 1884, No. 18. He explained that Congress had failed to make provision in accordance with the Department's recommendation, and how the appropriations (not otherwise assigned by the act itself) had been apportioned among the several consulates solely in the interest of the public service and its most pressing needs. Mr. Frelinghuysen's dispatch concluded:

"It was then found impossible to grant you any amount for clerk-hire from which Mr. Scudder might have been compensated; but if this shall be possible within the next appropriation, I need not assure you that the Department will do what it can to compensate him in that way for the very valuable services he has gratuitously rendered to you and this Government."

That Mr. Scudder's services might very properly receive some recognition is apparent; but under the circumstances of the case it is for Congress, not this Department, to determine the amount he should be paid. This measure partakes of the nature of relief. It does not rest upon any stipulated amount or approved sum of the Secretary of State as being due, for which a deficiency might be asked, but merely upon the suggestion of that officer to place at Mr. Foote's disposal an amount to be expended for clerk-hire from which Mr. Scudder might have been compensated, and which suggestion it was never in Mr. Frelinghuysen's power to fulfill, as has been shown.

I herewith return Mr. Scudder's affidavit as requested,

I have the honor to be, sir, your obedient servant,

T. F. BAYARD.

Hon. WILLIAM W. MORROW,
House of Representatives.

The CHAIRMAN. The point of order is sustained.

The Clerk read the following paragraph:

Salaries consular officers: To enable the accounting officers to allow and credit E. J. Smithers, consul of the United States at Chin-Kiang, the sum of $1,011.48, for his salary from July 9 to October 20, 1884, while acting as United States consul at Tien-Tsin, under the direction of the Department of State, the same having been disallowed in his accounts.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 49, insert the following:

"To reimburse the following consular officers the protest fees and expenses incurred by them on drafts returned on account of the exhaustion of appropriation for contingent expenses of United States consulates for the fiscal year 1885, against which they were drawn, namely: Thomas T. Gamble, $13.16; J. C. A. Wingate, United States consul at Foo Chow, $2.07; E. P. Mussey, United States consul at Mahe Seychelles, $2.87; total, $18.10."

The amendment was agreed to.

The Clerk read the following paragraph:

To enable the accounting officers to pay to George P. Pomeroy, late agent and consul-general of the United States at Cairo, Egypt, the amount allowed under section 1740 of the Revised Statutes for his transit from his late post (at Cairo) to his residence in the United States, namely, from July 6, 1884, to August 9, 1884, being a deficiency for the fiscal year 1885, $175.54.

Mr. BROWNE, of Indiana. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert after line 75 the following:

"That the proper accounting officer of the Treasury in adjusting the account of Benjamin S. Parker, late consul at Sherbrooke, shall allow him a credit for $186.71, that sum being due him for the contingent expenses of his office for the fiscal year 1885, the same not having been paid because of a deficiency in the appropriation for that year."

Mr. BELMONT. I will say to the gentleman from Indiana that I was about to offer a substitute——

Mr. BURNES. And I understand the substitute of the gentleman from New York will cover what is moved by the gentleman from Indiana.

Mr. BROWNE, of Indiana. If there be no question about it, I am not tenacious about this being put in on my amendment.

Mr. BURNES. You will find it in the substitute.

Mr. BROWNE, of Indiana. Then I withdraw my amendment temporarily.

The Clerk read the following paragraph:

Contingent expenses United States consulates: To supply a deficiency in the appropriation for contingent expenses of United States consulates, $22,000.

Mr. BELMONT. I offer the amendment which I send to the desk.

Mr. HITT. I desire to offer an amendment at line 78.

The CHAIRMAN. The gentleman from New York [Mr. BELMONT] has been recognized. His amendment will be read.

The Clerk read as follows:

After line 79, insert the following:

"To enable the accounting officers to effect a proper settlement of the accounts of certain consular officers, being deficiencies, as follows: For the fiscal year 1885, $34,970.75; for the fiscal year 1884, $2,174.87; in all, $37,145.22."

Mr. HITT. Will the gentleman permit to be offered first an amendment which will probably go in prior to his, and which is an amendment to line 78? I desire to offer an amendment to raise the amount for contingent expenses from $22,000 to $40,000.

The CHAIRMAN. The Chair will state to the gentleman from Illinois, if he proposes to change the amount, that would be in order before the amendment of the gentleman from New York [Mr. BELMONT]

is passed upon. The Chair will ask the gentleman from New York to withhold his amendment for a moment.

Mr. BELMONT. I shall do so and offer an amendment to line 79.

The CHAIRMAN. Does the gentleman withdraw the amendment he heretofore offered?

Mr. BELMONT. For the present I do. It may come in after the one I now send to the Clerk's desk is disposed of.

The Clerk read Mr. BELMONT'S amendment as follows:

On page 4, lines 78 and 79, strike out "$22,000" and insert "$40,000."

Mr. HITT. That is the amendment I desire to see made. A little explanation is necessary in addition to what has been said. The Secretary of State has reported that this money has been expended. The gentleman from Illinois has read from a communication from the State Department which shows very fully and in detail how it was expended, and that it was in pursuance of law. Congress appropriated only $110,000 for the contingent expenses of the consular service, though it was plain to be seen by experience, and it was well known to the Committee on Appropriations, that it would be utterly impossible for the State Department to carry on the service for that amount, and a deficiency was inevitable and was expected. It was intended then, as it is now, to throw it over to the next session. You see our next session will be after election.

The statutes prescribe the organization, the duties, the expenditures, the details of the service, consular and diplomatic. The law, for example, provides that the amount of rent authorized to be paid shall be equal to 20 per cent. of the amount of the salaries of the consuls, and the salaries are all fixed by law. This 20 per cent. on $345,000, the total of salaries, would be sixty-nine thousand out of the one hundred and ten thousand appropriated for contingent expenses. The law prescribes the payment for postage, stationery, blank forms, furniture, newspapers, statistics, messenger service, the payment of a series of items that were mentioned by the gentleman from Illinois [Mr. CANNON] and again referred to by the gentleman from Missouri [Mr. BURNES]. The Secretary of State, I suppose, deemed that it was not a matter of discretion whether he should continue the operations of the Department, the different branches of the service as already organized. I may say he was compelled to carry on the service, to keep it going, just as the captain of a ship is compelled to keep his ship moving, with all that belongs to its complex organization. When you give him a list of officers and a prescribed number of men whom he must employ and a great machine which he must keep going, then if you furnish him money only to pay the men and do not also give him enough to buy coal for the voyage, of course he has to go in debt for coal or never bring his ship through.

That is the situation of the Secretary of State; and I suppose the committee when they submitted this insufficient appropriation last year knew perfectly well that he would have to go on and carry out the existing general laws, and then allowed him much less than was absolutely necessary to carry on the machine, as you gentlemen of Congress constructed that machine, as you catalogued these officers, as you determined their functions and the amount that should be paid to them and for rent in proportion to the salaries fixed by law. The Secretary, I believe, honestly went on and expended the money. He did it, as I have been informed upon inquiry at the Department into details, with vigilance, with economy, and with rigid scrutiny. The money has been paid out by the officers from their own pockets in many instances, in others by the bankers, who believed that this Government would keep faith and carry out its own laws.

These dishonored drafts now floating about the world are many of them fifteen months old. By an amendment to the appropriation bill of 1884 it was provided that thereafter the feed consuls should not convert the fees beyond a certain amount to the purpose of paying for expenditures, but must pay the extra expenses out of their own pockets, and they have done so. Now, will you not repay them? They made the expenditure expecting that it would be provided for, and if it is not done in this deficiency bill, after fifteen months of delay, it may not be done at all. I have no doubt, however, that it will be done; but this cutting down the bill this year to give this House an air of economy and get past the fall elections, and putting these items over to next winter so that they may be then included in another deficiency bill, is, I submit, a very poor, temporizing, half-way fashion of doing public business. I think we ought to comply with the request of Secretary Bayard, and meet now these expenses which have been already incurred, and pay back this money which has been already paid out for the Government. We provided a governmental machine which we knew would cost $150,000 for contingent expenses and ordered it to go on. We only provided $110,000 for those expenses. Let us honestly pay the balance, $40,000.

Mr. BELMONT. Mr. Chairman, I do not think it is necessary for me to add anything to what has been said. In voting this appropriation the House will be simply carrying out the policy hitherto adopted. I ask for a vote.

The amendment was agreed to.

The Clerk read as follows:

To enable the accounting officers to effect a proper settlement of the accounts of certain consular officers, being deficiencies, as follows: For the fiscal year, 1885, $34,970.35; for the fiscal year, 1884, $2,174.87; in all $37,145.22.

Mr. BELMONT. I ask a vote on that amendment.

Mr. BURNES. Mr. Chairman, I make a point of order on that amendment, and I desire to call the attention of the Chair to the difference between the question here and the questions that have been already passed upon. The consuls who created these deficiencies created them by withholding from the Treasury of the United States certain sums of money received by them for fees, and which it was their duty under the law to pay into the Treasury. Instead of paying those fees into the Treasury, as required by law, they withheld them under the pretense that it was necessary to use them in their business or in the consular service, and they now owe the Government that amount of money, and this appropriation is asked to cover what seems to me to be legally the defalcation of these officials.

Mr. HITT. Does the gentleman from Missouri [Mr. BURNES] say that the members of the consular service have retained these fees without authority of law? The law of 1884 expressly marks the limit up to which they are allowed to retain and apply to expenditures the fees, and beyond that limit they are required to pay them into the Treasury and pay the expenditures out of their own pockets. They have done this, and the Secretary after examining their accounts sends us this estimate of the deficiency that we owe and ought to repay them.

Mr. BURNES. I wish to ask the gentleman from Illinois a plain question: Is it not a fact that these consular officers do receive official fees which they are required by law to cover into the Treasury of the United States?

Mr. HITT. They are required to pay into the Treasury the fees received above and beyond a certain limit.

Mr. BURNES. Now, I wish to ask the gentleman whether in these cases under consideration the consuls have not used this money and withheld it from the Treasury, and is not this appropriation sought in order to cover the deficit so made?

Mr. HITT. Not at all. The Secretary of State has reported that these consuls have paid these expenses out of their own pockets, and these very amounts are found to be the amounts due to these officers for expenditures made in lieu of and above the fees they have received and expended. They are required to account for and turn in the fees after they reach a certain limit and pay further expenditures themselves, and they have done it. If I may answer the gentleman specifically in the language of the State Department I will quote these words:

That it is desirable now to meet this deficiency rather than entail upon the consular officers the necessity of personally bearing the expense of maintaining the consular service of the Government for three months and then wait a year afterward for reimbursement, because there generally elapses the period of a year from the close of a fiscal year before the deficiency becomes available. Formerly the burden was not so great, because many of the consuls paid their expenses out of their fees and were embarrassed only by having their accounts suspended until the deficiency appropriation was passed, but under a clause of the deficiency act of 1884 the consuls are not now allowed to so use the fees, and consequently they have to bear the expense out of their own private resources.

And the Secretary then gives this estimate of the deficiency and recommends that it be appropriated. And then he sends this estimate of deficiency here and recommends its payment.

Mr. BELMONT. Is the question of order now under discussion?

The CHAIRMAN. The question of order is pending.

Mr. BELMONT. Then I desire to say that there is no question of fees involved in this proposition in any manner. As has been well stated by my friend from Illinois, the deficiency act of 1884 expressly prohibits consuls from using their fees for these purposes; and this deficiency is created by an insufficiency of the allowance for rent, stationery, and postage. The allowance for rent is provided for by section 1706, and is at the rate of 20 per cent. on the salaries of such consuls as receive more than $1,000.

It seems to me that no point of order lies against this proposition, for the simple reason that this committee has already made provision for this purpose for the year 1886. Indeed my friend from Missouri [Mr. BURNES] himself reported from the Committee on Appropriations the bill now before the committee which required an appropriation of $22,000 for this item for 1886. The amendment which I propose relates to 1884 and 1885. If an appropriation of this kind was in order as to 1886, it is equally in order in regard to these two years.

The CHAIRMAN. As to the fund out of which these expenses are paid the Chair has no knowledge, and will therefore rule the amendment in order.

The question being taken, the amendment of Mr. BELMONT was adopted.

Mr. BROWNE, of Indiana. I desire now to renew the amendment I offered a moment ago for the purpose probably of merely renewing an inquiry to the gentlemen who have this matter in charge. In the case to which I refer Benjamin S. Parker retained from the fees under the statute which has been referred to $186.71. Upon an accounting with the proper Department it was found that more than this sum was due him; but as the appropriation was exhausted he was directed to return to the Treasury the sum of $186.71. This was for the year 1885. Mr. Parker was unable to return the money. I entered into a correspondence with the Comptroller of the Treasury, requesting him to wait until Congress should act on the matter, which he kindly consented to do.

Now, in this case the consul has not paid the money into the Treasury, but has retained it; and my amendment proposes that in a settlement with the Treasury Department he be allowed this sum as an offset to any balance that may stand against him as due the United States. If he had paid this money he would be entitled now to receive it back. If he had paid it, he simply asks that in the accounting between him-Not havingasury Department the sum may be allowed to him. The and the Treish to ask is whether Mr. Parker's case is covered by the question I wwhich have already been adopted.

Mr. BELMONT. I understand Mr. Parker's case to be a deficiency for the year 1885.

Mr. BROWNE, of Indiana. Yes, sir.

Mr. BELMONT. Then it would be covered by the second amendment.

Mr. BROWNE, of Indiana. He not having paid the money into the Treasury?

Mr. CANNON. I think the amendment covers it.

Mr. BURNES. I suggest that the gentleman from Indiana, in order to make the matter certain, had better ask unanimous consent to insert in the amendment of the gentleman from New York [Mr. BELMONT] the words "including the account of Benjamin S. Parker," &c.

Mr. BROWNE, of Indiana. In accordance with the suggestion of the gentleman from Missouri, I ask unanimous consent that in the amendment offered by the gentleman from New York there be inserted, after the word "officers," these words:

Including the account of Benjamin S. Parker, late consul at Sherbrooke, for $186.71.

The CHAIRMAN. The Chair hears no objection; and the amendment suggested by the gentleman from Indiana [Mr. BROWNE] will be made.

The Clerk read as follows:

To reimburse T. McF. Patton, United States consul at Osaka and Hiogo, Japan, amount expended by him for salary of interpreter to that consulate for the third quarter of 1884, being for the service of the fiscal year 1885, $125.

Mr. GILFILLAN. I move to amend by inserting after the paragraph just read the following:

To reimburse C. C. Andrews, late United States consul-general at Rio de Janeiro, the amount expended by him for clerk-hire in excess of the amount allowed by law during the year ending September 1, 1883, $600.

Mr. Chairman, this amendment is for the purpose of supplying a deficiency in the fund provided for the payment of clerk-hire at this consulate. The claim has been examined and an appropriation of this amount is recommended by the Secretary of State in a letter which has been transmitted here by the Secretary of the Treasury, and which I hold in my hand. I believe the amendment is not opposed by the Committee on Appropriations, and therefore I will not occupy time in discussing the merits of the question.

The question being taken, the amendment was agreed to; there being—ayes 61, noes 34.

The Clerk read as follows:

Loss on bills of exchange, consular service: To reimburse Alexander C. Jones, late United States consul of Nagasaki, Japan, the amount paid by him for the loss by exchange on drafts which were returned to him unpaid, being for the service of the fiscal year 1885, $55.52.

Mr. BELMONT. I move to amend by inserting after the paragraph just read the provision which I send to the desk.

The Clerk read as follows:

To enable the accounting officers, without the payment of any money from the Treasury, to reimburse appropriations for the consular service 1885 the amount of loss on bills of exchange paid from said appropriations, being a deficiency for the fiscal year 1885, $1,387.90.

Mr. BURNES. I trust my friend from New York [Mr. BELMONT] will accept an amendment to his proposition; otherwise we publish to the world what seems to be a fraud on its face. I suggest that the gentleman strike out the words "without the payment of any money from the Treasury." Those words relate to the balancing of the accounts, and they show on their face what I do not like the world to see—that we are allowing credit for money which has been withheld. Such a thing does not look well in a public document.

Mr. BELMONT. I see no objection to the gentleman's suggestion. I will only say that the wording of the amendment was taken from the estimates as they have been before the Committee on Appropriations.

Mr. BURNES. That is true.

Mr. BELMONT. I am perfectly willing to accept the gentleman's suggestion.

The CHAIRMAN. Does the gentleman from New York modify his amendment by striking out the words indicated—"without the payment of any money from the Treasury?"

Mr. BELMONT. I do.

The amendment as modified was agreed to.

Mr. DINGLEY. I offer the following amendment.

The Clerk read as follows:

Amend by inserting after line 154 as follows:
"Miscellaneous: To refund to James M. Hagar, managing owner of the American ship St. James, the sum improperly exacted from said ship by the United States consular agent at Bremerhaven, Germany, under protest of the master, and covered into the Treasury, said exaction having been held to be illegal by the United States minister at Berlin, which decision was affirmed by the State Department, $1,112.75.

Mr. BURNES. I make the point of order on that amendment.

Mr. DINGLEY. Mr. Chairman, I wish to say simply in reference to this matter that the Committee on Claims at this session have investigated this matter, and find the facts to be as stated. They had before them the communication of the Secretary of State, Mr. Bayard, saying that this amount had been exacted, and illegally exacted. It had further, sir, the statement of the Secretary of the Treasury that the money had been covered into the Treasury. It would have been paid back at once had it not been covered into the Treasury. As it was, there was no fund out of which payment could be made. It is in the nature, therefore, of an adjudicated amount. As it was paid into the Treasury, it could not be refunded except by appropriation. It therefore properly belongs in this bill.

The CHAIRMAN. The Chair regards it as out of order.

Mr. DINGLEY. Upon what ground?

The CHAIRMAN. That it is not an audited amount.

Mr. DINGLEY. It has been examined and audited by the Secretary of State and the Secretary of the Treasury.

The CHAIRMAN. The Chair sustains the point of order.

Mr. DINGLEY. Does the Chair rule the amendment out?

The CHAIRMAN. That is the decision of the Chair.

Mr. DINGLEY. It stands exactly on the same ground as more than a dozen paragraphs of the bill reported by that committee.

The CHAIRMAN. Does the gentleman take an appeal?

Mr DINGLEY. I do not.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. DINGLEY. I will simply say on the point of order, because I think there is a misapprehension of the amendment, that it appears from the communication of the Secretary of State this amount of $1,112 was illegally exacted at Bremerhaven, and paid under protest. Appeal was taken to our minister at Berlin, and the exaction was declared to have been illegal. The Secretary of State confirmed that decision. On application to refund the money it was decided, the amount having been covered into the Treasury, appropriation was necessary. It seems to me on that statement of facts this should be considered as an audited claim and the amendment as in order to this bill.

The CHAIRMAN. The gentleman from Maine and the Chair differ as to what the word audited means.

Mr. BELMONT. I am obliged to offer this amendment, as it seems to be an omission in the bill.

The Clerk read as follows:

To meet a deficiency in the salaries of consular officers, not citizens of the United States, for the fiscal year ended June 30, 1886, $4,000.

Mr. BELMONT. The reason for this amendment is that, by recent changes in these consulates, vice-consuls, not citizens of the United States, have been compelled to take charge of the consulates, and it has been discovered that the Secretary of State did not have at his disposal an amount sufficient to meet the requirements of the service. I ask the communication of the Secretary be read.

The Clerk read as follows:

TREASURY DEPARTMENT, *May* 14, 1886.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of letter of the Secretary of State of the 13th instant, in relation to the insufficiency of the appropriation for "salaries of consular officers not citizens of the United States" for the current fiscal year, and submitting an estimate of $4,000 to supply the deficiency therein.

Respectfully, yours,

C. S. FAIRCHILD, *Acting Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF STATE, *Washington, May* 13, 1886.

SIR: Referring to your letter of the 7th instant, relative to the insufficiency of the appropriation for "salaries of consular officers not citizens," I have the honor to request you to submit to Congress an estimate of $4,000 additional for the year 1886, to be included in the deficiency bill.

The $6,000 appropriated, as you are aware, has usually been sufficient, but during the present fiscal year so many changes have been made in the consular service, causing consulates to be left in charge of vice-consuls who are not citizens of the United States, that this appropriation became exhausted in April, 1886, before all the drafts drawn for salary for the first quarter 1886 were paid.

I have the honor to be, sir, your obedient servant,

T. F. BAYARD.

Hon. DANIEL MANNING,
Secretary of the Treasury.

The amendment was agreed to.

Mr. BELMONT. I move the following amendment:

Page 7, amend by inserting after line 154 as follows: To meet a deficiency in the salaries of chargés d'affaires *ad interim* for the fiscal year ended June 30, 1886, $8,100.

Mr. BURNES. I apprehend this is not subject to the point of order, but I ask both sides of the House to vote it down. This is a worthless, soft service, and I do trust that is something this House will vote out of this bill.

Mr. BELMONT. This is to provide compensation for those officials of the United States who are now at their posts of duty. In the case of Vienna, where we have no representative, the secretary of legation is entitled to one-half of the pay of the minister during the period of vacancy.

But during that period he is entitled to no salary as secretary. The statute, which I will read, provides (section 1685, Revised Statutes):

For such time as any secretary of legation shall be lawfully authorized to act as chargé d'affaires *ad interim* at the post to which he shall have been appointed he shall be entitled to receive compensation at the rate allowed by law for a chargé d'affaires at such post; but he shall not be entitled to receive for such time the compensation allowed for his services as secretary of legation.

In the various changes which have taken place, as I have already explained earlier in this discussion, lately this item has been increased. I do not think it is necessary to take up the time of the committee with the further reading of communications from the Department, but I will ask leave to have it printed in connection with the amendment which I have offered.

There was no objection.

The communication is as follows:

TREASURY DEPARTMENT, *June* 7, 1886.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of State of the 5th instant, in which he submits the necessity for an urgent appropriation of $8,100 to supply a deficiency in the appropriation for salaries of chargés d'affaires *ad interim* for the current fiscal year, to meet drafts drawn on this account, some of which have already been presented and payment refused for want of funds.

Respectfully, yours,

C. S. FAIRCHILD, *Acting Secretary.*

The SPEAKER *of the House of Representatives.*

DEPARTMENT OF STATE, WASHINGTON, *June* 5, 1886.

SIR: I have the honor to ask that Congress be requested to provide in the deficiency bill for the payment of salaries of chargés d'affaires *ad interim* for the current fiscal year the sum of $8,100, to meet the settlement of accounts and payments of drafts now held, and other drafts on this account for said services during the current month, which will be presented for payment early after the 30th instant. It is hoped that in order to protect the drafts now held, and to preserve the credit of the Government and its officers, the necessary appropriation to pay them and others will be promptly made. The appropriation for the current fiscal year is only $12,000, and we have just been able from the reception of the accounts to ascertain that there will be a deficiency for this service of at least the amount stated above.

The accounts received are as follows:

Name.	Station.	Amounts.
J. F. Lee	Vienna, Austria	$4,467 33
D. L. Pringle	Guatemala City	1,156 41
C. M. Seibert	Santiago, Chili	458 34
E. J. Smithers	Peking, China	1,562 85
G. C. Foulk	Seoul, Corea	1,875 00
J. L. Morgan	Mexico City, Mexico	744 50
R. R. Neill	Lima, Peru	40 76
G. W. Wurts	St. Petersburg, Russia	594 43
E. H. Strobel	Madrid, Spain	1,842 43
W. C. Emmet	Constantinople, Turkey	1,427 54
Total		14,169 59

To which add for outstanding drafts and drafts to be drawn at the close of the current month the following:

Name.	Station.	Amount.
J. F. Lee	Vienna, Austria	$1,505 50
G. C. Foulk	Seoul, Corea	625 00
J. L. Morgan	Mexico City, Mexico	312 00
Chapman Coleman	Berlin, Germany	721 10
V. O. King	Bogota, Colombia	360 58
Henri Vignaud	Paris, France	961 53
G. W. Wurts	St. Petersburg, Russia	1,442 30
Total		5,928 01

It is earnestly desired, in order to avoid the mortification of diplomatic officers (as heretofore stated) and the discredit of this Government by the return of their drafts dishonored, that the appropriation be made available immediately.

Although I am aware that it is now very late to be asking you to apply to Congress for an appropriation, still, as it was impossible for me to ascertain earlier what would be the condition of the appropriation at the end of the year, and as the deficiency bill has not yet been reported from the committee, I trust that I am sufficiently in time.

I have the honor to be, sir, your obedient servant,

T. F. BAYARD.

The SECRETARY OF THE TREASURY.

Mr. BUTTERWORTH. I understand this amount to be due?

Mr. BELMONT. Yes, sir, it is due now; and further I will say that there are at the State Department a number of protested drafts——

Mr. BUTTERWORTH. I did not ask with the hope of influencing the House. They are not in the habit of paying debts that are due.

Mr. BELMONT. This is due, and I hope the amendment will be adopted. I ask a vote upon it.

Mr. HITT. Before the vote is taken I would like to answer an assertion made by the gentleman in charge of the bill [Mr. BURNES] that the officers performing this duty have a "soft and worthless" service. When these gentlemen perform the duty of chargé d'affaires they perform a laborious duty, and it is one that is so far from being soft that it generally beggars them for the rest of the year, unless they happen to have private means of their own by which they can support these extraordinary expenses as chargés entirely independent of the salary they receive from the Government.

It is a laborious and responsible duty that they discharge, the duty of both minister and secretary of legation, and it has been made more exacting recently by reason of the changes that have taken place in the Government since the change in the political head. The amendment proposes to pay nothing that has not been customary and provided by law heretofore, and this duty has been recognized for fifty years as necessary, important, and laborious.

The question was taken on the amendment of Mr. BELMONT; and there were on a division—ayes 68, noes 77.

So the amendment was rejected.

Mr. BURNES. I now ask unanimous consent, Mr. Chairman, that the Clerk of the House may arrange the different items that have been put into the bill under proper heads. They have been put in at irregular places and at intervals, and it will be almost impossible to pursue them unless they are rearranged.

The CHAIRMAN. Does the gentleman apply that request to the entire bill?

Mr. BURNES. Only to the State Department.

There was no objection, and it was so ordered.

Mr. BURNES. I now call the attention of my friend from Tennessee [Mr TAYLOR] to the fact that I promised him to be heard.

Mr. ZACH. TAYLOR. I move the adoption of the amendment which I send to the desk, to be inserted after line 1590.

The Clerk read as follows:

FINDINGS OR AWARDS OF THE COURT OF CLAIMS.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the following-named persons the sums respectively found due them by the Court of Claims under the act of March 3, 1883, and duly reported by said court to Congress, namely:

To Mary A. Blackwell, $940.
To John M. Campbell, $1,046.50.
To Anna M. Cogswell, $3,884.
To Elizabeth P. Dyer, $480.
To Newitt Harris, $600.
To David H. Hildebrand, $1,078.
To Horace P. Hobson, administrator of John O. Graves, deceased, $3,231.
To Indiana E. Hughes, administratrix of John P. Hughes, deceased, $1,436.
To James C. Jenkins, administrator of Thomas C. Jenkins, $1,275.
To Sarah McFerrin, administratrix of Robert Waters, deceased, $1,752.
To Sarah E. Mendenhall, administratrix of F. M. Mendenhall, deceased, $583.73.
To the administrator of John A. Oursler, deceased, $2,439.10.
To Thomas F. Perkins, administrator of Eliza M. Dawson, deceased, $19,237.68.
To John B. Reid, $1,000.
To Robert H. Walton, $330.
To Americus V. Warr, administrator of Nicholas H. Isbell, deceased, $13,475.15.
To John R. Watkins, administrator of Matilda W. Anderson, deceased, $2,530.
To Elizabeth Griggs, administratrix of Charles Murphy, deceased, $3,187.
To James Tucker, $500.
To Henry Bazsinskey, administrator of Abraham Bazsinskey, deceased, $25,128.
To Robert Smith, $510.
To Alexander Moffatt, $12,442.98.
To the Corporation of Roman Catholic Clergymen of the State of Maryland, the sum of $1,035.50.

Mr. BURNES. I reserve the point of order.

Mr. ZACH. TAYLOR. Will the gentleman please state what is his point of order?

Mr. BURNES. I reserve it in order to enable the gentleman from Tennessee to give an explanation of his amendment.

Mr. ZACH. TAYLOR. These are claims that have been approved by the Court of Claims, and referred to Congress in pursuance of law for appropriation by Congress to pay them. I can not see any difference between these claims and those admitted under the amendment proposed by the gentleman from Wisconsin [Mr. GUENTHER] for damages by the overflowage of the Fox and Wisconsin Rivers. I have a certificate from the clerk of the Court of Claims certifying that these awards or findings of the court had been made.

Mr. HOLMAN. The point of order is that there is no law authorizing the payment of these claims. These, if I understand the gentleman from Tennessee correctly, are claims that have been referred to the Court of Claims under the act of 1883, known as the Bowman law. That act, as the Chair will remember, provides for the reference by a committee of either House of Congress of any pending claim to the Court of Claims for the purpose of ascertaining the facts, and the court is required simply to report the facts to Congress.

Mr. ZACH. TAYLOR. And the amounts due, which they have done.

Mr. HOLMAN. They report the facts to the House or the Senate, as the case may be, with a recommendation of course. There is no law for their payment. The report is referred as a matter of course to the proper committee for consideration, and facts are furnished on which to predicate a bill.

Mr. SPRINGER. The amendment states, as I understand, that these are cases reported by the Court of Claims under the Bowman act.

Mr. ZACH. TAYLOR. Yes, sir. I can not see any difference between them and the claims for damages on which the Committee of the Whole acted favorably on Saturday.

The CHAIRMAN. The difference, as it seems to the Chair, between this and the case to which the gentleman alludes is this, that in the former case a judgment was rendered against the United States, while under the Bowman act the Court of Claims can not render a judgment. It simply makes a report.

Mr. ZACH. TAYLOR. I do not understand that it is such a judgment that an execution would be issued if it were against a private in-

dividual. But the amounts have been fixed and everything done to show the liability of the Government. It is an amount the Government owes and has not paid, and it does not seem likely that it ever will be paid unless we can get it passed on some bill of this kind.

The CHAIRMAN. It may be very proper to pass a bill for the payment of these claims, but it is not in order to put them on this bill.

Mr. CANNON. I do not know, and I ask the question for information, if any of these claims have been certified before or not.

A MEMBER. Some of them have been.

Mr. CANNON. There ought to be some way provided by which these appropriations can be made when the claims have undergone judicial investigation, either as we dispose of the 4th of July claims or in some other way.

Mr. BURNES. Is not the proper course for that tribunal when it has investigated the cases to send them back with its report to the respective committees?

The CHAIRMAN. At any rate the Chair holds that the amendment is out of order on this bill.

Mr. BURNES. I ask leave to submit the amendment which I send to the desk.

The Chief Clerk read as follows:

On page 64, line 1569, after the word "cents," insert: "Anne H. Elliott, $505.93, and Emily Elliott, $505.93;" and in lines 1569, 1570, 1571, in lieu of the sum proposed, insert $683,228.12.

Mr. BURNES. I ask to have read the letter of the Secretary of the Treasury transmitting those claims.

The Clerk read as follows:

TREASURY DEPARTMENT, *July* 6, 1886.

SIR: I have the honor to inform you that on the 11th day of May, 1885, the Court of Claims gave judgment against the United States in favor of Anne H. Elliott for $505.93 and in favor of Emily Elliott for $505.93, both of which said judgments were presented to-day for payment.

It would seem proper that they should be inserted in the general deficiency bill.

Respectfully, yours,

C. S. FAIRCHILD, *Acting Secretary.*

Hon. J. N. BURNES,
House of Representatives.

The amendment was adopted.

Mr. BURNES. Unless there be something else that has been passed over or unless we are under obligations to some member, I will move that the committee rise.

Mr. GUENTHER. When I offered the amendment with regard to the overflow damages the last five items failed to give the amount of the judgments, and instead of that gave the amount of the costs. I ask unanimous consent that the amendment be corrected as to these five names, so that it will read:

Wilhelmina Retz, $75; Andrew Kewitz, $100; G. Liebenhaur, $200; David Evans, $500; Frederick Hault, $240.

I simply substitute the amounts of the awards for the costs. I have the consent of the chairman of the subcommittee that this change shall be made.

The CHAIRMAN. The gentleman from Wisconsin [Mr. GUENTHER] asks unanimous consent to make the correction which he has indicated.

There was no objection.

The CHAIRMAN. The question is on the motion of the gentleman from Missouri [Mr. BURNES] that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having taken the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 9726) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1886, and for prior years, and for other purposes, had directed him to report the same to the House with sundry amendments.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 503) relating to the Supreme Court of Montana Territory, and providing for the establishment of judicial districts in the Territory; and

A bill (S. 2592) to amend and correct the act approved June 1, 1886, granting a pension to J. H. Thornburg.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, their Secretary, informed the House that the Senate had passed the bill (S. 1800) to secure the Cherokee freedmen and others their proportion of certain proceeds of lands under the act of March 3, 1883.

The message also informed the House that the Senate had adopted a resolution transmitting, in compliance with the request of the House, an engrossed copy of the bill (S. 1526) amending sections 4756 and 4757 of the Revised Statutes, relating to pensions and to certain disabled persons who have served in the Navy or Marine Corps.

The message further informed the House that the Senate had passed a concurrent resolution providing for the printing and distribution of the annual report of the United States Civil Service Commission.

The message further announced that the Senate had agreed to the resolution of the House of Representatives requesting the President of the United States to return to the House the bill (H. R. 3701) granting a pension to Daniel J. Bingman.

DEFICIENCY APPROPRIATION BILL.

Mr. BURNES. I move the previous question on the bill and amendments.

The previous question was ordered.

The SPEAKER. Gentlemen will indicate the amendments on which they desire to have separate votes.

Mr. BURNES. I ask unanimous consent that the time of the session to-day be extended until 6 o'clock, or until this bill is completed.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

A MEMBER. I object.

The SPEAKER. Are there any amendments upon which a separate vote is demanded?

Mr. BURNES. Yes, sir; there are several.

Mr. TURNER. I ask a separate vote on the amendment proposed by the gentleman from Iowa [Mr. HEPBURN], making an allowance of $1,000 in connection with some former election contest in regard to members of the House from the State of Iowa.

Mr. REAGAN. I ask a separate vote on the amendment giving an extra month's pay to the employés of the House.

Mr. BURNES. On page 72 there is an amendment in regard to the funding of taxes illegally collected from railroads upon which I am instructed to ask a separate vote. Also an amendment on page 98; also an amendment on page 65, in relation to the improvement of the Fox and Wisconsin Rivers.

Mr. BRAGG. That is for the payment of judgments.

Mr. HOLMAN. On page 110 there is an amendment offered by the gentleman from Texas [Mr. CRAIN] upon which a separate vote is desired.

Mr. BURNES. I will call the attention of the gentleman from California [Mr. MORROW] to the fact that he was to ask for a separate vote upon the item for the compensation of California members in the contested-election cases.

Mr. MORROW. I do not know, Mr. Speaker, that it is exactly proper that I should ask a vote on that, one way or the other. The gentleman from New York [Mr. PAYNE] can state whether a separate vote is desired or not.

Mr. HOLMAN. That was not reported to the House, I believe. I think there was an agreement that the gentleman from California [Mr. MORROW] might move to amend the proposition submitted by the committee.

Mr. MORROW. As I understood it, the agreement was about this: The Committee on Appropriations recommended an appropriation of $650; there was also a proposition that the amount should be $1,000 or $1,150. As to that proposition the right to have a separate vote if desired was reserved by the gentleman from New York [Mr. PAYNE], and I think the gentleman from Indiana [Mr. LOWRY] stated when the arrangement was suggested that the amendment could be made to cover any sum that we might desire to move.

Mr. LOWRY. The amendment offered by my colleague on the Committee on Elections [Mr. TURNER], providing the sum of $650 for the expenses of the California delegation, was adopted on a vote by the voice. A division was called for, and it was also adopted in that way. A vote by tellers was then asked for, and while that vote was in progress it was agreed that the amendment appropriating $650 should be adopted by the Committee of the Whole with leave for the gentleman from California [Mr. MORROW] to move an amendment in the House to make the amount $1,150.

Mr. TURNER. The gentleman is mistaken. The amendment offered by me was adopted by a majority on the vote by tellers. It was not agreed to *pro forma.*

Mr. MORROW. The gentleman from Georgia is correct about that.

The SPEAKER. What the Chair desires to ascertain is whether it was understood that there might be an amendment offered to that amendment so as to make the amount $1,150.

Mr. LOWRY. That was the understanding, and there is substantially no difference between the statement of my friend the chairman of the Committee on Elections and that which I have made. The difference is that I understood that the vote by tellers had not been completed, but his understanding is that it was completed.

Mr. PAYNE. Mr. Speaker, the understanding has been correctly stated, but I do not desire to press that amendment and I shall not ask a separate vote.

The amendments reported from the Committee of the Whole on the state of the Union, except those on which separate votes were demanded, were then agreed to.

Mr. BURNES moved to reconsider the vote by which the amendments were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Clerk will now report the first amendment upon which a separate vote is asked.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent to make a statement in regard to an item upon which a separate vote is asked, the allowance to the widow of a former member of this House from Iowa.

The SPEAKER. There is no separate vote asked by the gentleman from Iowa upon that amendment.

Mr. SPRINGER. The gentleman from Georgia [Mr. TURNER] has asked a separate vote upon it, and I owe it to the House to correct the statement which I made when the amendment was offered.

I was then under the impression, and I stated, that the amount of the allowance recommended by the Committee on Elections when I was chairman of that committee was greater than the amount provided in the amendment offered to this bill. That was a mistake. The amount recommended by the Committee on Elections of the Forty-sixth Congress in this case was $750, and that amount was disallowed, as were the allowances in the other two cases, by a vote of 75 in the affirmative to 77 in the negative.

Mr. TURNER. Then, if the gentleman will pardon the inquiry, I understand him to state that the allowance of $750 in this case was voted down by the House?

Mr. SPRINGER. It was recommended by the Committee on Elections, but was voted down by the House.

The first amendment reported from the Committee of the Whole on which a separate vote was demanded was read, as follows:

After line 633 insert the following:

"For payment of bills as follows: Being a deficiency for the fiscal year 1885, June 10, 1885, Old Colony Steamboat Company, for transportation of enlisted men from New York to Newport, $127; May 27, 1885, Old Colony Steamboat Company, for transportation of enlisted men from New York to Newport, $162; June 1, 1885, Pacific Mail Steamship Company, transportation of enlisted men from New York to San Francisco, $493.50; June 24, 1885, Pacific Mail Steamship Company, transportation of enlisted men from San Francisco to New York, $4,935; April 7, 1885, Pacific Mail Steampship Company, transportation of enlisted men from New York to Aspinwall (Panama expedition), $1,600; May 20, 1885, Pacific Mail Steamship Company, transportation of enlisted men from Aspinwall to New York (Panama expedition), $1,170. Total, $8,487.50.

The question being taken on agreeing to the amendment, there were—ayes 91, noes 95.

Mr. CANNON. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and it was decided in the affirmative—yeas 117, nays 93, not voting 113; as follows:

YEAS—117.

Adams, G. E.	Dingley,	Ketcham,	Reid, J. W.
Allen, C. H.	Dorsey,	La Follette,	Rice,
Atkinson,	Dunham,	Laird,	Rockwell,
Baker,	Dunn,	Lindsley,	Romeis,
Bayne,	Evans,	Little,	Rowell,
Belmont,	Everhart,	Long,	Ryan,
Bingham,	Farquhar,	Lore,	Scranton,
Blanchard,	Felton,	Louttit,	Spooner,
Bland,	Frederick,	Lyman,	Stephenson,
Blount,	Fuller,	Markham,	Stewart, J. W.
Bound,	Gibson, C. H.	McComas,	Stone, E. F.
Bragg,	Gilfillan,	McKenna,	Strait,
Breckinridge, C. R.	Grosvenor,	McKinley,	Swinburne,
Breckinridge, W. C. P.	Guenther,	Merriman,	Taylor, I. H.
Browne, T. M.	Hayden,	Milliken,	Taylor, Zach.
Brown, W. W.	Haynes,	Moffatt,	Thomas, O. B.
Buck,	Henderson, T. J.	Morrill,	Thompson,
Bunnell,	Hepburn,	Morrow,	Tucker,
Burleigh,	Hermann,	Oates,	Van Schaick,
Burrows,	Hewitt,	O'Donnell,	Wade,
Butterworth,	Hiestand,	O'Neill, Charles	Wadsworth,
Candler,	Hires,	O'Neill, J. J.	Wakefield,
Cannon,	Hitt,	Osborne,	Warner, William
Caswell,	Holmes,	Owen,	Weber,
Conger,	Hopkins,	Payne,	West,
Cooper,	Jackson,	Perkins,	White, A. C.
Cox,	James,	Peters,	White, Milo.
Cutcheon,	Johnson, F. A.	Plumb,	
Davis,	Johnston, J. T.	Price,	
Dibble,	Kelley,	Ranney,	

NAYS—93.

Allen, J. M.	Forney,	McCreary,	Springer,
Anderson, C. M.	Geddes,	McMillin,	Stewart, Charles
Anderson, J. A.	Gibson, Eustace	McRae,	St. Martin,
Barksdale,	Glover,	Morgan,	Stone, W. J., Ky.
Barry,	Green, W. J.	Morrison,	Stone, W. J., Mo.
Beach,	Halsell,	Murphy,	Tarsney,
Bennett,	Hatch,	Neal,	Taulbee,
Boyle,	Henderson, J. S.	Neece,	Tillman,
Burnes,	Henley,	Norwood,	Turner,
Bynum,	Hill,	O'Ferrall,	Van Eaton,
Cabell,	Holman,	Outhwaite,	Viele,
Catchings,	Howard,	Peel,	Warner, A. J.
Cobb,	Hudd,	Perry,	Weaver, J. B.
Cowles,	Hutton,	Pindar,	Wellborn,
Crisp,	Irion,	Randall,	Wheeler,
Croxton,	Johnston, T. D.	Reagan,	Wilkins,
Culberson,	Jones, J. H.	Richardson,	Willis,
Curtin,	Jones, J. T.	Sadler,	Wilson,
Davidson, A. C.	Kleiner,	Sayers,	Winans,
Dockery,	Lawler,	Seney,	Wise,
Eldredge,	Lowry,	Seymour,	Wolford.
Ellsberry,	Martin,	Singleton,	
Fisher,	Matson,	Skinner,	
Ford,	McAdoo,	Sowden,	

NOT VOTING—113.

Adams, J. J.	Dawson,	Laffoon,	Scott,
Aiken,	Dougherty,	Landes,	Sessions,
Arnot,	Dowdney,	Lanham,	Shaw,
Ballentine,	Eden,	Le Fevre,	Smalls,
Barbour,	Ely,	Lehlbach,	Snyder,
Barnes,	Ermentrout,	Libbey,	Spriggs,
Bliss,	Findlay,	Lovering,	Stahlnecker,
Boutelle,	Fleeger,	Mahoney,	Steele,
Brady,	Foran,	Maybury,	Storm,
Brown, C. E.	Funston,	Millard,	Struble,
Brumm,	Gallinger,	Miller,	Swope,
Buchanan,	Gay,	Mills,	Symes,
Caldwell,	Glass,	Mitchell,	Taylor, E. B.
Campbell, Felix	Goff,	Muller,	Taylor, J. M.
Campbell, J. E.	Green, R. S.	Negley,	Thomas, J. R.
Campbell, J. M.	Grout,	Nelson,	Throckmorton,
Campbell, T. J.	Hale,	O'Hara,	Townshend,
Carleton,	Hall,	Parker,	Trigg,
Clardy,	Hammond,	Payson,	Wait,
Clements,	Hanback,	Pettibone,	Wallace,
Cole,	Harmer,	Phelps,	Ward, J. H.
Collins,	Harris,	Pidcock,	Ward, T. B.
Compton,	Heard,	Pirce,	Weaver, A. J.
Comstock,	Hemphill,	Reed, T. B.	Whiting,
Crain,	Henderson, D. B.	Reese,	Woodburn,
Daniel,	Herbert,	Riggs,	Worthington.
Dargan,	Hiscock,	Robertson,	
Davenport,	Houk,	Rogers,	
Davidson, R. H. M.	King,	Sawyer,	

So the amendment was adopted.

The following additional pairs were announced:

Mr. HERBERT with Mr. BOUTELLE, on this vote.

Mr. HAMMOND with Mr. NEGLEY, on the pending bill.

The following-named members were announced as paired for the remainder of the day:

Mr. DARGAN with Mr. STRUBLE.

Mr. HALE with Mr. SESSIONS.

Mr. CLARDY with Mr. BRUMM.

Mr. COMSTOCK with Mr. FUNSTON.

Mr. LANHAM with Mr. GALLINGER.

Mr. CALDWELL with Mr. HENDERSON, of Iowa.

Mr. KING with Mr. PETTIBONE.

Mr. DANIEL with Mr. HARMER.

Mr. TOWNSHEND with Mr. PAYSON.

Mr. BOUTELLE. I desire to state that if the gentleman from Alabama [Mr. HERBERT] were here, I should vote "ay."

Mr. KING. If the gentleman from Tennessee [Mr. PETTIBONE] were present, I should vote in the affirmative.

The result of the vote was announced as above stated.

The SPEAKER. The hour of 5 o'clock having arrived, the House stands adjourned until to-morrow morning at 11 o'clock.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BUNNELL: Petition of the Home Guards and United States Reserve Corps, Missouri Volunteers' Association, of the State of Missouri, favoring the equalization-of-bounty bill—to the Committee on Invalid Pensions.

By Mr. C. E. BROWN: Memorial of Post 141, Grand Army of the Republic, of Cleveland, Ohio, for pension legislation—to the same committee.

Also, petition of Home Guards and United States Reserve Corps of Missouri for equalization of bounty—to the Committee on War Claims.

By Mr. COMPTON: Petition of Mary Bringle, and of T. P. Vignieve, administrator of A. Verritt, asking that their war claims be referred to the Court of Claims—to the same committee.

By Mr. FORNEY: Petition of Elizabeth Potts, of Gaylesville, Ala., asking that her war claim be referred to the Court of Claims—to the same committee.

By Mr. GLASS: Petition of Joseph D. Davis, of Lake County, Tennessee, and of Hugh W. Throckmorton, of the District of Columbia, asking that their claims be referred to the Court of Claims—to the same committee.

By Mr. LA FOLLETTE: Petition of Grand Army of the Republic Post No. 191 and of Post No. 176, Department of Wisconsin, for the passage of Senate bill No. 1886—to the Committee on Invalid Pensions.

Also, petition and resolutions of soldiers and sailors of Dakota for the passage of Senate bill 1886, and for the passage of the Harrison bill—to the same committee.

By Mr. LYMAN: Petition of the survivors of the Old Home Guard and United States Reserve Corps of the State of Missouri for the passage of Senate bill known as the equalization-bounty bill—to the Committee on Claims.

By Mr. NEAL: Papers to accompany House bill 9785, for the relief of J. C. Martin of Tennessee—to the Committee on War Claims.

By Mr. NEGLEY: Petition of A. R. Wattman and others and of Albert Swartzwelder and others, for relief—to the Committee on Labor.

Also, nine petitions of window-glass workers of America, opposing the revision of the present tariff tax—to the Committee on Ways and Means.

By Mr. ZACH. TAYLOR: Petition of Thomas W. Cole, of Shelby County, Tennessee, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. VAN EATON: Petition of C. Schwartz and Rufus F. Learned, executor of Andrew Brown, deceased, of Natchez, Miss., asking that their war claims be referred to the Court of Claims—to the same committee.

By Mr. WADE: Petition of Major Worthington Post No. 270, Grand Army of the Republic, for pension legislation—to the Committee on Invalid Pensions.

By Mr. WILLIAM WARNER: Petition of Thomas O. Sittington, of Lafayette County, Missouri, asking that his war claim be referred to the Court of Claims—to the same committee.

The following petitions, asking for the passage of House bill 7887, repealing timber-culture, pre-emption, and desert-land acts; of House bill 7021, for adjustment of railroad and other land grants; of bill forfeiting all railroad land grants the conditions of which have not been strictly complied with; of House bill organizing the Territory of Oklahoma; of Senate bill opening a portion of the great Sioux reservation to settlement; of bill prohibiting aliens from holding land in the United States; of bill making Presidential and Congressional election days holidays, and punishing bribery; and of bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired, were severally referred to the Committee on the Public Lands.

By Mr. BLOUNT: Petition of E. Crockett and 344 others, of Henry Franck and 204 others, and of J. D. Gray and 128 others, citizens of the sixth district of Georgia.

By Mr. BOUND: Petition of J. M. Marrow and 124 others, of H. W. Seaver and 19 others, of Henry German and 155 others, and of E. B. Hoffman and 56 others, citizens of the fourteenth district of Pennsylvania.

By Mr. BOYLE: Petition of Weldon Baker and 31 others, of Frank P. Lyons and 31 others, of Isaac Bush and 45 others, of H. J. Randle and 80 others, of R. W. Wiley and 45 others, of E. L. Wilson and 73 others, of John J. Eddy and 83 others, of S. Baker and 75 others, and of Joseph Gibson and 116 others, citizens of the twenty-first district of Pennsylvania.

By Mr. C. E. BROWN: Petition of William Gilbrath and 50 others, of E. H. Cronninger and 65 others, of John A. Lictchtenfels and 75 others, and of Assembly No. 1887, Knights of Labor, of Cincinnati, Ohio.

By Mr. W. W. BROWN: Petition of S. W. Kitchen and 89 others, of P. M. Miller and 52 others, of Jonathan Tilly and 16 others, of J. W. Tebo and 42 others, of C. B. Cronkrite and 120 others, of R. S. Wheelen and 13 others, of C. R. Sears and 19 others, of G. W. Bowen and 31 others, and of A. B. Green and 38 others, citizens of the sixteenth district of Pennsylvania.

By Mr. BUCK: Petition of Peter Jennings and 64 others, of Thomas Fair and 88 others, of Thomas F. O'Conner and 150 others, and of John C. Nelson and 50 others, citizens of the first district of Connecticut.

By Mr. BUNNELL: Petition of N. J. Roberts and 45 others and of W. J. Preland and 37 others, citizens of the fifteenth district of Pennsylvania.

By Mr. J. M. CAMPBELL: Petition of W. H. Shafer and 40 others, citizens of the seventeenth district of Pennsylvania.

By Mr. CLARDY: Petition of J. F. Johnson and 94 others and of H. Casey and 34 others, citizens of the tenth district of Missouri.

By Mr. COLE: Petition of Andrew J. Smith and 112 others and of Peter Kolb and 113 others, citizens of the third district of Maryland.

By Mr. COMPTON: Petition of J. P. Duvall and 150 others and of James S. Cassidy and 66 others, citizens of the fifth district of Maryland.

By Mr. CURTIN: Petition of J. W. Russell and 83 others, of S. W. Caldwell and 80 others, and of S. H. Chester and 47 others, citizens of the twentieth district of Pennsylvania.

By Mr. DINGLEY: Petition of S. J. Boiss and 125 others, of C. M. Knight and 91 others, of B. D. Babcock and 115 others, of P. Burns and 260 others, of A. J. Davis and 64 others, of F. D. Seyforth and 24 others, of William Peterton and 71 others, of A. U. Patterson and 87 others, of C. A. Thompson and 100 others, of John Arnold and 54 others, and of S. D. Edwards and 36 others, citizens of the second district of Maine.

By Mr. DORSEY: Petition of J. E. Roberts and 69 others, of J. E. Baker and 317 others, and of John Sorenson and 318 others, citizens of the third district of Nebraska.

By Mr. ELLSBERRY: Petition of Lewis Heid and 295 others and of J. H. Massie and 32 others, citizens of the eleventh district of Ohio.

By Mr. ERMENTROUT: Petition of John J. Halderle and 200 others, of J. McKinney and 50 others, of Franklin Stamm and 35 others, of James A. Payne and 35 others, and of A. Deisher and 70 others, citizens of the eighth district of Pennsylvania.

By Mr. EVERHART: Petition of Norris Plumley and 285 others, of L. R. Johnson and 23 others, and of Charles Kaiser and 16 others, citizens of the sixth district of Pennsylvania.

By Mr. FINDLAY: Petition of John E. Weaver and 79 others, citizens of the ninth district of Maryland; of W. J. Lewis and 149 others, and of John J. McFarlane and 40 others, citizens of the fourth district of Maryland.

By Mr. FORAN: Petition of A. Newman and 53 others, of A. E. Strong and 60 others, of C. M. Frick and 285 others, of E. Ready and 83 others, of M. Conkey and 196 others, of John Cook and 140 others, of James Been and 102 others, of M. Dennis and 29 others, of George Burns and 72 others, of K. F. Gama and 520 others, of J. Weiss and 40 others, of T. Opermoon and 31 others, and of Martin Regely and 52 others, citizens of the twenty-first district of Ohio.

By Mr. FUNSTON: Petition of George Black and 115 others, citizens of the second district of Kansas.

By Mr. GLOVER: Petition of James Depew and 156 others and of W. L. Rinehart and 14 others, citizens of the ninth district of Missouri.

By Mr. GROSVENOR: Petition of J. A. Williams and 106 others, of Joseph Brooks and 45 others, of W. C. Roop and 68 others, of S. M. Gorham and 82 others, of R. Patton and 27 others, and of M. Sailer and 18 others, citizens of the fourteenth district of Ohio.

By Mr. HALSELL: Petition of Benjamin Roberts and 62 others, citizens of Mecklenburg County, Kentucky.

By Mr. HARMER: Petition of Hugh Coyle and 40 others, of A. E. English and 22 others, of William Blake and 80 others, of H. C. Tipton and 105 others, of M. Pray and 125 others, and of M. Fitzgerald and 95 others, citizens of the fifth district of Pennsylvania.

By Mr. HATCH: Petition of J. T. Johnson and 94 others, of J. M. Hooker and 242 others, of J. G. Fors and 107 others, of George Brennerman and 248 others, and of William Ball and 280 others, citizens of the first district of Missouri.

By Mr. HAYDEN: Petition of Joseph Griffin and 113 others, of Richard L. Snooks and 48 others, of M. C. Sullivan and 28 others, and of P. Kelley and 26 others, citizens of the fifth district of Massachusetts.

By Mr. D. B. HENDERSON: Petition of R. B. Feister and 165 others and of Miss Maggie Class and 60 others, citizens of the third district of Iowa.

By Mr. HERMANN: Testimony to accompany House bill No. 1951, for relief of Louis Belfils—to the Committee on Claims.

By Mr. HEWITT: Petition of W. Hobbins and 148 others and of E. J. Nolan and 23 others, citizens of the ninth district of New York.

By Mr. HIRES: Petition of H. Egar and 70 others, of S. J. Norton and 46 others, of H. F. Flynn and 63 others, and of D. McGoneral and 46 others, citizens of the first district of New Jersey.

By Mr. JAMES: Petition of Alex. Wier and 290 others, of J. H. Reed and 50 others, of E. Boyle and 30 others, of C. T. Mack and 175 others, of F. Smithe and 20 others, of A. E. Collins and 30 others, and of C. S. Holdridge and 175 others, citizens of New York.

By Mr. J. T. JONES: Petition of P. Ryal and 72 others, of P. H. Tremer and 103 others, and of Thomas James and 75 others, citizens of the first district of Alabama.

By Mr. LAIRD: Petition of Miles Fiero and 94 others, and of H. J. Armitage and 29 others, citizens of the second district of Nebraska.

By Mr. LIBBEY: Petition of Ed. Butt and 30 others, and of Joseph Ruffin and 398 others, citizens of the second district of Virginia.

By Mr. LINDSLEY: Petition of A. Barrett and 21 others, and of William J. Keane and 77 others, citizens of the seventeenth district of New York.

By Mr. LITTLE: Petition of L. Rapp and 144 others, of Victor Cobb and 62 others, of John Tyler and 23 others, and of John W. Bennett and 60 others, citizens of the eighth district of Ohio.

By Mr. LORE: Petition of Martin F. Farry and 150 others, of S. B. Knee and 76 others, of John O. Tyson and 83 others, Joseph F. Price and 106 others, and of H. A. Saunders and 184 others, citizens of Delaware.

By Mr. McMILLIN: Petition of H. Solomon and 40 others, citizens of the fourth district of Tennessee.

By Mr. MITCHELL: Petition of David Archer and 557 others, of S. C. Ford and 50 others, of John M. Donough and 111 others, of George Barry and 36 others, of Joseph McGill and 100 others, of Daniel H. Ford and 78 others, of H. Carvin and 8 others, of J. J. Dillon and 30 others, and of S. C. Ford and 50 others, citizens of the second district of Connecticut.

By Mr. MORRILL: Petition of J. W. Bogan and 31 others, and of S. H. White and 117 others, citizens of the first district of Kansas.

By Mr. MURPHY: Petition of Charles T. Swords and 40 others, of Anson T. Pierpont and 165 others, of C. Hibbard and 100 others, and of H. S. Rickoff and 400 others, citizens of the second district of Iowa.

By Mr. NEGLEY: Petition of W. H. Baker and 23 others, of John A. Smith and 20 others, of John F. Barum and 83 others, of C. Elliott and 54 others, of Thomas Ragin and 60 others, and of M. W. Whalen and 350 others, citizens of the twenty-second district of Pennsylvania.

By Mr. OUTHWAITE: Petition of H. Mott and 21 others, of P. L. Doncan and 169 others, of William H. Uhder and 42 others, of Nathan Byers and 18 others, and of F. B. Mitchell and 844 others, citizens of the thirteenth district of Ohio.

By Mr. PERKINS: Petition of E. H. Fuller and 164 others, of James A. Ban and 542 others, of W. V. Berry and 215 others, and of W. H. Brazier and 245 others, citizens of the third district of Kansas.

By Mr. PETERS: Petition of A. W. Farmer and 135 others, of P. R. Bridgmand and 115 others, of Samuel Crocker and 314 others, of J. B. Wilson and 82 others, of J. D. Russell and 115 others, citizens of the seventh district of Kansas.

By Mr. PETTIBONE: Petition of Thomas Neilson, of Jefferson County; of E. M. Tate, administrator, of Grainger County; of William M. Murdock, of Hamblin County, and of Pryor F. Yoe, of Jefferson County, Tennessee, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. PINDAR: Petition of W. E. F. Hess and 233 others, and of A. E. Joyner and 98 others, citizens of New York.

By Mr. PIRCE: Petition of W. P. Chancey and 230 others, of Ed. Palmer and 60 others, of P. F. Mongart and 78 others, of John Cahill and 70 others, of F. H. Dion and 50 others, of Lewis Bradshaw and 50 others, and of David Loughlin and 55 others, citizens of the second district of Rhode Island.

Also, petition of M. Connely and 28 others, citizens of the second Congressional district of Rhode Island.

By Mr. RANDALL: Petition of H. Hansen and 85 others, of J. J. Hallowell and 20 others, of Thomas Taylor and 45 others, of George Frank and 400 others, of Fred. Miller and 102 others, of George W. Simpson and 39 others, and of James O'Brien and 150 others, citizens of the third district of Pennsylvania.

By Mr. ROMEIS: Petition of Isaac Skerch and 126 others, of Charles Miller and 415 others, of Henry Kuan and 26 others, of Richard Kind and 82 others, of Henry Blume and 22 others, and of E. H. Fox and 16 others, citizens of the tenth district of Ohio.

By Mr. RYAN: Petition of P. McMillars and 505 others, of J. D. Paxton and 258 others, of U. C. Spencer and 331 others, of James L. Otterman and 120 others, of R. M. Phillips and 200 others, of W. H. Talbot and 24 others, of J. J. Davis and 102 others, of James O'Neil and 75 others, and of George Knapp and 222 others, citizens of the fourth district of Kansas.

By Mr. SESSIONS: Petition of E. S. Clements and 250 others, citizens of the thirty-third district of New York.

By Mr. SEYMOUR: Petition of J. R. Hoyt and 144 others, and of G. R. House and 58 others, citizens of the fourth district of Connecticut.

By Mr. SOWDEN: Petition of J. M. Schneider and 46 others, of James Brewer and 22 others, of O. H. Smith and 68 others, and of Charles Kaiser and 16 others, citizens of the tenth district of Pennsylvania.

By Mr. SPOONER: Petition of Michael Berrigan and 15 others, of M. J. Sullivan and 31 others, and of H. J. Cary and 127 others, citizens of the first district of Rhode Island.

By Mr. STRAIT: Petition of A. H. Murdock and 138 others, citizens of the third district of Minnesota.

By Mr. SWINBURNE: Petition of John Pierce and 430 others, of Charles W. Sharkey and 64 others, and of Francis Rogers and 77 others, citizens of the nineteenth district of New York.

By Mr. SWOPE: Petition of Peter M. Dennis and 282 others, of A. A. Rodes and 273 others, and of W. Scott Stevens and 49 others, citizens of the nineteenth district of Pennsylvania.

By Mr. J. H. TAYLOR: Petition of Charles Williams and 108 others and of William McGill and 125 others, citizens of the eighteenth district of Ohio.

By Mr. THOMPSON: Petition of 77 citizens of Wellston, Ohio.

By Mr. WADE: Petition of W. A. Avin and 83 others, of W. Malone and 24 others, of C. W. Reese and 58 others, of E. W. Hull and 599 others, of H. G. Brown and 88 others, of D. B. Watts and 60 others, and of William C. Carbell and 163 others, citizens of the twelfth and thirteenth districts of Missouri.

By Mr. WAKEFIELD: Petition of Thomas Coleman and 76 others, citizens of the second district of Minnesota.

By Mr. A. J. WEAVER: Petition of H. Bucknell and 26 others, of Charles Mullins and 118 others, of Jacob Billings and 78 others, and of D. E. Ryden and 85 others, citizens of the first district of Nebraska.

By Mr. J. B. WEAVER: Petition of Richard Burke and 600 others and of G. W. Stamm and 125 others, citizens of the sixth district of Iowa.

By Mr. MILO WHITE: Petition of William Todd and 49 others and of Joseph Schulsa and 304 others, citizens of the first district of Minnesota.

By Mr. WISE: Petition of Joseph Manier and 78 others, of A. C. Gibbs and 103 others, of W. A. James and 42 others, and of William Adams and 256 others, citizens of the third district of Virginia.

SENATE.

WEDNESDAY, *July* 7, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

THE JOURNAL.

The Journal of yesterday's proceedings was read.

Mr. VEST. The Senator from Vermont [Mr. EDMUNDS] has just called my attention to the fact that the Journal shows that the two bills I reported yesterday from the Committee on the Judiciary, one the bill (H. R. 4849) to punish robbery in the Indian Territory, and the other the bill (H. R. 5188) prescribing the punishment of horse-stealing in the Indian Territory, were indefinitely postponed. I reported as a substitute a bill containing the substantial provisions of both the other bills in lieu of them. I intended instead of having those two bills indefinitely postponed to offer the provisions of one of the bills that was reported from the Judiciary Committee as a substitute, and not have these bills indefinitely postponed. In other words, I want the original bill that was reported from the committee to be considered with a House bill and put its provisions after the enacting clause of one of the House bills which was referred to the committee.

The PRESIDENT *pro tempore*. The Secretary will read the clause of the Journal in relation to the matter.

Mr. DAWES. I call the Senator's attention to the RECORD, which also says that the bills were indefinitely postponed.

Mr. VEST. I did not read the RECORD.

The PRESIDENT *pro tempore*. The Senator will note wherein the Journal is wrong as the Secretary reads, and the correction will be made. The clause of the Journal relating to the bills referred to will be read.

The Secretary read from the Journal of yesterday's proceedings as follows:

Mr. VEST, from the Committee on the Judiciary, to whom were referred the following bills, reported them without amendment and that they ought not to pass:

A bill (H. R. 4849) to punish robbery in the Indian Territory; and

A bill (H. R. 5188) prescribing the punishment of horse-stealing in the Indian Territory,

Ordered, That they be postponed indefinitely.

Mr. VEST, from the Committee on the Judiciary, reported a bill (S. 2808) to punish robbery and horse-stealing in the Indian Territory; which was read the first and second times by unanimous consent.

The PRESIDENT *pro tempore*. That is the journal entry.

Mr. VEST. My object was to report back the two House bills which were referred to the committee and then to move to strike out all after the enacting clause of one of those bills (I am not particular which one) and insert the provisions of the bill reported from the committee as a substitute.

The PRESIDENT *pro tempore*. The Senator can move to reconsider the action of the Senate.

Mr. VEST. I move, then, to reconsider the action of the Senate.

The PRESIDENT *pro tempore*. If there be no objection, the action of the Senate yesterday on the reports made by the Senator from Missouri will be reconsidered by unanimous consent.

Mr. EDMUNDS. Let the bills be placed on the Calendar, and then when we reach one it can be taken up and the committee bill moved as an amendment.

Mr. VEST. That can be done.

The PRESIDENT *pro tempore*. The bills will be placed on the Calendar with the adverse report of the committee. The Journal is correct. The Chair understood the request of the Senator from Missouri at the time as stated in the Journal.

Mr. VEST. Yes; I overlooked it.

The PRESIDENT *pro tempore*. The Journal of yesterday's proceedings will stand approved, if there be no objection.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of 86 citizens of Richmond, Va.; the petition of Charles Bansell and 265 other citizens of the eighteenth Congressional district of Ohio, and the petition of Max Bergman and 78 other citizens of the tenth Congressional district of Ohio, praying for the passage of the following measures at the present session of Congress:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;

2. House bill No. 7021, for adjustment of railroad and other land grants;

3. Bills forfeiting all railroad and land grants the conditions of which have not been strictly complied with;

4. House bill organizing the Territory of Oklahoma;

5. Senate bill opening a portion of the great Sioux reservation to settlement;

6. Bill prohibiting aliens from holding land in the United States;

7. Bill making Presidential and Congressional election days holidays, and prohibiting bribery;

8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Public Lands.

Mr. FRYE presented the petition of S. J. Boies and 125 others of the second Congressional district of Maine, the petition of C. A. Thompson and 100 others of the second Congressional district of Maine, the petition of Charles F. Tebbetts and 101 others of the first Congressional district of Maine, the petition of John H. French and 45 others of the first Congressional district of Maine, and the petition of George Porter and 100 others of the first Congressional district of Maine, praying for the passage at the present session of Congress of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;

2. House bill No. 7021, for adjustment of railroad and other land grants;

3. Bills forfeiting all railroad and land grants the conditions of which have not been strictly complied with;

4. House bill organizing the Territory of Oklahoma;

5. Senate bill opening a portion of the great Sioux reservation to settlement;

6. Bill prohibiting aliens from holding land in the United States;

7. Bill making Presidential and Congressional election days holidays, and prohibiting bribery;

8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Public Lands.

Mr. MILLER presented a petition of farmers of Oswego County, New York, and a petition of consumers of butter, of Otsego County, New York, praying for the passage of the bill taxing all imitations of butter; which were ordered to lie on the table.

Mr. PLUMB. I present several petitions, numerously signed by citizens of Kansas, of the character which have heretofore been presented to the Senate in large numbers, and which I observe have been referred to the Committee on Public Lands.

I wish to say that that reference is an entire mistake. There is no possible warrant for these petitions having gone to that committee, because every single subject which the petitions refer to which is germane to the jurisdiction of that committee has been passed upon by the committee and reported to the Senate; and in a number of cases the bills have passed the Senate and are pending in the other House, or else have passed both Houses.

The House bill organizing the Territory of Oklahoma, if it came over here, would not go to the Committee on Public Lands, but it would go to the Committee on Indian Affairs; that is to say, judging by the practice heretofore.

The bill opening a portion of the great Sioux reservation to settlement has already passed the Senate.

Mr. ALLISON. Twice.

Mr. PLUMB. It has twice passed the Senate, as the Senator from Iowa reminds me, and it is now pending in the House of Representatives.

As to a bill making Presidential and Congressional election days holidays and punishing bribery, there is no such bill that I know of, but at all events if there was it would not go to the Committee on Public Lands.

The bill directing a disbursement of at least $200,000,000 of Treasury surplus and substituting Treasury notes for bank notes retired, an object with which I am generally in sympathy, I am sorry to say would not go to the Committee on Public Lands, but would go to the Committee on Finance. That is the only measure of any importance named in the petitions which has been or is now pending in the Senate which has not received consideration at the hands either of a committee or of the Senate.

I therefore suggest that these petitions should go to the Committee on Finance, and I will ask that the reference which has been heretofore made of these petitions be changed so that all such petitions may be referred to that committee.

The PRESIDENT *pro tempore*. If there be no objection the petitions presented by the Senator from Kansas will be referred to the Committee on Finance.

The petitions were referred to the Committee on Finance, as follows:

A petition of J. W. Cessna and 120 other citizens of the third Congressional district of Kansas;

A petition of J. M. Bannan and 294 other citizens of the third Congressional district of Kansas;

A petition of James A. Barr and 542 other citizens of the third Congressional district of Kansas;

A petition of W. H. Talbot and 24 other citizens of the fourth Congressional district of Kansas;

A petition of James L. Otterman and 120 citizens of the fourth Congressional district of Kansas;

A petition of V. C. Spencer and 331 other citizens of the fourth Congressional district of Kansas;

A petition of W. V. Berry and 215 other citizens of the third Congressional district of Kansas;

A petition of E. H. Fuller and 164 other citizens of the third Congressional district of Kansas;

A petition of James Taylor and 26 other citizens of the third Congressional district of Kansas;

A petition of McMillan Renick and 487 other citizens of the second Congressional district of Kansas; and

A petition of F. P. Lewis and 235 other citizens of the first Congressional district of Kansas.

Mr. PLUMB. I also ask that similar petitions heretofore presented which have gone to the Committee on Public Lands be changed to the Committee on Finance.

The PRESIDENT *pro tempore*. If there be no objection, the Committeen on Public Lands will be discharged from the further consideration of such petitions and they will be referred to the Committee on Finance. The Chair hears no objection, and it is so ordered.

Mr. PLUMB. I present a petition from a person for whose benefit Congress has at this session passed a bill granting a pension, and which pension bill has been vetoed by the President. I ask that his own statement about the matter, in the shape of a petition, may be read, and that the petition be referred to the Committee on Pensions.

By unanimous consent the petition was read, and referred to the Committee on Pensions, as follows:

To the honorable Congress of the United States:

I, John S. Kirkpatrick, your petitioner, would respectfully say that it has just come to my knowledge that the President has vetoed the bill recently passed by Congress requiring my name to be placed on the pension-roll.

I take this early opportunity to ask you to do a small act of justice and pass the bill over the veto. It would be no discourtesy to the President to do so, for it is evident that in this case he had relinquished his office and made himself merely the mouth-piece for some quill-driving slave of routine of that circumlocution shop the Pension Office. Had he read the papers in the case he never would have been so silly as to speak of it as he does.

The circumstances in my case are peculiar. At the time I became injured I was many hundreds of miles away from my company and practically alone, and did not rejoin the company for nearly four months thereafter, consequently few knew of my injury. Our company was made up of men from seventeen States and many foreign countries and became widely scattered. Ten years' searching has enabled me to find only three of the old members, and they know nothing that could be of any use in this case.

In November, 1882, I sent an affidavit to the Pension Office in which I stated that I had no more proof to offer, and asked the office to allow the claim or reject it on the proof then offered. I have ceased to seek for proof, believing it to be useless.

I do not think it was the intent of the law that it should be administered so as to compel a man to bankrupt himself in order to sustain a just claim. I believe that the rule of the Pension Office requiring direct proof, is the cause of most of the frauds in the pension business.

I could have satisfied the requirements of the Pension Office years ago by dividing the money with men who would have sworn to the best advantage and stuck to it, but I prefer defeat to fraud.

All of our company officers are dead. The President could probably understand the difficulty of obtaining their evidence.

Had there been any probability of my obtaining testimony I would not have risked the loss of more than twenty years of back pension by appealing to Congress. Had I not been disabled I would have remained in the Army longer, as the $800 of Government and local bounties then obtainable was a great temptation, as the end of the war was visible.

For nearly twenty-four years I have never for one hour been free from pain. I have striven to live without the aid to which I was justly entitled. My sixty-five years of age notifies me that the end is not far off. I am no longer able to earn a living, and appeal to judgment of Congress as against the malignant injustice of the President.

A victim of the brutal want of system of the American military system, I appeal to you for a fraction of justice. No amount of money would compensate my suffering, but a reasonable amount would add to my comfort. I admit that the proof is meager, but when did genuine courage and endurance take thought to leave a plain trail behind. I throw myself on your mercy. Pass the bill—the Pension Office objections to the contrary—or acknowledge that your pension system is a fraud and a delusion.

And for this I will ever pray.

JOHN S. KIRKPATRICK.

CLAY CENTER, KANS., *June* 30, 1886.

Mr. ALLISON. I present a large number of petitions similar to those heretofore presented, signed by citizens of the State of Iowa, which I will not read, but I will ask their reference to the Committee on Finance, although I do not see what that committee has to do with the subjects.

The petitions were referred to the Committee on Finance, as follows:

A petition of Richard Burke and 600 others, citizens of the sixth Congressional district of Iowa;

A petition of W. J. Shields and 55 others, citizens of the sixth Congressional district of Iowa;

A petition of E. J. Cooper and 75 others, citizens of the sixth Congressional district of Iowa;

A petition of Matthew Robinson and 110 others, citizens of the tenth Congressional district of Iowa;

A petition of W. W. Watkins and 93 others, citizens of the ninth Congressional district of Iowa;

A petition of J. S. Cook and 18 others, citizens of the eighth Congressional district of Iowa;

A petition of Moses Stern and 468 others, citizens of the fifth Congressional district of Iowa;

A petition of R. B. Friester and 165 others, citizens of the third Congressional district of Iowa;

A petition of H. F. Rickoff and 400 others, citizens of the second Congressional district of Iowa; and

A petition of Anson T. Pierpont and 165 others, citizens of the second Congressional district of Iowa.

Mr. BECK. I find a petition on my desk this morning, with a note attached, signed by a number of citizens of Kentucky, praying for many things. I will present it, and ask to have it properly referred.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Finance.

Mr. BECK. That is a good committee to which to refer it.

The petition was referred to the Committee on Finance, as follows:

A petition of H. Risinger and 60 others, citizens of the fifth Congressional district of Kentucky, praying for the passage of the following measures at the present session of Congress:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;

2. House bill No. 7021, for adjustment of railroad and other land grants;

3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays, and punishing bribery;
8. Bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

Mr. CAMDEN presented the petition of N. T. Sullivan and 120 others of the third Congressional district of West Virginia, the petition of J. R. Foster and 46 others of the third Congressional district of West Virginia, the petition of John B. Manly and 148 others of the first Congressional district of West Virginia, and the petition of William Armstrong and 332 others of the second Congressional district of West Virginia, praying for the passage at the present session of Congress of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays, and punishing bribery;
8. Bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Finance.

Mr. SAWYER presented the petition of P. O. Baker and 12 other citizens of Primrose, Wis., praying for the passage of the oleomargarine bill; which was ordered to lie on the table.

Mr. HOAR. I present sundry petitions of citizens of Massachusetts, all praying for the passage by Congress at its present session of eight enumerated measures which have been stated to the Senate in other petitions. I move the reference of the petitions to the Committee on Finance.

The petitions were referred to the Committee on Finance, as follows:

A petition of A. A. Rowe and 27 others, of the tenth Congressional district of Massachusetts;

A petition of P. J. Quinn and 130 others, of the tenth Congressional district of Massachusetts;

A petition of Frank Welsh and 195 others, of the seventh Congressional district of Massachusetts;

A petition of John H. Orr and 40 others, of the sixth Congressional district of Massachusetts;

A petition of F. W. Bearse and 60 others, of the sixth Congressional district of Massachusetts;

A petition of John W. Patterson and 110 others, of the sixth Congressional district of Massachusetts;

A petition of James Griffin and 113 others, of the fifth Congressional district of Massachusetts;

A petition of John F. Donovan and 32 others, of the fourth Congressional district of Massachusetts;

A petition of George H. Bellows and 76 others, of the second Congressional district of Massachusetts;

A petition of Jeremiah Haley and 58 others, of the tenth Congressional district of Massachusetts;

A petition of James F. Hanlon and 59 others, of the first Congressional district of Massachusetts;

A petition of Otis Tinkham and 90 others, of the first Congressional district of Massachusetts;

A petition of Gottleib Kromer and 96 others, of the third Congressional district of Massachusetts;

A petition of James D. Sullivan and 45 others, of the twelfth Congressional district of Massachusetts;

A petition of Nelson Weeks and 101 others, of the tenth Congressional district of Massachusetts;

A petition of John Dillion and 19 others, of the first Congressional district of Massachusetts;

A petition of John Moran and 180 others, of the fourth Congressional district of Massachusetts;

A petition of George J. Davis and 25 others, of the seventh Congressional district of Massachusetts;

A petition of Nathan Felton and 103 others, of the eleventh Congressional district of Massachusetts;

A petition of Hammond Page and 53 other citizens of the tenth Congressional district of Massachusetts;

A petition of Benjamin Webster and 108 other citizens of the tenth Congressional district of Massachusetts;

A petition of C. S. Jones and 54 other citizens of the tenth Congressional district of Massachusetts;

A petition of Martin Bolan and 18 other citizens of the ninth Congressional district of Massachusetts;

A petition of William H. Sleath and 61 other citizens of the eighth Congressional district of Massachusetts;

A petition of James Ryan and 70 other citizens of the seventh Congressional district of Massachusetts;

A petition of Andrew Falby and 15 other citizens of the seventh Congressional district of Massachusetts;

A petition of Thomas L. Carney and 23 other citizens of the sixth Congressional district of Massachusetts;

A petition of Barney Murphy and 48 other citizens of the fifth Congressional district of Massachusetts;

A petition of Daniel J. Sweeny and 118 other citizens of the third Congressional district of Massachusetts;

A petition of James F. Reynolds and 250 other citizens of the third Congressional district of Massachusetts;

A petition of Mary Hallihan and 104 other citizens of the second Congressional district of Massachusetts; and

A petition of Robert E. Loyd and 143 other citizens of the second Congressional district of Massachusetts.

Mr. PAYNE presented the petition of Gosef Maser and 350 others, citizens of the twenty-first Congressional district of Ohio; the petition of Charles Brownell and 136 other citizens of the eighteenth Congressional district of Ohio, the petition of John Kline and 45 other citizens of the fifteenth Congressional district of Ohio, the petition of W. R. Bowers and 22 other citizens of the sixth Congressional district of Ohio, the petition of J. Lawrence and 51 other citizens of the seventeenth Congressional district of Illinois, and the petition of Jesse Robbins and 253 other citizens of the twentieth Congressional district of Ohio, praying for the passage at the present session of Congress of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 6021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad and land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding land in the United States;
7. Bill making Presidential and Congressional election days holidays, and prohibiting bribery;
8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Finance.

Mr. GORMAN presented the petition of Peter Kolb and 113 others, citizens of the third Congressional district of Maryland, and the petition of George F. Baldwin and 76 others, citizens of the second Congressional district of Maryland, praying for the passage of the following measures at the present session of Congress:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad and land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding land in the United States;
7. Bill making Presidential and Congressional election days holidays, and prohibiting bribery;
8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Finance.

Mr. WILSON, of Iowa. I present thirteen petitions from citizens of Iowa, the signers numbering something like a thousand in all, in which the prayer is for the passage of eight special measures which have been stated in other petitions. I move the reference of the petitions to the Committee on Finance.

The petitions were referred to the Committee on Finance, as follows:

A petition of W. W. Hall and 89 others, citizens of the sixth Congressional district of Iowa;

A petition of H. L. Miller and 137 others, citizens of the tenth Congressional district of Iowa;

A petition of A. F. Brown and 118 others, citizens of the tenth Congressional district of Iowa;

A petition of R. Sutton and 367 others, citizens of the tenth Congressional district of Iowa;

A petition of W. H. Ashley and 83 others, citizens of the seventh Congressional district of Iowa;

A petition of L. H. Britton and 38 others, citizens of the seventh Congressional district of Iowa;

A petition of Fred. Robbins and 132 others, citizens of the seventh Congressional district of Iowa;

A petition of G. H. Mosier and 71 others, citizens of the fifth Congressional district of Iowa;

A petition of George W. Countryman and 45 others, citizens of the first Congressional district of Iowa;

A petition of W. Z. Cooper and 128 others, citizens of the first Congressional district of Iowa;

A petition of Robert Hay and 429 others, citizens of the third Congressional district of Iowa;

A petition of H. Miller and 339 others, citizens of the third Congressional district of Iowa; and

A petition of John Campbell and 96 others, citizens of the eighth Congressional district of Iowa.

Mr. McPHERSON presented the petition of John A. Morhart and 45 citizens of the seventh Congressional district of New Jersey, the petition of Patrick M. Nolan and 180 other citizens of the seventh Congressional district of New Jersey, the petition of P. J. Hayden and 26 others, citizens of the sixth Congressional district of New Jersey, the petition of J. J. Owens and 22 others, citizens of the sixth Congressional district of New Jersey; and the petition of W. H. Cooper and 21 others, citizens of the third Congressional district of New Jersey, praying for the passage at the present session of Congress of the followrng measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;

2. House bill No. 7021, for adjustment of railroad and other land grants;

3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;

4. House bill organizing the Territory of Oklahoma;

5. Senate bill opening a portion of the great Sioux reservation to settlement;

6. Bill prohibiting aliens from holding lands in the United States;

7. Bill making Presidential and Congressional election days holidays, and punishing bribery;

8. Bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Finance.

Mr. SAULSBURY presented the petition of H. A. Saunders and 184 other citizens of Wilmington, Del.; the petition of Martin F. Farry and 39 other citizens of Wilmington, Del.; the petition of John O. Tyson and 83 other citizens of Wilmington, Del.; the petition of S. B. Knee and 76 other citizens of Wilmington, Del.; and the petition of James F. Price and 106 other citizens of Wilmington, Del., praying for the passage at the present session of Congress of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;

2. House bill No. 7021, for adjustment of railroad and other land grants;

3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;

4. House bill organizing the Territory of Oklahoma;

5. Senate bill opening a portion of the great Sioux reservation to settlement;

6. Bill prohibiting aliens from holding lands in the United States;

7. Bill making Presidential and Congressional election days holidays, and punishing bribery;

8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Finance.

Mr. HAWLEY presented the petition of Catherine S. Hewitt, widow of the late Dr. Henry S. Hewitt, of Bridgeport, Conn., praying to be allowed a pension; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. BLACKBURN, from the Committee on Naval Affairs, to whom was referred the joint resolution (S. R. 24) to credit Lieutenants Giles B. Harber and William H. Schuetze with sea-duty and sea-pay while engaged in the search for Lieutenant Chipp and party, and also for the time employed in bringing home the remains of Lieutenant-Commander De Long and party, reported it without amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the bill (S. 2683) to authorize the construction of a bridge across the Eastern Branch of the Potomac River at the foot of Pennsylvania avenue east, reported it without amendment.

Mr. HOAR, from the Committee on Claims, to whom was referred the joint resolution (H. Res. 67) for the relief of William B. Isaacs & Co., reported it without amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (S. 2133) for the relief of the State University of California, submitted an adverse report thereon, which was agreed to; and the bill was indefinitely postponed.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 2814) to donate to the town of Tampa, in Florida, the Fort Brooke military reservation for the benefit of free schools and other purposes; which was read twice by its title.

Mr. SHERMAN, from the Committee on Foreign Relations, to whom was referred the message of the President of the United States transmitting without remark a communication from the Secretary of State in relation to the distribution of the award of the late Mexican Claims Commission in the case of S. A. Belden & Co. against the Republic of Mexico, submitted a report thereon.

Mr. WILSON, of Iowa, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 2575) authorizing the Postmaster-General to issue double or return postal cards, and for other purposes, reported adversely thereon, and the bill was indefinitely postponed.

Mr. WALTHALL, from the Committee on Public Lands, to whom was referred the bill (S. 1723) to authorize the entry of certain lands in the State of Florida, reported adversely thereon, and the bill was postponed indefinitely.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 2139) to establish the order of promotion in the Medical Department of the Army, reported it without amendment, and submitted a report thereon.

THE MACKEREL FISHERY.

Mr. MANDERSON. I am directed by the Committee on Printing to report back favorably the motion to print hearings before the Senate Committee on Fisheries in regard to the mackerel fishery. The motion is to print 2,000 copies. I am informed that the cost will be $45. I ask action upon the motion.

The PRESIDENT *pro tempore*. The Senator from Nebraska, from the Committee on Printing, reports favorably the motion to print 2,000 copies of hearings before the Senate Committee on Fisheries of parties interested in the bill (H. R. 5538) relating to the importing and landing of mackerel caught during the spawning season. The question is upon agreeing to the motion.

The motion was agreed to.

EULOGIES ON REPRESENTATIVE HAHN.

Mr. HAWLEY. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 199) providing for printing the eulogies delivered in Congress upon the late Michael Hahn, a Representative in the Forty-ninth Congress from the State of Louisiana, to report in favor of concurring in the resolution, and I ask immediate action thereon.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution; which was read, as follows:

Resolved by the Senate and House of Representatives, &c., That there be printed of the eulogies delivered in Congress upon the late Michael Hahn, a Representative in the Forty-ninth Congress from the State of Louisiana, 12,500 copies; of which 3,000 copies shall be for the use of the Senate and 9,500 for the use of the House of Representatives. And the Secretary of the Treasury be, and he is hereby, directed to have printed a portrait of the said Michael Hahn to accompany said eulogies; and for the purpose of engraving and printing said portrait the sum of $500, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

Mr. HAWLEY. It is the usual form.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. HALE introduced a bill (S. 2815) to provide for the retirement of a certain class of officers in the United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. GRAY introduced a bill (S. 2816) granting an increase of pension to Mary E. Martin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRIS (by request) introduced a bill (S. 2817) for the relief of William Garrett, of Nashville, Tenn.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

AMENDMENT TO A BILL.

Mr. FRYE submitted an amendment intended to be proposed by him to the general deficiency bill; which was referred to the Committee on Appropriations, and ordered to be printed.

HOUR OF MEETING.

Mr. EDMUNDS. I offer the following order, and ask for its present consideration:

Ordered, That hereafter during the present session of the Senate the daily hour of meeting be 11 o'clock forenoon until otherwise ordered.

The resolution was considered by unanimous consent, and agreed to.

THE CALENDAR.

Mr. EDMUNDS. I offer the order which I send to the desk, and ask unanimous consent that it be considered. If there is any objection to it I shall not press it; but I hope there will not be. It merely relates to getting on with the Calendar.

The resolution was read, as follows:

Ordered, That for the next six days of the legislative sittings of the Senate, after the call for and disposition of resolutions shall have been passed, the time remaining until half past 12 o'clock shall be devoted to the Calendar, beginning with the first case thereon, and every matter objected to shall be passed by, and debate shall be limited to five minutes for any Senator on the question.

Mr. EDMUNDS. The substance of that—I will explain it—is that

notwithstanding the appropriation bills, &c., beginning our sessions an hour earlier, an hour and a half shall be devoted to strict morning business and to what we call unobjected cases, so as to run off all that may be done.

Mr. HARRIS. Does the Senator understand that it shall not be in order to move to consider a bill notwithstanding an objection, under this order?

Mr. EDMUNDS. That is the effect of it; and then having gone through with those bills to which we can all agree unanimously, if there is any time, with the appropriation bills, that can be properly used, I shall propose probably another order, that we shall take up the Calendar of objected cases.

The PRESIDENT *pro tempore*. The Senator from Vermont asks the unanimous consent of the Senate to proceed to the consideration of the resolution now. Is there objection? The Chair hears none.

Mr. MCMILLAN. Does that take effect after to-day?

Mr. EDMUNDS. It does.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

WILLIAM COZZINS.

Mr. HARRISON. I ask that the action of the Senate in postponing indefinitely the bill (S. 653) granting a pension to William Cozzins may by unanimous consent be reconsidered, and the bill recommitted to the Committee on Pensions. The petitioner claims that some additional evidence will be filed in the case, and I ask that that action may be taken.

The PRESIDENT *pro tempore*. The Senator from Indiana asks unanimous consent to reconsider the vote of the Senate by which the bill referred to by him was indefinitely postponed, and that the bill be recommitted to the Committee on Pensions. In the absence of objection that order will be made.

RIVER AND HARBOR BILL.

Mr. MCMILLAN. I move that the Senate proceed to the consideration of the river and harbor bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDENT *pro tempore*. The pending amendment will be read.

The CHIEF CLERK. In section 1, after line 408, the Committee on Commerce report to insert:

For the purchase of the Sturgeon Bay and Lake Michigan ship-canal and harbor of refuge, connecting the waters of Green Bay with Lake Michigan, in the State of Wisconsin, $150,000, or so much thereof as may be necessary: *Provided*, That before said moneys shall be expended, the Secretary of War shall cause an examination to be made by a board of three United States engineers to ascertain and report upon the importance and value of the free use of said ship-canals and harbor of refuge to commerce and navigation and the reasonableness of the price therefor, and shall have received from said board a report favorable to such purchase by the United States; and also upon full and absolute conveyance to the United States of said harbor of refuge, canals, easement, rights of way, piers, docks, and appurtenances, of every nature, belonging to and connected with said works, or either of them.

Mr. HARRIS. I ask for the yeas and nays on the question of agreeing to the amendment.

The yeas and nays were ordered.

Mr. SPOONER. I offer an amendment to the amendment in lieu of the item as reported by the committee.

Mr. FRYE. As a substitute for the whole amendment?

Mr. SPOONER. Yes, sir.

The PRESIDENT *pro tempore*. The amendment to the amendment will be read.

The CHIEF CLERK. Strike out the proposed amendment, and insert in lieu thereof:

For making free of toll to commerce the Sturgeon Bay and Lake Michigan ship-canal, connecting the waters of Green Bay with Lake Michigan, in the State of Wisconsin, $150,000, or so much thereof as may be necessary: *Provided*, That no part of said sum shall be expended until the Secretary of War shall have caused an examination to be made by a board of three United States engineers into the importance and value to commerce and navigation of the free use of said ship-canal and unless the report of said board shall be in favor of making said canal free to commerce: *And provided further*, That no part of said sum shall be expended until the Secretary of War shall be satisfied upon investigation as to the actual cost of said canal to said company, and then only so much of said sum shall be expended as the said Secretary shall be satisfied is necessary to reimburse the said company for advances and expenses actually made and incurred in constructing said canal and in maintaining the same over and above the net proceeds of the lands granted by Congress to aid in constructing said canal, and over and above the tolls received therefrom, with interest as provided by the act of Congress making said grant, approved April 10, 1866. And none of said money shall be expended except upon full and absolute conveyance to the United States of said ship-canal, harbor, easements, rights of way, piers, docks, and appurtenances of every name and nature pertaining to said work.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment to the amendment.

Mr. HARRIS. Is that offered as a substitute for the pending amendment?

The PRESIDENT *pro tempore*. It is offered as a substitute for the pending amendment.

Mr. SPOONER. Mr. President, I will ask the attention of the Senate upon this item of the bill for only a few moments. Until yesterday I had given no thought whatever to this proposition, for I had not known until I read the bill that it had been considered even by the committee. It has seemed to me that the amendment reported by the committee is perhaps not quite in harmony with the law as to the real ownership or status of this canal.

The amendment as reported by the committee proceeds upon the theory that this canal is owned absolutely by the canal company, and it provides for the purchase from the canal company of the canal as its property.

The act of Congress made a grant to the State of Wisconsin to aid in constructing this canal, which was deemed by the Congress of the United States and by the State of great consequence to commerce. The grant was of 200,000 acres of land to aid the State in completing the canal, and the lands were to be subject to the disposal of the Legislature, or in a contingency named of the governor and other officers, and were to be applied to the construction of the canal, &c., and to no other purpose. It was evidently the theory of the act that the State would itself through a board of public works or otherwise in its sovereign capacity construct the canal, and the State was required to keep an account of the proceeds of the sales of the land and of the cost of constructing, repairing, and operating the canal, &c.

The State of Wisconsin did not see fit to engage as a sovereign, through a board of public works or otherwise, in the construction of this work of public improvement. The State had had some experience, and unfortunate experience, too, in proceeding with the construction of public works in that way. She therefore did what she had a perfect right to do; she chose to execute this trust through the instrumentality of a corporation which she created for that purpose.

It can not justly be claimed that the State of Wisconsin, as was intimated yesterday, violated her obligation to the United States or was in any sense recreant as a trustee, for when the State accepted this grant she became a trustee by choosing to employ a corporation as her agent to execute the trust instead of proceeding in her sovereign capacity to construct the work.

This grant differs in its terms in no essential respect from the grants made by the United States to various States to aid in constructing railroads, and in all those cases it has been admitted (indeed it has been decided by the Supreme Court of the United States in the case of Tucker *vs.* Ferguson, 22 Wallace, 572) that the State in such case does not abdicate her sovereignty by accepting such a trust, but that she may execute it through any instrumentality she sees fit, and she is absolutely free to choose the mode by which she will execute the trust.

So there is no foundation for any reflection upon the honor of the State of Wisconsin in executing this trust, as was suggested yesterday, in that she chose to execute it through the instrumentality of this canal company instead of through a board of public works.

The State conferred this grant upon the company upon condition that it should complete the canal. No matter what the cost to the company might be, whether in excess of the value of lands or not, the company agreed with the State for these lands to complete this work of public improvement. The State was careful in its legislation to see to it that this company should not acquire land except by performing the conditions. It provided that as the work progressed, when the company should have completed one-fourth of the work it might receive one-fourth not simply of acreage but in value of the land, and so on until the work was completed, the company not being entitled to receive and not receiving the last of the lands until the canal was constructed.

The State, careful in the trust, had litigation with this corporation. The corporation sought by its interpretation of the act of the Legislature to acquire more land from the State than it was entitled to in accordance with the spirit of the legislation. The State resisted it, and the supreme court of the State decided that this company could only have land, not by acreage, but upon the basis of value, and the valuation was made by the State as the work progressed, in order that the company might not obtain the best land before completing the work. So the company went on with the work, and when the same was completed, as it confessedly has been completed, in accordance with the act of Congress, except as to the harbor of refuge——

Mr. EDMUNDS. And the breakwater.

Mr. SPOONER. Yes, sir, and the breakwater—the State gave to the company the rest of the lands, and not before.

Mr. President, it would be very foolish for any man understanding even superficially this subject to claim that this company could by any possibility have any ownership in the canal other or different from that which the State would have had if she had chosen to apply this grant to the completion of the work herself. The company has precisely the interest in the canal and the right to the canal as against the United States that the State would have had, and no other or different, because the State by selecting this agent to execute the trust could not vest in the agent any different title from that which the act of Congress vested in her. Now what is it? The act of Congress provided that—

Whenever said State shall be fully reimbursed for all advances made for the construction, repairs, and operating of said canal, with legal interest—

Not compound interest, unless that is lawful—

With legal interest on all advances until the reimbursement of the same, or upon payment by the United States of any balance of such advances over such receipts from said lands and canal, with such interest, the said State shall be allowed to tax for the use of said canal only such tolls as shall be sufficient to pay all necessary expenses for the care, charge, and repair of the same.

If the State of Wisconsin had constructed the canal by means of this grant her attitude to the United States would be this: If the proceeds of the sales of these lands had paid for the construction then the State would be at liberty only to impose a toll upon the commerce using the canal adequate to keep it in repair, &c., and the United States would probably have a right at any time, without paying a dollar as I understand it, to take possession of that canal and make it free. If the State had expended $100,000 more than the proceeds of the land then she would have a right until that expenditure was reimbursed to regulate its tolls with reference to her reimbursement as well as with reference to keeping the work in repair, and the United States in that event probably would have a right under the act of Congress to take possession of the work and make it free by paying to the State what she had expended, with legal interest over and above the receipts from the lands and from tolls.

Mr. DAWES. I should like to inquire of the Senator if the company has the title in fee acquired from the United States?

Mr. SPOONER. I understand so. Let me read the language of the act of Congress again in answer to a suggestion made by the Senator from New York [Mr. MILLER]:

Whenever said State shall be fully reimbursed for all advances made for the construction, repairs, and operating of said canal, with legal interest on all advances until the reimbursement of the same, or upon payment by the United States of any balance of such advances over such receipts from said lands and canal.

Then the State shall be allowed to make a tax only for the purpose of keeping the canal in repair; not for any profit whatever.

When the United States had paid this balance to the State of Wisconsin the canal would have cost the State nothing, because the lands in the first place and the moneys which the Government afterward would have paid the State would be equal to the entire cost, including interest. It evidently was not the purpose of the act of Congress that the State of Wisconsin, as I understand it, or its grantee, because its grantee, this company, must stand in the same position exactly as the State would—it was not the intention of the act of Congress that the State or anybody else should make money out of the construction of this work of public improvement, unless possibly in case the lands were more than sufficient to pay for the work.

The difference between the amendment reported by the Committee on Commerce and the amendment which I submit is this: In the first place, the amendment which I offer to the committee's amendment does not in terms recognize this canal company as the owner of this work of improvement and does not propose to purchase it. It simply contemplates what it seems to me the act of Congress contemplated, the making free to commerce of this canal by reimbursing the State or, what is the same thing, the grantee of the State, such sum of money as the Secretary of War, making such careful investigation as he may be advised is best, shall find the company has expended over and above the receipts from the lands and the tolls.

Mr. DAWES. Getting the title of the company?

Mr. SPOONER. Yes, sir; a conveyance of whatever title it has to the canal. That is a quitclaim. This is a matter of precaution. It will forever set at rest any question as to the title if the United States should make this payment. I think that provision, as a matter of strict law, is perhaps not necessary, but I think it is certainly wise.

Under the amendment as I propose it nothing is to be paid in excess of the $150,000 in any event, and nothing is to be paid either until this board of experts has examined into the question of the advisability of making this canal free and has reported in favor of it. Again, nothing is to be paid until the Secretary of War has ascertained the actual cost, by means to be employed by him, of this canal, and nothing is to be paid even then except so much as shall be necessary to reimburse this company fairly for its expenditures in excess of its receipts from the lands and tolls, with legal interest, which the act of Congress as originally passed provides for.

I never saw these accounts until they were read here yesterday. The State of Wisconsin is in no wise committed to their accuracy. They are, if proposed as a basis for the purchase of this property by the United States, a fair subject of the criticism made upon them by the Senator from Kansas [Mr. INGALLS]. I know the two gentlemen whose names are signed to them, Jesse Spalding, the president of this company, and General William E. Strong, its treasurer. They are both men of high character in the State of Illinois where they live, and men well known in the State of Wisconsin, and men whose honor would not be impeached or impeachable except by competent and very strong testimony. One was a gallant officer in the army for the suppression of the rebellion and a man of whose reputation the State of Wisconsin is proud; the other, the president of that company, is a man whom I have known for years, and he is a man of great ability and one in whose integrity I have implicit confidence.

There are items in these accounts that the Government of the United States never would agree to pay. This is a statement of what this company "expected" or would ask the Government to pay in order to make this canal free. They have put in compound interest, which under some circumstances, perhaps, they might be allowed to charge. They have put in the item of salaries; they have put items of discount in their statement; but every item, as I remember, which they have put there shows upon its face what it is and invites criticism upon it; but there is no good foundation for saying, notwithstanding these accounts may be open to criticism, that they are "cooked" or fraudulent.

Mr. CONGER. The Senator will allow me to say that the accounts show the expenditure of one hundred and seventy-eight thousand and some dollars, and the bill of the committee limits the purchase to $150,000, taking off all the charges that might be questioned.

Mr. SPOONER. The amendment which I propose leaves out of view this account, and provides for the ascertainment by the Secretary of War in his own way, independent of this account, of the amount which this property has cost over and above the amount received from the sales of the lands granted, and from tolls, &c.

Something has been said about the failure of the State of Wisconsin to build the breakwater and the harbor of refuge, as if that were a breach of trust on the part of the State. Long ago the Congress of the United States, and it was competent for Congress to so do, relieved the State of Wisconsin, as I understand it, from the performance of that part of its contract, and undertook itself, so important did it regard this work of improvement, to construct the harbor of refuge, and made expenditures upon the breakwater. I do not know whether that was upon the request of the State of Wisconsin or not, but it was done by the Congress of the United States, and constitutes no ground for any imputation upon the honor of that State.

Something, too, has been said by way of belittling this improvement; that it is a small canal made for the purpose of facilitating the transactions of a few lumbermen. That was not the view of Congress when this grant was made in 1866; that has not been the view of the State of Wisconsin; that is not the view of the people who have occasion to navigate that lake and to use this canal or who live in the country tributary to it.

Wisconsin in 1879 investigated by a legislative committee the transactions of this company. I have that report in my hand. It is very carefully prepared. I know the men who signed it. I believe it is accurate and worthy of credence; and as bearing upon the importance of this work to commerce I ask the attention of the Senate a moment to a quotation from this report:

"The magnitude of the commerce of Green Bay," laughed at here yesterday, "is not generally realized."

Mr. MILLER. Laughed at by whom?

Mr. SPOONER. Laughed at not by you.

In the year 1870 the imports were $25,000,000 and the exports $65,000,000. There has doubtless been a large increase since that year, as the very important iron industry of the Green Bay country has almost wholly come into existence within that period.

Statistics show that fully two-thirds of the exports of Green Bay are to the ports of Milwaukee and Chicago.

That is not true to-day exactly.

In 1870 there were shipped from the bay 500,000,000 feet of lumber, 900,000,000 shingles, 340,000,000 laths, 35,000,000 pickets, 2,500,000 railroad ties, 1,600,000 cedar posts, and 650,000 telegraph poles, besides many other important articles of export.

From the records of the light-house keeper on Green Island—

Who was not interested in "cooking" up any accounts for this company or making any false showing as to the commerce of that region—

which is directly opposite the entrance of Sturgeon Bay, it appears that nearly seven thousand vessels passed the light last year, the great majority of which would have found their way to and from Lake Michigan by the Sturgeon Bay Canal had it been in operation.

That canal, short as it is, saves, I am told, about 80 miles of navigation, some of it exceedingly dangerous in its character.

The importance of the work has been greatly enhanced by the location of a harbor of refuge by the National Government at the eastern outlet of the canal.

This harbor is designed to afford an accessible and safe port in a storm, and vessels entering within the inclosure of the breakwater can pass through the canal into Sturgeon Bay, where the most perfect security is afforded.

This harbor is the only one of the kind on the lakes. It was rendered necessary by the long reach—

I ask the attention of Senators to this—

It was rendered necessary by the long reach of dangerous coast south of Death's Door. The harbor was first located at Ahnepee, but afterward changed to Sturgeon Bay, because it could be constructed at the latter point for about $180,000, or one-half the expense necessary at Ahnapee, and besides a much better and more commodious harbor would be secured. In the year 1878 the number of vessels that cleared from the port of Chicago was 10,494, and about 9,000 cleared from the port of Milwaukee.

The majority of these vessels pass by that part of the lake where the harbor of refuge named could be accessible in case of storm, and its construction would doubtless cause a great reduction in the number of wrecks which the history of navigation in the northern part of Lake Michigan has recorded.

The importance of that work to commerce should not be underestimated. The State of Wisconsin is not here asking Congress to purchase these works. The Legislature of Wisconsin has passed no memorial to Congress asking for this expenditure so far as I remember; therefore I had not investigated this subject and had no knowledge of it except in a general way as a citizen of that State. This company has

asked neither my colleague nor myself for any such appropriation. I do not know that they desire the passage of this amendment or that any effort be made to make free this canal. I do not know but they prefer it should remain as it is. They are receiving about $14,000 a year, I think, from tolls. I never was in that region but once, and that was within the last two years; but I know that the people of that country, not connected in any way with this company or with any of its transactions, are begging that this canal be made free.

If, as stated yesterday by the Senator from New York [Mr. MILLER] and by the Senator from Michigan [Mr. CONGER], it is the settled policy of the Government of the United States, as it ought to be, to make free all such works to the commerce of the country, to strike from the statute-book every authority to levy tolls upon vessels having occasion to use these public works, then it is only right that Congress should take measures, not to buy this canal at a fabulous price, but to make it free by paying to this company, not on the basis of these accounts, but such sum as the Secretary of War shall ascertain to be necessary to reimburse the company for its actual fair advances made, with legal interest, over and above the receipts from tolls and from the sale of the lands.

It is with this view that I offer this amendment, and I have said what I have said in part to vindicate my State from the imputation which was cast upon it yesterday as to its execution of this trust. The only thing, so far as I can see, that Wisconsin has been remiss in as a trustee is that she has failed to keep as careful a guard over the expenditures and transactions of the corporation as the act of Congress required. In that respect she has been wanting and in no other, and in her failure to require an annual public showing of these corporate transactions she has only followed the example of Congress and many other States in their relations to corporations which have received land grants and other governmental aid.

Mr. MILLER. Mr. President, I see but little difference between the amendment of the Senator from Wisconsin and the amendment proposed by the Committee on Commerce, except that it may be that the amendment proposed by the Senator from Wisconsin would render the question of accounting a little more accurate. The amendment of the committee says nothing in regard to how the accounting is to be made and leaves it entirely to the Secretary of War to be satisfied that the sum is not an exorbitant sum.

The Senator from Wisconsin makes one statement in regard to this matter which I am not able to agree with. It is, if I recall his words correctly, to the effect that neither the State of Wisconsin nor this company have any actual ownership of this property, that they accepted a trust from the United States and are simply holding the canal in trust, and that the United States Government can at any time by reimbursing the State or the company for all its expenditures beyond the amount received from the sales of lands take this canal into its own possession. I think that is scarcely correct. I think the giving of this land by the United States Government to the State of Wisconsin conveyed with it an absolute and perfect title to this canal for all time to come. I do not see how any other construction can be put upon the language of the act of Congress; and it simply limits that ownership to the collection of such tolls as shall be necessary for all time to come to maintain the canal in perfect order.

Mr. DAWES. Please read it.

Mr. MILLER. I will read that portion of it in order that we may see how the Government is to get control of it. I read from the act of Congress:

> And whenever said State shall be fully reimbursed for all advances made for the construction, repairs, and operating of said canal, with legal interest on all advances until the reimbursement of the same, or upon payment by the United States of any balance of such advances over such receipts from said lands and canal, with such interest, the said State shall be allowed to tax for the use of said canal only such tolls as shall be sufficient to pay all necessary expenses for the care, charge, and repair of the same.

If the United States decides at any time to step in and reimburse the State of Wisconsin or its agent for the moneys that it has expended over and above the moneys received from the sale of lands and from the use of the canal in tolls, then at that point it can say to the State of Wisconsin, "You shall hereafter charge only a sufficient rate of toll to maintain the canal in repair." There is no provision here for the Federal Government taking the canal into its own ownership. It belongs exclusively to the State of Wisconsin or to its agent.

Mr. DAWES. Where does the statute say that?

Mr. MILLER. The statute gives this land to the State of Wisconsin to aid the State in building this canal, and it says that when it shall have reimbursed itself for all expenses, or if the United States Government shall step in and pay any balance, then the United States may say to the State of Wisconsin and will say to it, "Hereafter the State of Wisconsin shall charge only such rates of tolls as will keep the canal in repair forever." There is no proposition in this act of Congress that I can find which implies that the United States can at any time possess itself of the canal by paying this balance; but it can compel the State of Wisconsin to forever maintain it at such rate of toll as will pay for its maintenance; and therefore the United States can only get control of this property and make it free from tolls by either the willing consent of the State of Wisconsin or its agent or by proceeding to condemn it for public purposes. I have no doubt, however, that the State of Wisconsin or its agent, this company, will surrender this canal to the Government and let the Government make it free upon being reimbursed for the expenses over and above the receipts. They have made their statement. Whether it is correct or not I do not know.

Mr. DAWES. Then it seems that the United States propose to pay $150,000 for stepping into the shoes of Wisconsin, and it is paying this tax, which is enough to maintain the canal in repair, and the United States gives Wisconsin $150,000 for that privilege. Wisconsin has no title when it reaches the point of reimbursement. Wisconsin can tax only enough to keep it in repair. Now the United States comes in at that point after the State of Wisconsin is reimbursed for all the cost, and then the United States is to give not exceeding $150,000 for the privilege of maintaining it free of tax or toll. Is not that it?

Mr. MILLER. That is not it. The Senator has not stated the proposition as he did heretofore. The claim of this agent of the State of Wisconsin is that it has not yet reimbursed itself fully for the cost of building its canal. The company through its officers state that they are yet behind $178,000 according to their accounts. They have not yet come up to a point where the United States can step in and limit the tolls, but they are now free to charge any rate of tolls they please.

The commerce of the lakes desires to be rid of any toll whatever, and the committee, going over these accounts as it could, thought in its judgment that the $178,000 perhaps was too much, that some items ought to be stricken out; and it put into the amendment $150,000—not exceeding that—to be paid when the Secretary of War should be satisfied by another examination by a board of engineers that that was a reasonable sum to reimburse this company for its expenditures.

Mr. DAWES. That then, I understand, in the opinion of the committee, is necessary to bring it up to the point where the State could tax only to keep the canal in repair.

Mr. MILLER. That was the opinion of the committee, based on its report; but it was not willing to go to the length of appropriating $150,000 absolutely. It said it should only be paid when the Secretary of War was satisfied on a further examination that that was a reasonable sum.

Now, if the United States Government steps in and reimburses the State of Wisconsin or its agent for the exact sum which it lacks to make up the cost of the canal, it then does not come into possession of the canal. It can simply say to the State of Wisconsin, "You may from this time on charge such tolls as will maintain the canal in repair." The Senator can readily see, and all must see, that this company, acting as the agent of the State of Wisconsin, would from that time on, undoubtedly, in collecting tolls make the expenses of maintenance, that is to say, their own office expenses and the salaries of their own officers, as high as possible; and in order to get rid of this private individual control of this work and to make it free to the whole country it was thought wise that the attempt should be made.

The committee has no knowledge that the State of Wisconsin or that this company which represents it will be willing to accept this money and give up the right to assess reasonable tolls; but it believed that it was well enough to make the attempt to get possession of it if we could. If we should fail, then Congress might hereafter proceed by law to condemn the property or provide that it should be condemned by the courts. That is all there is of it.

Mr. DAWES. Then whether the United States ought to pay $1 or $150,000 depends solely upon the question whether Wisconsin and its agent have actually been reimbursed.

Mr. MILLER. That is all there is of it, and that question is to be settled by the Secretary of War. If the amendment of the Senator from Wisconsin makes that any more definite and absolute I am in favor of it. As I said yesterday, I shall be glad to have any amendment offered which will make the object of the committee more definite and plain.

Mr. MCMILLAN. This amendment was inserted by the Committee on Commerce on the representation of the Senators from Wisconsin as to the importance and necessity of this great public improvement, representing the interests of the people of the State of Wisconsin, not representing any company or any private interests. Now, the Senators from Wisconsin understand what are the best interests of the community as they are affected by this improvement. The Senator from Wisconsin who has offered the amendment this morning is certainly familiar with all that is necessary to accomplish the purpose desired by the committee. I think myself that his amendment does not substantially change the amendment reported by the committee, but it accomplishes the same purpose and is more definite, perhaps, in its provisions. The Secretary of War and the agents of the Government must determine still upon this matter, and this private company must get out of the way if there is a dollar expended under this appropriation. I am entirely willing, therefore, to accept the amendment offered by the Senator from Wisconsin. It accomplishes the same purpose with the same securities that we have provided in the amendment to the bill, and is perhaps more definite in the details.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Wisconsin [Mr. SPOONER] to the amendment of the Committee on Commerce.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment as amended.

Mr. INGALLS. Now let it be read as amended.

The PRESIDENT *pro tempore*. It will be read.

The CHIEF CLERK. The amendment is to insert:

For making free of toll to commerce the Sturgeon Bay and Lake Michigan ship-canal connecting the waters of Green Bay with Lake Michigan in the State of Wisconsin, $150,000, or so much thereof as may be necessary: *Provided*, That no part of said sum shall be expended until the Secretary of War shall have caused an examination to be made by a board of three United States engineers into the importance and value to commerce and navigation of the free use of said ship-canal, and until the report of said board shall be in favor of making said-canal free to commerce. *And provided further*, That no part of said sum shall be expended until the Secretary of War shall be satisfied, upon investigation, as to the actual cost of said canal to said company, and then only so much of said sum shall be expended as the said Secretary of War shall be satisfied is necessary to reimburse the said company for advances and expenses actually made and incurred in constructing said canal and in maintaining the same over and above the net proceeds of the lands granted by Congress to aid in constructing said canal and over and above the tolls received therefrom, with interest, as provided by the act of Congress making said grant, approved April 10, 1866. And none of said moneys shall be expended except upon a full and absolute conveyance to the United States of said ship-canal, harbor, easements, rights of way, piers, docks, and appurtenances of every name and nature pertaining to said work.

The Secretary proceeded to call the roll.

Mr. CAMDEN (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH], who is absent on account of sickness.

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL], but I am informed that he would vote against this amendment, and I therefore vote "nay."

The roll-call having been concluded, the result was announced—yeas 36, nays 16; as follows:

YEAS—36.

Blackburn,	Dawes,	Hoar,	Ransom,
Blair,	Dolph,	Jones of Arkansas,	Riddleberger,
Brown,	Evarts,	Jones of Nevada,	Sawyer,
Call,	Frye,	McMillan,	Spooner,
Cameron,	George,	Manderson,	Stanford,
Chace,	Gibson,	Miller,	Teller,
Coke,	Gray,	Mitchell of Oreg.,	Vest,
Conger,	Harrison,	Palmer,	Walthall,
Cullom,	Hearst,	Payne,	Wilson of Iowa.

NAYS—16.

Berry,	Edmunds,	McPherson,	Saulsbury,
Butler,	Harris,	Maxey,	Vance,
Cockrell,	Hawley,	Platt,	Whitthorne,
Colquitt,	Ingalls,	Pugh,	Wilson of Md.

ABSENT—24.

Aldrich,	Fair,	Logan,	Plumb,
Allison,	Gorman,	Mahone,	Sabin,
Beck,	Hale,	Mitchell of Pa.,	Sewell,
Bowen,	Hampton,	Morgan,	Sherman,
Camden,	Jones of Florida,	Morrill,	Van Wyck,
Eustis,	Kenna,	Pike,	Voorhees.

So the amendment was agreed to.

The next amendment of the Committee on Commerce was, in section 1, line 428, before the word "thousand," to strike out "fifty" and insert "seventy-five;" and in the same line, after the word "dollars," to insert:

Of which a sum not exceeding $500 may be used in placing buoys in the channels and elsewhere where needed in the harbor.

So as to make the clause read:

Improving harbor at Duluth, Minn.: Continuing improvement, and enlarging basin between Minnesota and Rice's Point, $75,000; of which a sum not exceeding $500 may be used in placing buoys in the channels and elsewhere where needed in the harbor; and the consent of the United States is hereby given to a change of the existing dock-line on the east side of Rice's Point by the municipal authorities of Duluth: *Provided*, That such change meets the approval of the Secretary of War.

The amendment was agreed to.

The next amendment was, in section 1, after the words "Secretary of War," at the end of the clause making an appropriation for improving harbor at Duluth, Minn., in line 435, to insert:

And the village of Duluth is hereby granted the right to construct and maintain a sewer for drainage purposes through the United States crib-work bordering on the Duluth Canal, into said canal, subject to such conditions as the Secretary of War may prescribe: *Provided*, That such conditions shall be accepted by the village of Duluth before the work herein authorized shall be commenced.

Mr. EDMUNDS. Is not that legislation, Mr. President, in a general appropriation bill?

The PRESIDENT *pro tempore*. The Chair does not see how the legislation is connected with the previous clause.

Mr. MCMILLAN. I did not understand the Chair.

The PRESIDENT *pro tempore*. A point of order is made on the amendment. The Chair will ask the Senator from Minnesota whether the provision in regard to the construction of a sewer is connected in any way with the preceding appropriation and intends to limit it.

Mr. MCMILLAN. Yes, sir.

The PRESIDENT *pro tempore*. The Chair does not see in what respect it limits, controls, regulates, or relates to the appropriation.

Mr. MCMILLAN. This legislation was inserted upon the recommendation of the Secretary of War on the application of citizens of Duluth to the War Department. This canal is constructed from the harbor of Duluth through Minnesota Point to Lake Superior, and it is a part of the entire improvement for which this appropriation is made. The permission of the Government to the authorities of Duluth to use the canal for the purpose of draining there would affect, of course, the harbor for which the appropriation is made, and it would require the assent of the Government in order to permit the authorities to do it. While it is incidentally of great sanitary importance to Duluth, we think, so far as we can appreciate the relation of it, it would be proper in this bill as affecting the improvement for which the appropriation is made. It is legislative in its character, but it affects the public improvement for which the appropriation is made, and it is one of great public importance. It is a permit merely.

Mr. EDMUNDS. It certainly tends to fill up the canal with sewage.

Mr. MCMILLAN. And therefore the assent of the Government is necessary. The War Department has examined that matter, and it has given its assent through the Secretary of War. The only object is to construct a sewer which shall enter one side of this canal. Of course the provision is legislative in its character, but I think it is connected with the improvement for which the appropriation is made, and upon that ground it might be sustained. There is no appropriation in regard to this matter.

Mr. EDMUNDS. It is a perpetual grant of an affirmative right to fill up the canal, which we are digging and keeping open, with the sewage of Duluth, and in Washington we are spending vast sums of money to try to get rid of the sewage which is filling up the river.

Mr. MCMILLAN. The canal goes from Superior Bay into Lake Superior. It is a very short canal, through which vessels enter the harbor, and there is no danger whatever of the obstruction of the canal.

Mr. EDMUNDS. Why do they not carry the sewer outside into the lake if the canal is very short?

Mr. MCMILLAN. The city is located above and on Minnesota Point.

The PRESIDENT *pro tempore*. The Chair is of opinion, if the point of order is made——

Mr. MCMILLAN. In connection with the remarks I have made I beg leave to read a communication from the Secretary of War addressed to the member of Congress from that district and communicated to us by the Department:

WAR DEPARTMENT, *Washington City, March* 27, 1886.

SIR: I have the honor to acknowledge the receipt, by your note of the 1st instant, of the letter of the 24th ultimo from Mr. Charles E. Budden, recorder of Duluth, Minn., relative to the passage of an act granting the village of Duluth permission to carry a sewer through the United States crib-work bordering on the Duluth Canal.

In reply I beg to advise you that this matter has heretofore received the attention of the Department upon an application of the authorities of Duluth for the privilege which is now sought to be secured by legislation. After consideration the Secretary of War decided, on August 19, 1885, that he did not consider himself authorized to grant a perpetual privilege of this character without the sanction of Congress, especially in view of the act approved December 20, 1884 (copy inclosed), "granting the right of way to the city of Newport, R. I., over the breakwater at Goat Island."

It would seem that the object of your correspondent will be attained by the passage of an act similar in its conditions to the one above indicated, there being no objection to it by this Department, provided the sewer is constructed under the "separate-system" plan and the village authorities give bond for the proper maintenance of the pier work, &c.

That is signed by the acting Secretary of War.

Mr. EDMUNDS. Read the man's name who signed it. I want it to go into the RECORD.

Mr. MCMILLAN. I will read the rest of it.

The letter of Mr. Budden is herewith returned, as requested.

Very respectfully, your obedient servant,

S. V. BENÉT,
Brigadier-General, Chief of Ordnance, and Acting Secretary of War.

Hon. KNUTE NELSON,
House of Representatives.

The inclosure was the act of Congress granting the right of way to the city of Newport, R. I., over the breakwater at Goat Island, and which is in this language:

CHAP. 4.—An act granting the right of way to the city of Newport, R. I., over the breakwater at Goat Island.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the city of Newport, R. I., is hereby granted the right to construct and maintain a sewer for drainage purposes through or across the breakwater at Goat Island, subject to such conditions as the Secretary of War may prescribe: *Provided*, That such conditions shall be accepted by the city of Newport before the work herein authorized shall be commenced.

Approved December 20, 1884.

The language of this amendment is precisely the language of that act of Congress. We thought if Congress could grant a privilege of that kind to Newport, R. I., there would perhaps be no objection to granting the same privilege to Duluth, Minn., particularly where the public interests are greatly advanced and there is no danger whatever that the improvement here will be injured in any way.

Mr. EDMUNDS. I can not let my friend leave me in a wrong position. The difference between Goat Island, Newport, and turning the sewage of this large city into this canal, is that where the Rhode Island people are authorized to carry their sewer through the breakwater they carry it into the open sweeping tides of the sea where it is carried away; but here in a lake as large as this is—large as it is in the

mind of my friend from Michigan [Mr. CONGER] it is still destitute of tides, which is the only thing it lacks—the sewage of this city turned into this canal, a narrow slip through which vessels go, is going to entail on somebody a continual expense to dredge it out.

Now, if the United States—I do not know but that it is right—ought to undertake the business of getting rid of the sewage of Duluth out of the Treasury, let them turn it into the canal, and then dredge it out and carry it off, all right; but I should like to consider it a little more and on a bill by itself. It has nothing to do with this appropriation.

Mr. MCMILLAN. There is no danger whatever of any such expense being entailed on the United States.

Mr. EDMUNDS. Why not?

Mr. MCMILLAN. Because of the situation there. The canal is substantially introducing this drainage into the lake. It is so near the lake that it amounts to the same thing.

Mr. EDMUNDS. Then they can carry it to the lake if the distance is so short.

The PRESIDENT *pro tempore*. The Chair is clearly of the opinion that this is general legislation in no way connected with the bill. So the amendment is not in order.

Mr. MCMILLAN. Let it go out.

The PRESIDENT *pro tempore*. The next amendment will be stated.

The next amendment of the Committee on Commerce was, in section 1, after the word "dollars," at the end of line 450, to strike out the following clause:

And the Secretary of War is hereby authorized, at his discretion, to cause suit to be instituted for the condemnation of the 12 acres of land said to be necessary to said improvement, and to report the result of such legal proceedings to the next succeeding session of Congress for its action thereon.

And in lieu thereof to insert:

Provided, That no part of said sum shall be expended until the 12 acres of land necessary to said improvement shall have been conveyed to the United States free of expense, and such conveyance has been approved by the Secretary of War.

So as to make the clause read:

Improving harbor and bay at Humboldt, Cal.: Continuing improvement, $100,000: *Provided*, That no part of said sum shall be expended until the 12 acres of land necessary to said improvement shall have been conveyed to the United States free of expense, and such conveyance has been approved by the Secretary of War.

Mr. EDMUNDS. The conveyance ought not only to provide in respect of the suitableness of the land, but there ought to be, as in all other cases of the United States getting property, a certificate by the Attorney-General that the title is good. If we go to expending large sums of money there—I see the beginning is $100,000—we ought to be pretty sure that the title to the 12 acres is good; and I suggest, with great deference to the committee, that the clause be amended by inserting after the words "Secretary of War," at the end of line 460:

After the Attorney-General of the United States shall have certified to the Secretary of War that the title is perfect.

Mr. MCMILLAN. There is no objection to that.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont to the amendment of the committee, which will be stated.

The CHIEF CLERK. It is proposed in line 460 to add to the proviso—

After the Attorney-General of the United States shall have certified to the Secretary of War that the title is perfect.

Mr. EDMUNDS. Then strike out the period after "War," and put this at the end of the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Commerce was, in section 1, line 486, to increase the appropriation for "improving harbor at Yaquina Bay, Oregon: Continuing improvement," from $80,000 to $100,000.

The amendment was agreed to.

The next amendment was, in section 1, line 489, to increase the appropriation for "improvement of the harbor at the entrance of Coos Bay, Oregon," from $35,000 to $45,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 489, to insert:

Improving harbor at Portland, Oreg., $5,000.

The amendment was agreed to.

The next amendment was, in section 1, line 494, after the word "improving," to strike out "Moosabec" and insert "Moosebec;" so as to read:

Improving Moosebec Bar, Maine: Continuing improvement, $10,000.

Mr. MCMILLAN. The last "e" but one should be changed to "a;" so as to read "Moosabec."

The PRESIDENT *pro tempore*. Then the amendment will be disagreed to, leaving the text.

The amendment was rejected.

The next amendment of the Committee on Commerce was, in section 1, after line 503, to insert:

Improving Cocheco River, New Hampshire: Continuing improvement, $10,000.

The amendment was agreed to.

The next amendment was, in section 1, line 509, to increase the appropriation for "improving Warren River, Rhode Island," from $2,500 to $5,000.

The amendment was agreed to.

The next amendment was, in section 1, line 511, to increase the appriation for "improving Pawtucket River, Rhode Island: Continuing improvement," from $25,000 to $40,000.

The amendment was agreed to.

The next amendment was, in line 513, to increase the appropriation for "improving Providence River and Narragansett Bay, Rhode Island: Continuing improvement," from $35,000 to $40,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 514, to insert:

For removing Green Jacket Shoal, Providence River, Rhode Island, $35,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 543, to insert:

Improving Ticonderoga River, New York: Continuing improvement, $2,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 556, to insert:

Improving Saint Jones River, Delaware: Continuing improvement, $10,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 558, to insert:

Improving Nanticoke River, Delaware: Continuing improvement up to and near the town of Laurel, Del., $10,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 567, to insert:

For beginning the construction of a dam at Herr's Island, in the Allegheny River, near Pittsburgh, Pa., $50,000.

The amendment was agreed to.

The next amendment was, in section 1, line 577, before the word "thousand" to strike out "forty" and insert "eighty;" and after the word "which," at the end of the same line, to insert "$40,000 shall be applied to improving the channel between Camden, N. J., and Philadelphia, Pa., and;" so as to make the clause read:

Improving Delaware River, Pennsylvania and New Jersey: Continuing improvement from Trenton to its mouth, $280,000; of which $40,000 shall be applied to improving the channel between Camden, N. J., and Philadelphia, Pa., and $10,000, or so much thereof as may be needed, shall be expended on said river and its tidal tributaries above Bridesburg.

The amendment was agreed to.

The next amendment was, in section 6, after line 586, to insert:

For rebuilding piers at Battery Island, head of the Chesapeake Bay, which were carried away by ice, strengthening and protecting the works at that point from future destruction, $17,275.

The amendment was agreed to.

The next amendment was, in section 1, after line 595, to insert:

Improving Pocomoke River, Maryland: Continuing and completing improvement, $8,000.

The amendment was agreed to.

The next amendment was, in line 604, section 1, to increase the appropriation for "improving Appomattox River, Virginia: Continuing improvement," from $20,000 to $25,000.

The amendment was agreed to.

The next amendment was, in line 608, section 1, to reduce the appropriation for "improving James River, Virginia: Continuing improvement below Richmond," from $150,000 to $100,000.

The amendment was agreed to.

The next amendment was, in line 614, section 1, after the words "Grayson County," to strike out "five" and insert "ten;" so as to read:

Improving New River, Virginia: Continuing improvement between the lead mines, in Wythe County, and the mouth of Wilson's Creek, in Grayson County, $10,000, together with the $3,000 now on hand.

The amendment was agreed to.

The next amendment was, in section 1, line 637, to increase the appropriation for "improving Great Kanawha River, West Virginia: Continuing improvement," from $150,000 to $250,000.

The amendment was agreed to.

The next amendment was, after the word "dollars," in section 1, line 646, to insert "of which $2,500 shall be used in continuing the improvement of navigation above the west fork;" so as to read:

Improving Little Kanawha River, West Virginia: Continuing improvement, $22,500; of which $2,500 shall be used in continuing the improvement of navigation above the West Fork.

The amendment was agreed to.

The next amendment was, after the words "West Fork," in section 1, line 648, to strike out—

But no toll shall be collected by any person or corporation for this improved navigation. If the right to collect toll is claimed to exist on any part of the river above the improvements, the person or corporation so claiming shall relinquish the same in manner satisfactory to the Secretary of War before any part of this appropriation shall be expended. Two thousand five hundred dollars of the sum hereby appropriated shall be used in continuing the improvement of navigation above the west fork.

And in lieu thereof to insert:

But no toll shall be collected by any person or corporation for this improved navigation; and such right, if any exist, shall be relinquished, in a manner sat-

isfactory to the Secretary of War, before the expenditure of any of the money herein appropriated for this work.

The amendment was agreed to.

The next amendment was, in section 1, line 663, before the word "hundred," to strike out "one" and insert "two;" so as to read:

Improving Cape Fear River, North Carolina: Continuing improvement, $225,000; of which sum $15,000 are to be expended above Wilmington, the remainder below and opposite the city of Wilmington, including as much of its northeast branch as lies in front of Wilmington, within the city limits.

The amendment was agreed to.

The next amendment was, in section 1, line 670, to increase the appropriation for "improving Contentnia Creek, North Carolina: Continuing improvement," from $5,000 to $15,000.

The amendment was agreed to.

The next amendment was, in section 1, line 675, to increase the appropriation for "improving Neuse River, North Carolina: Continuing improvement," from $10,000 to $30,000.

The amendment was agreed to.

The next amendment was, in section 1, line 679, before the word "improvement," to strike out "continuing" and insert "completing;" and after the word "improvement" to strike out "three" and insert "five;" so as to read:

Improving Pamlico and Tar Rivers, North Carolina: Completing improvement, $5,000.

The amendment was agreed to.

The next amendment was, in section 1, line 687, before the word "thousand," to strike out "ten" and insert "twenty;" so as to make the clause read:

Improving Roanoke River, North Carolina: Continuing improvement, $20,000. Two thousand five hundred dollars, or so much thereof as may be necessary, of the aforesaid $10,000 shall be used for the purpose of removing obstructions in the Thoroughfare and Coshoke Creek.

The amendment was agreed to.

The next amendment was, in section 1, after line 693, to insert:

Improving Dan River, North Carolina: Continuing improvement between Madison, N. C., and Danville, Va., $10,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 696, to insert:

Improving Yadkin River, North Carolina: Continuing improvement, $10,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 698, to insert:

Improving the inland water way between Beaufort Harbor and New River, North Carolina, through Bogue Sound, $10,000.

The amendment was agreed to.

The next amendment was, in section 1, line 723, at the end of the clause appropriating $7,500 for "improving Wateree River, South Carolina: Continuing improvements," to insert the following proviso:

Provided, That no part of said sum shall be expended until all bridges now obstructing the navigation of said river shall have been provided with suitable draw-spans, fenders, and other aids to navigation at such bridges as the Secretary of War may direct for the purpose of affording free navigation of said river; and the Secretary of War is hereby authorized and directed to cause such changes to be made in said bridges, at the expense of the owners thereof, as in his opinion are necessary to make the navigation of said river through said bridges free and safe.

The amendment was agreed to.

The next amendment was, in section 1, line 741, to reduce the appropriation for "improving Chattahoochee River, Georgia and Alabama: Continuing improvement," from $20,000 to $10,000.

The amendment was agreed to.

The next amendment was, in section 1, line 746, before the word "thousand," to strike out "twenty" and insert "ten;" and in the same line, after the word "dollars," to strike out "of which sum $5,000 are to be expended between Albany and Montezuma and $15,000 below Albany;" so as to make the clause read:

Improving Flint River, Georgia: Continuing improvement, $10,000.

The amendment was agreed to.

The next amendment was, in section 1, line 752, before the word "thousand," to strike out "nine" and insert "seven;" in the same line, after the word "thousand," to insert "five hundred;" and after the word "dollars," at the end of the line, to strike out "$1,500 of said sum to be expended between Skull Shoals and the railroad bridge;" so as to read:

Improving Oconee River, Georgia: Continuing improvement, $7,500.

The amendment was agreed to.

The next amendment was, in section 1, in line 769, before the word "thousand," to strike out "fifteen" and insert "seven;" after "thousand" to insert "five hundred;" and after the word "dollars," line 770, to strike out "of which sum $5,000 to be expended below Geneva, and $10,000 to be expended between Geneva and Newton, Ala.;" so as to make the clause read:

Improving Choctawhatchee River, Florida and Alabama: Continuing improvement, $7,500.

Mr. PUGH. I hope the committee will not insist on that amendment, or if they do that the Senate will not agree to it.

That river rises in my State and runs through it into Florida at Pensacola Bay, and the provision made by the House is $15,000. The amendment might just as well be to strike out the entire appropriation. I desire to call the attention of the Senate to the report of the engineer:

The probable increase in the commerce—

On that river—

it is thought may, at the very lowest estimate, be placed at 100 per cent. in a few years.

The annual reduction and saving in hauling freights by river competition exceeded 25 per cent. on merchandise, fertilizers, &c., and over 50 per cent. on cotton, wool, &c., as will be shown by the following:

In 1874, before the river was improved, the cost of hauling and shipping from Geneva or Newton, per railroad, to New Orleans, of one bale of cotton, was $4.50. To-day steamers, barges, &c., connecting of course with the Pensacola and Atlantic Railroad, ship cotton through for $1.75 per bale. Wool was hauled and shipped in 1874 at $1 per 100 pounds; to-day it is shipped for 30 cents per 100 pounds.

In 1875 the freight and expense of hauling and shipping of one barrel of flour from New Orleans to Geneva and Newton was $1.30 per barrel; to-day it is 60 cents per barrel. All other freights have been reduced in proportion.

The present plan of improvement was adopted in 1872, and modified in 1880, pursuant to an examination made under the act of March 3, 1879, and contemplates the improvement of the river from its mouth to Newton, a distance of 252 miles, so as to obtain a low-water navigable channel.

The expenditure up to June 30, 1885, has resulted in giving 4½ feet of water in the channel except during low water as far as Jones's old ferry, 27 miles above Geneva, and 2 feet of water in the channel as far as Pates Creek at a medium stage of water.

During high water 5 feet can be carried to this point.

The funds remaining on hand and the appropriation asked for are to be applied to the further improvement of the river in accordance with the approved plan.

The appropriation asked for will barely suffice to pay the running expenses of the snag-boat and maintain one party at rock excavation and other work of improvement.

If a less amount than that asked for be appropriated, the working plant will suffer the consequences of deterioration from disuse.

On those facts I ask the committee not to insist on the amendment, and if they do, I ask the Senate not to agree to it.

The PRESIDENT *pro tempore*. The question is on the amendment.

The amendment was rejected.

Mr. BROWN. I was temporarily out of the Hall, and one or two amendments connected with improvements in the rivers of Georgia were agreed to where I desire to object to the committee amendments.

The PRESIDENT *pro tempore*. The Senator from Georgia asks unanimous consent to reconsider the action of the Senate on certain amendments.

Mr. BROWN. In reference to the Georgia rivers, I was not in the Chamber at the time the amendments were voted on.

Mr. HARRIS. What is the line the Senator refers to?

Mr. BROWN. Commencing on page 31.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none.

Mr. BROWN. On line 740. They were ten pages ahead when I went out of the Chamber, and was gone but a short time to lunch——

Mr. MCMILLAN. If the Senator was absent I will not insist on taking advantage of it.

The PRESIDENT *pro tempore*. If there be no objection the Senator from Georgia will be recognized to move a reconsideration of the amendments to which he refers.

Mr. BROWN. The first matter to which I refer relates to the improvement of Chattahoochee River. The House having appropriated $20,000, the Senate committee has reduced it to $10,000 by an amendment, I think by a misunderstanding of the facts.

The usual rule, as I understand, in committee is to give a percentage, not a rule that is followed strictly, but in the main—to give a percentage of the estimate made by the engineer. This estimate was made by Lieutenant Hoxie, who states in a report he has since made that he did it looking to the appropriations of last year and reported the smallest amount that would protect the works already done and maintain the improvements, and instead of estimating two or three times as much as is usually appropriated, he only estimated for the actual appropriation needed. The House committees, as I understand, first made the usual percentage, but when they learned the fact as to how he had made his estimates, which were different from those of the other engineers, the committee then consented to change the appropriation and put it at $20,000, the appropriation of last year, I believe.

I should like in this connection to have read the statement of Lieutenant Hoxie as to the basis upon which he made up the estimate. I ask to have it read so as to put the case before the Senate with the correspondence.

The PRESIDENT *pro tempore*. The paper sent up by the Senator from Georgia will be read.

The Chief Clerk read as follows:

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., June 25, 1886.

DEAR SIR: Referring to our conversation of a few moments ago, I beg to state that the Committee on Rivers and Harbors, following their usual rule, had cut down the appropriations for the Flint, Chattahoochee, and other rivers; but on reading the statements which I have just put into your hands, that committee put back the appropriations to what they appear in the bill as it was in the bill sent to the Senate. And I may add that when the bill was criticised in the House because it appropriated for these rivers the full amount of the estimates, Mr. WILLIS, of Kentucky, defended and sustained the bill in this respect by citing these explanations by Captain Hoxie.

Very respectfully,

H. G. TURNER.

Hon. J. E. BROWN, *United States Senate.*

Mr. BROWN. Now I desire that Captain Hoxie's statement be read, and I ask the attention of the committee to that statement. It is clear that the estimate was made up on a different basis from the usual basis, for some reason, by Captain Hoxie.

The Chief Clerk read as follows:

UNITED STATES ENGINEER OFFICE, MONTGOMERY, ALA., *March* 1, 1886.

Hon. H. G. TURNER,
House of Representatives, Washington, D. C.

DEAR SIR: Your favor of the 27th ultimo is this day received. I quite agree with you that the appropriation asked for Flint River is the least that can be profitably expended annually with the present working plant; and so with the Chattahoochee. If you will examine my annual report (Report of Chief of Engineers, pages 1300 and 1304), you will find the following in connection with the estimate for each river:

"The funds on hand will be exhausted during the present working season. The appropriation asked for is barely sufficient to pay the running expenses of the snag-boat and maintain one working party at excavation on the reefs. If a less amount than that asked for be appropriated, the working plant will suffer the consequences of deterioration from disuse."

I took charge of these rivers, with others, last August, and observed the practice to which you refer of appropriating about one-third the engineer's estimate. Last year no appropriation whatever. I followed closely the debates in Congress upon the last river and harbor bill, and arrived at certain conclusions.

The disposition of Congress is to carry out at the same time all existing work of improvement that is worthy of completion. There is not money enough in the Treasury to do this upon an economical scale by the assurance to each work of a large annual appropriation for the purchase and effective use of a large working plant. Under the circumstances the purchase of such working plant is not advisable. The amount which can be profitably expended is then, ordinarily, the usual annual appropriation, to which the working plant has been gradually adapted.

I am not willing to make any other statement of fact with a view to the cutting down prices, but I think the explanation accompanying my estimates should stay the fall of the ax upon them.

Very respectfully, yours,

R. S. HOXIE,
Captain Engineers, United States Army.

Mr. BROWN. Now I ask to insert a little table that he has made here in reference to the different appropriations and have it read.

The Chief Clerk read as follows:

Memorandum.

Title of appropriations.	Balance on hand February 25, 1886.	Outstanding liabilities to February 28, 1886.	Amount available February 28, 1886.	Estimates for 1886–'87.
Improving harbor at Pensacola, Fla	$3,952 25	$270 00	$3,682 25	$60,000 00
Improving Chattahoochee River, Georgia and Alabama	20,975 46	10,219 18	10,756 28	20,000 00
Improving Flint River, Georgia	3,531 95	484 62	3,047 33	20,000 00
Improving Escambia and Conecuh Rivers, Florida and Alabama	1,885 10	514 00	1,371 10	15,000 00
Improving Alabama River, Alabama	610 13	136 47	473 66	20,000 00
Improving Cahaba River, Alabama	1,360 88	195 00	1,165 88	15,000 00
Improving Tallapoosa River, Alabama	2,435 79	211 75	2,224 04	15,000 00
Improving Choctawhatchee River, Florida and Alabama	3,082 88	2,042 43	1,040 45	15,000 00
Improving Coosa River, Georgia and Alabama	1,263 98	1,135 90	128 08	150,000 00
Improving Oostenaula and Coosawattee Rivers, Georgia	1,143 71	21 85	1,121 86	.....
Improving Oconee River, Georgia	78	.....	78	15,000 00
Improving Ocmulgee River, Georgia	.....	.....	.....	15,000 00
Improving La Grange Bayou, Florida	.....	.....	.....	5,000 00
Preservation and repair of fortifications, 1886	1,014 09	875 00	139 09	.....

These estimates, as explained in Appendix "P," Annual Report of the Chief of Engineers for 1885, are the least sums that can be expended with advantage in connection with the existing working plant. On the Oconee and Ocmulgee the working plant has been destroyed by old age through insufficient appropriations before the completion of the improvement, and valuable working plant on other rivers may share the same fate.

Mr. BROWN. It is very clear from the statement of Captain Hoxie himself that he made up the estimates from the appropriations of last year, estimating for the smallest amount that could be got along with, instead of for the largest amount that could be profitably expended. The whole amount of his estimate is simply the usual annual appropriation. As I said before, when the House committee learned that fact they raised this item to the usual appropriation; and I suppose if that fact had been before the Committee on Commerce of the Senate they doubtless would have done the same thing.

I only ask for the usual appropriation; and if we lose it at all it will be on account of the mistake of Captain Hoxie in that regard, or because of the fact that he made his estimate on a different basis from the other engineers. Instead of estimating two or three times the amount appropriated, he simply puts in his estimates what is the usual amount appropriated. I will state that the commerce, as shown by the table I have sent up, upon the river for the last year was nearly $7,000,000. Between the junction of the Chattahoochee and Flint Rivers, above on the stream is city of Columbus, one of our principal manufacturing cities, and the commerce upon the river is very important and really very heavy. Only $10,000 is appropriated by the amendment for this river. I trust the committee will not press the matter and that the amendment will not be agreed to.

Mr. MCMILLAN. The communications submitted by the Senator from Georgia from Captain Hoxie were not before the Committee of Commerce of the Senate when we considered this item.

Mr. BROWN. So I supposed. Representative TURNER has furnished them to me since.

Mr. MILLER. This new estimate of Captain Hoxie called for an appropriation of more than $20,000 for the year.

Mr. BROWN. No; Captain Hoxie simply states the principle on which he made up his estimates. He did not do as the other officers do. He estimates the amount that was appropriated last year, and what he says is the smallest amount that can be gotten along with. Instead of that, they generally estimate fairly and liberally and say, so much can be profitably expended during the year. The old estimates were two or three times as much as he now makes for this year, and the appropriation in former years has been double what he now proposes to give us.

Mr. MILLER. I notice in the regular report that $20,000 is the amount estimated for the year as the amount which can be profitably expended. The committee in some cases have given the whole of it, and in some cases half, and in some cases a quarter.

Mr. BROWN. According to Captain Hoxie he made the estimate, and he put it down in that way, and he explains in the correspondence with Representative TURNER that he followed the appropriation of last year and intended to have the estimates the same, but he estimated for the smallest amount that could be gotten along with.

Mr. MCMILLAN. The amount of the estimate as it came to us from the Engineer Department was $20,000, and the provision made by the House was that exact sum. The rule in all other cases has been to allow a certain proportion of the estimated amount, a third or a quarter or a half, and in rare cases, where the improvement would be completed, perhaps a larger proportion.

Mr. BROWN. I think that is right.

Mr. MCMILLAN. In this case, as the estimate here was for $20,000, we thought the appropriation of the whole amount would have to be amended by taking out a portion of it and putting it on the same footing with other items of appropriation.

The PRESIDING OFFICER (Mr. SEWELL in the chair). The question is on the amendment of the Committee on Commerce, in line 740, as to the Chattahoochee River.

The amendment was rejected.

Mr. BROWN. Now, the same rule applies to the Flint River, where the House gave the same amount, one of the rivers estimated for and spoken of by Captain Hoxie, and I desire the same ruling there.

Mr. MCMILLAN. I hope the Senate will not consent to increase these items so much. Every amendment seems to be adopted increasing the amount of the bill, evidently not by the friends of the bill exclusively; and I think if we are to get a river and harbor bill at all we had better preserve the amendments the committee have recommended, because they are founded on the engineers' reports.

Mr. BROWN. The principle is exactly the same as in the other case, and Captain Hoxie in his statement refers to the Flint River, and says he made the estimate for it upon the same basis. The old appropriation has been $20,000 a year, and it is very badly needed there. I trust the Senate will reject the amendment in that case, and I trust the committee will not insist upon it. It is certainly just to increase the appropriation for the Flint River. If that for the Chattahoochee is right the other is right, because the estimate in both cases was made on the same principle, and the same rule ought to be applied.

The PRESIDING OFFICER. The question is on the amendment in line 746, to strike out "twenty" before "thousand" and insert "ten;" so as to read:

Improving Flint River, Georgia: Continuing improvement, $10,000.

Mr. BROWN. I simply proposed to leave it where the House left it. I desire to have the amendment rejected for the reasons already stated, so as to leave the amount where the House left it and as the former appropriations have been annually—$20,000.

Mr. PLATT. The House left it at $20,000, and provided that $5,000 should be "expended between Albany and Montezuma, and $15,000 below Albany." What I want to know is whether we are to vote on the whole amendment or on the amount simply?

Mr. BROWN. Only on the amount at present.

Mr. MCMILLAN. The question is on the amount.

Mr. BROWN. I expect to have the other amendment acted on afterward, but I propose to ask a vote first on that point.

The PRESIDING OFFICER. The question is on the amendment in line 746, striking out "ten" and inserting "twenty."

Mr. MCMILLAN. I call for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. CHACE. My colleague [Mr. ALDRICH] is paired with the Senator from West Virginia [Mr. CAMDEN].

The result was announced—yeas 21, nays 21; as follows:

YEAS—21.

Blair,	Edmunds,	McMillan,	Sewell,
Chace,	Evarts,	Manderson,	Teller,
Coke,	Frye,	Miller,	Vest.
Conger,	Harrison,	Mitchell of Oreg.,	
Cullom,	Hawley,	Palmer,	
Dawes,	Hoar,	Platt,	

NAYS—21.

Berry,	George,	McPherson,	Walthall,
Blackburn,	Gibson,	Payne,	Whitthorne,
Brown,	Harris,	Pugh,	Wilson of Md.
Butler,	Hearst,	Ransom,	
Call,	Ingalls,	Stanford,	
Colquitt,	Jones of Arkansas,	Vance,	

ABSENT—34.

Aldrich,	Fair,	Mahone,	Saulsbury,
Allison,	Gorman,	Maxey,	Sawyer,
Beck,	Gray,	Mitchell of Pa.,	Sherman,
Bowen,	Hale,	Morgan,	Spooner,
Camden,	Hampton,	Morrill,	Van Wyck,
Cameron,	Jones of Florida,	Pike,	Voorhees,
Cockrell,	Jones of Nevada,	Plumb,	Wilson of Iowa.
Dolph,	Kenna,	Riddleberger,	
Eustis,	Logan,	Sabin,	

So the amendment was rejected.

Mr. BROWN. On page 32 of the bill is the appropriation in reference to Romely Marsh. There is an inland channel, as is known I suppose to all Senators——

Mr. FRYE. The order of the Senate was that the amendments of the Committee on Commerce should first be acted upon, and the Committee of the Whole is proceeding now under that order. The Senator from Georgia had better withhold his amendment.

Mr. BROWN. I withhold my amendment.

The PRESIDING OFFICER. The reading of the committee amendments will proceed.

The next amendment of the Committee on Commerce was, in section 1, line 774, before the word "thousand," to strike out "twelve" and insert "seven;" after the word "thousand" to insert "five hundred;" and after the word "dollars," in line 775, to strike out "no part of which is to be used above Indian Creek;" so as to read:

Improving Conecuh-Escambia River, Florida and Alabama: Continuing improvement, $7,500.

The amendment was agreed to.

The next amendment was, in section 1, line 795, before the word "thousand," to strike out "seventy-five" and insert "fifty;" so as to make the clause read:

Improving Black Warrior River from Tuscaloosa to Daniel's Creek, Alabama, $50,000, together with the $17,000 on hand; to be expended in accordance with the plan adopted by the board of engineers.

Mr. PUGH. I ask the Senate not to agree to that amendment, and I do so upon facts that I consider conclusive. I have the engineer's report, in which he states:

The sum of $198,764 can be profitably expended during the fiscal year ending June 30, 1887, which it is thought will complete the improvement.

The object of this improvement is especially for the transportation, in barges, of coal from the coal fields. The enormous quantities of coal in the country through which this river flows, and its superiority and accessibility, prove conclusively the importance of the early completion of this improvement, rendering it available for the use of the General Government, the people of the Gulf States, and the steamers of all nations employed in the commerce of the Gulf.

Now I read from the report lately made by the board of engineers:

The great importance of this improvement, which is intended to place the immense coal fields of the Black Warrior district in direct water communication with the Gulf of Mexico through the harbor of Mobile, has been fully set forth by Major Damrell, the engineer in charge, in his reports of the survey of this river. The board conferred with several of the distinguished citizens of the locality, among whom were Hon. W. C. Jemison, mayor, General S. A. M. Wood, and others, and it fully concurs in the views expressed by Major Damrell as to the great need of this work.

In conclusion, the board desires to recommend that this improvement be commenced and completed with as little delay as possible, so that the advantages to be gained from it may be realized at an early day.

That is signed by five engineers, who made that survey in person; and upon those facts I ask the Senate to disagree to the amendment.

Mr. McMILLAN. It will be observed by the report of the engineer that there is already unexpended of former appropriations the sum of $47,000. That of course must be added to the appropriation for the present year; and that with the $50,000 makes the appropriation for the year $97,000. The amount estimated by the engineers that can be profitably expended during the year is $198,700. The appropriation here then would be 50 per cent. of the entire amount. That we thought was ample for the improvement this year. Of course that estimate could be expended this year, probably; but the question is, what would be necessary for the proper carrying on of this work; and the committee were of the opinion that with this appropriation the work might be forwarded profitably and successfully, and all be accomplished that was desired during the year.

The object of the improvement seems to be especially for the transportation of coal from the coal fields there, as stated by the Senator from Alabama.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Commerce.

The amendment was rejected.

The next amendment of the Committee on Commerce was to strike out, in section 1, lines 847 and 848, as follows:

Improving Big Black River, Mississippi: Continuing improvement, $5,000.

Mr. GEORGE. I understand that the Committee on Commerce recommend this amendment to the Senate upon the ground that some bridges have been built across the stream which impede navigation, and that was the sole ground of the opposition on the part of the committee to this appropriation. I admit that there are three bridges across the stream now which do impede navigation; but I propose by an amendment which I shall offer to correct any unfavorable opinion with reference to this particular clause, and I will read it to the Senate and explain it.

I propose, if this appropriation in the bill as it passed the House is allowed to stand and the recommendation of our committee be disagreed to by the Senate, to add the following proviso to the clause, so as to remove the objection which I understand exists in the mind of the committee to the appropriation as it came from the House:

Provided, That no part of this appropriation shall be used until the State of Mississippi shall have first caused the bridges over said stream south of the Vicksburg and Meridian Railroad to be constructed so as not to obstruct the navigation of said stream.

The stream has been used for navigation purposes for half a century.

Mr. CONGER. I ask the Senator to make his proviso general, so that the appropriation shall not be used until all the bridges across the stream shall have been made with a sufficient draw for the passage of vessels.

Mr. GEORGE. I understand the suggestion of the Senator from Michigan to be that my amendment does not apply to all the bridges. The Vicksburg and Meridian Railroad bridge is a very high bridge. I am personally cognizant of that fact, and it would rarely, if ever, interfere with the navigation of the stream. Besides, I desire to call the attention of the Senate particularly to the fact that there are 90 miles of navigation south of this bridge, and this appropriation is a very insignificant sum to improve that part of the river; and in view of that fact I think the Senator from Michigan and the Senate might agree to allow this high bridge of the Vicksburg and Meridian Railroad to remain until the necessities of navigation shall make it necessary to remove it.

Besides, under this bill and under the general law, if this bridge shall prove an obstruction to navigation, the Secretary of War is authorized to have it removed or so constructed as not to interfere with navigation.

I hope the Senate, therefore, with the understanding that immediately upon the disagreement to this amendment I will offer the proviso——

Mr. CONGER. Will the Senator read his amendment again?

Mr. EDMUNDS. The Senator has a right to offer it now to amend the paragraph proposed to be stricken out.

Mr. GEORGE. Very well, then. At the end of line 848 I move to add:

Provided, That no part of this appropriation shall be used until the State of Mississippi shall have first caused the bridges over said stream south of the Vicksburg and Meridian Railroad to be so constructed as not to obstruct the navigation of said stream.

Mr. EDMUNDS. Why is that line of demarkation drawn?

Mr. GEORGE. Ninety miles of the best part of the river are south of that, and that is a very high bridge already, and will not interfere with navigation except in very high water.

The appropriation made by this bill is wholly insufficient according to the engineer's estimate to improve that part of the river below it. In addition to all that, if, when it is improved, this bridge shall be an obstruction to navigation, it is in the power of the Secretary of War to have it removed or draws constructed.

Mr. McMILLAN. The action of the committee in striking out this provision was based on the report of the engineer having the improvement in charge, and his statement clearly includes all these bridges. I will read an extract from the report of the engineer contained in the report of the Chief of Engineers for 1885, part 1, page 241, under the title of "Big Black River, Mississippi:"

The bridge of the Louisville, New Orleans and Texas Railroad, about 15 miles above the mouth of the river, and that of the Vicksburg and Meridian Railroad, 90 miles above the mouth, and two highway bridges, all without draws, form obstructions to free and safe navigation at all stages of water. Until these obstructions are remedied it is recommended that no additional funds be appropriated for improving this river.

He embraces all these bridges in his report and all stages of water, and absolutely refrains from recommending an appropriation. If the amendment is to apply to any bridge it should apply to all the bridges, it seems to me, and I do not see that there is any use in making the appropriation. I do not suppose the engineer would use the money even if it were appropriated.

Mr. GEORGE. The answer to that is that the Vicksburg and Meridian Railroad bridge is 90 miles from the mouth of the Big Black. The money heretofore has all been expended below that, and then, as I have stated, it is a very high bridge and will only in very rare instances interfere with navigation.

Mr. McMILLAN. The first extract I read was from the Chief of Engineers' report transmitting the local engineer's report. Now, the local engineer states in the Annual Report of the Chief of Engineers, part 2, page 1524:

The bridges of the Louisville, New Orleans and Texas Railroad, about 15 miles above the mouth, and the Vicksburg and Meridian Railroad, 90 miles above the

mouth, neither having draws, form obstructions to free and safe navigation at all stages of water. Two highway bridges, respectively 25 and 78 miles above the mouth, also form barriers to navigation, neither being provided with draws.

There are four bridges within that space of 90 miles, and the engineer embraces them all; I do not know how there could be any exception made, and I think we could do nothing else than strike out this clause.

Mr. FRYE. Does he not say there ought not to be any improvement made?

Mr. McMILLAN. He says that expressly. I read that in my first statement.

Mr. GEORGE. I have nothing more to say except what I have said, that this money will not reach the improvement of the river as high as the Meridian Railroad bridge; and whenever that becomes a serious obstruction to the navigation of the river it will be time enough to remove it. The other bridges are all below and are all low bridges.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Mississippi to the clause.

Mr. McMILLAN. I think that would imply a power which we could not properly exercise, directing the State of Mississippi to remove these obstructions. I do not know that the State of Mississippi has any control over these railroad companies. The navigable streams are under the custody and direction of the United States, and we should remove these obstructions ourselves. I do not know that it would be proper to direct the State of Mississippi to do it.

Mr. INGALLS. I have examined the report of the committee and find that there are no statistics in regard to Big Black River in Mississippi.

Mr. McMILLAN. Because the item was stricken out and the report of the engineers contains the cost.

Mr. INGALLS. I was about to ask the Senator from that State whether he could advise the Senate as to the width of this stream and the depth of water maintained at the present time for navigation.

Mr. GEORGE. I do not know that I could except to say this, that it has been used for navigation purposes——

Mr. INGALLS. For steamers of considerable draught?

Mr. GEORGE. No, small steamers, for half a century. There are no shoals in the river. The only trouble about the navigation of the river is the overhanging timber and the serpentine course of the river itself. It is a stream that has been navigated for 200 miles, running through the very best part of the State of Mississippi, highly cultivated and populous counties lying on each side of it.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Mississippi.

Mr. INGALLS. The report of the Chief of Engineers contains no statistics of the commerce of those communities that are located along the banks of the Big Black River. I am very much disposed to endeavor to obtain in some way a rude equity about this bill by assisting those States that have no Senator upon the Committee on Commerce to obtain the amounts to which they would be entitled under a fair distribution of the amounts that are appropriated by this bill. It is said that Heaven takes care of those who take care of themselves, and the Committee on Commerce have very well taken care of themselves, but in those States that have been so unfortunate as not to be represented upon the Committee on Commerce, which have been made the victims of a transcendental economy, I desire, if possible, to correct those matters of law by the application of principles of equity in those cases. But I confess that the appropriation made for Big Black River rather staggers me, for I find on page 1524 of the report of the Chief of Engineers that the appropriation made in 1885 was expended in cutting 20,987 trees, in girdling 3,744 trees, in removing 1,791 snags, 2,063 logs, and 48 rock heaps from the channel, and cutting 695 stumps.

Mr. TELLER. Were the stumps in the river?

Mr. INGALLS. It does not say whether the stumps were in the river or on the banks. It states also that—

A large jam of logs and brush, which had formed at the piers of the old Louisville, New Orleans and Texas Railroad bridge, completely obstructing the channel, was removed in March, 1885.

This work has resulted in the removal of the principal obstructions from the banks and channel, and greatly increased the facilities for navigation on that portion of the river in which it was done.

The elimination of the trees from this river and the girdling of those that threatened its channel and the cutting of the stumps that the citizens had apparently left in objectionable places along these shores, I should judge from this report, had been sufficiently performed for the current year, and unless there has been an exceedingly rapid growth of vegetation in that country the last year I do not very well see how $5,000 additional could be required for this purpose. With every disposition to be liberal toward those States that have no member upon the Committee on Commerce, I fear that in the absence of more definite information than appears in the report of the Chief of Engineers I shall be compelled to disagree with the Senator from Mississippi. I reserve, however, the right to change my opinion in case further inquiry shall show the propriety of this appropriation.

Mr. GEORGE. The estimate of the Chief of Engineers for the completion of the improvements of the river already begun is $27,000.

I do not know what is intended to be done, but that is the amount said to be necessary. I have not made an inspection of the stream for the purpose of stating to the Senate what the particular works are; but here is the estimate, on page 1525, to which I call attention of the Senator from Kansas, of $27,000 as needed for the completion of the existing project.

I will read also, since the matter has taken up so much of the time of the Senate, what the local engineer says about it. First I will read the commercial statistics which the Senator from Kansas wants to hear, all I have on that subject. On page 1527 the engineer says:

No reliable commercial statistics could be obtained, but the valley of the river is very fertile, and it is estimated that about 4,000 bales of cotton and 40,000 sacks of seed are annually produced in an ordinary season along that portion of the stream on which work was done during the past season.

That is the first 74 miles.

About 100,000 oak staves are shipped out by the river every year by means of flatboats.

On page 1526, the local engineer says:

The valley of Big Black is very fertile and productive; except where the Walnut Hills intercept the valley, cultivation is continuous on either side. The slopes incline rapidly to the river, rendering cultivation of lands immediately along the banks impracticable, but the edge of the cultivated lands on either side is not more than one-fourth of a mile from the river bank; 4,000 bales of cotton and 40,000 sacks of seed are produced in an ordinary season from its mouth to the Ivanhoe bridge.

And along that, below the Vicksburg and Meridan bridge:

Most of this cotton and cotton-seed is either hauled a great distance to Port Gibson or Vicksburg at a considerable expense, or disposed of near home at a sacrifice.

I will go on a little further, and state that in July, 1882, when the river and harbor bill was up, I offered an amendment to the bill appropriating $10,000 for the improvement of this river. It was debated in the Senate. My then colleague, Mr. Lamar, made this statement, which I desire to read in the hearing of the Senate:

I concur with the Senator from Ohio that there ought to be a limit to the appropriations for the improvement of rivers and harbors. Applying his rule, what discrimination ought to be made? I think he has not very judiciously timed his suggestion in applying it to the amendment offered by my colleague.

That was the amendment of $10,000 for the Big Black.

This river is a navigable river, and it runs through a very important part of the country. The commodity which it bears to market and the centers of trade constitute largely the basis of our foreign commerce. It is no insignificant stream, but a large river, and I regret very much that the Senator's zeal for economy comes in just at this point.

A yea-and-nay vote on the amendment was had, and thirty-two Senators voted in favor of the amendment, and twenty-one against it, giving $10,000 to this river. It seems to me that after that it is not necessary for me to say anything further in this matter.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Mississippi [Mr. GEORGE] to the clause.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment of the committee to strike out the clause as amended.

Mr. PLATT. Let the amendment as amended be reported.

The PRESIDING OFFICER. It will be read.

The CHIEF CLERK. The clause proposed to be stricken out as now amended reads:

Improving Big Black River, Mississippi: Continuing improvement, $5,000. *Provided*, That no part of this appropriation shall be used until the State of Mississippi shall have first caused the bridges over said stream south of the Vicksburg and Meridian Railroad to be so constructed as not to obstruct the navigation of said stream.

Mr. INGALLS. This river, so far as I can ascertain, from its headwaters to its junction with the Mississippi, is about 400 miles in length.

The first appropriation for improving this stream was made by river and harbor act of July 5, 1884. The project for the improvement contemplates the removal of snags, logs, wrecks, and overhanging trees obstructing navigation between the mouth and Cox's ferry, 130 miles above, at an estimated cost of $32,000.

The engineer states that the improvement, when the entire amount has been expended, will not be permanent, as new obstructions are continually added from time to time. After reciting the work in detail that was done by the engineer, he continues, on page 241 of the first part of volume 2, Executive Document No. 1, Forty-ninth Congress, first session, to state:

The river, however, is only navigated at present by flatboats carrying staves, &c.

"Staves" I suppose mean the lumber of which barrels are made. I can not understand how a bridge, if it is constructed as bridges ordinarily are at a reasonable distance above flood-level, could be any obstruction whatever to the navigation of a stream by flatboats carrying staves. It may be that the country being in the nature of a morass or swamp and subject to continual overflow, these bridges may not be sufficiently above the flood-level to afford room for flatboats to get under, so that I do not see how the amendment offered by the Senator from Mississippi either helps or hinders this proposition, inasmuch as the snags and logs and rocks and overhanging trees have all been removed, and it does not appear that they have been again renewed so as to make obstacles to navigation. I should think that the committee ought to be supported.

Mr. GEORGE. As these bridges are now constructed steamboats

can not pass under. Steamboats formerly navigated the river, but of course they can not as long as the three bridges below remain unremoved. My proposition is to remove them or have draws made in them or allow the State to do it before any money is spent. Then these steamboats can go there as they did in former times.

The PRESIDING OFFICER. The question is on the amendment of the committee to strike out the clause as amended.

The amendment was rejected.

Mr. INGALLS. By the action of the Senate the amendment of the committee is disagreed to and the clause stands with the amendment proposed by the Senator from Mississippi.

The PRESIDING OFFICER. That is it.

Mr. MCMILLAN. Can we not have the yeas and nays?

Several SENATORS. Too late.

Mr. PLATT. That adds $5,000 to the bill as reported by the committee.

Mr. EDMUNDS. That is all; a mere trifle!

The next amendment of the Committee on Commerce was, in section 1, line 861, to increase the appropriation for "improving Bayou Terre Bonne, Louisiana: Continuing improvement," from $5,000 to $10,000.

Mr. EDMUNDS. What is Bayou Terre Bonne? I should like to hear that explained.

Mr. MCMILLAN. The Senator from Louisiana will explain that amendment.

Mr. INGALLS. He is a member of the committee, I believe.

Mr. GIBSON. I will explain the amendment.

Gentlemen who are familiar with the Mississippi River know that it flows almost due south until it reaches Red River, and below that it flows generally in a southeasterly direction, so that if at any point on the Mississippi River after it reaches Red River you can take a bayou which connects with waters flowing southwesterly to the Gulf of Mexico it will be the shorter line to the Gulf, much shorter than the line taken by the river itself. This improvement of the Bayou Terre Bonne is intended to give a short line from the Mississippi River to Texas, a shorter and an inland line in effect from the valley of the Mississippi to Texas and Mexico. It will save about 150 miles. Instead of taking the circuit down the Mississippi River all the way to its mouth and then around the Gulf to Texas, the completion of this improvement, I repeat, will give a short inland line of communication by water from the Mississippi River through the various bayous, Bayou La Fourche, Bayou Terre Bonne to Berwick Bay, Berwick Bay being on the direct line to the State of Texas.

I have a report written in 1884 by the engineer in charge of that district, an extract from which I will read explaining this appropriation:

This route—

Says Major Stickney——

Mr. EDMUNDS. Under what date?

Mr. GIBSON. January 24, 1884.

Mr. EDMUNDS. Two years and a half ago.

Mr. GIBSON. Yes, sir. I will say to the Senator from Vermont that unless he has looked at the map of the State of Louisiana or has done me the honor to pay attention to my observations he will not appreciate the remarks here.

This route, while making a very direct communication between New Orleans and Morgan City—

Which is on Berwick Bay—

for through commerce between the former city and the Teche country, Southwestern Louisiana, and Texas, would be a central line for the local commerce of that portion of the State lying between Donaldsonville, on the Mississippi, and the Gulf of Mexico.

The local benefit of such a direct communication with a market is at once apparent. The general benefit would be in the shortening of the water route between the deep-water harbor of the principal city and market of the State—

And I may add of the whole Southwestern valley of the Mississippi—

and all of the tributary territory of the Southwest, increased safety of navigation as compared with the dangers of the Gulf and the possibilities arising in time of war, the checking of exorbitant freight rates on railroads, and the probable development of the resources of this portion of the State.

That, in a word, Mr. President, is the theory on which this improvement (which appears to any one not acquainted with the country a mere local benefit) becomes an important work, giving it the impress of a national character.

Mr. EDMUNDS. How far from the railway is this line of water?

Mr. GIBSON. It runs along some distance almost parallel with the railroad.

Mr. EDMUNDS. How far distant from the nearest point on this bayou to the railway line?

Mr. GIBSON. About 12 miles.

Mr. EDMUNDS. There is a railroad from New Orleans to Morgan City?

Mr. GIBSON. Yes, sir. This is a shorter line than the railroad, and it would give an opportunity to carry commodities from the Mississippi Valley by this inland water route to Berwick Bay, which will be the shipping point for the Gulf of Mexico. If the whole country through which this bayou runs and the other bayous which empty into it were a wilderness, this improvement would be important in respect of the national commerce of the United States.

Mr. EDMUNDS. I can perfectly understand and sympathize with the idea that the digging out of this river or bayou would be a local benefit, if for no other reason than for assisting in the drainage of the lands which lie along its sides. I believe, if I am correctly informed, that the lands in that neighborhood are low. I believe that the planters have extensive ditches all along that bayou, as it is called, draining their plantations as far as the nature of the ground will allow.

Mr. GIBSON. If the Senator will permit me I can explain that. About half the lands on either side of this bayou are drained into the bayou. The other half are drained into the swamps lying in the rear. But the police jury (which is our local government) in that parish has passed an ordinance prohibiting planters from draining into the bayou, and the bayou is a navigable stream on which boats have been running for years—forty years to my own knowledge.

Mr. EDMUNDS. I do not see how any police jury, while they may prohibit the digging of a ditch which will give celerity to the flow of water down-hill, can prohibit the water that drains from these plantations plowed up for corn, sugar-cane, and so on from running into this bayou. And therefore, in respect of the matter of drainage, the more the bayous are improved, and the more free the circulation of water in them, the better would be the drainage of the lands.

I wish to say again that I sympathize deeply with the idea of how much of local benefit is obtained by this species of appropriation. I can readily understand, from my knowledge of the somewhat mountainous and precipitous State in which I live, that if Congress would devote something of its superabundant means, which it is stated we have—I am not sure of it myself—to the building of highways in the State of Vermont that make the transfer by either a railway-highway or a roadway, of the commerce of New Hampshire and Maine to the borders of Lake Champlain, and from the vast region of Northern New York to the ocean, it would be not only a great local benefit to the farmers who live along it, but it would be of national importance. But we have not yet in New England got up to the idea that it was a part of a national object to operate in a way that chiefly redounds to local benefit, that those great national interests, like the harbor of New Orleans, like the mouth of the Mississippi River, like New York, like Savannah, and like San Francisco, and so on, which are one thing, are to have carried along on their backs these appropriations for improving every place in the United States where water runs or stands still. While it is true that if you do spend your money you help somebody, you employ the laboring man, you keep money in circulation, you benefit the farmer and trader who live near to it, and your duty in that respect is just as great where there does not happen to be any water as it is where there is.

The Constitution of the United States makes no distinction between land and water except in its judicial clauses concerning maritime jurisprudence and piracy on the high seas. So that, as it respects our domestic affairs, our solidarity as a nation of people who come from all, State and State and within States, just as if we were one single homogeneous State, there is no distinction between furnishing facilities and local and general benefits by improving rivers and by building roads, canals, &c., and our fathers knew it. They provided in the first instance, before railways, as we know, for the Cumberland road, which was a great national work, and so on. When you come to apply the real idea of our spending proper money out of the national Treasury for great national objects that are really a benefit to the whole country like the great places that I have named, and not to particular segregated and local parts of it, then I give most heartily and liberally; but when, as I said before, you are to make that the omnibus, on the four wheels of which all our small local interests and benefits are to be loaded and be carried through, I confess I do not think it just or constitutional or politic.

Now, to come back to this particular instance, let us see whether it is within or without the rule. I speak with the greatest sympathy and respect about the Bayou Terre Bonne. Here is the last report of the engineer in charge, sent in at the beginning of the session. It is stated that "no work has been done on it for two years," owing to a lack of funds.

An examination of this stream was ordered by Congress in 1879.

That is always the first step.

A project for improvement was made in 1880—

It seems to take a year to make a project—

at an estimated cost of $18,800, of which about $15,000 was to be for dredging, the balance for removing logs, clearing of trees, &c.

The commerce to be benefited by the improvement, principally sugar and molasses, was estimated at an annual valuation of $958,750. In 1880 an appropriation of $10,000 was made. With this a dredge was hired—

It does not say how much of the $10,000 it took to hire the dredge, but I hope it did not take it all, as it did all the bonds on the other great national work, that we provided to pay, for the expenses of printing and negotiating.

With this a dredge was hired, and work was commenced 23½ miles below Houma, La., working up-stream. In March, 1881, $8,800 more was appropriated.

The hired dredge improved about 8½ miles of channel, and in 1881 stopped work about 15 miles below Houma.

They had got eight miles and a half.

The examination for improving the bayou was made during high water, and was found to be altogether too small in amount, as during low water it was seen that the bayou was little more than a ditch. The estimate for improvement was accordingly increased by Major Howell, the officer then in charge, by $20,000.

Which would redeem this bayou—I am not now reading, but stating—from the somewhat degraded character of being a ditch, as was supposed, into the dignity of being a genuine bayou entitled to national consideration. Now I go on to read:

With part of the money available from money appropriated for this work and part from Bayou Black appropriation a dredge was built.

They found the expense of hiring evidently too much, and so they took another way that time, and bought a dredge.

The Terre Bonne appropriation paid $5,262.70 toward the building of the dredge.

That was out of the $8,800 more, the first $8,000 having run out apparently. They took $5,262.70 to build a dredge, which left them about $1,700 to carry on the work.

In August, 1882, $7,000 more was appropriated for continuing this work, and in September, 1882, work with the new dredge was commenced.

They built the dredge in 1881 apparently, and that took about all the money; and then in September, 1882, having got $7,000, more they began; and that I say is not the fault of the bayou, it is the fault of the proper thing to be done with too small an appropriation.

In August, 1882, $7,000 more was appropriated for continuing this work, and in September, 1882, work with the new dredge was commenced and continued to within 10½ miles of Houma—

Taking it out from the $15,000, which long before would have completed about four miles and a half more of the improvement—

when the funds became nearly exhausted, and further work had to stop.

No appropriations have since been made, and consequently no further work has been done. The channel was originally dredged to a depth of 6 feet—

Not giving the width of the channel—

but nearly every plantation on the bayou—

This is a report sent in in December, bear in mind, made the summer before:

But nearly every plantation on the bayou has ditches draining into it. These cause deposits in the bayou.

The state of nature is somewhat different in Louisiana to what it is in Minnesota at Duluth, where the drainage of the sewage of a large city into a canal has no tendency to fill it up, as we are told, but in Louisiana the forces of nature operate differently, and the draining of the ditches into the bayou tends to fill it up—

and opposite these numerous ditches it has again shoaled up until the depth is only about 4.8 feet.

Whether that is at high water or low water we are not informed.

One or two very small steamboats run up to Houma when there is any business for them, and the project was to carry the improvement up to Houma, there connect with an old abandoned canal—

Whether it goes by the name of Sturgeon Bay and Lake Michigan I do not know.

about a mile long—

You see there is a great similarity in the distances, but I do not know that it tends to prove identity. The Sturgeon Bay, I believe, is a mile and an eighth, so it probably is not the same canal—

now dry, with wagon-roads crossing each end of it, which canal formerly connected with the Bayou Black. Should this and the Bayou Black work ever reach the opposite ends of this short canal, which was about 33 feet wide, then it was hoped this would be deepened and enable the tides to flow regularly through both bayous and the canal, and maintain by its flow a better depth of water by preventing the rapid growth and accumulation of grass and vegetable matter.

As a local and nice little thing for the planters along there, I am for it; but as a great national object, I must say that I can not see my way clear to vote for increasing this appropriation.

Mr. GIBSON. Mr. President, I concur entirely in the general observations which the Senator from Vermont has made. I concur with him entirely in his constitutional view with reference to the works of improvement under this bill; but the difficulty about his position is that he antagonizes geography and facts in this case, and in that respect I can not concur with him.

The people living upon this bayou do not drain their plantations into it. It is not necessary that they should drain their plantations into the bayou at all.

Mr. EDMUNDS. But the engineer says they do, this very year.

Mr. GIBSON. The engineer reported that they did, but I have stated that an ordinance had been passed by the local government preventing them from draining into the bayou, because it is not necessary for the drainage of their plantations.

Mr. EDMUNDS. He speaks in the present tense here, this very summer.

Mr. GIBSON. I am speaking from a thorough knowledge of that bayou and of the people who live upon it. They drain their plantations for the most part to the swamps which stretch away from the highlands on the bayou into the Gulf of Mexico, into which the bayou itself empties; and the drainage is much better on the rear of their plantations and their homes than in the direction of the bayou itself.

It is related by some magician that when a man from a cold climate presented himself before the King of Siam, or some potentate in a southern country, and stated that water became hard in the country where he was from——

Mr. EDMUNDS. If I may correct the Senator, that is in Scott's story of the Talisman——

Mr. GIBSON. It is related also, if the Senator will permit me, that the monarch held he would rather believe that the person who had related this story was guilty of an untruth or of a mistake than that the laws of nature, so far as he knew them, were suspended. I will inform the Senator that an inhabitant of Terre Bonne Parish, in which this bayou is situated, might go to Vermont in midwinter and find the streams all frozen up hard and unnavigable, and come back and report to the people of Louisiana that we were endeavoring here to improve the water courses in a country where the water was all congealed and there was no navigation for four or five months in the year, and that we were expending the public money improperly.

I will state to the Senator that in this alluvial district the streams become very shoal and shallow in summer; they often fill with grass; they become a foot or 18 inches deep; but in the winter, at the time the crops are being moved on the bayous throughout Mississippi and Louisiana, they are large and navigable streams; they would be considered navigable streams in Vermont, very large rivers for a State like Vermont or any other State in the Union. We must therefore take into consideration these physical characteristics of the country in making appropriations for the bayous.

I said at the outset that while this in one aspect was a local improvement (and every improvement must necessarily be in one aspect a local improvement; you must give it a local habitation and a place), the purpose is to give connection between New Orleans and Berwick Bay by a line 100 miles shorter than going around by the mouth of the Mississippi River, in which the commodities from the Mississippi Valley might be distributed not only to Texas but throughout the country bordering upon the Gulf of Mexico.

It seems to me that we should improve a bayou which during eight or nine months of the year is 6 or 8 feet deep, navigable for large boats, for batteaux of all kinds, which will give us such a connection. It is not necessary either to go through with this canal of which the engineer speaks. There is a bayou just above the canal which is a navigable highway and which communicates with Berwick Bay.

So when you come to look at the facts in the case, the intention of the appropriation is not to confer a benefit upon a community by improving a local stream, but to use a local stream in order to give connection between the city of New Orleans and Berwick Bay; and in that sense I submit to the Senate that it is lifted out of the character of a mere local improvement, and that there is impressed upon it a national importance and character.

Mr. CALL. Mr. President, I think the questions that are raised upon this amendment are very important ones. If the Senator from Vermont is right, then there is a very small portion, if any, of this bill which ought to be passed by the Senate or by either House of Congress.

What is a national work? That is a very difficult question to determine. How many people shall it benefit? Shall it benefit all the people of the United States or a majority of the people of the United States to constitute it national? Is it to be determined in respect to the number of citizens of the United States whom it shall benefit? If it be a majority, the port of New York is probably the only one in the whole range of river and harbor improvement that is a constitutional and proper object of expenditure.

But I do not think that you can determine the propriety of an appropriation in respect strictly and alone to the number of people whom it shall directly benefit. Suppose we take a single bale of cotton or a single bushel of wheat that enters into the foreign commerce of this country or into its domestic commerce and becomes a subject of exchange, which is more particularly illustrated in reference to its foreign commerce. It goes to any of the great ports of shipment. It becomes converted into a value which, transported abroad, becomes exchange, and enters into the general commerce of this country. In that respect that bushel of wheat or that bale of cotton is of national interest and of national importance. It becomes a part of the great industries and the exchanges of the country.

Certainly no improvement would be undertaken for an insignificant quantity. But let us suppose a case where a bayou, a creek, or a river may by an appropriation of a reasonable amount of the public money be converted into a great highway of commerce, either interstate or foreign, by what rule of reason or argument will you say that the large number of people, the whole entirety of the country may not be benefited by the exchanges consequent upon opening this new avenue of commerce?

It occurs to me that you can not test the value of an improvement for the transportation of the productions of the country by any other question than how far it will promote the exchange and interchange of any considerable portion of the productions of the country.

If I conceived that that was not the proper ground for voting a river

or harbor improvement I should be limited entirely to the single port of New York. But, as I understand, it is to promote in a material and an important degree the interstate or the foreign commerce of the country; and wherever an improvement will do that, and do it to such an extent as shall appreciably affect the general welfare of the country or the great bulk of its productions, it is a proper object of appropriation. The people of every locality have therefore a reasonable interest in a river or harbor improvement, to be determined only in respect to the cost of such improvement and to its value when made.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The next amendment of the Committee on Commerce was, in section 1, line 871, before the word "thousand," to strike out "forty-five" and insert "twenty-five;" so as to make the clause read:

Improving Red River, Louisiana and Arkansas: Continuing improvement from Fulton, Ark., to the Atchafalaya River, Louisiana, including completing the work at Alexandria, $95,000; of which sum $25,000, or so much thereof as may be necessary, shall be used in making a thorough survey of the river from Fulton, Ark., to the Atchafalaya River, and in completing the survey of Bayou Pierre, Louisiana.

Mr. EDMUNDS. I should like to hear the chairman explain that. Paying $25,000 for making a survey seems to need some explanation.

Mr. MCMILLAN. I did not hear the Senator's remark.

Mr. EDMUNDS. I wish some explanation as to paying $25,000 out of this appropriation for improving the Red River from Fulton, Ark., to the Atchafalaya River in Louisiana. The total is $95,000, of which $25,000 is for a survey, which is more than a quarter of it as the committee has left it. Of course the committee amendment is an improvement on the bill, but I should like to know on what ground more than a quarter of the total appropriation is to be expended in making a survey of a well-known river, as I suppose this must be.

Mr. MCMILLAN. It is upon the recommendation of the engineer in charge of this improvement.

Mr. EDMUNDS. On what page is that recommendation to be found?

Mr. MCMILLAN. The report will be found on pages 230 and 252 of the report of the Chief of Engineers, and pages 1617 and 1472 of the detailed reports.

Mr. PLATT. By whom is this survey to be made? By a Government engineer?

Mr. MCMILLAN. Of course.

Mr. EDMUNDS. What is the necessity of the survey? Can not the chairman state it to us in brief?

Mr. MCMILLAN. The engineer recommended a survey of the entire river. That embraces the whole of the river, of course; and to do that he says would take the sum of $45,000. We thought that there was no necessity for any survey above Fulton; that practically above Fulton there is no necessity for any survey of the river or any improvement of the river, so far as we can discover; and that certainly $25,000 would be ample, even assuming that there was a necessity, as recommended by the engineer in charge of the improvement.

Mr. VEST. I hope the Senator from Vermont will permit me to make an observation about this item.

Mr. EDMUNDS. Certainly.

Mr. VEST. I happen to know something about Red River. It has never been surveyed, and it is a very peculiar stream. There is upon it above Shreveport what is known as the great raft, upon which the Government has expended several hundred thousand dollars, without having successfully removed it to this day. This survey extends from Fulton to the mouth of the Atchafalaya, a distance of three hundred and sixty-odd miles. There never has been a survey of the river there, and on account of the creation of a new outlet and the effect this raft has had upon the river above Shreveport it is absolutely necessary that the survey should be made in order to know where improvements can be effectually placed.

Mr. GIBSON. If the Senator from Missouri will permit me, I will state what the engineers specially ask.

It is recommended that a complete survey of Red River be made from Fulton, Ark., to its mouth, and that $45,000 be appropriated for this purpose in addition to the sum required for the improvement of the river.

Mr. EDMUNDS. What year was that?

Mr. GIBSON. That is this year.

Mr. EDMUNDS. What document is the Senator reading from?

Mr. GIBSON. Report No. 1391, made by the Committee on Commerce to the Senate, which embraces the substance of the report of the engineers and the estimate made by the engineers.

Mr. EDMUNDS. That is the report of the committee.

Mr. GIBSON. Yes, sir. The amount is cut down by the committee from $45,000 to $25,000.

Mr. EDMUNDS. Here is the statement of the engineer. There may be some other statement, but I wish to contribute the little I can to help to a proper consideration of the bill. In this last volume, on page 1617 of the report of the Chief of Engineers, it is stated:

LITTLE ROCK, ARK., *November* 12, 1884.

GENERAL: In pursuance with the requirements of your letter of July 31, 1884, I have the honor to furnish the following information relative to the question whether or not the Red River above Fulton is "worthy of improvement."

Mr. VEST. That is a different part of the river, if the Senator will permit me.

Mr. EDMUNDS. Where is the report of the engineers about the other part of the river, then, if the river has two parts?

Mr. VEST. The Senator from Louisiana has it, and I have it here also.

Mr. GIBSON. It is the report of the engineers that I have.

Mr. EDMUNDS. The Senator from Louisiana was reading from the report of the committee, I understood.

Mr. VEST. No; the report of the engineers.

Mr. EDMUNDS. On what page?

Mr. GIBSON. Page 237.

Mr. EDMUNDS. I ask my friend from Minnesota to state again the pages of the report.

Mr. MCMILLAN. Pages 1617 and 1472, part 2. At page 1472 you will find Appendix U.

Mr. EDMUNDS. Now let us see how that is:

Improvement of Red River——

Mr. MCMILLAN. "Louisiana and Arkansas."

Mr. EDMUNDS. Yes. The Chair will pardon me a moment. Instead of speaking I will try to find this place.

Mr. PLATT. While the Senator is looking for it I should like to make an inquiry. If I correctly understand the report of the committee, on page 237 the statement is that the amount which can profitably be expended in the fiscal year ending June 30, 1887, is $90,000; but I find as the bill comes over from the House that it provides for the expending of $95,000, which is $5,000 more than the Chief of Engineers, as I suppose, says can be profitably expended.

Mr. GIBSON. The Senator from Connecticut is in error in that.

Mr. MCMILLAN. Look at page 231.

Mr. GIBSON. The engineers ask for $90,000 for the improvement of the river, and in addition they ask for $45,000 for a survey. The committee allow $95,000 for the improvement and survey.

Mr. PLATT. No; they allow $95,000 for the improvement of the river.

Mr. GIBSON. "Of which sum $25,000" shall be used for making a survey.

Mr. PLATT. I see; the Senator is right.

Mr. EDMUNDS. I see at page 231 that Captain Bergland, of the Corps of Engineers, after proceeding to state the difficulties of doing anything there, that the great raft or dam made by the timber that has come down and lodged has improved the navigation in a certain place below Shreveport; and when they were trying to cut out this raft, closing Tone's Bayou and opening a channel through the falls of Alexandria, and deepening the water over the shoal places, &c., the thing was so unpopular there among the people who were to have the benefit of the navigation that they rose with an armed force and drove off the persons who were engaged in spending the public money to carry out this supposed improvement.

Mr. INGALLS. And destroyed a dam which had already been erected.

Mr. EDMUNDS. Yes, and destroyed a dam, &c. In view of the question whether it is worth while to spend even $25,000 for surveying a river which is now so full of wood and of earth that they can not yet find out in what way they want to improve it, and when in doing what they have already tried to do the people of the vicinity find it so injurious to their interests that they rise contrary to law and resort to methods of violence to prevent this public work being carried on, I think we might well wait a little while.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the committee.

Mr. GIBSON. This is an amendment cutting down the appropriation, I suggest to Senators.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, in section 1, line 902, after the word "improvement," to strike out "according to the plan and recommendations in Appendix V 13, Executive Document 1, Forty-ninth Congress," and in line 904, after the word "dollars," to strike out "of which there are to be expended $8,000 at Pine Bluff, $13,000 at Fort Smith, and $10,000 at Dardanelles, or so much thereof under those sums respectively as may be necessary at those points;" so as to make the clause read:

Improving Arkansas River, Arkansas: Continuing improvement, $75,000.

Mr. JONES, of Arkansas. I should like to ask some member of the committee reporting the bill the object of moving to strike out the lines just read by the Secretary.

Mr. MCMILLAN. The object the committee had in view was to avoid adopting the plan of improvement of this river referred to in the bill as it came from the House. We thought we were not ready to enter upon the execution of a plan of such magnitude at this time, and that the appropriation should be made to merely continue the improvement of the river without entering upon the new project. To continue it as it has been we were willing to permit the sum to be appropriated without committing Congress to the plan which is submitted in the executive document referred to here. That is the reason why the committee struck out the clause in the bill.

Mr. JONES, of Arkansas. If the ameudment as proposed by the committee should be adopted by the Senate, I should like to understand if the $75,000 proposed to be appropriated to the Arkansas River would necessarily be used for the removal of snags, wrecks, &c., as provided in the next paragraph.

Mr. MCMILLAN. It would be appropriated in that way under the former plan, not entering upon the plan suggested in the appendix to the report of the Chief of Engineers, which is referred to in the bill as it came from the House.

Mr. JONES, of Arkansas. It would be in pursuance of the plan heretofore pursued for the improvement of the river in a general way, do I understand the chairman to say?

Mr. MCMILLAN. That is a separate appropriation.

Mr. JONES, of Arkansas. I understand.

Mr. MCMILLAN. The $75,000 is for continuing the improvements as they have progressed heretofore under the direction of the Secretary of War. As the bill came from the House it abandoned the former system of improvement and entered upon a plan suggested by the engineers, departing of course from the original plan; and we thought it better to leave the appropriation and let the engineer go on in pursuance of the views heretofore entertained by the Secretary of War and carried out by those under his direction.

Mr. JONES, of Arkansas. There is one other question I should like to ask. If the amendment should be adopted as it is proposed, could any part of this appropriation of $75,000 be used for the purpose of removing bars at Fort Smith, Pine Bluff, and Dardanelles?

Mr. MCMILLAN. If it was embraced in the improvement of the river heretofore it could be so expended by the engineer in charge of the work. We struck out the limitations upon the Chief of Engineers and upon his subordinates, and we permit him to exercise his discretion in the expenditure of this money and in the improvement of the river as the improvement has been heretofore carried on. That is the only thing.

Mr. JONES, of Arkansas. I have a report here from Captain Taber, made this spring to a member of the committee of the House, stating the necessity for this appropriation and for the removal of these bars. I am perfectly willing to let the amendment be adopted as it is if the engineers in charge of this appropriation can, if it is necessary to do so, use the money for the purpose of removing these obstructions.

Mr. MCMILLAN. It is in their discretion certainly, if that has been the plan of the improvement of the river heretofore.

Mr. JONES, of Arkansas. If that is the effect of the amendment, I have no objection to its adoption.

Mr. MCMILLAN. It does not require the engineer to do it.

Mr. JONES, of Arkansas. No, sir.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, in section 1, line 910, before the word "thousand," to strike out "twenty-six" and insert "twenty-five;" after the word "thousand" to strike out "five hundred;" in line 911, after the word "dollars," to strike out "of which sum $1,500, or so much thereof as may be necessary, shall be used to complete the survey of the Arkansas River between Little Rock, Ark., and Wichita, Kans.;" so as to make the clause read:

For the removal of snags, wrecks, and other obstructions in the Arkansas River, $25,000.

Mr. JONES, of Arkansas. I hope that amendment will not be adopted, for the reason that the report of the engineer shows that a survey has been made of the Upper Arkansas River before this time, which has been completed, and of which the data and field-notes are all in the hands of the engineer, and it is absolutely necessary to have $1,500 to make the maps, so as to utilize the work which has been done heretofore by the officers in charge. It seems to me that it would be as absolutely necessary that those maps be made and that the $1,500 asked for by the engineer be appropriated in the bill as it is to appropriate any other amount of money asked for.

I do not understand upon what theory the committee proceeded in reducing the appropriation $1,500 from the amount asked for. I should like to know what particular object the committee had in making that reduction, or else I hope the Senate will not agree to the amendment.

Mr. MCMILLAN. It will be observed that we continue the appropriation for the removal of the snags and other obstructions in the river, and we propose to strike out $1,500 which is supposed to be necessary to complete the survey of the river between Little Rock, Ark., and Wichita, Kans. I suppose that is for the purpose of making a survey of that portion of the river. There was nothing to indicate that it is the mere making of maps or plans or anything of that kind of a survey that has been heretofore made, but it appeared to be for the continuation of the survey, and it was not deemed necessary to make a special appropriation for a survey in regard to that part of the river.

In the bill we make a general appropriation for the surveys of rivers; and additional provisions for special surveys should never be permitted unless for very strong reasons. We merely struck out the portion in regard to the survey, which would indicate some enlargement and new work to be undertaken. Continuing the work as it is going forward, we merely struck out this appropriation for the survey, and reduced the total appropriation by that amount.

Mr. JONES, of Arkansas. In the estimate as made by the Department, on page 252, under the head of "continuation of survey of Arkansas River from Wichita, Kans., to Fort Gibson, Ind. T.," I find the following:

There was expended up to June 30, 1884, upon this $6,545.44, which had carried the survey well down toward Tulsa, in the Indian Territory. During the fiscal year ending June 30, 1885, there was expended $2,575.43, which completed the field work in an indifferent way and plotted the notes so as to make them available.

The maps will answer for the present necessity, but will require more than the available balance on hand to complete them. The officer in charge estimates that $1,500 will be required for this purpose and for completing the maps of the survey of the lower river, for which an appropriation was made in the river and harbor act of July 5, 1884.

It appears from this that a survey which has been heretofore made and which is practically completed will be useless unless this $1,500 shall be appropriated to make the maps to utilize the surveys previously made. Under the circumstances it seems to me the committee have made an oversight in not providing for these maps.

Mr. MCMILLAN. If that were so, then it should be "for the purpose of completing the maps for the survey of the river heretofore made."

Mr. JONES, of Arkansas. As the appropriation is made for that purpose, and as the money is necessary for the survey work, I presume that the language would be sufficient to cover it, and when the engineer says the object is to make maps, I suppose he may be trusted to use the $1,500 for that purpose.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Commerce.

The amendment was rejected.

The next amendment was to strike out the clause in section 1 from line 915 to line 917, inclusive, as follows:

Improving Red River, Arkansas, Texas, and the Indian Territory, above Fulton, Ark., $7,000.

Mr. BERRY. I think the committee, in offering this amendment, was laboring under a misapprehension as to the facts. It has been stated to me by members of the committee that they went upon the supposition that there was no estimate for this work. They were probably misled by the words "Texas and the Indian Territory," which should not be in the clause; they were placed there by mistake in the House. It should read:

Improving Red River, Arkansas, above Fulton, Ark., $7,000.

The estimate will be found on page 1617 of the report of the Chief of Engineers. It will there be seen that there is a recommendation for improving Red River above Fulton, Ark., of $10,000. There was a subsequent report of the engineer, who said that no improvement was necessary above that point; that is, from the mouth of the Kimishi to the mouth of the Washita, but it has no reference whatever to this. That is an improvement in the Indian Territory and Texas, which the engineer did state was not necessary; but this improvement he does recommend, with the exception of the words "Texas and the Indian Territory." The clause should read:

Improving Red River, Arkansas, above Fulton, Ark.

The report will be found, as I stated, on page 1617. I am satisfied that the committee acted upon a misapprehension of the facts. Therefore I hope the amendment will not be adopted.

Mr. VEST. I wish to remove from the minds of the Senators from Arkansas the impression that there was any disposition in the world to do their State injustice or to cut down these appropriations wantonly. If I know myself, speaking for one member of the committee, I have every disposition to meet their views so far as I can consistently with public duty. It may be that the committee were misled by the language of the report, but I will call the attention of the Senator to the conclusion of the supplemental report, upon page 1626 of volume 2, part 2, of the engineers' reports. That report is made by Max A. Orlopp, jr., assistant engineer. Captain Taber says:

Referring to my letter of November 12, 1884, I have the honor to inclose the report of an assistant sent to make a further examination of the Red River above Fulton. Taken in connection with my report as contained in that letter it sets at rest the question of the desirability of improvement above the mouth of the Kimishi River.

Captain Taber first alludes to the improvement of the river above Fulton, and then he says:

It sets at rest the question of the desirability of improvement above the mouth of the Kimishi River.

It is true that in a former report there was an estimate made for the improvement of the river above Fulton, which is above the great raft. In the subsequent report, upon the page which I have mentioned, is the summary by this assistant engineer of his survey and the results of his observation, he says:

In order to improve the Red River—

Not mentioning the Red River between the Washita and the mouth of the Kimishi, but "in order to improve the Red River," as a matter of course above Fulton, because that was the heading of his survey and that was where he made his observation:

In order to improve the Red River so as to make navigation possible for six

months in the year it would be necessary to confine the water to a channel of not more than 200 feet in width. This would require the buildjng of dams, dikes, and bank protections upon a material which can not be controlled except by the expenditure of a large amount of money for very elaborate work, the execution of which is not warranted by the amount of commerce which the country has.

Mr. JONES, of Arkansas. From what is the Senator reading?

Mr. VEST. I am reading from the supplementary report of Mr. Orlopp, assistant engineer, contained in volume 2, part 2, of the report of the Secretary of War.

Mr. JONES, of Arkansas. On what page?

Mr. VEST. I have given the page, 1626. It is the summary of his report and the last report that was made to the Secretary:

The problem of transportation has been clearly demonstrated by the railways, without taking the river as a factor.

I submit if this engineer meant what he said, he meant the river above Fulton. If he meant the river between the Washita and the mouth of the Kimishi, he ought to have said so. He is speaking now about using the river and improving it as a factor above Fulton, or else I entirely misapprehend the English tongue.

In order to make the river navigable from the mouth of the Washita to the mouth of the Kimishi—

He goes on to say, meaning the whole river above Fulton—

In order to make the river navigable from the mouth of the Washita to the mouth of the Kimishi River, a distance of 110 miles, it would require not less than $10,000 per mile, making a total amount of $1,100,000, and it is questionable if this large amount would make the improvement permanent.

It is not advisable to make any estimate of the cost of improvement above the Washita, as in some years the river carries no water for a month, and during the remainder of the year the volume of water is so small that it could not be put to any practicable use.

The construction which the Senator from Arkansas puts upon this language is that it applies simply to the Washita and the Kimishi, whereas the language of the report is the Red River. I am not opposing the wish of the Senator from Arkansas to reject the amendment, because it seems to be the disposition of the Senate to overrule the committee as to all these changes in the bill. I have no personal feeling about it. I was governed in my action by the report of this engineer, and it is for the Senate to look upon this language and to pass upon this question. I wish to say just here that there never was a more ungrateful task than that of constructing a river and harbor bill. If you cut down an estimate it is a personal matter immediately with the Senators from that State; if you do not increase it it is equally a personal matter; and between the two things, and the criticisms of the Senator from Kansas and others who have no navigable streams in their States, the committee is emphatically between the devil and the deep sea.

Mr. BERRY. I will state that I have no disposition whatever to make this a personal matter with the Senator from Missouri or with any one else. I simply state in view of these reports that the first report referred to the Red River in Arkansas above Fulton, as it states; and the engineer recommends that an appropriation be made for that purpose. Afterward a subsequent survey was ordered for the river above that point, that is, from the mouth of the Kimishi to the mouth of the Washita. He states that that improvement he thinks would cost more than the Government ought to undertake at this time. That is conceded, but I state that he does report that $10,000 are necessary for the Red River in Arkansas above Fulton. The House appropriated $7,000, and I ask the Senate to retain the clause as it came from the House at $7,000.

As to the criticism upon the committee for the bill I have nothing to say. I simply assert that this is necessary to the commerce of that river, and that I hope the Senate will not agree to the amendment proposed by the committee.

Mr. JONES, of Arkansas. In confirmation of what my colleague has just stated the letter of Captain Taber, transmitting the report from which the Senator from Missouri has just read, says:

Taken in connection with my report as contained in that letter it sets at rest the question of the desirability of improvement above the mouth of the Kimishi River.

The mouth of the Washita is above the mouth of the Kimishi. The report as read by the Senator from Missouri does set at rest the question of improving the Red River above the mouth of the Kimishi and toward the mouth of the Washita, but it does not touch the Red River from Fulton, Ark., toward the mouth of the Kimishi, and the appropriation as proposed here was not even to reach the Kimishi or go half way to the Kimishi, but was simply to go from Fulton up toward the Texas line.

Mr. MCMILLAN. If the amendment is disagreed to as reported by the committee of the Senate, of course the text is restored as it came from the House. That being so, this is the appropriation:

Improving Red River, Arkansas, Texas, and the Indian Territory, above Fulton, Ark., $7,000.

Mr. BERRY. Will the Senator allow me one moment? I stated that the words "Texas and the Indian Territory" were there by mistake, and of course naturally misled the committee. They were put there by an amendment by one of the members from Arkansas through a misapprehension of the facts in the House of Representatives, and they ought not to be there, and I propose to move to strike them out.

Mr. MCMILLAN. If it was a mistake in the House, it was certainly a mistake which accords with certain facts in the reports of the engineer for the improvement of this river.

Mr. BERRY. If the Senator will turn to page 1617 he will find that it does not accord with the facts of the report of the engineer. It is headed "Examination of Red River above Fulton, Ark." Neither the Indian Territory nor Texas is named. That is on page 1617, and on the following page the engineer says:

The proper outfit for this work is a hand snag-boat, costing about $4,000. It will cost about $1,500 per month for running expenses. Four months' work ought to put the stream in fair shape at a total cost of $10,000.

Mr. MCMILLAN. But the desire to improve this entire river, and to expend the appropriation upon the river as recommended by the House, would of course embrace the whole extent of the river, and the Chief of Engineers would direct the expenditure of the money upon the whole of the river in Arkansas, Texas, and the Indian Territory. It can not be otherwise.

Mr. BERRY. I have twice stated, if the Senator will allow me, that I proposed to strike out the words "Texas and the Indian Territory," so as to make it apply according to this report to the Red River above Fulton, in Arkansas.

Mr. HARRIS. It is in order now, and now is the time to move that amendment.

Mr. BERRY. Very well, I will offer the amendment now to strike out the words "Texas and the Indian Territory;" so as to read:

Improving Red River, Arkansas, above Fulton, Ark., $7,000.

Mr. MAXEY. I do not know what the committee had in view. I happen to know the points, however. Fulton is in the State of Arkansas. The mouth of the Kimishi is a point in the Choctaw Nation, in the Indian Territory, where the river Kimishi empties into the Red River. Immediately opposite is the county of Red River, in the State of Texas. That is the situation between Fulton, Ark., and the mouth of the Kimishi. I know both points of the country well.

The PRESIDING OFFICER. The amendment of the Senator from Arkansas will be stated.

The CHIEF CLERK. In lines 915 and 916, it is proposed to strike out the words "Texas, and the Indian Territory;" so as to read:

Improving Red River, Arkansas, above Fulton, Ark., $7,000.

The amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the committee striking out the clause as amended.

The amendment was rejected.

Mr. MCMILLAN. That is the amendment as amended?

The PRESIDING OFFICER. It is.

Mr. HARRIS. The original text of the bill was amended before the proposition to strike out was put. The proposition to strike out has failed and the original text as amended stands.

The next amendment of the Committee on Commerce was to strike out lines 918 and 919 of section 1, as follows:

Improving Little Red River, Arkansas, $3,000.

Mr. JONES, of Arkansas. I find the report relating to that river by Captain Taber to be very short, and it seems to me to be conclusive on this question.

Mr. MCMILLAN. From what page does the Senator read?

Mr. JONES, of Arkansas. From page 1612, volume 2, part 2. He recommends on this page an appropriation of $8,400, and sets out the advantages of improving the river, and states the necessity for its being done, it seems to me in very clear and distinct terms. Three thousand dollars was appropriated by the House where about $9,000 is recommended. Under the circumstances it seems to me there could be no excuse for striking out that appropriation, especially when the engineer reports:

From report of Assistant Engineer M. A. Orlopp, herewith, it appears that—

First. Judsonia is the highest point warranting plans of improvement for low-water navigation.

Second. For rafting a very trifling expenditure will greatly benefit the stream for the entire distance over which this industry is carried on.

Third. The commerce to be benefited is unusually large, this stream being located in a very prosperous section of the State.

Fourth. His report gives all the data necessary to make an enlightened estimate of the amount required without further survey.

Fifth. The present commerce, from his report, amounts to about 13,500 bales of cotton yearly, and merchandise imported 4,700 tons.

* * * * * * *

Future commerce is hard to estimate, but this section is regarded as one of the most promising ones in the State. Its reputation as a fruit-growing country is growing very fast.

Sixth. The problem of improvement is very simple and admits of a certain solution, and may be briefly summed as follows:

1. Remove the bowlders that interfere with rafting above Judsonia.

2. Remove the shoals 3 miles below Judsonia that interfere with low-water navigation to Judsonia.

The assistant's report will be found appended and marked A.

* * * * * * *

From the data submitted herewith it is recommended that $8,400 be expended upon this stream, substantially as follows:

Removing bowlders above Judsonia..... $400
Cutting channel 3 feet deep through the shoals 3 miles below Judsonia..... 8,000

Further remark seems unnecessary, as this case is such a simple one, and the benefits to be derived so large compared with the outlay.

I am perfectly willing to rest the case on the language of the report of the officers, and I hope the Senate will not agree to the amendment.

Mr. MCMILLAN. We will rest upon that.

The amendment was rejected.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed an act (S. 2732) to authorize the printing of the eulogies delivered in Congress upon the late John F. Miller.

RAILROADS IN MONTANA—VETO MESSAGE.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read:

To the Senate of the United States:

I return without approval Senate bill No. 2281, entitled "An act granting to railroads the right of way through the Indian reservation in Northern Montana."

The reservation referred to stretches across the extreme northern part of Montana Territory, with British America for its northern boundary. It contains an area of over 30,000 square miles. It is dedicated to Indian occupancy by treaty of October 17, 1855, and act of Congress of April 15, 1874. No railroads are within immediate approach to its boundaries, and only one, as shown on recent maps, is under construction in the neighborhood leading in its direction. The surrounding country is sparsely settled, and I have been unable to ascertain that the necessities of commerce or any public exigencies demand this legislation, which would affect so seriously the rights and interests of the Indians occupying the reservation.

The bill is in the nature of a general right of way for railroads through this Indian reservation. The Indian occupants have not given their consent to it, neither have they been consulted regarding it, nor is there any provision in it for securing their consent or agreement to the location or construction of railroads upon their lands. No routes are described, and no general directions on which the line of any railroad will be constructed are given.

No particular organized railway company engaged in constructing a railroad toward the reservation and ready or desirous to build its road through the Indian lands to meet the needs and requirements of trade and commerce is named. The bill gives the right to any railroad in the country, duly organized under the laws of any Territory, of any State, or of the United States, except those of the District of Columbia, to enter this Indian country, prospect for routes of travel, survey them, and construct routes of travel wherever it may please, with no check save possible disapproval by the Secretary of the Interior of its maps of location, and no limitation upon its acts except such rules and regulations as he may prescribe.

This power vested in the Secretary of the Interior might itself be improvidently exercised and subject to abuse.

No limit of time is fixed within which the construction of railroads should begin or be completed. Without such limitations, speculating corporations would be enabled to seek out and secure the right of way over the natural and most feasible routes, with no present intention of constructing railroads along such lines, but with the view of holding their advantageous easements for disposal at some future time to some other corporation for a valuable consideration. In this way the construction of needed railroad facilities in that country could be hereafter greatly obstructed and retarded.

If the United States must exercise its right of eminent domain over the Indian territories for the general welfare of the whole country, it should be done cautiously, with due regard for the interests of the Indians, and to no greater extent than the exigencies of the public service require.

Bills tending somewhat in the direction of this general character of legislation, affecting the rights of the Indians reserved to them by treaty stipulations, have been presented to me during the present session of Congress. They have received my reluctant approval, though I am by no means certain that a mistake has not been made in passing such laws without providing for the consent to such grants by the Indian occupants and otherwise more closely guarding their rights and interests; and I hoped that each of those bills as it received my approval would be the last of the kind presented. They, however, designated particular railroad companies, laid down general routes over which the respective roads should be constructed through the Indian lands, and specified their direction and termini, so that I was enabled to reasonably satisfy myself that the exigencies of the public service and the interests of commerce probably demanded the construction of the roads, and that by their construction and operation the Indians would not be too seriously affected.

The bill now before me is much more general in its terms than those which have preceded it. It is a new and wide departure from the general tenor of legislation affecting Indian reservations. It ignores the right of the Indians to be consulted as to the disposition of their lands, opens wide the door to any railroad corporation to do what, under the treaty covering the greater portion of the reservation, is reserved to the United States alone; it gives the right to enter upon Indian lands to a class of corporations carrying with them many individuals not known for any scrupulous regard for the interest or welfare of the Indians; it invites a general invasion of the Indian country, and brings into contact and intercourse with the Indians a class of whites and others who are independent of the orders, regulations, and control of the resident agents.

Corporations operating railroads through Indian lands are strongly tempted to infringe at will upon the reserved rights and the property of Indians, and thus are apt to become so arbitrary in their dealings and domineering in their conduct toward them that the Indians become disquieted, often threatening outbreaks, and periling the lives of frontier settlers and others.

I am impressed with the belief that the bill under consideration does not sufficiently guard against an invasion of the rights and a disturbance of the peace and quiet of the Indians on the reservation mentioned; nor am I satisfied that the legislation proposed is demanded by any exigency of the public welfare.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 7, 1886.

Mr. DAWES. With the consent of the Senator from Minnesota I move that the message be referred to the Committee on Indian Affairs, and I desire to have go along with that remarkable message the section of the treaty which has affected the President so sensibly in the draught of this message. I desire to have it understood that the committee who reported the bill thought they were regarding the rights of the Indians. The eighth article of the treaty to which reference is made in the message is in these words:

ARTICLE 8. For the purpose of establishing traveling thoroughfares through their country, and the better to enable the President to execute the provisions of this treaty, the aforesaid nations and tribes do hereby consent, and agree, that the United States may, within the countries respectively occupied and claimed by them, construct roads of every description; establish lines of telegraph and military posts; use materials of every description found in the Indian country; build houses for agencies, missions, schools, farms, shops, mills, stations, and for any other purpose for which they may be required, and permanently occupy as much land as may be necessary for the various purposes above enumerated, including the use of wood for fuel and land for grazing, and that the navigation of all lakes and streams shall be forever free to citizens of the United States. (Treaty with the Blackfeet Indians, October 17, 1855, 11 Statutes at Large, pages 658, 659.)

The PRESIDING OFFICER. The message will be printed and referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. EDMUNDS. I ask unanimous consent to be allowed to make a report at this time.

The PRESIDING OFFICER. The report will be received, if there be no objection.

Mr. EDMUNDS. I report by direction of the Committee on Foreign Relations the bill (S. 2208) to amend and enlarge the fifth section of an act approved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico concluded on the 4th day of July, 1868," with an amendment and a written report prepared by the Senator from Alabama [Mr. MORGAN], a member of that committee, who had the matter in charge, but who on account of the illness of a member of his family is detained from the Senate; and I make the report on his behalf.

I have not had an opportunity, nor has the committee, to examine the detail of the statements which are made in his report, and the circumstances occupying all his time by the illness of his family may possibly have led him, as he had to write the report absent from Washington, into some minor errors. I do not know that that is so, but I think it is due to him to say that the report was written away from Washington, and if any little error should appear it can be accounted for in that way. It is the report of the Senator from Alabama.

Mr. BROWN. I desire to submit the minority report in that case, and I ask that it be printed with the majority report.

The PRESIDING OFFICER. The bill will be placed on the Calendar and the report printed.

Mr. EDMUNDS. And the views of the minority will be printed with the report of the majority.

The PRESIDING OFFICER. That order will be taken.

Mr. DOLPH, from the Committee on Claims, to whom was referred the petition of Charles E. Creecy, assignee of A. Elsberg and others, for compensation for property taken and used by the United States authorities for public purposes, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 2803) granting a pension to Michael Fitzpatrick, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 2818) to increase the rate of pension for deafness and loss of sight; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 2243) to increase the rate of pension for deafness, moved its indefinite postponement; which was agreed to.

Mr. HARRISON. May I ask to have that bill read?

Mr. BLAIR. I will state to the Senator that several bills have been referred to the committee increasing the rate of pension for deafness and for defective sight. It has been thought best, and in fact the only thing we could do, to report an original bill which covers all.

Mr. HARRISON. Has the original bill been read?

Mr. BLAIR. The original bill has been read and the other indefinitely postponed.

Mr. HARRISON. That I did not understand.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 7728) granting a pension to Mrs. Elizabeth Collins; and

A bill (H. R. 1617) for the relief of George H. Laurence.

Mr. SPOONER, from the Committee on the District of Columbia, to whom were referred a resolution of March 24, 1886, directing the committee to inquire into the expediency of reporting a bill providing that the price of gas furnished by the Washington Gas Light Company shall not exceed $1 per thousand cubic feet, and the bill (S. 1567) regulating gas works in the District of Columbia, submitted a report, accompanied by a bill (S. 2819) relating to the manufacture and sale of gas in the city of Washington, in the District of Columbia, and amendatory of an act entitled "An act regulating gas-works," approved June 23, 1874; which was read twice by its title.

BILL INTRODUCED.

Mr. MCPHERSON introduced a joint resolution (S. R. 75) authorizing the Secretary of War to grant a permit to Caleb W. Spofford and his associates to erect a hotel upon the lands of the United States on the main beach at or near Horseshoe Cove, New Jersey; which was read twice by its title.

Mr. EDMUNDS. There ought to be a provision in the joint resolu-

tion that the United States should pay for building the hotel. It seems to be insufficient as it is now.

The PRESIDING OFFICER. The joint resolution will be referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. RANSOM submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill and an amendment to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

DIGEST OF OFFICIAL OPINIONS OF ATTORNEYS-GENERAL.

Mr. COCKRELL submitted the following resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 6,000 additional copies of the Digest of the Official Opinions of the Attorneys-General of the United States from 1789 to 1881; of which 2,000 copies shall be for the use of the Senate and 4,000 copies for the use of the House of Representatives.

PETITIONS AND MEMORIALS.

Mr. BROWN presented the petition of J. B. Francis and 43 other citizens of the first Congressional district of Georgia, the petition of W. F. Henderson and 192 others citizens of the fifth Congressional district of Georgia, and the petition of George S. Cassin and 140 other citizens of the fifth Congressional district of Georgia, praying for the passage of the following measures at the present session:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a part of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays, and punishing bribery;
8. Bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Finance.

Mr. COCKRELL presented the petition of A. J. Thompson and 500 other citizens of the twelfth Congressional district of Missouri, the petition of C. J. Lorella and 50 other citizens of the ninth Congressional district of Missouri, the petition of A. W. Baker and 81 other citizens of the twelfth Congressional district of Missouri, the petition of S. F. Hickey and 34 other citizens of the twelfth Congressional district of Missouri, the petition of G. W. Thompson and 205 other citizens of the twelfth Congressional district of Missouri, the petition of John Maynard and 206 other citizens of the thirteenth Congressional district of Missouri, the petition of J. F. Gibson and 175 other citizens of the thirteenth Congressional district of Missouri, the petition of George W. Durk and 56 other citizens of the sixth Congressional district of Missouri, the petition of H. Hammond and 65 other citizens of the third Congressional district of Missouri, the petition of Henry Kane and 138 other citizens of the third Congressional district of Missouri, the petition of George Pierce and 263 other citizens of the third Congressional district of Missouri, the petition of R. M. Austin and 110 other citizens of the second Congressional district of Missouri, and the petition of James A. Kennedy and 110 other citizens of the thirteenth Congressional district of Missouri, praying for the passage at the present session of Congress of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding land in the United States;
7. Bill making Presidential and Congressional election days holidays, and prohibiting bribery;
8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were refeered to the Committee on Finance.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8975) making appropriations for the naval service for the fiscal year ending June 30, 1887, and for other purposes.

The next amendment of the Committee on Commerce was to strike out the following clause, from line 924 to 928, inclusive, of section 1:

Improving White River, Arkansas: Continuing improvement, $18,000; thirteen thousand of which, or so much thereof as may be necessary, to complete the survey of said river; the remainder for general improvement.

Mr. JONES, of Arkansas. This amendment, as recommended by the committee, it seems to me, from the reports of the engineers, would have been a most natural one. The members of the House who are interested in the improvement of this river, finding that there was no estimate made for the improvement of the river, addressed a note to the engineer in charge, calling his attention to the omission. I have in my hand the letter from the acting Chief of Engineers, dated March 18, 1886, addressed to Hon. ALBERT S. WILLIS, the chairman of the Committee on Rivers and Harbors in the House, in which he says:

Referring to communication from this office of yesterday's date in relation to the improvement of White River, Arkansas, I beg now to state that in reply to a telegram from this office, Capt. H. S. Taber, Corps of Engineers, reports that $13,000 will be required to complete White River survey, and $10,000 can profitably be expended on the improvement during the year 1887.

Captain Taber's report, which is inclosed in this letter, contains the following language:

My recommendations for the White River seem to have been overlooked in some way; I trust you have them before you by this time. This is the most interesting river in my district and one in every way worthy of improvement.

I should have felt greatly disappointed had no appropriation been provided for it. I have a very broad, far-reaching plan for this river, which will make it I believe one of the grandest arteries of commerce in the country.

I have asked for $13,000 to complete the survey and $10,000 for temporary improvements during the fiscal year ending June 30, 1887.

With the balance now on hand and the $10,000 I can keep a very excellent low-water channel open to Buffalo Shoals for two years or more. This will not add much to the sum already expended in temporizing with the river.

It seems to me that by some omission the recommendation made by Captain Taber for the improvement of this river was left out of the Engineer's report. This, as is apparent to every man familiar with the stream, was a glaring mistake, and when the attention of the Chief of Engineers was called to the fact he supplied the omission by sending in this estimate. I hope the committee will not insist on striking out what has been recommended by the engineers.

Mr. VEST. I merely wish to call attention to the singular fact that this mercenary and selfish and sinister Committee on Commerce—I believe it has been termed even that—did make a report here in accordance with the report of the engineer bureau, and that according to the light we had at the time we were fully authorized to strike out the item in the bill. The only report that we had (for until to-day I never heard of any supplemental report) showed that the amount appropriated by the act approved July 5, 1884, was $35,000 for the improvement of the White River, and on July 1, 1885, the amount available for this river was $24,806.61. That amount was unexpended; and the report of the engineer antecedent to this estimate states that until the survey is completed, which would not be until this fiscal year, it was not deemed expedient to expend any more money upon this river. This supplemental report, which seems to have been sent to the House of Representatives, never reached the Senate Committee on Commerce at all.

I desire further to call attention to the singular fact that this stream, White River, is a most important river transportation to the southern portion of my own State. It runs through Taney County, Missouri, and Forsyth, the county seat, is one of the principal ports upon that stream. Still, as I am principally responsible for striking out this item, although it was a river very important to the people of Southern Missouri, the singular fact remains that I was willing to strike out the item because I thought that this expenditure of money under the report of the engineer was not proper. As a matter of course under this supplemental report I have no opposition at all to the reinstatement of the clause as proposed by the Senator from Arkansas.

Mr. MCMILLAN. I only wish to add that the statement of the Senator from Missouri is entirely correct in regard to this report. We have never seen or heard of this supplemental report in the Committee on Commerce, and the report of the Chief of Engineers which was before the committee would not justify any appropriation on our part.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Commerce.

The amendment was rejected.

The next amendment was, in section 1, after line 928, to insert:

For removing the rock shoals in Fourche River, Arkansas, situated 4 miles south of Perryville, in Perry County, Arkansas, according to the plans of the engineers for creating a 50-foot channel, $5,000.

The amendment was agreed to.

The next amendment was, in section 1, line 943, before the word "thousand," to strike out "one hundred" and insert "fifty;" so as to read:

Improving Cumberland River, Tennessee and Kentucky: Continuing improvement above Nashville, with a view to secure in the channel a depth of 4 feet, commencing with the lock at or near the lower island at Nashville, $50,000.

Mr. HARRIS. I regret the necessity of asking the Senate to disagree to this amendment. The Cumberland River above the city of Nashville has 335 miles of navigable water. The estimate of the engineer as to the amount that can be profitably spent in the fiscal year

ending June 30, 1887, is $400,000. The appropriation is reduced from $100,000, inserted by the House, one-fourth of the amount that can be profitably spent, to $50,000, one-eighth of the amount, by the report of the Committee on Commerce.

I beg to suggest to the chairman of that committee and to the committee and the Senate that under the plan of improvement, which is lock-and-dam improvement, the appropriation of $50,000 to this object is perhaps to bury that amount, at least for the time being, if not to throw it away entirely. It is not an amount sufficient to complete the work of a single lock; and therefore it would be practically suspended for one or more years, if not absolutely thrown away, while the $100,000 appropriation as proposed by the House may at least complete one such lock and open and improve the navigation of quite a large stretch of navigable water.

I therefore hope that the Senate will not agree to the amendment reported by the committee. This improvement when completed will open and make navigable for almost, if not the entirety, of each year 335 miles of river above Nashville, when the river below that city is 192 miles, aggregating nearly 600 miles of navigable water, running through a very fertile and a highly productive agricultural and mineral region of Tennessee.

I therefore hope that the amendment reported by the committee will not be agreed to.

Mr. McMILLAN. The report of the engineer in this case shows that there were $29,000 and upward available on the 1st of July, 1885, the close of the fiscal year, and between Nashville and the head of Smith's Shoals is a distinct reach of this river. The engineer says that the amount available and the appropriation asked for, $400,000, "can be profitably expended in operations above Nashville, in building locks and dams, and in such open channel work as will be needed whether the lock-and-dam system is carried out or not, the work to be carried on in a tentative manner, so as to ascertain just how far wing and training dams can be used in place of the lock system."

We thought with this amount available, and with the addition of $50,000 for this year, the tentative work would go forward and the experiment could be determined how far these wing and training dams could be used in place of the lock system, and then, when that matter was determined, it would be time enough to begin to make appropriations for the lock system. The amount appropriated by the last bill was also $50,000, the sum that is proposed to be appropriated by the committee in this bill. We thought that sufficient until the character of this work was fully determined and all the experiment solved. Therefore we reduced the amount from $100,000 to $50,000, which we think still is amply sufficient.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Commerce.

Mr. McMILLAN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WHITTHORNE. I should like to have the Secretary read from the report of the engineer on page 1760 what I have marked for the consideration of the Senate.

The Secretary read as follows:

> The estimates for the improvement of the Cumberland River have been based on the idea that the appropriations would be made for the entire work in a reasonable time, say four or five years; but in the case of the river below Nashville the annual amounts have been so small that although fifteen years have elapsed since General Weitzel made his estimate, the full amount has not yet been appropriated; and above Nashville only $50,000 have been appropriated for a system of locks and dams estimated to cost over $4,000,000, at which rate it would take eighty years to complete the work. Of course it would be impossible to carry on work with proper economy under such conditions, and I would respectfully urge that Congress may give the subject its due consideration, and if the more radical system of improving this river under the existing projects is decided to be advisable in view of the necessities of commerce, an appropriation of at least one-tenth of the estimate for completing the work may be made.

Mr. WHITTHORNE. It will be seen from that report that it is actually trifling with a very great interest, and one in which the Government has heretofore embarked a large amount of money, to make this small and inadequate provision. If the Congress of the United States means to improve this river, so valuable to the commerce of the Ohio Valley and the Mississippi Valley and so rich in present result and far-reaching in what it promises, it is a duty, an economic duty, that we owe to the Government, to make the appropriation recommended by the engineers, or, as stated by my colleague, to give at least one-fourth of it, as proposed by the House. It is proposed now to give but one-eighth. I concur in the opinion expressed by my colleague that it is trifling and almost idle to make the appropriation recommended by the committee.

Mr. McMILLAN. I think from the statement read from the report of the engineers the Senate will be satisfied that the amendment recommended by the committee should be adopted. The engineer refers to a project which, when entered upon, will be the construction of a system of locks and dams which will cost $4,000,000. Before that system is entered upon every doubt as to its propriety should be removed, every difficulty should be solved; and that is why this appropriation of $100,000 should not be made; but $50,000 may properly be expended this year upon the river to determine what will be necessary in order to make it navigable for the purposes indicated in the report, or whether it will be necessary to enter upon this great system of expenditure of $4,000,000 for locks and dams on this river.

I can scarcely see what good it would do if, at the request of the Senators from Tennessee, this amendment should be adopted, and when we come to vote upon the bill they will vote against the amendment and against the bill as the Senate committee amends it and against the whole bill. I can not see why the Senators from Tennessee should be persistent about urging this amendment, particularly as the facts in the case clearly support the amendment of the committee.

Mr. HARRIS. Will the Senator from Minnesota allow me to ask him a question?

Mr. McMILLAN. Yes, sir.

Mr. HARRIS. I ask if there is a river in the United States with the same length of navigable waters, that is appropriated for in this bill at all, which is not appropriated for very much more liberally than this river with its nearly 600 miles of navigable waters?

Mr. McMILLAN. I think in view of the improvements contemplated this river has received as liberal an appropriation as any other. I have distinctly stated that it was not deemed advisable by the Committee on Commerce of the Senate that we should enter upon the improvement projected of locks and dams, to cost $4,000,000, until all the doubts and obstacles were removed. When that is done, then we shall see what the river can be brought to, and then we can determine whether or not Congress would be justified in entering upon this other project of locks and dams.

Mr. HARRIS. The Senator will allow me to say that so far as these doubts can be solved by engineering they have been solved and the work is already entered upon. But I should be glad to ask the Senator from Minnesota one other question: Was his committee controlled in its recommendations by the estimates of the Engineer Department; and, if so, upon what principle have they recommended the various appropriations that have been recommended? Have they been governed by a percentage of the amounts estimated, or have they arbitrarily sat in judgment upon the various estimates, allowing full estimates in some instances, 50 per cent. of the estimates in others, 25 per cent. in others, 12½ per cent. in others, and striking out altogether others? I should be glad to know what principle has controlled the action of the committee in the report they have made to the Senate.

Mr. McMILLAN. We have been controlled in our action in regard to this river by the same rule which has controlled us in regard to other rivers. This estimate of $4,077,922 is for a system of locks which are here referred to. The amount available and the appropriation asked for, $400,000, the engineer says, "can be profitably expended in operations above Nashville, in building locks and dams, and in such open channel work as will be needed whether the lock and dam system is carried out or not, the work to be carried on in a tentative manner, so as to ascertain just how far wing and training dams can be used in place of the lock system."

Those are the facts upon which we based our amendment to the bill in this case, and the $100,000 would be entirely useless for the expenditure for this year if we were not going to enter upon this great system of improving the river by locks and dams; but then to improve it and complete the improvement within the time recommended by the engineer in charge of the improvement the appropriation ought to be very much larger than $100,000.

If this amendment is adopted the amount will go to improving this river by the system adopted by the engineers for the purpose of determining whether the improvement by locks and dams will be necessary or not and whether we may enter upon this great expenditure.

I assure the Senator from Tennessee that that is the rule by which we were governed in regard to this appropriation, as we have been governed in all others by a desire to appropriate what will be really profitable, as we understand it, in the improvement of these public streams.

Mr. HARRIS. Does the Senator think the engineers did not understand what could be profitably expended?

Mr. McMILLAN. As I stated before and have stated several times, the estimate made by the engineer is in view of the fact that Congress shall determine at this time to enter upon the improvement of the river by locks and dams which shall cost nearly $5,000,000. Those are the facts upon which he based his recommendation for the amount he asks for, and the other facts stated by the engineer justified the appropriation made by the amendment of the Committee on Commerce of the Senate as we have reported it.

The PRESIDING OFFICER. The yeas and nays have been ordered on this question, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CAMDEN (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. INGALLS (when his name was called). I am paired on this question with the Senator from Wisconsin [Mr. SAWYER], who has been called away from the Chamber for a short time. If he were here, I should vote "nay."

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN].

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

The roll-call having been concluded, the result was announced—yeas 22, nays 22; as follows:

YEAS—22.

Blair,	Frye,	Miller,	Spooner,
Cameron,	Harrison,	Mitchell of Oreg.,	Stanford,
Conger,	Hawley,	Palmer,	Vest,
Dawes,	Hoar,	Platt,	Wilson of Iowa.
Edmunds,	McMillan,	Riddleberger,	
Evarts,	Manderson,	Sewell,	

NAYS—22.

Beck,	Cockrell,	Harris,	Teller,
Berry,	Colquitt,	Hearst,	Vance,
Blackburn,	Cullom,	Jones of Arkansas,	Walthall,
Brown,	Eustis,	Maxey,	Whitthorne,
Butler,	George,	Payne,	
Call,	Gray,	Pugh,	

ABSENT—32.

Aldrich,	Gibson,	Logan,	Ransom,
Allison,	Gorman,	McPherson,	Sabin,
Bowen,	Hale,	Mahone,	Saulsbury,
Camden,	Hampton,	Mitchell of Pa.,	Sawyer,
Chace,	Ingalls,	Morgan,	Sherman,
Coke,	Jones of Florida,	Morrill,	Van Wyck,
Dolph,	Jones of Nevada,	Pike,	Voorhees,
Fair,	Kenna,	Plumb,	Wilson of Md.

So the amendment was rejected.

The next amendment of the Committee on Commerce was to strike out lines 949 and 950 of section 1, in the following words:

Improving Hiawassee River, Tenn.: Continuing improvement, $2,500.

Mr. HARRIS. I shall detain the Senate but a moment upon this amendment. I do not find at this moment the estimate I was looking for, but there was $2,500 appropriated in the last river and harbor bill for the improvement of this stream. It runs through a very fertile and highly productive region, and is navigable only for about 33 miles. The amount was not sufficient in the opinion of the engineer to do profitable work, and hence that $2,500 was not expended. The estimate is that an appropriation of $2,500 will enable them to complete the work on that 33 miles of navigable water in a highly productive region of the State of Tennessee. I therefore hope that the $2,500 appropriation will be made and the amendment of the committee disagreed to.

Mr. MCMILLAN. I do not feel very much encouraged in regard to the result of these votes on the amendments recommended by the committee. However, the Senate is assuming the responsibility of increasing the amounts appropriated by the bill as reported. They are doing it upon their own authority—in some cases without any recommendation from the engineers and in others against the recommendations of the engineers. So the members of the Committee on Commerce are relieved from responsibility in that regard, and other gentlemen who are in favor of the appropriations made by the river and harbor bill or opposed to any appropriations by river and harbor bills who vote for these increases, of course are willing to assume that responsibility.

This appropriation is referred to in the report of the Chief of Engineers in volume 2, part 3, on page 1764, as follows:

No work has been done upon this river during the fiscal year, nor since active operations were suspended in November, 1882.

No commercial data have been obtained. The following extract from previous annual reports are still applicable:

"The commerce is partly carried on by steamboats from the Tennessee River and partly by flat and keel boats.

"The appropriations for this river have been so small for several years past that a considerable portion of them has necessarily been expended in taking care of the plant, and other expenses that are constant, whether much or little be done.

"This has made the work actually done cost excessively, and it can not be otherwise with such small appropriations. With the $2,500 now available, which will be applied to such points as are most in need of improvement, this river will be put in a fair boating condition, and I would therefore respectfully recommend an appropriation of at least $5,000, or that the work be suspended as soon as the funds available are exhausted until Congress deems it advisable to make such an appropriation.

"The tools and other property can be removed to the Tennessee River, where a part of them can be used and the balance stored until they are again required for the Hiawassee without expense to the latter."

Upon that state of facts the Committee on Commerce did not deem it advisable to make the appropriation, but the Senate are at liberty to vote as they see proper on the question.

Mr. HARRIS. I will read now the last report of the engineer on this improvement. He says:

Hiawassee River, Tennessee——

Mr. MCMILLAN. What does the Senator read from?

Mr. HARRIS. From page 276 of volume 2, part 1, of the report of Chief of Engineers.

Mr. MCMILLAN. I read from the same report, part 3.

Mr. HARRIS. The engineer says:

3. *Hiawassee River, Tennessee.*—This river is a tributary of the Tennessee. The plan of improvement, based upon an examination made in 1874, consists in removing surface obstructions, &c., so as to secure a channel 40 feet wide and 2 feet deep from the mouth to Savannah Ford, the virtual head of navigation, 33 miles.

The total amount expended up to June 30, 1885, is $28,868.47, and has resulted in securing a greatly improved channel from the mouth to Savannah Ford, but all the shoals have not been, as yet, improved according to the project.

No work was done during the year. The appropriation herein estimated for and the balance available can be profitably expended in completing the projected work if it be made in one appropriation; with a smaller amount the work can not be economically done, and there is no commercial necessity for an outlay of money not so expended.

It appears by the report that there is a balance of unexpended appropriation of $2,500, and with the appropriation made by the House, according to the report of the engineer, this work can be completed and that 33 miles of navigable water put in comfortable shape so that it may be utilized.

Mr. MCMILLAN. The Senator will allow me to correct him. The appropriation made by the House is $2,500; and the engineer states that it is entirely useless to make such an appropriation, and, if desirable at all, it should be increased to $5,000.

Mr. HARRIS. The last appropriation of $2,500 remains wholly unexpended, because the engineer said such an expenditure could not be profitably made upon that work.

Mr. MCMILLAN. And he says that $5,000 must be appropriated or it will not be worth while to make any appropriation.

Mr. HARRIS. The unexpended balance and the $2,500 are necessary.

The PRESIDING OFFICER. The question is on the amendment of the committee.

Mr. MCMILLAN. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 25, nays 15; as follows:

YEAS—25.

Blair,	Dolph,	McMillan,	Sherman,
Cameron,	Evarts,	Manderson,	Teller,
Chace,	Frye,	Miller,	Vest,
Cockrell,	Gorman,	Mitchell of Oreg.,	Wilson of Iowa.
Colquitt,	Harrison,	Palmer,	
Conger,	Hoar,	Platt,	
Cullom,	Kenna,	Sewell,	

NAYS—15.

Berry,	Eustis,	Ingalls,	Vance,
Blackburn,	George,	Jones of Arkansas,	Walthall,
Brown,	Gray,	Payne,	Whitthorne.
Call,	Harris,	Pugh,	

ABSENT—36.

Aldrich,	Fair,	McPherson,	Riddleberger,
Allison,	Gibson,	Mahone,	Sabin,
Beck,	Hale,	Maxey,	Saulsbury,
Bowen,	Hampton,	Mitchell of Pa.,	Sawyer,
Butler,	Hawley,	Morgan,	Spooner,
Camden,	Hearst,	Morrill,	Stanford,
Coke,	Jones of Florida,	Pike,	Van Wyck,
Dawes,	Jones of Nevada,	Plumb,	Voorhees.
Edmunds,	Logan,	Ransom,	Wilson of Md.

So the amendment was agreed to.

The next amendment of the Committee on Commerce was to strike out lines 951 and 952 of section 1, as follows:

Improving South Fork of Forked Deer River, Tennessee: Continuing improvement, $5,000.

The amendment was agreed to.

The next amendment was, in section 1, line 958, before the word "hundred," to strike out "three" and insert "two;" so as to read:

Improving Tennessee River at Big Muscle Shoals, Little Muscle Shoals, and Elk River Shoals, Alabama: To complete improvements at these localities, $250,000.

Mr. PUGH. As a common-sense proposition I respectfully submit that there can be no reason to support this amendment.

The national importance of opening navigation through these shoals can not be questioned. The Government has expended on this work $2,100,000. It is now approaching completion. The engineer in charge reports that $350,000 will complete the work and open navigation through these shoals. Now, the committee's proposition is to delay this work two years by failing to appropriate the amount named in the House bill and cutting off $100,000. Shall we do that or shall we add the $100,000 appropriated by the House and have this work completed in one year, so that the country can derive the benefit of the large amount of money heretofore expended?

I can not believe that the committee would have moved this amendment if in possession of the knowledge that I have obtained upon this subject since the bill was reported. I have a telegram from the engineer in charge, as follows:

CHATTANOOGA, TENN., *July* 2, 1886.

Hon. JOSEPH WHEELER, *Washington, D. C.:*

Three hundred and fifty thousand dollars will surely complete Muscle Shoals improvement. Letter will follow.

J. W. BARLOW, *Engineer.*

Here is the letter written on the same day:

UNITED STATES ENGINEER OFFICE,
Chattanooga, Tenn., July 2, 1886.

SIR: I reply to your dispatch of last night. I telegraphed you this morning that "three hundred and fifty thousand will surely complete the Muscle Shoals improvement."

I arrive at this conclusion, as follows:

At the close of the fiscal year ending June 30, 1884, in addition to work done at several other shoals upon the river, including Little Muscle Shoals, there had been expended on the two sections of the canal, namely, Big Muscle and Elk River Shoals, the approximate sum of $2,100,000.

At this time Major King made a careful computation of the work done on these sections, and estimates of that remaining to complete. He ascertained that 75 per cent. of the whole had then been accomplished. The remaining 25 per cent. of work at the previous rate would therefore cost $700,000. Since then, by act of July 5, 1884, $350,000 was appropriated, leaving the further sum of $350,000 still required.

The work mentioned above as having been done at other points on the river has not in all cases completed those projects; more work should be done as soon as practicable, and with this object in view the last estimate of $550,000 was submitted.

In their present condition these shoals do not entirely obstruct navigation as does the Muscle Shoals. When, therefore, the canal improvement is finished the whole river from Chattanooga to the mouth will be open to navigation.

From my own examinations of the present condition of the work I have no hesitation in giving it as my decided opinion that the sum of $350,000 will essentially complete the Muscle Shoals improvement and open the canal.

Nearly all the masonry of the several locks has been finished. All of the gates except the upper-gates of five locks have been built, and are now being placed in position. The abutments and piers of the aqueduct over Shoal Creek have been built; the iron girders and the steel sheets for the same are being put in place. Much of the canal connecting the different locks has been excavated and the tow-path constructed.

The following are the principal items remaining unfinished:

Parts of canal excavation.
Reconstruction of portions of tow-path.
Erection of several dams and bridges.
Small amount of lock-masonry.
Placing several lock-gates in position.
Constructing five lock-gates.
Putting in place and riveting aqueduct plates.
Constructing and adjusting appliances for maneuvering lock-gates.

I beg also to state that as $250,000 will not complete the improvement, should that sum be retained as the amount appropriated the language should be changed to read "continuing improvement" instead of "to complete."

I am, with great respect, very truly, yours,

J. W. BARLOW,
Lieutenant-Colonel of Engineers.

Hon. JOSEPH WHEELER,
House of Representatives, Washington, D. C.

The last appropriation of $350,000 for this great work was made upon the understanding that that was half the amount necessary to complete it, and it was well understood at the time when that $350,000 was appropriated that the next appropriation should be $350,000 to complete it; and upon these facts I state that this amendment has no foundation to support it.

Mr. MCMILLAN. Mr. President, there is no doubt about the important character of this improvement. That was not doubted in the committee. But the amount appropriated here we thought was larger than was necessary for this year.

Mr. PUGH. Will the Senator pardon me? I failed to read a letter from the Chief of Engineers upon this same subject.

Mr. MCMILLAN. I shall be glad to hear it. That is subsequent to the report of the committee?

Mr. PUGH. Yes; it is dated July 6, and written to myself. It is as follows:

SIR: Your letter of the 5th instant just received.

The estimate of $550,000 submitted in the last annual report from this office was for continuing the improvement of the Tennessee River below Chattanooga, embracing operations at Muscle Shoals and in removing obstructions in other parts of the river between Chattanooga and Paducah. It is believed, in view of the statements of Colonel Barlow, the officer now in charge, that the sum of $350,000 will complete the work at the Muscle Shoals and open the canal to navigation.

At the request of Hon. JOSEPH WHEELER there is transmitted herewith for your information a letter addressed to him on July 2 by Colonel Barlow.

Very respectfully, your obedient servant,

JOHN G. PARKE,
Acting Chief of Engineers.

Hon. J. L. PUGH,
United States Senate.

If those shoals are opened to navigation the Tennessee River will then be open to navigation for over 700 miles through a country full of minerals and of great agricultural advantages and wealth.

Mr. MCMILLAN. It will be seen from the report of the engineers that—

Total amount expended on this work to date	$2,574,993 72
Amount (estimated) required for completion of existing project	1,437,500 00
Amount that can be profitably expended in fiscal year ending June 30, 1887	550,000 00

This is for "improving Tennessee River at Big Muscle Shoals, Little Muscle Shoals, and Elk River Shoals, Alabama: To complete improvements at these localities, $250,000."

That is the amendment recommended by the committee, striking out "three" and inserting "two," a reduction of $100,000.

This portion of the Tennessee River from Chattanooga to Paducah, 456 miles in length, is now navigable, excepting at the Muscle Shoals, where about 23 miles of obstructions are in process of removal. The completion of this work will connect 367 miles of navigable water in the Tennessee above Muscle Shoals (besides hundreds of miles in its navigable tributaries), with 252 miles of river below Muscle Shoals, and thence with the entire Mississippi system.

That shows the importance of the work; and the only question is as to whether the sum of $350,000 shall be appropriated instead of $250,000, when the estimate of the engineer of the amount that can be profitably expended is $550,000.

Mr. PUGH. That estimate was for the purpose of completing the work at the Muscle Shoals and other work along the river; but that other work along the river can be delayed. If the Muscle Shoals are opened to navigation the river can be navigated for nine months in the year without improvement in other parts of the river.

Mr. MCMILLAN. The appropriation as it came to us in the House bill was for—

Improving Tennessee River at Big Muscle Shoals, Little Muscle Shoals, and Elk River Shoals, Alabama: "To complete improvements at these localities, $350,000."

That was the appropriation made by the House. The estimate of the engineer is $550,000 to be expended during this year upon these improvements, Big Muscle Shoals, Little Muscle Shoals, and Elk River Shoals, in Alabama. Certainly if $550,000 can be expended this year in continuing the work, it can not be possible that $350,000 or $250,000 would complete it, and the amount we appropriate is about 50 per cent. of the estimate of the engineer.

I do not dispute the importance of this work. The committee are fully aware of the importance of the improvement; and the only question is one of the judgment of the committee as to the amount that can be properly expended.

Mr. HARRIS. Mr. President, it seems to me that this question narrows itself down to this: The Government has appropriated over $2,000,000 for the improvement of the Muscle Shoals. The recent letter from the Chief of Engineers read by the Senator from Alabama [Mr. PUGH] shows that with an appropriation of $350,000 within the year the canal may be finished and the navigation through the Muscle Shoals opened. Unless that amount is appropriated you postpone the opening of navigation through the Muscle Shoals for one or more years, and the over $2,000,000 that you have already appropriated to that work lies there idle and without the possibility of being utilized, when by making the appropriation as the House made it that great work may be completed within the year and the $2,100,000 already expended utilized at once.

The question for the Senate to decide, it seems to me, is, will it make the appropriation of $350,000 now, or dole out the $250,000 and postpone the utilizing of that great work for one or two years longer before you can get the benefit of the $2,100,000 already expended? In view of the fact that Congress unquestionably will now or hereafter appropriate the additional $100,000 necessary to the completion of the work, it seems to me not a debatable question as to when it should be done. If done now, within a year that work will be completed. If not appropriated now, the time of completion is postponed one or two years longer. That is the whole question, as it appears to me, which is now submitted to the Senate.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Commerce.

Mr. MCMILLAN. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CAMDEN (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. PAYNE (when his name was called). I am paired on this question with the Senator from New York [Mr. MILLER]. If he were here, I should vote "nay."

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

The roll-call having been concluded, the result was announced—yeas 23, nays 22; as follows:

YEAS—23.

Cameron,	Gorman,	McMillan,	Sawyer,
Conger,	Harrison,	Manderson,	Sewell,
Dolph,	Hawley,	Mitchell of Oreg.,	Stanford,
Edmunds,	Hoar,	Palmer,	Vest,
Evarts,	Jones of Nevada,	Platt,	Wilson of Iowa.
Frye,	Kenna,	Ransom,	

NAYS—22.

Beck,	Colquitt,	Ingalls,	Vance,
Berry,	Eustis,	Jones of Arkansas,	Walthall,
Blackburn,	George,	McPherson,	Whitthorne,
Brown,	Gibson,	Plumb,	Wilson of Md.
Butler,	Gray,	Pugh,	
Call,	Harris,	Teller,	

ABSENT—31.

Aldrich,	Cullom,	Mahone,	Riddleberger,
Allison,	Dawes,	Maxey,	Sabin,
Blair,	Fair,	Miller,	Saulsbury,
Bowen,	Hale,	Mitchell of Pa.,	Sherman,
Camden,	Hampton,	Morgan,	Spooner,
Chace,	Hearst,	Morrill,	Van Wyck,
Cockrell,	Jones of Florida,	Payne,	Voorhees.
Coke,	Logan,	Pike,	

So the amendment was agreed to.

The next amendment of the Committee on Commerce was to strike out lines 960 and 961 of section 1, as follows:

Improving South Fork of Cumberland River, Kentucky: Continuing improvement, $5,000.

Mr. BLACKBURN. I think this is of sufficient importance to warrant me in detaining the Senate for a moment. This is a continuing work, which has already been begun. The Engineer Department recommend an appropriation and the House has agreed to $5,000.

The South Fork of the Cumberland River permeates the greatest lumber, coal, and mineral region in the State of Kentucky. I do not know what reasons induced the committee of the Senate to recommend that the appropriation should be stricken out. I do not propose to detain the Senate upon the question, but, unless there be some reason known to the committee that I am not furnished with, I trust the Senate will not support the amendment.

Mr. MCMILLAN. This is an improvement of the Kentucky River, and consists——

Mr. BLACKBURN. The chairman is mistaken. It is the South Fork of the Cumberland River.

Mr. MCMILLAN. What is the estimate for that improvement? Does the Senator find it?

Mr. VEST. It will be found on page 1770, volume 2, part 3.

Mr. MCMILLAN. The Senator may refer to that report if he will.

Mr. VEST. The report of the engineer is as follows:

IMPROVEMENT OF SOUTH FORK OF THE CUMBERLAND RIVER, KENTUCKY.

Rising in Tennessee this river flows north into Kentucky and empties into the Cumberland River at Point Burnside. That portion above the mouth of Clear Fork is known as New River.

From its mouth to Dick's Jumps, 31 miles, the river is from 200 to 400 feet wide with a total fall of 76 feet. Above this point numerous sandstones bowlders of immense size are scattered in its bed, rendering improvements at a reasonable cost impossible.

The present plan of improvement, based upon an examination made in 1881, consists in removing bowlders, excavating a channel through rock reefs and gravel bars, and building riprap dams to contract the water way, so as to secure safe navigation when there is a tide of at least 3 feet above low water.

Active operations were resumed early in October, 1884, at Sloan's Shoals, and continued, in local charge of Assistant Engineer W. C. Crozer, with an average force of men, until February, 1885, when the available funds were exhausted.

The season's work was confined entirely to Sloan's Shoals and Robert's Mill Shoal, and suffered from several interruptions, caused by sudden rises in the river.

The following are the items of work done:

Solid rock blasted from channel	cubic yards...	556
Loose rock excavated	do.....	368
Stone quarried for riprap	do.....	108
Riprap dams built	do.....	1,665
Trees cut down and removed	number...	161

No commercial statistics have been obtained, but the present commerce is principally in saw-logs.

There are numerous outcrops of coal of splendid quality along the banks of the river awaiting its improvement to be mined and shipped to market.

The amount asked for ($10,000) can be applied to carrying forward the present plan of improvement from the mouth of the river to Devil's Jumps, near the Kentucky State line. Most of the projected work will be practically permanent.

The original estimate of cost of improving South Fork of the Cumberland River, Kentucy, was		$62,803 00
Amount appropriated		7,000 00
Amount expended		6,867 30
Money statement.		
July 1, 1884, amount available		$1,255 28
Amount appropriated by act approved July 5, 1884		4,000 00
		5,255 28
July 1, 1885, amount expended during fiscal year, exclusive of outstanding liabilities July 1, 1884	$5,120 33	
July 1, 1885, outstanding liabilities	2 25	
		5,122 58
July 1, 1885, amount available		132 70
Amount (estimated) required for completion of existing project		855,803 00
Amount that can be profitably expended in fiscal year ending June 30, 1887		10,000 00

Submitted in compliance with requirements of section 2 of river and harbor acts of 1866 and 1887.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Commerce.

Mr. MCMILLAN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BLACKBURN. It was not my purpose to call for the yeas and nays whether this amendment was agreed to or rejected. I am willing to let the decision be made by a division if it suits the chairman of the committee.

Mr. MCMILLAN. Well, I shall be satisfied with a division.

The PRESIDING OFFICER. The Chair will regard the call for the yeas and nays as withdrawn, and a division will be had.

The question being put, there were on a division—ayes 14, noes 19; no quorum voting.

Mr. MCMILLAN. No quorum has voted. We shall be compelled to have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FRYE (when Mr. HALE'S name was called). My colleague [Mr. HALE] is detained in the committee-room on an appropriation bill, and has been there the whole day. This is my first announcement of his necessary absence. He is paired with the Senator from Kentucky [Mr. BECK].

Mr. PAYNE (when his name was called). I am paired with the Senator from New York [Mr. MILLER].

The roll-call was concluded.

Mr. PLUMB. I am paired generally with the Senator from Alabama [Mr. MORGAN], but I vote on this proposition, believing he would vote as I do, "nay." I also voted on the proposition next preceding, on which proposition I felt sure that he would vote "nay," as I did. That was in regard to the Muscle Shoals in Alabama.

Mr. BROWN. He would undoubtedly have voted "nay" if present.

Mr. PLUMB. I make this statement for his benefit, he being absent.

Mr. BECK (after having voted in the negative). I thought the Senator from Maine [Mr. HALE] was in the Chamber when I voted. I find he is not, and I withdraw my vote. We came in together and I thought he was still here.

Mr. CAMDEN. I am paired with the Senator from Rhode Island [Mr. ALDRICH]. If he were present, I should vote "yea." If his colleague [Mr. CHACE] were present, I am told he would vote "yea;" and I will take the liberty of voting.

Mr. PLATT. His colleague voted "yea," and then stepped out.

Mr. CAMDEN. Under the statement that the colleague of the Senator voted "yea" on this amendment, I vote "yea" also.

Mr. COCKRELL. I have been paired during the day with the Senator from Iowa [Mr. ALLISON], who is very busily engaged in the Appropriations Committee, and I have voted once or twice where I was satisfied he would have voted the same way I did if he were present. I do not know how he would vote on this amendment, and therefore I shall not vote.

Mr. CAMDEN (after having voted in the affirmative). I have concluded to withdraw my vote to prevent any misunderstanding.

Mr. COKE (after having voted in the affirmative). I am informed that the Senator from South Carolina [Mr. HAMPTON] has been paired with me by his colleague [Mr. BUTLER]. I therefore withdraw my vote.

Mr. BUTLER. I am satisfied my colleague would vote "nay" on this amendment if he were present, and I have requested the Senator from Texas [Mr. COKE] to pair with him, and he has consented to do so.

The result was announced—yeas 22, nays 21; as follows:

YEAS—22.

Blair,	Evarts,	Jones of Nevada,	Sewell,
Chace,	Frye,	McMillan,	Spooner,
Conger,	Gorman,	Manderson,	Vest,
Dawes,	Harrison,	Mitchell of Oreg.,	Wilson of Iowa.
Dolph,	Hawley,	Palmer,	
Edmunds,	Hoar,	Platt,	

NAYS—21.

Berry,	George,	McPherson,	Walthall,
Blackburn,	Gibson,	Maxey,	Whitthorne,
Brown,	Gray,	Plumb,	Wilson of Md.
Butler,	Hearst,	Pugh,	
Call,	Ingalis,	Teller,	
Eustis,	Jones of Arkansas,	Vance,	

ABSENT—33.

Aldrich,	Cullom,	Miller,	Saulsbury,
Allison,	Fair,	Mitchell of Pa.,	Sawyer,
Beck.	Hale,	Morgan,	Sherman,
Bowen,	Hampton,	Morrill,	Stanford,
Camden,	Harris,	Payne,	Van Wyck,
Cameron,	Jones of Florida,	Pike,	Voorhees.
Cockrell,	Kenna,	Ransom,	
Coke,	Logan,	Riddleberger,	
Colquitt,	Mahone,	Sabin,	

So the amendment was agreed to.

The next amendment was, in section 1, line 963, to reduce the appropriation for "improving Kentucky River, Kentucky: Continuing improvement," from $250,000 to $100,000.

Mr. BLACKBURN. This is an amendment submitted by the committee, the amount of reduction in which and the importance of the work involved make it of sufficient consequence to call the attention of the Senate to it.

The bill as it came from the House appropriated $250,000 to the continuation of this work. The Committee on Commerce of the Senate recommend a reduction to $100,000, striking out $150,000 of the amount.

The facts of this case are that the State of Kentucky many years ago undertook to improve the slack-water navigation of this river for a distance of 261 miles from its mouth where it empties into the Ohio at Carrollton up to Beattyville, a distance of 261 miles. The State never asked a dollar or a penny from the Federal Government in aid of its effort, but through a long term of years the State of Kentucky expended more than a million of money upon the system of locks and dams on this river. In 1879, after having expended millions of money from the State treasury upon it, the State made a cession of all the property to the Federal Government, and the Federal Government undertook to continue the improvement of the navigation of this river.

Mr. EDMUNDS. What was the date of that act of cession?

Mr. BLACKBURN. Eighteen hundred and seventy-nine.

Mr. EDMUNDS. Is there an act of Congress which accepts it?

Mr. BLACKBURN. Oh, yes, sir. It was regularly done. The Legislature of the State of Kentucky ceded all the property, all the improvements upon which the State had already expended this sum of money. I do not know about the act of Congress to which the Senator from Vermont alludes, but from the year 1879 till now, with one exception, that being the year when no river and harbor bill was passed, regular appropriations have been made by Congress for the continuance of the work on this river. Whenever there has been a river and harbor bill passed since 1879 this river has been represented by appropriations varying from $100,000 to $150,000 a year.

These locks and dams had fallen measurably, not into disuse, for they have been continually in use, but they needed repairs; and the Government up to this time has expended the money which has been appropriated yearly by Congress, not in the construction of any more dams and locks, for the State of Kentucky had built five, beginning at the mouth of the river, that answered all the purposes for a distance of probably 150 or 160 miles. The Government has expended its money

in repairing the locks and dams that the State of Kentucky had already built.

The Engineer Department report here now the commercial statistics, the length of the river. The navigable portion of it that it is proposed to cover with this system of locks and dams is 261 miles, and for the year 1884–'85 the aggregate commerce, as shown by the commercial statistics of the Kentucky River, was $5,358,446.15, and then above the point on this river which it is proposed to reach by the system of locking and damming was an additional commerce that was, as shown in the statistical table, $482,290 for the year 1884–'85. The report goes on to show that—

The present project for the improvement of this river was adopted in 1879, the object being to repair the five locks and dams built by the State of Kentucky, and extend slackwater navigation for a draught of 6 feet, by the construction of additional locks and dams, to Beattyville, a distance of 261 miles from the mouth of the river.

Four of the original locks have been repaired and three of the dams rebuilt and the fourth partially repaired.

The operations during the past year have consisted of making further repairs to locks and dams Nos. 1 and 4 and commencing the repairs to lock and dam No. 5. The river between lock No. 5 and Shaker Ferry, a distance of 44 miles, was also cleared of snags and leaning trees which obstructed the channel.

So that the work for the last year has reached 44 miles above the fifth, the last lock, measuring from the mouth, that has ever been constructed there.

The purchase of the land for the lock and dam No. 6—

Which will be the first lock and dam to be constructed by the Federal Government—

The purchase of the land for the lock and dam No. 6 and the dam at Beattyville was not completed.

During the present fiscal year it is proposed to complete the repairs at lock 5 and rebuild the dam. The land for lock and dam No. 6 and the dam at Beattyville will be obtained, and the work at both of these places commenced. The obstructions in the river channel between Beattyville and the crossing of the Kentucky Central Railroad, a distance of 80 miles, will be removed.

With the amount asked for it is proposed to complete lock and dam No. 6—

A new dam to be built now—

and commence the construction of additional locks and dams.

July 1, 1884, amount available	$74,452 06
Amount appropriated by act approved July 5, 1884	250,000 00
	324,452 06
July 1, 1885, amount expended during fiscal year, exclusive of outstanding liabilities July 1, 1884	59,730 26
July 1, 1885, amount available	264,721 80
Amount (estimated) required for completion of existing project	2,221,639 26
Amount that can be profitably expended fiscal year ending June 30, 1887	500,000 00

Submitted in compliance with requirements of section 2 of river and harbor acts of 1866 and 1867.

Mr. President, there is a work upon which the State of Kentucky has expended more than a million of money, and upon which since 1879 the Federal Government has expended $1,050,000, and for the completion of which it is estimated that the sum of two and a half millions will be required upon the report and recommendation of the engineer in charge. The Committee on Rivers and Harbors of the House reported the bill carrying $250,000 to this purpose. The Senate Committee on Commerce has seen fit to reduce, or to propose to reduce, that amount to $100,000.

It is a work of great consequence to us. According to these commercial statistics in this last year you see that over five and a half or nearly six millions of value has passed through this river in its uncompleted and not half-finished state; and I can not think that the sum of $250,000 is disproportioned to the value of the work and the best interests of the Government in completing a work which it can not afford to abandon; and this view is supported by the engineer in charge and by the committee of the House who prepared this bill.

I trust, Mr. President, that this amendment will not be agreed to.

Mr. VEST. May I ask the Senator a question before he sits down?

Mr. BLACKBURN. Certainly.

Mr. VEST. I ask him how many steamboats are running on that river now?

Mr. BLACKBURN. I think some eight or ten.

Mr. VEST. Running from the mouth up?

Mr. BLACKBURN. Yes; 44 miles above the farthest lock and dam that has ever been constructed, up to Shaker Ferry.

Mr. VEST. To the Kentucky Central Railroad bridge?

Mr. BLACKBURN. Up to the Kentucky Central bridge.

Mr. MAXEY. Suppose that the river be improved in accordance with the plan recommended by the engineers, how many months in the year will it be suitable for navigation?

Mr. BLACKBURN. Every day in the year. We only lost thirteen days last year. I am obliged to the Senator from Texas for his interrogatory. If this work is completed and the engineers' estimates are regarded, and their opinions are of value, we shall have a 6-foot draught for 260 miles and more of that river every day in the year.

Mr. President, I had forgotten to say that this is the first year that the work of constructing originally, building a lock and dam, is to be attempted by the United States Government. Hitherto small appropriations have been expended for several fiscal years upon repairs on dams and locks that were more or less dilapidated.

Mr. EDMUNDS. How much has been appropriated in former years?

Mr. BLACKBURN. One million fifty thousand dollars in seven years.

Mr. MANDERSON. I think the Senator from Kentucky stated that that amount has been expended by the Government. Did the Senator from Kentucky say that $1,050,000 had been expended by the Government?

Mr. BLACKBURN. No; I said that $1,050,000 had been appropriated.

Mr. MANDERSON. And of that amount but $535,000 has been expended?

Mr. BLACKBURN. Of that amount $535,000 had been expended up to a year ago; but I beg the Senator to bear in mind the information that I have—and I have none that does not come from my colleague who is a member of the committee in the other House, and his information as given to me is only from the engineer in charge—that there is no unexpended balance that is not already covered. I speak in round numbers. The unexpended balance is already provided for by outstanding liabilities and is not available; and this is the first year when the Government, having completed the repairs of the old locks and dams, is now called upon for a heavier expenditure in beginning the construction of new ones.

Mr. MAXEY. If the Senator from Kentucky will pardon me, I should like to ask a question in order to have the facts go into the RECORD. If the river is improved according to the plans of the engineers, would it not bear steamers as well as other craft capable of carrying large cargoes?

Mr. BLACKBURN. Yes, sir. Through its course of 261 miles it can be made permanently navigable for good-sized craft and steamboats. It would drain as rich a lumber and as rich a mineral region as can be found upon this continent. It does do it now to the extent of six millions of commerce a year, and when these improvements are completed that will be more than quadrupled.

I trust, Mr. President, in the face of the facts as submitted to us here, that the Senate will not refuse to allow us to have what the House bill proposes, $250,000.

Mr. VEST. Let me understand the Senator from Kentucky. Does he mean to say that $264,000 has been expended since July 1, 1885, without constructing a single lock?

Mr. BLACKBURN. No, sir. I say there has never been any work done by the United States toward constructing a lock yet.

Mr. VEST. I see from the engineer's estimate of July 1, 1884, the amount available was $74,452.06; the amount appropriated by the act of July 5, 1884, our last river and harbor bill, was $250,000. That made together $324,452.06, there being $74,452.06 not expended for the fiscal year ending July 1, 1884. Up to July 1, 1885, with $324,452 on hand, the engineer only expended $59,730.26; so as to make the amount available July 1, 1885, $264,721.80.

Mr. KENNA. Will my friend from Missouri allow me to make a suggestion at that point?

Mr. VEST. Certainly.

Mr. KENNA. The Senator from Missouri is very familiar with all the items in the river and harbor bill. The point is that the Engineer Department come here in the beginning of the session in December—their report dates back to the preceding 1st of July—and the bill does not get through Congress until about the succeeding 1st of July. Here is an entire fiscal year passed, and the whole of a year's work is to be deducted from the amount of money on hand when that report was made. We are acting now on the report of the engineers made on a basis a year old.

Mr. BECK. I would suggest to the Senator from Missouri an additional fact, if he will allow me. I went to Mr. WILLIS, the chairman of the Committee on Rivers and Harbors of the House, the other day and inquired if this balance reported was on hand. He said he had received a letter from the engineer in charge, which assured him that every dollar of this balance reported as on hand was contracted for in the preservation, repair, and putting in order of the old locks and dams which the Government received from the State of Kentucky, and that the money which was to be appropriated now was needed to build one lock, and that it would require $250,000 to do it.

Mr. VEST. The reason I asked whether this $264,000 surplus had been expended without building a single lock was because I find upon page 1880 of the report of the Chief of Engineers, in volume 2, part 3, a statement of the total expenses of repairs, salaries, current and contingent expenses, and all these objects, being an "estimate of the cost of maintaining navigation during the fiscal year 1885–'86," amounting to $25,615, including "removal of snags and dredging, $2,000."

For 1886–'87 the same estimates for current and contingent expenses, salaries of lock-keepers, &c., and repairs, amount to $12,400. These are all expenses for 1885–'86 and for 1886–'87.

I recollect very well when the engineers came in and asked $500,000 when the last river and harbor bill was pending, and said they had spent all of it; and yet the estimate shows that, instead of spending

all of it, they spent $59,000, and had on July 1, 1885, a balance unexpended of $264,721.80.

Mr. BECK. That was a year ago.

Mr. VEST. I understand that; but how could they spend that without building a lock, with an annual expense, the largest that has ever been made, for salaries, contingent expenses, and dredging, $25,000, and in the current year 1886–'87 the estimate for all these expenses is $12,400? It is impossible that they could have spent $264,000 without building a single lock. They must have on hand at a reasonable estimate $240,000 at least.

Mr. BLACKBURN. The only information I have is that they have nothing on hand. If it be impossible, as the honorable Senator from Missouri seems to make it appear, that this money should have been expended, then it simply amounts to saying that it is impossible for the Engineer Department of this Government to tell the truth, because here is their report, and they give the amount down to the fraction of a cent that has been expended, and here it is $535,278.20 up to twelve months ago.

Mr. VEST. I understand that, but here is their estimate for July 1, 1885, or rather their report that they had on hand $264,721.80.

Mr. BLACKBURN. Can the Senator from Missouri tell what amount of that has been expended in the last twelve months?

Mr. VEST. I say if they have not built a lock and dam—and the Senator from Kentucky says they have not—they can not have expended that much. As I understand, now they want $250,000. Five hundred thousand dollars they report that they require, but this $250,000 is to build a lock, and that will be the first lock built by the Government of the United States. I so understand. They can not need it for current expenses.

Mr. BLACKBURN. I do not know where the Senator from Missouri gets his information. He certainly does not understand that from me unless I have been exceptionally and exceedingly unfortunate in making myself understood. I say that the engineers in this report show that they want this $250,000, that they state the purpose for which they want it. They want it to continue to complete—

During the present fiscal year it is proposed to complete the repairs at lock 5 and rebuild the dam. The land for lock and dam No. 6—

Which will be the first new one built by the Federal Government—

and the dam at Beattyville will be obtained, and the work at both of these places commenced. The obstructions in the river channel between Beattyville and the crossing of the Kentucky Central Railroad—

Away beyond any point that has been reached yet either by the State or Federal Government in the matter of improvement—

a distance of 80 miles miles, will be removed.

Now, I understand that they mean to do all that with this $250,000, to complete the repairs of the last lock and dam to be repaired and buy the land for the new lock and dam and to begin the construction of that, and to remove the obstructions from the river channel for a distance of 80 miles from Beattyville to the crossing of the Kentucky Central Railroad. I understand in very plain English the engineers to declare that all these purposes are included in the demand that they make for that $250,000.

Mr. VEST. We have a right to judge the future by the past. The same engineer bureau will spend the money in about the same way as heretofore. In 1883 they had $250,000 and on July 1, 1884, they had $74,452 which they were not able to spend. In 1884 we gave them $250,000 more, making $324,452; and on July 1, 1885, they had available $264,721. Now they come in and ask for $500,000 and say they can expend it. We have a right to suppose that they will have about an equal balance left next July.

Mr. BLACKBURN. Does the Senator undertake to state to the Senate that there are $250,000 of unexpended appropriations for this river now?

Mr. VEST. I do not know how much is on hand. There was nothing before the Committee on Commerce to show what was on hand. We have got these figures and these figures alone. If there is any subsequent or supplemental report, where is it?

Mr. MCMILLAN. The Senator from Missouri will permit me to direct his attention to page 1872 of the Annual Report of the Chief of Engineers. Under the title "Proposed operations for 1885–'86" he will find in the first paragraph a statement that perhaps will explain this balance. It appears from the statement that there was a balance of $324,452.06 remaining on hand on the 5th of July, 1885, when this report was made; and in the first paragraph as to the proposed operations as stated by the Chief of Engineers he says:

During the fiscal year it is expected to complete the lock-house at No. 1 and dam No. 5, and the improvement of the channel of the upper river, and also commence the construction of the dam at Beattyville. The land for lock and dam No. 6 will be acquired, and contracts made for the purchase of as much of the materials required in their construction as the balance of the funds on hand will permit.

They intend to apply this balance to these purposes. That is the statement. Clearly the balance on hand at the date of this report was $324,452.06. The proposition of the work for the year is stated in this report.

Mr. VEST. I see the amount asked for is to continue the improvement by the construction of additional locks and dams.

Mr. MCMILLAN. Yes, sir.

The recommendation in my last annual report, that authority be granted by Congress to obtain the land needed for the new locks and dams, in extending the slack-water improvements in advance of the appropriations being made for their construction, is renewed.

He still asks for an advance appropriation for the purpose of acquiring land for new locks in advance of commencing the work.

Mr. VEST. I want to call the attention of the Senate to these figures in order to emphasize my opposition to this and similar schemes, and I use the word "scheme" in no offensive sense, certainly not to my native State; but I want to emphasize my opposition to this custom of States that are perfectly solvent commencing works of internal improvement and then when they find they are not profitable unloading them on the national Treasury.

Fifty years ago the State of Kentucky commenced an internal system of improvements in that State on the Kentucky River, the Barren River, and the Green River. The bills were carried through the Legislature of Kentucky by a combination between the votes of the Green River members and those of the blue-grass part of the State. It was supposed Kentucky was about then to have a system of internal improvements unequaled throughout the Union. In 1879 Kentucky unloaded the Kentucky River improvement (which had gone to utter ruin and decay, as the engineer says in a report that is here) upon the General Government, and there is a proposition in this bill now to unload the Green and Barren River improvements on the Government.

It is estimated that it will be necessary for the General Government to expend for the completion of the existing project $2,221,639.25. That is the amount that is to be appropriated besides what has already been expended upon this river. And yet the State of Kentucky is perfectly solvent, perfectly able to carry on these improvements, or at least to sustain them in their present condition, because it is by no means a bankrupt State. My remarks apply equally to the two other similar projects in this bill which I opposed in committee.

When a State is absolutely solvent, when she has and boasts that she has no outstanding indebtedness, I say that that State should not come to the General Government any more than a private company should come that has gone into an improvement of this kind and finds that it drags upon its hands—should not come to the General Government and ask it to assume this work and to make good the indebtedness already accrued.

If this State were a poor, bankrupt State, ravaged and ruined by war, and should come here holding up its hands and pleading its poverty, I would go as far as any Senator on this floor to assist and help that State in the work of improving the public water ways. But in this instance I thought in committee and think now that this amount should be cut down. I am not willing to vote in advance $150,000 or $200,000 for the purpose of erecting new locks and dams upon this stream. I know the Kentucky River very thoroughly. I was born upon its banks. It is a small, narrow, deep stream, with overhanging trees. The Senator says there are steamboats upon it. I have not been upon the river for a long term of years, but I recollect very well when but two steamboats navigated the stream, running up to the mouth of the river, and possibly one to Cincinnati and occasionally to Louisville.

The upper portion of the river is given up entirely to the transportation of coal and lumber, and unless its character has changed very much it is a small, narrow, deep stream. While I am perfectly willing to vote an adequate amount to improve that river, an amount that is necessary at the present time, I am not willing to put up in advance one hundred and fifty or two hundred thousand dollars for these engineers to come in in their next report and say that there is an unexpected balance of seventy-five or one hundred or one hundred and twenty-five thousand dollars. I say this with no sort of feeling against the State, and with no other desire than to do my duty as I understand it to be.

Mr. MCMILLAN. I desire simply to call the attention of the Senate to the report of the engineers, which I think will explain the basis upon which this large amount is asked for. After describing the improvements of some of the locks and dams that are in process of erection the report proceeds—I read from the annual report of the Chief of Engineers of the Army for 1885, part 3, page 1871:

A survey of the river from Oregon to Beattyville has been completed by R. S. Burnett, assistant engineer, and sufficient data obtained to locate all the dams required in the extension of slackwater to the Three Forks.

Senators will understand the geography perhaps who are better acquainted with the river.

According to this survey the length of the Kentucky River is 261 miles from its mouth to the Three Forks, and the fall 211.2 feet in the same distance, or at the rate of 9.7 inches to the mile. The first five locks and dams, as soon as No. 5 is completed, will have a combined lift of 71.9 feet, and give a depth of 6 feet for navigation a distance of 98 miles. This leaves a fall of about 140 feet to be overcome by additional locks and dams. It is believed this can be accomplished by the construction of eleven dams if they are given a slightly increased height over that originally proposed.

LOCK AND DAM NO. 6.

Efforts have been made to obtain the site for this lock as authorized by act of July 5, 1884; but up to this time they have been unsuccessful, owing to the difficulty in obtaining a good title to the land needed.

DAM AT BEATTYVILLE.

The commencement of the dam at Beattyville has also been delayed because of the difficulties in obtaining the land required. It is believed that these have now been overcome, and nothing will prevent the beginning of this dam at an early date.

IMPROVEMENT OF THE UPPER RIVER.

The inhabitants of the Upper Kentucky Valley are unprovided with means for bringing their produce to market, except they use the mountain roads and the river during freshets. The former are frequently impassable from snow and ice, and their use at any time is difficult. The period during which the river is available is greatly reduced by the obstructions it contains. To remedy this evil, during the delay in the extension of slack-water navigation, application was made for authority to expend $1,500 of the amount appropriated for the Kentucky River in improving the river channel from Beattyville to the Kentucky Central Railroad Bridge, a distance of 80 miles. This project was approved, and parties are now being organized for the work. It will consist of the removal of snags, trees, and rocks and the construction of wing-dams concentrating the water upon the bars. It is expected this improvement will give a channel at least 60 feet wide, with a minimum depth of 3 feet for nine months each year.

Now what is proposed for the coming fiscal year?

PROPOSED OPERATIONS FOR 1885-'86.

During the fiscal year it is expected to complete the lock-house at No. 1 and dam No. 5 and the improvement of the channel of the upper river, and also commence the construction of the dam at Beattyville. The land for lock and dam No. 6 will be acquired, and contracts made for the purchase of as much of the materials required in their construction as the balance of the funds on hand will permit.

The recommendation in my last annual report that authority be granted by Congress to obtain the land needed for the new locks and dams, in extending the slack-water improvements in advance of the appropriations being made for their construction, is renewed. Much delay in the progress of the work would in this way be avoided. The lack of such authority has prevented the dam at Beattyville from being commenced for the past three years, and already delayed the beginning of lock No. 6 one year. With the amount asked for it is proposed to continue the improvement by the construction of additional locks and dams.

It will be observed that the proposition is here to acquire all the land necessary for the construction of these locks and dams, stated by the engineer to be eleven additional. So it commits the Government to go forward with the construction of every lock and dam, or else we lose the amount expended. It is not prudent for the Government to commit itself in advance. Of course the engineers could expend this money in the purchase of sites for locks and dams, but that is not deemed advisable——

Mr. BLACKBURN. Has the chairman any idea of the probable cost of the land for one of these locks and dams?

Mr. McMILLAN. No; I have not.

Mr. BLACKBURN. Does the chairman know that in no instance will it reach the sum of $100?

Mr. McMILLAN. I do not know.

Mr. BLACKBURN. I am sorry the chairman is not better advised on that subject.

Mr. McMILLAN. But it commits the Government to go forward with these improvements, and they can commence with the same fund on as many locks as they deem proper and keep them going on. It commits the Government to this entire work——

I do not think it advisable that we should put ourselves in a position where when we get up to a portion of this river which is really practically a benefit to navigation we should not be permitted to stop. The idea of constructing eleven more dams and locks above the six already in operation seems to me to be rather going too far.

In view of the state of facts as it appears from the engineer's report, we should be satisfied to appropriate this $100,000, complete the improvements that have been going on, and then from that standpoint look forward and see what further we shall do.

Mr. BLACKBURN. Mr. President, I am sure that it was not necessary for the Senator from Missouri to disclaim any hostile *animus* toward the people or the State of Kentucky or their interests; but I confess that I am at a loss to account for the spirit in which he seems to have singled out this one item, the only one that the State of Kentucky can possibly have any concern in or interest about to be found in this bill. Neither do I see the necessity, with all due respect to that Senator, for the employment of such terms as "schemes" and "unloading," and I am more than glad to assure him that if he will reflect upon the condition of things he will see that Kentucky is not here with uplifted hand as a mendicant, as he described her coming before he would vote to aid her.

I do not understand the application of his charge that she undertook to unload an unprofitable scheme upon the United States. He said that she began the construction of these locks and dams for the improvement of the navigation of this river fifty years ago. Well, sir, will you kindly tell me whether the Federal Government fifty years ago was helping any State with an appropriation of a single penny to improve either by locks and dams or otherwise the navigation of any river? This whole policy of the system of river improvements, so far as the Federal Government aid has ever gone, is infinitely younger than the progressive effort of the people of Kentucky about which complaint is made here to-day.

The State of Kentucky has expended more money out of her own treasury by appropriation acts passed by her Legislature for the improvement of this river, than the Federal Government up to this hour has ever appropriated, and during all those years she never received a cent and never asked for a cent from the Federal Government. When she ceded this property to the Federal Government she ceded it without limitation, without encumbrance; dilapidated to some extent, I grant you, these works were, but not utterly worthless as the Senator has seen fit to describe, because they were doing their work and they were being used every year and every day in the year when the Federal Government took possession of them.

I do not see why the Senator from Missouri should seek to present the case to the Senate after such a fashion as to lead us to believe that there is a conspiracy between somebody upon the outside and the engineer officers of the Government upon the inside to extort more money in these yearly appropriations than it is either possible or desirable for them to use. If the engineer officers in charge of this work did not require the money asked for and did not believe that it could be and would be profitably employed during the coming year, why was it that they came here and asked deliberately on estimates for twice as much as the House bill proposes to give and five times as much as the Senate committee proposes to accord?

The facts have been stated, and I am perfectly content to ask the judgment of the Senate upon them. The State of Kentucky has expended more money upon these works than the Federal Government, and the Federal Government comes here through its accredited officer and demands twice as much as the House bill offers, five times as much as the Senate committee is willing to dole out.

Mr. VEST. Mr. President, I made no charge of any conspiracy against any engineer officer or anybody else. I think the figures given by the Senator were given to the Commerce Committee by this same engineer officer. What I complain of is that in the past they have asked for more money than they have ever been able to expend; and what I complained of, if the Senator from Kentucky chooses to adopt the word, on the part of my native State is that with an overflowing treasury, with no outstanding indebtedness, it now comes to the Federal Government and says, "Take off our hands an improvement that we inaugurate," not upon the ground that the State is not able to keep it up.

Mr. BLACKBURN. Will the Senator allow me?

Mr. VEST. Certainly.

Mr. BLACKBURN. If a State must be a pauper before it can make a contract with the Federal Government within the limits and reach of a river and harbor bill, what answer will the Senator make for the States of New York and Pennsylvania and Ohio and his own, that have received more in this direction since he has been a member of the Senate than the State of Kentucky ever received since the foundation of this Government.

Mr. VEST. Mr. President, my reply to the Senator from Kentucky is simply this: When the State of Missouri through its General Assembly undertakes a work of internal improvement in its own domain, within its own limits, and then with an overflowing treasury comes to the Congress of the United States and asks Congress to take that work off its hands, then his taunt to me will be applicable, and not before.

Mr. BLACKBURN. I will ask the Senator from Missouri to answer me this question: The Government having accepted this property at the hands of the State of Kentucky in 1879, does the Senator from Missouri now propose to reopen the deed of cession and the act of acceptance by the Federal Government?

Mr. VEST. No, Mr. President; but I propose to stop where we are now and not to construct six more locks and dams at the expense of the Treasury of the United States upon that river. I am willing to put in repair the five we have received; I am willing to stand by the contract that was made by Congress in 1879; but I do not propose to go one inch further in this direction.

Mr. BLACKBURN. I am sure the Senator wants the case fairly stated.

Mr. VEST. I do.

Mr. BLACKBURN. Does the Senator from Missouri, then, mean to be understood as saying that the contract—if contract he terms it—between the Federal Government and the State of Kentucky made in 1879, when this property was ceded by the State to the General Government, stopped with the repairs of five locks and dams on that river?

Mr. VEST. Yes, sir.

Mr. BLACKBURN. I mean to take issue with the Senator and say very flatly that that contract has but one fair interpretation, and the Senator, if he will refer to it will not differ from me; and that is that the Federal Government agreed not to repair those five locks and dams, but to provide slack-water navigation to Beattyville, a distance of 261 miles, involving an absolute necessity for the construction of more dams than there had been already built.

Mr. VEST. I have never so understood that assignment, or contract, or whatever it may be termed, between the United States and the State of Kentucky.

Mr. BLACKBURN. It so states in terms.

Mr. VEST. The Senator has referred to the State of New York. Suppose New York should unload, or if that word is offensive to the Senator——

Mr. BLACKBURN. Not at all.

Mr. VEST. Assign to the United States the Erie Canal. New York is no longer able to take care of it; Congress should take charge of the work and keep it up. This is not the only project in this bill of the

kind. The State of Kentucky comes now and proposes to put upon us works of internal improvements she has had for over forty-five years, works that have not paid, works that have gone to decay under the operation of the railway system of the country, and instead of pocketing the loss as a State or an individual should do, she proposes now to make the Federal Government stand the results of her own improvidence.

Mr. EDMUNDS. I should like the attention of my friend from Kentucky who has referred to an act of cession by the State of Kentucky of the works on this river to the United States. I understood him to say it was in 1879. I have sent to obtain the Kentucky statutes and owing to my incapacity to find it in the index—I dare say it is there—I ask him to point out to me (the statutes being here) what this act of Kentucky is.

Mr. BLACKBURN. The act of Kentucky, I will say——

Mr. EDMUNDS. Can the Senator show us the statute?

Mr. BLACKBURN. I can not lay my hand on it. I have not the statutes before me.

Mr. EDMUNDS. Here they are.

Mr. BLACKBURN. That act was prepared by the Secretary of War in the War Office at my request.

Mr. EDMUNDS. Here are the statutes of 1879.

Mr. BUTLER. The Senator from Kentucky states, as I understand, that the Congress of the United States passed some act.

Mr. EDMUNDS. I have searched the acts of Congress of 1879 and I can not find it.

Mr. BLACKBURN. I said that there was a subsequent act of Congress in the way of appropriations made every year for the improvement of the river, and then an act of Congress passed directing the purchase of the land for the sites of locks and dams yet to be built. All these acts of Congress are subsequent to the cession made by the State of Kentucky. The State of Kentucky ceded all the property that she had. She unloaded nothing, and she is not to-day asking to transfer to the Government anything. It is seven years since she made a deed of cession of this property upon which she had expended more than a million of money; and the Senator from Missouri seems never to have found out the fact that that cession had been made, but is assured now that it was made and accepted in 1879.

The act of cession from the State of Kentucky ceded to the Federal Government every atom of property connected with what was known as the Kentucky River navigation improvement, every particle of it, whether it was in the shape of real estate or improvements put upon it, or appurtenances belonging to it. The Government accepted it seven years ago, and has been making these appropriations ever since, and the engineer officers to-day ask for $500,000 to do this work within the next fiscal year. The House committee cut it off a half, and the Senate Senate committee propose to reduce it to one-fifth. I appeal to the not to accept the amendment submitted by the committee.

Mr. PLUMB. I move that the Senate do now adjourn.

Mr. McMILLAN. Can we not take a vote on this question?

Mr. BECK. Before the matter is disposed of I desire to say something about it. The whole case has not been stated yet.

The PRESIDING OFFICER. The Senator from Kansas moves that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 6 minutes p. m.) the Senate adjourned until to-morrow, Thursday, July 8, 1886, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July* 7, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

PERSONAL EXPLANATION.

Mr. HEWITT. Mr. Speaker, I ask to be permitted to make a brief statement in the nature of a personal explanation. I am sorry to take the time of the House to do so, but I fear that inadvertently I may have done or caused to be done some injustice or at least annoyance to some of my colleagues from New York.

It will be remembered that on Thursday last a yea-and-nay vote was taken on the question of inserting an appropriation in the sundry civil bill to inaugurate the statue of Liberty Enlightening the World in New York Harbor. It will also be remembered that the vote on that occasion was a very close one; and the proposition was declared to be lost on that vote by a slender majority, three only. I was exceedingly interested in the result, and hence tried to secure as many affirmative votes as possible. At the close of the proceedings, during a conversation with some other gentlemen, it was remarked that the amendment had been lost by the absence of certain New York members, and they were named to me as having been Mr. CAMPBELL of New York, Mr. CAMPBELL of Brooklyn, Mr. BLISS of Brooklyn, and Mr. MAHONEY of Brooklyn. I left the House under the impression that these gentlemen had been absent and did not vote. I went home and was ill during the night, so that I could not return to the House on Friday, nor did I see the RECORD of the proceedings of Thursday until Friday afternoon.

When on my way to New York the gentleman from New Jersey [Mr. PIDCOCK] loaned me a copy of the RECORD and I found the gentlemen whom I have named were recorded as present and voting. I was much surprised at the fact, and causually remarked to some gentlemen who were present, among them the editor of the Washington Post, that this statement, as shown by the RECORD, was contrary to the impression I had formed, based on the statement made to me and confirmed by my own recollection that these gentlemen were absent from the House at the time of that vote.

In the course of the conversation I was asked how it was possible that such a transaction could occur, and I said in response that I had no knowledge and believed it to be impossible unless four other names, voting the other way, had been appended to the roll so as to make it balance. I also said that it was a matter of so much importance that I would immediately on my return to Washington look into it, and would, if I deemed it necessary on such investigation, ask the House to inquire fully into it.

On Monday I returned to the city and immediately applied to the Clerk's desk for information as to the facts which I have just stated. I was shown at the desk the tally sheet which was taken by the Clerk at the time this vote was recorded, which disclosed the fact that these gentlemen had been present and had actually voted upon the first roll-call.

As a matter of course that would be conclusive so far as the tally sheet is concerned and as to the integrity of the RECORD, and ought to be conclusive of the whole question. I have no personal knowledge even now as to whether these gentlemen voted or not; but so far as I have done to them, or caused to be done, any injustice, or been the means of casting any reflection upon them under any misapprehension of the facts, I desire to state that I am exceedingly sorry, and wish therefore to make this explanation to the House in justice to them and to myself. I would have made this statement on Monday but for the absence of my colleagues, who are now here to make such explanation as may seem to them to be proper under the circumstances.

Mr. TIMOTHY J. CAMPBELL. Mr. Speaker, I rise to a question of personal privilege in order to make a brief statement in connection with the matter which has just been alluded to by my colleague [Mr. HEWITT]. It was not my intention to say a word about it, although I had seen, of course, the statements in the newspapers; but as my colleague has introduced the subject, in justice to myself I wish to say that I was here last Thursday and on Friday and on Friday evening, and also on Saturday until the time when I left to go to New York—by the 3.50 train—I was here and voted, and the reason that I was not on the floor of the House at the time of the announcement of the vote (which fact the gentleman from Pennsylvania who sits near me now will bear out) was that Mr. William J. Fryer, of New York, the architect of the public buildings, was here——

Mr. RANDALL. That is correct.

Mr. TIMOTHY J. CAMPBELL. And I was in conference with him on public business. That was why I was not present when the announcement of the vote was made.

I desire to say further, in justice to the officials at the Clerk's desk, that I am not personally acquainted with the recording clerk of the House, Mr. Craig, I believe his name is; that I have never exchanged even the compliments of the day with him; and I make this statement in justice to the Clerk and the gentlemen who are connected with him; that I have not even a speaking acquaintance with any one of them but Mr. Smith, the Journal Clerk, whom I have known for some years, merely, however, to pass the compliments of the season with him when we meet.

This, Mr. Speaker, is an honest statement, which I think is due to these gentlemen and is also due to the House; and I hope we will hear no more of such business. In my judgment we have got just as fair a Speaker, and as good clerks, and as impartial, as have ever served in an assembly of this character during my legislative experience here and in New York.

Mr. RANDALL. If the gentleman will allow me a moment, the gentleman was here and voted on that occasion?

Mr. TIMOTHY J. CAMPBELL. Yes, sir; certainly.

Mr. RANDALL. The gentleman I thought did not make that quite plain; and as I knew the fact myself I wanted him to make it explicit.

Mr. TIMOTHY J. CAMPBELL. Yes, sir; I was here and voted and thought I had made the statement plainly.

The SPEAKER. The Chair will state that during the roll-call upon the amendment offered by the gentleman from New York, as gentlemen will remember who were then present, there was a considerable degree of confusion prevailing upon the floor, and that it was a very close and somewhat exciting vote. The Chair is advised by the gentleman from New York [Mr. FELIX CAMPBELL] that as a matter of fact he was not at the Capitol on that day, but was at Brooklyn, N. Y. As is well known there are four gentlemen on the roll of the House named Campbell, and in the midst of the confusion then prevailing another gentleman undoubtedly answered when the name of Mr. FELIX CAMPBELL was called. It appears from the roll-call that he was pres-

ent and voted on the first call, which, as the Chair would explain if necessary, could not be the case unless some gentleman had answered when the name was called. The same error occurred again on yesterday; and in fact it is almost of daily occurrence, as gentlemen will doubtless remember who have paid attention to the calling of the roll. It often happens that the name of one gentleman is called and some other gentleman whose name has a similar sound will answer for him. The Clerk is ordinarily able to correct these errors in time, before the announcement of the vote is made; but on this occasion it was not done.

Mr. FELIX CAMPBELL. A few words from me at this time will probably not be out of place. I notice in the RECORD of Friday my vote is recorded as having been given on Thursday. I was not in the city of Washington on Thursday. I requested my colleague [Mr. MILLARD] to have me paired during my absence, which he told me he would do. I desire now to say I made no request in the House or out of the House, of the Clerk or anybody else, to have my vote recorded in any way, directly or indirectly, and I had no conversation with any one about this vote.

Mr. MILLARD. My colleague [Mr. FELIX CAMPBELL] is correct in the statement he has just made. I saw him at the hotel after he left the House, and I said I would secure a pair for him. For some reason or other I neglected to do so. It was entirely an omission on my part.

Mr. BLISS. I also feel it is due to myself to make a personal explanation with reference to this matter. I have only to state that I was not here at the time the roll was called and that I did not vote for the proposition presented by my colleague [Mr. HEWITT]. I had been in and about the Hall during nearly the whole of the day, but I am not aware of having recorded my vote. It is due to the recording officers of this House, and a matter of justice to them, that I should say that I made no request prior to the vote or subsequent to it, or at any time, nor did I request any other person to ask that my vote be placed on the record. That is all I have to say and all I know about the matter. I will simply add that had I been present I would have cast my vote for the proposition of my colleague appropriating money for the Bartholdi statue of Liberty to be erected in the harbor of the city of New York.

Mr. HEWITT. I shall only say that I have never said at any time that any arrangement was made between these gentlemen and the clerks of the House about this matter. It was the newspapers that so stated.

Mr. BEACH. I call for the regular order.

RETURN OF BILL FROM THE PRESIDENT.

The SPEAKER. The Chair lays before the House a message from the President of the United States.

The Clerk read as follows:

To the House of Representatives:

In compliance with a concurrent resolution of this date I return herewith House bill No. 3501, entitled "An act granting a pension to Daniel J. Bingham."

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 6, 1886.

The SPEAKER. The gentleman from Michigan [Mr. BURROWS] who made the request for the return of this bill is not in his seat. Meanwhile the message and accompanying bill will lie on the table.

ARETUS F. LOOMIS.

The SPEAKER also laid before the House a message from the President of the United States; which was read, as follows:

To the House of Representatives:

I herewith return without approval House bill No. 7018, entitled "An act granting a pension to Aretus F. Loomis."

The Commissioner of Pensions, before he became aware of the passage of this bill, directed favorable action upon the application of the claimant pending in the Pension Bureau. A certificate has been issued for the payment of a pension to him, dating from September 30, 1882.

In the interest of the claimant I therefore withhold my signature from the bill, as the pension granted by special act would only date from the time of its passage.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 5, 1886.

Mr. MATSON. I move that the message and accompanying bill be referred to the Committee on Invalid Pensions.

The motion was agreed to; and the message, with the accompanying bill, was accordingly referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD M. HARRINGTON.

The SPEAKER also laid before the House a message from the President of the United States; which was read, as follows:

To the House of Representatives:

I herewith return without my approval House bill No. 6648, entitled "An act for the relief of Edward M. Harrington."

It appears that this claimant was enrolled as a recruit December 31, 1863, and mustered in at Dunkirk, N. Y. He remained at the barracks there until March, 1864, when he was received at the Elmira rendezvous. From there he was sent to his regiment on the 7th day of April, 1864.

He was discharged June 15, 1864, upon a surgeon's certificate of disability, declaring the cause of discharge to be epilepsy produced by blows of violence over the hypochondriacal region while in the service, producing a deformity of sternum.

The claimant filed an application for pension in June, 1879, and in that and subsequent affidavits he alleged that while in barracks at Dunkirk, N. Y., and about the 9th day of January, 1864, and in the line of duty, he was attacked by one Patrick Burnes, who struck him upon the head and stamped upon and kicked him, breaking his collar-bone and a number of ribs, causing internal injury and fits, the latter recurring every two weeks.

It is hardly worth while considering the character of these alleged injuries or their connection with the fits with which the claimant is afflicted.

I am entirely unable to see how the injuries are related to the claimant's Army service.

The Government ought not to be called upon to insure against the quarrelsome propensities of its individual soldiers, nor to compensate one who is worsted in a fight, or even in an unprovoked attack, when the cause of injury is in no way connected with or related to any requirement or incident of military service.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 6, 1886.

The SPEAKER. If there be no objection the same order will be made as in the other case.

Mr. HOLMES. I object. I desire that the message be laid over for one day, to be called up to-morrow.

The SPEAKER. That can be done by unanimous consent.

Mr. HOLMES. I ask unanimous consent.

Mr. STORM. I object.

Mr. MATSON. I move that the message and the accompanying bill be referred to the Committee on Invalid Pensions.

Mr. HOLMES. I do not wish the bill to be smothered. I therefore move in amendment to the motion of the gentleman from Indiana that the bill be laid over for one day and be considered to-morrow morning.

The SPEAKER. That is not an amendment. There is no rule which allows bills to be laid over on the table except by unanimous consent. There is a rule which permits bills to be referred to committees on a motion that the consideration be postponed.

Mr. HOLMES. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOLMES. Would it be in order to move to postpone the consideration of the message and accompanying bill till to-morrow morning?

The SPEAKER. That would be in order. But the motion to commit under the rules has preference over the motion to postpone. The question must first be taken on the motion to commit, and then on the motion to postpone if the House refuses to commit. The bill is now before the House for consideration. The Chair will cause the rule to be read.

Mr. BROWNE, of Indiana. Let me call the attention of the Speaker to page 457 of the Manual, where it is said:

A motion to proceed to the consideration of a vetoed bill with the objections of the President is a privileged question under the Constitution.

And on page 456 it is stated that the House may "proceed to the consideration of the bill or postpone its consideration for a future day."

The SPEAKER. There is no question about that. The Chair would decide it is a privileged matter to consider the bill now, and it is now under consideration; and being under consideration the gentleman from Indiana [Mr. MATSON] moves to commit, which has preference over the motion to postpone.

Mr. BAYNE. Has the motion to commit precedence over a privileged question or a motion to postpone to a day certain?

The SPEAKER. The Chair will cause the rule to be read.

The Clerk read clause 4 of Rule XVI, as follows:

When a question is under debate, no motion shall be received but to fix the day to which the House shall adjourn, to adjourn, to take a recess, to lay on the table, for the previous question (which motion shall be decided without debate), to postpone to a day certain, to refer or amend, or to postpone indefinitely, which several motions shall have precedence in the foregoing order; and no motion to postpone to a day certain, to refer, or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the question.

The SPEAKER. The Chair was mistaken. The Chair was under the impression that under the rule the motion to refer had priority over the motion to postpone, but the rule as read shows it to be otherwise. The gentleman from Iowa [Mr. HOLMES] moves to postpone the further consideration of this message and bill until to-morrow.

Mr. HOLMES. I will make it Friday next, Mr. Speaker.

The question was taken on the motion of Mr. HOLMES; and there were—ayes 65, noes 78.

Mr. HOLMES. I ask for the yeas and nays.

The yeas and nays were ordered, 51 members voting therefor.

The question was taken; and there were—yeas 99, nays 121, not voting 103; as follows:

YEAS—99.

Adams, G. E.	Buck,	Farquhar,	Hires,
Allen, C. H.	Bunnell,	Fleeger,	Hitt,
Anderson, J. A.	Burleigh,	Fuller,	Holmes,
Atkinson,	Burrows,	Gilfillan,	Hopkins,
Baker,	Butterworth,	Grosvenor,	Jackson,
Bayne,	Cannon,	Grout,	James,
Bingham,	Conger,	Guenther,	Johnson, F. A.
Bound,	Cooper,	Harmer,	Johnston, J. T.
Boutelle,	Cutcheon,	Hayden,	Kelley,
Brown, C. E.	Dingley,	Henderson, D. B.	La Follette,
Browne, T. M.	Dunham,	Hepburn,	Laird,
Brown, W. W.	Ely,	Hermann,	Lehlbach,
Brumm,	Everhart,	Hiestand,	Lindsley,

Little,	O'Donnell,	Romeis,	Thompson,
Long,	O'Hara,	Scranton,	Van Schaick,
Lyman,	O'Neill, Charles	Spooner,	Wade,
Markham,	Osborne,	Steele,	Wadsworth,
McComas,	Payne,	Stephenson,	Wakefield,
McKenna,	Payson,	Stewart, J. W.	Warner, William
McKinley,	Peters,	Strait,	Weaver, J. B.
Millard,	Pettibone,	Struble,	Weber,
Milliken,	Pirce,	Swinburne,	White, A. C.
Moffatt,	Price,	Symes,	White, Milo
Morrill,	Rice,	Taylor, Zach.	Worthington.
Morrow,	Rockwell,	Thomas, O. B.	

NAYS—121.

Allen, J. M.	Dibble,	Johnston, T. D.	Richardson,
Anderson, C. M.	Dockery,	Jones, J. H.	Robertson,
Barksdale,	Dorsey,	Jones, J. T.	Sadler,
Beach,	Dunn,	Kleiner,	Sayers,
Bennett,	Eldredge,	Laffoon,	Seymour,
Blanchard,	Ermentrout,	Lanham,	Singleton,
Bland,	Findlay,	Lawler,	Sowden,
Bliss,	Fisher,	Lore,	Springer,
Blount,	Foran,	Matson,	Stahlnecker,
Bragg,	Ford,	Maybury,	Stone, W. J., Mo.
Breckinridge, C. R.	Forney,	McAdoo,	Storm,
Burnes,	Frederick,	McCreary,	Tarsney,
Bynum,	Geddes,	McMillin,	Tillman,
Cabell,	Gibson, Eustace	McRae,	Townshend,
Campbell, Felix	Glass,	Merriman,	Trigg,
Campbell, J. E.	Glover,	Mills,	Tucker,
Campbell, T. J.	Green, R. S.	Mitchell,	Turner,
Candler,	Green, W. J.	Morgan,	Van Eaton,
Carleton,	Hale,	Muller,	Viele,
Catchings,	Halsell,	Murphy,	Ward, T. B.
Cobb,	Hammond,	Neal,	Warner, A. J.
Collins,	Hatch,	Oates,	Wellborn,
Comstock,	Henderson, J. S.	O'Ferrall,	Wheeler,
Cowles,	Henley,	Outhwaite,	Wilkins,
Cox,	Herbert,	Peel,	Willis,
Crain,	Hewitt,	Perry,	Winans,
Crisp,	Hill,	Pidcock,	Wise,
Croxton,	Holman,	Pindar,	Wolford.
Culberson,	Howard,	Randall,	
Dargan,	Hudd,	Reagan,	
Davidson, A. C.	Irion,	Reid, J. W.	

NOT VOTING—103.

Adams, J. J.	Dowdney,	Lovering,	Sessions,
Aiken,	Eden,	Lowry,	Shaw,
Arnot,	Ellsberry,	Mahoney,	Skinner,
Ballentine,	Evans,	Martin,	Smalls,
Barbour,	Felton,	Miller,	Snyder,
Barnes,	Funston,	Morrison,	Spriggs,
Barry,	Gallinger,	Neece,	Stewart, Charles
Belmont,	Gay,	Negley,	St. Martin,
Boyle,	Gibson, C. H.	Nelson,	Stone, E. F.
Brady,	Goff,	Norwood,	Stone, W. J., Ky.
Breckinridge, WCP.	Hall,	O'Neill, J. J.	Swope,
Buchanan,	Hanback,	Owen,	Taulbee,
Caldwell,	Harris,	Parker,	Taylor, E. B.
Campbell, J. M.	Haynes,	Perkins,	Taylor, I. H.
Caswell,	Heard,	Phelps,	Taylor, J. M.
Clardy,	Hemphill,	Plumb,	Thomas, J. R.
Clements,	Henderson, T. J.	Ranney,	Throckmorton,
Cole,	Hiscock,	Reed, T. B.	Wait,
Compton,	Houk,	Reese,	Wallace,
Curtin,	Hutton,	Riggs,	Ward, J. H.
Daniel,	Ketcham,	Rogers,	Weaver, A. J.
Davenport,	King,	Rowell,	West,
Davidson, R. H. M.	Landes,	Ryan,	Whiting,
Davis,	Le Fevre,	Sawyer,	Wilson,
Dawson,	Libbey,	Scott,	Woodburn.
Dougherty,	Louttit,	Seney,	

So the motion was not agreed to.

Mr. HOLMAN. I ask unanimous consent to dispense with the reading of names of members voting.

There was no objection, and it was so ordered.

The following-named members were announced as paired until further notice:

Mr. WARD, of Illinois, with Mr. HOUK.

Mr. HARRIS with Mr. PHELPS.

Mr. SCOTT with Mr. WAIT.

Mr. ARNOT with Mr. THOMAS, of Illinois.

Mr. LANDES with Mr. HANBACK.

Mr. COLE with Mr. BRADY.

Mr. HEMPHILL with Mr. DAVENPORT.

Mr. SPRIGGS with Mr. OWEN.

Mr. RIGGS with Mr. WHITING.

Mr. GOFF with Mr. BALLENTINE.

Mr. MILLER with Mr. GALLINGER.

Mr. THROCKMORTON with Mr. CASWELL.

Mr. REECE with Mr. NEGLEY.

The following-named members were announced as paired for this day:

Mr. JOHN M. TAYLOR with Mr. HAYNES.

Mr. CLEMENTS with Mr. WOODBURN.

Mr. HEARD with Mr. FUNSTON.

Mr. DAVIDSON, of Florida, with Mr. WEST.

Mr. SWOPE with Mr. FELTON.

Mr. SHAW with Mr. PARKER.

Mr. DANIEL with Mr. PERKINS.

Mr. BARRY with Mr. EVANS.

Mr. MORRISON with Mr. REED, of Maine.

Mr. MURPHY with Mr. STONE, of Massachusetts.

Mr. ADAMS, of Illinois, with Mr. NELSON.

Mr. DOWDNEY with Mr. WEAVER, of Nebraska.

Mr. HISCOCK and Mr. MILLS were announced as paired until Friday morning.

Mr. ROGERS and Mr. EZRA B. TAYLOR were announced as paired until the end of the session, and Mr. BARBOUR and Mr. LIBBEY until December next.

The result of the vote was then announced as above recorded.

Mr. HOLMES. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOLMES. I wish to inquire whether it would now be in order to call up this bill and veto message for present consideration?

The SPEAKER. The bill is now up for consideration, and the gentleman from Indiana [Mr. MATSON] moves to refer it to the Committee on Invalid Pensions.

Mr. HOLMES. But would a motion to consider the bill now have priority over the motion of the gentleman from Indiana [Mr. MATSON]?

The SPEAKER. The bill is now up for consideration. If it were not, the motion of the gentleman from Indiana [Mr. MATSON] could not be made.

Mr. HOLMES. Is it in order then to move that the bill and message be now considered?

The SPEAKER. It is, but the gentleman from Indiana [Mr. MATSON] moves to commit the bill and message to the Committee on Invalid Pensions, which is a proper motion under parliamentary law and the rules of the House. If that motion is voted down, the consideration of the bill goes on. The question is on the motion of the gentleman from Indiana [Mr. MATSON] to commit the bill and message to the Committee on Invalid Pensions.

Mr. BURROWS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURROWS. If these bills with the veto messages remain before the House they are privileged, and may be called up at any time; now, if they are referred to the committee, does that privilege cease?

The SPEAKER. It does. The right to have them considered by the House is suspended during the time they remain in the hands of the committee.

Mr. BURROWS. The right to call the bill up is suspended until the committee report it back?

The SPEAKER. It is.

Mr. BURROWS. Suppose they do not report it back?

The SPEAKER. Then the case is the same as that of any other bill that is not reported back from a committee.

Mr. BURROWS. It is beyond the control of the House?

The SPEAKER. The Chair thinks so, unless by unanimous consent, or a suspension of the rules, the committee be instructed to report it back.

Mr. LONG. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LONG. In that case would not a motion to instruct the committee to report back the bill be a privileged motion?

The SPEAKER. The Chair does not like to decide that question without some examination; but an amendment is in order now to the motion made by the gentleman from Indiana [Mr. MATSON], to instruct the committee to report a bill back on or before a certain day.

Mr. BURROWS. Is it in order to make that motion now as an amendment to the motion of the gentleman from Indiana?

The SPEAKER. It is.

Mr. BURROWS. Then I move to amend the motion so as to instruct the committee to report the bill back by Friday next.

Mr. MATSON. Is that motion debatable?

The SPEAKER. The Chair thinks it is.

Mr. MATSON. Is it in order?

The SPEAKER. It is in order. A simple motion to refer is not debatable, but a motion to refer with instructions is.

Mr. MATSON. If it is debatable I wish to say a word. There are already a large number of these vetoed bills before the Committee on Invalid Pensions that have been sent there prior to this. Why this particular bill should be taken up and preferred over others that have been heretofore referred, and the Committee on Invalid Pensions required to consider it, to the disadvantage of those other bills, I can not understand. If there is any special reason why this bill should be preferred over the others, then the amendment of the gentleman from Michigan ought to prevail, but no such reason being stated I do not see why this bill should be taken out of its order and the committee instructed to consider it and report it back in advance of the other vetoed bills.

Mr. BURROWS. In my amendment I have suggested Friday because I was informed that the Committee on Invalid Pensions would have a meeting on Friday, and therefore would not be called upon by the adoption of this motion to have an extra session of the committee in order to consider this bill. This is the only time that a motion of this kind has been made in regard to any of these bills. The gentleman from Indiana suggests that a large number of these bills with the accompanying messages are now pending before that committee, and

that it would be hardly proper to direct the committee to report this bill on Friday in preference to the others. I believe that up to this time only two of the vast number of vetoed bills referred to that committee have been reported back; and in view of this fact it seems to me the indications are that the others are not to be considered; so that if the committee be directed to consider this one it will probably not interfere materially with their purpose in regard to the remainder.

The SPEAKER. The Chair will state to the gentleman from Michigan that although the Chair does not desire to be understood as deciding the question of order in advance, still he is very much inclined to the opinion that, these being privileged matters under the Constitution, a motion to discharge the committee would be at any time in order. But, as the Chair stated just now, in response to a question of the gentleman from Massachusetts [Mr. LONG], he prefers not to decide absolutely such a question in advance of its presentation to the House.

Mr. BURROWS. But the Chair holds that my motion to instruct the committee to report the bill on Friday next is in order?

The SPEAKER. There is no doubt in the mind of the Chair on that point.

Mr. BURROWS. I yield for a few moments to the gentleman from Iowa [Mr. HOLMES].

Mr. HOLMES. Mr. Speaker, it occurs to me that this objection of the gentleman from Indiana [Mr. MATSON] is not well taken. In the first place, I may say by way of preliminary, there is nothing in this bill which should require it to be referred to the Committee on Invalid Pensions. It has once been very carefully considered by that committee; and the whole ground of the President withholding his approval of the bill is the fact that in his view the man was not injured in the line of duty. That is the only point in the case; and it is not neeessary to refer the bill to the Committee on Invalid Pensions in order to decide that question. The facts are all embraced in the report, which is itself a sufficient refutation of the veto message. This man was injured while in the line of duty. While he was in camp at Dunkirk, N. Y., a fellow-soldier named Patrick Burnes made an assault upon him, knocked him down, jumped upon him, and stamped upon him. As a consequence of this assault his sternum was injured, and he has been subject since that time to fits of epilepsy, clearly and plainly induced by the injuries which he then received.

Now, the President in his veto message says that whether this man was injured in a quarrel or by an unprovoked assault he is not entitled to a pension. The question then before this House is, whether a soldier when thus attacked in camp by a fellow-soldier and permanently injured is not to be regarded as having been injured in the line of his duty and entitled to a pension. That, I submit, is all there is in this case, as shown by the veto message and by the papers. It is clearly established that the injuries occurred while the man was in camp; there is no dispute about that in any part of the evidence. The question, therefore, is simply whether a man who is the victim of an entirely unprovoked assault, occurring while in camp and in the line of his duty, is entitled to a pension. This applicant at the present time is entirely unable to support himself by manual labor. Dr. H. H. Glidden, of Jamestown, N. Y., testifies:

I was surgeon of the board of enrollment at Dunkirk, N. Y., at the time the claimant enlisted; he was then a sound, healthy, and able-bodied man. About January 9, 1864, while at the barracks at Dunkirk, N. Y., and in the line of his duty, the claimant was attacked by one Patrick Burnes, and thrown to the floor, stamped upon, kicked, and beaten very severely, having his collar bone and several of his ribs broken. Burnes at the time was a member of the regiment; the assault was made wholly without provocation on the part of the claimant and for the purpose of robbery.

All the evidence goes to bear out this conclusion—that the man was assaulted for the purpose of robbery and without any provocation.

Mr. LONG. By one of his fellow-soldiers?

Mr. HOLMES. By one of his fellow-soldiers, and while in the line of duty.

Mr. TOWNSHEND. What was he doing at the time? What was his duty?

Mr. HOLMES. He was in camp at the time he suffered this unprovoked assault.

A MEMBER. Read the certificate of discharge.

Mr. HOLMES. The statement contained in the certificate of disability for discharge is this:

Epilepsy produced while in the service of the United States by blows of violence over the right hypochondrium, producing a deformity of sternum; disability three-fourths; not fit for Invalid Corps.

H. McG. WILSON, *Assistant Surgeon.*

W. F. Tinke, of Coalville, Iowa, testifies:

About the month of June or July, 1864, while I was living at Frewsburg, N. Y., claimant came home from the service sick, from injuries received at Dunkirk, N. Y., and did no work of any kind. I do not personally know how he received his injuries. I saw him when he came home and he was treated by Dr. O. C. Gibbs, now deceased.

The certificates of all the physicians in this case go to show the utter disability of this man at the present time, his disability having been reported as three-fourths at the time of his discharge in 1864.

I submit that the House is now to decide in this case whether it is necessary that a proposition of this kind be referred to the Committee on Invalid Pensions or any other committee for determination, the question being simply this: When a man enlists in the armies of the United States and by an unprovoked assault, committed for the purpose of robbery, as is shown here, or indeed for any other purpose, is maimed and made a physical wreck, is he not to be considered in the line of duty at the time and entitled to a pension?

That is all there is of it. There is no pretense this was a quarrel. There can be no such thing inferred. There is no pretense that he got into a quarrel with his assailant, or that there was any quarrel whatever. To refer this veto message at this period of the session, with the experience we have already had in reference to veto messages of the President and their reference to the Committee on Invalid Pensions, is not encouraging so far as expectation of receiving any report is concerned before the adjournment.

Yesterday when my friend from Kentucky [Mr. TAULBEE] asked to refer a veto message to the Committee on Invalid Pensions there was no objection particularly to it; at least the majority was in favor of that motion to refer the veto in that case to the Committee on Invalid Pensions. It is a little singular, it seems to me, that there should be desire to refer this veto message to the Committee on Invalid Pensions, there to keep company with the veto message already referred to that committee on motion of the gentleman from Kentucky.

Mr. DOCKERY. That was on the report of the committee.

Mr. HOLMES. That is true; but I submit this case is not like that so far as any difficulty of detail is concerned. There are not the details in this case there were in that case.

There can be no good reason why this case should be referred to the Committee on Invalid Pensions. That committee has already reported, and it is not to be expected that committee will reverse its action. It is not to be supposed, after having already reported to the House on this case, that committee will come in here and say the report previously made by them was all wrong. Has the President shown any good reason to prove they have been wrong as to the facts of this case in the report heretofore made? No, sir; not at all. The difference between the President and the committee is a difference altogether as to a question of law. It can not be presented more fully than it has been already presented. It is for the House to say whether it will stand by the Committee on Invalid Pensions, or reverse its action and yield to the statements of the President.

I have nothing more to say. This is a plain, simple proposition. This veto message should not be referred to the Committee on Invalid Pensions, but the House should be called upon to decide.

Mr. BURROWS. I yield now for ten minutes to the gentleman from Pennsylvania [Mr. JACKSON].

Mr. JACKSON. Mr. Speaker, I am in favor of referring this bill to the Committee on Invalid Pensions with instructions to report it back at an early day. I have more than one reason for this. I do not propose to discuss specially the merits of this particular bill; but, Mr. Speaker, it is apparent to me, as I think it must be to all who have given the subject attention and consideration, that so far as the present Congress is concerned the question of pension legislation must be met and decided as a general proposition. I infer from the action of the majority who control this House that they have determined that there shall not be at this session any further general legislation on the subject of pensions; that they do not intend that any of these bills shall be passed over the President's veto, and that but few shall be considered at all.

I am in favor of the passage of this bill over the President's veto, as I believe it to be a just one, and I was in favor of the passage of the bill partially considered yesterday during the morning hour. But I entered my protest against the manner in which it was then considered by calling up that bill and allowing a statement to be made on one side which seemed to be in the nature of an excuse for all the vetoes sent in with an explanation that that case was an exception. And after this was done, and while gentlemen were seeking recognition who take an entirely different view of the whole question, all debate was cut off by a postponement of the case, and no opportunity was given by the House to gentlemen on this side to be heard. I want both sides of this question heard. I want the country to know that there is a contest here between the President and at least a majority of his party who agree with him on one side, and those who favor just pensions on the other side. I have no expectation that this difference can be reconciled, and I am willing that it shall be submitted to the people of the United States to decide after a full hearing.

For these reasons I do not think it is necessary to specially consider on this motion the merits of this particular bill. I want some course taken that will decide this whole question. I do not think, judging from his action in the cases that have been sent to him, that it makes any great difference whether a bill is a good one or a bad one to receive a veto at the hands of the present Executive. I think it must be conceded by all who are familiar with these cases that he has approved some of the very weakest and least meritorious, while a large majority of the bills which he has vetoed are deserving, worthy, and just.

But I do not think he wants it understood that he intends to make any particular difference between cases. He simply proposes to veto a large number of the bills that are sent to him. His reason is based on opposition to all bills of this character.

He is in sympathy with those who are at heart opposed to pensioning Union soldiers, and he intends to limit and restrict the number of those that shall hereafter be pensioned as far as it reasonably can be done. And if this position is taken in the early part of his administration, what may we not expect in the near future in the way of repeal of the legislation of the last twenty years should his party be retained in power? I oppose the proposition to refer the message without instructions to the Committee on Invalid Pensions. That committee has been, I know, a most industrious and faithful one. I give it credit for great industry and fairness, as well as for its conscientious discharge of the duties assigned it. But the President has a majority of his party friends on that committee. I can hardly expect them to be very decided in their opposition to his action, and I would not be surprised if they are not disposed, as has been intimated by the gentlemen who preceded me [Mr. HOLMES and Mr. BURROWS], to act very industriously in bringing forward these bills. They have, it seems to me—perhaps unintentionally—by allowing attacks on their action on these bills to go unanswered, permitted a record to be made up at this session of Congress that does injustice to the committee and every member of this House that favors just pension legislation.

Mr. TAULBEE. Will the gentleman permit me to interrupt him?

Mr. JACKSON. Yes, sir.

Mr. TAULBEE. I understood you to refer to the action of the Committee on Invalid Pensions, and to express your belief that they are not disposed to act diligently in these matters.

Mr. JACKSON. Yes; I so intimated.

Mr. TAULBEE. I do not expect to make a speech on this question. I wish to say for that committee we have consumed nearly all the time allotted to us since these veto messages came in in considering them. I am authorized to say that where the facts show these bills ought to pass that committee will not hesitate to say so and authorize reports to be made to that effect.

Mr. JACKSON. I do not yield to the gentleman from Kentucky to make a speech like that which he made yesterday.

Mr. TAULBEE. My speech is made to suit myself and not the gentleman.

Mr. JACKSON. Yes; it may suit you, but it certainly does not suit me, and I want you to make it in your own time.

It is a remarkable thing, Mr. Speaker, that it takes this committee so long to examine these vetoes; for you will recollect that they are of cases with which the committee is familiar. These bills have been considered carefully by the Committee on Invalid Pensions before they are sent to the President.

And I may be allowed to call attention to the great care that is exercised in considering these bills. They are first referred to a subcommittee and carefully considered by gentlemen who examine the record and sift the testimony and make reports which are approved by a majority of the committee. They are then acted upon and passed at sessions of the House expressly set apart for the consideration of pension bills. After they have taken up this long time by their passage in the House they are sent to the Senate and again considered and passed, when they are sent to the Executive, who is supposed to have some other duty to discharge than vetoing pension bills. They have been in large numbers returned accompanied by veto messages to this House. These vetoes are so large in number and come in such great rapidity that we have from ten to a score in a single day. It is apparent that the President can not possibly give much time to the examination of the facts in these cases. For he is able to prepare and send in fifty or sixty vetoes in about the same length of time the Committee on Invalid Pensions has taken to consider and report back two of his vetoes to this House. This is why I think the committee is not quite in as much of a hurry now as the President.

But we are told by the gentleman from Kentucky [Mr. TAULBEE] that when these bills come back and go again to that committee they will be considered by it and proper reports made. But when it has these sixty or more vetoes referred to it and but two yet reported, weeks, and, I take it, months must elapse before we can get a report upon any considerable number of them. That is the reason that I do not want any such delay. The session is nearing its close. If we get a vote on these bills at all, and have an opportunity to put gentlemen on record on these questions, it must be done soon.

I do not see any necessity for delay. I favor bringing these bills back here to be considered at once. If it is the policy of this administration to oppose all pension legislation, if this is "a new departure" sprung upon the country, let us know it now and meet it. Gentlemen, do not longer leave any one in doubt as to your true position on this question.

Heretofore when a discussion of this question seemed proper we had gentlemen on our side on both the right and left who said to me we had better not stir it up; they said, "let it alone; we will get votes from the other side." If that is the way to get votes, by allowing men to get up and say, as was said on yesterday, what I do not believe, that the particular bill under consideration is a good bill and the committee recommend it, but that the others are not good, then I do not want to catch votes in that way.

Mr. TAULBEE. If the gentleman refers to me, that was not said.

Mr. JACKSON. If you propose to get a pension for one soldier by intimating that it is the only worthy one, that all or many of the others vetoed may not be worthy, then I can not go with you. This is what I call benefiting one at the expense of the many. On other occasions there has been great wrong done by many gentlemen on this floor by their unwarranted charges that pension legislation is generally called for by claim agents and unworthy soldiers.

Mr. TAULBEE. If the gentleman from Pennsylvania refers to what I said as leading to such an inference, then he misstates what I said.

Mr. JACKSON. When do you want to make a speech; now, while I am speaking?

Mr. TAULBEE. I am not wanting to make a speech at all—only to correct the gentleman, if he refers to me.

Mr. JACKSON. I give the gentleman [Mr. TAULBEE] the benefit of his correction, and then I prefer to proceed in my own way. As I recollect it, the case on yesterday morning was introduced by saying that the committee believed the President "was under a misapprehension in regard to the facts of this particular case;" and that there was somehow or other something that he did not know or he would not have dared to send in his veto to this bill that gentlemen on that side of the House wanted to pass. But we were told that this great and good President, who vetoes pension bills by the score, meant right. Yes, Mr. Speaker, I suspect he does mean right in the sense of attempting to please certain elements of the country; but he does not mean right in the eyes of the generous and loyal people of this land. [Applause on the Republican side.] I desire to say, sir, that the President means exactly what his vetoes show. His vetoes, by their substance, language, tone, and temper, can have no other construction than that he dislikes all pension legislation, and I do not think that he will thank gentlemen for intimating that he is only trying to save, at best, the poor little pittance of money that is in controversy in granting these pensions.

No, sir; that is not what he means. These vetoes are intended for the approval of a certain portion of the people of this country, and I desire to say that they unquestionably meet their approval.

But they do not meet my approval. They will not, in my humble judgment, meet the approval of the majority of the people of this nation, and especially those who were always loyal to its flag. It is very evident that the only question which we are called on to meet now, and which I assure you will yet be an important one before the people, is whether or not we are to have proper and just legislation on the part of Congress in favor of the deserving soldiers of the Republic.

Mr. McMILLIN. Will the gentleman permit a question?

Mr. JACKSON. Certainly.

Mr. McMILLIN. Is it not a fact, established by the records of this House and incontrovertible, that the present President has signed more private pension bills than any other President in the same length of time?

Mr. JACKSON. Quite likely that may be. But it is certainly true he has vetoed ten times more good ones than all of the others put together. [Applause on the Republican side.]

Mr. McMILLIN. He has probably had some worse ones to deal with than any other President.

Mr. JACKSON. Well, you have had a majority of your party on the Committee on Invalid Pensions. You have a majority in this House, and both, after careful examination, decided that the very bills he vetoed were just and deserving ones. And we will now see whether that majority will reverse its action because it has become a party question.

Mr. McMILLIN. And he has approved more private pension bills than any other President.

Mr. BRUMM. And he helped you to whitewash a traitor, too.

Mr. JACKSON. Your committee has not been, I am sure, too liberal with these pension bills, nor has the House extended that indulgence in their consideration that the soldiers had a right to expect. It is not easily forgotten that gentlemen have come here night after night at pension sessions and by their actions have indicated their purpose of preventing as far as possible pension legislation on the evenings set apart for that business. Such efforts are usually commenced by saying "we are willing to support all good pension bills," but actions speak louder than words, and it was plain they did not want to get any through if they could prevent it. I concede it was but a few who were willing to put themselves on record in this manner. But, as is well known, only a few are required to do a great deal of harm on such occasions.

Mr. McMILLIN. Does not the gentleman know that a large number of pension bills have been passed in opposition to the recommendations of the Pensions Committee?

Mr. BAYNE. Will the gentleman name one?

Mr. JACKSON. Some may have been, but it has not been liberal enough. We could not get enough bills reported from the committee; but I am willing to give it credit for what it has done. I suppose the gentleman is correct in the suggestion he makes.

Mr. BRADY. That is a mistake.

Mr. JACKSON. I am informed that that statement is not correct.

Mr. McMILLIN. It is correct and the record shows it. Not only have some private pension bills been passed by the House riding over the committee's recommendations, but more private pension bills have become laws under the administration of President Cleveland than under any other President.

Mr. BRADY. I do not remember of any such bills, not more than one.

Mr. JACKSON. There may have been one or two cases.

Mr. McMILLIN. There are many.

Mr. HEPBURN. I ask the gentleman to name one single bill that has passed through the House in opposition to the report of the committee.

Mr. BAYNE. Yes; just give us one name.

Mr. McMILLIN. The gentleman certainly can not be ignorant of the fact——

Mr. JACKSON. I think I am entitled to the floor.

The SPEAKER. The gentleman from Pennsylvania is entitled to the floor and declines to yield to interruption.

Mr. JACKSON. I believe there has not been a minority report submitted to this House by the Committee on Invalid Pensions. I recollect of some cases that, by reason of the objections and obstructions to which I have before referred being placed in the way of their being passed on the Friday night sessions, were referred to a full House, and were passed by the House. There is another subject I wish to speak of. I have heard it said repeatedly on this floor, and, if I recollect aright, within the last forty-eight hours, that the people and soldiers were not asking more pension legislation. This, Mr. Speaker, is a very great mistake. What mean, then, the thousands and tens of thousands of petitions presented here to this Congress signed by both soldiers and citizens and referred to the Committee on Invalid Pensions? Did that committee not receive them? Does it not know there is such a demand? No other question has been petitioned for as this has. If any attention is given to petitions, this Congress ought to know that this legislation is demanded.

[Here the hammer fell.]

Mr. BURROWS. I yield five minutes to the gentleman from Kansas [Mr. PERKINS].

Mr. PERKINS. I think in the few minutes we have for the consideration of this bill it is well to briefly notice the facts involved in this case. It is confessed in this veto message that this man was enlisted as a soldier for the defense of his country. It is admitted that while in camp waiting for assignment to duty he was, without provocation and without excuse, unlawfully assaulted, injured, and crippled; that those injuries pertained to and followed him to the present time; that in consequence of those injuries he is unable to sustain himself and to do the labor that under other circumstances he could perform. It is suggested as an excuse for this veto that the Government did not incite or authorize this assault, and that for that reason, although he was an enlisted man in the line of duty waiting for assignment to his regiment, he is not entitled now to recognition and protection at the hands of the nation. In other words, it is suggested that the Government does not insure its soldiers against any unlawful assaults and attacks and will not pension them when so injured.

That, Mr. Chairman, is a new doctrine it seems to me in pension legislation; and I challenge now the gentlemen on the other side of the House when they attempt to defend this veto message to produce a precedent to sustain them in this position. It has been the policy of this House, as it has been the policy of Congress, to pension every man who was injured and crippled in the line of duty if he was a loyal defender of his country and was injured or crippled without fault or wrong of his. If he was wounded in consequence of the accidental discharge of fire-arms held by himself or by comrades and was in the line of duty it has been the policy of the Government to pension him. If he was injured in consequence of a railroad accident while in the line of duty it has been the policy of the Government to pension him. If he was injured in any way not from his own carelessness, not from his own wrong or his own neglect, and was in the line of duty, it has been the policy of the Government to pension him and to recognize the obligation of the Government to him.

There was a man, as I have said, in the line of duty. There was a ruffian who assaulted him without excuse or provocation. And now the Chief Executive says, notwithstanding this man had his collar-bone broken, notwithstanding he had his ribs broken, notwithstanding he was injured to such an extent that from that time to this he has not been able to perform a day's labor or to enjoy the privileges of a well hour, yet because he was assaulted by a ruffian rather than a rebel soldier this Government will give to him no relief and will not heed his application and petition for a pension. Well may the veto message of this Executive be criticised! We have been charged in some of these messages with reckless and extravagant legislation, and men have come into this House who, before they have scarcely warmed their seats, have arraigned Congress for heinous extravagance and reckless legislation because it gives heed to the applications of the nation's poor and those who received injuries and wounds in the nation's service.

[Here the hammer fell.]

Mr. BURROWS. How much time have I remaining?

The SPEAKER. The gentleman has thirty-three minutes remaining.

Mr. BURROWS. I will reserve the balance of my time.

Mr. MATSON. The merits of this particular case are not directly at issue under the motion to refer the message and accompanying bill to the Committee on Invalid Pensions. But the case has been discussed to some extent, and it is insisted because the issue is not a complicated one therefore it ought to be decided at once. Upon that proposition I desire to say, Mr. Speaker, there is more involved in this case than the mere question as to whether or not a man who was in the line of duty and was injured without any fault on his part ought to be pensioned. That is not the whole of this case. There is a medical question as to whether or not the particular disability alleged by this man is the result of that injury, and that is certainly a matter that requires some investigation and some deliberation.

Mr. HOLMES. Will the gentleman permit me to ask him a question?

Mr. MATSON. Yes, sir.

Mr. HOLMES. Did not the Committee on Invalid Pensions pass on that matter, and was there any question about it?

Mr. MATSON. Perhaps we did pass upon this matter, but when the President of the United States, after his deliberation upon it, desires to present an objection founded upon that ground, it is only fair to the President for this House to stop and deliberate and try to ascertain whether or not he is right, or whether the House was right in its original action. The gentlemen upon the other side of the House are hasty about this matter. They seem to be very anxious to get at the President, for some reason or other; while we on this side of the House are determined that the President shall have fair play, and we intend to stand by that proposition.

It is not fair to the President to take up a case upon a hasty consideration and attempt to pass it over his veto. He has a constitutional right to exercise, the right to approve or disapprove the bills passed by Congress, and when he sees fit to disapprove a bill it is no more than respectful to him that this House should act deliberately and with all the information they can obtain upon the proposition, and not "jump in" hastily for the purpose of summarily passing the bill over his veto. That is the position of this House, and I want gentlemen upon the other side to understand it. So far as these vetoes are concerned, the gentleman from Pennsylvania [Mr. JACKSON] says there are sixty of them; forty-one altogether have been sent to the Committee on Invalid Pensions and two have been reported back. I think that at least a dozen of them have already been considered by the committee. As stated by the gentleman from Kentucky [Mr. TAULBEE], who is a member of the Committee on Invalid Pensions, nearly all the time of the committee since those vetoes have been referred has been devoted to their consideration.

Now, upon the general proposition I have to say this: A large number of these bills are vetoed upon technical grounds, some because of a mistake in the name, some because the claimant has an application pending in the Pension Office that has never been rejected; some because the claims have been allowed in the Pension Office. There are not many of them in which there is any issue of fact between the President and the House, and of those we have already reported back two and asked the House to pass the bills notwithstanding the veto. The Committee on Invalid Pensions intends to give justice to these claimants, intends to examine carefully and deliberately into all the facts of each case in which the President has seen fit to interpose an objection—to re-examine the case; and the object of the motion I have made is to enable the committee to do that, so that it may be able to give the House better and more thorough information, if possible, than it has already done in these cases. We shall insist therefore, so far as I am concerned, and I believe this side of the House will insist, out of respect to the great office of the President of the United States, that these bills shall be given a careful reconsideration and that there shall be no hasty and disrespectful attempt to pass them over the vetoes.

Mr. CUTCHEON. Will the gentleman permit a question?

Mr. MATSON. Certainly.

Mr. CUTCHEON. What is the prospect of these bills being reported back to the House within, say, the next fifteen days?

Mr. MATSON. So far as I am concerned, I want to say to the gentleman from Michigan that when we fail to report a bill back it will be because we acquiesce in the judgment of the President and do not desire to trouble the House with it. The Speaker has already stated, in reply to an inquiry, the effect of the motion that I have made.

If any gentleman ascertains that his bill is not reported back by the committee or is not likely to be reported, it is his privilege at any time to move to discharge the committee from the further consideration of the bill and instruct them to report it back. Then, of course, if the judgment of the committee is against the bill, they will come in with an adverse report upon it, sustaining the veto. Therefore nobody is going to get hurt by these bills taking this course.

The whole matter is a matter of privilege and continues so, and if any gentleman feels that his bill is not being fairly treated by the Committee on Invalid Pensions, he can rise in his place and move, as a matter of privilege, to discharge the committee and instruct them to report

back the bill. The object and purpose of the gentleman on the other side appear to be to hasten this matter, to attempt to prejudice the minds of the people against the President because of the fact that he has seen fit to differ with us in opinion about these bills, generally about small matters, in cases that are very close, and where a view either favorable or adverse may well be taken. In such cases the President has seen fit to take one view and we another, and the attempt to make a great issue out of this difference between the President and the House is ridiculous and absurd. These cases ought to stand upon their merits or fall upon their demerits.

There is a difference of opinion among members of the Committee on Invalid Pensions about some of these cases. There have been bills reported here favorably that some members of that committee think ought not to have been so reported, and there have been bills reported unfavorably that members of the committee believe ought to have been reported favorably. The members of the committee take different views of many of these bills, and the President, it appears, takes a different view from ours in relation to some of them. Now, that is all there is of this matter, and there is nothing in it to get excited about. The President of the United States has approved, I apprehend, ten, yes, fifteen, bills for every one that he has seen fit to disapprove, and, as I have already said, there is nothing in the whole matter for gentlemen to excite the country about.

Mr. HEPBURN. Will the gentleman permit a question?

Mr. MATSON. Yes, sir.

Mr. HEPBURN. Is it not true that the President has studiously refused to approve these pension bills, and has allowed them to become law by lapse of time?

Mr. WARNER, of Ohio. Oh, no; he has signed them.

Mr. HEPBURN. How many has he signed?

Mr. MATSON. I know that the President has signed a great many of them. I know further, that he has stated, as the gentleman from Iowa suggests, that so many of these bills have been sent to him that he has not had time to examine them all.

Mr. HEPBURN. Is it not true that a majority of the pension bills that have become law have become so without the President's signature?

Mr. MATSON. No. The majority have had his approval. The exceptions are those that have become law without his approval.

Mr. HEPBURN. I cite the President against the statement of the gentleman on that point.

Mr. MATSON. You can not show that the President has not signed the majority of these bills.

I yield ten minutes to the gentleman from Wisconsin [Mr. BRAGG].

Mr. BRAGG. There seems to be prevalent in this House an idea that it is the duty of the President to abdicate his office in favor of a majority of the Committee on Invalid Pensions, and that whenever in the exercise of the constitutional prerogatives given him he examines legislation to determine whether in his judgment that legislation is provident and wise, he has perpetrated an outrage upon the American people. I maintain, Mr. Speaker, that the President in this matter has acted in the honest discharge of his duty; and when, in the exercise of his judgment in the position which he occupies, he sends back legislation to this body without his approval, with his reasons, calling attention to such legislation, it is the duty of members here, if they act as legislators, to refer those reasons to the proper committee, that their correctness may be examined and a report made upon them to the House, upon which we may act, not in the excited, demagogical spirit of stump-speaking, but deliberately and judicially, and determine by our votes, as provided in the Constitution, whether in our judgment the reasons given by the President are sufficient to restrain the House from proceeding further in passing the particular bill to which the President files his objections.

Mr. Speaker, I am glad that at last we have in the Executive Mansion a man who has the nerve and courage to place his hand upon legislation when he thinks it improper, whether it be pension legislation or railroad legislation. [Applause.] We have gone a great way, and in my judgment altogether too far, in this matter of pension legislation. There is a large class of soldiers for whom there is never a voice raised in this House. They are the men whom a confederate general had in his mind when he indorsed his approval upon an application for leave of absence that the soldier might go to see his family. He said "it was proper such men be permitted to go to their families, for from such men the nation breeds the soldiers who will defend it in the future." In speaking of this class of soldiers, I do not speak of those who were in the service merely fourteen days or sixty days or ninety days, and for whom many of your pension bills provide. But I mean that class of men who in April, May, June, and July, 1861, actuated only by patriotic desire to sustain the national flag, filled the ranks of your Army—a class of men but few of whom ever afterward joined it—the men who did not wait to be bought, but who entered the service from the pure dictate of duty, recognizing the fact that the Government had a right to its blood-tax from its citizens when its necessities demanded it, just as much as it had a right to tax their property for the support of the Government—those men who, if they survived three years' fighting, re-enlisted for three or five years more, or as long as the war might last. There is but a small band of them. They have no medals to commemorate their service; they have no recognition from the friends of the three months' soldiers.

This House, before it proceeds further in picking out the dead-wood, the trash, the men who followed in the wake of the Army and pensioning them, ought to make some provision for the men who fought at the front who have no hospital records, no such claims for pension as are ordinarily presented here. Some of those men I have the honor to know; and from one of this class I received a few days ago a letter which I send to the Clerk's desk to be read, that it may go into the RECORD as a part of my remarks.

The Clerk read as follows:

SOLDIERS' HOME, *Hampton, Va., July 3, 1886.*

GENERAL: I like your sentiments on the "business method of coining patriotism;" and chill penury having frozen out modesty, as well as all other softer virtues, I am bold enough to write to you to request a special favor which has no relation to "spot cash."

My discharges show that I enlisted on April 22, 1861, and was finally disbanded in November, 1865. During my re-enlistment service the rolls will show "bounty declined" in the column of remarks every time an installment was due, for I am an American, and would as soon take hire to resent a personal indignity as hire to defend my country. I took my wages which were my due, but I knew the State was entitled to the services and lives of any of its citizens whenever needed for its safety.

I am only one of many similar cases of the officers and men of the early Army who never took bounties or applied for any equalizations or arrearages or buncombe back-pay, and I think we deserve some record or recognition to show the youngsters growing up that there were men who fought for their flag alone, and not for their flag and so many dollars.

Couldn't Congress have a list made from the rolls in the A. G. O. and printed by authority? or couldn't they give those of us who are living a little nickel medal, something like the 2-cent one the Navy Department gives to sailors who risk their lives to save their shipmates from drowning? Those of us who are dead don't need any, as the recording angel has their record and will marshal them to front seats, which greenbacks can't purchase.

[Laughter and applause.]

When the war was over I went to work and made my living as well as I could until some months ago, when infirmities compelled me to quit work and seek the shelter of the home which my country has provided for disabled soldiers. I am thankful for it, and don't propose to send in a bill besides for pensions, bounties, arrearages, back-pay, rations, clothing, or equalization, or anything else. It aint in the power of Congress to reduce me to the equality of a $1,300 patriot; but some things here look very strange, for instance: A small tobacco ration is allowed to non-pensioners, and it worries me to see brave old George H——, who saved our colors at Chantilly, marching in the line of paupers for his weekly dole, which he straightway shares with fellows who draw pensions for a valorous diarrhea or glorious piles—

[Laughter.]

for many of our pensioners depend upon their hospital record rather than their Army record as claimants for their country's generosity.

Carl E——, here, has been twice commended in General Orders for gallantry in action and twice promoted specially, but he has no hospital record, no dashing rupture for awkwardly falling off a horse, no chivalric blindness from too much commissary whisky to show, and no brilliancy in his Army record will gain him a pension, though bent double by pains. Nothing but a neat hospital record or perjury will do it.

For myself (but I've blowed my own horn so much that I dislike starting a new tune) I will say that it is lucky for the Treasury that I can't sequently connect my present pains and aches and general usedupness with a bad cold I got sleeping in the snow among the Stafford Hills after our bloody repulse at Fredericksburg, or a certain thumping I remember under my ribs when I saw (twenty-three years ago to-day) Pickett's column advancing against the blazing crest of Round Top; but, in truth, though my most troublesome pain is in my pocket, I don't propose to soil my soul for any amount of dirty dollars.

If there is any acknowledgment can be made by Congress that we fought for our country without bounties, I for one will be very glad of it, and will always remain,

Very respectfully, your obedient servant,

THOMAS MAY, *of Maysville.*

General BRAGG, *Member of Congress.*

[Applause.]

During the reading of the foregoing letter Mr. BRAGG'S time expired, when

Mr. MATSON said: I yield the gentleman from Wisconsin five minutes more.

The reading of the letter was then concluded.

Mr. BROWNE, of Indiana. I wish to ask the gentleman from Wisconsin what document this is?

Mr. BRAGG. It is a document which speaks the sentiments of such men as my friend from Indiana commanded during the war.

Mr. BROWNE, of Indiana. I thought it was a veto message from the President. [Laughter.]

Mr. BRUMM. The writer evidently does not approve of the course of Commissioner Black at all.

Mr. WEBER. Will the gentleman from Wisconsin inform us to what regiment or command the writer of that letter belonged?

Mr. BRAGG. I do not know. He was in the fight at Chantilly.

Mr. WEBER. Do you know him personally?

Mr. BRAGG. No; I do not. He must have been in Kearny's command.

Mr. WEBER. I think it would be interesting in this connection to know what he did during his service in the Army.

Mr. BAYNE. I would like to ask the gentleman from Wisconsin a question.

Mr. BRAGG. I have but five minutes, otherwise I would be happy to answer any questions that might be propounded on the other side. I do not think any of these gentlemen can get me into what they might

call a bad humor this morning. If they will give me all the time I want I will answer all the questions they may desire to put.

Mr. Speaker, the particular case under consideration is a case, as I see by casually glancing at the record, of a recruit who went into the service from Western or Southwestern New York very late in the year 1863. You all know about what recruits got in those days. He does not seem to have made application for pension for any disability contracted in the service.

The SPEAKER. The gentleman's five minutes have expired.

Mr. BRAGG. I ask the gentleman for five minutes more.

Mr. MATSON. I yield for that time.

Mr. BRAGG. He does not seem to have made application on account of any disability contracted in the service. There appears no complaint of any disability from that fight he had in camp. He served all through the summer until his regiment was disbanded, having no disability, as appears from this record. This disability which actually disqualified him must have done so from the time, but it never crept out in application for pension until 1879, just before the arrearage act expired.

When the President calls our attention to these facts and asks us to stop before we strike, and to make further examination to find whether this quarrel was a drunken brawl, and whether it was a quarrel revived fifteen years after the war and brought to light to establish disability in an application for a pension when all other causes had failed, I say we ought honestly, irrespective of party passion and irrespective of any feeling of friendship or hostility to the President, to give this case a fair judicial consideration, and then vote for it on its merits irrespective of the President or any one else.

[Here the hammer fell.]

Mr. MATSON. I move the previous question on the pending motion and the amendment thereto.

Mr. BAYNE. I hope the gentleman will not insist upon the demand for the previous question inasmuch as the gentlemen who spoke on that side would not allow interruption. [Cries of "Vote!"] The other side will have the fairness, I hope, to permit a little further debate. [Cries of "Regular order!"]

Mr. BURROWS. There can be no question a little time should be allowed on this side. [Cries of "Regular order!"]

The committee divided; and there were—ayes 88, noes 54.

Mr. PERKINS. No quorum has voted.

Mr. MATSON. I demand the yeas and nays.

Mr. HENDERSON, of Iowa. That is right; let us give them the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 145, nays 103, not voting 75; as follows:

YEAS—145.

Allen, J. M.	Eldredge,	Lanham,	Seymour,
Anderson, C. M.	Ellsberry,	Lawler,	Singleton,
Barksdale,	Ermentrout,	Lore,	Skinner,
Beach,	Findlay,	Lovering,	Sowden,
Belmont,	Fisher,	Lowry,	Spriggs,
Bennett,	Foran,	Martin,	Springer,
Blanchard,	Ford,	Matson,	Stahlnecker,
Bland,	Forney,	Maybury,	Stewart, Charles
Blount,	Frederick,	McAdoo,	St. Martin,
Boyle,	Gay,	McCreary,	Stone, W. J., Ky.
Bragg,	Geddes,	McMillin,	Stone, W. J., Mo.
Breckinridge, C. R.	Gibson, C. H.	McRae,	Storm,
Breckinridge, WCP.	Gibson, Eustace	Merriman,	Tarsney,
Burnes,	Glass,	Mills,	Taulbee,
Bynum,	Glover,	Mitchell,	Tillman,
Cabell,	Green, R. S.	Morgan,	Townshend,
Caldwell,	Green, W. J.	Muller,	Trigg,
Campbell, Felix	Hale,	Murphy,	Tucker,
Campbell, J. E.	Hall,	Neal,	Turner,
Campbell, T. J.	Halsell,	Neece,	Van Eaton,
Candler,	Hammond,	Norwood,	Viele,
Carleton,	Hatch,	Oates,	Wallace,
Catchings,	Henderson, J. S.	O'Ferrall,	Ward, T. B.
Clardy,	Henley,	O'Neill, J. J.	Warner, A. J.
Cobb,	Herbert,	Outhwaite,	Weaver, J. B.
Cowles,	Hewitt,	Peel,	Wellborn,
Cox,	Hill,	Perry,	Wheeler,
Crain,	Holman,	Pidcock,	Wilkins,
Crisp,	Howard,	Pindar,	Willis,
Croxton,	Hudd,	Randall,	Wilson,
Culberson,	Hutton,	Reagan,	Winans,
Curtin,	Irion,	Reid, J. W.	Wise,
Dargan,	Johnston, T. D.	Richardson,	Wolford,
Davidson, A. C.	Jones, J. H.	Robertson,	Worthington.
Dibble,	Jones, J. T.	Sadler,	
Dockery,	Kleiner,	Sayers,	
Eden,	Laffoon,	Seney,	

NAYS—103.

Adams, G. E.	Buck,	Ely,	Henderson, D. B.
Allen, C. H.	Bunnell,	Everhart,	Henderson, T. J.
Anderson, J. A.	Burleigh,	Farquhar,	Hermann,
Atkinson,	Burrows,	Fleeger,	Hires,
Baker,	Butterworth,	Fuller,	Hitt,
Bayne,	Campbell, J. M.	Funston,	Holmes,
Bingham,	Cannon,	Gilfillan,	Hopkins,
Bound,	Conger,	Grosvenor,	Jackson,
Browne, T. M.	Cooper,	Grout,	James,
Brown, C. E.	Cutcheon,	Guenther,	Johnson, F. A.
Brown, W. W.	Davis,	Harmer,	Johnston, J. T.
Brumm,	Dorsey,	Hayden,	Kelley,
Ketcham,	O'Neill, Charles	Rowell,	Thomas, O. B.
Lehlbach,	Osborne,	Ryan,	Thompson,
Lindsley,	Owen,	Scranton,	Van Schaick,
Little,	Payne,	Spooner,	Wade,
Long,	Payson,	Steele,	Wadsworth,
McComas,	Perkins,	Stephenson,	Wakefield,
McKenna,	Peters,	Stewart, J. W.	Warner, William
McKinley,	Pettibone,	Stone, E. F.	Weaver, A. J.
Millard,	Pirce,	Strait,	Weber,
Milliken,	Plumb,	Struble,	West,
Moffatt,	Price,	Swinburne,	White, A. C.
Morrill,	Rice,	Symes,	White, Milo
Morrow,	Rockwell,	Taylor, I. H.	Woodburn.
O'Donnell,	Romeis,	Taylor, Zach.	

NOT VOTING—75.

Adams, J. J.	Davidson, R. H. M.	Houk,	Reed, T. B.
Aiken,	Dawson,	King,	Reese,
Arnot,	Dingley,	La Follette,	Riggs,
Ballentine,	Dougherty,	Laird,	Rogers,
Barbour,	Dowdney,	Landes,	Sawyer,
Barnes,	Dunham,	Le Fevre,	Scott,
Barry,	Dunn,	Libbey,	Sessions,
Bliss,	Evans,	Louttit,	Shaw,
Boutelle,	Felton,	Lyman,	Smalls,
Brady,	Gallinger,	Mahoney,	Snyder,
Buchanan,	Goff,	Markham,	Swope,
Caswell,	Hanback,	Miller,	Taylor, E. B.
Clements,	Harris,	Morrison,	Taylor, J. M.
Cole,	Haynes,	Negley,	Thomas, J. R.
Collins,	Heard,	Nelson,	Throckmorton,
Compton,	Hemphill,	O'Hara,	Wait,
Comstock,	Hepburn,	Parker,	Ward, J. H.
Daniel,	Hiestand,	Phelps,	Whiting.
Davenport,	Hiscock,	Ranney,	

So the previous question was ordered.

On motion of Mr. JAMES, by unanimous consent the reading of the names was dispensed with.

The following additional pairs were announced:

Mr. DUNN with Mr. DINGLEY, on this vote.

Mr. COMSTOCK with Mr. HIESTAND, for the rest of the day.

The result of the vote was then announced as above recorded.

The question recurred on the amendment of Mr. BURROWS instructing the committee to report the bill back to the House by next Friday.

The question was taken; and on a division there were—ayes 85, noes 102.

Mr. BURROWS and others demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 110, nays 135, not voting 78; as follows:

YEAS—110.

Adams, G. E.	Everhart,	Lyman,	Scranton,
Allen, C. H.	Farquhar,	Markham,	Sessions,
Anderson, J. A.	Fleeger,	McComas,	Spooner,
Atkinson,	Fuller,	McKenna,	Steele,
Baker,	Funston,	McKinley,	Stephenson,
Bayne,	Gilfillan,	Millard,	Stewart, J. W.
Bingham,	Grosvenor,	Milliken,	Stone, E. F.
Bound,	Grout,	Moffatt,	Strait,
Boutelle,	Guenther,	Morrill,	Struble,
Browne, T. M.	Harmer,	Morrow,	Swinburne,
Brown, C. E.	Hayden,	O'Donnell,	Tarsney,
Brown, W. W.	Haynes,	O'Hara,	Taylor, I. H.
Brumm,	Henderson, D. B.	O'Neill, Charles	Taylor, Zach.
Buck,	Hermann,	Osborne,	Thomas, O. B.
Bunnell,	Hitt,	Payne,	Thompson,
Burleigh,	Holmes,	Payson,	Van Schaick,
Burrows,	Jackson,	Perkins,	Wadsworth,
Butterworth,	James,	Perry,	Wakefield,
Campbell, J. M.	Johnson, F. A.	Pettibone,	Warner, William
Cannon,	Johnston, J. T.	Pirce,	Weaver, A. J.
Conger,	Kelley,	Plumb,	Weaver, J. B.
Cooper,	Ketcham,	Price,	Weber,
Cutcheon,	La Follette,	Ranney,	West,
Davis,	Laird,	Rice,	White, A. C.
Dingley,	Lehlbach,	Rockwell,	White, Milo
Dorsey,	Lindsley,	Romeis,	Worthington.
Dunham,	Little,	Rowell,	
Ely,	Long,	Ryan,	

NAYS—135.

Allen, J. M.	Crisp,	Hall,	McAdoo,
Anderson, C. M.	Croxton,	Halsell,	McCreary,
Barksdale,	Culberson,	Hammond,	McMillin,
Beach,	Dargan,	Hatch,	McRae,
Belmont,	Davidson, A. C.	Henderson, J. S.	Merriman,
Bennett,	Dibble,	Henley,	Morgan,
Blanchard,	Dockery,	Herbert,	Murphy,
Bland,	Dunn,	Hewitt,	Neal,
Boyle,	Eden,	Hill,	Neece,
Bragg,	Eldredge,	Holman,	Norwood,
Breckinridge, C. R.	Ellsberry,	Howard,	Oates,
Breckinridge, WCP.	Ermentrout,	Hudd,	O'Ferrall,
Burnes,	Findlay,	Hutton,	O'Neill, J. J.
Bynum,	Fisher,	Irion,	Outhwaite,
Cabell,	Foran,	Johnston, T. D.	Peel,
Caldwell,	Ford,	Jones, J. H.	Peters,
Campbell, Felix	Forney,	Jones, J. T.	Pidcock,
Campbell, J. E.	Frederick,	Kleiner,	Pindar,
Campbell, T. J.	Gay,	Laffoon,	Reagan,
Candler,	Geddes,	Lanham,	Reid, J. W.
Carleton,	Gibson, C. H.	Lawler,	Richardson,
Catchings,	Gibson, Eustace	Lore,	Robertson,
Clardy,	Glass,	Lovering,	Sadler,
Cobb,	Glover,	Lowry,	Sayers,
Collins,	Green, R. S.	Martin,	Seney,
Cowles,	Green, W. J.	Matson,	Seymour,
Crain,	Hale,	Maybury,	Singleton,

Skinner,	Stone, W. J., Mo.	Turner,	Wheeler,
Sowden,	Storm,	Van Eaton,	Wilkins,
Spriggs,	Taulbee,	Viele,	Willis,
Stahlnecker,	Tillman,	Wallace,	Winans,
Stewart, Charles	Townshend,	Ward, T. B.	Wise,
St. Martin,	Trigg,	Warner, A. J.	Wolford.
Stone, W. J., Ky.	Tucker,	Wellborn,	

NOT VOTING—78.

Adams, J. J.	Davidson, R. H. M.	Landes,	Sawyer,
Aiken,	Dawson,	Le Fevre,	Scott,
Arnot,	Dougherty,	Libbey,	Shaw,
Ballentine,	Dowdney,	Louttit,	Smalls,
Barbour,	Evans,	Mahoney,	Snyder,
Barnes,	Felton,	Miller,	Springer,
Barry,	Gallinger,	Mills,	Swope,
Bliss,	Goff,	Mitchell,	Symes,
Blount,	Hanback,	Morrison,	Taylor, E. B.
Brady,	Harris,	Muller,	Taylor, J. M.
Buchanan,	Heard,	Negley,	Thomas, J. R.
Caswell,	Hemphill,	Nelson,	Throckmorton,
Clements,	Henderson, T. J.	Owen,	Wade,
Cole,	Hepburn,	Parker,	Wait,
Compton,	Hiestand,	Phelps,	Ward, J. H.
Comstock,	Hires,	Randall,	Whiting,
Cox,	Hiscock,	Reed, T. B.	Wilson,
Curtin,	Hopkins,	Reese,	Woodburn.
Daniel,	Houk,	Riggs,	
Davenport,	King,	Rogers,	

So the amendment was not agreed to.

On motion of Mr. SPRINGER, by unanimous consent the reading of the names was dispensed with.

Mr. MILLS. I desire to withdraw my vote on the former roll-call, as I was paired with the gentleman from New York [Mr. HISCOCK].

Mr. RANDALL. I wish to state that I was engaged in the committee-room when my name was called on both rolls. Had I been present I should have voted in the negative on this question.

Mr. SPRINGER. I was in the Hall when the roll-call began, but before my name was reached was temporarily called out, and did not get back in time to answer. Had I been present I should have voted in the negative.

The following additional pair was announced:

Mr. WILSON with Mr. SAWYER, on this vote.

The result of the vote was then announced as above recorded.

The question recurred on the motion of Mr. MATSON to refer the bill and message to the Committee on Invalid Pensions.

The question was taken; and on a division there were—ayes 97, noes 26.

Mr. HOLMES. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. HOLMES and Mr. MATSON were appointed tellers.

Before the question was taken,

Mr. HOLMES (one of the tellers) said: In deference to the wishes of gentlemen on this side of the House I will withdraw the demand.

So (no further count being demanded) the motion of Mr. MATSON was agreed to.

H. L. KYLER.

The SPEAKER also laid before the House the following message from the President of the United States:

To the House of Representatives:

I herewith return without approval House bill No. 1818, entitled "An act granting a pension to H. L. Kyler."

A pension was granted to the person named in this bill, dating from September, 1864, for neuralgia and disease of the eyes.

He was mustered into the service, to serve one hundred days, May 14, 1864, and mustered out September 8, 1864.

In 1880 information reached the Pension Bureau that the pensioner was treated for neuralgia and disease of the eyes at various times between the years 1859 and 1864, and this fact appearing to the satisfaction of the bureau upon the examination which followed, the pensioner's name was dropped from the roll.

Afterward another thorough examination of the case was made, when the pensioner was permitted to confront the witnesses against him and produce evidence in his own behalf.

It is claimed that a Dr. Saunders, who testified to treating the pensioner before his enlistment, was exceedingly unfriendly; but he was corroborated by his son and by entries on his books. Another physician, apparently disinterested, also testified to his treatment of the pensioner in 1860 for difficulties with his eyes and ears. The pensioner himself admitted that he had trouble with one of his eyes in 1890, but that he entirely recovered. Six other witnesses testified to the existence of disease of the pensioner's eyes before enlistment.

Though twelve neighbors of the pensioner testified that he was free from neuralgia and disease of the eyes before enlistment, I am of the opinion that the evidence against the pension was quite satisfactory, and that it should not be restored, as the bill before me proposes.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 5, 1886.

Mr. MATSON. I move that the bill and message be referred to the Committee on Invalid Pensions.

The motion was agreed to.

MRS. CATHERINE M'CARTY.

The SPEAKER also laid before the House the following message from the President of the United States:

To the House of Representatives:

I return herewith without approval House bill No. 5603, entitled "An act granting a pension to Mrs. Catherine McCarty."

The beneficiary is the widow of John McCarty, of the First Missouri Regiment of State Militia Volunteers, who died at Clinton, Mo., April 8, 1864.

The widow filed her claim in 1866, alleging that her husband died while in the service from an overdose of colchicum.

The evidence shows without dispute that on the day previous to the death of the soldier a comrade procured some medicine from the regimental surgeon and asked McCarty to smell and taste it; that he did so, and shortly afterward became very sick, and died the next morning.

It is quite evident that the deceased soldier did more than taste this medicine.

Although it would be pleasant to aid the widow in this case, it is hardly fair to ask the Government to grant a pension for the freak or gross heedlessness and recklessness of this soldier.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 6, 1886.

Mr. MATSON. I move that the bill and message be referred to the Committee on Invalid Pensions.

Mr. BROWNE, of Indiana. I move the following instructions.

The Clerk read as follows:

And that said committee be and is hereby instructed to report the bill back to the House on or before Monday next.

Mr. BROWNE, of Indiana. Mr. Speaker, ti seems to me it would be treating with entire respect the Executive if we were to require the Committee on Invalid Pensions to report at least some of these cases back at a day not far distant. Certainly this ought to be done if these bills are to be considered at all during the present session of Congress.

I remember at an early date in the session, when a question of very grave concern to the soldiers of the Republic was pending before the House, I predicted that if it were left in the hands of the Committee on Invalid Pensions it would die in its pigeon-holes. I wish now to admit, in the presence of the House, that I was in error in that prediction; but although the committee reported the arrearages repeal back to the House it has died upon the Calendar, and will not be heard of again during this or perhaps the coming session of this Congress. I state now if these veto messages are all of them to be sent to this committee, and I do not reflect upon the committee, I respect it as highly as any other committee of the House, but if they are to be sent to that committee at this late date of the session it is the last that will be heard of them during this Congress.

I make that prediction. I know how difficult it will be for the chairman to secure even the attendance of a quorum of his committee during the remaining days of the session; and I am not surprised that it should be so, not only because members now are indifferent on the subject of these committee meetings, but for the additional reason that I do not presume that the majority side of this House will be in haste to report questions to this body that may involve questioning the wisdom of the veto of the Executive.

But, Mr. Speaker, it seems to me that these discussions on the part of the President have proceeded on a wrong theory altogether. In all these messages, after the President has been duly facetious and has attempted to bring into disrepute these claims, criticized them, and cast, as far as it was possible, contumely on these applications, he has assumed that if the pension was properly rejected by the Pension Bureau under existing law this Congress may not give affirmative favorable legislation. That is a mistake. These private bills are of themselves the law of the particular case. It is not a question in these cases for Congress to determine whether or not under the general law the claimant is entitled to a pension. That is not the question. If he were entitled to relief under the general law the Pension Bureau is the place where he would secure his relief. There may be instances to be sure in which Congress sits as a kind of court of appeal to reverse the action of the Commissioner on the facts. There may be such cases; but in the main this Congress determines that in the particular case a pension ought to be given, not because it is covered by a general law, but because it is not covered by any general statute. It is because it has in itself equities that take it out of the general rule. It is because the facts of the case address themselves to the judgment and sympathy, if you please, of Congress. It is because in view of the circumstances it is the opinion of Congress that in the particular instance a pension ought to be granted.

Now, the President himself has recognized the propriety of this character of legislation. A bill was introduced by myself during this Congress where a family of old people adopted two infants, took them into their home at a tender age, raised them, educated them. They assumed the family name, and were understood by the neighbors to be the children, although they were not, of these aged people. The two boys went into the military service of the United States. One was killed in battle, the other contracted a disease from which he died after he returned. They were not the children of these people—only distantly related to them, but they had no parents living, and under the general law the Commissioner denied a pension—rightly, nobody questions it. Yet this House decided in that case as these boys sent a portion of their earnings to these old people and they were dependent upon them for support—this House decided to grant a pension; and the President—I presume after due consideration of all the facts—approved the bill.

Now was that proper? Is it competent for the Congress of the United States to set up its judgment in a particular case and pass on its merits considered alone? In this matter all I am asking now is that while we treat the Executive with entire respect, while we consider the reasons

why he has rejected a particular case, let us have an opportunity of having these bills returned to the body of this House, of expressing our opinion, and of putting our reasons against the reasons of the Executive, and sending them, together with his vetoes, to the country, and let the country judge the issue between the people's representatives and the gentleman who sits at the other end of the Avenue and presumes to criticise our wisdom and our action. I take it that the Congress is as anxious to do right as the President. We are the immediate representatives of the people, and are as likely to reflect their views as he is. If they authorize these pension expenditures, as they are paid out of their taxes, the President may not complain. The responsibility of these measures may well be left to us.

There is a class of soldiers I want to allude to very briefly. I agree with some things said by the distinguished gentleman from Wisconsin [Mr. BRAGG]. There is an army of neglected men for whom I entertain the highest possible respect, I may say the highest possible veneration, a class of men, and a very large one, to whom more is due perhaps than to any other class of soldiers who went to face the cannon's mouth on the battlefields of the Repuplic. These are not known in any pension legislation in this or in any Congress. I mean the men who enlisted early, the men who fell in at the first tap of the drum, the men who began to march under the flag from the early days of 1861, who made the weary marches, who camped by the river sides, who unfolded their tents by the miasmatic swamps, the men who were in every possible battle, the men who were seldom sick, the men who were never in hospital, the men who never skulked, who were never captured. These men who fought it out from the beginning to the end, not being disabled, are not known on the pension-rolls of the country. Would to God that I could give every man of them a pension from this hour on to the last day of his life. [Applause.]

To these men more than to any others is due the honor of suppressing the rebellion and saving our civil institutions for posterity. To them a loyal people owe a debt they can never fully pay.

When I speak of my admiration for these men do not understand me as casting any reproach on the men who were disabled early in the fight. I remember an instance in which a comrade of mine left civil life, the peaceful fireside of his happy home, and a week afterward was shot down by my side on the battlefield, having served his country less than a week. Would any man dispute the fact that his wife and his children were entitled to a pension?

Men may in very short service have incurred disabilities that are pensionable. Thousands of well-authenticated cases of this kind have occurred. I am in favor of taking care of these men, putting them on the pension-roll, and rather than commit a mistake against a soldier I would commit one against the Government that he fought to save. [Applause on the Republican side.] To do otherwise would be rank injustice and base ingratitude.

Now, I want to call the attention of the gentleman from Wisconsin [Mr. BRAGG] to the fact that while he has spoken so disrespectfully and sarcastically of this class of short-service men who went into the Army late in the war, the gentleman himself, if I am not mistaken, has more than once in this House recorded his vote in favor of pensioning the soldiers of the Mexican war. The gentleman shakes his head. If he means that he did not, let me congratulate him; but all the gentlemen who sit about him upon that side of the House and vote with him, all of them except, perhaps, the gentleman from Ohio [Mr. WARNER], voted to put on the pension-rolls of the Republic men who never heard the sound of a hostile gun, men who never left the camp or rendezvous, men who never saw a Mexican, living or dead. [Laughter.]

Yet the gentlemen who voted for that pension bill voted for it without reluctance, voted for it eagerly. Those gentlemen, when some unfortunate man has fallen in a war that amounts to something, in a real controversy, a war of four weary years, a war in which half a million of men on the Union side alone perished, a war that took hundreds of millions from the hard earnings of the people, a war that created a pension-roll that is to last for generations, a war that is still exacting millions every year from the men who work in the field and in the shop—when a man who tried to take his part in that war in a humble way, and who happened to be injured or killed accidentally rather than in the strict line of military duty—when such a case comes here for a pension they take another view. They not only deny him a pension, but ridicule him for having applied for one. Take, for example, the case of the unfortunate soldier in this particular case who took medicine that turned out to be poison and died, leaving a widowed wife and orphan children; when we propose to grant a pension in that case the Executive says: "No; I will sign your bill paying out tens of millions of the people's money to those soldiers of the Mexican war who were not wounded, who were not disabled, who never fought, but I will not sign this bill." And you gentlemen on the other side vociferously shout amen!

This unfortunate woman's husband died, it is true, in the service; she laid him, broken and bleeding, a willing sacrifice upon the altar of his country; she and her children have lost their protector; but, says the President, I can not allow the Congress of the United States to give that poor woman and her children a pension, because the soldier did not meet his death strictly in the line of military duty." May God have mercy upon a man who has a heart like that! ["Amen" on the Republican side.] I think if such a heart belonged to an ordinary man it would be so withered and hardened that the people could, in imagination at least, hear it rattle against its owner's ribs as he walks along the streets. That is all there is in this case. I admit that upon a strict construction of the law this man did not die in the line of military duty; but suppose a comrade had accidentally discharged a musket and killed him, that would not have been any more in the line of military duty; yet who would deny the widow a pension?

Hundreds of instances of the kind have gone through the Pension Office, as they have gone through the Congress of the United States. What difference is there in being shot by accident and poisoned by accident? It is hard to draw the exact line of military duty in all cases. I appeal to gentlemen who have been in the military service if this be not true; and I regret exceedingly that I am here raising a question of military law with that distinguished soldier who is Commander-in-Chief of the Armies of the United States! [Laughter on the Republican side.] He has probably, by reason of his position, seen longer service and better service than I have. I judge so from the manner in which he treats his comrades who suffered with him. I apprehend that the only trouble with his excellency was that which afflicted—shall I say it?

Several MEMBERS on the Republican side. Say it!

Mr. BROWNE, of Indiana. I speak with all respect, I will not apply it personally, but there is a class of gentlemen who are criticising these applications for pensions because they have been long delayed, or because the soldier served only a short time—gentlemen who never were in the service themselves. I have respect for the man who tried to serve his country, who went in and did his best, even if he turned so very a coward that he could not do well; but as to these gentlemen who staid out of the service and who now criticise these applicants for pensions so severely, I apprehend the trouble with them was that which afflicted the soldiers of Prince Hal: Nobody doubts their courage; there was but one thing in the world of which they were afraid, and that was danger. [Laughter.] So they never went to the front but kept themselves safe at home, and now they grow very valorous when they stand armed *cap-a-pie* with vetoes between these unfortunate men and the Treasury of the United States. The people are not demanding this exercise of economy on the part of the Executive. I know of no such demand coming up here from the men who pay their hard earnings into the Treasury. I know many men who did not serve in the Army. I have a large constituency, embracing some who did not like the war very well; but I know none of them who begrudges the pittance that the Congress of the United States has been giving to these men in the shape of these private pension bills.

The President has already vetoed ninety-eight of these bills. If he should happen to veto eleven more he will have vetoed in the short period of sixty days more acts of the American Congress than all his predecessors have vetoed; and he will go down to posterity as the great American objector, and will rob one of my colleagues of the laurels he has been so long and arduously laboring to earn. [Applause.]

I now yield ten minutes to my friend from Iowa [Mr. CONGER].

Mr. CONGER. Mr. Speaker, I object to referring this bill again to the Committee on Invalid Pensions. There is certainly no reason under heaven why it should go back to that committee. There is no matter of fact to be discovered. The veto of the President and the report which was previously filed by the Committee on Invalid Pensions agree exactly as to the facts in this case; and to show this, I desire to have the Clerk read that report.

The Clerk read as follows:

Mr. CONGER, from the Committee on Invalid Pensions, submitted the following report (to accompany bill H. R. 5603):

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5603) granting a pension to Mrs. Catherine McCarty, beg leave to report:

That Catherine McCarty is the widow of John McCarty, late a private of Company B, First Missouri State Militia Volunteers, who enlisted February 5, 1862, and died at Clinton, Mo., April 8, 1864, while in the service, under the following distressing circumstances, as testified to by comrades S. Black, R. Carter, J. R. Rhoades, and W. H. Cole, in the following joint affidavit:

"Thomas Collen, a member of company, got some medicine from the surgeon and came in smelling and tasting of it, and asked John McCarty, who was nearest him, to smell and taste it, as it had a peculiar smell and taste; said McCarty did so, and shortly afterward got very sick and commenced vomiting, and died the next morning in great agony."

This is confirmed by records now on file in the War Department and by affidavit of J. G. Hart, late surgeon of soldier's regiment, who testifies that McCarty while on duty in the service at Clinton, Mo., took some medicine (fluid extract of colchicum, which had been prescribed for another soldier) through a mistake, and died about thirty hours thereafter.

His widow filed application for pension, which was rejected on the ground that "the soldier's death was caused by his taking poison, not the result of any disease contracted in the military service." The Pension Office, under the law, could not have done otherwise, but Congress can, and your committee believe should recognize the fact that this woman had given her husband and the father of her children to the service of her country, and that while so serving his country he lost his life. It is true it was by a careless accident, but yet one that under the peculiar circumstances might have happened to any one.

He served his Government faithfully for nearly two years; he left a widow with four children, to fight life's battles alone; she is now old and very poor, and, in view of the services rendered by her husband, richly deserves the small recompense of a widow's pension during her few remaining years; wherefore we recommend the passage of the bill.

Mr. CONGER. Mr. Speaker, the only question at issue in this case seems to arise upon the position taken by the President that the widow

of no soldier should receive a pension unless he was killed in battle or died in the service as a direct result of injuries received technically in the line of his duty.

Here is the case of a man who enlisted less than a year after the commencement of the war and served two full years. One day when he and his comrades were sitting in a tent another comrade came in with a bottle of medicine, and without a suggestion from this soldier asked him to smell and taste it. He did smell and taste it then and there; and before the next morning he was dead. He left a widow with four children. This widow comes to this Government and says that her husband gave two full years of active and valiant service in defense of his country and its flag, that by a simple accident, which might have happened perhaps to any curious gentleman, even to gentlemen on this floor, her husband lost his life while in the service of his country, and in consequence she has for years been asking from the Government the poor pittance of $8 or $12 a month.

The gentleman from Massachusetts [Mr. RANNEY] asks me where the soldier got the medicine. Another soldier obtained the medicine from the physician of the regiment, who prescribed it. The soldier who obtained it intended to use it for himself or a sick comrade.

The Committee on Invalid Pensions has examined this case critically and conscientiously, as it has every case that has been before it. And, Mr. Chairman, I want to say here and now that as a member of the Committee on Invalid Pensions I have given to the discharge of my duties upon that committee my best ability and most earnest endeavors; and I have never yet joined in recommending to this House a single case which I did not believe was meritorious, nor one that I think this House should hesitate to pass over the President's veto.

Now what is the objection of the President to these pension cases which have been sent to him? I fail to find in many of them any reasonable objection. He seems to have taken occasion in many of these cases to read a lecture to this House—to throw slurs upon the members of the Committee on Invalid Pensions, who have examined and reported upon these bills with more fairness and care than it has been possible for the President to exercise. Why, Mr. Speaker, the President does not examine these cases. When these bills are sent to him he sends a messenger to the Pension Office for the report in these cases. Possibly some clerk in that office, who made out the report when the cases were heretofore rejected, sends him a copy of the same report, and the President sends that report here with the addition of his sarcasm and slurs upon Congress and his insults to the Union soldiers, for whom or for whose relatives these pensions are asked.

Mr. Speaker, it is said on the other side of the House—and it has been frequently thrown up to us at our Friday night sessions when we have had these matters under consideration—that there is a great clamor in the land against this pension legislation. Gentlemen on the other side tell us that by this wholesale pension business, as they call it, we are going to bring the whole pension system into disrepute; and in the next breath they tell us that we are simply, in passing these bills, endeavoring to purchase the soldier vote. I, for one, Mr. Speaker, resent such a charge as that, and shall continue to resent it on my own behalf and on behalf of all the intelligent soldiers of this land. As these bills are submitted to me for consideration, I shall continue, where I find merit in them, to report them favorably.

Mr. Speaker, whence comes the opposition to this pension legislation? It comes from the other side of this House. It has always come from that side. Go back a comparatively few years to the commencement of this pension legislation and see who voted against the original arrears act? Sixty-six Democrats, and not one Republican. Who voted against the modified arrears act? Sixty-one Democrats, and but one single Republican. Who, in the beginning of this session, voted against the addition of $4 a month to the widows' pensions? Sixty-six Democrats and not one solitary Republican. Who is it that obstructs legislation at our Friday night sessions? Who is it that calls for a quorum and defeats the consideration of these meritorious bills? Democrats always, and never, thank God, a Republican. [Applause on the Republican side.] Who is it, Mr. Speaker, that vetoes these meritorious pension bills? A Democratic President; for never has a Republican President sent to Congress a message vetoing a bill of this character. Mr. Speaker, I want this House to understand, and I want the country to understand, that the Republicans are responsible for this pension legislation; and every one of them here is willing to shoulder his full share of that responsibility.

[Here the hammer fell.]

Mr. BROWNE, of Indiana. I yield ten minutes to the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. Mr. Speaker, if I am correctly informed all the Presidents of the United States before the one we now have vetoed but one pension bill. No man among them all in the whole previous history of this country had the courage to deny to the widows, or the orphan children, or to the crippled soldiers, or dependent parents of such soldiers pension until we got our present President. He stands out in the history of our country a conspicuous example of a disposition, a taste, a temerity, a partisanship which is unexampled.

To my mind the Democratic members of the House of Representatives have had their political manhood put to the severest test right here. By the majority of their committee, with the Republicans on that committee co-operating with them, these pension bills were unanimously reported to the House and passed. Only one or two or three men on that side of the House offered obstruction to this legislation. We found Democrats from the North and Democrats from the South voting for these bills. The bills were passed by an almost unanimous vote. They were unanimously reported by a committee at the head of which stands an honorable Democratic soldier of the Republic, the gentleman from Indiana [Mr. MATSON]. They received the close scrutiny and careful investigation of the committee of which he is chairman. That committee rejected many of the cases presented to it and reported favorably only such as it was well satisfied deserved the approval of the House.

Mr. BRADY. They rejected more than they passed.

Mr. BAYNE. I am informed they rejected more than they passed.

Mr. CONGER. Twice as many as they passed.

Mr. BAYNE. I am told by another member of the committee they rejected twice as many as they passed.

Having given these bills that close examination and reported them to the House, having passed them by an almost unanimous vote, I say the members on this floor who stand by the vetoes of the President have their manhood subjected to a severe strain.

The President has chosen to take the present law in regard to pensions as a sort of constitution, and if bills fall within the meaning of that law they ought to be passed, but if they are outside of that law then they should not be passed. Why should the President assume a position of that kind? Has not Congress the power to pension the widow of a dead soldier or his dependent parents, whether entitled to a pension under the existing law or not?

As was said by my friend from Indiana [General BROWNE] a few moments ago, a bill was passed in the House granting a service pension to all men who enlisted in the Mexican war, some of whom never left their rendezvous, some of whom never heard a gun fired or saw a Mexican soldier on the other side. It is not denied we have power to pass bills to pension soldiers of the Republic, although they may not fall within the letter, or even within the equities of the existing law. Why should it be denied?

But it was intimated by the gentleman from Wisconsin [Mr. BRAGG] that those who are now asking for pensions and those who are dead whose widows are now applying for pensions were not of the class who rendered faithful, long, and efficient service. I regret to say I think my friend from Indiana [General BROWNE] to some extent sustained that proposition in the line of his remarks. I am sure, however, he did not mean it. I say the men who are applying for these pensions as a rule were men who entered the service at the beginning of the war and fought to the conclusion of that war. I say that the men who are the last to apply for Government bounty are often the men who decline to ask for it until their necessities force it upon them.

Why, sir, the President vetoed a bill granting a pension to Sarah Harbaugh, of Allegheny, Pa. She was a widow of a soldier who entered the Army in 1861 and fought all through the war until 1864, when his three years of enlistment expired. She was left without means, with five children dependent upon her and infirm herself from physical disability. During a period of three years her husband had made an honorable record as a brave and gallant soldier, and he died, as is believed, from disease contracted in the service. The President, by his veto, now says this brave soldier's widow with her five children shall not have enough to live on—that she shall not have what this bill proposes to give her. No man can excuse, much less justify, the veto of such a pension bill.

[Here the hammer fell.]

Mr. BROWNE, of Indiana. I now yield five minutes to the gentleman from Pennsylvana [Mr. BROWN].

Mr. BROWN, of Pennsylvania. Mr. Speaker, Catherine McCarty is the widow of John McCarty, late a private in Company B, First Missouri State Volunteers, who enlisted on the 5th of February, 1862, and died on the 8th of April, 1864. She has come to Congress asking for a pension on account of the death of her husband. That he came to his death while in the service of his country no one denies. That he died from the effects of medicine is uncertain. Whether he died from that cause or from an attack of some disease does not appear affirmatively in the case, nor at all except by inference. He may have died from taking the medicine, or he may have died from any one of a hundred other causes which are not named in the report. From all the evidence it is certain that he died, and died while in the service.

Having established these facts, I think, sir, this widow had a right to rest her case in confidence with the Congress and the President. I doubt if a single day passed after our Army was fairly in the field that did not chronicle the loss of some good and true life by mishap or by accident. If it did not come within our own observation we were wont to read in the newspapers that Private So-and-so was "killed by the accidental discharge of his own gun," or that "a soldier was found dead in his camp this morning, and the cause of his death can not be ascertained."

I had a comrade in arms myself who in 1862 was examining, with others, a revolver that was brought into camp for sale, with a view of purchasing it, so that he might be better equipped to defend himself

against the enemies of the flag. By mishap the pistol was discharged, the shot entering his vitals, from the effects of which he died, and died as clearly in the service of his country and in the line of his duty as if killed in battle. So did this man in the present case. If the heirs of a soldier who is accidentally shot are entitled to a pension, I claim that this man's widow is also. He did not take the medicine referred to by the committee and the President for the purpose of killing himself. There is no evidence of a purpose to commit suicide.

It was procured by a comrade and offered to McCarty, who simply tasted it at his comrade's request. Now if that comrade had malice in his heart and gave to McCarty medicine for the purpose of killing him, of which there is no evidence, certainly that does not show, what the President intimates, that there was a purpose here to commit suicide. To my mind it is straining a point a good deal to assume that death resulted from tasting the very same medicine that his comrade tasted without injury—at least so far as the testimony shows. But suppose it was medicine that killed this soldier, does it help the widow any to say that her darling husband died from the use of too much medicine while in the service, rather than from the loss of too much blood spilled in battle. Sir, this excuse for withholding the President's signature from the pension bill of Catharine McCarty is to my mind most unsatisfactory.

This man, I repeat, died in the service. He had served his country, as the record shows, well and truly for more than two years, and every hour from the date of his enlistment until death ended his patriotic career he was in the line of duty as a soldier. A soldier wasting in the hospital from disease or suffering from wounds is as much in the line of duty as when charging the enemy's strongest line of battle. It is, alas, the unvarying history of every war that more men die from accident and disease than are killed by the enemy in battle.

The Committee on Invalid Pensions say in their report, after investigating the case—and they have investigated it more thoroughly than the President could have done; they have been investigating all such cases from the beginning of the session up to this hour, while the President has been investigating them only for the last fifteen or twenty days—that committee says that this widow is entitled to a pension. She is getting old. She is poor; the years hang heavy upon her. In her adversity she holds out her hands toward the great Republic and pleads for the relief a nation like ours can easily give. The committee have examined the case. The Congress has read the story of John McCarty, how he left his Catherine in the day of her beauty and devotion and marched away under the flag—"for three years or during the war;" how, notwithstanding privation and suffering, he for two long years was with his regiment, in the long marches and in the great shock of battle, and then he died—died on the tented field, within the sound of his commander's voice and on that very day ready for "marching orders." The committee is content; the Congress is satisfied, and the bill is passed and goes to the President. Will he hear the widow's cry? No! The commander-in-chief of our "piping time of peace" is troubled about the manner of McCarty's "taking off." At once the patriot soldier is changed by executive imagination to such a knave that, for the sake of cheating the Government out of the services he had volunteered to give, he takes a deadly poison and ends his heroic career. A glorious opportunity, says the Executive, is this for another veto. It has been written. It is here. And now we are "deliberating in cold debate" whether we shall yield to Presidential dignity or do a Representative's duty.

Mr. Speaker, the Committee on Invalid Pensions is a very conservative committee. Out of the whole number of six bills that I have myself introduced since the first week of the session—and I introduced ten prior to that time or during the first week we were permitted to introduce bills—out of this whole number of six there has not been a single favorable report, while, in my opinion, there should have been a favorable report in every one of them. There is not a single one but shows affirmatively that the soldier, the widows, or the dependent parents, as the case may be, are at the present time in need, and sorely in need. In my judgment this is reason enough always for passing a private pension bill: Is the soldier who served his country in the day of her peril, or those who were dependent upon him, now in need in consequence of that service? When such a case is presented I will vote for it so long as my people give me a place in the Congress, though every other member vote against me. I never have been and I never will be deterred from present duty because some one cries, "Hold on until all the needy can be served alike." I know of no time so apt for the granting of relief to the widow and the fatherless as that which is offered when they come hungry and needy into my presence.

Mr. BYNUM. Will the gentleman permit a question?

Mr. BROWN, of Pennsylvania. Certainly.

Mr. BYNUM. Does the gentleman claim that no bills have been reported favorably from that committee of those that he has himself introduced?

Mr. BROWN, of Pennsylvania. No, sir; that is not what I said; but I did say that out of the whole number of those introduced by me since the first week of the session none have been reported favorably. I had favorable reports on some of the bills introduced prior to that time. But I do not complain of the treatment of the committee in reporting against my bills. I have no complaint here now, and only refer to it as a fact in support of the assertion that the committee has been very conservative and in my opinion have not reported a single case that has passed the House that was not based on affirmative testimony which fully established its merits. I have regretted, of course, that the committee have reported favorably so few of my bills, but I am not speaking of these facts to complain of the committee, but rather to show how little ground there is for the President to lecture this committee or the Congress.

Again, take the case of Edward M. Harrington, the one just referred to the Pension Committee. A little examination will show that the President's veto is most unjust in the language employed. Harrington had enlisted, and while waiting orders to proceed to his regiment, and while in the barracks at Dunkirk, he was knocked down, badly pounded, kicked, and robbed. Although he was, after partial recovery, sent forward to his regiment, he never recovered from the injury. Several of his ribs and his collar-bone were broken and his head badly bruised. There is not a doubt that to this day Harrington is a sufferer from the assault made upon him while a soldier and in line of his duty. There is not a word of testimony in the case which fixes any blame upon Harrington for the assault, and yet the President goes outside of the record to say:

> The Government ought not to be called upon to insure against the quarrelsome propensities of its soldiers, nor to compensate one who is worsted in a fight, &c.

There is not a scrap of testimony in the case from which it can be inferred that Harrington was a man of "quarrelsome propensities" or that he ever engaged in "a fight" with his assailant—or any one else. The claim was rejected in the Pension Department for the reason that the general law was believed not to cover the case. That Congress has the right to pass a law covering this particular case does not admit of a doubt, and that it was justified by the facts in doing so is just as free from doubt. That the case should have been vetoed can be accounted for on no other ground than that the President either misunderstood the case or his prejudice against the soldier has driven him upon untenable ground.

The attempt at sarcasm and ridicule upon the ills that affected Andrew J. Wilson, late of Company F, Ninety-sixth Regiment New York Volunteers, is less effective in support of the President's veto than it is unjust to the soldier. He says:

> Whatever else may be said of this claimant during his short military career, it must be conceded that he accumulated a great deal of disability.

It appears from the evidence that this soldier had poor eyesight and was troubled somewhat with deafness before he was drafted. These ailments he made known to the examining surgeon and claimed exemption from military service on account of their existence. The surgeon, however, disregarded his plea, pronounced him "sound enough for a soldier," and he was accepted by the Government. In his application for a pension he did not claim for loss of eyesight or hearing, but set forth that he had contracted rheumatism, disease of the kidneys, and rupture. Each of these afflictions he proves to have existed in the Army and explains fully how they were brought on, the former from sleeping on the ground without rubber blankets and the latter by the giving way of a flight of stairs up which he and several of his comrades were ascending. That a soldier should contract rheumatism and kidney disease from sleeping unprotected upon the ground is less surprising than that he should escape either of them; and that one should become ruptured in military service is not a thing to excite wonder, at least to those who have studied the effects of that rough life and remember that, including cavalrymen, more than one-eighth of all who are discharged from military service are afflicted with hernia.

In several of his vetoes the President, it seems, would have it appear that the Congress is engaged in the work of pensioning deserters. Now it is true that Congress has passed a few bills where the company rolls show the soldier as a deserter, but I know of no case where a bill granting a pension has passed either House when it was believed the charge was properly and justly made. In my opinion it is the duty of Congress to correct an unjust record against a soldier, and when he is entitled to it see that he is granted the pension he would have received had not the record wronged him. Nothing was more common than to find upon the records of almost any company names of soldiers marked as deserters. Corrections were constantly being made upon explanation or after-discovered evidence, but in thousands of instances throughout the Army the correction was never made, sometimes because the officer making the entry died or was taken prisoner before the opportunity came, and sometimes because the soldier affected was himself in prison until all chance to explain had passed forever. The record once made, and filed in the War Department, nothing but an act of Congress by general or special law can change it. I have in mind now two cases in which the President's vetoes have, as it appears to me, charged the soldiers referred to most unjustly in the matter of desertion, and at the same time made it the ground for withholding his signature to the bills for their relief.

The report in the first case to which I shall refer was made by my painstaking and faithful colleague, Dr. SWOPE. As presented in the veto message it appears like an extremely weak case. It is the bill for the relief of Julia Connally, widow of Thomas Connally. The evidence

shows clearly that at the date when the entry of desertion was made the soldier had been dead at least ten days. His regiment being in camp at Harrisburg, Pa., he went on a visit to his family, and, failing to return, he was, on or near the day he should have been in camp, marked upon his company rolls "a deserter." It was subsequently learned at a *post mortem* examination that the soldier was found dead in the canal; that he left his home the day before his furlough expired, taking passage on a canal-boat. His starting on his return before his furlough expired was sworn to by his wife, and, in addition, a furlough was found in one of his coat pockets. Had all these things come to the knowledge of the captain of his company the record would have doubtless been corrected. Whether the neglect to amend the record is chargeable to the carelessness of some one or to the exigencies of military service matters little—the fact remains that the records do not speak the truth.

The other case to which I will refer is that of George W. Tiller, of Company A, Twenty-eighth Kentucky Volunteers, who enlisted on October 8, 1861, and died in Andersonville, July 21, 1864. There was entered on the 20th day of September, 1863, opposite his name the word "deserted." The next heard of him is that he was admitted to the Andersonville hospital and died the same day. The bare statement that this soldier died at Andersonville precludes every possibility of doubt upon the question of bad faith toward his Government. Deserters from the Union ranks in the late war were not wont to push for Andersonville when they desired to shirk military duty. Many a Union soldier has risked his life to break out of that charnel-house, but until this case was presented I never heard it intimated that any soldier ever broke into it. Aside from the absurdity of the inference, it appears from the testimony that Wheeler's cavalry was in September and October, 1863, raiding in the part of Alabama where this regiment was stationed, and that several members of the Twenty-eighth Kentucky were captured and that one of the number at least besides Tiller, a John W. B. Shirley, was sent to Andersonville March 7, 1864, admitted to the Andersonville hospital May 10, 1864, and died June 14, 1864, only thirty-seven days before Tiller died, at precisely the same place.

In the light of all these facts is it not presuming too much to assume that Tiller is in any just sense a deserter? Yet true it is that in both these cases the President refers to the soldiers as being deserters, and in such a manner as to lead us to believe that in his mind there is no doubt of it.

I have referred to these cases somewhat in detail because, sir, I think it is proper the country should know upon what flimsy pretexts the defenders of the Union are refused pensions by the nation's Executive. I do not assert that every one of the one hundred cases, more or less, which have been vetoed present as strong grounds in their favor as these, but a majority of them do, and many of them are even more meritorious.

Running through all these vetoes is the theory that Congress should relieve only where the cases fall within the provisions of existing law. The President's vetoes are replete with expressions like this:

> I am of the opinion that a correct conclusion was reached in this case at the Pension Department.

This theory establishes too much, for if correct then all private pension bills should be vetoed, except when the Pension Department has not, in the opinion of the President, reached a correct conclusion under the general law or has blundered concerning the facts; that is, the legislative and executive branches of the Government become, according to this theory, a court of appeal or of last resort wherein the laws are construed and the facts properly unraveled.

But there is another very common error into which, it seems to me, the President has fallen in considering these pension cases. He has in a very large number of his vetoes taken the position that a delay on the part of the soldier to apply for a pension is good ground for its refusal. To my mind such delay does not in the least weaken a case; because for many years a soldier has braved his misfortunes and worked his own way in the world without help from the Government, when he might have secured it, should militate in his favor rather than against him, and the case should stand upon its merits without reference to date of application. Now, sir, what means this war all along the line upon the Union soldier? Are we really making the history that the Republican orators foretold as sure to come if the Democracy should come into power?

I have many times heard the stump orators stoutly maintain that the rights of the Union soldier would be as little regarded when the Democracy secured the reins of Government as are the rights of suffrage of colored men in the hands of their former masters. Are the President and the majority, who now seem determined to support him, making good the charge by practical demonstration? I will only refer to facts and let the people judge. Let us see if the head of the party has not simply given the signal by these vetoes, and if the rank and file are not becoming most obedient followers. The House of Representatives, by its majority, on the 22d of June introduced, through its leader [Mr. MORRISON] a resolution which practically says that in all future legislation in behalf of the soldier—

> We will vote for pensions provided you will take upon yourselves the odium of collecting a tax to pay them. All other obligations will be met, in the future as in the past, out of the general Treasury, but if you get your pensions you must do so by capturing the consciences and opening the pockets of the rich men who have great incomes.

What an enviable position is this in which to place the defenders of the nation's life! Is there any doubt upon this point? That I may not in the least misstate the position of the party I will quote what Democratic leaders said in that debate. The gentleman from Indiana [Mr. MATSON], chairman of the Committee on Pensions, was the first one on the Democratic side to admit what all must have understood from the start. He says, on page 6365 of the RECORD:

> This proposition is simply to establish a fund and dedicate it sacredly to the payment of the soldiers' pensions. Ah, gentlemen, the trouble is that you are afraid of a special tax upon incomes of the wealthy. * * * I will be frank with you, gentlemen, I am in favor of reducing tariff taxes * * * but at the same time I am in favor of paying the pensions of the soldier * * * but I want that expenditure levied upon the wealth of the country, upon the men who got rich while the soldiers were fighting the battles. [Applause on the Democratic side.]

Mr. HEWITT, of New York, said, pages 6365 and 6366:

> This is the principle underlying this proposition to appropriate out of the internal-revenue or income tax by which the pensions shall be assured that their annual income will come to them with as much certainty as the bondholders.

Mr. WARNER, of Ohio, said, page 6373:

> What shall it be, a temporary income tax upon accumulated wealth (to meet these pensions) * * * or a tax which the laborers of the country * * * must largely pay.

This discussion was not on a proposition to levy an income tax, as these remarks and others would seem to indicate; it was a proposition to allow pension legislation only when provision is made for pensioners to get their pay out of certain taxes—to be levied on the passage of each pension bill. If these gentlemen are anxious to levy an income tax, being in the majority, why do they not bring in a bill for that purpose? Ah, sir, that is not what they want. They want to defeat any further legislation in behalf of soldiers. The Democracy are now engaged in the task of making the soldier odious. Think of it, what chance the soldier would have in continuing such a fund, even if it could be established. That tax was one of the first war taxes to be repealed, even when laid for general purposes. Lay such a tax for a specific purpose and how long would it remain? The soldier for whose benefit it is paid would become an object of hatred and contempt to those compelled to bear its burdens, at once. Against him would be arrayed in an hour all the leading newspapers paying an income tax, all corporate power coming within the provisions of such a law; all the leading importers, manufacturers, and merchants; all the great bond and mortgage holders, banking institutions, and syndicates; all the great landlords, cattle-kings, oil-princes, and all the fortunate and favored of the whole land who live upon the earnings and fortunes of their ancestry.

These combined forces of wealth are often charged with shaping the policy and controlling the legislation of the country even against the will of the great body of the middle and lower classes, constituting at least forty millions of people. And yet this chivalric Democracy, instead of levying an income tax, if needed, in a manly way as a mandate of the whole people and for the whole people, would impose upon the defenders of the flag, now not more than three hundred thousand strong, the alternative of forcing from combined wealth a fund for pensions, or finish their journey to the grave neglected and forgotten by the country their blood has sanctified and their valor saved!

During the past two months instances have been numerous of a conspicuous purpose on the part of the Democracy to suppress all pension legislation whatsoever. Plenty of bills have been reported and placed on the Calendar, where they are successfully kept to the rear by the skillful manipulation of the majority leaders. The restoration of arrearages, the Blair bill, granting to Union soldiers no more than you have been swift to vote to the Mexican soldiery; bill No. 1886, which grants pensions to soldiers in need whether physically incapacitated or not, each meritorious and none of which you dare meet by a square vote, yet you have succeeded, you still succeed, in keeping them beyond the reach of the minority. This I have no doubt you will continue to do until the long session ends, unless you can bring them out harnessed to some absurd proposition like your resolution of the 22d of June to which I have referred.

You talk of what you have done in the past (always, be it said, with a minority of your own party and a solid Republican vote), and you attempt to justify your do-nothing policy of the present, because you assume all this legislation should have been disposed of when we were in power immediately after the war, when we were struggling to meet national obligations, and when the soldier, then in the prime of life, was not pressing his necessities upon us. You make great ado about the number of pension bills signed by the present Executive as compared with those signed by former Presidents, at a time when few private bills came here for the reason they were still pending in the Pension Department, and because it was not then known they would be rejected there. Each Friday evening recently when these bills are being considered you have had your pickets out in the person of some of your most noted and bitter opponent of the soldier, who either "talks to death" or "calls a quorum" upon every bill which does not meet his "unbiased judgment." His speeches are always headed with pre-

cisely the same exordium, and consists of vehement protestations of his undying devotion for the soldier and a purpose to "stand by him in all proper cases," while the balance of his speeches is devoted to allegations of fraud and intrigue running through all cases in general and none in particular.

These pickets on the new line of Democratic belligerency have, since the appearance of vetoes, become more bold and vigorous, and they taunt us with the assurance that their course is approved by the President.

Only recently have I abandoned all hope that the Democracy could not be united in opposition to this class of legislation. I now confess my mistake. These pickets and the President have got the party under proper discipline, and here we are filibustering for a whole day, near the close of the session, to prevent a worthy widow from securing her pension of $12 a month, all because the President of the United States tells us that her husband did not come to his end in a manner that comports with his present views of heroic dying. I believe that the President is in general far in advance of his party in sincerity of purpose to work out all needed reforms and in the determination to make an honorable record for his party and the country, but upon this question he has certainly taken a course that is unjust to the nation's defenders, and, unfortunately, he finds more ready following from his party than when he pursues a course entirely defensible.

Mr. BROWNE, of Indiana. I yield now ten minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, the Congress of the United States in the performance of its duty has passed certain bills to pension soldiers in the late war. They went to the President for his approval, and in the performance of his duty, as he conceived it to be, they are returned with his reasons for his failure to approve them. One of these bills is now before the House for consideration, several I believe having been already considered this morning and referred to the committee, and I am told that there are more to follow. While I concede to the President the right and power to return a bill with his objections, yet he is entitled to no more consideration than we are. He no more acts under oath than did the Committee on Invalid Pensions when it unanimously and favorably reported this bill and the other preceding it that have been vetoed by the President. He is entitled to as much consideration and no more than that committee or this House; and while I shall not abuse him personally, yet I shall, if I can, find out the real motive that prompts these vetoes.

Of course, if any of these applicants for pension could be relieved under the general law they would not be here asking relief. If their cases come within the general law they would not appeal to the heart of the country, the justice of the country, and the humanity of the country, as represented in Congress, for special or for general legislation.

These vetoed cases while not precisely equal in merit, yet are substantially similar all along the line. So I might just as well speak of one as of another. But before I speak specifically of one case let me say to my mind all these vetoes tell one story, namely: That the President of the United States in the exercise of his constitutional prerogatives has, in effect, determined that while he is President there shall be no further pension legislation. If he will not approve these special bills to pension individual soldiers who are equitably entitled to relief—their cases not coming within the strict letter of the general law—of course he would not approve the general pension bill which passed the Senate and is now pending in this Democratic House even if the House should pass it, which bill provides, in substance, that every soldier of the late war who is now disabled and dependent on his own labor for support shall be pensioned.

We gave the soldiers of the Revolutionary war and of the war of 1812 service pensions, and in due time will give a service pension to the soldiers of the late war. In the mean time there are cases not covered by the general law where the soldier is disabled in which there is a present equity for relief, and it is because of such equity Congress has sought to give relief case by case.

Take the case that just preceded this one, that of Edward M. Harrington. I hold in my hand the President's veto. Gentlemen are familiar with the facts in the case. Here is the report. It appears the man was mustered into the service of the United States, and without fault upon his part, while he was in the service, in the line of his duty, another man, not a confederate, but as bad as a confederate, yes, worse than a confederate, made an attack upon him for the purpose of robbing him. He broke his ribs; he broke his collar-bone. Well, now, it is fair to presume that if this man had not enlisted in the service of his country he would not have been subjected to that kind of attack. Here is what is said by the Army surgeon in his certificate of disability for discharge, that the man was discharged on the ground of—

> Epilepsy, produced while in the service of the United States by blows of violence over the right hypochondrium, producing a deformity of the sternum; disability three-fourths; not fit for the Invalid Corps.

This is signed by H. McG. Wilson, assistant surgeon. And here comes another physician, who testifies that the assault was altogether without provocation on the part of this man, its object being robbery. Here is another, who says the soldier's brain has become greatly impaired, preventing him from engaging in business. That is the case we sent to the President, and which the President has returned with a veto.

Ah, said the gentleman from Indiana [Mr. MATSON], who was quick after making his speech to cut off reply by applying the gag of the previous question, it may be the epilepsy was not traceable to the injury. The President does not make that point. In your haste to excuse the President after you have made this unanimous report and we passed the bill, the gentleman from Indiana makes a defense which it appears to me stultifies gentlemen on that side, a defense which the President did not make. What does the President say? He says:

> It is hardly worth while considering the character of these alleged injuries or their connection with the fits with which the claimant is afflicted.

He does not consider that at all, but puts the veto on this ground:

> The Government ought not to be called upon to insure against the quarrelsome propensities of its individual soldiers nor to compensate one who is worsted in a fight.

However correct that position may be, that is not this case. He continues:

> Or even in an unprovoked attack.

That is this case.

There is your veto. For one man I join issue with the President. This man in the line of duty was attacked by a would-be robber, and without fault upon his part, and contracted epilepsy from the injuries he received. It is plainly proven that his mind is impaired. Poor in pocket, with both mind and body impaired from epilepsy contracted in that service, he comes knocking at the doors of Congress for a pension, and the President says "No." I say yes. Do you gentlemen on the other side dare say no? It looks as if you were going to dodge these cases. They have been referred, case after case, to the Committee on Invalid Pensions instead of being promptly voted upon. This precise case with the facts that have been established you referred after two roll-calls and after discussion. Why? Because in the teeth of your own report, notwithstanding that the poor epileptic and many other people like him throughout the length and breadth of the country demand this just relief, notwithstanding you said he was entitled to it, yet the President, out of whose eyes and from whose hands springs the success of your party, as you think, and your patronage, is to be protected in every position he takes. I grant the President has his duty to perform. So have I my duty to perform.

I will tell you how it looks to me. The President of the United States is the Chief Executive of the greatest and richest Government upon the face of this earth, a Government that is spending nearly $400,000,000 a year for its service—a country of vast extent, rapidly increasing in population and in wealth, with foreign questions and internal questions trooping giant-like for solution—yet we find him brushing them aside, leaving them to take care of themselves. In the mean time he does not appear to be anxious to please anybody except that solid knot of his party that comes from the solid South; he wants their approval, in my opinion, because they cast a solid vote in conventions and at the ballot-box.

There he stands, looking through a gimlet-hole with a magnifying glass at this and other pension bills which give $8 a month to the poor soldier who lost his health in the defense of his country, looking for excuses to interpose a veto; and in many cases, not content with interposing his veto, seemingly, imbued by the same spirit that actuated the persecutors of Christ upon the cross, jeers and derides the unfortunate soldiers for disabilities received while in the service, for the relief of which from the Treasury of a grateful people his veto is the sole barrier. [Applause on the Republican side.] And this is statesmanship! Defend it if you dare. [Applause on the Democratic side.] Yes; you will have to defend it before November. [Renewed applause on the Democratic side.] Oh, the gentlemen on the other side who are clapping their hands in approval of the President can defend it; they have the kind of constituents that do not believe in pensions. [Applause on the Republican side.]

But, unless I miss my guess, you will find, gentlemen, that you have defended it in vain, and these men who are entitled to these pensions, sustained by the public opinion and the sense of justice of this country, will send a Congress here that will pass these bills and other just pension legislation over the vetoes of this President. [Applause on the Republican side.]

Mr. BROWNE, of Indiana. I yield the remainder of my time to the gentleman from Iowa [Mr. WEAVER].

Mr. WEAVER, of Iowa. Mr. Speaker, I had the honor to introduce this bill for the relief of Catherine McCarty, and I wish to be heard with regard to it for a few moments. I wish to treat both the Executive and the Committee on Invalid Pensions with perfect respect.

What is the case before the House? Is there any dispute as to the facts in this case? None, whatever. The facts are all ascertained and there is no disagreement about them. The question that I put to the House, then, is this: Can not this case be disposed of without referring it again to the committee and disposed of with perfect respect to the Executive and to the committee? Why, the rules of the House allow it to be so disposed of, and certainly they are not framed with a view to any possible disrespect toward either the Executive or any committee of this House.

There would be a good reason for recommitting the bill if there were any dispute as to the facts; but, there being no such dispute, what occasion can there be for the motion of the gentleman from Indiana? This soldier, as is shown by the testimony, accidentally took poison and died a few hours afterward. There is no claim that he committed suicide. He was regularly in the service of his country and died there. His aged widow is poor and has lived a life of hardship and poverty. She is now old, and I say every precept of justice demands that she should have a pension for the remainder of her days, which can not be many at best.

Now, if any gentleman can tell me how there can be any possible shade of disrespect to the Executive or to the Committee on Invalid Pensions by our considering this bill now, I will consent that it be again referred to the committee. I want to disclaim here any purpose or any intention whatever to cast any disrespect upon the Executive for the exercise of his constitutional prerogative. He has his duty to perform; I have mine, and each is entirely independent of the other, and made so by the Constitution, and each must perform that duty guided by the best light attainable.

Mr. BURROWS. The gentleman will remember that the proposition in this case is simply to ask the committee to report it back next week.

Mr. WEAVER, of Iowa. Certainly, and I am very sorry the motion was made at all. I shall support it in preference to a motion to refer without instructions, but I think there is no reason in the world why we can not act upon this bill here and now, and determine whether Catherine McCarty shall have a pension under existing circumstances. I knew perfectly well that this woman was not entitled to a pension under the general law, but I thought the equities and the circumstances surrounding the case were so peculiar as to justifiy the House in departing from the rule and placing her by special act upon the pension-roll. I thought so then; I think so now.

In my judgment, this is a case that ought never to have been vetoed. In that opinion I am at variance with the Executive. The House has a perfect right to pass a law to place anybody upon the pension-roll if they think the circumstances justify it, whether existing law contemplates it or not. That is the theory upon which all special acts proceed, and there is no disrespect implied if the House insists upon its judgment that a pension should be granted in this or any other particular case. I will stand by the President in every veto that in my judgment is right, but I have a duty to perform here to my constituents and my conscience; and I say that, under the circumstances, this bill ought to pass, and I hope that we shall get a vote upon it directly here and now.

Mr. MATSON. Mr. Speaker, the debate on this simple proposition to instruct the Committee on Invalid Pensions to report this bill back by Monday next has taken a very wide range; and I shall not undertake to follow the speeches of all the gentlemen who have spoken. My colleague from Indiana [Mr. BROWNE] took an old route. He thought it safer and better to predict what was going to happen, and to promise in an implied way to the soldiers of this country what the Republican party would do, than to undertake to go back and see what that party has done. But some of the gentlemen who followed him were less discreet, and thought that perhaps it would be well to review the past and ascertain how the balance stood between the Democratic party on the one side and the Republican party on the other in their attempts to give friendly legislation to the soldier. And some of these gentlemen have gone into details in order to bring before the country the acts of legislation in behalf of the soldiers during the period since the war; and they find that in their judgment all the friendly legislation which has been enacted has emanated from the Republican party.

Now, Mr. Speaker, that is not the record. In the first place, the President of the United States has been severely arraigned here to-day because he has seen fit, upon private pension bills, each one involving a different and distinct set of facts, to express his solemn judgment, as he is required by the Constitution to do. Gentlemen say that this is an unfriendly thing, and shows to the soldiers of the country that the Democratic party is unfriendly to the soldier; but they shut their eyes to the fact that when General Grant was President of the United States and when that bill which above all others was friendly to the soldiers of this country, which would have benefited more soldiers than any other bill ever passed by Congress was submitted to him, he allowed that bill to fail for want of his signature. Yet gentlemen have no words of condemnation for that; but they propose to abuse Mr. Cleveland, the present President, because he has vetoed certain private pension bills; and they say the balance is on their side.

Mr. GROSVENOR. Will the gentleman allow me a question?

The SPEAKER. Does the gentleman from Indiana yield?

Mr. MATSON. I do not. Gentlemen say that the comparison between the two parties as to their course on this subject shows the balance on their side. I will submit, and gladly submit, to the soldiers of this country the question as to where the balance is. All the legislation friendly to the soldier that has amounted to anything since the war has been given by a Democratic House of Representatives.

Mr. BRUMM. By Republican votes.

Mr. MATSON. It was a Democratic House that originated, and under the leadership of General Rice, a one-legged Democratic soldier, passed the original bill giving arrears of pension.

Mr. BOUTELLE. Will the gentleman state the vote as it was given in the House?

Mr. MATSON. I decline to yield.

Mr. MILLIKEN. How many Democrats voted for it and how many Republicans?

Mr. MATSON. I decline to yield. Not only did a Democratic House do that, but I turn to the action of the Forty-seventh Congress. And here I want to be fair to my friend from Indiana, because I think heretofore I may have said something which reflected upon him. He was fair, and I want to be equally fair. I do not blame him in the matter, because as I understand no bill in relation to this arrears question was referred to the Committee on Invalid Pensions, of which he was then chairman; therefore it is not to him, but to the Republican party, that the blame attaches. In that Congress, with a majority on the other side, not even a bill was reported to this House for the purpose of giving arrears of pension. There is the record on that proposition. Yet you say and insist that you are the friends, and that the Democrats are the enemies, of pension legislation.

Mr. MILLIKEN. What was the action of the gentleman himself when we attempted to attach the arrears bill to the widows' pension bill in this Congress?

Mr. MATSON. I have not time to yield; I will come to that question.

More than that on this question of arrears. Every man on the other side of the House knows that the additional arrears can not be paid without more money; and within the last two weeks the Republicans in this House spent a whole day in filibustering to prevent the adoption of a resolution to enable this House to raise money to pay arrears or to pay any general pensions. [Applause on the Democratic side, and derisive cries on the Republican side.]

Mr. MILLIKEN. You wanted to make a rule that would never allow another pension measure to pass.

Mr. MATSON. It is all promises on your side; when it comes to the practical work of raising money to pay the soldiers their pensions, you filibuster and will not join in carrying, as you ought to do, any measure looking to that end.

Mr. MILLIKEN. It is all hypocrisy with you. You know that the rule proposed would not allow any further pension legislation; and that is why you stood by it.

The SPEAKER. The gentleman from Indiana has declined to yield and is entitled to the floor.

Mr. MATSON. Now, gentlemen have talked about pension bills being vetoed. They forget that nearly all of these bills which have been vetoed and nearly all which have been signed by President Cleveland were vetoed by a Republican Commissioner of Pensions years ago. [Applause on the Democratic side.] Yet you say that President Cleveland ought to be blamed——

Mr. CUTCHEON. The Commissioner was bound by existing law; we want to make new laws that will enable these soldiers to be pensioned.

Mr. MATSON. Nine-tenths of these cases are cases where the right to a pension was asserted at the Pension Office and denied, and we come here and give the parties relief. And the President, in cases of that kind, has signed fifteen bills to one he has vetoed, although your Republican Commissioner years ago had vetoed a very large proportion of them.

Mr. HENDERSON, of Iowa. Do you hold that the Commissioner did so unlawfully?

Mr. MATSON. I hold that the Commissioner did right, so far as that is concerned.

Mr. HENDERSON, of Iowa. Very well; then say so.

Mr. MATSON. I hold, however, that the refusal of the Commissioner to grant these pensions does not prove that he was unfriendly to the soldiers any more than these vetoes prove that President Cleveland is unfriendly. Here are men charged with the exercise of a grave official duty. They propose to exercise it, as they should, upon their conscience; and when we come to consider these questions, they ought to be considered by us not only deliberately, but in a judicial temper, with no disposition to abuse the President or anybody else.

Some gentleman here said that all these bills which have been vetoed by the President were reported from the Committee on Invalid Pensions unanimously. The gentleman who made that assertion perhaps did not know the facts. In regard to many bills reported to this House a bare majority in the committee votes for them. Perhaps, and probably in the case of many of these vetoed bills, only a bare majority of the committee—perhaps only a majority of a quorum of the committee—voted to report the bills favorably to the House. That is the fact; and it is unfair for gentlemen to assert that all these bills have been unanimously reported. We have not seen fit to make minority reports. Where there was a majority of a quorum in favor of the bills, we have allowed them to come before the House. But I want to say, in confirmation of what was said by the gentleman from Iowa, that

every one of these bills has been considered by a quorum of the Committee on Invalid Pensions. The members of that committee have been at work industriously; they have done the very best they could.

If the President takes issue with them it is not only the duty of this committee but it is the duty of this House to give the committee opportunity to review the matter deliberately, to look at all the facts calmly, and see whether we are right or the President is right on this proposition. When we have determined that, if we do not report as soon as some gentlemen think we ought to, the Speaker of this House himself has said it continues to be a question of privilege, and any gentleman may rise in his seat and move to discharge the committee from the further consideration of the bill and bring it before the House for action if a majority supports the motion.

Where is the injustice, where is the injury to anybody by acting in a deliberate manner, and carefully, coolly, and calmly reviewing each case and reporting to the House before calling upon the House to pass a bill over the veto of the President?

Mr. SPRINGER. Will the gentleman from Indiana state to the House how many bills have been reported from the Committee on Invalid Pensions in this House as compared with the bills reported by previous committees?

Mr. MATSON. It is almost impossible to state exactly. My judgment is there have been some six hundred bills reported favorably from the Committee on Invalid Pensions, and perhaps an equal number reported adversely. Then there have been a large number considered by the committee which were determined adversely or which individual members examined and thought without merit, which have been allowed to remain without further action.

Mr. TOWNSHEND. How does the number reported favorably at this Congress compare with the number reported during the Forty-seventh Congress?

Mr. MATSON. So far as that comparison is concerned I leave it to my colleague on the other side [Mr. BROWNE] who was chairman of the Committee on Invalid Pensions at that time.

Mr. BROWNE, of Indiana. My recollection is that during the time I was chairman I reported four hundred cases; and as it is seldom I have an opportunity to declare a balance in my colleague's favor, I will do it now. [Laughter.]

Mr. HEPBURN. A while ago the gentleman from Tennessee [Mr. MCMILLIN] made the statement that the majority of the cases passed by the House had been passed over the adverse report of your committee.

Mr. MCMILLIN. That statement was not made by be.

Mr. HEPBURN. I understood it was.

Mr. MATSON. If the statement was made the gentleman was mistaken.

Mr. HEPBURN. Then state how many there were.

Mr. MATSON. Only one or two, and those were adverse reports on bills increasing pensions of the widows of officers.

Mr. MCMILLIN. My friend will find there are more than that number. I will not controvert his statement, but I never made the statement my friend from Iowa understood me to make. I merely stated there was action of that sort.

Mr. SPRINGER. How many pension cases have been passed by this Congress?

Mr. MATSON. In the neighborhood of five hundred cases have been passed by this Congress. The President has affirmatively approved a majority of them. I have seen a list of eighty-eight sent in during one day of bills approved affirmatively.

In regard to this case, there is no reason why it should be preferred over others, and that is all there is in this proposition.

If the House votes the committee shall report this case on next Monday, we of course will try to do it. But what reason is there this case shall be selected out from all others to be reported to the House?

Mr. WEAVER, of Iowa. The reason I suggest is that there is no dispute about the facts.

Mr. MATSON. There may be no dispute about the facts, and yet there are matters connected with every case which should be investigated. There is here a question of negligence which may require very careful consideration. There may be carelessness amounting to gross negligence that no court would disregard.

Mr. BROWN, of Pennsylvania. There is no difficulty about the facts in this case.

Mr. MATSON. The House by unanimous consent sent forty of these bills to that committee. There is no ground to suppose these will be smothered in that committee. On the contrary, we have reported two cases already to be passed over the President's veto. We believe these cases to be right, and on reconsideration stand by them. If we ascertain on an investigation of any of these cases that they ought to have that course and be passed, notwithstanding the veto of the President, the committee will not hesitate to recommend it. There is no disposition on the part of the committee to smother anybody's bill.

Mr. BURROWS. Was not the consideration of a bill which was reported back from the committee with the recommendation that it be passed over the veto postponed by the consent of the committee?

Mr. MATSON. Yes, sir; and for a very good reason. I apprehend, Mr. Speaker, that this is not a matter of such grave public importance as that it ought to interfere with the consideration of great appropriation bills. I apprehend that there is no trouble about relieving these claimants or getting their claims through where the vetoes are wrong; at least getting them considered. There is no difficulty about it at all. We will report them just as fast as we can; and just as fast as we arrive at a conclusion on them that they ought to be reported favorably we will do so, and if we reach bills that we think ought not to be reported back favorably we will not hesitate to say so.

I now demand the previous question upon the motion and amendment.

The previous question was ordered.

The question being taken on the motion of Mr. BROWNE, of Indiana, to instruct the committee to report the bill back to the House on or before Monday next, there were on a division—ayes 84, noes 99.

Mr. BROWNE, of Indiana. I will ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 115, nays 127, not voting 81; as follows:

YEAS—115.

Adams, G. E.	Evans,	Lehlbach,	Romeis,
Allen, C. H.	Everhart,	Lindsley,	Ryan,
Anderson, J. A.	Farquhar,	Little,	Scranton,
Atkinson,	Felton,	Long,	Sessions,
Baker,	Fleeger,	Lyman,	Spooner,
Bayne,	Fuller,	Maybury,	Steele,
Bingham,	Funston,	McComas,	Stephenson,
Bound,	Gilfillan,	McKenna,	Stewart, J. W.
Boutelle,	Grosvenor,	McKinley,	Stone, E. F.
Browne, T. M.	Grout,	Millard,	Strait,
Brown, C. E.	Guenther,	Milliken,	Struble,
Brown, W. W.	Harmer,	Moffatt,	Swinburne,
Brumm,	Hayden,	Morrill,	Symes,
Buck,	Haynes,	O'Donnell,	Taylor, I. H.
Bunnell,	Henderson, D. B.	O'Hara,	Taylor, Zach.
Burleigh,	Henderson, T. J.	O'Neill, Charles	Thomas, O. B.
Burrows,	Hepburn,	Osborne,	Van Schaick,
Butterworth,	Hermann,	Owen,	Wade,
Campbell, J. M.	Hires,	Payne,	Wadsworth,
Cannon,	Hitt,	Payson,	Warner, William
Carleton,	Holmes,	Perkins,	Weaver, A. J.
Conger,	Hopkins,	Peters,	Weaver, J. B.
Cooper,	Jackson,	Pettibone,	Weber,
Cutcheon,	James,	Pirce,	West,
Davis,	Johnson, F. A.	Plumb,	White, A. C.
Dingley,	Johnston, J. T.	Price,	White, Milo
Dorsey,	Kelley,	Ranney,	Wolford,
Dunham,	La Follette,	Rice,	Woodburn.
Ely,	Laird,	Rockwell,	

NAYS—127.

Allen, J. M.	Dunn,	Kleiner,	Sayers,
Barksdale,	Eden,	Laffoon,	Seney,
Beach,	Eldredge,	Lanham,	Seymour,
Bennett,	Ellsberry,	Lawler,	Singleton,
Blanchard,	Ermentrout,	Lore,	Skinner,
Bland,	Findlay,	Lovering,	Sowden,
Bliss,	Ford,	Lowry,	Springer,
Blount,	Forney,	Martin,	Stahlnecker,
Boyle,	Frederick,	Matson,	Stewart, Charles
Bragg,	Gay,	McAdoo,	St. Martin,
Breckinridge, WCP.	Geddes,	McCreary,	Stone, W. J., Ky.
Burnes,	Gibson, C. H.	McRae,	Stone, W. J., Mo.
Bynum,	Gibson, Eustace	Merriman,	Storm,
Cabell,	Glass,	Mitchell,	Tarsney,
Caldwell,	Green, R. S.	Morgan,	Taulbee,
Campbell, Felix	Hale,	Muller,	Tillman,
Campbell, J. E.	Halsell,	Murphy,	Townshend,
Campbell, T. J.	Hammond,	Neal,	Trigg,
Candler,	Henderson, J. S.	Neece,	Tucker,
Catchings,	Henley,	Norwood,	Turner,
Clardy,	Herbert,	Oates,	Van Eaton,
Cobb,	Hewitt,	O'Neill, J. J.	Viele,
Collins,	Hill,	Outhwaite,	Ward, T. B.
Cox,	Holman,	Peel,	Warner, A. J.
Crisp,	Howard,	Perry,	Wellborn,
Croxton,	Hudd,	Pidcock,	Wheeler,
Culberson,	Hutton,	Pindar,	Wilkins,
Curtin,	Irion,	Randall,	Willis,
Dargan,	Johnston, T. D.	Reagan,	Winans,
Davidson, A. C.	Jones, J. H.	Richardson,	Wise,
Dibble,	Jones, J. T.	Robertson,	Worthington.
Dockery,	King,	Sadler,	

NOT VOTING—81.

Adams, J. J.	Davidson, R. H. M.	Le Fevre,	Sawyer,
Aiken,	Dawson,	Libbey,	Scott,
Anderson, C. M.	Dougherty,	Louttit,	Shaw,
Arnot,	Dowdney,	Mahoney,	Smalls,
Ballentine,	Fisher,	Markham,	Snyder,
Barbour,	Foran,	McMillin,	Spriggs,
Barnes,	Gallinger,	Miller,	Swope,
Barry,	Glover,	Mills,	Taylor, E. B.
Belmont,	Goff,	Morrison,	Taylor, J. M.
Brady,	Green, W. J.	Morrow,	Thomas, J. R.
Breckinridge, C. R.	Hall,	Negley,	Thompson,
Buchanan,	Hanback,	Nelson,	Throckmorton,
Caswell,	Harris,	O'Ferrall,	Wait,
Clements,	Hatch,	Parker,	Wakefield,
Cole,	Heard,	Phelps,	Wallace,
Compton,	Hemphill,	Reed, T. B.	Ward, J. H.
Comstock,	Hiestand,	Reid, J. W.	Whiting,
Cowles,	Hiscock,	Reese,	Wilson.
Crain,	Houk,	Riggs,	
Daniel,	Ketcham,	Rogers,	
Davenport,	Landes,	Rowell,	

So the motion was not agreed to.

On motion of Mr. PAYSON, by unanimous consent the reading of the names was dispensed with.

The following additional pairs were announced:

Mr. BELMONT with Mr. KETCHAM, until Friday next.

Mr. ANDERSON, of Ohio, with Mr. MORROW, for the remainder of the day.

Mr. WILSON. Mr. Speaker, I was paired with Mr. SEYMOUR on the last vote. As he did not vote on this call, I will consider the pair as still in force.

The result of the vote was then announced as above recorded.

The question recurring on the motion of Mr. MATSON to refer the bill and message to the Committee on Invalid Pensions, it was agreed to.

SALLY ANN BRADLEY.

The SPEAKER also laid before the House the following message from the President of the United States:

To the House of Representatives:

I herewith return without approval House bill No. 5394, entitled "An act granting a pension to Sally Ann Bradley."

The husband of this proposed beneficiary was discharged from the military service in 1865, after a long service, and was afterward pensioned for gunshot wound.

He died in 1882. The widow appears to have never filed a claim for pension in her own right.

No cause is given of the soldier's death, but it is not claimed that it resulted from his military service, her pension being asked for entirely because of her needs and the faithful service of her husband and her sons.

This presents the question whether a gift in such a case is a proper disposition of money appropriated for the purpose of paying pensions.

The passage of this law would, in my opinion, establish a precedent so far-reaching, and open the door to such a vast multitude of claims not on principle within our present pension laws, that I am constrained to disapprove the bill under consideration.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 6, 1886.

Mr. MATSON. I move to refer the bill and the message to the Committee on Invalid Pensions; and on that I demand the previous question.

Mr. GROSVENOR. I ask to amend the motion.

Mr. BRUMM. I have an amendment I would like to offer.

Mr. BAYNE. I think the gentleman who introduced the bill should be given the right to offer this amendment.

Mr. GROSVENOR. I introduced this bill in Congress, and think I certainly should have the right of offering an amendment.

The SPEAKER. But the previous question has been demanded.

Mr. BURROWS. Mr. Speaker, is it in order to amend that motion?

The SPEAKER. Not with the previous question pending. If the previous question is not ordered it will be open to amendment.

Mr. BURROWS. They will have a good time getting it.

The question was taken; and on a division there were—ayes 80, no 1.

Mr. ANDERSON, of Kansas. No quorum.

Mr. BROWNE, of Indiana. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BROWNE, of Indiana. Under the rule, after the previous question has been moved, or even after it has been ordered, may there not be a motion to instruct?

The SPEAKER. Not on this question. This is not upon the passage of a proposition, but upon a motion to refer. Under the rule of the House, which was adopted for the first time in the Forty-sixth Congress, it was provided that it should be in order when a bill was on its passage and the previous question had been demanded or ordered to move to recommit with or without instructions.

Mr. ANDERSON, of Kansas. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON, of Kansas. Under the rule when the previous question is ordered on a proposition on which there has been no discussion are there not fifteen minutes allowed on each side for debate?

The SPEAKER. If the proposition on which the previous question is ordered was debatable, then under the rule fifteen minutes are allowed for debate on each side after the ordering of the previous question on a proposition on which there has been no debate. But a simple motion to refer, except on a matter reported by a committee, is not debatable. In this case if the previous question should be ordered there would be no debate.

Mr. ANDERSON, of Kansas. I make the point of no quorum.

The CHAIRMAN. The Chair appoints as tellers the gentleman from Kansas [Mr. ANDERSON] and the gentleman from Indiana [Mr. MATSON].

Mr. MATSON. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 129, nays 7, not voting 187; as follows:

YEAS—129.

Allen, J. M.	Bragg,	Candler,	Culberson,
Beach,	Breckinridge, C. R.	Carleton,	Dargan,
Bennett,	Breckinridge, W. C. P.	Catchings,	Dibble,
Blanchard,	Burnes,	Clardy,	Dockery,
Bland,	Bynum,	Cobb,	Dunn,
Bliss,	Cabell,	Cowles,	Eden,
Blount,	Campbell, Felix	Crisp,	Eldredge,
Boyle,	Campbell, T. J.	Croxton,	Ellsberry,
Felton,	Irion,	Neal,	St. Martin,
Findlay,	Johnston, T. D.	Neece,	Stone, W. J., Mo.
Fisher,	Jones, J. H.	Norwood,	Storm,
Ford,	Jones, J. T.	Oates,	Tarsney,
Forney,	King,	O'Ferrall,	Taulbee,
Frederick,	Kleiner,	Outhwaite,	Tillman,
Gay,	Laffoon,	Peel,	Townshend,
Geddes,	Lanham,	Perry,	Trigg,
Gibson, C. H.	Lawler,	Pidcock,	Tucker,
Gibson, Eustace	Lore,	Pindar,	Turner,
Glass,	Lovering,	Randall,	Van Eaton,
Green, R. S.	Lowry,	Reagan,	Viele,
Green, W. J.	Martin,	Richardson,	Ward, T. B.
Hale,	Matson,	Robertson,	Warner, A. J.
Halsell,	Maybury,	Sadler,	Wellborn,
Hammond,	McAdoo,	Sayers,	Wheeler,
Hatch,	McCreary,	Seney,	Wilkins,
Henderson, J. S.	McMillin,	Sessions,	Willis,
Herbert,	McRae,	Seymour,	Winans,
Hewitt,	Merriman,	Singleton,	Wise,
Hill,	Mills,	Skinner,	Wolford,
Holman,	Morgan,	Sowden,	Worthington.
Howard,	Morrison,	Springer,	
Hudd,	Muller,	Stahlnecker,	
Hutton,	Murphy,	Stewart, Charles	

NAYS—7.

Campbell, J. M.	McKenna,	Ranney,	Struble.
Everhart,	Payson,	Steele,	

NOT VOTING—187

Adams, G. E.	Davidson, A. C.	Johnston, J. T.	Rockwell,
Adams, J. J.	Davidson, R. H. M.	Kelley,	Rogers,
Aiken,	Davis,	Ketcham,	Romeis,
Allen, C. H.	Dawson,	La Follette,	Rowell,
Anderson, C. M.	Dingley,	Laird,	Ryan,
Anderson, J. A.	Dorsey,	Landes,	Sawyer,
Arnot,	Dougherty,	Le Fevre,	Scott,
Atkinson,	Dowdney,	Lehlbach,	Scranton,
Baker,	Dunham,	Libbey,	Shaw,
Ballentine,	Ely,	Lindsley,	Smalls,
Barbour,	Ermentrout,	Little,	Snyder,
Barksdale,	Evans,	Long,	Spooner,
Barnes,	Farquhar,	Louttit,	Spriggs,
Barry,	Fleeger,	Lyman,	Stephenson,
Bayne,	Foran,	Mahoney,	Stewart, J. W.
Belmont,	Fuller,	Markham,	Stone, E. F.
Bingham,	Funston,	McComas,	Stone, W. J., Ky.
Bound,	Gallinger,	McKinley,	Strait,
Boutelle,	Gilfillan,	Millard,	Swinburne,
Brady,	Glover,	Miller,	Swope,
Brown, C. E.	Goff,	Milliken,	Symes,
Brown, W. W.	Grosvenor,	Mitchell,	Taylor, E. B.
Browne, T. M.	Grout,	Moffatt,	Taylor, I. H.
Brumm,	Guenther,	Morrill,	Taylor, J. M.
Buchanan,	Hall,	Morrow,	Taylor, Zach.
Buck,	Hanback,	Negley,	Thomas, J. R.
Bunnell,	Harmer,	Nelson,	Thomas, O. B.
Burleigh,	Harris,	O'Donnell,	Thompson,
Burrows,	Hayden,	O'Hara,	Throckmorton,
Butterworth,	Haynes,	O'Neill, Charles	Van Schaick,
Caldwell,	Heard,	O'Neill, J. J.	Wade,
Campbell, J. E.	Hemphill,	Osborne,	Wadsworth,
Cannon,	Henderson, D. B.	Owen,	Wait,
Caswell,	Henderson, T. J.	Parker,	Wakefield,
Clements,	Henley,	Payne,	Wallace,
Cole,	Hepburn,	Perkins,	Ward, J. H.
Collins,	Hermann,	Peters,	Warner, William
Compton,	Hiestand,	Pettibone,	Weaver, A. J.
Comstock,	Hires,	Phelps,	Weaver, J. B.
Conger,	Hiscock,	Pirce,	Weber,
Cooper,	Hitt,	Plumb,	West,
Cox,	Holmes,	Price,	White, A. C.
Crain,	Hopkins,	Reed, T. B.	White, Milo
Curtin,	Houk,	Reese,	Whiting,
Cutcheon,	Jackson,	Reid, J. W.	Wilson,
Daniel,	James,	Rice,	Woodburn.
Davenport,	Johnson, F. A.	Riggs,	

Mr. ANDERSON, of Kansas. I ask unanimous consent that the reading of the names be dispensed with.

There was no objection.

The following additional pair was announced:

Mr. DAVIDSON, of Alabama, with Mr. SWINBURNE, for the rest of the day.

The SPEAKER. Upon this vote the yeas are 129, the nays are 7. A quorum has not voted.

Mr. MATSON. I move a call of the House.

Mr. ANDERSON, of Kansas. I ask the gentleman from Indiana [Mr. MATSON] if he will not agree to thirty minutes' debate? [Cries of "Regular order!"]

The question being taken on the motion of Mr. MATSON, it was agreed to; and a call of the House was ordered.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that he had approved and signed bills and joint resolutions of the following titles:

An act (H. R. 1341) to construct a road to the national cemetery at Natchez, Miss.;

An act (H. R. 5175) extending the provisions and benefits of the pre-emption law to John E. White;

An act (H. R. 138) to provide for the sale of the Cherokee reservation in the State of Arkansas;

An act (H. R. 7773) for the relief of Capt. Hollister E. Goodwin and his sureties;

An act (H. R. 5891) to authorize a patent for the south half of the southeast quarter of section 34, in township 22, of range 15 east of the sixth principal meridian, to Elizur B. Ball, as administrator of the estate of William Frederick Schlagel;

An act (H. R. 3440) making an appropriation to construct a road or wagon roadway from the United States barracks in Saint Bernard Parish, Louisiana, to the national military cemetery at Chalmette, in said parish;

An act (H. R. 5201) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1887, and for other purposes;

An act (H. R. 1106) granting a pension to Mary B. Carll;

An act (H. R. 921) granting a pension to Clara L. Preuss;

An act (H. R. 918) granting a pension to Gilbert A. Philips;

An act (H. R. 601) granting a pension to Alonzo V. Richards;

An act (H. R. 556) granting a pension to Bridget Sherlock;

An act (H. R. 599) granting a pension to Mrs. Honorah Maloney;

An act (H. R. 504) granting a pension to Anna Kessinger;

An act (H. R. 1142) granting a pension to Lydia Hadlock;

An act (H. R. 1148) granting a pension to Mariah E. A. B. Nowell;

Joint resolution (H. Res. 183) providing for printing the First Annual Report of the Commissioner of Labor;

Joint resolution (H. Res. 57) to print an addition to a report on wages, ordered printed January 17, 1884;

Joint resolution (H. Res. 177) appointing managers for the National Homes for Disabled Soldiers to fill vacancies in the board which occurred by expiration of terms on the 21st day of April, 1886;

An act (H. R. 7364) authorizing the Secretary of War to allow the interment in the national cemetery at New Berne, in the State of North Carolina, of the remains of the late Mrs. Harriet B. Lehman;

An act (H. R. 1172) to remove the charge of desertion from the record of Franklin Thompson, alias S. E. E. Seelye;

An act (H. R. 4063) to authorize the improvement of the water-power in the Mississippi River at Little Falls, Minn.

An act (H. R. 2066) for the relief of Alfred McMurtrie;

An act (H. R. 3384) for the relief of James M. Bacon;

An act (H. R. 4412) for the relief of John A. Coan.

An act (H. R. 1150) granting a pension to Catherine E. Coffin;

An act (H. R. 1177) granting a pension to William J. Barker;

An act (H. R. 1252) granting a pension to Eugenia A. Smalley;

An act (H. R. 413) granting a pension to George Schaefer;

An act (H. R. 1627) granting a pension to Annie Bagley;

An act (H. R. 1766) granting a pension to Mary A. Shannon;

An act (H. R. 1768) granting a pension to James Wolfe;

An act (H. R. 1815) granting a pension to Ellen Corcoran;

An act (H. R. 1943) granting a pension to James L. McClarran;

An act (H. R. 1945) granting a pension to Jeremiah M. Fitger;

An act (H. R. 1997) granting a pension to Nancy R. Brown;

An act (H. R. 2070) granting a pension to William Paugh;

An act (H. R. 2144) granting a pension to C. K. Hughes;

An act (H. R. 2940) granting a pension to John T. Pennington;

An act (H. R. 2963) granting a pension to Louis Whorley;

An act (H. R. 2968) granting a pension to Harriet Peak;

An act (H. R. 2975) granting a pension to Eliza A. Weeks;

An act (H. R. 2976) granting a pension to Lenford Rose;

An act (H. R. 3047) granting a pension to Thomas Tegan;

An act (H. R. 3054) granting a pension to Sylvester Root;

An act (H. R. 3166) granting a pension to Solomon Messer;

An act (H. R. 3614) granting a pension to Charlotte Buck;

An act (H. R. 3737) granting a pension to John H. Downing;

An act (H. R. 3741) granting a pension to Emeline Roberts;

An act (H. R. 3753) granting a pension to John D. James;

An act (H. R. 3831) granting a pension to Charles T. Reber;

An act (H. R. 3836) granting a pension to James Dunbar;

An act (H. R. 3954) granting a pension to Henrietta Fisher;

An act (H. R. 4124) granting a pension to Charles F. Hildreth;

An act (H. R. 4145) granting a pension to Maria Kile;

An act (H. R. 4163) granting a pension to Dr. William H. Sheffield;

An act (H. R. 4199) granting a pension to William B. Jacobs;

An act (H. R. 4501) granting a pension to Daniel B. Randall;

An act (H. R. 4527) granting a pension to Elizabeth Slenbaker;

An act (H. R. 4539) granting a pension to Ann Little;

An act (H. R. 4632) granting a pension to William L. McCall;

An act (H. R. 4644) granting a pension to Noah B. Brookshire;

An act (H. R. 4699) granting a pension to Martin Jacoby;

An act (H. R. 4723) granting a pension to Joseph E. Van Horn;

An act (H. R. 4808) granting a pension to William Field;

An act (H. R. 4816) granting a pension to Mrs. Letitia J. Garrard;

An act (H. R. 4884) granting a pension to Rose A. McManus;

An act (H. R. 4903) granting a pension to Christian Smarzo;

An act (H. R. 4905) granting a pension to Aaron C. Johnson;

An act (H. R. 4977) granting a pension to James N. Hair;

An act (H. R. 5058) granting a pension to John Arthur;

An act (H. R. 5100) granting a pension to Eleanor Foust;

An act (H. R. 5154) granting a pension to Margaret A. Poland;

An act (H. R. 5261) granting a pension to Isaac Fossett;

An act (H. R. 5283) granting a pension to Larkin G. Mead;

An act (H. R. 5307) granting a pension to Lieut. Joseph Prost;

An act (H. R. 5304) granting a pension to John H. Hunter;

An act (H. R. 5333) granting a pension to Edward L. Hill;

An act (H. R. 5334) granting a pension to Henry Annin;

An act (H. R. 5351) granting a pension to Mrs. Clarissa Taft;

An act (H. R. 5408) granting a pension to Josiah Focht;

An act (H. R. 5434) granting a pension to Amos C. Wartz;

An act (H. R. 5435) granting a pension to David L. McDermott;

An act (H. R. 5492) granting a pension to Eliza Newman;

An act (H. R. 5622) granting a pension to Allen P. Jacobs;

An act (H. R. 5635) granting a pension to William J. Heady;

An act (H. R. 5656) granting a pension to Margaret S. Davis;

An act (H. R. 5761) granting a pension to Margaret J. Reighter;

An act (H. R. 5882) granting a pension to Sarah Ann Murphy;

An act (H. R. 5937) granting a pension to Sarah Gregg;

An act (H. R. 5951) granting a pension to John M. Mattingly;

An act (H. R. 6020) granting a pension to Levi M. Starne;

An act (H. R. 6147) granting a pension to Frederick Mariom;

An act (H. R. 6502) granting a pension to Lucy Ann Drew;

An act (H. R. 6590) granting a pension to Catharine Whitesell;

An act (H. R. 8142) granting a pension Mrs. Annie S. Webb;

An act (H. R. 116) for the relief of Albertine Cockrum;

An act (H. R. 427) for the relief of Thomas S. Smithers;

An act (H. R. 1061) for the relief of Sarah M. Shearer;

An act (H. R. 1201) for the relief of Mary Howard Farquhar;

An act (H. R. 3321) for the relief of Samuel C. Fisher;

An act (H. R. 4134) for the relief of Margaret Callanan;

An act (H. R. 4143) for the relief of Margaret Madden;

An act (H. R. 4226) for the relief of Samuel Kitzmiller;

An act (H. R. 4552) for the relief of Susan Smith;

An act (H. R. 4586) for the relief of Nathan Hildebrant;

An act (H. R. 4615) for the relief of Ann Leddy;

An act (H. R. 4685) for the relief of John A. Orendorff;

An act (H. R. 4730) for the relief of Mary Murphy;

An act (H. R. 4850) for the relief of William J. Hudson;

An act (H. R. 5232) for the relief of Mary Hawhe;

An act (H. R. 5438) for the relief of Elias Sheads;

An act (H. R. 5881) for the relief of Henry S. Cohn;

An act (H. R. 6120) for the relief of Richard Horrigan;

An act (H. R. 6150) for the relief of Euphemia R. Smith;

An act (H. R. 8332) increasing the pension of James L. Miller;

An act (H. R. 8651) increasing the pension of Alfred J. Hill;

An act (H. R. 4382) to increase the pension of John F. Chase;

An act (H. R. 5169) to increase the pension of Thomas J. Slayton;

An act (H. R. 5472) to increase the pension of Henry Brooks;

An act (H. R. 5975) to increase the pension of Michael McGrayel;

An act (H. R. 7519) to increase the pension of Isaac N. Hawkins;

An act (H. R. 1520) granting a pension to Mary F. Blake;

An act (H. R. 1902) granting a pension to Simon J. Fought;

An act (H. R. 3478) granting a pension to Alonzo Maynard;

An act (H. R. 4386) granting a pension to William F. Clark;

An act (H. R. 5525) granting a pension to Robert E. Stephens;

An act (H. R. 5643) granting a pension to Charles F. Ward;

An act (H. R. 6088) granting a pension to Nelson Monroe;

An act (H. R. 3601) to increase the pension of Louisa Weitzel, widow of Godfrey Weitzel, late a major-general of United States volunteers;

An act (H. R. 4023) granting a pension to Caroline Sturtz, widow of Jacob Sturtz, deceased, late of Company G, Twentieth Maryland Volunteers;

An act (H. R. 2242) restoring to the pension-roll the name of K. G. Billings;

An act (H. R. 453) to forfeit the lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes;

An act (H. R. 248) for the relief of Henry Gee; and

An act (H. R. 107) for the relief of Elias B. Moore.

With reference to the bill (H. R. 6391) to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, the following statement is made:

This bill was presented to the President June 24, 1886, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, it has become a law without his approval.

SALLY ANN BRADLEY.

The Clerk proceeded to call the roll, when the following-named members failed to answer to their names:

Adams, J. J.	Belmont,	Cox,	Gallinger,
Aiken,	Buchanan,	Davenport,	Gilfillan,
Anderson, C. M.	Caswell,	Davidson, A. C.	Glover,
Arnot,	Clements,	Davidson, R. H. M.	Goff,
Ballentine,	Cole,	Dawson,	Guenther
Barbour,	Collins,	Dougherty,	Hall,
Barnes,	Compton,	Dowdney,	Hanback,
Barry,	Comstock,	Foran,	Harris,

Heard,	Negley,	Scott,	Thomas, J. R.
Hemphill,	Nelson,	Shaw,	Throckmorton.
Hiscock,	O'Neill, J. J.	Smalls,	Wait,
Houk,	Phelps,	Snyder,	Wakefield,
Landes,	Reed, T. B.	Spriggs,	Wallace,
Le Fevre,	Reese,	Stone, W. J., Ky.	Ward, J. H.
Louttit,	Riggs,	Swope,	Whiting.
Mahoney,	Rogers,	Taylor, E. B.	
Miller,	Sawyer,	Taylor, J. M.	

The SPEAKER. The doors will now be closed, and the Clerk will call the list of absentees for excuses.

The Clerk called the list of absentees, as follows:

Mr. JOHN J. ADAMS: No excuse offered.

Mr. AIKEN: No excuse offered.

Mr. CHARLES M. ANDERSON: No excuse offered.

Mr. ARNOT: No excuse offered.

Mr. BALLENTINE.

Mr. CALDWELL. Mr. Speaker, my colleague, Mr. BALLENTINE, is absent by leave of the House. I ask that he be excused.

There was no objection.

Mr. BARBOUR: No excuse offered.

Mr. BARNES.

Mr. CRISP. Mr. Speaker, I have just heard that my colleague, Mr. BARNES, is sick in bed, and I ask that he be excused.

There was no objection.

Mr. BARRY.

Mr. VAN EATON. I ask that my colleague, Mr. BARRY, be excused for the remainder of this day on account of sickness.

There was no objection.

Mr. BELMONT: No excuse offered.

Mr. BUCHANAN.

Mr. HIRES. I ask that my colleague, Mr. BUCHANAN, be excused, as I understand that he is sick in bed.

There was no objection.

Mr. CASWELL.

Mr. LA FOLLETTE. I ask that my colleague, Mr. CASWELL, be excused. He was called home early this morning by a telegram informing him of sickness in his family.

There was no objection.

Mr. CLEMENTS.

Mr. HAMMOND. My colleague, Mr. CLEMENTS, is absent by leave of the House. I ask that he be excused.

There was no objection.

Mr. COLE: No excuse offered.

Mr. COLLINS: No excuse offered.

Mr. COMPTON.

Mr. GIBSON, of Maryland. It is impossible for my colleague to be here to-day, owing to important business, which detains him in Baltimore. I therefore ask that he be excused.

There was no objection.

Mr. COMSTOCK.

Mr. WINANS. My colleague, Mr. COMSTOCK, is absent on account of sickness, and I ask that he be excused.

There was no objection.

Mr. COX: No excuse offered.

Mr. DANIEL.

Mr. CABELL. Mr. Speaker, I ask that my colleague, Mr. DANIEL, be excused. He is detained at home by the sickness of a member of his family.

There was no objection.

Mr. DAVENPORT: No excuse offered.

Mr. A. C. DAVIDSON.

Mr. WHEELER. I ask that my colleague, Mr. DAVIDSON, be excused on account of sickness.

There was no objection.

Mr. R. H. M. DAVIDSON: No excuse offered.

Mr. DAWSON: No excuse offered.

Mr. DOUGHERTY: No excuse offered.

Mr. DOWDNEY: No excuse offered.

Mr. FORAN: No excuse offered.

Mr. GALLINGER.

Mr. HAYNES. I ask that my colleague, Mr. GALLINGER, be excused, as he is absent on important business.

The SPEAKER. The gentleman has leave of absence. The Chair will state that if the House orders a warrant to be issued it will not run against any gentleman who has leave of absence on the record.

There was no objection.

Mr. GILFILLAN: No excuse offered.

Mr. GLOVER: No excuse offered.

Mr. GOFF: No excuse offered.

Mr. GUENTHER: No excuse offered.

Mr. HALL.

Mr. MURPHY. I ask that my colleague, Mr. HALL, be excused. He is absent on important business.

There was no objection.

Mr. HANBACK: No excuse offered.

Mr. HARRIS: No excuse offered.

Mr. HEARD: No excuse offered.

Mr. HEMPHILL: No excuse offered.

Mr. HISCOCK: No excuse offered.

Mr. HOUK: No excuse offered.

Mr. LANDES.

Mr. TOWNSHEND. Mr. Speaker, I ask that my colleague, Mr. LANDES, be excused. He is absent on account of sickness.

The SPEAKER. The gentleman has leave of absence on the record.

Mr. LANDES was excused.

Mr. LE FEVRE: No excuse offered.

Mr. LOUTTIT: No excuse offered.

Mr. MAHONEY: No excuse offered.

Mr. MILLER: No excuse offered.

Mr. NEGLEY.

Mr. JACKSON. Mr. Speaker, I ask that my colleague, General NEGLEY, be excused. He is absent on business growing out of his official duties as manager of the Soldiers' Home.

There was no objection.

Mr. NELSON.

Mr. WHITE, of Minnesota. My colleague, Mr. NELSON, is sick, and I ask that he be excused.

There was no objection.

Mr. J. J. O'NEILL: No excuse offered.

Mr. PHELPS: No excuse offered.

Mr. T. B. REED: No excuse offered.

Mr. REESE: No excuse offered.

Mr. RIGGS: No excuse offered.

Mr. ROGERS.

Mr. BRECKINRIDGE, of Arkansas. I ask that my colleague, Mr. ROGERS, be excused.

There was no objection.

Mr. SAWYER: No excuse offered.

Mr. SCOTT: No excuse offered.

Mr. SHAW.

Mr. GIBSON, of Maryland. My colleague, Mr. SHAW, is absent on account of illness, and I ask that he be excused.

The SPEAKER. The Chair thinks the gentleman has leave of absence.

There was no objection.

Mr. SMALLS: No excuse offered.

Mr. SNYDER: No excuse offered.

Mr. SPRIGGS: No excuse offered.

Mr. W. J. STONE, of Kentucky.

Mr. LAFFOON. I ask that my colleague, Mr. STONE, be excused.

There was no objection.

Mr. SWOPE.

Mr. RANDALL. I ask that my colleague, Mr. SWOPE, be excused on account of illness.

There was no objection.

Mr. EZRA B. TAYLOR.

Mr. THOMPSON. Mr. Speaker, I ask that my colleague, Judge TAYLOR, be excused on account of sickness.

The SPEAKER. The Chair thinks Mr. TAYLOR has leave of absence.

Mr. EZRA B. TAYLOR was excused.

Mr. JOHN M. TAYLOR.

Mr. CALDWELL. Mr. Speaker, I ask that my colleague, Mr. TAYLOR, be excused on account of illness.

The SPEAKER. The gentleman has leave of absence by order of the House.

There was no objection.

Mr. JOHN R. THOMAS.

The SPEAKER. Mr. THOMAS has leave of absence on account of illness.

There was no objection.

Mr. THROCKMORTON: No excuse offered.

Mr. WAIT: No excuse offered.

Mr. WAKEFIELD: No excuse offered.

Mr. WALLACE: No excuse offered.

Mr. JAMES H. WARD: No excuse offered.

Mr. WHITING: No excuse offered.

Mr. PRICE. Mr. Speaker, I received a message last night from my colleague, Mr. CASWELL, stating that he had been summoned by telegraph to his home as his wife is exceedingly sick——

The SPEAKER. The gentleman from Wisconsin [Mr. CASWELL] has been excused.

Mr. MATSON. I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The doors will be reopened. The question recurs on the motion of the gentleman from Indiana [Mr. MATSON] for the previous question, on which the yeas and nays had been ordered. The Clerk will call the roll.

The question was taken; and there were—yeas 131, nays 5, not voting 187; as follows:

YEAS—131.

Allen, J. M.	Dunn,	Jones, J. T.	Romeis,
Barksdale,	Eden,	King,	Sadler,
Beach,	Eldredge,	Kleiner,	Sayers,
Bennett,	Ellsberry,	Laffoon,	Seymour,
Blanchard,	Ermentrout,	Lanham,	Singleton,
Bland,	Findlay,	Lawler,	Skinner,
Blount,	Fisher,	Lore,	Sowden,
Boyle,	Ford,	Lovering,	Springer,
Bragg,	Forney,	Lowry,	Stahlnecker,
Breckinridge, C. R.	Frederick,	Martin,	Stewart, Charles
Breckinridge, WCP.	Gay,	Matson,	St. Martin,
Burnes,	Geddes,	Maybury,	Stone, W. J., Ky.
Bynum,	Gibson, C. H.	McCreary,	Stone, W. J., Mo.
Cabell,	Gibson, Eustace	McMillin,	Storm,
Caldwell,	Glass,	McRae,	Tarsney,
Campbell, Felix	Green, R. S.	Merriman,	Taulbee,
Campbell, T. J.	Green, W. J.	Mills,	Tillman,
Candler,	Hale,	Morgan,	Townshend,
Carleton,	Halsell,	Morrison,	Tucker,
Catchings,	Hammond,	Muller,	Turner,
Clardy,	Hatch,	Murphy,	Van Eaton,
Cobb,	Henderson, J. S.	Neal,	Viele,
Cowles,	Henley,	Neece,	Ward, T. B.
Cox,	Herbert,	Norwood,	Warner, A. J.
Crain,	Hewitt,	Oates,	Wellborn,
Crisp,	Hill,	O'Ferrall,	Wheeler,
Croxton,	Holman,	Outhwaite,	Wilkins,
Culberson,	Howard,	Peel,	Willis,
Curtin,	Hudd,	Perry,	Wilson,
Dargan,	Hutton,	Randall,	Winans,
Davidson, A. C.	Irion,	Reagan,	Wolford,
Dibble,	Johnston, T. D.	Reid, J. W.	Worthington.
Dockery,	Jones, J. H.	Richardson,	

NAYS—5.

Allen, C. H.	Long,	Payson,	Weaver, J. B.
Everhart,			

NOT VOTING—187.

Adams, G. E.	Dorsey,	Le Fevre,	Rowell,
Adams, J. J.	Dougherty,	Lehlbach,	Ryan,
Aiken,	Dowdney,	Libbey,	Sawyer,
Anderson, C. M.	Dunham,	Lindsley,	Scott,
Anderson, J. A.	Ely,	Little,	Scranton,
Arnot,	Evans,	Louttit,	Seney,
Atkinson,	Farquhar,	Lyman,	Sessions,
Baker,	Felton,	Mahoney,	Shaw,
Ballentine,	Fleeger,	Markham,	Smalls,
Barbour,	Foran,	McAdoo,	Snyder,
Barnes,	Fuller,	McComas,	Spooner,
Barry,	Funston,	McKenna,	Spriggs,
Bayne,	Gallinger,	McKinley,	Steele,
Belmont,	Gilfillan,	Millard,	Stephenson,
Bingham,	Glover,	Miller,	Stewart, J. W.
Bliss,	Goff,	Milliken,	Stone, E. F.
Bound,	Grosvenor,	Mitchell,	Strait,
Boutelle,	Grout,	Moffatt,	Struble,
Brady,	Guenther,	Morrill,	Swinburne,
Brown, C. E.	Hall,	Morrow,	Swope,
Brown, W. W.	Hanback,	Negley,	Symes,
Browne, T. M.	Harmer,	Nelson,	Taylor, E. B.
Brumm,	Harris,	O'Donnell,	Taylor, I. H.
Buchanan,	Hayden,	O'Hara,	Taylor, J. M.
Buck,	Haynes,	O'Neill, Charles	Taylor, Zach.
Bunnell,	Heard,	O'Neill, J. J.	Thomas, J. R.
Burleigh,	Hemphill,	Osborne,	Thomas, O. B.
Burrows,	Henderson, D. B.	Owen,	Thompson,
Butterworth,	Henderson, T. J.	Parker,	Throckmorton,
Campbell, J. E.	Hepburn,	Payne,	Trigg,
Campbell, J. M.	Hermann,	Perkins,	Van Schaick,
Cannon,	Hiestand,	Peters,	Wade,
Caswell,	Hires,	Pettibone,	Wadsworth,
Clements,	Hiscock,	Phelps,	Wait,
Cole,	Hitt,	Pidcock,	Wakefield,
Collins,	Holmes,	Pindar,	Wallace,
Compton,	Hopkins,	Pirce,	Ward, J. H.
Comstock,	Houk,	Plumb,	Warner, William
Conger,	Jackson,	Price,	Weaver, A. J.
Cooper,	James,	Ranney,	Weber,
Cutcheon,	Johnson, F. A.	Reed, T. B.	West,
Daniel,	Johnston, J. T.	Reese,	White, A. C.
Davenport,	Kelley,	Rice,	White, Milo
Davidson, R. H. M.	Ketcham,	Riggs,	Whiting,
Davis,	La Follette,	Robertson,	Wise,
Dawson,	Laird,	Rockwell,	Woodburn.
Dingley,	Landes,	Rogers,	

The following additional pairs were announced:

Mr. PIDCOCK with Mr. BUCHANAN, for the rest of the day.

Mr. HALL with Mr. BINGHAM, for the rest of the day.

The SPEAKER. On this question the yeas are 131, the nays 5. No quorum has voted.

Mr. MATSON. I move a call of the House.

The question being taken, there were—ayes 66, noes 1.

Mr. GROSVENOR. No quorum has voted. [Laughter.]

The SPEAKER. A quorum is not required to order a call of the House. The motion is agreed to. The Clerk will call the roll.

Mr. ELY. I move that the House adjourn.

The question being taken, there were—ayes 50, noes 81.

Mr. ELY. I call for tellers.

Tellers were ordered; and Mr. ELY and Mr. MATSON were appointed.

Mr. MATSON. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 11, nays 205, not voting 107; as follows:

YEAS—11.

Browne, T. M.	Lehlbach,	Rice,	Wadsworth,
Ely,	Moffatt,	Romeis,	Wolford.
Irion,	Price,	Steele,	

NAYS—205.

Adams, G. E.	Ellsberry,	La Follette,	Sadler,
Allen, C. H.	Ermentrout,	Lawler,	Sayers,
Allen, J. M.	Evans,	Lindsley,	Scranton,
Atkinson,	Everhart,	Little,	Seney,
Barksdale,	Farquhar,	Lore,	Seymour,
Bayne,	Fisher,	Lovering,	Singleton,
Beach,	Fleeger,	Lowry,	Skinner,
Bennett,	Ford,	Lyman,	Sowden,
Blanchard,	Forney,	Markham,	Spooner,
Bland,	Frederick,	Martin,	Springer,
Blount,	Fuller,	Matson,	Stahlnecker,
Bound,	Funston,	Maybury,	Stephenson,
Boutelle,	Gay,	McAdoo,	Stewart, Charles
Boyle,	Gibson, C. H.	McComas,	St. Martin,
Brady,	Gibson, Eustace	McCreary,	Stone, E. F.
Bragg,	Gilfillan,	McKenna,	Stone, W. J., Ky.
Breckinridge, C. R.	Glass,	McKinley,	Stone, W. J., Mo.
Breckinridge, WCP.	Green, R. S.	McMillin,	Storm,
Brown, C. E.	Green, W. J.	McRae,	Strait,
Brown, W. W.	Grosvenor,	Merriman,	Struble,
Buck,	Grout,	Milliken,	Swinburne,
Bunnell,	Guenther,	Mills,	Symes,
Burleigh,	Halsell,	Morgan,	Tarsney,
Burrows,	Hatch,	Morrill,	Taulbee,
Butterworth,	Hayden,	Morrison,	Taylor, Zach.
Bynum,	Haynes,	Morrow,	Thomas, O. B.
Cabell,	Henderson, D. B.	Muller,	Thompson,
Caldwell,	Henderson, J. S.	Murphy,	Tillman,
Campbell, Felix	Henderson, T. J.	Neal,	Townshend,
Campbell, J. E.	Hepburn,	Neece,	Trigg,
Campbell, T. J.	Herbert,	Norwood,	Tucker,
Candler,	Hermann,	Oates,	Turner,
Cannon,	Hewitt,	O'Donnell,	Van Eaton,
Carleton,	Hiestand,	O'Ferrall,	Viele,
Catchings,	Hill,	O'Neill, Charles	Wade,
Clardy,	Hires,	Osborne,	Warner, A. J.
Conger,	Hitt,	Outhwaite,	Warner, William
Cooper,	Holman,	Payne,	Weaver, J. B.
Cowles,	Holmes,	Peel,	Weber,
Cox,	Hopkins,	Perkins,	Wellborn,
Crain,	Howard,	Peters,	West,
Crisp,	Hutton,	Pettibone,	Wheeler,
Croxton,	Jackson,	Pindar,	White, A. C.
Culberson,	James,	Pirce,	White, Milo
Curtin,	Johnston, J. T.	Plumb,	Wilkins,
Cutcheon,	Johnston, T. D.	Randall,	Wilson,
Dargan,	Jones, J. H.	Ranney,	Winans,
Davis,	Jones, J. T.	Reagan,	Woodburn,
Dorsey,	Kelley,	Reid, J. W.	Worthington.
Dunn,	King,	Richardson,	
Eden,	Kleiner,	Robertson,	
Eldredge,	Laffoon,	Rowell,	

NOT VOTING—107.

Adams, J. J.	Davidson, R. H. M.	Johnson, F. A.	Rogers,
Aiken,	Dawson,	Ketcham,	Ryan,
Anderson, C. M.	Dibble,	Laird,	Sawyer,
Anderson, J. A.	Dingley,	Landes,	Scott,
Arnot,	Dockery,	Lanham,	Sessions,
Baker,	Dougherty,	Le Fevre,	Shaw,
Ballentine,	Dowdney,	Libbey,	Smalls,
Barbour,	Dunham,	Long,	Snyder,
Barnes,	Felton,	Louttit,	Spriggs,
Barry,	Findlay,	Mahoney,	Stewart, J. W.
Belmont,	Foran,	Millard,	Swope,
Bingham,	Gallinger,	Miller,	Taylor, E. B.
Bliss,	Geddes,	Mitchell,	Taylor, I. H.
Brumm,	Glover,	Negley,	Taylor, J. M.
Buchanan,	Goff,	Nelson,	Thomas, J. R.
Burnes,	Hale,	O'Hara,	Throckmorton,
Campbell, J. M.	Hall,	O'Neill, J. J.	Van Schaick,
Caswell,	Hammond,	Owen,	Wait,
Clements,	Hanback,	Parker,	Wakefield,
Cobb,	Harmer,	Payson,	Wallace,
Cole,	Harris,	Perry,	Ward, J. H.
Collins,	Heard,	Phelps,	Ward, T. B.
Compton,	Hemphill,	Pidcock,	Weaver, A. J.
Comstock,	Henley,	Reed, T. B.	Whiting,
Daniel,	Hiscock,	Reese,	Willis,
Davenport,	Houk,	Riggs,	Wise.
Davidson, A. C.	Hudd,	Rockwell,	

The SPEAKER. On this question the yeas are 11, the nays 205. The House refuses to adjourn; but under the order heretofore made, the hour of 5 o'clock having arrived, the House stands adjourned until to-morrow morning at 11 o'clock.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARKSDALE: Petition of Margaret D. Leonard, widow of Alexander Leonard, deceased; and of Mrs. Georgia R. Doyle, of Claiborne County; and of John M. H. Martin, of Hinds County, Mississippi, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

My Mr. DIBBLE: Petition of M. W. Venning, of Charleston County; and of W. A. O'Cain and others, administrators of Mary O'Cain, of Orangeburgh County, South Carolina, requesting that their war claims be referred to the Court of Claims—to the same committee.

By Mr. HAMMOND: Petition of Mrs. E. B. D. Vaughan, of Clayton County, Georgia, asking that her war claim be referred to the Court of Claims—to the same committee.

Also, papers relating to the claim of Mrs. E. B. D. Vaughan, of Clayton County, Mississippi—to the same committee.

By Mr. HERMANN: Testimony to accompany House bill 1951, for the relief of Louis Belfils—to the Committee on Claims.

By Mr. JAMES T. JOHNSTON: Petition of William Davis and 65 others, soldiers and citizens of Steuben County; of Joseph Porter and 80 others, soldiers and sailors, and of William Bowless and 47 others, soldiers and citizens of Steuben County, Indiana, asking for the passage of House bill 3320, pensioning all Union soldiers—to the Committee on Invalid Pensions.

By Mr. LORE: Petition of John C. Farra and 22 others and of L. P. Bush and 13 others, citizens of Wilmington, Del., for measures for prevention of epidemics by the National Board of Health—to the Committee on Commerce.

Also, petition of John W. Hickman, for payment for transportation of troops in Delaware and Maryland in 1862-'63—to the Committee on War Claims.

By Mr. LYMAN: Affidavit in support of claim of Green Fields for a pension—to the Committee on Invalid Pensions.

By Mr. O'FERRALL: Petition of Elkanah Fawcett, of Frederick County, and of E. Baker, administrator of John H. Funkhouser, of Shenandoah County, Virginia, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

Also, papers relating to the claim of John H. Funkhouser, of Shenandoah County, Virginia—to the same committee.

By Mr. PETTIBONE: Petition of Thomas Neilson and of Pryor F. Yoe, of Jefferson County; of E. M. Tate, administrator, of Grainger County; and of William M. Murdock, of Hamblin County, Tennessee, asking that their war claims be referred to the Court of Claims—to the same committee.

By Mr. STORM: Petition of the Home Guards and United States Reserve Corps of Saint Louis, Mo., praying for the passage of the equalization of bounty bill—to the same committee.

By Mr. VAN EATON: Petition of Mrs. E. A. Laurence, of Natchez, Miss., and of heirs of Mrs. Eliza K. Batchelor, deceased, late of Mississippi, asking reference of their claims to the Court of Claims—to the same committee.

The following petitions, asking for the passage of House bill 7887, repealing timber-culture, pre-emption, and desert-land acts; of House bill 7021, for adjustment of railroad and other land grants; of bill forfeiting all railroad land grants the conditions of which have not been strictly complied with; of House bill organizing the Territory of Oklahoma; of Senate bill opening a portion of the great Sioux reservation to settlement; of bill prohibiting aliens from holding land in the United States; of bill making Presidential and Congressional election days holidays, and punishing bribery; and of bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired, were severally referred to the Committee on the Public Lands:

By Mr. C. H. ALLEN: Petition of William H. Harrington and 58 others, and of T. H. Griffold and 42 others, citizens of the eighth district of Massachusetts.

By Mr. ATKINSON: Petition of W. W. Jacobs and 129 others, of C. E. Shades and 59 others, of William Heck and 110 others, of Thomas M. Benna and 55 others, of J. T. Corcoran and 18 others, and of J. M. Crist and 65 others, citizens of the eighteenth district of Pennsylvania.

By Mr. BAYNE: Petition of John Ward and 60 others, of J. J. Moore and 194 others, and of Edward G. Lang and 604 others, citizens of the twenty-third district of Pennsylvania.

By Mr. BLISS: Petition of Edward Short and 162 others, of J. J. Hatton and 75 others, of August Schrempt and 101 others, of Minnie Phelan and 28 others, of William Wingo and 20 others, of Emil Kokler and 54 others, of Harris Solomon and 33 others, of James Hume and 107 others, of Leopold Meyers and 21 others, of John Mangan and 136 others, of Timothy Conners and 101 others, and of William H. Hunter and 21 others, citizens of the fifth district of New York.

By Mr. C. E. BROWN: Petition of Thomas Rogers and 592 others, and of C. Wilson and 768 others, citizens of the second district of Ohio.

By Mr. BRUMM: Petition of Richard Thompson and 68 others, of G. W. Henry and 116 others, of Thomas Edwards and 96 others, of Douglas Elliot and 124 others, of George J. Hughes and 80 others, of P. Mohan and 86 others, of Jerry O'Brien and 107 others, of E. E. Kuden and 99 others, of George S. Thompson and 132 others, of J. P. Buchler and 45 others, of A. W. Brown and 130 others, of M. J. O'Brien and 65 others, and of G. W. Henry and 116 others, citizens of the thirteenth district of Pennsylvania.

By Mr. BUCK: Petition of Thomas Nash and 61 others, of Henry S. Childs and 104 others, and of John Green and 70 others, citizens of the first district of Connecticut.

By Mr. BUNNELL: Petition of Edward New and 15 others, of D. E. Fellows and 84 others, and of William Mitchell and 66 others, citizens of the fifteenth district of Pennsylvania.

By Mr. BURLEIGH: Petition of William H. Young and 20 others, and of James Cooley and 71 others, citizens of the eighteenth district of New York.

By Mr. J. E. CAMPBELL: Petition of F. M. Ayers and 70 others, citizens of the third district of Ohio.

By Mr. J. M. CAMPBELL: Petition of Michael Sellers and 110 others, citizens of the seventeenth district of Pennsylvania.

By Mr. DAVIS: Petition of Frederick O. Powell and 243 others, of James F. Hanlon and 59 others, of Frank Sheppard and 85 others, of W. H. Cowen and 87 others, of O. Tinkham and 90 others, of Robert Howard and 19 others, of Stephen Cassidy and 78 others, of W. J. Hoyle and 74 others, of Henry W. Moorhouse and 16 others, and of F. R. F. Harrison and 26 others, citizens of the first district of Massachusetts.

By Mr. DOCKERY: Petition of Henry Kane and 138 others, of H. Hammond and 65 others, of George Pierce and 263 others, and of John Wild and 240 others, citizens of the third district of Missouri.

By Mr. FLEEGER: Petition of W. H. Ross and 66 others, of C. T. Boyle and 43 others, of A. C. Grant and 80 others, and of David Jappers and 165 others, citizens of the twenty-sixth district of Pennsylvania.

By Mr. FORAN: Petition of 900 citizens and Knights of Labor of Cleveland, Ohio.

By Mr. R. S. GREEN: Petition of William O'Riley and 90 others, of M. Mayer and 101 others, of P. McGrath and 780 others, of James Cobb and 26 others, of James J. Welsh and 80 others, of G. W. Niemeyer and 102 others, of John W. Mores and 90 others, of A. M. Missick and 20 others, of M. J. Flannigan and 9 others, of Walter Pilsington and 38 others, of P. H. Risder and 46 others, of W. Dunn and 47 others, of Patrick Boyle and 147 others, of George Holzschect and 90 others, of John A. Engel and 41 others, of C. McGonigil and 90 others, of Daniel O'Neal and 66 others, of Joseph Anderson and 65 others, of J. O. Swim and 24 others, of Mary Harris and others, and of Otto Hoppe and others, of the third district of New Jersey.

By Mr. HALL: Petition of Howard Leech and 107 others and of James A. Turner and 50 others, citizens of the first district of Iowa.

By Mr. HALSELL: Petition of Frederick Mitchell and 90 others, citizens of Mecklenburg County, Kentucky.

By Mr. HAMMOND: Petition of George S. Cassin and 140 others, of Z. B. Hargrave and 71 others, and of W. F. Henderson and 192 others, citizens of the fifth district of Georgia.

By Mr. HAYNES: Petition of F. G. Nichols and 82 others, of George B. Glidden and 46 others, of F. G. Nichols and 82 others, of W. T. Ryndler and 48 others, of J. Greeley and 190 others, and of John Johnson and 22 others, citizens of the first district of New Hampshire.

By Mr. D. B. HENDERSON: Petition of Robert Hay and 429 others, of H. Miller and 339 others, and of Robert Brown and 148 others, citizens of the third district of Iowa.

By Mr. KELLEY: Petition of Julius Kernke and 40 others, of L. C. Smith and 75 others, and of D. C. Jones and 91 others, citizens of the fourth district of Pennsylvania.

By Mr. KETCHAM: Petition of P. H. Farry and 22 others and of John Saul and 30 others, citizens of the sixteenth district of New York.

By Mr. LANHAM: Petition of citizens of Howard, Eastland, and Brown Counties, Texas, relating to the removal of the Federal court from Graham to Cisco, Tex.—to the Committee on the Judiciary.

By Mr. LEHLBACK: Petition of J. V. Hough and 50 others, of George G. Bynum and 19 others, of W. J. Loftus and 47 others, of Thomas E. Gorman and 90 others, of J. J. Owens and 22 others, of William Young and 84 others, of Martin Henly and 80 others, of P. J. Hayden and 26 others, and of Charles C. Romaine and 48 others, citizens of the sixth district of New Jersey.

By Mr. LONG: Petition of E. F. Reynolds and 21 others, of H. B. Reed and 76 others, and of 234 others, citizens of the second district of Massachusetts.

By Mr. LOVERING: Petition of Hugo Dick and 140 others, of Richard Finn and 27 others, of William Birmingham and 207 others, of F. W. Bearce and 60 others, of John W. Patterson and 110 others, of John H. Orr and 40 others, of J. H. Higgins and 465 others, of H. P. Brett and 25 others, and of Thomas L. Carney and 23 others, citizens of the sixth district of Massachusetts.

By Mr. LYMAN: Petition of W. W. Watkins and 93 others, of Henry Bishop and 139 others, and of C. M. Gilmore and 41 others, citizens of the ninth district of Iowa.

By Mr. McADOO: Petition of Anthony Riley and 145 others, of Patrick M. Nolan and 180 others, and of John A. Morhart and 45 others, citizens of New Jersey.

By Mr. McKINLEY: Petition of Jesse Robbins and 253 others, of Philip Thomas and 22 others, and of C. Brownwell and 136 others, citizens of the twentieth district of Ohio.

By Mr. McMILLIN: Petition of G. N. Guthrie and 34 others, and of E. Ellsworth and 15 others, citizens of the third district of Tennessee.

By Mr. McRAE: Petition of T. H. Clyde and others, and of T. P. Rial and others, citizens of the third district of Arkansas.

By Mr. MARTIN: Petition of William Hill and 552 others, and of C. Lewis and 1,060 others, citizens of the sixth district of Alabama.

By Mr. MOFFATT: Petition of 300 citizens of Grand Traverse County, Michigan.

By Mr. MORRISON: Petition of John Renterman and 215 others, of William Carter and 52 others, of A. G. Whitney and 37 others, and of J. Morgan and 66 others, citizens of the eighteenth district of Illinois.

By Mr. NEAL: Petition of William Pearson and 30 others, of T. V. Warren and 26 others, of E. Ellsworth and 15 others, of R. V. Brenan and 26 others, of J. A. Colder and 30 others, of D. E. Nelson and 52 others, of J. M. Massingill and 60 others, of H. H. Hughes and 37 others, and of A. L. Green and 24 others, citizens of the third district of Tennessee.

By Mr. NORWOOD: Petition of J. B. Francis and 43 others, of Julius Barth and 60 others, and of G. Hanlen and 105 others, citizens of the first district of Georgia.

By Mr. STAHLNECKER: Petition of D. S. Flannigan and 138 others, and of William Castello and 74 others, citizens of the fourteenth district of New York.

By Mr. J. W. STEWART: Petition of Patrick Farley and 156 others, of C. Page and 35 others, and of William F. Smith and 28 others, citizens of the first district of Vermont.

By Mr. STORM: Petition of John Jolenski and 56 others, of J. J. Gallagher and 139 others, of John E. Ames and 100 others, of A. Dorsey and 36 others, of Jesse R. Berdlem and 383 others, and of E. H. Ranch and 124 others, citizens of the eleventh district of Pennsylvania.

By Mr. W. J. STONE, of Missouri: Petition of J. R. Rand and 22 others, of T. J. Roberts and 22 others, of James Nichols and 16 others, of A. W. Baker and 81 others, of S. F. Hickey and 34 others, of J. H. Sweeds and 200 others, and of A. J. Thompson and 75 others, citizens of the twelfth district of Missouri.

Also, petition of John Boyle and 110 others, and of J. W. Tweddle and 97 others, citizens of Barton County, Missouri.

By Mr. I. H. TAYLOR: Petition of Elijah Miner and 82 others, of David E. Reese and 88 others, and of Charles Bansall and 265 others, citizens of the eighteenth district of Ohio.

By Mr. A. J. WEAVER: Petition of J. H. Craddock and 134 others, of James Fordice and 83 others, and of A. B. Martgan and 72 others, citizens of the first district of Nebraska.

By Mr. J. B. WEAVER: Petition of W. W. Hall and 89 others, of W. E. Dewey and 68 others, and of Charles Lawrence and 69 others, citizens of the sixth district of Iowa.

By Mr. WILKINS: Petition of John Kline and 45 others, citizens of the fifteenth district of Ohio.

SENATE.

THURSDAY, *July* 8, 1886.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. DAWES, and by unanimous consent its further reading was dispensed with.

PETITIONS AND MEMORIALS.

Mr. CAMERON presented the petition of J. J. Sweeney and 108 other citizens of the twelfth Congressional district of Pennsylvania, the petition of M. V. Shipley and 69 other citizens of the sixteenth Congressional district of Pennsylvania, the petition of Charles G. Griffin and 38 other citizens of the fifth Congressional district of Pennsylvania, the petition of John Bowers and 214 other citizens of the fourth Congressional district of Pennsylvania, the petition of John H. Stone and 132 citizens of the third Congressional district of Pennsylvania, the petition of H. Greedwood and 175 other citizens of the fifth Congressional district of Pennsylvania, the petition of S. J. Phillips and 290 other citizens of the twentieth Congressional district of Pennsylvania, the petition of James Fadden and 106 other citizens of the thirteenth Congressional district of Pennsylvania, the petition of Edward G. Long and 607 other citizens of the twenty-third Congressional district of Pennsylvania, the petition of H. D. White and 120 other citizens of the eighteenth Congressional district of Pennsylvania, the petition of Martin Kapp and 41 other citizens of the eighth Congressional district of Pennsylvania, the petition of J. J. Saunders and 70 other citizens of the twelfth Congressional district of Pennsylvania, the petition of William D. Murphy and 150 other citizens of the fourteenth Congressional district of Pennsylvania, the petition of Stephen A. Myers and 130 other citizens of the seventeenth Congressional district of Pennsylvania, the petition of J. K. Maurer and 186 other citizens of the fourteenth Congressional district of Pennsylvania, the petition of William H. Sites and 34 other citizens of the fourteenth Congressional district of Pennsylvania, the petition of Matthew Currigan and 235 other citizens of the thirteenth Congressional district of Pennsylvania, the petition of D. O. Pritchard and 150 other citizens of the thirteenth Congressional district of Pennsylvania, the petition of Hugh Ferry and 124 other citizens of the twelfth Congressional district of Pennsylvania, the petition of Robert Plunket and 102 other citizens of the twelfth Congressional district of Pennsylvania, the petition of Samuel Cudlip and 63 other citizens of the twelfth Congressional district of Pennsylvania, the petition of James Broderick and 96 other citizens of the eleventh Congressional district of Pennsylvania, the petition of F. D. Vandergraft and 139 other citizens of the fifth Congressional district of Pennsylvania, the petition of James Skirm and 97 other citizens of the fifth Congressional district of Pennsylvania, the petition of Harry Nelinger and 63 other citizens of the fifth Congressional district of Pennsylvania, the petition of Blair B. Books and 254 other citizens of the fourth Congressional district of Pennsylvania, the petition of C. B. Boyle and 84 other citizens of the fourth Congressional district of Pennsylvania, the petition of David Bailey and 98 other citizens of the fourth Congressional district of Pennsylvania, the petition of Charles Murphy and 77 other citizens of the third Congressional district of Pennsylvania, the petition of Jacob Fauth and 112 other citizens of the third Congressional district of Pennsylvania, the petition of Francis Carter and 46 other citizens of the third Congressional district of Pennsylvania, the petition of Joseph Datchen and 401 other citizens of the third Congressional district of Pennsylvania, the petition of Thomas Fletcher and 602 other citizens of the thirteenth Congressional district of Pennsylvania, the petition of A. Caudelet and 93 other citizens of the third Congressional district of Pennsylvania, the petition of Ed. Geiss and 31 other citizens of the third Congressional district of Pennsylvania, the petition of Martin Good and 36 other citizens of the twenty-second Congressional district of Pennsylvania, the petition of D. F. Monroe and 36 other citizens of the twenty-seventh Congressional district of Pennsylvania, the petition of John Rae and 55 other citizens of the twenty-first Congressional district of Pennsylvania, the petition of Emil Perbst and 92 other citizens of the twenty-fourth Congressional district of Pennsylvania, the petition of George W. Winner and 119 other citizens of the twentieth Congressional district of Pennsylvania, the petition of J. B. Ball and 66 other citizens of the nineteenth Congressional district of Pennsylvania, the petition of Bernard Keogh and 133 other citizens of the sixteenth Congressional district of Pennsylvania; the petition of W. C. Reem and 86 other citizens of the seventeenth Congressional district of Pennsylvania, the petition of J. M. Dunm and 110 other citizens of the twenty-third Congressional district of Pennsylvania, the petition of J. P. Boehler and 45 other citizens of the eighteenth Congressional district of Pennsylvania, the petition of E. L. Wilson and 73 other citizens of the twenty-first Congressional district of Pennsylvania, the petition of Hans Hansen and 85 other citizens of the third Congressional district of Pennsylvania, the petition of W. H. Ross and 66 others, of the twenty-sixth Congressional district of Pennsylvania; the petition of A. C. Grave and 80 others, of the twenty-sixth Congressional district of Pennsylvania; the petition of John G. Duncan and 77 others, of the twenty-fifth Congressional district of Pennsylvania; the petition of W. W. Shields and 130 others, of the twenty-fourth Congressional district of Pennsylvania; the petition G. J. Burns and 75 others, of the twenty-fourth Congressional district of Pennsylvania; the petition of William Smith and 100 others, of the twenty-third Congressional district of Pennsylvania; the petition of L. A. Lambert and 44 others, of the twenty-third Congressional district of Pennsylvania; the petition of William Snyder and 112 others, of the twenty-third Congressional district of Pennsylvania; the petition of James Bukwell and 140 others, of the twenty-third Congressional district of Pennsylvania; the petition of William H. Baker and 23 others, of the twenty-second Congressional district of Pennsylvania; the petition of M. W. Whalen and 350 others, of the twenty-second Congressional district of Pennsylvania; the petition of Joseph Gibson and 113 others, of the twenty-first Congressional district of Pennsylvania; the petition of S. H. Chester and 47 others, of the twentieth Congressional district of Pennsylvania; the petition of Thomas W. Benna and 55 others, of the eighteenth Congressional district of Pennsylvania; the petition of William Heck and 110 others, of the eighteenth Congressional district of Pennsylvania; the petition of William Brown and 103 others, of the seventeenth Congressional district of Pennsylvania; the petition of Paul Hofer and 79 others, of the seventeenth Congressional district of Pennsylvania; the petition of W. H. Shafer and 40 others, of the seventeenth Congressional district of Pennsylvania; and the petition of A. A. Rode and 213 others, of the nineteenth Congressional district of Pennsylvania, praying for the passage of the following measures at the present session of Congress:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;

2. House bill No. 7021, for adjustment of railroad and other land grants;

3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;

4. House bill organizing the Territory of Oklahoma;

5. Senate bill opening a portion of the great Sioux reservation to settlement;

6. Bill prohibiting aliens from holding land in the United States;

7. Bill making Presidential and Congressional election days holidays, and prohibiting bribery;

8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Finance.

Mr. DAWES presented the petition of J. A. Fuller and 26 other citizens of the tenth Congressional district of Massachusetts, the petition of G. H. Pray and 42 other citizens of the eleventh Congressional district of Massachusetts, the petition of William H. Harrigan and 58 other citizens of the eighth Congressional district of Massachusetts, the petition of T. H. Grifford and 42 other citizens of the eighth Congressional district of Massachusetts, the petition of M. S. Drew and 26 other citizens of the sixth Congressional district of Massachusetts, the petition of L. A. Knowles and 26 other citizens of the fifth Congressional district of Massachusetts, the petition of P. J. Hayes and 122 other citizens of the third Congressional district of Massachusetts, the petition of D. S. Murray and 234 other citizens of the second Congressional district of Massachusetts, and the petition of H. B. Reed and 76 other citizens of the second Congressional district of Massachusetts, praying for the passage of the following measures at the present session of Congress:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding land in the United States;
7. Bill making Presidential and Congressional election days holidays, and prohibiting bribery;
8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Finance.

Mr. TELLER presented the petition of H. Frey and 80 other citizens of Colorado, the petition of Thomas D. Price and 22 other citizens of Colorado, the petition of Albert C. Johnston and 180 other citizens of Colorado, and the petition of F. A. Patten and 537 other citizens of Colorado, praying for the passage of the following bills at the present session of Congress:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays, and punishing bribery.
8. Bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Finance.

Mr. MILLER presented the petition of William P. Cady and 115 other citizens of the seventeenth Congressional district of New York, the petition of William S. Seyter and 30 other citizens of the ninth Congressional district of New York, the petition of John Walter and 41 other citizens of the thirty-first Congressional district of New York, the petition of Paul Maner and 143 other citizens of the sixth Congressional district of New York, the petition of Thomas Foley and 100 other citizens of the first Congressional district of New York, the petition of P. H. Farry and 22 other citizens of the sixteenth Congressional district of New York, the petition of Joseph Crocker and 65 other citizens of the seventeenth Congressional district of New York, and the petition of Michael Hogan and 434 other citizens of the seventeenth Congressional district of New York, praying for the passage at the present session of Congress of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays, and punishing bribery;
8. Bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Finance.

Mr. INGALLS presented the petition of George W. Knapp and 222 other citizens of the fourth Congressional district of Kansas, the petition of J. B. Wilson and 82 other citizens of the seventh Congressional district of Kansas, the petition of J. J. D. Russell and 115 other citizens of the seventh Congressional district of Kansas, the petition of P. R. Bridgman and 115 other citizens of the seventh Congressional district of Kansas, the petition of George W. Anderson and 195 other citizens of the sixth Congressional district of Kansas, the petition of Peter Pelar and 150 other citizens of the sixth Congressional district of Kansas, the petition of James P. Easterly and 95 other citizens of the fifth Congressional district of Kansas, the petition of W. P. Gates and 35 other citizens of the fifth Congressional district of Kansas, the petition of R. M. Phillips and 200 other citizens of the fourth Congressional district of Kansas, the petition of J. Miller and 645 other citizens of the third Congressional district of Kansas, the petition of J. Carr and 310 others of the third Congressional district of Kansas, the petition of Miles Finn and 228 others of the second Congressional district of Kansas, the petition of Thomas Conroy and 260 others of the second Congressional district of Kansas, the petition of L. E. Potter and 89 others of the second Congressional district of Kansas, the petition of J. F. Blackerby and 103 others of the third Congressional district of Kansas, the petition of J. A. Washburn and 61 others of the fourth Congressional district of Kansas, the petition of Harry C. Vroman and 140 others of the fourth Congressional district of Kansas, the petition of D. W. Edwards and 135 others of the fourth Congressional district of Kansas, the petition of W. D. Robb and 146 others of the fifth Congressional district of Kansas, the petition of S. S. Zimmerson and 80 others of the sixth Congressional district of Kansas, the petition of J. H. Nebbergall and 73 others of the sixth Congressional district of Kansas, the petition of Frank Casidy and 124 others of the seventh Congressional district of Kansas, and the petition of S. B. Tunnell and 148 others of the seventh Congressional district of Kansas, praying for the passage at the present session of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays, and punishing bribery;
8. Bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Finance.

Mr. GEORGE presented the petition of T. W. Whitsey and 244 other citizens of the fourth Congressional district of Mississippi, praying for the passage at the present session of Congress of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays, and punishing bribery;
8. Bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Finance.

Mr. CONGER presented the petition of Mat Hays and 58 other citizens of the ninth Congressional district of Michigan, the petition of F. J. Taylor and 90 other citizens of the fifth Congressional district of Michigan, the petition of A. S. Hathaway and 130 other citizens of the fourth Congressional district of Michigan, and the petition of John Oyer and 141 other citizens of the third Congressional district of Michigan, praying for the passage of the following measures at the present session of Congress:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding land in the United States;
7. Bill making Presidential and Congressional election days, holidays, and prohibiting bribery;
8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Finance.

Mr. BECK presented the petition of Andrew Phelps and 64 other citizens of the third Congressional district of Kentucky, the petition of George W. Brow and 98 other citizens of the ninth Congressional district of Kentucky, the petition of Elonzo Crutchfield and 350 colored men of the fifth Congressional district of Kentucky, the petition of Edward Brown and 75 other citizens of the sixth Congressional district of Kentucky, and the petition of William Pay and 250 other citizens of the fifth Congressional district of Kentucky, praying for the passage of the following measures at the present session of Congress:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays and prohibiting bribery;
8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Finance.

Mr. BROWN presented a petition of citizens of Atlanta, Ga., praying for the passage of the following measures at the present session:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays, and punishing bribery;
8. Bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Finance.

Mr. HAWLEY presented the petition of William Haspey and 22 other citizens of the first Congressional district of Connecticut, the petition of Adelbert Cooper and 28 other citizens of the first Congressional district of Connecticut, and the petition of D. W. Clifford and 37 other citizens of the first Congressional district of Connecticut, praying for the passage at the present session of Congress of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding land in the United States;
7. Bill making Presidential and Congressional election days holidays, and prohibiting bribery;
8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Finance.

Mr. BLAIR presented the petition of E. G. Wentworth and 64 other citizens of the first Congressional district of New Hampshire, the petition of C. Emery and 78 other citizens of the second Congressional district of New Hampshire, the petition of John Johnson and 22 other citizens of the first Congressional district of New Hampshire, the petition of J. Greely and 190 other citizens of the first Congressional district of New Hampshire, the petition of Guy H. Hubbard and 125 other citizens of the second Congressional district of New Hampshire, the petition of George B. Glidden and 46 other citizens of the first district of New Hampshire, and the petition of W. C. Hobart and 155 other citizens of the second Congressional district of New Hampshire, praying for the passage at the present session of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma.
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays, and punishing bribery;
8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired;

The petitions were referred to the Committee on Finance.

Mr. PLUMB presented the petition of J. E. Bundy and 80 other citizens of the second Congressional district of Kansas, the petition of J. J. Smith and 37 other citizens of the second Congressional district of Kansas, the petition of A. C. Thomas and 156 other citizens of the sixth Congressional district of Kansas, the petition of Ira Winch and 230 other citizens of the seventh Congressional district of Kansas, and the petition of W. F. Rockwell and 34 other citizens of the second Congressional district of Kansas, praying for the passage at the present session of Congress of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding land in the United States;
7. Bill making Presidential and Congressional election days holidays, and prohibiting bribery;
8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Commitee on Finance.

REPORTS OF COMMITTEES.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (S. 2707) conferring jurisdiction upon the Court of Claims to finally determine the claim of Charles E. Creecy for use of the Schillinger patent in the Capitol grounds, reported adversely thereon, and moved the indefinite postponement of the bill; which was agreed to.

He also, from the same committee, to whom the subject was referred, submitted a report accompanied by a bill (S. 2820) conferring jurisdiction upon the Court of Claims to finally determine the claim of Charles E. Creecy for use of the Schillinger patent in the Capitol grounds; which was read twice by its title.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 1983) to increase the appropriation for the erection of the public building at Reading, Pa.; and

A bill (H. R. 4503) to authorize the Secretary of War to permit the Carrollton and Lock No. 1 Turnpike Road Company to locate and construct its road on land belonging to the United States at lock No. 1, on the Kentucky River, in the State of Kentucky.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1536) for the purchase of suitable grounds in the city of Owensborough, in the State of Kentucky, and the erection thereon of a public building for the post-office, United States collector's office, United States commissioner's office, and for the use of other United States officers in said city, and appropriating money for said purposes; and

A bill (S. 2194) for the erection of a public building at Haverhill, Mass.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, reported four amendments intended to be proposed to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. CONGER, from the Committee on Commerce, to whom was referred the bill (H. R. 8023) to give the assent of Congress to the construction of a bridge by the municipalities of Menominee, Mich., and Marinette, Wis., over Menominee River, reported it without amendment.

Mr. GRAY, from the Committee on Claims, to whom was referred the bill (H. R. 822) for the relief of William H. Wheeler, reported it without amendment, and submitted a report thereon.

BILL INTRODUCED.

Mr. SEWELL introduced a bill (S. 2821) authorizing the publication of certain additional volumes of the Official Records of the War of the Rebellion to be distributed to posts of the Grand Army of the Republic; which was read twice by its title.

Mr. SEWELL. I move the reference of the bill to the Committee on Military Affairs.

Mr. MANDERSON. I submit to the Senator from New Jersey that the bill should properly be referred to the Committee on Printing.

Mr. SEWELL. I have no objection to the reference to the Committee on Printing. I think probably that refence would be better.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be referred to the Committee on Printing.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. VOORHEES submitted an amendment intended to be proposed

by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. SEWELL submitted an amendment intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PRINTING OF A BILL.

Mr. DOLPH. The bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes, has passed the Senate, but was not printed as passed. I suppose it might still be printed though it has passed the Senate, and I ask for an order that the bill be printed as passed by the Senate.

The PRESIDENT *pro tempore*. The Senator from Oregon asks for an order to print a certain bill. Is there objection? The Chair hears none, and the order is granted.

THE CALENDAR.

The PRESIDENT *pro tempore*. "Concurrent and other resolutions" are now in order. If there be none such, under the special order of yesterday the Calendar will be laid before the Senate as the order of the day until half past 12 o'clock. The order adopted yesterday will be read.

The Chief Clerk read as follows:

Ordered, That for the next six days of the legislative sittings of the Senate, after the call for and disposition of resolutions shall have been passed, the time remaining until half past 12 o'clock shall be devoted to the Calendar, beginning with the first case thereon, and every matter objected to shall be passed by, and debate shall be limited to five minutes for any Senator on the question.

The PRESIDENT *pro tempore*. The Chair feels bound to say that under the order which was made yesterday, in the opinion of the Chair morning business is not in order after the call of the Calendar is commenced. It is but fair that the Chair should receive morning business, although it is expressly excluded by the terms of the order made yesterday.

Mr. INGALLS. I understand the Calendar is to be called from the beginning.

The PRESIDENT *pro tempore*. It is to be called from the beginning, on page 1. The first case will be stated.

REIMBURSEMENT OF STATES.

The bill (S. 59) to reimburse the several States for interest paid on war loans, and for other purposes, was announced as first in order on the Calendar.

Mr. INGALLS. I object to that bill.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

UNIFORM SYSTEM OF BANKRUPTCY.

The bill (S. 714) to establish a uniform system of bankruptcy throughout the United States was announced as next in order.

Mr. TELLER. I object to that. Let it go over.

The PRESIDENT *pro tempore*. Being objected to, the bill goes over. It is a special order any way.

FIRST NATIONAL BANK OF NEWTON.

The bill (S. 7) making appropriation for the relief of the First National Bank of Newton, Mass., was announced as next in order.

Mr. INGALLS. I object to that bill.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

MAILING OF LOTTERY ADVERTISEMENTS.

The bill (S. 260) to prohibit the mailing of newspapers and other publications containing lottery advertisements, and prescribing a penalty for the violation of the same, was announced as next in order.

Mr. CAMERON. I object.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over. The next case will be reported.

DAKOTA TERRITORY.

The resolution submitted by Mr. BUTLER December 16, 1885, and reported by Mr. HARRISON from the Committee on Territories adversely January 11, 1886, instructing the Committee on Territories to inquire under what authority a so-called State Legislature has been organized in the Territory of Dakota, was announced as the next business in order.

Mr. TELLER. That and the following resolution ought to go over. They are both reported adversely.

The resolution submitted by Mr. VEST December 17, 1885, and reported adversely by Mr. HARRISON from the Committee on Territories January 11, 1886, relative to the memorial of certain persons calling themselves "the State executive committee of the State of Dakota," was announced as the next business in order.

Mr. HARRISON. I ask the Senator from Missouri [Mr. VEST] whether there is any objection to the indefinite postponement of these two orders of business, 26 and 27. They relate to the Dakota matter.

Mr. VEST. I suppose the resolutions may be indefinitely postponed.

Mr. HARRISON. I ask then that they be indefinitely postponed.

The PRESIDENT *pro tempore*. The resolutions will be indefinitely postponed if there be no objection. The Chair hears none.

WILLIAM M. MAYNADIER.

The bill (S. 98) for the relief of William M. Maynadier, a paymaster in the United States Army, was announced as next in order.

Mr. CAMERON. I object.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

COL. GEORGE W. GETTY.

The bill (S. 225) to authorize Col. George W. Getty, United States Army, retired, to be placed upon the retired-list of the Army with the rank and pay of a brigadier-general, was announced as next in order.

Mr. CAMERON. I object.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

PEARSON C. MONTGOMERY.

The bill (S. 18) for the relief of Pearson C. Montgomery, of Memphis, Tenn., was announced as next in order.

Mr. INGALLS. I object to that bill.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

WILLIAM H. CROOK.

The bill (S. 100) for the relief of William H. Crook was announced as next in order.

Mr. MILLER. Let that go over.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

Mr. CONGER subsequently said: I ask unanimous consent to go back and take up the bill (S. 100) for the relief of William H. Crook, which was reached before I came into the Chamber, and to which I understand the Senator from New York by mistake objected, thinking it was another bill.

Mr. MILLER. I supposed I was objecting to Senate bill 1200, the bill in charge of the Senator from Massachusetts [Mr. HOAR], as he was not in the Chamber at the moment. It was not my intention to object to the Crook bill.

Mr. CONGER. I hope the bill will be taken up.

The PRESIDENT *pro tempore*. The Senator from Michigan asks unanimous consent to go back to the bill indicated by him. Is there objection? The Chair hears none.

The bill (S. 100) for the relief of William H. Crook was considered as in Committee of the Whole. It proposes to pay to William H. Crook $6,000, as compensation for services as secretary to the President to sign land patents for the fiscal years 1879, 1880, 1881, and 1882, inclusive, and which services were additional to his regular duties as executive clerk and disbursing agent, the amount being the same as was formerly paid for such service.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF MAURICE GRIVOT.

The bill (S. 177) for the relief of the heirs of Maurice Grivot was announced as next in order.

Mr. INGALLS. I object to that.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

WRECK OF THE TALLAPOOSA.

The bill (S. 702) for the relief of the sufferers by the wreck of the United States steamer Tallapoosa was considered as in Committee of the Whole.

Mr. PLATT. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. HALE, from the Committee on Naval Affairs, January 21, 1886:

This bill provides an appropriation simply sufficient to enable the officers to refurnish themselves with an outfit. We are assured that it will be just about sufficient for that purpose. The first section also provides for the payment of $100 to each of the surviving seamen, which we think will about cover the actual loss that each one of them sustained. Both officers and men were rescued destitute of everything, and all they ask is simply to be refurnished with an outfit suitable to the service to which they belong.

For this bill there are many precedents. Under similar circumstances in 1848 a bill was passed for the relief of the relatives of those who were lost on the brig Somers, the precise language of which has been copied in the second section of this bill. That precedent was followed in 1853 in the case of the brig Washington, and in 1854 in the case of the Grampus, and again in 1870 in the case of the Oneida, which was run down in the early part of that year near the coast of China, and also in the case of the U. S. S. Huron, lost off the coast of North Carolina in 1877.

The U. S. S. Tallapoosa was run into and sunk at about 11 o'clock on the night of August 21, 1884, in Vineyard Sound. The officers were fully exonerated from any charge of carelessness or negligence as will be readily seen by a careful perusal of the following communication from the Navy Department, which gives the findings of the board of inquiry convened to investigate the loss of that vessel, and in which is also expressed the opinion of the Department on the report of said board.

The findings of the court of inquiry, consisting of Captains D. B. Harmony, R. F. Bradford, and F. M. Bunce, concerning the collision between the naval steamer Tallapoosa and the schooner James S. Lowell, were in substance as follows:

That on the night of the 21st of August, 1884, about 11 p. m., the Tallapoosa was

on her way from Boston to Newport, R. I., off East Chop light in Vineyard Sound, steering her course by the lights; the navigating officer, the officer of the deck, and the commanding officer being on deck, the latter personally in charge of the conduct of the vessel; that the sky was clear with a haze about the horizon, and a strong breeze blowing from the southwest; the tide flood setting to the eastward, from 1 to 1½ knots an hour; the Tallapoosa steaming against wind and tide, making about 8½ knots, over the ground; that when entering the channel between the Hedge Fence and Squash Meadow Shoals, at the point between buoys about 1½ miles in width, the schooner Lowell was reported one and a half to two points on the starboard bow; that the Lowell was of 700 tons, laden with coal; was moving at a speed of about 9 knots through the water and 10 over the ground, and in about three minutes the vessels were in collision; the Tallapoosa was sunk and the Lowell badly damaged; that on sighting the lights of the schooner the steamer's helm was put to starboard and the steamer steadied when she had fallen off about three-quarters of a point; that constant watch was kept upon the schooner's lights, and suddenly the green light disappeared and only the red could be seen; that the steamer's helm was then put hard to starboard, her whistle blown twice and then sounded repeatedly, but her speed was retained; that she was struck by the schooner about 40 feet from the bow, on the starboard side, at an angle of from thirty to seventy degrees with the line of the keel from the bow; that the schooner on sighting the lights of the steamer one-half point on the port bow, as seen from leeward under the sails, kept her course until the green light of the steamer was seen, then put her helm to port and struck the steamer, as described; that the evidence that the red light of the steamer was seen by the schooner's people soon after her mast-head light was disregarded by the court, as the relative positions of the two vessels, as established by each of them, would render it impossible for the red light of the steamer to be at any time visible from the schooner; that the steamer did all that she was able to do in her position to avoid the collision, and complied with the law in every and all respects, as she was in the direct course of the schooner when she first sighted her, and that the schooner when she saw the green light of the steamer, instead of holding her course, did, by putting her helm to port and altering her course, violate section 4233, Revised Statutes (rules 23 and 24), for preventing collisions. The court is of the opinion, therefore, that the blame for the collision rests with the schooner. The court is glad to add the fact that every effort was made by the people of both vessels to save life.

The Navy Department approved the findings above referred to, not relying alone on the testimony of the officers and crew of the Tallapoosa, that they saw the schooner change her course and that her sails were actually shaking when she struck, and that therefore she caused the collision, but basing its approval also upon the admissions in the testimony of the witnesses on the schooner. Master Reed, of the Lowell, testified that before the vessels came together he ordered the helm hard down. Being asked why he gave this manifestly wrong order he answered, absurdly, that it was because the steamer had shown her green light, from which fact he inferred that she had starboarded her helm. Being asked why he did not, therefore, if he took the responsibility of changing his course, put his helm hard up instead of luffing directly into the steamer, he gave no reason except that his impression was that "hard up" or "hard to starboard" would cause the schooner to strike the steamer amidships, instead of forward near the bow, when both vessels would go down. The boy at the wheel, twenty years of age, also testified that the captain gave him the order to put the helm hard down, and that he gave her a couple of spokes.

The statement made and signed by the captain the second morning after the collision was as follows:

Statement Capt. F. K. Reed, schooner Jas. S. Lowell, of Bath.

We came into sound and going down on course SE. by E. ½ E., a red light was reported by the watch ahead; before this a white light had been reported ahead, and I knew it was a steamer, and I thought red to red go clear. Suddenly I saw a green light ahead, and I gave the order hard a port, and we came together about S. from E. buoy on Hedge fence about 11 p. m., August 21, 1884.

F. K. REED.

From this testimony of the schooner's witnesses, therefore, the Department decided that if the schooner had kept her course, as she was bound to do, there would have been no collision, and that the change of course on her part and the giving of the directly wrong order by her captain was the sole cause of the collision. The claim made at the trial that, although the order was given to put the helm hard down, this was not done before the collision, is treated by the Department as an afterthought and is disregarded.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INDEBTEDNESS OF PACIFIC RAILROADS.

The next bill on the Calendar was the bill (S. 1200) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for a settlement of claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned.

Mr. HOAR. I should like to have unanimous consent to make a statement in regard to that bill. I have charge of it, and I do not propose to ask the Senate to take it up in this order of business. It is proper perhaps to say that I am informed that a bill dealing with the same subject is likely to be considered in a few days elsewhere. I presume even the ghost of the Senator from Vermont would not object to that statement. It is a matter of great importance and is very much interesting the people. I do not propose to call up the bill at this session of Congress, but I should like to have it retain whatever place it has, so that if I should desire at a later day I may ask the Senate to set it down for some day in the next session.

The PRESIDENT *pro tempore*. The next case on the Calendar will be stated.

MAJ. G. W. CANDEE.

The bill (S. 725) for the relief of Maj. G. W. Candee was considered as in Committee of the Whole. It proposes to pay to Maj. G. W. Candee, a paymaster in the Army, $2,650, being the amount stolen from him at Fort Arbuckle, Indian Territory, in the fall of 1869, and which was restored by him out of private funds.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. MORGAN.

The bill (S. 528) for the relief of William H. Morgan was announced as the next in order on the Calendar.

Mr. HARRISON. That is an adverse report. Let it go over.

The PRESIDENT *pro tempore*. If there be no objection the bill will be indefinitely postponed. The Chair hears none.

L. MADISON DAY.

The bill (S. 266) for the relief of L. Madison Day was announced as next in order on the Calendar.

Mr. INGALLS. That had better go over.

The PRESIDENT *pro tempore*. The bill goes over.

WILBUR F. STEELE.

The bill (S. 1223) for the relief of Wilbur F. Steele was the next in order on the Calendar.

Mr. PLUMB. I ask that that matter may lie over.

The PRESIDENT *pro tempore*. The bill goes over under objection.

WOMAN SUFFRAGE.

The next business on the Calendar was the joint resolution (S. R. 5) proposing an amendment to the Constitution of the United States extending the right of suffrage to women.

Mr. PLATT. I do not think that can be disposed of under this rule.

The PRESIDENT *pro tempore*. Objection being made, the joint resolution goes over.

Mr. MILLER. The Senator from Connecticut does not object to that?

Mr. PLATT. It can not be disposed of under this rule.

The PRESIDENT *pro tempore*. The next case will be reported.

Mr. CONGER. I did not hear any objection.

The PRESIDENT *pro tempore*. The Chair heard the objection very distinctly. It was made by the Senator from Connecticut [Mr. PLATT].

Mr. CONGER. I wish the Chair could have order enough preserved so that we might know what is going on. I was very anxious that that joint resolution should pass, and I was listening for objection. I did not hear it. I wish the Chair would put the proposition again.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Connecticut to object to the present consideration of the joint resolution.

Mr. PLATT. I said it was manifest that it could not be passed under the five-minute rule. It is a divided report of the committee, the views of the minority are submitted, and without expressing any opinion whatever on the subject I do not think we can consider it this morning. Therefore I objected, and do object.

ASSISTANT SECRETARY OF THE NAVY.

The bill (S. 1302) authorizing the appointment of an assistant Secretary of the Navy, and fixing the salary of the same, was next in order on the Calendar.

Mr. INGALLS. Let that go over.

The PRESIDENT *pro tempore*. The bill goes over on objection.

LANDS OF YAKAMA INDIAN RESERVATION.

The bill (S. 1211) to accept and ratify an agreement made with the confederated tribes and bands of Indians occupying the Yakama reservation, in the Territory of Washington, for the extinguishment of their title to so much of said reservation as is required for the use of the Northern Pacific Railroad, and to make the necessary appropriations for carrying out the same, was considered as in Committee of the Whole.

The PRESIDENT *pro tempore*. The bill has been read at one time hitherto at length. Is it the desire that it shall be read again?

Mr. DAWES. Nobody desires that it shall be read again. It is merely ratifying an agreement that is made satisfactorily to all parties, by which the Northern Pacific Railroad Company pay for the land they take.

Mr. TELLER. They have already taken it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WALKER RIVER INDIAN RESERVATION.

The next bill on the Calendar was the bill (S. 1056) to accept and ratify an agreement made by the Pah-Ute Indians, and granting a right of way to the Carson and Colorado Railroad Company through the Walker River reservation, in Nevada.

Mr. DAWES. That is just like the preceding.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH F. WILSON.

The bill (S. 922) for the relief of Joseph F. Wilson was the next in order on the Calendar.

Mr. PLATT. Let that be passed over.

The PRESIDENT *pro tempore*. The bill goes over.

TIME FOR MEETING OF CONGRESS.

The bill (S. 1406) fixing the time for the meeting of Congress was announced as next in order on the Calendar.

Mr. MILLER. Let that go over.

The PRESIDENT *pro tempore*. The bill goes over.

EXECUTIVE SESSIONS WITH OPEN DOORS.

The next business on the Calendar was the resolution for the consideration of executive nominations in open session, submitted by Mr. PLATT January 29, 1886, and reported adversely by Mr. INGALLS from the Committee on Rules February 8, 1886.

Mr. HOAR. Let that be passed over.

Mr. PLATT. I ask the Senator from Massachusetts to withhold his objection to the resolution for a moment, that I may make a motion relating to it. I will state the motion I desire to make. I desire to make a motion that this resolution be postponed to, and made the special order for, Wednesday, the 8th day of December next, at 2 o'clock. I think there will be no objection to that.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves that the pending resolution be postponed until Wednesday, the 8th day of December next, and that it be made the special order for 2 o'clock on that day. The question is on agreeing to the motion.

The motion was agreed to.

ELON A. MARSH AND MINARD LAFEVER.

The bill (S. 500) for the relief of Elon A. Marsh and Minard Lafever was announced as next in order.

Mr. CONGER. Let that go over.

The PRESIDENT *pro tempore*. The bill goes over.

STEPHEN N. SMITH.

The bill (S. 708) for the relief of Stephen N. Smith was considered as in Committee of the Whole. It provides that the patent granted to Stephen N. Smith on the 13th of June, 1882, for "improvements in machines for making lacing-hooks," and which patent on the face thereof was granted for the term of seventeen years from its date, shall be made a valid grant for the full term of seventeen years from the date of the patent, notwithstanding the fact that a patent had been previously granted to said Smith in Canada for the same invention.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM C. DODGE.

The bill (S. 301) for the relief of William C. Dodge was announced as next in order.

Mr. HARRISON. Let that go over. The amount is blank.

Mr. PLATT. We recommend $10,000.

The PRESIDENT *pro tempore*. The Committee on Patents propose an amendment to fill the blank; but the bill being objected to, goes over.

Mr. HARRISON. I withdraw the objection.

Mr. INGALLS. I renew it.

The PRESIDENT *pro tempore*. The bill will be passed over.

CLAIMS FOR HORSES.

The bill (S. 78) to extend the time for filing certain claims for compensation for horses and other property lost in the military service of the United States was announced as being the next in order.

The PRESIDENT *pro tempore*. The bill, being adversely reported, will be passed over unless it is the desire to postpone it indefinitely. ["Yes."] If there be no objection the bill will be indefinitely postponed. The Chair hears no objection.

OVERVALUATION OF THE AUSTRIAN FLORIN.

The bill (S. 599) to refund excessive duties caused by extraordinary overvaluation of the Austrian florin in the year 1878 was announced as next in order.

Mr. MILLER. Let that go over.

The PRESIDENT *pro tempore*. The bill will go over.

EUGENE WELLS.

The bill (S. 504) for the relief of Eugene Wells was announced as next in order.

Mr. INGALLS. There is an adverse report.

The PRESIDENT *pro tempore*. The bill will be indefinitely postponed, if there be no objection.

EFFICIENCY OF THE INFANTRY.

The bill (S. 137) to increase the efficiency of the infantry branch of the Army was announced as next in order.

Mr. MANDERSON. Let that go over.

The PRESIDENT *pro tempore*. The bill will go over.

A. H. VON LUETTWITZ.

The bill (S. 794) for the relief of A. H. Von Luettwitz was considered as in Committee of the Whole.

The preamble recites that A. H. Von Luettwitz, while a first lieutenant in the Third Regiment of United States Cavalry, on the 9th of September, 1876, and while in command of a battalion of his regiment, composed of detachments from five of its companies, and while attacking and capturing a village of hostile Sioux Indians, was dangerously wounded, necessitating amputation of the right leg above the knee, and very narrowly escaping with his life; that First Lieut. A. H. Von Luettwitz was retired from active service on the 5th of May, 1879; and that at the date of his retirement he was on the eve of promotion, and would be a captain in his regiment now and since June, 1881. The bill therefore authorizes the President to place Von Luettwitz on the retired-list with the rank and pay of a captain of cavalry on the retired-list.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

CALIFORNIA LAND SALES.

The bill (S. 994) granting to the State of California 5 per cent. of the net proceeds of the sales of lands in said State was announced as next in order.

Mr. MILLER. Let that go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

SOPHIA B. MOORE.

The bill (S. 510) for the relief of Sophia B. Moore was announced as next in order.

The PRESIDENT *pro tempore*. Being reported adversely, the bill will be passed over.

Mr. TELLER. Let it be indefinitely postponed.

Mr. CAMERON. Oh, no; let it stay on the Calendar.

Mr. TELLER. Very well.

The PRESIDENT *pro tempore*. The bill will be passed over.

RAILROAD AND CANAL IN FLORIDA.

The bill (S. 470) for the survey and estimate for a railroad from the mainland to Key West, Fla., and for a canal connecting the same with the Saint John's River, for military and naval purposes, was announced as next in order.

Mr. MILLER. Let that go over.

Mr. PLATT. It is adversely reported.

The PRESIDENT *pro tempore*. The bill will be indefinitely postponed if there be no objection.

Mr. MILLER. That had better not be done unless the Senator from Florida is here.

The PRESIDENT *pro tempore*. The bill will be passed over under objection.

JAMES BAINTER.

The bill (S. 145) for the relief of James Bainter was announced as next in order.

The PRESIDENT *pro tempore*. The bill is adversely reported.

Mr. INGALLS. I suggest that where an adverse report appears on the Calendar the bill be not stated.

The PRESIDENT *pro tempore*. If there be no objection, cases reported adversely will be considered as objected to without being stated to the Senate on this call.

NEW MEXICO TERRITORY.

The bill (S. 1598) to annex a certain strip of land therein named to the Territory of New Mexico was announced as next in order.

Mr. CONGER. There is no report in that case. Let it go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

WILLIAM TABB.

The bill (S. 1310) for the relief of William Tabb was considered as in Committee of the Whole. It provides for the payment to William Tabb, of Spottsylvania County, near Fredericksburg, Va., of $2,149.75, in full for supplies taken from him, during the years 1863 and 1864, by and for the use of United States troops.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INTERNATIONAL NAVIGATION COMPANY.

The bill (S. 805) to authorize certain foreign-built steamships in the service of the International Navigation Company to be registered as vessels of the United States was announced as next in order.

Mr. CONGER. I object to that.

The PRESIDENT *pro tempore*. The bill will be passed over.

FLORIDA INDIAN WAR CLAIM.

The bill (S. 1729) to authorize the Secretary of the Treasury to settle the claim of the State of Florida on account of expenditures made in suppressing Indian hostilites was announced as next in order.

Mr. PLATT. That has been passed and reconsidered; let it go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

MOBILE MARINE DOCK COMPANY.

The bill (S. 300) for the relief of the Mobile Marine Dock Company was announced as next in order.

Mr. DOLPH. Let that go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

FOREST RESERVATION AT CLARK'S FORK.

The bill (S. 581) to establish a forest reservation on the headwaters of

the Missouri River and the headwaters of Clark's Fork of the Columbia River was announced as next in order, and the Senate as in Committee of the Whole resumed its consideration.

The PRESIDENT *pro tempore*. This bill has been heretofore read at length.

Mr. PLATT. If it is not a long bill I should like to hear it read.

Mr. MILLER. It has been read twice at length and was passed at the last session.

Mr. PLATT. Very well.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ERNEST H. WARDWELL.

The bill (S. 1455) for the relief of Ernest H. Wardwell was announced as next in order.

Mr. PLATT. I object.

Mr. WILSON, of Iowa. I think that ought to be passed over.

The PRESIDENT *pro tempore* The bill will go over under objection.

Mr. HAMPTON. Was there objection made to that bill?

The PRESIDENT *pro tempore*. Objection was made by the Senator from Iowa [Mr. WILSON].

Mr. HAMPTON. I hope the Senator from Iowa will withdraw the objection. The bill has been passed over twice already, I think. The bill had a favorable report at the last session and was passed by the other House and has been reported favorably at this session. I do not think there is a more deserving case on the Calendar.

Mr. PLATT. I had an impression that the chairman of the committee, the Senator from Illinois [Mr. LOGAN], was not in favor of this bill, and he being absent, I objected on that account.

Mr. FRYE. The Senator from Illinois is in the cloak-room.

Mr. HAMPTON. I could not hear what the Senator from Connecticut said.

Mr. PLATT. I said I had the impression that the chairman of the committee was not in favor of the passage of the bill, and he being absent, I objected. I have no objection to its being passed over without prejudice until he comes in.

Mr. HAMPTON. I did not notice his absence.

Mr. FRYE. The Senator is right here.

The PRESIDENT *pro tempore*. The bill will be passed over informally.

HEIRS OF MICHAEL O'BRIEN.

The bill (S. 1249) for the relief of the heirs of Michael O'Brien was announced as next in order.

Mr. PLUMB. I suggest that that go over, as the Senator from New Hampshire [Mr. BLAIR] who reported it is absent.

The PRESIDENT *pro tempore*. The bill will be passed over on objection.

LABOR ARBITRATION.

The bill (H. R. 7479) to provide a method for settling controversies and differences between railroad corporations engaged in interstate and Territorial transportation of property or passengers and their employés was announced as next in order.

Mr. INGALLS. That bill is one of importance, and I should suppose it could hardly be passed now under the limitation of the five-minute rule. I should be willing to have it assigned for a day certain.

Mr. PLATT. The Senator from New Hampshire [Mr. BLAIR] who reported it is not present, and perhaps it had better be passed over informally.

Mr. INGALLS. Until he comes in.

The PRESIDENT *pro tempore*. The bill will be passed over.

ADMINISTRATOR OF RUDOLPH LESCHOT, DECEASED.

The bill (S. 2101) for the relief of Edward G. Thompson, administrator *de bonis non* of the estate of Rudolph Leschot, deceased, was announced as next in order.

Mr. TELLER. I move that the bill be recommitted to the Committee on Patents.

The PRESIDENT *pro tempore*. The Senator from Colorado moves that the bill be recommitted to the Committee on Patents.

The motion was agreed to.

EIGHT-HOUR LAW.

The bill (S. 1884) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law was announced as next in order.

Mr. PLATT. Let the report be read.

Mr. COCKRELL. I do not think we can consider that under the five-minute rule. Let it go over.

The PRESIDENT *pro tempore*. The bill will be passed over under objection.

INQUESTS UNDER NATIONAL AUTHORITY.

The bill (S. 2171) to provide for inquests under national authority was announced as next in order.

Mr. COCKRELL. We can not consider that this morning.

The PRESIDENT *pro tempore*. Being objected to, the bill goes over under the rule.

Mr. HOAR. What Senator objects to that?

The PRESIDENT *pro tempore*. The Senator from Missouri [Mr. COCKRELL] objects.

Mr. COCKRELL. We can not consider it under the five-minute rule.

WILLIAM H. AKINS AND JACOB D. FELTHOUSER.

The bill (S. 1803) for the relief of William H. Akins and Jacob D. Felthouser was announced as next in order.

Several Senators objected.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

LEGAL REPRESENTATIVES OF PETER LYLE.

The consideration of the bill (S. 701) for the relief of the legal representatives of Peter Lyle, deceased, was resumed as in Committee of the Whole.

Mr. PLATT. That is a short bill. Let it be read once more.

The Chief Clerk read the bill.

Mr. PLATT. Let the report be read.

The Secretary proceeded to read the report, submitted by Mr. BLAIR from the Committee on Pensions, April 20, 1886. Having proceeded for some time,

Mr. PLATT. I do not ask for any further reading of the report.

The PRESIDENT *pro tempore*. The reading will be suspended. Is there objection to the present consideration of the bill?

Mr. COCKRELL. I object until we hear the report read.

Mr. CAMERON. I hope the Senator will not object.

Mr. TELLER. Then let the report be read.

Mr. CAMERON. The report is long.

Mr. PLATT. I called for the reading of the report. Enough of it was read to show that a pension was granted to this officer and that he died the next day, and the bill is to authorize the money to be drawn by his heirs. Under those circumstances, I did not care to have the long report read.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Missouri to object? The report is very long.

Mr. COCKRELL. Let the preamble be read.

The Chief Clerk read the preamble of the bill.

Mr. COCKRELL. Now let the last part of the report on pages 6 and 7 be read, which states the facts.

Mr. CAMERON. Has the Senator read the report?

Mr. COCKRELL. I want it to go on record to show the reasons why we make this exception. There will be hundreds and perhaps thousands of cases similar presented unless we place on record the exact grounds on which we make this exception.

The Chief Clerk read as follows:

Your committee are of opinion that the evidence shows that there were several persons who rendered medical attendance, who furnished money, nursed, and clothed, and fed this unfortunate ward of the nation during his long continued last sickness, and that these expenses and attentions were necessary to keep this brave old wounded soldier, who had served his country so faithfully, from starvation, beggary, and rags, or from the almshouse. It is shown that for the payment of these services and expenses rendered by comrades and others the soldier had pledged his honor, and had based his pledge upon his claim for arrears of pension due him; that his last sickness continued for three years immediately preceding his death, and that during all this time he was wholly unable to labor or in any way provide for his maintenance. This indebtedness, as judicially established, amounts to $3,909.86; and judgments for this amount have been rendered by the courts against the administrator, Vincent P. Donnelly.

The amount awarded by the certificate was $3,724, and would have been used to liquidate the above debt if the soldier had lived to actually receive it. The present bill simply proposes to pay this amount to said administrator, as the law, as officially construed, seems to interpose a technical bar to such payment.

Your committee are of opinion that even under section 4718, Revised Statutes, this amount might be properly considered as necessary to reimburse "the expenses of the last sickness and burial of the decedent." In view of all the facts, it would seem that the Government should, as a matter of justice, pay this claim, and thus discharge the obligations in honor of this brave soldier, who gave his life to the service of his country; and we therefore report back the bill with a recommendation that it do pass.

The bill should, however, be amended by striking out all the preamble between the title and the enacting clause.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The amendment of the Committee on Pensions striking out the preamble will be considered agreed to, if there be no objection. The Chair hears none; and the preamble is stricken out.

ROBLEY D. EVANS AND RICHARD M. GREEN.

The bill (S. 1361) for the relief of Robley D. Evans and Richard M. Green was announced as next in order, and the Senate, as in Committee of the Whole, resumed its consideration.

The PRESIDENT *pro tempore*. There was an amendment reported from the Committee on Patents, in line 6, striking out "forty" and inserting "four;" so as to make the bill read: "The sum of $4,000, in payment in full of all the demands for the past and future use by the Government of the United States of their patented invention for bending metal links in the manufacture of cable and other chain," &c.; which was agreed to when the bill was previously under consideration.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEGAL REPRESENTATIVES OF HENRY S. FRENCH.

The bill (S. 609) for the relief of the legal representative of Henry S. French was announced as next in order.

Mr. CONGER. Let that go over.

The PRESIDENT *pro tempore*. The bill will be passed over, under objection.

PAY OF GRADUATES OF NAVAL ACADEMY.

The bill (S. 882) to equalize the pay of graduates of the Naval Academy was announced as next in order.

Mr. PLUMB. I object to that.

Mr. MCPHERSON. I think the Senator from Kansas can not possibly object if he understands the case. If he will hear the bill read I think he will not object.

The PRESIDENT *pro tempore*. Objection is made, and the next case will be stated.

AGRICULTURAL EXPERIMENT STATIONS.

The bill (S. 372) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto, was considered as in Committee of the Whole.

Mr. GEORGE. It is necessary to amend the bill in a formal way by striking out, in section 6, line 11, "July" and inserting "October;" and striking out "five," after "eighty," and inserting "six;" so as to read:

The first payment to be made on the 1st day of October, 1886.

It now reads "the 1st day of July, 1885." I move that amendment.

The amendment was agreed to.

Mr. HARRISON. I desire to call the attention of the Senator from Mississippi to the fact that some of the Territories have provided for agricultural colleges; Dakota has; and I ask whether there can be any objection to extending this bill so as to embrace the Territories that have provided agricultural colleges.

Mr. GEORGE. No, sir. I think that is very proper.

Mr. HARRISON. Then I move to amend as follows: In section 1, line 9, after the word "State," I move to insert "or Territory;" so as to read:

"There shall be established in connection with the college or colleges in each State or Territory," &c.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Indiana.

The amendment was agreed to.

Mr. HARRISON. Then in section 1, line 17, I move to insert after the word "State" the words "or Territory."

The amendment was agreed to.

Mr. HARRISON. Then at the end of line 18, in the same section, I move to insert the same words "or Territory" after "State;" and also after the word "State," in line 20, to insert the same words "or Territory."

The amendment was agreed to.

Mr. HARRISON. Then in section 4, line 17, I move to insert the same words "or Territory" after "State."

Mr. MILLER. In section 6, line 6, the words "or Territory" should be inserted after "State."

Mr. HARRISON. Yes, I have it. In line 21 of section 2, after the words "needs of the respective States," the words "or Territories" should be added. I move the amendment.

The amendment was agreed to.

Mr. HARRISON. Then in line 17 of section 4 I move to insert the words "or Territory" after "State," and in line 6 of section 6, on the same page, I move the same amendment.

The amendment was agreed to.

Mr. HARRISON. In line 22 of section 6 I move the same amendment.

The amendment was agreed to.

Mr. HARRISON. These are the only places where these words need to be inserted.

The PRESIDENT *pro tempore*. The Secretary suggests line 5 of section 5.

Mr. HARRISON. Line 5 of section 5; yes. After the words "each newspaper in the States" the words "or Territory" should be added.

The amendment was agreed to.

Mr. PLATT. This is a very important bill. I do not know but that I am in favor of it; I presume I am; but I suggest whether it would not be well to have it go over informally until to-morrow morning that we may examine it in reference to these different proposed amendments, and have it taken up to-morrow morning.

Mr. MILLER. I hope not. We understand it now as well as we ever shall.

Mr. GEORGE. The amendments are all adjusted to the Territorial feature.

Mr. HARRISON. I had my attention called to this matter some time ago, but was not expecting the bill to come up this morning. Of course the amendments that I have moved have been suggested very hastily; and unless the Senator from Mississippi, who has looked into the matter, sees some objection to them, I think they cover the ground to extend this relief to the Territories where agricultural colleges are established.

Mr. GEORGE. I agree to that. The bill having been amended now in all that is necessary to adjust it to that state of affairs, I hope it will be passed.

Mr. CHACE. I am in no sense opposed to this bill, but I should like to say that I have one or two amendments that I wish to offer, and perhaps they may provoke a little discussion. I ask whether it would not be better to have the bill go over and be considered to-morrow morning by special understanding.

Mr. MILLER. The Senator may offer his amendments. If he has a proper amendment to the bill, let it be offered and let us see what it is. I object to a postponement. I want the bill passed now. It has been on the Calendar a long time, and has been thoroughly considered by the committee.

Mr. HAWLEY. The State of Connecticut has agricultural experimentation fully provided for, substantially in accordance with section 2 of this bill; but I want to know whether this cuts off our existing system; I want to know whether we can conveniently adapt ourselves to it under the arrangement we have already. I suppose I am in favor of the purpose of the bill, but I object, because the Senators in charge of it do not consent to the postponement. Let it be taken up to-morrow morning.

Mr. MILLER. The Senator can exercise his right and he can kill the bill, as he undoubtedly will. It has been called on the Calendar repeatedly, and has gone over on the request of the Senators that they might investigate it. It may go over at the request of every Senator here, and that may end the bill. If the Senator from Connecticut desires to do that, he has the privilege.

Mr. CHACE. I wish it understood that I am making no objection to the bill being considered.

Mr. HAWLEY. I am in favor of the bill, but it is the first time I ever happened to see it or hear of it.

Mr. MILLER. The committee are not to blame for the fault of the Senator from Connecticut in not knowing what is going on in the body.

Mr. HAWLEY. I will vote to take it up at any time.

Mr. GEORGE. Let us pass it over until to-morrow morning.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over under the rule.

Mr. GEORGE. I should like to have unanimous consent that it be taken up to-morrow morning.

Mr. HAWLEY. I hope so.

Mr. HARRISON. Before anything is done, I wish Senators would yield to me a moment to complete the line of amendments I have had made by putting in the same words in line 3 of the last section.

Mr. HAWLEY. I withdraw any objection temporarily, of course.

Mr. HARRISON. I move in line 3 of section 8, after the words "government of the States," to insert the words "or Territories."

The PRESIDENT *pro tempore*. That will be considered agreed to. The Senator from Mississippi [Mr. GEORGE] asks unanimous consent that the bill go over until to-morrow morning, retaining its place on the Calendar.

Mr. MILLER. There has been objection made, and it has gone over.

Mr. INGALLS. I believe the understanding is that it is to be taken up to-morrow morning.

Mr. GEORGE. That is my understanding, that it is to be taken up to-morrow morning.

The PRESIDENT *pro tempore*. The bill is on the Calendar, liable to be called up.

Mr. GIBSON. There is no objection to this bill.

The PRESIDENT *pro tempore*. The next case will be called.

PAY OF GRADUATES OF NAVAL ACADEMY.

Mr. MCPHERSON. Objection having been withdrawn to the bill immediately preceding the one considered, I should like to return to it.

The PRESIDENT *pro tempore*. The Senator from New Jersey asks unanimous consent for the consideration of the bill indicated by him.

Mr. MCPHERSON. It is Order of Business 843, being Senate bill 882, to equalize the pay of graduates of the Naval Academy.

The PRESIDENT *pro tempore*. Is there objection to the consideration of the bill?

Mr. COCKRELL. Let it be read.

The bill was read, and there being no objection, the Senate as in Committee of the Whole, proceeded to consider it.

The bill was reported from the Committee on Naval Affairs with an amendment to strike out all after the enacting clause and in lieu to insert:

That from and after the passage of this act ensigns in the Navy shall receive during the first five years after the date of commission, when at sea, $1,400; on shore duty, $1,200; on leave or waiting orders, $1,000; after five years from such date, when at sea, $1,600; on shore duty, $1,400; on leave or waiting orders, $1,200; and section 1556 of the Revised Statutes is hereby amended accordingly

Mr. McPHERSON. I will state all that there is of the bill without waiting to have the report read.

The ensigns in the Navy at the present time can not get out of that grade until they have been in the service about fifteen years. They receive but $1,200 a year, while in the staff corps of the Navy with relative grade and rank they receive $1,700. They have asked for an increase to make their pay equal to the staff of the Navy with relative rank, and the committee have given the small increase of $200 after five years' service. We deem it an act of justice, as they must remain in the service thirteen years before they can get even to the grade of master, owing to the present top-heavy condition of the Navy and the impossibility of any relief. That is all there is of the bill.

The PRESIDENT *pro tempore*. The question is on the amendment reported from the Committee on Naval Affairs.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. McPHERSON the title was amended so as to read: "A bill to regulate the pay of graduates of the Naval Academy."

THOMAS G. CORBIN.

The bill (S. 1262) for the relief of Thomas G. Corbin was announced as next in order.

Mr. INGALLS. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

Mr. CAMERON. I will state that this bill passed the Senate at the last Congress, and I do not see any reason why it should not be passed now. Does the Senator insist upon the report being read?

Mr. INGALLS. Yes, sir.

Mr. CAMERON. Very well.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk proceeded to read the report, submitted by Mr. CULLOM from the Committee on Naval Affairs April 21, 1886.

Mr. McMILLAN. I move that the Senate proceed to the consideration of the river and harbor bill. The hour of half past 12 has arrived.

The PRESIDENT *pro tempore*. The hour of half past 12 having arrived, the consideration of the Calendar is suspended, and the question is on the motion of the Senator from Minnesota.

The motion was agreed to.

Mr. CAMERON. I ask that the bill be laid aside for a moment until the Corbin bill be passed.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks unanimous consent that pending the river and harbor bill the Senate continue the consideration of the bill before the Senate at half past 12.

Mr. McMILLAN. I understand it only requires the reading of the report.

Mr. CAMERON. That is all.

Mr. INGALLS. The Senator is mistaken. There will be some observations made on it. I am willing the discussion shall proceed.

The PRESIDENT *pro tempore*. The case will come up to-morrow morning.

Mr. McMILLAN. Then I ask that the Senate proceed with the consideration of the river and harbor bill where we left off yesterday.

RIVER AND HABROR BILL.

The Senate, as in Committee on the Whole, resumed the consideration of the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, the pending question being on the amendment reported by the Committee on Commerce in section 1, line 963, to reduce the appropriation for "improving Kentucky River, Kentucky: Continuing improvement," from $250,000 to $100,000.

Mr. BECK. When the Senate adjourned yesterday I said that before this amendment was disposed of I desired to say a few words about it. I shall be very brief.

It seems to me there was much misunderstanding yesterday as to the amount of money on hand not needed for contracts already made which is now available for continuing the improvement of the Kentucky River.

The Senator from Missouri [Mr. VEST] seemed to think that there were still two or three hundred thousand dollars which had not been used, and the Senator from Minnesota [Mr. McMILLAN] seemed to accept that suggestion as correct. They are both on the committee having charge of the bill, and I thought they ought to know if they cared to know, and I believed they were both mistaken. Therefore I went to the office of the Chief of Engineers this morning to ascertain what the real facts were, and I find that every dollar of the money on hand at the date of the last report, except about $90,000, had been paid out before the 1st day of July, 1886, and that contracts for the furnishing of materials for the building of lock No. 6 and for a dam at Beattyville had been made, which will take all or nearly all of that $90,000. I saw a draft this morning in the hands of the Chief of Engineers drawn by Captain Post for $25,000 on that $90,000, with a statement that the materials were coming in so much faster than he had expected and so satisfactorily that all the money on hand would be called for very soon. Yet the gentlemen in charge of the river and harbor bill were insisting on yesterday that there were from two to three hundred thousand dollars now on hand, and they gave that as a reason for striking out a large part of the appropriation for the fiscal year just begun which the House gave.

Mr. President, I am not here to complain or to find fault; but when I went to the chairman of the Committee on Commerce in regard to the river and harbor bill and asked to be advised if any adverse action was proposed to be taken in regard to this appropriation, and when the House had given the ordinary appropriation necessary to build one lock, $250,000, and I was assured that I would be duly advised and an opportunity given to show cause why it should not be reduced if any such action was proposed; when I never heard of it till I saw the bill in print and was not advised upon what ground adverse action was had, and was not able to produce the facts, as I could have done and have done this morning by going to the Chief of Engineers and showing that the large sum of money alleged to be on hand was not on hand, but was contracted for and paid out on contracts legitimately made and in process of execution, I think I have some right to complain.

Mr. CONGER. I hope the Senator does not mean to say but that from the report of the engineer, which has always been considered, there was only stated what the report shows. There was no information in regard to the present amount on hand before the committee.

Mr. BECK. The committee neither asked the question themselves as to the balance now on hand, nor allowed the representatives of the State an opportunity to know upon what grounds they were going to find fault with what the House had done.

Mr. CONGER. I am not speaking of that——

Mr. BECK. One moment. Information could have been laid before the committee officially that every dollar on hand at the beginning of the year had been expended or contracted for since the old report was made.

Mr. CONGER. I was not on that point. The committee took the annual report and any supplemental reports for their consideration, and they did not go to inquire up to the present hour how the balance has been expended. Therefore there is no occasion for reflections on the committee that they have not in this case, as in other cases, followed them up from the last annual report to the present time.

Mr. BECK. I am reflecting on the committee no further than this, that when the House of Representatives had seen fit to allow $250,000 to this great improvement for this fiscal year, and when I went in person and asked if anything was likely to be done in relation to the appropriation I should be informed of it, and was told that I should be. Was my colleague advised of it?

Mr. BLACKBURN. No, sir.

Mr. BECK. I am authorized by my colleague to say for him as well as for myself that neither of us was ever told that the committee intended to strike down the appropriation for this improvement to $100,000. If I had been advised of it—and that is all I propose to say—I should have gone before the committee, as I went to-day to the Chief of Engineers, and would have shown, what seemed to be a matter of great contention yesterday, that every dollar of what the United States engineer officers in charge had on hand a year ago had been carefully and properly expended except $90,000, and contracts had been made for that, against which $25,000 was drawn to-day, and an assurance given that the balance will be needed very soon to pay for materials procured. That much I think I and my colleague ought to have had an opportunity to show. It might have induced the committee to concur in the action of the House.

I have nothing to say against the Senator from Missouri; I know he has fought all these bills, as I did for years, and I know when he talks about the State of Kentucky he does not mean any disrespect to her, and I did not understand him to have meant any. But the Senator from Minnesota, the chairman of the committee, talked about this great improvement as being a thing that ought to stop. In view of all that has been done in regard to this class of improvements in years gone by, I insist that he is the last man who ought to ask for this reduction after failing to give me the opportunity to state the facts before the committee. He is the last man who ought to complain of this appropriation. He has had not less than $300,000, it may be $500,000, appropriated in these bills since he has been chairman or a member of the committee, to build what were called coffer-dams above the Falls of Saint Anthony to prevent the breaking away of the falls for no other purpose than to help the grist-mills and saw-mills of Minneapolis; this work was all done far above navigation; a 75-foot fall lies right below these coffer-dams. How much money did the Senator get out of the tax-payers of Kentucky and the United States for that?

Mr. McMILLAN. If the Senator from Kentucky will permit me to say a word I should like to do so.

Mr. BECK. Not less than $300,000; and that gentleman, as chairman of the Committee on Commerce, is to-day spending millions to dam up lakes 200 miles north of Minneapolis, where there are falls of say 75 feet, for the purpose of increasing the depth of water to float saw-logs down to private mills. He will accomplish that if for no other purpose by the swell in the river when the sluices on the lakes are opened.

Mr. McMILLAN. The Senator will allow me——

Mr. BECK. Well, I did not rise to find fault with these things; but

gentlemen who get such appropriations are criticising with a bad grace the action of the State of Kentucky in regard to the improvement of a great river that has been adopted and taken possession of by the Federal Government. The State of Kentucky is absolutely prohibited from touching this river or interfering with the present works after having spent a million dollars upon it; and when an appropriation for only half what the engineers say they want has been given by the House, something better than mere carping ought to be presented as a reason why it should not be done.

The State of Kentucky, in both Houses of Congress, for years and years resisted all local or State improvements in river and harbor bills. As well as she could, she endeavored to go on with her own improvements in her own way, and asked that every other State should do the same thing. We sought to reduce taxes and limit the scope of Federal jurisdiction; nearly all her representatives in Congress took that position; but the Government of the United States saw fit to take possession of the Kentucky River and other great adjuncts to the Ohio and other rivers, and we insist on fair dealing.

The United States improved the Illinois River; they improved the Guyandotte, the Big Kanawha, the Monongahela, and a great many other rivers within the State, and none of them are more important adjuncts to the commerce of the country than the Kentucky River, when this river is improved up to the Three Forks—say 214 miles. There are three great branches—the South, the Middle, and the North Forks—along which, as shown by the reports of the engineers and by the report of Professor Shaler (embodied as part of the engineers' report), there will be obtained a great part of all that is needed in the way of coal, iron, and lumber to supply the whole Ohio and Mississippi Valleys down to New Orleans. The moment the improvement is made all the people of that great valley can be supplied from this region with coal, iron, and lumber as good as can be got in the richest parts of the State of Pennsylvania.

The United States, as I said, after full investigation determined to adopt the improvement of the Kentucky River, and took possession of it in 1879, and has been working at it slowly ever since. It seems to me that having done that, and having taken it out of the hands of the State by Congressional action, and it having been surrendered by the State, as is shown by the act of the Legislature passed in February, 1880, we should not hesitate to give what is needed. If it would not encumber the RECORD, I should be glad to incorporate as part of my remarks what Mr. Fitzhugh and General Merrill have said to Congress officially to show the importance of this work, not only to Kentucky but to all the States that lie below the mouth of the river, in the coal, iron, and lumber to be developed, which can supply the whole Ohio and Mississippi Valleys. The reports are in my hands. They were made in 1880, or rather January 1, 1879, was the first report of Mr. Fitzhugh upon which the United States acted, but I will not take time to read them nor ask them to be copied.

If we had not been required to pay our share of the taxes needed to carry on the improvements of rivers in other States which the United States had undertaken, if we could have taxed the manufactures of our own tobacco (of which we raise 40 per cent. of all that is raised in the United States), if we had been able to tax for State purposes all the whisky manufactured out of the corn and rye produced in the State, if we had been exempted from paying our part of the taxes that the United States imposed upon us for the purpose of making other river and harbor improvements, then there might be something in the complaint made about Kentucky asking that her great river should be improved. But she can not improve it herself; nor can she reduce the taxes she has to pay, she has to rely on Congress because of the action of the United States, and because the Supreme Court has over and over again decided that when the United States takes control all State authority ends. This was settled in a very celebrated case where the Senator from Minnesota was a principal factor by making an appropriation of $15,000 for the harbor of Duluth, which he has taken care to increase again this year, perhaps properly.

I am finding no fault with it. The suit grew out of an improvement made by Duluth illegally cutting through Minnesota point a broad channel or canal, which changed the current of the Saint Louis river where the natural mouth of the harbor was the dividing line between the States of Wisconsin and Minnesota. The officials of that town opened a new channel to the lake; they did it secretly, they did it wrongfully, they did it at the dictation of Mr. Jay Cooke and the Northern Pacific Railroad Company. All their acts were admitted to have been in violation of law. Yet the moment the Committee on Commerce appropriated $15,000 to improve the inner harbor of Duluth, after wasting a half a million in an attempt to improve the outer harbor on the lake, the original wrong ceased to be considered, and in the case of The State of Wisconsin *vs.* Duluth the Supreme Court decided that the action of Congress, in making that appropriation and recognizing it after that canal was illegally cut through, legalized the whole proceedings, and from that time on all the improvements of the inner harbor belonged to the United States, and neither Wisconsin nor Minnesota nor the court could interfere, because the very fact of making an appropriation was the adoption of the work to the exclusion of other rights and claims, and therefore justified every wrong that had been previously committed—at least to the extent of making it impossible for the court to interfere. I have the decision here in 6 Otto, page 386, with which the Senator from Minnesota is perfectly familiar.

Now after seven years have passed since the United States took the Kentucky River, and after we have no longer the power to improve the river by State authority so as to reach the point where the coal, the iron, and the lumber are in such abundance as to supply the wants of the whole Ohio and Mississippi Valley, when we can not touch the works on the river, when they must remain useless and block up our trade on it forever unless the United States abandons it altogether and gives it back to us, which nobody proposes or desires, why should not at least this ordinary appropriation which has been given for years be retained in the bill? That is the plain, practical question.

I am not finding fault particularly with what has been done in regard to appropriations for other States. I mentioned the cases in Minnesota to show that they will not bear criticism half as well as this appropriation for the Kentucky River. The chairman of the committee, when he comes to examine this question fairly and compare it with others, will find very little good reason for this reduction, especially as the engineers insist and prove that it requires $250,000 to complete one lock, and thus extend navigation 15 or 20 miles farther. Unless they get this much they can not finish even one, for which they say there is a good deal of material now on hand or contracted for.

I may add in regard to the title, which was criticised yesterday, that I saw to-day in the office of the Chief of Engineers the opinion of the Attorney-General that the title to the ground where lock No. 6 is located was entirely satisfactory, and the property has been conveyed to the United States. Our officers are now using it. That was not settled when the last report was made. The land was obtained upon reasonable terms and the work is now going on. The absence of a good title was commented on yesterday by the Senator from Minnesota. He may dismiss that apprehension. My colleague has been managing this matter; he has done it very well. It was only because I came on the floor of the Senate yesterday and made the remark I did about the facts not being all stated that I felt it necessary to enter into the debate to-day. To be sure that I was right I went this morning to see the reports in the office of the Chief of Engineers.

I have not been paying attention to this bill. I happened to come in from the Committee on Appropriations, where I have been busy for the last four days, almost night and day, on the subcommittee on the sundry civil bill, and heard the criticism of the Senator from Minnesota, chairman of the committee, and was a good deal annoyed because I was not allowed to present the facts to the committee, as I thought he promised I should be if needed; therefore I felt it my duty to say what I have on this subject. At first, I confess to feeling a little annoyed at the criticism of my friend from Missouri [Mr. VEST], but when I began to reason coolly and look at it I got over it. I knew that if the State of Kentucky has a son that is proud of her and that she is proud of, he is the man. I had not the heart to say a word about anything he said, because I know he does not mean anything disrespectful to the old State.

Mr. MCMILLAN. Mr. President, if the Senator from Kentucky has suffered anything at my hands for want of information by him in regard to the proceedings before the committee, I sincerely regret it. If he did not receive the information, whether I had promised to give it to him or not, I would regret it exceedingly, for there is no Senator upon this floor for whom I have more respect. There is no Senator for the interests of whose State I would do more. I would much regret if any misadventure should have transpired in regard to any matter connected with his State by his want of information in regard to the action of the committee. If the Senator from Kentucky was not advised, as he says he was not, of the proceedings of the committee, it was certainly through inadvertence, for I had the pleasure of meeting the Senator in the committee-room several times and supposed that he was advised of all that was transpiring there affecting his State. Certainly I should not have permitted him to remain in ignorance of anything that transpired in regard to his State if I could have avoided it.

In reference to this improvement the Senator has certainly misunderstood the tenor of my remarks. I did not criticise the character of the improvement at all. It was only with reference to the amount of expenditure to be appropriated for at this time and in this bill that my remarks were made.

There is an improvement above the point designated as the Three Forks.

Mr. BLACKBURN. There is no improvement contemplated above the Three Forks.

Mr. MCMILLAN. There are other locks and dams to be constructed upon the river above that portion of it which is now in process of improvement.

Mr. BLACKBURN. Yes.

Mr. MCMILLAN. And the object of my remarks was to endeavor to confine the attention of the Senate to the improvement going on now until it was completed, and then an appropriation may be made, if deemed advisable, for the extension of the locks and dams and the slack-water navigation. I made no objection to the plan of improving the river; and if the Senator understood me to do so, it was certainly a misunderstanding.

Now, with reference to the amount available and in the hands of the War Department, the Senator from Michigan [Mr. CONGER] has stated correctly the sources of our information. We obtained it from the annual report of the Chief of Engineers. The last annual report states that on the 1st of July, 1884, the amount available was $74,452.06, and the amount appropriated by the act of July 5, 1884, was $250,000, making $324,452.06 which was available after the 5th of July, 1884. Then the report for 1885 succeeds that. The amount expended during the fiscal year ending June 30, 1885, exclusive of outstanding liabilities July 1, 1884, was $59,730.26, leaving the amount available on the 1st of July, 1885, $234,721.80.

That was the amount reported by the Chief of Engineers as being available at that time, and that was the statement made in the Senate yesterday in regard to that balance. The Senator from Kentucky has communicated this morning with the Engineer Department and he has learned of the disposition of this balance up to to-day, and it seems from that information that a portion of this $264,721.80 has been expended in materials and supplies to carry forward this improvement.

In addition to that there are $90,000 which will soon be expended, as I understood the statement of the Senator from Kentucky who has just taken his seat; so that they have the material and supplies on hand for the work this year and the $90,000 remaining, or they have the cash. Substantially then there are in materials and supplies and cash the balance, $264,721.80, on hand for the work for the fiscal year for which we are appropriating.

That was all the statement that was made here. That was all we intended to say. If that is not the correct statement, I should be very glad to be corrected by either of the Senators from Kentucky.

If that be so, if these materials are on hand, and this cash balance still ready to be applied, we thought the appropriation of $100,000 in addition to that would be sufficient for the expenditures of the next fiscal year. That was the view the committee had. It was actuated by no hostility to this improvement. It was not because the committee thought the work should not go forward; but it was only as to how much should be appropriated in view of the amount of this bill and the circumstances surrounding the case, we all desiring to pass an appropriation for the improvement of the rivers and harbors of the country, and that the Kentucky River should have its proper proportion of the amount.

Mr. BLACKBURN. Mr. President, I do not care to discuss this matter any further. Yesterday afternoon, as the RECORD of the Senate will show, I stated this whole case, and I stated it fairly and fully.

There were but two propositions upon which the chairman of the committee and the Senator from Missouri rested the grounds of their opposition to the clause as contained in the bill. The one was that there was still unexpended in the hands of the engineer $264,000. Against that statement, which I assumed to be correct and carefully prepared when it was made by two Senators members of the Committee on Commerce, I file now the official statement of the engineer, a statement bearing date this morning, which says:

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., July 8, 1886.

SIR: I am in receipt of your communication of this date in reference to the appropriation for the improvement of the Kentucky River, and in reply beg to say that the balance in the Treasury of the United States to the credit of that appropriation is $90,000, and that of this sum $25,000 will be sent to the officer in charge of the work, in compliance with his estimate, to meet obligations incurred or about to be incurred during the present month. The actual amount available may therefore be stated at $65,000. What proportion of this sum is pledged under contract for work in progress can not be ascertained without communicating with the officer in charge of the work.

The estimated sum that can be profitably expended during the fiscal year ending June 30, 1887, is $500,000, as may be seen by reference to the report of the Chief of Engineers for 1885, pages 288 and 289.

Very respectfully, your obedient servant,

JOHN G. PARKE,
Acting Chief of Engineers.

Hon. J. C. S. BLACKBURN,
United States Senate.

I put this statement against the assurance given us by the chairman of the committee and the Senator from Missouri yesterday.

In addition to that, I have this day the verbal assurance of the Chief of Engineers that he does not believe there is a dollar left of the $65,000 that is not already pledged by reason of work done and contracts made. It may be very ingenious for the Senator from Minnesota to undertake to shift his ground, and now hold, as he does this morning, that if the sum of $264,000 is not there, unexpended material has been bought which is not yet used and represents it. That is not the statement of the Chief of Engineers; that is not the statement made by my colleague this morning; and the inference drawn by the Senator from Minnesota is not fairly to be deduced either from the statements of the one or the other.

Mr. MCMILLAN. Then I should like the Senator to state what the facts are in regard to that matter.

Mr. BLACKBURN. I will tell the Senator, for it is very late in the day for him to be getting information upon as important a subject as this. The facts are simply these: The difference between the $264,000 that appeared to be on hand twelve months or more ago (which is the latest date of the Senator's information it appears) and the $65,000 actually on hand to-day is represented by work that has been done in the last twelve months and paid for, by material that has been bought in the last twelve months and paid for and used, and by services rendered by the employed force that is engaged upon this work. That is the truth.

I was interrogated more than once yesterday by more than one Senator as to whether in point of fact there had ever been any deed of cession made of this property to the United States Government. The Senator from Vermont called for the statute of my State that made a cession of this property. For his information and for the information of others who may be curious upon the subject I have it in my hand. It was approved on the 22d day of March, 1880, and I read the whole of it, leaving out the enacting clause.

SEC. 1. That these words contained in the first section of the act named in the title to this act, and to which it is an amendment, to wit: "Concurrently with the State of Kentucky," be, and are hereby, stricken out and repealed, and that these words be inserted therein in lieu of the same.

Here is the statute, and the whole of it.

It is the object and intention of this act, and of the one amended and altered by it, to confer on the United States Government full title to the grounds and sites therein named and acquired, or to be acquired under them, and all power, authority, and jurisdiction over the same which the said Government of the United States may, under the Constitution of the United States and laws made in pursuance thereof, acquire over lands in the State ceded to it for the purpose of canalizing, locking, and damming rivers, and making canals, and to enable it to operate, manage, and control said improvements efficiently; but the State of Kentucky reserves the right to execute process lawfully issued under its authority within and upon said grounds, sites, rivers, and canals: *Provided*, That the act to which this is an amendment apply only to the Kentucky River, and the said act is so amended.

SEC. 2. This act shall take effect from and after its passage.

Approved March 22, 1880.

Let us see whether the Federal Government understood that it was taking up the contract as stated by the Senator from Missouri. He answered an interrogatory of mine yesterday afternoon and said it was his distinct understanding that the Federal Government never undertook a contract to do more or to go further than to improve this river by repairing the five locks and dams already built by the State upon it and not to go beyond a distance of 163 miles, to the Three Forks. Let us see. Here is the river and harbor act passed February 27, 1879, making appropriations for the succeeding fiscal year, passed a year before the deed of cession was made, and it reads:

For improving the Kentucky River from the mouth to Three Forks, according to estimate and report of Maj. William E. Merrill, January 14, 1879, $100,000.

That was not all. Here is the report upon which they predicated it. From the mouth to Three Forks is 261 miles. No man has ever yet intimated a purpose of improving it beyond Three Forks.

That was the act of 1879, and here is the act of 1880, after this deed of cession was passed. I find in the river and harbor act of 1880 this singular language, and I plead it in answer to the statement and construction of the contract given by the Senator from Missouri:

Improving Kentucky River from its mouth to Three Forks: Continuing operations, $200,000.

Mr. VEST. What act was that?

Mr. BLACKBURN. I read from the river and harbor acts of 1879 and 1880.

Mr. VEST. How much was appropriated; $200,000?

Mr. BLACKBURN. Two hundred thousand dollars is the act of 1880 and $100,000 in the act of 1879; but in both instances the Government expressly states its purpose and gives its own construction to the contract, which it says was to improve that river from the mouth to Three Forks. That is all we are now proposing to do or ever will propose to do.

Mr. President, I am content to submit that the objection as to the want of cession of title is answered by this law and by these general appropriation acts and their peculiar language. The question as to whether the amount that may be on hand unexpended is certainly answered in the official statement made this day by the Chief of Engineers. I do not know what ground is left for opposition to this proposition, for the Chief of Engineers in this official letter to-day says the estimated sum that can be profitably expended during the fiscal year is $500,000, as per his report and his estimate. That is what he asks. The House cut it in half, and the bill came here in that shape, and the committee of the Senate deliberately undertook to strike out $150,000 from the $250,000 that was left after the butchery the House did to it.

I am content, sir, to leave the case for the Senate to determine, assured that there is not now a single objection submitted by any one upon the other side that has not been refuted by the official records of the Government.

Mr. VEST. Mr. President, I understand the Senator from Kentucky to say that he received the impression yesterday that the chairman of the Committee on Commerce and myself stated that we knew, or, to use his own language, that he had the assurance from us that there was $264,000 of the former appropriation now in the hands of the engineers for the Kentucky River. I will read from the RECORD of yesterday's proceedings, and I should then like to know from the Senator from Kentucky how he arrived at any such conclusion:

Mr. VEST. We have a right to judge the future by the past. The same Engineer Bureau will spend the money in about the same way as heretofore. In 1883

they had $250,000, and on July 1, 1884, they had $74,452, which they were not able to spend. In 1884 we gave them $250,000 more, making $324,452; and on July 1, 1885, they had available $264,721. Now they come in and ask for $500,000 and say they can expend it. We have a right to suppose that they will have about an equal balance left next July.

Mr. BLACKBURN. Does the Senator undertake to state to the Senate that there are $250,000 of unexpended appropriations for this river now?

Mr. VEST. I do not know how much is on hand. There was nothing before the Committee on Commerce to show what was on hand. We have got these figures and these figures alone. If there is any subsequent or supplemental report, where is it?

Mr. BLACKBURN. If it would not interrupt the Senator, as he is reading from his own remarks, I should like to call his attention to one sentence of his own found in the RECORD. If the Senator from Missouri did not mean to assure the Senate that the engineers had this amount of money on hand, I should like for him to explain this one sentence which I quote from the RECORD from him:

They must have on hand at a reasonable estimate $240,000 at least.

Is not that an assurance?

Mr. VEST. Upon the figures before us, I say that was the logical deduction; but I stated expressly in answer to the Senator from Kentucky that we had nothing else to go by except the figures that were given us in the report of the engineer. Now, the two Senators from Kentucky have gone to the Engineer Bureau and ascertained that instead of my estimate alone, not based upon any information or finding except the figures that were before us, instead of $240,000 there was $90,000 unexpended of the former appropriations. That is the whole of it.

The Senator from Kentucky speaks of the contract. The act of the Legislature of Kentucky which he has read was no contract; it was simply the ordinary cession by the State of Kentucky of her right in the small amount of land necessary for the construction of locks and dams to the United States, saving her criminal jurisdiction or right to execute process thereon. There was in that act of the Legislature no contract between the United States and the State of Kentucky. The only contract is contained in the river and harbor act of 1879, which is in this language:

For improving the Kentucky River from the mouth to Three Forks, according to estimate and report of Maj. William E. Merrill, January 14, 1879, $100,000.

No other contract can be found between the State of Kentucky and the United States. Now mark the language: "Improving the Kentucky River" up "to Three Forks, according to estimate and report." What was that estimate from Maj. William E. Merrill? Here is his report. This is the contract between the United States and the State of Kentucky, and what was that estimate? "For repair of the five locks and dams now on the river, $84,802; for twelve more locks and dams, $989,600." Making in all, $1,074,402.

The United States agreed to expend that amount of money and not one dollar more, $1,074,402, and yet in the estimate now made by the same Engineer Bureau we have the amount estimated required for the completion of existing project, $2,229,639.26. After expending $575,000 before, more than one-half of the amount of the estimate which the United States agreed to expend upon this river, they now come in and ask us to put upon it $2,229,639.

Mr. BLACKBURN. Will the Senator from Missouri answer and say whether it is an unusual thing for a work of this magnitude to cost more than the original estimate put upon it?

Mr. VEST. That does not meet this point at all. The Senator from Kentucky talked about a contract. Here is the only contract in existence. That contract says that this work shall be done upon the estimate made by Major Merrill January 14, 1879.

Mr. BLACKBURN. Will the Senator answer me one question? Does he not admit now that he was wrong yesterday when he said the Government never intended to go beyond the repair of five locks, and under this contract as he described it yesterday (and I only accepted it as a term of convenience), does he not admit that now, according to his own interpretation of the contract, the Government stands committed to the building of twelve new locks and dams?

Mr. VEST. I was not upon the Commerce Committee in 1878 and 1879. I went upon that committee in the spring of 1880. If I had been on the committee I would certainly have resisted this item, as I have resisted all similar items in every river and harbor bill since I have served upon the committee.

If it is any consolation to the Senator from Kentucky, I will admit that I overlooked the fact that these twelve locks and dams were put into this project of Major Merrill's, but the main and salient point remains unchanged, and that is that the United States Government limited the amount of expenditure to be put upon the Kentucky River; and these same engineers now come in and instead of $1,074,000 they ask for $2,229,000 in addition to the $575,000 already expended.

If anything in my manner or in my language has subjected me to the criticism of being inimical toward this project or to the Senator from Kentucky I have been most unfortunate in that manner and in that expression; but I am opposed to this whole system of States or individuals going into these speculative works of internal improvement, and after they find that they have not paid, that there is no dividend in them, that the railroads of the country have done away with the old canal and slack-water navigation, then unload upon the people of the United States the result of their own improvidence and folly.

I say this the more frankly because every association of childhood, of early manhood, and down to death itself, has been and will be linked indissolubly with the State of Kentucky. I was born and reared in it. If it were my own State I would denounce this same project. It is undemocratic, it is extravagant, it is a waste of the public money of the country, and under our oaths we have no right to do it. A proud and glorious old Commonwealth ought not to have asked it. I for one regret that this subject is here to-day with this contract made between her and the United States, and yet coming here and asking for millions more than the contract originally provided for.

Mr. INGALLS. I submit an amendment which I intend to propose to this bill, and I ask that it may be printed.

The PRESIDING OFFICER (Mr. SEWELL in the chair). The amendment will be received and printed.

Mr. MCMILLAN. Let the amendment be read.

Mr. INGALLS. The Senator from Minnesota asks that the amendment be read. I have no objection to that.

The PRESIDING OFFICER. The amendment will be read, if there be no objection.

The Secretary read as follows:

Insert on page 59, in line 1438, after the word "channel:"

"*And provided further*, That the expenditure of so much of said appropriation as may be required to continue the improvement of Plum Point and Lake Providence reaches shall be confined to the complete repair and maintenance of the levees throughout said reaches to the height of 2 feet above the flood of 1882, and to the completion of the permeable works of contraction to such extent as may be required to bring the high-water banks of the river to the comparative uniformity of width contemplated in the first five paragraphs of "the plan of improvement" recommended by the Mississippi River Commission, and adopted by Congress in 1880, and more fully set forth in the report of the Secretary of War for 1881, volume 2, part 3, page 2733: *And provided further*, That no works of bank protection or revetment shall be executed in said reaches or elsewhere until after it shall be found that the completion of the permeable contracting works and uniform width of the high-water channel will not secure the desired stability of the river banks: *Provided, however*, That nothing herein contained shall prevent the construction of revetment works in front of the cities of Memphis, Hickman, Columbus, and Greenville reach: *And provided*, That contraction works shall be built at the same time in the wide portions of the river immediately above the said revetment works."

Mr. GIBSON. I hope the chairman of the Committee on Commerce will accept and adopt that amendment.

The PRESIDING OFFICER. The amendment is not now under consideration. The proposed amendment will be printed.

Mr. INGALLS. I hope the clerks will use celerity in having the amendment printed.

The PRESIDING OFFICER. The pending question is on the amendment of the Committee on Commerce reducing the appropriation for improving the Kentucky River from $250,000 to $100,000.

Mr. KENNA. Mr. President, I desire to call attention to the fact that in reference to the amendment touching the Kentucky River, the issue presented by the Senator from Missouri does not seem to me to be reached by the suggestion of the committee to limit the amount of the appropriation. The question as to whether one or twenty-five locks and dams shall be built on that river is not at all affected by the question whether the Senate shall adopt or reject the amendment proposed by the committee.

Improving Kentucky River, Kentucky: Continuing improvement—

As the House proposes—

Two hundred and fifty thousand dollars.

Improving Kentucky River, Kentucky: Continuing improvement—

As the Senate committee proposes—

One hundred thousand dollars.

Whether the amendment of the Senate committee be adopted or rejected the appropriation made by the bill will be an appropriation to continue that work precisely as it has been in progress, so that so far as the pending amendment is concerned the question is simply one of amount.

Mr. MCMILLAN. If the Senator from West Virginia will permit me, I refer him to the report of the engineers, which shows what the work will be for the current fiscal year.

Mr. KENNA. I have read the report of the engineers, and I have to-day satisfied myself in regard to this matter about which I confess there may be some difficulty, because I am in full accord with the spirit and general purposes of the committee in regard to the bill. I went myself to-day to see the Chief of Engineers. Not finding him, I saw General Parke, acting chief, in reference to this whole subject. So far as the reports are concerned there is nothing in those reports, and there is nothing in this bill, and there is nothing in any bill which has passed Congress which specifically directs the expenditure of this money with reference to the improvement of a certain part of the river or a certain other part, except the limitation of the first act from its mouth to Three Forks. So this matter stands upon the naked question as to whether we shall appropriate one amount or another amount in this bill.

As I said, I am in full accord with the general spirit and purposes of the committee in its effort to revise this bill, to suggest amendments, and to perfect it. I believe I have not antagonized the committee on a single proposition on which the Senate has voted. I am informed, however, at the Department that substantially every dollar of money heretofore appropriated for this work has either been expended or is

engaged for expenditure. Some material it is true is on hand. Some material must be on hand or the works must cease. Works of this character are done partly by day's labor under the direction of governmental agencies and partly by contract for the construction of either a lock or a dam, and an amount sufficient for the whole of it must be in hand, or the whole of it must be available as an amount appropriated. In my judgment, unless a larger sum is appropriated for this work than $100,000 its progress will retarded, and it will suffer in the course of the current fiscal year.

What difference does it make, if the work be meritorious; if it be, as I believe, and as I think the committee believe, not only a meritorious but a very important work, that we appropriate the larger amount? The amount to be expended must be expended in the progress of the work either now or hereafter. If we are in a condition to appropriate the amount of money now to carry it on in about the order and the rate of speed at which the work has been progressing, in about the general manner in which public works over the country have been progressing, what difference does it make to the Treasury, to the people, or to this bill if we put in an amount of money sufficient for that purpose?

I shall vote for retaining the appropriation in the bill as the House left it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Commerce, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. CAMDEN (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH] on all general questions, but I have the permission of his colleague [Mr. CHACE] to vote on this question. I vote "nay."

The roll-call was concluded.

Mr. MILLER. On this question I am paired with the Senator from Colorado [Mr. BOWEN].

Mr. HEARST. My colleague [Mr. STANFORD] is absent, but understanding that my colleague would vote "nay," I vote "nay."

Mr. BLACKBURN. The Senator's colleague told me this morning that he would vote "nay."

The result was announced—yeas 21, nays 26; as follows:

YEAS—21.

Cameron,	Evarts,	Logan,	Teller,
Chace,	Frye,	McMillan,	Vest,
Coke,	Gorman,	Mitchell of Oreg.,	Wilson of Iowa.
Conger,	Harrison,	Palmer,	
Cullom,	Hawley,	Platt,	
Edmunds,	Hoar,	Spooner,	

NAYS—26.

Beck,	Dawes,	Hearst,	Sowell,
Berry,	Eustis,	Jones of Arkansas,	Vance,
Blackburn,	George,	Kenna,	Voorhees,
Brown,	Gibson,	Manderson,	Walthall,
Butler,	Gray,	Maxey,	Whitthorne.
Call,	Hampton,	Pugh,	
Camden,	Harris,	Sawyer,	

ABSENT—29.

Aldrich,	Hale,	Morgan,	Saulsbury,
Allison,	Ingalls,	Morrill,	Sherman,
Blair,	Jones of Florida,	Payne,	Stanford,
Bowen,	Jones of Nevada,	Pike,	Van Wyck,
Cockrell,	McPherson,	Plumb,	Wilson of Md.
Colquitt,	Mahone,	Ransom,	
Dolph,	Miller,	Riddleberger,	
Fair,	Mitchell of Pa.,	Sabin,	

So the amendment was rejected.

The next amendment of the Committee on Commerce was, in section 1, line 968, after the word "improvement," to strike out—

According to the last plan of the engineer in charge, and to be first applied to the completion of the work now in progress.

So as to make the clause read:

Improving the Falls of the Ohio River, at Louisville, Ky.: Continuing improvement, $200,000.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 971 of section 1, to strike out the following proviso:

Provided, That of that sum $50,000 shall be expended in enlarging the canal basin, as recommended in the last report of the engineer in charge.

The amendment was agreed to.

The next amendment was, in section 1, line 975, after the words "directed to," to strike out "negotiate for the purchase" and insert "ascertain the value and commercial importance;" in line 976, after the word "works," to insert "and property;" in line 981, after the words "in order to," to strike out "ascertain the value of said works" and insert "acquire such information;" in line 982, after the words "appoint a," to strike out "commission" and insert "board;" in line 984, after the word "Army," to strike out "who" and insert "which board shall;" in line 985, after the word "case," to strike out "shall value and appraise the same, and;" in line 986, after the word "report," to insert "thereon;" and in line 987, after the word "session," to strike out "and the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated for the purposes of this provision" and insert "and the cost of such examination shall be paid out of the sum appropriated by this act for surveys;" so as to make the clause read:

The Secretary of War is hereby authorized and directed to ascertain the value and commercial importance of the works and property of the Green and Barren River Navigation Company, situated on the Green and Barren Rivers, in the State of Kentucky, and the works of the Monongahela Navigation Company, situated on the Monongahela River, in the State of Pennsylvania; and in order to acquire such information the Secretary of War shall appoint a board of three competent engineers from the Engineer Corps of the United States Army, which board shall in each case report to the Secretary of War, who shall report thereon to Congress at its next succeeding session; and the cost of such examination shall be paid out of the sum appropriated by this act for surveys: *Provided*, That nothing herein shall be construed as committing Congress to the purchase of the said works.

The amendment was agreed to.

The next amendment was, in section 1, to strike out the clause from line 994 to line 1023 inclusive, as follows:

Improvement of the Muskingum River, Ohio, between Zanesville and the mouth of the river, and for operating the same, $20,000. And the United States hereby accepts from the State of Ohio the said Muskingum River improvement, and all the locks, dams, and their appurtenances, and the canals belonging to said improvement, and all the franchises and property of every kind, and rights, in said river, and its improvements, now owned, held, and enjoyed by the State of Ohio, including all water leases and rights to use water under and by virtue of any lease of water now running and in force between the State of Ohio and all persons using said water, hereby intending to transfer to the United States such rights in said leases and contracts as are now owned, held, or reserved by the State of Ohio; but not to affect any right to the use of the water of said river now owned and held by the lessees of any water right under any lease or contract with the State of Ohio. And the United States hereby assumes control of said river, subject to the paramount interest of navigation. The provisions of this act, so far as they relate to the Muskingum River, shall not take effect, nor shall the money hereby appropriated be available, until the State of Ohio, acting by its duly authorized agent, turns over to the United States all property ceded by the act of the General Assembly aforesaid, and all personal property belonging to the improvement aforesaid, and used in its care and improvement, and any balance of money appropriated by said State for the improvement of said river, and which is not expended on the 15th day of July, 1886.

Mr. SHERMAN. Mr. President, I am very sorry to have to detain the Senate upon this amendment, because I supposed that this clause of the bill would probably meet with less opposition than any other in the bill. But as the Committee on Commerce has proposed to strike it out, it is necessary for me to explain it, so that the Senate may understand precisely the nature of the appropriation.

This proposition to transfer the Muskingum improvement by the State of Ohio to the United States has been considered by every branch of the Government. The engineers report in favor of it in the strongest language. It has been considered elsewhere, to use the common phrase—though I do not see any reason why we should not state openly what has been done in the House of Representatives; I do not think there is anything in the rule forbidding it—it has been fully considered elsewhere, when after debate it was adopted as a just and proper measure.

Let me state to the Senate, if I can secure their attention, what is the nature of this improvement. Forty years ago; yes, fifty years ago, the State of Ohio undertook to improve the only navigable stream within the State by a series of locks and dams. At that time the Government of the United States refused to improve either rivers or harbors. A policy had been adopted by common consent that the United States would make no appropriations for improvements. So the State of Ohio undertook to improve the Muskingum River.

The Muskingum River drains about one-fifth of the State of Ohio. It is the only navigable stream within that State. It is a large stream extending from the Ohio River at Marietta to within 25 miles of the lake at Cleveland, and draining all the eastern part of the State except that which is tributary to the Ohio River.

It is therefore a stream of great importance. It has always been navigated since the earliest occupation of the State of Ohio by white settlers precisely like the Ohio River, with batteaux, with keel-boats, and with every mode of navigation known to the early settlers. It was navigated by the Indians. This beautiful valley was the favorite home of the Indian tribes, several of which lived on the waters of the Muskingum.

The United States Government however refusing and declining at the time to make any improvement on any river or harbor, the State of Ohio undertook it, and spent one million six hundred and thirty-odd thousand dollars in making eight or ten locks and dams, which made a good navigable stream from Zanesville to Marietta, a distance of 65½ miles, and a tolerable navigation for 10 or 15 miles above to Dresden.

That property has ever since been managed by the State of Ohio. It has always been the policy of that State to levy tolls upon its public works, both canals and slack-water improvements of this kind, only sufficient to pay the actual cost of maintaining the work without any expectation of profit. In that way the State of Ohio has imposed tolls upon the navigation of the Muskingum River, very low tolls, but sufficient in the aggregate to pay the expenses of its maintenance. Until within the last two or three years that policy has been successful, but owing to the well-known high freshets within the last two years on the Ohio and its tributaries there was a great deal of damage done to the work, so that the expenses for two or three years were greater than the receipts.

However, the river is a useful, navigable stream, having a large and important commerce—boats running from one end to the other daily,

and many boats at intermediate points. Taking the single item of coal, 330,000 tons of coal pass over this Muskingum improvement in the course of a year. A toll of 10 cents a ton on that coal would amount to far more than the expenses would be; but, as I said, the State of Ohio never levied any such toll, but only levied fairly enough, about $10,000 to $15,000 a year, in order to maintain and pay current expenses of this improvement.

A year or two ago, the State of Ohio having leased most of her improvements, canals, &c., to private companies, by whom it was believed they would be conducted better, it was proposed that this improvement, which was the only improvement of its character under the charge of the State, the only navigable stream in the State, should be transferred to the General Government, not to sell it to the Government, not to ask money, not to ask the United States to pay back the $1,600,000 that the locks and dams cost, but to give it absolutely as a free gift to the Government of the United States, and the State appropriated in addition to this offer $10,000 for its repair and improvement until this matter might be consummated. The object was to transfer it to the Government of the United States so that it might be treated like any other improvement conducted by the Government, like all the improvements of all the rivers and navigable harbors and streams of the United States.

Mr. President, I can not see the least objection to this proposition. I am informed by the members of the Committee on Commerce that the objection made in committee was that according to the report of the engineers it would cost $200,000 to put this improvement in perfect repair. Suppose it did cost $200,000 to put in repair a work that cost $1,600,000 fifty years ago, is it not right that this the only navigable stream in the State of Ohio should be treated as favorably at least as those streams which have been improved entirely by the National Government? Certainly; and if it did cost $200,000 it is no reason why it should not be granted, because in this very bill there are given to improve rivers of far less volume and far less importance $100,000 and $200,000.

There is the river Kanawha, which is across the way on the south side of the Ohio, all of which has been improved entirely by the Government of the United States. There is in the bill an appropriation of $25,000 for that river. The committee which had charge of the bill, not satisfied with what the House gave, increased the amount $100,000. I have no objection to that if it was found necessary; but if the Kanawha on the other side and the Monongahela at the head of the Ohio should be, as proposed by this bill, purchased outright of a private company and the cost of it reimbursed to that private company, or the Wisconsin company that we heard so much talk about, where we buy out and pay them the full amount of their expenditure with interest added, why should not the modest claim of the State of Ohio be accepted that she would give this improvement to the United States if the United States would take it and do with it as they did by their own improvements made upon other rivers out of the Treasury of the United States?

But this bugbear of $200,000 is fallacious when we come to read the report of the engineer; and my friend from Minnesota will bear with me. It is true the engineer does say that to put this property in good complete condition, being eight or ten locks and canals, for new miters, new walls of certain kinds, would cost $200,000; but he does not recommend the $200,000 to be immediately appropriated. He says to put it into immediate condition, the best possible condition, would cost $200,000. But it is not necessary to do that. He estimates that to put the harbor of New York in good condition would cost $10,000,000, yet we only appropriate $1,000,000. So that the $200,000, if it costs that much, could be appropriated at the rate of $20,000 a year, and in ten years be put in good condition.

But the mistake into which the committee have fallen is that they have grossly exaggerated the amount that even the engineer estimates. The engineer estimates that the cost of putting this property into condition from Marietta to Dresden, some 20 miles north of Zanesville, will be $200,000; but the chief injury done by one of the great freshets was on the dam that lies between Dresden and Zanesville, and therefore it was that the State of Ohio in deeding this property to the General Government does not propose to deed that which is not useful to them, but only proposes to deed that between Zanesville and Marietta, and the estimate of the engineer for the improvement of that part of it is only $114,000.

If the committee had actually proposed to appropriate the $114,000 by this bill, it would be, in my judgment, one of the most judicious and defensible appropriations they could put in the bill; because it is only a bagatelle compared with other items. The Government would receive a property which cost $1,600,000, and which could not be built now for less than $3,000,000, which was built at a time when money was money, which was built at a time when the credit of the State was stretched to its uttermost to maintain internal improvements, and when its 6 per cent. bonds were sold below par. It is proposed to give this property outright, the only navigable river in the State, to the Government, and ask no refund, ask no sale; all that we ask is that the Government of the United States shall take this property and manage it as they do other improvements of this kind.

It might be asked, why does Ohio desire to get rid of this property? I have already partly answered that by saying that Ohio has no corps of engineers employed in her service to take care of this improvement. Besides that, the policy of Ohio has always been to make her improvements pay at least the cost and expenses of maintenance, and this is a burden upon the people of the neighborhood. Why should the farmers of the Muskingum Valley pay toll for every bushel of wheat and the miners for every ton of coal passing through and over that improvement when on all the other navigable streams of the United States there is no toll to be found anywhere where the flag floats and where the Government owns the property?

Therefore this is proposed to be done in order to get rid of this system of tolls, to place this property under the custody and surveillance of skilled engineers, to see that our people might get the benefit of that general policy which has now been adopted by the Government, and I hope permanently adopted, by which the rivers and harbors of the country shall be improved so far as it is profitable to improve them. All that our people ask is that when this property is received by the United States Government it shall be managed and conducted precisely like all the other improvements made under this bill; that it shall be free from toll.

But it is said it will cost something. So it will. It will cost the Government of the United States $20,000 a year according to the estimate of the engineer, and $20,000 is appropriated by the bill as it passed the House. It will not cost that much this year, because Ohio turns over with this gift, according to the language of the law, $10,000, appropriated this year, besides the improvement itself. It will cost the Government $20,000 a year, and perhaps in the course of time it will cost the $114,000 in addition to put the locks and dams in a higher and better state of improvement than they ever were probably from the beginning; because when you put a United States engineer at work on one of these public improvements he makes it complete, he makes it perfect. He is not satisfied with the kind of work that was satisfactory to the engineers of the State of Ohio fifty years ago. In this way we would get the benefit of this improvement made by turning over this property to the General Government, so that the Government of the United States might treat it as it does all the rest of the improvements made by it.

Mr. President, I do not see any reason for the action of the committee. I do not blame them at all, because they probably did not examine this matter. They were startled probably by the fact that this might cost $200,000, but that estimate of the engineer was only as to what might be profitably expended, just as he makes estimates in regard to the whole bill that there might be profitably expended $45,000,000 this year, when nobody proposes to give him any such sum and when this provision does not propose to give him the full amount. Indeed I do not think any more is necessary than the bare sums sufficient to keep and maintain the work.

I say that this is a matter of justice, it is a matter of fair play, it is a matter of honor. As Ohio was the first to undertake the improvement of a navigable stream, it ought not to suffer thereby. No other State did it. With the exception of the improvement made in the Monongahela River, I do not know that any other State has made these improvements on navigable streams, and that was made by a company for profit. This bill contains an appropriation to buy out that private company so as to make the Monongahela free of toll. So with the appropriation contained in the bill to buy the canal at Sturgeon Bay, so that that great channel of communication might be made free of toll. So with the improvement of the Kentucky River. Kentucky undertook to build four or five dams on the Kentucky River. She abandoned it and turned it over to the Government of the United States, and the Government of the United States properly assumed the care and custody of that river. This improvement or transfer of the Muskingum ought to have been made to the Government long ago in order to have placed this river upon the same footing as others.

I do not want to go back to my constituents and tell them that I voted for a bill that bought from private companies for large sums of money all sorts of canals and schemes in all parts of the country, when the Senate refused to accept as a gift from the State of Ohio a property that cost that State $1,600,000 fifty years ago. I think it would be unjust and wrong. All that we ask is not favor, not bounty, not even equity, not even equality, but that the Muskingum, the only river navigable in our State, shall be free from toll, just like the Alabama River and every other river improved by the Government of the United States is now free from toll, and that the property of our people, their coal, their iron, and all the productions of that beautiful valley may pass untaxed to market without any toll.

We pay our full share of the burdens of this bill. The State of Ohio according to computation pays nearly one-twelfth of all the taxes of the United States. Therefore according to our wealth and property we would pay for this bill about $1,600,000, and we freely pay it. Our representatives vote for these river and harbor bills, although we are only interested in those harbors that are on Lake Erie on our northern boundary and such improvement as may be made along our southern boundary on the Ohio River. This is the only river in which we have undertaken to make an improvement, and upon which we ask the United States Government not to make the improvement but to receive

it as made from us, and to keep it in good order and to give us the benefit of freedom from tolls.

I ask the Senate, therefore, not to agree to the amendment proposed by the committee, but that the provision may stand as in the bill.

Mr. VEST. Mr. President, I will take the Senator into my confidence so far as to say that I do not think any sort of opposition to anything proposed to be put back into the bill will avail anything. When a committee which reports a bill is found with one-half of its members refusing to vote or else voting with the opponents of the bill, it is a foregone conclusion, and it goes without saying, that that bill is in the hands of its enemies, and will be constructed as they seek to construct it, and not as its friends seek to make it.

When I vote for a bill in committee I consider myself enlisted in its defense except as to some special feature in regard to which I reserve my action in the Senate. I am simply now performing a duty which I consider incumbent upon me, without the slightest hope of making the bill what I think it should be. It came to the Senate with about $15,000,000 appropriated. We have increased it in committee (and I shall say nothing about the individual action of members) $3,400,000. It will go out of the Senate appropriating in the neighborhood of $20,000,000. If it were not for the Mississippi River that is provided for in it I should vote against it. I can not vote against that single appropriation, and with that iron hand around my throat I may vote for the bill, but I do it under a solemn protest.

This whole system, as I have said heretofore, of unloading upon the Treasury of the United States old played-out systems of internal improvement is wrong. It was wrong in Kentucky, it is wrong in Ohio, it is wrong in Illinois. When those great States went into such improvements they took the chances as to whether they would pay or not. They have received all the benefit of the improvement of the country, if there has been any, and doubtless there has been, and now when the railroad system of the country has supplanted the canals and the old systems of internal improvement, they come and say that the Treasury of the United States must take the result of their own imprudence, if not folly.

The Senator from Ohio says that the great State of Ohio is donating to the people of the United States a work that cost $1,628,000 forty-six years ago. I ask the Senator as a business man the plain question, if upon the statement he has made here, and that the engineer makes here, any private citizen or corporation could be induced to take this work at any price?

Mr. SHERMAN. With the power to levy tolls?

Mr. VEST. Even with the power to levy tolls.

Mr. SHERMAN. Indeed he would.

Mr. VEST. Who would put a dollar into it? Look at the statement of the engineer. The canal is in a ruinous condition. The State of Ohio only expends barely enough upon it to enable boats to pass through it. The engineer, who the Senator says has given a strong report in favor of this provision, sums up the whole argument in these words:

> To sum up, it will require an immediate appropriation of $200,000 to put the locks and dams on the Muskingum River in good order. A small dredge-boat will be required, at an estimated cost of $5,000; the annual expenditures will be $25,000 for repairs, $8,500 for salaries, and $2,500 for dredging; the annual income from rents will be $4,000. The net annual cost of maintaining navigation on the Muskingum River will therefore be $32,000.

I consider myself here a trustee for the people of this country or I should not be here at all. If I propose to transact business for the people of this country upon a different basis from that upon which I act as a trustee for a private corporation, I am unfit to hold my office on this floor.

Here we are asked to put down $200,000 to commence with; and I undertake to say it will be a far larger amount, as we all know from the estimates of the Engineer Bureau. It is $200,000 to start with, and then, according to the estimate of the engineer who favors this project, it will be a clear net loss of $32,000 a year from that time on.

This is asked on behalf of the third State in the Union. The third State in the Union comes and says to the people of the United States, "We propose now to put upon you an improvement; no matter what it cost in the beginning, it will cost you $200,000, to commence with, to put it into repair, so that you can use it at all, and then $32,000 a year from the public Treasury each recurring year."

I said that the old canal and slack-water navigation system had gone out before the railroads of the country. If Senators will take the trouble, although it is a waste of time to look at the map, they will find that the Muskingum runs from Dresden down to Zanesville and then from Zanesville down to Marietta, on the Ohio River. I am informed (and the Senator from Ohio knows whether it is true or not) that the portion of the improvement from Dresden to Zanesville, amounting to 16 miles, was abandoned years ago, and the cause of this abandonment was that a railroad was constructed between those two points. A railroad is now being constructed from Zanesville to Marietta, and one-third of it will be in operation in a very short time. It runs down the Muskingum Valley.

Does not every sensible and intelligent man know that this canal has no more chance of competition with that railroad than if you should put the slowest dray-horse that can be found in these streets against a thoroughbred trained to the race-course? Do we not know that just as soon as the railroad is constructed this whole work will be absolutely a loss? One portion of it has been abandoned already because a railroad has been constructed. Another railroad is now in process of construction; and the State of Ohio, finding that this is a dead loss upon their hands, that there is no money in it, now proposes to put upon the Treasury of the United States this adventure without profit.

Mr. President, it is a part of the scheme (I do not say it offensively) all through this bill to unload these works of internal improvement. This very engineer here quotes the precedent of Kentucky. We have just disposed of the Kentucky case, a case in which the estimate originally and the agreement between the Government and the State of Kentucky was an expenditure of $1,040,000. They have now expended $575,000 and estimate that $2,128,000 more will be required to be expended. This engineer says that these works are not in as ruinous a condition as those of the State of Kentucky, and he quotes the Kentucky precedent as an argument why this feature should now be retained in the bill.

So, with one abuse we beget another. This, if put into the bill, will be a precedent for another, which comes in two pages afterward; and from time to time, from one recurring session of Congress to another, the same argument is used: "If you improve the natural highways of the country, why not take upon your hands the canals and the slack-water navigation of the country which the States and which private corporations have undertaken to construct? It is perfectly useless, I know, to argue against it. I simply content myself with giving my reasons for acting as I have done as a member of the committee and in casting my vote against it in the Senate.

Mr. SHERMAN. I desire to say a very few words in reply to the Senator from Missouri. He asks the question whether any private corporation would take this work off the hands of the State. I tell him yes; I would do it. I would be glad to give half a million dollars for it if I could borrow the money; but I should want the right to levy tolls. If the tolls were levied, such tolls as would be considered reasonable by a corporation upon the property passing through this improvement—if a toll, say, of 10 cents a ton on the coal that passes down the river, or up, as some of it goes up, it would yield $33,000, which would be more than the interest on $500,000, and more than the cost of it; besides a toll could be levied on all the wheat, grain, and every variety of the production of that rich and populous valley. Besides, there are boats running along subject to toll, and in addition to that there is surplus water-power, which is rented, which yields a revenue of $5,000; and the Government of the United States would get the benefit of that.

But the Senator says we are tumbling and dumping these things on the United States. The difficulty was that the United States ought to have made this improvement in the first place. If the policy that now prevails had existed this demand never would have been made, because the Government of the United States would have made the improvement of the Muskingum one of the first improvements in the country. The very first river that excited the attention of the engineers after the commencement of the settlement of the northwest country was this Muskingum. When Chicago was an insignificant village, when there were no such States as Iowa and Minnesota and all those vast empires, the State of Ohio improved the Muskingum River. If we had been in our present condition, as a matter of course the United States would have improved this stream without cost to the people of Ohio. Then in that way we would have been put upon a footing of equality; but the policy of public improvement was only adopted afterward; and because the United States neglected to do it and the State of Ohio in self defense did it, therefore we are to be punished because we were too forward in doing what was the business of the United States.

My own opinion is, and I believe it is entertained by the leading lawyers of this body, that the State of Ohio had no power or right to put a dam or an obstruction of any kind or work of any kind on that navigable stream in the State of Ohio. I believe the tenor of the authorities is that a State has no power even to build a bridge or authorize the building of a bridge over a stream, much less to put a dam in it without the authority of the Congress of the United States. No such authority was asked, no such authority was supposed to be needed; but it shows that at that time they were laboring under a different state of affairs; and we now simply ask the Government to take free gratis for nothing, what we have done to promote this scheme of internal improvement.

But the Senator says if Congress should do this we shall be called upon to do more. Can the Senator from Missouri, fresh from his labors in the Committee on Commerce, tell me of any other improvement of the kind in the United States which has not been assumed by the Government? This is the only remaining one I know of. The Kentucky River was assumed by the Government of the United States; so were the Great Kanawha, the Little Kanawha, and all the other numerous streams which were improved. There is not a navigable stream in the United States that I can now recall, except the Monongahela, that was ever improved by a private company the control of which has not been assumed by the United States; and in the Monongahela case it is a

valuable franchise, where tolls are levied and where it may be difficult even to purchase that property acquired under the laws of the State of Pennsylvania. So there is no danger of the Government being asked to assume the control of any more.

As a matter of course the engineer did say that it would cost $200,000, but the Senate well know that he said it would cost $200,000 for repairs that are necessary to put the works in perfect order from Dresden to Marietta, and that the chief expense would be in repairing the dam between Zanesville and Dresden. This only provides for the expense of the navigable stream between Zanesville and Marietta, 65½ miles, in a very populous portion of the State, Zanesville and Marietta being two of the most flourishing towns in the State.

It is asked why this anxiety about it; why does not Ohio levy tolls upon this property? The answer is that if Ohio should levy too heavy tolls on this property the people of the Muskingum Valley would be compelled to compete in the sale of their productions with a burden put on everything that they raise and send abroad, while all the people around about, just across the Ohio River, up at the head of the Ohio River, and on every stream below have the advantage of improved navigation, because every stream that is navigable which runs into the Ohio River is provided for in this bill except the Muskingum. The Wabash, the Illinois, the Cumberland, the Tennessee, the Monongahela, the Kanawha, the Allegheny, and every other stream are appropriated for. This is the last.

The engineer did say—and I think that is an argument in favor of this proposition—that the United States accepted the Kentucky River, and that is a reason why it should accept the Muskingum River. The Muskingum River, in my judgment, is a river of larger volume than the Big Kanawha, and probably would approach the magnitude of the Tennessee above the Mussel Shoals, and I think it is a larger stream than the Kentucky, according to my recollection, and I have seen them both. The Muskingum River I know all about, because I trudged along its banks when I was a lad as a junior rodman in the engineer corps. I know something about that. It is an important navigable stream. The engineer says:

As the locks and dams on the Muskingum are in much better condition than were those on the Kentucky River—

And remember the State of Ohio has maintained this improvement—

when a similar tender on the part of the State of Kentucky was accepted by the United States, and as the United States would probably expend much larger sums in building locks and dams on this river if no improvement had ever been made on it, I unhesitatingly recommend the acceptance of the offer made by the State of Ohio.

This is what General Merrill says. He says, too, if the United States had improved this river they would have made more expensive improvements than the State of Ohio made, of a higher grade; but even now, after fifty years of usage, it only requires $200,000 to put it in good condition, and the works cost originally $1,600,000. So they must be in very fair condition.

I do not wish to detain the Senate longer. As a matter of course we want only what others have received, and I believe that this proposition now to be voted upon is more unobjectionable and more defensible than any other in the bill.

The PRESIDING OFFICER (Mr. SEWELL in the chair). The question is on the amendment proposed by the Committee on Commerce.

Mr. McMILLAN. I wish to call the attention of the Senate to some of the facts stated in the report of the engineer. The Senator from Missouri has stated the case very fully.

Mr. VEST. Will the chairman of the committee permit me now—as I do not want to speak again—to state that I neglected to read all of the engineer's report on page 4. He has a financial statement there of the Muskingum River improvement. I did not state all the expense attending this transfer.

Mr. McMILLAN. As the Senator from Missouri calls attention to that statement I will read the additional paragraph to which he alludes:

It will be seen from the above—

That is, the financial statement of the Muskingum River improvement to which the Senator has referred—

that during the last three years the expenditures on the Muskingum River improvement have averaged $31,007, while the receipts have averaged $16,113, or about one-half the expenditures. Were the United States to take charge of this improvement the annual revenue from tolls would disappear, and the only revenue that would remain would be that from rents, of which the annual average is about $4,000.

There are water-leases along this slack-water improvement which the State of Ohio grants to private parties and which yield the revenue referred to of $4,000. That is transferred, of course, by the State of Ohio to the Government if this improvement is accepted.

I wish to read for the information of the Senate the title and section 4 of the act of the Legislature of Ohio looking to the transfer of this improvement. The title is:

An act to grant the consent of the State of Ohio to the acquisition by the United States of certain lands within the State and bordering on the navigable rivers thereof, for the purpose of constructing canals or of erecting thereon dams, abutments, locks, lock-keepers' dwellings, offices, and all necessary structures for the construction and maintenance of slack-water navigation on said rivers, and ceding jurisdiction over the same, and for imposing fines and penalties for willful injuries to the grounds, buildings, and appurtenances acquired under the provisions of this act.

Passed May 2, 1885. Section 4 of the act is as follows:

SEC. 4. And for the purpose of enabling the United States to expend any sum of money that is or may hereafter be appropriated by Congress for the improvement of the Muskingum River, the State of Ohio hereby transfers and cedes to the United States the eleven locks and dams heretofore constructed by said State on said river, together with all the grounds, canals, and appurtenances belonging to the same, subject to the provisions of the preceding sections of this act, as to the jurisdiction of the United States over the lands and buildings authorized to be acquired and constructed by said sections, and imposing penalties for injuries to said work, [which] shall extend and apply to the said eleven locks and dams and their appurtenances hereby transferred and ceded to the United States; but the custody and ownership of said Muskingum River improvement shall remain in the State of Ohio until such time as the United States appropriates sufficient money to properly improve and operate the same.

That is the act proposing the transfer of all the property pertaining to the Muskingum River improvement. It embraces all the plans and improvements and properties connected with it, embracing these leases of water-power.

It is true that the engineer was directed in the examination of this subject to report his opinion upon the propriety of this transfer; and he says:

I am required by the river and harbor act to state "the improvements proper to be made." As applied to this particular case, I understand that I am expected to give my opinion as to whether or not the United States should accept the tender of the State of Ohio. As the locks and dams on the Muskingum are in much better condition than were those on the Kentucky River when a similar tender on the part of the State of Kentucky was accepted by the United States, and as the United States would probably expend much larger sums in building locks and dams on this river if no improvement had ever been made on it, I unhesitatingly recommend the acceptance of the offer made by the State of Ohio.

That is in view of his former statements that he deemed it proper to increase the estimate made by the subordinate engineer of the amount which will be required for the improvement of these locks and dams. He states the amount at $200,000. He says:

My own experience shows that nothing is more uncertain than estimates on hydraulic work, that hidden and unknown damages are constantly appearing whenever repairs are begun, and that the safest plan is to double all detailed estimates in order to provide for the unforseen. I therefore think it advisable to increase Mr. Gregory's estimate to $200,000.

That is the amount that will be required to be expended by Congress during the coming year in the improvement of these locks and dams. I suppose this stream is a very important one to the State of Ohio, that it is and has been navigable for a long time, and that the only question is whether or not the United States should assume the responsibility of this slack-water navigation and continue its improvement. I do not feel called upon, in view of the action of the Senate, to discuss the matter further, and will let them express their own views by their vote.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Commerce.

Mr. VEST called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. SAULSBURY (when his name was called). I am paired generally with the Senator from Vermont [Mr. MORRILL], but I have the liberty of voting on this question according to my judgment. On political questions I continue my pair with the Senator from Vermont, but on all other matters I reserve the right to vote. I vote "yea" on this proposition.

The roll-call was concluded.

Mr. CAMDEN. I am paired with the Senator from Rhode Island [Mr. ALDRICH]. Not knowing how he would vote, I withhold my vote.

Mr. BLACKBURN. On this question I am paired with the Senator from Nebraska [Mr. MANDERSON].

Mr. FRYE. My colleague [Mr. HALE] is detained in the room of the Committee on Appropriations on public business, and will be for the whole day. He is paired on all questions with the senior Senator from Kentucky [Mr. BECK]. I will not renew the announcement during the day.

The result was announced—yeas 23, nays 25; as follows:

YEAS—23.

Berry,	Frye,	Hawley,	Palmer,
Coke,	George,	Jones of Nevada,	Platt,
Conger,	Gibson,	Kenna,	Saulsbury,
Edmunds,	Gorman,	McMillan,	Vance,
Eustis,	Hampton,	Maxey,	Vest.
Evarts,	Harrison,	Miller,	

NAYS—25.

Brown,	Harris,	Sawyer,	Walthall,
Butler,	Hearst,	Sewell,	Whitthorne,
Call,	Hoar,	Sherman,	Wilson of Iowa,
Cameron,	Ingalls,	Spooner,	Wilson of Md.
Cullom,	Jones of Arkansas,	Stanford,	
Dawes,	Mitchell of Oreg.,	Teller,	
Gray,	Payne,	Voorhees,	

ABSENT—28.

Aldrich,	Chace,	Logan,	Pike,
Allison,	Cockrell,	McPherson,	Plumb,
Beck,	Colquitt,	Mahone,	Pugh,
Blackburn,	Dolph,	Manderson,	Ransom,
Blair,	Fair,	Mitchell of Pa.,	Riddleberger,
Bowen,	Hale,	Morgan,	Sabin,
Camden,	Jones of Florida,	Morrill,	Van Wyck.

So the amendment was rejected.

The next amendment of the Committee on Commerce was, in section 1, line 1031, after the words "lock and," to strike out "dam" and insert "approaches;" so as to make the clause read:

Improving Saint Mary's River, Michigan: Continuing improvement, by a new lock and approaches, $250,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 1039, to insert:

For the purchase of the two improved water ways known as the Portage Lake and River Improvement Company Canal and the Lake Superior Ship-canal Railway and Iron Company Canal, being the improved harbors of refuge and the water communication across Keweenaw Point, from Keweenaw Bay to Lake Superior, by way of Portage River and lake, in the State of Michigan, and to make the same a free passage-way and harbors of refuge to commerce and navigation, $350,000, or so much thereof as may be necessary: *Provided*, That before said moneys shall be expended the Secretary of War shall cause an examination to be made by a board of three engineers to ascertain and report upon the importance and value of the free use of said two harbors of refuge and the water communications across Keweenaw Point to the commerce and navigation of the lakes, and the reasonableness of the price therefor, and shall have received from said board a report favorable to such purchase by the United States, and also upon full and absolute conveyance to the United States of said two harbors of refuge, canals, easements, rights of way, piers, docks, and appurtenances of every nature belonging to and connected with said works, or either of them.

The PRESIDING OFFICER. If there be no objection the amendment will be considered agreed to.

Mr. PLATT. Let us have some explanation of this amendment. I do not know that I am opposed to it, but I object to its being considered as agreed to without discussion.

Mr. MCMILLAN. My attention was called to another matter by a Senator sitting near me at the time the amendment was read.

I desire to say that this amendment provides for the purchase of the Portage Lake and River Improvement Company Canal and the Lake Superior Ship-canal Railway and Iron Company Canal, which are two canals constituting one water way across Keweenaw Point, on Lake Superior, from one point of the lake to another, this peninsula extending out into Lake Superior a long distance, and these two canals constitute one water way across the base of this point.

The Senator from Michigan [Mr. CONGER], who is a member of the committee, is very familiar with the history of these improvements and with the effect of this water way upon the commerce of the lakes. He will explain to the Senate more fully the character of this improvement and the object of the appropriation.

Mr. CONGER. Mr. President, this channel or water way is a water way between two parts of Lake Superior across a point which on the map will be seen running up from the south shore of Lake Superior its whole length into the lake for about 120 miles. The navigation of Lake Superior, so far as the United States is concerned, is all along the southern shore. The straight line of navigation from White Fish Point, which is near the outlet of Lake Superior toward the Sault Sainte Marie, would nearly cross this point in the line of this water channel. The distance to be saved to navigation is around the very dangerous and rocky coast of Keweenaw Point; and I may say here that Keweenaw Point is the great locality of the copper region of Michigan. By passing through this channel, going about 25 or 30 miles through the channel, instead of going around the point, about 160 miles, perhaps 160 miles is saved; and it is around a point which has no natural harbor and no protection for vessels in case of storm.

It was very early seen, as the lake became navigable and business increased there, that vessels which ran to the main point on the southern shore of Lake Superior, Marquette, the center of the great iron region, in passing through there to Duluth on the lake would have to make a passage around Keweenaw Point, a distance of 150 or 200 miles, to get back upon the same line of travel that they could reach by crossing it.

The Government of the United States gave to the State of Michigan land to assist in making a harbor of refuge on the Lake Superior side of this channel. The State of Michigan chartered a company to make the Portage River Canal, which was the outlet of Portage Lake, lying in a hollow in this point, and they have improved the passage-way so that vessels traversing the lake pass through. They charge toll for this passage-way. The tolls for the last year amounted to $62,000. The average tolls for some years past have been from $43,000 to $62,000 a year; and that is levied upon all the vessels and tonnage of vessels, and a toll is levied upon the cargoes of all vessels that enter into this channel for the great copper mines, the Hecla mines, situated on Portage Lake, which is a part of this water way, and upon all the goods and provisions which are taken into that country.

The people of the States bordering on these lakes, by their Legislatures, have passed resolutions, some of them, for successive years, asking Congress to make this a free water way. I have here the resolutions of the Legislature of Illinois, the Legislature of Michigan, the Legislature of Minnesota, and the Legislature of Wisconsin, two of which in successive years have repeated their resolutions, asking Congress to make this a free water way and thus relieve the shipping and merchandise of that region of this toll of from fifty to sixty thousand dollars per year in the last few years.

I have also in my hand the petitions of the boards of trade of cities in Illinois, Michigan, Minnesota, Pennsylvania, Wisconsin, and Ohio, urging Congress in behalf of navigation and in the interest of commerce to make this a free channel and a free passage-way. I could read these resolutions, but they are all to the same effect, and many of them have been repeated from year to year, and I have brought these later ones to present to Congress at this time.

I will call attention to cities which have presented resolutions, and the remote places which are interested in this navigation. There were resolutions adopted by the Board of Trade of Chicago favoring the purchase of the canals connecting Portage Lake in Michigan with Lake Superior; resolutions of the Detroit Board of Trade in favor of the same; resolutions of the Duluth Board of Trade in favor of making a free canal; memorial of the Board of Trade of Erie, Pa., in favor of the acquisition by the United States of the Lake Superior and Portage Lake Canal; resolutions of the Chamber of Commerce of Minneapolis, Minn., to the same effect; a petition of the Saint Paul Chamber of Commerce praying for such legislation as will result in acquiring title to and ownership of the Lake Superior Ship-canal and a release of tolls; resolutions of the Chamber of Commerce of the city of Milwaukee, Wis., to the same effect; resolutions of the Importers' Exchange of Toledo to the same effect.

There are other resolutions of other cities and other boards of trade to this effect, and they have been repeated in many instances from year to year, urging the purchase of this canal.

Besides this, I have the petition of more than a thousand ship-owners and navigators on the lakes, presented to Congress and referred to the Committee on Commerce, some of whom are residents of nearly every State in the Union. I have petitions of residents of Massachusetts, of residents of New York, interested in the commerce of that country; the petition of manufacturing companies; the petition of iron men; petitions from Oswego; petitions from different places, a hundred of them and more, and these are only a portion of the vast number of papers which have been referred to the Committee on Commerce, not only for this present use, but urging it in years gone by. There are several thousand people engaged in the commerce and navigation, directly and indirectly, of the Lake Superior region asking that this may be made a free canal.

A year and a half ago I untroduced into the Senate a resolution calling on the Secretary of War to report to Congress the necessity and the advisability of making this a free canal and relieving the commerce of the lakes of these tolls. The report of General Poe, the engineer in charge of the department of the lakes, perfectly familiar for years with the navigable history and commerce of the lakes, the gentleman in charge of all the public works on Lakes Huron and Superior, including the two canals and the great locks that have been made there, made an exhaustive report which is published on page 262 of the report of the committee, which may be found on the desks of Senators.

In that report, after enumerating the situation and condition of the Portage Lake and Lake Superior Ship-canal, he sums up his recommendation thus:

If the above estimate of the minimum cost of the property of the Lake Superior Ship-canal, Railway, and Iron Company ($3,000,000) and that of the Portage Lake and River Improvement Company ($300,000) is warranted by the facts disclosed, then the price asked for the two ($350,000) may be stated as only one-tenth the original cost. And if, by the payment of that sum by the United States to the companies in question, the ownership of this important water way, clear of all incumbrances, can be vested in the Government, thus rendering its navigation free to commerce, then there can be no question but that the price is reasonable and the purchase advisable.

I take it for granted that the members of the Senate generally have read this report and that many are familiar with the geography of that region. The reports of last year and this year show that the number of vessels traversing that region has doubled in every year for the last five or six years. The reports show, and the fact is, that the great lock built in the Sault de St. Marie, as has been stated on this floor, is to-day unable to put through the vessels that traffic on Lake Superior without causing delay and demurrage in their passage up and down; and a note from General Poe shows that they have increased so largely that an unusual number for this year was passing the lock and crowding it; and Congress, seeing the necessity of it, has made appropriations in the last bill and in this bill to build a new lock in addition to the magnificent one already there.

All of the traffic going through that canal, with the exception of Canadian traffic, would pass and does pass through this open channel now owned by a private company, except vessels loaded entirely at Duluth, which, in fair weather, pass around this point into the open lake. Some few vessels that pass up, probably one-twentieth, or perhaps only one-twenty-fifth of all the vessels that pass up and down the lake, pass around this rocky point, and the others pass through this canal and pay these tolls. They use it for safety, for economy of time, and in order to touch at the other important points lying on the route.

There is shipped out of this Portage Lake of native copper, mined on the banks of this interior lake of which these two canals form the outlet, annually over $6,000,000 worth of copper for the last few years. The toll on copper, I think, is a half cent a pound by the terms of the charter, and it is the only way in which those immense copper mines on Keweenaw Point, which furnish nearly half the copper of the world, have any water communication out into Lake Superior. The reports show that over $6,000,000 worth of copper is shipped from these mines annually, and the amount is increasing from time to time by the addi-

tion of other newly discovered mines. All the coal, all the materials, all the machinery, all the merchandise for the two important towns of Holton and Hancock, situated on this interior lake, all the goods taken in and all the products taken out, of which I have only mentioned the copper, pay this toll by the terms of the charter of the company which deepened the Portage River from 5 feet to 13½ and 14 feet, and which tolls are necessary to be paid; else there could have been no water communication over 5 feet in depth out into the deep waters of the lake.

I will not dwell upon this, because there was no question in the minds of those who were acquainted with it, and in the views of the people of the State, and in the views of the men engaged in commerce upon the lakes and men interested in the commerce of those lakes from one end of the country to the other, that the amount of tolls charged, and which will be increasing with the increase of business, ought to make this almost a natural channel with the addition of the works which have been put upon it, and ought to make this a free passage-way.

Besides that, from the Apostle Islands clear around this stormy point to Marquette, a distance of 270 miles, except this harbor of refuge into this lake through these canals on either side, there is not a safe harbor into which a vessel can run for all that 270 miles; and the Government originally aided this to make an opening into Portage Lake and make one of these canals a harbor of refuge, and it is so stated in the bill. The opening into Keweenaw Bay, a large bay, a great arm of the lake indeed, is also a harbor of refuge; and that is the only place where a vessel can run for shelter between the Apostle Islands, in Wisconsin, and Marquette and the iron region east of this place.

I will not prolong my remarks, for I think the report of the committee and the report of the engineer will satisfy every one that this channel should be free. It was originally an open channel of the lake, extending for several miles, forming part of it in the middle of this point, being from 60 to 70 feet deep. It was evidently once a channel through between the two parts of the lake; but it has been filled up on the one side by the washing of the gravel and the sand, making a canal very necessary, and by the shoaling of the river to about 5 feet on the other side, making necessary the great excavation which has been made there, and making the piers running out into the lake on either side for the entrance into this channel a necessity.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Commerce.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, in section 1, line 1073, after the word "Congress," to insert:

And the sum of $8,000 of the above appropriation, or so much thereof as may be necessary, may be expended above Portage City to prevent the overflow of the Wisconsin River into the Upper Fox River, so as to prevent injury to the Government works on Fox River; and this expenditure may be made separately or, if deemed more economical by the Secretary of War, in adding to any protecting works which may be made by the State of Wisconsin.

So as to make the clause read:

Improving Fox River, Wisconsin: Continuing improvement below Montello, on the approved plan, $75,000. And the Secretary of War is hereby directed to have the examination and survey of the Wisconsin River from Portage to the mouth, now being made by a board of engineers, completed as soon as practicable, and a report thereof made on or before the meeting of the next session of Congress. And the sum of $8,000 of the above appropriation, or so much thereof as may be necessary, may be expended above Portage City to prevent the overflow of the Wisconsin River into the Upper Fox River, so as to prevent injury to the Government works on Fox River; and this expenditure may be made separately or, if deemed more economical by the Secretary of War, in adding to any protecting works which may be made by the State of Wisconsin.

The amendment was agreed to.

Mr. McMILLAN. Before passing from this amendment, in line 1075 the word "above" before "Portage City" should be changed to "at or near."

The PRESIDING OFFICER. That correction will be made, if there be no objection.

The next amendment of the Committee on Commerce was, in section 1, line 1089, after the word "dollars," to strike out "of which $12,000 to be expended on the river at Grayville, Ill.;" so as to make the clause read:

Improving Wabash River, Indiana and Illinois: Continuing work on lock and dams at Grand Rapids, and on the river from Grand Rapids to its mouth, $80,000.

Mr. CULLOM. I hope the amendment of the committee will not be agreed to. It is not a question of how much shall be appropriated, but simply a question of where the money shall be expended. The report of the Secretary of War states as follows:

The river near Grayville is in a condition which requires immediate attention. Here a serious "cut-off" is threatened, which will shorten the river about 3 miles, and by this sudden change of slope cause serious injury to navigation. The cut-off would also cause Grayville a great loss, as its principal business is sawing lumber, which would be entirely destroyed, as the cut-off would leave the town about 1½ miles from the channel of the new river. Steps should be taken to prevent this cut-off, and it is estimated that a sum of $20,000 could be judiciously expended for this purpose.

All that I desire is that the amendment shall not be agreed to, so that the same amount shall remain appropriated, but that the Secretary of War shall be required to spend a portion of it at that place and save the river. I hope the committee will not insist on the amendment.

Mr. CONGER. I think in regard to that the committee felt disposed to leave to the engineers in charge, after they had made their recommendation and had stated what part of the appropriation ought to be used, discretion to use the appropriation as they judged was for the best interests of the work. The engineer reports strongly in favor of having an immediate appropriation for this improvement; but that was in reference to a special provision.

Now, if the bill passes, and the engineer thinks it important, as he does unquestionably, to put the work at Grayville in order, and prevent what he thinks would be a serious injury to the river, of course it will be his duty and he will have the power to expend this money under the direction of the Secretary of War, wherever in the whole work it is most necessary, but the committee found inconvenience heretofore where a full appropriation was made for a full work in taking from the engineer the charge of it. I suppose the committee care very little either way, whether this amendment is adopted or not. I certainly myself have no objection to its being stricken out.

Mr. HARRISON. I hope that will not be done.

Mr. CULLOM. I hope it will be. Here is a sum of $80,000 proposed to be expended upon the Wabash River. This point at Grayville very specially needs immediate attention. It is not proposed to increase the amount of the appropriation in the aggregate. While in all probability the Secretary of War or Chief of Engineers would spend this amount, or whatever amount is necessary, in protecting this point, yet it is too important to leave the thing even discretionary with the Chief of Engineers or anybody else, and I hope that the amount of $12,000 will be specifically appropriated for this particular purpose, as it is only a portion of what is necessary to complete the work, but that amount is necessary to protect the property of the Government at that point.

Mr. HARRISON. It looks to me as if this was not the fair thing toward Indiana. The Wabash River is the boundary line between Illinois and Indiana at this point. The total amount estimated for it was $180,000 or $190,000. The committee have given here:

Improving Wabash River, Indiana and Illinois: Continuing work on lock and dams at Grand Rapids, and on the river from Grand Rapids to its mouth—

Which covers the region where Grayville is situated, a lump sum. Of course that leaves it entirely in the discretion of the engineers as to where they will spend that money which is given generally for the improvement of the Wabash River. They can place it, as the Senator from New York suggests, where it is most needed. But my friend from Illinois wants to separate from the appropriation (which is entirely below an adequate amount as estimated for) $12,000 to be applied with special reference to the needs of Grayville, Ill., subtracting so much from the aggregate appropriation, and controlling the discretion of the engineer as to the expenditure of that amount. I think that ought not to be.

Here is an appropriation in which two States are interested. It is specified here—

Improving Wabash River, Indiana and Illinois.

And it is not fair, it seems to me, for either of those States to ask to give a special direction to these particular appropriations. They should be spent as the engineers, who have the responsibility of the work, think they can best expend the total amount appropriated for the river. It simply withdraws and cripples by so much, perhaps, improvements at other points that may be of interest to Vincennes and other points upon the river, and confines the expenditure to the benefit of a particular Illinois town. I think the Senator from Illinois ought to allow the appropriation to go generally for the benefit of the river. If the engineers regard this Grayville improvement as the most urgent, as the most important, then they will spend $12,000 of this total amount there, or more if they choose.

If they do not, they will expend it elsewhere. This specific direction ought not to be given, and this sum abstracted from the total amount appropriated for the river.

Mr. CULLOM. Ordinarily I should feel that it was entirely proper to allow the engineers to settle the question of the disposition of this money where they saw proper, and so far as the present engineer is concerned the probability is that he will expend the amount that is asked for at this particular place; but here is a locality which needs immediate attention, and which needs more money even than we have asked to expend of this total amount of $80,000, and it is because of the peculiar and particular distress that exists there to-day. While this engineer may be all right and understand the situation thoroughly, nobody knows what the next one may conclude in reference to it. I have no desire myself to interfere with the disposition of the balance of the money. The State of Indiana I believe gets all the balance of the appropriation.

Mr. HARRISON. How?

Mr. CULLOM. What other place is there?

Mr. HARRISON. It goes on the river.

Mr. CULLOM. None of it goes to Illinois, I understand, except this amount which we are seeking to have appropriated, and here is a place that needs immediate attention. All I ask is that the little sum of $12,000 of the total appropriation be specifically stated as applicable to that purpose, so as to protect the river and the property there from immediate destruction, and to prevent injury to the people of that locality. I hope that the amendment will be disagreed to.

Mr. HARRISON. The Senator from Illinois is entirely willing to

let it remain as our committee have left it if he could be sure that the present engineer would remain in charge, because he has already ascertained what his judgment is as to the relative merits of the various works to be done on the river; but he is not willing to leave it to the unbiased judgment of a competent officer who may succeed the one now in charge as to where this money ought to be expended. I submit that it ought to be so left.

The Senator says that Indiana gets all the balance of this appropriation. Not at all, Mr. President. The river, as I have said, is the dividing line up to the uttermost point named here, and the two States get equally the benefit of it. All I ask is that this money may be applied, according to the judgment of the engineer who at the time is in charge of the work, at those places on the river where the expenditure is most needed. I do not think it ought to be controlled in this way.

Mr. CULLOM. In view of this report, I appeal again to the Senator from Indiana. Here is an engineer who says:

Steps should be taken to prevent this cut off, and it is estimated that a sum of $20,000 could be judiciously expended.

And he goes on to recite the particular reasons why an amount of money should be expended there and expended without delay, and while I am simply asking that this small sum shall be specifically set aside for this purpose, I think neither the Senator from Indiana nor the committee ought to object to the amendment of the committee being disagreed to.

Mr. MILLER. It seems to me this amendment ought to be agreed to in order to protect just what the Senator from Illinois wants to protect, which is the river at Grayville. If he has read the statement of the engineer correctly, he requires $20,000 to do that work, and the Senator proposes to limit him to $12,000. That is not sufficient to do it. It would be a waste of money to expend the $12,000 unless you are at liberty to spend $8,000 more to complete it. If the Senator leaves it where the committee have placed it, if the engineers are competent, as we are bound to assume they are, if they are honest, as we are bound to assume they are, instead of expending $12,000 at Grayville they will expend $20,000 of this money at Grayville and do the work complete. It seems to me the Senator from Illinois is perfectly safe to trust the Army engineers with this money. For his own protection I submit the amendment ought to be adopted.

Mr. CULLOM. I can take care of my own protection without the help of the Senator from New York. If the Senate will give the $12,000, I will take care of the rest so far as the question of amount is concerned. I hope the amendment will not be agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Commerce.

Mr. CULLOM called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. CAMDEN (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN], but the pair does not apply to questions on this bill, and I vote "yea."

The roll-call having been concluded, the result was announced—yeas 26, nays 17; as follows:

YEAS—26.

Berry,	Conger,	Harrison,	Spooner,
Blair,	Edmunds,	Jones of Arkansas,	Vest,
Brown,	Eustis,	Jones of Nevada,	Voorhees,
Butler,	Evarts,	Kenna,	Walthall,
Call,	Frye,	Maxey,	Wilson of Md.
Coke,	Gibson,	Miller,	
Colquitt,	Hampton,	Payne,	

NAYS—17.

Chace,	Hearst,	Pugh,	Teller,
Cullom,	Ingalls,	Ransom,	Wilson of Iowa.
Dawes,	Logan,	Sawyer,	
Harris,	McPherson,	Sherman,	
Hawley,	Platt,	Stanford,	

ABSENT—33.

Aldrich,	Fair,	Manderson,	Sabin,
Allison,	George,	Mitchell of Oreg.,	Saulsbury,
Beck,	Gorman,	Mitchell of Pa.,	Sewell,
Blackburn,	Gray,	Morgan,	Vance,
Bowen,	Hale,	Morrill,	Van Wyck,
Camden,	Hoar,	Palmer,	Whitthorne.
Cameron,	Jones of Florida,	Pike,	
Cockrell,	McMillan,	Plumb.	
Dolph,	Mahone,	Riddleberger,	

So the amendment was agreed to.

Mr. CONGER. There is an amendment of the committee not on the printed copy, adopted after the bill was printed. In line 1039, on page 43—I do not know whether the Chief Clerk has it in his copy or not—after the words "Bay City," to insert:

And $5,000 in improving the west channel along West Bay City.

That is part of the appropriation for improving Saginaw River, Michigan, defining where $5,000 shall be spent.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. On page 43, in line 1039 of section 1, after the words "Bay City," it is proposed to insert:

And $5,000 in improving the west channel along West Bay City.

Mr. MCMILLAN. That is inserted merely as a correction of the bill.

Mr. EDMUNDS. Does that increase the appropriation?

Mr. MCMILLAN. No; it does not increase the amount of the appropriation.

The amendment was agreed to.

Mr. VOORHEES. I do not know whether amendments to the bill are in order now or not.

The PRESIDENT *pro tempore*. They are not.

Mr. VOORHEES. I submit an amendment:

For improving the Wabash River between Vincennes and Terre Haute, in Indiana, $25,000.

Simply remarking that I offered a similar amendment some time ago, and the committee seem to have taken no notice of it. I merely submit it.

Mr. CONGER. The amendment I offered was not an individual one. I stated that it was one adopted by the committee, but was not inserted in the printed bill. It was not an amendment I offered myself.

Mr. HARRISON. I suggest to my colleague, as his amendment has been offered before and was perhaps printed——

Mr. VOORHEES. Yes.

Mr. HARRISON. Then it is hardly necessary to offer it again.

Mr. VOORHEES. I am afraid the committee lost it. They seem to have lost everything that relates to Indiana.

Mr. FRYE. It is not now in order under the agreement.

The PRESIDENT *pro tempore*. It is not now in order. The next amendment of the committee will be stated.

Mr. KENNA. I present an amendment to be printed.

The PRESIDENT *pro tempore*. It will be received and printed; and so the amendment offered by the Senator from Indiana will be printed.

Mr. KENNA. I desire the amendment offered by me to come in at the end of the first section.

The next amendment of the Committee on Commerce was, in section 1, line 1095, after the word "improvement," to strike out "thirty-five" and insert "forty;" and in the same line, after the word "which," to strike out "ten" and insert "fifteen;" so as to read:

Improving Calumet River, Illinois: Continuing improvement, $40,000; of which $15,000 are to be used in dredging the river between the Forks and a point half a mile east of Hammond.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, in section 1, in the first proviso to the clause making appropriations for "improving Calumet River, Illinois," in line 1099, before the word "thousand," to strike out "ten" and insert "fifteen;" so as to make the proviso read:

Provided, however, That no part of said sum, nor any sum heretofore appropriated, except the said $15,000 for the river above the Forks, shall be expended until the entire right of way, as set forth in Senate Executive Document No. 9, second session, Forty-seventh Congress, shall have been conveyed to the United States free of expense, and the United States shall be fully released from all liability for damages to adjacent property-owners, to the satisfaction of the Secretary of War; and if any of the owners of real estate required to be taken or that is damaged for the purpose of straightening or widening that portion of the Calumet River for which the appropriation herein is now made can not be induced to convey to the United States such real estate so required, and release their claim for damages caused by said improvement, or should the owner or owners be incapable of conveying and releasing, or should his or her name or residence be unknown, or he or she be a non-resident of the State of Illinois, it shall then be the duty of the United States attorney for the northern district of Illinois to immediately file a petition in any court having jurisdiction thereof, in the manner and as authorized by the laws of the State of Illinois in such cases, for the purpose of ascertaining the just compensation to be paid to the respective owners of the land taken or damaged.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, in section 1, in the second proviso to the clause making appropriations "for improving Calumet River, Illinois," in line 1123, after the word "first," to strike out "contribute" and insert "execute a bond to the United States, to be approved by the Secretary of War, for the payment of;" after the word "such," at the end of line 1125, to strike out "proceeding, and shall furnish the amount necessary," and insert "proceedings and;" after the word "rendered," at the end of line 1127, to insert "therein;" and in line 1128, before the word "shall," to strike out "cause" and insert "proceedings;" so as to read:

Provided, however, That the other owners of property and parties interested in said improvement shall first execute a bond to the United States, to be approved by the Secretary of War, for the payment of the costs of such proceedings, and to pay any judgment that may be rendered therein; and on failure to do so the proceedings shall be dismissed.

The amendment was agreed to.

Mr. CULLOM. I believe it is not in order to offer an amendment to any portion of the bill at present.

The PRESIDENT *pro tempore*. It is not, unless it is an amendment to an amendment of the committee.

Mr. CULLOM. Then I shall reserve it.

The next amendment of the Committee on Commerce was, in section 1, after line 1133, to insert the following:

The grant of the Illinois and Michigan Canal, its rights of way, and all its appurtenances, and all right, title, and interest which the State of Illinois may have in any real estate heretofore ceded to the State of Illinois by the United States for canal purposes, made to the United States by an act of the General Assem-

bly of the State of Illinois approved April 28, 1882, be, and is hereby, accepted on the terms and conditions specified in the act of the General Assembly of the State of Illinois.

For the construction of a canal from the Illinois River, at or near the town of Hennepin, in the State of Illinois, to the Mississippi River, at the mouth of Rock River, or between it and the city of Rock Island, in said State, together with such feeders and other works that may be necessary to supply said canal with water, $300,000. Said canal shall be known as the Illinois and Mississippi River Canal, and shall be constructed on such route as may be determined by the Secretary of War: *Provided*, That it shall be the duty of the Secretary of War, in order to secure the right of way for such canal and feeders, to acquire the title to such lands as may be necessary by agreement, purchase, or voluntary conveyance from the owners, if it can be done on reasonable terms; but if that shall be found impracticable, then the Secretary of War shall apply at any term of the circuit or district court of the United States for the northern district of Illinois to be held thereafter, at any general or special term held in said district, and in the name of the United States institute and carry on proceedings to condemn such lands as may be necessary for right of way as aforesaid; and in such proceedings said court shall be governed by the laws of the State of Illinois, so far as the same may be applicable to the subject of condemning private property for public use: *Provided further*, That said canal shall be 80 feet wide at the water line and 7 feet deep, with a capacity for vessels of at least 280 tons burden, with guard-gates, waste-weirs, locks, lock-houses, basins, bridges, and all other erections and fixtures that may be necessary for safe and convenient navigation of said canal and branch as specified in said survey.

Mr. CULLOM. Mr. President, I perhaps ought to apologize to the Senate for desiring to take any considerable time upon this amendment; but I think the importance of the subject justifies me in submitting some remarks in explanation of the necessity and importance of adopting the amendment; and I shall therefore ask the indulgence of the Senate to enable me to do so.

Mr. President, the construction of the Hennepin Canal and the enlargement of the Illinois and Michigan Canal, thereby forming a free water way from the Mississippi River to Lake Michigan by the most practicable connection, is in my judgment the most important work of internal improvement now pressing upon Congress for consideration. No other public work which the Government is asked to undertake promises greater material benefits to the country in proportion to the expenditure required. I may be charged with exhibiting more zeal on behalf of this project than of some others because the entire length of the proposed canal would be within the borders of the State which I have the honor in part to represent. While I may have given more attention to the subject on that account, the fact that the canal would be wholly within the State of Illinois is not my reason for favoring with great earnestness its construction by the General Government. The demand for this improvement, as I shall hope to show, does not come from Illinois alone, nor would the canal benefit that State alone, or any more than it would other Western and Northwestern States. Illinois does not need this water way as much as does the great region lying west of the Mississippi River. The line of the canal runs through the northwestern corner of the State, and of the 55,414 square miles included within the borders of Illinois not more than one-fifteenth part would be directly tributary to the canal if built, because the products of most of the State would have to be carried as far to reach the canal as they would to reach Chicago. Illinois does not come here as a suppliant asking the bounty of the Government for its own advantage. Illinois, with more miles of railroad than any other State in the Union, with a free water way from its metropolis to the seaboard, with the Father of Waters washing the entire length of its western borders and affording connection with the Gulf, with the Ohio River on the South, and with direct connection with the great railroad systems of the East, South, and West, is not suffering from the lack of facilities for transportation, and will continue to maintain its commercial supremacy in the future as in the past, whether this work of improvement is undertaken by the Government or not.

No, Mr. President, I do not advocate this improvement simply because it would be of advantage to Illinois, but on broader grounds and for the general welfare. He who declines to look beyond the boundaries of his own State in the discharge of his own duties as a legislator here, fails to comprehend the full scope of the obligations resting upon him. I hope to show before I sit down that the proposed improvement is one of national importance, and would prove to be of great value to the commerce of the whole American people. If I do so, I hope that Senators will vote the proposed appropriation and let the work begin.

What is the exact thing that is asked?

First, the construction of a canal commencing at the Mississippi River at or near Rock Island and running to the Illinois River at or near the town of Hennepin.

Second, the acceptance by Congress of the grant already made by the State of Illinois of the Illinois and Michigan Canal, and the enlargement of the latter by the National Government to make its proportions correspond with those of the proposed Hennepin Canal.

The two propositions are intimately connected. They are indeed component parts of the one proposition that the Government shall undertake to connect the Mississippi River and its tributaries with the Great Lakes by canal, thereby opening up a great water route that would become available for the cheap transportation of the more bulky products of the West and Northwest to the Eastern markets and to the seaboard for export, and in the distribution of the merchandise and manufactured products of the East among the consumers of the West and Northwest. That such a project is of national importance will not, I think, be seriously questioned, and that the most feasible and economical method of carrying it into execution is by the construction of the Hennepin Canal and the enlargement of the Illinois and Michigan Canal must, I think, be conceded by those who will carefully and impartially investigate the subject.

THE IMPORTANCE OF CHEAP TRANSPORTATION AND THE VALUE OF WATER ROUTES.

I do not believe, Mr. President, that it needs any argument at this day to demonstrate the immeasurable importance of cheap transportation in promoting the commercial prosperity of a country. It is well understood that, as was truly said by Governor Horatio Seymour, "the chief element in the prosperity of every State or nation is the economy of transportation of persons and property."

Nor can the great value of water routes as a means of securing cheap transportation be questioned. The testimony collected by the Select Committee on Interstate Commerce of the Senate abundantly demonstrates, it appears to me, the great importance of developing and maintaining a national system of internal water communication as the most certain and effective method of regulating railroad charges and of insuring to the people the advantages of cheap transportation. The concurrence of the views expressed upon these questions in the testimony taken by that committee is worthy of attention, and indicates a marked unanimity of public sentiment upon the subject. Without taxing the patience of the Senate with quotations from the testimony upon these points, I will simply invite attention to the following paragraphs, which show the conclusions of the committee as to the value of water routes and the effect of water competition upon railroad freight charges. I quote from the report:

The evidence before the committee accords with the experience of all nations in recognizing the water routes as the most effective cheapeners and regulators of railway charges. Their influence is not confined within the limits of the territory immediately accessible to water communication, but extends and controls railroad rates at such remote and interior points as have competing lines reaching means of transport by water. Competition between railroads sooner or later leads to combination or consolidation, but neither can prevail to secure unreasonable rates in the face of direct competition with free natural or artificial water routes.

The conclusion of the committee is therefore that natural or artificial channels of communication by water when favorably located, adequately improved, and properly maintained, afford the cheapest method of long-distance transportation now known, and that they must continue to exercise in the future, as they have invariably exercised in the past, an absolutely controlling and beneficially regulating influence upon the charges made upon any and all other means of transit.

And in concluding this branch of its investigation the committee say:

The cheapest mode of transportation known is by water. The railroads have accomplished wonders, but no railroad can successfully compete with a free and unobstructed water route, so far as the cost of carriage is concerned. Therefore, to secure the blessings of cheap transportation, and to hold our place among the nations of the earth, we must develop our natural water ways to their fullest capacity, and give the benefits of lake, river, and canal communication to the people of all the States as far as practicable.

The distribution of land and water throughout the United States is admirably adapted to the successful accomplishment of this purpose. The chief defects of the present water routes of the country, as a whole, are that they are too long for successful competition with the railroads, and that they are too isolated and disconnected for successful co-operation.

The obvious and only possible remedy for these defects is to shorten them and to unite them.

This can be done by means of such improvements as the construction of a ship-canal across the peninsula of Florida, the enlargement of the Erie Canal, the building of the Hennepin Canal, and the continued improvement of the Mississippi River. By thus shortening the existing lines of water communication and rendering them navigable for steam-vessels of large carrying capacity, the cost of freight service could be reduced to the lowest possible minimum, not only between a few great centers of trade, as now, but between interior points in almost every part of the country which are now practically without competing lines of transportation.

A comprehensive system of internal improvement such as has been here briefly outlined would develop to their utmost extent the inexhaustible resources of the United States, would give new life and healthy activity to trade throughout the length and breadth of the land, would put bread in the mouths of thousands of men now seeking employment without success, would avert the dangers to be apprehended from railroad combinations to control the commerce of the country, and would secure rates of transportation that would always enable the surplus products of the nation to find a profitable market.

During the present session we labored for weeks in this Senate in the interest of cheaper transportation to pass a bill to regulate interstate commerce, or, more specifically stated, to regulate the conduct of railroads engaged in interstate business. Why? Our purpose was to do what we could in that way to prevent extortion and unjust discrimination in railroad charges and to secure to the people reasonable and equitable rates for the transportation of freight by rail to the markets of the country. In this effort our progress was resisted at every step—on the one hand by those who do not believe in regulation by legislation, but prefer to leave the whole matter to be adjusted by the laws of trade and by the competition between the railroads; and on the other hand by extremists who are willing to engage in a general crusade against the railroads of the country, with little regard to the effect upon commerce and business.

Now, sir, when we come to this other means of securing cheaper transportation for the people we are met with the cry of unfairness to the railroads and of expense to the Government, and we are told that this project is simply the construction of a water way wholly within one State; that it is not the improvement of an existing water way;

that the whole scheme is unconstitutional, and that Congress has no right to embark in the enterprise.

THE CONSTITUTIONAL QUESTION.

Mr. President, the Constitution, thanks to the wisdom and foresight of our fathers who framed it, is broad enough in its provisions and scope to authorize works of national importance like this.

That great chart, by which statesmen are guided, or should be, in national legislation, and by which Presidents and Cabinets and courts and citizens should alike be controlled, has scope and breadth enough to allow the people for whose benefit it was formed to adopt such measures through their governing power as may from time to time become necessary in the interest of business and progress. It was for this purpose that the power to regulate commerce was expressly given to Congress, and it was for this purpose that the "general-welfare clause" and other provisions looking to the needs of the people as conditions change were inserted.

In the celebrated case of Gibbons *vs.* Ogden (9 Wheaton, 1) Chief-Justice Marshall forcibly said:

> The genius and character of the whole Government seem to be, that its action is to be applied to all the general concerns of the nation, and to those internal concerns which affect the States generally; but not to those which are completely within a particular State which do not affect other States and with which it is not necessary to interfere for the purpose of executing some of the general powers of the Government.

And in construing the power to regulate commerce he said:

> It is the power to regulate, that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself; may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution. * * * If, as has always been understood, the sovereignty of Congress, though limited to specific objects, is plenary as to those objects, the power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single government having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States.
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> The wisdom and discretion of Congress, their identity with the people, and the influence which their constituents possess at elections, are in this, as in many other instances, as that, for example, of declaring war, the sole restraints upon which they have relied to secure them from its abuse.

Judge Story, in his work on the Constitution, section 1067, says:

> The power to regulate commerce is general and unlimited in its terms. The full power to regulate a particular subject implies the whole power, and leaves no residuum. A grant of the whole is incompatible with the existence of a right in another to any part of it. A grant of power to regulate necessarily excludes the action of all others who would perform the same operation on the same thing.

The settled doctrine of the United States Supreme Court upon the question is laid down in Mobile *vs.* Kimball (102 U. S., 691), in which case, referring to the power to regulate commerce, it is declared:

> That power is indeed without limitation. It authorizes Congress to prescribe the conditions upon which commerce in all its forms shall be conducted between our citizens and the citizens or subjects of other countries, and between the citizens of the several States, and to adopt measures to promote its growth and to insure its safety.

And in a late decision, rendered in April, 1885, in the case of Gloucester Ferry Company *vs.* Pennsylvania (114 U. S., 196), the same tribunal declared, speaking of commerce among the States:

> The power to regulate that commerce, as well as commerce with foreign nations, vested in Congress, is the power to prescribe the rules by which it shall be governed, that is, the conditions upon which it shall be conducted; to determine when it shall be free and when it shall be subject to duties or other exactions. The power also embraces within its control all the instrumentalities by which that commerce may be carried on, and the means by which it may be aided and encouraged.

The construction of a canal that would cheapen transportation throughout the country would certainly be the means of aiding and encouraging commerce among the States. Nor are numerous precedents lacking to justify Congress in undertaking the improvement now proposed. Canals to overcome natural obstacles to the navigation of important water ways have frequently been constructed by the General Government. In earlier days the method adopted was to grant public lands to the States for their use in the construction of canals, but in recent years Congress has not hesitated to make direct appropriations for the same purposes. Grants of land for canal purposes were made to Indiana and Illinois in 1827, to Ohio in 1828, to Florida in 1831, and to Michigan in 1852, while as early as 1826 Congress appropriated $150,000 to the Dismal Swamp Canal Company. These grants, like the millions of acres granted to aid in the construction of railroads, were all made for the purpose of improving the facilities for transportation and of promoting commerce, under the same power which Congress is asked to exercise for the same purpose in building the Hennepin Canal.

Within our own recollection, Congress has expended millions of dollars for the same purposes and in the exercise of the same power in the improvement of the Saint Clair Flats and in the construction of the canal around the Des Moines Rapids, of the Ohio Canal at Louisville and Portland, and of the Muscle Shoals Canal on the Tennessee River.

Lake Michigan and the Mississippi can be connected by means of the Hennepin Canal for about the same amount that was expended by the Government in overcoming the obstacles to the navigation of the Mississippi between Montrose and Keokuk. For commercial purposes as a water way the two parts of the Mississippi were as effectively separated by the Des Moines Rapids as if the State of Illinois had laid between them, as it does between Lake Michigan and the Mississippi, and the construction of the canal in the State of Iowa around the Des Moines Rapids connected what were virtually two separate water ways, although they were parts of the same river.

The Saint Clair Flats originally prevented free navigation between Lakes Huron and Erie. These flats were within the territorial jurisdiction of the State of Michigan, and the question involved in their improvement was the same that is now presented in the proposed construction of the Hennepin Canal. Michigan was not more deeply interested in the removal of these obstructions to the navigation of the Great Lakes than were several other States, and there was no more reason why that State should incur the heavy expense necessary to their removal for the benefit of other States equally with itself than there is that Illinois should be asked to build this canal for the benefit of the West and Northwest.

The courts construe the Constitution liberally as they should do. While there is perhaps no decision exactly in point to prove beyond controversy that it is within the purview of the Constitution for Congress to construct such a canal as is proposed wholly within one State, I am unable to see any difference in principle between the construction of a canal to connect the two most important systems of internal water communication in the country, though it may happen to be located wholly within a single State, and the construction of canals within the States for the purpose of connecting the navigable portions of a great river or of affording free communication between two great lakes. The only question to be determined in either case, it seems to me, is whether the proposed improvement is of national importance and will promote the public welfare to an extent sufficient to justify the expenditure requisite being made from the funds belonging to the people of all the States.

The proposal on the part of the State of Illinois to make over to the Government its now completed Illinois and Michigan Canal is of comparatively recent date, and has not to any great extent heretofore engaged the attention of Congress. The Hennepin Canal project has been before Congress for some years, and while Congress has not gone further than to authorize surveys to be made, public sentiment has been growing in favor of the Government undertaking this great work. In order that the two propositions involved in the project may be better understood, I desire to review the history of the present Illinois and Michigan Canal now offered to the Government, and to call attention to the history of the movement in favor of the construction of the Hennepin Canal, and to some of the indorsements which this undertaking has received. In doing this I will be as brief as I can consistently with the importance of the subject.

THE ILLINOIS AND MICHIGAN CANAL.

A survey was authorized by Congress in 1822 for a canal to connect Lake Michigan with the Illinois River, but nothing seems to have been done until 1827, when by act of Congress approved March 2 of that year a grant of public lands was made to the State of Illinois to aid in the construction of the canal. This act granted "a quantity of land equal to one-half of five sections in width on each side of said canal and reserving each alternate section to the United States, to be selected by the Commissioner of the Land Office under the direction of the President of the United States, from one end of said canal to the other." (Volume 4, Statutes at Large, 234.) This grant of land amounted to 290,915 acres, and is the only aid ever given by the Government to the State in the construction of the canal.

There does not appear to have been much discussion in Congress upon the act making this grant, probably because it followed along with the act to grant lands to the State of Indiana to aid in the construction of a canal to connect the Wabash River with Lake Erie. In the discussion of the latter measure it was argued that that canal would be of great benefit to the country generally, and the West particularly, in furnishing a water route for the transportation of the agricultural products of the West to Eastern markets. It was also argued that the lands it was proposed to grant had been obtained from the Indians at a cost of less than 1 cent an acre, and, while they were being disposed of to settlers at $1.25 per acre, the construction of the proposed canal would cause a ready market for the lands reserved at not less than $5 per acre. Hence the Government could well afford to grant one-half of a strip of land along the line of the canal, since its construction would enhance the value of the other half at least fourfold.

The Indiana grant was passed, and immediately afterward the grant to Illinois was passed, being the same in terms as the Indiana grant, though much smaller in the number of acres included.

Several surveys were made of the proposed Illinois and Michigan Canal, but none were adopted until 1836, when an estimate and detailed plan then made was determined upon. The State of Illinois carried on the work upon this plan until 1841, when work was suspended for want of funds. In 1845 the State effected an arrangement with her canal creditors whereby they advanced additional funds, and the work again went on. The canal was completed in 1848 at a cost to the State of about $6,500,000. This expenditure left the State very largely in debt, but that indebtedness was long since paid, partly from the pro-

ceeds of the sales of canal lands and partly from other revenues of the State.

The canal as thus constructed was 100 miles in length, 60 feet wide in earth, 48 feet wide in rock, and 6 feet deep. Since the construction of the canal the State of Illinois has expended nearly $1,000,000 in improvement of the navigation of the Illinois River by constructing dams and locks at Henry and Copperas Creek. This was made necessary in order to keep up navigation in the Illinois River, and thus make the canal useful in furnishing a water route from Lake Michigan to the Mississippi River at the mouth of the Illinois River.

In addition to these expenditures the State of Illinois has reimbursed the city of Chicago for deepening the canal, which was done by that city at a cost of about $3,000,000. It will thus be seen that the present water route from the lake to the Mississippi River through the Illinois River represents a total outlay on the part of the State of about $10,000,000.

I have always believed that the improvement of this water way is a work of national importance, which should not devolve upon one State alone. In January, 1881, while governor of Illinois, if I may be permitted to quote what I then said upon the subject, in a message to the Legislature I said:

> The demand for the enlargement of the canal and the completion of the Illinois River improvement grows more urgent every year, and it is a matter which by no means interests Illinois alone, but is of equal importance to all the States which border on the Mississippi River, and to all those which depend upon the great valley for their food supplies. While this water way happens to be wholly within the territory of Illinois, its improvement is not a question of local or State interest.
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> * * * The advantage to the nation resulting from connecting the lakes with the Mississippi River, the North and East with the West and South, by a water way through which can pass the bulky products of the Mississippi Valley will be infinitely more than the cost of such improvement.

Again, in 1882, when the Legislature was convened in special session, in calling its attention to this subject, I said:

> I regard this as a most important matter, and one in which the people of the whole country are interested. The time has come, in my judgment, when it is clearly the part of statesmanship to make this canal, now belonging to our State, a great water way, free to the commerce of the people of the nation and adequate to its requirements. It should be made wide and deep enough to contain a volume of water flowing constantly from the lakes to the Mississippi River of sufficient size to fully answer the demands of trade for years to come. In connection with this canal and the improvement of the Illinois River the proposed canal from Hennepin, on the Illinois River, to the Mississippi River, at or near Rock Island, should be constructed of such capacity as will meet the needs of the commerce of the great West. The work is national in character and importance, and should not be done by Illinois alone. While both canals and the river are entirely within the territorial limits of our Commonwealth, yet the benefits to be derived from their construction and improvement would be coextensive with the nation, North, South, East, and West.

In accordance with my recommendation the Legislature passed "an act ceding the Illinois and Michigan Canal to the United States," which act was approved April 28, 1882. Section 1 of that act provides—

> That the Illinois and Michigan Canal, its right of way and all its appurtenances, and all right, title, and interest which the State may now have in any real estate ceded to the State by the United States for canal purposes, be, and are hereby, ceded to the United States, for the purpose of making and maintaining an enlarged canal and water way from Lake Michigan to the Illinois and Mississippi Rivers; and this cession is made upon the condition that the United States shall, within five years from the time this act takes effect, accept this grant, and thereafter maintain the said canal and water way for the purpose aforesaid. In case the United States shall accept this grant, it is upon the express condition that the canal shall be enlarged in such manner as Congress shall determine, and be maintained as a national water way for commercial purposes, to be used by all persons, without discrimination, under such rules and regulations as Congress may prescribe.

This act was submitted to a vote of the people of Illinois at the general election in November, 1882, and was ratified by a very large majority, and its ratification was announced by proclamation of the governor the same month.

In the following November the governor of Illinois forwarded to the President of the United States a certified copy of said law and of the proclamation of the governor announcing the ratification of the act by the voters of the State. The communication from the governor of Illinois, with its accompanying papers, was referred by the President to the Secretary of War, who returned it December 11, 1883, with a report thereon by the Chief of Engineers of the United States Army, in which he submitted estimates of the cost of constructing the Hennepin Canal. In concluding his report the Chief of Engineers said:

> Inasmuch as Congress has made provision for a survey and estimate for enlarging the Illinois and Michigan Canal, and as the State of Illinois has taken steps toward transferring the canal to the United States, and as there appears to be no question as to the benefit which would result to commerce and navigation by the proposed enlargement in case the Hennepin Canal project is adopted, it is recommended that the subject be submitted to Congress, in accordance with the wishes of the governor of Illinois.

On the 9th of January, 1884, President Arthur transmitted all these papers to Congress, commending the subject to its consideration as one of great importance.

Notwithstanding the active competition encountered from numerous railway lines the canal has for years more than held its own in the amount of traffic transported, as is shown by the following official statement of the number of canal-boats running, of the clearances issued, of the miles run, and of the tons transported on the Illinois and Michigan Canal during the past twenty-six years, from 1860 to 1885, inclusive:

Year.	Clearances issued.	Boats running.	Miles run.	Tons transported.
1860	3,926	201	235,684	357,437
1861	6,399	194	415,599	547,295
1862	7,044	211	474,976	673,590
1863	5,810	240	418,713	619,599
1864	4,527	228	300,340	510,286
1865	3,907	228	360,614	616,140
1866	5,488	230	406,784	746,815
1867	4,183	209	357,623	746,954
1868	4,128	218	345,169	737,827
1869	4,524	219	385,050	871,738
1870	2,903	179	242,650	585,870
1871	3,523	186	278,948	629,975
1872	*5,018	173	384,320	783,041
1873	*4,743	172	328,174	849,533
1874	*4,296	152	288,075	712,020
1875	*3,554	142	259,878	676,025
1876	*4,049	145	302,024	691,943
1877	*4,008	145	272,788	605,912
1878	*4,299	140	293,335	598,792
1879	*4,458	136	304,191	669,559
1880	*4,536	133	320,009	751,360
1881	*4,459	133	316,435	826,133
1882	*4,055	132	335,710	1,011,287
1883	*3,789	132	306,618	925,575
1884	*4,204	†134	325,431	956,721
1885	3,990	135	304,664	827,355

*Includes clearances at Henry and Copperas Creek.
†Of this number 27 are steam canal-boats and 8 are tugs.

The State of Illinois offers to grant this canal to the United States, not because it desires to get rid of an unprofitable investment but because it stands ready to do its full share toward providing the connection between the Mississippi and the lakes, which the commerce of the country requires. This canal, including the improvement of the Illinois River, represents an expenditure on the part of the State of about $10,000,000, and the property included in the grant is worth many millions. It has never been the policy of the State to operate this canal as a source of revenue, and yet with the low tolls that have been imposed the receipts from the canal during the past thirty-eight years—1848 to 1885, inclusive—show a balance of $1,614,005 over the expenditures for ordinary and extraordinary repairs, renewals, and operating expenses.

Under the terms of the grant made by the State it must be accepted by the United States before November 22, 1887.

HISTORY OF THE HENNEPIN CANAL MOVEMENT.

The question of constructing some kind of a water way through which vessels of large tonnage might pass back and forth between the Mississippi River and Lake Michigan is not a new one. For many years the subject has been agitated, and many plans have been suggested and discussed. River improvement conventions, State Legislatures, and boards of trade have from time to time urged the importance of such a connection between the country's two greatest systems of internal communication by water, and I do not believe that any public improvement ever received so strong an indorsement as this has.

As far back as 1845 a convention was held in Memphis, Tenn., consisting of five hundred and eighty-three delegates from the States of Pennsylvania, Virginia, the two Carolinas, Florida, Alabama, Louisiana, Texas, Mississippi, Tennessee, Arkansas, Missouri, Kentucky, Illinois, Indiana, Ohio, and the then Territory of Iowa, the object of which was "to confer on measures which should be adopted for the development of the resources of the valley of the Mississippi and adjacent States on the Gulf of Mexico and the Atlantic coast." That convention appointed a committee to memorialize Congress upon the subjects referred to in the resolutions adopted by the convention, among which was this one:

> That the project of connecting the Mississippi River with the lakes of the North by a ship-canal, and thus with the Atlantic Ocean, is a measure worthy of the enlightened consideration of Congress.

The memorialists of that convention, being representatives from South Carolina, Kentucky, Mississippi, Tennessee, and Missouri, urged upon Congress the importance of such an improvement from a military as well as commercial point of view. The memorial of that convention, when presented to Congress, was referred to a select committee of the Senate, of which Hon. John C. Calhoun was chairman. That committee made an exhaustive report thereon, and upon the subject of a ship-canal between the Mississippi River and the great lakes said:

> In reference to that portion of the memorial which relates to the connection of the Mississippi and the lakes by a canal which would admit ships of the largest class navigating either to pass from one to the other, your committee fully concur in all which it states in reference to its importance; but they are of the opinion that Congress has no power under the Constitution to construct such a work.

These facts are referred to as showing that even at that early day the importance of the connection it is now proposed to make between the great river and the great lakes was realized by citizens and states-

men. If it was important then, how much more important now! The vast regions of country in the West and Northwest, then a wilderness, have now become populous States and Territories, producing a large proportion of the food supply of the East as well as of foreign countries. The opinions then prevailing as to the limited power of Congress to make internal improvements have given place to later and more enlightened constructions of the Constitution. Vast sums of money are expended by the Government every year on the improvement of rivers and harbors and in digging canals in the interest of commerce which, under the views prevailing in the days of Calhoun, could not be appropriated without positive outrage to the Constitution.

I am satisfied that, had the views that have of late years prevailed among the wisest of our statesmen concerning the power of Congress to appropriate money for internal improvements prevailed more generally in an earlier day, we would not now be engaged in the consideration of this project, for this canal would long since have become an accomplished fact.

All the conventions held in recent years in the interest of Western water ways have indorsed this project, among which may be mentioned those held at Saint Louis in 1880, at Davenport in 1881, at New Orleans in 1885, and at Saint Paul last September. These conventions were composed of hundreds of delegates representing the States in the Mississippi and Missouri Valleys, North and South.

The Northwestern water ways convention, held in Saint Paul last September, was attended by nearly a thousand delegates from Illinois, Missouri, Kansas, Nebraska, Iowa, Wisconsin, Minnesota, Dakota, and Montana. These delegates represented 744,808 square miles of territory, and not less than thirteen million people. The annual products of the region represented are valued at $3,000,000,000. At that convention the following resolution was adopted:

Resolved, That in the opinion of this convention the enlargement of the Illinois and Michigan Canal, and the extension of the same by the construction of the canal from the Illinois River at Hennepin to the Mississippi River at Rock Island, thereby connecting the great lakes with the Upper Mississippi and giving a continuous line of water transportation from the Mississippi Valley to the Atlantic seaboard, is demanded in the interest of cheap transportation and the now immense and growing commerce of the Northwest, and we call upon our Senators and Representatives in Congress to urge the construction of such canal and the enlargement of the Illinois and Michigan Canal by the General Government.

The Legislatures of New York, Iowa, and Illinois have memorialized Congress in behalf of this improvement. It has been indorsed several times by the National Board of Trade and by the commercial organizations of Chicago, Saint Paul, Minneapolis, Saint Louis, La Crosse, Duluth, Davenport, Muscatine, Rock Island, Buffalo, Syracuse, and New York city. It has been twice recommended by the New York Board of Trade and Transportation, and the New York Produce Exchange made the first exception to its general rule on these questions by unanimously indorsing this canal, saying in substance:

That this was the first time since their organization that they had recommended the General Government to aid or construct internal improvements, or had asked or advised their Representatives in Congress to vote appropriations for any internal improvement of any kind; that this was an exception, and if they were not firmly convinced that it had merit they would not depart from their universal rule.

Among the many petitions and memorials presented to Congress from time to time in favor of this work, none I think are more significant than those which during this session have been coming in from different assemblies of the Knights of Labor all over the country praying Congress to construct the Hennepin Canal. Each of these assemblies represents a separate constituency of men who earn their bread by labor and who form an important part of the Government whose agents we are. These men ask and have a right to ask that Congress shall do whatever it can to lessen the price of the food they consume by reducing as much as possible the cost of its transportation, and they also urge the propriety of constructing this canal at this time when thousands of honest men are unable to obtain employment and are suffering for the necessaries of life.

In the light of the facts cited and the indorsements mentioned I disclaim for these projects any purely local character. The canal it is proposed to build, as well as the one already built and now offered to the United States are, it is true, entirely within the territorial limits of Illinois, but other States are much more directly to be benefited by the improvement than Illinois. The object of the proposed connection between the lakes and the Mississippi is to provide cheaper carriage for heavy freights passing between the East and the West. The freight seeking a water route from the West to the East or from the East to the West must pass through Chicago, and the much higher charges of transportation now prevailing between the West and Chicago than between Chicago and the East give rise to the necessity of and demand for this canal.

Congress has a number of times authorized surveys of routes for this canal to be made by Government engineers at Government expense. In authorizing these surveys Congress could have had no other thought than the possibility if not probability that it would sooner or later authorize the construction of the canal; and such action was certainly an expression of belief in the power of Congress under the Constitution to construct such a canal, and that the commerce of the country would, sooner or later, demand that it should be built. In the Forty-seventh Congress the Committee on Appropriations of the Senate reported an amendment to the river and harbor bill making an appropriation to commence the construction of the Illinois and Mississippi, or Hennepin Canal. This was not adopted by the Senate, but provision was made for a new survey, the results of which have been presented to Congress this session.

WHAT IS PROPOSED.

The river and harbor act of 1882 directed a survey to be made for a canal from a point on the Illinois River at or near Hennepin by the most practicable route to the Mississippi River at or above Rock Island, to be not less that 70 feet wide at the water line and not less than 7 feet in depth of water, and with capacity for vessels at least 280 tons burden. The act also provided for a survey of the Illinois and Michigan Canal, and for estimates of the cost of enlarging it to the dimensions of the proposed Hennepin Canal. These surveys and estimates were made and transmitted by the President to the last Congress at its first session. (Senate Executive Document No. 38.) A supplemental survey has since been made and transmitted to Congress the present session. (House Executive Document No. 117.) Reference is made to these surveys and reports for detailed information as to the route, practicability, and cost of this improvement.

None of the engineers engaged in these surveys raise any question or express any doubts in their reports as to the practicability of constructing the proposed water way, and Maj. W. H. H. Benyuard, of the Engineer Corps, who had charge of the surveys, says:

The surveys demonstrate that a perfectly feasible route exists for a canal from the Illinois River, near Hennepin, to the Mississippi, at or above Rock Island.

The dimensions of the canal as agreed upon by the engineers and on the basis of which the estimates were made provide for a width of 80 feet at the surface and a depth of 7 feet of water, with locks 170 feet long and 30 feet wide, which would give a capacity sufficient at the most unfavorable stage of the main river for the passage of barges of 300 tons, although with deep water such barges could, with the box-top, carry 600 tons.

To make the dimensions of the Illinois and Michigan Canal correspond with the size of the proposed Hennepin Canal would require an enlargement of 20 feet in width, an increased depth of 1 foot, and the adding of 60 feet to the length and of 12 feet to width of the locks, no change in the number or location of the locks being necessary. The estimated cost of this enlargement is $2,298,919.15, which would increase the size of the canal about 25 per cent. The present canal offered to the United States is 96 miles long, and with the Illinois River has extended water communication from Lake Michigan two-thirds of the distance to the Mississippi.

The length of the proposed Hennepin Canal is 74.5 miles by one of the routes surveyed to Rock Island and 77 miles by the other. Six routes in all have been surveyed, which follow different lines at the western end, and the estimated cost of each is as follows:

Rock Island route, via Green River	$6,709,536
Rock Island route, via Penney's Slough and Rock River	6,554,052
Watertown route, via Green River	7,207,646
Watertown route, via Penney's Slough	6,306,552
Marais d'Osier route	5,811,367

The difference in cost between the most northern and the Rock Island route, via Penney's Slough, is $542,685, and between the northern route and the other Rock Island route is $698,169. The difference in cost between the Penney's Slough Watertown route and the two Rock Island routes is very slight. General Newton, the Chief of Engineers, in view of the commercial importance of the cities of Rock Island, Davenport, and Moline, all close together, favors a route having its terminus at Rock Island, and I am of the opinion that if the canal is built it should make that city its western terminus, as is proposed in the amendment reported by the committee.

WHY THIS IMPROVEMENT SHOULD BE MADE.

The States and Territories lying in the vast expanse of the Upper Mississippi and Missouri River Valleys produce more than one-third of the food supplies necessary for the general consumption of the nations and they are as well consumers of the products of other sections of the Union to the extent of the purchasing capacity of our own surplus products. The great markets are reached with more difficulty and at greater expense from this productive region than from any other portion of our country, and hence it is that the thirteen millions of people inhabiting this fertile domain bear a heavier burden in the shape of transportation charges than the remainder of our population because of the long distances and expensive routes over which their products and purchases are necessarily carried to and from the Eastern States and Europe. Whatever improvements can be made that will reduce the cost of carriage will tend to reduce the cost to consumers everywhere of one-third of our entire food supply. Even should the entire saving go only into the pockets of the producers of this great empire and add only to their wealth the General Government would be justified in making liberal expenditures for their benefit. But it must be plain that the millions thus saved would be expended in making purchases of the products of other sections which would reap like profits from the increased demand for their products and the reduced cost of their distribution. Therefore in either point of view it is clear that whatever saving can be effected in

the transportation tax will prove materially advantageous to West and East alike, and will add to the wealth and prosperity of the entire Union.

We are all familiar with the marvelous development and unexcelled resources of this great productive area, which is capable of furnishing the food supplies of the continent. Its productive capacity seems almost unlimited, but in consequence of the recently increased and more successful foreign competition a point has been reached where it is a question whether this vast domain shall continue to prosper unless it can be relieved of some portion of the onerous burden now imposed upon it for transportation. The numerous lines of railway constructed through this Territory have failed to relieve this burden upon the staple products of the people to a sufficient extent to enable them to compete successfully with other countries and other sections of the United States, and they are therefore compelled to look to the development of the water ways with which nature has bountifully supplied them as the only available means of relief. They have 7,000 miles of rivers which are or can be made navigable and 1,000 miles of lake coast, and they ask that these natural highways be improved and connected, not only for their own relief but for the benefit of the whole people; not only to increase the returns from their own labor but their capacity to purchase the fruits of the labor of others; not only to reduce the cost of food in all parts of the Union, but to increase the earnings of the wage-worker and the profits of the manufacturers everywhere by increasing the demand for the products of every industry.

To show what can be done in this direction by improvement of the water ways I need only to call attention to what has been done toward reducing the cost of carriage by water between Chicago and New York. The improvement of the Saint Clair flats by the Government revolutionized grain transportation on the great lakes by making possible the use of steam-vessels capable of carrying cargoes three times as large as those carried before, and of towing at the same time barges carrying as much more. Before these improvements were made the movement of 25,000 bushels of grain by a single vessel was an unusual feat, but since that time a single steamboat with its barges has transported 260,000 bushels on one trip. There can be no doubt that the millions expended by Congress upon the Saint Clair flats, in connection with the abolition of tolls on the Erie Canal, have saved many millions annually to the people and for a time gave the United States control of the grain markets of the world. The immense saving effected by these improvements is indicated by the fact that a permanent reduction of 12 cents a bushel has been made in the cost of transporting grain from Chicago to the Atlantic seaboard. If the old rates should be restored we would not export any cereals at all; and unless the rates from the West and Northwest can be reduced by extending to that region the benefits of water carriage the production and exportation of cereals, which in 1880 comprised almost one-third of the entire exports of the United States, must continue to be limited.

We all know that the water rates between Chicago and New York effectively regulate and control all railroad rates between points to the east of the Mississippi River. This regulation is potential upon five-sixths of the line traversed by the immense traffic passing between the Atlantic coast and the region beyond the Upper Mississippi, but it ceases at Chicago, and it costs more for transportation over the one-sixth of the distance which lies beyond the reach of this regulative influence than it does over the remaining five-sixths. And the farther any of this territory is removed from a water route the more oppressive and burdensome do the charges for transportation become.

This is shown by a few examples cited in the memorial presented to the Committee on Interstate Commerce, in which the following statements will be found:

> Water transit for freights is proved to be the cheapest possible. As an example, coal was carried at an average charge for the season of 1884, from Erie and Buffalo to Chicago, about 1,000 miles, for 64 cents per ton; thence to the Mississippi River, 200 miles, the charge was $2; for the next 100 miles it mounts up to $4 per ton from Chicago; and in Western Iowa and Minnesota it runs upward to a much higher figure.
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> * * * * * * *
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> Take another example. The freight on a bushel of wheat between Northern Iowa and Chicago, some 400 miles, is and has been for the season of 1884, 10.8 to 16.8. From points in Nebraska and Southern Minnesota 16.8 to 21 cents; the highest figure being more than the cost of transporting a bushel of wheat in June, 1884, from Chicago to Liverpool, about 4,500 miles—showing at least 4,000 miles, for the same price, in favor of water transit. So oppressive have been the enormous freight charges for some time past, that wheat was sold west of the Missouri River for 30 cents per bushel, and corn for 12, making its value by the ton less than that of coal, so that producers have actually burned it for fuel. It is therefore plain that if Congress does not want the vast fertile West—the Upper Mississippi Valley—to go back to its primitive desolation they must provide cheaper water transit for its cereal and other products.
>
> The water lines from New York by canal and lake now end at Chicago. With the Hennepin Canal they would be extended to Saint Paul. Instead of the freight on a bushel of wheat between Minnesota and Northern Iowa and Chicago being from 16 to 21 cents per bushel, Major Benyaurd has shown that by river and canal it would be only 6 cents. This would reduce the cost of the bread on every table of the people of the seaboard States from 12 to 20 per cent. for every day in the year. It would also leave millions of money among the people of the Upper Mississippi States. Again, it is asked, is not the Hennepin Canal a most important national work?

This is the situation; and the purpose in constructing the Hennepin Canal is to extend the beneficial influence of the most effective regulation known over a vast expanse of the most productive territory of the United States by connecting the great lakes and the Mississippi by the cheapest and most practicable method that has been suggested. This canal could be and would be used by an immense traffic, but its regulative influence would affect an immensely greater traffic than could or would seek its line. It is estimated that between Saint Paul and Saint Louis 12,000,000 tons of freight annually cross the Mississippi, all of which would be affected by providing water communication between the river and the lakes, and a small saving in the freight charges on these shipments would equal every year the entire cost of this proposed improvement.

The vast empire lying within the Upper Mississippi and Missouri River Valleys, comprising the States of Minnesota, Wisconsin, Iowa, Illinois, Missouri, Kansas, and Nebraska, and the Territories of Dakota and Montana, contains one-fourth of the area of the United States, not including Alaska, and has a population of at least 13,000,000, or nearly one-fourth that of the United States. The wonderful productive capacity of this territory is indicated by the following statement, compiled by Col. P. B. Walker, of the Minnesota River Commission, showing the extent of its productions last year, in spite of the heavy charges for transportation with which it is burdened and the low prices prevailing:

Articles.	Quantity.	Value.
Wheat.....bushels...	339,551,000	$310,000,000
Corn.....do.....	1,049,374,000	524,687,000
Oats.....do.....	349,432,000	87,358,000
Barley.....do.....	19,437,974	12,524,663
Rye.....do.....	10,674,865	5,337,432
Buckwheat.....do.....	986,272	493,136
Hay.....tons...	19,099,008	133,693,046
Wool.....pounds...	38,610,721	4,633,286
Horses.....number...	5,895,765	589,576,500
Cattle.....do.....	15,792,042	432,201,969
Hogs.....do.....	26,052,487	208,419,808
Sheep.....do.....	7,024,720	21,074,160
Gold.....	.....	5,100,000
Silver.....	.....	23,370,000
Lumber.....feet...	5,175,000,000	60,000,000
Total.....	.....	2,409,469,000

The natural outlet for a large proportion of these products is through the great lakes to the East, the trend and tendency of this commerce being eastward. The traffic now carried on upon the Upper Mississippi River and its tributaries is much more extensive than is commonly supposed, as persistent efforts are made presumably in the railroad interest to create the impression that the river has virtually gone out of use. Between the mouth of the Chippewa and Saint Louis there are eighty mills on the main river, with an annual day-sawing capacity of 800,000,000 feet of lumber, employing some sixteen thousand men, and representing about $20,000,000 of capital. On the Upper Mississippi and its tributaries, the Saint Croix, Chippewa, Wisconsin, and Black, there are about two hundred mills engaged in the manufacture of lumber, the greater part of their product being floated into the Mississippi.

The statement of the traffic that has passed through the Des Moines Rapids Canal since it was opened in 1877 to June 30, 1884, shows that it included 6,059 steamboats and 3,323 barges, 59,079 passengers, 368,572 tons of merchandise, 8,263,189 bushels of grain, 219,697,812 feet of lumber, 47,175,134 feet of logs, 82,838,561 lath, and 95,604,150 shingles.

In 1883 the number of steamboats, barges, and rafts passing the bridges over the Mississippi at the points named was as follows:

Bridge at—	Steamboats.	Barges.	Rafts.
Winona	4,893	828	1,352
La Crosse	4,316	509	1,663
Dubuque	3,585	867	1,422
Sabula	2,454	594	2,083
Clinton	3,006	592	499
Rock Island	2,561	142	972
Burlington	1,943	291	379
Keokuk	1,856	400	287

In the steamboat districts extending from Saint Louis to Sioux City on the Missouri and to Saint Paul on the Mississippi there are employed more than 300 steamboats, with an aggregate tonnage of 65,000, as against 122 in 1860, and the reports show that more than three and a quarter million passengers were carried on those steamboats last year, notwithstanding the popular belief that, so far as passenger travel is concerned, the great river has gone into what the Executive would call a state of "innocuous desuetude."

These figures, though incomplete, suggest almost unlimited possibilities in the way of cheap water carriage throughout the Northwest when its natural highways have been properly improved and their free navigation secured. Let us now glance at the commerce of the great lakes

which the Hennepin Canal would connect with this traffic on the Mississippi and its tributaries. In 1885 nearly 31,000,000 tons of freight passed through the Sault Sainte Marie Canal during the short season of navigation. Although the number of miles of railway leading into Chicago from the West is 23,401 by main lines and 47,931 including branches, the trade of that city is by no means confined to shipments by rail. The reports of the Treasury Department show that during the year ending June 30, 1885, the number of vessels, foreign and coastwise, that arrived and cleared from the principal ports of the United States and from Chicago was as follows:

	Arrived.	Cleared.	Total.
New York	7,789	8,470	16,259
Boston	3,190	3,230	6,420
Baltimore	2,241	2,480	4,720
Philadelphia	1,991	2,295	4,286
San Francisco	1,035	1,268	2,303
New Orleans	1,034	998	2,032
Portland and Falmouth	704	711	1,415
Total	17,984	19,452	37,436
Chicago	10,437	10,546	20,983

From this statement it will be seen that the total number of arrivals and clearances at Chicago during the year lacked but 6,453 of being equal to the combined arrivals and clearances at all the other leading parts above named, and lacked but 1,696 of being equal to the total number at New York and Boston, the two ports next highest on the list in this respect. It also appears that the total arrivals and clearances at Chicago were larger in number than those at Baltimore, Boston, New Orleans, Philadelphia, and San Francisco combined, which aggregated 19,762; that they were equal to the combined arrivals and clearances from New York and Baltimore, numbering 20,980; that they exceeded those from New York and Philadelphia, which numbered 20,545; that they exceeded those from New York, New Orleans, and San Francisco combined, which aggregated 20,594; and that they were larger than the total number at New York, Portland, Falmouth, and San Francisco combined, which was 19,977.

Do not these suggestive statistics demonstrate the expediency and importance of connecting the great lakes with the Mississippi by a free water way, thus uniting the vast commerce of the lakes with that of the great river and extending the benefits of each to an immensely enlarged area at a comparatively small cost?

In considering the propriety of making the expenditures required to perfect the system of water ways with which nature has endowed the Northwest Congress may properly take account of the fact that the entire expenditure necessary for this purpose would be far less than the value of the 35,546,207 acres of land which have been donated to railways within these nine States and Territories, and that the Upper Mississippi States contributed to the national Treasury in 1885 on account of internal revenue the sum of $34,228,292.72, as appears from the following statement of the amount of internal-revenue taxes collected from States whose cereal products would be afforded cheap transportation by the construction of this canal:

Illinois	$23,075,864 61
Iowa	2,222,059 15
Kansas	170,202 02
Nebraska	1,971,296 12
Minnesota	492,704 97
Missouri	6,276,165 85
Total	34,228,292 72

This statement shows that a small percentage of the amount annually contributed to the national Treasury by these States would defray the cost of the proposed improvement.

In seeking the cause of the recent depressed condition of our agricultural and manufacturing interests, the decrease in our cereal exports within recent years is a fact which prominently claims attention. In 1880 our cereal exports amounted to 284,000,000 bushels, reducing flour to bushels, and including corn and corn-meal, their estimated value being $288,000,000, and constituted nearly one-third of the entire exports of the United States. In 1883 the amount was reduced to 176,000,000 bushels, and in 1884 to 151,000,000 bushels of an estimated value of $162,000,000, showing a reduction of $126,000,000 in the value of our cereal exports within four years.

To account for this decrease it is only necessary to observe what is being done by other nations which are competing with ours in supplying the markets of the world with bread. The vast expenditures being made by the leading European nations for public improvements designed to secure cheaper transportation are concisely stated in a document published last March by Hon. Horatio Seymour, jr., of New York, who says:

> Experience has taught the nations of Europe the value of cheap transportation, and they have made every effort to improve their water ways.
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> Austria, Germany, Holland, France, and Italy have 18,446 miles of inland navigation. Austria is building a canal between the Danube and the Elbe, 138 miles long at an expense of $29,000,000, and is improving the Danube.
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> Germany is expending $86,000,000 on her water routes and has commenced a canal, with the help of Russia, from the Baltic to the North Sea that will cost $50,000,000. Holland has just completed a ship-canal from Amsterdam to the sea, and France is engaged on four great water routes, for which she has appropriated $200,000,000, which will cost much more than that to finish. Russia has a system of canals connecting the Baltic and the Black Seas, the Volga and the Caspian Seas, and the Baltic and the White Seas. She has just completed a canal 22 feet deep from St. Petersburg to Cronstadt, at a cost of $9,000,000.
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> England has 2,360 miles of canal, and is making preparations to build a canal from Manchester to Liverpool 26 feet deep, which will cost $40,000,000; also one from London to Bristol and another from London to Liverpool. Two ship-canals are proposed in Ireland. England has spent large sums in cutting canals for irrigation and transportation combined in India. She proposes to cut through the Siam Peninsula, a distance of 66 miles, at a cost of $20,000,000. Greece has nearly completed a ship-canal at a cost of $5,500,000.
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> In our country, Canada, whose canal system cost $42,000,000, is spending $1,000,000 to deepen the Welland Canal to 14 feet. Three other canal schemes are proposed by the officials at Ottawa, the most important of which is from Montreal to Lake Huron, by way of the Ottawa and French Rivers.
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> * * * This has been called the "canal age," because of the magnitude and extent of the canal operations all over the world. This revival of the water routes has been brought about by the growing opinion expressed by an eminent engineer that "in any country it is highly important, alike for agricultural and other industries, that there should be a network of canals running somewhat parallel to that of the railroads."
>
> The United States has not kept pace with Europe; there are but 2,500 miles of canal in this country, which is a small amount when we consider the extent of our territory.

It was also stated by Hon. John C. Dore, of Chicago, before the House Committee on Rivers and Harbors in January last, that the mileage of the French canals and rivers completed was 7,069, and of those projected and to be completed 1,813, making a total of 8,882 miles; that the total cost of those completed was $218,000,000, and the estimated cost of those to be completed is $200,000,000 more. And in quoting from the "administration report of the railways in India for 1884'-85," Mr. Dore called attention to the fact that the expenditure for canals alone in India up to the end of the fiscal year 1882-'83 had been $103,800,000; "as much within about $2,000,000 have they spent there on canals for transport and irrigation as this entire country has expended on all its internal improvements from the foundation of the Government until now." He also showed from the official reports that the government from 1859 to 1883 had expended $156,800,000 in that country in subsidizing railroads in the interest of cheap transportation, and that the loss to the government on these railroad investments during these twenty-four years had been $124,750,000.

The enterprise and liberality of these nations in making public improvements in the interest of cheaper transportation is in striking contrast with the policy pursued by this Government, especially when we consider the heavy burdens of taxation under which those nations labor on account of standing armies, navies, public debts, &c. Think of France maintaining her army and navy at an annual expense greater than the entire amount this Government has expended on account of public improvements since its foundation!

There are no other expenditures, Mr. President, that are as profitable to the whole people as those made for public works. Whatever of the public revenue is devoted to the construction and improvement of great highways of commerce, to opening up harbors on the ocean or the lakes, to removing obstructions from the channel of rivers, or to aiding in the building of railroads where water routes can not be constructed, yields a larger return to the whole people than any other expenditures that are made by the Government. And the benefits are not temporary, but lasting; they come back to producer and consumer alike in a reduced transportation tax. What is there to show at the end of each fiscal year for the millions annually expended in maintaining the various departments of the Government? These expenditures are necessary and proper, but they are simply the living expenses of the Government. On the other hand, the money put into public improvements by which commerce is encouraged and promoted is a permanent investment and becomes a constant and continuing source of wealth to the country, bringing back returns to the pockets of the people year after year and adding to the prosperity of all.

I know, sir, that it has of late years become the fashion in some quarters to fiercely denounce appropriations of this character as immense jobs, as part of a "grab game," in which each Representative and Senator is interested only for the purpose of securing votes by obtaining for his district or State more than its share of what is called the "swag," and it is freely alleged that such appropriations are divided up more with reference to these personal interests than to the propriety or necessity of the expenditures made. It is far easier for these critics to make such charges than to investigate the facts, and they are not made by those who are most familiar with the wants and needs of the country. But Congress can not justify itself in declining to provide for public improvements demanded by the necessities of commerce from fear of an unfounded public outcry of this character any more than it can in making expenditures which are not shown to be necessary and advantageous. And the history of our country will show that Congress is just as apt to err in the direction of a mistaken economy with reference to needed and important public improvements as in the direction of unwise or extravagant expenditures.

The doctrine of internal improvements has had the sanction and approval of some of our ablest statesmen, as was conclusively shown by the distinguished Senator from Massachusetts [Mr. HOAR] in his remarks in this body on July 1, 1884, upon the relation of national government to domestic commerce. The Senator at that time called atten-

tion to the first report of Albert Gallatin, then Secretary of the Treasury, upon the subject of internal improvements, made to the Senate April 4, 1808, in which a comprehensive and costly system of internal improvements was advocated as the best and surest means of increasing the national wealth and prosperity, and in which it was urged that good roads and canals were the chief strengtheners of the Union. After showing that Mr. Gallatin proposed for these purposes an expenditure of $20,000,000, the Senator from Massachusetts said:

> It will be seen, therefore, that he proposes an expenditure for internal improvements alone, not reckoning any sum devoted to harbors either on the ocean or the lakes, equal to 14 per cent. of the entire national income, and equal to about 25 per cent. of the sum expended by the nation for all other purposes, exclusive of the public debt. * * * If we were to expend the same proportion of our revenue on this object to-day as was proposed by Gallatin in 1808, we should have devoted fifty-six and a half millions in 1882 to internal improvements alone.

As a nation we are growing in population and business and wealth. The settlements of our population extend from ocean to ocean and from the lakes to the Gulf. Commerce is increasing yearly in volume and value. Railroads and civilization are pushing out in every direction, and the world is looking toward America as the nation of progress. Shall we as legislators, looking over the field of duty, sit here and say that we would like to remove all obstacles in the way of the natural movement of commerce; that we would like to cheapen transportation, so that farmers in the West and Northwest may be able to ship their products to a paying market; that we would like to provide a means by which our people might successfully compete in foreign markets, and thus profitably dispose of our surplus corn and wheat and beef and pork and butter and cheese and manufactures; but the Constitution does not in express terms authorize such legislation, and therefore we can not support the proposed measure of relief?

Mr. President, in my judgment we have the power to build this canal, this water way, and I trust we shall use the power for the public good. Can any man doubt that such a free water route as is proposed from the Mississippi to Lake Michigan would be a great public benefit? The nations to-day are engaged in a peaceful struggle for commercial supremacy on the seas, and for the trade of the world. Production seems to be in excess of consumption. The cry is hard times here and elsewhere in other lands. Men are idle for want of work and families are hungry for want of bread. What shall be done? It is our duty to consider the situation of affairs and do what we can to improve it. Shall we as a nation drop back and say to other nations engaged with us in the struggle for trade that we are out of the race? Shall we let the products of the American farmer and manufacturer rot and rust in the field and shop?

We can not afford to occupy such a position. The Constitution is not in the way, and our duty is clearly pointed out. It is to go forward and to do all that lies within our power to aid in developing the means of carrying on the trade and business of the people on the land and on the sea, so that we may be able at all times to find profitable markets for the surplus of our productions either at home or abroad.

Mr. President, a nation can not stand still. It is bound to go forward or to fall back. If we undertake to stand still and say we are doing well enough, let well enough alone, we make a serious mistake. While we are neglecting our opportunities other nations, full of ambition and enterprise, their statesmen looking carefully to the future and reaching out in every direction to promote the interests of their nations, will secure advantages which millions of money and generations of time may not suffice to overcome. It is our duty to adopt a policy which will open up new avenues of trade, cheapen the means of transportation, and enable our people to get out of the rut which results in overproduction. Business needs stimulation so that the people may feel that they can consume more. The South American trade should be secured to this country; the trade of Mexico should be secured to give additional markets for our wares. Our policy has too long been penny wise and pound foolish, and even to-day men are opposed to the proposed canal between the Mississippi and the lakes, our two great systems of internal water communication, though it is evident that this connection would give the Western farmer a better price for the products of his farm and would cheapen the food of the Eastern consumer.

Mr. President, too much has already been said on the floors of Congress and by the press of the country, by Legislatures and by conventions, by men of business, not politicians (who are generally charged with talking for votes if they say a word in behalf of the people), by men who know better than we do here what is needed, showing the merits of this proposed canal, to justify me in talking much longer in favor of the measure. The necessities of commerce demand this canal, and we should not hesitate to meet the demand by making an appropriation for the work.

What a grand country we have! Our coast line bounded by the two great oceans, the chain of lakes and the Gulf nearly surrounding us with water; with the mighty Father of Waters sweeping from north to south through the center of the continent, and bounded on both sides by the fertile lands of the Mississippi Valley, the most productive soil known to mortal man, stretching far and wide on each side. Mr. President, the system mapped out by nature in this country has left little for man to do to add to the opportunities for happiness and prosperity. It is an old saying that man made the city but God made the country. And, sir, in looking over this country and considering how it is laid out, with its variety of soil and climate and productions, with its lakes and rivers, I can but feel that it is the greatest country on earth as an abode for civilized man. A little work on the coast and the margins of the rivers and lakes, a few short canals, and the people of this country in every part are in position to take advantage of whatever may occur abroad to make a demand for their products, and are also assured of cheap transportation at home.

The United States has a great variety of climate, soil, and production, and the people therefore have diversity of labor and interests. The East has its manufactures of every kind, the South is rich in cotton, tobacco, and sugar, the Northern and Middle States in wheat and corn and hay and oats and stock, the West in minerals and stock and fruits and wine; in short, every section possesses the elements of wealth in productions peculiar to itself, some of which can not be profitably produced in any other section.

Our advanced civilization and tastes demand the productions of all sections to satisfy our needs and desires. Hence exchange is the business of millions of our people, every section sending its products to every other, and this makes up what is called the internal commerce of the country. This is the index to the life and prosperity and growth of the nation, and should be stimulated by every proper effort on our part.

Mr. President, there is another important view of this subject. To-day we are defenseless on our lake borders. We have, I believe, one little vessel retained upon the lakes as a warning to foreign nations that they must not encroach upon our rights. We have no protection for our cities upon the lakes, and very little anywhere upon our seacoast or upon the Gulf. Should not Congress provide for any needed defense? We have a Government arsenal at Rock Island, where every preparation is made for the manufacture of guns. Should not this arsenal be used in the construction of guns and of gunboats as well, to be used on the lakes or Gulf as necessity may require? And the construction of the Hennepin Canal, if of sufficient size, would enable such vessels, fully armed and equipped, to pass down the Mississippi to the Gulf coast, or through the canal to the lakes, and would make such means of defense always available to answer the calls of the nation wherever needed.

Mr. President, I despise the policy which controls this Government now and has controlled it in the past, and which has resulted in our almost helpless condition in so far as preparation for defense is concerned. We here in Congress do not agree upon the exact thing to do, and therefore do nothing. We drift along with no coast defenses, no flag upon the seas, no preparation to meet emergencies of war on land, or lake, or sea, that may at any time arise, with no assertion of a positive national foreign policy, and with an apparent sense of self-security that can only be likened to a strong man asleep unconscious of impending danger.

"In times of peace prepare for war." Let us construct these canals in the interest of national defense as well as of national prosperity. All these considerations call upon Congress to enter upon the work. Other nations are alert on the question of adopting every means for securing to the people cheap transportation. Germany, France, and England, all older in dealing with the subject of transportation than our country, have given attention to the construction of railroads and to the best method of regulating them, and are also giving attention to the importance of canals and are doing much in aid of their construction. Let us not close our eyes to the importance of such means of improvement.

Mr. WILSON, of Iowa. I desire to offer an amendment to this proposed amendment of the committee, in line 1146, to insert, after the word "at," the words "or above." That I propose to follow by another amendment, striking out in the same line and in the succeeding line the words "or between it and the city of Rock Island." I propose this amendment in order to make this paragraph consistent. It provides in a subsequent portion, as follows:

> Said canal shall be known as the Illinois and Mississippi River Canal, and shall be constructed on such route as may be determined by the Secretary of War.

From this it would seem that it was the purpose of the committee to allow the Secretary of War a discretion to select one or the other of the routes that have been surveyed, or proposed, or talked about for the construction of this canal; but it will be observed that if we allow the text of this amendment as reported by the committee to stand it in effect confines the Secretary of War to the selection of one route; and in order to leave that discretion free in its action I move the amendments which I have suggested.

Mr. CULLOM. If I understand the amendment to be what the Senator from Iowa suggested to me a while ago, I believe we will consent to its adoption. Let it be read.

The PRESIDING OFFICER (Mr. SEWELL in the chair). The amendment will be stated.

The SECRETARY. In line 1146, after the word "at," it is proposed to insert "or above;" and after the word "river," in the same line,

to strike out the words "or between it and the city of Rock Island;" so as to read:

For the construction of a canal from the Illinois River at or near the town of Hennepin, in the State of Illinois, to the Mississippi River, at or above the mouth of Rock River, in said State, together with such feeders and other works that may be necessary to supply said canal with water, $300,000.

Mr. CULLOM. We will consent to that amendment.

The amendment to the amendment was agreed to.

EXECUTIVE SESSIONS WITH OPEN DOORS.

Mr. RIDDLEBERGER. I presume, sir, that while this bill is under consideration I must ask unanimous consent to offer the following resolution:

Whereas it is generally understood that to-morrow, July 9, shall be devoted to the consideration of "objected executive nominations:" Therefore,

Be it resolved, That the doors of the Senate shall not be closed during the time that executive nominations are pending, discussed, or voted upon.

I expect there will be an objection to it, but it will be in order to-morrow.

The PRESIDING OFFICER. Does the Senator from Virginia ask for the immediate consideration of this resolution?

Mr. GORMAN, Mr. FRYE, and others. Let it go over.

The PRESIDING OFFICER. The resolution will go over and be printed.

Mr. RIDDLEBERGER. I should like to know who objected to the consideration of the resolution?

Mr. FRYE. I objected, for one.

Mr. RIDDLEBERGER. That is enough.

REPORTS OF COMMITTEES.

Mr. JONES, of Nevada. I report back from the Committee to Audit and Control the Contingent Expenses of the Senate the petition of Joseph Neumann, of California, praying that means be provided to enanable him to cause to have made a show-case for the preservation of the first flag made of American silk, presented by him to, and accepted by, Congress and deposited in the Smithsonian Institution, together with the full history of its creation; and also a resolution submitted by the Senator from Oregon [Mr. DOLPH] on the same subject, with the statement that the committee think that this appropriation can not come out of the contingent fund of the Senate, and they wish that the resolution, with the accompanying papers, be referred to the Committee on Appropriations.

The PRESIDING OFFICER. That order will be made.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 2126) for the relief of L. B. Townsend, Louis S. Lovell, W. C. Page, Alonzo Sessions, Hampton Rich, Harvey Harter, Benjamin Harter, and Peter Hackett, reported it without amendment, and submitted a report thereon.

Mr. FRYE, from the Committee on Rules, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

BILLS INTRODUCED.

Mr. MITCHELL, of Oregon, introduced a bill (S. 2822) providing for the purchase of a site and the construction of a wharf in Astoria, Oreg., for the use of the Light-House Department; which was read twice by its title, and referred to the Committee on Commerce.

Mr. JONES, of Nevada, introduced a bill (S. 2823) for the relief of Anna M. Marshall; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GORMAN introduced a bill (S. 2824) for the relief of the heirs of J. W. J. Moore, of Leonardtown, Md., deceased; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the bill (S. 372) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto; which was ordered to lie on the table and be printed.

Mr. PAYNE submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was ordered to be printed.

Mr. TELLER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands.

Mr. EVARTS and Mr. GEORGE submitted amendments intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. DOLPH, it was

Ordered, That Dr. E. H. Bryan be permitted to withdraw his papers from the files of the Senate.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Commerce inserting the clauses from line 1134 to line 1174, inclusive, as amended.

Mr. VEST. Mr. President——

Mr. GORMAN. I ask the Senator to yield to me for a moment. The Senate is aware of what is to transpire this afternoon. I move that the Senate now proceed to the consideration of executive business.

Mr. FRYE. I hope the chairman of the committee will go on with this bill.

Mr. MCMILLAN. As I understand, we are considering the bill.

Mr. GORMAN. I withdraw my motion.

The PRESIDING OFFICER. The Senator from Missouri [Mr. VEST] is entitled to the floor.

Mr. VEST. Mr. President——

Mr. MCMILLAN. If the Senator from Missouri will yield to me a moment, I should like to make a correction in the report of the proceedings of yesterday which appears in the RECORD of to-day. The Senator from Wisconsin [Mr. SPOONER] yesterday, when the discussion of the appropriation for the Sturgeon Bay canal was under consideration, is reported to have made these remarks, and I remember the remarks myself:

Mr. SPOONER. Mr. President, I will ask the attention of the Senate upon this item of the bill for only a few moments. Until yesterday I had given no thought whatever to this proposition, for I had not known until I read the bill that it had been considered even by the committee.

In some brief remarks which I addressed to the Senate subsequently I am reported as having said:

Mr. MCMILLAN. This amendment was inserted by the Committee on Commerce on the representation of the Senators from Wisconsin as to the importance and necessity of this great public improvement, representing the interests of the people of the State of Wisconsin, not representing any company or any private interests.

I used the word "Senator" instead of "Senators" as reported. The word in the plural as used here would include both the Senators from Wisconsin. My allusion was to the senior Senator from Wisconsin [Mr. SAWYER], who introduced the amendment which was adopted by the committee, and inserted in the bill. I merely make the correction so that the remarks of the Senator from Wisconsin [Mr. SPOONER] may appear to have been correct in accordance with my own.

Mr. VEST. Mr. President, I do not propose under the circumstances to discuss at all the constitutional aspects of this question. I have had occasion before, more than once, to state my views in regard to the unconstitutionality of the proposed construction of this canal. I do not believe that Congress has the right to construct a canal inside of a State. I do not believe that the power is given to it by the Constitution, and I think that is the settled and established doctrine of the Democratic party, and has been since its foundations. If we can go into a State and construct a canal, either in connection with rivers or without any connection with them, then the line of demarkation between the national improvement and the local improvement is absolutely obliterated, and that is the end of that question. But I do not propose now, under the circumstances, to discuss that proposition.

Here is an appropriation of $300,000 in a river and harbor bill to construct a canal which will cost in the neighborhood of $7,000,000. That is the estimate of the engineers; and it is to be a canal of such dimensions, of such lift-locks that engineers of ability have doubted, not that such a canal could be constructed, but that anything like $7,000,000 ever would defray the expenses of the construction.

If the advantages and benefits to be derived from the construction of this canal are so immense and undoubted as the Senator from Illinois [Mr. CULLOM] has depicted them to be, why is not this measure brought here fairly and squarely in a separate bill, as was the improvement of the mouth of the Mississippi River, as have been all the great works of improvement in this country? Why is $300,000 injected into a river and harbor bill for an immense work of this sort? It is to commit the Government of the United States to the construction of this work. It is the entering-wedge, the simple forerunner of the expenditure of $6,694,000, I believe, as stated in the estimate of the engineers.

There are three routes proposed for this canal: the Marais d'Osier route, which is 64 miles in length; the Watertown route, which is 65 miles in length; and the Rock Island route, which has been selected by the engineers, which is 75 miles in length, and the estimated cost of the construction of the canal and feeder, including right of way, is $6,672,890.67. The estimated cost of maintenance and ordinary repairs, annually, is $94,820, and the dredges $36,000. One feeder is 37 miles in length, costing $1,664,117.52; but the right of way and the cost of the feeder included under the estimate, exclusive of the maintenance and ordinary repairs and dredging, is $6,672,890.67.

I submit that a work of such enormous magnitude and expense, no matter what may be its advantages or the arguments which can be made in behalf of it, should not be injected in a river and harbor bill under

a paltry appropriation of $300,000; and I want the Senate to understand that in voting for this insignificant appropriation of $300,000 they are pledging this Government in the beginning to an estimated expenditure of nearly $7,000,000.

A great deal is said about the disposition of the people of Illinois to give to the people of the entire Union a water way or a canal connecting Lake Michigan with the Mississippi River free of any toll. In the communication of the governor of Illinois, Governor Hamilton, transmitting to the President of the United States the act of the Illinois Legislature ceding to the United States on certain conditions the Illinois and Michigan Canal, we find the following:

By acts of Congress—

Says Governor Hamilton, and I ask the attention of such Senators as desire to know the history of this improvement to the following:

By acts of Congress of the years 1822 and 1827 there was granted to the State of Illinois land for a canal connecting the Illinois River with the southern bend of Lake Michigan, and 90 feet of land on each side thereof; also a quantity of land, equal to one-half of five sections in width, on each side of said canal, from one end thereof to the other, with the proviso, "That the said canal, when completed, shall be and forever remain a public highway for the use of the Government of the United States, free from any toll or other charge whatever for any property of the United States or persons in their service passing through the same;" and that in case of failure to build this canal as required in these acts "the State should pay to the United States the amount of any land previously sold."

The gift and acceptance created a legal obligation on the part of the State to forever keep the canal in repair and open as a public water way for the purposes indicated in the acts of Congress, and this obligation can not be avoided at the will or convenience of the State. That the canal must be kept in operation forever is imperative, unless the State be released from this obligation. Nor does the obligation work a hardship to the State. It has not proven a "bad bargain," but a profitable one. The entire cost of the canal in its construction is, principal and interest, $6,557,681.50. The amount of moneys received by the State from the sale of canal lands given by the United States is $5,886,039.68. This added to the net earnings of the canal, namely, $2,933,691.74, makes an aggregate of lands and lots sold with the net earnings of the canal the sum of $8,819,731.42 realized by the State, which shows a balance of $2,262,049.92 clear profits which were paid into the State treasury, which is more than one-third of its entire cost. Beside this sum of money, the canal itself and many millions worth of real estate, part of said canal lands, yet belong to the State.

The whole northern part of the State has been greatly improved by the construction of the canal; Chicago, Ottawa, and all the cities between them, have been laid out and built upon canal lands; and although the canal was constructed through a wild, uninhabited country, yet to-day it is truthfully said that "the assessed valuation of the four counties through which the canal passes is greater than the fifty counties south of the capital." The above was the debit and credit sides between the State and canal in 1879, and they have not materially changed since, as the appropriations of the General Assembly of 1879 and 1881, in aid of the canal, were never expended, and the canal has been self-sustaining. This statement of the financial condition of the canal shows that the State can well afford to keep it in repair, as by their contract with the United States they are bound to do. * * * There is no doubt, however, that a cession to the United States Government of the canal, and the lands remaining unsold, and an acceptance thereof, would virtually release the State from the aforesaid obligation.

There is the milk in this cocoanut. Illinois has made nearly two and one-half million dollars by this transaction, but desires to be released from the obligation of keeping this canal in repair.

It goes without saying that the days of canals are past; that railways have become the system of transportation for the country. The Chesapeake and Ohio Canal is to-day unable to pay for the repairs caused by the last freshet upon it, because the Baltimore and Ohio Railroad has been built even upon the opposite side of the river. The Lynchburg Canal, upon the banks of the James River in Virginia, has been given up, and grass is growing in it, because a railroad was built down the banks of that river.

Mr. KENNA. The superintendent of the Canada Canal says that that can not be maintained for the same reason.

Mr. VEST. As the Senator from West Virginia says, the superintendent of the Canada Canal says that that can not be maintained on account of the construction of a railroad.

By looking at the map it will be seen that the Chicago, Rock Island and Pacific Railroad runs along the Rock Island route where it is proposed now to construct this canal. The result will be inevitable that this canal can never become even a material factor in competition with a railroad built along the same route.

Yet we are expected to go into this improvement upon this sort of data, after Illinois has reaped these benefits, for her own governor says that Illinois can afford to comply with the contract made with the General Government and keep this canal in repair. Yet in order to escape the obligation to keep it in repair and maintain it he advises that this act of the Legislature should be passed, ceding it to the Government of the United States. This is all of it.

I propose to call for the yeas and nays upon the adoption of the amendment in order that for one I may record my vote against it.

Mr. LOGAN. Mr. President, I do not wish to detain the Senate in discussing this proposition. I have discussed it several times in the Senate, and my colleague has discused it very thoroughly to-day.

But I desire to call the attention of the Senator who has just taken his seat to the proposition he states, that canals are being done away with and that railroads have taken the place of water transportation. I have known that Senator to be very earnest for a great appropriation for the Mississippi River. Railroads run along on either side of that river. So it is in regard to the different rivers of the country, and that argument is not a good one. A canal may be used in the same way. It may be just as efficient and just as important.

The fact that a certain railroad does run along the line of this canal is one of the facts in this case that if admitted to have weight becomes an objection to the passage of any bill for the purpose of opening the canal. That always has been the case. Wherever it is possible to prevent the opening of a water route by a railroad that runs along the line of it, as a matter of course it will be done.

I have always found right here in the Senate Chamber the same argument made, that railroads were taking the place of water transportation. The same argument is made by those who own this very railroad.

I only wish to say that this route is an important link connecting the Illinois and the Mississippi Rivers, which will give us a route to the East. It will give a route from Chicago into the Mississippi River by water; and it would not injure the great city of the Senator's State. I know that we do not have very many friends down there for this canal. It would not affect the city of Saint Louis in the slightest degree. The Illinois River would continue to throw its water down into the Mississippi River just as it does now; and a few bushels of wheat would be taken there, which, as the Senator says, might be placed on railroads. He says the railroads have taken the place of water transportation there. I do not think it would hurt Saint Louis very much.

That is the milk in the cocoanut, Mr. President, and not the fact that the State of Illinois wants to get rid of the expense of maintaining this canal.

I hope the time will come when the people of this country will, wherever it is necessary to have cheap transportation, provide for that thing, whether by canal or otherwise.

The objection which has been made sometimes to this project that the Constitution might be infringed has been discussed fully at different times. If the Government of the United States can build a railroad, the Government of the United States can build a canal. If the Government of the United States can dig out a river that is not navigable to make it navigable, the Government of the United States can dig out a canal.

The time has passed for argument in reference to the power of the Congress of the United States to appropriate money for this purpose, because we have done it so often, not under the name of a canal, but doing precisely the same thing by the use of public or Government money.

The fact that $300,000 is appropriated in this bill is for the purpose of commencing this work. That is true; nobody denies that. If the work ought not to be commenced, then no money ought to be appropriated; but if the work is one that is valuable to this country and ought to be commenced, then the money ought to be appropriated; and why not upon this bill as upon any other bill? I can not see why it should not be provided for upon a bill appropriating money for rivers and harbors as well as upon any other bill or as well as in a separate bill.

I hope that the amendment will be adopted. I shall not detain the Senate any longer. I merely wish to say that this is a work of importance to the whole country, East, West, North, and South, and not unimportant to many of the constituents of the Senator from Missouri who is opposed to it.

Mr. COCKRELL. It is very important that we should have a short executive session; and in a very few minutes the Senate will adjourn anyway in consequence of the death of a member of the House. I therefore move that the Senate proceed to the consideration of executive business.

Mr. McMILLAN. I think we can have a vote on this amendment now.

Mr. FRYE. Let us take a vote on the amendment. It will save two hours' discussion to-morrow if we can get a vote to-night.

Mr. BUTLER. We can not get a vote on it this evening.

Mr. FRYE. If we can get a vote now, it will save a long discussion to-morrow or the next day.

Mr. CULLOM. I hope the Senator from Missouri will withdraw his motion.

Mr. McMILLAN. I will waive any discussion of the matter if a vote can be taken.

Mr. COCKRELL. If a vote can be had immediately I will withdraw the motion.

Mr. BUTLER. I do not think it practicable to get a vote this evening.

Mr. FRYE. The discussion has stopped.

Mr. BUTLER. I am going to vote for the amendment; but possibly I may wish to explain the reasons why I do so. I am not going to make a set speech, but it is now within ten minutes of the time when we have informally agreed to adjourn and we could not get through with a vote by yeas and nays in that time. I hope the motion of the Senator from Missouri will prevail.

Mr. McMILLAN. If the amendment is to be further debated I hope we shall not have an executive session at this time.

Mr. BUTLER. Then let us adjourn.

Mr. McMILLAN. We have spent a great deal of time in the discussion of the bill, and I desire to have it brought to a close. I have been as considerate in regard to the discussion of matters as I could consistently be, and I have yielded to every request.

Mr. HARRIS. Is this question debatable?

Mr. McMILLAN. I hope we shall remain in session as long as we can for the consideration of the bill to-night.

The PRESIDING OFFICER. The discussion is proceeding by unanimous consent.

Mr. HARRIS. I raise the point of order that the question is not debatable.

The PRESIDING OFFICER. The question before the Senate is on the motion to proceed to the consideration of executive business, made by the Senator from Missouri [Mr. COCKRELL].

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant-at-Arms will clear the galleries and close the doors.

Mr. CONGER. Pending that I move that the Senate adjourn.

The PRESIDING OFFICER. The Senate is now in the execution of its order, and the motion can not be entertained.

The Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened.

DEATH OF REPRESENTATIVE COLE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, communicated to the Senate the intelligence of the death of WILLIAM H. COLE, late a member of the House from the State of Maryland, and transmitted the resolutions of the House thereon.

The PRESIDENT *pro tempore*. The resolutions of the House of Representatives will be read.

The Secretary read as follows:

Resolved, That the House has heard with profound regret the announcement of the death of Hon. WILLIAM H. COLE, late a Representative from the State of Maryland.

Resolved by the House of Representatives (the Senate concurring), That a select committee consisting of seven members of the House and three members of the Senate be appointed to take order for superintending the funeral and to escort the remains of the deceased to their place of burial, and the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of these resolutions.

Resolved, That the Clerk communicate the foregoing resolutions to the Senate.

Mr. GORMAN. I submit a series of resolutions and ask for their present consideration.

The PRESIDENT *pro tempore*. The resolutions will be read.

The Secretary read as follows:

Resolved, That the Senate has learned with deep regret the announcement of the death of Hon. WILLIAM H. COLE, late a Representative from the State of Maryland.

Resolved, That the Senate concur in the resolution of the House of Representatives providing for the appointment of a joint committee to take order for superintending the funeral and to escort the remains of the deceased to the place of burial, and that the members of the committee on the part of the Senate be appointed by the President *pro tempore*.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The resolutions were considered by unanimous consent, and agreed to.

Mr. WILSON, of Maryland. As a further mark of respect for the memory of the deceased, I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Friday, July 9, 1886, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate the 8th day of July, 1886.

POSTMASTERS.

John T. Erwin, to be postmaster at Washington, Wilkes County, Georgia, *vice* George Ware, commission expired.

John A. Sample, to be postmaster at Knightstown, Henry County, Indiana, *vice* John E. Keyes, resigned.

Sylvanus S. Wilson, to be postmaster at Colfax, Jasper County, Iowa, the office having become Presidential.

John B. Burbridge, to be postmaster at Attica, Harper County, Kansas, the office having become Presidential.

James B. Goff, to be postmaster at Lincoln, Lincoln County, Kansas, the office having become Presidential.

Patrick H. McKanna, to be postmaster at Stockton, Rooks County, Kansas, the office having become Presidential.

Blucher Rich, to be postmaster at Pratt, Pratt County, Kansas, the office having become Presidential.

Albert A. Upton, to be postmaster at West Gardner, Worcester County, Massachusetts, whose commission expires July 18, 1886.

Thomas McKone, to be postmaster at Chelsea, Washtenaw County, Michigan, *vice* George J. Crowell, commission expired.

Willebald Yehle, to be postmaster at Maryville, Nodaway County, Missouri, *vice* John Ham, resigned.

F. M. Sexton, to be postmaster at Hazlehurst, Copiah County, Mississippi, *vice* J. W. McMaster, removed.

Jeremiah J. Hennessy, to be postmaster at White Sulphur Springs, Meagher County, Territory of Montana, the office having become Presidential.

Thomas O'Shea, to be postmaster at Madison, Madison County, Nebraska, the office having become Presidential.

Charles W. Stewart, to be postmaster at Alma, Harlan County, Nebraska, the office having become Presidential.

William F. Harmon, to be postmaster at Great Falls, Strafford County, New Hampshire, *vice* Nathan Wentworth, removed.

Robert K. Vandiver, to be postmaster at Raton, Colfax County, Territory of New Mexico, *vice* George J. Pace, removed.

James G. Hunt, to be postmaster at Frankfort, Herkimer County, New York, the office having become Presidential.

Suber McCaru, to be postmaster at Clayton, Jefferson County, New York, the office having become Presidential.

Robert Robson, to be postmaster at Dundee, Yates County, New York, *vice* Wesley Benedict, commission expired.

Hugh W. Barrett, to be postmaster at Bryn Mawr, Montgomery County, Pennsylvania, the office having become Presidential.

Cornelius Casey, to be postmaster at Sharpsburg, Allegheny County, Pennsylvania, the office having become Presidential.

Andrew H. Shoemaker, to be postmaster at Decatur, Wise County, Texas, *vice* William W. Barber, removed.

John A. Harris, to be postmaster at Cheney, Spokane County, Territory of Washington, *vice* Ellen S. Doolittle, resigned.

J. J. Mueller, to be postmaster at Ellensburg, Kittitass County, Territory of Washington, the office having become Presidential.

Charles R. Gleason, to be postmaster at Eau Claire, Eau Claire County, Wisconsin, *vice* James M. Brackett, commission expired.

Frank B. Clopton, to be postmaster at Pendleton, Umatilla County, Oregon, *vice* Lot Livermore, whose commission expires July 18, 1886.

INDIAN AGENTS.

Robert L. Upshaw, of Brenham, Tex., to be agent for the Indians of the Tongue River agency in Montana, to fill an original vacancy.

REGISTER OF LAND OFFICE.

Leland Wright, of Missouri, to be register of the land office at Boonville, Mo., *vice* Gustave Reiche, commission expired.

RECEIVER OF PUBLIC MONEYS.

John J. Hoge, of Boonville, Mo., to be receiver of public moneys at Boonville, Mo., *vice* Patrick H. McNulty, commission expired. This nomination is in lieu of that of December 15, 1885.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 3, 1886.

CONSULS.

James Murray, of New York city, N. Y., to be consul of the United States at Saint John, New Brunswick.

William Hill, of Bloomington, Ill., to be consul of the United States at Port Sarnia.

Andrew F. Fay, of Illinois, to be consul of the United States at Stettin.

GENERAL APPRAISER.

George V. Brower, of New York, to be general appraiser of merchandize for the port of New York, in the State of New York.

ASSISTANT APPRAISER.

Daniel J. Moore, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York.

COLLECTORS OF CUSTOMS.

Hadlai A. Hull, of Connecticut, to be collector of customs for the district of Stonington, Conn.

George W. Jackman, of Massachusetts, to be collector of customs for the district of Newburyport, Mass.

Joel Wilson, of Maine, to be collector of customs for the district of York, Me.

Weston Howland, of Massachusetts, to be collector of customs for the district of New Bedford, Mass.

John J. Finch, of Ohio, to be collector of customs for the district of Sandusky, Ohio.

SUPERVISING INSPECTOR OF STEAM-VESSELS.

David R. Asbury, of Missouri, to be supervising inspector of steam-vessels for the fourth district.

UNITED STATES ATTORNEY.

Mottrom D. Ball, of Virginia, to be attorney of the United States for the district of Alaska.

RECEIVERS OF PUBLIC MONEYS.

Patrick O. Malley, of Menasha, Wis., to be receiver of public moneys at Menasha.

Amos J. Harris, of Osborne, Kans., to be receiver of public moneys at Kirwin, Kans.

Edmund T. Pittmann, to be receiver of public moneys at Durango, Colo.

REGISTERS OF LAND OFFICE.

Richard McCloud, of Silverton, Colo., to be register of the land office at Durango, Colo.

W. E. Copeland, of Gold Hill, Nev., to be register of the land office at Carson City, Nev.

POSTMASTERS.

Frederick A. Edwards, to be postmaster at Webster City, Hamilton County, Iowa.

Thomas H. Perrin, to be postmaster at Alton, Madison County, Illinois.

John J. Ankeny, to be postmaster at Minneapolis, Hennepin County, Minnesota.

Nicholas J. Macklin, to be postmaster at Stapleton, Richmond County, New York.

Lewis G. Holmes, to be postmaster at Cobleskill, Schoharie County, New York.

Miner Samons, to be postmaster at Canisteo, Steuben County, New York.

B. F. Mahan, to be postmaster at Anaconda, Deer Lodge County, Territory of Montana.

Consider A. Stacy, to be postmaster at Tecumseh, Lenawee County, Michigan.

George L. Sleeper, to be postmaster at Natick, Middlesex County, Massachusetts.

Jacob Wesner, to be postmaster at Hicksville, Defiance County, Ohio.

Reuben Stahley, to be postmaster at Crestline, Crawford County, Ohio.

Cornelius A. Gallagher, to be postmaster at Cheboygan, Cheboygan County, Michigan.

George D. Stanton, to be postmaster at Stonington, New London County, Connecticut.

Louis P. Trempe, to be postmaster at Sault Ste. Marie, Chippewa County, Michigan.

William Gilman, to be postmaster at Chamberlain, Brulé County, Territory of Dakota.

Francis G. Boswell, to be postmaster at Phelps, N. Y.

J. J. Shannon, to be postmaster at Meridian, in the county of Lauderdale and State of Mississippi.

John W. Davis, to be postmaster at New Richmond, Clermont County, Ohio.

T. B. Douthit, to be postmaster at Salem, in the county of Forsyth and State of North Carolina.

Joshua Ernest, to be postmaster at Sullivan, in the county of Sullivan and State of Indiana.

Oscar F. Blakely, to be postmaster at Darlington, in the county of La Fayette and State of Wisconsin.

R. A. Perkins to be postmaster at Canton, Fulton County, Illinois.

The last-named confirmation was accompanied by the following report from the Committee on Post-Offices and Post-Roads; which was ordered by the Senate to be printed in the RECORD:

The Committee on Post-Offices and Post-Roads, to whom was referred the nomination of R. A. Perkins to be postmaster at Canton, Ill., *vice* C. E. Snively, whose removal is proposed, respectfully submit the following report:

The papers furnished the Committee by the Post-Office Department indicate that the removal of C. E. Snively is proposed in consequence of certain charges affecting his official conduct preferred against him. Some of them were trivial complaints, of which the Department does not appear to have taken notice, and therefore need not now be considered.

It appears from the papers that Hon. N. E. WORTHINGTON, the Representative from the Canton district, filed in the Department two or three letters addressed to him making these charges, and that two affidavits were forwarded by R. A. Perkins, the nominee, who asked for an investigation of the charges and of the management of the office. Whereupon Inspector L. A. Kirkwood was sent to Canton to make an investigation, being furnished with a list of witnesses by Mr. WORTHINGTON. The inspector found the accounts of the office in good shape. In his report he gives the statements of those making the original charges, but presents little or no additional evidence, and expresses the opinion that the charges are true, and that Snively "is hardly the proper person to hold the responsible position of postmaster."

The files of the Department disclose the fact that Postmaster Snively wrote to the chief inspector at Chicago expressing his dissatisfaction, for good reasons, with Inspector Kirkwood's method of conducting this investigation, and asking, in justice to himself, that a full and fair investigation be made by the chief inspector himself or by other competent persons. This request was not granted, but his removal was promptly proposed, and he has therefore been compelled to submit his defense to the Senate, and has filed fourteen affidavits with the committee.

The charges upon which this removal appears to have been proposed were as follows:

1. That Postmaster Snively improperly opened a letter addressed to the Department and containing bids for carrying the mail, with the alleged purpose of ascertaining the contents for the benefit of a rival bidder.

2. That Postmaster Snively locked his assistant, Miss Ida Naylor, in the post-office one evening after office hours, and compelled her to disclose the contents of a letter received by her that day from Representative WORTHINGTON.

The first charge rests solely upon the affidavit of Thomas Cooper and James McMahon, who made one of the bids contained in the envelope, and the statement of William H. Hemenover, who made the other, they charging that Snively opened the envelope, as they believe, to ascertain the amount of their bids and communicated the same to a competitor who was his "political crony."

It appears from the evidence that Hemenover's son, who was a mail messenger and had the run of the office, improperly placed the bids in question in an official penalty envelope which no one but the postmaster had a right to use and laid it upon the latter's desk during his absence; that when Snively returned he picked up the envelope to take out the bids and put them with others he had received and his report, as required by his instructions; that finding the envelope sealed, and supposing it had been sealed by his clerk, who did not know about the other bids, he opened it and found the bids were not in the blanks supplied by the Department, and were folded together instead of being in separate sealed envelopes, as required; that he went directly to the parties and explained the matter, and asked them to put in new bids in proper shape.

Thus far there is no dispute as to the facts. Cooper and Hemenover allege that they declined to put in new bids when requested, while Snively swears that they did so at once and that he forwarded them to the Department, and refers to the records of the Department to sustain his statement. Snively shows that he had no reason to suppose that any one but his clerk had sealed the envelope, and that as soon as he learned otherwise he communicated the facts to the parties, who seemed to be satisfied and made no complaints for several weeks afterward. He also meets the charge that he communicated the contents of the bids to others by submitting an affidavit by the successful bidder, M. Higbie, who denies that Snively or any other person directly or indirectly communicated to him the contents of the bids.

The committee find that this charge, so far as it imputes any improper act or motive on the part of Mr. Snively, is not sustained, and that he acted in an honorable manner throughout the transaction.

The second charge was made by Miss Naylor's father, Amos Naylor, whom Inspector Kirkwood reports not to be a man of good reputation. The testimony shows that the postmaster had an interview with Miss Naylor on the evening in question, the only other person present being W. H. Shaw, a friend of Snively's. The door of the office was locked, because it has a spring lock, and was always kept locked. The only controversy is as to whether Snively attempted to compel Miss Naylor to disclose the contents of a private letter as charged.

When the matter began to be talked about Miss Naylor gave Snively a statement denying the charge in the most positive terms. Inspector Kirkwood secured a statement from her to the effect that Snively asked her if she was "doing any undermining work," but not saying that he said anything about Mr WORTHINGTON'S letter as charged.

On the other hand Mr. Snively swears that Miss Naylor was not detained against her wishes or treated otherwise than with due courtesy, and was not questioned about the letter; that she began to talk about it and he refused to hear about it; and that the interview related solely to certain matters which involved her honesty and integrity as an employé.

Col. A. B. Smith makes affidavit that he was consulted by Snively concerning the matters referred to, and that the interview was had by his advice as a friend of both parties, and that it related solely to Miss Naylor's integrity in the discharge of her official duties. Also, that she wrote the statement given to Snively, denying the charges publicly made, at Smith's suggestion and voluntarily. This statement is corroborated in an affidavit by W. H. Shaw, who was present at the interview.

The committee find that the second charge as made is untrue, and that it is without other foundation than the fact that the postmaster had an interview with his assistant on the evening in question in relation to other matters than those mentioned in the charge.

From all the testimony in the case the committee is satisfied that the charges against Snively are untrue and malicious, and were made solely for the purpose of securing his removal; but as he does not seek to retain the office, and desires only to be protected against the injurious effects of these unjust charges, we believe that justice to him demands the adoption of this report by the Senate and the removal therefrom of the injunction of secrecy.

If that be done, we recommend that the nomination of R. A. Perkins be confirmed, no objection having been made thereto.

The following report of the Committee on Post-Offices and Post-Roads on the nomination of Henry W. Clendenin to be postmaster at Springfield, Sangamon County, Illinois, confirmed by the Senate on the 21st of June last, was ordered to be printed in the RECORD:

The Committee on Post-Offices and Post-Roads, to whom was referred the nomination of Henry W. Clendenin to be postmaster at Springfield, Ill., *vice* Paul Selby, resigned, respectfully report:

That on the 8th of March last the same nomination was made to the Senate and the removal of Paul Selby proposed; that the committee investigated the grounds upon which Selby's removal was then proposed, and found that, so far as appeared from the files of the Department relating to the case, there were no reasons for the proposed removal other than those of political nature, based solely on the fact that Selby had been the editor of a Republican paper and that as such editor he was an "offensive partisan" within the meaning of the Vilas circular.

The papers furnished to the committee from the files of the Department show that Mr. Clendenin was recommended for appointment as a staunch Democrat and because of his services as editor of one of the leading Democratic papers of Illinois, and as a member of the Democratic State central committee.

No objections to his confirmation have been received by the committee, and we report the nomination back with the recommendation that it be confirmed

REJECTION.

Executive nomination rejected by the Senate July 3, 1886.

POSTMASTER.

Harry Hall, nominated as postmaster at Catskill, Greene County, New York.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July* 8, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, as follows:

Almighty and everlasting God, we humbly beseech Thee to sanctify to our spiritual profit the bereavement which has befallen this House in the death of one of its members this day. In this solemn hush and pause, as we stand by the coffin side in our thought, may wise and pure and holy feelings possess every breast, and may the members of this House form just estimates of the value of life and the solemn issues thereof; and may all feelings which unbefit be banished from our minds and hearts.

Grant that Thy pity and tenderness may be extended to the members of the stricken household, and may that comfort which alone comes through Jesus Christ and His gospel console and uphold them in their affliction. All of which we ask in the name of Jesus Christ our Lord and Saviour. Amen.

The Journal of the proceedings of yesterday was read.

Mr. O'HARA. Mr. Speaker, I ask to have a correction made. I find that the name of Mr. SMALLS was called yesterday and no excuse for

his absence was offered. It is proper to state that he has indefinite leave of absence of the House, on account of sickness; and I would like this statement to appear.

The SPEAKER. The statement will appear in the RECORD.

The Journal was then approved.

ANNOUNCEMENT OF A PAIR.

Mr. SWINBURNE. Mr. Speaker, I wish to make a brief personal explanation, which I think is due to myself in connection with the vote on the proposition to inaugurate the statue of Liberty Enlightening the World in New York Harbor.

On the 25th day of June I made a pair with the gentleman from Tennessee [Mr. GLASS], which extended for some time after the vote on this proposition was taken. I find that my name was not recorded as having been paired with him on that question; and I would like to have the statement made so as to show the reason for my not voting. In this connection I ask to have read a letter from Mr. GLASS, which will explain this matter fully.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES, *Washington, D. C., July 7, 1886.*

DEAR SIR: I have learned that some of the New York press have censured you for not having voted on the proposition to incorporate in the sundry civil appropriation bill an appropriation for the statue of Liberty Enlightening the World. It affords me pleasure to say that you were paired with me at the time the vote was taken, and that I would have voted against it if I had been present.

I am, very truly,

P. T. GLASS.

Hon. JOHN SWINBURNE.

DEATH OF HON. WILLIAM H. COLE.

Mr. COMPTON. Mr. Speaker, it becomes my painful duty to announce to the House the death of my late colleague, Dr. WILLIAM H. COLE, of Maryland, who died this morning at his lodgings in this city at half past 7 o'clock. At some future time I shall ask the House to pay proper tribute to the memory of the deceased; and now offer for immediate adoption the resolutions I send to the desk.

The Clerk read as follows:

Resolved, That the House has heard with profound regret the announcement of the death of Hon. WILLIAM H. COLE, late a Representative from the State of Maryland.

Resolved by the House of Representatives (the Senate concurring), That a select joint committee, consisting of seven members of the House and three members of the Senate, be appointed to take order for superintending the funeral and to escort the remains of the deceased to their place of burial, and the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of this resolution.

Resolved, That the Clerk communicate the foregoing resolutions to the Senate.

Resolved, As a further mark of respect to the memory of the deceased that the House do now adjourn.

The resolutions were agreed to.

The SPEAKER. Before the announcement of the result of the vote on the last resolution the Chair will state that during the day he will name the select committee and communicate the list to the friends of the deceased member.

The announcement of the vote was then made; and the House accordingly (at 11 o'clock and 10 minutes a. m.) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By the SPEAKER: Petition of Moses S. L. Buckner, for an appropriation to test a new invention for military defense—to the Committee on Military Affairs.

By Mr. ERMENTROUT: Petition of veterans of the Old Guards and United States Reserve Corps, of Missouri, for the passage of the equalization of bounty bill—to the Committee on War Claims.

By Mr. PERRY: Petition of 342 citizens of Fairfield County, South Carolina, praying for an appropriation to relieve them from suffering caused by recent floods—to the Committee on Appropriations.

By Mr. STAHLNECKER: Petition of the Old Home Guards and United States Reserve Corps for the passage of the equalization of bounty bill—to the Committee on War Claims.

The following petitions, asking for the passage of House bill 7887, repealing timber-culture, pre-emption, and desert-land acts; of House bill 7021, for adjustment of railroad and other land grants; of bill forfeiting all railroad land grants the conditions of which have not been strictly complied with; of House bill organizing the Territory of Oklahoma; of Senate bill opening a portion of the great Sioux reservation to settlement; of bill prohibiting aliens from holding land in the United States; of bill making Presidential and Congressional election days holidays, and punishing bribery; and of bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired, were severally referred to the Committee on the Public Lands:

By Mr. J. A. ANDERSON: Petition of L. E. Vaughan and 166 others, of John Flood and 28 others, of W. D. Robb and 146 others, of G. N. Ebberts and 205 others, of W. P. Gales and 35 others, of James P. Easterby and 95 others, and of Thomas J. Burgess and 35 others, citizens of the fifth district of Kansas.

By Mr. BARRY: Petition of P. R. Taylor and 134 others, of T. W. Whitsey and 244 others, and of J. Coleman and 142 others, citizens of the fourth district of Mississippi.

By Mr. BURNES: Petition of L. H. Lamison and 100 others, of J. G. Ellis and 22 others, of H. Simmons and 71 others, of E. L. Mapes and 108 others, of E. Rhoades and 79 others, and of George A. Folsom and 41 others, citizens of the fourth district of Missouri.

By Mr. FELIX CAMPBELL: Petition of John C. Gibbons and 56 others, of Thomas Fitzsimmons and 64 others, of A. B. Hutchins and 67 others, of A. M. Miles and 82 others, of G. W. Powell and 385 others, and of Michael English and 123 others, citizens of the second district of New York.

By Mr. R. S. GREEN: Petition of W. H. Cooper and 21 others and of John S. Hall and 52 others, citizens of the third district of New Jersey.

By Mr. HALL: Petition of G. W. Country and 45 others and of William G. Cooper and 128 others, citizens of the first district of Iowa.

By Mr. HAYNES: Petition of E. G. Wentworth and 64 others, of D. M. Ladd and 68 others, and of W. B. Egan and 42 others, citizens of the first district of New Hampshire.

By Mr. HEWITT: Petition of Martin Pierce and 320 others, citizens of New York city.

By Mr. J. H. JONES: Petition of Jane Edge, of Lone Oak, Tex., asking that her war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. LIBBEY: Petition of A. E. Murray and 40 others, of William P. Mott and 53 others, and of S. Wilson and 195 others, citizens of the second district of Virginia.

By Mr. MCADOO: Petition of William Cook and 40 others and of Charles A. Nelson and 75 others, citizens of the seventh district of New Jersey.

By Mr. MAHONEY: Petition of John Lary and 63 others, of D. W. Higgins and 46 others, of David Smith and 65 others, of James Kenedy and 95 others, of F. D. Foster and 124 others, of James Kenedy and 91 others, and of C. R. Lockwood and 230 others, citizens of the fourth district of New York.

By Mr. PERKINS: Petition of J. W. Farrell and 369 others, of J. W. Cessna and 120 others, of James Taylor and 26 others, of T. J. Buchanan and 172 others, and of Joseph Bagner and 83 others, citizens of the third district of Kansas.

By Mr. PETERS: Petition of Frank Cassidy and 124 others, of Joseph Don and 100 others, and of S. B. Funnell and 148 others, citizens of the seventh district of Kansas.

By Mr. PIDCOCK: Petition of Theo. Orton and 35 others, of W. Barry and 130 others, of L. O. Keefe and 75 others, of William Pritchard and 200 others, of M. Bear and 45 others, of David Murphy and 22 others, of H. G. Nadle and 75 others, of C. C. Romaine and 48 others, of Ed. Silvers and 279 others, of W. D. Davis and 270 others, of L. Schick and 60 others, of I. H. Hambeffer and 96 others, of P. Muller and 91 others, of H. Cisco and 52 others, of G. E. Hayne and 57 others, of T. F. Flin and 63 others, of W. J. Ambryne and 60 others, of F. S. Ball and 34 others, of E. E. Lee and 14 others, of M. Dee and 78 others, of L. Mott and 50 others, and of W. S. Cowell and 75 others, citizens of the fourth and fifth districts of New Jersey.

By Mr. ROMEIS: Petition of L. J. Gorman and 180 others, of R. Monks and 434 others, of G. W. Clark and 37 others, of T. E. Desman and 67 others, and of M. Deyman and 76 others, citizens of the tenth district of Ohio.

By Mr. RYAN: Petition of H. Vroman and 140 others, of G. M. Perkins and 95 others, of J. A. Washburn and 61 others, of D. W. Edwards and 135 others, of C. A. Conklin and 27 others, and of Edward Lawn and 68 others, citizens of the fourth district of Kansas.

By Mr. WAIT: Petition of J. Dauvay and 16 others, of T. F. Bunce and 48 others, and of Michael Fitzgerald and 25 others, citizens of the third district of Connecticut.

By Mr. WISE: Petition of J. R. Griffin and 100 others, of Thomas Jefferson and 34 others, of Daniel Johnson and 95 others, and of J. P. Griffin and 85 others, citizens of the third district of Virginia.

SENATE.

FRIDAY, *July* 9, 1886.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

DEATH OF REPRESENTATIVE COLE.

The PRESIDENT *pro tempore* appointed Mr. WILSON, of Maryland, Mr. KENNA, and Mr. MANDERSON the committee on the part of the Senate to take order for superintending the funeral of the late Representative WILLIAM H. COLE, of Maryland, and to escort the remains of the deceased to their place of burial.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Commissioner of Customs relative to the account of the New York Steam Company for heating and hoisting apparatus in the New York post-office, and requesting consideration of the item in the deficiency appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in reply to a resolution of the 1st instant, a report of the Commissioner of the General Land Office in relation to expenditures for surveying public lands during the fiscal year 1886; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of Edmund J. Koch, of Jersey City, N. J., praying to be granted certain relief from alleged injustice done him by the Government; which was referred to the Committee on Pensions.

He also presented the petition of Peter Vacik and 10 other citizens of the twenty-first Congressional district of Ohio, the petition of J. W. Baird and 62 other citizens of the eleventh Congressional district of Ohio, the petition of Joseph E. Wright and 119 other citizens of the tenth Congressional district of Ohio, the petition of Frank Romer and 43 other citizens of the eighth Congressional district of Ohio, the petition of Alfred Dyke and 48 other citizens of the first Congressional district of Ohio, and the petition of James L. Voorhees and other citizens of Wyandotte, Kans., praying for the passage at the present session of Congress of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays, and punishing bribery;
8. Bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Finance.

Mr. WHITTHORNE presented the petition of J. M. Massingill and 60 other citizens of the third Congressional district of Tennessee, the petition of R. V. Brennan and 26 other citizens of the third Congressional district of Tennessee, the petition of D. E. Nelson and 52 other citizens of the third Congressional district of Tennessee, the petition of William Pearson and 30 other citizens of the third Congressional district of Tennessee, the petition of T. V. Warren and 26 citizens of the third Congressional district of Tennessee, the petition of J. A. Calder and 30 other citizens of the third Congressional district of Tennessee, and the petition of W. J. Andrews and 256 other citizens of Maury County, Tennessee, praying for the passage at the present session of Congress of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays, and punishing bribery;
8. Bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Finance.

Mr. PALMER presented a memorial of Knights of Labor of Norway, Mich., remonstrating against the passage of the oleomargarine bill; which was ordered to lie on the table.

Mr. VEST presented the petition of J. N. Hall and 70 other citizens of the fourteenth Congressional district of Missouri, the petition of John W. Farry and 80 other citizens of Missouri, the petition of William Fitzgerald and 24 other citizens of the eighth Congressional district of Missouri, the petition of Charles Butterworth and 160 other citizens of the fifth Congressional district of Missouri, the petition of J. A. Workman and 190 other citizens of the fifth Congressional district of Missouri, the petition of Thomas S. Smith and 90 other citizens of the fourth Congressional district of Missouri, the petition of T. J. Buchanan and 172 other citizens of the third Congressional district of Missouri, the petition of M. Sheetz and 24 other citizens of the second Congressional district of Missouri, and the petition of James F. Day and 56 other citizens of the second Congressional district of Missouri, praying for the passage of the following measures at the present session of Congress:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays, and punishing bribery;
8. Bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Finance.

Mr. PLUMB presented the petition of Abel O'Hara and 246 other citizens of the seventh Congressional district of Kansas and the petition of George F. Brown and 107 other citizens of the sixth Congressional district of Kansas, praying for the passage of the following measures at the present session of Congress:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays, and punishing bribery;
8. Bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Finance.

Mr. MAXEY presented the petition of W. S. McDuffie and 25 other citizens of the fifth Congressional district of Texas and the petition of J. Wilson and 18 other citizens of the fifth Congressional district of Texas, praying for the passage at the present session of Congress of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad and land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding land in the United States;
7. Bill making Presidential and Congressional election days holidays, and prohibiting bribery;
8. Bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Finance.

Mr. HAWLEY presented the petition of John Green and 70 other citizens of the first Congressional district of Connecticut, the petition of Thomas Nash and 61 other citizens of the first Congressional district of Connecticut, the petition of Henry Schielde and 104 other citizens of the first Congressional district of Connecticut, the petition of J. J. Dillon and 30 other citizens of Connecticut, the petition of J. B. Hoyt and 144 other citizens of the sixth Congressional district of Connecticut, the petition of John McDonough and 111 citizens of the second Congressional district of Connecticut, and the petition of Daniel Archer and 537 other citizens of the second Congressional district of Connecticut, praying for the passage at the present session of Congress of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays, and punishing bribery;
8. Bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Finance.

Mr. HOAR presented the petition of J. N. Jones and 20 other citizens of the tenth Congressional district of Massachusetts, the petition of E. P. Howe and 8 other citizens of the ninth Congressional district of Massachusetts, the petition of James Donovan and 341 other citizens of the ninth Congressional district of Massachusetts, the petition of Lizzie Martin and 20 other citizens of the sixth Congressional district of Massachusetts, the petition of Charles W. McRaith and 40 other citizens of the fifth Congressional district of Massachusetts, the petition of F. W. Reily and 52 other citizens of the fifth Congressional district of Massachusetts, and the petition of Edward Driscoll and 206 other citizens of the fourth Congressional district of Massachusetts, praying for the passage at the present session of Congress of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays, and punishing bribery;
8. Bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Finance.

Mr. GORMAN presented the petition of Charles V. Ogden and 146 other citizens of the sixth Congressional district of Maryland, the petition of L. S. Long and 58 other citizens of the sixth Congressional district of Maryland, and the petition of J. L. Peterson and 124 citizens of the fourth Congressional district of Maryland, praying for the passage of the following measures at the present session of Congress:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad and land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding land in the United States;
7. Bill making Presidential and Congressional election days holidays, and prohibiting bribery;
8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Finance.

Mr. BLAIR presented the petition of N. O'Dowd and 47 other citizens of the first Congressional district of New Hampshire, and the petition of L. B. Lewis and 140 other citizens of the second Congressional district of New Hampshire, praying for the passage at the present session of Congress of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert land-acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad and land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding land in the United States;
7. Bill making Presidential and Congressional election days holidays, and prohibiting bribery;
8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2242) to change the limit of appropriation for the public building at La Crosse, Wis., reported it without amendment, and submitted a report thereon.

Mr. SEWELL, from the Committee on Pensions, to whom was referred the message of the President of the United States, returning the bill (S. 226) granting a pension to Margaret D. Marchand, with his objections thereto, submitted a report thereon recommending the passage of the bill, the objections of the President to the contrary notwithstanding.

Mr. JONES, of Nevada. I report from the Committee on Finance amendments to the bill (H. R. 4833) relating to the taxation of fractional parts of a gallon of distilled spirits, now on the Calendar. To-morrow, or at a very early day, I will submit a written report to accompany the bill.

The PRESIDENT *pro tempore*. The amendments will be printed.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2162) for the relief of Perez Dickinson, surviving partner of the late firm of Cowan & Dickinson; and

A bill (H. R. 3908) for the relief of John Ellis.

AMENDMENTS TO BILLS.

Mr. MANDERSON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Printing, and ordered to be printed.

Mr. JONES, of Nevada, and Mr. MITCHELL, of Oregon, submitted amendments intended to be proposed by them, respectively, to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLUMB submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations without printing.

Mr. TELLER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds without printing.

BILLS INTRODUCED.

Mr. PLUMB introduced a bill (S. 2825) granting a pension to Herman Brod; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2826) granting a pension to John Black; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2827) for the payment for the services of Capt. A. W. Hicks as messenger to the Military Committee, House of Representatives, Forty-fifth Congress, extra session; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. GORMAN introduced a bill (S. 2828) to provide for the erection of one of the Timby tower and shield system of coast defense in the harbor of New York; which was read twice by its title, and referred to the Committee on Appropriations.

SEIZURES OF AMERICAN VESSELS IN FOREIGN WATERS.

Mr. HOAR. I ask for the adoption of the following resolution:

Resolved, That the President of the United States be requested, so far as in his opinion it may not be inconsistent with the public interest, to inform the Senate of all facts in his possession or that of the Department of State in regard to the seizure or detention in any foreign ports of any American vessels, and the pretext or alleged cause for such seizure, and all correspondence relating to the same, and what efforts have been made to procure redress for such seizures and to prevent the recurrence thereof.

Mr. VEST. Let that go over.

Mr. HOAR. It is a mere request for information. I hope the Senator will allow it to pass.

Mr. VEST. I want to look into it.

The PRESIDENT *pro tempore*. The resolution goes over.

CONFINEMENT OF AMERICANS IN MEXICO.

Mr. CALL. I present a resolution to be referred to the Committee on Foreign Relations.

The resolution was read, as follows:

Resolved, That the President be requested, if in his opinion not incompatible with the public interest, to direct the representatives of the United States to the Government of Mexico to investigate the truth of statements made in the newspapers that citizens of the United States are confined in Mexican dungeons without trial for alleged offenses against the laws of Mexico, and that their final trial has been postponed without cause. That if such statements shall be found to be true, the Government of the United States shall demand the trial of such citizens and their humane treatment during confinement, and shall make provision for their defense and their release from confinement where no sufficient cause for their detention shall be found. That the President of the United States shall, if he shall consider it necessary, be requested to institute negotiations with the Government of Mexico for a convention to secure a fair trial without unnecessary delay of citizens of the United States in Mexico who may be charged with violating the laws of Mexico.

Mr. CALL. I ask for the reading of the newspaper extract which I have sent to the desk.

The PRESIDENT *pro tempore*. The extract will be read if there be no objection.

The Chief Clerk read as follows:

IN MEXICAN DUNGEONS—AMERICAN CITIZENS IMPRISONED FOR MONTHS WITHOUT TRIAL.

[By telegraph to the Herald.]

CHIHUAHUA, MEX., *July* 4, 1886.

Mr. Merkley, station agent here of the Mexican Central Railway Company, and an American citizen, some time ago struck a Mexican who grossly insulted and attacked him in his office while in the discharge of his official duties. The Mexican, getting the worst of the affair, went before the alcalde and lodged a complaint. Merkley was at once arrested and incarcerated in a foul dungeon, where a number of other malefactors were confined. Every legal means have been exhausted by Americans to effect his release, but they have proved fruitless, and no satisfactory explanation is vouchsafed by the Mexican authorities for refusing to take action in Merkley's case.

AN UNWELCOME PASSENGER.

A Pullman car porter, who silenced a Mexican who was raising a disturbance in a car in this city several days ago, is now being concealed by railroad men along the Mexican Central, to prevent his seizure and indefinite imprisonment without trial.

There are now a number of Americans in the loathsome dungeons of this city who have been incarcerated for months without a hearing, and present a pitiable sight in their ragged and emaciated condition. The American residents of this city are highly incensed and alarmed at the arbitrary and unjust action exhibited by the Mexican authorities toward citizens of the United States, and it is reliably stated that many will leave here until our State Department adopts a more vigorous policy toward guaranteeing protection to its law-abiding citizens in Mexico. The American consul here is severely censured, and is openly accused of siding with the Mexican officials against his countrymen. He has on no occasion exerted himself in their behalf when frivolous charges were preferred against them and they were thrust into Mexican prisons.

The resolution was ordered to be printed, and referred to the Committee on Foreign Relations.

EXECUTIVE SESSIONS WITH OPEN DOORS.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" the resolution submitted yesterday by the Senator from Virginia [Mr. RIDDLEBERGER], which comes over under objection, will be laid before the Senate. The Secretary will read the resolution.

The Chief Clerk read the resolution submitted yesterday by Mr. RIDDLEBERGER as follows:

Whereas it is generally understood that to-morrow, July 9, shall be devoted to the consideration of "objected" executive nominations: Therefore,

Resolved, That the doors of the Senate shall not be closed during the time that executive nominations are pending, discussed, or voted upon.

Mr. HARRIS. I raise the question of order upon that resolution. It proposes to change the rules of the Senate, and does not conform to the rule requiring notice, &c.

Mr. RIDDLEBERGER. I beg pardon of the Senator from Tennessee. I did not hear the question of order that he made.

The PRESIDENT *pro tempore*. The Senator from Tennessee raises the point of order that the requisite notice has not been given under the rule and the requisite specification required by the rule. The Chair is not advised upon that point. Has the Senator from Virginia given the notice the rule prescribes?

Mr. RIDDLEBERGER. I am free to say that I am not advised myself. If the point is well taken I am ready to yield, but I have not understood yet that the Senate can not make a rule or change a rule by a majority vote.

The PRESIDENT *pro tempore*. Rule XL will be read.

Mr. RIDDLEBERGER. The notice was given yesterday. The resolution was offered yesterday.

Mr. HARRIS. The rule requires a written notice specifically stating the exact change of the rule proposed to be made, and then the rule itself must be stated.

The PRESIDENT *pro tempore*. The rule will be read.

The Chief Clerk read as follows:

RULE XL.

SUSPENSION AND AMENDMENT OF THE RULES.

No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof. Any rule may be suspended without notice by the unanimous consent of the Senate, except as otherwise provided in clause 1, Rule XII.

Mr. RIDDLEBERGER. I can see there that I should possibly have given a day's notice before proposing to change the rule, but I should like to have the rule read that the resolution proposes to change. I do not think the rule will be found there.

Mr. HARRIS. Let the rule in respect to executive sessions be read.

The PRESIDENT *pro tempore*. The rule respecting executive sessions will be read.

Mr. RIDDLEBERGER. The Senator from Tennessee has just assumed that I am changing a rule. I want to know what rule I am proposing to change.

The PRESIDENT *pro tempore*. The second clause of Rule XXXVI will be read.

The Chief Clerk read as follows:

RULE XXXVI.

* * * * * * *

2. When acting upon confidential or executive business the Senate Chamber shall be cleared of all persons except the Secretary, the chief clerk, the principal legislative clerk, the executive clerk, the minute and journal clerk, the Sergeant-at-Arms, the assistant doorkeeper, and such other officers as the presiding officer shall think necessary; and all such officers shall be sworn to secrecy.

The PRESIDENT *pro tempore*. There is still another rule relating to the matter, but it is not necessary to read it.

Mr. RIDDLEBERGER. I do not understand yet that I am proposing to change that rule. I have offered a resolution that is to cover one single matter before the Senate.

Mr. EDMUNDS (in his seat). That suspends the other rule.

Mr. RIDDLEBERGER. I wish the Senator from Vermont would state what he proposes to state from his seat and not violate the rules himself by speaking from his chair; for a fundamental rule of the Senate is that when a Senator proposes to speak he shall rise from his seat and address the Chair.

I do not mean to do anything more in this matter than to call it to the attention of the Senate; that is all; and I am going to do it on any and every occasion that I can.

I believe this is just one single endeavor to defeat by a method that does not commend itself to me the opening of the doors of the Senate and allowing what we call executive business to be considered here with the constituency of this country to know all about it. I have asked here——

Mr. HARRIS. Mr. President, is this question debatable?

The PRESIDENT *pro tempore*. It is not debatable.

Mr. RIDDLEBERGER. I have asked for five months for a vote, and I have been unable to get it. Now, the Senator from Tennessee says I am proposing to change a rule. Who makes the rules? Does not a majority of the Senate make the rules?

The PRESIDENT *pro tempore*. The Chair must remind the Senator that the question is not debatable.

Mr. EDMUNDS. I hope the Senator will be allowed to go on.

The PRESIDENT *pro tempore*. If there be no objection the Senator will proceed.

Mr. RIDDLEBERGER. I beg pardon, I do not want to be allowed to go on if I am out of order.

Mr. HARRIS. I ask unanimous consent that the Senator may be heard.

The PRESIDENT *pro tempore*. If there be no objection the Senator will proceed.

Mr. RIDDLEBERGER. Mr. President, I am more interested in something that is to follow to-day than I am in this matter. The purpose of my resolution was to promote what I believe to be the right in the Senate Chamber, and I do not believe that the wrong would prevail if these doors were opened.

I do not, therefore, with all due deference to my friend from Tennessee, propose to avail myself of unanimous consent to proceed, because I think that would be consuming time that I can better give to the consideration of the matter that we shall have in hand this afternoon.

The PRESIDENT *pro tempore*. The point of order seems to be well taken in reference to the proceedings of yesterday upon the resolution. No specified rule has been named in the resolution of the Senator from Virginia. The resolution will lie upon the table. The Senator can give the required notice at any time. The Senator at his pleasure can give the notice under the rule. The next business in order is the Calendar under the rule adopted on Wednesday last.

Mr. RIDDLEBERGER. Very well, sir.

ERNEST H. WARDWELL.

The PRESIDENT *pro tempore*. The first case passed over informally yesterday will be announced.

The CHIEF CLERK. "A bill (S. 1455) for the relief of Ernest H. Wardwell."

Mr. GEORGE. I move that Senate bill 372 be taken up.

The PRESIDENT *pro tempore*. The bills must be taken up in order. The rule under which we are acting requires that. The bill to which the Senator from Mississippi refers will be reached in due time.

Mr. GEORGE. I thought unanimous consent was given yesterday that Senate bill 372 should be considered this morning.

Mr. EDMUNDS. We ought to take them in order.

The PRESIDENT *pro tempore*. Senate bill 1455 is now before the Senate as in Committee of the Whole. It was read yesterday.

Mr. EDMUNDS. Let it be read again.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, directed to pay to Earnest H. Wardwell, late a captain and assistant quartermaster of United States volunteers, out of any money in the Treasury not otherwise appropriated, the pay and allowances of a captain and assistant quartermaster in the United States Army from the 11th day of March to the 18th day of May, 1865; and also the three months' additional pay proper as first lieutenant and regimental quartermaster of the Second Regiment North Carolina Union Volunteers (white), the same as allowed to all volunteer officers under the act of Congress approved March 3, 1865.

Mr. EDMUNDS. Let us have the report read and see what the difficulty is.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. HAMPTON March 10, 1886:

The Committee on Military Affairs, to whom was referred the bill (S. 1455) for the relief of Ernest H. Wardwell, beg leave to report that as the facts in this case are set forth in a House report of the Committee on Military Affairs in the Forty-eighth Congress, that report is adopted as their own, while some additional facts are presented to the Senate:

"Ernest H. Wardwell, in May, 1861, enlisted in the Sixth Massachusetts Volunteers, and served for more than three months without pay. On September 7 of the same year he enlisted as a private in the Twenty-sixth Massachusetts Volunteers. November 8, 1862, he was commissioned second lieutenant, Second Louisiana (Union) Volunteers. April 4, 1863, he resigned on account of sickness. February 5, 1864, he was commissioned first lieutenant and quartermaster Second North Carolina (Union) Volunteers. February 23, 1865, he was mustered out to accept a commission which had been promised him as captain and assistant quartermaster, in which grade he was confirmed by the Senate March 11, 1865. His commission, dated April 15, 1865, was forwarded to him May 11, and was accepted May 18. He was honorably mustered out of service July 28, 1865.

"From this record it appears that Captain Wardwell had an honorable though not continuous service of over three years.

"He claims that he should receive pay from March 11, 1865, to May 18, 1865, and also three months' extra pay under the act of March 3, 1865.

"There was a certain delay between March 11, 1865, when Captain Wardwell was confirmed by the Senate, and May 11, when his commission was sent to him. For this period of delay he thinks he ought to receive the pay of his rank, because he resigned his lieutenancy to accept the commission of captain which had been promised him, and was present and ready to receive his commission at the date of his confirmation. It appears, however, that in addition to the time usually required for the making out and signature of the commission there was a further delay, caused by the assassination of President Lincoln, April 14. By law and regulations an officer does not begin to draw pay until he has received and accepted his commission and has taken the oath. Unfortunate circumstances caused a delay of some weeks to Captain Wardwell in the receipt of his commission, and it seems not unreasonable to allow him pay during this period of waiting, because he resigned his lieutenancy on the positive information that he had been appointed a captain, and he was present and was ready to assume his new duties.

"The act of March 3, 1865, grants three months' extra pay to officers then in commission and who should continue in service to the close of the war. Captain Wardwell was mustered out February 23, 1865, and was not confirmed by the Senate as captain till March 11, and only accepted his commission on the 18th of May, so that he was not in service on the 3d of March, 1865, and could not legally draw the three months' extra pay.

"But as Captain Wardwell, after being in the Army nearly three years, resigned for the sole purpose of receiving his new commission, and was present and ready to be mustered in under it, he may not improperly be considered as constructively in the service on the 3d of March, 1865, and, therefore, entitled to three months' extra pay.

"The committee, therefore, report that the bill should pass."

In addition to the reasons given in the above report for the passage of the bill, the committee would state that it appears from the evidence submitted that one reason of the delay experienced by Captain Wardwell in the receipt of his commission was caused by a mistake in the Department of War, whereby the commission was sent to Oakland, Cal., instead of the post-office of the same name in Maryland. Captain Wardwell reported promptly for duty and notified the Department that he would await orders at the latter place, but his commission did not reach him until it went to and was returned from California.

In view of Captain Wardwell's meritorious services and of the circumstances surrounding his case the committee regard him as entitled to the relief he begs for, and they recommend the passage of the bill.

Mr. EDMUNDS. I used to know a good many Vermont officers who were in substantially the same predicament; that is, they did not come within the general law in the changes of commissions and in the intervals between one commission and another; and in the times when they used to bring the matter to my attention I thought, and told them so, that no special law could be passed of this kind, but if Congress thought fit to make a general law that would apply to all officers alike under similar circumstances that would be one thing.

I should be glad to have the committee explain somewhat more fully and at large how this gentleman's case differs, except for the few days when the commission was going around the post-office, from that of hundreds of other officers in whose service there were these breaks but who continued to serve faithfully, not only the three years, but four years, and who took later commissions but who did not get the amount of money that this gentleman will get by the bill.

Mr. HAMPTON. I think, and the committee thought, that this was an exceptional case. In the first place, Captain Wardwell served three months as a volunteer without any pay at all.

Mr. EDMUNDS. Can you explain how that could be?

Mr. HAMPTON. He volunteered on the staff of some officer in the early part of the war and served for three months. I have not the papers to show how it was, but he did serve for three months without pay. He then resigned a lieutenancy, having been assured that he was appointed a captain. He was appointed and was confirmed, but owing to the assassination of President Lincoln there was a delay in signing his commission and sending it to him.

He came here and reported that he was ready for duty, and said that he would be at Oakland, Md., to receive the orders of the Department; but when his commission was signed, instead of being sent to Oakland, in Maryland, it was sent to Oakland, in California, and it was several months before it reached him, and he was thus kept out of it for several months.

The committee thought in view of those facts and the additional fact that he had been a most gallant and meritorious officer, that he should receive the three months' pay. It will only involve an expenditure of from $300 to $500; and while it does not, as I admit, come technically within the purview of the law, I take it that we should here, in cases of this sort, act as a great court of equity. If there is a man who is entitled to the benefits that would come from an equitable adjustment of his claim, I think it is Captain Wardwell.

I feel a very great interest in this matter because it so happened that when this case was first presented to the Military Committee it was referred to me, and I not having all the papers which I subsequently received reported it adversely. When my attention was afterward called to it and the papers came from the other House, I found that I had done Captain Wardwell, as I thought, a very gross injustice and I had the case recommitted; I had all the papers submitted to the committee; and, upon their review of the papers, I was authorized to make this favorable report.

I do not propose to detain the Senate any longer.

Mr. HARRISON. I think I ought to say that the report of the Committee on Military Affairs was not a unanimous one. For one I think I am inclined to be extremely liberal in dealing with officers and soldiers of the war. However, the proposition here is to pay an officer who was not discharging duty, but who was living at Oakland, in the State of Maryland, a summer resort on the Baltimore and Ohio Railroad, to which place he had gone under the promise, he said, that he would be appointed as captain. Some delay in getting his commission was caused, perhaps by delay in issuing it and probably by mistake in mailing it to Oakland, Cal.

I do not think this is a case where the Congress of the United States should pay the salary of captain and quartermaster to Mr. Wardwell during the time when he was waiting for his commission. There was no service rendered at all during that interval of time. If there were previously three months in which he rendered service and for which he received no pay, I agree that the Senator from South Carolina is entirely right in saying that for that three months in which he rendered service, if there was such a period, he ought to be paid; but for the period of the delay of his commission it seemed to me upon the committee, and seems to me now, that there is no reasonable claim upon the Government for compensation.

Mr. COCKRELL. I desire simply to add to what the Senator from Indiana has said that I have uniformly in committee and out of it opposed this bill, and I do not believe that there is one particle of merit in it of legal right or equitable right.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT *pro tempore*.. Shall the bill pass? [Putting the question.] The Chair is unable to decide.

Mr. PLATT. Let us have a division.

The Senate proceeded to divide; and the ayes were 29——

Mr. PLATT. I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. BECK. I desire to announce my pair with the Senator from Maine [Mr. HALE]. We are both engaged on the sundry civil appropriation bill.

Mr. CHACE. I desire to announce that my colleague [Mr. ALDRICH] has a general pair with the Senator from West Virginia [Mr. CAMDEN].

The result was announced—yeas 28, nays 19; as follows:

YEAS—28.

Blackburn,	Conger,	Hearst,	Ransom,
Blair,	Dawes,	Ingalls,	Riddleberger,
Brown,	Evarts,	Kenna,	Sewell,
Butler,	George,	McPherson,	Sherman,
Call,	Gibson,	Manderson,	Walthall,
Camden,	Gorman,	Maxey,	Whitthorne,
Cameron,	Hampton,	Miller,	Wilson of Md.

NAYS—19.

Berry,	Dolph,	Jones of Arkansas,	Spooner,
Chace,	Edmunds,	McMillan,	Vance,
Cockrell,	Harris,	Mitchell of Oreg.,	Vest,
Coke,	Harrison,	Palmer,	Wilson of Iowa.
Cullom,	Hawley,	Platt,	

ABSENT—29.

Aldrich,	Gray,	Morgan,	Sawyer,
Allison,	Hale,	Morrill,	Stanford,
Beck,	Hoar,	Payne,	Teller,
Bowen,	Jones of Florida,	Pike,	Van Wyck,
Colquitt,	Jones of Nevada,	Plumb,	Voorhees.
Eustis,	Logan,	Pugh,	
Fair,	Mahone,	Sabin,	
Frye,	Mitchell of Pa.,	Saulsbury,	

So the bill was passed.

LABOR ARBITRATION.

The PRESIDENT *pro tempore*. The next reserved case on the Calendar will be stated.

The CHIEF CLERK. A bill (H. R. 7479) to provide a method for settling controversies and differences between railroad corporations engaged in interstate and Territorial transportation of property or passengers and their employés.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. GORMAN. Let the bill go over.

Mr. COKE. The bill can not be disposed of under the five-minute rule.

The PRESIDENT *pro tempore*. The bill will go over under objection.

AGRICULTURAL EXPERIMENT STATIONS.

The PRESIDENT *pro tempore*. The next bill passed over yesterday will be stated.

The CHIEF CLERK. A bill (S. 372) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The bill was reported to the Senate as amended.

Mr. HARRISON. I find upon an examination of the law that the amendments I proposed yesterday, which were intended to extend the benefits of this bill to the Territories, were not sufficient to accomplish that purpose.

The act in relation to agricultural colleges, which is referred to in the first section of the bill, is entitled "An act donating public lands to the

several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," but upon examination I find that the Territories are only mentioned in the title of the act, and that there is no provision in the body of it for extending its benefits to the Territories. I therefore move as an amendment an additional section.

Mr. PLATT. May I suggest right here that I understand there are one or two supplemental acts? The provisions of that act were extended to some Territory, perhaps to two Territories. I have not examined the matter carefully.

Mr. HARRISON. I examined yesterday with such care as I could in the Senate, and I found no such laws. If there be such, however, this amendment will not be out of harmony with them.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Indiana will be stated.

Mr. HARRISON. I desire to say a word after it is read.

The CHIEF CLERK. It is proposed to add as a new section the following:

SEC. —. That the provisions and benefits of this act shall apply to the agricultural colleges which have been or may hereafter be established in any of the Territories of the United States under the laws thereof: *Provided*, That the average attendance of pupils upon the instruction of such college for the year preceding its application for the benefits of this act shall not have been less than fifty.

Mr. HARRISON. I am informed by a very intelligent gentleman who is interested in this form of education in Dakota, that that Territory has established an agricultural college, and has appropriated to sustain it $175,000. The money has been raised wholly by taxation, no part of it being proceeds of any public lands that have been sold. I have framed this amendment so as to give to the institution in Dakota the benefit of an experimental station, and also so as to extend it to any other Territory which shall establish an agricultural college. In order that the appropriation might not be made available unless the institution had some substantial foundation, I have limited it to such as had during the preceding year an attendance of fifty students.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAWLEY. Mr. President, I wish I could flatter myself that I could have the attention of those Senators at least whose States have established agricultural colleges.

I think this bill, wise and prudent as may be the motive of it, is defective in its general characteristics. I make no objection to it that it calls for a possible expenditure of $690,000 a year.

Mr. PLATT. For all time.

Mr. HAWLEY. For all time. I do not raise that objection. I desire to call the attention of the Senate, however, to the fact as emphasizing the necessity for a little consideration of the measure.

Let us see upon what general principles we have gone in this matter so far. In 1862 we passed the well-known act providing for the establishment of agricultural colleges. It was in the form of a direct grant of a certain quantity of land, 30,000 acres for each Senator and Representative, to the several States. It provided for the manner of locating and selling the scrip for those lands and for the expenditures in managing and selling the land, and all that matter of detail which I need not rehearse. Then it provided that all the moneys derived from the sale of the lands should be set aside and the interest inviolably appropriated—I will quote now literally—

by each State which may take and claim the benefit of this act, to the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the Legislatures of the States may respectively prescribe—

Note that, Mr. President—

in such manner as the Legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

Then it proceeds in section 5 to say that the grant of land and scrip, this donation to the States, is made upon certain conditions, to the number of seven here, and to these provisions the previous assent of the several States by legislative act is required as a condition precedent of their receiving the grant and applying the proceeds thereof.

I think that act was wisely drawn if the Government was to go into the business at all of establishing agricultural colleges. It donated a sufficient sum of money to give a very respectable foundation for those institutions. In a large proportion of the States that money was not wisely managed, not to say grossly and almost criminally squandered. Not one dollar of it is remaining in many States. Others disposed of it fairly well. Others husbanded it until they have almost unlimited resources. Cornell University, Michigan University at Ann Arbor, and one or two others located the lands wisely, held them until they rose greatly in value, and have made wealthy universities out of the generous grant.

Some of the agricultural colleges answer all the purposes of this pending bill by the chemical departments thereof; others do not. In my own State the Sheffield Scientific School is the beneficiary of this grant. It has, in addition to this Federal grant, the most generous donation from the late Mr. Sheffield and others, is a well-established and most admirable scientific school, instructing in agricultural chemistry and in a wide range of other branches besides, making well-qualified engineers, &c., training men in accordance with the original intent of the act for industrial purposes.

The PRESIDENT *pro tempore*. The Chair must remind the Senator from Connecticut that the Senate is proceeding under the five-minute rule.

Mr. HAWLEY. Well, Mr. President, it is utterly impossible to discuss this bill in five minutes. I do not propose to take anything like an hour or even half an hour, but five minutes is quite too short.

The PRESIDENT *pro tempore*. If there is an objection to the bill it will take it over.

Mr. HAWLEY. I will not make objection.

Mr. MANDERSON. I ask unanimous consent that the Senator from Connecticut may proceed.

Mr. HAWLEY. I shall be, as I think I always have been, as condensed as possible.

Mr. INGALLS. If that consent is also to be extended to those who desire to speak upon the bill besides the Senator from Connecticut I shall have no objection.

The PRESIDENT *pro tempore*. In order to preserve the rule the occupant of the chair, as Senator from Ohio, will object to the consideration of this bill as being too important to be considered within the limitation of five minutes' debate.

Mr. CHACE. I think we can get through with the bill under the five-minute rule, and I hope the objection will be withdrawn.

Mr. MILLER. I do not care to raise the point of order, but I want a decision on this question. When the Senate gives unanimous consent to the consideration of a bill, no Senator objecting to it, and the bill is taken up and read through and we spend half an hour or an hour upon it, and amendments are moved and carried, I hold that then it is not in the power of any Senator to object to that bill. It must go on under the rule, subject to a five minutes' debate.

Mr. HARRIS. I beg to call the attention of the Senator from New York to the fact that in this case we have not reached that point.

Mr. MILLER. That point was reached in the consideration of this bill yesterday. Unanimous consent was asked for its consideration; it was given; the bill was taken up; it was read through; half a dozen amendments were made to it, and then the Senator from Connecticut [Mr. HAWLEY] objected to its further consideration, and the President of the Senate laid it aside. I held that that was wrong then, and I believe it is wrong now. If we can do that, we can go on and waste all our time; any Senator can allow a question to be discussed here for two hours together, under unanimous consent, and then get up and say, "I object to its consideration," and that ends the whole matter. If so, I do not want any more unanimous consents.

The PRESIDENT *pro tempore*. Does the Senator from New York rise to a question of order that the objection comes too late under the rule under which we are operating? Under Rule VIII to which this is supplementary "objection may be interposed at any stage in the proceedings" before final passage.

Mr. CHACE. But I desire to call attention to the fact that we are proceeding now under a special assignment made by unanimous agreement yesterday.

The PRESIDENT *pro tempore*. The special rule also provides that objection being made a case shall be passed over.

Mr. CHACE. Not if we made a special assignment of this day for this bill.

The PRESIDENT *pro tempore*. The Chair is clearly of opinion that the object and meaning of this resolution was to enable an objection to be made at any time in the progress of a case, so that time should not be wasted.

Mr. MILLER. I do not understand that we are proceeding under the eighth rule at all. We are proceeding under a special order of the Senate.

Mr. HARRISON. I ask the Chair, who has interposed this objection, to withdraw it a moment, in order that I may complete the amendment I offered last before the bill is considered again.

The PRESIDENT *pro tempore*. With the consent of the Senator from Connecticut——

Mr. HARRISON. I wish to complete this amendment.

The PRESIDENT *pro tempore*. The Chair will withdraw the objection.

Mr. HARRISON. I propose in line 6 of section 6, after the word "State," to insert the words:

And to each Territory entitled under the provisions of section 9 of this act.

So as to refer to the section which has been adopted.

The PRESIDENT *pro tempore*. The Senator from Indiana has a right to modify his amendment.

Mr. GEORGE. Is it in order to move to take up the bill notwithstanding the objection?

The PRESIDENT *pro tempore*. It is not in order, by the express terms of the special order. The question is on the amendment of the Senator from Indiana [Mr. HARRISON].

The amendment was agreed to.

The PRESIDENT *pro tempore*. The objection is renewed.

Mr. MILLER. I should like to know under what rule we are acting. I do not understand that we are acting under the regular rules of the Senate, but under a special agreement made in the Senate openly to which everybody gave his assent. Therefore this bill is proceeding under unanimous consent.

The PRESIDENT *pro tempore*. The Chair will have the order read. The Chair only desires to carry out the wishes of the Senate.

The Chief Clerk read the following order, adopted on the 7th instant:

Ordered, That for the next six days of the legislative sittings of the Senate, after the call for and disposition of resolutions shall have been passed, the time remaining until half past 12 o'clock shall be devoted to the Calendar, beginning with the first case thereon, and every matter objected to shall be passed by, and debate shall be limited to five minutes for any Senator on the question.

The PRESIDENT *pro tempore*. Even in the absence of the eighth rule the Chair would hold under this language that an objection might be made at any time while a bill was under consideration; but taken in connection with the eighth rule, of which this is an amendment, that rule expressly provides that an objection may be made at any stage.

Mr. MILLER. The special rule adopted makes no mention whatever of the eighth rule, and we are not proceeding under the eighth rule.

The PRESIDENT *pro tempore*. The Senator from New York will allow the Chair to finish.

Mr. MILLER. Certainly.

The PRESIDENT *pro tempore*. Under this modified order there is an express withdrawal of the right given by the eighth rule, that pending the consideration of business under this special rule no motion shall be made to take it out of the operation of the rule.

Mr. HARRIS. It was so distinctly announced when the resolution was adopted.

Mr. GEORGE. What became of the unanimous consent?

The PRESIDENT *pro tempore*. This, like any other case, was taken up and until objection was made it was considered. It was passed over informally as a matter of convenience to enable Senators to prepare amendments.

Mr. HAWLEY. May I be allowed to recall to the Chair's memory the fact that some little argument arose about it yesterday, and unanimous consent was asked by the Senator from Mississippi [Mr. GEORGE] that the bill be taken up again to-day, retaining its place, and unanimous consent was given to take it up to-day?

The PRESIDENT *pro tempore*. The same was done with four other cases which had been proceeded with without objection and acted upon.

Mr. COCKRELL. Regular order.

Mr. MILLER. I simply desire to say that I have had no understanding that there was any such rule in operation at the present time when unanimous consent was given and a bill had been considered for half an hour or more, that it was then in the power of any Senator to rise in his place and stop the further consideration of the bill by an objection. This bill is one in which a majority of the American people are interested, and I do not think that any technical rule in this body should throw it out at this stage of the proceedings. It has been allowed to go over repeatedly in order that Senators might have time to study it and be prepared to consider the question. Yesterday it went over again on a request that certain Senators might give it further examination. Now to throw it out upon a technical objection of this kind in my judgment would be doing a very great injustice to the class of people who are interested.

Mr. HARRIS. Is there any appeal from the decision of the Chair?

The PRESIDENT *pro tempore*. Does the Senator from New York appeal from the decision of the Chair?

Mr. MILLER. I asked the Chair a moment ago under what rule it was that a Senator had a right to object to a bill which had been taken up by unanimous consent after that unanimous consent had been granted. I have not yet been referred to the rule nor heard it read.

Mr. HARRIS. The Chair has made his decision, and if there is no appeal I shall object to any further debate on this question.

The PRESIDENT *pro tempore*. Does the Senator from New York take an appeal from the decision of the Chair? The Chair, however, ought to say to the Senate that under the operation of the special order under which the Senate is now acting, without any other rule, he would regard as clear the right to make an objection at any time.

Mr. MILLER. I do not understand that there is any such rule as that except the eighth rule, and we are not now acting under the eighth rule.

The PRESIDENT *pro tempore*. The next case on the Calendar will be stated.

Mr. HAWLEY. May I make a suggestion in the interest of peace in this matter? I do not wish to be held responsible for any debate, and I will agree at any time to make a motion to take up the bill.

Mr. COCKRELL. I object to debate.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. CHACE submitted an amendment intended to be proposed by him to the bill (S. 372) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto; which was ordered to lie on the table, and be printed.

Mr. HOAR. I rise to a question which I suppose is privileged, and I should like to have it set right now before going any further.

I was absent from the Senate, in the service of the Senate however, a few minutes ago when the agricultural experiment station bill came up. I find laid on the table the print of an amendment printed as intended to be proposed by me. I think it must be a misprint for the name of some other Senator. I have not offered any amendment to the bill.

Mr. HAWLEY. In one moment more when I was cut off by the five-minute rule I should have stated that I had offered an amendment and by accident it was misprinted as offered by the Senator from Massachusetts.

Mr. HOAR. I thought it must be a mistake. No doubt it is an excellent amendment.

THOMAS G. CORBIN.

The bill (S. 1262) for the relief of Thomas G. Corbin was announced as next in order.

The PRESIDENT *pro tempore*. This bill has been read in full and was under consideration at the arrival of half past 12 o'clock yesterday.

Mr. COCKRELL. Let that be passed over.

The PRESIDENT *pro tempore*. The bill, being objected to, will be passed over.

ABEL J. LEWIS.

The bill (H. R. 6381) granting a pension to Abel J. Lewis was announced as next in order.

Mr. CHACE. Mr. President, I object.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

GEORGE S. FISHER.

The bill (S. 1834) for the relief of George S. Fisher was announced as next in order.

Mr. CHACE. Mr. President, I object.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

HEIRS OF ERSKINE S. ALLIN.

The bill (S. 1359) for the relief of the heirs of Erskine S. Allin was announced as next in order.

Mr. CHACE. Mr. President, I object.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

THOMAS G. CORBIN.

Mr. CAMERON. During my absence temporarily a moment ago the bill (S. 1262) for the relief of Thomas G. Corbin was passed over. I hope that the Senator who made the objection will withdraw it. The bill has passed the Senate twice.

The PRESIDENT *pro tempore*. Does the Senator from Missouri withdraw his objection?

Mr. COCKRELL. Not now. I do not want the Senator from Rhode Island [Mr. CHACE] to have all the objections to himself.

OTOE AND MISSOURIA LANDS.

Mr. DAWES. I wish to make a motion to call back a bill from the other House.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent to submit a motion at this time.

Mr. DAWES. I desire that the House bill No. 7087 which passed this body a fortnight ago may be recalled to the Senate. I should like to have the proper motion entered.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the bill named by him be recalled from the House of Representatives. If there be no objection that order will be made.

Mr. COCKRELL. What is the title of the bill?

Mr. DAWES. A bill (H. R. 7087) authorizing and directing the Secretary of the Interior to extend the time for the payment of the purchase-money on the sale of the reservation of the Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas. The purpose of calling it back is to get a committee of conference on the amendments of the Senate.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the order recalling the bill will be made.

JOHN WILLIAMS.

The bill (S. 2266) for the relief of John Williams was announced as next in order.

Mr. COCKRELL. The Senator reporting that bill [Mr. PIKE] is not present.

Mr. CAMERON. The report is here.

Mr. COCKRELL. It is a very doubtful question in my mind as to the liability of the United States. I object to its consideration.

The PRESIDENT *pro tempore*. Being objected to, the bill goes over under the rule.

ATLANTIC AND PACIFIC SHIP-RAILWAY COMPANY.

The bill (S. 2288) to incorporate the Atlantic and Pacific Ship-railway Company, and for other purposes, was announced as next in order.

Mr. GORMAN. Let that go over.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

FEDERAL ELECTIONS.

The bill (S. 2297) concerning Federal elections was announced as next in order.

Mr. GORMAN. Let that go over.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

HEIRS OF ERSKINE S. ALLIN.

Mr. PLATT. When my attention was withdrawn for a moment, Order of Business 967, being the bill (S. 1359) for the relief of the heirs of Erskine S. Allin, was called, and I understand the Senator from Rhode Island [Mr. CHACE] objected. I think he was under a misapprehension.

Mr. CHACE. I withdraw the objection.

The PRESIDENT *pro tempore*. The objection being withdrawn——

Mr. MCMILLAN. Objections were made to preceding cases, so that they had better all go together.

Mr. CHACE. I withdraw them all.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1359) for the relief of the heirs of Erskine S. Allin.

Mr. VEST. I wish to ask the Senator from Connecticut a question. Is this bill to extend a patent?

Mr. PLATT. No, sir. I will state what it is.

The PRESIDENT *pro tempore*. The bill will be read at length.

The Chief Clerk read the bill.

The bill was reported from the Committee on Patents with an amendment, in line 3, before the word "thousand," to strike out "one hundred" and insert "thirty;" so as to make the bill read:

Be it enacted, &c., That the sum of $30,000 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be paid in equal parts to Fannie T. Allin, of Springfield, Mass., and Augusta M. Ladd, of Holyoke Mass., respectively widow and daughter of the late Erskine S. Allin; the said Allin being the inventor of the Springfield breech-loading rifle-musket, for which neither he nor his heirs have received any compensation.

Mr. COCKRELL. This involves a very serious question. Here is a bill proposing to grant $100,000 for the patents of a gentleman who was in the service of the Government for thirty or forty years, receiving annual pay and a salary during all the time that these alleged inventions were made. I do not believe it is either fair or just or right that such enormous sums of money should be paid under such circumstances. I am compelled to object.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

Mr. PLATT. If I may be indulged I wish to say that I feel a great interest in this bill, and I will endeavor some time before the close of the session to get it up and have it discussed.

Mr. COCKRELL. When we can discuss it outside of the five-minute rule.

ABEL J. LEWIS.

Mr. WILSON, of Iowa. I understand the Senator from Rhode Island withdraws his objection to Order of Business 908, being House bill 6381.

The PRESIDENT *pro tempore*. Does the Senator from Rhode Island withdraw his objection?

Mr. CHACE. Yes, sir.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6381) granting a pension to Abel J. Lewis.

Mr. BLAIR. That is a case in regard to which some one, I do not know who, said to me that it was likely to be allowed at the Pension Office, and I suggested to the Chief Clerk that when it came up it might be allowed to remain upon the Calendar and not be acted upon. Let it be passed over.

The PRESIDENT *pro tempore*. The bill will be passed over.

OBSTRUCTION OF NAVIGABLE WATERS.

The bill (S. 64) to prevent the obstruction of navigable waters and to protect public works against trespass or injury was announced as next in order.

Mr. MILLER. Let that go over.

The PRESIDENT *pro tempore*. The bill goes over under the rule.

CINNABAR AND CLARK'S FORK RAILROAD COMPANY.

The bill (S. 980) granting the right of way to the Cinnabar and Clark's Fork Railroad Company was announced as next in order.

Mr. VEST. Let that go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

GEORGE W. SAULPAW.

The bill (S. 474) for the relief of George W. Saulpaw was announced as next in order.

Mr. LOGAN. I object.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

RICHARD C. RIDGWAY AND OTHERS.

The bill (S. 1839) for the relief of Richard C. Ridgway and others was announced as next in order.

Mr. MILLER. I object.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

Mr. CAMERON. Why object? There is a good report.

Mr. COCKRELL. Regular order.

Mr. CAMERON. I hope the objection will be withdrawn.

Mr. MILLER. Let the report be read.

The PRESIDENT *pro tempore*. Is the objection withdrawn?

Mr. MILLER. It is withdrawn to hear the report.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole. The report will be read.

The Secretary began to read the report, submitted by Mr. Jackson, from the Committee on Claims, March 11, 1886.

Mr. SPOONER. That report is very long, and I think I can state the substance of it if the Senator from New York will withdraw his demand that it be read at length.

Mr. MILLER. If the Senator from Wisconsin will make a satisfactory statement, of course I will withdraw the call for the reading of the report.

Mr. SPOONER. This bill is to refund to the parties named in it taxes assessed upon spirits in bond in 1869 in excess of what was clearly right. The report is a very elaborate one, drawn by Mr. Jackson and submitted by him from the Committee on Claims, and I know that fact will commend it to the favorable consideration of the Senate. It embodies also a decision of the present presiding officer of the Senate, while Secretary of the Treasury, in favor of a claim identical with this, and also an opinion of the Commissioner of Internal Revenue in favor of this claim, but the Attorney-General decided upon technical grounds that it could not be paid except upon additional legislation.

The facts out of which these claims grow are simply these, in brief: Prior to the passage of the act of July 20, 1868, and under the act of 1866, large quantities of distilled spirits were stored by distillers in United States bonded warehouses, and parties were in the habit of buying and selling spirits in bond. It had been the uniform custom of the Government to levy its assessment and to collect its tax not upon the spirits as registered upon their deposit in the bonded warehouse, but upon a regauge at the time they were withdrawn, thus not taxing the spirits lost in bond by leakage. That custom had been unbroken, and it entered of course into the minds of the parties in fixing prices upon sale of bonded spirits.

These people had bought with the expectation, and a reasonable expectation it was, that they would only be taxed as had been the custom, this allowance being made for leakage. The circular under which that allowance was made was revoked suddenly, and they were taxed as no other purchasers had been taxed, for the leakage. This bill is a proposition to refund to them the excessive tax which they paid. It is treating them by the Government as all others were treated. The same bill was favorably reported by Mr. CARLISLE, from the Committee of Ways and Means of the House, and it has been several times favorably reported in both Houses.

Mr. PLATT. I should like to make a single inquiry in regard to the bill of the Senator from Wisconsin. Does the Senator suppose that this pays all the persons who would be entitled to such a ruling, or are others to follow?

Mr. SPOONER. I understand, though I am not sure of that, that this covers all claimants similarly situated, certainly all that are known; and if it does not, if the claims are just, that fact would be no just reason for rejecting this bill.

Mr. PLATT. It would be a reason perhaps why we ought to give it a little more careful consideration.

The PRESIDENT *pro tempore*. If there be no objection the bill is before the Senate as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

REAR-ADMIRAL CARTER.

The bill (S. 729) for the relief of Rear-Admiral Carter was announced as next in order.

Mr. COCKRELL. I object to that.

The PRESIDENT *pro tempore*. The bill is objected to, and will be passed over.

CITIZENS' BANK OF LOUISIANA.

The bill (S. 709) for the relief of the Citizens' Bank of Louisiana was announced as next in order.

Mr. DOLPH. Let that go over. The rule was yesterday that where there was an adverse report the bill went over as a matter of course.

The PRESIDENT *pro tempore*. This is not an adverse report.

Mr. DOLPH. I see there are minority views.

THEOPHILUS FISK MILLS.

The bill providing for the payment of $2,500 to Theophilus Fisk

Mills for executing a model and design for an equestrian statue of the late General John A. Rawlins was considered as in Committee of the Whole.

Mr. COCKRELL. I should like to hear an explanation of that bill. I see there is no report.

Mr. WILSON, of Iowa. The Senator who reported the bill [Mr. VOORHEES] does not seem to be present.

Mr. CULLOM. I hope the bill will be allowed to pass. I do not think there is any objection to it. It comes from the Committee on the Library.

Mr. PLATT. I think we ought to have an explanation of this bill. I do not intend to object to it, but if the Senator who reported it will make an explanation, I should like to hear it.

Mr. VOORHEES. I think there are papers connected with this case which establish its justice. It has been made a matter of investigation for some years past before the House Committee and the Senate Committee on the Library. In the Congress before this a gentleman from New York who was a member of the House committee made an elaborate report upon it.

The facts were about these: When General Rawlins died, Mr. Mills, a son of Clark Mills, and a very respectable artist, was employed, it would seem, by the War Department and by persons close to General Rawlins to make a design for an equestrian statue with a view of making an equestrian statue of General Rawlins. I understand that after he had worked a year and more, perhaps two years, and finished a design for an equestrian statue, the Army of the Cumberland, or perhaps the Grand Army of the Republic—the distinguished Senator from Illinois [Mr. LOGAN] who is not now in his seat could tell better if he was here than I—took up the subject of a statue to General Rawlins and erected one west of the State Department and in not an eligible part of the city for a statue to anybody, much less to a distinguished soldier like General Rawlins.

The work by Mr. Mills was necessarily abandoned and his design was left uncompleted; but the committee every time it touched the subject came to the conclusion that there were equities belonging to a man who had in good faith the right to believe that he was employed to do this work and went on doing it, and we thought as a settlement it would be well to grant him this amount, which is much less than he thought, and still thinks, is his due. We thought the Government could well afford to liquidate this matter at the amount fixed in this bill.

That is the history of the case as well as I can tell it until I shall get hold of the papers. I remember that there were no two opinions in the Joint Committee on the Library that something was due him, and the question was referred to a subcommittee to ascertain how much, and the results of the investigation made by that subcommittee are in this bill. I think it ought to pass in simple justice to a meritorious man.

Mr. WILSON, of Iowa. The facts do not seem to be very definitely stated in reference to the authority under which this work is alleged to have been done. The Senator says that if he has an opportunity to examine the case more fully he can get the facts more exactly; and unless we can have a more definite statement of them I shall object to the present consideration of the bill. But if a more definite statement can be furnished by the Senator from Indiana——

Mr. VOORHEES. I am perfectly willing to let the bill go over until Monday or Tuesday next. In the mean time I will refresh myself upon the facts.

Mr. WILSON, of Iowa. I think that would be better.

Mr. LOGAN. The bill was called up once when the Senator from Indiana was not present, and it went over then at my suggestion for the purpose of obtaining information.

I introduced myself the resolution that passed through Congress appropriating money to erect a statue to General John A. Rawlins, and the statue that was selected and put up was the one that was voted for by Congress. This is a different one, as I understand, one that was not selected. What authority there was for it I do not know. I never heard of it until I saw this proposition.

Mr. VOORHEES. I alluded to the Senator from Illinois in my remarks a moment ago, saying that he was not present or he could state a certain point in the matter better than I could. That was as to the execution of the statue that now stands.

Mr. LOGAN. The statue that now stands was selected by a committee and paid for by an appropriation from Congress; but this one I know nothing about. I never heard of it until the proposition was made here to pay for it.

Mr. VOORHEES. The history of it, I will state to the Senator from Illinois, comes back to me a little more clearly. Upon the death of General Rawlins, as I said—and I state this now, not asking action on the bill—Mr. Mills was employed to take a cast of his face with a view to a statue, which was to be equestrian; and I think he was employed by General Meigs. He was employed by what seemed to him, and what would seem to anybody else under the circumstances, to have been high and competent authority, under which he went to work and did a great deal of work, much more than he and his friends allege this would pay for, but after a while that work was superseded by the one to which the Senator from Illinois alludes.

I am willing that this matter shall go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

Mr. EDMUNDS. Before it goes over I ask leave to say a single word, as I have just come in. This matter, if it is to pay for taking a cast, was examined in the Committee on the Library several years ago when I had the honor to be a member of it, and my recollection is that the committee at that time were all of opinion, having heard the whole story, that this gentleman was not entitled to anything more than he had received, on the merits of the whole case.

Mr. VOORHEES. He never received anything.

Mr. EDMUNDS. He received something for something else.

Mr. VOORHEES. I will look into it and see what there is about it.

The PRESIDENT *pro tempore*. The bill will be passed over.

WILLIAM H. CROOK.

Mr. PLUMB. I desire at this time to enter a motion to reconsider the vote by which Senate bill No. 100 was passed.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered.

Mr. PLUMB. The Secretary informs me that Senate bill 100 has been sent to the House of Representatives. I move that the House be requested to return the bill.

Mr. MILLER. What is the bill?

Mr. PLUMB. The bill giving Mr. Crook extra pay.

The PRESIDENT *pro tempore*. If there be no objection a message will be sent to the House of Representatives requesting the return of the bill (S. 100) for the relief of William H. Crook. The Chair hears no objection, and that order will be made.

Mr. CONGER. What was the action in regard to that bill?

The PRESIDENT *pro tempore*. The motion of the Senator from Kansas was that the bill be recalled from the House of Representatives.

Mr. CONGER. Why?

Mr. PLUMB. I entered a motion to reconsider the vote by which the bill was passed, and I wish to have the bill returned so that the motion to reconsider may be properly considered in connection with the bill itself.

The PRESIDENT *pro tempore*. The motion to reconsider was entered in time, and this is the ordinary formal motion to recall a bill under those circumstances.

Mr. CONGER. Does the Senator wish to take up the motion to reconsider now?

Mr. PLUMB. I will take it up at any time when the bill is here. I shall be glad to enter into the discussion of it at any time, even to the exclusion of the river and harbor bill.

Mr. CONGER. I supposed the Senator would take anything up sooner than that.

DISTRICT COMMISSIONERS.

The PRESIDENT *pro tempore*. The next case on the Calendar will be stated.

The resolution submitted by Mr. VAN WYCK March 31, 1886, that the commissioners of the District of Columbia inform the Senate whether they are stockholders in certain corporations, &c., was announced as the next business in order.

Mr. GORMAN. Let that go over.

The PRESIDENT *pro tempore*. The resolution will be passed over.

B. B. CONNOR.

The bill (S. 1537) for the relief of B. B. Connor, of Louisville, Ky., was announced as next in order.

Mr. DOLPH. Let that go over.

The PRESIDENT *pro tempore*. The bill goes over under objection.

ARKANSAS HOT SPRINGS RESERVATION.

The bill (S. 2079) to provide for the control of the reservation of public lands and the distribution of hot water, Hot Springs, Ark., was announced as next in order.

Mr. VOORHEES. I shall have to object to that.

The PRESIDENT *pro tempore*. Being objected to, the bill goes over.

COLLISION SUITS AGAINST THE UNITED STATES.

The bill (S. 4) to permit the owners of certain vessels and the owners or underwriters of cargoes laden thereon to sue the United States was announced as next in order.

Mr. PLUMB. Mr. President——

Mr. MCMILLAN. I see the time set apart for the consideration of the Calendar has expired, and I move that the Senate proceed to the consideration of the river and harbor bill.

The PRESIDENT *pro tempore*. There are thirty seconds yet.

Mr. EDMUNDS. The river and harbor bill will come up necessarily in half a minute.

Mr. EVARTS. I hope this bill may be read.

The PRESIDENT *pro tempore*. The bill will be read at length. The hour has not yet arrived.

The bill was read.

Mr. EVARTS. I hope this bill may be considered to-morrow, as the time has now arrived for other business.

The PRESIDENT *pro tempore*. The Chair will receive any motion in regard to it.

Mr. EDMUNDS. I think the bill would come up as unfinished business to-morrow. This is now the end of the morning hour.

RIVER AND HARBOR BILL.

The PRESIDENT *pro tempore*. The river and harbor bill is now up.

Mr. EDMUNDS. It being up, I move that the Senate proceed to the consideration of executive business.

Mr. MCMILLAN. I ask the Senator to withdraw that motion for a moment.

Mr. EDMUNDS. Very well.

Mr. MCMILLAN. Having charge of the appropriation bill for the improvement of the rivers and harbors of the country, I desire to make a few remarks in reference to the continuance of the consideration of the bill at this time.

The Senate entered upon the consideration of the river and harbor bill on Friday last, a week ago to-day. A request for the formal reading of the bill upon its first reading occupied a portion of Friday and Saturday. The intervention of the holiday, the Fourth of July, prevented us from considering the bill on Monday. On the subsequent days of this week we have considered the bill as rapidly as I could succeed in securing the action of the Senate on the amendments of the committee. I supposed we should be able to finish the bill to-day; but it seems to be understood by the Senate that to-day was set apart for the consideration of some other business in executive session which has been pending for some time and is believed to be of great importance.

Under the circumstances, having conferred with those in favor of the consideration of the river and harbor bill, I have deemed it advisable not to interpose any objection to this motion or to ask the Senate to refuse to go into executive session to-day; but I desire to ask the Senate to finish this bill to-morrow. I ask the unanimous consent of the Senate that the vote upon the river and harbor bill be taken to-morrow evening at 5 o'clock.

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. EDMUNDS. Mr. President——

The PRESIDENT *pro tempore*. The river and harbor bill will come up as the regular business to-morrow if the rest of this day be devoted to executive business.

Mr. MCMILLAN. As I can not obtain the consent of the Senate to my proposition, I shall have to yield to the necessities of the case and proceed as best I can to-morrow. I shall ask the Senate to sit beyond the usual hour to-morrow for the purpose of disposing of the bill, if it is not finished before we arrive at that hour.

EXECUTIVE SESSION.

Mr. EDMUNDS. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five hours and twenty-five minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, returned to the Senate, in compliance with its request, the following bills:

A bill (S. 100) for the relief of William H. Crook; and

A bill (H. R. 7087) authorizing and directing the Secretary of the Interior to extend the time for the payment of the purchase-money on the sale of the reservation of the Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the resolution of the House providing for the printing of the report of the international polar expedition to Lady Franklin Bay, Grinnell Land, by First Lieut. A. W. Greely.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 209) for the relief of the legal representatives of John M. Robeson, deceased; and it was thereupon signed by the President *pro tempore*.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had yesterday approved and signed the following acts:

An act (S. 810) granting a pension to Charles J. Esty;

An act (S. 1133) granting an increase of pension to Margaret Hunter Hardie;

An act (S. 1217) for the relief of Henry Bellion;

An act (S. 1390) for the relief of B. Frank Patterson;

An act (S. 1836) for the relief of Libbie C. Montis;

An act (S. 2067) to increase the pension of Zebulon S. Tompkins; and

An act (S. 2152) to amend chapter 218 of the acts of the first session of the Forty-seventh Congress, approved June 15, 1882.

INTERNATIONAL COPYRIGHT.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for your information a report from the Secretary of State, inclosing the correspondence which has been exchanged between the Department of State and the Governments of Switzerland and Italy on the subject of international copyright.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, July 9, 1886.*

Mr. VOORHEES. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Saturday, July 10, 1886, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate the 9th day of July, 1886.

George W. Bishop, of Maryland, to be assistant treasurer of the United States at Baltimore, Md., to succeed Francis M. Darby, whose term of office will expire by limitation July 11, 1886.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July 9*, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

The SPEAKER. When the House adjourned on the day before yesterday the pending question was on the motion of the gentleman from Indiana [Mr. MATSON] to refer the President's message and accompanying bill to the Committee on Invalid Pensions, and upon that motion had demanded the previous question. On ordering the previous question the yeas and nays were ordered, the roll was called, and no quorum appeared. The question now is upon the demand for the previous question, upon which the yeas and nays have been ordered, and the Clerk will call the roll.

Mr. BURROWS. Mr. Speaker, I was in hopes that some arrangement might be made—but I do not see the gentleman from Indiana [Mr. MATSON] in his seat—an arrangement by which the call of the roll may be avoided. My impression is that upon this side there are two or three cases of which gentlemen have personal knowledge and upon which they desire to make brief observations. The remainder, then, of the cases can be referred without debate by the House. The pending bill the gentleman from Ohio [Mr. GROSVENOR] desires to be heard upon for ten or fifteen minutes, hoping that upon a statement so made the House would refuse to refer the case.

Mr. TAULBEE. The chairman of the committee is in the committee-room. I have sent for him and think it is possible that some amicable arrangement can be arrived at. I ask, therefore, that the call of the roll be deferred for a few moments.

Mr. PERKINS. Mr. Speaker, would it be in order pending this delay to ask unanimous consent to present a House bill with Senate amendments and ask on behalf of the committee non-concurrence in the Senate amendments at this time?

The SPEAKER. Although the Chair is excecuting the rule of the House, if there be no objection, while waiting to see if some arrangement can not be arrived at, as suggested by the gentleman from Michigan, the Chair will entertain the request of the gentleman from Kansas and submit it to the House.

Mr. PERKINS. This is a bill which has passed both the House and the Senate and comes back to the House with a Senate amendment. It is the desire of the committee to move non-concurrence in the Senate amendment and ask a committee of conference.

This is the bill with reference to the settlement of the Otoe and Missouria Indian reservations in Kansas and Nebraska. The House bill extended the time of payment on the part of these settlers five years. The Senate amendment reduces that to two years. That is the only difference between the two Houses, and to perfect the legislation I would like to ask unanimous consent that the Senate amendment be non-concurred in.

The SPEAKER. The Chair will submit the gentleman's request. Is there objection to the present consideration of the bill?

Mr. MORRISON. I object.

The SPEAKER. The Clerk will call the roll.

Mr. BURROWS. I see the chairman of the Committee on Invalid Pensions now in his seat. I was stating, if I can have the gentleman's attention for a moment, that it is my understanding in relation to these veto messages touching pension bills, that there are but two or three cases upon which gentlemen on this side desire to be heard.

General GROSVENOR desires to be heard for ten or fifteen minutes on the pending bill, and then I understand that there are two or three others, beyond that, upon which some discussion is desired; and all the remainder of the bills can be referred to the committee by a direct vote of the House without debate so far as any opposition on this side is concerned.

Mr. MATSON. Mr. Speaker, so far as determining the question as to whether or not the bills and messages of the President shall be referred, I think there will be no difficulty about arriving at an agreement. But if the proposition of the gentleman is to determine the merits of the cases, and have a vote upon one case which shall be taken as determining the merits of another, I should object, for to that I can not agree. Each case should stand upon its individual merits.

I understand the gentleman, whether correctly or not, that this debate and the votes to be taken are to be in relation to the question of reference only. To that I think there will be no objection.

Mr. BURROWS. Simply on the question of reference. For instance, as to the case pending the gentleman from Ohio can have fifteen minutes to make a statement and the vote can then be taken upon the question of reference. Then there are two or three other cases beyond that upon which we desire brief discussion as to the question of reference, and the rest of the bills can be referred without opposition.

Mr. MCMILLIN. What time does the gentleman suggest as the proper time for discussion? We ought to have a distinct understanding.

Mr. MATSON. Upon that subject I desire to say I think there will be no difficulty in making some reasonable agreement as to the proposition to refer and the amount of time to be devoted to the debate. I want, however, to say to the House that under a previous order of the House the case of Carter W. Tiller was set for to-day, and I wish to know if it is to take precedence over the business now here?

The SPEAKER. It can not; because the Chair is executing a rule of the House, which requires him immediately after the reading of the journal to lay before the House all messages received the day before. The order of the House is not yet executed.

Mr. MATSON. Then the Tiller case can be called up——

The SPEAKER. After these cases are disposed of.

Mr. BURROWS. I make the suggestion that the gentleman from Ohio [Mr. GROSVENOR] be allowed fifteen minutes to make a statement of the facts in the case.

Mr. MATSON. I am willing he should take ten minutes to discuss the question of reference. Then if you signify what other cases there are which gentlemen desire to discuss on the question of reference, I am willing to agree to ten minutes of debate in each of those cases. I understand there are only two or three of them.

Mr. BURROWS. I suggest that in order to avoid the roll-call at this time the gentleman from Ohio [Mr. GROSVENOR] be allowed to make a statement in this case for fifteen minutes before the question is taken on the reference.

Mr. MATSON. Then it is understood that the demand for the yeas and nays is to be withdrawn by unanimous consent and the gentleman from Ohio is to proceed for fifteen minutes, and then the vote is to be taken on the question of reference?

Mr. BURROWS. Certainly; on the reference of that case.

Mr. MATSON. Without further delay?

Mr. WARNER, of Ohio. Will there be no opportunity to make a counter statement after the gentleman from Ohio shall have been heard?

Mr. BRUMM. You can take all the time you please on your side.

Mr. MATSON. Of course it is understood, if it is desired to reply to the gentleman from Ohio, that will be allowed?

Mr. BURROWS. Certainly.

The SPEAKER. Then, if there be no objection, the order for the yeas and nays is vacated, and the gentleman from Ohio [Mr. GROSVENOR] is entitled to fifteen minutes.

Mr. MCKINLEY. This agreement I understand applies only to the one case?

The SPEAKER. There is only one case now before the House.

Mr. REAGAN. I understand the right to reply is reserved to this side?

The SPEAKER. The Chair so understands.

Mr. CUTCHEON. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CUTCHEON. I understand the demand for the previous question is withdrawn.

The SPEAKER. For the present it is, under an agreement, as the Chair understands, that the gentleman from Ohio [Mr. GROSVENOR] shall have fifteen minutes, and if any gentleman on the other side desires to make a response he shall have the same time.

Mr. MORRISON. Now, before we enter upon this let us know what is to be the arrangement. Is the same thing to be repeated on the next case that comes up?

The SPEAKER. The Chair will state the agreement so far as he understands it. The order of the House directing the yeas and nays to be taken will be vacated, and the gentleman from Ohio has fifteen minutes in which to make a statement in regard to this case; and if any gentleman desires on the other side to respond he also has fifteen minutes, and then a vote is to be taken on the question of reference to the committee.

Mr. MORRISON. What as to the other cases?

The SPEAKER. No other case is before the House.

Mr. ANDERSON, of Kansas. I think there will be no trouble about them; there are only two or three cases on which the question will be raised.

Mr. MORRISON. If this thing is to be repeated in each case, I object.

The SPEAKER. The gentleman from Illinois states he objects to the arrangement.

Mr. MORRISON. I do not object if it is understood the other references are to be made without fifteen minutes of debate in each case.

Mr. BURROWS. There is no understanding about the rest of these cases. I made the suggestion I did in order to expedite business, and that arrangement will dispose of this case. I understand there are two or three others on which the question will be raised.

Mr. MORRISON. How many?

Mr. BURROWS. I do not know precisely and I can not speak as to those. I can only speak as to this case.

Mr. MCKINLEY. You make no agreement as to subsequent cases.

Mr. BURROWS. My understanding is that the great majority of them will be referred without any question.

Mr. MORRISON. Very well; let it go.

The SPEAKER. The gentleman from Ohio [Mr. GROSVENOR] has fifteen minutes.

Mr. GROSVENOR. Mr. Speaker, I take it the question whether or not the message of the Executive should be referred to the Committee on Invalid Pensions turns very much on the question which was originally involved in the application of Mrs. Bradley for a pension; and so, Mr. Speaker, I can not conceive of an argument against a reference of this bill that does not consider the merits of the bill itself.

In the limited time which I have to address the House I desire to go directly at that question, and not with words of crimination or condemnation against the President of the United States for the action which he has seen fit to take in this case; that is to say, I desire to stand upon better and stronger ground than an assault upon the motives of the Executive in this veto. I think the veto of the President has been caused by a total misapprehension of his relation to the administration of the Government of this country. I have read with a great deal of care all the vetoes that have emanated from this prolific source of vetoes, and I think the trouble lies in the fact that the President of the United States understands it to be his duty to examine carefully every act of Congress; and, if he himself as a member of Congress would not vote for the bill, he gives no sort of weight or character or consideration to the fact that both branches of the legislative department of the Government have acted affirmatively on the measure, and so putting up his own opinion against that of Congress vetoes the bill.

We sometimes hear something said about consolidation of power and centralization of government. I know of no such exhibition heretofore of a bad tendency toward consolidation as the spectacle of the President of the United States refusing to permit Congress to pension the starving soldiers of the Union. In other words, he adopts and carries into force the idea that in this country of ours the Executive of the Government has the right and duty to decide absolutely upon every question of legislation. In that respect I think he is wrong; but here and now I do not intend to follow out the discussion of that idea.

The next feature which I notice is an assumption which seems to have been lodged in the mind of the Executive that no private pension bill ought to be approved by him unless the applicant is entitled by law to a pension; for constantly all along the line of his vetoes he has taken occasion to say that there is no law authorizing such a pension as is proposed to be given in the bill submitted to him. He appears wholly oblivious to the fact that Congress is the law-making power, and has the right to confer a pension upon anybody.

There was no prior law authorizing the granting of a pension of $5,000 a year to Mrs. Grant; yet the Executive saw fit to approve the bill granting that pension. There was no law authorizing a pension of $2,000 a year to the widow of General Hancock; yet the President approved that bill—why? Because the legislative department of the Government, acting within the scope of its jurisdiction and doing an act which the Constitution conferred upon it the power to do, passed the bill, thereby submitting to the Executive the question whether he would approve that act. He did approve it. Yet he now comes to us and all along the line of these little pensions, these destitute widows' pensions, these poor men's pensions, he stands behind a proposition which has no merit in it and is not justified by any construction of the Constitution or the practices of the Government. What sentiment, think you, operated to produce these results?

Now, Mr. Speaker, I come to consider briefly the present case; and I undertake to say that if there was ever a case in which Congress ought to grant a pension by special act this is one. It is a case which could not be covered by a general law.

I call the attention of gentlemen, upon whichever side of the House they may be, to the fact that you can make no general law which will

cover such cases as this. I agree that the presence in Congress of this vast number of private bills indicates that our general legislation upon the subject of pensions is totally defective, as I had occasion to say in the early part of the session; and I might, if it were profitable, go out of my way and say that there has not been manifested that zeal there should have been upon the part of Congress to correct these manifest defects. The presence of these private bills grows out of the fact that the general legislation of Congress on this subject has by lapse of time become worn out and imperfect, and ought necessarily to be amended and improved.

But there could not be any general law which would cover the case of Sarah Ann Bradley; and therefore there never can be a case in which Congress could more appropriately act than in this. Gentlemen of the House of Representatives, I undertake to say that when you have examined this case there are not many men of this House who will be willing to uphold the veto of the President; there are not many men here who will be willing to put themselves on record as refusing this woman a pension, in the light of the record which you have made upon other claims for pension which have been acted upon favorably in this House.

Thomas J. Bradley entered the Army in the spring of 1861 as a member of the Twenty-fourth Ohio Volunteers. He served until the close of 1864, having been meanwhile transferred by a consolidation to the Eighteenth Ohio Volunteers, which I had the honor to command, and then serving out a total enlistment of over four years. He received at the battle of Nashville, as I recollect, a wound which was at the time dangerous, but not permanently so. He went home. He suffered more or less from that wound through the whole of his life, which terminated in the fall of 1882.

The physicians say that the termination of his life was to a certain extent—hard to be defined—attributable to the wound which he had received nearly twenty years before. He had received a pension for that wound, thus being put in the position of having established a claim. His pension was of trifling amount, I do not remember how much. It is not pretended that the injury was permanently a serious one; but the Government gave him a pension of, I think, at first $2 a month, and afterward possibly $4, I can not state accurately.

He had four sons, gallant young men. They all entered the Army in 1861. Two of them were shot dead upon the battlefield. Another came home with an arm shot off, and the fourth with an eye shot out, both of these sons being totally disabled from earning a living. They had no property; and Mrs. Bradley to-day, having passed the age of seventy, and being without a dollar, comes to Congress and asks that she may be put upon the pension-roll to receive the pittance of a widow's pension. And the President of the United States takes his coat off, gets behind a big desk, and, calling to his aid the Pension Department of the Government, as I am ready to show by the records of that office now in my hand, approves and incorporates into his message the substance of a veto furnished him by the department that probably rejected the claim of Sarah A. Bradley for want of strict legal authority to give her a pension under the general law. On the same day that he vetoed this bill, with the very same pen, he approved a bill which put Fitz-John Porter on the pension-list of the Government at nearly $3,500 a year, while Sarah A. Bradley, the mother of four sons, gallant, patriotic sons, two of whom died upon the battlefield, whose souls went up to God from the smoke of battle, and their lives went out in the clash of arms and the roar of deadly strife, and two more of whom are to-day dependent upon the charity of the country, helplessly disabled by the war, go to the poor-house. And this is the Government which undertakes to say that it is generous and liberal to its soldiers. This is the system that we hear called liberal and generous. This is the system of rewards to the private soldier. This is the way this Democratic House discharges its duty toward Fitz-John Porter and poor old starving Sally Ann Bradley, the mother of four gallant soldiers, two of whom are on the other side, and two are lingering here crippled.

I have not drawn a fancy sketch. I refer to the unanimous report of the Committeee on Invalid Pensions of this House, and I want some gentleman who will vote to uphold this veto of the President to tell me what new light he has got upon this case. What more do you know about Sally Ann Bradley than you did when you made a unanimous report in favor of granting her the allowance of this miserable litttle pension? Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman has four minutes of his time remaining.

Mr. GROSVENOR. I again ask, Mr. Speaker, that some reason shall be given why this claim should not be allowed, or why this bill should be again referred to the Committee on Invalid Pensions.

Mr. MATSON. Mr. Speaker, I call for a vote.

Mr. GROSVENOR. Mr. Speaker, there is no answer to my question. There is no answer to that proposition. This act is within the scope of the jurisdiction and the power of Congress. Both branches of Congress have acted upon this case, acted upon it intelligently and judicially, and no man stands up here to say that there is any reason why this woman should not have this pension, that there is any reason why this Congress should be overruled by the one-man power, that there is any reason why this woman should be sent to the poor-house while affluent men are pensioned on a generous scale by this Government. [Cries of "Vote!" "Vote!" on the Democratic side.]

Mr. Speaker, let me again place the facts before the House, for it seems we are now to vote upon this question. I do not know of any technical reason why this reference should be had. I know of no reason, unless some gentleman will stand up here and say that he desires to ascertain, beyond and outside the report of the Committee on Invalid Pensions, whether that report tells the truth or not, and if any one does say that, I want him to tell the House whether that committee has made a unanimous report in this case without knowing the facts. [Renewed cries of "Vote!" "Vote!"] The facts are that this woman was the wife of Thomas J. Bradley, who served nearly four years in the Union Army as a private soldier. He received a wound which substantially disabled him from duty; he received a small pension from the Government; he died, ultimately, in part from the effect of that wound. He took with him into the Army four able-bodied sons, who served as enlisted men. Two of them were shot dead in battle; the other two were disfigured and maimed for life and put in such a condition that they could not contribute to the support of their mother. That mother is now indigent.

The alternative is whether she shall receive this small pension from the Government or shall go to the poor-house, and the American Congress halts, terrified, paralyzed by the veto of a single man, who puts it upon a ground not justified by the Constitution, never heard of before in the history of the Government, a proposition tyrannical, a proposition in the direction of absolute usurpation, a proposition in the direction of displacing from its normal position the Congress of the United States, and turning over the administration and dispensation of the generosity of this Government to one man, and that, too, a man who on the same day he vetoed this bill could sign a proposition to place upon the pension-rolls of the United States, at the rate of nearly $3,500 a year, Fitz-John Porter. [Applause on the Republican side.]

Mr. MATSON. Mr. Speaker, I do not intend to reply to the gentleman from Ohio [Mr. GROSVENOR]. I will simply say to him that if this bill is referred to the Committee on Invalid Pensions that committee will again say whether or not they think this woman ought to be pensioned. I will add, further, that I have just learned that in the Forty-seventh Congress a Republican Senate said that this same woman ought not to be pensioned, for the very same reason that the President of the United States now says she ought not to be pensioned. I call for a vote.

Mr. LONG. Will the gentleman permit a question?

Mr. MATSON. Yes, sir.

Mr. LONG. At the time the Senate took that action was not the husband of this woman living?

Mr. MATSON. Whether he was living or not, she is the same woman.

Mr. LONG. But was not the husband living at that time and receiving a pension?

Mr. MATSON. I do not know whether he was or not. [Cries of "Vote!" "Vote!" on the Democratic side.]

The SPEAKER. The question is on the motion to refer this message and the accompanying bill to the Committee on Invalid Pensions.

Mr. BURROWS. On that I demand the yeas and nays.

Mr. HAMMOND. I understood that the yeas and nays were not to be asked.

Mr. GROSVENOR. Mr. Speaker, I think it was the understanding that the yeas and nays were not to be demanded.

Mr. HAMMOND. I understood gentlemen to say that there would be no call for the yeas and nays. The proposition was to save time by allowing brief debate instead of having the yeas and nays.

Mr. BRUMM. The proposition was simply that the call for the yeas and nays should be withdrawn on the demand for the previous question.

Mr. HAMMOND. I understood that the reason given for the proposition was to prevent the consumption of time. The gentleman from Michigan [Mr. BURROWS] said that, instead of taking time by calling the yeas and nays, if fifteen minutes were allowed for debate gentlemen on that side would be satisfied; but if gentlemen do not care to keep the understanding let them go on.

Mr. BAYNE. I do not understand that there was any agreement that the yeas and nays should not be called on the question of referring this bill and the veto message, and if I had known of any such proposition I would not have agreed to it, because I want the yeas and nays on this question.

Mr. HENDERSON, of Iowa. I would ask the Chair to state what the agreement was.

Mr. HILL. I renew the demand for the yeas and nays.

Mr. BURROWS. I hope there will be no misunderstanding in reference to what was agreed upon; and am perfectly willing to submit the matter to the Chair.

The SPEAKER. The Chair can not tell of course what might have been the understanding among gentlemen upon the floor.

Mr. HENDERSON, of Iowa. But the public understanding.

The SPEAKER. The Chair understood the order demanding the yeas and nays upon the previous question was rescinded by unanimous consent, it being understood that the gentleman from Ohio [Mr. GROS-

VENOR] should have fifteen minutes to address the House, and if any gentleman on the other side demanded fifteen minutes to respond he should have that right, and that then a vote should be taken. But how that vote was to be taken, whether by the yeas and nays or otherwise, the Chair did not understand, nor was it stated.

Mr. BURROWS. After the statement of the gentleman from Ohio as to the merits of this case, we certainly want the yeas and nays on the question of reference.

Mr. HILL. Let them have it.

Mr. MATSON. We have no objection.

The yeas and nays were ordered.

The question was taken; and there were—yeas 122, nays 111, not voting 89; as follows:

YEAS—122.

Adams, J. J.	Davidson, R. H. M.	Irion,	Robertson,
Allen, J. M.	Dibble,	Johnston, T. D.	Sadler,
Ballentine,	Dockery,	Jones, J. H.	Sayers,
Barksdale,	Dowdney,	Jones, J. T.	Seney,
Barnes,	Dunn,	Lanham,	Singleton,
Barry,	Eden,	Lawler,	Skinner,
Bennett,	Eldredge,	Lore,	Snyder,
Blanchard,	Ellsberry,	Lovering,	Springer,
Bland,	Ermentrout,	Lowry,	St. Martin,
Bliss,	Findlay,	Martin,	Stone, W. J., Ky.
Blount,	Fisher,	Matson,	Stone, W. J., Mo.
Bragg,	Foran,	Maybury,	Storm,
Breckinridge, C. R.	Ford,	McCreary,	Tarsney,
Breckinridge, W. C. P.	Forney,	McMillin,	Taulbee,
Burnes,	Frederick,	McRae,	Tillman,
Cabell,	Geddes,	Merriman,	Townshend,
Caldwell,	Glass,	Mills,	Turner,
Campbell, Felix	Green, R. S.	Morgan,	Van Eaton,
Campbell, T. J.	Green, W. J.	Muller,	Wallace,
Candler,	Hale,	Neal,	Warner, A. J.
Carleton,	Hall,	Neece,	Wellborn,
Catchings,	Halsell,	Oates,	Wheeler,
Cobb,	Hammond,	O'Ferrall,	Wilkins,
Collins,	Hatch,	Outhwaite,	Willis,
Compton,	Hemphill,	Peel,	Wilson,
Cowles,	Henderson, J. S.	Perry,	Winans,
Crisp,	Herbert,	Pidcock,	Wise,
Croxton,	Hill,	Pindar,	Wolford,
Culberson,	Holman,	Randall,	Worthington.
Curtin,	Howard,	Reagan,	
Davidson, A. C.	Hudd,	Richardson,	

NAYS—111.

Adams, G. E.	Farquhar,	Lyman,	Ryan,
Allen, C. H.	Felton,	Markham,	Sawyer,
Anderson, J. A.	Fleeger,	McComas,	Scranton,
Atkinson,	Fuller,	McKenna,	Spooner,
Baker,	Funston,	McKinley,	Steele,
Bayne,	Gilfillan,	Millard,	Stephenson,
Bingham,	Goff,	Milliken,	Stewart, J. W.
Bound,	Grosvenor,	Moffatt,	Stone, E. F.
Boutelle,	Guenther,	Morrill,	Strait,
Brady,	Harmer,	Morrow,	Swinburne,
Browne, T. M.	Hayden,	Nelson,	Taylor, I. H.
Brown, C. E.	Haynes,	O'Hara,	Taylor, J. M.
Brown, W. W.	Henderson, D. B.	O'Neill, Charles	Taylor, Zach.
Brumm,	Henderson, T. J.	Osborne,	Thomas, O. B.
Buck,	Hepburn,	Owen,	Thompson,
Bunnell,	Hiestand,	Parker,	Wade,
Burrows,	Hitt,	Payne,	Wadsworth,
Butterworth,	Hopkins,	Payson,	Wait,
Campbell, J. M.	Jackson,	Perkins,	Wakefield,
Cannon,	James,	Peters,	Warner, William
Conger,	Johnston, J. T.	Pirce,	Weaver, A. J.
Cutcheon,	Kelley,	Plumb,	Weber,
Davis,	La Follette,	Price,	West,
Dingley,	Lehlbach,	Ranney,	White, A. C.
Dorsey,	Lindsley,	Rice,	White, Milo
Ely,	Little,	Rockwell,	Whiting,
Evans,	Long,	Romeis,	Woodburn.
Everhart,	Loutit,	Rowell,	

NOT VOTING—89.

Aiken,	Dunham,	Laird,	Seymour,
Anderson, C. M.	Gallinger,	Landes,	Shaw,
Arnot,	Gay,	Le Fevre,	Smalls,
Barbour,	Gibson, C. H.	Libbey,	Sowden,
Beach,	Gibson, Eustace	Mahoney,	Spriggs,
Belmont,	Glover,	McAdoo,	Stahlnecker,
Boyle,	Grout,	Miller,	Stewart, Charles
Buchanan,	Hanback,	Mitchell,	Struble,
Burleigh,	Harris,	Morrison,	Swope,
Bynum,	Heard,	Murphy,	Symes,
Campbell, J. E.	Henley,	Negley,	Taylor, E. B.
Caswell,	Hermann,	Norwood,	Thomas, J. R.
Clardy,	Hewitt,	O'Donnell,	Throckmorton,
Clements,	Hires,	O'Neill, J. J.	Trigg,
Comstock,	Hiscock,	Pettibone,	Tucker,
Cooper,	Holmes,	Phelps,	Van Schaick,
Cox,	Houk,	Reed, T. B.	Viele,
Crain,	Hutton,	Reid, J. W.	Ward, J. H.
Daniel,	Johnson, F. A.	Reese,	Ward, T. B.
Dargan,	Ketcham,	Riggs,	Weaver, J. B.
Davenport,	King,	Rogers,	
Dawson,	Kleiner,	Scott,	
Dougherty,	Laffoon,	Sessions,	

So the motion was agreed to; and the message and accompanying bill were referred to the Committee on Invalid Pensions.

On motion of Mr. DOCKERY, by unanimous consent the reading of the names of members voting was dispensed with.

The followiag pairs were announced until further notice:

Mr. WARD, of Illinois, with Mr. HOUK.

Mr. LE FEVRE with Mr. BUTTERWORTH.

Mr. SPRIGGS with Mr. OWEN.

Mr. ROGERS with Mr. EZRA. B. TAYLOR.

Mr. BARBOUR with Mr. LIBBEY.

Mr. MILLER with Mr. GALLINGER.

Mr. THROCKMORTON with Mr. CASWELL.

Mr. REESE with Mr. NEGLEY.

Mr. HARRIS with Mr. PHELPS.

Mr. SCOTT with Mr. WAIT.

Mr. ARNOT with Mr. THOMAS, of Illinois.

Mr. LANDES with Mr. HANBACK.

Mr. COX with Mr. O'DONNELL.

On this vote:

Mr. RIGGS with Mr. HISCOCK.

For this day:

Mr. SWOPE with Mr. HIRES.

Mr. SHAW with Mr. DAVENPORT.

Mr. KLEINER with Mr. BUCHANAN.

Mr. GIBSON, of West Virginia, with Mr. DUNHAM.

Mr. CLARDY with Mr. JOHNSON, of New York.

Mr. HEWITT with Mr. BURLEIGH.

Mr. BELMONT with Mr. KETCHAM.

Mr. MORRISON with Mr. REED, of Maine.

JAMES T. IRWIN.

The SPEAKER also laid before the House the following message from the President of the United States; which was read:

To the House of Representatives:

I return herewith without approval House bill No. 3640, entitled "An act granting a pension to James T. Irwin."

This claimant enlisted in February, 1864, and was mustered out June 10, 1865. He is reported as absent sick from August 20, 1864, until mustered out. He seems to have been treated for remittent fever, chronic diarrhea, general debility, and palpitation of the heart.

In 1876 he filed a declaration for pension, alleging that at Petersburg, July 1, 1864, he contracted fever and inflammation of the eyes.

He filed an affidavit in January, 1877, in which he states that his diseased eyes resulted from diseased nerves, caused by a wound received June 18, 1864, at Petersburg, and from a consequent abscess on the back of the neck.

In an affidavit filed in July, 1878, he states that in June, 1864, in front of Petersburg he had his gun smashed in front of his face and his eyes injured, and afterwards he had an abscess on the back of his neck, typhoid fever, and disease of the left lung.

His claim founded upon these various allegations of injury was rejected in February, 1879.

In September, 1884, a declaration was filed for a pension, alleging disease of the heart contracted at Petersburg June 16, 1864.

The claimant was examined once in 1882 and twice in 1884 by United States examining surgeons and boards, and it is stated that these examinations failed to reveal any disease or disability except disease of the eyes and an irritable heart, the result of indigestion.

An oculist who made an examination in 1884 reported that the unnatural condition of claimant's eyes was congenital and in no manner the result of injury or disease.

Upon a consideration of the very short time that the claimant was in actual service, the different claims he has made touching his alleged disability, and the positive results of medical examinations, I am satisfied this pension should not be allowed.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 5, 1886.

Mr. MATSON. I move that the message and accompanying bill be referred to the Committee on Invalid Pensions, and on that motion I demand the previous question.

The previous question was ordered; and under the operation thereof the message and accompanying bill were referred to the Committee on Invalid Pensions.

FANNIE E. EVANS.

The SPEAKER also laid before the House the following message from the President of the United States; which was read:

To the House of Representatives:

I herewith return without approval House bill No. 4126, entitled "An act granting a pension to Fannie E. Evans."

The beneficiary named in this bill is the widow of George S. Evans. He was a soldier in the Mexican war, and entered the Union Army in the war of the rebellion, on the 16th day of October, 1861, as major of a California regiment. He became a colonel in February, 1863, and resigned in April of that year, to take effect on the 31st of May ensuing. His resignation seems to have been tendered on account of private matters, and no mention was then made of any disability. It is stated in the committee's report to the House that in 1864 he accepted the office of adjutant-general of the State of California, which he held for nearly four years.

He died in 1883 from cerebral apoplexy.

In March, 1884, his widow filed an application for pension, based upon the allegation that from active and severe service in a battle with the Indians at Spanish Fort, in 1863, her husband incurred a hernia, which incapacitated him for active service.

There appears to be evidence to justify this statement, notwithstanding the fact that the deceased during the twenty years that followed before his death made no claim for such disability.

But it seems to me that the effort to attribute his death by apoplexy to the existence of hernia ought not to be successful.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 6, 1886.

Mr. MATSON. I move to refer the message and accompanying bill to the Committee on Invalid Pensions, and on that motion I demand the previous question.

The previous question was ordered, and under the operation thereof the message and accompanying bill were referred to the Committee on Invalid Pensions.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had received with deep regret the announcement of the death of Hon. WILLIAM H. COLE, late a representative from the State of Maryland, and concurred in the resolution of the House of Representatives providing for the appointment of a joint committee to take order for superintending the funeral and to escort the remains of the deceased to the place of burial, and that the President *pro tempore* had appointed Mr. WILSON of Maryland, Mr. KENNA, and Mr. MANDERSON the committee on the part of the Senate.

The message further announced that the Senate had passed without amendment the joint resolution (H. Res. 199) providing for printing eulogies upon the late Michael Hahn.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 100) for the relief of William H. Crook;

A bill (S. 581) to establish a forest reservation on the headwaters of the Missouri River and the headwaters of Clark's Fork of the Columbia River;

A bill (S. 701) for the relief of the legal representatives of Peter Lyle, deceased;

A bill (S. 702) for the relief of the sufferers by the wreck of the United States steamer Tallapoosa;

A bill (S. 708) for the relief of Stephen N. Smith;

A bill (S. 725) for the relief of Maj. G. W. Candee;

A bill (S. 794) for the relief of A. H. Von Luettwitz;

A bill (S. 882) to regulate the pay of graduates of the Naval Academy;

A bill (S. 1056) to accept and ratify an agreement made by the Pah-Ute Indians, and granting a right of way to the Carson and Colorado Railroad Company through the Walker River reservation, in Nevada;

A bill (S. 1211) to accept and ratify an agreement made with the confederated tribes and bands of Indians occupying the Yakama reservation, in the Territory of Washington, for the extinguishment of their title to so much of said reservation as is required for the use of the Northern Pacific Railroad, and to make the necessary appropriations for carrying out the same;

A bill (S. 1310) for the relief of William Tabb; and

A bill (S. 1361) for the relief of Robley D. Evans and Richard M. Green.

PUBLIC BUILDING, DULUTH, MINN.

The SPEAKER also laid before the House the following message from the President of the United States:

To the House of Representatives:

I herewith return without approval House bill No. 5550, entitled "An act to provide for the erection of a public building at Duluth, Minn."

After quite a careful examination of the public needs at the point mentioned I am entirely satisfied that the public building provided for in this bill is not immediately necessary.

Not a little legislation has lately been perfected and very likely more will be necessary to increase miscalculated appropriations for, and correct blunders in, the construction of many of the public buildings now in process of erection.

While this does not furnish a good reason for disapproving the erection of other buildings where actually necessary, it induces close scrutiny, and gives rise to the earnest wish that new projects for public buildings shall for the present be limited to such as are required by the most pressing necessities of the Government's business.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 6, 1886.

Mr. NELSON. Mr. Speaker, I move that the message and accompanying bill be referred to the Committee on Public Buildings and Grounds.

There was no objection, and it was so ordered.

MARY KARSTETTER.

The SPEAKER also laid before the House the following message from the President of the United States:

To the House of Representatives:

I return herewith without approval House bill No. 2043, entitled "An act to place Mary Karstetter on the pension-roll."

The husband of this beneficiary, Jacob Karstetter, was enrolled June 30, 1864, as a substitute in a Pennsylvania regiment, and was discharged for disability June 20, 1865, caused by a gunshot wound in the left hand.

A declaration for pension was filed by him in 1865, based upon this wound, and the same was granted, dating from June in that year, which he drew till the time of his death, August 21, 1874.

In 1882 his widow filed her application for pension, alleging that he died of wounds received in battle. The claim was made that he was injured while in the Army by a horse running over him.

There is little or no evidence of such an injury having been received; and if this was presented there would be no necessary connection between that and the cause of the soldier's death, which was certified by the attending physician to be gastritis and congestion of the kidneys.

I can hardly see how the Pension Bureau could arrive at any conclusion except that the death of the soldier was not due to his military service, and the acceptance of this finding, after an examination of the facts, leads me to disapprove this bill.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 6, 1886.

Mr. WARNER, of Ohio. Mr. Speaker, I move that the message and accompanying bill be referred to the Committee on Invalid Pensions, and on that I demand the previous question.

The previous question was ordered.

The motion of Mr. WARNER, of Ohio, to refer the message and bill to the Committee on Invalid Pensions was then agreed to.

ROXANA B. ROWLEY.

The SPEAKER also laid before the House the following message from the President of the United States:

To the House of Representatives:

I return herewith without my approval House bill No. 5306 entitled "An act granting a pension to Roxana V. Rowley."

The beneficiary named in this bill is the widow of Franklin Rowley, who enlisted February 8, 1865, was promoted to first lieutenant March 13, 1865, and was discharged May 22, 1865, having tendered his resignation, as it is stated, on account of incompetency. His tender of resignation was indorsed by the commanding officer of his regiment, as follows: "This man is wholly unfit for an officer."

It will be seen that he was in the service a little more than three months.

In 1880, fifteen years after his discharge, he applied for a pension, alleging that he contracted disease of the liver while in the service.

Upon an examination of the claim, his attending physician, before enlistment, stated that as early as 1854 the claimant was afflicted with dyspepsia and functional disease of the liver; that he regarded him as incurable, so far as being restored to sound health was concerned, and that if he had been at home at the time when he enlisted he would have advised against it.

The testimony of this physician as to the claimant's condition after his discharge is referred to in the report of the committee of the House to whom this bill was referred, and I do not understand that he is at all impeached. He certainly is better informed than any other person regarding the condition of the man who was his patient.

The soldier died in 1881, sixteen years after his discharge, and his widow filed her claim for pension in 1882, alleging that the death of her husband was caused by a disease of the liver contracted in the service.

Her claim was rejected in 1883, upon the ground that the disease of which her husband died existed prior to his enlistment.

I can not avoid the conclusion, upon all the facts presented, that his death was not chargeable to any incident of his brief military service.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 5, 1886.

Mr. MATSON. Mr. Speaker, I move that the message and accompanying bill be referred to the Committee on Invalid Pensions, and on that I demand the previous question.

The previous question was ordered.

The motion of Mr. MATSON was then agreed to.

ROBERT H. STAPLETON.

The SPEAKER also laid before the House the following message from the President of the United States:

To the House of Representatives:

I herewith return without approval House bill No. 4797, entitled "An act granting a pension to Robert H. Stapleton."

This claimant filed an application for pension in the Pension Bureau in 1883, alleging that, while acting as lieutenant-colonel of a New Mexico regiment, on February 21, 1862, the tongue of a caisson struck him, injuring his left side. A medical examination made in 1882 showed a fracture of the ninth, tenth, and eleventh ribs of the left side.

If these fractures were the result of the injury alleged they were immediately apparent, and the delay of twenty-one years in presenting the claim for pension certainly needs explanation.

Claims of this description, by a wise provision of law, must, to be valid, be prosecuted to a successful issue prior to the 4th day of July, 1874.

The rank which this claimant held presupposes such intelligence as admits of no excuse on the ground of ignorance of the law for his failure to present his application within the time fixed by law.

The evidence of disability from the cause alleged is weak, to say the most of it, and I can not think that such a wholesome provision of law as that above referred to, which limits the time for the adjustment of such claims, should be modified upon the facts presented in this case.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 6, 1886.

Mr. MATSON. Mr. Speaker, I move that the message and accompanying bill be referred to the Committee on Invalid Pensions, and on that I demand the previous question.

The previous question was ordered.

The motion of Mr. MATSON was then agreed to.

MRS. MARGARET A. JACOBY.

The SPEAKER also laid before the House the following message from the President of the United States:

To the House of Representatives:

I herewith return without approval House bill No. 5021, entitled "An act granting a pension to Mrs. Margaret A. Jacoby."

A pension has been allowed on account of the disability of the claimant's husband, dating from his discharge in 1864.

The beneficiary named in this bill applied for pension in 1885, alleging that she married the soldier in 1864; that he incurred deafness and chronic diarrhea while in the service, from the combined effect of which he partially lost his mind; that on the 7th day of September, 1875, he disappeared, and that after diligent search and inquiry she is unable to learn anything of him since that time.

His disability from Army service should be conceded and his death at some time and in some manner may well be presumed; but the fact that he died from any cause related to his disability or his service in the Army has no presumption and not a single particle of proof to rest upon.

With proper diligence something should be discovered to throw a little light upon this subject.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 5, 1886.

Mr. MATSON. Mr. Speaker, I move that the message and accompanying bill be referred to the Committee on Invalid Pensions, and on that I demand the previous question.

The previous question was ordered.

The motion of Mr. MATSON was then agreed to.

MARIA CUNNINGHAM.

The SPEAKER also laid before the House the following message from the President of the United States:

To the House of Representatives:

I return herewith without approval House bill No. 5414, entitled "An act granting a pension to Maria Cunningham."

The husband of the beneficiary named in this bill enlisted January 29, 1862, and was discharged January 20, 1865.

He applied for a pension in 1876, alleging a shell wound in the head. His claim was rejected on the ground that there appeared to be no disability from that cause. No other injury or disability was ever claimed by him, but at the time of his examination in 1876 he was found to be sickly, feeble, and emaciated, and suffering from an advanced stage of saccharine diabetes.

His widow filed an application for a pension in 1879, alleging that her husband died in December, 1877, of spinal disease and diabetes contracted in the service.

Her claim was rejected because evidence was not furnished that the cause of the soldier's death had its origin in the military service.

There seems to be an entire absence of proof of this important fact.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 6, 1886.

Mr. MATSON. Mr. Speaker, I move that the message and the accompanying bill be referred to the Committee on Invalid Pensions; and on that I demand the previous question.

The previous question was ordered.

The motion of Mr. MATSON was then agreed to.

ABNER MOREHEAD.

The SPEAKER also laid before the House the following message from the President of the United States:

To the House of Representatives:

I return without approval House bill No. 3304, entitled "An act to restore the name of Abner Morehead to the pension-roll."

The person mentioned in this bill was pensioned in November, 1867, upon the claim made by him that, in 1863, from hardship and exposure incident to camp life and field duty, he contracted a fever which settled in his eyes, almost wholly destroying his sight. Afterward his pension was increased to $15 a month, dating from December, 1867, and arrears at the rate of $8 a month from February, 1864. In 1876 the case was put in the hands of a special agent of the Pension Bureau for examination, and upon his report showing that the claimant's disease of the eyes existed prior to enlistment, his name was dropped from the rolls.

An application for restoration was made in 1879, and a thorough examination was made by a special examiner in 1885, who reported that the testimony taken conclusively established the fact that the claimant had disease of the eyes prior to the time of enlistment, the result of a disorder which he specially mentions, and that he was treated for the same more than a year subsequently to 1860. He adds: "There is no merit whatever in this case, and it is evident that he obtained a large sum as pension to which he must have known he was not entitled."

The results of these examinations, instituted for the express purpose of developing the facts, and with nothing apparent to impeach them, should, I think, control as against the statements of neighbors and comrades, based upon mere general observation, and not necessarily covering the period which is important to the controversy.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 5, 1886.

Mr. MATSON. Mr. Speaker, I move to refer the message and the accompanying bill to the Committee on Invalid Pensions, and on that I demand the previous question.

The previous question was ordered.

The motion of Mr. MATSON was then agreed to.

WILLIAM DERMODY.

The SPEAKER also laid berore the House the following message from the President of the United States:

To the House of Representatives:

I herewith return without approval House bill No. 1505, entitled "An act granting a pension to William Dermody."

By the records of the War Department which have been furnished me it appears that this claimant enlisted August 19, 1861; that he deserted August 29, 1862; in November and December, 1862, he is reported as present in confinement in regimental guard-house, to forfeit one month's pay by sentence of regimental court-martial; he is reported as having deserted again in December, 1863, but as present for duty in January and February, 1864. He re-enlisted in the latter month, and was mustered out July 17, 1865, and with his company was paid up to and including July 21, 1865.

He filed a declaration for pension in 1879, alleging that he received a gunshot wound in the thigh at Trenton, N. J., July 21, 1865, and that the wound was inflicted by a member of the Invalid Corps, who was whipping a drummer boy and the claimant interfered in behalf of the boy.

It is quite certain that the transaction took place July 23.

An examining board, in 1880, found pistol shot in thigh, but refused to give the claimant a rating, because, as they report, "from the evidence before the board there is reason to suppose that he was deserting from the barracks at Trenton, July 23, 1865, and was shot by the guard."

This may not be a just suspicion or finding, but he surely was not in the service nor in the performance of any military duty at the time of the injury, nor was he engaged in such manner as to entitle him to indemnification at the hands of the Government.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 5, 1886.

Mr. MATSON. Mr. Speaker, I move to refer the message and the accompanying bill to the Committee on Invalid Pensions, and on that I demand the previous question.

The previous question was ordered.

The motion of Mr. MATSON was agreed to.

ELIZABETH M'KAY.

The Speaker also laid before the House the following message from the President of the United States.

To the House of Representatives:

I herewith return without approval House bill No. 4782, entitled "An act granting a pension to Elizabeth McKay."

The beneficiary named is the widow of Rowley S. McKay, who in 1862 seems to have been employed as pilot on the ram Switzerland. He seems to have been upon the rolls of two other vessels of the United States, the Covington and General Price, but was discharged by Admiral Porter in June, 1864, with loss of all pay and emoluments.

He filed an application for pension in 1870, alleging that while on duty as pilot and in action with the rebel ram Arkansas his hearing became affected by heavy firing. He also claimed that in February, 1863, while on the vessel Queen of the West, she grounded, and to escape capture he got off and floated down the river on a cotton bale, and being in the water about three hours the exposure caused a disease of the urinary organs; and that a few days after, while coming up the river on a transport, the boat was fired into and several balls passed through his left thigh. It seems that this claim was not definitely passed upon, but it is stated that the records failed to show that McKay was in the service of the United States at the time he alleged the contraction of disease of the urinary organs and was wounded in the thigh.

The beneficiary named in this bill never made application for pension to the Pension Bureau, but it appears that she bases her claims to consideration by Congress upon the allegation that in 1862, while her husband was acting as pilot of the ram or gunboat Switzerland, he contracted chronic diarrhea, from which he never recovered, and that he died from the effects of said disease in May, 1874.

It will be observed that among the various causes which the soldier or sailor himself alleged as the grounds of his application for pension chronic diarrhea is not mentioned.

There does not appear to be any medical testimony to support the claim thus made by the widow, and the cause of death is not definitely stated.

Taking all together, it has the appearance of a case by no means rare, where chronic diarrhea or rheumatism are appealed to as a basis for a pension claim in the absence of something more substantial and definite.

The fact that the claim of the beneficiary has never been presented to the Pension Bureau influences in some degree my action in withholding my approval of this bill.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 5, 1886.

Mr. MATSON. I move that this message, with the accompanying bill, be referred to the Committee on Invalid Pensions; and on that motion I move the previous question.

The previous question was ordered.

The question being taken, the motion of Mr. MATSON was agreed to.

LEWIS W. SCANLAND.

The SPEAKER also laid before the House the following message:

To the House of Representatives:

I herewith return without approval House bill No. 3043, entitled "An act granting a pension to Lewis W. Scanland."

The claimant filed his declaration for a pension in 1884, alleging that he contracted chronic diarrhea while serving in a company of mounted Illinois volunteers in the Black Hawk war.

The records show that he served from April 18, 1832, to May 28, in the same year.

He was examined by a board of surgeons in 1884, when he was said to be seventy-five years old. In his examination he did not claim to have diarrhea for a good many years. On the contrary, he claimed to be affected with constipation, and said he had never had diarrhea of late years, except at times when he had taken medicine for constipation.

I am inclined to think it would have been a fortunate thing if in this case it could have been demonstrated that a man could thrive so well with the chronic diarrhea for fifty-two years, as its existence in the case of this good old gentleman would prove. We should then, perhaps, have less of it in claims for pension.

The fact is in this case there is no disability which can be traced to the forty days' military service of fifty-four years ago, and I think little if any more infirmity than is usually found in men of the age of the claimant.

Entertaining this belief, I am constrained to withhold my signature from this bill.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 6, 1886.

Mr. ELDREDGE. I move that this message, with the accompanying bill, be referred to the Committee on Pensions; and on that motion I demand the previous question.

Mr. BURROWS. Mr. Speaker, there is a little misunderstanding between the gentleman from Indiana [Mr. MATSON] and myself. Upon conversing with him I find he is under the impression that the agreement was there should be only fifteen minutes' debate on any bill which was antagonized on this side. I did not so understand the matter. I understood that fifteen minutes were allotted to the gentleman from Ohio [Mr. GROSVENOR], but we have rested upon the assumption that a gentleman taking the floor upon one of these measures would have an hour. I want to keep the agreement according to the intent with which it was made. If it be in accordance with the agreement we want more than fifteen minutes upon some of these bills. I think, however, there is perhaps only one bill which we desire to discuss.

Mr. MATSON. This bill did not come from the Committee on Invalid Pensions. It is a bill which was reported by the Committee on Pensions. I have nothing to do with it.

Mr. BURROWS. I simply wanted to know from the Chair whether there was such an understanding.

The SPEAKER. The Chair knows nothing about the private conversation between gentlemen.

Mr. BURROWS. Whatever arrangement was made was made publicly.

Mr. MATSON. I will say to the gentleman from Michigan [Mr.

BURROWS] that I understood distinctly there were not more than three cases on which discussion would be desired besides that on which the gentleman from Ohio [Mr. GROSVENOR] wished to speak, and that not more than fifteen minutes were desired on any one case.

Mr. BURROWS. What I said was that fifteen minutes were desired by the gentleman from Ohio. I defer to the judgment of the Chair whether there was any statement such as that just mentioned by the gentleman from Indiana. I did not so understand.

The SPEAKER. The only agreement of which the Chair knows anything was an agreement with reference to the message and bill then pending.

Mr. BURROWS. It now looks as if there were but one more case on which gentlemen on this side desire discussion. That is a case in charge of the gentleman from Maryland [Mr. MCCOMAS]—a very important case; and he wants an hour on it.

Mr. MATSON. It will be time enough to settle that when we reach it.

The SPEAKER. The question now is on ordering the previous question on the motion of the gentleman from Michigan [Mr. ELDREDGE].

The previous question was ordered; and under the operation thereof the motion of Mr. ELDREDGE to refer the message and accompanying bill to the Committee on Pensions was agreed to.

WILLIAM H. NEVIL.

The SPEAKER also laid before the House the following message from the President of the United States:

To the House of Representatives:

I return herewith without approval House bill No. 3623, entitled "An act granting a pension to William H. Nevil."

This bill directs that the name of the claimant be placed upon the pension-roll "subject to the provisions and limitations of the pension laws."

This very thing was done on the 22d day of June, 1865, and the claimant is in the receipt at the present time of the full amount of pension allowed by our pension laws as administered by the Pension Bureau.

I suppose the intention of the bill was to increase this pension; but it is not framed in such a way as to accomplish that object, or to benefit the claimant in any way whatever.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 5, 1866.

Mr. MATSON. I move to refer the bill and message in this case to the Committee on Invalid Pensions; and on that motion I ask the previous question.

The previous question was ordered, and under the operation thereof the motion of Mr. MATSON was agreed to.

JAMES CARROLL.

The SPEAKER also laid before the House the following message from the President of the United States.

To the House of Representatives:

I herewith return without approval House bill No. 4642, entitled "An act granting a pension to James Carroll."

The claimant alleges that he was wounded while in the service as a member of Company B, Third Regiment North Carolina Mounted Volunteers, while securing recruits for the regiment at Watauga, N. C., January 25, 1865.

The records of the War Department develop the fact that the name of this man is not borne upon any roll of the company to which he claims to belong.

He stated in his application that he was sworn in by one George W. Perkins—who, it appears, was a private in said company—and that Perkins was with him at the time he was shot.

This is undoubtedly true, and that the claimant was injured by a gunshot is also probably true. He was not, however, at the time regularly in the United States service, but this objection might in some circumstances be regarded as technical. The difficulty is that the fact that he was creditably employed in a service of benefit to the country is not satisfactorily shown. He gives two accounts of the business in which he was engaged, and Mr. Perkins's explanation of the manner in which the two were occupied is somewhat different still.

Carroll's claim, presented to the Pension Bureau, was rejected upon the ground that there was no record of his service on file. But in his testimony he stated that Perkins was wounded on the same occasion as himself, and that he, Perkins, was then a pensioner on account thereof.

The records of the Pension Bureau show that Perkins was pensioned in 1873 on account of three wounds received at the time and place of Carroll's injury.

It also appears that his name was dropped from the rolls in 1877 on the ground that his wounds were not received in the line of duty.

After an investigation made at that time by a special examiner, he reported that Perkins and Carroll had collected a number of men together who made their headquarters at the home of Carroll's mother, and were engaged in plundering the neighborhood; and that, on account of their depredations, they were hunted down by home guards and shot at the time they stated.

If this report is accepted as reliable it should of course lead to the rejection of the claim for pension on the part of Mr. Carroll.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 6, 1886.

Mr. MATSON. I move that this bill, with the accompanying message, be referred to the Committee on Invalid Pensions; and on that motion I call for the previous question.

The previous question was ordered, and under the operation thereof the motion was agreed to.

FRANCIS DEMING.

The SPEAKER also laid before the House the following message from the President of the United States:

To the House of Representatives:

I herewith return without approval House bill No. 2971, entitled "An act granting a pension to Francis Deming."

This claimant entered the service in August, 1861, and was discharged September 15, 1865.

His hospital record shows that during his service he was treated for various temporary ailments, among which rheumatism is not included.

He filed an application for pension in September, 1884, alleging that in August, 1864, he contracted rheumatism, which had resulted in blindness.

On examination of his case in November, 1884, he stated that his eyesight began to fail in 1882.

There seems to be no testimony showing his condition from the time of his discharge to 1880, a period of fifteen years.

The claim that his present condition of blindness is the result of his Army service is not insisted upon as a reason for granting him relief as strongly as his sad and helpless condition. The committee of the House to which this bill was referred, after detailing his situation, close their report with these words: "He served well his country in its dire need; his necessities now appeal for relief."

We have here presented the case of a soldier who did his duty during his Army service, and who was discharged in 1865 without any record of having suffered with rheumatism and without any claim of disability arising from the same; he returned to his place as a citizen, and in peaceful pursuits, with chances certainly not impaired by the circumstance that he had served his country, he appears to have held his place in the race of life for fifteen years or more. Then, like many another, he was subjected to loss of sight, one of the saddest afflictions known to human life.

Thereupon, and after nineteen years had elapsed since his discharge from the Army, a pension is claimed for him, upon a very shadowy allegation of the incurrence of rheumatism while in the service, coupled with the startling proposition that this rheumatism resulted, just previous to his application, in blindness. Upon medical examination it appeared that his blindness was caused by amaurosis, which is generally accepted as an affection of the optic nerve.

I am satisfied that a fair examination of the facts in this case justifies the statement that the bill under consideration can rest only upon the grounds that aid should be furnished to this ex-soldier because he served in the Army, and because he a long time thereafter became blind, disabled, and dependent.

The question is whether we are prepared to adopt this principle and establish this precedent.

None of us are entitled to credit for extreme tenderness and consideration toward those who fought their country's battles; these are sentiments common to all good citizens; they lead to the most benevolent care on the part of the Government and deeds of charity and mercy in private life. The blatant and noisy self-assertion of those who, from motives that may well be suspected, declare themselves above all others friends of the soldier can not discredit nor belittle the calm, steady, and affectionate regard of a grateful nation.

An appropriation has just been passed setting apart $76,000,000 of the public money for distribution as pensions, under laws liberally constructed, with a view of meeting every meritorious case; more than a million of dollars was added to maintain the Pension Bureau, which is charged with the duty of a fair, just, and liberal apportionment of this fund.

Legislation has been at the present session of Congress perfected considerably increasing the rate of pension in certain cases. Appropriations have also been made of large sums for the support of national homes where sick, disabled, or needy soldiers are cared for; and within a few days a liberal sum has been appropriated for the enlargement and increased accommodation and convenience of these institutions.

All this is no more than should be done.

But with all this, and with the hundreds of special acts which have been passed, granting pensions in cases where, for my part, I am willing to confess that sympathy rather than judgment has often led to the discovery of a relation between injury or death and military service, I am constrained by a sense of public duty to interpose against establishing a principle and setting a precedent which must result in unregulated, partial, and unjust gifts of public money under the pretext of indemnifying those who suffered in their means of support as an incident of military service.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 5, 1886.

Mr. MATSON. I move to refer this bill and the accompanying message to the Committee on Invalid Pensions; and on that motion I demand the previous question.

Mr. BURROWS. How many more of these messages are there?

The SPEAKER. There is one more.

Mr. BURROWS. I desire to make a suggestion to the gentleman from Indiana. There is a desire on this side to debate the present message, and also the one which is to follow. I hope the gentleman from Indiana will withdraw his motion for the present and allow us thirty minutes' debate on this question, and probably about the same time on the next, thus giving one hour's debate on this side to the two cases instead of to one case, as I intimated before.

Mr. MATSON. Mr. Speaker, I have been disposed to get along with this business as rapidly as possible so as to save the time of the House. The gentleman from Michigan came to me a while ago and submitted a proposition that on the last of these veto messages, which I believe is the one next to be reached, there should be an hour's debate on the other side of the House. I stated to him that I would try to get this side of the House to agree to that proposition. I have since had some consultation with the gentlemen on this side, and they are disposed to agree—and I hope the gentleman from Michigan will agree—that there shall be debate for three-quarters of an hour upon that side and half an hour's debate in reply on this side, making one hour and a quarter in all.

Mr. BURROWS. Will not the gentleman agree that there shall be in addition thirty minutes' debate on this bill?

Mr. MATSON. The whole object, I suppose, of gentlemen on both sides of the House is to get along with the public business. Gentlemen will remember that after referring these messages the question is to be taken whether those vetoed bills already reported back shall pass notwithstanding the veto. Then the deficiency bill is ready to be voted on; and, as I am informed by members of the Committee on Appropriations, it is important to dispose of that bill to-day. Besides, the Senate amendments to the legislative appropriation bill are to be considered. The 15th of the month is fast approaching; so that it is very important for us to consider these various matters if possible to-day.

I hope, therefore, gentlemen on the other side will agree to a debate of three-quarters of an hour on that side and half an hour on this.

Of course it is expected something will be said on that side of the House which will require an answer. That will take an hour and a

quarter. So it will then be 2 o'clock before we can reach the consideration of bills that have been reported.

Mr. STEELE. Three-quarters, I think, is enough.

Mr. BURROWS. The proposition I made, instead of taking an hour's debate——

Mr. MATSON. I understand.

Mr. BURROWS (continuing). Upon the last bill, was to take thirty minutes on this and thirty minutes on the next, because some desire an opportunity to speak on this bill especially and not on the other. And to the other side it could not make any difference.

Mr. MATSON. Will the gentleman answer me? Will not the gentleman consent to three-quarters?

Mr. BURROWS. We could not. There has been but little said——

Mr. MATSON. We only ask half an hour on this side.

Mr. BURROWS. The gentleman will see I have tried to carry out some arrangement to expedite business.

Mr. MATSON. That is what we desire.

Mr. BURROWS. We desire but thirty minutes on this and thirty minutes on the next.

Mr. MATSON. The proposition as agreed upon here I have already stated. Gentlemen insist that three-quarters on that side and half an hour on this is enough.

Mr. BURROWS. They desire more time on this side of the House.

Mr. MATSON. Then I understand you to say you will not agree to three-quarters.

Mr. BURROWS. I do not say about that.

Mr. HAMMOND. Will the gentleman answer whether the other side will insist on a yea-and-nay vote?

Mr. BURROWS. One vote on them.

Mr. HAMMOND. On one or both?

Mr. BURROWS. One vote, of course, on each of them.

Mr. SPRINGER. Mr. Speaker, I ask by unanimous consent that these pension matters be laid aside for the present to be taken up to-morrow again, and that to-day we proceed to consider the amendments reported by the Committee of the Whole House on the state of the Union to the general deficiency bill; and that after those are disposed of to take up other appropriation bills which may be ready for action, and that to-morrow we agree to go on with the debate on these pension bills.

The SPEAKER. There is only one more message.

Mr. SPRINGER. I ask by unanimous consent the proposition I have suggested be agreed to.

Mr. BURROWS. I will say to my honorable friend from Illinois that I understand the gentleman from Maryland [Mr. McCOMAS], who is interested in the veto messages, will be compelled to-morrow to attend the funeral ceremonies of his colleague, and he, of course, will not be able to be here to-morrow.

Mr. SPRINGER. Then make it Monday or Tuesday.

Mr. RYAN. Let us make it Monday.

Mr. RANDALL. Make it Tuesday.

Mr. SPRINGER. Very well; let it be Tuesday. By Tuesday we can get through with both the appropriation bills.

Mr. WARNER, of Ohio. We will save time by going on with this business now.

Mr. VAN EATON. So I think.

Mr. LAWLER. I demand the regular order of business.

The SPEAKER. The regular order of business is the motion of the gentleman from Indiana.

Mr. LAWLER. I also object to taking up the time of the House unnecessarily.

Mr. BURROWS. I hope there will be an agreement to allow thirty minutes on this and thirty minutes on the next message.

Mr. MATSON. I am willing to compromise on that by saying fifty-two minutes on that side and thirty minutes on this.

Mr. BURROWS. The other eight minutes is not much to ask, and the proposition I have made is the least time possible we can accept.

Mr. MATSON. Go ahead then.

The SPEAKER. The House will come to order. By order of the House thirty minutes are allowed in opposition to the veto which has just been read.

Mr. MATSON. And thirty minutes on this if we shall see fit to occupy it.

The SPEAKER. The Chair understands that to be the order of the House.

There was no objection.

Mr. MATSON. And the same order as to the next message.

The SPEAKER. As to the next precisely the same order.

There was no objection.

Mr. BURROWS. I yield now for ten minutes to the gentleman from Maine [Mr. BOUTELLE].

Mr. BOUTELLE Mr. Speaker, it seems to me that we might as well recognize, in this matter of discussing these vetoes of private pension bills, that we have reached an issue in this country broader and deeper than any interest involved in any individual case.

The people of the United States are not making any mistake to-day in regard to the issue that is raised before the country. It is not simply the question whether the few soldiers named in these particular bills, or their parents or widows or orphan children, may receive a pension by grant of the House of Representatives and the Senate, composing the Congress of the United States, but the issue raised here, Mr. Speaker, is openly, clearly, and unmistakably joined between the Democratic party of this country, through its Executive and its representatives in Congress, upon the broad question of the duty of recognizing the services and the sacrifices of the men who gave their health or their lives in order that this great nation might be preserved.

There can be no mistake on this point, as the recent outbreak of executive vetoes has been coincident and apparently in concert with the unwonted boldness that has recently characterized the assaults upon pension legislation from the Democratic side of the House. Indeed, there seems to have sprung up a rivalry in this matter of antagonizing pensions for Union soldiers, and at recent Friday night sessions the transaction of business has been practically suspended by the obstructive methods resorted to as a matter of settled policy, as when at the last of those sessions two Representatives from Louisiana vied with each other in opposing a pension for an aged woman whose son was killed by a rebel cannon-shot while in the service of his country in the waters of that State.

Simultaneously with these manifestations among the rank and file, the Democratic leaders of the House, of the Committee on Rules, consisting of Speaker CARLISLE, ex-Speaker RANDALL, and the party leader on the floor, Mr. MORRISON, have brought forward the astonishing proposition that the rules be so amended that no legislation for the disabled veterans of the Republic or their needy dependents could be enacted without having saddled upon it the most odious form of taxation. The pretense that this outrageous invention for rendering pension laws odious was originated out of regard for the soldiers has been effectually disposed of in the debate upon the measure. But I present here the indignant protest made against it by the official representatives of the great organization that embraces a large proportion of the surviving defenders of the Union.

[General Orders, No. 21.]

HEADQUARTERS GRAND ARMY OF THE REPUBLIC,
Washington, D. C., July 3, 1886.

The deep concern felt by the comrades of the Grand Army of the Republic in the pension legislation now pending in Congress, and especially in the provisions embodied in Senate bill No. 1886, has been so abundantly evidenced as to more than justify the earnest protest of the committee on pensions which is below set out. Having from time to time invited the aid of posts and comrades for the advancement of just pension measures, the commander-in-chief now presents for consideration and for such action as will readily suggest itself the unfriendly proposals which are the subject of the protest.

By command of S. S. Burdett, Commander-in-Chief.

JOHN CAMERON, *Adjutant-General.*

BOSTON, MASS., *July* 1, 1886.

SAMUEL S. BURDETT,
Commander-in-Chief Grand Army of the Republic:

The committee on pensions, appointed under resolution of the national encampment of the Grand Army of the Republic, and authorized to speak therefor, feel impelled, through you, in the name and behalf of three hundred and twenty-five thousand veterans, to enter an emphatic protest against the proposition now pending in Congress to attach to all pension bills—and pension bills only—a measure of special taxation to provide for the payment thereof.

This proposition is not to increase the revenues of the Government for general purposes by new taxation, but in effect a declaration that while all other expenditures of the General Government, for salaries, public buildings, river and harbor improvements, and the like, shall continue to be paid from existing sources of revenue, the debt due to the soldiers and sailors of the Republic, for which the most solemn faith of the nation has been plighted, the pensions to the men who gave sight and hearing, limbs and health, and who offered their lives in defense of the nation, shall mercilessly stand aside, unless subjected to the invidious distinction of a special method of taxation.

That every other obligation of the National Government shall be met from the usual and ordinary revenues, but the obligation to the soldier be singled out and alone made to bear the burden of a new and special tax.

That in the payment of pensions, and pensions alone, one class of the people shall be arrayed against another—the tax-payer against the beneficiary—by providing as to pensions, and for no other form of indebtedness, a particular tax for a specified purpose.

Speaking in behalf of our comrades of the Grand Army of the Republic, we protest against this measure as the most iniquitous possible, and which the Union veterans of the country will resent and repudiate.

Respectfully yours,

G. S. MERRILL,
JAMES TANNER,
JOHN C. LINEHAN,
JOHN S. KOUNTZ,
Committee on Pensions.

But, Mr. Speaker, the manifestation of Democratic purpose and spirit in regard to pensions has not been confined to the White House and the Capitol, but has found expression through the accredited organs of that party. I have before me a newspaper published in the city of New York, which has assumed, and to which has been ascribed, the function of special organ of the national administration in the great commercial emporium of the country; and in that newspaper, in an issue published within the last three days, I find this clear, unmistakable, unequivocal declaration on the part of the mouth-piece of this national administration—I read now from the New York Star, the paper edited by ex-District Attorney Dorsheimer, one of the leading members of the Democratic party in the United States, the personal biographer of the President of

the United States, recently the United States district attorney for New York under the appointment of President Cleveland, with whom he has recently been in conference here in Washington. On Tuesday last, in discussing this question of vetoes of pensions, he makes this editorial statement:

These critics of the President should incense themselves very moderately. The country believes that *the business of granting pensions is worse than a nuisance, and that it is a fraud upon the Treasury.*

That, Mr. Speaker, is the declaration semi-officially made by the administration of the United States Government under the auspices of the Democratic party. We may as well recognize it. There is not a member on this side of the Chamber or on the other side, there is not an intelligent citizen of the United States to-day who does not recognize the fact that we have come to the "parting of the ways;" that we have reached a time when the Democratic party feels itself sufficiently firmly seated in the saddle to express openly and defiantly its hostility to the men who went to the front to save this Union in its hour of peril, and who, after having defeated Democratic rebellion upon a hundred battlefields, have added to their offense in the eyes of Democracy by casting more than 90 per cent. of their votes at the polls in favor of the party that sustained them throughout the war and that now seeks to do justice to "him who shall have borne the battle, and his widow and his orphans."

We have presented here a spectacle unparalleled in the history of the country. The great general court of the United States, sitting here for the calm consideration and grave examination of public matters, have decided, upon unanimous reports of their committees, and by the unanimous votes of the two houses in many cases, that it was becoming and proper for this great and rich Government to extend in this its hour of prosperity and wealth, a little dole, a little pittance to some one-legged or one-armed soldier, to some veteran, dragged down by disease or weakened or disabled by the unutterable horrors of Southern prison-pens; or to grant to some widow left—as in one case recently vetoed—with seven children to support, the small sum of $12 a month to help her to feed and clothe and educate as good citizens the offspring of the patriot who laid down his life under our flag; and it remained for the President of the United States, the Chief Magistrate of fifty millions of people, to refuse his assent to that slight act of justice to that widow; and not only that, but to send it back to the Chamber at the other end of the Capitol, coupled with a slur upon the chastity of the mother who had asked so little at the hands of the great Government for which she had sacrificed so much.

Twelve dollars a month! One hundred and forty-four dollars a year to care for the widow and seven fatherless children of one of the dead soldiers of this Republic, snatched from her after it had been granted by Congress, by the veto of a President surrounded by every luxury, and for the mere decoration of whose table at a single repast the people have contributed more for flowers than would pension several such widowed households for a year. Not that the people, rich or poor, grudge the Chief Magistrate the elegancies befitting the exalted station he occupies, but the thought can not be repressed that the generosity of the people should beget in return a thoughtfulness for the Nation's especial wards, the sorrowing ones whose blood and tears have purchased our great deliverance and rendered possible the prosperity out of which they have a right to be remembered.

I read, sir, a few days ago, in a paper published in this city an account of the marvelous industry of our Chief Magistrate in this crusade that he has inaugurated against the veteran soldiers of his country. I find that one hundred and forty-one cases that he has considered have been disposed of by him within ten days, or two hundred and forty hours, counting night and day; so that if he had sat up nights and gone without food and rest he would have devoted but two hours apiece to the pension cases which had occupied the attention of Representatives and Senators, some of them, for weeks and months.

I find it stated in regard to one batch of these bills that he occupied only between the hours of 10 o'clock in the morning and 3 o'clock in the afternoon to dispose of nineteen veto messages in pension cases, five hours in all; but allowing an hour for luncheon, which would not be an unreasonable time for a gentleman of his avoirdupois, it would leave four hours, two hundred and forty minutes, or less than thirteen minutes for the President to dispose of each case—cases, too, some of which had occupied the careful attention of the committees of the two branches of Congress for months at a time.

That is the calm, judicial review upon which the President seeks to set aside the deliberately expressed judgment of the Senate and the House of Representatives! And this newspaper further tells us that the President was jocular over his work. It says:

In writing his veto messages the President was quick to take advantage of any discrepancies in the reasons given for allowing pensions, and made them appear in very terse language, sometimes with a vein of humor.

"A vein of humor!" God help the nation whose Chief Executive can find no more fitting subject for his gibes than the battered wrecks of a great war from which he held aloof; the widows and the orphans of those who may sleep in unknown graves where they fell, but whose white foreheads have felt the kiss of angels.

Truly it has been said that the spirit and the style of these veto messages have no precedent, and it is safe to say that in his heartless sneers at the unfortunate he need fear no future rival or imitator.

With great questions of national and international importance pressing for action; with a scandal in his Cabinet so gross that his own party papers demand his attention to it; with our fishery interests paralyzed by foreign aggression, of which it seems impossible to induce the administration to take note; with daily affronts to our flag and arbitrary seizures of our vessels by the petty authorities of a British colony, calling aloud for the exercise of statesmanship, or at least some show of interest, the Executive head of this great Nation can find nothing more important to do than to haggle with Congress about a few private pensions, and the papers announce that he denies himself to callers on business and postpones Cabinet meetings in order to devote himself undisturbed to the grinding of his grist of pension vetoes! What employment for a great statesman in his honeymoon—cracking poor jokes at sick soldiers and glibly arguing away the little pension that would barely keep the wolf of hunger from the door of some destitute but loyal home!

My God, Mr. Speaker, what a spectacle this presents! I think I can see the muse of history looking at the grand procession of the Chief Magistrates of this country, seeking out the illustrious features in the lives of each to be depicted in the great pantheon of American history, and I can imagine the expression of ineffable disgust which would pass over the features——

The SPEAKER. The time of the gentleman has expired.

Mr. BURROWS yielded five minutes' additional time to Mr. BOUTELLE.

Mr. BOUTELLE. I say, sir, I can imagine the change of expression—I will not characterize it, for I need not—which would pass over the features of the Goddess of Liberty as she might be called upon to survey the allegorical representations of the characteristic achievements of our great rulers, frescoed forth in the Rotunda of the Capitol, as her gaze should first rest upon the picture of Abraham Lincoln standing on the battlefield of Gettysburg, amid the graves of the heroes of the Union, and there dedicating and pledging for all time to come the gratitude of the American people to the Nation's defenders; and then passing to the next panel, upon which should be delineated with all the felicity of art the picture of the Chief Magistrate of to-day, sitting in his shirt-sleeves, with his collar unbuttoned, perspiring over the vetoes of little pension bills to the heroes of the American Republic. [Applause.]

I have not time, Mr. Speaker, to advert in detail to many phases of this question that ought to be discussed here, but I do desire to call attention to one statement that has been made repeatedly upon the floor of this House.

A few days ago the gentleman from Wisconsin [Mr. BRAGG] in his attempt to set up the claim that the Democratic party had been the only friend of the soldier since the war, made this statement:

Who was it that repealed the limitation upon arrears, and gave the soldiers whose cases were pending their pension from the date of their disability? It was the Democratic party. Oh!

I do not wonder that he said "Oh!" And a few days ago the chairman of the Committee on Invalid Pensions, refusing to allow an interruption to correct him and insisting on the correctness of his statement, reiterated the assertion that it was the Democratic party that had passed the arrears-of-pension bill. On Wednesday, July 7, the following colloquy took place:

Mr. GROSVENOR. Will the gentleman allow me a question?
The SPEAKER. Does the gentleman from Indiana yield?
Mr. MATSON. I do not. Gentlemen say that the comparison between the two parties as to their course on this subject shows the balance on their side. I will submit, and gladly submit, to the soldiers of this country the question as to where the balance is. *All the legislation friendly to the soldier that has amounted to anything since the war has been given by a Democratic House of Representatives.*
Mr. BRUMM. By Republican votes.
Mr. MATSON. It was a Democratic House that originated, and under the leadership of General Rice, a one-legged Democratic soldier, passed the original bill giving arrears of pensions.
Mr. BOUTELLE. Will the gentleman state the vote as it was given in the House?
Mr. MATSON. I decline to yield.

Mr. Speaker, I desire to place on record here and now the vote by which the arrears-of-pensions bill was passed. On the 19th day of January, 1878, the bill granting arrears of pensions, a bill that had been introduced by Mr. Cummings, of Iowa, a Republican, was called up by Mr. Haskell, of Kansas, a Republican. It was passed by a vote of 164 to 61. The entire negative vote was cast by Democrats; 58 of the 61 Democratic votes coming from the Solid South. Of the 164 votes in favor of the bill 116 were Republican, and only 48 Democratic. It was a Republican measure, inaugurated by Republicans, and passed by Republican votes.

In making the statement that the gentleman from Wisconsin and the gentleman from Indiana have repeated here they have indulged in both the *suppressio veri* and the *suggestio falsi*. I deny that the Democratic party are entitled to any credit for that great act of liberality to the Union soldier, and I could show if I had time that since the war upon every and all occasions when the rights of Union soldiers have been involved the solid adverse vote has been given by the Democratic party. The record would also throw a strong side-light upon the claim

so often made here that the Democratic members who were formerly confederates have been especially liberal and chivalrous in their support of pensions for the soldiers who upheld the Government. Let me cite a few illustrations:

December 14, 1875, Mr. Fort, in the House, offered the following:

Resolved, That in all subordinate appointments under any officers of this House, wounded Union soldiers, who are not disabled from performance of duty, should be preferred.

Mr. Cox, of New York, Democrat, offered a substitute entirely neutralizing the idea expressed, and subsequently moved to commit the subject to the Committee on Accounts; which was carried by 168 to 102, every Democrat voting for committal and every Republican against it.

January 5, 1876, a resolution was offered instructing the officers of the House "to give well qualified Union soldiers preference over soldiers of the late confederate army." Fernando Wood, Democrat, moved its reference to the "Committee on the Centennial Celebration," which prevailed—122 to 93; every affirmative vote being Democratic, every negative vote, except 7, Republican. Every Southern Democrat voted against the recognition of Union soldiers, constituting 69 of the 122, and defeating the proposition.

February 3, 1879, a bill was passed by a vote of 140 to 81 providing for the issue of bonds to be sold for the payment of the arrears of pensions. Of the votes against it 78 were Democratic, and 69 of those were from the South.

February 17, 1879, the pension appropriation bill with provisions covering the arrears of pensions, &c., was passed in the House by 183 yeas; the entire negative vote, 67, being Democratic, 62 of them from the South.

It would be easy to show that the same hostility manifested toward Union soldiers by the Democratic party under the lead of its Southern wing has been brought to bear against every great interest of the Government. Going back to 1871 we find that on March 13 of that year a resolution was offered in the House reciting that the Legislature of Indiana had voted to rescind the vote whereby it had previously ratified the fifteenth amendment, and declaring that a State having once lawfully ratified could not rescind its action, and that the thirteenth, fourteenth, and fifteenth amendments were duly ratified and binding upon all. This was agreed to by a vote of 109 to 76, only 4 Democrats voting for the resolution. All the negative votes were Democrats, of whom 42 were from the South.

February 5, 1872, Mr. Peters, of Maine, offered a resolution to the effect that the constitutional amendments having been adopted legally "the highest patriotism and most enlightened public policy demand of all political parties and all citizens an acquiescence in the validity of such constitutional provisions and such reasonable legislation as may be necessary to make them most effectual." This was adopted 124 to 58, with only eight Democrats in the affirmative; the negative votes being all given by Democrats, 38 of them from the South.

February 12, 1872, the following resolution was passed:

That we recognize as valid and binding all existing laws passed by Congress for the enforcement of the thirteenth, fourteenth, and fifteenth amendments, and for the protection of citizens in their rights under the Constitution as amended.

The vote on this was 107 to 65. Not a Democrat voted for it. All voting against it were Democrats, 35 being from the South.

March 13, 1876, Mr. J. H. Baker offered a resolution reciting that this is one Nation and not a mere confederacy &c.; that no State can alone judge of or nullify the Federal laws; that all overt acts against constitutional law constitute treason; "and that the late war of the rebellion was causeless and indefensible on any theory of right or constitutional law."

It was lost for want of two-thirds, the vote being 97 to 75, a majority of Northern Democrats *dodging*. Of the 75 Democratic votes against this proposition, 58 *were from the late rebel States.*

January 17, 1876, on a resolution in favor of repealing the resumption act the vote was 112 yeas, 158 nays. Of the 112 thus recorded against resumption 106 were Democrats, of whom 62 were from the South.

August 5, 1876, Mr. Cox reported a bill declaring that the "resumption-day clause in the resumption act of 1875," "be, and the same is hereby, repealed." Passed 106 to 86. All the yeas except 9 were by Democrats, of whom 54 were from the South.

June 5, 1878, the Wood (free-trade) tariff bill being under consideration, the House voted to strike out the enacting clause, 134 to 120. Of the 120 free-trade votes 115 were Democratic, 76 of which were from the South.

December 1, 1877, Mr. MILLS, of Texas, moved a resolution declaring in favor of "purely and solely a tariff for revenue" and against protection. It received 67 votes, of which 61 were Democratic and 48 of them from the South.

May 5, 1884, on the vote to strike out the enacting clause of the Morrison tariff bill the vote stood yeas 159, nays 155, and of the nays 87 were from the South.

And so I might go on if my time would permit.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. BOUTELLE. I should like to have three minutes more.

Mr. BURROWS. I yield the gentleman three minutes.

Mr. BOUTELLE. There is a class of pensions to which the Democracy does not seem to be so entirely adverse. It is only the pensions of the Union soldiers that find antagonism on that side. A bill to pension alleged Mexican soldiers, whether they had or had never reached the scene of battle or whether they had or not even embarked on a vessel bound for the shores of Mexico, has passed this House and went over to the other end of the Capitol, and I venture to say if passed there it would receive the ready signature of the present Executive. That is the class of bills that receive favor with the Democratic party.

That bill would place on the pension-rolls thousands of men who fought against the Government all through the rebellion, and yet when a similar House bill was sent back from the Senate in the Forty-eighth Congress, with some amendments, for the benefit of loyal soldiers and their dependents, seventy-two Democrats in the House who on March 3, 1884, had voted for a measure that was largely in the interests of participants in rebellion, voted stubbornly against it January 5, 1885, when coupled with provisions for the relief of disabled veterans of the Union, and their mothers, widows, and orphans, and of the House votes cast against the bill as amended by the Senate 67 were from the late confederate states.

I have another illustration. Here is a bill [holding it up] now under consideration by a committee of this House, introduced by the chairman of the Judiciary Committee of the House, a gentleman standing high in the councils of the Democratic party and already spoken of in connection with the position of chief law officer of the Government. It is a bill (H. R. 8971) introduced by Mr. TUCKER, of Virginia, on May 18, to place "the name of Nicholas H. Van Zandt, late a lieutenant in the Navy of the United States," on the pension-rolls and to pay him a pension of $75 a month.

It is asked that this man be given on the ground of deafness alleged to have been contracted more than thirty years ago a pension $3 more a month than the highest rate given to cases of totally disabled soldiers of the Union—with the sole exception of Pension Commissioner Black, who got $100 by a special act that was not vetoed—and throughout the papers submitted in the case there is not a suggestion that this man was ever any other than a faithful officer of the United States Navy. And yet we find in the records of the Navy Department, the official transcript of which I hold in my hand, and will make part of my remarks, we find the facts to be that on November 26, 1861, Lieutenant Van Zandt tendered his resignation to the Department, as follows:

As I can not take the required oath of allegiance, I hereby respectfully tender my resignation of the commission which I hold as lieutenant in the United States Navy.

On December 24, 1861, Lieutenant Van Zandt was dismissed from the naval service.

The SPEAKER *pro tempore* (Mr. CRISP). The time of the gentleman has expired.

Mr. BOUTELLE. A confederate naval register, now in possession of the Department, shows that Mr. Van Zandt was commissioned a first lieutenant in the confederate navy December 7, 1861. This man was dismissed from the service——

The SPEAKER *pro tempore*, who had been rapping with the gavel, said: The Chair calls on the gentleman from Maine to submit to the rules of the House.

Mr. BOUTELLE. Another minute is yielded to me.

Mr. ELY. I am to be recognized, and yield my five minutes to the gentleman from Maine [Mr. BOUTELLE].

Mr. BOUTELLE. I thank the gentleman, and will endeavor not to occupy the whole of that time.

I can hardly understand the indisposition manifested on the other side to listen to these matters of public record. Here is a bill introduced by a leading Democrat of this House, a man who long since reached the years of maturity, a leading lawyer on the Democratic side of the House. The bill is now pending before a committee of this House. I stand here to tell you that this measure introduced here, and which this House is asked to pass, giving this man $3 more a month than is given to the men who have lost both eyes or both hands or both feet in the service of their country, is for the benefit of a man who, as I am credibly informed, deserted the service of the country before he sent in his resignation. He resigned, as the record shows, in November, 1861, in the face of the enemy, and was dismissed in December, 1861, from the Navy of the United States. Within eleven days of the date of his resignation he enlisted and was commissioned as an officer in the confederate navy. This is the class of men that the Democrats of this House of Representatives ask that we shall pass pension bills for, not at the rate of $6 or $8 or $12 a month, but at the rate of $75 a month, to pay them for their dastardly treason to the Government in the hour of its need.

[Extract from the record of Nicholas H. Van Zandt, late lieutenant United States Navy.]

1861, July 20. Detached on account of ill health and placed on waiting orders.

1861, November 26. Lieutenant Van Zandt tendered his resignation to the Department, as follows:

"As I can not conscientiously take the required oath of allegiance, I respectfully hereby tender my resignation of the commission which I hold as a lieutenant in the United States Navy."

1861, December 24. Lieutenant Van Zandt was dismissed from the naval service.

A confederate navy register now in the possession of the Department shows that Nicholas H. Van Zandt was commissioned a first lieutenant in the Confederate navy December 7, 1861.

A true abstract from the records of the Department.

JOHN W. HOGG, *Chief Clerk.*

Mr. Speaker, I want to say a word about the manner in which votes have been divided in some striking cases on this floor. Of the 78 votes that were cast March 3, 1885, against putting Ulysses S. Grant upon the retired list of the United States Army, 66 were cast by Democrats who on February 1, 1884, voted to put Fitz-John Porter on that list. Of those 78 Democrats, 58 were from the States that were engaged in the rebellion; unwilling to pay tribute to the great chieftain of our armies, eager to reward the man to whom they were indebted for a confederate success. Fifty-one of those Democrats are members of this House, and every one of them who was present voted again at this session to bestow upon Fitz-John Porter the honor which they had refused to Ulysses S. Grant.

Of the 77 votes cast against Porter in the House only one was cast by a Democrat, and his constituency put him promptly under the guillotine. Thirty-four of the Democrats who in the Forty-eighth Congress voted to restore Fitz-John Porter to the honors and pay of a colonel in the United States Army, voted in this Congress that they would not allow the widows of Union soldiers, many of whom lost their lives through Porter's recreancy, to have their pensions increased from $8 to $12 a month. Of 66 votes and two pairs announced against the increase of the widows' pensions all but 2 were cast by Representatives from the States lately in rebellion, the two exceptions being the gentleman from New York [Mr. HEWITT] and the gentleman from Wisconsin [Mr. BRAGG] and nobody will want to dispute with them the glory of that vote.

Mr. Speaker, I took occasion to run over the roster of that vote against the widows' pension bill.

Mr. BURROWS. How much time have I left, Mr. Speaker?

The SPEAKER *pro tempore.* The gentleman has six minutes remaining.

Mr. BOUTELLE. I want just one minute more.

Mr. BURROWS. I will yield the gentleman half a minute.

Mr. BOUTELLE. Mr. Speaker, I want to put the responsibility of that vote against the widows' pension bill where it belongs. I find by the Congressional Directory that it was a remarkably representative vote of the late Confederate States. It embraced:

One ex-Confederate Postmaster-general and Acting Secretary of the Treasury;
Two ex-Confederate Congressmen;
One ex-Confederate State Attorney-general;
One ex-Confederate Corps Commander;
Five ex-Confederate Brigadier-generals;
Seven ex-Confederate Colonels;
Two ex-Confederate Lieutenant-colonels;
Two ex-Confederate Majors;
Seven ex-Confederate Lieutenants;
One ex-Confederate Midshipman; and
Four ex-Confederate Privates.

[Applause on the Republican side.]

As I look over that chivalric list, Mr. Speaker, I seem to hear again the plaintively mellifluous tones of the gentleman from Kentucky, whom I do not now see in his seat [Mr. BRECKINRIDGE], who became so enraptured with the reminiscences of his own experience as a barefooted boy in the beautiful blue-grass region of Kentucky, that he could not bring his conscience to permit him to vote the little pittance of $4 more a month to enable the widows of Union soldiers who died for their country to put shoes upon their little barefooted boys who have to fight against the rigorous winters of that Northern land where the patriotism was bred that saved that flag [pointing to the stars and stripes suspended over the Speaker's chair] in the hour of peril. [Applause on the Republican side.]

Mr. BURROWS. I yield the balance of my time to the gentleman from Pennsylvania [Mr. BRUMM].

Mr. BRUMM. Mr. Speaker, if there is any one thing in this world that the Democratic party has assumed to be consistent in heretofore, it is opposition to centralized power in the Government. If there is anything, gentlemen on the Democratic side, that you have been consistent in, it has been your advocacy of State sovereignty and your advocacy of the segregation of the several powers in the co-ordinate branches of this Government.

You have stood consistent in attempting to keep the executive, the legislative, and the judiciary separate in their respective branches. But now your Executive, following in the line of his conduct as governor of the State of New York, and following the footsteps of the governor of Pennsylvania, Mr. Pattison, has become the great obliterator of segregated rights and the great representative of concentrated and absolute power. In England, though under her constitution the crowned head has the power to veto any act of Parliament just as absolutely as the President of the United States has with respect to acts of Congress, yet since 1707 no executive head of England has ever dared to veto one act of Parliament. The worst despotism in the world would not tolerate such a wholesale exercise of the veto power by its executive. It is left for this republican Government of ours to have an Executive who not only exercises the use of this power, but indulges in the abuses of it by vetoing bills, not for constitutional reasons, not because of alleged frauds, not because of manifest errors, but simply because he chooses to set up his judgment against that of three hundred and twenty-five Representatives and every Senator of the United States. And yet you Democrats stand by and say "Thy will be done, not mine," and tell us, as one of your party has said, "I am glad we have found a man in Cleveland who has shown the nerve and courage to veto these bills." Then he is the only man of nerve and courage in your party, and by inference you are all poltroons and cowards. Have you passed these bills without judgment? Have you allowed these bills to go through your committees without objection and to pass here by a unanimous vote without knowing what you were about? [Cries of "Louder!" on the Democratic side.] Ah, it is loud enough to reach every quarter of this country; and that is what you do not like. You have passed these bills, and the President by implication tells you you are unfit to judge the merits of the cases, and like sheep you stand here ready to submit to anything that the President may dictate to you; thus acknowledging your weakness and utter unfitness for your positions.

Why, sir, even the chairman of the Committee on Invalid Pensions says that the President has vetoed these bills because of technicalities and because cases were undisposed of in the Pension Office. What right, under the spirit of our Constitution, has the President of the United States to discuss technicalities not of the fundamental law or Constitution? It is because we want to overcome technicalities connected with the general law that we pass these special acts. But for technicalities Congress would not have to pass these special acts. Yet, though the very purpose of these special bills is to obviate technical difficulties, you allow your President to slap you in the face and spit upon you whenever he chooses, and then you honor him as a man of nerve and courage, forgetting that often "fools rush in where angels fear to tread," and that ignorance is often mistaken for bravery.

Your retrenchment and reform policy, instead of beginning where it would do some good, begins with the scrubwomen, with the small offices, held in most instances by soldiers. There is your retrenchment and reform. You refuse pensions to soldiers' widows on technical grounds and because the Department has not yet acted upon them, and you whitewash the traitor and pay him thousands in spite of constitutional reasons given by a former President, following the reasons given by Attorney-General Brewster in his able opinion.

[Here the hammer fell.]

Mr. MATSON obtained the floor.

Mr. ADAMS, of New York. I ask unanimous consent that the time of the gentleman from Pennsylvania [Mr. BRUMM] be extended ten minutes.

The SPEAKER *pro tempore.* The Chair has recognized the gentleman from Indiana [Mr. MATSON].

Mr. MATSON. If the gentleman from Pennsylvania desires more time I will yield him five minutes.

Mr. BRUMM. I am very much obliged to the gentleman from Indiana.

Mr. Speaker, the action of this House reminds me very much of a part of a scene in the play of Hamlet. In reading it I shall substitute for the young Prince of Denmark your courageous man of nerve, President Cleveland, and for poor old Polonius I will substitute the poor miserable cowards—I am using by inference your own language, gentlemen of the Democratic party:

Hamlet—

Or rather I should say—

CLEVELAND. Do you see yonder cloud that's almost in shape of a camel?
DEMOCRATIC CONGRESS. By the mass, and 'tis like a camel, indeed.
CLEVELAND. Methinks it is like a weasel.
DEMOCRATIC CONGRESS. It is backed like a weasel.
CLEVELAND. Or like a whale?
DEMOCRATIC CONGRESS. Very like a whale.

[Great laughter.]

And so this Executive of yours has only to point out what shall be their form; no matter how hideous, and without reason, without constitutional right, in spirit, at least, the Democratic Congress has not the manliness to assert it rights, but humbly gets down on its marrowbones to say, "Mr. President, as thou wilt, so shall it be, for thou art dictator." I reserve the balance of my time. [Great laughter and applause.]

Mr. MATSON. I now yield ten minutes to the gentleman from Ohio.

Mr. HILL. Mr. Speaker, I never supposed anybody would blame the President because the veto power was put into the Constitution; a power which we all know has been exercised by every Republican President who ever occupied that chair.

As to the merits of these vetoes, when they come before the House in a proper shape after investigation by the Committee on Invalid Pensions the House will be in a better condition to judge whether we should sustain or override the vetoes.

And I desire to say a word or two in reply to remarks made on the other side of the House as to the friendliness of the Democratic or Republican party to our soldiers.

The gentleman from Illinois [Mr. CANNON] the other day stated these vetoes meant no more pension legislation would be allowed during this administration. How he could make that statement in the face of the facts I do not know, but I will say this, however, that if one-half of the pledges of the Republican party had been redeemed when that party was in power no pension legislation would be needed under this administration or any other.

The claim has also been made by some members on the other side of the House that when the arrearage act of 1878 was passed and the widows' increase pension bill during this Congress was passed a large number of Democrats voted against those bills while nearly all the Republicans voted for them. It strikes me as remarkably strange the Republican members of this House never could get an opportunity to vote for the arrearage or the widows' pension act until they got it in a Democratic House. Why did they not introduce an arrearage act when they had the power? They were in continuous control of the Government in every department of it from the close of the war down to the election of the Forty-fourth Congress, and yet not one of them ever thought of an arrearage act until the Democrats got a majority in this House, when that act was reported by a constituent of mine, General Rice, as chairman of the Committee on Pensions, and was passed by a Democratic House. So, too, in the Forty-seventh Congress, when my distinguished friend from Indiana [Mr. BROWNE] was chairman of the Committee on Invalid Pensions they did not introduce a bill, or at least report one, to increase the pension of soldiers' widows from $8 to $12 per month. That bill was introduced by the present Democratic chairman of the Committee on Invalid Pensions [Mr. MATSON] in the Forty-eighth and Forty-ninth Congresses, and through his influence and energy it has become a law at the present session.

Let us see what has been the administration of the Pension Bureau under Democratic and Republican rule. I hold in my hand a table which is official, and which shows the number of claims allowed in the fiscal year ending June 30, 1882, 37,895; number of claims allowed in the fiscal year ending June 30, 1883, 61,704; number of claims allowed in the fiscal year ending June 30, 1884, 57,930. That was when the department was under the administration of a Republican Commissioner.

The number of claims allowed in the fiscal year ending June 30, 1886, first year of General Black's administration, 81,422.

Number of pension certificates issued from March 17, 1884, to March 17, 1885, 74,069; number of pension certificates issued from March 17, 1885, to March 17, 1886, first year of General Black's administration, 82,977; number of claims allowed under special act of Forty-seventh Congress, 196. During the whole of the Forty-seventh Congress, under the control of the Republican party in both branches, with a Republican President in the White House to approve its acts, they only passed one hundred and ninety-six bills.

The President of the United States has already, by his approval and allowing bills to become law without his signature, placed upon the statutue-book five hundred and fifty-five special cases. The gentleman from Indiana [Mr. BROWNE], on the other side, said during the Forty-seventh Congress, when he was chairman of the Committee on Invalid Pensions, only four hundred reports were made from that committee. The Committee on Invalid Pensions at this session has made nine hundred and sixty reports, and we have passed more than six hundred pension bills, five out of six of which have become laws. So if gentlemen on the other side would measure their sincerity by their hypocrisy every one of them would get down on their knees and thank God that a Democratic Congress has enabled them to do what a Republican Congress did not do, that is, to redeem their pledges made to their Republican constituents. [Laughter and applause.]

This is the record, and it makes no difference whether these bills were passed or by whose votes; the party in power which has on its shoulders the responsibility of legislation is the party which should always get the credit for these things.

If my time has not expired I want to yield the balance of it to Governor CURTIN, of Pennsylvania, in addition to what he will get from the chairman of the Committee on Invalid Pensions.

Mr. MATSON. I yield, then, fourteen minutes to the gentleman from Pennsylvania, Governor CURTIN.

Mr. CURTIN. Mr. Speaker, if a foreigner, an intelligent man, had been in the galleries of this House during the debate on these pension bills to-day and other days, he would have taken home to his country the impression that the American people had put into the Presidential office a man not worthy of trust, and who had day after day violated his oath of office.

A MEMBER (on the Republican side). And he would have been right.

Mr. CURTIN. Well, I do not know whether he would have been right or not; but I have taught myself in my life to believe when the free people of the United States elected their executive officer, when they selected a man to fill this the highest office that has ever existed in ancient or modern times, that the man so selected is entitled at least to decent respect and decent speech.

I do not know what this bill is about. It is a pension bill, but its merits are not presented to the House. But this House has resolved itself into a political meeting, and on the one side and on the other we are discussing the lists of pensions granted, the bills signed, and the bills vetoed.

Now, Mr. Speaker, we have certain duties to perform in this House. We pass laws to pension, and other laws, at our pleasure, and I can speak on this question without bias, because I voted for every pension bill presented in this House since I have been a member of it and expect to vote on in the same way. But when we resolve ourselves into a political meeting you must understand before the election comes the people on whom you rely to return you to a seat on this floor will forget all you say. [Laughter.] We must not forget that the people will give little heed to what occurs on this floor at this time; and gentlemen might as well reserve their eloquence when they appear for another election, because that is what you mean. I am out of that category, and can therefore speak freely. I am not looking for votes for the present, and you all are or rather a great many of you. And you commence your campaign early; you commence it at the very time when we should be attending to the pressing public business of the country. If we do not turn our attention to the business which is intrusted to our hands we will be here until the middle or last of August; and how many strong, sturdy men here can know when the grim messenger shall open these portals and seize another of his victims?

Whether the President is right or wrong is for himself to determine; he is acting in the performance of a grave and solemn public duty, for he has a duty to perform as well as we have. He has a right to examine bills that are passed by both Houses of Congress. He has a right to veto the bills if they do not come up to his conscientious convictions of duty, no matter whether the bill be a pension bill or some great public measure. If he is wrong in the facts or in the law, the House has the power to direct the reference of the veto messages to the committee for reconsideration; and if he is found to be in error, that is the time to vote. All this vituperation and abuse of the President is sublimely ridiculous and wrong and of no consequence to the country, except as a contribution to the literature and eloquence of members. One gallant gentleman from the West, who served the country handsomely, the other day, full of emphasis, after denouncing the President and holding him up to ridicule, while not forgetful of the fact that the future safety of his own soul was secured, offered a fervent prayer that the souls of men on this side of the House may be secured. My friend, when we want another prayer for our welfare we will go to the Chaplain or to some other man in the ordination and enjoyment of the rights of a teacher of the gospel and charged with instructions which may save the souls of others, if properly believed and practiced. [Laughter.] I have no doubt the addition to the apotheosis proposed by the gallant and elegant gentleman from Maine may expand in the future to very elegant proportions, but I do object to his putting the President of the United States, a high official of this Government—and remember, gentlemen, he was elected, there is no controversy about that—I do object to his undertaking to put him in the wrong for exercising his constitutional prerogatives. I repeat, he was elected to that high office.

The man in this country who gets the most votes has a right to his office, and the present incumbent of the White House was as fairly elected as ever Abraham Lincoln or George Washington was. Who doubts that he was elected? The people of the United States elected him, the returns were sent here, they were counted in the presence of this House, and the Vice-President of the United States declared him to be elected, and being so elected he has conscientious duties to perform. I assert my entire confidence in the integrity of the President of the United States and in his desire to do his duty, and when pension bills come before us I reserve to myself the right to approve or disapprove his vetoes, but will always vote in these cases to give the soldiers of the Union all that this country is able to give, and I have a right to say that I am the peer of any citizen of the United States in giving to the soldiers who survive the homage of gratitude justly due them for saving the Government and a full reward for their services.

Now, suppose we quit this quarreling and turn our attention to public business. Why, sir, the heat of debate, the violence of denunciation, are painful as pronounced on this floor, a subordinate branch of this Government, in defamation of its highest official as well as in charge of want of integrity and of manifest disposition to forget that the President has important official functions to perform and constitutional powers he is sworn to obey. Oh, my fellow members, let me take you back to your infancy. [Laughter.] I will not repeat to you the cradle hymn; you all remember it. But at the knee of your mother you were taught lessons which through life have given you consequence enough to be elected members on this floor. In this angry heat, this violent vituperation, remember what she said to you:

> Let dogs delight to bark and bite,
> For God has made them so;
> Let bears and lions growl and fight,
> For 'tis their nature too.

And now I address myself to you:

> But, children, you should never let
> Such angry passions rise;
> Your little hands were never made
> To tear each other's eyes.

[Great laughter and applause.]

Mr. MATSON. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. ALLEN].

Mr. ALLEN, of Mississippi. Mr. Speaker, a great deal is said here about the confederates in connection with this subject of pensions, and I have heard it said here several times when ex-confederates have by their vote or speech signified a desire to put some sort of limitation on the amount to be expended for pensions that we ought to have thought of that twenty-five years ago. Being one of the four ex-confederate privates referred to by the gentleman from Maine [Mr. BOUTELLE], it may be that I should apologize for assuming to open my mouth while this question of pension legislation is under discussion.

I am free to confess, Mr. Speaker, that at the beginning of the war a little more than twenty-five years ago I probably did not give this matter the careful consideration the gravity of the subject demanded. I do not plead the baby act, but I was then quite a youth, and was probably stimulated somewhat by my youthful impetuosity, but about the third or fourth year of the war I began to think very seriously about the matter [laughter], and began to suspect that probably we had made a mistake; and, sir, I claim the right to speak about it now, because I then showed great consideration for the Federal soldiery. So much was I impressed with the fact that the way I was then going on, producing such havoc in the ranks of the Union armies, would finally bankrupt the United States Treasury to pay the pensions [laughter], that to avoid this result I began to retire in front of the advancing army, and with loaded gun in hand I retreated, in company with many of my comrades, across about three States [laughter], until finally I was so cornered and hemmed in that the only alternative left me was to destroy the whole Union Army or surrender myself. [Laughter.] And out of consideration for said army and the wives and children of the soldiers and the future pension-rolls of the country I surrendered like a man, and gave up my gun and went home. [Laughter.]

But it is to a little incident that happened as I went home after the surrender that I wish to call the attention of the House. I had entered the army at the age of fourteen and had been out four years. I went home in company with a boy a little older than myself, but who had not been out so long. I had had enough of war and was quite willing to quit, but my comrade, with the fiery impetuosity that usually characterizes the new soldier, did not like to give it up, and he insisted it was our duty to cross the Mississippi River and join and fight with Kirby Smith on the other side, while I insisted on going home. As this controversy was going on between us we were riding along in the prairies of Alabama. An old gentleman living some distance from the road saw us coming and he came down to the road and took his seat on the fence to see us and learn what he could about the surrender. He had a great many darkies and was anxious to know what had become of "our institution" (slavery). We told him it was gone up. [Laughter.] My comrade and I then submitted our controversy about crossing the river to him, when he said to me: "Young man, you are right; go home and go to plowing that horse you are on"—which advice I took. Said he, "I am older than you, and my judgment is that when you fight and get cleaned up you should give it up and go at something else and make the best of the situation."

He then began to talk about the war. Said he: "This has been a mighty bad war. We have lost many of our brightest and best men. We have many one-legged, one-armed, and disabled men who will have a hard struggle for a living. There are many poor widows and orphans (God help them) in our midst. Society has been greatly demoralized. Our property is all gone and we are all poor. Our homes have been devastated and desolated. Oh," said he, with the tears running down his cheeks, "it has been a terrible war, and it will be a long time before we recover from it!" And then breaking out in a cry he said: "But we could stand all this, and finally recover from it and build up again our country, our homes, and our fortunes; but the thing that troubles me is that twenty-five years from now there will be d——d fools who didn't make any reputation in the war who will be throwing this thing up to us." [Great laughter and applause.] Mr. Speaker, I make no application of what that old gentleman then said [laughter], but it does seem that his were words of prophetic wisdom. [Great applause.]

Mr. Speaker, I hope at some time, when I have more time, to discuss this subject of pensions from the standpoint of a Southern Representative and an ex-confederate soldier.

The previous question was ordered—ayes 122, noes none.

The message and accompanying bill, under the operation of the previous question, were referred to the Committee on Invalid Pensions.

JOSEPH ROMISER.

The Speaker also laid before the House the following message from the President of the United States, which was read:

To the House of Representatives:

I herewith return without approval House bill No. 1059, entitled "An act to grant a pension to Joseph Romiser."

The Pension Bureau reports that the records of the office fail to show that an application has been filed in favor of this claimant, though it is stated in the report of the House committee that such a claim was made and rejected on the ground that the claimant was not at the time of injury in the service of the United States.

It certainly appears from the report of the committee that the beneficiary named in this bill was not in the service of the Government at such a time, and also that he had not been mustered into the service of any State military organization. It is stated that he belonged to Capt. Frank Mason's company of volunteers, of Frostburg, in the State of Maryland.

Whether this company was organized for the purpose of co-operating at any time with the Union or State forces is not alleged, and it may well have been existing merely for the purpose of neighborhood protection.

Such as it was, the company was ordered in June, 1861, to proceed to Cumberland to repel a threatened attack of confederate forces. Upon arriving at that place the men were ordered to uncap their muskets. In doing this, and through the negligence of another member of the company whose musket was discharged, the claimant was wounded.

It does not seem to me that the facts in this case, so far as they have been developed, justify the passage of this act.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 5, 1886.

The SPEAKER. By order of the House, thirty minutes are allowed for debate in opposition to the veto, and thirty minutes, if required, in support of it. Then the vote will be taken on referring the message and accompanying bill to the Committee on Invalid Pensions.

Mr. McCOMAS. Mr. Speaker, I fear that not more than twenty members on the other side have listened to the reading of that short veto of the bill to pension my constituent, Joseph Romiser. Had you all heard it, gentlemen, I would have had, what I have anyhow, the right to challenge your honor and your consciences, independent of party, to say, after I have briefly stated his case, whether upon the few facts (and there are but three main facts in this man's case) the action of Congress should be overridden—to say whether Joseph Romiser, a minute-man and soldier of the Union, who was shot through the head, in the ranks, in the line of duty, while a member of a citizen company acting under command of a United States officer, General Lew. Wallace, then colonel of the Eleventh Indiana Zouaves, repelling an expected attack upon Cumberland, Md.—to say whether he ought to be robbed of the pension due to his patriotic service and wounds because President Cleveland has made a blunder. That he has blundered there is no doubt. He has made several blunders in this single case.

I call the attention of the chairman of the Committee on Invalid Pensions to the charge made by the President in this veto message of gross carelessness against that committee. If the gentlemen of the Pension Committee listened they heard read this charge against them in the message as read. The President says that although the Committee on Invalid Pensions state that this man Joseph Romiser had filed a claim for pension and it had been rejected, he had never in fact filed such a claim and it never had been rejected. I admit, sir, that if that were true the chairman of the Committee on Invalid Pensions and those who acted with him had indeed been guilty of gross carelessness; but if it is not true, if the President is wrong and these gentlemen are right, then he was guilty of a grosser carelessness, because the report of the committee had notified him of the existence of these papers in the Pension Office, and he could have obtained them easily. As soon as I had read the veto I went to the room of the committee and I found, as I expected, record evidence that they did have the papers and that they returned them to the Pension Office on the 16th day of May. I had thrice gone to the Pension Office during three winters to examine the papers in this unfortunate man's case, and I had found them without difficulty.

Within an hour after the message came here which disclosed the fact that the President had ruthlessly put his hand to a veto of this bill without having ever examined the case, I telephoned for the papers, and they came promptly, and I hold in my hand now the "jacket" and the papers which the President of the United States has said do not exist. Because the President has made that grievous blunder, because he has never looked at the case, he overrides by his veto the convincing report of the gentleman from Pennsylvania [Mr. SWOPE], that careful and conscientious Democratic member of the Committee on Invalid Pensions; overrides the report of Senator WILSON, the distinguished Senator from my own State—a learned and able judge, who has spent years in trying causes. The President overrides without consideration the action of both Houses of Congress, without ever having looked at the papers in the case, and that is grosser carelessness than any he has charged upon the committee or Congress.

What is the case in which the President does this? Joseph Romiser's case is a matter of history. I have here from the Congressional Library Colonel Lowdermilk's admirable history of Cumberland, Md., which has been in print eight years. Two pages of this book tell the history of Joseph Romiser's patriotic spirit and his misfortune; how, in the ranks of Capt. Frank Mason's company of volunteer soldiery, in the defense of his country, he was shot accidentally, when the company were uncapping their guns, by a musket in the hands of a comrade, Alpheus Beall, the bullet going into the neck back of the ear, going through the inner ear and destroying his hearing, coming out under the eye and blinding that eye; the eminent surgeon who attended him, afterward a surgeon in our Army, declaring that, from the sympathetic ophthalmia, he may go blind in the other eye. The heavy minie-ball broke the jaw at its ramus, making its exit through the molar bone below the eye. There was exfoliation of the bone, terrible deformity of the face, followed by months of lingering suffering and twenty-five years of neuralgia, and a legacy of pain for life. In requital he receives no pay, no bounty, no pension, but instead the President's veto.

Now, who was Joseph Romiser, and when and where did he receive

this wound? He was a minute-man of the Union cause. He served under an officer of the Union Army. I will tell you how. As early as the 19th of June, 1861, there was apprehension in the beautiful mountain city of Cumberland, in Western Maryland. Lew. Wallace, then a colonel, had gone yonder to guard the Upper Potomac, where the Virginians had burned the bridges in order to break the communications of the West with Washington. They had burned the bridge over the canal and the bridge over the North Branch of the Potomac. The home-guards had gone to New Creek and were there driven back by a force of the enemy from Virginia. Lew. Wallace guarded the city with his Indiana zouaves; he had his stores there, and the Baltimore and Ohio road had to be guarded to keep up communication between Washington and the West, and he called upon the people to aid him in its defense.

Patriotic fire was then, as now, native to that air, and from Frostburg, from the mountains and the valleys, from the farms and the mines our people hurried in response to his call, as later these sturdy miners went almost in regiments in response to President Lincoln's call. At this time a body of young men, among them this poor carpenter, Joseph Romiser, poor but brave and true, were going to enlist. Some were going to enlist in Western Maryland; some were going to join my friend here in West Virginia [Mr. DORSEY]; some were going to Pittsburgh; others, as the gentleman from Ohio [Mr. WARNER] recalls, were going to enlist where they could.

When Lew. Wallace made his call Joseph Romiser had just received the letter which I hold in my hand and which has grown yellow after twenty-five years. Upon the envelope is the device of a man nailing our flag to the staff and the sentiment below is, "It shall yet float over Sumter." This letter tells how the writer had in response to Romiser's request just written to this man directing him to go to Pittsburgh to an address given that he might enlist in Captain Berrier's company of the Tenth Pennsylvania, as Romiser was about to do. I think Berrier now lives in the district of the gentleman from Pennsylvania [Mr. BOYLE]. He received this letter about the 14th of June and prepared to start.

On the 19th, when Lew. Wallace called for aid, this poor young man, with one hundred others, went from Frostburg, under Capt. Frank Mason, and hurried down the mountain to defend Cumberland, the county seat. Hither they came and fell into line. When our guard was driven back into the town they were on duty to repel the attack if it came. These green recruits in the evening, at the cars, brave but undisciplined, were ordered by Captain Mason to uncap their muskets, when Alpheus Beall, who was just behind this man, let his musket fall, and the musket, being thus discharged, inflicted this wound, sending an inch minie-ball through this man's head, passing in the manner I have described. As he fell he was caught in the arms of a comrade and carried into a private house. He lay in a critical condition for months, until finally life was assured.

Among the papers which your committee saw, although our President says they do not exist, are the photographs of the man who was thus shot and maimed in the line of duty defending his country. I hold them up before you that you may see the ravages of the minie-ball. I show you now the affidavits of the man whose musket shot him, of the men who picked him up. I show you the affidavit of Dr. Fundenberg, the surgeon, and abundant proofs beside, and this local history. Here, too, are the petitions of hundreds of good citizens of every pursuit and politics praying Congress to pension this deserving minute-man. But the Pension Office, according to the notes which I have here in my hand, found that although the man at the time he was wounded was doing good service in the line of duty, yet because he had hurried to defend the flag without waiting to be mustered they were "constrained"—that is the expression—to reject the application, although he carried the belt, cartridge-box, and musket into the ranks under Captain Mason, who was acting under command of a Union colonel from Indiana, who, I believe, is well known to the chairman of the Committee on Invalid Pensions as General Lew. Wallace, now famous—they were "constrained" to refuse a pension because he had never been mustered into the service.

This man was justly entitled to a pension because he was inspired by the spirit of the minute-men of Concord and Lexington—the "embattled farmers, who fired the shot heard round the world"—because he came from his mountain home, and standing in the ranks was shot nigh unto death. Because he was not mustered in, and therefore could not obtain a pension at the Pension Office under the strictness of the general pension law, he came to Congress. It is a case, of all cases, such as should come to Congress, so that the injustice done by the general law might be corrected by a special act. This having been passed by the unanimous action of both Houses, the President vetoes the bill because, as he says, this soldier, wounded in the line of duty, was not mustered in.

Now, whom are you going to follow? I put it to your conscience and your honor as American Representatives, as against your party zeal and party expediency. Perhaps I am firing at the wrong target; but if so, I am proud of my confidence in human nature; and I leave those who take the opposite view to support President Cleveland in this veto.

Mr. Speaker, time does not permit me to refer to all the precedents in this matter; but I have examined all that were accessible. I looked to see what Washington and other Presidents had done in like cases. Some of the minute-men of Concord and Lexington and the men who fought at Bunker Hill were not mustered in, yet they were pensioned by the Colonial Assembly of Massachusetts, and that action was adopted by the Congress of the United States at its very first session; and George Washington, unlike President Cleveland, did not veto the bill, but approved it. [Applause.]

I find further that when the time came to renew the right of those men to pensions, where they had been wounded in service and in the line of duty, but had never been mustered in, Thomas Jefferson, the father of the Democratic party, did not veto the bill, like President Cleveland, but approved it. [Applause.] I find also that Andrew Jackson, the great Democratic President and the brave defender of his country, had submitted to him bills pensioning members of some volunteer corps who had never been mustered into the service of the nation or State, but had done actual service and been wounded and disabled in the line of duty, and he had a chance to veto the measure, but he would not veto; he approved the bill. [Applause.] I find further in a case presented to Abraham Lincoln that when some red-tape clerk in some office had said that a man had not been mustered in, that grand old man said, "I want to know whether he served his country, and if his right is based upon service in the line of duty, I do not care about the muster-in." And Lincoln did not veto the bill. [Applause.]

I say to my friends here as men of honor and conscience, that from the foundation of this Government injury received in the line of duty, disability incurred in the service, has been regarded as the essential thing giving the right to a pension. It is the right of rights, the ground of grounds for a pension from this great nation as an evidence of its gratitude and its Americanism. If the men of this Congress can not rise, and perhaps they can not, above party feeling, and go with Washington, and Jackson, and Jefferson, and Lincoln, let them go with President Cleveland, and send away this poor soldier who never had a dollar of pay or bounty, who I fear had to bear the expense of his own medical attendance for months, who to-day carries the scars which he received and endures the suffering he incurred in the service of his country, who is deserted by his country because he was never mustered in. But I appeal to every man who thinks the founders of the Republic, ay, the fathers of the Democratic party, were instinct with the spirit of Concord and Lexington, who looks to the future of the Republic "when like our sires our sons are gone," to vote in favor of this minute-man of 1861, who on his way to be mustered in with the "boys in blue" received this grievous wound from the consequences of which he has ever since suffered in neglect because he was swift to fight for our flag. [Applause.]

Mr. Speaker, I reserve the residue of my time.

APPENDIX.

[Senate. Forty-ninth Congress, first session. Report No. 1324.]

In the Senate of the United States. June 15, 1886. Ordered to be printed.

Mr. WILSON, of Maryland, from the Committee on Pensions, submitted the following report, to accompany bill H. R. 1059:

The Committee on Pensions, to whom was referred the bill (H. R. 1059) granting a pension to Joseph Romiser, have carefully examined the same and report favorably upon it for the reason set forth in the subjoined report of the House Committee on Invalid Pensions, which is as follows, as reported by Mr. SWOPE, of Pensylvania:

"The facts of this case, which are completely substantiated, are briefly as follows:

"The claimant was a member of Capt. Frank Mason's company of volunteers, of Frostburg, Alleghany, County, Maryland. This company of volunteers was not mustered into either the United States or State service. On the 19th of June, 1861, claimant was with said company when they were ordered to proceed to Cumberland, Md., to repel a threatened attack of the confederate forces. Upon the arrival of the company in Cumberland the men were ordered to uncap their muskets. While doing this duty a musket in the hands of Alpheus Beall was accidentally discharged, and a minie-ball, with which it was charged, struck claimant in the left side of the neck, coming out near the left eye, entirely destroying the sight of his eye, the hearing of his left ear, and the 'hinge of his jaws.'

"Dr. George B. Tunfenburg testifies that he was one of the surgeons who professionally attended claimant. He found that a minie-ball had entered at the back part of the neck, passed along on the outside of the skull, under the ear, breaking the jaw at its ramus, and making its exit through the malar bone below and to the outer side of the eye of the same side. The wound was a dangerous one, but after a long sickness he recovered, but has lost the hearing of the injured ear and the sight of the eye. There is considerable deformity of the face, caused by exfoliation of the bone.

"The claim was rejected by the Pension Bureau because 'claimant was not in the military service of the United States.' The Committee on Invalid Pensions have heretofore uniformly declined to recommend the granting of a pension to soldiers not enrolled in the service of the United States or acting under the immediate orders of an officer in the United States service. They are fully satisfied that this rule is the proper one, and that it should be rigidly adhered to; otherwise it will be readily seen that the door would be opened wide to a great number of claimants of whom it would be impossible to obtain any official record.

"It will be observed, however, that this man joined a military organization very early in the late war, and before the matter of enlistment and military organization was understood. June 19, 1861, he went with his company in obedience to orders to repel a threatened attack on Cumberland, and in the performance of this duty he received a serious wound, which imperiled his life at the time and has materially disabled him ever since.

"To properly understand the full bearing of this case it may be well to speculate as to what public opinion would have been and what would have been the result if, instead of springing to arms and going without hesitation when ordered to a threatened point, every volunteer would have hesitated or declined to march

until he was regularly enlisted, enrolled, and mustered into the service of the United States.

"This case differs in all respects from those who, for one consideration or another and later on in the war, declined to enter the service of the United States, preferring organizations of a State or even local character.

"Your committee must content themselves with this brief statement of their views as to this particular case, and, by reason of the distinction attempted to be drawn between this and most other cases, they report the bill favorably and recommend its passage."

Mr. LONG. Move the bill pass, notwithstanding the veto. [Applause.]

Mr. McCOMAS. I move the bill pass.

Mr. MATSON. We wish to be heard on this side of the House.

The SPEAKER. The order of the House agreed to by unanimous consent has not yet been executed.

Mr. McCOMAS. I ask by unanimous consent to make that motion that the bill pass.

Mr. BRAGG. I object. [Laughter on the Republican side.]

The SPEAKER. The Chair will state the order of the House. It is that thirty minutes be allowed for debate in opposition to the veto, and if required thirty minutes in support of it, and then the vote should be taken on referring the message to the committee. If that motion is not sustained the veto message will be before the House for action.

Mr. McCOMAS. Yes, sir.

I now yield for five minutes to the gentleman from Iowa [Mr. LYMAN].

Mr. LYMAN. Mr. Speaker, the present accidental and temporary occupant of the Executive Mansion, with unexampled effrontery and apparently boundless egotism, has taken it upon himself to set at naught the will of the people of this country, as expressed through their accredited representatives in Congress, by an unprecedented use, or rather abuse, of the veto power. For one, while I might differ with him in his judgment, no word would fall from my lips in condemnation had there been a legitimate exercise of this high prerogative. But in all these pension veto messages there is no word suggestive of the exercise of an unlawful or unconstitutional power upon the part of Congress, no intimation that it is contrary to the policy of this Government to pension its wounded and disease-stricken defenders, or the dependent parents, widows, and orphans of those who have given their lives for its preservation. But these screeds, purporting to emanate from the White House, but in reality coming from the Pension Office, are devoted to lecturing Congress upon the methods and rules which it has adopted for the conduct of its business; to deriding and slandering the maimed veterans of the war, and holding up to ridicule the wounds received by them in an honorable warfare, the result of which made it possible for him to break into the capital of the nation, but in which he lacked either the courage or the patriotism to engage except by proxy, and thus evading a duty which every able-bodied man owes his country in time of war; and to setting up his opinion upon mere questions of fact against the unanimous verdict of three hundred and twenty-five men in this House and seventy-six at the other end of the Capitol, each of them his peer in judgment, experience, and intelligence.

Instead of presenting to Congress some legal reasons why these pension bills should not receive his signature he treats us with samples of the attempts at vulgar wit of which he seems capable; he sneers at the services performed and the hardships endured by these worthy and patriotic men; he scandalizes the widows of those who are dead—died that he and such as he might live—maligns their chastity and questions the legitimacy of their children.

These so-called veto messages are not the utterances of a patriot or a statesman. They are not utterances that ought to come from the Chief Magistrate of sixty million of free and intelligent people when addressing their representatives. They are rather the arguments of a cheap pettifogger before an ignorant justice of the peace, intent on winning his case, at whatever cost of honor, truth, and integrity. But these are not his own work, though we read in his newspaper organs that he neglected to pay proper respect to the anniversary of our national independence and devoted the day to writing vetoes. He is willing to adopt the documents prepared for him by some clerk in the Pension Office, who simply reiterates his former opinion when he rejected the claim. In Senate Report No. 1424 of the present session, made upon these vetoed pension bills, I find the following:

The files of papers in these vetoed cases, which are now in possession of your committee, contain the letter of the Assistant Secretary of the Interior, under date of June 14, 1886, stating that he incloses enrolled bills as follows, enumerating one hundred and eighteen House bills and eleven Senate bills, and instructing the Commissioner of Pensions as follows:

"Please cause the same to be critically examined, and report to this Department whether, in your opinion, any objections to their approval are known to exist. In cases where objections exist they should be specifically set forth."

This indicates, of course, unmistakably that the President relies upon the Commissioner for his facts.

That same report, with great force and applicability, further says:

In every, or nearly every, vetoed case Congress, by the action of both Houses, has overruled the action of the Commissioner of Pensions. Thereupon the President calls upon the Commissioner, whose physical condition is well known, to sustain the action of his office, and he naturally does so to the best of his ability. It should not be forgotten that oftentimes the reports of the two Houses contain severe and deserved reprimand of the action of the Pension Office.

What a spectacle is this! God grant we may never see the like again! And we shall not. Not even the Empire State, with all its vast resources and capabilities, can produce another Grover Cleveland.

Now, why should the case under consideration be referred to any committee of this House, except it be to further delay action and carry out what seems to be the settled determination of the other side of the House that these vetoed pension cases shall not come to a vote in the House? By sending them to a committee we bury them.

We all know that the meetings of all our committees at this late day of the session are few and far between. We all know that a quorum of any of the committees can now be induced to attend a committee meeting with difficulty; and in this case certainly there can be no good reason for such reference. We can never find out any more about this case than we know now. Every fact has been developed and is absolutely undisputed. The material facts are as follows:

First. The claimant, Joseph Romiser, was, in the early part of 1861, a member of Capt. Frank Mason's company of volunteers, of Frostburg, Alleghany County, Maryland.

Second. At the time Mr. Romiser was wounded his company had not yet been mustered into the service of either the State or the United States, though its members were so mustered subsequently.

Third. On the 19th of June, 1861, claimant, with his said company, was ordered by the proper military authorities to proceed to Cumberland, Md., to repel a threatened attack of the confederate forces.

Fourth. Notwithstanding they had not been mustered in, the company made no such objections. The company marched as ordered, and claimant marched with it. The enemies of his country were approaching; that was enough for him. Later on in the war he might have learned that it was a credit for a major-general to refuse to obey orders and to refrain from marching when the sound of battle was heard, but he, a private soldier, had not then learned any such lesson. He has now learned, however, that the same man who can veto his little pension of $8 per month has signed the bill which gives the skulking major-general the annual pay of a colonel in the Army of the United States.

Fifth. On the arrival of the company at Cumberland the men were ordered to uncap their muskets, and while doing this a musket in the hands of a comrade was accidentally discharged, and the minie-ball with which it was charged struck the claimant on the left side of the neck, coming out near the left eye, entirely destroying the sight of his eye, the hearing of his left ear, and the "hinge of his jaws."

Sixth. The claim was rejected by the Pension Bureau because "claimant was not in the military service of the United States."

Seventh. He was by this wound greatly disabled and disfigured, which disabilities will go with him to his grave.

Eighth. The veto message simply confirms that finding of the Pension Bureau.

These are all the material facts in the case, and they are undisputed. What good end can be attained by referring this veto message? Manifestly not any. Every member of this House is as ready to vote now as he ever will be. It is said in this case, as in many other special pension cases, that there is no law authorizing the pension. Granted for the sake of the argument that it is so; that constitutes no just ground for a veto. If these cases came within the purview of the general pension law there would then be no occasion for special acts and no such opportunity given the present administration to show its hatred of and visit its spleen upon the Union soldier. It may well be doubted whether, in view of the provisions of section 4693 of the Revised Statutes, the ruling of the Pension Bureau in rejecting this claim was not erroneous; but we need not so find in order that Congress may have the power to grant this pension, nor do we go contrary to the policy of the Government in so doing, though "the man of destiny" may think so. Joseph Romiser actually performed the duty to which he was ordered, and received his wound in the line thereof.

A case involving a similar principle was at one time presented to President Lincoln. He wrote to the War Department as follows:

I remember nothing of this case. I desire that it shall be investigated, and that Captain Bowry be paid for the services actually rendered, if any. The Government can not afford to accept services and refuse payment for them.

A. LINCOLN.

The papers were returned to him with the statement that Captain Bowry had not been mustered into the service prior to February 6, 1862, the period for which pay was claimed being anterior thereto. Under date of August, 1862, President Lincoln replied to this "red-tape" suggestion as follows:

I did not ask for information as to whether this man has been mustered into the service. Have we accepted his actual services? If we have, let him be paid for them, unless there is positive law against it.

A. LINCOLN.

Grant that this claim does not come within the purview of the general pension laws, yet Congress has the right to grant it by special act, and we are not without precedent of even more recent date than those cited from the acts of Washington, Jefferson, and Jackson. H. R. 5154, of the present session, reads as follows:

An act granting a pension to Margaret A. Poland.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Margaret A. Poland, widow of Alexander Poland, late of Leesburg, Loudoun County, State of Virginia, at the rate of $12 per month.

This bill has passed both Houses of Congress, and has received the approval of the reputed author of the veto message now under consideration. Alexander Poland, the husband of this pensioner, was never in either the military or civil service of the United States. He was a citizen of Virginia during the late war, and a loyal man. He furnished food and shelter to the troops of the United States. He was murdered by Mosby's band, doubtless because of his loyal sentiments. His widow has been pensioned the same as a soldier's widow. I do not object to this. I voted for the bill, and had it been vetoed should have cheerfully voted to pass it notwithstanding. I call attention to it to show the inconsistency of the acting President and his overreaching desire to veto the pensions of loyal soldiers.

I implore gentlemen on the other side of the House to for once rise above partisan prejudice. Refuse to refer this message. Pass the bill notwithstanding the veto, and pass it now. Demonstrate that the entire embodiment of all that is just and good in government does not reside at the other end of the Avenue, and thus partially at least remove the stigma of the past.

[During the delivery of the preceding speech, Mr. LYMAN'S time having expired, Mr. BURROWS yielded five minutes more, and at the conclusion of the remarks, by unanimous consent, leave was granted to extend in the RECORD.]

Mr. McCOMAS. Mr. Speaker, I ask that general consent be given to members to print remarks upon this pension case.

There was no objection.

Mr. BURROWS. Mr. Speaker, I have neither the time nor the patience to consider the general character of the messages of the President vetoing private pension bills. I have only this now to say, that the language employed in many of them is, to say the least, in exceeding bad taste. The spirit running through them all is anything but commendable. The flings at the Union soldier, the reflections upon his character, the imputations upon his veracity, the sneering at his disabilities, is unworthy the President of the United States and unbecoming the dignity of his great office. Who would have thought that in less than a quarter of a century after the close of the war the men who sought the destruction of the Republic would control its destinies? Who would have thought that the veteran soldiers would live to see the time when the disabilities they contracted on the field and in prison to rescue an imperiled nation would no longer be the subject of honorable mention, but rather a theme for public ridicule? Veterans, conceal your disabilities! Cover up your scars! They are offensive to this Democratic administration!

But I desire to address myself only to the pending proposition. I shall question the judgment, conscience, and heart of the Democratic majority of this House if this bill is not immediately considered and passed over the Executive veto. There is no question of fact in the case about which there is the slightest dispute. There is no occasion for delay—the issue is made up. The claimant in this case was wounded by a bullet entering the head back of the ear and coming out at the eye, destroying his hearing in one ear and the sight of one eye, and it is established by expert medical testimony that he will become by reason of this injury totally blind. These facts are conceded. But the claim was rejected by the Pension Office solely upon the ground that the soldier at the time he received the injury had not been mustered into the military service of the United States, and the President echoes this decision in his veto message, and for the same reason withholds his approval of the act placing this soldier on the pension-roll. The Pension Office could not, under the law, admit this claim, and the Congress of the United States is the only tribunal where the claimant can now be heard. The gentleman from Maryland has recited in detail the circumstances under which the injury was received. How the claimant in the hour of his country's peril rushed to her defense, and in the discharge of a patriotic duty received this distressing injury. You have all the facts before you, and yet it is proposed to refer this bill and the veto accompanying it to the Committee on Invalid Pensions for the purpose of determining what? Any disputed fact? Not one. The only question for this House to pass judgment upon is whether it will under the admitted circumstances give this claimant a pension, though he was not sworn and mustered into the military service of the United States at the time of the injury. Can any one assign a valid reason for not determining that question now? I submit it is not out of the usual course for the Congress to immediately pass upon an executive veto. I call to mind a recent precedent in favor of such action. The last notorious case was the message of President Arthur vetoing the bill for the relief of Fitz-John Porter in the last Congress, which upon being read was immediately considered by the House without reference to any committee. Will you deny this patriotic soldier what you granted Fitz John Porter?

The simple question then is, will you refuse to put this soldier on the pension-roll because at the time he was shot he had not been mustered into the military service of the United States? But he was in fact in the military service. True, he had not possibly taken an oath to support the Constitution of the United States, but he was supporting it. [Applause.] True, he had not with uplifted hand taken an oath to defend his country's flag against all enemies, foreign or domestic, but he was defending it against a domestic enemy seeking to dishonor and destroy it. [Applause.] I submit to you that the citizen even who with lofty courage and patriotism goes to the defense of his country and imperils his life is entitled to the same consideration as he who is oath-bound to his country's service.

I submit that the man who in the hour of the nation's peril, without waiting for muster, without stopping to take upon himself an oath to defend the Constitution and the flag, did defend them, and is maimed for life, is entitled to as much consideration at the hands of his country as those who, oath-bound to defend the Constitution, proved recreant to their plighted faith. [Applause on the Republican side.]

[Here the hammer fell.]

Mr. McCOMAS. I appeal now to the chairman of the Committee on Invalid Pensions to allow us to have a direct vote. [Cries of "Regular order!"]

The SPEAKER *pro tempore* (Mr. DUNN in the chair). The gentleman from Indiana is entitled to the floor.

Mr. McCOMAS. But I ask unanimous consent, Mr. Speaker, that we may have a vote on the main question now on this bill. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The time for debate on that side of the House has expired. The regular order is demanded. The gentleman from Indiana is recognized.

Mr. MATSON. I yield five minutes to the gentleman from Ohio [Mr. WARNER].

Mr. WARNER, of Ohio. Mr. Chairman, I do not propose to discuss the merits of this bill now, but shall vote to refer it to the Committee on Invalid Pensions, as I have voted to refer other bills; but will say in doing so that I believe this to be a meritorious case, and to be in the line of all the precedents from 1785 down to this date. But a good reason for referring it has been given by the gentleman from Michigan [Mr. BURROWS], who in the statement he has made of the case has shown that in all these cases we need to know more definitely the facts. The gentleman's statement is rather against than for the claimant, while I think the facts are the other way.

As I understand the case, this soldier was in the military service and in the line of duty. He probably had taken the oath also, but was not regularly mustered in by a duly authorized mustering officer. It is due, however, to say in this connection, as is admitted, I believe, by the gentleman from Maryland, that certain papers containing important facts in this case were not before the President when his veto message was written. If the case is as stated, and I believe it to be substantially correct, I have no doubt in the world that this committee will very quickly report it back and we shall be permitted to vote upon it on its merits; but I shall vote to send it to the committee first, as I did the case referred to by my colleague [Mr. GROSVENOR], which I believe also to be a meritorious case, and which, if the committee finds the facts to be as stated, I shall vote for when it comes before the House on the question of its passage.

Another case voted upon the other day—the case of Harrington—there was a special reason for sending to the committee. The case turns entirely on a single question of fact, and that question of fact was not made clear either by the report or the statements to the House. The fact important to know is, was the soldier who received the injury himself at fault? Did he provoke the assault upon him in the barracks? Was he in a quarrel in which he was himself to blame? If he was, then he is not entitled to a pension. If, on the other hand, the assault was unprovoked, then he would be. That question of fact ought to be determined by the committee before the bill is reported back, and if the facts are as seems to be assumed in the veto message, then the President is right and the veto should be sustained, but if the facts are otherwise I shall not hesitate to vote for the bill, and so far as I am concerned I desire that there shall be no misunderstanding, and I believe in saying what I shall say I reflect the honest sentiment of impartial Democrats and Republicans alike, and certainly of the true soldiers of the Union Army, and that is, that every soldier who was disabled by wounds, injuries, or otherwise in the service in the line of duty is entitled to a pension just as much as he was entitled to the pay he received, for pension in that case is but deferred pay. But it rests upon that ground and no other. Anything beyond that is a gratuity.

Mr. LONG. Will the gentleman permit me to ask him a question?

Mr. WARNER, of Ohio. Yes, sir, if it does not come out of my time, which is limited.

Mr. LONG. In this case what fact is there that requires that it should be sent to the committee?

Mr. WARNER, of Ohio. In this case I know of none. But I am sure the bill will be reported back. If not, I will vote to discharge the committee, and bring it here and pass it.

Mr. LONG. Having been reported unanimously once by the Committee on Invalid Pensions, what is the use of referring it to them again?

Mr. WARNER, of Ohio. I have given my reasons, and the gentleman gives his. I think all these bills should take the same course.

It should not be forgotten either in this connection that nearly all of these vetoed claims have been rejected by one or more Republican Commissioners of Pensions as well as by the present Commissioner.

A number of bills, however, have been vetoed because pensions have been granted in the Pension Office. That shows how carefully some of these bills were considered in the House.

I wish now to refer to two cases which I hold in my hand, from which the President has seen fit, rightly I think, to withhold his approval. Let us look at them. On examining them I am astonished that they could ever have passed this House and the other body of Congress—astonished that they should ever have been reported favorably from a committee of either House.

Here is one of them. If the facts stated be true, and if they are not this committee can so determine, here is a man who, with a band organized for that purpose, was engaged in plundering and robbing unprotected persons, and was injured while so engaged. And yet by this bill, which the President has vetoed, he is granted a pension for it.

[Here the hammer fell.]

Mr. WARNER, of Ohio. I hope I may have five minutes more.

Mr. MATSON. I can only yield the gentleman two minutes.

Mr. PETTIBONE. Is that this case?

Mr. WARNER, of Ohio. It is one of those which have been referred to the committee.

Another case is where a claimant for a pension is reported in the records as having twice deserted, and it appears that his disability was incurred while attempting to escape from the guards for the purpose of desertion the third time; and yet it is proposed to give this man a pension—to put him on the pension-roll by the side of men honorably discharged, by the side of men wounded in battle, in the face of the enemy in this country, as equally entitled to honor. Has it come to this, that henceforth the deserter and the coward are to be equally honored and equally rewarded with the soldier disabled in the service and honorably discharged?

If my time permits I wish to refer to a memorable incident in history—one of the grandest which the annals of recorded time have handed down to us. At the memorable battle of Thermopylæ two soldiers were temporarily absent when the band of three hundred Spartans were called upon to die with their leader in defending the narrow pass against the invading horde of Xerxes. One of them, though nearly blind, apprised that the fatal hour of his comrades had come, asked to be led into the ranks, that he might die with the rest of the band in the defense of his country. The other returned to Sparta, the only survivor of this heroic band; but he returned only to be dishonored.

Mr. PETTIBONE. Has either any application to this case?

Mr. WARNER, of Ohio. I think they show the change in the times. Sparta embalmed in everlasting remembrance the name of the hero who, though almost blind, refused to leave when he might have done so, by placing it conspicuously on the column erected to the memory of the three hundred whose lives saved their country, and consigned his comrade who returned to lasting disgrace, while here a howl is set up because the President has thought it proper to withhold his signature from a bill proposing to grant a pension to one who twice deserted and was hurt in the act of deserting a third time.

It shows, I say, the degeneracy of the times. If these men lived now, Eurytus, who asked to be led into the ranks that he might die by the side of his comrades in the defense of his country, would be forgotten, while Aristodemus, who left his comrades to return in safety to his home, would be given a pension. But, Mr. Speaker, I do not believe that true patriotism has departed from among us. I do not believe the time has come for putting deserters on the pension-rolls. It is not the demand of honorable soldiers, and I say the President has done good service in calling in this emphatic way the attention of the country to bills of this character. He may in some cases have been mistaken. I think he has been, but in such bills as these he is right and the country will sustain him, and honest soldiers will sustain him in spite of demagogues here or elsewhere.

[Here the hammer fell.]

Mr. MATSON. I yield five minutes to the gentleman from Pennsylvania [Mr. SOWDEN].

Mr. SOWDEN. Article I, section 7, of the Constitution provides that every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered; and if approved by two-thirds of that House, it shall become a law.

Now, Mr. Speaker, here we have a President who has the patriotism and manly courage to exercise, under this provision of the Constitution, his right to veto such private pension bills as he may deem unjust and unwarranted by the facts upon which they are founded, and the other side of this House are making a vain attempt to hold up to public ridicule this patriotic and courageous public official because of his fearless exercise of this constitutional prerogative. It is a fearful mistake. The intervention of the veto power is in many cases the only safeguard of the people against unjust and extravagant legislation. The people will always honor and respect a President for a rightful exercise of this constitutional power to prevent hasty, extravagant, and dangerous legislation unauthorized by the Constitution. The other side of the House commit a grievous blunder when they attempt to make the discussion of these vetoes a party question. They can make no political capital out of this matter.

The soldiers and the country fully understand this subject. Let every veto submitted by the President stand upon its own merits. As certain as you make the question of a reconsideration of these vetoes a political one, injustice must be the inevitable result to all parties concerned. The soldiers and the country will justly hold the other side of the House responsible for having precipitated this unrighteous discussion.

The gentleman from Maryland [Mr. MCCOMAS] deserves the thanks of this House for adhering so closely in his remarks to the merits involved in the case now pending before this body on a motion of reference to the Committee on Invalid Pensions. He evidently appreciates the situation and deprecates these unwarranted assaults upon the President lest they might prove fatal to the Marylander's case in which he takes such a warm and creditable interest.

The gentleman from Pennsylvania [Mr. JACKSON] on Wednesday last, when this same subject was under discussion, took occasion to say, among other things, this—I quote from page 6626 of the CONGRESSIONAL RECORD:

> We were told that this great and good President, who vetoes pension bills by the score, meant right. Yes, Mr. Speaker, I suspect he does mean right in the sense of attempting to please certain elements of the country; but he does not mean right in the eyes of the generous and loyal people of this land. I desire to say, sir, that the President means exactly what his vetoes show. His vetoes, by their substance, language, tone, and temper, can have no other construction than that he dislikes all pension legislation, and I do not think that he will thank gentlemen for intimating that he is only trying to save, at best, the poor little pittance of money that is in controversy in granting these pensions. No, sir; that is not what he means. These vetoes are intended for the approval of a portion of the people of this country, and I desire to say that they unquestionably meet their approval.

What does the gentleman mean? His language is incomprehensible; he speaks so enigmatically. The President's vetoes mean exactly what they purport upon their face, and nothing else. It is absurd for the gentleman from Pennsylvania [Mr. JACKSON] to say that the President's vetoes can have no other construction than that he dislikes all pension legislation. If he will refer to page 6639 of the CONGRESSIONAL RECORD he will discover that this same President, who sifts out the chaff from the wheat in these private pension bills approved one hundred and eighteen of them in one batch. Would it seem from this that he disliked all pension legislation? We passed some six hundred and sixty-five private pension bills during this session of Congress, and five hundred and seventy-five have become laws; so that out of this very extraordinary large number the President only vetoed ninety.

He also approved of the general law passed by this Congress increasing the widows' pensions from $8 to $12 per month. Does this look as if the President was the enemy of this class of legislation that you gentlemen on the other side are attempting to make him out? Read the President's veto message in the case of Aretus F. Loomis, on page 6623 of the CONGRESSIONAL RECORD, and see whether he is not more mindful of the interest of the honest soldier's claim for pension than some of you gentlemen on the other side are willing to give him credit for. This message reads as follows:

> *To the House of Representatives:*
>
> I herewith return without approval House bill No. 7018, entitled "An act granting a pension to Aretus F. Loomis." The Commissioner of Pensions, before he became aware of the passage of this bill, directed favorable action upon the application of the claimant pending in the Pension Bureau. A certificate has been issued for the payment of a pension to him, dating from September 30, 1882. In the interest of the claimant I therefore withhold my signature from the bill, as the pension granted by special act would only date from the time of its passage.
>
> GROVER CLEVELAND.
>
> EXECUTIVE MANSION, *July* 5, 1886.

What do you gentlemen on the other side have to say about the merits of this veto message? Does not the President show a most remarkably keen and delicate appreciation of the soldier's interest in this case? Gentlemen, please don't all speak at once! I wonder whose approval the President sought when he vetoed this bill? Perhaps the gentleman from Pennsylvania [Mr. JACKSON] can tell us. What does the gentleman from Pennsylvania [Mr. JACKSON] mean when he says, in his remarks on page 6626 of the RECORD:

> If you propose to get a pension for one soldier by intimating that it is the only worthy one, that all or many of the others vetoed may not be worthy, then I can not go with you. This is what I call benefiting one at the expense of the many.

Here he speaks in enigmas again, unless he would make no discrimination in the granting of pensions. Does he mean to say that he would pension deserters and faithless and dishonest soldiers who were injured while engaged in the commission of robberies and other unlawful depredations? While his language would import this, I can scarcely believe that the gentleman would be willing to make this discrimination against the honest and brave soldier who was injured in the line of duty or contracted a fatal disease while serving his country honestly and faithfully.

This question of pensions is entirely too sacred to be made dependent upon any one political party. No patriot or friend of the soldier will endeavor to make political capital out of it. It is to be lamented that there are some gentlemen upon this floor who have no hesitancy in doing so. Let us contrast the record of the Republican party with that of the Democratic party in the matter of private pension bills. During this session of Congress five hundred and seventy-five private pension bills have become laws, while under General Grant's administration of eight years only five hundred and forty-two similar bills were enacted, and in the Forty-seventh Congress, which was Republican, but one hundred and ninety-six special acts granting pensions were passed.

Under General Black's administration of the Pension Office 82,977 pension certificates were issued from March 17, 1885, to March 17, 1886, while 74,069 were issued under Commissioner Dudley's administration of the office from March 17, 1884, to March 17, 1885, or 8,908 more under a Democratic administration of the office than under Republican management. What have the honest and deserving soldiers of the country to say about this? Does this look as if the Democratic party was unfriendly to the pensioning of the soldiers and their legal representatives who are entitled to pensions? Oh, no, gentlemen; you can not make any capital out of this business. It is amusing to hear the gentleman from Iowa [Mr. LYMAN]. He seems to think that the chastity of the members of this body, as well as that of the seventy-six distinguished gentlemen on the other side of the Chamber, is involved in the veto messages of the President; and he speaks derisively of the President's course in this particular, and denounces as "unparalleled egotism" the President's fearless exercise of his constitutional right to interpose the veto power when he finds that a measure has no merit and ought not to become a law.

[Here the hammer fell.]

Mr. MATSON. I now yield to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, in the brief time allowed me I shall not undertake to discuss the special merits of the pending bill, except to state that the first veto of this application for pension was made by Mr. Dudley while he was Commissioner of Pensions. But, Mr. Speaker, I desire to call attention to the fact that the gentlemen upon the other side of the Chamber have taken advantage of this debate to arraign the Democratic party and the President before the country as being unfriendly to pensioners. Nothing could be further from the truth. I hold in my hand a statement which I have compiled from the Statutes at Large which shows the number of private pension bills that have been passed since 1869. This statement shows that during the eight years when General Grant was President of the United States there were passed five hundred and forty-two bills granting pensions to soldiers in special cases.

Mr. BURROWS. How many of them were vetoed?

Mr. SPRINGER. None, I believe, were vetoed; but President Grant vetoed a bill equalizing bounties that provided millions of dollars for the soldiers.

Mr. BOUTELLE. Is the gentleman sure of that?

Mr. SPRINGER. Mr. Speaker, I cannot yield; my time is too limited; but the fact is as I have stated it. During the Forty-fifth Congress there were 238 of these special pension bills passed; during the Forty-sixth Congress there were 97; during the Forty-seventh Congress there were 151; during the Forty-eighth Congress there were 552.

A day or two ago the gentleman from Indiana [Mr. BROWNE], who was chairman of the Committee on Invalid Pensions during the Forty-seventh Congress, prayed the Almighty to have mercy upon the soul of a man who could veto such a bill as was then before the House. I ask the pensioners of the country whether they can forgive the gentleman from Indiana [Mr. BROWNE] for having secured the passage through Congress of only one hundred and fifty-one of these special pension bills during the two years he was chairman of the Committee on Invalid Pensions, when they see that the other gentleman from Indiana on this side of the House [Mr. MATSON], who is now chairman of that committee and was in the last Congress, secured the passage in that Congress of five hundred and fifty-two such bills? Five hundred and fifty-two of these special pension bills were passed through the Forty-eighth Congress when my honored Democratic friend from Indiana [Mr. MATSON] was chairman of the committee, as against one hundred and fifty-one passed during the Congress when the gentleman from Indiana on the other side [Mr. BROWNE] was chairman of the committee, and when both Houses of Congress were Republican and the President also.

During this Congress there have been passed and become laws up to this time five hundred and seventy-five pension bills, twenty-five or thirty more than were passed during the entire eight years of the administration of General Grant. Yet gentlemen on the other side endeavor to show that the Democratic party is unfriendly to the soldier because President Cleveland, in the exercise of his constitutional right and duty, has seen fit to veto about ninety other pension bills which have passed.

Mr. Speaker, the further statement is made that the record of the Democratic party shows unfriendliness to pensions. I call attention to the fact that during the fiscal year just closed the administration of the Pension Office under General Black has caused payments to pensioners to be made to the amount of $8,600,000 in excess of those made during the previous fiscal year. This is the record that the Democratic Commissioner of Pensions has made during the first fiscal year of his official term.

In addition to that, I have received from the Treasurer of the United States the following statement of the aggregate receipts and expenditures of the General Government from all sources during the fiscal years 1885 and 1886, showing that, including pensions, the Democrats have secured a net reduction of $16,000,000 in the expenses of the Government; and, exclusive of pensions, a reduction of $24,000,000 has been secured during the first year of Democratic administration:

TREASURY OF THE UNITED STATES, *Washington, July 7, 1886.*

SIR: In reply to your telegram of yesterday I beg to transmit herewith a comparative statement of the receipts and expenditures for the fiscal year 1885 and 1886.

Very respectfully,

C. N. JORDAN, *Treasurer United States.*

Hon. WILLIAM M. SPRINGER,
House of Representatives.

Comparative statement of the receipts and expenditures of the United States.

RECEIPTS.

Source.	July 1, 1885, to June 30, 1886.	July 1, 1884, to June 30, 1885.	Increase.	Decrease.
Customs	$192,747,822 12	$181,471,939 34	$11,275,882 78	
Internal revenue	117,034,523 69	112,498,725 54	4,535,798 15	
Miscellaneous	26,361,945 06	29,720,041 50		$3,358,096 44
Total	336,144,290 87	323,690,706 38	15,811,680 93	3,358,096 44
			3,358,096 44	
Net increase			12,453,584 49	

EXPENDITURES.

Ordinary	128,197,808 30	152,738,411 15		24,540,602 85
Pensions	64,702,454 08	56,102,267 49	8,600,186 59	
Interest	50,580,679 46	51,386,256 47		805,577 01
Total	243,480,941 84	260,226,935 11	8,600,186 59	25,346,179 86
				8,600,186 59
Net decrease				16,745,993 27

ITEMS OF ORDINARY EXPENDITURES.

War	34,325,708 49	42,670,578 47		8,344,869 98
Navy	13,614,494 41	16,021,079 67		2,406,585 26
Interior	6,090,989 74	6,552,494 63		461,504 89
Interior, civil	7,307,503 68	8,979,266 36		1,671,762 68
Customs	24,144,433 02	27,125,972 67		2,981,539 65
Treasury	33,734,276 68	36,854,109 05		3,119,832 37
Diplomatic	1,333,320 93	5,439,609 11		4,106,288 18
Internal revenue	3,721,261 89	4,550,623 21		829,361 32
Quarterly salaries	616,379 42	598,986 61	17,392 81	
Judiciary	3,309,440 04	3,945,691 37		636,251 33
Total as above	128,197,808 30	152,738,411 15	17,392 81	24,557,995 66
				17,392 81
Net decrease as above				24,540,602 85

It is considered an expenditure when the Treasurer issues his draft in payment of the warrant of the Secretary of the Treasury, subject to the repayment at the end of the fiscal year of the unexpended balances.

Mr. Speaker, it further appears that since Commissioner Black assumed charge of the Pension Office he issued to pensioners certificates to the number of 102,280, being 10 per cent. more than the number issued by his predecessor during a like period of time, when the total number issued was 94,705. The following are the figures in detail:

Number of certificates issued from March 17, 1884, to May 31, 1885.

Original	47,777
Increase	29,293
Reissue	4,999
Restoration	2,210
Duplicate	1,163
Accrued	2,376
Act of March 3, 1883	1,179
Order April 3, 1884	5,609
Total	94,606
Arrears	99
Total	94,705

Number of certificates issued from March 17, 1885, to May 31, 1886.

Original	50,817
Increase	37,548
Reissue	5,574
Restoration	2,684
Duplicate	1,044
Accrued	2,678
Act of March 3, 1883	373
Order of April 3, 1884	890
Act of March 3, 1885	457
Order of October 7, 1885	140
Total	102,178
Arrears	102
Total	102,280

The number of original pension certificates issued during the fiscal year ending June 30, 1884, was 34,192. The number issued from July 1, 1884, to March 16, 1885, inclusive, was 19,864; from March 17, 1885, the time General Black took charge of the office, to June 30, 1886, there have been issued 56,758 original pension certificates. The number issued during the fiscal year just closed being 40,852, the total number of certificates of every description issued during the fiscal year ending June 30, 1886, is 81,422, and the amount paid out during said year on account of pensions is $65,747,380.

All these facts I cite for the purpose of demonstrating conclusively that the Democratic party of the country has convincingly shown its desire to relieve the necessities of the pensioners. When I came to Congress twelve years ago the pension-roll aggregated about $39,000,000 a year. It now aggregates $65,000,000 annually. And I may be permitted to state that I have voted for every bill which contributed to this increase of the pension expenditures of the country.

Mr. Speaker, on several occasions in the House this session gentlemen upon the other side have taken occasion to attack the administration of the Pension Office under the management of General Black. These attacks have been inspired from the fact that the Commissioner of Pensions, in his annual report for the year ending June 30, 1885, took occasion to refer to the past management of the Pension Office. He made the following statement in his report, to which exception has been taken, namely:

> At one time the Pension Bureau was all but avowedly a political machine, filled from border to border with the uncompromising adherents of a single organization, who had for the claimant other tests than those of the law, and who required, in addition to service in the field, submission to and support of a party before pensions were granted. Not always, but often was this true; not openly, but surely were the tests applied; and the vast machinery of a professed governmental office became a party power. The enormous array of the medical boards established in every quarter was almost solidly partisan; made so not openly but surely. People of one faith filled every one of the great agencies. Examiners, trained in unscrupulous schools, traversed the land as recruiting sergeants for a party.

The statements contained in this extract from his report have been persistently denied upon the other side of the House and in the other end of the Capitol. It seems to me, Mr. Speaker, that gentlemen have overlooked a table which is contained in a report of the Commissioner of Pensions, published on page 54. This paper shows the number of applicants for pensions examined by the examining surgeons of the Pension Office in the various States of the Union during the calendar year 1884 and the amount of fees which were received in the aggregate therefor. I desire to call special attention to this table, showing where the work of the Pension Office was concentrated during the year of the last Presidential election. Take the State of Maine, in the extreme northeast part of the country, for instance. In that State there were thirty-one hundred and nineteen persons examined by medical examining boards during that fiscal year, and for these examinations fees were paid to the amount of nearly $18,000.

As there are but four Congressional districts in that State, this was an average of 779 pension applicants examined in each Congressional district in that State during that year. That was a contested State politically, and great exertions were made to allow as many pensions as possible there. Take Massachusetts, a State adjoining it, which it was conceded from the beginning that the Republicans would carry, and where no special efforts were required to secure this end. The number of persons examined by medical boards was but 3,489 and the fees allowed were but $20,000. As there are twelve Congressional districts in that State, the average number examined in each Congressional district was but 291. From this it will appear that in Massachusetts, reliably Republican, there were but 291 applicants whose cases were sent to medical examining boards during the Presidential year, while in Maine, which was doubtful and required great efforts to carry it, there were 779 applicants for pensions in each district whose cases were considered.

Mr. MILLIKEN. What year was that?

Mr. SPRINGER. Eighteen hundred and eighty-four, the Presidential year.

Now, let us go farther West. Take the great State of Ohio, in which there was a spirited contest for political supremacy. In that State there were 12,721 applicants for pensions whose cases went before medical boards, and for which fees to the amount of $73,700 were paid during the Presidential year. This was an average of 605 cases for each Congressional district. But in Pennsylvania, which was reliably Republican and where no special efforts were required to carry it for the party, there were but 9,297 applicants whose cases were examined, and the fees to examiners amounted to but $53,000. As there are twenty-eight Congressional districts in Pennsylvania, the average number of applicants examined in each district of that State was only 332, only about half as many as in each Congressional district of Ohio during the same year.

But let us take another contested State, the State of Indiana. In that State where the contest was severe and the most stupendous efforts made by the Republicans to secure supremacy there were 10,680 applicants for pension whose cases were considered by medical boards, and for which service the Government paid fees to the amount of $62,000. As there are thirteen districts in Indiana, the average for each Congressional district was 821 cases. In Illinois, which was reliably Republican and lying on the very borders of the State of Indiana, there were but 9,232 applicants for pension whose cases were considered during the Presidential year. As there are twenty Congressional districts in that State, the average for each district was but 460, only about half as many to each district as were examined during the same time in the State of Indiana.

Is it possible, Mr. Speaker, that these cases to which I have called attention were the result of accident? Certainly not. They were the result of design and they demonstrate conclusively the truth of every statement made by General Black in his report, namely, that the whole power of the Pension Office was turned to the political advantage of the Republican party. Why, what other reason could there be for examining twice as many cases in each Congressional district in Maine as in Massachusetts, twice as many in Ohio as in Pennsylvania, and twice as many in Indiana as in Illinois, than that of using the machinery of the Pension Office for political purposes? The soldiers in the State of Illinois had just as much right to have their cases considered as did the soldiers in Indiana, and so of the soldiers in Pennsylvania as compared with those in Ohio, and in Massachusetts as compared with those in Maine; but for political reasons and for the sake of using the machinery of the Pension Office to secure votes for the Republican party, twice as many cases were called up and passed upon in each Congressional district in doubtful Republican States as were called up in States that were reliably Republican and where no special efforts were required.

The vast amount of fees that were paid to pension examining surgeons themselves must have had great influence in aiding the cause of the Republican party in the States to which I have called attention. These examining boards were all partisans of the Republican party, and it appears that in Indiana $62,000 were distributed to such agents of the Republican party during the Presidential year, and in Maine nearly $18,000, and in Ohio $73,000. This perversion of the business of the Pension Office for political purposes was the result of a premeditated and preconcerted design on the part of the Republican leaders, and was done in the interest of the Republican party, and to secure the election of the Republican candidates for President and Vice-President of the United States. For this conspiracy against the soldiers of the country in other States than doubtful Republican States, who had as much right to have their cases considered as did the soldiers in the doubtful Republican States, for this refusal to consider their cases equally with others the Republican party of the country is responsible; and for this outrage upon the pensioners of the whole country they must be held responsible before the bar of public judgment.

Mr. MATSON. How much time remains?

The SPEAKER. Seven minutes.

Mr. MATSON. I will try and not occupy the whole of that time, by being as brief as possible.

I address myself to the precise point here at issue. The precise question is, shall this bill be referred to the Committee on Invalid Pensions? I insist, Mr. Speaker, it is in the interest of this bill that it shall go to the Committee on Invalid Pensions. I think I know an attempt at this time to pass this bill without reference to the Committee on Invalid Pensions would result in a vote on the part of the House to sustain the veto of the President. Why? Because there are gentlemen on this side of the House who would not be satisfied without consideration of the veto message of the President by the committee of the House. They have placed themselves in that position heretofore on all the bills which have been pressed on the House as to vetoes of the President. My judgment is, there are enough of those gentlemen who are not satisfied to act without consideration by the committee to sustain the President's vetoes. Believing that to be the fact, I think it is in the interest of the bill it should be referred to the Committee on Invalid Pensions.

I wish to say further that I am in favor of this bill. I believe it is right. I believe this man should be pensioned, and so believing I am not afraid to say so here or elsewhere, because I believe the President is wrong, and when I have made up my mind to that fact I am ready to say so. But there are a great many members in this House who are not convinced, and will not be convinced until the message has been considered by some committee of the House. I do not say necessarily it should be considered by some committee, but they have placed themselves in the position of saying these bills should be considered in connection with veto messages of the President. When that has been done they are then ready to vote on them.

I wish to say to my friend from Maryland [Mr. MCCOMAS] this bill should be reported at the earliest possible day. I have already said to him, the gentleman who originally reported it, Dr. SWOPE, of Pennsylvania, being absent, I will at once as chairman of that committee place it in the hands of any member he wishes, so it may be brought to the attention of the committee just so soon as the committee meets. So there is no need of taking this bill out of the original line of procedure by referring the bill and veto message to the Committee on Invalid Pensions.

I wish to add that the Committee on Invalid Pensions is not disposed to smother any gentleman's bill. If we believe the bill should not be passed over the President's veto we are not so apt to bring it back, and

we may not bring it back at all. I do not know when we will be able to take up any particular bill, as we have some forty or fifty now pending before the committee.

Mr. McCOMAS. We will not take up much time in this case. The facts are undisputed. You had the papers and the President did not get them. Is not that a case which should not go back to the committee?

Mr. MATSON. So far as I am concerned I am satisfied, but I can not satisfy gentlemen on this side of the House they are wrong in taking the position they do, that these bills should be referred to the Committee on Invalid Pensions for consideration in connection with the veto messages. I am not going to quarrel with them. It carries with it due respect to the Executive. Having taken that position, I feel there is enough of them to sustain the veto if the vote be pressed.

More than that, Mr. Speaker, there are other bills now pressing which should be considered, having been reported back from the Committee on Invalid Pensions, whether they shall be carried over the veto or not. I now insist on a vote.

The SPEAKER. The question is on referring the bill and accompanying veto message to the Committee on Invalid Pensions.

Mr. BAYNE. I rise to ask a parliamentary question. If the motion to refer be voted down will the bill come before the House for passage notwithstanding the President's veto?

The SPEAKER. If the motion to refer is voted down the bill will come before the House for consideration. The question now is on the motion to refer to the Committee on Invalid Pensions.

The House divided; and there were—ayes 92, noes 87.

Mr. McCOMAS. On the assurance of the chairman of the Committee on Invalid Pensions, there will be an early report on this bill. [Cries of "Regular order!"]

The SPEAKER. Unless the yeas and nays are called for, the ayes have it.

Mr. BURROWS. I call for the yeas and nays.

Mr. McCOMAS. I hope the gentleman from Indiana——

Mr. MATSON. I have said all I could on that subject.

Mr. McCOMAS. On that assurance, that this bill will be reported back at once, I ask gentlemen on this side of the House not to insist on the yeas and nays. [Cries of "Regular order!"]

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 130, nays 118, not voting 74; as follows:

YEAS—130.

Adams, J. J.	Davidson, R. H. M.	Jones, J. H.	Richardson,
Allen, J. M.	Dockery,	Jones, J. T.	Robertson,
Anderson, C. M.	Dowdney,	King,	Sadler,
Ballentine,	Dunn,	Laffoon,	Seney,
Barksdale,	Eden,	Lanham,	Seymour,
Barnes,	Eldredge,	Lawler,	Singleton,
Barry,	Ellsberry,	Lore,	Snyder,
Bennett,	Ermentrout,	Lowry,	Sowden,
Blanchard,	Fisher,	Martin,	Springer,
Bland,	Foran,	Matson,	Stahlnecker,
Bliss,	Ford,	Maybury,	Stewart, Charles
Blount,	Forney,	McAdoo,	St. Martin,
Boyle,	Frederick,	McCreary,	Stone, W. J., Ky.
Bragg,	Gay,	McMillin,	Stone, W. J., Mo.
Breckinridge, C. R.	Geddes,	McRae,	Storm,
Breckinridge, WCP.	Gibson, C. H.	Merriman,	Tarsney,
Bynum,	Glass,	Mills,	Tillman,
Cabell,	Green, R. S.	Morgan,	Townshend,
Campbell, J. E.	Green, W. J.	Murphy,	Trigg,
Campbell, T. J.	Hale,	Neal,	Turner,
Candler,	Hall,	Neece,	Van Eaton,
Carleton,	Halsell,	Norwood,	Wallace,
Catchings,	Hammond,	Oates,	Warner, A. J.
Cobb,	Hatch,	O'Ferrall,	Wellborn,
Collins,	Hemphill,	O'Neill, J. J.	Wheeler,
Comstock,	Henderson, J. S.	Outhwaite,	Wilkins,
Crain,	Herbert,	Peel,	Willis,
Crisp,	Hill,	Perry,	Wilson,
Croxton,	Holman,	Pidcock,	Winans,
Culberson,	Hudd,	Pindar,	Wolford,
Curtin,	Hutton,	Randall,	Worthington.
Dargan,	Irion,	Reagan,	
Davidson, A. C.	Johnston, T. D.	Reid, J. W.	

NAYS—118.

Adams, G. E.	Dingley,	Hitt,	Moffatt,
Allen, C. H.	Dorsey,	Holmes,	Morrill,
Anderson, J. A.	Evans,	Hopkins,	Morrow,
Atkinson,	Everhart,	Howard,	O'Hara,
Baker,	Farquhar,	Jackson,	Osborne,
Bayne,	Felton,	James,	Parker,
Bingham,	Findlay,	Johnson, F. A.	Payne,
Bound,	Fleeger,	Johnston, J. T.	Payson,
Boutelle,	Fuller,	Kelley,	Perkins,
Brady,	Funston,	La Follette,	Peters,
Brown, C. E.	Gilfillan,	Laird,	Pettibone,
Brown, W. W.	Goff,	Lehlbach,	Pirce.
Browne, T. M.	Grosvenor,	Lindsley,	Plumb,
Brumm,	Grout,	Little,	Price,
Buck,	Guenther,	Long,	Rancy,
Bunnell,	Harmer,	Louttit,	Rice,
Burrows,	Hayden,	Lyman,	Rockwell,
Butterworth,	Haynes,	Markham,	Romeis,
Campbell, J. M.	Henderson, D. B.	McComas,	Rowell,
Cannon,	Henderson, T. J.	McKenna,	Ryan,
Conger,	Hepburn,	McKinley,	Sawyer,
Cooper,	Hermann,	Millard,	Scranton,
Cutcheon,	Hiestand,	Milliken,	Sessions,
Smalls,	Swinburne,	Wadsworth,	West,
Spooner,	Symes,	Wait,	White, A. C.
Steele,	Taulbee,	Wakefield,	White, Milo
Stephenson,	Taylor, I. H.	Warner, William	Whiting,
Stone, E. F.	Thomas, O. B.	Weaver, A. J.	Woodburn.
Strait,	Thompson,	Weaver, J. B.	
Struble,	Van Schaick,	Weber,	

NOT VOTING—74.

Aiken,	Dawson,	Le Fevre,	Scott,
Arnot,	Dibble,	Libbey,	Shaw,
Barbour,	Dougherty,	Lovering,	Skinner,
Beach,	Dunham,	Mahoney,	Spriggs,
Belmont,	Ely,	Miller,	Stewart, J. W.
Buchanan,	Gallinger,	Mitchell,	Swope,
Burleigh,	Gibson, Eustace	Morrison,	Taylor, E. B.
Burnes,	Glover,	Muller,	Taylor, J. M.
Caldwell,	Hanback,	Negley,	Taylor, Zach.
Campbell, Felix	Harris,	Nelson,	Thomas, J. R.
Caswell,	Heard,	O'Donnell,	Throckmorton,
Clardy,	Henley,	O'Neill, Charles	Tucker,
Clements,	Hewitt,	Owen,	Viele,
Compton,	Hires,	Phelps,	Wade,
Cowles,	Hiscock,	Reed, T. B.	Ward, J. H.
Cox,	Houk,	Reese,	Ward, T. B.
Daniel,	Ketcham,	Riggs,	Wise.
Davenport,	Kleiner,	Rogers,	
Davis,	Landes,	Sayers,	

So the motion was agreed to.

On motion of Mr. BAYNE, by unanimous consent the reading of the names was dispensed with.

The following additional pairs were announced:

Mr. MULLER with Mr. ROCKWELL, for the rest of the day.

Mr. FELIX CAMPBELL with Mr. NELSON.

Mr. JOHN M. TAYLOR with Mr. ZACH. TAYLOR.

Mr. WARD, of Indiana, with Mr. LOUTTIT.

Mr. TUCKER with Mr. STEWART, of Vermont, until Monday evening, the 12th instant; and

Mr. O'NEILL, of Pennsylvania, with Mr. CLARDY, from July 9 until Monday next.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had approved a House joint resolution and bills of the following titles, namely:

Joint resolution (H. Res. 185) providing for the printing of eulogies delivered in Congress upon the late Joseph Rankin;

An act (H. R. 1357) referring to the Court of Claims the claim for property seized by General Johnston on the Utah expedition for examination and report;

An act (H. R. 3546) granting a pension to Amanda Housell; and

An act (H. R. 7183) to authorize the purchase of a certain tract of land in San Antonio, Tex., and to provide for the sale of the old site of Fort Brady, Mich., and for the purchase of a new site, and for the construction of suitable buildings thereon.

V. J. FAGIN.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting, with inclosures, a letter from V. J. Fagin, accountant of the Coast Survey Bureau, relative to an increase of his compensation; which was referred to the Committee on Appropriations.

MILITARY STATION, LAKE MICHIGAN.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report by a board of Army officers upon the gift to the United States of a site on Lake Michigan for military purposes by the Commercial Club of Chicago and recommending its acceptance by the Government; which was referred to the Committee on Military Affairs.

REFERENCE OF SENATE BILLS, ETC.

The SPEAKER also laid before the House the bill (S. 1800) to secure to the Cherokee freedmen and others their proportion of certain proceeds of lands under the act of March 3, 1883; which was read a first and second time, and referred to the Committee on Indian Affairs.

The SPEAKER also laid before the House a concurrent resolution of the Senate providing for the printing of the third annual report of the Civil Service Commission; which was referred to the Committee on Printing.

RETURN OF A BILL FROM THE SENATE.

The SPEAKER also laid before the House an engrossed copy of the bill (S. 1526) amending sections 4756 and 4757 of the Revised Statutes, relating to pensions to certain disabled persons who have served in the Navy or Marine Corps, in compliance with the request of the House of Representatives; which was referred to the Committee on Pensions.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. O'FERRALL, for ten days from to-morrow, on account of important business.

To Mr. O'NEILL, of Pennsylvania, until Monday next.

To Mr. BEACH, indefinitely, on account of sickness.

To Mr. J. M. TAYLOR, for this day, on account of sickness.
To Mr. O'DONNELL, for eight days, on account of sickness.
To Mr. BURLEIGH, for two days, on account of important business.
To Mr. NEGLEY, for two days, on account of important business.
To Mr. CASWELL, indefinitely, on account of sickness in his family.
To Mr. EZRA B. TAYLOR, indefinitely, on account of illness.
To Mr. GIBSON, of West Virginia, for ten days, on account of important business.

RETURN OF BILLS TO THE SENATE.

The SPEAKER also laid before the House a message from the Senate requesting the return of the bill (S. 100) for the relief of William H. Crook.

Also, a message from the Senate requesting the return of the bill (H. R. 7087) authorizing and directing the Secretary of the Interior to extend the time for the payment of the purchase-money on the sale of the reservation of the Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas.

The SPEAKER. Without objection, these requests will be complied with.

There was no objection, and it was so ordered.

FUNERAL OF THE LATE WILLIAM H. COLE.

The SPEAKER announced the committee to accompany the remains of the late Hon. WILLIAM H. COLE to Baltimore, as follows: Mr. COMPTON, Mr. GIBSON of Maryland, Mr. MCCOMAS, Mr. DIBBLE, Mr. IRION, Mr. WADE, and Mr. STONE of Kentucky.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same, namely:

A bill (S. 209) for the relief of the legal representatives of John M. Robeson, deceased.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 1455) for the relief of Ernest H. Wardwell; and
A bill (S. 1839) for the relief of Richard C. Ridgway and others.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND. On last Friday evening the Committee of the Whole House, having under consideration the bill (H. R. 325) granting a pension to Catharine Waters, agreed the bill might be reported to the House with a recommendation that a vote be taken in a full House immediately after the reading of the Journal to-day, with ten minutes allowed for debate on each side. Is it in order for me to call up that bill now?

The SPEAKER. It is not. The Committee of the Whole can not make an agreement which can bind the House. Besides, there are two orders made by the House itself, assigning two bills especially for to-day.

Mr. TOWNSHEND. Then I ask that by unanimous consent the bill I have indicated be taken up and disposed of.

The SPEAKER. The Clerk will read the title of the bill.

The title of the bill was read.

Mr. TOWNSHEND. Now, in accordance with the recommendation of the Committee of the Whole, I ask unanimous consent that this bill be disposed of.

Mr. OATES. I object.

AMENDMENT OF RULES.

Mr. GROSVENOR. I rise to a question of privilege. I offer a resolution to amend the rules, which I send to the desk.

The Clerk read as follows:

Resolved, That the seventh subdivision of Rule XIV be amended by adding to the word "ballots," in the sixth line of said subdivision, the following:

"Nor shall any clerk, or any one employed at the Clerk's desk, or in any capacity in the House, communicate to any one, during the pendency of a call of the ayes and noes, any information as to the state of the vote or how any member of the House is recorded as having voted."

Also add, at the beginning of line 5 of said subdivision, the words "or approach."

The SPEAKER. Under the rules this resolution will lie over for one day, unless it be referred.

VETO MESSAGE—CARTER W. TILLER.

Mr. WILLIS. I rise to a privileged matter. The consideration of a bill vetoed by the President—a bill (H. R. 4002) granting a pension to Carter W. Tiller—was on Tuesday postponed by a vote of the House till to-day. Since that was done the case has been opened in the Pension Department, and is now pending. I ask unanimous consent to postpone the consideration of that bill for one week.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. TAULBEE. Reserving the right to object——

Several members objected.

Mr. WILLIS. Then I move to postpone the further consideration of this matter till next Friday, and upon that I call the previous question.

The question being taken, there were—ayes 99, noes 46.

So (further count not being called for) the previous question was ordered, and under the operation thereof the motion to postpone until next Friday was agreed to.

Mr. WADSWORTH. I would like to ask my colleague [Mr. WILLIS] a question, whether the case has been made special in the Pension Office?

The SPEAKER. There is nothing before the House.

Mr. WADSWORTH. I ask unanimous consent to address that question to my colleague.

Mr. TAULBEE. I wish to make a statement.

The SPEAKER. There is nothing before the House.

Mr. TAULBEE. I ask unanimous consent.

The SPEAKER. Another gentleman has asked unanimous consent. Is there objection to the request of the gentleman from Kentucky [Mr. WADSWORTH]?

There was no objection.

Mr. WADSWORTH. Now, I wish to know if the case of Tiller has been made special in the Pension Office?

Mr. WILLIS. I can not say as to that. The case has been reopened. Only two simple points are involved, and I think all the evidence on both points can be obtained between now and next Friday. It is in the interest of the case that I have asked a postponement.

Mr. BROWN, of Pennsylvania. Has the President withdrawn the charge of desertion?

Mr. WILLIS. That has been withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky [Mr. TAULBEE] that he be allowed to make a statement?

Objection was made.

Mr. TAULBEE. I desire to know if the motion to postpone fixed a day definite.

The SPEAKER. It did; and besides that it is a privileged matter.

ORDER OF BUSINESS.

Mr. BOUTELLE. I desire to make a parliamentary inquiry. Would it be in order to ask unanimous consent to take up and put on its passage the bill (S. 1886) in regard to certain pensions?

The SPEAKER. It is always in order to ask unanimous consent unless the regular order is demanded. [Cries of "Regular order!"]

Mr. BOUTELLE. I desire to exercise my privilege to ask unanimous consent for the purpose I have indicated.

The SPEAKER. The Chair has distinctly stated it was in order to ask unanimous consent unless the regular order was demanded. The regular order has been demanded. By order of the House two bills have been postponed and made special orders for this morning. The Clerk will report the title of the first of those bills.

The Clerk read as follows:

A bill (H. R. 5194) directing the Quartermaster-General to settle with the McMinnville and Manchester Railroad Company, and for other purposes.

Mr. BURNES. I move to postpone the consideration of that bill until next Friday, all rights being retained.

Mr. RICHARDSON. With that understanding, representing the bill, I consent to the postponement.

The SPEAKER. If there be no objection that order will be made.

There was no objection.

The SPEAKER. The Clerk will report the title of the joint resolution, which was also by special order fixed for consideration to-day.

The Clerk read as follows:

A joint resolution (H. Res. 72) to provide for the settlement of accounts with the Mobile and Ohio Railroad Company.

Mr. BURNES. I make the same motion with regard to the postponement of that joint resolution.

Mr. OATES. This resolution has been postponed seven times and stands on the Calendar with a favorable report from the Committee of the Whole. There is nothing for us to do but to take it up and vote on it, and I trust this House will in justice not postpone it any further, but will now dispose of it.

Mr. SPRINGER. I hope the joint resolution will be postponed.

The question being taken on the motion of Mr. BURNES, the Speaker stated the "ayes" seemed to have it.

Mr. OATES. I call for a division.

The House divided; and there were—ayes 119, noes 14.

Mr. OATES. No quorum.

The SPEAKER. The Chair appoints as tellers the gentleman from Alabama [Mr. OATES] and the gentleman from Missouri [Mr. BURNES].

Mr. OATES. On the assurance of gentlemen that they will aid me in getting the joint resolution disposed of next Friday, I withdraw the point as to a quorum.

Mr. ANDERSON, of Kansas. Such assurances only bind those who give them.

Mr. BURNES. I move to dispense with private business for to-day.

The motion was agreed to.

Mr. BURNES. I move to dispense with the morning hour for the call of committees for reports.

The motion was agreed to (two-thirds voting in favor thereof).

POLAR EXPEDITION TO LADY FRANKLIN BAY.

Mr. BARKSDALE. Mr. Speaker, I rise to present a privileged report.

Mr. SPEAKER. The report will be read.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *June* 17, 1886.

"*Resolved by the House of Representatives (the Senate concurring)*, That 4,500 copies, with the necessary illustrations, be printed of the International Polar Expedition to Lady Franklin Bay, Grinnell Land, by First Lieut. A. W. Greely, Fifth Cavalry, United States Army, acting signal officer; 1,250 copies of which shall be for the use of the Senate and 3,250 for the use of the House of Representatives."

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the concurrent resolution for printing the report of the International Polar Expedition to Lady Franklin Bay, by Lieut. A. W. Greely, Fifth Cavalry, United States Army, acting signal officer, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

E. BARKSDALE,
JAMES W. REID,
JOHN M. FARQUHAR,
Managers on the part of the House.
CHARLES MANDERSON,
JOSEPH R. HAWLEY,
A. P. GORMAN,
Managers on the part of the Senate.

The following is the statement accompanying the report of the committee of conference.

Explanations of the report of the committee of conference on the report of Lieutenant Greely:

Amendment 1: The House had voted for its own use 3,250 copies. By the Senate amendment agreed to by the committee of conference this number is reduced to 2,500 copies—twice the number given to the Senate, which has 1,250.

Amendment 2: By the Senate amendment agreed to by the committee of conference there are 750 copies ordered for the use of the Signal Office. These will be distributed among the public libraries of Europe and other arctic explorers.

The report of the committee of conference was agreed to.

Mr. BARKSDALE moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. When the House adjourned the day before yesterday the matter under consideration was the general deficiency appropriation bill, and the House was voting upon the amendments reported from the Committee of the Whole——

Mr. O'HARA. Mr. Speaker, I rise to present a privileged report. [Cries of "Regular order!"]

The SPEAKER. The Chair understands the gentleman to say he desires to present a privileged report.

MARY NORMAN.

Mr. O'HARA. Yes, sir. It is the report of the Committee on Invalid Pensions on the bill (H. R. 6192) granting a pension to Mary Norman, with the President's objections thereto. I ask that the report be printed, and that it lie over.

There was no objection, and it was so ordered.

Mr. MATSON. I ask leave to file the views of the minority on that case.

There was no objection, and it was so ordered.

The report is as follows:

[H. R. 6192. Forty-ninth Congress, first session.]

An act granting a pension to Mary Norman.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Norman, widow of Corporal Turner Norman, late of Company G, Thirty-fifth United States Colored Troops.

JOHN G. CARLISLE,
Speaker of the House of Representatives.
JOHN SHERMAN,
President of the Senate pro tempore.

GRANTING A PENSION TO MARY NORMAN.

Mr. O'HARA, from the Committee on Invalid Pensions, submitted the following report:

The Committee on Invalid Pensions, to whom was referred H. R. 6192, "granting a pension to Mary Norman," with the President's objection thereto, have had the same under consideration, and submit the following report:

The facts in this case are substantially as follows:

The claimant, Mary Norman, is the widow of Turner Norman, late corporal Company G, Thirty-fifth United States Colored Troops, enrolled May 22, 1863, and who was wounded in battle at Olustee, Fla., February 20, 1864.

War Department records show soldier in hospital from said wound from February 22, 1864, to August, 1864; left with detachment at Jacksonville, Fla., sick since November 26, 1864; present for duty from February 28, 1865, to April 30, 1866.

Soldier was mustered out of service with his company at Charleston, S. C., June 1, 1866. Company was in action at battle of Olustee, Fla., February 20, 1864. Company or regimental records do not give the location of wound.

Surgeon-General's report shows that soldier was treated in general hospital at Jacksonville, Fla., for gunshot wound of head received in battle; also in general hospital at Beaufort, S. C., for gunshot wound of left side of head.

Soldier died December 22, 1869.

Soldier made application for a pension, but died before the same was granted.

Widow filed application for pension February 4, 1880. Rejected on the ground that the death cause, "drowning," was not due to the soldier's military service.

A number of soldier's comrades testify under oath that, although his right jaw-bone was broken, resulting in a running sore, producing great suffering and partial deafness, soldier, after his return from hospital, refused to leave his regiment, but remained, doing light duty, until his regiment was mustered out at the close of the war.

After his discharge he was a great sufferer, and to a great extent unable to perform manual labor.

Soldier was drowned in an accident while crossing the Roanoke River in North Carolina, the indirect result of the wound received while in the service of the United States and in the line of duty. In crossing said river the boat sprang a leak; the ferryman called to him to save himself; a man who was also in the boat with soldier made his escape, but soldier, suffering from his wound and disabilities received in the service, was unable properly to care for himself, and was drowned as the boat sank. Soldier's widow is quite poor.

The President's objections are as follows:

To the House of Representatives:

I return herewith without approval House bill No. 6192, entitled "An act granting a pension to Mary Norman."

The husband of this claimant was enrolled May 22, 1863, and was mustered out of the service June 1, 1866.

He was wounded in the head February 20, 1864; was treated for the same, and returned to duty September 3, 1864.

In her declaration for pension, filed in February, 1880, the claimant claims a pension because of his wound and deafness consequent therefrom, and that he died after he left the service.

In a letter, however, dated October 13, 1880, she states that her husband was drowned while trying to cross Roanoke River in December, 1868.

Her claim was rejected in 1881 on the ground that the cause of the soldier's death was accidental drowning, and was not due to his military service.

In an attempt to meet this objection it was claimed as lately as 1885, on behalf of the widow, that her husband's wound caused deafness to such an extent that at the time he was drowned he was unable to hear the ferryman, with whom he was crossing the river, call out that the boat was sinking.

How he could have saved his life if he had heard the warning is not stated.

It seems very clear to me that this is not a proper case for the granting of a pension.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 23, 1886.

The President in his objection to this bill adheres to the rulings of the Pension Office, holding that as it is not positively shown that soldier's death was the immediate cause of his Army service, therefore his widow, who is poor and destitute, with four small children, should receive no aid from the Government in whose defense he was wounded. It will not require a stretch of the imagination to see that a man who has suffered for years with a wound in the head would not be able in the time of peril and danger to act with the same degree of promptness and effectiveness as a person not so disabled, and we are still of the opinion that had it not have been for soldier's wound in the head, received, not in the tent or on dress parade, but in one of the most spirited contests during the war, he would have been in all human probability better able to protect and save himself at the time of his drowning.

That the widow did not file a claim for a pension until 1880 ought not to be taken as against her and to the prejudice of her rights. She states upon oath that at the time of her husband's death she had four small children dependent upon her for support; that on account of her poverty she was unable to raise the money necessary to fee an agent to prosecute her claim, and therefore her application was not made at an earlier date.

This fact should, in our opinion, entitle her to a most favorable consideration of her claim.

Her husband's military record, as far as any record had been kept, may be gathered from the following letters from the War Department:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., July 24, 1880.

SIR: I have the honor to acknowledge the receipt of your request of May 13, 1880, for certain information for use in consideration of application for pension No. 259615, and to return it herewith with the following information from the records of this office: It appears from the rolls of the United States colored troops on file in this office that Turner Norman was enrolled on the 22d day of May, 1863, at New Berne, N. C., in Company G, Thirty-fifth Regiment of United States Colored Troops, to serve three years or during the war, and mustered into service as a corporal on the 30th day of June, 1863, at New Berne, N. C., in Company G, Thirty-fifth Regiment of United States Colored Troops, to serve three years, or during the war.

On muster-rolls of Company G of that regiment, from organization to December 31, 1863, he is reported present for duty; from December 31, 1863, to August 31, 1864, absent, "wounded in battle at Olustee, Fla., February 20, 1864;" September and October, "present for duty;" November and December, absent, "left with detachment at Jacksonville, Fla., since November 26, 1864;" January and February, 1865, "sick, with detachment at Jacksonville since November 26, 1864;" from February 28, 1865, to April, 1866, "present for duty." He was mustered out of service with company at Charleston, S. C., June, 1866. Company was in action at battle of Olustee, Fla., February 20, 1864.

Company or regimental records do not give the location of wound.

I am, sir, very respectfully, your obedient servant,

A. W. NICKERSON,
Assistant Adjutant-General.

TO COMMISSIONER OF PENSIONS,
Washington, D. C.

It can not be controverted that widow's husband was a soldier, and that while actually engaged with the enemy he received a wound of the head which confined him to the hospital for a considerable length of time, thus impairing his health; that beyond his regular monthly pay soldier never received other compensation for the disability thus incurred. Your committee are still of the opinion that the equity and justice of this case are with the widow, who is now poor and destitute, and therefore recommend that the bill do pass, the objection of the President to the contrary notwithstanding.

SIMMONS W. HARDEN.

Mr. MORRILL. Mr. Speaker, I desire to present a privileged report from the Committee on Invalid Pensions. It is a report on the bill (H. R. 1406) granting a pension to Simmons W. Harden, which has been vetoed by the President. I ask that the report be printed, and that it lie over.

There was no objection, and it was so ordered.

The report is as follows:

[H. R. 1406. Forty-ninth Congress, first session.]

An act granting a pension to Simmons W. Harden.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll the name of Simmons W. Harden, late a private in Company L, First Regiment of Iowa Cavalry Volunteers, subject to the conditions and limitations of the pension laws, at the rate of $16 per month.

JOHN G. CARLISLE,
Speaker of the House of Representatives.
JOHN SHERMAN,
President of the Senate pro tempore.

GRANTING A PENSION TO SIMMONS W. HARDEN.

Mr. MORRILL, from the Committee on Invalid Pensions, submitted the following report:

The Committee on Invalid Pensions, to whom was referred the veto message of the President of the United States on the bill (H. R. 1406) granting a pension to Simmons W. Harden, submit the following report:

The objections of the President are set forth in his message (Executive Document 252), which is as follows:

To the House of Representatives:

I hereby return, without approval, bill No. 1406, which originated in the House of Representatives, and is entitled "An act granting a pension to Simmons W. Harden."

The claimant mentioned in this bill enlisted as a private December 30, 1863, and was discharged May 17, 1865.

He filed an application for pension in 1866, in which he alleged that he was injured in the left side by a fall from a wagon while in the service.

In 1880 he filed another application, in which he claimed that he was afflicted with an enlargement of the lungs and heart from overexertion at a review. His record in the Army makes no mention of either of these troubles, but does show that he had at some time during his service dyspepsia and intermittent fever.

The fact that fourteen years elapsed after he claimed to have been injured by a fall from a wagon before he discovered that enlargement of the lungs and heart was his real difficulty is calculated to at least raise a doubt as to the validity of his claim.

The evidence as to his condition at the time of enlistment, as well as since, seems quite contradictory and unsatisfactory. The committee to which the bill was referred report that "the only question in the case is as to his condition at time of enlistment, and the evidence is so flatly contradictory on that point that it is impossible to decide that question."

Notwithstanding this declaration it is proposed to allow him a pension of $16 a month, though he has survived all his ailments long enough to reach the age of seventy-two years.

I think, upon the case presented, the action of the Pension Bureau overruling his claim should not be reversed.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May* 28, 1886.

It appears from the papers submitted to your committee that Simmons W. Harden enlisted in Company L, First Iowa Cavalry, December 30, 1863, and was discharged May 17, 1865. On the 23d day of July, 1866, he filed an application for a pension, alleging "that on the 25th day of March, 1864, while dipping water from the Mississippi River for the use of the company, he was standing on the spoke of the wagon-wheel and fell on his right side on the tire of the wheel. It was a cold day. As fast as water was spilled on the wheel it froze, causing him to slip. He was so disabled that he was sent to the post hospital at Davenport March 30, 1864, where he remained eleven days. He was then sent to his company and detailed as cook, which duty he performed until he was discharged, with the exception of the time from March 1, 1865, to May 1, 1865, during which time he was in Overton Hospital, Memphis, receiving treatment for this injury." Subsequently, in June, 1880, he filed a supplemental declaration, alleging that at Little Rock, Ark., on the 24th day of June, 1864, his company was dismounted and marched on double-quick 2 miles, causing him to become overheated and resulting in enlargment of the heart, producing organic heart trouble, pain, and palpitation of the heart, fullness in the cardiac region, excessive and great nervousness, and frequent unconsciousness.

The following is a complete summary of the evidence on file in this case:

Dr. D. C. Hastings testifies that he was personally acquainted with claimant from 1855 till enlistment, and that he was during all that time free from disease.

A. D. Hastings testifies that he knew claimant for the seven years prior to enlistment, and that he was sound.

E. A. Harden testifies to prior acquaintance with claimant, and to his soundness at enlistment.

W. H. Keeling testifies that he became acquainted with him in 1861, and in the winter of 1861 and 1862 he employed him to take recruits from Marqueton to Dubuque when the railroads were blocked with snow, and from the nature of the service knows that he must have been a stout, healthy man. He met him again in 1863, and saw nothing to lead him to suppose he was not a sound man.

David Swartz and Felix Kitch testify as to his soundness at time of enlistment, and that on March 25, 1864, while standing on the hub of the wheel of a wagon while getting water for his company, he fell, striking on the top of the wheel, causing severe injury. Also that at Little Rock, Ark., June 24, 1864, he became overcome with heat from marching 2 miles on double-quick, injuring him so as to unfit him for duty, and rendering it necessary to send him to the hospital. Subsequently, in answer to an official letter, this witness says he knows positively that claimant was so overcome with heat that he fell in a fit, and was thereafter unfit for duty; that he, witness, and another comrade caught him as he fell; that afterwards he complained of his lungs, was unable to wear a belt, and was detailed as cook. C. S. Newell, another comrade, testifies to claimants being overcome with heat as claimed.

George M. Minkler testifies that in December, 1863, we enlisted together in the First Iowa Cavalry; had known him for several years and his health was good and he could do any kind of manual labor. I never knew him to suffer from sickness until the 24th of June, 1864; at that time we were marching from Fort Cotton to the arsenal grounds, 2 miles east of the fort at Little Rock, and when we formed into line he was suddenly taken sick and almost fainted. David Swartiel and I caught him in our arms and had to hold him up. We requested him to go to hospital, and if I remember right we accompanied him to the hospital. I thought at the time that he had a sunstroke. He was on the sick-list a long time and was cupped and blistered several times. From that time he was never fit to do a soldier's duty; he could not ride on horseback nor wear a belt. He was detailed to do light work, cooking for the mess, &c.

R. W. Bodell testifies that he went with claimant to enlist; that both were stripped naked and passed as sound, which he believes they both were at that time. William Miller, another comrade, testifies that he knew claimant intimately from 1856, living within 40 rods of him, and boarding for a long time at his house. Knew him to perform all kinds of hard labor. The country was new at that time and he did a great amount of chopping and logging. Knew him to be sick in service; visited him in hospital in Memphis. Would not be positive what he was treated for, but think it was some kind of heart disease. J. M. Simeral, lieutenant of the company, testifies as to the incurrence of sunstroke and his subsequent unfitness for general duty; that he remained with the company and did such light duty as he was able to do until March 1, 1865, when he was sent to hospital and remained until May 17, when he was discharged.

A. G. Hastings testifies that claimant was an able-bodied man at time of enlistment, and that since his discharge he has been unable to perform manual labor, and that he is now wholly disabled from earning his support.

Dr. D. C. Hastings testifies to treatment for heart disease from soon after discharge until 1867.

Dr. E. M. Wilson testifies that he is well acquainted with claimant, and that he has suffered with heart disease ever since discharge.

Emily Summers and Emerson Harding testify that claimant was absolutely free from any heart disease at time of enlistment, and has been affected ever since discharge with that disability.

Thomas Lare testifies that claimant has been unable to perform any manual labor since 1870.

H. B. Grabee testifies that he has known claimant since 1872, and that he has been unable to perform any manual labor.

A. G. Hastings, E. A. Harden, Felix Kitch, and G. G. Newell testify that claimant has been unable to do any manual labor since discharge on account of heart disease. The examining surgeon at Independence, Iowa, reported June 30, 1867, that he is three-fourths disabled from heart disease.

The examining surgeon at Falls City, Nebr., reported September, 1881, that he was one-half disabled from same disability, a subsequent examination at Pawnee recommended a third of a third grade pension for same cause.

The adverse testimony is as follows: E. W. Hastings testifies that claimant was troubled in breathing when overworked before he enlisted.

H. G. Chamberlain testifies that he had heard that claimant had heart disease before enlistment, but that his memory is not clear in the matter.

A. P. Bunhus testifies that claimant was sound at enlistment and he did not hear him complain of heart disease until 1867.

W. T. Wallace testifies that he did not consider him fit for service at enlistment, and that he never performed much duty. (Special examiner says this witness is unreliable.)

Hugh Henry testifies that claimant complained, before enlistment, of his heart fluttering when he overworked. That he had seen him frequently when he would be short of breath after getting excited.

The special examiner in the case reports that he is reliably informed that Dr. Hastings's reputation is not good.

The special examiner closes his report as follows: From the evidence before me and the impressions I have formed of the honesty and reliability of the claimant and his witnesses I am of the opinion that the claim is meritorious.

From the evidence submitted it would seem to be clearly proven that this man, nearly fifty years of age when he enlisted, was at that time able to do all kinds of hard manual labor, that he received an injury and a sunstroke in the service and was ever after unable to labor for his subsistence. That the disability has contiued ever since, and that he is now, at the age of seventy-two years, destitute and dependent on friends for support. That he was suffering at discharge and has suffered ever since from heart disease is well established. It would seem that a pension can only be denied him on the theory that the disease existed at the time of enlistment.

The act of March 3, 1885, provides "that all applicants for pensions shall be presumed to have had no disability at the time of enlistment, but such presumption may be rebutted." This, in the judgment of your committee, has not been done. Only three witnesses testify on this point, and they say that when overworked or excited he was short of breath. How many members of this body could work earnestly at hard, manual labor for an hour without being affected in the same way? Nearly a dozen witnesses testify positively that he was not only able but did perform the most arduous labor prior to enlistment. When the Government accepted this man its chosen agent stripped him and giving him a thorough examination pronounced him sound. After seventeen months of service they discharged him, broken down and unable to earn a livelihood, and now after waiting twenty years he is denied the pittance which would enable him to eke out a scanty subsistence, upon the petty evidence that when he overworked or got excited he seemed troubled with shortness of breath. It is contemptible for a rich and powerful Government to interpose such a trivial plea to avoid the payment of a small pension to a man who cheerfully offered his life in its defense. Your committee therefore recommend the passage of the bill, the President's veto to the contrary notwithstanding.

Mr. SOWDEN, by unanimous consent, from the Committee on Expenditures in the Navy Department, reported the joint resolution (H. Res. 54) to credit Lieuts. Giles B. Harber and William H. Schuetze with sea-duty and sea-pay while engaged in the search for Lieutenant Chipp and party, and also for the time employed in bringing home the remains of Lieutenant-Commander De Long and party; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. STEELE. I ask unanimous consent to make a report in regard to the loaning of tents.

Several MEMBERS. Regular order.

DEFICIENCY APPROPRIATION BILL.

The SPEAKER. The regular order is demanded. The Clerk will report the next amendment to the general deficiency bill.

The Clerk read as follows:

On page 65 of the bill, amend by adding as an additional paragraph the following:

"For pay of judgments and awards recovered against the United States, reported by the Attorney-General, under the provisions of chapter 359 of the laws of 1885, approved March 3, 1885"——

Mr. BURNES. Mr. Speaker, that amendment is a very long one, and I think we can save time by not reading it in full. It embraces the judgments for damages by the overflow of lands on the Fox and Wisconsin Rivers, and it will be found printed at length in a previous issue of the CONGRESSIONAL RECORD. I therefore move that the present reading of it be dispensed with.

There was no objection, and it was so ordered.

The question was taken on agreeing to the amendment, and the Speaker *pro tempore* [Mr. HAMMOND] announced that the noes seemed to have it.

A MEMBER. I call for a division.

The House divided; and there were—ayes 94, noes 47.

Mr. BURNES. Mr. Speaker, I dislike to make the point of no quorum, because so much time is consumed in the count by tellers, but I will ask for the yeas and nays upon agreeing to this amendment.

The question was taken on ordering the yeas and nays; and there were—ayes 32, noes 126; and, more than one-fifth having voted in the affirmative, the yeas and nays were ordered.

The question was taken; and there were—yeas 153, nays 81, not voting 88; as follows:

YEAS—153.

Adams, G. E.	Dingley,	Laird,	Scranton,
Adams, J. J.	Dockery,	Lawler,	Sessions,
Allen, C. H.	Dowdney,	Lehlbach	Smalls,
Anderson, J. A.	Eldredge,	Lindsley,	Spooner,
Atkinson,	Ely,	Little,	Stahlnecker,
Baker,	Evans,	Long,	Steele,
Bayne,	Farquhar	Lore,	Stephenson,
Bingham,	Felton,	Lyman,	St. Martin,
Blanchard,	Findlay,	Markham,	Stone, E. F.
Bland,	Fisher,	Maybury,	Strait,
Blount,	Fleeger,	McKenna,	Struble,
Bound,	Fretderick,	McKinley,	Swinburne,
Boutelle,	Fuller,	Merriman,	Symes,
Bragg,	Funston,	Millard,	Tarsney,
Breckinridge, C. R.	Gay,	Milliken,	Taylor, I. H.
Breckinridge, WCP.	Gilfillan,	Moffat,	Taylor, Zach.
Browne, T. M.	Grosvenor,	Morrill,	Thomas, O. B.
Brown, C. E.	Grout,	Morrow,	Thompson,
Brown, W. W.	Guenther,	Murphy,	Tillman,
Buck,	Hall,	Neece,	Van Eaton,
Bunnell,	Harmer,	Norwood,	Van Schaick,
Burrows,	Hayden,	O'Hara,	Wade,
Butterworth,	Haynes,	O'Neill, J. J.	Wadsworth,
Campbell, J. M.	Henderson, D. B.	Osborne,	Wait,
Campbell, J. E.	Hepburn,	Parker,	Wakefield,
Campbell, T. J.	Hermann,	Payne,	Wallace,
Candler,	Hiestand,	Payson,	Warner, William
Cannon,	Hill,	Perkins,	Weaver, A. J.
Carleton,	Holmes,	Peters,	Weaver, J. B.
Comstock,	Hopkins,	Pettibone,	Weber,
Conger,	Howard,	Pindar,	West,
Cooper,	Hudd,	Pirce,	White, A. C.
Crain,	Irion,	Plumb,	White, Milo
Crisp,	Jackson,	Price,	Whiting,
Culberson,	James,	Rice,	Winans,
Cutcheon,	Johnson, F. A.	Romeis,	Wolford.
Dargan,	Johnston, J. T.	Rowell,	
Davis,	Kelley,	Ryan,	
Dibble,	La Follette,	Sawyer,	

NAYS—81.

Allen, J. M.	Forney,	McAdoo,	Singleton,
Anderson, C. M.	Geddes,	McComas,	Skinner,
Barksdale,	Gibson, C. H.	McCreary,	Snyder,
Barnes,	Glass,	McMillin,	Sowden,
Barry,	Green, R. S.	McRae,	Springer,
Bennett,	Green, W. J.	Mills,	Stewart, Charles
Boyle,	Hale,	Morgan,	Stone, W. J., Ky.
Burnes,	Halsell,	Neal,	Stone, W. J., Mo.
Bynum,	Hatch,	Oates,	Storm,
Cabell,	Hemphill,	O'Ferrall,	Townshend,
Catchings,	Henderson, J. S.	Outhwaite,	Trigg,
Cobb,	Herbert,	Peel,	Turner,
Compton,	Holman,	Perry,	Warner, A. J.
Croxton,	Johnston, T. D.	Randall,	Wellborn,
Davidson, A. C.	Jones, J. H.	Reagan,	Wilkins,
Davidson, R. H. M.	Jones, J. T.	Reid, J. W.	Willis,
Dunn,	Laffoon,	Richardson,	Wilson,
Eden,	Lanham,	Sadler,	Worthington.
Ermentrout,	Lowry,	Sayers,	
Everhart,	Martin,	Seney,	
Ford,	Matson,	Seymour,	

NOT VOTING—88.

Aiken,	Dawson,	Ketcham,	Reese,
Arnot,	Dorsey,	King,	Riggs,
Ballentine,	Dougherty,	Kleiner,	Robertson,
Barbour,	Dunham,	Landes,	Rockwell,
Beach,	Ellsberry,	Le Fevre,	Rogers,
Belmont,	Foran,	Libbey,	Scott,
Bliss,	Gallinger,	Louttit,	Shaw,
Brady,	Gibson, Eustace	Lovering,	Spriggs,
Brumm,	Glover,	Mahoney,	Stewart, J. W.
Buchanan,	Goff,	Miller,	Swope,
Burleigh,	Hammond,	Mitchell,	Taulbee.
Caldwell,	Hanback,	Morrison,	Taylor, E. B.
Campbell, Felix	Harris,	Muller,	Taylor, J. M.
Caswell,	Heard,	Negley,	Thomas, J. R.
Clardy,	Henderson, T. J.	Nelson,	Throckmorton,
Clements,	Henley,	O'Donnell,	Tucker,
Collins,	Hewitt,	O'Neill, Charles	Viele,
Cowles,	Hires,	Owen,	Ward, J. H.
Cox,	Hiscock,	Phelps,	Ward, T. B.
Curtin,	Hitt,	Pidcock,	Wheeler,
Daniel,	Houk,	Ranney,	Wise,
Davenport,	Hutton,	Reed, T. B.	Woodburn.

So the amendment was adopted.

The following additional pairs were announced:

Mr. HALE with Mr. MILLARD, for the remainder of the day.

Mr. HAMMOND with Mr. NEGLEY, on the pending bill.

Mr. BEACH with Mr. HENDERSON, of Illinois, for this day.

Mr. COLLINS with Mr. DAVIS, until further notice.

Mr. BALLENTINE with Mr. GOFF, for this day.

The result of the vote was announced as above stated.

The next amendment reported from the Committee of the Whole House on the state of the Union on which a separate vote was demanded was read, as follows:

Insert the following:

"And to the widow of J. C. Holmes, a contestant for the seat from the eighth district of Iowa in the Forty-sixth Congress, $1,000."

The question being taken on agreeing to the amendment, there were—ayes 103, noes 46.

Mr. TURNER. I make the point that no quorum has voted.

Tellers were ordered; and Mr. TURNER and Mr. HEPBURN were appointed.

The House again divided; and the tellers reported—ayes 122, noes 67.

Mr. TURNER. I call for the yeas and nays.

The yeas and nays were not ordered, there being—ayes 24, noes 137; less than one-fifth voting in the affirmative.

So the amendment was adopted.

Mr. TAULBEE. I desire to offer the following amendment——

The SPEAKER *pro tempore* (Mr. HAMMOND). It is not in order now to offer any amendment. The House is voting upon the amendments reported from the Committee of the Whole under the operation of the previous question.

The next amendment reported from the Committee of the Whole on which a separate vote was demanded was read, as follows:

On page 68, after line 1661, insert the following:

"To enable the Clerk of the House of Representatives to pay to the officers and employés of the House of Representatives borne on the annual and session rolls on the 30th day of June, 1886, including the Official Reporters of the two Houses and the Capitol police, one month's extra pay at the compensation then paid them by law, which sum shall be immediately available."

Mr. REAGAN. I will ask the yeas and nays at once on this proposition without further delay.

The question being taken on ordering the yeas and nays, there were ayes 31, noes 131—less than one-fifth voting in the affirmative.

Mr. REAGAN. I call for tellers on ordering the yeas and nays.

Before the result of the vote on ordering tellers was announced,

Mr. REAGAN said: I make the point that no quorum voted upon the last vote.

The SPEAKER *pro tempore*. No quorum is needed on the question of ordering the yeas and nays. There was not one-fifth of a quorum voting in the affirmative. [Cries of "Regular order!"]

Mr. REAGAN. I asked for tellers on ordering the yeas and nays.

The SPEAKER *pro tempore*. The vote was taken on ordering the yeas and nays; and there were—ayes 31, noes 131.

Mr. REAGAN. But before the result was announced I made the point that there was no quorum voting on that vote. [Cries of "Too late!"] It is not too late; the announcement of the result had not been made.

The SPEAKER *pro tempore*. Perhaps the gentleman from Texas did not hear the announcement of the Chair that no quorum is needed upon the question of ordering the yeas and nays, but in fact there were 162 voting.

Mr. REAGAN. How many rose on ordering tellers? [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The "regular order" is for gentlemen to be quiet enough to allow the Chair to hear what is going on.

Mr. HOLMAN. I desire to inquire——

The SPEAKER *pro tempore*. As soon as order is restored the Chair will hear the gentleman's inquiry.

Mr. HOLMAN. I wish to inquire whether the Chair announced the number of members who rose to demand tellers on ordering the yeas and nays.

The SPEAKER *pro tempore*. The Chair announced that one-fifth of a quorum had not voted in favor of ordering the yeas and nays; and after that tellers were demanded on the yeas and nays.

Mr. HOLMAN. But the Chair, I think, made no announcement of the result of the vote upon ordering tellers on the yeas and nays.

The SPEAKER *pro tempore*. The Chair can not say positively that he did.

Mr. HOLMAN. Only one-fifth of a quorum is required to order tellers.

The SPEAKER *pro tempore*. Thirty-three were required; and as the Chair remembers there were only twenty-eight voting to order tellers. The Chair understood that the count was announced, but it may not have been.

Mr. WADE. The Chair announced the vote on the question of tellers.

The SPEAKER *pro tempore*. That is the recollection of the Chair; but others do not confirm that recollection.

Mr. BURNES. I rise to a question of order. The point I submit is that an evident majority of the House is not disposed to let a minority present its views to the Chair. I demand that we shall have such order as will enable us to be heard by the Chair. Now, I understood the Chair to say that there were not one-fifth in favor of tellers. I ask whether it requires one-fifth. Does it not require only one-eighth?

The SPEAKER *pro tempore*. The Chair understands that it requires one-fifth of a quorum to order tellers.

Mr. BURNES. The point I present is this: It requires one-fifth of those present to order the yeas and nays; but I have never understood

that it required one-fifth of those present to obtain tellers upon any question; and the proposition now pending before the Chair is as to what number is required in order to obtain tellers.

The SPEAKER *pro tempore*. The Chair will cause the rule to be read.

The Clerk read as follows:

5. He shall rise to put a question, but may state it sitting; and shall put questions in this form, to wit: "As many as are in favor (as the question may be) say ay;" and after the affirmative voice is expressed, "As many as are opposed say no;" if he doubts, or a division is called for, the House shall divide; those in the affirmative of the question shall first rise from their seats, and then those in the negative; if he still doubts, or a count is required by at least one-fifth of a quorum, he shall name one from each side of the question to tell the members in the affirmative and negative; which being reported, he shall rise and state the decision.

The SPEAKER *pro tempore*. The question now is on the adoption of the amendment.

The amendment was again reported.

Mr. ADAMS, of New York. I wish to know, Mr. Speaker, whether a motion is in order to lay that amendment on the table?

The SPEAKER *pro tempore*. It is not, unless the gentleman wants to take the bill with it.

Mr. REAGAN. I wish to know whether the words "including the Official Reporters and Capitol police" were in the amendment as it was adopted in the Committee of the Whole House on the state of the Union. [Cries of "Regular order!"] This is the regular order, for I am asking for information.

The SPEAKER *pro tempore*. The Chair must assume the Clerk is reading the amendment as it was adopted by the Committee of the Whole House on the state of the Union.

Mr. REAGAN. I ask the question because I have no memory of such words being included in the amendment as it was adopted.

The SPEAKER *pro tempore*. The Chair does not know how that may be.

Mr. REAGAN. I read the amendment at the table when it was pending, and it provided for the annual and sessional employés of the House. It did not speak of the reporters or the police. They must have been entered since the committee acted on the matter.

The SPEAKER *pro tempore*. It is impossible for the Chair to settle the question.

Mr. BAYNE. Was not the amendment adopted?

The SPEAKER *pro tempore*. No; all this controversy was as to whether there should be yeas and nays or not.

Mr. RANDALL. The Official Reporters were included in the amendment as it was adopted in committee. I know it.

Mr. HEPBURN. The gentleman from Texas is entirely mistaken; and I wish to read this amendment precisely as it left my hands and went to the Clerk's desk.

It is as follows:

To enable the Clerk of the House of Representatives to pay to the officers and employés of the House of Representatives borne on the annual and session rolls on the 30th day of June, 1886, including the Official Reporters of the two Houses and the Capitol police, one month's extra pay at the compensation then paid them by law, which sum shall be immediately available.

Mr. SPRINGER. And that is precisely the amendment which has been read at the Clerk's desk.

Mr. REAGAN. Mr. Speaker, I must have been mistaken as to the amendment.

The question recurred on the adoption of the amendment.

The House divided; and there were—ayes 124, noes 86.

Mr. ADAMS, of New York, demanded tellers.

Mr. HOLMAN. I move to reconsider the vote by which the amendment was agreed to; and on that motion I demand the yeas and nays.

The SPEAKER *pro tempore*. The result has not yet been announced. The vote was 124 in the affirmative and 86 in the negative; so the ayes have it.

Mr. HOLMAN. I move to reconsider the vote by which the amendment was agreed to; and on that motion I demand the yeas and nays.

Mr. HEPBURN. I rise to a question of order as to the competency of the gentleman's moving to reconsider.

Mr. HOLMAN. There is no record.

Mr. HEPBURN. The gentleman did not vote in the affirmative.

The SPEAKER *pro tempore*. The Chair has no knowledge of how any gentleman voted.

Mr. HEPBURN. I assert that he voted in the negative and not in the affirmative.

Mr. BRUMM. He will not deny it.

The SPEAKER *pro tempore*. The Chair can not try that question. He knows nothing of it.

Mr. HEPBURN. Then I move to lay the motion to reconsider on the table.

Mr. HOLMAN. That is not in order, as the House is dividing.

The SPEAKER *pro tempore*. The Chair thinks it is in order to lay the motion to reconsider on the table.

Mr. REAGAN and Mr. HOLMAN. Not while the House is dividing.

The SPEAKER *pro tempore*. The Chair thinks it is in order.

Mr. HOLMAN. I demand the yeas and nays on that motion.

Mr. HEPBURN. I rise to a point of order. The Chair must be advised the gentleman from Indiana [Mr. HOLMAN] was opposed to the amendment, and therefore could not make the motion to reconsider.

The SPEAKER *pro tempore*. The Chair long since stated he has no information on the subject and overruled the point of order.

Mr. HEPBURN. The Chair can not entertain that motion because he must know he voted in the minority.

The SPEAKER *pro tempore*. The Chair overrules the point of order, and the question now is on the motion to lay the motion to reconsider upon the table, and upon that the yeas and nays were demanded.

The yeas and nays were ordered, 53 voting therefor; which was more than one-fifth of those present.

The question was taken; and it was decided in the affirmative—yeas 118, nays 106, not voting 98; as follows:

YEAS—118.

Anderson, J. A.	Ellsberry,	Libbey,	Smalls,
Baker,	Ely,	Lindsley,	Snyder,
Barnes,	Evans,	Lore,	Stahlnecker,
Bayne,	Farquhar,	Lyman,	Steele,
Bingham,	Fleeger,	Markham,	Stephenson,
Bound,	Ford,	Martin,	St. Martin,
Boutelle,	Frederick,	Maybury,	Stone, E. F.
Brady,	Funston,	McKenna,	Stone, W. J., Ky.
Bragg,	Geddes,	Merriman,	Strait,
Breckinridge, WCP	Gibson, C. H.	Milliken,	Symes,
Brumm,	Gilfillan,	Moffatt,	Tarsney,
Buck,	Grosvenor,	Morrill,	Taulbee,
Bunnell,	Grout,	Morrow,	Taylor, I. H.
Burrows,	Guenther,	Murphy,	Thompson,
Butterworth,	Hall,	Neece,	Van Eaton,
Campbell, J. E.	Harmer,	O'Hara,	Van Schaick,
Campbell, T. J.	Haynes,	O'Neill, J. J.	Wade,
Candler,	Henderson, D. B.	Osborne,	Wadsworth,
Carleton,	Henley,	Parker,	Wait,
Cobb,	Hepburn,	Perkins,	Wakefield,
Compton,	Hiestand,	Peters,	Wallace,
Conger,	Hill,	Pettibone,	Weber,
Cooper,	Hiscock,	Plumb,	West,
Crain,	Holmes,	Romeis,	White, A. C.
Culberson,	Howard,	Rowell,	White, Milo
Curtin,	Hudd,	Sawyer,	Willis,
Cutcheon,	Jackson,	Seney,	Wise,
Dibble,	Johnson, F. A.	Sessions,	Wolford.
Dorsey,	Kelley,	Seymour,	
Eldredge,	Laird,	Skinner,	

NAYS—106.

Adams, G. E.	Everhart,	Little,	Sayers,
Adams, J. J.	Felton,	Long,	Scranton,
Allen, C. H.	Fisher,	Lowry,	Singleton,
Allen, J. M.	Fuller,	Matson,	Sowden,
Barry,	Gay,	McAdoo,	Spooner,
Bennett,	Glass,	McComas,	Springer,
Blanchard,	Green, R. S.	McKinley,	Stewart, Charles
Bland,	Green, W. J.	McMillin,	Stone, W. J., Mo.
Blount,	Halsell,	McRae,	Storm,
Boyle,	Hatch,	Mills,	Struble,
Breckinridge, C. R.	Hayden,	Morgan,	Swinburne,
Browne, T. M.	Hemphill,	Morrison,	Taylor, Zach.
Brown, W. W.	Henderson, J. S.	Neal,	Tillman,
Burnes,	Herbert,	Norwood,	Trigg,
Bynum,	Hermann,	Oates,	Turner,
Cabell,	Hitt,	O'Ferrall,	Warner, A. J.
Cannon,	Holman,	Outhwaite,	Warner, William
Catchings,	Hopkins,	Payson,	Weaver, J. B.
Crisp,	Irion,	Peel,	Wellborn,
Croxton,	Johnston, J. T.	Perry,	Wheeler,
Dargan,	Johnston, T. D.	Price,	Whiting,
Davidson, A. C.	Jones, J. H.	Randall,	Wilkins,
Davidson, R. H. M.	Jones, J. T.	Reagan,	Wilson,
Dockery,	Laffoon,	Reid, J. W.	Winans,
Dowdney,	La Follette,	Rice,	Worthington.
Dunn,	Lanham,	Richardson,	
Eden,	Lehlbach,	Sadler,	

NOT VOTING—98.

Aiken,	Davis,	King,	Reese,
Anderson, C. M.	Dawson,	Kleiner,	Riggs,
Arnot,	Dingley,	Landes,	Robertson,
Atkinson,	Dougherty,	Lawler,	Rockwell,
Ballentine,	Dunham,	Le Fevre,	Rogers,
Barbour,	Ermentrout,	Louttit,	Ryan,
Barksdale,	Findlay,	Lovering,	Scott,
Beach,	Foran,	Mahoney,	Shaw,
Belmont,	Forney,	McCreary,	Spriggs,
Bliss,	Gallinger,	Millard,	Stewart, J. W.
Brown, C. E.	Gibson, Eustace	Miller,	Swope,
Buchanan,	Glover,	Mitchell,	Taylor, E. B.
Burleigh,	Goff,	Muller,	Taylor, J. M.
Caldwell,	Hale,	Negley,	Thomas, J. R.
Campbell, Felix	Hammond,	Nelson,	Thomas, O. B.
Campbell, J. M.	Hanback,	O'Donnell,	Throckmorton,
Caswell,	Harris,	O'Neill, Charles	Townshend,
Clardy,	Heard,	Owen,	Tucker,
Clements,	Henderson, T. J.	Payne,	Viele,
Collins,	Hewitt,	Phelps,	Ward, J. H.
Comstock,	Hires,	Pidcock,	Ward, T. B.
Cowles,	Houk,	Pindar,	Weaver, A. J.
Cox,	Hutton,	Pirce,	Woodburn.
Daniel,	James,	Ranney,	
Davenport,	Ketcham,	Reed, T. B.	

So the motion to lay on the table was agreed to.

On motion of Mr. EDEN, by unanimous consent the reading of the names was dispensed with.

The following additional pairs were announced:

Mr. WARD, of Indiana, with Mr. FORNEY, on the extra pay in the

deficiency bill. If present, Mr. WARD, of Indiana, would vote "ay," Mr. FORNEY "no."

Mr. MULLER with Mr. BAYNE, for the rest of the day.

Mr. ERMENTROUT with Mr. ATKINSON, for the rest of the day.

Mr. RYAN with Mr. TOWNSHEND, for the rest of the day.

The result of the vote was then announced as above recorded.

And then (at 5 o'clock and 5 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House, at 8 o'clock p. m., was called to order by the Chief Clerk, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES, *July* 9, 1886.

SIR: Hon. COURTLAND C. MATSON is designated to preside as Speaker *pro tempore* at the session of the House this evening.

J. G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK, Jr.,
Clerk House of Representatives.

Mr. MATSON accordingly took the chair as Speaker *pro tempore.*

ORDER OF BUSINESS.

Mr. MORRILL. I ask unanimous consent that the bills reported from the Committee of the Whole favorably be taken up and passed with the understanding that those which have been objected to may be laid aside informally.

There was no objection.

ABBY L. BURBANK.

The first business reported from the Committee of the Whole was the bill (S. 2192) granting a pension to Abby L. Burbank.

Mr. MORRILL. I understand there was some arrangement made to amend that bill; but I believe neither of the gentlemen interested in it is here.

Mr. BRADY. I am here, having made the report in that case; and by request of the gentleman from New Hampshire [Mr. GALLINGER] wish to call it up for action. The amendment I propose to submit I am informed is acceptable to all parties. Would it be in order now to offer the amendment?

The SPEAKER *pro tempore.* It would be in order only by unanimous consent; but the Chair is informed that there was an agreement that it would be voted upon when a quorum was present.

Mr. BRADY. I understand the amendment I propose to offer will obviate the objection which has been made.

Mr. MORRILL. Mr. WINANS, who made the objection, is not present.

Mr. BRADY. I understand from Mr. GALLINGER that Mr. WINANS will agree to withdraw the objection if the amendment I propose is adopted.

I move to strike out "forty" in the bill and insert "thirty;" so that it will read "thirty dollars per month."

Mr. BLANCHARD. When was this bill reported from the Committee of the Whole?

The SPEAKER *pro tempore.* Two weeks ago to-night.

Mr. BLANCHARD. Was the amendment the gentleman proposes adopted in the Committee of the Whole?

Mr. BRADY. No, it is just proposed by me for the first time.

It is to cut down the amount allowed, as there is a difference of opinion as to the rank of the doctor.

The SPEAKER *pro tempore.* The Chair will state for the information of the committee that it was considered in the Committee of the Whole and reported to the House with the understanding that a vote would be taken when a full House was present. In fact that was the agreement. The gentleman from Kansas asks that it be considered now, and the Chair understands that the gentleman from Michigan who objected has agreed that if the rate of pension be reduced to $30 instead of $40, as reported from the Committee of the Whole, he will be perfectly satisfied.

Mr. BRADY. I am informed that such is the case.

The SPEAKER *pro tempore.* The amendment may then be offered by unanimous consent.

Mr. PETERS. I will state that I know the fact from Mr. GALLINGER that such was the agreement.

The SPEAKER *pro tempore.* Is there objection to the consideration of the amendment?

There was no objection.

The amendment was agreed to.

The bill as amended was ordered to be read a third time; and being read the third time, was passed.

BILLS PASSED.

The following bills reported from the Committee of the Whole without amendments were severally considered, ordered to be engrossed for a third reading; and being engrossed, were accordingly read the third time, and passed:

A bill (H. R. 4265) granting a pension to Josiah Mahoney;

A bill (H. R. 887) granting a pension to Thomas S. Duvall;

A bill (H. R. 8635) granting a pension to Irene Googins;

A bill (H. R. 8150) granting a pension to Jesse Campbell;

A bill (H. R. 7418) granting a pension to Emily Threadgill;

A bill (H. R. 8963) granting a pension to Michael Fitzpatrick;

A bill (H. R. 8057) for the relief of Theodore Dunmire; and

A bill (H. R. 578) for the relief of Emma J. Halloway.

EDWARD CORNING.

The following Senate bill, reported from the Committee of the Whole with an amendment, was considered, namely:

The bill (S. 1666) granting a pension to Edward Corning.

Mr. MCMILLIN. Let the bill be read.

The bill was read at length.

Mr. BROWN, of Pennsylvania. My recollection is that the bill was amended to conform to the pension laws simply.

The SPEAKER *pro tempore.* The Clerk will report the amendment.

The Clerk read as follows:

Strike out the rate of pension proposed by the bill and insert:
"Subject to the provisions and limitations of the pension laws."

The amendment was agreed to.

The bill as amended was ordered to be read the third time; and was accordingly read the third time, and passed.

MARTIN V. CURRY.

The following House bill reported from the Committee of the Whole with an amendment was considered, the amendment concurred in, and the bill as amended ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed; namely:

A bill (H. R. 9457) granting a pension to Martin V. Curry.

CATHARINE WATERS.

The bill (H. R. 325) granting a pension to Catharine Waters was reported by the Committee of the Whole without recommendation and an amendment pending.

Mr. MCMILLIN. Is not this one of the bills which were objected to?

The SPEAKER *pro tempore.* It was reported to the House without recommendation.

Mr. TOWNSHEND. It was reported with the recommendation that there should be a vote in a full House upon it. I sought to-day in good faith to obtain a vote on the bill, but the Speaker held an agreement in Committee of the Whole can not bind the House. That leaves the bill as reported by the Committee of the Whole. I ask for action now.

The SPEAKER *pro tempore.* Does the gentleman ask unanimous consent that the bill be now considered?

Mr. MCMILLIN. I understand that the bill was reported to the House with the recommendation that it be acted upon in a full House.

The SPEAKER *pro tempore.* The agreement was that it should be engrossed and read a third time and the previous question ordered on the passage, and action taken in a full House to-day.

Mr. BLANCHARD. Is this the case of Catharine Waters?

The SPEAKER *pro tempore.* It is.

Mr. MORRILL. I ask that this bill go over for action in a full House.

Mr. TOWNSHEND. The Speaker decided that it could not be acted on in a full House under such an agreement as has been made. To lay it over as suggested by the gentleman from Kansas virtually ends all action on it.

Mr. MORRILL. I think the gentleman from Illinois misapprehends the situation. We are now in the House, and can bind the House with regard to its action to-morrow. I ask that the bill go over till to-morrow with the previous question ordered, on the understanding that a vote shall take place on it in a full House.

Mr. GROUT. That will bind the House to take action on the bill to-morrow.

Mr. TOWNSHEND. If this bill can be put in a position where on to-morrow I can force a vote on it under a demand for the previous question I have no objection; but unless it is put in that position, I object.

The SPEAKER *pro tempore.* The Chair will state the proposition of the gentleman from Kansas [Mr. MORRILL]. He asks unanimous consent that this bill be engrossed and read a third time, and that the previous question be ordered on its passage, with the further agreement that a vote be taken in the House in the morning after the reading of the Journal. Is there objection?

Mr. BLANCHARD. On last Friday there was a distinct understanding with reference to this bill that it should be reported from the Committee of the Whole to the House without recommendation, and that in the House with a quorum present the report should be read and ten minutes allowed on each side. With that understanding I agreed to the proposition.

Mr. RANDALL. Let the arrangement as to the ten minutes' debate on each side be added now.

Mr. BLANCHARD. I have no objection to the House to-night renewing that understanding. But I desire to say to my friend from

Illinois [Mr. TOWNSHEND] it is utterly useless to attempt to pass the bill here to-night without a quorum.

Mr. MORRILL. I will add to the request that ten minutes' debate be allowed to each side.

The SPEAKER *pro tempore*. The gentleman from Kansas modifies his request so as to include in the arrangement that there shall be ten minutes' debate on each side; and also, as the Chair understands, that the report be read, the bill to come up for action to-morrow morning immediately after the reading of the Journal.

Mr. BLANCHARD. With the further understanding that this bill be reported to the House without recommendation.

The SPEAKER *pro tempore*. The bill is in the House now.

Mr. BLANCHARD. I shall object to any proposition which carries this bill to the House with a favorable recommendation. If that is involved in this request for unanimous consent, I shall object.

Mr. RANDALL. This bill is in the House now. The proposition is merely that it shall be remitted to a yea-and-nay vote in a full House.

Mr. BLANCHARD. The bill is here then without recommendation?

The SPEAKER *pro tempore*. The Chair so understands. That there may be no misunderstanding the Chair will repeat the request of the gentleman from Kansas. He asks unanimous consent that this bill be engrossed and read a third time and that the previous question be ordered on its passage, so that the bill may be considered to-morrow morning immediately after the reading of the Journal, and then that there shall be allowed ten minutes' debate on each side, and that the report shall also be read to the House. Is there objection?

Mr. BURNES. I am compelled to object to the arrangement. But if the arrangement is so modified that the vote shall be taken after the passage of the general deficiency bill, I shall have no objection.

The SPEAKER *pro tempore*. Is there objection to the modification suggested by the gentleman from Missouri [Mr. BURNES]? The Chair hears none, and it is so ordered.

BILLS PASSED.

Bills of the following titles were reported from the Committee of the Whole with amendments, the amendments were agreed to, and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, were accordingly read the third time, and passed:

A bill (H. R. 9052) granting an increase of pension to Capt. John F. Morris; and

A bill (H. R. 8352) for the relief of Lewis A. Cronkhite (the title was amended so as to read "A bill for the relief of Levi A. Cronkhite").

The bill (S. 1112) granting a pension to Phœbe H. Meech, reported with a favorable recommendation, was ordered to a third reading; and it was accordingly read the third time, and passed.

The bill (H. R. 8950) to remove the political disabilities of Francis Sorrell, of Roanoke County, Virginia, reported from the Committee of the Whole House with a favorable recommendation, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed (two-thirds voting in favor thereof).

The bill (S. 2759) to remove the political disabilities of Willian H. F. Lee, reported from the Committee of the Whole House with a favorable recommendation, was ordered to a third reading; and it was accordingly read the third time, and passed.

MRS. SARAH YOUNG.

The bill (S. 2113) granting a pension to Mrs. Sarah Young was reported from the Committee of the Whole House with an amendment, the amendment was agreed to, and the bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CONGER. This being a Senate bill with an amendment, is it in order at this time to ask for a committee of conference?

The SPEAKER *pro tempore*. That can be done by unanimous consent.

Mr. CONGER. I ask unanimous consent.

Mr. McMILLIN. The Senate may concur in the amendment. I object.

RECONSIDERATION.

Mr. MORRILL moved to reconsider the various votes by which the bills had been passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY B. HOOK.

Mr. STRUBLE. Mr. Speaker, in accordance with instructions from the Committee on Pensions, I move that Senate bill 2095, a bill granting an increase of pension to Mary B. Hook, be recommitted to the Committee on Pensions.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. BAYNE. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole on the Private Calendar for consideration of bills under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. HATCH in the chair.

The CHAIRMAN. The House is now in Committee of the Whole under the special order for the consideration of bills upon the Private Calendar.

Mr. BAYNE. Mr. Chairman, I ask unanimous consent that bills upon the Calendar be called in regular order, and that when a bill is called unless some gentleman rises to ask for its consideration it be passed over informally, retaining its place on the Calendar.

The CHAIRMAN. In the opinion of the Chair it is not necessary to ask unanimous consent for that, as the regular proceeding would be to call the bills in their order.

Mr. BAYNE. Yes; but my proposition is that unless some gentleman rises and asks for the consideration of a bill when it is called the bill be informally passed over, retaining its place on the Calendar. We have followed that course on one or two occasions, and it seems to me that it has worked more satisfactorily than any other method we have adopted at these sessions.

Mr. ANDERSON, of Kansas. I will ask the gentleman from Pennsylvania [Mr. BAYNE] whether he will not consent that the order be followed which was followed at several of these pension session, members present calling up such bills as they desire to have considered?

Mr. FELTON. I object to that.

Mr. GUENTHER. I object to it also.

The CHAIRMAN. The request of the gentleman from Pennsylvania then is that the bills on the Calendar be called in their regular order, and that when a bill is called unless some gentleman present rises and asks for its consideration it shall be laid aside informally, retaining its place on the Calendar.

There was no objection, and it was so ordered.

WILLIAM J. OWINGS.

The first business on the Private Calendar was the bill (H. R. 4097) for the relief of William J. Owings.

Mr. MORRILL. I ask that that bill be laid aside informally, retaining its place.

Mr. ZACH. TAYLOR. I hope that will be done. This bill has been passed over several times at the request of Mr. HALE.

There was no objection, and it was so ordered.

JACOB S. BIDDLE.

The next business on the Calendar was the bill (H. R. 4712) to place the name of Jacob S. Biddle on the pension-roll.

Mr. MATSON. I ask that that bill be laid aside, retaining its place on the Calendar.

The CHAIRMAN. The gentleman from Indiana [Mr. MATSON] asks unanimous consent that this bill be laid aside informally, retaining its place on the Calendar.

Mr. BROWN, of Pennsylvania. Mr. Chairman, it was understood that that motion was not necessary, but that bills would be laid aside informally, without losing their position on the Calendar, unless some gentleman should rise and ask that they be considered.

The CHAIRMAN. The effect is the same.

There was no objection; and the bill was laid aside, retaining its place on the Calendar.

EUGENE E. M'LEAN.

The next business on the Private Calendar was the bill (H. R. 9115) for the relief of Eugene E. McLean.

Mr. MATSON. Having agreed with Mr. TUCKER that I would look after his bills, I ask the present consideration of that bill.

The bill was read, as follows:

Be it enacted, &c., That all political disabilities imposed upon Eugene E. McLean, a citizen of New York, by the fourteenth article of amendments to the Constitution of the United States, be, and the same are hereby, removed.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

REBECCA HOLLINGSWORTH HUMPHREYS.

The next business on the Private Calendar was the bill (S. 1625) granting a pension to Rebecca Hollingsworth Humphreys.

Mr. CURTIN. I ask that that bill be considered.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Rebecca Hollingsworth Humphreys, widow of Brigadier-General Andrew Atkinson Humphreys, deceased, late Chief of Engineers and brevet major-general of the United States Army, and to pay her a pension at the rate of $50 per month.

The report (by Mr. ZACH. TAYLOR) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 1625) granting a pension to Rebecca Hollingsworth Humphreys, make the following report:

The committee adopt the Senate report, as follows:

"Andrew A. Humphreys was graduated at the United States Military Academy and appointed brevet second lieutenant, Second Artillery, July 1, 1831; promoted second lieutenant July 1, 1831, and served with his regiment in South Carolina and Florida until September, 1835, when he was detailed on surveying duty until January, 1836, and afterward took part with his regiment in the Florida war until September 30, 1836, when he resigned, having been promoted to first lieutenant August 16, 1836.

"He re-entered the service as first lieutenant, Topographical Engineers, February 13, 1839, and was on duty in connection with the improvement of Chicago

Harbor and the survey of the Oswego Harbor until October, 1839, when he was placed on duty in the Topographical Bureau, in this city, where he remained until March, 1843, with the exception that from September, 1841, until April, 1842, he again participated in the Florida war. From March, 1843, until December, 1851, he was on duty as assistant engineer in charge of works in New Jersey and on the Delaware River, and again in the Topographical Bureau and surveying the delta of the Mississippi. He was promoted captain May 31, 1848, and in 1853 was sent on special duty to Europe to examine means for the protection of delta rivers from inundation, and on duty in this city until 1861 in charge of the examination of the delta of the Mississippi, and also of explorations and surveys of the Pacific Railroad. He was a member of the board to revise the 'programme of instructions at the United States Military Academy,' and of the commission 'to examine into the organization, system of discipline, and course of instruction at the United States Military Academy,' in 1860. He was promoted major August 6, 1861.

"His service in the field during the late war commenced as chief topographical engineer on the staff of the commanding general, Army of the Potomac. On March 5, 1862, he was appointed colonel and aid-de-camp, and in the following month brigadier-general of volunteers. He commanded the Third Division, Fifth Army Corps, and afterward the Second Division of the Third Corps, until July 10, 1863, when he became chief of staff to the commanding general, Army of the Potomac. He was promoted major-general of volunteers July 8, 1863, and lieutenant-colonel of engineers March 3, 1863; and from November 25, 1864, to June, 1865, he commanded the Second Army Corps. He commanded the district of Pennsylvania from August 5 to December, 1865, when he was placed in charge of levees on the Mississippi River. On August 8, 1866, he was appointed brigadier-general and Chief of Engineers, and retired at his own request, after over forty years' active service, on June 30, 1879.

General Humphreys received the brevets of colonel, brigadier-general, and major-general, United States Army, for gallant and meritorious services at the battles of Fredericksburg, Gettysburg, and Sailor's Creek.

In the discharge of his military duties General Humphreys displayed great zeal, intelligence, and conspicuous gallantry. Those who served under him had the highest confidence in his capacity to command and the greatest admiration of his soldierly qualities.

Your committee recommend the passage of the bill.

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with the recommendation that it do pass?

Mr. McMILLIN. I wish to inquire of the gentleman who reported this bill how long this officer was on the retired-list before his death?

The CHAIRMAN. The report will give the gentleman that information.

Mr. BINGHAM. I can answer the gentleman. General Humphreys was on the retired-list from 1879 to 1883. He retired after forty years of service.

Mr. McMILLIN. I have doubted always the propriety of granting pensions in the cases of those who have been for a long period on the retired-list, that being in itself a form of pension, and I doubt now the propriety of increasing this pension above the regular rate. I will ask the gentleman from Pennsylvania what is the condition of this widow?

Mr. BINGHAM. The widow's condition is that of needing the aid of Congress.

Mr. McMILLIN. There are a great many who think they need such aid.

Mr. BINGHAM. The gentleman asked a question and I answered it.

Mr. McMILLIN. What is this widow's age?

Mr. BINGHAM. I can not state. I can only say she has children thirty-five or forty years of age. Therefore she must be very far advanced in years.

Mr. BRADY. Nearly eighty.

Mr. JOHNSTON, of Indiana. I move to amend the bill by striking out "fifty" and inserting "thirty."

The amendment was not agreed to.

The question being taken, the bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS J. OWEN.

The next business on the Private Calendar was the bill (S. 1289) granting a pension to Thomas J. Owen.

Mr. ZACH. TAYLOR. I ask for the consideration of that bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Owen, late of Company B, Twelfth United States Infantry, in the war with Mexico.

The report (by Mr. ZACH. TAYLOR) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 1289) granting a pension to Thomas J. Owen, and the papers on file in relation thereto, have adopted as their report the Senate report on said bill, as follows:

"That the records in this case show that claimant was a private in Company B, Twelfth United States Infantry, Mexican war; that while in Mexico, and after the battle of Cerro Gordo, he was taken sick and became disabled, and has ever since suffered from said disability. Declaration for pension filed June 16, 1880; claim rejected March 14, 1883, on ground of "no records."

"Claimant's statements are corroborated by affidavits of comrades Addison, Vanarsdol, and John Inman, who testify as to claimant's soundness before enlistment, and to the disability contracted while in the line of his duty in Mexico; also by the affidavits of neighbors who have known claimant many years, and who knew of the continuance of the disability.

"Claimant's statement is further corroborated by the certificate of Examining Surgeon Thomas Lindsay, who rates his disability one-half for hemorrhoids, one-half for rheumatism.

"Taking into consideration all the evidence filed in this case, your committee believe it to be their duty to report in favor of this bill, and recommend its passage."

Your committee recommend the passage of the bill.

Mr. GLASS. I do not understand why it is proposed to pass a special bill to pension a soldier of the Mexican war, as this House has passed a general bill to pension such soldiers and that bill has gone to the Senate.

Mr. McMILLIN. But the Senate has not acted upon it, and may not do so.

Mr. GLASS. I am opposed to passing a special bill when a general bill ought to be passed.

Mr. BROWN, of Pennsylvania. The President might veto the bill to which the gentleman refers.

The question being taken, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WALLIS PATTEE.

The next business on the Private Calendar was the bill (S. 2026) granting a pension to Wallis Pattee.

Mr. CONGER. I ask for the consideration of that bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Wallace Pattee, late a member of Company K, Seventh Regiment of Iowa Cavalry.

The report (by Mr. CONGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 2026, having given the same due consideration, report:

That the right of Wallis Pattee to a pension is abundantly established by the facts set forth in the appended Senate report. Your committee therefore adopt said report, and recommend the passage of the bill.

That the records in this case show that claimant enlisted in October, 1861, and was discharged June 22, 1866, and that he was a lieutenant in Company K, Seventh Regiment Iowa Cavalry. Declaration for pension filed April 15, 1872, alleging ill-health following fever, from exposure and exhaustion. Claim rejected January 7, 1882, on the ground of no record of alleged diseases.

Presented with other papers from the Pension Office there is the statement of claimant as to time, place, and circumstances, given in considerable detail as to origin of the disability in the line of duty, which statement is corroborated in all its parts by the affidavits of claimant's lieutenant-colonel, John Pattee, by affidavit of Assistant Surgeon S. N. Pierce, by affidavits of Comrades Truman Pattee and W. W. Jones, by second affidavit of Dr. S. N. Jones as to claimant's condition since discharge from service and existence of disabilities incurred in service. Also affidavits of D. S. Bradford, M. D., corroborating the foregoing; also affidavit of J. M. Ball, M. D., corroborating above. Also the certificates of Examining Surgeon S. N. Pierce, who rates claimant's disabilities as "total." Also certificate of Examining Surgeon William Boys that disability is "probably permanent."

There are in this case on file with the papers nine affidavits, all substantiating the sworn testimony of the claimant, two of which are by surgeons appointed by the Pension Office expressly to examine such cases, and yet the case is rejected on the ground of "no record of alleged diseases."

Taking into consideration all the evidence on file in this case, the committee believe it to be their duty to report in favor of this bill, and recommend its passage.

Mr. WALLACE. I desire to ask on what grounds the Committee on Invalid Pensions has arrived at the conclusion that it is necessary to override the opinion of the doctors employed by the Pension Office to decide upon this case. According to the report just read I can not see but that every effort has been made during the eight or nine years this case was before the Pension Office to prove that this man was really incapacitated by reason of service which he rendered during the war. I should like to hear, either from the gentleman who introduced the bill or from the member of the committee who reported it, on what ground it is proposed to override the opinion of the doctors employed by the Pension Office to investigate this case. I shall require some information on this point before this bill can pass with my consent.

Mr. CONGER. If the gentleman had listened to the reading of the report he would have observed that this application was rejected at the Pension Office because there was no hospital record of this soldier to show the disease from which he suffered. But there will be found on file affidavit after affidavit showing the existence of the disability during the soldier's service, which extended through nearly five years, and also affidavits showing the continuance of the disability from the time of his discharge up to the present date. After this bill came from the Senate I reported it from our committee. I sent for all the papers and looked through them to ascertain whether the statements of the Senate report were verified by the papers on file in the Pension Office——

Mr. WALLACE. What was the disability?

Mr. CONGER. I can not tell you. Having reported a very large number of cases, I can not remember the details of each one.

Mr. WARNER, of Ohio. This bill does not fix the rate?

Mr. CONGER. It does not fix the rate; that will be fixed afterward upon examination at the Pension Office.

Mr. BLANCHARD. Does not the report show the disease or disability under which this soldier suffered?

Mr. CONGER. It does not.

Mr. BLANCHARD. Can the gentleman give us any information on that point?

Mr. CONGER. No, sir; I can not. I simply know that the papers on file in the Pension Office verified every statement of the Senate report, showing clearly that there was a disability; and I suppose the man's right to a pension would not be invalidated, whether he was suffering from one disease or another, if he contracted the disease in the service and has been suffering from it ever since.

Mr. WALLACE. What is the disease?

Mr. CONGER. And the degree of the disability will be established by the examination hereafter at the Pension Office.

Mr. WALLACE. I do not see that there is proved in this case any disability which was the direct result of service in the war. The re-

port read to us does not describe any such disability. It does not appear that there has been any loss of limb or any serious wound or any disease incurred in the service. This man may have died, like the gentleman who was reported the other night to have died, of hay fever or of cold in the head.

I do not think we are prepared to vote for this bill. I do not see any reason stated in the report why we should vote for a pension in this case. I therefore raise my objection to it.

Mr. DOCKERY. I suggest to the gentleman from Iowa that this bill be laid aside informally, retaining its place on the Calendar. The report in this case fails to show the disease.

Mr. CONGER. I have no objection to that.

Mr. BLANCHARD. I ask that this bill be recommitted.

The CHAIRMAN. You can not recommit a bill in the committee.

Mr. BLANCHARD. I move this bill be reported to the House with the recommendation that it be recommitted to the Committee on Invalid Pensions. The report in this case certainly should show the disability occasioned by wound or disease contracted in the service.

The CHAIRMAN. Does the gentleman object to the motion of the gentleman from Missouri?

Mr. BLANCHARD. Yes, sir; and I move that the bill be laid aside to be reported to the House with the recommendation that it be recommitted to the Committee on Invalid Pensions.

Mr. LYMAN. I demand a division.

The committee divided; and there were—ayes 37, noes 14.

So the motion was agreed to.

MRS. JANE R. M'QUAIDE.

The next business on the Private Calendar was the bill (S. 1852) granting a pension to Mrs. Jane R. McQuaide.

The bill was read as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Jane R. McQuaide, mother of F. G. Mc Quaide, deceased, late a private in Company C, Ninth Regiment of Pennsylvania Infantry Volunteers.

Mr. McMILLIN. Let the report be read.

The report (by Mr. CONGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 1852, have considered the same, and report.

This bill is for the relief of a dependent mother. The merit of the case is fully set forth in the Senate report appended hereto.

Your committee therefore adopt the same as their own, and recommend that the bill do pass.

The petitioner is the mother of F. G. McQuaide, deceased, late a private in Company C, Ninth Regiment Pennsylvania Volunteers. The application was rejected on the ground that the claimant was not dependent on the soldier at the date of his death.

The evidence shows that the father and mother were living on a farm at the time of the son's enlistment, prior to which he had contributed by his labor to their support; that he sent them a portion of his monthly pay; that he died shortly after his discharge from disease contracted in the service; that his father owned a farm, but it was heavily mortgaged, and that the dockets contained innumerable judgments against him; that he died poor, leaving his widow in destitute circumstances; that she is still very needy.

The committee report the bill favorably, with a recommendation that it do pass.

Mr. WALLACE. I ask again, Mr. Chairman, what was the wound or the disease this soldier died of? I do not see that there was any specific case of disease stated in the report.

Mr. CONGER. I can only say in regard to this case, as I said in regard to the other case, that the papers in the Pension Office substantiate this report of the Senate. As to what was the disability I can not remember. In these cases of dependence the committee adopted the rule that where the parents were in destitute circumstances at the present time to recommend the bill favorably to the House.

The committee has reported to the House a general bill on the subject, which is upon the Calendar now. We thought this bill fell within that rule, and reported it to the House favorably. If it were a House bill I could speak of it, of course, more in detail.

Mr. WALLACE. Did this man die of any disease contracted in the service, or was his death the result of natural causes?

Mr. CONGER. The report says he died of disease contracted in the service.

Mr. WALLACE. What disease?

Mr. CONGER. I can not tell you now. There does not seem to be any question on that point in the report.

Mr. WALLACE. Did he die soon after the war?

Mr. CONGER. Yes; he died soon after the war.

Mr. GROUT. If the gentleman from Louisiana will look at the report, he will see it states that he died immediately after the war with disease contracted in the service. It further seems there was no trouble in the Department about his having died of disease contracted in the service. The question was as to dependence. From the report it seems it was determined there was dependence. The report is quite brief, but it develops these facts.

Mr. WALLACE. I protest against the passage of bills of this character appropriating money out of the Treasury of the United States confided to Congress as a fund absolutely fulfilling all the requirements of a trust fund. The committee in this report do not specify the cause of death. They do not specify the disease of which this man died. They do not say in terms that it was contracted in the service. They seem to infer that Congress is an eleemosynary institution to vote funds for unfortunate relatives of others. I sympathize most cordially with sufferers of that kind, but I do not think this House of Representatives has been created for any such purpose.

I gave a great deal of thought and careful consideration to this subject before I entered my protest three weeks ago in reference to these matters. I then stated what my opinion was of this system of legislation. What has occurred since then has presented no fact which would lead me to change my opinion; nor have I had reason from anything which has occurred outside to retrace my steps. I have failed to find any opposition raised by the free and independent thought of the country against the opinion I then expressed. On the contrary, the President of the United States by his veto messages has apparently indorsed the ground I then took. [Laughter and applause on the Republican side.] It pleases me to hear on that side of the House derisive laughter. I can easily understand what a sad and sorrowful laugh it is.

A MEMBER. Yes; it is.

Mr. WALLACE. The messages of the President vetoing cases of the character which I protest against will go into the district of every one of these laughing gentlemen, and it will take them every hour during the fall campaign to explain their participation in this character of legislation condemned in so many instances by the Chief Magistrate of this nation.

Mr. ADAMS, of New York. The Democratic chairman of the Pensions Committee says the President is wrong. [Laughter on Republican side.]

Mr. WALLACE. I am delighted to hear laughter from that side of the House.

Mr. ADAMS, of New York. I am not on that side of the House.

Mr. WALLACE. Well, then, stay on your own side.

Mr. ADAMS, of New York. But I do not want you to read me out of the party.

Mr. WALLACE. I have sat here for the last two or three weeks on these pension nights and listened to the most magnificent display of elocutionary fireworks from that side of the House on these pension cases that I suppose has ever been delivered in this Hall. All the grandeur of patriotism that this country has ever displayed one would suppose is evidenced on that side of the House, and the only platform for the soldier to stand upon, if we belive it, comes from that side.

Mr. CRAIN. Will the gentleman permit a question?

Mr. WALLACE. No, sir; not at present.

Mr. CRAIN. Then I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. CRAIN. I would like to know what the gentleman is speaking to. His remarks are not germane to the report of the committee or the pending bill. I raise the point of order upon him that he is indulging himself in some of the pyrotechnical displays such as he charges the other side with. [Laughter and applause].

Mr. WALLACE. I am rather afraid that I have taken a seat on the wrong side of the House, since all of these interruptions are from this side.

Mr. CRAIN. I was sitting here on this side of the House before the gentleman was even elected—by accident. [Great laughter and applause.]

Mr. WALLACE. Coming by accident is better than coming by bulldozing.

Mr. CRAIN. Well, that comes with bad grace from a man from Louisiana.

Mr. WALLACE. I will not yield to the gentleman. I have the floor. I did not hear the gentleman and can not answer his interruption.

Mr. CRAIN. I repeat, it comes with bad grace, Louisiana charging Texas with bulldozing, when every man of you from Louisiana, if the truth be as sometimes charged, came in that way.

Mr. WALLACE. I have told the gentleman that I decline to be interrupted.

The CHAIRMAN. The gentleman declines to be interrupted, and public business will be suspended until order is preserved in the committee.

Mr. BLANCHARD. I will take the floor when I can get it to respond to that remark about Louisiana.

Mr. WALLACE. I did not hear the gentleman's remark.

Mr. CRAIN. I repeat, I say it comes with bad grace from Louisiana to charge me with being here by bulldozing.

Mr. BLANCHARD. But as I understand it you said that every one of us from Louisiana came here in that way.

Mr. CRAIN. No, sir; I said that if the truth was as stated. It has been so alleged. I do not make the charge.

Mr. BLANCHARD. Well, that puts a very different phase upon the matter. I did not understand the gentleman in that way.

Mr. HEPBURN. Well, we will admit it anyhow. [Laughter.]

Mr. McMILLIN. You are too ready to admit it.

Mr. WALLACE. It is most extraordinary that a member can not rise here and express his opinion without being constantly interrupted with these irrelevant matters.

The CHAIRMAN. The gentleman will suspend until order is restored upon the floor. Members will resume their seats, and the Sergeant-at-Arms will see that the main aisle is cleared. [After a pause.] The gentleman from Louisiana will proceed.

Mr. WALLACE. It has been such a long interregnum that the line of thought has been entirely lost. I nearly forgot the point I was discussing at the time. But I wanted again to call attention to this Friday evening pension legislation. For several days we have heard nothing but expressions of would-be patriotism from Republican members on this question of pensions. Three weeks ago, sir, I raised my voice in opposition to this mode of considering bills, for the purpose of giving gentlemen fair notice in time, so that it could not be said snap judgment had been taken upon them. This is the third Friday night since that time. I have failed to see here any considerable addition to the number of members upon that side of the House, which pretends to take such an interest in this subject. In fact the House is scarcely visible otherwise than by its array of empty benches. The excessive patriotism of the gentlemen seems to ebb out at 5 o'clock, when the dinner-bell rings, and they consider the day's duty is over.

If patriotism is so great on this subject of pensions on that side of the House, and all those gentlemen are so anxious for these pension bills, and so desirous that they shall become laws, is it not reasonable to suppose that they will sacrifice themselves a little and have a larger attendance? It was my misfortune in coming here by accident, and so late in the session, to be compelled to take a seat on the Republican side of the House; but in anticipation that there were to be such numbers of Republican members to attend these sessions I gave up my seat on that side on the first opportunity and came over here. Still I can not find that any considerable number have taken the great interest in these proceedings that we are led to believe they do take by the clamor which is raised.

As to this question of pensions, and to all other questions wherein an appropriation of money is taken from the Treasury, I hold that it is outrageous legislation to permit a small minority as we have here at these night sessions to act upon them.

This is peculiarly the case with pensions, for we find as a rule that the members, with rare exceptions (and they are rare, indeed), are all interested in the passage of particular pension bills; and being interested in a particular bill, they are not so apt to scrutinize as carefully as they otherwise would the weak bills that some friend wants to get through. They will pass over the weak and pernicious bills of other members in order that their own bills, which may or may not be good, may receive that consideration they would like them to receive.

The result of that is that a large number of bills have gone for consideration to the President which have not had that merit which all bills should have which pass this House. The President of the United States should not be under the necessity of raising questions on the merits of the extraordinary number of bills upon which he has been called to act at this session of Congress. I do not care how narrow-sighted the President might be, or how seriously he might regard the duties devolving on him, I claim that this House of Representatives should so closely scrutinize everything that goes out from it, should so carefully watch each point in its legislation, that nothing could emanate from it that could be objected to so frequently by the Executive, with his numerous cares and duties, unless he had to strain a point much more broadly than he has done on any bill I have heard read in this House with his veto attached to it.

From that consideration, and that alone, from the desire that the record of this House should be preserved in its integrity, that all the ancient customs of this House, all its glorious privileges, and all its grand history should be preserved, I have taken a ground that I know will be unpopular with many members of this House. I have taken a step that does not meet the approbation of many of my opponents politically, and perhaps meets the disapproval of some of my friends.

But a sense of duty makes me stand here and assert the views I hold, that we should not send from this House as accepted by this House, or by a majority of this House, such a series of bills as we frequently pass here and send to the Senate or to the President for his approval. I claim that each bill that comes here should have a certain amount of supervision. I go back in the records for several months and find bill after bill passed without the reading of the report and with I do not know how few members present—the record does not show the latter—but bills passed on their title simply. Has that Committee on Invalid Pensions considered those bills and reported them at all unanimously?

A MEMBER. Yes.

Mr. WALLACE. Not, as I am informed, by a great deal.

Mr. ADAMS, of New York. Will the gentleman allow me to ask him a question?

Mr. WALLACE. I do not desire to yield to any one at present. The gentleman has all night before him to reply.

Mr. STRUBLE. If the gentleman from Louisiana does not yield, I make the point that he is not talking to the question.

Mr. BROWNE, of Indiana. It is not his fault. He can not help it. [Laughter.]

Mr. STRUBLE. If he can not help it, he should sit down.

Mr. WALLACE. If I have said anything you do not like, you have the privilege of answering me.

Mr. ADAMS, of New York. You do not understand the customs of the House.

Mr. WARNER, of Ohio. I insist the gentleman from Louisiana is in order, and has a right to be heard.

Mr. STRUBLE. I insist he is not talking to the question before the House, and I ask the ruling of the Chair on the point of order.

The CHAIRMAN. The Chair has already ruled on the point of order, by asking the gentleman from Louisiana to proceed in order.

Mr. ADAMS, of New York. I want to ask the gentleman whether or not he agreed with the gentleman from Indiana, the chairman of the Committee on Invalid Pensions, in his speech this day before this House in reference to the pension bill returned by the President of the United States, upon which the House was addressed by the gentleman from Maryland [Mr. MCCOMAS]—whether he agreed with him when he said he (Mr. MATSON) thought the President was wrong and whether he will vote to overrule the action of the President and sustain the unanimous vote of the Committee on Invalid Pensions?

Mr. WALLACE. I will answer that question when the bill comes up before the House for action. It is not pertinent to the question now before the committee. I am not making a prophet of myself.

Mr. ADAMS, of New York. No one will ever take you for a prophet or the son of a prophet.

Mr. WALLACE. I do not think this sort of argument is profitable in any way.

The CHAIRMAN. The gentleman from Louisiana will proceed.

Mr. WALLACE. I feel very honest in the action I have taken. I have no objection in the world to the passage of legitimate pension bills, to the passage of legitimate appropriations of money out of the Treasury for private claims in any way when it is done in a legitimate manner; but I do most seriously object, and I shall continue to object, to a body of men coming to this House, all of them interested in a specific style of legislation, and passing bills indiscriminately without a proper consideration of those bills, as has been the case during this entire session. If thirty-six members from the State of New York should happen to assemble here on a particular night set aside for appropriations, and should pass an appropriation for their State of a million dollars, that would be thought a terrific outrage. But members come here whose interest is as individual as that would be, and pass pension bills—men who utilize them for electioneering purposes. They do not give them that consideration which they ought to receive, and those bills do not go out from this body with that stamp of merit on them which they should have as coming from this House of Representatives.

I therefore enter my protest—I enter it now and have entered it before against the form of legislation we have had here to-night. The reports accompanying the bills do not even assign the origin of the disease, do not even name the disorder of which the soldier died, do not tell us anything about it; but we are asked to pass them indiscriminately and without question. We are told it does not make any difference so long as they go to the President. And a large number of members in this House are glad that they do go to the President, so that they may be returned with his veto, and thus give them an opportunity to make political speeches against him for vetoing bills which have no justice, no right, and which should never have emanated from a House of the distinguished antecedents of the House of Representatives.

Whether I am condemned or whether I am not condemned by gentlemen present, or by this House at large in session with a quorum, I make the assertion that this is not right, that it is not proper, that it is not legitimate legislation. It is setting a precedent that may lead in the future to far worse things than the passage of a few small pension bills. There is no reason why we should not set aside an evening for the passage of bills appropriating money for private claims, and with a precedent before us of this kind I see no reason why such action should not result in something very serious in the future. Therefore, as a Representative upon this floor, I object to it. And it makes no difference how late I came here, I am as much a Representative as any man on this floor; I have the same rights here under the Constitution as any other man on this floor.

As long as I am a member of this House I propose to maintain my rights, and I shall act upon them, no matter whether my action is favorably or unfavorably received by other gentlemen who happen to constitute a portion of this House. In the course that I am pursuing I feel that I have the approbation of men who look at this question from a proper standpoint, men who are as disinterested as I am, men who are as earnestly and cordially in favor of the passage of legitimate pension bills as I am. [Derisive laughter on the Republican side.] Yes, Mr. Chairman, since I first made this move I have had the approbation of men against whom not a single man on either side of this House can rise and say "My record is grander than yours in the war for the Union" [cries of "Who are they?" "Name!" "Name!"]—men whose names are emblazoned on every field where a battle has taken place and perpetuated by courage those scenes in history.

I have the approbation of such men, and whenever it is attempted to pass bills by such a body as this now present, a body so far short of a quorum of this House, not 20 per cent., not 15 per cent. of the full House, I feel that I have a right to object, and I shall object, no matter where my action may excite disapprobation. This is not proper legislation, and I shall raise my voice against it whenever an opportunity occurs.

Mr. CONGER. Mr. Chairman, in order to test the sincerity of the learned doctor from Louisiana I ask unanimous consent to lay aside this bill and take up the next one, that being a case in which a specific disability is set forth, for his consideration.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that this bill be laid aside informally, retaining its place on the Calendar.

There was no objection, and it was so ordered.

ISABELLA JESSUP.

The next business on the Private Calendar was the bill (S. 1853) granting a pension to Isabella Jessup.

Mr. CONGER. I ask that that bill be considered.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Isabella Jessup, widow of Mahlon Jessup, deceased, late a private in Company D, Fourteenth Regiment of Iowa Volunteer Infantry.

The report (by Mr. CONGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 1853, having considered the same, report:

The report of the Senate Committee on Pensions, hereto attached, sets forth very clearly the facts in this case and establishes its merit. Therefore your committee adopt said report as their own, and recommend the passage of the bill.

The petitioner is the widow of Mahlon Jessup, deceased, late a private in Company D, Fourteenth Regiment of Iowa Volunteers. At the battle of Shiloh the soldier was wounded in the left arm, from which erysipelas ensued before amputation. He was also wounded in one of his legs, and he was pensioned for loss of arm and leg wound at $8 a month, which was increased to $18 a month. At the time of his death the widow applied for a pension, but was rejected on the ground that his decease had no connection with the disabilities for which he was pensioned. The committee are of the opinion, from the testimony furnished by the claimant, that a different conclusion is justified. The wounds and amputation were enough to impair the man's health, and to this was added blood-poisoning from erysipelas. On this subject the testimony is ample, but we refer to only one witness, Dr. J. A. Day, who treated the soldier during his last sickness, and who says:

"The erysipelas that ensued amputation never left him, and he was subject to succeeding attacks. From the wound in the leg he complained almost constantly of pain. His last sickness was pneumonia of right lung, but the extent of lung trouble did not warrant an unfavorable prognosis. He sank as from blood-poison. The connecting pathology can only be explained in the following manner: On account of the gravity of his wounds his system had become a perfect wreck before he contracted pneumonia, and not being able to withstand such a shock, he succumbed readily in the face of all remedies that I and a consulting physician could bring to bear on his case."

This view is corroborated by other testimony. It is also in evidence that the widow is advanced in years and in such needy circumstances as to have become, to some extent, a recipient of charity.

The committee report the bill favorably, and recommend that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM H. WEAVER.

The next business on the Private Calendar was the bill (S. 1421) granting a pension to William H. Weaver.

Mr. CONGER. I ask the consideration of that bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William H. Weaver, late a private in Company I, One hundred and forty-third regiment of Pennsylvania Volunteer Infantry.

The report (by Mr. CONGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 1421, have examined the same, and report:

That the facts set forth in the report of the Senate Committee on Pensions very clearly establish the merits of this case. Your committee are willing to adopt it as their own, append it hereto, and recommend that the bill do pass.

The claimant enlisted June 12, 1862, in Company I, One hundred and forty-third Pennsylvania Volunteers, and served without interval, except when prevented by sickness, until his discharge, June 12, 1865. He applied for a pension November 8, 1877, and in his declaration avers that at Belle Plain Landing, Va., March 4, 1863, he was sick with measles; at Spottsylvania Court House, Va., May, 1864, he had remittent fever. As results of fever and measles is afflicted with weakness of limbs and disease of eyes. The Pension Office seems to have been in great doubt about this case, to aid in solving which six special examinations have been made. The special examiners have been sent repeatedly to Iowa and Pennsylvania in pursuit of testimony, and after all the expense and trouble incurred finally denied the relief for which the soldier sued. In two instances the special examiners reported favorably, declaring that there is evidence of disability and of its incurrence in the line of duty.

One of them concludes his report in these words:

"The claimant is given by all parties an excellent reputation for industry and honesty. Not a word to the contrary have I heard uttered. From all the evidence in the case it is my candid opinion that this is a just and honest claim, and the claimant should have the benefit of all doubts."

The committee, after a careful examination of all the evidence bearing upon the case, have arrived at the conclusion expressed by this examiner, that the claimant should have the benefit of whatever doubt may exist in consequence of his inability to procure the testimony exacted by the Pension Office, and therefore report the bill favorably with a recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES LONG.

The next business on the Private Calendar was the bill (H. R. 7796) granting a pension to James Long.

Mr. ANDERSON, of Ohio. I ask for the consideration of that bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, required to place on the pension-roll, subject to the restrictions and limitations of the pension laws, the name of James Long, late of Company D, Ninety-third Regiment of Ohio Infantry Volunteers.

Mr. WALLACE. I ask for the reading of the report.

The report (by Mr. ELLSBERRY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7796) granting a pension to James Long, submit the following report:

James Long was enrolled as a private in Company D, Ninety-third Ohio Volunteers; and, while marching with Sherman to the sea, sustained a rupture and varicose veins, from which he has never recovered. Claimant swears that his injuries were caused by his horse falling into a deep gully in the darkness of the night while on the march. There were but two witnesses to the accident, one of them now dead. The other, William Allison, testifies—

"That he was with claimant when he fell into a ravine. The night was very dark, raining, and road bad. Lieutenant Barin was along and saw accident, but he is now dead. Saw claimant twelve hours after accident, and examined injuries to groin and leg. Injured parts swollen and discolored. Thought he was ruptured, and talked to him about it at the time. Did not see claimant again until about one week after his discharge from the Army."

Abundance of good, reliable testimony shows that this soldier was perfectly sound when he enlisted, and that he is now a total wreck, being rated twelve-eighteenths by the board of surgeons at Dayton, Ohio. Special examiners recommend this claim for admission.

Two special examiners furnished the Pension Office with exhaustive reports, and both unqualifiedly recommended it for admission, but the claim was rejected because of no record of injury in service.

While the testimony is scarcely conclusive enough to justify the issuance of a certificate under a strict interpretation of the general pension laws, it is yet considered sufficient for favorable consideration by Congress, and your committee therefore recommend the passage of the bill.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with the recommendation that it do pass?

Mr. WALLACE. I object.

The CHAIRMAN. The Chair will state to the gentleman from Louisiana that when the question is put he has a right to vote in the negative, but his mere objection will not avail to prevent the bill from being favorably reported.

Mr. WALLACE. I understand that.

The question was taken; and the chairman decided that the ayes seemed to have it.

Mr. WALLACE. I ask for a division.

The committee divided; and there were—ayes 74, no 1.

So the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY J. HAGERMAN.

The next business on the Private Calendar was the bill (S. 2160) granting a pension to Mary J. Hagerman.

Mr. ELLSBERRY. I ask that that bill be considered.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Hagerman, widow of Hiram P. Hagerman, late of Company G, Fifteenth Ohio Volunteer Infantry.

The report (by Mr. ELLSBERRY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2160) granting a pension to Mary J. Hagerman, have had the same under consideration, and beg leave to adopt the report of the Committee on Pensions, United States Senate, as their own, and likewise recommend the passage of the bill.

The petitioner is the widow of Hiram P. Hagerman, late of Company G, Fifteenth Ohio Volunteer Infantry. Her husband was pensioned for a severe wound in his arm, which rendered it helpless, and caused him much suffering. The physician who attended him in his fatal illness says he died from malarial fever, brought on by overexertion. The wound, if not directly, was doubtless indirectly the cause of his death. In his disabled state he was compelled to labor as he best could for the support of his family. His overexertion brought on an illness of which he died, and his widow and children are thus prematurely deprived of his individual efforts for their maintenance and of the small pension allowed him.

The bill is reported favorably with a recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN P. M'ELROY.

The next business on the Private Calendar was the bill (S. 2233) granting a pension to John P. McElroy.

Mr. MORRILL. I ask for the consideration of that bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John P. McElroy, formerly of Company D, Forty-ninth Regiment Missouri Volunteers.

The report (by Mr. ELLSBERRY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2233) granting a pension to John P. McElroy, submit the following report:

The facts in this case are fully set forth in the Senate report, which your committee herewith adopt, and recommend the passage of the bill.

The certificate of the adjutant-general of the State of Missouri shows that this soldier was enrolled on the 11th day of August, 1862, at Bowling Green, in that State, in Company D, Forty-ninth Regiment Missouri Enrolled Militia, to serve until further orders or during the war, and that he was mustered into the State

service as a private on that day, at the place and in the regiment above given. The petitioner avers that while engaged in co-operating with the United States forces in Northeast Missouri he received a gunshot wound, caused by the accidental discharge of a musket, by which a musket-ball struck the under part of his jawbone, severing it, and passing upward, tearing and breaking the bones of his side face and head, severing and destroying the drum of the ear and totally destroying its hearing. He alleges that he is terribly disfigured and permanently disabled. All this is satisfactorily shown by the testimony of his comrades and officers, who were eye-witnesses and by the allegations of surgeons.

The applicant applied for a pension almost immediately after the occurrence, the Pension Office rejecting his claim on the ground that the organization to which he belonged was not, at the time the injury was received, under control of a military officer of the United States. In response to an inquiry of the Pension Office the Adjutant-General of the United States says there is no evidence of service rendered by McElroy on file in his office, or that the Forty-ninth Missouri Enrolled Militia was under control of a military officer of the United States during the period of alleged service.

On this point the testimony of Robert A. Campbell has some bearing. He says he was major of the Forty-ninth Missouri Enrolled Militia Volunteers, and was in active service in the field in August, 1862. About August 31, 1862, he, with a portion of his command, were stationed at Paris, Monroe County, scouting and guarding prisoners; that while a portion of his command was so employed at or near Floria, Mo., expecting an attack from the enemy, who were in the vicinity, the command of General John McNeil came into the vicinity of affiant's command, and being of higher rank than affiant and under command of General Lewis Merrill, United States Army, said McNeil took command as superior officer of the forces of Lieut. W. C. Kincaid, Company D, Capt. Benjamin Braustetter, Company G, of the Forty-ninth Missouri Enrolled Militia, and retained said forces under his command for scouting and military duty during the time that Lieutenant Kincaid's and Captain Braustetter's commands were under the command of General McNeil. He then goes on to show that McElroy, who was corporal of Company D, was wounded as alleged, connecting the injury to this man with the fact that he was serving under control of General Merrill, of the United States Army, at the time.

The Pension Office, however, does not accept this, in the absence of evidence from the Adjutant-General, as establishing the point necessary for the recognition of the petitioner's claim, and in a final letter the Commissioner says:

"It is a case in which the office can do nothing. A special act of Congress is the only source for relief."

For more than twenty years this man has been seeking relief from the Government in behalf of which he took up arms, and now, needy, advanced in years, and helpless from his injuries, he appeals to Congress. It is said that his relief should come from the State of Missouri, in whose service he received his injuries. The committee do not so regard it. The State of Missouri was co-operating with the United States to maintain the integrity of the Union; her forces were enrolled for that purpose, and they were at the disposal of the commanders of the Union armies; and there is reasonable evidence that the organization to which McElroy belonged was under control of a general of the United States Army.

Again, it has been said that his injuries may not have been the consequence of "certain military duties," as prescribed by a strict construction of the statute; but he was there—it was military duty and nothing else that he was doing—and his injuries were the result of his being where he was, and in the discharge of a duty that he dared not refuse to perform, and the purpose for which he was ordered to his duty was identical with that which the United States forces were performing in the same vicinity, and in reality under the same commander.

The bill is reported favorably, with a recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

POWHATTAN B. SHORT.

The next business on the Private Calendar was the bill (S. 2163) granting a pension to Powhattan B. Short.

Mr. DOCKERY. I ask for the consideration of this bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Powhattan B. Short, late a private in Company K, Sixty-eighth Regiment Enrolled Missouri Militia.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2163) granting a pension to Powhattan B. Short, submit the following report:

Your committee, after a careful examination of this case, adopt the annexed Senate report, and recommend the passage of the bill:

The application of the petitioner was filed in the Pension Office and rejected—"Because the soldier was a militiaman, and not in the military service of the United States, and did not file his claim prior to July 14, 1874, the date of limitation for the filing of all claims on account of service in State militia." (Sec. 4693, Rev. Stats.)

The soldier was a private in Company K, Sixty-eighth Missouri Militia. The Pension Office does not reject his claim upon any other ground than that he was debarred by the expiration of the law before he filed his claim. The disability for which he seeks relief of Congress is injury to his eyes, incurred in the discharge of his duty as a soldier. There is no record evidence in his favor, but that circumstance, in his case, does not prejudice his claim, inasmuch as there is other proof that is sufficiently reliable.

Dr. Ira M. Raney testifies as follows:

"I am a practicing physician in the counties of Iron and Wayne, State of Missouri. On the 28th day of July, 1862, I was duly commissioned first assistant surgeon in the Sixty-eighth Regiment Cavalry, Enrolled Missouri Militia, and remained assistant surgeon up to the 12th day of March, 1865, when said regiment was disbanded; that Powhattan B. Short enlisted as a private in Company K of said regiment on July 28, 1862; that I, as assistant surgeon, examined said Short at the time he enlisted and found him physically a sound man; that while in the line of duty, and by exposure while scouting in Southeast Missouri, he contracted inflammatory sore eyes, and by overfatigue and exposure, with the best treatment I could give him, his case ran into a chronic ophthalmy before he was discharged from the service; that I have treated his case since and treated him very frequently, and the disease of his eyes has grown worse, and on a thorough examination I find that he is totally blind in right eye and can see very imperfectly out of the left; that said disease of the eyes was contracted while in said service and in the line of duty; that he, the said Short, has not now, nor any trace of ever having had, any other disease, and he does not use intoxicating drinks of any kind; that said company and regiment were co-operating with the United States forces at the time in suppressing the rebellion in the State of Missouri."

This testimony, in the opinion of the committee, sufficiently identifies the disability and the service.

The bill is reported favorably, with the recommendation that it do pass.

The question being taken, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM BRENTANO.

The next business on the Private Calendar was the bill (S. 1766) granting a pension to William Brentano.

Mr. MORRILL. I ask for the consideration of that bill.

The bill was read, as follows:

Be it enacted &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Brentano, late of Company B, Thirteenth Regiment Kansas Volunteer Infantry.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1766) granting a pension to William Brentano, submit the following report:

Your committee, after a full examination of this case, adopt the annexed Senate report, and recommend the passage of the bill. The witnesses in this case are men of high character, and their statements are entitled to full credit.

The Committee on Pensions, to whom was referred the bill (S. 1766) granting a pension to William Brentano, have examined the same, and report that the records in this case show that claimant enlisted as a private in Company B, Thirteenth Kansas Volunteers, August 19, 1862, and was discharged June 26, 1865.

The records from the Adjutant-General's Office show that claimant was in hospital at one time from October, 1862, until February, 1863, and also at other times, but the nature of the disease is not stated.

Declaration for pension filed June 30, 1880, alleging rheumatism and piles.

Claim rejected January 13, 1886, on the ground of insufficient testimony to establish origin and continuance of diseases.

The fact that claimant was accepted and mustered into the United States service is *prima facie* evidence of soundness at that time.

The testimony of John Frank Kotsch, claimant's first lieutenant, is to the effect that claimant was sound and strong when he enlisted, but that after a time he did have rheumatism, and that it was the result of exposure, and that claimant made a good soldier, and did detail duty when he was sick without complaining.

The testimony of John T. Kernan, a comrade, corroborates the foregoing. The affidavit of Dr. Charles C. Righter, dated April 9, 1885, shows continuance of these disabilities, and the certificate of Examining Surgeon Samuel W. Day, dated March 24, 1882, and certificate signed by Examining Surgeons James R. Duncan, J. T. Axtall, and E. P. Stearns, dated May 21, 1884, corroborates claimant's statement and the other examinations.

Taking into consideration all the evidence on file in this case, the committee believe it to be their duty to report in favor of this bill, and recommend its passage.

The question being taken, the bill was laid aside to be reported to the House with a recommendation that it do pass.

FRIDOLINE GLASTETTER.

The next business on the Private Calendar was the bill (S. 2132) granting a pension to Fridoline Glastetter.

Mr. MORRILL. I ask for the consideration of that bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Fridoline Glastetter, late a private in Company F, Second Illinois Light Artillery Volunteers.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2132) granting a pension to Fridoline Glastetter, submit the following report:

Your committee, after a full consideration of this case, adopt the following Senate report:

The petitioner was a private in Second Illinois Light Artillery. He enlisted December 12, 1861, and was honorably discharged December 14, 1864. He applied for a pension for rheumatism, alleged to have been contracted by breaking through the ice on the Mississippi River on the 9th of January, 1864, and subsequent exposure in wet clothing, while on his return from furlough. The Commissioner of Pensions does not deny the existence of the disability, but says it was not contracted in the line of duty. Appeal was made to the Secretary of the Interior, who sustains the rejection by the Commissioner. The records verify his service, and show that he was granted a furlough from November 21, 1863, to December 20, 1863, to enable him to provide a home for his children, his wife having died about that time. It is charged that he overstaid his time, and that it was after the expiration of his furlough that the accident occurred.

The Adjutant-General informs the Pension Office that there is no charge against him for desertion or absence without leave, and the committee are of opinion that a severe construction should not be put upon his delinquency in view of the fact that he was absent on the sad errand of providing a home and protection for his motherless children, and the necessity for his prolonged absence may have been imperative. At all events, there is no evidence that it was criminal; and inasmuch as it is the principal ground of his rejection, the committee report the bill favorably, with a recommendation that it do pass.

The question having been taken on laying the bill aside to be reported to the House with the recommendation that it do pass,

The CHAIRMAN said: In the opinion of the Chair the ayes have it.

Mr. WALLACE. I call for a division.

The question being again taken, there were—ayes 58, noes none.

Mr. WALLACE. No quorum.

The CHAIRMAN. The point of "no quorum" being made, the Chair will appoint tellers——

Mr. MATSON. If the gentleman from Louisiana [Mr. WALLACE] has serious objections to this bill——

A MEMBER. He does not know anything about it.

Mr. MATSON. I will ask unanimous consent that it be passed over informally, not to lose its place on the Calendar; so that we may go on with other cases.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that this bill be passed over informally, retaining its place on the Calendar. Is there objection?

Mr. BROWN, of Pennsylvania. I object. I should not object if there were any objection to the bill itself; but not a word of objection has been urged against the merits of the bill.

Mr. ADAMS, of New York. The gentleman from Louisiana [Mr.

WALLACE] himself did not even vote against the bill; and he raises the question of a quorum.

Mr. BROWN, of Pennsylvania. Nothing can be said against the bill. I can not see any propriety in passing over the bill if no objection is offered against it. If we are informally to pass over bills to which there is no objection and are simply to sit here listening to the reading of reports and accomplishing nothing, that is mere boys' play.

The CHAIRMAN. The Chair will appoint as tellers the gentleman from Kansas [Mr. MORRILL] and the gentleman from Louisiana [Mr. WALLACE].

Mr. MATSON. I have a privileged motion. I move that the committee rise.

A MEMBER. Wait a moment. [A pause.]

The CHAIRMAN. Does the gentleman from Louisiana withdraw the point that no quorum voted?

Mr. WALLACE. There are two or three objections.

The CHAIRMAN. Does the gentleman withdraw the point?

Mr. WALLACE. If I withdraw my objection, there are other objections.

Several MEMBERS. Oh, no.

Mr. MATSON. I insist on my motion.

Mr. TIMOTHY J. CAMPBELL. I hope that motion will not prevail. I think that this difficulty can be satisfactorily fixed up so that we can go on with our business.

The CHAIRMAN. The Chair will state that the committee must proceed in order; and the present occupant of the chair will not permit business to be transacted in any other way. Whatever the result as to this particular pension bill may be, the committee must preserve the order and dignity of its proceedings.

The question being taken on the motion of Mr. MATSON, it was not agreed to.

The CHAIRMAN. The gentleman from Louisiana [Mr. WALLACE] and the gentleman from Kansas [Mr. MORRILL] will take their places as tellers.

The committee again divided; and the tellers reported—ayes 74, no 1.

The CHAIRMAN. Does the gentleman from Louisiana insist on his point that no quorum voted?

Several MEMBERS. The point is not renewed.

Mr. WALLACE. I insist.

Mr. CUTCHEON. I call for the regular order.

The CHAIRMAN. The Chair will cause the roll to be called, in accordance with the rule.

Mr. LAWLER. I understood that gentlemen were willing this bill should be passed over.

The CHAIRMAN. The Chair put that question to the committee, and objection was made.

The roll was called, and the following members failed to answer to their names:

Aiken,	Davenport,	Hopkins,	O'Donnell,
Allen, C. H.	Davidson, A. C.	Houk,	O'Ferrall,
Arnot,	Davidson, R. H. M.	Howard,	O'Neill, Charles
Atkinson,	Davis,	Hudd,	O'Neill, J. J.
Baker,	Dawson,	Hutton,	Outhwaite,
Ballentine,	Dibble,	James,	Owen,
Barbour,	Dingley,	Johnson, F. A.	Parker,
Barksdale,	Dougherty,	Johnston, T. D.	Payson,
Barnes,	Dunham,	Jones, J. T.	Peel,
Barry,	Dunn,	Kelley,	Perry,
Beach,	Eden,	Ketcham,	Phelps,
Belmont,	Eldredge,	King,	Pidcock,
Bennett,	Findlay,	Kleiner,	Plumb,
Bland,	Fisher,	Laffoon,	Ranney,
Bliss,	Foran,	Landes,	Reagan,
Blount,	Ford,	Le Fevre,	Reed, T. B.
Boutelle,	Frederick,	Libbey,	Reid, J. W.
Boyle,	Fuller,	Lindsley,	Reese,
Bragg,	Gallinger,	Little,	Richardson,
Brown, C. E.	Gay,	Long,	Riggs,
Brumm,	Geddes,	Lore,	Robertson,
Buchanan,	Gibson, C. H.	Lovering,	Rogers,
Buck,	Gibson, Eustace	Lowry,	Romeis,
Bunnell,	Gilfillan,	Mahoney,	Rowell,
Burleigh,	Glass,	Markham,	Ryan,
Burrows,	Glover,	Martin,	Sadler,
Butterworth,	Green, R. S.	Maybury,	Sayers,
Caldwell,	Green, W. J.	McAdoo,	Scott,
Campbell, Felix	Grosvenor,	McComas,	Scranton,
Campbell, J. M.	Hale,	McCreary,	Seney,
Campbell, J. E.	Hall,	McKenna,	Sessions,
Candler,	Hammond,	McKinley,	Seymour,
Cannon,	Hanback,	McMillin,	Shaw,
Caswell,	Harmer,	McRae,	Singleton,
Catchings,	Harris,	Merriman,	Skinner,
Clardy,	Hayden,	Millard,	Smalls,
Clements,	Heard,	Miller,	Snyder,
Cobb,	Hemphill,	Milliken,	Sowden,
Collins,	Henderson, D. B.	Mitchell,	Spriggs,
Compton,	Henderson, J. S.	Moffatt,	Springer,
Comstock,	Henderson, T. J.	Morgan,	Steele,
Cooper,	Henley,	Morrison,	Stewart, J. W.
Cowles,	Herbert,	Morrow,	St. Martin,
Cox,	Hewitt,	Muller,	Stone, E. F.
Crisp,	Hires,	Murphy,	Stone, W. J., Ky.
Croxton,	Hiscock,	Negley,	Storm,
Curtin,	Hitt,	Nelson,	Strait,
Daniel,	Holman,	Norwood,	Swinburne,
Dargan,	Holmes,	Oates,	Swope,
Taylor, E. B.	Turner,	Ward, T. B.	Whiting,
Taylor, I. H.	Van Eaton,	Warner, William	Wilkins,
Thomas, J. R.	Van Schaick,	Weaver, A. J.	Willis,
Thomas, O. B.	Wadsworth,	Weaver, J. B.	Wise,
Thompson,	Wait,	Wellborn,	Wolford,
Throckmorton,	Wakefield,	West,	Woodburn,
Tucker,	Ward, J. H.	White, Milo	Worthington.

The committee rose; and Mr. MATSON having taken the chair as Speaker *pro tempore*, Mr. HATCH reported that the Committee of the Whole House had, according to order, had under consideration the Private Calendar, and had directed him to report sundry bills with various recommendations.

And further, that the committee, having under consideration a bill (S. 2132) granting a pension to Fridoline Glastetter, and finding itself without a quorum, had caused the roll to be called, and had directed him to report the names of the absentees to the House to be spread upon the Journal.

The SPEAKER *pro tempore*. The call of the roll shows 98 members present and 125 members absent.

Mr. HATCH. I move that the House do now adjourn, as it is evident we can not do any further business. [Cries of "No."] No further motion is in order except there be a call of the House. We are only punishing ourselves to stay here.

The House divided; and there were—ayes 22, noes 37.

So the House refused to adjourn.

Mr. BROWNE, of Indiana. I move that there be a call of the House.

The House divided; and there were—ayes 52, noes 30.

So the motion was agreed to.

Mr. NEECE. I move the House do now adjourn.

Mr. WILSON. I demand a division.

The House divided; and there were—ayes 24, noes 54.

So the House refused to adjourn.

The roll was called, and the following members failed to answer to their names:

Aiken,	Dougherty,	Laffoon,	Rogers,
Allen, C. H.	Dunham,	La Follette,	Romeis,
Anderson, J. A.	Dunn,	Landes,	Rowell,
Arnot,	Eden,	Le Fevre,	Ryan,
Atkinson,	Eldredge,	Libbey,	Sadler,
Baker,	Ellsberry,	Lindsley,	Sayers,
Ballentine,	Ermentrout,	Long,	Scott,
Barbour,	Findlay,	Lore,	Scranton,
Barksdale,	Fisher,	Lovering,	Seney,
Barnes,	Foran,	Lowry,	Sessions,
Barry,	Ford,	Mahoney,	Seymour,
Beach,	Frederick,	Markham,	Shaw,
Belmont,	Fuller,	Martin,	Singleton,
Bennett,	Gallinger,	Maybury,	Skinner,
Bland,	Gay,	McAdoo,	Smalls,
Bliss,	Geddes,	McComas,	Sowden,
Blount,	Gibson, C. H.	McCreary,	Spriggs,
Boutelle,	Gibson, Eustace	McKenna,	Springer,
Boyle,	Gilfillan,	McKinley,	Steele,
Bragg,	Glass,	McMillin,	Stewart, J. W.
Brown, C. E.	Glover,	McRae,	St. Martin,
Brumm,	Green, R. S.	Merriman.	Stone, E. F.
Buchanan,	Green, W. J.	Millard,	Stone, W. J., Ky.
Buck,	Grosvenor,	Miller,	Storm,
Bunnell,	Hale,	Milliken,	Strait,
Burleigh,	Hall,	Mitchell,	Swinburne,
Burrows,	Hammond,	Moffatt,	Swope,
Butterworth,	Hanback,	Morgan,	Taylor, E. B.
Caldwell,	Harmer,	Morrison,	Taylor, I. H.
Campbell, Felix	Harris,	Morrow,	Thomas, J. R.
Campbell, J. M.	Hayden,	Muller,	Thomas, O. B.
Campbell, J. E.	Heard,	Murphy,	Thompson,
Candler,	Hemphill,	Negley,	Throckmorton,
Cannon,	Henderson, D. B.	Nelson,	Tucker,
Caswell,	Henderson, J. S.	Norwood,	Turner,
Catchings,	Henderson, T. J.	Oates,	Van Eaton,
Clardy,	Henley,	O'Donnell,	Van Schaick,
Clements,	Herbert,	O'Ferrall,	Wadsworth,
Cobb,	Hewitt,	O'Neill, Charles	Wait,
Collins,	Hires,	O'Neill, J. J.	Wakefield,
Compton,	Hiscock,	Outhwaite,	Ward, J. H.
Comstock,	Hitt,	Owen,	Ward, T. B.
Cooper,	Holman,	Parker,	Weaver, A. J.
Cowles,	Holmes,	Payson,	Weaver, J. B.
Cox,	Hopkins,	Peel,	Wellborn,
Crisp,	Houk,	Perry,	West,
Croxton,	Howard,	Phelps,	White, Milo
Curtin,	Hudd,	Pidcock,	Whiting,
Daniel,	Irion,	Plumb,	Wilkins,
Dargan,	James,	Ranney,	Willis,
Davenport,	Johnson, F. A.	Reagan,	Wise,
Davidson, A. C.	Johnston, T. D.	Reed, T. B.	Wolford,
Davidson, R. H. M.	Jones, J. T.	Reid, J. W.	Woodburn,
Davis,	Kelley,	Reese,	Worthington.
Dawson,	Ketcham,	Richardson,	
Dibble,	King,	Riggs,	
Dingley,	Kleiner,	Robertson,	

The doors were then ordered to be closed.

The SPEAKER *pro tempore*. The names of absentees will now be called for excuses.

Mr. AIKEN: No excuse offered.

Mr. ALLEN: of Massachusetts: No excuse offered.

Mr. ANDERSON, of Kansas: No excuse offered.

Mr. ARNOT: No excuse offered.

Mr. ATKINSON: No excuse offered.

Mr. BAKER: No excuse offered.

Mr. BALLENTINE: No excuse offered.

Mr. BARBOUR: No excuse offered.
Mr. BARKSDALE: No excuse offered.
Mr. BARNES: No excuse offered.
Mr. BARRY: No excuse offered.
Mr. BEACH: No excuse offered.
Mr. BELMONT: No excuse offered.
Mr. BENNETT: No excuse offered.
Mr. BLAND: No excuse offered.
Mr. BLISS: No excuse offered.
Mr. BLOUNT: No excuse offered.
Mr. BOUTELLE: No excuse offered.
Mr. BOYLE: No excuse offered.
Mr. BRAGG: No excuse offered.
Mr. BROWN, of Ohio: No excuse offered.
Mr. BRUMM: No excuse offered.
Mr. BUCHANAN: No excuse offered.
Mr. BUCK: No excuse offered.
Mr. BUNNELL: No excuse offered.
Mr. BURLEIGH: No excuse offered.
Mr. BURROWS: No excuse offered.
Mr. BUTTERWORTH: No excuse offered.
Mr. CALDWELL: No excuse offered.
Mr. FELIX CAMPBELL: No excuse offered.
Mr. CAMPBELL, of Pennsylvania: No excuse offered.
Mr. CAMPBELL, of Ohio: No excuse offered.
Mr. CANDLER: No excuse offered.
Mr. CANNON: No excuse offered.
Mr. CASWELL: No excuse offered.
Mr. CATCHINGS: No excuse offered.
Mr. CLARDY: No excuse offered.
Mr. CLEMENTS: No excuse offered.
Mr. COBB: No excuse offered.
Mr. COLLINS: No excuse offered.
Mr. COMPTON: No excuse offered.
Mr. COOPER: No excuse offered.
Mr. COWLES: No excuse offered.
Mr. COX: No excuse offered.
Mr. CRISP: No excuse offered.
Mr. CROXTON: No excuse offered.
Mr. CURTIN: No excuse offered.
Mr. DANIEL: No excuse offered.
Mr. DARGAN: No excuse offered.
Mr. DAVENPORT: No excuse offered.
Mr. DAVIDSON, of Alabama: No excuse offered.
Mr. DAVIDSON, of Florida: No excuse offered.
Mr. DAVIS: No excuse offered.
Mr. DAWSON: No excuse offered.
Mr. DIBBLE: No excuse offered.
Mr. DINGLEY: No excuse offered.
Mr. DOUGHERTY: No excuse offered.
Mr. DUNHAM: No excuse offered.
Mr. DUNN: No excuse offered.
Mr. EDEN: No excuse offered.
Mr. ELDREDGE: No excuse offered.
Mr. ELLSBERRY: No excuse offered.
Mr. ERMENTROUT.
Mr. VIELE. The gentleman from Pennsylvania has been here during the evening and was compelled to leave on account of sickness. I move he be excused.
The motion was agreed to.
Mr. FINDLAY: No excuse offered.
Mr. FISHER: No excuse offered.
Mr. FORAN: No excuse offered.
Mr. FORD: No excuse offered.
Mr. FREDERICK: No excuse offered.
Mr. FULLER.
Mr. CONGER. I move my colleague be excused.
The motion was agreed to.
Mr. GALLINGER: No excuse offered.
Mr. GAY: No excuse offered.
Mr. GEDDES: No excuse offered.
Mr. GIBSON, of Maryland: No excuse offered.
Mr. GIBSON, of West Virginia: No excuse offered.
Mr. GILFILLAN: No excuse offered.
Mr. GLASS: No excuse offered.
Mr. GLOVER: No excuse offered.
Mr. GREEN, of New Jersey: No excuse offered.
Mr. GREEN, of North Carolina: No excuse offered.
Mr. GROSVENOR: No excuse offered.
Mr. HALE: No excuse offered.
Mr. HALL: No excuse offered.
Mr. HAMMOND: No excuse offered.
Mr. HANBACK: No excuse offered.
Mr. HARMER: No excuse offered.
Mr. HARRIS: No excuse offered.
Mr. HAYDEN: No excuse offered.
Mr. HEARD: No excuse offered.
Mr. HEMPHILL: No excuse offered.
Mr. HENDERSON, of Iowa: No excuse offered.
Mr. HENDERSON, of North Carolina: No excuse offered.
Mr. HENDERSON, of Illinois: No excuse offered.
Mr. HENLEY: No excuse offered.
Mr. HERBERT: No excuse offered.
Mr. HEWITT: No excuse offered.
Mr. HIRES: No excuse offered.
Mr. HISCOCK: No excuse offered.
Mr. HITT: No excuse offered.
Mr. HOLMAN: No excuse offered.
Mr. HOLMES: No excuse offered.
Mr. HOPKINS: No excuse offered.
Mr. HOUK: No excuse offered.
Mr. HOWARD: No excuse offered.
Mr. HUDD: No excuse offered.
Mr. IRION: No excuse offered.
Mr. JAMES: No excuse offered.
Mr. JOHNSON, of New York: No excuse offered.
Mr. JOHNSTON, of North Carolina: No excuse offered.
Mr. JONES, of Alabama: No excuse offered.
Mr. KELLEY: No excuse offered.
Mr. KETCHAM: No excuse offered.
Mr. KING: No excuse offered.
Mr. KLEINER: No excuse offered.
Mr. LAFFOON: No excuse offered.
Mr. LE FEVRE: No excuse offered.
Mr. LIBBEY: No excuse offered.
Mr. LINDSLEY: No excuse offered.
Mr. TOWNSHEND. I ask unanimous consent that my colleague Mr. LANDES be excused on account of sickness.
There was no objection.
Mr. LONG: No excuse offered.
Mr. LORE: No excuse offered.
Mr. LOVERING: No excuse offered.
Mr. LOWRY: No excuse offered.
Mr. MAHONEY: No excuse offered.
Mr. MARKHAM: No excuse offered.
Mr. MARTIN: No excuse offered.
Mr. MAYBURY: No excuse offered.
Mr. MCADOO: No excuse offered.
Mr. MCCOMAS: No excuse offered.
Mr. MCCREARY: No excuse offered.
Mr. MCKENNA: No excuse offered.
Mr. MCKINLEY: No excuse offered.
Mr. MCMILLIN: No excuse offered.
Mr. MCRAE: No excuse offered.
Mr. MERRIMAN: No excuse offered.
Mr. MILLARD: No excuse offered.
Mr. MILLER: No excuse offered.
Mr. MILLIKEN: No excuse offered.
Mr. MITCHELL: No excuse offered.
Mr. MOFFAT: No excuse offered.
Mr. MORGAN: No excuse offered.
Mr. MORRISON: No excuse offered.
Mr. MORROW: No excuse offered.
Mr. MULLER: No excuse offered.
Mr. MURPHY: No excuse offered.
Mr. NEGLEY: No excuse offered.
Mr. NELSON.
Mr. PERKINS. Mr. NELSON was here to-day. I ask that he be excused.
There was no objection.
Mr. NORWOOD: No excuse offered.
Mr. OATES: No excuse offered.
Mr. O'DONNELL.
Mr. JOHNSTON, of Indiana. Mr. O'DONNELL, I am satisfied, is not able to be here. I ask that he be excused.
There was no objection.
Mr. O'FERRALL: No excuse offered.
Mr. O'NEILL, of Pennsylvania: No excuse offered.
Mr. O'NEILL, of Missouri: No excuse offered.
Mr. OUTHWAITE: No excuse offered.
Mr. OWEN.
Mr. HERMANN. I desire to ask leave of absence for Mr. OWEN. He has been quite unwell lately.
There was no objection.
Mr. PARKER: No excuse offered.
Mr. PAYSON: No excuse offered.
Mr. PEEL: No excuse offered.
Mr. PERRY: No excuse offered.
Mr. PHELPS: No excuse offered.
Mr. PIDCOCK: No excuse offered.
Mr. PLUMB: No excuse offered.
Mr. RANNEY: No excuse offered.

Mr. REAGAN: No excuse offered.
Mr. REED, of Maine: No excuse offered.
Mr. REID, of North Carolina: No excuse offered.
Mr. REESE: No excuse offered.
Mr. RICHARDSON: No excuse offered.
Mr. RIGGS: No excuse offered.
Mr. ROBERTSON: No excuse offered.
Mr. ROGERS: No excuse offered.
Mr. ROMEIS: No excuse offered.
Mr. ROWELL: No excuse offered.
Mr. RYAN: No excuse offered.
Mr. SADLER: No excuse offered.
Mr. SAYERS: No excuse offered.
Mr. SCOTT: No excuse offered.
Mr. SCRANTON: No excuse offered.
Mr. SENEY: No excuse offered.
Mr. SESSIONS: No excuse offered.
Mr. SEYMOUR: No excuse offered.
Mr. SHAW: No excuse offered.
Mr. SINGLETON: No excuse offered.
Mr. SKINNER: No excuse offered.
Mr. SMALLS.

Mr. O'HARA. Mr. SMALLS has leave of absence on account of sickness; and I would like to have him excused. I make that motion.

The motion was agreed to.

Mr. SOWDEN: No excuse offered.
Mr. SPRIGGS: No excuse offered.
Mr. SPRINGER: No excuse offered.
Mr. STEELE: No excuse offered.
Mr. STEWART, of Vermont: No excuse offered.
Mr. ST. MARTIN: No excuse offered.
Mr. STONE, of Massachusetts: No excuse offered.
Mr. STONE, of Kentucky: No excuse offered.
Mr. STORM: No excuse offered.
Mr. STRAIT: No excuse offered.
Mr. SWINBURNE: No excuse offered.
Mr. SWOPE: No excuse offered.
Mr. EZRA B. TAYLOR: No excuse offered.
Mr. IKE H. TAYLOR: No excuse offered.
Mr. THOMAS, of Illinois: No excuse offered.
Mr. THOMAS, of Wisconsin: No excuse offered.

Mr. SAWYER. Mr. Speaker, Mr. THOMAS, of Wisconsin, had to leave the House to-day in consequence of sickness. I move that he be excused.

There was no objection.

Mr. THROCKMORTON: No excuse offered.
Mr. TUCKER: No excuse offered.
Mr. TURNER: No excuse offered.
Mr. VAN EATON: No excuse offered.
Mr. VAN SCHAICK: No excuse offered.
Mr. WADSWORTH.

Mr. TAULBEE. Mr. Speaker, in reference to my colleague, Mr. WADSWORTH, I ask that he be excused. It is known that he is not in robust health and is a man of advanced years.

There was no objection.

Mr. WAIT: No excuse offered.
Mr. WAKEFIELD: No excuse offered.
Mr. WARD, of Illinois: No excuse offered.
Mr. WARD, of Indiana: No excuse offered.
Mr. WEAVER, of Nebraska: No excuse offered.
Mr. WEAVER, of Iowa: No excuse offered.
Mr. WELLBORN: No excuse offered.
Mr. WEST: No excuse offered.
Mr. WHITE, of Minnesota: No excuse offered.
Mr. WHITING.

Mr. ROCKWELL. Mr. Speaker, I ask unanimous consent that Mr. WHITING be excused. He was unable to be here this evening on account of illness.

There was no objection.

Mr. WILKINS: No excuse offered.
Mr. WILLIS: No excuse offered.
Mr. WISE: No excuse offered.
Mr. WOLFORD.

Mr. HALSELL. Mr. Speaker, my colleague, Mr. WOLFORD, was here to-night but was taken quite ill, and left the House in consequence of it. He asks me to make this statement to the House; and I ask that he be excused.

There was no objection.

Mr. WOODBURN: No excuse offered.
Mr. WORTHINGTON: No excuse offered.

Mr. BLANCHARD. I ask, Mr. Speaker, that my colleague, Mr. GAY, be excused, as his health has not been good for some time.

There was no objection.

Mr. ADAMS, of New York. If you want to ask that your other colleague be excused I think there will be no objection.

Mr. WEBER. I ask that my colleague, Mr. BAKER, be excused on account of indisposition.

There was no objection.

Mr. BLANCHARD. Without reference to the suggestion of the gentleman from New York I ask that my colleague, Mr. IRION, be excused. He is on the committee appointed by the Speaker to go to Baltimore, and is absent making some necessary arrangements.

The SPEAKER *pro tempore*. The gentleman is absent by order of the House.

Mr. ALLEN, of Mississippi. I ask that my colleague, Mr. BARRY, be excused. I know he is sick.

There was no objection.

Mr. DOCKERY. I ask that my colleague from Missouri, Mr. BLAND, be excused. He left the House this evening quite unwell.

There was no objection.

Mr. LAWLER. Owing to the illness of so many that are absent I would like them all to be excused, including the gentleman from Louisiana, Mr. WALLACE. He is very sick. I make that motion.

The SPEAKER *pro tempore*. That motion is not in order.

Mr. BROWN, of Pennsylvania. I ask that my colleague, Mr. KELLEY, be excused on account of his advanced years.

There was no objection.

Mr. ADAMS, of New York. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ADAMS, of New York. I wish to know whether it is in order to ask the consent of my distinguished friend from New Orleans, Mr. WALLACE, and other gentlemen to call up at this time the bill (H. R. 1119) to establish a uniform system of bankruptcy throughout the United States and to ask its immediate consideration and passage.

The SPEAKER *pro tempore*. That is not in order.

Mr. GOFF. I offer the resolution which I send to the desk.

Mr. BAYNE. I ask that my colleague from Pennsylvania, Mr. SWOPE, may be excused. His patient labors in preparing reports from the Committee on Invalid Pensions have so exhausted him that he is not able to be present this evening.

The SPEAKER *pro tempore*. The gentleman has leave of absence by order of the House.

Mr. EVANS. I ask that my colleague, Mr. ATKINSON, be excused on account of sickness.

There was no objection.

Mr. WINANS. I ask that my colleague from Michigan, Mr. COMSTOCK, be excused.

There was no objection.

Mr. JOHN M. TAYLOR. I ask that my colleague from Tennessee, Mr. BALLENTINE, be excused on account of illness.

There was no objection.

Mr. GROUT. I ask that my colleague from Vermont, Mr. STEWART, be excused.

Mr. STRUBLE. I must object. There are too many members being excused.

The SPEAKER *pro tempore*. Objection being made, the question is: Shall the gentleman from Vermont [Mr. STEWART] be excused?

The question was decided in the negative.

Mr. WARNER, of Ohio. I ask that my colleague, Mr. GEDDES, be excused. He is not well, and has been able to attend but a part of the sittings of the House during this week.

Mr. GROUT. I object. If excuse is refused to one gentleman I object to others being excused.

The question being taken it was decided in the negative, and Mr. GEDDES was not excused.

The SPEAKER *pro tempore*. The doors will now be closed.

Mr. WILSON. I move that the House do now adjourn.

The House divided; and there were—ayes 32, noes 40.

So the motion was not agreed to.

The SPEAKER *pro tempore*. The Clerk will report the resolution sent up by the gentleman from West Virginia [Mr. GOFF].

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without leave of the House.

The SPEAKER *pro tempore*. The question is on the resolution just read by the Clerk.

Mr. LAWLER. Is the question debatable?

The SPEAKER *pro tempore*. It is not.

Mr. WHITE, of Pennsylvania. I desire to make an inquiry. Some members have been excused on account of sickness, and I wish to make an excuse for my colleague [Mr. SOWDEN].

The SPEAKER *pro tempore*. The gentleman is too late. It is not now in order to receive further excuses. The question is on the adoption of the resolution offered by the gentleman from West Virginia [Mr. GOFF].

The House divided; and there were—ayes 43, noes 27.

Mr. MILLS. Let us have the yeas and nays on this motion.

On the question of ordering the yeas and nays there were—ayes 16, noes 42.

So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.

Mr. WILSON. I renew my motion that the House do now adjourn.

The question being taken, the Speaker *pro tempore* stated that the "noes" seemed to have it.

Mr. WILSON. I call for a division.

The House divided; and there were—ayes 36, noes 59.

Mr. WILSON. I call for tellers.

Mr. MILLS. I call for the yeas and nays.

The yeas and nays were ordered, 20 members voting therefor.

The question was taken; and there were—yeas 31, nays 49, not voting 242; as follows:

YEAS—31.

Allen, J. M.	Hill,	Richardson,	Townshend,
Breckinridge, C. R.	Jones, J. H.	Snyder,	Viele,
Cabell,	Lanham,	Stephenson,	Warner, A. J.
Dowdney,	Lawler,	Stewart, Charles	Wheeler,
Forney,	Mills,	Stone, W. J., Mo.	White, A. C.
Grout,	Neece,	Symes,	Wilson,
Halsell,	Pettibone,	Taylor, J. M.	Winans.
Hatch,	Price,	Tillman,	

NAYS—49.

Adams, G. E.	Culberson,	Johnston, J. T.	Rockwell,
Adams, J. J.	Dockery,	Laird,	Sawyer,
Anderson, J. A.	Dorsey,	Little,	Spooner,
Bayne,	Ely,	Lyman,	Struble,
Blanchard,	Evans,	Morrill,	Taulbee,
Bound,	Everhart,	Neal,	Taylor, Zach.
Brady,	Farquhar,	O'Hara,	Wade,
Browne, T. M.	Fleeger,	Osborne,	Wallace,
Brown, W. W.	Funston,	Payne,	Warner, William
Burnes,	Goff,	Perkins,	Weber.
Bynum,	Haynes,	Peters,	
Carleton,	Hermann,	Pindar,	
Conger,	Jackson,	Pirce,	

NOT VOTING—242.

Aiken,	Dingley,	King,	Riggs,
Allen, C. H.	Dougherty,	Kleiner,	Robertson,
Anderson, C. M.	Dunham,	Laffoon,	Rogers,
Arnot,	Dunn,	La Follette,	Romeis,
Atkinson,	Eden,	Landes,	Rowell,
Baker,	Eldredge,	Le Fevre,	Ryan,
Ballentine,	Ellsberry,	Lehlbach,	Sadler,
Barbour,	Ermentrout,	Libbey,	Sayers,
Barksdale,	Felton,	Lindsley,	Scott,
Barnes,	Findlay,	Long,	Scranton,
Barry,	Fisher,	Lore,	Seney,
Beach,	Foran,	Louttit,	Sessions,
Belmont,	Ford,	Lovering,	Seymour,
Bennett,	Frederick,	Lowry,	Shaw,
Bingham,	Fuller,	Mahoney,	Singleton,
Bland,	Gallinger,	Markham,	Skinner,
Bliss,	Gay,	Martin,	Smalls,
Blount,	Geddes,	Matson,	Sowden,
Boutelle,	Gibson, C. H.	Maybury,	Spriggs,
Boyle,	Gibson, Eustace	McAdoo,	Springer,
Bragg,	Gilfillan,	McComas,	Stahlnecker,
Breckinridge, WCP.	Glass,	McCreary,	Steele,
Brown, C. E.	Glover,	McKenna,	Stewart, J. W.
Brumm,	Green, R. S.	McKinley,	St. Martin,
Buchanan,	Green, W. J.	McMillin,	Stone, E. F.
Buck,	Grosvenor,	McRae,	Stone, W. J., Ky.
Bunnell,	Guenther,	Merriman,	Storm,
Burleigh,	Hale,	Millard,	Strait,
Burrows,	Hall,	Miller,	Swinburne,
Butterworth,	Hammond,	Milliken,	Swope,
Caldwell,	Hanback,	Mitchell,	Tarsney,
Campbell, Felix	Harmer,	Moffatt,	Taylor, E. B.
Campbell, J. E.	Harris,	Morgan,	Taylor, I. H.
Campbell, J. M.	Hayden,	Morrison,	Thomas, J. R.
Campbell, T. J.	Heard,	Morrow,	Thomas, O. B.
Candler,	Hemphill,	Muller,	Thompson,
Cannon,	Henderson, D. B.	Murphy,	Throckmorton,
Caswell,	Henderson, J. S.	Negley,	Trigg,
Catchings,	Henderson, T. J.	Nelson,	Tucker,
Clardy,	Henley,	Norwood,	Turner,
Clements,	Hepburn,	Oates,	Van Eaton,
Cobb,	Herbert,	O'Donnell,	Van Schaick,
Collins,	Hewitt,	O'Ferrall,	Wadsworth,
Compton,	Hiestand,	O'Neill, Charles	Wait,
Comstock,	Hires,	O'Neill, J. J.	Wakefield,
Cooper,	Hiscock,	Outhwaite,	Ward, J. H.
Cowles,	Hitt,	Owen,	Ward, T. B.
Cox,	Holman,	Parker,	Weaver, A. J.
Crain,	Holmes,	Payson,	Weaver, J. B.
Crisp,	Hopkins,	Peel,	Wellborn,
Croxton,	Houk,	Perry,	West,
Curtin,	Howard,	Phelps,	White, Milo
Cutcheon,	Hudd,	Pidcock,	Whiting,
Daniel,	Hutton,	Plumb,	Wilkins,
Dargan,	Irion,	Randall,	Willis,
Davenport,	James,	Ranney,	Wise,
Davidson, A. C.	Johnson, F. A.	Reagan,	Wolford,
Davidson, R. H. M.	Johnston, T. D.	Reed, T. B.	Woodburn,
Davis,	Jones, J. T.	Reid, J. W.	Worthington.
Dawson,	Kelley,	Reese,	
Dibble,	Ketcham,	Rice,	

So the House refused to adjourn.

The following additional pairs were announced:

Mr. HERBERT with Mr. HISCOCK, for the remainder of the day.

Mr. HAMMOND with Mr. LONG, for Friday evening, July 9.

The result of the vote was then announced as above recorded.

Mr. WILSON. Mr. Chairman, I move to reconsider the vote by which the yeas and nays were ordered on the resolution of my colleague, Mr. GOFF.

The motion was rejected.

Mr. WILSON. I move that the House do now adjourn.

The question was taken; and there were—ayes 24, noes 27.

Mr. WILSON. I demand tellers.

Tellers were refused; only 12 members voting in the affirmative.

So the motion was not agreed to.

Mr. PRICE. I move that the House do now adjourn.

The CHAIRMAN. That motion is not in order. The House has just voted down a motion to adjourn. The question recurs upon the resolution of the gentleman from West Virginia [Mr. GOFF].

Mr. TOWNSHEND. Mr. Chairman, I move that further proceedings under the call be dispensed with.

The question was taken; and the chairman declared that the ayes seemed to have it.

Mr. BURNES. I ask for a division.

The House divided; and there were—ayes 31, noes 22.

Mr. WARNER, of Missouri. I ask for the yeas and nays.

Mr. HILL. I move that the House do now adjourn.

Mr. PRICE. I move that the House do now adjourn.

The CHAIRMAN. The motion is not in order. On the motion to dispense with further proceedings under the call the ayes are 31 and the noes are 22.

Mr. WARNER, of Ohio. I demand the yeas and nays, Mr. Chairman.

The question was taken; and the yeas and nays were ordered.

Mr. PRICE. Now, Mr. Chairman, may I now renew the motion that the House adjourn?

The CHAIRMAN. The motion to adjourn is now in order.

Mr. PRICE. Then I make that motion.

The motion was agreed to; and accordingly the House (at 11 o'clock and 21 minutes p. m.) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. R. BRECKINRIDGE: Papers relating to the claim of Lucy A. Caldwell, of Jefferson County, Arkansas—to the Committee on War Claims.

By Mr. ERMENTROUT: Petition of Daniel W. Raymond, for the passage of law giving veterans bounty—to the same committee.

By Mr. J. H. JONES: Petition of Jane Edge, of Lone Oak, Tex., asking that her war claim be referred to the Court of Claims—to the same committee.

By Mr. LANHAM: Petition of citizens of Howard, Eastland, and Brown Counties, Texas, relative to removal of Federal court from Graham to Cisco, Tex.—to the Committee on the Judiciary.

By Mr. MORGAN: Petition and papers relating to the claim of Madison Ledbetter and of James H. Howard, of Marshall County, Mississippi—to the Committee on War Claims.

By Mr. O'FERRALL: Papers relating to the claim of Mary Guyer, of Rockingham County, Virginia—to the same committee.

By Mr. PETTIBONE: Petition of Chesley J. Burnett, of Morristown, Pa., asking that his war claim be referred to the Court of Claims—to the same committee.

By Mr. ROBERTSON: Petition of John A. Raine, of Harden County, Kentucky, asking compensation for property taken and used by the United States Army during the late war—to the same committee.

By Mr. SCRANTON: Petition of citizens of Scranton, Pa., for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. ZACH. TAYLOR: Papers in the case of Dr. John Pittman, for relief; to accompany House bill 4759—to the Committee on War Claims.

By Mr. WILLIAM WARNER: Petition and resolutions of Ransom Post, Grand Army of the Republic, of Missouri, asking for the passage of bill granting a pension to the widow of General Mower—to the Committee on Invalid Pensions.

Also, petition of various parties in behalf of the Old Home Guards and United States Reserve Corps—to the Committee on War Claims.

By Mr. WILSON: Petition of William Baker for reference of his war claim to the Court of Claims—to the same committee.

The following petitions, asking for the passage of House bill 7887, repealing timber-culture, pre-emption, and desert-land acts; of House bill 7021, for adjustment of railroad and other land grants; of bill forfeiting all railroad land grants the conditions of which have not been strictly complied with; of House bill organizing the Territory of Oklahoma; of Senate bill opening a portion of the great Sioux reservation to settlement; of bill prohibiting aliens from holding land in the United States; of bill making Presidential and Congressional election days holidays, and punishing bribery; and of bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired, were severally referred to the Committee on the Public Lands.

By Mr. C. H. ALLEN: Petition of John Granfield and 25 others, citizens of the eighth district of Massachusetts.

By Mr. BALLENTINE: Petition of the Knights of Labor of Maury County, Tennessee.

By Mr. BUCK: Petition of William Haspey and 22 others, of Adelbert J. Cooper and 28 others, of D. W. Clifford and 37 others, of W. Blake and 62 others, of Patrick J. Ralph and 78 others, and of John Fenton and 78 others, citizens of the first Congressional district of Connecticut.

By Mr. BOUND: Petition of Dennis McGill and 40 others and of J. McDonald and 129 others, citizens of the fourteenth district of Pennsylvania.

By Mr. BOYLE: Petition of H. S. Ball and 81 others and of A. J. Wagner and 116 others, citizens of the twenty-first district of Pennsylvania.

By Mr. W. W. BROWN: Petition of E. Linquist and 30 others, of J. H. Shook and 70 others, of B. Dentsple and 14 others, of W. H. Mayer and 18 others, of R. Braughton and 28 others, of W. G. Cash and 60 others, of C. A. Jones and 65 others, of M. V. Shiffley and 67 others, and of William G. L. Lash, citizens of sixteenth Congressional district of Pennsylvania.

By Mr. BURROWS: Petition of M. Hamilton and 50 others and of A. S. Hathaway and 130 others, citizens of the fourth district of Michigan.

By Mr. J. M. CAMPBELL: Petition of Paul Hober and 79 others, citizens of the seventeenth district of Pennsylvania.

By Mr. T. J. CAMPBELL: Petition of P. S. Drummond and 93 others, of James Freeman and 101 others, of J. A. Kelley and 100 others, of William Hartman and 45 others, of Joseph Ryne and 130 others, and of Daniel Ely and 510 others, citizens of eighth Congressional district of New York.

By Mr. CARLETON: Petition of Robert Carlton and 100 others and of A. McDonald and 118 others, citizens of the seventh district of Michigan.

By Mr. COMSTOCK: Petition of D. Sokeman and 70 others, of Frank Davis and 61 others, and of William Howard and 73 others, citizens of fifth Congressional district of Michigan.

By Mr. CONGER: Petition of T. Robins and 132 others, of H. Martin and 213 others, of J. H. Cox and 181 others, of William D. Bennett and 75 others, of L. H. Britton and 38 others, of W. F. Warren and 33 others, and of W. H. Ashley and 83 others, citizens of the seventh district of Iowa.

By Mr. CUTCHEON: Petition of Thomas O'Brien and 180 others, of F. M. Crosby and 230 others, of Henry Rose and 210 others, of J. N. Mack and 55 others, of Mat. Hay and 58 others, of Robert Johnson and 540 others, and of J. W. Davis and 355 others, citizens of the ninth district of Michigan.

By Mr. DINGLEY: Petition of H. W. Copeland and 22 others, of J. A. Morgan and 98 others, of H. G. Turner and 52 others, of D. R. Manson and 140 others, and of H. M. Hobbs and 24 others, citizens of the second district of Maine.

By Mr. DOCKERY: Petition of Frank Herbert and 72 others and of W. C. Brady and 75 others, citizens of the third district of Missouri.

By Mr. EDEN: Petition of George Bell and 57 others and of J. Lawrence and 51 others, citizens of the seventeenth district of Illinois.

By Mr. ELY: Petition of E. P. Howe and 8 others, of Daniel Murray and 150 others, and of James Donovan and 341 others, citizens of the ninth district of Massachusetts.

By Mr. ERMENTROUT: Petition of Owen Hamilton and 316 others and of Martin Knapp and 41 others, citizens of the eighth district of Pennsylvania.

By Mr. FINDLAY: Petition of James L. Peterson and 129 others and of F. Erbach and 52 others, citizens of the fourth district of Maryland.

By Mr. FORAN: Petition of George Wolf and 500 other Knights of Labor and citizens of Cleveland, Ohio.

By Mr. HALL: Petition of A. Woods and 70 others, of Rudolf Lehman and 305 others, of W. F. Gull and 224 others, of Jos. Butler and 180 others, and of F. W. Rockwell and 89 others, citizens of the first district of Iowa.

By Mr. HALSELL: Petition of J. N. R. Bell and 230 others, citizens of the third district of Kentucky.

By Mr. HAMMOND: Petition of A. Matterson and others, citizens of Atlanta, Ga.

By Mr. HARMER: Petition of J. W. McIntyre and 234 others, of Charles G. Griffin and 38 others, and of J. C. Greenwood and 175 others, citizens of the fifth district of Pennsylvania.

By Mr. HATCH: Petition of J. H. Waide and 26 others and of Henry Jones and 24 others, citizens of the first Congressional district of Missouri.

By Mr. HAYDEN: Petition of H. Bennett and 172 others, of Daniel Collins and 30 others, of H. Bennett and 172 others, of Pat McMannur and 60 others, and of L. A Knowles and 26 others, citizens of fifth Congressional district of Massachusetts.

By Mr. D. B. HENDERSON: Petition of James J. Dunn and 209 others and of George A. Scott and 258 others, citizens of the third district of Iowa.

By Mr. HEPBURN: Petition of Thomas Johnson and 193 others, of J. G. Painter and 49 others, and of E. F. Karns and 30 others, citizens of the eighth district of Iowa.

By Mr. HISCOCK: Petition of Philip Eckle and 73 others, of Theodore Simons and 40 others, of Charles I. Cleary and 23 others, of John McNalley and 15 others, of Charles I. Cleary and 23 others, of Thomas Bennett and 100 others, of Fremont Parks and 55 others, and of C. H. Smith and 63 others, citizens of the twenty-fifth Congressional district of New York.

By Mr. JAMES: Petition of George W. Coe and 80 others and of T. J. Bowen and 133 others, citizens of the third district of New York.

By Mr. LAWLER: Petition of James J. Casey and 146 others, of Fred. Schultz and 90 others, and of William Sullivan and 186 others, citizens of the second district of Illinois.

By Mr. LINDSLEY: Petition of James Butler and 65 others, of M. Hogan and 434 others, and of W. P. Cadaz and 115 others, citizens of the eighteenth district of New York.

By Mr. LITTLE: Petition of George Honeger and 67 others and of J. E. Donohue and 62 others, citizens of the eighth district of Ohio.

By Mr. LONG: Petition of Henry Lovel and 27 others, of J. D. Wilder and 25 others, of M. W. Lynch and 24 others, and of F. W. Lewis and 121 others, citizens of the second district of Massachusetts.

By Mr. LYMAN: Petition of G. W. Dosh and 238 others and of B. D. Briggs and 126 others, citizens of the ninth district of Iowa.

By Mr. McCOMAS: Petition of Charles V. Ogden and 146 others and of L. S. Long and 58 others, citizens of the sixth district of Maryland.

By Mr. MILLARD: Petition of William Smith and 285 others and of C. E. Strong and 189 others, citizens of the twenty-sixth district of New York.

By Mr. MURPHY: Petition of W. J. Wabrass and 128 others, of Charles F. Swords and 40 others, of T. Janson and 46 others, of A. H. Wolf and 55 others, and of J. W. Graham and 87 others, citizens of the second district of Iowa.

By Mr. NELSON: Petition of James J. Boulton and 124 others, and of John Atkinson and 820 others, citizens of the fifth district of Minnesota.

By Mr. J. J. O'NEILL: Petition of J. F. Sullivan and 23 others, of William Cunningham and 50 others, of Thomas E. Tobin and 35 others, of W. J. Carroll and 20 others, of George Elmore and 46 others, of George L. Green and 129 others, of Riley Biggs and 155 others, of Henry Nichoff and 20 others, and of M. O'Brien and 27 others, citizens of the eighth district of Missouri.

By Mr. PETERS: Petition of P. Minch and 230 others and of F. W. Brown and 250 others, citizens of the seventh district of Kansas.

By Mr. PIRCE: Petition of W. S. Martin and 17 others, of William S. Tyler and 18 others, and of M. Connelly and 30 others, citizens of the second district of Rhode Island.

By Mr. PLUMB: Petition of H. L. Bunker and 224 others and of Thomas J. Armstrong and 280 others, citizens of the eighth district of Illinois.

By Mr. RANDALL: Petition of W. H. Duffield and 53 others, of Andrew Rush and 40 others, and of John H. Stone and 88 others, citizens of third Congressional district of Pennsylvania.

By Mr. RANNEY: Petition of James Hardy and 20 others, of H. P. Lang and 26 others, of A. L. Jackson and 24 others, of H. R. Brown and 19 others, and of D. Sheehan and 82 others, citizens of the third district of Massachusetts.

By Mr. ROBERTSON: Petition of J. B. Fulkerson and 115 others, of Julius Eaves and 19 others, and of W. R. Moore and 48 others, citizens of the fourth district of Kentucky.

By Mr. SNYDER: Petition of M. E. Dixon and 36 others, of A. McKinney and 141 others, of H. Rollins and 145 others, of N. T. Sullivan and 120 others, of Henry Stephenson and 103 others, and of J. R. Foster and 46 others, citizens of the third district of West Virginia.

By Mr. J. W. STEWART: Petition of H. L. McConneck and 146 others and of Thomas Stockpool and 92 others, citizens of the first district of Vermont.

By Mr. W. J. STONE, of Kentucky: Petition of J. C. Shelby, of Moscow County, Kentucky, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. STORM: Petition of Robert Martin and 84 others and of James Gallager and 26 others, citizens of the eleventh district of Pennsylvania.

By Mr. SWOPE: Petition of C. W. Lurr and 43 others and of J. P. Ball and 66 others, citizens of nineteenth district, Pennsylvania.

By Mr. SYMES: Petition of Daniel J. Keiley and 1,768 others, of James Cullen and 279 others, of J. E. Rockfeller and 72 others, of T. J. Cash and 310 others, of Albert C. Johnson and 180 others, of Price Jones and 112 others, of J. E. Rockfeller and 72 others, of Thomas B. Manning and 99 others, of H. Frey and 80 others, of F. A. Patten and 537 others, of Daniel Ryne and 121 others, of Thomas D. Price and 22 others, of Daniel Ryne and 121 others, and of John Warren and 198 others, citizens of first Congressional district, Colorado.

By Mr. TARSNEY: Petition of C. A. Crosby and 73 others, of W. H. Ostroms and 21 others, and of C. A. Crosby and 73 others, citizens of eighth Congressional district of Michigan.

By Mr. WAKEFIELD: Petition of H. B. Smith and 25 others and of J. S. Hilton and 42 others, citizens of the second district of Minnesota.

By. Mr. WILLIAM WARNER: Petition of Charles Butterworth and 160 others, of J. A. Workman and 190 others, and of Charles E. Jones and others, citizens of the fifth district of Missouri.

SENATE.

SATURDAY, *July* 10, 1886.

The Senate met at 11 o'clock a. m.
Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings, and after proceeding for some time read the following entry:

The PRESIDENT *pro tempore* laid before the Senate the resolution yesterday submitted by Mr. RIDDLEBERGER providing that the doors shall not be closed during the discussion of executive nominations,

When

Mr. HARRIS raised a question of order, namely, that the resolution proposed an amendment to the standing rules of the Senate and that the provisions of Rule XL prescribing the mode of amendment to the rules were not complied with.

The PRESIDENT *pro tempore* sustained the point of order; and

Ordered, That the resolution lie on the table.

Mr. RIDDLEBERGER. I ask that the Journal be corrected in respect to that resolution. I can not understand why the President of this body shall have the right to direct that a resolution shall lie on the table. There is a very wide distinction, if the Chair will allow me to state it——

The PRESIDENT *pro tempore*. The Senator can move to correct the Journal when the reading of it is concluded. The Senator will wait until the reading of the Journal is completed, and then a motion can be made to correct it.

Mr. RIDDLEBERGER. Very well, sir, I will wait.

The reading of the Journal of yesterday's proceedings was resumed and concluded.

The PRESIDENT *pro tempore*. The motion of the Senator from Virginia is now in order. The attention of the Chair has been called to the entry in the Journal. The Chair simply announced that the resolution would lie on the table. That was the mere announcement of an existing fact; but if the Senator desires any other disposition of the resolution than that indicated by the Chair, it is now in order to submit the matter.

Mr. RIDDLEBERGER. I do not understand it, perhaps. I should like to be exactly right about it. If the Chair shall designate that the resolution shall lie upon the table, then I can not make a motion to take it from the table and debate that motion.

The PRESIDENT *pro tempore*. Undoubtedly the Senator can call it up. It is in the most favorable possible condition for consideration by lying on the table.

Mr. RIDDLEBERGER. But the motion is not debatable, and my purpose in offering the resolution, I am frank to state, was to get a matter before the Senate that might be debatable. I do not think, with all deference to the Chair, that it is his prerogative to lay the resolution upon the table; it must be done by a motion from the floor. I ask pardon if I am mistaken, but I think to lay a resolution upon the table must be done by a motion from the floor.

The PRESIDENT *pro tempore*. In the absence of any motion, the Chair always lays the pending question upon the table; but if the Senator desires to submit a motion now, it will be entered and brought up at the proper time.

Mr. RIDDLEBERGER. If the Chair will permit me, my understanding was that the Senator from Tennessee [Mr. HARRIS] raised the point of order that my resolution was not in order because it did not give a day's notice, yet the resolution itself had been presented here the day before. Now, if the resolution is laid upon the table on the third day, I can not fail to understand that I must make a motion to take it from the table; and the resolution was laid on the table, as I understand the reading of the Journal, by the dictation of the Chair and not by any motion that proceeded from the floor. I say this respectfully. Of course such a disposition of the resolution defeats the whole motive and purpose I had in offering the resolution.

If the Chair is certain that he is right in laying the resolution upon the table, then I understand the rule that applies to it, and I shall try to conduct myself accordingly.

The PRESIDENT *pro tempore*. The Chair will again advise the Senator from Virginia that the announcement of the Chair is simply what was the fact, that in the absence of another motion the resolution would lie upon the table.

The Chair will state the matter to the Senator, so that there may be no controversy about it when the question comes up again. The Senator from Virginia seems to have misapprehended the point of order made by the Senator from Tennessee. His point of order was not that notice had not been given, but that the resolution itself did not embody a reference to the rule that the Senator proposes to change and the precise phraseology that he proposes to insert. That is a point which can be supplied by the Senator at any time by simply giving notice as to where in the rules he desires an amendment to be made and the precise form of the amendment. The resolution is upon the table subject to call at any proper moment in the proceedings.

Mr. INGALLS. Will the Chair receive two petitions at this time?

The PRESIDENT *pro tempore*. A motion to amend the Journal was made, but it is not insisted upon. The Journal will stand approved as read if there be no objection. The Chair hears none.

PUBLIC BUILDING AT DAYTON—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on Public Buildings and Grounds, and ordered to be printed:

To the Senate:

I herewith return without approval Senate bill No. 856, entitled "An act to provide for the erection of a public building in the city of Dayton, Ohio."

It is not claimed that the Government has any public department or business which it should quarter at Dayton, except its post-office and internal-revenue office. The former is represented as employing ten clerks, sixteen regular and two substitute letter-carriers, and two special-delivery employés, who I suppose are boys only occasionally in actual service. I do not understand that the present post-office quarters are either insufficient or inconvenient. By a statement prepared by the present postmaster it appears that they are rented by the Government for a period of ten years from the 15th day of October, 1883, at an annual rent of $2,950, which includes the cost of heating the same.

The office of the internal-revenue collector is claimed to be inadequate, but I am led to believe that this office is fairly accommodated at an annual rental of $900. It is not impossible that a suggestion to change the area of this revenue district may be adopted which would relieve any complaint of inadequacy of office room.

With only these two offices to provide for, I am not satisfied that the expenditure of $150,000 for their accommodation as proposed by this bill is in accordance with sound business principles or consistent with that economy in public affairs which has been promised to the people.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 9, 1886.

WILLIAM H. CROOK.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the bill (S. 100) for the relief of William H. Crook, which was returned from the House of Representatives in compliance with the request of the Senate yesterday upon a motion to reconsider. The bill will be placed upon the Calendar.

Mr. CONGER. The bill was recalled on the motion of the Senator from Kansas [Mr. PLUMB], and he is not in his seat now. I suppose probably the motion to reconsider will be placed on the Calendar.

The PRESIDENT *pro tempore*. That is the ordinary way. It will lie on the table or be placed on the Calendar.

Mr. PLATT. I think it had better lie on the table until the Senator who asked for the return of the bill comes in.

The PRESIDENT *pro tempore*. That order will be made in the absence of objection.

Mr. CONGER. Being laid on the table, it is placed in a position where it can be reached when the Senator from Kansas comes in.

OTOE AND MISSOURIA LANDS.

The PRESIDENT *pro tempore*. The Chair also lays before the Senate the bill (H. R. 7087) authorizing and directing the Secretary of the Interior to extend the time for the payment of the purchase-money on the sale of the reservation of the Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas, which has been returned from the House of Representatives in accordance with the request of the Senate made yesterday. The bill will lie upon the table, as the Senator from Massachusetts [Mr. DAWES], upon whose motion the bill was recalled, is absent.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting, in reply to a resolution of December 18, 1885, certain information as to claims on file in the Department for moieties or shares of penalties under the internal-revenue laws. This letter is quite lengthy, containing many details. If there be no objection, with the accompanying papers, it will be referred to the Committee on Finance, and ordered to be printed.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting the report of the board of Army officers convened to consider the subject of the acceptance of a site on Lake Michigan near Chicago, Ill., tendered as a gift to the United States by the Commercial Club of that city for military purposes, and requesting such legislation as will authorize the Government to accept the same; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Theodore Moses and other citizens of the eighth Congressional district of New York, praying for the passage of the following measures at the present session:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;

2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays, and punishing bribery;
8. Bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petition was referred to the Committee on Finance.

Mr. CONGER presented the petition of Robert Johnson and 400 others, citizens of the ninth Congressional district of Michigan; the petition of Thomas O'Brien and 180 others, citizens of the ninth Congressional district of Michigan; the petition of John W. Davis and 355 others, citizens of the ninth Congressional district of Michigan; the petition of W. H. Ostrom and 21 others, citizens of the ninth Congressional district of Michigan, and the petition of Thomas Walsh and 75 others, citizens of the fifth Congressional district of Michigan, praying for the passage at the present session of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays, and punishing bribery;
8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Finance.

Mr. CONGER also presented the petition of James Carey and 99 other citizens of Oakland County, Michigan, praying for the passage of the oleomargarine bill; which was ordered to lie on the table.

Mr. BLACKBURN presented a memorial of citizens of Louisville, Ky., remonstrating against the passage of the oleomargarine bill; which was ordered to lie on the table.

Mr. INGALLS presented a petition of citizens of Oneida, Kans., praying for the passage of the oleomargarine bill; which was ordered to lie on the table.

He also presented a petition of citizens of Lawrence, Kans., praying for the passage of the following measures at the present session of Congress:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad and land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding land in the United States;
7. Bill making Presidential and Congressional election days holidays, and prohibiting bribery;
8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petition was referred to the Committee on Finance.

Mr. EVARTS presented the petition of J. K. White and 26 other citizens of the first Congressional district of New York, the petition of John Gaffey and 100 other citizens of the eighth Congressional district of New York, the petition of John Stewart and 115 other citizens of the eighteenth Congressional district of New York, the petition of George Buchanan and 22 other citizens of the nineteenth Congressional district of New York, and the petition of M. Crawford and 180 other citizens of the twentieth Congressional district of Ohio, praying for the passage at the present session of Congress of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding land in the United States;
7. Bill making Presidential and Congressional election days holidays, and prohibiting bribery;
8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Finance.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 1112) granting a pension to Phœbe H. Meech; and
A bill (S. 2759) to remove the political disabilities of William H. F. Lee.

The message also announced that the House had passed the following bills, each with an amendment, in which it requested the concurrence of the Senate:

A bill (S. 2113) granting a pension to Mrs. Sarah Young; and
A bill (S. 2192) granting a pension to Abby L. Burbank.

The message further announced that the Speaker of the House had appointed Mr. BARNES COMPTON, Mr. CHARLES H. GIBSON, Mr. L. E. MCCOMAS, Mr. SAMUEL DIBBLE, Mr. A. B. IRION, Mr. W. H. WADE, and Mr. W. J. STONE, of Kentucky, the committee on the part of the House to take order for superintending the funeral and to escort the remains of Hon. WILLIAM H. COLE to their place of burial.

VETOED PENSION BILLS.

Mr. BLAIR. I report back sundry veto messages of the President of the United States on pension bills from the Committee on Pensions, and submit reports thereon.

The PRESIDENT *pro tempore*. The reports will be stated.

The CHIEF CLERK. Messages of the President of the United States returning to the Senate with his objections thereto—

A bill (S. 857) granting a pension to Dudley B. Branch;
A bill (S. 1253) granting a pension to J. D. Haworth;
A bill (S. 1630) granting a pension to James C. Chandler;
A bill (S. 2223) granting an increase of pension to Elizabeth S. De Krafft;
A bill (S. 1726) granting a pension to Augustus Field Stevens;
A bill (S. 1192) granting a pension to Alfred Denny;
A bill (S. 1383) granting a pension to Harriet Welch;
A bill (S. 1441) granting a pension to M. Romahr;
A bill (S. 1288) granting a pension to Robert Holsey;
A bill (S. 363) granting a pension to Edward Ayers;
A bill (S. 787) granting a pension to John S. Williams;
A bill (S. 2025) granting a pension to James Butler;
A bill (S. 327) granting a pension to James E. O'Shea;
A bill (S. 1290) granting a pension to David W. Hamilton;
A bill (S. 1998) for the relief of John D. Ham;
A bill (S. 1584) for the relief of Cornelia R. Schenck;
A bill (S. 1400) granting a pension to William H. Beck; and
A bill (S. 2186) granting a pension to Louis Melcher.

The PRESIDENT *pro tempore*. Is it proposed to have the bills placed on the Calendar?

Mr. BLAIR. Let them be placed on the Calendar and the reports printed. In all cases the report is in favor of the passage of the bill, the veto of the President to the contrary notwithstanding.

The PRESIDENT *pro tempore*. If there be no objection the bills will be placed on the Calendar.

Mr. KENNA. I desire to ask the Senator from New Hampshire whether those cases have been considered by the committee.

Mr. BLAIR. All the vetoed cases were referred to the committee——

Mr. KENNA. I understand that they were referred to the committee, but I ask the Senator whether they have been considered by the committee?

Mr. BLAIR. I am about to answer the Senator's question, but I do not talk with that rapidity which enables me to do so without pausing. I was proceeding to answer the Senator's question.

Mr. KENNA. I presume the Senator has his own time in which to do so. I have no disposition to hurry him.

Mr. BLAIR. I was saying that all these veto messages were referred to the committee for its action. Thereupon the committee considered the matter and made this order:

Ordered, That the several veto messages of the President be referred respectively to the members of the committee who reported the bills vetoed, with instructions to examine and report the same back to the Senate, submitting any questions to the committee for advice and re-examination which they think necessary, and that any member of the minority of the committee have leave to present dissenting views.

Mr. CAMDEN. I ask the Senator whether there was a quorum of the committee present when that order was made?

Mr. BLAIR. When that order was made there were two members actually present.

Mr. HOAR. I rise to a question of order.

Mr. BLAIR. Let me answer the Senator from West Virginia.

The PRESIDENT *pro tempore*. The Senator from Massachusetts rises to a question of order. The Senator from New Hampshire will pause.

Mr. HOAR. My question of order is that it is not competent to demand the proceedings of a committee except so far as they are reported by the committee itself.

Mr. BLAIR. I hope the Senator from Massachusetts will not insist

upon a matter of that kind which members of the committee or others have seen fit to give to the papers, and which has entered into this controversy in a way which is designed to reflect upon that member of the committee who is now speaking to the Senate.

Mr. HOAR. I was not aware that any such thing had happened.

Mr. BLAIR. I was aware of it.

Mr. KENNA. So far as I am concerned I have made no reflections upon anybody; but I should like to know, and I desire every Senator to know——

Mr. BLAIR. I desire every one to know.

Mr. KENNA. Whether that was the report of the committee or not.

Mr. HOAR. I withdraw the question of order.

The PRESIDENT *pro tempore*. The question of order is withdrawn; and the Senator from New Hampshire [Mr. BLAIR] has the floor.

Mr. BLAIR. I have read the order of the committee under which action was taken on these vetoes. There were present in the committee at the moment when the order was dictated to the clerk two members, myself and the Senator from Wisconsin [Mr. SAWYER]. The Senator from Tennessee [Mr. WHITTHORNE], who was absent on some other committee, had sent me word that for the purposes of a quorum and the action of the committee I should consider him present. I afterward notified the Senator from New Jersey [Mr. SEWELL] and the Senator from Rhode Island [Mr. ALDRICH] of the action of the committee, and the clerk was instructed to notify other members if he had the opportunity. The Senator from Wisconsin [Mr. SAWYER] requested me to examine the cases which had been vetoed and which were originally reported by himself, as he had not the time nor the strength to attend to them; whereupon I proceeded to examine every one carefully that I have undertaken to report to the Senate. Every member of the committee had the opportunity to be there. If the Senator from West Virginia [Mr. CAMDEN] was not aware of the order of the committee, he might find a possible excuse in the infrequency of his attendance upon the proceedings of that committee. The whole matter has been proceeded with in accordance with custom, and with the utmost design to be candid and square with everybody concerned.

Mr. VEST. What is the motion now before the Senate?

The PRESIDENT *pro tempore*. The motion is to place the bills reported upon the Calendar with the messages of the President and the reports of the committee. That order will be made as a matter of course unless objection is made.

Mr. CAMDEN rose.

The PRESIDENT *pro tempore*. Does the Senator from West Virginia rise to address the Chair on this question?

Mr. CAMDEN. Yes, sir.

The PRESIDENT *pro tempore* The Senator from West Virginia.

Mr. CAMDEN. Mr. President, I am directed to present the views of certain members of the Committee on Pensions in relation to Senate Report No. 1424, signed by HENRY W. BLAIR for the committee, which assumes to be the report of the Senate Committee on Pensions on the veto messages of twenty-three pension bills by the President. I will read the views of the members of the committee herewith submitted, which will explain themselves:

The undersigned, members of the Committee on Pensions, beg leave to state that they had no knowledge of the report, nor have they any knowledge of any order, resolution, or action of said committee authorizing the report (S. No. 1424) signed by "HENRY W. BLAIR, for the committee," reviewing the vetoes of the President on twenty-three pension bills and animadverting upon the same.

The undersigned are justified in the inference that said report was not the authorized expression of the Committee on Pensions, from the fact that it is well known by the proceedings of this body that two additional members of that committee were absent from the Senate at the date of said alleged report and are still absent from the Senate. This fact induces the belief that said report, which condemns with such indiscriminate severity the objections made in the vetoes of the President in the various cases referred to, is simply the views and report of Hon. HENRY W. BLAIR, of said committee, and is not the authorized views and report of said committee.

An order purports to have been adopted by said committee on the 29th of June referring the veto messages of the President respectively to the subcommittee who reported the said bills; each subcommittee to examine and report the same back to the Senate upon the objections of the President to each bill, each subcommitteeman to take charge of the bills which he originally reported to the Senate. In our judgment this was the proper course to pursue, for every veto should be judged by its own merits—as the facts justified in each case. We are clearly of the opinion that the manner in which the President's objections to the various bills referred to have been disposed of by said alleged report is unauthorized and highly objectionable. No general terms of dissent and criticism, it would seem, were proper in reviewing the President's objections, for which in the case of each veto he had assigned specific reasons.

The undersigned, in the most emphatic manner, disavow all responsibility for said report, its language, sentiments, and its conclusions. We regard the tone and substance of the report as unwarranted by any action of the committee. In our opinion the President's reasons for the vetoes referred to do not call for the gross criticism or censure of this body. From the weight of the objections offered by the President to each bill he has felt himself constrained to veto we might find ample justification for what has been so unsparingly denounced in said alleged report. We do not find in any of the vetoes under review anything that indicates, on the part of the President, a want of justice or proper sympathy in the bestowment of honors or rewards on our soldiers; we believe he has desired to mete out justice in all cases of meritorious claims submitted to him, and we will not add to the censure of the so-called report by attempting to prove that the President is in proper sympathy with all proper means and measures which attest the appreciation felt by the country for its defenders.

But we can not perceive the merits of the reasoning that would discriminate in favor of a pension bill by any legal or moral requirement, because the object of such a bill is to reward a soldier, or provide for a member of his family. There can be no justification, either for the President or a member of this body, in bestowing a benefaction when the law and the facts do not justify it. Next to the injustice and ingratitude of totally ignoring the patriot soldier, who held his life as a willing sacrifice for his country, would be the heedless and indiscriminate lavishing of bounties which rank the pretender and undeserving with the deserving hero. The brave and devoted soldier must regard every reward bestowed upon the undeserving as an injustice and a disparagement to himself.

The undersigned would protest against the report as unauthorized, and against the unmerited censure which has been bestowed upon the President in the alleged report referred to, for no other reason, so far as we can see, than that he has seen fit honestly, conscientiously, and with a faithful regard for the public interest to exercise his constitutional prerogative in discriminating between the deserving and undeserving in bestowing pensions.

J. N. CAMDEN.
A. H. COLQUITT.
E. K. WILSON.
W. C. WHITTHORNE.

Mr. BLAIR. Will the Senator now permit me a question? Allow me to ask him if any of the signers of that report ever examined a single one of these pension cases, either before or after the veto, or knows anything about them?

Mr. CAMDEN. The committee has not considered them. They have not been before the committee so far as I know.

Mr. BLAIR. I can answer my question more definitely than the Senator does.

Mr. CAMDEN. I have only examined the record.

Mr. BLAIR. There was not one of these bills reported by a member of the political minority of the committee. No one of the political minority of the committee, so far as I know or believe, ever examined the bills or evidence originally or since the veto messages, or has any knowledge whatever upon the subject of the merits of the claims to which they allude. If the Senator thinks otherwise or believes otherwise or has himself any personal knowledge, I should be glad to have him state it.

Mr. CAMDEN. I will state to the Senator that I was present in the committee-room on Tuesday, the 29th of June, at which time the order purports to have been made referring these cases to subcommittees. There was no other person in the committee-room. The clerk told me that one or two members had been in there, but had gone away, and that the chairman was engaged on some other committee.

Mr. BLAIR. That was the day, as the Senator knows——

Mr. CAMDEN. So far as I am concerned, or the members who signed the minority report which I have read, they did not know that such a report was in contemplation, and they knew nothing about it.

Mr. BLAIR. The Senator has not answered my question. I asked the Senator if he or any other member of the committee, who has signed the paper which he read as the views of the minority, knows anything of the merits of the cases that were vetoed?

Mr. CAMDEN. We claim that we represent the views of the majority; that there was no expression of the committee on the subject.

Mr. BLAIR. I do not understand the Senator. I ask him if he or any member of the committee who signed that paper has examined any one of these vetoed cases?

Mr. CAMDEN. So far as I know they never had an opportunity of doing so; they never knew anything about it.

Mr. BLAIR. Can the Senator deny that they had the opportunity when these cases were all examined and disposed of at regular meetings of the committee?

Mr. KENNA. Mr. President——

The PRESIDENT *pro tempore*. There is no question before the Senate.

Mr. KENNA. I desire to ask whether it is in order now to move to recommit the matter to the committee.

The PRESIDENT *pro tempore*. The Chair is of the opinion that such a motion would be in order.

Mr. KENNA. I desire to submit that motion, to recommit the reports and all papers touching the reports and the bills and veto messages, in each case, to the Committee on Pensions for the consideration of that committee.

The PRESIDENT *pro tempore*. The Senator from West Virginia moves that the several reports referred to be recommitted to the Committee on Pensions.

Mr. BLAIR. Upon that motion I desire to say that these vetoes came to the committee in the usual way and have been pending there some considerable time; that at a regular meeting of the committee this order was made, and that members of the committee who were not present were notified of the making of the order.

In the nature of things the examination of these papers would not be made by the mass of the committee, and the several vetoes were sent to those members of the committee who had made the original reports. We followed the usual method of investigation, with instructions that if members of the subcommittee saw fit or if any question arose it should be presented to the full committee for instructions; otherwise with instructions to report the veto messages back to the Senate.

I have stated the position in which they were examined. I have also stated the fact that the order which has been read to the Senate left the matter entirely open to any member of the committee who was dissat's-

fied or saw fit to examine the reports to submit the views of the minority. The papers are still in the possession of the committee, and they have been there all the time.

If there is anything further that the committee can do in regard to the matter, I do not know it. There is a great amount of labor involved in these cases. We have done all we could in regard to the reports and veto messages, and I object to recommitting them.

Mr. TELLER. It seems to me that these reports ought to be recommitted to the committee. The proceedings of the committee are certainly irregular. When we act upon a case of this kind I think we are entitled to have the judgment of the entire committee or at least a quorum of the committee. I am quite prepared myself to take up and discuss some of these questions at any time with reference to the President's veto, and I can discuss them without reference to the report of the committee on the facts that are in the case; but I think as a matter of propriety these cases ought to go back to the committee and the committee ought to bring them here in a way in which there can be no question about them.

For that reason I shall vote to recommit the reports to the committee, with the expectation that the chairman will then assemble the committee, or if the committee refuse to assemble, that the matter will there lie, and the responsibility must be with those who refuse to come to make up a quorum.

Mr. KENNA. In submitting the motion I had in view precisely what has been indicated by the Senator from Colorado.

The PRESIDENT *pro tempore*. The Senator from West Virginia will pause for a moment. The Chair must remind the Senate that a motion to recommit, although now entered and now debatable, will be entered in these several cases on the Calendar, and that will be the first thing to be discussed when the cases come up in order.

Mr. KENNA. I understand that; but as two Senators have been heard, I ask that I may be heard for a moment.

Mr. EDMUNDS. I hope the Senator will be allowed to be heard.

The PRESIDENT *pro tempore*. The Senator from West Virginia will proceed.

Mr. KENNA. I wish in submitting the motion simply to secure the consideration by at least a quorum of the committee of these cases, and that the Senate may have the benefit of the views of a quorum of the committee when they come to act finally upon this subject. No matter how it happened (and I am not disposed at this time to animadvert upon motives), it appears from the statement of the Senator from New Hampshire himself that what purports to be the report by the committee, which indulges in great severity of language in reference to the President's action in dealing with a large number of these cases, is the action of two members of a committee of nine.

We have not even the statement of the Senator from New Hampshire that this report ever saw the eyes of more than two members of the committee, and it seems to me that in any case, under the circumstances, the Senate would not hesitate to recommit to the committee matters which require the attention and on which the Senate is entitled to the attention of the committee.

Mr. BLAIR. I prefer to cut this whole matter short by asking that the motion to recommit be agreed to, and I give notice to every member of the committee that we shall take this matter up at the regular meeting next Tuesday morning, and I hope there will be a full attendance of the committee.

The PRESIDENT *pro tempore*. If there be no objection the various messages, bills, and reports referred to will be recommitted to the Committee on Pensions. The Chair hears no objection, and it is so ordered.

HOUSE PENSION BILLS.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 578) for the relief of Emma J. Halloway;
A bill (H. R. 887) granting a pension to Thomas S. Duvall;
A bill (H. R. 4265) granting a pension to Josiah Mahoney;
A bill (H. R. 7418) granting a pension to Emily Threadgill;
A bill (H. R. 8057) for the relief of Theodore Dunmire;
A bill (H. R. 8150) granting a pension to Jesse Campbell;
A bill (H. R. 8352) for the relief of Levi A. Cronkhite;
A bill (H. R. 8635) granting a pension to Irene Googins;
A bill (H. R. 8963) granting a pension to Michael Fitzpatrick;
A bill (H. R. 9052) granting an increase of pension to Capt. John F. Morris; and
A bill (H. R. 9457) granting a pension to Martin V. Curry.

The above eleven pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. 2343) supplemental to an act approved March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," reported it without amendment.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (S. 1436) for the relief of H. M. Jones, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. TELLER, from the Committee on Public Lands, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 2829) granting a pension to James Nobles; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2830) granting an increase of pension to Edward Leahy; which was read twice by its title, and referred to the Committee on Pensions.

MISSISSIPPI RIVER BRIDGE AT DUBUQUE.

Mr. MCMILLAN. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 8973) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Dubuque, in the State of Iowa, to report it without amendment, and I ask for its present consideration. It is for the construction of a railroad bridge, and is in accordance with the requirements of the Engineer Department.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. MCMILLAN. I am authorized by the same committee to report Senate bill 2262 and recommend its indefinite postponement. It is a Senate bill relating to the same subject as the House bill just passed.

The bill (S. 2262) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Dubuque, in the State of Iowa, was postponed indefinitely.

SEIZURES OF AMERICAN VESSELS IN FOREIGN WATERS.

Mr. HOAR. I wish to call up the resolution I offered yesterday.

The PRESIDENT *pro tempore*. Subject to the call of the Senator from Massachusetts of his resolution the Calendar is now in order. Whenever the resolution is produced it will be reported. It is not now here.

Mr. CONGER. I hope we shall go on with the Calendar.

Mr. HOAR. This is the regular order.

The PRESIDENT *pro tempore*. The resolution is now in the possession of the Secretary, and will be read.

The Chief Clerk read the resolution submitted by Mr. HOAR yesterday, as follows:

Resolved, That the President of the United States be requested, so far as in his opinion it may not be inconsistent with the public interest, to inform the Senate of all facts in his possession or that of the Department of State in regard to the seizure or detention in any foreign ports of any American vessels, and the pretext or alleged cause for such seizure, and all correspondence relating to the same, and what efforts have been made to procure redress for such seizures and to prevent the recurrence thereof.

Mr. HOAR. I should like to amend that by inserting after the words "any American vessels" the words "since January 1, 1886."

The PRESIDENT *pro tempore*. The Senator has a right to modify his resolution. The resolution will be so modified.

The resolution as modified was agreed to.

A MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Clark, its Clerk, announced that the House had passed a bill (H. R. 8950) to remove the political disabilities of Francis Sorrell, of Roanoke County, Virginia; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 1666) granting a pension to Edward Corning, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 199) providing for printing eulogies delivered in Congress upon the late Michael Hahn; and it was thereupon signed by the President *pro tempore*.

COLLISION SUITS AGAINST THE UNITED STATES.

The PRESIDENT *pro tempore*. The first case on the Calendar will be stated under the special rule made a few days ago.

The bill (S. 4) to permit the owners of certain vessels, and the owners or underwriters of cargoes laden thereon, to sue the United States, was announced as first in order on the Calendar; and the Senate, as in Committee of the Whole, proceeded to consider it.

The PRESIDENT *pro tempore*. The bill having been heretofore read in full, if there be no objection and no amendment——

Mr. EVARTS. There was an amendment in the nature of a substitute reported by the Committee on the Judiciary.

The PRESIDENT *pro tempore*. The amendment will be read.

The Chief Clerk read the amendment reported by the Committee on the Judiciary, which was to strike out all after the enacting clause of the bill and in lieu thereof to insert:

That the owner or owners of any American ship or vessel engaged in or be-

longing to the United States merchant-marine service, and the owners or underwriters of the cargoes laden thereon, and the owners or underwriters of any property on board thereof, may, and they are hereby authorized and empowered to, sue the United States in any United States district court in which the parties so suing, or any of them, may reside, sitting as a court of admiralty and acting under the rules governing such courts, for any damage, loss, or injury to such ship or vessel, or her owner or owners, or to the owners or underwriters of any cargo laden thereon, or of any property on board thereof, arising from or attributable to the mismanagement of any vessel owned by the United States, or to the negligence or want of skill of those in charge thereof, by collision; and the said district court is hereby authorized to enter a judgment or decree for the amount of such injury, loss, or damage, if any shall be found due, against the United States, in favor of such owners or underwriters, upon the same principles and measure of liability, with costs, as in like cases in the admiralty between private parties, and with the same rights of appeal that now exist by law in civil cases in which the United States are a party: *Provided, however*, That this act shall not extend to cases occurring prior to the passage hereof, nor in any case shall any such suit be brought more than six years after the collision shall have occurred.

SEC. 2. That the process or procedure by which such suits may or can be brought, and service on or notice to the United States or its officers shall be made or given, may be regulated by courts of admiralty by rules or orders made therein; and it shall be the duty of the Attorney-General of the United States to cause the United States attorney in each district to appear for and defend the United States in any such suit brought in his district.

Mr. CONGER. I have no objection to the bill, but I would suggest to the Senator from New York that there should be a proviso that all actions which may arise among different parties for the same collision or injury shall be consolidated in one. The United States should not be at the expense of meeting every single item of damage for all underwriters' cargoes.

Mr. EVARTS. I would say to the Senator from Michigan that the ordinary practice of admiralty courts is to require consolidation of that kind when there are different claimants, but it is hardly possible, I think, to preclude a suitor from bringing a suit merely because other and quite independent interests do not join; but the whole matter is plastic in the hands of the admiralty courts to guard against the multiplication of costs or suits.

Mr. CONGER. But this bill authorizes bringing the suit not in the admiralty courts, but in the Court of Claims, as I understand.

Mr. EVARTS. Oh, no; nothing but admiralty.

Mr. CONGER. Then I misunderstood the reading of the bill. Perhaps the rules of the admiralty courts could be made to accomplish the object which I desire. My impression was that this authorized suit to be brought in the Court of Claims.

Mr. EVARTS. No.

Mr. CONGER. Then I have no objection.

Mr. EVARTS. Mr. President, I will say a word about this bill. I ought not to insist upon its being presently heard if there are any objections; and as the Senator from Missouri [Mr. COCKRELL] who is not now in his seat told me he would consider whether an objection that he made when it first came up would be renewed or not, I ask that this matter stand until Monday in the same shape as it now stands.

The PRESIDENT *pro tempore*. If there be no objection the bill will be passed over informally, subject to the same rule. The Chair hears no objection.

EXECUTIVE SESSIONS WITH OPEN DOORS.

The resolution submitted by Mr. RIDDLEBERGER April 12, 1886, in relation to the consideration of executive business in open session was announced as the next business in order.

The PRESIDENT *pro tempore*. Is there objection?

Mr. EVARTS. There is.

Mr. PLATT. I think that had better go over.

The PRESIDENT *pro tempore*. The resolution, being objected to, goes over.

Mr. RIDDLEBERGER. I ask to have it read.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That all matters other than those relating to treaties shall be considered and acted upon by the Senate in open session.

The PRESIDENT *pro tempore*. Objection being made to the present consideration of the resolution, it goes over.

Mr. RIDDLEBERGER. That is not a resolution which can be objected to. That is a resolution introduced by me some months ago; it comes up in its regular order on the Calendar. I ask information from the Chair if I am not correct?

The PRESIDENT *pro tempore*. The Senate is now proceeding under a special order, which has been read several times, by which any objection passes over any business on the Calendar, leaving it on the Calendar. The Senator from Connecticut [Mr. PLATT] was understood as objecting to its consideration now.

Mr. PLATT. The Senator from New York objected first.

Mr. RIDDLEBERGER. The Chair will excuse me, I did not hear the order under which we are proceeding.

The PRESIDENT *pro tempore*. The Chair will again have the order read.

The Chief Clerk read as follows:

Ordered, That for the next six days of the legislative sittings of the Senate, after the call for and disposition of resolutions shall have been passed, the time remaining until half past 12 o'clock shall be devoted to the Calendar, beginning with the first case thereon, and every matter objected to shall be passed by, and debate shall be limited to five minutes for any Senator on the question.

Mr. RIDDLEBERGER. Then I believe we have five minutes' debate on this question.

The PRESIDENT *pro tempore*. This being objected to, it is passed by under this rule.

Mr. RIDDLEBERGER. Does that resolution cover that which is on the Calendar, or does it cover new business?

The PRESIDENT *pro tempore*. It covers everything on the Calendar.

Mr. RIDDLEBERGER. I asked whether that resolution does not simply cover new business and not that which is on the Calendar?

The PRESIDENT *pro tempore*. When the Senator is through the Chair will endeavor to answer.

Mr. RIDDLEBERGER. Then I mean to make myself as clear as I possibly can that you can not offer a resolution here up to your half past 12 o'clock which is not subject to objection; but is it to be construed from that order that business upon this Calendar remaining there since last April is to be beaten by a single objection? If that is the construction, then where and when am I to look for the rules of the Senate? I was told here yesterday morning by the Chair, on a suggestion proceeding from the Senator from Tennessee [Mr. HARRIS], that I could not make a proposition here unless I had given a day's notice, and the Chair sustained the Senator from Tennessee. Here is a proposition pending that is Calendar business, that is a matter which has regularly gone on this Calendar, that has been discussed by the newspapers, that has been discussed by Senators on this floor. It was postponed because it was said that a Senator who was sick could not deliver himself of the remarks that he wanted to make, and he sent them here and had them read by another Senator. It was again——

The PRESIDENT *pro tempore*. The Chair must again remind the Senator from Virginia that he is out of order. He has been twice reminded of that fact. The Chair must submit the question.

Mr. RIDDLEBERGER. I am not discussing the point of order, if the Chair pleases.

The PRESIDENT *pro tempore*. Does the Senator take an appeal from the decision of the Chair?

Mr. RIDDLEBERGER. Yes, sir, with all due respect.

The PRESIDENT *pro tempore*. The question then is whether the decision of the Chair shall stand as the judgment of the Senate?

Mr. HOAR. Will the Chair state the decision from which an appeal is taken?

The PRESIDENT *pro tempore*. This resolution came up in its regular order on the Calendar under the special rule under which the Senate is acting. Objection was made by the Senator from New York, and the Chair was proceeding to lay before the Senate the next case on the Calendar according to the rule. The Senator from Virginia insists that that is not in order, and appeals from the decision of the Chair.

Mr. RIDDDEBERGER. Again, Mr. President, that resolution was put over because the Senator from Massachusetts [Mr. HOAR] was not here and he wanted to deliver himself of a speech. Since then he has done it; and his speech has gone to the country in yellow envelopes, sent everywhere.

What excuse can there be now for a refusal to vote upon this proposition? Sir, if I am asked to give a reason myself I can draw it from the lesson of yesterday, for I undertake to say that things which were uttered here in executive session yesterday——

Mr. INGALLS. I call the Senator to order, Mr. President.

The PRESIDENT *pro tempore*. The Senator is debating a question upon an appeal from the decision of the Chair.

Mr. INGALLS. He has no right to quote what was said in executive session.

Mr. RIDDLEBERGER. I have not quoted it. Wait till I do.

The PRESIDENT *pro tempore*. Does the Senator from Kansas present a motion?

Mr. INGALLS. No, sir.

Mr. RIDDLEBERGER. It will be quite time to call me to order then.

I am not one of those Senators who study words in order to affront gentlemen here and then take them from the RECORD the next morning. I say, sir, that I have proposed this resolution from the time I came here, and I ask Senators whether the time is ever to come when we can vote upon it. I want the country to know that we mean to determine at some time whether we ought to have secret sessions of this body or whether the nominations of the President of the United States shall be passed upon in open session.

I say again that there were words uttered here yesterday that no man would have uttered outside of an executive session of the Senate of the United States. I mean to impersonate nobody; but, sir, if you will assume for a moment that my name is John Smith, and that I was begotten and builded out of the smallest material in the United States or even in this world, I should not yet have been capable, in my judgment, of asserting before the Senate that I had a letter which declared that a certain man had dickered and traded, and yet be unwilling to produce the letter.

If I am out of order in saying that, then I am out of order, and let the Senator from Kansas call me to order. When I make an allegation of that sort in executive session, then I shall be out of order under a higher rule than obtains in this Senate.

I ask now, as I propose to ask at every opportunity that shall present itself, for a vote upon this proposition, standing as it does upon the Calendar, ruled out as it has been since, I think, about the 9th day of April last, I might almost say kicked out. Senators have spoken upon it, and we were asked to let it pass by because somebody was sick; and now it is up for a vote; and why can we not vote upon it?

Sir, I can understand further that a man is willing to make a contest in executive session that he is not willing to make openly before the public. I do not mean to say that there is any one Senator here who makes that sort of dispute or that kind of distinction; but I mean to say that it is not proper or right. It is due to men whose names are sent here for confirmation that they should have the public know what charges are brought against them and how they are sustained.

Mr. President, this is under the five-minute rule, as I understand it, and I will control myself. I will take it for granted that John Smith is before this body for confirmation and that I am to determine on testimony taken by a committee whether he is fit and qualified for the office. I will assume that he comes here and answers negatively what is affirmatively charged against him. I will assume for the purposes of what I want to state here that there comes from Massachusetts a Senator by the name of Brown. I will assume for the purposes of what I want to state that there is a Senator coming from Virginia by the name of Smith, and then I will assert that neither of them, Brown nor Smith, would have dared to say in the open sessions of the Senate about somebody else that which was said in executive session yesterday. They would not have dared to face the doctor from Southampton—and if that is objectionable I will name him as from Northampton, in order to preserve executive secrets. They would not have dared to bring into the Senate such a statement as was made here. I ask pardon; I withdraw that statement, because I am afraid I am getting a little over the line. They would not have dared to say in open session of this body what I know has been stated in the secret and executive sessions. They never dared to state even in executive session that a certain man was not qualified for the office, that he had not the character that qualified him for the associations of the office, and I could see in that their character, but Bell-telephone stock was disporting itself around this Capitol and trying to make it appear that a man——

Mr. HOAR. Mr. President, I rise to a question of order.

The PRESIDENT *pro tempore*. The Senator from Massachusetts rises to a question of order. He will state it.

Mr. HOAR. My question of order is that this appeal is not debatable. It being an appeal from the decision of the Chair on a question itself undebatable, it therefore should be decided without debate.

Mr. RIDDLEBERGER. I submit that that is not correct.

The PRESIDENT *pro tempore*. The Senator from Virginia will pause a moment. The Chair is perfectly aware that the appeal is not debatable, having been made upon a question that is not debatable; as if a Senator should make a motion to adjourn and an appeal should be taken from a decision of the Chair arising on the question of adjournment, it is clear it would not be in order for any one to debate that question. The Chair has not felt disposed to enforce the rule against the Senator from Virginia; but if the Senator from Massachusetts makes the point of order, the Chair will be compelled to rule that the Senator from Virginia is not in order.

Mr. HOAR. We are all very impatient to get at the Calendar, and I think we should not have a long debate on taking up a matter on the Calendar out of its place. I do not wish to interfere with the Senator, however.

Mr. RIDDLEBERGER. It is a question whether the Senator will allow me to proceed. I hope he will not object. I shall soon be through.

Mr. HOAR. How long does the Senator expect to take.

Mr. RIDDLEBERGER. I do not know. I have a few things to say. I shall not be long.

Mr. HOAR. I will waive the question of order for the time being on the request of the Senator from Virginia in order that he may conclude his remarks, but I hope we shall be able to proceed with the business of the Senate.

Mr. RIDDLEBERGER. Mr. President, I see that the Senate is impatient to get to the Calendar to pass bills that make appropriations, I suppose river and harbor bills and a great many other things. I do not want to be the obstacle in the way of passing money appropriation bills; I do not want to be in the way of raising the revenue that is to be derived from the bills which the country wants passed; but I have just this to say, and it will be all that I shall say now, allegations have been made, seemingly sustained by the words of a Senator, which I challenge and say are not true. I mean by that that a Senator from Vermont or a Senator from anywhere else who might by possibility assert that he had letters inculpating Joe Brown or John Smith or anybody else with the dicker and the sale of offices uttered that which is unbecoming a man and is not true. I say that, sir, for the man himself, and I need not say it for myself.

I say more than that. I say that it is shown by a public record like this (exhibiting a copy of the CONGRESSIONAL RECORD) that a Solicitor-General under Grant's administration recognized that he had made what was considered a mistake in not referring a certain document to the Secretary of the Interior, and then referred it to the Secretary of the Interior, who sent it back, and said that for the public good a suit ought to be instituted in the interest of the American people and in the name of the United States only, and he did. He was forbidden to come upon this floor, but the Bell Telephone Company was here. I know it, and if other Senators do not know it it is not my fault.

Mr. President, I want to do that which I think is just to myself. The man for whom I am speaking here in a way does not need it and perhaps would perfer that I should not say a word. I want this resolution voted upon because it will give a man like him an opportunity of being heard here as well as the possible owners of Bell-telephone stock on this floor.

There is quite a difference between a man coming here representing a constituency—and we can take up the census reports of 1860 and since and see what the increase in the value of the property in his State amounts to—and a man who comes here and compares his own stock at the value of the constituency that is behind him. That is the way this thing began yesterday and the way it ended. Twenty-eight to twenty-five is a public record this morning—twenty-eight to twenty-five was the record yesterday when the yeas and nays were called. I know it, and other Senators here know it; but the influence which was brought to bear—Mr. President, if I get out of order you will have to call time again.

The PRESIDENT *pro tempore*. The Senator from Virginia was reminded several times that he was out of order in referring to proceedings elsewhere.

Mr. RIDDLEBERGER. I ask you to call me to order every time.

The PRESIDENT *pro tempore*. The Chair does not call the Senator to order. He has violated the rules of order on several occasions this morning.

Mr. RIDDLEBERGER. I think I have been almost constantly reminded of that fact.

Mr. HOAR. I should like to have the rule read for the proceeding of the Senate when the Chair has made a ruling that a Senator is out of order.

Mr. RIDDLEBERGER. If the Senator will withdraw his point I have said nearly all I want to say. I know of course that if you put a coal on the back of a terrapin he will continue to crawl.

The PRESIDENT *pro tempore*. The Senator from Virginia will pause. Does the Senator from Massachusetts desire to have the rule read?

Mr. HOAR. Yes, sir.

The PRESIDENT *pro tempore*. The rule will be read.

Mr. RIDDLEBERGER. I have yielded the floor.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks for the reading of the rule.

Several SENATORS. Regular order.

Mr. HOAR. Let the rule be read, and then proceed with the Calendar.

The Chief Clerk read as follows:

RULE XXXVI.

Executive sessions—

Mr. HOAR. No; the rule I refer to is that for the proceeding of the Senate when the Chair holds a Senator to be out of order. He can then only proceed with the leave of the Senate.

The PRESIDENT *pro tempore*. The Senator from Virginia has resumed his seat.

Mr. HOAR. Very well; then I waive the reading of the rule.

The PRESIDENT *pro tempore*. The Calendar will be proceeded with.

The Chief Clerk read the title of the bill (S. 2157) to prevent obstructive and injurious deposits, &c.

The PRESIDENT *pro tempore*. The Chair must submit the question of the appeal made by the Senator from Virginia. The question is, Shall the decision of the Chair——

Mr. RIDDLEBERGER. I believe that is on the question of taking a vote on the resolution.

The PRESIDENT *pro tempore*. The question is on the appeal.

Mr. RIDDLEBERGER. I withdraw the appeal, and ask now that the vote be taken on the resolution for open sessions, and I ask for the yeas and nays.

The PRESIDENT *pro tempore*. That has been passed by. The next case on the Calendar will be stated.

OBSTRUCTIVE DEPOSITS IN NEW YORK HARBOR.

The bill (S. 2157) to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York city, by dumping or otherwise, and to punish and prevent such offenses, and making other provisions in connection therewith, was announced as next in order.

Mr. MILLER. One word of explanation.

Mr. RIDDLEBERGER. I object to the consideration of that.

Mr. MILLER. I hope the Senator will withdraw his objection.

Mr. RIDDLEBERGER. I do not.

Mr. MILLER. It is a very important measure.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over under the rule.

MARINE HOSPITAL SERVICE.

The bill (S. 780) to regulate appointments in the Marine-Hospital Service of the United States was announced as next in order.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in line 6, after the words "passing a," to strike out "successful" and insert "satisfactory;" so as to read:

That medical officers of the Marine-Hospital Service of the United States shall hereafter be appointed by the President, by and with the advice and consent of the Senate; and no person shall be so appointed until after passing a satisfactory examination in the several branches of medicine, surgery, and hygiene before a board of medical officers of the said service.

Mr. VEST. Let that bill go over.

The PRESIDENT *pro tempore*. The bill, being objected to, goes over under the rule.

Mr. McMILLAN. Who objects to the bill?

Mr. VEST. I want to examine it. I supported the bill in committee, but I have heard statements about it since which lead me to desire to examine it.

Mr. McMILLAN. Let it be passed over without prejudice. I will say to the Senator from Missouri that the Senator from Maryland who sits next to him [Mr. GORMAN] has an amendment to offer, and that amendment I am advised ought to be inserted at the end of the bill. I understand the objection of the Senator from Maryland is removed by the acceptance of his amendment.

Mr. VEST. I do not know that I am against the bill; but the Senator from Maryland spoke to me about it.

Mr. McMILLAN. Let it be passed over without prejudice, so that it can be called up again.

The PRESIDENT *pro tempore*. The bill will be passed over informally.

Mr. MILLER. I simply rise for information. As I understand it, under the rule that we are now acting when a bill is objected to it goes over informally. It does not lose its place or change its place on the Calendar.

The PRESIDENT *pro tempore*. Not at all.

Mr. RIDDLEBERGER. The word "informally" is not in the resolution as I read it a moment ago.

The PRESIDENT *pro tempore*. If a Senator objects positively, it goes over under the rule.

Mr. RIDDLEBERGER. I do object positively.

The PRESIDENT *pro tempore*. But in either case the bill does not lose its place on the regular Calendar.

Mr. MILLER. It retains the same position on the Calendar?

The PRESIDENT *pro tempore*. Subject to a motion to take it up.

Mr. McMILLAN. My request was that it should be passed over informally and retain its place under the present call.

The PRESIDENT *pro tempore*. Is their objection to the proposition made by the Senator from Minnesota that this bill be passed over informally subject to the rule?

Mr. RIDDLEBERGER. I object to its being considered.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over. The next case will be stated.

ADJUSTMENT OF STATE CLAIMS.

The bill (S. 309) to settle and adjust the claims of any State for expenses incurred by it in defense of the United States was announced as next in order.

Mr. HOAR. I do not think it is worth while to attempt to press that under the five-minute rule of debate, though it is in my charge.

The PRESIDENT *pro tempore*. The bill goes over.

TAXATION OF DISTILLED SPIRITS.

The bill (H. R. 4833) relating to the taxation of fractional parts of a gallon of distilled spirits was announced as next in order.

Mr. CONGER. The Senator who makes the report in that case [Mr. ALDRICH] not being present, I desire that the bill be passed over.

The PRESIDENT *pro tempore*. The bill will be passed over.

JOSEPH FRANCIS.

The joint resolution (H. Res. 125) in recognition of the services of Joseph Francis was announced as next in order.

Mr. EVARTS. I do not wish this taken up just at the moment when we are about to pass to another order of business. I ask that it may stand until Monday without prejudice.

The PRESIDENT *pro tempore*. If there be no objection, it will be passed over informally.

ANDREW T. M'REYNOLDS.

The consideration of the bill (S. 2217) for the relief of Andrew T. McReynolds was resumed as in Committee of the Whole.

The PRESIDENT *pro tempore*. The pending question is on a motion heretofore made to refer the bill to the Committee on Claims.

Mr. PLATT. Let the bill be read.

The Chief Clerk read the bill.

Mr. CONGER. I hope the bill will not be recommitted.

The motion to refer was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL F. GARRETT.

The bill (H. R. 1840) granting a pension to Samuel F. Garrett was considered as in Committee of the Whole. It provides for placing the name of Samuel F. Garrett, late a private in Company I, Thirty-ninth Ohio Volunteers, on the pension-roll.

Mr. VEST. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. SEWELL May 11, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 1840) granting a pension to Samuel F. Garrett, have examined the same, and report as follows:

This soldier entered the service July 4, 1861, and was honorably discharged July 9, 1865. Through exposure and hard service he claims to have contracted chronic diarrhea and inflammatory sore eyes while in the line of duty, and in November, 1879, applied for pension. This claim was rejected in January, 1884, upon the ground "that there has been no pensionable disability from alleged causes since discharge."

An examination of the papers in the case, however, discloses the evidence to be abundant that the claimant was, and is, greatly disabled. His father's family physician testifies to his robust health and entire freedom from disease prior to his enlistment, and the War Department records show that he was treated for the disabilities alleged in the Government hospitals.

The following brief extracts from the report of the House Committee on Invalid Pensions set forth other and undisputed testimony to the same effect, while the Department examiner, R. G. Charles, gives his recommendation for allowing the claim:

"His officers and comrades testify to his having chronic diarrhea in November, 1861, and sore eyes in 1863, and that he never recovered from either disability during his service. His neighbors, who have known him from boyhood, testify to the continuance of the diseases from the time of discharge, in 1865, up to the present. Drs. Grinnell, Graham, Stephenson, and Connell, skillful and reputable physicians, bear positive testimony to his disabled condition from the causes alleged.

"Notwithstanding the rejection of this claim by the Department, the Department examiner, R. G. Charles, recommended its allowance in the following words:

"'From my examination of all the evidence in this case, I am of the opinion that the claim should be admitted for chronic diarrhea and inflammation of eyes. I think that claimant has been disabled for performing manual labor during the years from 1863 to 1882 in degree one-half.'

"All of the witnesses testifying in support of the claim are of the highest character and best standing, and all of them have lived in the same community with the claimant since his birth."

This committee think the facts and evidence sufficient to warrant the claim, and therefore recommend the passage of the bill.

Mr. CONGER. Before we reach the hour at which the rule ceases, I ask unanimous consent that we continue the Calendar until 1 o'clock under this rule.

The PRESIDENT *pro tempore*. The Senator from Michigan asks unanimous consent of the Senate to proceed to consider the Calendar under the present order until 1 o'clock. Is there objection?

Mr. VEST. I object.

The PRESIDENT *pro tempore*. Objection being made, the question is on House bill 1840.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RIVER AND HARBOR BILL.

The PRESIDENT *pro tempore*. The hour of 12.30 having arrived——

Mr. McMILLAN. I move that the Senate proceed to the consideration of the river and harbor bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, the pending question being on the amendment proposed by the Committee on Commerce, in section 1, to insert the clauses from line 1134 to line 1174, inclusive, as amended.

Mr. McMILLAN. It is not necessary to read the amendment again. I think we were about to vote on the amendment known as the Hennepin Canal amendment.

The PRESIDENT *pro tempore*. The question is on that amendment.

Mr. RIDDLEBERGER. I ask to have the amendment reported.

The PRESIDENT *pro tempore*. The amendment will be read.

The Chief Clerk read the words proposed to be inserted, as follows:

The grant of the Illinois and Michigan Canal, its rights of way, and all its appurtenances, and all right, title, and interest which the State of Illinois may have in any real estate heretofore ceded to the State of Illinois by the United States for canal purposes, made to the United States by an act of the General Assembly of the State of Illinois approved April 28, 1882, be, and is hereby, accepted on the terms and conditions specified in the act of the General Assembly of the State of Illinois.

For the construction of a canal from the Illinois River, at or near the town of Hennepin, in the State of Illinois, to the Mississippi River, at or above the mouth of Rock River, in said State, together with such feeders and other works that may be necessary to supply said canal with water, $300,000. Said canal shall be known as the Illinois and Mississippi River Canal, and shall be constructed on such route as may be determined by the Secretary of War: *Provided*, That it shall be the duty of the Secretary of War, in order to secure the right of way for such canal and feeders, to acquire the title to such lands as may be necessary by agreement, purchase, or voluntary conveyance from the owners, if it can be done on reasonable terms; but if that shall be found impracticable, then the Secretary of War shall apply at any term of the circuit or district court of the United States for the northern district of Illinois to be held thereafter, at any general or special term held in said district, and in the name of the United States institute and carry on proceedings to condemn such lands as may be necessary for right of way as aforesaid; and in such proceedings said court shall be governed by the laws of the State of Illinois, so far as the same may

be applicable to the subject of condemning private property for public use: *Provided further*, That said canal shall be 80 feet wide at the water-line and 7 feet deep, with a capacity for vessels of at least 280 tons burden, with guard-gates, waste-weirs, locks, lock-houses, basins, bridges, and all other erections and fixtures that may be necessary for safe and convenient navigation of said canal and branch as specified in said survey.

Mr. PLATT. I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. MILLER. Mr. President, I shall detain the Senate but a very short time with a few remarks upon this proposition. The great importance of this work and its great value to the commerce of the Northwest has been placed before the Senate in a very clear and to my mind conclusive manner by the Senator from Illinois [Mr. CULLOM], and I can not undertake to add to the demonstration made in his speech regarding this whole question.

I know, Mr. President, that there is a great difference of opinion in the country regarding this work. There is, of course, a difference of opinion on this question in the State of New York. But so far as I have become acquainted with the opinion of the commercial bodies of New York, that portion of our citizens who have given the subject of internal improvements much attention, I think I am justified in saying that there is little difference of opinion, and that as a rule they believe this to be a very important work, and one which should be undertaken by the General Government.

INSTRUCTED BY THE STATE OF NEW YORK.

Mr. President, I hold in my hand a resolution passed by the assembly and senate of the State of New York, January 29, 1885, when this measure was before the Senate at that time, which I read:

STATE OF NEW YORK, IN SENATE, *Albany, January* 29, 1885.

Resolved (*if the assembly concur*), That our Senators and Representatives in Congress be respectfully requested to urge the passage of an appropriation of $300,000 to aid in the construction of the Michigan and Mississippi (Hennepin) Canal in the river and harbor bill now before Congress.

This resolution is indorsed as having passed the assembly on the 29th day of January, 1885, and also indorsed as having passed the senate upon the same day, and it is properly attested and signed by the clerks of the two bodies. That resolution was passed after due consideration by the Legislature of New York. It was passed, if I remember correctly, without much opposition to it.

The commercial bodies of several of the principal cities of New York did at this time in 1885 send here resolutions similar to this, indorsing the measure and asking the representatives of the State of New York to vote for the appropriation; and I believe that this resolution presents the best judgment of the commercial bodies and commercial men of my own State.

New York having constructed with its own moneys the Erie Canal, having expended upon that canal in round numbers $60,000,000, and now having made it free to the commerce of the country, maintaining it free at an expense of about three-quarters of a million dollars per annum, for which a tax is levied upon the property of the entire State, and having during the last session of the present Legislature of the State made an appropriation of $200,000 to go on with the work of doubling the length of the locks in the Erie Canal, it is very natural that our people should turn with much interest to an enterprise in the Northwest which they believe will do very much toward increasing the amount of traffic which shall pass through our canal and seek a foreign market through the great port of the city of New York. We believe that this canal would do for the country lying west of it, the great wheat-producing region of America, substantially what the Erie Canal has done and is now doing for all the country which lies west of it.

We were told here the other day by the Senator from Missouri [Mr. VEST] that the day of canals had passed, and that the age of the iron rail had come, and that works of this kind were antiquated and out of date, and could be made of no value to our people. The returns of freight carried by the Erie Canal during the past ten years lend no proof to that statement, but absolutely disprove it. The amount of freight carried over the Erie Canal for the past few years has varied but very little, being from five to six million tons per annum. Last year it was less than the year before, but it was not as much less as the amount of freights carried by the great trunk lines of the country was. Business was depressed then, trade was dull, business was dull, and every great trunk line of this country lost very much in its tonnage, or at least in its receipts.

The Committee on Interstate Commerce, of which I have the honor to be a member, made an investigation of this matter a year ago, and if the Senate will turn to the testimony taken by that committee it will find one statement made by every leading railroad man who was brought before it when questioned in regard to the effects of water transportation, and particularly in regard to the effects of the maintenance of the Erie Canal. Mr. Blanchard said to that committee that the Erie Canal was the absolute regulator and controller of the freight rates of all the produce of the West seeking a market in the East; that it controlled the rates for carrying grain and produce just as absolutely upon the Grand Trunk line, and upon the Baltimore and Ohio, and the Pennsylvania, and the Chesapeake and Ohio as it did upon the New York Central Railroad, which runs alongside the Erie Canal.

Mr. President, if you will go over the railroad rates of the country to see the rates that are charged on the transportation of grain and farm produce from the West to the East you will find that that statement made by Mr. Blanchard is undoubtedly correct, and that to-day the Erie Canal is the only power which is controlling and regulating the freight rates of this country. Were it not for the beneficent influence of the Erie Canal exerted to-day, and the influence which it has exerted upon the commerce of this country in the growth and development of the West for the past quarter of a century, we should not to-day, in my judgment, be sending to Liverpool either a bushel of grain or a ton of farm produce of any kind. We could not to-day compete in that market with India and with Russia in the disposition of wheat and other farm products were it not for the low rate of freight prevailing upon the great lakes and their extension, the Erie Canal.

CANALS TO BE BUILT HEREAFTER BY THE FEDERAL GOVERNMENT.

Mr. President, the State of New York, having expended, as I have said, $60,000,000 to build and maintain this great highway free to all, believes it has a right to ask the Federal Government, in the changed condition of affairs which has taken place, to come to her aid. By this remark I mean to be understood as saying that all these great works must hereafter be built by the Federal Government, that no individual State will ever again undertake them; and the policy of their construction and their maintenance by the Federal Government is undoubtedly settled for all time to come. I believe it to be a wise settlement; I believe that all these great works should be undertaken, should be constructed, and should be maintained by the Federal Government. So I hold to-day that the Federal Government ought to come forward and aid the State of New York in maintaining the Erie Canal free, that it ought to come forward and voluntarily aid that State in the enlargement of the canal, in the deepening of its waters, and in the lengthening of its locks. The Federal Government to-day ought to appropriate for the benefit of the State of New York, in my judgment, at least three-quarters of the annual cost of the maintenance of the Erie Canal. The State of New York has not yet asked it, but I believe the day is not far distant when the State of New York will ask it and will demand of the Federal Government that it shall make annually, year by year, proper appropriations for the maintenance of this canal free, and that it shall make proper appropriations for its enlargement and improvement.

Mr. President, I stated that I believed the change of system under which we are now operating, whereby the Federal Government is to construct and maintain all works of internal improvement of national importance, is a wise change in our system. The separate States of our Union have not the machinery of government by which they can properly construct and carry on great internal improvements. It is true many of the older States of the Union have done it; but I venture the assertion here and now that no State of this Union ever undertook and carried on for any length of time any great work of internal improvement which did not sooner or later result in bringing great scandal and corruption in the State government. These great works in the States have always been made the football of politics. They have furnished the bulk of the patronage to the party that might happen to be in control of the State government; and thus it has been that in New York we have had our canal scandals from the earliest inception of the work down to the present time, and the State has had to change its constitution in order to prevent fraud and corruption.

Many of the other States of the Union that undertook to build canals gave them up or sold them to private parties in order to get the works out of politics, and to prevent fraud and corruption.

In short, I hold that the States in their governments, in their organizations and administrations, are not well adapted to carrying on these great works. But when we come to the Federal Government we find that all the works of improvement have been taken charge of by the War Department, under the control of the board of Army engineers, a body of men whose professional knowledge and whose experience as engineers is not excelled, if equaled, by any body of men in the world. The public works of the improvement of our rivers and harbors and their maintenance are directly under the charge of the board of Army engineers, a body of men educated at the expense of the nation, holding their positions for life, entirely removed from politics and from the influences which come from the control of political parties.

NO SCANDAL EVER ATTACHED TO RIVER AND HARBOR EXPENDITURES.

In their administration of these great works, I think I speak the acknowledged truth when I say that up to the present time there has never been a scandal connected with the expenditure of any of the money appropriated in a river and harbor bill which has come under the control of the board of Army engineers. There may be a question as to the necessity of a particular work; there may be differences of opinion as to whether this or that appropriation in the river and harbor bill should be made; there may be differences regarding the question as to whether a certain work is of national importance or of local importance; but so far as I have been able to follow the history of the expenditures of these moneys under the board of Army engineers under the control of the Secretary of War, I think I speak what are the admitted facts when I repeat that up to the present time there has never been a scandal connected with the expenditure of any of these moneys.

Mr. GIBSON. Will the Senator from New York permit me to make a suggestion to him on that point?

Mr. MILLER. Certainly.

Mr. GIBSON. I am informed by a high authority that there never has been an embezzlement, a defalcation, or the loss of one farthing of the public money expended by the Engineer Corps of the Army of the United States. I state this because I think it indicates the high sense of honor that ever pervades that department of the service of this Government.

Mr. MILLER. I am very glad to have the statement made by the Senator from Louisiana, because I know he has examined this question carefully and he undoubtedly speaks the facts in the case.

I refer to this simply to emphasize my position when I stated that I believed it was a wise change which had come about by which the various State governments were not likely hereafter to undertake any important public improvements, and that all these public improvements would hereafter be carried on and constructed by the Federal Government. It seems to me that the change has been wise and that in this one central authority we have a body of men who, upon thorough investigation and surveys as they are ordered to make them, and in their reports to Congress, are able to give information to the two Houses of Congress which can go to no other legislative body in the land.

Therefore, I believe that there will never be any change backward in this matter. I believe that if the Hennepin Canal is ever to be constructed it must be constructed by the Federal Government. The State of Illinois, in my judgment, looking upon the history of the past and the experience of its sister States in regard to these great internal improvements, will not undertake it, neither do I believe that it should be asked to undertake it, for if this great water way is constructed connecting the Mississippi River with the lakes the interests of commerce will demand that it shall be entirely free of tolls, and certainly the State of Illinois, after having done so much on the Illinois River, will not consent to go further in this matter.

MISSISSIPPI RIVER IMPROVEMENTS.

Mr. President, for a number of years we have been appropriating large sums of money for the improvement of the Mississippi River. We have built the jetties at its mouth, making it possible for the largest ocean ships to come in and to come up to the city of New Orleans. I believe this was a wise improvement. I believe that the money thus far expended has been wisely expended upon the jetties. Whether the money expended upon the mere improvement of the bed of the river has been so wisely expended, or not, I am not able to state. But it is no argument against this measure, it is no argument against this bill, to say that some experiments which have been tried on the Mississippi River have proved failures. This work of the improvement of harbors and rivers must necessarily be somewhat experimental. The engineers may make plans, they may make estimates, but when a new idea is to be put into operation it is impossible that any engineer, no matter how skillful, no matter how much experience he may have, shall be able to tell absolutely what will be the result when the work is finished.

When the idea of jetties was first brought forward there was no engineer either in this country or in Europe who would undertake to say upon his standing as an engineer just what the result would be; but various governments have made the experiment of jetties at the mouths of rivers and across the bars of harbors, and to-day that principle has been settled by experiment. We know and can tell to-day exactly what jetties will do; but when they were first started no man could foresee what the result would be; and so it may be that in the improvements of the Mississippi River some of the money has not produced the result desired and intended; but it was necessary that the experiment should be made, it was necessary that the theories and the ideas of the engineers on these questions should be tested, and they could be tested in no other way than by appropriations of money and by actual experiments made, and I have no doubt that the great skill and knowledge of our engineers will yet solve, if it has not already solved, the problem of the permanent improvement of the Mississippi River.

I said we had been appropriating money liberally to that great water way; and now the people living in the Northwest, a region which is developing more rapidly than any other portion of this, our land, and all the country and people lying east of it desire that there shall be a free water way from the great Mississippi River to the lakes, such as we now have from the lakes to the ocean. I believe that this canal, if constructed, will save to the producers of the Northwest its entire cost every year in the reduction of their freights.

Why, Mr. President, the improvement made in the Detroit River upon the Saint Clair flats, in deepening that channel and in enabling the lakes to be navigated by ships carrying more than 2,000 tons of freight, has so reduced the cost of transporting wheat and other produce from the lakes to the ocean that the yearly saving estimated by those who have gone over it carefully, comparing the present amount of freight thus transported and taking the rates that were paid upon the lakes and upon the railroads previous to that improvement—the saving to the farmers of the West upon the grain and produce carried over the lakes and through the Detroit River where the improvement was made amounts in round numbers to $50,000,000 per annum. And when those appropriations were made in the river and harbor bills, if there had been nothing else in the bills worthy of consideration, if all the balance of the money in those river and harbor bills had been lost to the people of this country, the appropriations for that one river would have been and have been of more value to the country than all the other appropriations that were made. And so I believe that if this Hennepin Canal shall be constructed it will save year by year to the grain producers of the West more than its entire cost.

COMPETITION WITH INDIA AND RUSSIA.

Mr. President, I believe it will be a very important step in the direction of maintaining our ability to compete with India and Russia in the wheat markets of Europe. We must have cheaper transportation for the wheat from Dakota and from Minnesota and from Iowa to New York than we have to-day, or we are to be driven out of the markets of Europe. I believe that the Hennepin Canal will do for the Northwest what the Erie Canal did for the West which lies just beyond its waters. Believing this, and feeling instructed as I am by the Legislature of my own State and by the petitions of a large number of the commercial bodies of my State, I do not hesitate to give my vote for this amendment and to urge upon those Senators whose States and whose sections of the country have been greatly benefited by the appropriations upon the Mississippi River and upon the Gulf and throughout the entire South and East to see in this a measure of justice to the people who live in the Northwest, and who have few rivers of their own which call for any improvement or for any appropriation upon the part of the Federal Government. This canal, in its results and its interests, is not a canal for Illinois alone; it is not a canal for Iowa alone; but it is a canal which is to benefit the entire section of the country lying beyond it and bordering upon the Mississippi River.

Mr. President, I believe that this amendment should command the earnest support of every man in this body who believes in developing the resources of our country.

Mr. PLATT. Mr. President, I do not propose on this 10th day of July, when we ought to be looking to the probability of an adjournment at some time before the next session commences, and in a thin Senate, that seems to have lost its entire interest in a river and harbor bill, and with the thermometer somewhere between 80° and 90° in the Senate Chamber, to detain the Senate with any extended discussion of this measure. But as it is claimed that the construction of this Hennepin Canal is to result in a vastly cheaper price for the transportation of grain from the West to the East, I think perhaps I ought to express the reasons which determine me in giving my vote against this proposed amendment, and I will do so very briefly.

The first is that this river and harbor bill carries too much money already. I have strictly, since its consideration in the Senate, voted against increasing the aggregate amount of this river and harbor bill, and I believe in almost all instances in favor of decreasing the amounts wherever the committee has recommended that any decrease should be made. I think it is a great mistake for the Senate to increase this bill a dollar over the amount at which it came to us from the other House.

This administration is a Democratic administration. The Senate is all that is left to signify Republican administration of any sort in the United States. I am one of those who believe that in a matter of this sort, an expenditure for internal improvements, for rivers and harbors, those in power, those who have control of the administration should be permitted to set the amount which is to be expended. I find that the Democratic Secretary of War has submitted an estimate saying that in his judgment—which I suppose represents the executive branch of the Government—an appropriation of $10,000,000 is as much as ought to be made for this purpose during the coming fiscal year. He submits that in his estimates in the following words:

Improving rivers and harbors: Construction, completion, repair, preservation, and survey of harbors and rivers, to be expended upon such works as may be directed by Congress, submitted $10,000,000.

That is the estimate which comes to us from the Secretary of War; and now with reference to the specific items which are enumerated in this bill he appends a note, which I will read:

NOTE.—The following statement is not furnished as a part of the "annual estimates for the public service" required by the act of March 3, 1875 (18 Stat., p. 370), to be furnished by the Secretary of War to the Secretary of the Treasury, but is inserted as a convenient and customary summary of items taken from the Annual Report of the Chief of Engineers for the fiscal year 1885, showing, under the provisions of the act of Congress approved March 2, 1867 (14 Stat., p. 421), "the amount that can be profitably expended in the next fiscal year" on each of the uncompleted works mentioned.

And he then goes on and gives, not the estimates of the Chief of Engineers, for the Chief of Engineers does not estimate anything, but gives the amounts which the Chief of Engineers says can be profitably expended in the next fiscal year at the points where public improvements are being carried on, and those amounts aggregate $42,332,100. So the Secretary of War and the Secretary of the Treasury, representing a Democratic administration, recommend to Congress to expend $10,000,000 for internal improvement during the next fiscal year. Then comes the House of Representatives, and I think I am not out of order in saying that this bill coming to us from that Democratic branch of this Government carried only the sum of $15,182,200, a much larger sum than I

think under the circumstances ought to be appropriated during the next fiscal year for the improvement of rivers and harbors.

I am not speaking upon this question as an original question. I am not saying how much in my judgment ought to be expended by this Government for internal improvements; but I am saying that it is entirely proper to allow the administration in power to set the amount and to hold them responsible to the country for the amount which is set as proper to be expended.

The bill comes into the Senate with an aggregate addition made by the committee of this body, which as I said represents the last remnant of Republican government in the United States nationally, with an addition of $2,895,275, making the bill as reported to the Senate $18,077,475. That, if I am not mistaken, has been already increased by amendments which have been adopted here, so that the bill as it stands to-day, without the adoption of any further amendments increasing the bill, carries something over $18,200,000.

Mr. DOLPH. I ask the Senator if the bill has been increased by the action of the Senate since it was reported.

Mr. PLATT. I say that is what the bill carries as it stands to-day, if my figures have been correctly kept.

Mr. INGALLS. How much?

Mr. PLATT. About $18,200,000 in round numbers. The fact that the Senate ought not to increase the bill as it came from the House, the fact that it ought in my judgment to decrease it to the amount recommended by the Secretary of the Treasury at the instance of the Secretary of War would, if there were no other reason, control my vote in this matter.

I come now to my second reason for voting against this amendment. This is a work that, in my judgment, has no place upon a river and harbor bill. It is not the improvement of a river or a harbor. It is a work which, if it is worthy of being commenced by the Government, ought to be undertaken entirely distinct from these annual appropriations for the improvement of rivers and harbors. I should suppose the friends of this measure would not want it put upon a river and harbor bill. What is this measure? It is a proposition which calls—I speak in round numbers now—for something like a final expenditure of $10,000,000. Possibly that is a little high; but taking either of the routes surveyed from the Mississippi to the Illinois River at Hennepin, and adding to the amount estimated for the completion of that portion of the work the amount which is proposed to be expended between Hennepin and the city of Chicago, the estimated expenditure comes somewhere in the neighborhood of between nine and ten million dollars; I think over $9,000,000.

I observe that nothing is estimated for the losses of people who may have water-power upon the Rock River, all the water of which practically is to be taken for a feeder for this canal; and all the business between Dixon and Rock Island or wherever the Rock River runs into the Mississippi River have rights which will have to be paid for if that water is taken away from them. I observe there is no estimate for that.

The Senator from Colorado [Mr. TELLER] suggests that there will be no damages; but there is an immense water-power at Dixon which I understand is not interfered with; and as the river now stands there are plenty of opportunities for water-power between Dixon and the point where it runs into the Mississippi River. I imagine that the people entitled to the water-power will think that they are damaged at the towns below.

I say, then, it is an expenditure which on the face of it is to be some $10,000,000. What have we got in this bill? Three hundred thousand dollars. When is this work to be completed? If it is to be completed under the provisions of river and harbor bills from year to year, if $300,000 a year is to be expended, it will be completed in about thirty years. If by any means the friends of this measure could push the appropriations in the annual river and harbor bill up to a million dollars—and I suppose they can get more than that—it would be ten years before it could be completed. If a work of this magnitude is worthy to be undertaken by the Government—and I do not say it is not—it is simply wicked to attempt to complete it under the provisions of the annual river and harbor bill. We do not have a river and harbor bill passed every year, and so this work will have to be completed by driblets, completed at very much greater expense than is estimated, and very much greater expense than it could be completed for if it could be let as one contract and progress from the time of letting to the time of completion. I think I should not be out of the way in saying that if this enterprise can be constructed under contract for $10,000,000, as ordinary works are constructed, as a canal would be constructed, as a private enterprise, when it is constructed under the river and harbor bill, the appropriations which may be made from year to year, the work to stop when the appropriation stops and to commence again when another appropriation is made to construct it—under those circumstances it will cost from fifteen to twenty million dollars. It is a wasteful way in which to construct this work, if it be a worthy and necessary work which the Government ought to undertake. And I wish here and now to put on record my belief that if this work is adopted upon a river and harbor bill and continued under subsequent river and harbor bills it will not be completed in twenty years from this time, and not a boat will pass from the Mississippi River to Chicago in twenty years. If it is commenced under the river and harbor bill, it will be continued under the river and harbor bill. Having commenced it under the river and harbor bill, which commits the Government to the work, the friends of the measure, I think, will find it hard to take it out from the river and harbor bill and to vote a sum necessary for its completion in the two or three years' time in which it ought to be completed. That is the second reason which controls my vote.

My third reason is that I am far from being convinced that this enterprise, even with all that its friends claim for it, will answer the purpose for which we are asked to adopt it. I understand the proposition to be this, to cheapen transportation between the Mississippi River and the lakes at Chicago for the vast agricultural products which are raised and grown in the upper valley of the Mississippi and in the States which would find an outlet through this canal. In other words, the proposition is that the Government shall construct this canal for the purpose of putting it in competition with the railroads which now carry these products from that section of the country to Chicago; and that is the only ground upon which it can be justified as a national work. In that sense it is not local. In that sense it affects a vast portion of this country, affects the section of the country in which I reside perhaps as definitely and immediately as it does that section of the country where these products are grown. But I doubt very much whether this canal, if built, is going to have the effect that its projectors suppose it will. Certainly if built under the river and harbor bills it will have no such effect for ten or fifteen years, because it will not be constructed and completed in ten or fifteen years. Long before that time, in my judgment, the rate of transportation by railroads, by reason of the competition already existing among the railroads, will be so reduced that it will be exceedingly doubtful whether this canal will be able to reduce the rates any further.

I see from this report that the rate of transportation per ton per mile on the Erie Canal for the year 1880 was forty-nine hundredths of a cent per ton per mile; in other words, it was practically 5 mills per ton per mile on the Erie Canal. I maintain there is to be no cheaper transportation on this canal than on the Erie Canal, for I find that in 18 or 23 miles (I do not remember which) there is a lockage of 208 feet from Hennepin up to the summit going west, and from the summit down to the Mississippi River, as you take one or the other of the three routes, there is a lockage of from 70 to 100 feet, and there is a large lockage also as you go toward Chicago. I imagine there will be no cheaper transportation on this canal than on the Erie Canal.

Mr. MILLER. The Senator will permit me to state that the rate he is giving on the Erie Canal was undoubtedly the rate before the tolls were removed. Now it is free.

Mr. PLATT. I do not know, and I have no means of knowing what it is. I intended to look it up, but I have had no time. But however that may be——

Mr. GEORGE. Mr. President——

Mr. PLATT. Excuse me; let me finish the sentence. However that may be, it is undeniably true that during the past year, 1885, railroads have been carrying grain from Chicago to New York at a less rate than that, at less than half a cent per ton per mile.

Mr. GEORGE. I wanted to know whether I understood the position of the Senator with reference to the rate per ton per mile on the Erie Canal.

Mr. PLATT. It is given in 1880 at just a fraction less than half a cent a ton per mile, at $\frac{49}{100}$ of a cent per ton per mile.

Mr. GEORGE. Does the Senator from New York contradict that?

Mr. PLATT. The Senator from New York suggests that that was before the tolls were removed. That is very possibly true. But I undertake to say, without having the figures by me and venturing solely upon my recollection, that there have been times when grain has been transported from Chicago to New York by rail for less than 4 mills per ton per mile, and I think less than 3 mills, but I do not want to overstate the matter.

Mr. PALMER. Will the Senator permit me to interrupt him?

Mr. PLATT. Certainly.

Mr. PALMER. That was I think a year ago last fall when freight was carried from Chicago to New York at 10 cents a hundred. I think it only applied to grain, but it was not contended that the railroads did a living business. They did that in preference to going back East with empty cars. It was the water communication that forced them down to that, the competition of the lakes and canals. From what knowledge I have, I do not suppose that railroads independently of other business can carry freight for less than half a cent per ton per mile and pay expenses.

Mr. PLATT. That is, to-day?

M. MITCHELL, of Oregon. Will the Senator allow me to state in this connection that the State board of New York, I understand, reported that the cost of transporting wheat on the New York Central Railroad was fifty-four one-hundredths of a cent per ton per mile.

Mr. PLATT. I do not know what the State board of New York has reported. I know what railroads have been doing in the past year. I know they have been carrying wheat from Chicago to New York for less than one-half of 1 cent per ton per mile. I know that in 1880 (it

is so stated here in the report) the rate on the Erie Canal was practically one-half of a cent per ton per mile. But that is not important except in view of the suggestion which I am going to make.

The reduction of freight by railroads has been continuous and steady for a number of years. Five or six or eight years ago it would have been said that it was impossible for a railroad to carry at less than 1 cent per ton per mile; but we have seen in a short time a reduction to half a cent per ton per mile. The limit of that reduction is not yet reached. Nobody supposes that railroads will be deprived of all their carrying business when this canal is completed.

It is proposed to construct this canal so as to make the railroads reduce their charges from the Mississippi River to Chicago. Let us see if the railroad charges are not going to be reduced without this canal. The canal will not be built in five years; I do not believe it will be completed in ten years. During that five or ten years there will be, in my judgment, a continual reduction of the cost of transportation arising by railroad competition, so that when this canal is built I think it very doubtful whether there will be a state of things which will justify the object of building it. I think it is very doubtful whether by the time this canal can be completed the railroads themselves will not have been forced to cheapen the cost of transportation so that a canal will have little effect in the further cheapening of it.

This is going to be a more expensive canal to transport goods over than the Erie Canal by reason of its great lockage. But, Mr. President, I wish to make another suggestion. I said this is not a river or a harbor improvement. It is undertaking a Government work with the avowed purpose of coming in competition with the railroads and cheapening the rate of freights upon railroads, so as to lessen the cost of transportation from the West to the East. That is what this project is, and that being the project, I believe it can be reached much better in another way.

The Senator from Missouri [Mr. VEST] says that canals are antiquated. They are to some extent. I wish to suggest that if the Government really wants to cheapen transportation from the Upper Mississippi Valley to Chicago and the East, the way to do it is to build a railroad and not to build a canal. You can build a railroad for half the cost at which you propose to build this canal. You can build a railroad from Rock Island to Chicago, splendidly equipped with every facility for transporting freight and passengers even at the lowest possible rate, for less than half what this canal will cost, according to the estimate of its friends.

Mr. SPOONER. You could not get a railroad into the city of Chicago for that sum.

Mr. PLATT. I do not know anything about the city of Chicago and the expense of getting a railroad into the city of Chicago; but I undertake to say that a railroad of 175 miles (and it is less than that from Rock Island to Chicago), built as railroads ought to be, honestly and for cash, can be built running to a spot on the lakes where the grain can be transferred into ships, for less than one-half what it is proposed to expend on this canal.

Of course I speak somewhat without the figures and without knowledge on this subject, but I think a little investigation would justify what I say in this respect. But whether it costs one-half or whether it costs as much, if the Government wants to go into competition with the railroads for cheapening the transportation of freight the way to do it is by building railroads. If the Government can build a canal it can build a railroad; if it can operate a canal it can operate a railroad; and if it wants to cheapen transportation in this country because railroad charges are too high, the way is to build a railroad for cash, and operate it upon a basis on which it can be honestly operated.

Mr. PLUMB. The Senator might say right there that very often after the expenditure of money for the improvement of a river the Government can not charge any toll whatever for the use of the work except what is necessary to pay expenses.

Mr. PLATT. I was about to make that remark. The proposition is to build this work for $10,000,000 in round numbers; I think it will cost $15,000,000; and then——

Mr. MCMILLAN. None of the estimates amount to either of the sums named.

Mr. PLATT. Everybody knows that these estimates are of no earthly consequence in settling the question of practical cost.

Mr. EDMUNDS. It will cost $25,000,000 if you build a canal good for anything.

Mr. MCMILLAN. I presume where three surveys of routes have been made by civil engineers and they have made estimates per mile, and have taken into consideration the size of the canal, the dimensions in every respect, it will be about as reliable as a statement made on the floor of the Senate by a Senator without consideration.

Mr. PLUMB. I wish to know what the Senator refers to as a civil engineer. What does he call a civil engineer for the purpose of this work?

Mr. MCMILLAN. The civil engineers are officers of the Army.

Mr. PLUMB. That is just where the Senator is mistaken. The Government of the United States has no civil engineers in its employ except as they are employed as the underlings of the Army engineers, the military engineers, for that purpose. The others are military engineers, with no education necessary to the performance of a civil function.

Mr. MCMILLAN. If the engineers of the Army are not familiar with the art of civil engineering, I should like to know who are.

Mr. PLATT. I should like to finish my speech, which will take but a moment longer. I take these estimates, I say honest estimates if you please, made in perfect honesty.

Mr. MCMILLAN. Seven millions of dollars is the estimate.

Mr. PLATT. It is $7,000,000 from Hennepin to the Mississippi River, and nearly $3,000,000 for improving the canal from the Illinois River at Hennepin to Chicago, which canal will not be good for anything until it is enlarged. It is between $9,000,000 and $10,000,000, according to their estimates.

But as I said before, take those estimates and say they are perfectly honest, everybody knows that this work is to be constructed under river and harbor bills, with a dribbling appropriation, or with no appropriation, or with the money expended as the appropriation may be available, it will cost 50 per cent. more than the estimates, even if built upon those estimates, from the time the work is commenced until it is completed.

Mr. MCMILLAN. Will the Senator permit me to interrupt him?

Mr. PLATT. Wait a moment. I wish to make my speech, and then I will answer any question I can.

What is the proposition of the Government? It is to expend this money in a canal, and then not to charge any toll upon it, to make it free to everybody to use it, and so cheapen transportation from the upper valley of the Mississippi for its great agricultural products to Chicago and the East. Let the Government build a railroad upon those same conditions. Let it give its railroad free to everybody who wants to use it. It can run a railroad as well as it can run a canal. I undertake to say that, in my judgment, to-day transportation by rail with an honestly built and an honestly managed railroad can be done cheaper than by this canal even, and pay some returns to the Government; and when the Government would give the railroad to anybody, you could transport grain and the other agricultural products from this great grain-producing region to Chicago and the East over a free railroad a great deal cheaper than you could transport the products over a free canal.

Mr. President, we may as well look this question in the face. The railroad question in the United States has got to be settled some time or other, and it has got to be settled before a great while. This is a good time to make an experiment which would go a long way toward a settlement of the question. For myself, I want to see the day come when this Government will build and operate one line of railroad somewhere so that it may fairly determine what is a proper rate of charge for freights and passengers upon a railroad.

Do gentlemen say you could not operate such a road if it was free to everybody? There is not a railroad president in the United States who practically operates his railroad. My friend from California knows nothing about the practical operations, the dispatching of trains or the running of trains over his railroad; all that is committed to the train-dispatchers or the superintendent. Can not those superintendents and dispatchers be as well employed by the Government as by railroad corporations? Let the railroad be what it was intended it should be—a road free to everybody to put cars upon it and to run them.

I have said practically all I desire to say except this: It will be urged that to do that breaks bulk on the Mississippi River at Rock Island and breaks bulk at Chicago for products going east. The canal breaks bulk at Chicago. This canal is not to take boats which come down the Mississippi River and come into the canal and then transport them east of Chicago to the Eastern markets. Those boats are not adapted to that. The boats of which my friend from Illinois spoke are 300 tons, or probably five or six hundred ton boats; so that they will have to break bulk at Chicago, and a railroad in place of a canal would only have the additional breaking bulk at Rock Island or whatever the point on the river from which the railroad might start. So I think there would be no great additional expense to be incurred in that way.

These ideas may be crude, but I believe in addition to all the other reasons I have given why I can not vote for this amendment, if you are going in competition with railroads you have got to do it by a railroad. I believe, as I said, that if this Government does not settle pretty soon the question of railroad transportation, and settle it in the interest of the people, the people will settle it for themselves by the Government taking charge of all the railroads in this country. I do not want to see that done. I do not want to see the railroads of this country pass into the control of the Government; but I should like to see the Government make that experiment so as to show what can be done upon a railroad.

Pursuing the matter of which I was speaking a minute ago, if you do not want to break bulk at Rock Island with the boats that come down the Mississippi River laden with produce going over this route to Chicago, then build a railroad according to the Eads principle and transport the boats on that. It would be a good opportunity to settle that question as an experiment.

In view of the suggestions I have made, that this bill is already too

large; that the Republican party is to stand charged before the country with its enlargement from fifteen million to the point at which it shall leave the Senate and pass, if it ever passes; and in view of the fact that this work will never be completed within the next ten years if carried on under river and harbor bills, and that if we are going into competition with railroads the best way to go into competition is to go in with a railroad, I think I am justified in voting against this amendment.

Mr. TELLER. Mr. President, the honorable Senator who last addressed the Senate has served so long upon the committee on transportation by railroads that he is of the opinion that there is no other system which will carry freight except railroads; and he indorses the suggestion made by the Senator from Missouri a day or two since that canals and water ways are obsolete. If that is true, why bring in any river and harbor bill? Why not strike out the rivers and confine ourselves to the harbors alone? If railroads have superseded rivers and canals, then why should we, as is proposed, expend $3,000,000 on the Mississippi River? That amount would build a great deal of railroad. If I recollect aright, in the last ten years we have spent on the Mississippi River somewhere from $15,000,000 to $20,000,000. I do not remember in how many years, but at least within a few years we have spent $6,000,000 or more on the jetties at the mouth of the Mississippi.

Mr. ALLISON. More than $20,000,000 have been spent on the Mississippi River in that time.

Mr. TELLER. More than $20,000,000, the Senator from Iowa says, have been spent in ten years on the Mississippi River alone.

Mr. PLATT. And there is not much to show for it.

Mr. TELLER. Very good; there may not be much to show for it. I do not think we have as much to show for it as we ought to have. I am not defending it; but as long as we continue the system of putting money upon rivers, it does not lie in the mouth of the members of the committee or members of the Senate to come here and say that canals are obsolete, that the canal system is worn out, and that we must put our money in railroads.

Mr. President, I do not intend vote for this river and harbor bill myself. I do not think the bill is a proper bill. I find the objection to it which the Senator from Connecticut finds, that it is too big a bill, not that I am not willing to vote $20,000,000 to-day for deserving and proper objects. I will vote it for the harbors, and I will vote it for such rivers as need it and which will promote the commerce of the country when they are enlarged; but the great number of rivers provided for in the bill which have no national character whatever, and the great number of local interests which are put in the bill, swell it beyond the value that is to be derived from the expenditure, in my judgment.

For the pending amendment I intend to vote. I intend to vote for it because it is one of the few meritorious things, in my judgment, in the bill. I know that the Senator is correct when he says that it is a poor method to put a little money on it this year and a little next year. At least eight years ago in the Senate I expressed my views upon that subject, and said that the right and proper method was to appropriate sufficient to complete the enterprise, and do it at once. I should be glad myself to vote in this bill or some other for the necessary $8,000,000 or $9,000,000 that it is supposed this canal will cost, believing that there would be a corresponding advantage to the people of the United States, and one that would justify the expenditure of the money.

The Senator says that there will be resultant damages from the loss of the water-powers on the Rock River to their owners. If the Senator had examined the reports of the engineers, which have never been disputed, he would have seen that there is a report stating that nothing of that kind can occur. If he had been as familiar with the river as some people are in the Senate, he would have known that it is a thing not to be supposed.

There are only two water-powers between Dixon and the mouth of the river, one at Sterling and one at the town of Linden. This canal could be so constructed as to enter the dam, if necessary, at Sterling and make it a water way. As to Linden, it would not at all interfere with the operations at that point. Then there is another one near the mouth of the river, but when you get there the canal nowhere interferes with it at all, and it is not pretended by the owners of that water-power that there will be any interference. They are the parties who are anxious to have that line taken and to bring the canal as near to it as possible.

As the Senator says, the day is too warm and the time too late to go into an extensive discussion of this bill or of the various amendments in the bill. Here is a proposition to connect the great lakes with the Mississippi River. The proposition is twofold. It is to con nect the lakes with the upper river and with the lower river, the lower river by the way of the Illinois River, the upper river by the way of Green River, Rock River, the Winnebago Swamp, and the Marais d'Osier Swamp, and thus into the Mississippi River above the city of Rock Island. There will be two opportunities then for commerce, one for the lower river and one for the upper.

I can not conceive that the Government of the United States can in this direction anywhere spend its money with greater advantage than in providing a cheap market for the grain of the Northwest. The States which are furnishing to-day the great bulk of the grain that is being consumed by the people of the United States would be directly benefited by this amendment.

Mr. MILLER. And those who consume the grain.

Mr. TELLER. Then, on the other hand, as suggested by the Senator from New York, all the people who consume the grain would be benefited.

It is estimated by competent judges that it would cheapen the price of transportation from the grain fields to the city of Chicago 6 cents on every bushel of wheat, corn, and oats; a sum almost incalculable if gentlemen will stop to figure up the amount of freight of that character which comes into the city of Chicago, not for the benefit of the people of Chicago, but for the benefit of the consumers in New York city, in New England, and all the Eastern part of the country, as that section of the country draws its large supply of grain and meats from the Northwest.

There never seems to be very much opposition to the improvement of the Mississippi River and to various enterprises of this kind in the older and more settled portions of the country, but whenever there is a proposition to do something for the newer States I notice that a spirit of economy comes over the Senate, and everybody then is for saving whatever he can, and unless you can show that it will return a profit to the Government at once, it is said that the expense must not be incurred.

Mr. PALMER. Mr. President, I believe in a river and harbor bill. I have always believed in it. I believe it is one of the most defensible bills that ever comes before Congress, and I am astonished that the friends of improvements in different parts of the country, when we have an overflowing Treasury, instead of apologizing for the amount they ask for, should not take the aggressive and put forth arguments, and I think I can, by way of illustration, give them an instance or two that will justify them before their own consciences and before the country.

I believe if it had not been for the river and harbor bills of the past corn to-day would be used for fuel in Kansas and Nebraska and cattle would be killed for their hides and horns, because the people could not afford to transport them to the seaboard.

By way of illustration, I have a table here which has been carefully prepared showing the decrease in freights from Chicago to Buffalo from 1857 to 1885. In 1857 the average rate of freight on wheat from Chicago to Buffalo was 13¼ cents per bushel. In 1885 it was 2 cents. I think that is a little low, that 2 cents was the minimum; but it was not 3 cents. However, we will call it 3 cents. In 1857 it was 13¼ cents per bushel, and in 1885 it was 3 cents. This table shows it to be 2 cents.

	Cents.
1857	13¼
1874	4
1881	3 7/10
1884	2 1/10
1885	2

There passed through the Detroit River, over the Lime Kiln Crossings, nineteen millions six hundred and forty-five thousand and some hundred tons in 1885. This, resolved into bushels of wheat, would be equivalent to 644,500,000 bushels. The great bulk of that was through freight. It was freight from Chicago to Buffalo, wheat and corn, but we will say that only three-quarters of it was through freight. That would make an equivalent to 495,000,000 bushels that passed over the Lime Kiln Crossings. The saving on that was 10 cents a bushel, or $49,500,000.

But we must remember that at the same time there were probably carried over the Michigan Central, the Michigan Lake Shore, the Baltimore and Ohio, and the Pennsylvania Central, and Grand Trunk Railroads an amount of freight from Chicago equal to the amount carried by lake, for competition with the railroads is what has reduced the price of freight from 13¼ cents down to 2 cents, aided by the improvements made by the river and harbor acts.

It is fair to infer that $49,500,000 was saved on the freight carried over the different roads. There is $100,000,000 saved in one year by virtue of the improvements on the lakes, and I think never over a million dollars in any one year has been appropriated for the lakes, unless it was some year when a lock was to be built at Sault de St. Marie.

Men do not comprehend the immense saving that has been brought about by the river and harbor acts of the past, but $100,000,000 a year can be mathematically figured out as made or saved by virtue of improvements on the lakes. I do not think that any one who looks over the figures will feel at all inclined to gainsay it.

In regard to the comparative merits of railroad and water transportation, I have here a table showing the way the freights were brought down on lake transportation by the railroad competition and improvements of channels on the lakes. In 1868 by lake and canal it cost 24.54 cents to carry a bushel of grain from Chicago to New York. It cost by lake and rail 29 cents. It cost all rail 42½ cents, or nearly double the price by water.

The same proportion prevails down the table until we come to 1884, when the cost by lake and canal was 6.60 cents, by lake and rail 9.07 cents, and all rail 13 cents. I here submit a table.

Average freight charges per bushel for the transportation of wheat from Chicago to New York during the years 1868 *to* 1884, *inclusive:*

Calendar years.	By lake and canal.*	By lake and rail.	By all rail.
1868	$0 24.54	$0 29.00	$0 42.60
1869	23.12	25.00	35.10
1870	17.10	22.00	33.30
1871	20.24	25.00	31.00
1872	24.50	28.00	33.50
1873	19.19	26.90	33.20
1874	14.10	16.90	28.70
1875	11.43	14.60	24.10
1876	9.58	11.80	16.50
1877	11.24	15.80	20.30
1878	9.15	11.40	17.70
1879	11.60	13.30	17.30
1880	12.27	15.70	19.70
1881	8.19	13.40	14.40
1882	7.89	10.90	14.60
1883	8.40	11.50	16.50
1884	6.60	9.70	13.00

*Including Buffalo transfer charges and tolls.

During all these years from 1868 to 1884 it has cost about double to transport by rail that it has cost by lake and by canal. I do not think that you can have a better illustration of the comparative merits of railroad transportation and water transportation than in this table.

In regard to the improvement upon Lake Superior, gentlemen see large amounts, $350,000, voted for the purchase of the Portage Lake Ship Canal and for the Sault de St. Marie locks and Hay Lake channel, but just observe how the commerce of Lake Superior has increased. In 1877 there were 503,899 bushels of wheat shipped by lake from Duluth. In 1885 there were 13,458,000 bushels, showing an increase in eight years of nearly 3,000 per cent., and the increase in the future will probably be as rapid as it has been in the past.

I do not agree with my friend from Connecticut [Mr. PLATT] that railroads are ever going to take the place of water transportation where it is possible to get a canal in a natural bed. Possibly going across some horseback where it requires a tunnel, as on the Isthmus of Panama, railroads may be preferable, but this thing stands out in the past, and I think it will stand out in the future, that the solving of the transportation of grain to the seaboard and of coal and other freight back is going to be brought about by the rivalry between railroads and water communication, and it is absolutely essential that the Government should take hold of these water routes and improve them so as to give the mass of the people a chance for fair competition.

In regard to the Mississippi River, I have been very glad to see appropriations voted annually for that stream. I think very likely we may throw away $50,000,000 before we accomplish any good, but we shall by that time have learned a way by which we can curb or regulate the Father of Waters. We have got to pay for our information, for our tuition, for our education, and if every gentleman would stand up and avow his belief, if he has it, and not seek to apologize for these appropriations, I believe we can go before the people, either Democrats or Republicans, and always be sustained.

Mr. CHACE. Mr. President, I could wish that some other representative from New England had felt called upon to speak in favor of this great national system of internal improvements. I had not expected to address the Senate in regard to this bill or any of the items in it; but after the remarks made by my distinguished friend the Senator from Connecticut [Mr. PLATT], whom I honor highly and in whose judgment I have great confidence, I feel that I can not let this discussion pass upon this item in the bill without saying that for one, representing a New England constituency, I am heartily in favor of the appropriation for the Hennepin Canal.

The matter of aid to internal improvements has steadily grown in the public sentiment of this country. For more than fifty years the public press have been attacking this principle. It has been attacked with most wonderful unanimity by the press, representing all parties and all shades of political opinion. Yet in the face of these persistent, unremitting, and unfair attacks the people of the country and of all sections of the country have grown more and more to appreciate the value and the importance to their material interests of the improvements of the rivers and harbors and the internal means of transportation in the country.

When the famine occurred in Ireland thousands of people starved to death within a very short distance of stores of food, simply because there were not the means of transporting it from the store-houses to the people who needed it. This is a matter of fact. The millions of India have been sunk in poverty largely for the want of means of transportation, and the recent wonderful growth of that country is owing to the fact that the English government in the last twenty years has spent nearly one thousand millions of dollars in improving the means of transportation in that country.

We have presented before us to-day a problem new to the history of this people. We have looked upon our means of producing the ordinary subsistence for the people as beyond approach by any other nation; but to-day we are threatened by the competition of India. In fact, were it not for the small 20 per cent. duty laid upon cereals there have been times during the past year when wheat might have been laid down in the port of New York in competition with our Western wheat. We of the East do not ask for a remission of these duties. We believe and hold to the principle that that which builds up and is good for one locality, for one section, is good for the whole. We believe that if the building of the Hennepin Canal enables the producer of Western produce to land it at the shore cheaper it is a benefit to us.

But it approaches us more nearly. We want this food, and we want our goods transported back by the same means, and for that reason, in my judgment, the people of the East are in favor of this improvement.

The Senator from Connecticut went into some very learned and abstruse calculations in regard to the cost of transportation per mile over railroads and by water. That is not in my opinion an argument which reaches this question. It seems to me that it must be apparent that the great cause which has brought about the reduction of rates of freight between the East and the West has been the improved means of transportation by water; and a very slight examination will prove it. If any person will examine the transportation rates by railroad between the East and the West he will find that they are the lowest where a railroad comes in competition with a water route.

Mr. MCMILLAN. Will the Senator from Rhode Island permit me to call his attention to one fact which I think illustrates his position?

Mr. CHACE. Certainly.

Mr. MCMILLAN. During the season of navigation on the lakes the railroads regularly reduce their freights, and at the close of navigation they invariably raise them.

Mr. CHACE. Yes, that is very true; and I am obliged to the Senator for the suggestion. That simple suggestion is a practical illustration of the effect of this competition.

The people of this country are not afraid of the expenditure of a few millions of dollars for these purposes. They are able to spend the money if they are to be benefited by it, and they are willing to spend it. I know not, nor do I care, what influence operates upon the public press of this country to lead them to make such persistent attacks upon this policy, but I do know, and I know from practical experience in my own personal business, that when we have been able to avail ourselves of water competition we have uniformly obtained cheaper rates from the railroads than we could get under any other circumstances; and in that simple fact, which I wish to reiterate, lies the merit of this appropriation.

To talk about building a railroad to be equipped by the public and owned by the Government it seems to me is chimerical in the extreme. Furthermore, the honorable Senator from Connecticut did not enlighten us upon what it would cost to build such a railroad. If I am not mistaken, and I speak from memory, all the railroads in this country, single and double track, have cost on an average a little over $50,000 per mile, including equipment, and every single mile of railroad between tide water and the Mississippi River, with its equipment and the necessary means of operation, has cost over $100,000 per mile. Senators can multiply $100,000 per mile by 100 miles, and they will find that a railroad will cost very nearly as much as the estimate for the canal.

Mr. PLUMB. The Senator from Rhode Island will permit me to suggest that he is confounding the cost with the bonds and stock issued upon the road. Probably the two sums are entirely different. The cost of the railroads of the United States has not been equal to $100,000 per mile or anything like it.

Mr. CHACE. If the Senator will excuse me, I said the cost of railroads in this country, single and double track, had been over $50,000 per mile.

Mr. PLUMB. The Senator said that with the equipment the roads cost $100,000 per mile.

Mr. CHACE. I said that in my judgment (and I will reiterate it, and I will challenge the Senator to go into the figures upon the cost, having had some little experience in it myself) that you can not build and equip these great railroad lines as they are built between the Mississippi and tide water to-day for less than $100,000 per mile.

Mr. PLUMB. The Senator must then arrange his figures in a little different proportion, for he says that it costs $50,000 a mile to build a railroad. He certainly does not claim that it costs $50,000 a mile to equip a railroad.

Mr. CHACE. But the Senator does not understand me. In speaking of $50,000 a mile I was alluding to all the railroads in the country, a very large proportion of them being single-track roads, built where they can be cheaply constructed, where the land lies like a large portion of the roads on the plains of the West, and taking all together the roads have cost $50,000 a mile.

Mr. PLUMB. I think that is by far an overstatement of the cost; but one thing the Senator should also state, and that is that railroads could never be built so cheaply as they can be now with the single exception of right of way. The material which enters into the cost of railroads never has been so cheap as at the present moment.

Mr. CHACE. That is true.

Mr. PLUMB. I have no doubt that a hundred miles of railroad could be built and equipped for all business purposes for less than $50,000 a mile, certainly for not more than $50,000.

Mr. CHACE. The Senator forgets, however, that probably all the early railroads that were built in New England were built when labor was about five-eighths of a dollar per day, or from 60 to 65 cents, and you could not get that labor to-day at less than $1.75.

Mr. PLUMB. Does that include the labor it took to pour water into the stock?

Mr. CHACE. I beg to assure the Senator that watered stocks in New England are scarce.

Mr. PLUMB. Then the New England people with whom we have had experience out West must have acquired the taste for watered stock at a very late period. My impression was that they had it by experience at home, and merely transferred their experience.

Mr. CHACE. That shows the evil effects of Western association. That is what I say to that. It does not touch this case.

Mr. PLUMB. That is not the entire statement; it was the effect of evil association on the other end of the line.

Mr. CHACE. The Senator from Kansas may hew these facts as he pleases, but he will find that if he had to build a railroad he could not make it at much over the cost of the canal; but whether he could or not, that is not the point. Everybody knows that the United States Government is not going to build a railroad, and the Senator from Kansas, with his keen business instinct, knows perfectly well that after it was built it would be perfectly chimerical to talk about opening the railroad to public management. Furthermore, he knows that the experience of every State which has ever attempted the construction and operation of a railroad has been a failure and a flat failure, and it has been so all over the country. It is not an argument that is to touch this question, in my judgment.

Mr. PLUMB. Will the Senator allow me to interrupt him?

Mr. CHACE. Certainly.

Mr. PLUMB. What would hinder the building of a railroad if Congress should vote the necessary money? The Senator says the Government will not build it. That is simply because Congress will not vote the money, I take it. If all the evidence could be produced in favor of a railroad that we have in favor of a canal, Congress could vote the money and put it through speedily.

Mr. CHACE. And if Congress would approach the subject, the Senator with all his care would be the first one to vote "no."

Mr. PLUMB. No, I would vote "ay."

Mr. CHACE. The Senator will not have an opportunity.

I was saying that I believe the vast majority of the people of this country are in favor of these appropriations and in favor of liberal appropriations for these purposes. They know and appreciate fully that they must improve the means of transportation if they are to retain their business position in competition with the nations of the world. The only thing that has enabled us to compete as producers of cereals with the world has been the fact that we could lay those cereals down at tide water cheaply. The only thing that has enabled us to progress in our manufacturing arts is because we have been able to transport our stuff cheaply over these vast reaches in the country.

I say that the people of New England want the food from the West and they want it brought cheaply. The people of the West want goods from the East, and they want them brought cheaply. For that reason, I know from practical experience, having felt the pulse of the people whom I represent, that they are ready for these improvements and they are ready for this improvement.

Mr. INGALLS. Mr. President, the solicitude of those who represent the Atlantic seaboard and the manufacturing portions of this country for the interests and the welfare of the grain-growers of the West and the farmers of the Mississippi Valley touches my tenderest sensibility. I hope before we get through with this debate that some political philosopher who is urging these appropriations from the national Treasury for the construction of East and West water lines of transportation will tell us who pays the cost of transportation on the grain and the cattle of the West. I have always understood that it was the consumer who paid the transportation rates. It has never occurred to me that when there was a diminution in the rates of transportation the producer got the benefit of it.

When I first went West some quarter of a century ago our supplies of building lumber came from the forests of Wisconsin by way of the lakes and the rivers around by Saint Louis and then up by steamer to the ports of the Territory of Kansas; and it used to cost us $100 a thousand to buy material for building our shanties on the prairies and constructing our fences, in addition to the rates that were charged for hauling from the lumber yards to the place where the lumber was used. In the course of time railroads were constructed, and lumber was brought directly across the country instead of being brought around by steamer to our ports, and the price went down to $15 or $20 a thousand. Will anybody tell me that because of the fact that the rate of transportation went down so that we got our lumber at $20 a thousand there was any increase in the price in the pineries of Wisconsin? Mr. President, it is laughable. We got our lumber in Kansas cheaper. In just as much as the rates of transportation went down the price receded in the market where it was delivered for consumption, and we got the benefit of it. The price did not go up in the pineries of Wisconsin.

It is an absurd inversion of the facts of political philosophy and political economy to say that decreasing the rate of transportation is an enormous benefit to the producer of the grain and the agricultural products in the interior region of this country.

I do not wonder that the Senators from New England favor these appropriations. I should suppose they would do it, because, as the Senator from Rhode Island states, they need our grain. They do not raise wheat and corn enough in New England to give them a breakfast one month in the year, year in and out, and they would starve to death if they were left for subsistence to the products of their own fields.

Mr. CHACE. Will the Senator allow me to interrupt him?

Mr. INGALLS. I do not speak of that in discredit or disparagement of New England.

Mr. CHACE. Will the Senator allow me to interrupt him?

Mr. INGALLS. Certainly.

Mr. CHACE. Is the Senator aware that within the last five months wheat has been sold in London for a less price than it was sold for in the Chicago market on the same day?

Mr. INGALLS. What has that got to do with this question?

Mr. CHACE. It has this to do with it: The Senator will see very plainly that unless you can transport your wheat to tide water cheaply your farmers will suffer in the operation.

Mr. INGALLS. The man in New York who buys for the purpose of transportation, the stock-broker and the gambler in grain, the man who buys it for the purpose of daily consumption, the man in Liverpool, these persons get the advantage of cheap transportation. Does the Senator from Rhode Island pretend to tell me that when the rate of transportation goes down a cent a bushel to New York the farmer of Kansas gets advantage of 1 cent a bushel in the price he receives?

Mr. CHACE. Certainly I do.

Mr. INGALLS. It is preposterous.

Mr. CHACE. If the Senator will allow me, I will say further, that before the lines of transportation were improved as they have been corn was burned on the prairies of Illinois, because it could not be transported cheaply enough to the East. Does the Senator affirm that that is not a fact?

Mr. INGALLS. That is going into another branch of this question altogether. I am not talking about surplus; I am not talking about the exchange of products. I am not talking about the advantage of markets that would enable us to get our freights back again as cheaply from New England to the Missouri River as you get them from the Missouri River to the seaboard; but to tell me that the decrease of a cent a bushel in the rate from Atchison to New York raises the price of wheat or corn 1 cent in the elevators of my city is an absurd piece of nonsense, and everybody knows it.

Mr. CHACE. If the Senator will allow me to interrupt him——

The PRESIDING OFFICER (Mr. FRYE in the chair). Does the Senator from Kansas yield to the Senator from Rhode Island?

Mr. INGALLS. Oh, yes, sir; certainly.

Mr. CHACE. Does the Senator deny that if the 10 per cent. that is exported declines in price the other 90 per cent. will not be affected?

Mr. INGALLS. The Senator evades the issue.

Mr. CHACE. That is the very issue; that is the whole thing.

Mr. INGALLS. It is not the issue.

Mr. CHACE. If you can not export your surplus you can not maintain your price.

Mr. INGALLS. If we can not export our surplus we shall raise something else. We are not limited to wheat or to corn.

Mr. PALMER. Will the Senator allow me to ask him a question?

Mr. INGALLS. Certainly.

Mr. PALMER. What would we raise if we did not raise wheat and corn, and what would we do with it after we raised it?

Mr. INGALLS. If the Senator from Michigan intends to have me solve every question of political economy in this debate, of course it will take a longer time than we can afford to spend on the river and harbor bill. I do not propose to indulge in a disquisition upon any other features than the one before us.

When the Senator from Rhode Island poses here as the friend of the grain-growers of the West because he is in favor of an appropriation of ten millions to build the Hennepin Canal, I tell him that the people of the West are not deluded by that kind of argument. I tell him that no matter how much the price of the transportation of grain to New York may be reduced, the advantage of the reduction goes to the consumer who buys the grain or the gambler and broker who speculates in it, and not to the man who raises it on the prairie, of Illinois or the uplands of Kansas.

Mr. CHACE. Will the Senator allow me to interrupt him again?

Mr. INGALLS. Yes, sir.

Mr. CHACE. Then I suppose the rule would work the other way. How about the merchandise which is transported from the seaboard to the West?

Mr. INGALLS. That is where the advantage comes in.

Mr. CHACE. Does not the West get the advantage of that?

Mr. INGALLS. That is where the advantage comes in, and it is a legitimate argument. It is undoubtedly true that we have the benefit of transportation from the East to the West on that which we buy or exchange. The fact that there is cheap transportation enables you to put down your cutlery, your cotton manufactures, your hardware, your woolen goods, and everything that we want and do not manufacture a great deal cheaper than you could without such cheap transportation. That is where we get the benefit of it. The price of those commodities does not go up in the markets of Rhode Island because they are cheaper to us in Kansas.

Mr. CHACE. Then you ought to be in favor of this appropriation.

Mr. INGALLS. I am in favor of such appropriations as I believe to be national in their importance, but I do not propose to have the Senator from Rhode Island suppose that the people of the West are in any way deluded by the theory he advances—that he is in a very self-sacrificing way favoring this appropriation because he wants the price of grain to go up in the West.

Mr. CHACE. The Senator does not wish to do me an injustice.

Mr. INGALLS. No; certainly not.

Mr. CHACE. I must protest that I did not put it upon any ground but the broadest and the soundest business principles. I stated in epitomizing that we wanted the freight brought from the West cheaply for our use, and that the West wanted the merchandise carried from the East cheaply for their use; that it was a fair give-and-take, a benefit for both parties.

Mr. INGALLS. Very well.

Mr. CHACE. I did not put it upon any philanthropic ground whatever, but upon a sound business basis.

Mr. INGALLS. Not only the Senator from Rhode Island, but the Senator from New York [Mr. MILLER] in his advocacy has announced that he was moved by profound philanthropy for these men of the frontier, that he wanted transportation cheapened in order that the men who are toiling beneath the sun on the prairies of the West should have a better price for their grain.

Mr. MILLER. I know I shall not interrupt the Senator, because he is always at his best when he is interrupted. His memory is not long enough, perhaps, to remember what I said.

Mr. INGALLS. You will find that I recollect something before I get through with this debate that I have not forgotten.

Mr. MILLER. If the Senator will wait until my remarks are written out, or if he will get them now, he will find that in pretending to quote from me he has not quoted a single word or sentence or the expression of a single idea which I used in my speech.

Mr. INGALLS. I had not supposed the Senator had any ideas and I was not pretending to quote his ideas. Of course that would be a superfluity and a work of supererogation.

Mr. MILLER. The Senator is always witty. The other day he quoted an old saw by telling me if I knew more I would be wiser. He is now repeating an old saw by stating that the Senator from New York has no ideas. That is a witticism which I am very glad to have go on the record and let it go for what it is worth. It is as old as the Senator and all of us put together.

Mr. INGALLS. I did not invite this interruption.

Mr. MILLER. The Senator submitted to the interruption.

Mr. INGALLS. I did indeed, and I submit to the results of it. I did not pretend, no person could, to quote the language of the Senator from New York. So far as his ideas are concerned I have already dwelt upon that, and so far as his language is concerned I did not pretend to quote it, but I said that he, in his speech, dwelt upon the idea that the votes of the seaboard were being given to these appropriations as a philanthropic act toward the grain-growers of the West.

Mr. MILLER. Mr. President——

Mr. INGALLS. I repudiate that.

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from New York?

Mr. INGALLS. Yes, sir.

Mr. MILLER. The Senator states that I am in favor of this appropriation and this amendment upon the idea that the East was willing to vote this and other appropriations for philanthropic reasons. I state again that I did not argue it upon any such proposition whatever.

Mr. INGALLS. Well, now I suppose that matter may be considered as settled.

Mr. MILLER. Unless you repeat the statement which I did not make and state that I said it.

Mr. INGALLS. It is hardly worth while to repeat it because it is the stock argument, and I rose at this particular juncture of time for the purpose of stating, as one of the representatives of that region, that we do not accept any gratuities; we are not asking for any appropriations in this bill or any other as a charity; and I state further that every dollar that is appropriated out of the Treasury for an east and west water way is a dollar that is to be expended in violation of the laws of nature and against the best interests of that portion of the country, for so far as the Mississippi Valley is concerned, that great basin extending from the Alleghanies to the Rocky Mountains, they have their own water ways and they have their own system of interior communication, and they do not ask any money for the purpose of creating new water ways that shall run east and west upon this continent. They can take care of themselves.

Mr. President, the Senator from Rhode Island spoke about the great popular desire for river and harbor bills, and said that for fifty years last past they had been a portion of the settled policy of this country. The merest tyro in these matters knows that from the time when Pierce vetoed a river and harbor bill, in 1854 or 1856, there never was another such bill presented till 1870.

Mr. CHACE. Why, Mr. President——

Mr. INGALLS. There was a hiatus of sixteen years.

Mr. CHACE. Will the Senator permit me?

Mr. INGALLS. Yes.

Mr. CHACE. I wish the Senator, if he is going to state my remarks, would quote them correctly. I said no such thing as the Senator attributes to me.

Mr. INGALLS. He said they had met with favor for fifty years past. He used the term "fifty years" and designated fifty years as a period within which the policy of this country had been directed to the annual expenditure of money for rivers and harbors; and yet I say that from the time when Franklin Pierce vetoed a river and harbor bill in 1854 or 1856—I forget which it was—there was not another river and harbor bill passed until 1870, a period of sixteen years. So then this whole scheme, as we now have it, is an outgrowth of recent ideas, a modern policy.

Mr. MCMILLAN. The Senator from Kansas will allow me to call his attention——

The PRESIDING OFFICER. The Senator from Minnesota will wait until the Chair can ascertain whether the Senator from Kansas will yield.

Mr. INGALLS. The Chair need never be at the trouble of stopping proceedings for the purpose of asking if I yield. If any Senator rises to address me, he has the opportunity without any interposition on the part of the Chair.

The PRESIDING OFFICER. The rules make it necessary for the Chair to interpose.

Mr. INGALLS. I waive the rules.

Mr. MCMILLAN. I desire to comply with the rules, of course. If convenient to the Senator from Kansas, and merely for the purpose of his own information, I desire to call his attention to the dates of the bills passed at the period he refers to. An act making appropriations for the improvement of certain harbors and rivers was approved on the 30th of August, 1852; an act making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under authority of law, and for other purposes, containing a number of appropriations, was approved June 23, 1866. In the intervening space there had been temporary provisions made by law for public improvements.

Mr. INGALLS. Not as river and harbor bills; never by that name or under that title, or in any such manner as these bills are now promoted.

Mr. MCMILLAN. I will read one. Here is "an act making appropriations for the construction, preservations, and repairs of certain fortifications and other works of defense for the year ending the 30th of June, 1865, and for other purposes."

Mr. INGALLS. "Fortifications and other works of defense."

Mr. MCMILLAN. It embraces the Delaware Breakwater Harbor and appropriates $100,000 for it. There are some others of this kind between 1852 and 1866.

Mr. INGALLS. If the Senator supposes that that interferes with or militates in any way against my statement he is welcome to interrupt me.

Mr. MCMILLAN. I did not desire to cite them as interfering with the Senator's argument, but merely to give the facts.

Mr. INGALLS. The Senator from Rhode Island further stated that for some reason or other these bills had been made the shining objects of attack on the part of the newspaper press of this country, and he expressed his wonder and surprise that when these bills were so deeply grounded in popular affection the newspaper press could have been so misguided as to express their disapprobation of the means and methods by which river and harbor bills were created and by which they were passed through both Houses of Congress. I agree with the Senator from Rhode Island that there is in this country a deep-seated conviction in favor of proper and just appropriations for the preservation of rivers and harbors and the improvement of navigation.

The Senator from New York spoke about the Erie Canal. I would vote cheerfully to-day to have the United States Government take the Erie Canal and undertake to maintain it and operate it free of toll to all the commerce of the earth that might desire to pass through it, and why? Because that is a great national work connecting the waters of the lakes and the waters of the ocean, and it has been so long in operation that it can justly be considered almost as one of the natural links in the great system of water ways that in my judgment ought to be under national control.

But the reason why there is a deep-seated suspicion in the public

mind about these bills, and why the newspaper press, as the Senator from Rhode Island says, has assailed them, is not because appropriations should not be made for proper national objects, but because these bills have come to be regarded as illustrations of the most rapacious venality that has ever appeared in any legislative body beneath the sun.

Take this bill before us now, Mr. President, and there are five millions in it that can be characterized with no other phrase except that of "boodle." There are $5,000,000 in this bill that are filched from the Treasury if this bill passes, for the purpose of making men strong in their districts at home, for the purpose of enabling men to show their constituents that they can help them in Washington, for the purpose of bringing money into their States to be employed in the construction of water ways and channels of navigation that have no existence upon the map.

I should like, if time permitted, to call attention item by item to some amendments that have been put in this bill by the Committee on Commerce of this body—thousands upon thousands appropriated for the improvement of water ways over marshes with soft, muddy bottoms, without a current or channel, where there is not to exceed 12 to 18 inches of water, and where the adjoining communities have nothing to export except barrel-staves and peanuts.

Sir, the people that I represent would spurn me, I should be an exile from their affections if I were to say that money should not be appropriated for great national objects, for the harbor of New York—and I am glad that the Senator from that State secured an amendment of a million for that purpose—for the great harbors along the Atlantic and Pacific, for the Ohio and Mississippi, and for the other natural water ways which are included in this bill. But, sir, it is not that of which this country complains; it is not that which the press assails. It is the money that is unjustifiably put in here, not for the purpose of improving water ways, but for the purpose of advancing political fortunes, for the purpose of making the bill strong enough so that by combinations that are made it can overcome any possible obstacles which may be presented in this body or the other.

I have prepared a small analysis, incomplete and unsatisfactory it is true, but that I think will serve to illustrate what I have said on this subject. The Committee on Commerce in this body is represented by the States of Maine, Minnesota, Michigan, New York, Oregon, Pennsylvania, North Carolina, Texas, Missouri, Maryland, Florida, West Virginia, and Louisiana. I believe it is the largest committee in this body; but it never will be satisfied until it includes one member from every State in the American Union. The State of Michigan is represented by two members—one in the other House; the State of New York by two members; the State of Pennsylvania by two members; the State of Texas by two members; the State of Missouri by two members; the State of West Virginia by two members, and the State of Louisiana by two members. As this bill came from the House of Representatives, and as it has been amended by the Committee on Commerce, it happens that out of the total sum appropriated, with the amendments, those States that have been favored by membership of the committee obtain a grand total of $7,790,775, or about one-half. The State of Maine has $191,000; the State of Minnesota $120,000——

Mr. MCMILLAN. That embraces ports on Lake Superior.

Mr. INGALLS. The State of Michigan has $1,268,500; the State of New York, $1,904,500; the State of Oregon, $685,000; the State of Pennsylvania, $581,000; North Carolina, $410,000; Texas, $950,000; Missouri, $547,500, including the Missouri River; Maryland, $257,775; Florida, $397,000; West Virginia, $315,000; Louisiana, $163,000.

Now let us look at the increases as reported from the committee of the Senate. Maine has an increase of $40,000; Minnesota, $25,000; Michigan, $350,000; New York, $932,000; Oregon, $185,000; Pennsylvania, $40,000; North Carolina, $173,000; Texas and Missouri, having sufficient I suppose, were not increased; Maryland, $125,275; and Florida, her member of the committee being absent, was decreased $13,000; West Virginia was increased $100,000, and Louisiana $5,000, making a total increase by amendments in the Senate in those States represented by members of the committee of $1,975,275 out of $2,895,275, being nearly two-thirds of the entire increase by amendments in this body.

Mr. President, that can not be a coincidence. Everybody understands that that is not possibly a coincidence. Is there any Senator who believes that if North Carolina had not been represented on that committee she would have had $173,000 increase of appropriation in this bill? Does any one believe that if the Senator from Florida had not been unfortunately absent the appropriation for that State would have been decreased $13,000 in this bill? Does any one believe that had it not been for the importunate energy of the Senator from Michigan his State would have received an increase of $350,000, swelling the aggregate to the enormous total of $1,268,500? No, Mr. President, it is inconceivable; it is incredible. This was not an accident. By fine and subtle processes this bill was builded up to its present proportions. It could not otherwise have happened than by design that out of this total of $2,895,275 increase on this bill nearly two millions should occur in the States that are so fortunate as to have members upon the Committee on Commerce.

And, Mr. President, this is not the history of a solitary year. Year by year ever since 1870 the enormities of these bills have been increasing; they have become more and more apparent, until at last they have shocked the moral sense of the people. And it is in vain to tell me that there is some insensate, unnatural opposition on the part of the newspapers which has resulted in a corresponding feeling of discontent in the popular mind. That is not the way history is made; that is not the way public opinion is formed. Newspapers do not make public opinion; they reflect it. The keenest and shrewdest leaders in the newspaper world are the men who find out what is in the minds of the people and say it, who discover what the people want said and then utter it; and the Senator from Rhode Island inverts the process when he says that river and harbor bills have become disfavored in the public mind because there has been some inexplicable opposition to them on the part of the newspaper press.

Now, Mr. President, about this scheme to which our attention is called to-day for the purpose of constructing what is known as the Hennepin Canal. I have sent to the Library for the purpose of ascertaining the terms and conditions of the law of Illinois to which reference is made in the first clause of this paragraph, but I have been unable to find it. The committee did not see fit to quote it in their report, and I have sent to the Library and obtained a synopsis——

Mr. LOGAN. I will give you the law.

Mr. INGALLS. This synopsis is contained in the revised statutes of Illinois for the year 1883, edited by Mr. Hurst.

Mr. LOGAN. Here is the act [handing a book to Mr. INGALLS].

Mr. INGALLS. I understand that the Government of the United States has donated to the State of Illinois about 300,000 acres of land for the construction of this work. How much has been expended and what part remains this report does not show.

Mr. VEST. There is a report which shows it. I read it the other day.

Mr. INGALLS. I have not seen that.

Mr. VEST. President Arthur's message contains the whole of it.

Mr. INGALLS. The first clause of this amendment declares that—

> The grant of the Illinois and Michigan Canal, its rights of way and all its appurtenances, and all right, title, and interest which the State of Illinois may have in any real estate heretofore ceded to the State of Illinois by the United States for canal purposes, made to the United States by an act of the General Assembly of the State of Illinois approved April 28, 1882, be, and is hereby, accepted on the terms and conditions specified in the act of the General Assembly of the State of Illinois.

I can not understand what right the State of Illinois has to impose any "terms and conditions" on the Government of the United States. We gave them 300,000 acres of land to build this canal; and such of it as they have now constructed, running I believe from Chicago to some point below La Salle, perhaps Hennepin, has been completed and is operated by the State; and the language of the act of the Illinois Legislature is that this canal—

> Its right of way and all its appurtenances, and all right, title, and interest which the State may now have in any real estate ceded to the State by the United States for canal purposes, be, and are hereby, ceded to the United States, for the purpose of making and maintaining an enlarged canal and water way from Lake Michigan to the Illinois and Mississippi Rivers; and this cession is made upon the condition that the United States shall, within five years from the time this act takes effect, accept this grant, and thereafter maintain the said canal and water way for the purpose aforesaid.

This act further provides that—

> SEC. 2. The General Assembly shall have power to withdraw and revoke this proposed grant at any time previous to its acceptance by Congress; but when the United States, by act of Congress, shall accept the grant and conditions provided for by section 1 of this act, the governor shall immediately thereafter execute and deliver, in the name of the State of Illinois, to the United States, a deed of cession, in accordance with the provisions of this act, and shall then and there, or as soon as practicable, surrender all property mentioned in this act to be granted to the proper authorities of the United States.

That is to say, the Legislature of the State of Illinois makes a proposition to the Government of the United States offering to us a canal that has been very largely constructed out of funds that we gave that State, and says very kindly and very thoughtfully that we may have this work now constructed to the Illinois River upon the condition that we will take it up and continue the work to the Mississippi River and thereafter maintain and operate it for the purposes aforesaid, indefinitely, I suppose. If the State of Illinois has any proposition to make to the United States Government to relinquish any portion of its public works or to cede any part of its territory, it appears to me that it puts us in a very singular position to state that we will accept that only upon conditions tendered to us by the State that we shall take up this work where the State left it off and continue it at an indefinite expense to the Mississippi River from Hennepin, and thereafter maintain it free for the use of the commerce of the Northwest that may desire to pass through it. I believe this was submitted to the people of Illinois and agreed to by them.

Mr. LOGAN. Yes, sir.

Mr. INGALLS. There are a number of documents accompanying a communication from the President of the United States made to the Forty-eighth Congress, first session, and printed as Executive Document No. 38, in which, under the signature of Governor Hamilton, dated November 12, 1883, appears a statement of what has been done with the fund that was donated by the Government of the United States

and the present condition of the canal. He states that the original grant was made in the years 1822 and 1827, and that—

The gift and acceptance created a legal obligation on the part of the State to forever keep the canal in repair and open as a public water way for the purposes indicated in the acts of Congress, and this obligation can not be avoided at the will or convenience of the State. That the canal must be kept in operation forever is imperative, unless the State be released from this obligation.

Mr. GEORGE. What is the Senator reading from?

Mr. INGALLS. From the governor of the State of Illinois, Springfield, November, 1883, a communication signed by John M. Hamilton, governor of Illinois, and addressed to his excellency C. A. Arthur, President of the United States, Washington, D. C. This which I have read is contained in the letter of the governor with what purports to be an extract from a report of a committee of the Legislature submitted to the lower house on the 14th of April, 1882. He goes on to state:

Nor does the obligation work a hardship to the State. It has not proven "a bad bargain," but a profitable one. The entire cost of the canal in its construction is, principal and interest, $6,557,681.50. The amount of moneys received by the State from the sale of canal lands given by the United States is $5,886,039.68. This, added to the net earnings of the canal, namely, $2,933,691.74, makes an aggregate of lands and lots sold, with the net earnings of the canal, the sum of $8,819,731.42 realized by the State, which shows a balance of $2,262,049.92 clear profits which were paid into the State treasury, which is more than one-third of its entire cost.

But no portion of which do they propose to surrender, as I understand. The State of Illinois having constructed this canal out of funds given to it by the United States Government and operated——

Mr. CULLOM. Does the Senator pretend to say that the canal cost no more than the land sold for?

Mr. INGALLS. No; I gave the figures.

Mr. CULLOM. It cost much more than the proceeds of the land.

Mr. INGALLS. I read:

The entire cost of the canal in its construction is, principal and interest, $6,557,681.50. The amount of moneys received by the State from the sale of canal lands given by the United States is $5,886,039.68. This added to the net earnings of the canal, namely, $2,933,691.74, makes an aggregate of lands and lots sold with the net earnings of the canal the sum of $8,819,731.42 realized by the State, which shows a balance of $2,262,049.92 clear profits which were paid into the State treasury, which is more than one-third of its entire cost.

And yet with this amount, two millions and a quarter of clear profit on the construction of this canal out of the funds given by the United States Government and the tolls that have been received from it, the State of Illinois coolly proposes to give us the canal and keep the profits, upon the condition that we shall construct the remainder of it from Hennepin to the Mississippi River at an expense variously estimated at from seven million to twenty-five million dollars.

Mr. HAWLEY. There is part of the statement the Senator ought to read, the next sentence.

Mr. INGALLS. I did not read that. I am glad the Senator calls my attention to that:

Besides this sum of money, the canal itself—

Besides this sum of money that is in the treasury of the State—

the canal itself and many millions' worth of real estate, part of said canal lands, yet belong to the State.

Mr. HAWLEY. That is to be ceded back. The reason I called the Senator's attention to that sentence was because I suppose the act of Illinois provides for receding these lands to the Federal Government.

Mr. INGALLS. The real estate has been ceded to the State of Illinois.

Mr. LOGAN. If the Senator will allow me, I think there ought to be fair dealing in all things. I think I represent about as honorable a constituency perhaps as the Senator from Kansas does; no more so, I will say; but the attempt that is being made to show that there was unfairness on the part of the State of Illinois by stating that the proceeds of the lands they had received left a profit of $2,000,000, when that amount was received from tolls, &c., is very unjust. To put it in that way and say the State proposes to keep that is, I think, a character of argument which ought not to be used by a gentleman who is a statesman, which I will admit. Now, the fact is that was done to show the Government that the acceptance of the canal was no hardship, that it was and is profitable to the State; but they cede back all the lands that they have received, which amounts to much more than this, and the Government receives the canal, which is a profitable highway in the way of tolls.

The Senator certainly does not suppose that any State that received tolls on a canal which it offered to the Government, so that a great ship-canal might be made out of it for the benefit of the Government and the people at large, should be criticised because of the fact that it says it has made $2,000,000 over and above the cost of the work by the tolls on the canal. I suppose his own State has received a few acres of land, and will cede them back to the Government in a few years, according to his argument.

Mr. INGALLS. Mr. President, I do not pretend to be a statesman, The Senator from Illinois has a monopoly of statesmanship, and therefore I feel no humiliation at his criticism that the observations I have made are such as ought not to emanate from a statesman. Pretending to be nothing but a common, ordinary, cheap kind of a legislator, looking out for the interests of the country as well as I can, and not being an aspirant for any higher position than that I now occupy, of course I must be assumed to act from motives different from those which would influence the Senator from Illinois.

But I do not think I have made any misstatement, and I certainly would not be guilty in any observations of mine of any disparagement of the State of Illinois, or anything in derogation of her honor or her integrity; but it occurs to me almost irresistibly that if the State of Illinois wanted that canal from Hennepin to the Mississippi River, why did she not take that $2,600,000 of profit in her treasury and go to work and begin to dig it?

The Senator intimates that this sum is the result of the tolls on the canal——

Mr. LOGAN. Tolls and profits.

Mr. INGALLS. Very well. Then it is not just, it is not a fair argument to state here that I said that these funds in the treasury of Illinois were derived from tolls on that canal. I read from a document that has the sanction of the governor of that State; it is not to be impugned by a statement from any source, and I will read it again, that there may be no misunderstanding about it, as its veracity has been called in question.

Mr. LOGAN. No; its veracity has not been called in question.

Mr. INGALLS. It is:

The entire cost of the canal in its construction is, principal and interest, $6,557,681.50.

Pretty tolerably minute. They evidently understood keeping accounts there, for they got the cost of that canal down to a 50-cent piece, and they give us the figures.

The amount of moneys received by the State from the sale of canal lands given by the United States is $5,886,039.68. This added to the net earnings of the canal, namely, $2,933,691.74, makes an aggregate of lands and lots sold, with the net earnings of the canal, the sum of $8,819,731.42 realized by the State, which shows a balance of $2,262,049.92 clear profits which were paid into the State treasury—

Not bled by contractors or plundered by officers, but put into the State treasury—

which is more than one-third of its entire cost.

And beside this:

The canal itself and many millions' worth of real estate, part of said canal lands, yet belong to the State.

Mr. President, I repeat, that if this is a work of great national importance which the State of Illinois desired to retain and which they were operating at a profit, and if they desired further that this system should be continued to the Mississippi River, it is a little singular, when they had $2,262,000 of clear profit in their treasury and many millions' worth of valuable real estate belonging to the canal were yet in their possession, that they did not go to work and at least begin to build it, but on the contrary that they come here with a naked, bald proposition to keep this profit in their treasury, and to cede the canal that they have built out of the funds of the United States Government to Congress upon the condition that we shall take up the work where they have left off, continue it to the Mississippi River, and make it free to commerce.

Mr. President, one other curious thing about this business—and I think probably it is the solution of the problem—is that between the Illinois River at the town of Hennepin and the Mississippi River where this canal is to disembogue there is an elevation of land—I do not want to be inaccurate, because I may be criticised—something over 200 feet in height, and the distance I think is somewhere varying according to the route surveyed from 60 miles—the Senator from Missouri perhaps can tell me——

Mr. HAWLEY. From 75 to 101.

Mr. INGALLS. From 75 to 101 miles?

Mr. LOGAN. What?

Mr. CULLOM. From Hennepin to Rock Island by one route is 64 and by the other 77 miles.

Mr. LOGAN. One route is 64, one is 75, and one is 69.

Mr. INGALLS. Then it is from 64 to 75 miles. One route is 64, one 65.2, one 64.9, one 74.5, and one 77 miles—from 64 to 77 miles. I am told, and have read in authenticated statements submitted to Congress by engineers, that between the Illinois River and the Mississippi River there is a height of land in excess of 200 feet which this canal must cross. Am I correct?

Mr. CULLOM. Two hundred and eight feet.

Mr. INGALLS. Two hundred and eight feet, which must necessarily be crossed by a series of locks. It seems strange that in a prairie country, a region which is the typical prairie of the West, in order to ascertain a route for a water way in the State of Illinois between Lake Michigan at Chicago and the Mississippi River, they had to find a place where there was a 200 feet height in a State that I suppose contains a larger per cent. of level prairie than any other, so level that the complaint in many cases is that it does not drain sufficiently. And to complete a water way between the lakes and the Mississippi River through the State of Illinois it becomes necessary to select a route that has an elevation of 200 feet in a distance of from 64 to 77 miles.

Mr. President, it becomes a curious problem to understand where the water supply is to come from; but I am told that up on the summit of

this ridge, supplied by nature and Providence, I presume upon the same theory that the Irishman mentioned when he said that great rivers usually flowed by large towns, there is a stream that they propose to continue along the ridge and empty at some point into this canal for the purpose of furnishing water on which this commerce is to be lifted up over this divide of 200 feet on its way from Chicago to the Mississippi River. Engineers who have examined this matter state that there is nowhere upon earth a water route that implies such enormously expensive construction as that which will be necessary to lift the commerce that is to be in this way furnished an easier route from the Mississippi River to the Atlantic by way of the lakes over this intervening obstacle of 208 feet, that is to be supplied, not by the waters of the lakes, not by the waters of the Mississippi River, but by a Providential feeder that flows down the summit of this ridge, which they propose to tap somewhere and discharge into the upper lock, I suppose to supply these gigantic aqueous spans on either side by which this commerce is to ascend and descend laboriously step by step between the Mississippi River and Chicago.

Mr. President, if the engineering difficulties of this scheme have not been overestimated, if we have not been made the victim of some beguilement, if these stories are not fictions written out of the Arabian Nights, I should say that a scheme which proposes to commit the United States Government to the expenditure of anywhere from ten to twenty-five million dollars to lift the commerce of the Northwest step by step up this gigantic water stairway 208 feet above the Mississippi River and then slowly step by step down this aqueous staircase allow it to escape to Chicago, was one of the most marvelous that ever entered into the mind of man to conceive.

Mr. HAWLEY. After getting down the 208 feet it has then got to rise again, before getting to Chicago, 140 feet.

Mr. INGALLS. And 140 feet more to Chicago. After they have got over the 208 feet, the 140 will be comparatively a matter of little difficulty.

It may be, Mr. President, that these things are all untrue. It may be that this statement which I have read from the governor of Illinois is merely a passing newspaper jest. It may be that these stories that I have been told about the engineering difficulties are no more accurate and reliable than the stories we hear about the canal that fed the hanging gardens of Babylon. But if they be true, if we are seriously to be called upon to take this project in hand and provide for the construction of this canal over the route that I have described and in the face of the engineering difficulties that have been detailed, I do not wonder that the State of Illinois was willing that the United States Government should take it if they would agree to construct it to the Mississippi River, and that they so declared upon a yea-and-nay vote in their Legislature.

Mr. CULLOM. Will the Senator allow me to ask him a question?

Mr. INGALLS. Yes, sir.

Mr. CULLOM. Does the Senator regard the Erie Canal as of any account to this country?

Mr. INGALLS. Certainly I do.

Mr. CULLOM. Does the Senator know how much lockage there is in it?

Mr. INGALLS. The Erie Canal is builded.

Mr. CULLOM. Certainly.

Mr. INGALLS. The Erie Canal is constructed, in operation, and has been for I do not know how many years. As I said, I shall be entirely willing to take that canal and operate it.

Mr. CULLOM. It never would have been constructed if the Senator had lived at the time, I reckon.

Mr. INGALLS. That would depend on my capacity for endurance of speech.

Mr. CULLOM. I should think so.

Mr. INGALLS. That may possibly be.

Mr. CULLOM. Does the Senator know how much lockage there is on that canal?

Mr. INGALLS. I am told there are sixteen locks at one place and twenty-six at another, and how many more in other places I do not know. But we are not talking about constructing the Erie Canal. That is builded. I said that if the government of New York would relinquish it, I would be glad to take it, locks and all, and provide for maintaining it and let commerce go through free of toll.

Mr. CULLOM. There happen to be seventy-two locks on it, and a lockage of 654 feet 4 inches.

Mr. INGALLS. Very well; but how long is it?

Mr. CULLOM. Three hundred and fifty miles.

Mr. INGALLS. This is 64 miles; and you have 208 feet elevation in the 64 miles, and there they have 654 feet in 350 miles.

Mr. CULLOM. The proportion of lockage is not very different.

Mr. INGALLS. No; because the Senator from Connecticut informs me, and I rely on his accuracy, that in addition to the 208 feet on the 64 miles there is 140 feet more lockage between Hennepin and Chicago.

Mr. CULLOM. So there is.

Mr. INGALLS. Add those two together.

Mr. CULLOM. If the Senator would ask the question he would find that there was no loss of money on account of it there, that that canal is able to maintain itself with a railroad right alongside of it in combination with other railroads which try to destroy it.

Mr. PLATT. Let us have this accurate as we go on.

Mr. CULLOM. I have the information right here from the Chief of Engineers.

Mr. PLATT. From the Illinois River to the summit level there are twenty-three locks in a distance of 18 miles, aggregating a total lift of 205 feet and averaging 11.4 feet to the mile. That is in 18 miles.

Mr. HAWLEY. Now, if the Senator from Kansas will kindly permit, I will give the entire lockage from Chicago to the river. On the old canal already built, which is to be enlarged, there are sixteen locks, with a descent of 141½ feet to Hennepin. Then if you take the Watertown route for the new canal, which is the average in length, as you go from Hennepin to the summit, there are to be twenty-three locks in 18 miles—205 feet by the table I have. Then descending from the summit to the Mississippi River by the medium route of the three there are nine locks and 86 feet of lockage. The total by the Rock Island route is 101; but take the Watertown route and there is between Chicago and the Mississippi River a lift of 432 feet in a distance by that route of 161 miles.

Mr. CULLOM. The Chief of Engineers says in his communication:

> I infer, therefore, that if business enough requires such water transportation there is nothing in the physical features of the undertaking to render it impracticable or prevent it from being a benefit to commerce.

Mr. INGALLS. In one of the sketches accompanying this report showing the Illinois and Michigan Canal and the different routes proposed of the Hennepin Canal is a profile of the different routes; and I wish, as a matter of curiosity, that those Senators who have an interest in this matter would examine it. The western profile from the Illinois River extending upward to the highest level of 208 feet by a series of locks appears to be about as nearly perpendicular as the apex of the Washington Monument; it is steeper than the roof of an ordinary house. Here they are. [Exhibiting.] Then there is a continuous line with one or two locks extending westward toward the Mississippi; and the design is by easier grades and from the plains on the Illinois River to the height of land 208 feet by the series of locks that are here designed. The locks are as consecutive as stairs on a staircase, and the profile shows a slope that is certainly an angle of 45°; and yet we are told that this offers such facilities for the transportation of the grain-growers of the Northwest that they are eager and hungry for this appropriation to be made. I can imagine after grain has been put on a freight train west of the Mississippi River and started for New York the eager alacrity with which every railroad will be directing its lines to the outlet of this canal for the purpose of discharging the corn and the grain and the cattle into the canal-boats of the Hennepin for the purpose of boosting them up over this 208 feet and lowering them down on the other side, and they ought to have a derrick and a lot of pulleys to do it so that they can reach Chicago by going over 140 feet more of the same kind.

Mr. LOGAN. Mr. President, I do not suppose that what I may say can effect anything; but after listening to the very remarkable speech of the very able Senator from Kansas, I am induced to make one or two suggestions.

Mr. HOAR. Will the Senator from Illinois yield to me a moment that I may make one statement of figures? The Senator from Kansas charged upon the construction of this bill by the committee that they had favored the States to which they belong, and pointed out, if I have his figures right, that out of a bill of about fourteen millions $7,790,000 were expended in the States that had representatives on the committee.

Mr. INGALLS. That included the amendments.

Mr. HOAR. That would be a little less than one-half of the whole. Now I want to point out to that Senator that the population of those States aggregates 34,811,786 out of a total population according to the last census of 58,000,000. So on the Senator's own statement the committee, although they represent States whose commercial proportions are infinitely greater than their proportion by population, as will be seen by running over the list—Maine, Massachusetts, Illinois, Ohio, Michigan, Texas—still they have in themselves a proportion very much less than would be their proportion according to population.

Mr. LOGAN. Mr. President, if I can have the attention of the Senate I desire to notice one or two very strange propositions made by the Senator from Kansas. He started out with the proposition that the State of Illinois is under obligation to the Government to complete the Hennepin Canal. The State of Illinois is not under any obligation, nor did she ever undertake an obligation, to complete the Hennepin Canal to Rock Island. There is no such thing in any proposition connected with the Illinois and Michigan Canal, so far as involving the State of Illinois in an obligation of that kind is concerned. If the Senator will examine he will find that he is mistaken in that.

The Senator says he did not say so. The Senator insisted that we were trying to impose upon the Government of the United States the completion of the canal from Hennepin to Rock Island, and asks why

should we not do it ourselves? I say there is no such obligation and no such pretense was ever known or understood in reference to this canal.

In the next place, I wish to call the attention of the Senate to the engineering capacity of the Senator from Kansas. The Senator from Kansas calls this the staircase canal. Let us see how much he knows about engineering; and certainly I do not know anything about it; but I am sure if he was employed by the Government he could make a plan so that we could understand it. He shows the profiles of this canal to the Senate, and he examines them with the horizontal and vertical scale. The horizontal scale is 1 inch to 9 miles, and the vertical scale 1 inch to 150 feet. That kind of engineering, of course, is something very complimentary to a man who understands the scale so perfectly as he does when he undertakes to show the absurdity of a canal of this character.

Now let us examine a little further. What is the proposition of the State of Illinois? Instead of the State of Illinois attempting to impose upon the Government of the United Statee, the fact is that years ago a committee from the Congress of the United States traveled all over this country for the purpose of examining the best mode of opening up water routes for transportation purposes. That committee embraced in its report the Hennepin Canal. That committee embraced in its report the proposition that the Hennepin Canal could be made so as to connect the Illinois and Mississippi Rivers, making a direct route from the Mississippi River to Chicago, from Chicago across the lakes, through the Erie Canal to New York, giving a water way from the Mississippi River to the Atlantic Ocean. These propositions were placed before the country.

The question then arose, Illinois having completed the Illinois and Michigan Canal, how the Government of the United States should obtain possession of that canal. Illinois proposed then if the Government of the United States desired, which they believed was of great interest to the whole commerce of the West, that they would cede this canal to the Government provided the Government would make it a ship-canal.

I do not wish to enter into the details of the thing for the reason that it has been amplified by my colleague to such an extent that I could not give any facts in connection with it that would illustrate the case any more perfectly than he has done, and perhaps not so well.

The Government of the United States had granted to the State of Illinois a certain amount of land provided Illinois would build a canal and connect the lakes with the Illinois River. Illinois accepted the land grant. The State of Illinois built the canal and the State has operated the canal. The State has expended about $6,000,000 in building the canal, a little over a million more than was produced from the sale of the lands. The canal is not wide enough for a ship-canal. It afforded all the facilities that were required at that time for transporting such things as were produced in that part of the country, but at this time it is not sufficient, and for the purpose of making this great water way from the Mississippi River to the Atlantic Ocean as near as may be it is now proposed to make it a ship-canal and to continue it from Hennepin to the Mississippi River.

The Senator says he would be perfectly willing to accept the Erie Canal. That takes commodities from Lake Erie to the Hudson River, where it connects with water transportation to New York city and the sea. He is willing to do that; but if you do that the connection is not made until you connect with the Mississippi River, so that the products of the Northwest shall have an outlet by a water route as well as by railroad. That, in a few words, is the object of this whole thing, and was the proposition made first—not sought by the people of Illinois, as he charges, but suggested by a committee that made the examination for the Congress of the United States as one means of having a great water route from the West to the seaboard.

But so soon as the proposition was made and the State of Illinois took action through her Legislature to comply with the suggestion that had been made, the railroads in that part of the country and every one interested in them commenced a warfare upon the Hennepin Canal, and from that day to this it has been attacked in the same manner that it has been to-day. These attacks do not come always merely from the feeling that exists in reference to its being an objectionable proposition, but the influence of nearly every railroad in the Northwest has fought this proposition from that day to this, and every one friendly to the railroads has done the same thing. I have no fight against railroads nor against the friends of railroads, but I ask them to keep their hands off propositions that are for the benefit of the American people.

The Senator from Kansas says that this is an attempt to filch from the Treasury of the United States from ten to twenty million dollars. That is another evidence of his qualifications as an engineer. This canal has been surveyed time and again. I presume it has been surveyed by engineers a dozen times and perhaps more. Five or six different reports have been made in reference to the different routes between the Mississippi River and Hennepin connecting with the Illinois and Michigan Canal at that point, and each and every engineer officer who has made a report has reported that the route is feasible, and not only feasible, but the highest estimate placed by the engineers, who have made three or four surveys within the last two years, has been $7,000,000, and that includes the feeder that the Senator spoke of in such a criticising manner as he did when he spoke of its tumbling down the staircase of this canal.

Now, let us see how the Senator's statement compares with the statement of the engineers who have surveyed this route and made their estimates. The estimated cost of constructing the canal and feeder, including the right of way, is $5,811,367.50 for one route, the Marais d'Osier. The estimate for the Watertown route is $7,207,646.88, including all expenses, cost of feeder, right of way, and everything connected with the construction and completion of the canal. The estimate for the Rock Island route amounts to $6,672,890.67.

As I said, the highest estimate for either of these routes, for the most costly one, including the right of way, feeders, locks, and everything connected with it, is a little over $7,000,000. The Senate must say whether we shall take the estimates of engineers when we come to compare them with the statements of a Senator who knows more about canals than any man I have known for a long time. If his statements are correct or if what he says about this canal is true, the engineers are all crazy. Of course the engineers would not say such a thing about him, nor would they say that he had misrepresented, but they would certainly say that he was mistaken.

The statement has been made that the governor of Illinois had made a report to the President of the United States and showed that he wanted to get rid of this canal, and for that purpose wanted it dumped on the people of the United States, and that $2,000,000 had been made by the State of Illinois, and that therefore we expected to speculate to that extent. I will say that the lands to-day that would be returned to the Government of the United States under this proposition I have not the slightest doubt are of more value than the amount it took to complete that canal; and yet the State of Illinois proposes to cede back everything that the Government gave to the State except that portion which was expended in the construction and completion of the canal. What more could a State do? What more would a State be asked to do than to return everything received from the Government except that which had been expended?

But it is said the State of Illinois received a small pittance by way of tolls, &c., and therefore it is not acting fair because it does not propose to give that up, too. I did not know the Government wanted it, and nobody thought of it. It is a matter for the Government of the United States represented in Congress to do just as it pleases about this proposition. But I will say if you ever have a through water route from the seaboard to the West, which one day will come, this will be the route and no other. It is the only opening that can be made cheaply from the Mississippi River to Chicago, where it strikes the lakes, by taking the Illinois and Michigan Canal, which is 96 miles in length and a fine canal, too, widening it, and connecting this with it. It is the only way the Government can ever open a water route to the seaboard from the Western country.

Mr. President, so far as this river and harbor bill is concerned it seems to have been attacked pretty generally. I have naught to say about that. I do not propose to discuss it at this time especially, nor do I expect to do it hereafter; but this one proposition seems to have been selected by certain Senators here to make a raid upon the whole bill, and not only that, but especially upon this part of it.

I do not intend to detain the Senate further than to say that if the fact that this canal itself, when presented to the country as it has been, does not make an argument sufficient to induce Members of Congress and Senators to vote for a small appropriation so as to accept the proposition of the State of Illinois, there is no argument that I can make in favor of it which would induce them to do so.

It is the cheapest route from the Mississippi River to the Atlantic Ocean. It will be a benefit to all the people in the Northwest, whether they are producers or consumers. It will be a route coming in competition with railroad routes, and it will to that extent reduce freights, and to that extent it will benefit everybody.

One fact which has been stated here proves what I say to be true. While the Illinois and Michigan Canal is open in the summer freights are lower on the railroads than they are when the canal is closed. Why is that? It is because there is at that time no competition with the railroads. And if the railroads and their interests can prevent the Government of the United States from taking hold of this work and building it, to that extent they are profited, and they can do as they have always done, fix their own rates, make their combinations, and deprive the producers of that country of profits on their products, if this proposition is defeated, which has been the case for years and will continue to be so.

The Senator's own State is interested in this. All the Western and Northwestern country is interested in it, and no matter what he may say that nevertheless is true.

I have said all I desire to say in reference to this question. It is not, as has been said, that Illinois is trying to dump this thing on the people of the United States and take from the Treasury millions of dollars. This canal is for the benefit of commerce, for the benefit of the country, for the benefit of all the people of the Northwest. I know that

my friend the Senator from Missouri [Mr. VEST] has an idea, that is covered up neatly, that it will somehow or other injure Saint Louis, and that therefore the people of Saint Louis must oppose the Hennepin Canal. It can not affect the city of Saint Louis in the slightest degree. That is beginning to be a great railroad center now from the Northwest to the Mississippi River, and the people of Illinois have been as free always in giving appropriations for the Mississippi River as any class of representatives that you will find in the United States; and it was a report that I made as the head of a committee that examined that river which caused one of the largest appropriations ever made for it. We have always been the friends of clearing out obstructions in and opening that great channel of commerce for the benefit of the Northwest; and we do feel that it does sometimes come in a way that is unexpected to us when we find in this little improvement that is calculated to advance the interests of our State and the Northwest country north of that portion where the Senator resides that it is attacked just in the manner it has been here in the Senate.

This same proposition was adopted in the Senate at one time on a river and harbor bill. The very proposition that we make to-day was in a river and harbor bill which passed the Senate some years ago, but it was stricken from the bill by a conference committee. It was then considered by the Senate of great importance; but in conference, owing to some influence or other, God knows what, much to the surprise of all of us it was stricken off, and at a late hour of the session the bill passed without it, the conference report being agreed to.

So we have found year after year the same character of opposition not only in the Senate, but outside of it and surrounding it. Senators here honestly oppose the measure because they think it is not a proper work for the Government to undertake. But the influences outside oppose it because they believe it will be inimical to their interests and will cause their profits to be less.

That is all I desire to say.

Mr. MITCHELL, of Oregon. Mr. President, I have been surprised at one proposition made by the Senator from Kansas to the effect that the benefit arising from cheap transportation of wheat inures alone to the consumer and that the producer gains nothing.

Mr. INGALLS. I did not say that. My proposition was that a reduction in rates of transportation was not followed by an increase of the price of the article produced at the point where it is produced. I did not say there was no benefit from cheapening transportation.

Mr. MITCHELL, of Oregon. I certainly understood that to be the proposition, nor does the Senator's explanation materially change it. Now, this can not be correct, because the price of wheat in the Liverpool market is regulated not by the price of transportation in this country but from the competition from other countries, Australia, India, Russia, and Western Asia.

The pending question is on the amendment of the committee relative to the proposed improvement known as the Hennepin Canal. I am heartily in favor of this great national work. And I may as well at this as any other time state my reasons for favoring a river and harbor bill making liberal appropriations for the improvement of the rivers and harbors of this country. And I can, perhaps, better than in any other way illustrate my views by discussing the question with reference to the proposed appropriations in this bill for the improvement of the rivers and harbors of the Pacific Northwest.

The amendments of the committee to the House appropriations for continuation of improvements at the mouth of the Columbia and the Cascades of the Columbia may very properly be discussed together, as they both relate to the improvement of navigation facilities on the one great river.

The amendment increasing the amounts for the construction of the improvements at the harbor of Yaquina may also very properly be considered at the same time and in the same connection, as the effect of the completion of that work—and of the Oregon Pacific Railroad, now completed and in operation from Yaquina to the heart of the great Willamette Valley—must inevitably, in connection with a free river, tend immensely not only to the reduction of transportation charges on freight to and from the Willamette Valley but also on the products of the Great Basin of the Columbia, for the transportation of a goodly portion of which it will in the near future be a powerful competitor.

The estimates of the Engineer Department of the amounts that can be profitably expended in these important improvements for the fiscal year ending June 30, 1887, are as follows: At the mouth of the Columbia, $1,330,000; on the canal and locks at the Cascades of the Columbia, $750,000; on the harbor at Yaquina, $160,000. The bill as it came from the House appropriated for the former but $150,000, or less than 12 per cent. of the amount of the estimates, and for the Cascades Canal and Locks $200,000, or less than 27 per cent. of the estimates; and for Yaquina, $80,000, or 50 per cent. of the estimates. The Senate Committee on Commerce have added $100,000 to the former and $50,000 to the appropriation for the canal and locks, and $20,000 additional for Yaquina; so that the bill as it will stand should these amendments be concurred in by the Senate, will appropriate for the mouth of the Columbia $250,000, or a fraction less than 20 per cent. of the estimates; for the canal and locks at the Cascades of the Columbia, $250,000, or precisely 33⅓ per cent. of the estimates, and for the Yaquina Harbor $100,000, or about 63 per cent. of the estimates.

The questions now presented are: Should these amendments be adopted? Are they reasonable and just? Are they consistent with the general theory of this bill and with other proposed appropriations for works of equal national importance? The most cursory examination will show that each of these queries must be answered in the affirmative.

While it is perhaps true that it may require some effort to reconcile some of the proposed appropriations in this bill with the constitutional requirements to which appropriations for the improvement of rivers and harbors should conform, in the case of the proposed appropriations for the improvement of the navigation of the Columbia River and the Yaquina Harbor there can on this score be no room for doubt, no opportunity for speculation. Here every constitutional requirement is fully, fairly, and completely met. Against either the constitutional power, the absolute justice, or entire propriety of these appropriations every suggestion and argument and assault, whether from constitutional lawyers, reform statesmen, or carping critics must, viewed from whatever standpoint, fall wholly ineffectual and harmless.

The immense importance of these national improvements to the commercial interests of the Pacific Northwest can not well be overestimated. The amounts necessary to their completion—and I speak first of the appropriations for the improvement of navigation on the Columbia, and shall discuss Yaquina Harbor later on—are but infinitesimal drops in the mighty ocean of physical and commercial development, material prosperity, and political and social power, the creation and establishment of which must inevitably result as a necessary consequence from the completion of these improvements and the opening up to free, unrestricted, and untrammeled navigation the waters of this, one of the grandest among the many grand rivers of the world. Indeed, so vast are the interests of the present and future generations that are involved in the opening of the Columbia River to a free and unfettered commerce that neither the pen of prophecy, the prescience of gifted statesmen, nor the most penetrating genius of man can even measurably foresee or comprehend or describe them. If by any feeble efforts of mine I may in part be instrumental in contributing to this great end I shall have realized one of the grandest ambitions of my life, the realization of which for over a quarter of a century has, whether in public or private life, been one of the brightest dreams and grandest hopes of my existence.

To those who have never traversed the great valley of the Columbia, who have never in person or through reliable books or proper data explored what is commonly known as the Great Columbia Basin, or inland empire, or contemplated its present productions, its immeasurable resources, or the almost incomprehensible vastness of its susceptibilities and future possibilities under the more favorable circumstances that will attach when the freedom to navigation of the Columbia River shall have been thoroughly established by the completion of these and other like or equally important improvements at The Dalles of the Columbia, the true story of the magnitude, the productiveness, the susceptibilities, the grandeur of this mighty empire must appear as the recital of one of the tales of the Arabian Nights. And herein lies the great difficulty with which Senators and Representatives from the State and Territories of that distant region have to contend in bringing to the Senators and Representatives in the East and South a proper comprehension and realizing sense of the facts so important to be properly understood in connection with the proposed appropriations for the improvement of the Columbia River. And indeed it may not inappropriately or untruthfully be said that not the least of these difficulties to be overcome is to be found in the fact that a fair and impartial statement of these facts, relative to the magnitude of the country to be developed, its unparalleled fertility, its great productiveness, its healthful climate, its unbounded resources, and its grand scenery and climatic attractions, together with the enormity of the burdens now imposed on the producers and shippers of that magnificent region, in the matter of excessive and grossly exorbitant freight charges, and unjust discriminations that are being practiced; and the great relief that a free river would necessarily bring to the present and future producers and shippers of that country seems so unreal, and to the uninformed so apparently incorrect and exaggerated, as to create in the mind a sense of incredulity, if not indeed of absolute disbelief.

Whenever, therefore, I essay to speak of these things I find myself under a feeling of constant restraint and inclined to hesitation, being apprehensive that the statement of facts as they really are may have a contrary effect from that intended. First, however, let it be understood that by reason of the obstructions to navigation at the Cascades of the Columbia and The Dalles of the Columbia, the Columbia River being the only real pass through which the productions of the Great Columbia Basin or inland empire can find their way to the seaboard, it has been made possible for one corporation engaged in the business of transportation to intrench itself as a powerful, relentless and, I was about to say, remorseless tax-gatherer and collector of tribute at these gates of commerce on this grand river, and thus absolutely control the navigation of the waters of the Columbia and its tributaries

from their source to the sea, and dictate the terms of its commerce. Nor is it strange that business genius and capital were not slow to comprehend the commercial and strategic importance of these passes in the mountains, and obtain absolute and undisputed possession of this "key point," to use the descriptive language of the United States engineer in charge of the improvements of the Columbia River, "in the commercial strategy of the Pacific Northwest."

For years, and from the earliest period of the establishment of civilization in the far West, this corporation, the Oregon Railway and Navigation Company, and its immediate predecessor, the Oregon Steam Navigation Company, have held undisputed sway over the waters of the Columbia and its tributaries, with no restraint or restriction whatever on their power, discretion, or disposition in the establishment of rates of transportation to which the producers and shippers are subjected, save and except one, and that is the ability and willingness of the producer or shipper to respond to their demand. That this corporation have provided most important and valuable facilities for transportation both by boats and rail at a great expenditure of money is admitted by all; that this money, however, has in the main come from the producers of that region is equally true; that their facilities, notwithstanding their substantial nature, are insufficient to move in proper season the products of the inland empire, failing in 1884 to the extent of 35,000 tons, is admitted by all; that their freight rates, moreover, now and for years past have been such as to amount to a sum annually far beyond any reasonable, fair, or just, or even an extravagant interest on every dollar expended after meeting every proper charge and keeping their transportation lines in good condition, is a question that even the managers of that powerful company would be loath to deny, and which is, moreover, a fact open to absolute and positive demonstration by indisputable evidence. That the people of an empire located on the banks of one of the grandest rivers of the world should in the matter of transportation of their products and supplies be held subject to the will of one corporation is contrary to every principle of fair play, justice, and right that should find countenance, respect, or toleration among intelligent and civilized men.

That the waters of any one river on God's green earth, much less one so grandly magnificent in volume, length, and every other respect as the Columbia, endowed with all those elements of greatness and grandeur, and moral and physical power that constitute and characterize the greatest of the great internal water ways of the world, should be dominated and controlled by any one man or any one set of men, or corporation, or company, is a standing reproach to the people or nation that tolerates or permits it, and all this must be said and is said without casting any personal reflection upon the men engaged in the business of transportation along this great river, or who compose the stockholders and managers of this corporation, and who have been so fortunate as to obtain control at an early day of this most important key to the commerce of the Pacific Northwest.

To change this order of things, and to more nearly equalize the rights, interests, and profits of the producer, consumer, shipper, and transporter in the great valley of the Columbia, to open up the waters of this great river to honorable competition, healthy commerce, and business rivalry in the matter of transportation, and of free and untrammeled navigation, are the great purposes of these appropriations.

THE INLAND EMPIRE.

But what of the magnitude and character of the area of the Columbia River region and of the arable field of what is most generally known as the Columbia Basin or great inland empire, and which are to be developed by a free river, and whose producers are to be relieved from transportation burdens which amount to-day almost to an absolute embargo on production? The area drained by the Columbia River, we are told by the report of the Chief of Engineers on our desks, is estimated at 245,000 square miles—an area he correctly states larger than all the New England and Middle States, with Maryland, Virginia, and West Virginia thrown in—all these States combined having an area of but 244,260 square miles. The area drained by the Columbia River and its tributaries is twice as large as Great Britain and Ireland, more than twice the size of Italy, half as large again as Spain, and many thousand square miles greater than either France, Germany, or Austria-Hungary, and greater than all the islands of the seas combined.

Snake River alone, a tributary of the Columbia, flowing into it over 300 miles from the sea, drains an area of nearly 105,000 square miles, and its valleys are among the most fertile and productive on earth; while the Upper Columbia, above the junction with the Snake, drains an area of 97,155 square miles, and the main stream of the Columbia, below the Snake junction, 43,200 square miles. The engineer in charge of the works on the Columbia, in speaking of this vast area, uses the following language:

It has been demonstrated that nearly the whole of this great plain is a magnificent grain-producing country, as the statistics submitted herewith will show. Furthermore, the soil is not only fertile, but of extraordinary endurance. In the Willamette Valley the fields that have been continually cropped with wheat for twenty years are now yielding from 30 to 35 bushels per acre of winter wheat.

When it is considered that, in addition to its grain-producing capacity, this region has ample resources in precious metals, coal, iron, and most of the various products that go to make up that interweaving of a great variety of industries which always insures the development of wealth and prosperity, it becomes evident that the mountain gorge that commands the whole trade of such a country is worthy of considerable attention from Congress. The development of this region will add so rapidly to the material wealth of the nation, and add so largely to its revenues, it is thought that every dollar expended will come back many fold into the public Treasury.

The obstructions to navigation through this gorge occur at The Dalles and at the Cascades. At the latter place the works for improvement are approaching completion.

But coming to speak more properly of what is known as the Columbia River Basin or inland empire, as separate and apart, and distinguished from the still larger area drained by the waters of the Columbia and its tributaries—I refer to that area of most remarkably fertile and marvelously productive country located between the Cascade range of mountains on the west and the Cœur D'Alene and Bitter Root Mountains on the east with the Blue Mountains to the south and the Colville Mountains to the north—we find an area, the very large proportion of which is magnificent arable land, of over 25,000 square miles in extent, or about 25,000,000 acres, all susceptible of a high degree of cultivation; a more attractive and substantial region than is the valley proper of the Mississippi, extending 1,097 miles by the flow of the Mississippi from Cairo to the Gulf, for in that great valley is embraced an area of but 41,000 square miles, while of these 32,000 square miles are liable to overflow. And the products, present and prospective, of this great area must find their way to the seaboard along the waters of the Columbia River. At least must this be so until the completion of the Northern Pacific Railroad across the Cascade Mountains to Puget Sound, or the completion of the Oregon Pacific, connecting the Columbia Basin with the Pacific Ocean at Yaquina Bay. But even when this is done, in order that combinations between the two or three or more railroad companies—the Northern Pacific, the Oregon Railway and Navigation Company, the Oregon Pacific, and Oregon Short Line or Union Pacific—for the purpose of maintaining freight rates at high figures and controlling the transportation of that country may be rendered impossible, it becomes a matter of the first importance to the people of the inland empire that the waters of the Columbia River and its tributaries should be freed from obstructions from their mouths to their source at the earliest possible date and opened to free navigation. This done, and the power of any one railroad company or any two or more corporations to dictate freight charges to the producer of that country will be forever at an end. The great importance of these improvements and the value of free navigation on the Columbia and its tributaries will be emphasized when it is stated that by these we have a total inland navigation for vessels of various classes for a distance of about 1,686 miles, as follows:

By the main Columbia River 1,032 miles, 752 miles of which are within the United States; Pend O'Reille River, 180 miles; Clear Water, 40 miles; Kootenay, 100 miles; Willamette, 172 miles; and Snake River, 162 miles. And while at present much less than one-tenth of the cultivable soil of this great inland empire is under cultivation, and while the population of the Basin of the Columbia does not exceed at present more than two human souls to the square mile, or only about one-ninth of the average population to the square mile in the United States, the product of this area for the year 1885 in the matter of cereals alone (wheat, oats, and barley, but principally wheat) amounts to about 14,000,000 bushels—the ground producing on an average over 30 bushels per acre of winter wheat, and from 20 to 25 bushels per acre of spring wheat, or considerably more than double the average product per acre of the United States or the world, while in some instances even on tracts of considerable magnitude the yield has been from 50 to 60 and even 75 bushels per acre and even more, while I am credibly informed as much as 100 bushels have been raised in more than one instance on choice spots under exceptionably favorable circumstances. It is estimated that the area generally referred to as the Columbia Basin or inland empire is capable of producing when properly cultivated over 100,000,000 bushels of wheat per annum.

But to the magnitude of the area of this fertile field, and the prolific character of its productions, the vastness of its undeveloped resources, must be added the fact of the extraordinary endurance of its soil. It is of that peculiar character and depth of formation as to cause it to retain through an indefinite number of years, although subjected to constant annual drains from successive crops of the same character, that *vis vitæ* essential to continued healthful and prolific production. The soil averages from 12 inches to forty, fifty, sixty, and even hundreds of feet in depth; and by actual experiment soil taken from a depth of 40 feet and placed on the surface and exposed to the climatic action of the sun and atmosphere has produced an abundant crop of wheat. Fertilizing the soil of this region by artificial means is as unheard of in the Great Basin of the Columbia as it is unnecessary and useless; and this is true of irrigation as to the greater portion of it. Giving the field over to rest, clover, and lime, or other fertilizing influences every two or three years, as is the custom in the East, find no recognition in the life and practice of the farmer in the wheat-producing empire of the Columbia. The great fact I desire to impress and the lesson sought to be imparted by these statements may receive proper support and emphasis by a quotation from an interesting report made some three years since on the character and resources of the Great Plain of the Columbia by Lieutenant Symons of the United States Engineer Corps. I quote from his report. He says:

Over nearly the whole of this Great Plain of the Columbia there is now spread

a rich and fertile soil, varying in depth from a few inches to hundreds of feet. This soil has been the product of the grinding action of the ice and drift of the Glacial epoch, by the water-wearing of the Champlain epoch, and from the disintegration of the rocks during the last and present existing Terrace epoch, by the action of summer's rain and heat, winter's frost and cold, and the chemical decomposition arising from exposure to the atmosphere.

Maj. William A. Jones, Corps of Engineers, United States Army, now in charge of improvement on the Columbia River, in his recent interesting and able report (Senate Executive Document No. 114, Forty-ninth Congress, first session), after reciting the above from Lieutenant Symons's report, says:

Since the date of this report it has been demonstrated that nearly the whole of this great plain is a magnificent grain-producing country, as the statistics submitted herewith will show. Furthermore, the soil is not only fertile, but of extraordinary endurance. In the Willamette Valley fields that have been continually cropped with wheat for twenty years are now yielding from 30 to 35 bushels per acre of winter wheat.

When it is considered that in addition to its grain-producing capacity, this region has ample resources in precious metals, coal, iron, and most of the various products that go to make up that interweaving of a great variety of industries which always insures the development of wealth and prosperity, it becomes evident that the mountain gorge that commands the whole trade of such a country is worthy of considerable attention from Congress. The development of this region will add so rapidly to the material wealth of the nation, and add so largely to its revenues, that every dollar expended will come back many fold into the public Treasury.

While General Nimmo, late Chief of the Bureau of Statistics, Treasury Department, in discussing this subject in his annual report of May 6, 1885, on the internal commerce of the United States, on page —, says:

Several years ago the soil of this region was subjected to chemical analysis, and it was found to be possessed of properties which have rendered the soil of the island of Sicily susceptible to wheat culture for more than two thousand years.

But the immense wealth of this grand area is not limited by any means to the production of cereals. It is unsurpassed in the matter of stock production and in the products of beef and wool, and butter and other dairy products, to say nothing of its stores of mineral wealth, of coal and the precious metals, which are rapidly swelling the volume of exports that must find their way to the seaboard. The rapid increase of sheep-raising and wool-production in the State of Oregon in the last few years has been marvelous. Eleven years ago, on January 1, 1875, the total number of sheep in the State of Oregon was but 634,400, while on the 1st of January, 1885, ten years afterward, they numbered 2,519,950, or an increase in one decade of nearly 400 per cent., while in the same period oxen and other cattle and milch cows had increased from 205,000 to 620,565. These are the estimates contained in the annual reports of the Department of Agriculture. The following estimate is, as to a portion of the locality under discussion, made by a gentleman residing in that section and thoroughly acquainted with the subject of which he speaks. I refer to Hon. John P. Wager, recently elected to the State senate from Umatilla and Morrow Counties. I quote from his statement:

I estimate that there are in the Oregon part of the Columbia Basin alone, south of the Columbia, not including any portion of Crook, Grant, Baker or Union Counties, which are devoted chiefly to this industry, not less than forty-five thousand horses, not counting last spring's colts; forty-three thousand cattle, not counting last spring's calves, and six hundred thousand sheep, not counting lambs; and that the wool-clip last spring was not less than 6,000,000 pounds. If we add the portions of Baker, Grant, and Crook Counties naturally tributary to the Columbia, these figures will be nearly doubled—probably more than doubled as to cattle. A rough guess as to the whole basin might be made by multiplying these figures by four or five; then multiply the number by the price, and you can begin to get an idea as to the dimensions of the stock industry in the inland empire.

THE EXORBITANT NATURE OF TRANSPORTATION TARIFFS ON THE PRODUCTS OF THE COLUMBIA BASIN.

In order that the Senate may have some proper conception of the enormous freight charges on the Columbia River and on the line of the railroad coursing the banks of that river and operated by the Oregon Railway and Navigation Company and the Northern Pacific Railroad Company, I desire to attract attention to the rates on a few of the distances on these lines, and they are not very short hauls, and compare them for a moment with transportation charges on other lines in different sections of the country. For instance, from Wallula Junction, Wash., to Portland, in the State of Oregon, a distance of 214 miles, a charge of $6 per ton for wheat is exacted. This is at the rate of 18 cents per bushel for this distance, or at the rate of nearly 3 cents per ton per mile.

Again, from Portland to Alkali, or Arlington, as it is now called, on the Columbia River, in Gilliam County, Oregon, a distance of 142 miles, a charge of 65 cents per 100 pounds on first-class freight is imposed, being at the rate of $13 per ton for that distance, or about 9⅛ cents per ton per mile; while from Portland to Castle Rock, on the same line, a distance of 162 miles, or about 20 miles further than to Arlington, the same class of freight on the same line is charged 90 cents per 100 pounds, or at the rate of $18 per ton for this distance, or at the rate of 11⅛ cents per ton per mile; or, in other words, for the additional distance of 20 miles between Alkali and Castle Rock an additional charge of $5 per ton is exacted for first-class freight, or at the rate for this distance of 25 cents per ton per mile.

Again, from Dalles City to Portland, Oreg., a distance of 88 miles, a charge of 12 cents per bushel is made for transporting wheat, being at the rate of $4 per ton for this distance, or at the rate of 4½ cents per ton per mile.

It will be observed I have selected for illustrations the rates between Portland, Oreg., and four several, separate, and distinct points located on and along the Columbia River, east of the Cascade range of mountains, in the basin of the Columbia River; that is to say, Dalles City, 88 miles east from Portland; Alkali (or Arlington), 142 miles east from Portland; Castle Rock, 162 miles east from Portland, and Wallula Junction, Wash., 214 miles east from Portland. From these instances a fair knowledge may be obtained of freight charges generally on the lines of rail and steamers connecting the head of ship navigation at Portland, Oreg., with the Great Columbia Basin, or what is commonly known and called in that section the great inland empire.

But still further let us inquire into the position in which the farmers in the Walla Walla and portions of Eastern Washington and Oregon are placed who might desire to ship their grain to Minneapolis and the East. While the Oregon Railway and Navigation Company will take their wheat, barley, and oats to Portland over their line, a distance of say 250 miles, at $6 per ton, they will charge them if they wish to ship to Minneapolis, via Wallula and the Northern Pacific Railroad, $2.40 per ton for the 30 miles from Walla Walla to Wallula, or at the rate of 7¾ cents per bushel, or at the rate of 8 cents per ton per mile.

Can, I inquire, such enormous transportation charges or such unreasonable and unjust discriminations be found to exist in any other part of the United States? I imagine not. Compare these even with the freight charges in the State of California, of which we have heard so much complaint in regard to alleged exorbitant exactions, and what do we find? Take the matter of the transportation of freight, for instance, from the valley of the Sacramento to San Francisco. The distance from Marysville, Cal., to San Francisco is, via Benicia, 142 miles, or precisely the same distance it is from Portland, Oreg., to Alkali or Arlington, or via Stockton and Niles, 192 miles, and via Stockton and Port Costa, 203 miles. The principal portion of the freight (cereals) goes via Benecia, as it is much the shorter route. The rate has been generally heretofore (I am not advised as to the present time) from Marysville via Benicia, a distance of 142 miles, $2.90 per ton, or equivalent to about 2 cents per ton per mile, while via Stockton it is about $3.30 per ton, or about 1⅔ cents per ton per mile.

While it is true these seem somewhat extravagant charges, and are such compared with rates in most parts of the United States by rail or water, yet they are less than one-half on an average those to which the producers of the Columbia River are subjected. But taking a longer haul we find the average charge by rail from San Francisco to New Orleans, a distance of about 2,500 miles, $10 per ton, or only about 4 mills, or forty hundredths of a cent per ton per mile, or only about the one twenty-eighth part per ton per mile charged for freights between Portland and Castle Rock on the Columbia River. The cost of transporting grain from San Francisco to Liverpool via New Orleans in 1884 was $12 per ton, a distance of over 6,000 miles, while the producers of the Columbia Basin are compelled to pay half that amount per ton for transporting their wheat a distance of about 200 miles.

The Northern Pacific Railroad Company, I believe, transports wheat from Wallula Junction to Duluth, a distance of 1,674 miles, for $8 per ton, but little less than 5 mills per ton per mile, while from Wallula Junction to Portland, Oreg., a distance of 214 miles over the same line of road, a charge of 3 cents per ton per mile, or a rate six times greater per ton per mile, is exacted by the Oregon Railway and Navigation Company, and I believe also by the Northern Pacific Railroad Company, running its trains over the same line. From Duluth to Liverpool via Montreal wheat was in 1884 transported at $5.61 per ton, and from Portland by way of Cape Horn to Liverpool, a distance of nearly 17,000 miles, at $8 per ton, while a much greater sum than the former and a fraction less than the latter is charged for a distance of 200 miles in and along the Valley of the Columbia.

A comparison of these various transportation charges demonstrates beyond the power of controversy the exorbitant nature of the transportation charges imposed to-day by the Oregon Railway and Navigation Company and the Northern Pacific Railroad Company upon the producers and shippers interested in transportation to and from the great valley of the Columbia. It is not to be wondered at that the earnings of the Oregon Railway and Navigation Company were for the year ending June 30, 1884, $5,364,906.52, derived chiefly from local traffic, or that their earnings since then have been still greater.

But a few more comparisons will illustrate in a marked degree the extravagant freight charges that rule to-day in the valley of the Columbia. The average freight charges per bushel for the transportation of wheat from Chicago to New York, a distance of 963 miles, by all water—that is by the lakes, the Erie Canal, and the Hudson River; by part water and part rail—that is by lake to Buffalo and by rail to New York; and by all rail during the years 1876 to 1883, inclusive, were, on an average, as follows, and they are much less now: By all water 10 cents per bushel; by lakes and rail 12.4 cents, and by all rail 17.1 cents. Making no allowance for difference between a long and a short haul, and it is conceded that may be properly taken into account in favor of the transportation company, the charges on and along the Columbia River are on an average from five to eight times higher per bushel than

from Chicago to New York. At the rates ruling along the Columbia River on hauls of two to three hundred miles it would cost from 85 to 90 cents a bushel to transport a bushel of wheat from Chicago to New York, or at the rate of from $28.33\frac{1}{3}$ to $30 per ton.

But, coming down later, we find the present transportation rates ruling on transportation lines between Chicago and New York as follows:

By all-water, 6 cents a bushel for wheat, or at the rate of $2 per ton for a distance of 963 miles, or at the rate of $2\frac{1}{12}$ mills per ton per mile, or, making no allowance for difference in length of hauls, a rate of over *fourteen* times less per ton per mile or per bushel per mile than is charged on wheat from the Columbia Basin to Portland, Oreg., while by all-rail the present cost (1886) of transporting wheat from Chicago to New York, 963 miles, is 15 cents a bushel, or $5 per ton for that distance, or at the rate of $5\frac{1}{2}$ mills per ton per mile, or, making no allowance for difference in length of hauls, a rate less than one-sixth of that charged in the Columbia River Valley per bushel per mile.

And this illustration shows, moreover, the superiority of a water route over a railroad for the transportation of wheat and other produce of the country, as it will be seen from this that to-day it costs only *two-fifths* as much to transport a bushel of wheat from Chicago to New York by all-water as it does by all-rail.

THE GRAIN AND WOOL AND STOCK PRODUCT OF THE INLAND EMPIRE, AND THE IMPORTANCE OF A FREE RIVER.

While the wheat product of Oregon twenty-five years ago did not exceed 900,000 bushels, in 1884 it had, notwithstanding all the disadvantages of high rates of transportation, high wages, and other obstructions and embarrassments incident to the frontier State, reached the marvelous amount of 15,462,000 bushels, or an increase in that time of over 1,500 per cent. A glance at the free water ways of the country, where competition rules and monopoly by reason thereof is impossible, must convince all of the immense importance to the producers and shippers of the country of free navigable water ways. Coal, for instance, is transported from Pittsburgh to New Orleans, a distance of over 2,000 miles, for 3 cents per bushel; and it is frequently transported at from 60 to 75 cents per ton. It is carried from Pittsburgh to Cincinnati and Louisville and Cairo and other points at from 1 to 2 cents a bushel, or from 30 to 60 cents per ton. Corn is shipped from Chicago to Buffalo, a distance of 400 miles, for 87 cents per ton.

According to the report of Lieut. Col. D. C. Houston, Corps of Engineers, to the board of engineers of date October 16, 1883, the tariff for grain of the Northwestern Tariff Association, comprising the Chicago, Milwaukee and Saint Paul Railway; the Chicago, Saint Paul, Minneapolis and Omaha Railway; the Chicago, Burlington and Quincy Railway; Minneapolis and Saint Louis Railway; Chicago and Northwestern Railway; Chicago and Rock Island and Pacific Railway; Burlington, Cedar Rapids and Northern Railway, and Rock Island and Peoria Railway, between Saint Paul or Minneapolis and Chicago, Milwaukee, Saint Louis, and intermediate points, is 20 cents per 100 pounds for wheat and flour, and $17\frac{1}{2}$ for coarse grains, the distance varying from 324 to 526 miles, while the joint freight tariff in that year on the following roads, Chicago and Northwestern Railway; Chicago, Milwaukee and Saint Paul Railway; Chicago, Burlington and Quincy Railway; Chicago, Rock Island and Pacific Railway; and Burlington, Cedar Rapids and Northern Railway, from Cedar Rapids to Chicago, is 20 cents per 100 pounds, the distance varying from 219 to 314 miles, and the local tariffs on these roads for distances over 100 miles is substantially the same. Careful examination will show these charges to be considerably less than one-half the rates imposed for transportation down the Columbia on long hauls of from 150 to 300 miles in length. And yet we find the representatives from the Mississippi River Valley west of Chicago here protesting against these rates as ruinous and exorbitant when compared with rates between Chicago and New York, and all of which is true, and as a remedial measure are urging the construction of the Hennepin Canal.

But coming still farther East we find, as I shall show more particularly in a moment, wheat being transported by the New York Central from Buffalo to New York in 1883 and for years previous by all rail for eighty-eight hundredths of a cent per ton per mile, and by water via the Erie Canal and Hudson River for twenty-seven hundredths of a cent per ton per mile, while on the Erie Railway all first-class freight is hauled for 4 mills per ton per mile. On the Lake Shore and Michigan Southern at seventy-five hundredths of a cent per ton per mile, and on the Michigan Central eighty-four hundredths of a cent per ton per mile. While as I have heretofore shown the cost the present year—1886—to transport wheat from Chicago to New York is by all water but 6 cents a bushel, or $2\frac{1}{12}$ mills per ton per mile, and by all rail but 15 cents a bushel, or $5\frac{1}{6}$ mills per ton per mile. In view therefore of these comparisons, from which it becomes apparent to all that freight charges on the present transportation lines in the far West are ruinously extravagant and without a parallel in this or any other country, why should there be any hesitation upon the part of Congress in voting the necessary appropriations to free a great river like the Columbia from obstructions to navigation and open it to a free and untrammeled commerce?

A pointed illustration of the hardships imposed on the producers of Eastern Oregon and Eastern Washington Territory by the existing enormous transportation charges, and of the great necessity of a free river, is given in a recent issue of the Times-Mountaineer, a leading journal published at Dalles City, Wasco County, Oregon. It reads as follows:

The crops of Wasco County, between the Deschutes and John Day Rivers, have averaged the past season 30 bushels to the acre, and for the carriage of this to market the company has charged 15 cents a bushel; or, in other words, for every acre of wheat land the product of which has been exported it has received $4.50. Figuring on the 200,000 bushels of wheat shipped, the farmers of the portion of Wasco County mentioned above have paid $30,000 to this company to help make up the dividends to stockholders in New York, Boston, and other cities. It will thus appear that owning the railroad running through such a rich country is more remunerative than the proprietorship of the land. The farmer pays taxes, &c., incident to land ownership, and is at the expense of cultivating his land and harvesting his crop, while the railroad reaps the benefit and has only to send a locomotive to haul the loaded cars from the side track. If the season is favorable and the yield greater the company reaps the advantage as well as in the increase of acreage. In fact, the railroad has leased the lands to the occupants for an unlimited time, and charges $4.50 a year rental on every acre. Good lands can be purchased from the Government for $2.50 per acre, but if they are on the line of the Oregon Railway and Navigation Company $4.50 an acre annually are charged by them.

But in discussing the question of the improvement of the navigation of the Columbia River at its mouth and throughout its length and with all its mighty tributaries we must not fail to remember the varied interests and productions and the vast undeveloped resources of the whole State and of the adjacent Territories, the rapid and complete development of which depends so largely on a free river. In addition to the 15,000,000 bushels of wheat produced in Oregon in 1885, of the value of nearly $10,000,000, she produced 5,798,000 bushels of oats during the same season of the value of $2,145,260; 164,000 bushels of corn, 1,239,084 bushels of barley, 22,260 bushels of rye, and 9,128 bushels of buckwheat. Her wool crop, which in 1870 was but 2,000,000 pounds and in 1874 but 4,000,000 pounds, had increased in 1884 to 12,000,000 pounds, and in 1885 to more than 15,000,000 pounds. The value of the clip in 1884 was $2,400,000 at an average market price of 20 cents per pound; while its value in 1885 was over $3,000,000. While the wheat exports from Oregon in 1870 were only 115,747 bushels of the value of but $119,139, they had risen in 1884 to 5,384,315 bushels of the value of $5,396,430.

THE SALMON FISHERIES OF THE COLUMBIA RIVER.

But passing down the Columbia and not stopping to discuss, or more than refer to the various manufacturing establishments that have within the past few years been established in the cities of Portland, Oregon City, Astoria, Salem, Roseburg, and along the Willamette, Umpqua, and Rogue Rivers, and in the great valleys of these names, or along the coast at Yaquina, Coos Bay, Port Orford, and on the Coquille River, we find extending from the great mouth of the Columbia for more than 50 miles inland, firmly established and gradually increasing in strength, importance, and value for the past twenty years one of the most interesting industries on the continent in the shape of the salmon fisheries.

These were established twenty years ago, in 1866. In that year the product was 4,000 cases, which at the then cash price of $16 a case made a total value of $64,000. Ten years later, in 1876, the catch was 450,000 cases, or an increase in that decade of nearly 11.250 per cent., and then worth $4.50 per case and of a total value of $2,025,000. Seven years later, in 1883, the product had increased to 630,000 cases of the value of $5 per case, making a total value for that year's catch of $3,150,000.

That we may comprehend better the magnitude of this great industry, it must be remembered that the average weight of each case, including the cans, is about 72 pounds, as the ordinary size can holds 1 pound, there being forty-eight cans in each case. So the catch of 1883, taking that year for an illustration, was about 22,680 tons of prepared salmon, or enough to load two hundred and twenty-six trains of cars of ten cars each, each car containing 10 tons of salmon, or twenty-three ship cargoes of 1,000 tons each.

In this industry over 50 canneries are in operation, over $2,000,000 of permanent capital is invested, over 1,700 boats, including 10 or 12 steam-tenders, are employed, and employment is given during each month of the fishing season to several thousand men. But in addition to the salmon fishing industry of the Columbia River, it is carried on with vigor and success on the Umpqua, the Rogue, and Coquille Rivers, at Tillamook and Coos Bays, Oregon, and also of course on the waters of Puget Sound.

OREGON AN EXPORTING STATE.

Oregon is largely an exporting State, and must in the near future become immensely so. Even now in her infancy, with her great resources comparatively undeveloped, she exports to foreign climes annually more than $40 for each man, woman, and child within her borders; and for every dollar's worth of goods she imports she exports products of her own soil and manufacture to the value of eight dollars and more. Her foreign commerce increased from a mere nothing in 1860 to $11,158,882 in 1882. There has been a slight falling off since, as there has been everywhere throughout the country, but not in so great a proportion as in most other places.

THE TONNAGE AND COMMERCE OF THE MOUTH OF THE COLUMBIA.

The tonnage of vessels entered and cleared in foreign trade alone at ports of Oregon in 1885 were: Entered—American, 10,466 tons; foreign,

40,963 tons. Cleared—American, 17,755 tons; foreign, 50,420 tons. Total, 68,175 tons.

The total tonnage over the bar at the mouth of the Columbia alone for the year ending September, 1885, as shown by custom-house statistics compiled by the Portland Board of Trade, was 869,943 tons. That being the tonnage with present sparse population, with on an average not more than one-tenth of our cultivable land of Oregon and Washington Territory and Idaho and Montana under cultivation, and with all the disadvantages of enormously high transportation rates, breaking of cargoes, reshipments, high insurance, pilot and lighterage charges, what must be the volume and value of the commerce that will flow out of the mouth of the Columbia when all these difficulties are overcome! No man can even approximate in an estimate. The records of no country on earth can furnish an example from which we may safely predict the magnitude of that commerce. Future history alone can reveal the proud story.

The importance of the present commerce of the Columbia River and the marvelous rapidity with which it is increasing may be seen by a comparison of the number of ships and value of cargoes of 1880 with those of 1884, only four years later. In 1880 only sixty-three vessels crossed the Columbia River bar for foreign and domestic ports, with cargoes valued at only $4,181,352; while in 1884 the number of vessels crossing for foreign and domestic ports was four hundred and three, with cargoes worth $15,000,000, an increase in the number of vessels in four years of over 600 per cent., and an increase in the value of cargoes of nearly 400 per cent.

THE LESSONS TAUGHT BY THE STATESMANSHIP OF OTHER NATIONS.

In these later days it has become customary with some men, statesmen and others, to denounce the river and harbor bill as a fraud, a legislative job, an unjustifiable and unconstitutional raid on the United States Treasury, and if a Senator or Member of the House can rise in his place and call the attention of the country to the fact that the Congress is about to pass a bill appropriating fifteen or eighteen millions of dollars for the improvement of rivers and harbors, and accompanies the statement with words of denunciation, especially if he happen to represent a State not blessed with a river large enough to float a sawlog, he imagines his reputation as a champion of reform is forever established, that he has exposed to the country and world a gigantic fraud, and been the instrumentality of calling a halt in what he delights to characterize as little less than a downright swindle. It might perhaps be well for such men to enlarge the circle of their vision and the scope of their observation and learn knowledge from the policy and practices of other nations.

The governments of the Old World through statesmanlike and well-directed expenditures of public money in promoting and pushing forward at Government expense great internal improvements, especially in improving important natural water ways, and in constructing artificial canals, are rapidly bringing the products of the field in those countries, and especially cereal producing fields, into close proximity with the great centers of population and consumption in the European world; and thus it is that competitors for the wheat markets of the world are coming to the front with alarming rapidity in Russia, Germany, India, Australia, Africa, and Western Asia, and other portions of the countries beyond the seas; and as a result our producers are driven from European markets, and hence in a great measure the present alarming depression in the price of cereals in this country. Not for twenty-four years has the price of wheat been so low in Chicago as it was the past month, 73⅛ cents per bushel, although by reason of the drought in certain sections and the manipulation of stock-jobbers there is something of a boom just now. Germany, looking to the interests of her producers in the remote interior of her vast regions, has connected by ship-canal Lubeck Bay on the Baltic with Heligoland Bay on the North Sea, spanning the Holstein peninsula, thus connecting the waters of the North Sea and the Baltic, saving over 400 miles of difficult and dangerous transportation via the tortuous water route separating Denmark from Sweden and Norway and reducing the cost of transporting wheat from the interior of Germany to the waters of the Atlantic from 6 to 7 cents a bushel; and in addition to all this Germany has recently determined on a grand system of improvements of her rivers and harbors at an estimated cost of over $125,000,000.

Why, Germany has expended over $20,000,000 in the recent past, $2,000,000 more than the entire amount proposed to be appropriated by the pending bill, in the improvement of one small river in her territory, and still it is only navigable by cable towage, and a chain cable of over 100 miles in length has been established and freight is carried on regular schedules by means of cable towage on this river for this distance at less than 5 mills per ton per mile, and this for short as well as long hauls. Germany has constructed over 1,500 miles of canals, on some eighty-two different routes.

France, too, although just arisen from a weary bed of national affliction, occasioned by disastrous war, sapped of her substance to the extent of a hundred million money indemnity as the price of her failure in that war, weighed down with a debt of over $4,750,000,000, and with over 3,000 miles of constructed canals, and 5,000 miles of navigable rivers, the cost of constructing and improving of which was $231,475,867, has recently estimated for and proposes to expend in the near future in internal improvements and for the following purposes the following amounts:

For the improvement of her harbors	$13,200,000
For canals	142,600,000
For harbors	20,000,000
Making a sum total of	175,800,000

As was stated in a recent paper by Major King, of the United States Engineer Corps:

A sum larger than all that has been expended for rivers and harbors by the United States since the foundation of the Government.

The sum total of the amount expended by the United States since the foundation of the Government (including all unexpended balances), as stated by Major King, and as appears from the statistics, amounts to only $136,112,576. To this add the sum of $31,021,423, which is the aggregate so far as can be ascertained of all that has been expended by the several States and Territories and by private corporations since the foundation of our Government for river improvements, you have only $167,134,000, or, as stated by Major King, $8,000,000 less than this one proposed appropriation of the French Republic.

Russia, too, is marching forward in the great work of internal improvements, by the improvement of her natural water ways and the construction of ship and steamboat canals. Already she has built a ship-canal to connect the waters of the Volga and the Caspian Sea with the Casperian system of railways, and now she is improving the many mouthed Volga from its mouths on the Caspian Sea, a distance of 150 miles into the interior, to a pass in the mountains; and here again by the construction of a ship-canal of 50 miles in length she proposes to connect the waters of the rivers Volga and Don, thus connecting by ship-canal the waters of the Caspian and Mediterranean Seas via the waters of the Sea of Asov, the Bosphorus, and Black Sea.

What a grand conception! Surely reform statesmen and unprogressive statesmen who stand with bated breath in the presence of and start with holy horror at a bill that proposes to appropriate $18,000,000 for the improvement of rivers and harbors in this grand country of 3,501,409 square miles and of sixty million people must be scarce in Russia, otherwise these grand internal improvements by which great seas are connected by artificial canals and the producers of the interior brought in easy communication with seaports would never have been inaugurated or pushed forward to completion. But they do go on, and we are told that when completed, as they will be at no distant day, the cost of transportation of wheat from the fertile plains of the Caspian and along the Volga to the Atlantic and Mediterranean ports will be reduced at least to the extent of 8 to 10 cents per bushel. In internal improvements of this character Russia has constructed over 900 miles of canals.

What, for instance, has been the result of the construction of the great Suez Canal in stimulating the production of wheat in the Indian Empire? Prior to the opening of that canal, India produced but a few meager millions of breadstuffs, and exported to Europe annually considerably less than half a million bushels of wheat. Now she produces 287,000,000 bushels of wheat annually, or considerably more than one-half the largest crop ever produced in the United States (about 500,000,000), and while the Hindoos exported to Great Britain but 1,600,000 bushels in 1879, in 1883 they exported to that country 21,000,000, their total exports then being 40,000,000 bushels, while the past year, according to the most reliable reports, India sent to European markets, to compete with American products and reduce their price, about 75,000,000 bushels of wheat; and notwithstanding this marvelous development in the wheat culture of India, Great Britain, looking forward to still greater development, is contemplating expending $100,000,000 in internal improvements in the construction of railroads and canals in the Indian Empire; although the British Government has already constructed in England and Wales 2,910 miles of canals at a cost of about $100,000,000, and has a river transportation on which untold millions have been expended of over 1,400 miles.

Holland, too, furnishes evidence of statesmanship in this respect. The North Holland Canal, completed about sixty years ago, at a cost of nearly $5,000,000, being 52 miles in length and over 16 feet deep, is a monument to the statesmanship of the Germans of that day who conceived and constructed it.

THE PEOPLE'S INTERESTS LIE IN THE DIRECTION OF CAPACIOUS HARBORS AND FREE RIVERS.

It is clearly evident the producers and shippers and consumers of this country, if they would guard their own interests and protect themselves against the rapacity of formidable combinations of aggregated capital, must look to the improvement of the great natural water ways of the country and the construction of artificial ship and steamboat canals and ship railways for relief from exorbitant transportation charges.

A free water way to the boats of all comers is of itself not only the cheapest and best means, although not quite so rapid as by rail, for the transportation of heavy freight, but is also an absolute check upon the grasping tendencies of railway corporations.

It has been demonstrated beyond all question by the history of the past and by the practices of the present that railways can not and do not compete in the carrying of heavy freight with free and untrammeled water ways, natural or artificial. Take for illustration the New York Central, with all the grand facilities it affords with a four-track railroad, and compare it and its transportation business with the parallel line of

water transportation composed in parts of the Erie Canal and Hudson River, and what do we find, even before the tolls were taken off the canal?

According to the report of the New York State engineer, the average actual cost of transporting freight (wheat) on the New York Central is fifty-four hundredths of a cent per ton per mile, not counting anything for interest on capital invested, and the average charge on that road is eighty-eight hundredths of a cent per ton per mile; whereas the transportation charges on wheat from Buffalo to New York via the Erie Canal and Hudson River is but twenty-one hundredths of a cent per ton per mile, or thirty-three hundredths of a cent per ton per mile less than it costs the New York Central to transport it; and this according to the report of the State engineer appointed under the railway laws of the State of New York; and hence we find the railway charges eighty-eight hundredths of a cent per ton per mile, or sixty-seven hundredths of a cent per ton per mile more than is charged on the water-transportation route. And were the Erie Canal and Hudson River wiped out of existence to-day, how long, in the judgment of any reasonable man, would the present transportation rates on the New York Central remain as low as they are? The conceded profit of to-day of thirty-four hundredths of a cent per ton per mile would in all probability be increased to five times that amount, or perhaps much more, especially as the parallel line to Buffalo of the West Shore road is now controlled by the New York Central.

But as it is now the canal and river, as might be reasonably expected, do the great bulk of the business and the people get the benefit of the competition.

The statistics show that during the past year the Erie Canal was the conduit through which 37,500,000 bushels of wheat were delivered at the port of New York, while the sum total that came through the almost countless railroad lines that center there, including the four-track New York Central, was only about 28,000,000 bushels, or 4,750,000 bushels less than one-half of the whole amount, while the total amount of tonnage (in bushels) of flour, corn-meal, wheat, corn, oats, barley, pease, and malt which arrived in New York from the 1st day of January, 1883, to the 31st day of December, 1883, was 124,336,237 bushels, and was delivered at that port by the following routes:

	Bushels.
New York Central and Hudson River Railroad	32,125,615
New York, Lake Erie and Western Railroad	28,765,288
Pennsylvania Central Railroad	13,060,494
Delaware, Lackawanna and Western Railroad	4,581,770
Various routes	856,924
By river and coast	3,725,238
By canal (seven months)	41,220,908
	124,336,237

Of the entire amount of grain thus received at the port of New York during the year it will be observed that—

	Per cent.
The New York Central Railroad carried	25.84
The Erie Railway carried	23.13
The Pennsylvania Central Railroad carried	10.50
The Delaware, Lackawanna and Western Railroad carried	3.69
Various small routes carried	0.69
River and coast	3
The Erie Canal in seven months carried	33.15

Numerous other instances might be cited to the same effect did time justify. For instance, the railroad commissioners of the State of Illinois the past year fixed the maximum rates on wheat in car-load lots for 130 miles 7.21 cents per bushel, while the charges for the same distance for wheat from Henry to Chicago by the Illinois and Michigan Canal, including the State tolls, is but 3 cents per bushel, or 1.21 cents per bushel less than onehalf the charge by rail.

In our recent history we have a monumental and most commendable example of the manner in which internal and external commerce may be promoted by the improvement of important lines of water ways. Where did New Orleans stand even twelve years ago as a seaport and in respect of its relations to foreign commerce? Since the completion of the Eads jetties what has she in these respects become? In 1883, as shown by the statistics, she was the second port in the United States in the value of her exports (New York of course being first), and ranked, I believe, third in total foreign commerce.

THE PRODUCER NOT INTERESTED IN PROMOTING THE WELFARE OF ANY PARTICULAR CITY OR PORT TO THE DETRIMENT OF OTHERS.

To the present limited and easily enumerated thousands now settled in the inland empire, and the great plain of the Columbia in Oregon, Washington, and Idaho, or to the almost countless millions that will, ere another generation shall have passed away, find happy, prosperous homes in that extensive and fertile region, it matters but little whether it is Portland or Astoria, Vancouver, Kalama, Yaquina, Tacoma, or Seattle, or some other point on Puget Sound, or the Columbia River, or the Pacific Ocean, that is to be the dumping ground or point of transshipment from land to sea, for the untold millions of tons of cereals and other products that must in the future from year to year as the years roll on, find their way from this prolific field to the waiting and beckoning markets of the world. With them this is not such a material question, however important it may be to the different rival ports contesting for the golden treasures that must inevitably result to the one which is finally most successful in the grand and honorable competitive race for the control of the trade of an empire.

To the producers and shippers the great all-absorbing question is: By what means shall they at the lowest possible cost and with the least possible discrimination, secure easy, safe and rapid transportation of their products free from transhipment or change of bulk or unnecessary inland or maritime exactions to the seaboard, or head of ship navigation? And as the cost of transportation can only be reduced to its proper minimum and a just and reasonable rate, so as to result alike fairly to the producer and transporter by the absolute destruction of the power of monopoly, and as it is the duty of Congress to legislate for the good of the many and not in the interest of any particular city, or port, or company, or corporation, to the detriment of the true interests of the whole people, it must be apparent to all familiar with the situation in the Pacific Northwest, that there are at least three great national enterprises in connection with the matter of transportation in that section of the country (and I am not now speaking of the interests of Southern Oregon, or of the immense importance to that section of the country of the improvements at Coos Bay, Coquille River, Port Orford, and Umpqua, and a part of which is liberally provided for in this bill and in reference to which I shall speak specially hereafter) that should be regarded with unreserved favor by the Congress of the United States.

First, and infinitely more important than either of the other two, is the removing of all obstructions to navigation from, and the opening up to free and successful navigation of the waters of the Columbia and its tributaries, so that boats of large draught and heavy river tonnage, starting from points in the distant interior of this great producing field, may, laden with the wheat, and wool, and stock, and other products of the valley, move on without interruption until they meet the ships from every ocean that will receive and bear their cargoes onward to the various markets of the world; and also, of course, such permanent improvements at the great mouth of the Columbia, in accordance with the carefully prepared plans of the United States Engineer Department, as will forever remove all existing impediments dangerous to or restrictive of ship navigation at this grand gateway of the commerce of the world, and make it an entirely easy, safe, and inviting entrance for ships of largest draught and heaviest tonnage from every port and sea on the civilized globe.

Second. The speedy completion of the Northern Pacific Railroad across the Cascade Mountains to Tacoma, on Puget Sound, thus perfecting a great rival transcontinental line from Saint Paul to Portland, Oreg., via the waters of Puget Sound.

Third. The completion of the permanent improvement, now far under way under the direction of the General Government, of Yaquina Harbor, on the Pacific Ocean, in accordance with the plans of the United States Engineer Department, so as to admit to that competing port the ships of commerce of large draught; and the speedy completion of the Oregon Pacific Railroad, now completed and in successful operation a distance of 72 miles eastward from Yaquina into the very heart of the great wheat-producing fields of the Willamette Valley, so as to cross that valley entire and the Cascade range of mountains to the eastward, and penetrate the great grazing and wheat-producing region of Eastern Oregon, Idaho, and Washington, connecting with other already completed lines from the East. With these three national enterprises completed, and they all will be in the near future, for they are each and all demanded by the commercial and political necessities of the times, and with the lands of the Northern Pacific from Wallula to Portland freed from the grasp of that corporation and thrown open to settlement, then, and not till then, will the shackles of commercial tyranny and the manacles of transportation monopoly fall from the necks and hands and hearts of the producers of the inland empire.

The completion of the improvements at the mouth of the Columbia, at the Cascades, and other points below The Dalles of the Columbia on the Columbia and Willamette Rivers, and above The Dalles on the Columbia and its tributaries, and at Yaquina Harbor, with the completion of the Northern Pacific to Puget Sound, the Oregon Pacific across the great wheat-growing belt of the Willamette, and into Eastern Oregon, with the completion of the gap on the line of the Oregon and California, will of themselves, even though the proposed improvements at The Dalles should meet with some delay, reduce the cost of transportation of every bushel of grain and every pound of wool, or other product the people of Oregon may have to export, to at least one-sixth of the present rates, and will to that extent add to the personal interest of the producer, and promote the general welfare and material prosperity of the whole State.

But for one, I am unwilling, when another session of Congress shall convene, to hesitate longer in urging upon Congress to the extent of my power, in connection with my colleagues in the Senate and House, the importance and pressing necessity of inaugurating without delay work on some suitable and proper plan; and at present I am strongly inclined to the plan of a steamboat railway as recommended by Maj. W. A. Jones, of the Engineer Corps, for the purpose of overcoming the obstructions to navigation at The Dalles of the Columbia.

The commencement of this great work, or of some suitable or proper enterprise to overcome obstructions to navigation at that point, can not, in justice to the people of the Pacific Northwest, or of the whole nation, be longer delayed. And as chairman of a subcommittee of the

Senate Committee on Transportation Routes to the Seaboard, having that matter under investigation, under instruction from the Senate, I hope to be able early in the next session of Congress to report a plan for this great work that may commend itself to the people most interested, and that may receive the favor of Congress.

These great works at the mouth of the Columbia, the Cascades, The Dalles, and Yaquina are not local but national, and indeed international in their character, as much so as is the improvement of the Mississippi River, the construction of the Hennepin Canal, or the improvement of New York Harbor, and all these I concede are in every sense great national enterprises of paramount importance to the producers and shippers of this country, and to the best interests of the Republic.

In conclusion I may be permitted to say that with the completion of the commercial improvements now under way in Southern Oregon, at Coos Bay, for which $45,000 is provided in this bill, the Coquille River, for which $20,000 is inserted, and others yet to be inaugurated at Port Orford, Umpqua, and other important points; with the completion of the small gap to complete railroad connection between Oregon and California; and the proposed improvement, for which a bill is pending in the Senate, for shortening the route and reducing the grade of the military wagon-road between the Rogue River and Klamath countries, and the construction of branch and intersecting lines of railroad into Southeastern Oregon; with Government recognition of Crater Lake Park, the grandest natural park on the face of the earth—we except none; with fraudulent wagon-road grants wiped out of existence by judicial decrees; we may expect the people of that State, in all its sections and in every locality, whose vital interests it is my bounden duty as well as my great pleasure to aid in advancing and promoting here, to throw off the fetters of commercial bondage that have so materially impeded their progress in the past, brush aside the cloud of isolation peculiar to all pioneer countries, and which through all these years has measurably enshrouded them in its discouraging mists, and darkened and obscured the path of their progress; to assert their independence of and declare their triumph over every impediment that has heretofore delayed and obstructed them in their patient, honest, persistent, and noble efforts to establish on the shores of the Pacific a great empire of civilization, an independent and powerful State, which shall acknowledge no master, no dictator, or recognize no superior in all that pertains to social, commercial, and political equality, independence, and power, save that grand entity—the National Government, the union of States, the American Republic—of which it is to day no inconsiderable factor, and of which in the no distant future it is destined to become so an exceptionally important and highly influential a constituent part.

These things accomplished, then will the ever-increasing beauty and grandeur of the star of that empire of civilization, of political and commercial power, which but in the recent past, as so beautifully described by Berkeley, took its course to the westward through the fogs and deserts, and repellent savagery of the "intervening wastes," and over the "rock-ribbed" and rugged mountains, and the dense and forbidding wildernesses of the far West, shine with a new brilliancy, and a more fixed and steady light, and with an undimmed and inextinguishable glory.

Mr. MCMILLAN. There are so many members of the Senate absent and all seem very much inclined to stop for the day that I shall not ask them to remain longer. I move that the Senate adjourn.

The PRESIDING OFFICER (Mr. FRYE in the chair). Will the Senator withdraw his motion for a moment? The Chair desires to lay before the Senate sundry House bills.

Mr. MCMILLAN. Very well.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2124) amendatory of and supplementary to "an act to alter the judicial districts of Pennsylvania, and for other purposes," approved May 26, 1824, and providing an additional place for holding the several courts thereof; and

A bill (H. R. 2539) authorizing the Secretary of the Treasury to exchange property purchased at Abingdon, Va., as a site for a public building for more suitable property.

GREELY'S POLAR EXPEDITION REPORT.

Mr. MANDERSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the concurrent resolution for "printing the report of the International Polar Expedition to Lady Franklin Bay, by First Lieut. A. W. Greely, Fifth Cavalry, United States Army, acting signal officer," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

CHARLES F. MANDERSON,
JOSEPH R. HAWLEY,
A. P. GORMAN,
Managers on the part of the Senate.
E. BARKSDALE,
JAMES W. REID,
JOHN M. FARQUHAR,
Managers on the part of the House.

The report was concurred in.

HOUSE BILLS REFERRED.

The bill (H. R. 8950) to remove the political disabilities of Francis Sorrell, of Roanoke County, Virginia, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 2124) amendatory of and supplementary to "an act to alter the judicial districts of Pennsylvania, and for other purposes," approved May 26, 1824, and providing an additional place for holding the several courts thereof, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 2539) authorizing the Secretary of the Treasury to exchange property purchased at Abingdon, Va., as a site for a public building for more suitable property was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

MICHAEL FITZPATRICK.

Mr. PLUMB. The bill (S. 2803) granting a pension to Michael Fitzpatrick has been reported from the Senate Committee on Pensions. A similar bill comes to us from the House to-day. I move that the House bill be put on its passage and the Senate bill indefinitely postponed.

Mr. EDMUNDS. No, we can not pass a House bill now. It can be placed on the Calendar.

The PRESIDING OFFICER. The House bill will be placed on the Calendar instead of being referred to the Committee on Pensions under the previous order of reference.

ABBY L. BURBANK.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2192) granting a pension to Abby L. Burbank, which was, in lines 7 and 8, to strike out "forty" and to insert "thirty;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Abby L. Burbank, widow of Charles H. Burbank, late a surgeon in the United States Navy, and pay her a pension at the rate of $30 per month, in lieu of the amount she is now receiving.

Mr. BLAIR. I move that the Senate concur in the amendment.

The motion was agreed to.

MRS. SARAH YOUNG.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2113) granting a pension to Mrs. Sarah Young, which was, in lines 4 and 5, to strike out "twenty-five" and insert "twelve;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized to place on the pension-roll, at the rate of $12 per month, the name of Mrs. Sarah Young, of Des Moines, Iowa, for and on account of services rendered as a nurse during the war of the rebellion.

Mr. WILSON, of Iowa. I move to non-concur in that amendment, and to ask for a committee of conference.

The motion was agreed to.

By unanimous consent the presiding officer was authorized to appoint the conferees on the part of the Senate, and Mr. SAWYER, Mr. BLAIR, and Mr. WILSON, of Iowa, were appointed.

EDWARD CORNING.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1666) granting a pension to Edward Corning, which was, in line 8, to strike out the words "and pay him a pension at the rate of twenty dollars per month" and insert "subject to the provisions and limitations of the pension laws."

Mr. EDMUNDS. How will it read then?

The PRESIDING OFFICER. The bill will be read as amended.

The Chief Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Edward Corning, late a lieutenant in the Eighty-fifth New York Volunteers, and afterward commissioned captain and assistant quartermaster of volunteers, subject to the provisions and limitations of the pension laws.

Mr. SAWYER. The words "subject to the provisions and limitations of the pension laws" occur twice. I move to concur in the amendment of the House, which strikes out the words "and pay him a pension at the rate of twenty dollars per month," and to non-concur in the amendment of the House inserting the words "subject to the provisions and limitations of the pension laws."

Mr. EDMUNDS. How will the bill read with the amendment as amended?

The Chief Clerk read the bill as proposed to be amended, as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Edward Corning, late a lieutenant in the Eighty-fifth New York Volunteers and afterward commissioned captain and assistant quartermaster of volunteers.

Mr. EDMUNDS. I do not understand that yet. I would like to know what rate of pension this gentleman is going to get.

Mr. BLAIR. That will depend on the result of an examination.

Mr. SAWYER. He was a captain, and he will get at the rate of $20 per month. I have no objection to a committee of conference.

Mr. EDMUNDS. I should like to have that read once more. I certainly can not understand what it means just now.

The bill as proposed to be amended was again read.

The amendment of the House to strike out the words "and pay him a pension at the rate of twenty dollars a month" was concurred in.

The amendment of the House to insert the words "subject to the provisions and limitations of the pension laws" was non-concurred in.

PETITIONS AND MEMORIALS.

Mr. BECK presented the petition of James Gillen and 72 other citizens of the third Congressional district of Kentucky and the petition of J. N. R. Bell and 230 other citizens of the third Congressional district of Kentucky, praying for the passage at the present session of Congress of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;

2. House bill No. 7021, for adjustment of railroad and other land grants;

3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;

4. House bill organizing the Territory of Oklahoma;

5. Senate bill opening a portion of the great Sioux reservation to settlement;

6. Bill prohibiting aliens from holding land in the United States;

7. Bill making Presidential and Congressional election days holidays, and prohibiting bribery;

8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Finance.

Mr. EVARTS presented the petition of James Ryback, a citizen of New York, praying Congress to examine his claims disallowed by the Court of Alabama Claims; which was referred to the Committee on the Judiciary.

Mr. LOGAN presented the petition of Assembly No. 1640 of the Knights of Labor of Peoria, Ill., protesting against the passage of the oleomargarine bill; which was ordered to lie on the table.

He also presented the petition of C. A. Smith and 34 other citizens of the fourteenth Congressional district of Illinois, the petition of William Carter and 52 other citizens of the eighteenth Congressional district of Illinois, the petition of George Bell and 40 other citizens of the seventeenth Congressional district of Illinois, the petition of J. W. Adolphus and 55 other citizens of the third Congressional district of Illinois, the petition of William Sullivan and 186 other citizens of the second Congressional district of Illinois, the petition of Ed. S. Keen and 23 other citizens of the nineteenth Congressional district of Illinois, the petition of W. A. Goin and 63 other citizens of the twentieth Congressional district of Illinois, the petition of B. Stadler and 275 other citizens of the thirteenth Congressional district of Illinois, the petition of John Owen and 106 other citizens of the eighteenth Congressional district of Illinois, the petition of William E. Smithers and 150 other citizens of the seventeenth Congressional district of Illinois, the petition of W. B. Kerr and 173 other citizens of the fifteenth Congressional district of Illinois, the petition of Thomas J. Armstrong and 280 other citizens of the eighth Congressional district of Illinois, the petition of H. L. Bunkers and 224 other citizens of the eighth Congressional district of Illinois, the petition of John Conley and 170 other citizens of the fourteenth Congressional district of Illinois, the petition of Charles Stone and 35 other citizens of the fourteenth Congressional district of Illinois, the petition of Peter J. Dodge and 116 other citizens of the thirteenth Congressional district of Illinois, the petition of H. C. Sallenberger and 270 other citizens of the tenth Congressional district of Illinois, the petition of A. G. Smith and 110 other citizens of the eighth Congressional district of Illinois, the petition of A. H. Angell and 216 other citizens of the eighth Congressional district of Illinois, the petition of James J. Casey and 146 other citizens of the second Congressional district of Illinois, the petition of Fred. Schultz and 90 other citizens of the second Congressional district of Illinois, and the petition of John Ely and 70 other citizens of the eleventh Congressional district of Illinois, praying for the passage of the following measures at the present session of Congress:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;

2. House bill No. 7021, for adjustment of railroad and other land grants;

3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;

4. House bill organizing the Territory of Oklahoma;

5. Senate bill opening a portion of the great Sioux reservation to settlement;

6. Bill prohibiting aliens from holding land in the United States;

7. Bill making Presidential and Congressional election days holidays, and punishing bribery;

8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Finance.

Mr. BLAIR presented the petition of Albert Grant, of Washington, D. C., praying relief for certain damages alleged to have been sustained by him on account of public improvements of property in this city; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. CHACE, from the Committee on the District of Columbia, reported an amendment in the nature of a substitute for the bill (S. 2600) to authorize the commissioners of the District of Columbia to make police regulations for the government of said District, reported from that committee on the 25th of June last.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BERRY (for Mr. JONES, of Arkansas), from the Committee on Claims, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 398) for the relief of Wilson Ryan; and

A bill (S. 1180) for the relief of Alexander Mosely, executor of William D. Mosely, deceased.

BILLS INTRODUCED.

Mr. LOGAN introduced a bill (S. 2831) granting an increase of pension to Mrs. Amanda M. Smyth; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2832) granting a pension to Taffre Snow; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a joint resolution (S. R. 76) for the relief of Silas D. Baldwin; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENT TO A BILL.

Mr. CHACE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

EXECUTIVE SESSION.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. MCMILLAN] moved that the Senate adjourn.

Mr. HARRIS. I hope the Senator from Minnesota will withdraw his motion to adjourn, and let us have an executive session.

Mr. EDMUNDS. That is quite impossible. You can not do any executive business to-night. If we do anything more let us go on with the river and harbor bill.

Mr. MCMILLAN. I renew my motion that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Minnesota moves that the Senate adjourn. The question is on that motion.

The motion was not agreed to.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

Mr. EDMUNDS. Pending that motion I move that the Senate do now adjourn, with the consent of the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Vermont [Mr. EDMUNDS], pending the motion made by the Senator from Tennessee [Mr. HARRIS] that the Senate proceed to the consideration of executive business, moves that the Senate adjourn. The question is on the motion to adjourn.

Mr. HARRIS. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. PAYNE (when his name was called). I am paired with my colleague [Mr. SHERMAN].

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL] on political qnestions; but I desire to vote on this question, and I vote "nay."

The roll-call was concluded.

Mr. BERRY. I desire to announce that my colleague [Mr. JONES, of Arkansas] is paired with the Senator from Indiana [Mr. HARRISON].

The result was announced—yeas 19, nays 20; as follows:

YEAS—19.

Allison,	Frye,	Mahone,	Plumb,
Blair,	Hoar,	Miller,	Sawyer,
Dawes,	Ingalls,	Mitchell of Oreg.,	Spooner,
Edmunds,	Logan,	Palmer,	Van Wyck.
Evarts,	McMillan,	Platt,	

NAYS—20.

Beck,	Coke,	Harris,	Riddleberger,
Berry,	Cullom,	Hearst,	Saulsbury,
Brown,	Eustis,	Maxey,	Vest,
Butler,	Gibson,	Pugh,	Walthall,
Call,	Hampton,	Ransom,	Whitthorne.

ABSENT—37.

Aldrich,	Cameron,	Conger,	Gorman,
Blackburn,	Chace,	Dolph,	Gray,
Bowen,	Cockrell,	Fair,	Hale,
Camden,	Colquitt,	George,	Harrison,

Hawley,	Manderson,	Sabin,	Voorhees,
Jones of Arkansas,	Mitchell of Pa.,	Sewell,	Wilson of Iowa,
Jones of Florida,	Morgan,	Sherman,	Wilson of Md.
Jones of Nevada,	Morrill,	Stanford,	
Kenna,	Payne,	Teller,	
McPherson,	Pike,	Vance,	

So the Senate refused to adjourn.

Mr. MCMILLAN. Now I ask for a vote on the canal amendment.

Mr. EDMUNDS. The question now recurs on the motion of the Senator from Tennessee [Mr. HARRIS].

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Tennessee that the Senate proceed to the consideration of executive business.

Mr. MCMILLAN. Is that debatable?

The PRESIDING OFFICER. It is not.

Mr. MCMILLAN. I supposed Senators were so fatigued that they wanted to go home.

The PRESIDING OFFICER. The question is on the motion that the Senate proceed to the consideration of executive business.

The question being put, there were on a division—ayes 24, noes 13.

Mr. EDMUNDS. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll. The roll-call having been concluded, the result was announced—yeas 24, nays 21; as follows:

YEAS—24.

Beck,	Cockrell,	Hawley,	Saulsbury,
Berry,	Coke,	Hearst,	Vance,
Blackburn,	Eustis,	Maxey,	Van Wyck,
Brown,	Gibson,	Pugh,	Vest,
Butler,	Hampton,	Ransom,	Walthall,
Call,	Harris,	Riddleberger,	Whitthorne.

NAYS—21.

Allison,	Evarts,	Logan,	Palmer,
Blair,	Frye,	McMillan,	Sawyer,
Conger,	Hale,	Mahone,	Spooner.
Cullom,	Hoar,	Manderson,	
Dawes,	Ingalls,	Miller,	
Edmunds,	Jones of Nevada,	Mitchell of Oreg.,	

ABSENT—31.

Aldrich,	George,	Mitchell of Pa.,	Sewell,
Bowen,	Gorman,	Morgan,	Sherman,
Camden,	Gray,	Morrill,	Stanford,
Cameron,	Harrison,	Payne,	Teller,
Chace,	Jones of Arkansas,	Pike,	Voorhees,
Colquitt,	Jones of Florida,	Platt,	Wilson of Iowa,
Dolph,	Kenna,	Plumb,	Wilson of Md.
Fair,	McPherson,	Sabin,	

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened; and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, July 12, 1886, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate the 10th day of July, 1886.

INDIAN AGENT.

L. Foster Spencer, of New York, to be agent for the Indians of the Rosebud agency in Dakota, *vice* James G. Wright, commission expired.

RECEIVERS OF PUBLIC MONEYS.

David W. Hutchinson, of Girard, Pa., to be receiver of public moneys at Bismarck, Dak., *vice* Neil Gilmour, resigned.

Sterling S. Smith, of Mandan, Dak., to be receiver of public moneys at Devil's Lake, Dak., *vice* Abram O. Whipple, resigned.

REGISTERS OF LAND OFFICES.

Edwin D. Steele, of Greensborough, N. C., to be register of the land office at Evanston, Wyo., *vice* Charles H. Priest, resigned.

S. C. Boon, of Eureka, Cal., to be register of the land office at Humboldt, Cal., *vice* Charles F. Roberts, resigned.

The nomination of Pierce H. Ryan for said office delivered to the Senate June 22, 1886, is this day withdrawn.

CONFIRMATIONS.

Executive nominations confirmed by the Senate the 8th day of June, 1886.

SURVEYOR OF MILITARY DISTRICT.

Samuel Kendrick, of Chillicothe, Ohio, to be surveyor of the Virginia military district, in the State of Ohio.

COLLECTOR OF CUSTOMS.

David S. Presson, of Massachusetts, to be collector of customs for the district of Gloucester, in the State of Massachusetts.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July* 10, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. Dr. BULLOCK, of Washington, D. C.

The Journal of the proceedings of yesterday was read and approved.

DANIEL H. ROSS.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

I return herewith without approval House bill No. 524, entitled "An act granting a pension to Daniel H. Ross." An application was filed in the Pension Bureau by the beneficiary named in this bill, and considerable testimony was filed in support of the same. I do not understand that the claim has been finally rejected. But, however that may be, the claimant died, as I am advised, on the 1st day of February last. This, of course, renders the proposed legislation entirely inoperative, if it would not actually prejudice the claim of his surviving widow. She has already been advised of the evidence necessary to complete the claim of her husband, and it is not at all improbable that she will be able to prosecute the same to a successful issue for her benefit. At any rate her rights should not be in the least jeopardized by the completion of the legislation proposed in this bill.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, July* 9, 1886.

Mr. MATSON. I move that the message and accompanying bill be referred to the Committee on Invalid Pensions, and on that I ask the previous question.

There being no objection, it was so ordered.

MESSAGE FROM THE PRESIDENT—INTERNATIONAL COPYRIGHT.

The SPEAKER also laid before the House the following message from the President of the United States; which was referred to the Committee on the Judiciary, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for your information a report from the Secretary of State, inclosing the correspondence which has been exchanged between the Department of State and the Governments of Switzerland and Italy on the subject of international copyright.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, July* 9, 1886.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House the following Senate bills; which were severally referred as follows:

The bill (S. 1361) for the relief of Robley D. Evans and Robert M. Green—to the Committee on Claims.

The bill (S. 1310) for the relief of William Tabb—to the Committee on War Claims.

The bill (S. 1455) for the relief of Ernest H. Wardwell—to the Committee on War Claims.

The bill (S. 1211) to accept and ratify an agreement made with the confederated tribes and bands of Indians occupying Yakama reservation, in the Territory of Washington, for the extinguishment of their title to so much of said reservation as is required for the use of the Northern Pacific Railroad, and to make the necessary appropriations for carrying out the same—to the Committee on Indian Affairs.

The bill (S. 1056) to accept and ratify an agreement made by the Pah-Ute Indians and maintain a right of way to the Carson and Colorado Railroad Company through the Walker River reservation, in Nevada—to the Committee on Indian Affairs.

The bill (S. 882) to regulate the pay of graduates of the Naval Academy—to the Committee on Military Affairs.

The bill (S. 794) for the relief of A. H. Von Luettwitz—to the Committee on Military Affairs.

The bill (S. 725) for the relief of Maj. G. W. Candee—to the Committee on Military Affairs.

The bill (S. 708) for the relief of Stephen N. Smith—to the Committee on Patents.

The bill (S. 702) for the relief of the sufferers by the wreck of the United States steamer Tallapoosa—to the Committee on Claims.

The bill (S. 701) for the relief of the legal representative of Peter Lyle, deceased—to the Committee on Invalid Pensions.

The bill (S. 581) to establish a forest reservation on the headwaters of the Missouri River and the headwaters of Clark's Fork of the Columbia River—to the Committee on the Public Lands.

THE LATE HON. WILLIAM H. COLE.

The SPEAKER also laid before the House the resolutions of the Senate in regard to the death of the late Representative COLE, of Maryland; which were ordered to lie on the table.

WITHDRAWAL OF PAPERS.

Mr. HENDERSON, of Iowa, by unanimous consent, obtained leave to withdraw from the files of the House the bill (H. R. 5828) for the relief of Mena Holmes.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. GROSVENOR, for Monday and Tuesday next, to enable him to attend the Congressional convention in his district.

To Mr. FUNSTON, for this day, on account of sickness in his family.
To Mr. HAYDEN, for two days.

ENROLLED JOINT RESOLUTION.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. Res. 199) providing for printing eulogies delivered in Congress upon the late Michael Hahn.

EXCHANGE OF PUBLIC PROPERTY AT ABINGDON, VA.

Mr. TRIGG. I ask unanimous consent that House bill No. 2539 be taken from the House Calendar for present consideration.

The bill was read, as follows:

A bill (H. R. 2539) authorizing the Secretary of the Treasury to exchange property purchased at Abingdon, Va., as a site for a public building for more suitable property.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized to exchange the property purchased as a site for the public building authorized to be erected at Abingdon, Va., by the act approved July 11, 1882, for other property more suitable for the purpose: *Provided*, That such other suitable property can be obtained without any additional cost to the United States.

There being no objection, the House proceeded to consider the bill; which was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. TRIGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES COURTS IN PENNSYLVANIA.

Mr. SCRANTON. I ask that House bill No. 2124 be taken from the House Calendar and passed with amendments.

Mr. BURNES. I am compelled to demand the regular order.

Mr. DINGLEY. I hope the gentleman from Missouri will not object to the consideration of this bill. One bill has been passed on the other side, and this side should be accorded the same courtesy.

Mr. SCRANTON. The bill has been unanimously reported from the Committee on the Judiciary.

Mr. BURNES. I withdraw the call for the regular order.

The bill was read, as follows:

A bill (H. R. 2124) amendatory of and supplementary to "An act to alter the judicial districts of Pennsylvania, and for other purposes," approved May 26, 1824, and providing an additional place for holding the several courts thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the counties of Wayne, Pike, Monroe, and Carbon, in the State of Pennsylvania, shall cease to be a part of the eastern judicial district of Pennsylvania, and shall be added to and form a part of the western judicial district of said State; and that, besides the terms of the circuit and district courts of said western district now directed by law to be held in said western district, there shall be held two terms of each of said courts in every year at Scranton, in the county of Lackawanna, which shall commence the first Mondays of the months of March and September in each and every year, beginning in September next, and be continued and adjourned from time to time as the courts may deem expedient for the transaction of the business thereof.

SEC. 2. That all suits which shall be brought against persons residing in the counties of Lackawanna, Wayne, Pike, Monroe, Carbon, Susquehanna, Wyoming, Luzerne, Bradford, and Columbia shall be determined at the sessions of the courts herein provided to be held at Scranton; but nothing herein contained shall be construed to limit or confine the business of said terms to said counties, nor shall the status of any actions pending or liens now in existence in the eastern judicial district, and pertaining to the counties of Wayne, Pike, Monroe, and Carbon, be interfered with, but shall continue in like manner as though this act had not passed.

SEC. 3. That the clerk of the district and circuit courts for the western judicial district of Pennsylvania, and marshal and district attorney for said district, shall perform the duties appertaining to their offices, respectively, for said courts; and said clerk and marshal shall appoint deputies who shall reside and keep their offices at Scranton, Pa. Said deputies shall keep in their offices such records as appertain to their offices, and said deputy clerk shall keep in his office full records of all actions, proceedings, and judgments in said courts.

SEC. 4. That the marshal of said western judicial district shall for the time being provide a suitable place at the city of Scranton for holding the several courts and for keeping the records thereof.

SEC. 5. That as compensation for the increased labor and expense imposed on him by the passage of this law the United States district judge for the western district of Pennsylvania shall be paid annually, by the Treasurer of the United States, the sum of $1,000 in addition to the yearly salary now or hereafter allowed him by law.

The amendments reported by the Committee on the Judiciary were read, as follows:

In line 3, section 1, strike out the words "Monroe and Carbon;"
In lines 9 and 10 of section 2 strike out the words "Monroe and Carbon."
Strike out section 5, as follows:
"SEC. 5. That as compensation for the increased labor and expense imposed on him by the passage of this law the United States district judge for the western district of Pennsylvania shall be paid annually, by the Treasurer of the United States, the sum of $1,000 in addition to the yearly salary now or hereafter allowed him by law."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOLMAN. Is it understood that the bill is to be passed with the amendments?

The SPEAKER. That is the request of the gentleman in charge of it.

Mr. STORM. I wish to inquire whether the counties of Pike and Wayne are struck out?

Mr. SCRANTON. I am about to offer an amendment which will meet the views of the gentleman.

Mr. RANDALL. As I understand, the bill as amended will leave the districts exactly as now constituted.

Mr. SCRANTON. With the amendments there will be no change in that respect.

The SPEAKER. The Clerk will read the amendments sent to the desk by the gentleman from Pennsylvania [Mr. SCRANTON].

The Clerk read as follows:

Strike out, in lines 3, 4, 5, 6, and 7 of section 1 the following:
"That the counties of Wayne, Pike, Monroe, and Carbon, in the State of Pennsylvania, shall cease to be a part of the eastern judicial district of Pennsylvania, and shall be added to and form a part of the western judicial district of said State, and."

Mr. BAYNE. That leaves the district just as it is.

Mr. RANDALL. And the bill does not increase the judge's salary?

Mr. SCRANTON. It does not.

The SPEAKER. The Clerk will read the remaining amendments sent up by the gentleman from Pennsylvania.

The Clerk read as follows:

Strike out, in the eighth line of section 1, the words "said western district," and insert in lieu thereof "the western judicial district of Pennsylvania."
Strike out, in the second and third lines of section 2, the words "Wayne, Pike, Monroe, Carbon."
Strike out all of section 2 after the word "counties," in line 7; the words stricken out being as follows:
"Nor shall the status of any actions pending or liens now in existence in the eastern judicial district, and pertaining to the counties of Wayne, Pike, Monroe, and Carbon, be interfered with, but shall continue in like manner as though this act had not passed."

Mr. HOLMAN. I understand that the amendments embrace the striking out of the increased salary?

The SPEAKER. That is a part of the amendments reported by the committee.

Mr. PARKER. The provision for increased salary has been stricken out by the Judiciary Committee.

The SPEAKER. If there be no objection these amendments will all be considered as adopted.

There was no objection, and it was ordered accordingly.

Mr. SCRANTON. The western judicial district of Pennsylvania is the largest in population by the census of 1880 in the United States with the exception of two—the northern of Ohio and the northern of New York, both of which are agricultural districts. Its present limits were fixed in 1824, sixty-two years ago, during which period new counties have been organized in the eastern and western portions and have rapidly become settled and large business interests have been developed.

The United States courts should be made accessible to the people and convenient to them. Upon this principle are based the merits of this bill. It should require no argument to convince you that the great empire of interior Pennsylvania demands more Federal court facilities than it did sixty-two years ago. The total population of the western judicial district of the State in 1820 was but 321,481, while the counties included in this bill and comprising the greater part of the anthracite coal region have to-day a population of over 400,000, one-tenth of that of the whole State. Should not the convenience of the people in this populous corner of the State be considered and respected?

That their convenience will be greatly promoted by the passage of this bill is demonstrated by a mere inspection of the map of Pennsylvania.

First. Negatively. It is evident that no city in the State could be selected for our seat of Federal justice less convenient than Pittsburgh. The distance is nearly 400 miles, the entire width of the State, while the lines of travel are not direct, but involve frequent changes and tedious delays.

Second. Positively. Scranton is the natural and commercial center of the territory covered by the bill, not more than 60 miles from its farthest confines, and connected with every important point by direct railroad lines.

The vastly superior convenience of Scranton over Pittsburgh being demonstrated, two considerations remain to be considered on this point: First. Are the population and business interests of this territory sufficiently large to justify the measure? Second. Does the actual amount of the United States court business from this territory justify it?

First. The population of the counties embraced in the bill was, according to the tenth census, 369,236, nearly one-eleventh of that of the whole State. It is now certainly more than 400,000. As the population of this part of the State has for many years been increasing more rapidly than that of the rest of the State, it is safe to infer that it now contains a considerably larger proportion of the State's population than in 1880. Further, the population here is very much concentrated. Within the counties named are Scranton (70,000), Wilkes Barre (32,000), and many cities and towns of from 3,000 to 10,000. The business interests of the region are very vast, including as it does nearly the whole of the anthracite coal fields of Pennsylvania. Here are carried on all the mining and shipping operations of the following great corporations: Delaware, Lackawanna and Western Railroad Company, Delaware and Hudson Canal Company, Pennsylvania Coal Company, Lehigh Valley Railroad Company, and a large part of those of the Pennsylvania Railroad Company, Reading Railroad Company, Lehigh Coal and Navigation Company, in addition to those of almost numberless smaller cor-

porations. The manufacture of iron and steel is a large and important industry, and other manufactures are numerously established and rapidly increasing.

Second. Of the criminal indictments found in the United States courts of the western district about 30 per cent. come from the six counties embraced in this bill. Of criminal informations a much larger percentage would be found but for the fact that, owing to the distance from the court, a much larger percentage of cases commenced in this part of the district are settled than in the western part.

During the last year of the operation of the bankruptcy act (1877–1878) from 20 to 25 per cent. of that class of cases originating in the western district came from these six counties. Should the bill be enacted, a still larger percentage would be found here.

Of the ordinary civil business of the courts a very small percentage is now brought from this territory, which is, it seems to us, a very strong argument in favor of the bill; for the reason of the small quantity of civil business is that very inconvenience of the courts which the bill is intended to correct. Crimes against the United States and bankruptcy cases must be prosecuted in the United States courts, they having exclusive jurisdiction thereof. But of ordinary civil causes of action, of which the United States courts have jurisdiction, the State courts also have concurrent jurisdiction. Therefore in most cases the advantages which would be found in the selection of the United States forum are far outweighed by the inconvenience of suing in a court 400 miles away. So that the small amount of civil business originating in these counties is another proof of the fact upon which we base our claim for relief; namely, that the present arrangement of the district amounts to a practical exclusion of a large body of the people from the advantages of the United States courts.

The fact that the wisdom of Congress once established the districts as now divided weighs nothing against our argument, for the conditions have completely changed since that division was made. In 1824, when the present districts were formed, the use of anthracite coal for fuel was as completely unknown as the use of electricity, so that the whole industry in which the activities of this section live, move, and have their being was as yet unborn. At that time the counties of Luzerne and Lackawanna contained one-fiftieth of the population of the State; in 1880 they contained one-nineteenth.

If we have established the fact that the convenience of the people would be greatly promoted by the proposed change, the only remaining question is will the interests of the Government be in any way prejudiced by it? In only two ways can we conceive that the two interests could conflict: First, by the multiplication of offices; second, by increased expense.

First. As to multiplication of offices, the bill is certainly very harmless. It provides for but two court officers to reside in the territory, to wit, a deputy marshal and a deputy clerk. The former is not a new officer, for there is now, and for many years has been, a deputy marshal residing either at Scranton or Wilkes Barre. The deputy clerk is, indeed, a new officer, but a very insignificant one, and one that is paid by fees and receives no salary from the Government.

Second. As to expense, we hold that the proposed change will result in a certain saving of expense to the Government. It is shown by the Attorney-General's report for 1885 (pages 79 and 81) that the business of the courts of the eastern district of Pennsylvania for that year was about double that of the western district, and that the expense to the Government was proportionally larger from all items except "jurors" and "witnesses."

Under these two heads the Government paid out in 1885 in the western district more than twice as much as in the eastern district. The reason is obvious. The western district is so large, and so large a body of its population lives on its very confines within the territory embraced in this bill, that the mileage fees of witnesses and jurors are very large. While the per diem pay of a juror or witness attending court at Pittsburgh for a week from Luzerne or Lackawanna County is from $12 to $15, his mileage is from $50 to $75. Nearly the whole of this mileage would be saved to the Government if the court was held in Scranton. As there were nearly two hundred jurors and Government witnesses at the Pittsburgh courts in 1884 and 1885 from counties named in the bill, it will be seen that a great saving would have been effected by holding the courts at Scranton. If the saving is placed at $25 per capita, a very moderate estimate, it would have reached in these two years the sum of $5,000. In addition to this expense there is to be taken into account the large mileage fees of the marshal in the transportation of prisoners, &c. We cite one or two cases by way of illustration and contrast:

Marshal's bill, United States *vs.* Chris. Carlson (Luzerne County)	$188 10
Marshal's bill, United States *vs.* John Burger (Lackawanna County)	105 00
Marshal's bill, United States *vs.* J. R. Rumbaugh (Pittsburgh)	5 40
Marshal's bill, United States *vs.* F. Brannon (Pittsburgh)	2 50

Altogether it seems safe to predict that, so far from the holding of courts as proposed becoming a source of increased expense to the Government, it will prove a measure of economy so important as of itself to justify the passage of the bill.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. SCRANTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELIZABETH LUCE.

Mr. CONGER, from the Committee on Invalid Pensions, reported back the message of the President vetoing the bill (H. R. 5997) granting a pension to Elizabeth Luce.

Mr. CONGER. I ask that this report be printed in the RECORD and laid over for subsequent consideration.

The SPEAKER. Without objection the report will be printed in the RECORD and laid over for the present.

There was no objection, and it was so ordered.

The report is as follows:

Mr. CONGER, from the Committee on Invalid Pensions, submitted the following report to accompany bill H. R. 5997 and Executive Document 281:

The Committee on Invalid Pensions, to whom was referred the message of the President of the United States vetoing House bill No. 5997, granting a pension to Elizabeth Luce, have considered the same, and report:

The objections of the President are set forth in the following message:

To the House of Representatives:

I return without approval House bill No. 5997, entitled "An act granting a pension to Elizabeth Luce."

The claimant named in this bill is the widow of John W. Luce, who entered the Army in August, 1861, and who was discharged in January, 1864, for a disability declared at the time in the surgeon's certificate to arise from "organic stricture of the urethra," which, from his statement, existed at the time of his enlistment.

Notwithstanding the admission which thus appears to have been made by him at the time of his discharge, he soon afterward made an application for a pension, alleging that his difficulty arose from his being thrown forward on the pommel of his saddle when in the service.

Upon an examination of this claim by a special examiner it is stated that no one could be found who had any knowledge of such an injury, and the claim was rejected.

In 1883, twenty years after the soldier alleged he was injured in the manner stated, he died, and the cause of his death was declared to be "chronic gastritis, complicated with kidney difficulty."

It is alleged that the examinations made by the Pension Bureau developed the fact that the deceased soldier was a man of quite intemperate habits.

The theory upon which this widow should be pensioned can only be that the death of her husband resulted from a disability or injury contracted or received in the military service. It seems to me that however satisfactorily the injury which he described may be established, and though every suspicion as to his habits be dismissed, there can hardly possibly be any connection between such an injury and the causes to which his death is attributed.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 19, 1886.

[H. R. 5997. Forty-ninth Congress, first session.]

An act granting a pension to Elizabeth Luce.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Elizabeth Luce, widow of John W. Luce, late a private in Company E, of the First Ohio Light Artillery.

JOHN G. CARLISLE,
Speaker of the House of Representatives.
JOHN SHERMAN,
President of the Senate pro tempore.

The proofs on file in the Pension Office in this case have been very carefully re-examined, and the committee are still of the opinion that this widow should be pensioned.

The following is a copy of the former report made by this committee:

"[House Report No. 1100, Forty-ninth Congress, first session.]

"That Elizabeth Luce is the widow of John W. Luce, deceased, late a private of Company E, First Ohio Light Artillery, who died at Grand Junction, Iowa, November 17, 1883. Cause of death, as reported by Dr. J. D. Kirby, the attending physician, 'gastritis, chronic; relapse, complications; general debility; kidney difficulty.'

"At the time of his death said John W. Luce had on file an undetermined application for pension for an alleged stricture of the urethra caused by being thrown upon the pommel of his saddle about August 15, 1863, while in the service. The widow continued to prosecute the claim, which was finally rejected January 7, 1885, on the ground that 'alleged stricture of the urethra was not due to soldier's military service.' The papers in this case from the Pension Office, which are very voluminous, have been very carefully examined, and the only possible ground for the conclusion arrived at by the Pension Office is to be found in the following statement made by the surgeon in soldier's certificate of discharge, namely: 'Organic stricture of the urethra, which, from his statement, existed at the time of enrollment.

"Luce explains in a letter that he made this statement at the time to prevent his transfer to the Invalid Corps. They had administered chloroform, and he was still upon the operating table. That he was free from the disability before and at the time of his enlistment is proven by many affidavits of neighbors and friends, among which James Brown, of Berea, Ohio, testifies that he became acquainted with claimant in 1857, who then worked for his brother, John Brown, manufacturing grindstones, and he worked with him nearly all the time for three years prior to his enlistment, and knew him to be a sound, able-bodied man, commanding the best wages for his labor.

"Dr. A. S. Allen, of Berea, Ohio, testifies that he attended claimant's family, and met him often while he was engaged in work about the quarries prior to his enlistment, and he has no knowledge of his ever being sick or in any way disabled during that time; he believes he should have known if he had been unsound. After his discharge, in 1864, he (Luce) applied to him for aid for some urinary trouble, he thinks inability to pass urine, and he was troubled thereby until he moved away in 1866.

"Andrew Berwick, lieutenant of Company E, First Ohio Light Artillery, testifies that when claimant entered the service he was a sound, healthy man, and so continued until August 15, 1863, when at Battle Creek, Tenn., he was injured in his urinary organs by the ring on the pommel of his saddle while he was driving one of the teams attached to a gun of his battery. This is further proven by affidavits of comrades; and the continuance of disability to date of death is proven by abundant and credible testimony.

"Dr. G. Low testified April 22, 1867, that he examined claimant and found him

suffering from enlarged prostate gland and stricture, irremediable except through surgical operation, which would endanger his life, and would not be advisable except as a last resort.

"While the diagnosis of death-cause by the physician who attended him in his last illness does not name stricture of urethra as the cause of death, yet it is a reasonable presumption that it contributed largely to produce the general debility, kidney, and other troubles which did culminate in death.

"Your committee are of the opinion that the soldier's death is clearly traceable to the disability received in the service, and believe his widow should be pensioned; therefore recommend the passage of the bill."

The President withholds his approval on the ground that "there can hardly possibly be any connection between the injury alleged and the cause to which his death is attributed." The attendant physician at time of soldier's death gave mortuary certificate as follows:

"Cause of death, gastritis, chronic; relapse, complications, general debility, kidney difficulty."

And in testimony before a special examiner, he says that while gastritis was the immediate cause of his death, the complications helped it along; that he was greatly debilitated, generally run down, and that his urinary troubles contributed to the general debility of his system.

There are on file in this case the results of four official medical examinations. All find the man disabled from some serious urinary trouble, but no two of them give the same diagnosis or agree as to the cause of the trouble.

The proof is conclusive that some trouble of the kidneys, bladder, prostate gland, or urethra disabled him during all the time from his discharge to death.

His wife swears that he died of the disability with which he had been continuously afflicted, and the attending physician says he died of gastritis, general debility, and kidney troubles.

It does not seem, therefore, a violent presumption to presume that the various urinary troubles which existed and disabled him for twenty years, although at time of discharge called only "stricture of the urethra," were the direct, if not the immediate, cause of his death.

The President makes prominent in his veto message the result of a special examination, which was that no one could be found who had any knowledge of such an injury, and that the soldier was intemperate.

To those who have had occasion to carefully scrutinize many of the reports of these *ex parte* special examinations, it seems quite apparent that they are often made with a determination to defeat a claim if possible. But in this case the work is overdone. So very much is proven that the testimony is valueless. The examiner says, as a result of this examination, "I fail to find that claimant was troubled with stricture or other urinary disease prior to enlistment," and his witnesses testify that soldier had no such trouble at any time during service, yet the lieutenant commanding the company swears to the disability. The hospital records prove it; he is discharged on account of it, and his claim for pension was rejected because it existed prior to enlistment.

It is these same witnesses of this special examiner that suggest the intemperance. But since the records show that they are absolutely incorrect and unreliable as to the other matter testified to, their testimony can not and should not be taken as of any force or value to prove intemperance, and should not prejudice this case.

John W. Luce served two years before he was disabled. Proof of disability and discharge for same is conclusive. Continued disability, from same cause, from discharge to date of death is clearly established. A reasonable presumption of death from same disability obtains, and his widow is left in poverty as a consequence of his long-continued disease.

The Government is under a sacred obligation to compensate this woman for the loss of health and death of her husband and her consequent struggle with poverty.

Congress has the right to grant this relief, and it is its duty to save her from the want and anguish to which the strong arm of the President would consign her. The theory of the President seems to be that Congress should grant pensions by special act only under existing law. If relief could be had in all these cases under the present law then there would be no necessity to appeal to this body for aid.

We are not granting pensions under existing laws, but we are making new law in every case where, in the judgment of Congress, relief should be granted and can not be obtained at the Pension Office.

In this one the demand for relief is eminently just and meritorious. Therefore your committee recommend the passage of the bill, the objection of the President to the contrary notwithstanding.

MRS. CATHARINE M'CARTY.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back the message of the President vetoing the bill (H. R. 5603) granting a pension to Mrs. Catharine McCarty.

The SPEAKER. Without objection this report will also be printed in the RECORD, and laid over.

There was no objection.

The report is as follows:

Mr. CONGER, from the Committee on Invalid Pensions, submitted the following report to accompany bill H. R. 5603 and Executive Document 335.

The Committee on Invalid Pensions, to whom was referred the message of the President of the United States vetoing the bill (H. R. 5603) granting a pension to Mrs. Catherine McCarty, have had the same under consideration, and beg leave to report;

The objections of the President are set forth in the message as follows:

To the House of Representatives:

I return herewith without approval House bill No. 5603, entitled "An act granting a pension to Mrs. Catherine McCarty."

The beneficiary is the widow of John McCarty, of the First Missouri Regiment of State Militia Volunteers, who died at Clinton, Mo., April 8, 1864.

The widow filed her claim in 1866, alleging that her husband died while in the service from an overdose of colchicum.

The evidence shows without dispute that on the day previous to the death of the soldier a comrade procured some medicine from the regimental surgeon and asked McCarty to smell and taste it; that he did so, and shortly afterward became very sick and died the next morning.

It is quite evident that the deceased soldier did more than taste this medicine.

Although it would be pleasant to aid the widow in this case, it is hardly fair to ask the Government to grant a pension for the freak or gross heedlessness and recklessness of this soldier.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 6, 1886.

[H. R. 5603. Forty-ninth Congress, first session.]

An act granting a pension to Mrs. Catherine McCarty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Catherine McCarty, widow of John McCarty, late a private in Company B, First Regiment Missouri State Militia Volunteers.

JOHN G. CARLISLE,
Speaker of the House of Representatives.
JOHN SHERMAN,
President of the Senate pro tempore.

I certify that this act originated in the House of Representatives.
Attest: JNO. B. CLARK, JR., *Clerk.*

All the facts in the case are fully set forth in the following report heretofore made by this committee:

"That Catherine McCarty is the widow of John McCarty, late a private of Company B, First Missouri State Militia Volunteers, who enlisted February 5, 1862, and died at Clinton, Mo., April 8, 1864, while in the service, under the following distressing circumstances, as testified to by comrades S. Black, R. Carter, J. R. Rhoades, and W. H. Cole in the following joint affidavit:

"'Thomas Collen, a member of company, got some medicine from the surgeon and came in smelling and tasting of it, and asked John McCarty, who was nearest him, to smell and taste it, as it had a peculiar smell and taste; said McCarty did so, and shortly afterward got very sick and commenced vomiting, and died the next morning in great agony.'

"This is confirmed by records now on file in the War Department and by affidavit of J. G. Hart, late surgeon of soldier's regiment, who testifies that McCarty, while on duty in the service at Clinton, Mo., took same medicine (fluid extract of colchicum, which had been prescribed for another soldier) through a mistake, and died about thirty hours thereafter.

"His widow filed application for pension, which was rejected on the ground that 'the soldier's death was caused by his taking poison, not the result of any disease contracted in the military service.' The Pension Office, under the law, could not have done otherwise, but Congress can, and your committee believe should, recognize the fact that this woman had given her husband and the father of her children to the service of her country, and that while so serving his country he lost his life. It is true it was by a careless accident, but yet one that under the peculiar circumstances might have happened to any one.

"He served his Government faithfully for nearly two years; he left a widow with four children to fight life's battles alone; she is now old and very poor, and, in view of the services rendered by her husband, richly deserves the small recompense of a widow's pension during her few remaining years: wherefore we recommend the passage of the bill."

There is no controversy over the facts in this case. The only question at issue is whether, under the circumstances proven in this case, the widow of a soldier who died while in the service of his country of a careless accident shall be placed on the pension-roll. The President says it is hardly fair to ask the Government to grant a pension in such a case.

For the reasons set forth in the above report your committee are still of the opinion that this widow merits a place on the pension-roll, and therefore recommend that the bill do pass, the objections of the President to the contrary notwithstanding.

IMPRISONMENT OF JULIO SANTOS.

Mr. BELMONT, from the Committee on Foreign Affairs, submitted the following report:

The Committee on Foreign Affairs, having had under consideration the following resolution—

"*Resolved*, That the President of the United States be, and is hereby, requested, if not incompatible with the public service, to transmit to the House of Representatives the correspondence relating to the imprisonment in Ecuador and subsequent release of Julio Santos, a citizen of the United States"—

report the same back with the recommendation that it pass.

The resolution was adopted.

Mr. BELMONT moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CIVIL-SERVICE APPOINTMENTS, DISTRICT OF COLUMBIA.

Mr. STONE, of Missouri, from the Committee on Reform in the Civil Service, reported back the following resolution with the recommendation that it be adopted:

Resolved, That the United States Civil Service Commission be, and is hereby, directed to inform this House by what authority twenty-three appointments to positions within the classified public service were made from the District of Columbia, when the proportion due to said District of Columbia was less than three for the year ending January 16, 1886.

Mr. STONE, of Missouri. I demand the previous question on the adoption of the resolution.

The previous question was ordered.

The resolution was adopted.

Mr. STONE, of Missouri, moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FURLOUGHS WITH PAY, INTERIOR DEPARTMENT.

Mr. STONE, of Missouri, from the Committee on Reform in the Civil Service, also submitted the following report:

The Committee on Reform in the Civil Service, to whom was referred the following resolution—

"*Resolved*, That the Secretary of the Interior be, and he is hereby, directed to inform this House whether or not employés in his Department are granted furloughs or leaves of absence with pay for a greater length of time than thirty days in any given twelve months; if so, by what authority of law and to what extent such custom is had"—

report that they have duly considered the same, and recommend that the resolution pass.

The resolution was adopted.

Mr. STONE, of Missouri, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

The SPEAKER. The regular order having been demanded, the Clerk

will now report the next amendment on which a separate vote is asked on the deficiency bill.

Mr. BRAGG. Before that is done, Mr. Speaker, in view of the fact that it was understood if mistakes occurred in the printed names of parties inserted in the bill who had judgments against the United States they should be corrected, I wish to call the attention of the House and ask permission now to make a correction on page 65 of the bill, as follows: The name "Frank L. Lyons" should be changed to read "Frank L. Jones," and the word "administrators" should be in the singular, not in the plural.

The SPEAKER. Without objection the correction will be made.

There was no objection, and it was so ordered.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

On page 72 add the following proviso:

"*Provided*, That satisfactory security shall be given to the Secretary of the Treasury that the said amount shall be paid to the several alien bondholders, stockholders, or their representatives, out of whose money the said taxes were paid to the Government."

Mr. HOLMAN. It is not the proviso, but the main proposition.

Mr. BURNES. The whole amendment as amended should be read.

The SPEAKER. The Clerk will report the lines proposed to be stricken out.

The Clerk read as follows:

Strike out, on page 72, after the words "eighty-three," in line 35, down to and including line 40, as follows: "Except the claims numbered 46050, 47381, and 47413, contained in said Executive Document No. 70, $17,197.13," and insert "$39,020.28" and the proviso.

Mr. HOLMAN. Let the paragraph be read as it will stand if amended.

The Clerk read as follows:

After the word "eighty-three," in line 35, insert "$39,020.28;" so that the paragraph as amended will read:

"For refunding taxes illegally collected prior to July 1, 1883, $39,020.28: *Provided*, That satisfactory security shall be given to the Secretary of the Treasury that the said amount shall be paid to the several alien bondholders or stockholders or their representatives out of whose money the said taxes were paid to the Government."

Mr. RANDALL. Mr. Speaker, the New York Evening Post a few days ago stated that I was absent intentionally on the 5th day of July when this matter was considered in the Committee of the Whole, and that a brother of mine was interested as attorney in this claim. I knew nothing about it when the matter was considered in the committee, but have since learned that he has no interest whatever, either directly or indirectly, in the matter. It would not have made any difference to me, as everybody who knows me will concede. I think, however, I have a right to say that in the committee I resisted in every way possible, as did the gentleman from Missouri [Mr. BURNES], this claim, and I shall continue to do so in the House.

Mr. CANNON. Debate having been allowed on one side it may be well enough to have a statement from the other side. While the statement of the gentleman is true that he did resist this in the committee, yet it is also true he offered no reason for resisting it that I heard, nor does he offer any reason here for resisting it.

Mr. RANDALL. The committee was so nearly unanimous that it was not necessary to give any reasons. I can give the reasons now.

Mr. CANNON. You did not before. [Cries of "Regular order!"]

Mr. BUTTERWORTH. I object to this matter being gone into further unless we are to have a full discussion.

Mr. RANDALL. Since I am invited by the gentleman from Illinois to state why I resisted this amendment, I will say it was because I do not believe it will ever reach the people who paid the money.

Mr. CANNON. I am willing there should be debate on this matter if both sides are heard. There is a fund which will reach these people.

Mr. ANDERSON, of Kansas. I ask that the amendment be again read.

The SPEAKER. It has been read twice or three times already.

The question being taken on the amendment, there were—ayes 66, noes 73.

Mr. CANNON. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 104, nays 108, not voting 110; as follows:

YEAS—104.

Adams, G. E.	Dingley,	Hitt,	Moffatt,
Allen, C. H.	Dorsey,	Holmes,	Morrill,
Atkinson,	Ely,	Hopkins,	Morrow,
Baker,	Evans,	Jackson,	O'Hara,
Bayne,	Everhart,	James,	Osborne,
Bound,	Farquhar,	Johnson, F. A.	Parker,
Bragg,	Fleeger,	Kelley,	Payne,
Browne, T. M.	Fuller,	Ketcham,	Payson,
Brown, C. E.	Gilfillan,	La Follette,	Perkins,
Brown, W. W.	Goff,	Lehlbach,	Peters,
Buck,	Grosvenor,	Lindsley,	Pettibone,
Bunnell,	Grout,	Little,	Pirce,
Burrows,	Guenther,	Long,	Price,
Butterworth,	Harmer,	Louttit,	Reed, T. B.
Campbell, J. M.	Haynes,	Lyman,	Rice,
Cannon,	Henderson, D. B.	Markham,	Rockwell,
Conger,	Hepburn,	McKenna,	Romeis,
Curtin,	Hewitt,	McKinley,	Rowell,
Cutcheon,	Hiestand,	Millard,	Ryan,
Dargan,	Hiscock,	Mitchell,	Sawyer,
Scranton,	Strait,	Thompson,	Wakefield,
Smalls,	Struble,	Tillman,	Weber,
Spooner,	Swinburne,	Viele,	West,
Steele,	Taylor, I. H.	Wade,	White, Milo
Stephenson,	Taylor, Zach.	Wadsworth,	Whiting,
Stone, E. F.	Thomas, O. B.	Waite,	Woodburn.

NAYS—108.

Adams, J. J.	Dockery,	Jones, J. T.	Snyder,
Anderson, C. M.	Dowdney,	Laffoon,	Sowden,
Barksdale,	Dunn,	Lanham,	Springer,
Barnes,	Eden,	Lawler,	Stahlnecker,
Barry,	Eldredge,	Lovering,	Stewart, Charles
Bennett,	Foran,	Lowry,	Stone, W. J., Mo.
Blanchard,	Ford,	Martin,	Storm,
Bland,	Forney,	Matson,	Tarsney,
Blount,	Frederick,	McCreary,	Taulbee,
Boyle,	Gay,	McMillin,	Taylor, J. M.
Breckinridge, C. R.	Geddes,	McRae,	Townshend,
Burnes,	Glass,	Mills,	Trigg,
Bynum,	Glover,	Morgan,	Turner,
Cabell,	Green, W. J.	Murphy,	Van Eaton,
Caldwell,	Hale,	Neal,	Ward, T. B.
Candler,	Hall,	Oates,	Warner, A. J.
Carleton,	Halsell,	Outhwaite,	Weaver, J. B.
Catchings,	Hatch,	Peel,	Wellborn,
Cobb,	Henderson, J. S.	Randall,	Wheeler,
Comstock,	Herbert,	Reagan,	White, A. C.
Cowles,	Hill,	Richardson,	Wilkins,
Crisp,	Holman,	Robertson,	Willis,
Croxton,	Howard,	Sadler,	Wilson,
Culberson,	Hudd,	Sayers,	Winans,
Daniel,	Johnston, J. T.	Seymour,	Wise,
Davidson, A. C.	Johnston, T. D.	Singleton,	Wolford,
Davidson, R. H. M.	Jones, J. H.	Skinner,	Worthington.

NOT VOTING—110.

Aiken,	Davis,	King,	Pindar,
Allen, J. M.	Dawson,	Kleiner,	Plumb,
Anderson, J. A.	Dibble,	Laird,	Ranney,
Arnot,	Dougherty,	Landes,	Reese,
Ballentine,	Dunham,	Le Fevre,	Reid, J. W.
Barbour,	Ellsberry,	Libbey,	Riggs,
Beach,	Ermentrout,	Lore,	Rogers,
Belmont,	Felton,	Mahoney,	Scott,
Bingham,	Findlay,	Maybury,	Seney,
Bliss,	Fisher,	McAdoo,	Sessions,
Boutelle,	Funston,	McComas,	Shaw,
Brady,	Gallinger,	Merriman,	Spriggs,
Breckinridge, WCP.	Gibson, C. H.	Miller,	Stewart, J. W.
Brumm,	Gibson, Eustace	Milliken,	St. Martin,
Buchanan,	Green, R. S.	Morrison,	Stone, W. J., Ky.
Burleigh,	Hammond,	Muller,	Swope,
Campbell, Felix	Hanback,	Neece,	Symes,
Campbell, J. E.	Harris,	Negley,	Taylor, E. B.
Campbell, T. J.	Hayden,	Nelson,	Thomas, J. R.
Caswell,	Heard,	Norwood,	Throckmorton,
Clardy,	Hemphill,	O'Donnell,	Tucker,
Clements,	Henderson, T. J.	O'Ferrall,	Van Schaick,
Collins,	Henley,	O'Neill, Charles	Wallace,
Compton,	Hermann,	O'Neill, J. J.	Ward, J. H.
Cooper,	Hires,	Owen,	Warner, William
Cox,	Houk,	Perry,	Weaver, A. J.
Crain,	Hutton,	Phelps,	
Davenport,	Irion,	Pidcock,	

So the amendment was not agreed to.

On motion of Mr. PAYSON, the reading of the names of members voting was dispensed with.

The following pairs were announced until further notice:

Mr. SWOPE with Mr. DAVENPORT.

Mr. O'FERRALL with Mr. VAN SCHAICK.

Mr. COLLINS with Mr. DAVIS.

Mr. COX with Mr. O'DONNELL.

Mr. LANDES with Mr. HANBACK.

Mr. HARRIS with Mr. PHELPS.

Mr. ARNOT with Mr. THOMAS, of Illinois.

Mr. REESE with Mr. BUCHANAN.

Mr. THROCKMORTON with Mr. CASWELL.

Mr. MILLER with Mr. GALLINGER.

Mr. BARBOUR with Mr. LIBBEY.

Mr. ROGERS with Mr. EZRA B. TAYLOR.

Mr. SPRIGGS with Mr. OWEN.

Mr. LE FEVRE with Mr. BUTTERWORTH.

Mr. WARD, of Illinois, with Mr. HOUK.

Until Monday next:

Mr. O'NEILL, of Pennsylvania, with Mr. CLARDY.

Mr. TUCKER with Mr. STEWART, of Vermont.

For this day:

Mr. MULLER with Mr. WEAVER, of Nebraska.

Mr. BEACH with Mr. LAIRD.

Mr. COMPTON with Mr. FELTON.

Mr. DIBBLE with Mr. BINGHAM.

Mr. STONE, of Kentucky, with Mr. WADE.

Mr. GIBSON, of Maryland, with Mr. BURLEIGH.

Mr. IRION with Mr. MCCOMAS.

Mr. KLEINER with Mr. DUNHAM.

Mr. PINDAR with Mr. ANDERSON, of Kansas.

Mr. FELIX CAMPBELL with Mr. NELSON.

Mr. PIDCOCK with Mr. HIRES.

Mr. SHAW with Mr. HENDERSON, of Illinois.

Mr. GIBSON, of West Virginia, with Mr. SYMES.

On the pending bill:

Mr. HAMMOND with Mr. NEGLEY.

The result of the vote was then announced as above stated.

Mr. BURNES moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

On page 98 of the bill, all after the word "eighty-three," in line 35, down to and including line 40, was stricken out and there was inserted after the word "eighty-three," in line 35, "ten thousand seven hundred and thirty-five dollars and fifty-three cents: *Provided*, That the said corporations, respectively, shall give satisfactory security to the Secretary of the Treasury that the said amounts shall be paid to the several alien bondholders or stockholders, or their representatives out of whose money the said corporations paid the said taxes.

The question was taken upon agreeing to the amendment; and the Speaker declared that the noes seemed to have it.

Mr. BURNES. I ask for a division.

The House divided; and there were—ayes 63, noes 79.

Mr. CANNON. Mr. Speaker, it takes a quorum to repudiate the debt in this House.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint the gentleman from Illinois, Mr. CANNON, and the gentleman from Missouri, Mr. BURNES, to act as tellers.

The House again divided; and the tellers reported—ayes 86, noes 92.

So the amendment was not agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

On page 110, line 42 of the amendment, strike out "fifty-two hundred and forty-five," and change the amount in lines 43 and 44, making it "$59,405.81."

Mr. HOLMAN. Mr. Speaker, I ask that the original proposition be read, and then the amendment, so that it may be clearly understood.

The Clerk read as follows:

The original proposition as contained in the bill is:

"For the payment of the claims on account of transportation of the Army and its supplies certified as due by the Second Comptroller in Schedule A, pages 21 and 22 of said Executive Document No. 210, except the claims numbered 4377, 5245, and 1308 enumerated therein, $48,655.81."

The amendment is to substitute the following:

"For payment of the claims on account of transportation of the Army and its supplies certified as due by the Second Comptroller in Schedule A, pages 21 and 22 of said Executive Document No. 210, except the claims numbered 4377 and 1308 enumerated therein, $59,405.81."

Mr. CRAIN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRAIN. Would it be in order to state at this time that this payment has been recommended by the Comptroller and by his predecessor?

The SPEAKER. That is in the nature of debate, and debate is not in order.

Mr. HOLMAN. It has been rejected, however, by the Quartermaster-General.

Mr. CRAIN. Only on the ground that its payment was prohibited by law.

The question was taken on agreeing to the amendment; and there were—ayes 40, noes 53.

Mr. CRAIN. I demand tellers.

The SPEAKER appointed Mr. CRAIN and Mr. HOLMAN to act as tellers.

Mr. ELY. Mr. Speaker, would it be in order to inquire whether this claim has been recommended by any officer of the Government?

The SPEAKER. The Chair can not answer that question. That is a matter for debate on the floor.

The House again divided; and the tellers reported—ayes 105, noes 60.

Mr. HOLMAN. I ask for the yeas and nays upon the adoption of the amendment as amended.

The yeas and nays were ordered.

Mr. BURROWS. Mr. Speaker, there seems to be much misunderstanding as to the character of this amendment, and I rise to ask unanimous consent that the gentleman from Texas [Mr. CRAIN] be allowed five minutes to explain the matter, a like time being allowed to the gentleman from Illinois [Mr. CANNON] or the gentleman from Indiana [Mr. HOLMAN] in reply.

There was no objection, and it was so ordered.

FORTIFICATION APPROPRIATION BILL.

Mr. FORNEY, from the Committee on Appropriations, reported a bill (H. R. 9798) making appropriations for fortifications and other works of defense and for the armament thereof for the fiscal year ending June 30, 1887, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. HISCOCK. I reserve all points of order on that bill.

DEFICIENCY APPROPRIATION BILL.

Mr. CRAIN. Mr. Speaker, the claim of Mr. League is one which is set up on a contract between him and the legally authorized representative of the United States Government in December, 1865, for the rent and occupation of a wharf, warehouse, and coal-yard in the city of Galveston, Tex. Prior to the period for which this amendment proposes to make payment the Government under that contract had paid for several months the actual rent per month claimed in this amendment; and subsequently the Government again paid the same rent for the use and occupation of this property, thereby ratifying the contract which had been made. The vouchers in support of the claim were filed about fifteen years ago in the Treasury Department. The quartermaster at Galveston certified to the correctness of this account; the quartermaster-general of the department of Texas ratified the account; but it was rejected by the Quartermaster-General of the United States, General Meigs, upon the ground that its payment was prohibited by the law of 1864 and the supplemental act of 1867, which provided that no claim originating in an insurrectionary State during the war should be paid. In the case of Rawlings *vs.* The United States, Attorney-General Evarts, in reply to a communication from General Schofield, Secretary of War, gave it as his opinion that the acts of 1864 and 1867, upon which General Meigs based his failure to recommend the payment of this claim, did not apply to cases which originated in insurrectionary States during the war if founded on contract. Subsequently, in the case of Green *vs.* The United States, The Court of Claims expressed the same view of the law, and said that notwithstanding these laws prohibiting the payment of claims which originated in the insurrectionary States, such claims when founded on contract between the Government and the individual should be paid, and that in such cases the laws of 1864 and 1867 were not applicable. In deciding this case the Court of Claims referred expressly to the opinion of the Attorney-General in the case of Rawlings.

The only objection which the gentleman from Indiana [Mr. HOLMAN] can have to this amendment must be based on the ground that the claim has been rejected by the Quartermaster-General of the Army; but when you analyze the reasons which actuated him in refusing to recommend the claim you find opposed to them the opinion of the Attorney-General, supplemented by a decision of the Court of Claims upon similar cases.

Mr. BUTTERWORTH. I would like to ask the gentleman two questions.

Mr. CRAIN. Certainly.

Mr. BUTTERWORTH. First, is there any claim that the charge made in this case for the use of this property was excessive?

Mr. CRAIN. None whatever.

Mr. BUTTERWORTH. If I understand the matter correctly, this claim arose subsequently to the cessation of hostilities, but before the formal proclamation of peace was issued by President Johnson in August, 1866.

Mr. CRAIN. That is correct.

Mr. BUTTERWORTH. One further question: Were these accounts certified and allowed by the Treasury Department?

Mr. CRAIN. These accounts were in the first place certified as correct by the officer who made the contract; second, they were ratified by the quartermaster in charge of the Department of Texas; third, they were certified as correct by the Second Comptroller under a former administration, were sent back by the Committee on Appropriations, and were again certified as correct by the Second Comptroller now in office.

Mr. BUTTERWORTH. Then the only objection to their payment, as I understand, is that the letter of the law precluded the allowance of the claim by the Quartermaster-General, as he construed the law.

Mr. CRAIN. Yes, sir; as he construed it.

Mr. BUTTERWORTH. That is, the acts of 1864 and 1867?

Mr. CRAIN. Yes, sir.

Mr. ANDERSON, of Kansas. What is the amount of the claim?

Mr. CRAIN. Ten thousand seven hundred and fifty dollars.

Mr. HOLMAN. Mr. Speaker, the statement made by the gentleman from Texas [Mr. CRAIN] is substantially correct, as I understand the case. The claim was rejected by General Meigs, Quartermaster-General, on the ground that the payment of this class of claims was expressly prohibited by the act of 1864 as amended by the act of 1867. It has been held, I think quite uniformly, that where a contract was made by a subordinate quartermaster and had been ratified by the Quartermaster-General the effect was to take the claim out of the operation of the act of 1867. But it does not appear that this claim was ever approved by the Quartermaster-General's Department. There was simply a contract by a subordinate quartermaster in the field. The claim stands on the same footing as a large number of other claims, the payment of which is prohibited by the act of 1864 as amended by the act of 1867. This claim, so far as I am aware, has never been considered by a committee of the House, or if so considered has never been reported on by a committee; so that the exact facts, so far as we are concerned, are only known to the extent I state—that the claim was rejected by the Quartermaster-General because its payment was prohibited by law.

Mr. BLOUNT. Will the gentleman allow me a question?

Mr. HOLMAN. I will in one moment. This is a claim, as I understand, for $2,500 a month for rent of a wharf, warehouse, and coal-yard in the city of Galveston. The claim amounts, I believe, to $10,950.

Mr. CRAIN. Ten thousand seven hundred and fifty dollars.

Mr. SPRINGER. How much per month?

Mr. HOLMAN. Twenty-five hundred dollars per month.

Mr. OATES. Does the gentleman know for what purpose this property was used by the Government?

Mr. HOLMAN. It was not stated to what use the property was applied. The House, of course, understands that the act of 1867 did not operate as to claims originating after the 20th of August, 1866.

Mr. BAYNE. Will the gentleman from Indiana yield for a question?

Mr. HOLMAN. In a moment. Had the claim accrued after the 20th of August, 1866, of course it would not be affected by the act of 1867. There was a proclamation of the President, decided by the Supreme Court to be the final determination of the war. Among the claims affected by the act of 1864 as amended by the act of 1867 this claim is included.

Mr. BAYNE. Do I understand the gentleman from Indiana to say there is a very large body of claims of this character?

Mr. HOLMAN. Yes; there are other claims.

Mr. BAYNE. Have there been other claims referred to the Committee on Appropriations similar to this?

Mr. HOLMAN. I can not say as to that. The committee has not examined these claims.

Mr. BLOUNT. Has the committee made examination as to the right of the officers of the Treasury to inquire into claims of this character?

Mr. HOLMAN. That has not been examined into.

Mr. BLOUNT. Have they not done it?

Mr. HOLMAN. I can not say. I yield to the gentleman from Illinois [Mr. CANNON].

Mr. CRAIN rose.

The SPEAKER. The gentleman from Illinois has the floor.

Mr. CRAIN. I understand that.

Mr. CANNON. How much time is there remaining?

The SPEAKER. One minute and a half.

Mr. CANNON. In that minute and a half, Mr. Speaker, I can only say it occurs to me there may be some question about this claim. At best it is but a claim. But considering the precedent set by the House a few moments ago, that it is proper for a majority of this House to repudiate debts affirmed by the decision of the Supreme Court, I am curious to see how gentlemen on that side who were swift to repudiate its debts will vote on a claim of doubtful propriety.

Mr. SPRINGER. As this is an ordinary war claim, it should be referred to the Committee on War Claims.

The SPEAKER. The time for debate has expired. The question recurs on the amendment, on which the yeas and nays have been ordered.

The question was taken; and it was decided in the affirmative—yeas 117, nays 95, not voting 110; as follows:

YEAS—117.

Adams, G. E.	Forney,	Mills,	Stone, E. F.
Adams, J. J.	Frederick,	Morrill,	Strait,
Allen, C. H.	Gay,	O'Hara,	Struble,
Allen, J. M.	Guenther,	O'Neill, J. J.	Swinburne,
Atkinson,	Harris,	Outhwaite,	Tarsney,
Baker,	Hemphill,	Parker,	Taylor, J. M.
Barry,	Hepburn,	Payson,	Taylor, Zach.
Blanchard,	Herbert,	Perkins,	Thomas, O. B.
Blount,	Hermann,	Perry,	Tillman,
Brady,	Hewitt,	Peters,	Trigg,
Breckinridge, WCP.	Hitt,	Pettibone,	Turner,
Brown, W. W.	Holmes,	Reagan,	Viele,
Butterworth,	Hopkins,	Reed, T. B.	Wadsworth,
Cabell,	Howard,	Reid, J. W.	Wakefield,
Caldwell,	Johnson, F. A.	Rice,	Wallace,
Candler,	Jones, J. H.	Richardson,	Ward, T. B.
Carleton,	Laffoon,	Robertson,	Weber,
Clements,	La Follette,	Rockwell,	Wellborn,
Crain,	Lanham,	Rowell,	West,
Crisp,	Lawler,	Sayers,	Wheeler,
Culberson,	Lehlbach,	Scranton,	White, A. C.
Cutcheon,	Long,	Singleton,	White, Milo
Dargan,	Lovering,	Skinner,	Whiting,
Davidson, R. H. M.	Markham,	Smalls,	Willis,
Dougherty,	Maybury,	Stahlnecker,	Wolford,
Dowdney,	McAdoo,	Steele,	Woodburn,
Ely,	McKenna,	Stephenson,	Worthington.
Evans,	McMillin,	Stewart, Charles	
Farquhar,	McRae,	Stewart, J. W.	
Foran,	Merriman,	St. Martin,	

NAYS—95.

Anderson, C. M.	Cooper,	Goff,	Kelley,
Anderson, J. A.	Cowles,	Green, R. S.	Little,
Ballentine,	Croxton,	Green, W. J.	Lowry,
Bayne,	Davidson, A. C.	Grosvenor,	Lyman,
Bennett,	Dingley,	Grout,	Martin,
Bland,	Dockery,	Hale,	McCreary,
Bound,	Dorsey,	Hall,	Millard,
Boutelle,	Eden,	Halsell,	Moffat,
Boyle,	Eldredge,	Harmer,	Murphy,
Breckinridge, C. R.	Ermentrout,	Hatch,	Neal,
Brumm,	Everhart,	Henderson, J. S.	Neece,
Buck,	Fleeger,	Hiestand,	Oates,
Bunnell,	Ford,	Hiscock,	Osborne,
Burnes,	Fuller,	Holman,	Owen,
Burrows,	Funston,	Hutton,	Peel,
Bynum,	Geddes,	Jackson,	Pirce,
Campbell, J. M.	Gilfillan,	Johnston, J. T.	Plumb,
Cannon,	Glass,	Johnston, T. D.	Price,
Conger,	Glover,	Jones, J. T.	Randall,
Ryan,	Spooner,	Townshend,	Weaver, A. J.
Sadler,	Springer,	Van Eaton,	Weaver, J. B.
Sessions,	Stone, W. J., Mo.	Wait,	Wilson,
Seymour,	Storm,	Warner, A. J.	Winans.
Sowden,	Thompson,	Warner, William	

NOT VOTING—110.

Aiken,	Davis,	Kleiner,	Pindar,
Arnot,	Dawson,	Laird,	Ranney,
Barbour,	Dibble,	Landes,	Reese,
Barksdale,	Dunham,	Le Fevre,	Riggs,
Barnes,	Dunn,	Libbey,	Rogers,
Beach,	Ellsberry,	Lindsley,	Romeis,
Belmont,	Felton,	Lore,	Sawyer,
Bingham,	Findlay,	Louttit,	Scott,
Bliss,	Fisher,	Mahoney,	Seney,
Bragg,	Gallinger,	Matson,	Shaw,
Browne, T. M.	Gibson, C. H.	McComas,	Snyder,
Brown, C. E.	Gibson, Eustace	McKinley,	Spriggs,
Buchanan,	Hammond,	Miller,	Stone, W. J., Ky.
Burleigh,	Hanback,	Milliken,	Swope,
Campbell, Felix	Hayden,	Mitchell,	Symes,
Campbell, J. E.	Haynes,	Morgan,	Taulbee,
Campbell, T. J.	Heard,	Morrison,	Taylor, E. B.
Caswell,	Henderson, D. B.	Morrow,	Taylor, I. H.
Catchings,	Henderson, T. J.	Muller,	Thomas, J. R.
Clardy,	Healey,	Negley,	Throckmorton,
Cobb,	Hill,	Nelson,	Tucker,
Collins,	Hires,	Norwood,	Van Schaick,
Compton,	Houk,	O'Donnell,	Wade,
Comstock,	Hudd,	O'Ferrall,	Ward, J. H.
Cox,	Irion,	O'Neill, Charles	Wilkins,
Curtin,	James,	Payne,	Wise.
Daniel,	Ketcham,	Phelps,	
Davenport,	King,	Pidcock,	

So the amendment was agreed to.

On motion of Mr. DOCKERY, by unanimous consent, the reading of the names was dispensed with.

The following additional pairs were announced:

Mr. SCOTT with Mr. PHELPS, until further notice.

Mr. TAULBEE with Mr. LOUTTIT, for the rest of the day.

Mr. MORGAN with Mr. HENDERSON, of Iowa, on this vote.

Mr. MULLER with Mr. HAYDEN, for the rest of the day.

The result of the vote was then announced as above recorded.

Mr. CRAIN moved to reconsider the vote by which the amendment was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BOYLE. Mr. Speaker, I ask unanimous consent to offer the amendment which I sent to the desk.

The SPEAKER. It will be read, subject to objection.

The Clerk read as follows:

After line 1712, page 70 of the bill, insert:

"For payment to John C. Barr, for forty-two days' services as clerk to the special committee investigating certain telephone matters, $252."

The SPEAKER. Is there objection to the present consideration of the amendment?

There was no objection.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question recurred on the passage of the bill.

Mr. BURNES. Mr. Speaker, I desire to inquire now if I am entitled to my hour?

The SPEAKER. Unless the previous question is ordered the bill is debatable as any other proposition. The previous question heretofore ordered has been exhausted, and the gentleman is entitled to the floor.

Mr. BURNES. I simply desire, sir, to say that with my view as to some of the amendments incorporated upon the bill it will be impossible for me to vote for it. I yield to my friend from Texas [Mr. REAGAN].

The SPEAKER. How much time?

Mr. BURNES. As much as he may desire.

Mr. REAGAN. I shall not occupy more than ten minutes.

Mr. Speaker, in the discussion of the amendment voting a month's compensation for the annual and session employés of the House we proceeded upon the presumption that it would cost, so far as the House was concerned, from thirty-five to forty thousand dollars. It was suggested on the floor that the previous month's compensation had been about $37,000. The Clerk of the House furnished a statement, which was put into the RECORD on the 6th day of July, I believe, showing that the amount of compensation paid on the roll of this House for April—he was not prepared to make a later statement—was $33,615.54; but, as he subsequently informed me, that did not embrace the appropriation for the seven reporters of the House, one of whom gets $6,000, four of them $5,000, and two of them $4,000, making $34,500 additional. Nor did he embrace, as he informs me, the compensation of twenty-six members of the Capitol police, which amounts to $28,300 more, making a total addition of $62,800 to the thirty-three thousand six hundred and odd dollars reported by the Clerk; which shows that the House amendment for this gratuity to these employés carried by this bill will involve an expenditure of nearly $100,000, or quite that sum. It will involve certainly that much, and it may be much more. According to the estimates which we have received it will most likely exceed that.

This item whenever allowed heretofore has always been about doubled when it went to the Senate—some gentleman informs me more than

doubled; so that the amendment is calculated in the end to carry an appropriation of about $200,000, an amount which is extorted from the tax-payers of this country and given as a pure gratuity to those receiving high compensation already, many of whom are paid annual salaries for two years and perform only ten months' service. I repeat that they are paid in full for two years at a large annual salary and perform but about ten months' service, and yet this additional gratuity is proposed to be put into the bill.

Mr. HEPBURN. May I ask the gentleman a question?

Mr. REAGAN. Certainly.

Mr. HEPBURN. I want to know what difference there is in principle between this amendment and the principle of the joint resolution that you introduced yourself paying to the relatives of a deceased officer of this House an entire year's pay, when it was well known that that officer had no wife, no child, no mother, and no family, no one, indeed, except a noted lobbyist that infests the corridors of this Capitol?

Mr. REAGAN. The gentleman from Iowa with his usual logic proposes to criticise the accuracy of my position now by showing that, as he supposes, I was wrong on another occasion. That is about as good logic as could be expected from a gentleman occupying the position he occupies on this question. But in doing this I suppose the gentleman is aware of the fact that I followed simply the unbroken line of precedents in that direction. I was asked to introduce that resolution and stated at the time I introduced it by request, and that was all I had to do with it. I was willing to do it, however, because of the relations of the most friendly character, personal and official, which existed between the person for the benefit of whose estate the resolution was offered and myself. At the time I introduced that resolution the venerable mother, and the brother—both since dead—were alive. I do not wish, however, to be called away to discuss the propriety of that resolution. That is past.

I wish to call the attention of this House, and I wish I had the power to call the attention of the American people, to the fact that we propose here to take from the tax-payers of the country their hard earnings and give them to those who are better off than many of them and who are receiving much higher pay than those discharging similar duties in private life. We have thirty or forty pages to whom we pay a salary of $90 a month. Each of us in our district at home can employ six good, able-bodied men for that time for $90. Yet we must give them an additional compensation, an additional month's salary. We must give that to gentlemen who are working ten months for two years' pay at high salaries. We give these gentlemen from $6,000 down to $800 or $900; $6,000, $5,000, $4,500, $4,000, $3,000, and all the way down to $800 or $900. All of these receive better pay than they get elsewhere. And we are to give them this additional compensation with no obligation on our part whatever, but merely a wish to benefit our friends here at the expense of those we represent at home; because they are here with the power and will to importune and badger members to get what does not belong to them by law and what ought not to be given them.

Mr. Speaker, a looker-on at the proceedings of this House might well inquire into many things that have occurred here this session. There are three hundred and twenty-five members here. Many of them are representatives of all kinds of jobs that can come up. They are advocates of every description of expenditure that can be imagined instead of being representatives of the toilers and tax-payers at home. When we go home to our constituents for their votes then we talk of representing them, and many of the very gentlemen who have voted for this bill will be the first to denounce the policy on which it was based. They will not dare to avow that they supported it, as they have not dared to do on this floor, by allowing the yeas and nays to be called so as to show the record of votes by which this infamy was adopted. But I trust yet before we are done with this bill an opportunity will be presented to have the yeas and nays called and to put gentlemen on the record who are willing to vote away from the hard earnings of the tax-payers, the people at home, the voters, $200,000 to overpay men who have agreed to receive the compensation provided by law for their services.

The whole system is vicious; it is vile; it is an encouragement to maraud and to plunder the Treasury by those who have the ear of the lawmakers. It has got to be rebuked, and I trust the action of this House will rebuke it.

I yield the floor back to the gentleman from Missouri [Mr. BURNES].

Mr. BURNES. I yield five minutes to the gentleman from Wisconsin [Mr. PRICE].

Mr. PRICE. In a very few moments I propose to call the attention of the House to a few of the objectionable features in this bill as it seems to me, and which seeming so to me will guide my vote on the passage of it.

Since I have learned I would have an opportunity of calling the attention of the House to them at all I have had no opportunity to analyze the bill so as to point out hastily and clearly the objectionable features. The old copy of the bill on which I had my objections marked some evil-disposed person or persons have abstracted, and I have had to supply myself with a new bill. Looking at page 10 of the bill, the first thing I will call attention to is an item of five thousand five hundred and odd dollars for draping public buildings in mourning on the death of a distinguished citizen. Immediately below that item is another of five thousand two hundred and odd dollars for a similar service on the death of another distinguished citizen. You, my Democratic friends, and we, my Republican friends, went before the people in town caucuses, county conventions, State and national conventions, and told the people we believed in wise economy in the distribution of the public revenues. I was in earnest in doing so. I meant it then and I mean it yet. I do not know how a man could have made that promise conscientiously and can now intelligently vote for many of the provisions in this bill aggregating nearly two out of the six millions of dollars that are carried in it.

What do you mean by economy, or what ought you to mean by it? You ought to mean paying for every service rendered to this Government, for everything by which the people are benefited, a square, honest consideration in proportion to the service. How are you going to ascertain that? Not by making a comparison with the compensation paid, the remuneration awarded in other countries, under other forms of government unlike ours. It is to be determined by the compensation that men of this kind could obtain in other avocations in life. Compare the prices you pay with the income of the men who create the wealth that pays the taxes that we are now legislating away. These are the standards that should guide us in coming to a conclusion, and I think I can safely assume that no man on this floor will deny that the employés of this House and all the employés in and around this Capitol could not in any other walk in life secure the same remuneration that we are now paying them, or even 50 per cent. of it. Compare their compensation with what men all over this country, the men who turn the wheels of industry and who control the creative industries of our country, receive, and you will find that what you pay here is infinitely in excess of what they receive, as well as infinitely in excess of the compensation that this kind of talent or service commands in the labor markets of the world.

Then what is the sense of our paying these prices? I say to you, gentlemen, and I challenge contradiction, that the compensation paid to the employés of the two Houses of Congress is largely in excess of what the same kind of service commands in private employments, and the effect is demoralizing to the community, and must strike coldly on the hearts of the people throughout the country who are laboring more hours a day for less compensation.

Therefore this system is not economical, and therefore it is not honest, because we have promised different things. We go into our State and national and county conventions, and we "gush" about what we are going to do, and then some of us come right in here and, when any proposition of this kind is presented we say, "Well, I will vote for this thing; Jones is a clever fellow," or "Smith voted for something for me and I will help him."

So men follow each other like sheep. Great God! gentlemen, will you never learn that every man ought to whittle out his own conclusions on questions of this kind, ought to square them by the proper standards, and then should vote his convictions, and those convictions should be in accordance with the promises that he made to the people as a condition precedent to his obtaining a seat in this House at all?

[Here the hammer fell.]

Mr. PRICE. I ask the gentleman from Missouri to yield me five minutes more time.

Mr. BURNES. It is impossible at this time.

Mr. PRICE. Very well; if it is impossible, then I can not have an opportunity to fully develop this argument.

Mr. REAGAN. Mr. Speaker, I desire to correct a mistake into which I fell in the statement which I submitted to the House a while ago. In speaking of the extra month's pay for the Capitol police and for the Official Reporters of the House I made the mistake of adding the whole amount of their annual pay. Instead of the whole pay I should have added one-twelfth of it, which would make the appropriation about $40,000 instead of $100,000.

Mr. BURNES. I now yield five minutes to the gentleman from South Carolina [Mr. HEMPHILL].

Mr. HEMPHILL. Mr. Speaker, I desire to enter my protest against the payment of a gratuity to the employés of this House. It is not a very pleasant thing to be put into antagonism with gentlemen with whom we are so constantly associated, but we owe a certain duty to ourselves and to the people whom we represent upon this floor, and that is to exercise the trust that has been reposed in us in an economical, honest, and upright manner. There can be no principle under the sun under which we can be justified in giving a gratuity to these employés any more than we would be justified in voting a gratuity to anybody else who happens to be a citizen of the United States. The principle upon which these men are employed and paid is this: they know in advance exactly what their compensation is to be; they come here not only willingly, but anxiously and persistently, seeking these positions, and they take them with a full understanding of what compensation they are to receive for the service they render. Therefore I say it is wrong in them to ask and it is still worse in us to grant this gratuity. We might as well vote to ourselves an extra month's compensation for the

work that we do here. We have as much right to vote an additional month's salary for ourselves as we have to vote it for any other officers or employés in the service of the Government, but in view of the record which the history of this country presents of the "salary-grab" of some years ago there is not a man upon this floor who would dare to cast a vote giving himself one dollar of extra pay. Such an act is wrong in principle, and it would be manifest destruction to any man who would undertake it.

Mr. Speaker, I do not know exactly how much this proposition is to cost us; but the question is not so much one of amount as of principle and precedent. If we give these employés more than they are entitled to we ought to give it to them as a gratuity out of our own pockets, and not undertake to be liberal and generous at the expense of other people whose money has been intrusted to us only for specific purposes.

There are many features in this bill which would make me desire to vote for it, and I think I shall have to do so; but I do object most strenuously to giving away money for which no service has been rendered to the Government. While I oppose this feature of the bill, there is another to which I desire to refer and which I strongly favor—the provision limiting the compensation of United States commissioners to $800. This provision, it seems to me, is worth more to us than anything which can be done in regard to paying certain officers an extra gratuity for work they have not performed. I have had some reason to investigate the charges which these commissioners have made, and I have ascertained that some of these commissioners, who are nothing more nor less than committing magistrates, have taken from the Treasury of the United States as much as $4,000, others as much as $6,000, for doing a work which any man would be willing to do for $500 a year. I am therefore in favor of that feature of the bill which limits their compensation to $800. Taking the whole bill together, I think it is a good one; but I repeat there are some features in it which are objectionable, and particularly the provision by which we propose to give away to officials of the Government other people's money for work that has not been and never will be performed.

Mr. BURNES. Mr. Speaker, I see that my friend from Wisconsin [Mr. PRICE] wants five minutes more, and I will yield him that time.

Mr. PRICE. Mr. Speaker, I had occasion to say a few days ago that the incidental expenses of the two Houses of Congress during the first session of the Forty-eighth Congress were $1,030,000, not taking into account the pay and mileage of members. Those expenses are mainly for employés; and dividing that by twelve you have the sum of $86,000, which goes into this bill under the amendment of the gentleman from Iowa [Mr. HEPBURN]. That amount may not be exactly correct; but I make the assertion that about $70,000 at least will be the amount absolutely thrown away under that amendment, for not a dollar of value will be rendered for the money thus paid out. Yet that amendment is in the bill; and a sickly sentimentality and bad precedents which have grown up through the action of weak men for years are the only apology for the adoption of that amendment.

We have also in this bill the provision to pay some woman $1,000, because of a contest which her deceased husband had for a seat in the Forty-sixth Congress. There is also in the bill an allowance of $250 for stationery of a member of the last Congress who served less than eleven minutes, and who received for that service $11,000.

The bill is marred and scarred all over with frauds upon the revenue—appropriations voted without thought or without conscience. There is the appropriation of $30,000 or $40,000 as pay of members of Congress who never earned a dollar of it; and in that case there is nothing to justify the payment except bad precedents.

In the name of common sense were we sent here simply to follow a groove marked out by other men without thought or without conscience? Must we, perforce, follow in that groove? Was it not reasonable to suppose when we were sent here that we would weigh each transaction by its own surroundings, voting a million dollars where necessary, and not one cent where unnecessary?

I want to say to my Republican friends here to-day that one of the potent causes which has sent the balance of power to the other side of this Hall is that we have not guarded the revenues of the Government; that in years gone by we have not done as we have invariably agreed to do in the platforms upon which we went before the people. I ask this Congress to rise above all extrinsic considerations in this matter and not to vote for this bill because its passage is asked by a clever and genial gentleman for whom we all have great personal respect. Let us say, "We will vote the revenues of the country wherever necessary, wherever the money has been earned; but where no consideration is rendered we will not vote a cent, whatever may be the precedents."

Another item of the bill which I might mention is the amendment adopted a few moments ago upon motion of our genial friend from Texas, [Mr. CRAIN]. Why, sir, the only way for that measure to approach Congress was through such a committee as we have established under our rules to investigate such cases, examine the evidence, weigh the circumstances, and recommend action to the House with the reasons for such action. The matter should not have come here except through the Committee on Claims; yet it is not pretended that it has ever been considered by that committee. We are expected to pass it upon the statement of a gentleman of this House whose constituents are interested in it. That item has gone into the bill, and I am asked to swallow that dose also. The claim may be meritorious; but I have not, nor has any other member of the House, the means of knowing whether it has merit or is entirely destitute of merit.

Mr. CUTCHEON. Is it not certified here in the usual way through the appropriate officers of the Department?

Mr. PRICE. Oh, you can get almost anything "certified" here. Do we not see that illustrated in the case of these excessive pensions granted to widows of military and naval officers? When such a proposition is made, we have brigadier-generals, commodores, high officers of the Army or Navy joining with members of this House in begging that we shall vote the sum demanded to the widow of this or that gallant and distinguished officer.

It has occurred over and over again. If a suit is brought against me, and an attorney wants to charge me a thousand dollars as a fee, and you leave it to the attorneys to say whether a thousand dollars is too much to charge, they will all say, Oh, no; a thousand dollars is only fair. [Laughter.] I would not trust them a bit.

I wish to take the evidence of the facts, independent of this outside pressure about these corridors, as to whether we owe or not; and if we owe to these claimants what they ask at our hands, then we ought to pay it. And of course if we do not owe them we will refuse to pay them.

[Here the hammer fell.]

Mr. GROSVENOR. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSVENOR. Who has the disposition of the time for discussion on this bill?

The SPEAKER. The gentleman from Missouri has the floor for an hour under the rules of the House.

Mr. GROSVENOR. After the gentleman from Missouri has occupied his hour will the friends of the deceased then be allowed to be heard? [Laughter.] So far the discussion has all been on one side.

The SPEAKER. If the previous question shall not be demanded and ordered the bill will be open to discussion.

Mr. BURNES. I yield for five minutes to the gentleman from New Jersey [Mr. MCADOO].

Mr. MCADOO. Mr. Speaker, it is an unpleasant duty to appear in opposition to those with whom we come in contact every day, that is, the employés of the House; but that should not deter any gentleman here from doing his duty to the people he represents. The position is singular of gentlemen who in their individual capacity would not make a Christmas present to an old and faithful servant who had been in their employment for forty years and yet will come to Congress and vote without any consideration whatever $80,000 of the people's money to these employés. The money in the Treasury of the United States so far as Congress is concerned is in trust, and we are simply the trustees of the people for its collection and expenditure; and while we might be liberal with that we possess ourselves, we have no right to take a dollar of the people's money unless there is consideration given to this Government for it. And if gentlemen would only keep in view that cardinal principle that we are the trustees of this fund, we would not have cause to reproach ourselves with any such legislation as has recently been adopted.

Why, Mr. Speaker, if any gentleman here were a trustee of an estate, would he not be ten times more careful in the expenditure of the money arising out of that estate than if it were his own? Do you think any member of this House as the trustee of a private estate would give one cent from that trust for anything unless he got good consideration for it? Our position here is analogous to that of a trustee of an estate.

The employés of this House complain they do not get sufficient salary; that they do not get as large a salary as those employed in the Senate; that the employés of the Senate get by comparison a better salary than the employés of the House. Now by comparison with the salary of members of Congress of the House they get a much better salary, without anything like the labor, without anything like the responsibility and care incident to the position of a Representative on this floor. Their positions could be filled in twenty-four hours with just as capable men at the same salary.

Mr. Speaker, I like to be liberal as much as any man on this floor. I like to be kind and indulgent toward the excellent set of employés of this House, but I will not be so at the expense of other people. Members on this floor who seek to display friendly feelings toward the employés in doing so should not be forgetful of the duty they owe to the people they represent. Something can be said for the sessional employés, but the annual men should not get paid for thirteen months when they do not work as yet eight out of the year.

The gentleman from Ohio [Mr. WARNER] said the other day that on the average the people of the United States receive but little more than $300 a year. Our working people, on the average, as shown by statistics, by hard and arduous labor in a year barely get over $300 per capita, out of which they have to support themselves and their families. It is an ill-gotten liberality that permits this House to put into this bill a gratuity of one month's extra pay to the employés of this House. Let us be just before we are generous, and when we are generous let it be with our own money.

Mr. CUTCHEON. Does the gentleman from New Jersey favor the passage of this bill?

Mr. McADOO. No; I favor recommitting the bill.

[Here the hammer fell.]

Mr. HISCOCK. I ask the gentleman from Missouri to yield to me for three minutes.

Mr. BURNES. I will do so with pleasure.

Mr. HISCOCK. I only desire, Mr. Speaker, in that brief period of time to call the attention of the House and the country to this fact: that every day's session of this Congress costs the country, costs the tax-payers (I am now speaking for the tax-payers) $30,000.

And I ask gentlemen on this floor to compute just how long these speeches over a one-thousand-dollar claim, or a two-thousand-dollar claim, or any little insignificant claims—these speeches in the interest of economy, for the protection of tax-payers, in behalf of the poor man that gentlemen seem to have always near their hearts while here in Congress—I say, I ask them to compute the length of time these speeches have protracted this session, and just how much they have cost to these tax-payers, and in my judgment they will make discovery of the fact that on every little item which we can find in an appropriation bill to talk about economy it costs the country and costs the tax-payers in the aggregate five times the whole sum involved in the item that you are discussing.

Mr. BRECKINRIDGE, of Arkansas. Will the gentleman permit me to ask him a question?

Mr. HISCOCK. Certainly, if I can have time to respond.

Mr. BRECKINRIDGE, of Arkansas. How much less is the cost per day when Congress is not in session?

Mr. HISCOCK. The daily sessions of Congress cost the country about $65,000 or $66,000, and I suppose that about half of that is annual, and would have to be paid whether Congress was in session or not. The other half, about $30,000 a day, depends upon the fact as to whether or not we are in session, and is made up of such expenditures as printing, and daily, weekly, or monthly salaries of clerks, and many other such items.

Now, I desire to call the attention of my economic friends on the other side to the fact I have stated, and hope they will calmly consider it. Remember, gentlemen, it is now the 10th day of July. Let us vote and get ready to adjourn and go home.

Mr. BURNES. Mr. Speaker, the sympathy of the distinguished gentleman from New York for the overburdened tax-payers is fully appreciated, and appreciated at its full worth by me. So long as the gentleman from New York could vote in propositions upon this bill to appropriate money by amendments to the bill there seemed to be limit neither to his speech nor to his desire for expenditure. But now at the close of the discussion, after he and his associates have loaded the bill down with amendments that can not possibly meet the judgment of the country, he comes and talks about the expenses that we are incurring in honest efforts to rid the bill of appropriations which are, in my honest opinion, but little less than legalized robbery.

Mr. HISCOCK. I want to ask the gentleman a question: Who is it you are referring to when you say "he and his associates?" [Cries of "You!" on the Democratic side.]

Mr. BURNES. I had supposed, Mr. Speaker, that it was entirely unnecessary to be more explicit in my statement.

Mr. HISCOCK. No, sir; it is not unnecessary; it is entirely necessary that the gentleman should state it, for I want to say to the gentleman from Missouri that in the main I have stood by him and his committee with the bill.

Mr. BURNES. Then let me congratulate the gentleman, for when he stands with the committee he is distinctly in the right. [Cries of "Oh!" and derisive laughter on the Republican side.] And furthermore, I appreciate the personal integrity and honor of the distinguished gentleman from New York, and concede that his action is generally commendable; but if we are to be charged with the number of hours we occupy here in speech the gentleman from New York will stand debited as high as any member upon this floor.

Mr. HISCOCK. No, sir; you are clearly mistaken about that. The gentleman has now right around him, within reach of his hand, gentlemen who have consumed far more time than I have. The gentleman on your right [referring to Mr. SPRINGER] takes the most time.

Mr. BURNES. No matter. If I read aright the hearts of the people of this country they will stand any amount of expenditure either in time or money in striking out from this or any other bill an appropriation such as that against which we are now contending. They will have no objection to the expenditure we incur for that purpose. Although I ought to stand by this bill in the ordinary course of nature, because I look upon it somewhat as a child or bantling of my own, over which I have stood watch and ward for several weary months, giving it the severest labor, yet I would feel dishonored when I returned to my constituents if I had to say to them I helped vote away your money to gentlemen who, whatever their merits, and I do not doubt they are great, have no more claim or right to that money under the laws of the land than the veriest beggar who walks upon Pennsylvania avenue. As the bill is now amended I shall vote against its passage. I now demand the previous question.

Mr. REAGAN. Pending that I move to recommit the bill with the instructions I send to the desk.

The Clerk read as follows:

That the bill be recommitted to the Committee on Appropriations with instructions to strike out that portion of the bill which provides for one month's extra compensation for the annual and session employés of the House and to the House reporters and Capitol police.

Mr. REAGAN. Upon that I move the previous question.

Mr. GROSVENOR. I move to amend the instructions——

The SPEAKER. But the gentleman from Texas demands the previous question.

Mr. GROSVENOR. I want to strike out that Texas appropriation.

The previous question was ordered.

Mr. REAGAN. On the motion to commit with instructions I call for the yeas and nays.

The yeas and nays were ordered, 53 members voting therefor.

Mr. BROWNE, of Indiana. I wish to inquire of the Chair whether this is not a divisible question.

The SPEAKER. The Chair thinks not.

Mr. BROWNE, of Indiana. May there not be a vote on the motion to recommit simply? I am distinctly in favor of recommitting this bill, but do not want to limit the action of the committee by any kind of instructions. I will vote against the bill as it is.

Mr. REED, of Maine. I think that having only a majority of 40, gentlemen on the other side ought to have two tries at an appropriation bill in order to satisfy themselves.

Mr. BROWNE, of Indiana. We will vote to recommit your bill.

The SPEAKER. The Chair will cause the decisions upon this question to be read, from which the gentleman from Indiana will see it has been decided many times in the House and upon appeal from the decision of the Chair that motions to recommit with instructions are not divisible.

The Clerk read as follows:

On the demand of any member, before the question is put, a question shall be divided if it include propositions so distinct in substance that one being taken away a substantive proposition shall remain.

But it has been decided on appeals that on motions to commit with instructions or on the different branches of instructions on a Senate amendment, on an amendment reported as a single amendment from a Committee of the Whole, on a series of resolutions proposed to be inserted in lieu of other matter, a division of the question can not be had.

The SPEAKER. These decisions are cited in the Digest, and run through a long series of years.

The question being taken, there were—yeas 151, nays 67, not voting 104; as follows:

YEAS—151.

Adams, G. E.	Dunn,	Lehlbach,	Ryan,
Adams, J. J.	Eden,	Lindsley,	Sadler,
Allen, C. H.	Ely,	Long,	Sayers,
Allen, J. M.	Ermentrout,	Lyman,	Scranton,
Anderson, C. M.	Everhart,	Martin,	Singleton,
Barksdale,	Fleeger,	Matson,	Sowden,
Barry,	Forney,	McAdoo,	Spooner,
Bennett,	Fuller,	McCreary,	Springer,
Bland,	Gay,	McKenna,	Stephenson,
Blount,	Glass,	McKinley,	Stewart, Charles
Bound,	Goff,	McMillin,	Stone, E. F.
Boutelle,	Green, R. S.	McRae,	Stone, W. J., Mo.
Boyle,	Green, W. J.	Millard,	Storm,
Breckinridge, C. R.	Grosvenor,	Mills,	Struble,
Browne, T. M.	Grout,	Morgan,	Swinburne,
Brown, W. W.	Guenther,	Morrill,	Symes,
Buck,	Halsell,	Morrison,	Taylor, J. M.
Burnes,	Harris,	Neal,	Taylor, Zach.
Butterworth,	Hatch,	Norwood,	Thomas, O. B.
Bynum,	Hemphill,	Oates,	Tillman,
Cabell,	Henderson, J. S.	Outhwaite,	Townsend,
Caldwell,	Herbert,	Payne,	Trigg,
Cannon,	Hermann,	Payson,	Turner,
Clements,	Hewitt,	Peel,	Viele,
Cobb,	Hiscock,	Perry,	Warner, A. J.
Cooper,	Hitt,	Peters,	Warner, William
Cowles,	Holman,	Pettibone,	Weaver, A. J.
Crisp,	Hopkins,	Pirce,	Weaver, J. B.
Croxton,	Hutton,	Plumb,	Weber,
Culberson,	James,	Price,	Wellborn,
Cutcheon,	Johnson, F. A.	Randall,	West,
Dargan,	Johnston, J. T.	Reagan,	Wheeler,
Davidson, A. C.	Johnston, T. D.	Reed, T. B.	Whiting,
Davidson, R. H. M.	Jones, J. H.	Reid, J. W.	Wilkins,
Dingley,	Jones, J. T.	Rice,	Wilson,
Dockery,	Laffoon,	Richardson,	Winans,
Dorsey,	La Follette,	Robertson,	Worthington.
Dowdney,	Lanham,	Rowell.	

NAYS—67.

Anderson, J. A.	Foran,	Laird,	Sessions,
Baker,	Ford,	Lawler,	Skinner,
Barnes,	Frederick,	Lovering,	Smalls,
Bayne,	Funston,	Markham,	Snyder,
Brady,	Geddes,	Merriman,	Stahlnecker,
Bragg,	Gilfillan,	Milliken,	Strait,
Breckinridge, WCP.	Hale,	Moffatt,	Taylor, I. H.
Brown, C. E.	Hall,	Murphy,	Thompson,
Brumm,	Harmer,	Negley,	Wadsworth,
Bunnell,	Haynes,	O'Hara,	Wakefield,
Burrows,	Henderson, D. B.	O'Neill, J. J.	Ward, T. B.
Carleton,	Hepburn,	Osborne,	White, A. C.
Conger,	Hiestand,	Parker,	White, Milo
Crain,	Hill,	Perkins,	Willis,
Eldredge,	Holmes,	Romeis,	Wise,
Ellsberry,	Howard,	Sawyer,	Woodburn.
Farquhar,	Jackson,	Seney,	

NOT VOTING—104.

Aiken,	Davenport,	King,	Reese,
Arnot,	Davis,	Kleiner,	Riggs,
Atkinson,	Dawson,	Landes,	Rockwell,
Ballentine,	Dibble,	Le Fevre,	Rogers,
Barbour,	Dougherty,	Libbey,	Scott,
Beach,	Dunham,	Little,	Seymour,
Belmont,	Evans,	Lore,	Shaw,
Bingham,	Felton,	Louttit,	Spriggs,
Blanchard,	Findlay,	Lowry,	Steele,
Bliss,	Fisher,	Mahoney,	Stewart, J. W.
Buchanan,	Gallinger,	Maybury,	St. Martin,
Burleigh,	Gibson, C. H.	McComas,	Stone, W. J., Ky.
Campbell, Felix	Gibson, Eustace	Miller,	Swope,
Campbell, J. E.	Glover,	Mitchell,	Tarsney,
Campbell, J. M.	Hammond,	Morrow,	Taulbee,
Campbell, T. J.	Hanback,	Muller,	Taylor, E. B.
Candler,	Hayden,	Neece,	Thomas, J. R.
Caswell,	Heard,	Nelson,	Throckmorton,
Catchings,	Henderson, T. J.	O'Donnell,	Tucker,
Clardy,	Henley,	O'Ferrall,	Van Eaton,
Collins,	Hires,	O'Neill, Charles	Van Schaick,
Compton,	Houk,	Owen,	Wade,
Comstock,	Hudd,	Phelps,	Wait,
Cox,	Irion,	Pidcock,	Wallace,
Curtin,	Kelley,	Pindar,	Ward, J. H.
Daniel,	Ketcham,	Ranney,	Wolford.

So the motion to recommit with instructions was agreed to.

Mr. McMILLIN. I ask that the reading of the names be dispensed with.

Mr. BLANCHARD. I object.

The following additional pairs were announced:

Mr. DAWSON with Mr. RANNEY, until further notice.

Mr. BLANCHARD with Mr. WALLACE, on this vote.

Mr. ST. MARTIN with Mr. VAN EATON, on this vote.

Mr. HEARD with Mr. KELLEY, for this day.

Mr. LOWRY with Mr. LITTLE, for the rest of the day.

Mr. BLISS with Mr. NEECE, on this vote.

The result of the vote was announced as above stated.

Mr. REAGAN. I move to reconsider the vote just taken; and also move that the motion to reconsider be laid on the table.

Mr. CUTCHEON. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CUTCHEON. When this bill shall be reported back from the Committee on Appropriations, will it then be required to go again to the Committee of the Whole?

The SPEAKER. The Chair does not desire to decide that question at present. At any rate, whether it goes to the Committee of the Whole or not, nothing inserted by a vote of the House could be stricken out.

Mr. RANDALL. I would like to ask the gentleman who made this inquiry what object there is in making a point of order to have this bill again go to the Committee of the Whole.

Mr. CUTCHEON. I made the inquiry because I did not know what the rights of members of the House might be in this matter.

Mr. RANDALL. The reason I asked the gentleman the question was that I think I have a right to know what the purpose of the inquiry was, so as to be able to meet any difficulty that might be presented.

The motion to lay on the table the motion to reconsider was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, informed the House that the Senate had passed a bill (S. 2217) for the relief of Andrew T. McReynolds; in which the concurrence of the House was requested.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. 8973) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Dubuque, in the State of Iowa; and

A bill (H. R. 1840) granting a pension to Samuel F. Garrett.

DUTIES ON IMPORTS AND INTERNAL REVENUE.

Mr. MORRISON. I desire to present a privileged report. The Committee on Ways and Means, to which was referred the bill which I send to the desk, have directed me to report the same back with the recommendation that it do not pass. I ask that it may be referred to the Committee of the Whole House on the state of the Union and printed, together with the report.

The title of the bill was read, as follows:

A bill (H. R. 9702) to reduce and equalize duties on imports, to reduce internal-revenue taxes, and to modify the laws in relation to the collection of the internal revenue.

The bill was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. TOWNSHEND. I call for the regular order.

The SPEAKER. The regular order is the morning hour for reports from committees.

TAXES ON TOBACCO.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I desire to present a privileged report. I am instructed by the Committee on Ways and Means to report back adversely the joint resolution (H. Res. 164) repealing taxes, special and otherwise, upon tobacco and upon the sale and manufacture thereof. My colleague on the committee, Mr. BROWNE, of Indiana, desires to file a separate report.

Mr. REID, of North Carolina. Mr. Speaker, I ask that that adverse report be placed on the Calendar.

The SPEAKER. The report will be placed on the Calendar, and leave given to the minority to present their views, to be printed with the report of the committee.

ORDER OF BUSINESS.

Mr. TOWNSHEND. Mr. Speaker, I rise to a parliamentary inquiry. There is a bill pending on the passage of which the previous question has been ordered. I ask if that is not the first business now in order?

Mr. SPEAKER. It is in the class of business to which it belongs, unless some other order has been made by the House.

Mr. TOWNSHEND. It is a bill which comes over from last evening, the previous question having been ordered on its passage.

Mr. SPEAKER. Then it is a private bill, and it is in order on Friday.

Mr. TOWNSHEND. It is a bill, however, on which action was taken in the House, and it was to be put upon its passage this morning. The order of the House was that it should be disposed of immediately after disposing of the general deficiency bill.

The SPEAKER. The Chair will cause the Clerk to read what appears in the RECORD in relation to the understanding.

The Clerk read as follows:

Mr. BLANCHARD. The bill is here then without recommendation?

The SPEAKER *pro tempore*. The Chair so understands. That there may be no misunderstanding the Chair will repeat the request of the gentleman from Kansas. He asks unanimous consent that this bill be engrossed and read a third time and that the previous question be ordered on its passage, so that the bill may be considered to-morrow morning immediately after the reading of the Journal, and then that there shall be allowed ten minutes' debate on each side, and that the report shall also be read to the House. Is there objection?

Mr. BURNES. I am compelled to object to the arrangement. But if the arrangement is so modified that the vote shall be taken after the passage of the general deficiency bill, I shall have no objection.

GENERAL DEFICIENCY BILL.

Mr. BURNES. Mr. Speaker, I rise to make a privileged report. In accordance with the instructions of the House, I report back from the Committee on Appropriations the bill (H. R. 9726) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1886, and for prior years, and for other purposes, with an amendment, striking out the provisions which the House instructed the committee to strike out.

Mr. CANNON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON. I have been absent from the House two or three minutes, and I would be glad to know if the Committee on Appropriations has had a meeting. [Laughter.] I will ask my colleague the chairman of the committee whether the committee has had a meeting?

Mr. BURNES. Yes, sir.

Mr. REED, of Maine. Have they had a meeting since the House gave them these instructions?

Mr. RANDALL. The committee have had a meeting.

Mr. REED, of Maine. I understood that the meeting was before the instructions. [Laughter.]

Mr. CANNON. I have not received any notice of the meeting.

Mr. RANDALL. We made diligent search for you, but could not find you.

Mr. REED, of Maine. Mr. Speaker, I desire to inquire whether the Committee on Appropriations have had a meeting since the instructions were given by the House?

The SPEAKER. The Chair has no personal knowledge upon that subject.

Mr. CANNON. And I have no personal knowledge.

Mr. REED, of Maine. I understand that the committee have not had a meeting.

Mr. BURNES. Mr. Speaker, we have had a meeting, and have come to the conclusion which I have reported to the House.

The SPEAKER. And the gentleman from Missouri [Mr. BURNES] demands the previous question.

Mr. REED, of Maine. I wish to know the fact, and I think the House is entitled to know whether the committee have had a meeting or not.

The SPEAKER. The gentleman from Missouri has answered the gentleman from Maine. The Chair does not know. The gentleman from Missouri [Mr. BURNES] states that the committee has had a meeting.

Mr. REED, of Maine. Since the House instructed them? Does the gentleman from Missouri say that?

Mr. BURNES. I do not know, sir, just when the House instructed. I paid no attention to the time; I was in the Committee on Appropriations, and I was instructed to make this report.

Mr. REED, of Maine. Mr. Speaker, I want to see what this House is going to do——

Mr. TOWNSHEND. Is debate in order, Mr. Speaker?

The SPEAKER. The gentleman is simply calling attention to a fact. The gentleman from Missouri demands the previous question upon the amendment and upon ordering the bill to be engrossed and read the third time.

Mr. REED, of Maine. And I call the attention of the Chair to the fact that there has been no answer to my inquiry and no statement that there has been a meeting of the committee since the instructions were given by the House.

The SPEAKER. The Chair can not decide that matter. If the House desires not to proceed to consider the bill because the committee has had no meeting, the Chair will submit that question to the House; but the Chair will state that the committee had no discretion whatever to do anything except what has been done. It was instructed simply to report the bill back to the House with an amendment striking out a certain provision. That was the instruction and order of the House.

Mr. RANDALL. Which the committee have obeyed.

Mr. BROWNE, of Indiana. Mr. Speaker, the bill was recommitted to the committee with instructions. They have returned it to the House. Does it not stand now in the House as it did when it was originally reported from the committee, and if the point be made must it not be considered in Committee of the Whole?

The SPEAKER. The Chair is inclined to think so, although not very positive about it.

Mr. RANDALL. I hope that point will not be made.

Mr. BROWNE, of Indiana. I make that point.

Mr. LONG. If the Chair will read the rule, it will appear that every provision has been complied with. There is not a single item or matter in the bill which has not been considered in Committee of the Whole on the state of the Union, and that is all the rule requires.

Mr. RANDALL. I wish to add that there is nothing in the bill which the House has not had a vote upon; and if we should go into the Committee of the Whole it would not be competent for the committee to strike out anything that is in the bill.

The SPEAKER. Undoubtedly it is true that the Committee of the Whole could not strike out anything which has been inserted by vote of the House. The Chair will cause to be read clause 3 of Rule XXIII.

The Clerk read as follows:

3. All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Mr. LONG. That rule has in every respect been complied with.

The SPEAKER. The gentleman from Massachusetts [Mr. LONG] calls the attention of the Chair to the fact that the bill as now reported contains no provision which has not already received full consideration in Committee of the Whole House on the state of the Union as required by the rule.

Mr. REED, of Maine. But there is a new proposition—to strike out.

The SPEAKER. The amendment to which the gentleman refers has been considered in Committee of the Whole on the state of the Union.

Mr. REED, of Maine. That was in different form. It has not been considered since it was reported back from the Committee on Appropriations.

Mr. LONG. It is in the same form as before.

The SPEAKER. This same amendment was considered in the Committee of the Whole on the state of the Union, by which it was reported to the House; it was afterward considered in the House, and agreed to; and then the bill was recommitted by vote of the House, with instructions to strike out that amendment.

Mr. BROWNE, of Indiana. I understand the Speaker to decide that if we go into the Committee of the Whole we can not strike out anything which has been inserted by the action of the House.

The SPEAKER. Certainly not.

Mr. BROWNE, of Indiana. Then we can not reach the amendment of the gentleman from Texas [Mr. CRAIN] appropriating something over $10,000 for rent of a wharf, &c., in Texas?

The SPEAKER. That amendment, having been inserted by a vote of the House, could not be struck out by the Committee of the Whole.

Mr. BROWNE, of Indiana. Then I withdraw my point. I had hoped that gentlemen on the other side who are in favor of economy would consent to have that proposition go out.

Mr. WARNER, of Ohio. I would be glad to have an opportunity to vote again in favor of striking it out.

Mr. BROWNE, of Indiana. I move to recommit the bill to the Committee on Appropriations with instructions to strike out the amendment appropriating $10,750 for use and occupation of a wharf, &c., at Galveston, Tex.; and on that motion I ask for the previous question.

The previous question was ordered.

The question having been put on agreeing to the motion of Mr. BROWNE, of Indiana,

The SPEAKER said: In the opinion of the Chair the "noes" have it.

Mr. BROWNE, of Indiana. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BAKER. Mr. Speaker, I rise to inquire whether it would be proper to instruct the committee further in regard to amending this bill.

The SPEAKER. It would not, because the gentleman from Indiana [Mr. BROWNE] demanded the previous question upon his motion, and that has been ordered by the House.

The question was taken; and it was decided in the negative—yeas 101, nays 111, not voting 110; as follows:

YEAS—101.

Anderson, J. A.	Dunn,	Johnston, T. D.	Seymour,
Atkinson,	Eden,	La Follette,	Smalls,
Barksdale,	Eldredge,	Laird,	Sowden,
Bayne,	Ermentrout,	Lindsley,	Spooner,
Bennett,	Everhart,	Lyman,	Springer,
Bland,	Fleeger,	Matson,	Stone, E. F.
Bound,	Fuller,	McKinley,	Stone, W. J., Mo.
Boutelle,	Funston,	Millard,	Storm,
Boyle,	Geddes,	Moffatt,	Strait,
Breckinridge, C. R.	Gilfillan,	Morrison,	Swinburne,
Browne, T. M.	Glass,	Neece,	Taylor, I. H.
Brown, W. W.	Goff,	Negley,	Thompson,
Buck,	Green, R. S.	Oates,	Townshend,
Bunnell,	Grosvenor,	O'Hara,	Wait,
Burnes,	Grout,	Osborne,	Wakefield,
Burrows,	Hall,	Payne,	Warner, A. J.
Bynum,	Halsell,	Payson,	Warner, William
Cannon,	Hatch,	Peel,	Weaver, A. J.
Cobb,	Henderson, J. S.	Perkins,	Weaver, J. B.
Conger,	Hiestand,	Pindar,	White, Milo
Cooper,	Hiscock,	Plumb,	Wilson,
Cowles,	Holman,	Price,	Winans,
Curtin,	Holmes,	Randall,	Woodburn.
Dingley,	Hutton,	Ryan,	
Dockery,	Jackson,	Sadler,	
Dorsey,	Johnston, J. T.	Seney,	

NAYS—111.

Adams, G. E.	Ellsberry,	Lovering,	Snyder,
Allen, C. H.	Farquhar,	Markham,	Stahlnecker,
Allen, J. M.	Foran,	Maybury,	Steele,
Anderson, C. M.	Ford,	McCreary,	Stephenson,
Baker,	Forney,	McKenna,	Stewart, Charles
Barnes,	Frederick,	McMillin,	Stewart, J. W.
Barry,	Gay,	McRae,	Struble,
Blanchard,	Green, W. J.	Merriman,	Tarsney,
Blount,	Guenther,	Mills,	Taylor, J. M.
Brady,	Hale,	Murphy,	Taylor, Zach.
Bragg,	Harris,	Neal,	Thomas, O. B.
Breckinridge, W. C. P.	Hemphill,	O'Neill, J. J.	Tillman,
Brown, C. E.	Henley,	Outhwaite,	Turner,
Cabell,	Hepburn,	Parker,	Viele,
Caldwell,	Herbert,	Perry,	Wadsworth,
Candler,	Hermann,	Peters,	Wallace,
Carleton,	Hewitt,	Reagan,	Weber,
Catchings,	Hill,	Reed, T. B.	Wellborn,
Clements,	Hitt,	Reid, J. W.	West,
Crain,	Howard,	Rice,	Wheeler,
Crisp,	Johnson, F. A.	Richardson,	White, A. C.
Croxton,	Jones, J. T.	Robertson,	Whiting,
Culberson,	Jones, J. H.	Rowell,	Wilkins,
Dargan,	Ketcham,	Sayers,	Willis,
Davidson, A. C.	Laffoon,	Scranton,	Wise,
Davidson, R. H. M.	Lanham,	Sessions,	Wolford,
Dougherty,	Lawler,	Singleton,	Worthington.
Dowdney,	Lehlbach,	Skinner,	

NOT VOTING—110.

Adams, J. J.	Dibble,	Landes,	Pirce,
Aiken,	Dunham,	Le Fevre,	Ranney,
Arnot,	Ely,	Libbey,	Reese,
Ballentine,	Evans,	Little,	Riggs,
Barbour,	Felton,	Long,	Rockwell,
Beach,	Findlay,	Lore,	Rogers,
Belmont,	Fisher,	Louttit,	Romeis,
Bingham,	Gallinger,	Lowry,	Sawyer,
Bliss,	Gibson, C. H.	Mahoney,	Scott,
Brumm,	Gibson, Eustace	Martin,	Shaw,
Buchanan,	Glover,	McAdoo,	Spriggs,
Burleigh,	Hammond,	McComas,	St. Martin,
Butterworth,	Hanback,	Miller,	Stone, W. J., Ky.
Campbell, Felix	Harmer,	Milliken,	Swope,
Campbell, J. E.	Hayden,	Mitchell,	Symes,
Campbell, J. M.	Haynes,	Morgan,	Taulbee,
Campbell, T. J.	Heard,	Morrill,	Taylor, E. B.
Caswell,	Henderson, D. B.	Morrow,	Thomas, J. R.
Clardy,	Henderson, T. J.	Muller,	Throckmorton,
Collins,	Hires,	Nelson,	Trigg,
Compton,	Hopkins,	Norwood,	Tucker,
Comstock,	Houk,	O'Donnell,	Van Eaton,
Cox,	Hudd,	O'Ferrall,	Van Schaick,
Cutcheon,	Irion,	O'Neill, Charles	Wade,
Daniel,	James,	Owen,	Ward, J. H.
Davenport,	Kelley,	Pettibone,	Ward, T. B.
Davis,	King,	Phelps,	
Dawson,	Kleiner,	Pidcock,	

So the motion was disagreed to.

During the roll-call Mr. WILSON moved to dispense with the reading of the names.

There was no objection, and it was ordered accordingly.

The following additional pairs were announced from the Clerk's desk:

Mr. HERBERT with Mr. GUENTHER, for the remainder of the day.

Mr. MORGAN with Mr. HENDERSON, of Iowa, on this vote.

Mr. ST. MARTIN with Mr. VAN EATON, on this vote.

The vote was then announced as above recorded.

MESSAGE FROM THE PRESIDENT.

A message in writing was received from the President of the United

States by Mr. PRUDEN, one of his Secretaries, and also the announcement of his approval of House bills of the following titles:

An act (H. R. 3037) relating to the licensing of vessels engaged in towing to carry persons in addition to their crews.

An act (H. R. 4232) to reimburse the National Home for Disabled Volunteer Soldiers for losses incurred through the failure of the Exchange National Bank of Norfolk, Va., and for other purposes.

An act (H. R. 6397) making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1887, and for other purposes.

GENERAL DEFICIENCY BILL.

The SPEAKER. The question recurs on the amendment of the committee to strike out one month's extra pay to the employés of the House.

Mr. GUENTHER. I demand a division on that amendment.

The House divided; and there were—ayes 73, noes 31.

So the motion to strike out was agreed to.

The SPEAKER. The question now is on ordering the bill to be engrossed and read a third time.

Mr. BAKER. I desire to ask a question for information, and that is whether it is too late to raise the point of order on that provision of the bill relating to United States commissioners?

The SPEAKER. What is the point of order?

Mr. BAKER. It is new legislation.

The SPEAKER. It has been agreed to by the House.

Mr. BAKER. I desire to move to recommit with instructions to strike that out.

The SPEAKER. That can not be made now. Under a rule adopted in the Forty-sixth Congress——

Mr. BAKER. I desire to move to recommit with instructions to strike that out of the bill.

The SPEAKER. That motion is not in order now. After the previous question has been demanded and ordered on the passage of a bill under a special rule of the House a motion to recommit may be made.

Mr. BURNES rose.

Mr. RYAN. Is a second motion to recommit in order?

The SPEAKER. Under the old rule of the House, which corresponds with the old parliamentary law, no motion was allowed to be made to recommit when the previous question had been ordered on its passage; but under a special rule of the House, after a bill has been ordered to be engrossed and read a third time and the question is on the passage of the bill even though the previous question has been demanded and ordered, one motion to recommit is in order.

Mr. BURNES. I move the engrossment and third reading of the bill.

The SPEAKER. That is the question before the House.

Mr. BAYNE. I desire to be heard as to the propriety of the motion to recommit.

Mr. RANDALL. The previous question has been ordered.

The SPEAKER. The previous question has been ordered.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. BAKER. Is a motion to recommit in order?

The SPEAKER. The Chair has stated it would be under an express rule of the House.

Mr. RANDALL. One motion to recommit has already been made.

The SPEAKER. That was the ordinary parliamentary law, that there should be but one motion before the bill was ordered to be engrossed and read the third time; but there is a rule of the House which extends the privilege so that one motion may be made to recommit after the previous question has been ordered on the passage of the bill. That was not the parliamentary law before.

Mr. BAKER. I move to recommit the bill with instructions to strike out the following:

And hereafter the whole of the compensation and fees paid a commissioner, and to which he may be entitled for services in the examination of criminal charges, shall not exceed $800 per annum, or exceed that rate for any time less than a year: *Provided*, That for issuing any warrant or writ and for any other necessary service commissioners may be paid the same compensation as is allowed to clerks for like services, but they shall not be entitled to any docket fees.

Mr. BAYNE. I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. BAYNE. I make the point of order that is not in order, because it will lead to interminable consideration or reconsideration of what the Committee of the Whole House on the state of the Union has done and the House itself has done when the bill was reported and acted upon. Such a system of parliamentary law would include the doing of a great many unnecessary and improper things. But I think it is excluded also under clause 4 of Rule XVI, which provides:

4. When a question is under debate, no motion shall be received but to fix the day to which the House shall adjourn, to adjourn, to take a recess, to lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a day certain, to refer or amend, or to postpone indefinitely, which several motions shall have precedence in the foregoing order; and no motion to postpone to a day certain, to refer, or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the question.

The SPEAKER. It can not at the same stage of the question.

Mr. BAYNE. But, Mr. Speaker, the same stage of the question is now repeated. We are exactly in the same position we were in when the first motion to recommit was made; because the bill is now in the House in precisely the same condition it was in when it was recommitted by the House to the committee with the proposition in to pay the month's extra compensation to the employés of the House. That proposition, under instructions that were given by the House, was eliminated from the bill. The bill is now again reported to the House, but with that single elimination it is in precisely the same stage in which it was before that instruction was given by the House, and the committee have reported back the identical bill with that single proposition stricken out, as they were instructed to do. In other words, the bill was recommitted for a specific purpose; that specific purpose has been performed, and the same bill is now before us again.

The SPEAKER. This is not the same proposition at all. At the time the House recommitted the bill to the Committee on Appropriations with instructions to report it back after striking out a certain clause, there was in the bill a provision to pay certain employés of the Government a month's extra compensation. The bill being then on its passage, it was recommitted to the Committee on Appropriations under these instructions. It now comes back under a rule of the House, and is on its third reading and open to further amendment. The bill does not now contain that clause. It is an entirely different report from the Committee on Appropriations from that upon which the House was acting an hour or so ago.

Mr. BAYNE. But the bill reported back is identically the same bill, with a single exception. That exception was brought about by a motion to recommit, and only one motion to recommit is in order under the rule. This, then, is a work of supererogation and is idling away the time of the House, for it may be continued, if this motion is allowable, for days, and might be continued indefinitely. I protest that the rules mean something, that parliamentary law means something, and the parliamentary law will not justify the waste of public time in this manner. I insist, then, that, inasmuch as the rule excludes two motions to commit, one with and one without instructions, the principle of parliamentary law, which has been decided by the present Speaker of the House over and over again, applies to this case, and the bill can not be again recommitted with any instructions whatever.

The SPEAKER. Under the rule there can be but one motion to recommit the bill when the question is on its passage, and no other motion can be made. But this is a different bill, a different report from the committee, and the motion is in order.

Mr. SPRINGER. I hope the amendment will not be agreed to.

The SPEAKER. It is not debatable.

The motion to recommit was not agreed to.

The question recurred upon the passage of the bill.

Mr. BURNES. On that I demand the previous question.

The previous question was ordered.

The question was taken on the passage of the bill; and on a division there were—ayes 96, noes 38.

Mr. BROWNE, of Indiana. Mr. Speaker, it will be economy of time to have the yeas and nays, since there is no quorum voting.

Mr. SPRINGER. I think that is not necessary.

Mr. BROWNE, of Indiana. I want those gentlemen on that side who believe in the extravagance of this legislation to pass the bill.

Mr. SPRINGER. And I want the gentlemen on that side who put extravagance on the bill to vote for it.

Mr. MORRISON. You voted extravagant provisions on it and are now running away from them.

The SPEAKER. The question is on ordering the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 165, nays 57, not voting 100; as follows:

YEAS—165.

Adams, G. E.	Catchings,	Geddes,	La Follette
Allen, C. H.	Clements,	Glass,	Lanham,
Allen, J. M.	Cobb,	Green, R. S.	Lawler,
Anderson, C. M.	Comstock,	Green, W. J.	Lehlbach,
Baker,	Crain,	Hale,	Lovering,
Ballentine,	Crisp,	Hall,	Martin,
Barksdale,	Croxton,	Halsell,	Matson,
Barnes,	Curtin,	Harris,	Maybury,
Barry,	Cutcheon,	Hatch,	McAdoo,
Bayne,	Dargan,	Hemphill,	McKenna,
Blanchard,	Davidson, A. C.	Henderson, D. B.	McKinley,
Bland,	Davidson, R. H. M.	Henley,	McMillin,
Bliss,	Dingley,	Hepburn,	McRae,
Blount,	Dockery,	Hermann,	Merriman,
Boutelle,	Dougherty,	Hewitt,	Moffatt,
Boyle,	Dowdney,	Hill,	Morgan,
Bragg,	Dunn,	Hiscock,	Morrill,
Breckinridge, C. R.	Eden,	Hitt,	Morrison,
Breckinridge, W. C. P.	Eldredge,	Holman,	Murphy,
Brown, C. E.	Ellsberry,	Hopkins,	Neal,
Brown, W. W.	Ely,	Howard,	Neece,
Buck,	Ermentrout,	Hudd,	Negley,
Burnes,	Farquhar,	Hutton,	Norwood,
Butterworth,	Foran,	James,	Oates,
Cabell,	Ford,	Johnson, F. A.	O'Neill, J. J.
Caldwell,	Forney,	Jones, J. H.	Outhwaite,
Candler,	Frederick,	Jones, J. T.	Peel,
Carleton,	Fuller,	Laffoon,	Perry,

Pindar,	Skinner,	Tarsney,	West,
Pirce,	Snyder,	Taylor, J. M.	Wheeler,
Randall,	Sowden,	Thomas, O. B.	White, A. C.
Reed, T. B.	Spooner,	Thompson,	Whiting,
Rice,	Springer,	Tillman,	Wilkins,
Romeis,	Stahlnecker,	Turner,	Willis,
Rowell,	Stephenson,	Van Eaton,	Wilson,
Ryan,	Stewart, Charles	Viele,	Winans,
Sadler,	Stewart, J. W.	Wadsworth,	Wise,
Sayers,	Stone, E. F.	Wait,	Wolford,
Scranton,	Stone, W. J., Mo.	Wallace,	Worthington.
Seney,	Storm,	Warner, William	
Seymour,	Struble,	Weaver, A. J.	
Singleton,	Symes,	Weber,	

NAYS—57.

Anderson, J. A.	Dorsey,	Laird,	Price,
Atkinson,	Evans,	Lindsley,	Reid, J. W.
Bennett,	Everhart,	Lyman,	Richardson,
Bound,	Fleeger,	Millard,	Smalls,
Browne, T. M.	Funston,	Milliken,	Strait,
Brumm,	Gilfillan,	Mills,	Swinburne,
Bunnell,	Goff,	O'Hara,	Taylor, Zach.
Burrows,	Grosvenor,	Osborne,	Townshend,
Bynum,	Grout,	Parker,	Wakefield,
Campbell, J. M.	Henderson, J. S.	Payne,	Warner, A. J.
Cannon,	Hiestand,	Payson,	Wellborn,
Conger,	Holmes,	Perkins,	White, Milo.
Cooper,	Jackson,	Peters,	
Cowles,	Johnston, J. T.	Pettibone,	
Culberson,	Johnston, T. D.	Plumb,	

NOT VOTING—100.

Adams, J. J.	Findlay,	Libbey,	Robertson,
Aiken,	Fisher,	Little,	Rockwell,
Arnot,	Gallinger,	Long,	Rogers,
Barbour,	Gay,	Lore,	Sawyer,
Beach,	Gibson, C. H.	Louttit,	Scott,
Belmont,	Gibson, Eustace	Lowry,	Sessions,
Bingham,	Glover,	Mahoney,	Shaw,
Brady,	Guenther,	Markham,	Spriggs,
Buchanan,	Hammond,	McComas,	Steele,
Burleigh,	Hanback,	McCreary,	St. Martin,
Campbell, Felix	Harmer,	Miller,	Stone, W. J., Ky.
Campbell, J. E.	Hayden,	Mitchell,	Swope,
Campbell, T. J.	Haynes,	Morrow,	Taulbee,
Caswell,	Heard,	Muller,	Taylor, E. B.
Clardy,	Henderson, T. J.	Nelson,	Taylor, I. H.
Collins,	Herbert,	O'Donnell,	Thomas, J. R.
Compton,	Hires,	O'Ferrall,	Throckmorton,
Cox,	Houk,	O'Neill, Charles	Trigg,
Daniel,	Irion,	Owen,	Tucker,
Davenport,	Kelley,	Phelps,	Van Schaick,
Davis,	Ketcham,	Pidcock,	Wade,
Dawson,	King,	Ranney,	Ward, J. H.
Dibble,	Kleiner,	Reagan,	Ward, T. B.
Dunham,	Landes,	Reese,	Weaver, J. B.
Felton,	Le Fevre,	Riggs,	Woodburn.

So the bill was passed.

On motion of Mr. JAMES, the reading of the names of members voting was dispensed with.

Mr. STEELE. I withdraw my vote. I am not permitted to vote on this particular measure by the rules of the House.

Mr. WEAVER, of Iowa. Upon reflection I consider I have a personal interest in the bill, and withdraw my vote.

Mr. BRADY. Upon consideration I believe I have a personal interest in the bill, and withdraw my vote.

The following additional pairs were announced.

Mr. ST. MARTIN with Mr. VAN EATON, on this vote.

Mr. MCCREARY with Mr. LONG, for the remainder of the day.

Mr. HERBERT with Mr. GUENTHER, for the remainder of the day.

The result of the vote was then announced as above stated.

Mr. BURNES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BUSINESS OF WAYS AND MEANS COMMITTEE.

Mr. MORRISON. I present a privileged report from the Committee on Rules.

The Clerk read as follows:

The Committee on Rules, to which was referred the resolution fixing a day for the consideration of business reported from the Committee on Ways and Means, has had the same under consideration, and report it back with a substitute therefor, as follows:

"*Resolved*, That Tuesday, the 13th day of July, immediately after the reading of the Journal, be, and is hereby, set apart for the consideration of such business as may be presented by the Committee on Ways and Means, not to include any bill raising revenue; and if any bill shall be under consideration and not disposed of when the House adjourns on that day, the consideration of such bill shall continue from day to day, immediately after the reading of the Journal, until disposed of."

The committee is advised that there are on the Calendar several important measures reported from the Committee on Ways and Means which it is thought can be disposed of without much opposition, and therefore recommends the passage of the substitute.

Mr. HEWITT. I make the point of order on the resolution.

The SPEAKER *pro tempore* (Mr. CRISP). What is the point of order?

Mr. HEWITT. My point of order is that it is not competent for the Committee on Rules to report in the nature of a rule a regulation of debate which is intended for a single day and a single occasion *pro hac vice*. That is not a rule. The usual practice of the House has been for the committee which desired a day to come in with a resolution, submit it to the House, and take the action of the House upon it, under the rules. It seems to me this is a device by which the Committee on Rules, having power to report at any time, come into the House and do that which under the rules can only be done by resolution on the request of the committee from which the application comes.

There is no such application from the Committee on Ways and Means. I have heard of this now for the first time. It has never yet been considered in the committee. It comes here as a report from the Committee on Rules, and I take it this is the first time that any attempt has ever been made by the Committee on Rules to give a day certain to any committee of this House for the consideration of measures. It seems to me to be entirely contrary to any rule of order I am familiar with, and contrary to the practice of the House on any previous occasion.

Mr. MORRISON. I will make no reply to so much of the remarks of the gentleman from New York in making which he undertook to say this resolution is a device. I think when he comes to reflect upon the matter he will prefer that he had left that unsaid.

This matter was referred, in a resolution offered by myself, to the Committee on Rules for its consideration. In that way the Committee on Rules got control and jurisdiction of the subject. I probably ought to state what is the main object of the rule, but I need not explain that to the gentleman from New York. The object is to reach and consider the bill or joint resolution reported to the House by the Committee on Ways and Means requiring the paying out of some part of the surplus money now in the Treasury. In reporting that measure, I am sorry we who favor it did not have the approval of the gentleman from New York. The object of this resolution, this amendment to the rules or whatever it may be called, is to reach that resolution from the Ways and Means and have it considered in the House. That is the whole of it. It comes here regularly by a resolution introduced and referred to the Committee on Rules and upon which that committee has acted, and now the House can approve or reject.

Mr. MCKINLEY. May I ask the gentleman from Illinois a question?

Mr. MORRISON. Yes, sir.

Mr. MCKINLEY. My question is whether it is the purpose under this resolution assigning a day to the Committee on Ways and Means to consider the bills relating to treaties?

Mr. MORRISON. It is not. The treaties all affect the revenue question. We do not propose to consider any of them or anything involving that question under this order if the House shall pass or approve it.

Mr. MILLS. The gentleman from New York [Mr. HEWITT] says the House ought to determine the manner in which we are to proceed or whether we are to proceed at all in the consideration of measures. The Constitution of the United States gives to this House the power to prescribe all its rules of procedure. This House can do it in the first instance by its own motion, as it does before it is organized and has its committees, or it can appoint a committee to prescribe those rules. And in regulating the proceedings of the House it is no matter whether the rule be adopted by the House without reference or on the recommendation of the Committee on Rules.

The Committee on Rules have made a report and returned to this House a method by which a measure can be taken up and acted on, and that is perfectly legitimate. It is within the province of this House at all times to change its rules. A continuing power to do so rests with the House at all times, and is necessary to be exercised for the conduct of its business. The House finding that according to its existing rule it could not reach a measure on its Calendar necessary to be considered, and which a majority of the House may determine should be considered, it becomes necessary to change the existing rule; and how is that change to be made? By some one offering a resolution and having it referred and reported on.

The gentleman from New York knows this measure could not be reached under our existing rules; and if there is a majority of this House that wishes to take up a measure and consider it when its consideration is not provided for by existing rules, the only way by which the House can reach that measure is to change its rules; and in order to do so it is necessary to have a resolution introduced and have the Committee on Rules report it for the action of the House, and that is what they have done.

Mr. RANDALL. Mr. Speaker, this proposition comes from the Committee on Rules properly. The subject was referred to that committee. Let us be frank and open. The object is to reach the consideration of a bill or a joint resolution proposing to pay out of the Treasury to the extent, I suppose, of $70,000,000, $10,000,000 a month, and thus save $2,100,000 annually to the tax-payers of the United States.

Mr. MCKINLEY. Has not the Secretary of the Treasury authority to do that now?

Mr. RANDALL. I suppose the Secretary has that power, but we are a co-ordinate branch of the Government, and have a right to some opinion on the subject. It is enough for me to know that the Secretary is not paying out that money as fast as he might.

Mr. MILLIKEN. Why not?

Mr. RANDALL. It is a plain proposition, Mr. Chairman, and I will

illustrate it in this way: Does anybody suppose that I, as a business man, would keep on deposit in a bank $700,000, for which I was drawing nothing in the way of interest, while I had out obligations bearing interest, whether at 3 or 6 per cent.? No business man would for a moment do such a thing, according to my judgment.

Mr. STEELE. Mr. Chairman, I rise to a point of order. I call for the regular order.

Mr. HEWITT. Mr. Chairman, I rise to a point of order. The gentleman from Pennsylvania [Mr. RANDALL] is going into the merits of the proposition which he says is sought to be got at. That question is not under discussion here now.

Mr. RANDALL. But it is well for the House to understand what is the object of some of the members of the Committee on Rules in reporting this rule.

Mr. HEWITT. But you have been arguing the merits of the proposition which you say the rule will enable you to take up.

Mr. RANDALL. Well, I have said all I want to say on that subject. [Laughter.]

Mr. HEWITT. Mr. Speaker, I wish to be heard on the point of order. If this amendment of the rules——

Mr. SOWDEN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. SOWDEN. What is the question before the House?

The SPEAKER *pro tempore*. The question of order raised by the gentleman from New York [Mr. HEWITT].

Mr. SOWDEN. But the gentleman ceased speaking.

The SPEAKER *pro tempore*. The gentleman from New York will proceed.

Mr. HEWITT. Mr. Speaker, if this proposition is in order, then it is in order at all times for the Committee on Rules to bring into the House a resolution which shall take from the Calendar any and every specific measure which the Committee on Rules see fit to have considered.

Mr. RANDALL. Will the gentleman permit me to interrupt him?

Mr. HEWITT. Certainly.

Mr. RANDALL. The Committee on Rules only recommend. It is for the House to determine.

Mr. HEWITT. I understand that, Mr. Speaker, but I want to know where the jurisdiction is. This method of proceeding vests in the Committee on Rules jurisdiction over the Calendars and over every proposition upon the Calendars; it puts in their hands the power to determine for this House what measures shall be considered and what shall not be considered. And now since the gentleman has stated what the object of this proposition is, let me call the attention of gentlemen who belong to other committees to the organization of the Committee on Rules. A majority of that committee is three, and those three are members of the Committee on Ways and Means. Hence this puts it in the power of the Ways and Means Committee, or the dominant influence in that committee——

Mr. MORRISON. And if the gentleman will allow me, the majority of the members of the Ways and Means Committee who are also on the Committee on Rules agree with him and are opposed to this resolution.

Mr. HEWITT. Mr. Speaker, the gentleman has no right to speak for the Committee of Ways and Means unless he has had this subject before that committee, and this proposition has never been submitted to the Committee of Ways and Means. I, for one, never heard of it until I heard of it here.

Mr. MORRISON. It was not sent to the Committee of Ways and Means. It was sent by the House to the Committee on Rules.

Mr. HEWITT. Mr. Speaker, my point is this: A majority of the Committee on Rules are members of the Committee of Ways and Means, and the practical result is that the Committee of Ways and Means are running the Committee on Rules, and are bringing before this House a proposition to enable them to do something which they say they can not do unless the rules are changed. Why should the rules of the House be changed with reference to this proposition more than any other? Every gentleman here has business on the Calendars that he would like to have disposed of before Congress adjourns. Why, then, should the Committee on Ways and Means pick out its measures and have them considered by the House simply because the members of that committee are able to control the Committee on Rules?

Mr. WARNER, of Ohio. The gentleman is not speaking to the point of order.

A MEMBER. There are other important measures awaiting consideration.

Mr. HEWITT. Yes; there are other important measures, a great many of them, and I object to any one committee of this House having the inside track, or, as some gentlemen would express it, "getting the bulge" on the other committees of the House.

The SPEAKER *pro tempore* (Mr. CRISP). The Chair is ready to rule upon the question. As the Chair understands, this resolution on being introduced was referred by the House to the Committee on Rules. It is competent, in the judgment of the Chair, for the House in this manner to change its rules, if this involves a change. The adoption of this resolution would be *pro tanto* nothing more than a change of the rules; and the proper method of making such a change under the rules is upon a report from the Committee on Rules. Therefore the Chair can see nothing in the point of order made by the gentleman from New York [Mr. HEWITT].

Mr. MORRISON. I think I ought to say, in justice to the Committee on Rules or some of its members and to the members of the Committee on Ways and Means, if any gentleman on either committee requires any justification, that this joint resolution (the merits of which I do not propose to discuss) the consideration of which we are trying now to reach was considered by the Ways and Means Committee and reported to the House. Then those of us who favored the measure wanted it considered, and I introduced a resolution, just as members of a dozen committees have done here, and had it referred. Some gentlemen have had such resolutions referred to one committee and some to another; but gentleman here will all bear me witness that days and times and preferences have been fixed by special order of the House upon propositions of the several committees which the House approved. The Labor Committee got a day; the Committee on Agriculture obtained a special order for its business, and several other committees had days fixed for the consideration of their business in exactly this method—by reporting a resolution and having the House consider it.

This resolution was referred to the Committee on Rules as a matter of convenience. On that committee there are more members of the Ways and Means Committee who oppose the resolution which we propose to consider than those who favor it. I do not make that statement by way of argument; but it seemed to me the gentleman from New York had said so much I ought to make that statement.

Unless some gentleman wants to speak further upon this matter, I will move the previous question.

Mr. STEELE. To settle this question about the surplus, I ask unanimous consent that we take up the general pension bill and pass it at this time.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. MORRISON] demands the previous question upon the adoption of the resolution reported by him.

Mr. HEWITT. I do not know whether the gentleman from Illinois has been speaking on the merits of the resolution——

Mr. MORRISON. I have not.

Mr. RANDALL. It was I who committed that indiscretion.

Mr. HEWITT. I mean the resolution reported from the Committee on Rules.

Mr. MORRISON. If the gentleman would like to say something on the resolution——

Mr. HEWITT. I should like to do so. I do not want much time.

Mr. MORRISON. I yield to the gentleman so much time as he wants.

Mr. HEWITT. Mr. Speaker, the gentleman from Illinois stated that this proceeding is in conformity to the practice of this House by which other committees have had days assigned to them for the consideration of their business. I think that must have been an inadvertent statement on the part of the gentleman.

Mr. MORRISON. No, sir; it is true. There is no other way of reaching business the House may desire to act upon.

Mr. HEWITT. The practice has been just the reverse. In no other case has a committee had a resolution of this kind referred to the Committee on Rules to be reported back here under the privilege. On the contrary——

Mr. MORRISON. I did not say that. I said resolutions had been reported by different committees and acted on by the House, and this must have the approval of the House.

Mr. HEWITT. The gentleman said this was exactly in accordance with the practice of the House in the case of other committees. I say that in no other case has any other committee gone to the Committee on Rules and availed itself of that committee's superior privilege to report here at any time. On the contrary, resolutions have been introduced here and have been referred to the committees having jurisdiction of the particular business, have been reported to the House, and have come up here in their regular order. This comes up in the House out of regular order, under the privilege which the Committee on Rules possesses, and which no other committee possesses. Of course the object is to arrive at something that can not be otherwise arrived at. When that question comes up we shall have something to say about it, for I trust there will be discussion on it. It seems to me, however, that this is an irregular method of arriving at a discussion of a question which is not of superior importance to many other questions with which other committees of the House are charged.

Mr. MORRISON. Now, Mr. Speaker, I demand the previous question on the adoption of the resolution.

The previous question was ordered.

The question being taken on adopting the resolution, there were—ayes 101, noes 40.

Mr. HEWITT. No quorum.

Tellers were ordered; and Mr. MORRISON and Mr. HEWITT were appointed.

Mr. MORRISON. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken on the adoption of the resolution; and it

was decided in the affirmative—yeas 184, nays 34, not voting 104; as follows:

YEAS—184.

Allen, J. M.	Dorsey,	Jones, J. T.	Robertson,
Anderson, C. M.	Dougherty,	Laffoon,	Rowell,
Anderson, J. A.	Dowdney,	La Follette,	Ryan,
Ballentine,	Dunn,	Laird,	Sadler,
Barksdale,	Eden,	Lanham,	Sayers,
Barnes,	Eldredge,	Lehlbach,	Scranton,
Barry,	Ellsberry,	Lovering,	Seymour,
Bayne,	Ermentrout,	Lyman,	Singleton,
Belmont,	Everhart,	Martin,	Skinner,
Bennett,	Farquhar,	Matson,	Snyder,
Blanchard,	Fleeger,	Maybury,	Sowden,
Bland,	Ford,	McAdoo,	Springer,
Blount,	Forney,	McKenna,	Stahlnecker,
Bound,	Frederick,	McKinley,	Steele,
Boyle,	Fuller,	McMillin,	Stephenson,
Bragg,	Funston,	McRae,	Stewart, Charles
Breckinridge, C. R.	Gay,	Merriman,	St. Martin,
Browne, T. M.	Glass,	Milliken,	Stone, E. F.
Brown, C. E.	Goff,	Mills,	Stone, W. J., Ky
Brown, W. W.	Green, R. S.	Moffatt,	Stone, W. J., Mo.
Brumm,	Green, W. J.	Morgan,	Storm,
Bunnell,	Grosvenor,	Morrill,	Struble,
Burnes,	Hale,	Morrison,	Symes,
Burrows,	Hall,	Morrow,	Tarsney,
Butterworth,	Halsell,	Neal,	Taylor, J. M.
Bynum,	Hammond,	Neece,	Taylor, Zach.
Cabell,	Harris,	Negley,	Tillman,
Caldwell,	Hatch,	Norwood,	Townshend,
Candler,	Hemphill,	Oates,	Trigg,
Cannon,	Henderson, D. B.	O'Hara,	Turner,
Carleton,	Henderson, J. S.	O'Neill, J. J.	Van Eaton,
Catchings,	Henley,	Outhwaite,	Viele,
Clements,	Hepburn,	Owen,	Wallace,
Cobb,	Hermann,	Payson,	Ward, T. B.
Comstock,	Hill,	Peel,	Warner, A. J.
Conger,	Hitt,	Perkins,	Warner, William
Cooper,	Holman,	Peters,	Weaver, A. J.
Cowles,	Holmes,	Pettibone,	Weaver, J. B.
Crisp,	Hopkins,	Pindar,	Wellborn,
Croxton,	Howard,	Plumb,	White, A. C.
Culberson,	Hutton,	Price,	Wilkins,
Cutcheon,	Irion,	Randall,	Willis,
Dargan,	Jackson,	Reagan,	Winans,
Davidson, R. H. M.	Johnston, J. T.	Reid, J. W.	Wise,
Dingley,	Johnston, T. D.	Richardson,	Wolford,
Dockery,	Jones, J. H.	Riggs,	Worthington.

NAYS—34.

Adams, G. E.	Hiestand,	Payne,	Wadsworth,
Allen, C. H.	Hiscock,	Pirce,	Wait,
Baker,	James,	Reed, T. B.	Weber,
Boutelle,	Johnson, F. A.	Rice,	West,
Buck,	Ketcham	Smalls,	White, Milo
Ely,	Lindsley,	Spooner,	Whiting,
Gilfillan,	Millard,	Strait,	Woodburn.
Grout,	Osborne,	Swinburne,	
Hewitt,	Parker,	Thompson,	

NOT VOTING—104.

Adams, J. J.	Davis,	King,	Ranney,
Aiken,	Dawson,	Kleiner,	Reese,
Arnot,	Dibble,	Landes,	Rockwell,
Atkinson,	Dunham,	Lawler,	Rogers,
Barbour,	Evans,	Le Fevre,	Romeis,
Beach,	Felton,	Libbey,	Sawyer,
Bingham,	Findlay,	Little,	Scott,
Bliss,	Fisher,	Long,	Seney,
Brady,	Foran,	Lore,	Sessions,
Breckinridge, WCP.	Gallinger,	Louttit,	Shaw,
Buchanan,	Geddes,	Lowry,	Spriggs,
Burleigh,	Gibson, C. H.	Mahoney,	Stewart, J. W.
Campbell, Felix	Gibson, Eustace	Markham,	Swope,
Campbell, J. E.	Glover,	McComas,	Taulbee,
Campbell, J. M.	Guenther,	McCreary,	Taylor, E. B.
Campbell, T. J.	Hanback,	Miller,	Taylor, I. H.
Caswell,	Harmer,	Mitchell,	Thomas, J. R.
Clardy,	Hayden,	Muller,	Thomas, O. B.
Collins,	Haynes,	Murphy,	Throckmorton,
Compton,	Heard,	Nelson,	Tucker,
Cox,	Henderson, T. J.	O'Donnell,	Van Schaick,
Crain,	Herbert,	O'Ferrall,	Wade,
Curtin,	Hires,	O'Neill, Charles	Wakefield,
Daniel,	Houk,	Perry,	Ward, J. H.
Davenport,	Hudd,	Phelps,	Wheeler,
Davidson, A. C.	Kelley,	Pidcock,	Wilson.

So the resolution was adopted.

During the roll-call,

Mr. RICHARDSON said: I ask by unanimous consent that the reading of the names be dispensed with.

Mr. HEWITT and Mr. JAMES objected.

The following additional pairs were announced from the Clerk's desk:

Mr. DAVIDSON, of Alabama, with Mr. FUNSTON, for the rest of the day.

Mr. FUNSTON. I am paired with Mr. DAVIDSON, of Alabama, but I was assured he would vote in the affirmative like myself, and therefore I have had my vote recorded in the affirmative.

Mr. WILSON, of West Virginia, with Mr. ROCKWELL, for this day.

Mr. GEDDES with Mr. ROMEIS.

Mr. LAWLER with Mr. WAKEFIELD.

Mr. CRAIN with Mr. SENEY, on this vote.

The vote was then announced as above recorded.

Mr. MORRISON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TOWNSHEND. Mr. Speaker, I call for the regular order of business, which I understand to be the consideration of the bill granting a pension to Catharine Waters. Does the Chair recognize me?

The SPEAKER *pro tempore* (Mr. CRISP in the chair). The Chair recognizes the gentleman from Illinois, and understood him to call up the special order.

Mr. HOLMAN. I think the House should proceed to the consideration of the amendments of the Senate to the legislative, &c., appropriation bill.

Mr. TOWNSHEND. It will not take more than twenty minutes to dispose of this bill granting a pension to Catharine Waters.

Mr. HOLMAN. I move to dispense with the business of the morning hour, if that be necessary to get to the legislative, &c., appropriation bill.

Mr. TOWNSHEND. I rise to a question of order.

The SPEAKER *pro tempore*. The House is operating under the previous question on the pension bill for Catharine Waters. The question is on the passage of the bill under the previous question, and it is not in order to dispense with the morning hour.

Mr. RANDALL. I move to postpone the further consideration of that bill.

Mr. HOLMAN. I raise the question of consideration on that bill.

Mr. TOWNSHEND. I submit to the Chair that the question of consideration can not be raised against that bill, because the previous question has been ordered on the passage of the bill.

The SPEAKER *pro tempore*. The Chair understands the previous question to which the gentleman from Illinois refers has for its effect under the rule to make that bill in order immediately after the reading of the Journal the next legislative day when such business is in order, and which in this case will be next Friday. The Chair further understands there was an agreement last night, but it was no more than setting a special order, and such a special order as may be antagonized and set aside.

Mr. TOWNSHEND. I want to say that good faith and justice demand that the gentleman from Indiana should not come in now and antagonize this arrangement, especially in view of the fact that by the absence of members this House has been left every Friday evening under the control of one member, who in order to prevent business will insist on a quorum being present. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The question is, Will the House proceed to consider the case called up by the gentleman from Illinois, the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 325) granting a pension to Catharine Waters.

The question was taken; and on a division there were—ayes 87, noes 52.

So the motion was agreed to.

Mr. HOLMAN. I ask unanimous consent that there be a session of the House this evening, commeneing at 8 o'clock, to consider the legislative appropriation bill.

Mr. BROWNE, of Indiana. Can we have the assurance that some gentleman will not be here to call a quorum?

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Indiana?

Several members objected.

[Cries of "Regular order!"]

CATHARINE WATERS.

Mr. TOWNSHEND. I ask now that the bill be read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws of the United States, the name of Catharine Waters, mother of Thomas Waters, deceased, late steward of the steamer Benefit, at the rate of $8 per month.

The committee recommend the adoption of the following amendment:

Strike out the words "at the rate of eight dollars per month" and insert "twelve dollars per month."

The SPEAKER *pro tempore*. The Chair understands that by order of the House, made last evening, there is to be twenty minutes' debate on this bill. [Cries of "Vote!" "Vote!"]

Mr. TOWNSHEND. There is an agreement that the report shall be read first.

The SPEAKER *pro tempore*. That can only be done in the time of the gentleman.

Mr. GOFF. That was not the understanding.

Mr. TOWNSHEND. No; the report was to be read.

Mr. DORSEY. That was a part of the agreement.

Mr. BLANCHARD. It was expressly understood that the reading of the report was not to be taken out of the time allowed for debate.

The SPEAKER *pro tempore*. The Clerk will read the report.

The report was read at length.

Mr. TOWNSHEND. Unless the gentleman from Louisiana desires to make some remarks in reference to this bill, I am willing to take a vote upon it now without debate. [Cries of "Vote!" "Vote!"]

Mr. BLANCHARD. Mr. Speaker, I desire that the hammer shall fall when I shall have occupied seven minutes out of the ten I am entitled to in this discussion.

The bill is before the House without any recommendation from the Committee of the Whole. It was I who had the temerity, a week ago last night, to demand a quorum upon its passage; and I stand here to assert, after a very careful examination of the original papers filed in this case, that if there ever was a pension bill which should not pass this is one.

Mr. Speaker, Thomas Waters, on account of whose death this pension is asked, was not only not in the military or naval service of the United States at the time of his death, but he was not even in the civil employment of the Government. I have before me the record as it comes from the Pension Office, and it shows that this case was rejected by the Pension Bureau in December, 1882, upon the following grounds:

Rejected, as the sailor was serving on a chartered steamer as one of the crew, hired and paid by the owners, at the time he was killed.

This steamer, the Benefit, was not a war vessel. She was simply a transport chartered for the purpose of bearing Lieutenant Terry, with a force of fifty men, carrying dispatches. This man Thomas Waters was not the steward, but he is described in one of the affidavits in the record as second steward, or cook, employed not by the United States Government but by the owner of the boat, who was a civilian and who paid his wages.

Mr. WEAVER, of Iowa. Will the gentleman permit a question?

Mr. BLANCHARD. I can not yield. It is not true, as stated in the report, that the boat was under the immediate command of the United States naval officer in charge of the expedition up Red River. The master of the Benefit at the time this man was killed was Captain Hatcher, a civilian. His entire crew were civilians, and none of them, including Waters, were in the naval service of the United States. There is not a scintilla of evidence in the record that Waters ever engaged in any fight on behalf of the United States. A statement, sir, was made here a week ago that he seized a musket when the fight began and engaged in the fight. It is not true; the record makes no such disclosure.

Mr. HILL. The report says he did.

Mr. BLANCHARD. I hold the original record of the case in my hand, and I challenge any man, the gentleman from Illinois himself, familiar as he is with the case, to take these papers and show anywhere in the record any evidence that this man ever engaged in any fight. The Benefit, this small steamer, was passing a battery on Red River and was fired into by the battery. The fire was returned by two cannon on board the Benefit, and if Waters had any hand in this firing the record totally fails to show it. And when the gentleman from Illinois [Mr. NEECE], who is the author of the report in this case, makes the statement in his report that "all the men on board the steamer were engaged in the fight," I challenge him to point out in the record any evidence to justify that assertion.

Mr. NEECE rose.

Mr. BLANCHARD. I do not yield at this time. This report is but a brief of the strong points (weak at best) in this record on behalf of the claimant, and it totally fails to show the weak points in the case. I judge, sir, it is in keeping with most of the favorable reports that have come from the Committee on Invalid Pensions. It shows the strong side only; it takes care to omit the facts damaging to the claimant's cause. For instance, there is nothing in the report to show that this application was rejected at the Pension Office because Thomas Waters was not either in the military, the naval, or the civil employment of the Government, and it fails to state that the Pension Bureau had discovered that his wages were paid by the owner of the boat and not by the Government.

Mr. PERKINS. Will the gentleman permit me a question?

Mr. BLANCHARD. Yes, sir; I will yield now for interruption.

Mr. PERKINS. Has the gentleman's attention ever been called to a bill granting a pension to Margaret A. Poland, widow of Alexander Poland, of Leesburg, State of Virginia, who was not in the military or naval service at all?

Mr. BLANCHARD. My attention has not been called to that bill, and it has nothing to do with this case.

Mr. PERKINS. It passed the House and the Senate, and the President approved the bill.

Mr. BRECKINRIDGE, of Arkansas. Did that man fight?

Mr. PERKINS. He was murdered by a band of guerrillas, and was not in the military service at all.

Mr. BLANCHARD. If we are to pension men who have not been in either the military, naval, or civil employment of the United States, I ask what is to prevent every roustabout on the thousand and one vessels employed or chartered by the United States Government during the war, who happened to have been killed or wounded or disabled by sickness—what is to prevent them or their widows or parents from coming here and asking pensions? If a cook like this man can do it, why can not a roustabout do it?

I for one am opposed to granting pensions in cases of this kind. We should confine the bounty of the Government to those who were disabled by wounds or sickness or to the dependents of those who were killed in the line of duty in the military and naval service of the Government, and not go beyond that, and pension men who were not even in the civil employment of the Government, much less its military or naval service.

Mr. WEAVER, of Iowa. Will the gentleman yield to me for a question?

Mr. BLANCHARD. Yes, sir.

Mr. WEAVER, of Iowa. The question I want to ask is this——

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Louisiana that the seven minutes have expired.

Mr. TOWNSHEND. What mysterious motive has induced the gentleman from Louisiana to pursue this gray-haired old woman whose son was stricken down while engaged in battle is something that is incomprehensible to me. The gentleman from Louisiana has said that he can not support this bill because this man was not in the military service of the United States. I hold in my hand here five bills that have been passed granting pensions to those that were never in the military or naval service. One of these bills was approved a few days ago by the President. That was a case where a man was shot down in Virginia who had done nothing more than invite four Union soldiers to his dinner-table, and while they were taking refreshments he was attacked by confederate soldiers and shot down. The Committee on Invalid Pensions reported the bill in favor of the widow and the House passed it, the Senate passed it, and the President signed it. And yet the gentleman from Louisiana never raised a murmur.

I have in my hand another bill granting a pension to the dependent relative of a man named Jacobs, and standing on just the same basis as the bill which is reported here. Jacobs was in charge of a transport, under control of the Quartermaster's Department, going up the Tennessee River, I believe. While the boat was going up the river it was attacked by Forrest's cavalry, and that man, who was not even in the civil service of the Government, being employed by the Quartermaster's Department to convey that boat up the river, was killed; and a bill was passed by Congress granting a pension in that case, and it was sanctioned by the President.

There are numerous cases coming down from the Revolution where men have been put on the pension-rolls who were never enlisted in the service; and unless the gentleman from Louisiana is ignorant of the history of the country he must know he is assailing this woman upon false grounds when he charges she ought not to have a pension because her son was not enlisted in the service.

Mr. NEECE. I ask the gentleman to give me a minute.

Mr. CANNON. I would like the gentleman from Illinois to come down to this case now pending.

Mr. TOWNSHEND. This man was a sailor, employed on another steamer from 1862 down to 1863, and was then discharged on the expiration of his term of service. He afterward became a steward on this other vessel, which was a transport, that was ordered to go up the Red River and convey some one hundred and fifty Union troops under the command of Lieutenant Terry.

They were compelled to pass the battery on the river. Under the command of Lieutenant Terry, as shown by the evidence, the boat was ordered to pass that battery. In passing the battery this man and several others on board were killed by the fire of the enemy; and the report states, and it is borne out by the evidence, that all the men on that boat were engaged in that conflict.

Mr. BLANCHARD. I challenge the production of that evidence.

Mr. TOWNSHEND. The evidence is on record.

Mr. NEECE. Let me say a word on that point. I assert that every word contained in the report on this case is based upon evidence furnished by the Pension Office and other documents.

Mr. BLANCHARD. I defy either gentleman from Illinois to find that evidence. Here is the record. [Holding up a bundle of papers.]

Mr. NEECE. If I had known there was to be an attack upon the report I would have been prepared to meet it.

Mr. TOWNSHEND. Mr. Speaker, let me say further that I am informed by a member of the committee that the gentleman from Louisiana has only a portion of the papers in the case, and if he had been as industrious in endeavoring to get at the facts, in his efforts to defeat this bill, as the members of the committee have been in endeavoring to do justice, he would not stand here and make the assertions he has made.

Mr. NEECE. If the gentleman from Louisiana had given me notice that he proposed to make any criticism upon the report I would have produced the papers to sustain it.

Mr. BURROWS. I desire to ask the gentleman from Illinois a question. Would not this applicant have been entitled to a pension under the law if that boat had been a war boat?

Mr. TOWNSHEND. If this had been a gunboat instead of a chartered vessel the mother of this young man would have been entitled to a pension under the law, and the only reason given by the Commissioner of Pensions why she could not receive a pension was that the vessel on which her son was engaged when he was killed was not

a gunboat. The ground for the rejection of the claim was purely technical.

Mr. BURROWS. It was not a gunboat, but it was a transport in the employment of the United States Government for military purposes.

Mr. TOWNSHEND. It was a transport in the employment of the Quartermaster's Department of the United States Army, and it was conveying soldiers of the United States Army when it was assailed by the enemy, and this man, standing at his post, as the evidence shows, and engaged in the fight, was struck down and killed by the fire of the enemy.

Mr. WEAVER, of Iowa. Was he not brought under the fire of that battery by the order of an officer of the United States?

Mr. TOWNSHEND. He was forced by the commander of the United States troops upon that boat to pass the battery on that boat. He was under the orders of the military arm of the service, and bravely stood at his post until he was killed.

Mr. BURROWS. With the permission of the gentleman from Illinois [Mr. TOWNSHEND] I will read a provision of the general law in regard to pensions:

> Any master serving on a gunboat, or any pilot, engineer, sailor, or other person not regularly mustered into the service, upon any war vessel, shall be entitled to a pension, &c.

Now the only distinction between this case and the case contemplated in the law is that the boat on which this man was killed was not technically a war vessel.

Mr. WARNER, of Missouri. And I will ask the gentleman from Illinois if it was not a mere technicality which prevented that vessel from being called a war vessel?

Mr. TOWNSHEND. The affidavit of the commander of the vessel shows that he was employed in the military service of the Government, and that the vessel was practically a war vessel.

Mr. LYMAN. And acting under military orders.

Mr. TOWNSHEND. Yes; now the remarks of the gentleman from Louisiana [Mr. BLANCHARD] are likely to mislead the House, for he has attempted to create the impression that this bill is not recommended by the Committee on Invalid Pensions. [Cries of "Vote!" "Vote!"] I merely wish to say, in conclusion, that the bill was reported unanimously from the committee, and would have been favorably reported to this House by the Committee of the Whole, if it had not been for the factious opposition of the gentleman from Louisiana, which induced me to compromise by agreeing to bring the bill before the House in this manner.

Mr. BLANCHARD. Mr. Speaker, the record in this case, which I have before me, I applied for at the room of the Committee on Invalid Pensions. These papers were furnished to me by the clerk of that committee as what he said was the record in this case, and I challenge the statement of the gentleman from Illinois [Mr. TOWNSHEND] that this is not the whole record. Where were the papers if they were not there?

A MEMBER. Some member of the committee might have had them.

Mr. BLANCHARD. After this report was made on the 26th of May the papers in the case were not only returned by the gentleman from Illinois [Mr. NEECE] to the clerk of the committee, but they were sent back by the clerk to the Pension Office, and it was at my request that he again sent to the office for them and obtained them for me. So when gentlemen come in here and say that I have not all the papers, I deny and challenge the statement.

Mr. NEECE. If the gentleman had given me proper time I would have produced the papers.

Mr. BLANCHARD. I have all the papers, and I assert——

Mr. NEECE. I assert that you have not.

Mr. BLANCHARD. I have all the papers, and I assert that there is not one particle of evidence to show that this party was engaged in the fight. In this fight, which consisted only in firing upon the vessel, three men were killed, two civilians and one soldier. Furthermore, this transport was not carrying up one hundred and fifty men, as stated by the gentleman from Illinois [Mr. TOWNSHEND], to join the Army of the United States above that point.

Mr. NEECE. I rise to a question of order.

Mr. BLANCHARD. There were only fifty men on that boat, acting as an escort to the officer who was bearing dispatches.

Mr. TOWNSHEND. Mr. Speaker, I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. TOWNSHEND. The point is that the time of the gentleman from Louisiana has expired.

The SPEAKER *pro tempore*. The gentleman from Louisiana [Mr. BLANCHARD] has the floor.

Mr. TOWNSHEND. Mr. Speaker, I want to know how much time the gentleman from Louisiana has left.

The SPEAKER *pro tempore*. The Chair will keep the gentleman's time. The gentleman from Louisiana will proceed.

Mr. BLANCHARD. The gentleman from Illinois has gratuitously intimated that I had some special reason for opposing this bill. I have nothing in the world against this old lady. I would vote her a pension as quickly as I would vote it to anybody else under the circumstances, but standing here as a Representative, I feel it my duty to say that no bill of this sort shall pass this House without at least encountering a protest from me.

[Here the hammer fell.]

The SPEAKER *pro tempore*. Under the order of the House the question will now be taken on the passage of the bill.

The question being taken, there were—ayes 115, noes 39.

Mr. BLANCHARD. Mr. Speaker, is that a quorum?

The SPEAKER *pro tempore*. It is not.

Mr. BLANCHARD. I make that point.

Mr. TOWNSHEND. Then I call for the yeas and nays.

Several MEMBERS. That is right.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 135, nays 55, not voting 132; as follows:

YEAS—135.

Adams, G. E.	Farquhar,	Markham,	Seymour,
Allen, C. H.	Fleeger,	McAdoo,	Snyder,
Anderson, C. M.	Ford,	Merriman,	Sowden,
Atkinson,	Frederick,	Mills,	Spooner,
Baker,	Fuller,	Moffatt,	Stahlnecker,
Bayne,	Funston,	Morrill,	Steele,
Belmont,	Gilfillan,	Morrow,	Stephenson,
Bound,	Goff,	Murphy,	Stone, E. F.
Boutelle,	Green, R. S.	Neal,	Stone, W. J., Ky.
Boyle,	Grosvenor,	Neece,	Stone, W. J., Mo.
Brady,	Grout,	O'Hara,	Strait,
Breckinridge, C. R.	Hale,	O'Neill, J. J.	Struble,
Browne, T. M.	Hall,	Osborne,	Swinburne,
Brown, C. E.	Hatch,	Outhwaite,	Symes,
Brown, W. W.	Henderson, D. B.	Parker,	Taylor, Zach.
Brumm,	Henley,	Payne,	Thomas, O. B.
Buck,	Hepburn,	Payson,	Thompson,
Bunnell,	Hermann,	Perkins,	Townshend,
Burrows,	Hiestand,	Peters,	Viele,
Butterworth,	Hill,	Pettibone,	Wadsworth,
Cannon,	Hiscock,	Pindar,	Ward, T. B.
Conger,	Hitt,	Pirce,	Warner, A. J.
Crain,	Holman,	Plumb,	Warner, William
Cutcheon,	Holmes,	Price,	Weaver, A. J.
Dingley,	Hopkins,	Randall,	Weaver, J. B.
Dockery,	Howard,	Reed, T. B.	Weber,
Dorsey,	Jackson,	Riggs,	West,
Dowdney,	James,	Romeis,	White, A. C.
Eden,	Johnston, J. T.	Rowell,	White, Milo
Ellsberry,	La Follette,	Ryan,	Whiting,
Ely,	Laird,	Sawyer,	Wise,
Ermentrout,	Lehlbach,	Scranton,	Wolford,
Evans,	Lindsley,	Seney,	Worthington.
Everhart,	Lyman,	Sessions,	

NAYS—55.

Allen, J. M.	Culberson,	Jones, J. H.	Sayers,
Ballentine,	Dargan,	Jones, J. T.	Singleton,
Barksdale,	Davidson, R. H. M.	Laffoon,	Skinner,
Barnes,	Dunn,	Lanham,	Stewart, Charles
Bennett,	Forney,	Martin,	St. Martin,
Blanchard,	Glass,	McMillin,	Storm,
Blount,	Green, W. J.	McRae,	Taylor, J. M.
Bragg,	Halsell,	Morgan,	Trigg,
Cabell,	Hammond,	Oates,	Turner,
Clements,	Harris,	Peel,	Van Eaton,
Cobb,	Hemphill,	Reagan,	Wallace,
Cowles,	Henderson, J. S.	Reid, J. W.	Wellborn,
Crisp,	Hutton,	Richardson,	Wheeler.
Croxton,	Johnston, T. D.	Sadler,	

NOT VOTING—132.

Adams, J. J.	Davidson, A. C.	King,	Phelps,
Aiken,	Davis,	Kleiner,	Pidcock,
Anderson, J. A.	Dawson,	Landes,	Ranney,
Arnot,	Dibble,	Lawler,	Reese,
Barbour,	Dougherty,	Le Fevre,	Rice,
Barry,	Dunham,	Libbey,	Robertson,
Beach,	Eldredge,	Little,	Rockwell,
Bingham,	Felton,	Long,	Rogers,
Bland,	Findlay,	Lore,	Scott,
Bliss,	Fisher,	Loutit,	Shaw,
Breckinridge, WCP.	Foran,	Lovering,	Smalls,
Buchanan,	Gallinger,	Lowry,	Spriggs,
Burleigh,	Gay,	Mahoney,	Springer,
Burnes,	Geddes,	Matson,	Stewart, J. W.
Bynum,	Gibson, C. H.	Maybury,	Swope,
Caldwell,	Gibson, Eustace	McComas,	Tarsney,
Campbell, Felix	Glover,	McCreary,	Taulbee,
Campbell, J. E.	Guenther,	McKenna,	Taylor, E. B.
Campbell, J. M.	Hanback,	McKinley,	Taylor, I. H.
Campbell, T. J.	Harmer,	Millard,	Thomas, J. R.
Candler,	Hayden,	Miller,	Throckmorton,
Carleton,	Haynes,	Milliken,	Tillman,
Caswell,	Heard,	Mitchell,	Tucker,
Catchings,	Henderson, T. J.	Morrison,	Van Schaick,
Clardy,	Herbert,	Muller,	Wade,
Collins,	Hewitt,	Negley,	Wait,
Compton,	Hires,	Nelson,	Wakefield,
Comstock,	Houk,	Norwood,	Ward, J. H.
Cooper,	Hudd,	O'Donnell,	Wilkins,
Cox,	Irion,	O'Ferrall,	Willis,
Curtin,	Johnson, F. A	O'Neill, Charles	Wilson,
Daniel,	Kelley,	Owen,	Winans,
Davenport,	Ketcham,	Perry,	Woodburn.

So the bill was passed.

The SPEAKER *pro tempore*. The Clerk will read the additional pairs.

Mr. BRECKINRIDGE, of Arkansas. I rise to a parliamentary inquiry. I wish to know whether the order of the House does not require that we adjourn at 5 o'clock.

A MEMBER. It is necessary to finish the proceedings connected with the roll-call.

Mr. BRECKINRIDGE, of Arkansas. It is not necessary. A few days ago, Speaker CARLISLE being then in the chair, we adjourned in the midst of a roll-call.

Mr. TOWNSHEND. Time and again it has been held that a roll-call can not be interrupted.

The SPEAKER *pro tempore*. In the opinion of the present occupant of the chair the arrival of the hour previously fixed for adjournment does not interrupt a roll-call and the announcements connected therewith. The Clerk will read the additional pairs.

The following additional pairs were announced:

Mr. CALDWELL with Mr. TARSNEY.

Mr. MCKENNA with Mr. BYNUM, for the residue of to-day and for Monday.

The result of the vote was announced as above stated.

Mr. TOWNSHEND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore* (at 5 o'clock and 7 minutes p. m.). In accordance with the order heretofore made, the House now stands adjourned until Monday morning next at 11 o'clock.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLANCHARD: Concurrent resolution of the General Assembly of Louisiana, relating to the improvement of the Calcasieu River—to the Committee on Rivers and Harbors.

By Mr. CARLETON: Petition of C. Thompson, E. S. Post, E. G. Spalding, P. B. Sanborn, H. W. Cooley, and many other ex-soldiers, in favor of the passage of the bill for the relief of indigent and dependent soldiers—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Petition of W. P. Smith and 24 others, and of Fowler Post, No. 366, Grand Army of the Republic, of Ohio, in favor of Senate bill 1886—to the same committee.

Also, petition of George Moore and 23 others, for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. HATCH: Petition of Franklin Whaley, of Missouri, asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. J. H. JONES: Memorial of attorneys of Shelby County and of Panola County, Texas, for the removal of Federal courts from Jefferson to Marshall, Tex.—to the Committee on the Judiciary.

By Mr. NEGLEY: Petition numerously signed for a dam at Herr's Island, in the Alleghany River, Pennsylvania—to the Committee on Rivers and Harbors.

By Mr. NELSON: Petition of members of George Adams Post, No. 151, Grand Army of the Republic, and citizens of Eagle Bend, Minn., for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. SNYDER: Petition of John McCoy, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. W. J. STONE, of Kentucky: Petition of J. C. Shelby, of Moscow County, Kentucky, asking that his war claim be referred to the Court of Claims—to the same committee.

The following petitions, asking for the passage of House bill 7887, repealing timber-culture, pre-emption, and desert-land acts; of House bill 7021, for adjustment of railroad and other land grants; of bill forfeiting all railroad land grants the conditions of which have not been strictly complied with; of House bill organizing the Territory of Oklahoma; of Senate bill opening a portion of the great Sioux reservation to settlement; of bill prohibiting aliens from holding land in the United States; of bill making Presidential and Congressional election days holidays, and punishing bribery; and of bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired, were severally referred to the Committee on the Public Lands:

By Mr. BOUND: Petition of B. F. Williams and 324 others, citizens of the fourteenth district of Pennsylvania.

By Mr. BRUMM: Petition of Jerome Kohn and 64 others, of James Fadden and 106 others, and of William D. Murphy and 150 others, citizens of the thirteenth district of Pennsylvania.

By Mr. BURROWS: Petition of George F. De Long and 204 others, of A. A. Linn and 166 others, and of Conrad Miller and others, citizens of the fourth district of Michigan.

By Mr. J. M. CAMPBELL: Petition of William Brown and 103 others, citizens of the seventeenth district of Pennsylvania.

By Mr. CLARDY: Petition of Thomas Callahan and 67 others and of Louis Heing and 42 others, citizens of the tenth district of Missouri.

By Mr. COMSTOCK: Petition of Allen Moore and 534 others, of F. J. Taylor and 90 others, and of Thomas Walsh and 75 others, citizens of the fifth district of Michigan.

By Mr. A. C. DAVIDSON: Petition of D. O'Rourke and 64 others, and of J. C. Thompson and 50 others, citizens of the first district of Alabama.

By Mr. DAVENPORT: Petition of Peter McGiven and 224 others and of G. A. Raymond and 180 others, citizens of the twenty-ninth district of New York.

By Mr. EVANS: Petition of Charles H. Condiff and 36 others, of James Alexander and 71 others, and of John E. Bucks and 95 others, citizens of the seventh district of Pennsylvania.

By Mr. FUNSTON: Petition of J. J. Smith and 37 others, of John Flood and 24 others, of M. J. Russell and 49 others, of E. G. Wright and 60 others, of James Grant and 144 others, of Miles Finn and 228 others, of McMillan Renick and 487 others, of L. E. Potter and 89 others, and of E. W. Turner and 68 others, citizens of the second district of Kansas.

By Mr. GILFILLAN: Petition of Thomas H. Cummings and 76 others, of Jos. McDonnelle and 126 others, of John J. Schiltz and 68 others, of Frank M. Morgan and 48 others, of James J. Galvin and 46 others, and of John B. Swift and 1,038 others, citizens of the fourth district of Minnesota.

By Mr. HALE: Petition of R. M. Austin and 110 others, of James F. Day and 56 others, and of M. Sheetz and 24 others, citizens of the second district of Missouri.

By Mr. HOLMES: Petition of H. L. Miller and 137 others, of Matthew Robinson and 110 others, of A. F. Brown and 118 others, of R. Sutton and 367 others, of Robert Hardie and 115 others, of C. J. Howard and 241 others, of A. J. Dickey and 70 others, and of L. L. Sawyer and 110 others, citizens of the tenth district of Iowa.

By Mr. LAIRD: Petition of M. E. Johnson and 90 others, of E. B. Green and 39 others, of C. H. Judd and 79 others, and of J. H. Watson and 90 others, citizens of the third district of Nebraska.

By Mr. LOVERING: Petition of Lizzie Martin and 20 others and of M. S. Drew and 26 others, citizens of the sixth district of Massachusetts.

By Mr. MCRAE: Petition of Joseph Vagner and 83 others, of J. M. Raines and 61 others, of A. Huntley and 136 others, and of E. Groves and 20 others, citizens of the third district of Arkansas.

By Mr. MILLIKEN: Petition of George E. Miller and 32 others, of H. C. Griffith and 104 others, of H. L. Pinkham and 44 others, of Charles H. Dunton and 38 others, and of Robert A. Moore and 23 others, citizens of the third district of Maine.

By Mr. MORRILL: Petition of F. P. Lewis and 235 others, citizens of the first district of Kansas.

By Mr. NEGLEY: Petition of Thomas Martin and 60 others, of J. R. Selden and 41 others, and of G. Keller and 36 others, citizens of the twenty-second district of Pennsylvania.

By Mr. PETERS: Petition of Abel O'Hara and 246 others, and of Charles E. Streeter and 168 others, citizens of the seventh district of Kansas.

By Mr. PHELPS: Petition of John May and 149 others and of James Saunders and 35 others, citizens of the fifth district of New Jersey.

By Mr. T. B. REED: Petition of E. F. Ridlau and 25 others, of Leonard Palmer and 25 others, of Charles F. Tebbetts and 101 others, of Fred O. Powell and 243 others, of John H. Frende and 45 others, and of George Porter and 100 others, citizens of the first district of Maine.

By Mr. RYAN: Petition of J. E. Bundy and 80 others, citizens of the second district of Kansas.

By Mr. SPRINGER: Petition of B. Stadler and 275 others and of Peter J. Doyle and 116 others, citizens of the thirteenth district of Illinois.

By Mr. MILO WHITE: Petition of E. S. Burns and 55 others and of J. M. Keith and 180 others, citizens of the first district of Minnesota.

By Mr. WISE: Petition of J. J. Bruner, T. E. Stratton, and 69 other members of Assembly No. 4097, Knights of Labor, of Virginia.

SENATE.

MONDAY, *July* 12, 1886.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Saturday last was read and approved.

COMMITTEE ON PRIVILEGES AND ELECTIONS.

Mr. HOAR. I ask that the Committee on Privileges and Elections may have leave to sit during the sessions of the Senate.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks that the Committee on Privileges and Elections have leave to sit during the sessions of the Senate. That leave will be granted if there be no objection. The Chair hears no objection.

OTOE AND MISSOURIA LANDS.

Mr. DAWES. I ask unanimous consent that House bill 7087, which has been returned from the House, be laid before the Senate.

The PRESIDENT *pro tempore* laid before the Senate the bill (H. R. 7087) authorizing and directing the Secretary of the Interior to extend the time for the payment of the purchase-money on the sale of the reservation of the Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas, which was returned from the House of Representatives in accordance with the request of the Senate made July 9, 1886.

Mr. DAWES. I move that the Senate insist upon its amendments, and ask for a committee of conference upon the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. DAWES, Mr. HARRISON, and Mr. MAXEY were appointed.

MRS. SARAH YOUNG.

Mr. BLAIR. I wish to call attention to a pension bill, to Senate bill 2113, on which a conference committee was appointed, and the Senator from Wisconsin [Mr. SAWYER], myself, and the Senator from Iowa [Mr. WILSON] were named as conferees on the part of the Senate. I desire to have the Senator from Tennessee [Mr. WHITTHORNE] appointed on the committtee of conference instead of myself.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks to be excused from service upon the committee of conference on the bill (S. 2113) granting a pension to Mrs. Sarah Young, and that the Senator from Tennessee [Mr. WHITTHORNE] be appointed to take his place. If there be no objection that order will be made. The Chair hears none.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, recommending that an appropriation be made in the sundry civil appropriation bill for approaches and heating apparatus for certain public buildings; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a recommendation from the United States Treasurer that the appropriation in the sundry civil appropriation bill for recoinage of gold and silver coins be increased from $10,000 to $30,000; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents resolutions of the General Assembly of the State of Louisiana, transmitted by the governor of the State, relative to the national defenses. If there be no objection the resolutions, without being read, will be ordered to be printed as a document, and will be printed in the RECORD and referred to the Committee on Coast Defenses.

The resolutions are as follows:

Concurrent resolution.

Whereas reports made to Congress by the President, Cabinet officers, the fortification board, the committees of the Senate and of the House indicate that the Government of the United States is without forts, guns, ships, or other defenses capable of successfully resisting a hostile attack made not only by any of the great powers of Europe, like Great Britain, France, Germany, or Russia, but even by second or third rate powers, such as Spain, Chili, or China; and

Whereas this defenseless condition of our country is humiliating to our national pride and patriotism, is unbecoming a free people possessing the vast and unrivaled resources at our command, and has rightly caused profound anxiety and discontent among our people, manifested by all the methods of expression through which the popular will finds utterance, including the action of State Legislatures, the voice of the public press, and the declarations and appeals of private citizens; and especially is evidenced by a public letter from Samuel J. Tilden, a citizen so eminent, so wise, and so held in the esteem and affection of the people that his advice sways and influences millions of his admiring fellow-citizens: Therefore,

Be it resolved by the General Assembly of the State of Louisiana, That we view with grave regret and disappointment the inaction of Congress in regard to making adequate and ample provision for the common defense of our country, and that Louisiana is willing to bear her share of the burdens to create a perfect and complete system of national defense for the protection of our seaboard and water and land frontier lines fronting on the Atlantic and Pacific Oceans, on the Mexican Gulf, and the great lakes and water ways of our northern boundaries; and that, in our opinion, the resources of the Government should, without hesitation or stint, be devoted to creating the means and appliances capable of protecting our frontiers and exposed cities and coasts and the creation and building of a navy capable against all adversaries of sustaining American honor and interests at home and abroad and affording some foundation and basis to the national Executive to assert and enforce our rights and policy, whether involved in the pursuits of our hardy fishermen of the Northeast or complicated by efforts of European nations to establish new protectorates or colonies in continental America, or over or upon its isthmian connections, or upon any of its dependent islands.

Be it further resolved, That our Senators and Representatives in Congress be requested to use their best efforts for the adoption by Congress of the policy recommended in the foregoing preamble and resolution.

Be it further resolved, That the governor be requested to send copies hereof to the presiding officers of the Senate and House of Representatives of the United States and to each of our Senators and Representatives in Congress.

The PRESIDENT *pro tempore* presented a memorial of the American, Atlantic and Pacific Ship-canal Company (Nicaragua), remonstrating against the incorporation by Congress of the Maritime Canal Company of Nicaragua; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. COKE presented a petition of 75 citizens of McGregor, Tex., praying for the passage of certain bills in relation to the public lands, the organization of the Territory of Oklahoma, Congressional and Presidential elections, and the disbursement of a part of the Treasury surplus; which was referred to the Committee on Finance.

Mr. TELLER presented the petition of James Cullen and 279 other citizens of Colorado, and the petition of T. J. Cash and 310 other citizens of Colorado, praying for the passage of certain bills in relation to the public lands, the organization of the Territory of Oklahoma, Congressional and Presidential elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. EVARTS presented a petition of 19 citizens of Hebron, N. Y., praying for the passage of the oleomargarine bill; which was ordered to lie on the table.

Mr. SPOONER presented resolutions adopted by Pomona Grange, Patrons of Husbandry, of Dunn, Eau Claire, and Buffalo Counties, in the State of Wisconsin, favoring the passage of the bill regulating the manufacture and sale of oleomargarine and butterine; which was ordered to lie on the table.

Mr. MAXEY presented thirteen petitions of J. B. Badgers and other citizens of Texas, praying for the passage of certain bills in relation to the public lands, the organization of the Territory of Oklahoma, Congressional and Presidential elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. MILLER presented six petitions of citizens of New York, praying for the passage of certain bills in relation to the public lands, the organization of the Territory of Oklahoma, Congressional and Presidential elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. BLAIR presented four petitions of citizens of New Hampshire, praying for the passage of certain bills in relation to the public lands, the organization of the Territory of Oklahoma, Congressional and Presidential elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. FRYE presented two petitions of citizens of Maine, praying for the passage of certain bills in relation to the public lands, the organization of the Territory of Oklahoma, Congressional and Presidential elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. PLUMB presented seven petitions of citizens of Kansas, praying for the passage of certain bills in relation to public lands, the organization of the Territory of Oklahoma, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. HARRIS. In behalf of the Senator from Nevada [Mr. JONES], who is absent from the session of the Senate by reason of illness in his family, I submit a written report to accompany certain amendments reported by the Senator from the Committee on Finance to the bils (H. R. 4833) relating to the taxation of fractional parts of a gallon of distilled spirits. I simply ask that the report be printed, to accompany those amendments, and let it be done in the name of the Senator from Nevada in whose behalf I present the report.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection.

Mr. MCMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 2611) to authorize the construction of a bridge across the Saint Louis River at the most accessible point between the States of Minnesota and Wisconsin, reported it with amendments.

Mr. TELLER, from the Committee on Public Lands, to whom was referred the bill (S. 2796) to establish a land office at Lamar, Colo., reported it without amendment.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 13) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department, and for which no compensation has been made, moved its indefinite postponement, which was agreed to; and he reported a joint resolution (S. R. 77) in relation to the claim made by John B. Read against the United States for the alleged use of projectiles for rifled ordnance claimed as the invention of said Read and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department in 1856, for which no compensation has been made; also in relation to the claim of William E. Woodbridge, based upon the plea of alleged priority in this line of invention; which was read twice by its title.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (H. R. 658) for the relief of Francis W. Haldeman, reported it without amendment, and submitted a report thereon.

Mr. MANDERSON, from the Committee on Printing, reported an amendment intended to be proposed to the sundry civil appropriation bill, which was referred to the Committee on Appropriations.

BILLS INTRODUCED.

Mr. SHERMAN (by request) introduced a bill (S. 2833) to stop all payments of public money to James B. Eads, his associates, or assigns, for past, present, or future work at the South Pass of the Mississippi River until otherwise ordered by Congress; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. VAN WYCK introduced a bill (S. 2834) granting a pension to Mrs. Hettie K. Painter; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2835) granting a pension to Miss Juliet G. Howe; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT TO A BILL.

Mr. BUTLER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

OBSTRUCTIVE DEPOSITS IN NEW YORK HARBOR.

The PRESIDENT *pro tempore*. "Concurrent or other resolutions" are now in order. [A pause.] If there be none such, the Calendar, under the special order, will be taken up for consideration.

Mr. MILLER. I ask unanimous consent to go back upon the Calendar to Order of Business No. 700, being Senate bill 2157, which was read through upon Saturday last. Senators will remember the peculiar circumstances under which it was objected to. I think it can be passed in a moment without any discussion.

The PRESIDENT *pro tempore*. The Chair will have announced the first bill in order on the Calendar regularly, and then submit the request of the Senator from New York.

The joint resolution (H. Res. 125) in recognition of the services of Joseph Francis was announced as first in order.

The PRESIDENT *pro tempore*. Pending this, the Senator from New York asks the unanimous consent of the Senate to proceed to the consideration of a bill which was passed over informally, the title of which will be stated.

The CHIEF CLERK. A bill (S. 2157) to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York city, by dumping or otherwise, and to punish and prevent such offenses, and making other provisions in connection therewith.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from New York? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH FRANCIS.

The PRESIDENT *pro tempore*. The business regularly in order before the Senate will now be reported.

The Chief Clerk read the joint resolution (H. Res. 125) in recognition of the services of Joseph Francis.

Mr. MCMILLAN. The Senator from Missouri [Mr. COCKRELL] is not here.

Mr. EVARTS. The Senator from Missouri I think has no objection to the joint resolution.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. INGALLS. I apprehend in the present condition of the Senate it would hardly be worth while to insist upon the consideration of the joint resolution if anybody wants time. I conceive that if the yeas and nays or the Senate roll were to be called it would not be possible to obtain the presence of a quorum without delay. However, I am entirely willing that this measure shall go on if any Senator desires to be heard upon it.

Mr. EVARTS. I do not understand that the Senator from Missouri has any objection to this measure.

The PRESIDENT *pro tempore*. Objection may be made at any stage.

Mr. MCMILLAN. The joint resolution comes from the Committee on Commerce, and I shall not interpose any objection to its consideration, although I was not in favor of the resolution when it passed the committee and I am not in favor of it now.

Mr. EVARTS. I shall not occupy any time on the subject if the Senate are now ready to take it up and proceed to vote upon it.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution? It has been heretofore read at length.

Mr. HARRIS. Let the joint resolution go over. I know the senior Senator from Missouri [Mr. COCKRELL] wants to be heard upon it, and he is not here.

The PRESIDENT *pro tempore*. Objection being made, the joint resolution goes over.

Mr. EVARTS. Allow me to ask how it will stand then?

The PRESIDENT *pro tempore*. It stands upon the Calendar as it stood before, but it will not be taken up again under this rule.

Mr. EVARTS. It can be taken up at any time?

The PRESIDENT *pro tempore*. It can be taken up on motion at any time.

ISAAC HARTER.

The bill (S. 1802) for the relief of Isaac Harter was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Isaac Harter, of Herkimer, N. Y., late of Company C, New York Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. BARBARA FUCHS.

The bill (H. R. 6489) granting a pension to Mrs. Barbara Fuchs was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Barbara Fuchs, stepmother of John Fuchs, late of Company H, Sixth Regiment of Wisconsin Infantry Volunteers.

Mr. VEST. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. SAWYER May 11, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 6489) granting a pension to Mrs. Barbara Fuchs, have carefully examined the same, and adopt the report of the House of Representatives, and report in favor of the passage of the bill.

The claimant filed her application for a pension as the stepmother of John Fuchs, late private of Company H, Sixth Regiment Wisconsin Infantry Volunteers, and who was killed in action June 19, 1864, at Petersburg, Va. Soldier was never married. Claim was rejected on the ground that there is no title in claim, she not being the natural mother of soldier.

M. Feelder and Jacob Blum testify that they knew claimant as the stepmother of soldier; that soldier at the time of his father's (Sebastian Fuchs) marriage with said claimant was a child of about three years of age.

John G. Steiger and Philip Eder testify that claimant's husband, at soldier's death, was feeble and unable to support her.

Michael Feelder and Jacob Blum further testify that claimant has not remarried since the death of soldier's father, April 5, 1867. He was a laboring man, sickly and unable to support his family. He used to mend shoes, and had no income from his real estate. Since his death claimant has supported herself by selling the real estate she owned. They owned some real estate in Fountain City, Wis., worth about $2,000, and she has sold the most of it to support herself. Soldier worked for his parents prior to his enlistment, and gave all his earnings to them, and did this for three years before his enlistment.

In soldier's letter to parents, bearing date February, 1864, at Camp Washburn, he sends for their support $60 out of his bounty of $75; he also sent them his certificate of muster, to enable them to draw the bounty given by the town, with instructions to use it for their support.

The applicant at the death of her husband (soldier's father) was left with four girls to support, the oldest being seventeen and the youngest two and one-half years of age. The soldier's letter written but a few months before his death, and his sending a large portion of his earnings to the support of his parents, strengthened with other testimony showing that prior to and at the time of his enlistment he felt it his duty to contribute to the support of his father's family, evidence the fact that had he lived he would have cared for her who cared for him in his infancy in her now poor and helpless condition.

Your committee therefore recommend the passage of the bill.

Mr. COCKRELL. What is the pending order of business?

The PRESIDENT *pro tempore*. It is Order of Business 1177, the bill (H. R. 6489) granting a pension to Mrs. Barbara Fuchs.

Mr. COCKRELL. I think that bill involves rather a new principle, and we had better let it lie over until to-morrow without prejudice. I should like to look at it a little further. I have just come in, having been detained in the room of the Committee on Appropriations. I shall look into it. I do not object to its retaining its place.

Mr. BLAIR. Let it go over without prejudice.

Mr. COCKRELL. I say let it retain its place and not go on the other Calendar.

The PRESIDENT *pro tempore*. If there be no objection, that order will be made.

JAMES B. RUSSELL.

The bill (H. R. 5696) for the relief of James B. Russell was announced as next in order.

Mr. COCKRELL. I ask that that case may be passed over so as not to lose its place on the Calendar. It has been reported favorably, and the Commissioner of Pensions is now investigating the matter. I shall inquire of him if he has any report on it. I want the bill to retain its place on the present Calendar and go over without objection.

The PRESIDENT *pro tempore*. The same order as in the previous case will be made.

PRIVATE LAND CLAIMS.

The bill to provide for ascertaining and settling private land claims in certain States and Territories was announced as next in order.

Mr. TELLER. Let that bill go over. It can not be taken up for consideration under the present rule.

The PRESIDENT *pro tempore*. The bill goes over under objection

ILLEGAL TONNAGE DUES.

The bill (H. R. 1651) authorizing the Secretary of the Treasury to make final adjustment of claims of certain foreign steamship companies arising from the illegal exaction of tonnage dues was announced as next in order.

Mr. MILLER. Let that go over.

Mr. FRYE. I object to that bill.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

Mr. FRYE subsequently said: I wish to call attention to House bill 1651, to which I entered an objection. I withdraw the objection, and ask that the bill may go over without prejudice.

The PRESIDENT *pro tempore*. If there be no objection the bill will be passed over informally.

ALEXANDER K. SHEPARD.

The bill (H. R. 33) for the relief of Alexander K. Shepard was announced as next in order.

Mr. VEST. I see there is a minority report there. Let the bill go over.

The PRESIDENT *pro tempore*. Does the Senator ask for the reading of the minority report?

Mr. VEST. No, sir; I ask that the bill go over.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

Mr. SPOONER. I hope the Senator from Missouri will not insist upon the bill going over.

Mr. VEST. I do not know anything about it. I simply objected because I see there are two reports, and I supposed there would be debate upon it.

Mr. SPOONER. I think it will take but a very few moments to dispose of the bill. The Senator from Oregon [Mr. DOLPH] submitted a minority report.

Mr. DOLPH. If I may interrupt the Senator, I will state that I shall only ask to have the minority report, which is very brief, read in order that I may place my views on record; that is all.

Mr. VEST. I withdraw the objection.

The PRESIDENT *pro tempore*. The objection is withdrawn.

Mr. SPOONER. I can state the whole case in a very few words.

The Senate, as in Committee of the Whole, proceeded to consider the bill; which had been reported from the Committee on Claims with an amendment, in line 5, to strike out "$17,268.53" and insert "$14,458.04;" so as to read:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and required to pay to Alexander K. Shepard, of Tuscaloosa, Ala., the sum of $14,458.04, out of any money in the Treasury not otherwise appropriated.

Mr. SPOONER. I think in three minutes I can state to the Senate this case.

In 1865 the Government of the United States sold at public auction in Alabama a large quantity of old iron, brass, and copper. It was bid off by Mr. Shepard, for whose relief this bill is proposed. He paid $17,268.53 for it, cash for it, and the property was delivered to him. He sold a very small quantity of it, and had made a contract for the sale of the remainder at a profit of, I think, about $12,000, when the district attorney of the United States for that district, conceiving, perhaps, that the Government had some title to it because it had been used in the rebellion, filed a libel against it in the name of the United States. The property was seized, and upon an affidavit that it could not be "protected," it was sold by order of the court, the court being Judge Busteed, who was afterward impeached I believe for malfeasance in office.

Mr. HOAR. He was not impeached.

Mr. SPOONER. Well, he was compelled to resign. It appears that the marshal sold the property for about $30,000. Five thousand dollars of this money was deposited in a national bank. The remainder of it was not in any way accounted for.

In the course of two years, and after a large expenditure of money by Mr. Shepard in defending his title, the court held that the title was good; that the Government had no claim upon the property. But the property was gone, and the proceeds of the sale of it, except what had been deposited in the bank, were gone. So Mr. Shepard found himself the vendee of the United States, having bought this property at a public sale and paid for it, with nothing to show for the large expenditure he had made in the purchase; his property was gone, and he had paid out three or four or five thousand dollars in defending his title against this suit, and brought in the name of the Government which had sold the property to him, and which had in its Treasury the purchase-money.

There is some reason to suppose that the whole transaction upon the part of the Government officers was little less than a conspiracy to do just what was done in fact, to take this property from the purchaser of it, sell it, and to divert the proceeds from the owner.

The bill is not to give this man damages for any breach of duty on the part of the Government officers, but it is simply to pay back to him the purchase-money, deducting therefrom what he has received from the bankruptcy court and the few hundred dollars he received from the sale of a part of the property before it was seized.

The minority report, which was presented by the Senator from Oregon [Mr. DOLPH], proceeds upon the theory that the Government of the United States ought not to be liable and is not liable in damages for the malfeasance or misfeasance of its agents or officers. I think that report so far as the principle which it enunciates is concerned is correct, but the principle is not applicable to the facts here. The majority of the committee favoring the passage of the bill do not dissent from the proposition of law asserted by the minority. We all agree that the Government is not liable in law to pay any damages to Mr. Shepard because of the malfeasance of the marshal or of any other officer.

The bill is not a proposition to pay him any damages. It is simply based upon the theory that the Government of the United States sold him this property, took his money for it, gave it into his possession, and then through the action of its officers deprived him of it. This is not to give him any damages; it is simply to pay back to him the money which he paid to the Government, for which he has practically received nothing.

The case is an exceptional one. Another like it can hardly occur. There seems to be no good reason why this man should not be reimbursed that purchase-money.

Mr. DOLPH. I ask for the reading of the minority report, retaining the floor.

The PRESIDENT *pro tempore*. The views of the minority will be read.

The Chief Clerk read the views of the minority, submitted May 12, 1886, as follows:

VIEWS OF THE MINORITY.

At the second session of the Forty-eighth Congress a favorable majority report upon this claim was made from the Senate Committee on Claims. The chairman of the committee and myself submitted a minority report, which is as follows:

"The undersigned are unable to agree with the majority of the committee in the foregoing report. In our judgment the fact that the property out of which the claim arose was purchased by the claimant from the United States is wholly immaterial. The sale was valid and passed the title to the property, and it was sustained by the judgment of the court.

"The proceedings for the confiscation of the property commenced by the United States district attorney on behalf of the United States was commenced and prosecuted in pursuance of the general laws of the United States. The principle which would require compensation to be made to the complainant in this case for his loss on account of said judicial proceedings would require compensation to be made in every case to a party against whom an unsuccessful legal proceeding *in personam* or *in rem*, civil or criminal, has been or shall be commenced or prosecuted in the name of the United States under the direction of the Department of Justice by any prosecuting officer of the Government in pursuance of the laws of the United States.

"It would be a dangerous precedent, and one which the undersigned are not willing to establish, to hold the Government liable to make compensation for losses caused by the acts of judges, United States attorneys, and ministerial officers of courts of justice. The committee have repeatedly held that the United States is not liable for the mistaken or wrongful acts of its agents.

"J. N. DOLPH.
"ANGUS CAMERON."

Nothing has occurred since to change my views of the case.

J. N. DOLPH.

Mr. DOLPH. This is a case which excites my sympathy, but there are hundreds of cases that come before the Committee on Claims which in like manner enlist the sympathy of the members of the committee. I have met this old gentleman, the claimant. He appears to be a man of character, and he has that reputation among his neighbors.

But there is a principle involved in this case that I think forbids the payment of this claim by the United States. I do not think, from my view of the testimony, it warrants the statement that there is good reason to believe there was a conspiracy between the officers of the court in which the case was tried, which I suppose would be the judge, the clerk, and the district attorney, to deprive the claimant of his property, nor do I think that even if such was the case the United States is liable for their acts.

This property was seized upon due process of law. It was libeled. It was sold by order of the court as perishable property. The proceeds of the sale came into the hands of the United States marshal, and if it was stolen, it was stolen by him or on account of his negligence.

When the United States appoints a United States marshal it requires him to execute a bond for the faithful discharge of his duties, which includes the faithful care of and accounting for moneys which come into his hands officially; and any suitor may bring an action against the marshal and his sureties upon his bond and recover judgment against them for any loss which he sustains by reason of a breach of official duty. Mr. Shepard might have sued this marshal upon his official bond and recovered for the money which was stolen by the marshal or lost through his negligence. It is said in this case, and perhaps truly, that the sureties are insolvent and that nothing could be recovered. That makes a case of hardship, but it does not alter the principle.

It seems to me that to hold the Government liable in this case would be a very dangerous precedent, a precedent committing us to the proposition that with one hundred thousand office-holders in the United States the Government will undertake to make good every loss which occurs to an individual citizen by the malfeasance or negligence of such, notwithstanding there may have been no negligence in the appointment of the officers, the Government requiring the proper bonds for the efficient performance of their duty.

For these reasons I can not agree to the majority report. I do agree that it is rather an exceptional case, but it is not entirely so, because there are many cases of the kind.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Claims.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EQUALIZATION OF BOUNTIES.

The bill (S. 778) to equalize the bounties of soldiers, sailors, and marines of the late war for the Union was announced as next in order.

Mr. COCKRELL. Let that be passed over. The Senator in charge of it is not present.

The PRESIDENT *pro tempore*. The bill goes over.

PATRICK COOK.

The bill (S. 1018) for the relief of Patrick Cook was considered as in Committee of the Whole. It provides for the payment to Patrick Cook of $1,500, being the amount awarded him by the late board of audit for and on account of damages to his real estate in the city of Washington, one-half of the sum being chargeable to the revenue derived from taxation within the District of Columbia.

Mr. COCKRELL. Let the report be read in that case.

The Chief Clerk read the following report, submitted by Mr. BLACKBURN May 17, 1886:

The Committee on the District of Columbia, to whom was referred the bill (S. 1018) for the relief of Patrick Cook, having considered the same, report as follows:

That on the 20th of January, 1875, Patrick Cook filed before the board of audit a claim for damages to certain lots belonging to him in the city of Washington, in square No. 24, said damages occasioned by public improvements in excavating Twenty-fourth street, northwest, between M and N streets; and on the 3d of August, 1875, the board of audit, after inspection, awarded to said Patrick Cook the sum of $1,500, that sum being the one-half of the amount claimed by him in his said petition. The said sum of $1,500 was, however, not paid to the said Patrick Cook, for the reason that the board of audit was legislated out of existence before they had prepared and issued to him the necessary certificate; and thus the claim now stands. Your committee think that he should be paid the $1,500 adjudged by the board of audit as due to him, and to that end report the accompanying bill with recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M'NAUGHTON.

The bill (S. 1877) for the relief of John McNaughton was announced as next in order.

Mr. COCKRELL. That bill is reported adversely. I object to it. Let it take its place on the other Calendar.

The PRESIDENT *pro tempore*. The bill will be transferred to the other Calendar.

MAJ. E. A. HANCOCK.

The bill (S. 1822) for the relief of Maj. E. A. Hancock was announced as next in order.

Mr. COCKRELL. That also is reported adversely. Let the same order be made.

The PRESIDENT *pro tempore*. The bill will be passed over.

YELLOWSTONE NATIONAL PARK.

The bill (S. 2436) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park was announced as next in order.

Mr. MCMILLAN. That had better go over.

Mr. VEST. Will the Senator permit me to say a word?

Mr. MCMILLAN. Yes, sir.

Mr. VEST. The Territory of Wyoming has hitherto exercised jurisdiction over Yellowstone Park; there has been no other jurisdiction there for the punishment of any crime of any sort. Lately the Territorial Legislature of Wyoming repealed those statutes, so that now this park is entirely without a form of government, and unless this bill can be passed at the present session any crime committed there during the coming summer will be with impunity. That is the whole case. If any Senator sees proper to object to this bill and prevent it from passing the result is apparent.

Mr. MCMILLAN. Let the report be read subject to objection hereafter.

Mr. VEST. There is no report.

Mr. MCMILLAN. There are so many of these public parks that interfere with everything else that I want to know what we are doing. I should like to have the bill and the report both read.

The PRESIDENT *pro tempore*. There is no report.

Mr. MANDERSON. There is no report accompanying the bill. It is substantially the bill that passed the Senate at the last session of Congress and is designed to protect the park.

Mr. MCMILLAN. I think the matter may go over this morning without prejudice.

Mr. MANDERSON. I do not think the bill will lead to any debate.

Mr. MCMILLAN. I should like to look into it.

Mr. VEST. The Senator said these parks interfered with everything else. I think the Senator alluded to a railroad bill. This does not apply to any railroad at all. It is only to punish murder, robbery, and other crimes which have been committed heretofore.

Mr. MCMILLAN. I was not alluding to railroads especially. There are other reservations of different kinds where it seems the public can not get through. I want to know what we are doing before we make any more reservations.

Mr. MANDERSON. I hope the objection will not prevent the bill being taken up to-morrow morning, because it is of great importance.

Mr. MCMILLAN. Let it be passed over without prejudice until to-morrow morning.

The PRESIDENT *pro tempore*. The bill will be passed over.

EDWARD D. PATCHIN.

The bill (S. 2455) granting a pension to Edward D. Patchin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Edward D. Patchin, son of Bernard Patchin, late a private in Company B, Forty-first Regiment Ohio Volunteers.

Mr. VEST. Let the report be read.

The Secretary read the following report, submitted by Mr. SAWYER May 18, 1886:

The Committee on Pensions, to whom was referred the petition of Edward D. Patchin, have examined the same, and report:

The petitioner is a son of Bernard Patchin, who, as shown by the report of the Adjutant-General, was a private in Company B, Forty-first Ohio Volunteers, was enrolled September 30, 1862, died of disease at Nashville, Tenn., January 17, 1863. Officer's certificate shows that he died of typhoid fever contracted in line of duty; that at the time he entered the service he was a young man of good health and habits. The Pension Office records show that the widow and two minor children were pensioned; that the widow remarried in 1865, and that the two sons, Edward D. and Charles B. Patchin, were continued on the roll until the expiration of the time limited for their receiving a pension.

The petitioner now prays for the passage of a special act placing him on the pension-roll by reason of an accident whereby he has been crippled for life, and disqualified for engaging in active employment. He is now about twenty-five years of age, and says he is the only surviving issue of the said Bernard Patchin; that he is not able to perform manual labor, and that he has no means of support.

His identity is established by the testimony of three witnesses, who say he is the only surviving issue of the soldier; that he is hopelessly maimed for life, and that he has no means of support.

In view of his helpless condition, and of his being deprived of support and protection, the committee report the accompanying bill for his relief with a recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEEL FOR ORDNANCE.

The bill (S. 662) to encourage the manufacture of steel for modern army ordnance, armor, and other army purposes, and to provide heavy ordnance adapted to modern army warfare, was announced as next in order.

Mr. HAWLEY. This bill and the following bill on the Calendar (S. 663) to encourage the manufacture of steel for modern naval ordnance, armor, shafting, and other naval purposes, and to provide heavy ordnance adapted to modern naval warfare, are closely related, and ought to be discussed and acted upon together. They can not be considered under the five-minute rule, I am sure; but I wish them passed over without any prejudice whatever to their rights.

The PRESIDENT *pro tempore*. These two bills will be passed over informally if there be no objection.

MEXICAN WAR PENSIONS.

The bill (H. R. 807) granting pensions to the soldiers and sailors of the Mexican war was announced as next in order.

Mr. TELLER. That bill can not be considered under the five-minute rule.

The PRESIDENT *pro tempore*. The bill goes over.

Mr. BLAIR. Before the bill goes over I wish to say that it is a measure which the whole Chamber has a right to have acted on. When the Senate bill making provisions for the soldiers of the late war went to the House the Senator from South Carolina [Mr. BUTLER] who is not now in his seat proposed to move this bill as an amendment to that, and refrained from so doing under an assurance made by myself in the presence of the Senate, no one objecting, that the Mexican war pension bill would be pressed for a vote as soon as possible at this session, and I shall feel bound to urge it upon the attention of the Senate so that it may be disposed of during the session.

Mr. TELLER. I did not object to it because I wanted it to go over beyond the session. I expect it to be taken up and disposed of during the session.

Mr. HARRIS. I beg to state to the Senator from Colorado that if that side of the Chamber is willing to take the bill as reported by the committee I think I can safely say that there is not a Senator on this side of the Chamber who will want to consume one moment in debate.

Mr. TELLER. I understand there are some amendments that Senators propose to offer to the bill which will certainly lead to discussion.

Mr. WILSON, of Iowa. I hope the Senator from Colorado will withdraw the objection and let us go on with this bill this morning. I think we can dispose of it, and I think it ought to be disposed of. This is the bill which was agreed upon in the Senate in the last Congress and passed; and if there are amendments to come in, we may as well dispose of them now as at any time. I do hope the Senator will

withdraw his objection and let us proceed to the consideration of the bill.

Mr. TELLER. Let it go over until to-morrow morning.

Mr. WILSON, of Iowa. Oh, no; let it go on this morning.

Mr. BLAIR. It is the same bill we passed by unanimous consent on this side of the Chamber two years ago.

Mr. TELLER. I withdraw my objection. I only objected because I had been told by certain Senators that they desired to offer amendments. I do not desire to offer any myself.

The PRESIDENT *pro tempore*. Objection being withdrawn, the bill will be read at length.

The Chief Clerk read the bill, and the Senate, as in Committee of the Whole, proceeded to consider it.

The amendment of the Committee on Pensions was, in line 4, section 1, after the words "That the Secretary of the Interior be, and he is hereby, authorized and directed to," to strike out the following words:

Place the names of all the surviving officers, soldiers, and sailors who enlisted and served in the war with Mexico for any period during the years 1845, 1846, 1847, and 1848, and were honorably discharged, and their surviving widows, on the pension-roll, at the rate of $8 per month, from and after the passage of this act, during their lives.

SEC. 2. That the Secretary of the Interior is authorized and directed to make such rules and regulations as are necessary to carry this act into effect: *Provided*, That where it shall appear that a discharge is lost, secondary evidence may be permitted; and where it shall appear an applicant has received a land-warrant, that shall be sufficient evidence of an honorable discharge, unless the evidence shows that he procured it by fraud: *And provided further*, That this act shall not apply to persons under political disabilities.

And in lieu thereof to insert:

Place on the pension-roll the names of the surviving officers and enlisted men, including marines, militia, and volunteers, of the military and naval services of the United States, who, being duly enlisted, actually served sixty days with the Army or Navy of the United States in Mexico, or on the coasts or frontier thereof, or *en route* thereto, in the war with that nation, or were actually engaged in a battle in said war, and were honorably discharged, and to such other officers and soldiers and sailors as may have been personally named in any resolution of Congress for any specific service in said war, and the surviving widows of such officers and enlisted men: *Provided*, That such widows have not remarried: *Provided*, That every such officer, enlisted man, or widow who is or may become sixty-two years of age, or who is or may become subject to any disability or dependency equivalent to some cause prescribed or recognized by the pension laws of the United States as a sufficient reason for the allowance of a pension, shall be entitled to the benefits of this act; but it shall not be held to include any person not within the rule of age or disability or dependency herein defined, or who incurred such disability while in any manner voluntarily engaged in or aiding or abetting the late rebellion against the authority of the United States.

SEC. 2. That pensions under section 1 of this act shall be at the rate of $8 per month, and payable only from and after the passage of this act, for and during the natural lives of the persons entitled thereto, or during the continuance of the disability for which the same shall be granted: *Provided*, That section 1 of this act shall not apply to any person who is receiving a pension at the rate of $8 per month or more, nor to any person receiving a pension of less than $8 per month, except for the difference between the pension now received (if less than $8 per month) and $8 per month.

SEC. 3. That before the name of any person shall be placed on the pension-roll under this act proof shall be made, under such rules and regulations as the Secretary of the Interior may prescribe, of the right of the applicant to a pension; and any person who shall falsely and corruptly take any oath required under this act shall be deemed guilty of perjury; and the Secretary of the Interior shall cause to be stricken from the pension-roll the name of any person whenever it shall be made to appear by proof satisfactory to him that such name was put upon such roll through false and fraudulent representations, and that such person is not entitled to a pension under this act. The loss of the certificate of discharge shall not deprive any person of the benefits of this act, but other record evidence of enlistment and service and of an honorable discharge may be deemed sufficient: *Provided*, That when any person has been granted a land-warrant, under any act of Congress, for and on account of service in the said war with Mexico, such grant shall be *prima facie* evidence of his service and honorable discharge; but such evidence shall not be conclusive, and may be rebutted by evidence that such land-warrant was improperly granted.

SEC. 4. That the pension laws now in force which are not inconsistent or in conflict with this act are hereby made a part of this act, so far as they may be applicable thereto.

SEC. 5. That section 4716 of the Revised Statutes is hereby repealed so far as the same relates to this act or to pensioners under this act.

SEC. 6. That the provisions of this act shall not apply to any person while under the political disabilities imposed by the fourteenth amendment to the Constitution of the United States.

Mr. CONGER. What is the section repealed?

Mr. BLAIR. The section repealed is this:

SEC. 4716. No money on account of pension shall be paid to any person, or to the widow, children, or heirs of any deceased person, who in any manner voluntarily engaged in, or aided or abetted, the late rebellion against the authority of the United States.

That is repealed, but the act contains a provision that no person shall be pensioned whose disability was contracted in opposition to the Government of the United States.

Mr. CONGER. Is that repealed absolutely, or only so far as it affects this act? Let that clause be read again.

The PRESIDENT *pro tempore*. The repealing clause will be again read.

The Chief Clerk read section 5 of the amendment of the Committee on Pensions.

Mr. WILSON, of Iowa. That is all right.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the Committee on Pensions.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HARRIS. Let the title be amended to conform to the body of the bill; and then I move that the Senate insist on its amendment, and ask for a conference with the House of Representatives on the disagreeing votes of the two Houses.

The PRESIDENT *pro tempore*. If there be no objection, the title will be amended so as to read as will be stated by the Secretary.

The SECRETARY. A bill granting pensions to the soldiers and sailors of the Mexican war, and for other purposes.

The PRESIDENT *pro tempore*. The Senator from Tennessee [Mr. HARRIS] moves that the Senate insist on its amendment, and ask for a conference with the House of Representatives.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. BLAIR, Mr. SAWYER, and Mr. WHITTHORNE were appointed.

STATE OF GEORGIA.

The bill (S. 2457) for the relief of the State of Georgia was announced as next in order.

Mr. HAMPTON. I have an amendment I wish to offer to that bill, and I ask that it may go over without prejudice until to-morrow. I am not quite ready with the amendment yet.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

JOSEPH H. MADDOX AND OTHERS.

The consideration of the bill (S. 565) for the relief of Joseph H. Maddox and others was resumed as in Committee of the Whole.

The PRESIDENT *pro tempore*. The pending amendment will be stated.

The CHIEF CLERK. In line 4, after the name "Maddox," Mr. COCKRELL moved to strike out "and his associates" and insert "Benjamin F. Camp and D. P. Parr, parties of the one part;" after the word "with," in the same line, to insert "H. A. Risley;" and, after the word "Treasury," in line 6, to insert "dated November 13, 1864, and sanctioned by President Lincoln on November 17, 1864;" so as to read:

That all matters in relation to the agreement of Joseph H. Maddox, Benjamin F. Camp, and D. P. Parr, parties of the one part, made with H. A. Risley, the supervising agent of the Treasury, with the approval of the Secretary of the Treasury, dated November 13, 1864, and sanctioned by President Lincoln on November 17, 1864, for the delivery of tobacco and other property, under the permit, safeguard, and orders of the President of the United States, are hereby referred to the accounting officers of the Treasury Department for determination upon the evidence taken and now on file in the office of the clerk of the United States Court of Claims and the War Department.

The PRESIDENT *pro tempore*. The amendment was offered by the Senator from Missouri [Mr. COCKRELL].

Mr. INGALLS. This bill was reported without amendment, as appears by the Calendar.

The PRESIDENT *pro tempore*. The bill has been under consideration before, and the Senator from Missouri offered this amendment.

Mr. COCKRELL. Some time ago the bill was up, and I offered the amendment which has just been read at that time.

The PRESIDENT *pro tempore*. Does the Senator from Kansas desire the whole bill to be read again?

Mr. INGALLS. Yes, sir.

Mr. CONGER. I do not care whether this bill is read or explained. This refers the whole matter to the Treasury Department, and it does not say whether the claim is to be paid by the Department or to come to Congress.

Mr. INGALLS. Yes; it says "directed to adjust, settle, and pay to the said Joseph H. Maddox," &c. I should like to hear the bill read again.

Mr. CONGER. It is a bill relating to captured and abondoned property.

The PRESIDENT *pro tempore*. The bill will be read as proposed to be amended.

Mr. CONGER. Let it go over until to-morrow. I wish to examine the report, and perhaps I shall have no objection to it. Let it hold its place on the Calendar until to-morrow.

The PRESIDENT *pro tempore*. The bill will be passed over.

SAMUEL NOBLE.

The consideration of the bill (S. 2475) for the relief of Samuel Noble was resumed as in Committee of the Whole.

The PRESIDENT *pro tempore*. An amendment was heretofore offered by the Senator from Missouri [Mr. COCKRELL], which will be stated.

The CHIEF CLERK. The proposed amendment is, after the word "evidence," in line 18, to strike out "both for and against the said claim and to render final judgment" and insert "and report the same to Congress;" so as to make the bill read:

Be it enacted, &c., That Samuel Noble, formerly of Rome, Ga., but now a citizen

of Anniston, in the State of Alabama, may, notwithstanding the decision heretofore made and the law of the statute by lapse of time, prosecute his claim to the net proceeds of sale of 802 bales of cotton alleged to have been captured by the United States military authorities at Savannah, Ga., in December, 1864, before the Court of Claims, under the provisions of an act of Congress entitled "An act to provide for the collection of abandoned or captured property and the prevention of frauds in the insurrectionary districts of the United States," approved March 12, 1863, and this act; and the said claim of said Samuel Noble is hereby referred to the said Court of Claims, with all the papers on file in Congress relating thereto, with full power to hear evidence, and report the same to Congress.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH H. MADDOX AND OTHERS.

Mr. CONGER. In reference to the bill (S. 565) for the relief of Joseph H. Maddox and others, I am informed that it is a reference to the Treasury for adjustment and for report to Congress. If that be so, I withdraw the request to have it go over till to-morrow if it does not make an appropriation for the payment of the claim, and I am assured that that is the fact. If it is not so, I will renew the objection.

Mr. MITCHELL, of Oregon. I think there is a little misapprehension in regard to it. I ask to have the bill read.

The PRESIDENT *pro tempore*. The Chair understands the bill does make a direct appropriation from the Treasury.

Mr. CONGER. Then let it go until to-morrow.

Mr. MITCHELL, of Oregon. I will state in a word that it simply directs the Secretary of the Treasury to adjudicate the matter and pay whatever amount is found due.

Mr. CONGER. Then let it go over.

Mr. MITCHELL, of Oregon. It is a similar case to the one just passed.

The PRESIDENT *pro tempore*. The next case will be stated.

REMOVAL OF EASTERN CHEROKEES.

The bill (S. 1799) for the removal of the Eastern Cherokee Indians to the Indian Territory was announced as next in order.

Mr. CHACE. That had better go over.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

AMENDMENT OF COPYRIGHT LAW.

The bill (S. 2496) to amend title 60, chapter 3, of the Revised Statutes of the United States was announced as next in order.

Mr. INGALLS. Let that go over.

The PRESIDENT *pro tempore*. The bill goes over.

BONDS OF EXECUTORS.

The consideration of the bill (H. R. 7879) to amend the law relating to the bonds of executors in the District of Columbia was resumed as in Committee of the Whole.

Mr. INGALLS. That bill I think is in charge of the Senator from Tennessee [Mr. HARRIS]. There were objections urged.

Mr. HARRIS. Let the bill be informally passed over. The Senator from Vermont [Mr. EDMUNDS] wanted to offer an amendment.

The PRESIDENT *pro tempore*. The amendment of the Senator from Vermont is at the desk with the bill. Shall it be read?

Mr. HARRIS. Yes, I did not know the amendment had been offered

The PRESIDENT *pro tempore*. The amendment submitted by the Senator from Vermont will be read.

The CHIEF CLERK. It is proposed to add as a new section the following:

That any will hereafter executed devising real estate in the District of Columbia from which it shall appear that it was the intention of the testator to devise property acquired after the execution of the will shall be deemed, taken, and held to operate as a valid devise of all such property.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ARMS AND STORES TO DAKOTA TERRITORY.

The bill (S. 2249) to authorize the Secretary of War to credit the Territory of Dakota with certain sums for ordnance and ordnance stores issued to said Territory, and for other purposes, was announced as next in order.

Mr. CONGER. There are two bills of the same character; let them go over.

The PRESIDENT *pro tempore*. This bill and the next bill (S. 2035) will go over.

Mr. MANDERSON. I hope the Senator will not object to the next bill, which has been called on the Calendar several times. It is simply to credit the State of Oregon with a sum of money for arms used in the Nez Percé war. The bill meets the approval of the Chief of Ordnance and the War Department, and I do not think there can be any possible objection to it. There is a report which explains it fully.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. CONGER. I withdraw the objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2249) to authorize the Secretary of War to credit the Territory of Dakota with certain sums for ordnance and ordnance stores issued to said Territory, and for other purposes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The question is on the adoption of the preamble. The Chair calls attention to the fact that there is a blank in the preamble that ought to be filled. It seems to be an informal matter, but it ought to be filled.

Mr. MANDERSON. The bill was reported by the Senator from New Jersey [Mr. SEWELL].

The PRESIDENT *pro tempore*. The preamble will be read.

The Chief Clerk read the preamble, as follows:

Whereas it appears from the records of the Ordnance Bureau of the War Department that the Territory of Dakota stands charged with the sum of $38,625 for ordnance and ordnance stores issued to said Territory during the year 1867, under the provisions of the act of Congress approved April 7, 1866, entitled "An act to provide arms and ammunition for the defense of the inhabitants of Dakota Territory," and the then governor of said Territory, to wit, ——— ———, stands charged therewith and with said amount, all of said ordnance and ordnance stores having been drawn by the Territory of Dakota and used for the purpose of aiding the General Government in the protection of the borders of said Territory against Indian invasions and depredations; and

Whereas said ordnance was issued to the inhabitants of said Territory as in said act directed, and all of the same has been lost and rendered useless in the service: Therefore.

The PRESIDENT *pro tempore*. The words "to wit" might be stricken out, which would make sense without inserting the name of the governor.

Mr. MANDERSON. I make that motion.

The amendment was agreed to.

The preamble as amended was agreed to.

ARMS AND STORES TO OREGON AND WASHINGTON.

The bill (S. 2035) to authorize the Secretary of War to credit the State of Oregon with the sum of $12,398.55, for ordnance and ordnance stores to be issued to the Territory of Washington on account of said State, in payment for ordnance and ordnance stores borrowed by said State of said Territory during the Nez Percé Indian war of 1877 and 1878, and for other purposes, was considered as in Committee of the Whole.

Mr. EDMUNDS. I should like to hear the report in that case.

Mr. CONGER. We can not take up all the morning on it.

Mr. MANDERSON. The report is very short.

The PRESIDENT *pro tempore*. The report will be read, if there be no objection.

The Secretary read the following report, submitted by Mr. MANDERSON May 25, 1886:

The Committee on Military Affairs, to whom was referred the bill (S. 2035) "to authorize the Secretary of War to credit the State of Oregon with the sum of $12,398.55 for ordnance and ordnance stores to be issued to the Territory of Washington on account of said State, in payment for ordnance and ordnance stores borrowed by said State of said Territory during the Nez Perces Indian war of 1877 and 1878, and for other purposes," have had the bill under consideration, and report the same back favorably and recommend its passage.

During the Nez Perces Indian war in 1877 and 1878 the governor of Oregon called out the volunteer troops and State militia in defense of the people of Eastern Oregon and to suppress the uprising of the Indians. The State of Oregon at this time did not have at its command the necessary arms and accouterments to equip the militia and volunteers called out, and was forced to borrow of the Territory of Washington the following ordnance and ordnance stores: 320 breech-loading Springfield rifles, caliber .50, model of 1866; 262 breech-loading Springfield rifles, caliber .50, model of 1868; 582 screw-drivers, 47,445 ball cartridges, caliber .50, and 31 arm-chests.

Washington Territory has recently made a demand upon the State of Oregon for a return of the ordnance and stores so borrowed for the purposes aforesaid, but most of the same has been lost or is useless and it is not in the power of Oregon to return the same, and that State remains indebted on the books of the Ordnance Department to the Territory therefor in the sum of $12,398.55, to cancel which Oregon has but $10.98 to her credit.

The situation of Oregon is such as to have exposed that State to repeated Indian raids, and her people have suffered from uprisings and depredations to such an extent that the General Government can well afford to make good this demand of Washington Territory upon her. It has often happened that the resistance which Oregon has made was no less in defense of her own territory than of the country touching her borders, and the General Government has not been as liberal in the distribution of ordnance in her behalf as it has with Washington Territory.

An examination of the acts of July 3, 1876, and of May 16, 1878, and June 7, 1878, shows that Washington Territory received two thousand arms and one hundred thousand cartridges, while Oregon received only half of that allowance. Oregon is to-day without the ordnance supplies necessary to properly and effectively equip her militia, and yet the brunt of a defense of the people of the far Northwest against Indians would fall upon that State. Several companies of militia have recently been organized in the State, and the dictates of economy and common prudence, no less than a regard for the lives of a large population exposed to Indian raids, suggest that Oregon be placed in a position to dispense—in any emergency—with the support of Government forces, always expensive and many times ineffectual because of the time occupied in the transportation of regular troops from long distances to the scene of hostilities.

In the judgment of your committee it is both wise and humane to place Oregon and Washington Territory in a position to protect themselves against Indian raids, which can be best done by a well-equipped force of militia.

Your committee accordingly report the bill back with the recommendation that it do pass, and annex hereto communications from the Secretary of War and the Chief of Ordnance, which they ask may be made a part of this report.

Mr. EDMUNDS. The thing I want to hear is the communication from the War Department.

The Secretary read the letters of the Secretary of War and of the Chief of Ordnance, appended to the report, as follows:

WAR DEPARTMENT, *Washington City, May* 19, 1886.

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant, inclosing for the views of this Department Senate bill 2035, Forty-ninth Congress, first session, to authorize the State of Oregon to be credited with the sum of $12,398.55, for ordnance and ordnance stores to be issued to Washington Territory in payment for those loaned by the latter to the former during the Nez Percé Indian war; and also inclosing a letter on the subject, dated the 19th of March last, from the governor of Oregon.

In reply, I beg to inclose a letter of the 17th instant from the Chief of Ordnance, in which he expresses the opinion that the object of this bill is proper and just and recommends its passage.

I concur in the views of the Chief of Ordnance.

The letter from the governor of Oregon is herewith returned, in accordance with your request.

Very respectfully, your obedient servant,

WM. C. ENDICOTT,
Secretary of War.

Hon. C. F. MANDERSON,
Of Committee on Military Affairs, United States Senate.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, D. C., May 17, 1886.

SIR: I have the honor to return letter of Hon. CHARLES F. MANDERSON, inclosing S. 2035, "to authorize the Secretary of War to credit the State of Oregon with the sum of $12,398.55 for ordnance and ordnance stores to be issued to the Territory of Washington on account of said State, in payment of ordnance and ordnance stores borrowed by said State of said Territory during the Nez Perce Indian war of 1877 and 1878, and for other purposes," and also letter of the governor of Oregon bearing on the subject, and to report:

There is no doubt that arms and other ordnance stores to the money value of $12,398.55 were loaned to the State of Oregon by the Territory of Washington to enable the former to aid in suppressing Indian hostilities during the Nez Percé war of 1877 and 1878. The State of Oregon is unable to return the arms, &c., which were lost and destroyed during said service, and believing that the loss and destruction resulted from frontier service during said war, I think that the object of this bill is proper and just, and do recommend its passage.

Very respectfully, your obedient servant,

S. V. BENÉT,
Brigadier-General, Chief of Ordnance.

The SECRETARY OF WAR.

Mr. EDMUNDS. I should like to ask the Senator from Nebraska whether the result of this will or will not be that the Territory of Washington will have or make any claim against the United States for these arms to the amount of $12,000 that she loaned to the State of Oregon?

Mr. MANDERSON. It was impossible for me to hear the Senator.

Mr. EDMUNDS. My inquiry was whether or not the result of the passage of this bill relieving the State of Oregon from the responsibility for these arms will or will not be that the United States will have to make up or will be called upon to make up a similar amount to the Territory of Washington, from whom the arms came?

Mr. MANDERSON. That would be a duplicate allowance, which I do not think is contemplated by this bill.

Mr. DOLPH. The provision of this bill is that the arms are to be issued to Washington and Oregon credited with the amount. They are to be issued on the credit of Oregon, but they are issued to Washington.

Mr. EDMUNDS. The arms are to be replaced in the Territory of Washington by Congress then, and Oregon is to be credited with them?

Mr. DOLPH. Yes, sir. In other words, the United States pays the debt of Oregon for these arms that were lost and destroyed and can not now be returned.

Mr. EDMUNDS. And leaves Oregon with a claim for her proportion of arms, irrespective of those that were issued to her?

Mr. DOLPH. She has but $10 to her credit, and in fact not that, because at my request, owing to a recent necessity for arms, the Secretary of War has advanced arms to Oregon; but at the time the letter was written she had but $10 to her credit.

Mr. EDMUNDS. The result of the operation will be that Oregon will get to the extent of those furnished by Washington Territory, valued at $12,000, more than her proportion would be under the general law of distribution among the States.

Mr. DOLPH. That is so.

Mr. EDMUNDS. If you would treat the State of Vermont in the same way I should be glad.

Mr. DOLPH. If the State of Vermont had lost arms anywhere by her citizens volunteering I should be glad to do it.

Mr. INGALLS. I want to ask the Senator from Nebraska why the difference in the terms of the issue that appear in the bills granting relief to the Territory of Dakota and to the State of Oregon? The Territory of Dakota is required to return to the Secretary of War "all such arms and other ordnance stores remaining in the custody of the said Territory of the issues thereof under said act;" but there is no requirement in the bill for the relief of Oregon that the arms shall be returned. It seems as if there had been unjustifiable conditions imposed upon Dakota, if I can judge by the language of this bill; that is to say, the Territory of Dakota is required to do something that the State of Oregon is released from. It seems to me the terms ought to be the same, as these bills come in consecutive order and relate to exactly the same subject; and if Dakota is to be required to return the arms and ordnance, the State of Oregon ought to be required to do the same thing.

Mr. MANDERSON. I know nothing of the report in the case of the Territory of Dakota. The report in the case of the Territory of Dakota was made by the Senator from New Jersey [Mr. SEWELL], so as to that I know but little. I do know in regard to this, of the loss of the arms which the State of Oregon borrowed from Washington Territory a great many years ago, at the time of the Nez Percé war. I think the letter of the governor of that State shows that all those arms have disappeared and none of them are within the control or reach of the adjutant-general or governor of that State. Certainly there can be no objection, if any of these arms can be collected, to their being turned over. I would not object to that clause in the bill, though I think it would be useless and futile not only in the case of Oregon, but probably in the case of the Territory of Dakota.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. DOLPH. In connection with the bill just passed, I ask unanimous consent to have a letter from the governor of Oregon in regard to the matter printed in connection with my previous remarks.

The PRESIDENT *pro tempore*. The Chair hearing no objection, that order will be made.

The letter is as follows:

STATE OF OREGON, EXECUTIVE DEPARTMENT, *Salem, May* 22, 1886.

SIR: Hon. J. N. DOLPH has inclosed to my address your letter of the 11th instant addressed to him, and relating to the bill recently introduced by him in the United States Senate, authorizing the Secretary of War to credit Oregon with the sum of $12,398.55 on her ordnance account.

Permit me to make a brief statement showing the importance of the passage of this bill to the State of Oregon.

It is doubtful whether any State or Territory in the Union has suffered so much within the past fifteen years from Indian depredations as the State of Oregon. The Modoc war of 1872-'73 entailed the most serious loss of life and property. The wars, however, which during that period of fifteen years assumed the widest range were those of 1877 and 1878, menacing, as they did, a very large expanse of territory in Eastern Oregon. In the war of 1878 the Indians ravaged the country wherever they went, and produced the greatest alarm among the settlers of what was then a comparatively sparsely settled district. The greatest excitement prevailed, and the demand for arms and ammunition was constant and urgent, and the supply was absolutely inadequate to meet the urgent needs of the time. It was necessary to call on the militia companies of Western Oregon to transfer their arms and accouterments to newly organized companies in the district threatened by the enemy. The arms thus obtained were insufficient, and the governor of Washington Territory was thereupon called upon for assistance. In response to the urgent request of the governor of this State, Washington Territory loaned the State of Oregon arms and equipments, as follows: three hundred and twenty breech-loading Springfield rifles, caliber .50, model 1866; 262 breech-loading Springfield rifles, caliber .50, model 1868; 582 screw-drivers; 47,445 ball cartridges, caliber .50; 31 arms-chests.

All of the arms and equipments were issued to companies and individuals as soon as received. It was found necessary in many instances to make issue of arms and ammunition to individuals in remote and exposed parts of the invaded territory, where the surroundings were such that companies could not act with efficiency and the service of scouts was required. It is believed that ordinary care and prudence was exercised in the distribution of the arms, and in the subsequent collection of such as were of any value after the close of these wars. Earnest effort has certainly been made to gather up all munitions belonging to the State, but during the progress of hostilities many arms were lost, destroyed, and rendered useless, and when a final inventory was taken the State had virtually nothing with which to properly equip her militia. Such munitions as she has since received have not been adequate to her rapidly increasing wants. A number of our militia companies are without equipments of any kind, and but few of them are properly equipped. The quota now due the State from the General Government is exhausted, with our indebtedness to Washington Territory still outstanding. To meet that indebtedness this State has given an order upon the War Department in favor of Washington Territory. This will exhaust Oregon's quota for years to come. Aside from this, new militia companies are needed in various portions of our State, and are being organized, but they are discouraged with the prospect that is before them of not securing proper equipments.

When you consider the fact that Oregon is a frontier State, embracing an immense expanse of territory that is rapidly increasing in population, and further, that peculiar conditions operate here, calculated at times to render the enforcement of law a somewhat difficult task, the necessity of a well-organized and properly equipped militia will be apparent. As we think we have already clearly shown, the end desired can not be secured as we are at present situated.

In view of these facts we respectfully urge upon you a favorable consideration of the bill of Senator DOLPH above referred to.

Respectfully submitted.

B. F. MOODY, *Governor of Oregon.*

Hon. CHARLES F. MANDERSON,
United States Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 325) granting a pension to Catharine Waters;

A bill (H. R. 9726) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1886, and for other purposes; and

Joint resolution (H. Res. 181) authorizing and directing the Secretary of War to loan tents to the Southwestern Iowa and Northwestern Missouri Veteran Soldiers' Association, at Bethany, Mo., and to the Tri-State Veterans' Association of Ohio, Indiana, and Michigan, for reunion purposes.

RAILROAD ATTORNEYS.

Mr. HOAR. I ask unanimous consent to be allowed to make a report at this time. The Committee on the Judiciary, to whom was referred the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States,

direct me to report the bill favorably with an amendment in the nature of a substitute.

Mr. HARRIS. I should like to have the substitute read at length.

Mr. HOAR. I desire to state that while I am in favor of the substitute as compared with the original bill as an amendment, and in favor of the passage of some legislation on the subject, I prefer the substitute which I now send to the desk as an amendment that may be offered hereafter.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar. The Chair is of opinion that all these motions interposed during the consideration of the Calendar under the present special order are in violation of the plain words of the order. Nothing can be interposed; but the Chair receives them by unanimous consent.

Mr. EDMUNDS. The Senator from Texas wishes to make a minority report.

Mr. COKE. In behalf of the Senator from Iowa [Mr. WILSON], the Senator from Missouri [Mr. VEST], the Senator from Mississippi [Mr. GEORGE], and myself I desire to say that the minority dissent from the report made by the Senator from Massachusetts for the majority of the committee, and to say further that the minority will at the proper time offer a substitute for the bill presented by the majority. I ask that the substitute be printed.

The PRESIDENT *pro tempore*. The various amendments will be printed and the bill placed on the Calendar.

GENERAL AND LIEUTENANT-GENERAL.

The bill (S. 1964) to repeal a certain portion of section 1094 of the Revised Statutes of the United States was announced as next in order.

Mr. EDMUNDS. That may go over. It wants consideration.

The PRESIDENT *pro tempore*. The bill will go over under objection.

PEREZ DICKINSON.

Mr. DOLPH. On the 9th instant the bill (S. 2162) for the relief of Perez Dickinson, surviving partner of the late firm of Cowan & Dickinson, was reported from the Committee on Claims by the Senator from Arkansas [Mr. JONES]. I had prepared a minority report and handed it to him to be submitted with the majority report; but the report was submitted in his absence by his colleague for him and the minority report was not presented with it. I now submit the views of the minority to be printed with the majority report.

The PRESIDENT *pro tempore*. If there be no objection the order to print will be made. The Chair hears none.

DEFICIENCY APPROPRIATION BILL.

The bill (H. R. 9726) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1886, and for prior years, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 10th instant approved and signed the act (S. 503) relating to the supreme court of Montana Territory, and providing for the establishment of judicial districts in said Territory.

RIVER AND HARBOR BILL.

Mr. MCMILLAN. I move that the Senate proceed to the consideration of the river and harbor bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, the pending question being on the amendment proposed by the Committee on Commerce, in section 1, to insert the clauses from line 1134 to line 1174, inclusive, as amended.

CUSTOMS FRAUDS AT NEW YORK.

Mr. HOAR. I ask the unanimous consent of the Senate that I may put a question to the Senator from Iowa [Mr. ALLISON] which relates to a matter pending before the Finance Committee, which is of very great importance and interest to my constituents, and which they would like to be informed as to the condition of.

Before the Christmas holidays the Senate directed an investigation into the matter of the fraudulent undervaluation alleged to have taken place in the New York custom-house, by which some very well-informed and cautious persons think an amount in the neighborhood of $50,000,000 a year is lost to the United States in duties, and also that trade is unnaturally and improperly diverted from other importing ports, especially Boston and Baltimore and Philadelphia, to New York, because of the facility of making importations at less than the proper duties, and also, indirectly, very great injury is inflicted upon the manufacturers, whose protection is destroyed in this way.

I understand that a subcommittee of the Committee on Finance was appointed just after the holidays to consider that question; and it would be of great importance to the public, especially to the merchants of Boston and the manufacturers of Massachusetts and other New England States, to be informed as to the condition of that investigation, if the Senator from Iowa can give us the information.

Mr. ALLISON. Mr. President, a subcommittee of the Committee on Finance was charged with the duty of making the investigation of which the Senator from Massachusetts speaks. We undertook the work and took a considerable amount of testimony, making a journey to Boston and one or two journeys to New York for the purpose. I believe myself, and I think the subcommittee that made the investigation share with me in that belief, that the embarrassments and difficulties are not so great as the Boston merchants seem to think, although the committee believe that there are great abuses in the valuation of goods at the New York custom-house and have been for some time; but I think the committee also believe that the fault is primarily in the system now existing in the New York custom-house with reference to the method of valuation. The present system is one that has existed for many years.

It is totally inefficient in its organization; and the committee have had under consideration the question of entirely changing the official staff engaged in the valuation of merchandise and enlarging the board of appraisers; but the first difficulty we encountered when we came to prepare a bill looking to the alteration of the law was the fact that, in making an efficient law on this subject, we should be obliged to infringe upon the prerogative of the House of Representatives. To make a complete system of valuation of goods requires that some supervising authority shall not only control the valuation, but the classification of goods; and the moment we get into the question of classification we get into the question of the rates of duty.

So the committee, after progressing some time in this way, on consultation with gentlemen in the other House who had the same question under consideration with regard to regulating the New York custom-house, concluded to await the action of the other House. We supposed then that what is known as the Hewitt administration bill would pass at this session. That expectation has so far been disappointed, and probably that bill will not pass.

I believe, however, it is the purpose of the Committee on Finance to continue this investigation during the vacation, if it can be done, and try and make some report to the Senate early in the next session, changing the entire administration of the appraiser's office.

That is about the condition of the affair. It seems to me there can be no effective reform in the New York custom-house until that is done.

Mr. HOAR. I should like to say that the merchants, the Board of Trade of Boston, and other business men there, to whom this subject is of very great interest and concern, will endeavor, I believe, to have such a measure as their business experience suggests framed and submitted to that committee for its consideration, which may possibly be some help to them hereafter.

Mr. ALLISON. I will say to the Senator from Massachusetts that the Boston Board of Trade have already submitted a very elaborate project for a change of the law with reference to the appraisal of goods and have furnished very valuable information on that subject. We shall be glad, of course, to have them furnish further information if they can do so.

WILLIAM H. CROOK.

Mr. PLUMB. I withdraw the motion which I heretofore submitted to reconsider the action of the Senate on the bill (S. 100) for the relief of William H. Crook.

The PRESIDENT *pro tempore*. Does the Senator from Kansas withdraw his motion to reconsider?

Mr. PLUMB. I withdraw the motion.

Mr. INGALLS. That can only be done by unanimous consent.

The PRESIDENT *pro tempore*. Is there objection to the withdrawal of the motion to reconsider the vote by which the Senate passed the bill (S. 100) for the relief of William H. Crook? If there be no objection the motion to reconsider is withdrawn, and the bill will be returned to the House of Representatives.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, the pending question being on the amendment proposed by the Committee on Commerce, in section 1, to insert the clauses from line 1134 to line 1174, inclusive, as amended.

Mr. ALLISON. Mr. President, I do not know that I desire to occupy the time of the Senate in the discussion of the amendment now pending. I have been so occupied in committee duties that I have not even heard the discussions pro and con with reference to it, and have not followed them up perhaps as I should have done; but I intend to vote for the amendment, and I believe that it is as important a provision as there is in this bill, and that with perhaps three or four exceptions there can be no more meritorious appropriation than the one proposed by the pending amendment.

It seems to me that Senators do not fully comprehend the scope of this provision. They have gone off upon a side question rather than speak of what I consider the main question involved here. The Senator from Missouri [Mr. VEST], who spoke the other day, stated objections to this amendment because it proposed the construction of a cross-canal through the State of Illinois. That is only a part of this project, as I understand it. The main object involved in this amendment is to

make a water communication between the Mississippi River and the great system of Northwestern lakes. And so I think the Senator from Kansas [Mr. INGALLS] misapprehended the action of the Legislature of the State of Illinois when he criticised the Legislature of that State because they imposed conditions upon the General Government with reference to the Illinois and Michigan Canal.

It is a matter of so much moment, not only to the people of Illinois but to all the people who trade between the Mississippi River and the great system of Northwestern lakes, that that canal shall be an open water way, that Illinois could not consent to its transfer to the Government of the United States unless the Government of the United States would use it for the purpose for which it was originally intended; and if the United States does not take the canal and enlarge it, as it should be enlarged, to a ship-canal, I have no doubt that public opinion in the State of Illinois will at some time compel its enlargement through the operation of State laws.

This action of the Legislature of the State of Illinois was taken in pursuance of a debate in this Chamber which I remember perfectly well, when some years ago the Senate Committee on Commerce introduced an amendment like this to a river and harbor bill, and it was supported here and received a large majority of the votes of this body. At that time it was contended by those who opposed the provision for the Hennepin Canal that we were building a short canal 64 miles long to connect with a line a hundred miles long which was wholly under the control of the State of Illinois, and Senators were unwilling to make a free canal 64 miles in length when the State of Illinois had it in its power through its Legislature to exact such tolls upon that interstate commerce in its transmission through that State as it chose.

So the gentlemen who then stood in this Chamber opposing this work said, "Before you come to ask Congress to make this appropriation to connect the Mississippi River with the lakes you must come here with the State of Illinois having relinquished to the General Government its right to charge tolls upon this hundred miles of canal." I think the honorable Senator from Illinois [Mr. CULLOM] was then governor of that State; and I remember perfectly well—I do not know that he does—of transmitting to him those debates, and saying to him in a communication that it was necessary for the State of Illinois to relinquish to the General Government its canal of 100 miles in length before a measure could be successful in passing Congress for the purpose of making this water way between the Mississippi and the lakes; that Congress never would consent to appropriate money to complete this water way as long as the State of Illinois stood in its pathway with a power of exacting tolls upon that commerce.

So, then, the action of the Legislature of the State of Illinois was in direct response to the popular will as expressed in this Chamber with respect to this great water way. Now what is it? The primary object of this improvement is not the Hennepin Canal. I submit to Senators that the main project is to connect the Mississippi River with the system of Northwestern lakes, whereby vessels can be transported from the Mississippi River through this canal to the lakes, and thus cheapen the entire transportation of that region. And this is no new scheme. It has been the dream of men who have studied the subject of water-transportation for more than fifty years. It was the dream, I believe, of the first white man who passed through that region, whose name is now given to one of the cities on the line of the Illinois River. More than two hundred years ago he predicted that there would be a continuous water way from the foot of Lake Michigan to the city of New Orleans. I venture the statement that no other civilized government on earth would have seen this great opportunity of connecting the Mississippi River and its tributaries with the great chain of Northwestern lakes without long since availing of it except the Government of the United States.

Why, Mr. President, during some of the years of war I happened to be a member of the other House, as the Senator from Illinois [Mr. CULLOM] was a member, and it was then debated at great length whether or not this Government should not take hold of this canal and build a water way there sufficient for the transportation of vessels of war. And, sir, some of the men who now listen to me will see the day when vessels of war will be transported from the Northwestern lakes into the Mississippi River through this water way called the Illinois and Michigan Canal down to the Gulf. If we were not as secure as we are with reference to the intrusion of outside governments our Government would not hesitate one moment as a war measure to incur this expense of two or three or four million dollars.

This is the great object in view in this amendment, as I understand. It is to place this Government in a situation whereby it can connect the great system of river communication extending from Saint Paul and up the Missouri River and up the Ohio and up the Tennessee and up the Cumberland and up the Arkansas with the Northwestern lakes.

Mr. President, there is no single State in this Union that is more directly interested in that than is the State of Missouri, which the Senator from Missouri represents. Here stands the city of Chicago at the foot of this system of lake navigation, and here is the city of Saint Louis in the very heart and center and pivotal point of the river navigation. Now, is it not worth while for these two great cities to have water communication and water connection with each other? Here is a city of 800,000 people and another of 400,000 or 500,000 people, with four lines of railways built between these two cities; and what does that indicate? It indicates that there is a great commerce between them, that there is a great communication between them; and yet here is an opportunity with a small expenditure amounting to only a few million dollars which will enable all the people of the Mississippi Valley to communicate with all the people upon the lakes; and yet the Senator from Missouri says he is not in favor of this project.

The reason these water communications are made is that there is a certain class of products necessary to the comfort and convenience of the people that will not bear the cost of railway transportation. Take the iron ore of Lake Superior, if you please, which when mixed and mingled with the iron ore of Missouri makes the most valuable product known to commerce; and yet everybody knows that it is not possible to gather these two classes of ores together by means of railway communication.

What is true with reference to iron is true with reference to coal, and it is true with reference to other bulky products that we are compelled to use west of the Mississippi River, and which can hardly bear the cost of railway transportation. Take the anthracite coal of Pennsylvania; it is burned in every county in my State, I believe. How is it transported? Does any one believe that it can be transported by rail from the mines where it is produced into the interior of Iowa? It is the fact that we have water communication by canal and lake and river that enables us to consume the coal at all. Take the great salt production of Michigan, which is transported by water to the city of Chicago, and sold in the city of Chicago at $5 a ton. When it reaches the interior of Iowa this salt is sold by the bushel; yet if we had communication between the region of the salt production and the region of its great consumption, where the people of Iowa, and of Kansas, and the other interior States are, it does not need a great amount of knowledge of arithmetic to see that the consumer would be able to receive this product, necessary and essential, at a much less price.

Mr. EDMUNDS. With the permission of my friend from Iowa, I wish to get information about this. I should like to know how high is the summit-level of this canal above Lake Michigan?

Mr. ALLISON. Which canal does the Senator refer to?

Mr. EDMUNDS. The one which we are to buy and pay for and build.

Mr. ALLISON. I did not expect to go into details. The Illinois and Michigan Canal, as I understand, is in its chief length lower than Lake Michigan. Am I not right?

Mr. EDMUNDS. Then the feeder is to be Lake Michigan.

Mr. ALLISON. The feeder of the Illinois and Michigan Canal to some extent is doubtless Lake Michigan.

Mr. EDMUNDS. Is there any other possible feeder to feed the canal for which Congress gave lands, &c., that is supposed to lead from Chicago to the Illinois River?

Mr. ALLISON. There is the Des Plaines River, of course.

Mr. EDMUNDS. The Des Plaines is a branch of the Illinois, is it not?

Mr. ALLISON. The Des Plaines River, as I understand, runs into Lake Michigan.

Mr. EDMUNDS. How do you get from the Des Plaines River onto the waters that descend into the Mississippi?

Mr. CULLOM. It is impossible to hear the Senator from Vermont in this part of the Hall.

Mr. ALLISON. Mr. President, has it come to this, that we are discussing the question whether there is water to be put into this canal? If that is an open question——

Mr. INGALLS. That is the very question.

Mr. ALLISON. Is that the question which troubles the Senator from Vermont and the Senator from Kansas?

Mr. EDMUNDS. Nothing troubles me. I am too old to be troubled. I am merely trying to get information.

Mr. LOGAN. Allow me to say that the Chicago River, which empties into Lake Michigan, connects with the Illinois and Michigan Canal. Instead of the Chicago River running into Lake Michigan it runs into the canal, and it is fed from Lake Michigan through the Chicago River and the Des Plaines River. The canal runs into the Illinois River at Hennepin.

Mr. EDMUNDS. Then Lake Michigan is the feeder.

Mr. LOGAN. Lake Michigan is the feeder of the Illinois and Michigan Canal.

Mr. EDMUNDS. So that the water of Lake Michigan would run into the Mississippi?

Mr. LOGAN. The feeder for the Hennepin Canal is the Mississippi River in part, and one of the main feeders is the Rock River, which runs down on the elevation of which we have heard, and connects with the Hennepin Canal.

Mr. EDMUNDS. How long is that feeder?

Mr. LOGAN. I do not remember the distance.

Mr. CULLOM. About 30 miles.

Mr. LOGAN. It is a short distance. It depends on where the river is tapped, so far as the gentleman talking about feeding the canal with water is concerned. It can be tapped at a number of places. I do not want to disturb the Senator from Iowa any further.

Mr. ALLISON. I am very much obliged to the Senator from Illinois, because the Senator from Vermont asked me these questions of details with reference to the water, &c., of the Illinois and Michigan Canal, and I am not familiar with the details; but I never heard it questioned. I never heard anybody suggest that there was not ample water to build a canal as deep and as wide as you choose to build it between Lake Michigan and the Illinois River. It has always been understood that there is water capacity and opportunity to build a canal there which will float the war ships of this Government that can be floated into the Illinois and Mississippi Rivers.

Mr. BUTLER. If the Senator will permit me, I wish to suggest to him that a complete answer to the inquiry of the Senator from Vermont is in the fact that the question is one primarily of engineering skill, and, of course, if the engineers do not advise Congress that it is practicable to make the canal the money will not be spent. That is a complete answer.

Mr. EDMUNDS. I should not call it a very complete one, with great respect to my friend from South Carolina.

Mr. BUTLER. I should like to know why it is not.

Mr. EDMUNDS. Because I think when Congress is asked to initiate a scheme of this kind, which may be a very good one—though I do not know why it is in this river and harbor bill—the first inquiry that anybody who is asked to do anything about building the canal is to know whether at the highest point it has to pass there is water enough to feed it, because you can not feed it from below.

Mr. BUTLER. The engineers certainly would not advise Congress to adopt a canal that can not be supplied by water.

Mr. EDMUNDS. If we were projecting a railroad or private canal we should first inquire, without troubling ourselves too much about engineers, whether the summit-level had any water on it.

Mr. BUTLER. I understand the engineers have so reported.

Mr. CULLOM. Will the Senator yield to me?

Mr. ALLISON. I yield to everybody, because I did not wish to occupy time; I only wanted to get at the fact.

Mr. CULLOM. My colleague stated exactly the fact as to the supply of water for the present canal, the Illinois and Michigan Canal, being fed by the Chicago River and the lake and the Des Plaines River. Then as to the Hennepin portion of the canal, the Senator from Iowa knows that the water necessary to run that comes from Rock River at about the point of the summit.

Mr. ALLISON. I have not yet touched upon that branch of the subject relating to the Hennepin Canal. I wanted to clear up the idea with reference to a water way by means of the expansion of the Illinois and Michigan Canal and the Illinois River. For what are we voting here year by year to improve the Illinois River? Have we not the intention ultimately of securing all the benefits of that appropriation by means of a water communication between the lakes and the river?

This scheme of connecting the Mississippi River and the great Northwestern lakes is without a parallel in this bill. I have seen over and over again, in reading the pages of the bill, propositions looking to improvement of short rivers, only a few miles long, and the extension of improvements. Only the other day we kept in the bill a proposition to accept the improvement of the Muskingum River in the State of Ohio, a small open river in that State having no connection, as this great improvement has, with the system of water navigation connecting a dozen or more States in the Northwest and Northeast.

So I submit there is no question involved in this bill of such magnitude and importance to the people of the United States, and all of them, as this proposition to connect the Illinois River with the great Northwestern lakes by means of the Illinois and Michigan Canal; and that is what we mean when we propose to take this canal from the State of Illinois and enlarge it.

I do not agree with the Senator from Missouri that canals are fast running out of date and out of use. So far from that being true, there is not a country on the globe to-day that is not expending many millions of dollars in the construction and enlargement of canals. There has been a project for the construction of a ship-canal connecting the ocean with the city of Manchester, 50 miles from the ocean. To-day England is utilizing every canal that she has ever built in competition with her railways; France is enlarging her entire system of canal navigation; and Germany is building canals everywhere. Canals form a part of the system of water communication of those countries and every other country.

What is it that has built up Southern Germany? It is the fact that by a system of improvement of her canals and the enlargement of the Rhine the city of Cologne has become practically a seaboard city. So every civilized government on earth is utilizing her water ways by connecting rivers and lakes by means of canals in order that the bulky products which are produced in every country may be transported more cheaply than they can be transported by rail. That is all there is in this project.

When you come to the Hennepin Canal, that is a short canal, 64 miles long, which connects the Upper Mississippi River with the water navigation of the Illinois and Michigan Canal and gives us a near and direct route to Chicago. It is perfectly well known that such a canal is feasible; that it can be built; that it can be utilized; that there is an ample supply of water to build it; and that the entire cost will not exceed $6,000,000, and if one route is taken, five and a half millions of dollars.

It is worth while for us to consider whether or not we will engage in that project. I believe it is a wise thing to do. I believe it is a more wise thing to do than to do many things which I see in this bill, and why? Because by doing it you will cheapen the transportation of the wheat, corn, and other bulky products which are produced in four or five States of the Northwest. You will cheapen the cost of the transportation of these products. I shall not enter into a discussion with my friend from Kansas [Mr. INGALLS] as to whether that reduction in the cost of the transportation of those products is most to the interest of the consumer or of the producer, or whether, as some persons believe, in the long run of affairs, in casting up finally both the consumer and producer are benefited by these arrangements. But if these products can be more cheaply transported it is perfectly certain that either the consumer or the producer, or both, will be benefited by that cheapening process. So it affects not only the things which we produce, but the things which we are compelled to consume and which we can not produce, or at least which we do not produce. Certainly we can not produce salt; we can not produce anthracite coal, yet we have long and rigorous winters, requiring the burning of coal for six or seven months, and anything that cheapens the cost of the transportation of that article to our homes west of the Mississippi River is a boon to us. So it is a question whether we shall expend this five and a half million dollars for that purpose. In my belief, it will result in an annual saving of more than its entire cost. I may be mistaken in that——

Mr. FRYE. I desire to ask the Senator a question.

The PRESIDENT *pro tempore*. Does the Senator from Iowa yield to the Senator from Maine?

Mr. ALLISON. Certainly.

Mr. FRYE. I wish to ask the Senator from Iowa, in view of the fact that low-priced freights are compelling a very great increase in the carrying capacity of vessels, so that even to-day they are building schooners of 1,500 tons burden, and all vessels for transportation are increasing year by year in size on account of the low-priced freights, whether he believes it is prudent or economical for the United States now to enter upon the building of a canal which will cost $5,000,000, with a width of 80 feet, a depth of 7 feet, and a capacity to float only a vessel of 280 tons?

Mr. ALLISON. I will answer that question, and I will say most unquestionably so. It is not expected that the Mississippi River craft and the craft that come into these canals will go along the lakes and meander through to the seaboard. It is expected that there will be a breaking of bulk at Chicago. The Senator has given me an argument why this canal ought to be built in the fact that when we get to Chicago there will be cheap water communication, cheapening every year and almost every month in the year. What we want is to amplify and enlarge that cheapening in order that we may also get our products to Chicago cheaper than we can do now by rail.

Does anybody believe that the Government of the United States would consent to the closing of the Erie Canal? I saw a statement only a day or two ago that the tonnage of that canal is much larger this year than last. That canal is a regulator. It fixes the rate of freight on the Chesapeake and Ohio Railway, 500 miles away from it. It fixes the rate on the Baltimore and Ohio Railway. So if we can have this canal which we propose, connecting the Mississippi River with the lakes, it will be a regulator of all the railways running between the Mississippi River and the lakes for a range of four or five hundred miles. Is it not worth five and a half million dollars to do that? Who believes that the Welland Canal will ever be closed? Who doubts that the Welland Canal is a boon to the producers and consumers of the United States as it is a boon to the Dominion of Canada, which has built it with its own money and which keeps it in repair?

Senators must remember that if we are to prosper in our interior commerce we must do as the older nations have done and are doing. We must expand and extend our water ways in order to utilize them as a common system.

Why is it that we do not charge tolls upon our rivers and harbors? It is because in the nature of things these rivers and harbors must be open to all the commerce that traverses them; and if we can open the canals in the same way, they become a part of the great system of water communication between different portions of our country.

It is only a question, and I agree it is a fair question, for Senators to decide whether at this moment of time we are able as a government to embark in a national work, to be completed perhaps within five or ten years, which, when completed, will be worth more annually than its entire cost.

I am not to be led astray by the suggestions of the Senator from Connecticut [Mr. PLATT] when he proposes that the Government shall enter upon the experiment of building a governmental railway. I am willing that that experiment shall be tried in Connecticut, but I do not want to begin that method of connecting the great system of the Northwestern lakes with that other great system of water communication, the Mississippi River and its tributaries.

Mr. President, believing as I believe that this is not a local work com-

mon to the people of my own State and the State of Illinois, but that it is a work national and general in its character, diffusing its benefits throughout every portion of our country, I intend at every opportunity to give my vote to this measure, believing that it ought to be entered upon at once if we are to expend money at all for the improvement of the water ways of this country.

I have said much more than I intended to say upon this question when I rose. I only wanted to get information.

Mr. GEORGE. I wish to ask the Senator a question before he takes his seat. He alluded some moments ago in his speech to the fact that European nations—England, Germany, and France—were making new canals. I desire to ask him whether the canals which are now being constructed in Europe are constructed on the plan of being run by horses or mules on tow-paths, or whether they are so large that the boats are to be navigated by steam?

Mr. ALLISON. In every way. I have seen them operated by steam and I have seen them operated with mules on tow-paths.

Mr. GEORGE. But I speak of the new ones that are being constructed. That is the point to which I desire to call the Senator's attention. Are they making the old-fashioned tow-path canals or not?

Mr. ALLISON. They are enlarging them. Every canal is being enlarged now. Take the Delaware and Hudson canal. That is a short canal, coming into the Hudson River at Rondout. When that canal was first built it was built purely for the purpose of transporting coal, and the canal-boats only transported 40 tons. It has been enlarged certainly twice, until now, I believe, those canal-boats transport 300 tons, and they do it by steam.

I have not looked at the figures, but there is no difficulty in these canals. Of course wherever there is water and opportunity and money the canals will be built so as to be operated by steam; and I could hope that this canal would be so built. It certainly will be so built some time. Does the Senator from Mississippi doubt that the great Northwestern lakes and the Illinois River and Mississippi River will be connected by a national canal in the near future? We may not see our way clear to do it, but we shall see it very soon, especially when we appropriate money year by year for little, short rivers, and little improvements local to a State.

Mr. GEORGE. I do not know that I understand the Senator. I desire to ask him whether in Europe or anywhere else canals are now being constructed, or have been constructed in the last dozen years, which are to be operated by horse power instead of by steam?

Mr. ALLISON. I can not answer that question. I doubt whether any——

Mr. CHACE. May I answer it?

Mr. ALLISON. Certainly.

Mr. CHACE. I can say to the Senator from Mississippi that at this moment the Government of Russia is constructing a canal to connect the Caspian and Black Seas for the purpose of transporting the grain produced in Southeastern Russia, and that their plan is to make it deep enough and wide enough to take in barges, which will go through the Mediterranean, to be delivered along in the Mediterranean ports, and at the same time to provide different boats for hauling by animal power.

Mr. ALLISON. I thank the Senator for answering the question.

Mr. CHACE. That is a very pregnant fact in connection with this discussion, for that very grain is to come in competition with the grain which will be transported from the granaries of the West through the great water system of the Mississippi River and its tributaries and the lakes to tide water on the Atlantic.

Mr. ALLISON. Upon the subject as to what nations do for their own people, I wish to say that Great Britain has within the last twenty years guaranteed nearly $100,000,000 for the extension and expansion of government works in India, in order to enable India to compete with the constituents of the Senator from Mississippi in the raising of cotton and in order to enable them to compete with my constituents in the raising of wheat. More than £20,000,000, or $100,000,000, have been put into what are known as productive water-works in India for the double purpose of navigation and irrigation. In many cases the chief object is navigation, using lateral canals of a smaller character and the streams for purposes of irrigation. So Great Britain has guaranteed millions upon millions of pounds for the extension and expansion of her railway system, connecting the different portions of the wheat and cotton growing regions of India, in order that she might compete with the prairies of Iowa and the cotton region of Mississippi and the other Southern States.

Shall we lie by with our hands tied and gyves upon our wrists and proclaim that here are two or three million dollars to be expended out of the hundred million of surplus in the Treasury for the beginning of an improvement which is to connect the great water systems of our country North and South, and that we will not do it simply because it costs a few million dollars? No, Mr. President; if we are able to do it I believe that it is wise to do it.

Therefore I shall vote for this amendment, believing it to be one of the wisest and best provisions in the bill.

Mr. HAWLEY. The Senator from Iowa has said several times incidentally that this canal would cost but two or three million dollars.

Mr. ALLISON. I speak of the Illinois and Michigan Canal enlargement.

Mr. HAWLEY. That is only a small piece of it. We speak of the whole enterprise. The Illinois and Michigan Canal part is about $2,300,000.

Mr. ALLISON. But I was endeavoring to show that whatever became of the Hennepin Canal, we ought to accept the action of the Legislature of the State of Illinois and enlarge the Illinois and Michigan Canal so as to make a connection by means of the Illinois River and that canal with the great system of Northwestern lakes, and thus realize the dream of La Salle, who traversed it two hundred years ago.

Mr. HAWLEY. The Senator, then, would have us at least to take the canal from Chicago down to Hennepin and enlarge it at a cost of, say, two million and a quarter dollars.

Mr. ALLISON. I would.

Mr. HAWLEY. You would enlarge it to a draught of 7 feet. What is the condition of the Illinois River below Hennepin down to the Mississippi? What is the draught?

Mr. ALLISON. It certainly has a draught of 7 feet, I presume. Toward the mouth it is much more.

Mr. CULLOM. I can answer the Senator. There is the creation of a system of locks on the Illinois River. The State of Illinois mainly has built two locks already. It is proposed that the Government of the United States shall build two more near the mouth of the Illinois River. When the four locks are completed there will be a depth of 7 feet in the Illinois River, and that is all we can get without largely overflowing the country around it.

So in order to get such a system as is necessary to connect the Mississippi River and the lakes, it is the judgment of most men who have given the subject any consideration that while the locks on the Illinois River should be completed so as to give that much of a depth of water for commerce, it is also necessary that the Hennepin Canal shall be constructed so as to connect with the Mississippi River higher up, and give a greater depth of water on that canal.

Mr. HAWLEY. So the larger portion of the proposed expenditure is not for merely a connection between Lake Michigan and the Mississippi River, which you have now, but it is for a shorter connection.

Mr. CULLOM. We have already a system of connection between Chicago and the mouth of the Illinois River; but it is not the sort of a connection that is of sufficient value to the commerce of the country. The mouth of the Illinois is about 275 miles south of Rock Island, so that any benefit which the Northwest and the West would get for all the regions in the latitude of Rock Island, if you please, the western terminus of the Hennepin Canal, would be of no practical value to the people north of that, because to go down the Mississippi River and then up the Illinois River to Chicago would be a greater distance than would be profitable to carry the products of the country.

So whatever the Government may be able to do in the way of the improvement of the Illinois River, and thereby connecting it with the enlargement of the Illinois and Michigan Canal, the commerce of the country demands also that the cut-off between Hennepin and Rock Island or the Mississippi River in that region shall be made so as to benefit the people west and northwest of the Mississippi River at that point.

Mr. HAWLEY. I did not expect to invite the Senator to a general argument. I should like to know what the present condition of the Illinois River is in the absence of these two or three locks. What draught can be taken up there?

Mr. CULLOM. There can be very little commerce done on the Illinois River in its present condition. The two locks which have been built are a short distance below the city of Peoria. In other words, the north end of the river has been improved, while the south portion of the river, near the mouth of it, has not yet been improved. The Government is now expending a small sum of money on the two lower locks, but it is only proposed in this bill to appropriate $100,000 for those improvements, so that it will be some time before that river can even be improved sufficiently to give a depth of water of 7 feet. But even when those locks are completed that is all the benefit that can be given.

Mr. CHACE. I think the Government has already appropriated something over half a million dollars.

Mr. CULLOM. The State of Illinois has expended a great deal more on its own account.

Mr. LOGAN. Illinois itself expended about $400,000.

Mr. MILLER. Mr. President, I hope not to detain the Senate very long with any remarks of my own on this question, as I have discussed it once before; but as the general subject of canals has been brought into the debate and their utility has been questioned, I feel called upon to say something in regard to the value of canals at the present time, not only in the amount of the freight they carry, but in the control which they exercise over all the great trunk lines of railroad in our country.

The Senator from Connecticut [Mr. PLATT] and the Senator from Missouri [Mr. VEST] told the Senate the other day that canals were obsolete, and they advised Congress that if it should attempt to do anything in this matter it should build a railroad instead of a canal on this proposed route. The Senator from Connecticut brought in here figures to

show that the cost of transportation upon the Erie Canal was forty-nine one-hundredths of a cent per ton per mile, and that the lines of railroad competing with the canal and in some places upon its banks had been carrying freight for fifty-five one-hundredths of a cent per ton per mile. I think I am correct in my quotation.

Mr. PLATT. I said less than 4 mills per ton per mile, and I thought as low as 3 mills per ton per mile.

Mr. MILLER. By the railroads?

Mr. PLATT. Yes, sir; from Chicago to New York.

Mr. MILLER. I do not know anything about those figures.

Mr. CULLOM. If the Senator from New York will yield to me I will read a paragraph which may be of importance to him.

Mr. MILLER. Certainly.

Mr. CULLOM. I read from the report of the Interstate Commerce Committee, page 172:

It appears from the report of the State engineer of New York (January 20, 1885) that during 1884 the average rate of freight on the New York Central, the Erie, and the West Shore Railroads was .740 of a cent per ton per mile, against .845 of a cent per ton in 1883, while the average rate of canal freight was .270 of a cent per ton per mile, against .340 of a cent per ton in 1883. The figures given show that the business of the canals shared in the depression common to all industrial movements and enterprises during 1884.

Mr. MILLER. I am very much obliged to the Senator for reading that. I had it before me, and intended to call the attention of the Senate to those figures.

Mr. PLATT. I made my statement on the testimony of Mr. Fink upon the rate for grain from Chicago to New York. These statements are the average cost of freight, or the rate including all freights. I took the rates which had been made upon grain, and I took Mr. Fink's statement of 10 cents per hundred from Chicago to New York. As I figure it out it is less than 3 mills per ton per mile.

Mr. MILLER. I shall not go into those figures. I have enough here to show the importance of canals.

In the first place, I hold in my hand a telegram signed William J. Pope, Chicago Board of Trade, which says:

The present rate of freight from Chicago to New York by lake and canal is 6 cents per bushel, while the lowest rail rate at the present time is 15 cents per bushel.

This shows that the rate by rail is 50 per cent. greater than by lake and canal.

I also have here a statement prepared by Mr. Fink, showing the rate by all rail and by lake and canal, running back to 1868 and coming down to 1884. It shows that in 1868 the rate by lake and canal was 24.54 cents per bushel. This was before the great improvement had been made in the Detroit River allowing large vessels to pass through it, and before the tolls had been materially reduced upon the Erie Canal. In that same year the rate by rail was 42.06 cents per bushel. So coming along down to 1884, gradually reducing, the rate by lake and canal in 1884 was 6.60 cents per bushel; and in that year of great competition, of great depression, the lowest rate reached by rail was 13 cents per bushel, which, according to Mr. Fink, amounts to 20 cents per 100 pounds from Chicago to New York, which is equal to over 12 cents per bushel of wheat, and "is less than the average cost upon any of the railroads engaged in this traffic, even on the cheapest operated road."

Mr. PALMER. Will the Senator from New York permit me to interrupt him?

Mr. MILLER. Certainly.

Mr. PALMER. The Senator from New York stated that that was the minimum rate. If he will look at the table he will see that it is the average rate.

Mr. MILLER. I stand corrected. It is the average rate.

Mr. VEST. Will the Senator from New York permit me to ask him a question?

Mr. MILLER. Certainly.

Mr. VEST. Can the Senator state the relative quantities of grain carried during the winter months by water routes and by rail?

Mr. MILLER. During the winter months?

Mr. VEST. During the year, say from Chicago to New York, how much was carried by rail and how much by water?

Mr. MILLER. I shall come to that in a few minutes. I may not be able to give the figures for the entire year, but I shall be able to give the amount carried by canal and by railroad. The statement which was read a moment ago by the Senator from Illinois shows that in 1884 the average cost upon the Erie Canal for moving a ton of freight a mile was twenty-seven hundredths of a cent.

INFLUENCE OF THE ERIE CANAL.

Since that it has been reduced at times. I am not able to give the exact figures, but it has been done at a little less than twenty-five hundredths of a cent per mile, or in round numbers, a quarter of a cent per ton per mile. There is no railroad yet constructed which has ever approached such a low cost of transportation. The figures given here for the New York Central, the Erie, and the West Shore Railroads for average charges are the charges which they made when there was a hot competition between the West Shore and the New York Central; and it will be remembered that that contest continued until the West Shore, no longer able to meet its ordinary operating expenses, to say nothing of its fixed charges, surrendered, and was leased by the New York Central Railroad for four hundred and ninety-nine years.

No railroad has ever been constructed and operated of any size of which I have any knowledge which has yet been able to carry its freight at an average of half a cent per ton per mile. Wherever it has been done, as in the low competing rates between Chicago and New York, rates compelled by the competition of the lakes and the canal, freight has been carried at an enormous loss, and those railroads have recouped themselves upon the local traffic of the roads, as the Senator from Connecticut well knows, for he was a member of the Committee on Interstate Commerce which made the investigation a year ago.

Mr. President, I have just read you a dispatch showing that the present rate of freight from Chicago to New York by all water is 6 cents a bushel, and the present rate of freight from Chicago to New York by all rail is 15 cents a bushel. The railroads are utterly unable to meet the competition of the lakes and the canal; and they can not and do not now attempt to go below the figure I have named. Of course the business which is done by the railroads in the transportation of grain to-day is limited to the local demand along the roads, or to the demand of New England, which receives its grain largely over the New York Central, taking it east from Albany, or to those shipments of grain which are made in which the necessity of ready movement comes in as one of the chief elements in the business transaction.

I have stated that the Erie Canal is able to transport through its entire length successfully, and has done it, freight at the extreme low rate of one quarter of a cent per ton per mile, and what the Erie Canal is doing for the great commerce of the lakes, in my judgment, the Hennepin Canal, if constructed, will do for the great commerce of the Mississippi Valley and for the great Northwest, which in a few years must be our chief reliance for our supply of wheat.

GOVERNOR SEYMOUR AND THE UTICA CONVENTION.

A year ago next month a convention was called at Utica, in the State of New York, to consider the question of further improving the Erie Canal by doubling the length of its locks so that two boats could pass at once, and also by bottoming out the canal 1 foot and by raising the banks 1 foot, thereby giving 2 feet more of water. Governor Seymour attended that convention, and I believe it was the last public act, if I may say so, of his life. All who knew him know that he had given great attention to the subject of the Erie Canal and to the improvement of the lakes, and in fact to all of our great internal improvements. His remarks upon that occasion, when he was called upon to preside, I find only partially reported in the New York Tribune. They were fully printed at the time in pamphlet form, but I regret that I am not now able to put my hand upon the pamphlet. I will read a few extracts from his remarks upon this question. He spoke of the great benefit which had come to the trade of the country; first, by the reduction of the tolls upon the Erie Canal. It will be remembered by all who have given the subject consideration that originally the tolls upon the Erie Canal were very high, and that they were gradually reduced, year by year, or decade by decade, until a few years ago they were entirely removed. Speaking of the period when they were high, he said:

The balance of trade against our country, before the reduction of the tolls, was—

For a period of years—the number of years is not given here—I think the period was about ten years—

It was $800,000,000. After the canals had reduced their tolls in the next eight years the balance of trade in favor of our country was $1,300,000,000.

Undoubtedly Governor Seymour was correct in arguing that that change of the balance of trade from $800,000,000 against us to $1,300,000,000 in our favor was brought about by the Erie Canal and by the cheapening of the rate of the transportation of grain from Chicago to New York city. It was doubtless not all due to the reduction of tolls upon the Erie Canal, but some of it was due to the causes of which the Senator from Michigan [Mr. PALMER] spoke the other day, when he told the Senate that the improvement of the Detroit River by which the largest ships were enabled to navigate the lakes had saved to the country in the transportation of the products directly affected by it at least $100,000,000 per annum. Undoubtedly some of this saving over this line of transportation must be attributed to that cause as well as to the Erie Canal. But I fully agree with Governor Seymour in the statement that if those improvements had not been made, and if the tolls upon the Erie Canal had not been lowered, the balance of trade would not have changed in our favor; for we should not have been able to compete in the markets of Europe with the native-grown grain and with the importations from Russia. Speaking of the proposed improvement which was submitted to this canal convention a year ago, he said:

I believe there is a brighter outlook for the canals in the immediate future, that will enable them to carry larger cargoes and do business on more advantageous terms. To-day you are here to declare with one voice that our canals must and shall be sustained. Men who seek to impair their usefulness or to destroy them must encounter determined and earnest men who will sustain the canals and thus do their duty to their country. Never in the history of the country was any act so beneficial as that which struck off the tax on commerce. Some nations in Europe taxed it and won our dislike; but what was that to our imposing a tariff on our own products.

So he went on to argue, as did the whole convention, for a further enlargement of the Erie Canal both as to the depth of water and as to

the length of locks. An estimate was made at the convention by men familiar with the canals as to the result of the improvements, if they should be made, which were then recommended; that is, the doubling of the locks so that two boats may pass together; for upon the Erie Canal we have a system of one canal-boat propelled by steam carrying with it a consort, thus dispensing entirely with the old-fashioned system of towing by horses. This system has become very popular and is very largely employed. But these two boats have to be coupled closely and solidly together, and when they come to the locks of course they have to be separated, for the present locks are simply long enough to take in one boat.

APPROPRIATIONS BY NEW YORK LEGISLATURE.

The Legislature two years ago appropriated, I think, $30,000 to make the experiment of lengthening one of these locks by a new system which had been invented. The experiment was made, and last year it was used during the whole season of canal navigation. It was found to work with perfect success, and the late Legislature of the State of New York has appropriated $200,000 to go on and lengthen a large number of locks. It is estimated that it will cost something more than a million dollars to lengthen them all, but undoubtedly the State of New York will do it.

The other proposition is to deepen the canal by digging it a foot deeper and to raise the bank by putting dirt upon it a foot higher. It is not expected that this will increase the depth of water 2 feet throughout the entire length of the canal, because where the canal passes over culverts or aqueducts, over streams, it can not be done; and the tonnage of the boats will not be very much greater than now by this system; but it will give more water under the boat, and, as every man familiar with the running of water craft knows, boats will run much more easily and with much less power if there is a sufficient depth of water under the boat than they will if the boat runs very close to the bottom of the canal.

ENLARGEMENT OF THE ERIE CANAL.

The estimates made I say at that time by canal men who were competent to judge were to the effect that if this improvement was made by doubling the length of the locks and deepening the water as proposed, the cost of transportation over the Erie Canal would be reduced somewhere from 25 to 50 per cent. The majority of the people present, I think all the boatmen, held to the opinion that it would reduce the cost nearly if not quite 50 per cent. The charge was then one-quarter of a cent per ton per mile. When this improvement shall have been completed the actual cost of transporting freight over the Erie Canal will be somewhere from twelve one-hundredths to fifteen one-hundredths of a cent per ton per mile.

Is there any Senator here, is there any man anywhere, who believes that it will ever be possible for any railroad to approach anywhere near those figures? I do not believe the time will ever come when any railroad will be able to carry freight profitably, making a fair dividend upon its actual cost, for less than half a cent per ton per mile. The Erie Canal, when improved and enlarged as it is proposed to do, will in my judgment carry freight for one-quarter of that figure. When you take that low cost, and apply it to the transportation of all the products of the great West and of the Mississippi Valley, you will have a sum which year by year will amount to more than all that has ever yet been appropriated for the improvements of rivers and harbors in this country since the first river and harbor act was passed.

Talk about canals being antiquated! Talk about building a railroad to take the place of that kind of transportation! It is chimerical; it is absurd. If we were to build a railroad in place of the Hennepin Canal, what would it do? Does the Senator suppose that it would reach or control the commerce of the great Northwest? Not at all. How shall it be done? When the Hennepin Canal is constructed it makes a free water way from the great lakes to the Mississippi. That means a great deal. The Mississippi Valley is a great empire in itself. Soon the center of the population of this country will be near the shores of the Mississippi River.

We have now a free water way running from the Atlantic up the Hudson through the Erie Canal and through the great lakes 1,500 miles in extent. Shall we stop there when the construction of a new work of 65 miles will bring the great Father of Waters into close contact with the great lakes? Mr. President, there is not a possible interest in this country which would not be benefited by that great work.

In justification of the statement I have made that the improvement of the Erie Canal as now proposed would reduce the cost of transportation through to from twelve one-hundredths to fifteen one-hundredths of a cent per ton per mile let me read from a report which was made by the State engineer of the State of New York, assisted by Charles B. Stuart, who was appointed by the President of the United States to make a survey of the Erie Canal in connection with an offer which was made by the State of New York some years ago asking the Federal Government to make the improvement. Without going into their lengthy report I simply quote this language:

By the enlargement of the Erie Canal, as authorized by the Legislature of the State of New York in 1837, so as to be navigable for boats of 240 tons, instead of 80 tons as then in use, it was proven that the cost of transportation by means of this enlarged canal was reduced 50 per cent.

And they find further that—

By the deepening of this enlarged trunk of the Erie Canal as now existing, and by the lengthening of the locks, a saving of nearly the same amount may be obtained.

In the judgment of the engineer of the State of New York, assisted by Engineer Charles B. Stuart, appointed by the President, if this improvement was made the cost would be reduced again about 50 per cent.

TRAFFIC ON ERIE CANAL.

The Erie Canal has shown no considerable diminution of its traffic. It remains substantially as it has been for the past ten years. The Erie Canal is transporting now year by year, and has been for the past ten years, between 5,000,000 and 6,000,000 tons of freight during the six or seven months of the year in which it is navigated. But let us see what it does during those six months. From the 1st day of January, 1883, to the 31st of December, 1883, there arrived in New York 124,336,237 bushels of grain, of which the New York Central and Hudson River Railroad brought 32,125,615 bushels; the New York, Lake Erie and Western Railroad, 28,765,288 bushels; the Pennsylvania Railroad, 13,060,494 bushels; the Delaware, Lackawanna and Western Railroad, 4,581,770 bushels; various other routes, 856,924 bushels; by river and coast of Western-grown grain, 3,725,238 bushels; by the canal, 41,220,908 bushels.

Mr. MITCHELL, of Oregon. Was that of grain alone?

Mr. MILLER. Of grain alone. Forty-one million two hundred and twenty thousand nine hundred and eight bushels of grain were brought by the canal to New York in the year 1883. Taking the whole amount and reducing it to percentages, we find that the New York Central Railroad carried, running for twelve months in the year, 25.84 per cent. of the grain coming to New York city; the Erie Railway 23.13; the Pennsylvania 10.50; the Delaware, Lackawanna and Western 3.69 per cent.; and the Erie Canal in seven months carried 33.15 per cent. more than any of the great trunk lines of railroad which run the year throughout.

Then if you go into other descriptions of freight, such as lumber, coal, and iron ore, you find that about the same proportions hold. We see in these figures what is the great controlling power of the Erie Canal over all the railroad freights of the country.

HENNEPIN CANAL IS TO BE THE ERIE CANAL OF THE NORTHWEST.

Why will not the Hennepin Canal do the same thing for the Mississippi Valley and the great Northwest? Canals are not obsolete. Railroads have not and can not take their places. Why shall it be said that the Hennepin Canal if builded will be of no benefit to the Mississippi Valley and of no benefit to the great lakes and to the Atlantic seaboard? The Hennepin Canal as now projected is to float boats of 40 tons burden greater than the Erie Canal. The limit upon the Erie Canal is 240 tons. I think the average does not exceed 200 tons of freight.

Why shall it be said, then, that the Hennepin Canal is too small, that it is worthless to build a canal there unless you build a ship-canal? The Senator from Connecticut told the Senate that it would be entirely useless; that all the freight collected upon the Mississippi River would of necessity break bulk at the entrance of the canal into the Mississippi River and again break bulk at Chicago.

But this will not be necessary so far as breaking bulk at the entrance of the canal into the Mississippi River is concerned. Upon the Mississippi River running up into the Northwest territory undoubtedly there will be constructed a class of canal barges carrying 280 tons which will go up and down the Mississippi River, towed by great and powerful steamboats, as we now tow the Erie Canal boats up and down the Hudson River. If you will travel upon that river you will see at any time great tows of canal-boats, fifty and one hundred sometimes in a single tow, all loaded, being carried up from New York to the canal by a powerful steamer.

The same thing will take place upon the Mississippi River. Boats will be constructed to carry grain of 280 tons burden, and they will collect the grain and the produce of the great Northwest upon the Mississippi and all its branches, and it will come down and up that river in these tows and be delivered to the canal and carried by the canal to Chicago, where undoubtedly bulk will be broken, the grain being transferred to the elevators and from the elevators to the great ships of the lakes carrying 2,500 tons burden.

I have no doubt whatever that the Hennepin Canal, if constructed, will do for the great Northwest precisely what the Erie Canal has done and is doing to-day for all the produce of the West; that is, it is carrying it to-day, or enabling it to be carried, from Chicago to New York, as I have shown by the dispatch just read here, for one-third what it is carried by railroad.

But the price mentioned here of 15 cents a bushel from Chicago to New York you must bear in mind is made to-day when the lakes and canal are open. When the lakes and canal are frozen then that rate is doubled at once. If there was no Erie Canal to-day, and if the improvements had not been made upon the Detroit River, I do not hesitate to say, and I defy successful contradiction, that we could not sell a barrel of flour or a bushel of grain of any kind in any of the markets of the world outside of our own shores. The price of wheat and flour in Liverpool to-day shows that conclusively; and if the produce of the

Great West had not this canal it could not avail itself of any foreign market whatever.

Still, forsooth, the Senator from Kansas tells us that the cheapening of the rates of transportation is no benefit to the producer of the grain. I shall not stop to answer any such argument or statement as that. But let me come down to some estimates as to what the Hennepin Canal will do for the produce of the Mississippi Valley and the great Northwest. It is estimated in Executive Document No. 38 of the last Congress, transmitted by the President of the United States, that—

The actual charge per bushel from Saint Paul to Chicago, via the Mississippi River and the Hennepin Canal, would then be as follows:

	Cents.
Saint Paul to western terminus of Hennepin Canal	3
Mississippi River to Chicago, via Hennepin and Illinois and Michigan Canals	2.9 or 3
Total from Saint Paul to Chicago	6

Supposing it to be completed upon the present plans.

Thus there would be effected a saving of 6 cents per bushel on wheat from the Upper Mississippi River districts to Chicago, and so on the vast aggregate of that cereal now compelled to seek entrance upon the water-route of the lakes only through transportation by railroad.

Now, let us see what are some of the charges in the West for transportation of grain to Chicago, where it receives the benefit of lake competition. Let us see where the argument of the Senator from Connecticut stands in regard to the cost of transportation by railroads as compared with canals. I read:

Actual results are shown already, it may be further urged, as due to the direct competition of canal and railroad, in the case of Illinois and Michigan Canal and the railroads by which it is paralleled. The railroad commissioners of Illinois established the freight charge on wheat by rail last season—

There the commissioners, I believe, have the power of fixing rates if they see fit to do so.

Mr. CULLOM. The rates they fix are *prima facie* evidence of being reasonable, and can only be overturned by the decisions of the court.

Mr. MILLER. Further—

The railroad commissioners of Illinois established the freight charge on wheat by rail last season at 11 cents per 100 pounds, or 6.6 cents per bushel, for 100 miles, the distance from La Salle to Chicago; for 130 miles, the distance from Henry, on the Illinois River, to Chicago, 12 cents per 100 pounds, or 7.2 cents per bushel; for 182 miles, the distance from Rock Island to Chicago, 13.4 cents per 100 pounds, or 8.2 cents per bushel.

That is, the rate from the point where the Hennepin Canal is to enter the Mississippi River, as fixed by these commissioners, is 13.4 cents per 100 pounds, or 8.2 cents per bushel. There the Senator from Connecticut has a railroad commission with absolute power to fix railroad rates, desiring of course to benefit the people so far as it can and be just to the railroad, and it fixes a rate at 8.2 cents per bushel for transporting wheat from Rock Island to Chicago, a distance by rail of 182 miles. To-day the rate from Chicago to New York by water, which is at least 1,200 miles the way the boat runs, is 6 cents per bushel. It costs 25 per cent. less to carry wheat from Chicago to New York by lake and canal than it costs to transport it from Rock Island, 180 miles away from Chicago, just across the State, to Chicago.

It is presumed that the railroad commissioners have done their duty and that they know something about the duties of the office which they discharge. If they have permitted this great charge to be made, which is exorbitant and far beyond the cost of the transportation, if the Senator from Connecticut is anywhere near right in his estimate, then I submit that the people of Illinois ought to be up and stirring. They ought to see to it why the men put in charge of their railroads and having a despotic power to fix the rates of freight have given this rate of 8.2 cents per bushel from Rock Island to Chicago.

IMPORTANCE OF CANALS.

Mr. President, there was never a time in the history of transportation from the day the Erie Canal was first conceived down to the present moment when the principal canals of the country were doing so much good to all the people as they are doing to-day. This fact can not be gainsaid, it can not be turned aside. The estimate in this report is that if the Hennepin Canal is builded every bushel of grain grown west of the Mississippi River, and therefore tributary to this canal and controlled by it, will be reduced in its cost of transportation from that country to Chicago, where it meets the lakes, 6 cents a bushel. That saving will pay all the river and harbor bills which will pass any Congress for the next ten years in its saving made in one year.

I regret with the Senator from Connecticut that this measure could not have come in by itself and have received the consideration it deserved and have received a beginning appropriation of at least $2,000,000. This work ought to be constructed in three years. It can be shown, and I think I have shown it, that the construction of it will save every year from the moment it is ready to receive freights more than its entire cost, vastly more than that, to the grain producers and the grain consumers of this country.

Mr. HEARST. Will the Senator from New York allow me to ask a question?

Mr. MILLER. Certainly.

Mr. HEARST. Has the Senator an estimate of the difference in the actual cost of railroad traffic and canal transportation?

Mr. MILLER. The Senator perhaps was not in when some time ago I gave that estimate. I will repeat it so that the Senator may understand it. The engineer of the State of New York reported January 20, 1885, that the average rate of freight upon the New York Central, the Erie, and the West Shore Railroads had been for the year previous, when they were in competition, seven hundred and forty thousandths of a cent per ton per mile. For the same year the charges on the Erie Canal had been twenty-seven hundredths of a cent per ton per mile, which the Senator will see is only a little more than one-third of what it was upon the railroads. Since then the charges by rail have been somewhat reduced and the charges by canal still further reduced.

Mr. HEARST. I knew the Senator from New York had great experience in that sort of thing, and hence I wanted to ask him the question.

Mr. MILLER. I am much obliged to the Senator for calling out the figures again.

Mr. President, the question has been raised here inferentially as to the propriety of these river and harbor bills, and as to the constitutionality of Congress buying small canals like the Sturgeon Bay Canal, of which we heard the other day, and the Keweenaw Point Canal also; and now the question is raised again regarding this canal, and we find a rumor floating about the Senate Chamber—you will meet it in the corridors and in the cloak-rooms—that this bill is to be vetoed; that so many of these things have been put into it and are being put into it that the President is sure to veto it. Sir, I do not care to speculate upon the probabilities of an Executive veto of this bill. We have had them before, and we know the results. There was a veto of a river and harbor bill many years ago by President Polk, and Mr. Webster at a public dinner given to him in Philadelphia in 1846 had something to say about that veto and about the power of Congress to pass these measures and to build these canals; and although it may weary the Senate, I will venture at this time to read a few extracts from that remarkable speech.

Mr. SAULSBURY. Will the Senator inform us how much was the amount appropriated in the bill vetoed by Mr. Polk?

Mr. MILLER. I think the amount was only some two or three million dollars. It was a very small amount, and it was a very small veto, and met with a very small amount of support in the country; but I submit that it has nothing to do with the question whether the amount was 25 cents or $25,000,000. The amount then was much more in proportion to the population of the country and to the vast commercial interests of this country than the amount contained in this bill to-day, in my judgment.

DANIEL WEBSTER AN EARNEST ADVOCATE OF RIVER AND HARBOR BILLS.

But let us see what Mr. Webster had to say upon the general subject of the improvement of our rivers and harbors. After speaking of the veto and of his great surprise at it, Mr. Webster said:

Well, now, what is to be done? We can not shut our eyes to what is around us. Here we are. This vast country, with the ocean on the east, and the Gulf on the south, and the great lakes on the north and the west, and these great rivers penetrating it through hundreds and thousands of miles—what are we to do? Is it not, of all countries in the world, that for which nature has done mighty things, and yet calls most loudly for man to do his part? Providence has given us a country capable of improvement. It is not perfected; we are called to do something for ourselves; to wake up, in this day of improvement, and do the deeds that belong to improvement; to facilitate internal intercourse; to furnish harbors for the protection of life and property; to remove obstructions from the rivers; to do everything, all and singular, which a large and liberal policy will suggest to an intelligent people, with abundance of means, for the advancement of the national prosperity.

We live in an age, gentlemen, when we are not to shut our eyes to the great examples set us all over the European continent. I do not speak of England, where private enterprise and wealth have gone so far ahead. But look to Russia, to Prussia, to Austria, to Saxony, to Sardinia; everywhere we see a spirit of improvement, active, stimulated, and persevering. We behold mountains penetrated by railroads, safe harbors constructed, everything done by government for the people which in the nature of the case the people can not do for themselves.

Let us contemplate for a moment the Mississippi. This noble and extraordinary stream, with seven or eight millions of people on its banks and on the waters falling into it, absolutely calls for the clearing out rivers and for the removal of snags and other obstacles to safe navigation. Who is to do this? Will any one of the States do it? Can all of the States do it? Is it the appropriate duty of any one State or any number of States? We know it is not. We know that unless this Government be placed in the hands of men who feel that it is their constitutional duty to make these improvements they never will be made and the waters of the Mississippi will roll over snags, and snags, and snags, for a century to come. These improvements must come from the Government of the United States, or in the nature of things they can not come at all; and I say that every steamboat that is lost by one of these snags, every life that is sacrificed, goes to make up a great account against this Government. Why, what a world is there! What rivers and what cities on their banks—Cincinnati, Louisville, Saint Louis, Natchez, New Orleans, and others that spring up while we are talking of them, or, indeed, before we begin to speak of them; commercial marts, great places for the exchange of commodities along these rivers, which are, as it were, so many inland seas! And what! the General Government no authority over them—no power of improvement!

And so, Mr. President, he goes on arguing the question as to the constitutionality of making these improvements and the objection of the then President of the United States in regard to these improvements being local and being contained within the limits of a single State. He says:

The President says that some of the objects provided for by the bill are local and lie within the limits of a single State. Well, I dare say they do. It would be somewhat remarkable if a harbor were found lying in two or three States.

It would be rather a large harbor that would embrace parts even of Connecticut and Rhode Island, two of the smallest of the States.

And so he goes on with a full argument in regard to the constitutionality of the then bill and of the items contained in it; and in concluding upon this question he lays down this general doctrine:

Having thus alluded to the report of the committee of the Senate and not having time to discuss its propositions at any considerable length, I will now, by way of conclusion, give to you my views on all this question of the power of making harbors. It is my opinion—

That Congress has the power to make harbors on the rivers and on the lakes to the full extent to which it has ever proposed to exercise such power.

That whether these proposed harbors be judged useful for foreign commerce or only for commerce among the States themselves, the principle is the same, and the constitutional power is given in the same clause and in the same words.

That Congress has power to clear out obstructions from all rivers suited to the purposes of commerce, foreign or domestic, and to improve their navigation and utility by appropriations from the Treasury of the United States.

That whether a river divide two States or more than two, or run through two States or more than two, or is wholly confined to one State, is immaterial, provided its importance to commerce, foreign or domestic, be admitted.

I think it wholly immaterial whether a proposed improvement in a river, for commercial purposes, be above or below an actually existing port of entry.

If, instead of clearing out the rocks, and in that manner improving the channel of a river, it is found better to make a canal around falls which are in it, I have no doubt whatever of the power of Congress to construct such a canal. I think, for instance, that Congress has the power to purchase the Louisville Canal around the Falls of the Ohio, and that it ought to exercise that power now, if the work can be purchased for a reasonable price; and that the canal should then be free to all who have occasion to use it, reserving such tolls only as are sufficient to keep the works in repair.

Thus, sir, that distinguished Senator argued this great question.

Mr. HOAR. If the Senator will pardon me for making a statement in that connection, I will say that I had occasion once to examine Mr. Webster's speeches made in different parts of the country and in Congress on this subject, and I am satisfied that he made more speeches in number in advocacy of the views that the Senator has cited than upon any other one question, and that it was the proposition of political expediency and constitutional law which he felt most interest in of all those which he discussed during his public life, with the single exception of the doctrine of the supremacy of the National Government within its sphere.

Mr. MILLER. I am greatly obliged to the Senator from Massachusetts for this interruption, and if I had time I should have gone to the speech of the Senator from Massachusetts, which was made, I think, two years ago, in which he very fully covered this whole subject. I desired also this morning to quote from some speeches made by Mr. Webster at New York and Buffalo at public dinners, but on sending to the Congressional Library I was unable to get the volumes containing them, every volume of his works being out of the library except the one from which I have read. But I think I am not mistaken—if I am mistaken I trust the Senator from Massachusetts will correct me—if my memory serves me right, in one of those speeches made at some public reception Mr. Webster took the ground decidedly that the Federal Government had an undoubted power to build a canal anywhere, through a single State or through a number of States, if the interests of interstate commerce demanded it.

THE GROWTH OF THE CITY OF BUFFALO.

Speaking of Buffalo and of the building of the great harbor of Buffalo from which has grown one of the chief cities of the State of New York, he said when the first appropriation was made for that work there was no harbor there at all; no vessel could land or could lie there; the mouth of the little creek was exposed to all the gales of the lake, and that he, Mr. Webster, voted for the first appropriation to build the first breakwater there and that he had continued to vote for all those appropriations, as I think he did during his whole public career; and out of that beginning at Buffalo, which is now the terminus of the Erie Canal, we have one of the greatest grain ports in the world and one of the most flourishing cities in this Union. Without the hand of the Government in the construction of its harbor there never would have been any city there at all.

Mr. President, referring to the first portion of Mr. Webster's speech from which I have read, which dwells upon the importance of developing the great resources of the country which has been given to us by Providence, I desire at this time to remind the Senate that from the beginning of our session in December down to the present time we have been receiving petitions by the thousands and tens of thousands, signed chiefly by the laboring men of this country, asking for liberal appropriations for internal improvements. Is it not wise to listen to that voice? To-day, when several hundred thousand laboring men are out of employment, when industry is almost at a standstill, when strikes reach from one end of our land to the other, would it not be wise to go forward when we have an overflowing Treasury, which to-day under the present administration holds a surplus of $50,000,000 more than it did a year ago, to make, as these petitions have asked us to make, liberal appropriations for internal improvements?

RIVER AND HARBOR BILLS A BENEFIT TO THE LABORING MAN.

How can we better use the money? We are not to increase our Army. We are not, evidently, to materially increase our Navy this year. Evidently from the appropriation bills we are not to make large expenditures for coast defenses. What shall we do with the people's money now hoarded in the United States Treasury? The money put into circulation by being paid for labor (for 99 per cent. of it would go into labor, and material which is only labor, whether it be lumber or stone or cement, for whatever it may be it is all the direct product of labor) would benefit the country and the laboring men especially. The distribution of fifteen or twenty million dollars would put in motion large bodies of men, and they would be engaged on works which would return to the country a thousand-fold of profit.

These works are confessedly necessary. The work at Galveston Harbor, the work at the mouth of the Saint John's River, the work at Charleston Harbor, at Baltimore, at Philadelphia, at New York, and the work upon the great interior rivers and lakes are all necessary. Everybody admits it; everybody expects them to be completed. Why not, then, complete them promptly by liberal appropriations and in the least possible time? The money expended at Galveston, at Charleston, and at the Saint John's River brings no return; it brings no interest back to make it a business transaction until the work is substantially done. When they shall be able to bring steamers into Galveston Harbor drawing 30 feet of water the cost of transporting cotton from Texas to Liverpool will be reduced very largely. Now none of those steamers can get in. Why should we be ten, fifteen, or twenty years doing this work? Why should we be half a dozen years deepening the water at the mouth of New York Harbor? Why should we spend a decade in deepening the water over the bar of the Saint John's River when we have the money to do it at once?

Mr. President, some Senators, I know, are opposed to going abroad to learn anything or to take any lessons in government; but if you will go to the old monarchies of Europe you will find that they manage such appropriations much more wisely than we do. Little France—I say "little" even in comparison with the State of Texas—is expending now $20,000,000 per year upon her harbors and rivers. She has been following it up at a greater or less expenditure for a thousand years, but her expenditure is now $20,000,000 per annum, and it is not made for one year. The last appropriation made was $100,000,000, to be expended at the rate of $20,000,000 per annum; and thus when the engineers lay out any great work there they know that the entire sum necessary for its construction has been provided for by law; the contract for the entire work is let at one time, and the work is pushed on to conclusion.

Mr. President, if we could do that in this country, if we could make appropriations here for such works as the deepening of the water at the entrance of New York Harbor, at Galveston Harbor, at Charleston Harbor, at the Saint John's River, and at these various other important ports upon the Atlantic seaboard, and if we could say to the engineers, "If this work at New York is to cost $10,000,000 we will appropriate it at once and you shall expend the whole of it at the rate of $3,000,000 per annum," then the work could go on steadily and in three or four years it would be completed. But now, with the richest people upon the earth, having the greatest facilities for commerce and having the largest number of navigable rivers of any country in the world, having the great interior lakes and having a country that is not yet one-thousandth part developed, with our Treasury overflowing with money, we higgle and piggle here about doing the necessary works for the development of this country, and we are told that if we swell this bill beyond a certain point the Executive veto awaits it and that there will be no money at all.

Mr. President, I do not care to discuss that part of the question. I am here to do my duty as I see it, and every other public official I have no doubt will do his as he sees it.

But the benefit to come from this river and harbor bill is not alone in the amount of money which will be put in circulation and paid out to the laboring men; that is the smallest part of it; but wherever this work is carried on in the making of new harbors, in the deepening of the water over the bars of these harbors, in the clearing out of all these rivers and streams, you will put in operation private enterprises which will be a thousand times greater upon any valuation than the money expended. Some gentlemen came here a few days ago from Ohio at a point where a large system of railroads is now centering. They said, "You have put into this bill only $5,000 for our harbor. Our railroad will be completed in a few months, and we shall be prepared to ship from that port this year many hundreds of thousands of tons of coal, and we expect to receive from the upper lakes, from Lake Superior, several hundred thousand tons of iron ore which are to be carried to the furnaces of the State of Ohio. With $5,000 we can do nothing; but the engineers state that with $25,000 they can in a few weeks' time so deepen the water or dredge out the bar at the mouth of that harbor that the lake steamers and the lake barges may come in and do that immense commerce. If it is not done, if this great country refuses to give an appropriation of $25,000, and says to us, we will give you $5,000 a year for five years, private enterprises amounting per annum to more than $50,000,000 will stand still instead of starting." So you may go wherever you will over this country and you will find that in nearly every case if this money shall be expended and the work shall be completed it will put into operation private enterprises of vast magnitude. Mr. President, they can not be measured; they run up into the thousands of millions of dollars.

We have been here now for seven months legislating for the people

of this country. We have done nothing to lift the burden of the people; we have done nothing to give a new life to business; we have done nothing to give employment to labor. We are about to adjourn; we are going to pass the ordinary appropriation bills to pay the salaries of the Army officers and the Navy officers, the salaries of the clerks in the Departments and our own salaries; but what have we done as yet to improve the business of this country, to start afresh the wheels of commerce, to set the mills in motion which are now standing still, to bring plenty to the country—aye, to bring peace to the country, for if business once revives again then the labor troubles through which we have been wading for the past six months will have ended. When labor is employed at remunerative prices the country is safe, the country is quiet.

HONESTY OF THE MEASURE.

So, Mr. President, I wish the people of this country could come to fully understand this measure. To-day Congress ought to make an appropriation for rivers and harbors of not less than twenty-five to thirty million dollars. I expect that some one will shout "jobs" and "log rolling" and all the other pleasant terms which are poured out upon this body and the Committee on Commerce, but they have no effect whatever upon me. I assume, of course, that all the appropriations to be made are for worthy subjects, and in my judgment they nearly all are. There are some rivers in this bill which I should have been glad to see eliminated, but other Senators and Representatives coming from that section of the country, knowing the wants of that section of the country better than I do, knowing what the people need better than I do, assured the committee that they were important to the material prosperity of their own people and they demanded them, and I was bound as a representative here representing my State to accept the statements of honorable men as I expect them to accept mine upon questions of this kind. Undoubtedly the Representative or Senator from any particular State will have better information regarding the improvements in his own State than can any one else.

The fact that the appropriations for the States from which the members of this committee come have been increased in the Senate has been brought up here as an infamous charge against the committee. The Senator from Massachusetts [Mr. HOAR] showed that the population of those States was more than half that of the whole country. He might have gone further and shown to this body that the commerce of those States thus represented was certainly not less than three-quarters of all the commerce of the country.

The appropriations in my own State were increased near $1,000,000, but it was nearly all for the great work of deepening the water at the entrance to New York Harbor, out of which passes three-quarters of all the exports and into which come nearly three-quarters of all the imports in our trade with foreign countries. I have no hesitation in saying that in my judgment nearly every addition which has been made to this bill by the Senate has been wisely made. Are we to say here that a bill of this kind, which is intended to take care of the whole country, all of its harbors and rivers and all its internal water ways, having been made up by one branch of this legislative body, the other shall in no way increase it? I think not.

The Senator from Connecticut [Mr. PLATT] told us that this bill had been made by a Democratic House, and he warns his colleagues on this side that it was impolitic for us as Republicans to increase it.

Mr. President, I know nothing of politics in a river and harbor bill. It is not made for the benefit of political parties. The money does not go into their coffers nor help to run their campaigns. These appropriations are made for the development of the great resources of this country, and if the House of Representatives has failed to do its full duty, or if the House, being Democratic and a majority of the committee coming from the Southern States, in looking to their own wants and their own necessities made a bill of a certain size, and did not put into it what I think should be put in for New York or for Michigan or for Illinois or for any other State, shall I be debarred by any political considerations from proposing to increase the amount? I think not. Certainly I never shall govern my conduct by any such rule as that.

It was perfectly natural, I think, that the members coming from the Southern States where there are a vast number of navigable rivers, and we of the North know nothing about the great navigable rivers of the South unless we go there and inspect them, should see the wants of that section. They have not many railroads running in from the sea coast and running in from the Gulf of Mexico. Their whole country is cut up by navigable streams. The people living along the line of those streams must have access to the sea and to the Gulf and to the ports. In my judgment, without going into the details of this bill, there is not 5 per cent. of waste in it. I say that after due and careful consideration of the bill, after having been in committee upon it, I think, for nearly two months, certainly more than a month and a half.

Mr. President, how are measures of this character to be formulated and passed? If the money expended is to be confined to a few great harbors or to two or three great rivers, how can it be done? What is a representative to do from any district lying upon the Chesapeake Bay or farther down to the south, which has a river or a bay in it where it is desired that a steamboat may come in order that it may bring to the people of that district the necessaries of life, in order that it may take away their little commerce—call it petty if you will, still it is all they have. And if it shall cost $5,000 or $2,500 to dredge out the bar at the mouth of the Cone River in order that the people living there, who are 75 miles away from the nearest railroad, shall have the mails thrice a week and shall have their sugar and tea and coffee and their clothing brought to them, and shall have carried out the little tobacco or the wheat or the crops which they may produce—shall it be said to that district that it shall not have an appropriation of $2,500 because it is not a great national improvement?

Mr. President, I do not hesitate to say that the member from that district would be deservedly condemned by his people if he supported a bill in which a proper improvement for his own State could not be included. Why should he be asked to vote for the Mississippi River, why should he be asked to vote for New York Harbor and the great lakes and the Missouri River if his district having a navigable stream needing improvement shall have no consideration at the hands of Congress? Such a representative would be derelict in his duty if he supported the bill, in my judgment.

Our commerce has become so intricate, so far-reaching, that you can not to-day separate local traffic from interstate commerce. No man can tell where one begins and where the other ends. In the little case that I have supposed down on Chesapeake Bay the steamer which brings in the produce comes from Baltimore, outside of the State of Virginia. It is interstate commerce. So every pound of freight which floats down these Southern rivers or these Northern rivers to a port is finally distributed all over this country after having been manufactured up or sent abroad and goes into foreign commerce. Who can tell where to draw the line? It can only be drawn, in my judgment, at this point, that if the work is worthy of being done at all it should be done by the Federal Government. If no improvement can be made, if commerce can not be benefited, then let it go by.

As I have said before, I repeat, in my best judgment there is not 5 per cent. of waste in this bill. I do not believe there is 3 per cent. But of what use are the great harbors of this country, of what use are the great arteries, if there are to be no laterals? Of what use is the great port of New York and its thousand million dollars' worth of commerce per annum if it can not distribute that commerce in the little ports upon the great lakes, if it can not put it in little steamers and send it to the little ports in the South? When the aqueduct which is to bring water into this great city of Washington shall be completed and the great reservoir shall have been filled, if Congress should stop and then say, "This great aqueduct has been completed, this reservoir is built, and now the Government will not expend a single dollar in laying a main to carry that water to the houses of the people." So, Mr. President, your great harbors are of no value whatever unless you have got these little arteries and veins which run out and reach all the homes of this country and distribute the manufactures which we import and the manufactures which we make in this country. So also when the little farmer has grown his crop and wants to send it to market, it is of no value to him unless by some cheap means of transportation he can dispose of it.

Why, Mr. President, every Senator here knows that it will not pay to-day to transport the ordinary farm products 50 miles in a wagon. A farm located 50 miles away from a canal, a river, or a railroad, is absolutely worthless for ordinary farming purposes. It must be used for cattle growing or something of that kind. Farm products will not bear any such expensive transportation.

So, Mr. President, I do not hesitate myself to support the largest river and harbor bill which in the judgment of the board of engineers and of the committees of the two Houses shall be made up. Of course I assume that the items put in it are of importance to the trade and commerce of the country. This has been my position ever since I have been in public life, and I shall never change it. I believe to-day that this appropriation bill which we are now discussing is of more actual benefit to the whole people of this country than all the other money which we shall distribute by the various appropriation bills, outside of the Post-Office Department.

APPROVAL OF THESE MEASURES BY THE EAST.

Mr. President, I believe that the East generally approve of and support these measures not simply from selfish and local motives, as the Senator from Kansas suggested the other day, but because, having seen the benefits which come to all our people from river and harbor appropriations in the North and in the East, they are willing that they should be extended to the whole common country. We have no doubt, of course, that we shall be benefited along with the rest of the country, and that our trade and commerce will be benefited; but the Senator from Kansas sneeringly told us the other day that the West could take care of itself, that it wanted neither the help nor the sympathy of the East. Mr. President, I was sorry to hear those words. The East has sent out to the West its best blood in its best sons and daughters. The adventurous and enterprising men of the East have been looking to the West and they have filled it. Every Western State owns some Eastern State as its father and mother. Has the Senator forgotten the injunction of the Good Book, "Honor thy father and thy mother, that thy days may be long in the land which the Lord thy God giveth thee?"

I hope not, Mr. President, for if he has, the vengeance which follows the forgetting of that injunction will fall upon him.

I have traveled far and wide over the West, and never before from any man living in it have I heard such an expression as that. Wherever I have gone I have been welcomed as coming from the East, and I have been pointed to hundreds and thousands of the people of New York who have bettered their condition by locating in the various States of the West. Wherever I have gone I have never heard anything but the kindest expressions toward all the States of the East.

So, Mr. President, I am bound to believe that the Senator the other day allowed his bitter tongue to run away with his heart. I know he holds no sentiments of ill-will toward his mother, Massachusetts, or to any other portion of the East. He was simply boasting, I judge, of the great growth of the West, simply telling us older ones of the East that they have outgrown their tutelage and can now care for themselves.

But the Senator told us that he wanted no east and west lines of transportation made; that God had made the rivers to run north and south and that was enough; but statistics tell us that more trade crosses the one bridge at Saint Louis than goes down the Mississippi River. The lines of commerce in this country are east and west, no matter how the rivers run. Running up from the Atlantic coast through the canal and through the Great Lakes we have at least 1,500 miles of east and west navigation. Shall we stop there because there is 65 miles of intervening land which rises to the enormous altitude, as the Senator from Vermont and the Senator from Kansas tell us, of 208 feet, and that therefore we should not attempt to defy the powers of Heaven and open a water way over such an immense mountain?

Mr. President, in my judgment there will be no rest or quiet upon this matter in this country until in some way and by some power the attempt is made to carry to successful conclusion the linking of the Mississippi River and the lakes together. The Government once attempted it in the Fox River improvement, but the route was too far north and it was too long, and it undoubtedly should never have been begun; but here Chicago upon the lakes approaches the Mississippi River at the nearest point. In a direct line I suppose it is little more than 100 miles. If the connection is to be made anywhere it must be made there; and there I think it ought to be made, and there I hope this Congress will decree it shall be made. In my judgment the inauguration of this work in fifty years from now will be looked back upon with as much interest and it will be considered of as much importance, as the beginning of a great commercial transaction, as was the inauguration of the work to construct the Erie Canal.

Mr. President, we are one people; our interests are one. We have done what we could to improve our own natural advantages. We have done what we could do by the West to improve their natural advantages. We have given from the Treasury liberally, and we are to-day paying interest upon bonds given to aid the construction of a great transcontinental railway. We are paying interest upon more than $60,000,000 of bonds, and we have given for the development of that portion of the West where there are few or no rivers untold millions of acres of land to enable private capital to build suitable railways, in order that the country might be opened and developed. I wish I knew how many million acres it was. I wish that some member of the Committee on Public Lands would give me the figures in order that they might be put into my speech, but I simply refer to the fact to show to the Senator from Kansas and to other Senators, and I believe the record will show it by going back fifty years, that the East has never withheld its hand when the dwellers in the Mississippi Valley asked that the jetties should be built and that that great river should be made navigable.

I know that many of the great men who have represented my State here have always stood for these improvements. Senator Seward during all his life was a believer in and an advocate of internal improvements. Early as a senator and governor of his own State before the Federal Government had taken up these works to any extent he was first and foremost in leading that State on in appropriating its money to widen and enlarge the Erie Canal and also to give its help to the construction of the Erie Railway through the southern tier of the State of New York, and everywhere and at all times, so far as I have been able to follow his history, he never failed to raise his voice either here or in public meetings in the State of New York or in the Great West when he traveled over it to speak in favor of great national improvements.

THE FIGHT ON THE ERIE CANAL.

Mr. President, the Erie Canal was fought at its beginning as desperately as the Hennepin Canal is being fought now, and finally the great genius, De Witt Clinton, who conceived it and substantially completed it, was turned out of his office as canal commissioner by a dirty political trick by the men who were opposed to it; and so it ever has been.

In fact, if I understood the Senator from Kansas the other day aright, his principal objection to the Hennepin Canal seemed to be that it was not already constructed and had not demonstrated its usefulness. He said he favored the Erie Canal, and would favor the taking of it by the Federal Government and the paying of all its expense and keeping it free, but the Hennepin Canal not being constructed the question as to its usefulness was an open one, of course, as all questions of this kind are open. Actual experiment can only finally be relied upon to demonstrate the theories which are advanced pro and con.

But I submit, in conclusion, Mr. President, that judging from the past, taking the present condition of the Erie Canal with the facts staring you in the face that to-day the rate of freight over that route from Chicago to New York all the way is 6 cents a bushel, that to-day the rate by rail is 15 cents per bushel, and if you desire to go a little further back and repeat the figures which were given by the Senator from Michigan to show how the reduction has gone on year by year for the past twenty years, it seems to me that you have an unanswerable argument, absolutely unanswerable, in favor of the construction of this canal, for as I have shown and as this report shows taken upon the plan upon which it is proposed to be constructed as matters stand to-day it will save to the producers and consumers of grain in this country 6 cents per bushel upon all the grain grown west of the Mississippi River.

Mr. PLATT. Mr. President, I am not going to reply to ne very able and forcible speech of the Senator from New York. I desire to compliment him upon it, although it fails to convince me that I should vote for this amendment. But I want to set myself right in a matter of figures.

I suggested the idea on Saturday that the way to compete with the railroads was to compete with them by a railroad rather than by a canal. I did not expect that that idea would be at once adopted by the Senate, but it is an idea which will grow in the history of this country. I gave some facts and figures showing that grain was actually carried by railroad at a price less than the cost of transportation of grain upon canals. I did not attempt to say that the average cost of transporting freight upon the railroads to-day was less than the average cost of transporting freight upon the canals.

My proposition was simply this, that the railroads in fact carried grain freight cheaper than the cost upon a canal. We have had all sorts of figures here to-day, but I take the figures which the Senator from New York gives us of the latest cost of transporting wheat per ton per mile on the Erie Canal, and as I understand, it is twenty-seven hundredths of a cent per ton per mile.

Mr. MILLER. That was two years ago.

Mr. PLATT. That is recent enough for all practical purposes. Now, it is an undisputed fact that the New York Central Railroad with its associated lines from Chicago has been bringing wheat from Chicago to New York at 12 cents a hundred, yes, at 10 cents a hundred. That, figured out at 10 cents a hundred for 1,000 miles between Chicago and New York, will make 2 mills per ton per mile. If 12 cents a hundred, it will make 2.24 mills per ton per mile, which is cheaper than it is claimed it costs to transport it on the Erie Canal—I agree that that is less than the cost of transportation. I agree, as the Senator says, that the railroad has to make up for the loss of doing business at that rate by recouping upon local traffic, but nevertheless the grain comes from Chicago to New York and comes at those rates.

Mr. MCMILLAN. It would not come at those rates if there were no canal there.

Mr. PLATT. I am not so sure about that.

Mr. MILLER. Allow me to say that as a practical fact nearly all the grain that comes to New York now at these rates comes by canal. The railroad is bringing scarcely any of it. When the canal closes then the railroad proceeds to bring it at a higher rate.

Mr. PLATT. Bear in mind my proposition, that in the future, before this canal can ever be completed, it is entirely probable that the cost of transportation by rail will be so far reduced that the canal can not further reduce it.

I want to call attention to some official figures showing what the cost of transportation really is per ton per mile upon the Pennsylvania Railroad Company's lines.

Mr. MILLER. Permit me to ask a question?

Mr. PLATT. Certainly.

Mr. MILLER. I have read here a dispatch from a member of the Produce Exchange in Chicago stating that the present rate of freight from Chicago to New York by water is 6 cents per bushel for grain and that the present rate by rail is 15 cents per bushel. Does the Senator believe that within any reasonably near future, say within a century or two, the railroads will be bringing grain from Chicago to New York for less than 6 cents a bushel?

Mr. PLATT. I believe and I know they have been bringing it for 7 cents a bushel by rail within the past year. I do not know how much accuracy can be placed upon that dispatch. But I know the rates at which grain has been at times brought by rail from Chicago to New York.

Mr. MILLER. Does the Senator doubt the accuracy of that dispatch? I also read in connection with it a table made by Mr. Fink, the controller of the pool, giving substantially the same rates, stating that a year ago the water rate was 6.90 cents per bushel and that upon the railroads it was then about 13 to 15 cents a bushel. That was a year ago. To-day the rates are 6 and 15 cents. That comes from the table of Mr. Fink.

Mr. PLATT. I read from the testimony of Mr. Fink before the Committee on Interstate Commerce, page 92:

But when the railroads get into a fight, as some of them are at present, and when they charge 10 or 12 cents a hundred on grain from Chicago to New York less than the cost of transportation, &c.

Ten and 12 cents a hundred is from 6 to 7 cents a bushel, and he said it over and over again.

Mr. CULLOM. That is when they are in a fight.

Mr. PLATT. I am speaking of what has been done in a fight.

Mr. McMILLAN. Losing all the time.

Mr. PLATT. He says again:

Yet the roads carry grain for 12 cents and less.

They have been doing it; that is all I said.

Mr. MILLER. Will the Senator tell us why?

Mr. PLATT. On account of competition, as he alleges.

Mr. MILLER. On account of competition, he there alleges, with the canal.

Mr. PLATT. What he says is, that it is done when the railroads are in a fight.

Mr. MILLER. Does the Senator believe for a moment if the Erie Canal was closed up the railroads would not have an iron-bound pool and put the rates up to a point that would pay 10 per cent. on all their stock, besides interest on their bonds?

Mr. PLATT. I do not propose to be drawn off from the point of my argument. All this is of little consequence except to justify myself in what I said the other day that it had been done; what I set out to do was to give the actual cost of freight transportation on the Pennsylvania Railroad, but I can not get the opportunity.

Mr. MILLER. The Senator will permit me to bring in a statement from the pool controller, showing that the railroads at a certain time carried freight much less than the actual cost. Can he make any argument out of that in regard to commerce in the future? It is war. Cut-throat policy can not long control it. The West Shore went out of existence, was taken up by the New York Central and so was the Nickel Plate road. There can be only one end to that kind of warfare. A fight in which the railroads charge less than it costs must end in consolidation, in a pool. It can end in nothing else.

Mr. PLATT. The Senator now admits that it was railroad competition, not canal competition, that brought down the rates.

But I started to put some official figures against the figures which have been given here to-day. The Senator says that it cost on the Erie Canal two years ago .27 of a cent per ton per mile. I hold him to that. I say that the actual cost of transportation of freight on some railroads has been brought down in this country almost to that figure, and I give official statements for it. I give the report of the Pennsylvania Railroad with reference to one of its own lines and the cost upon it. The railroad has not falsified that by reducing it too low.

I hold in my hand the thirty-ninth annual report of the Pennsylvania Railroad Company for 1885, with the average cost of transporting each ton of freight per mile over all its lines—all kinds of freight; and the average cost of transporting each ton of freight one mile on the "Pennsylvania Railroad and its branches" was .391 of a cent per ton per mile. On the "United railroads of New Jersey and branches" it was .976 of a cent per ton per mile. That was a much higher rate than upon its other divisions. On the "Philadelphia and Erie Railroad," 287 miles in length—and to this I ask special attention—it was only .307 of a cent per ton per mile.

Mr. MILLER. Does that include fixed charges, or simply operating expenses?

Mr. PLATT. It is the entire average cost of transportation. It is cost we are talking about—the cost of transportation on the railroad as compared with the cost of transportation by the canal.

Mr. MILLER. I should like to hear it read.

Mr. PLATT. I will print the whole table in the RECORD. It is:

The following table shows the revenue and cost per ton per mile on each division operated by the company:

Freight.	Pennsylvania Railroad and branches.	United railroads of New Jersey and branches.	Philadelphia and Erie Railroad.	All lines east of Pittsburgh and Erie.
Length of road (miles)	1,515.72	445.10	287.56	2,248.38
Average earnings per ton per mile from transportation of freight	.627	1.249	.493	.695
Average cost of transporting each ton of freight one mile	.391	.976	.307	.460
Average profit per ton per mile	.236	.273	.191	.235

From the above table it will appear that the average rate per ton per mile in 1885 on the main line and branches shows a decrease, when compared with that of 1883, of 1.13 of a mill, and that the cost of transportation per ton per mile decreased .50 of a mill, showing a decrease of .63 of a mill in the profit per ton per mile.

The rate received on the united railroads of New Jersey division shows a decrease of 1.16 of a mill, and the cost of moving a decrease of 1.05 of a mill, showing a decreased profit of .11 of a mill.

On the Philadelphia and Erie division the earnings show a decrease of .78 of a mill, and the cost of movement a decrease of .58 of a mill, making a decrease in the profit of .20 of a mill.

The result upon all lines east of Pittsburgh and Erie was a decrease of .51 of a mill per ton per mile in the net profit from freight.

The cost on the canal was two hundred and seventy one thousandths of a cent per ton per mile; and yet the Pennsylvania Railroad has reduced the average cost of transportation of each ton of freight per mile on the Philadelphia and Erie division down to three hundred and seven one-thousandths of a cent per ton per mile, which is a very little over the cost of transportation upon the canal.

Mr. MILLER. Will the Senator give us the charges of the railroad? What was the charge per ton per mile?

Mr. PLATT. I will give it all. Taking all lines east of Pittsburgh and Erie, averaging the whole thing, the cost was only four hundred and sixty-one one-thousandths of a cent per ton per mile. It gives here the average earnings per ton per mile for the transportation of freight; it gives the average profit per ton per mile; gives the whole in the table, which will be printed in the RECORD. The average earnings per ton per mile is, of course, the average charge per ton per mile.

Mr. MILLER. The Senator will see, of course, that there is some slight difference between 27 and 37.

Mr. PLATT. Twenty-seven and thirty or accurately two hundred and seventy one-thousandths of a cent per ton per mile cost of transportation on the Erie Canal, and three hundred and seven one-thousandths of a cent per ton per mile actual cost of transportation on the Philadelphia and Erie Railroad.

Mr. MILLER. But the fixed charges there do not include dividends upon the capital, and I am very sure the Senator does not expect a railroad to carry freight without paying dividends upon its stock. That covers the mere cost of transportation. That covers the cost of transportation for the fixed charges, which are simply the interest on the bonds.

Mr. PLATT. This table gives the average earnings per ton per mile for the transportation of freight. Where the average cost was only three hundred and seven thousandths of a cent per ton per mile the average earning was four hundred and ninety-eight thousandths of a cent per ton per mile and the profit was one hundred and ninety-one thousandths of a cent per ton per mile. Everything is included. This is an official statement of the average cost of transportation upon all the Pennsylvania lines.

Mr. MILLER. The Senator said he would read the charge per ton per mile. He has not done so.

Mr. PLATT. I give the earnings and the cost and the profits. The average earning per ton per mile is identical with the average charge per ton per mile.

Mr. CULLOM. If the Senator from Connecticut will allow me to interrupt him; I do not desire to interrupt him improperly, but he has referred to Mr. Fink as a witness upon whom reliance can be had as to what he states in reference to railroading. I just want to read one or two paragraphs.

Senator PLATT. When you suggest that 12 cents a hundred on grain from Chicago is less than the cost, what do you mean? Is it less than it costs to haul a particular train of cars from Chicago to New York, or less than the cost counting all the expenses of the road?

Mr. FINK. It is less than the actual cost of hauling the cars. The average cost on the roads between here and Chicago which are operated the cheapest is about 24 cents per 100 pounds, which includes the general expenses but does not allow anything for interest. Some classes of freight, such as grain, can be hauled for somewhat less than the average cost, because the average cost includes the more expensive local business; yet I do not think grain can be hauled for much less than about 20 cents, including general expenses; and the mere cost of movement can not be less than 15 cents. The cost of returning empty cars must be charged to this service. So the lowest actual cost is not reimbursed by a charge of 12 cents per 100 pounds.

Mr. PLATT. The Senator from Illinois need not have interrupted me to read what he has read, for I have admitted that 10 and 12 cents per hundred charged for grain from Chicago to New York was less than the cost of transportation. I do not know that I can make myself understood. I have not claimed that the cost of transportation on any railroad in the United States is less to-day than the cost of transportation upon the Erie Canal; but I have shown that the cost of transportation, according to the official figures of the annual report of the Pennsylvania Railroad Company is very nearly as little on the Philadelphia and Erie division as it is on the Erie Canal.

Now take just what the Senator interrupted me to read. Suppose it does cost 20 cents, including general expenses and all expenses, per hundred to haul grain from Chicago to New York, how much is that? Four mills—four-tenths of a cent per ton per mile. The Erie Canal has got the cost of transportation down to 2.7 mills per ton per mile. The New York Central, on its Chicago line, Mr. Fink says can do it for 4 mills per ton per mile. The Pennsylvania Railroad does it for just a fraction over 3 mills on one of its divisions. Hence the difference between what the canal and a railroad can do in the matter of the cost of transportation is in this year 1886 but a trifle, and, as I said, the cost of transportation by railroad is being steadily reduced year by year. On the main line and branches of the Pennsylvania Railroad the cost of transportation per ton per mile was decreased in

1885, as shown in the report, a half of 1 mill and so it goes down year after year, and I think it requires no prophetic vision to foresee that, with continually improved facilities for reducing the cost of transportation, by the time this canal can be built the railroads will be able to transport freight as cheaply as it can be done by canal, although they may not do it.

The point of my remarks on Saturday was that if the Government wanted to compete with a railroad side by side for the same distance, the time was soon coming when it would have to do it with a railroad and not with a canal, unless the canal should be a level canal and a ship canal, by which I mean a canal through which ships can go without the interruption and cost of lockage. If you can build a ship-canal on a sea level or a river level and with practically no lockage, I think it is possible that side by side the canal for a few years to come may beat the railroad in the actual cost of transportation, but, as I said, it requires no prophetic vision to foresee that the time is coming in the near future when it will not be able to do it.

Mr. VEST. Mr. President, I do not want to detain the Senate, as I am anxious to have a vote on this amendment, but I wish to notice something that has been said by the senior Senator from Illinois [Mr. LOGAN] and the Senator from New York [Mr. MILLER].

The senior Senator from Illinois on Saturday just at the close of the session said that my opposition to this amendment was based upon the interests of the city of Saint Louis, and he assumed that I lived in that city and had some sort of local interest in opposing the Hennepin Canal. I hope no Senator here will think that any sort of personal feeling or local interest could affect me in a matter of this kind. But to end that sort of thing, I will say that I live on the western border of the State of Missouri, in Kansas City, and all the business connections of that city are with the city of Chicago. We have literally no connection in business or otherwise with the city of Saint Louis. If I had any personal or local feeling in the matter it would be for this canal, because it is a Chicago enterprise. The senior Senator from Illinois lives in the city of Chicago, and it would be a legitimate retort for me to say that when a man from Chicago taunts the citizen of any other place in this country with local feeling he should remember that the citizens of that place take care of Chicago in every phase of business. If they do not, I am more mistaken than I ever was as to any other proposition that can be submitted.

Mr. President, I repeat, notwithstanding these long and intricate arguments here on the canal question, that the days of canals are numbered. If we could inaugurate in this country a system of large canals where the canal-boats would carry from five to seven hundred or a thousand tons they might compete to a certain degree with railroads; but these small canals, carrying boats of less than 300 tons burden, are going out of existence, and they do not even form a factor of competition with the railroads of the country.

As I said the other day, look at the Chesapeake and Ohio Canal running into this city. The company has not enough money to-day to pay for the bridges washed away by the last freshet. What has become of the Lynchburg Canal, running down the James River? To-day the grass is growing on the canal tow-path, and why? Because railroads have destroyed it. The other day in the discussion of the Muskingum Canal scheme I read from the reports to show that a section of that canal from Zanesville running up 16 miles had been discontinued years ago on account of the construction of a railroad along its banks. It is useless for Senators to talk here about canals or any system of canals in this country.

I am not astonished at the speech of the Senator from New York. This is the preliminary skirmish-line to turning over his Erie Canal to the General Government. It is the most marvelous thing to me of all the marvelous things I have seen of results, that this splendid canal system of the country, so productive of dividends and of commerce, in every instance is unloaded upon the General Government. Ohio the other day unloaded Muskingum on us. The third State in the Union with an overflowing treasury can not keep up her canal. Illinois, the fourth State in the Union, comes now with another dilapidated canal scheme and unloads that on the General Government after making three millions from the grant by the General Government.

Mr. CULLOM. The Senator misrepresents the State of Illinois. The State of Illinois is not offering to give this canal because it is any expense to the State, for it is not an old canal and it has been self-supporting ever since it was constructed.

Mr. VEST. So it has.

Mr. CULLOM. And is a source of revenue yet.

Mr. VEST. If the Senator had not been so eager to interrupt me he would have heard what I said. They have made nearly $3,000,000 clear profit; they have made a good business transaction of it, and now they put it on the General Government upon the condition that we are to construct the canal from Hennepin to the Mississippi River and enlarge the present one 80 feet wide and 7 feet deep at our expense and make it toll-free forever; and the next thing will be that New York will be unloading on us the Erie Canal, that splendid improvement. Mr. Conkling, the most distinguished member of the Republican party in the United States possibly, stood upon this floor with that rotund voice of his and boasted of the imperial State of New York with its imperial donation to the General Government free of toll. That is all to be ended, and at the next session of Congress there will be another unloading by New York, the first State in the Union, so as to keep even with the third and fourth States, all to be put upon the General Government, this splendid system of canals, as they call it, but none of them willing to compete with the most profitable investment at home.

All I ask of the Senator from New York is to do it in a straightforward, manly way, not to put it on a river and harbor bill, on the Commerce Committee, already damned in every direction, with all sorts of epithets piled upon its head, and more than one-half of the committee voting against it, as if they were ashamed of their own work—all I ask of the Senator from New York is to come up and make his proposition plainly and above-board, and ask for all he wants at once, not to stick it in under the guise of $300,000 in a river and harbor bill, and then talk about the jobs and combinations made to pass such a bill through the Senate. I listened to the Senator from New York to-day when he depicted the starving thousands of the poor working people of the country who want this money for their wives and children. How long will $300,000 meet their wants? How much clamor on the part of the starving thousands of this country would $300,000 allay and quiet?

There is a bill pending in the Senate now and one in the House to turn over this Michigan and Illinois Canal and construct the Hennepin Canal, which will cost, the engineers, say, $7,000,000. In my judgment it will cost $17,000,000, judging from past estimates in like directions. If this be the magnificent enterprise we have heard so much about, why do not the Senators who favor it stand upon those bills and fight it out in a fair parliamentary struggle? Why do they come and load this fatal and this miserable cargo of a bill with $300,000 in order to commit the General Government to the result, no matter what it may be?

Mr. President, I am sick and tired of having the Committee on Commerce made the dumping-ground for every old, miserable, broken-down engineering improvement scheme in this country. I want to improve the rivers and harbors of the country and will vote as much as any Senator, but I do not propose that State or individual improvidence shall be loaded off upon the Treasury of the United States if I can prevent it. States here that stand in the great galaxy of States at the very front in resources, in population, now come and say to the General Government, "We can not keep up these improvements, they are breaking down on our hands, we want the Treasury of the United States to become the recipient of our own speculation."

Talk about canals competing with railroads. I want to read from the report of the Senator from Illinois [Mr. CULLOM]. Here is a report on interstate commerce from the committee of which he is chairman, giving the receipts by canal and rail in the five principal Atlantic seaboard cities:

Statement showing total receipts and exports of flour and grain at the five Atlantic cities—New York, Philadelphia, Baltimore, Boston, and Montreal—during the years named below.

That is from 1860 to 1884, a quarter of a century.

Also percentages of each city of total receipts and exports.

Now I want Senators to listen. We are told you can take grain from Chicago to New York by canal and water for 6 cents, and you have to pay 15 cents, 9 cents more, to take it by rail. Is it not most astonishing that it does not all go by water? Is it not astonishing that there is not a rush to get to the water routes instead of the railroads? How is it? No people in the world understand their money interests better than the people of the United States. If we can save the fourth of a cent by going a mile we will always do it. No people understand it better. Now look at the receipts of grain and flour.

Mr. MCMILLAN. The Senator from Missouri will allow me to remind him that for six months of the year they can not do it by reason of frozen water.

Mr. VEST. Of course. I have the tables on that too. I suppose the same condition would apply to the Hennepin Canal. But I want to say now that the canal system of this country is going to the rear and the railroad system coming to the front gradually year by year, but steadily all the time.

From 1860 to 1884 New York received of these five cities 51.6 per cent. of all the grain and flour that was carried to the Atlantic seaboard—more than one-half; but now mark, in 1884, the last year, 16.9 per cent. was carried by canal and 33.6 per cent. by rail. With a difference in the cost of carrying it from Chicago to the seaboard of 9 cents a bushel, there was only 16.9 per cent. carried by canal and 33.6 by rail.

But I want to call attention to another most significant proposition coming from the committee of which the Senator from Illinois is chairman. In 1870, 27.9 per cent. of the grain and flour was carried by canal and 25.9 per cent. by rail; 2 per cent. more by canal than by rail. In 1871, there were carried 33.1 per cent. by canal and 21.7 per cent. by rail; in 1872, 29.7 per cent. by canal and 22.4 by rail; in 1873, 24.5 per cent. by canal and 27.5 by rail; in 1874, 24.6 per cent. by canal and 30 per cent. by rail; in 1875, 21.1 per cent. by canal and 30.1 by rail; in 1876, 15.6 per cent. by canal and 28.2 by rail; in 1877, 23.5 per cent. by canal and 24.8 by rail; in 1878, 21.76 per cent. by canal and 29.07 by rail; in 1879, 17.15 per cent. by canal and 30.66 by rail; in

1880, 20.33 per cent. by canal and 27.95 by rail; in 1881, 14.31 per cent. by canal and 36.91 by rail; in 1882, 15.13 per cent. by canal and 37.79 by rail; in 1883, 17.2 per cent. by canal and 33.1 by rail; and in 1884, the last year in this table, 16.9 per cent by canal and 33.6 by rail.

And yet gentlemen talk about the canal system of this country competing with railroads. It is hardly a factor in competition, and I say when you get a canal-boat with less than 300 tons burden it is absolutely throwing money away to talk about putting that in competition with a railroad; and the reason is manifest; all the world sees the result of it.

Look at our carrying trade on the ocean. We have lost it, and why? Because steam has taken the place of sail. When we could compete in wooden vessels we outstripped the world. When steam came into play and iron and steel vessels, England took the carrying trade away from us. It is the difference in speed, it is the difference in time; and in all this argument Senators on the opposite side of this question have overlooked that factor in the discussion. Time now is money, and the swiftest transportation is always the transportation that is the most profitable and that will be selected by the commercial public. A canal can not compete with a river or railroad.

The senior Senator from Illinois [Mr. LOGAN] the other day spoke about this canal in competition with the great Mississippi River. Mr. President, a river without a lock or gate-keepers, with only the water that God has given it within its banks, and without any artificial means in order to make it, as a mode of transportation is far superior to any canal that can be constructed. The loss of time is one great element. The slowest train that could be put on a railroad would make the distance from Chicago to the Mississippi River in the time that would be occupied in opening the canal locks upon this route. You might as well compare an eagle to a bat, a race-horse to the commonest drudge that ever went through these streets, as to talk about one of these canals competing with a railroad or with a natural water course.

This is all I desire to say, Mr. President. I declare most positively that in my judgment this money, considering the amount to be expended, will be virtually thrown away. I have no personal interest or representative interest as in favor of the city of Saint Louis as against the city of Chicago. Saint Louis is dependent for her prosperity upon the State of Missouri and the States that are tributary to her geographically. If this little canal were constructed it would not affect the commerce of that great city or of the great Mississippi River.

The Senator from Illinois was kind enough to say that my State was as much interested as his, as we wanted communication also between the lakes and the Mississippi. Mr. President, there is already water communication. The Illinois River is being improved by the General Government, and in this very bill is an appropriation of $100,000 to improve the navigation of that stream; but that stream goes into the Mississippi River below the point at which this canal is to reach it. The object of this canal is to reach the State of Iowa and the grain States in the Northwest. It is not water communication between the lakes and the Mississippi River that they want, because they have it through the Illinois River. They want a communication for the benefit of certain cities, and for that alone. We are satisfied in Missouri. I do not oppose this on any sectional or local ground. I have opposed this project from the beginning two years ago, one year ago, and whenever it has come before the Senate. I believe it to be unconstitutional. I believe it to be unnecessary. I am utterly opposed to this whole method of States commencing internal improvement systems, and then unloading them upon the General Government when they think proper.

Mr. CULLOM. Before the Senator takes his seat I wish to make one statement of fact from the record. The Senator refers to the fact that steam has taken the place of sail vessels, so that slow travel has gone out of date. I have a statement of the shipping built by all nations between the years 1871 and 1883, and it shows that there have been of steam vessels 637,000 tons, and of saling vessels 735,000, total 1,372,000 tons; steam 46 per cent., sailing vessels 54 per cent. So that steam has not taken possession of the world as thoroughly as the Senator suggests.

Mr. VEST. If the Senator from Illinois has had occasion to examine that question as thoroughly as he might have done he would have discovered that those steam vessels had the commerce of the world. The sailing vessels are now used in the coastwise trade, and in some countries where there are small freights, and along the coast where steam has not taken its place; but all the great transatlantic and trans-Pacific lines, all the great lines that do the commerce of the great commercial world, are propelled by steam. Steam has taken the place of sail in the commerce of the world. I say it emphatically; and iron and steel vessels have taken the place of wood.

The PRESIDING OFFICER. (Mr. FRYE in the chair.) On this question the yeas and nays have been ordered.

Mr. PLUMB addressed the Senate. [See Appendix.]

BILLS INTRODUCED.

Mr. EDMUNDS. I ask unanimous consent to introduce a bill at this time, which I dislike very much to do, as it is out of order; but in an appropriation bill that I suppose will reach the Senate in a very short time there is a provision making a permanent arrangement of law concerning the fees and compensations of United States commissioners of circuit courts, which, as we think in the Senate, has no place in an appropriation bill.

There are improprieties or inconsistencies in the existing state of the law as it has been determined by the Supreme Court of the United States about the fees and emoluments of commissioners of circuit courts that ought to be corrected. Therefore I ask at this time unanimous consent to introduce a bill on that subject, in the hope that before the appropriation bill to which I refer comes before the Senate we may be in readiness to take some separate and proper action upon that subject on a bill where it belongs.

The bill (S. 2836) to limit and regulate the fees and compensation of commissioners of circuit courts of the United States, and for other purposes, was read twice by its title.

Mr. EDMUNDS. I have stated a certain sum in the bill as the limit of compensation of these officers. I have stated that merely at random. It may be too little and it may be too much.

Mr. BROWN. What is the amount?

Mr. EDMUNDS. Fifteen hundred dollars. I move that the bill be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. PLUMB introduced a bill (S. 2837) relative to the location of the town site of Wallace, Kans.; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. COCKRELL introduced a bill (S. 2838) for the relief of the Baptist Female College of Lexington, Mo.; which was read twice by its title, and referred to the Committee on Claims.

Mr. VANCE introduced a bill (S. 2839) for the relief of the Church of the Ascension in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

WITHDRAWAL OF PAPERS.

Mr. BLACKBURN. I ask for an order at this time to withdraw the papers in the case of Warren Mitchell, of Kentucky, now on file.

The PRESIDING OFFICER. The Senator from Kentucky moves that the papers in the case of Warren Mitchell be withdrawn from the files.

Mr. BLACKBURN. For use in the House.

The PRESIDING OFFICER. There being no objection, the order will be granted.

HOUSE BILLS REFERRED.

The bill (H. R. 325) granting a pension to Catharine Waters was read twice by its title, and referred to the Committe on Pensions.

The joint resolution (H. Res. 181) authorizing and directing the Secretary of War to loan tents to the Southwestern Iowa and Northwestern Missouri Veteran Soldiers' Association, at Bethany, Mo., and to the Tri-State Veterans' Association of Ohio, Indiana, and Michigan, for reunion purposes, was read twice by its title, and referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the bill (H. R. 9478) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. MITCHELL, of Oregon, from the Committee on Claims, to whom was referred the bill (S. 1006) for the relief of James W. Schaumburg, submitted a report thereon, accompanied by a bill (S. 2840) for the relief of the legal representatives of James W. Schaumburg; which was read twice by its title.

Mr. VANCE, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 1993) for the relief of St. Mark's Protestant Episcopal church in the District of Columbia, reported it without amendment, and submitted a report thereon.

NORTHERN CHEYENNE INDIANS.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of 3d instant, with inclosures, from the Secretary of the Interior, recommending legislative authority for the use of funds from appropriation, Sioux, &c., 1887, for the subsistence of certain Northern Cheyenne Indians who have gone, or who may go, from the Sioux reservation in Dakota to the Tongue River Indian agency or vicinity in Montana.

The matter is presented for the favorable consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 12, 1886.

AMENDMENTS TO BILLS.

Mr. CALL and Mr. JONES, of Arkansas, submitted amendments intended to be proposed by them respectively to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. MITCHELL, of Oregon, submitted an amendment intended to

be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, the pending question being on the amendment proposed by the Committee on Commerce, in section 1, to insert the following clauses from line 1134 to line 1174, inclusive, as amended:

The grant of the Illinois and Michigan Canal, its rights of way, and all its appurtenances, and all right, title, and interest which the State of Illinois may have in any real estate heretofore ceded to the State of Illinois by the United States for canal purposes, made to the United States by an act of the General Assembly of the State of Illinois approved April 28, 1882, be, and is hereby, accepted on the terms and conditions specified in the act of the General Assembly of the State of Illinois.

For the construction of a canal from the Illinois River, at or near the town of Hennepin, in the State of Illinois, to the Mississippi River, at or above the mouth of Rock River, in said State, together with such feeders and other works that may be necessary to supply said canal with water, $300,000. Said canal shall be known as the Illinois and Mississippi River Canal, and shall be constructed on such route as may be determined by the Secretary of War: *Provided*, That it shall be the duty of the Secretary of War, in order to secure the right of way for such canal and feeders, to acquire the title to such lands as may be necessary by agreement, purchase, or voluntary conveyance from the owners, if it can be done on reasonable terms; but if that shall be found impracticable, then the Secretary of War shall apply at any term of the circuit or district court of the United States for the northern district of Illinois to be held thereafter, at any general or special term held in said district, and in the name of the United States institute and carry on proceedings to condemn such lands as may be necessary for right of way as aforesaid; and in such proceedings said court shall be governed by the laws of the State of Illinois, so far as the same may be applicable to the subject of condemning private property for public use: *Provided further*, That said canal shall be 80 feet wide at the water-line and 7 feet deep, with a capacity for vessels of at least 280 tons burden, with guard-gates, waste-weirs, locks, lock-houses, basins, bridges, and all other erections and fixtures that may be necessary for safe and convenient navigation of said canal and branch as specified in said survey.

Mr. DOLPH. Mr. President, I had not intended to say anything during the discussion upon this bill, and I should not have done so except for the suggestion made on yesterday by the Senator from Kansas [Mr. INGALLS] concerning the amendments which have been proposed to the bill by the Senate Committee on Commerce.

Under our system of government certain powers are delegated to the General Government. Among those powers is the power to regulate commerce between the States and with foreign countries. Congress has claimed, and the courts have decided, that the power to regulate commerce includes the power of regulating the means of transportation. Congress claims the power of controlling the navigable rivers of the country, of preventing and authorizing obstructions to them, of determining what works for the improvement of navigation shall be attempted or made, and we have entered upon the work of improving the harbors and rivers of the country.

There is no longer I think any serious question as to the constitutional power of Congress to improve the harbors and the great water ways of the country.

It appears to me that in considering the question as to whether any improvement shall be undertaken we ought first to consider the question as to whether it is a necessary improvement, whether it will be beneficial to commerce, whether its relative importance compared with other improvements being made and which ought to be undertaken is sufficient to warrant its commencement at the present time, and whether the condition of the Treasury is such as to justify the necessary expenditure. I think this grant of power carries with it an obligation on the part of the General Government to exercise it for the general welfare to the extent of the ability of the Government and in an intelligent and impartial manner.

I therefore do not think with the Senator from Connecticut [Mr. PLATT] that the question of how much has been recommended for the improvement of rivers and harbors by the Secretary of War, whether he reflects the opinions of the executive department of the Government or not, should be the criterion by which to judge of the amount which should be appropriated in a river and harbor bill.

I do not think the question of how much has been agreed upon in another branch of the legislative department of this Government as the amount which shall be appropriated should govern us. If we are to be controlled by the action of a committee in another branch of Congress, or by another branch of Congress in regard to the amount which shall be appropriated for rivers and harbors and the manner in which it is to be distributed, we had better discharge the Committee on Commerce and take the bill and pass it in the Senate without a reference at all, but in the shape in which it comes from the House.

I do not desire to criticise the bill as it came from the House, and I shall not do so in a manner to reflect upon the House or its committee; but if we are to judge by the estimates that were made by local engineers and which were transmitted through the Chief of Engineers and the Secretary of War to Congress for its information and government it was an unequal bill. The total amount of the estimates was something over $42,000,000. The amount appropriated by the bill as it came from the House was $15,182,200. Out of that amount the State of Oregon, if we include in the appropriations made for that State the appropriation for the Columbia River (a matter to which I shall allude directly), received less than 20 per cent. of the estimates. Other States received 50 per cent.; other States still more. I shall not undertake to point out the States which had received 50 per cent. or more of the estimates, nor shall I undertake to state or speculate as to the reasons for this inequality, but I will state in general terms that Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Tennessee, Kentucky, and Missouri received, including the appropriation made for the improvement of the Lower Mississippi River, $7,225,000 out of a total of $15,182,200.

Yesterday the Senator from Kansas [Mr. INGALLS] said that as the bill came from the House the State of Oregon had received $685,000. The Senator was in error. With all the appropriations for the Columbia River included the total amount appropriated for Oregon improvements in the bill as it came from the House was $605,000. If we add $1,000 appropriated for gauging the waters of the Columbia River the total amount in the bill as it came from the House for the State of Oregon would be $606,000.

Of this $605,000, $150,000 was appropriated for the improvement of the mouth of the Columbia River; $100,000 for the Lower Columbia and the Lower Willamette, a section of the Willamette of only 12 miles; $200,000 for the construction of the Cascade locks, and $10,000 for the Upper Columbia, making a total of $460,000 for the Columbia River.

The Columbia River forms a portion of the boundary between Oregon and Washington Territory. It entirely crosses that Territory. The Snake River, for which a portion of the appropriation is made, extends into Idaho Territory. But if we assume that one-half of the appropriation for Columbia River should be charged to Oregon the total amount of the appropriation for Oregon in the bill as it came from the House would be only $375,000.

The increased appropriations proposed by the Senate committee for the Columbia River and improvements in Oregon amount to $185,000. I propose to show that if I had not asked that increase of the committee my constituents would have had just cause to complain, and if the committee had not granted it they would not have done justice to those improvements, nor have dealt fairly with the State I in part represent. The Columbia River takes its rise in the Rocky Mountains, at 50° 20′ north latitude, and runs north to 50° 10′, makes the detour of the great bend of the Columbia, crosses Washington Territory, turns westward, and forces its way through the Cascade Mountains and on to the sea.

It is the second river in magnitude upon the continent. Unlike the Mississippi, as we have heard this morning from the Senator from New York [Mr. MILLER], it runs parallel to the great lines of trade and transportation. Its banks are stable. It can be improved from its mouth for 1,000 miles with less money than has been expended upon the Mississippi River, and when it is once improved the improvements will stand for ages without the necessity for any considerable appropriations, but with the expenditures of small sums annually to keep the works in repair.

From the mouth of the Columbia River to Portland, which is the chief commercial city on the Pacific Northwest, a distance of 122 miles, the Columbia River and the Lower Willamette form a great national highway. The flags of the maritime nations may be seen in the harbor of Portland. The plan for the improvement of that 122 miles contemplates obtaining 20 feet of water at all seasons of the year. Four hundred and seven thousand dollars, we are told by the local engineers, would complete the permanent improvement in accordance with present plans, consisting of wing-dams at the bars and dredging; so that hereafter there need be no considerable expenditure upon it. They state that $407,000 could be expended the present fiscal year. The bill as it came from the House gave but $100,000—less than 25 per cent. of the amount. Twenty-eight thousand dollars of that is to be expended for building a dredge-boat to be used both on the Columbia and Willamette, leaving but $72,000 for river improvement, and the Committee on Commerce have not increased the amount.

From the mouth of the Willamette to the Lower Cascades, 53 miles, the river is navigable for vessels drawing 10 feet and over. At the Cascades the navigation is interrupted by rapids for a distance of 6 miles. There is where the Government is building a canal and locks.

From the Cascades to the Dalles, 45 miles, there are from 8 to 10 feet of water. Then comes the obstruction of the Dalles, some 15 miles in length.

Above the Dalles the river is being improved up to Lewiston, on the Snake River, a distance of 266 miles. The plan for that improvement was adopted many years ago. The total estimate for the work was $132,000. Ninety-six thousand dollars have been appropriated heretofore. The engineers recommend the appropriation of the remaining $36,000. The improvement consists in removing large bowlders and blasting away rocks in the rapids. Any other member of the committee for such a work in his State would have insisted that that small sum of $36,000 to complete that improvement should have been appropriated at once, but the House gave us $10,000 out of the $36,000—less than 30 per cent. of the amount, and it was not increased.

From Celile, at the upper end of the Dalles, to Priest Rapids in the

Columbia is 200 miles. From Priest Rapids above for a distance of 150 miles the river can be improved without locks so as to be navigable at a cost of $400,000. That has been recommended for several years and no appropriation for it has been made. Above this point the Columbia River is navigable for 450 miles with three interruptions which could be easily removed, making in all a navigable river of a thousand miles in length.

The principal increase of the appropriation for the Oregon improvements was for the canal and locks at the Cascades and for the work at the mouth of the river. A few days ago, in discussing another bill, I described the situation at the Cascades of the Columbia. The Cascade Mountains separate Oregon and Washington into two parts. The Columbia River forces its way down through a gap in the mountains, and all the produce of the great basin of the Columbia, an empire in extent, is forced to come down through this gorge. I can not better describe it than to read an extract from the report of the Committee on Commerce taken from the report of the local engineers. I will pass it to the Secretary and ask him to read what is marked on pages 282 and 283.

The Secretary read as follows:

It is an extraordinary position. It is the key point in the commercial strategy of the Pacific Northwest. With its waters freely open to navigation, and with railroads along either bank, the whole region will be insured minimum freight rates, and there will result a development in population and material wealth such as is hard to realize. The greater part of the magnificent country drained by the Columbia River is cut off from a sea outlet by the north and south trending mountain mass of the Cascade Mountains. It is a broad, massive range, capped with a layer of volcanic outpourings at least 4,000 feet thick, and dotted here and there along its axis with snow-clad cones, which reach altitudes equaling the highest points of the backbone ridge of the continent.

Through this great ridge no other pass exists at such an altitude as can hope to divert the east-west channel of commerce along the Columbia River. "The longest way around" through this horizontal pass will always be a shorter haul than any other line, plus the vertical distance over the mountains. The area of the Columbia River region is estimated at 245,000 square miles. It drains the western slopes of the main range of the Rocky Mountains, its drainage basin extending between latitudes 41° and 53° north, or over 12 degrees of latitude. Owing to this great range in latitude, involving considerable variation in climate, an opportunity is afforded for an average in the water discharge of the low river, and hence the annual flood presents itself with great precision in the month of June, but varying in quantity in a manner which depends upon the quantity of precipitation, and also upon the relative distribution of heat through the season.

Mr. DOLPH. An estimate is also given here, which has been read by the Secretary, of the area that is drained by the Columbia River and its tributaries. It is given at 244,959 square miles. To better understand the magnitude of these figures I will make a few comparisons. The total area of the following States, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, and West Virginia, amounts to 244,260 square miles—less than the area drained by the Columbia River and its tributaries. The area of Great Britain and Ireland is 121,230 square miles, of France 201,900 square miles, of Germany 212,001 square miles, of Austria-Hungary 226,406 square miles, of Italy 112,677 square miles, and of Spain 182,758 square miles. So it will be seen that the area drained by the Columbia River and its tributaries is larger than any one of these European countries.

My colleague yesterday presented some statistics to show the fertility and productiveness of this vast region, to show the necessity for completing this work at the Cascades in order that the river transportation might be brought into competition with transportation by rail, and to show the excessive freight charges which are made from different central points in the vast inland empire drained by the Columbia River to Portland by reason of the railroad company possessing this strategic point upon the Columbia River. The United States Government has undertaken to remove the obstructions to navigation at the Cascades. The rapids are known as the Lower Cascades and Upper Cascades. The project is to build a canal and locks around the Upper Cascades and to improve the Lower Cascades by blasting out rocks and removing the obstructions, so that the river at this point may be navigated and boats may pass up and down laden except during the very highest stage of water.

There has already, according to my recollection, been appropriated and expended upon this work some $950,000. The amount estimated as necessary to complete the project in accordance with the modified plan is $1,250,000. The engineers reported that $750,000 could be used to advantage the present year. That was the estimate, but the bill as it came to the Senate carried an appropriation of only $200,000, or about 27 per cent. of the estimate.

The amendment which I asked the committee to make and which they did make adds $50,000 to this appropriation, making the entire amount only 33⅓ per cent. of the estimate, while the entire amount appropriated by the bill as it comes from the Senate committee is about 43 per cent. of the entire estimates. So that even for this great work, which as no one will deny is a national work, which as no one will deny is a work of great importance, which should be completed at the earliest possible moment, from the fact that no benefit whatever can be derived from past appropriations until it is completed, receives less than its proportion of the appropriations carried by the bill.

The principal increase made by the Senate committee in the appropriations for Oregon, if you choose to call the appropriations for the Columbia River appropriations for that State, was made for the improvement of the mouth of the river. All the produce which comes down from the great Columbia basin passes out, and must for many years to come pass out, of the mouth of the Columbia. Next to San Francisco the ports on the Columbia River are the principal ports on the Pacific slope.

Some years ago a board of engineers was appointed under the provisions of an act of Congress to examine the mouth of the river and report as to the practicability of its improvement and to report a plan. They reported a plan which is estimated to cost $3,710,000, not including their estimate for the contingencies, which was 25 per cent. additional.

Upon the north side of the river there is an elevated point of land and a permanent spit extending out into the river and forming a natural jetty. The plan of the improvement is to build a jetty from the south side, commencing near Fort Stevens and extending in a northwesterly direction to within about 3 miles of Cape Disappointment, thus narrowing the river, which is 6 or 7 miles in width there, to 3 miles. There is no doubt that the work is practicable and will secure at least 30 feet of water upon the bar at low water. The last Congress made an appropriation of $100,000 to commence the work. That appropriation has been expended. The House placed in the present river and harbor bill an appropriation of $150,000 for this great work. I made a calculation as to how long it would take to complete the work by appropriations of that amount.

The estimate was $1,330,000, so that the amount given by the House was about 11 per cent. of the estimate. My calculation showed that if there should be a river and harbor bill every two years, and we could secure an appropriation in every bill of $150,000, and such appropriation could be economically used, and the work which was done one year would not be destroyed the next for lack of appropriations, it would take fifty years to complete the improvement, and if we make an allowance for contingencies it would probably take about twice that period, or about three generations, to complete the improvement.

I therefore asked the Committee on Commerce to increase the amount of this appropriation, and they did increase it to $250,000, which is only about 19 per cent. of the estimate of the amount which the engineers say could be profitably expended the present fiscal year. I appeal to any Senator who listens to me to day to say if that was not a proper amendment, and if that work is going to be continued it ought not to be completed within the lifetime of some child now living in Oregon.

There is another thing which I might mention in this connection. A few years ago a bill was passed providing for a harbor of refuge upon the Pacific coast. A great many people do not understand the extent of the Pacific coast. From Cape Farewell to the southern boundary of California the distance is 1,650 miles—one-third of all our seacoast. From the northern boundary of Maine to the southern boundary of Georgia is 1,430 miles. Situated upon this coast line are thirteen States bounded in whole or in part by the Atlantic Ocean and represented here by twenty-six Senators. From the mouth of the Columbia River to the harbor at San Francisco the distance is 550 miles, and with the exception of two or three small harbors that we are asking money of Congress to improve there is not a place on all that coast where a ship in distress can take refuge in case of a storm. There is not a place between Puget Sound and the Golden Gate except the mouth of the Columbia where large ships such as are used in the coasting trade there can take refuge.

So, in improving the mouth of the Columbia we are creating a harbor of refuge for vessels engaged in foreign and in coastwise trade upon that long exposed coast.

Under the provisions of the act of Congress I have mentioned that a board of engineers was appointed to locate a harbor of refuge on that coast. They were not limited to any State. They might locate it upon the coast of California or the coast of Oregon.

After examining the several locations they located it at Port Orford, in the State of Oregon. An appropriation of $150,000 was made to commence it, but when it was ascertained that it might cost $5,000,000 to $7,000,000 to construct a harbor of refuge of first class there, the Secretary of War, on account of its great cost, declined to expend the money; and notwithstanding I have introduced bills here from time to time providing for the expenditure of that money, it stands to the credit of that work to-day and is unexpended, and the work has not been commenced and is not liable to be commenced, because the Committee on Commerce think it is better to appropriate money for the improvement of the mouth of the Columbia River, which will serve a double purpose of removing the obstruction to navigation there and creating a harbor of refuge.

As I have said, the bill came to the Senate with an appropriation of a little over 10 per cent. of the estimate for this great work, and attention is called to the fact that it has been increased in a manner apparently intended as a criticism of the committee.

I have taken the pains to make a computation as to the amount which has been appropriated for all the States and Territories west of the Rocky Mountains. Those States and Territories, that is, the four Territories and the three States, contain 776,334 square miles. The total area of the States and Territories, excluding Alaska, is 3,008,616 square

miles, 2,232,283 square miles lying east of the Rocky Mountains. More than one-fourth of all the territory lies west of the Rocky Mountains, and out of this river and harbor bill of $18,000,000 and over California, Oregon, and Nevada, and Washington Territory, and all the other Territories receive $1,109,000.

I am not complaining about this. I would not have said a word in regard to this bill and what I consider to be not a very fair division of the appropriation, at least if the appropriations are to be based upon the estimates, except for the suggestions of the Senator from Kansas. I merely wished to call the attention of the Senate and the country to the fact that the increase which is proposed to be made to the bill by the Senate committee for works in Oregon has been made for works of great and national importance, and that the amendments are proper amendments, amendments for which the Senate committee deserve commendation. If all the appropriations for the Columbia River are included in the Oregon appropriations, Oregon gets but 26 and a fraction per cent. of the estimates; while, as I said before, the per cent. of appropriations on the estimates in the bill as it came from the House was 35 per cent. and a fraction, and the per cent. of appropriations in the bill as it came from the Senate committee to the Senate was 43 per cent. of the estimates. I do not suppose any one will object to these amendments, but I desire now, once for all, as so much has been said about the amount that has been appropriated for Oregon, to show that the appropriations made for the great Columbia River, the second river on the continent, were all charged up to the State of Oregon, and that even in the bill as reported by the Senate committee Oregon is not receiving so large a proportion of the estimates as the appropriations for the other States aggregate and that nearly every other State has received.

Mr. HEARST. Will the Senator allow me to ask him a question?

Mr. DOLPH. Certainly; and I shall answer it if I can.

Mr. HEARST. What is the estimate that will make the harbor safe at the mouth of the Columbia River?

Mr. DOLPH. The original estimate was $3,710,000, of which $100,000 has been expended, and it is proposed to appropriate $250,000 by the present bill.

Mr. HEARST. Does not the Senator think that it would have been better to have spent the whole of the appropriations at the mouth of the river?

Mr. DOLPH. There can be no two opinions about that, and that is why I am so urgent in having enough money to make a showing there; and upon that point, if the Senator will permit me, I will read first from the report of the board of engineers who recommended this plan what they say about large appropriations.

> In conclusion, the board thinks it important to state that in an undertaking of this character, where the exposure is so great, as large a portion as possible of the whole estimate should be available before the beginning of actual construction, and the work, when commenced, should be carried forward as rapidly as practicable, with a view of attaining at the earliest day the desired object, namely, a deep channel to the sea to accommodate the great and growing commerce of which the Columbia River must be the avenue, and to the growth of which the present condition of the bar is a very formidable obstacle. When operations have once begun there should be no suspension of them, as in such a case, besides the loss of time, injuries to the unfinished work and unfavorable changes in shoals and channels may be expected to such an extent as very greatly to increase the cost.

I also received a letter, dated the 29th of January, 1884, which I incorporated in a speech I made on the subject of an improvement of the Columbia River, I think on the 7th of March, 1884, from which I read the concluding portion. It is from the engineer who is now in charge of the work, Capt. Charles F. Powell:

> When considering the probable cost of the Columbia jetty it should be noticed that the estimate of the majority of the board of engineers ($3,710,000) is based on a stone and *beton* block construction, although the use of wood is recommended in part if found to be more economical. Now, experience at the Oregon coast jetties does show that wood, in shape of piles and brush, can be advantageously and economically used, and the estimate for the Columbia jetty should be reduced considerably. The very liberal contingency named in the estimate of the board can be omitted in case of large and prompt appropriations; but not, on account of danger to destruction of an incomplete work at a place of great exposure, for small and irregular appropriations.

That explains the necessity for a large appropriation at the mouth of the Columbia, and it shows, in view of the magnitude of this work, that the amount appropriated in the bill as it came from the House is totally inadequate, and I may even say that of the appropriation in the bill as it now stands.

Now, one word more. The Senator from Kansas will not find in the appropriations for Oregon or Washington Territory any of the streams which he has criticised as being marsh streams. The two smallest appropriations in the bill as it came from the House are an appropriation for the improvement of the Upper Columbia and one for the Upper Willamette River. The appropriation for the Upper Columbia is to carry out a plan for the improvement of the river for 266 miles navigable for steamboats drawing 4½ feet of water. That is an appropriation for which $10,000 is given. The improvement of the Upper Willamette, for which $10,000 is given, is an improvement of a stretch of river about 125 miles in length, which, with some wing-dams, dredging the bars, and removing snags, may be kept in a navigable condition nearly all the year round. Those, I say, are the smallest appropriations made for these works, and they are not subject to criticism.

Mr. HEARST. As there is not enough money appropriated for some places and there may be too much money for others, I ask the Senator if it would not be better to take all the appropriations and put them on the mouth of the river and let the other works stand for the present?

Mr. DOLPH. That matter has been discussed here thoroughly by the Senator from New York, and permit me to say that I agree entirely with all that he said in regard to the importance of these minor improvements. It is not practicable, the time never will come, we may just as well take it as a fact that the time never will come when Congress will consent to pick out a few great harbors of this country and appropriate money for their improvement and leave the rest unprovided for. The wants of the people of the different portions of the country, the necessities of the commerce of the country, will not permit it. The duties which members of the Senate and House owe to their constituents will never permit them to vote for a bill which will omit the minor improvements. I do not believe if the Senator from Kansas who criticises this bill were permitted to take his pencil and given *carte blanche* to strike out from the bill he could eliminate appropriations amounting to $50,000 which after reading the reports and examining the whole matter he would be willing to say were not reasonable and proper.

Mr. MCMILLAN. Now I hope we can have a vote on the amendment.

The PRESIDING OFFICER. The yeas and nays have been ordered on the pending amendment.

Mr. CALL. Mr. President, I do not propose to delay the Senate. I wish to make a few very brief observations upon the pending amendment.

I concur entirely in the constitutional view and in the expediency of river and harbor appropriations as read by the Senator from New York from Mr. Webster to-day. I believe that the interest of this country as well as the duty of Congress under the Constitution demands a liberal system of internal improvements and appropriations adequate for them.

I can see no difference in reason between the improvement of any stream, whether small or great, that is capable of contributing in any material and important respect to the general commerce of the country. I think the idea is entirely unreasonable that a bale of cotton which may be borne upon the Mississippi River and goes into either the interstate commerce or the foreign commerce of the country is an object of national importance and a bale of cotton borne upon any other river or stream and that bears the same relation to commerce, foreign or interstate, is not a matter of national concern; that the product loses its character and importance because of the locality from which it comes.

Certainly there is a difference between large things and small things, and the attention of Government can not be directed to every small particle of commerce that is to be found in the country; but every locality has its right to the aid of the Government if any other part has it, and there should be an equal distribution of the benefits of the Government in appropriations in aid of commerce without respect to whether it is in one locality or in another. If the commerce of one part be smaller than another, it is of course entitled to a smaller degree of aid; but if larger, it is entitled to a larger degree.

In regard to this amendment, the inclination of my mind is to vote for it, and yet it opens very large questions. The suggestions of the Senator from Connecticut [Mr. PLATT] are worthy of the most careful consideration. I do not believe that you will ever regulate the internal commerce of this country, the rates of transportation upon its wide and vastly increasing railroad system, by any canals or water routes. I think that will require the aid of positive legislation. I agree with him that this is a question which confronts Congress to-day, and that the interests of the people demand that instead of wasting our time upon more unimportant considerations it should be devoted to this great question which, as was read from Governor Seymour to-day and Mr. Webster, concerns the happiness and prosperity of the country more than any other, the economy of transportation, and if we are wise we will direct our attention to it.

But there is no evidence to my mind that is satisfactory that these great water ways of commerce—canals and water routes—will be entirely superseded. They are building them in the immediate vicinity of the great railroads in England. There is the Manchester Canal. It is true it is a ship-canal, but it is demanded by the impossibility of making the railroads subserve all the purposes of commerce; and I find in the reports of the Board of Trade of New York and elsewhere the distinction which the Senator from Missouri did not make between freights which do not require rapid transportation and those which do, and I find that the entire Northwest and all the Northern States are in favor of this appropriation for this improvement, because they believe that the great mass of the agricultural production does not require the most rapid transit and that it can be more cheaply transported on a water way, and that this fact will be an important factor in reducing the cost of railway transportation.

Now, while it seems to me that the Illinois River is the natural outlet for that country, and that improvements connecting it with the lakes and making steamboat communication without change from the Mississippi to the lakes, which can be easily done on the Illinois and

Mississippi Rivers, as it would appear from the map even to a person who is not an engineer would be far more easy than this canal; while to my mind the best improvement for the people of the Northwest would be to improve the Illinois River as a natural outlet for steamboat transportation with locks adequate to their transfer from the river to a canal to the lakes without breaking bulk, yet I find the entire sentiment of the people of the North and Northwest in favor of this appropriation and this improvement.

As the Senator from Missouri has said, it is an appropriation which looks particularly to the State of Iowa and the adjacent States and the interests of Chicago and that section, but I see no objection to the amendment in that. They have a right to the same benefits that every other section of the country has, and in proportion to their extended commerce and the business which they do and propose to do they ought to receive more liberal appropriations from the Government in aid of it.

For these reasons I am prepared to vote for this amendment, and yet I think the distributions of this bill are not fair. I think the principle should be that when the Government has commenced certain public works an obligation results to carry on the works already commenced, and to carry them on adequately by giving them appropriations sufficient to complete them in a reasonable time, and not to neglect them for other works or to commence new works to their disadvantage.

It can not be expected that perfect fairness shall be attained with the conflicting interests which attend the subject, but there should be some fair principle adopted on which the money should be expended so as to benefit all the people and every part of the country. It can not be expected that any part of the country will be content to be neglected, and you can not improve any avenue of commerce without benefiting the whole country.

I think, therefore, that this bill should be regulated not altogether by States, nor yet in disregard of States, but that it should be regulated chiefly by the necessity of the appropriation for the works already commenced; and in that respect I think that the bill might have been far more equal and just than it is.

The Secretary proceeded to call the roll.

Mr. CHACE (when his name was called). On this bill I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. GEORGE (when his name was called). Upon this amendment I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were present, he would vote "yea" and I should vote "nay."

Mr. HAMPTON (when his name was called). I am paired with the Senator from Nevada [Mr. JONES].

Mr. JONES, of Arkansas (when his name was called). I am paired with the Senator from Indiana [Mr. HARRISON], who is detained from the Senate by illness in his family as I understand. As I am not advised how he would vote on this amendment if present, I withhold my vote. If he were present, I should vote "nay."

Mr. PLUMB (when Mr. MORGAN'S name was called). The Senator from Alabama [Mr. MORGAN] is paired with the Senator from Colorado [Mr. BOWEN]. I do not know how either of them would vote if present.

Mr. EDMUNDS (when Mr. MORRILL'S name was called). My colleague [Mr. MORRILL] is absent ill, and is paired with the Senator from Delaware [Mr. SAULSBURY]. I am under the impression—but I do not speak by authority—that my colleague, if present, would vote in the negative on this point.

The roll-call was concluded.

Mr. CAMDEN. I am paired with the Senator from Rhode Island [Mr. ALDRICH], who is detained from the Senate by illness.

Mr. SAULSBURY. I am paired with the Senator from Vermont [Mr. MORRILL], but his colleague is under the impression that he would vote against this amendment if he were here, and I am informed he always has done so. Under these circumstances I feel at liberty to vote, and I vote "nay."

The result was announced—yeas 31, nays 22; as follows:

YEAS—31.

Allison,	Dawes,	Logan,	Ransom,
Blair,	Evarts,	McMillan,	Sawyer,
Brown,	Gibson,	Mahone,	Spooner,
Butler,	Gorman,	Manderson,	Stanford,
Call,	Hale,	Miller,	Teller,
Cameron,	Hawley,	Mitchell of Oreg.,	Van Wyck,
Conger,	Hoar,	Palmer,	Wilson of Iowa.
Cullom,	Kenna,	Payne,	

NAYS—22.

Beck,	Frye,	Platt,	Vest,
Berry,	Gray,	Plumb,	Voorhees,
Blackburn,	Harris,	Pugh,	Walthall,
Cockrell,	Hearst,	Saulsbury,	Whitthorne.
Coke,	Ingalls,	Sherman,	
Edmunds,	Maxey,	Vance,	

ABSENT—23.

Aldrich,	Eustis,	Jones of Florida,	Pike,
Bowen,	Fair,	Jones of Nevada,	Riddleberger,
Camden,	George,	McPherson,	Sabin,
Chace,	Hampton,	Mitchell of Pa.,	Sewell,
Colquitt,	Harrison,	Morgan,	Wilson of Md.
Dolph,	Jones of Arkansas,	Morrill,	

So the amendment was agreed to.

The next amendment of the Committee on Commerce was, in section 1, line 1181, after the word "improvement," to strike out the words:

And the money heretofore appropriated for locks and dams is hereby made available for dredging said river, according to the plan of the Chief of Engineers, recommended on the 12th of March, 1884: *Provided*, That not exceeding $30,000 shall be thus expended on Goose Rapids.

And insert:

From Breckenridge to the northern boundary line of the United States, including dredging, removal of snags and bowlders, and construction of wing-dams, &c.; and the money heretofore appropriated for locks and dams is hereby made available for this purpose.

So as to make the clause read:

Improving Red River of the North; Minnesota: Continuing improvement from Breckenridge to the northern boundary line of the United States, including dredging, removal of snags and bowlders, and construction of wing-dams, &c.; and the money heretofore appropriated for locks and dams is hereby made available for this purpose.

The amendment was agreed to.

The next amendment was, in section 1, line 1201, after the word "operations," to strike out "and the cost of the proceedings hereinafter authorized" and insert "$10,000 to complete dredges authorized by act of July 5, 1884;" and after the word "mining," at the end of line 1205, to insert "hurtful to navigation;" so as to read:

Improving Sacramento and Feather Rivers, California, $40,000 of the money heretofore appropriated for improving said rivers that may remain unexpended at the end of the present fiscal year, for snagging and dredging operations; $10,000 to complete dredges authorized by act of July 5, 1884; the balance of said unexpended money not to be used until the Secretary of War be satisfied that hydraulic mining hurtful to navigation has ceased on said rivers and their tributaries.

The next amendment was, at the end of the clause making an appropriation for "improving Sacramento and Feather Rivers, California," in line 1207, after the word "tributaries," to strike out the words:

If he be not satisfied, he is hereby instructed to institute such legal proceedings as may be necessary to prevent the washing, sluicing, dumping, or discharging *detritus, débris*, or slickens, caused by or arising from hydraulic mining, into either of said rivers or any of its tributaries, or into the San Joaquin River or any of its tributaries, or in or to such place or situation from which such *detritus, débris*, or slickens may be liable to be washed or carried by storms or floods into either of said rivers or tributaries; and he is hereby instructed to use out of said sum as much as may be necessary for said purpose.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, in section 1, line 1222, to increase the appropriation for "improving canal at the Cascades, Oregon: Continuing improvement," from $200,000 to $250,000.

The amendment was agreed to.

Mr. STANFORD. I wish to turn back a little to page 50. I want to amend the original text by inserting, after the words "hydraulic mining," in line 1210 of section 1, these words:

By water used through pipes and used through nozzles under pressure.

Mr. HOAR. That is all struck out.

Mr. STANFORD. I want to have the amendment disagreed to and insert these words in the original text. There is a prior appropriation made for the improvement of the Sacramento and Feather Rivers of California, $40,000 of which money is hereby appropriated "for improving said rivers." Now, this also contains a provision that the United States district attorney may use a part of that money for the prosecution of those people who may be impairing the navigation of the streams. If the hydraulic mining of a certain kind which I propose to prohibit is to go on unimpeded, it is useless for the Government to appropriate money for the improvement of that river.

The original text also provides for the San Joaquin River. The improvement of the Sacramento and the San Joaquin Rivers, or those portions which are affected by the hydraulic mining is clearly within the jurisdiction of the United States Government; they are all tide water, at any rate in the main. It is a small appropriation, but it may be effective to prevent this particular kind of mining which is destructive to the navigation of these two rivers. The importance of it to California can not be overestimated. I trust there will be no objection to the adoption of my amendment and the restoration of the original text.

The PRESIDING OFFICER. If there be no objection the Chair will consider that the amendment referred to has not been adopted, as it was passed on hurriedly, and the Senator from California offers an amendment to the portion proposed to be stricken out, which will be read.

The CHIEF CLERK. In line 1210, after the word "mining," it is proposed to insert "by water used through pipes and used through nozzles under pressure;" so as to read:

If he be not so satisfied, he is hereby instructed to institute such legal proceedings as may be necessary to prevent the washing, sluicing, dumping, or discharging *detritus, débris*, or slickens, caused by or arising from hydraulic mining, by water used through pipes and used through nozzles under pressure, into either of said rivers or any of its tributaries, or into the San Joaquin River or any of its tributaries, or in or to such place or situation from which such *detritus, débris*, or slickens may be liable to be washed or carried by storms or floods into either of said rivers or tributaries; and he is hereby instructed to use out of said sum as much as may be necessary for said purpose.

Mr. INGALLS. My attention was called to this subject by a bill that was before the Senate some year or two ago, and my understanding at that time was that it was considered to be the duty of the State of California to attend to the methods that were adopted in mining by its own citizens in regions which are at a remote distance from the rivers that are affected by the bill.

If I understand this process, in the upper regions where these rivers take their rise scores, or it may be hundreds, of miles from the mouth, the waters are directed by means of sluices and nozzles and spouts from pipes against great banks of gold-bearing earth, which are washed away, the gold being arrested by some process and the *débris* or mud allowed to run off through these ravines down a great many miles into the water course below, by means of which not only have the channels of the streams become obstructed but vast areas of arable land have been overflowed and practically destroyed by the subsidence of these streams and the deposit of the unproductive mud upon the alluvion of the valley.

It seemed very strange to the committee that the United States Government should be invited to interpose to prevent the operations of these miners in the uplands of California lying at the foot of the mountains where these streams take their rise, to prevent citizens of that State from such mining operations as result in the choking up of these channels and the destruction of the fertility of the State; and I should like to hear the Senator from California state to the Senate upon what ground of reason or justice the United States can be called upon to expend money not only to improve the channels of these rivers, but to punish citizens of California, who are the subjects of the laws of that State and who certainly can be controlled by the laws of the State, from carrying on enterprises that are destructive to the navigable streams and also to the fertile and arable lands of California.

Mr. EDMUNDS. If the Senator from Kansas refers to the state of the law as it now stands, I beg to remind him that the law has been resorted to there and with success in the State courts and in the circuit court of the United States to enjoin that sort of thing. The judicial courts have taken jurisdiction of the affair.

Mr. INGALLS. So that the remedy is in the hands of the people there.

Mr. HOAR. May I inquire, to understand that point exactly, how can the United States circuit court get jurisdiction? By reason of the citizenship of the parties?

Mr. EDMUNDS. On the same ground that they get jurisdiction of any other case in which a citizen of Massachusetts or Vermont is concerned against the citizen of some other State.

Mr. HOAR. But this is not a law to provide for a private party's protecting his land against another private party or against a nuisance. It is a public law, and the proceeding is to be in the name of the United States.

Mr. EDMUNDS. I am not speaking of anything in this bill, but of the state of things as it has existed heretofore.

Mr. HOAR. I do not think I make myself clear. This, as I understand, is to provide for proceedings by the public, by the United States Government, under its power to protect commerce among the States; and I supposed the amendment of the Senator from California to the original bill proceeded on the ground that these two named streams, the Sacramento and the San Joaquin, are important highways of commerce among the States or with foreign countries. That being the case, I understand the authority of the United States is invoked to prevent the obstruction of those channels of commerce as it might be invoked on admiralty principles or other ground of jurisdiction in regard to harbors. I do not see how that can be affected by the circuit or other courts of the United States in consequence of the citizenship of anybody on the ground of citizenship without this law.

Mr. EDMUNDS. Neither do I; but I was only suggesting historically to my friend from Kansas that under the state of the law, national and State, in California, prevailing there, suits have been instituted in the proper courts.

Mr. HOAR. By whom?

Mr. EDMUNDS. By private persons, to prevent this nuisance, and it is a prodigious nuisance, for I have seen it myself; and, therefore, so far as the present law stands, it is within the competence of the judicial tribunals having authority over that subject, either State or national, according to the citizenship of the parties, and defending the rights of landholders along the Sacramento River, to enjoin the thing that destroys their land, and the courts in California, whether State or national—I believe the chief case was in the circuit court of the United States—have determined that this sort of thing can not be carried on to the destruction of the fertile lands of the Sacramento, for instance.

Mr. HOAR. But have they determined that they could protect commerce against it?

Mr. EDMUNDS. That is another question. I was only speaking historically, suggesting to my friend from Kansas that under the existing condition of things the owners of property below these great sluice-ways or wash-diggings, or whatever they call them, where the lands were being ruined as they were, have instituted suits, and have succeeded so far as they have gone, and they always will succeed in my opinion in stopping it. Whether that is a reason why Congress should not interfere to protect a navigable river against being filled up is another question, to which I have not addressed myself as yet at all.

Mr. STANFORD. As the Senator from Vermont has stated, those suits were brought by private parties whose rich bottom-lands were being destroyed by the deposits coming down from the mountains. The individual owners of those lands brought suit against the miners, and the circuit court of the United States enjoined the miners from destroying the lands.

Here the Sacramento and San Joaquin Rivers together, one coming from the south and the other from the north, substantially float two-thirds of the commerce of the State on the water; and I have no doubt this year, from the extraordinary crop likely to be had there, that there will not be less than 700,000 tons of wheat floated on the two rivers this season. The *débris* that comes in to injure this navigation of the rivers which we want to dredge out, and which this bill makes a small appropriation for, is upon waters peculiarly under the jurisdiction of the United States; each is a tide-water river. The mines that are emptying their *débris* into the streams that enter into the San Joaquin and Sacramento are on portions of the rivers where the tide rises and falls. The appropriation is for the dredging and improvement of these rivers. It is idle to attempt to dredge them while the miners pour this immense volume of *débris* into them. If the Government wants to protect its navigable rivers it must stop the *débris*.

I presume one reason why the appropriation heretofore made has not been used is because it was idle to attempt to dredge those rivers while thousands of tons might go in where one could be taken out. If the Government wants to do anything to these rivers it must stop the cause of the filling, which is this particular kind of mining, and we have limited it. After talking with my colleague and the Senator from Nevada [Mr. JONES] I put in a clause to confine it to that character of mining that does the greatest damage. There is a good deal of mining that will do no special harm, and we do not want to disturb it. We confine it to that water which is not merely used through pipes but also through nozzles, as that is the kind of mining that throws this immense quantity of *débris* into the river. A small appropriation to prevent people from doing the damage is the important point, without which the other money is wasted.

Mr. INGALLS. But I understand that these operations are conducted in a region that is very remote from the navigable part of the streams. Am I not correct?

Mr. STANFORD. Usually.

Mr. INGALLS. Usually. My attention was called, as I said, some time ago to the process on the upper waters of the Feather River, and I think that there were some legal proceedings to test the right of those persons thus engaged in carrying on transactions profitable to themselves by which the rights of others below them upon the stream were injured and in some cases absolutely destroyed.

Mr. STANFORD. The suits were not for the injury done to the streams, but the injury done to the lands adjoining the streams.

Mr. INGALLS. Of course the damage could not be done to the land without the agency of the stream. That is, these great banks of gold-bearing gravel, where the per cent. to the cord was exceedingly small, could not be handled by the ordinary processes with hand labor; and therefore the mountain streams were diverted from their channel and conducted through ducts enormous distances, across ravines, through pipes, and at last directed from nozzles against these banks with such tremendous force that they melted away, and thousands of tons per day were dissolved and washed down, so that, the gold being preserved, the remainder ran into the lowlands below. And not only was the navigation of the stream impeded and its channel filled up, but there was an enormous overflow of this muddy and saturated flood upon the cultivated lands of the riparian proprietors in the lower country, so that its productive capacity was destroyed.

I can readily understand that if these operations were conducted upon the cliffs on the high grounds immediately adjoining these navigable waters, and the *débris* washed down so that the channel was filled up, we might properly be called upon to arrest the transaction and say that these parties should not be allowed in this way to interfere with the navigation of the stream; but when these transactions are carried on hundreds of miles away, and the whole operation is entirely within the control of the State authorities, and the people themselves are citizens of the State of California, to say that the Government of the United States should be called upon to interfere in a matter of this kind that belongs exclusively to the State seems to me to be carrying the doctrine of centralization rather too far.

Mr. MITCHELL, of Oregon. May I ask the Senator a question? The Senator's statement is that if these operations were carried on upon the banks of streams, then Congress could properly interfere in the exercise of its power of protecting commerce.

Mr. INGALLS. Just as we attempted to do in the bill we sought to pass this morning to prevent the discharge of cinders and sewage into the harbors.

Mr. MITCHELL, of Oregon. Suppose by reason of some similar process 30 miles away, by the melting, as the Senator describes it, of a mountain by hydraulic power or in any other way, the bay of San Francisco for instance was about to be filled up with *débris*, where is the difference between that case and the case suggested by the Senator? If the power exists in the one case, and if it is the duty of Congress in the one case to prevent the filling up of that great harbor, why not in the other, although the operation my be some distance away?

Mr. INGALLS. If the Senator does not see the difference where this results from private transactions carried on by citizens of California for their own gain in regions at a great distance from the place where this appropriation is to be employed, of course I can not enlighten him.

Mr. MITCHELL, of Oregon. It seems to me that it makes no dif-

ference what the purpose of the operation may be, whether it is carried on for private gain or for pure deviltry, if the result is the filling up of a navigable river.

Mr. INGALLS. The transaction occurs in a region where the United States has no jurisdiction.

Mr. MITCHELL, of Oregon. Why not?

Mr. INGALLS. You might as well say that if the stream was injured by reason of some planetary disturbance there would be a right to proceed against the solar system.

Mr. MITCHELL, of Oregon. I take it that Congress has the power to protect the commerce of the harbor of San Francisco, or has the power to protect the navigation of any of the navigable waters of California, and especially tide-water rivers. It occurs to me that it does not make much difference where the process is used, whether on the bank of the river or 30 miles away. The effect is the same.

Mr. INGALLS. Suppose it occurred in another State?

Mr. MITCHELL, of Oregon. It does not make a particle of difference. So much the stronger in favor of the power of Congress.

Mr. INGALLS. But if it occurred in a place farther away from the water altogether?

Mr. MITCHELL, of Oregon. The object of the statute is not to punish anybody particularly, but the text of the bill says "to prevent."

Mr. INGALLS. We are asked to protect the people of California against the rapacity of their own citizens.

Mr. STANFORD. Will the Senator allow me to say that this bill, as I understand, is one relative to matters of national importance. The whole bill is based on that theory. It is in regard to national waters. The entire portion of the river referred to is where the tide flows, and of course within the jurisdiction of the National Government.

Mr. EDMUNDS. How far up does the tide flow?

Mr. STANFORD. It flows above the Feather River, on the Sacramento. That covers all that portion of these two rivers that are injured by the *débris*.

Mr. INGALLS. What action have the State courts of California taken in regard to this?

Mr. STANFORD. The State courts have held that one man has no right to destroy his neighbor's property.

Mr. INGALLS. He must so use his own as not to injure that of another.

Mr. STANFORD. The circuit court of the United States has held the same thing; but in regard to these navigable waters of the United States the question has not been up, and this appropriation is to affect the waters of the United States, navigable streams, not to protect the farmers. If the United States wants to protect the streams, why not proceed intelligently to stop the very thing that has caused the trouble? I do not suppose that there is any difficulty about the United States doing this and stopping the trouble in the mountains or anywhere else where this *débris* is put into the rivers. The question is whether or not the Government shall protect the waters of the navigable streams, and it is a very important matter.

Mr. INGALLS. What is the length of the navigable course of these streams below the junction of the Feather and the Sacramento?

Mr. STANFORD. The Feather is about 55 miles north of the Sacramento.

Mr. INGALLS. What is the distance at which these hydraulic operations are carried on above the point at which the river is navigable?

Mr. STANFORD. From 20 to perhaps 70 miles.

Mr. INGALLS. Is the operation complained of in the highlands near the headwaters of the river.

Mr. STANFORD. There is no use clearing streams unless you stop that scouring coming in. No one can appreciate the great amount of gold-bearing earth that comes into the streams unless he sees it.

Mr. DOLPH. This amendment made by the Committee on Commerce was at the instance of the Senator from Nevada [Mr. JONES], a member of the Committee. As I understand the Senator from California now, the Senator from Nevada is willing the text of the bill should remain if amended as proposed by the Senator from California.

Mr. STANFORD. Yes, sir.

Mr. DOLPH. By a subsequent provision in the bill it is made unlawful to do this thing, that is, to carry on hydraulic mining so as to fill up the navigable rivers of the United States or cast or throw anything into the navigable rivers that would obstruct navigation, and it is made the duty of the district attorney to prosecute such offenses. The only addition to this amendment would be to authorize the Secretary of War, this being a special case of great importance, to use a part of the appropriation heretofore made for these rivers, to stop this offense of hydraulic mining. I think it a good amendment, and I hope the amendment of the Senator from California will prevail and that of the committee be rejected.

Mr. EDMUNDS. Let it be read again.

The PRESIDING OFFICER. The amendment of the Senator from California will be read.

The CHIEF CLERK. In line 1210, in the matter proposed to be stricken out, after the word "mining," it is proposed to insert "by water used through pipes and used through nozzles under pressure;" so as to read:

If he be not satisfied, he is hereby instructed to institute such legal proceedings as may be necessary to prevent the washing, sluicing, dumping, or discharging *detritus*, *débris*, or slickens, caused by or arising from hydraulic mining, by water used through pipes and used through nozzles under pressure, into either of said rivers or any of its tributaries, or into the San Joaquin River or any of its tributaries, or in or to such place or situation from which such *detritus*, *débris*, or slickens may be liable to be washed or carried by storms or floods into either of said rivers or tributaries; and he is hereby instructed to use out of said sum as much as may be necessary for said purpose.

Mr. EDMUNDS. With every disposition to do what Congress properly may for national interests to prevent what is going on out there or has been until stopped by an injunction, I do not see how in the interest of commerce, of keeping the rivers clear, the question is to be determined upon the amount of pressure that is to be brought to bear on a gravel bank that is said to contain gold. It depends upon what is to come down into the river and to impede navigation by shoaling its waters. That is the point. And coming to that point, it would seem that the text of the House bill went to the root of the matter, by stopping the putting into the river these substances put there by this hydraulic mining, which is the only way that these substances that fill up the river and shoal the water get there.

Mr. HEARST. That is the fact; but we want to prevent these things going into the channels, and if we stop hydraulic mining we stop this business. These people have been so industrious that they have made inventions by which they can lift up and wash out a ton of stuff by a force of water 5 miles away for 5 cents. The consequence is that these great inventions have so disarranged things that they have changed the face of nature to some extent. There is one kind of mining that interferes with the streams. We want to be very careful in describing it so as not to interfere with a set of people who occupy a country 400 miles long and 40 miles wide and who produce out of that little belt of country about $20,000,000 annually, which your people in the East need very badly to pay your balances. I want to offer one amendment so as to define what hydraulic mining is. For my own part I do not think the provision ought to be in this bill at all, because the thing has been litigated thoroughly, and every one of the people is under a perpetual injunction from the United States circuit court to-day against doing what is complained of.

The PRESIDING OFFICER. The amendment proposed by the Senator from California [Mr. HEARST] will be read for information, but it is not now in order.

Mr. HEARST. I want it read for information. I send it to the desk.

The CHIEF CLERK. In section 2, line 42, in the amendment proposed by the Committee on Commerce, after the word "pressure," it is proposed to insert "and against mountain sides or natural banks;" so as to read:

Nor be so construed as to apply to any character of mining other than hydraulic mining, by water through pipes and used through nozzles under pressure and against mountain sides or natural banks.

Mr. EDMUNDS. Now, Mr. President, we come back to the original proposition——

Mr. MCMILLAN. If the Senator from Vermont will allow me to interrupt him for a moment, as I am desired by several Senators to state what course I shall take in regard to the session to-day, I wish to say that I shall request the Senate to remain in session until we can dispose of this bill to-night.

Mr. HEARST. I think my colleague will agree with me. I do not think that my colleague or anybody from any part of the world has any objection to any kind of mining in California except hydraulic mining, and I have endeavored to get the bill framed both in committee and here so as to stop that. I think that two-thirds of all the people in California are willing to do that. Of course it is a hardship, because we stop the investment of millions of dollars by doing that; but we ought not to go further. I have my pocket full of letters and telegrams coming every day expressing fears that by this action the whole mining industry in the Sierra Nevada will be destroyed.

Mr. STANFORD. To the amendment of my colleague I have no objection, as it confines it more particularly to this peculiar kind of mining which is doing the great damage. The ordinary mining does not do so much damage as that the people need have any apprehension about it, and I do not believe the Government would find it necessary to interfere with that kind of mining.

This hydraulic mining is confined to a few large companies, and probably there are not above three thousand miners engaged in that kind of mining. I do not use that as an argument, but only give it as a statement of fact. Almost all these companies are largely composed of non-resident owners; and if the miners were thrown out of employment, as they are a first-class set of men, they probably would be engaged in other industrial pursuits in less than thirty days.

Mr. INGALLS. Is there any way by which the *débris* that results from the hydraulic mining can be impounded and arrested, so as not to corrupt the courses of the streams?

Mr. STANFORD. I can safely say that it is universally supposed to be impossible.

Mr. INGALLS. Therefore, if this provision here shall prevail the operation of mining by the hydraulic process must stop.

Mr. STANFORD. Yes, sir.

Mr. INGALLS. In a region of country, as the Senator's colleague

states, of 400 miles in length by 35 to 40 in width, and there $20,000,000 per year are extracted.

Mr. MCMILLAN. The Senator from Kansas will permit me to make a statement in regard to this, and perhaps in reference to the term "hydraulic mining." As stated by the Senator from Oregon, this amendment in the Senate was made to conform to the views of the situation entertained by the Senator from Nevada, as he was familiar with the state of affairs in California. As the clause came from the House you will observe the words in line 1206 "hurtful to navigation" were not inserted. We inserted these words to exclude a certain kind of hydraulic mining.

Mr. INGALLS. May I speak one word there?

Mr. MCMILLAN. Certainly.

Mr. INGALLS. The Senator from California who is nearest me [Mr. STANFORD] states in reply to my interrogatory that there is no way of arresting or impounding the *débris* if the hydraulic mining process is carried on, so that it must necessarily run into the channels of the streams if the process that is now going on be continued. Therefore, if this is to prevail, if the Senator from California is right, the process of mining by the hydraulic system is at an end.

Mr. MCMILLAN. The term "hydraulic mining," as I understand it from information received from the Senator from Nevada, includes different processes, one of which is by water used through pipes and used through nozzles under pressure. That kind of hydraulic mining I suppose is the kind referred to by the Senator from California who is before me. But there is a kind of hydraulic mining which is followed by persons of smaller holdings there, which does not interfere with the navigation of the streams at all, and yet which would be included under the term "hydraulic mining" in the clause as it came from the House.

Mr. INGALLS. But I understand this mining by the hydraulic process has a technical signification; that in these vast deposits of gravel the per cent. of gold is so small that it could not be extracted by the ordinary processes, that it requires extraordinary capital to construct these sluice-ways from distant mountain sources so that the streams are directed through nozzles and poured with immense force. I am told sometimes a stream goes with such velocity that you can not chop it with an ax when it comes from the nozzle that is directed against these banks of gravel, and they dissolve away and disappear absolutely before the tremendous force of the stream. That of course necessarily, if the statement of the Senator from California is true, we are interfering with, and not only interfering with, but destroying a process that results in the extraction of $20,000,000 per annum which would otherwise be entirely lost.

Mr. STANFORD. But a small proportion of the gold is taken out by hydraulic mining. The quartz mining is now the most important of all; but there are thousands of people engaged in small mining, washing through sluices and washing down the banks with a little water. Those we do not desire to interfere with. I think our streams can get along very well without interfering with this class of miners; but we can not protect the rivers and allow that peculiar kind of mining which is so very well understood by the name of "hydraulic mining;" in other words, through pipes and nozzles, because that defines exactly the kind of mining we desire to prohibit. Any kind of mining by water is, in one sense, hydraulic mining,

Mr. INGALLS. But "hydraulic mining" does not mean that. It does not mean taking dirt in a pan and shaking it out by water and collecting the gold at the bottom of the pan. That is not "hydraulic mining."

Mr. STANFORD. Directing the water through pipes is what is understood as "hydraulic mining."

Mr. EDMUNDS. As far as the United States are concerned the question would seem to be to prevent, if we are to go on with this business in this bill—which, like a good many parts of it, has nothing to do with the question—the obstruction of navigable waters of the United States. The question is not so much how they are obstructed, but the fact that they are obstructed by bringing into them substances that shoal their waters, whether produced by what you call hydraulic mining or quartz mining or sluice mining or pan mining or any kind of mining.

The point is that if the *débris* of this business comes into a navigable river you want to stop it. I do not say you want to stop it on this bill, which has so many other devices in it for doing things that do not belong to it properly; but if you are to have it at all, the question is not as to the amount, but as to the result. I think therefore that the bill as it came from the House, which is limited a little too much even in that point of view, states in general the case that you have got a river in the State of California, or rivers in it, into which the operations by citizens of that State on their own lands discharge gravel and soil and mud; but the point is not how it got in there, but the fact that it is there. Therefore if you are to do anything at all, you are to say that it shall not be allowed to go there, without reference to the means by which your river is filled up, and we are called on from year to year to dig it out again.

What difference does it make any more than it would to say as private citizens, if our neighbor was discharging his water or his sluice upon our land, whether he did it by one means or another means, by a method of one name or another name, so that he violates our rights of property by bringing upon us a thing that he has no right to bring, we do not care what the method is, it is the result; and it is just so here. If these rivers are the rivers of the United States, which the United States has the right and the duty to protect for navigation, then we do not depend upon the question whether it is done by hydraulic mining of one name or another name or any other kind of mining. We go to the fact that the operations of men upon their own property bring into these rivers a sediment and a deposit that impedes navigation. That is the point.

Now, what kind of a river is the Sacramento River, and what kind of authority have the United States over it? The Sacramento River is just like the Hudson, which I know very well, as it is on my way home; it is wholly within the limits of one State. Every authority of that State can be exerted over it. A homicide committed in the middle of it, or an assault, or a conflict, or any other of the operations of violation of rights in the public sense is within the jurisdiction of the State of New York. So it is in respect of the Sacramento River in the State of California, leaving out of view in both cases the simple maritime jurisdiction of the United States, which is not a jurisdiction over the body of the river and its adjacents and belongings, but only a jurisdiction over the operations of men who are seafaring men as they may be called. That is all there is of maritime jurisdiction where the tide ebbs and flows.

Now, we have the Sacramento River, like the Hudson, and here up at Troy are people engaged in great iron-works, and they dump into the Hudson River every day from their great iron-works the slag, &c. On what ground is it that Congress would undertake to interfere with that? It has none; perhaps it ought to do so if it has the power. Where does it get the right? Has the Congress of the United States under the Constitution the right to enter every State and say that no land-owner along the borders of a stream that Congress chooses to improve, or to appropriate money for the improvement of, or to be expended upon, whether improved or not, shall govern his own individual conduct of his own property in respect to that water? I doubt it. Congress has jurisdiction to regulate commerce "among the several States," and not in them. That is the language of the Constitution.

Mr. MAXEY. I should like to ask the Senator a question. This is a very important subject. Suppose we have the power asserted in the lines proposed to be stricken out, why should we not have the right to go into mountains above any navigable stream and beyond the navigable part of that stream and prevent the cutting down of the timber, which is believed by many to produce floods which overflow the whole country and destroy navigation? Why should we not have the same power to prevent private owners from cutting down that timber that we would have to prevent these people from carrying on their mining operations beyond the navigation of the river?

Mr. EDMUNDS. The Senator from Texas has stated what I was about to say so much better than I could, as one point of illustration, that I need not repeat it. I will take another illustration. We had a day or two ago from the Senator from Louisiana [Mr. GIBSON] a most interesting description of the great national importance of the Bayou Terre Bonne in Louisiana, which the engineer's report showed to be wholly within the State of Louisiana, and to be at this time of the year a mere ditch, but a stream, a bayou, a place—that is the best definition, "a place"—on the surface of the earth to which Congress has devoted public money for digging it out and making more water in it in respect to the depth than there was before. Now, suppose Congress, instead of the police jury that my friend from Louisiana (whom I do not see in his seat at this moment) said controlled it, had passed an act declaring that none of the planters along the Bayou Terre Bonne should open any ditch that entered into that bayou, does anybody maintain for a moment that it would not have been an absolutely null and void declaration of Congress?

Mr. HALE. Will the Senator allow me to ask a question?

Mr. EDMUNDS. Certainly, with pleasure. I am seeking for information.

Mr. HALE. Does not this bill, later on than the part which we are now considering, propose to do in clear and explicit terms precisely what the Senator is deprecating? I find in section 2 that the bill takes jurisdiction of an entire stream, if I interpret it aright. Let me read this and ask the Senator what his interpretation of section 2 is on this very point. It provides that:

> It shall not be lawful to cast, throw, empty, or unlade, or cause, suffer, or procure to be cast, thrown, emptied, or unladen, either from or out of any ship, vessel, lighter, barge, boat, or other craft, or from the shore, pier, wharf, or mills of any kind whatever, any ballast, stone, slate, gravel, earth, slack, rubbish, wreck, filth, slabs, edgings, sawdust, slag, or cinders, or other refuse or mill-waste of any kind, into any port, road, roadstead, harbor, haven, navigable river, or other waters of the United States, for the improvement of which Congress has already made, or may hereafter make, appropriations, or to dump, discharge, or wash, or cause to be dumped, discharged, or washed, from any mine or mineral land or bank, tailings, bowlders, gravel, clay, earth, or *débris* into any navigable waters or rivers for the improvement of which Congress has made or may make appropriations, or into any tributaries, branch, or affluent of such waters or rivers.

Now, can anything be more clear and explicit in its purpose than

this provision of the bill that the Senate is now considering, to take the charge and control throughout the entire extent of a river to its farthest source, covering a jurisdiction which I understand the Senator is opposed to? If that is so, I wish the Senator, before he gets through, would address himself to this very clause.

Mr. EDMUNDS. We have not got to that clause yet, but as the Senator from Maine says it touches the same topic, and as he says the United States may, on the theory of these entirely intrastate rivers and above the ebb and flow of the tide—though I do not think that makes any legal difference, but I will assume that it does for the purpose of the argument—take the entire jurisdiction and domination, the sovereign power over what shall be done in, and of, and about such a river, just as a State might, the State of Vermont, or the State of Texas, or Georgia, or Maine, in respect of a public highway that had been created by State authority, and say, "you shall not throw your ashes out on that highway," which a State may lawfully and properly do; "you may not do anything in that highway except to pass over it; nothing shall stand upon it; nothing shall go upon it; nothing shall lie upon it," except what the State authority chooses to say. And so coming to the great State of North Carolina, which is rich in appropriations for improvements, as they are called, but rather scant of water away from the seaboard.

I remember an instance a few years ago of one of these very same navigable national highways, national streams, where we were asked to make an appropriation for its further improvement, and turning to the report of the Chief of Engineers, it appeared that in order to make the improvement at all available for purposes of commerce it was necessary to build an extensive pumping establishment on one stream and pump the water over into the stream that was to be improved.

Now on this theory, whether Congress had appropriated or not—because the constitutional jurisdiction of Congress does not depend upon whether it has spent any money; it stands upon a fundamental principle—Congress would have the authority to say that nobody should do anything about the French Broad, if that was the name of the stream, that Congress had not previously authorized might be done; that the land-owner should not wash his sheep in it, that he should not let his timber fall into it, that he should not catch trout in it, or do whatever else he wanted to do, although he owned the land on both sides.

That sort of thing will not stand; and it shows the utter absurdity of failing to distinguish between what the Constitution has given us the authority to do in the regulation of commerce among the several States, to provide for great national highways, whether of water, or of road, or of railway from State to State and great national ports for foreign commerce; and this business of going into every place where there is a dew—I state it extremely of course—any little river that may be made locally advantageous as a private canal would be, or a sluiceway, and undertake to say that that is a subject for national improvement, and, being a subject for national improvement, is within the jurisdiction of Congress to dominate everything there is about it, because one thing follows from the other——

Mr. HALE. I say that it goes a great way further, and in the same section from which I have read it does not confine this jurisdiction. This provision not only prohibits the dumping of earth or refuse of any kind into a river or on its banks, but forbids it upon lands in any place or situation on the shore where the same shall be liable to be washed into any navigable waters either by ordinary high tides, or by storms, or floods, or otherwise. When that section is reached, if not before, I should be very glad if the Senator in charge of this bill would explain to the Senate upon what theory the committee has departed from what has been I believe usually understood as the limit of jurisdiction of the United States. It is the section in which the Committee on Commerce amplified the jurisdiction of the United States beyond all points appropriated for and take possession of the rivers entirely to their source, the streams and the tributaries.

Mr. EDMUNDS. That is a House section.

Mr. HALE. It is a House section, but it is not struck out by the committee. The committee report it in full. They go beyond taking jurisdiction of the mere subjects of appropriation, and beyond the river or the stream, and include the entire tributaries; and then beyond that declare as a matter of law, with penalties affixed, that a citizen of the United States who deposits anything upon his own land, away from the shore, at any place where it is liable to be washed by tide, or flood, or storm into any river, or tributary of any river, upon which there has been or any part of it an appropriation, shall be subject to pains and penalties. If that is not a most enormous stretch of jurisdiction beyond what has ever been claimed before, then I am entirely unfamiliar, as I acknowledge myself to be to a great degree, with the legislation on this subject. I should like to have that thoroughly explained and elucidated to the Senate when we reach it.

Mr. EDMUNDS. The broad distinction is as to the power of the United States to appropriate money to any object that it deems to be for the public welfare. We gave it many years ago—I say "we," I mean the nation—to the sufferers from an earthquake at New Madrid, in Missouri, which led to a great deal of litigation, a great deal of legislation, and a great many claims. We have given it to sufferers of all kinds, from floods and storms and the unfortunate political convulsions in other countries. In other words, we have exercised in every direction what I believe to be a competent constitutional power to appropriate the money of the tax-payers to any purpose that Congress deems to be for the general welfare.

That is one thing, and therefore I can not doubt that the appropriations contained in this bill for making the smallest stream over which Congress, in any other sense than that of making a donation to it, has no more jurisdiction than I have, is perfectly constitutional. If we want to make a charity of that kind, very good; I think the Constitution warrants us in giving away the money of the United States as long as we please.

Mr. STANFORD. Allow me to ask a question. This appropriation the district attorney of the United States may use for the purpose of preventing the dumping of this *débris* to the destruction of the stream? That is the point we are after.

Mr. EDMUNDS. I am not on the question of giving money.

Mr. HEARST. I wish to ask my colleague if that money can not be used to disturb our people to a frightful extent and induce a very unnecessary agitation? That is my opinion.

Mr. CALL. I should like to ask the Senator from Vermont a question. I desire for my own information to understand his line of argument. I ask the Senator from Vermont, conceding as we all do the power of Congress to put an improvement in aid of navigation in any port or harbor open to the high seas and foreign commerce, if Congress has not the power to provide that that improvement shall not be interfered with or removed, and if so from whence the power comes, and if there is any difference between that power and the power to protect an improvement elsewhere?

Mr. EDMUNDS. The difference, if I may say it, with great humiliation and respect to my friend from Florida, is the difference between private right and public right. I will take the entrance to the harbor of New York, if you please, for an illustration. I might take San Francisco, or perhaps the mouth of the Saint John's River, or Tampa Bay.

At the entrance of the harbor of New York, below high-water mark, or to make it safe I will say below low-water mark of the tide, there is no private ownership of property; and when Congress provides for clearing off the bar at the entrance of New York Harbor it does it under its authority to regulate commerce with foreign nations. I do not know any other authority except the authority merely to give money; but when it undertakes to exert force, which is different from giving money, and tells its engineers "You shall do that thing," and they undertake to do it, and any other power undertakes to stop them, then it becomes a question of the force of conflicting rights, and there is nobody to stand in the way there except the sovereign power of the State of New York.

That sovereign power of the State of New York is confined to subjects that do not interfere with the regulation of commerce between the United States and foreign nations.

I am speaking now of that particular case which I take for an illustration. If, therefore, the act of Congress directs the engineers to dig out the bar at the harbor of New York to the depth of 30 feet, and they begin to dig, and the private land-owner on either side undertakes to interfere, the answer to him is easy enough, "You have no interest in this question at all; you do not own the land where we are digging." That is the end of him. Then when the State of New York comes and undertakes to interfere, the answer is that "Although you have a perfect sovereign municipal jurisdiction, this being within the borders of a county, we are now exerting the power of regulating commerce with a foreign nation, and are providing where the tide ebbs and flows, the public waters of the world coming into your harbor, and interfering with no private ownership, we are enabling commerce to come in." Very good. That is the answer to that question.

When you go to the top of the Winooski River, in the State of Vermont—which I am bound to say from having seen them both is much larger and surrounded by a much more populous country and a more fertile region than, I was going to say, fifty places that can be named in this bill—if Congress undertakes to send its engineer to dig out the sand-bars and the rock-bars in the Winooski River and they were met by the land-owner, the law would be that the land-owners on each side—and the farms often cross it on both sides—owned the bottom of that river, and the engineer would be up if the land-owner resisted; of course he would not resist, because it is a jolly thing for him to sell his chickens and his eggs and his wheelbarrows and things to the engineers and their workmen who proceed to dig. As Blackstone says—my friend is so familiar at least with the comic one—*infra dig*, which means dig the bottom of every rivulet and brook which you can get so long as Congress will provide the money to do it.

Mr. CALL. Now I will ask the Senator, if he will allow me, with greater humiliation than he had, suppose we enter into the New York Harbor by virtue of the power of Congress to regulate foreign commerce and make an improvement because there is no private property there, is there any reason why we should not go up to the head of the river, to the iron-works that he speaks of where they dump the iron slag into the river, and there being no private property there, Congress should interfere and prevent them putting the slag in? Simply because

there is a right of private property somewhere, this national power to protect the works it may create is divested. Is that the idea?

Mr. EDMUNDS. That depends on another branch of the law, with which my friend is so familiar, of remote and proximate forces. If the United States, having perfect authority to dredge out the bar at the entrance to the harbor at New York, could prove to a jury of twelve honest men, under proper directions from the presiding judge, that the man who at the top of the Hudson River had dumped in his slag had necessarily and as a direct cause, not a remote one, brought those slags to that bar, I agree that Congress could prohibit it.

Mr. CALL. The Senator admits the power of Congress to do it then within a State?

Mr. EDMUNDS. No. I admit the power of Congress to protect a public work that it has a right of its own authority to do, as distinguished from making a donation of money to do it. That is the difference.

Mr. STANFORD. Now, that I may not misunderstand the Senator, let me say that this is a case in which the harbor of San Francisco, one of the most important of the country, is threatened. It is only a question of time if the mountains are allowed to be washed down the valleys when the harbor of San Francisco itself will be destroyed. Now, do I understand the Senator from Vermont to say that there shall be nothing done, that Congress has no power to stop this washing down of *débris* into these streams so as to destroy that harbor?

All that we are asking under this bill is that Congress may authorize the United States district attorney, out of the money already appropriated, to use so much as he may think necessary in order to stop the filling up and the destruction of those two rivers and this harbor of San Francisco. If I understand the Senator correctly in regard to what might go on at the head of the Hudson River affecting the harbor of New York, the power is in this bill to make the appropriation necessary to prevent it.

Mr. EDMUNDS. How much has the harbor of San Francisco shoaled from these washings so far?

Mr. STANFORD. Very largely. An engineer tells me it is very important that a new survey should be made of the harbor of San Francisco. Suisun Bay, which is a portion of the harbor of San Francisco itself, where ships of any tonnage might pass a few years ago, is now so filed up that tules are growing up in the center of it.

Mr. EDMUNDS. Gold-bearing sand?

Mr. STANFORD. It comes down washed from the mountains.

Mr. HOAR. It seems to me that the question which is raised by the Senator from Vermont and the Senator from Maine is nothing, when you come to look at it for a moment, but the old question of the right to make these improvements, these public works, within the body of a State. I suppose there are but few members in this or the other House left, there are very few of the antediluvians or fossils left, who entertain the old doctrine that our predecessors had to encounter down to the time of James Monroe. We have the right, not merely under the power to provide for the general welfare, but under our power to regulate commerce among the States and with foreign nations, to provide for the construction of public ways whether by land or by water, which ways are important tributaries or contribute to such commerce.

Mr. Webster put as his illustration of the power of Congress the case of a canal beginning in South Carolina and ending in South Carolina, and he declared in his seat here that if it were proposed to him to appropriate money to build a canal beginning and ending in South Carolina, which was important to commerce among the States as a part of its roadway and he were to refuse, he would not dare go home and face his constituents.

If we have a right, as we have shown by building railroads and as we have shown by contributing to the building of canals, and as we have shown by clearing out harbors on the ocean, to do this thing, we have a right to protect these public ways in the process of construction or after they are constructed, and we have a right to enact that a man who washes away by raising a dam against it the embankment of a railway which Congress has built or helped to build, we have a right to enact that that shall not be done, and to protect the structure by civil restraint, by injunction, or by provision for criminal process.

Mr. HEARST. Will the Senator allow me?

Mr. HOAR. Certainly.

Mr. HEARST. All of what the Senator says about a canal or anything that the Government has artificially made——

Mr. HOAR. I am coming to the question of the river that the Government did not make.

Mr. HEARST. But these people ought to be allowed to control a country 400 or 500 miles long not on the stream.

Mr. HOAR. That is another matter. I am trying to state the answer to the proposition of the Senator from Vermont.

It is settled that these State rivers flowing into other rivers, or flowing into the sea, or existing anywhere where the commerce that passes over them may go abroad or may go to another State, are within the national jurisdiction. Originally in England the admiralty jurisdiction was held to be over those places only where the tide ebbed and flowed, and our courts adopted in the beginning that limit of admiralty or maritime jurisdiction of the constitutional clause, but the Supreme Court held about fifteen or twenty years ago that that was not a definition as being an equivalent in reason or meaning, but it was only an accidental coincidence.

It happened that there being no large rivers in England, the limit of international commerce happened to coincide with the limit of the ebb and flow of the tide, and therefore when you applied it to our vast streams, our vast lakes, the true limit was to be found by applying the national power to all commerce which might pass from one State to another, whether by river or by lake or by artificial ways. So a river in the State of Vermont, or Massachusetts, or Alabama, which is or which may be made a means of transporting commerce on its way from one State to another, on its way from the cotton plantation in South Carolina or Alabama either to Liverpool by sea or to Boston by inland ways, is within the national jurisdiction.

Now, if we are to have a right to construct a canal wholly artificial and to declare that the person who fills up that canal as we are constructing it or after we have constructed it is interfering with international or interstate commerce and may be prevented by criminal or civil processes, we have a right to take a river which is half or two-thirds or nine-tenths or ninety-nine one hundredths ready to make into a canal, and we have a right to provide for dredging it out and to protect it when we have dredged it out by a precisely similar enactment, which is what this proposition of my honorable friend from California and the section which he proposes to amend undertook to do.

I go further, and I say if you have got a natural stream fitted to be an instrument of such commerce without any work or expenditure upon it by the United States Government except the simple protection of it, and it be a tributary of international commerce now there prepared and ready as it came from the hand of the Almighty, just as the lake is, just as the Mississippi River for a great part of its course is, just as the Hudson River through a great part of its course is, you have the same right to interpose for the regulation or protection of commerce by preventing the obstruction of that canal. There is no difference in principle; or if there be a difference in principle, the difference is in favor of the simpler and more direct process.

So that if you may make a ditch on land and fill it with water and protect it by an enactment of this class, you may dig out a canal half made in the shoals of a river and protect that. If you may do either of those things, *a fortiori* you may regulate and protect commerce by saying that the great water ways already existing and perfect shall be protected and maintained in their perfection as they exist and shall not be interfered with, and it is one function, one constitutional power, one beneficent, humane duty that Congress is performing in all three of the cases.

Now, as I understand the proposition of the honorable Senator from California, it does not undertake to say that a certain business shall stop in the California mountains because the result of that business has been to destroy the streams, but it says that when that business is operating to cause the destruction of the Sacramento and the San Joaquin and the Feather Rivers, then the authority of the United States may be invoked to prevent that destruction and that injury. That is all. I see, therefore, no difficulty in finding constitutional power to accomplish this thing.

I wish before I sit down to make, however, one observation called out by an observation of the Senator from Vermont, and which we hear in almost every speech in opposition either to this bill in general or to any of its provisions, the suggestion that this river and harbor bill and its predecessors contain any considerable number to speak of of these little trifling provisions. I do not believe this bill for the last ten years has contained a provision, unless it has escaped the careful scrutiny of the committee, which was not for an object which in some way was important to the international or interstate commerce of the country. It is almost unusual.

President Arthur undertook to veto the river and harbor bill four years ago this summer. The whole press of the country went off into a tirade on this subject, which I heard the very foremost scientific man of America, a name which if I were at liberty to cite it would command respect from every Senator in this Chamber, say was half craze and half plot, and the next year that Executive was challenged by the House of Representatives to point out and enumerate the items in the bill which he thought were not required by the needs of national commerce, and the Secretary of War made answer, which he said had been submitted to the Executive himself, saying that there was but 5 per cent. of the entire $18,000,000 which that year's scrutiny enabled that Secretary of War to point out. I went over that bill and studied it carefully, and I affirm my individual opinion that there was hardly one item in the whole number in regard to which the opposition of the then Executive could have been maintained.

The two items selected in the State of Massachusetts were Plymouth Harbor and Wareham River. Plymouth Harbor is the second importing point in Massachusetts, where they have the large rope-walks—the second importing point in number of its imports in Massachusetts, and Plymouth Harbor had been put in that bill in consequence of a special executive message. There had come into the Senate before the river

and harbor bill was reported a communication from the Secretary of War forwarding the reports of the engineers, in which he said that one of the two arms of sand that make Plymouth Harbor had been washed away in a great freshet, and there was danger unless a breakwater could be at once completed that that whole sand-spit would be washed into the harbor and the trade of the town and its commerce ruined, and urging upon Congress a special appropriation out of time to protect that important harbor. My friend the Senator from Minnesota [Mr. MCMILLAN] called my attention to it when it was referred to his committee.

I had never heard of it before, and I went around and got the consent of every member of the Committee on Commerce except one to introduce and pass through the Senate a special bill for that purpose. I proposed the bill in the Senate, and the honorable Senator from Missouri [Mr. VEST], whom I had not happened to see, rose and said that while he would not press his objection if I insisted, yet he thought it would be so dangerous a precedent to have any of these schemes separated from the rest before they had been fully examined by the committee at their meetings; and as it was the warm season of the year, when no new storm was likely to occur, he hoped I would not press the bill further, and I let it go, and it was put into the general river and harbor bill. That was one of the things put in at executive importunity which was suggested in that veto as a thing not belonging to national commerce.

The other was Wareham River, a river which supplies with coal and iron and lime and brick a great manufacturing town larger than the capitals of some States of this country and more important. That was the only other objection.

Now, sir, I wish to say that the people of the country ought to understand and the Senate ought to remember that under the construction put upon this matter by President Grant no President of the United States is bound to expend the sums herein appropriated within the fiscal year, or, indeed, at any time. If there goes to the Executive a river and harbor bill containing a single item which he discovers is not important, in regard to which he thinks Congress has been misled or mistaken, he is at perfect liberty to refrain from making that expenditure, and can send in a message and ask Congress to reconsider the subject.

Mr. KENNA. Will the Senator allow me to make a suggestion to him?

Mr. HOAR. Certainly.

Mr. KENNA. The Senator is correct in his statement that President Grant started out on that theory; but on investigation and inquiry he abandoned it and spent every dollar appropriated.

Mr. HOAR. I do not think he abandoned the theory. I have not heard the theory questioned since President Grant's day.

Mr. KENNA. In fact I happen to know that the matter was brought to his attention by a number of gentlemen, among whom was General Butler, then a member of the other House, and on examination of the question President Grant concluded that he had no more right to suspend the expenditure of an appropriation for specific purposes by that bill than by any other bill.

Mr. HOAR. I do not think the Senator observed how I limited my statement. My statement is that the President is not bound to expend it within that year. It is not a year bill at all, and therefore, if he discovers that Congress has been mistaken, or that any particular item is not of national importance, he is at perfect liberty to delay that expenditure and to ask Congress to reconsider it by sending in a message the next year.

Mr. KENNA. I did not desire to antagonize the Senator's view at all; I hope it is exactly correct.

Mr. HOAR. That is the way I understand it.

Now, Mr. President, the commerce of this country is made up of the contributions of the individual parts of the country, and you might just as well hold up the post-office in some frontier village as a matter for sneer or condemnation or contempt. It may not be of national importance that the people of the town of Paxton should have a post-office, looking at that alone, but it is of national importance that every citizen of the United States, if it be possible, should have the facilities of a post-office, and you must take the aggregate and not the individual item when you are looking at the question.

There may be a very few cases, very rare cases indeed, where appropriations are excessive, because these bills do not appropriate a tenth part of what we might properly and profitably appropriate in a single year. They do not appropriate in proportion to the demands and exigencies of this great country a tenth part of what either England or France appropriates. England has a coast line of, I think, about 1,300 miles. We have over 23,000 miles without Alaska. England appropriates from her national treasury to these great works through her great boards ten times annually, I suppose, what we appropriate. I have not looked at the figures within a few days, but in proportion it is enormously for her 1,300 miles in excess of what we appropriate for our 23,000 miles.

Mr. EDMUNDS. But it is all for great harbors.

Mr. HOAR. Yes, it is all for great harbors, and it is that policy which has made them great. The Clyde was a little stream over which you could toss a biscuit and up which a boy could wade, and the Mersey was not much better. It was because England made these appropriations at the time of the small things of these little harbors that she is the great commercial mistress of the world to-day.

It may not be important that a single little harbor in Michigan, or a single reach of the sea on the coast of Massachusetts, or a single creek which takes off the cotton from certain plantations in Louisiana, taken alone by itself, should be developed, but it is important that every one of these things the country over should have its reasonable and proper and fitting access to the great commercial system of the nation and the great commercial system of all mankind; and it is from that policy, and from that policy alone, that has grown our vast internal commerce, and that will grow, if it be pursued with courage, liberality, and good sense, our commercial supremacy which we are yet to have among the nations of the earth in both hemispheres.

Mr. President, there is not a statesman of the past whose reputation has been worth surviving the falling of the clods of earth on his coffin-lid who has not been pledged to this river and harbor policy which is treated with these little sneers in the Senate of the United States.

Mr. DOLPH. Mr. President——

Mr. HAWLEY. I hope the Senator from Minnesota will let us adjourn now. It is quite impossible to finish the bill to-night.

Several SENATORS. Let us adjourn.

Mr. HAWLEY. I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Oregon [Mr. DOLPH] was recognized by the Chair.

Mr. DOLPH. I wish to make a little statement.

Mr. HAWLEY. Was not my motion received?

The PRESIDING OFFICER. It was not. The Senator from Oregon had been recognized before the Senator from Connecticut rose.

Mr. HAWLEY. Will not the Senator from Oregon kindly yield and let the Senate adjourn? He will have the floor to-morrow.

Mr. DOLPH. I am willing to yield to the motion if I retain the floor in case the motion is voted down.

Mr. HAWLEY. Certainly. I renew the motion.

Mr. MCMILLAN. If the Senator is about to make the motion, I desire to ask the Senate to come to some understanding about the disposition of this bill before the motion to adjourn is put.

Mr. INGALLS. We can dispose of it to-morrow before we adjourn.

Mr. MCMILLAN. If I can obtain unanimous consent to dispose of the bill to-morrow——

Mr. INGALLS. We can not fix an hour.

Mr. KENNA. Take the day; we can finish it during the day.

Mr. MCMILLAN. I think if the Senate would fix an hour to-morrow it would be better.

Mr. HEARST. We want to have the Senator from Nevada [Mr. JONES] here.

Mr. MCMILLAN. I ask the unanimous consent of the Senate to agree that the bill shall be finished to-morrow. ["Agreed."]

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent that this bill shall be disposed of to-morrow.

Mr. EDMUNDS. Does the Senator mean by that a motion to adjourn shall not be in order to-morrow? If so, I object. I will stick by the Senator to-night and to-morrow and all the time; I shall not adjourn until he says so; but I do not propose to tie up the hands of the Senate against adjourning to-morrow if it desires.

The PRESIDING OFFICER. The Senator from Oregon [Mr. DOLPH] is entitled to the floor.

Mr. MCMILLAN. I think it is understood that we can dispose of the bill to-morrow. Is there unanimous consent to that?

The PRESIDING OFFICER. That is objected to.

Mr. MCMILLAN. I did not so understand. I understood the Senator from Vermont to say that he would not move to adjourn to-morrow.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent that the pending bill be disposed of to-morrow.

Mr. EDMUNDS. I object to that in that form. I will stay with the Senator to-night and to-morrow, if I am living, and will stay until the bill is out of the way; but I will not consent that the Senate shall agree by unanimous consent that a motion to adjourn to-morrow shall not be in order.

Mr. MCMILLAN. Then I ask unanimous consent, with the exception stated by the Senator from Vermont, that the bill shall be disposed of to-morrow before adjournment.

Mr. EDMUNDS. I have no objection to that. Go as fast as you can, subject to any motion to adjourn.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent that this bill may be disposed of to-morrow if there is no adjournment before it is disposed of. [Laughter.]

Mr. EDMUNDS. That is all you can do.

The PRESIDING OFFICER. The Chair hears no objection to that. [Laughter.]

Mr. HAWLEY. I renew my motion.

The PRESIDING OFFICER. The Senator from Connecticut moves that the Senate adjourn.

The motion was agreed to; and (at 7 o'clock p. m.), the Senate adjourned until to-morrow, Tuesday, July 13, 1886, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *July* 12, 1886.

The House met at 11 o'clock a. m. Prayer by Rev. Dr. BULLOCK.

The Journal of the proceedings of Saturday last was read and approved.

PUBLIC BUILDING AT ASHEVILLE, N. C.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

I herewith return without approval House bill No. 5546, entitled "An act for the erection of a public building at Asheville, N. C."

If the needs of the Government are alone considered, the proposed building is only necessary for the accomodation of two terms of the United States court in each year and to provide an office for the clerk of that court and more commodious quarters for the post-office.

The terms of the court are now held in the county court-room at Asheville at an expense to the Government of $50 for each term; the clerk of the court occupies a room for which an annual rent of $150 is paid, and the rent paid for the rooms occupied by the post-office is $180 each year.

The postmaster reports that four employés are regularly engaged in his office, which is now rated as third class.

I have no doubt that the court could be much more conveniently provided for in a new building if one should be erected; but it is represented to me that the regular terms held at Asheville last only two or three weeks each, though special terms are ordered at times to clear the docket. It is difficult to see from any facts presented in support of this bill why the United States court does not find accommodations which fairly answer its needs in the rooms now occupied by it. The floor-space furnished for the terms of the Federal court is stated to be 75 by 100 feet, which, it must be admitted, provides a very respectable court-room.

It is submitted that the necessity to the Government of a proper place to hold its courts is the only consideration which should have any weight in determining upon the propriety of expending the money which will be necessary to erect the proposed new building.

The limit of its cost is fixed in the bill under consideration at the sum of $80,000; but the history of such projects justifies the expectation that this limit will certainly be exceeded.

I am satisfied that the present necessity for this building is not urgent, and that something may be gained by a delay which will demonstrate more fully the public needs, and thus better suggest the style and size of the building to be erected.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 10, 1886.

Mr. JOHNSTON, of North Carolina. I ask unanimous consent that this message, with the accompanying bill, lie over for the present.

Mr. STORM. I do not see what is the object of that. Why not refer the matter to the appropriate committee? I shall have to insist on its taking the usual course.

Mr. JOHNSTON, of North Carolina. I hope the gentleman will not object to my proposition.

The SPEAKER. The bill is before the House for immediate action, unless some motion is made in regard to it.

Mr. DIBBLE. I move that the bill, with the accompanying veto message, be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

JEAN LOUIS LEGARÉ.

The SPEAKER laid before the House a letter from the Secretary of State, transmitting a communication from Sir Lionel West relative to the bill (H. R. 4553) to compensate Jean Louis Legaré for services and expenses in procuring the surrender of Sitting Bull; which was referred to the Committee on Claims.

HEATING APPARATUS FOR PUBLIC BUILDINGS.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting a letter from the Supervising Architect recommending appropriations for the purchase of heating apparatus in certain public buildings; which was referred to the Committee on Appropriations, and ordered to be printed.

INSPECTION OF STEAM VESSELS.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, inclosing letters from the local inspector of steam-vessels, New York city, and recommending the early passage of the bill (S. 2719) to amend the laws relating to the inspection of steam vessels.

Mr. DINGLEY. I ask that the communication be referred to the Select Committee on Ship-building.

Mr. REAGAN. I would not object to the reference but that this is a measure which properly goes to the Committee on Commerce, and also because this select committee has managed in some way or other, in disregard of the objects of its own creation, to take about all the business from the Committee on Commerce. I therefore object to that reference.

Mr. DINGLEY. This matter has been reported by the committee, the original bill was prepared in the committee, and this is simply a part of the same subject.

Mr. REAGAN. We have the same bills before the Committee on Commerce.

The SPEAKER. The Chair thinks, in view of the fact that this relates to the inspection of steam vessels generally, that it would apply to all steam vessels, whether ocean-going or coastwise, and hence it should be referred to the Committee on Commerce.

Mr. DINGLEY. But, Mr. Speaker, this relates entirely to a matter before the Shipping Committee, where the President recommended a certain amendment and where the bill has been reported in accordance with that amendment.

Mr. REAGAN. A reference to the resolution creating that committee shows it does not embrace that subject at all.

Mr. DINGLEY. I move its reference to that committee.

Mr. REAGAN. If necessary I will offer an amendment, that it go to the Committee on Commerce.

The SPEAKER. The Chair thinks that would be unnecessary, since, judging from the title of the bill, not having examined its text, the Chair is of the impression that it will go there anyhow if the House refuses the reference to the select committee.

Mr. DINGLEY. It is a bill which I draughted myself, which was referred originally to that committee, and has been considered by it and reported.

The SPEAKER. The question is not debatable.

The question was taken; and on a division there were—ayes 71, noes 45.

So the motion of Mr. DINGLEY was agreed to.

REFERENCE OF A SENATE BILL.

The SPEAKER also laid before the House a bill (S. 2217) for the relief of Andrew T. McReynolds; which was read a first and second time, and referred to the Committee on Pensions.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. NORWOOD, for one week.

To Mr. BAYNE, for one week, beginning with this day.

REPRINT OF A REPORT.

On motion of Mr. OATES, by unanimous consent it was ordered that the report of the committee appointed to investigate Pan-Electric Telephone matters be reprinted, the previous report having been exhausted.

ORDER OF BUSINESS.

Mr. HOLMAN. Is it in order to move to dispense with the morning hour?

The SPEAKER. This day is set apart under the rule for the call of the States and Territories.

Mr. HOLMAN. Is it in order to suspend that order?

The SPEAKER. There is no provision in the rule for such motion, and the Chair has never known it to be done except by unanimous consent. The Chair presumes, however, there will not be many bills offered at this stage of the session.

LOAN OF TENTS.

Mr. HEPBURN. Mr. Speaker, I want to ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the joint resolution (H. Res. 181) authorizing and directing the Secretary of War to loan tents to the Southwestern Iowa and Northwestern Missouri Veteran Soldiers' Association for reunion purposes and put the same upon its passage. This is a resolution authorizing the Secretary of War to loan certain tents for reunion purposes.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. HOLMAN. I object.

Mr. HEPBURN. Let it be read first.

Mr. HOLMAN. I have no objection to its being read for information.

The SPEAKER. The joint resolution will be read.

The joint resolution is as follows:

Resolved, &c., That the Secretary of War be, and he is hereby, directed to loan to the Southwestern Iowa and Northwestern Missouri Veteran Soldiers' Association a sufficient number of tents, poles, and pins as may be needed for the purposes of the annual reunion of said association for the year 1886: *Provided*, That before delivering said property the Secretary of War shall take from the officers of said association a bond, to be approved by him, in such amount and so conditioned as to secure the speedy return of said property uninjured and without expense to the United States.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The committee recommend the following amendments:

In line 6, after the word "pins," insert "that have been used or condemned."

Also add the following as section 2:

"That the Secretary of War be, and he is hereby, directed to loan to the Tri-State Veterans' Association of Ohio, Indiana, and Michigan tents that have been used or condemned, in sufficient number to cover twenty thousand troops, for use at a reunion to be held at Fort Wayne, Ind., on the 19th, 20th, 21st, 22d, and 23d of August next: *Provided*, That before delivering said property the Secretary of War shall take from the officers of said association a bond, to be approved by him, in such amount and so conditioned as to secure the speedy return of said property uninjured, and without expense to the United States."

The amendments of the committee were agreed to.

Mr. STEELE. I desire to offer a further amendment to the amendment from the Committee on Military Affairs, if in order.

The SPEAKER. It is in order.

The amendment was read, as follows:

That the Secretary of War be, and he is hereby, directed to loan to the Northwestern Missouri Veteran Soldiers' Association a sufficient number of tents, poles, and pins that have been used or condemned as may be needed for the purposes of the annual reunion of said association for the year 1886: *Provided*, That before delivering said property the Secretary of War shall take from the officers of said association a bond, to be approved by him, in such amount and so conditioned as to secure the speedy return of said property uninjured and without expense to the United States.

The amendment was agreed to.

Mr. WARNER, of Missouri. Is a further amendment in order?

The SPEAKER. It is.

Mr. WARNER, of Missouri. Then I offer the amendment which I send to the desk.

The Clerk proceeded to read the amendment.

Mr. STEELE. Mr. Speaker, I object to that.

Mr. WARNER, of Missouri. I am informed by the gentleman who offered the original resolution that he does not wish this amendment mixed up with it, and I will withdraw it, therefore, and have it referred to the committee.

The joint resolution as amended was ordered to be engrossed for a third reading; and being so engrossed, was accordingly read the third time, and passed.

Mr. LOWRY. I move that the title be amended to conform to the amendments.

The title was amended accordingly.

Mr. HEPBURN moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HEMPHILL. I call for the regular order.

The SPEAKER. This being Monday, the regular order is the call of States and Territories for the introduction of bills and resolutions for reference to the appropriate committees.

EDUCATION.

Mr. WHEELER submitted the following resolution; which was read, and referred to the Committee on Education:

Resolved, That it is the sense of this House that Congress should not adjourn until it has enacted a law appropriating a portion of the surplus money in the Treasury to assist the States in the great cause of education.

J. H. POTTS.

Mr. WHEELER also introduced a bill (H. R. 9799) for the relief of J. H. Potts; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SARAH CANNON.

Mr. WHEELER also introduced a bill (H. R. 9800) for the relief of Sarah Cannon, widow of Jabez Cannon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

F. W. CARROLL.

Mr. WHEELER also introduced a bill (H. R. 9801) for the relief of F. W. Carroll; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CLAIMS FOR CITIZENSHIP IN INDIAN NATIONS.

Mr. ROGERS (by Mr. MCRAE) introduced (by request) a bill (H. R. 9802) authorizing the President of the United States to create a commission to try and dispose of claims for citizenship in the Cherokee, Choctaw, Creek, Chickasaw, and Seminole Indian Nations; which was read a first and second time.

Mr. MCRAE. This bill involves a question of law. I ask that it be referred to the Committee on the Judiciary.

The SPEAKER. The bill provides for the appointment of a commission. The Chair does not see that it involves any question of law, but the gentleman from Arkansas moves to refer it to the Committee on the Judiciary.

Mr. WEAVER, of Iowa. Let the title be again read.

The title was again read.

Mr. HOLMAN. That would seem to belong to the Committee on Indian Affairs.

The SPEAKER. The Chair has so decided, but the gentleman from Arkansas has moved to refer it to the Committee on the Judiciary.

The motion was not agreed to; and the bill was referred to the Committee on Indian Affairs, and ordered to be printed.

EASTERN CHEROKEES.

Mr. BRECKINRIDGE, of Arkansas, introduced a bill (H. R. 9803) making an appropriation to fulfill certain treaty stipulations with the Eastern Cherokees residing east and west of the Mississippi River; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

F. B. COLVER.

Mr. MARKHAM introduced a bill (H. R. 9804) for the relief of F. B. Colver; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JACOB J. WALSER.

Mr. ADAMS, of Illinois, introduced a bill (H. R. 9805) for the relief of Jacob J. Walser; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANN M. ENGLISH.

Mr. LAWLER (by request) introduced a bill (H. R. 9806) for the relief of Ann M. English; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. MARY M. SMITH.

Mr. HITT introduced a bill (H. R. 9807) for the relief of Mrs. Mary M. Smith; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN B. MITCHELL.

Mr. HOWARD introduced a bill (H. R. 9808) for the relief of John B. Mitchell; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SETTLERS ON DES MOINES RIVER.

Mr. HALL introduced a bill (H. R. 9809) for the relief of settlers upon lands along the Des Moines River above the Raccoon Fork in the State of Iowa; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

G. W. M'ADAMS.

Mr. HALL also introduced a bill (H. R. 9810) for the relief of G. W. McAdams, postmaster at Mount Pleasant, Iowa; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SETTLERS ON PUBLIC DOMAIN.

Mr. HOLMES introduced a bill (H. R. 9811) for the protection of settlers on the public domain; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

WILLIAM NAMES.

Mr. MURPHY introduced a bill (H. R. 9812) for the relief of William Names; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILSON B. GEORGE.

Mr. LYMAN introduced a bill (H. R. 9813) to correct the military record of Wilson B. George; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MEMORIAL OF ABRAHAM LINCOLN.

Mr. ROBERTSON introduced a joint resolution (H. Res. 200) making an appropriation for the erection of a granite shaft to mark the birthplace of Abraham Lincoln, in La Rue County, Kentucky; which was was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

DR. D. N. PORTER.

Mr. BRECKINRIDGE, of Kentucky, introduced a bill (H. R. 9814) for the relief of Dr. D. N. Porter; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COAST DEFENSES.

Mr. GAY presented concurrent resolutions of the General Assembly of the State of Louisiana, urging action by Congress for the adequate defense of our coasts and cities on the seaboard of the United States and our frontier settlements; which was referred to the Committee on Appropriations.

REMAINS OF SOLDIERS AT CAMP MOORE, LOUISIANA.

Mr. GAY also presented concurrent resolutions of the General Assembly of Louisiana, favoring an appropriation of $1,000 for the care and protection of the remains of Union soldiers buried at Camp Moore, Louisiana; which was referred to the Committee on Military Affairs.

EQUESTRIAN STATUE OF GENERAL ZACHARY TAYLOR.

Mr. GAY also presented a concurrent resolution of the General Assembly of the State of Louisiana, favoring the erection of an equestrian statue of General Zachary Taylor; which was referred to the Committee on the Library.

DR. JAMES B. SULLIVAN.

Mr. BLANCHARD introduced a bill (H. R. 9815) authorizing the Court of Claims to hear and determine the claim of Dr. James B. Sullivan, of Louisiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IMPORTATION OF LABORERS UNDER CONTRACT.

Mr. LOVERING (by request) introduced a bill (H. R. 9816) to abolish the importation of Italian or other slaves or laborers under contract and held to involuntary servitude in the United States of America; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

REPORT OF COMMISSIONER OF AGRICULTURE.

Mr. WINANS introduced a joint resolution (H. Res. 201) for printing the report of the Commissioner of Agriculture; which was referred to the Committee on Printing.

GREAT FALLS RAILWAY COMPANY.

Mr. MAYBURY introduced a bill (H. R. 9817) to incorporate the Great Falls Railway Company; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

MINNEAPOLIS INDUSTRIAL EXPOSITION, MINNESOTA.

Mr. GILFILLAN introduced a bill (H. R. 9818) relative to the Minneapolis industrial exposition to be held in the city of Minneapolis, State of Minnesota; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MRS. SOPHIA BUMB.

Mr. GLOVER introduced a bill (H. R. 9818) granting a pension to Mrs. Sophia Bumb; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LUIGI BATTO.

Mr. GLOVER also introduced a bill (H. R. 9820) for the relief of Luigi Batto; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS STERLING MORGAN AND SEVILLA MORGAN.

Mr. GLOVER also introduced a bill (H. R. 9821) for the relief of Thomas Sterling Morgan and Sevilla Morgan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HUGH L. WHITE.

Mr. GLOVER also introduced a bill (H. R. 9822) for the relief of Hugh L. White; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PHILIP HOLDENRIED.

Mr. GLOVER also introduced a bill (H. R. 9823) for the relief of Philip Holdenried; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TRIAL OF MAJOR JUSTUS M'KINSTRY.

Mr. GLOVER also offered a resolution requesting the Secretary of War to furnish a complete copy of the proceedings of the trial of Major Justus McKinstry; which was referred to the Committee on Military Affairs, and ordered to be printed.

PAUL M'STAY.

Mr. CLARDY introduced a bill (H. R. 9824) for the relief of Paul McStay, late private Company G, Eighth Infantry, United States regular Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUIS LESEM.

Mr. WARNER, of Missouri, introduced a bill (H. R. 9825) granting a pension to Louis Lesem, late of Company G, Fifth Regiment Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATRICK M'INTYRE.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 9826) for the relief of Patrick McIntyre; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

F. DETTMERING.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 9827) granting a pension to F. Dettmering; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL J. LA RUE.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 9828) granting a pension to Samuel J. La Rue; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE B. STONE.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 9829) granting a pension to George B. Stone; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM WHITEHOUSE.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 9830) for the relief of William Whitehouse; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CATHERINE RHODES.

Mr. HAYNES introduced a bill (H. R. 9831) for the relief of Catherine Rhodes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REDUCTION OF INTERNAL-REVENUE TAXATION.

Mr. GREEN, of New Jersey, introduced a bill (H. R. 9832) supplemental to an act entitled "An act to reduce internal-revenue taxation and for other purposes," approved March 3, 1883; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

RECIPROCITY CONVENTION WITH MEXICO.

Mr. HEWITT submitted the following resolution; which was referred to the Committee on Ways and Means:

Resolved, That the President be, and he is hereby, requested to communicate to this House, if in his opinion not incompatible with the public interest, copies of any correspondence, reports, or other information in possession of any department of the executive relating to the probable advantages or disadvantages to accrue to the United States by the operation of the reciprocity commercial convention signed between the United States and Mexico on the 20th of January, 1883.

LILLA M. PAVY.

Mr. BUTTERWORTH introduced a bill (H. R. 9833) granting a pension to Lilla M. Pavy, widow of Dr. Octave Pavy, surgeon of the Greely arctic expedition; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SECTION 658 REVISED STATUTES.

Mr. ANDERSON, of Ohio, introduced a bill (H. R. 9834) amending section 658 Revised Statutes fixing time and place for holding court in southern district of Ohio; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SAMUEL GALLOWAY.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 9835) to remove the charge of desertion against the military record of Samuel Galloway; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALBERT W. DUTCHER.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 9836) granting a pension to Albert W. Dutcher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUIS UNTIET.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 9837) granting a pension to Louis Untiet; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES R. PORTER.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 9838) granting an increase of pension to James R. Porter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT W. SPANG.

Mr. ERMENTROUT introduced a bill (H. R. 9839) for the relief of Robert W. Spang; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMERICAN SHIPPING AND INDUSTRIAL LEAGUE.

Mr. NEGLEY. I present a resolution which, as it is very short, I ask to have read.

The Clerk read as follows:

At a meeting of the American Shipping and Industrial League, held this day, the following resolution was adopted——

The SPEAKER. That is not in order under this call.

Mr. NEGLEY. I wish to have it referred.

The SPEAKER. Nothing is in order under this call except bills, joint resolutions, resolutions of inquiry addressed to the Executive Departments, and resolutions or memorials from State or Territorial Legislatures.

MARY R. SCHIRGE.

Mr. HARMER introduced a bill (H. R. 9840) granting a pension to Mary R. Schirge; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. KING.

Mr. BOYLE introduced a bill (H. R. 9841) granting a pension to William H. King; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SECOND LIEUTENANTS IN SIGNAL CORPS

Mr. SPOONER introduced a bill (H. R. 9842) to transfer the second lieutenants of the Signal Corps to the line of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARY E. MARTIN.

Mr. SPOONER also introduced a bill (H. R. 9843) granting an increase of pension to Mary E. Martin; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

THOMAS HORD.

Mr. RICHARDSON introduced a bill (H. R. 9844) for the relief of

the executors of Thomas Hord; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LEGAL REPRESENTATIVES OF DENNIS MAHONEY.

Mr. RICHARDSON also introduced a bill (H. R. 9845) for the relief of the legal representatives of Dennis Mahoney, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COLUMBUS TRIMBLE.

Mr. CABELL introduced a bill (H. R. 9846) for the relief of Columbus Trimble, administrator of John A. Foster, deceased, late of the county of Grayson, Virginia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

C. O. LUNDY.

Mr. CABELL also introduced a bill (H. R. 9847) for the relief of C. O. Lundy, of Grayson County, Virginia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN DICKENSON.

Mr. CABELL also introduced a bill (H. R. 9848) for the relief of John Dickenson, administrator of B. A. Hoffman, deceased, late of Grayson County, Virginia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANNEXATION OF LAND TO NEW MEXICO.

Mr. JOSEPH introduced a bill (H. R. 9849) to annex a certain strip of land therein named to the Territory of New Mexico; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

BENITO LARRAGOITE.

Mr. JOSEPH also introduced a bill (H. R. 9850) for the relief of the heirs of Benito Larragoite, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

The SPEAKER. If there be no objection the Chair will now recognize members who were not in when their States were called.

There was no objection.

WILLIAM O'CONNOR.

Mr. LONG introduced a bill (H. R. 9851) granting a pension to William O'Connor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN BRENEMAN.

Mr. STRUBLE introduced a bill (H. R. 9852) granting a pension to John Breneman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN HUNTON.

Mr. STEELE introduced a bill (H. R. 9853) for the relief of John Hunton; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

S. BARRON.

Mr. CROXTON introduced a bill (H. R. 9854) to remove the disabilities of S. Barron, of Virginia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COMMERCIAL NATIONAL BANK, MARSHALLTOWN, IOWA.

Mr. FREDERICK introduced a bill (H. R. 9855) authorizing the Commercial National Bank of Marshalltown, Iowa, to change its location and name; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

LOST HOMESTEAD RIGHTS RENEWED.

Mr. VOORHEES, by unanimous consent, from the Committee on the Public Lands, reported back with amendments the bill (H. R. 5826) permitting all persons who have lost their homestead rights to make new entries; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

HOMESTEAD SETTLERS.

Mr. McRAE, from the Committee on the Public Lands, reported back with amendment the bill (H. R. 9111) to grant additional rights to certain homestead settlers on the public lands; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This being the second Monday of the month, set apart for the consideration of matters coming from the Committee on the District of Columbia——

Mr. HOLMAN. Mr. Speaker, the House will see it is of the highest importance the legislative, &c., appropriation bill should be disposed of and become a law as soon as possible. Therefore I hope the gentleman from South Carolina [Mr. HEMPHILL] having charge of the business of the Committee on the District of Columbia will agree to postpone the consideration of that business, so the House can take up and dispose of the amendments of the Senate to the legislative, &c., appropriation bill.

Mr. BLOUNT. Let me inquire of the gentleman from Indiana when the fifteen days will expire?

Mr. HOLMAN. On the 15th of this month. I therefore move, if my friend from South Carolina [Mr. HEMPHILL] having charge of the District business does not object, that it be postponed until after the consideration of the business set apart for to-morrow, and that to-day be devoted to disposing of the legislative, &c., appropriation bill.

Mr. ROWELL. If that be agreed to, does it terminate with to-morrow?

Mr. HOLMAN. No.

Mr. ROWELL. The other business may take up the whole session.

Mr. HOLMAN. I think that is hardly possible.

The SPEAKER. The Chair will state the request. The gentleman from Indiana [Mr. HOLMAN] asks unanimous consent to postpone the consideration of the business of the District of Columbia, taking to-day for the consideration of the legislative, &c., appropriation bill, and to take up the District business for one day immediately after disposing of the business set apart for to-morrow.

Mr. POWELL. Why can not you give us to-day?

Mr. HEMPHILL. Individually I will consent provided a day is fixed beyond which the business set apart for to-morrow shall not extend. I think we might say not later than Thursday next.

The SPEAKER. Does the gentleman accept?

Mr. COBB. What business is alluded to when gentlemen speak of the business set apart by the House for to-morrow?

The SPEAKER. Certain classes of bills reported by the Committee on Ways and Means, which by resolution adopted on Saturday were set for Tuesday, with the provision if any should be under consideration and unfinished at the time of adjournment that bill should continue until finished.

Mr. COBB. The Committee on Public Lands desires to take up land-grant bills.

Mr. HEMPHILL. I ask that Thursday next be set apart for the District business, under the same conditions as to-day; that is, that we shall not lose it.

The SPEAKER. The order would have to be changed in one respect. As it now reads, the second Monday, after the call of States and Territories, is set apart for the consideration of bills reported from the Committee on the District of Columbia. As there will be no call, it should be changed to read immediately after the reading of the Journal or after the morning hour.

A MEMBER. Say after the morning hour.

Mr. HEMPHILL. After the reading of the Journal, with the understanding that we shall not lose it except by unanimous consent——

The SPEAKER. It can not be lost except by unanimous consent, or by raising the question of consideration as it is called up and refusing to consider it.

Mr. HEMPHILL. Very well; if the District business is postponed to-day I want it to be taken up immediately after the reading of the Journal on Thursday next.

The SPEAKER. The Chair will submit the request of the gentleman to the House. The gentleman asks unanimous consent that the business of the Committee on the District of Columbia be postponed for to-day, and that next Thursday, immediately after the reading of the Journal, be set apart under the order already made for the consideration of business called up by that committee. Is there objection?

Mr. TIMOTHY J. CAMPBELL. No other business can break in or interfere.

The SPEAKER. The Chair has already so stated.

Mr. TIMOTHY J. CAMPBELL. I only wanted that to be definitely understood.

Mr. LONG. Would that order take precedence of privileged matters, for instance such as conference reports?

The SPEAKER. The Chair thinks not, if such reports were offered before the House has gone into the consideration of the special order fixed for that day. But if the committee shall have begun the consideration of that business set apart exclusively for that day, the conference reports could not be received, the Chair thinks.

Mr. ANDERSON, of Kansas. I would like to ask if that order will take precedence of bills forfeiting land grants from the Committee on the Public Lands?

The SPEAKER. It would, just the same as to-day. No change would be made in the order, the same rule applying to Thursday as would apply to-day.

Is there objection to the request for unanimous consent?

There was no objection, and it was so ordered.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HOLMAN, from the Committee on Appropriations, reported back the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, with Senate amendments; which was referred to the Committee of the Whole House on the state of the Union.

Mr. HOLMAN. I will ask unanimous consent, Mr. Speaker, in the interest of time, that this bill be considered in the House as in the Committee of the Whole under the five-minute rule.

Mr. HEPBURN. I object.

Mr. HOLMAN. Then I move that the House resolve itself into Committee of the Whole for the further consideration of appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. BLOUNT in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of the legislative appropriation bill, and the Clerk will report the first amendment.

The first amendment of the Senate was read and concurred in.

The second amendment was non-concurred in.

Amendment No. 3 was concurred in.

Amendment No. 4 was non-concurred in.

Amendment No. 5 was concurred in.

Amendments Nos. 6, 7, and 8 were non-concurred in.

Amendment No. 9 was concurred in.

Amendment No. 10 was read, as follows:

On page 5 of the printed bill, line 101, insert the name "Amzi Smith;" so that it will read: "Superintendent of the document-room, Amzi Smith, $2,592," &c.

Mr. REAGAN. Mr. Speaker, I desire to make the point of order on that amendment; and I will repeat now what I said when that subject was before the House on a former occasion.

The same clause of the Constitution which authorizes the House to elect its Speaker authorizes also the appointment of its other officers, and the Senate has no business with the action of the House in the election of its Speaker or the appointment of its officers.

Mr. HOLMAN. But this is a Senate appointment.

Mr. REAGAN. Let me complete my sentence. Nor has the House any business to participate, or to attempt to participate, in the appointment of the Senate employés. The Constitution authorizes each House to appoint its own officers. The House, so far as it is concerned—this House—has no power to appoint any officers for the Fiftieth Congress; and so, without going into the argument further, I assume that this is not only a violation of propriety on the part of one House interfering with the power of the other to elect or appoint its officers, but is also a violation of the Constitution. We have a distinct constitutional provision vesting in the House the appointment of its own officials; but so far as the appointments for the next Congress are concerned it is a matter over which we have no control, and I trust the point of order will be sustained. If the next Congress shall want the names of these persons inserted on the rolls as employés they will doubtless be placed there. They may be, or may not be, the proper persons to fill such appointments. But whether proper or otherwise, it is an improper proceeding on our part to undertake to place them there by law in opposition to the constitutional authority which is vested in each House to appoint its own officers.

Mr. HOLMAN. Mr. Speaker, I think the views expressed by the gentleman from Texas on the substantial question are undoubtedly correct; but while this would be subject to a point of order under the rules of the House, being in its nature a legislative provision, it seems not to be subject to the point of order when it comes before the House for consideration as an amendment made by the Senate; and I believe that has been the uniform ruling. On the other point, the constitutional one, the right of the House to select its own employés, I have only this to say, that this provision is in the bill by an amendment of the Senate. We are simply called upon to concur in what I concede may not be entirely necessary on our part; but we are simply concurring in that provision as one of the amendments incorporated by the Senate relating to one of its own employés.

Mr. MCMILLIN. But is not our action as necessary as theirs to the perfection of this legislative proceeding?

Mr. REED, of Maine. Is the Senate afraid that it will let go on these men, and does it want us to help it?

Mr. MCMILLIN. That seems to be the trouble.

Mr. REED, of Maine. It is rather saddening.

The CHAIRMAN. If this proposition were part of a House bill it would be subject to the point of order, but it is an amendment coming from the Senate, not subject to the point of order. The Chair overrules the point of order.

Mr. REAGAN. I do not want to consume time by taking an appeal from the decision of the Chair, but it is so manifestly out of the power of the House under the Constitution to legislate this man into office that I appeal from the decision of the Chair.

Mr. SPRINGER. If this question is to be submitted to the Committee of the Whole on an appeal from the decision of the Chair I should like to have some statement made as to what has been the ruling hitherto.

Mr. HOLMAN. The ruling of the Chair is in conformity with what has been the uniform ruling on this question.

Mr. REAGAN. A violation of the Constitution is never sanctioned by any ruling. I shall withdraw, however, the appeal from the decision of the Chair, and ask the committee to non-concur in the amendment.

The CHAIRMAN. The gentleman from Texas withdraws his appeal from the decision of the Chair.

Mr. HOLMAN. In obedience to the instructions of the Committee on Appropriations I submit the motion to concur in the amendment, stating it is regarded as merely the formal act of the House to complete the act of the Senate.

Mr. REAGAN. I desire to say in reply to the gentleman from Indiana [Mr. HOLMAN], with whom I usually agree, that it is singular that a clear and distinct violation of the Constitution of the United States should be considered a merely formal act.

Mr. RANDALL. I will state there is a difference in the Committee on Appropriations as to the propriety of the insertion of names in this bill. I am entitled to say I am in a minority in that committee upon this question. I do not think we ought to yield to the Senate the right to insert names unless we intend to insert names on the part of the House. This bill is to become a law, and the objection to inserting the names applies equally to the Senate officials as to the House officials. Therefore, as I object to the insertion of names in the House schedule, I hope this motion will not prevail, but that the House will non-concur.

Mr. MCMILLIN. I agree with the gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from Texas [Mr. REAGAN] that it is highly improper for us by legislative action to foist upon those who have the appointment these officers over whose appointment and removal they have no control. Furthermore, we will come to an amendment wherein the Senate has sought to place upon this bill the names of House employés without the consent of the officers who usually have the appointing power. I shall resist that. They are to be appointed by name; and the very same spirit that will force me to prevent allowing the Senate to say who shall be our officers makes me dissent from the proposition to dictate officers to the Senate. I think we should strike out all of these names and let the appointments go where the Constitution fixes them.

Mr. OATES. Will the gentleman allow me a question?

Mr. MCMILLIN. With pleasure.

Mr. OATES. I ask the gentleman if there is not a distinction in appointing these officers for the reason that the Senate is a continuing body?

Mr. MCMILLIN. The Senate in the contemplation of the law is a continuing body. That is true. But that does not change either the constitutional or the legal feature; for it is notwithstanding its permanence at the same time the proper appointing power for its officers. And here we are assuming by this bill, which requires the consent of the Senate, the House, and the President of the United States to determine who shall be the Senate's officers.

I hope the amendment will be non-concurred in, and that we will place this bill where every one of its class ought to be, clean of these innovations.

Mr. CANNON. I desire to say a word on this amendment. The Senate have inserted after the words "superintendent of the document-room" the name "Amzi Smith," so that it reads:

Superintendent of the document-room, Amzi Smith, $2,592.

The Senate in its discretion put the name of this man into the bill because, in the judgment of the Senate no doubt, it desired that that man should be retained. The amendment comes to the House now for concurrence or non-concurrence.

Gentlemen say that the Senate has this power of appointment and that the House has nothing to do with the appointment. Well, for the sake of the argument, substantially admit that is so; yet the gentleman from Tennessee [Mr. MCMILLIN] wants to non-concur. He does not want the Senate to have its way about it. Then he says it is not in accordance with the Constitution. I would be glad to know what clause of the Constitution prohibits a majority of the Senate from placing, by an amendment, the name of an employé they desire to retain in the bill and the House from assenting to that name coming into the law for the coming year. It may be that there is some clause in the Constitution that I have never read, some provision that proposes this kind of thing. If so, then the amendment amounts to nothing, because it is in conflict with the Constitution.

Mr. SOWDEN. I ask the gentleman whether our assent is necessary?

Mr. CANNON. Our assent is not necessary that I know of, nor does the withholding our assent nullify the act. If we do assent, then by virtue of law this man's name for next year appears as the Senate desires it.

Mr. SOWDEN. If our assent is not necessary, why is it asked?

Mr. REED, of Maine. What is the object of this, anyway?

Mr. CANNON. The object, as I understand and presume it to be, is that it is the desire of the Senate that for twelve months to come Amzi Smith shall be that officer.

Mr. REED, of Maine. What is to prevent him being so without this?

Mr. CANNON. What is to prevent him being so with this?

Mr. REED, of Maine. Nothing with this; but what is to prevent him being so without it? Nothing but the Senate's changing its mind.

Mr. CANNON. The Senate may change its mind.

Mr. REED, of Maine. Then the Senate is under the impression that it may change its mind, and, being afraid of that, it wants us to help it to keep from changing its mind. I would not help such a body in such an arrangement as that for a good deal.

Mr. CANNON. The gentleman has the power not to help it if he chooses.

Mr. REED, of Maine. That is a power that I desire to exercise.

Mr. CANNON. But what I want to know is whether the gentleman finds any constitutional objection——

Mr. REED, of Maine. Oh, no. I am not in that line. [Laughter.]

Mr. REAGAN. Mr. Speaker, I desire to read article 1, section 3, clause 5, of the Constitution. After speaking, in clause 4, of the choice of President of the Senate, it says:

The Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice-President or when he shall exercise the office of President of the United States.

The Constitution confers upon the Senate themselves the power of choosing their officers. Gentlemen say that the Senate requests the House to agree to the proposition in this bill. The House should never be requested by the Senate to violate the Constitution. I presume the purpose of this amendment is to keep some man in office and to guard against the possibility of his being turned out. Even though the Senate be a continuing body, if this is an officer that gives satisfaction, the Senate when the time comes to reappoint him can do so. Under the preceding section in the same article of the Constitution the House is given the power of choosing its Speaker and appointing its officers, and we can no more appoint an officer for either branch of the next Congress by law than we can by law elect the Speaker of the next House of Representatives. As to the question of comity, I trust that the Constitution has not become so antiquated, that we have not become so indifferent to it as the charter of our liberties, the guide of our legislative conduct, that a mere question of comity will induce us to set it aside. But if we concur in this amendment we shall do so in face of the Constitution. Why is it that a violation of the Constitution is insisted upon merely for the purpose of getting a clerk or a superintendent of the Senate document-room? Mr. Speaker, I trust that this House will not consent to any such course of action.

Mr. HENDERSON, of Iowa. Mr. Speaker, the question has been asked what reason the Senate had for putting this name in the bill. I desire to say that it is well known to most of us that this gentleman, Amzi Smith, has been in the employ of the United States Senate for some thirty-four years, and it appears that that body desires to compliment an old, faithful, and respected officer by specially naming him in this bill. Now I submit that it is rather small business for the House of Representatives to undertake to interfere with that commendable desire on the part of the other branch of the legislative department of the Government.

Mr. HOLMAN. Mr. Speaker, before I ask for a vote I will say that I agree with the views that have been expressed here, for I do not believe that this kind of legislation is proper upon an appropriation bill, and that, in making the motion of concurrence which I have made, I have simply expressed the view of the majority of the committee.

The amendment was non-concurred in.

Amendments numbered 11, 12, 13, and 14 were concurred in.

Amendment numbered 15 was read, as follows:

Line 138, strike out "25" and insert "26," so as to make it read: "For twenty-six clerks to committees, at $6 per day during the session," &c.

Mr. HOLMAN. The committee recommend non-concurrence in that amendment.

Mr. ADAMS, of Illinois. I wish to ask the gentleman to state if he knows the reason why the Senate has made that change?

Mr. HOLMAN. We have already non-concurred in the amendment which increases the number to twenty-six, so that we must non-concur in this in order to make the bill harmonious.

The amendment was non-concurred in.

Mr. PRICE. Mr. Chairman, I desire to call the attention of the Committee of the Whole to amendments numbered 15 and 16. There is some very bad figuring there; besides, I think a bad principle. Amendment 15 provides for twenty-six clerks at $726 each, $18,876; and in the next amendment there is provision for thirty-two clerks at the same rate of pay, amounting to $23,230, making together $42,106. The Senate undertakes to provide a clerk for each Senator. Now, we all know that there are seventy-six Senators, and seventy-six clerks at $726 each would aggregate $55,176. Yet these two amendments of the Senate appropriate together only $42,106, so that there must be a deficiency of $13,070.

Again, the bill as it passed the House gave to the Senate $18,150 for twenty-five clerks, or $726 each. The additions made by the Senate amendments increase the amount to $42,106. Now, as there are twenty-six clerks to committees, and as the Senate amendments undertake to provide a clerk for each Senator who is not a chairman of a committee, there must be fifty of these clerks, whose pay at $726 each would aggregate $36,300 in addition to the $18,876, making altogether $55,176. So that there is appropriated $13,070 less than would appear to be required. How this deficiency is to be paid I do not know.

The question with me is, ought this House to vote an increased expenditure of $37,026, as provided in this amendment; or, if there is no other fund out of which the payment of these clerks can be made, ought we to provide for the expenditure of $23,956 more?

These amendments of the Senate are based upon the supposition that every Senator is entitled to a clerk. Senators have the right to ask such an allowance, and we have the right to refuse our assent. I venture the statement, which I think will be corroborated by every gentleman on this floor, that each member here on the average does as much work as any member of the Senate. When Senators and Representatives were elected we understood that our compensation was $5,000 a year, with mileage, and $125 for stationery. We took the contract with the implied understanding that this was to be the compensation. We have the constitutional power to increase that compensation. At the same time we know that it is, to say the least, doubtful policy to vote such an increase; and if we refer to the history of the past we find that the result has been very disastrous to those who hitherto have taken advantage of the constitutional right of the legislative branch of the Government to increase their own compensation.

I am opposed to the whole proposition, because it is wrong in principle, and particularly opposed to it because the terms of these amendments involve an expenditure of $13,070 more than we make appropriation for. I think that neither of these amendments ought to be concurred in; and they ought to be voted on together, not separately. Without noticing the connection of the two, the Committee of the Whole has already voted on the fifteenth amendment; but the two amendments must be taken together, if we are to consider them intelligently.

The CHAIRMAN. The Committee on Appropriations recommend non-concurrence.

The question being taken, the amendment was non-concurred in.

Amendment 17 was read, as follows:

Insert the following:
"For clerks to Senators who are not chairmen of committees, at $6 per day during the session, $23,232."

Mr. HOLMAN. The committee recommend non-concurrence in this amendment.

The amendment was non-concurred in.

Mr. HOLMAN. The Committee on Appropriations recommend concurrence in amendments numbered 18 to 23, on page 7 of the printed bill. I ask that those amendments may be read together, and the question on concurrence be taken in gross, unless a separate vote be asked.

There being no objection, amendments 18 to 23 were read and concurred in.

Mr. HOLMAN. I ask that amendments 24 and 25, in which also the committee recommend concurrence, be read and voted on together.

There being no objection, amendments 24 and 25 were read and concurred in.

The twenty-sixth amendment was read, as follows:

After the words "Journal Clerk," in line 208 of the printed bill, insert "H. H. Smith."

Mr. HOLMAN. The Committee on Appropriations recommend non-concurrence in this amendment.

Mr. REAGAN. I make a point of order on that amendment.

The CHAIRMAN. The Chair rules in this case as he did upon a previous amendment, that as this proposition comes here as a Senate amendment it is not subject to a point of order, as it would be if it were a proposition originating in the House.

Mr. REAGAN. I desire to be heard in opposition to the amendment.

Mr. HOLMAN. The committee recommend non-concurrence.

Mr. REAGAN. I did not so understand. I waive any discussion.

The amendment was non-concurred in.

The Clerk read the twenty-seventh amendment of the Senate, as follows:

In line 289 insert "George A. Bacon;" so it will read:
"Office of Doorkeeper: For Doorkeeper, $3,000; and for hire of horses, feed, repair of wagon and harness, $1,100; assistant doorkeeper (27) (George A. Bacon), $2,000, &c."

Mr. HOLMAN. The Committee on Appropriations recommend concurrence in that amendment, with the amendment which is before the Clerk to insert the names of "John T. Chancey" and "C. W. Coombs."

Mr. McMILLIN. I reserve the point of order on the amendment.

Mr. HOLMAN. I ask for the reading of the amendment recommended by the committee to the Senate amendment.

The Clerk read as follows:

Page 10 of the bill insert "John T. Chancey;" and in line 24, after the word "messenger," insert "C. W. Coombs."

Mr. REAGAN. I make the point of order on the amendment in the bill and on the amendment to the amendment. I do not think it is necessary to argue the question, but I wish to state again this House of Representatives has no power to appoint officers of the next House of Representatives. These gentlemen may be entirely worthy, they may be entirely capable, they may be everything said in their behalf; I know nothing to the contrary of their being excellent officers; but there is no more reason for putting these men in than for putting a dozen others, except they have special friends on the floor.

We can no more appoint these men by this bill than we can appoint

the next Speaker of the House of Representatives. One is just as competent to do and just as constitutional as the other. It is an injustice to the next House of Representatives, besides being unconstitutional. The next House of Representatives has the right to choose its own Speaker and to choose its other officers. Whatever may be the political complexion of the House has nothing to do with the question of the constitutional right of that House to select its Speaker and other officers.

This is not only violative of the Constitution, but it is at the same time a species of official favoritism which we ought not to permit. For, sir, it is never safe in legislation to trust to our sympathies or to our affections if we expect to discharge our duty faithfully. The word duty should be foremost whenever we can make it so in all human affairs. When we resolve to act in accordance with duty we will find we are right, but when we undertake to act from sympathy to create offices or to fill offices simply because we sympathize or are partial to men, we are departing from our duty as legislators. I trust, Mr. Chairman, that this amendment will be stricken out.

I desire to say further, although I believe I understood the chairman to say the amendment inserted by the Senate would not be subject to the point of order the same proposition would be subject to in this House, that in my judgment it is subject to the point of order, that the amendment made by the Senate is subject to the same point of order as if it had been made in the House; that if we were not true to the Constitution certainly ought to have its due force when it makes a specific provision on this subject, and it ought not to be permitted to be violated.

Mr. McMILLIN. To make assurance doubly sure and to take a bond of fate, I propose to make the point of order simply against the amendment of the gentleman from Indiana.

Mr. HOLMAN. That is what the gentleman from Texas did.

Mr. McMILLIN. He made the point of order against all.

Mr. HOLMAN. And separately against each.

Mr. McMILLIN. I want to be sure, but if the Chair feels constrained to rule against the point of order on the first amendment, I want to insist upon the point of order against the amendment proposed by the gentleman from Indiana in charge of the bill, against which undoubtedly the point of order will lie.

I have nothing to say against these officers; I am willing to admit they serve faithfully and well, and the fact of good service will go far to recommend them to the officers of the House when appointments are made next year. I am utterly opposed to the appointment by legislative action of men who can not be reached through officers of the House in case of their dereliction of duty. These gentlemen will be retained if they are faithful in their service, but I wish it to be easy to get rid of them if they are vicious. I do not think they will be vicious, but the safe rule is to keep the appointments where the law fixes them, so if necessary to get rid of them it can easily be done.

Mr. CANNON. I desire to say a word or two upon the point of order. I hold in my hand the law making appropriations for the legislative, executive, and judicial expenses for the year ending June 30, 1886, and it is rather an interesting act in view of the point of order and the criticisms made by the gentleman from Texas and the gentleman from Tennessee. I ask the attention of the Chair to it for two reasons, first to show the absence of any regulation to prevent putting these names in the bill.

First I find a second assistant doorkeeper, George A. Bacon; next I find a provision for the two laborers named in charge of the water-closet; next I find for the two cloak-room men, one on each side of the Hall, now longest in the service of the House; next a provision for John T. Chancey, an employé, $1,500; next I find one department messenger, C. W. Coombs, $2,000, and the names of the two parties that are proposed to be added by way of amendment on the motion to non-concur.

On the sundry civil bill, a bill peculiarly under the charge of the gentleman from Pennsylvania, not content with naming these officers by law, I find he has named one Pickens as an annual page at $900 a year, placed there upon the motion of the present minister to Turkey, Mr. Cox, in this House. Next, I call the particular attention of the Chair and gentlemen to this clause, as well as the attention of the gentleman from Maine [Mr. REED], because he participated in this legislation, which was peculiarly a child of the gentleman from Indiana [Mr. HOLMAN], and I will read it:

Fourteen messengers on the soldiers' roll, under the control of the Doorkeeper, at $1,200 each; and hereafter messengers on the soldiers' roll shall not be subject to removal except for cause reported to and approved by the House.

In other words, not for the coming year but hereafter provision is made of that character permanent in its nature.

Mr. REAGAN. That power extends only to the House that appoints them, not to the House that does not appoint them.

Mr. CANNON. Ah! but that power is fixed by the law, and until it is changed it must be obeyed.

Mr. REAGAN. But it only extends to the House having the appointment, and not to any other House to be hereafter elected.

Mr. CANNON. The gentleman from Texas himself sat silent under the lead of the gentleman from Indiana and put that provision into the bill providing for the messengers upon the soldiers' roll and that they should be hereafter retained.

Mr. HOLMAN. But that is not a provision naming them for appointment.

Mr. CANNON. But I bring up these instances in the main for the attention of the Chair to show that under the uniform practice of the House this character of legislation has gone into the appropriation bills and is not subject to the point of order, and that in the absence of any permanent law providing for the appointment of these people this law would control the decision of the Chair in determining the point of order.

Mr. HOLMAN. But my friend will remember that the law in regard to the soldiers' roll does not name the persons so appointed, but simply provides for them as a class.

Mr. CANNON. Certainly, provides for them as a class; but that class is composed of the individuals then upon the soldiers' roll, the persons on the roll at the time the rule was passed, and who had been there for a great many years, some of them, largely under the lead of the gentleman from Indiana himself.

Mr. REAGAN. Why have they to be appointed every session of Congress if that power exists and that provision is permanent?

Mr. COBB. The gentleman from Illinois should take into consideration the fact that no point of order was made on those provisions. If it had been it probably would have been stricken from the bill. And, again, I want to ask him a question whether or not under the Constitution the law is not absolutely void as far as it attempts to control the action of the next House of Representatives?

Mr. HOLMAN. But it is not a permanent law.

Mr. COBB. But suppose it is. The Constitution provides that the House of Representatives shall select its own officers; and the House has no more power under the Constitution to appoint the employés of the next House than I have to appoint my friend from Illinois to Congress.

Several Members addressed the Chair.

Mr. CANNON. I believe I have the floor. At last I have a gentleman on that side to tell us wherein the Constitution prohibits this legislation, and he tells us that we can not bind the next House. Very well; let us admit it. But it is not proposed to bind the next House, but this House, by this amendment. Now, so far as this House is concerned, it does not go out of existence until the 4th of March next.

Mr. REAGAN. What has that to do with the question before the committee? These are appointments by the next Congress, and I would like to know how it applies to the question under consideration.

Mr. CANNON. It proposes to bind this House from now until the 4th day of next March.

Mr. REAGAN. But this provision extends beyond the 4th of next March.

Mr. CANNON. Then, according to your own logic, beyond that time it is void.

Mr. REAGAN. You hold then it is good law for six months, but bad law for a year?

Mr. CANNON. The gentleman himself holds that. I hold it is good law all through.

Mr. REAGAN. No, sir; I do not hold it.

Mr. CANNON. I hold it is good law for the year to come, the time during which this appropriation runs, so far as that is concerned. But I was only answering the gentleman's own argument from his own standpoint; and it is sometimes quite hard to do that, for the gentleman from Texas can take more standpoints, so far as I have noticed, than any other gentleman on this floor on either side of the House.

Mr. PERKINS. Let me suggest to the gentleman from Illinois that the next House will not be organized until long after this appropriation is exhausted. It is not binding on the officers of the next House.

Mr. CANNON. Certainly. Now, sir, I do not think that I desire to say anything further on this point of order. I will state again, in the law for the year 1886 the names of Coombs and Chancey are retained; but I believe it is competent for a majority of this House now to say either with or without the concurrence of the Senate that these two men shall continue to serve it. The gentleman from Texas [Mr. REAGAN] says no. Well, what is his plan? His plan is that he, the gentleman from Texas, by the aid of a Doorkeeper, can set at defiance three hundred and twenty-four members of this House. Now, I do not think under the Constitution or anywhere else he can find that power; because I believe if the fathers, looking forward with a prophetic glance at the time the Constitution was adopted, had foreseen the gentleman from Texas was to be a member of this House and would make this point of order, and if they had intended to give the gentleman from Texas and the Doorkeeper power against the other three hundred and twenty-four members of the House, they would have expressly provided for it.

Mr. TOWNSHEND. I have the most profound respect for the opinions of my friend from Texas upon points of order as well as upon almost every other question. But I conscientiously believe he is at fault today in the position he has taken in regard to this amendment. The name of George A. Bacon was inserted as an amendment in the Senate.

Mr. COBB. Was it not done, too, at your suggestion?

Mr. TOWNSHEND. I am glad to have an opportunity to give information on that point to the gentleman from Indiana and to correct a very erroneous impression that exists in his mind. The Senate inserted the name of George A. Bacon. That is not subject to the point of order raised by the gentleman from Texas, because the Chair has already so decided.

Before I go further on the point of order I want to explain the reason why the name of George A. Bacon appears. The name appeared in the last bill, and the name of John T. Chancey also appeared in that bill for the reason that this House by a resolution adopted by unanimous consent——

Mr. HOLMAN. I rise to a question of order. I do not think the merits of the question should be discussed on the point of order.

The CHAIRMAN. The Chair sustains the point of order. The gentleman from Illinois [Mr. TOWNSHEND] will confine himself to the point of order.

Mr. TOWNSHEND. If my other friend from Indiana [Mr. HOLMAN] had possessed his soul in patience for a few moments he would have discovered I was speaking strictly to the point of order. If my friends from Indiana can only remain in their seats long enough to allow me to get through with my statement I will be much obliged.

I was about to furnish the reasons why these names went into the bill and I want to emphasize the position that those two names especially under the rules of this House may rightfully go into this bill. As I was about to remark when interrupted, by resolution of this House, a continuing resolution, these offices were created for George A. Bacon and John T. Chancey by name.

If you will look to the resolution introduced by my colleague [Mr. HENDERSON] in the Forty-seventh Congress, you will find it there declared that hereafter George A. Bacon shall be employed as the second assistant doorkeeper of this House. That resolution was substantially a copy of one introduced years ago by Alexander H. Stephens, inserting the name of John T. Chancey. What followed? When the bill was being made up in the last Congress it became necessary to abolish those offices or to couple with that provision the names of these two men for whom these offices were created.

Mr. MATSON. Will the gentleman allow me to correct him?

Mr. TOWNSHEND. Another Indiana man!

Mr. MATSON. The gentleman is confusing two things. George A. Bacon is named in this bill for assistant doorkeeper; in the other he was named as second assistant—two distinct offices.

Mr. TOWNSHEND. There is a little difference in the verbiage used to describe him this year. The word "second" is stricken out, but the rest of the language is retained.

Mr. MCMILLIN. I will suggest to my friend——

Mr. TOWNSHEND. Do not let Tennessee come at me too. I want to get at my point, and do not desire to be interrupted.

Mr. MCMILLIN. I suppose the gentleman would like to be corrected.

Mr. TOWNSHEND. After a while. These two names are in this bill in pursuance of a resolution which has not yet been repealed and which still stands in force.

My friend from Indiana [Mr. COBB] inquired as to whether I had not caused the name of George A. Bacon to be inserted in the Senate. The facts are these: I found from a copy of the bill as reported from the Senate committee that every name had been restored to the bill except that of Bacon and perhaps these two pages, and I suggested to a member of that committee that if they intended to restore any names they should also restore the name of Bacon. Somebody had been there before me, and had caused all the other names to be put in, while Bacon's name was left out.

Why so? Because the assistant doorkeeper was an Indiana man, and would perhaps be crowded out if Bacon's name was retained. I simply said to one of the members of the Senate committee, "If you put in all these other names I wish you to put in Bacon's name also," and it was done; but the name was written in only in pencil, and when Senator BECK got hold of the bill in the Senate for the purpose of striking out the names Bacon's name escaped his attention, because it had not been printed in the bill. Now, I want to say to the House that if John T. Chancey's name and these other names of employés can not go into the bill I do not desire to see Mr. Bacon's name go in. I want them all to be treated alike, and as the House has stricken out the name of an officer of the Senate inserted by the Senate and has stricken out H. H. Smith's name, I think it is perhaps proper that all the names should be stricken out. I do not contend for any special exception in favor of Mr. Bacon, and never have asked for it.

Now, Mr. Chairman, on another point I think my friend from Texas [Mr. REAGAN] is wholly in error. He assumes that we are providing an officer for the next Congress. We are not. We are simply providing an officer for the second session of this Congress, and we have a perfect right to do that under the rules of the House and under the Constitution. We do not seek to insert here the name of any officer for the next Congress. It is true that this appropriation continues until the 30th day of June next, but so do all the permanent officers of this House continue in office until the next Congress assembles in December, 1887. We are simply providing here officers for the second session of this Congress, and therefore our action does not fall under the strictures of the gentleman from Texas. I maintain that it is within the power of this House under its rules to retain the names of George E. Bacon and John T. Chancey in this bill. Indeed, I think that every one of these names ought to be retained, for the reason that we have tried them and found them efficient and worthy, and I for one would rather intrust the appointment to the majority of this House than put it in the hands of any one man. The proposition here is simply to suggest to the House the propriety of selecting certain of its own officials instead of delegating that power to one man. But in conclusion, Mr. Chairman, I say again that if the House determines to strike out Mr. Chancey's name upon the point of order, or in any other way, and the names of these other officials or employés, then I am willing that Mr. Bacon's name should be struck out also.

Mr. COBB. Mr. Chairman, I want to answer one point that has been made by the gentleman from Illinois [Mr. TOWNSHEND]. He says that existing law provides for the appointment of George A. Bacon as assistant doorkeeper. Now, there is no such law on the statute-book and never was.

Mr. TOWNSHEND. I said a resolution of this House.

Mr. COBB. There is no resolution authorizing such an appointment as is provided for by this bill.

Mr. TOWNSHEND. I beg leave to differ with my friend.

Mr. COBB. If the gentleman from Illinois will keep himself in peace a few minutes I will explain to him the difference. The resolution to which he refers provided for the appointment of an assistant doorkeeper to perform service in the folding-room. That was George A. Bacon. But this bill provides for an "assistant doorkeeper, George A. Bacon, $2,000," to perform duty on the floor of this House. Now there is no law and there never was any law making Mr. Bacon assistant doorkeeper here. Therefore I say there is no existing law by which this provision can be sustained.

Mr. TOWNSHEND. Will the gentleman allow me to correct him?

Mr. COBB. The gentleman can not correct me, because I believe I am right.

Mr. TOWNSHEND. The resolution reads "George A. Bacon, assistant doorkeeper, to be employed in the document-room."

Mr. COBB. Exactly; and this provision reads, "assistant doorkeeper, George A. Bacon, $2,000." There is no similarity between the two provisions at all. One makes Mr. Bacon assistant doorkeeper performing duty on the floor of the House, the other an assistant doorkeeper performing duty in the folding-room. I would like to have the gentleman point out the similarity between the provision in the bill and the provision in the resolution upon which he relies. This name ought to go out, and if it does not go out on the point of order I will at the proper time move to strike it out.

Mr. REAGAN. The gentleman from Illinois, with an air of triumph, assumes that I desire to confer upon the Doorkeeper the power of making this appointment, and he says that I am setting up myself and the Doorkeeper in a position over all other members of this House. Why, Mr. Chairman, I am astonished that a gentleman who has been here so long and who is so active and efficient a member of the House should not know that this House itself has provided that the Doorkeeper shall make this appointment, and that in the position I take I am not antagonizing the House, but am, on the contrary, maintaining its authority. I suppose, however, that a gentleman so hardly driven as the gentleman from Illinois was to find an argument might very easily fall into such an error as that. Now suppose we make this appointment by law and say that this particular man shall have this office and the salary attached to it, and suppose he dies, can we appoint another officer under this law during the time the law runs? By making this appointment in the law, do we not mako the office his office and the salary his salary until the 30th of June, 1887?

The gentleman from Illinois also assumed that this would be good law for the first half of the year, and that therefore it ought not to be ruled out. Mr. Speaker, I have heard of a great many nice distinctions taken in the practice of the law by all kinds of lawyers, but I have never before heard such a proposition as that. If this can be made a law at all, it runs until the 30th day of next June. This officer must have his salary until that time; and I infer that should he meanwhile die, his heirs would be entitled to the salary up to that period. More than that, no other person could be appointed to the position during that time without the enactment of an additional law or rule of the House, unless we propose to have two persons appointed to the same position.

But, Mr. Chairman, I do not care to prolong the discussion on this subject.

The CHAIRMAN. There are two questions of order raised by the gentleman from Texas and one by the gentleman from Tennessee.

Mr. REAGAN. One of my points of order was against the provision in the Senate amendment, and the other against the amendment proposed by the Committee on Appropriations.

The CHAIRMAN. The Chair so understands. The first question raised relates to the amendment placed in the bill by the Senate inserting the name of George A. Bacon. The other relates to the amend-

ment in relation to various other House employés whose names it is proposed to insert in this bill—a proposition having no necessary connection with the amendment of the Senate. The Chair wishes to call attention to several provisions of the rules of the House, but will first read a clause of the Constitution of the United States with which gentlemen are all very familiar:

The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

The Chair assumes that this language of the Constitution excludes the appointment of officers of the House in any other manner than is here provided. Rule II of the House, relating to the election of officers, is in this language:

There shall be elected by a *viva voce* vote at the commencement of each Congress, to continue in office until their successors are chosen and qualified, a Clerk, Sergeant-at-Arms, Doorkeeper, Postmaster, and Chaplain, each of whom shall take an oath to support the Constitution of the United States, and for the true and faithful discharge of the duties of his office, to the best of his knowledge and ability, and to keep the secrets of the House, and each shall appoint all of the employés of his department provided for by law.

Rule XXVIII provides that—

No standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor, and no rule shall be suspended except by a vote of two-thirds of the members present, nor shall the Speaker entertain a motion to suspend the rules except on the first and third Mondays of each month after the call of States and Territories shall have been completed, preference being given on the first Monday to individuals and on the third Monday to committees, and during the last six days of a session.

The Chair thinks that the amendment now proposed by the Committee on Appropriations, if adopted, would be *pro tanto* a change of the rules of the House as to the mode of selecting its officers. The point of order, therefore, on the amendment of the Committee on Appropriations to the Senate amendment is sustained; but the point of order to the Senate amendment is overruled.

Mr. COBB. I move now to strike out the name of "George A. Bacon." This amendment has been put in by the Senate, and I think altogether without warrant. The House passed upon this proposition when this bill was pending here——

Mr. CANNON. I desire to make a point of order before it is too late. I make the point that a motion to strike out the Senate amendment is not in order.

Mr. COBB. Well, I will move then to non-concur in the amendment of the Senate. When this bill was before the House it contained, as will be remembered, a provision in about the same form as this amendment of the Senate, amending the old law. I then raised a point of order, which was sustained, and the name, "George A. Bacon," was struck out. Now, the Senate undertakes by this amendment to make an assistant doorkeeper for the House. That body has always complained of this House undertaking to legislate with reference to its officers. The Senate has claimed the right to regulate the compensation which its employés should receive; and time and again that question has been made an issue between this House and the Senate, for the reason that this House believed the Senate was paying its employés too high compensation. Many of the older members of this House will recollect the length of time which was spent a year or two ago in a contest between the two Houses on this very question. The Senate would not yield, but insisted that it had the right to regulate its own officers and to pay them such compensation as it believed proper; that the House of Representatives had nothing to do with the matter. The House finally yielded to the Senate, and the employés of that body are now paid, and have been paid, more than the employés of the House doing corresponding duty. The Senate in the present case undertakes to come in here and say to the House who shall be its assistant doorkeeper. I insist that it is beyond the province of the Senate thus to dictate who shall be the officers of the House. If that body will not allow us any voice in controlling the compensation of its officers, I insist with greater reason that it has no right to come here and dictate to us who shall be our officers. It is an interference to which I for one will not submit for a single moment. If we once yield this principle to the Senate that body will in the end dictate the appointment of our other officers. I trust, therefore, the House will not in this case concede so important a principle. Let us regulate the appointment of our own officers. The object of this amendment is to legislate somebody out of office and to put somebody else in. I am not in favor of this way of getting rid of officers. If we have doing duty for this House officers whom we ought not to have, there is a method by which they can be removed; but with my consent it can not be done through the dictation of the Senate. I I trust, therefore, that the House will non-concur in this amendment to strike out the name of "George A. Bacon."

Mr. RANDALL. I think we understand sufficiently to have a vote. [Cries of "Vote!"]

Mr. STRUBLE. I hope the Chair will state the question upon which we are called to vote.

The CHAIRMAN. The question is on the motion to non-concur in the amendment of the Senate.

Mr. CANNON. I move to concur in the amendments of the Senate, and that under the rule, I insist, takes precedence.

The CHAIRMAN. The question will be stated on the motion to concur.

The Senate amendment was non-concurred in.

The Clerk read as follows:

Twenty-eighth of the Senate: Insert the names of "A. H. Pickens and H. T. Lyle;" so it will read:

"Two chief pages (A. H. Pickens and H. T. Lyle), at $900 each."

Mr. McMILLIN. I move to non-concur in that amendment of the Senate.

Mr. HOLMAN. I am instructed by the committee to move concurrence.

Mr. CANNON. I desire to be heard for a moment on that amendment. This amendment of the Senate is as follows, if I can have the attention of the committee, and I will not occupy it but for a few minutes:

The bill provides for two chief pages, at $900 each. The Senate amendment is to insert the names of A. H. Pickens and H. T. Lyle. One of these chief pages is provided for under the lead of the gentleman from Pennsylvania in the sundry civil bill for the year 1886, namely, A. H. Pickens. The other chief page, H. T. Lyle, was recommended by the Committee on Appropriations.

Now, the object of appointing these chief pages was that we might have two competent pages on the floor of the House, maintaining one on that side of the House, where he has been for years, and one on this side of the House.

Gentlemen understand about this page business as well as I do. They are very clever boys, yet most of them are too young to be expert in the performance of their duties.

Mr. McMILLIN. Will the gentleman from Illinois permit me to ask him a question?

Mr. CANNON. Certainly.

Mr. McMILLIN. Is it not a fact that the name of H. T. Lyle was never borne in the bill before?

Mr. CANNON. Yes.

Mr. McMILLIN. Was it not inserted in the Senate?

Mr. CANNON. Yes; it was inserted in the Senate. Is there any other question the gentleman wants to ask me? If the gentleman has any further question to ask I should be very glad to answer it.

Mr. McMILLIN. How was it the Senate came to insert these names?

Mr. CANNON. I will give you all the information I have about it with great pleasure. When the Senate reported this bill to the Senate from the Committee on Appropriations they reported it without any consultation or communication with me. I think when it was reported it had the names of Chancey and several other employés, as the gentleman will find if he will examine it. After it was reported for the first time I went to a Senator and suggested to him that as the bill was originally reported to the House it had the names of A. H. Pickens and H. T. Lyle in it, and if any names were to go in I should be glad to see them restored. I presume it was in consequence of that suggestion of mine these names have been inserted in this bill. I do not know that is the case, but I suspect it is.

To come back now to the point where I was interrupted. I know these gentlemen who are the chief pages here. H. T. Lyle is on this side of the House. I believe he lives in the District. Certainly he is not from my district or my State. If he has any politics, I do not know whether they are Republican or Democratic, and I do not care. But I do know and believe he is one of the best pages who has ever been in this House. I do not say this to detract from the service rendered by others. To many of us on this side of the House his services have become indispensable. A. H. Pickens, the chief page on the other side, is equally competent. He was put in the bill by the gentleman from Pennsylvania in conference. I thought it was proper, under the circumstances, to concur with the Senate. That is all I wish to say.

Mr. McMILLIN. All I wish to say in support of my motion to non-concur is this: As has been seen by those who have examined the rules and Constitution, the power is fixed in this House to select its own officers. These names were inserted in the bill when it was first reported to the House, but the House in its discretion saw fit to strike them out. These names have been restored by action of the Senate. The Senate amendment proposes to say who shall be officers of this House. For that reason I have moved to non-concur.

Mr. CANNON. An additional word. Gentlemen of this House seem to have grown suddenly most wonderfully strict and wonderfully virtuous. Why you can turn through this legislative, &c., appropriation act for year ending June 30, 1886, and you will find just such designations to places, not only in the House and in the Senate, but in the Executive Departments of the Government.

I have one before me now, where under the lead of the gentleman from Indiana year after year this provision has prevailed in the appropriation bill, and I read it:

For First Assistant Postmaster-General, $4,000; chief clerk, $2,000, and while the office is held by the present incumbent, $500 additional.

That is under the Executive, not under the House or the Senate, but an appointment under the Executive. That is written into the law in this very bill and has been there many years.

Mr. HOLMAN. Yes; and this man has been some fifty years in the service.

Mr. RANDALL. We give him additional pay while he remained there, but that does not stop his being turned out.

Mr. CANNON. I understand that, but I am calling attention to

this special provision by name of employés. You have gone outside now of the legislative department and invaded the executive with the same provision.

I am quite sure if it suits the majority of the House to say that the Republican side of the House, and the same on that side to some extent, shall not be well served by competent pages I have no objection. I can stand it as well as you can. But it is a gracious thing to do. If, however, your stern sense of constitutional duty rises up like a tower and compels you to say we shall not be served by at least one page on each side of the House who is thoroughly competent, then, in God's name, preserve your oaths but enforce the Constitution, But, after all, I think perhaps it would be just as wise to say that, while you violated the Constitution in a dozen other places it would hardly hurt to make a little violation here, where the object to be attained is one of convenience to all the members of the House in the transaction of the public business. All of this talk about designating a page or an officer in an appropriation bill to serve the House is in my opinion just so much twaddle.

Mr. MCMILLIN. It is twaddle to put the names in.

Mr. COMPTON. I do not think, Mr. Chairman, my friend from Tennessee would pretend that because this provision comes from the Senate it is therefore in derogation of the dignity of the House, because, as a matter of fact, I think these names were originally reported in the bill, but were stricken out in the House on the point of order and have now been restored.

That is the whole sum of it. Further, as I understand it, I do not know how correctly, but such is my impression, the restoration of the names in the bill meets with the approval of the majority of the committee.

Now, what is the purpose of the House? As has been well said by the gentleman from Illinois, the purpose is to secure the services of competent, faithful, and efficient men; and certainly none are more competent, faithful, and efficient than the two young men who are named here in this amendment.

Again, if the House agrees to this amendment it will be the action of the House appointing its own employés, for without its concurrent action this provision would amount to nothing. If the House votes it down it goes for nothing. I appeal then to the House to consider the question upon its own merits and not consider it upon any question involving a mere technicality as to the dignity of the House, which is supposed to be offended by the incorporation of such a provision as an amendment at the other end of the Capitol.

Mr. HOLMAN. I trust we will have a vote now.

The question being taken on concurring in the Senate amendment, the committee divided; and there were—ayes 72, noes 56.

Mr. MCMILLIN. No quorum.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. MCMILLIN and Mr. CANNON were appointed tellers.

The committee again divided; and the tellers reported—ayes 89, noes 80.

So the amendment was concurred in.

Amendments numbered 30 and 31 were concurred in.

Amendments numbered 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, and 43 were severally non-concurred in.

Amendment numbered 44 was concurred in.

Amendments numbered 45, 46, and 47 were non-concurred in.

Amendments numbered 48, 49, and 50 were concurred in.

Amendment numbered 51 was read, as follows:

Strike out, under the head of "Treasury Department," the words "an inspector of electric-light plants, gas, and fixtures for all public buildings under control of the Treasury Department, $1,900."

Mr. REED, of Maine. Why not concur in this amendment? It is apparently in the interest of economy.

Mr. HOLMAN. The committee thinks that possibly this is an indefensible position; but it may not be; and we have thought proper to non-concur in the Senate amendment to find out the object of the Senate in striking it out.

Mr. REED, of Maine. I did not suppose that my friend from Indiana needed evidence on that point to show that it was a decrease of expenditure.

The amendment was non-concurred in.

Amendment numbered 52 was non-concurred in.

Amendment numbered 53 was concurred in.

Amendments numbered 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, and 65 were non-concurred in.

Amendment numbered 66 was read, as follows:

Strike out the following provision:
"For additional force for continuing the adjustment of the accounts of the Soldiers' Home in the office of the Second Auditor, under section 4818, Revised Statutes: Seven clerks at $840 each, and one at $720 per annum, $6,600."

Mr. HOLMAN. The committee recommend non-concurrence in this amendment of the Senate. The object of striking out this provision is not known to the Committee on Appropriations, and for the purpose of ascertaining that they have recommended non-concurrence.

Mr. WADSWORTH. I think the committee ought to give some reason for non-concurring in the Senate amendment.

Mr. HOLMAN. The gentleman will see at once that you can not perceive what the motive is in striking it out. The language of the provision is "for additional force for continuing the adjustment of these accounts." I suppose the gentleman from Kentucky is well aware what that is. Heretofore we have appropriated $10,000 a year for that purpose.

It was proposed to continue that appropriation under two provisions contained in this bill as it went from the House to the Senate. The Senate thought it desirable to strike those provisions out. What their purpose is is not known to the House Committee on Appropriations.

The House has always regarded the question as an embarrassing one. It is claimed the Government is owing the Soldiers' Home in the neighborhood of $2,000,000 from pay of deserters, fines, forfeitures, &c., which belong under the law to the Soldiers' Home. The Senate may have some plan of adjusting that matter other than the looking over all these accounts for a long series of years. And for the purpose of having an opportunity to understand the motive of the Senate it is recommended to non-concur.

Mr. CANNON. I suppose if the House non-concurs in this amendment in addition to non-concurrence in the former amendment for a like force in the Comptroller's office it will throw the whole question into conference. And I take it that the conference committee, subject to subsequent appropriation by the House, might have jurisdiction to propose some scheme other than the auditing of these accounts.

Gentlemen will understand after the statement of the gentleman from Indiana [Mr. HOLMAN] that under the act establishing the Soldiers' Home here at Washington there is due from pay of deserters, from pay of soldiers who have deceased and had no legal representatives, from fines levied by courts-martial, &c., probably, as the gentleman stated, in the neighborhood of $2,000,000. Now for four or five years we have provided a force at an expense of $25,000 or $35,000 a year to audit these claims, and I understand they have got about as far as the year 1844, and at this rate it would take thirty or forty years yet to fully examine the books and audit these claims.

I have the impression that the Senate thought it wise, or was of the opinion, that we should give a lump sum to the Soldiers' Home at once in lieu of these amounts, or that we should appropriate from year to year and save this amount for the force engaged in auditing the accounts. I must say for one I am in harmony with that view, because in the end, if we go on auditing these claims, we will have to pay them anyhow to the Soldiers' Home, which exists by our legislation, and which we must necessarily support. I think it would be wise to arrange to give a sum in lump in satisfaction of all these claims, and do away with this constant spending of money for thirty or forty years to come.

Mr. RANDALL. I think it is safer to non-concur. That gives the committee of conference full jurisdiction of the subject; and we will learn whether the Senate desires to make such an appropriation as has been suggested. If so, it can be inserted in the sundry civil or in the deficiency bill.

The amendment was non-concurred in.

Amendments 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, and 77 were non-concurred in.

Amendments 78, 79, 80, 81, under the head of "Office of Construction of Standard Weights and Measures," were read, as follows:

Strike out "and mechanician."
Insert "one mechanician at $4 per day."
Strike out the word "laborer" and insert the word "watchman."
Strike out "$2,225" and insert "$3,537."

Mr. HOLMAN. It may be that upon a further examination it may appear that some additional force is required in this small office. Meanwhile the committee have recommended non-concurrence.

The amendments were non-concurred in.

Amendments 82, 83, 84, 85 were concurred in.

Amendments 86, 87, 88 were non-concurred in.

Amendment 89 was read, as follows:

In line 1114 strike out "$4,000" and insert "$4,500;" so that it would read: "Office of assistant treasurer at Baltimore: For assistant treasurer, $4,500."

Mr. HOLMAN. The committee recommend non-concurrence.

Mr. CANNON. I think the recommendation was to concur.

The question being taken, the amendment was non-concurred in.

Amendment 90 was non-concurred in.

Amendment 91 was read, as follows:

In line 1124 strike out "$4,500" and insert "$5,000;" so that it would read: "Office of assistant treasurer at Boston: For assistant treasurer, $5,000."

Mr. LONG. I move to concur in this amendment. This matter was considered in the Committee of the Whole when the bill was under consideration a week or two ago. The salary of the assistant treasurer at Boston has been $5,000 for a number of years. The bill as reported by the Committee on Appropriations reduced the salary to $4,500. In Committee of the Whole it was moved to amend by restoring the salary to $5,000, the same as it has been for the last few years. The Committee of the Whole voted by a large majority of some 80 to 40 to restore the salary to $5,000. When the matter was reported to the House this Boston item got mixed with some others, and the House had perhaps forgotten the discussion in the Committee of the Whole. The result was that the amendment was rejected, and the bill went to the Senate with $4,500 as the salary of this officer. The Senate has now restored

it to $5,000. I move to concur in the amendment. The reasons are: First, $5,000 is a reasonable sum.

The amount of money involved is some $126,000,000. As I said before, the salary for a number of years has been $5,000. The question is very different from what it would be if we were establishing the salary, for the question now is whether we shall cut down a salary which is already fixed at $5,000. No reason exists for cutting it down. No reason exists why this House should impose a fine upon the assistant treasurer at Boston by reducing his salary $500. It is very difficult to find a man to fill the place on account of the large bond that is required. In behalf of the faithful officer who now occupies the place, in behalf of the man who shall next fill the place, should another be selected, in view of the large bond and the large responsibility, in view of the rate of salary usually attaching to such an office as this, I trust that the House will concur in the Senate amendment, and the amount of this salary be kept what it has been.

Mr. RANDALL. Mr. Speaker, it is true that the unrecorded vote of the Committee of the Whole favored keeping this salary up, but when the recorded vote came in the House it was in favor of letting the salary stand at the amount originally recommended by the Committee on Appropriations.

The amendment was non-concurred in—yeas 50, nays 64.

Amendment No. 92 was concurred in.

Amendment 93 was non-concurred in.

On motion of Mr. HOLMAN, amendments 94, 95, 96, 97, and 98 were read together and non-concurred in.

Amendments 99 and 100 were read; amendment 99 inserting in lines 1180 and 1181 the following: Assistant cashier and vault clerk, $3,200; and amendment 100 striking out in line 1210 "sixty-five thousand two" and inserting "sixty-eight thousand four."

Mr. HOLMAN. Mr. Chairman, since these amendments were considered by the Committee on Appropriations the subtreasurer at New York has been in this city, and as the members of the committee are present and I desire that this subject may be further considered by the conferees of the two Houses, I will ask that, as a matter of form, these two amendments be non-concurred in.

Mr. RANDALL. I individually have no objection to that course.

The amendments were non-concurred in.

Amendments 101, 102, 103, and 104 were non-concurred in.

Mr. HOLMAN. I ask that amendments 105, 106, and 107 be reported together.

The amendments were read; amendment No. 105 increasing appropriation for the salary of the governor of Alaska from $2,600 to $3,000, and amendment No. 106 increasing the appropriation for the salary of the judge of Alaska from $2,500 to $3,000.

Mr. HOLMAN. The committee recommend non-concurrence in those amendments.

Mr. BURNES. I move to concur in the three Senate amendments that have just been read. The first one restores the salary of the governor to $3,000, the amount fixed by the law organizing the Territory of Alaska. The second amendment restores the salary of the district judge to $3,000, the amount of that salary having been fixed in the law organizing the Territory. The third amendment simply has reference to the amount of these two salaries. I can not add any force to the declaration of the law that each of these officers shall have a salary of $3,000 a year, yet I submit that the governor of Alaska and the judge in Alaska ought to receive $3,000 a year each, not only because it is not too great a salary, but because the law has fixed it, and those gentlemen have gone to the place of their duties under the belief that they were each to receive that salary.

Mr. RANDALL. Is the governor there now?

Mr. BURNES. He is there now so far as I know. The judge is there, and I presume the governor is there. It is a hardship, I had almost said an outrage, that gentlemen are sent off two or three thousand miles in the belief that they will be protected by the statute law of the country, and after they have gone to their fields of labor to have their salaries cut down in order to deprive them of $400 each. It is pitiful, and I submit it to this House with absolute confidence.

Mr. HILL. I hope the committee will take into consideration one or two facts in connection with this Alaska matter. In the first place, it must be remembered that it costs a governor from $500 to $1,000 a year more to live in Alaska than in any other Territory of the United States. There is only one steamship line by which communication can be had with the States, and that makes semi-monthly trips, and is to all intents and purposes a monopoly, charging just what it pleases for freight. Besides that, the opportunity for purchasing supplies for housekeeping there is very restricted, and prices are 50 per cent. higher than in other Territories which are accessible by railroad. Then there is to be added the expense of going and coming, which is about $300 more than in the case of any other Territory. I agree with the gentleman from Missouri [Mr. BURNES] that where the law has fixed a salary for the governor of this far-off region it is an outrage for Congress to cut down that salary under the circumstances.

Mr. BUTTERWORTH. Are these officers allowed any mileage or traveling expenses?

Mr. HILL. They are allowed no mileage or expenses at all.

Mr. BURNES. None whatever.

Mr. RANDALL. Do not they usually go in a Government vessel?

Mr. HILL. I do not know how they go. I suppose they go the best way they can, as we all come to Washington. We generally come here on a railroad pass.

Mr. RANDALL. No, sir.

Mr. HILL. A gentleman asked where the governor was. The governor of Alaska was here to attend some business in connection with his Territory, because that Territory has no Delegate in Congress, but he is now and has been for three or four weeks on his way back to his post of duty.

Mr. HOLMAN. He was here, I believe, a good while, and all his predecessors have been here ever since they were appointed.

Mr. HILL. Governor Swineford was in Alaska and staid there until he ascertained the wants of the Territory. He then came here and remained just five weeks, and he was before the Committee on Territories every day that he was here. He left here some four weeks ago, and is now on his way back to his post of duty. I know this, because I have been in communication with him since.

Mr. HOLMAN. Will the gentleman give us some idea of what this officer does when he is up there?

Mr. HILL. I suppose he attends, like every other governor, to the duties which the law prescribes. What they are I do not know, for I was never there.

Mr. DOCKERY. The inquiry of the gentleman from Indiana [Mr. HOLMAN] is not pertinent. If the office is a useless one, it ought to be abolished.

Mr. HOLMAN. I think it ought to be.

Mr. DOCKERY. If so, bring in your bill, and if the necessary facts are exhibited I will vote to abolish the office. But the law at present provides this salary; and as the duties are performed at so remote a point, it seems to me the House ought to concur in this amendment of the Senate.

Mr. HOLMAN. Mr. Chairman, the highest salary we pay to any Territorial governor, except the governor of Alaska, is $2,600. The reason the salary of this particular governor was placed above the general level was that the office was provided for in a general bill, and it is always our experience that when we provide a salary by a separate act the salary is fixed above the general range. In former years the governors of all the Territories received $3,000 each. In 1876 these salaries were reduced to $2,600, and no higher salary has been paid since that time to any Territorial governor, except in this one instance. It is not believed the governor of that Territory has any duties to perform. Every winter for several years past he has been here at the capital. The Committee on Appropriations think a salary of $2,600 is ample.

Mr. HILL. Mr. Chairman, one word more. The distinguished gentleman from Indiana urges that $2,600 is the salary paid to other Territorial governors. Does he not know that we make a difference in the salaries of United States judges that these judges received higher pay in some districts than in others? Does he not know that the cost of living was higher a few years ago than it is now; and does he not know that there is a vast difference between living in Alaska and living, for instance, in Dakota? I have no doubt the gentleman himself would rather serve as governor of Dakota for $1,500 than in Alaska for $3,000.

Mr. HOLMAN. Fifteen hundred dollars would be an ample salary.

Mr. HILL. I hope the gentleman does not estimate the usefulness of everybody else by his own. [Laughter.]

Mr. RANDALL. Mr. Chairman, there is no reason why the governor of Alaska should receive a higher salary than the governor of any other Territory. In this very bill the salary of every other Territorial governor is fixed at $2,600. We propose that the governor of Alaska shall receive the same salary as the governors of Dakota, Idaho, Arizona, Montana, New Mexico, Utah, and I believe Washington. If we now agree to fix this salary at $3,000 there will naturally be an effort made to raise the salaries of the other Territorial governors to the same level.

Mr. HOLMAN. Yes, sir; that is what will follow.

The question being taken on the motion of Mr. BURNES to concur in the amendment of the Senate, there were—ayes 52, noes 35.

Mr. HOLMAN. No quorum.

Tellers were ordered; and Mr. HOLMAN and Mr. BURNES were appointed.

The committee again divided; and the tellers reported—ayes 79, noes 45.

So the motion of Mr. BURNES was agreed to.

Mr. HOLMAN. We shall have a vote in the House on this question.

The one hundred and eighth and one hundred and ninth amendments were read and concurred in.

The one hundred and tenth, one hundred and eleventh, one hundred and twelfth, and one hundred and thirteenth amendments were read and non-concurred in.

The one hundred and fourteenth, one hundred and fifteenth, one hundred and sixteenth, one hundred and seventeenth, and one hundred and eighteenth amendments were read and concurred in.

The one hundred and nineteenth amendment was read, as follows:

Insert after the appropriations for "Office of Publication of Records of the Rebellion" the following:

"And hereafter the records prepared for publication under this appropriation shall contain only the records of the war of the rebellion covering contemporaneous events, arranged chronologically, according to the provisions of the act of June 23, 1874, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875. And the evidence taken by the court-martial on the trial of Fitz-John Porter, together with the report thereon by Judge Holt to President Lincoln, shall be printed in connection with matter already printed concerning the proceedings of said court-martial."

Mr. HOLMAN. The Committee on Appropriations recommend concurrence in this amendment of the Senate with an amendment, to insert after the words "President Lincoln" the clause which I ask the Clerk to read.

The Clerk read as follows:

Also any papers on behalf of the defense in said court-martial directly connected with the proceedings of the same, and contemporaneous therewith, that have not been already published in any previous volume of said records.

Mr. REED, of Maine. I submit, Mr. Chairman, that a motion to concur takes precedence of the proposition to concur with an amendment.

The CHAIRMAN. The Chair thinks not.

Mr. REED, of Maine. I submit that a motion to concur without amendment must take precedence of a motion to concur with an amendment, because simple concurrence tends to an immediate agreement between the two Houses. The ground on which a motion to concur takes precedence of a motion for non-concurrence is that the motion to concur brings the two Houses more promptly to an agreement. The same reason must govern in this case, and give precedence to a motion to concur without amendment as against a motion to concur with an amendment.

The House must have the right to concur with the exact words of an amendment first. That must be the principle of parliamentary law.

The CHAIRMAN. The Chair thinks the gentleman from Maine is correct, and that the question on concurrence is first to be put.

Mr. REED, of Maine. I move to concur.

The committee divided; and there were—ayes 56, noes 75.

Mr. REED, of Maine. No quorum.

Mr. REED, of Maine, and Mr. HOLMAN were appointed tellers.

The committee again divided; and the tellers reported—ayes 74, noes 89.

So the House refused to concur in the Senate amendment.

Mr. HOLMAN. I now ask that the question shall be put on the amendment of the committee to the amendment of the Senate.

The CHAIRMAN. The amendment has already been read, but it will be read again.

The amendment to the amendment was again read.

Mr. BUTTERWORTH. First, Mr. Chairman, I desire to ask of the Chair this question. It is a parliamentary inquiry. If the House shall agree to concur with the amendment, of course that sends the bill, or rather the amendment, to the committee of conference. Do they then have jurisdiction of the whole subject-matter, or is their jurisdiction confined to consideration of the amendment of the House?

Mr. HOLMAN. The jurisdiction of the conference would be to the whole subject-matter.

The CHAIRMAN. The present occupant of the chair does not desire to rule on a matter which is not before him and probably never will be.

Mr. BUTTERWORTH. For, sir, the amendment of the Committee on Appropriations is a little broader than I thought it was. It was presented in the Committee on Appropriations, and if it is in order to speak of what occurred in the committee I may say to this extent at least, that the motion to concur with an amendment was adopted by the committee. My memory may be at fault, but I think the scope of the amendment as presented to the Committee of the Whole is broader than it was, or as I understood it to be, when offered in committee. It is, to my mind, too broad, because it contemplates the insertion in the record not merely of papers, or such part of the papers, as necessarily and properly form a part of the record of the case, but opens up a much wider range.

Mr. RANDALL. The word contemporaneous is there.

Mr. BUTTERWORTH. Of course; I understand perfectly that the word contemporaneous is used, but that might admit every magazine article, every suggestion ventured or cast on the wave of public opinion if it was only contemporaneously expressed or written.

If the amendment be adopted it should be confined to those papers which are pertinent to and form a part of the record of the trial.

Mr. HOLMAN. The language of the amendment is confined to such papers as are directly connected with the proceeding. How could it be any more explicit?

Mr. BUTTERWORTH. Is there any objection to inserting apt words to limit the scope of the amendment as I have suggested?

Mr. HOLMAN. The words suggested do not make it any more explicit.

Mr. BUTTERWORTH. If they are not more explicit it will not hurt.

Mr. CANNON. Will the gentleman permit me to ask him a question?

Mr. BUTTERWORTH. Certainly.

Mr. CANNON. Why make the amendment broader than the amendment of the Senate, which is as follows:

And the evidence taken by the court-martial on the trial of Fitz-John Porter, together with the report thereon by Judge Holt to President Lincoln, shall be printed in connection with matter already printed concerning the proceedings of said court-martial.

The proper scope of the amendment it seems to me should be the papers in connection with the defense. I suppose that is properly included in the Senate amendment. This amendment says papers. I presume that would include argument of counsel for Fitz-John Porter, and the argument of counsel against him would not go in.

Mr. BUTTERWORTH. That is the point, I will say to my colleague on the committee, against which I protest. I am not going to discuss the subject-matter treated of in the record, although I have solid convictions upon it; but I wish to state how this controversy arose. It appears that in the compilation of the annals of the war, which is the compilation of the record of events as they transpired, as the same is disclosed in the papers and manuscripts filed in the War Department, the documents which contained the account of the arraignment and trial of Fitz-John Porter were reached in their order.

It appears from an inspection of a volume of the compilation which has been completed in which the record of the trial and sentence of Fitz-John Porter should appear there is a very meager account of that proceeding. That brief statement being complete, the compiling officer, under what influence I do not know, leaps forward over the records of a quarter of a century and inserted in full display the entire proceedings of the Schofield board which reviewed the proceedings of the court-martial before which Porter was tried, and inserted also the proceedings of Congress for the relief of Porter and everything else that tended in any way to operate as a vindication of Fitz-John Porter. All that matter he inserts as a part of the record of 1862. He makes an entry *nunc pro tunc*, except he reverses the usual order by recording the events of the distant future as if they occurred to-day.

It may be urged, and I do not dispute it, that in one aspect of the case it is a matter of even-handed justice. But it was an unwarranted exercise of authority, and the Senate did not regard it as a proper thing to do in compiling the annals of 1862 to reach forward to and include the events occurring in 1886. Besides the record as made was unfair and partial, and to undo the wrong and correct the error as far as possible the Senate adopted the amendment which we are now seeking to amend. The Senate amendment seeks to require the compiling officer to include in his compilation such records at least as would suggest the character and enormity of Porter's offense and the judgment thereon of the men who had to judge of it on the trial, which as it appears is entirely garbled or singularly omitted.

The amendment, on the other hand, suggested by the Committee on Appropriations is—and there is a savor of abstract justice about it—that, in enlarging the record, that which properly pertains to the defense of Fitz-John Porter should go in. From the standpoint of the gentlemen on the other side that is fair, and I would not complain of it if the amendment was not so sweeping. If I catch it correctly as read from the desk it is too wide. It admits contemporaneous papers pertaining to the subject, the opinions of military men——

Mr. HOLMAN. Not pertaining to, but, as the language provides, "connected therewith."

Mr. BUTTERWORTH. And that, the gentleman must see, would admit the argument of the defense.

Mr. RYAN. Certainly; for that is a part of the proceeding.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTTERWORTH. I only ask a moment to say to my friend I only want that which properly pertains to the trial to be inserted, and that does not include the argument of counsel.

Mr. HOLMAN. The gentleman will remember that there was some ambiguity in the language as drawn in the first instance, but as finally adopted by the committee it is in these words:

Any papers on behalf of the defense in said court-martial directly connected with the proceedings of the same and contemporaneous therewith that have not been already published in any previous volume of said records.

Which are exceedingly specific and definite words. It refers only to papers, as will be seen, directly connected with the proceedings.

Mr. CUTCHEON. I would like to ask the gentleman from Indiana what he understands would be included under the language of that amendment?

Mr. HOLMAN. Only matters connected directly with the record.

Mr. CUTCHEON. With the record of the trial?

Mr. HOLMAN. Yes, sir.

Mr. CUTCHEON. Does the gentleman think that would include, for instance, the argument of Reverdy Johnson?

Mr. HOLMAN. I think that if among the papers filed among the records there is a defense of Fitz-John Porter it would be admissible under this amendment.

Mr. BOUTELLE. What kind of defense; the arguments of counsel?

Mr. HOLMAN. Any of the official files ought to go in.

Mr. BUTTERWORTH. I think this can be arranged to work even-handed justice; at least I think it can be by a little amendment of the phrascology. The Senate amendment, my friend will observe, does not contemplate the introduction of argument of counsel against Fitz-John Porter, or, indeed, the argument of counsel at all. So I insist, if my friend pleases, that this amendment should be confined to the official records in the case, the official files, if you please, and the language of the amendment can certainly be so drawn as not to throw out a drag-net and bring in a thousand and one things that the friends of Fitz-John Porter would like to have inserted because they are soothing to his pride and a balm to his honor.

Mr. CANNON. Allow me to suggest to my friend from Ohio that the language of the Senate amendment seems to cover the point.

And the evidence taken by the court-martial—

That means the evidence for and against—

on the trial of Fitz-John Porter, together with the report thereon of Judge Holt to President Lincoln, shall be printed, &c.

That includes the whole of the record proper. There is nothing in the record I take it but the evidence that is embodied in the record.

Mr. HOLMAN. Is it proper that the report made and embodied in the record by Judge Holt——

Mr. BOUTELLE. He was the Judge-Advocate-General.

Mr. HOLMAN. I do not care whether he was the Judge-Advocate-General or not, he was the prosecuting attorney.

Mr. BOUTELLE. No, sir; he was the Judge-Advocate-General, and he could not be the prosecuting attorney.

Mr. HOLMAN. Well, whatever you call it, it is the same thing.

Mr. LAIRD. He was in fact the prosecuting attorney.

Mr. HOLMAN. I say, is it right that that should go in and yet the defense of Fitz-John Porter should not be permitted to go in? I submit that is not a matter of fairness.

Mr. BUTTERWORTH. There can be no difficulty in getting in what pertains to the record; but I take it that is all that could or ought properly to be admitted. I suggest then this amendment, that after the word "Lincoln," in line 1722, insert:

Also any papers on behalf of the defense in said court-martial directly connected therewith and forming part of the official record in said case.

Mr. BOUTELLE. That would not do. You only get the papers of the defense that form a part of the official proceedings.

Mr. BUTTERWORTH. But the Senate amendment covers the entire report of the trial.

Mr. BOUTELLE. The Senate amendment simply covers the evidence. Now you want to put in all the papers connected with the record, and you have no provision stating what papers shall be considered in connection with the record and which may be published.

Mr. BUTTERWORTH. We can say "for and against."

Mr. BOUTELLE. I desire to make a suggestion to the gentleman from Indiana. This Senate amendment provides distinctly for printing all the evidence, does it not?

Mr. HOLMAN. It does.

Mr. BOUTELLE. And the only other provision in the Senate amendment is that there shall be printed one specific paper, the report of Judge Holt. Now, if anybody desires that any other paper shall be printed that is not a part of the evidence provided for by the Senate amendment, why not specify that specifically as the Senate amendment specifies the report of Judge Holt?

Let us know what the documents are you want to print. This makes a distinct and clearly understood statement. If you want to put in the argument of Reverdy Johnson, or this, that, or the other thing, say so specifically. But the amendment of the gentleman from Indiana [Mr. HOLMAN] is broad enough to cover every newspaper article that appeared at the time.

Mr. RANDALL. Oh, no. The language is, "directly connected with."

Mr. HOLMAN. I hope we will have a vote.

Mr. BOUTELLE. I ask the gentleman from Indiana to amend his amendment so as to state specifically what he wants to print.

Mr. CUTCHEON. The proceedings of a court-martial consist, first, of charges and specifications; second, the evidence applicable thereto; and third, the summing up by the officers of the court; and then the finding. Counsel are permitted in general courts-martial, but arguments of counsel do not constitute a portion of the official proceedings.

Mr. HOLMAN. Do they not stand upon the same footing as the paper of Judge Holt?

Mr. REED, of Maine. Not on the same footing. His is an official report.

Mr. CUTCHEON. Colonel Scott, in the compilation of the records of the war, in part 2 of volume 12, when he reached that part of the annals relating to the second Bull Run campaign and the charges against General Fitz-John Porter, proceeded to embody in the annals of the rebellion the entire proceedings of the so-called Schofield board, an entirely unofficial board, convened without any authority of law. He came down near a quarter of a century to put into the current annals of the rebellion a chapter that was left to posterity, as we may say. Now the Senate amendment proposes to go back, and as an antidote to that to insert first the evidence taken upon the trial; and there are no papers that are directly connected with the trial that were not put in evidence or did not constitute a portion of the proceedings of the trial.

But when Congress came to publish the proceedings of the general court-martial, Congress printed, together with the official proceedings and with the summing up of Judge-Advocate-General Holt, the argument of Reverdy Johnson, and it constitutes part of the document which you will now find in the library.

The only other document not provided for by the Senate amendment, which provides for the evidence, the summing up, the report of Judge-Advocate-General Holt, is the argument of Reverdy Johnson, the counsel for Fitz-John Porter. Now, if any one wants that to go in alongside the argument of Judge Holt I have no objection. Only let us make it specific. Let the language be employed, "together with the argument or summing up of Reverdy Johnson, counsel for defendant."

I have no objection to the two papers going together. But, as the gentleman from Ohio [Mr. BUTTERWORTH] has said, let us be specific; let us hedge this up so that there will be an end somewhere of stuffing the public records with the proceedings in this case.

Mr. WARNER, of Ohio. I think the suggestion of the gentleman from Michigan is a fair one.

Mr. BUTTERWORTH. Is the suggestion of the gentleman from Michigan satisfactory to the gentleman from Indiana [Mr. HOLMAN]?

Mr. HOLMAN. I am not sufficiently familiar with the subject to be able to answer that question. My own judgment at this moment is that the proposition of the gentleman from Michigan is an entirely proper one; that the review by Judge Holt on the one side and the argument of Reverdy Johnson on the other are the two papers outside of the record which should come in. But, as I have said, I am not sufficiently familiar with the case to know what is proper and what is not. It seems to me the House can well afford to let this go to the conferees.

Mr. BUTTERWORTH. I wish to make another suggestion. This amendment should be so framed that these things should be published together and not separately. That is not provided for here. They should not be printed in disjointed fragments.

Mr. HOLMAN. I think that can be easily provided for by the conferees. I call for a vote.

The CHAIRMAN. The question is on the motion of the gentleman from Indiana to concur in the Senate amendment with an amendment.

The question being put, the chairman stated that the "ayes" seemed to have it.

Mr. BOUTELLE. I call for a division.

The committee divided; and there were—ayes 81, noes 70.

Mr. BUTTERWORTH. No quorum.

The CHAIRMAN. A quorum not having voted, the Chair appoints as tellers the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Maine [Mr. BOUTELLE].

Before the vote had been announced,

Mr. BUTTERWORTH said: While the tellers are waiting for gentlemen to vote I wish to say to the gentleman from Indiana that what I proposed was to add after the words in his amendment "directly connected with" the words "and a part of the official records in said cause."

Mr. HOLMAN (one of the tellers.) As I have already said, I think that may be left to the conferees.

The CHAIRMAN. Debate is not in order.

The count was continued; and the tellers reported—ayes 102, noes 36.

Mr. BOUTELLE. In consideration of an understanding to have a yea-and-nay vote in the House on this proposition, I do not insist on the point as to a quorum.

So (further count not being called for) the motion of Mr. HOLMAN to concur in the Senate amendment with an amendment was agreed to.

Amendments numbered 120, 121, 122, 123, 124, 125, and 126 were non-concurred in.

Amendments numbered 127, 128, 129, and 130 were non-concurred in.

Amendments numbered 131 and 132 were non-concurred in.

Amendments numbered 133, 134, and 135 were non-concurred in.

Amendments numbered 136 and 137 were non-concurred in.

Amendments numbered 138 and 139 were concurred in.

Amendments numbered 140 and 141 were non-concurred in.

Amendment No. 142 was read, as follows:

Six additional persons, to be appointed by the Secretary of the Interior, to aid him in determining appeals from the Commissioner of Pensions, and from whom he may constitute two additional boards of pension appeals, whose term of service shall expire at the close of the fiscal year 1887, at $2,000 each; two special inspectors connected with the administration of the public-land service, to be appointed by the Secretary of the Interior, and to be subject to his direction, at $2,500 each.

Mr. BUTTERWORTH. Mr. Chairman, I want to ask my friend from Indiana a question. Will he please advise the House whether or not the effect of amendment No. 142 will not be to take a certain number of appointees out of the operation of the civil-service law? I have not looked at the question carefully, but that is my impression.

Mr. HOLMAN. That is not the purpose. That is a Senate amendment, and the committee recommend non-concurrence.

Amendments numbered 142, 143, 144, 145, 146, 147, and 148 were non-concurred in.

Amendments numbered 149, 150, 151, 152, 153, 154, and 155 were non-concurred in.

Amendment numbered 156 was read, increasing the appropriation for the chief clerk and Assistant Commissioner of Indian Affairs to $3,000.

Mr. HOLMAN. The committee recommend non-concurrence in that amendment, with the following amendment: In lieu of the sum proposed by said amendment insert "$2,500."

Mr. STORM. I move that the Senate amendment be concurred in.

Mr. Chairman, my motion has precedence, I take it, over the motion of the gentleman from Indiana. That is in accordance with the previous ruling of the Chair.

The CHAIRMAN. The Chair ruled wrongly before, and does not care to do so again. The Chair holds that the motion of the gentleman from Indiana [Mr. HOLMAN] is in order.

Mr. STORM. Then I desire to be recognized for the purpose of being heard on this question. As the Senate has amended this provision it stands precisely as it stood when the bill came from the Committee on Appropriations. The point of order was made upon it by the gentleman from Minnesota [Mr. NELSON], and the Chair sustained the point of order so far as striking out the increase of salary was concerned and overruled it on the question of creating the office.

In other words, the decision said while he could not have the increased compensation he might be permitted to perform the additional labor. The amendment compels the new officer to perform the duties of two offices for $3,000, which in the corresponding grades in the other Departments cost between $5,000 and $6,000.

As I have said, the Senate has now by an amendment restored the bill exactly to the shape it was in when it came from the Committee on Appropriations. This amendment is just and proper. The bill now creates the office of assistant commissioner, and imposes upon the assistant commissioner the additional duty of chief clerk. He is required to perform the duties of both those officers under the designation of assistant commissioner. The salary of the chief clerk now is $2,000. He is to have thrown upon him the additional duties of assistant commissioner. It is proposed to increase the salary $500; it is true——

Mr. MCMILLIN. Let me ask the gentleman if it is not a fact that all the other assistants get $3,000?

Mr. STORM. Every one of them. More than that; in the Pension Office the two assistant commissioners get $3,600 each. It is but just that this officer should receive the salary which other assistants receive and which is provided for in this amendment; and I would like to hear some statement or reason why this amendment should not be concurred in. Why should not this officer have this salary of $3,000, inasmuch as he has to perform the duties of both assistant commissioner and chief clerk?

Mr. WEAVER, of Iowa. And in the absence of the Commissioner he must necessarily act as Commissioner.

Mr. STORM. Yes; in the absence of the Commissioner he must act as Commissioner. Furthermore, it has been found that the Commissioner of Indian Affairs has to discharge the duties of his office in a different manner from that in which the other Commissioners perform their duties. The Commissioner of Pensions, the Commissioner of Public Lands, and the Commissioner of Patents can perform their duties here in their offices in the Department, but it has been found in practice that in order to the proper discharge of the duties of the Commissioner of Indian Affairs he must go into the field and inspect the operations going on there.

In the absence of the Commissioner the office work here must go on. For several months in the year then the assistant commissioner must do his work and assume much graver responsibilities than are imposed on similar officers in the other bureaus. The kind of talent and executive ability required in this officer would in private business command double the salary proposed by the Senate amendment. Any one acquainted with General Upshaw, the present efficient and accomplished chief clerk, will at once agree with me that the salary we propose is small.

This office is as important as any of the corresponding offices in other departments. It now distributes $6,000,000 of appropriations under some four hundred heads and subheads of the appropriation bills. Clearly if any assistant commissioner is charged with important duties it is the assistant commissioner of Indian Affairs; and it passes my comprehension how it was that the Committee on Appropriations, while recognizing the duties to be performed and creating this office, refused to allow the compensation which is given to all other officers of similar grade. I hope the Senate amendment will be concurred in.

Mr. TOWNSHEND. Mr. Chairman, I trust that the motion of my friend from Pennsylvania [Mr. STORM] will prevail. This officer is to have imposed upon him double duties, more onerous than those of any other assistant commissioner. He is to act both as chief clerk and as assistant commissioner.

Mr. HOLMAN. The gentleman will allow me to ask, who has performed the duties of assistant commissioner during the absence of the Commissioner within the last twelve months?

Mr. TOWNSHEND. There never has been any assistant commissioner; and the office during the absence of the Commissioner has been left in the hands of a clerk.

Mr. HOLMAN. But who performed the duties of the Commissioner at such times?

Mr. TOWNSHEND. This clerk performed a part of the duty, but he was never authorized by law to perform the responsible duties contemplated in this bill.

Mr. HOLMAN. Are there any other duties to be performed during the absence of the Commissioner than those which this subordinate has performed?

Mr. TOWNSHEND. Yes, there is quite a different class of duties.

Mr. HOLMAN. How did it happen, then, that there was no person there to perform them?

Mr. TOWNSHEND. That was a defect in the law.

Mr. HOLMAN. But who actually administered the office during the absence of the Commissioner?

Mr. RYAN. Every official paper had to be signed by the Commissioner, and thus many papers were obliged to await his return before they could be sent out. There was no officer authorized to represent him officially.

Mr. TOWNSHEND. Mr. Chairman, heretofore when the Commissioner of Indian Affairs has been compelled to be absent the control of the business of the office has been placed in the hands of a mere clerk—a chief clerk as we term him——

Mr. HOLMAN. And no public interest has suffered.

Mr. TOWNSHEND. The scope of his authority was so limited that many important matters which ought to have been performed in the absence of the Commissioner were necessarily left undone, for the reason that no officer was invested by law with the authority to perform such duty.

The Commissioner of Indian Affairs, more than perhaps any other Commissioner in the departments, is required to be absent frequently from his office at Washington. It is important that he should go into the field at times and visit the different Indian agencies. When contracts are being let for supplies to the agencies the Commissioner is obliged to go to New York; and he has performed very valuable service by going there, having been enabled by giving his personal attention to contracts to save the Government hundreds of thousands of dollars.

Mr. WEAVER, of Iowa. And the Committee on Indian Affairs has recommended that he shall go into the field.

Mr. TOWNSHEND. Yes; as I understand, the Committee on Indian Affairs has recommended that the Commissioner of Indian Affairs, in order to properly understand the necessities of the Indian service, shall go into the field and examine the condition of the Indians on the reservations and at the different Indian agencies.

Mr. MCMILLIN. Is it not a fact that the Commissioner is often necessarily away from his office here in Washington from one to three weeks at a time?

Mr. TOWNSHEND. I have just stated that he is often compelled to be absent for weeks; and under the law as it has existed heretofore the official duties of the position during his absence have been left in the hands of a mere clerk, or chief clerk, as you may term him. But there are certain important, necessary, and responsible duties which can be performed only by the Commissioner or by some one authorized by law to act as deputy or assistant commissioner.

Mr. CUTCHEON. I would like to inquire what necessity exists now which has not existed heretofore for this additional office?

Mr. TOWNSHEND. The necessity has existed heretofore. It has at times been very important that there should be an assistant Commissioner, but owing to the failure of the law to provide for such an officer many important duties have during the absence of the Commissioner been left undischarged.

Mr. CUTCHEON. I see that this is the creation of a new office, which I think is in general a movement in the wrong direction.

Mr. STORM. The amendment does not create an additional office.

Mr. TOWNSHEND. It does not increase the number of employés. Under this amendment an officer already in office will be required to perform additional duties. Besides discharging the duties he has heretofore performed he will be required to take the place of the Commissioner when that officer is necessarily absent from Washington. It would be gross injustice that this assistant Commissioner should be compelled to do double duty and bear greatly increased responsibilities while restricted to a less salary than any other assistant Commissioner in any of the Departments.

Mr. OATES. Both Houses have concurred in the necessity for such an office, and $3,000 would seem to be a reasonable salary.

Mr. TOWNSHEND. It is very reasonable.

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. BURNES having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. MCCOOK, its Secretary, stated it had non-concurred in the amendment of the House to the bill (S. 2113) granting a pension to Mrs. Sarah Young, asked for a conference on the disagreeing votes of the two Houses, and had appointed as conferees on its part Mr. SAWYER, Mr. WHITTHORNE, and Mr. WILSON of Iowa.

It further announced that the Senate had agreed to the amendment of the House to the bill (S. 1666) granting a pension to Edward Corning, with an amendment, in which concurrence was requested.

It further announced the passage of the bill (H. R. 807) granting pensions to the soldiers and sailors of the Mexican war, with amendments, in which concurrence was requested.

It further announced that the Senate insisted on its amendments disagreed to by the House on the bill (H. R. 7087) authorizing and directing the Secretary of the Interior to extend the time for the payment of the purchase-money on the sale of the reservation of the Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas, and asked for a conference on the disagreeing votes of the two Houses, and had appointed Mr. DAWES, Mr. HARRISON, and Mr. MAXEY managers of said conference on its part.

It further announced the passage of the bill (H. R. 33) for the relief of Alexander K. Shepard, with an amendment, in which concurrence was requested.

It further announced the return to the House of Representatives for its concurrence of the bill (S. 100) for the relief of William H. Crook.

It further announced agreement to the amendment of the House to the bill (S. 2192) granting a pension to Abby L. Burbank.

It further announced the passage of the bill (H. R. 7879) to amend the law relating to the bonds of executors in the District of Columbia, with an amendment, in which concurrence was requested.

It further announced the passage of bills of the following titles; in which concurrence was requested:

A bill (S. 1018) for the relief of Patrick Cook;

A bill (S. 1802) for the relief of Isaac Harter;

A bill (S. 2455) granting a pension to Edward D. Patchin;

A bill (S. 2035) to authorize the Secretary of War to credit the State of Oregon with the sum of $12,398.55, for ordnance and ordnance stores to be issued to the Territory of Washington on account of said State, in payment for ordnance and ordnance stores borrowed by said State of said Territory during the Nez Percé Indian war of 1877 and 1878, and for other purposes;

A bill (S. 2157) to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York city by dumping or otherwise and to punish and prevent such offenses, and making other provisions in connection therewith;

A bill (S. 2475) for the relief of Samuel Noble; and

A bill (S. 2249) to authorize the Secretary of War to credit the Territory of Dakota with certain sums for ordnance and ordnance stores issued to said Territory, and for other purposes.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. TOWNSHEND. In order to properly answer the inquiry of the gentleman from Michigan I would be glad to call the attention of the committee to the report of the Committee on Indian Affairs of the House in reference to the duties of this office and the increase of this work.

The report says:

The work of this bureau is constantly increasing. The increase in the year 1885 over 1884 was over 30 per cent., and the increase for the first quarter of 1886 over the first quarter of 1885, has been over 33⅓ per cent.; and the increase for the three past months over a similar period in 1884 is about 46 per cent.

And, if the gentleman will permit me, I would like to have an extract from the report of Commissioner Atkins read in this connection.

Mr. HOLMAN. I believe the time for debate has expired.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. WEAVER, of Iowa, was recognized, and yielded two and a half minutes to Mr. TOWNSHEND.

Mr. TOWNSHEND. That will be sufficient. I ask the Clerk to read what I send to the desk. This is from the report of the present Commissioner of Indian Affairs, Mr. Atkins. Those who have served here upon the floor with him will bear testimony that there was not a member in this House who was so anxious or who sought more sedulously to secure honesty and economy in the Departments of the Government than he.

The Clerk read as follows:

As will be seen from what immediately follows, it is my desire to assign to the chief clerk additional important labors. I deem it proper to call attention to the fact that the duties personally devolving upon the Commissioner of Indian Affairs, as the responsible head of the Indian Bureau, are unusually multiform, complicated, and onerous, and to properly discharge them requires much more time and attention than can be given during business hours. The good of the service leads me to suggest that Congress be asked to give this bureau an assistant commissioner, who shall also perform the duties of chief clerk. To that officer could then be referred much of the routine work which may be performed equally well by another, but which now involves a large expenditure of time and labor on the part of the Commissioner, and to just that extent lessens his ability to devote his energies to the more important matters which relate to the general administration of Indian affairs.

[Here the hammer fell.]

Mr. HOLMAN. I hardly think that the gentleman from Illinois is justified when time is of very great value in occupying the attention of the committee in reading a report with which of course every gentleman is familiar.

Mr. WEAVER, of Iowa. I believe, Mr. Chairman, I am entitled to the floor.

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. WEAVER, of Iowa. I yielded two and a half minutes to the gentleman from Illinois.

Mr. TOWNSHEND. That is correct.

The CHAIRMAN. The Chair will recognize the gentleman then immediately after the gentleman from Indiana concludes.

Mr. HOLMAN. I only rose to say a few words before asking for a vote. I am surprised at the action of the gentleman from Illinois. The Committee on Appropriations considered this subject and have recommended that the salary of this officer be fixed at $2,500 a year, which is an increase of $500 over his present salary. No gentleman is deceived about this matter.

The Indian Office is admirably administered, and its chief is one of the most upright, reliable, and efficient officers of the Government. The office is well conducted in every respect. But the duties which will devolve upon the assistant commissioner are substantially just the same as the chief clerk has hitherto performed and is now performing. An increase of salary of $1,000 would be a very unusual——

Mr. TOWNSHEND. Not excessive at all, but it would simply equalize his salary with that of others performing the same duties, or less work in fact, and who are getting $3,000.

Mr. HOLMAN. It would be an unusual increase. You have not increased any salary as much as $1,000. In fact as a rule there have been no increases. You have provided salaries for the officer in charge of the Bureau of Labor and some others in excess of the average, and for adjusting private land claims in New Mexico, Arizona, and Colorado there were salaries provided for in excess of the usual salaries, but those are all the striking instances; but I do hope that this side of the House will adhere to the pledges made to the country against increases of salaries beyond a reasonable limit. An increase of $500, making the salary $2,500, might perhaps be reasonable and justifiable; that is the judgment of your Committee on Appropriations, who have examined the subject carefully; and I trust that a large increase like this $1,000 to an officer who is now getting the usual salary of $2,000 for clerk of a bureau will not be made.

Mr. STORM. Let me ask the gentleman from Indiana whether or not the original bill did not provide a salary of $3,000?

Mr. HOLMAN. Oh, yes; the committee at one time had such an opinion.

Mr. TOWNSHEND. Let me ask the gentleman if he would not consider it unjust to limit this officer's salary to $2,500 when we pay $3,000 to other persons performing the same duties or less? This officer has really more duties to perform for the reason that the others have chief clerks.

Mr. HOLMAN. But there is some regard to be had to the character and responsibilities of the duties to be performed. While it is true that the assistant commissioner of Indian affairs holds a very important position, it of course is not up to the proportions of the Land Office, where the Commissioner receives $4,000 and $3,000 is paid to the assistant commissioner. I admit the salaries of the Land Office are not ample, as it is the great bureau of the Departments.

Mr. TOWNSHEND. And he has no more laborious duties to perform than the assistant commissioner of Indian Affairs.

Mr. HOLMAN. There is not so important a position at that salary in the Government.

Mr. CUTCHEON. I understand the gentleman to say that the duties will remain substantially the same as they are now performed by this official?

Mr. HOLMAN. Yes, sir. Substantially the same according to my understanding of the office.

Mr. WEAVER, of Iowa. Mr. Chairman, it is not an increase of salary, it is the creation of a new office and a provision for a reasonable salary. That is all it is. You impose new duties upon the gentleman who now acts as chief clerk and say he shall be assistant commissioner of Indian Affairs, and then the question arises what is a reasonable compensation? Now, sir, there are in the Interior Department the Commissioners of Indian Affairs, of Patents, of Pensions, and of the Land Office. They are all of equal rank, and certainly this bureau is of just as much importance as any other of them; a great deal more than some, I think, and it has a less force of employés than any one of the other Commissioners. I can see no good reason for making a distinction in any one of these salaries, all of which are low enough now. But, I repeat, this is not a question of increase of salary but the fixing of a salary of a new office created by the bill.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. HOLMAN took the chair as Speaker *pro tempore*.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved bills of the following titles:

An act (H. R. 41) to authorize the construction of a bridge across the Missouri River at or near the city of Saint Joseph, in the State of Missouri, and to establish it as a post-road;

An act (H. R. 392) declaring forfeited certain grants of land made to certain States in aid of the construction of railroads;

An act (H. R. 5874) to provide for the taxation of railroad-grant lands, and for other purposes;

An act (H. R. 2148) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, and other Government offices at Williamsport, Pa.," and making an additional appropriation therefor;

An act (H. R. 4498) authorizing an additional appropriation of $25,000 for the court-house at Keokuk, Iowa, to make the same fire-proof;

An act (H. R. 5862) providing for the establishment of certain light-houses and fog-signals, and for other purposes; and

An act (H. R. 985) authorizing the Secretary of the Interior to transfer the United States barracks at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College at said place for educational purposes, and granting to the city of Marquette, Mich., certain lands for park purposes.

LEGISLATIVE APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. BURNES. The history of this item of appropriation may be interesting. In order that it may be known to this Committee of the Whole House I invite special attention to it. When the original bill was reported by the distinguished gentleman from Indiana to the House it contained a provision precisely similar to the Senate amendment now before us. The Committee on Appropriations then thought that $3,000 was the proper salary for the assistant commissioner of Indian Affairs, and so the gentleman from Indiana reported in the bill. It was the deliberate judgment of the Committee on Appropriations. It was the free, voluntary offering of the committee.

When the bill was considered in Committee of the Whole the item was ruled out on a point of order and the Indian Department was left without any assistant commissioner. Considered in the Senate, the item was restored and comes back to us as an amendment of that body in the precise words, I believe, originally adopted by the House Committee on Appropriations and reported to the House as stated.

The assistant commissioner of Public Lands has a salary of $3,000; and the original bill reported to the House contained an increase of such salary to $3,250, with a chief clerk at a salary of $2,250. The assistant commissioner of Patents has a salary of $3,000, with a chief clerk at $2,250. There are two assistant commissioners of Pensions, each of whom receive $3,600, with two chief clerks, one at $2,500 and the other at $2,000.

The assistant commissioner of Indian Affairs is allowed no chief clerk. He performs all the duties of that office; all the duties of a chief clerk and nearly half the time the office duties of the Commissioner, who is required, necessarily, to visit Indian tribes and ascertain personally their condition and necessities. Why this inequality? It is admitted that this is one of the most important bureaus of the Government. Its distinguished head has made an honorable fame throughout the Republic, and surely his assistant commissioner should be as justly and liberally provided for as other officers of like grade. I am not an advocate of increased salaries, but I am of equality and justice.

There was a special Committee on Indian Affairs which went over the Western country last summer. They saw the necessity for this assistant commissionership and, if I mistake not, recommended its creation.

Mr. HOLMAN. Not at all.

Mr. BURNES. The Committee on Indian Affairs recommended it, I know, and I have before me their report upon the subject. My honorable friend from Indiana [Mr. HOLMAN], in reporting the original bill establishing this office and fixing its salary at $3,000, must be held as committed to the propriety of both.

May I not, Mr. Chairman, with appropriate curiosity, inquire why my distinguished friend in charge of the bill now resists the Senate amendment, which is but an indorsement of the action of himself and the Committee on Appropriations? What new light has he had on the subject since he reported the original bill? Why was this salary placed at $3,000 a month or so ago, and, indorsed by the Senate, is now regarded as $500 too high?

Mr. HOLMAN. Mr. Chairman——

Mr. BURNES. The distinguished gentleman must please pardon me. A moment ago he would not yield to me. Why should the indorsement of the Senate make us distrust our own original judgment? I can not believe that the distinguished gentleman from Indiana has taken fright by reason of such indorsement of his original provision.

Personally I care nothing about this matter, and have but a slight personal acquaintance with the gentleman upon whom the duties of this new position are likely to fall, but I am quite sure he is entitled to and will receive justice and equality of compensation with other officials of the same rank and service. The fact that he is a Tennesseean will not be regarded by this committee as sufficient justification for an inadequate or inferior salary.

Mr. HOLMAN. I think the statement of my friend from Missouri [Mr. BURNES] is a little unfair. The gentleman ought be aware I never favored the increase of this salary to $3,000. I consented to an increase to $2,500. It is not a proper thing for him or myself to refer to what transpired in the Committee on Appropriations; and yet he says because I reported the bill containing that provision I was in favor of it.

I appreciate the young gentleman who fills this position of chief clerk of the Indian Office as an active, efficient, and faithful public officer, and I should not have objected to $2,500, as I understood it to be fixed in the first instance, and as I think other members of the committee understood it. The gentleman from Missouri talks about the salary being reduced from $3,000 to $2,500. It is simply a proposed increase from $2,000 to $3,000. If the gentleman from Missouri and the gentleman from Nebraska [Mr. WEAVER] and the gentleman from Illinois [Mr. TOWNSHEND] can find the creation of new offices and this increase of salaries in harmony with the pledges made by their friends, if not by themselves, all over the country two years ago, it is something I can not comprehend. It is not in conformity, as I understand, with the pledges on which these seats on this side of the House were filled.

Mr. TOWNSHEND. I will ask my friend if, when he becomes satisfied that the duties of an office have so greatly increased that there must be an additional officer to efficiently perform them, is not the public service benefited by the creation of such an office?

Mr. HOLMAN. The duties are as they have been heretofore. The Indian Office has always been an interesting one.

Mr. TOWNSHEND. Oh, no. The report I read shows they have increased 50 per cent.

Mr. WILSON. Before the vote is taken I wish to call attention to a remark of my colleague on the committee, the gentleman from Indiana [Mr. HOLMAN], which is not perhaps up to his usual standard of fairness. I do not suggest that he has intentionally deviated from that standard. But when he said he understood the committee originally fixed this salary at $2,500 and added that that was the understanding of other members of the committee, I must say that I do not think that was fair to other members of the committee and to the clerk who keeps the records, in whom the committee have absolute confidence. I think the other members of the committee will bear me out in the statement that the amount of $3,000, as originally reported by the gentleman in charge of the bill, was the amount originally agreed on.

Mr. HOLMAN. My understanding was that it was fixed at $2,500; such was the opinion of at least one other member of the committee. But by no possibility could anything I said as to that be construed as throwing a shade of doubt on the correctness of the records of the committee.

The committee divided; and there were—ayes 23, noes 88.

So the motion to concur with an amendment was not agreed to.

Mr. STORM. I move to concur in the Senate amendment.

The amendment was concurred in.

Amendment numbered 157 was concurred in.

Amendments numbered 158, 159, 160, 161, and 162 were read together, and were non-concurred in.

The amendment 163 was read, raising the appropriation for compensation of the Commissioner of Pensions to $5,000.

Mr. HOLMAN. I am instructed by the Committee on Appropriations to recommend concurrence in that amendment. It relates to the compensation of the Commissioner of Pensions. The salary was fixed by the action of the House at $4,000, but the original recommendation of the Committee on Appropriations was $5,000. The Senate has increased the amount from four to five thousand dollars, as originally recommended by the committee, and the committee now recommend concurrence in the Senate amendment.

Mr. PRICE. Mr. Chairman, I have not behind me, in my opposition to this amendment, the report of any committee, but I have behind me, in justification of the position which I take, certain facts which I think, if understood, may lead others to the idea that they ought not to concur in this amendment.

The first proposition I make against concurrence is that the provision is squarely in contravention of a distinct statute law. That may not have any particular bearing upon the subject in the minds of some gentlemen, but my next proposition is that being in contravention of law it is also in conflict with Rule XXI of this House, because it is in conflict with the law. The third objection that I make to concurring in this amendment is that other like officers, the other Commissioners, do not get this salary. The Commissioner of Patents does not get so much; the Commissioner of Indian Affairs does not get so much; the Commissioner of the Land Office does not get it; the Commissioner of Education does not get it; the Commissioner of Labor does not get it; the Commissioner of Railroads does not get it; the Commissioner of Agriculture does not get it. Now, I can not for the life of me see the propriety of violating the statute law and violating the rules of this House for the sake of placing this particular man's salary a thousand dollars higher than the law permits it to be, thus making a discrimination in his favor as against all these other officers. It is not necessary for me to prove to this House that he is not so good an officer as the others; but even upon the assumption that they are all equally good officers, and that their duties are equally onerous and equally well performed, it seems to me that there can be no good reason urged why an exception should be made in favor of this one unless, indeed, it be that gentlemen having much business to do in that office may find it more con-

venient to be friends than enemies of the Commissioner. But in the face of the additional fact that this officer in his last report told us that human ingenuity had been exhausted in that office to prevent the allowance of pension claims, I do not see why he should be rewarded with a thousand dollars extra salary in violation of law and in violation of the rules of this House.

Mr. CANNON. I desire to say a word about this matter in connection with the motion of the gentleman from Indiana to concur in the Senate amendment. As that gentleman has stated, when this bill was first reported to the House the salary recommended for the Commissioner of Pensions was $5,000. Upon a point of order made by the gentleman from Texas [Mr. THROCKMORTON] it was cut down to $4,000, because that was the amount of the salary fixed by the Revised Statutes. Some three or four years ago, however, there was an appropriation of $5,000 made for the salary of the Commissioner of Pensions, and it has been kept at that figure from that time to this.

Now I want to say that, notwithstanding the fact that this salary is fixed by the Revised Statutes at $4,000, I believe that a man who is competent to fill that great office ought to receive $5,000 a year. It may be alleged that the present Commissioner of Pensions has not pleased all of us in the performance of his duties, and I will frankly say that he has not always pleased me, though perhaps he has pleased other gentlemen. But without reference to that question, the office itself, in view of the great responsibility which it imposes, is entitled to a salary of $5,000 a year.

Upon the same principle we might consider the salaries of the other officers of the Government, commencing with the Chief Executive of the nation and coming down. I think the President of the United States ought to receive $50,000 a year, although I am frank to say that if I were to consider that question from a personal point of view, with special reference to the present Executive, I might claim that he did not earn $50,000 because of his many sins of omission and commission. But, on the other hand, his acts may meet the approval of other gentlemen, and, without reference to that question, I hold that the Chief Executive of the United States ought to have a salary of $50,000 a year.

So I might run down from one office of the Government to another. Many of the incumbents of those offices in their action do not accord with my idea of what such officers should be, and do not perform their duties as I think they ought to perform them, but I would have the salaries in proportion to the importance and responsibility of the offices, and then, if the incumbents of those offices do not perform their duties as the majority of the people think they ought to perform them, by and by the people will have a chance to be heard, and they will be turned out and others will be chosen who will perform the duties better. From this standpoint, sir, I think it is entirely proper that the office of Commissioner of Pensions should command a salary of $5,000 a year.

Mr. CUTCHEON. I understood the gentleman from Illinois to say that this salary was fixed by law at $4,000.

Mr. CANNON. The Revised Statutes fix it at $4,000, but since 1881 we have been appropriating at the rate of $5,000.

Mr. CUTCHEON. Now, if it is proper to make an appropriation of $5,000 to pay a salary fixed by law at $4,000, why would it not be equally proper to make an appropriation of $6,000 apiece to pay the $5,000 salary of each member of this House? In other words, if you begin this where are you going to stop? I do not think this salary is any too high for the Commissioner of Pensions, but I think we ought to amend the general law.

Mr. CANNON. I will say to the gentleman that since 1881 we have appropriated $5,000 per annum for the Commissioner of Pensions.

Mr. CUTCHEON. Because we have done wrong for four or five years we are to do wrong indefinitely.

Mr. CANNON. I will say further that the Democratic majority here by many actions touching these appropriations have virtually confessed that all the pretenses they made in the Forty-fourth, the Forty-fifth, and the Forty-sixth Congresses in regard to economy and the reduction of salaries was mere "leather and prunella," mere sham and shoddy.

Mr. RANDALL. Well, we are here yet.

Mr. CANNON. Those same gentlemen come here now and increase a number of salaries and create a number of new offices.

[Here the hammer fell.]

Mr. SPRINGER. Without any reference to the sufficiency or insufficiency of the salaries of other Commissioners, I think the Committee of the Whole will concur with me in the statement that the gentleman who now occupies the office of Commissioner of Pensions is entitled to a salary of $5,000 a year. During the last fiscal year the amount of money that passed through that office was $65,000,000. The number of certificates allowed——

Mr. DINGLEY. No money passes through that office.

Mr. PRICE. How much money does the Commissioner of Pensions handle?

Mr. SPRINGER. Well, the money is paid out upon the findings of the office of which he is the head; and if he handles not one cent——

Mr. CUTCHEON. Is not the money to pay pensions transmitted directly from the Treasury Department to the pension agencies?

Mr. SPRINGER. It is. But I am speaking of the responsibility which attaches to an office the decisions of which involve so large an amount of money.

Mr. PRICE rose.

Mr. SPRINGER. During the time the present Commissioner has been in office he has allowed original and increased applications for pensions to the number of one hundred and ten thousand, involving many millions of dollars. Now the business of the Pension Bureau imposes upon its head a vast amount of responsible and exacting labor. I think that a salary of $5,000 is little enough.

Mr. PRICE. Will the gentleman from Illinois allow me to ask him——

Mr. HOLMAN. I move that the committee rise, the object being that we may extend the hour for adjournment.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. BLOUNT reported that the Committee of the Whole House on the State of the Union had had under consideration the legislative, executive, and judicial appropriation bill, with the amendments of the Senate thereto, and had come to no resolution thereon.

Mr. HOLMAN. I think the House is fully impressed with the necessity of completing this bill at the earliest moment in the hope that it may become a law by the 15th instant. I therefore ask unanimous consent that the House continue its session after 5 o'clock until the bill is completed—not as to a final vote, but as to the consideration of the Senate amendments.

Mr. RYAN. Why not have the final vote this afternoon?

Mr. HOLMAN. I will modify my motion and ask that the session continue till the bill be closed up.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the hour of adjournment be postponed to-day until the completion of the consideration of the Senate amendments to this bill.

Mr. O'NEILL, of Pennsylvania. In Committee of the Whole?

The SPEAKER. In the House also, as the Chair understands. Is there objection?

Mr. STRAIT. I object.

Mr. RANDALL. I hope the gentleman will not object.

Mr. HOLMAN. If the gentleman from Minnesota insists on his objection I shall ask the House at a suitable time to take a recess until 8 o'clock this evening.

Mr. STRAIT. I withdraw my objection.

The SPEAKER. If there be no further objection, the order requested by the gentleman from Indiana [Mr. HOLMAN] will be made.

There was no objection, and it was ordered accordingly.

Mr. HOLMAN. I move that the House again resolve itself into Committee of the Whole on the state of the Union for the consideration of the Senate amendments to the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. BLOUNT in the chair), and resumed the consideration of the amendments of the Senate to the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

Mr. HOLMAN. I hope, Mr. Chairman, we shall now have a vote.

Mr. PRICE. I hope we shall not proceed to vote until we understand a little more fully the circumstances surrounding this vexed question. The gentleman from Illinois [Mr. SPRINGER] has undertaken to impress upon us the importance of raising this salary, because of the immense amount of money which, as he stated, passes through the hands of this officer. I tried at that point to ask him the question whether this officer gives any bond at all, whether he handles a dollar of money. But the gentleman would not give me an opportunity to put that question. Now, I assert that the Commissioner of Pensions gives no bond, handles no money, is responsible for no expenditure——

Mr. SPRINGER. I so stated.

Mr. PRICE. I did not hear the gentleman's statement.

Mr. SPRINGER. I so stated in answer to the gentleman from Michigan [Mr. CUTCHEON].

Mr. PRICE. Then, how does the amount of money expended by that Department cut any figure when we are determining the compensation this officer should receive, if he is under no bonds, handles no money, and is not under any financial responsibility?

Mr. SPRINGER rose.

Mr. PRICE. The gentleman will pardon me. He did not yield to me, and I must in this case pay him back in his own coin, although he is a genial gentleman whom I am ordinarily glad to oblige.

Mr. SPRINGER. Never mind compliments.

Mr. PRICE. When the gentleman speaks of the present Commissioner as more efficient than any other officer who ever occupied that position I dissent from that conclusion, and I wish to state the facts in justification of my dissent. When he took that office there were about five thousand claims passed up for final adjudication which had been examined, all the labor of which had been done except the final review by his predecessor. He took from his examiners a large force and put it

on the review board, causing the business to be retarded in the other departments. To the reorganization of his force much of the success of the admission of claims is attributable.

But another circumstance should not be forgotten. Up to that moment no case was ever briefed without having the name, number, post-office address, and time of filing, and also a brief of every paper filed in the case. That was charged to merely making a face brief, in which no reference at all is made to the papers in the case. That is the idea and the result of the brain of another man, an employé.

So that when you take the efficiency of the man, in the face of the declaration he has exhausted his ingenuity to prevent the passage of claims, you must not bring this in here as an inducement to me to give him a thousand dollars more than the law allows and more than is given to the head of any other bureau in this entire Government.

[Here the hammer fell.]

Mr. TOWNSHEND rose.

Mr. HOLMAN. I trust the debate will close.

Mr. TOWNSHEND. I have the floor.

Mr. HOLMAN. The gentleman will proceed.

Mr. TOWNSHEND. I trust the debate will not be complicated with the manner in which the present officer has administered the duties of that office. I submit any fair-minded member, if he will contemplate the amount of work performed by the Commissioner of Pensions, I do not care who fills the office—if he will consider the great responsibility and the vast amount of labor required to be done will admit the Commissioner of Pensions ought to receive at least $5,000 a year.

I wish to correct an error into which my friend from Wisconsin has fallen. He seems to think we are here attempting to increase the salary of the Commissioner of Pensions. There is no increase over what has been paid preceding Commissioners.

Mr. PRICE. Above the law, it is.

Mr. TOWNSHEND. It is to give to the present Commissioner of Pensions what was given to the Commissioner of Pensions last year, and preceding years.

Mr. PRICE. It was never given until 1881.

Mr. TOWNSHEND. It has been given to every Commissioner of Pensions since then.

Mr. PRICE. In violation of law.

Mr. TOWNSHEND. The duties of that office have been constantly increasing. It has been given to Mr. Dudley, who was the preceding Commissioner.

Mr. PRICE. In violation of law.

Mr. TOWNSHEND. No it was not in violation of law.

Mr. RYAN. We make laws here.

Mr. PRICE. It was in violation of law.

Mr. TOWNSHEND. The appropriation bills fixed the salary at $5,000. I know the former Commissioner of Pensions, Dudley, received a salary of $5,000. [Cries of "Vote!"] The salary was increased in view of the increased duties. Commissioner Dudley was compelled to take home with him at night papers in cases to keep up the work of the Department. [Cries of "Vote!"] I know General Black has been forced to do likewise and labor long after office hours. We only propose to give him what has been given for five years to the Commissioner of Pensions. [Cries of "Vote!"]

Mr. CUTCHEON. Lest there might be some misunderstanding as to the inquiry put to me I wish to say one word: that any man who is fit to be Commissioner of Pensions is fit to be a member of Congress, and that any man fit to be a member of Congress is worth $5,000 a year. But I think we ought to begin first by changing the law, and thus making the appropriation in accordance with the law.

The amendment was concurred in.

Mr. HOLMAN. I ask unanimous consent that amendments numbered 164 and 165 be considered together.

Mr. PRICE. I rise to a question of order. Has the vote been taken on this proposition?

The CHAIRMAN. It has.

Mr. PRICE. I did not hear it, and would like to have it taken over again.

The CHAIRMAN. The Chair submitted the question distinctly and the committee acted upon it.

Mr. PRICE. Not so distinctly that we could hear it.

The CHAIRMAN. The Chair must direct the Clerk to proceed with the reading.

Mr. PRICE. Well, I guess you can get it through under the gag law without raising a row.

Amendments numbered 164 and 165 were non-concurred in.

Amendment numbered 166 was concurred in.

Amendments numbered 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, and 178 were non-concurred in.

Amendment numbered 179 was read, as follows:

To enable the Commissioner of Labor to collect and report to Congress the statistics of and relating to marriage and divorce in the several States and Territories and in the District of Columbia, $10,000.

Mr. DINGLEY. I move to concur in that amendment.

Mr. HOLMAN. The Committee on Appropriations thought that subject ought to go to a committee of conference, and therefore recommend non-concurrence.

Mr. DINGLEY. It seems to me, Mr. Chairman, this is a very important matter and should be settled by the House.

Mr. HOLMAN. There is a doubt in the mind of the committee as to whether it properly belongs to that field of inquiry or not, and therefore we have recommended non-concurrence for the purpose of examining the question.

Mr. DINGLEY. I hope the House will concur in so important an amendment as that.

Mr. WEAVER, of Iowa. We ought to concur by all means.

The question was taken; and on a division there were—ayes 48, noes 75.

So the amendment was non-concurred in.

Amendments numbered 180 and 181 were non-concurred in.

Amendments numbered 182, 183, 184, 185, and 186 were concurred in.

Amendments numbered 187 and 188 were non-concurred in.

Amendments numbered 189, 190, 191, and 192 were concurred in.

Mr. SPRINGER. I would like to ask what reason there is why these surveys in Arizona and California have been cut down so much. This amendment of the Senate numbered 189 strikes out "$2,000" and inserts "$1,000," and the amendment numbered 191 strikes out "$15,000" and inserts "$5,000."

Mr. HOLMAN. It results from the fact, as the gentleman is aware, that the House, and the Senate also it seems, have reached the conclusion that it is not necessary this year to appropriate any considerable sum of money for this service, since there is but little business being done in the surveyors' offices and little will be done during the coming year. I think in the sundry civil bill we appropriated about $50,000 for resurveys.

Mr. RYAN. The Senate concurs in the opinion of the House in that regard.

Amendments numbered 193 and 194 were concurred in.

Amendments numbered 195 and 196 were non-concurred in.

Amendment numbered 197 was concurred in.

Amendments numbered 198 and 199 were non-concurred in.

Amendments numbered 200 to 209, inclusive, except amendment number 207, were concurred in.

Amendment numbered 207 was read, as follows:

Strike out "eleven" and insert "four;" so that it will read "$4,800."

Mr. KING. Mr. Chairman, I wish to move non-concurrence in the amendment in order to restore the figure which was incorporated by the House in the bill. I want to state, sir, that the House appropriated $11,800 for this purpose. The appropriation last year was $15,300, and the Senate has now cut it down to $4,800. From the best information I can obtain this latter named sum is entirely inadequate to carry out the duties of that office. General Sparks telegraphs me, the present Commissioner of the General Land Office:

The total area of public lands remaining unsurveyed up to June 30, 1885, is 1,663,223 acres.

Mr. RYAN. Let me call the attention of the gentleman to the fact that the House refused to make any appropriation to survey the public lands for the next fiscal year.

Mr. HOLMAN. There is nothing to do in that office now.

Mr. KING. Well, I think it is wrong. I think there should be means provided for carrying on the office as contemplated by the policy that has been always practiced hitherto.

Mr. HOLMAN. But if there is no work to be done there is no necessity for keeping up a body of clerks.

Mr. KING. I would like the gentleman to explain why there should be an office if there is no work to do. The gentleman is an economist, and if there is an office without work, why not abolish the office entirely?

Mr. HOLMAN. That is what we propose to do next winter.

Mr. TOWNSHEND. We have abolished nearly all of them.

Mr. KING. I think you are inflicting a great injustice on the public service in this instance, and I hope the House will sustain me.

Amendment 207 was concurred in.

Amendments 210, 211, and 212 were non-concurred in.

Amendments 213 and 214 were read, as follows:

In line 2448 strike out "$7,000" and insert "$3,000."
In line 2449 strike out "$9,500" and insert "$5,500;" so that it would read: "For surveyor-general of the Territory of New Mexico, $2,500; and for the clerks in his office, $3,000; in all, $5,500."

The committee recommended concurrence.

Mr. SPRINGER. I would like to know if there is any special reason for the reduction of the appropriation for clerks from $7,000 to $3,000 in the office of the surveyor-general of the Territory of New Mexico. It seems to me in that great Territory, which is twice as large in area as the State of Illinois, and the business of that office having been behind for some time, the amount for clerk-hire originally in the bill will be required to finish up the unfinished business of that office in the coming year. I think it is a very great risk to take to cut down that service more than one-half. I hope we will non-concur, and that this will go to a conference, that the matter may be investigated. Inquiry should be made either by the committee or by the Commissioner of the General Land Office of Mr. Julian, who is at the head of that office, and I would be ready to agree to what a man of his character would state as to the requirements of his office. I think he ought to be consulted as

to whether he can discharge the duties of his office on this great reduction.

The amendments were concurred in.

Amendment 215 was non-concurred in.

Amendment 216 was concurred in.

Amendment 217 was non-concurred in.

Amendments 218, 219, 220, 221, 222, and 223 were read.

Mr. HOLMAN. The committee recommend concurrence in all these amendments.

Mr. BRECKINRIDGE, of Arkansas. I request that amendments 220 and 221 be omitted from this vote.

The amendments just read, except 220 and 221, were concurred in.

The excepted amendments, 220 and 221, were as follows:

In line 2472 strike out "$6,000" and insert "$3,000;" in line 2473 strike out "$8,500" and insert "$5,500;" so that it would read:

"For surveyor-general of the Territory of Washington, $2,500; and for the clerks in his office, $3,000; in all, $5,500."

Mr. BRECKINRIDGE, of Arkansas. I happen to know something about the business of the office of the surveyor-general of Washington Territory, being intimately connected with those who are in office there; and I know that the field-notes of the past year have not been worked up. I therefore suggest to the gentleman from Indiana, who perhaps has not this information, that there is a full year's work on hand to be done. I would suggest to him that we non-concur in order to maintain liberty of action.

Mr. HOLMAN. On the suggestion made as to the extent to which the field-notes are behind, I have no objection to this going to the conference.

The amendments 220 and 221 were non-concurred in.

Mr. SPRINGER. I ask unanimous consent to return to the Senate amendments relating to the office of surveyor-general of the Territory of New Mexico, for the purpose of moving non-concurrence for the same reason that the amendments relating to Washington Territory have just been non-concurred in. I think there should be an opportunity for a further investigation of this matter.

Objection was made.

Amendments 224 and 225 were concurred in.

Amendments 226, 227, 228, 229, and 230 were non-concurred in.

Amendment 231 was concurred in.

Amendment 232 was non-concurred in.

Amendment 233 was read, as follows:

For postage required to prepay matter addressed to Postal Union countries, $100.

Mr. HOLMAN. I am instructed to move to concur with the amendment which I send to the desk.

The Clerk read as follows:

On page 79, after line 23, insert as a separate paragraph the following:

"For the following additional force rendered necessary under the provisions of the act of January 20, 1885, providing for the ascertainment of the claims of American citizens for spoliations committed by the French prior to July 31, 1801, namely, two law clerks at $2,000 each, and one stenographer at $1,600, to be employed for one year, to be appointed by the Attorney-General; in all, $5,600."

Mr. SPRINGER. I ask the gentleman from Indiana what that has to do with an appropriation for postage to Postal Union countries?

Mr. TOWNSHEND. It is put in as a new paragraph. It is an independent paragraph.

Mr. SPRINGER. But you have no right to attach an independent paragraph to the bill at this stage.

The CHAIRMAN. Does the gentleman from Illinois raise the question of order?

Mr. SPRINGER. Is it moved as an amendment to the Senate amendment?

Mr. TOWNSHEND. From conversations I have had at the Department I am satisfied that this is absolutely necessary. I hope no point will be made upon it.

The Senate amendment 233 was concurred in with the proposed amendment.

Amendment 234 was concurred in.

Amendment 235 was read, as follows:

Strike out the following:

"For salaries of the district judges of the United States for California, the northern district of Illinois, the eastern district of Louisiana, Massachusetts, Maryland, New York, New Jersey, the southern district of Ohio, and for Pennsylvania, twelve in all, at $4,000 each, $48,000.

"For salaries of the district judges of the United States for Alabama, Arkansas, Connecticut, Colorado, Delaware, Florida, Georgia, Indiana, the southern district of Illinois, Iowa, Kentucky, Kansas, the western district of Louisiana, Maine, Missouri, Mississippi, Michigan, Minnesota, Nebraska, Nevada, New Hampshire, North Carolina, the northern district of Ohio, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, forty-four in all, at $3,500 each, $154,000,"

And insert:

"For salaries of the fifty-six district judges of the United States, $203,500."

Mr. HOLMAN. The committee recommend non-concurrence.

Mr. MORROW. I move to concur. The paragraph proposed to be stricken out made a reduction of $1,000 on the salary of the district judge for the State of California, and a reduction of $500 on the salary of some other judge whose district I can not ascertain by merely looking at the bill.

But there is a reduction of $1,000 in the House bill restored by the Senate amendment. Now, the law provides that the salary of the district judge for California shall be $5,000, and this appropriation bill proposes to give him $4,000. In other words, it reduces his salary $1,000, and compels him to go to the Court of Claims to get the balance. The Senate amendment, however, brings up the salary to the amount at which it is fixed by law, and for that reason I propose that the House concur in the amendment.

When this matter was under discussion the other day in the House, it was suggested by the gentleman from Pennsylvania [Mr. RANDALL] that the salaries of various officers in California had been adjusted at a time when living expenses were very high there, and that the time had now come when those salaries should be cut down. But the committee should remember that for years and years the salary of the district judge of California was paid to him in greenbacks when the currency of the Pacific coast was gold coin. The result of that was that for many years the district judge of California received only something like $2,000 or $2,500 annually for his services. However, he had a life position, and he had the assurance of the law that he would receive $5,000 a year, and he went on and performed his duties honorably and satisfactorily, and no judge stands higher than Judge Hoffman in that respect.

Mr. CANNON. I will ask the gentleman from California if the Constitution does not provide that the compensation of judges shall not be diminished during their continuance in office?

Mr. MORROW. I was about to allude to that. As gentlemen know, there is a constitutional provision, just cited by the gentleman from Illinois [Mr. CANNON], which prohibits a reduction in the salaries of United States judges during their term of office. Of course I understand the proposition here is that this is an appropriation bill, and that it does not change the legal salary, but simply appropriates a thousand dollars less for the payment of the salary; but the effect of it will be that, if the judge does not go to the Court of Claims, this appropriation bill will absolutely change his salary. Such legislation is wrong in itself, and furthermore it is small business, which ought not to be entered upon by the House of Representatives of the United States.

Another point. The judicial salaries in California have been recently reviewed by the convention which adopted our new constitution. That body considered this whole matter of the proper salaries for the judges, and the result was that that convention, which was in favor of cutting down salaries generally, determined that our supreme court judges should have $6,000 a year. That is the result of a recent revision by the new constitutional convention in California. Now, if the judges of the supreme court of the State ought to receive $6,000 a year, certainly $5,000 is not too large a salary for the district judge, having jurisdiction over the whole State.

Therefore, Mr. Chairman, upon the ground of merit, upon the ground of law, upon the ground of the Constitution of the United States, I hold that the Senate amendment ought to be concurred in.

Mr. CUTCHEON. Does the Senate amendment appropriate the amount of the salary fixed by the statute law?

Mr. MORROW. It does.

Mr. SPRINGER. I desire to ask the gentleman from California whether this office was not created at this session of Congress?

Mr. MORROW. No, sir. The office has not been created by this Congress. This House has passed a bill providing a district judge for the southern district of California, but that bill has not passed the Senate, and no one can tell what will be its fate. This appropriation is for the district judge of California, who is now Judge Hoffman.

Mr. SPRINGER. Does that judge receive his salary under a special law?

Mr. MORROW. I do not understand that he does.

Mr. SPRINGER. What is the amount of the salary fixed by law?

Mr. MORROW. Five thousand dollars a year.

Mr. SPRINGER. Is that salary fixed by the general law, or have we simply appropriated that much for the salary in the annual appropriation bills?

Mr. MORROW. I think it is fixed by a general law. The judge has held this office for over thirty years.

Mr. SPRINGER. If the judge is receiving his salary under a general law, I admit that we can not reduce it.

Mr. MORROW. He is, and that is the point.

The question was taken on the motion of Mr. MORROW to concur in the Senate amendment, and it was lost—ayes 53, noes 55.

So the amendment was non-concurred in.

Amendments numbered 236 and 237 were non-concurred in.

Amendments numbered 238 and 239 were concurred in.

Mr. HOLMAN. Mr. Chairman, I move that the committee do now rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, with the Senate amendments thereto, and had directed him to report them back to the House with sundry recommendations.

Mr. HOLMAN. Mr. Speaker, I think it was agreed that there should be a separate vote in the House on certain propositions.

Mr. REAGAN. A separate vote is to be taken on amendment No. 38.

Mr. HOLMAN. I believe there was a similar understanding in regard to the record in the Fitz-John Porter case. I now move the previous question on the amendments.

The previous question was ordered.

Mr. PRICE. I desire a separate vote on amendment No. 163.

The SPEAKER. The Chair will first put the question on ordering the previous question, after which any gentleman will have the right to demand a separate vote on any amendment.

The previous question was ordered.

Mr. HOLMAN. I ask unanimous consent that as to all amendments on which a separate vote is not requested the action of the Committee of the Whole House on the state of the Union be concurred in.

The SPEAKER. Gentlemen will now indicate any amendments on which they desire separate votes.

Mr. PRICE. I ask for a separate vote on amendment No. 163, increasing the salary of the Commissioner of Pensions.

Mr. REAGAN. I ask for a separate vote on amendment No. 28, on page 14, the amendment inserting the names of "A. H. Pickens and H. T. Lyle."

Mr. WEAVER, of Iowa. I ask for a separate vote on amendment No. 179.

Mr. CUTCHEON. It was understood there should be a separate vote on amendment No. 119. That was the agreement in Committee of the Whole.

The SPEAKER. The gentleman has a right to call for a separate vote on any amendment without regard to any agreement.

If there be no objection the recommendation of the Committee of the Whole on the state of the Union will be concurred in as to all amendments of the Senate except those on which a separate vote has been asked.

There was no objection.

Amendment numbered 28 (on which a separate vote was asked by Mr. REAGAN) was read, as follows:

After the words "two chief pages," in line 326, insert "A. H. Pickens and H. T. Lyle."

The SPEAKER The Committee of the Whole House on the state of the Union reports in favor of concurring in this amendment. The question will be taken on concurrence.

The question being taken, there were—ayes 66, noes 61.

Mr. REAGAN. I make the point that no quorum has voted.

Tellers were ordered: and Mr. REAGAN and Mr. BUTTERWORTH were appointed.

Mr. REAGAN. I demand the yeas and nays.

The yeas and nays were ordered, there being—ayes 31, noes 99; more than one-fifth voting in the affirmative.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill (H. R. 1840) granting a pension to Samuel F. Garnett; when the Speaker signed the same.

Mr. BRUMM. I move that the House do now adjourn.

Mr. HOLMAN. Oh, no.

The motion was agreed to; there being—ayes 89, noes 44; and accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. M. ALLEN: Petition of Thomas P. Shell, of Zachariah Belue, and of Andrew Kramer, of Prentiss County; of James A. Mahan, of Mrs. Mary A. Harris, of Mrs. Judah McKinney, of Hardin Patterson, and of T. R. Willett, son of Richard H. Willett, of Tishomingo County; of J. W. Thomas, executor of Mary J. Dunn, deceased, and of Susan S. Merrill, of Lee County; of Wiley H. Nabors, administrator of William Lasley, of Itawamba County; of Thomas N. Cheves, of Alcorn County; of Jefferson Burnett, of Rienzi County, and of Albert Jones and Mary E. Jones, of Kossuth, Miss., asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. C. M. ANDERSON: Petition of 40 persons, asking for the removal of charge of desertion of Alonzo Mercer—to the Committee on Military Affairs.

By Mr. BLANCHARD: Concurrent resolution of the General Assembly of Louisiana, relative to coast defenses and naval armament—to the Committee on Naval Affairs.

By Mr. BUTTERWORTH: Papers in support of House bill granting a pension to George W. Rogers, late of the Seventy-third Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. DOUGHERTY: Petition of Mrs. F. P. Ferriera, widow of F. P. Ferriera, of Duval County, Florida, asking that her war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. ERMENTROUT: Memorial of Robert W. Spang, to correct military record—to the Committee on Military Affairs.

By Mr. FINDLAY: Petition of George J. Keller, of Company H, One hundred and fifteenth Regiment Illinois Volunteer Infantry, for an invalid pension—to the Committee on Invalid Pensions.

By Mr. GAY: Concurrent resolution of the General Assembly of Louisiana, asking for the improvement of the Calcasieu River, Louisiana—to the Committee on Rivers and Harbors.

By Mr. EUSTACE GIBSON: Petition of E. L. Neale, administrator of William P. L. Neale, deceased, late of Mason County, West Virginia, praying that his war claims be referred to the Court of Claims—to the Committee on War Claims.

Also, petition for the relief of Anthony McCole—to the Committee on Invalid Pensions.

By Mr. KING: Petition of Louisa B. Martin, of Tensas Parish, Louisiana, asking that her war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. MAYBURY: Petition of J. H. Wendell & Co. and others, citizens of Detroit, Mich., protesting against the consolidation of certain customs districts—to the Committee on Ways and Means.

By Mr. J. W. REID: Petition of 30 business firms in the tobacco trade, of Oxford, N. C., praying for a repeal of the tax on tobacco—to the Committee on Ways and Means.

By Mr. RICHARDSON: Petition of the executors of Thomas Hood, of Rutherford County, Tennessee, for relief—to the Committee on War Claims.

By Mr. RIGGS: Petition of C. H. Alden and others, of Griggsville, Ill., for the passage of Senate bill 1886.

Also, resolution of Maj. Sam Hays Post, No. 477, Grand Army of the Republic, of New Hartford, Ill., for the same—to the Committee on Invalid Pensions.

By Mr. ROGERS: Petition of Thomas B. Paine, of Johnson County, Arkansas, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. ST. MARTIN: Documents in support of House bill 9190, for the relief of the New Orleans Gaslight Company—to the same committee.

Also, memorial of Eugene Rillieux, of New Orleans, La., asking that his claim be reinstated in the Court of Claims—to the Committee on Claims.

Also, concurrent resolution of the General Assembly of Louisiana, relating to the improvement of the Calcasieu River—to the Committee on Rivers and Harbors.

Also, concurrent resolution of the same, relative to the cemetery at Camp Moore, Louisiana—to the Committee on Military Affairs.

Also, resolutions of the same, relative to our national defenses—to the Committee on Naval Affairs.

By Mr. SPOONER: Petition of second lieutenants of the Signal Corps, for transfer to the line of the Army—to the Committee on Military Affairs.

Also, papers relating to House bill granting increase of pension to Mary E. Martin—to the Committee on Pensions.

By Mr. CHARLES STEWART: Petition of citizens of Chambers County, Texas, for removal of bar at Double Bayou, Tex.—to the Committee on Rivers and Harbors.

By Mr. WOODBURN: Papers in the claim of Col. H. C. De Ahna—to the Committee on Claims.

The following petitions, asking for the passage of House bill 7887, repealing timber-culture, pre-emption, and desert-land acts; of House bill 7021, for adjustment of railroad and other land grants; of bill forfeiting all railroad land grants the conditions of which have not been strictly complied with; of House bill organizing the Territory of Oklahoma; of Senate bill opening a portion of the great Sioux reservation to settlement; of bill prohibiting aliens from holding land in the United States; of bill making Presidential and Congressional election days holidays, and punishing bribery; and of bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired, were severally referred to the Committee on the Public Lands:

By Mr. J. A. ANDERSON: Petition of Thomas W. Wilson and 33 others, of E. J. Dennison and 38 others, and of A. M. Barker and 64 others, citizens of the fifth district of Kansas.

By Mr. BAKER: Petition of Harry Barclay and 90 others, of John H. Murray and 55 others, and of George W. Watts and 80 others, citizens of the thirtieth district of New York.

By Mr. BARKSDALE: Petion of J. D. Compton and 110 others and of W. J. Benning and 161 others, citizens of the seventh district of Mississippi.

By Mr. BRADY: Petition of John L. Artis and 41 others, citizens of Petersburg, Va.

By Mr. BRUMM: Petition of Thomas J. Boyle and 85 others and of Daniel Bacon and 98 others, citizens of the thirteenth district of Pennsylvania.

By Mr. BUNNELL: Petition of Peter Gardner and 22 others and of William H. Stiles and 30 others, citizens of the fifteenth district of Pennsylvania.

By Mr. J. M. CAMPBELL: Petition of C. E. Springer and 127 others citizens of the seventeenth district of Pennsylvania.

By Mr. T. J. CAMPBELL: Petition of Larrity Schellie and 105 others and of John Gaffey and 100 others, citizens of the eighth district of New York.

By Mr. R. H. M. DAVIDSON: Petition of J. O. Connor and 222 others and of E. Delmar and 203 others, citizens of the first district of Florida.

By Mr. DOCKERY: Petition of J. L. Fant and 515 others, of John Loe and 523 others, and of John Grout and 83 others, citizens of the third district of Missouri.

By Mr. EVANS: Petition of John G. McAnall and 180 others and of Jacob Bonne and 180 others, citizens of the seventh district of Pennsylvania.

By Mr. EVERHART: Petition of citizens of Chester City, Pa.

By Mr. FISHER: Petition of J. J. Miller and 148 others, of Lincoln Pierce and 47 others, of John M. Craig and 150 others, of L. N. Forbes and 26 others, of W. G. Beard and 72 others, and of R. G. Oatman and 58 others, citizens of the tenth district of Michigan.

By Mr. FLEEGER: Petition of Fred. Kamerer and 61 others and of Thomas Perry and 760 others, citizens of the twenty-sixth district of Pennsylvania.

By Mr. FORAN: Petition of Frank Kaderavek and others, of Cleveland; and of George W. Russell and 27 others, citizens of the twenty-first district of Ohio.

By Mr. GILFILLAN: Petition of O. L. Patch and 97 others, of Charles Reeves and 60 others, and of James J. Galvin and 46 others, citizens of the fourth district of Minnesota.

By Mr. HALE: Petition of citizens of Randolph County, Missouri, and of Robert H. Wilson and 726 others, citizens of the second district of Missouri.

By Mr. HAYNES: Petition of P. Gagner and 24 others, of A. B. Smith and 75 others, of M. O'Dowd and 47 others, and of W. H. Walsh and 97 others, citizens of the first district of New Hampshire.

By Mr. HIESTAND: Petition of W. L. Carpenter and 52 others, citizens of the ninth district of Pennsylvania.

By Mr. HILL: Petition of J. Garrison and 13 others, and of W. R. Bowers and 22 others, citizens of the sixth district of Ohio.

By Mr. LAIRD: Petition of Oliver Sutton and 71 others, and of C. H. Cooley and 52 others, citizens of the second district of Nebraska.

By Mr. LANHAM: Petition of citizens of Coalville, Tex.

By Mr. LAWLER: Petition of John J. Coffey and 720 others, of A. J. Cornell and 66 others, of L. M. Furlien and 87 others, and of W. A. Goin and 63 others, citizens of the twentieth district of Illinois.

By Mr. LORE: Petition of W. S. Knight and 74 others, citizens of the first district of Delaware.

By Mr. MAHONEY: Petition of L. E. McCann and 80 others and of R. H. Campbell and 36 others, citizens of the fourth district of New York.

By Mr. MILLIKEN: Petition of M. S. Goodrich and 110 others and of R. E. Matthewson and 45 others, citizens of the third district of Maine.

By Mr. MILLS: Petition of citizens of McGregor, Tex.

By Mr. MORRISON: Petition of John Owen and 106 others, of William Koelle and 79 others, of Joe Davis and 100 others, and of L. J. Miller and 44 others, citizens of the eighteenth district of Illinois.

Also, petition of Walter Mason and others, citizens of Saint Clair County, Illinois.

By Mr. NEECE: Petition of H. C. Sallenberger and 270 others, of Thomas Maguire and 136 others, of J. E. McGrath and 60 others, of Ed. S. Keen and 23 others, of William E. Smothers and 150 others, of Neil Corbett and 151 others, of John Ely and 70 others, of J. W. Adolphus and 55 others, of John L. Sullivan and 51 others, and of O. S. Lee and 40 others, citizens of the ninth district of Illinois.

By Mr. NEGLEY: Petition of Calvin Wyatt and 202 others and of Isaac Cline and 86 others, citizens of the twenty-second district of Pennsylvania.

By Mr. THOMAS B. REED: Petition of Samuel Harris and 132 others, of Henry A. Pare and 54 others, and of Pierre Beaudoin and 34 others, citizens of the first district of Maine.

By Mr. RIGGS: Petition of J. H. Richardson and others, citizens of Quincy, Ill.

By Mr. ROWELL: Petition of C. A. Smith and 34 others, of Charles Stone and 35 others, and of John Conley and 170 others, citizens of the fourteenth district of Illinois.

By Mr. ST. MARTIN: Petition of J. J. Cameron and 93 others, of O. H. Jackson and 270 others, of R. W. Harris and 51 others, of John R. George and 22 others, of Thomas W. Muller and 92 others, and of John Brasch and 53 others, citizens of the first district of Louisiana.

By Mr. SESSIONS: Petition of B. D. Viger and 43 others and of John Sullivan and 117 others, citizens of the thirty-fourth district of New York.

By Mr. SEYMOUR: Petition of Fred. Dexter and 60 others, of John Baur and 62 others, of John J. Fogan and 134 others, of William J. Flood and 44 others, and of William O'Keefe and 83 others, citizens of Connecticut.

By Mr. SHAW (by request): Petition of Patrick Martin and 102 others, of William Wilson and 56 others, of F. R. Bradbury and 23 others, and of George H. Edwards and 45 others, citizens of the second district of Maryland.

By Mr. STORM: Petition of Frank Sweeny and 142 others, citizens of Freeland, Pa.

By Mr. WILKINS: Petition of D. E. Davis and 135 others and of Griffith Lewis and 26 others, citizens of the sixteenth district of Ohio.

SENATE.

TUESDAY, *July* 13, 1886.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents proceedings and resolutions of a convention of Republican editors of the State of Ohio, held in the city of Columbus, July 8, 1886, praying for an investigation of charges in respect to the election of Hon. H. B. PAYNE as Senator from that State; also a petition of officers and members of the Republican executive committee of Crawford County, Ohio, making the same prayer; also a petition of 16 citizens of Shane's Crossing, Mercer County, Ohio, making the same prayer. The petitions will be referred to the Committee on Privilèges and Elections.

The PRESIDENT *pro tempore* presented five petitions of citizens of Ohio, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. DAWES presented six petitions of citizens of Massachusetts, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. PALMER presented a petition of the American Humane Association, praying for certain legislation in regard to the transportation of live-stock; which was referred to the Committee on Commerce.

He also presented the memorial of Harris & Matthews and 7 other dealers, of Negaunee, Marquette County, Michigan, remonstrating against the passage of the proposed oleomargarine law; which was ordered to lie on the table.

CONSIDERATION OF THE CALENDAR.

The PRESIDENT *pro tempore*. If there are no "concurrent or other resolutions" the morning business is closed, and the Calendar under the special order of July 7 is now in order. The first case on the Calendar will be stated.

The bill (S. 2207) to amend and enlarge the act approved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico concluded on the 4th day of July, 1868," was announced as first in order.

Mr. GEORGE. I ask leave to present a petition at this time.

The PRESIDENT *pro tempore*. Again the Chair will call the attention of the Senate to the rule.

Mr. GEORGE. I had the petition in my desk at the time petitions were called and overlooked it.

The PRESIDENT *pro tempore*. The Chair will again call the attention of the Senate to the special rule under which the Senate is acting. There being but two days left for the operation of this special rule, the Chair feels bound to enforce the rule strictly hereafter, because the time is taken from the Calendar. The Senator from Mississippi will have an opportunity to present the petition at half past 12 o'clock.

Mr. GEORGE. Very well.

ILLEGAL TONNAGE DUES.

Mr. SPOONER. Order of Business 1228, being Senate bill 1651, was yesterday passed over informally. Does not that come up now?

The PRESIDENT *pro tempore*. It will be read if the Senator calls it up. It is subject to call.

Mr. SPOONER. It was passed over informally, and I supposed that it would be first in order in the call of the Calendar this morning.

The PRESIDENT *pro tempore*. When the bill is passed over informally it is not laid before the Senate until called up.

Mr. SPOONER. I ask that that bill be taken up.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk read the bill (S. 1651) authorizing the Secretary of the Treasury to make final adjustment of claims of certain foreign steamship companies arising from the illegal exaction of tonnage dues.

Mr. EDMUNDS. Let us hear the report.

Mr. FRYE. It is a very long report.

Mr. HOAR. I suggest that the Senator from Wisconsin be allowed to make a statement first.

Mr. EDMUNDS. Certainly. I withdraw the call for the reading of the report at present, so that the Senator from Wisconsin may be heard.

Mr. SPOONER. This bill was reported by me by direction of the Committee on Claims. The committee adopted the report made upon a similar bill in the House of Representatives some time ago. It is very long, and I think I can state to the Senate in a very few moments the substance of the proposition.

By the ninth article of the treaty of 1827 between the United States and the Hanseatic Republic this was provided:

The contracting parties, desiring to live in peace and harmony with all the other nations of the earth by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations in respect of commerce and navigation which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

This, as will be observed by the Senate, is the ordinary "favored-nation clause" of our treaties. This treaty is still in force. Subsequently, in 1858, a treaty was made by the United States with Belgium which contained this provision:

Steam vessels of the United States and Belgium engaged in regular navigation between the United States and Belgium shall be exempt in both countries from the payment of duties of tonnage, anchorage, buoys, and light-houses.

Under the former treaty, this treaty with Belgium, exempting Belgian steamers from the payment of anchorage and tonnage dues, became applicable to steamers of the Hanseatic Republic, and for thirty years prior to 1860 those steamers had paid no tonnage dues to the United States. Shortly after the war broke out Congress passed this act—

That upon all ships, vessels, or steamers, which, after the 31st day of December, 1862, shall be entered at any custom-house in the United States, whether ships or vessels of the United States or belonging wholly or in part to subjects of foreign powers, there shall be paid a tax or tonnage duty of 10 cents per ton of the measurement of said vessel in addition to any tonnage duty now imposed by law—

With this proviso:

Provided, That nothing in this act contained shall be deemed in any wise to impair any rights and privileges which have been or may be acquired by any foreign nation under the laws and treaties of the United States relative to the duty on tonnage of vessels.

Nothing would seem plainer than that under this exception the steamship companies of the Hanseatic Republic were excepted and intended to be excepted. The Secretary of the Treasury, without causing an examination of the various treaties to be made, applied this law to all vessels. The result was that from the passage of the law tonnage dues were exacted in contravention of the treaty from the ships belonging to these companies.

Mr. EDMUNDS. Why did they not pay under protest and sue to recover?

Mr. SPOONER. They did not know until some years after they began making the payments of this Belgian treaty and its provisions. Later, after the Attorney-General of the United States had twice decided that this money was exacted in contravention of treaty, Congress passed an act providing for its refund, and it was refunded. This bill is to pay interest.

Mr. FRYE. The whole amount of the principal was refunded?

Mr. SPOONER. The whole amount of the principal was refunded. This bill is to pay interest at 6 per cent. upon the moneys which all agree, including Congress, had been exacted in contravention of our treaty obligation from these companies. The report sets forth a great many instances in which the Government of the United States has exacted interest from foreign nations and has paid interest.

The PRESIDENT *pro tempore*. The Senator's five minutes' time is out under the rule.

Mr. EDMUNDS. I shall have to object to the bill. It involves very important considerations.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over under the rule. The next case will be reported.

MEXICAN TREATY AWARDS.

The bill (S. 2207) to amend and enlarge the act approved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico concluded on the 4th day of July, 1868," was announced as next in order.

Mr. EDMUNDS. That is a disputed matter. It is useless to try to attend to it under the five-minute rule.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

ESTATE OF WILLIAM B. THAYER AND OTHERS.

The bill (S. 559) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Brothers, and others, was announced as next in order.

Mr. EDMUNDS. Let us hear the report.

The Secretary proceeded to read the report, submitted by Mr. WHITTHORNE, from the Committee on Claims, May 26, 1886.

Mr. ALLISON. I think that had better go over.

The PRESIDENT *pro tempore*. The bill goes over under objection.

R. G. HUSTON & CO.

The bill (S. 2529) for the relief of R. G. Huston & Co. was announced as next in order.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay R. G. Huston and John B. Neely, partners as R. G. Huston & Co., the sum of $7,572.48, for replacing earth and material washed away from the levees from Milton to Raleigh, in the State of Louisiana, by the extraordinary floods of February, 1883, the same being in full payment for all extra work done by them in connection with their contract with the United States under date of October 3, 1882; and said sum is hereby appropriated to the payment of the same out of any money in the Treasury not otherwise appropriated.

Mr. EDMUNDS. Let us hear the report.

The Secretary read the following report, submitted by Mr. FAIR May 26, 1866:

The Committee on Claims, to whom was referred the bill (S. 749) for the relief of R. G. Huston & Co., having considered the same, submit the following report:

The facts in this case are fairly stated in House Report No. 2008, Forty-eighth Congress, first session, made by the House Committee on Claims, a portion of which is as follows:

"The facts are that in September, 1882, the Government advertised for proposals for the construction of the Wilton and Raleigh and other levees on the Mississippi River. On the 25th of September, 1882, Messrs. R. G. Huston & Co. submitted their proposal for the work on said levee, and the contract was awarded them on the 3d day of October following. Notice of the approval of this contract was not sent to Messrs. Huston & Co. until the 9th day of November, 1882, and did not reach them until the 24th of the same month.

"This delay in giving notice to the contractors prevented the commencement of their operations for at least six weeks.

"Immediately upon receiving the notice, Messrs. R. G. Huston & Co. proceeded with the work, employing a large number of men and teams, and continued to prosecute it with diligence and energy and to the entire satisfaction of the Government engineers in charge. During the month of February, 1883, and while a portion of the work was yet unfinished, a sudden and very extraordinary rise of the Mississippi River took place, threatening the destruction of the completed and uncompleted work, whereupon the Government engineer in charge directed Messrs. Huston & Co. to erect certain protection levees, intended to secure not only the uncompleted work, but especially the Government work which had been already completed and paid for, which they immediately did, and for that purpose necessarily drew off their force from the levee then in process of construction by them. While the contractors were engaged in erecting the protection levees, the river rose so rapidly as to sweep away portions of the protection levee and also of the main levee which had not been completed, and for the portion of the main levee so swept away, and which the contractors were compelled to rebuild, they asked payment at the same rate as for the rest of the work."

This bill was referred to Senator Jackson at this session as subcommittee of the Committee on Claims, but he did not report it to the full committee before his resignation. At that time he returned the bill and accompanying papers to the committee-room, and among the papers was a draught of a report on the case, prepared by him, which your committee adopt, together with its recommendations.

Mr. Jackson's report is as follows:

The Committee on Claims, to whom was referred S. 749, entitled "A bill for the relief of R. G. Huston & Co.," having had the same under consideration, report as follows:

The essential facts of this case are set out in the following letter from W. L. Marshall, captain of engineers, and written in reply to a request for information sent him by the War Department:

UNITED STATES ENGINEER'S OFFICE,
Vicksburg, Miss., March 31, 1884.

GENERAL: I have the honor to report concerning the bill for relief of R. G. Huston & Co. (H. R. 4233). As stated therein, a contract approved by the honorable Secretary of War was made between myself, on the part of the United States, and R. G. Huston & Co., for the construction of the Wilton and Raleigh levee, Louisiana.

This contract is dated October 3, 1882. Under this contract the work was vigorously prosecuted by the contractors until February, 1883, when the work was interrupted by the flood in the Mississippi River, which, in spite of the active efforts of the contractors, broke through the "protection levee" then in process of construction, and washed away 31,552 cubic yards of material which had been placed by the contractors. After the subsidence of the flood this material was replaced by the contractors, under their contract, without pay therefor, the work satisfactorily completed, and a final estimate paid January 11, 1884. Under the specifications of the contract the contractors were responsible for damages by freshets and floods, but in drawing up the specifications no extraordinary floods were contemplated, nor further damage than by ordinary high water, such as damage by waves and ripples.

The contractors did everything in their power to prevent loss by floods, working a large force by day and night. The damage could not have been foreseen or provided against, and in my opinion they can not equitably be held responsible for this loss, amounting to $7,572.48.

Ditching and draining.—The ditching under the specification of their contract can not be paid for, except when put into the embankment, consequently no measurement was ever made by the engineers in charge of the construction of the levee, except of such ditches as were ordered dug, and paid for, because more advantageous to the Government than to pay the extra haul necessary to put the matter into the bank.

The extremely wet weather of January and February, and the low, wet, boggy character of the soil, made very extensive ditching necessary in order to get material for the levee, but as this concerned the Government only when the material was placed in the bank no measurements were made at the time, so that the figures given in the contractors' claim, namely, 9,045.5 cubic yards, can not be verified. After the subsidence of the flood the ditches were obliterated by the sand deposited by the flow, and could not be measured.

I have no reason to believe that the amount of ditching stated by the contractor was not done. The material was of such semi-fluid consistency when taken from the ditches that the greater part of it was unfit to place in the embankment when first removed, so that if any of it was paid for in the bank, as provided by the specifications, it was probably handled twice—the second time when it had dried after being cast out of the ditches.

The usual price paid for ditching is 12½ cents per cubic yard, and if it is adjudged proper to pay for such ditching, I would not advise a higher price.

This would make the contractor's claim as follows, if ditching is allowed:

For 31,552 cubic yards replaced material not paid for	$7,572 48
For 9,045.5 cubic yards ditching, at 12½ cents per cubic yard	1,130 68
Total	8,703 16

I have no hesitation in advising the justice of payment for the first item, $7,572.48.

All the papers in the original claim were returned to the Engineer Department on December 28, 1883. These papers give a full history of the claim, with decision of the Second Comptroller of the Treasury upon the case.

Very respectfully, your obedient servant,

W. L. MARSHALL,
Captain of Engineers.

The CHIEF OF ENGINEERS, U. S. A.,
Washington, D. C.:

The Acting Chief of Engineers, in replying to a communication from the House Committee on Claims, said:

"The claim is believed to be meritorious, and appeals strongly to the equitable consideration of Congress."

The Second Comptroller of the Treasury, in his decision upon the account presented by Huston & Co., said:

"The ditching can not, under the contract, be paid as such."

In regard to the claim for compensation for the work washed away, the same officer reported as follows:

"In the matter of the liability of Huston & Co., Mississippi levee contractors, to replace portion of levee washed away.

"Respectfully returned to the honorable the Secretary of War.

"After a very careful consideration of the question as to the liabilty of the contractors, Huston & Co., to replace, without additional cost to the Government, the 31,552 cubic yards of material washed away by the flood of February, 1882, I am compelled to hold that the terms of the contract are such as to render it impossible to regard the contractors as having a legal right to payment for that portion of their work which was washed away before its completion and acceptance by the Government, and, hence, that it is not in the power of the accounting officers to grant them the relief they seek. If not restricted by the express terms of the contract, I should deem that the circumstances afforded strong reasons for allowing for the work so nearly completed, and I think it to be regretted that the interests of the contractors were not more carefully guarded in preparing the contract. The accounting officers, however, can only regard the matter in its legal aspects, and where relief is to be sought in equity, parties must look to Congress.

"Captain Marshall should be advised that in making final settlement with Messrs. Houston & Co., the value of the material washed away should not be allowed them.

"W. W. UPTON, *Comptroller.*

"SECOND COMPTROLLER'S OFFICE,
"*December* 14, 1883.

"A true copy.

"JAS. S. DELANO,
"*Deputy Second Comptroller.*"

In view of these facts, your committee recommend that the sum of $7,572.48 be paid R. G. Huston & Co., in full payment for the 31,552 cubic yards of material replaced on the levee after the washout; that the claim of $1,130.68 for ditching be disallowed; that S. 749 be indefinitely postponed, and that the accompanying bill, as a substitute, allowing $7,572.48, be passed.

Mr. EDMUNDS. There was so much noise that I could not hear the report. I have read it through myself, however, and I am satisfied, so far as I can see, that it is a satisfactory case.

The PRESIDENT *pro tempore.* The Chair must remind Senators that conversation is so general in the Chamber that it was difficult to hear the report when read. If there be no objection the bill is before the Senate as in Committee of the Whole, and open to amendment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. TELLER. I should like to offer an amendment to the sundry civil appropriation bill.

The PRESIDENT *pro tempore.* The Chair has ruled that all morning business is now out of order until half past 12 o'clock. The rule is express, and requires that the Calendar be proceeded with until that time.

Mr. TELLER. I am quite content if the Chair will adhere to that.

The PRESIDENT *pro tempore.* The Chair will try to adhere to it, and has given notice to that effect.

Mr. CONGER. I wish to present a petition.

The PRESIDENT *pro tempore.* The Chair has ruled that the presentation of morning business is an express violation of the rule after the call of the Calendar begins until half past 12 o'clock. The rule expressly requires that the whole time until half past 12 shall be devoted to the Calendar.

Mr. CONGER. The rule expressly requires that that shall be done after the morning business.

The PRESIDENT *pro tempore.* The morning business has been gone through with and has closed.

Mr. CONGER. Petitions are a part of the morning business.

The PRESIDENT *pro tempore.* Morning business was gone through with regularly, in regular order.

Mr. VEST. May I present some petitions? I was not in when petitions were called.

The PRESIDENT *pro tempore.* The Chair has ruled that they are not now in order, and will not be until half past 12 o'clock. The Senate is now acting under a rule which expressly declares that the time shall be devoted to a special class of business.

MRS. ARLANTA T. TAYLOR.

The bill (H. R. 7310) granting a pension to Mrs. Arlanta T. Taylor was announced as next in order.

Mr. COCKRELL. Let the bill be passed over, retaining its place on the Calendar.

The PRESIDENT *pro tempore.* The bill will be passed over without prejudice.

MRS. MARY SHANNON.

The bill (S. 396) for the relief of Mrs. Mary Shannon, widow and administratrix of the estate of Joseph R. Shannon, deceased, and to provide for the payment of the loss of the steamboat A. W. Quarrier, was announced as next in order.

The bill was read.

The PRESIDENT *pro tempore.* The bill is reported from the Committee on Claims with amendments.

Mr. EDMUNDS. Let us hear the report.

The PRESIDENT *pro tempore.* The report will be read.

The Secretary proceeded to read the report submitted by Mr. WHITTHORNE, from the Committee on Claims, May 27, 1886.

Mr. EDMUNDS. What is the number of the report?

The PRESIDENT *pro tempore.* Twelve hundred and forty-five. It is a long report. Does the Senator call for the reading of the entire report?

Mr. EDMUNDS. That is what I did call for, but as it is a very large claim and involves the question of considering why this matter was not brought before the Southern Claims Commission, where it ought to have gone as I think, I am of the impression that it is one of the things which ought not to be considered in five minutes.

The PRESIDENT *pro tempore.* Being objected to, the bill goes over.

Mr. TELLER. Before it goes over I wish to say one word.

The PRESIDENT *pro tempore.* Objection having been made, debate on the bill is not now in order.

Mr. TELLER. I will say it, then, upon the next bill.

Mr. EDMUNDS. I withdraw the objection in order to allow the Senator to say what he wishes.

The PRESIDENT *pro tempore.* The objection is withdrawn.

Mr. TELLER. This bill has been here a number of times. It has been as thoroughly examined by the Committee on Claims as any case ever was. It has been repeatedly reported to this body and has passed the Senate on three occasions I think. The reports have been very voluminous and full. I venture to say that there is no case which has been more thoroughly examined than this case. It has been here ever since I have been in Congress. It was here ten years ago, a live and active claim.

In the mean time the claimant himself has died. If he was deserving, if the Government owed him this money, he ought to have had it years and years ago. He died in poverty and in want. His family are now demanding this, and I think that the case ought to be taken up and either passed or defeated.

Mr. EDMUNDS. I renew the objection.

The PRESIDENT *pro tempore.* Objection being made, the bill goes over under the rule.

STONY POINT MONUMENT.

The joint resolution (S. R. 67) authorizing the Secretary of War to erect at Stony Point, N. Y., a monument, was considered as in Committee of the Whole. It proposes to appropriate $25,000, to be expended, under the direction of the Secretary of War, in the erection of a suitable monument, column, or memorial structure on the grounds of the Government at Stony Point, N. Y., with such inscriptions and emblems as may properly commemorate the historical events which occurred at that place and vicinity during the war of the Revolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. COCKRELL. I simply desire to say with relation to the joint resolution just passed that I am opposed to it. I did not propose to interpose my single objection to its passage, but I am opposed to the principle of the measure *in totò*.

Mr. EDMUNDS. I concur with the Senator from Missouri.

ADDISON C. FLETCHER'S ASSIGNEES.

The consideration of the bill (S. 2560) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher, was resumed as in Committee of the Whole.

The PRESIDENT *pro tempore.* There is an amendment pending to insert the word "alleged" before the word "use," in the beginning of line 17.

Mr. EDMUNDS. Let us hear the report.

The Secretary proceeded to read the report, submitted by Mr. PLATT from the Committee on Patents May 28, 1886.

Mr. PLATT. I will inquire of the Senator from Vermont whether it will not be satisfactory to read the recommendation of the Commissioner of Internal Revenue, which is the last exhibit, Exhibit G of the report, and which I think sets out substantially all the facts the Senator would desire to know.

Mr. EDMUNDS. I will take that to begin with. I would a little rather have the recommendation of the Senator from Connecticut than of the Commissioner of Internal Revenue.

Mr. PLATT. This is a long report, and I want to say that a bill was referred to us authorizing the Court of Claims to render a final judgment in this case; but on looking it over carefully we thought we

ought not to commit that power to the Court of Claims, and so we have recommended that the Court of Claims shall investigate and find the facts and report to Congress. It might be sent under the Bowman act in that way except that the statute of limitations runs against the claim, and except also that it is an assigned claim. I think all these facts are susceptible of explanation, so that in this case we ought to refer to the Court of Claims to find the facts and report their finding to Congress.

That is all the committee have recommended, and I do not think there can be any objection to that course. It reserves the final question of whether we will pay this claim when the facts are found and reported to Congress. I do not think there was any laches on the part of the inventor or his assignees in letting the statute of limitations run against the claim. They have been bringing suits and have failed in them for one reason and another. They have been trying to get their rights; and it is not six years since the Court of Claims first held that they had jurisdiction in these matters. I think the parties have been diligent in insisting on their rights. And I do not think there has been anything about this assignment which really should debar them from having the facts found by the Court of Claims. I trust there will be no objection to that.

I wish to say that there is a proposed amendment, to insert the word "alleged" before the word "use," in line 17. We do not want to commit Congress.

Mr. EDMUNDS. That has been agreed to, and I have one or two more amendments to move in the same line. I move to amend the bill in line 10 by inserting after the word "Missouri," after the description of these claimants, the words "claiming to be;" so as to read:

Claiming to be assignees and owners of letters patent.

Mr. PLATT. All right.

Mr. EDMUNDS. Then I have two other amendments which I will state. In line 15, after the word "and," I move to amend by inserting "alleged to have been;" so as to read:

And alleged to have been duly assigned to said owners.

Mr. PLATT. There is no objection to that.

Mr. EDMUNDS. The amendment inserting the word "alleged" before the word "use," in the beginning of line 17, is already agreed to. Then in line 29, after the word "aforesaid," I move to amend by inserting "and the rights of the claimants and;" so as to read:

Title to the invention described therein and used by the Government as aforesaid, and the rights of the said claimants, and to determine the amounts of the several interests of the assignees, &c.

So as to open all that would go for them or against them.

Mr. PLATT. I have no objection to any of these amendments.

Mr. EDMUNDS. Then I wish to add at the end what I think would be inferred from what has taken place before, but to make it clear:

In said investigations every question on the merits shall be open—

So as to keep it all perfectly free.

Mr. PLATT. I have no objection whatever to these amendments.

The PRESIDENT *pro tempore*. The amendments proposed by the Senator from Vermont will be stated.

The CHIEF CLERK. In line 10, after the word "Missouri," it is proposed to insert "claiming to be;" in line 15, after the word "and" and before "duly," to insert "alleged to have been;" in line 29, after the word "aforesaid," to insert "and the rights of the claimants and;" and at the end of the bill to add "In said investigations every question on the merits shall be open;" so as to make the bill read:

Be it enacted, &c., That the claim of Hyland C. Kirk, of Phelps, N. Y.; Richard H. Laimbeer, of Brooklyn, N. Y.; Mrs. Susan T. Post (executrix), of New Haven, Conn.; Dr. A. G. Coleman, of Canandaigua, N. Y.; George V. Chapin, of Chapinville, N. Y.; Isaac Roy, of Phelps, N. Y.; W. F. Van Deventer, of Elizabeth, N. J.; Dr. Edward Chapin, of Brooklyn, N. Y.; Mrs. Mary Magee, of Kansas City, Mo., claiming to be assignees and owners of letters patent numbered 101604, dated April 5, 1870 (antedated October 5, 1869), for an improvement in adhesive postal and revenue stamps, issued to Addison C. Fletcher and alleged to have been duly assigned to said owners, together with the right of recovery and compensation for the alleged use thereof by the United States Government in the collection of revenue on distilled spirits and malt liquors during the years 1868, 1869, 1870, 1871, and 1872, be, and is hereby, referred to the Court of Claims for a judicial investigation and finding of the facts, namely: To determine the validity of letters patent numbered 101604, dated April 5, 1870 (antedated October 5, 1869), giving to Addison C. Fletcher title to the invention described therein and used by the Government as aforesaid and the rights of the claimants; and to determine the amounts of the several interests of the assignees of said Fletcher recognized as owners and claimants in this act, according to the records of the United States Patent Office; to determine to what extent said stamp was manufactured and used by the Government, and a legal and equitable rate of compensation therefor; finally, to find the aggregate sum or sums to which the several claimants named in this act are equitably entitled as compensation for the use of said stamp, and to report their said findings to Congress. In said investigations every question on the merits shall be open.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MAJ. JAMES BELGER.

The bill (S. 1520) for the relief of Maj. James Belger was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and in lieu thereof to insert:

That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Maj. James Belger, of the Quartermaster's Department, now on the retired-list of the Army, to be a lieutenant-colonel on said list, from and after the date of the passage of this act.

Mr. EDMUNDS. I should like to hear the report. That is rather an extraordinary proposition on the face of it.

Mr. HAWLEY. The report is of some considerable length. I do not know that I shall object to the reading of it, but I can state the case more briefly if the Senator will accept that.

Mr. EDMUNDS. I will with pleasure.

Mr. HAWLEY. Major Belger entered the service in 1832 as a private soldier, was promoted to be a second lieutenant October, 1838, and first lieutenant in 1843, and a major and quartermaster in 1861; he was appointed a colonel and additional aid July, 1862, and went out of the service, as I will hereafter explain, November, 1863; he came back into the service March 3, 1871; was retired in 1879, being sixty-two years of age. He stood very high in the Army as a faithful and excellent officer. He was placed in command at Baltimore of the very important depot there early in the war on account of his abilities, having charge of the immense business of purchasing and employing transports and furnishing supplies to troops. The Government refused to allow him to accept a commission as major-general of Pennsylvania troops because of his usefulness there. He was also chief quartermaster of the middle division under General Schenck.

In February, 1863, a Philadelphia newspaper made a severe attack upon his management, claiming that there was crookedness. The Secretary of War sent for General Schenck to consult about it, and General Schenck said there was no use in trying him, for they would not find anything against him. He had great confidence in Belger. Nevertheless Belger pressed for a hearing, and a court-martial was ordered, composed of officers of high standing, presided over by the well-known General Hitchcock. Belger was tried on thirteen specifications. For some thirty days the court investigated the case and unanimously acquitted him on every one of the specifications; but nevertheless Secretary Stanton, in one of those impetuosities that distinguished the great Secretary, ordered him to be summarily dismissed from the Army. The general spent two years in getting his accounts settled, extending to $11,000,000, and not one penny of error was found in them. He did this in poverty and in actual distress for the necessaries of life. He got a little employment in the Treasury Department, under which he earned in the course of a year or more $1,883.16.

For eight years he was out of the service, two or two and a half of which it took him to settle up his old accounts. A bill was offered for full relief, but some amendment was put on it in the Senate, and he was put back into the service with the rank he held before being turned out eight years previously. This bill as it has been before Congress two or three sessions has had a favorable report before this, and I do not know but that it passed the Senate once. It originally proposed a great deal more than the committee thought they had a right to do or would do under the circumstances. It proposed to give him his pay for the time he was out. The Military Committee never pays a man for the time he was actually out of service, no matter how severe it may appear to be in individual cases.

But this old veteran has the sympathy and respect of everybody who knows him. He has suffered in reputation, feeling, and estate beyond measure from this disgrace. Had he continued in the service, judging by his ancient and honorable record, known to nearly all the old officers of the Army, he would have gone on the retired-list as a colonel. The Military Committee, rejecting the greater part of his pecuniary claim, which would be of very great service in paying off debts and make his few remaining years happy, was willing to say the gallant old officer should have one peg of promotion on the retired-list in the exercise of that clemency which does not ill become a great government.

That is the condition of the present bill. It will add a few hundred dollars to the old man's annual revenue, and it ought to be a great consolation to his honor.

Mr. EDMUNDS. Was not all that part of the subject disposed of when he was restored and put on the retired-list? I believe I was here; I remember it vaguely.

Mr. HAWLEY. The bill introduced to relieve Major Belger in 1871 by Senator Wilson, of Massachusetts, received the unanimous report of the committee and was passed, but amendments were offered by Senators Howe and Nye, and Senator Wilson accepted them, as he was obliged to do, to get the bill through, but he was dissatisfied. He advised that the major should accept the act, take what he could get then, and ask for further relief; and Senators Howe and Nye, who moved those amendments, afterward declared that had they understood the case they would not have offered the amendments. Of course this does not create a legal demand, but it establishes in the view of the committee the equity of the case.

Mr. EDMUNDS. This is a thing that we often do, first decide a matter, and then after a year or two, when force enough can be got to decide it over again, and so on and so on.

Now, whatever may have been the original merits of Major Belger's

dismissal—and in respect to which this report speaks in language about Secretary Stanton that I should not agree to—the matter has once been completely considered and decided by the Senate, as this report states, against the judgment of Mr. Wilson; but it was the judgment of the Senate that Major Belger should only be restored to take rank from the date of his restoration. Now it is proposed to retry that matter and have him take rank from the date of his dismissal with pay.

Mr. HAWLEY. No, Mr. President, it just puts him up another step on the retired-list. It does not put him where he would have been at all.

Mr. EDMUNDS. That comes to the same thing. If he had been restored to take rank from the date of his dismissal, he would have gone up to where it is proposed now to put him.

Mr. HAWLEY. He would undoubtedly have been a colonel; but this gives no back pay.

Mr. EDMUNDS. This being now settled, next year we can try it again and give him the benefit, just as we shall be asked to do about some other gentlemen distinguished, well or ill, in such matters. I am sorry to feel obliged to vote against this bill. I am not going to object to its consideration. I merely want to say that, without any regard to the question of what could be done if this were *res nova*. I think it is a very dangerous and unwholesome practice for the Houses of Congress to be iterating and reiterating their decisions upon matters of this kind or any other kind except general legislation, and as little of that as possible.

Mr. HAWLEY. I have no sort of apprehension that Congress will ever give him the pay during the time he was out of the service; certainly not while the Military Committee remains at all of the opinion it now holds.

The PRESIDENT *pro tempore*. The question is on the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STATE OF GEORGIA—DIRECT-TAX ACT.

Mr. HAMPTON. Yesterday I asked that Order of Business 1310, being the bill (S. 2457) for the relief of the State of Georgia, should be passed over informally, as I had some facts that I meant to submit. I ask to call it up now, and crave the indulgence of the Senate to let me offer an amendment, and state some facts that I wish to present, and then the bill may go over for future consideration.

The PRESIDENT *pro tempore*. The Senator from South Carolina asks the Senate to proceed to the consideration of the bill referred to with a view to submitting some remarks, and then have it go over. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2457) for the relief of the State of Georgia.

Mr. HAMPTON. I offer an amendment to the bill, which I ask to have read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and to insert the following:

That it shall be the duty of the Secretary of the Treasury to credit to each State and Territory of the United States and the District of Columbia a sum equal to all collections made from said States and Territories and the District of Columbia under the act of Congress approved August 5, 1861, and the amendatory acts thereto, with such additional credits as under said act they are entitled to have in consequence of having paid any portion thereof without expense of collection to the United States; and such sums also as have been collected from lands or owners thereof under supplemental acts on any account whatever.

SEC. 2. That all moneys still due to the United States on the quota of direct tax apportioned by section 8 of the act of Congress approved August 5, 1861, are hereby remitted and relinquished.

SEC. 3. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to reimburse each State, Territory, and the District of Columbia for all money found due to them under the provisions of this act; and the Treasurer of the United States is hereby directed to pay the same: *Provided*, That when the sums, or any part thereof, credited to any State, Territory, or the District of Columbia have been collected from any citizen thereof, either directly or by sale, resale, or lease of property, such sums shall be held in trust by such State, Territory, or the District of Columbia for the benefit of those of its citizens from whom it was collected, or their legal representatives.

Mr. HAMPTON. I ask the indulgence of the Senate for a few minutes that I may present some facts in support of the substitute for the bill reported from the Judiciary Committee by the senior Senator from Mississippi.

The status of the direct tax under the act of August 5, 1861, and the amendatory acts are in very great confusion. Some of the States have paid that tax in full, having assumed its payment under the provisions of the law and received a discount which was offered to such States as would assume it and thus avoid the expense to the General Government of collecting it by its own machinery. From other States a large portion of it has been collected, either directly from the citizens or from the sale of property; and under an utterly erroneous ruling of a former Comptroller of the Treasury it has been treated as a debt against the States in cases in which they did not assume it; and amounts due to said States by the General Government have been set-off against it. It is perfectly clear that the tax was not a debt against the States unless under the provisions of the law they assumed its payment; and consequently as there could be no set-off except of claims held in "mutual right," these set-offs were in violation of law and without authority.

The bill introduced and favorably reported by the honorable Senator from Mississippi deals with this simple question of set-off, and with that alone; and while it is unquestionably proper that it should be introduced into the bill, it is manifestly unjust that it should be dealt with singly and that other cases of still greater hardship should remain undisposed of.

Three different and conflicting reports as to the status of these accounts have been furnished to the Senate from the Treasury Department, one by the present Secretary, made up by a commission in the Department under his direction, one by the Commissioner of Internal Revenue, and one by the late Secretary of the Treasury, Judge Folger. These very discrepancies stated in these statements is a very conclusive reason for dealing with the whole question and making a final disposition of it at one time; and the amendment which I have offered provides for this by refunding to the States the amounts which have been heretofore collected from them and remit those which remain unpaid. This will accomplish the purpose of the bill of the Senator from Mississippi and will at the same time equalize to some extent, and so far as can now be done, the hardships which have been inflicted upon other States by the mode of enforcing this tax; and a reference to the Journals of the Senate will show that the Legislatures of several States have heretofore instructed their Senators and requested their Representatives to support such a measure as that embodied in the amendment which I have offered.

Each of the three statements to which I have referred gives approximately the same sums as having been paid by the States of Georgia and Mississippi. Mississippi's quota was $413,084.67, upon which has been paid either by collection or by credits from amounts as due the State, as arising from the 5 percents due on the sales of the public lands, $74,742.57, leaving a balance of $338,342.10 as a debt due by the State of Mississippi to the United States, upon which, under the ruling of the Treasury Department, there will be credited from year to year whatever sums may arise from the sale of the public lands and the swamp-land interests of that State. The quota of the State of Georgia was $584,367.33, upon which was credited, on account of recognized demands due the State of Georgia by the United States, the sum of $74,407.75, leaving a balance as a debt due by that State, under the ruling of the Comptroller of the Treasury, of $512,959.58. These figures are taken from the statement of the Secretary of the Treasury in answer to the Senate resolution of March 28, 1884, and are no doubt approximately correct. By the same statement it appears that the quota of South Carolina was $363,570.67, and on account of which there has been collected from citizens as taxes, either directly from the citizens in money or by sale of their real estate, the sum of $377,962.30, showing that as taxes the sum of $14,390.63 has been collected from the State in excess of its entire quota.

Not only, therefore, has there been an excess of $14,390.63 collected as taxes according to this statement over and above the entire quota of the State, in addition to a large sum paid directly to the direct-tax commissioners in money, but there were sold in the county of Beaufort the entire town of Beaufort, and 52,000 acres of agricultural land, which produced the long-staple sea-island cotton, were sold to realize the balance of this excessive sum. In the case of De Treville *vs.* Smalls (98 United States, 517) the Supreme Court held that under a special and peculiar provision of the law an absolute and incontestable title passed at these sales. This is to be taken as an accepted result. The Court of Claims has decided, in the case of Simons *vs.* United States (19 Court of Claims, 601), that a large amount of the interest thus collected was illegal and "without warrant of law;" and in two recent decisions by the same court, which will appear in the twenty-first volume of its reports, the cases of Seabrook *vs.* United States and Lawton *vs.* United States, the court has held that a large amount of the taxes for which this land was sold was excessive and illegally collected.

In this last case the "Hill Place," valued" at $4,400 "in proportion to the whole valuation of the State," was sold to pay the tax and bought by the United States for $1,100 for a tax of $170.50, whereof the court holds that $79.11 "was illegally collected of the claimant without warrant of law." Lawton's other place, known as the "Lawton Place," valued at $7,200, was bought by the United States for $3,000, and in order to redeem the same he was required to pay the sum of $600.47; and of this collection the court says that "a mathematical calculation shows that he should have paid only $326.91," and that there was illegally collected of him without warrant of law the sum of $273.91: So that this enormous amount of real estate was sold for the collection of the tax, and which was sold at so great a sacrifice, was also sold, as decided by the Court of Claims, for a tax greatly in excess of the amount with which it was legally chargeable.

What I have said showing the peculiar hardships of this matter in relation to South Carolina is equally applicable to several other States, though not in the same degree, and especially to Virginia, Tennessee, Arkansas, Florida, Louisiana, and Texas. On the other hand, it is said with great justice that the Northern and Western States, which have assumed and paid these taxes, should not be lost sight of in the adjustment of the question which releases the seceding States of the balances which were charged against them. In the right and justice of this claim I fully concur, and the amendments which I have offered fully provide for their cases, as it does for that of South Carolina and the

other Southern States I have just mentioned. The statute making the original levy of $20,000,000 to be raised by direct taxation was for the purpose of meeting a great emergency in the inception of the war between the States.

It was a mode of taxation which was not favorably received in this country, and, as I have said, was resorted to in an imminent emergency. The original act provided for the raising of this sum annually; but it was discontinued after the first year; and on the 2d of February, 1867, a concurrent resolution was adopted by Congress suspending its operation for the first year, and leaving balances uncollected such as now stand against the States of Mississippi and Georgia.

In this connection I send to the desk to be incorporated in my remarks an extract from the letter of Hon. Charles J. Folger, late Secretary of the Treasury, upon this subject, dated June 14, 1884, in which he earnestly recommends the passage of a bill in all material respects identical in its provisions with the amendment which I have presented.

The extract referred to is as follows:

The purpose of the bill is to relieve and discharge from further liability for that tax those States and Territories which have not paid the portion thereof apportioned to them respectively; and to repay, out of any money in the Treasury not otherwise appropriated, to those States and Territories which have paid any portion, the sums by them respectively paid. Though by the act above cited this tax was made an annual one, an attempt to collect it for more than one year has never been made. By that attempt there were collected about $15,000,000, principally from the States which did not seek to go out of the Union; and there were left uncollected about $5,000,000, principally in the States which did seek to go out of the Union. The sum uncollected remains a charge against these States, and, for the purposes of this letter, it may be assumed that it is a valid and enforceable charge. It is plain, however, that no legislator at this day would propose to raise revenue by a tax of that kind. There is no need of resorting to such methods. The revenue of the Government from sources not so extraordinary, and collectible by means and appliances not so objectionable as those involved therein, are ample for its purposes. They are, indeed, superabundant, and the concern of statesmen is rather how they may be reduced than how they may be increased. The Government then needs not the money to be got by enforcing this tax.

At the same time, it is plain that to enforce it would put a grievous burden upon the people of the States which are in default in payment. It needs no array of facts to show. Congress in one if not both branches has this session considered the proposition of large pecuniary aid to these people to help them place and keep up common schools, and the Senate has passed a bill therefor.

If there be need for that succor, there would be harm in enforcing this charge. It is to be considered, too, that while taxes are seldom looked upon with favor, this would be specially objectionable. The purpose for which it was laid can but be remembered with distaste. It can scarcely be expected that there would be cheerful aid from the State authorities in the enforcement of it. It may be doubted whether there would be any. Indeed it would, without further legislation, have to be enforced by the machinery provided by the act under which it was laid. This would call for the appointment of numerous Federal officials, who would go among the people as obnoxious exactors. I think it must be conceded that there is, and ever will be, great reluctance to ever setting about the collection of this tax. That it never had great favor is shown by that it was never put in force but one year. In practical effect, then, the law for it is obsolete. Why, then, should there remain this unenforced liability, a menace to the people, the enforcement of which is called for by no public need, nor by any public opinion?

In my judgment, the people and the property of the States in default should be relieved and discharged from it.

But to give such relief and discharge would be to put an inequality of burden upon the States which paid, unless they in turn were in some way relieved. This the bill proposes to do by repaying to them the sums received from them. Assuming that the tax was lawful, and the collection, as far as made, was warranted, this, apart from the circumstances, would be a proposition to donate to the States surplus moneys of the United States—a proposition which I should not favor. But, as connected with the proposition to discharge from onerous and needless liability one portion of the people, it takes on a different character; it is presented as an adjustment between different bodies of the people, and is worthy of acceptation. Indeed, it would be unjust to the people of the loyal States to release the people of the once insurrectionary States from their liability without refunding to the former the sums paid by them, and there are analogies in the legislation of Congress.

Acts have been passed refunding to States moneys raised by them for the raising, arming, and equipping of troops for the Army of the United States in the civil war and for making other refunds of like character. The purpose of laying this direct tax was to aid in the ultimate payment of the extraordinary expenses of the Government caused by the civil war. The raising, arming, and equipping of troops by the States served to keep down those expenses for the time. It was a voluntary act upon the part of the States. There is no violation of principle or fundamental law in repaying to the States from the funds of the United States the cost thereof. The purpose and effect of this bill is not so unlike in nature to that as not also to be freed from the objections to a bald distribution among the States of what are called the surplus revenues of the United States.

Under the peculiar facts of the case, and as it is not likely to become a precedent for other disposals of Federal moneys, my judgment is, that the proposed measure is a good one. It is true that exactly equal justice can not be done in carrying out the proposition of the bill. Thus, in some of the Southern States the tax was to some extent enforced. Tax sales were made of pieces of real estate in instances for less than the value of them. Only the surplus of purchase-money over the tax and charges has been available to the owners, and they have lost the difference between that and the total of the purchase-money, and between the purchase-money and the real value.

On the other hand, in most, if not all, of the Northern States the payment to the United States of the tax was assumed by the State government, which collected the amount of its own people in its own tax-levy. Of course, in the changes of citizenship and ownership of taxable property, while a repayment into the State treasury will tend to reduce the amount of State tax, it will not inure to the benefit of some of those who in 1861 were tax-payers. But these failures of full and general compensation in dealing with transactions so long past must ensue, and are not to be potentially urged against proposed measures, which in the main do work equal benefit.

Mr. HAMPTON. I also request the insertion in my remarks of the extract from the letter of Hon. William Lawrence, late Comptroller of the Treasury, to the Secretary in regard to the same bill.

The extract is as follows:

The object of these bills is to remit, so far as not collected or paid, the direct taxes laid upon and apportioned to the States, Territories, and District of Columbia under the direct tax act of August 5, 1861, and to refund to such States, Territories, and District, respectively, the amount of such taxes, so far as paid in any mode whatever.

I have considered the subject with care, and now have the honor to state that in my judgment it is alike just, judicious, and practicable to remit all such taxes not yet collected, to refund the amounts paid in any form by any State or Territory, and to refund to private persons or their legal representatives all amounts of such tax by them paid, or collected by sale of real estate, or otherwise.

Mr. HAMPTON. I call attention to the additional fact, that besides the sum already mentioned in excess of the quota of South Carolina the Government has realized from profits on purchase and resales of land the sum of $315,677.86, and still holds upward of 4,000 acres of valuable sea-island cotton lands as military reservations.

The PRESIDENT *pro tempore*. The bill will go over under the rule, and the next case will be stated.

CONFINEMENT OF INEBRIATES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2545) to provide for the confinement of inebriates in the Government Hospital for the Insane.

The PRESIDENT *pro tempore*. The bill has already been read at length and the amendments reported by the Committee on the District of Columbia acted upon. The bill is still open to amendment.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LUCINDA M'GUIRE.

The bill (S. 2588) for the relief of Lucinda McGuire was considered as in Committee of the Whole. It proposes to pay to Lucinda McGuire, of Memphis, Tenn., $10,260, in full compensation for the use of her premises Nos. 195 and 197 Main street, in the city of Memphis, Tenn., from March 24, 1863, until June 1, 1865.

Mr. PLATT. Let the report be read.

The Secretary proceeded to read the report, submitted by Mr. FAIR, from the Committee on Claims, June 2, 1886.

Mr. McMILLAN. I understand this will lead to some debate.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over under the rule.

Mr. HARRIS. I hope the Senator will allow the reading of the report to be finished. I do not think it will lead to any debate.

Mr. McMILLAN. I will consent that the reading of the report shall be finished.

The Secretary resumed and concluded the reading of the report, submitted by Mr. FAIR June 2, 1886:

The Committee on Claims, to whom was referred the bill (S. 694) for the relief of Lucinda McGuire, having considered the same, submit the following report:

The petitioner presents the following claim against the United States, and asks the action of Congress, as the only tribunal to which she can apply for relief:

The United States to Lucinda McGuire, Dr.

For rent of two rooms in premises 195 and 197 Main street, Memphis, Tenn., from January 25, 1863, to March 24, 1863, at $25 per month	$98 34
For rent of entire premises from March 24, 1863, to May 31, 1865, at $4,000 per annum each	17,466 66
For direct damage and injury done said property during and by reason of said occupation	5,000 00
	22,565 00
Less amount paid on account by R. E. Clary, Deputy Quartermaster-General, United States Army	1,526 78
	21,038 22

By the evidence presented to the committee it is proven that Lucinda McGuire was the child and heir-at-law of William Lawrence, who died in Memphis in 1854, and that by direction of the proper court of Shelby County, Tennessee, the proceeds of his estate were invested by commissioners for her benefit in the property in question. It is also further proven that at the time this property was occupied by the United States the claimant was a minor.

It appears from the certificate of William H. Morgan, colonel commanding, that two rooms in the second story of this property were occupied about January 25, 1863, as a guard station for a patrol and provost guard detailed from the Seventy-second Regiment Illinois Volunteer Infantry.

It further appears from the following order that the whole property was occupied March 24, 1863:

"SIR: You will deliver to the bearer the keys to the houses in the Webster Block now in your possession.

"Rental office, March 24, 1863.

"G. W. VAUGHN, *Rental Agent.*

"H. D. CONNELL."

It further appears from the following evidence that the property was occupied by the United States until May 31, 1865:

MEMPHIS, TENN., *June* 1, 1865.

I certify on honor that two tenements in Webster Block, in the city of Memphis, Tenn., said to belong to the estate of Mr. Lawrence, deceased, were occupied by the United States Government for hospital purposes and known as "Webster General Hospital," from the 24th day of March, 1863, to the 31st day of May, 1865, inclusive; two years, two months, and six days.

B. J. D. IRWIN,
Surgeon United States Army,
Superintendent United States Army General Hospital.

DEPUTY QUARTERMASTER-GENERAL'S OFFICE,
Memphis, Tenn., June 1, 1865.

SIR: The two buildings in the Webster Block heretofore rented from you for military purposes being no longer required, the rent for which will cease on the 31st May, 1865.

Respectfully, your obedient servant,

R. E. CLARY,
Deputy Quartermaster-General.

J. G. LONSDALE, Esq.,
Memphis, Tenn.

All of the facts in the case being clearly proved, we have simply to determine whether the claimant is entitled to recover rent from the United States, and, if so, in what amount.

The claimant being a minor at the time of occupation of property, the question of loyalty does not arise, and, though perhaps not pertinent to the case, the loyalty of her guardian, J. G. Lonsdale, is fully proved by documentary evidence.

The fact that the property was taken possession of by a "rental agent" of the United States would seem in itself an implied promise or contract with the owner that the United States would pay a proper rental for its use.

It also further appears that Deputy Quartermaster-General Clary did pay to the guardian of the claimant the sum of $1,526.78 on account of rent, and his relinquishment of the property clearly specifies it as property "heretofore rented, * * * the rent for which will cease on the 31st of May, 1865."

It therefore appears to the committee that although possession of the property was taken, perhaps, without the express permission of the claimant, it was taken by an agent of the Government, whose office as "rental agent" implied the purpose of paying rent for the same. But, beyond that, the fact that payment was actually made on account of rent, so clearly establishes in law the relation of landlord and tenant between the Government and the claimant that we have no alternative but to determine what amount of rent is due the claimant.

It is plain from the evidence that the sum of $1,526.78 paid by General Clary was in full of the rent due from February 18, 1865, to June 1, 1865, which was estimated by the parties at $450 per month. Mr. Lonsdale's receipt for money paid him shows that this was the rent rate agreed upon; and while the houses may have rented for more, both before and after this time, as is shown by the papers, still we think the Government should pay no more than it is thus shown was agreed to be paid, namely, $450 per month.

The occupation of two rooms in the building from January 25, 1863, to March 24, 1863, does not appear to have been under any contract, express or implied, but a necessity arising from military occupation of the city. Your committee therefore recommend that so much of said claim be rejected.

Claimant further asks $5,000 for damages caused to the building by reason of their occupation. It appears that immediately after the building was relinquished by the Government it was rented at the same rate that it was before the occupation, nor does the damage seem to have been very great; for which reasons it is recommended that this part of the claim be rejected.

Your committee are of opinion that claimant is entitled to rent at the rate of $450 per month from March 24, 1863, to February 18, 1865, and accordingly report the accompanying bill as a substitute for S. 694, and recommend its passage; and further recommend that the original bill (S. 694) be indefinitely postponed.

Mr. McMILLAN. I understand the bill will lead to discussion and will have to go over anyhow.

The PRESIDENT *pro tempore*. The bill will go over.

ORDER OF BUSINESS.

Mr. LOGAN. I was not present this morning in time for morning business.

The PRESIDENT *pro tempore*. Senators will have time to present morning business till half past 12 o'clock, which will arrive in ten minutes.

Mr. LOGAN. Very well.

MISSISSIPPI RIVER BRIDGE AT SAINT LOUIS.

The bill (S. 2589) authorizing the construction of a bridge over the Mississippi River at Saint Louis, Mo., was announced as next in order.

Mr. McMILLAN. That will lead to discussion. Let it go over.

The PRESIDENT *pro tempore*. The bill will go over.

HIRAM BERDAN.

The bill (S. 2619) authorizing a settlement of the claim of Hiram Berdan, assignee of the Berdan Fire-arms Manufacturing Company, was announced as next in order.

Mr. EDMUNDS. Let that go over.

Mr. PLATT. Will not the Senator listen to a word of explanation?

Mr. EDMUNDS. With great pleasure.

Mr. PLATT. General Berdan was not an Army officer. He acquired his title in the volunteer service. He was the originator and organizer of the Berdan sharpshooters. In 1866 a board of officers was convened to invite proposals from inventors of their inventions to be used in the alteration of the Springfield muskets. General Berdan offered his inventions. Some of them were undeniably used. Questions arise as to whether others of them were used; but there is now a recommendation by the Chief of Ordnance recommending—

That Congress confer upon the Court of Claims full and complete jurisdiction to hear and determine the claims made by the Berdan Fire-arms Manufacturing Company, and what amount of compensation, if any, the company is justly entitled to receive from the United States for the use of the invention.

It is communicated to Congress by a letter of the Secretary of War in reply to an inquiry of mine, and the Secretary of War says:

I concur in the recommendation of the Chief of Ordnance "that Congress confer upon the Court of Claims full and complete jurisdiction to hear and determine the claims made by the Berdan Fire-arms Manufacturing Company, and what amount of compensation, if any, the company is justly entitled to receive from the United States for the use of the invention."

Now with regard to the statute of limitations I want to say that I doubt very much whether the statute of limitations runs against this case. There has been the continued use by the Government up to a period within six years of some of the inventions of General Berdan; and with regard to the assignment of the claim I do not think that that should stand in the way, because the Berdan Fire-arms Manufacturing Company was the party nominally in interest, but really General Berdan was pretty much all there was of the Berdan Fire-arms Manufacturing Company, and although the claim has been assigned to him, he has been the real party in interest all the way through.

I know something about the alteration of this gun, and did for a great many years before I came to the Senate, and I am quite sure that General Berdan is entitled to some compensation. I do not undertake to say how much; but I thought and the committee thought, in view of the recommendation of the Secretary of War, who has full understanding of this subject, that it was one of those cases where he should have the right to go to the Court of Claims and have his rights determined.

Mr. EDMUNDS. I want to say a word before I object. Twenty years after these events is a good while to open a patent case, as it seems to me, with great respect; and then, if it is to go to the Court of Claims at all, it seems to me it ought to go on the same principles that the beer-stamp bill rested, and that was to proceed and take evidence and make their findings and report to Congress, and not undertake to say, as this bill does, how and in what way they shall do it.

The court is, as the bill now stands, required to have a judicial proceeding, and on certain principles of evidence they are to take "into consideration any and all records, correspondence, and official reports in the War Department, &c. All these may be evidence or they may not, depending upon particular circumstances as to how they arose. We should not undertake to lay down a rule of evidence for the Court of Claims, and then direct them to render final judgment for a sum unlimited by Congress, to be paid out of the Treasury. That, it seems to me, is unsafe; and when the bill comes up again I shall move to strike out all after the word "them," in line 27, and insert:

And report the findings of said court, with all the evidence taken, to Congress.

So that the authority of the court will be to investigate into all the facts, the validity of the patents, and the rights and the claims of thi man, whether there was an infringement of a patent or a use in the reg ular way, and make their findings, and return them with the evidence to Congress.

Mr. PLATT. Will the Senator allow the bill to go over without prejudice until to-morrow morning, and I can confer with him in the mean time and perhaps we can arrive at some understanding which will satisfy him?

Mr. EDMUNDS. Certainly, unless by some accident I should not be here, and in that case I should stand by the objection. I do not object for myself to letting it go over without prejudice until to-morrow.

The PRESIDENT *pro tempore*. The bill will go over.

ELIZA ELLEN EHLE.

The bill (S. 1775) for the relief of Eliza Ellen Ehle was considered as in Committee of the Whole.

The bill was reported from the Committee on Finance with amendments: in line 26, after the word "same," to insert "together with interest;" and in line 27, after the name "Eliza Ellen Ehle," to insert "out of any money in the Treasury not otherwise appropriated;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to examine into the claim of Eliza Ellen Ehle, of Canajoharie, State of New York, to be paid the value, with the accrued interest on the date when they were called for redemption and when interest was stopped, of the following-described coupon bonds, which were purchased by said Eliza Ellen Ehle and believed to have been destroyed, namely: Four 5-20 United States bonds, issued July 1, 1865, numbered 123289, 123290, 123291, and 123292, of the value of $100 each; also three 5-20 United States bonds, issued July 1, 1867, numbered 106418, 106425, and 106426, of the value of $100 each; and if the Secretary of the Treasury, after such examination, is satisfied that said bonds are destroyed, and is also satisfied that they have not since been presented to and paid by the Government, he shall cause the value of the same, together with interest, as aforesaid, to be paid to the said Eliza Ellen Ehle, out of any money in the Treasury not otherwise appropriated: *Provided*, That the said Eliza Ellen Ehle shall execute and file with the Secretary of the Treasury a bond of indemnity, with at least two good and sufficient sureties, citizens of the United States, in a penalty double the amount provided to be paid hereunder, the sufficiency of which shall be properly certified by a court or courts of competent jurisdiction, guaranteeing the United States against any future demand or liability on account of the said bonds and coupons, or either of them.

Mr. EDMUNDS. It would seem that the amendment, "together with interest," is put in such connection as would make these bonds bear interest down to the time the Secretary of the Treasury is to pay this lady, which is not right. If she has lost her bonds, and they were of the kind that have long since been called and paid, she only ought to be paid the face of the bonds and the face of the coupons. The United States has always been ready to pay them since they have been called, and therefore it seems to me that the bill ought to be amended a little.

The PRESIDENT *pro tempore*. The hour of half past 12 o'clock having arrived, this will stand over.

Mr. McMILLAN. I move that the Senate proceed to the consideration of the river and harbor bill.

Mr. COCKRELL. Before this is passed over I hope the Senator will allow me to offer an amendment in the line of what the Senator from Vermont suggests, so that it may be pending when the bill comes up again.

The PRESIDENT *pro tempore*. The bill will be at the head of the Calendar to-morrow.

Mr. COCKRELL. I want to offer an amendment now so that it may be pending. In line 6, after the words "interest on," I move to insert "the same up to the date of the call for the redemption and payment;" so as to read:

To be paid the value, with the accrued interest on the same, up to the date of the call for the redemption and payment.

ORDER OF BUSINESS.

Mr. McMILLAN. I move to take up the river and harbor bill.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Chair will now receive morning business which was cut off, if there be no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 33) for the relief of Alexander K. Shepard.

The message also announced that the House had agreed to the amendment of the Senate to the amendment of the House to the bill (S. 1666) granting a pension to Edward Corning.

The message further announced that the House had passed the bill (S. 2332) to authorize the Secretary of War to credit the State of Kansas with certain sums of money on its ordnance account with the General Government.

The message also announced that the House had passed the bill (S. 453) for the erection of a public building at Jacksonville, Fla., with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House had passed the bill (H. R. 9438) appropriating money for the completion of the public building at Greensborough, N. C., in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 1840) granting a pension to Samuel F. Garnett; and

A bill (H. R. 8973) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Dubuque, in the State of Iowa.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented four petitions of citizens of Ohio, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. GEORGE presented the petition of J. Colman and other citizens of Mississippi, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which was referred to the Committee on Finance.

Mr. LOGAN presented eight petitions of citizens of Illinois, praying for the passage of certain bills in relation to the public lands, the Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

He also presented the petition of L. C. Brown, a citizen of Kentucky, late a private in Company K, Twenty-third Kentucky Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Macomb, Ill., praying for the passage of House bill No. 8066, for the relief of Mrs. Martha Vorhes; which was referred to the Committee on Pensions.

He also presented the petition of Mrs. Clarissa Truesdell and other citizens of Illinois, praying that said Mrs. Clarissa Truesdell be allowed a pension; which was referred to the Committee on Pensions.

He also presented a petition of ex-Union soldiers of Lincoln, Ill., praying for the enactment of a law paying to ex-Union soldiers the difference in value between greenbacks and gold at the time they received their pay; which was ordered to lie on the table.

He also presented two memorials of the Knights of Labor of Springfield, Ill., remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

He also presented a petition of Knights of Labor of Elgin, Ill., praying for the passage of the so-called arbitration bill; which was ordered to lie on the table.

He also presented a petition of citizens of Kansas, praying for the opening of the Oklahoma lands to settlement and the removal therefrom of cattle ranches; which was referred to the Committee on Indian Affairs.

He also presented a petition of ex-Union soldiers of Flora, Ill., praying for an increase of pensions to all soldiers who are afflicted with hernia; which was referred to the Committee on Pensions.

He also presented a letter of W. H. Horton, of Billings, Mont., in relation to the bill granting a right of way to the Cinnabar and Cook City Railway; which was ordered to lie on the table.

Mr. KENNA presented three petitions of citizens of West Virginia, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. COKE presented the petition of R. W. Abright and 79 other citizens of the sixth Congressional district of Texas, the petition of B. R. Goodwin and 54 other citizens of the seventh Congressional district of Texas, the petition of Charles C. Paine and 24 other citizens of the seventh Congressional district of Texas, the petition of John Dwyer and 144 other citizens of the seventh Congressional district of Texas, the petition of H. Kidney and 16 other citizens of the first Congressional district of Texas, the petition of John Holland and 70 other citizens of the first Congressional district of Texas, the petition of W. T. Meers and 126 other citizens of the ninth Congressional district of Texas, the petition of L. Gause and 96 other citizens of the first Congressional district of Texas, the petition of Robert Bailey and 67 other citizens of the fifth Congressional district of Texas, the petition of Harrison Davis and 160 other citizens of the fourth Congressional district of Texas, the petition of Ed. Dortch and 22 other citizens of the eleventh Congressional district of Texas, the petition of J. W. Martin and 18 other citizens of the eighth Congressional district of Texas, the petition of D. S. Hooker and 119 other citizens of the seventh Congressional district of Texas, the petition of Robert Trogdan and 240 other citizens of the tenth Congressional district of Texas, the petition of B. J. Hughes and 45 other citizens of the seventh Congressional district of Texas, the petition of George English and 60 other citizens of the sixth Congressional district of Texas, the petition of W. T. Montgomery and 42 other citizens of the sixth Congressional district of Texas, the petition of T. W. Cornwall and 11 other citizens of the sixth Congressional district of Texas, the petition of J. W. McFarland and 130 other citizens of the sixth Congressional district of Texas, the petition of George W. Milligan and 66 other citizens of the sixth Congressional district of Texas, the petition of W. H. Jackson and 54 other citizens of the sixth Congressional district of Texas, and the petition of J. R. Cummings and 70 other citizens of the sixth Congressional district of Texas, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. COKE also presented a memorial of citizens of Lagarto, Live Oak County, Texas, praying for the passage of the oleomargarine bill; which was ordered to lie on the table.

Mr. GRAY presented the petition of Anna E. Taylor, of the District of Columbia, on her own behalf, and on behalf of the heirs-at-law of Vincent P. Taylor, deceased, praying to be allowed compensation for damages done to certain property by public works; which was referred to the Committee on the District of Columbia.

Mr. CAMDEN presented two petitions of citizens of West Virginia, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. CALL presented the petition of James Douglas and other citizens of Florida, and a petition of S. H. Loomer and other citizens of Florida, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. GORMAN presented three petitions of citizens of Maryland, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. VEST presented eight petitions of citizens of Missouri, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. PALMER presented seven petitions of citizens of Michigan, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. MILLER presented sixteen petitions of citizens of New York, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

He also presented a petition of consumers of butter, who are citizens of New York city, and a petition of citizens of New York, praying for the passage of the oleomargarine bill; which were ordered to lie on the table.

Mr. COCKRELL. I present sundry petitions, being the petition of W. W. Edgarton and 54 other citizens of the second Congressional district of Missouri, two petitions of citizens of the fifth Congressional district of Missouri, containing 53 names, the petition of Martin Long and 31 other citizens of the eleventh Congressional district of Missouri, the petition of Arthur Bridges and 65 other citizens of the twelfth Congressional district of Missouri, and the petition of Bert Smith and 100 other citizens of the thirteenth Congressional district of Missouri, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus. I move the reference of the petitions to the Committee on Finance.

The motion was agreed to.

Mr. JONES, of Arkansas. I have a communication from a party signing himself chairman of the executive committee of the Knights of

Labor in this city, who sends me three petitions from citizens of my State printed and with a printed indorsement. I move their reference to the Committee on Finance.

The petitions were referred to the Committee on Finance, as follows:

A petition of T. S. Stephens and 222 other citizens of the first Congressional district of Arkansas, a petition of A. Huntly and 136 other citizens of the third Congressional district of Arkansas, and a petition of E. Groves and 143 other citizens of the third Congressional district of Arkansas, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus.

Mr. WILSON, of Iowa, presented five petitions of citizens of Iowa, praying for the passage of certain bills in relation to the public lands, the Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. CAMERON. I present the petition of E. N. Willard and 95 others, members of the bar of Lackawanna County, Pennsylvania; the petition of James E. Frear and 20 others, members of the bar of Wyoming County, Pennsylvania; the petition of William L. Davies and 59 others, members of the bar of Bradford County, Pennsylvania; the petition of B. L. Baldwin and 15 others, members of the bar of Susquehanna County, Pennsylvania; the petition of John C. Yocum and 30 others, members of the bar of Columbia County, Pennsylvania; the petition of David L. Patrick and 49 others, members of the bar of Luzerne County, Pennsylvania, praying for the passage of the bill (H. R. 2124) amendatory of and supplementary to "An act to alter the judicial districts of Pennsylvania, and for other purposes," approved May 26, 1824, and providing an additional place for holding the several courts thereof.

These petitioners are all members of the judicial districts affected by the bill referred to, and I ask the attention of the Judiciary Committee to the bill. I move that the petitions be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. CAMERON presented nineteen petitions of citizens of Pennsylvania, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 2539) authorizing the Secretary of the Treasury to exchange property purchased at Abingdon, Va., as a site for a public building for more suitable property, reported it without amendment.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 7191) to provide for the enlistment and pay and to define the duties and liabilities of "general-service clerks" and "general-service messengers" in the Army, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. 5877) for the relief of William H. Morhiser, reported it without amendment.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1249) for the relief of Margaret F. Ryan, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1956) to authorize the appointment of a military storekeeper in the Quartermaster Department of the Army, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8057) for the relief of Theodore Dunmire; and

A bill (H. R. 7736) to increase the pension of George W. Parks.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 7749) granting a pension to Aretus M. Butler, reported it with an amendment, and submitted a report thereon.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 2477) making an appropriation for the establishment and erection of a military post near the city of Denver, in the State of Colorado, reported it without amendment, and submitted a report thereon.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8977) to restore to the pension-roll the name of Samuel Bulman;

A bill (H. R. 3118) granting an increase of pension to William H. H. Buck; and

A bill (H. R. 1584) for the relief of Mrs. Aurelia C. Richardson.

Mr. MCMILLAN, from the Committee on Commerce, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

Mr. HALE. I beg to suggest that amendments to the sundry civil appropriation bill should lie on the table, because the bill has already been reported and is before the Senate.

The PRESIDENT *pro tempore*. The rule requires a reference to the Committee on Appropriations, and that reference will be made formally.

BILLS INTRODUCED.

Mr. LOGAN introduced a bill (S. 2841) for the relief of F. A. Noeller; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2842) to enable the different States to complete the muster-rolls and military records of volunteer soldiers who served in the war of the rebellion; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. JONES, of Nevada, introduced a bill (S. 2843) granting a pension to Alice Ramsey; which was read twice by its title, and referred to the Committee on Pensions.

HOUSE BILL REFERRED.

The bill (H. R. 9438) appropriating money for the completion of the public building at Greensborough, N. C., was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted upon its amendment to the bill (S. 2113) granting a pension to Mrs. Sarah Young, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WINANS, Mr. SWOPE, and Mr. CONGER managers at the conference on its part.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7087) authorizing and directing the Secretary of the Interior to extend the time for the payment of the purchase-money on the sale of the reservation of the Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas, agreed to the conference asked by the Senate on disagreeing votes of the two Houses thereon, and had appointed Mr. WELLBORN, Mr. SKINNER, and Mr. PERKINS managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 33) for the relief of Alexander K. Shepard; and it was thereupon signed by the President *pro tempore*.

AMENDMENTS TO BILLS.

Mr. TELLER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Indian Affairs.

Mr. MAHONE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs.

Mr. SEWELL submitted an amendment intended to be proposed by him to the fortification appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GORMAN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DAWES. The Committee on Indian Affairs, to whom was referred a proposed amendment to the sundry civil appropriation bill, have directed me to report it favorably. As the sundry civil bill is already reported to the Senate, I suppose it is not necessary that the amendment should be referred to the Committee on Appropriations.

Mr. HARRIS. I suggest to the Senator he had better let it be referred. The rule requires that it shall be referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The rule requires it expressly.

Mr. DAWES. After it has been reported by a committee?

Mr. HARRIS. Yes, sir; still to refer it.

Mr. DAWES. Then I make that motion.

The PRESIDENT *pro tempore*. The amendment will be referred to the Committee on Appropriations.

Mr. BECK. The Committee on Appropriations of the Senate having amended the proposition made in the sundry civil bill in regard to the greenback circulation and certificates in a way that is unsatisfactory to me, I desire to offer an amendment as a substitute for the proposition of the committee, and ask that it be printed and referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. That order will be made.

Mr. HARRIS. I ask that the amendment be read. It will take but a moment.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks that the amendment be read. If there be no objection it will be read at length.

The Chief Clerk read as follows:

Provided, That hereafter no new United States note shall be issued of a denomi-

nation less than $10, nor more than $500; and the denominations higher than $50 shall not exceed in value one-fourth of the value of the total amount outstanding at any time; and not more than one-fourth in value of the amount of circulation issued to national banks, outstanding at any time, shall be of a less denomination than $10: *Provided, further*, That in all new issues "coin" certificates shall be hereafter substituted for "silver" certificates and "gold" certificates wherever either is authorized to be issued under existing laws; and all gold and silver certificates now outstanding shall be retired, if now owned by the United States, or when they are received at the Treasury or any subtreasury, and coin certificates of the denominations hereby provided for issued in their stead; and the Secretary of the Treasury is hereby authorized and required to issue "coin" certificates in denominations of one, two, and five dollars on all the surplus coin and gold bullion held at any time by the Treasury as the property of the United States in excess of $100,000,000 of gold and silver coin and gold bullion, and pay out the same in discharge of all the obligations of the United States, except such as have been heretofore made payable expressly in gold and silver coin; and it shall be the duty of the Treasurer of the United States, upon the receipt of an original certificate of deposit issued by the United States assistant treasurer at any United States subtreasury, stating that there has been deposited therein by any person or corporation gold coin or standard silver dollars of the United States in the sum of $10, or any multiple thereof, to order payment of a like amount in coin certificates at the counter of any United States assistant treasurer designated by the depositor, in such denominations as he may request, in writing, of not less than $1 or not more than $500, which shall be redeemable in gold or silver coin at the option of the United States; and all the certificates hereby authorized when paid into the Treasury shall be reissued, or new certificates of the same denomination substituted for such as are returned because of being mutilated or defaced, as now provided by law in regard to the notes of the United States. No coin certificates shall be issued of a denomination greater than $500, and at least two-thirds of such certificates outstanding at any time shall be of denominations not exceeding $50.

The amendment was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING AT JACKSONVILLE.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 453) for the erection of a public building at Jacksonville, Fla.; which was referred to the Committee on Public Buildings and Grounds.

RIVER AND HARBOR BILL.

Mr. MCMILLAN. Now I hope we shall proceed with the river and harbor bill and finish it before adjournment to-night.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BUTLER. I ask permission to offer an amendment to the river and harbor bill in the nature of a substitute, which I ask to have read.

The PRESIDENT *pro tempore*. The proposed amendment will be read.

The Chief Clerk read as follows:

Strike out all after the enacting clause and insert the following:

That the sum of $10,000,000, or so much thereof as can be judiciously expended during the current fiscal year, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of War to continue improvements on the principal and most important rivers and harbors in the United States.

SEC. 2. That the Secretary of War is hereby authorized and empowered to expend the aforesaid appropriation, or so much thereof as can be judiciously expended, in continuing such improvements as may be most urgent and important, upon which work has been done and are now in progress of construction, and shall select such rivers and harbors as may be recommended by a board of five engineers of the Army, to be appointed by the Secretary of War, of which the Chief of Engineers shall be chairman.

Mr. MCMILLAN. That amendment will not be in order, I think, until we finish the amendments reported by the committee.

The PRESIDENT *pro tempore*. The amendment is not in order. The Senator from South Carolina asks that it be printed with a view of presenting it hereafter. The amendment will be printed.

Mr. BUTLER. I simply desire to give notice of the amendment with the view of having it printed, and at the proper time to have it offered in the nature of a substitute.

The PRESIDENT *pro tempore*. The Chair so understood.

Mr. DOLPH. Mr. President, I exceedingly regret feeling compelled to occupy more of the time of the Senate upon this bill, and I would not do so were it not that attention was directed by the Senator from Vermont [Mr. EDMUNDS] last evening to the several sections of the bill, sections 2, 3, 4, 5, 6, and 7, which are intended to prevent the obstruction of navigable streams. These are sections in which I take a deep interest, and for which I am in a measure responsible, which will need explanation at some stage of the discussion, and which explanation I prefer to make now, so that if further criticism of them be made it may be with such information upon the subject as I am able to impart.

The pending amendment does not go to the question of the prevention of obstructions by legislation. The discussion has taken a much wider range than the amendment. The only thing proposed in the clause which the committee propose to strike out is to instruct the Secretary of War to institute legal proceedings "to prevent the washing, sluicing, dumping, or discharging *detritus, débris*, or slickens, caused by or arising from hydraulic mining, into either of said rivers," that is, the Sacramento and the San Joaquin, and to authorize him "to use out of said sum," that is the sum which has been heretofore appropriated but not used because mining had not ceased in those rivers, as much as may be necessary to pay the necessary expenses of such proceedings.

It will be observed that by this provision of the bill new legislation making it an offense to carry on hydraulic mining in such manner as to obstruct navigable streams is not proposed. It is not proposed to change the law upon that subject. It is only proposed to make it the duty of an officer of the Government to see that proceedings are instituted for the purpose of preventing mining operations calculated to obstruct, or which in fact do obstruct these navigable rivers, and to provide for payment of the expenses of such prosecution.

This is a local matter, and I do not take a very great personal interest in it, and for that reason I am content to leave it to be discussed by the Senators from California who are familiar with the facts, but I believe it is a matter of so much importance as to justify the retention of this provision in the bill.

I am told that twenty-five years ago the Sacramento River was navigable from the city of San Francisco for 300 miles and over for large steamboats, and that the Feather River, which enters the Sacramento about 30 miles above Sacramento city, was navigable for large steamboats for a distance of about 50 miles from its mouth. To-day owing to hydraulic mining upon its banks and tributaries the bed of Feather River has been entirely filled up and the river is not navigable at all. For 30 miles between the mouth of the Feather River and Sacramento city where the water was originally 20 feet deep the bed of the river has been filled up to within 2 or 3 feet of the top of the banks, and the navigation has been very greatly impaired. These facts demonstrate the importance of this provision and the necessity for Congress to provide some means by which hydraulic mining can be stopped and the navigable character of those rivers preserved.

It has been stated here that people owning land upon the banks of the Feather River and of the Sacramento which have been overflowed and injured by mining operations have instituted private suits in the circuit court of the United States and have obtained injunctions against parties who are carrying on these mining operations. That is true; but we can not expect that individual citizens in like manner are going to institute and maintain suits at their own expense to protect the navigation of these rivers, nor can we expect that the States themselves will pass the necessary laws for that purpose or will probably protect the navigable rivers from obstruction within their own borders.

It is desirable that there should be upon this subject a uniform law, that Congress should take action upon the subject in order that the law may be uniform throughout all the States and Territories, and it ought to be made the business of some officer of the Government to prosecute for offenses under it. This is sought to be obtained by the present bill.

To show the necessity for such legislation I will read an extract from the report of Charles F. Powell, captain of engineers and now in charge of some of the most important harbor improvements in Oregon. It is made a part of Senate Executive Document 12, being a letter from the Secretary of War, transmitting in compliance with law reports relating to causeways, bridges, &c., in process of erection that interfere with navigation. This report is a volume of some seventy-four pages, and contains a list of a very large number of bridges and other obstructions which interfere with the navigation of the various rivers of the country. Mr. Powell says in his report:

It has been my observation that serious detriment to navigation and much expense in improvements therefor have been caused by a dumping in the water ways of this district of miscellaneous materials, from sawdust and sweepings to trees.

* * * * * * *

The Government is engaged in improvement by snagging operations of six rivers of this engineer district. Most of the snags or pieces of drift-jams are trees washed out from banks or are saw-logs. It is not uncommon, however, to find drift made of tree trunks or stumps which have been cut in two.

On the Coquille River are many bars formed by drift of myrtle, a wood too heavy to float. I have noticed a very bad bar next above the head of present navigation formed in this way.

Much earth and rock were dumped into Yaquina Bay and River by the railroad construction already referred to. This curtailed, to a small extent it is true, but injuriously, the tidal volume, and doubtless caused some shoaling on the bars. This dumping was not only to make a railroad grade, but sometimes a spoil-bank was formed in the water.

Then he says:

There is an Oregon statute prohibiting the dumping of sawdust in the rivers below the Cascades and the Willamette Falls, but practically the law is of little avail, if any at all.

Perhaps the most aggravated case of river dumping in this district is at Portland and East Portland. The worst bar of the river ship-channel is next below these cities. Dredging has been prosecuted here to a considerable extent. Cans, matting, shoes, ashes, and other refuse have been frequently found in the dredging.

It has been noticed when Portland wharves are rebuilt that a considerable part of the old material is disposed of in the river, and that boxes, crates, packing material, &c., are sometimes thrown into the river or on the bank where high water will float them.

My attention was called to this matter some two years ago when in Oregon. I ascertained then from the engineer in charge of the Government works there that, in the construction of a railroad which had been built along the Yaquina Bay, in order to get rid of the heavy timber which had been cleared from the track it had been lashed together in rafts, which, when they went out through the mouth of the bay to sea, went through the jetty and the pile-work being constructed there by the Government, and did damage to the work to the extent of some $500. I was told also that at Swan Island Bar, just below the city of

Portland, the dredging operations were greatly impeded and much additional cost was occasioned by the dumping of material, old cans, matting, old stove-pipes, ashes, and cinders into the river.

I prosecuted my inquiries further and found that Oregon was not an exception in that respect, but that the same complaint came up from the local engineers to the Chief of Engineers from every quarter. I saw not long ago in reference to the bar at Gedney's Channel that in boring to ascertain the nature of the bottom upon the bar there had been brought up cinders and other refuse which had been dumped into the harbor of New York.

Upon inquiry at the office of the Chief of Engineers I found that in 1877 Congress passed an act which required a report to be made by the Chief of Engineers or the Secretary of War to Congress "of all the instances in which piers, breakwaters, or other structures built by the United States in aid of commerce or navigation were used, occupied, or injured by a corporation or an individual, and the extent and mode of such use or injury, and the facts touching the same; and also what legislation was necessary to protect public works constructed by the United States against trespass or injury thereto;" and that the Secretary of War had, in pursuance of those provisions, made a report to Congress, accompanying which he submitted the draught of an act to protect public works against trespass or injury. The provision which I have read, contained in the act of August 14, 1876, I think has been continued in nearly every river and harbor act since passed. The report from which I have just read, made at the present session of Congress, in regard to bridges that obstruct navigation, was submitted to Congress in compliance with a similar provision contained in the last river and harbor act.

I took the draught of the bill which had been prepared by the Chief of Engineers, or under his direction, or under the direction of the Secretary of War, and compared it with the various river and harbor acts, and eliminated from the bill the various provisions which had been enacted into law in the river and harbor acts and otherwise, and introduced a bill containing the remaining provisions into the Senate at the first session of the Forty-eighth Congress. It did not receive attention at that Congress, but during the present session it was brought up before the Committee on Commerce and thoroughly examined. In that examination we had the special attention of the Senator from Missouri [Mr. VEST] who is a member of that committee and the Senator from West Virginia [Mr. KENNA] who is also a member of the committee, and we made some modifications of the bill, remodeling entirely the second section, which was intended to prevent obstructions to navigable streams by bridges, and which provides that hereafter no bridge shall be constructed under the authority of any act of the Legislature of any State until the plan and location of the bridge shall have been submitted to and approved by the Secretary of War.

On the 4th day of March last I reported the bill as agreed upon by the Senate Committee on Commerce to the Senate, and it stands now the first order of business on the Calendar under the eighth rule, and would probably have been considered by the Senate before this time except for the fact that the House Committee on Rivers and Harbors, probably acting upon my suggestion—they had embodied substantially like provisions before in river and harbor bills—incorporated the bill substantially as reported by the Senate committee in the river and harbor bill, and the several sections of the bill reported by myself from the Committee on Commerce are sections 2 to 7 inclusive of the river and harbor bill. I may say that they are substantially the same. The House committee inserted certain words in the first section which were intended to cover the matter of hydraulic mining in California.

Those sections of the bill were carefully considered again by the Committee on Commerce and certain amendments were made, certain amendments which were proposed by the Senator from Missouri to some of the sections and certain amendments which were proposed by the Senator from Nevada [Mr. JONES]; so that I repeat these provisions in the river and harbor bill intended to prevent obstructions to navigable rivers represent the careful attention and action of the Committee on Commerce, being the best provisions that they could devise to accomplish the purpose.

I consider them the most important provisions of the bill, provisions which, if enforced, will save the Government out of every bill appropriating $10,000,000 for the improvement of rivers and harbors at least half a million dollars in preventing the dumping into navigable streams of material which will form bars and obstructions to commerce and do injury to the various improvements which are being carried on by the Government.

Mr. HALE. I wish to ask the Senator from Oregon whether in what he is saying now as to the bill representing the deliberate, firm judgment of the Committee on Commerce he is referring to the clause on page 50 which has been reached, or does he refer generally to the legislative provisions found in the sections succeeding the appropriations?

Mr. DOLPH. Generally to the legislative provisions of which I spoke.

Mr. HALE. He is referring to the whole policy of the bill as found in those sections.

Mr. DOLPH. As found in sections 2 to 7 inclusive. The bill to which I referred and which I reported was Senate bill No. 64, introduced by myself on the 8th day of December, and reported back on the 4th day of March. Something has been said as to the power of Congress——

Mr. HALE. If the Senator will allow me right there——

Mr. DOLPH. I wish the Senator would permit me to proceed with what I have to say.

The PRESIDENT *pro tempore*. The Senator from Oregon declines to yield.

Mr. DOLPH. The Senator from Maine can call my attention to the point he has in mind directly.

Mr. HALE. I may not be able to be here by and by.

The PRESIDENT *pro tempore*. The Senator from Oregon has the floor.

Mr. HALE. The Senator has his own way.

Mr. DOLPH. Something has been said in regard to the power of Congress to legislate upon this subject. I am not going to devote much time to the question. It was said yesterday by the Senator from Massachusetts [Mr. HOAR] that in some of the earlier decisions of the Supreme Court it was held that the jurisdiction of the General Government over navigable rivers was like the jurisdiction of the admiralty courts in England, confined to rivers in which the tide ebbs and flows. But that proposition was abandoned in 1851 in the case of the Genesee Chief, in which it was held that the question as to whether a river is navigable in law is determined by the question whether it is navigable in fact. In the case which subsequently arose in regard to the navigation of the Fox River, which was not navigable in fact without improvement, and in which the Government had made improvements by the construction of locks and the removal of obstructions, it was held that that river was navigable in law because it was navigable in fact, although it had been made navigable in fact by the improvements made by the General Government.

As early as 1829—and I come now to the suggestion which was made by the Senator from Vermont [Mr. EDMUNDS] yesterday—as early as 1829, in the case of Thompson Willson and others, plaintiffs, *vs.* The Black Bird Creek Marsh Company, defendants, it was held that the power of Congress to authorize and prevent obstructions to navigable streams existed. In that case by an act of the Assembly of the State of Delaware the construction of a dam by the plaintiff over a creek passing through a deep, level marsh adjoining the Delaware, upon which the tide ebbs and flows for some distance, had been authorized. The court said—I read from the syllabus:

> The value of the property on its banks must be enhanced by excluding the water from the marsh, and the health of the inhabitants probably improved. Measures calculated to produce these objects, provided they do not come in collision with the powers of the General Government, are undoubtedly within those which are reserved to the States. But the measure authorized by this act stops a navigable creek—

It will be observed that this was a creek and so called—

> and must be supposed to abridge the rights of those who have been accustomed to use it. But this abridgment, unless it comes in conflict with the Constitution or a law of the United States is an affair between the government of Delaware and its citizens, of which this court can take no cognizance.

Now the court says, and this is directly to the point:

> If Congress had passed any act in execution of the power to regulate commerce, the object of which was to control State legislation over these small navigable creeks, into which the tide ebbs and flows, and which abound throughout the lower country of the Middle and Southern States—

This takes in the bayou in Louisiana which was mentioned by the Senator from Vermont yesterday—

> we should feel not much difficulty in saying that a State law coming in conflict with such act would be void. But Congress has passed no such act. The repugnancy of the law of Delaware is placed entirely on its repugnancy to the law to regulate commerce with foreign nations and among the several States, a power which has not been so exercised as to affect this question.

To be sure this was a creek in which the tide ebbed and flowed, but as I have already said, the distinction as to the power of Congress over the navigable waters of the United States, between those in which the tide ebbs and flows and those in which it does not, was abandoned in 1851.

In the case of the Daniel Ball, cited at page 557 of 10 Wallace's Reports, it was held that—

> The doctrine of the common law as to the navigability of waters has no application in this country. Here the ebb and flow of the tide do not constitute the usual test, as in England, or any test at all, of the navigability of waters.
>
> The test by which to determine the navigability of our rivers is found in their navigable capacity. Those rivers are public navigable rivers in law which are navigable in fact.

In the case of the State of Pennsylvania *vs.* The Wheeling and Belmont Bridge Company, reported in 13 Howard, it was held that a bridge which was constructed either under the authority of the Legislature of the State of Ohio or of the two States between which the river ran, because it interrupted navigation was an unlawful obstruction to commerce, and the defendants were required to take the bridge down.

After that Congress passed an act legalizing the bridge which was an obstruction, and in 18 Howard the same case came up for review, and it was held that Congress had power to authorize an obstruction over a navigable stream.

In the case of South Carolina *vs.* Georgia, reported at page 4 of 93 United States Reports, it was held that—

> Congress has the same power over the Savannah River that it has over the other navigable waters of the United States.

The right to regulate commere—

Here is the point—

The right to regulate commerce includes the right to regulate navigation, and hence to regulate and improve navigable rivers and ports on such rivers.

It was held that the Government had power to close up one of the channels of a navigable river for the purpose of increasing the navigable capacity of another.

During the present session of Congress we have passed, and at every session of Congress we have passed, bills to authorize obstructions in the navigable streams wholly within the boundaries of States. At least three or four bills have passed the Senate at the present session to authorize the construction of bridges which will be more or less obstructions to navigation over the Upper Willamette River, entirely within the limits of the State of Oregon.

The Supreme Court of the United States has determined over and over again that Congress has power to regulate the navigable rivers, to authorize and to regulate the construction of bridges which will necessarily be more or less obstructions to navigable streams. They do hold, however, that until Congress interferes the States may authorize the construction of bridges which may be obstructions to commerce, if entirely within their own limits; but they hold in all these cases that if Congress once interferes and exercises its jurisdiction, the law of Congress being constitutional under that provision which gives Congress power to regulate commerce between the States, it is paramount, and the law of the State must yield to it.

I can not conceive of any difference, and I do not believe that any Senator can successfully maintain that authorizing the obstruction to navigation in a navigable stream wholly within the limits of a State by the construction of a bridge is any different in principle from authorizing or regulating the construction of a pier or a jetty, or requiring the removal of a sunken vessel in a channel, or making it a misdemeanor to dump material into the river by which a bar will be formed which it will be necessary to remove before the river can be navigated. There is no difference, in fact, so far as the power of Congress is concerned.

The Senator from Kansas [Mr. INGALLS] argued that because hydraulic mining carried on in California is carried on upon the tributaries of the Sacramento and Feather Rivers remote from the places where the *detritus* is finally deposited in the bed of the rivers and where it forms obstructions, there is no constitutional power in Congress to prevent it. Sir, the power in Congress is to prevent the obstruction to the navigable streams, and it is immaterial whether the *débris* or the material which is to form the obstruction is thrown in from the bank or whether it is placed in a situation where, by the current and the storms of heaven and the operations of nature, it may be carried into the stream in sufficient quantities to obstruct navigation.

It is a little curious to note how business is sometimes transacted in this body. Yesterday a bill was passed by the Senate without question containing precisely the same provision as contained in section 2 of this bill, local in its character, elaborate in its provisions, and expensive to execute, while these provisions which have been criticised by Senators are general in their character, will prove efficacious, and are to be carried into effect and enforced by the existing machinery and present officers of the Government. I refer to the bill which was passed to prevent obstructions and injurious deposits in harbors adjacent to New York city, which provides:

That the placing, discharging, or depositing by any process or in any manner, of refuse, dirt, ashes, cinders, mud, sand, &c., in the tidal waters of the harbor of New York, or its adjacent or tributary waters, is hereby strictly forbidden, and every such act is made a misdemeanor.

It will be seen that substantially the same provision is found in a bill which passed the Senate without discussion as that contained in section 2 of the river and harbor bill which has been the subject of criticism by the Senators from Kansas and Vermont.

Mr. President, I do not wish to continue this discussion. I felt it incumbent upon me to show the necessity of the legislation proposed by sections 2 to 7 of this bill so far as I could in this brief and hurried manner, to show that it is legislation which is approved by the War Department, which was recommended in 1877, which has received the approval of the local engineers, and that these provisions had received the consideration of the Senate Committee on Commerce.

Any general provision like this, which is intended to protect the public interests and may interfere with private interests, meets with opposition. It is extremely difficult to obtain such legislation. By the action of the House committee and the House we have it within our power to secure this legislation. It may injuriously affect certain interests in the State of California, but I do not care how profitable hydraulic mining may be in that State, it ought not to be permitted to be continued to the detriment of the public or the injury of the navigation on the rivers of the State and to the destruction of the commerce of the State. It may interfere with some manufacturing interests, with the proprietors of saw-mills who desire from motives of economy to dump their slabs, edgings, and sawdust into the stream, and it may interfere with other manufacturing establishments; but there is no general law which we can enact for the public good which may not interfere with some private interests. I consider these provisions so important, that I hope the Senate will not hastily reject them, but will allow them to become a law.

The PRESIDENT *pro tempore*. The question is on the adoption of the amendment of the Senator from California [Mr. STANFORD] amending the text of the bill.

Mr. INGALLS. Let the question be stated.

The CHIEF CLERK. In line 1210, in the matter proposed to be stricken out by the Committee on Commerce, after the word "mining," it is proposed to insert "by water used through pipes and used through nozzles under pressure;" so as to read:

If he be not satisfied, he is hereby instructed to institute such legal proceedings as may be necessary to prevent the washing, sluicing, dumping, or discharging *detritus*, *débris*, or slickens, caused by or arising from hydraulic mining, by water used through pipes, and used through nozzles under pressure, into either of said rivers or any of its tributaries, or into the San Joaquin River or any of its tributaries, or in or to such place or situation from which such *detritus*, *débris*, or slickens may be liable to be washed or carried by storms or floods into either of said rivers or tributaries; and he is hereby instructed to use out of said sum as much as may be necessary for said purpose.

Mr. INGALLS. Will the chairman of the committee oblige us with the information upon what ground the elimination of this paragraph was recommended by the committee?

Mr. MCMILLAN. The portion—

Mr. INGALLS. Before he answers that question, I would suggest to him that I find on page 62 an amendment that seems to be directed to exactly the same purpose as the amendment proposed by the Senator from California, and that the committee have also themselves offered an amendment to the text in line 1206 which seems to be designed to guard against the evil of which the Senator from California complains. It appears to me if we are going to deal with this matter it ought to be dealt with in one proviso, so that we may not become complicated and the provision appear in different parts of the bill, perhaps in a contradictory way.

Mr. MCMILLAN. As the provision came to us in the bill as it passed the House there was an absolute appropriation of the sum inserted for the improvement of the Sacramento and Feather Rivers in California, $40,000, and the portion of the text stricken out by the committee directed the institution of legal proceedings upon the part of the Government of the United States to prohibit mining affecting these streams. After the word "mining," in line 1205, we inserted the words "hurtful to navigation." The text of the bill limited the expenditure of the money upon the part of the Secretary of War until he should be satisfied that hydraulic mining "has ceased on said rivers and their tributaries." That embraced all kinds of hydraulic mining. We were advised from sources that we thought were altogether reliable (the Senator from Nevada [Mr. JONES], being a member of the committee and familiar with mining), that the text would embrace certain kinds of hydraulic mining which ought not to be prohibited.

Mr. JONES, of Nevada. Quartz mining.

Mr. MCMILLAN. Quartz mining and other kinds embraced in these terms. So we inserted the words "hurtful to navigation," to exclude the character of mining that ought not to be prohibited.

Then we thought it was not necessary that the Goverement should enter upon the prosecution of suits to prohibit or prevent these interruptions of the streams in California because they were entirely within the State and the State authorities perhaps would deal with them.

Those are the only reasons why we made the amendment here. We endeavored to arrive at what would be the best for the interests of the community affected by this improvement and for the mining interests in California. The Senator from California now offers this amendment and it is for the Senate to determine what it will do.

Mr. INGALLS. Do the committee adhere to their conclusion that this proviso directing the institution of legal proceedings shall be omitted from the bill?

Mr. MCMILLAN. I think the committee are not strenuous in regard to that, with the amendment offered by the Senator from California inserted after the word "mining," in line 1210.

Mr. INGALLS. That amendment as I understand appears elsewhere in the action of the committee, on page 62.

Mr. MITCHELL, of Oregon. That is a general provision.

Mr. INGALLS. Of course the general provision includes the particular provision.

Mr. MCMILLAN. This applies to these particular streams and is a particular provision.

Mr. INGALLS. The amendment on page 62 covers all streams. Let me read the language on page 62:

Nor be so construed as to apply to any character of mining other than hydraulic mining by water through pipes and used through nozzles under pressure.

Mr. MCMILLAN. It will be seen that that limits it to some kinds of mining.

Mr. INGALLS. That is as I understand what the Senator from California desires. If this language on page 62 is to be agreed to by the Senate, why should the Senate recede from its action striking out this clause and retain an obnoxious provision, and burden it with an amendment that appears elsewhere in the action of the committee itself?

Mr. MCMILLAN. No, I understand that the text here stricken out as amended by the Senator from California would only authorize prose-

cutions where the mining was by water through pipes and used through nozzles under pressure.

Mr. INGALLS. Will the Senator be good enough, in the light of that statement, to examine the language on page 62, and see whether it is not precisely what would occur if that amendment should be agreed to?

Mr. McMILLAN. The amendment reported on page 62 was made to conform to the change in the bill made by the Committee on Commerce of the Senate as we reported it.

Mr. INGALLS. May I ask the Senator from California who offered this amendment whether, if the amendment is agreed to, the language on page 62 does not accomplish exactly what he desires by his amendment to the paragraph proposed to be eliminated on page 50?

Mr. STANFORD. This is a question of very great importance to the State of California and one very difficult to deal with. It is evident to us in California that unless this particular kind of mining is stopped the navigation of the Sacramento and the San Joaquin Rivers will be destroyed, and not only that, but the great bay of San Francisco itself will be destroyed. It will be only a question of time.

A portion of the great bay called Suisun is now in such a condition that vessels passing through there have to seek for channels, whereas the time was when that water was navigable for vessels of any size, and where it was 30 or 40 feet deep the tules are now growing. I presume that portion of the bay is at least 5 by 15 miles in extent, and the tules are growing now in the center of that bay, and the small class of vessels that go up are sweeping the channel.

Mr. INGALLS. By tules growing does the Senator mean it is shoaled up and they are growing in the bay?

Mr. STANFORD. Yes, sir. The tule is a sort of rush. Then down below Suisun the bay is seriously injured, and it is only a question of time when it will be filled up by the volume of *débris* that is washed into the river from the mountains. Unless we are willing that the bay of San Francisco itself shall be destroyed we must stop that accumulation.

It seems to me that as in the harbor of San Francisco comes the commerce of the whole world, and out of it vessels go to all the different States, if interstate commerce and the commerce of the world are contemplated to be controlled and regulated by Congress the necessity for such control exists in this case. It is not protecting the harbor of San Francisco alone, but it is protecting commerce. It seems to me that there can be no question about the constitutional right of the Government to stop the destruction of that harbor.

It is folly to undertake to dredge out the river when tons are going in where one can possibly be taken out by the dredges. Therefore the accumulation ought to be stopped. That is the practical way to do this thing.

Now, we do not want to interfere with the other mining. There is a great deal of light mining that is of great value to the State. People live up in those mountains who raise fruit and pursue various other agricultural pursuits and callings of industry, and at times they mine. They mine with sluices sometimes, with what we call the long-tom, and various ways of washing. With that nobody wishes to interfere, because it would interfere with a great industry of the State, and one which is doing no special damage.

What we want to get at is to stop one kind of mining and not to interfere with the other kinds. All the delegation from that coast are agreed upon that point, and I offered the amendment out of great caution to accomplish the object so that we should not make a mistake. We do not want to interfere with any other kind of mining but this one particular kind, and the insertion of the words I propose can do no harm if it does no good.

Then the other portion stricken out by the committee, it will be seen, is applicable to the San Joaquin River, leaving the provision to apply only to the Sacramento and Feather Rivers. The part stricken out by the committee makes all the provisions applicable to the San Joaquin River as well.

Mr. McMILLAN. The Senator from Kansas will observe that in the item appropriating money and directing the institution of legal proceedings there is no enactment of a law. The enactment of the law is in the subsequent section, section 2. If the Senator from Kansas will give me his attention for a moment I will state that there is no provision enacting a law or making any legal provision in that item of appropriation; it is merely directing the Secretary of War to institute legal proceedings. The second section does enact a law in regard to this mining interfering with navigable streams. As the bill came to the Senate it comprehended all kinds of hydraulic mining. We were advised by the Senator from Nevada that the only kind of hydraulic mining which was injurious to these streams in any way was mining by water through pipes and used through nozzles under pressure. We excluded all kinds of mining hurtful to navigation. Perhaps the Senator understands fully the recommendation of the committee, and I shall not endeavor to explain the matter any further.

Mr. MITCHELL, of Oregon. The Senator from Kansas seems to think that there is something inconsistent in the several provisions of the bill; that is, that the provisions in sections 2, 3, 4, 5, and 6 are to some extent in conflict with the provisions on page 50.

Mr. INGALLS. No.

Mr. MITCHELL, of Oregon. That was his suggestion.

Mr. INGALLS. There was no suggestion about inconsistency at all. I said you are legislating about the same subject in three different portions of the bill, and now propose to insert another one in the amendment offered by the Senator from California on the same topic.

Mr. MITCHELL, of Oregon. These different provisions as we regard them are in perfect harmony the one with the other. In the first place, the provisions in sections 2 and 3 are penal provisions. They declare that it shall be unlawful to do certain things generally with reference to all the navigable waters of the United States.

Mr. INGALLS. What sections?

Mr. MITCHELL, of Oregon. Sections 2 and 3. They are general provisions making it unlawful "to cast, throw, empty, or unlade, or cause, suffer, or procure to be cast, thrown, emptied, or unladen," &c., certain things described in any of the navigable waters of the United States. It is not limited to any particular rivers or the rivers in any particular State, but extends to any navigable waters of the United States, to rivers and harbors. There is a provision, however, that that shall not be so construed as to apply to any character of mining other than hydraulic mining by water through pipes or used through nozzles under pressure, just as it is proposed to amend the provision on page 50. Then section 6 prescribes the penalty for violating the things which are forbidden in sections 2 and 3. That penalty is prescribed as follows:

> Every person, persons, or corporation offending against the provisions of this act shall, for each and every such offense, forfeit and pay a penalty of $250 (one-half, on conviction of the offender, to be paid to the informer), besides such further sum as may be found, in any action for the recovery of the penalty or penalties incurred under this act, to be the expense of making good the damage incurred, or of removing to a proper place the things deposited in violation of this act, &c.

That is one provision, and it is a general provision; it applies to all the rivers and harbors in the United States. It prescribes the penalty for doing the things which are prohibited by section 2.

Mr. INGALLS. Does not that include the Sacramento and Feather Rivers?

Mr. MITCHELL, of Oregon. Certainly. But now we come back to the Sacramento, San Joaquin, and Feather Rivers; and what is proposed to be done there? Something further and different than is provided in the general provision, and what is it? It is that the Secretary of War may use a certain amount of money with reference to these three specific rivers in the State of California in preventing washing, sluicing, dumping or discharging the *detritus*, *débris*, or slickens caused by or arising from hydraulic mining; and then hydraulic mining is defined as proposed by the senior Senator from California in his amendment.

Mr. McMILLAN. And instituting suits.

Mr. MITCHELL, of Oregon. It authorizes the Secretary of War to institute suits; something that the Secretary of War could not do under the general provisions in sections 2, 3, 4, 5, and 6; so the provision on page 50 and the provisions in sections 2, 3, 4, 5, and 6 are not at all inconsistent. They are in harmony with each other.

This proposition of the senior Senator from California [Mr. STANFORD], if it shall be adopted and then the House text be adopted, simply places a power in the hands of the Secretary of War in reference to these three rivers to prevent this thing being done that he would not have in reference to rivers generally under the general provisions of sections 2, 3, 4, 5, and 6.

It all comes back to this simple proposition, in the first place, whether Congress has the power, under the commercial clause, "to prevent the washing, sluicing, dumping, or discharging *detritus*, *débris*, or slickens, caused by or arising from hydraulic mining," as defined by the proposed amendment of the senior Senator from California; and, secondly, whether, having the power, it is a proper exercise of that power to permit or authorize the Secretary of War to use a certain amount of this appropriation to prevent that thing. That is all there is to it. It seems to me that that is a reasonable proposition and one that ought to be adopted.

Mr. INGALLS. This involves a very great question, and is one that ought not to be passed by casually or informally or without due consideration.

If I understand the Senator from California correctly, the object and purpose and inevitable result of this amendment will be to practically destroy one of the great interests of California. For more than thirty years the people who are now engaged in carrying on the operations of mining by what is known as the hydraulic process have contributed enormously to the wealth not only of California but of the nation and the world. They acquired the territory in which they are now operating by purchase. They paid largely in excess of the minimum price of the public lands for that portion of the territory of the United States that is now the scene of their operations.

The enterprise in which these people are engaged is lawful. They entered upon it with the consent of the United States. They have invested enormous amounts of money in the construction of the works, the dams, the viaducts, the machinery by which they are extracting the gold from these gravel beds. And now, without notice, because some other industry is supposed to require protection, without recompense or compensation or equivalent to them for what you deprive them of

and what you destroy, you propose to say that by the operations of this bill, nominally for the protection of the rivers and harbors of this country, that great industry shall be paralyzed and annihilated; that hereafter no man, no matter what he has invested, no matter if all his earthly possessions are invested in the lands he has bought and the machinery that he has constructed, if by reason of his operations any silt or deposit runs down into the remotest tributary of the Sacramento and Feather Rivers, shall be entitled thereafter to continue those operations.

Mr. MITCHELL, of Oregon. Only where it is an obstacle to navigation.

Mr. INGALLS. It puts the whole subject into the hands of spies and informers, and it inflicts unjust penalties on these people, and gives half of those penalties to the sneak who goes and files his information before the district attorney. It is an invasion of private rights. It institutes a system that is abhorrent to American civilization, and in this peremptory and experimental way, without any recompense to the person whose property you destroy, proposes to obliterate one of the confessedly great industries of the Queen State of the Pacific coast; for what, Mr. President? Why, that some other industry may be stimulated or protected!

We are told here by many of the advocates of this bill that water ways are becoming rapidly extinct; that in competition with railway routes they are insufficient and antiquated; and yet here by a novel process and invention, as the Senator from Oregon assures us, of his own, something hitherto unattempted in legislation or in jurisprudence, you propose upon the pretext of excavating and dredging out the channel of a river away down in the lowlands of this State, to enable local commerce to be carried over it, the fruit and the wheat that is raised upon these low lands, to say to these people who are in these great elevations at an enormous expense, who at the invitation of the United States Government for thirty years have carried on their operations, "From this time you shall do so no more, under the penalty of heavy fine and imprisonment."

Mr. President, I hope before we get through with this bill that we shall have the opportunity of voting directly upon the sections from 2 to 7, and ascertain whether or not industries can be destroyed, whether legitimate enterprises can be extinguished, and whether upon the assumption that the navigable waters are under the control of the United States Government remote provinces are to be despoiled and people are to be told that upon no tributary or affluent of any navigable stream, hundreds of miles away from the point where the tide ebbs or flows or navigation is possible, shall any man put a tin pan with the refuse of a household or the garbage of a neighborhood without being subjected to the peril of having some sneak and spy and informer lodge complaint against him for the purpose of getting half the fine that is to be imposed upon him.

Not only that, but the bill goes further. Not only is the housewife or citizen not allowed to put anything in a creek, in a rivulet, in any little line of surface drainage, because forsooth it may wash down by the streams or the rainfalls hundreds of miles below into the navigable waters, but this bill forbids putting anything on shore. Let me read these extraordinary provisions.

SEC. 2. It shall not be lawful to cast, throw, empty, or unlade, or cause, suffer, or procure to be cast, thrown, emptied, or unladen—

With much multiplicity of verbiage—

into any port, road, roadstead, harbor, haven, navigable river, or other waters of the United States for the improvement of which Congress has already made, or may hereafter make, appropriations, or to dump, discharge, or wash, or cause to be dumped, discharged, or washed, from any mine or mineral land or bank, tailings, bowlders, gravel, clay, earth, or *débris* into any navigable waters or rivers for the improvement of which Congress has made or may make appropriations, or into any tributaries, branch, or affluent of such waters or rivers—

No matter where they may be located, at what point or what remote distance they may empty into the channel of this navigable stream—

or to deposit or place, wash, dump, or discharge, or cause, suffer, or procure to be deposited or placed, or washed, dumped, or discharged, any ballast, stone, slate, gravel, earth, slack, rubbish, wreck, filth, slabs, edgings, sawdust, slag, cinders, or other refuse or mill-waste, or gravel, tailings, bowlders, clay, earth, or *débris*, from mines or mineral lands, in any place or situation on shore where the same shall be liable to be washed into any navigable waters, either by ordinary or high tides, or by storms or floods—

As if that were not enough—

or otherwise, and become—

Not "be," but "become"—

an obstruction to navigation.

Mr. President, I am as firm an advocate for the extension of the national authority over all territory of this Union, I presume, as any Senator who has ever been or is now here. I am in favor of extending national dominion everywhere in the interest of justice and the promotion of the public welfare; but this is the most extraordinary innovation, the most unprecedented invasion of rights, not only of States but of individuals, of neighborhoods, and communities that ever has been presented for the sanction of this body.

This extends to all affluents of any navigable stream! Take the Missouri River that from its headwaters down to the Gulf of Mexico is 4,500 miles long, the longest navigable stream on the face of the globe, beside which the Nile and the Danube and the Plate are infants. And yet under this bill because down at the passes of the Mississippi are navigable waters that have been made the subject of appropriation by the United States, any sneak or spy or informer in the far-remote regions of Montana, in the Yellowstone Park, away up on the very confines of the British possessions can lodge complaint against any citizen of the United States, not of putting the refuse of a saw-mill into one of affluents of the Missouri River 4,000 miles away from where it discharges itself into the Gulf, but of depositing on the shore of any of these affluents of the Missouri River in Montana or Wyoming the *débris* of a saw-mill, the tailings of a mine, because, forsooth, it may at some time, no one knows when or where or how, not by the ordinary progress of the water through the channels of the stream, but by some flood or rainfall or water-spout or otherwise be washed down into the stream, and thence through its circuitous meanderings and wanderings through the great empire that lies below lodge somewhere within the limits of the water to which appropriations are made by the Government of the United States and become—not "be" but "become"—at some time or other an obstruction to navigation.

This is what the Senator from Oregon claims as his own particular and special invention. He has with assiduity and industry, unwearied through a long term of public service, urged this matter upon the attention of the committees in both Houses, and has at last secured the adoption by one of the principal committees here of these provisions of this bill. The Senator from Oregon is entitled certainly to a patent for novelty for his invention. The only wonder to me is that a bill so far-reaching and monstrous, so unnecessary, so in violation of all the previous practice of this Government, so susceptible of abuse, and in every way such an invasion of the rights of States and individuals should have received the sanction of the committees in both Houses of Congress.

The junior Senator from Oregon attempted to correct me because I ventured to suggest that the proposition offered by the senior Senator from California was included in a general provision of this bill, and he said that the provisions in sections 2 to 7 were general in their terms; that they applied to the entire subject, and created a new penal code for the purpose of preventing persons from interfering with the navigable waters of the United States, and then attempted to instruct me to the effect that the provision that the committee have eliminated on page 50 and proposed to be amended by the Senator from California had reference to a particular locality, an expenditure that would be not included in the general provisions of sections 2 to 7. I listened with great interest, and I fail to discern how, if the language in section 2 shall be adopted, and how, if section 6 shall be adopted, it will not be possible under the provisions of those two sections to punish any miners that may hereafter in California on the headwaters of the Feather River and its tributaries deposit their slickens and *detritus* in the valleys of those streams.

Mr. MITCHELL, of Oregon. Under the general provision of course they may be punished; but in the absence of a special provision the Secretary of War would not be authorized to take measures to prevent the thing being done.

Mr. INGALLS. The bill declares in line 1204 that the balance of said unexpended money shall not be used until the Secretary of War is "satisfied that hydraulic mining hurtful to navigation has ceased on said rivers and their tributaries;" and yet the Senator would leave the impression that there will be a compulsory obligation on the part of the Secretary of War to spend this money, and that he himself, in addition to the other penal sections of this bill, shall be endowed with special functions to punish the miners on the headwaters of the Feather River because they are conducting their operations as they have been for thirty years and whom you now propose to annihilate and destroy.

It may be that the Sacramento and Feather Rivers are not navigable streams; it may be that they are not streams that would come into the category that is named in section 6, and it is possible that by some mysterious process they would be exempt from the penal provisions of section 6; but unless that is the case you are simply imposing additional, unnecessary, cruel, and unjust restrictions upon these men engaged now in a lawful enterprise for the benefit of some other industry in the State of California with which I am not entirely acquainted.

Mr. MITCHELL, of Oregon. Will the Senator allow me?

Mr. INGALLS. Yes, sir.

Mr. MITCHELL, of Oregon. Does the Senator from Kansas hold that under the general provisions of section 2 the Secretary of War or the President of the United States or anybody else would have any power to prevent the obstruction of these rivers?

Mr. INGALLS. He is authorized not to spend any money until it is prevented, and you put the machinery to prevent it in the hands of a proper officer of the Government; and after you have done so you want to arm the Secretary of War with additional weapons, to give him more ammunition, and enable him to inflict superfluous penalties on these people and select them for a chosen assault over and above all those who may be the subject of the general law.

Mr. MITCHELL, of Oregon. The Senator from Kansas is coming around evidently to the position I occupy, which is this, that under the general provision in section 2 a person violating the provisions of this section may be indicted and fined; but there is no power in the

Secretary of War or anybody else to take measures to prevent the thing being done. Now it is true—and there is the difference in the two propositions—that the proposition is on page 50 of this bill to give that power, not given in the general provision, to the Secretary of War with reference to these three rivers. That may all be wrong—I do not think it is myself—but it simply provides what I suggested in the first place, that the proposition on page 50 is to enlarge the powers of the Secretary of War, to give him a new and different and separate and distinct power from that which he possesses under section 2. That is all I wish to say.

Mr. STANFORD. I propose to address myself for a few moments to considering the specific amendment under consideration, and what there may be in section 2 touching the headwaters of the Yellowstone I leave out.

This section, you will observe, confines itself to a particular kind of mining. All others it leaves alone. And why the Senator from Kansas should object to this particular amendment since he has such a jealous care of the rights of the miners I do not know, because this amendment only affects a particular class and a very limited number. I am very glad that he is so jealous of the personal rights of individuals. I myself am a stickler for the rights of individuals, and hold that this Government should never impair their rights except upon just compensation when their property is taken for public use.

I am not aware that the Government of the United States, in making their deeds for the mining lands, have ever said that the grantees had the right to do anything with other Government land or with the rights of other individuals. There is no clause in them that they may wash down the *débris* upon individual farms all over the State. There is no clause there giving the right to put their *débris* upon any other man's property or upon any other acre of the Government of the United States itself. If there had been any such thing as that, it would be high time for the Government to condemn this property and pay just compensation. Are they to stand by and see the harbor of San Francisco destroyed, with the navigation of the San Joaquin and the Sacramento, two of the most important rivers in the United States, together forming navigable streams north and south of about 400 miles through a magnificent country?

What may be the condition of the general clauses of section 2 I am not prepared to discuss; but we want to limit the class of mining that is to be affected. We take from the miners no right that they now possess as against any other individuals. They have patents for their land from the Government as patents are issued for farming land, and a miner has no more right under his patent to destroy the land of the farmer than the farmer has to destroy the mining interests. Each of them holds certain rights specified in their deeds; and if the miner has bought lands the deeds for which do not have clauses enough to protect him and to allow him to do all that he pleases, that was his mistake at the time, and he had better apply to the Government to correct it. But I do not know anything in those patents that authorizes a miner to destroy the harbor or the rivers of California, or to destroy the farming lands of the farmers along the banks of these streams, which are of far more value than all the hydraulic mining in the State put together is now or ever will be in time to come.

The PRESIDING OFFICER (Mr. FRYE in the chair). The question is on the amendment proposed by the Senator from California [Mr. STANFORD].

Mr. VEST. Let it be read.

The SECRETARY. In the words proposed to be stricken out by the Committee on Commerce, after the word "mining," at the end of line 1210, it is proposed to insert:

By water used through pipes and used through nozzles under pressure.

Mr. HEARST. Is the amendment I sent up in order now?

The PRESIDING OFFICER. It is not. The Chair will inform the Senator from California that his amendment belongs to another portion of the bill and not to this.

Mr. HEARST. But I want it added here.

The PRESIDING OFFICER. There is already an amendment to an amendment now pending, and a further amendment would not be in order at this time. The question is on the amendment of the other Senator from California [Mr. STANFORD] to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment of the committee as amended.

Mr. INGALLS. Now the Senator from California [Mr. HEARST] can offer his amendment.

Mr. HEARST. I offer my amendment.

The PRESIDING OFFICER. The Chair will inform the Senator from California that his amendment as offered applies in words to page 62, after a certain line and after a certain word.

Mr. HEARST. Yes, sir.

The PRESIDING OFFICER. Page 62 has not been reached. We are now on page 50.

Mr. HEARST. Let the amendment be read.

The SECRETARY. On page 62, section 2, line 42, after the word "pressure," it is proposed to insert "and against mountain sides or natural banks."

Mr. INGALLS. It seems impossible to penetrate Bœotian darkness. The Senator from California [Mr. HEARST] desires to add these words which were to be inserted on that paragraph at the end of the words which have been inserted in this by his colleague; and I suppose he has a right to do it if we can obtain the necessary machinery at the desk.

The PRESIDING OFFICER. The Senator from California has sent no such amendment to the desk yet.

Mr. INGALLS. I respectfully state that he has. He says he wants these words to go in this amendment that is now pending before the Senate.

Mr. STANFORD. I want these words, which occur also on page 62, but I do not want to confound the two.

Mr. INGALLS. I speak now about the Senator's colleague.

The PRESIDING OFFICER. The Chair will entertain any motion for amendment which the Senator from California or the Senator from Kansas makes.

Mr. JONES, of Nevada. As I understahd the Senator from California [Mr. HEARST], he wishes more thoroughly and more correctly to describe the character of mining of which the other Senator from California [Mr. STANFORD] complains, to wit, hydraulic mining. His amendment goes to the point that the penalty in this clause about to be passed shall not apply to hydraulic mining.

But there is a vast amount of hydraulic mining carried on in California on small banks where no very considerable amount of *débris* can ever get into the streams, certainly none that would injure the navigation of those streams. Nearly all the placer mining of California is carried on through pipes and under hydraulic pressure; but the banks are very small banks, whereas the hydraulic mining proper as understood in California means banks ranging from fifty to three or four hundred feet in height and parts of which are constantly thrown into the gulches and washed toward the streams. It is to define exactly what hydraulic mining is and in connection with the amendment offered by the senior Senator from California that the junior Senator from California offers this amendment, more correctly to describe hydraulic mining, as I said before. He wants to offer it in this place and also in the other place. Wherever hydraulic mining is referred to in this bill he wishes to define what hydraulic mining means.

The PRESIDING OFFICER. The Senator from California [Mr. HEARST] offers an amendment, which will be read.

The SECRETARY. At the end of the amendment just adopted it is proposed to add:

"And against mountain sides or natural banks;" so as to read:

"If he be not so satisfied, he is hereby instructed to institute such legal proceedings as may be necessary to prevent the washing, sluicing, dumping, or discharging *detritus*, *débris*, or slickens, caused by or arising from hydraulic mining, by water used through pipes and used through nozzles under pressure and against mountain sides or natural banks, into either of said rivers or any of its tributaries, or into the San Joaquin River or any of its tributaries, or in or to such place or situation from which such *detritus*, *débris*, or slickens may be liable to be washed or carried by storms or floods into either of said rivers or tributaries; and he is hereby instructed to use out of said sum as much as may be necessary for said purpose."

The PRESIDING OFFICER. The question is on this amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment of the committee to strike out the clause as amended.

Mr. TELLER. The text as now amended is a good deal better than when it came from the other House. I do not myself believe it ought to pass at all. I think we ought to sustain the committee in striking this out, although if we are to have it in the text at all, as I said before it is improved by the two amendments which have been put on.

Whatever may have been said about this, it is a contest in California between the miners on the one hand and the agriculturists on the other that has excited the people of that State for some years, and I do not believe myself that under the pretense of saving navigable rivers from being filled up it is the duty of the United States Government to commence prosecutions against these people in the hills of California.

I am opposed to this provision. I am in favor of sustaining the committee in striking it out. I think all these questions must be and ought to be left to the State to settle for themselves. They are questions concerning private rights; and although this may ultimately injure the navigation of the rivers and very likely it will, that is not the question. It is a controversy, I repeat, between citizens of California first as to whether they shall have a right to wash down the banks and the *débris* going down the rivers and overflowing the farms and destroying them, as they say it does by raising the bed of the river and thus creating floods—whether the miners shall be interdicted in that work or whether they shall be allowed to continue it.

This provision has not any place in this bill, in the first place, any more than section 2 and section 3, as I shall attempt to show when we come to those provisions, and it ought to be stricken out. When we come to sections 2 and 3 I propose to express my opinion as to those provisions.

The PRESIDING OFFICER. The question is on the amendment of the committee.

Mr. HALE. Just what is the question now?

The PRESIDING OFFICER. The amendment of the committee striking out from line 1207 to 1217, inclusive, as amended.

Mr. HALE. The committee, as I understand, are in favor of striking out the clause that has been amended.

Mr. MCMILLAN. Yes, sir.

Mr. HEARST. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HALE. Now, Mr. President, if I understand the question, it is upon the committee amendment, that strikes out all that part of the bill between the word "tributaries," in lines 1206 and 1207, and the word "purpose," inclusive, in line 1217, as that House clause has been amended this morning by various propositions.

The PRESIDING OFFICER. The Senator from Maine is correct.

Mr. HALE. The committee propose to strike all that out. That leaves this subject-matter with the money to be expended, provided "the Secretary of War be satisfied that hydraulic mining hurtful to navigation has ceased on said rivers and their tributaries;" but strikes out all the provisions directing the General Government to seek out and prosecute the men who are engaged in their vocation on the upper banks of these rivers. If that is the case I, for one, shall vote for the amendment.

Mr. STANFORD. As I understand, the proposition is to adopt the amendment of the committee, which means to strike out all that portion which we have been endeavoring to amend. I take it that Senators here are in favor of restoring the text with such amendments as have been adopted this morning. Therefore those who are in favor of leaving that clause in as amended will vote against the amendment of the committee.

Mr. HALE. You will vote "nay."

Mr. STANFORD. Yes.

The Secretary proceeded to call the roll.

Mr. CHACE (when the name of Mr. ALDRICH was called). My colleague [Mr. ALDRICH] is paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. BERRY (when his name was called). On this question I am paired with the Senator from Illinois [Mr. CULLOM]. If he were here, I should vote "nay."

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. I do not know how he would vote.

Mr. CHACE (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT]. I do not know how he would vote if present. If he were present, I should vote "nay."

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

The roll-call was concluded.

Mr. BERRY. The Senator from Illinois [Mr. CULLOM] being present, I vote "nay."

The result was announced—yeas 31, nays 19; as follows:

YEAS—31.

Beck,	Edmunds,	Hearst,	Ransom,
Blackburn,	Evarts,	Ingalls,	Sewell,
Call,	Frye,	Jones of Nevada,	Teller,
Cockrell,	George,	Kenna,	Vance,
Coke,	Gibson,	McMillan,	Vest,
Conger,	Gray,	Maxey,	Walthall,
Cullom,	Hale,	Payne,	Wilson of Md.
Dawes,	Hampton,	Pugh,	

NAYS—19.

Allison,	Harris,	Manderson,	Spooner,
Berry,	Harrison,	Mitchell of Oreg.,	Stanford,
Blair,	Hawley,	Palmer,	Whitthorne,
Brown,	Hoar,	Platt,	Wilson of Iowa.
Dolph,	Logan,	Sawyer,	

ABSENT—26.

Aldrich,	Eustis,	Miller,	Sabin,
Bowen,	Fair,	Mitchell of Pa.,	Saulsbury,
Butler,	Gorman,	Morgan,	Sherman,
Camden,	Jones of Arkansas,	Morrill,	Van Wyck,
Cameron,	Jones of Florida,	Pike,	Voorhees.
Chace,	McPherson,	Plumb,	
Colquitt,	Mahone,	Riddleberger,	

So the amendment was agreed to.

The next amendment of the Committee on Commerce was, in section 1, line 1227, to increase the appropriation for "improving the mouth of the Columbia River, Oregon," from $150,000 to $250,000.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, in section 1, line 1247, after the word "improvement," to insert "including necessary repairs of works at Omaha, Fort Leavenworth reservation, Arrow Rock, Kansas City, and Nebraska City;" so as to make the clause read:

Improving Missouri River from its mouth to Sioux City: Continuing improvement, including necessary repairs of works at Omaha, Fort Leavenworth reservation, Arrow Rock, Kansas City, and Nebraska City, $500,000.

Mr. INGALLS. The amendment of the committee I see names certain works at Omaha, Fort Leavenworth reservation, Arrow Rock, and Kansas City. The money appropriated for the Missouri River is not expended to any considerable extent for the purpose of navigation, but for the purpose of protecting the shores against the dangers of erosion where important cities are located or where bridges cross the stream, so that the channel of the river may not leave towns and bridges so that they will be unavailable. I do not think there is any regular navigation on the Missouri River above Kansas City. Now and then a boat bound for the upper waters of the Yellowstone goes by in the spring and returns again in the fall if it can; but the flotilla that is employed in the commerce of the Upper Missouri remains there during the entire year, and navigation of the Missouri River is practically abandoned. There is a railroad on both sides of the river from its junction with the Mississippi up as far as Omaha and perhaps above on the west bank, and quite to a distance into Dakota Territory on the east, so that the facilities of transportation are abandoned; and as the stream is so tortuous and its channel so shifting, I doubt whether it can ever be made navigable or used as an auxiliary for transportation. But there are many other points besides those amended in this amendment where money has been expended for the purposes of protecting bridges and the wharves of cities which ought to be not certainly excluded by the language of this amendment.

I should understand if these places are specially retained in the bill that there is a sort of a direction by Congress that the money or the bulk of it shall be expended at these places. That is unjust; it is invidious, and it is unnecessary also, and I do not know on what information the committee acted in putting these points in the bill. The city of Saint Joseph, that is about 75 miles above Kansas City, is a point where a large amount of money has been expended; a bridge crosses the river there; and if the channel were changed materially that bridge would be left inland, and it would not be available for the crossing of the trains and the wagon traffic that now go over it.

The same may be said of Atchison. There has been $120,000 spent at Atchison for the purpose of protecting the banks against the erosion of the currents. And if the purpose of the committee was—and I ask the Senator from Missouri on that point—if the intention of the committee was to exclude these other points, it is certainly an act of great injustice, because there is liable to be at any moment a break in the revetment works that have been placed at other points on the river besides those here named; and this fund which is appropriated ought to be at the disposition of the commission from time to time to expend wherever it may be necessary. Sometimes after a flood in that stream it rises 28 or 30 feet and then recedes, and the quicksands of the bank being saturated, whenever the water recedes, failing to receive support from the column that is in the stream, the banks rapidly cave in and disappear, and then boats that are employed on the river for driving piles and laying basket-work and mattresses ought to be in such a condition that they can go wherever it may be necessary to expend this money. It seems to me that it is an unjust exclusion of points that are just as much entitled to the benefits of this appropriation as those that are named.

I should like to hear from the Senator from Missouri, who I suppose took charge of this matter in the committee, or from the chairman of the committee, if there is any particular reason why this fund should not be disposed of as it has been heretofore at the points on the river where it is necessary.

Mr. MCMILLAN. The committee received their information from the report of the engineers and from the report of the Missouri River Commission, and from the Senator from Missouri [Mr. VEST] who is a member of the committee, and the Senator's colleague [Mr. PLUMB], if not the Senator himself. I am not aware whether the Senator imparted any information on that subject to the committee.

Mr. INGALLS. I did not.

Mr. MCMILLAN. It was not the intention as I understand it of the committee to exclude any point which would be recommended by the Missouri River Commission.

Mr. PLUMB. I would suggest an amendment to the paragraph.

Mr. MCMILLAN. I do not know whether the bill as printed contains all the amendments which were made by the committee.

Mr. VEST. There is a mistake in the print of the bill. The amendment was changed in the committee by striking out the words "repairs of."

Mr. MCMILLAN. Let the amendment be read as it ought to be.

Mr. VEST. It ought to read "including necessary works."

Mr. MCMILLAN. The amendment commences on line 1247. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In section 1, page 51, in line 1247, after the word "improvement," insert "including necessary repairs of works at Omaha, Fort Leavenworth reservation, Arrow Rock, Kansas City, and Nebraska City;" and in line 1250, after the word "dollars," to strike out "without the intervention of the Missouri River Commission" and insert "to be expended under the direction of the Secretary of War, in accordance with the plans, estimates, and recommendations of the Missouri River Commission;" so as to make the clause read:

Improving Missouri River from its mouth to Sioux City: Continuing improvement, including necessary repairs of works at Omaha, Fort Leavenworth Reservation, Arrow Rock, Kansas City, and Nebraska City, $500,000, to be expended under the direction of the Secretary of War, in accordance with the plans, estimates, and recommendations of the Missouri River Commission.

Mr. McMILLAN. The committee agreed upon an amendment striking out the word "the," in line 1252, before the word "plans;" and after "plans" inserting the word "and;" and, in line 1253, striking out the words "and recommendations of" and inserting in lieu thereof "to be furnished by;" so that the amendment will read:

To be expended under the direction of the Secretary of War in accordance with plans and estimates to be furnished by the Missouri River Commission.

That is the amendment as it was agreed upon by the committee, I think on the suggestion of the Senator from Missouri [Mr. VEST].

Mr. VEST. Also, in lines 1247 and 1248, the words "repairs of" should be stricken out; so as to read:

Including necessary works at Omaha, Fort Leavenworth reservation, &c.

Mr. INGALLS. The words "repairs of," I think, should not be omitted, because there are works at Omaha and Fort Leavenworth reservation, as I know, and also at Kansas City. Arrow Rock and Nebraska City I am not acquainted with.

Mr. VEST. My idea in striking out the words "repairs of" was that "necessary works" would include all necessary repairs, a more comprehensive term.

Mr. INGALLS. Very well.

Mr. VEST. It would be best for us not to say there had been work done at these points. Saint Joseph is a point that ought to be included, and I so voted; but it has been omitted.

Mr. INGALLS. I ask that the word "Atchison" may be inserted after the word "Omaha."

The PRESIDING OFFICER. It will be so ordered, without objection.

Mr. VEST. The report of the commission which I have in my hand, dated April 30, 1886, shows that there was an unexpended balance of $3,017.07 on April 30, 1886, for the work at Saint Joe, and in the report of the commission, contained in the report of the Secretary of War, volume 2, part 4, the commission say:

It was found, however, that at Saint Joseph, Mo., a cut-off was threatened, which, if made, would have a far-reaching and injurious effect upon the stream, and that moreover there was a considerable amount of work there in place, executed under former appropriations, which, if left to itself, would be lost. These two circumstances combined seemed to justify making an exception in this case to the general rules established, and it was accordingly determined to complete the revetment of the banks in this vicinity. One or the other circumstance alone occurs elsewhere, but does not, in the judgment of the commission, justify a departure from the systematic plan proposed.

That is, to improve by reaches, commencing from Kansas City and going down to the mouth. There was a great deal of criticism in another portion of the Capitol on the fact that the report of the Missouri River Commission shows that $259,000 were expended at Kansas City. There is a very simple explanation of that. Major Suter, who has had charge of the river for several years, says in his report here that he divided the river into two sections, one extending 800 miles from Saint Louis, at the mouth of the river, to Kansas City. The distance from the mouth of the river to Fort Benton is 2,500 miles, which would leave about 1,700 miles from Kansas City to Sioux City.

Mr. CONGER. Allow me to call the Senator's attention to the closing part of the paragraph of the bill under consideration. It would seem not important to put in any of the places, because as the committee propose to amend the clause it reads:

To be expended under the direction of the Secretary of War, in accordance with plans and estimates to be furnished by the Missouri River Commission.

I think we might safely leave the places where there are to be repairs made or new work commenced for any of these purposes to the commissioners hereafter as we have heretofore. The places that are named, or any others that the special attention of the committee may be desired to be called to, are not objectionable, but I do not think it is necessary to name them to secure the expenditure of sufficient money for repairs.

Mr. VEST. I will come to that point in a moment or two. The distances are laid down as follows:

Upon assuming their duties, the commission found that a continuous survey of the river had been made from its mouth to Fort Pierre, Dak., a distance of 1,174 miles, and also from the mouth of Sun River, at the head of the falls, to Stubbs Ferry, near Helena, a distance of 130.7 miles, leaving unsurveyed the portions extending from Fort Pierre to the mouth of Sun River, a distance estimated at about 1,390 miles, and from Stubbs Ferry to the headwaters of the Missouri, at Three Forks, a distance estimated at 73 miles. They found that the head of navigation was at Fort Benton, situated about 250 miles below the headwaters, and about 2,519 miles above the mouth of the river.

In other words, the Missouri River is navigable 2,519 miles.

That works of improvement had been executed at various points from Saint Charles, Mo., 25 miles above the mouth, to Kipp's Rapids, 58 miles below Fort Benton, besides some small works constructed in 1880 above the falls.

For convenience of administration, the river had been divided into two districts, the first district extending from the mouth to Sioux City, a distance of 803 miles, and the second from Sioux City to Fort Benton, a distance of about 1,716 miles. The division was an artificial one, made simply for convenience, there being no marked change in the character of the river for a long distance above and below Sioux City.

It is not material under these divisions how far it is from Kansas City to Sioux City. The second division extends from Sioux City to Fort Benton, and the first division extends from the mouth of the river to Sioux City.

It is true this commission has expended two hundred and fifty-odd thousand dollars at Kansas City for two reasons given in the report. The first is that Kansas City is by far the most important city on the river, the population being now in the neighborhood of 140,000, and increasing at the rate of 10,000 a year—almost unparalleled in the history of this country.

Mr. ALLISON. Will the Senator state in a general way the character of this improvement?

Mr. VEST. The river at Kansas City is performing one of its ordinary tricks, for it is in the habit of doing it. It commenced bearing the full volume of its current, striking the southern bank of the river just above the city. It then dashed out in a cross-current, striking the middle pier of the bridge there and endangering the whole structure. Where it struck the river, just above Kansas City, it seems to threaten a cut-off, which would destroy virtually navigation below the city for a considerable distance. It became so extremely dangerous that great exertions were made by the people of the city and the municipal authorities to call the attention of the board of engineers to this improvement, and various amounts have been appropriated since I have been upon the Committee on Commerce from time to time for the purpose of meeting this particular thing.

The report of the Missouri River Commission shows that they took Kansas City as the initial point, because, as Major Suter says, "I mean to work down-stream." Major Suter says the improvement must go down-stream instead of up, and that he took Kansas City not because it was exactly half way down the first section, but because it furnished a base of supplies, being a large city, to get all the material and men that were needed. I will not read *in extenso*.

Now as to the points above this of which the Senator from Michigan has spoken, Major Suter goes on and shows that hitherto work has been done at the following points on the Missouri River, under different appropriations, during the last ten years:

Saint Chares, Mo., 25 miles, 1880; Cedar City, Mo., 147 miles, 1879; Glasgow, Mo., 226.5 miles, 1879; Lexington, Mo., 319 miles, 1880; Kansas City, Mo., 386 miles, 1879; Fort Leavenworth, Kans., 419 miles, 1878; Atchison, Kans., 446 miles, 1878; Saint Joseph, Mo., 479.5 miles, 1876; Brownville, Nebr., 580 miles, 1880; Eastport, Iowa, and Nebraska City, Nebr., 608.5 miles, 1876; Plattsmouth, Nebr., 638 miles, 1880; Council Bluffs, Iowa, and Omaha, Nebr., 668 miles, 1878; Sioux City, Iowa, 803 miles, 1878.

Senators appeared before the Committee on Commerce when we had this portion of the bill under consideration, conspicuously the Senator from Nebraska, and stated that unless the Missouri River Commission paid some attention to the work already done at these different points the work there would be totally worthless, and would be washed away in the coming freshets. The Senator from Kansas to my right [Mr. PLUMB] appeared, and alleged the necessity in the name of the Government for an improvement of the military reservation at Fort Leavenworth, that if it were not improved and improved at once it would result in great damage, irremediable damage, to the Government property at that point.

For that reason we specified certain points upon the river and we took those points, not seeking to discriminate against any but these points that were brought to our attention where the works were in danger and where it was necessary that there should be new work done at once. There was not the slighest idea, and especially on my part, to omit Saint Joseph, because Saint Joseph is the third city in the State of Missouri. I inferred, however, from the report of the commission that the largest part of the work at Saint Joe, if not all, had been done, leaving an unexpended balance of $3,000; and there is an unexpended balance of $50,000 from the old appropriation at Kansas City. The appropriation for the whole river from the mouth up to Sioux City is $500,000 I confess that my object in putting in this clause specifically was to call the attention of the Missouri River people to the matter.

Mr. TELLER. I find for the upper river: "Improving Missouri River from Sioux City to Fort Benton: Continuing improvement, $80,000," making $580,000 for the whole river.

Mr. VEST. I am not speaking about that part of the river.

Mr. TELLER. I thought you were speaking of the whole river.

Mr. VEST. Oh, no. The commission divided the river into two sections for improvement purposes, one extending from the mouth to Sioux City and the other from Sioux City to Fort Benton, which is the head of navigation; but I am not directing my remarks at all to the upper section of the river.

Mr. ALLISON. I should like to ask the Senator from Missouri if the committee considered carefully the relative proportions to be established between the mouth of the river and Sioux City and between Sioux City and Fort Benton. My information is that the chief navigation of this river, so far as steam craft are concerned, is between Sioux City and Fort Benton.

Mr. McMILLAN. There is a separate appropriation for that.

Mr. ALLISON. That is just what I am directing my attention to. As stated by the Senator from Kansas, there is comparatively little navigation between Sioux City and the mouth of the Missouri. So I wish to suggest to the committee that the sum of $500,000 should be reduced to $400,000 and $100,000 added to the appropriation for the navigation of the Upper Missouri. I am informed that that is a more just arrangement for the benefit of the navigation of the whole river than to expend this large sum between Sioux City and the mouth. I suggest that to the committee, and I hope they will agree to it.

Mr. VEST. I hope not. The Missouri River Commission made this report in regard to the expenditure on the river:

It is the opinion of the commission that the work, while in the experimental stage, should be carried on under annual appropriations of $1,000,000 each, and they accordingly recommend for the coming year for this portion of the river—

That is, from Sioux City to the mouth—

an appropriation of $1,000,000.

The House of Representatives instead of giving a million dollars appropriated only $500,000. Now if the Senator from Iowa will listen to Major Suter's report I think possibly it is a better argument than I could make although I had all the time that was necessary before me with regard to this question.

He gives the two opinions in reference to the improvement of this river, which I confess is a very difficult problem on account of the peculiar nature of its banks and the enormous length of the river, itself as great as the Mississippi River. Indeed by an arbitrary nomenclature the name of Mississippi was given to another stream, although the Mississippi proper takes its color and character, I will not say from the Missouri River, but there is a continuation of the lower river up through Missouri and between Nebraska and Iowa. You might as well have called any other stream the Mississippi as what is now called the Upper Mississippi, because it is a different stream in its character and in the color of its water, and distinct from the Mississippi River proper. The Missouri is really the Mississippi. But I want to read what Major Suter says in regard to his idea about the improvement of this river. It is not very long and it is very succinct and distinct.

It remains to announce the principles by which they have been governed—

That is, the commission—

in making the allotments for carrying on the works and which they propose to follow in the future, where the appropriation bills leave such allotments to their discretion. The commission find that among the people most interested in the improvement of the Missouri River there are two radically different views as to the proper method of distributing the appropriations. On the one hand it is held that the first and most important object of the appropriations is to check the ravages now being suffered by private, corporate, and municipal property on the banks; that an appropriation made by law to apply to a long reach of river should be distributed somewhat uniformly over it, due attention being paid to the relative value of the interests endangered at different points; that the commerce now actually existing upon the river is of small importance, and that works for its exclusive benefit may well be deferred until the tangible property now visible be secured from injury. Naturally the persons holding these views have most frequently and most vigorously made themselves known to the commission.

On the other hand, it is held by the commission that the appropriations are intended as a business investment made by the Government with the object with which any other capitalist enters upon a great enterprise, namely, a return of the capital together with interest; that the primary object of the improvement is to deepen the channel and thus to provide cheap through transportation for freight by which the country may be developed and the money paid out be finally returned to the Treasury of the United States; that the cost of protecting any portion of the bank from erosion is so great that it is only in exceptional cases that the annual interest upon the investment does not exceed the annual loss without protection; that while it is true that there is but a small amount of commerce upon the river at this time, the object is to increase that commerce, and that if that object fails the whole scheme is a financial failure whether the destruction of property may have been stopped or not; and, finally, that to distribute the appropriations over numerous points separated from each other by long distances is to insure greater expense in the use of plant and in administration, to postpone the realization of any benefits from the partially completed improvement, and probably also to have insufficient means at all points, with the disastrous results that have heretofore attended that policy.

Holding these views, the commission have determined to concentrate their means and to apply them where there is the best promise of obtaining substantial benefits to the general commerce of the United States, at the earliest practicable date, and before the entire completion of the improvement. Evidently useful results can be most quickly obtained by improving the lower end of the river, providing an outlet to the Mississippi. Engineering necessities require that the work should progress down-stream. The initial point must, therefore, be at some distance above the mouth.

The commission have selected Kansas City, 386 miles above the mouth, because it is the first important commercial center to be met with in proceeding up-stream. They would have preferred an initial point at a less distance from the mouth than 386 miles, but believing that no very great benefit would be conferred upon the commerce of the United States before the improvement shall extend from the mouth to Kansas City, they have allowed the following considerations to control, namely, that it was desirable to begin the work near a good base of supplies, and that some detached work had already been done here under previous appropriations which could be utilized as part of a general scheme of improvement.

The latter portion of the appropriation for the portion of the river below Sioux City has been allotted to the works to be executed at and below Kansas City. The programme which the commission have adopted is to make the improvement continuous, working down-stream from Kansas City to the mouth of the river, applying all the means placed at their disposal, as far as possible, to this purpose, protecting land, and building up new banks as this becomes necessary for the preservation of the channel.

This is the scheme of the commission, and it is in my judgment the only feasible one.

Mr. ALLISON. That is a scheme based on an appropriation of a million of dollars.

Mr. VEST. They only get $500,000.

Mr. ALLISON. That is true; but as the debate discloses that a large portion of the $500,000 will be required to protect and repair and care for works already completed at different points along the banks between Sioux City and the mouth, it seems to me that if we are not by sufficient appropriation to enter upon a plan of improvement of this river, beginning as the commission suggests, it is better to divert a portion of the sum now proposed to the Upper Missouri, in order so far as possible to make that navigable to where steam navigation now is. That is all I suggest.

I quite agree with the commission that if Congress will appropriate a sufficient sum of money, beginning at Kansas City, if you please, or a place lower down, and perfect and complete the improvement as it goes along, that would be very well; but evidently this appropriation of $500,000 is a mere bagatelle for the Missouri River on the plan adopted by the commission and suggested for the improvement of the river.

Mr. VEST I heartily agree with the Senator from Iowa that this appropriation ought to be $1,000,000, and yet I suppose if I had made it $1,000,000, as I have the misfortune to be a member of the Committee on Commerce, I should have been accused of venal rapacity or rapacious venality, I do not know which. My friend from Kansas [Mr. INGALLS] has made that charge against every member of the committee, indiscriminately and promiscuously.

I did not increase the appropriations for the State of Missouri a single dollar. The whole State gets $17,500 of the enormous amount that the State needs. Having a horror and dread of the eloquence of the Senator from Kansas, I was so modest and prudent as to leave even this great work of the improvement of the Missouri River at the amount placed on it by the House. The bill was increased in our committee $3,400,000. I preferred to get $500,000, though it was not half enough, for the Missouri River and $2,150,000 for the Mississippi, than to pile up appropriations and increase them so as to bring on a veto and lose the whole bill. That is the honest truth. I thought I had better take what was in sight. I find that other gentlemen were not quite so modest, and that they increased appropriations for their States until the bill as it came into the Senate at $18,400,000 will go out of the Senate at $19,000,000. I do not know what the President will do with it. I know what I would do with it if I were not bound now by instructions from the Legislature, as is my colleague, absolutely to vote appropriations for the Mississippi and Missouri Rivers. But for that fact I should vote against this bill, which is one of the most objectionable I have ever known.

Mr. MCMILLAN. The Senator from Missouri is mistaken in saying the bill was reported at $19,000,000. It was at $18,000,000.

Mr. VEST. I did not say it came out of committee at $19,000,000. I said it would leave the Senate at $19,000,000. I say it came out of committee with $18,400,000, and I am not more than a few dollars out of the way, and by the time we are through with it at the rate we have progressed, putting back every decrease and increasing a great many appropriations already made, it will leave the Senate with $19,000,000.

I agree with the Senator from Iowa that the Missouri River should have a million dollars, and unquestionably I should have put it in if I had not thought I was endangering the $500,000 already granted.

The Senator from Iowa, although he admits the appropriation is not enough by half, wants to take $100,000 off the lower river and put it on the upper river. That is not fair. In order to improve the upper river he ought not to rob the lower river. We do not expect to put a large number of steamboats on the lower river. There are two packets running now from Kansas City to the mouth. I do not know that there will be another steamer ever put upon it. I hope there will be. But what we want at Kansas City and what the constituents of the Senator from Kansas want is a line of barges, if possible, that can be run down that river carrying grain to the Lower Mississippi. We have attempted that, and we have no lack of capital or enterprise; but we found that the Missouri was in such a condition that even barges could not be run down it; and, in my judgment, the only way in which the barge system can be successfully inaugurated there is under the system which is advocated by Major Suter, to improve that river by reaches and not at sporadic points.

I was opposed myself, I will say frankly, to granting any specific appropriation for points upon the river; but, as I have stated, Senators came to the committee and said works would be destroyed. The Senator from Kansas [Mr. PLUMB] said that the Government property at Leavenworth was being endangered for the want of improvement, and he felt it to be a duty to call the attention of the commission, while they were not asked to give up their general system, to the necessity of preserving the improvements already made upon that stream.

In regard to the barge system I will state here parenthetically, to show what would be the importance of a well-organized and regular barge system upon the Missouri River, one *fact within my* personal knowledge. During the late strikes upon the railroads in the State of Missouri the rates of transportation upon the Missouri Pacific, belonging to Mr. Gould, were enormously increased. Mr. Philip Armour, who has a large establishment at Kansas City, just across the Missouri line and within the limits of the State of Kansas but virtually for all business purposes within the corporate limits of Kansas City, Mo., determined that rather than submit to these enormous rates he would fit out a barge and I think possibly three barges. He did so and loaded them with his commodities and sent them down the river and they made their way to the mouth. The fact that a man with his capital had determined not to submit to these enormous charges by the railroads, but that he would resort to some sort of water transportation, brought that company to their senses and they immediately reduced their rates.

I do not mean to say that we shall ever have again the forty or fifty packets plying on the Missouri River that we had years ago, but if we can even with this small appropriation of $500,000 get that river into

such a condition that we can get barges on it to carry grain down to the Mississippi to its mouth, it is all we ask, and I hope my friend from Iowa will not take $100,000 off an appropriation which he says now is 50 per cent. under what it should be.

The PRESIDING OFFICER. Does the Senator from Missouri propose an amendment?

Mr. VEST. The Senator from Kansas, whom I do not see, has an amendment prepared which he desires to offer.

Mr. INGALLS. I suggested the addition of Atchison.

Mr. VEST. I have no objection.

Mr. MCMILLAN. That will be inserted, and the Senator's colleague [Mr. PLUMB] suggested Saint Joseph.

Mr. VEST. Very well.

The PRESIDING OFFICER. The Chair understood the Senator from Minnesota to propose an amendment from the committee. Will he state it again?

Mr. MCMILLAN. Yes, sir. In line 1252, I move to strike out the word "the" before "plans" and after the word "plans" to insert "and," and in line 1253, after the word "estimates," to strike out "and recommendations of" and insert in lieu thereof "to be furnished by;" so as to read:

Five hundred thousand dollars, to be expended under the direction of the Secretary of War in accordance with plans and estimates to be furnished by the Missouri River Commission.

The PRESIDING OFFICER. That will be agreed to if there be no objection.

Mr. VEST. In the same paragraph, line 1247, after the word "necessary," I move to strike out the words "repairs of works" and insert "work;" so as to read:

Improving Missouri River from its mouth to Sioux City: Continuing improvement, including necessary work at Omaha, Fort Leavenworth reservation, &c.

The amendment was agreed to.

Mr. MCMILLAN. Then the words "Atchison and Saint Joseph" are inserted.

Mr. VEST. Yes.

The PRESIDING OFFICER. The question is on that amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question is now on the whole amendment in the clause from line 1246 to line 1254 as amended, which will be read.

The CHIEF CLERK. After the word "improvement," in line 1247, insert:

Including necessary work at Omaha, Atchison, Saint Joseph, Fort Leavenworth reservation, Arrow Rock, Kansas City, and Nebraska City.

And after the word "dollar," in line 1250, to strike out:

Without the intervention of the Missouri River Commission.

And insert:

To be expended under the direction of the Secretary of War in accordance with plans and estimates to be furnished by the Missouri River Commission.

Mr. VAN WYCK. I move to add, after "Nebraska City," "Plattsmouth and Brownville," where works have been carried on.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska to the amendment.

The amendment to the amendment was agreed to.

Mr. VEST. There is another amendment which I propose, in line 1247 to strike out "repairs of works."

The PRESIDING OFFICER. That has been agreed to and was so reported. The question is on the amendment as amended.

Mr. INGALLS. Does that include the addition of the committee in lines 1251, 1252, 1253, and 1254?

Mr. VEST. It does.

Mr. INGALLS. I wish the chairman of the committee would inform the Senate in what condition this leaves the Missouri River Commission.

Mr. VEST. They have charge of the river.

Mr. INGALLS. I should be inclined to doubt that. If they have charge of it they have not charge of the money and they have not any charge of the operations, because they are under the control of the Secretary of War "without the intervention of the Missouri River Commission," those words being omitted.

Mr. MCMILLAN. They are stricken out.

Mr. INGALLS. But it is to be "in accordance with plans, estimates, and recommendations of the Missouri River Commission."

Mr. VEST. That is the ordinary language used in regard to the Mississippi River.

Mr. INGALLS. Their functions are not impaired then by this bill?

Mr. VEST. Not at all. I will explain to the Senator from Kansas that the commission never has anything to do with money. That is under the direction of the Secretary of War.

Mr. INGALLS. So I understand.

Mr. VEST. They make requisitions on him which he approves or not at his own pleasure. This language is copied from the act which created the Mississippi River Commission and the Missouri River Commission. The House struck out both the Mississippi River Commission and the Missouri River Commission, and put the work on both back under the control of the Secretary of War.

Under this bill as it is before the Senate the Missouri River below Sioux City is put back under the control of the Missouri River Commission. The river above Sioux City is put under the control of the Bureau of Engineers. I thought myself, without saying what occurred in committee, that the whole of the river ought to be put back under the control of the Missouri River Commission, which has been in existence only one year, and that in fair dealing and justice to that commission they should have at least another year.

Mr. INGALLS. Let me ask the Senator from Missouri a question. In lines 1255, 1256, and 1257 I find:

Improving Missouri River from Sioux City to Fort Benton: Continuing improvement, $80,000 under the direction of the Secretary of War.

Has that portion of the river heretofore been under the control of the Missouri River Commission?

Mr. VEST. Yes, sir.

Mr. MCMILLAN. Theoretically but not practically.

Mr. INGALLS. Then why is the change made?

Mr. MCMILLAN. The Engineer Corps have had practical charge of that portion of the river, and it was at the earnest request of citizens residing on the upper portion of the river that this provision was inserted.

Mr. INGALLS. I remember some time last summer being on the upper waters of the Missouri, and there I met, I think, the civilian members of this commission; they had been engaged in their surveys and operations in Montana Territory, and I heard no complaint from any quarter; and unless there is some reason other than that which now appears, it seems to me it would be a very extraordinary thing to divide the river in twain, and leave one portion of it under the control of the Secretary of War and the other under the control of the commissioners, because the river needs harmonious treatment. The system ought to be unified, and the theories upon which these two bodies may work might be entirely different, might be in conflict with each other; and unless the Senator from Minnesota is strenuous about it and shows some reasons other than those that appear to us, I should like to have those words "under the direction of the Secretary of War" omitted.

The PRESIDING OFFICER. The question is on the amendment of the committee as amended.

The amendment as amended was agreed to.

The next amendment of the Committee on Commerce was, in section 1, after the word "dollars," at the end of line 1256, to insert "under the direction of the Secretary of War;" so as to read:

Improving Missouri River from Sioux City to Fort Benton: Continuing improvement, $80,000, under the direction of the Secretary of War.

Mr. ALLISON. Now I will compromise with my friend from Missouri by moving $450,000 instead of $500,000 in the paragraph just acted on.

Mr. PLUMB. If the Senator from Missouri compromises he will find somebody else who will not compromise.

Mr. VEST. The Senator from Missouri will not.

Mr. ALLISON. Then I propose to add $50,000 to the paragraph beginning line 1255, and I think I can answer the Senator from Kansas when he asks why it is that the people of the Upper Missouri desire this money to be expended under the engineer officers of the Army. The Senator from Minnesota suggested that one reason was because the people up there were desirous to have this change.

I think a perusal of this report would show that some reason why the people residing on the eleven hundred and odd miles of this river from Sioux City up would be disposed to rely upon the Secretary of War and the engineer officers of the Army rather than on this commission may be found in the fact that they recommend a million dollars between Sioux City and the mouth, and $160,000 from Sioux City to Fort Benton, where nearly all the navigation on the Missouri River is, and especially so when they find it accompanied by a suggestion from Major Suter that the amount of $1,000,000 should be expended first between Kansas City and the mouth of the river.

The people on the Upper Missouri River can see no real connection, direct connection, between the permanent system of improvements suggested between Kansas City and the mouth of the Missouri, or between Sioux City and the mouth, if you please, and the improvements to be made on the Upper Missouri. The character of the country is very different. So they have believed and they now believe that a larger sum or a larger portion of the sum appropriated to the Missouri River should be expended between Sioux City and Fort Benton, where the navigation is. This general improvement, as I understand, between Sioux City and the mouth of the river involves an expenditure of seven or eight million dollars. It involves the idea of a permanent improvement of that entire line.

Mr. TELLER. Between what points?

Mr. ALLISON. Between Sioux City and the mouth of the river. This debate discloses the fact that a large portion of the sum of $500,000 mentioned in this bill is to be used in the protection and repair of

works already completed on the line between Sioux City or between Council Bluffs and Omaha and the mouth of the river. Now what I mean to say is that the remainder of this $500,000 will not be expended economically between Kansas City and the mouth of the river. It is not a sufficient appropriation for the purpose of entering upon the improvement on the plan suggested by the Missouri River Commission.

Therefore I suggest that, inasmuch as in the economies of this bill we do not see our way clear to appropriate a sufficient sum of money to enter upon the system of improvement suggested by the Missouri River Commission, we divert a portion of this fund, which is confessedly here to be used for the repairs of existing works, and use it upon the Upper Missouri River, where the navigation largely is, and where it will be of immense benefit in improving that navigation.

Of the whole of the $500,000 appropriated by the last appropriation bill I find that nearly the whole of it was expended at two points on the Missouri River, Saint Joseph and Kansas City. I think there is a reasonable ground for my suggestion, arising from the suggestions of the Missouri River Commission with reference to the methods of improving the river.

I agree with the Senator from Missouri, and I should go hand and hand with him in appropriating a sufficient sum of money to make this permanent improvement; but manifestly this $500,000 will not do it, because each Senator rises here—first, the Senator from Kansas suggests two places where this money shall be expended above Kansas City; the other Senator from Kansas makes another suggestion; the Senator from Nebraska inserts two or three places in Nebraska. That discloses manifestly that of this $500,000 at least more than one-half of it may be expended in protecting or preserving and caring for and repairing works already supposed to have been completed at these points. So I say that this sum of $500,000, or the residue of it, can not be economically expended in making a permanent improvement between Kansas City and the mouth. So it will do no harm to the general plan of this bill to divert at least $50,000 to the Upper Missouri, and it will be of immense value to that portion of the stream.

The PRESIDING OFFICER. The Senator's amendment is not now in order. The question is on the amendment of the committee in line 1257.

Mr. ALLISON. Is it understood that the committee amendments shall first be considered?

The PRESIDING OFFICER. It is.

Mr. ALLISON. I was not aware of that. I will call the attention of the Senate to the matter later.

Mr. VEST. I would like to suggest to the Senator from Iowa that he move to double the appropriation upon both ends of the river. If he will do that, I will join with him with great pleasure. I will make it $1,000,000 for the lower river and $320,000 for the upper river. That I believe is $160,000 now.

Mr. PLUMB. No; it is $80,000 now.

Mr. VEST. Then I will make it $160,000.

The House of Representatives obviously cut these appropriations down through the entire list just one-half the estimates of the Missouri River Commission. I have not the slightest objection to doubling them on the whole river; but I do specifically and strenuously object to my friend from Iowa taking $50,000 off the appropriation for the lower river and adding it to the upper. The improvements to the upper river are valueless for all great commercial purposes unless the river be improved its whole length. It can only be for local traffic that an appropriation is needed on the upper river.

Mr. ALLISON. It can hardly be called local traffic when it reaches from Fort Benton, a distance of 1,100 miles.

Mr. VEST. The Senator from Iowa, I know, will agree with me, for we have both been on that part of the river, that there is nothing like the same amount of money needed between Sioux City and Fort Benton as from Kansas City to the mouth of the river. The Senator will agree to that.

Mr. ALLISON. I admit it.

Mr. VEST. That is the reason of the difference in these appropriations. That part of the river was made under the charge specifically of an engineer.

The Senator from Kansas asked me who composed this commission. Maj. Charles R. Suter is the president and United States engineer; then Maj. Alexander Mackenzie, Corps of Engineers; Maj. O. H. Ernst, Corps of Engineers, making three United States engineers, and then two civilians under the requirements of the law which organized the commission, G. C. Broadhead and William J. Broatch.

Below Sioux City Maj. Charles R. Suter has charge of the improvement; above Sioux City Capt. James B. Quinn, United States engineer, acting under the Missouri River Commission.

The PRESIDING OFFICER. The question is on the amendment of the committee, in line 1257 inserting "under direction of the Secretary of War." The clause will be read as it will read if amended.

The Chief Clerk read as follows:

Improving Missouri River from Sioux City to Fort Benton: Continuing improvement, $80,000, under the direction of the Secretary of War.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, in section 1, after the word "improvement," at the end of line 1260, to insert "including Davis Island dam;" so as to read:

Improving the Ohio River: Continuing improvement, including Davis Island dam, $500,000, &c.

The amendment was agreed to.

The PRESIDING OFFICER. The Chair calls the attention of the Senate to the fact that practically the amendments on the next five pages are one amendment, not touching amounts but methods; and unless there is objection the Chair will treat it as one amendment, striking out and inserting. ["Agreed."]

The next amendment of the Committee on Commerce was, in section 1, to strike out from line 1327 to line 1399, inclusive, as follows:

Improving Mississippi River from Des Moines Rapids to the mouth of the Illinois River, including the river at the mouth of Quincy Bay and the removal of the bar at the mouth of Whipple Creek; including also the strengthening of Sny Island levee where it crosses Snicarte Slough and other sloughs referred to in the report of Engineer Maj. A. Mackenzie, dated the 26th of January, 1885, which work of strengthening said levee shall be performed according to the suggestions and estimates of said Mackenzie as set forth in said report: Continuing improvement, $200,000: *Provided*, That not more than $16,500 shall be expended at Sny Island levee: *Provided*, It is, in the judgment of the engineers, in the interest of navigation and in accordance with the plans of the engineers.

Improving Mississippi River from the mouth of the Illinois River to the mouth of the Ohio River, including the completion of the work at Alton, and, at the discretion of the Secretary of War, the protection of the Illinois shore opposite the mouth of the Missouri River: Continuing improvement, $500,000; of which $50,000, or so much thereof as may be necessary, to be expended in extending the work for the protection of the eastwardly bank of the Mississippi River at Cairo, and the prevention of its wash or erosion, commencing at the southerly end of the present Government revetment work and continuing down-stream.

Improving Mississippi River from head of the passes to the mouth of the Ohio River: Continuing improvement, $2,250,000; which sum shall be expended under the direction of the Secretary of War, without the intervention of the Mississippi River Commission: *Provided*, That the money appropriated by this act for the improvement of the Mississippi River from the head of the passes to the mouth of the Ohio River, except so much thereof as it shall be necessary to expend in the preventing the works in progress on other portions of the river from waste and injury, shall be expended in the continuation and completion of the works on the Plum Point and Lake Providence reaches of the river, now in progress of improvement, as established by the Mississippi River Commission, to the end that the proposed improvement of said two reaches of the river, on which the works are in progress, shall be completed at an early day, and the plan of said commission for the improvement of the navigation of the river fully tested: *Provided*, That no portion of this appropriation shall be expended to repair or build levees for the purpose of reclaiming lands or preventing injury to lands by overflows: *Provided, however*, That the commission is authorized to repair and build levees if, in their judgment, it should be done as part of their plan to afford ease and safety to the navigation and commerce of the river and to deepen the channel. Of the amount herein appropriated for the Lower Mississippi, $100,000 are to be expended in continuing the work in progress at New Orleans; $250,000 for the rectification of the Red and Atchafalaya Rivers by preventing further enlargement of the latter stream and restricting its outlet capacity, and for keeping open a navigable channel through the mouth of Red or Old River into the Mississippi; $50,000 in improving navigation in the Greenville reach by preventing the bank at Greenville from further caving; and $100,000 in deepening the channel at Vicksburg by dredging through the bar existing there; but this last-named sum shall not be expended, unless after another examination or survey the commission shall deem it advisable; and if they shall not, then $50,000 shall be expended in the improvement of navigation at Vicksburg by constructing suitable dikes and other appropriate works; and $75,000 in completing the work on the river at Memphis; also $25,000 for work on the river at Hickman, and $25,000 for work on the river at Columbus, Ky.

And in lieu thereof to insert:

Improving Mississippi River from Des Moines Rapids to the mouth of the Illinois River, including the river at Quincy Bay and the removal of the bar at the mouth of Whipple Creek, including also the strengthening of Sny Island levee where it crosses Snicarte Slough and other sloughs: Continuing improvement, $200,000.

Improving Mississippi River from the mouth of the Illinois River to the mouth of the Ohio River, including the completion of the work at Alton, and, at the discretion of the Secretary of War, the protection of the Illinois shore opposite the mouth of the Missouri River: Continuing improvement, $500,000; of which $50,000, or so much thereof as may be necessary, to be expended in extending the work for the protection of the eastwardly bank of the Mississippi River at Cairo, and the prevention of its wash or erosion, commencing at the southerly end of the present Government revetment work and continuing down-stream; and $30,000 for continuing improvement at Cape Girardeau, Mo., and Montana Point, Ill.; and the Secretary of War may, in his discretion, use so much of said sum of $500,000 as may be necessary to correct the current of the river and improve the channel at Saint Louis.

Improving Mississippi River from head of the passes to the mouth of the Ohio River: Continuing improvement, $2,250,000; which sum shall be expended under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission: *Provided*, That no portion of this appropriation shall be expended to repair or build levees for the purpose of reclaiming lands or preventing injury to lands or private property by overflows: *Provided, however*, That the Commission is authorized to repair and build levees if, in their judgment, it should be done as part of their plan to afford ease and safety to the navigation and commerce of the river and to deepen the channel. Of the amount herein appropriated for the Lower Mississippi, $100,000 are to be expended in continuing the work in progress at New Orleans; $250,000 for the rectification of the Red and Atchafalaya Rivers by preventing further enlargement of the latter stream and restricting its outlet capacity, and for keeping open a navigable channel through the mouth of Red or Old River into the Mississippi; $50,000 in improving navigation in the Greenville reach by preventing the bank at Greenville from further caving; and $100,000 in deepening the channel at Vicksburg by dredging through the bar existing there; but this last-named sum shall not be expended unless after another examination or survey the commission shall deem it advisable; and if they shall not, then $50,000 shall be expended in the improvement of navigation at Vicksburg by constructing suitable dikes and other appropriate works, and $75,000 in completing the work on the river at Memphis; also $25,000 for work on the river at Hickman, and $25,000 for work on the river at Columbus, Ky.

Mr. INGALLS. I move to amend the amendment of the committee by inserting after the word "channel," in line 1438, the following:

And provided further, That the expenditure of so much of said appropriation as may be required to continue the improvement of Plum Point and Lake Providence reaches shall be confined to the complete repair and maintenance of the

levees throughout said reaches to the height of 2 feet above the flood of 1882, and to the completion of the permeable works of contraction to such extent as may be required to bring the high-water banks of the river to the comparative uniformity of width contemplated in the first five paragraphs of the plan of improvement recommended by the Mississippi River Commission and adopted by Congress in 1880, and more fully set forth in the report of the Secretary of War for 1881, volume 2, part 3, page 2733: *And provided further*, That no works of bank protection or revetment shall be executed in said reaches or elsewhere until after it shall be found that the completion of the permeable contracting works and uniform width of the high-water channel will not secure the desired stability of the river-banks: *Provided, however*, That nothing herein contained shall prevent the construction of revetment works where the banks are caving, at Greenville reach, Delta Point, in front of the cities of Vicksburg, Memphis, Hickman, and Columbus: *And provided further*, That contraction works shall be built at the same time in the wide portions of the river immediately above the said revetment works.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Kansas to the amendment of the committee.

Mr. McMILLAN. I hope the Senator from Kansas will explain the effect of that amendment. I should like to know what it is.

Mr. INGALLS. The difference between the proposition contained in the bill as it came from the House between lines 1327 and 1399 and the amendment proposed by the committee between lines 1400 and 1461 is, as the Chair has correctly stated, I believe, one of method; and a radical difference of opinion exists as to the method that is to be employed in the expenditure of the money which is appropriated by the bill.

If I understand the bill as it came from the House it definitely disposes of or abolishes the Mississippi River Commission. Beginning at line 1354 it reads:

Improving Mississippi River from head of the passes to the mouth of the Ohio River: Continuing improvement, $2,250,000; which sum shall be expended under the direction of the Secretary of War, without the intervention of the Mississippi River Commission.

The corresponding part of the bill as reported from the Committee on Commerce, beginning at line 1425, reads as follows:

Improving Mississippi River from head of the passes to the mouth of the Ohio River: Continuing improvement, $2,250,000;

The amount being the same—

which sum shall be expended under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission.

In the one case the Mississippi River Commission is abolished and in the other it is continued.

The Mississippi River Commission have from time to time changed their views as to the method of expenditure, and during the last two years a very large amount of the money appropriated has been expended in the construction of revetment works for the purpose of protecting the shore.

The amendment that I offer is to require the money appropriated by the bill to be expended not in the construction of works for the protection of the shore, but in what are known as permeable contraction works, which were in the first place adopted by the Mississippi River Commission and which I believe to be essential for the ultimate control of the river.

The difference then between the House and the Senate is radical, the one adopting and the other abolishing the commission. The amendment offered by the Senate Committee on Commerce simply leaves the Mississippi River Commission to expend this money without instructions, and my amendment is intended to limit the expenditure of the money under the control of the Mississippi River Commission in accordance with the plan of permeable contraction works instead of revetments along the shore of the stream.

Mr. PLUMB. Mr. President, it seems to me that there ought to be some change in the method now pursued in regard to the improvement of the Mississippi River. I am not going to say what that is, but the constant changes of plan on the part of the Mississippi River Commission certainly beget in the minds of observing people the idea that the commission do not feel very sure of their ground; and the vibrating and vacillating policy which they have pursued will result in no good to the river or to the commerce which is to be floated over it.

As one evidence of what has so far resulted from the work of the commission, I will read from a dispatch which is contained in an Associated Press report of the 14th of April last, as published in the Leavenworth Daily Times and other newspapers of that date. This is a quotation from a letter written at the town of Osceola, in Arkansas, the substance of which was derived from memorials to the country at large. It is as follows:

The Mississippi River is attracting a great deal of attention at the present writing. She is bank full and running out at all places. The water now stands about 2½ feet below the great flood height of 1882, and still rising. The lower end of our city is already inundated, and it is now a matter of only a very short time before we will be compelled to take to our dug-outs and rubber boots.

We do not usually mind a small overflow, but this one is so late in the season that unless it subsides faster than it came some of our lowland farmers will not be able to put in a cotton crop this year, but will be compelled to put in all corn. We do not know whether this will be a disadvantage or not, as cotton is now so low that it hardly pays to raise it. The high water has, however, benefited us in one respect at least, as the dike between the main shore and the head of Osceola bar that the Government put in at the expenditure of a great deal of money gave way on last Monday night and now our chute is open from the head, and we only hope through the great pressure now brought to bear that the lower dike will go, and thus give us communication with the world once more, and Osceola again become a river port. The immense quantity of drift that was lodged above the dike has been running in detached sections for two days, and hundreds of acres of it have passed on down. In some instances whole sections of from 10 to 20 acres have gone down in a body. All of this immense weight lodges on the great accumulation already gathered at the lower dike, and hopes are entertained that this will break that dike and boats will once again have free access to us.

Later.—The steamer Dean Adams came into Osceola on the morning of April 9, and went out at the head of the chute through the break in the upper dike.

In other words, as the Government works give way there follows great rejoicing on the part of the people on the banks of the Mississippi River, moved to it by the reason that these works have cut off their accustomed means of communication by the waters of that stream. The satisfaction that appears from this dispatch is caused by the fact that the Government works have given way. I suppose probably there might have been some little corresponding satisfaction at the time the money was being expended, making a market undoubtedly for corn and other produce; but when the money was once spent the Osceola people began to realize that although by reason of the expenditure they had had some little profit while it went along, it had cut them off from any relation to the channel of the Mississippi River, on the banks of which this town is located. Of course there went up one general prayer for deliverance; and as high water came down, notwithstanding it made them take to their rubber boots and destroyed the chance there for a cotton crop, yet when it restored the channel of the Mississippi River the rejoicing was intensified.

Thus it goes. There is a general demand for the appropriation of money to improve the river and great satisfaction while the money is being expended; but the result, always to be followed with great rejoicing, is that the annual floods come down and carry the work away. A blind man, a boy fourteen years of age, would know that if we want to have a judicious expenditure of public money that is not the way to improve the Mississippi River.

I have been told by persons who know that river by reason of having traveled it not only recently but at frequent intervals through the past five or six years, that practically no good result has followed the appropriation of public money for its improvement heretofore.

I have no doubt that largely grows out of the fact that the plans are constantly changed, and of course I can realize the effect of the operations of an engineer of the Army who proceeds to improve the Mississippi River by cutting off a prosperous village from it by interposing a great bank of sand and dikes in such a way that the commerce and the trade of that town and the immediate section of country are destroyed. That is nothing to him. That is a consequence which cuts no figure with him. His salary goes on, and in fact I think his standing in the corps of which he is a valued member is increased somewhat by the fact that he has constructed a work which would have irretrievably damaged the locality if it had been kept on and had staid, and the people who live upon the banks of the river were constantly importuning us to end it; as the Senator from Massachusetts [Mr. DAWES] says, the vulgar crowd who live along that river. Vulgar, of course, by comparison with those engineers.

We have supposed that one of the difficulties in regard to this river was that at certain seasons of the year there is too much water; but according to the idea of the Mississippi River Commission that is not the case—there is not enough water; and therefore they have developed a plan, as found stated on page 2554 and following of their report made to this present Congress, for securing the entry into the channel of that river of more water, in order that the people of Osceola probably shall be cut off from the satisfaction of being able to wade out from an ordinary flood in the river and they will be obliged to swim out or drown.

So, as I said, when the Mississippi River Commission came to a consideration of that question they propose to put a big dam into the Atchafalaya River so as to see that no water shall go down that river, but that all the water shall go down the Mississippi River, and that the portion of it which now goes into the Atchafalaya Bayou shall be inevitably and always carried into the Mississippi River, thereby, of course, increasing, according to what we would suppose to be the obvious effect, the volume of water to be taken care of below, and increasing the necessity for levees and the danger of overflows, and of that destruction which comes from a surplus of water. So a dam is to be built in the Atchafalaya Bayou and the water shut off from going down to the Gulf of Mexico by that means of communication.

Of course it is easy enough to read between the lines and to see that this is in total disregard of the public aspect of the case, and that it is done for the purpose of making sure that the river shall never be improved, and there shall always be work for engineers upon it. It would seem to an ordinary layman that if you could eliminate the water at that time when it comes down in great volume and inevitably overflows the adjacent land the improvement of that river would be much simplified. But it is not simplification that the Engineer Corps seeks. That highly ornamental branch of the military service known as the Engineer Corps in devising and making plans for the improvement of the Mississippi River give the most attention to the construction of a dam whereby more water must be carried into the river than would ordinarily flow into it.

Some millions of dollars have been spent in the so-called improvement of that river, and I will venture to say that with the exception of the amount of money that was spent at the mouth of the river under the direction of Captain Eads practically none of it has yielded any useful result at all in controlling or deepening the channel of the river. I do not speak of this as one believing that it is possible at all times to control the volume of that river. I believe that our work upon it should largely be in the direction of modifying and qualifying the effects that follow the great floods which come down annually, not with the expectation of always controlling them, of being able always to bring them within certain limits, but of so managing as that the danger may be reduced to the minimum, and that we may meanwhile gain knowledge by experience which may be usefully applied. Instead of that, you have the judgment of a corps of men who practice upon it as medical students would practice upon a dead body, totally regardless of the live, active interests which are involved, and which they proceed, as in the case of Osceola, to destroy at will.

I do not know about the special merit of the amendment of my colleague; but as something is better than nothing and we absolutely know that nothing has heretofore resulted from the expenditure of money under the Mississippi River Commission, it seems that it is time to make some change. A more useful change in my judgment would be to let the whole matter go until we could be certain of getting this whole work in the hands of some one who should bring to it the necessary genius and skill and responsibility, so that at least we might have the reasonably decent hope of a useful result to follow the expenditure of the money.

So far we have been between two fires, between two theories, moved in the first place by the planters and others of Louisiana and the Lower Mississippi to put levees along the banks of the Mississippi River to prevent a possible overflow, and with no thought, practically speaking, of the limitation of the quantity of water to float down the stream, but with only the remedy of constantly building the levees higher as the floods themselves increase. Of course these levees give way. Then there is great disaster, and then there are great appropriations to follow for the purpose of repairing the disaster to the individuals who suffer; and of course there is an inevitable erosion against which no levee can ever be made proof. There is no possible combination of earth or of earth and brush on the banks of the stream that can be relied upon to always keep the water out from the lands that lie back.

As I said when a similar bill was under consideration the last time, the only way to make sure of an improvement of this character is to build a railroad along the bank, in order that there may be at hand at all times the means for the instantaneous transportation of materials to fill up the breaks that will inevitably be made by the current of this great river.

On the other hand, discarding the levee system, we have had the theories recently advanced upon the authority of Captain Eads of contracting the channel practically at the longer reaches and thereby enabling the water to scour out the channel and make it deeper at all times between the banks, instead of, as now, a constant deposit of silt by reason of the slackening current, which makes the river bed rise annually. I believe it goes without question that the river lies on a ridge, and that that ridge under the present condition of things increases in height every year, and that there is not only an actual increase but a relative increase in height, so that not only does the bed of the river rise each year by reason of this deposit but it rises relatively to the banks, and consequently makes an overflow more certain each year unless this is restrained by means of levees or some other artificial obstruction. That of course can not go on always. There must be a time when we shall come to the end of that, because in time if we do not the river will then rise out of its present level.

So far as the reclamation involved in the building of levees is concerned, I beg the Senate to observe that when this question first came to be considered by Congress seriously about 1835 it was the judgment of the men who at that time controlled legislation that that was an operation for the individuals and the States affected thereby, and for the purpose of such a reclamation grants of swamp lands were made. There has been a good deal of talk from time to time about the grants made in aid of railroads, but for simple Simon Pure extravagance, for a donation of the public domain without any return whatever, direct or indirect, nothing has ever equaled the extravagance of the gifts of swamp lands to States. It was done under misapprehension, under misrepresentation, upon the theory, in the first place, that only a small area of land was of the swamp character described in the statute. The first report upon this subject deals in great detail and at great length with the subject of swamp lands of the States of Arkansas and Missouri, and the estimate is that there are less than 2,000,000 acres in both those States, yet, if my recollection does not fail me, those two States got in the neighborhood of 10,000,000 acres of land supposed to be swamp land.

Not only that, but the grant went on further to say that these States were prepared with money and other adequate facilities for the reclamation of this land; and yet we all know that practically no money has been expended for any such purpose. The State of Florida, for instance, had 18,000,000 acres of swamp land certified to it, and it has not reclaimed an acre, but has given every single one of it to railroad companies.

So all that we spend now in the way of erecting levees along the banks of the Mississippi is simply adding to that which was given to the States nearly forty years ago in order that they might do this work themselves. I only speak of this in passing to show how we have been beating backward and forward between these two theories, on the one side the self-interest of the people, who have had ample funds to do these things for themselves, and on the other side the theory of engineers of note as to the only way by which this great river could be kept under any reasonable control.

Now we come to the Mississippi River Commission, changing its theories from year to year and agreeing upon nothing except to spend all the money that we give, and, like the horse-leech's daughter, crying annually for more; and then we do not know how many places there may be on the banks of this great stream situated like Osceola in Arkansas, in which the only day which is given over to unrestrained thanksgiving and rejoicing is the day when the Government works go down, whereby they can get back again on the bank of the great stream and enjoy communication with the outer world.

As I said, it seems to be quite time something was done to change this order of things. We might as well throw the money first as last into the current of the river and let the Government profit by its disappearance utterly from circulation, not liable thereby to redeem it, as to spend it in the way the money has been spent in the past few years.

Probably the most competent person who was ever upon that commission was Captain Eads. I do not believe in him as the man who possesses all the necessary qualities for this or any other great work. At the same time he has that stimulus which now is now entirely lacking, that of a great reputation honorably and worthily achieved, which is in the balance in whatever he does, and the further stimulus that new honor is to be won, backed by a great brain and by a determination equal to all the emergencies which can be presented.

If the Government could take the harbors of this country like Galveston and the Mississippi River and make a contract with some man of that kind, at almost any price which could be named, paying him only as results were achieved, as was the case with the jetties at the mouth of the Mississippi River, we could sit down with the anticipation of something to be derived from the expenditure of money, even although we might pay a great and what seemed to be at the time an extravagant price. But as it is now, it is $100,000, and $500,000, and $1,000,000 thrown in, and like the man who always subscribes if anybody asks him but for a dollar, we give what is asked, glad that it is not more, shutting our eyes to the fact that out of it all comes no useful result.

I think it is time that this work shall stop, unless we can put it upon some better basis. Why should we go on improving Galveston Harbor and the Mississippi River only to be confronted each year with the utter failure of all that has been done, and realize our utter helplessness, with the means at command, with our plan of operations, to ever do anything any better?

M. GIBSON addressed the Senate. [See Appendix.]

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes; agreed to the one hundred and nineteenth and two hundred and thirty-third amendments of the Senate with amendments; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOLMAN, Mr. CABELL, and Mr. CANNON managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 8585) to provide for the inspection of tobacco, cigars, and snuff, and to repeal section 3151 of the Revised Statutes.

A bill (H. R. 8738) to so further amend section 3362 of the Revised Statutes, as amended, and section 3363 as makes a distinction in the mode of packing and selling tobacco;

A bill (H. R. 9653) to amend section 3058 of the Revised Statutes;

A bill (H. R. 3289) to amend section 5 of the act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880;

A bill (H. R. 7860) to amend an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880;

A bill (H. R. 8598) to so further amend section 3314 of the Revised Statutes, as amended, as to strike out and repeal so much thereof as allows to collectors of internal revenue commissions on taxes collected on distilled spirits; and

A bill (H. R. 8966) to so further amend section 3387 of the Revised Statutes, as amended, as to reduce the penal sum of the bonds of cigar-manufacturers.

BILL INTRODUCED.

Mr. MILLER (by request) introduced a bill (S. 2844) for the relief of Delphine P. Baker; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENT TO HOUSE BILLS.

Mr. WILSON, of Iowa, submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BUTLER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate proceeded to consider its amendments to the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, disagreed to by the House of Representatives, and the amendments of the House to the one hundred and nineteenth and two hundred and thirty-third amendments of the Senate to the bill; and

On motion by Mr. ALLISON,

Resolved, That the Senate insist upon its amendments to the bill disagreed to by the House of Representatives, disagree to the amendments of the House to the one hundred and nineteenth and two hundred and thirty-third amendments of the Senate to the bill, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL.

HOUSE BILLS REFERRED.

The following bills, this day received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Finance:

A bill (H. R. 8585) to provide for the inspection of tobacco, cigars, and snuff, and to repeal section 3151 of the Revised Statutes;

A bill (H. R. 8738) to so further amend section 3362 of the Revised Statutes, as amended, and section 3363 as makes a distinction in the mode of packing and selling tobacco;

A bill (H. R. 8598) to so further amend section 3314 of the Revised Statutes, as amended, as to strike out and repeal so much thereof as allows to collectors of internal revenue commissions on taxes collected on distilled spirits; and

A bill (H. R. 8966) to so further amend section 3387 of the Revised Statutes, as amended, as to reduce the penal sum of the bonds of cigar-manufacturers.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 9653) to amend section 3058 of the Revised Statutes;

A bill (H. R. 3289) to amend section 5 of the act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; and

A bill (H. R. 7860) to amend an act entitled "An act to amend statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880.

Mr. ALLISON. Should not those bills in relation to immediate transportation be referred to the Committee on Finance?

The PRESIDENT *pro tempore*. They have recently been referred to the Committee on Commerce, and the Chair took the ordinary course.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, the question being on the amendment of Mr. INGALLS to the amendment of the Committee on Commerce relative to the improvement of the Mississippi River.

Mr. HARRISON. Mr. President, the subject of the improvement of the Mississippi River is one of exceeding interest, whether it is looked at from the standpoint of commerce or of science. Congress in 1880 constituted a commission composed in part of officers of the Engineer Corps of the United States, and having one member from the Coast and Geodetic Survey, one member, who is a civil engineer, from civil life, and in its original constitution one layman. This commission has since been in charge of the work of improvement on the Mississippi River. In reading its reports I find that the commission claims to have advanced a good deal in its understanding of some of the laws regulating this river.

In the original act there was a suggestion, evidently intended to promote the building of levees upon the lower river as a part of the plan of improvement.

Under the words "give ease and safety to navigation," they were to consider the question whether levees would promote that end. At the beginning the commission in considering this question did not adopt the levee system as a part of their plan of improvement. They spoke of it as a desirable but not as a necessary adjunct of the plan. I read a brief extract from that report:

> While it is not claimed that levees in themselves are necessary as a means of securing ultimately a deep channel for navigation, it is believed that the repair and maintenance of the extension levees already existing will hasten the work of channel improvement through the increased scour and depth of river bed which they would produce during the higher stages. They are regarded as a desirable, though not a necessary adjunct in the general system of improvement submitted.

The view of the commission at that time was that the engineer works would accomplish the rectification of the defects in the low-water navigation of the Mississippi. Those engineer works were intended to contract the water way, to reduce the abnormal width of the river at certain points where bars exist, and by reducing the width of the stream and concentrating the low-water flow to give increased depth at those points.

The first reports of the commission defended this as a practicable and sufficient method of improvement. Levees were spoken of as a desirable and not a necessary adjunct. Having been a member of the commission myself for two years after its formation, I know that the sentiment of the commission was as expressed in this extract which I have read. It was believed that the engineer works would correct defects in navigation by themselves and without the aid of a levee system. I agree that in these years members who have continued upon the commission should have learned something, and they tell us they have learned a good deal, and especially with reference to the efficiency and necessity of levees in connection with their plan of improvement. I find in the last report of the commission that a general system of levees, beginning at the mouth of the river and extending upward, is a part of their plan. Upon this subject the following conclusions are reached:

> Therefore, it is the opinion of the commission that the building of levees for the improvement of navigation in the obstructed portion of the river can not proceed indefinitely without involving damages to the proprietary interests below; and if this portion of the improvement to navigation is to proceed, provision must be made for strengthening and raising the levees in the lower portion of the river where navigation is now good.

In other words, they have stopped the work they were doing in the upper portion of the river, where they were putting in these engineer works, which if continued would produce results upon the lower river that would be destructive by increasing the flood height. They, therefore, express the opinion that if the levees are to be constructed upon the upper river it will be necessary to counteract their first effects at least by beginning a system of levees at the mouth of the river and extending it upward. The report continues:

> This recommendation is not based on conditions which will be continually increasing or even permanent. No reason is apparent why the law that a larger volume of water flows through a bed adjustable by its own forces to its own needs, with less resistance and slope, should not ultimately be fully operative here.
>
> During the transition period unquestionably the increase of work will be indicated by increase of slope, which will disappear as the equilibrium is re-established.
>
> The following general order is believed to be judicious in the completion of a levee system. As its object is generally to enlarge the water way, a common-sense analogy is found in the homely art of ditching. It should begin at the lower end. Each bottom, the Manchac, La Fourche, and Atchafalaya, constituting Lower Louisiana, the Tensas, Yazoo, White, and Saint Francis, should be inclosed in order from below upward.
>
> In each bottom, as it is reached in the foregoing order, the most important levees, as restraining the greatest escape of water, should be first constructed.

I read this in order that Senators may understand the position now taken by the Mississippi River Commission, the majority of it, as to levee construction, that they can not pursue their system of repairing and constructing levees on the upper river without damage to the lower river, and that being so, they suggest that the work of building levees should begin at the mouth of the river and be extended upward until a complete system of levees is provided.

If the construction of these levees is essential to the improvement of the navigation of the Mississippi River, I am in favor of it. I will not yield to any one in my sense of the importance of keeping open this great channel of commerce. I think that almost any expenditure of money that would establish and maintain 10 feet of water from Saint Louis to New Orleans would be of incalculable benefit to the country. It is in the highest sense a national work.

I do not know, sir, of anything in this bill, not excepting the great harbor of New York, that is more strictly and widely national in its scope than the improvement of the Mississippi River. And, Mr. President, if it is necessary I do not object at all to the fact that an incidental benefit results to those who own land upon the Mississippi River. So far from objecting, where such an incident is found in connection with the improvement I should rejoice at it that these people are improved in their estate by an expenditure which is strictly national and directed to a purpose which is within the scope of our constitutional power. But I can not, and I could not when I was upon the commission, give my assent to the proposition that the principal moving motive toward the construction of these levees was the reclamation or protection of land.

My friend from Louisiana who has just spoken [Mr. GIBSON] has referred kindly to my experience as a member of this commission. I recall an incident showing that very natural interest which he and those people whom he represents upon the lower river feel in this commission

as connected with levee improvement. I recollect that the Senator from Louisiana, then a member of the House of Representatives, finding my name to the minority report, the first report of the commission, in which views were expressed, in connection with General Comstock, of the Engineer Corps, as to the relation of levees to this improvement, did me the honor, I think, to introduce a bill in the House of Representatives which provided that the Mississippi River Commission should be reduced to six members, and that the members appointed from civil life should be all civil engineers.

The bill might have been entitled properly a bill to remove me from the Mississippi River Commission. That was the sense which the Senator from Louisiana at that time had of my services in connection with that distinguished body. I may say in passing that the bill did not pass, and I left the commission by promotion and not by expulsion.

As I say, the commission have progressed from that time to this, and the majority of them now recommend the general system of levees. It involves an enormous cost. It is not proposed that the States or the abutting property-owners shall contribute at all to the work except so far as they have already contributed where the levees are found to be suitably located and can be utilized by the Mississippi River Commission.

I find that this last report is not a unanimous one. Professor Henry Mitchell, of the Coast and Geodetic Survey, whom I regard as one of the most scientific and accomplished men upon such subjects as this in the United States, submits a minority report, in the course of which he says:

> I have signed the above report with some misgivings as to the purport of the two articles entitled respectively "Levees and Outlets" and "Rectification of the Red and Atchafalaya Rivers."

He then proceeds:

> The commission has undertaken the reconstruction of levees along the fronts of the Yazoo and Tensas basins, with the expectation that these would improve navigation and determine the value of this means of improvement as compared with other means under trial. The results of these costly experiments have not yet been ascertained, and until benefits have been discovered from repeated surveys at low water there would seem to be no ground for recommending a complete application of the levee system.

I read another extract:

> Before recommending or in any degree favoring such "complete application" of the levee system, I prefer to await the results of our own experiments, and I will add that these results will much exceed my expectation if they justify the extension of levee work 270 miles beyond the obstructed portion of the river, and the introduction of a change of regimen where no change can be for the better.

So it seems that there is some division of opinion still upon the commission as to whether the project of beginning the construction of levees at the mouth of this river should be undertaken and the work prosecuted until a complete system is obtained along the whole river front.

Mr. President, I do not know how we are to deal with this question unless we can commit it into the keeping of some board or to the keeping of somebody in whom we have confidence. I do not believe that the general system of levees spoken of is necessary to the work of correcting the defects in the low-water channel of the Mississippi. As Professor Mitchell says, it is to be extended along a front of 270 miles where the river does not need any improvement now, where navigation is perfect, where all the year round there is an adequate depth of water for all the commerce that can float upon it; and it is to be extended there in order to protect that stretch of the river from the ill effects of constructing levees above.

Mr. EDMUNDS. What are those ill effects?

Mr. HARRISON. Those ill effects are that it increases the flood below, concentrates the water, and gives increased flow and velocity, and as it is expressed here by the commission:

> The building of levees for the improvement of navigation in the obstructed portion of the river can not proceed indefinitely without involving damages to the proprietary interests below.

That is, raising the flood line so as to require an elevation of the levee. I do not believe that is necessary; and yet, of course, upon a question of this kind I confess my own insufficiency. I only know that every member of this commission at one time gave his adhesion to the proposition that the interchannel works which were indispensable would be sufficient in themselves to rectify the defects in the low-water navigation.

I believed then, I fear now, that if this great levee system over 270 miles of unimpaired river is to be attached to the Mississippi River improvement, it will break down under the weight. I believed then that the proper course was to separate it as far as possible from this work and to adopt it only when it became apparent that it was necessary; and if it has the effects which they contend for it, and which the Senator from Louisiana has ascribed to it, then let us adopt the levee system as a plan of improvement and abandon the interchannel work. Both can not be justified, it seems to me, unless the inefficiency of each is first established.

This amendment of the Senator from Kansas—and the Senator from Louisiana favors it—proposes to impose upon the Mississippi River Commission that is given charge of this work by the Senate committee's amendment the ideas, the plans of Captain Eads—which are illogical—plans that the Mississippi River Commission disapprove. Let us have this matter carried through to its logical end. If in the opinion of the Senate Captain Eads's views and plans in reference to the improvement of this river are right, then abolish the commission and put Captain Eads in charge. If we believe that there is greater wisdom in the recommendations of the commission, then let us stand by them. I take it the Senator from Louisiana believes, as I understand Captain Eads also believes, in the levee system, and we shall have a levee system in connection with this new idea of his, which is that the revetment of caving banks should be abandoned.

Mr. President, there is just one problem involved in connection with the improvement of the Mississippi, and but one. It is the question of preventing the banks from tumbling into the river. It is perfectly easy. It has been demonstrated that the bars in the river can be removed and good navigation established simply by contracting the width of the river at these points, and this can be done at a reasonable cost when we consider the benefits to result. I have no sort of question that over these reaches, where in low water we have sometimes 5 and 5½ feet only, upon every one of them there can be established a depth of from 10 to 15 feet of water simply by the contraction of the water way by the interchannel work. But when you have done that, when you have corrected the places where these evils exist now, it will not do to turn the river over to its own sweet will, in my judgment.

Why are these bars there now? Why is it that you are required to contract the water way? Why is it abnormally wide? Simply because the banks have tumbled in. That is what is the matter with it; and every other point on the river and in these concave bends there are caving banks, and the width of the stream is constantly being augmented and a new bar will develop in every such place. It is inevitable. Then you go on and correct and narrow the stream where it is now too wide. There is another place, as I recollect, besides Vicksburg where this is so; and I only say to my distinguished friend from Illinois that if the river had been when he was besieging Vicksburg where it was when I was on it he could have got his gunboats over there without any trouble. That whole point of bank was being torn away, and this very amendment recognizes the propriety of moving the banks at Vicksburg and other points where they are washing away, to revet them to save a town, revet them to save a harbor. But this amendment of the Senator from Kansas declares they shall not be revetted at any other point.

It seems to me altogether illogical. I believe Captain Eads has some idea that when these wide places are contracted the water of the Mississippi will be restored to a sort of natural condition, will get its own proper swing, and the banks will not cave anywhere. I do not believe in the theory.

Mr. COCKRELL. I ask the Senator if that is not absolutely the case below New Orleans and for a considerable distance above New Orleans.

Mr. HARRISON. There are no banks below New Orleans to cave, practically none.

Mr. EUSTIS. I beg to correct the Senator; he is entirely mistaken on that point.

Mr. HARRISON. May I ask the Senator from Louisiana what the highest bank below New Orleans is above the ordinary level of the water?

Mr. EUSTIS. One of the highest levees in the State of Louisiana is below New Orleans.

Mr. HARRISON. That is very possible; but that does not show that the natural bank is high by any manner of means. On the other hand it would tend to show that it was low.

Mr. EUSTIS. If the statement of the Senator be true, the caving would occur below New Orleans as effectively as it would above New Orleans.

Mr. HARRISON. These banks are not found below New Orleans according to my observation on a single trip. As you approach the Gulf the land is extremely low and not much above the level of the river itself.

Mr. EUSTIS. Will the Senator permit me a moment?

Mr. HARRISON. Certainly.

Mr. EUSTIS. When the Mississippi River falls and gets to a very low point, then the caving begins. Sometimes it is a levee and sometimes it is a bank. The recession of the water from the earth is apt to make the bank cave unless it is protected.

Mr. HARRISON. May I ask the Senator why the banks do not cave below New Orleans, if he says they do not?

Mr. EUSTIS. That is owing to the peculiar currents of the river and the eddies of the river.

Mr. HARRISON. I do not know why they should be peculiar there except that the river is approaching its level in the Gulf. Perhaps its velocity is lost; certainly it is lost somewhere below New Orleans.

Mr. EUSTIS. The velocity of the river?

Mr. HARRISON. As it aproaches the Gulf.

Mr. EUSTIS. Not much.

Mr. HARRISON. I supposed that would be the effect of it, but I am not an expert and have seen it but once, while the Senator has seen it always; but I suppose as it approaches the Gulf its velocity would be somewhat retarded. Certainly the high caving banks that we see

elsewhere up about Greenville are not there. At Greenville the bank stands I do not know how high, but an enormously high bank, and it is now caving so much that even this amendment recognizes the necessity of revetting the bank to save the town.

It seems to me that that work will go on, that the river will here and there so tear away the banks; and if it is allowed to go on tearing away the banks then you will have an abnormally wide river at that place, and just as soon as you get an abnormally wide river you will have an abnormally low river, because you will have bars formed there.

The one problem is the question of holding the banks. If it can be done by any artificial work, or if the effect of their work, interchannel work, levees, or what not, is to prevent the caving of the banks, then I undertake to say the problem of improving the Mississippi River is solved. I believe the one troublesome unsolved question is how that is to be done.

But I am myself at a loss to know what we ought to do. I want to see this great work of improvement go on. I would like to see the money to be appropriated expended solely upon these reaches where untried experiments are. I do not like to see it so voted in this bill as that a majority of the commission may enter upon the work of constructing 270 miles of levee, when one of the most skillful men of the commission says that the experiment is yet untried as to what the effect of it will be, and when he protests against it.

It seems to me that we should go on and complete these experiments upon Plum Point and Lake Providence reaches, and that we should not impose upon the Mississippi River Commission the supervision of Captain Eads, and that is what the amendment of the Senator from Kansas proposes to do. If we have so much faith in him that we adopt his views with reference to this, then let us be logical about it and put him in charge. If we are going to trust the Mississippi River Commission let us trust them. At the same time I think we should put such limitations on this appropriation as that the commission will not, without the consent of Congress directly given, enter upon the work of constructing levees on 270 miles of that river as an auxiliary or adjunct to their improvements above. That ought to be demonstrated better than it is now before it is undertaken. It ought to have the distinct sanction of Congress before it is undertaken. Whatever they may think necessary, as they have thought it necessary to construct levees in connection with the work they were improving to such an extent as not to put in peril the property-holders on the lower river, let them go on and do it, but it ought not to be undertaken to levee this river from its mouth to its source without a distinct approval of Congress to that plan.

As I said, Mr. President, as a friend of this improvement I scarcely know how we are to get out of this difficulty. I am clear that the amendment of the Senator from Kansas ought not to be adopted, because it is imposing views here against the wishes and the recommendations of the commission that is to be in charge of the work.

I believe, also, that there ought to be something in this appropriation that will restrain the commission from entering upon this work of constructing levees along the lower river where navigation is now good and is not to be helped by levees.

Their construction there is simply to counteract the effects of something that is done above. That is all they propose it for. It is not that the river needs scouring down there. The Senator from Louisiana [Mr. GIBSON] has eloquently described the effects of this scouring. It does not need any scouring there; it is deep enough now; and the leveeing there is simply to counteract the effects of the levees above.

Does it not raise a question even if they are right in supposing that levees on the upper river where they are constructing them are an important adjunct to the improvement of these bad reaches in the river—does it not raise a serious question whether the value of those levees at those points is so great that the Government should undertake the construction of 270 miles of levee on the lower river where no improvement is needed in navigation in order to get the benefit they could get, if any, from the levees on the points of the river that are being improved?

Mr. EUSTIS. Will the Senator allow me to ask a question again?

Mr. HARRISON. Certainly.

Mr. EUSTIS. I ask him whether the commission did not report that the levee system was a desirable adjunct to the improvement of the navigation of the Mississippi River?

Mr. HARRISON. Yes, sir.

Mr. EUSTIS. Was not that report made when the Senator was a member of it?

Mr. HARRISON. It was, but I signed the minority report. The Senator has not got me there.

Mr. EUSTIS. He disagreed with the majority?

Mr. HARRISON. Yes, sir, I signed the report with General Comstock, and if the Senator would like to hear it I could give it to him. I have it here on my desk.

Mr. EUSTIS. No, I do not care to hear it.

Mr. HARRISON. I will read from the minority report:

But even if a rise or fall of a foot or two in the bed of the river were produced by levees, it is difficult to see how this would sensibly affect the low-water width of the river. Bad navigation arises from excessive low-water width at certain places, and is to be cured by contracting that low-water width to about 3,000 feet. This contraction must be effected by works in the bed of the river, and not by levees on top of its banks, out of contact with the low-water river.

For these reasons we are of the opinion that levees are of very little value in improving the low-water navigation of the river. Of their necessity in protecting alluvial lands against destructive floods there can be no doubt, and to obtain such protection the first step would be the closure of gaps in existing levees. The regulation of the low-water river, including the fixation of the river banks, would be of the greatest aid to the levees, since it would secure them from destruction by caving.

That minority report was prepared by General C. B. Comstock, still a member of the commission, I believe.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The pending question is on the amendment offered by the Senator from Kansas [Mr. INGALLS] to the amendment of the Committee on Commerce.

Mr. VAN WYCK. I crave the indulgence of the Senate for a moment. I desired to propound a question to the Senator from Louisiana [Mr. GIBSON] while he was on the floor in regard to the matter of the depth of water; and I make the suggestion now the more readily because I had occasion to see a correction of a statement once made on that point. I heard it once stated that this channel was about 24 feet in depth. I thought he made a mistake of 1 foot if not more. The Senator said the channel was 30 feet deep at the mouth of the Mississippi now. I desired to call his attention to that point.

There seem to be different opinions as to what is meant by the depth of channel. I supposed it meant necessarily a navigable channel, and when the Senator said 30 feet in depth I presumed that he meant it was for vessels drawing 30 feet of water. Did I understand correctly?

Mr. GIBSON. I meant the channel.

Mr. VAN WYCK. The Senator meant a navigable channel. Then I say that the report of the engineer of the Army shows that the Senator is wrong, that there is not a navigable channel of 30 feet, and the engineer himself discriminates between a legal channel and a navigable channel, and that certainly is a strange discrimination. That was the inquiry I desired to propound to the Senator from Louisiana, whether, when he said a 30-foot channel he meant what is understood all over the world as a 30-foot channel.

Mr. EDMUNDS. What the engineer means, as I understand him, by legal channel as distinguished from a navigable one is a channel that will draw money from the Treasury but will not carry a ship. [Laughter.]

Mr. VAN WYCK. Certainly. That was the point I desired to have the Senator from Louisiana make plain, whether he meant a channel drawing from the Treasury or drawing a vessel. The Senator says he means one carrying a vessel drawing 30 feet of water. That is what he says he means; but the engineer of the Army, in the report furnished by the Secretary of War, shows that here is a discrimination in the channel by technical terms, a 30-foot legal channel; and at the same time he says a vessel drawing 25 or 26 feet of water will ground in that channel. What does he mean? The engineer says that a vessel drawing 25 or 26 feet of water will ground in that channel. Then I should like to know what the Senator understands by a 30-foot channel through which a vessel drawing 25 feet of water can not be navigated.

Mr. GIBSON. I ask the Senator to read the report on that point.

Mr. VAN WYCK. I will read it before this discussion ends. The engineer, in his diagram showing the sinuosities of this river, measures the channel at one point 30 feet right through the center of the spot in this winding way, but when you take the length of a vessel and seek to get it through that channel the engineer says that one drawing 25 or 26 feet of water will be grounded; and he says in his report that there is a difference between the legal and the navigable channel. The Senator from Vermont has given the correct explanation.

Mr. EUSTIS. May I ask the Senator a question?

Mr. VAN WYCK. Certainly.

Mr. EUSTIS. Do I understand the Senator to make the statement that the engineer has not complied with the requirements of the law?

Mr. VAN WYCK. The Senator may draw his inference. That would not necessarily follow I assume.

Mr. EUSTIS. That is a direct question.

Mr. VAN WYCK. A very direct question.

Mr. EUSTIS. Do I understand the Senator to state that Captain Eads has not complied with the requirements of the law?

Mr. VAN WYCK. I will answer the question in a moment when the Senator gives me a chance to utter a sentence or two. I was trying to find out what Captain Eads was to do. Was Captain Eads to make a legal channel that the engineer speaks of, or was he to make a navigable channel? If Captain Eads was to make a navigable channel, which I think he was under the law, 30 feet deep, then Captain Eads has not done it. If Captain Eads was to make a channel which could be ingeniously measured through which a vessel only drawing 25 feet of water could pass and hardly that——

Mr. EUSTIS. I suppose the Senator will admit that Captain Eads is not called upon to make a channel to suit him. The reason why I ask the question is this: If Captain Eads has not complied with the requirements of law, and there is a monthly report made of the depth of that channel, how is it that the United States Government has made

regularly payments to Captain Eads based on the reports of the engineer of the United States Army? That is the question I want the Senator to answer.

Mr. VAN WYCK. The Senator knowing the ease and facility with which money is drawn from the United States Treasury would not, surely, propound that as a difficult conundrum.

Mr. EUSTIS. Then the Senator impeaches, as I understand—I repeat the word, "impeaches"—the conduct of the War Department in reference to paying money to Captain Eads. That is, in his opinion it has done it in violation of law. It is an unfounded assertion, Mr. President.

Mr. VAN WYCK. It would seem to be so.

Mr. HOAR. Will the Senator from Nebraska allow me to put a question to the Senator from Louisiana for my own satisfaction and that of the public? What is the judgment of the intelligent persons representing the commerce of New Orleans on the question he has just put?

Mr. EUSTIS. The judgment is that this work has been a work of eminent success, surpassing the expectations that were formed and disappointing the expectations of those who were opposed to it.

Mr. HOAR. That was my idea.

Mr. EUSTIS. And I repeat that if the Senator from Nebraska will reflect he will see that the Government of the United States, having its own officer, an expert, to supervise this work, and he making monthly reports, has through the Department of War been regularly paying Captain Eads for the simple reason that he has complied exactly and explicitly with all the requirements of the law under which the contract was made.

Mr. VAN WYCK. The fact is all the same notwithstanding. The fact is that the money has been drawn for a channel which is not such a channel as the law requires.

Mr. GIBSON. Does the Senator from Nebraska put that question to me?

Mr. LOGAN. I hope I may be allowed a moment, inasmuch as the charge would reflect perhaps upon the persons selected by the Senate to investigate this matter, to state what the facts are.

The authority of Mr. Eads to do this work was under the act of March 3, 1875.

By act of March 3, 1875, Congress authorized Mr. James B. Eads and his associates to build jetties or other works in the South Pass of the Mississippi River, the object being to get and maintain deep water over the bar at the mouth of the pass, and through the pass into the river. By the terms of the contract Mr. Eads was to obtain a channel 30 feet deep and 350 feet wide, and for this he and his associates were to receive five and one-quarter million dollars, the final $1,000,000 not to be paid until the 30-foot channel had been maintained for ten years, when they were to receive one-half million dollars, the remaining half million to be paid when the same channel had been maintained an additional ten years, or in all for twenty years' maintenance from the date at which this channel was first obtained. In addition he was to receive $100,000 per annum for maintaining this channel, as well as interest at 5 per cent. on the final million dollars.

Another provision of the contract is in effect that the Government can stop payment of cost of maintenance, together with interest on the final million dollars, at any time after the required channel was obtained, by paying this million dollars.

The work on the jetties was begun—

This is from the report made by the engineers—

in 1875, and was pushed with such vigor that in 1879 a channel 26 feet deep was secured through the jetties and through the pass. There was a channel of 30 feet contained within that of 26 feet, but it was very narrow.

By acts of June, 1878, and March 3, 1879, Congress so amended the original contract that Mr. Eads and his associates were required to obtain a depth of but 26 feet, and a width of only 200 feet at bottom, having through it a central depth of 30 feet "without regard to width."

According to the interpretation now put upon the law there must be maintained a channel 26 feet wide, and 200 feet at bottom, having a central depth of 30 feet "without regard to width," through the jetties and into the Gulf, and a channel 26 feet in depth of navigable width must be maintained through the pass from the jetties into the river proper.

The channels must be maintained twenty years from July 8, 1879, at which time these depths were first obtained.

That is the law. Mr. Eads was required to obtain a depth of 26 feet and a channel 200 feet wide, but within that 26 feet there was to be 30 feet depth, and Mr. Eads complied with that contract strictly. I passed through that pass with a committee and measured every yard of it from one end to the other, both depth and width, and I found that he had complied strictly with the contract. He was working under an act of Congress providing that he should make a channel of a certain depth and a certain width, it being changed from the first act. That is not his fault, and he is not to be accused of a wrong because the law authorized him to make the channel narrower and not so deep.

I will further state that while I was there in 1883 our committee saw the largest vessel with the largest cargo of cotton that ever passed out of the city of New Orleans go through that pass from one end to the other; and you can not find a merchant in the city of New Orleans to-day who will not tell you that that work is a complete success. I so stated in a report, and I repeat it on this floor.

Mr. GIBSON. Will the Senator tell us what his impression was of the works on the Mississippi River?

Mr. LOGAN. I do not wish to go into that; but I will say that if any one will send and get the report made by myself as chairman of the committee at that time, printed under an order of the Senate of January 18, 1884, he will find what that committee determined. The Senator from Wisconsin [Mr. SAWYER] was one of the committee who passed down the river and examined the work. All the members of the committee signed the report showing that the work was well performed, and not only that, but that the channel was being deepened.

I will make one further statement. South of Plum Point 25 miles where the channel had been from 3½ to 4 feet deep there was preliminary work showing that it was not necessary to commence at the mouth of the Mississippi River prior to the undertaking of this great work, and the channel was so changed that it gave 8 feet at the low stages of water, and the largest boats were plying at the lowest stages of water through that channel and are doing it to-day in consequence of the very work that has been going on under this commission.

I could go on and give statement after statement about Plum Point and these other places; but I have not time to do it. I ask any one to examine the report of that committee. We examined the depth of the channel, the revetment, the mattress operations along the sides of the river, and everything else that was being done, and also the work done in the channel for the purpose of throwing the volume of water into it and deepening it and washing it out. It is fully and completely stated in that report. Now to sit here and allow an attack to be made on a man who has performed his work according to the act of Congress, according to his contract, who has complied with it in every particular, I will not submit to, for the statement is not true and it is not fair or just to him, for he complied with his contract in every particular under the law as passed by Congress. The Secretary of War is doing no more than the law requires him to do to-day in paying the money, because it is in strict compliance with the law under which this contract was made.

Mr. EUSTIS. In what month was it that the Senator from Illinois made the examination?

Mr. LOGAN. I do not remember, but I can soon find out.

Mr. ALLISON. In October, I think.

Mr. LOGAN. Perhaps it was.

Mr. MCMILLAN. I believe there is no question here about the jetties.

Mr. LOGAN. I was only making these suggestions in reply to what was said by the Senator from Nebraska and what was said by the Senator from Vermont by an inquiry that had as much force in it as an argument in opposition to this proposition. Having examined the work, I would not sit here and allow such a statement to be made which I know is not true.

Mr. VAN WYCK. I will say that I was only replying to the Senator from Louisiana.

Mr. MCMILLAN. I was about appealing to Senators now that the replies have all been made that we confine ourselves to a discussion of this item, if it is agreeable to Senators, so that we can get along with the bill.

Mr. VAN WYCK. I have not yet finished my sentence that I was uttering when the Senator from Illinois interrupted me.

Mr. BUTLER. I was about to appeal to the Senator from Nebraska to let us adjourn.

Mr. MCMILLAN. No; the Senate ought to finish the bill.

Mr. BUTLER. You will make nothing by sitting here to-night.

Mr. VAN WYCK. I think the suggestion is very wise. The Senate can be further enlightened.

Mr. BUTLER (at 6 o'clock and 15 minutes p. m.). If the Senator from Nebraska will yield the floor I will move that the Senate adjourn.

Mr. MCMILLAN. I hope the motion will be voted down.

The PRESIDING OFFICER. The Senator from South Carolina moves that the Senate do now adjourn.

Mr. MCMILLAN. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 16, nays 38, as follows:

YEAS—16.

Blackburn,	Camden,	Eustis,	Pugh,
Brown,	Cameron,	Gorman,	Vance,
Butler,	Cockrell,	Hampton,	Vest,
Call,	Coke,	Jones of Arkansas,	Whitthorne.

NAYS—38.

Allison,	Frye,	Jones of Nevada,	Ransom,
Berry,	George,	Kenna,	Sawyer,
Blair,	Gibson,	Logan,	Sewell,
Chace,	Gray,	McMillan,	Spooner,
Conger,	Hale,	Manderson,	Teller,
Cullom,	Harris,	Maxey,	Walthall,
Dawes,	Harrison,	Miller,	Wilson of Iowa,
Dolph,	Hawley,	Mitchell of Oreg.,	Wilson of Md.
Edmunds,	Hearst,	Palmer,	
Evarts,	Hoar,	Platt,	

ABSENT—22.

Aldrich,	Jones of Florida,	Payne,	Sherman,
Beck,	McPherson,	Pike,	Stanford,
Bowen,	Mahone,	Plumb,	Van Wyck,
Colquitt,	Mitchell of Pa.,	Riddleberger,	Voorhees.
Fair,	Morgan,	Sabin,	
Ingalls,	Morrill,	Saulsbury,	

So the Senate refused to adjourn.

Mr. VAN WYCK. The Senator from Louisiana [Mr. GIBSON] in his remarks spoke about this channel as a channel of 30 feet; and when I found it necessary, because I was not able to propound a question on

that subject during his remarks, to ask for information from him as to what he meant by 30 feet channel, he stated that he meant a channel 30 feet; that is a channel which would pass a vessel drawing 30 feet of water. That was my understanding. I had previously stated that this channel was only about 24 feet, and there probably I made a mistake of a foot, because I showed that the engineer's statement was that a vessel drawing 25 or 26 feet of water will ground in that channel. Surely, therefore, it is not a 30-foot channel.

Then the Senator from Louisiana [Mr. EUSTIS] propounded some inquiries as to the matter of compensation. I referred to the engineer's statement that it seemed to be recognized as a legal channel for one purpose and a navigable channel for another purpose. What does the engineer mean when he speaks of it as a legal channel? That was the point in issue, and the Senator says the contract is complied with. The point we were talking about was what was the actual channel? Thirty feet is claimed, and some Senators criticise my statement as wrong, because they say this is a channel of 30 feet, when it is not a channel to exceed 25 feet. If a vessel drawing 25 feet will ground, as the engineer says, then the statement of the Senator from Illinois [Mr. LOGAN] is wrong that it is a 26-foot channel. If a vessel drawing 25 feet grounds in the channel, then it is not a 26-foot channel, and the Senator from Illinois is mistaken, or else the engineer of the Army is mistaken. A vessel drawing 25 feet grounds——

Mr. CONGER. Grounds on the side.

Mr. VAN WYCK. No matter where she grounds if she grounds. There has been very much said about this which is not warranted or sustained by the facts of the case. The Senator from Louisiana knows that I have been arraigned for making the statement I have made in regard to the depth of this channel, but I am sustained fully by the Engineer Department of the United States.

I shall say no more except that the Senator from Louisiana says that the business men of New Orleans say it is a success, and yet I ask him if it is not a fact that nine years after the jetties were made compared with nine years before there was a great falling off in the commerce of New Orleans?

Mr. EUSTIS. Does the Senator attribute that to the jetties?

Mr. VAN WYCK. If they were a benefit to commerce where is the success? I do not know that it is attributable to the jetties, but it is a fact that after the jetties were made the commerce of New Orleans decreased very largely in exports and imports; and if the heaviest vessels can pass through these jetties will the Senator tell me why it is a fact if it is a fact that much of the cotton of New Orleans finds its way to Liverpool by the way of New York?

Mr. EUSTIS. I will answer the question if the Senator will inform me what that has to do with the jetties.

Mr. VAN WYCK. I was only asking for the fact. Is that the fact, that the commerce of New Orleans, after the jetties were constructed, diminished; that the exports and imports then diminished? The additional fact is admitted, because the Senator does not deny it, that the cotton of Louisiana contiguous to New Orleans is carried to Liverpool cheaper by the way of New York than by New Orleans. Why? Because the heaviest draught vessels which it was supposed would enter New Orleans can not do it. That is the reason, because vessels of heavy draught can not enter that harbor as they can enter the harbor of New York. That accounts for it.

The claim that this channel is such as was contemplated by the law, and that it has brought the benefit which is claimed, seems not to be so, because the jetties do not produce the results which we had a right to expect they would.

That is all I desire to say, except one word more.

The PRESIDING OFFICER (Mr. HAWLEY). The question is——

Mr. VAN WYCK. I am not through.

The PRESIDING OFFICER. The Chair thought the Senator had concluded and was sitting down.

Mr. VAN WYCK. Oh, no, I do not think the Chair thought so; he knew differently.

The PRESIDING OFFICER. The Chair heard the Senator from Nebraska make some remark to the effect that that was all he had to say, and the Chair, thinking he was sitting down, proceeded to state the pending question. The Senator from Nebraska, the Chair takes the liberty of saying, in his present position, has no right as a Senator or a gentleman to make the remark he did.

Mr. VAN WYCK. That does not interfere with my saying it.

The PRESIDING OFFICER. The Chair has no doubt of that.

Mr. HOAR. I call the Senator from Nebraska to order.

The PRESIDING OFFICER. The Senator from Nebraska will take his seat. The Senator from Massachusetts will state his point of order.

Mr. HOAR. The point of order is that the Senator from Nebraska is not justified in the remark he made to the Chair when the Chair stated that he thought the Senator had concluded he believed the Chair thought something different.

The PRESIDING OFFICER. The point of order is well taken. The Chair cares nothing about pursuing the matter any further if the Senator from Nebraska desires to go on.

Mr. VAN WYCK. Only one word more. The Senator from Louisiana [Mr. GIBSON] suggested that the outlet system was entirely wrong, and read the report of General Gillmore for the purpose of sustaining the proposition, and said that of that there could be no possible doubt.

The proposition, as I understood the letter of General Gillmore, was that the Mississippi River was injured by allowing the water to escape from it. I supposed the whole object and purpose of the improvement of the Mississippi River was to allow the speedy escape of the water, because it was the damming up and throwing back of the water which produced injury to commerce upon the river and produced destruction of property along the banks of the river. And yet, strange as it may appear, the position is taken that the river is injured if the water is allowed to escape by the outlet system.

The theory of Captain Eads and his associates is, as I understand, that the water of the Mississippi River must be compelled to pass through the jetties to scour and deepen them, and yet I ask the Senator from Louisiana if he remembers now about the amount of water of the Mississippi that passes through the jetties? I understand about two-tenths of the water of the Mississippi River passes through the jetties, and the other eight-tenths escapes without passing through the jetties. There is no scouring or deepening process with those waters, and the escape of the waters that do not pass through the jetties is an injury how? By damming up and closing up and retarding the escape of the waters? The theory in the letter of General Gillmore, whom I respect equally with the Senator from Louisiana, is that the escape of these waters preventing their passing through the jetties necessarily shows the danger of the outlet system!

All I desire to say in that connection is that it is not a conceded and admitted fact. That is a position disputed by eminent engineers in the Army. While General Gillmore holds that the effect is to shoal the water below the outlet, other engineers equally as eminent say that that is not the effect. In 1882 when that subject was under examination General Humphreys was asked his opinion upon that point.

The question propounded to him—

Whether, where outlets are formed on the river, there is a shoaling of the channel below those outlets, whether such an outlet slackens or accelerates the current, and shoals or does not shoal the river below.

General Humphreys said:

That matter was very carefully examined into by myself when I took charge of the surveys of the Mississippi River in 1850. There is not a single fact that goes to show that any shoaling whatever has been made below any of those crevasses. The Bonnet Carré crevasse was a great one, and it was stated that the river had shoaled below the crevasse, but the measurements showed that it had not, and that the bottom there was of hard clay, and was permanent. Those cross-sections have been repeated from time to time, and have been found substantially the same. The river has eaten a little into the east bank, but the cross-sections remain of the same dimensions, character, and depth.

I merely read that for the purpose of showing that the charge that in the outlet system there is necessarily a shoaling below the crevasse is not necessarily so, because it is a question upon which eminent engineers differ, and while General Gillmore, an eminent engineer, insists that it is so, other engineers entertain a different opinion.

The PRESIDING OFFICER (Mr. FRYE in the chair). The question is on the amendment of the Senator from Kansas [Mr. INGALLS] to the amendment of the Committee on Commerce.

Mr. VEST. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. KENNA (when Mr. CAMDEN'S name was called). My colleague [Mr. CAMDEN] is paired with the Senator from Rhode Island [Mr. ALDRICH].

The Senator from Tennessee [Mr. WHITTHORNE] is paired with the Senator from Oregon [Mr. MITCHELL].

Mr. CHACE (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. DAWES (when his name was called). I am paired on this amendment with the Senator from Missouri [Mr. COCKRELL]. He would vote for the amendment, if present, and I should vote against it.

Mr. HARRISON (when his name was called). I am paired on this amendment with the Senator from Kansas [Mr. INGALLS]. If he were present, he would vote "yea" and I should vote "nay."

Mr. MITCHELL, of Oregon (when his name was called). I am paired with the Senator from Tennessee [Mr. WHITTHORNE]. If he were here, I should vote "nay."

Mr. RIDDLEBERGER (when his name was called). This amendment it was announced was offered by the Senator from Kansas. May I ask which Senator from Kansas?

The PRESIDING OFFICER. Mr. INGALLS.

Mr. RIDDLEBERGER. Then I vote "nay."

Mr. SPOONER (when Mr. SAWYER'S name was called). My colleague [Mr. SAWYER] is paired with the Senator from Kansas [Mr. PLUMB]. I do not know how my colleague would vote on this question if present.

The roll-call was concluded.

Mr. HAMPTON. My colleague, [Mr. BUTLER] is paired with the Senator from Pennsylvania [Mr. CAMERON].

The result was announced—yeas 18, nays 22; as follows:

YEAS—18.

Berry,	George,	Hoar,	Vance,
Blackburn,	Gibson,	Jones of Arkansas,	Vest,
Call,	Gorman,	Maxey,	Walthall.
Coke,	Gray,	Pugh,	
Eustis,	Harris,	Ransom,	

NAYS—22.

Allison,	Frye,	McMillan,	Spooner,
Brown,	Hale,	Manderson,	Teller,
Conger,	Hampton,	Miller,	Van Wyck,
Cullom,	Hawley,	Palmer,	Wilson of Iowa.
Dolph,	Jones of Nevada,	Platt,	
Edmunds,	Kenna,	Riddleberger,	

ABSENT—36.

Aldrich,	Colquitt,	McPherson,	Sabin,
Beck,	Dawes,	Mahone,	Saulsbury,
Blair,	Evarts,	Mitchell of Oreg.,	Sawyer,
Bowen,	Fair,	Mitchell of Pa.,	Sewell,
Butler,	Harrison,	Morgan,	Sherman,
Camden,	Hearst,	Morrill,	Stanford,
Cameron,	Ingalls,	Payne,	Voorhees,
Chace,	Jones of Florida,	Pike,	Whitthorne,
Cockrell,	Logan,	Plumb,	Wilson of Md.

So the amendment to the amendment was rejected.

Mr. CULLOM. If it is in order now, I propose an amendment on page 58. I think there will be no objection to it on the part of the committee. In line 1402, after words "of the," I move to strike out "bar at the mouth of Whipple Creek" and insert "bars at the mouth of Whipple Creek and of Hamburg Bay."

The PRESIDING OFFICER. The amendment of the Senator from Illinois will be stated.

Mr. CULLOM. Hamburg is a little bay on the river.

The SECRETARY. It is proposed to strike out, after the words "of the," in line 1402, the words "bar at the mouth of Whipple Creek" and insert "bars at the mouth of Whipple Creek and Hamburg Bay."

Mr. CULLOM. I think there will be no objection to that on the part of the committee.

Mr. MILLER. Is it in the engineer's report?

Mr. CULLOM. I think it is. It is a small affair anyway.

The amendment to the amendment was agreed to.

Mr. HARRISON. I move to amend in line 1438 by inserting after the word "channel" "but not below the reaches of the river which are being improved by them."

Mr. GIBSON. I hope that amendment will be voted down.

Mr. VAN WYCK. I desire to say that I learn that I misunderstood what the purport of the remarks of the presiding officer were a short time ago. I certainly did not intend to say anything offensive to him above any man in the Senate. Therefore I withdraw any statement I may have made.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana [Mr. HARRISON], which will be stated.

The SECRETARY. In line 1438, after the word "channel," it is proposed to insert "but not below the reaches of the river which are being improved by them;" so as to read:

Provided, however, That the commission is authorized to repair and build levees if, in their judgment, it should be done as part of their plan to afford ease and safety to the navigation and commerce of the river and to deepen the channel, but not below the reaches of the river which are being improved by them.

Mr. GIBSON. That amendment imposes conditions upon the Mississippi River Commission that are in line with the minority reports signed by the Senator from Indiana when he was a member of the commission and by General Comstock, who was also a member of the commission, and which were rejected by every member of the commission except those two gentlemen.

This amendment imposes upon the commission a restriction which, in effect, substitutes the Senate of the United States and their judgment of the proper method by which the Mississippi River may be improved, their opinion with respect to the methods and instrumentalities that may be employed by this commission, in lieu of the judgment and opinion of the commission itself.

I submit to the Senate if we have selected men who are experienced in engineering, men who are experts in hydraulics, men who have given years of their lives to the investigation of the phenomena of the Mississippi River and have Congress after Congress submitted their reports, which have been indorsed year after year by appropriations, whether it is proper, whether it is consistent with reason, that the Senate of the United States should interpose and say to the commission, "You shall not adopt this plan for the improvement of this great river, but instead of the plan that you propose you shall adopt some other plan, that you have rejected, but which we, the Senate of the United States, intend that you shall attempt to execute in the improvement of this river."

Mr. HARRISON. Will the Senator from Louisiana allow me to ask him a question?

Mr. GIBSON. Certainly.

Mr. HARRISON. Has it been ten minutes since the Senator from Louisiana himself voted to overrule the reports of this commission and to impose upon them a limitation according to the view of Captain Eads as to the revetment of the banks?

Mr. GIBSON. I admit that with respect to the revetment of the banks of the Mississippi River I joined with a minority of the Senate in directing that that plan should be suspended, because Captain Eads, who was the author of the jetties and whose plan has succeeded in controlling and mastering the forces of the Mississippi River, advised in the amendment offered by the Senator from Kansas that the revetment plan might be postponed because it was expensive, and it might turn out that the plan of contraction which has been adopted by the Mississippi River Commission might prove to be in itself a perfect and complete plan without the additional one of revetment. But I did not propose to instruct the Mississippi River Commission that they should not adopt the plan of revetment at all events.

I voted merely to postpone the revetment system until they had tried effectually the plan of contraction. But that very amendment proposed that they should have on the banks of the river in these reaches what are called dikes or levees, and the whole theory upon which the Mississippi River Commission proceeds is that of restraining the volume of the water in the channel of the Mississippi River so that we may increase the velocity of the current and thus scour out the river and bear this burden to the sea. And the attempt here on the part of the Senate to say to this commission, "You shall not execute the plan that you propose to the Senate; you shall not execute the plan that you have agreed upon, but you shall execute in lieu of it the plan that a minority of the commission have agreed upon, that plan which the commission itself has rejected." It is the very plan that the Senator from Indiana now proposes that that commission shall execute without condition or restriction. So that there is no analogy between the vote which I gave restraining the commission for the time being from the execution of the revetment system and that which he proposes now, which says to this commission, "You shall not adopt the very plan which you submitted to the Senate as the proper one for the improvement of the Mississippi River."

I desire here to state that this whole scheme relates not to the banks of the river. There is not one word in the bill creating the Mississippi River Commission that gives it any jurisdiction over the banks of the river, that allows it to concern itself in any degree with the protection of the people from floods. They have nothing to do under the bill creating the Mississippi River Commission with the protection of the alluvial lands from overflow, with the building of levees or jetties or dikes to protect the people in the valley from overflow—nothing in the world.

The bill recites in its very title that it creates a commission to do what? To improve the river. That is the purpose of the bill, and the plan which has been submitted by the commission is to improve the river, and I say to Senators here that it will not do for them to interpose their judgment in respect to the plans that have been adopted by this commission and to say to them, "The very plan that you brought here under the responsibilities of the position which you occupy to improve this river the Senate goes back upon; it rejects; and in lieu of this we substitute another plan." We say, "This is the plan of the Senate; we have willed that you shall follow it; but the plan which you brought here we will shall be rejected."

Senators, you must adhere to the general plan proposed by the commission. Otherwise why should we constitute a commission of engineers and experts? What reason can there be to organize a body of men who have been educated to deal with the phenomena of the Mississippi River, whose plan has been shown here to-day to be a successful one, who have given deep water where there was shallow water, who have emancipated the trade and commerce of this great highway, and now just as they are midway in their course the Senate of the United States, under the amendment proposed by the Senator from Indiana, interposes its knowledge, its experience, its will, and subverts, in point of fact, the commission itself? You might as well take this commission and throw it in the floods of the Mississippi River as to pass this amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana [Mr. HARRISON].

Mr. EUSTIS. Mr. President, I would ask the Senator from Indiana whether the effect of this amendment is not to prevent the repairing or building of any levees south of Lake Providence.

Mr. HARRISON. Lake Providence, I believe, is the lowest reach they are improving; yes, sir.

Mr. EUSTIS. That is the effect of it?

Mr. HARRISON. I suppose it would be. There are no shoals below Lake Providence, I believe, that they are working upon.

Mr. EUSTIS. It seems to me that this amendment is inconsistent with the provisions of the bill as regards the improvement of the navigation of the Mississippi River. In the first place, it is expressly provided—

That no portion of this appropriation shall be expended to repair or build levees for the purpose of reclaiming lands or preventing injury to lands or private property by overflows.

That is an express prohibition to the river commission, that for the

purpose merely of protecting lands which are liable to overflow, regardless of the question of the improvability of the navigation of the Mississippi River, they are not authorized under this act to expend a single dollar. I assume, of course, that that provision of the law will be strictly obeyed by the commission.

Now, if the amendment of the Senator from Indiana be adopted it prohibits the Mississippi River Commission from repairing or building levees, which they may consider as part of their plan to improve the navigation and commerce of the Mississippi River.

The Senator from Indiana certainly did not state in the short speech that he made before that he disapproved of the levee system as an adjunct to the improvement of the navigation of the Mississippi River. I understood that he expressly reserved his judgment upon that question, and he frankly stated that that was an unsolved problem. Now, if the river commission should determine that below Lake Providence Point it is necessary to keep the Mississippi River within its channel by one system or by another in order to improve or to preserve the navigation of that river, it seems to me that the effect of the amendment of the Senator from Indiana is to impair the efficiency of that commission, not only to restrain its discretion and to destroy its scientific judgment, but it is a declaration by the Senate of the United States that even if it be necessary to improve the navigation of the Mississippi River south of Lake Providence, even if it be absolutely essential as a scientific question to be determined by this commission that a levee south of that point should be repaired or builded although it might improve the navigation of the river and possibly be the very best investment that could be made under this appropriation, yet under the amendment offered by the Senator from Indiana there is an absolute and peremptory prohibition to the commission that it shall surrender its judgment and surrender its responsibility, and not a solitary dollar of this large appropriation shall be so used, because the Senate of the United States, and the House if it adopts it, prohibit it. I say, Mr. President, that the amendment presents an irreconcilable inconsistency with the whole theory and purpose of this appropriation.

The Senator complained that an amendment was offered which represented the contraction system, the Eads system; and yet he himself proposes by his amendment to restrict the commission to a system which is antagonistic and hostile to the levee system though in the judgment of that commission that should be the most appropriate way of dedicating the money which is appropriated under this bill.

There is another objection to which I desire to call his attention. The Government of the United States under previous appropriations adopted the suggestions and the schemes which were proposed by the river commission in previous years and have builded levees. Those levees have been built south of Lake Providence. They have cost millions of dollars, I may say, in all the riparian States. There stands the investment of the Government of the United States in those great works which have been constructed by this river commission with the public money appropriated by Congress and under a system which has received the sanction of Congress. Is it possible that the honorable Senator intends that those magnificent works so constructed shall be exposed to the danger of destruction and that this river commission shall not have the power to expend a single dollar to save those levees or to repair them against the floods of the Mississippi River; that they are to stand by and see those levees swept away, the work of years and the work of millions of dollars disappear, as it were, as they might do in a night's time? Yet under this amendment as proposed by the Senator from Indiana not a solitary dollar of this money could be used to protect, to preserve, or to save those levees, but they would disappear, being washed away by the floods of the Mississippi River.

Whom would that benefit? To whose advantage would that accrue? To the Government of the United States to have millions of dollars of money which have been invested under the sanction of Congress wasted and disappear simply for the reason that the Congress of the United States, if the amendment of the Senator from Indiana be adopted, has absolutely and peremptorily prohibited the commission from expending a solitary dollar to save these great public works from destruction by the floods of the Mississippi. I will tell the honorable Senator that a levee that may have cost a million or a million and a half of dollars can be saved sometimes by the expenditure of a few hundred or a few thousand dollars at the proper time. I can tell the honorable Senator that some of the greatest levees that have been built in Louisiana have disappeared sometimes in twenty-four hours for the reason that preventive measures had not been taken in order to save and preserve those levees.

I ask him whether he will take the responsibility before the country of saying that those great works which have been constructed shall stand at their own peril, and that the Government and the people of the United States have no longer any interest in those magnificent works which have been constructed at such an expenditure of money and under the sanction of the Congress of the United States?

Mr. HARRISON. Mr. President, I intended by this amendment to present distinctly and squarely the question whether the Senate was ready to enter upon the work of the construction of levees beginning at the mouth of the Mississippi and extending up to Cairo. That is the suggestion contained in the report of the commission which I read. This amendment will decide the question, so far as the Senate can decide it, whether we shall enter upon that work.

We are making an appropriation here that will not go very far. In the bill as it came to us from the House the expenditure of this money was limited to two reaches on the river, Lake Providence and Plum Point. The amount was supposed to be wholly necessary for that work. It would be entirely inadequate to build the levees alone below these points. It is not sufficient in itself to complete the works at Plum Point and Lake Providence. Now, what use shall we make of it?

Mr. GIBSON. If the Senator will permit me, I will state that the president of the Mississippi River Commission says that those works are completed just as far as the commission desires to complete them. He has 12 feet of water in one and 15 feet in the other, and he says that under no circumstances should the commission be limited to those works, because they are completed as far as he desires to complete them.

Mr. HARRISON. Then may I ask the Senator from Louisiana what other reaches they propose to enter upon the improvement of?

Mr. GIBSON. They propose to enter upon the improvement of the New Madrid reach.

Mr. HARRISON. Very good.

Mr. GIBSON. And the other reaches.

Mr. HARRISON. Very good. New Madrid is above Lake Providence.

Mr. GIBSON. I submit to the Senator from Indiana that the commission does not propose to limit itself to any particular reaches, but proposes to treat the whole river.

Mr. HARRISON. Neither do I propose to limit the commission as to where they shall do work on that river in the direction of rectifying any defect in its navigation. If my amendment is adopted they will be left entirely free to choose any point on the river where there is now defective navigation and to address themselves to its improvement. They will be left entirely free to build levees along that reach, to build levees above that reach if they please; and certainly neither of the Senators from Louisiana will claim that the work of improving the New Madrid reach will be helped by building levees on the lower river. The commission themselves do not pretend that it will have any relation to their work of improvement, but simply that it will tend to counteract the injurious effects resulting from levees built at or above the points which have been improved.

Mr. GIBSON. The Senator from Indiana surely could not have read the last report of the commission.

Mr. HARRISON. I have it here before me.

Mr. GIBSON. I do not propose to answer, or to try to answer, all the objections which the Senator from Indiana may have against the plan of the Mississippi River Commission. I believe that the Senator from Indiana is committed against that plan; that he was committed against it at the outset when he was a member of the commission, and that he is committed against it now.

But I desire to say to the Senator that that plan rests upon the system of contraction, which means, in effect, holding within the river all the water of the river, so that the velocity may be increased, the friction diminished, the scouring power of the current re-enforced, and that no matter what instrumentalities the commission may require, whether they be jetties, or dikes, or restraining walls, in order to execute this plan, which is the plan of contraction, I for one feel disposed to vote for it.

I desire to say, with the permission of the Senator from Indiana, that but two plans have ever been suggested for the treatment of the Mississippi River. One is the outlet plan, which is to take the water out of the river; and the other is the plan of contraction, which is to keep the water in the river. If jetties be necessary to this latter plan, if levees be necessary, if restraining walls or dikes be necessary, as they are necessary on the Rhine and on the Rhone and as they were necessary at the mouth of the Mississippi River, it seems to me to be the part of wisdom to allow the Mississippi River Commission to adopt these instrumentalities, call them what we may. But to say here that we are in favor of the plan of contraction and opposed to the outlet system, and yet to deny to the Mississippi River Commission the instrumentalities that it should employ to execute the plan of contraction, seems to me to be child's play; and I can not imagine how any one who favors the plan of contraction can vote in favor of the amendment of the Senator from Indiana, which, while approving on principle the very system which has been presented to us by the Mississippi River Commission, yet denies to that commission the means and methods and instrumentalities which it may adopt in order to execute that system.

Mr. HARRISON. I do not understand the Senator from Louisiana. What has the contraction of the water way to do with the reaches of the river below Lake Providence? Where do you want to contract it? The purpose of contraction is to scour a sufficient depth of water throughout the whole river. Below there we have an ample depth of water. We do not want any contraction there. The contraction needed is upon these reaches where we have low water, like New Madrid, Lake Providence, Plum Point, and perhaps others. These are above the point he

wants to levee. You do not need any scouring down there; you have plenty of depth. You do not levee down there to get scour; you do not levee it to contract the water; you levee it down there simply to prevent the injurious effects of levees built higher up the river; and that is what the commission say.

Mr. KENNA. May I ask the Senator a question?

Mr. HARRISON. Certainly.

Mr. KENNA. I should like to ask for information if a greater depth of water should be needed below has not the commission full discretion under its general powers to improve that section of the river?

Mr. HARRISON. Undoubtedly.

Mr. KENNA. Would it not have under your amendment power to build levees, if necessary, as part of the plan of that improvement?

Mr. HARRISON. Undoubtedly. If there should develop on any part of the lower river the Senator from Louisiana has been talking about a shoal place, a bar, and they entered upon the work of improvement, they could build levees there and get the scour. Ah, Mr. President, it is not scour they want down there; it is levees; and not levees to deepen the channel. It is deep enough for any navigation that it has ever been called upon to bear. It is levees that are wanted, and levees for protection. The commission themselves put the building of levees toward the mouth of the river distinctly upon the ground that it is to protect the lands against an increased flood-height caused by building levees up the river.

Mr. BLAIR. May I ask the Senator a question?

Mr. HARRISON. Certainly.

Mr. BLAIR. Do I understand that it is proposed to build these levees lower down to guard against the danger of damage to the land along the river which has been caused by the construction of levees at points where navigation needs to be improved?

Mr. HARRISON. To prevent damage which they apprehend may result from levees built higher up.

Mr. BLAIR. I refer to levees built up the river.

Mr. HARRISON. Built by the commission higher up, which they apprehend may have such a result.

Mr. CALL. I should like to ask the Senator a question for my own information. Do I understand that his amendment is intended to prevent the reasonably apprehended disastrous effect of improvements made under the law by the commission at higher points up the river?

Mr. HARRISON. I am free to say to the Senator that I do not believe there are such effects, and the commission have not said so, but they apprehend such effects if they continue their levee system up the river to the extent that may be contemplated.

Mr. CALL. I would ask the Senator if he proposes to deprive the commission of any power to prevent the evil effects of work which has been done under their authority in destroying the lives and property of the people who may be upon the river?

Mr. HARRISON. I answer very promptly that I do not believe the construction of the levees up the river which threaten the result which they talk about is necessary to the improvement of the river at those points, or that it is necessary to carry them to any such height as to produce such a result.

Mr. CALL. Then I understand the Senator's amendment is predicated upon such a degree of confidence in his own judgment upon that subject that he will not allow any means of preventing the possibility of an error or mistake upon his part.

Mr. HARRISON. I mean just this, that if the commission in order to carry out their scheme of levees higher up the river as an aid to the channel works in increasing the depth of water believe that it is necessary in order to accomplish that to levee the whole river, then I do not agree with them.

As Professor Mitchell, one of the ablest men on that commission, says, we ought not to undertake the leveeing of 270 miles of good river, with plenty of water in it, until we have tested the experiments above and proved it to be necessary. I say that is a wise suggestion, and I want to know if any one here, who has not an overwhelming interest, by reason of the situation of his constituency, in the construction of these levees would not agree with the suggestion that before we undertake the construction of 270 miles, protecting the river on both banks by levees where necessary, we should not first demonstrate that the works above can be accomplished without the levees there, and, secondly, whether the effect of using levees there is not to put in peril property on the lower river.

Mr. HARRIS. Will the Senator allow me to ask him a question?

Mr. HARRISON. Certainly.

Mr. HARRIS. I quite agree with the Senator in opposition to appropriating money to build levees on the Mississippi or any other river to protect the private land-holder on either bank, but if it is necessary to build levees on the upper river to an extent that will produce an increase of flood-height that overflows as a necessary consequence the delta below, does he deny the power and right and duty to protect the country below from the consequence of its act above?

Mr. HARRISON. I do not of course deny that if we produce an increased flood-height below it would be entirely appropriate that we should guard the people there against it; but I deny that it has been demonstrated that that is the result, and I deny that the construction of levees above is necessary to such an extent in order to scour the channel, as to justify us in starting in now, before it has been demonstrated to be necessary, to build a double levee 270 miles long from the Gulf up, and start that out of an appropriation here that is inadequate to other necessary work.

The New Madrid reach is to be improved, and other places where there is low water are to be improved, and yet the Senators from Louisiana want to have the provision left so that the entire appropriation may be employed in building levees, starting at the mouth of the river upward.

The Senator from Louisiana who sits nearest me [Mr. EUSTIS] made a suggestion that I think is entitled to weight, and I propose, therefore, to suggest a modification of my amendment to enable the commission below the point that they are improving to prevent or close a crevasse which may threaten injury to the work that they have done. I agree that that suggestion is pertinent and I adopt it.

Mr. EUSTIS. Now, I should like to ask the Senator one question.

Mr. HARRIS. Certainly.

Mr. EUSTIS. Of course the Senator having been on this commission I have to defer a great deal to his knowledge of the Mississippi River.

Mr. HARRISON. I learned very little there.

Mr. EUSTIS. I have tried to learn something about it myself. The Senator has an idea, evidently, that from a certain given point on the Mississippi River you find a deep, navigable river, and consequently that there is no use to have the commission instructed to build levees or to do any work to improve the navigation of the river, which is already sufficient. I take it that that is the idea in the Senator's mind.

Mr. HARRISON. Where there is navigation already sufficient and which is not threatened.

Mr. EUSTIS. That is true, you may say, for a series of years when we are not visited with any extraordinarily high floods; but I wish to make it manifest to the Senator's mind how utterly untenable his position is when owing to high floods at the points of which he speaks the Mississippi River, instead of being 1 mile wide, is 40 miles wide.

Mr. HARRISON. Still the channel is deep enough.

Mr. EUSTIS. I beg your pardon; I was going to ask what becomes of the channels of the Mississippi River then? As good a pilot as you might be, sir, you could not find them. The whole nature and character of that river is thereby changed, and what was good navigation becomes dangerous and difficult navigation, owing to the fact that the river has been widened from 1 mile to 40 miles and where you had lands those very lands may be in the middle of the river. I have myself seen often a house and a plantation which was a riparian plantation in the middle of the Mississippi River and the channel miles away from where it originally was.

The proposition I wish to submit to the honorable Senator is this: If that be true, and I know it to be true, when such a flood occurs as we had in 1882, despise if you please and scorn the levees, laugh if you please at this system of contraction, you will have a system of expansion that will cost the Government of the United States millions of dollars where it would cost thousands if you allowed the river commission to build levees where they thought it was necessary.

It is an erroneous idea to suppose that the people who inhabit the Mississippi River are asking Congress to build these levees merely for the protection of their homes and their lands. I myself would respect that appeal, I would heed it from whomsoever it might come; but I say that that is not the fact. Those people understand the regimen of that river. Those who are interested in its navigation understand its caprices and its eccentricities; and no doctor ever lived who had such a difficult patient to deal with as those scientific engineers have to deal with in solving the problem of the navigability of the Mississippi River.

I know that the honorable Senator does not wish to be unjust to this measure. I accept him as the friend and coadjutor in this great work of improving the Mississippi River, and I tell him that you have to guard against these extraordinary and devastating floods, which not only destroy the works but destroy the very nature and character of that river; and you will spend millions and millions of dollars, in my judgment, where by spending a few thousand dollars you could not only protect that country from overflow but improve the navigation of the river by the levee system.

Mr. HARRISON. The lower river is subject to the contingency. I agree that a great crevasse may be formed which will draw a sufficient body of the main river to diminish the slope, and hence the velocity, of the stream below, and that may result in deposits below the crevasse. That is the only peril to which the lower part of the river is subject. Over and over again in these reports the Mississippi River Commission have said that navigation on that part of the river did not need any improvement; that there was an ample depth of water.

In high water, of course, navigation is dangerous in times of flood. Channels may change somewhat by reason of a flood; nevertheless there is an abundant depth of water. There are no shoals; there are no bars to be removed; and hence the building of levees for the purpose of getting more erosion, as the other Senator from Louisiana claimed, is entirely unnecessary on the lower part of the river.

In my amendment I propose that wherever the commission undertake to improve the river from Cairo clear down to the passes, at any point where they think navigation needs improvement and have set about to improve the work of navigation, I put no limit on their power to build levees there if they want to do so as part of their work. I only say that they shall not go below the points they are improving (and I have added to my amendment the words) "unless it shall be necessary to prevent or close an injurious crevasse." With that amendment we would provide that they shall not enter upon a general system of building levees below the point that they are improving, but that if a crevasse is threatened that is likely to draw off the water in such a way as to injure navigation, or if a crevassse occurs in the levees likely to produce such a result, they shall have power to prevent its breaking through or to close it if it is open.

Mr. EUSTIS. Read the modification of the amendment again, if you please.

Mr. HARRISON. I propose to make it read that they shall not have power to build levees below unless it shall be necessary to prevent or close an injurious crevasse.

Mr. EUSTIS. That modification is satisfactory to me, Mr. President, as compared with the original proposition.

Mr. HARRISON. That entirely relieves us of the idea that this money is to be spent to build a general system of levees down there, and at the same time it leaves the commission free, if a crevasse threatens to injure navigation, to close it up.

Mr. GIBSON. I hope the amendment will be voted down and that this restriction will not be placed upon the Mississippi River Commission. I do not wish to take up the time of the Senate, but I regard it as a very injurious and injudicious amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated as modified.

The SECRETARY. After the word "channel," in line 1438, it is proposed to add:

But not below the reaches of the river which are being improved by them, unless it shall be necessary to prevent or close an injurious crevasse.

The PRESIDING OFFICER. The question is on the amendment to the amendment. [Putting the question.] By the sound the ayes have it. The ayes have it, and the amendment is agreed to.

Mr. GIBSON. I ask for a division.

The PRESIDING OFFICER. The Senator from Louisiana calls for a division.

Mr. CONGER. I suggest to the Senator that that is not necessary. This very bill provides for work at New Orleans, and that is low enough down to cover all he desires. It is not Lake Providence at all, but the work below. There is a special appropriation for improving the river at New Orleans.

Mr. HARRISON. The Senator from Michigan can not get away with this amendment on that suggestion, although it is adroit. The object is to prevent the construction of levees below the reaches which are being improved.

The PRESIDING OFFICER. Does the Senator from Louisiana demand a division?

Mr. GIBSON. Yes, sir.

Mr. CALL. I do not propose to make a speech on this subject at all, but I wish to say that I do not appreciate the force of an argument where there are two methods of making a great public improvement upon a river, and one of them has the incidental effect of protecting the lives and property of the people of the United States, that we should exclude the method which has the incidental effect of benefiting everybody. For one, I do not see any difference between the benefits which are to come to the people from the improvement of navigation and the benefits which are to come to them from preventing the destruction of their lives and their property. I shall vote to allow the commission the utmost latitude; but I wish to say that for one in all measures of public importance I shall consider the incidental advantages which will come to the people, and that that will be no objection to me.

The PRESIDING OFFICER. A division has been called for on agreeing to the amendment of the Senator from Indiana to the amendment of the Committee on Commerce. Senators in favor of the amendment will stand until they are counted.

There were, on a division, ayes 22.

Mr. MCMILLAN. I hope the Senator from Louisiana will withdraw the call for a further count. It is evident that the amendment is carried.

Mr. GIBSON. I withdraw the call.

The PRESIDING OFFICER. The amendment is agreed to.

Mr. CULLOM. If in order I should like to propose an amendment on page 58 by striking out lines 1421, 1422, 1423, and 1424 and inserting what I send to the Clerk's desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Illinois will be stated.

The CHIEF CLERK. It is proposed to strike out from line 1421 to line 1424, inclusive, as follows:

And the Secretary of War may, in his discretion, use so much of said sum of $500,000 as may be necessary to correct the current of the river and improve the channel at Saint Louis—

And to insert:

Provided, That the Secretary of War may, in his discretion, use not to exceed $100,000 of said sum of $500,000 to correct the current of the river and improve the channel at Saint Louis.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois to the amendment of the committee.

Mr. CULLOM. I think the amendment to the amendment ought to be adopted, because under the provision of the amendment as it stands the whole amount might be expended at Saint Louis if the Secretary of War ordered it, and all the other improvements itemized there would be neglected entirely, and they are all very important. I understand the importance of the improvements opposite Saint Louis, but at the same time I do not want all the money that is appropriated to go to that one spot. I hope the amendment to the amendment will be adopted.

Mr. MCMILLAN. The Senator from Missouri [Mr. VEST] I think is familiar with that portion of the amendment, and I do not observe him here.

Mr. CULLOM. The chairman of the committee can see very clearly just all that there is of it, unless the committee are willing that the Secretary of War shall appropriate the whole sum opposite Saint Louis. I think it is but fair that the improvement at Saint Louis should be limited to one-fifth of the amount appropriated to the several improvements.

Mr. MCMILLAN. The Senator from Missouri is here now.

Mr. CULLOM. As the Senator from Missouri has come in I will repeat what I said a moment ago. A provision of the amendment made by the Committee on Commerce leaves it discretionary with the Secretary of War to expend the whole $500,000 opposite Saint Louis. I do not think that is exactly fair for the other points along the river between the mouth of the Illinois and the mouth of the Ohio River at Cairo. So I have proposed an amendment to limit the amount to be expended in the discretion of the Secretary of War to $100,000 at the point opposite Saint Louis.

Mr. VEST. I have no objection to that.

Mr. COCKRELL. There is no objection to it.

The PRESIDING OFFICER. The amendment to the amendment without objection will be agreed to. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The next amendment of the Committee on Commerce was, in section 1, line 1465, to reduce the appropriation "for survey of the Mississippi River from the head of the passes to its headwaters: Continuing survey," from $75,000 to $25,000.

The amendment was agreed to.

Mr. HALE. I wish to move an amendment to section 2.

Mr. CALL. I desire to know if all the amendments of the committee have been acted upon and if the bill is now open to amendment.

The PRESIDING OFFICER. No; only the amendments of the committee to section 1 have been acted upon.

Mr. MCMILLAN. I ask unanimous consent that on all amendments hereafter debate be limited to five minutes.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent that in the further consideration of this bill debate be limited under the five-minute rule. Is there objection?

Mr. HALE. I do not think it will be possible for me to say about section 2 what I wish to say in five minutes, but so desirous am I of pushing along the business of the Senate that I shall not make an objection. I will contrive to say what I wish to say in five minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and it is so ordered.

Mr. HALE. I move to strike out section 2 of the bill. It goes much further than ever any river and harbor bill attempted to go before. It does not deal with defects in rivers and harbors alone, and the jurisdiction of the United States upon such rivers and upon such defects where they arise, but amplifies and takes charge in effect and in purpose of nearly every stream, great or small, in the United States.

Section 2 provides penalties against the acts of citizens dumping obstacles named in the section not only into navigable rivers where Congress appropriates money, thereby extending the jurisdiction of the United States over those rivers, but it extends it to every affluent and tributary, and thereby ousts the States' jurisdiction. I object to that.

Looking further along in the bill I find that having in section 2 asserted this general and exclusive jurisdiction, it carries out the legitimate principle of that assertion and declares in the subsequent sections that all questions of bridging streams or the affluents where they are appropriated for by Congress shall be in the United States, and that works erected hundreds and thousands of miles from these improvements may after a short notice be destroyed by the Secretary of War.

I am opposed to all of that section. It is exercising a jurisdiction never attempted before. Sir, in my own State there is not a little stream that helps to make up a river that is not by these sections taken control of by the United States and made subject to their jurisdiction. There is not a lake in our borders that is not so seized and grappled by this bill, for those lakes are all reservoirs and tributaries of a river. It destroys the jurisdiction of every State over these small streams.

In my State in its legislative councils there are committees upon interior waters, upon ways and bridges, and water highways; but if the amendments which are reported here and the provisions of the House are carried out there are no interior waters in Maine or in any other State; the jurisdiction of the Legislature is destroyed. I do not believe that Congress or the American people are prepared to go to any such extent.

We deal in the State of Maine as a State with questions pertaining to the welfare of our people. We deal with the school, with the jury-box, with the courts, but just the same we deal with roads and bridges and water highways; and everything of that kind is taken away by these sections.

I am not one of those who are particularly afraid of the exercise of the national jurisdiction and powers over great subjects; but, sir, something has been left to the States and something ought to be left to the States. If the provisions which have been embodied in this bill by the other branch and assented to by the Senate Committee on Commerce were carried out, then all these great subjects with which the State ought to deal are found to be nothing but shifting sands, disappearing before the greedy and devouring march of central authority. I object to that.

Mr. HOAR. I desire to suggest to the Senator from Maine, before he sits down, to make his motion to strike out all the sections down to and including section 7.

Mr. HALE. I will make that motion.

The PRESIDING OFFICER. The Chair will inform the Senator from Maine that his amendment is not now in order.

Mr. HALE. For what reason?

The PRESIDING OFFICER. Under the agreement made in advance, the amendments offered by the Senate Commerce Committee are first to be acted upon.

Mr. HOAR. I ask the unanimous consent of the Senate that this question may be acted upon now. It certainly should be given, as the matter has been discussed, and it should be settled now rather than to go back.

Mr. BUTLER. Before that is done, I should like to suggest to my friend from Maine that he enlarge the scope of his amendment to some extent so that it will have the effect of striking out everything including section 2 down to section 9.

Mr. HALE. I was going to make the motion, if some other Senator did not, to strike out the sections section by section, but the suggestion is better. As these features are not essential to a river and harbor appropriation bill, I will, by the consent of the Senate, make my amendment apply to all the sections, including section 2 and going down to section 7. That covers the whole subject-matter of this vast amplification of central jurisdiction.

Mr. BUTLER. Down to section 9, I would suggest.

Mr. CONGER. If section 2 should be stricken out by the Senate it may be restored by the House or fail in conference. It should be corrected in accordance with the views of the committee, if the committee's views are of any importance, so that if it be stricken out it will be in a condition for the committee of conference to act upon it in proper form. I hope, therefore, that the committee amendments, which are not very numerous, may first be acted upon.

The PRESIDING OFFICER. Both under the agreement and under the well-settled principles of parliamentary law the amendments proposed by the committee to perfect the text before these sections could be stricken out would take precedence, and the amendment of the Senator from Maine would not be in order at this time.

Mr. HALE. If the rule then is to be enforced I give notice that when the Senate shall have ceased to consider amendments to section 2 I shall seek the floor for the purpose of moving to strike it out, unless it is so changed that I can accept it.

Mr. CULLOM. The rule requires that we shall go through the bill and act on the committee's amendments first.

The PRESIDING OFFICER. The Chair has so stated.

Mr. HARRIS. The amendment of the Senator from Maine I think is in order as a pending amendment, but not only the amendments reported by the committee perfecting the text but any amendment that any Senator may choose to offer tending to perfect the part to be stricken out must take precedence in the vote that is to be taken.

Mr. HALE. Undoubtedly, if the rule is enforced.

The PRESIDING OFFICER. The question first is upon the amendments of the committee to section 2 of the bill. The first amendment will be stated.

The CHIEF CLERK. In section 2, line 9, after "United States," the committee report to strike out "whereby navigation might be impeded;" so as to read:

It shall not be lawful to cast, throw, empty, or unlade, or cause, suffer, or procure to be cast, thrown, emptied, or unladen, either from or out of any ship, vessel, lighter, barge, boat, or other craft, or from the shore, pier, wharf, or mills of any kind whatever, any ballast, stone, slate, gravel, earth, slack, rubbish, wreck, filth, slabs, edgings, sawdust, slag, or cinders, or other refuse or mill-waste of any kind, into any port, road, roadstead, harbor, haven, navigable river, or other waters of the United States for the improvement of which Congress has already made, or may hereafter make, appropriations, &c.

The PRESIDING OFFICER. The amendment will be agreed to if there be no objection.

Mr. HALE. No; I certainly hope that the amendment will not be agreed to. The House of Representatives was more conservative in these sweeping provisions than the Senate committee has been, because the House in passing the bill limited the effect of this proposed legislation to cases of citizens putting obstructive matter in streams far up, where navigation might be impeded by such an act; but if this amendment of the Committee on Commerce be adopted this act of the citizen, whether any consequence could be traced to it or not, no matter how harmless it might be in its result, would subject him to the penalties of section 6. So I hope the Senate will not, in considering this section of the bill, agree to the amendment reported by the committee, and I hope the committee will not insist upon it.

Mr. KENNA. If the Senator from Maine will observe upon page 62, at line 26, he will find the words "and become an obstruction to navigation."

Mr. HALE. But that only applies to a certain specific character of obstacles thrown in, while this is a general provision.

Mr. KENNA. That clause applies to the whole section.

Mr. HALE. I do not think it does.

Mr. KENNA. The words "whereby navigation might be impeded" were stricken out for the very reason that the bare possibility that navigation might be impeded ought not to condemn the action.

Mr. HOAR. Will the Senator allow me to make a suggestion which I think will suit the committee and the Senate?

Mr. KENNA. If I have made myself clear about the object of the committee in making the amendment I have nothing further to say.

Mr. HALE. I do not think the Senator is right. Even if he is, the words put in by the House which are proposed to be stricken out ought to be kept in; because they only agree with the construction which the Senator from West Virginia places upon the section.

Mr. KENNA. With this qualification, that the words on page 62, line 26, provide absolutely that the act shall amount to an obstruction before it is inhibited, whereas on page 61 the words which the Senator from Maine objects to being stricken out simply deal with the possibility that the navigation could be affected.

Mr. HOAR. It seems to me these words had better be stricken out, even taking the view which the Senator from Maine takes, because they are very imperfect—"whereby navigation might be impeded." I propose, if they are stricken out, to insert in lieu of them the words "to the substantial injury of navigation," and then to insert in the twelfth line, after the word "or," so that it will qualify the whole following clause, "to such injury;" so as to read:

Or to such injury to dump, discharge, or wash, or cause to be dumped, &c.

Mr. HALE. I think that covers the purpose in view.

Mr. KENNA. I think there will be no objection to that modification.

Mr. HALE. I agree to that amendment for one.

Mr. DOLPH. There is no objection on my part.

The PRESIDING OFFICER. The amendment proposed by the Senator from Massachusetts to the amendment of the committee will be stated.

The CHIEF CLERK. In lieu of the words proposed to be stricken out insert the words "to the substantial injury of navigation;" and after the word "or," in line 12, to insert the words "to such injury;" so as to read:

Or other waters of the United States, to the substantial injury of navigation, for the improvement of which Congress has already made, or may hereafter make, appropriations, or to such injury to dump, discharge, or wash, or cause to be dumped, &c.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

Mr. VEST. The Committee on Commerce very deliberately after the discussion struck out the words "whereby navigation might be impeded." "Might be impeded." No lawyer could construct an issue of that sort and put it before a jury. How would you ever come to any conclusion as to whether navigation might be impeded or not?

Mr. HALE. Those words have been stricken out and the clause suggested by the Senator from Massachusetts has been adopted.

Mr. EDMUNDS. It has not been adopted.

Mr. HALE. I thought it had been adopted.

Mr. VEST. What other amendment has been adopted? I did not understand that an amendment had been adopted.

Mr. MCMILLAN. Let the amendment to the amendment be stated again.

The PRESIDING OFFICER. The amendment to the amendment will be again read.

The Chief Clerk read the amendment of Mr. HOAR to the amendment of the Committee on Commerce.

The PRESIDING OFFICER. The amendment to the amendment will be agreed to, if there be no objection.

Mr. TELLER. Mr. President, I rise to object. I wish to express my opinion of this section, and I might as well do it upon this motion as on any other. I think it is the most remarkable section that I have ever seen in a bill before this body.

First, undoubtedly the purpose is very laudable and praiseworthy, yet the extent to which this goes is I think beyond what was anticipated by the House of Representatives which draughted it. Take, for

instance, the sixteenth line. After providing that nothing shall be deposited in any navigable stream to which the Government may appropriate money, we find the words:

Or into any tributary, branch, or affluent of such waters or rivers.

Under that the miner in the heights of the Rocky Mountains, clear up in the clouds, will be liable to be pestered and annoyed and arrested by some officer of the Government who comes around and tells him that he is putting *débris* into the stream that runs down into the Platte and ultimately in the Missouri and then into the Mississippi River. There is no end to this at all.

As was said by the Senator from Maine, it is the absolute control of all the water ways of the United States by the National Government. It is the most searching, centralizing grasp that the Government has ever attempted. How anybody who has any regard at all for local control can support it I can not conceive.

It is not necessary to preserve the water ways of the United States from destruction that any such act as this should be passed. It has not any place in this bill. It ought not to be here. If it is necessary that there should be legislation upon this subject it should come here in a separate bill; it should stand upon its merits, and not be attached to a large number of appropriations that a great number of Senators and Members are anxious to have passed, and where they may be willing to accept what is vicious legislation for the purpose of securing to themselves the benefits of some other portion of the bill.

Mr. CONGER. If the Senator will allow me to call his attention to the amendment——

Mr. TELLER. I will if it does not come out of my time. I can not yield otherwise.

Mr. CONGER. I will not interfere with you. This is not an amendment the Senator is speaking to. The five-minute rule applies to amendments.

Mr. TELLER. I am speaking to the amendment or to the bill, just as the Senator chooses. I think it is absolutely indefensible, without justification and without excuse; and it will be used for the purpose of harassing and annoying, not in California alone, but in every other section of the country where men mine and wash gold from the earth. Take the mines in Western Colorado, one river running down into the Gulf of Mexico, the other into the Gulf of California, neither practically a navigable river, and yet both navigable within the eye of the law. Every miner who dumps a bushel of earth into an affluent of those streams is liable under this proposed law to the penalties herein provided.

Mr. CONGER. When by the process of mining which is prohibited here such rivers as the Sacramento and the Feather and the San Joaquin and any other rivers in the United States that have been navigable since their discovery up to within a few years have had their navigation destroyed, Congress has but one of two things to do, either to let the destruction go on and leave the river without appropriation or stop the filling up if possible. That is all I can say about it.

The bay of San Diego has been filling up so much that Congress made an appropriation of several thousand dollars to preserve the harbor of San Diego. We are asked to improve these rivers in California. There is no use in improving them if the hydraulic mines can pour down their millions of tons into the rivers and fill them up, as they have filled up a good portion now and are filling up the bay of San Francisco. We must either stop the improvements and let the rivers go or stop the injury to them. That seems to be a plain, practical question. The truth is, that not only are these rivers filled up, but fertile valleys along these rivers have been filled in many places to the depth of 5, 10, and as high as 20 feet, almost covering the houses and destroying the trees, the fences, and the tillage of the lands.

But there is no danger of any injury by this bill to the miners upon tributaries upon the top of the Rocky Mountains. The Senator from Colorado is visionary in that. He is not often visionary, and therefore I hail his poetic development to-day. This same bill provides that this shall not be considered to apply to any other character of mining than hydraulic, by water through pipes and used through nozzles under pressure. The miners who are at work up on the tributaries are in no danger under the provisions of this bill unless they use hydraulic mining through pipes and nozzles.

If this other provision of the committee amendment be acted upon and adopted, then it will relieve the Senator of all danger to the ordinary labor of the miner, either high up on the mountains or low down in the piedmont country, as he will see by looking at the amendment added by the committee to the second section, providing that nothing herein contained shall extend or—

be so construed as to apply to any character of mining other than hydraulic mining, by water through pipes and used through nozzles under pressure—

The limitation of the committee, I think, will guard against what the Senator apprehends—

And provided further, That in places where harbor-lines have not been established, and where such deposits can be made without injury to navigation, within lines to be established by the Secretary of War, said officer may, and is hereby authorized to, cause such lines to be established; and within such lines such deposits may be made, under regulations to be from time to time prescribed by him.

I think these two provisions inserted by the committee relieve the section of a great deal of the fear that it will interfere with the private rights of persons working upon tributaries or anywhere else, on the shore or on the tributaries. It was for that object that the committee carefully prepared this whole amendment in the two paragraphs I have read, to avoid the trouble and the difficulty and the injury to innocent workers by other means of washing and sluicing than by hydraulic pressure.

Mr. HALE. Mr. President, the trouble is that the provisions in these sections are in no degree confined to mining, but they extend out and absorb the control of small interior waters with reference to every vocation that the citizen may pursue upon them. The underlying defect in these provisions is that they reach out and grasp by the Federal authority the entire control of these interior waters. They deprive the State of jurisdiction; they leave nothing to the State.

All of these subjects, the treatments and methods which should be applied to the uses of smaller streams hundreds of miles in the country, ought to be left to the State Legislatures. The very feature that is most insisted upon in this bill, the popular want, and desire, and appreciation, backing up all these appropriations, ought to induce the Committee on Commerce to leave these things to the several States.

If the people of the United States believe in these appropriations, if they are beneficent, as is claimed, and in many cases and in most they may be so, then it is surely safe to leave with the authorities of the State, the Legislatures of the different States, the care and protection of these interior waters, these streams running from far back in the country down to the sea or to the great rivers into which they empty. It is a monstrous thing to report a bill which, like a devil-fish, reaches out its arms and tears and mangles every remnant of State jurisdiction left over these interior waters. The Senate ought not for a moment to harbor provisions that thus annihilate State jurisdiction. The Committee on Commerce in advocating this measure as a great popular measure ought not in it to take away from the people of the States their rights in controlling these streams. They will protect these upper streams apart from the places and the jurisdiction assumed by the General Government over the portions that are dealt with and appropriated for. If these provisions are wise and beneficent, public sentiment in those States will take care of this subject.

Mr. TELLER. The Senator from Michigan [Mr. CONGER] could not have read this section with a great deal of care, or he would have seen that his suggestion that my opinion was visionary was not good. In the first place there are miners mining in the Rocky Mountains with pipes and nozzles who are not affecting injuriously the waters of the United States.

Mr. CONGER. Then this bill does not hit them.

Mr. TELLER. It does hit them under the express provision of the committee, for having stricken out the provision that the dumping, &c., should be injurious to navigation, they have *ex industria* fixed it so that every miner on the top of the Rocky Mountains who is plying his legal avocation with a nozzle and pipe, as he has been doing for twenty years, and as he was invited to do by the Government of the United States, and as he bought the land of the Government of the United States for the purpose of doing, 600 miles, 700 miles, or a thousand miles from any navigable waters, is brought within the strict provisions of this law, if it ever should become a law.

Mr. CONGER. If the Senator will read line 26 and two or three lines previous on page 62 he will find that he is in error.

Mr. TELLER. I have read every provision of the bill. The section provides at line 26 for what may become an obstruction to navigation; and it may be readily said that if the *débris* goes down the Blue River in Colorado (which has been tinged with the earth washed from the hills for twenty years) into the Rio Grande River or into the Gulf of California, it is impeding the progress of the commerce on that river by its deposits. It can be readily so said. Every community that throws its filth into the affluents of a great river is liable to be harassed and annoyed by the provisions of this bill.

Why could not the committee have confined the provision to that which would render navigation impossible, or difficult, or destroy it, or injure it in any sense? But as I said, they carefully struck out of the bill the words "whereby navigation might be impeded," insisting by their course that any throwing of dirt by the method at least of a nozzle or pipe into the affluent of a stream was to be a crime against the United States law.

The amendment on page 62 is an improvement, I admit. It is better than the original text; it has improved the section; but there are some things that I do not believe in, even in the amendment. The Secretary of War is to tell us where we may dump our tailings. The Secretary of War is to tell the mill-man where he may put the refuse of his mill, and if he does not put it where the Secretary of War tells him then he is liable to be prosecuted under this proposed law.

It is not only objectionable for the reason that this is an assumption of right and power where the Government has not any right to assume authority over the non-navigable streams of the State, but it is also objectionable in the particulars in which it is provided that filth of any kind, cinders, sawdust, slabs, anything that shall be thrown into an affluent may render the citizen who thus throws it in subject to the pains and penalties of the bill.

Mr. VEST. Mr. President——

Mr. BUTLER. If the Senator from Missouri will yield to me just one moment, I should like to have an understanding about this five-minute rule. How many times is each Senator allowed to speak under the five-minute rule? As often as he pleases?

The PRESIDING OFFICER. Under what is well known as the five-minute rule, no; but under the rule adopted by the Senate by unanimous consent no limitation was placed upon the number of times a Senator might address the Senate.

Mr. BUTLER. Then I propose a limitation upon the number of times a Senator may address the Senate under the five-minute rule as applied to the bill.

Mr. HARRIS. Upon the same question?

Mr. BUTLER. Upon the same question. I ask unanimous consent that no Senator shall be allowed to address the Chair more than once upon the same question under the five-minute rule in the further consideration of the bill.

Mr. EDMUNDS. That is, on the same amendment.

Mr. BUTLER. On the same amendment.

The PRESIDING OFFICER. The Senator from South Carolina asks unanimous consent that no Senator be permitted to address the Senate more than once on the same amendment. Is there objection?

Mr. INGALLS. I object.

The PRESIDING OFFICER. Objection is made.

Mr. VEST. Mr. President, I congratulate the Democratic party upon the accession to the doctrine of State rights which has been so eminently displayed here this evening. I hardly expected to be lectured by the Senator from Colorado [Mr. TELLER] or the Senator from Maine [Mr. HALE].

Mr. TELLER. I had the misfortune to be brought up in the Democratic party, and I have maintained some of the better features of Democracy myself.

Mr. VEST. I knew that while the Senator did vote the Republican ticket he had some of the habits of the Democratic party. At the same time I have noticed a good deal that was very commendable about the Senator, the origin of which I have now ascertained.

Mr. President, this whole question comes down at last to this: What is the extent of the jurisdiction and what is the duty of the Federal Government as to navigable streams? If you carry out the opposition to these sections which has been developed here to some extent to-night it amounts logically to this, that while the Government of the United States takes jurisdiction over these waters for the purpose of improving them it can not prevent obstructions from being placed in them.

The Senator from Colorado says we go into the interior of a State and take charge of streams under the jurisdiction exclusively of the State government. I assert that whenever the Congress of the United States has the right under the Constitution to improve a stream it has the right to prevent a State from putting obstructions in that stream. If that is not true, then the jurisdiction of the Federal Government amounts to nothing.

I am considered to be rather extreme upon the doctrine of State rights, but I have never gone so far as to deny to the General Government the right to protect its own property. If we have the power to pass a river and harbor bill, and this section provides here in the first part of it that it applies only to streams for which we have voted appropriations, we can not vote appropriations unless we have the constitutional power to improve; if we have the constitutional power to improve we have the constitutional power to preserve, and the thing is just as logical as logic can be made to appear.

The Senator from Colorado draws a pathetic picture of a miner away up among the clouds who can not throw any sort of *débris* or *detritus* into a mountain stream because it may wash down into navigable waters. There is a condition in the latter part of this section that it become—not "may become," but "and become" is the language of the bill—an obstruction to navigation.

Mr. EDMUNDS. Where is that?

Mr. VEST. In line 26.

Mr. TELLER. If it may become.

Mr. VEST. No, sir; it is "and become." There is no "may" about it. I will read the language of it to put that beyond any question.

Mr. TELLER. That is what it means.

Mr. VEST. The language beginning in line 23 is as follows:

> In any place or situation on shore where the same shall be liable to be washed into any navigable waters, either by ordinary or high tides, or by storms or floods, or otherwise, and become an obstruction to navigation.

Mr. EDMUNDS. That only applies to mineral lands.

Mr. VEST. That applies to the foregoing part of the whole section.

Mr. HALE. No, Mr. President——

Mr. VEST. Well, we can very soon arrange that. It is a mere matter of the construction of sentences.

Mr. HALE. It only applies to matter that has been deposited on shore. It is a special provision.

Mr. VEST. Very well; we shall have no quibble about that. I undertake to say for the committee that we shall be perfectly willing to apply that to the foregoing part of the section, and make that issue a fact whether it does become an obstruction to navigation, whether it is put into the stream or put upon the shore; and if the United States can not do that, we had better not pass this bill.

The idea that any man or any State or any corporation can go and block up a navigable stream or that it can go to an affluent of that stream when the direct result is to impede navigation! And then we are met from the other side of this Chamber with the extreme doctrine of State rights, that we are invading the sovereignty of the respective States of the Union!

Mr. TELLER. Will the Senator allow me to ask him a question?

Mr. VEST. Certainly.

Mr. TELLER. Look at lines 23 and 24 and see if it is not made an offense to put certain matter where it may be washed in, "and may become," where it is liable to be washed in and may become an obstruction to navigation.

Mr. VEST. "And become."

Mr. TELLER. Where the same shall be liable to be washed into any navigable water. It is not where it is washed in, but where it is liable to be washed in. As I said, the depositing on the bank is an offense.

Mr. VEST. If the nature of that stream is such that the deposit upon the bank may endanger navigation by a rise and freshet to which it is subject periodically, the United States Government has the right to protect it. Otherwise we should be put in the position of allowing any man to endanger navigation upon a navigable stream over which we have jurisdiction by putting deposits of any sort in such a situation that they may be carried by the water into the navigable stream for which we are responsible to the people. That is the whole of it.

If the Senators admit the proposition that the General Government has control over these streams so as to pursue navigation, then they must admit that we have the right to pass this section; and if they are sincere in seeking to make these streams navigable they will assist the committee, if the construction of these sentences be not proper, so that we can at least carry out and put into operation the legitimate powers and functions of the Government.

When we come to the next section I shall have something to say in regard to some of the provisions in that section, to which upon a closer examination I am not able to assent; but as to the second section I unhesitatingly declare that it is absolutely necessary and proper.

Mr. HALE. I wish to ask the Senator from Missouri a question before he sits down. He has had experience in dealing with river and harbor bills. Has he ever known before any river and harbor bill that attempted to assert any such jurisdiction as this in order to preserve works conducted under governmental Federal appropriations? Why does there spring up now at once this sudden desire to penetrate into the interior of a State and take charge of every small stream and oust the State jurisdiction? It is not an invocation of the extreme doctrine of State rights that the opponents of these sections are now resorting to. It is the assertion of the extreme and hitherto unattempted exercise of the right of the General Government that the committee is seeking to exercise upon Congress. The extremity of the measure is on that side and not in opposition to the sections.

Mr. VEST. If the Senator will permit me, I do not remember a single session of Congress in the years I have served upon the Commerce Committee in which propositions have not been brought there for this very purpose, in order to prevent the dumping of *débris* and refuse matter into the harbors and rivers of the United States. They have come as separate bills, and I believe that I can find where they have been put in as provisions on the general river and harbor bill.

Mr. HALE. I wish the Senator could point out such a case. I have been unable to find it.

Mr. DOLPH. It was done yesterday in regard to New York Harbor.

Mr. HALE. It has been done where there was no question and where none can be raised about the jurisdiction of the General Government, but never before in my experience in either House of nearly twenty years has the attempt been made to invade the State jurisdiction over these interior waters.

Mr. DOLPH. Let me read from a bill passed by the Senate yesterday:

> That the placing, discharging, &c.—
>
> Of *débris*—
>
> in the tidal waters of the harbor of New York or its adjacent or tributary waters is hereby strictly forbidden, and every such act is made a misdemeanor.

There you have tributary waters which extend far up in the State of New York.

Mr. CALL. Mr. President, so far as the authority of the Federal Government is concerned, it is just as much an invasion of the State sovereignty and the State power to improve a harbor as it is to improve a river. The invasion of a State sovereignty extends no further than the navigable character of the harbor or the stream.

It was contended originally, and I think very clearly, that there was nothing in the mere words "regulation of commerce" to authorize any material improvement in a harbor; but we have passed beyond that, and now so far as the sovereignty of the State is concerned it is just as much an invasion of its attributes and its power to exclude any other sovereignty to put an improvement into a harbor as it is to put it upon any river. We have gone beyond that to improving navigable rivers.

As the Senator from Missouri has said, a river upon the top of the Rocky Mountains is improved, and the question of interference with its navigation is concerned. To that extent the power of the Federal Government extends, but not beyond that, and neither in extending nor in protecting that improvement can it interfere with the rights which have been derived from the State and which are not of a character to interfere with the Federal Government. It can not interfere with private property nor with its legitimate and proper uses.

I take it that there is nothing in this distinction that the power of the State is interfered with, because the Federal Government preserves the navigation of the rivers if it has power to make any improvement. If interstate commerce bears the same relation that foreign commerce does, there is nothing in the argument, and whatever relates to the improvement of foreign commerce also relates to the improvement of interstate commerce. I can see no force in the distinctions that are now sought to be drawn and no danger to the sovereignty of the States, which certainly extends as fully and absolutely as it is possible for it to do over every subject of State sovereignty and State action—quite as fully when it is limited to non-interference with the navigation of streams, whether great or small, that are improved by the Federal Government.

Mr. HOAR. I think, Mr. President, that these sections as they now stand in the bill go very much too far, and there is great force in the argument made by the Senator from Maine against the sections as they stand. It seems to me they ought to be carefully confined to the case of a distinct, direct, substantial interference with navigation or a direct and substantial danger to navigation such as could be restrained by an indictment or by injunction in a case of a similar interference with an ordinary public way or similar interference with property owned by private individuals. The amendments which I have moved are in the line of so limiting the phraseology of the statute that if these amendments can be adopted I should concur with the committee in retaining the sections.

Mr. EDMUNDS. These punitive sections, Mr. President, have no place, as we all know and agree, by our rules in an appropriation bill at all. They are sections of extreme difficulty in respect of keeping within the boundary not only of the constitutional power of Congress, but within the boundary of just legislation; and an appropriation bill is no place to consider them upon or perfect them upon; but here they are. They came from the House. I shall vote when the proper time comes, or move, if I can, to strike them all out, and then let the Congress of the United States, as I agree it ought to do, provide in a suitable bill, with suitable penal provisions and prohibitions and in a regular way, for punishing any person who willfully or knowingly does anything to obstruct the navigable waters of the United States.

I do not agree with the Senator from Florida that every stream that Congress chooses to appropriate money to do what is called improving thereby becomes navigable water of the United States within the jurisdiction of the Congress of the United States to dominate the conduct of individuals in respect of that water, for, as I think I said yesterday, at any rate I will say it now, in my judgment Congress has the power, and certainly it has exercised it for a century nearly, or will have done so in two or three years, to give away the money of the United States for any object that it pleases to anybody who is willing to take it or allow it to be spent on his land. If Congress chooses to appropriate $500 to put a row of maple trees across my garden in Burlington, Vt., it has a constitutional right to do it, and I do not say nay; but after it does it, does anybody pretend that Congress has a right to interfere with my garden thereafter?

Mr. HARRIS. Under what clause of the Constitution can Congress do it?

Mr. EDMUNDS. The clause which provides that Congress may appropriate money, the only limitation on that being that no money shall be drawn from the Treasury except by an appropriation made by law. That is the only limit. There is the proposition. I am not going into that. This is a subject a little foreign to what I intend to speak about.

Now, what is a navigable river that Congress, under the Constitution and the decisions of the Supreme Court constant and uniform and long-continued, has a right to regulate the condition of persons upon and about? Therefore I have no question at all that Congress has a right to say that no man shall toss a buscuit into the harbor of New York. If Congress chooses to say so foolish a thing as that, it has the power. But when Congress undertakes to say that no man shall toss a buscuit into a trout-brook on the farm on which I was born in Vermont, I declare that it has no right to do anything of the kind. There is the difference. One is a navigable water, and the other is not.

Here is about the latest and certainly the clearest—but not different from all the others—definition given by the Supreme Court of the United States in 1870 as to what is a navigable river, or navigable water, which is the same thing. Of course a river is one kind of navigable water, and a harbor and the sea is another:

> Those rivers must be regarded as public navigable rivers in law which are navigable in fact. And they are navigable in fact when they are used, or are susceptible of being used, in their ordinary condition—

That is as nature finds them—

> as highways for commerce, over which trade and travel are or may be conducted in the customary modes of trade and travel on water. And they constitute navigable waters of the United States within the meaning of the acts of Congress, in contradistinction from the navigable waters of the States, when they form in their ordinary condition by themselves—

Again their ordinary and natural condition—

> or by uniting with other waters, a continued highway over which commerce is or may be carried on with other States or foreign countries in the customary modes in which such commerce is conducted by water.

A river which has not been cleaned out and which is not navigable in its ordinary condition, as the court say, is not a navigable water of the United States, and the Supreme Court applied that to the Penobscot River in the State of Maine, which is navigable from the sea in its ordinary condition, as God made it, up to Bangor, I believe, and then there is a waterfall and so on for two or three or four miles, no matter what, not navigable in its ordinary condition, but capable, as my friend from Massachusetts suggests, by the appropriation of a million or two of money of carrying a ship up it. Above that is again a stretch of water that is navigable in its ordinary condition by a vessel that could fairly be called a vessel. The State of Maine gave an exclusive privilege for twenty years to a person who would improve it a little to run a steamboat on it. When he had got it into condition and had started his steamboat, an enterprising pioneer with another steamboat, registered and licensed for the coasting-trade as it was called, set forth on that reach of river, and the first man who had this grant from the State applied for an injunction and he got it. The case came up to the Supreme Court of the United States, and the court held that this upper part of this river, which was navigable in its ordinary condition, was not a navigable water of the United States and was not water over which Congress had any jurisdiction at all, and, therefore, that it was competent for the State of Maine, as it would not otherwise have been, to have said that no man but her grantee should run a steamboat on that water.

Very well. Therefore, Mr. President, Congress has a perfect right and it is its duty to protect the navigable waters of the United States that are such within this definition of the Supreme Court, from injuries that will impede navigation; but it ought to be done in a careful and judicious and systematic way; it ought not to be attempted in an appropriation bill of this kind. If I had the time I could go on through these sections and point out how quick the district attorney of the United States or anybody else who sues as an informer would be tripped up on these sections as they now stand, and how in other respects they go far beyond not only any possible constitutional authority of Congress to deal with it, but far beyond what is just or reasonable or necessary for the public safety at all.

I do not want to do it, then, Mr. President. As ready and as willing as I am to provide suitable and proper punishments and protection in respect of obstructing or injuring the navigable waters of the United States, I do not want to say, even as to a navigable water, as this bill now does, that no man shall throw a barrel of spoiled fish within 3 miles of the shore along the whole Atlantic seaboard—all that is navigable water of the United States, and the man who did it would come within the very letter of the law. Is that right? It is absurd, as everybody knows.

Mr. CONGER. Would it obstruct navigation?

Mr. EDMUNDS. It does not say "obstruct navigation."

Mr. CONGER. Yes, it does.

Mr. EDMUNDS. The Senator and I differ most decidedly about that, as the bill now stands. The Senator is entitled to his opinion and I respectfully insist upon mine. There is the difference between us. Then, when you go beyond that to the putting of anything into any stream, no matter how small, that runs into any navigable water, no matter how far distant, and say that a man who does it is guilty if it is liable to obstruct navigation; the man that throws a shovelful of sand into the Yellowstone River has contributed his mite to the silt that deposits itself at the mouth of the Mississippi River.

The PRESIDING OFFICER. The Chair is obliged to call the attention of the Senator to the fact that his five minutes have expired.

Mr. EDMUNDS. I obey.

Mr. RIDDLEBERGER. Mr. President, if Senators here were half as well acquainted with one line of the Lord's Prayer, "Lead us not into temptation," as they are ready to cite some lesson in the Constitution of the United States, they could find more in this bill to object to than has been cited in the discussion which has been had to-day.

I object to the bill as a whole. I object to it because I consider it a trade and compromise measure, and all that is said here about State sovereignty and about the constitutional right of Congress to appropriate money for purposes of this sort just fall to the ground when you consider that in this bill you have an appropriation of thousands of dollars of money for rivers and harbors, and one-half of your appropriation goes to that which you would not dare call a river if you went to your home, and it is a place, in many cases, where you could hardly catch a trout in the summer time. I know it right here by reading this bill. I see here appropriations for a pond.

I know that it is said that the Hennepin Canal has been petitioned for by what we call the Knights of Labor, and that we ought to pass that by all means because these men do petition for it. Have you a

suggestion to make in the Senate that when they ask you to give them labor on a canal they also petition you in the same breath to tax them out of the little profit that inures to them from their labor?

That is your bill. Discuss this bill as a whole. Leave out the whole theory and everything that has been suggested here respecting the theory of State sovereignty. State rights is one thing and State sovereignty another. State sovereignty is one of the things that have gone by. State rights and State sovereignty are as contradistinct as two terms can be. When we say State rights now we mean the right of a man in his State. The two terms never were used as they have been used here in this debate.

Now, I will take a creek, I will make myself the victim of an illustration and carry it back to my own people, for I believe they are honest and I believe they do not want me to vote for a bill that would appropriate money under a pretense that is false. I will take Wilson's Creek for which you propose to appropriate $10,000. What is your $10,000 going to amount to? Can you improve it with $10,000 from the mountain down to the sea, a mountain that itself is 6,000 feet above the sea? Do you tell me you can improve it with $10,000? What Senator on this floor can get up and say that he thinks it can be done?

There are just such appropriations in this bill. Is there a Senator who will say they amount to anything? Is there a Senator who does not take some kind of sweet consolation to himself that he has something in the bill?

Mr. MCMILLAN. To what line does the Senator refer?

Mr. RIDDLEBERGER. I shall have to look at the bill again. I see on the map Wilson's Creek. I do not want to strike it out; I am only illustrating; because I know that we pay seven millions of internal-revenue tax, which I want to repeal, and you refuse to allow me, in the interest of my constituents, to have it repealed. If you are going to take the money for rivers and harbors, I am going to tell the truth about it.

Norfolk Harbor ought to be improved. New York Harbor perhaps ought to be improved; I do not know enough about it to say. The harbor at Newport News ought to be improved. And it ought to be the business of Senators here to consider when they bring in a river and harbor bill that they bring it in for no other purpose than to improve harbors and to regulate and increase our commerce and to improve our commercial interests.

Mr. MCMILLAN. I do not find any appropriation in the bill for Wilson's Creek.

Mr. RIDDLEBERGER. I will say to the Senator from Minnesota that he is possibly mistaken, because when I thought I might make a mistake, which I have been so much in the habit of doing in the estimation of the chairmen of committees here, I looked over it and read it myself.

Mr. MCMILLAN. The Senator will permit me to call his attention to an item here. Perhaps this is what he refers to.

Mr. RIDDLEBERGER. I am not objecting, because this is only one of many items there are in the bill. If you leave that in, tell me the reason you put it in.

Mr. MCMILLAN. On what page is that?

Mr. ALLISON. On page 26.

The PRESIDING OFFICER. The time of the Senator from Virginia has expired.

Mr. RIDDLEBERGER. I do not know why the Senator at the head of the Committee on Commerce should want to break me up so suddenly in this manner and deny a fact that I know is in the bill.

Mr. MCMILLAN. The item referred to, I think, is:

Improving New River, Virginia.

Mr. RIDDLEBERGER. No, sir; that is a stream that separates Wythe County from an adjoining one, and empties into another stream in North Carolina.

Mr. MCMILLAN. Then if the Senator will permit me to read the appropriation as I find it here——

The PRESIDING OFFICER. The Chair desires to call the attention of the Senator from Virginia to the fact that his time has expired.

Mr. RIDDLEBERGER. I suppose so, but I think it ought to be charged to the Senator from Minnesota. I think I ought to be allowed to go on further, especially inasmuch as I had to object to the suggestion of the Senator from South Carolina. I knew that all that could be said in favor of this bill had been said without limitation, and I did think I would be allowed at least to make two talks of five minutes each in opposition.

I was going on to refer to some other items here, but I wanted to commence with my own State first, and then I wanted to go to the State of the Senator from Minnesota, and I was going then to the State of Michigan; but I will wait until some intervening motion when I shall be entitled to another five minutes.

Mr. CALL. Mr. President——

Mr. VEST. I wish to offer an amendment to reach the question of grammatical construction. The committee certainly intended that the provision in line 26 of this section should apply to the whole provision, but in order to remove any doubt about that I give notice that I will move, before a vote is taken on striking out the section, to insert in line 10 of section 2, after the word "rivers," the words "so as to obstruct navigation." That makes that provision apply to rivers.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. In line 10, section 2, after the word "rivers," it is proposed to insert "so as to obstruct navigation."

Mr. BUTLER. May I inquire what is the question?

The PRESIDING OFFICER. The amendment pending is the amendment offered by the gentleman from Massachusetts [Mr. HOAR].

Mr. BUTLER. I understood the proposition before the Senate was the motion of the Senator from Maine [Mr. HALE] to strike out section 2. Is not that the question before the Senate?

The PRESIDING OFFICER. It is not the immediate question.

Mr. HALE. That motion will be made later.

Mr. BUTLER. What is the motion of the Senator from Massachusetts?

The PRESIDING OFFICER. The amendment offered by the Senator from Massachusetts is in line 9, section 2.

Mr. HALE. Let that be read.

Mr. CALL. Before the vote is taken I desire to call the attention of the Senator from Vermont [Mr. EDMUNDS], in reply to what he has said, to a decision of the Supreme Court of the United States in the case of Wisconsin *vs.* Duluth, 6 Otto, rendered at the October term, 1877, in which the court say:

And in the act of August 1, 1876, there is the following paragraph:

"For the improvement of the harbor at Duluth, Minn., $15,000. Said appropriation is made upon the express condition that it shall be without prejudice to either party in the suit now pending between the State of Wisconsin, plaintiff, and the city of Duluth and the Northern Pacific Railroad, defendants.

* * * * * * *

The Congress of the United States had themselves before this adopted, recognized, and taken charge of this work. It had placed it on precisely the same ground, and provided for it in the same paragraph, and out of the same aggregate sum of money, that it did the work at the original entrance, as it is aptly called, at the mouth of the river. It had abandoned the breakwater as a failure, and as unnecessary, in consequence of this new and more useful improvement. The War Department had accepted the charge of the work, had expended the appropriations made, and had now for several years made the same regular estimates for this work that it did for all others under its control and management. And though the State of Wisconsin had brought her suit in this court to abate the work as a nuisance, and Congress was made aware of the fact, it still, in 1876, made the usual appropriation, and the War Department still had the work in charge; and the Congress cautiously said, this shall prejudice no one in the suit, but we shall go on notwithstanding, and continue this system of improvement.

We do not feel called upon to make an argument to prove that these statutes of the Congress of the United States, and these acts of the executive department in carrying those statutes into effect, constitute an adoption of the canal and harbor improvement started by the city of Duluth, and a taking exclusive charge and control of it. That they amount to the declaration of the Federal Government, that we here interpose and assert our power. We take upon ourselves the burden of this improvement, which properly belongs to us, and that hereafter this work for the public good is in our hands and subject to our control.

* * * * * * *

Nor can there be any doubt that such action is within the constitutional power of Congress. It is a power which has been exercised ever since the Government was organized under the Constitution. The only question ever raised has been how far and under what circumstances the exercise of the power is exclusive of its exercise by the States. And while this court has maintained in many cases the right of the States to authorize structures in and over the navigable waters of the States, which may either impede or improve their navigation, in the absence of any action of the General Government in the same matter, the doctrine has been laid down with unvarying uniformity that when Congress has by any expression of its will occupied the field, that action was conclusive of any right to the contrary asserted under State authority. The adjudged cases in this court on this point are numerous.

I cite that in reply to the decision cited by the Senator from Vermont, that it must be a stream navigable in the ordinary course of nature. This was a canal and the work was accepted by Congress and an appropriation made for it, and the Supreme Court decided that that act of Congress was an adoption of the canal and constituted an exclusive right to use it for navigable purposes and protection.

Mr. RIDDLEBERGER. I avail myself of this opportunity to reply to the Senator from Vermont or any other Senator who has spoken on the text of the proposition before the Senate. I am availing myself of the opportunity to enter my objection to the whole bill. I started at home. It seems to be a favorite kind of fun with some members of the committee to refer back to pages 26 and 28, and along there, and I hope that I may be allowed to invite their attention to pages 69 and 70, and I should like some member of the Committee on Commerce to tell me where San Pedro Bay is. I find on page 69 this provision:

San Pedro Bay near the entrance to Wilmington Harbor, with a view to establishing an outer harbor for the protection of deep-draught vessels.

Where is it? Without looking at the bill, I undertake to say that there are not more than two members of the Senate who could tell me it is in California; and I say that with all deference.

Mr. MCMILLAN. The Senator will observe that is only in a section providing for surveys.

Mr. RIDDLEBERGER. I mean to watch every minute and take it off the time of the Senator from Minnesota, for he has spoken for hours on this bill.

Where is "Five-Mile River Harbor?" Will some gentleman tell me? Will some Senator from Connecticut tell me whether that is in his State? This bill tells me it is there. I could find plenty of five-mile harbors in my country.

Can anybody tell me where the next item of appropriation for the "James River" is to go? Somebody will suppose, I reckon, that it is to go to Virginia; but no, they have named a child after that river in Dakota.

Where is "Duck Creek?" Will any member of the committee condescend to tell me where Duck Creek is that we are asked to vote money to improve? I observe you have put it in italics. I think you meant to draw attention to it and possibly to say that it was an amendment you ought not to have made. That, I notice from the bill, is in Delaware. Can you tell me where?

How shall I pronounce the next item—"Punta Rassa Harbor?" It reminds me of one of those Colorado newspaper headlines, with their peculiar spelling. There is not a member of the committee who can tell me where it is and they ask us to vote away money for it. I question very much whether even the Senator from Florida knows that it is in his own State.

Then here is another item:

Resurvey of Tampa Bay, including Hillsborough River up to the city of Tampa.

There is a Hillsborough on the Loudoun and Hampshire Railroad, and there is a Cedar Run close by.

At the end of this bill they say it is only for the purpose of having surveys, and then they use the term "resurvey;" for instance, I find:

Resurvey of outer and inner bars at Pensacola.
Charlotte Harbor, including San Carlos Bay.

Will the Senator who heads the committee tell me where that is? I do not mean to reflect upon him when I ask him that question, for I assure him that I do not know. Here is:

Clear Water Harbor, including Anclote and Saint Joseph's Bays and the Narrows into Boga Ciega Bay.

I suppose that is where they keep the Apollinaris water on ice. Nobody can tell anything about it, and yet the Senator thinks we ought to vote for these appropriations.

Here is the "Savannah River." We all know what the Savannah River is and where it is. It is put here in this way:

Savannah River from cross-tides above Savannah to the bar, with a view to obtaining 28 feet of water in the channel.

For sixteen years I think I understood something of that, where the people of a little neighborhood in the State from which I came built a bridge so low that a boat could not go under it, and then they were always asking for an appropriation to do something in the way of improving that stream. Below the bridge it was navigable for considerable freight vessels. The ordinary steamers that go down the river here, like the Arrowsmith, could go to that bridge but they could not go a yard beyond it.

Flint River from Montezuma to Old Agency.

Where is that? In what State? It sounds to me as if it was in Mexico, for in times past I have read something of the Halls of the Montezumas.

The PRESIDING OFFICER. The Senator's time has again expired.

Mr. RIDDLEBERGER. I will watch another opportunity.

The PRESIDING OFFICER. The amendment offered by the Senator from Massachusetts [Mr. HOAR], without objection, is agreed to, and the amendment of the committee disagreed to. The next amendment will be stated on page 62.

Mr. HALE. Is that an amendment to the same section?

The PRESIDING OFFICER. It is.

Mr. HALE. I wish to move, before reaching that, in line 16 of section 2, to strike out all after the word "appropriations," down to and including the word "navigation," in line 26.

The PRESIDING OFFICER. The amendment will be stated. The Chair is reminded by the Chief Clerk that the Senator from Missouri [Mr. VEST] has an amendment pending.

Mr. VEST. Yes, sir, in line 17, after the word "rivers," to insert:

So as to obstruct navigation.

The PRESIDING OFFICER. The question is on that amendment.

Mr. MCMILLAN. Perhaps the Senator from Maine had better permit his amendment to remain until we get through the committee's amendments.

Mr. RIDDLEBERGER. As the Senator who offered the amendment does not have anything to say, I want to object to it for a temporary purpose.

Mr. HALE. Let us go on with the committee amendments to the end of the section. That is strictly in order, of course.

The PRESIDING OFFICER. The amendment of the committee on page 62 will be reported.

Mr. HALE. These other amendments will come later.

The next amendment of the Committee on Commerce was, in section 2, line 39, after the word "improvements," to insert:

Nor be so constructed as to apply to any character of mining other than hydraulic mining, by water through pipes and used through nozzles under pressure: *And provided further*, That in places where harbor-lines have not been established, and where such deposits can be made without injury to navigation, within lines to be established by the Secretary of War, said officer may, and is hereby authorized to, cause such lines to be established; and within such lines such deposits may be made, under regulations to be from time to time prescribed by him.

So as to read:

Provided, That nothing herein contained shall extend, or be construed to extend, to the casting out, unlading, or throwing out of any ship or vessel, lighter, barge, boat, or other craft, any stones, rocks, bricks, lime, or other materials used, or to be used, in or toward the building, repairing, or keeping in repair any quay, pier, wharf, weir, bridge, building, or other work lawfully erected or to be erected on the banks or sides of any port, harbor, haven, channel, or navigable river, or to the casting out, unlading, or depositing of any material excavated for the improvement of navigable waters, into such places and in such manner as may be deemed by the United States officer supervising said improvement most judicious and practicable and for the best interests of such improvements; nor be so construed as to apply to any character of mining other than hydraulic mining, by water through pipes and used through nozzles under pressure: *And provided further*, That in places where harbor-lines have not been established, and where such deposits can be made without injury to navigation, within lines to be established by the Secretary of War, said officer may, and is hereby authorized to, cause such lines to be established; and within such lines such deposits may be made, under regulations to be from time to time prescribed by him.

Mr. INGALLS. If that amendment is now agreed to will it be subsequently open to amendment?

The PRESIDING OFFICER. The amendment itself in Committee of the Whole would not.

Mr. INGALLS. I mention this because the Senator from California [Mr. HEARST] desired to offer an amendment like the previous amendment in regard to mining deposits. I do not wish to interfere with the regular order about considering committee amendments before others are moved; but if the Senator would lose his opportunity to amend by allowing this to go now without consideration he ought to have a chance to offer it now.

The PRESIDING OFFICER. The Chair supposes it can be amended in the Senate.

Mr. INGALLS. Would it be a violation of the agreement to have that amendment offered now?

Mr. HALE. It must be offered now; it is an amendment to an amendment of the committee.

The PRESIDING OFFICER. It is in order now.

Mr. INGALLS. I was uncertain whether it was or not.

The PRESIDING OFFICER. The amendment of the Senator from California [Mr. HEARST] will be considered as offered to the committee's amendment. It will be stated.

The CHIEF CLERK. In section 2, line 42, in the amendment proposed by the Committee on Commerce, after the word "pressure," it is proposed to insert "and against mountain sides or natural banks;" so as to read:

Nor be so construed as to apply to any character of mining other than hydraulic mining, by water through pipes and used through nozzles under pressure and against mountain sides or natural banks.

The PRESIDING OFFICER. The amendment will be considered agreed to, if there be no objection.

Mr. RIDDLEBERGER. I object, and I want to speak to that. I have heard several times the words used "agreed to." I do not know how Senators make agreements. I am sure I have not been a party to any agreement. I do not know what the word means. I have no agreement except to do what I think is right. If I make a mistake, then I will say I have made it.

I will quote in opposition to this motion from page 70, under the head of "Illinois:"

Farm Creek, with a view to changing its course.

Where is Farm Creek, and why is it that Congress proposes to improve Farm Creek. Tell us something, or else do not ask us to appropriate money to improve it. I see below it:

Kaskaskia River from New Athens to mouth.

They do not even employ the definite article to tell us whether it is the mouth of the same river or not; they leave out the word "the" and ask us to appropriate for it.

Bars in Hamburg Bay.

Where is Hamburg and where is the bay? Are we to sit here and vote away millions of money on a bill that none of us would want to carry before our own people and undertake to maintain ourselves on? Here is:

Mississippi River at Rush Island Bend and Ivy Landing, with a view to confining and deepening the channel.

I do not like to go into history, but I think I have faculty enough to tell it. There is a little place which we call Stony Creek that is larger than that stream, and I have crossed the river with cavalry boots on to get away from men who were trying to catch me and I succeeded. It is called Harrison's Landing. Why not appropriate money for that?

Take this over and look at it, and I believe the Senator who is at the head of this committee denied a while ago—no, he did not deny, but rather suggested that I was mistaken. Here is under the head of "Kentucky"—

Pond River.

Will one of the Senators from that State tell me where it is and what the size of it is? Your Fish Commission will not let a man have carp until he certifies that the area of his pond is so much, and then a Senator or member of the House must certify to it.

Licking River from Farmer's to West Liberty.

Where is it? Who ever heard of it? It would take a ten-horse power magnifying pair of spectacles to find it on any map.

For ice-harbor at Paducah, Ky.

They do not even give "ice" the benefit of a capital I or "harbor"

the benefit of a capital H. Is it the fault of the committee in not knowing how to use their capitals, or is this matter of so little importance that they do not want to call our attention to it? They have a capital next, for they have—

The bar at the mouth of Limestone Creek, in the harbor of Maysville.

Then they have got in Louisiana—

Little River.

Why say "Little?" Why is it called "Little River?" Why should we make an appropriation for it without knowing about it, or sending men there to survey it? Then they have got—

Bayou Rouge.

They have got—

Dugdemona River.

The PRESIDENT *pro tempore*. The Senator's time is out.

Mr. RIDDLEBERGER. I should like to go through with this.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from California [Mr. HEARST] to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee as amended.

The amendment as amended was agreed to.

Mr. HALE. I move now to strike out section 2.

The PRESIDENT *pro tempore*. The Chair is of opinion that under the order, unless a different rule has been adopted, that would not be in order until the other amendments of the committee are disposed of.

Mr. HALE. Undoubtedly when we come to sections which are specific in their nature.

The PRESIDENT *pro tempore*. The Chair is of opinion that the amendments of the committee must be first acted upon. The bill is not voted upon by sections. The next amendment of the Committee on Commerce will be stated.

Mr. HALE. Does the Chair rule that the entire contents of the bill must be gone through before any amendments are offered to the section?

The PRESIDENT *pro tempore*. The amendments of the committee are first to be acted on.

Mr. HALE. Before any amendments are offered to the different sections?

The PRESIDENT *pro tempore*. Yes, sir.

The CHIEF CLERK. The next amendment of the Committee on Commerce is, to strike out all of line 10 and down to and including all of line 15, as follows:

Recoverable, by and in the name of the United States of America, with costs, in any circuit or district court of the United States, at the suit of any district attorney of the United States, or at the suit of any person, by information to any district attorney in any district where, or near to where, the offense shall have been committed or the offender shall be.

And in lieu thereof to insert:

Recovered by action in the name of the United States in any district court within whose jurisdiction such offense shall be committed, said action to be instituted by the district attorney for such district, at the instance of any person complaining.

The amendment was agreed to.

Mr. RIDDLEBERGER. I want to avail myself of a further opportunity to call attention to some other items in subsequent pages.

For a survey of the Ohio River near the city of Evansville, Ind., with a view—

The Ohio River has a large margin of appropriation—

with a view to determining what, if anything, will be necessary to prevent a change of the channel of the river in front of that city.

Now, I come over to Maine. I shall be pardoned if I am unable to pronounce anything here properly, because I have often been told that the best English was that which was spoken by the best educated people. Here is a word spelled "Bayoduce"—

Bayoduce River, between the towns of Penobscot and Brooksville.

It never was in any appropriation bill before that I have heard of, and I do not know that if we would give them any amount of money it could be made a navigable stream. Then here we have—

Big Rapids of Saint John's River.

Then we have—

Camden Harbor.

Then we have—

Rockport Harbor.

Then we have the Kennebec River, which I believe some of the schoolboys learn to sing the name when the English language was taught by us by associating the rivers with the capitals of the States.

Saint George's River from Warren to Thomaston.
Matinicus Isle, with a view to a harbor of refuge.

I think they might move down here in the Senate Chamber and have a harbor of refuge here.

Penobscot River from Bangor to Bucksport Narrows.
Saint Croix River from Ferry Point Bridge, at Calais, to Breakwater Ledge.
Bar Harbor—

I recollect having heard of that—

Bar Harbor, Maine, with a view of establishing a breakwater and deepening the waters of said harbor, and especially the channel between Rodick's Island and Mount Desert Island.

Maryland:
Cambridge Harbor.

I could walk around Maryland in two days, and came very near doing it once, but I never heard of Cambridge Harbor there. I do not think it will agree with Maryland to have these things done. There is one stream of Maryland that we cross when we go into Delaware, and I forget the name of it now. Then here is the

Patuxent River from Benedict to Hill's Landing.

And—

For widening the channel of Baltimore Harbor to 600 feet.

In italics again. Can the Baltimore Harbor be made 600 feet? You will have to take 600 feet off Baltimore, for, if my recollection serves me aright, when you get out of that harbor the first thing you run yourself against is a brick house.

Now we have "Massachusetts."

Duxbury Harbor.
Wellfleet Harbor.
Falmouth Harbor of Refuge.
Vineyard Haven Harbor.
Cottage City Harbor.
Menemsha Harbor of Refuge.
Taunton River.
Winthrop Harbor.
New Bedford Harbor.

And we go on until we come to Saint Clair, and we come down in the bill until we meet the suggestion that we ought to pass these appropriations for surveys and resurveys because the names of some of them are Saint John's and Saint Paul and Saint Peter.

Mr. President, I will not consume longer time.

The PRESIDENT *pro tempore*. The next amendment of the Committee on Commerce will be stated.

Mr. KENNA. I was not in the Chamber at the moment when the Senate passed section 3. I am instructed by the Committee on Commerce to move to strike out after the word "water," in line 24, section 3, the words "not wholly within the limits of such State," and insert in lieu thereof the words "of the United States," a mere formal amendment to make the meaning plainer.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from West Virginia.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The next amendment of the committee will be stated.

The next amendment was, in section 7, line 5, before the words "of customs," to strike out "collector" and insert "collectors;" in line 7, after "United States," to strike out "nearest to the place where" and insert "for the district in which;" so as to make the section read:

SEC. 7. It shall be the duty of officers and agents having the supervision, on the part of the United States, of the works in progress for the preservation and improvement of said navigable waters, and in their absence of the United States collectors of customs and other revenue officers, to enforce the provisions of this law by giving information to the district attorney of the United States for the district in which any violation of any provision of this act shall have been committed.

The amendment was agreed to.

The next amendment was to strike out section 8, in the following words:

SEC. 8. Officers having charge of works for the improvement of rivers and harbors, with the approval of the Secretary of War, may cause proceedings to be instituted, in the name of the United States, in any court having jurisdiction of such proceedings, for the acquirement by condemnation of any land or material needed to enable them to prosecute such works; such proceedings to be prosecuted in accordance with the laws relating to suits for the condemnation of property of the States wherein the proceedings may be instituted.

The amendment was agreed to.

The next amendment was, in section 9, line 11, before the word "proper" to strike out "it," and after "proper" to strike out "to lay before Congress;" so as to read:

SEC. 9. The Secretary of War shall prescribe such rules and regulations as may be necessary to secure a judicious and economical expenditure of the money herein appropriated, and shall cause to be made and submitted to Congress annual reports, together with maps and plans, including the report of the Mississippi River Commission, on or before December 1, giving detailed statements of the work done, contracts made, the expenditures thereunder or otherwise, and balances of money on hand up to November 1, and the effect of such works, together with such recommendations as he may deem proper.

The amendment was agreed to.

The next amendment was, in section 9, line 11, after the word "shall," to strike out "also;" in line 12, after the word "Congress," to strike out "at its next session;" after the word "all," at the end of the same line, to strike out "the instances in the United States" and insert "cases;" in line 18, after the word "injury," to strike out "and the facts touching the same, which reports shall be accompanied by the affidavit or affidavits of the person or persons charged with obtaining the foregoing information;" in line 21, after the word "shall," to strike out "also;" and in the same line, after the word "report," to strike out "annually;" so as to read:

He shall, at the same time, report to Congress all cases in which piers, breakwaters, locks, and dams, or other structures or works built or made by the United States in aid of commerce or navigation are used, occupied, or injured by a corporation or an individual, and the extent and mode of such use, occupation, or

injury. He shall report at the same time whether any bridges, causeways, or structures now erected or in process of erection do or will interfere with free and safe navigation.

The amendment was agreed to.

The next amendment was, in section 11, line 1, after the word "shall," to strike out "have good reason to believe" and insert "be satisfied;" in line 9, before the word "duty," to strike out "the" and insert "his;" after "duty," to strike out "of the said Secretary, on the presentation to him of a complaint, under oath, by any citizen of the United States, in such form as he may prescribe, to cause said bridge to be forthwith removed" and insert "to cause the proper proceedings to be instituted in the circuit court of the United States within whose jurisdiction said bridge or any portion thereof may be located, to have the same condemned and removed as a public nuisance, at the expense of the person or corporation owning or maintaining said bridge;" in line 19, before the word "satisfaction," to strike out "the" and insert "his;" and after "satisfaction," to strike out "of the Secretary of War;" so as to make the section read:

SEC. 11. Whenever the Secretary of War shall be satisfied that any railroad or other bridge now constructed or hereafter to be constructed over any of the navigable waters of the United States under authority of the United States or of any State or Territory, is an obstruction to the free navigation of such waters, by reason of insufficient height, width of span, or otherwise, or of difficulty in passing the draw-opening or the raft-span of said bridge by rafts, steamboats, or other water craft, it shall be his duty to cause the proper proceedings to be instituted in the circuit court of the United States within whose jurisdiction said bridge or any portion thereof may be located, to have the same condemned and removed as a public nuisance, at the expense of the person or corporation owning or maintaining said bridge, unless the owners or managers thereof shall cause the same to be altered to his satisfaction within a reasonable time prescribed by him, so that it shall not be an obstruction to navigation.

The amendment was agreed to.

Mr. EVARTS. The amendments offered by the committee are undoubtedly an improvement of the section, but I wish now to call attention to the section itself as a very extraordinary one and one which seems to me entirely intolerable.

The PRESIDENT *pro tempore*. An amendment to that section would not now be in order.

Mr. EVARTS. Whenever it shall be in time——

The PRESIDENT *pro tempore*. It will be in time after the amendments of the committee are disposed of.

Mr. EVARTS. I shall propose to amend by adding:

Provided, however, That this section shall not embrace or affect the bridge across the East River between New York and Brooklyn, or any bridge constructed in accordance with previous authority of the laws of the United States.

The PRESIDENT *pro tempore*. That amendment is not now in order.

Mr. EVARTS. I shall also move to strike out the whole section.

Mr. HOAR. I suggest that the remaining committee amendments to the bill, which are all amendments inserting the names of places for surveys, which are always put in as a matter of course, may be treated as one amendment.

The PRESIDENT *pro tempore*. If there be no objection, that course will be pursued, and all the amendments to section 12 will be treated as one amendment.

The amendments in section 12, providing for examinations or surveys, or both, in the discretion of the Secretary of War, under the head of "Arkansas," after line 11, to insert:

Cache River.

Under the head of "Connecticut," after line 21, to insert:

Resurvey of Duck Island Harbor, on Long Island Sound, including plans, specifications, and estimate of cost for making the same a harbor of refuge.

After line 26, to insert:

Delaware:
Duck Creek.

After line 54, to insert:

Indiana:
For a survey of the Ohio River near the city of Evansville, Ind., with a view to determine what, if anything, will be necessary to prevent a change of the channel of the river in front of that city.

Under the head of "Louisiana," after line 95, to insert:

Bayou Rondeway.
Cypress Bayou.
Bayou Vidal.

Under the head of "Maine," after line 111, to insert:

Bar Harbor, Maine, with the view of establishing a breakwater and deepening the waters of said harbor, and especially the channel between Rodick's Island and Mount Desert Island.

Under the head of "Maryland," after line 119, to insert:

For widening the channel of Baltimore Harbor to 600 feet.

Under the head of "Michigan," after line 137, to insert:

Harbor at Forestville, Lake Huron.

Under the head of "Michigan," after line 149, to insert:

Torch Lake Channel, Lake Superior.

Under the head of "Minnesota," at the end of line 153, after the word "Lake" to strike out "Falls;" so as to read:

Red Lake River from Grand Forks to Red Lake.

After line 174, insert:

New Hampshire:
Bellamy River.

After line 176, insert:

North Carolina:
Alligator River.
Lockwood's Folly River.
Lumber River.
Yadkin River from South Carolina line to the Narrows.
Catawba River.

Under the head of "Texas," strike out lines 235 to 237, inclusive, as follows:

Raft at the mouth of Guadaloupe River.
Sabine River from Logan's Port down to its mouth.
Colorado and Brazos.

Under the head of "Virginia," after line 243, insert:

Hunter's Creek.

Under the head of "West Virginia," after line 245, insert:

Meadow River.

Under the head of "Wisconsin," after line 249, insert:

Harbor at Hudson, Lake Saint Croix.

The amendments were agreed to.

Mr. HOAR. I move to insert, in the State of Massachusetts, in the survey section, before line 123, "Manchester Harbor." I was out of the city when the committee were engaged on that portion of the bill. I was requested by the Representative of that district to call their attention to it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts.

Mr. MCMILLAN. There is no objection to it.

The amendment was agreed to.

Mr. MCMILLAN. I have one or two amendments to offer from the committee before the bill is open to amendment generally. In line 165, page 8, I move to strike out "channel" and insert "ice harbor;" so as to read:

Improving ice harbor at Marcus Hook.

The amendment was agreed to.

Mr. MCMILLAN. In line 978, on page 41, I move to strike out the words "the works."

The amendment was agreed to.

Mr. MCMILLAN. After line 25 I move to insert:

For a breakwater at Gordon Landing, on Lake Champlain, to be built on the 12-foot curve mentioned in the papers accompanying the report of the Secretary of War to the Senate, dated March 1, 1886 (Executive Document No. 81, Forty-ninth Congress, first session), $25,000.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. After line 25, on page 2, insert:

For a breakwater at Gordon Landing, on Lake Champlain, to be built on the 12-foot curve mentioned in the papers accompanying the report of the Secretary of War to the Senate, dated March 1, 1886, $25,000.

The amendment was agreed to.

Mr. MCMILLAN. Those are all the amendments of the committee.

Mr. FRYE. I was instructed by the committee to offer an amendment on page 12, line 282, to insert before the word "five" the word "twenty;" so as to make the clause read:

Improving harbor at Fairport, Ohio: Continuing improvement, $25,000.

The amendment was agreed to.

Mr. HALE. I propose to move as the bill is considered as a whole to strike out sections 2, 3, 4, 5, 6, 7, and 11. Section 8 has already been stricken out.

As I do not know what will be the fate of that general motion, and as it would be in order first to perfect each section, I move first, in section 2, page 61, to strike out all that portion of the section after the word "appropriations," in line 16, to and including the word "navigation," in line 26, on page 62. If the Secretary will read the words——

Mr. HOAR. Will the Senator pardon me a moment? I would like to suggest to the Senator from Maine and to the Senate whether it might not be well to have unanimous consent that, if the motion to strike out be rejected, it shall be in order thereafter, to save the Senate spending half an hour in amending a section and then striking it all out, by which we should have lost that time, and a majority of the Senate I think, from the vote already taken, are in favor of striking out the whole thing. We should save time by voting on that motion first.

Mr. HALE. By unanimous consent, because it will save time, as the Senator from Massachusetts suggested, I should like to take the vote on my motion to strike out section 2.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that the rule be suspended——

Mr. VEST. I hope the Senator from Maine will allow the friends of the bill, in line 17 of section 2, after the word "rivers," to insert the words "so as to obstruct navigation."

I want to remove any doubt as to the criminal construction of that section. Then he can strike it all out if that is the sense of the Senate. I want to remove any doubt as to the construction of it.

The PRESIDENT *pro tempore*. The Senator from Missouri will repeat his amendment.

Mr. VEST. After the word "rivers," in line 17 of section 2, to insert "so as to obstruct navigation."

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. In section 2, line 17, after the word "rivers," insert the words:

So as to obstruct navigation.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri.

The amendment was agreed to.

Mr. HALE. Now, if the proposition of the Senator from Massachusetts can be consented to unanimously, I will move to strike out all of these sections, with the understanding that if that motion fails the Senate then, as in Committee of the Whole, may proceed to perfect the sections. If the motion carries, it will of course save much time of the Senate.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Maine?

Mr. CONGER. I wish to make an amendment. I move to amend that motion by excepting from its provisions in section 2, beginning in line 42, page 62, the words:

That in places where harbor lines have not been established, and where such deposits can be made without injury to navigation, within lines to be established by the Secretary of War, said officer may, and is hereby authorized to, cause such lines to be established; and within such lines such deposits may be made, under regulations to be from time to time prescribed by him.

I desire to preserve that clause in the bill. Along the coast and in shallow channels or rivers where there is no authority to establish harbor lines it has been thought heretofore, and the committee think now, that the Secretary of War should be authorized, where there is any occasion for it, to establish harbor lines.

Mr. HALE. If the motion which I make to strike out the sections with the understanding I state carries, the Senator can then move to insert that as being only a portion of what had been stricken out.

Mr. CONGER. If the right to move it remains, I will not make the motion now.

Mr. HALE. Then, with that understanding, I move to strike out the sections.

The PRESIDENT *pro tempore*. The Chair hears no objection to the understanding asked for.

Mr. INGALLS. I wish to make a single observation in reply to the suggestion made by the Senator from Massachusetts, and that is that with one or two modifications, which would be verbal, I should be willing to vote for section 2 as it now stands—with the omission of that portion between the word "appropriations," in line 16, and the word "navigation," in line 26. It would then be confined absolutely to the obstruction of navigable waters, and I know of no reason why that provision should not be incorporated. Of course there is this to be said, that it is out of place to a certain extent in this bill; but being confined exclusively to navigable waters, with such verbal alterations as might be made making the offense to be willful and knowing, I do not know why that section might not be retained. While I am entirely willing to vote to strike them all out, I think it would be better, in view of the final fate of the bill, leaving as little as possible to the fate of a conference committee, for us to retain what we properly can; and I submit to the Senator from Maine whether section 2 with those modifications might not be retained.

Mr. HALE. I should not vote for the section although it may be greatly improved by the amendment which has been referred to by the Senator from Kansas, and which I had already proposed to move. I accept the suggestion of the Senator from Massachusetts, because it abbreviates the time which will be taken up if the motion carries pretty largely, as I hope it may. It will settle all questions.

The PRESIDENT *pro tempore*. The Chair heard no objection to the suggestion.

Mr. HALE. Then I move, in order to test the sense of the Senate, to strike out section 2, section 3——

Mr. CONGER. Each section separately.

Mr. HARRISON. No; they all go together.

Mr. HALE. I move to strike out sections 2, 3, 4, 5, 6, 7, and 11.

Mr. MITCHELL, of Oregon. I submit to the Senator from Maine that section 3 covers an entirely different subject.

Mr. HALE. It is a very bad section, and I shall vote against it more quickly than the others.

Mr. MITCHELL, of Oregon. At the same time some Senators may wish to preserve that section and vote against the others, or to preserve others and vote against that. Section 3 relates to bridges.

Mr. BUTLER. I understand by agreement any Senator has a right to make a motion to restore anything that is stricken out. Why not take a vote on the two sections at once?

The PRESIDENT *pro tempore*. Any Senator can call for a separate vote on any section.

Mr. CULLOM. I think the quicker way would be to take the question section by section.

The PRESIDENT *pro tempore*. Does the Senator demand a division of the question?

Mr. CULLOM. I think it would be better.

The PRESIDENT *pro tempore*. Then the question will first be on striking out section 2.

Mr. HALE. If that is so I will take the sense of the Senate on that. I move to strike out section 2.

The section as amended was read, as follows:

SEC. 2. It shall not be lawful to cast, throw, empty, or unlade, or cause, suffer, or procure to be cast, thrown, emptied, or unladen, either from or out of any ship, vessel, lighter, barge, boat, or other craft, or from the shore, pier, wharf, or mills of any kind whatever, any ballast, stone, slate, gravel, earth, slack, rubbish, wreck, filth, slabs, edgings, sawdust, slag, or cinders, or other refuse or mill-waste of any kind, into any port, road, roadstead, harbor, haven, navigable river, or other waters of the United States, to the substantial injury of navigation, for the improvement of which Congress has already made, or may hereafter make, appropriations, or to such injury to dump, discharge, or wash, or cause to be dumped, discharged, or washed, from any mine or mineral land or bank, tailings, bowlders, gravel, clay, earth, or *débris* into any navigable waters or rivers for the improvement of which Congress has made or may make appropriations, or into any tributaries, branch, or affluent of such waters or rivers, so as to obstruct navigation, or to deposit or place, wash, dump, or discharge, or cause, suffer, or procure to be deposited or placed, or washed, dumped, or discharged, any ballast, stone, slate, gravel, earth, slack, rubbish, wreck, filth, slabs, edgings, sawdust, slag, cinders, or other refuse or mill-waste, or gravel, tailings, bowlders, clay, earth, or *débris*, from mines or mineral lands, in any place or situation on shore where the same shall be liable to be washed into any navigable waters, either by ordinary or high tides, or by storms or floods, or otherwise, and become an obstruction to navigation: *Provided*, That nothing herein contained shall extend, or be construed to extend, to the casting out, unlading, or throwing out of any ship or vessel, lighter, barge, boat, or other craft, any stones, rocks, bricks, lime, or other materials used, or to be used, in or toward the building, repairing, or keeping in repair any quay, pier wharf, weir, bridge, building, or other work lawfully erected or to be erected on the banks or sides of any port, harbor, haven, channel, or navigable river, or to the casting out, unlading, or depositing of any material excavated for the improvement of navigable waters, into such places and in such manner as may be deemed by the United States officer supervising said improvement most judicious and practicable and for the best interests of such improvements, nor be so construed as to apply to any character of mining other than hydraulic mining, by water through pipes and used through nozzles under pressure: *And provided further*, That in places where harbor-lines have not been established, and where such deposits of *débris* of mines or stamp works can be made without injury to navigation, within lines to be established by the Secretary of War, said officer may, and is hereby authorized to, cause such lines to be established; and within such lines such deposits may be made, under regulations to be from time to time prescribed by him.

Mr. DOLPH. I have said nothing during this long discussion, although I presented this matter briefly this morning, and I desire now to occupy my five minutes, or a portion of them.

I read authorities this morning to show that Congress has power to prevent obstructions and authorize obstructions in navigable streams. If Congress shall undertake by this bill to do anything that it has not the constitutional power to do, the courts will hold the law a nullity to that extent. Congress can not punish a citizen for obstructing a stream that is not navigable, or for depositing anything in a stream not navigable unless it should be carried by the forces of nature into a stream that is navigable; and such is not the intention of section 2 of the bill.

The House by inserting in the section certain words and clauses to cover mining operations in California disconnected the subject-matter, disconnected the several provisions of the section a little, but nevertheless the meaning of the section as it stands is that no person shall be permitted to cast into a navigable stream within the United States, and for the improvement of which Congress makes appropriations, anything that will obstruct the navigation.

That is a proper and necessary provision, and had the scrutiny of some of the best lawyers in the Senate—the Senator from Texas [Mr. COKE], who is a member of that committee; the Senator from Missouri [Mr. VEST], who is a member of that committee; the Senator from West Virginia [Mr. KENNA], who is a member of the committee, and of the other members of the committee. It is now in such a shape that it can be enacted into a law, and if it shall be found after trial that it is not a proper one it can be easily amended hereafter. I hold in my hand the last river and harbor act. There are five or six sections in it which are general legislation. There never has been a bill of this kind that has not contained general legislation. One of the sections of this bill, section 9, which the Senator from Maine first moved to strike out, is substantially enacted in the river and harbor bill as passed two years ago.

I hope we shall not strike out this necessary legislation simply to get rid of it at this late hour.

The PRESIDENT *pro tempore*. The question is on striking out section 2.

Mr. DOLPH. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CHACE (when the name of Mr. ALDRICH was called). My colleague [Mr. ALDRICH] is paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. BUTLER (when his name was called). I am paired generally with the Senator from Pennsylvania [Mr. CAMERON]. I am at a loss to know how he would vote on this question, and therefore I withhold my vote. If he were present, I would vote "yea."

Mr. CHACE (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. HARRISON (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES].

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN].

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

The roll-call having been concluded, the result was announced—yeas 27, nays 14; as follows:

YEAS—27.

Allison,	Evarts,	Jones of Nevada,	Spooner,
Berry,	Frye,	Logan,	Teller,
Blair,	Gray,	Maxey,	Van Wyck,
Cullom,	Hale,	Payne,	Walthall,
Dawes,	Harris,	Platt,	Whitthorne,
Edmunds,	Hawley,	Pugh,	Wilson of Iowa.
Eustis,	Ingalls,	Sherman,	

NAYS—14.

Brown,	Dolph,	McMillan,	Ransom,
Call,	George,	Miller,	Vest.
Coke,	Gibson,	Mitchell of Oreg.,	
Conger,	Hoar,	Palmer,	

ABSENT—35.

Aldrich,	Colquitt,	McPherson,	Sabin,
Beck,	Fair,	Mahone,	Saulsbury,
Blackburn,	Gorman,	Manderson,	Sawyer,
Bowen,	Hampton,	Mitchell of Pa.,	Sewell,
Butler,	Harrison,	Morgan,	Stanford,
Camden,	Hearst,	Morrill,	Vance,
Cameron,	Jones of Arkansas,	Pike,	Voorhees,
Chace,	Jones of Florida,	Plumb,	Wilson of Md.
Cockrell,	Kenna,	Riddleberger.	

So the amendment was agreed to.

The PRESIDENT *pro tempore*. The next question is on striking out section 3.

Mr. CONGER. I offer to amend this section before it is voted upon.

The PRESIDENT *pro tempore*. The amendment of the Senator from Maine is not yet exhausted.

Mr. CONGER. No; but I withdrew my amendment because it was said that if the section was not stricken out the amendment would not be needed.

The PRESIDENT *pro tempore*. The Senator can move any portion of the matter as an independent section hereafter.

Mr. HALE. The Senator can do that after my motion is exhausted.

Mr. CONGER. I did make that motion when it was in order and withdrew it waiting for the action of the Senate to see whether they would strike out the section or not.

Mr. BUTLER. I suggest to the Senator from Michigan to delay his motion until we get through with the vote on the other sections and then go back.

Mr. HALE. The other sections do not touch that.

Mr. CONGER. I wish to reinsert the last clause of the section just stricken out. Hereafter I will make my motions when I have the right to do so, and not withdraw them. It was said that as soon as the motion of the Senator from Maine was disposed of mine would be in order.

The PRESIDENT *pro tempore*. The motion of the Senator from Maine is not yet exhausted.

Mr. CONGER. I objected to taking these questions separately or taking them all in one motion for the very purpose of putting this matter in. Now, I do not know any species of parliamentary tactics that I am not able to provide for and meet if I can have good faith.

The PRESIDENT *pro tempore*. The Senator from Michigan will be entirely in order in moving his amendment as soon as the amendment of the Senator from Maine is exhausted.

Mr. CONGER. I withheld my amendment until the vote was taken on the section, and it has been taken.

Mr. HOAR. I understand that the Senator from Maine made one motion, to wit, to strike out four or five sections. Then it was agreed that when the sense of the Senate had been taken on that motion the Senator from Michigan should make his motion to reinsert a part of the matter stricken out, but the single motion of the Senator from Maine has not yet had the question taken on it. Under the parliamentary law a division was called for. That, therefore, is divided into four or five parts, but it none the less is one motion, and therefore everybody is in perfect good faith in keeping the arrangement with the Senator from Michigan, because as soon as the motion of the Senator from Maine is over, which is now in process of being voted on, the Senator from Michigan will be in order in moving to reinsert.

Mr. CONGER. In justice to myself I must say that my motion was to except out of the vote these words that I propose to insert, to except them out of the operation of striking out the section. That was the proper motion then.

The PRESIDENT *pro tempore*. The Chair understands that the Senator from Michigan has an undoubted right to offer his amendment as soon as the amendment of the Senator from Maine is acted on.

Mr. CONGER. I withdrew the motion to except this clause out of the operation of the motion of the Senator from Maine.

Mr. HALE. My amendment is not through.

The PRESIDENT *pro tempore*. The question is on striking out the third section of the bill, which will be read.

The Chief Clerk read section 3, as follows:

SEC. 3. It shall not be lawful to build any wharf, dolphin, boom, dam, weir, breakwater, bulkhead, jetty, or other structure outside of established harbor-lines, without the permission of the Secretary of war, in any port, roadstead, haven, harbor, navigable river, or other waters of the United States, or in such manner as to obstruct or impair navigation, commerce, or anchorage of said waters; and it shall not be lawful hereafter to commence the construction of any bridge, bridge-draw, bridge piers or abutments, causeway, or other works over or in any port, roadstead, haven, harbor, navigable river, or other waters of the United States, under any act of the legislative assembly of any State, until the location and plan of such bridge have been submitted to and approved by the Secretary of War, or to excavate or fill, or in any manner to alter or modify, the course, location, condition, or capacity of the channel of said navigable waters of the United States, unless approved and authorized by the Secretary of War: *Provided*, That this section shall not apply to any bridge, bridge-draw, bridge piers or abutments the construction of which has been heretofore duly authorized by law, or be so construed as to authorize the construction of any bridge, draw-bridge, bridge piers or abutments, or other works, under an act of the Legislature of any State, over or in any stream, port, roadstead, haven, or harbor, or other navigable water not wholly within the limits of such State.

The motion was agreed to.

The PRESIDENT *pro tempore*. The question is on striking out section 4.

The section is as follows:

SEC. 4. All wrecks of vessels, and other obstructions to the navigation of any port, roadstead, harbor, or navigable river, or other navigable waters of the United States, which may have been permitted by the owners thereof, or the parties by whom they were caused, to remain, to the injury of commerce and navigation, for a longer period than two months, shall be subject to be broken up and removed by the Secretary of War, without liability for any damage to the owners of the same.

The motion was agreed to.

The PRESIDENT *pro tempore*. The question is on striking out section 5.

The section is as follows:

SEC. 5. It shall not be lawful for any person or persons to take possession of, or make use of for any exclusive purpose, build upon, alter, deface, injure, obstruct, or in any other manner impair the usefulness of any sea-wall, bulkhead, jetty, wharf, pier, or other work built by the United States for the preservation and improvement of any of its navigable waters, or boundary-marks, tide-gauges, surveying stations, buoys, or other established marks, nor remove for ballast or other purposes any stone or other material composing such works.

The motion was agreed to.

The PRESIDENT *pro tempore*. The question is on striking out sections 6, 7, and 11. The Chair will put them together unless a division be called for.

The Chief Clerk read the sections proposed to be stricken out, as follows:

SEC. 6. Every person, persons, or corporation offending against the provisions of this act shall, for each and every such offense, forfeit and pay a penalty of $250 (one-half, on conviction of the offender, to be paid to the informer), besides such further sum as may be found, in any action for the recovery of the penalty or penalties incurred under this act, to be the expense of making good the damage incurred, or of removing to a proper place the things deposited in violation of this act, such penalties to be recovered by action in the name of the United States in any district court within whose jurisdiction such offense shall be committed, said action to be instituted by the district attorney for such district, at the instance of any person complaining.

SEC. 7. It shall be the duty of officers and agents having the supervision, on the part of the United States, of the works in progress for the preservation and improvement of said navigable waters, and in their absence of the United States collectors of customs and other revenue officers, to enforce the provisions of this law by giving information to the district attorney of the United States for the district in which any violation of any provision of this act shall have been committed.

SEC. 11. Whenever the Secretary of War shall be satisfied that any railroad or other bridge now constructed or hereafter to be constructed over any of the navigable waters of the United States under authority of the United States or of any State or Territory, is an obstruction to the free navigation of such waters, by reason of insufficient height, width of span, or otherwise, or of difficulty in passing the draw-opening or the raft-span of said bridge by rafts, steamboats, or other water craft, it shall be his duty to cause the proper proceedings to be instituted in the circuit court of the United States within whose jurisdiction said bridge or any portion thereof may be located, to have the same condemned and removed as a public nuisance, at the expense of the person or corporation owning or maintaining said bridge, unless the owners or managers thereof shall cause the same to be altered to his satisfaction within a reasonable time prescribed by him, so that it shall not be an obstruction to navigation.

The motion was agreed to.

Mr. McMILLAN. Now I want to know what sections have been stricken out.

Mr. HALE. Section 2, section 3, section 4, section 5, section 6, section 7, and section 11. Section 8 was before stricken out. Sections 9 and 10 were not included in my motion. Section 8 was stricken out by the committee.

Mr. ALLISON. But has not yet been voted on by the Senate.

Mr. CONGER. I now move to insert as section 2 the last clause reported by the committee as an amendment to the section. I think the provision contained is very necessary on Lake Superior.

The PRESIDENT *pro tempore*. The amendment will be stated.

Mr. BUTLER. May I ask the Senator from Michigan what line in the amendment his proposition comes in?

Mr. CONGER. It is the last clause of section 2 as modified by the committee.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. It is proposed to insert as section 2:

SEC. 2. That in places where harbor lines have not been established, and where such deposits can be made without injury to navigation, within lines to be established by the Secretary of War, said officer may, and is hereby, authorized to cause such lines to be established; and within such lines such deposits may be made, under regulations to be from time to time prescribed by him.

Mr. DOLPH. If there appeared to be any necessity for this amendment I should not oppose it, but as the matter now stands there is no law of the United States to prevent any man from dumping anything that he pleases in any harbor or navigable river of the United States, and the Senate have just said by a vote that they will not pass such a law when they have an opportunity to do it. There is no law to pre-

vent a bridge being built anywhere over any navigable river or other navigable water within the limits of the United States under the authority of a law of any State notwithstanding it may be an obstruction to commerce. The Supreme Court has held that until the United States does act, exercises jurisdiction, the State may authorize obstructions to navigable rivers wholly within these limits.

The Senate have virtually said they do not wish to regulate the matter of bridges; that they will not authorize the Secretary of War, as provided in section 4 of the bill, to remove a sunken vessel after it has remained in a navigable channel to the obstruction of navigation sixty days. They have said virtually that they do not want to provide a penalty for men who shall unlawfully occupy, injure, and destroy public works constructed and being constructed by appropriations of money by the Government.

There does not, therefore, appear to be any necessity for this amendment. Any individual may deposit what he pleases in any navigable river, harbor, or stream of the United States without being liable criminally; of course he can be prosecuted civilly for damages if he injure a public work. That being the condition of the law, there is no necessity for the amendment; it seems we do not want any law on any of these subjects.

Mr. CONGER. In all large places and towns harbor-lines are always established to control the filling in of the harbor or channel. In some places where there are small places where there is no civil authority it is very desirable for the preservation of narrow channels that the *débris* of mines and stamp-works shall not be put into the channel. This can do no harm, and will be a valuable thing in many places to allow what is the equivalent of harbor-lines in cities to be established where it is thought desirable to limit the places where *débris* may be deposited.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Michigan.

Mr. CONGER. I ask for the yeas and nays on that.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CHACE (when Mr. ALDRICH'S name was called). My colleague [Mr. ALDRICH] is paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. TELLER (when Mr. BOWEN'S name was called). My colleague [Mr. BOWEN] is paired with the Senator from Alabama [Mr. MORGAN].

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON], but I have the consent of the Senator from Wisconsin [Mr. SAWYER] to transfer my pair to the Senator from Kansas [Mr. PLUMB]. I therefore transfer the pair of the Senator from Pennsylvania to the Senator from Kansas, and vote "nay."

Mr. CHACE (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. HARRISON. I am paired with the Senator from Arkansas [Mr. JONES]. If he were present, I should vote "yea."

Mr. KENNA (when Mr. SABIN'S name was called). I am paired with the Senator from Minnesota [Mr. SABIN]. My colleague [Mr. CAMDEN] is paired with the Senator from Rhode Island [Mr. ALDRICH].

The roll-call was concluded.

Mr. SAWYER. I was paired with the Senator from Kansas [Mr. PLUMB], but that pair has been transferred.

The result was announced—yeas 24, nays 18; as follows:

YEAS—24.

Brown,	Eustis,	Logan,	Payne,
Call,	Frye,	McMillan,	Pugh,
Coke,	George,	Maxey,	Sawyer,
Conger,	Gibson,	Miller,	Sherman,
Cullom,	Hawley,	Mitchell of Oreg.,	Spooner,
Dolph,	Hoar,	Palmer,	Vest.

NAYS—18.

Allison,	Edmunds,	Ingalls,	Walthall,
Berry,	Evarts,	Jones of Nevada,	Whitthorne,
Blair,	Gray,	Platt,	Wilson of Iowa.
Butler,	Hale,	Teller,	
Dawes,	Harris,	Van Wyck,	

ABSENT—34.

Aldrich,	Fair,	Mahone,	Sabin,
Beck,	Gorman,	Manderson,	Saulsbury,
Blackburn,	Hampton,	Mitchell of Pa.,	Sewell,
Bowen,	Harrison,	Morgan,	Stanford,
Camden,	Hearst,	Morrill,	Vance,
Cameron,	Jones of Arkansas,	Pike,	Voorhees,
Chace,	Jones of Florida,	Plumb,	Wilson of Md.
Cockrell,	Kenna,	Ransom,	
Colquitt,	McPherson,	Riddleberger,	

So the amendment was agreed to.

Mr. CULLOM. I desire to offer an amendment: in section 1, on page 45, line 1089, after the word "dollars," to add the words:

And $12,000, to be expended on the river at Grayville, Ill.

That amendment is substantially the amendment that was offered before. It proposes to add $12,000 to the item of appropriation for the Mississippi River. I offer it for the reason that it is very important that there should be no uncertainty as to an appropriation to take care of that specific point on the river. I hope there will be no objection to it.

Mr. HARRISON. I think from what the Senator from Illinois has said that this work ought to be done at the point indicated here. My only objection before was that it was subtracting from an appropriation where the whole was needed. I hope this amendment inserting that amount as an addition will be carried.

Mr. CULLOM. I propose to add the small amount of $12,000 in addition to the item specified in the bill; that is, in line 1089, the words:

And $12,000 additional, to be expended on the river at Grayville, Ill.

Mr. HARRISON. Do not put in the word "additional."

Mr. CULLOM. I will leave out the word "additional."

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 1089, after the word "dollars," it is proposed to add:

And $12,000, to be expended on the river at Grayville, Ill.

Mr. EDMUNDS. That would be subject to a point of order as a new appropriation.

Mr. CULLOM. I hope if there is any point of order it is subject to that it will not be made, as it is very important that there shall be money for the protection of the river at that particular point, and it is a small item.

Mr. EDMUNDS. I do not make any point.

Mr. ALLISON. I suggest to the Senator that we had better adopt the language of the bill and allow the clause to remain just as it is, increasing the amount.

Mr. CULLOM. I would have no objection to that.

The PRESIDENT *pro tempore*. That has already been voted down.

Mr. ALLISON. But it could be done by unanimous consent.

Mr. CULLOM. The Senator from Indiana insists that the amount shall not be reduced, and I hope the amendment will be adopted as I propose it.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment offered by the Senator from Illinois.

The amendment was agreed to.

Mr. BROWN. In line 756, before the word "dollars," I move to strike out "fourteen thousand" and insert "twenty-three thousand three hundred;" so as to read:

Improving Romely Marsh, Georgia: To complete improvement, $23,300.

I beg the Senate to hear me less than five minutes on this question, for I shall not take that much time to explain it. I wish to say a word about what Romely Marsh is.

There is an inland channel which extends around the coast of North Carolina, South Carolina, and Georgia into Florida, and there is a line of boats that run on the inland channel from Jacksonville to Savannah. There is a marsh called Romely Marsh on the way, about 40 miles below Savannah. It is a large and winding creek, and without a canal which has just been cut through the boats would run 2 or 3 miles to get over three-quarters of a mile of the route. Boats have been going through, and whenever they strike low tide they had to lie over for hours before they could pass, waiting for the tide to rise.

The improvement was made to get a canal from deep water on one side of the marsh to deep water on the other, and boats are now running through, as the canal is completed.

First $10,000 was appropriated to the work. That amount was expended. The tide running across it, and the channel not being open through to give itself vent, the canal as far as it was cut filled up very rapidly. There was another $10,000 appropriated, but that went the same way; that is, by the filling up there was a good deal of it lost.

Then the Secretary of War, when the appropriation of the second $10,000 was exhausted, authorized the contractor, who was doing the work very cheaply, to go on and complete the canal across the marsh, and, as I understand, the Secretary was to recommend an appropriation. Not doubting that the appropriation would be made, the contractor went on and completed the work. The consent of the Secretary was given because of the washing of the tide across the marsh, filling up the canal. And it was necessary that it be cut through, so that the water could pass off and keep the canal clear by the rush of the water through it.

Mr. EDMUNDS. How long ago was that?

Mr. BROWN. That was in the present administration. I do not remember exactly when it was.

Mr. HALE. Was the obstruction more noticeable at the end of the work than when it began?

Mr. BROWN. I will come to that in a moment, if the Senator will excuse me.

Mr. EDMUNDS. How did the Secretary of War under the prohibitive statutes have any authority to authorize this work to be done at all when there was no money to pay for it?

Mr. BROWN. I understand he authorized the contractor to go on and complete the work, and that he would recommend an appropriation.

Mr. EDMUNDS. That is exactly in the face of the prohibitive act of Congress.

Mr. BROWN. In that way the contractor has gone forward and completed the work. I understand a very honored citizen of New Jersey is the man who undertook the work, and he has done it very faith-

fully. It has been completed since the additional report or estimate was made by the Chief of Engineers or by General Gillmore, who was the engineer in charge, whose report was sent up and approved by the Chief of Engineers.

Mr. TELLER. How much is due him?

Mr. BROWN. Twenty-three thousand three hundred dollars is due him, and due for supervision and extras, as General Gillmore states in his report, which I will ask the Secretary to read, and then my speech is made.

However, to save time, I will simply state that the annual estimate was that it would take $14,000 to complete the work. Since the work is completed General Gillmore says it took $23,300, including some little extras there were about it, to complete the work, and the Chief of Engineers and the Secretary of War, as I understand it, approve the last requisition or estimate of $23,300 to pay the debt.

I stated that the steamers are running through, and I am informed they do it now on schedule time at low tide as well as high tide. As much as was said about the marsh, there is no appropriation that has been made by Congress in my State of forty-odd thousand dollars that has accomplished as much for the cause of navigation and the convenience of travel between two important States of the Union as this little appropriation. The estimate shows that since the annual estimate was made up the amount has been increased, and that it is necessary, in order to pay for this work, that the appropriation be increased to $23,300.

Mr. EDMUNDS. That is a pretty dangerous precedent.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Georgia.

The amendment was agreed to.

Mr. MILLER. In lines 528 and 529:

Improving Hudson River, New York: Continuing improvement, $15,000.

I move to strike out "fifteen" and insert "thirty-five" before the word "thousand;" and at the end of the line to add:

Of which $20,000 may be used for the removal of the rock in the channel at Van Wie's Point.

I presented this amendment to the committee and supposed it was in the bill. I was called away necessarily for a few days, and upon my return the bill was ready to be reported. When I found that it was not in the bill the chairman of the committee suggested that rather than delay the bill a day in reporting it I should wait until the bill was considered by the Senate, and then I could move the amendment.

Mr. MCMILLAN. What is the entire amount of the appropriation asked for?

Mr. MILLER. The amount of the appropriation asked for is $40,000.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from New York.

Mr. RIDDLEBERGER. I do not want to object to these amendments continually increasing appropriations, but I do think that it is due to the Senate that when Senators ask for these appropriations and these additions to the bill that they ought at least to tell us why.

One objection from any member of the committee can deprive me of the right to offer an amendment, yet I find that the committee which a year ago objected to any and everything that was offered which did not proceed under a rule that they themselves seemed to have adopted are now not objecting as they did then. I ask for a reason.

Mr. MILLER. The Senator is mistaken in supposing that he has not a right himself to offer any amendment to this bill that he sees fit at this time, provided he offers it in accordance with the rules of this body.

I shall not detain the Senate to go into this matter. This is a rock which projects out into the channel of the Hudson River and very frequently detains boats. Some money has been spent upon it but not enough to remove it, and it is very desirable for the whole navigation of the river that this work shall be done. I will simply say that the State of New York has appropriated for a great many years from $30,000 to $50,000 to aid the navigation on that river.

Mr. RIDDLEBERGER. I raise the point of order, and I object to the amendment.

The PRESIDENT *pro tempore*. The point of order being raised, the Chair is of opinion that unless the amendment is reported from a committee it is not in order.

Mr. MILLER. This was in the bill as I understand it and was dropped out, but I do not understand that the point of order can be made upon these questions. All these appropriations have been estimated for, and that question was decided by the Chair several days ago. This has been properly estimated for in the engineer's report, as much so as any other item in the bill. If no amendment can be moved and the point of order can be made against every amendment, of course there is no occasion for going on and considering the bill any further.

The PRESIDENT *pro tempore*. The Chair understands that the point of order raised by the Senator from Virginia is that the amendment was not reported from the committee or was not estimated for. If it is either it is in order.

Mr. MILLER. It is both. It was estimated for, and it was simply a mistake in the making up of the bill that it was not put in.

The PRESIDENT *pro tempore*. If the Senator from New York says that the amendment was reported from the committee or was estimated for by the Department it is in order.

Mr. MILLER. It fills the rule in every direction.

Mr. RIDDLEBERGER. I do not understand what the Senator said about its being reported from the committee.

The PRESIDENT *pro tempore*. The Senator from New York says it was estimated for in the regular estimates of the Department.

Mr. RIDDLEBERGER. That does not answer the rule of the Senate, if the Chair will allow me to state it. I was required here at the last session of Congress to show by a report that the chairman and that the Committee on Commerce agreed to an appropriation that the committee recommended. It is not a question of the estimate, but the amendment must be referred to its appropriate committee and reported from that committee.

Mr. President, I do not mean to take any exception to your ruling in this matter; but the point of order was raised upon me last year when the James River appropriation was pending. The point of order was made by the Senator from Iowa [Mr. ALLISON] who now sits just in front of me, and who is chairman of the Committee on Appropriations.

Mr. ALLISON. That was on a different bill

Mr. RIDDLEBERGER. A different bill and a different man, perhaps.

Mr. MILLER. I am entirely within the estimate, and in addition to that, the amendment was considered by the committee and the facts are just as I have stated them. I was authorized by the committee to move it to the bill rather than wait and have the bill reprinted. There can not be any question about it.

Mr. RIDDLEBERGER. I still raise the point of order and object to the amendment.

The PRESIDENT *pro tempore*. The Chair is of the opinion upon a careful reading of the rule that if an amendment is either moved by the direction of a standing committee or proposed in pursuance of the estimate of some one of the Departments, it is in order.

Mr. EDMUNDS. There is another part of the rule which says that amendments to the river and harbor bill shall be referred to the Committee on Commerce; so that if the Senator from New York were not authorized by the committee to report it from that committee I think there is another clause that would sustain the Senator from Virginia.

Mr. MILLER. I stated that I was authorized to report it from the committee.

The PRESIDENT *pro tempore*. The second clause of Rule XVIII provides that—

In like manner amendments proposing new items of appropriations to river and harbor bills shall, before being considered, be referred to the Committee on Commerce.

If that has not been done the Chair is of the opinion that the amendment would fall within the prohibition of the rule.

Mr. HARRIS. Does the Senator from New York say that he is directed by the Committee on Commerce to report this amendment?

Mr. MILLER. I do. The amendment, as I understand it, was adopted by the Committee on Commerce, but it fell out of the bill.

Mr. HARRIS. That does not answer the question. Is he directed to offer this amendment now to the bill by the Committee on Commerce or any other committee?

Mr. MILLER. I have said at least half a dozen times within the last three minutes that I was so authorized.

The PRESIDENT *pro tempore*. The Chair is of opinion that that is sufficient. The Senator states that he is authorized by the committee to offer the amendment.

Mr. RIDDLEBERGER. I appeal from the decision of the Chair only for the purpose of making this additional statement, that being ruled out of order here all the time in these matters, I insist that that answer does not measure up to be what is generally required here, and that when I came into the Senate Chamber advocating that which was not objected to by Senators themselves on the merits of the case, to wit, the James River improvement, I was required to go around and ask the members of the Committee on Commerce to sign their names to the report.

I do not intend to stand here in the Senate and allow any Senator, I care not whether he is from the State of New York or new anything else, to have advantages or privileges that I can not enjoy. That is just all of it.

The Senator says he is directed by the committee to report the amendment. Then let us have the report of that committee. If it had been I, I would have been required to offer my amendment here and ask to have it printed and referred to its appropriate committee; and the formal report of the committee would have been required.

Whenever I shall fail to assert a right that belongs to me I shall feel like quitting here and going home and saying that the Senate Chamber ought only to be left to two or three States, and ought to have no representatives in it except those who come from those States.

Mr. HARRIS. I hope the Senator from Virginia will not appeal from the decision of the Chair.

Mr. RIDDLEBERGER. I withdraw the appeal. I merely wanted to make those remarks.

The PRESIDENT *pro tempore*. The Chair is of the opinion that, as the Senator from New York states he is authorized to move the amendment by direction of a standing committee, the amendment is in order. The Chair understands his statement to be substantially that.

Mr. HARRIS. It is clearly in order upon the statement.

The PRESIDENT *pro tempore*. He is directed by a standing committee to offer the amendment, and so it is in order. The question is upon agreeing to the amendment.

The amendment was agreed to.

Mr. SPOONER. In line 408, before the word "thousand," I move to strike out "twenty" and insert "thirty;" so as to read:

Improving harbor at Ashland, Wis.: Continuing improvement, $30,000.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Wisconsin.

Mr. RIDDLEBERGER. I object, for the purpose of saying that I do not believe in this way of increasing appropriations in the bill, and having expressed my opinion I shall let the matter rest there.

Mr. SPOONER. I think with one word of explanation there is hardly a Senator here who will object to this amendment.

Ashland is a city of about 4,000 inhabitants on Lake Superior in my State, 60 miles east of Duluth. It is a city with many elements of permanent prosperity. It is the lake port of a mineral region not rivaled in extent or in richness in the United States.

The estimate for this improvement was $136,000, and the appropriation made by the bill is only $20,000. The commerce of that port deserves more attention than it has received from the committee. It is the terminus of four railroads, the Northern Pacific Railway, the Omaha Railway, the Wisconsin Central Railway, and the Milwaukee, Lake Shore and Western Railway. It has one of the largest iron-ore docks in the world. I submit to the Senate that the appropriation is too far below the estimate, and it was not made on the principle which has apparently been the guide as to other appropriations.

Mr. MCMILLAN. I raise the point of order. ["Too late!"]

Mr. EDMUNDS. No, it is not too late.

Mr. ALLISON. You can not raise the point of order.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LOGAN. In line 1131, after the words "one hundred" and before "thousand," I move to insert the words "and fifty;" so as to read:

Improving Illinois River, Illinois: Continuing improvement, $150,000.

The committee have appropriated $100,000. By the reading of the report of the engineer it will be found that up to July 1, 1885, the amount expended for the fiscal year, exclusive of outstanding liabilities, was $63,992.64; July 1, 1885, liabilities, twenty-three thousand and odd dollars; making, in all, $87,542.40. The amount required for the completion of the work is $700,000. The amount which can be profitably expended in the fiscal year ending June 30, 1887, is $350,000.

I desire to say in regard to the improvement of the Illinois River from Hennepin to the mouth that the State of Illinois expended a large amount for the purpose of building two locks and dams; and for the continuation of the work by the Government, it being a very important work, for the purpose of dredging and deepening the river and building other locks, it is necessary, if there is anything intended to be done for the purpose of improving that river, that we should appropriate enough at least to do some good. One hundred thousand dollars will not complete it nor half complete it, and I think the committee ought at least to have appropriated one-half the amount which is required for the expenditure during this fiscal year.

I ask that $50,000 be added to the $100,000 for the reason that that is not half the amount recommended and asked for by the engineers who have the work in charge. They ask for $350,000 to be expended this year.

That is all I have to say about it. It is a very important improvement. I do not think the improvements in Illinois have very extravagant appropriations. I do not complain of that; but the appropriations for that State are not large in comparison with others. I ask that this amount shall be allowed there, because it is very necessary that $150,000 should be appropriated.

Mr. MCMILLAN. I raise the point of order that there is no report from the committee in favor of this increase.

The PRESIDENT *pro tempore*. The Chair is clearly of the opinion that unless the amendment——

Mr. CULLOM. I hope the President of the Senate will withhold his decision until the facts are stated. I offered an amendment proposing to increase this item myself, which was referred to the committee, and I understand that brings it within the rule. The committee saw proper not to report in favor of the increase, but I do not know how else we could bring a question of this kind before the Senate so as to have it in order.

The PRESIDENT *pro tempore*. Did the Senator offer an amendment and have it referred to the Committee on Commerce?

Mr. CULLOM. I offered an amendment to increase this item from $100,000 to $200,000. The estimate is $350,000.

The PRESIDENT *pro tempore*. It is clearly in order if the amendment was sent to the Committee on Commerce.

Mr. CULLOM. I thought so, and only desired to disabuse the mind of the chairman of the committee on that point.

Mr. LOGAN. The estimate is $350,000 for this fiscal year.

Mr. MCMILLAN. That is the estimate, but if these appropriations are all increased to the amount of the estimates——

Mr. LOGAN. But this does not increase it to the amount of the estimate, nor to half the estimate.

Mr. MCMILLAN. The amount of the estimate is $350,000 for the current fiscal year.

Mr. LOGAN. And you have not given one-third of what was estimated.

Mr. MCMILLAN. That is the bill as it passed the House, but the amount of this bill is so large now——

Mr. LOGAN. The amount of the bill has nothing to do with the question.

Mr. MCMILLAN. It has to do with the consideration of the Senate certainly in increasing any of these items.

Mr. LOGAN. But it has nothing to do with this proposition. I do not make any reference to the committee, but if the item is not treated in proportion to the estimates, what the balance of the bill may amount to has nothing to do with the justice of this proposition.

It is a mere question whether this is right or wrong. I will venture the assertion that there are very few appropriations in the bill where more than one-third of the estimate has not been appropriated; and this is not a third of the estimate.

Mr. MCMILLAN. The amendment being in order, of course I can only state the objection of the committee to increasing the appropriation.

Mr. CULLOM. I wish to say one word in addition to what has been said. This proposed appropriation is for the purpose specially of proceeding with the work of finishing the two locks that were referred to a day or two ago in the discussion of the improvement of the Illinois River. The amount appropriated from year to year for that work is so small that the work is damaged almost as much each year as progress is made in completing it, as the report of the Secretary of War will show.

The bill provides that a portion of the $100,000 appropriated shall be expended on another portion of the river, so that it will be a very small item that will be used in the construction of the two locks and dams in the lower part of the Illinois River as specified in the report of the Secretary of War and the engineers.

I hope that the amendment offered by my colleague will be adopted by the Senate.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Illinois [Mr. LOGAN].

Mr. RIDDLEBERGER. I should like to say again that I base my opposition to this increase upon the general opposition that I intend all the time to prefer against this bill. We will just take this very case, and I ask if there is a Senator here who would dare to go into his State Legislature and enact a law written like this in an appropriation bill:

The grant of the Illinois and Michigan Canal, its right of way, and all its appurtenances, and all right, title, and interest which the State of Illinois may have in any real estate heretofore ceded to the State of Illinois by the United States for canal purposes, made to the United States by an act of the General Assembly of the State of Illinois, approved April 28, 1882, be, and is hereby, accepted, &c.

Here is the United States Senate, putting in not only a provision of that kind as a preamble to the law, but the law itself; and I undertake to say there is not a Senator on this floor who has ever read it, and that no Senator knows what he is voting for when he votes for it,

Mr. LOGAN. Voting for what?

Mr. RIDDLEBERGER. For this canal grant. I ask the Senator from Illinois if he he can tell us?

Mr. LOGAN. Tell you what?

Mr. RIDDLEBERGER. What this canal grant is.

Mr. LOGAN. I could if it was in question, but it is not the question before the Senate.

Mr. RIDDLEBERGER. I have misunderstood that, and nothing that seems to me or to some others on this floor to amount to a question is ever answered by those who never know how to answer. We are asked to give $100,000 more. We are asked just to throw it out, give it all about, and to base it upon a statute of your own State, when you do not condescend to tell us what we are obligating ourselves to do when we are adopting the preamble of your bill. I have uttered all I want to say on the subject, sir.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Illinois [Mr. LOGAN]. [Putting the question.] The noes appear to have it.

Mr. LOGAN. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HARRISON (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES].

The roll-call was concluded.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. VAN WYCK. I wish to state that on the passage of the bill I am paired with the Senator from South Carolina [Mr. HAMPTON] who has been required by sickness to leave the Chamber, and I shall with-

hold my vote on amendments which may be supposed to be antagonistic to his own views. I vote "yea" on this amendment.

Mr. BROWN. My colleague [Mr. COLQUITT] is paired with the Senator from Rhode Island [Mr. CHACE]. Neither is present at this time, and I will announce the pair once for the evening. They are paired on all questions.

The result was announced—yeas 21, nays 24; as follows:

YEAS—21.

Allison,	Evarts,	Mitchell of Oreg.,	Teller,
Blair,	Hale,	Palmer,	Van Wyck,
Brown,	Hoar,	Payne,	Wilson of Iowa.
Call,	Ingalls,	Sawyer,	
Cullom,	Logan,	Sherman,	
Dawes,	Miller,	Spooner,	

NAYS—24.

Beck,	Eustis,	Hawley,	Pugh,
Berry,	Frye,	Jones of Nevada,	Ransom,
Butler,	George,	Kenna,	Riddleberger,
Coke,	Gibson,	McMillan,	Vest,
Conger,	Gray,	Maxey,	Walthall,
Edmunds,	Harris,	Platt,	Whitthorne.

ABSENT—31.

Aldrich,	Dolph,	McPherson,	Sabin,
Blackburn,	Fair,	Mahone,	Saulsbury,
Bowen,	Gorman,	Manderson,	Sewell,
Camden,	Hampton,	Mitchell of Pa.,	Stanford,
Cameron,	Harrison,	Morgan,	Vance,
Chace,	Hearst,	Morrill,	Voorhees,
Cockrell,	Jones of Arkansas,	Pike,	Wilson of Md.
Colquitt,	Jones of Florida,	Plumb,	

So the amendment was rejected.

Mr. CALL. In line 228, after the word "hundred" and before the word "thousand," I move to insert the words "and fifty," and after the word "dollars," in line 229, to add:

Of which $2,000 may be expended at Gilbert's Bar on Indian River, and $10,000 at Tampa, Fla.

So as to read:

Improving Cumberland Sound, Georgia and Florida: Continuing improvement $150,000, of which $2,000 may be expended at Gilbert's Bar on Indian River, and $10,000 at Tampa, Fla.

This restores the amount for Cumberland Sound to what was appropriated by the House.

Mr. MCMILLAN. The amendment increasing the amount has been acted upon already, I think, unfavorably.

Mr. CALL. But I do not propose to increase the amount beyond what was in the bill as it came to the Senate.

Mr. MCMILLAN. But the amendment itself has been acted upon and the Senate has refused to increase the amount from $100,000 to $150,000. I think therefore the amendment is not in order now.

Mr. CALL. I submit that it is in order to move to restore the amount which was stricken out by the Committee on Commerce.

The PRESIDENT *pro tempore*. If the Senator will reserve the amendment, when the bill is reported to the Senate it can be voted on separately.

Mr. INGALLS. The Senator from Florida moves to insert those words with additional words. It is plainly in order now, under the rule.

Mr. HARRIS. It is not in order under the rule, in my opinion, because it proposes to reinsert the $50,000 which has been stricken out by the vote of the Senate, and adds words appropriating $2,000 and $10,000, making $12,000 of the $50,000. It will be in order, I grant, when the bill is reported to the Senate, but it is not in order now.

The PRESIDENT *pro tempore*. The Chair is of opinion that it is not now in order. It will be in order to move the words separately as an amendment.

Mr. INGALLS. It is a matter which does not concern me, but the Chair is plainly wrong.

The PRESIDENT *pro tempore*. It would not be in order now to restore the words which have been stricken out in Committee of the Whole.

Mr. ALLISON. The Chair is clearly right.

Mr. CALL. I move an entirely new provision in the bill.

The PRESIDENT *pro tempore*. But the Senator moves to restore words which have been stricken out in Committee of the Whole.

Mr. CALL. No, I do not——

Mr. HARRIS. Do you not move to restore "and fifty," so as to make the amount $150,000?

Mr. CALL. I will move to insert "and forty-nine," then, so that it will read "$149,000, of which $2,000 shall be expended at Gilbert's Bar on Indian River, and $10,000 at Tampa, Fla."

Mr. MCMILLAN. I suppose that is not in order either.

The PRESIDENT *pro tempore*. On what ground does the Senator claim that it is not in order?

Mr. MCMILLAN. On the ground that $49,000 is less than $50,000, and that $50,000 have been stricken out.

The PRESIDENT *pro tempore*. The Senate might be willing to give the improvement $49,000 additional and not give $50,000 additional. The Chair can not rule it out of order on that ground.

Mr. CONGER. I make the point of order that dividing the appropriation for Cumberland Sound by placing $10,000 or $12,000, whatever the amount is, across in Florida at Tampa Bay is not in order under any report of a committee or an estimate.

Mr. EDMUNDS. It makes an entirely new item of appropriation.

Mr. CONGER. It makes an entirely new item. There is another point which the Senator named. I do not recollect it. He is proposing to distribute the appropriation all around Florida. He is scattering it about miscellaneously.

The PRESIDENT *pro tempore*. The Chair is of opinion, upon looking at the rule, that it would not be in order to move the amendment now, especially as the Senator has his remedy in the Senate when the question will be on concurring in this very amendment, and he can reserve it for a separate vote.

Mr. HARRISON. I move an amendment which does not increase the amount of the appropriation. In line 1096, after the word "used," I move to strike out the words:

In dredging the river between the Forks and a point half a mile east of Hammond.

And to insert:

Between the Forks, one-half mile east of Hammond, Ind., $7,500 of which are to be used in dredging the river between the Forks and the State line of Illinois and Indiana, and one-half to be expended on the river at Hammond, Ind.

Mr. LOGAN. I object to that amendment.

Mr. MCMILLAN. The objection to this amendment is that the engineer would have the power to expend this money as he deemed best for the public service.

Mr. ALLISON. That is the objection.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Indiana. [Putting the question.] The noes appear to prevail.

Mr. HARRISON. I do not want to call for the yeas and nays on this question, but I will ask that the vote be taken again. It is no increase of the appropriation at all. It simply provides for an equal division of the amount between the part of the river which is in Illinois and that part of it which is in Indiana.

In addition to that, this appropriation was increased $5,000 upon my motion in committee, and it leaves for Illinois now $25,000 on that side of the line in addition to one-half of this sum of $15,000. It certainly is entirely reasonable. It simply gives to that part of the river on the Indiana side one-half of the $15,000, and leaves on the Illinois side $25,000 to start with and then $7,500.

Mr. LOGAN. I raise the point of order in reference to the amendment that it changes the entire sense of the sentence.

Improving Calumet River, Illinois: Continuing improvement, $40,000; of which $15,000 are to be used in dredging the river between the Forks and a point half a mile east of Hammond.

That follows exactly the direction of the engineers.

Provided, however, That no part of said sum, nor any sum heretofore appropriated, except the said $15,000 for the river above the Forks, shall be expended until the entire right of way, as set forth in Senate Executive Document No. 9—

Which document is here, the report of the engineers in reference to it. The line upon which this is to be expended is the line reported by the engineers, and they report that the work should not be undertaken unless the right of way be given to the Government free of expense.

Mr. HARRISON. The bill itself provides that as to this whole $15,000 that provision shall not apply. The bill as it came from the House provides that this appropriation, except the $15,000, shall not be expended until the right of way is given.

Mr. LOGAN. The language is:

That no part of said sum, nor any sum heretofore appropriated, except the said $15,000 for the river above the Forks, shall be expended, &c.

That is true.

Mr. HARRISON. My amendment relates to the $15,000.

Mr. LOGAN. There was an appropriation some years ago to build a cut or slip, as it is called, for that portion into Calumet Lake, and that report has been made.

Mr. HARRISON. That is entirely below, and there is a separate appropriation for the Calumet Harbor of a large sum of money.

Mr. LOGAN. The Senator does not understand what I am speaking about. I understand something about the harbor. The Senator will find that in reference to Calumet Harbor that is one thing. The Calumet Harbor is considered a harbor of safety up to a certain point. This is for the purpose of opening the river, or straightening the river; in other words, cutting it straight through a point and making a harbor continuous up to the Forks. Then the intention of the engineer was to cut a slip through from the river to Calumet Lake.

There were $50,000 appropriated some time ago for that purpose but it was not expended. The committee have left out entirely the appropriation for cutting the slip through according to the former report of the engineers, and provide only an appropriation to go to the Forks within about a half a mile across to Hammond.

Mr. HARRISON. There is another appropriation for the Calumet Harbor in this bill. I will show it to the Senator in a moment, if I can find it.

Mr. LOGAN. There is an appropriation for Calumet Harbor, but I am not talking about the harbor. I am speaking about the appropria-

tion that is made now to cut through this slip, and it is to cut another slip through from the river to Calumet Harbor, which has been entirely left out in the appropriation. It has not been mentioned; and the reason why I did not suggest it and offer an amendment in accordance with the report of the engineers was because I saw there was no use to offer amendments after the fate of the one I offered for the Illinois River. Let me read what the estimate is:

2. *Calumet Harbor, Illinois.*—The present project for the improvement of this harbor has for its object the creation and maintenance of a channel 300 feet wide and 16 feet deep, from Lake Michigan to Calumet River.

The amount expended in the execution of this project to June 30, 1885, is $380,774.41; 5,360 feet of pier-work have been completed, and 384,376 cubic yards of material have been dredged from the channel. During the past season the south pier was extended 200 feet, and 748 linear feet of revetment was rebuilt.

The appropriation of $21,400 asked for is to be applied to extending the south pier and to the repair and preservation of the existing piers.

That is what the Senator referred to in reference to the harbor.

The officer in charge, in a communication to this office of December 3, 1884, which was transmitted to Congress, printed in House Executive Document No. 36 of the last session, called attention to the extension of the north shore-line caused by deposits of slag, &c., from the works of the North Chicago rolling-mills. These deposits, if continued, will call for a further extension of the piers, and additional appropriation will have to be made by Congress. Whereas if they were discontinued, it is believed that no further appropriation need be made except that now called for, and small amounts occasionally to preserve the work and maintain the dredged channel in good condition.

That is the channel of the river, and the piers and works that have been built along close to the lake, known as the old Calumet Harbor; but the appropriation is for the continuation and for the extension up the river, cutting it through and straightening it and dredging it out. The intention was to run a slip across from the river to the lake; but that has not been provided for.

The amendment proposes a diversion of the appropriation and a change from the recommendation of the engineers, who have made a report which I have here in my hand; but I do not wish to take up the time of the Senate in discussing it. I am satisfied that any one who will examine the map and the report will see that this will be an entire diversion from what the engineers intend and from what the bill intends.

The PRESIDENT *pro tempore*. The Senator's time is up.

Mr. HARRISON. I think the opposition of the Senator from Illinois is not generous in reference to this matter. Upon my motion $5,000 was added to this item in the bill as it came from the House.

The PRESIDENT *pro tempore*. The Senator from Indiana is also out of order, his time having expired.

Mr. HARRISON. Hammond is a very important and thriving town. There are some large industries there, perhaps an investment of $4,000,000 or $5,000,000. The Senator gets the benefit of part of the river and he gets the $42,000, including $10,000 for Calumet Harbor. My amendment simply provides that $7,500, of which $5,000 was an increase made upon my motion, shall be expended upon that portion of the river within the State of Indiana.

I think if the Senator will consider a moment he will not insist on opposing the amendment, as this amount has been increased $5,000 upon my motion. If it had stood as the House left it he gets now nearly as much as he would then, only $25,000 more being expended upon that part of the river within the State of Indiana and $42,000 is spent on that part of the river within the State of Illinois. It seems to me it is a very small matter that I ask for this important part of the river and the town of Hammond and the important industries on the river near that town, the small sum of $7,500, especially when $5,000 of that has been put in on my motion with a view to this very purpose. I think if the Senator reflects a moment he will not insist upon his objection.

Mr. LOGAN. I presume the Senator thinks it is not generous because I do not see how an improvement of the Calumet River along there would be an improvement of the river in front of Hammond as well as anywhere else; but to use $7,500 out of the small appropriation to improve right in front of the little town when the whole remainder of the river is to be improved, I do not think is exactly the thing.

Mr. HARRISON. The whole remainder of the river gets $32,000, and at this particular part of the river, within the State of Indiana, I only ask that $7,500 be spent, instead of leaving it so that the whole of the appropriation of $40,000 may be expended on the river altogether. There are needed improvements there, and it is a very small thing to ask that this little appropriation shall be spent for that purpose when $5,000 was added on my own motion.

Mr. LOGAN. Well——

The PRESIDENT *pro tempore*. The Chair must remind both Senators that they have had their five minutes under the rule.

Mr. LOGAN. I never object to anything that is fair, but the Senator says I am not generous about this thing, when I certainly do not make any objection except that it is impossible to expend this money unless along the whole river. The idea of taking a portion of it and expending it right in front of one little place is in my judgment perfectly absurd.

Mr. HARRISON. It is not proposed to spend it in front of it.

Mr. LOGAN. I should like to know where you will expend it then, because the river is in front of the town.

Mr. HARRISON. All I ask is that it shall be spent at Hammond, that part of the appropriation which is to be spent in Indiana.

Mr. LOGAN. The object then, I admit is, to be plain about it, if the engineer's report is to be carried out cutting across that point, the diversion of this money would be to prevent cutting through that point so as to keep this open around by Hammond. That is the whole of it. I shall object to it, sir, but the Senate may do as they please.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Indiana [Mr. HARRISON].

The amendment was agreed to.

Mr. BERRY. In line 904, after the word "dollars," I move to add the following proviso:

Provided, That if, in the opinion of the Secretary of War, it shall be necessary, the sum of $13,000 may be expended at Fort Smith, $10,000 at Dardanelle, and $8,000 at Pine Bluff.

Mr. CONGER. I ask if that increases the appropriation.

Mr. BERRY. It does not. It simply provides that it shall be expended at these points as in the opinion of the engineer is necessary. The matter was submitted to the chairman of the committee by my colleague, and I understood from him that the Senator from Minnesota had no objection to the amendment. It does not increase the appropriation at all; it simply provides that so much of the amount already appropriated may be expended in a certain way if in the opinion of the Secretary of War it is necessary.

Mr. CONGER. I do not see any objection to that.

Mr. RIDDLEBERGER. I object to it.

The PRESIDENT *pro tempore*. If there be no objection the amendment will be regarded as agreed to.

Mr. MCMILLAN. Can not a point of order be raised on the amendment? Has it gone to the committee?

The PRESIDENT *pro tempore*. The Chair is advised that it does not increase the appropriation, and therefore it is in order.

Mr. RIDDLEBERGER. Can any amendment be offered to a bill of this kind until it first goes through the routine that was required at the last session? That is my point. I am not unfriendly to this amendment.

The PRESIDENT *pro tempore*. The Chair is of opinion that the amendment is in order. It does not increase the appropriation. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CALL. In line 234, after the word "dollars," I move to insert:

Of which $2,000 may be expended in the discretion of the Secretary of War on the Carabello, or Crooked River.

So as to read:

Improving harbor at Apalachicola Bay, Florida: Continuing improvement, $12,000; of which $2,000 may be expended in the discretion of the Secretary of War on the Carabello, or Crooked River.

I will state that that is part of the harbor of Apalachicola, and it has been recommended, and an estimate was made for it in the Forty-eighth Congress.

Mr. MCMILLAN. If it is a part of the harbor the engineer would have the power to expend a portion of the money appropriated by the bill in the improvement of that harbor.

Mr. CALL. It is a separate item and a separate work.

Mr. MCMILLAN. Then if it is separate——

Mr. CALL. I will state to the Senator that it is recommended and desired by the people there, as the collector informs me, and it is a part of Apalachicola Bay, at the entrance to Apalachicola Bay, for ships of deep draught; and it is desired that this discretion may be allowed in the improvement.

Mr. MCMILLAN. If it is a part of the same improvement, certainly the engineer would have the privilege of applying the money as he deemed it best for the public interest.

Mr. HARRIS. The amendment leaves it to his discretion.

Mr. MCMILLAN. If it is not a part of the same improvement it is not in order, because it is a different item.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Florida.

The amendment was agreed to.

Mr. CALL. In line 238, before the word "thousand," I move to strike out "twenty" and insert "forty;" so as to read:

Improving harbor at Pensacola, Fla.: Continuing improvement, $40,000.

Mr. MCMILLAN. I hope that increase will not be made here. The appropriation of $20,000 made by the House is one-third of the estimate, and is about as large as should be made by the bill.

The PRESIDENT *pro tempore*. Does the Senator make a point of order?

Mr. MCMILLAN. I do not know whether a point of order would lie against it or not under the ruling of the Chair, that an amendment referred to the committee would make the amendment in order. I raise the point of order for the purpose of determining that question.

The PRESIDENT *pro tempore*. Has the amendment been referred to the committee?

Mr. MCMILLAN. I do not know.

Mr. CALL. It has been, though I am not certain about the amount.

Mr. HOAR. I should like to inquire whether under the rule it is necessary to refer an amendment which is in pursuance of an estimate to the committee?

The PRESIDENT *pro tempore*. It is.

Mr. HOAR. I do not so understand it.

The PRESIDENT *pro tempore*. The rule expressly so requires. Rule XVI requires that "in like manner amendments proposing new items"——

Mr HOAR. New items, but not increasing old ones.

The PRESIDENT *pro tempore*. The rule provides that—

In like manner amendments proposing new items of appropriation to river and harbor bills shall, before being considered, be referred to the Committee on Commerce.

And that has been held also to apply to the increase of an appropriation.

Mr. HOAR. The Chair will pardon me. I do not wish to delay the Senate at this time; but the distinction between a new item of appropriation and an item increasing an appropriation is marked. The first clause of Rule XVI provides that—

No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill or to add a new item of appropriation unless, &c.

That clearly shows that they are two distinct things, and that the increase of an appropriation is not a new item under the rule. Then if that comes "in pursuance of an estimate" it is not prohibited by the first clause.

Then the second clause, which speaks of river and harbor bills only, says:

Amendments proposing new items of appropriation to river and harbor bills shall, before being considered, be referred to the Committee on Commerce.

But the other kind, which is a separate kind in the same rule, merely increasing items within the estimates, I submit to the Chair is in order. However, it is not of practical importance now.

The PRESIDENT *pro tempore*. The Chair will submit the question to the Senate. The Chair is still of opinion, taking the first and second clauses together, that the same rule must be applied to any increase of appropriation as to a new item. The Senator from Florida [Mr. CALL] submits an amendment; the question is whether it is in order.

Mr. HARRIS. If the question of order is to be made I desire to make an additional suggestion upon it. In respect to river and harbor bills, what is an estimate within the technical sense of the rule? I maintain that there is no estimate that the Chair can recognize in the technical sense of the rule except that estimate sent by the Secretary of the Treasury; but I think the habit here has been to refer to the estimates which the engineers have made, and they have been referred to as estimates. Now before it is legitimate to offer to increase, or to make a new item of appropriation, the estimate made and sent to the two Houses of Congress by the Secretary of the Treasury in the Book of Estimates must be shown.

The PRESIDENT *pro tempore*. The Chair has avoided deciding that question, because it has not been raised, whether or not any estimate has been made by the Secretary of War in regard to rivers and harbors; but the estimate made by the Secretary of the Treasury being a sum in gross would not be applicable to this bill under the rule. Therefore the Chair would not like to decide the question as to an estimate. The Chair is of opinion that if the Senator from Florida had a regular reference to the Committee on Commerce——

Mr. CALL. Yes, sir; it was referred.

The PRESIDENT *pro tempore*. The question then is on the amendment proposed by the Senator from Florida.

Mr. MCMILLAN and Mr. CONGER. Let it be read.

The PRESIDENT *pro tempore*. It will be read.

The CHIEF CLERK. In section 1, line 238, it is proposed to strike out "twenty," before "thousand," and insert "thirty;" so as to read:

Improving harbor at Pensacola, Fla.: Continuing improvement, $30,000.

The amendment was rejected.

Mr. CALL. On page 11, section 1, line 240, I move to strike out "ten" and insert "twenty;" so as to read:

Improving harbor at Tampa Bay, Florida: Continuing improvement, $20,000.

That amendment has been referred to the committee.

Mr. MCMILLAN. I hope the amount of the appropriations will not be increased. The appropriations are made for all these rivers in consonance.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Florida.

The amendment was rejected.

Mr. CALL. I move, on page 11, section 1, line 241, before the word "thousand," to strike out "seven" and insert "ten;" so as to read:

Improving harbor at Cedar Keys, Fla., $10,000.

Mr. MCMILLAN. The same objection applies in this as in the former cases.

The amendment was rejected.

Mr. CALL. Now, Mr. President, in line 767 of section 1, page 32, after the word "dollars," I move to insert:

To include the improvement of bar in San Carlos Bay, near the mouth of Caloosahatchee River.

Mr. EDMUNDS. How near the mouth is that?

Mr. CALL. It is near enough to be an impediment to the entrance of the Caloosahatchee River.

Mr. EDMUNDS. That is a new item of appropriation.

Mr. MCMILLAN. It is a new item.

Mr. CALL. It can not be possible that it can be a new item in the bill. Caloosahatchee River is from the mouth to its source, and San Carlos Bay is in Caloosahatchee River, and it is not possible for any language to make a distinction of that character.

Mr. EDMUNDS. If it is in the Caloosahatchee River, the amendment is entirely unnecessary and superfluous and misleading. It makes a different proposition from the one that is now in the bill. Otherwise it is merely a perfectly inefficacious proposition anyhow.

Mr. CALL. I submit that the Senator is entirely incorrect. There is no foundation for that idea. The Caloosahatchee River is an entirety, and this is simply defining with more particularity in what part of the river this money may be expended in the discretion of the Secretary of War. The Caloosahatchee River has a very wide mouth discharging into the Gulf of Mexico and this is one of the little bars at the entrance.

Mr. MCMILLAN. If that is so, it is embraced in the appropriation here, and if it is not embraced in it, it is a new item, and I raise the point of order on it.

The PRESIDENT *pro tempore*. On the statement made by the Senator from Florida the amendment would be in order, it being an application of the money appropriated. The question is on the amendment.

The amendment was rejected.

Mr. CALL. I have not been treated very liberally. The matter is of no sort of consequence and might very well be given to Florida. In line 780, section 1, after the word "dollars," I move to insert the following words:

Of which $2,000 may be expended at the discretion of the Secretary of War on Pease River, Florida.

So as to read:

Improving Manatee River, Florida: Continuing improvement, $10,000; of which $2,000 may be expended at the discretion of the Secretary of War on Pease River, Florida.

The object is simply this: The Manatee River has a bay somewhat south of Pease River and there is an appropriation for this Pease River in this bill. The estimate of the engineer is that this amount will very nearly complete the improvement. The two rivers, the Manatee River and Bay and the Pease River, are on either side of the main channel, and I have simply asked that $2,000 may in the discretion of the Secretary of War be taken from an appropriation of $10,000 which the House sent here for the Manatee River and Bay and be applied to the Pease River, which has already $3,000 to make up the amount of the estimate of the engineers which can profitably be used during this year.

Mr. MCMILLAN. The appropriation for Pease River is embraced in the succeeding item. I suppose it would not be proper to divert a portion of this appropriation from Manatee River to Pease River.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Florida.

The amendment was rejected.

Mr. HARRISON. My colleague [Mr. VOORHEES] proposed an amendment to this bill which was referred to the committee and has not been incorporated in the bill, and in his absence I propose the amendment. It contains an appropriation for the Wabash River between Vincennes and Terre Haute. Some money has been expended upon that section of the river with very good results and pretty fair navigation has been maintained. There are three or four boats belonging to one line that have plied regularly upon it, and there is important commerce on that part of the river.

Mr. EDMUNDS. Is that above Delphi or below?

Mr. HARRISON. Below Delphi very much.

Mr. EDMUNDS. Below Logansport?

Mr. HARRISON. Logansport is very much above Delphi.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In section 1, line 1090, after "Illinois," it is proposed to insert:

That the sum of $25,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the improvement of the Wabash River, and to be expended between Vincennes and Terre Haute, Ind.

Mr. CONGER. Is Terra Haute above Vincennes?

Mr. HARRISON. Yes, sir.

Mr. CONGER. The engineer says:

Above Vincennes—The project for the improvement of this portion of the river was the removal of obstructions and the construction of wing-dams where necessary.

In addition to the amount, $304,996.19, expended on the whole river to July 1, 1880, $53,021.14 was spent on improving this portion of the river to June 30, 1884. This resulted in giving a fair navigable channel, the principal obstructions having been removed.

During the fiscal year ending June 30, 1885, $8,701.77 was expended, and the work done consisted in the removal of snags and the completion of the dam at Horseshoe Bend, whereby increased depth of water and a clearer channel was obtained.

At present it is not deemed advisable that any more money should be expended on this portion of the river until the lock and dam at Grand Rapids is completed, when an estimate for this portion of the river will be prepared.

An appropriation is made for the dam referred to, but the Engineer Department report that until that is completed they make no estimate for the improvement of the river above Vincennes.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Indiana.

The amendment was rejected.

Mr. MITCHELL, of Oregon. On page 77, section 1, after line 208, I move to insert:

Umpqua River.

It is simply a survey.

The question being put, it was declared that the noes appeared to prevail.

Mr. MITCHELL, of Oregon. Half a dozen surveys have been inserted here by unanimous consent.

Mr. EDMUNDS. Not one when I have been in.

Mr. MITCHELL, of Oregon. Half a dozen. I hope there will be no objection to this. This is a larger river 60 miles from its mouth than one-half, I dare say, of the rivers in this bill within 5 miles of their mouth.

Mr. EDMUNDS. Where is the Umpqua River?

Mr. MITCHELL, of Oregon. It is in the State of Oregon. It goes into the Pacific Ocean.

Mr. EDMUNDS. What part of Oregon?

Mr. MITCHELL, of Oregon. Southern Oregon. It runs across the State, and is a considerable river. It runs east and west.

The PRESIDENT *pro tempore*. The Chair will again put the question on the amendment.

Mr. MCMILLAN. It is a survey merely. There is no appropriation for the work.

Mr. ALLISON. The appropriation will come next year.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Oregon.

The amendment was agreed to.

Mr. LOGAN. In line 1094 of section 1, after the word "Illinois," I ask the chairman of the committee if he has any objection to inserting the words "and connecting it with Calumet Lake;" so as to read:

Improving Calumet River, and connecting it with Calumet Lake: Continuing improvement, $40,000.

Mr. EDMUNDS. How do you explain that?

Mr. LOGAN. If any explanation is needed I explain it in this way: Calumet Lake is a large lake where improvements are being made, and a short slip cut through from the river to the lake will allow vessels to enter the lake, which is a fine lake with deep water and would make a splendid harbor. It has been favorably reported and money expended on it. This is merely for continuing it. No matter how much they may expend, only a portion is necessary to continue that, so as to keep it a part of the work. That is the only object I have. I do not add anything to the appropriation.

Mr. MCMILLAN. But there is no title to the property, is there?

Mr. LOGAN. The same rule would apply here under the bill that no work is to be done until the right of way is deeded to the Government free of charge. There is no danger of their doing anything of that kind. That is in the bill and $15,000 has already been provided for it.

Mr. EDMUNDS. This is what the engineer says——

UNITED STATES ENGINEER OFFICE, *Chicago, Ill., September* 10, 1884.

GENERAL: I have the honor to present the following preliminary report upon the proposed ship-canal from Calumet River to Calumet Lake, Illinois, as provided for in the river and harbor act of July 5, 1884.

As shown on the inclosed tracing, it is proposed to start the canal at Cummings, on the Calumet River, and carry it a distance of about 7,000 feet to Lake Calumet, directly opposite the town of Pullman.

As near as can be ascertained, the idea of digging a canal or ditch at the site indicated was first projected in the fall of 1874. It was claimed that a channel of some dimensions was needed for sanitary purposes, and for the purpose of preventing the overflow of the surrounding country. The site was selected as being through land that was not, at that time, subdivided, and clear titles thereto could be obtained without difficulty.

No work was done, however, but the land was put on record "as reserved for a ship-canal."

On the 16th of April, 1880, an ordinance was passed by the board of trustees of Hyde Park—

"To dredge a ditch from Brown's Mill (now called Cumming's) Slip to Lake Calumet on a line 428 feet north of and parallel with One hundred and tenth street, the bottom of said ditch to be 25 feet wide, with a uniform depth of 9 feet below the coping of Brown's dock, the sides to slope at an inclination of 2 feet horizontally to 1 foot vertically."

In pursuance of this ordinance assessments were made and put in the hands of collectors, the list being known as "Assessment No. 97 of Hyde Park." This ordinance was repealed in the summer of 1883.

The ditch, formerly proposed for drainage purposes, has now grown to the dimensions of a ship-canal. Major Lydecker, in his report of January 7, 1882, upon "the survey of the Calumet River from South Chicago to the village of Pullman, on Lake Calumet," in addition to following the main river to the forks near Lake Calumet, and thence to Pullman, estimated also upon the shorter course by way of the canal as above proposed.

Then he goes on to describe it:

This will give the adjacent property-owners a good channel through which they can gain an outlet to the lake; any work beyond this should be done by those interested and not by the Government.

That is speaking of Calumet River apparently, but I am not sure of that.

The proposed enterprise connects the Calumet River, which will have a channel depth of 16 feet, with Lake Calumet, in which the water in the deepest part is not over 6 feet.

To be utilized in any manner suitable for lake vessels, Calumet Lake must also be dredged to a depth of 16 feet; this is not proposed in the bill, but no doubt the Government would be called upon to carry it out.

The proposed work amounts, really, in fact, to the extension of Brown's Slip through the country to Lake Calumet.

While the Calumet region is fast developing into a manufacturing and industrial district, and many new enterprises are calculated to be entered into at an early date, I can not see that the commercial value of the proposed canal at the present time puts it upon a basis sufficient to warrant its being deemed worthy of improvement by the Government.

Very respectfully, your obedient servant,

W. H. H. BENYAURD,
Major of Engineers.

Brig. Gen. JOHN NEWTON,
Chief of Engineers, U. S. A.

Mr. LOGAN. If there is any objection to the amendment I do not insist on it.

Mr. EDMUNDS. I want to vote against it.

Mr. LOGAN. I shall not press the amendment if there is any objection to it. The work has been commenced at one part, and I think it is a very important thing; but inasmuch as there is no estimate I suppose I can not press it.

The PRESIDENT *pro tempore*. The amendment is withdrawn.

Mr. CALL. I have an amendment to offer, though I suppose it will be objected to. In section 12, on page 70, line 37, I move to strike out the word "Newport" and insert "the Wakulla Springs;" so as to read:

Wakulla River from its mouth to the Wakulla Springs.

It is in the provision for the survey of the river. Wakulla Springs is the proper term.

Mr. FRYE. There is no objection to that.

The amendment was agreed to.

Mr. CALL. In the same section, after line 39, I move to insert:

Saint Augustine, Fla., for a deep-sea channel on the outer bar.

I will state that it has been recently discovered, as I am informed, that there is a very deep channel found upon the outer bar of the harbor at Saint Augustine. The Gulf Stream comes nearer to the shore there than anywhere else along the coast, and it is very desirable, if practicable, that a deeper channel should be formed.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Florida.

Mr. CALL. This is a mere survey.

The amendment was agreed to.

Mr. CALL. I ask that the amendment which I submitted some time ago be now read.

The SECRETARY. At the end of line 1243, in section 1, it is proposed to add:

Provided, That Congress may at any time hereafter be released from the obligations imposed by the acceptance of this grant by a surrender to the State of Illinois of the said canal and all its appurtenances, including all improvements which may be made thereon.

Mr. CALL. That is intended to provide, in case the United States shall not deem it proper to continue the construction of the Hennepin Canal, that it may be surrendered to the State of Illinois and prevent its being a continuous and permanent contract.

Mr. CULLOM. I hope that will be voted down.

Mr. RIDDLEBERGER. I make the point of order on that amendment that it is offered here as an amendment this evening for the first time.

The PRESIDENT *pro tempore*. It does not contain an appropriation; it is a limitation on the appropriation.

Mr. RIDDLEBERGER. It is an amendment to the bill, and I make the point of order.

The PRESIDENT *pro tempore*. The Chair overrules the point of order. The question is on the amendment.

Mr. LOGAN. I would make one suggestion to the Senator from Florida. It takes two to make a contract. If the Government of the United States accepts this property and it becomes a ship-canal, I do not think the Government could surrender it to the State unless the State consented to receiving it.

I object to the proposition, and I hope the Senate will at least not encumber the proposition in the bill with a clause so absurd as this is for the purpose of defeating it. If the Senate want to defeat the proposition, when it comes into the Senate let them do it upon its merits; but I hope it will not be strangled in this way so as to put it in a shape to defeat it before we get the bill through. If the Senator will not withdraw the amendment, I hope the Senate will vote it down. It certainly can not aid the Government or facilitate the matter in any way whatever. If the Government accepts the cession from the State of Illinois a question of law would arise then that I do not care about discussing at this time.

Mr. GEORGE. That is a very important amendment, and a very necessary one, I think, for the protection of the interests of the Government of the United States. An amendment was adopted by the Senate accepting the grant made by the State of Illinois of the Illinois and Michigan Canal on certain terms and conditions. These terms and conditions impose upon the United States obligations perpetual to keep the canal open for free navigation.

I will ask the Senate to consider what we are doing by the accept-

ance of this grant. Here is the act of Illinois which is accepted by the amendment adopted to this bill.

That the Illinois and Michigan Canal, its right of way and all its appurtenances, and all right, title, and interest which the State may now have in any real estate ceded to the State by the United States for canal purposes, be, and are hereby, ceded to the United States, for the purpose of making and maintaining an enlarged canal and water way from Lake Michigan to the Illinois and Mississippi Rivers; and this cession is made upon the condition that the United States shall, within five years from the time this act takes effect, accept this grant, and thereafter maintain the said canal and water way for the purpose aforesaid.

Unless the proposed proviso is inserted in this bill the United States come under an obligation, irrevocable, to keep this canal in repair, fit for use, free to all persons whatsoever. There is no means by which we can escape that obligation except by a repudiation of the contract, unless the proviso is inserted in the bill.

In view of the argument made by the Senator from Connecticut [Mr. PLATT] and other Senators on this floor, that it is possible, not to say probable, that in the improvements made on railroads and their means of transportation in this country in a short time this canal may be useless, it may go out of use as a means of transportation; and when that time comes, if it ever does come, the United States notwithstanding that fact, notwithstanding a railroad may carry the freights more rapidly and more cheaply than the canal itself, is under obligation to keep that canal up.

The proviso puts the United States with reference to this canal in the same situation that it occupies to every other improvement in this country; that is, leaving it to the discretion of Congress at any time to continue the improvement or to cease making appropriations in that direction. I do not think it is right for us to bind our successors for all time to come to keep up an improvement which may turn out in the future not to be needed for the commerce of this country.

If the proviso is adopted, it leaves to Congress a fair and reasonable discretion to make appropriations to keep up this canal, or if circumstances shall so demand it to cease doing so. When it does that it proposes to return to the State of Illinois not only that which we get by the grant but all the improvements we may put upon it afterward. I think it is a fair and reasonable proposition which ought to be adopted by the Senate.

Mr. LOGAN. So far as the obligation on the Government is concerned I will not discuss that; but all this talk about the use of canals ceasing is thrown in for a purpose, I do not know what. You might as well talk about the Mississippi River becoming entirely useless as to talk about a canal that cuts off the expense and distance this does, becoming useless. One statement would be as reasonable as another.

I will state the effect of the amendment. The main proposition might help possibly and has so far helped this bill somewhat. It has not injured it. It might possibly affect the bill beneficially in reference to its passage in either House, or it might not; but if this bill should pass at this session of Congress, and at the next session of Congress a provision should be put in the bill saying the Government would cede it back to Illinois, and therefore Illinois would have to take it back, what then? You use it as a kind of piece of machinery for a purpose one session and then destroy it the next. That is the effect of it if Congress should see fit to do so at the next session.

Mr. President, a thing is either right or wrong. This great water way and improvement will either be a benefit to this Government or it will not. If it is going to be a benefit to the Government why, I ask, should a provision of this kind be attached to it? Why is it that in the Senate of the United States at all times when Illinois has attempted any great improvements it has found opposition? Why, sir, you have never found that opposition from my State in reference to the improvement of your water ways. When your own State was anxiously asking about an appropriation bill providing for an improvement in front of your largest city, Vicksburg, I stood here and defended it; and the appropriation was made, I will not say because of what I said, but the appropriation was made and the $75,000 granted for work in front of your large city. You never have seen where anybody from the South appealed to our people in that portion of the country where aid was desired that the appeal was made in vain. But no appeal has ever been made by my State that has not met with this character of opposition that it ought not to have met with. Why it is I do not know.

I can not understand or fathom it. I find opposition on the right for one cause and on the left for another, though everything is acceded that is desired for the benefit of all other portions of the country. Once before in the Senate attacks were made on this very same proposition after every one had got everything he wanted; and the same thing is displayed now in the same manner from the same section. There is no justification whatever for it.

The State I represent contains as honorable a people as ever lived on earth. What an idea, that we shall be challenged, that we may not act properly with the Government, and therefore you must put a provision on us to compel the people of Illinois to act in good faith with this Government! They have always acted in good faith, sir, and always will. I am sorry to see the opposition that was made the other day and now, coming from those who have always been helped and benefited by the votes of the very people that you now propose to strike down.

Mr. GEORGE. Mr. President, have I a right to reply to the Senator, or is my time out?

The PRESIDENT *pro tempore*. According to the rule, as the Chair construes it, the Senator has the right to speak but once, but it has been ruled differently.

Mr. LOGAN. I hope there will be no objection.

Mr. GEORGE. In reference to the sectional allusions made by the Senator from Illinois I do not know that any reply is needed except to say that I challenge him or any other Senator on this floor to point to one single vote of mine which can be justly called a sectional vote.

Mr. LOGAN. I did not speak of it in the sense of a sectional vote; I said no such thing; I did not intimate any such thing. I said the opposition came from the same source.

Mr. GEORGE. And the same section.

Mr. LOGAN. Yes; that section.

Mr. GEORGE. Well, I desire to say this further in reply to the Senator from Illinois, that I have no other business here except to discharge my duty as a Senator, and I intend to discharge that duty without reference to the opinions or the criticisms of the Senator from Illinois.

The Senator referred to his having voted for an appropriation for the city of Vicksburg. I suppose he did that because he thought the city of Vicksburg was entitled to that appropriation, and not for the purpose of securing the support of Senators who are interested in Vicksburg.

Mr. LOGAN. The Senator will allow me. I voted for it because the Senators from Mississippi said it was right. I knew nothing about it. I advocated it for the reason that I believed they had made an honest statement about it. I knew nothing about it at the time or what the necessities were.

Mr. GEORGE. I shall not be behind the Senator or any other Senator here in yielding to any persuasions they may have for the interests of their own States; but when the Senator alludes to his vote for the benefit of Vicksburg he will allow me to say that he has never been called upon to enter into a contract by which the Congress of the United States was bound to all eternity to pursue any particular course with reference to that city. Whenever Vicksburg or any other improvement in the State of Mississippi has been presented here, it has been presented upon its merits, for the action of the Senate on its merits as they appear now and then at the time action was taken. There has been no effort to make any arrangement or contract by which the judgment of the Senate or the action of the Senate should be controlled in the future, when time, when experience may show that in that future such action might become improper.

The Senator alluded also to the fact, or the supposed fact, that there was an imputation upon his State in the amendment offered by the Senator from Florida. The Senator is too sensitive, Mr. President. There is no imputation of that sort. The whole object of the amendment is to put the United States with reference to that particular improvement exactly in the same position that the United States will stand with reference to every other improvement in this bill.

I do not know, I do not understand that process of reasoning by which the State of Illinois with reference to this particular improvement is to be placed in a position superior to the position which is occupied by any other State in this Union. They come here and offer to the Government of the United States this canal. They offer it as a public benefit to the people of the United States. The Senate has accepted it by a majority vote as it was offered, believing it to be a benefit to the people of the United States. But it has been argued here, and with force, with very great force, that in time this improvement may turn out not to be a benefit to the people of the United States, and the object of this amendment is simply if that time shall come that there shall be a power, a discretion on the part of Congress to do with reference to this improvement as it may do with reference to any other improvement over which it has jurisdiction; and that is all.

Mr. EUSTIS. I desire to state that yesterday I was absent and by telegram requested that I should be paired on the Hennepin Canal amendment.

I do not intend to vote for this amendment if it can be construed as interfering in any way either with the acceptance of that canal by the Government of the United States or the construction of the canal. It is perfectly evident to my mind that this proviso is unnecessary. The title of this property is transferred by the State of Illinois to the Government of the United States upon a condition, an express condition, and that is, that the Government of the United States shall maintain the canal for public use. If the Government of the United States does not choose to discharge that condition and ceases to make any appropriation, the property reverts to the State of Illinois so far as the title is concerned. If this proviso be intended—and I do not know whether or not it is so intended—as a measure hostile to the Hennepin Canal, in any sense, I for one propose to vote against it.

Mr. CALL. I offered the amendment at the request of several Senators. I voted for the Hennepin Canal appropriation as I have voted upon principle for every other appropriation for national improvements. I am sorry to say that the other side have shown a very unfriendly spirit toward the State of Florida in their votes here to-night; but that has nothing to do with my action here. I am very glad that I am above any spirit of retaliation in matters of public duty.

But this amendment was not intended to injure and can not have

the effect of injuring the Hennepin Canal project. It has been alleged upon this floor time and again by lawyers and others that the acceptance constituted a contract with an obligation. If there is any pretense that such is the effect, then unquestionably we should look to it. Neither the Senator from Illinois nor any other man can undertake to tell the future of the improvements of this country. It is idle for any man to assert that he can penetrate the probabilities of the future in reference to inventions and the progress of improvements. It may be that railroads may supersede, as the Senator from Connecticut argued with very great ability the other day, all these improvements. I offered the amendment in that view and in none other.

Mr. CULLOM. I do not like to take up the time of the Senate at this hour of the night and will not if the Senate will say that it would be entirely wrong to accept the amendment. I hope it will be voted down.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Florida.

Mr. HARRIS. I ask for the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. HAWLEY. Is it in order to move an adjournment?

The PRESIDENT *pro tempore*. It is.

Mr. HAWLEY. I move that the Senate adjourn.

Mr. MCMILLAN. I hope that the Senator will withdraw that motion.

Mr. HAWLEY. I will withdraw it until this vote is taken.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Florida [Mr. CALL].

Mr. BUTLER. I shall vote against this amendment because I am not quite sure that I should be willing after the United States Government spends six or seven million dollars on this property to convey it to the State of Illinois or anybody else.

Mr. HARRIS. Will the Senator from South Carolina allow me to ask him if he would not be willing to allow the Congress of the United States to have the right, after it had spent the six or seven million dollars, to relinquish the entire improvement if it was deemed wise by the Government to do so?

Mr. BUTLER. That is exactly one point which I have just made. I would a great deal rather have a provision that the United States Government be permitted to make a sale of that property at any time if it saw fit. I do not know that I am prepared to say that after the Government shall have improved that property it may be reconveyed to the State of Illinois. Therefore I shall vote against the amendment.

Mr. KENNA. Suppose that within a year before we expend more that $300,000 we find it will cost three times as much as we think now it will cost to make this improvement, would it not be wise at that time to have the power to surrender it?

Mr. BUTLER. I doubt it.

Mr. KENNA. Would it be wise to put ourselves in a position that as a nation we are in honor bound to continue this important work, which we deny to the Mississippi River and all our great harbors?

Mr. BUTLER. I would very much prefer an amendment authorizing the Government to sell this property. If the State of Illinois has expended $10,000,000 on it I think it rather a royal gift. I shall vote against this amendment.

The yeas and nays were taken.

Mr. HARRISON. I am paired with the Senator from Arkansas [Mr. JONES].

Mr. MITCHELL, of Oregon (after having voted in the negative). I voted under a misapprehension. I am paired with the Senator from Massachusetts [Mr. DAWES]. I withdraw my vote.

Mr. KENNA (after having voted in the affirmative). I voted "yea," but I am paired with the Senator from Minnesota [Mr. SABIN], and as his colleague [Mr. MCMILLAN] votes "nay," I withdraw my vote and announce the pair.

Mr. MITCHELL, of Oregon. I am assured that the Senator from Massachusetts [Mr. DAWES] would vote the same way that I do. I therefore vote again and vote "nay."

The result was announced—yeas 15, nays 25; as follows:

YEAS—15.

Beck,	George,	Maxey,	Vest,
Berry,	Gibson,	Platt,	Walthall,
Call,	Gray,	Ransom,	Whitthorne.
Coke,	Harris,	Riddleberger,	

NAYS—25.

Allison,	Edmunds,	Jones of Nevada,	Sherman,
Blair,	Eustis,	Logan,	Spooner,
Brown,	Evarts,	McMillan,	Teller,
Butler,	Frye,	Miller,	Wilson of Iowa.
Conger,	Hale,	Mitchell of Oreg.,	
Cullom,	Hawley,	Payne,	
Dolph,	Hoar,	Pugh,	

ABSENT—36.

Aldrich,	Fair,	McPherson,	Sabin,
Blackburn,	Gorman,	Mahone,	Saulsbury,
Bowen,	Hampton,	Manderson,	Sawyer,
Camden,	Harrison,	Mitchell of Pa.,	Sewell,
Cameron,	Hearst,	Morgan,	Stanford,
Chace,	Ingalls,	Morrill,	Vance,
Cockrell,	Jones of Arkansas,	Palmer,	Van Wyck,
Colquitt,	Jones of Florida,	Pike,	Voorhees,
Dawes,	Kenna,	Plumb,	Wilson of Md.

So the amendment was rejected.

Mr. HAWLEY. I now renew the motion to adjourn.

Mr. MCMILLAN. Let the bill be reported to the Senate.

Mr. MILLER. I wish to move an amendment for a survey; but I can move it in the Senate just as well.

The PRESIDENT *pro tempore*. The Senator from Connecticut [Mr. HAWLEY] moves that the Senate adjourn.

Mr. HAWLEY. If the bill can be reported to the Senate I withdraw the motion.

Mr. BROWN. I wish to offer one amendment, to insert three words in reference to surveys, as I can not be in the Senate during a portion of the day to-morrow. In section 12, on page 70, at the end of line 45, I propose to insert, after the words "from Doboy Island to Doboy Bar," "and Jeckyl Creek."

The amendment was agreed to.

Mr. MILLER. In section 12, at the end of line 201, where surveys in New York are provided for, I move to insert "Glen Cove Harbor."

Mr. RIDDLEBERGER. I object. I desire now to say that I reserve all points of order that I can avail myself of when these amendments are to be presented in the Senate instead of in committee.

The PRESIDENT *pro tempore*. The amendment of the Senator from New York will be read.

Mr. RIDDLEBERGER. Mr. President——

Mr. MILLER. I have the floor. I desire to be protected in my rights.

Mr. RIDDLEBERGER. I think the highest right a Senator can have——

Mr. MILLER. I desire to hold the floor until I can get through. No one has a right to interrupt me. My amendment is on page 76, after line 201, to insert the words "Glen Cove Harbor." Nobody can object to it.

Mr. RIDDLEBERGER. I object.

The PRESIDENT *pro tempore*. The amendment of the Senator from New York will be read.

The CHIEF CLERK. On page 76, line 201 of section 12, it is proposed to insert "Glen Cove Harbor."

Mr. RIDDLEBERGER. Now, Mr. President, I rise to a point of order. I ask whether that amendment was before the committee and whether it is proper to come before the Senate.

The PRESIDENT *pro tempore*. The Chair is of opinion that it is clearly in order. It makes no appropriation.

The amendment was agreed to.

Mr. CALL. I offer as an additional section to the bill, which I ask to have printed and laid on the table, the following:

The President of the United States shall be required to expend during the fiscal year only such parts of the appropriations made by this act as he shall judge may be advantageous to the public service.

The PRESIDENT *pro tempore*. Does the Senator from Florida offer the amendment?

Mr. CALL. I give notice that I will offer it in the Senate.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. HAWLEY. I move that the Senate do now adjourn.

Mr. MCMILLAN. I ask the Senator to withdraw his motion for the purpose of asking unanimous consent of the Senate that the vote on the passage of the bill be taken to-morrow at 4 o'clock.

Mr. EDMUNDS. I object.

Mr. MILLER. Let me suggest to the chairman of the committee that I do not see how that can possibly be done. We can commence at half past 12 to take votes in the Senate on the amendments which are reserved. No one can tell how long it will take to call the roll to arrive at a result.

Mr. EDMUNDS. I have objected.

Mr. MILLER. The best thing we can do is to commence at half past 12 to-morrow and go ahead.

Mr. MCMILLAN. I ask that at half past 12 to-morrow the Senate proceed to vote on the amendments and that debate be limited to five minutes.

Mr. HALE. That is already ordered.

Mr. EDMUNDS. It will be the unfinished business at half past 12 to-morrow, and we can not make any bargain about it.

Mr. INGALLS. I do not understand that the agreement to limit debate to five minutes extends to to-morrow.

The PRESIDENT *pro tempore*. Nothing has been done yet as to the order for to-morrow. The Chair was about to submit the proposition of the Senator from Minnesota to the Senate. The Senator from Minnesota asks unanimous consent that at 12.30 to-morrow the Senate proceed to consider the amendments made as in Committee of the Whole under the five-minute rule. Is there objection?

Mr. RIDDLEBERGER. I ask again the Chair to repeat it, for I could not understand it.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks unanimous consent of the Senate that at 12.30 to-morrow amendments made in Committee of the Whole to this bill be considered under the five-minute rule.

Mr. EDMUNDS. That the bill be considered under the five-minute rule or only the amendments?

The PRESIDENT *pro tempore*. The pending amendments.

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. HALE. The five-minute rule has been applied to the whole bill and the amendments already.

Mr. RIDDLEBERGER. I ask the Chair now whether that will do away with my reserved points of order on the amendments made in Committee of the Whole in the Senate, for I do know, if I have to say it myself, the difference between amendments made in committee and amendments in the Senate?

The PRESIDENT *pro tempore*. All points are reserved.

Mr. HAWLEY. I move that the Senate adjourn.

The motion was agreed to; and (at 11 o'clock and 58 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, July 14, 1886, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July* 13, 1886.

The House met at 11 o'clock a. m. Prayer by Rev. Dr. BULLOCK.

The Journal of the proceedings of yesterday was read and approved.

SUBSISTENCE OF NORTHERN CHEYENNE INDIANS.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 3d instant, with inclosures, from the Secretary of the Interior, recommending legislative authority for the use of funds from appropriation Sioux, &c., 1887, for the subsistence of certain Northern Cheyenne Indians, who have gone or who may go from the Sioux reservation in Dakota to the Tongue River Indian agency, or vicinity, in Montana. The matter is presented for the favorable consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 12, 1886.

MRS. SARAH YOUNG.

The SPEAKER also laid before the House the bill (S. 2113) granting a pension to Mrs. Sarah Young, the bill being accompanied with a message that the Senate disagreed to the amendment of the House and asked a conference on the disagreeing votes of the two Houses.

The SPEAKER. If there be no objection, the amendment of the House will be insisted upon and the request of the Senate for a conference agreed to.

There was no objection, and it was ordered accordingly.

The SPEAKER announced the appointment of Mr. WINANS, Mr. SWOPE, and Mr. CONGER as conferees on the part of the House.

SALE OF INDIAN RESERVATION.

The SPEAKER also laid before the House the bill (H. R. 7087) authorizing and directing the Secretary of the Interior to extend the time for the payment of the purchase-money on the sale of the reservation of the Otoe and Missouria tribes of Indians, in the States of Nebraska and Kansas, the bill being accompanied with a message that the Senate had passed the bill with an amendment and requested a conference with the House thereon.

The SPEAKER. The bill with the amendment of the Senate will be referred to the Committee on Indian Affairs.

Mr. PERKINS. Mr. Speaker, is it in order to have this matter immediately considered?

The SPEAKER. It can be done by unanimous consent.

Mr. PERKINS. This matter has already been considered by the Committee on Indian Affairs; and their recommendation is that the Senate amendment be non-concurred in and that the conference asked by the Senate be granted. I ask unanimous consent that such action be taken.

The SPEAKER. If there be no objection the amendment of the Senate will be non-concurred in and the request for a conference agreed to.

There was no objection, and it was ordered accordingly.

The SPEAKER announced the appointment of Mr. WELLBORN, Mr. SKINNER, and Mr. PERKINS as conferees on the part of the House.

ALEXANDER K. SHEPARD.

The SPEAKER laid before the House the bill (H. R. 33) for the relief of Alexander K. Shepard, with the amendment of the Senate.

Mr. MARTIN. Mr. Speaker, I move to concur in the amendment of the Senate to this bill. I will state that as the House passed the bill it allowed Mr. Shepard the sum of $17,000. When it went to the Senate they struck out $2,800 of the amount, and the amendment provides for allowing him the balance.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There being no objection, the Senate amendment was considered and concurred in.

MEXICAN WAR PENSIONS.

The SPEAKER also laid before the House the bill (H. R. 807) granting a pension to soldiers and sailors of the Mexican war, with Senate amendments.

Mr. ELDREDGE. I ask unanimous consent to move concurrence in the Senate amendments.

Mr. BOUTELLE. What effect have they?

Mr. STEELE. Let them be read.

Mr. TOWNSHEND. They were adopted by the Senate by a unanimous vote.

The SPEAKER. The Senate amendments will be read.

The amendments were read at length.

Mr. CUTCHEON. I rise to a parliamentary inquiry. Would it be in order at this time to move an amendment to the Senate amendments?

The SPEAKER. Not unless the House determines by unanimous consent to proceed to consider the amendments. That is now the pending question. Is there objection to the request of the gentleman from Michigan?

Mr. BOUTELLE, Mr. PRICE, and others objected.

Mr. MCMILLIN. I hope that objection will not be insisted upon.

Mr. TOWNSHEND. Since objection is made I ask unanimous consent of the House to non-concur in the Senate amendments and agree to the conference asked by the Senate on the disagreeing votes on this bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. BRAGG. I object.

The bill and amendments were referred to the Committee on Pensions.

BONDS OF EXECUTORS, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the bill (H. R. 7879) to amend the law relating to the bonds of executors in the District of Columbia, with Senate amendments; which was referred to the Committee on the District of Columbia.

EDWARD CORNING.

The SPEAKER also laid before the House the bill (S. 1666) granting a pension to Edward Corning, amended by the House, and the House amendment concurred in with an amendment by the Senate.

Mr. MATSON. I ask that the Senate amendment to the House amendment be read.

The Clerk read as follows:

Strike out the words "subject to the provisions and limitation of the pension laws."

Mr. MATSON. I ask unanimous consent to concur in that amendment.

There was no objection, and it was so ordered.

BILLS REFERRED.

Senate bills of the following titles were severally laid before the House, read a first and second time, and referred as follows, namely:

The bill (S. 100) for the relief of William H. Crook—to the Committee on Claims.

The bill (S. 1018) for the relief of Patrick Cook—to the Committee on the District of Columbia.

The bill (S. 1802) for the relief of Isaac Harter—to the Committee on Invalid Pensions.

The bill (S. 2035) to authorize the Secretary of War to credit the State of Oregon with the sum of $12,398.55, for ordnance and ordnance stores to be issued to the Territory of Washington on account of said State in payment for ordnance and ordnance stores borrowed by said State of said Territory during the Nez Percé Indian war of 1877 and 1878, and for other purposes—to the Committee on War Claims.

The bill (S. 2157) to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York city, by dumping and otherwise, and to punish said offenses, and making other provisions in connection therewith—to the Committee on Commerce.

The bill (S. 2249) to authorize the Secretary of War to credit the Territory of Dakota with certain sums for ordnance and ordnance stores issued to said Territory, and for other purposes—to the Committee on Military Affairs.

The bill (S. 2455) granting a pension to Edward Patchin—to the Committee on Invalid Pensions.

The bill (S. 2475) for the relief of Samuel Noble.

Mr. OATES. The bill or a copy of it has been considered by the Committee on the Judiciary of the House and favorably reported, being now on the Calendar. I ask consent to take up the Senate bill and put it upon its passage.

The SPEAKER. The bill will be read subject to objection.

The bill was read at length.

The SPEAKER. Is there objection?

Mr. BRAGG. I object.

The bill was read a first and second time, and referred to the Committee on War Claims.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. VIELE, for five days, on account of important business.

To Mr. SAWYER, for this day, on account of important business.

To Mr. VAN SCHAICK, indefinitely, after Wednesday next, on account of important business.

To Mr. TAULBEE, indefinitely, on account of sickness in his family.

WITHDRAWAL OF PAPERS.

On motion of Mr. LA FOLLETTE, by unanimous consent leave was granted to withdraw from the files of the House papers in the case of the application of Martha M. Birdsall for a pension, applied for in the bill (H. R. 6348) first session of the Forty-ninth Congress, without leaving copies on file.

VETO MESSAGE—JOSEPH ROMISER.

Mr. MORRILL. I rise to present a privileged report. I am directed by the Committee on Invalid Pensions to report back the veto message of the President on the bill (H. R. 1059) to grant a pension to Joseph Romiser, accompanied by a report in writing. I move that it be printed in the RECORD and lie over.

The motion was agreed to.

The bill and report are as follows:

The Committee on Invalid Pensions, to whom was referred the veto message of the President of the United States on the bill (H. R. 1059) to grant a pension to Joseph Romiser, submit the following report:

This bill was considered by the Committee on Invalid Pensions, and favorably reported May 1, 1886, as follows:

"The facts of this case, which are completely substantiated, are briefly as follows:

"The claimant was a member of Capt. Frank Mason's company of volunteers, of Frostburg, Alleghany County, Maryland. This company of volunteers was not mustered into either the United States or State service. On the 19th of June, 1861, claimant was with said company when they were ordered to proceed to Cumberland, Md., to repel a threatened attack of the confederate forces. Upon the arrival of the company in Cumberland the men were ordered to uncap their muskets. While doing this duty a musket in the hands of Alpheus Beall was accidentally discharged, and a minie-ball, with which it was charged, struck claimant in the left side of the neck, coming out near the left eye, entirely destroying the sight of his eye, the hearing of his left ear, and the 'hinge of his jaws.'

"Dr. George B. Fundenburg testifies that he was one of the surgeons who professionally attended claimant. He found that a minie-ball had entered at the back part of the neck, passed along on the outside of the skull, under the ear, breaking the jaw at its ramus, and making its exit through the malar bone below and to the outer side of the eye of the same side. The wound was a dangerous one, but after a long sickness he recovered, but has lost the hearing of the injured ear and the sight of the eye. There is considerable deformity of the face caused by exfoliation of the bone.

"The claim was rejected by the Pension Bureau because 'claimant was not in the military service of the United States.' The Committee on Invalid Pensions have heretofore uniformly declined to recommend the granting of a pension to soldiers not enrolled in the service of the United States or acting under the immediate orders of an officer in the United States service. They are fully satisfied that this rule is the proper one and that it should be rigidly adhered to; otherwise it will be readily seen that the door would be opened wide to a great number of claimants of whom it would be impossible to obtain any official record.

"It will be observed, however, that this man joined a military organization very early in the late war, and before the matter of enlistment and military organization was understood. June 19, 1861, he went with his company in obedience to orders to repel a threatened attack on Cumberland, and in the performance of this duty he received a serious wound, which imperiled his life at the time and has materially disabled him ever since.

"To properly understand the full bearing of this case it may be well to speculate as to what public opinion would have been and what would have been the result if, instead of springing to arms and going without hesitation when ordered to a threatened point, every volunteer would have hesitated or declined to march until he was regularly enlisted, enrolled, and mustered into the service of the United States.

"This case differs in all respects from those who, for one consideration or another and later on in the war, declined to enter the service of the United States, preferring organizations of a State or even local character.

"Your committee must content themselves with this brief statement of their views as to this particular case, and, by reason of the distinction attempted to be drawn between this and most other cases, they report the bill favorably and recommend its passage."

On the 5th of July, 1886, the bill, having passed both Houses and been presented to the President for his signature, was returned to the House with the following message:

To the House of Representatives:

I herewith return without approval House bill No. 1059, entitled "An act to grant a pension to Joseph Romiser."

The Pension Bureau reports that the records of the office fail to show that an application has been filed in favor of this claimant, though it is stated in the report of the House committee that such a claim was made and rejected on the ground that the claimant was not, at the time of injury, in the service of the United States.

It certainly appears from the report of the committee that the beneficiary named in this bill was not in the service of the Government at such a time, and also that he had not been mustered into the service of any State military organization. It is stated that he belonged to Capt. Frank Mason's company of volunteers, of Frostburg, in the State of Maryland.

Whether this company was organized for the purpose of co-operating at any time with the Union or State forces is not alleged, and it may well have been existing merely for the purpose of neighborhood protection.

Such as it was, the company was ordered in June, 1861, to proceed to Cumberland to repel a threatened attack of confederate forces. Upon arriving at that place the men were ordered to uncap their muskets. In doing this, and through the negligence of another member of the company whose musket was discharged, the claimant was wounded.

It does not seem to me that the facts in this case, so far as they have been developed, justify the passage of this act.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 5, 1886.

An act to grant a pension to Joseph Romiser.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Joseph Romiser, late of Capt. Frank Mason's company of Maryland volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws of the United States.

JOHN G. CARLISLE,
Speaker of the House of Representatives.
JOHN SHERMAN,
President of the Senate pro tempore.

I certify that this act originated in the House of Representatives.
Attest: JNO. B. CLARK, JR., *Clerk.*

The files from the Pension Office from which the information was obtained upon which the report of the committee was based were returned to the Pension Office May 16, 1886, and were doubtless there when the veto message was written, but through the carelessness of some clerk were not presented to the President when he called for them, but on the contrary he was informed that "the records of the office fail to show that an application has been filed in favor of this claimant."

These files, which are now before your committee, show that the application was filed June 7, 1879, alleging:

"That at Cumberland, Md., June 19, 1861, claimant was shot through the left side of the neck, coming out at the corner of left eye, entirely destroying the sight of left eye and the hearing of the left ear, injuring the sight of the right eye and breaking the hinge of the jaw on the left side of the face by a musket-ball—gun being accidentally discharged in the hands of Private Alpheus Beall."

In support of the claim the following affidavits were filed:

STATE OF MARYLAND, *Alleghany County ss, to wit:*

On this 13th day of May, A. D. 1879, personally appeared before me, the subscriber, Theo. Luman, clerk of the circuit court in and for the State and county aforesaid, James M. Shober, a citizen of good repute of Cumberland, Md., who having been first duly sworn according to law did depose and say for himself, that his name is James M. Shober; that his residence is Cumberland, Md.; that his age is forty-three years; that he was first lieutenant of Company I, Second Maryland Infantry, Purrell Home Brigade Volunteers; that he is well acquainted with Joseph Romiser, now a citizen of Cumberland, Md.; that said Romiser was a member of Capt. Frank Mason's company of volunteers of Frostburg, Md., who went to Cumberland, Md., in the month of June, 1861, at the request of the citizens and corporate authorities of Cumberland, Md., to resist a threatened attack upon the city of Cumberland by the confederate forces; that he recollects the time, place, and general facts in connection with the shooting of Joseph Romiser, through the left neck and face by Alpheus Beall, which are as follows, to wit:

That he was one of Captain Mason's volunteers for this occasion; that he heard the report of the gun, and was in a few minutes afterward with Romiser, and saw where Romiser had been shot; that he set up with Romiser the same night that he was shot; that our company returned to Frostburg the next day; that he of his own knowledge knows that the said Romiser was disabled for a long time.

JAMES M. SHOBER.

Subscribed and sworn to the year and date first above written. In testimony whereof I have hereunto set my hand and the official seal of the circuit court for Alleghany County, Maryland.

THEO. LUMAN,
Clerk of the Circuit Court for Alleghany County, Maryland.

STATE OF MARYLAND, *Alleghany County ss, to wit:*

On this 13th day of May, A. D. 1879, personally appeared before me, the subscriber, Theo. Luman, clerk of the circuit court in and for the State and county aforesaid, John W. Hadley, a citizen of good repute of Cumberland, Md., who, having been first duly sworn according to law, did depose and say for himself that his name is John W. Hadley; that his residence is Cumberland, Md.; that his age is fifty-three years; that he is well acquainted with Joseph Romiser, now a citizen of Cumberland, Md.; that he was a member of Capt. Frank Mason's company of volunteers of Frostburg, Md., who went to Cumberland, Md., in the month of June, 1861, at the request of the citizens and corporate authorities of Cumberland, Md., to resist a threatened attack upon the city of Cumberland by the confederate forces; that he recollects of the time, place, and general facts in connection with the shooting of Joseph Romiser by Alpheus Beall, which are as follows, to wit:

That he was one of the first persons present after Romiser fell; that he nursed Romiser for about one week, when two other nurses took charge of him. He was taken to the American House building. That he was attended by Surgeon George B. Fundenburg, M. D., of Cumberland, Md., and the surgeon of the Eleventh Indiana Volunteer Infantry, whose name he does not recollect, said regiment being commanded by Col. Lewis Wallace; that he has read the petition and deposition of the said Joseph Romiser, and it is correct in every particular.

JOHN W. HADLEY.

Subscribed and sworn to the year and date first above written. In testimony whereof I have hereunto set my hand and seal of the circuit court for Alleghany County, Maryland.

THEO. LUMAN,
Clerk of the Circuit Court for Alleghany County, Maryland.

STATE OF PENNSYLVANIA, *Fayette County, to wit:*

On the 7th day of June, A. D. 1879, personally appeared *before me, the subscriber*, J. M. Oglevee, prothonotary of the court of common pleas, a court of record in and for the State and county aforesaid, Alpheus Beall, who, having been first duly sworn according to law, did depose and say: That his name is Alpheus Beall; that his age is 38 years; that his present post-office address is Uniontown, Fayette County, in the State of Pennsylvania; that in June, A. D. 1861, he was a member of Capt. Frank Mason's company of volunteers, who were not mustered into the United States or State service either, of Frostburg, Alleghany County, Maryland; that he was with said company when they were ordered to proceed to Cumberland, Md., on the 19th day of June, A. D. 1861; that said company were ordered to Cumberland, Md., to repel a threatened attack of the confederate forces.

That upon the company's arrival in Cumberland, Md., the men were ordered to take caps off of the muskets; that while doing this duty his (Beall's) musket, in his (Beall's) hands, was accidentally discharged, and the contents of his musket, being loaded with a minie ball, struck Private Joseph Romiser, of said company, in the left side of the neck, coming out near the left eye, entirely destroying the sight of Romiser's left eye and the hearing of the left ear, and breaking the hinge of the left jaw, thereby disabling said Romiser for many months and injuring him permanently for life; that it was purely an accident, and neither Romiser nor your deponent was to blame or were responsible for said accident.

That this deposition is made for the purpose of assisting said Romiser to procure a pension from the General Government, as your deponent believes him

justly and equitably entitled to same; that this deponent is not interested directly or indirectly in the prosecution of the invalid-pension claim of said Joseph Romiser.

ALPHEUS BEALL.

Two witnesses:
C. H. SEATON.
H. C. RUSH.

Subscribed and sworn to this 7th day of June, A. D. 1879, before me, the subscriber prothonotary of the court of common pleas of the county of Fayette, and State of Pennsylvania.

In testimony whereof I have hereunto set my hand and affixed the official seal of said court.

J. M. OGLEVEE,
Prothonotary of the Court of Common Pleas of the County of Fayette, State of Pennsylvania.

STATE OF MARYLAND, *Alleghany County, to wit:*

On this 13th day of May, A. D. 1879, personally, before me the subscriber, Theodore Luman, clerk of the circuit court in and for the State and county aforesaid, Dr. George B. Fundenburg, M. D., a practicing physician, and a citizen of good repute of Cumberland, Md., who having been first duly sworn according to law did depose and say for himself: That his name is George B. Fundenburg; that his residence is Cumberland, Md., that his profession is a regular practicing physician, and that he has practiced medicine for upwards of forty years; that his age is sixty-four years; that he is well acquainted with Joseph Romiser, now a citizen of Cumberland, Md.; that said Romiser was a member of Capt. Frank Mason's company of volunteers, of Frostburg, Md., who went to Cumberland in the month of June, A. D. 1861, at the request of the citizens of Cumberland, Md., to repel a threatened attack upon the city of Cumberland by the confederate forces.

That he recollects well the time, place, and general facts in connection with the shooting of Joseph Romiser through the left side of the neck and face by Alpheus Beall, as he, the said Fundenburg, was one of the physicians and surgeons that professionally attended the said Romiser; that the facts are as follows, to wit:

I found that a minie-ball had entered at the back part of the neck, passed along on the outer side of the skull, under the ear, breaking the jaw at its ramus, and making its exit through the malar bone, below and to the outer side of the eye of the same side. The wound was a dangerous one, but after a long sickness he recovered, but has lost the hearing of the injured ear and the sight of the eye. There is considerable deformity of the face, caused by exfoliation of bone. He has suffered ever since with frequent and protracted attacks of neuralgia, and there is danger that sympathetic ophthalmia may cause the loss of the remaining eye.

I have known Romiser for twenty years, and know him to be a man of excellent character and steady habits, and have always considered his case as one very strongly fortified and entitled to a favorable consideration.

GEO. B. FUNDENBERG, M. D.,
Late Surgeon Colonel Birney's Twenty-third Regiment, Pennsylvania Volunteers.

Witness my hand and seal of the circuit court for Alleghany County, Maryland, the year and date first above written.

THEO. LUMAN,
Clerk of the Circuit Court for Alleghany County, Maryland.

It appears that the command of which claimant was a member was a provisional company at Frostburg, Md., under command of Capt. Frank Mason, organized for active service; that this company had marched to Cumberland, at the request of the corporate authorities of that place, to assist the Union forces there under the command of Col. Lew Wallace, of the Eleventh Indiana Volunteers, in resisting an attack of the confederate forces. This company had not been mustered into the military service of the United States.

Though it is shown that they were organized for the purpose of enlisting in the military service of the United States, that many of them did so enlist, and that this claimant had made all arrangements to enlist, and would doubtless have been regularly in the service in a few days had he not received the wound for which he now asks pension.

December 28, 1881, this claim was rejected in the Pension Office for the reason "not in military service of the United States. See 4693."

In an office letter the Pension Office set forth more fully the reasons of rejection as follows: The Adjutant-General, United States Army, reporting that no such organization was at the time mustered into the military service of the United States, this office was constrained under the provisions of law, especially paragraph 4693, Revised Statutes, to reject the claim, applicant having never been regularly enrolled and having failed to make and complete his application prior to date of limitation established by said section, namely, July 4, 1874. Paragraph 3, section 4693, Revised Statutes, in reciting the persons who shall be entitled to pensions, reads:

"Any person not an enlisted soldier in the Army, serving for the time being as a member of the militia of any State, under orders of an officer of the United States, or who volunteered for the time being to serve with any regularly organized military or naval forces of the United States, or who otherwise volunteered and rendered service in any engagement with rebels or Indians, disabled in consequence of wounds or injury received in the line of duty in such temporary service."

The paragraph further provides that all such claims must be prosecuted to a successful issue before July 4, 1874. The failure of this claimant to make his application and prosecute his claim before the expiration of the limitation has deprived him of his pension for nearly twenty-five years. It seems to your committee that it is the duty of Congress to grant it to him now when he does ask for it. The precedents for this kind of legislation are very numerous, and extend back many years.

It has never been held an insuperable bar to a pension that a claimant had not been regularly mustered into the military service. The established requirement has been that it should be shown that the party was wounded or received an injury while rendering service in defense of his country in a legitimate way and under the direction of a proper officer. In the Forty-eighth Congress a pension was granted to a civilian who was a volunteer employé of the Sanitary Commission, and who lost his leg by the boat upon which he had charge of stores being fired upon by a rebel battery. A bill was introduced and has become a law during this Congress granting a pension to Albert L. Allen, an employé of the Quartermaster's Department, who was wounded in an action.

In the case of Mrs. Mooneyhan (H. R. 6801) a pension was granted on account of the death of her husband, though he died of fever the day before he was to have been mustered into service, and the bill was approved by the President.

A bill granting a pension to Mrs. Margaret A. Poland, widow of Alexandria Poland, a citizen of Virginia, who was murdered by confederate soldiers because he had sold supplies to the Union forces and had fed Union soldiers, was also approved by the President. Quite a number of bills granting pensions to militiamen who received injuries or incurred disabilities have been approved, though no claim was made that they had been mustered into the United States service.

All of these bills met the hearty approval of your committee, for their rule has been to recommend the passage of bills granting pensions to persons who were wounded or injured while honestly defending the flag of the country, even though by some technicality their cases did not come within the scope of the general law. On the 15th of this month, by a vote of nearly three to one, this House passed a bill placing on the pension-roll the name of Catherine Waters, whose son, a steward on board of the steamer Benefit, was killed in an engagement with confederate forces.

The facts in this case, briefly stated, appear to be that an attack was threatened upon the Union forces at Cumberland; an appeal was made by the authorities to the local provisional company for help in defending the place. The company to which claimant belonged promptly responded. While this soldier was standing in the ranks of the Union forces with their guns loaded for the enemy he received a severe wound, destroying the sight of one eye and the hearing of one ear, terribly disfiguring him, and very narrowly escaping with his life.

The question presented to your committee is not whether, under existing law, he is entitled to a pension. If he was, there would be no occasion for a special enactment; but the point presented is, Did this man render such a service to the United States as to entitle him to receive from it a favorable consideration of his claim? Your committee believe he did. Voluntarily he responded to its call for aid, and in doing so received a terrible wound, from which he has ever since suffered, and the effects of which will follow him to his grave. Every true lover of his country, every man who desires to see justice done to those who freely suffered in behalf of that country will rejoice in the passage of this bill; and your committee frankly express the opinion that had it not been for the carelessness of the clerk in charge of the papers, and his failure to present them when they were called for by the President, there would have been no occasion to make this report.

Your committee, therefore, recommend the passage of this bill, the objection of the President to the contrary notwithstanding.

PUBLIC BUILDING AT JACKSONVILLE, FLA.

Mr. DOUGHERTY. I have never before asked unanimous consent for the consideration of a local bill; neither have I objected when unanimous consent was asked by a member for the consideration of a private or a local bill. There is now in the House a bill (S. 453) for the erection of a public building at Jacksonville, Fla. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from its further consideration and that it be now considered.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the post-office, custom-house, internal-revenue office, and other Government offices, at the city of Jacksonville, Fla. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $150,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Florida shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The Committee on Public Buildings and Grounds recommended the following amendment:

In line 12, after the word "dollars," insert the following:

"Nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment was agreed to.

The SPEAKER. The question is on ordering the bill as amended to be read a third time.

Mr. BROWNE, of Indiana. I desire to make an inquiry of the gentleman from Florida whether the building to be erected is necessary for the holding of a United States court?

Mr. DOUGHERTY. In answer to the gentleman from Indiana I will make this statement: that Jacksonville is the largest post-office in the State; that it has a United States district and circuit court; that it has the third largest custom-house in the State, and an internal-revenue office.

Mr. BROWNE, of Indiana. In listening to the reading of the bill I did not hear it stated that it was for the purpose of holding a United States court. I remember that a bill recently passed for the erection of a public building in the city of Dayton, Ohio, was objected to, not because Dayton was not a large city, but because a building was not necessary for a United States court.

Mr. DOUGHERTY. There is necessity for a United States court-house.

Mr. BROWNE, of Indiana. Then I have no objection.

Mr. DOUGHERTY. There should have been a court-house in the city of Jacksonville long since, but the demand for a public building is not based on the necessity for a court-house alone. As has been stated, the Government requires accommodations for its other officers in that city. There is the largest post-office in the State, the distributing office for a large part of the State, from which a population of twenty-one or two thousand people directly receive their mail. During the winter months it is safe to say that thirty or forty thousand citizens and visitors receive their mail from that office. The rent paid for what I consider inadequate quarters for such an office is $2,600 per year.

In addition to the court and the post-office there yet remain the custom-house and internal-revenue office. I had the figures giving the rents paid for all the offices mentioned, but have mislaid them, and will not delay the proceedings of the House, knowing the difficulties of getting any bill considered even at this time. As is well known, Jacksonville is the leading commercial city of the State, and is likely to continue to be. It is the gateway through which the great tourist-travel annually reaches all sections of Florida.

It is situated upon the Saint John's River, which is navigable for large steamers 211 miles and for a smaller class of boats 435 miles. Its tributaries are navigable 450 miles, making a total of over 850 miles of navigable water, upon which float over one hundred steamers, with an aggregate tonnage of over 9,000 tons.

The city has also about, I believe, 1,000 miles of railroad feeders now in operation and more under construction.

The records of the various offices are of great importance, especially those of the court.

A great many of the old Spanish records or transcripts thereof are in the custody of the clerk of the court, and in case of fire, while they might not be destroyed, they would undoubtedly be materially injured.

The necessity for this building presents a strong case for the consideration of the House. While I do not think the amount carried by this bill is sufficient to provide such a structure as will be required, it will bring the matter prominently before the authorities. When the architect finds officially just what the needs of the Government are he will then make specific recommendations through the proper channels, and I doubt not they will receive proper consideration here at some future time.

It is probably proper to remark that this and even a larger appropriation is not asked just to secure an expenditure of the public money. It is not sought to procure the erection of any small building with expensive ornamentation, but the purpose is to erect a substantial building large enough for the Government offices.

There is still another consideration. If the Government had placed a building in Jacksonville five or six years ago it would have been a good investment. And if the sum of $200,000 shall be expended in that behalf even now, it will be found that the Government will be the real beneficiary of such expenditure; for in less than five years the rents for adequate offices will exceed the interest on $200,000 at 4 per cent.

The bill as amended was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. DOUGHERTY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CREDIT TO STATE OF KANSAS.

Mr. RYAN. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (S. 2332) to authorize the Secretary of War to credit the State of Kansas with certain sums of money on its ordnance account with the General Government, and that the same be now considered.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to cause the State of Kansas to be credited on its ordnance account with the General Government with the sum of $24,448.50, for ordnance and ordnance stores drawn by the State of Kansas to aid the General Government in the protection of said State against Indian invasion and depredations.

Mr. RYAN. The bill has been unanimously reported by the Commitee on Military Affairs.

Mr. MCMILLIN. Reserving the right to object, I ask for the reading of the report.

The report (by Mr. CUTCHEON) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 2332) to authorize the Secretary of War to credit the State of Kansas with certain sums of money on its ordnance account with the General Government, submit the following report:

The committee have already favorably reported the House bill of the same purport, which is now upon the Calendar. The committee, for the reasons given in that report, and in accordance with the recommendation of the Chief of Ordnance and Secretary of War, report back the Senate bill and recommend that it do pass.

Mr. MCMILLIN. I do not observe any reason stated in the report for the passage of this bill. Will the gentleman from Kansas [Mr. RYAN] make a statement? The report does not.

Mr. RYAN. The bill has been approved by the Secretary of War and the Chief of Ordnance. It is to give the State of Kansas credit for arms that were issued for the protection of the frontier in the Indian wars of 1868 and 1874. If the gentleman from Tennessee desires to have read the report on the House bill, it gives all the reasons.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RYAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT GREENSBOROUGH, N. C.

Mr. REID, of North Carolina. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 9438) appropriating money for the completion of the public building at Greensborough, N. C., and that the same be now considered.

The bill was read, as follows:

Be it enacted, &c., That the sum of $9,000 be appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of completing the public building at Greensborough, N. C.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. REID, of North Carolina, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EMILE GUERIN AND CHERI P. MAJOR.

Mr. THOMPSON. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 6330) to confirm to Emile Guerin and Cheri P. Major title to certain lands, and that the same be now considered.

Mr. HOLMAN. After that I will insist on the regular order.

The bill was read.

Mr. SPRINGER. I object to the consideration of the bill unless we can have the report read.

The SPEAKER. If there be no objection the report will be read subject to the right to object.

The report was read.

Mr. SPRINGER. I object to the present consideration of this bill.

Mr. HOLMAN. Regular order.

MRS. MARIA HUNTER.

Mr. MATSON. Mr. Speaker, I desire to present a privileged report from the Committee on Invalid Pensions. I ask that the report be printed in the RECORD and lie over.

There was no objection, and it was so ordered.

The report is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7167) for the relief of Mrs. Maria Hunter, with the President's objection, have had the same under consideration, and submit the following report:

The following is the report originally submitted in this case:

[House Report No. 1522, Forty-ninth Congress, first session.]

The claimant is the widow of the late Maj. Gen. David Hunter, who died on the 2d day of February, 1886. General David Hunter was one of the most distinguished soldiers of the late war, as his military record, herewith attached and made part of this report, shows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., March 20, 1886.

Statement of the military service of David Hunter, late of the United States Army, compiled from the records of this office.

He was a cadet at the United States Military Academy from September 14, 1818, to July 1, 1822, when he was graduated and appointed second lieutenant Fifth Infantry; promoted first lieutenant June 30, 1828; appointed captain First Dragoons, March 4, 1833, resigned July 4, 1836; appointed additional paymaster November 13, 1841; vacated appointment as such March 14, 1842, having been appointed major and paymaster United States Army from that date; appointed colonel Sixth United States Cavalry, May 14, 1861; brigadier-general United States Volunteers, May 17, 1861, and major-general United States Volunteers August 13, 1861; honorably mustered out of the volunteer service January 15, 1866; retired from active service with the rank of colonel July 31, 1866.

He was brevetted brigadier-general United States Army March 13, 1865, "for gallant and meritorious services in the battle of Piedmont and during the campaign in the Valley of Virginia," and major-general United States Army March 13, 1865, "for gallant and meritorious services during the war."

He joined his regiment in January, 1823, and served therewith in Minnesota to April, 1825; on leave to November, 1825; with regiment in Minnesota and Wisconsin to October 23, 1827; on leave to April 15, 1828; with regiment in Minnesota to June, 1828; at Jefferson Barracks, Missouri, to October, 1828; at Fort Dearborn, Illinois, to May, 1831, and at Fort Howard, Wisconsin, to June 28, 1831; on leave to June, 1832; with regiment at Forts Winnebago and Howard, Wisconsin, to April 18, 1833, when, having been appointed captain First Dragoons, he left to join that regiment and served therewith at Jefferson Barracks, Missouri, to November 20, 1833, and in the Indian Territory and Kansas to January 20, 1836; on leave to July 4, 1836, when he resigned.

He served in Florida from date of reappointment in the Army as additional paymaster until April, 1842; at Washington, D. C., to June, 1842; in Arkansas to July, 1846; in the war with Mexico to July, 1848; at New Orleans, La., to March, 1849; at Washington, D. C., Detroit, Mich., and New York city to May, 1856; in Kansas and Saint Louis, Mo., to February, 1861; and at Washington, D. C., to date of appointment as colonel Sixth United States Cavalry.

He served as a brigade and division commander in the Department of Northeastern Virginia (General McDowell's army) from May 28, 1861, to July 21, 1861, when wounded in action at Bull Run, Va.; commanded first division of the Western Department from September 22, 1861, to November 3, 1861, the Western Department to November 19, 1861, the Department of Kansas to March 11, 1862, and the Department of the South from March 15 to August 22, 1862; on leave to September 23, 1862; member of a military commission at Washington, D. C., to January 20, 1863; commanding Department of the South to June 12, 1863; on special duty at Washington, D. C., to March 29, 1864; awaiting orders to May 19, 1864; awaiting orders to January 31, 1865; on special duty and awaiting orders to muster out of volunteer service January 15, 1866; on leave of absence to July 31, 1866, when he was retired at his own request, being over sixty-two years of age (act July 17, 1862).

He served as a member of the special claims commission from August 9, 1866, and also of a board for the examination of cavalry officers to June 16, 1868, from which date he was unemployed until he died, February 2, 1886.

R. C. DRUM, *Adjutant-General.*

The following is the message of the President returning the bill without his approval:

To the House of Representatives:

I hereby return without approval House bill No. 7167, entitled "An act for the relief of Mrs. Maria Hunter."

The beneficiary named in this bill, to whom it is therein proposed to grant a pension at the rate of $50 a month, on the 23d day of March, 1886, filed her application for a pension in the Pension Bureau, where it is still pending undetermined.

Although the deceased soldier held a high rank, I have no doubt his widow will receive ample justice through the instrumentality organized for the purpose of dispensing the nation's grateful acknowledgment of military service in its defense.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 23, 1886.

[H. R. 7167. Forty-ninth Congress, first session.]

An act for the relief of Mrs. Maria Hunter.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Maria Hunter, widow of David Hunter, late colonel of the Sixth Regiment United States Cavalry and major-general of United States volunteers, at the rate of $50 per month.

JOHN G. CARLISLE,
Speaker of the House of Representatives.

JOHN SHERMAN,
President of the Senate pro tempore.

The effect of this bill would be to give the beneficiary a pension of $20 per month more than that given by the general law. In view of the fact that the widows of officers under the law receive much larger pensions than the widows of soldiers, and in view of the further fact that it is not alleged or claimed that this widow needs any increase of her pension, and in view of the further fact that we have barely tolerated the increase of the pensions of the widows of officers, we therefore recommend that the objection of the President be sustained, and that the bill do not pass.

It is true, as stated by the President, that the beneficiary named in this bill had a claim pending in the Pension Office at the time of the passage of the bill, and that since then, as we are informed, she has been granted by said office the full pension allowed by law as the widow of a major-general.

VIEWS OF THE MINORITY.

In view of the fact that the present and previous Congresses have invariably granted a pension of $50 per month to widows of officers holding a similar rank to that held by General Hunter at the time of his death, and as the President has at the present session of Congress approved (by signing) a number of bills of this character, and that of Mrs. General Hancock, granting her a pension of $2,000 per annum, we can see no reason why the case of Mrs. Hunter, the widow of a gallant and meritorious officer who served his country faithfully and well from 1823 to the close of our late civil war, should be made an exception, and therefore recommend that the bill pass, the objections of the President to the contrary notwithstanding.

J. E. O'HARA.
MARTIN A. HAYNES.
E. N. MORRILL.
JNO. G. SAWYER.
E. H. CONGER.
JAS. A. LOUTTIT.

MARY NORMAN.

Mr. MATSON. I present also the views of the minority upon the veto message of the President on the bill (H. R. 6192), which I ask to have printed in the RECORD with the report of the committee.

There was no objection, and it was so ordered.

The objection of the President to this bill is that it is not stated how the defective hearing of the soldier contributed to his death, or, to state it more explicitly, it is not shown or pretended that if he had heard the warning from the shore he could have saved himself.

We agree with the President, and believe that he must, from the very circumstances stated, have been apprised of the fact that the boat was sinking as soon as the person who stood upon the shore, and that the failure to hear the warning had nothing to do with his death.

C. C. MATSON.
H. B. LOVERING.
JNO. A. SWOPE.
EDWIN B. WINANS.
JNO. S. PINDAR.

ORDER OF BUSINESS.

Mr. SPEAKER. The regular order is demanded. Unless the Committee on Ways and Means desire to present some matter, the regular order is the completion of the bill which was under consideration when the House adjourned yesterday.

Mr. HOLMAN. I hope that we shall go on and finish the bill, so as to have a conference as soon as possible.

ALLEGED FRAUD ON THE TREASURY.

Mr. LOWRY. Mr. Speaker, I desire to present a privileged report from the Committee on Expenditures in the Treasury Department on a resolution in reference to an alleged fraud on the revenue by Richard T. Lancaster. The report is the unanimous report of the committee. I ask for its present consideration, and on that I call for the previous question.

Mr. HOLMAN. I hope that if this is a matter of controversy my colleague will withhold his report for the present.

Mr. LOWRY. It is not. It is merely a request for information. It is the matter which the gentleman from Missouri [Mr. GLOVER] has been pressing so persistently, and I desire to have it acted upon at the earliest possible moment. It merely calls for information from the Treasury Department.

Mr. DUNHAM. Let the report be read.

[By accident a wrong paper was printed in the daily RECORD, and in the permanent RECORD the proper paper has been inserted, as follows:]

Mr. LOWRY, from the Committee on Expenditures in the Treasury Department, submitted the following as a substitute for Miscellaneous Document 350:

The Committee on Expenditures in the Treasury Department, to which was referred the following preamble and resolution of inquiry relative to an alleged fraud on the revenue by Richard D. Lancaster—

"Whereas heretofore the United States recovered a judgment for $25,000 against Richard D. Lancaster in the circuit court for the eastern district of Missouri; and

"Whereas the said Lancaster a short time prior to said judgment conveyed all his property to his brother-in-law and his business partner and that partner's brother, and thereupon procured a settlement with the United States for the sum of $500, and thereupon received back his said property from the temporary holders thereof; and

"Whereas the said transfers are fraudulent upon their face, and if merely colorable, the affidavit filed by the said Lancaster alleging his total insolvency was false, and the said settlement was procured by fraud, conspiracy, and perjury on the part of said Lancaster; and

"Whereas in that case the said fraudulent settlement can and should be set aside, and the entire amount of said debt can and should be recovered to the use of the United States; and

"Whereas the United States district attorney of the eastern district of Missouri has been lately investigating, under the order of the Secretary of the Treasury, the said frauds committed by said R. D. Lancaster upon the revenue of the United States; and

"Whereas he discovered such evidence of fraud as justified him in demanding power to put the parties implicated under oath, and therefore applied to the Department for the detail of a clerk for that purpose under section 183 of the Revised Statutes, which reads as follows:

"'Any officer or clerk of any of the Departments lawfully detailed to investigate frauds on, or attempts to defraud, the Government, or any irregularity or misconduct of any officer or agent of the United States, shall have authority to administer an oath to any witness attending to testify or depose in the course of such investigation.'

"And whereas, for reasons which can only be surmised, this demand was refused:

"*Resolved*, That the Secretary of the Treasury be requested to furnish this House with a statement of what reasons, of a public nature, induced him to refuse, on the demand of the district attorney, the usual and necessary means provided by statute for the investigation of frauds upon the revenue laws, including the detail of a clerk requested by him; and also that the Secretary of the Treasury transmit to the House copies of all papers relating to the investigation in question, and the correspondence of the Department with the district attorney at Saint Louis.

"*And be it further resolved*, That the Secretary of the Treasury be requested to advise this House what reasons, of a public nature, at present exist why the Treasury Department should not make a thorough examination, under oath, of the parties implicated in and having knowledge of the subject-matter of said investigation"—

having had the same under consideration, report the same back with a substitute therefor, as follows:

"*Resolved*, That the Secretary of the Treasury be requested to inform this House the reason why a detail of a clerk, with power to administer oaths, as seems to be provided for in section 183, Revised Statutes of the United States, was not made upon the application therefor by the United States district attorney, William H. Bliss, esq., for the eastern district of Missouri, in a telegram dated Saint Louis, Mo., May 28, 1886, relating to proposed inquiry into the alleged fraudulent settlement of Richard D. Lancaster, bondsman of John Busby, distiller, with the United States Government; and also, if there be reasons for not doing so, why said detail can not be made at this time to investigate said settlement of Lancaster, as well as the settlement made at the same time with other sureties on the bond of said Busby, namely, John Mehan and Jeremiah Ryan; and the Secretary is requested to transmit with his reply copies of all papers and correspondence relating to said matter."

The previous question was ordered upon the adoption of the resolution.

The SPEAKER. Under the rules of the House thirty minutes are allowed for debate—fifteen minutes in support of the resolution and fifteen minutes in opposition to it.

Mr. O'NEILL, of Missouri. Mr. Speaker——

The SPEAKER. The gentleman from Indiana [Mr. LOWRY] is entitled to the floor.

Mr. LOWRY. I reserve my time.

The SPEAKER. There is no time in support of the resolution except that which belongs to the gentleman from Indiana [Mr. LOWRY].

Mr. BLAND. Let us have a vote, Mr. Speaker.

Mr. O'NEILL, of Missouri. I desire to make a brief statement.

The SPEAKER. The gentleman has a right to occupy the time if the gentleman from Indiana [Mr. LOWRY] yields to him.

Mr. LOWRY. I yield three minutes.

Mr. O'NEILL, of Missouri. That is all I want. I only desire to state, Mr. Speaker, that so far as the officer is concerned whose name is connected with this resolution he has at all times courted the fullest investigation, and that so far as this transaction is concerned I do not believe, and the people of Saint Louis do not believe, that there was any deliberate intentional fraud in connection with his compromising that suit. I think it but just to an officer of the Government to make that statement, and in justice to him I wish to say further that he notified the United States attorney at Saint Louis that he desired the fullest investigation of this matter, and that the necessity for this resolution does not arise from any unwillingness on his part to have an investigation of his conduct in the matter. [Cries of "Vote!" "Vote!"]

Mr. LOWRY. Mr. Speaker, the very purpose of adopting this resolution is to afford the fullest opportunity for inquiry and investigation of this matter, so as to ascertain whether any fraud has been perpetrated upon the revenue by the party accused. An additional object, which I hope will be accomplished to the fullest extent, is to throw oil upon the troubled waters of Saint Louis politics. [Laughter.] I now insist upon the previous question.

The SPEAKER. The previous question has been already ordered by the House.

Mr. GLOVER. Mr. Speaker——

Mr. LOWRY. How much time does the gentleman from Missouri desire?

Mr. GLOVER. Only a few minutes.

The SPEAKER. The Chair will state that while the gentleman from Indiana [Mr. LOWRY] controls the time in favor of the report there are also fifteen minutes allowed for debate in opposition to it.

Mr. GLOVER. Mr. Speaker, am I entitled to the floor?

The SPEAKER. The gentleman is entitled to the floor if he desires to oppose the resolution.

Mr. GLOVER. I do not.

Mr. LOWRY. I yield three minutes to the gentleman.

Mr. GLOVER. Mr. Speaker, this matter is now in such a shape that I do not think present discussion of it would be profitable. I therefore intend to confine my remarks to an answer to the remark made by my colleague from Missouri [Mr. O'NEILL]. So far is it from being the fact that the United States officer referred to has been willing that an investigation of a thorough kind should be had, that the United States district attorney for the eastern district of Missouri testified before the Committee on Expenditures in the Treasury Department that he had endeavored to get this official to make an affidavit purging himself of the fraud, and that the official had declined to do so for reasons which this House may well surmise. [Cries of "Vote!" "Vote!"]

The question being taken on agreeing to the substitute reported by the committee, it was agreed to.

The original resolution as amended by the adoption of the substitute was then agreed to.

Mr. LOWRY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The House resumed the consideration of the amendments of the Senate to the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

Amendment numbered 28 (on which a separate vote was asked by Mr. REAGAN) was read, as follows:

After the words "two chief pages," in line 326, insert "A. H. Pickens and H. T. Lyle."

The SPEAKER. On concurring in this amendment the yeas and nays have been ordered.

Mr. HOLMAN. The report of the committee is in favor of concurrence, I believe.

The SPEAKER. This amendment is reported from the Committee of the Whole with a recommendation that it be concurred in. The vote will now be taken on concurring.

The question was taken; and it was decided in the affirmative—yeas 135, nays 111, not voting 76; as follows:

YEAS—135.

Adams, G. E.	Farquhar,	Long,	Sayers,
Adams, J. J.	Felton,	Lore,	Scranton,
Allen, C. H.	Fisher,	Loutitt,	Sessions,
Atkinson,	Fleeger,	Lyman,	Smalls,
Baker,	Foran,	Mahoney,	Snyder,
Barksdale,	Fuller,	Markham,	Sowden,
Belmont,	Funston,	McComas,	Spooner,
Bound,	Gibson, C. H.	McKenna,	Stahlnecker,
Boutelle,	Gilfillan,	McKinley,	Steele,
Brady,	Goff,	Merriman,	Stephenson,
Browne, T. M.	Guenther,	Millard,	Stewart, J. W.
Brown, C. E.	Hale,	Milliken,	Strait,
Brown, W. W.	Harmer,	Moffatt,	Struble,
Buck,	Haynes,	Morrill,	Swinburne,
Bunnell,	Henderson, D. B.	Morrow,	Taylor, I. H.
Burleigh,	Henderson, T. J.	Negley,	Taylor, Zach.
Burnes,	Hepburn,	Nelson,	Thomas, O. B.
Burrows,	Hiestand,	O'Hara,	Thompson,
Butterworth,	Hires,	O'Neill, Charles	Tillman,
Campbell, J. M.	Hiscock,	O'Neill, J. J.	Van Eaton,
Cannon,	Holmes,	Osborne,	Wade,
Collins,	Hopkins,	Payne,	Wadsworth,
Conger,	Jackson,	Payson,	Wait,
Cooper,	James,	Perkins,	Warner, William
Cutcheon,	Johnson, F. A.	Perry,	Weaver, J. B.
Davis,	Johnston, T. D.	Peters,	Weber,
Dingley,	Kelley,	Pirce,	West,
Dorsey,	Ketcham,	Plumb,	White, A. C.
Dunham,	La Follette,	Price,	White, Milo
Eldredge,	Laird,	Rice,	Whiting,
Ely,	Lawler,	Rockwell,	Winans,
Ermentrout,	Lehlbach,	Romeis,	Wolford,
Evans,	Lindsley,	Rowell,	Woodburn.
Everhart,	Little,	Ryan,	

NAYS—111.

Allen, J. M.	Breckinridge, C. R.	Clardy,	Daniel,
Ballentine,	Breckinridge, WCP.	Clements,	Davidson, A. C.
Barry,	Bynum,	Cobb,	Dibble,
Bennett,	Cabell,	Comstock,	Dockery,
Bland,	Campbell, J. E.	Cowles,	Dougherty,
Blount,	Campbell, T. J.	Crisp,	Dunn,
Boyle,	Candler,	Croxton,	Eden,
Bragg.	Carleton,	Culberson,	Ellsberry,
Findlay,	Irion,	Neece,	Stone, W. J., Ky.
Ford,	Jones, J. H.	Oates,	Stone, W. J., Mo.
Forney,	Jones, J. T.	Outhwaite,	Storm,
Frederick,	Kleiner,	Peel,	Swope,
Glass,	Laffoon,	Pidcock,	Taylor, J. M.
Glover,	Lanham,	Pindar,	Throckmorton,
Green, R. S.	Le Fevre,	Randall,	Townshend,
Green, W. J.	Lowry,	Reagan,	Trigg,
Hall,	Martin,	Richardson,	Tucker,
Halsell,	Matson,	Riggs,	Turner,
Hammond,	Maybury,	Robertson,	Wakefield,
Harris,	McCreary,	Seney,	Wallace,
Hatch,	McMillin,	Seymour,	Warner, A. J.
Henderson, J. S.	McRae,	Shaw,	Wellborn,
Herbert,	Miller,	Singleton,	Wheeler,
Hewitt,	Mitchell,	Skinner,	Willis,
Hill,	Morgan	Springer,	Wilson,
Hitt,	Morrison,	Stewart, Charles	Wise,
Holman,	Murphy,	St. Martin,	Worthington.
Howard,	Neal,	Stone, E. F.	

NOT VOTING—76.

Aiken,	Crain,	Houk,	Reed, T. B.
Anderson, C. M.	Curtin,	Hudd,	Reese,
Anderson, J. A.	Dargan,	Hutton,	Reid, J. W.
Arnot,	Davenport.	Johnston, J. T.	Rogers,
Barbour,	Davidson, R. H. M.	King,	Sadler,
Barnes,	Dawson,	Landes,	Sawyer,
Bayne,	Dowdney,	Libbey,	Scott,
Beach,	Gallinger,	Lovering,	Spriggs,
Bingham,	Gay,	McAdoo,	Symes,
Blanchard,	Geddes,	Mills,	Tarsney,
Bliss,	Gibson, Eustace	Muller,	Taulbee,
Brumm,	Grosvenor,	Norwood,	Taylor, E. B.
Buchanan,	Grout,	O'Donnell,	Thomas, J. R.
Caldwell,	Hanback,	O'Ferrall,	Van Schaick,
Campbell, Felix	Hayden,	Owen,	Viele,
Caswell,	Heard,	Parker,	Ward, J. H.
Catchings,	Hemphill,	Pettibone,	Ward, T. B.
Compton,	Henley,	Phelps,	Weaver, A. J.
Cox,	Hermann,	Ranney,	Wilkins.

So the amendment was concurred in.

During the roll-call,

Mr. WADSWORTH stated that his colleague [Mr. TAULBEE] was detained from the House by sickness.

Mr. STORM moved by unanimous consent to dispense with the reading of the names.

Mr. JAMES objected.

The following pairs were announced from the Clerk's desk:

Until further notice:

Mr. DAWSON with Mr. RANNEY.

Mr. SCOTT with Mr. PHELPS.

Mr. WARD, of Illinois, with Mr. HOUK.

Mr. SPRIGGS with Mr. OWEN.

Mr. ROGERS with Mr. EZRA B. TAYLOR.

Mr. BARBOUR with Mr. LIBBEY.

Mr. REESE with Mr. BUCHANAN.

Mr. ARNOT with Mr. THOMAS, of Illinois.

Mr. LANDES with Mr. HANBACK.

Mr. COX with Mr. O'DONNELL.

Mr. O'FERRALL with Mr. VAN SCHAICK.

Mr. HEARD with Mr. BAYNE.

Mr. TAULBEE with Mr. DAVENPORT.

Mr. VIELE with Mr. CASWELL.

For this vote:

Mr. HAYDEN with Mr. DARGAN.

Mr. CRAIN with Mr. WEAVER, of Nebraska.

For this day:

Mr. GEDDES with Mr. JOHNSTON, of Indiana.

Mr. GIBSON, of West Virginia, with Mr. BINGHAM.

Mr. DAVIDSON, of Florida, with Mr. SAWYER.

Mr. BEACH with Mr. GALLINGER.

Mr. MULLER with Mr. GROSVENOR.

The vote was then announced as above recorded.

Mr. CANNON moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill (H. R. 8973) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Dubuque, in the State of Iowa; when the Speaker signed the same.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The next question on which a separate vote was asked was the one hundred and nineteenth amendment; which was read, as follows:

Insert after the appropriations for "Office of Publication of Records of the Rebellion" the following:

"And hereafter the records prepared for publication under this appropriation shall contain only the records of the war of the rebellion covering contemporaneous events, arranged chronologically, according to the provisions of the act of June 23, 1874, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875. And the evidence taken by the court-martial on the trial of Fitz-John Porter, together with the report thereon by Judge Holt to President Lincoln, shall be printed in connection with matter already printed concerning the proceedings of said court-martial."

The SPEAKER. The Committee of the Whole House on the state of the Union recommend concurrence in that amendment with an amendment as follows.

The Clerk read as follows:

Also any papers on behalf of the defense in said court-martial directly connected with the proceedings of the same, and contemporaneous therewith, that have not been already published in any previous volume of said records.

Mr. STEELE. I wish to move to non-concur in the Senate amendment.

The SPEAKER. The first proposition to be voted on is the recommendation of the committee to concur with an amendment. If that is refused, the Chair thinks the amendment is before the House to concur or non-concur.

Mr. STEELE. The motion to concur with an amendment is first in order, then?

The SPEAKER. That is the proposition before the House.

Mr. STEELE. I do not wish to concur.

The SPEAKER. The first proposition is on the recommendation of the committee to concur with an amendment. If that is not concurred in, then the amendment of the Senate will be before the House.

The House divided; and there were—ayes 101, noes 81.

So the amendment of the Senate was concurred in with an amendment.

The next question on which a separate vote was asked was the one hundred and sixty-third amendment; which was read, as follows:

In line 26 strike out "four" and insert "five;" so it will read:
"For compensation of the Commissioner of Pensions, $5,000."

The SPEAKER. The committee recommend concurrence.

Mr. PRICE. I move the House non-concur.

The SPEAKER. Refusal to concur is equivalent to non-concurrence. The motion to concur has priority over a motion to non-concur.

Mr. PRICE. I hope the House will non-concur. I ask for a division.

The House divided; and there were—ayes 126, noes 15.

So the amendment was concurred in.

The next question on which a separate vote was asked was the amendment numbered 179; which was read, as follows:

To enable the Commissioner of Labor to collect and report to Congress the statistics of and relating to marriage and divorce in the several States and Territories and in the District of Columbia, $10,000.

Mr. HOLMAN. The committee recommend non-concurrence.

Mr. WEAVER, of Iowa. I ask concurrence. I regard it as one of the most enlightened provisions in the bill.

The SPEAKER. The previous question has been ordered on all the amendments, and a refusal to concur is equivalent to non-concurrence.

Mr. WEAVER, of Iowa. It is not in order to say anything——

Mr. HOLMAN. Debate is not in order.

Mr. RANDALL demanded a division.

The House divided; and there were—ayes 83, noes 59.

Mr. WEAVER, of Iowa, demanded the yeas and nays.

Mr. HOLMAN. Oh, no.

Mr. PRICE. Oh, yes.

Mr. WEAVER, of Iowa. This is an important amendment, one of the most important in this bill.

The yeas and nays were ordered, 33 (more than one-fifth) voting in favor thereof.

The question was taken; and it was decided in the affirmative—yeas 135, nays 108, not voting, 79; as follows:

YEAS—135.

Allen, J. M.	Dunn,	Lore,	Shaw,
Ballentine,	Eden,	Lowry,	Singleton,
Barnes,	Eldredge,	Mahoney,	Skinner,
Belmont,	Ellsberry,	Martin,	Snyder,
Bennett,	Ermentrout,	Matson,	Sowden,
Bland,	Fisher,	Maybury,	Springer,
Blount,	Ford,	McAdoo,	Stahlnecker,
Bragg,	Forney,	McCreary,	Stewart, Charles
Breckinridge, C. R.	Frederick,	McMillin,	St. Martin,
Breckinridge, WCP.	Gibson, C. H.	McRae,	Stone, W. J., Ky.
Bynum,	Glass,	Merriman,	Stone, W. J., Mo.
Cabell,	Glover,	Miller,	Storm,
Caldwell,	Green, R. S.	Mills,	Tarsney,
Campbell, Felix	Green, W. J.	Morgan,	Taylor, J. M.
Campbell, J. E.	Hall,	Morrison,	Throckmorton,
Candler,	Halsell,	Murphy,	Tillman,
Carleton,	Hammond,	Neal,	Townshend,
Clardy,	Harris,	Neece,	Trigg,
Clements,	Hatch,	Oates,	Tucker,
Cobb,	Hemphill,	Outhwaite,	Turner,
Collins,	Henderson, J. S.	Peel,	Van Eaton,
Comstock,	Henley,	Perkins,	Wadsworth,
Cowles,	Herbert,	Pidcock,	Wallace,
Cox,	Hill,	Pindar,	Warner, A. J.
Crain,	Holman,	Randall,	Wellborn,
Crisp,	Howard,	Reagan,	Wheeler,
Croxton,	Hudd,	Reid, J. W.	Wilkins,
Culberson,	Hutton,	Richardson,	Willis,
Daniel,	Johnston, T. D.	Riggs,	Wilson,
Dargan,	Jones, J. H.	Robertson,	Winans,
Davidson, A. C.	Jones, J. T.	Sadler,	Wolford,
Dibble,	Kleiner,	Sayers,	Woodburn,
Dougherty,	Laffoon,	Seney,	Worthington.
Dowdney,	Lanham,	Seymour,	

NAYS—108.

Adams, G. E.	Findlay,	Lawler,	Romeis,
Allen, C. H.	Fleeger,	Le Fevre,	Rowell,
Atkinson,	Foran,	Lehlbach,	Ryan,
Baker,	Fuller,	Lindsley,	Scranton,
Bound,	Funston,	Little,	Sessions,
Boutelle,	Gilfillan,	Long,	Smalls,
Brady,	Goff,	Louttit,	Spooner,
Brown, C. E.	Guenther,	Lyman,	Steele,
Browne, T. M.	Hale,	Markham,	Stephenson,
Brown, W. W.	Harmer,	McComas,	Stewart, J. W.
Brumm,	Haynes,	McKinley,	Stone, E. F.
Buck,	Henderson, D. B.	Morrow,	Strait.
Bunnell,	Henderson, T. J.	Moffatt,	Struble,
Burleigh,	Hepburn,	Negley,	Swinburne,
Burrows,	Hermann,	O'Hara,	Taylor, I. H.
Butterworth,	Hewitt,	O'Neill, Charles	Thomas, O. B.
Conger,	Hiestand,	O'Neill, J. J.	Wade,
Cooper,	Hiscock,	Osborne,	Wait.
Cutcheon,	Hitt,	Parker,	Wakefield,
Davis,	Holmes,	Payne,	Warner, William
Dingley,	Hopkins,	Payson,	Weaver, J. B.
Dorsey,	Jackson,	Peters,	Weber,
Dunham,	James,	Pirce,	West,
Ely,	Johnson, F. A.	Plumb,	White, A. C.
Evans,	Kelley,	Price,	White, Milo,
Everhart,	La Follette,	Reed, T. B.	Whiting,
Farquhar,	Laird,	Rice,	Wise.

NOT VOTING—79.

Adams, J. J.	Catchings,	Johnston, J. T.	Ranney,
Aiken,	Compton,	Ketcham,	Reese,
Anderson, C. M.	Curtin,	King,	Rockwell,
Anderson, J. A.	Davenport,	Landes,	Rogers,
Arnot,	Davidson, R. H. M.	Libbey,	Sawyer,
Barbour,	Dawson,	Lovering,	Scott,
Barksdale,	Dockery,	McKenna,	Spriggs,
Barry,	Felton,	Millard,	Swope,
Bayne,	Gallinger,	Milliken,	Symes,
Beach,	Gay,	Mitchell,	Taulbee,
Bingham,	Geddes,	Morrill,	Taylor, E. B.
Blanchard,	Gibson, Eustace	Muller,	Taylor, Zach.
Bliss,	Grosvenor,	Nelson,	Thomas, J. R.
Boyle,	Grout,	Norwood,	Thompson,
Buchanan,	Hanback,	O'Donnell,	Van Schaick,
Burnes,	Hayden,	O'Ferrall,	Viele,
Campbell, J. M.	Heard,	Owen,	Ward, J. H.
Campbell, T. J.	Hires,	Perry,	Ward, T. B.
Cannon,	Houk,	Pettibone,	Weaver, A. J.
Caswell,	Irion,	Phelps,	

So the motion to non-concur was agreed to.

Mr. BLAND. I ask unanimous consent to dispense with the reading of the names.

Mr. REED, of Maine. I object.

The Clerk recapitulated the names of those voting.

The following additional pairs were announced:

Mr. NORWOOD with Mr. O'DONNELL, until further notice.

Mr. WARD, of Indiana, with Mr. HAYDEN, for the rest of this day.

The result of the vote was then announced as above recorded.

Mr. HOLMAN. This, I believe, completes the amendments. For the purpose of facilitating action on the disagreeing votes I ask that a conference be requested in the first instance.

There was no objection.

The SPEAKER announced as conferees on the part of the House Mr. HOLMAN, Mr. CABELL, and Mr. CANNON.

ORDER OF BUSINESS.

The SPEAKER. By order of the House the remainder of the day is set apart for the consideration of such measures as may be presented by the Committee on Ways and Means, not to include bills raising revenue.

Mr. STEELE. If the committee does not desire to call up any bills I have one——

Mr. SPRINGER. They do desire to call up bills.

Mr. STEELE. I ask unanimous consent to call up House bill No. 7815, to which I think there will be no disagreement.

Mr. BLAND. I object.

Mr. MORRISON. I demand the regular order.

PACKING AND SELLING CUT TOBACCO.

Mr. MORRISON. I call up for present consideration the bill (H. R. 8738) to so further amend section 3362 of the Revised Statutes, as amended, and section 3363, as makes a distinction in the mode of packing and selling cut tobacco, and yield to the gentleman from Georgia [Mr. HARRIS] who reported the bill.

Mr. HARRIS. There is a report accompanying the bill which explains fully its purposes. This has the indorsement of the Secretary of the Treasury, the Commissioner of Internal Revenue, and as far as ascertained the indorsement of every manufacturer and dealer. There seems to be no objection to the passage of the bill, and I ask that it be read.

The bill was read, as follows:

Be it enacted, &c., That section 3362 of the Revised Statutes of the United States, as amended by section 14 of the act approved the 1st day of March, 1879, entitled "An act to amend the laws relating to internal revenue," be still further amended by striking out all after the number and substituting the following:

"All manufactured tobacco shall be put up and prepared by the manufacturer for sale, or removal for sale or consumption, in packages of the following description, and in no other manner:

"All snuff in packages containing ¼, 1, 2, 3, 4, 6, 8, and 16 ounces, or in bladders and in jars containing not exceeding 20 pounds.

"All cut and granulated tobacco, all refuse scraps, clippings, cuttings, shorts, and sweepings of tobacco in packages containing 1, 2, 3, 4, 8, and 16 ounces each, except, at the option of the manufacturer, cut tobacco may be put up in bulk packages containing 10 pounds each.

"All cavendish, plug, and twist tobacco in packages not exceeding 200 pounds net weight.

"And every such package shall have printed or marked thereon the manufacturer's name and place of manufacture, the registered number of the manufactory, and the gross weight, the tare, and the net weight of the tobacco in each package: *Provided*, That these limitations and descriptions of packages shall not apply to tobacco and snuff transported in bond for exportation and actually exported: *And provided further*, That fine-cut shorts, refuse scraps, clippings, cuttings, and sweepings of tobacco may be sold in bulk as material, and without the payment of tax, by one manufacturer directly to another manufacturer, or for export, under such restrictions, rules, and regulations as the Commissioner of Internal Revenue may prescribe: *And provided further*, That wood, metal, paper, or other materials may be used, separately or in combination, for packing tobacco, snuff, and cigars, under such regulations as the Commissioner of Internal Revenue may establish."

And that section 3363 of the Revised Statutes of the United States be amended by striking out all after the number and substituting the following:

"No manufactured tobacco shall be sold or offered for sale unless put up in packages and stamped as prescribed in this chapter, except at retail by retail dealers from packages stamped as provided in this chapter; and every person who sells or offers for sale any snuff, of any kind of manufactured tobacco, not so put up in packages and stamped, shall be fined not less than $500 nor more than $5,000, and imprisoned not less than six months nor more than two years."

Mr. STEELE. Mr. Speaker, I make the point of order on the bill that it does not come within the meaning of the order. That order states specifically that it shall not include revenue bills.

Mr. RANDALL. This does not affect the revenue.

Mr. BROWNE, of Indiana. It does not raise revenue.

Mr. HARRIS. The bill in none of its provisions affects the revenues of the Government. The tax remains upon the tobacco precisely the same whether it be put up in 2-ounce packages or in 10-pound packages.

The SPEAKER. The Chair does not see that the bill affects the revenue.

Mr. STEELE. I withdraw the point.

Mr. BUTTERWORTH. Mr. Speaker, I rise to ask whether this bill is now upon its passage?

Mr. HARRIS. Yes, sir; it is presented for that purpose.

Mr. BUTTERWORTH. As I understand it, it makes a radical change in the mode of putting up manufactured tobacco.

Mr. HARRIS. Putting up cut tobacco.

Mr. BUTTERWORTH. Yes, cut tobacco. I would like to ask a question in reference to this. The gentleman must know, if the House will indulge me a moment, that this change may involve a very great expense to the different manufacturers throughout the country. I understand the bill does not permit tobacco to be put up except as prescribed by this bill. Am I right?

Mr. HARRIS. No, sir; the law as it now exists requires that this particular article of cut tobacco——

Mr. STEELE. I desire to renew the point of order, Mr. Speaker, that this bill does affect the revenue in this: it provides that the sweepings, &c., shall be free of duty.

The SPEAKER. That is the law now.

Mr. STEELE. But it provides that they may be sold without the payment of duties.

The SPEAKER. They may be sold by one manufacturer to another manufacturer for export purposes without tax. The law as laid down in section 1362 of the Revised Statutes already permits that.

Mr. STEELE. If it can be done already why is it in this bill?

Mr. HARRIS. The tax remains precisely the same at 80 cents a pound, and it will be 80 cents a pound whether this tobacco is put up in 1-ounce packages or 10-pound cans. The reason this provision is incorporated in the bill is for the purpose of identifying the different characters of tobacco. At present great difficulty exists in identifying the different kinds of tobacco which are put up in this form.

Another reason is, that owing to the climatic influences tobacco put up in small packages can not be kept safe and sound; at this time there is a suit growing out of the mode of packing tobacco against the Government in the city of New Orleans.

Mr. STEELE. That does not meet my point.

Mr. HARRIS. The revenues are not affected, because the tax, 80 cents a pound, remains the same. I will state further that it appears from a very voluminous correspondence received from dealers and manufacturers throughout the States in which this tobacco is put up there is no objection to this legislation on their part, but a universal desire that in their interest and in the interest of the Government it should be passed.

Mr. BUTTERWORTH. I know a large trade is built up by divers manufacturers in which tobacco is called for by name, or reference to size or form of package. And recently it has come under my observation that the trade has been seriously injured by changes ordered by the Internal Revenue Department, of course within the scope of their jurisdiction. Now, if this is a radical change it may destroy the trade of one firm in this locality and another in that, and as I represent a large manufacturing locality I wish to understand whether it will do that or not.

Mr. HARRIS. It will not, and by way of meeting all the objections that may be entertained by members I will have a letter read from the Internal Revenue Office, and also a letter representing the views of dealers and manufacturers.

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, May 4, 1886.

SIR: For six years, from September 1, 1862, to November 23, 1868, the taxes imposed upon tobacco, snuff, and cigars were collected on assessments, determined by the several assessors of the country. The conditions under which the tax accrued differed from those under the present law. Time was allowed after sale or removal for sale or consumption for the payment of tax, ranging from thirty to sixty days. And under the law manufacturers were allowed to remove their goods to agents, and the tax was not assessed until such agents reported the sale of the goods. The law did not define the kind or the capacity of the packages in which all goods should be packed by the manufacturer.

Under the law great difficulties were experienced in making collections of the taxes imposed, and great opportunities were afforded for fraud.

So thoroughly satisfied were Congress, revenue officers, and honest manufacturers of the necessity of a change in the mode of collecting taxes on these articles that during the session of 1867–'68 the matter was thoroughly canvassed, and, on the 20th of July, 1868, the law was adopted which has been in force since that date with only slight modifications, made from time to time, as experience seemed to render advisable.

This law clearly and explicitly provides the manner in which all tobacco, snuff, and cigars shall be packed, adopting the principle that, so far as practicable, tobacco must be put up in packages suitable for the retail trade, not to exceed in any case 16 ounces each, and that a stamp indicating the payment of the tax must be affixed to each such package.

The exceptions were intended to cover tobaccos ordinarily classed as chewing tobacco. They were cavendish, plug, and twist, and a class of tobacco known at the time as fine-cut chewing. In the former case, the package was limited to 200 pounds. In the latter case, option was given to the manufacturer to pack in the small retail packages or in bulk packages containing definite quantities, to wit: 10, 20, 40, and 60 pounds each.

Granulated tobacco, without exception, so far as this office is aware, is used exclusively for smoking; cavendish, plug, and twist, generally as chewing; cut tobacco may be, and is, used for either chewing or smoking, but generally for smoking.

Practically, there is no difficulty found, therefore, in classifying cavendish, plug, twist, and granulated tobacco. But great difficulties have been and are found in satisfactorily classifying cut tobacco.

The law does not define in any way "fine-cut chewing tobacco."

The 10-pound package was found to be a very convenient and a much less expensive mode of packing cut tobacco than the smaller packages. And for these reasons manufacturers have endeavored to force upon the market this class of tobacco whether really entitled to be thus packed or not.

Frequently tobacco has been cut with a view of producing an article equally well fitted for smoking or chewing purposes. Other manufacturers have prepared an article which, in the material used—largely sugar, licorice, and other sweetening materials—is only fitted for chewing, and can not well be smoked. Other manufacturers prepare an article without the use of sweetening materials to any extent, which is not suited for use as chewing tobacco, and generally used for smoking purposes.

These modes of manufacture open a wide field for difference of opinions, and this office has found it utterly impossible to reconcile these differences under the law as it now exists.

For this reason I have thought proper to recommend a change in the mode of packing cut tobacco in bulk, allowing all cut tobacco to be thus packed, but confining the size of the package to 10 pounds each. This change, if adopted, will allow manufacturers in every part of the country the same privilege of packing, and the same privilege of selling their cut tobacco wherever they can find purchasers, and will not very greatly facilitate the reuse of packages without the payment of the tax.

Inclosed please find draught of a bill providing for such a change in the mode of packing cut tobacco as is herein recommended.

I remain, sir, yours, very respectfully,

I. KIMBALL,
Head of the Tobacco Division.

Hon. JOSEPH S. MILLER,
Commissioner, Washington, D. C.

Mr. HARRIS. I now desire to have read the views of the manufacturers regarding this bill.

The Clerk read as follows:

WASHINGTON, D. C., *July* 12, 1886.

SIR: In reference to House bill 8738, which your committee has already very carefully and favorably considered, allow me to say in answer to your question of this morning that the reasons why we as manufacturers are desirous of having the same passed are so many and so nearly the same as those advanced by the Commissioner of Internal Revenue, as well as by the Secretary of the Treasury, namely, to prevent further complications and useless and expensive litigation, that it seems unnecessary for me to repeat the same in detail. I shall, therefore, mention only the two principal reasons, which you will, I think, find sufficiently important. You can readily see what the difference in the cost of material and labor would be between putting up a 10-pound bucket of tobacco in one package and putting the same amount in 2-ounce papers, or eighty different packages, each stamped and labeled, which additional cost only falls on the manufacturers, while the revenue to the Government is the same, 80 cents, or 8 cents per pound.

Another fatal objection to the present style of packing in small papers, especially in our section, is the climatic influences, which make it almost impossible to prevent tobacco (prepared) from spoiling, no matter how carefully manipulated, whereas by packing it in 10-pound bulk we preserve both the moisture and flavor intact.

You must remember that there are comparatively very few manufacturers of this particular kind of fine-cut tobacco, and they are situated in New York, Detroit, Cincinnati, Saint Louis, and New Orleans only. In the latter city there are eight small factories that make a peculiar kind of tobacco, and which is all sold in Louisiana, Southern Texas, and Southern Alabama, and used for both chewing and smoking purposes, as the taste of the consumer may fancy. The present law regulating the manner of packing fine-cut chewing and smoking tobacco was enacted in 1868, when the tax was 40 cents per pound; and while the tax has been gradually reduced to 8 cents and the incentive for fraud lessened in proportion, the mode of packing remains unchanged, which we think is an unnecessary hardship. After the payment of the tax we believe that in fact we should be permitted to pack our goods in whatever sized packages we please, as manufacturers of chewing goods are allowed to do. This, however, we do not ask, since the present bill affords us so much better facilities than we have heretofore enjoyed. Since my arrival in Washington I am informed by the chief of the Department, who framed this bill, or rather who suggested this slight amendment, that it meets with the universal approval of the manufacturers and dealers all over the country, and as it affects particularly the New Orleans manufacturers (and there are no others south of Cincinnati or Saint Louis), at a meeting held in New Orleans a few days ago I was selected to come before

you and urge the passage of this bill before the adjournment of Congress. This bill is not for the benefit of any one section, but operates alike on all manufacturers in the United States, and is approved by all of them. It meets the sanction and hearty indorsement of the Revenue Department, and will undoubtedly largely increase the receipts from this source.

It removes an obstacle that has stood too long in the way of the honest taxpayer, and relieves the Government of an embarrassment that should not exist for the good of the service.

Trusting that your committee in their wisdom will see the necessity for immediate action in the premises,

I am, very respectfully, your obedient servant,

W. P. CURTIS,
For New Orleans Manufacturers.

Hon. HENRY R. HARRIS,
House of Representatives, Washington, D. C.

Mr. BUTTERWORTH. I only desired to be well assured that this bill had not lurking in it anywhere what would destroy an established trade. I wanted to be assured that it did not for the sake of a doubtful good accomplish a greater evil, that it might not be doing an injury to some industry in some part of the country. But after what has been read I do not know that there is any objection to it. Since it appears that the manufacturers of cut tobacco all favor it, and it has the approval of the Internal Revenue Department——

Mr. HARRIS. I demand the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HARRIS. I demand the previous question on the passage of the bill.

The previous question was ordered; and under the operation thereof the bill was passed.

Mr. HARRIS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INSPECTION OF TOBACCO, ETC.

Mr. MORRISON. I call up now from the House Calendar the bill (H. R. 8585) to provide for the inspection of tobacco, cigars, and snuff, and to repeal section 3151 of the Revised Statutes.

The bill was read, as follows:

Be it enacted, &c., That manufactured tobacco, snuff, and cigars may be removed for export to a foreign country without payment of tax, under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe: *Provided*, That the work of examining the tobacco, snuff, and cigars at the factory, and of affixing the export stamps, marks, and brands, shall be performed by the collector of internal revenue, or by one of his deputies, without expense to the manufacturer of such tobacco, snuff, or cigars.

SEC. 2. That section 3151 of the Revised Statutes of the United States is hereby repealed.

SEC. 3. That this act shall take effect on the first day of the second calendar month succeeding that in which it is approved.

The Committee on Ways and Means recommended the following amendment:

Strike out the following: "That manufactured tobacco, snuff, and cigars may be removed for export to a foreign country without payment of tax, under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe: *Provided*, That the work of examining the tobacco, snuff, and cigars at the factory, and of affixing the export stamps, marks, and brands, shall be performed by the collector of internal revenue, or by one of his deputies, without expense to the manufacturer of such tobacco, snuff, or cigars;" and insert in lieu thereof as follows:

"That manufactured tobacco, snuff, and cigars may be removed for export to a foreign country without payment of tax, under such regulations, and the making of such entries, and the filing of such bonds and bills of lading as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe."

The SPEAKER. The question is on agreeing to the amendment.

Mr. BRECKINRIDGE, of Kentucky. Unless some explanation is desired I will move the previous question.

Mr. MCADOO. I should like the gentleman to give some explanation.

Mr. BRECKINRIDGE, of Kentucky. Under the present law there are inspectors of tobacco who see that certain stamps are affixed, which stamps have to be canceled in a certain way on proof to be made. This bill repeals that law, and allows the Secretary of the Treasury to permit such things to be done under such regulations as the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury shall prescribe.

Mr. HEPBURN. I make the point of order that this is a measure raising revenue. Section 3151 of the Revised Statutes provides in the case of the export of tobaccos referred to in this bill certain fees shall be paid by the exporter. It is proposed by this bill to repeal that section.

Mr. BRECKINRIDGE, of Kentucky. That is so. It repeals, however, the duties which those inspectors have to perform and relieves the exporters or manufacturers of tobacco of the payment of some $14,000.

Mr. HEPBURN. Does it diminish the revenue?

Mr. BRECKINRIDGE, of Kentucky. It does not diminish the revenue because it repeals certain duties the inspectors have to perform.

The SPEAKER. The Chair is under the impression, although he has not had an opportunity of examining the statutes carefully, that these fees paid to inspectors do not come into the revenue but go to the inspectors.

Mr. BRECKINRIDGE, of Kentucky. These fees are paid by tobacco manufacturers or exporters to the inspectors and form no part of the revenue. Nor does the removal of these fees add anything to the burdens of the revenue. The bill simply removes from the inspectors the discharge of the duties and the fees.

Mr. HEPBURN. Section 3151 provides as follows:

There shall be appointed by the Secretary of the Treasury, in every collection district where they may be necessary, one or more inspectors of tobacco and cigars, who shall take an oath faithfully to perform their duties in such form as the Commissioner of Internal Revenue may prescribe, and shall be entitled to receive such fees as he may prescribe, to be paid by the owner or manufacturer of the articles inspected.

That is only a portion of the salary of the officer, and in that way it becomes a part of the revenue of the country, so far as the payment of his salary is concerned.

Mr. BRECKINRIDGE, of Kentucky. But this bill repeals that section, and therefore repeals the power to appoint those inspectors, and of course if the power to appoint the inspectors be repealed there will be no burden upon the revenue to pay their compensation. Anyhow, the inspector was not paid by the Government; his payment was a burden imposed on the manufacturer of the tobacco, and the revenue will be neither added to nor lessened whether the law remain as it is now or this act be passed.

The SPEAKER. The Chair thinks the point of order not well taken, because it appears from the section itself that it is the inspector who is entitled to these fees, not the Government; and this bill proposes to abolish the office of the inspector, and of course to abolish the fees out of which they now receive their compensation. The gentleman from Kentucky demands the previous question on the amendment and upon ordering the bill to be engrossed and read a third time.

The previous question was ordered.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BRECKINRIDGE, of Kentucky, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TRANSPORTATION OF DUTIABLE GOODS.

Mr. MORRISON. Mr. Speaker, I now call up from the House Calendar the bill H. R. 3289.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, &c., That section 5 of the act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, be, and the same is hereby, amended so that it shall read as follows, namely:

"SEC. 5. That merchandise transported under the provisions of this act shall be conveyed in cars, vessels, or vehicles securely fastened with locks or seals, under the exclusive control of the officers of the customs; and merchandise may also be transported under the provisions of this act by express companies on passenger trains, in safes, 'pouches,' and trunks, which shall be of such size, character, and description and secured in such manner as shall be from time to time prescribed by the Secretary; and in cases where merchandise shall be imported in boxes or packages too large to be included within the safes, trunks, or 'pouches' as prescribed, such merchandise may be transported under the provisions of this act by such express companies, 'corded and sealed,' in such manner as shall from time to time be prescribed by the Secretary of the Treasury; 'and passengers' baggage and effects arriving at any of the ports specified in section 1 of this act, which shall appear by the manifest of the importing vessel, or other satisfactory evidence, to be destined to any of the ports specified in the seventh section, may also be transported by express companies under the provisions of this act to any of the ports specified in the seventh section thereof, in such manner and under such rules and regulations as the Secretary of the Treasury may prescribe;' and merchandise such as pig-iron, spiegel-iron, scrap-iron, iron ore, railroad-iron, and similar articles commonly transported upon platform or flat cars may be transported under the provisions of this act upon such platform or flat cars; and the weight of such merchandise so transported shall be ascertained in all cases before shipment, and ordinary railroad scales may be used for such purposes; and inspectors shall be stationed at proper points along the designated routes, or upon any car, vessel, vehicle, or train, at the discretion of the Secretary of the Treasury, and at the expense of the companies, respectively. Such merchandise shall not be unladen or transshipped between the ports of first arrival and final destination, unless authorized by the regulations of the Secretary of the Treasury in cases which may arise from a difference in the gauge of railroads, or 'where the route is bonded for both land and water carriage,' or from accidents, or from legal intervention, or when, by reason of the length of the route, the cars, after due inspection by customs officers, shall be considered unsafe or unsuitable to proceed further, or from low water, ice, or other unavoidable obstruction to navigation; and in no case shall there be permitted any breaking of the original paekages of such merchandise."

Mr. HEWITT. Mr. Speaker, this bill alters the existing law in very few particulars. It allows goods to be transported in pouches, as well as in trunks. It allows packages to be corded and sealed. It also extends the operation of the existing law to passengers' luggage. It also allows transportation to be made in bond when land and water routes are bonded together, which is not now allowed by law. The bill is approved by the Treasury Department, was passed by the last House under a unanimous report from the committee, but did not reach the Senate in time for action, and is now unanimously reported by the committee. Unless further explanation be desired I ask the previous question.

The committee recommend an amendment, inserting after the words

"specified in one section of this act," in line 24, section 5, the following:

Which shall appear by the manifest of the importing vessel, or other satisfactory evidence, to be destined to any of the ports specified in the seventh section.

The previous question was ordered upon the amendment reported by the committee, and upon ordering the bill to be engrossed and read a third time.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEWITT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 33) for the relief of Alexander K. Shepard.

IMMEDIATE TRANSPORTATION OF DUTIABLE GOODS.

Mr. MORRISON. Mr. Speaker, I call up from the House Calendar House bill 7860, and I yield to the gentleman from Pennsylvania [Mr. KELLEY].

The bill was read, as follows:

Be it enacted, &c., That the provisions of the act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, be, and the same are hereby, so amended as to allow merchandise liable to specific rates of duty only to be entered for immediate transportation without appraisement to any of the ports mentioned in the seventh section of said act, although the same may not appear by the invoice, bill of lading, or manifest of the importing vessel to be consigned to or destined for either of said ports, when the consignee at the port of first arrival shall make written application therefor to the collector, giving the name of the person at the port or destination to whom he desires the merchandise to be consigned; and whenever such application and entry shall be made, the original invoice presented by the consignee at the port of first arrival shall be forwarded, with a copy of the transportation entry, to the collector at the port of destination; and a copy of such invoice shall be retained on file at the port of first arrival. The original invoice so forwarded shall be treated as the only invoice of the merchandise upon which entry shall be made at the port of destination, and the person making such entry shall be held responsible for the statements contained therein in the same manner as if the merchandise had been originally consigned to him: *Provided, however*, That the privileges herein conferred shall not extend to any merchandise the duties upon which, or any portion thereof, depend upon the value of such merchandise: *And provided further*, That such privilege shall be granted only in cases where no part of the merchandise shall have been landed prior to entry for immediate transportation as aforesaid.

Mr. KELLEY. Mr. Speaker, this bill I think explains itself. Its provisions are very simple. They are, to extend the provisions of the immediate transportation law to merchandise upon which duties are specific and which therefore requires no appraisement.

Mr. RANDALL. There is no objection to the bill.

Mr. KELLEY. Unless some further information be desired in regard to it I will call the previous question.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. KELLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FEES OF INTERNAL-REVENUE COLLECTORS.

Mr. MORRISON. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from further consideration of the bill H. R. 8598, and that the bill be put upon its passage. The bill relates to the fees of collectors who have been lately decided by the court to be entitled to certain commissions as well as to their salaries. It has the unanimous approval of the Committee on Ways and Means. We have provided for the current year in the appropriation bill just passed, and we propose by this bill to correct the law permanently.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That section 3314 of the Revised Statutes of the United States, as amended by section 5 of the act approved the 1st day of March, 1879, entitled "An act to amend the laws relating to internal revenue," and by section 16 of the act approved the 28th day of May, 1880, entitled "An act to amend the laws relating to internal revenue," be still further amended by striking out all after the number and substituting the following:

"The books of tax-paid stamps issued to any collector shall be charged to his account at the full value of the tax on the number of gallons represented on the stamps and coupons contained in said books; and every collector shall make a monthly return to the Commissioner of Internal Revenue of all tax-paid stamps issued by him to be affixed to any cask or package containing distilled spirits on which the tax has been paid, and account for the amount of the tax collected, and shall return to the Commissioner each book of marginal stubs whenever and as soon as the stamps contained in the book when issued to him have been used. All stamps relating to distilled spirits, other than the tax-paid stamps, shall be charged to collectors; and the books containing such stamps may be intrusted by any collector to the gauger of the district, who shall make a daily report to the collector of all such stamps used by him and for whom used; and when all the stamps contained in any such book have been issued, the gauger of the district shall return the book to the collector, with all the marginal stubs therein: *Provided*, That all export stamps issued to collectors shall be charged to them as representing the value of 10 cents for each stamp, and they shall collect the amount due for such stamps at the rate of 10 cents for each stamp issued, in such manner and at such time as the Commissioner of Internal Revenue may prescribe; and the Commissioner may, in his discretion, make assessment therefor."

Mr. MORRISON. This bill was drawn at the Treasury Department, and contains the provisions of the original section on the same subject, omitting only so much of it as the court decided allowed commissions to the collectors in addition to their salaries. Unless some further explanation be desired, or there be some objection, I move the previous question.

Mr. WORTHINGTON. What is the effect of the bill upon the salaries of the collectors?

Mr. MORRISON. It leaves the salaries exactly as they are under the law; it simply cuts off the commissions.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MORRISON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENTRY OF MERCHANDISE SAVED FROM WRECKS.

Mr. MORRISON. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 9653) to amend section 3058 of the Revised Statutes, and that the bill be now considered in the House. It is a bill upon which the Committee on Ways and Means are unanimous.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3058 of the Revised Statutes be amended to read as follows:

"SEC. 3058. All merchandise imported into the United States shall, for the purpose of this title, be deemed and held to be the property of the person to whom the merchandise may be consigned; but the holder of any bill of lading consigned to order and properly indorsed shall be deemed the consignee thereof; and in case of the abandonment of any merchandise to the underwriters, the latter may be recognized as the consignee; and, under such regulations as the Secretary of the Treasury may prescribe, merchandise saved from a vessel wrecked or abandoned at sea, or on or along the coasts of the United States, and promptly brought into a port of the United States by or in possession of the salvors of the same, can, for the purpose of its title, be regarded as the property of such salvors, and the valuation thereof and payment of duties thereon can be made accordingly and with due reference to the condition of the said merchandise as thus saved and the necessities of the case: *Provided, however*, That such bringing in by salvors shall be in good faith and without intent to evade the just payment of duty: *And provided further*, That nothing herein contained shall be so construed as to prejudice in any other respect the rights of property, or of or through abandonment or allowance of the owner, or any other person interested in said merchandise."

The SPEAKER. The gentleman from Illinois asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of this bill and that it now be considered in the House. The Chair hears no objection, and it is so ordered.

Mr. HEWITT. Mr. Speaker, this bill does not affect the revenue in any way. It permits salvors to enter abandoned goods, which, strange to say in this age of the world, our laws do not now permit. The case became emergent in consequence of the wreck of the Oregon. The salvors have brought in many hundreds of cases of goods. There were no claimants to ownership, and even the insurance companies, to whom I suppose all the goods were abandoned, are not permitted by statute to enter the goods. The consequence has been that many of the goods have positively rotted, and at last, to avoid trouble, the collector has allowed the goods to be entered, but has insisted upon the payment of duties in advance of the entry. Now, the value of the goods in many cases is quite uncertain, and thus an unseemly controversy now exists in the port of New York.

This bill has been framed in concurrence with the Treasury Department to meet the difficulties of that situation. In effect it allows persons in possession of merchandise to make entry at the custom-house for the payment of duties, all rights of ownership being reserved to whomsoever may put in any claim. The bill simply enables the merchandise to go through the custom-house, reserving all private and personal rights. There is a letter from the Treasury Department approving the bill. That letter can be read if any gentleman desires it. [Cries of "Vote!" "Vote!"]

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEWITT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BONDS OF CIGAR MANUFACTURERS.

Mr. MORRISON. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further

consideration of House bill No. 8966, and that it be now considered in the House. This bill proposes to reduce the amount of the bond required to be given by cigar manufacturers. That bond is now required to be of the same amount as it was when the tax was double the present rate. This bill merely proposes to reduce the amount of the bond in proportion to the reduction of taxes made some years ago.

Mr. HENLEY. Before unanimous consent is given to this request I want to say that in the debate in this House last Saturday on fixing the order of business for to-day it was stated by the gentleman from Illinois [Mr. MORRISON] that the object of the adoption of the resolution fixing this order of business was to reach a certain joint resolution of the House, No. 126.

A MEMBER. That will be reached.

Mr. MORRISON. The gentleman from Pennsylvania [Mr. RANDALL] made the same statement. Now, the better part of this day has passed, and it would seem we are not going to reach that joint resolution at all. So far as I am concerned I desire to reach that resolution and dispose of it.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of a bill the title of which will be read, and that the House now proceed to the consideration of the same.

The Clerk read as follows:

A bill (H. R. 8966) to so further amend section 3387 of the Revised Statutes, as amended, as to reduce the penal sum of the bonds of cigar manufacturers.

The SPEAKER. The Chair hears no objection to the request of the gentleman from Illinois, and the bill will be read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3387 of the Revised Statutes of the United States, as amended by section 16 of the act approved the 1st day of March, 1879, entitled "An act to amend the laws relating to internal revenue," be further amended by striking out all after the number and substituting the following:

"Every person, before commencing, or, if he has already commenced, before continuing, the manufacture of cigars, shall furnish, without previous demand therefor, to the collector of the district, a statement in duplicate, under oath, setting forth the place, and, if in a city, the street and number of the street, where the manufacture is to be carried on, and when the same are to be manufactured for, or to be sold and delivered to, any other person, the name and residence and business or occupation of the person for whom they are to be manufactured or to whom they are to be delivered, and shall give a bond, in conformity with the provisions of this title, in such penal sum as the collector may require, not less that $250, with an additional $50 for each person proposed to be employed by him in making cigars; and the sum of said bond may be increased from time to time and additional sureties required, at the discretion of the collector or under the instructions of the Commissioner of Internal Revenue. But in no case shall the penal sum of said bond exceed $20,000. Said bond shall be conditioned that he shall not engage in any attempt, by himself or by collusion with others, to defraud the Government of any tax on his manufactures; that he shall render correctly all the returns, statements, and inventories prescribed; that whenever he shall add to the number of cigar-makers employed by him he shall immediately give notice thereof to the collector of the district; that he shall stamp, in accordance with law, all cigars manufactured by him before he offers the same or any part thereof for sale, and before he removes any part thereof from the place of manufacture; that he shall not knowingly sell, purchase, expose, or receive for sale any cigars which have not been stamped as required by law; and that he shall comply with all the requirements of law relating to the manufacture of cigars. Every cigar-manufacturer shall obtain from the collector of the district, who is hereby required to issue the same, a certificate setting forth the number of cigar-makers for which the bond has been given, and shall keep the same posted in a conspicuous place within the manufactory; and every cigar-manufacturer who neglects or refuses to obtain such certificate, or to keep the same posted as hereinbefore provided, shall be fined $100; and every person who manufactures cigars of any description without first giving bond as herein required shall be fined not less than $100 nor more than $5,000, and imprisoned not less than three months nor more than five years. Cigarettes and cheroots shall be held to be cigars under the meaning of this chapter."

Mr. MCADOO. I would like to hear some explanation of this bill.

Mr. HARRIS. The bill does not in any way affect the revenues of the Government. The law under which bonds are required from cigar-manufacturers has become oppressive from the fact that while the tax upon cigars has been reduced one-half, the amount required to be covered by the bond is the same as before the reduction of the tax. The Committee on Ways and Means are unanimous in the opinion that as the tax on cigars has been reduced, there ought to be a corresponding reduction in the penal sum of the bond required of cigar-manufacturers. If no further explanation be desired, I move the previous question on the engrossment and third reading of the bill.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. HARRIS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TAXATION OF SMALL DISTILLERIES.

Mr. MORRISON. I have one, and only one, other request to make before calling up the measure which the gentleman from California [Mr. HENLEY] has expressed his desire to have considered. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of House bill No. 8327, and that the bill be now considered in the House. It is a bill relating to the collection of the revenues in small distilleries.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 8327) to reduce the number of internal-revenue officers, provide a better and more economical administration of the internal-revenue laws, and for other purposes.

Mr. DINGLEY. Before action is taken upon the request for unanimous consent I ask that the whole bill be read.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The Clerk read as follows:

Be it enacted &c., That section 3255 of the Revised Statutes shall be amended by adding at the end of said section the following:

"The Secretary of the Treasury shall exempt all distilleries which mash 5 bushels of grain or less per day from the operations of the provisions of this title relating to the manufacture of spirits, except as to the payment of the tax, which said tax shall be levied and collected on the capacity of said distilleries; and said distilleries shall be run and operated without storekeepers or 'storekeepers and gaugers.' And the Commissioner of Internal Revenue, with the approval of said Secretary, may exempt any distillery or all distilleries which mash over 5 and not more than 25 bushels of grain per day from the operations of the provisions of this title relating to the manufacture of spirits, except as to the payment of the tax, which said tax shall be assessed and collected upon the capacity of the distillery so exempted, as hereinbefore provided. And the said Commissioner, with the approval of said Secretary, may establish special warehouses, in which he may cause to be deposited the product of any number of said distilleries to be designated by him, and in which any distiller operating any such distillery may deposit his product, which when so deposited shall be subject to all the laws and regulations as to bonds, tax, removals, and otherwise as other warehouses. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is hereby authorized and directed to make such rules and regulations as may be necessary to carry out the provisions of this section."

SEC. 2. That section 3255 of the Revised Statutes of the United States be amended by striking out all after said number and substituting therefor the following:

"The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may exempt distillers of brandy made exclusively from apples, peaches, grapes, or other fruits from any provision of this title relating to the manufacture of spirits, except as to the tax thereon, when in his judgment it may seem expedient to do so."

SEC. 3. That the provisions of an act entitled "An act relating to the production of fruit-brandy, and to punish frauds connected with the same," approved March 3, 1877, be extended and made applicable to brandy distilled from apples or peaches, or from any other fruit the brandy distilled from which is not now required, or hereafter shall not be required, to be deposited in a distillery warehouse: *Provided*, That each of the warehouses established under said act, or which may hereafter be established, shall be in charge either of a storekeeper or a storekeeper and gauger, at the discretion of the Commissioner of Internal Revenue.

SEC. 4. That section 3332 of the Revised Statutes, and the supplement thereto, shall be amended so that said section shall read as follows:

"When a judgment of forfeiture, in any case of seizure, is recovered against any distillery used or fit for use in the production of distilled spirits, because no bond has been given, or against any distillery used or fit for use in the production of spirits, having a registered producing capacity of less than 150 gallons a day, every still, doubler, worm, worm-tub, mash-tub, and fermenting-tub therein shall be sold, as in case of other forfeited property, without being mutilated or destroyed. And in case of seizure of a still, doubler, worm, worm-tub, fermenting-tub, mash-tub, or other distilling apparatus of any kind whatsoever, for any offense involving forfeiture of the same, it shall be the duty of the seizing officer to remove the same from the place where seized to a place of safe storage; and said property so seized shall be sold as provided by law, but without being mutilated or destroyed."

SEC. 5. That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

Mr. DINGLEY. I object to discharging the Committee of the Whole House on the state of the Union from the further consideration of this bill and to its consideration in the House; and further I make the point it does not come within the order, as it is a revenue bill.

The SPEAKER. The gentleman from Maine objects to the consideration of the bill in the House, and makes the point of order it is a bill raising revenue. The gentleman will state his point.

Mr. DINGLEY. It takes certain distilleries of spirits from apples, peaches, and grapes out from under the general laws for the protection of the revenue. It makes serious changes in those laws.

The SPEAKER. The Chair is unable to determine from the reading of the bill whether it affects the revenue or not, and for this reason: Under the law as it now stands spirits manufactured in these small distilleries pay a tax of 90 cents per gallon. The bill proposes they may hereafter pay 90 cents per gallon upon the capacity of the still without regard to the quantity made. Whether that would increase or decrease the revenue is a matter of argument.

Mr. DINGLEY. It was distinctly understood bills relating to the revenue should not be included in the order.

The SPEAKER. The language of the resolution is the language of the rule of the House, bills raising revenue.

Mr. ADAMS, of Illinois. That language has the same meaning as revenue bills and it was understood distinctly that revenue bills should not be considered under this order.

The SPEAKER. It has been decided if a bill decreases the revenue it comes within the meaning of the language of the Constitution, to raise revenue, and must have its first consideration in the Committee of the Whole House on the state of the Union.

Mr. ADAMS, of Illinois. Supposing a bill is introduced reducing the rate of the tax, and it were argued on the floor in consequence of that reduction there would be a greater amount manufactured and therefore the amount of tax paid would be precisely the same as before, would the Chair decide on that account that was not a bill raising revenue?

The SPEAKER. The Chair would look at the face of the bill itself.

Mr. ADAMS, of Illinois. And the face of the bill shows it is a change of tax imposed on certain distillers from actual survey to capacity. Is not that a revenue bill?

The SPEAKER. It changes the mode of collecting the 90 cents a gallon by providing instead of being paid on the actual product of the distiller it shall be paid on the surveyed capacity of the distillery.

Mr. ADAMS, of Illinois. When a bill is introduced making a change, looking to the Chair to decide it is either a bill raising revenue or not, ought not the Chair to be able to decide the amount of tax will be precisely the same?

The SPEAKER. The Chair must decide the question if he can from the face of the bill.

Mr. ROWELL. This is evidently a revenue bill.

Mr. DINGLEY. I wish to refer to the RECORD. The question put to the gentleman from Illinois was precisely this:

Mr. MCKINLEY. May I ask the gentleman from Illinois a question?
Mr. MORRISON. Yes, sir.
Mr. MCKINLEY. My question is whether it is the purpose under this resolution assigning a day to the Committee on Ways and Means to consider the bills relating to treaties?
Mr. MORRISON. It is not. The treaties all affect the revenue question. We do not propose to consider any of them or anything involving that question under this order if the House shall pass or approve it.

Mr. MORRISON. And if this bill involves that question I do not insist on its being considered.

Mr. MCKINLEY. It undoubtedly affects the revenue.

The SPEAKER. No doubt it affects the revenue.

Mr. ROWELL. There is no doubt of it.

Mr. CABELL. This bill only requires that distillers shall pay tax on the capacity of their stills. The result will be to raise about the same revenue as is now being collected by the tax on the amount produced. Distillers will be assessed according to the number of gallons their stills are capable of producing; if they produce more than the assessment they pay for it under the general law. Under the present law they are required to produce so many gallons from every bushel of grain distilled. This bill only changes the mode of collecting, by assessing and regulating the capacity of the still and doing away with storekeepers, thus relieving the distiller of annoyance and the Government of expense.

The SPEAKER. Under the present law the distillery is first surveyed to ascertain its capacity and then the manufacturer of spirits is required to produce 2½ gallons of each bushel mashed.

But suppose he actually produces more than the surveyed capacity of the distillery would indicate, he still must pay 90 cents a gallon on the overproduct.

Mr. REID, of North Carolina. The effect would be the same in that regard under the present system, and would not be changed if this becomes a law. The product of the distillery over and above its registered capacity must be paid under existing law, and if this becomes law that is not changed. But it affects the expenses of the system in this, by abolishing a large number of offices, and we propose to show if we can get an opportunity to explain the bill that by this means it will save in the neighborhood of $300,000 annually. I wish to say further, Mr. Speaker, to the House that this meets the approval of the people regardless of party and of the officials there, both Republicans and Democrats. All favor it.

Mr. CUTCHEON. But would it not increase the net revenue $300,000, according to the gentleman's own statement?

Mr. REID, of North Carolina. No, sir; it would save that amount of expenditure.

Mr. CUTCHEON. But that amount of money would be left in the Treasury instead of being paid out.

Mr. CABELL. Well, there ought not to be any objection to that.

Mr. CUTCHEON. There is no objection to it; but it is simply in reference to the point of order that I make the suggestion.

Mr. CABELL. This does not increase taxation at all.

The SPEAKER. The bill is somewhat lengthy, and the Chair has not carefully examined all of its provisions, but will ask the gentleman who reported it, Does this bill provide, in case this class of distilleries actually produce more than their surveyed capacity indicates, that they shall pay 90 cents a gallon on the surplus, because that is undoubtedly the law now?

Mr. REID, of North Carolina. This provides in that respect just what the present statute provides. They survey the distillery and estimate its capacity at so much. If it makes more than the estimated capacity the distiller must account for it.

The SPEAKER. Is that provided in the bill? The Chair has not observed such a provision.

Mr. REID, of North Carolina. That is expressly provided, sir; according to the capacity.

The SPEAKER. That is, the surveyed capacity; but suppose it produces more than the surveyed capacity?

Mr. REID, of North Carolina. If it does, the distiller must account for it, and under the general law, which is not affected by this bill, he would be compelled to account for it.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, my consideration of this act is that it changes the mode by which the tax on the distilleries which come under the operation of the act shall be collected; and frankly speaking, sir, it may make a change in the revenue. It may increase or decrease it. Under the present law these distillers must make a certain amount of spirits. If they make more than that amount they must pay the tax upon it. Under this law the capacity has to be surveyed and ascertained by some regulation established by the Department; and if that capacity is not reached or exceeded the distiller must pay up to it. If it is exceeded, if he makes over the surveyed capacity of the still, I do not see under this act how it is to be accounted for.

The SPEAKER. That is what the Chair can not see.

Mr. BRECKINRIDGE, of Kentucky. But that does not necessarily, the Chair will perceive, change the revenue. It does not change the amount of tax per gallon, and it is to be presumed that the capacity of the still, as surveyed by the Government officers, under the regulations established by those Government officers, will be equal to the running capacity of the still. One of the objects the committee had in view in reporting the bill was that the internal revenue, fairly practicable, would be obtained in this way, because they supposed that the capacity of the still would be fully set out by the survey and regulations.

The SPEAKER. It is very evident that the principal object of the bill was merely to change the mode of assessing the tax——

Mr. BRECKINRIDGE, of Kentucky. If the Chair will permit me to interrupt a moment, that was not the principal object, but it was a subsidiary object. Our belief was, as to the principal object of the bill, that the number of storekeepers employed in these small distilleries, and the consequent cost to the Government, could be reduced by making this change, and it was to get rid of an army of office-holders and remove the annoyance and irritation caused by the present system that this was reported.

The SPEAKER. But one of the objects of the bill at least was to change the mode of assessing the tax.

Mr. BRECKINRIDGE, of Kentucky. Undoubtedly.

The SPEAKER. That is to say that the capacity of the distillery was to be surveyed and that the expense of storekeepers and gaugers were to be dispensed with, and the distillery taxed according to its capacity. But the difficulty in the mind of the Chair is whether or not the legal effect of the bill would not be to exempt from tax the surplus product over and above the surveyed capacity of the distillery.

Mr. REID, of North Carolina. I submit that under the general law, which, as I have stated, is not changed, the distillery would be compelled to pay the tax on the surplus produced by the distillery. Every gallon, every particle of spirits produced at the distillery is subject to a tax of 90 cents a gallon. This bill does not affect that at all, because its provisions go on to say it may be assessed according to the capacity.

Mr. WILLIS. But how is that to be ascertained when you have abolished the gaugers? This bill does away with the gaugers and storekeepers.

Mr. REID, of North Carolina. That name of gauger is a mere technical one. It does not abolish the gauger as an office, but it changes the system to the extent of requiring these surveys to be made.

Mr. WORTHINGTON. Let me inquire, does not this provide expressly the tax shall be collected on the capacity?

Mr. REID, of North Carolina. Yes, sir.

Mr. STEELE. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. STEELE. The gentleman from Illinois [Mr. MORRISON] has asked unanimous consent that this bill shall be considered in the House. The gentleman from Maine [Mr. DINGLEY] objected. What has become of that objection?

The SPEAKER. Another question of order has been raised whether the bill could be considered at all under the order assigning this day to the Committee on Ways and Means. It must be considered in Committee of the Whole House on the state of the Union, if considered at all, if the point is made; but some gentleman made the point that the Chair under the order for to-day could not entertain the motion made by the gentleman from Illinois to take this bill up.

Mr. COWLES. If the House will permit me, I think I can make this clear in one moment.

The SPEAKER. The Chair desires to know what the present law is, and how it is changed in the bill?

Mr. COWLES. I can explain the difference in the two systems. By an amendment to the revenue law made some years ago there was a difference made in the system of collecting taxes on fruit brandy and that on whisky made from grain. That amendment provided there should be what are known as brandy-gaugers, who itinerate in the performance of their duties, going from distillery to distillery gauging the amount made between their visits. They are different from storekeepers, who remain at the distillery. Yet these officers at the whisky distilleries are styled in the general law storekeepers and gaugers. This amendment, as I am informed, is intended to provide a system for operating small whisky distilleries, mashing 5 bushels or less of grain per day, similar to that now in force for brandy distilleries, and if it does that no one should have any objection to it.

A provision is put in this bill doing away with storekeepers and gaugers at distilleries of a less capacity than 5 bushels a day. It does

not do away with the office of gauger. An officer goes to the distillery, guages the capacity of the still, and assesses the amount which the distiller has to pay. A gauger pays his regular visits to the distillery, and a deputy collector also, and the brandy made can not be lawfully put anywhere except in the brandy warehouse, and if so it is liable to seizure.

Mr. STEELE. What office does this bill dispense with?

Mr. COWLES. With the office of storekeeper at the distillery.

Mr. STEELE. Does it not give a better chance to the moonshiner?

Mr. COWLES. It does not give the moonshiner a better chance than now, and it removes great sources of fraud in the execution of the revenue law, as has been already explained. More clear money will be derived to the Government, and the citizen will have more freedom in the execution of his business and no greater inducements or chances to perpetrate frauds.

The SPEAKER. The Chair will state that the only question now before the House is the question on the point of order.

Mr. REID, of North Carolina. I desire to call the attention of the House to a clause in the bill which expressly provides a tax shall be paid:

The Commissioner of Internal Revenue, with the approval of said Secretary, may exempt any distillery or all distilleries which mash over 5 and not more than 25 bushels of grain per day from the operations of the provisions of this title relating to the manufacture of spirits, except as to the payment of the tax, which said tax shall be assessed and collected upon the capacity of the distillery so exempted, as hereinbefore provided.

And at the end of the section there is this provision:

The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is hereby authorized and directed to make such rules and regulations as may be necessary to carry out the provisions of this section.

Under the general law the tax is assessed. There is a special provision that these distilleries shall be exempt as to these storekeepers except as to the payment of the tax. The tax is assessed on the distillery as now. If the distiller makes half a gallon over he is bound to return it and the tax is assessed. And the Revenue Department has power to provide rules and regulations for carrying out the general law. The provision, therefore, is made that they shall not be exempt from the tax, and full power is given to the Revenue Department to make rules and regulations to carry that out. I submit this bill is substantially in the language of the original statute, but changes the mode of collecting the revenue.

The SPEAKER. The power of the Secretary of the Treasury is simply to make rules and regulations to secure the collection of tax assessed on the capacity of the distillery. The Chair thinks this is a bill raising revenue, and if it is, it has its privilege under another rule of the House. The House can go into Committee of the Whole at any time to consider it.

Mr. REID, of North Carolina. I hope the gentleman from Maine [Mr. DINGLEY] will withdraw his objection. This is a special relief we have asked for our section of the country.

Mr. CABELL. If there is an insuperable objection in the minds of gentlemen of the House to the passage of this bill with these clauses in it, I ask that the remainder of the bill be considered with these clauses stricken out. Certainly the remainder of the bill will not be objected to.

Mr. WARNER, of Ohio. I call for the regular order.

The SPEAKER. The Chair has stated that this bill is privileged under the rules of the House, but it does not come up under the order for to-day.

THE SURPLUS IN THE TREASURY.

Mr. MORRISON. I move that the House resolve itself into Committee of the Whole on the state of the Union to consider the joint resolution in relation to surplus.

The SPEAKER. The Clerk will report the title of the joint resolution.

The Clerk read as follows:

A joint resolution (H. Res. 126) directing payment of the surplus in the Treasury on the public debt.

The motion of Mr. MORRISON was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. CRISP in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the joint resolution which will be read.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the surplus or balance in the Treasury, including amount held for redemption of United States notes, shall exceed the sum of $100,000,000, it shall be, and is hereby made, the duty of the Secretary of the Treasury to apply such excess, in sums not less than ten millions per month, during the existence of any such surplus or excess, to the payment of the interest-bearing indebtedness of the United States payable at the option of the Government—

Mr. MCKINLEY. Will the gentleman from Illinois [Mr. MORRISON] permit me to have an amendment read at this time so that it may be before the House?

Mr. MORRISON. It may be read now, to be offered at the proper time.

The amendment was read, as follows:

Add to the resolution the following:
"*Provided*, That said sum of $100,000,000 herein excepted and reserved, which amount was purchased by the sale of bonds to the extent of ninety-five and a half millions, and the balance by reservation from the revenue under authority of the act of January 14, 1875, entitled 'An act to provide for the resumption of specie payments,' shall be maintained, as provided by said act, and set apart for the purpose of redeeming the legal-tender notes of the United States when presented for payment, and said fund shall not be used for any other purpose."

Mr. HISCOCK. Mr. Chairman, I also desire to offer an amendment, which I send to the desk to be read.

The Clerk read as follows:

Amend by inserting the following:
"*Provided*, Nothing hereinbefore contained shall authorize the reduction of, or the payment of any part of the one hundred million reserve set apart for the payment of United States notes upon the interest-bearing indebtedness of the United States."

Mr. WEAVER, of Iowa. Mr. Chairman, I desire to offer an amendment, which I ask to have read.

The amendment was read, as follows:

Add the following:
"*Provided*, The words 'surplus' and 'balance' in this resolution shall be construed to mean all money in the Treasury against which there is no actual demand liability of the Government other than greenbacks for redemption. Also, in line 5, strike out the words 'one hundred' and insert the word 'fifty.'"

Mr. WARNER, of Ohio. Mr. Chairman, I have an amendment that I desire to have read.

The amendment was read, as follows:

Provided, That after the passage of this act whenever and as fast as the circulating notes of national banks are redeemed or canceled as provided by the act of June 3, 1864, and amendments thereto, the Secretary of the Treasury shall cause to be issued in place of such bank notes redeemed, dollar for dollar, United States notes in denominations as nearly as may be of the bank notes redeemed, and all laws applicable to United States notes now in circulation are hereby made applicable to the notes issued under this act.

Mr. MORRISON. Mr. Chairman, these amendments are read for information only, and are not considered as now pending. In view of the press for time I shall content myself, for the present at least, with making a very brief statement of the purpose of this joint resolution.

The money of the country, coin and paper, or, to be more specific, gold, silver, United States notes, and national-bank notes, amount to $1,556,000,000, or more exactly, $1,556,914,798. Of this sum $525,664,054, or more than one-third of all the money of the country, was in the United States Treasury when this joint resolution was introduced here. Since then the amount and balance in the Treasury has been a little reduced by monthly payments on the public debt. Much more than half the money in the Treasury, in fact most of it, is there for specific or special purposes designated by law. The sum of $182,000,000, and more, is there to redeem outstanding gold, silver, and United States note certificates; as much as seventy millions to redeem national-bank notes, the greater part banks in liquidation, broken, or surrendering circulation; twenty-two millions to pay interest due, interest accrued not due, and small amounts of debt due, and twenty-nine and a half millions for disbursing officers, balances, Treasurer's transfer checks, and other like purposes, being so much movable cash or working balance for the current transactions of the Government. Deducting all these sums for specific uses, running or current liabilities, and there remains in the Treasury a very little more than $200,000,000 held there for current uses, including that held to redeem Treasury or legal-tender notes. These legal-tender notes are by law money to be paid out as other money, whether they come into the Treasury as debt redeemed due from or as money taken in payment of a debt due to the Government.

The amount of money held or to be held as reserve for the redemption of United States notes, should they be presented for redemption, is not fixed by law; it is or may be called a discretionary reserve; and as the law has not fixed the amount of this reserve or redemption fund the amount of the surplus can not be exactly stated. The amount of reserve which may be legally and rightly held to redeem these notes is the sum necessary for the purpose—necessary in the light of experience in financial transactions, and more especially in the light of the Treasury experience in the matter of redeeming treasury notes. The surplus is the amount in the Treasury after deducting this reserve and the several amounts set apart by law for specific purposes and classed as liabilities. It was the practice under former Secretaries to estimate the redemption fund or reserve at $100,000,000, and the present Secretary sets aside that specific sum as one of the continuing liabilities of his Department.

Mr. HENDERSON, of Iowa. And it is in gold coin, I believe.

Mr. MORRISON. I call all money money. Of course there is always more than $100,000,000 of gold coin in the Treasury. The amount there now is $156,793,748 net, in all $232,838,123.

Mr. HENDERSON, of Iowa. But the $100,000,000 set aside by the present Secretary of the Treasury is in gold, I believe.

Mr. MORRISON. I do not know that it is separated from other funds except for convenience.

A MEMBER. It is not.

Mr. MORRISON. But counting the reserve at $100,000,000, there is still what may be called a surplus of $100,000,000. Of this, $29,000,000 and more of fractional silver coin is not available, that is, it would not be money for any purpose beyond payments of $10, which, I believe, is the limit of its legal-tender quality.

A MEMBER. Twenty dollars.

Mr. BROWNE, of Indiana. Of what is that $28,000,000 made up?

Mr. MORRISON. Of fractional coin—half-dollars, quarter-dollars, and minor coin.

Mr. WEAVER, of Iowa. And copper coin.

Mr. MORRISON. There was in January last and still is a surplus in the Treasury of $100,000,000, but because of this fractional coin being unavailable as money, this joint resolution would only take $70,000,000 out of the Treasury, for after the payment of seven calls or $70,000,000 there could not be another call and another payment until the $5,000,000 to $8,000,000 had again reached $10,000,000 in excess of the $100,000,000.

Beginning with last February, monthly calls and payments of $10,000,000 each were made of that part of the interest-bearing public debt which is payable whenever we are ready and willing to pay it. The purpose of this resolution is to continue those monthly calls and payments as often as there is more than $110,000,000 in the Treasury, after deducting all the balances and all the liabilities as before stated, and also the unavailable fractional silver coin.

I do not myself consider so large an amount necessary, but in deference to the opinion of others and out of abundant caution it may be and I believe it is prudent for the present to leave to the discretion of the Treasury Department any payments which would permanently reduce the reserve below $100,000,000.

The application of one hundred millions which now lie unused and unproductive to that part of our debt which is payable whenever we are able and willing to pay it would put that much more money to its legitimate uses. It would tend to make money cheaper, increase the means of exchange, and help in the transaction of business.

A hundred millions of money is the capital which employs a hundred thousand men in productive industries; together they make $2,000,000,000 worth of products, and add $70,000,000 to the annual wealth of the country. It would save us from $3,000,000 of annual interest and annual taxes which we are now paying. More than that, it will take away something of the temptation which leads us here in Congress to vote large appropriations and make improvident expenditures in which we pretend to justify ourselves because there is too much money in the Treasury.

The minority of the Committee on Ways and Means oppose this resolution on the ground that it will shake public confidence in the Treasury of the United States and in its ability to meet its engagements. Most of the minority say that there ought to be $100,000,000—nothing less—specially set apart for the purpose of redeeming Treasury notes, if any were ever presented to be redeemed.

Mr. BROWNE, of Indiana. Will not the gentleman allow me to suggest that "the minority" has some very excellent company in that position?

Mr. MORRISON. I will state it all. The gentleman from New York [Mr. HEWITT], who makes that "excellent company," thinks that $100,000,000, besides the thirty or more million dollars of working balance, is not reserve enough. I believe I correctly state the position of the gentleman. He thinks that the working balance or movable cash in the Treasury, together with the reserve, ought to be as much as $168,000,000. That, I believe, is the amount named in his report. The other gentlemen, if I understand them, think that $130,000,000 would answer for both reserve and current transactions.

Mr. BROWNE, of Indiana. I was speaking of "the gentleman from New York" at the other end of the Avenue.

Mr. MORRISON. All the "gentlemen from New York" are to be classed together on the money question. [Laughter.] That is probably no fault of theirs. There is a possibility that, having more money than the rest of us, or some of us, they understand the money question better. When I come to think so or am certain of that fact I will vote with them.

But, Mr. Chairman, it is as I believe not true. Why should it be true, that to reduce the money in the Treasury to $100,000,000 would destroy or impair public confidence in the ability of the Government to meet its obligations? In the seven years during which this theoretical redemption of legal-tenders has been going on, the average of the money kept in the Treasury has been about $150,000,000; and so far as I know, no dollar of the United States notes for which $100,000,000 has been reserved was ever redeemed. It may be that there have been nominal redemptions.

Mr. MCMILLIN. The gentleman from Illinois will allow me to state that the redemptions during the first year after the redemption act went into effect amounted to $12,000.

Mr. MORRISON. As to the $30,000,000 balance which the minority think ought to be in the Treasury in addition to the $100,000,000, the accounts are so kept that the Treasury and reserve will always be protected. The $30,000,000 to the credit of the Post-Office Department and the other disbursing officers, or about $29,500,000, is a sufficient working balance. Gentlemen will see that it has been kept up to this average.

When this movable cash falls a little below it you will see the deficiency added or made up next month as one of the liabilities of the Treasury. The accounts are so kept that the Treasury will never be surprised. The Treasury officials estimate among the liabilities, and very properly, not only what we owe now, but at the end of each month they count as a liability the interest which has accrued during that month and is to be paid at the end may be of six months. So that when the interest is paid you do not have to reduce in any way for that purpose the balance or surplus in the Treasury, the interest having been already set aside and classed as one of the liabilities. In this way the Treasury protects itself and always has a sufficient working balance.

Now, I desire that there should be no misunderstanding, and I do not wish to be misunderstood.

I concede that it might be for a very short time the $100,000,000 could possibly be trenched upon. Suppose to-day a call was made, when the amount in the Treasury was $110,000,000, which reduced it to $100,000,000, and to-morrow the million or more of daily receipts should not be quite sufficient to meet to-morrow's obligations, the Treasury might temporarily trench upon the $100,000,000. But the way the accounts are kept, with the vast amount to the credit of disbursing officers, it could not be more than temporary, and to a small amount, because no call could again be made until the Treasury was so replenished again to $110,000,000.

And why shall this not be deemed sufficient? How much reserve or redemption fund do the national banks keep to redeem their currency? The gentleman from New York will say the banks will redeem their own currency. But we have guaranteed that redemption. And what is put up as a guarantee to enable us to meet that cash obligation? Ten and a half million of dollars are in the Treasury to enable the Secretary to make that guarantee and redeem the national-bank notes if the national banks themselves fail. Yet we must have $100,000,000, not a cent less for a single day, to guarantee the redemption of notes which are never redeemed. We stamp the national banks with our guarantee and promise to redeem and do redeem, if they do not, all their circulation, and for this they keep in the Treasury 5 per cent.

Mr. BURLEIGH. The national banks keep Government bonds to redeem their circulation, and those Government bonds have a marketable value all the world over.

Mr. MORRISON. That is true. To redeem legal-tendar notes, if the emergency should occur, the Treasury can issue 5, 4½, or 4 per cent. bonds to redeem legal-tenders. These, too, would be marketable.

No one wants the Secretary to do this. No one expects him to do it. No one expects him to be required to do it in this great country of ours with its vast resources and excessive incomes.

Not only this, but we stamp our indorsement of credit on the national banks, and because of the credit indorsement we give them they receive deposits. We authorize them to receive deposits, requiring them to keep but 10 per cent. to redeem the deposits. My colleague [Mr. PLUMB], himself a banker, nods assent. I know gentlemen from New York say they keep 25 per cent. We repealed that requirement back in 1874 and agreed national banks should keep nothing for circulation except the 5 per cent. in the Treasury. We also provided banks should keep 10 per cent. for paying deposits, and 5 per cent in the Treasury to redeem circulation to be counted in as part of the reserve of 15 per cent. of deposits, which practically reduced the reserve for deposits to 10 per cent.

Mr. HEWITT. Does that apply to the banks of New York?

Mr. MORRISON. I think so.

Mr. HEWITT. I think not.

Mr. MORRISON. I think so. But if the gentleman is aware of any provision of law on the subject I should like to hear it. They may in New York keep more than in country or interior banks as a matter of prudence, but they do not do it as a matter of law I think.

Mr. HEWITT. You are mistaken about it.

Mr. MORRISON. The gentleman says I am mistaken about that. It is possible. I have been mistaken many times. The gentleman knows more about New York and New York banking than I do. I have given some attention, however, to the subject, and still it may be the law is different in the large cities.

Then, Mr. Speaker, with one hundred million in the Treasury, which I have shown can never be trenched upon but temporarily, and then to a very trifling or limited extent, with receipts of a million a day and nearly always in excess of the daily expenditures, with unlimited power to issue bonds if any emergency should arise, what is there in this proposition which should shake the confidence of anybody in the Government. Gentlemen who object to the possibility of encroaching on the hundred million legal-tender reserve believe the national-bank guarantee amply sufficient with 5 per cent. as a redemption fund for circulation and 10 per cent. for deposits. We want nearly twenty times as much for the Treasury.

As for the banks whenever anything is to be done or is proposed affecting the finances, the newspapers tell us—I do not know what the gentleman from New York and the minority of the committee will tell us—that we are trying to reach a silver basis; that that is our intention, or that we are ignorant of the effect of what we are attempting. This is the way we are usually answered—the only answer we get. Since I offered this resolution $44,000,000 of bonds have been called in and the net gold balance in the Treasury is $20,000,000 more than when this joint resolution was introduced.

If, then, the payment of $44,000,000 has been made while the net gold balance has been increasing there need be no apprehension from

continued monthly payments aggregating $90,000,000 additional in the next seven months. I apprehend nothing but good from it—good both to the Treasury and to the country.

Mr. Chairman, I have said all I care to say now, but lest I may want to occupy further time I reserve the remainder of my time.

Mr. CUTCHEON. Let me ask the gentleman from Illinois if this resolution confers any authority upon the Secretary of the Treasury he does not now possess if he chooses to exercise it?

Mr. MORRISON. None.

Mr. HEWITT. Before the gentleman from Illinois takes his seat I wish to direct his attention to page 66 of the report of the Comptroller of the Currency, and he will find that the banks in New York and certain other reserve cities must have 25 per cent. reserved, while the country banks are required to have but 15 per cent by law.

Mr. MORRISON. But the 5 per cent. in the Treasury must be taken into consideration——

Mr. HEWITT. Yes, sir; but the banks in New York and other reserve cities must have 25 per cent. by the law, as the gentleman will see by looking at this table appended here.

Mr. MORRISON. I would rather see the law; but supposing the gentleman from New York to be correct, as he probably is, all banks put up but 5 per cent. of the circulation; city banks 20 per cent. and country banks 10 per cent. additional on deposits.

Mr. HEWITT. The gentleman will find it quoted here. [Indicating.]

Mr. BLAND. But that 25 per cent. is on the deposits, not on the circulation.

Mr. HEWITT. Yes.

Mr. MORRISON. Then we are talking of two very different things. It is legal-tender circulation which the reserve is to redeem. Still I have spoken of both circulation and deposits.

Mr. DINGLEY. May I ask the gentleman from Illinois a question?

Mr. MORRISON. Certainly.

Mr. DINGLEY. I wish to ask the gentleman from Illinois how much would be paid out under that resolution under the statement of the condition of the Treasury as shown on the 30th day of June, 1886—what is the balance that would be paid?

Mr. MORRISON. Under this resolution, if the condition of the Treasury remains the same, it would pay out $10,000,000 for seven successive months, and then if the Treasury balance was not increased there would not be another ten millions paid next month, nor until the surplus reached ten millions above the one hundred millions fixed by the joint resolution as the amount to be kept in the Treasury.

Mr. McKINLEY. Let me ask the gentleman if he includes also in this computation the twenty-eight millions of fractional silver coin?

Mr. MORRISON. I take the exhibit in the statement prepared by the United States Treasurer, who evidently knows how to keep books, state accounts, and balances, and from this statement $29,000,000 are in the Treasury not available and which can not be used. Of course nobody thinks of using that for the redemption of bonds. If the Government can find a way to utilize this money for current expenses, a like sum of money might be utilized in the redemption of bonds. In that or some other way this money might be made to swell the surplus, but I do not know that anything of the kind is practicable.

Mr. McKINLEY. But the gentleman's resolution refers to the balance or surplus in the Treasury.

Mr. MORRISON. Yes, sir.

Mr. McKINLEY. And among these balances is included the twenty-eight millions of subsidiary silver coin. Now do you include that?

Mr. MORRISON. No, sir; we are informed by the Treasury statement that it is not available, and I do not count it as surplus and it will not be until it can be utilized.

Mr. WEAVER, of Iowa. The Treasurer makes a total footing of $104,000,000, including the minor coin.

Mr. McKINLEY. I wish to ask the gentleman from Illinois if he has any objection to excluding the twenty-eight millions.

Mr. MORRISON. None whatever.

Mr. McKINLEY. Because this amount, as the gentleman will see here, as tabulated——

Mr. MORRISON. But the gentleman is theorizing. If it can not be used under the resolution nor at all except to pay a ten-dollar debt.

Mr. DINGLEY. I understand from the statement of the gentleman from Illinois that the surplus in the Treasury applicable, and which is proposed to be paid under this resolution, would be between seventy and seventy-five million of dollars?

Mr. MORRISON. Yes, sir; seventy-eight to-day.

Mr. DINGLEY. Now, I notice by a report of the Treasurer for the 30th day of June, 1886, as compared with the Treasurer's report upon the 4th of March, 1885, that the available surplus increased during that period sixty-six millions of dollars; and yet there are only seventy-five millions to be paid out. Now, my question is, what has become of the four hundred millions of idle money or surplus which it was charged existed before the 4th of March, 1885, when with an addition of sixty-six millions more only about seventy millions are now available for payment?

Mr. MORRISON. The gentleman is hardly sincere in that long question. He is wandering in the domain of politics. I am not running a campaign at this time, nor helping him in that direction.

Mr. REED, of Maine. It was only a campaign story. I will explain it.

Mr. MORRISON. Certainly, and I am not now doing campaign work.

Mr. REED, of Maine. I know you are not; but you might have to correct a brother who made the statement.

Mr. MORRISON. I am not contradicting nor giving attention to the statement made by the gentleman in his question. It may be a very proper question to ask the gentlemen who said there was a surplus of $400,000,000.

Mr. COBB. It was Mr. Calkins, who, while candidate for the governorship of Indiana, made that speech, as my friend from Indiana [Mr. BROWNE] knows very well.

Mr. HISCOCK. Mr. Chairman, I will first call the attention of the Committee to the marked and remarkable manner in which this proposition, "that whenever the surplus or balance in the Treasury, including the amount held for redemption of United States notes, shall exceed the sum of $100,000,000, it shall be, and it is hereby made, the duty of the Secretary of the Treasury to apply such excess, in sums not less than $10,000,000 per month, during the existence of any such surplus or excess, to the payment of the interest-bearing indebtedness of the United States payable at the option of the Government," has come here for consideration.

It was reported to the House by the Democratic majority of the Committee on Ways and Means.

Consideration has been obtained for it by the action of the Democratic Speaker of the House, the Democratic chairman of the Committee on Ways and Means, and the Democratic chairman of the Committee on Appropriations, they three acting together to that end, as a majority of the Committee on Rules; and they have brought it here against the emphatic protest of the present Democratic administration.

The Secretary of the Treasury, in his letter of February 13, says in regard to it:

> After nearly twelve months' experience in the conduct of this Department and forecasting as well as I am able the future requirements of the Treasury, as now defined by existing law and as they may be affected by legislation yet to come, and considering the course of future receipts, which are liable to be influenced by many causes, such as the fluctuation of imports, the prolonged depression of trade, and the marketing of more or less of our agricultural products abroad, I can not now foresee a state of things which will make it prudent.

So then, we have the proposition before us, supported by the three leaders of the majority and as vigorously opposed by the administration that they were elected to be in sympathy with and support; and this is not a disagreement over a matter of mere detail in administration; the difference is as wide as that between the two great political parties of the country, and it is an attempt on the part of the leaders in the House to force the payment of the national debts and obligations in silver, to force the Government in its financial transactions to a silver basis of payment, and which the administration earnestly and determinedly resists. There is not nor can there be a compromise between the opposing forces upon this great financial question.

I know that one of the arguments used for the proposition is that by this action there will be a saving in interest to the Government. But the complete answer to that is that the interest upon the sum of money the resolution would apply upon the public debt is upwards of $2,225,000 less than the non-interest-bearing indebtedness of the Government, to the payment of which the reserves in the Treasury are pledged.

The legal-tender notes amount to $346,681,000. By the law of March 18, 1869, "the faith of the United States was solemnly pledged to the payment in coin or its equivalent of all of the obligations of the United States, not bearing interest, known as United States notes." Again, July 12, 1882, Congress "provided that the Secretary of the Treasury shall suspend the issue of gold certificates whenever the gold coin and gold bullion in the Treasury reserved for the redemption of United States notes falls below $100,000,000."

Under these provisions of the law the Secretaries of the Treasury have accumulated and held, and the present Secretary approves the policy, $100,000,000 in gold for the payment of those notes. So strongly does Mr. Manning approve of the amount of this reserve that in his letter of February 13 in regard to the pending resolution, in speaking of this reserve, he says:

> This is in no sense a surplus, but is set apart and appropriated as a minimum security and reserve for the redemption and payment of $346,681,000.16 of United States notes which have been issued, and this reserve amounting to $100,000,000 should of course be held above all possibility of encroachment.

But, notwithstanding his emphatic protest, a joint resolution is pressed here to direct the payment, in part at least, of that reserve upon other indebtedness than that for the payment of which by law it is pledged.

The present balance of the Treasury, exclusive of fractional coin and exclusive of the $100,000,000 reserve pledged for the payment of United States notes, is $75,000,000. This surplus is wholly made up of silver coin. The gold and legal tenders now in the Treasury in excess of that $100,000,000 is, say, $56,000,000 in gold and $20,000,000 in legal-tenders. Of this sum $70,000,000 is, or should be, held as a trust fund for the redemption of the national-bank notes—sixty millions of it is

pledged for the payment of the notes of banks that "have failed," "have suspended," and are "reducing circulation," and whose circulation is in the hands of the people—as the law for the redemption of these notes provides that the sum deposited by the banks shall be paid in legal-tender notes or their equivalent; and at the expense of repeating, I say bear in mind this is not for the security of the banks, but of the bill-holders, of the people. This leaves only the sum of $6,000,000, which is not sufficient to pay the Alabama claims, which will be paid within the next month.

It is proposed by the terms of this resolution that the sum now in the Treasury in excess of $100,000,000, including the $100,000,000 held for the redemption of United States notes, shall be paid for the redemption of the interest-bearing indebtedness of the United States payable at the option of the Government, and amounting, say, to $135,000,000, in sums of not less than $10,000,000 per month.

This is a declaration that United States bonds shall be paid in silver dollars. The country and the world, debtors and creditors, will so understand it.

It is practicably impossible to execute the joint resolution without.

Keeping good the reserves, the money which is put up as security to pay the notes of banks which have failed or suspended and for the security of national-bank circulation, money which does not belong to the Government—keeping good the reserve to pay the Treasury notes now outstanding, which are in the pockets of the people, you will be compelled to pay these bonds in silver if the resolution proposed becomes law.

Mr. BLAND. Are they not made by law payable in coin, silver as well as gold?

Mr. HISCOCK. I will come to that presently. But it will be practically impossible to execute this joint resolution without using the silver dollars, probably all of them, for all the surplus we have is in silver, and the Treasury Department and the administration so understand it. It is impossible to conceive any other purpose on the part of the supporters of this joint resolution; and, Mr. Chairman, I do not hesitate to say it will be repudiation.

I shall not enter into a technical discussion of the question whether, under law, we have not the legal right to do it. In my judgment it is in violation of the fair construction and the understood meaning of our statutes construed in the light of contemporaneous facts authorizing the creation of the debts, providing for their payment, and strengthening the public credit. Our bonds were negotiated upon the written assurances of the representatives of the Government that they should be paid in gold, and the correspondence of the Secretary of the Treasury is filled with pledges to the holders of bonds that they should not be paid in "coin of less value than gold of the standard value."

In reply to a letter of Mr. BELMONT, Mr. SHERMAN said:

> As to whether Congress or the people would ever undertake to pay the principal or interest of the bonded debt, and especially the bonds since 1873, in silver, I have a firm conviction that the question will never be seriously raised. These bonds will be paid, principal and interest, in gold coin, and the United States are and always have been extremely sensitive as to the public credit. They never have, for the sake of an apparent profit, yielded to any question involving the public honor.

Was not that a pledge? And it was upon the strength of this letter, and others to which I shall refer, that the 4 percents were negotiated.

Again he wrote:

> The Government exacts in exchange for those bonds payment at their face in such gold coin.
>
> And it is not to be anticipated that any future legislation of Congress or any action of any Department of the Government would sanction or tolerate the redemption of these bonds by the people or the payment of the interest thereon in coin of less value than the coin authorized by law at the time of the issue of these bonds, being the coin exacted by the Government in exchange for the same.

Mr. BRUMM. Surely the gentleman from New York does not mean to say that greenbacks were not received for the bonds that were issued.

Mr. HISCOCK. I say this: that at the time when those bonds were issued the only coin known in the commerce of this country was gold. Values were measured by it and we exacted gold for the bonds and our agents pledged the Government to pay gold in return.

Mr. BRUMM. The question is whether the Government did not receive greenbacks for the bonds and whether greenbacks were not at all times receivable for those bonds.

Mr. HISCOCK. That is going into a question which I do not care to discuss at this time, and is not involved in the question under consideration. If you are correct, it only proves the Government understood its notes were payable in gold, and therefore received them as gold.

"Gold was paid for the bonds, and the creditors understood they were to be repaid in gold." The President and his Cabinet concurred in the views of the Secretary I have stated. So wrote Mr. Sherman to Mr. Belmont.

Again, the Secretary wrote, in regard to the gold and silver question referred to by Messrs. Morton, Bliss & Co.: "You have, no doubt, already received the authoritative instruction of the President and the Cabinet upon that subject, and it seems to be universally acquiesced in throughout the United States."

These declarations were previous to the extension of the 5 and 6 per cent. bonds at 3½ and 3 per cent. The extensions were made when there was the limited coinage of silver and a limited supply, and at the option of the holders of the bonds they were payable. Gold only could be paid thereon then, and all trusted the extended bonds would be paid in the best money and coin of the world, and therefore so low a rate of interest was obtained. Since then every administration has maintained that principal and interest should be paid in gold—most important, yes, conclusive evidence of the understanding. That was the assumption in the markets of the world, and upon it foreign capitalists accepted the extensions. The Government, except by a new issue of bonds, could only have provided payment; and the present administration, I doubt not, regards a breach of that understanding as a disgrace to it and the country. I can conceive of none surpassing it except the destruction of our nationality, and if in one administration those plotting treason nearly effected the ruin of the country and the dissolution of the Union, in disgrace and infamy it will be approached by Mr. Cleveland's if he suffers the war debt to be paid in other than the coin expected to be paid both by creditors and the people when it was created and subsequently extended.

This thing was not done in a corner. The newspapers of the time were teeming with the discussion of this great question. New bonds could not have been negotiated or old bonds extended except for these assurances on the part of the administration as to the coin in which they would be paid.

Yes, upon the assurance of the Government that the bonds should be paid principal and interest in gold our bonds were placed upon the market at a low rate of interest. No one will undertake to say that they could have been disposed of at such advantageous rates except for the assurances given. Hardly any one will undertake to say, if it had been understood that they were payable in silver, that the increased rates would not have equaled all that would now be saved by paying them in silver. With the increase of silver the Government has faithfully undertaken to maintain an equality in value between the two coins, and the suggestion has never been made that if such equality is maintained it will not be for the advantage of the Government and the people.

The report of the Committee on Ways and Means which accompanies the joint resolution and the argument in its favor by the distinguished chairman of the committee fail to point out or even suggest a good result which will follow the disturbing of that equality which will surely come from our forcing our creditors to take silver.

It has been the policy of this Government to say to its creditors, "Gold and silver here are of equal value; take your choice; we, the United States, will pay our debts in the best money of any realm upon the round earth." And now it is proposed to force a cheapened coin upon unwilling creditors. I say, sir, the resolution is unpatriotic, is an act of repudiation, prompted and pressed, as it seems to me, from the single desire to repudiate, without any benefit to follow either to the Government or to the people.

Before this discussion is over and this question decided I trust we shall hear from gentlemen on the other side why they do this thing against the strenuous opposition of the administration they have elected and inaugurated, why they are pursuing this line of departure, why this great division in their party.

Mr. MORRISON. Is that any of your business?

Mr. HISCOCK. Ah! is that the only answer that is to be vouchsafed here by the leader of the other side? Is that the only answer which the Democratic leader advertises to the country—that why they have departed from the administration is none of our business? Why, sir, that is very nearly quoting an expression which was used most infamously once in the city of New York.

But let us look a moment into some of the immediate effects of this action, assuming that this resolution will prevail. I suppose, sir—and I invite the closest attention of the House to what I am about to say—I suppose that obligations of this country—Government, State, municipal, and other corporations—amounting to $1,250,000,000 at least, are held abroad. Where not specifically payable in gold, they will be returned to us. The foreign capitalist will no longer hold them to take the chance of the further depreciation of the metal in which they are to be paid; and the further sale of securities abroad will cease. To illustrate the risk, I invite the attention of my friends to the fact that we have coined 233,723,286 silver dollars, which cost the Government for the bullion and its coinage into dollars the sum of only $208,687,039—a saving, it has been said, of $25,000,000 to the Government. But that silver to-day, at its market value in the pockets of the people or in the vaults of the Treasury, is only worth $177,718,000. There has been a loss of over $59,000,000 upon it. You have forced out or would force out upon the people a currency which has depreciated upon their hands, and is now worth $59,366,000 less than its nominal value.

While I am making up the amount of the loss due to this legislation I will call attention to the further fact that the interest at 4 per cent. upon the average sums driven into the Treasury by the coinage of standard silver dollars and the fractional coin amounts to $40,000,000. The average amount of fractional coin driven into the Treasury for the past eight and a half months is $26,500,000. The loss in interest upon the amount at 4 per cent., if this silver had been sold as fast as it came in the Treasury, instead of having been retained there, would have made good the whole amount, and we would have $29,500,000 of as-

sets in the Treasury available for the payment of the debt instead of a mass of silver worth at to-day's prices $17,500,000, or a loss on this item alone of $12,000,000. Silver is now worth 44⅞ pence per ounce. The silver dollar is worth 75.22 cents. If, as seems most likely, silver should fall to 40 pence per ounce, the value of the silver dollar would be 67.82 cents. And one peculiarity of the present condition of things is that the lower silver goes the greater is the amount which must be purchased; and assuming that 40 pence per ounce is to be the price, we must buy 2,280,889 ounces monthly, which will coin nearly three million standard dollars. To state this proposition is to demonstrate the absurdity of the policy. If the price should fall to 20 pence per ounce, we should issue on that basis 5,820,304 silver dollars per month. I make these statements as well to prove that the immediate effect will be an instant change of values as the return of our securities and the stopping of further sales of them abroad.

Mr. BLAND. May I ask the gentleman a question?

Mr. HISCOCK. I believe I will go on in my own way.

Mr. BLAND. Have not all commodities fallen in the same way?

Mr. HISCOCK. I have once discussed that question of the fall in the price of commodities; and I pointed out that the fall of prices is not due to a contraction of our currency. I do not propose to discuss that question again to satisfy my friend from Missouri.

Yes, the cheaper silver is the more silver dollars we shall have, and the absolute destruction of our credit abroad will be inevitable. Will the chairman of the Committee on Ways and Means tell me that with our obligations (if they are to be enforced here in the United States) payable in silver, those obligations can be negotiated abroad? The credit of our nation, of our States, municipalities, and other corporations has been well established abroad; yes, and under the policy of Republican administrations it has been established, and with this beneficial result that our securities, national, State, municipal, and corporate, of every kind, could be placed abroad where wealth had accumulated at a low rate of interest. The rate was reduced here and equalized with that of Europe, and money was easily obtained at low rates for the vast enterprises of our country and its development.

That credit in interest alone has saved to our people, and all classes have had the benefit of the saving, more than $1,000,000,000.

I now invite a moment's attention to another effect of the adoption of the resolution.

It was estimated January 1 last that the gold in the United States then amounted to near $627,000,000. In the year 1885, fiscal year, the gold balance in favor of the United States in our commerce with the world was over $19,000,000. That amount was added to our currency. The last fiscal year it was near $34,000,000, against us. That vast amount has been drawn from the country. How far this is due to this agitation we can not tell; but whenever you force the country to a silver basis, with the immense foreign trade which we have which must be settled in gold, with the volume of indebtedness that is held abroad which must be paid in gold, the gold currency of necessity will be withdrawn from domestic use and will be exported. I certainly can not see why, in our domestic market, the silver inflation will not be more than offset by the loss of the gold currency.

I have heard it urged that the cash assets of the Government were over $500,000,000, and that that volume of money ought not to be kept out of use. I want to say a word in reply to that suggestion. Outside of the silver dollars, practically all except $100,000,000, reserved to pay the United States notes and $70,000,000 the national-bank redemption fund, is in use with the banks and people in one form or another, and representatives in United States notes or bank circulation of those reserves are in use by them, employed by the people in trade and commerce. It is not here locked up in vaults, and the fact that it may be in part controlled by the Government in no way tends to contract our currency. Outside of gold and silver the currency that is in circulation amounts to $777,395,884. The silver is hoarded here because it can not be forced into circulation. I know that I have often heard it stated that the policy of the Government was to hoard it.

Does any one doubt the United States notes and the bank circulation will go to the Treasury for payment when it is understood the Government has parted with gold deposited there for their payment by operation of law? And every dollar to secure the payment of the United States notes is represented in circulation three for one. Do you think that circulation will remain out when it is understood there is nothing to redeem it with in the Treasury?

Why, sir, it is not that the holders of the notes and bills want coin, it is not because that they want gold, but they do want to know the coin is where they can have it and control it.

No, sir, with the exception of the $75,000,000 in silver dollars which the Treasury has been unable to force into circulation, the representatives of all the funds in the Treasury practically are out in circulation among the people.

Mr. SPRINGER. Will the gentleman state by what authority that statement is made?

Mr. HISCOCK. It is the statement from the United States Treasury of June 30, 1886. The chairman of the Committee on Ways and Means referred to it. I think you can procure one for yourself.

Mr. SPRINGER. It does not state that the money is now in the banks, does it? It says that the money is in the Treasury.

Mr. HISCOCK. All you have to do is to analyze it and see what sums are pledged and for what they are pledged; and if you want to go a step further, then you go to the subtreasuries of the United States and find the amount of money they have, which I had occasion to do the other day in the discussion of the bill introduced by the gentleman from Kentucky [Mr. WILLIS] for a subtreasury at Louisville. I desire to emphasize this: Go to the Treasury Department, I say to you gentlemen upon the other side of the House—they are your political friends—and analyze this statement, and you will find my assertion is true, that the representatives, either in bonds or notes of banks or in Treasury notes of the United States, some form of indebtedness or another, are out against all the balances and reserves in the Treasury except these $75,000,000 of standard silver dollars and this twenty-odd millions of subsidiary coin.

Mr. SPRINGER. I misunderstood the gentleman. I understood the gentleman to say the money which the Treasurer states as held in the Treasury for redemption was also in circulation.

Mr. HISCOCK. Oh, there is no doubt but that the $100,000,000 is kept inviolate, but over three hundred and thirty million of United States notes are out against it. I can only read the act of 1882 as a distinct pledge that we shall not lay hands upon that $100,000,000 without being guilty of a breach of trust, of an act of impiety approaching that in the olden time of laying hands by the unsanctified upon the ark of the covenant.

Mr. MORRISON. May I ask the gentleman to read the law?

Mr. HISCOCK. Certainly; I have it here and will read:

Provided, That the Secretary of the Treasury shall suspend the issue of gold certificates whenever the amount of gold coin and gold bullion in the Treasury reserved for the redemption of United States notes falls below $100,000,000.

Mr. MORRISON. Now, if the $100,000,000 is pledged, as the gentleman claims, how could it fall below $100,000,000?

Mr. HISCOCK. Why, previous to that time, as I understand it, it had been the practice of the Government to retain about 40 per cent. as a reserve fund to pay its outstanding Treasury notes; and this act was passed in the light of that practice in the Treasury Department, saying in terms the Government may issue certificates up to $100,000,000, but whenever that point was reached no more representatives of the gold on hand should be issued. There is no doubt of what the understanding was at the time. The practice of the Government was understood, and was then under discussion, and it was thought that the Government retained too much; that 40 per cent. (I think that was the amount) was too large an amount, and hence the Secretary of the Treasury was directed that he might issue gold certificates upon all the gold coin and bullion in the Treasury up to $100,000,000.

That hundred million was to be set aside for the payment and redemption of these Treasury notes.

Mr. Chairman, in speaking of the silver dollars I desire to emphasize that they are not hoarded. They are here because they can not be forced into circulation. I know as I have said we have often heard it charged that the policy of the Government was to withhold them from circulation. The policy of the past administration was to get them into circulation. The last administration, as this, feared a siver basis; and I repeat that every effort on the part of that administration was put forth to get them into circulation, always looking to it that it would not do anything to so depreciate silver that it would not be regarded by the people as worth less than gold.

There was a feeling of alarm that we should be forced down to a silver basis. They appreciated the fact that that great question must be dealt with in a wise and statesmanlike manner, and if the Government depreciated its own coin the result would be to force the Government to the basis of the depreciated and dishonored currency.

Mr. Cleveland recognizes a fact and principle that seems to be beyond the comprehension or the patriotism of his party—that a government, in assuming the control of money and to affix legal-tender qualities to tokens by which debts both private and public may be discharged and the values of property in exchange and commerce be measured—undertakes to establish a standard for its people, recognized by other nations of equal enlightnment and civilization, and with whose people its people trade and mingle; that legal-tender money measures the intelligence, development, and civilization of nations, as well as their merchandise, and a government can no more afford to debase its coin than to degrade its education, religion and civilization, and his administration, so far as one can judge, absolutely fears that the country is upon the eve of repudiation, of a silver basis, and has exercised all its dowers, put forth every energy, to force silver into circulation without dishonoring it, and thus avert the calamity. It withdrew the Treasury notes of the small denominations to compel the people to take silver dollars, saying to them they should not have their choice between the silver dollar and the small Treasury notes, and their object in doing this obviously was to get rid of this volume of silver, get it into circulation, popularize it, so that it would not come back upon the Treasury, and the Government have nothing with which to pay its obligations but silver. Upon the other side you have

come to recognize this fact; and the other day you put upon an appropriation bill a provision providing for the issue of silver certificates of small denominations.

Mr. BRUMM. To which you objected, I believe.

Mr. HISCOCK. I did not object to it, and the gentleman does not want to interrupt to state what is not correct.

Mr. BRUMM. I beg pardon; I so understood.

Mr. HISCOCK. I did not object, I regarded it as a questionable proceeding; and yet I thought if the effect was to get out among the people the representatives of this silver coin that is now deposited in the Treasury, so that the silver itself might remain there but pledged, that it might tend to solve the problem, that the effect of it might be to get the representative certificates of silver into circulation and defeat what I believed then and believe now is impending, the payment of our national debt in silver and the sinking to a silver basis.

I know that that legislation was criticised by people that upon this question think perhaps as I do. But I thought I could see no peril, and that possibly the advantage I have indicated might come from it. I had the power, as every other member had, of raising the point of order and having it ruled off the bill, and I forbore to do it.

Yes; I say the fact that the other day you put upon an appropriation bill legislation providing for the issue of silver certificates of small denomination proves that you recognize the fact that the silver can not itself in bulk be forced out of the Treasury.

Mr. Chairman, in many other respects this question is fraught with danger, as it seems to me. At the best, sir, in adopting the pending resolution we should be trying a very doubtful experiment, one that may bring disaster and ruin to the country and the people, and one that this administration feels justified in advising against and opposing. Upon this question I believe no one doubts the patriotism of the President and the Secretary, and I must congratulate them that they follow so closely in the footsteps of their Republican predecessors. In the last Democratic national convention they had something in the nature of a pledge of this legislation which the gentleman from Illinois reported there, and I grant you that the President was elected upon that platform and upon that pledge, if it amounted to one? This resolution has been reported here by the chairman of the committee on resolutions in the national convention, I suppose in performance and fulfillment of his pledge. The President of the United States recognizes the fact that a destroyed credit, ruin and disaster to the people, and repudiation are to follow its execution, and he seeks to call a halt upon his party.

What good is to come of it? Why does not the gentleman from Illinois tell us? Who is to derive the benefit? The most that possibly can be said is that the Government will save something less than $2,000,000 a year in interest by using money which does not belong to it. Yes, that is the whole question: That you will not allow this Government to be as honest as you would exact of a trustee; that you would force this Government to use funds that do not belong to it—the bank reserves that belong to the people and the reserve pledged to pay the United States notes they hold. Have we become so beggarly and weak that the Government is compelled to employ trust funds to save a paltry amount of interest? I hope not. That is the most that can be said of the proposition.

With the exception of this seventy-five millions of silver that I hope will be got into circulation under the operation of the provision put on the sundry civil bill—with the exception of that you are not to increase the currency of the country. On the other hand it is as clear as sunlight that gold, six hundred millions and upward, is to be forced out of circulation. And that means contraction. Is it worth while for that inducement, this less than $2,000,000 of interest saved, to render possible the evil results which may follow? I say to the gentlemen upon the other side, on this great question President Cleveland is better and more patriotic than the party that elected him.

Mr. BRUMM. That is not saying much for him. [Laughter.]

Mr. HISCOCK. The gentleman from Illinois said that all New Yorkers were united on a question of this kind. Well, sir, New York is in favor of paying her debts, and always has been in favor of paying her debts. New York is opposed to using somebody else's money in her business. New York is opposed to using trust funds which have been solemnly pledged for particular objects in the payment of her own debts. New York is opposed to repudiation. [Applause.]

How much time have I remaining?

The CHAIRMAN. The gentleman has seven minutes remaining.

Mr. HISCOCK. I reserve the balance of my time.

Mr. McMILLIN addressed the committee. [See Appendix.]

Mr. WARNER, of Ohio. If no other gentleman is ready to proceed, I will ask the gentleman from Tennessee to yield me the floor.

Mr. McMILLIN. I will yield to the gentleman from Ohio whatever portion of my time he may desire.

Mr. WARNER, of Ohio. Mr. Chairman, good financial management is not all there is in good government, but good government there can not be without good financial management.

I propose in what I have to say to treat this question of surplus in the Treasury purely as a business question, regardless of any political bearing it may be supposed to have. It is a business question, a question of the management of the public finances, and as such I think it should be treated.

I have made a careful analysis of the condition of the Treasury on the 30th day of June last, as contained in the statement of assets and liabilities for that date. The result of this analysis I will give in brief. It will be seen that my statement differs slightly from the statement made by the gentleman from Illinois [Mr. MORRISON], and I will explain further on how the difference arises.

The total cash assets in the Treasury on the 30th day of June, 1886, were $509,894,109.67. Of this $3,839,793.56 is composed of cash items, and the balance, $506,054,316.11, is composed of—

Gold, coin and bullion	$232,838,123 91
Silver	184,315,764 45
Greenbacks	41,118,316 79
National-bank notes	4,034,416 05
Deposits in banks	14,435,199 25
Subsidiary and minor coin	29,282,495 66
Total actual money in the Treasury June 30	506,054,316 11
Against this are—	
Gold certificates outstanding	76,044,375 11
Silver certificates outstanding	88,116,225 00
Certificates outstanding against United States notes	18,250,000 00
Total certificates outstanding	182,410,600 00

Of course the gold, silver, and greenbacks against which certificates have been issued must be set aside and held as a trust fund to offset these certificates. Having done that, we have $323,643,716.11 left, as the fund in the Treasury over and above enough to cover all outstanding certificates. This surplus of $323,643,716.11 is in the following kinds of money:

Gold	$156,793,748 91
Standard silver dollars	96,229,539 45
Greenbacks	22,868,316 79
National-bank notes	4,034,416 05
Deposits in banks	14,435,199 25
Subsidiary coin	29,282,495 66
Total as above	323,643,716 11

But against this sum of $323,643,716.11 actual cash in the kinds of money given above are demand liabilities as follows:

Bonds called but not paid, interest due, accrued interest, &c.	$18,951,854 17
Lawful money deposited by banks to take up their circulation	60,146,726 85
Bank-note redemption fund	10,547,093 94
Checks and drafts outstanding, and other items	5,052,480 14
Total demand liabilities other than certificates	94,698,155 12

This deducted from the amount uncovered by certificates, to wit, $323,643,716.11, leaves in the Treasury in excess of all demand liabilities of every kind, except greenbacks for redemption, $228,945,560.99.

In this is included, it will be seen, the subsidiary coin, amounting to $29,282,495.66. In summing up the demand liabilities I have taken out the amount, $19,099,669.54, credited to disbursing officers and the $5,372,285.84 credited to the Post-Office account, because these sums are not in any proper sense demand liabilities. The amount placed to the credit of disbursing officers in this manner at the beginning of each month is, in fact, nothing more than a transfer on the books from one account to another. It is a fund on which disbursing officers draw in making their payments running through the month. But to offset these payments the revenues are daily coming in. If the Treasury went into liquidation on the first day of the month, or ended its business and settled up its accounts, this sum would not be a demand liability against it. There may be unsettled accounts of previous months, but that will continue to be the case as long as the Government lasts, and will always be met by receipts in the following month. I do not, therefore, count that as a demand liability, and in this is the difference between my statement and the statements of the gentleman from Illinois, to which I before referred.

This, I say, is the actual surplus over and above all demand liabilities which can be presented, except greenbacks for redemption, and I will come to that question further on.

I will now state for comparison the amount in the Treasury on the 31st of March, 1885, which was the first report after the inauguration of President Cleveland, which will show the change in the Treasury accumulation between that date and the end of the last fiscal year, on June 30, 1886:

Condition of the Treasury March 31, 1885.

Balance then in the Treasury, old form of statement		$153,813,451 93
New form of statement	53,767,403 50	
	100,000,000 00	
		153,767,403 50
June 30, 1886, not including disbursing officers' balances	104,473,605 61	
	100,000,000 00	
		204,473,605 61
Difference		50,706,202 11

This shows an increase in the actual surplus over and above all demand liabilities between the dates of March 31, 1885, and June 30, 1886, of $50,706,202.

The increase from March 31, 1885, to March 31, 1886, was $51,951,677.61.

On account of larger payments on the interest-bearing debt the surplus has slightly decreased since March 31, 1886.

Now, Mr. Chairman, let us compare this surplus of $228,945,560.99, made up as I have stated, with the surplus accumulations of other countries and the amounts held to meet current liabilities by other governments. The comparison can hardly fail to strike us with astonishment. On the 16th day of June last, as given by the London Economist, the Government of England had on deposit in the Bank of England, subject, however, to demand liabilities—given in the language of the report I read from as "exchequer, savings-banks, commissioners of national debt, dividend account," &c.—£6,400,004, or a little over $30,000,000.

That was a surplus, it should be borne in mind, not in excess of the demand liabilities of the Government of England, but including its liabilities—a fund against which such liabilities were outstanding—and should be compared with our surplus of $323,000,000, against which are outstanding liabilities of $94,000,000, and not with the $228,000,000 in excess of all demand liabilities.

Mr. DINGLEY. But does the gentleman take into consideration the deposits of the Government of England in the banks of Scotland and of Ireland?

Mr. WARNER, of Ohio. No, sir. I am speaking of the public deposits in the Bank of England.

Mr. DINGLEY. But it kept deposits in the Bank of Scotland and the Bank of Ireland at the same time.

Mr. WARNER, of Ohio. If there are such deposits they are not stated, and they must be quite small. Now turn to the Bank of France. On the 18th day of June——

Mr. REED, of Maine. Why do not you give the statement of the Bank of England?

Mr. WARNER, of Ohio. I have given it.

Mr. REED, of Maine. But that was the public deposits.

Mr. WARNER, of Ohio. The private deposits are about £23,000,000 more, or altogether the deposits, including the government deposits of $30,000,000 on the day named, are a little short of £30,000,000, or $150,000,000. All but $30,000,000 of this belongs to private parties, and represents in large measure, no doubt, discounts. The Bank of England is a bank of discount, and in this great bank in the center of the great business center of the commercial world there was less than $150,000,000 of deposits on the day on which the report was made. How does this compare with our $228,000,000, against which no demands can be made, except greenbacks for redemption, and which nobody wants to have redeemed?

Mr. HENDERSON, of Iowa. What is the percentage of liabilities as compared with the deposits?

Mr. WARNER, of Ohio. The total assets in excess of the liabilities are stated as about $15,000,000.

Mr. HENDERSON, of Iowa. But can you state the percentage?

Mr. WARNER, of Ohio. I have not the figures——

Mr. DINGLEY. The gentleman must forget that Great Britain has no demand liabilities for $346,000,000 of outstanding notes.

Mr. WARNER, of Ohio. No; but I will meet that question farther on. The bank has, however, an uncovered issue of notes, amounting now to £15,000,000; and besides that, notes issued on deposits of gold coin and bullion, substantially the same as our certificates.

Now let me pass to the Bank of France. But before doing that I will refer to a table in the London Bankers' Magazine for June, showing the surplus of the Government of Great Britain for each week during the year of 1885. I have the table here in full, but will give only the highest and lowest points of England's working surplus. The lowest was £2,779,464, or about $13,900,000; and the highest £7,870,886, or something over $39,000,000, the average being not much over $25,000,000.

And this margin between revenues and expenditures covered also daily demand liabilities. Indeed that is what the surplus of a government is for, and it serves no other good purpose.

I turn now to the Bank of France. On the 18th of June last, and I quote again from the London Economist, the Government of France had on deposit to its credit in the Bank of France £4,259,000, or $21,295,000. Here is a government which collects and expends over $600,000,000 annually with a fund to come and go on of a little over $21,000,000, and that not in excess of its daily demand liabilities, but a fund out of which such liabilities must be met. How does this compare with our enormous idle surplus of $223,000,000? France has subsidiary silver, too, and so has England. But I do not see it put down as "unavailable."

The Bank of France has besides, notes outstanding $501,855,000, with gold on deposit, $276,110,000; silver, $225,465,000; but the discounts of this bank are immense, reaching to hundreds of millions in a year. And it is worthy of note here that the Government deposits of other countries are kept with banks, and to a certain extent, therefore, may be loaned out the same as other deposits.

Take next for comparison the Imperial Bank of Germany. The total deposits, including the public deposits, were on the 7th of June only £13,000,000, and if we assume—the public deposits not being given—that the public deposits bear the same proportion as in France and England, it would give about $12,500,000 as the surplus margin of the imperial government. And so you may go all through the several countries of Europe, comparing in the same manner, and you will find that the government deposits, which include requirements for demand liabilities, do not reach one-half of the surplus in our Treasury over and above demand liabilities.

Mr. McKINLEY. Has my colleague compared these figures so as to give the percentage of the deposits as compared with the demand obligations of the several governments?

Mr. WARNER, of Ohio. The demand obligations are not given.

Mr. McKINLEY. I was in hopes you might have had the percentages among your notes.

Mr. WARNER, of Ohio. I have not. I do not know of any data accessible that would give that.

Mr. BRECKINRIDGE, of Arkansas. May I ask the gentleman a question?

Mr. WARNER, of Ohio. Certainly; but I have very little time left, I fear.

Mr. BRECKINRIDGE, of Arkansas. I will yield the gentleman from my own time if necessary.

This balance, as I understand it, reports what they have on deposit over against their notes.

Mr. WARNER, of Ohio. No, not against notes at all. Notes are not included. The British Government issues no notes nor does the Government of France. The German Empire does, but keeps no special reserve against them, that is no coin reserve as against the notes. The paper, the state paper money of the empire, is legal tender and is issued by the imperial government, but against it neither the government nor the bank is required to hold a coin reserve. The amount, however, is rigidly limited. The bank also issues notes as does the Bank of England, and beyond a certain amount gold or silver must be deposited against them. The uncovered issues of the Bank of England are now $75,000,000, and all other banks have about the same amount. Against these no gold or silver is held either by the bank or the government. I have a table here giving the exact amount of uncovered notes authorized by the act of 1844, which I will include with my remarks. The table is as follows:

Amounts authorized by the acts of 1844 and 1845:

England:	
Bank of England	£14,000,000
Two hundred and seven private banks	5,153,407
Seventy-two joint-stock banks	3,495,446
Scotland, twelve joint-stock banks	3,087,209
Ireland, six joint-stock banks	6,354,494
	32,090,556

Equal to about $160,453,780.

Mr. PAYSON. Let me ask what point is made by the gentleman in citing these figures in this connection?

Mr. WARNER, of Ohio. They have nothing whatever to do with the question of surplus, except as it bears on the $100,000,000 held in the Treasury for the redemption of greenbacks.

Mr. BRECKINRIDGE, of Arkansas. As I understand the gentleman, these balances do not represent any provision made for demand indebtedness?

Mr. WARNER, of Ohio. The surplus of the countries I have named covers the demand liabilities of the several countries, but has nothing to do with note issues, except in Germany; and there the surplus is not specifically for the redemption of its paper money.

Mr. BRECKINRIDGE, of Arkansas. Then it represents these two heads: it is a provision for demand liabilities on the one hand, and what we may call a working balance on the other.

Mr. WARNER, of Ohio. It represents liabilities, as I have stated, but has nothing to do with the circulation.

Mr. BRECKINRIDGE, of Arkansas. Am I right in the construction I gave to your view? I ask you because I wish to understand it.

Mr. WARNER, of Ohio. If the gentleman will repeat his question I will listen more attentively.

Mr. BRECKINRIDGE, of Arkansas. This balance, then, represents the provision they make for meeting their demand liabilities, and also for providing what we call a working balance?

Mr. WARNER, of Ohio. That is it exactly, and it could not be stated better than the gentleman has stated it. It corresponds to our $323,000,000 against which are $94,000,000 demand liabilities, the rest being pure surplus. I venture to say if we could go through the treasuries of the world we would find that the accumulations made by all the nations of the earth do not equal the surplus now in the Treasury of the United States. And I go further and say that such an accumulation was never made before anywhere in ancient or modern times. There is no record of any such accumulation of treasure in any place, in any country, at any period of the world's history. The fabled treasure at Delphi or the wealth of Crœsus sinks into insignificance in comparison with the accumulations of our Treasury. The spoils of no conqueror ever equaled the money stored in our Treasury now.

This $228,000,000 is nearly as much as all the revenues amounted to for the first twenty-five years of this Government, which was but $246,000,000; it is four times the amount of money paid for all the territory purchased by the United States. Florida, Louisiana, New Mexico, Cal-

ifornia, and Alaska all together cost but $57,000,000. This accumulation is equal to the immediate cost of the first three wars of the United States—the war of the Revolution, the war of 1812, and the Mexican war. It is more than one-half of the entire volume of money in the United States in 1861.

The money in the Treasury to-day is twenty-five millions more than all the money in the United States in 1861, gold, silver, and bank notes altogether. The entire volume of money in the United States in 1861 was only $485,000,000; some authorities make it less. Of this, $202,000,000 were bank notes and $85,000,000 coin reserves. How have we accumulated this enormous fund? By taxation. The excess has been gathered from the people and applied to no use but is kept locked up, there to remain in idle heaps. Here is a reservoir, the Treasury, into which $335,000,000 flow, while the outflow is but $290,000,000, resulting in a yearly surplus of $40,000,000 to $50,000,000. Yet, with revenue coming in forty-five millions in excess of expenditure, it is claimed that we must keep a large balance in the Treasury as a sort of working balance.

Below I give a statement of revenues and expenses for the fiscal year ending June 30:

Comparative statement of the receipts and expenditures of the United States for the fiscal years 1885 *and* 1886.

	1886.	1885.
RECEIPTS.		
Customs	$192,747,822 12	$181,471,939 34
Internal revenue	117,034,523 69	112,498,723 54
Miscellaneous	26,361,945 06	29,720,041 50
Total receipts	336,144,290 87	323,690,706 38
EXPENDITURES.		
Ordinary	130,332,611 84	152,738,411 15
Pensions	64,702,454 08	56,102,267 49
Interest	50,580,679 46	51,386,256 47
Total expenditures	245,615,745 38	260,226,935 11
Sinking fund	44,551,043 36	45,601,035 43
Total expenditures, including sinking fund	290,166,788 74	305,830,970 54

TREASURY DEPARTMENT, WARRANT DIVISION, *July* 6, 1886.

Tois table shows an excess of revenues over expenses of $45,977,502.13.

I come now to the $100,000,000 set apart for the redemption of greenbacks. The joint resolution of 1869 pledged the faith of the Government to the redemption of United States notes in coin. The act of 1875 provided for the resumption of specie payments in 1879. The act of May 31, 1878, provided that greenbacks when redeemed should not thereafter be canceled, but should be paid out again and kept in circulation. It is now claimed that a reserve of $100,000,000 is necessary to secure the convertibility of this currency. To that question I wish especially to call attention for a few minutes. Is it necessary in order to maintain the convertibility of the greenback circulation, or to secure its equivalency with coin, to maintain untouched a hundred million of dollars? If it were really necessary to keep such a reserve I would not touch it. If it were necessary to secure absolute equivalency of paper and coin to increase this fund I would increase it. But I do not believe it necessary to keep $100,000,000 or $50,000,000 or $25,000,000 even for that purpose. Nobody wants greensbacks redeemed, and you will find that gold goes ten times for greenbacks where greenbacks go once for coin.

I give below a table showing how many greenbacks have been presented nominally for redemption in coin since the redemption act went into effect in 1879. Occasionally a man wants coin, and if he chances to have greenbacks takes that way to get it, and a small fund may be needed for such conversions, but that is all.

Statement of United States notes redeemed in gold coin from January 1, 1879, *to December* 31, 1885, *under act of January* 14, 1875.

Period.		Amount.
From—	To—	
January 1, 1879	June 30, 1879	$7,976,698
July 1, 1879	June 30, 1880	3,780,638
July 1, 1880	June 30, 1881	271,750
July 1, 1881	June 30, 1882	40,000
July 1, 1882	June 30, 1883	
July 1, 1883	June 30, 1884	590,000
July 1, 1884	June 30, 1885	2,222,000
July 1, 1885	December 31, 1885	925,400
Total		15,806,486

UNITED STATES TREASURER'S OFFICE, *February* 24, 1886.

The Treasurer is careful to state that the redemption has been made in gold coin. But there is nothing in the law pledging redemption in gold. The acts of 1869 and 1875 say "coin." The act of July 12, 1882, provides only that the issue of gold certificates shall be suspended "whenever the amount of gold coin and gold bullion in the Treasury reserved for the redemption of United States notes falls below $100,000,000." But because at one time gold was gathered under the option contained in the acts providing for the issue of the notes in the first instance, and more specifically in the acts of 1869, and the resumption act of 1875, to redeem in coin of either metal, is the Government precluded thereafter from exercising the option to substitute silver coin or to reduce the reserve fund if it deemed so large a sum no longer necessary? Nobody would seriously claim that. Such a claim would be absurd. Greenbacks are redeemable in coin, but not necessarily in gold coin.

But why do I say a reserve of $100,000,000 is not necessary to maintain the convertibility of greenbacks? Because of this principle, which is well settled in monetary science, and which was clearly laid down and acted upon in the British act of 1844. And what is that principle? Briefly stated it is this: First, if the paper money of a country, being legal tender issued by the Government, as are our greenbacks, be, in the first place, less in amount than is that country's distributive share of the world's money, then it can not depreciate or fall below the level of value of the world's money. If a cistern but partly filled with water is connected with another in which the water stands higher an equilibrium will be established. So it is with the distribution of the world's money. There is a tendency always to an equilibrium. Second, if the paper being convertible be a less part of their whole currency than the people choose to have in the form of paper rather than in the form of coin, then it will not go to the Treasury, or to any place of redemption, to be redeemed, except in very small sums to supply specific wants, and a small reserve in that case is sufficient to maintain convertibility. It may be stated in this connection also that a convertible currency composed of part coin and part paper is subject to the same law of regulation that governs a purely metallic currency. This is the foundation principle of the British act of 1844, established after a thorough and prolonged discussion lasting for over half a century and participated in by as able economists as have ever lived or written on this subject.

But to have this principle stated better than I can do it myself, I will read what one of the ablest expounders of this bank act has said about it. Colonel Torrens, discussing this question and laying down the principle upon which the act of 1844 was founded, says:

This act was framed in accordance with the principles established by Dr. Adam Smith, Mr. Ricardo, Mr. Loyd, and Mr. Norman.

He might have added McCulloch, Mill, and others equally eminent.

The opponents of that measure could not consistently object to its provisions without controverting doctrines which had been previously received as the demonstrated truths of monetary science.

These principles he goes on to state, as follows:

First. That the amount of a strictly convertible currency, which it is practicable to maintain, is determined, not by legislative enactments or by banking regulations, but by the natural law of equilibrium by which the precious metals are distributed throughout the countries of the world.

Second. That when from any temporary cause the amount of a mixed currency of coin and convertible notes exceeds the amount determined by the law of equilibrium, the level is restored by the return of a portion of the note circulation upon the issuers, in exchange for specie.

Third. That when from any temporary cause the amount of a mixed currency of coin and convertible paper falls short of the amount determined by the law of equilibrium, the ordinary level is restored by an influx of the precious metals. From these principles it follows, as a necessary corollary, that when that portion of the note circulation which may be issued upon securities is fixed below the amount to which under the law of equilibrium the currency must conform, that portion of the bank-note circulation will not be returned upon the issuers in exchange for treasure.

* * * * * * *

Such being the principles upon which the act was founded, it became incumbent upon those who were concerned in framing it to ascertain by a careful reference to past experience the minimum amount below which in recent times the circulation of the Bank of England had never been reduced.

* * * * * * *

Upon these grounds the framers of the act assumed that under a separation of functions the minimum amount below which the notes out of the issue department could not be reduced under the action of the foreign exchanges, was £16,732,000; that if £14,000,000 were permitted under the provisions of the act to be issued without a corresponding reserve of bullion the minimum amount which would be required to be issued against bullion held in deposits would be £2,730,000; and that as the reserve of bullion could not under such circumstances be ever reduced below £2,730,000, the convertibility of the circulation would be secured.

The correctness of these views have been fully borne out by experience. Theory has been verified by fact. In so far as regards the perfect convertibility of the circulation the anticipations of the framers of the act have been realized.

The volume of paper. when the people of England were left free to choose between paper and coin, had never fallen below the sum set apart in the act and they said it never would, and it never has.

They therefore took the sum of £14,000,000 and made it a fixed quantity requiring no reserve against these notes—uncovered issues, as they are called. Besides this £14,000,000 of Bank of England notes the extant issues of other banks were treated in the same way. At that time there were altogether, as I have shown, about $160,000,000 in Great Britain treated in the same way, as uncovered issues. Sir Robert Peel drew the line so as to take in the notes then in circulation but no more. It was a less amount, he said, than that country would always want in the form of paper. If more paper was wanted, gold and silver must be

deposited dollar for dollar against it. That is exactly the condition of our paper circulation now. The greenback volume of $346,000,000 is a smaller part of our whole volume of money than the people will always choose to have in the form of paper, and it can not fall below the level of coin money, nor will it flow back upon the Treasury for coin redemption. It is less than the country will always want in the form of paper, as proved by long experience. It is safe, therefore, to leave this volume of uncovered currency. But if the people want any larger part of their currency in the form of paper, let them deposit gold and silver to get it. That, I repeat, is the principle of the act of 1844. It has proved a safe principle there, and it is a safe principle to rely on here. It is a principle, too, that has been adopted by nearly every government in Europe.

We say, first, this three hundred and forty-six millions is not a fourth part of the entire volume of money in the country; it is not a fourth part of our distributive share of the world's money. Secondly, we say it is far less than the people will always want in the form of paper. Therefore, if we draw a line around this volume and say there shall be no more unless it be to take the place of other paper or other kinds of money, it can not possibly become depreciated.

In adopting a paper circulation—

Says Lord Overstone—

we must unavoidably depend for a maintenance of its due value upon the adoption of a strict and judicious rule for the regulation of its amount.

In no other way in fact can its value be maintained. This is the reason why I do not believe it necessary to keep a reserve of one hundred millions of coin in the Treasury for the redemption of greenbacks. Besides, the authority to sell bonds bearing interest at 4, 4½, or 5 per cent. still continues. Is not that enough without a $100,000,000 in hand?

Mr. REED, of Maine. Will the gentleman from Ohio [Mr. WARNER] give us his judgment of the effect upon the payment of silver?

Mr. WARNER, of Ohio. I will come to that.

Mr. REED, of Maine. I saw that the gentleman was getting near the end of his time, and I was afraid that he might omit that.

Mr. WARNER, of Ohio. I will speak of that. It is an important point; but first let me refer to the debt. The interest-bearing debt on March 31, 1885, as given in the first report after President Cleveland took office, was $1,246,743,112, including the Pacific Railroad debt but not the Navy pension fund of $14,000,000, which is a permanent trust. On June 30, 1886, the debt was $1,196,637,612, which shows that between March 31, 1885 and June 30, 1886, $50,135,500 of the debt was paid and no more. The public press has stated that the public debt has been reduced by a hundred millions during the last fiscal year. That is not correct. The error lies in counting the increased accumulation of money in the Treasury as a payment on the debt. When it is applied to the debt it will be a payment on the debt, but not until then.

The actual payment was in round numbers $50,000,000, but it is proper to say that during the first twelve months of this administration, while we increased the surplus $52,000,000, there was only $20,091,650 paid on the interest-bearing debt. There has been $30,000,000 paid since March, 1886. I will give these figures in tabular form for convenience:

Interest-bearing debt, March 31, 1886, including Pacific Railroad bonds, but not the Navy pension fund	$1,246,773,112
The same June 30, 1886	1,196,637,612
Amount paid	50,135,500
Paid between March 31, 1885, and March 31, 1886	20,091,650
Paid between March 31, 1886, and June 30, 1886	30,043,850
Total	50,135,500

The 3 per cent. bonds outstanding subject to call June 30, 1886, were $144,146,600. This is part of the debt it is now proposed to apply the surplus to.

Look a moment at the situation presented here: A surplus in the Treasury over and above all demand liabilities, besides the subsidiary silver, of nearly $200,000,000, and a debt outstanding on which we are paying interest, subject to call, of $144,000,000! What would any business man do with money in hand and a debt bearing interest that he could pay and stop the interest? Would he manage his own affairs as public affairs have been and are being managed? He would be deemed a fit subject for an asylum if he should. No, sir; it is not good financial management to lock up the revenues and leave a debt outstanding bearing interest.

It has, moreover, been the fixed policy of this country from the foundation of the Government down to pay off and extinguish in time of peace debts created in time of war. This is so important a subject that I will quote from some of the messages of the earlier Presidents.

In almost every message sent to Congress from Washington to Jackson attention was called to the public debt and to the importance of its early extinguishment. But I will let the messages speak for themselves.

In Washington's second annual message he says:

Allow me, moreover, to hope that it will be a favorite policy with you, not merely to secure a payment of the interest of the debt funded, but as far and as fast as the growing resources of the country will permit to exonerate it of the principal itself.

In his third annual message he urged the application of the proceeds from the sale of public lands, first, to the interest, then to the principal of the public debt. In his fourth annual message he says:

I entertain a strong hope that the state of the national finances is now sufficiently matured to enable you to enter upon a systematic and effectual arrangement for the regular redemption and discharge of the public debt, according to the right which has been reserved to the Government. No measure can be more desirable, whether viewed with an eye to its intrinsic importance or to the general sentiment and wish of the nation.

Again, in his fifth annual message, he says:

No pecuniary consideration is more urgent than the regular redemption and discharge of the public debt. On none can delay be more injurious, or an economy of time more valuable.

In his sixth he says again:

The time which has elapsed since the commencement of our fiscal measures has developed our pecuniary resources so as to open the way for a definite plan for the redemption of the public debt. It is believed that the result is such as to encourage Congress to consummate this work without delay. Nothing can more promote the permanent welfare of the nation, and nothing would be more grateful to our constituents. Indeed, whatever is unfinished of our system of public credit can not be benefited by procrastination; and, as far as may be practicable, we ought to place that credit on grounds which can not be disturbed, and to prevent that progressive accumulation of debt which must ultimately endanger all governments.

Then in his seventh message he says:

Whether measures may not be advisable to re-enforce the provision for the redemption of the public debt will naturally engage your examination. Congress have demonstrated their sense to be, and it were superfluous to repeat mine, that whatsoever will tend to accelerate the honorable extinction of our public debt accords as much with the true interests of our country as with the general sense of our constituents.

In his eighth message, after referring to the public debt, he says:

Posterity may have cause to regret if from any motive intervals of tranquillity are left unimproved for accelerating this valuable end.

This is good reading at this time.

In John Adams's first message to Congress, referring to the importance of the early extinction of the public debt, he says:

The consequences arising from the continual accumulation of public debts in other countries ought to admonish us to be careful to prevent their growth in our own.

In three other messages Mr. Adams pressed upon Congress the importance of provisions for the payment of the Revolutionary debt.

But of all the early Presidents no one more persistently in his writings and messages pressed upon Congress the importance of the early extinction of the national debt than Thomas Jefferson.

In his second annual message, Mr. Jefferson says:

When effects so salutary result from the plans you have already sanctioned, when merely by avoiding false objects of expense we are able, without a direct tax, without internal taxes, and without borrowing, to make large and effectual payments toward the discharge of our public debt and the emancipation of our posterity from that moral canker, it is an encouragement, fellow-citizens, of the highest order, to proceed as we have begun in substituting economy for taxation, and in pursuing what is useful for a nation placed as we are, rather than what is practiced by others under different circumstances. In the mean time, by payments of the principal of our debt, we are liberating, annually, portions of the external taxes, and forming from them a growing fund still further to lessen the necessity of recurring to extraordinary resources.

Mr. Tilden, in one of his papers, published in the first volume of his writings and speeches, illustrating the influence of debt upon the laboring classes, quotes Jefferson as saying:

"A public debt," to use the strong language of a true patriot, "is a calamity and a curse, and a perpetual blight upon honest industry and productive labor."

* * * * * * *

And again:

"The Federalists of our time," said he, "look to a single and splendid government, founded on banking institutions and moneyed incorporations, riding and ruling over the plundered plowman and beggared yeomanry."

Mr. Madison also repeatedly called the attention of Congress to the public debt and urged its early and effectual extinction. In his seventh annual message he states the debts then outstanding after the close of the war of 1812. And in his eighth annual message he uses the following language:

In directing the legislative attention to the state of the finances, it is a subject of great gratification to find that even within the short period which has elapsed since the return of peace the revenue has far exceeded all the current demands upon the Treasury, and that, under any probable diminution of its future annual product, which the vicissitudes of commerce may occasion, it will afford an ample fund for the effectual and early extinguishment of the public debt.

President Monroe, referring to the public debt still existing, says:

Estimating, then, the whole amount of the public debt at $79,000,000, and regarding the annual receipts and expenditures of the Government, a well-founded hope may be entertained that should no unexpected event occur the whole of the public debt may be discharged in the course of ten years, and the Government be left at liberty thereafter to apply such portion of the revenue as may not be necessary for current expenses to such other objects as may be most conducive to the public security and welfare.

Following Monroe John Q. Adams in his third annual message refers to the debt in the following language:

The deep solicitude felt by our citizens of all classes throughout the Union for the total discharge of the public debt, will apologize for the earnestness with which I deem it my duty to urge this topic upon the consideration of Congress; of recommending to them again the observance of the strictest economy in the public funds.

Next to Jefferson, however, Jackson most persistently urged as a Democratic measure the complete and final extinction of the national debt. In his first annual message he says:

The management of the public revenue—that searching operation of all governments—is among the most delicate and important trusts of ours; and it will, of course, demand no inconsiderable share of my official solicitude. Under every aspect in which it can be considered it would appear that advantage must result from the observance of a strict and faithful economy. This I shall aim at the more anxiously, both because it will facilitate the extinguishment of the national debt, the unnecessary duration of which is incompatible with real independence, and because it will counteract that tendency to public and private profligacy which a profuse expenditure of money by the Government is but too apt to engender.

In his third annual message he held out the hope of the complete extinction of the debt during his administration, adding the memorable words:

We shall then exhibit the rare example of a great nation, abounding in all the means of happiness and security, altogether free from debt.

In his fourth annual message, December 4, 1832, he said again:

I can not too cordially congratulate Congress and my fellow-citizens on the near approach of that memorable and happy event, the extinction of the public debt of this great and free nation. Faithful to the wise and patriotic policy marked out by the Legislature of the country for this object, the present administration has devoted to it all the means which a flourishing commerce has supplied, and a prudent economy preserved for the public Treasury. Within the four years for which the people have confided the executive power to my charge, forty-eight millions of dollars will have been applied to the payment of the public debt.

Forty-eight million dollars then was harder to pay than five times $48,000,000 now.

In 1833 he said again:

From this view of the state of the finances, and the public engagements yet to be fulfilled, you will perceive that, if Providence permits me to meet you at another session, I shall have the high gratification of announcing to you that the national debt is extinguished. I can not refrain from expressing the pleasure I feel at the near approach of that desirable event. The short period of time within which the public debt will have been discharged is strong evidence of the abundant resources of the country, and of the prudence and economy with which the Government has heretofore been administered. We have waged two wars since we became a nation with one of the most powerful kingdoms in the world; both of them undertaken in defense of our dearest rights—both successfully prosecuted and honorably terminated; and many of those who partook in the first struggle, as well as the second, will have lived to see the last item of the debt incurred in these necessary but expensive conflicts faithfully and honestly discharged.

Finally, in 1835, he sent to Congress the welcome announcement that—

Since my last annual communication all the remains of the public debt have been redeemed, or money has been placed in deposit for this purpose, whenever the creditors choose to receive it.

Again, in his last annual message, he said:

The experience of other nations admonish us to hasten the extinguishment of the public debt; but it will be in vain that we have congratulated each other upon the disappearance of this evil if we do not guard against the equally great one of promoting the unnecessary accumulation of public revenue.

I commend these words of wisdom to the consideration of the present administration.

Again, Mr. Polk, in his first annual message, in 1845, said:

A few years ago our whole national debt, growing out of the Revolution and the war of 1812 with Great Britain, was extinguished, and we presented to the world the rare and noble spectacle of a great and growing people who had fully discharged every obligation. Since that time the existing debt has been contracted, and small as it is in comparison with the similar burdens of most other nations, it should be extinguished at the earliest practicable period. Should the state of the country permit, and especially if our foreign relations interpose no obstacle, it is contemplated to apply all the moneys in the Treasury as they accrue, beyond what is required for the appropriations by Congress, to its liquidation. I cherish the hope of soon being able to congratulate the country on its recovering once more the lofty position which it so recently occupied. Our country, which exhibits to the world the benefits of self-government in developing all the sources of national prosperity, owes to mankind the permanent example of a nation free from the blighting influence of a public debt.

Again, in 1848, he says:

Though our debt, as compared with that of most other nations, is small, it is our true policy and in harmony with the genius of our institutions that we should present to the world the rare spectacle of a great republic, possessing vast resources and wealth, wholly exempt from public indebtedness. This would add still more to our strength and give to us a still more commanding position among the other nations of the earth.

And again, in the same message, he says:

A public debt of more than $120,000,000 existed, and it is not to be disguised that many of the authors of the new system did not regard its speedy payment as essential to the public prosperity, but looked upon its continuance as no national evil.

That is the way our debt, ten times greater than in the time of Mr. Polk, is now looked upon by many; but the policy of the fathers as reflected in all the messages of the early Presidents is eminently sound and wise, and I commend it to this Congress and to this Democratic administration. It will be an evil day when that policy is changed for one that will fasten upon us the Old-World policy of a permanent and ever increasing national debt. A permanent debt and a republican government can not long exist together. I would like to see the day come when this country shall stand forth the model republic of the world, able to boast that in one generation it paid the expenses of the most costly war of modern times, and left no entailed debt to burden posterity forever. Away with the nonsense that a national debt is a national blessing!

Now, as to the effect on silver to which the gentleman from Maine refers. Every body will agree, I think, that all the money in the Treasury is now of equal value. A dollar in silver is equal in value to a dollar in gold or in paper, and a dollar in paper equal to a dollar in coin, gold or silver. One dollar will buy as much of anything anywhere in the country as another will, and that is really the only test. The value of a coin as money does not depend entirely upon the value for other purposes of the material out of which the coin is made, but upon another law which I have but barely touched upon. Now, how will the payment of the surplus on the debt change the relative value of the several kinds of money? There will be less then in the Treasury and more outside, but the respective volumes of each will not be changed; and if the volume be not changed it is not easy to see how the value of either class of money is to be changed. It is claimed, I know, that if this money in the Treasury is paid out it will reduce the value of all the money in the country to the level of silver bullion. Let us see if that can possibly be the effect? In the first place there are over $250,000,000 of gold and silver in the Treasury uncovered by certificates. There are over $156,000,000 of gold uncovered by certificates, and $56,000,000 in excess of the $100,000,000 so-called reserve. There are $92,000,000 in gold, greenbacks, and in deposits in banks, besides the silver and the hundred millions for the redemption of greenbacks. There is, therefore, $92,000,000 available in the Treasury without touching the silver; so that if there were any law or any good reason for not paying out the silver on the bonds, there is no necessity for doing so.

The silver can be paid out on anything else, although there is no good reason why any discrimination should be made. But suppose silver is paid out, will it change the relative value of the coins of the two metals, or the relative value of coin and paper? How can it? What difference can it make whether the money is in the Treasury or somewhere else? The proportion of each kind is not changed. I say it is impossible for the silver and the paper together in this country, with the volume limited as it is, to fall below the level of gold. The gentleman from New York [Mr. HISCOCK] says that as the volume becomes larger the lower prices fall. That is, the more dollars there are the more each one will buy!

Mr. HISCOCK. I want to say distinctly that I did not mean that, and that I will correct the statement in my printed remarks.

Mr. WARNER, of Ohio. I do not wonder that the gentleman desires to correct that statement.

Mr. HISCOCK. I did not mean any such thing. Wait a moment. I want to say distinctly I shall correct that statement.

Mr. WARNER, of Ohio. I do not wonder that the gentleman wishes to correct it. It ought to be corrected.

Now, let us see how much of paper and of silver together there is in the country. There is outstanding in round numbers $248,000,000 of bank paper, less the lawful money deposited for its redemption, and $346,000,000 of greenbacks; so that altogether there is less than $600,000,000 of paper; and there is, say, $300,000,000 of silver. Thus there would be $900,000,000 of money remaining after the $600,000,000 of gold had been expelled from the country as the gentleman from New York says it will be. Yet according to the view expressed by the gentleman each dollar of the $900,000,000 left would be worth a great deal less than a dollar of a volume of $1,500,000,000! In my view directly the opposite of this would be true. You can not reduce the volume of money and at the same time diminish the purchasing power of each dollar. The purchasing power will necessarily be increased.

Mr. HISCOCK. I do not desire or intend to be misrepresented on this question.

Mr. WARNER, of Ohio. I certainly would not intentionally misrepresent the gentleman.

Mr. HISCOCK. The remark to which the gentleman alludes was an inadvertence, and I shall take occasion to correct it in revising the manuscript of my speech.

Mr. WARNER, of Ohio. Very well; if the gentleman did not say what he intended to say, I will of course take back my criticism. What I say is that $900,000,000 of money can not have in the same country less value per unit than $1,500,000,000. A dollar of a volume of $900,000,000 can not have less value but must have greater purchasing power than a dollar of a volume of $1,500,000,000. Supposing, then, that gold should be expelled from the country, it is impossible, I say, that the money which remains should be reduced in value. The result would be directly the opposite, and for that reason gold will not be expelled. A little may go, but it can not go in such quantity as to materially reduce the entire money volume here without increasing, not decreasing, the value of what is left and under such circumstances gold never leaves a country. It goes to such countries. Gold will leave us only when the volume of money other than gold has been first so increased as to depreciate it and raise prices above the gold or international level of prices.

Mr. REED, of Maine. Did not the Treasury Department some time ago enter into a transaction by which the gold reserve was increased?

Mr. WARNER, of Ohio. The gold reserve has been increased above what it was on the 31st of March, 1885.

Mr. REED, of Maine. And do you criticise the action of the Treasury Department in that respect?

Mr. WARNER, of Ohio. I certainly do in this respect.

Mr. REAGAN. The gold reserve has been steadily increasing for years.

Mr. WARNER, of Ohio. Yes, it has been increasing; but I do not think that policy a wise one, and I will tell you why.

Mr. REED, of Maine. Was not the motive of the Treasury Department, as announced, in thus increasing the gold reserve, to avoid a silver basis?

Mr. WARNER, of Ohio. I have no right to consider motives. The Treasury Department has seemed to be under the impression that if this money were paid out we would come to the level of the bullion value of silver—to me an absurd proposition—a thing which I maintain can not possibly take place without we first greatly enlarge the volume of silver or paper or both, whatever may be the opinion of the Treasury officials. Such a result would be in violation of all known laws of economic science.

Now, I ask again, for what is this $228,000,000 kept in the Treasury? In whose interest is it kept there? I can understand how an idolatrous superstition could gather millions of talents in a heathen temple to purchase the favor of the gods; but why should we hoard $228,000,000 in the Treasury of the United States? Is it to purchase the favor of Wall street and the banks? If so, it is altogether too dear a price.

Surely this vast sum wrung by taxes from the people is not kept in the Treasury in the interest of the sixty million of people? No. It is in the interest of sixty thousand, perhaps, as against sixty million—the sixty thousand who hold these bonds and do not want them paid, or who do not want the bank circulation disturbed—their interests may be subserved by holding on to this surplus; they think there is already too much money, because interest is low. Interest always is and always will be low with a shrinking volume of money and falling prices, because then the only thing at once safe and profitable to hold is money. Money is "cheap" if one wants to borrow and has Government bonds for collateral, but if one wants to buy money, exchange commodities or other property for it, he finds money dear enough then. But I have no time to discuss these questions now.

Mr. Chairman, the policy of a government may have the widest influence upon the prosperity of a people. We try to economize in small sums—a hundred dollars, a thousand dollars—and I believe in economy and frugality in the management of every department of Government; but by a bad financial policy a government may lose or cause the loss of more in one day than can be saved in a year by the most economical methods in expenditure. By collecting money through taxation and locking it up in the Treasury, you take away the very instruments of trade and commerce—the very means first of all necessary for healthful production. By extracting from the channels of circulation money necessary for the support of industries you prevent the employment not of a hundred thousand merely, as stated by the gentleman from Illinois, but of a million of people; and the total production of the country is in my judgment cut short from this very cause not by $100,000,000 but by $1,000,000,000, or possibly by $1,500,000,000.

[Here the hammer fell.]

Mr. REED, of Maine. I take the floor, and yield ten minutes to the gentleman from Ohio, as I have interrupted him.

Mr. WARNER, of Ohio. I am very much obliged to the gentleman from Maine for his courtesy.

I say that by a bad financial policy you can cause a loss to the country compared with which what you can save by economy in administration sinks into insignificance. The loss is not measured by the taxation or the amount of money hoarded in the Treasury, but by diminished production, less regular employment of labor, retarded accumulation of wealth, and with all this lessened ability to pay debts and taxes. That is the trouble now. Fifty millions more in wages for labor a month would mean two billions increase in the total productions of the country. This is the necessary effect of contraction and overtaxation.

Hence, Mr. Chairman, I do not hesitate to say that a policy which gathers into the Treasury every year $40,000,000 or $50,000,000 more than is paid out is a policy which, if persisted in, will wreck any administration or any party. The people of this country will not submit always to a policy of that kind; and they ought not to submit to it. Why should they? Such a policy pursued in the past had more to do with putting the Republican party out of power than any other cause, and it will so operate with any party.

There is another point which I deem of great importance in this connection. There were outstanding on the 30th day of June last $144,000,000 of 3 per cent. bonds. Four millions had, however, I believe, been called; possibly eight up to this time have been called.

Mr. BRECKINRIDGE, of Kentucky. Four millions on the 1st of July.

Mr. WARNER, of Ohio. Of these bonds about $107,000,000, owned by the banks, are deposited to secure their circulation, and eight millions more to secure deposits?

Mr. BRECKINRIDGE, of Kentucky. If it is of any value to the gentleman from Ohio, I have the statement of the Treasurer this morning, showing there are now outstanding $147,000,000 of 3 per cent. bonds, of which but $4,000,000 have been called.

Mr. WARNER, of Ohio. That comes down to a later date than the statement which I have followed. Now, to the extent the banks may determine to surrender circulation rather than deposit other bonds, there will be a contraction of the bank-note circulation, and, no doubt, as these bonds are paid banks will surrender a part at least, and some perhaps all of their circulation. A bank which has, for instance, a circulation of $200,000 will, very likely, surrender all but $50,000, which will enable it to continue as a national bank. The money to redeem the bonds is now in the Treasury, and the bonds are there too. The money, therefore, will not go out of the Treasury at all except in excess of the bank notes to be retired. This will result in a further contraction of the national-bank circulation, and this question of contraction of the currency has already become a serious one. Fifty millions have been accumulated in the Treasury, which operates virtually as a contraction. Then there has been an actual cancellation of $9,939,677 of bank notes. The increase in the deposit of lawful money against outstanding bank notes has been $22,500,737, making an actual contraction of bank notes of $32,430,414, and a total contraction of nearly $85,000,000 during the past year. Against this there is the silver coinage of about $30,000,000. There has been, therefore, an actual contraction of the currency volume during the fiscal year ending June 30, 1886, of about $55,000,000, while the increase of population has called for an increase, to keep up the same proportion between circulation and population as existed at the beginning of the year, of at least $45,000,000. So that with an actual contraction during the last fiscal year of $55,000,000 it will be seen that we stand to-day, as compared with our situation one year ago, with $100,000,000 less money relatively to population than we had then.

Why, sir, the fall of prices but answers to this contraction in the effective money volume. With a further contraction prices will go lower still, necessarily. Each dollar of a smaller volume will buy more. More must be given for a dollar. As fifteen people in a family require more bread and meat than ten, so more money is required for fifteen than for ten people. With less and less money prices will go lower and lower. No other result is possible, and there must be an end to this contraction and swallowing up of the money of the country some time; and the sooner the better.

And that is the reason I have offered the amendment, which has been read, and which is as follows:

Provided, That after the passage of this act whenever and as fast as the circulating notes of national banks are redeemed or canceled as provided by the act of June 3, 1864, and amendments thereto, the Secretary of the Treasury shall cause to be issued in place of such bank notes redeemed, dollar for dollar, United States notes in denominations as nearly as may be of the bank notes redeemed, and all laws applicable to United States notes now in circulation are hereby made applicable to notes issued under this act.

It is the purpose of this amendment to prevent further contraction of the money volume. As bank notes are retired it is proposed that United States notes—dollar for dollar—shall be issued in their place. It is not inflation; it would simply stop contraction and secure stability. And, gentlemen, let me tell you we can not continue the policy of changing from gold and silver to gold alone, and at the same time reduce the volume of paper money, without serious consequences.

This policy of contraction, as surely as it is followed, will bring ruin in its train. The only bankrupt law we will want, after this policy is pursued a year or two longer, will be a sponge law.

With a shrinking volume of money and falling prices men do not go into business. Nothing yields profit. Labor finds less and less employment; times grow harder and harder; debtors are made bankrupts. The value of money is increased, but just as many dollars are required to pay a debt, and that is the "honest" dollar we hear so much about. Why not take an honest way to make an "honest" dollar, that is, increase the weight of gold in it. If the weight of gold dollars were doubled there could be but half as many dollars as now. Would such dollars be "honest" dollars? But if the number of dollars be reduced one-half in any other way the effect on the value of each dollar would be the same. How is one way any more honest than the other? The honest dollar is the dollar that has the same value—purchasing power—when one parts with it as when he received it. The honest dollar is the one which has the same value when a man pays a debt as when he contracted it; the same when he receives payment as when he made a loan. Alter not the value of money if you would obey the commandment not to steal.

Mr. HENDERSON, of Iowa. You were going on to explain your amendment.

Mr. WARNER, of Ohio. The object of the amendment is to prevent as far as possible the contraction which is going on and which is certain to become permanent if the resolution before us passes. I wish to keep the volume of paper circulation just where it is now—no inflation and no contraction. When a five-dollar bank note is canceled I want to have issued in its place a five-dollar United States note, thus keeping the volume of paper currency, as I have said, just what it now is, which is altogether, greenbacks and national-bank notes, about $600,000,000. The effect on prices and business of canceling $50,000,000 of note circulation will be precisely the same as the loss of $50,000,000 of gold or silver. The British Parliament in 1844 passed an act to make permanent the paper currency then in existence in order

to give greater stability to their money system. I want to do the same by preventing further contraction of our volume of paper, and then I propose to go further and do what Gladstone, in a recent speech on the Irish government, favors:

Ireland might think fit to pass a law providing for the extinction of private issues in Ireland, and that no bank notes should be issued in Ireland, except under the authority and for the advantage of the state. I own it is my opinion that Ireland would do an extremely sensible thing if she passed such a law. [Hear, hear.] It is my most strong and decided opinion that we ought to have the same law ourselves [cheers], but the block of business has prevented that and many other good things toward the attainment of which I hope we are now going to open the door.

This is the position I take and this is the aim of my amendment. A prominent daily paper in commenting on this part of Gladstone's speech said:

In this country, too, we shall ultimately have to take a similar course. The national-bank notes will have to be suppressed as other bank notes have been suppressed, and their place supplied by greenbacks.

Mr. HENDERSON, of Iowa. What is your plan with reference to the one hundred and forty millions of 3 per cent. bonds after they are paid off?

Mr. WARNER, of Ohio. The law now authorizes the purchase of bonds as well as the payment of such as are subject to call. They are a debt, and when I speak of debt I mean not only the principal but the interest as well, for it is all debt. Now, if we have money in the Treasury we had better apply it to the payment of bonds at a premium even, rather than hold it in the Treasury and pay interest forever.

But we have not come to that yet. That question is not here; it may be some distance off, and the $250,000,000 of 4½ percents. fall due in 1891. Besides, if we should hold our present surplus in the Treasury thirty-three years and continue for that time to pay interest an amount equal to the principal would have been paid for interest and we would still have the principal of the debt to pay in the end. But whatever else we do let us pay and extinguish finally and forever our bonded debt. I will yield, Mr. Chairman, for the committee to rise, asking leave to print with my remarks some tables, and also to include some things I have not had time to read.

The CHAIRMAN. In order to enable the House to carry out its prior order the committee will now rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union, having had under consideration House joint resolution No. 126, had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 1580) for the relief of Maj. James Belger;

A bill (S. 2529) for the relief of R. G. Huston & Co.;

A bill (S. 2545) to provide for the confinement of inebriates in the Government Hospital for the Insane;

A bill (S. 2560) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher; and

Joint resolution (S. R. 67) authorizing the Secretary of War to erect at Stony Point, N. Y., a monument.

JOSEPH MEANS.

Mr. BUTTERWORTH, by unanimous consent, introduced a bill (H. R. 9856) granting a pension to Joseph Means; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. NEECE, by unanimous consent the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 8118) granting a pension to George Stodd; and the same was referred to the Committee on Pensions.

And then (the hour of 5 o'clock p. m. having arrived) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BURLEIGH: Memorial of the American Humane Association, on transportation of live stock—to the Committee on Commerce.

By Mr. DARGAN: Petition of Herbert Smith, of Joel L. Easterling, of Thomas Brigman, of Jabish N. Townsend, of Thoroughgood P. Stubbs, of Mrs. Lucy Breeden, of Mary Welsh, and of Julia C. Watson, of Marlborough County; of Robert C. Hamer, of Marion County; of Richard Jordan, of Greenville County; and of Daniel Goldfinch, of Georgetown, S. C.—to the Committee on War Claims.

By Mr. DOUGHERTY: Papers relating to the claim of F. P. Ferriera, of Duval County, Florida—to the same committee.

By Mr. EVERHART: Memorial of the American Humane Association, praying for better laws in relation to the transportation of live-stock—to the Committee on Commerce.

By Mr. FORNEY: Papers relating to the claim of David B. Johnson, of Morgan County, Alabama—to the Committee on War Claims.

By Mr. GOFF: Petition of McClellan Post, No. 34, Department of West Virginia, Grand Army of the Republic, in favor of the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. HIESTAND: Petition of 120 citizens of Lancaster County, Pennsylvania, in favor of what is known as the Blair pension bill—to the same committee.

By Mr. HILL: Memorial relative to the division of Dakota—to the Committee on the Territories.

By Mr. IRION: Petition of Andrew Szabo, of West Feliciana, La., for property taken for the use of the United States Army near Bayou Sara, Louisiana—to the Committee on War Claims.

By Mr. KING: Papers relating to the claim of Louisa B. Martin, of Tensas Parish, and of Charles T. Dunn, of Morehouse Parish, Louisiana—to the same committee.

By Mr. MCCOMAS: Petition of George Dentler, of William F. Unger, of John A. Mullendore, and of D. W. West, of Washington County, Maryland, for appropriation in payment of their war claims—to the same committee.

Also, petition of De Ford & Co., of Baltimore, Md., asking payment of war claim—to the same committee.

By Mr. MCRAE: Papers relating to the claim of Thomas L. Martin, of Montgomery County, Arkansas—to the same committee.

By Mr. MATSON: Petition of members of Putnam Post, No. 27, Grand Army of the Republic, Department of Colorado, and of Post 59, Grand Army of the Republic, Department of Missouri, for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. OSBORNE: Memorial of the American Humane Association, on transportation of live-stock—to the Committee on Commerce.

By Mr. PERRY: Papers relating te the claim of Patrick H. Flanigan, of Fairfield County, South Carolina—to the Committee on War Claims.

By Mr. PETTIBONE: Petition of A. B. Cannon and of James C. Nol, of Hamblen County, Tennessee, asking that their war claims be referred to the Court of Claims—to the same committee.

By Mr. RANDALL: Petition of Aaron Schwenk, of Frederick Township, Pennsylvania, for reinbursement for substitutes furnished for said township during the late war, also for compensation for services rendered and information given leading to the surrender of General R. E. Lee—to the Committee on Military Affairs.

By Mr. ROGERS: Papers relating to the claim of Thomas B. Paine, of Johnson County, Arkansas—to the Committee on War Claims.

By Mr. SHAW: Memorial of Albert Greenleaf praying like compensation to that paid to his predecessors for adjudicating and paying the "extra-pay" claims granted to the Navy in service on the coasts of California and Mexico during the Mexican war—to the Committee on Claims.

By Mr. SKINNER: Papers relating to the claim of Joseph Lawrence, of Pasquotank County, of Joseph B. Mann, and of Hugh Murdock, of Carteret County, and of James M. Ferebee, of Currituck County, North Carolina—to the Committee on War Claims.

By Mr. SNYDER: Petition of Charles Hedrick, of Charleston, W. Va., for reference of his war claim to the Court of Claims—to the same committee.

By Mr. STEELE: Petition of Mrs. Laura Scofield and others, officers of the Women's Temperance Union, asking legislation preventing the traffic in girls for immoral purposes—to the Committee on the Judiciary.

By Mr. J. M. TAYLOR: Petition of John W. Theuz, guardian of Francis D. Theuz, of Madison County, Tennessee, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. ZACH. TAYLOR: Papers in the claim of Reuben B. Boss, of Hardeman County, Tennessee—to the same committee.

Also, petition of Jackson P. Lewis, of Shelby County, Tennessee, asking payment of his war claim—to the same committee.

Also petition of E. F. Cunningham, of Brownsville, Tenn., asking reference of her claim to the Court of Claims.

By Mr. TUCKER: Papers relating to the claim of John Engleman, of William T. Fauber, of William D. Hemp, of Michael Carwell, of Jacob B. Carwell, and of Peter Elinger, of Augusta County, Virginia—to the Committee on War Claims.

By Mr. VAN EATON: Papers relating to the claim of Miguel Pol, of Jackson County, Mississippi—to the same committee.

The following petitions, asking for the passage of House bill 7887, repealing timber-culture, pre-emption, and desert-land acts; of House bill 7021, for adjustment of railroad and other land grants; of bill forfeiting all railroad land grants the conditions of which have not been strictly complied with; of House bill organizing the Territory of Oklahoma; of Senate bill opening a portion of the great Sioux reservation to settlement; of bill prohibiting aliens from holding land in the United States; of bill making Presidential and Congressional election days holidays, and punishing bribery; and of bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired, were severally referred to the Committee on the Public Lands:

By Mr. BURNES: Petition of Michael Woods and 28 others, of

Thomas S. Smith and 90 others, and of F. G. Miller and 87 others, citizens of the fourth Congressional district of Missouri.

By Mr. BURROWS: Petition of L. P. Fox and 136 others, of F. H. Platt and 90 others, and of Herman Miller and 60 others, citizens of fourth Congressional district, Michigan.

By Mr. J. M. CAMPBELL: Petition of Steven Myers and 130 others, citizens of the seventeenth district of Pennsylvania.

By Mr. COLLINS: Petition of James W. Mace and 83 others, of Edward Driscott and 200 others, and of J. D. Mahoney and 39 others, citizens of fourth Congressional district, Massachusetts.

By Mr. COMSTOCK: Petition of George F. Stone and 100 others, and of John Henderson and 34 others, citizens of fifth Congressional district, Michigan.

By Mr. CONGER: Petition of H. F. Brown and 35 others, of E. Stoner and 192 others, and of John Smyth and 84 others, citizens of seventh Congressional district, Iowa.

By Mr. CULBERSON: Petition of W. E. Moore and 187 others, of Lee Pierce and 75 others, and of C. E. Beard and 188 others, citizens of fourth Congressional district, Texas.

By Mr. CUTCHEON: Petition of citizens of Manistee County, Michigan.

Also, of T. E. Thatcher and 39 others, and of W. J. Pike and 48 others, citizens of the ninth district of Michigan.

By R. H. M. DAVIDSON: Petition of S. H. Loomer and 26 others, citizens of the first Congressional district, Florida.

By Mr. DINGLEY: Petition of F. C. Coller and 12 others, and of T. L. Williams and 36 others, citizens of the second district of Maine.

By Mr. DOUGHERTY: Petition of James Douglass and 56 others, citizens of the second district of Florida.

By Mr. DUNHAM: Petition of Julian Perskin and 58 others, of H. S. Noble and 26 others, of Patrick McEneely and 142 others, and of John Berg and 102 others, citizens of the first Congressional district of Illinois.

By Mr. DUNN: Petition of J. S. Stephens and 222 others, of Thomas Haslett and 136 others, and of John Holden and 23 others, citizens of the first Congressional district of Arkansas.

By Mr. ELLSBERRY: Petition of W. Gilson and 74 others, and of J. W. Baird and 62 others, citizens of eleventh Congressional district of Ohio.

By Mr. FINDLAY: Petition of Clarence Bier and 75 others, and of F. Gardner and 56 others, citizens of fourth and second Congressional districts of Kentucky.

By Mr. FUNSTON: Petition of James Hartung and 81 others, of J. R. Lesley and 120 others, of W. F. Rockwells and 34 others, of Charles Veill and 38 others, of Otis Wyeth and 97 others, of William Green and 268 others, of George Black and 115 others, and of W. N. Martin and 24 others, citizens of second Congressional district of Kansas.

By Mr. D. B. HENDERSON: Petition of E. E. Carpenter and 112 others, and of E. W. Sylvester and 100 others, citizens of third Congressional district of Iowa.

By Mr. T. J. HENDERSON: Petition of O. H. Barthel and 90 others, citizens of seventh Congressional district of Illinois.

By Mr. J. H. JONES: Petition of J. W. Sivells and 55 others, citizens of third Congressional district, Texas, and of S. B. Miller and 73 others, citizens of third Congressional district, Maine.

By Mr. KELLEY: Petition of John Rowers and 219 others, citizens of fourth district, Pennsylvania.

By Mr. KETCHAM: Petition of M. Keough and 50 others, of J. C. Mitchell and 81 others, and of M. C. Smith and 44 others, citizens of the sixteenth district of New York.

By Mr. LANHAM: Petition of Theodore Buner and 100 others, of A. C. Chandler and 122 others, and of E. S. Griffith and 20 others, citizens of eleventh Congressional district, Texas.

By Mr. LAWLER: Petition of J. J. O'Neil and others, citizens of the third district of Illinois.

By Mr. LINDSLEY: Petition of W. G. B. Erdman and 22 others, and of J. W. Jackson and 59 others, citizens of nineteenth Congressional district, New York.

By Mr. LOVERING: Petition of George Westwood and 37 others, of James F. Barteman and 19 others, of John F. Richards and 16 others, of James Mansfield and 15 others, of Lilian Colby and 55 others, and of W. E. Parker and 18 others, citizens of sixth Congressional district, Massachusetts.

By Mr. McRAE: Petition of H. A. Robbins and 176 others, and of J. A. Harrison and 74 others, citizens of third Congressional district, Arkansas.

By Mr. MAYBURY: Petition of A. Beach and 22 others, of C. H. Van Dyne and 102 others, of Alvin Bradly and 69 others, of C. Gebhard and 29 others, of T. Mansfield and 88 others, of J. E. Grant and 52 others, of J. H. Hatch and 44 others, of Henry Newington and 18 others, and of A. W. Lohr and 21 others, citizens of the first district of Michigan.

By Mr. MILLS: Petition of W. F. Meers and 126 others, of N. W. Lemoine and 133 others, of F. B. Wheeler and 700 others, and of A. Chevalier and 279 others, citizens of ninth Congressional district, Texas.

By Mr. MOFFATT: Petition of George W. Brown and 256 others, and of A. King and 70 others, citizens of the eleventh district of Michigan.

By Mr. MULLER: Petition of James Tullis and 20 others, and of Michael Diefenbach and 12 others, citizens of the sixth district of New York.

By Mr. NEECE: Petition of William Clark and 54 others, of James Dilts and 23 others, and of J. B. Clark and 26 others, citizens of eleventh Congressional district, Illinois.

By Mr. PERKINS: Petition of J. Miller and 645 others, of D. E. McCarty and 67 others, of A. W. Holland and 77 others, of J. Carr and 310 others, and of J. F. Blackerby and 103 others, citizens of the third Congressional district of Kansas.

By Mr. PIRCE: Petition of W. J. King and 68 others, and of S. M. Clarke and 26 others, citizens of the second Congressional district of Rhode Island.

By Mr. PLUMB: Petition of A. H. Angell and 216 others and of A. G. Smith and 110 others, citizens of the eighth Congressional district of Illinois.

By Mr. ROMEIS: Petition of C. E. Cottrell and 28 others and of Joseph E. Wright and 119 others, citizens of the tenth Congressional district of Ohio.

By Mr. SCRANTON: Petition of J. H. Collins and 210 others, of Thomas Conroy and 260 others, of W. L. Boyd and 88 others, of W. J. Sanders and 86 others, of Edward Johnson and 110 others, of P. Hannigan and 62 others, of John Kealey and 107 others, of E. M. Jordan and 28 others, of P. McLaughlin and 130 others, of P. S. Howey and 25 others, of Condy Timony and 60 others, of G. A. Schnell and 19 others, of Robert Plunket and 102 others, of W. C. Patterson and 80 others, of George Weston and 81 others, of J. J. Sweeney and 108 others, of M. Gibbons and 48 others, of J. H. Hiland and 28 others, of William Joyce and 39 others, of James Henderson and 30 others, of Leo Jacob and 68 others, of J. Sanders and 70 others, of Hugh Ferry and 124 others, and of Samuel Cudlip and 63 others, citizens of the twelfth district of Pennsylvania.

By Mr. SHAW: Petition of C. F. Rudolph and 40 others, of James F. Welch and 112 others, of N. A. Collett and 45 others, of John A. Keatin and 154 others, of David S. McGlenand and 160 others, and of George F. Baldwin and 76 others, citizens of the fifth Congressional district of Maryland.

By Mr. SNYDER: Petition of Homer Elliott and 54 others and of J. L. Stutler and 52 others, citizens of third Congressional district, West Virginia.

By Mr. SPOONER: Petition of John L. Morphy and 47 others, of John R. Dorsey and 43 others, of Charles H. Stiles and 48 others, and of James W. Winn and 32 others, citizens of first Congressional district, Rhode Island.

By Mr. W. J. STONE, of Missouri: Petition of Henry Baum and 52 others, of William Hearing and 13 others, of William O. Adams and 20 others, of J. W. Cashman and 13 others, of Charles Ennery and 260 others, of J. W. McKean and 88 others, and of S. W. Patterson and 12 others, citizens of twelfth Congressional district, Missouri.

By Mr. THROCKMORTON: Petition of Henry Welch and 360 others, of J. W. Inman and 96 others, of A. B. Greanes and 214 others, of R. M. Reid and 160 others, of J. B. Sawyer and 180 others, of J. Wilson and 30 others, and of W. S. McDuffie and 25 others, citizens of fifth Congressional district, Texas.

By Mr. WILLIAM WARNER: Petition of Stubbin Watts and 80 others, of J. J. McDonald and 160 others, of B. Ganz and 30 others, of G. Wenzel and 21 others, of James Milburn and 70 others, and of James McKean and 64 others, citizens of the fifth Congressional district of Missouri.

By Mr. WELLBORN: Petition of James Gibbs and 49 others, of George Milligan and 66 others, of R. W. Abright and 49 others, of W. F. Montgomery and 42 others, of J. R. Cumings and 70 others, of George English and 60 others, of G. W. Cornwall and 11 others, and of J. W. McFarland and 130 others, citizens of the sixth Congressional district of Texas.

By Mr. WILLIS: Petition of James Horan and 88 others, of Robert J. Anderson and 55 others, and of George Walf and 23 others, citizens of the fifth Congressional district of Kentucky.

SENATE.

WEDNESDAY, *July* 14, 1886.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of 39 citizens of Westfield, Ohio, praying for the passage of the oleomargarine bill; which was ordered to lie on the table.

He also presented a petition of 16 citizens of Philadelphia, Pa., praying for the passage of certain bills in relation to the public lands, Presi-

dential and Congressional elections, and the distribution of a part of the Treasury surplus; which was referred to the Committee on Finance.

Mr. BECK presented four petitions of citizens of Kentucky, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. BLACKBURN presented three petitions of citizens of Kentucky, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the distribution of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. BERRY presented five petitions of citizens of Arkansas, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the distribution of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. WILSON, of Iowa. I present a preamble and resolutions in the form of a petition, of the board of supervisors of Poweshiek County, Iowa, praying for the passage of an act granting indemnity for swamp lands sold and otherwise disposed of by the Government. I move the reference of the resolutions to the Committee on Claims.

The motion was agreed to.

Mr. WILSON, of Iowa. I present resolutions in the form of a petition from George Strong Post, Grand Army of the Republic, Department of Iowa, of Fairfield, Iowa, praying that the act granting pension to James D. Haworth, vetoed by the President, be passed over said veto; also like resolutions from the Grand Army of the Republic post at Martinsburg, Iowa; also like resolutions from the Grand Army post at Sigourney, Iowa.

I wish to state in connection with these petitions that I have no doubt that possibly all the members of the three several posts are personally acquainted with Mr. Haworth, and with the circumstances connected with his case, many of them having served with him in the Army.

I move the reference of the resolutions to the Committee on Pensions.

The motion was agreed to.

Mr. EVARTS. I present a memorial against passing the oleomargarine bill from John Frazer and 67 other citizens of Brooklyn, N. Y., consumers of butter. I also present five other memorials from citizens of Brooklyn presenting the same remonstrance. I present also a memorial against taxing oleomargarine by William Hinchman and 46 others of New York city, consumers of butter. I also present 12 other memorials from citizens of New York city of the same character. I move that the memorials lie on the table.

The motion was agreed to.

Mr. MILLER presented a petition of citizens of Medusa, N. Y., praying for the passage of the oleomargarine bill; which was ordered to lie on the table.

Mr. LOGAN presented nine petitions of citizens of Illinois, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the distribution of a part of the Treasury surplus; which were referred to the Committee on Finance.

He also presented a petition of citizens of Peoria County, Illinois, praying for the passage of the oleomargarine bill; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (H. R. 1034) for the relief of Bangs, Brownell & Co., reported it without amendment, and submitted a report thereon.

Mr. HOAR, from the Committee on Claims, to whom was referred the memorial of Albert Greenleaf, claiming like compensation to that paid to his predecessors for adjudicating and paying the "extra-pay" claims granted to the Navy in service on the coasts of California and Mexico during the Mexican war, asked to be discharged from its further consideration, and that it be referred to the Committee on Naval Affairs; which was agreed to.

Mr. BECK. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 1813) for the relief of Pattison & Caldwell, to report it without amendment. There is no report because the House adopted the Senate committee report, as the Senate passed a similar bill last year.

Mr. WILSON, of Iowa, from the Committee on Post-Offices and Post-Roads, reported an amendment intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. SEWELL, from the Committee on Military Affairs, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

PUBLIC BUILDING AT GREENSBOROUGH.

Mr. MAHONE. I am directed by the Committee on Public Buildings and Grounds to report favorably the bill (H. R. 9438) appropriating money for the completion of the public building at Greensborough, N. C, and I ask that the bill may be put on its passage now. It appropriates only $9,000 to complete the building.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. STANFORD (by request) introduced a bill (S. 2845) for the relief of J. R. Dunkelberger; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. DAWES (by request) introduced a bill (S. 2846) authorizing the Commissioner of Patents to renew and extend certain letters patent; which was read twice by its title, and referred to the Committee on Patents.

Mr. SEWELL introduced a bill (S. 2847) granting a pension to Rachel A. Sinkinson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MAHONE introduced a bill (S. 2848) for the relief of Benjamin P. Loyal, of the State of Virginia; which was read twice by its title, and, with the accompanying petition, referred to the Committee on the Judiciary.

Mr. HARRISON introduced a bill (S. 2849) granting a pension to Maria Youngs; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. EVARTS introduced a bill (S. 2850) providing an additional circuit judge in the second judicial circuit, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. LOGAN introduced a bill (S. 2851) granting a pension to Margaret Ann Beebe; which was read twice by it title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2852) to remove the charge of desertion standing against William E. James; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. SHERMAN introduced a bill (S. 2853) to authorize the commissioners of the District of Columbia to extend and widen certain street and avenues of the city of Washington; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PAYNE introduced a bill (S. 2854) for the relief of John R. Brown; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LOGAN. I introduce a joint resolution authorizing the Secretary of War to accept certain lands, &c., near Chicago, Ill., and ask that it be printed and lie on the table, so that I can call it up in the morning. I do not think there will be any objection to it.

The joint resolution (S. R. 78) authorizing the Secretary of War to accept certain lands near Chicago, Ill., was read twice by its title, and ordered to lie on the table.

PRESIDENTIAL VETOES.

Mr. PLATT submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That all Presidential vetoes from the organization of Congress to the present time, arranged in chronological order, be printed as a Senate document.

PROCEEDINGS OF THE SENATE.

The PRESIDENT *pro tempore*. If there are no further "concurrent or other" resolutions the Calendar is in order.

Mr. HALE. Before going to the Calendar I wish to call the attention of the Senate to a matter important in the way of transacting public business. I see that in the RECORD of this morning the proceedings of the Senate are reported up to about 9 o'clock last night only, there stopping with the clause in print below, "To be continued." I do not know whose fault it is, or if it is the fault of anybody, either the Printer or Reporter, but I certainly hope that it will not occur again.

I have been looking into the precedents in the past, and I find that invariably almost, when either the Senate or the House sits to a much later hour than the Senate sat last night, the proceedings are reported in full. It is only in cases where one or both of the bodies remain in session clear through the night that the Printer has been unable to give to Congress next morning a full report of the proceedings.

In these last days, with late sessions frequent, it is almost indispensable to Senators and Members that they shall be able when they get the RECORD in the morning to turn to it and see all that has been done up to the time of adjournment the preceding day, unless that be clear around in the morning. I take this occasion to call the attention of the Senate and of anybody else who has to do with the making up of the records and the reports to the matter, with the hope, as I have said, that it will not occur again.

Mr. PLATT. I wish to say a word in reference to the matter of which the Senator from Maine spoke, and that is that the RECORD appears this morning in an unfinished condition. I know it is true that on other occasions proceedings of greater length and making more pages in the RECORD have been printed and laid on our tables at the commencement of the session of the next day; but I wish to call attention to the fact that there are fifty pages of the RECORD to-day. All of it was taken down yesterday as it was spoken, written out in long hand, and printed and laid upon our tables, so that we have to-day the proceedings of yesterday. That matter would make a book in the

form in which books are ordinarily printed of at least two hundred pages.

I think that sometimes we are a little disposed to criticise our reporters here if they do not keep up with the proceedings. We had thirteen hours of continuous session yesterday, and it is almost too much to ask of the reporters that they shall be able to furnish all the manuscript in time to have it printed by morning. I do not know whether they did it yesterday or not, or whether the failure to have it all supplied to us was with the reporters or the printers; but there is a limit to human endurance. Senators sometimes think that limit is pretty nearly reached when we sit here in these long sessions, but certainly the labors of the reporters are very much greater than the labors of Senators.

However, I rose for the purpose of saying that I am opposed to sessions which last long into the night. If we can not get the business which we must transact from the other House early enough so that we can transact it and adjourn at that period when it is usually supposed Congress will adjourn, then I think we had better stay here until we complete it and sit during the ordinary business hours of the day. I do not think we ought to ruin health by sitting here in long night sessions for the mere purpose of hurrying up so that we may adjourn. In other words, to put it very bluntly, I do not want the Senate to furnish the corpse for the next funeral.

Mr. COCKRELL. I simply desire to say that I fully concur in the remarks made by the Senator from Connecticut. I do not think that night sessions are productive of good. I believe that when we meet at 11 o'clock and stay continuously in session until 6 we ought to adjourn, and that by continuing with night sessions we shall not hasten the day of final adjournment.

THE CALENDAR.

The PRESIDENT *pro tempore*. The morning business is now closed and the Calendar will be proceeded with under the special order. The Chair wishes to state that pending the execution of this order he will enforce the rule of the Senate, and he appeals to Senators to aid him in doing so. The rule expressly prohibits any other business from interfering with the execution of this order. The first case on the Calendar will be stated.

ELIZA ELLEN EHLE.

The bill (S. 1775) for the relief of Eliza Ellen Ehle was announced as first in order, and the Senate, as in Committee of the Whole, resumed its consideration.

The PRESIDENT *pro tempore*. The bill has been already read at length. The pending amendment will be stated.

The CHIEF CLERK. In line 6 it is proposed to strike out the word "on," after "interest," and to insert "to;" and after the word "date" to insert the word "only;" so as to read:

With the accrued interest to the date only when they were called for redemption.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The next amendment will be stated.

The CHIEF CLERK. In line 24, after the word "destroyed," it is proposed to insert the words——

The PRESIDENT *pro tempore*. The amendments are so illegibly written that they are with difficulty read. If there be no objection the bill will be laid aside informally so that the manuscript may be deciphered.

Mr. MILLER. Whose manuscript is it?

The PRESIDENT *pro tempore*. That of the Senator who proposed the amendment.

Mr. MILLER. Perhaps the Senator who proposed the amendment can read his own writing. I did not propose it. Did the Senator from Missouri [Mr. COCKRELL] propose it?

Mr. COCKRELL. No, sir. Anybody can read my writing, even a three years old child, it is so plain.

Mr. MILLER. I did not suppose that any amendment was necessary to the bill.

Mr. COCKRELL. I am advised that just as the bill was about to be passed over yesterday, when the morning hour was expiring, I proposed an amendment, and I believe the clerks got only part of the amendment. My amendment was, in line 6, after the word "the" and before the word "date," to insert words so as to read "with the accrued interest on the same up to the date of the call for redemption or payment;" and then to strike out the other words down to "stopped." I think that will make it correct. Let the Secretary read and see if that will not make it correct.

The PRESIDENT *pro tempore*. The amendment will be stated. Is the Senator from New York desirous that the Senate shall wait on this matter? The pending amendment can not be read.

Mr. MILLER. I have not offered any amendment. The bill has been reported unanimously from the Finance Committee. If the Senator from Missouri has any amendment to offer I shall not object to it.

Mr. COCKRELL. If the Senator from New York can not wait a moment I shall have to object to the consideration of the bill. He can do as he chooses.

Mr. MILLER. The Senator from New York has not objected to waiting; it is the Chair.

Mr. HOAR. I suggest that the bill be passed over informally and be taken up after some other matters on the Calendar are disposed of.

The PRESIDENT *pro tempore*. If there be no objection the bill will be laid aside for the present.

Mr. MILLER. Very well.

The PRESIDENT *pro tempore* subsequently said: Senate bill 1775, which was passed over informally, will now be proceeded with. The pending amendment will be stated.

The SECRETARY. In line 6, at the beginning of the line, it is proposed to strike out the word "value" and insert "amount;" and after the word "interest," in the same line, to strike out the word "on" and insert the words "thereon up to;" and after the word "date," in the same line, to strike out the words "when they were called for redemption and when interest was stopped" and to insert "of their call for redemption or payment;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to examine into the claim of Eliza Ellen Ehle, of Canajoharie, State of New York, to be paid the amount, with the accrued interest thereon up to the date of their call for redemption or payment, of the following-described coupon bonds.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The next amendment will be stated.

The SECRETARY. In line 24, after the word "destroyed," it is proposed to insert the words "and were when destroyed owned by said Ehle;" in line 26 to strike out the word "value" and insert "amount;" after the word "the," where it occurs the second time in the line, to insert the words "face of;" and after the word "interest," in the amendment proposed by the committee in line 26, to insert "to the date of calling the same;" so as to read:

And if the Secretary of the Treasury, after such examination, is satisfied that said bonds are destroyed, and were when destroyed owned by said Ehle, and is also satisfied that they have not since been presented to and paid by the Government of the United States, he shall cause the amount of the face of the same, together with interest to the date of calling the same as aforesaid, to be paid to the said Eliza Ellen Ehle, out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEOLOGICAL SURVEY, ETC.

The next bills on the Calendar were the bill (S. 2620) to repeal so much of the act of June 20, 1878, as provides for the appointment of second lieutenants in the Signal Corps, and the bill (S. 2621) to limit the printing and engraving for the Geological Survey, the Coast and Geodetic Survey, the Hydrographic Office of the Navy Department, and the Signal Service.

Mr. INGALLS. Let those two bills be passed over.

The PRESIDENT *pro tempore*. The bills are objected to and will be passed over.

PROTECTION OF PROPERTY FROM FIRE.

The bill (S. 1212) for the further protection of property from fire and safety of lives in the District of Columbia was considered as in Committee of the Whole.

The Chief Clerk read the bill, which had been reported from the Committee on the District of Columbia with amendments.

Mr. PLATT. I should like to inquire whether there is any time fixed in the bill within which these improvements must be made in order to relieve the owners from this liability. It seems to me there ought to be some time within which it shall be done. The point of my suggestion is this——

Mr. INGALLS. It requires notice to be served by the authorities, and gives parties thirty days in which to comply with the act.

Mr. PLATT. That is rather short, but as I heard the bill read I thought there was no time given at all.

The PRESIDENT *pro tempore*. Thirty days are required. The amendments reported from the Committee on the District of Columbia will be stated.

The CHIEF CLERK. In section 1, line 8, after the word "academy," the committee report to insert the word "school;" so as to read:

That it shall be the duty of the owner or owners, in fee or for life, of every building constructed and used, or intended to be used, as a hotel, factory, manufactory, theater, tenement house, seminary, college, academy, hospital, asylum, hall, or place of amusement, and of the trustee or trustees of every estate, association, society, college, academy, school, hospital, or asylum owning or using any building 50 feet high or upward, to provide and cause to be erected and affixed, &c.

The amendment was agreed to.

The next amendment was, in section 1, line 13, to strike out the words "building inspector and chief engineer of the fire department" and insert "commissioners of the District of Columbia;" so as to read:

And cause to be erected and affixed to said building iron fire-escapes and com-

bined stand-pipes and ladders, or either of said appliances as may be approved and adopted by the commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was, in section 2, line 4, after the word "lighted," to insert "when occupied;" so as to read:

That in all hotels, factories, manufactories, workshops, schools, seminaries, colleges, hospitals, asylums, halls, or places of amusement, or other places mentioned in this act, the hallways and stairways shall be properly lighted when occupied at night.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. CONGER. I ask permission at this time to report from the Committee on Commerce an amendment to the deficiency appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Michigan asks the unanimous consent of the Senate in suspension of the present order to receive a report. Is there objection? The Chair hears none.

Mr. CONGER. I ask that the amendment be referred to the Committee on Appropriations with the recommendation that it be inserted in the deficiency appropriation bill.

Mr. BLAIR. Without objecting to this, I desire to be understood as objecting to any business as far as I can that interferes with the consideration of the Calendar.

Mr. CONGER. I desire to say——

Mr. BLAIR. I am not objecting to this.

Mr. CONGER. A matter going to the Committee on Appropriations for the deficiency bill or any other appropriation bill ought necessarily to have precedence of other business.

Mr. BLAIR. But it is taking up this hour for the Calendar, and at half past 12 there will be an opportunity to present such business.

The PRESIDENT *pro tempore*. The Chair must remind Senators that it is in violation of the unanimous understanding that anything should be interposed in exclusion of the Calendar during this call. The next bill on the Calendar will be stated.

LEAVES OF ABSENCE TO NAVY-YARD EMPLOYÉS.

The bill (S. 2268) to grant leaves of absence to employés in United States navy-yards was announced as next in order on the Calendar.

The PRESIDENT *pro tempore*. The bill is reported from the Committee on Education and Labor with an amendment, which will be read.

Mr. HALE. The bill had better be passed over.

The PRESIDENT *pro tempore*. Being objected to, the bill goes over.

LOTTERY CIRCULARS.

The bill (S. 2066) to amend section 3894 of the Revised Statutes of the United States, relating to the transmission through the mails of lottery, gift-enterprise, and other circulars was next in order on the Calendar.

Mr. HARRIS. Let that go over. We can not consider it under the five-minute rule.

The PRESIDENT *pro tempore*. The bill is objected to, and goes over under the rule.

NAVAL CADET-ENGINEERS.

The next business on the Calendar was the joint resolution (S. R. 60) for the purpose of temporarily increasing the number of assistant engineers in the United States Navy by restoring certain cadet-engineers named therein to their legal rights and to their proper office and rank in the United States Navy, authorizing and directing the President to appoint such cadet-engineers (graduates) assistant engineers, to commission them as such, and to antedate their commissions.

Mr. INGALLS. Let that be passed over.

The PRESIDENT *pro tempore*. Being objected to, the joint resolution goes over.

E. J. NORTHCUTT & BROTHERS.

The next bill on the Calendar was the bill (S. 1344) for the relief of E. J. Northcutt & Brothers for losses sustained by Indian depredations in Southern Oregon in 1855.

Mr. DAWES. Let that go over.

The PRESIDENT *pro tempore*. The bill goes over under objection.

MARY F. POTTS.

The next bill on the Calendar was the bill (S. 244) for the relief of Mary F. Potts.

The PRESIDENT *pro tempore*. This bill stands on a motion to reconsider.

Mr. PLATT. With regard to that case I do not ask to have it taken up at this time. The motion to reconsider was entered by the Senator from Missouri [Mr. COCKRELL]. I have had some conference with him, and I hope that his objection may be so satisfied that he will withdraw it at some future time, but I do not ask to have the bill considered now.

THOMAS SAMPSON.

The bill (H. R. 4139) for the relief of Thomas Sampson was considered as in Committee of the Whole. It proposes to direct the Secretary of the Treasury to cause to be prepared a medal of honor, with suitable devices, to be bestowed upon Thomas Sampson, of the city of New York, according to the provisions contained in section 7 of the act entitled "An act to provide for the establishment of life-saving stations and houses of refuge upon the sea and lake coasts of the United States, and to promote the efficiency of the Life-Saving Service."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

ADELICIA CHEATHAM.

The bill (S. 21) for the relief of Adelicia Cheatham was announced as next in order.

Mr. INGALLS. Let that go over.

The PRESIDENT *pro tempore*. The bill goes over under objection.

MARY SPRAGUE.

The bill (H. R. 5715) granting a pension to Mary Sprague was considered as in Committee of the Whole. It proposes to place the name of Mary Sprague, a volunteer nurse in the late war, on the pension-roll, and to pay her $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY SHOULDERS.

The bill (S. 2431) granting a pension to Henry Shoulders was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry Shoulders, late of Company I, Forty-ninth Regiment Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD B. RIANS.

The bill (S. 2519) granting an increase of pension to Richard B. Rians was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Richard B. Rians, late a member of Company D, Thirty-seventh Regiment of Iowa Volunteer Infantry, at the rate of $50 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL FROST.

The bill (H. R. 4374) to increase the pension of Samuel Frost was considered as in Committee of the Whole. It proposes to increase the pension of Samuel Frost, late a lieutenant of Company F, Eighty-fourth Illinois Regiment, to $24 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY JANE CONRAD.

The bill (H. R. 944) for the relief of Mary Jane Conrad was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Jane Conrad, widow of James Conrad, deceased, late of Maysville, Ky., formerly of the special service, war of 1861.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATRICK MURPHY.

The bill (H. R. 6087) granting a pension to Patrick Murphy was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Patrick Murphy, late a seaman in the United States Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER HARPER.

The bill (H. R. 758) granting a pension to Alexander Harper was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Alexander Harper, late of Company I, First Regiment West Virginia Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDIAN TRADERS.

The bill (S. 2676) to repeal chapter 360 of the statutes of 1882, entitled "An act to amend section 2133 of the Revised Statutes, in relation to Indian traders," was considered as in Committee of the Whole. It proposes to repeal the act entitled "An act to amend section 2133 of the Revised Statutes, in relation to Indian traders," approved July 31, 1882, and provides that section 2133 of the Revised Statutes is re-enacted and made of full force and effect, the same as if the statute of July 31, 1882, had not been enacted.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAC AND FOX INDIAN LANDS.

The bill (S. 1801) for the reappraisement and sale of a certain tract of land of the reservation of the Sac and Fox Indians of the Missouri

tribe, in the State of Nebraska, was considered as in Committee of the Whole. It directs the Secretary of the Interior to inquire into the correctness of the appraisement made under authority of an act approved August 15, 1876, of lot 8 of the southeast quarter of section 19, township 1 north, range 17 east, Sac and Fox reservation lands, in the State of Nebraska, and if he is satisfied that the lot was appraised at more than its actual value he may cause the same to be reappraised and sold to the highest bidder for cash, at not less than the appraised value.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRIVATE LAND CLAIMS.

The bill (H. R. 2851) to provide for ascertaining and settling private land claims in the Territories of New Mexico and Arizona and the State of Colorado was announced as next in order.

Mr. INGALLS. Let that go over.

The PRESIDENT *pro tempore*. The bill goes over under objection.

BRIDGE AT BELLE ISLE PARK.

The bill (H. R. 1205) to provide for the construction of a bridge across the west channel of the Detroit River to connect Belle Isle Park with the mainland was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT BOYD.

The bill (S. 2485) granting a pension to Robert Boyd was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Robert Boyd, late of Company D, Thirty-first Regiment New Jersey Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH M. CARROLL.

The bill (H. R. 8602) granting a pension to Sarah M. Carroll was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah M. Carroll, a nurse in the late war, at the rate of $12.50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIRAM L. WAIT.

The bill (H. R. 3358) granting a pension to Hiram L. Wait was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Hiram L. Wait, late a private in Company C, Third Regiment of Iowa Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD COLEMAN.

The bill (H. R. 8351) for the relief of Edward Coleman was considered as in Committee of the Whole. It proposes to place the name of Edward Coleman, late a private in Company H, Fourth Regiment Illinois Cavalry Volunteers, and of Company C, One hundred and sixth Regiment Illinois Infantry Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. PAYTON.

The bill (H. R. 7750) to place the name of John W. Payton on the pension-roll was considered as in Committee of the Whole. It proposes to place the name of John W. Payton, late a private in Company I, Eighteenth Illinois Volunteer Infantry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN E. DOGGETT.

The bill (H. R. 8372) granting a pension to John E. Doggett, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John E. Doggett, son of George R. Doggett, late a private in Company L, Eighth Indiana Cavalry, as a dependent child, at $12 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA A. VORHES.

The bill (H. R. 8066) to pension Martha A. Vorhees, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 5, to strike out the name "Vorhees" where it occurs twice and insert "Vorhes;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Martha A. Vorhes, widow of John Vorhes, late of Company A, Eighty-fourth Illinois Volunteers, subject to the provisions and limitations of the pension laws.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to pension Martha A. Vorhes."

ADDITIONAL LIGHT-HOUSE DISTRICTS.

The bill (H. R. 6979) authorizing the construction of additional light-house districts was considered as in Committee of the Whole. It proposes to amend section 4670 of the Revised Statutes so as to read:

The Light-House Board shall arrange the ocean, gulf, lake, and river coasts of the United States into light-house districts, not exceeding sixteen in number.

It also proposes to repeal any law or regulation prohibiting the employment in the light-houses of the United States of persons of more than forty-five years of age.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PLATT. May I ask for order in the Senate? I have been endeavoring to hear the bills read, but I am utterly unable to hear the bills or to know what business is being transacted in the Senate.

The PRESIDENT *pro tempore*. Senators will please come to order. Conversation will be suspended. Bills are being rapidly passed, and it is the right of Senators to hear what is being done.

RANGE-LIGHTS AND BEACONS.

The bill (H. R. 7471) to provide for the establishment of additional aids to navigation to guide vessels through the channels leading to Pensacola, Fla., was considered as in Committee of the Whole. It proposes to direct the Secretary of the Treasury to establish range-lights near Fort McRae; to re-establish the Fort Barrancas ranges; to establish lighted beacons at or near Devil's Point, Escambia Bay; at or near the Anchorage, in Santa Maria de Galvaez Bay; at or near the turn of the channel; and at Bay Point, Blackwater Bay; and that a day-beacon be placed to mark the shoals between the Anchorage and Blackwater Bay, Florida; the entire cost of which shall not exceed the sum of $17,250.

Mr. PLATT. In line 11, after the word "of," I move to insert the word "all;" so as to read: "the entire cost of all." As it reads now it refers only to the last light-house, I think.

Mr. MILLER. Does the Senator from Connecticut think that necessary to guard this bill? This is a House bill, and if amended it may not be possible for it to become a law at this session.

Mr. COCKRELL. What is the point made by the Senator from New York?

Mr. MILLER. I ask the Senator from Connecticut if he thinks the amendment necessary? The Committee on Commerce believe this to be an important matter, and being a House bill, as we are very near the end of the session, the hope was that it might be passed without amendment at all, unless it shall be absolutely necessary to amend it.

Mr. CALL. I hope the Senator from Connecticut will not insist upon his amendment.

Mr. PLATT. I think it is open to the construction that it refers only to the last point named in the bill; but as this is a House bill and as possibly there may be no practical danger that it will receive that construction, I withdraw the amendment.

The PRESIDENT *pro tempore*. The amendment is withdrawn.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIGHTS AT THE MOUTH OF THE MISSISSIPPI.

The bill (H. R. 7633) establishing additional aids to navigation at the mouth of the Mississippi River was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments; in line 5, after the word "follows," to strike out the words "a light-ship off the entrance to the jetties to the South Pass; higher" and to insert "Higher;" and, in line 13, before the word "thousand," to strike out "fifty-two" and insert "twenty-seven;" so as to make the bill read:

Be it enacted, &c., That there be established additional aids to navigation off and near the passes at the mouth of the Mississippi River, in the State of Louisiana, as follows: Higher and more powerful lights at or near the outer ends of the jetties at the South Pass, to replace those now in existence; a steam or hot-air fog-signal at or near the end of the east jetty; a higher and more powerful light on one of the jetties at the head of the passes; and a fog-signal at or near Cubit's Gap, in said Mississippi River; the cost of which shall not exceed the sum of $27,500.

The amendments were agreed to.

Mr. PLATT. As the bill has to go back to the House amended I move, in line 12, that the word "entire" be inserted before the word "cost;" so as to read:

The entire cost of which shall not exceed the sum of $27,500.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ADDITIONAL LIGHT-HOUSE DISTRICTS.

Mr. CONGER. The bill (H. R. 6979) authorizing the construction of additional light-house districts was passed while my attention was

occupied. I wish to offer an amendment to that bill, and I ask unanimous consent that it may be regarded as reconsidered.

The PRESIDENT *pro tempore*. If there be no objection, the vote by which the bill was ordered to a third reading and passed will be regarded as reconsidered, and the bill will be open to amendment.

Mr. CONGER. I move to strike out all after line 7 in the bill.

Mr. BECK. If the bill is to be sent back to the House amended I suggest that the word "establishment" be substituted for "construction" in the title of the bill.

Mr. CONGER. I shall have no objection to that amendment.

Mr. INGALLS. Let the part proposed to be stricken out be read.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Michigan will be stated.

The SECRETARY. It is proposed to strike out all after line 7 of the bill in the following words:

That any law or regulation prohibiting the employment in the light-houses of the United States of persons of more than forty-five years of age be, and the same is hereby, repealed.

Mr. CONGER. The present law limits the age to fifty years instead of forty-five years. It was a mistake in the age, but the Light-House Board said that fifty years was perhaps a proper age, and that this did not repeal any law but left it in confusion, and desired that this clause might be stricken out.

The PRESIDENT *pro tempore*. The amendment will be agreed to if there be no objection.

Mr. CALL. I should like to understand the Senator from Michigan. Will he repeat his statement?

Mr. CONGER. The proposition as it came from the House is that no person over forty-five years of age shall be employed as light-house keeper, repealing a law which it is assumed made that limit of age. The law limits the age to fifty years instead of forty-five years. Therefore this provision would not repeal any such law, for there is none fixing forty-five years, but there is a law fixing fifty, and the Light-House Board recommend that this be stricken out and that it remain at fifty. It was evidently a misconception on the part of some gentleman in the other House.

Mr. HALE. I should like to hear what the Senator from Michigan is saying, because it is upon a subject on which I desire information. It is very important in this service along the coast that thoroughly well, strong men, in the prime of life, be employed in it. That, of course, is the foundation of any previous restriction as to age. I came into the Chamber just now as a portion of the bill was being read, and I do not know how its terms as amended left the question of age, and I want the Senator to tell me.

Mr. CONGER. I will state to the Senator that this proposition assumes that the law requires that they shall not be appointed at an age exceeding forty-five years. The law limits the time of their appointment as to age at fifty years.

Mr. HALE. Where is that law?

Mr. CONGER. There is a section named in the bill. Somebody by some misconception has proposed to repeal the law, assuming it to be forty-five years, when there is, as I understand, no such law. The secretary of the Light-House Board came to me with a request that it might be left at fifty years, as it is in the law.

Mr. HALE. If it is the law that fifty years is the limit and there is no law that fixes forty-five years as the limit, why put in any provision? If the law to-day is fifty years, as it ought to be, and there is no forty-five years' law, as there ought not to be, why meddle or deal with the law?

Mr. CONGER. That is why I have moved to strike out the provision.

Mr. HALE. That I did not understand.

Mr. CONGER. I have moved to strike out that provision in the bill.

Mr. HALE. That is right.

The PRESIDENT *pro tempore*. The amendment offered by the Senator from Michigan will be considered as agreed to if there be no objection.

Mr. CALL. I object to it.

The PRESIDENT *pro tempore*. The bill, being objected to, goes over.

Mr. CALL. I do not refer to the bill, but to the amendment.

Mr. PLATT. May I ask that the portion of the bill as it stands be read and then the portion of it be read as it will be if amended, so that we may have an understanding of it?

The PRESIDENT *pro tempore*. The bill will be again read.

The Secretary read as follows:

Be it enacted, &c., That section 4670 of the Revised Statutes is hereby amended so as to read as follows:

"The Light-House Board shall arrange the ocean, gulf, lake, and river coasts of the United States into light-house districts, not exceeding sixteen in number."

The PRESIDENT *pro tempore*. The Senator from Michigan proposes to strike out the rest of the bill.

Mr. PLATT. What is the part proposed to be stricken out?

The PRESIDENT *pro tempore*. The Secretary will read the part proposed to be stricken out.

The SECRETARY. It is proposed to strike out all after line 7 in the following words:

That any law or regulation prohibiting the employment in the light-houses of the United States of persons of more than forty-five years of age be, and the same is hereby, repealed.

The PRESIDENT *pro tempore*. The question is on the motion to strike out the latter part of the bill.

Mr. CALL. I hope that amendment will not be agreed to. There are a great many people in this country who are over fifty years of age who are as strong and active and vigorous and capable of service as any man under that age.

Mr. BUTLER. This is to strike out the prohibition.

Mr. CALL. There is a regulation of the Light-House Board which regulates the appointment of these people and limits it to persons under forty-five years of age.

Mr. CONGER. Under fifty years. The regulation limits it to fifty years and the amendment limits it to forty-five. We leave it as the Light-House Board thought best to have it, but their regulation is fifty years.

Mr. CALL. Then I am for the amendment.

Mr. HALE. The limitation is rather a matter of regulation than a matter of statute law.

Mr. CALL. I see I was correct. The bill passed by the House is:

That any law or regulation prohibiting the employment in the light-houses of the United States of persons of more than forty-five years of age be, and the same is hereby, repealed.

That repeal would leave them at liberty to appoint persons over forty-five years of age. As far as this bill is concerned if the regulation be forty-five or fifty years it is repealed and it leaves them at liberty to appoint without regard to age. I know personally several persons in the light-house service, and who have been so for years on the coast of Florida, who are over fifty years of age, who are more vigorous and more experienced and more capable than many men to be found under that age. The subject was brought to my attention in the case of a man who has served as a volunteer light-keeper on a dangerous portion of the Saint John's River for twenty years in a malarious and unhealthful location. He was recommended by every steamboat captain and every vessel-owner of every description on the Saint John's River for appointment to the position of light-keeper at the Volusia bar, and he was refused the appointment, although he has been voluntarily doing that service in the pay of the steamboats, because he was over forty-five years of age. I venture to say that he is one of the most vigorous, active, strong, and capable men that can be found in this country.

I think you had better leave it to the discretion of the appointing officer, who can, if a man is incapacitated, whether he is forty-five or fifty or sixty years of age, refuse him an appointment, and if not, give it to him.

Mr. HALE. I have no doubt from hearing the language read here that it would repeal any regulation that fixes forty-five years of age as the limit, or any higher number than that, and would leave it all open to the discretion of the board in the appointment. I think that would be pernicious. I think the Senator from Michigan is right in striking out any clause here that repeals that, for while it may be true in exceptional cases that vigorous men, endowed with every faculty unimpaired, may be found in the light-house service above fifty years of age, still the limitation was based upon thorough experience and wisdom that not more than fifty years of age should be allowed to men in this service generally.

Mr. CONGER. At the time of their appointment.

Mr. HALE. At the time of their appointment I mean, of course. You may find men competent at that age, and who will continue to be so for ten years, and some of them for twenty; but the general rule is clearly a good one, that into this service, beset with peril and with hardship, involving endurance such as hardly any other field in life does, should be open only to active men in the possession of health. In some cases of light-houses that have but one keeper, upon him depend the lives and property of people upon the sea. There ought not to be any variation of this good rule of limitation because there are exceptions such as the Senator from Florida arrays here. The service ought not to be imperiled by allowing appointments above fifty years of age, because if it is allowed they will be made because the board will be beset and it will be impossible to resist importunity.

The PRESIDENT *pro tempore*. The Senator's time is out.

Mr. SAULSBURY. I do not concur with the views of the Senator from Maine. I have known some light-house keepers beyond the age of fifty years, men who served faithfully in the discharge of the duties of those positions. For one I believe that they are fully as competent, fully as watchful, fully as careful in the discharge of their duties as men not so old.

I do not see the use of adopting rules and regulations that exclude from these positions men who are competent simply because they have arrived at a certain period of life. For one I am opposed to undertaking to fixing such a limit in every instance, thus depriving the Light-House Board of the privilege of appointing a proper man simply because he has arrived at the age of forty-five or fifty years. We do not

make any such limitation on Senators or judges of courts, and I do not see the propriety of an iron rule which shall exclude every man simply because he has arrived at a certain period of time when he may be in possession of all the physical and mental faculties necessary to fill the place.

Mr. CONGER. I did not suppose this would give rise to discussion. It is so important that this new light-house system should be established for the convenience of the board and for the convenience of commerce that with the permission of the Senate I will withdraw my request for a reconsideration.

The PRESIDENT *pro tempore*. The Senator withdraws his motion to reconsider and the bill stands passed.

JOHN LITTLE AND HOBART WILLIAMS.

The bill (S. 2704) for the relief of John Little and Hobart Williams was announced as next in order.

Mr. HARRIS. The Senator from Kansas went out a moment since; he told me he desired to object to that case. I know nothing about the case myself.

Mr. LOGAN. Is the light-house bill passed?

Mr. HARRIS. I ask that this bill be informally passed over until the Senator from Kansas returns.

The PRESIDENT *pro tempore*. The bill will be again reported.

The Chief Clerk read the bill (S. 2704) for the relief of John Little and Hobart Williams.

Mr. HARRIS. That is the bill I promised the Senator from Kansas I would object to.

Mr. MANDERSON. I hope it may be informally passed over.

The PRESIDENT *pro tempore*. It will be informally passed over.

ADDITIONAL LIGHT-HOUSE DISTRICTS.

Mr. BUTLER. May I inquire what became of the light-house bill which was under discussion?

The PRESIDENT *pro tempore*. It was passed. It was pending on a motion to reconsider, and the motion to reconsider has been withdrawn and the bill remains passed as it came from the House.

Mr. HALE. I understood that it went over.

Mr. CONGER. No. I withdrew the motion to reconsider.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 57) for the erection of a public building at Oshkosh, Wis., with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 2475) to amend an act approved May 25, 1882, entitled "An act for the construction of a public building at Galveston, Tex.; in which it requested the concurrence of the Senate.

ESTATE OF C. M. BRIGGS.

The bill (H. R. 3828) for the relief of the estate of C. M. Briggs, deceased, was considered as in Committee of the Whole.

The Committee on Claims reported an amendment, to strike out all after the enacting clause and insert:

That the Court of Claims is hereby given, subject to the proviso hereinafter mentioned, like jurisdiction to hear and determine the claim of the legal representatives of C. M. Briggs, deceased, for the proceeds of 455 bales of cotton, now in the Treasury of the United States, alleged to have been owned, in whole or in part, by said Briggs, as is given to said court by the acts of March 12, 1863, and July 2, 1864, upon petition to be filed in said court at any time within two years from the passage of this act, any statute of limitations to the contrary notwithstanding: *Provided, however*, That unless the said court shall, on a preliminary inquiry, find that said Briggs was in fact loyal to the United States Government, and that the assignment to him hereinafter mentioned was *bona fide*, the court shall not have jurisdiction of the case, and the same shall, without further proceedings, be dismissed: *And provided further*, That if the court shall find that the alleged assignment from one Morehead to said Briggs, of date April 18, 1862, under which said Briggs claimed said cotton, was intended only as security to said Briggs for indebtedness, and against contingent liabilities assumed by him for said Morehead, judgment shall be rendered only for such portion of the proceeds of said cotton as shall equal the moneys actually due to said Briggs at the date of said assignment, and such as were afterward actually paid by said Briggs to or for said Morehead

Mr. SPOONER. I offer an amendment.

Mr. LOGAN. I object to the bill.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

MISSISSIPPI RIVER BRIDGE AT MEMPHIS.

The bill (S. 2516) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn., was announced as next in order.

Mr. LOGAN. Let that go over.

The PRESIDENT *pro tempore*. The bill goes over under objection.

Mr. PLUMB. May I inquire if that bill is objected to?

The PRESIDENT *pro tempore*. The Senator from Illinois [Mr. LOGAN] objected.

Mr. PLUMB. I should like to ask the gentleman from Illinois not to object to that bill. The company is ready to build the bridge, and it is a very important work, not only for that locality, but for all the section of country west of it.

The PRESIDENT *pro tempore*. The next bill will be stated.

Mr. PLUMB. Is it competent to move to take up the bill notwithstanding the objection?

The PRESIDENT *pro tempore*. It is not, under the rule.

MARY E. CASEY.

The bill (H. R. 5003) for the relief of Mary E. Casey was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, to strike out all after the enacting clause and insert:

That there shall be paid to Mary E. Casey, of Richardson County, Nebraska, $133.34, that being the amount she paid to the receiver of public money at the land office at Beatrice, Nebr., on an entry made June 21, 1878, on the south half of the northeast quarter of section 29, township 1, range 17 east, Nebraska, being a portion of the lands of the Sac and Fox tribe of Indians, which said entry was afterward contested and decided against said Mary E. Casey, and duly canceled January 7, 1880; to be paid in the same manner provided for the repayment of moneys paid for the purchase of public lands, section 2362 of the Revised Statutes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SETTLERS AND PURCHASERS OF LANDS IN NEBRASKA AND KANSAS.

The bill (H. R. 1413) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas was considered as in Committee of the Whole.

The PRESIDENT *pro tempore*. The bill is reported by the Committee on Public Lands with an amendment, to strike out all after the enacting clause and insert a substitute.

Mr. PLATT. I wish the bill as it came from the House read and then the amendment.

The bill was read, and also the amendment, which was to strike out all after the enacting clause and insert:

That for the purpose of reimbursing persons, and the grantees, heirs, and devisees of persons, who, under the homestead, pre-emption, or other laws, settled upon or purchased lands within the grant made by an act entitled "An act for a grant of lands to the State of Kansas to aid in the construction of the Northern Kansas Railroad and Telegraph," approved July 23, 1866, and to whom patents have been issued therefor, but against which persons, or their grantees, heirs, or devisees, decrees have been rendered by the United States circuit court on account of the priority of said grant made in the act above entitled, the sum of $250,000, or so much thereof as shall be required for said purpose, is hereby appropriated: *Provided, however*, That no part of said sum shall be paid to any one of said parties until he shall have filed with the Secretary of the Interior a copy of the said decree, duly certified, and also a certificate of the judge of said court rendering the same to the effect that such decree was rendered in a *bona fide* controversy between a plaintiff showing title under the grant made in said act and a defendant holding the patent or holding by deed under the patentee, and that the decision was in favor of the plaintiff on the ground of the priority of the grant made by said act to the filing, settlement, or purchase by the defendant or his grantor; and said claimant shall also file with the said decree and certificate a bill of the costs in such case, duly certified by the clerk and judge of said court. Thereupon it shall be the duty of the Secretary of the Interior to adjust the amount due to each defendant on the basis of $3.50 per acre for the tract his title to which shall have failed as aforesaid, and the costs appearing by the bill thereof. He shall then make a requisition upon the Treasury for the sum found to be due to such claimant, or his heirs and devisees or assigns, and shall pay the same to him, taking such release, acquittance, or discharge as shall forever bar any further claim against the United States on account of the failure of the title as aforesaid.

Mr. PLATT. I should like to ask the Senator who reported this bill to explain the difference between the House bill, which is stricken out, and the amendment which is proposed. I desire to call his attention to one or two matters. In the bill as it came from the House I see that the Secretary of the Interior is directed to adjust the amount due to each defendant, on the basis of what he shall have paid, not exceeding $3.50 per acre;" while I find that in the amendment the Secretary of the Interior is "to adjust the amount due to each defendant on the basis of $3.50 per acre," having no reference or allusion to what he has paid. Then I see that in the text of the bill as it came from the House there was this section:

SEC. 2. That the provisions of this act shall only apply to the actual and *bona fide* settlers on the lands therein referred to, and no one person shall be entitled to the benefits of this act for compensation for more than 160 acres of land: *Provided*, That all other persons who purchased any part of said land at $1.25 per acre, and the money was actually paid into the Treasury, shall be entitled to repayment of the money so actually paid by them.

I should like to understand why that is not a good provision and why we should pay back $3.50 an acre without reference to how much had been paid for it. Those are the points to which I should like to call the attention of the Senator from Nebraska [Mr. VAN WYCK].

The PRESIDENT *pro tempore*. The hour of 12.30 having arrived, this order is closed, it being the last day of the order.

Mr. EDMUNDS. Regular order.

The PRESIDENT *pro tempore*. The river and harbor bill will be placed before the Senate as the unfinished business.

RIVER AND HARBOR BILL.

The Senate resumed the consideration of the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. INGALLS. I ask for a separate vote on each amendment.

Mr. MCMILLAN. I submit the following motion——

The PRESIDENT *pro tempore*. Pending the request of the Senator from Kansas for a separate vote on each amendment the Senator from Minnesota offers a motion, which will be read.

The Secretary read as follows:

That the bill be committed to the Committee on Commerce with instructions to amend the same as voted by the Senate as in Committee of the Whole, except that in respect of the sum of money in each and every item and head of appropriation and the sum of the aggregate thereof contained in the bill and in the amendments agreed upon by the Senate as in Committee of the Whole shall be reduced 30 per cent. of the amounts thereof respectively; and that said committee amend said bill accordingly, and not otherwise; and report the same complete forthwith.

Mr. PUGH. I desire to suggest to the chairman of the Committee on Commerce, who offered that motion, that there ought to be a vote in the Senate upon the amendments of the Committee of the Whole first. Then let that motion which he now offers be presented after the Senate has voted on the amendments which were acted upon in the Committee of the Whole.

Now, for illustration, the item in the House bill appropriating $350,000 for the completion of the work at the Muscle Shoals was reduced by a Senate amendment $100,000. I desire a yea-and-nay vote in the Senate upon that amendment of the committee, so that if this bill is recommitted it will go before the committee on the same basis with other appropriations. If there is not a yea-and-nay vote on that great work and this motion prevails, it will reduce the appropriation made by the Senate committee, $250,000, 30 per cent., when the House has appropriated $350,000 on the report of the engineers that that amount is indispensably necessary to complete the work, and there are $2,100,000 lying there perfectly useless to commerce until that great work is completed so that boats can pass through those shoals. Three hundred and fifty thousand dollars, the engineer telegraphed me since the bill has been before the Senate, is indispensable to enable him to complete that great work within the next year; and if the amendment reducing that amount appropriated by the House, $100,000, passes, it will delay that work for two years and keep that vast amount of investment there dead to the world. I insist that the vote upon the amendments which have been and will be reserved in the Senate be taken in the Senate, and then let the motion of the Senator be presented.

Mr. SEWELL. In view of the proposition of the chairman of the committee, I should like to get information as to what the amount of this bill is at the present time.

Mr. MCMILLAN. As it now stands the bill appropriates $18,513,775.

Mr. SEWELL. What was it as it came to the Senate from the House?

Mr. MCMILLAN. As it came from the House, $15,182,200.

Mr. SEWELL. A reduction of 30 per cent. will reduce it to between twelve and thirteen million.

Mr. MCMILLAN. Thirteen or fourteen million.

Mr. SEWELL. Is this motion authorized by the committee?

The PRESIDENT *pro tempore*. The Chair understands the motion to refer is offered by the chairman of the committee.

Mr. VEST. Not by the consent of all the committee. I dissent.

Mr. MCMILLAN. The Senator from Missouri did not agree to the proposition.

Mr. SEWELL. The motion is to refer.

The PRESIDENT *pro tempore*. The motion to refer with instructions is now pending.

Mr. SEWELL. I move to amend by making the reduction 25 per cent.

The PRESIDENT *pro tempore*. That is in order.

Mr. CALL. I concur entirely with the Senator from Alabama that this motion should not be adopted without a vote of the Senate upon the amendments which are proposed to be reserved.

In the case of Fernandina, Fla., the House bill gave $150,000, being a very small proportion of the amount recommended by the engineers, which was $600,000 for this year. The Senate reduced that $70,000, and insisted upon the report of the committee reducing that amount $70,000. Now, if we adopt the sliding scale of 30 per cent. and apply it to all the large and unreasonable accumulations of the amounts appropriated by the action of the Senate—unreasonable not in respect to the merits of each appropriation but in respect to the others which have been recommended—the Senate have reduced 30 per cent. still more, while others have been largely increased by the action of the Senate. I would desire to have a vote in the Senate upon the action of the Committee of the Whole supporting the action of the Committee on Commerce cutting down the appropriation for Fernandina.

Mr. SEWELL. I withdraw the amendment I offered to make the amount 25 per cent.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Minnesota to recommit the bill with instructions.

Mr. LOGAN. I desire to call the attention of the chairman of the committee—and before the motion is put I shall move to amend it—to the estimates and the report of the committee in reference to the improvement of the Illinois River. The expectation is that two locks and dams will be put in for the benefit of the navigation of that river below Hennepin during this present fiscal year, with a view of deepening the channel of that river, and the estimate is $350,000. The appropriation reported in the bill is $100,000. That $100,000 reduced to $70,000 would be altogether inadequate. I do not suppose anything I say will have any influence on the committee.

Mr. MCMILLAN. The Senator does not appreciate, I think, the weight he has.

Mr. LOGAN. I say I do not suppose what I say will have any influence with the committee, because the committee make this report for the reduction in the bill; but I desire that I be permitted to make my statement anyhow. You then will reduce the whole appropriation for the Illinois River to $70,000. The chairman, with his knowledge of the work required to be done there, knows that $70,000 amounts to nothing; you might as well not appropriate anything. I think that will be the effect in reference to a great many very important improvements. If they had cut out a great many improvements that have been put in here that are new the bill could have been reduced, and at the same time had the improvements that are necessary properly appropriated for and advanced during the present fiscal year.

The Illinois River improvement runs as far back as 1832. The State of Illinois has expended large amounts of money herself when the Government would not appropriate for it for the purpose of opening up and making that stream navigable and effective for commerce.

I only cite this one instance. I could name several other appropriations that will be affected in like manner. Now, I would ask to be permitted before this motion is put to make the same motion I did last night to increase the Illinois River appropriation to $150,000, and I think the chairman of the committee ought to accept it.

Mr. BUTLER. May I inquire for information, if the Senator will yield to me a moment, what is the exact proposition before the Senate? Is it to recommit with instructions to reduce the increases made by the Senate?

Mr. LOGAN. No, sir; the motion is to recommit the whole bill with instructions to reduce the appropriations 30 per cent. In other words, it is a horizontal cut at the whole bill. I suppose that this education in reference to a horizontal slice at this bill has been brought about by the evidences we have had of great knowledge and experience in reference to the tariff, making a horizontal slice at that. I suppose the Senator from Minnesota has been educated up to this point by an Illinois man; but the Illinois men in this Senate do not educate as well as those who are in the other branch of Congress. I am opposed to this manner of cutting down this bill.

The PRESIDENT *pro tempore*. The Senator's time is out.

Mr. LOGAN. I have no objection to its being out. I was about out myself.

Mr. VEST. Mr. President——

The PRESIDENT *pro tempore*. The Chair would like to take the sense of the Senate as to the operation of the five-minute rule without discussion. The Chair desires to call attention in regard to the obscurity of the order made yesterday in regard to the five-minute rule. The Chair desires to carry out the wishes of the Senate. The Chair will read the order as he understands it, as reported in the RECORD, made on the suggestion of the Senator from Minnesota [Mr. MCMILLAN], who asked unanimous consent that the five-minute rule should be applied to debate:

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent that in the further consideration of this bill debate be limited under the five-minute rule. Is there objection?

There was no objection. The Chair would understand, therefore, that the five-minute rule was applied to this bill in all its stages, that no Senator should make more than one speech on any proposition, and then only for five minutes. If that is the understanding of the Senate, the Chair will endeavor to carry it out.

Mr. INGALLS. That was not my understanding when the arrangement was made.

The PRESIDENT *pro tempore*. The Chair can only say——

Mr. BUTLER. What is the five-minute rule?

The PRESIDENT *pro tempore*. The five-minute rule is generally called the eighth rule.

Mr. BUTLER. I called attention last night to that understanding of the five-minute rule.

The PRESIDENT *pro tempore*. There is some obscurity in the language of the presiding officer [Mr. FRYE], who was in the chair at that time, about it. There was no objection, it seems, to applying the five-minute rule to all parts of the bill and to every stage of it. If so, it is the duty of the Chair to limit debate to five minutes by each Senator.

Mr. INGALLS. That is not an order that the Chair can enforce.

The PRESIDENT *pro tempore*. No; but the Chair can call attention to the fact.

Mr. INGALLS. I stated distinctly that I did not so understand and did not so consent. There was no such understanding or agreement so far as my action was concerned.

Mr. MCMILLAN. So far as I am concerned, when I made that request it was with the understanding and expectation that the Senate would pass the bill yesterday under the agreement of the Senate, and I

supposed that agreement to apply the five-minute rule included all the amendments and all the motions affecting the bill until its passage. It did not include the passage of the bill.

The PRESIDENT *pro tempore*. The Senator from Missouri [Mr. VEST] has the floor.

Mr. VEST. Are we proceeding under the five-minute rule?

The PRESIDENT *pro tempore*. The Chair so understands, by unanimous consent. As a matter of course the Chair can not enforce the rule, but he can call attention to it.

Mr. VEST. I suppose this motion will prevail.

Mr. INGALLS. We ought to have an understanding about this matter before we proceed further. The Senator from Missouri will allow me to interpose. There never has been any application of the five-minute rule except as to the question of amendments on any appropriation bill; and here comes a motion to commit, that under the rules has priority over a motion to amend; and to say that any understanding could limit debate to five minutes on a motion to commit this bill, which involves the whole question of policy and propriety, is contrary to justice. I hope the Chair will not feel called upon to state when any Senator is on the floor that the five-minute rule is in operation upon that motion.

The PRESIDENT *pro tempore*. If the Senator will submit a motion the Chair will present it to the Senate so that it may be determined.

Mr. HALE. I only rise to say in giving my testimony on this matter that when the proposition was made yesterday by the Senator from Minnesota in charge of the bill [Mr. MCMILLAN] I was occupying the floor. My attention naturally was called to the terms of the proposition and to its final adoption. I stated then that while I could not go on and finish in five minutes what I should like to say about certain clauses and sections in the bill, yet for the sake of hastening the public business I would not object; and thereupon the Chair put the proposition, and it was heard by every Senator distinctly I presume. I was watching it keenly, because it interfered with me first and cut me off. But unanimous consent was given, and I had no doubt at that time in yielding myself that it applied to the bill and all amendments, and that the rule was to be agreed upon and settled and fixed. I did not think at that time any Senator would seek to disturb it.

Mr. RIDDLEBERGER. What is the Senator from Maine speaking on? What is before the Senate?

The PRESIDENT *pro tempore*. The river and harbor bill is before the Senate.

Mr. RIDDLEBERGER. I know, but there is an objection made to the ruling of the Chair. The statement made by the Senator from Maine is not correct, for I did object and was the only one who did. I mean to have that appear now and hereafter.

Mr. HALE. The Senator from Virginia at that time made no objection. I only state this as my understanding; and I think it was clearly stated at the time. All the Senators who were here perhaps did not participate, but it was clearly understood, and is in the RECORD.

Mr. VEST. I desire to call attention of the President of the Senate to what appears in to-day's RECORD on this subject:

Mr. MCMILLAN. I ask unanimous consent that on all amendments hereafter debate be limited to five minutes.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent that in the further consideration of this bill debate be limited under the five-minute rule. Is there objection?

The request was only as to the amendments to the bill. That was my understanding, and I think it was the understanding of the entire Senate. It is true the presiding officer is made by the RECORD to say that it applied to further debate on the bill, which of course includes the main bill and the motion to recommit——

The PRESIDENT *pro tempore*. Will the Senator be kind enough to read what follows?

Mr. HOAR. May I make a suggestion? I do not think that any Senator would insist on the enforcement as of unanimous consent of a limitation of debate which was not understood at the time and which was ambiguous, as is very clear from what the Senator reads. I hope we shall have unanimous consent that the limitation shall apply only to the amendments.

Mr. RIDDLEBERGER. Mr. President, I object, with all due deference to the Senator from Missouri. I will not give unanimous consent, and for a reason which was apparent here yesterday. I am standing out in opposition to this bill, and all the friends of it want all the speeches they can get in in favor of it to be unlimited in time and to curtail all the debate that can possibly suggest reasons why it ought not to be passed. I am objecting, and you can not get unanimous consent unless I consent.

The PRESIDENT *pro tempore*. The Senator from Missouri [Mr. VEST] is entitled to the floor.

Mr. VEST. Before the bill is recommitted, which I suppose will be the result, I desire to notice an assertion that was made yesterday when we were discussing the appropriation for the Mississippi River. The Senator from Nebraska [Mr. VAN WYCK] said:

The engineer, in his diagram showing the sinuosities of this river, measures the channel at one point 30 feet right through the center of the spot in this winding way, but when you take the length of a vessel and seek to get it through that channel the engineer says that one drawing 25 or 26 feet of water will be grounded; and he says in his report that there is a difference between the legal and the navigable channel. The Senator from Vermont has given the correct explanation.

And that "explanation" was this rather sinister remark:

Mr. EDMUNDS. What the engineer means, as I understand him, by legal channel as distinguished from a navigable one is a channel that will draw money from the Treasury but will not carry a ship. [Laughter.]

A demand was made for the reading of the report. The Senator from Nebraska stated that he would read the report before he concluded the discussion.

If this debate means anything, it means most unquestionably that Captain Eads is drawing money from the Treasury of the United States to which he is not entitled and that he is doing this either through the reckless negligence or the willful fraud and complicity of the engineer officer whose duty it is to make monthly reports in regard to the depth of water on the jetties. I have taken the trouble to procure this morning the original reports upon file in the War Office, and I desire now, in common justice to a gentleman who is my friend and constituent, to read what those reports are. Here is the annual report of Mr. Heuer, who has charge of this work, and without going into all these tables I simply read a recapitulation of the whole report:

From the preceding results it will be seen that the least depth at any point throughout the channel from the main river to the Gulf of Mexico is 29.8 feet, and the least width of the 26-foot channel is 240 feet.

Since August 1, 1882, with the exception of seventeen days previously mentioned, there has been "a channel through the jetties 26 feet in depth, not less than 200 feet in width at the bottom, and having through it a central depth of 30 feet without regard to width;" also, through the shoal at the head of South Pass, and "through the pass itself," there has been "a channel having a navigable depth of 26 feet."

In making this report the engineer follows the exact language of the statute itself, which requires that Eads shall maintain a channel at least 26 feet deep, 200 feet in width at the bottom, and 30 feet deep in the middle of the channel. This is the exact language——

Mr. EDMUNDS. As I see the Senator from Nebraska is not in his seat, I will read what I suppose he referred to. But here he is.

Mr. VEST. I should like to hear it.

Mr. EDMUNDS. I did not mean to interfere in the discussion. I thought the Senator from Nebraska was out, and I thought I should call attention to what I suppose he referred to, on page 1378 of Executive Document No. 1, Forty-ninth Congress, first session, part 2, where the report of the engineer reads in this way:

Attention is invited to that portion of the chart No. 1 showing the channel in the Gulf about 500 feet beyond the outer ends of the jetties. There we find the *legal*—

"Legal" is italicized in this print—

There we find the *legal* channel 26 feet deep, having a width of 230 feet and a central depth of 30 feet or more; but this channel makes such a sharp bend or turn of about 90° that I believe it would be impracticable for a vessel drawing 25 or 26 feet to make the turn without grounding on the shoals on either side. Attention is invited to this point to illustrate that a legal channel may not be a navigable one.

Mr. VEST. That is outside of the jetties—I call attention to that—not inside, and is not covered by the limitation required by the statute. That is 500 feet outside of the jetties. The Senator from Nebraska stated that the engineer also said in his report that a vessel drawing 25 feet of water had grounded in the jetties. Here is his report in regard to that:

But three vessels were aground during the year, one near the foot of Goat Island and two on the rut beyond the end of the jetties; one of these ships drawing 24.5 feet. In each case it was stated that the vessel was handled badly. The depth of the water in the channel was measured when the vessel grounded, and the fact shown that it was not for want of depth of water that these accidents occured.

I have obtained the monthly reports, in order that there shall be no question about this matter. In the report up to June 26, 1886, it is said:

About 5 in the afternoon of May 7 the steamship Australian, outward bound, drawing 24 feet, grounded beyond the ends of the jetties by going too far to the westward. She was entirely out of the channel, but after remaining nearly thirty-five hours floated off without damage.

If that is the reference made by the Senator from Nebraska, the engineer states explicitly that it was by bad management and by going too far to the westward and not from the want of water that this accident occurred.

I shall not detain the Senate by reading at length these reports. Here are the certificates from the Engineer Bureau for the present month, in which it is stated that Captain Eads has complied fully with his contract with the Government and the money has been paid over to him, and he has received $25,000 in three months. The soundings are made by an engineer every month, and I assert now—and I have examined these reports carefully—that in every one of these reports, with the exception of seventeen days when the rise in the Mississippi River caused the deposit of sediment to a certain extent, the channel was fully up to the requirement of the law; and those seventeen days were deducted from his contract price, and he received no pay for them. The least depth of water in the jetties below New Orleans has been 29.8 feet, and Captain Eads's contract with the Government requires only 26 feet with a bottom width of 200 feet, and a 30-foot channel has been preserved

in the center. Sir, it is simply naked and bare assertion—and I use no harsh language—it is reckless assertion to state that this money is taken out of the Treasury of the United States in defiance of law and in violation of the contract made by Captain Eads and his associates with the Government.

Mr. VAN WYCK. Only one word, Mr. President, in regard to the subject-matter to which the Senator from Missouri has called attention. There was no intention to call in question the particular contract which Captain Eads had made with the Government, or to say whether Captain Eads had received the full measure of compensation under that contract or whether he had received more. That was not the question raised in the discussion by the Senator from Louisiana [Mr. GIBSON] to which I called his attention. He stated, as I understood and as he conceded, that the law called for a navigable channel of 30 feet; and he asserted that vessels drawing 30 feet of water could enter the harbor at New Orleans. That was the only point in question. In speaking of that I called attention to the fact that the engineer who made his report upon that matter had reported that while there was a legal channel of 30 feet that would measure 30 feet by its sinuosities, yet at the same time it was not a navigable channel of 30 feet. What Captain Eads's contract may be with the Government has nothing to do with that question at all, and I had nothing to do with Captain Eads's contract.

If the people of the United States believe, or if the Senator from Louisiana believes (and I suppose he does, because he says so), that we have a navigable channel 30 feet deep under the contract with Captain Eads or under the operations of the Government, then it is clear that they have not what they supposed they were having.

Mr. HOAR. Did the Senator understand yesterday, when he made a statement about this 26 feet depth of which he speaks, that while it is only 26 feet for a certain width, in the center it is 30 feet, and that the width of which he spoke yesterday was not at a place within the jetties?

Mr. VAN WYCK. It was part of the channel reaching the harbor of New Orleans.

Mr. HOAR. But I certainly understood the Senator, when he made his speech yesterday, and I think the Senator from Vermont conveyed the idea that he meant within the jetties the channel was only 26 feet, because on somebody asking the difference between the legal channel and the navigable channel, the Senator from Vermont said that the legal channel was a channel drawing money from the Government, through which a ship could not pass. Now as I understand this report the engineer says in the first place:

One of the interesting facts connected with the improvement is that the full depths and widths of channels required by law have been maintained throughout the year by Mr. Eads, and that no dredging of any kind has been required on any of this work since February, 1883.

* * * * * * *

Between the jetties during the year there has been some shoaling, varying from 2 to 10 feet in height, but as this shoaling has occurred in the deepest part of the channel no harm has resulted. At present there is a channel through the jetties whose least depth is 31.3 feet.

Thirty feet being, I think, what is required.

There is also a 30-foot channel whose least width is 130 feet, and a 26-foot channel having a least width of 270 feet.

Then he goes on to make the statement which was alluded to by the two Senators yesterday:

Attention is invited to that portion of the chart No. 1 showing the channel in the Gulf about 500 feet beyond the outer ends of the jetties.

I do not understand that Mr. Eads is responsible for that.

There we find the legal channel 26 feet deep, having a width of 230 feet and a central depth of 30 feet or more; but this channel makes such a sharp bend or turn of about 90° that I believe it would be impracticable for a vessel drawing 25 or 26 feet to make the turn without grounding on the shoals on either side.

Now in regard to that I should like to say a word; and if I am wrong the Senator from Louisiana will correct me. I remember meeting the senior Senator from Louisiana on the stairs outside of the Senate Chamber last year and he held a telegraphic dispatch in his hand, at any rate he had just received one of which he stated to me the substance, and he stated that a vessel, I think drawing 28 feet and with a heavy load, which he stated had just passed those jetties, which would seem to contradict the statement made here yesterday, if I am right in my memory; the Senator will correct me if I am wrong.

Mr. GIBSON. The Senator's memory is perfectly correct.

Mr. RIDDLEBERGER. Is this coming out of the time of the Senator from Nebraska?

Mr. HALE. Is there anything in the river and harbor bill about these jetties?

The PRESIDENT *pro tempore*. Nothing in the world.

Mr. HALE. How would it do to confine the discussion to the subject before the Senate?

Mr. HOAR. That is a matter entirely in the discretion of Senators. When a public work of this kind for which some of us have a great legislative responsibility is attacked, I want to have the facts known.

Mr. VEST. I did not introduce the matter of the jetties into this debate, but I do not propose to be shut off from stating what I believe to be the truth by any sort of tactics.

Mr. VAN WYCK. I did not introduce the jetties here.

Mr. VEST. Who did, then?

Mr. VAN WYCK. I presume I may have time to reply. The Senator from Louisiana [Mr. GIBSON] spoke about the jetties and about the channel and about its being 30 feet.

Mr. GIBSON. I was remarking on the condition of things at the mouth of the Mississippi.

Mr. VAN WYCK. The Senator referred to the jetties as having a channel 30 feet deep. I had taken occasion in connection with the Committee on the Improvement of the Mississippi River to state that the channel was but about 24 feet; hence it became necessary, as this was the only opportunity I could have, to correct myself, and I thought, as the Senator from Louisiana had spoken of it as being 30 feet, I might take advantage of the opportunity to correct the statement I had heretofore made from the Committee on the Improvement of the Mississippi River. That was the only object of my reference to the matter yesterday.

Mr. GIBSON. I hope I may be pardoned for one remark.

Mr. VAN WYCK. I yield if it is not taken out of my time.

Mr. RIDDLEBERGER. I object to its being uttered unless it is taken out of the Senator's time, because that was done with me yesterday. I object because that was done with me, and everybody should be treated alike. If an objection on my part will secure it, I will object.

Mr. GIBSON. As these jetties are located in the State which I have the honor in part to represent and as the community there is deeply interested in them, I think it due that I should say that the official reports of the engineers, which I hold here, for a long series of time show that the contract made by the Government with Captain Eads has been strictly complied with. The engineers from time to time have testified that the depth of water required by the contract is found in the channel of the jetties. The last report shows, as read by the Senator from Missouri, that the average channel at flood tide was 29.8 feet.

Mr. HOAR. Will the Senator allow me to ask if he agrees with the statement made by his colleague yesterday in answer to an interrogatory of mine as to the feeling of the commercial interests of New Orleans on the subject?

Mr. GIBSON. Decidedly. I was going to say that the engineer reported 29 feet and some inches. That is at flood tide. When the tide ebbs there is a fall of the channel. I desire to bear testimony on behalf of the commercial community of New Orleans interested in the commerce and trade of the Mississippi Valley to the value of the jetties. We have deep water, all the water that we require for the commercial interests of the great metropolis of the Mississippi Valley. That is the fact.

Mr. VAN WYCK. It was stated yesterday by the Senator that the channel admitted vessels drawing 30 feet of water. So I understood him and I suppose so the people of New Orleans will understand; and it was to correct that impression that I referred to the engineer's report that vessels drawing 26 feet of water cannot enter New Orleans no matter what the contract was. I did not say anything about that and did not impugn anybody.

Does the Senator from Massachusetts desire to know whether this was in the channel, or in front of the channel, or where? No matter at what point it was, the fact is that vessels drawing 30 feet of water cannot enter the port of New Orleans, whether the trouble is in the jetties or before the jetties or wherever it may be. The Senator from Vermont has read the statement of the engineer's report that vessels drawing 25 or 26 feet can not pass. He adds:

I believe it would be impracticable for a vessel drawing 25 or 26 feet to make the turn without grounding on the shoals on either side.

Then in the same report a little further on I call the attention of Senators to the statement—

VESSELS OUTWARD BOUND.

The total number of vessels which passed to sea during the year was seven hundred and thirty-three——

Mr. GIBSON. What document is the Senator reading from?

Mr. VAN WYCK. Page 1389 of the report of the Chief of Engineers, United States Army, report of Major Heuer, the same document the Senator has been reading from:

The total number of vessels which passed to sea during the year was 733; of this number 525 were steamers, 46 ships, 123 barks, 11 brigs, and 28 schooners. Thirty-seven of these drew 23 feet or more; eleven drew 24 feet or more, and the greatest draught was 24½ feet.

During the whole year. Here is the engineer's report stating that 24½ feet was the greatest draught of vessels that passed through. I was not far out of the way when I said this was a channel 24 feet, for during the whole year no outward-bound vessel passed drawing more than 24½ feet. The object was to obtain a channel 30 feet. The engineer says no.

Mr. LOGAN. Will the Senator allow me to ask him——

Mr. VAN WYCK. Wait a moment.

Attention is invited to that portion of the chart No. 1 showing the channel in the Gulf about 500 feet beyond the outer ends of the jetties. There we find the legal channel 26 feet deep, having a width of 230 feet and a central depth of 30 feet or more; but this channel makes such a sharp bend or turn of about 90 degrees that I believe it would be impracticable for a vessel drawing 25 or 26 feet to make the turn without grounding on the shoals on either side.

There he states that vessels drawing 25 or 26 feet of water can not

get in; and the fact is that no outward-going vessel drawing more than 24½ feet passed out of New Orleans during the last year.

Mr. LOGAN. Out of seven hundred vessels there are so many drawing 24 feet, so many drawing 23 feet, and so on; but does the engineer report that any vessels went out that did not pass through?

Mr. VAN WYCK. All that go out have to pass through.

Mr. LOGAN. But the point is this: The engineer does not show that any vessel attempted to go out and failed; he only gives the draught of the vessels that did go out. That proves nothing; only that they went through.

Mr. VAN WYCK. The engineer is giving the total number of vessels during the year going out from New Orleans.

Mr. LOGAN. Certainly.

Mr. VAN WYCK. And he gives the number of feet of water they draw, and the highest draught vessel that has gone out has been 24½ feet. In his report he previously states that a vessel drawing 25 or 26 feet would go aground. Is not that plain?

Mr. GIBSON. The Senator said yesterday:

> The fact is that the money has been drawn for a channel which is not such a channel as the law requires.

The reports of the engineers of the work contradict that statement.

Mr. VAN WYCK. The other Senator from Louisiana desired to know whether I made the charge that Captain Eads had drawn more money than he was entitled to. I told him it depended on what the contract was; that if he was to have a channel there for vessels drawing 30 feet, then he has not done it. The question of what the contract is is not for me to determine. I was not discussing that point, I was merely discussing the point suggested by the Senator from Louisiana, and showing that vessels drawing 30 feet could not get in and out of New Orleans. That is all there is about it.

Incidentally I alluded to the fact that the commerce of New Orleans had decreased, and I undertook to show the reason why cotton could be carried from New Orleans to Liverpool by way of New York cheaper than from New Orleans direct, that it was because the heaviest draught vessels could not get in and out of New Orleans. That was the only point I made, and the report of the engineer establishes that fact and everything that I said in regard to it.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Minnesota [Mr. MCMILLAN] to recommit the bill with instructions.

Mr. VEST. Here is the report of the July work from the same engineer. He says:

> The channel beyond the ends of the jetties has a least depth of 31.2 feet; the 26 foot channel is 260 feet wide; and the 30-foot channel 190 feet wide.
>
> The channel from the main river into South Pass has a least depth of 32.4 feet, and the 30-foot channel is very wide.

That is the last report.

Mr. LOGAN. The Senator has given me a good deal of information on the subject, but the point is this: Captain Eads did not agree that any vessel drawing any amount of water would go through, but he agreed to make a channel of a certain depth and a certain width, which he has done. If vessels are built of greater draught than that it is not Captain Eads's fault. He made the channel exactly as he agreed to do by his contract under the law, so that vessels must regulate themselves according to the channel, and he can not regulate the channel according to the vessels.

Mr. RIDDLEBERGER. Before the motion to recommit is put I want again to say to the Senate that I can see here what I call a method, an arrangement about the Eads jetties and to build up the reputation of Mr. Eads, he himself looking forward to that which he calls a ship-railway. I think I hear the sound of laughter. It is easier to laugh than it is to respond.

Who is your engineer that makes this report? If you are going to discuss the Eads ship-railway, discuss it from the time that it was introduced into the Senate, when the endeavor was to get $37,500,000, and when it became known to the country you became ashamed of yourselves and asked only for $7,500,000. That is the engineering, and no Senator can deny it; and to mix it up with this simply to send it down to the country with that much more advantage or possibility of advantage.

When I have seen what you have seen here, Mr. President, what Senators have seen here as to the association of people without regard to party, we may know that by this discussion the association may suggest a ship-railway which may possibly be boosted into consideration. Familiar as we are with the river and harbor bills, no man here would dare to go before his constituents and say that such a bill was conceived in honesty if it embraced the ship-railway scheme to which I refer.

It is a bargain. It is a bargain from the first page to the last page. It has been a bargain in this Senate. It has come here changing the rules of this Senate. It has come here a bill violating from its beginning every representative right in this Senate. Men have argued in favor of it on this floor without order or logic, and when a man has dared to oppose it he has had some member of the Committee on Rules to say that there is a five-minute limitation, and you find some man putting his eye on the clock to see if it was not time he should quit opposing a bill that was to give his people what he knew they ought not to have.

I began this discussion by calling the attention of the Senate to a creek in my own State, and I know that the people whom I in part represent here do not want it improved by the General Government. The bill itself does not even recite the figures at the end of some of the paragraphs that I have called attention to. I want the ship-railway dissociated from this bill; and otherwise we ought not to have the time now devoted to its discussion. I wanted that separated from this bill. I want the explanation that is to come from men who can tell me why in December they ask for $37,000,000, and in May they only ask for $7,000,000 for the same object.

Mr. President, before you look at that clock to call time on me, pardon me if I ask the attention of the Senate to the fact that a remark was read from what had been said by the Senator from Nebraska, seemingly as if there was some doubt as to the correctness of his statement. The Senator in the mean time came in. What the Senator from Vermont said yesterday was read from the RECORD as to the difference between a legal and a navigable channel.

The PRESIDENT *pro tempore*. The Senator's time has expired. The question is on the motion to recommit the bill with instructions.

Mr. HARRIS. Before the question is put I desire to make a parliamentary inquiry, to which I invite the attention of the Senator from Minnesota. If this bill is recommitted to the Committee on Commerce with or without instructions, when it is reported back will it not take its place on the Calendar? Will it not have to be considered in Committee of the Whole, reported to the Senate, acted upon by the Senate, and passed in the ordinary form of a bill reported from a committee?

The PRESIDENT *pro tempore*. The Chair will not undertake to decide that question until the case arises. The bill would be returned to the committee if the motion prevailed.

Mr. HARRIS. The Chair will allow me to suggest that no matter at what stage of the proceedings a bill is recommitted, that ends the consideration of it in the Senate. It goes back to the committee, and when reported back it is reported as every other bill reported from a committee is reported; it takes its place on the Calendar and must go through precisely the same process.

The PRESIDENT *pro tempore*. The Chair will not decide the question now.

Mr. KENNA. I have no doubt, and I think no other Senator has any doubt, that the Senator from Tennessee is correct. For that very reason I trust that the chairman of the Committee on Commerce will withhold this motion until the Senate shall have voted on the amendments of the Committee of the Whole, so that after the Senate shall have matured this bill by items as it desires it may be left to simply expend the greatest amount the Senate desires appropriated, then leaving us if we recommit the bill to pass it without further controversy. I believe that course should be pursued.

Mr. BUTLER. May I inquire of the Senator from Minnesota, the chairman of the Committee on Commerce, if he has any objection to stating why he makes this motion to recommit the bill? We have expended two weeks of the valuable time of the Senate in discussing the provisions of this bill; and now on the eve of final action upon it a proposition comes to recommit it to the Committee on Commerce for the purpose of having it cut down horizontally. It does seem to me, with all respect to the mover of the resolution and to everybody else concerned, that it is absolute child's play. I of course do not mean anything disrespectful to the Senate, but here we have been for two solid weeks discussing this bill, and, without any sort of reason that I have heard, the proposition is now made to recommit it to the committee with instructions to reduce it horizontally 30 per cent. It seems to me the proposition is absolutely absurd.

As the Senator from Illinois said, there are many appropriations now nothing like adequate for the purposes for which they are intended, nothing like up to the estimates, some of them not one-tenth; and now to cut off 30 per cent. of those and leave some that are ample, would be very unequal and very unjust, very unfair, and as I think very unwise. If it is apprehended that the President is going to veto the bill he will do it just as well with 30 per cent. off as in its present state. I confess that to my mind this proceeding is absolutely incomprehensible.

Before the motion is finally put I wish to ask the Chair if it would be in order to substitute the amendment which I had the honor to offer for the resolution that the bill be recommitted, and to give the committee instructions to report that?

The PRESIDING OFFICER. The motion to recommit is not amendable by any amendment, but the instructions can be amended.

Mr. BUTLER. Then I offer this amendment as an amendment to the motion to instruct?

The PRESIDING OFFICER. The amendment of the Senator from South Carolina will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill and insert:

> That the sum of $10,000,000, or so much thereof as can be judiciously expended during the current fiscal year, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary

of War to continue improvements on the principal and most important rivers and harbors in the United States.

SEC. 2. That the Secretary of War is hereby authorized and empowered to expend the aforesaid appropriation, or so much thereof as can be judiciously expended, in continuing such improvements as may be most urgent and important, upon which work has been done and are now in progress of construction, and shall select such rivers and harbors as may be recommended by a board of five engineers of the Army, to be appointed by the Secretary of War, of which the Chief of Engineers shall be chairman.

Mr. McMILLAN. The motion submitted by me this morning was intended to economize time and facilitate the passage of the bill. The Senate as in Committee of the Whole has increased the amount of the bill so largely, and it was so large as it came from the House with amendments which the Senate committee deemed necessary, that we are of opinion the amount should be reduced. There are certain important items which the Committee on Commerce of the Senate deemed necessary to be inserted in the bill which had been omitted in the House. That of course required an addition to the amount of the House bill. But after those items were inserted, then they would take their proportion of any appropriation made even under the general reduction of the bill proposed by the motion which I have submitted.

This motion was made after consultation with reference to what will be the parliamentary condition of the bill upon its return from the committee to the Senate. While I do not profess to know anything of parliamentary law myself, yet the able parliamentarians of the Senate, some of them, are of the opinion that if the bill is committed under the motion submitted by me and reported forthwith to the Senate in accordance with the instructions of the Senate, the separate items of the bill would not be open to amendment, and that time would be economized in that respect. Otherwise the proposition would have been made by the committee to strike out all after the enacting clause of the bill and insert an amendment covering all the items in the bill.

Mr. RIDDLEBERGER. I should like to ask the Senator whether it is his own understanding that a bill reported back again from the committee to the Senate is not open to every amendment that the bill originally was? What I want is the Senator's own view about it, because I have a great deal of confidence in his opinions concerning all these matters. He was stating that possibly he did not understand as much parliamentary law as some others, but I wish to know what is his view about it.

Mr. McMILLAN. Of course, if the view suggested by me does not obtain, and when the bill is reported to the Senate every item would be subject to amendment, no time would be economized. However, upon that point I supposed the parliamentary law was otherwise, and therefore the motion was submitted; and in that view we desire to have it prevail.

Mr. EDMUNDS obtained the floor.

Mr. BUTLER. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Vermont yield to the Senator from South Carolina?

Mr. EDMUNDS. I should be glad to submit a few observations, but I will yield if anybody has anything pressing.

Mr. BUTLER. I wish the Senator would permit me to offer my amendment as now modified.

Mr. EDMUNDS. While I am submitting my observations the Senator can put it into shape.

Mr. BUTLER. It is already in shape. I simply want to present it to the Chair with a view to action upon it. I move to strike out all after the word "instructions," in the proposition of the Senator from Minnesota, and to insert what I have marked in my amendment.

The PRESIDENT *pro tempore*. Does the Senator from Vermont wish to have it read?

Mr. EDMUNDS. No; I understand what it means.

Mr. President, the river and harbor bill as it came from the House of Representatives appropriated, I think, the largest sum of money in the aggregate that had ever been contained in any one bill sent to the Senate by any House of Representatives for the improvement of rivers and harbors. I am not speaking from a critical examination of bills, but I am only speaking from my general impression. If any House of Representatives has beaten the present House of Representatives in swelling a river and harbor bill above fifteen million and some odd hundred thousand dollars I do not remember it. It may have happened; because when the Treasury is said to be full the patriotism of both Houses of Congress (for I can not allude to one alone) is so great, and our desire to see money properly distributed among the people where it will be useful is so strong, that we are naturally led to make the appropriations as liberal and as generous as possibly may be.

I think that this appropriation as it came from the House of Representatives is very much too large in its aggregate. It is too large in respect of the diversification of the objects to which the money is devoted. It takes in a great number of subjects, and streams, and places which for national objects truly considered and for national commerce among the States and with foreign nations it is substantially useless. But as a convenient condonation to the citizens and communities of remote places far away from railways, if they be—and many of them are not—it is a very nice and generous thing.

I can imagine that the people of the interior of New England, which has as many good streams in proportion to its size as any other part of the country, would be glad to have their little streams cleaned out; the floatage of logs and of timber would be vastly helped; but somehow or other the New England Representatives and Senators have not in general, or in particular so far as I know, felt at any time in the history of this Government that it was a part of the mission of the national Treasury to do that thing, or that it was a part of our mission to ask the national Congress to do it or to help us to do it. Perhaps we were wrong, but I have been brought up in that idea.

Therefore, without enumerating, as we have in the debates, two or three mere sample instances—it would take until December to go through with them all in detail, of course—I have felt and I feel now that the totality of this business, instead of being beneficial in this extreme way to the public interests at large, is injurious, and that it is teaching the people of the United States in its remotest interior districts, of Vermont or of Illinois or of Mississippi, or wherever, to be looking to the national Capitol and the national Treasury for everything that is to be done instead of depending upon themselves for their local prosperity, their local progress, and their local improvement.

I do not believe that is a good thing for a republic, and I believe the sooner we begin to be taught by the people of the United States and to teach them so far as they need it that the man who is to prosper in this world and the community that is to prosper must in respect of its immediate objects be taught to take care of itself, will have done a good work for the welfare and happiness and prosperity of the whole people.

When it comes to wide national objects, what is a real commerce and navigation between States, or a real commerce without navigation (because navigation is only a mere incident and part of commerce), a real and necessary intercourse between States that cover a continent from the Atlantic to the shores of the tranquil sea, then whatever is necessary to promote intercourse, exchange, travel, and products, unifying and solidifying the oneness of feeling that belongs to a common people, reserving their separate and independent local State rights, ought to be encouraged.

Now, where are you to draw the line? Our fathers began by drawing the line at a point that would take, I think, more than 50 per cent. out of this bill, that for all the objects which forty years ago by men as intelligent and patriotic as we are and by a people as intelligent and patriotic as we are, would be thought to have been within the competence of Congress, can be reached and accomplished with less than half the money there is in this bill.

But it is in the Senate as it is everywhere else in this world, I suppose, as it is in tax bills, and tariff bills, and everything else that affects the people. If I find that a tax is to be imposed upon some particular product of the community where I happen to reside and with whose special and local interests I am identified, I feel that an equal and a similar tax in some way should be imposed upon the products and industries of the rest of my brethren in the United States for the common purpose of us all. When some product of one State or community is to be protected I naturally feel, and every other Senator naturally feels, that in some just and equal relation the products and industries that need it of the communities with whom he is specially identified ought to be protected. That makes equality; and in general it is supposed you can not have it in any other way.

So when it is thought that a particular river in North Carolina is to be stirred up and dug out, &c., the representatives from Tennessee across the border feel, are not the rivers of Samaria as good as those of the Holy Land? And we must, therefore, have Tennessee attended to.

Mr. HOAR. Damascus.

Mr. EDMUNDS. Damascus is in the Holy Land.

Mr. HOAR. But not in Samaria.

Mr. EDMUNDS. Not in Samaria. The other river was in Samaria, though I admit that my knowledge of what my friend from Massachusetts is speaking of is not so accurate as his is.

Mr. LOGAN. You are right, however.

Mr. EDMUNDS. I suppose I am; but I refer to the matter generally. So from Tennessee it goes to the next State, and by and by it reaches another and another (I only start in the center of the country to illustrate the idea), and as was stated by the Senator from Illinois last night so well and so carefully, the upshot of it is that in spite of ourselves apparently, and without meaning to be under a bias and without any log-rolling or trading and "help-you-me and I-will-help-you" feeling at all, but somehow or other the outcome is that every stream and every strait that anybody has the face to suggest nearly is first surveyed, to which nobody made any objection last year, and being surveyed, as they say on the canals, you have got within locking distance and are entitled to go through next; and so they all get into the bill.

Now, they all being in the bill and on what the committee and the Senate acting as in Committee of the Whole (which is the same thing as the Senate for all practical purposes) have determined to be a suitable ratio as between one and another, and as it is impossible, as I have found by dear experience, dear to those who have heard me as well as to myself, to get out those things which ought not to be in at all, the only way is to economize and reduce the aggregate in such a way as that moderate operations can go on and something can be saved to the Treas-

ury and to the general public interest, in the hope that when we come to consider the subject again we can find that some and many of these streams, as happens, as is seen from the reports of the engineers, are reported to be unworthy of any improvement, turn out to be incapable of improvement, turn out to be inefficient and useless when improved, when we can bring ourselves, I hope, into a frame of mind to drop them, and go on with those objects of public expenditure which are really advantageous, not to a locality, not even to a State as a State alone, but to the nation as a nation, and to all the States in their operations and those of their people between each other and with foreign countries.

Therefore it is that I wish to test the sense of the Senate upon it and save time, whatever should be the rule when this bill comes back, if the Senate is of the opinion that it ought to be cut down; if not we shall know where we are. Whatever may be the outcome, if the Senate is of opinion that this thing ought to be done we shall then have a determinate guide upon which to proceed and to get on with the matter, in order that the bill in some way may be acted upon between the two Houses.

With the opinions I have expressed (and I mean to condense all I can, for I have not occupied much time on this bill) I should have felt and I now feel that the best thing to do is to do in substance, and for aught I know in form, what the Senator from South Carolina has proposed. I have had an amendment of precisely the same character in my desk since this bill has been reported.

But there are grave objections to it, as there are grave objections to the bill as it stands. It leaves it to the discretion of the executive department alone to determine in what places and what States and upon what objects so large a sum as $10,000,000 should be expended. It is a dangerous power, but it is a power which has been conferred upon Presidents before, and when so conferred, so far as I know, it has not been abused. It is capable of abuse; but if it were left to myself alone, with the notions I have expressed about the bill in question, I should rather run the risk, whatever it may be, of such an abuse than to appropriate three, four, five, or six million dollars for objects that when you look them one by one right in the face do not to my mind appear to come within our constitutional or political province of expending money upon.

But as it is, having expressed this opinion, I shall vote for the motion of the Senator from Minnesota to try the sense of the Senate on the question of reducing this bill, and if afterward it shall seem to be best to go still further and do what the Senator from South Carolina proposes, then I will consider that, having expressed the opinion I have about it already.

Mr. VEST. Mr. President, I have heard at each recurring session of Congress these homilies, for I can term them nothing else, in regard to the river and harbor bill. I simply wish to say that there is but one of two courses for the Senate or for the Congress of the United States to adopt. The one is to put this matter entirely in the hands of the Engineer Bureau and the President of the United States, to attempt the framing of no bill at all for the improvement of rivers and harbors; and the other is to adhere to the present system.

If Congress sees proper to abrogate its power to construct a river and harbor bill, let it do so; but I say now that is an absolute pretense, it is the sheerest moonshine nonsense that was ever talked even in a lunatic asylum, in my judgment, to say that you can construct a river and harbor bill and ignore the principles of human nature and the motives of mankind.

I have heard here again and again essays upon the constitutionality of this bill, and appeals to the patriotism and the esthetic feeling of members of the committee and members of the Senate. Who expects a Senator or a Representative to ignore the improvements in his State? The man who expects it looks for a Utopia in politics that never will exist in this country. There never has been a time and there never will be a time when the same motives and the same principles will not move and actuate men, in committee and out of committee, that have formed the river and harbor bills in the past and will form them in the future.

All this talk about the committee on river and harbors is the merest bosh and nonesense. The river and harbor committee has thirteen Senators upon it, who are moved by the same influences and motives with the rest of their colleagues in this Chamber; and the combination does not stop in the committee. Sir, I have known reverend and grave Senators to come before the river and harbor committee and beg for improvements; they have taken me outside and buttonholed me and appealed to me on personal grounds and said, "If I do not get this appropriation I am beaten in the next election. There are a lot of young fellows after my place, and you must help me out, VEST, or I am gone. 'Help me, Cassius, or I sink.'" I have helped them, and then they have come into the Chamber, and after the amendment was put on the bill they have stood up within three feet of me and denounced the whole scheme of the bill as a piece of unconstitutional corruption. My colleagues know the men. It has been done over and over again in my seven years' experience on the Commerce Committee.

Mr. President, you talk about combinations. They do not stop with the committee. Combinations have been made on this floor in regard to this very bill. "You help me and I will help you." "Put up my appropriations, and I will help you put up yours." I have had Senators come to me and say, "VEST, you were right in your argument on the Kentucky River, but I was in the gang and could not leave the procession. I got my part of the pork, and I had to help somebody else to get his. After I pay my debts I will then help the committee." And so it will be to the end of time, just as long as men are men, and are governed by the passions and prejudices and interests that always govern humanity.

The Senator from Vermont talks about New England and her self-abnegation. Take this bill, sir, and New England in proportion to population has got more than her share. Even my friend from Vermont unbended from his magisterial dignity and appeared before that committee and asked for an increase of an appropriation.

Mr. EDMUNDS. Yes, Mr. President——

Mr. VEST. And he did right. I am not speaking of it in any critical sense. I would have done it.

Mr. EDMUNDS. Will my honorable friend pardon me, if I may interrupt him?

Mr. VEST. Of course.

Mr. EDMUNDS. I think he referred to Vermont in proportion to population, or was it some other State in proportion to their population?

Mr. VEST. I said the whole of New England.

Mr. EDMUNDS. I wish to state about Vermont, which is a small part of New England, that the port, the appropriation for the breakwater as it came from the House being $15,000, where that breakwater is being constructed, brings into the Treasury of the United States about a million dollars a year from the customs duties of its commerce, that district of Vermont; and therefore it being on a lake which for 150 miles divides two States and which opens into a foreign country it might be considered fairly not a local lake but a place of some national importance.

Mr. VEST. I do not doubt it. I voted for the increase; I could not resist the arguments of the Senator from Vermont; but there is not a trout stream in this bill, there is not a so-called harbor that would give refuge to a fishing-smack of ten tons that is not a national improvement, if you listen to the Senators and Representatives from those States; and if you do not give it an appropriation Liberty lies bleeding in the streets and the Capitol will be shattered to its foundations. It is always so; and you can not make these river and harbor bills in any other way.

Now, what is the result of this motion? The Senators who have gone in and demanded all and got all will only be reduced 30 per cent., and those of us, if there are any of us, who have stood back and said in the public interest, "Do not increase this bill; let us be moderate about it in order to avoid a veto," we are cut down 30 per cent. also.

What is the use of having the deliberation of a committee? What is the use of having a Senate to pass upon the action of that committee? Why not meet the whole thing logically and say to the President, "We are unfit to discharge this duty; you take it, with your Cabinet, and discharge it for us?" That is the legitimate result of it. You just take a knife and slice off 30 per cent. of this whole bill. There are appropriations in here which ought never to have had a place in the bill, which I think I can demonstrate to any unprejudiced jury have no more right to be here than I have to be in the Parliament of Great Britain to-day. Yet they are here, and under the resolution or motion of the chairman of the Committee on Commerce 30 per cent. simply is taken off of them, leaving two-thirds; while a great improvement like the Mississippi River loses $800,000, the Ohio River loses nearly $200,000, and the Missouri River $200,000, and these others that have no place and should have no place in the bill simply receive a like verdict and a similar result. If we want to abnegate our parliamentary or legislative function let us do so and say to the people of the United States we are unfit and incapable to perform this duty.

If the Committee on Commerce had stood to this bill as they should have done we would have passed it as it came from the committee; but, like a militia company, we scattered on the first fire. On the first amendment which was acted upon there were not more than half the committee sustaining it, and they have been voting against their own bill, and we have had the legitimate result of disaster and defeat, and the bill has been made by the enemies of the bill itself. Now we are reaping the result in a motion coming from the chairman of the committee to cut off 30 per cent. from his own deliberate judgment. I am against it.

Mr. HARRIS. Mr. President, I wish to call the attention of the Senator from Minnesota and the Committee on Commerce to the position in which they inevitably place their bill if the motion of the Senator from Minnesota shall be agreed to. I call attention to clause 2 of Rule XV, a part of which I will read:

> It shall be in order at any time before the passage of any bill or resolution, to move its commitment; and when the bill or resolution shall again be reported from the committee, it shall be placed on the Calendar, and when again considered by the Senate, it shall be as in Committee of the Whole.

Now, recommit your bill, and when you report it back it takes its place on the Calendar, and when you can get consideration at all we go over the one, two, or three weeks, as we have been going over the

discussion of these questions for two weeks, and finally it may be again reported to the Senate. But I warn the Senator that it will have to be dealt with according to the rules, if it is recommitted and rereported back.

Mr. LOGAN. Mr. President, I wish to make but a remark in reference to the proceeding which is proposed by the Committee on Commerce, not by way of criticising their action, for I have no criticisms to make except those that come to me as logical conclusions from the propositions which have been presented to the Senate.

Taking the bill as a whole, I agree with the Senator from Vermont and with what has been said by the Senator from Missouri, that there are many things in it which ought not to appear in the bill. That is not strange, for I think there never has been a bill passed known as a river and harbor bill that did not have certain items in it which were thought by many to be improperly in the bill.

But the argument of the Senator from Vermont was that these things that were in the bill being improper, some time or other the Senate would come to a conclusion, a sensible conclusion we might say, and would strike off all of them, and then we should appropriate money simply for navigable streams and for the benefit and protection of harbors.

The Senator has more confidence in human nature than I have if he believes such a time will ever come when the Congress of the United States will strike off everything except navigable streams and rivers and harbors. I wish we had commenced that way. I wish that was the proposition now, because that is my theory of a river and harbor bill, and I have usually voted against such bills on that ground. But finding, as the Senator from Vermont will find sooner or later, that there is no use in fighting those propositions, that they naturally come into such a bill and you can not prevent it, I desisted from it, leaving to the committee on rivers and harbors to report such a bill as they deemed in their wisdom right. It being composed of thirteen intelligent gentlemen, I took it for granted that they knew more about it after they made the examinations than I could know.

But there is one singular thing connected with this proposition. The House recommends to the whole Congress that we appropriate about $14,000,000 or $15,000,000. That is to say, they have appropriated for certain streams, harbors, &c., that amount. The Senate conclude that there are other works that ought to be continued, that there are other works which ought to be commenced, that there are other surveys which ought to be made, and therefore they have added to the bill what in their judgment it is right to do. Doubtless the committee did not put anything in the bill that they thought was wrong. Therefore they believe that the whole bill is right.

Now, if the Committee on Commerce, composed of thirteen men, men wise, men intelligent, believe it to be right, I ask the chairman why they consent to agree in the face of the country that they have done a wrong, and are willing to admit here in the face of the whole country that they have put matters in this bill which were not justified and which ought not to be in it.

Mr. MCMILLAN. There is no such admission on the part of the committee by any step they have taken.

Mr. LOGAN. Very well; I do not mean it in any offensive sense, but I look upon it as a logical conclusion that almost all people will come to that when the committee and the Senate recommit the bill they admit before the country that they have undertaken to appropriate money they are not justified in appropriating. I can not look at it in any other light. I can not see it any other way.

Why is it done, sir? The men who have been opposed to this bill from its inception to the present time have been busy here day in and day out for the purpose of getting up enough men to encourage them to agree to stand to the proposition to recommit, until the committee, forced in some way or other either by a fear that their bill would be defeated by some means or other, were driven to this position to the acknowledgment that they have made an appropriation of about $3,000,000 more than ought to be made for the works that were demanded and represented by the Engineer Corps of the Army of the United States as objects of appropriation.

After I commence a proposition, I know it is much to my own injury many times that I am not inclined to back down as readily as I perhaps ought; but I can not help it; that is my nature; and I say that if I was that committee I would let the bill be strangled and throttled before I would make the admission before the country that I had sat there for weeks and months putting appropriations on the bill that would not stand criticism, and therefore they were driven from their position and agreed to take 30 per cent. of a horizontal cut off the bill.

Now, let me illustrate this proposition. Here on this bill we have a committee of thirteen. There are certain improvements in this country which are sufficiently appropriated for in the bill. There are certain others which are not sufficiently appropriated for. When you come to cut them down 30 per cent. by a horizontal slice, what is the effect? It is not that you cut across that way and that the long ones are cut off more than the short ones, if I may use that term; in other words, that the heavy appropriations are cut off more than the short ones so far as percentage is concerned, but you move them all up even, those that have a proper appropriation and those that have not. You cut them off even, and therefore the ones which are insufficiently appropriated for are damaged in the operation, while those which are sufficiently appropriated for can stand it. That is the effect of it. So it almost wipes out some of the appropriations. One that I mentioned to-day it cuts down until it amounts to nothing on earth, until the work will have to stop in a short time to the damage of the work that is being done, and it is a great and important work to the commerce of the country.

There is another phase in connection with this which strikes me very strangely. If the intention was by the committee and is by the Senate to play shuttlecock with some other branch of the Government somewhere not to be mentioned, so as to see which one can cut under the other and find which one can be the more economical, I would have made the bill that way at first. I would have done it, as the common phrase is, on a square deal. I would not have done it by bringing in a bill of this character and then be driven by the opponents of their work from that purpose, papers and measures being signed to secure it, to force men to admit what I have said.

It is true there ought not to be any political jugglery about a bill of this kind. I will not say that there is, but it is a fact which can not be denied that the cutting down of this bill 30 per cent. brings it below the appropriation made by the House. What is that for? Do you suppose it will stay there in the committee of conference? You first come in and say the House has not appropriated sufficiently; you add $3,000,000 to it; then you cut off $4,000,000 and bring it below the appropriation of the House. I can not understand the logic of that. I can not understand the nerve which causes that to be done. I can not understand why it shall be done unless it is as I say playing shuttlecock, one House with the other to see which one can undercut the other. I do not believe in that.

Mr. MITCHELL, of Oregon. Will the Senator allow me to interrupt him right there? The effect of the whole business is to place the making of the river and harbor bill in the hands of six men, because by this proposition every solitary provision, every item in the river and harbor bill put in by the House will be placed before the committee of conference.

Mr. LOGAN. Yes, there is no doubt about that. That is just what I was saying, that it would not remain before the committee of conference as it will come back from the Committee of Commerce if it is recommitted, for the reason that each and every proposition put in by the House will have been amended, so that every proposition that came from the House will be open to amendment before the committee of conference. It is not striking out one appropriation that gives a million dollars and leaving in another one that gives a hundred thousand, but you amend each and every proposition by reducing it 30 per cent., so that each and every proposition in the bill will be open to the action of the committee of conference, and when it comes back to the Senate it will be a bill unknown heretofore so far as its strippings and cuttings and razeeings are concerned, and certain things stricken out. A man who can not understand this it seems to me is very dull.

So far as any fears of what might happen to the bill hereafter are concerned, what business is that of ours? What have we to do with any department of the Government save that to which we belong? What right have we to question, what right have we to insinuate, what right have we to determine or believe that any particular action will be taken in any direction whatever in reference to this bill? We have no right to assert or intimate or form an opinion in reference to it, for we have nothing to form it upon. So the thing for us to do is to perform the duty incumbent upon us as we believe it should be performed and leave the balance where it belongs afterward without concerning ourselves in reference to it.

I may be among the very few, but it makes no difference. I advocated only one or two propositions in the bill. I believed they were honest; I believed they were correct. I took the judgment of the committee for the rest. I have committed myself to the bill as it was agreed on by the Senate, and believing I was right in doing it, I shall not be driven from my position in reference to it. If there are only a half dozen to stand by the bill I do not propose to vote for this proposition.

I did not dream of this action until yesterday evening, when it was suggested to me by a gentleman that probably this would be the course. I did not think it could be possible from what I had heard said by the committee, and I did not believe it.

Still it has been done; and I say now, and I say it not by way of criticism, but I say it because I believe it, that if that committee had stood by the bill as they reported it the opposition would have been confined to the Senators who have been making this raid on it for the purpose of defeating it, and it would have had a majority. Then a committee of conference could have agreed on certain amendments which had been made; that is to say, it would have been the agreement of the two Houses, and the bill would have been in a great deal better shape in my judgment than it is now proposed to place it.

I do not claim to be a parliamentarian. Every one knows that I do not bother myself with questions about parliamentary law, and for that reason perhaps my word will be taken when I say that I do not investigate it as thoroughly as other gentlemen. There are gentlemen

who do understand it, but I always find that they differ in reference to rules and everything of the kind when their interests differ. So I am confounded sometimes in reference to it; but if my opinion was worth anything at all, I would say that when this bill comes back from the committee it will then be as it was when reported from the committee first; that it will be subject to debate and subject to amendment just exactly as it was when it was originally brought from the committee to the Senate; and unless there is a majority to override that rule and close the mouth of every Senator here who is concerned in reference to having the bill adopted, I think the Senate will find or the committee will find that they will have about as much trouble to pass the bill when they bring it back as they have had to pass it at this time, and I think a little more.

I do not say this by way of criticising the committee. Far be it from me to do that, for I believe they are honorable and intelligent gentlemen. They have done the best they could about it. I think they have been unnecessarily alarmed about the fate of their bill. That is my honest judgment, and I believe that is what has caused this proposition to be made. I think that is the reason for this proposed action.

Mr. BUTLER. Mr. President, if I had ever had any doubt about the wisdom of the amendment which I had the honor to offer, that doubt has been entirely removed by what we have seen here to-day. While there are a great many provisions of the bill which do not meet my approval, some of which I have resisted with all the veto efforts I could command, I was inclined to abide by the action of the majority of the Senate and vote for the bill upon its final passage; but I anticipated several days ago what has happened this morning, that the friends of this bill would practically abandon it and rely upon a committee of conference for a river and harbor bill, thereby practically admitting that the Senate is incapable of preparing a river and harbor bill. For one I do not intend to subject myself to the charge of self-stultification by voting to recommit this bill to the Committee on Commerce, for that is what in my judgment it practically amounts to.

We have been here for two weeks acting deliberately and solemnly upon each provision of the bill, in a majority of cases calling the yeas and nays upon all the contested points, and at the eleventh hour we hear a motion from the chairman of the Committee on Commerce to recommit the bill to the Committee on Commerce with instructions to scale the appropriations 30 per cent. The Senator from Vermont, who has never concealed his enmity and hostility to the bill, does not deny that there are many provisions in it which ought not to be in it, measures which he has denounced as pernicious, as vicious, as unwise, and yet he proposes by his vote to condone for a wrong which he himself admits is in the bill, by striking at the meritorious measures and scaling down the wise and the unwise, the righteous and the unrighteous alike.

Mr. President, is that legislation? What will the world say of the Senate having devoted, as I have said, two weeks to the consideration of this measure, to come in now and impair the appropriations for meritorious measures about which there is no dispute, and, as my friend from Missouri says, strike down $800,000 from the Mississippi River, $200,000 from the Missouri River, simply for the purpose of committing some kind of legerdemain? I do not know exactly how to characterize it. My friend from Illinois said it was a game of shuttlecock and battledore with the House of Representatives, practically admitting that we are unfit and unable and unequal to the duty of preparing a river and harbor bill.

Mr. EDMUNDS. May I interrupt you?

Mr. BUTLER. Certainly.

Mr. EDMUNDS. In respect of the point of the Senator from South Carolina that this is going to cripple the expenditure so as to injure a good work, I beg to suggest to him what everybody knows, I only need to state it, that these river and harbor bills are not bills that are limited to years like the ordinary appropriation bills for the Government. No one of these appropriations lapses; it is a continuous work; and if it is found next December, take the Mississippi River for instance, that they have been able to judiciously and properly expend the amount that the bill contains and they need more money to go on, all Congress has got to do is to pass a bill to do it. It does not cripple anybody.

Mr. BUTLER. I understand that, but——

Mr. EDMUNDS. It is only a very short time from now until December, and I am afraid it will be shorter before we finish this session.

Mr. BUTLER. I understand that perfectly well, but I do not agree with the Senator. I think very many of these items are for important national improvements to which money enough is not appropriated.

Mr. EDMUNDS. There is money enough for the time from now to December.

Mr. BUTLER. I think not. I could select a dozen improvements, if I had time and chose to detain the Senate, and could demonstrate that the appropriations that have been made have been wholly inadequate for the work required, and that absolute loss has been entailed upon the Government by inadequate appropriations. Now it is proposed by these horizontal reductions to cut those appropriations down still further, and at the same time scale those items which the Senate admits ought not to be in the bill.

I submit that that is not judicious legislation; it is not wise. I would infinitely prefer that the amendment which I have offered should prevail and commit to the executive department of the Government a duty which we ourselves confess we are unfit to discharge, because I believe, at least I assume, that the Secretary of War, with the board of five engineers provided for in that amendment, would run through the debates upon this bill and select so far as may be such improvements as demand a large amount of money, permanent in their nature, and that they would apply the money to these, and obviate precisely what the Senator from Vermont says the bill creates, that is to say, the distributing of a vast amount of money to unimportant creeks and bayous and canals which are not national in their character.

I do not sympathize with that idea. I have always supported the river and harbor bill. I intended to support this and expect now to support it unless, as I said a while ago, we are guilty of the self-stultification of recommitting it to the Committee on Commerce after we have devoted so much time to it. I trust that the Senate will not do so. I agree with the Senator from Illinois that all we can do is to discharge our duty here and leave to other departments of the Government the discharge of theirs. We have no right to anticipate that the President will veto the bill or otherwise. We must assume that he will not do so.

Therefore I submit that it will be infinitely better that we go on with this bill as it is and perfect it as best we can, according to the best lights before us, send it to a committee of conference, where it properly belongs, and act upon their report, and then send it to the President. That would seeem to me to be the natural, sensible, orderly, wise, judicious course to pursue.

Mr. HOAR. Mr. President, I do not propose at this time of the discussion to follow the line of observation which was pursued by the Senator from Vermont. I think he is mistaken in his belief that any considerable number of items will be found in the bill which are not important to national commerce. If any Senator thinks otherwise, in my judgment when the bill is read as it comes from the committee it is his duty to take the item, to give the Senate his information about it at the time, and have it debated, and have the committee make their explanation and defense, and not simply when the matter is gone by indulge in a general statement of the enormity of the river and harbor bill without any specification of detail or particulars. But that question is not before us for discussion at the present time.

I am opposed to the proposition of the Senator from South Carolina to commit $10,000,000 to the Executive with authority to spend it upon such public works in the country as he may deem proper. In my judgment that would set a very injurious precedent in legislation. It is a precedent which might be abused by Executives hereafter, though I have great confidence that the present Secretary of War, if anybody, would be a person to be intrusted with such a function.

Mr. BUTLER. It has been done before.

Mr. HOAR. I think it is a very bad thing to do.

Mr. BUTLER. I think it has been done with the consent of the Senator.

Mr. HOAR. I expressed very emphatically a few years ago my objection. I think it was never done. It was proposed once or twice before. You talk about executive patronage; you talk about seeking to divorce the patronage of the Government from politics. What patronage in the power of an ambitious President or an ambitious Secretary is like that which authorizes him to cause the prosperity of whole communities, of the entire population along the banks of a river, or a great city, knowing that they are to owe their superior prosperity over a rival, a rival route of commerce, to the interposition of an Executive? I could hardly conceive a more objectionable principle to establish in legislation; and I should not be willing to help establish it in consequence of any particular necessity.

I think the rule which the Senator from Tennessee [Mr. HARRIS] has read shows very clearly that if the instructions proposed by the Senator from Minnesota be adopted, when the bill comes back to the Senate it must wait one day like all reports of committees, of course, and then must go again to the Committee of the Whole, and again to the Senate, passing through all its amendable stages as an original bill. That is very clearly the result of the express rule of the Senate, it seems to me, and it is also very clearly the parliamentary law, as I understand it, in the absence of an express rule. Cushing on Parliamentary Law makes a statement which I should like to read. He says:

> It is by means of an instruction to the committee that the form of a bill is changed, as by making two bills into one, or dividing one into two or more. Instructions to form two bills into one are, in general, mandatory, sometimes enabling merely; to divide one bill into two or more, appear always to be enabling. In turning one bill into two, or in making two bills into one, the committee does not perform the part of a mere scrivener, but reports the amendments proper for those purposes, as in other cases.

Then follows:

> Amendments, in pursuance of mandatory instructions, stand upon the same footing with other amendments, and must be reported upon by the committee and acted upon by the House in the same manner.

Thomas Erskine May goes further (I will not detain the Senate under the five-minute rule by reading) and implies very strongly that even where certain instructions are given to a committee, mandatory instructions, the committee deal with them with a sort of discretion,

and that the question must be put even in the committee. He also implies very strongly that mandatory instructions in regard to a mere matter of legislation within the legislative discretion of the House, as distinct from waiving some want of power or some special rule of procedure, have gone into disuse and are now unknown in English parliamentary practice.

What I should like is an amendment which I shall move if I have an opportunity, or which if the Senator should withdraw his motion I would move as an amendment to the bill independently of that, which I will now read:

Provided, That not more than 70 per cent. of the amount appropriated to any item of this bill shall be expended unless the Secretary of War shall certify in regard to such item that in his opinion a larger expenditure is necessary to prevent waste or loss in completing the work.

That would have the effect of providing for cases where the item of appropriation is one made to complete a work, a small work, where $5,000 would complete the work, and where the postponing of the expenditure of 30 per cent. of that for another year would require the cost and waste of removing the dredging-machines and so on, but for the general bill it would be a reduction of 30 per cent. of the amount now proposed by the Committee of the Whole.

Mr. MAXEY obtained the floor.

Mr. DOLPH. Will the Senator yield to me to make a conference report?

Mr. MAXEY. Certainly.

EVIDENCE IN CERTAIN STATE CLAIMS.

Mr. DOLPH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 71) "for the benefit of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territories of Washington and Idaho, and Nevada when a Territory," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments numbered 1 and 3 and agree to the same.

That the Senate recede from its disagreement to the amendment numbered 2, and agree to the same with the following amendment: Strike out all after the word "copy," in line 14, down to and including the word "evidence," in line 18, where it occurs a second time, and insert in lieu thereof the words "of such paper may be certified by the proper officers of such State or Territory under their seals of office, or, if such copy can not be furnished, any other competent secondary evidence of the contents of such paper;" And add at the end of the section the following words: "All provisions of this section applicable to States shall be equally applicable to the Territories;" and the House agree to the same.

J. N. DOLPH,
JNO. C. SPOONER,
GEO. GRAY,
Managers on the part of the Senate.

J. R. TUCKER,
D. B. CULBERSON,
L. B. CASWELL,
Managers on the part of the House.

Mr. EDMUNDS. I do not intend, as it would be useless and perhaps improper, to resist the adoption of this report. I see that there appears to remain in the bill a provision for taking any kind of information almost when a document shall be missing, not shown to be lost or destroyed but out of sight. It looks to me like pretty loose legislation in providing means for paying claims upon some kind of a public treasury. I only make the observation so that somebody will not shake his gory locks at me hereafter and say I assented to it.

Mr. PLATT. I wish the Senator from Oregon would explain to us what the effect of the conference report is—what effect it has upon the bill, and how it changes the bill. I suppose he can do it in a few words.

Mr. DOLPH. The bill was intended to authorize the Secretary of War—either the present incumbent or his predecessor supposed he was not authorized without some legislation to do that—to receive secondary evidence in the case of the loss of original papers; but the House committee thought the language was too broad for that purpose, and they amended the bill so as to require a certified copy in all cases where there had been a loss of an original paper. Of course that would prevent the proof of any claim, because there can not be a certified copy where the original was lost. The conference committee have agreed that a certified copy shall be furnished if it exists, and if the original is lost, upon proof of that fact and that there is no certified copy in existence, other competent secondary evidence may be received by the Secretary of War to establish the contents of the lost paper.

It is simply the rule that obtains in courts of justice applied to the proof of these claims.

The report was concurred in.

PUBLIC BUILDING AT OSHKOSH.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 57) for the erection of a public building at Oshkosh, Wis., which were, in lines 4 and 5 of the bill to strike out the words "internal-revenue office;" and in line 9, after the word "dollars," to insert the following words:

Nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury.

Mr. EDMUNDS. Now read the bill as it will stand amended unless it is to be referred.

Mr. SAWYER. No; I am going to move to concur.

Mr. EDMUNDS. Then let the bill be read as amended.

The Chief Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, by private sale or condemnation, a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United States district and circuit court, post-office, and other Government offices, at the city of Oshkosh, Wis. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $100,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys; and that no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Wisconsin shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein. For the purposes of this act the sum of $100,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same to be expended under the direction of the Secretary of the Treasury.

Mr. SAWYER. I move that the Senate concur in the House amendments.

The motion was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 2475) to amend an act approved May 25, 1882, entitled "An act for the construction of a public building at Galveston, Tex.," was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

AMENDMENTS TO BILLS.

Mr. CONGER, Mr. DOLPH, Mr. GIBSON, Mr. HAWLEY, Mr. KENNA, Mr. MANDERSON, Mr. SEWELL, and Mr. WILSON, of Iowa, submitted amendments intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Appropriations.

Mr. BECK, Mr. BLAIR, Mr. CAMDEN, Mr. JONES, of Nevada, and Mr. PALMER submitted amendments intended to be proposed by them respectively to the general deficiency appropriation bill; which were referred to the Committee on Appropriations.

Mr. GORMAN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a joint resolution (H. Res. 126) directing payment of the surplus in the Treasury on the public debt; in which it requested the concurrence of the Senate.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, the question being on the motion of Mr. MCMILLAN that the bill be committed to the Committee on Commerce with instructions to amend the same as voted by the Senate as in Committee of the Whole, except that in respect of the sum of money in each and every item and head of appropriation and the sum of the aggregate thereof contained in the bill and in the amendments agreed upon by the Senate as in Committee of the Whole shall be reduced 30 per cent. of the amounts thereof respectively, and that said committee amend said bill accordingly and not otherwise, and report the same complete forthwith.

Mr. MAXEY. Mr. President, the bill under consideration reached the Senate on the 10th day of May last, was promptly referred on that day to the Committee on Commerce, and remained in that committee under investigation from that time until the 28th of June, and was then reported back to the Senate. We have been engaged here day after day and to a late hour of the day, and last night to the hour of midnight, considering this bill as reported from the Committee on Commerce; and now a proposition comes in at this late hour that a horizontal reduction of 30 per cent. shall be made throughout the entire bill. What is the effect of that? A very large number of the items which came from the other House, after mature consideration by the committee of the House and by the House itself, and after careful consideration by the Committee on Commerce of the Senate were left in the bill by that committee precisely as they came from the House. So far in Committee of the Whole every one of those items, without comment, without objection, has been left in the bill by the Senate precisely as the Committee on Commerce reported them. So that we have, in so far as the unobjected items are concerned, the concurrence of the

House of Representatives and the concurrence of the Committee on Commerce of the Senate and the concurrence so far of the Senate itself.

Mr. McMILLAN. The Senator from Texas will permit me to call his attention to that statement. I think he is mistaken in the statement he has made. The Senate in Committee of the Whole have increased this bill over the recommendations of the Committee on Commerce nearly half a million dollars.

Mr. MAXEY. I have not spoken of that. I will show the Senator in charge of this bill what I mean in a moment, and that I am not mistaken.

I repeat what I said before, that a large part of the items which came from the House, which were examined and approved by the Committee on Commerce, which were reported by that committee back to this House, have been approved by the Senate without being touched in a single letter, word, syllable, or character. Every one of those items to which I refer has been left in the bill precisely as it came from the House and precisely as it came from the Committee on Commerce.

What justice, therefore, is there in reducing these unobjected items 30 per cent.? Both Houses have passed upon them. The Senate, so far, is satisfied with them. Why should these unobjected items be cut down because increases have been made in other items of the bill?

After all that, after the House has passed these items after full consideration, after the Committee on Commerce has passed them, after the Senate has examined them, and all hands agree that in so far as these items are concerned there could be no question or dispute, now what is the proposition? That the bill shall be sent back to the Committee on Commerce with a peremptory instruction that these items which have been passed upon by all who have examined them and have not been amended, have not been increased, have not been diminished, shall share the fate of those that have been amended by the committee and by the Senate, or which have been increased by the Senate since the bill came back.

That seems to me a very strange business transaction, that the entire judgment of the committee which unanimously concurred in so far as those items are concerned with the House, which submitted to this body in the form of a report that those items were right, and the Senate has indorsed and approved the action of the committee and declared by their votes that they were right, that those items thus passed upon shall share the same fate as the disputed items. Does that seem fair?

Should this proposition prevail every item in this bill, from the first item in it to the last, becomes in its very nature and character an amendment of the action of the House, and the whole of it is thus thrown into the control of a conference committee. It does seem to me that as a business proposition there is less reason in that than anything I have heard.

But it has been said by some that there are items in this bill which never should have crept into it; that they are wrong. Will you exclude any item from this bill by the motion of the Senator from Minnesota, the chairman of the committee? Not at all. Every item which has been denounced in the bill, from the first to the last, remains under that motion in the bill, and suffers precisely the same fate, no worse, as the best and the most approved items in the bill. Is there any justice or business in that?

Take the great harbor of New York, the great harbor of Norfolk, the great harbor of Savannah, the great harbor of Galveston, and other harbors that all admit should be improved, according to the proposition of the chairman of the committee every one of these items goes down 30 per cent. along with those streams which have been so denounced as unworthy of a place in the bill; so that it is treating the just and the unjust, if any be unjust, the meritorious and unworthy, if any be unworthy, alike. Mr. President, as a business proposition, I never have heard of one that struck me as having less practical sense.

I oppose the proposition, first, because it has no business in it; and second, because I am not alarmed at the size of this bill. I say here and now if the Commerce Committee, of which the presiding officer [Mr. FRYE] is an honored member, had reported a larger appropriation for really meritorious works I would have voted for it cheerfully.

From the foundation of the Government the Congress of the United States has assumed commercial jurisdiction over the great navigable rivers and over the harbors of this country, and of late years and for many years Congress has assumed the entire commercial jurisdiction over the navigable rivers and over the harbors, and has been exercising that jurisdiction over these rivers and over these harbors. It is, in its very nature and by the very terms of the Constitution, exclusive jurisdiction; and thus the States which are blessed with harbors and blessed with navigable streams can not improve those as they desire they should be without asking the consent of Congress, without proceeding in the manner prescribed by Congress.

All they can do is to make an appropriation and put the money of the State in the improvements in the mode and manner directed by Congress, because not only do I think the Constitution is entirely clear in and of itself, but numerous decisions of the Supreme Court of the United States have conclusively settled that the navigable streams and harbors of this country are as necessarily a part of the commerce clause of the Constitution as the ship is or any other instrumentality of commerce; but when Congress exercises that jurisdiction it is in its nature exclusive. The States therefore are practically inhibited from taking any part in their improvement, unless they voluntarily advance their own money, which Congress does not need or ask for, and which the States are pretty apt not to do.

What did we do last year? A river and harbor bill passed the House of Representatives and came here, and for some reason or other it never was reported back from the Committee on Commerce in time to be examined, and the result was that it was lost. What followed? All the unfinished works, wherever they were, where the Government of the United States had invested hundreds of thousands of dollars of the money of the people in those works, were left in that unfinished condition, and every man who knows anything about such works, or indeed any structure, knows that when work, whether under ground or above ground, whether under water or above water, is left in an incomplete and an unfinished condition, subject to the storms, to the winds, to the floods, and to the waves and all the casualties which can injure unfinished property, it is the worst of business to leave that property in that unfinished condition; and the very result of failing to pass the river and harbor bill at the last Congress was that the United States Government lost hundreds of thousands of dollars by the impairment of work which had been begun and partially completed.

The country is growing rapidly, and there is an absolute need for the improvement of your rivers and your harbors, and every year that you neglect it is a loss to the American people.

We hear a great deal of talk well founded about the power of railroads, the power of monopolies, the control which they have over the commerce of the country. Mr. President, the best competitor that ever was made, or ever will be made, to contend against railroads is that competitor which the God of nature has given us in the form of navigable streams and harbors, giving free ingress and egress to the commerce of the world. They are the natural competitors; and we are neglecting our duty if we fail to avail ourselves of these natural arteries of commerce by improving them and removing from them all obstructions which prevent their free navigation. So that I am not deterred from voting for the bill on account of its size.

You must bear in mind that this bill ought to have double or more than double the amount of an ordinary annual river and harbor bill, because we had none last year, and four years ago we had another bill which passed through both Houses of Congress and was vetoed; and thus by the veto and by the neglect of Congress to pass a bill last year, our works have been continually deteriorating and will continue to deteriorate, and it is the worst of folly to continue in this reckless course. No sensible business man would treat his own property as we treat the rivers and harbors of this country.

Why has this been brought about? There was raised a few years ago a hue and cry and a storm generated by the most selfish purposes, designed and intended to compel Congress not to pass river and harbor bills, not to bring the water ways of this land in competition with the railways of the land. That was the bottom and foundation of that great hue and cry that was raised against the river and harbor bill. It was founded on that selfish desire to compel the people of this country to pay higher rates of freight, higher rates of travel than they would be required to pay had the water ways of the country been free. That is the secret of it; that is the foundation of it; and those men who assume to be the special, peculiar, and great friends of the people, who cry out against monopoly, ought to bear in mind that the true, legitimate, and best method of meeting these monopolies is to take that great water way which God gave us and put it in suitable condition to compete with railways. Give this relief, and put on as many other brakes as the Constitution and wise legislation will justify.

I am opposed to the proposition as made by the chairman of the committee. I am opposed to backing down from the work we have done. I believe the Senate of the United States has acted in the main wisely and well on this bill. There are items in the bill which I voted against, but my judgment as to some of those items was not approved by the Senate. In a bill of this kind, aggregated of a great many different and distinct items, it would be next to impossible to get any bill without having in it here and there an item that did not meet your judgment.

Improve the harbors on the Atlantic and Gulf front, so as to give free ingress and egress to the great sea-going ships, and trade centers with direct trade with the markets of the world will spring up. Competition among these trade centers will make trade healthful, and you break up the monopoly which a few trade centers have over the importing, exporting, banking, and insurance business of the country, and this country will thrive by healthful competition as it never did before.

But the great principle at last is: Is the bill as a whole beneficial to the American people? Does it aid materially and at a reasonable cost in removing the obstructions from your rivers, deepening your harbors, and putting them in a better condition to trade with the nations of the earth? I take the faults in the bill as I take the spots on the sun's disk, for, although they are there, the great god of day gives light and heat. I take these spots although they be on the bill, because the bill, as a whole, is a good bill and will result to the benefit of the people. It will aid the people in that great struggle for cheap freight and cheap

travel. I therefore oppose the motion of the Senator from Minnesota. I shall oppose the proposition of the Senator from South Carolina [Mr. BUTLER], and I shall vote to pass the bill precisely as the House sent it to us amended by the Senate committee and as further amended by the Senate itself.

Mr. EDMUNDS. Mr. President, I wish, although the question is not precisely the point now, but before the matter passes away, to say a word in reply to the Senator from Massachusetts [Mr. HOAR] as to what would be the state of this bill when reported back again if the motion of the Senator from Minnesota should be agreed to. I think it capable of demonstration under parliamentary law, when you look into the precedents and authorities, that where the Senate has ordered a committee, instead of the Secretary, to make a particular amendment, and that amendment is reported as made in obedience to the order of the Senate (just as when the Senate orders a bill to be engrossed it is reported by the Committee on Engrossed Bills as duly engrossed and no further vote of the Senate is had upon it), it would have effect as the action of the Senate and the amendment would be made.

The section from Cushing that was read by the Senator from Massachusetts where he states it broadly and apparently in support of the proposition of the Senator from Massachusetts, stands in exact opposition to an earlier section, which speaks of special and particular amendments of words that are directed by the body to be made by a committee on a recommitment, where he says that in obedience to that command those words have been stricken out or inserted, and the bill is then reported, that it starts right on from that point just as if the amendment had been made in the Senate or in the parliamentary body, whatever it is, and on referring to the Congressional Globe, which Mr. Cushing cites, for the general proposition of mandatory amendments being an open question, I find that the authority does not support the proposition at all.

There on an appropriation bill in the House of Representatives a gentleman moved that the bill be recommitted to the Committee of the Whole with instructions to strike out all the items in the appropriation that were not made to carry out existing law, a general direction which had no definition, no point, no certainty to it; and of course the House did not intend to commit to the committee the final decision of what items in the bill were in conformity with existing laws and what were not. But even in that case, the bill having been again reported to the House of Representatives in its full capacity with the Speaker in the chair, the point of order was made that the House could not change the action of that committee in striking out what they had done pursuant to that direction. The Speaker overruled the point of order as he ought to have overruled it. An appeal was taken, and it was only laid on the table by a vote of 86 to 75, although the Speaker was clearly right.

The point is, as you will find and as everybody will find who will take the trouble to study before he decides, that where a parliamentary body wishes to do a particular thing in a particular form, it has the same right to do it by a committee of one (as is done in the Legislature of the State of Vermont) as it has to do it by the secretary at the desk and when in pursuance of this command it has been done, it is done. But, however, I pass that now and I come back to the question that is before the Senate.

The Senator from South Carolina has moved to amend the motion of the Senator from Minnesota by striking out I believe all after the word "instructions." Will the Secretary kindly read where the amendment begins?

The SECRETARY. Strike out all after the word "instructions," in the second line.

Mr. EDMUNDS. Now I move to amend the amendment of the Senator from South Carolina by striking it all out and inserting what I send to the desk, and after it is read I will state what my purpose is.

The PRESIDING OFFICER. It will be read.

The Secretary read the words proposed to be inserted, as follows:

To keep the total appropriations within the aggregate sum appropriated by the bill of the House, and that the items be adjusted accordingly in such manner as best to promote the public interest.

Mr. EDMUNDS. That will bring us face to face with two propositions. I shall vote in the end for the proposition of the Senator from Minnesota; but as between the proposition of putting $10,000,000 into the hands of the President of the United States and keeping this bill within reasonable bounds set by the Senate, to be fixed by the committee, I should prefer what I have stated; and when the proper time comes I shall ask the yeas and nays on this amendment to the amendment of the Senator from South Carolina.

Mr. KENNA and others. Let the last amendment be read.

The Secretary read the amendment of Mr. EDMUNDS to the amendment of Mr. BUTLER.

Mr. KENNA. It seems to me that every Senator must realize at once that the adoption of that amendment means no river and harbor bill at this session. I do no injustice to any Senator on this floor or to any number of Senators when I say that it is beyond the limits of possibility that a general revision and readjustment of this bill can be made by any committee prior to the time at which in all probability this Congress will adjourn. It involves a revision of every item in this bill and a readjustment of it, and the attempt to accomplish such a task will simply prevent the passage of the bill during this session of Congress.

Mr. EDMUNDS. But this amendment now involves the proposition whether you would rather do that or put $10,000,000 into the hands of the President of the United States in a lump.

Mr. KENNA. I think not. I think this bill stands here as reported by the committee of the Senate and as amended by the Senate as in Committee of the Whole; and that proposition is before the Senate. There are various alternatives in the construction of the bill, as the Senator from Vermont will find before we get through with it.

Mr. MILLER. It seems to me that the proper thing to do now is for the chairman of the committee—and I make the suggestion—to withdraw his resolution until such time as we shall have considered in the Senate the amendments which were made as in Committee of the Whole, allowing each Senator to call for a vote upon any amendment which he desires to have a separate vote upon. It is very evident that we can not do otherwise.

I have no doubt the decision of the Senate on the point of order raised, if submitted to it, would be that even if the instructions contained in this resolution were carried out and the bill was reported back to the Senate, in accordance with the resolution, the Senate would hold that it was proper and parliamentary for amendments to be offered to the bill, according to the rules of the Senate of course, and a vote could be had afterward on every amendment. Certainly it would not do to send this bill back to the committee and reduce it 30 per cent., and then when it was reported back to have some items put up or put down by amendments as they might be by a vote of the Senate, and then, of course, the justice of the horizontal reduction would be entirely destroyed. It seems to me, therefore, that it is better under the circumstances of this discussion that the resolution should be withdrawn and that we should proceed to vote.

Before that is done I desire to say a few words in regard to my own position on this question of a reduction of 30 per cent. The Senator from Illinois has sharply criticised the members of the committee for their pusillanimous course in consenting to such a reduction. Of course I need not repeat to the Senate to-day that I have always stood for liberal appropriations, I may say for large appropriations for internal improvements, and I have not changed my position. But after consulting with nearly all the members of the committee and with a large number of my colleagues upon this floor, I have become convinced that a majority of this body would favor such a reduction, that it was sure to carry; and I am one of those who believe that the wisdom of the majority is usually greater than the wisdom of the minority. Although I hold to my own opinion that the bill is not too large, yet as a member of the committee I freely consented to this reduction.

After the bill shall have been voted upon in the Senate and amended as the Senate shall desire to have it amended, then I hope the chairman of the committee will renew his resolution, modified as it will then be necessary to modify it, making this reduction. In my judgment that proposition will receive the support of a majority of the members of the Senate. I have consented to this. I have consented to waive my own ideas and my own opinions because of the great necessity of the public works, believing that, if this is not done, even this bill perhaps may not pass the Senate at all and certainly that it can not become a law unless some such concession as this is made.

I do not admit at all that the amount in the present bill is too large as the Senator from Vermont stated it to be; neither do I admit for a moment that the appropriations are too much diversified and divided; that is, that they are given to too large a number of objects. I do not know of any rule by which the people living around New York Harbor or living upon the Mississippi River or at San Francisco are any more entitled to the fostering care of the Federal Government than the man who lives upon a little bay out of the Chesapeake Bay or who lives upon any little navigable stream of the South. I believe that the fostering care of this Government must extend to all our people.

Neither do I admit, as has been stated here to-day, that there are appropriations in this bill which are not justifiable by the wants of commerce. I have stated before that there are appropriations in it for works which I believe might well afford to wait to a later time for improvement. There are measures in it which I should have been glad to see taken out, but I do not admit at all that the Committee on Commerce in making up this bill have by a majority of their votes consented to the putting into it of any swindles or any steals, as they understand it and know it; and I judge that the Committee on Commerce, having considered this measure for nearly two months, have some idea at least, and perhaps as good as those who have not studied it more than a day or two, of the items which are contained in the bill.

Having stated this and my position upon it and my reasons for my present consent to a reduction of the bill, I hope the chairman of the committee will withdraw the resolution for the present and let us proceed to vote upon the amendments *seriatim*.

Mr. MCMILLAN. Mr. President, I submitted this motion wholly with the purpose of economizing time, but it has evidently not tended in that direction. It is evident that the Senate desires to vote upon each of the items of amendment of this bill in the Senate. I do not feel disposed to prevent them from expressing their convictions upon

every item in the bill. I think therefore it will tend to facilitate the passage of the bill if I withdraw the motion for the present.

The PRESIDENT *pro tempore*. The Senator from Minnesota withdraws the motion made by him. The question recurs on the amendments made as in Committee of the Whole. Does the Senator from Kansas ask for a separate vote on each amendment.

Mr. INGALLS. I do not understand the Chair.

The PRESIDENT *pro tempore*. Does the Senator from Kansas ask for a separate vote on each amendment?

Mr. INGALLS. I do not ask for a vote on each amendment; but it is absolutely necessary, as the bill has not been reprinted and we do not know what is in the bill or out of it, that these amendments should be read *seriatim*. I shall not ask a vote upon any except such as I wish to dispute. They can be read over and agreed to without objection unless opposition is made, so far as I am concerned, as they are read, unless I wish to call attention to some particular amendment.

The PRESIDENT *pro tempore*. The amendments will all be read; and if there is no objection, the Chair will understand that each amendment as read is concurred in.

Mr. EDMUNDS. It must be announced from the Chair in each case so that we can know where we are.

Mr. INGALLS. Beginning, of course, with the beginning of the bill.

The PRESIDENT *pro tempore*. Certainly. The amendments will be read in their order.

Mr. LOGAN. I desire to offer the amendment I suggested this morning. I do not ask a vote on it now; but when we come to the proposition in reference to the Illinois River I propose to offer an amendment to increase it $50,000.

Mr. MILLER. I suggest that the Secretary proceed to read the amendments agreed to in Committee of the Whole, and at any point if any Senator desires to offer an amendment he can offer it at the time, so that we go over the bill but once.

Mr. LOGAN. I have no objection to that.

The PRESIDENT *pro tempore*. The amendments will be read in their order.

The first amendment made as in Committee of the Whole was, in section 1, after line 15, to insert:

Improving the channel in Back Cove, Portland, Me.: Continuing improvement, $35,000.

The amendment was concurred in.

The next amendment was, in section 1, line 18, to increase the appropriation for "improving harbor at York, Me.," from $10,000 to $15,000.

The amendment was concurred in.

The next amendment was, in section 1, line 21, to increase the appropriation for "improving harbor at Portsmouth, N. H.: Continuing improvement," from $8,000 to $15,000,

The amendment was concurred in.

The next amendment was, in section 1, after line 21, to insert:

Improving the harbor of refuge at Little Harbor, N. H.: Continuing improvement, $10,000.

The amendment was concurred in.

The next amendment was, in section 1, line 25, to increase the appropriation for "improving harbor at Burlington, Vt.: Continuing improvement," from $15,000 to $25,000.

The amendment was concurred in.

The next amendment was, in section 1, after line 25, to insert:

For breakwater at Gordon Landing, on Lake Champlain, to be built on the 12-foot curve mentioned in the papers accompanying the report of the Secretary of War to the Senate, dated March 1, 1886 (Executive Document No. 81, Forty-ninth Congress, first session,) $25,000.

The amendment was concurred in.

The next amendment was, in section 1, line 39, to increase the appropriation for "improving harbor at Wareham, Mass.: Continuing improvement," from $10,000 to $15,000.

The amendment was concurred in.

The next amendment was, in section 1, after line 48, to insert:

For the national harbor of refuge of the first class at Sandy Bay: Continuing improvement, $100,000.

The amendment was concurred in.

The next amendment was, in section 1, line 58, after the word "improving," to strike out "breakwater" and insert "harbor;" and in line 59, after the word "continuing," to strike out "work on breakwater, $8,000," and insert "improvement, $20,000; of which $8,000 shall be expended on the breakwater and $12,000 on the inner harbor;" so as to make the clause read:

Improving harbor at Block Island, R. I.: Continuing improvement, $20,000; of which $8,000 shall be expended on the breakwater and $12,000 on the inner harbor.

The amendment was concurred in.

The next amendment was, in section 1, line 64, to increase the appropriation for "improving harbor at Newport, R. I.: Continuing improvement," from $12,500 to $15,000.

The amendment was concurred in.

The next amendment was, in section 1, line 89, to increase the appropriation for "improving harbor at Dunkirk, N. Y.: Continuing improvement," from $10,000 to $20,000.

The amendment was concurred in.

The next amendment was, in section 1, line 91, to increase the appropriation for "improving harbor at Canarsie Bay, New York: Continuing improvement," from $5,000 to $10,000.

The amendment was concurred in.

The next amendment was, in section 1, line 92, to strike out "ten" and insert "and;" so as to read:

Improving harbor at Charlotte, N. Y.: Continuing improvement and for repairs, $35,000.

The amendment was concurred in.

The next amendment was, in section 1, line 99, to increase the appropriation for "improving harbor at Great Sodus Bay, New York: Continuing improvement," from $15,000 to $22,500.

The amendment was concurred in.

The next amendment was, in section 1, line 106, to increase the appropriation for "improving harbor at Oak Orchard, N. Y.: Continuing improvement by repairs," from $2,500 to $12,500.

The amendment was concurred in.

The next amendment was, in section 1, after line 107, to insert:

Improving harbor at Olcott, N. Y.: Continuing improvement and repairs, $10,000.

The amendment was concurred in.

The next amendment was, in section 1, after line 110, to insert:

Improving harbor at Wilson, N. Y.: Continuing improvement, $10,000.

The amendment was concurred in.

The next amendment was, in section 1, line 124, to increase the appropriation for "improving harbor at Saugerties, N. Y.: Continuing improvement," from $10,000 to $15,000.

The amendment was concurred in.

The next amendment was, in section 1, to strike out the following clause from line 127 to line 133:

Improving harbor of New York at Gedney's Channel, New York: Continuing improvement, $150,000; of which sum $50,000, or so much thereof as may be necessary, shall be used by the Chief of Engineers and the Coast and Geodetic Survey to ascertain the best outlet to the ocean: *Provided*, That in the judgment of the War Department such survey is necessary.

And in lieu thereof to insert:

Improving New York Harbor, New York: Continuing improvement to secure a 30-foot channel at mean low water at the Sandy Hook entrance of the harbor, upon such plan as the Secretary of War may approve, $1,000,000.

The amendment was concurred in.

The next amendment was, in section 1, line 143, to increase the appropriation for "improving harbor at Raritan Bay, New Jersey: Continuing improvement," from $30,000 to $50,000.

The amendment was concurred in.

The next amendment was, in section 1, after line 143, to inset:

Improving harbor at Plattsburg, N. Y.: Continuing improvement, $5,000.

The amendment was concurred in.

The next amendment was, in section 1, after line 145, to insert:

For a more thorough and definite survey and examination of the harbor at Atlantic City, N. J., with a view to making a harbor of refuge at that point, $5,000; said examination and survey to be made by a board consisting of three United States engineers.

The amendment was concurred in.

The next amendment was, in section 1, line 165, to strike out the word "channel" and insert "ice-harbor;" so as to read:

Improving ice-harbor at Marcus Hook, Pa.: Continuing improvement, $15,000.

The amendment was concurred in.

The next amendment was, in section 1, line 170, after the word "ice-harbor," to strike out "if in his opinion said piers be useless to the Government and their present condition be dangerous to navigation;" so as to make the clause read:

The Secretary of War is authorized to cede to the city of Chester, Pa., the upper and lower piers located in said city and extending into the Delaware River, and formerly used as an ice-harbor.

The amendment was concurred in.

The next amendment was, in section 1, line 180, to increase the appropriation for "improving harbor at Baltimore, Md.: Continuing improvement," from $100,000 to $200,000.

The amendment was concurred in.

The next amendment was, in section 1, after line 182, to insert:

For continuing the improvement of the Potomac River in the vicinity of Washington, with reference to the improvement in navigation, the establishment of harbor-lines, and the raising of the flats under the direction of the Secretary of War and in accordance with existing plans, $500,000: *Provided*, That no part of the sum hereby appropriated shall be expended upon or with reference to any place in respect of which the title of the United States is in doubt, or in respect to which any claim adverse to the United States has been made.

The amendment was concurred in.

The next amendment was, in section 1, to strike out from line 193 to 199, inclusive, as follows:

Improving harbor at Norfolk, Va.: Continuing improvement, $100,000.

Improving approach to Norfolk Harbor and the United States navy-yard at Norfolk, Va.: Continuing improvement by widening the channel of Elizabeth River to the port warden's line on the eastern side, between Lambert's Point Light and Fort Norfolk, $50,000.

And in lieu thereof to insert:

Improving harbor at Norfolk, Va., and improving approach to Norfolk Harbor and the United States navy-yard at Norfolk: Continuing improvement by widening the channel of Elizabeth River to the port warden's line on the eastern side, between Lambert's Point Light and Fort Norfolk, $250,000; of which $100,000 shall be expended in improving the harbor, and $150,000 in widening the channel of Elizabeth River to the port warden's line on the eastern side, between Lambert's Point Light and Fort Norfolk, beginning at Lambert's Point Light, including the construction of the proposed dike.

The amendment was concurred in.

The next amendment was, in section 1, after line 220, to insert:

Improving Winyaw Bay, South Carolina: Continuing improvement, $25,000.

The amendment was concurred in.

The next amendment was, in section 1, line 228, to reduce the appropriation for "improving Cumberland Sound, Georgia and Florida: Continuing improvement" from $150,000 to $100,000.

Mr. CALL. I object to that. I hope the Senate will not concur in that amendment. That is the amendment relating to Cumberland Sound and Amelia Island in Florida. The House fixed the appropriation at $150,000. The subject was very fully discussed the other day, and I think it unnecessary to trouble the Senate with a repetition of the arguments then made in reference to it.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. CALL. This is a very great reduction. Florida is almost the only State in which the appropriations made by the House have been cut down. Senators on the other side have increased almost every item, and increased even the little rivers in the country, which I do not object to. I think there is a great deal of erroneous criticism on this subject. But I will not go into that argument.

This has the recommendation of the engineers. There is a fortification there, and a large amount of money has been expended. The engineers have certified that this amount is absolutely necessary to the preservation of the work, and by neglecting it the money already expended will be lost. Why it is, after the Senate has increased nearly every other appropriation in the bill, that this State alone should be cut down by the Senate I do not understand.

Mr. MILLER. I should like to make a suggestion to the Senator from Florida. This matter was fully discussed before, and I am not going into any discussion of it now; but I suggest to the Senator from Florida that he give his consent that this item may be entirely stricken out, and that the $150,000 appropriated in it be added to the improvement of the mouth of the Saint John's River. Let us finish up one great work in that State before we commence another. This work at Cumberland Sound is going to cost two or three million dollars, and will not be finished till the next ten or twenty years, whereas the Saint John's River drains nearly the whole of Florida and carries the bulk of its commerce.

Mr. CALL. I should not feel justified, as the United States has undertaken the work and expended $230,000 upon it, to consent to that money being thrown away.

The engineers have certified that the continuance of the work here is necessary to the preservation of that which has been done; and although I live at Jacksonville and would greatly prefer that the entrance to the Saint John's River above all other places on the Atlantic coast should be made a deep-water harbor and receive an adequate appropriation, I do not think it right that I should consent that the adjacent city of Fernandina and the adjacacent ports in the State of Georgia, all of which are interested, and still more than that that the commerce of the United States amounting to millions of dollars that passes within sight of that port and finds a refuge there in case of storm should be deprived of the advantage of that port as a harbor and place of refuge.

The expenditure of this money and a little more than this in the course of a year or two will make the harbor of Fernandina one of the best in the world. That is a matter beyond all doubt. The work has been commenced, established by the Government, and with $150,000 appropriated for it I do not think it would be right for me to consent or that it would be good policy in the Government to throw away the money that has already been expended there. I trust therefore that the Senate will not agree to reduce this amount.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment made in Committee of the Whole.

Mr. MCMILLAN. This question was very fully discussed in committee, and I shall leave it there. It is not necessary to say anything further.

The question being put, there were on a division—ayes 15, noes 18.

The PRESIDENT *pro tempore*. There is no quorum voting.

Several Senators (to Mr. CALL). Give it up.

Mr. INGALLS. Do I understand the Senator from Florida to withdraw his request for any further action?

Mr. CALL. I do not understand that the amendment has been agreed to.

Mr. INGALLS. It was not so announced by the Chair.

The PRESIDENT *pro tempore*. The Chair announced that the result of the division was 15 in the affirmative and 18 in the negative.

Mr. MILLER. Let us have the yeas and nays then.

The yeas and nays were ordered.

Mr. HAWLEY. I should be glad to hear the amendment reported, as I was necessarily absent for a few moments.

The PRESIDENT *pro tempore*. The amendment agreed to in Committee of the Whole will be read.

The SECRETARY. In line 228 after the word "hundred" strike out "and fifty;" so as to read:

Improving Cumberland Sound, Georgia and Florida: Continuing improvement, $100,000.

Mr. INGALLS. I understand a vote of "nay" raises this appropriation to $150,000.

The PRESIDENT *pro tempore*. That is the effect.

The Secretary proceeded to call the roll.

Mr. CHACE (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. BUTLER (when Mr. CAMERON'S name was called). The Senator from Pennsylvania [Mr. CAMERON] requested me to announce that he is paired with the Senator from Kansas [Mr. PLUMB]. He is paired with me generally, but he is paired with the Senator from Kansas on this question.

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. SEWELL (when his name was called). I am paired with my colleague [Mr. MCPHERSON] in his absence. I do not know how he would vote on this amendment, and therefore I withhold my vote.

Mr. TELLER (when his name was called). I am paired on the final vote on the bill with the Senator from Georgia [Mr. BROWN], but I reserved the right to vote as my judgment dictated upon improvements of this kind, and I vote "nay."

The roll-call was concluded.

Mr. CAMDEN. I am paired with the Senator from Rhode Island [Mr. ALDRICH].

The result was announced—yeas 19, nays 26; as follows:

YEAS—19.

Blair,	Frye,	McMillan,	Platt,
Conger,	Gorman,	Manderson,	Sherman,
Dolph,	Hawley,	Maxey,	Vest,
Edmunds,	Jones of Nevada,	Miller,	Wilson of Iowa.
Evarts,	Kenna,	Palmer,	

NAYS—26.

Beck,	Eustis,	Mitchell of Oreg.,	Vance,
Berry,	George,	Payne,	Van Wyck,
Blackburn,	Gibson,	Pugh,	Voorhees,
Butler,	Hampton,	Ransom,	Whitthorne.
Call,	Harris,	Sawyer,	Wilson of Md.
Coke,	Ingalls,	Spooner,	
Cullom,	Jones of Arkansas,	Teller.	

ABSENT—31.

Aldrich,	Colquitt,	Jones of Florida,	Plumb,
Allison,	Dawes,	Logan,	Riddleberger,
Bowen,	Fair,	McPherson,	Sabin,
Brown,	Gray,	Mahone,	Saulsbury,
Camden,	Hale,	Mitchell of Pa.,	Sewell,
Cameron,	Harrison,	Morgan,	Stanford,
Chace,	Hearst,	Morrill,	Walthall.
Cockrell,	Hoar,	Pike,	

So the amendment was non-concurred in.

The next amendment made as in Committee of the Whole was, in line 231 of section 1, before the word "thousand," to strike out "twenty-five" and insert "seventy-five;" so as to read:

Improving harbor at Savannah, Ga.: Continuing improvement, $175,000.

The amendment was concurred in.

The next amendment was, after line 234 of section 1, to add "of which $2,000 may be expended, in the discretion of the Secretary of War, at the Carabello or Crooked River."

Mr. EDMUNDS. The Senator from Massachusetts requested everybody wherever he saw a head to hit it, as the Irishman said. I can not take up the time of the Senate in doing that, but I should really be glad to have this matter explained a little as a mere *sample of these* things.

Mr. MCMILLAN. This is an amendment that was inserted in line 234 by the Senate as in Committee of the Whole.

Mr. EDMUNDS. What is the effect?

Mr. MCMILLAN. The appropriation in the bill is for Apalachicola Bay. The amendment is "of which $2,000 may be expended, in the discretion of the Secretary of War, at Carabello or Crooked River."

Mr. EDMUNDS. Let me see if I can find Crooked River in the engineer's report.

Mr. MCMILLAN. In Apalachicola Bay.

Mr. EDMUNDS. Crooked River can not be in Apalachicola Bay.

Mr. CALL. There is no Senate amendment at Apalachicola Bay.

Mr. MCMILLAN. Yes, sir.

The PRESIDENT *pro tempore*. The Senate as in Committee of the Whole made the amendment which has been read.

Mr. CALL. I should like to have it read again.

Mr. MILLER. The Senator ought to know it. If there is no amendment there must be a mistake in the work of the Secretary.

Mr. McMILLAN. Let it be stricken out then.
Mr. CALL. What is the amendment?
Mr. MILLER. Let it be again read.
The PRESIDENT *pro tempore*. The amendment will be read again.
The Chief Clerk read the amendment.
Mr. CALL. That was adopted by the Committee of the Whole.
Mr. EDMUNDS. Where is Crooked River?
Mr. CALL. In the report of 1884 you will find the estimate of the engineers and the report of the examination of Crooked or Carabello River. Carabello River empties into Apalachicola Bay near what is called Dog Island, which is the deep-sea entrance for the foreign ships that carry lumber from Apalachicola to Europe, in which there is quite a large trade.
Mr. EDMUNDS. I do not understand that there is any estimate for it this year.
Mr. CALL. There is no estimate for it this year. There was an estimate for it two years ago.
Mr. EDMUNDS. Then, to shorten time, I make the point of order.
The PRESIDENT *pro tempore*. It is too late.
Mr. EDMUNDS. Not too late in this body. This is a report from the Committee of the Whole, if the Chair please. This item in the report of the Committee of the Whole is now up for the first time in the Senate.
Mr. CALL. I know it is very difficult to appeal to the Senator from Vermont; but I should like very much, if he would allow me to ask a question, to know what object he has in objecting if the Secretary of War in his discretion on consulting the Chief of Engineers shall find under the recommendation of 1884, with the estimates and reports there made, that it is advisable for the commerce of Apalachicola Bay that $2,000 of this money shall be expended at the anchorage where the large ships lie? I should like to know what possible interest there is in rising to a point of order upon that. It does not increase the appropriation except it provides that the Secretary of War shall in his discretion, if he finds it necessary——
Mr. GORMAN. Will the Senator from Florida allow me?
Mr. EDMUNDS. I should be glad as a matter of curiosity to know who has the floor just now?
The PRESIDENT *pro tempore*. The Chair is of opinion that the point of order does not lie against the action of the Senate in Committee of the Whole. The Chair is advised by the Chief Clerk that that has been the ruling frequently.
Mr. EDMUNDS. I give up the point of order; but I ask who has the floor?
The PRESIDNT *pro tempore*. The Senator from Vermont.
Mr. EDMUNDS. I did not mean to interrupt the Senator from Florida. I should like that point to be looked at, but I will not insist upon it now, though it may be important hereafter. I should be glad to hear what the Senator from Florida desires to say.
Mr. CALL. I was saying that I can not see what possible ground of objection there could be. It is not compulsory on the Secretary of War, it is simply permissive. It allows him to use $2,000 of this money, if he shall find it advisable to do so, at another part of the same harbor, namely, the deep-sea entrance, where the large ships lie, at Carabello River. That is all I have to say, and I submit the matter to the Senate.
Mr. EDMUNDS. It does not increase the sum of twelve or fifteen thousand dollars that is appropriated, but the amendment is either entirely useless and a mere repetition of what the bill contains, or it takes from the appropriation for Apalachicola Bay $3,000 and devotes it to something else. If the thing to be done is to improve the anchorage of ships in Apalachicola Bay the item in the bill as it stands is ample for that purpose. If the money is to be carried out of that bay and into a river for which there is no estimate and in respect of which we have no information, then I say without regard to the point of order that it is wrong.
If my friend from Florida would kindly furnish us with the report of 1884 as to what the engineers say about Crooked River, we might have further light on the subject. Has the Senator the report of 1884 at his desk?
Mr. CALL. I have not. I will ask that the item be passed, and I will secure the report.
Mr. EDMUNDS. I have no objection to that. I do not know but that I am strongly for Crooked River; and if so, it is the only crooked thing I am for, as far as I know.
The PRESIDENT *pro tempore*. If there be no objection this item will be passed over for the present. The next amendment made as in Committee of the Whole will be read.
The CHIEF CLERK. In line 272 of section 1, the Senate as in Committee of the Whole struck out the words "twenty-five" before thousand" and inserted "forty;" so as to read:

Improving harbor at Ashtabula, Ohio: Continuing improvement, $40,000.

The amendment was concurred in.
The next amendment was, in line 282 of section 1, before the word "five," to insert "twenty;" so as to read:

Improving harbor at Fairport, Ohio: Continuing improvement, $25,000.

Mr. EDMUNDS. I should like to know what that means. Is it for the purpose of acquiring title to land?
Mr. McMILLAN. This is in line 282, Fairport, Ohio.
Mr. EDMUNDS. Let us hear the report of the engineers.
Mr. MILLER. I can state the matter. The Senator from Maine [Mr. FRYE] has the papers, but I think I can state the case to the satisfaction of the Senator from Vermont.
This amount was increased from $5,000 to $25,000 by a vote in Committee of the Whole upon an amendment offered by the Committee on Commerce, through the Senator from Maine, who was instructed to offer the amendment after the bill had been reported to the Senate. The engineer's report calls for this expenditure of $25,000 or more. It so happens that the harbor has a bar at the mouth of it and that several railroads terminating there have been just completed, or are about completed, and the harbor is used for the sending out of coal to the lakes and the bringing in of vast quantities of iron ore from the upper lakes which are to be carried to the furnaces on the line of those roads; and unless an appropriation is made sufficiently large to clear out this channel at once—the engineer reports that it can be done for $25,000 within a very short time—of course none of this business can be set in motion. It was for that reason that the committee decided to recommend this increase to $25,000, this information having come to the committee by subsequent reports from one of the engineers after the bill had been reported to the Senate.
Mr. EDMUNDS. How far east of Cleveland is Fairport?
Mr. MILLER. Not very far. I am not sure as to the exact distance.
Mr. McMILLAN. About 40 miles.
Mr. EDMUNDS. I rather incline to think that this increase of the appropriation is necessary if you are going to open Fairport River, for the engineer this year says:

The project of improvement adopted in 1825, when the mouth of the river was closed by a sand-bar so hard and dry in summer that teams could drive across—

And the project has been amended, not the river—

and which project has been amended from time to time since that date, as the demands of commerce called for an increased depth of water—

As I should think it would over a sand-bar so dry that you could drive a wagon across—

provides for parallel piers 200 feet apart, running out from each side of the entrance to a depth of 16 feet in the lake.

OPERATIONS DURING THE FISCAL YEAR.

Balance on hand at beginning of fiscal year was only $425.08. No work was in progress. The act of July 5, 1884, appropriated $10,000 for this harbor, which it was decided to expend in extension of the east pier in dredging and in repairs to piers.
A contract was made—

Then it states the proposals and that they made a contract with Mr. Rooney, of Ohio—

to excavate about 10,000 cubic yards, at 23¾ cents per cubic yard. Dredge operations were commenced May 25, and completed June 25, 1885; a total of 10,082 cubic yards were removed from channel at end of piers, and from the bars in lake beyond end of piers, and resulted in restoring a good 16-foot channel between piers, and a good 15½-foot channel through bars in lake at entrance to harbor.
Work, under contract with Courtland D. Merry, was not begun until April 9, 1885, although the contractor was advised to begin the construction of his cribs much earlier. The work has made very poor progress, and by June 20, 1885, the date mentioned for completion of the contract, not one-third had been accomplished. An extension until July 31, 1885, was asked for and obtained, the favor being granted, not as deserved, but because no serious disadvantage had been occasioned by the delay.

From which I should suppose that there was not a vast amount of commerce that was struggling to get in and out when a delay of that time made no disadvantage.

The present project provides for an extension of both piers, for repairs and for dredging, so as to obtain and maintain a good channel 16 feet deep and 200 feet wide from the lake to railroad docks near mouth of river. The estimated cost is $93,000, of which sum $43,000 have been appropriated and $30,000 can be expended during the fiscal year ending June 30, 1887.

* * * * * *

Fairport Harbor is in the collection district of Cuyahoga, Ohio.

That is the Cleveland district, I believe.

There is a fixed white light of the third order on shore and a beacon on the east pier.
The value of the imports for the season of 1884 was $192,532.
The collector failed to estimate the value of the exports—

I do not know whether that means in the collection district or in the port. I am not sure but that this was this very port itself. If so it is a very considerable port.
Mr. FRYE. It was this port.
Mr. EDMUNDS. I go on:

Forty vessels (engaged in the coasting trade), with an aggregate tonnage of 16,014 tons, entered, and twenty-five vessels, with an aggregate tonnage of 12,209 tons, cleared during season of 1884.

That leaves fifteen in. They can not get out, I suppose. Now if my friend from Maine will come in and really tell us a little about this, as the engineers' reports are sometimes a little misleading, I would like to hear him.
Mr. FRYE. I think I can satisfy the Senator from Vermont entirely. The harbor is very good indeed. It was the terminus of the narrow-gauge railroad which ran down I do not know how far—I have ridden

on it—toward Western Pennsylvania from Fairport to Youngstown, and that narrow-gauge railroad was used almost entirely for the transportation of coal and iron from the Superior country, but the capacity of the railroad, being a narrow-gauge railroad, was of course not large. My recollection is—I have had the papers—that last year 100,000 tons of that iron were carried down over that railroad.

Mr. EDMUNDS. Down to where?

Mr. FRYE. Down to Youngstown; and since that time and since any report of the engineer which we have here has been made, and since the House committee passed upon this item, and since the Committee on Commerce of the Senate passed upon the item as it originally appeared in the bill, information has been received of the formation of a transportation company in Western Pennsylvania, headed by the Olivers, with a large capital, and a combination between them and the intermediate railroads and the leasing of this narrow-gauge railroad, and the broadening of the gauge, and the expenditure of $200,000 in docks and piers, and the certainty of transportation over that road, instead of 100,000 tons, of over 600,000 tons this year and, as they clearly show, a million tons next year.

Mr. EDMUNDS. Is that the Painesville and Youngstown Railroad?

Mr. FRYE. Yes. A communication was made to the War Department of these facts, up to that time unknown to them, and they sent a reply, in which they stated that owing to this great increase of business there was no doubt it was very important that this harbor should be improved to the extent that it was necessary to be improved at once in order to enable this road to do the business and enable this amount of iron to be transported. The whole amount which they estimated as necessary for the completion of the improvement was $30,000, so that there will be 16 feet of water and the vessels used could readily pass in and out. We recommended the appropriation of $25,000 of the $30,000. I do not think myself that there is a shadow of a doubt about the propriety of this amendment.

Mr. EDMUNDS. Where does the iron that is to go down to Youngstown come from?

Mr. FRYE. Lake Superior.

Mr. EDMUNDS. How much farther is it from Cleveland to Youngstown by the shortest railroad line than it is from Fairport?

Mr. PAYNE. It is about 60 miles by either road.

Mr. EDMUNDS. My friend from Ohio says the distance is about the same from Cleveland; but the distance from Lake Superior by the steamship route to Cleveland I suppose is 50 miles less than it is to Fairport.

Mr. PAYNE. There is nearly 30 miles between them on the lake.

Mr. EDMUNDS. So that Cleveland, being an open port and provided for, can take this iron and carry it over a railroad the same distance to Youngstown, and save the vessels from going 30 miles farther to carry it to Fairport to go down to Youngstown.

Mr. FRYE. But there has been a railroad for a large number of years, twenty years, right at this same port of Fairport, and it has done all that it was capable of doing at that port, being a narrow-gauge road. Now, I say it is to be a broad-gauge road, a fact unknown to the Department until a fortnight ago.

Mr. EDMUNDS. Have you the letters?

Mr. FRYE. I returned them this morning to Mr. Oliver, who applied to the Department.

Mr. EDMUNDS. I should be glad to have the Department on record.

Mr. FRYE. I stated yesterday when this matter came up that I had a letter from the Department recommending this appropriation, but I did not read the letter, because no one made any objection to the amendment and I never waste any time when I get what I am after. The propriety of the amendment is beyond any manner of question.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, before the word "thousand," in line 286 of section 1, to strike out "thirty" and insert "fifty;" so as to read:

Improving ice-harbor at the mouth of the Muskingum River, Ohio: Continuing improvement, $50,000.

Mr. EDMUNDS. That is a new amendment, and I should be glad to have it explained. It does not appear in the printed copy of the bill I have.

Mr. McMILLAN. I will state to the Senator from Vermont that Colonel Merrill, the engineer in charge of that improvement, says that unless this amount is appropriated it would not be worth while to appropriate any amount. The House inserted $30,000 here, and it is on the recommendation of Colonel Merrill, the engineer in charge of the improvement, that we have increased it to $50,000.

Mr. EDMUNDS. Where is the recommendation? I see on page 1821, part 3:

To complete the project will require an expenditure of $96,000, as shown in detail in the accompanying report of Mr. William Weston, the resident engineer, to which reference is made.

There have been expended on this work $199,145.37, and as $96,000 more is required, of which $836.63 is on hand, there is yet $95,163.37 to be appropriated. The total cost of the work will therefore be, in round numbers, $296,000.

The estimated cost of this work, as given in my annual report for 1880, is $216,400. The increased cost over the estimate is, therefore, $79,600, or 37 per cent.

Mr. McMILLAN. If the Senator from Vermont will permit me to read an extract from the report of Colonel Merrill, the engineer in charge of the improvement, it will perhaps save some time.

After this item was inserted in the House bill a communication from Colonel Merrill, transmitted by the acting Chief of Engineers, was transmitted to the Secretary of War and by him transmitted to us, in which Colonel Merrill says:

I have the honor to state that I have just received a copy of the new river and harbor bill (H. R. 7480), and I think it my duty to call attention to a number of items which deserve consideration, namely:

Line 231, "Improving ice-harbor at the mouth of the Muskingum River, Ohio: Continuing improvement, $30,000."

Nothing can be done with so small a sum. Unless it can be raised to a minimum of $55,000 the item might as well be omitted. I have written to General WARNER, member of Congress from Marietta, fully explaining this matter.

Mr. EDMUNDS. What is an ice-harbor, if I may inquire?

Mr. McMILLAN. It is for the protection of boats in the winter. It is at the mouth of the Muskingum River.

Mr. EDMUNDS. That is when the lake is frozen up to keep the boats from being crushed by the expansion of the ice?

Mr. McMILLAN. Not that altogether.

Mr. EDMUNDS. What is it then?

Mr. McMILLAN. It is to prevent them from being injured by the ice in the harbor.

Mr. EDMUNDS. On the shores of Lake Erie, as on the shores of all the Northern lakes in winter, the ice extends solid generally out a considerable distance.

Mr. McMILLAN. This is on the Ohio River, at the mouth of the Muskingum River, at Marietta.

Mr. EDMUNDS. It is not on the lakes?

Mr. McMILLAN. No; on the Ohio River.

Mr. EDMUNDS. That is a different thing. Then it is the flood-ice that comes down?

Mr. McMILLAN. Yes, sir.

Mr. EDMUNDS. Then the point of this improvement is to preserve vessels in the winter against the crush of ice that comes along down, the protection of this property at a time when the boats can not sail. I think I understand it now.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, after line 289, to insert:

For the purpose of acquiring the title to the land adjoining the inner end of the west pier built by the United States for the improvement of the harbor at Port Clinton, Ohio, the Secretary of War shall negotiate with the owner or owners of the land for the purchase thereof at a reasonable price, to be approved by Congress; and if an agreement as to price can not be made with the owner, then the value of the same shall be ascertained in the mode provided by the laws of Ohio for the condemnation of lands for public uses in that State, the result of said proceedings of condemnation, if taken, to be reported to the next Congress for its approval.

Mr. EDMUNDS. I should like to have that explained. Let the chairman of the committee tell us what there is about that.

Mr. CONGER. That was all explained when the bill was gone over, but unfortunately I think the Senator was not present. This is to purchase a little point at Port Clinton Harbor, which the Government has made at considerable expense, and it is necessary to carry out the piers and the embankments into the channel of the river. This indicates the mode of ascertaining and reporting to Congress what that little piece of land will cost, and then it is open to Congress to make the appropriation for it or not, as Congress may think proper. The whole thing has been discussed here, but I do not know that the Senator was present at the time.

Mr. EDMUNDS. But we were told that the committee was one thing and the Senate was another, and if everybody did not make inquiry at every time he would be considered to have thought that every item reported from the Committee of the Whole was a good one. I want to go far enough to show that I do not mean to be foreclosed in that way.

Mr. CONGER. There is no reason for not supposing that the recommendation is a good one. I might say that the improvement at the mouth of this river was commenced at the expense of the Quaker settlement there some years ago, and they expended a good deal of money to improve the entrance to the Portage River. The old Quakers came down here some years ago and got a little appropriation to make that river navigable. Any one passing by the lake shore going to Toledo passes right along by this river, and who sees there the mills and factories that have grown up by this little settlement and the vessels that go up this river would agree to this. It is just off the lake, in sight of the lake, beyond Sandusky Bay. Congress has given them small appropriations to assist in making their harbor a harbor of entrance for the kind of vessels which carry off their grain and staves and lumber and all the productions of the colony.

Now, we find that it is necessary to have a little point of land which the Government can control before they put on additional works necessary to protect the harbor. This item does not make any appropriation, but is to ascertain what the cost of the land will be. The people there very much desire it, and from my knowledge of the place now and in former years I think it is a very proper request.

Mr. EDMUNDS. I do not find in the report of the Secretary of War

and the Chief of Engineers, so far as I have been able to read it hastily, any statement or request concerning the purchase or otherwise obtaining of any land. They seem to be more troubled at that place for water than for land, for some reason or other. There is not, that I can see at pages 2215 and 2216 of the report of this year, any suggestion or estimate for buying or condemning any land or any reference to the necessity of obtaining any land for any purpose whatever; but it may be that there is some special report. Then I find in the encyclopædic summary the condition of things at that place which is worth reading:

Port Clinton is a port of entry in the collection district of Sandusky, Ohio. The nearest work of defense is Fort Wayne, 60 miles distant—

If it was proposed to build a fort there, as they are 60 miles away from a fort, I could immediately see the logic of it—

and the nearest light-house is at Green Island, 10 miles distant.

The amount of commerce to be benefited by this improvement is small. For miles above the mouth of Portage River, and bordering upon its banks, are extensive tracts of hard-wood timber, from which lumber, staves, spokes, &c., are made and sent to Port Clinton for shipment.

The amount of revenue collected during eleven months ending May 31, 1885, was $15.25.

There were no imports or exports.

Twenty-six vessels, with an aggregate tonnage of 2,150 tons, entered, and twenty-one vessels, with an aggregate tonnage of 1,898 tons, cleared—

Leaving five vessels in port—

during eleven months ending May 31, 1885.

The deputy collector of the port states "that a very small part of vessels that trade from this port do not enter or clear, for they do not trade out of the district."

Then he gives the money statement, of the sums on hand, and the "amount (estimated) required for completion the existing project"—you will observe that is a project and not an improvement—"$44,000."

I merely state it to show that I think this is one of the instances as compared with Cleveland and the last one we had where a railroad goes that illustrates the variety of small local objects which are very nice for the neighbors but have nothing to do with the general interests of the United States.

Mr. PAYNE. The engineer recommends this urgently.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in line 308 of section 1, after the words "Maumee River," to strike out "or Straight Channel" and insert "by a straight channel along such line as may be approved by the Secretary of War;" so as to make the clause read:

Improving harbor at Toledo, Ohio: Continuing improvement of the Maumee River by a straight channel along such line as may be approved by the Secretary of War, $150,000.

The amendment was concurred in.

The next amendment was, in the same clause, line 311, after the words "and the," to insert "balance of the;" so as to read:

And the balance of the $25,000 heretofore appropriated are hereby made available for clearing the old channel.

Mr. EDMUNDS. I merely wish to inquire—I have not the slightest objection to this amendment and I do not know anything about it—in view of what has been said, and I suppose truly, as the nature of these river and harbor bills that the appropriations never run out with the year or two years, why is it necessary to reappropriate this old balance for the purpose of continuing the improvement of that harbor? I merely ask for information.

Mr. MCMILLAN. Because there is a slight change in the project as it originally existed in that which has been now adopted by the Engineer Department, and this change of language is merely to enable the Engineer Department to make the improvement to the most advantage. It is done upon a special recommendation from the engineer in charge.

Mr. EDMUNDS. I am not on the merit of it. I only wanted to know what was the state of the law that made it necessary to reappropriate money for that object.

Mr. MCMILLAN. Because it requires a little different use of money——

Mr. EDMUNDS. Than the former appropriation provides. Very well.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was in section 1, line 317, before the word "thousand," to strike out "forty-five" and insert "seventy-five;" so as to read:

Improving harbor at Michigan City, Ind.: Continuing improvement, $75,000; of which sum $2,500 are to be used on the inner harbor.

Mr. EDMUNDS. Let us hear that explained. Perhaps it was explained before, but I should like to hear it.

Mr. MCMILLAN. The Senator will find all that in the report of the Chief of Engineers, page 2088, in the appendix, and 322 in the first volume.

Mr. HARRISON. The Senator from Vermont need not spend any time about that amendment. Michigan City is the only lake harbor of Indiana, and it is a very important one. The Government has been for some years engaged in making a harbor there. It has a large commerce, especially of lumber from the upper lakes. It is the point at which very large lake commerce enters the State. The appropriation is very much less than the estimates.

Mr. EDMUNDS. Are there railroads from Michigan City?

Mr. HARRISON. Yes, sir; there are railroads passing through Michigan City, going east and north and south of Michigan City. It is the only lake port in the State of Indiana. It touches Lake Michigan simply at its lower extremity, and it is a very important port.

Mr. EDMUNDS. The amount estimated, "required for the completion of the existing project, $450,000," and this calls for only $75,000. That is moderate. I see that this place appears to have really a decidedly large commerce. There were thirteen hundred and thirty-four vessels entered and cleared, which would make nearly seven hundred in and seven hundred out in the course of the fiscal year. That leads me to the conclusion that this is probably one of the places fairly entitled to be considered.

Mr. HARRISON. Undoubtedly.

The amendment was concurred in.

The next amendment was, in section 1, line 344, after the word "Michigan," to strike out "continuing improvement" and insert "by repairs;" so as to read:

Improving harbor at Monroe, Mich.: By repairs $2,000.

The amendment was concurred in.

The next amendment was, in line 408 of section 1, to strike out "twenty" and insert "thirty;" so as to read:

Improving harbor at Ashland, Wis.: Continuing improvement $30,000.

The amendment was concurred in.

The next amendment was, after line 408, to insert:

For making free of toll to commerce the Sturgeon Bay and Lake Michigan Ship-canal connecting the waters of Green Bay with Lake Michigan in the State of Wisconsin, $150,000, or so much thereof as may be necessary: *Provided*, That no part of said sum shall be expended until the Secretary of War shall have caused an examination to be made by a board of three United States engineers into the importance and value to commerce and navigation of the free use of said ship-canal, and until the report of said board shall be in favor of making said canal free to commerce: *And provided further*, That no part of said sum shall be expended until the Secretary of War shall be satisfied, upon investigation, as to the actual cost of said canal to said company, and then only so much of said sum shall be expended as the said Secretary of War shall be satisfied is necessary to reimburse the said company for advances and expenses actually made and incurred in constructing said canal and in maintaining the same over and above the net proceeds of the lands granted by Congress to aid in constructing said canal and over and above the tolls received therefrom, with interest, as provided by the act of Congress making said grant, approved April 10, 1866. And none of said moneys shall be expended except upon a full and absolute conveyance to the United States of said ship-canal, harbor, easements, rights of way, piers, docks, and appurtenances of every name and nature pertaining to said work.

Mr. EDMUNDS. I move to amend that amendment where it says "conveyance," by inserting "free and clear of all lien or incumbrance."

While that is being written, I will say that this matter was discussed in the Committee of the Whole and a very decided majority, as I remember, was in favor of it against my vote, and it is no use for me to take time in discussing it any more.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont to the amendment made as in Committee of the Whole.

Mr. SPOONER. I have no objection to that amendment.

The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, line 428, before the word "thousand," to strike out "fifty" and insert "seventy-five;" and in the same line, after the word "dollars," to insert:

Of which a sum not exceeding $500 may be used in placing buoys in the channels and elsewhere where needed in the harbor.

So as to make the clause read:

Improving harbor at Duluth, Minn.: Continuing improvement, and enlarging basin between Minnesota and Rice's Point, $75,000; of which a sum not exceeding $500 may be used in placing buoys in the channels and elsewhere where needed in the harbor; and the consent of the United States is hereby given to a change in the existing dock-line on the east side of Rice's Point by the municipal authorities of Duluth: *Provided*, That such change meets the approval of the Secretary of War.

The amendment was concurred in.

The next amendment was, in section 1, after the word "dollars," at the end of line 450, to strike out the following clause:

And the Secretary of War is hereby authorized, at his discretion, to cause suit to be instituted for the condemnation of the 12 acres of land said to be necessary to said improvement, and to report the result of such legal proceedings to the next succeeding session of Congress, for its action thereon.

And in lieu thereof to insert:

Provided, That no part of such sum shall be expended until the 12 acres of land necessary to said improvement shall have been conveyed to the United States free of expense, and such conveyance has been approved by the Secretary of War, after the Attorney-General of the United States shall have certified to the Secretary of War that the title is perfect.

So as to make the clause read:

Improving harbor and bay at Humboldt, Cal.: Continuing improvement, $100,000: *Provided*, That no part of said sum shall be expended until the 12 acres of land necessary to said improvement shall have been conveyed to the United States free of expense, and such conveyance has been approved by the Secretary of War, after the Attorney-General of the United States shall have certified to the Secretary of War that the title is perfect.

The amendment was concurred in.

Mr. MCMILLAN. I would call the attention of the Secretary of the Senate to the amendment in line 460, at the end of the line. I want to get the precise words of that amendment. I do not know that I have them.

The PRESIDENT *pro tempore*. That amendment was amended in committee.

Mr. MCMILLAN. I want to see if I have the exact language.

The PRESIDENT *pro tempore*. Does the Senator want to recur to the amendment?

Mr. MCMILLAN. Is the amendment at the end of line 460 to insert:

After the Attorney-General of the United States shall have certified to the Secretary of War that the title is perfect?

The PRESIDENT *pro tempore*. That is the language.

The next amendment made as in Committee of the Whole was, in section 1, line 486, to increase the appropriation for "improving harbor at Yaquina Bay, Oregon: Continuing improvement," from $80,000 to $100,000.

The amendment was concurred in.

The next amendment was, in section 1, line 489, to increase the appropriation for "improvement of the harbor at the entrance of Coos Bay, Oregon," from $35,000 to $45,000.

The amendment was concurred in,

The next amendment was, in section 1, after line 489, to insert:

Improving harbor at Portland, Oreg., $5,000.

The amendment was concurred in.

The next amendment was, in section 1, after line 503, to insert:

Improving Cocheco River, New Hampshire: Continuing improvement, $10,000.

The amendment was concurred in.

The next amendment was, in section 1, line 509, to increase the appropriation for "improving Warren River, Rhode Island," from $2,500 to $5,000.

The amendment was concurred in.

The next amendment was, in section 1, line 511, to increase the appropriation for "improving Pawtucket River, Rhode Island: Continuing improvement," from $25,000 to $40,000.

The amendment was concurred in

The next amendment was, in line 513, to increase the appropriation for "improving Providence River and Narragansett Bay, Rhode Island: Continuing improvement," from $35,000 to $40,000.

The amendment was concurred in.

The next amendment was, in section 1, after line 514, to insert:

For removing Green Jacket Shoal, Providence River, Rhode Island, $35,000.

The amendment was concurred in.

The next amendment was, in line 529, of section 1, to strike out "fifteen" and insert "thirty-five;" and after the word "dollars," at the end of the same line, to add:

Of which $20,000 may be used in removing the rocks in the channel at Van Wie's Point.

So as to make the clause read:

Improving Hudson River, New York: Continuing improvement, $35,000; of which $20,000 may be used in removing the rocks in the channel at Van Wie's Point.

The amendment was concurred in.

The next amendment was, in section 1, after line 543, to insert:

Improving Ticonderoga River, New York: Continuing improvement, $2,000.

The amendment was concurred in.

The next amendment was, in section 1, after line 556, to insert:

Improving Saint Jones River, Delaware: Continuing improvement, $10,000.

The amendment was concurred in.

The next amendment was, in section 1, after line 558, to insert:

Improving Nanticoke River, Delaware: Continuing improvement up to and near the town of Laurel, Del., $10,000.

The amendment was concurred in:

The next amendment was, in section 1, after line 567, to insert:

For beginning the construction of a dam at Herr's Island, in the Allegheny River, near Pittsburgh, Pa., $50,000.

The amendment was concurred in.

The next amendment was, in section 1, line 577, before the word "thousand" to strike out "forty" and insert "eighty;" and after the word "which," at the end of the same line, to insert "$40,000 shall be applied to improving the channel between Camden, N. J., and Philadelphia, Pa., and;" so as to make the clause read:

Improving Delaware River, Pennsylvania and New Jersey: Continuing improvement from Trenton to its mouth, $280,000; of which $40,000 shall be applied to improving the channel between Camden, N. J., and Philadelphia, Pa., and $10,000, or so much thereof as may be needed, shall be expended on said river and its tidal tributaries above Bridesburg.

The amendment was concurred in.

The next amendment was, in section 1, after line 586, to insert:

For rebuilding piers at Battery Island, head of the Chesapeake Bay, which were carried away by ice, strengthening and protecting the works at that point from future destruction, $17,275.

The amendment was concurred in.

The next amendment was, in section 1, after line 595, to insert:

Improving Pocomoke River, Maryland: Continuing and completing improvement, $8,000.

The amendment was concurred in.

The next amendment was, in line 604, section 1, to increase the appropriation for "improving Appomattox River, Virginia: Continuing improvement," from $20,000 to $25,000.

The amendment was concurred in.

The next amendment was, in line 608, section 1, to reduce the appropriation for "improving James River, Virginia: Continuing improvement below Richmond," from $150,000 to $100,000.

The amendment was concurred in.

The next amendment was, in line 614, section 1, after the words "Grayson County," to strike out "five" and insert "ten;" so as to read:

Improving New River, Virginia: Continuing improvement between the lead mines, in Wythe County, and the mouth of Wilson's Creek, in Grayson County, $10,000, together with the $3,000 now on hand.

The amendment was concurred in.

The next amendment was, in section 1, line 637, to increase the appropriation for "improving Great Kanawha River, West Virginia: Continuing improvement," from $150,000 to $250,000.

The amendment was concurred in.

The next amendment was, after the word "dollars," in section 1, line 646, to insert "of which $2,500 shall be used in continuing the improvement of navigation above the west fork;" so as to read:

Improving Little Kanawha River, West Virginia: Continuing improvement, $22,500; of which $2,500 shall be used in continuing the improvement of navigation above the west fork.

The amendment was concurred in.

The next amendment was, after the words "west fork," in section 1, line 648, to strike out—

But no toll shall be collected by any person or corporation for this improved navigation. If the right to collect toll is claimed to exist on any part of the river above the improvements, the person or corporation so claiming shall relinquish the same in manner satisfactory to the Secretary of War before any part of this appropriation shall be expended. Two thousand five hundred dollars of the sum hereby appropriated shall be used in continuing the improvement of navigation above the west fork.

And in lieu thereof to insert:

But no toll shall be collected by any person or corporation for this improved navigation; and such right, if any exist, shall be relinquished, in a manner satisfactory to the Secretary of War, before the expenditure of any of the money herein appropriated for this work.

The amendment was concurred in.

The next amendment was, in section 1, line 663, before the word "hundred," to strike out "one" and insert "two;" so as to read:

Improving Cape Fear River, North Carolina: Continuing improvement, $225,000; of which sum $15,000 are to be expended above Wilmington, the remainder below and opposite the city of Wilmington, including as much of its northeast branch as lies in front of Wilmington, within the city limits.

The amendment was concurred in.

The next amendment was, in section 1, line 670, to increase the appropriation for "improving Contentnia Creek, North Carolina: Continuing improvement," from $5,000 to $15,000.

The amendment was concurred in.

The next amendment was, in section 1, line 675, to increase the appropriation for "improving Neuse River, North Carolina: Continuing improvement," from $10,000 to $30,000.

The amendment was concurred in.

The next amendment was, in section 1, line 679, before the word "improvement," to strike out "continuing" and insert "completing;" and after the word "improvement," to strike out "three" and insert "five;" so as to read:

Improving Pamlico and Tar Rivers, North Carolina: Completing improvement, $5,000.

The amendment was concurred in.

The next amendment was, in section 1, line 687, before the word "thousand," to strike out "ten" and insert "twenty;" so as to make the clause read:

Improving Roanoke River, North Carolina: Continuing improvement, $20,000. Two thousand five hundred dollars, or so much thereof as may be necessary, of the aforesaid $10,000 shall be used for the purpose of removing obstructions in the Thoroughfare and Coshoke Creek.

The amendment was concurred in.

The next amendment was, in section 1, after line 693, to insert:

Improving Dan River, North Carolina: Continuing improvement between Madison, N. C., and Danville, Va., $10,000.

The amendment was concurred in.

The next amendment was, in section 1, after line 696, to insert:

Improving Yadkin River, North Carolina: Continuing improvement, $10,000.

The amendment was concurred in.

The next amendment was, in section 1, after line 798, to insert:

Improving the inland water way between Beaufort Harbor and New River, North Carolina, through Bogue Sound, $10,000.

The amendment was concurred in.

The next amendment was, in section 1, line 723, at the end of the

clause appropriating $7,500 for "improving Wateree River, South Carolina: Continuing improvements," to insert the following proviso:

Provided, That no part of said sum shall be expended until all bridges now obstructing the navigation of said river shall have been provided with suitable draw-spans, fenders, and other aids to navigation at such bridges as the Secretary of War may direct for the purpose of affording free navigation of said river; and the Secretary of War is hereby authorized and directed to cause such changes to be made in said bridges, at the expense of the owners thereof, as in his opinion are necessary to make the navigation of said river through said bridges free and safe.

The amendment was concurred in.

The next amendment was, in section 1, line 752, before the word "thousand," to strike out "nine" and insert "seven;" in the same line, after the word "thousand," to insert "five hundred;" and after the word "dollars," at the end of the line, to strike out "$1,500 of said sum to be expended between Skull Shoals and the railroad bridge;" so as to read:

Improving Oconee River, Georgia: Continuing improvement, $7,500.

The amendment was concurred in.

Mr. MCMILLAN. Was there not an amendment in line 741?

The PRESIDENT *pro tempore*. The amendment there was disagreed to.

The next amendment made as in Committee of the Whole was, in line 756 of section 1, to strike out "fourteen" and insert "twenty-three;" and after "thousand," in the same line, to insert "three hundred;" so as to read:

Improving Romley Marsh, Georgia: To complete improvement, $23,300.

The amendment was concurred in.

The next amendment was, in section 1, line 774, before the word "thousand," to strike out "twelve" and insert "seven;" after the word "thousand" to insert "five hundred;" and after the word "dollars," in line 775, to strike out "no part of which is to be used above Indian Creek;" so as to make the clause read:

Improving Conecuh-Escambia River, Florida and Alabama: Continuing improvement, $7,500.

The amendment was concurred in.

The next amendment was, after the word "dollars," in section 1, line 848 of section 1, to insert the following proviso:

Provided, That no part of this appropriation shall be used until the State of Mississippi shall have first caused the bridges over said stream south of the Vicksburg and Meridian Railroad to be constructed so as not to obstruct the navigation of said stream.

So as to make the clause read:

Improving Big Black River, Mississippi: Continuing improvement, $5,000: *Provided*, That no part of this appropriation shall be used until the State of Mississppi shall have first caused the bridges over said stream south of the Vicksburg and Meridian Railroad to be so constructed as not to obstruct the navigation of said stream.

The amendment was concurred in.

The next amendment was, in section 1, line 871, before the word "thousand," to strike out "forty-five" and insert "twenty-five;" so as to make the clause read:

Improving Red River, Louisiana and Arkansas: Continuing improvement from Fulton, Ark., to the Atchafalaya River, Louisiana, including completing the work at Alexandria, $95,000; of which sum $25,000, or so much thereof as may be necessary, shall be used in making a thorough survey of the river from Fulton, Ark., to the Atchafalaya River, and in completing the survey of Bayou Pierre, Louisiana.

The amendment was concurred in.

The next amendment was, in section 1, line 902, after the word "improvement," to strike out "according to the plan and recommendations in Appendix V 13, Executive Document 1, Forty-ninth Congress," and in line 904, after the word "dollars," to strike out "of which there are to be expended $8,000 at Pine Bluff, $13,000 at Fort Smith, and $10,000 at Dardanelle, or so much thereof under those sums respectively as may be necessary at those points;" and after the word "dollars" to insert the following proviso:

Provided, That, if in the opinion of the Secretary of War it shall be necessary, the sum of $12,000 may be expended at Fort Smith, $10,000 at Dardanelles, and $8,000 at Pine Bluff.

So as to read:

Improving Arkansas River, Arkansas: Continuing improvement, $75,000. *Provided*, That, if in the opinion of the Secretary of War it shall be necessary, the sum of $12,000 may be expended at Fort Smith, $10,000 at Dardanelle, and $8,000 at Pine Bluff.

The amendment was concurred in.

The next amendment was, in lines 915 and 916 of section 1, to strike out the words "Texas and the Indian Territory;" so as to make the clause read:

Improving Red River, Arkansas, above Fulton, Ark., $7,000.

The amendment was concurred in.

The next amendment was, in section 1, after line 928, to insert:

For removing the rock shoals in Fourche River, Arkansas, situated 4 miles south of Perryville, in Perry County, Arkansas, according to the plans of the engineers for creating a 50-foot channel, $5,000.

The amendment was concurred in.

The next amendment was to strike out lines 949 and 950 of section 1, in the following words:

Improving Hiawassee River, Tennessee: Continuing improvement, $2,500.

The amendment was concurred in.

The next amendment was to strike out lines 951 and 952 of section 1, as follows:

Improving South Fork of Forked Deer River, Tennessee: Continuing improvement, $5,000.

The amendment was concurred in.

The next amendment was, in section 1, line 958, before the word "hundred," to strike out "three" and insert "two;" so as to read:

Improving Tennessee River at Big Muscle Shoals, Little Muscle Shoals, and Elk River Shoals, Alabama: To complete improvements at these localities, $250,000.

Mr. PUGH. I ask the Senate not to agree to that amendment. It is the Muscle Shoals amendment reported by the committee reducing the House appropriation from $350,000 to $250,000. I have already stated the reasons why that amendment ought not to be retained and I do not care to detain the Senate by repeating them. I ask for a vote on concurring in that amendment.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment.

Mr. MCMILLAN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CAMDEN (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. FRYE (when his name was called). On this question I am paired with the Senator from Georgia [Mr. COLQUITT]. If he were present, I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 9, nays 33; as follows:

YEAS—9.

Dolph,	Hawley,	Miller,	Sherman,
Edmunds,	McMillan,	Platt,	Vest.
Harrison,			

NAYS—33.

Beck,	Eustis,	Kenna,	Van Wyck,
Berry,	George,	Manderson,	Voorhees,
Blackburn,	Gibson,	Maxey,	Walthall,
Blair,	Gorman,	Palmer,	Whitthorne,
Brown,	Harris,	Pugh,	Wilson of Iowa,
Butler,	Hearst,	Ransom,	Wilson of Md.
Call,	Ingalls,	Spooner,	
Coke,	Jones of Arkansas,	Teller,	
Conger,	Jones of Nevada,	Vance,	

ABSENT—34.

Aldrich,	Dawes,	Logan,	Plumb,
Allison,	Evarts,	McPherson,	Riddleberger,
Bowen,	Fair,	Mahone,	Sabin,
Camden,	Frye,	Mitchell of Oreg.,	Saulsbury,
Cameron,	Gray,	Mitchell of Pa.,	Sawyer,
Chace,	Hale,	Morgan,	Sewell,
Cockrell,	Hampton,	Morrill,	Stanford.
Colquitt,	Hoar,	Payne,	
Cullom,	Jones of Florida,	Pike,	

So the amendment was non-concurred in.

The next amendment made as in Committee of the Whole was to strike out lines 960 and 961 of section 1, in the following words:

Improving South Fork of Cumberland River, Kentucky: Continuing improvement, $5,000.

The amendment was concurred in.

The next amendment was, in line 968 of section 1, after the word "improvement," to strike out:

According to the last plan of the engineer in charge, and to be first applied to the completion of the work now in progress.

So as to make the clause read:

Improving the Falls of the Ohio River, at Louisville, Ky.: Continuing improvement, $200,000.

The amendment was concurred in.

The next amendment was, after the word "dollars," in line 971 of section 1, to strike out the following proviso:

Provided, That of that sum $50,000 shall be expended in enlarging the canal basin, as recommended in the last report of the engineer in charge.

The amendment was concurred in.

The next amendment was, in section 1, line 975, after the words "directed to," to strike out "negotiate for the purchase" and insert "ascertain the value and commercial importance;" so as to read:

The Secretary of War is hereby authorized and directed to ascertain the value and commercial importance of the works and property of the Green and Barren River Navigation Company, situated on the Green and Barren Rivers, in the State of Kentucky, &c.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in line 976 of section 1, after the word "works," to insert the words "and property;" and, in line 978, to strike out the words "the works" at the end of the line; so as to read:

The works and property of the Green and Barren River Navigation Company, situated on the Green and Barren Rivers, in the State of Kentucky, and of the Monongahela Navigation Company, &c.

Mr. EDMUNDS. Mr. President, before you go on with this clause, which somehow or other is contrary to geography (the Barren River, of Kentucky I believe it is, the Green River and the Monongahela River in Pennsylvania are brought into a junction that nature never gave to them), I should like to have what is contemplated by this provision explained. What are these works, and why are we to go into the matter? What do they do and how are they brought together?

Mr. RIDDLEBERGER. To my understanding the bill clearly states the case here. It speaks of the rivers Green and Barren. I think that is quite a sufficient answer to any suggestion which may be made, and the committee have taken the great caution to strike out the words "negotiate for the purchase" and to insert "ascertain the value and commercial importance of the works and property," not the rivers but the property, not to help a State by improving a river or a harbor, as the bill by its title would imply, but to ascertain the value of the works of the Green and Barren River corporation. That is what it means and what it says.

Mr. EDMUNDS. The chairman of the committee does not inform us about the Barren River and Green River and the Monongahela. What is the general purpose of this provision? How are these works situated? What are they now, and what have they to do with the commerce of the country?

Mr. McMILLAN. This provision was inserted by the House of Representatives and came to the Senate in the bill. The Senate Committee on Commerce modified the provision and left it in what we regarded as the most favorable position for the Government of the United States if it was to be inserted in the bill at all.

Mr. EDMUNDS. That is perfectly true. The committee has done good work as far as it has gone.

Mr. McMILLAN. We did not feel at liberty to strike it out of the bill. The object of the provision is merely to ascertain the value and commercial importance of the works and property of these navigation companies. With the Monongahela Navigation Company I am somewhat familiar. It is a corporation under the laws of Pennsylvania, which has constructed slack-water upon the Monongahela River, extending from Pittsburgh up the river to near Monongahela City. A system of locks and dams has been constructed by that company who have had charge of the improvement for very many years. This slack waters the Monongahela River for that distance.

The Government of the United States has erected a dam and lock above the works of the Monongahela Navigation Company. The company is in a very prosperous condition and is very much opposed to the Government taking its property, and appeared before the committee to protest against it. Other interests in that locality very urgently pressed upon the committee the retention of this provision in the bill, and we thought that an examination by the engineers would perhaps do no harm, and it would leave the Government without any obligation to proceed any further in the purchase of the property.

Mr. INGALLS. Is it the theory of the committee that everything is to be put in the bill that will not do any harm?

Mr. McMILLAN. No, sir, it is not; but the committee——

Mr. INGALLS. Then I wish the Senator would state to us what is the good it can do.

Mr. McMILLAN. The committee were of opinion that public interests were involved here which should be determined by Congress after full information obtained.

Mr. INGALLS. What information have the committee as to the amount which has been expended here and the estimated value of the works and the probable expenditure that this might involve us in? I am unable to find anything in the report of the committee bearing on the subject.

Mr. McMILLAN. The object of the provision is to ascertain what is the value and condition of these works.

Mr. INGALLS. No; that is stricken out. The committee have amended it so as to eliminate that provision to ascertain the value of such works.

Mr. McMILLAN. No; "the Secretary of War is hereby authorized and directed to ascertain the value and commercial importance of the works and property of the Green and Barren River Navigation Company."

Mr. INGALLS. In line 981 the words are stricken out, but I see they have been inserted in the first part of the paragraph. I think before we are called upon to vote upon this matter the chairman ought certainly to give us some information as to the probable amount that is involved here, because although there is a proviso at the close of the paragraph saying that nothing herein shall be construed as committing Congress to the said work, we all know what that means.

Mr. McMILLAN. If the Senator does know what that means, the committee intended to give it very full effect. If a proposition were made to the committee to purchase the works now, I am inclined to think that no member of the committee would consent to entertain the proposition.

Mr. INGALLS. Why?

Mr. McMILLAN. Because the works are of too great value, they subserve the public interest to too great an extent now to authorize the Government to purchase them at the price they would cost.

Mr. INGALLS. That is, they are of so much importance that the Government ought not to interfere with them?

Mr. McMILLAN. They are of great public importance.

Mr. INGALLS. I thought the theory on which the appropriations were made was that where there were works of great public importance the Government ought to take charge of them.

Mr. McMILLAN. The company are keeping the Monongahela River in such a condition that it answers the purposes of navigation, and the cost upon commerce, the tolls, are very low. I shall only express my own opinion in regard to that. I think the burden on commerce there is not such as would justify the Government at this time in entering into that great expense.

Mr. INGALLS. What is the estimated value of the works, if the Senator will permit me?

Mr. McMILLAN. Of course we have a mere private estimate. The works have never been under the jurisdiction of the Government, nor has any survey or examination been made by the Government.

Mr. EDMUNDS. The company say they are worth $400,000.

Mr. McMILLAN. That is the estimate of the company, $4,000,000.

Mr. EDMUNDS. Four hundred thousand dollars.

Mr. McMILLAN. Not of the Monongahela Navigation Company.

Mr. EDMUNDS. Oh, you were speaking of the Monongahela company. I was speaking of the Barren River corporation. I beg pardon.

Mr. McMILLAN. They estimate the property altogether, I think, at between $3,000,000 and $4,000,000—at $4,000,000 perhaps.

Mr. INGALLS. Can the Senator state the amount of revenue that they derive from tolls on commerce?

Mr. McMILLAN. No, sir; I can not, because there is no official information given on that point.

Mr. RIDDLEBERGER. Is it not the effect of this provision to acquire the property of the company?

Mr. McMILLAN. No, sir; this provision is merely for the purpose of ascertaining the value of these works in answer to a demand made by a very heavy commercial interest asking for the purchase of these improvements.

Mr. INGALLS. What interest is that?

Mr. McMILLAN. The principal interest perhaps is the coal interest.

Mr. INGALLS. I understood the Senator to say that the tolls were so low that there was no burden upon navigation.

Mr. McMILLAN. No, sir; I did not say that. I said the tolls were very light in proportion to the expense of the improvement. The river, it is claimed, is in such a condition that it brings the coal interests of the Monongahela in competition with the coal interests of the Kanawha River, and the difference against the Monongahela interest is occasioned by the tolls, and is very injurious to the Monongahela.

Mr. INGALLS. Then those who are improving the navigation of the Kanawha are opposed to the purchase of these works on the Monongahela?

Mr. McMILLAN. No, I do not know that they are.

Mr. INGALLS. I thought that was the suggestion of the Senator.

Mr. McMILLAN. No, sir.

Mr. KENNA. If the Senator will allow me, I will say that there is no connection between the two corporations.

Mr. McMILLAN. None at all. The Monongahela interests insist that, the Government having improved the Kanawha River and the coal interests on that river not having the burden of toll, the Government should purchase these improvements and relieve the Monongahela interests from levying tolls upon their commerce.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment.

Mr. EDMUNDS. I move to strike out the whole paragraph, beginning with line 974 and ending with line 993.

The PRESIDENT *pro tempore*. The Chair is of opinion that that amendment is not in order until the amendments of the committee have been acted upon.

Mr. EDMUNDS. I think the Chair is right, upon reflection.

The PRESIDENT *pro tempore*. If there is no objection the next amendment made, as in Committee of the Whole, will be stated. Does the Senator from Vermont object to concurring in this amendment?

Mr. EDMUNDS. Take the whole amendments of the committee together and then I will make a motion.

The amendment was concurred in.

The next amendment, made as in Committee of the Whole, was, in line 981, of section 1, after the words "in order to," to strike out "ascertain the value of said works" and insert "acquire such information;" in line 982, after the words "appoint a," to strike out "commission" and insert "board;" in line 984, after the word "Army," to strike out "who" and insert "which board shall;" in line 985, after the word "case," to strike out "shall value and appraise the same, and;" in line 986, after the word "report," to insert "thereon;" and in line 987, after the word "session," to strike out "and the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated for the purposes of this provision" and insert "and the cost of such examination shall be paid out of the sum appropriated by this act for surveys;" so as to make the clause read:

The Secretary of War is hereby authorized and directed to ascertain the value

and commercial importance of the works and property of the Green and Barren River Navigation Company, situated on the Green and Barren Rivers, in the State of Kentucky, and the works of the Monongahela Navigation Company, situated on the Monongahela River in the State of Pennsylvania; and in order to acquire such information the Secretary of War shall appoint a board of three competent engineers from the Engineer Corps of the United States Army, which board shall in each case report to the Secretary of War, who shall report thereon to Congress at its next succeeding session; and the cost of such examination shall be paid out of the sum appropriated by this act for surveys: *Provided*, That nothing herein shall be construed as committing Congress to the purchase of the said works.

The amendment was concurred in.

Mr. EDMUNDS. Now I move to strike out the whole paragraph as amended.

Mr. McMILLAN. That is not in order.

The PRESIDENT *pro tempore*. The Chair understands that the amendments made as in Committee of the Whole to the whole bill are to be gone through with, and then a motion to strike out this paragraph or any other will be in order.

Mr. EDMUNDS. On what principle or on what practice of the Senate is that? We have made no such agreement. If when we are dealing with a paragraph we can not move to strike it all out, I should be glad to know under what law of the Senate it is.

The PRESIDENT *pro tempore*. The Chair understands that the common and usual practice of the Senate is to first go through with the amendments reported from the committee, especially from the Committee of the Whole.

Mr. EDMUNDS. We are not in Committee of the Whole.

The PRESIDENT *pro tempore*. We are in the Senate and the amendments made as in Committee of the Whole are to be acted on first.

Mr. KENNA. We are unable to hear on this side of the Chamber.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to strike out the paragraph in regard to the Monongahela River and the Green and Barren Rivers. The Chair is of the opinion that until the Senate acts on the amendments reported from the Committee of the Whole it would not be in order to propose such an amendment. It is the established practice of the Senate, and the Chair believes it is according according to the rule, to act first upon the amendments of the Committee of the Whole.

Mr. EDMUNDS. Then as I have been misled by my ignorance of parliamentary law, I should like to have these amendments considered open for a minute.

The PRESIDENT *pro tempore*. They can be passed over.

Mr. EDMUNDS. I do not wish them passed over. I should like to have the judgment of the Senate to consent that they be considered as open.

The PRESIDENT *pro tempore*. They will be regarded as open.

Mr. EDMUNDS. Now I move to amend the amendment of the committee so that from line 974 to line 993 the whole clause be stricken out. I will see if I can stand on my rights there.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to strike out the whole paragraph.

Mr. EDMUNDS. I move to amend the amendment of the committee so as to make it an amendment to strike out the whole paragraph.

Mr. INGALLS. But the amendments made as in Committee of the Whole have been concurred in.

Mr. EDMUNDS. No, the Chair has declared that they shall be considered open.

Mr. KENNA. That amendment is certainly not in order.

The PRESIDENT *pro tempore*. The Chair is of opinion that it is not in order. Until the amendments made as in Committee of the Whole have been acted upon the Chair is of opinion that it is not in order to move to strike out the whole paragraph in which an amendment is made.

Mr. EDMUNDS. I do not move to strike out the whole paragraph. I move to amend the amendment proposed by the Committee of the Whole.

Mr. KENNA. We have only reached one amendment, and I ask if the whole clause is open to amendment.

Mr. EDMUNDS. I move to amend the first one where the Committee of the Whole proposes to strike out the words in line 975 to "negotiate for the purchase," and I move to amend that amendment so it will read that the whole paragraph be stricken out.

The PRESIDENT *pro tempore*. The Chair is of the opinion that that amendment is not in order until the amendments of the Committee of the Whole to the whole bill are acted upon.

Mr. EDMUNDS. But I move to amend the amendment of the Committee of the Whole.

The PRESIDENT *pro tempore*. The Chair does not think it is in order.

Mr. EDMUNDS. Is it not in order to amend the amendment of the Committee of the Whole?

The PRESIDENT *pro tempore*. Not in that way.

Mr. EDMUNDS. Well, Mr. President, that is a new law that I did not know before.

The PRESIDENT *pro tempore*. The next amendment will be stated.

Mr. INGALLS. Will it be in order after the bill has thus been gone through with to return to this paragraph and move to strike it out?

The PRESIDENT *pro tempore*. Clearly so. The Chair is clearly of that opinion.

Mr. HARRIS. The whole bill will be open to amendment after the amendments made as in Committee of the Whole have been acted upon.

The PRESIDENT *pro tempore*. Certainly.

Mr. EDMUNDS. Is there any amendment one can propose to this amendment of the Committee of the Whole?

The PRESIDENT *pro tempore*. Undoubtedly the words proposed to be inserted can be amended, but the Senator knows that better than the Chair. The Senator from Vermont must be aware that it is the uniform practice here not to allow the text to be stricken out until the amendments of the Committee of the Whole have been acted upon.

Mr. EDMUNDS. But I do not move to strike out the text. I propose to amend the amendment that the Committee of the Whole proposes here by making it a different amendment altogether to that which the Committee of the Whole has reported. If the Chair says that is not in order and the Senate acquiesces, I have nothing more to say.

The PRESIDENT *pro tempore*. The Chair is of that opinion.

Mr. EDMUNDS. Very good. The whole subject will be open after the amendments are gone through with, as a matter of course.

The PRESIDENT *pro tempore*. The amendments made as in Committee of the Whole to the paragraph will be regarded as concurred in.

The next amendment made as in Committee of the Whole was, in section 1, line 1031, after the words "lock and," to strike out "dam" and insert "approaches;" so as to make the clause read:

Improving Saint Mary's River, Michigan: Continuing improvement, by a new lock and approaches, $250,000.

The amendment was concurred in.

Mr. EDMUNDS. What has become of the amendment beginning in line 994?

The PRESIDENT *pro tempore*. The Senate as in Committee of the Whole disagreed to that amendment.

Mr. EDMUNDS. Is there any time when it will be in order to move to try that over again?

The PRESIDENT *pro tempore*. Unquestionably, as soon as the amendments of the Committee of the Whole are acted upon.

Mr. EDMUNDS. I wish to reserve that.

Mr. VEST. Has the amendment in line 994 been passed?

The PRESIDENT *pro tempore*. That amendment was not agreed to as in Committee of the Whole. That amendment can be renewed in the Senate after the amendments made as in Committee of the Whole are gone through with. The next amendment made as Committee of the Whole will be stated.

The next amendment made as in Committee of the Whole was, in line 1039, after the word "city," to insert "and $5,000 in improving the west channel along West Bay City;" so as to make the clause read:

Improving Saginaw River, Michigan: Continuing improvement, $15,000; of which $22,500 are to be used above Bay City, and $5,000 in improving the west channel of West Bay City.

Mr. EDMUNDS. How is that? That does not appear in the bill. Will the committee explain that?

Mr. McMILLAN. It was inserted in Committee of the Whole.

Mr. EDMUNDS. Is that in the estimate?

Mr. INGALLS. It merely distributes the amounts.

Mr. CONGER. That applies to a part of the Saginaw River. The preceding clause appropriates $22,500 above Bay City, and this amendment gives $5,000 for the west channel of West Bay City.

Mr. EDMUNDS. All right.

The amendment was concurred in.

Mr. HALE. I wish to ask the Senator from Minnesota to consent to let this bill be laid aside and let me call up the naval appropriation bill. Does he object to that?

Mr. McMILLAN. I shall object to that.

Mr. HALE. It is important to get that bill into conference; and this bill will evidently take several days to go through the Senate. I think the naval appropriation bill certainly ought to be pushed forward and passed and sent to the House in order that we may get it into conference. I hope the Senator will agree to give way.

Mr. McMILLAN. That bill can be taken up to-morrow during the morning hour.

Mr. HALE. It is a bill that has no controversies; it will take but little time; but if I wait until the river and harbor bill is finished, I shall evidently have to wait for days.

Mr. McMILLAN. I think we shall get through with this bill to-night, if the Senator will permit us to go on.

Mr. HALE. I will not urge the Senator to yield now.

The PRESIDENT *pro tempore*. The next amendment made as in Committee of the Whole will be stated.

The next amendment made as in Committee of the Whole was, in section 1, after line 1039, to insert:

For the purchase of the two improved water ways known as the Portage Lake and River Improvement Company Canal and the Lake Superior Ship-canal Railway and Iron Company Canal, being the improved harbors of refuge and the water communication across Keweenaw Point, from Keweenaw Bay to Lake Superior, by way of Portage River and lake, in the State of Michigan, and to make the same a free passage-way and harbor of refuge to commerce and navigation, $350,000, or so much thereof as may be necessary: *Provided*, That before said money shall be expended the Secretary of War shall cause an examination

to be made by a board of three engineers to ascertain and report upon the importance and value of the free use of said two harbors of refuge and the water communication across Keweenaw Point to the commerce and navigation of the lakes, and the reasonableness of the price therefor, and shall have received from said board a report favorable to such purchase by the United States, and also upon full and absolute conveyance to the United States of said two harbors of refuge, canals, easements, rights of way, piers, docks, and appurtenances of every nature belonging to and connected with said works, or either of them.

Mr. EDMUNDS. I should be glad to have the chairman of the committee tell us what this project is and how much money and property of the United States has already been given to the people who now own these works to build them.

Mr. McMILLAN. The whole case was stated very fully and distinctly by the Senator from Michigan [Mr. CONGER] when this item was up as in Committee of the Whole. He stated all the facts in regard to it very fully. It was very fully discussed in Committee of the Whole, and there was no opposition to it when the vote was taken.

Mr. EDMUNDS. This is rather a large operation. The Chief of Engineers, in response to a resolution of the Senate (and we know how such resolutions of inquiry pass) "calling for a detailed report concerning the Portage Lake and Lake Superior Ship-canal and the interest of the State of Michigan therein; also, as to the rights, titles," &c.—I condense as much as I can to save time—"with the view to securing said canal and improvement for the purpose of making same a free water way," &c., reports that he has got a report from Colonel Poe.

It will appear that the Portage Lake and River Improvement Company and the Lake Superior Ship-canal, Railway, and Iron Company—

Which I suppose must be a company intended for the regulation of commerce among the States—

are willing to dispose of their property to the United States.

That part of it I have no doubt is true—

for the sum of $350,000—

And that of course is very modest and generous—

about one-tenth of the cost of the improvements—

Though he does not mention who paid for the improvements—

And that Colonel Poe is of opinion that if the ownership of this important water way, clear of all incumbrances, can be vested in the Government, * * * there can be no question but that the price is reasonable, &c.

Then comes the report of Colonel Poe, in which it appears that the United States has given to the State of Michigan, actually certified and patented, 398,720.52 acres of land to build this canal upon the terms I suppose—and I should be supposed to be a rival of this bill if I took time to see what the terms are; the terms are of no consequence on a measure of this kind—upon the terms I suppose that this company taking the land and building the canal through this slough that went across Keweenaw Point should keep it up and should charge only reasonable tolls for the passage of commerce through it.

The original canal company having failed, a receiver was appointed with authority to borrow money.

The usual course when you appoint a receiver. There is no other real use for a receiver than to borrow money, and he borrowed and received $450,000, which would be about 90 cents an acre for the land that the United States had granted for the purpose.

The receipts from tolls from 1874 down to 1883, which is nine years, amounted in the aggregate to $75,000—I leave off the odd hundreds to condense—and the expenditures amounted to $70,000, leaving off the odd hundreds. Then they issued mortgage bonds for the construction of the canal, on their face, exclusive of interest, amounting to $3,300,000. That is the mortgage on the property, except so far as it has been reduced, that the United States is to assume in taking it—$3,300,000; and then the receiver's certificates—whether they are paid or not yet I do not know—$625,300; and then the $70,000 from tolls, as stated before.

But I am in entire ignorance as to the amount obtained from the hypothecation of the $3,300,000 mortgage bond and expended on the canal. Still, from all the testimony, and especially that contained in Miscellaneous Document No. 50, House of Representatives, first session Forty-eighth Congress, the probability is great that the aid supplied from all sources and applied to the construction and repair of the canal and in operating it, down to the beginning of 1884, amounted to fully $3,000,000.

And apparently the bonds issued are $3,300,000, a mortgage on the property. How much money they got from the bonds, whether the contractors took them at 10 per cent. or 20 per cent., nobody knows from this report so far as I have gone.

It will be seen from Appendix C that the two companies controlling this water way are practically one, as the parties in interest are the same. It is proposed to convey to the United States a clear title to both canals, and all their rights, privileges, and appurtenances, for the sum of $350,000.

These outstanding bonds, then, must be a kind of a myth apparently, for we are to have a clear title with $3,000,000 bonds out, for $350,000. I see now; I come to see what has become of the bonds.

I have endeavored to ascertain whether, in case of purchase, this sum would cover the entire cost to the United States, and am assured that it would; that all indebtedness, by mortgage or otherwise, existing prior to May 15, 1877, on the property of the Portage Lake and Lake Superior Ship-canal Company—

He does not speak of the other—

was canceled by the sale of that date—

That is, it was sold under a mortgage, I suppose—

and that none has accrued since; and that there is not now, and never was, any bonded debt or mortgage on the Portage Lake and River Improvement Company's property.

It has not been practicable for me to obtain a statement of the receipts and expenditures of this latter company on account of construction, maintenance, and operating—

Why it is not practicable he does not say—

but I think it can be safely assumed that the construction account alone would amount to fully $300,000. If the above estimate of the minimum cost of the property of the Lake Superior Ship-canal, Railway and Iron Company ($3,000,000)——

The PRESIDENT *pro tempore*. It is the duty of the Chair to remind the Senator that we are operating under the five-minute rule on amendments.

Mr. EDMUNDS. Yes, Mr. President.

The PRESIDENT *pro tempore*. If there is no objection the Senator will proceed.

Mr. EDMUNDS. I move to postpone this bill indefinitely.

The PRESIDENT *pro tempore*. The Senator is in order on that motion.

Mr. EDMUNDS. I was under that impression myself. He continues:

If the above estimate of the minimum cost of the property of the Lake Superior Ship-canal, Railway and Iron Company—

Which again comes in—

and that of the Portage Lake and River Improvement Company—

Three million dollars for one and $300,000 for the other—

is warranted by the facts disclosed—

That is, if it is warranted by the facts disclosed—

then the price asked for the two ($350,000) may be stated as only one-tenth the original cost. And if, by the payment of that sum by the United States to the companies in question, the ownership of this important water way, clear of all incumbrances, can be vested in the Government, * * * then there can be no question—

I skip some of the words in order to condense—

But that the price is reasonable. * * *

In conclusion, I invite attention to the readiness with which the canal companies gave me such information as was in their power.

One point of objection would be how much they got for the $3,000,000 bonds, how much money actually went in that they did not get. They had no power themselves to tell what had become of the bonds or the money.

Without this commendable action upon their part I would have been utterly unable to obtain any information of value for the purposes of this inquiry.

Then he goes on with his details and dates and statements, from which it appears, as I said before, that the work was assigned to a corporation by the State of Michigan to whom these lands were granted to the extent of 400,000 acres, and which received patents for 398,720.52 acres, worth at the minimum price you will see, at a dollar and a quarter an acre, half a million of money. The State of Michigan under that grant undertook to build that canal and keep it up.

From one cause or another, and it would take a good while to go into all the causes, while we have no petitions from ship-owners or complaint that the tolls are excessive, it is found convenient that these companies shall sell out this property to the United States for $350,000 in order that the burden of keeping up the property so that vessels can go through it shall be transferred from a company in the State of Michigan under this grant to the United States.

First we furnish the lands to build the work to the State that undertakes to do it and keep it up. Then it being done and being found not to be a profitable investment, we are asked, as we are in this instance and in three or four or five others, to turn around and buy the property back again under color of relieving commerce, but as a fact and result relieving corporations and States from a duty that they had undertaken to perform for a consideration.

I can not vote for that sort of a thing, Mr. President, and I ask for the yeas and nays on concurring in the amendment.

Mr. CONGER. I will detain the Senate but a moment. There was a very full statement of the situation of this canal made when this matter was before the Senate as in Committee of the Whole. The burden to commerce last year alone, the tolls upon the vessels and merchandise passing here, was $64,000, which is paid by the commerce on those lakes and by the people in the copper mines there. Last year there were $6,000,000 of commerce that passed through that were mined in Portage Lake, which forms a part of this canal. Six million dollars of commerce by ships passed from this midway channel between two parts of the lake to market, besides all the other things there. I need not dwell upon those things.

One of these canals never had any aid from the Government; the other one had aid from the Government. The whole of these canals could not be bought for five times this money except for the fact that in the charters of the State of Michigan there is a provision that the property may be, upon the payment of tolls and interest, condemned. It was the fear of that, I think, which induced this company to yield to the demands of commerce to make this a free canal, saving 150 or 180 miles of travel on Lake Superior from White Fish Point on the foot of the lake to Duluth, and avoiding a very long and dangerous going around Keweenaw Point.

Five States have, by joint resolution of their Legislatures, requested

Congress to make this a free canal. Almost every board of trade from New York to San Francisco has urged Congress to make this a free canal. There are filed here more than a thousand names of vessel-owners and navigators of the lakes asking Congress to make this a free canal; and that has been urged for years. Those things were all stated before, and I think the members of the Senate understand the importance and the propriety of this work.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment.

Mr. EDMUNDS. I shall ask for the yeas and nays at the proper time.

The yeas and nays were ordered.

Mr. SAULSBURY. Mr. President, I have not said anything in reference to any provision of this bill. I find this provision in harmony with several other provisions of the bill which propose to commit the Government to the purchase of artificial highways of commerce, a thing that I believe has not been heretofore done perhaps in more than one instance. Against that policy of committing the Government to the purchase of works of internal improvement, artificial works belonging to States or to corporations, I am opposed.

I think we are extending the powers of Congress sufficiently when we appropriate to natural highways, the rivers, and bays, &c., of the country for commerce; but when it is proposed to add to that the purchase of artificial highways which have been erected by States and corporations, I think it is extending our power far beyond what is legitimate.

As an original proposition I should deny utterly that the power to regulate commerce gave to Congress the right to appropriate money for cleaning out rivers and harbors; but the policy of the Government has been so long in the other direction that I suppose we have got to acquiesce in that, and therefore I have interposed no objection to any appropriation for natural highways of commerce. But when this proposition and similar propositions are incorporated in a river and harbor bill to commit the Government to the purchase of artificial highways which have either been incepted or consummated by States or by corporations, I say again I think it is carrying the powers of Congress far beyond what was anticipated by the framers of the Constitution.

With that conviction resting upon my mind, for such provisions as this in the bill I can not vote. The Hennepin Canal is another of those things. We have just as much power and right according to my judgment to ditch the lowlands and make them arable because the products of those lands will aid the commerce of the country as we have to construct the Hennepin Canal.

I shall not enter under the five-minute rule into a discussion of the question of the power of Congress, but for nearly one hundred years from the commencement of the Government no such idea was entertained as that of the power of Congress to cut a canal 65 miles long over an elevated plateau to connect the waters of the Mississippi River and Lake Michigan. Suppose you connect them, what is the advantage? You will tap the Mississippi River at a point where during the dry seasons of the year there is scarcely any navigation. It has only been a few years since there were appropriations proposed to dam up the waters of the Fox and other rivers for the purpose of making a navigation in the Upper Mississippi, and yet you propose to tap the Upper Mississippi and connect it with Lake Michigan, where, I suppose, at certain seasons of the year a schooner carrying 50 tons could not navigate it.

Such propositions as these are calculated in my opinion to bring all river and harbor bills into disrepute in the estimation of the people of the country. I know the great anxiety of the people to have their streams, their rivers, and creeks, &c., cleaned out where navigation exists, but I say such propositions as this will and ought to bring all such bills into disrepute before the country, and I do not hesitate to say that if I had the absolute power no such bill as this would pass.

Mr. PALMER. Mr. President, in regard to the parties who desire or who propose to sell this canal to the United States I have very little to say. I have no sympathy with them. I think they got all that the canal cost them in lands from the United States.

But there is one point which should be considered, and it is not for Michigan that I speak, nor for any particular interest of Michigan. This is in the line of interstate-commerce, a subject which occupied the Senate for so many days and weeks at the present session.

There are two points on the great lakes which have been from time immemorial a terror to mariners. One is Saginaw Bay and the other is Keweenaw Point. For two hundred years that point is known to have been one of the most dangerous on the whole lake. This canal saves a detour of 100 or 150 miles. If any Senator will look at the map he will see that Keweenaw Point reaches out like an index finger into Lake Superior. It is the only point where a canal could be cut across that peninsula. It is on the line of one of the old French portages, probably established a hundred and fifty years ago, where two streams run up into the interior and a short cut joins them.

It was that which first suggested the canal. It was that which first brought about the appropriation, which was 400,000 acres of land, to the parties who built it. They could have bought the land much cheaper than it cost them to build the canal. It probably cost them over $3,000,000. The land could have been bought for $500,000. But that is the only point where a canal can be built across that peninsula.

When we look at the vast and constantly developing commerce of Lake Superior it seems to me it is a very wise thing for the States west of Lake Superior to secure the purchase of this canal and put it into the hands of the General Government. Two harbors of refuge, one at either end of it may be established. Any one who knows anything about Lake Superior knows that it is one of the most treacherous and tempestuous of lakes.

I send to the desk a letter which was published some years ago showing the general estimate in which Keweenaw Point is held by mariners.

The gentleman who wrote the letter I know very well. He has been connected with the commerce of the lakes for very many years. He wrote this letter without any reference, I imagine, to the present action of Congress. I ask the Secretary to read it.

The PRESIDENT *pro tempore*. The letter will be read.

The Secretary read as follows:

Some ten or twelve years since, and before Portage Lake Canal was completed, I was sent to Duluth about the beginning of November, there to meet and take charge of a vessel loaded with very important supplies.

I remained there a week, in hourly expectation of her arrival. The weather was fine, and the reports I got by telegraph from Portage and Marquette were favorable.

The weather at all three points afforded no explanation of the detention.

Ultimately it was found that the steamer, after buffeting heavy weather for ten days, which prevailed around Keweenaw Point and did not extend 30 miles south of it, laid up in Copper Harbor.

This one trip could have contributed at least $2,000 to the purchase of the canal if it had been successful.

Doubling Keweenaw Point takes a vessel nearly a degree further north than passing through the canal; and if any of your readers will study a good map showing isothermal lines and consult some sailors who have navigated those waters they will satisfy themselves that it is a place to be avoided, especially at certain seasons.

A weather station placed there would give some singular information, and I earnestly hope some day to see this done.

The advantage to coasting vessels engaged on the American shore would be incalculable.

The work should be managed as the "Sault" Canal is managed, and should be free to all comers.

I know not and care not what other parties or corporations are to be benefited. But most earnestly do I hope to see this important work under proper control and free from all exactions.

J. W. THOMPSON,
Agent L. S. T. Co.

PORT HURON, *January* 29.

Mr. PALMER. What I have to say is that, although the mines in Michigan will be measurably benefited, the great benefit will come to the States west of Lake Superior. That commerce has developed in such a remarkable manner that it needs the care and attention of Congress; and my opinion is that this one improvement when made under the auspices of the General Government will reduce the price of carrying grain from Duluth to Buffalo one-half cent per bushel. In addition to that, large iron mines, which, from nothing three years ago, will ship 2,000,000 tons of iron ore this year, are being developed on the west part of Lake Superior, and that will all have to come down through the Sault Canal. That needs the protection of these harbors of refuge and needs all the facilities that Congress can give.

It seems to me this is in the line of legitimate interstate commerce, and on that ground I base it.

My colleague has spoken of the copper mines which have furnished from that district and adjacent to it $174,000,000 worth of copper in the past twenty years. Those mines have brought copper from 30 cents a pound down to 11 cents a pound. It seems to me that it demands recognition and that Congress should grant it by voting for this amendment.

Mr. EDMUNDS. How much of the copper is produced west of this canal?

Mr. PALMER. Hardly any of it.

Mr. EDMUNDS. I suppose not. Therefore the copper question does not affect the canal question very largely.

Mr. PALMER. The copper mines get the benefit in the reduction of tolls, as my colleague said.

Mr. EDMUNDS. But as all the copper goes East and as the canal is west of the copper, it is not much affected by the tolls.

Mr. PALMER. It has to come through the canal; and the business which has been created by these copper mines is now paying $60,000 a year toll on these canals; but I am not speaking of that particularly.

Mr. EDMUNDS. On which side of the canal is Holton?

Mr. PALMER. It is between the Portage Lake and River Improvement Company Canal and the Lake Superior Ship-canal. One was a private enterprise and the other had 400,000 acres given to it by the General Government.

Mr. EDMUNDS. And given to the State of Michigan on these terms:

That the Legislature of said State shall cause to be kept an accurate account of the sales and net proceeds of the lands hereby granted—

Granted for building and keeping up this canal—

and of all expenditures in the construction, repairs, and operating of said canal, and of the earnings thereof, and shall return a statement of the same annually to the Secretary of the Interior—

If the State of Michigan has done that, it does not appear in any of these printed reports that I can find; and my objection to this item in this appropriation bill on that point is not on the question of whether it stood as a measure by itself, to be understood by itself from bottom to top, right or wrong. I might not agree to it; but here it is ridden on a bill which in its title professes to be merely for the improvement of the rivers and harbors of the United States, and not for buying rivers and harbors or places to improve. That might be one thing; but in the time that we all feel compelled to limit ourselves to on an appropriation bill it is quite impossible to understand exactly how this matter stands. We do not know what have been these earnings and expenditures for construction and receipts and so on. The reports may be in the office of the Secretary of the Interior, but we have them not here—

and whenever said State shall be fully reimbursed for all advances made for the construction, repairs, and operating of said canal, with legal interest on all advances, until the reimbursement of the same, or upon payment by the United States of any balance of such advances over such receipts from said lands and canal, with such interest, the said State shall be allowed to tax for the use of said canal only such tolls as shall be sufficient to pay all necessary expenses for the care, charge, and repair of the same.

Now what do we know about it? The contract with the State of Michigan, if she accepted this grant as she did, was that, receiving 400,000 acres of land, not to be selected along the line of this canal, but anywhere in what is called the Upper Peninsula of Michigan, valuable for timber and ores, she should show an open hand and keep an open account, and that when she was reimbursed for her outlay then this canal should be free, except in respect of the mere nominal tax against this great commerce of millions and millions, as it is said, of keeping it up.

I understood the Senator from Michigan to say that he had no doubt that the people who had gone through with this performance under the State of Michigan had got their money back. Having gotten it back, why on this contract with Michigan should we pay $350,000?

Mr. PALMER. Will the Senator permit me to answer?

Mr. EDMUNDS. Certainly.

Mr. PALMER. Because we can not get it in any other way that I know of, and it is the only route through that peninsula. I would say let it have the go-by if there was any other point on that peninsula where we could make a canal and cut off that detour.

Mr. EDMUNDS. But to get at the real truth of the matter, the only tax to be imposed on this vast commerce—and the vaster it is the less the tax to each ton of freight—is the tax to keep up that canal. How long is it?

Mr. PALMER. About 60 miles.

Mr. CONGER. This is a level tide-water canal. There is no lock, no dam, nothing of the kind.

Mr. EDMUNDS. I know it. I have been through it.

Mr. CONGER. I know the Senator has been through it, and I know the Senator only asks these questions for the purpose of seeing how much we know about it. He knows all about it. If he would seek light from the other side he would make it appear a great deal better than I can.

Mr. EDMUNDS. My friend from Michigan [Mr. CONGER] is mistaken. The canal is an important canal and a valuable canal, but we have paid for the canal out of the Treasury of the people of the United States, and we have provided in paying for it that the tax upon this vast commerce shall be so low that now it shall only pay the expense of keeping up a canal that has no locks or dams, and no tide, with great respect to my friend who said it was a tide-water canal. That was a mere slip, of course. The only thing is simply to keep open a sluiceway there through that low sag that divides the rocky promontory of Keweenaw Point from the other part of the northern peninsula. So the tax per ton on copper to keep up a canal, if the commerce is as great as it is said to be, as I dare say it is, would not be a cent a ton. And yet the United States is called upon to pay close toward half a million dollars to make it free, that half million dollars to go into the pockets of somebody who will profit by it, because by the terms on which the property was given they have no legal right now to charge any toll in excess merely of the nominal expense of keeping up a canal which has neither lock nor dam nor anything to be done with it except the simple thing of keeping an open water way where there is neither drift nor tide nor river to disturb it.

The Secretary proceeded to call the roll.

Mr. CHACE (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. BUTLER (when Mr. PLUMB's name was called). The Senator from Kansas [Mr. PLUMB] requested me to announce his pair with the Senator from Pennsylvania [Mr. CAMERON] on this question.

Mr. SAULSBURY (when his name was called). I am paired generally with the Senator from Vermont [Mr. MORRILL], but I understand that he would vote "nay" if present, and I therefore record my vote "nay."

The roll-call was concluded.

Mr. CAMDEN. I am paired with the Senator from Rhode Island [Mr. ALDRICH].

The result was announced—yeas 35, nays 21; as follows:

YEAS—35.

Allison,	Dolph,	Logan,	Sawyer,
Blackburn,	Evarts,	McMillan,	Sherman,
Blair,	Gibson,	Manderson,	Spooner,
Brown,	Harrison,	Miller,	Stanford,
Call,	Hearst,	Mitchell of Oreg.,	Teller,
Coke,	Hoar,	Palmer,	Van Wyck,
Conger,	Jones of Arkansas,	Payne,	Vest,
Cullom,	Jones of Nevada,	Pugh,	Wilson of Iowa.
Dawes,	Kenna,	Ransom,	

NAYS—21.

Beck,	George,	Maxey,	Walthall,
Berry,	Hale,	Platt,	Whitthorne,
Butler,	Hampton,	Riddleberger,	Wilson of Md.
Cockrell,	Harris,	Saulsbury,	
Edmunds,	Hawley,	Vance,	
Frye,	Ingalls,	Voorhees,	

ABSENT—20.

Aldrich,	Colquitt,	Jones of Florida,	Morrill,
Bowen,	Eustis,	McPherson,	Pike,
Camden,	Fair,	Mahone,	Plumb,
Cameron,	Gorman,	Mitchell of Pa.,	Sabin,
Chace,	Gray,	Morgan,	Sewell.

So the amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, line 1073, after the word "Congress," to insert:

And the sum of $8,000 of the above appropriation, or so much thereof as may be necessary, may be expended above Portage City to prevent the overflow of the Wisconsin River into the Upper Fox River, so as to prevent injury to the Government works on Fox River; and this expenditure may be made separately or, if deemed more economical by the Secretary of War, in adding to any protecting works which may be made by the State of Wisconsin.

So as to make the clause read:

Improving Fox River, Wisconsin: Continuing improvement below Montello, on the approved plan, $75,000. And the Secretary of War is hereby directed to have the examination and survey of the Wisconsin River from Portage to the mouth, now being made by a board of engineers, completed as soon as practicable, and a report thereof made on or before the meeting of the next session of Congress. And the sum of $8,000 of the above appropriation, or so much thereof as may be necessary, may be expended above Portage City to prevent the overflow of the Wisconsin River into the Upper Fox River, so as to prevent injury to the Government works on Fox River; and this expenditure may be made separately or, if deemed more economical by the Secretary of War, in adding to any protecting works which may be made by the State of Wisconsin.

The amendment was concurred in.

The next amendment was, in line 1089 of section 1, after the word "dollars," to strike out "of which" and insert "and;" so as to read:

Improving Wabash River, Indiana and Illinois: Continuing work on lock and dams at Grand Rapids and on the river from Grand Rapids to its mouth, $80,000; and $12,000 to be expended on the river at Grayville, Ill.

The amendment was concurred in.

The next amendment was, in section 1, line 1095, after the word "improvement," to strike out "thirty-five" and insert "forty;" and in the same line, after the word "which," to strike out "ten" and insert "fifteen;" and after the word "used," in line 1096, to strike out "in dredging the river between the Forks and a point half a mile east of Hammond" and insert "between the Forks and one-half mile east of Hammond, Ind., $7,500 of which are to be used in dredging the river between the Forks and the State line of Illinois and Indiana, and $10,500 to be expended in the river at Hammond, Ind.;" so as to read:

Improving Calumet River, Illinois: Continuing improvement, $40,000; of which $15,000 are to be used between the Forks and one-half a mile east of Hammond, Ind.; $7,500 of which are to be used in dredging the river between the Forks and the State line of Illinois and Indiana, and $10,500 to be expended in the river at Hammond, Ind.

The amendment was concurred in.

The next amendment was, in section 1, in the first proviso to the clause making appropriations for "improving Calumet River, Illinois," in line 1099, before the word "thousand," to strike out "ten" and insert "fifteen;" so as to make the proviso read:

Provided, however, That no part of said sum, nor any sum heretofore appropriated, except the said $15,000 for the river above the Forks, shall be expended until the entire right of way, as set forth in Senate Executive Document No. 9, second session, Forty-seventh Congress, shall have been conveyed to the United States free of expense, and the United States shall be fully released from all liability for damages to adjacent property-owners, to the satisfaction of the Secretary of War; and if any of the owners of real estate required to be taken or that is damaged for the purpose of straightening or widening that portion of the Calumet River for which the appropriation herein is now made can not be induced to convey to the United States such real estate so required, and release their claim for damages caused by said improvement, or should the owner or owners be incapable of conveying and releasing, or should his or her name or residence be unknown, or he or she be a non-resident of the State of Illinois, it shall then be the duty of the United States attorney for the northern district of Illinois to immediately file a petition in any court having jurisdiction thereof, in the manner and as authorized by the laws of the State of Illinois in such cases, for the purpose of ascertaining the just compensation to be paid to the respective owners of the land taken or damaged.

The amendment was concurred in.

The next amendment was, in section 1, in the second proviso of the clause making appropriations "for improving Calumet River, Illinois," in line 1123, after the word "first," to strike out "contribute" and insert "execute a bond to the United States, to be approved by the Secretary of War, for the payment of," so as to read:

Provided, however, That the other owners of property and parties interested in

said improvement shall first execute a bond to the United States, to be approved by the Secretary of War, for the payment of costs, &c.

Mr. EDMUNDS. Let us understand that. I see that this goes into a question of judicial proceedings and operations and the obtaining of property, and provides that, instead of the owners and parties interested in the improvement that we are going promptly to do for them being called upon, as the House bill had it, to contribute first their proportion of the costs and expenses, they are to contribute a bond instead of contributing money.

Mr. McMILLAN. Execute a bond.

Mr. EDMUNDS. Execute a bond instead of contributing a bond, but it comes to about the same thing. This may be perfectly correct or it may not. I do not know.

Mr. McMILLAN. The Senator will see that the provision there is for an improvement and obtaining the right of way.

Mr. EDMUNDS. I am not making a criticism. I am only trying to understand what it means, and to say once for all perhaps that it is evident that a majority of the Senate is determined to put these five or six schemes standing together and for each other, to purchase property that the United States has once paid for and to turn it over——

Mr. LOGAN. Is the Senator talking about the Calumet improvement?

Mr. EDMUNDS. I am talking of what I am speaking about.

Mr. LOGAN. That property has never been purchased by the Government.

Mr. EDMUNDS. I am not talking about the Calumet River at all at present.

Mr. LOGAN. That is what line 1124 is.

Mr. EDMUNDS. So it is, but I am explaining why I am not going to take up the time of the Senate on a variety of these things, if the Senator will pardon me.

Mr. LOGAN. Certainly.

Mr. EDMUNDS. I am saying on this topic which the chairman has explained, as to the form of this improvement or the form of the House phrase, that it seems to be evident—and I am bound to bow to the will of a majority of the Senate with great respect—that a majority of the Senate is in favor of these five or six different measures which have no relation to an appropriation bill at all, but which provide separately and together, jointly and severally, for the purchase and obtaining by the United States in one way and another of these works, taking them off from the hands of States and of State corporations, even where the United States has granted the means of building these public works, and has required as a consideration therefor that the State shall keep them up and reduce the tolls to the mere nominal expense of preservation. I am bound to suppose that each one of these would go if it were all alone; and I am bound to believe that each one of them will go much faster and better, supported by the comfortable assurance of taking all the others.

It is useless, therefore, as I stated in regard to a great many of the small items in this bill, for a Senator who does not wish to delay the action of the Senate or impede it to take up time in resisting that which can not be resisted; and so if I am silent all the rest of the time I do not wish the Senate, or the people of that part of the country where I come from, to suppose that I have agreed to every other provision in this bill as a suitable and proper one.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, after the word "such," at the end of line 1125 of section 1, to strike out "proceeding, and shall furnish the amount necessary," and insert "proceedings and;" after the word "rendered," at the end of line 1127, to insert "therein;" and in line 1128, before the word "shall," to strike out "cause" and insert "proceedings;" so as to make the proviso read:

Provided, however, That the other owners of property and parties interested in said improvement shall first execute a bond to the United States, to be approved by the Secretary of War, for the payment of the costs of such proceedings, and to pay any judgment that may be rendered therein; and on failure to do so the proceedings shall be dismissed.

The amendment was concurred in.

Mr. RIDDLEBERGER. Did the Chair announce that that was agreed to?

The PRESIDING OFFICER (Mr. FRYE in the chair). The Chair did.

Mr. RIDDLEBERGER. I understood the Senator from Vermont [Mr. EDMUNDS] to call for the yeas and nays on that.

Mr. EDMUNDS. No; that is the one already passed and voted on.

Mr. RIDDLEBERGER. There were no yeas and nays called on it.

Mr. EDMUNDS. I did not ask for them on this.

Mr. RIDDLEBERGER. Then I want to state that this is the fourth paragraph of this bill on which we have been called upon to vote which suggests that the Government of the United States should buy the property of private corporations.

Mr. McMILLAN. There is no such proposition in this amendment.

Mr. RIDDLEBERGER. There is nothing in either one of the four paragraphs to which I referred where there can be any denial of the suggestion I make.

Mr. PLATT. What is this amendment?

Mr. RIDDLEBERGER. I state here that you have just passed one paragraph that the Senators from the State themselves—I mean the Senators coming from the State that is interested through a large corporation—do not undertake to deny that we are proposing to buy a canal from a private corporation.

Mr. LOGAN. The Senator is mistaken. This has no reference to a canal.

Mr. RIDDLEBERGER, I may be mistaken; but let Senators get up here and show wherein and whereof the mistake is. This is a bill entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors." What is the corporation that you propose to buy that canal of that you passed upon not fifteen minutes ago, on page 41, I think? Here you start out beginning with the word "whereas" the State of Michigan has received a certain amount of public land from the United States Government, and therefore the United States Government will go to Michigan and pay to get it back. I deny the right and the justice of it. Why should I not ask to ingraft into this bill following that paragraph that whereas the State of Virginia was known and is yet known to have given $15,000,000 to build a canal so that the waters of the Ohio could reach the Atlantic and transport the commerce of that time to the seaboard—why should I not put that with a "whereas," and then add that we will go and buy the old dried-out James River and Kanawha Canal?

Why should you not buy the Chesapeake and Ohio Canal? Why not buy any of them? Why not go and buy a railroad? Why not go and buy a telegraph line? Every time that some rotten corporations come to you and ask for something, even if they do not get the amount added to the end of the paragraph, as we see here they have in two instances failed to do, they manage by this sort of legislation to bull the price of their property and make victims of innocent people.

The Senator from Vermont said he would give up. He may, but I never will. I say this bill if it shall ever pass simply makes the United States Government in four instances, and, reverently I may express it, God knows how many more, a bidder for stocks on the market; and, at the same time, we say in the bill that we are making appropriations to improve rivers and harbors!

I say more than that, this bill is worse than when it came to the Senate. You have increased nearly every appropriation made by the House with three or four exceptions. We are generous toward the Mississippi River, we are more than generous when we undertake to recite the purpose of improving rivers and improving harbors, and when we go into every little stream in the country and undertake to give $10,000 for it, not to improve the stream, but to get the Senators here or the members of the House at the other end of the Capitol to vote for this thing that they would not dare to vote for if they did not think it was something that would commend them to their constituents.

I prefer to go back to my constituents and tell them that the provision for the Monongahela was put in here. That is to buy a piece of property, as every Senator here knows, of a corporation either in the State of Pennsylvania or West Virginia or both. What right have you to take money out of the Treasury of the United States to buy a property that they want to give up? What right have you to go and put the Government on the market as a purchaser? If these persons did not want to sell, the proposition would not have been in here. If there had not been some man representing that corporation somewhere about this District of Columbia, there would be no such suggestion as we see here of the United States becoming the purchaser of the corporation's property.

So it is with this Michigan canal. Michigan got the land for nothing and if it were valuable to you, you would not come back here and ask us to pay you the money for it.

Those are two of the four paragraphs that have been read here today. Yesterday there were others. Take the bill through; separate rivers and harbors from creeks—I do not mean by that the creeks that we know carry commerce, for some commercial streams are called creeks; but I mean these little narrow-gauge streams where you catch trout in the mountains—separate them from the other rivers and the other harbors in the bill, and take out the interest that Senators represent in these little streams, and take out the interest that members of the House of Representatives represent, and you would not get enough votes to pass the enacting clause of the bill.

The Senator from Vermont gives it up. I suppose my time is nearly up, but I shall continue to express every reason why it should not pass. I do not propose to sanction the present policy. The last President representing the great Republican party vetoed a bill that was less—if I may be pardoned the expression, not meaning to say to the Senate that I would make application of such a word to any of them—less infamous than this. Now, you propose te saddle this bill, not upon a Democratic administration alone but upon the Treasury and the tax-paying people of this country, appropriating an enormous sum. If you put into this bill every stream that runs through all the counties of the State in which I live, if I knew that the money you had there were just to accomplish the purpose of passing the bill and knew as I know that it would not improve a river or a harbor, I would vote against it.

Mr. President, I ask pardon for again speaking to the Senate on this bill, and I suppose I shall have to ask pardon every time I take the floor.

Mr. LOGAN. Before passing to the next amendment I desire to offer an amendment in line 1131, of which I gave notice. I do not wish to discuss it. I move to insert after the word "hundred" the words "and fifty." It is in reference to improving the Illinois River. I have discussed it heretofore and stated the reasons for it. It is a very important matter; but I do not wish to discuss it now.

The PRESIDING OFFICER. The Chair will inform the Senator from Illinois that that is not in order until the amendments reported to the Senate by the Committee of the Whole have been acted upon.

Mr. LOGAN. Very well, sir. I was misled by what the President of the Senate said before. I said that when we reached this clause I would offer the amendment, but it is no matter if I can offer it afterward.

The PRESIDING OFFICER. The next amendment made as in Committee of the Whole will be stated.

The next amendment made as in Committee of the Whole was, after line 1133, to insert:

The grant of the Illinois and Michigan Canal, its rights of way, and all its appurtenances, and all right, title, and interest which the State of Illinois may have in any real estate heretofore ceded to the State of Illinois by the United States for canal purposes, made to the United States by an act of the General Assembly of the State of Illinois approved April 28, 1882, be, and is hereby, accepted on the terms and conditions specified in the act of the General Assembly of the State of Illinois.

For the construction of a canal from the Illinois River, at or near the town of Hennepin, in the State of Illinois, to the Mississippi River, at above the mouth of Rock River, in said State, together with such feeders and other works that may be necessary to supply said canal with water, $300,000. Said canal shall be known as the Illinois and Mississippi River Canal, and shall be constructed on such route as may be determined by the Secretary of War: *Provided*, That it shall be the duty of the Secretary of War, in order to secure the right of way for such canal and feeders, to acquire the title to such lands as may be necessary by agreement, purchase, or voluntary conveyance from the owners, if it can be done on reasonable terms; but if that shall be found impracticable, then the Secretary of War shall apply at any term of the circuit or district court of the United States for the northern district of Illinois to be held thereafter, at any general or special term held in said district, and in the name of the United States institute and carry on proceedings to condemn such lands as may be necessary for right of way as aforesaid; and in such proceedings said court shall be governed by the laws of the State of Illinois, so far as the same may be applicable to the subject of condemning private property for public use: *Provided further*, That said canal shall be 80 feet wide at the water line and 7 feet deep, with a capacity for vessels of at least 280 tons burden, with guard-gates, waste-weirs, locks, lock-houses, basins, bridges, and all other erections and fixtures that may be necessary for safe and convenient navigation of said canal and branch as specified in said survey.

Mr. EDMUNDS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. I do not wish to take up the time of the Senate, but I merely suggest that, if I am rightfully informed about the state of the law in Illinois and elsewhere, private property can not be taken for public use without paying for it. This provides for taking it, but the appropriation of money is purely for the construction of the work, and it would be open to some considerable question, I am afraid, whether any part of this $300,000 could be devoted to paying land damages. But it is nothing to me. I merely mention the fact.

Mr. GORMAN. I suppose an amendment to the amendment is in order this time.

The PRESIDING OFFICER. It is.

Mr. GORMAN. I move, in line 1173, after the word "canal," to insert "feeder" and strike out "branch," to make it correspond with the first part of the amendment; so as to read:

That may be necessary for safe and convenient navigation of said canal and feeder, as specified in said survey.

The amendment as presented to the Committee on Commerce provided for the construction of a canal from Hennepin to the Mississippi River and a branch canal. It will be seen by looking at the amendment that the committee struck out "branch canal."

Mr. MCMILLAN. There is no objection to that amendment.

Mr. LOGAN. There is no objection. The word "feeder" is proper there.

The PRESIDING OFFICER. The amendment to the amendment will be made, there being no objection to it. The question is on the amendment as amended.

The Secretary proceeded to call the roll.

Mr. CAMDEN (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. CHACE (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. HARRISON (when his name was called). I am paired with the Senator from Nevada [Mr. JONES].

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN]; but notwithstanding the pair I am at liberty to vote on the bill because as I understand he and I are substantially in accord.

Mr. MCMILLAN. He would vote "yea."

Mr. KENNA. Then I vote "yea" on this proposition.

Mr. SAULSBURY (when his name was called.) I am paired with the Senator from Vermont [Mr. MORRILL], but I am informed by his colleague [Mr. EDMUNDS] that he would vote "nay" if here, and so I vote "nay."

The roll-call was concluded.

Mr. BUTLER. I announce for the last time the pair of the Senator from Pennsylvania [Mr. CAMERON] with the Senator from Kansas [Mr. PLUMB].

Mr. COCKRELL. My colleague [Mr. VEST] was called away on very important business from the Senate Chamber. He is paired with the Senator from Nebraska [Mr. VAN WYCK]. If my colleague were present he would vote "nay."

Mr. HARRIS. I am paired on this question with the Senator from California [Mr. STANFORD]. If he were present, I should vote "nay."

Mr. BERRY. I wish to announce that my colleague [Mr. JONES, of Arkansas] is paired with the Senator from Indiana [Mr. HARRISON].

Mr. BROWN. My colleague [Mr. COLQUITT] is absent, and is paired with the Senator from Rhode Island [Mr. CHACE].

Mr. SEWELL. I am paired with my colleague [Mr. MCPHERSON].

The result was announced—yeas 27, nays 20; as follows:

YEAS—27.

Allison,	Eustis,	Jones of Nevada,	Palmer,
Blair,	Evarts,	Kenna,	Payne,
Brown,	Gibson,	Logan,	Sawyer,
Call,	Gorman,	McMillan,	Spooner,
Conger,	Hale,	Manderson,	Teller,
Cullom,	Hawley,	Miller,	Wilson of Iowa.
Dawes,	Hoar,	Mitchell of Oreg.,	

NAYS—20.

Beck,	Edmunds,	Ingalls,	Saulsbury,
Berry,	Frye,	Maxey,	Vance,
Blackburn,	George,	Platt,	Walthall,
Cockrell,	Hampton,	Pugh,	Whitthorne,
Coke,	Hearst,	Riddleberger,	Wilson of Md.

ABSENT—29.

Aldrich,	Fair,	Mitchell of Pa.,	Sherman,
Bowen,	Gray,	Morgan,	Stanford,
Butler,	Harris,	Morrill,	Van Wyck,
Camden,	Harrison,	Pike,	Vest,
Cameron,	Jones of Arkansas,	Plumb,	Voorhees.
Chace,	Jones of Florida,	Ransom,	
Colquitt,	McPherson,	Sabin,	
Dolph,	Mahone,	Sewell,	

So the amendment was concurred in.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 126) directing payment of the surplus in the Treasury on the public debt was read twice by its title, and referred to the Committee on Finance.

Mr. MCMILLAN. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 2 minutes p. m.) the Senate adjourned until to-morrow, Thursday, July 15, 1886, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July* 14, 1886.

The House met at 11 o'clock a. m. Prayer by Rev. Dr. BULLOCK, of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

REFERENCE OF SENATE BILLS.

The following Senate bills were severally laid before the House, read a first and second time, and referred as follows:

The bill (S. 1580) for the relief of Maj. James Belger—to the Committee on Military Affairs.

The bill (S. 2529) for the relief of R. G. Huston & Co.—to the Committee on Claims.

The bill (S. 2545) to provide for the confinement of inebriates in the Government Hospital for the Insane—to the Committee on the District of Columbia.

The bill (S. 2560) for the relief of Hyland C. Kirk and others, assignees, &c.—to the Committee on Claims.

Joint resolution (S. R. 67) authorizing the Secretary of War to erect at Stony Point, N. Y., a monument—to the Committee on the Library.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. HAMMOND, indefinitely.

To Mr. O'HARA, indefinitely, on account of important business.

PUBLIC BUILDING, GALVESTON, TEX.

Mr. CRAIN. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 2475) to amend an act approved May 25, 1882, entitled "An act for the construction of a public building at Galveston, Tex.," and put it upon its passage as amended by the committee.

The SPEAKER. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, &c., That the act entitled "An act for the construction of a public building at Galveston, Tex.," approved May 25, 1882, be amended so as to read that the proposed building shall be for the accommodation of all the Federal offices in that city, including post-office and Federal courts, and that the limits of cost of the said building, including cost of approaches, heating apparatus, and elevator, and inclusive of the cost of site, be $250,000.

SEC. 2. That authority is hereby given for the sale of the present court-house and post-office building and site, the proceeds of sale to be covered into the Treasury of the United States.

SEC. 3. That the sum of $145,000 is hereby appropriated for the purposes of this act, out of any money in the Treasury not otherwise appropriated, to be expended in connection with moneys previously appropriated for this purpose.

The committee recommend the following amendments:

Strike out sections 2 and 3 of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendments of the committee were agreed to.

Mr. BROWN, of Pennsylvania. Let me ask if that bill has been reported from the Committee on Public Buildings and Grounds?

Mr. CRAIN. It has.

The SPEAKER. The committee report the bill and recommend the amendments which have been concurred in.

Mr. HOLMAN. Do the amendments increase or diminish the amount of the appropriation?

Mr. CRAIN. They increase it.

Mr. BURROWS. How much is the increase?

Mr. CRAIN. The law to amend which this bill is offered only authorized the construction of a custom-house, while the amendment provides for the erection of a building which shall afford accommodations for the collector of customs, the post-office, the collector of internal revenue, the signal service officer, the superintendent of the life-saving service, and other Federal offices.

Mr. BURROWS. But how much is the increase?

Mr. CRAIN. One hundred and twenty-five thousand dollars.

Mr. HOLMAN. What was the original amount?

Mr. CRAIN. The original amount was $125,000; this increases it to $250,000.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRAIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT OSHKOSH, WIS.

Mr. GUENTHER. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (S. 57) for the erection of a public building at Oshkosh, Wis., and that it be now considered.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase by private sale or condemnation, a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United States district and circuit courts, internal-revenue office, post-office, and other Government offices, at the city of Oshkosh, Wis. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $100,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys; and that no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Wisconsin shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein. For the purposes of this act the sum of $100,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same to be expended under the direction of the Secretary of the Treasury.

The Committee on Public Buildings and Grounds recommended the following amendment:

After line 13 insert the following.

"Nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment was agreed to.

Mr. BRAGG. I desire to amend the bill by striking out the words "internal-revenue office."

Mr. GUENTHER. I agree to that amendment.

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. GUENTHER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SOUTH CAROLINA STATE TROOPS.

Mr. DIBBLE. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (S. 582) for the relief of the board of field officers of the Fourth Brigade of South Carolina Volunteer State troops, and that it be now considered.

The bill was read.

Mr. HOLMAN. I do not understand the words "preceding the late war."

Mr. DIBBLE. The words are, "after the legal termination of the late war."

Mr. BRAGG. I object to the present consideration of the bill.

CHANGES OF REFERENCE.

The SPEAKER. The bill (H. R. 9198) for the relief of Hiram F. Wordwell, which was referred to the Committee on Military Affairs, should have been referred to the Committee on Naval Affairs. If there be no objection, the change of reference will be made.

There was no objection.

The SPEAKER. The bill (S. 1990) to provide for the adjustment of matters connected with certain judicial proceedings in Pennsylvania in which the United States was a party was erroneously referred to the Committee on the Judiciary. It should have gone to the Committee on Claims. Without objection that change of reference will be made.

SURPLUS IN THE TREASURY.

Mr. MORRISON. I call for the regular order.

The SPEAKER. The regular order is the joint resolution which was under consideration at the adjournment yesterday. The Clerk will report the title.

The Clerk read as follows:

A joint resolution (H. Res. 126) directing the payment of the surplus in the Treasury on the public debt.

Mr. MORRISON. Before making a motion to go into Committee of the Whole House on the state of the Union for the further consideration of this resolution, I ask unanimous consent that debate be closed at 3 o'clock to-day unless it be sooner closed by unanimous consent.

The SPEAKER. General debate?

Mr. MORRISON. That general debate be closed at 3 o'clock unless sooner closed by unanimous consent.

Mr. PAYSON. How is it proposed that the time shall be divided?

Mr. MORRISON. As it always is divided.

Mr. PAYSON. That is very indefinite. I object.

Mr. MORRISON. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the joint resolution H. Res. 126; and pending that I move that all general debate on the resolution be closed at 3 o'clock.

Mr. WEAVER, of Iowa. I have no objection to that; but I would not under that agreement be willing that any man should occupy an hour's time to the exclusion of everybody else. I suggest there should be an arrangement under which the time may be apportioned properly among those who wish the floor.

Mr. MORRISON. I do not know how the time can be apportioned among three hundred and twenty-five men; but I have never seen any disposition to unfairness in the distribution of time on either side.

Mr. WEAVER, of Iowa. I have seen this: I have seen gentlemen occupying each a whole hour and excluding other men from the floor. I know the gentleman from Illinois [Mr. MORRISON] does not intend that, but a simple order to close debate may result that way.

Mr. PAYSON. I move to amend so as to close general debate at 4 o'clock.

Mr. WEAVER, of Iowa. I move to amend the amendment by saying half past 4. That will give time to dispose of the resolution before adjournment.

The SPEAKER. The motion is merely to close general debate. After that there will be the five-minutes' debate.

Mr. WEAVER, of Iowa. I withdraw the amendment to the amendment.

The question being taken on the amendment offered by Mr. PAYSON, there were—ayes 41, noes 85.

So (further count not being called for) the amendment was not agreed to.

The motion of Mr. MORRISON to close general debate at 3 o'clock was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate insisted upon its amendments to the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, disagreed to by the House of Representatives, disagreed to the amendments of the House to the amendments of the Senate to the said bill numbered 119 and 233, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL the conferees on the part of the Senate.

SURPLUS IN THE TREASURY.

The motion of Mr. MORRISON that the House resolve itself into Committee of the Whole on the state of the Union was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. CRISP in the chair), and resumed consideration of the joint resolution (H. Res. 126) directing payment of the surplus in the Treasury on the public debt.

Mr. MORRISON. To make the resolution somewhat more explicit

and definite, I propose to offer the amendment which I send to the desk.

The CHAIRMAN. The amendment will be read for information.

The Clerk read as follows:

The surplus or balance herein referred to shall be the available surplus ascertained according to the form of statement of the United States Treasurer of the assets and liabilities of the Treasury of the United States employed on June 30, 1886.

Mr. HEWITT. Mr. Chairman, I intended yesterday to have followed the chairman of the Committee on Ways and Means, and to have explained at some length the reasons why I am opposed to this joint resolution. I found myself then unable to take up the discussion, and I regret to say that, as is apparent from the condition of my voice, I am less able to-day to go into any elaborate discussion of this very important matter. I must content myself, therefore, with the reasons which were given in the minority report which I had the honor to present. If I had anticipated my inability to discuss the matter here I would have asked to have had that report printed in the RECORD. As it is, if I find myself unable to proceed I shall incorporate the minority report as part of the remarks which I offer this morning.

One or two points, however, brought out by the discussion which has taken place, I may be permitted to notice at this time. One objection to the resolution has been met by the amendment offered by the gentleman from Illinois [Mr. MORRISON] this morning. As the resolution was reported to the House, $29,000,000 of subsidiary coin would have been included in the Treasury balance, so that, as a matter of fact, the available balance under the resolution would have been reduced to $71,000,000. That defect is corrected by the amendment which the gentleman from Illinois has just offered.

Another objection which I hoped he would meet, and which I think must have escaped his notice, is probably based upon an inadvertence. The resolution provides that whenever the surplus in the Treasury exceeds $100,000,000, a call of ten millions of bonds shall be made. The effect would be that if this resolution were adopted, and if the surplus reached $101,000,000, a call would have to be made which would reduce the available surplus to ninety-one millions.

Mr. MORRISON. No, no.

Mr. HEWITT. I see that the chairman of the Committee on Ways and Means shakes his head and says "No, no," but this is a matter of language and construction, and I simply submit the question to the consideration of the House and of the gentleman himself, and suggest that, if he does not intend that effect, he had better modify the language of his resolution so as to provide that whenever the surplus reaches $110,000,000 there shall be a call of ten millions. That will place his intention beyond doubt.

The gentleman from Illinois in his report and in the remarks which he made yesterday bases his advocacy of this joint resolution upon the saving of the interest which it will effect. Assuming that $75,000,000 is the amount over $100,000,000 which, under this resolution, would have now to be paid out, the saving in interest would be about two and a quarter million dollars per annum. He also says that it will release from the Treasury $100,000,000, which hundred millions would go into the channels of trade and give employment to one hundred thousand men, and the gentleman from Tennessee added that it will thus support five hundred thousand people. The gentleman from Illinois [Mr. MORRISON] is too well acquainted with the principles which govern business not to know that if this act should impair public confidence the saving of two and a quarter million of dollars would be a case of "saving at the spigot and losing at the bung-hole." The disturbance of business would be so serious that a couple of millions of dollars would be of no consequence, and, in fact, would be daily lost in the commercial transactions of the country.

But as to employment, one hundred thousand men would be dismissed from employment on the very first day when the public should begin to realize that under the operation of this resolution the stability of the Treasury was impaired and its ability to meet its obligations was undermined. Therefore, such considerations as the saving of $2,000,000 a year, or the possible employment of one hundred thousand men, are trifling in comparison with the danger and disturbance which would result if the financial transactions of the Government were seriously interfered with by the operation of this resolution. But the gentleman is mistaken in supposing that the release of this money from the Treasury would set a single additional man to work, unless it be the men who would have to count the money when it came out of the Treasury.

There are to-day idle in the city of New York more than $75,000,000 of unemployed capital. If that capital could be made profitable it would be employed to-morrow, and if this $75,000,000 comes from the Treasury of the United States, it will not be given to the men who are short of means and are seeking for capital; it will be paid to the bondholders, and the bondholders, who are supposed to be capitalists or to represent capitalists, will simply deposit the proceeds in a market already gorged with superabundant capital, and not a single additional human being will be employed in consequence of this release. I refer to these considerations now because they were not urged at the time the report was made, but have been urged in debate here, and I think this the proper place to make answer to them.

Upon one or two other points brought out by the debate I wish to say a few words. My colleague from New York, who is also my colleague on the committee [Mr. HISCOCK], has stated that the introduction of this resolution and the peculiar manner in which it has been brought before this House for discussion is a declaration of war on the part of the Democratic majority of the House against a Democratic administration. It must be conceeded, I think, that this resolution is at war with the declared policy and practice of the administration.

I think this is not disputed on either side of the House. Hence, governed by the ordinary rules of party management, I was exceedingly anxious to avoid the discussion of the resolution; and I resisted the adoption of the amendment to the rules by which it was brought on. But I was reminded by what happened of the time when I used to recite "The boy stood on the burning deck, whence all but he had fled;" for I found that I was not only the only Democrat who voted against the resolution, but notwithstanding what my friend from Illinois says about New York men, I was the only member from the city of New York who resisted its consideration. Hence I suppose there are some occasions on which the New York men do not hold together on the money question. Perhaps it is best to have the discussion. I think it very likely they were right, and that I was wrong in trying to resist the discussion; for in a country governed by public opinion, it is well that every great question affecting the employments of the people should be ventilated here and elsewhere; and any attempt to repress the judgment of the people would in my opinion be an error.

Hence I do not consider that the action of the Committee of Ways and Means in reporting this resolution, or of the Committee on Rules in bringing it before the House, is a declaration of war against the administration. If, however, it should be adopted, I should regard it as a vote of want of confidence in the policy of the administration, which under other forms of government would lead to the resignation of the ministry and under our form of government would lead to a change in the practice of the administration, because the administration is governed by law, and law is expressed by the action of Congress when approved by the President.

The gentleman from New York [Mr. HISCOCK] seemed to think there was a pledge given in the Democratic platform for bringing this measure before Congress. As usual on that side of the House the Democratic platform has not been very carefully studied by the gentleman from New York. There is no such pledge in the platform; and there is not a syllable in it which indicates that any action ought to be taken by the Democratic House in order to bring down the surplus in the Treasury. There is a declaration that the surplus of taxation should be reduced, and there is an allegation that $100,000,000 could be taken from the taxes of the people and the Treasury still have ample means for carrying on its business. When that declaration was made it was true. The effort has been made to give effect to that declaration of the platform, and thus far it has failed. But the declaration on the money question was most explicit:

We believe in honest money, the gold and silver coinage of the Constitution, and a circulating medium convertible into such money without loss.

That is the only declaration contained in the platform on the subject of the money of the country. The gentleman from Illinois and I were concerned in the preparation of that declaration. Neither he nor I nor any other Democrat on the committee which reported that declaration dissented from a single word or line of it. The President of the United States, when he accepted the nomination of his party, planted himself squarely upon the declarations of the platform. He went into no detail, but he accepted it in a broad and generous declaration; and I have reason to know that the President regards his promise to observe the declarations of the platform to be as binding upon his conscience and his action as is his oath to support the Constitution and maintain the laws of the country. He has never left us in any doubt as to how he construed that declaration of the platform. Prior to his inauguration, in the famous letter addressed to the gentleman from Ohio [Mr. WARNER], who gave us yesterday such an able and bountiful exposition of the facts of the currency, he recites the condition of the Treasury and then uses this language:

These being the facts of our present condition, our danger, and our duty to avert that danger would seem to be plain. I hope that you concur with me and with the great majority of our fellow-citizens in deeming it most desirable at the present juncture to maintain and continue in use the mass of our gold coin as well as the mass of silver already coined. This is possible by a present suspension of the purchase and coinage of silver. I am not aware that any other method is possible. It is of momentous importance to prevent the two metals from parting company—to prevent the increasing displacement of gold by the increasing coinage of silver, to prevent the disuse of gold in the custom-houses of the United States in the daily business of the people, to prevent the ultimate expulsion of gold by silver. Such a financial crisis as these events would naturally precipitate, were it now to follow upon so long a period of commercial depression, would involve the people of every city and every State in the Union in prolonged and disastrous trouble. The revival of business enterprise and prosperity so ardently desired and apparently so near would be hopelessly postponed. Gold would be withdrawn to its hoarding places. An unprecedented contraction in the actual volume of our currency would speedily take place. Saddest of all, in every workshop, mill, factory, store, and on every railroad and car the wages of labor, already depressed, would suffer still further depression by a scaling down in the purchasing power of every so-called dollar paid into the hand of toil. From these impending calamities it is surely a most patriotic and grateful duty of the representatives of the people to deliver them.

This was the declaration of Grover Cleveland before he became Pres-

ident of the United States. When he became President he was confronted with the very difficulties which he had outlined in that letter to General WARNER. The gold in the Treasury had been for many months gradually drifting away. Its place was being filled up with coined silver dollars. The last administration—and I speak now from the personal communication of the then Secretary of the Treasury, a man whose very able services to this country can not be too highly appreciated—the then Secretary of the Treasury told me that the most he hoped to be able to do was to carry the Government over the 4th of March upon the basis of gold payments.

I have reason to know when the present administration came into power its first and chiefest concern was to avoid the danger which had been predicted by the Republican Secretary in his official statement and in his private communications. The amount of gold in the Treasury on the 4th of March, 1885, was $126,000,000. This was a much smaller sum than had usually been held in the Treasury in gold since the resumption of specie payment. It was steadily running down. The public confidence was gone. The hoarding of gold had begun—not by the mass of the people, not in stockings, not in secret hiding places, but by the masters of finance, the men whose business it is to handle millions and to prevent their deterioration; they began to prepare for the hour of danger and the collapse which they thought was impending.

I know three of the greatest institutions in the city of New York—I shall not name them lest it might possibly bring down upon them the condemnation of those who are prejudiced against banks—but I know three institutions in the city of New York which had accumulated more than $25,000,000 of gold as a preparation for the collapse they thought was coming.

Mr. BROWN, of Pennsylvania. But which never came.

Mr. HEWITT. It did not; thanks to Grover Cleveland and that superb management of the Secretary of the Treasury which has made the name of Daniel Manning famous throughout the financial world.

The first effort made was to strengthen the Tresury in gold, but unfortunately it was at the season of the year when gold shipments usually take place. The effort was a failure. The gold gradually ran down until on the 30th of June it fell to $120,000,000. An effort had been made by the Republican Secretary of the Treasury, I mean by the Secretary of the Treasury of the last administration, I do not use the word "Republican" in any party sense—an effort had been made to avoid this state of things by paying out silver certificates in the city of Boston. The result had been to bring on a feeling of profound distrust, and it was abandoned. The Treasury thought finally they ought not seek to force silver certificates on the unwilling creditors of the Government. They pursued the policy which had been from the foundation of the Government, except during the era of suspension of specie payments, its crowning glory; that is, to pay the creditor of the Government in any funds he might desire, and that all the money of the Government should be interchangeable and of equal value. Now, this money is not of equal instrinsic value. Gold is the unit of value, not merely by the statutes of the United States, but by the fact that it is the medium of exchange and payment throughout the civilized world. Everything else measures itself in commerce, in international transactions, by gold.

The money of the United States in like manner, whatever may be its intrinsic value, is necessarily thus measured. It consists partly of gold which is the unit value by law. It consists partly of paper which has no intrinsic value, but which derives its value from the fact the people may take it to the Treasury and get gold for it. It consists partly of silver, the intrinsic value of which to-day is 74 cents on the dollar, but which, equally with the greenback, passes for 100 cents on the dollar because the Government has provided a practical redemption for it in its taxes and custom-house duties.

It was this parity of value that the President of the United States and his Secretary of the Treasury determined to maintain at all hazards, and I have no doubt that if the emergency had arisen as mentioned by the gentleman from Illinois yesterday, making it necessary to sell United States bonds, in order to put gold in the Treasury, that drastic and final remedy would have been applied. But by the most careful management the contingency was avoided.

If any gentleman doubts whether it existed or not, but I suppose none do doubt it, a resolution adopted at the New York Clearing-House on the 20th of July, 1885, by the associated banks of the city of New York will certainly clear up any doubt on the subject. Tnis resolution contains the following:

NEW YORK CLEARING HOUSE,
New York, July 20, 1885.

At a meeting of the associated banks of this city, held on the 13th instant, the following resolutions were unanimously passed:

Whereas, after careful inquiry into the current operations of the United States Treasury, it is ascertained that with the continued purchase of two million silver bullion per month the probable receipts of gold currency will be insufficient to meet the demands upon it until the meeting of Congress in December next, but that the Secretary will be compelled to make his payments in silver dollars, which will become a most disturbing element in the daily business of the country: Therefore,

Resolved, That to avert this threatened danger, and in the confident belief that Congress will take early steps to prevent the deterioration of the present commercial standard of value, the banks hereby tender to the Government, from their gold reserves, the sum of $10,000,000 in exchange for that amount in fractional silver coin, or for such other currency as the clearing-house committee may approve, the same to be apportioned among banks in the clearing house respectively, pro rata of their deposits and gold reserve.

Resolved, That should this amount prove insufficient, a further sum, not to exceed ten millions, be offered, and that the banks of Philadelphia, Boston, Chicago, and other cities be invited by the clearing-house committee to participate in carrying out the object of these resolutions.

The undersigned committee appointed under these resolutions respectfully invite your co-operation in securing the object in view. Since the resumption of coin payments on 1st January, 1879, the banks throughout the country, together with the Government itself, have practically maintained the gold standard then re-established, and the business of the nation has been carried on upon that basis in harmony with all the leading commercial nations of the world. The varied products of industry and the natural operations of its trade have since furnished this country with superabundant supplies of gold, so that the surplus money reserves held by all the banks now greatly exceed anything ever known in our history. With all these favorable financial conditions we are suddenly called upon to confront the fact that the resources of the Government have become unnaturally absorbed by the purchase of silver bullion converted into coined dollars of inferior value to such an extent as to constrain the officers of the Treasury to force them upon an unwilling people in payment for public dues, and these coins, or their representatives, now threaten to invade and poison all the channels of trade by being introduced as commercial equivalents into the clearing-houses of the country.

That is the recorded judgment of the best financial authorities of New York, and concurred in by bankers throughout the country.

Mr. PAYSON. Will the gentleman allow a question?

Mr. HEWITT. I would rather not at this time, but will yield presently.

Mr. PAYSON. I was going to suggest that I wish the gentleman would follow the line of thought which he is now pursuing and state precisely what was done under that resolution.

Mr. HEWITT. I am going to do so; and if the gentleman will possess his soul in patience, and my voice holds out, I will give him that information in the course of my remarks.

Mr. PAYSON. I am one of the most patient men in the House.

Mr. HEWITT. I am aware of that, and I have no doubt that I have often tried your patience, and may try it again to-day.

These "financial men of New York" and their financial operations various gentlemen are in the habit of criticising severely. They are spoken of as persons without patriotism, and with no regard for the general interests of the country. These men of New York occupy the positions which they hold by the divinest right—the right which comes from possessing knowledge and ability. They are gathered into New York from every State in this Union. The best brain of the country goes to New York. It is the best market for brains. They come from every portion of the habitable globe. They come with their knowledge of resources of this and of other countries. They have been trained in the school of experience. They are rich because they have made themselves rich. New York has not made them rich. New York has no power to make any man rich. New York has made many a man poor; but it can make no man rich. It is simply the center of the exchanges, as it is the headquarters of the financial ability of this continent. When you are sick you send for a doctor; when you are in litigation you send for a lawyer; when you are going to build a railway you send for an engineer; but when you are going to administer the finances of a great country what do you do? Three hundred and twenty-five gentlemen, of whom certainly not more than ten would pretend to run a bank, who would quote against most of us, "Fools rush in where angels fear to tread"—three hundred and twenty-five gentlemen sit down here and take up the most difficult and the most complicated problems of finance, and instead of legislating upon general principles come down to specific details, as is done in this resolution, directing the Secretary of the Treasury how much money he must keep in the Treasury and how much money he must let out, without any possible comprehension of the tendencies of the future, the possibilities of business, or the demands of foreign capitalists upon the reserve which they have invested in this country.

I contend and always have contended that it is a perversion of the functions of the Treasury to possess the power to make money easy or to make it tight at its pleasure. But it is no fault of this administration nor of the last administration that it possesses that power. It was the result of that conflict which overwhelmed in a common destruction both North and South so far as the finances of the country were concerned. The United States Treasury, from being a fiscal machine, as it was before the war, has now become a great bank; it is a bank of issue, a bank of deposit; it is a member of the clearing-house. It could not disregard if it would the condition of the money market; because, suppose for a moment that the balance should run down in a time of great depression, when business was embarrassed; suppose it was necessary to re-enforce that balance in order to maintain the parity between the various kinds of money issued by the Treasury—suppose that should happen, where would the Government go to get its money? It would have either to go into the money centers and procure it by hypothecating, as this administration was compelled to do, a portion of its Treasury reserves in order to get gold, or else it would have to sell bonds in order to keep up the Treasury balances, either of which would withdraw from an already depleted money market an additional sum to be locked up in the Treasury, thereby increasing the stringency of the money market. The Government can not strengthen itself in a close money market. It must keep strong. The gentlemen who advocate this proposition are fair-weather sailors.

Since the resumption of specie payments we have had a long era of easy money; and it has been an easy task in the main to keep the Treasury in a strong condition. It would be an easy task now, too, but for the fact that $2,800,000 of silver are poured into it monthly, which in effect must drive $2,800,000 either in greenbacks or in gold out of the Treasury unless it is hoarded there.

Now I will tell the gentleman from Illinois who asked the question what was done with the proposition of the banks to which I referred. It would be unjust if I were to leave the House under the impression that this action of the banks was altogether without suggestion from some other quarter. No official application was made to them for help, but the situation was discussed and resulted in the offer on the part of the banks to furnish $10,000,000 and a further sum of ten millions if necessary. About six millions, or a little over six millions, was thus paid into the Treasury, when the balances began slowly to increase, because public confidence was restored by the action of the banks and the evidence it afforded that the banks were prepared to make common cause with the Treasury and maintain payments upon a gold basis. Since that time the Treasury balance has increased in gold to one hundred and fifty-six millions, and this has been accomplished by a change in the system of payments by the Treasury.

They have paid out greenbacks freely. They have paid out gold freely when it was asked for. The result was the greenbacks and the gold have flowed back into the Treasury through the channels of taxation. When the attempt was made to force the silver certificates upon the public the receipts of the Government began rapidly to increase in silver certificates, because people always pay away first that in which they have least confidence. But the normal condition of things has now been restored, and the Treasury is in a comfortable position, and calls on bonds have been resumed to the fullest extent that in the judgment of those charged with this responsibility the Treasury can afford to go without disturbing the relation of convertibility of every class of money issued by the Government into every other class of money upon the basis of gold as the unit of value at 25.8 grains to the standard dollar.

Now, it is proposed to limit this discretion which has been exercised since the resumption of specie payments by the Treasury Department, and which has been exercised since the 4th of March, 1885, by a Democratic administration in a manner which has elicited the warmest encomiums, the highest admiration from all financial authorities at home and abroad. I forbear for even one minute to consider the motives which may be behind this movement. But I wish to say, inasmuch as my colleague from New York [Mr. HISCOCK] made the charge that it was a movement on the part of the Democratic leaders against the administration—I wish to say just this, in view of the record of my friend from Illinois [Mr. MORRISON], that such a supposition is simply impossible. For years he and I have stood shoulder to shoulder to maintain gold payments as the basis of the money of the United States.

Year after year he has gone home to his constituents, and has raised aloft the banner of honest money in a region of country where the heresy of fiat money was most prevalent, and almost alone he has made a gallant fight, and I shall be the last man ever to allow an imputation to be made on him that he is deliberately planning the destruction of that policy for which he has made sacrifices and which owes to him as much as to any living man the fact that we are on a gold basis to-day. I can not account for his action now on any other theory than this: He has discovered that a "fiscal distemper" has broken out. [Laughter.] It was a sporadic case. But he had to pay attention to it and to study its symptoms. I am afraid that that sporadic case has become contagious, and all I can say of my friend from Illinois is, I account for his action on the ground that he has got the disease; but I predict that he will recover from it, for not to recover would be against the principles and practice of his life. [Laughter.]

I do not expect that the other gentleman who co-operated with him will recover. I expect he will die of the disease. I do not expect to go to his funeral. [Laughter.]

Mr. RANDALL. I belong to a long-lived stock. [Laughter.]

Mr. HEWITT. I will be under the sod long before you.

Mr. REED, of Maine. That is merely an expectation born of hope.

Mr. HEWITT. As to the third member of the committee, the Speaker, his good nature is proverbial. I have no doubt when he found that the two wings of the Democratic party were flapping together for the first time this session he felt it was his duty to let them keep on flapping; and I suppose my friend from Pennsylvania [Mr. RANDALL] when he referred to that fact had this matter in mind. [Laughter.]

Now, Mr. Chairman, let us suppose that this resolution is put into operation; what will happen? In about five months we shall be brought back, so far as the gold in the Treasury is concerned, to the condition in which we were on the 4th of March, 1885. That was a condition of great alarm and distrust. In another month we would be ten millions worse off. In another month we should be further down. In seven months we should be down to the one hundred million limit. What happened then will happen again. This is a question of experience and authority. People's ideas of what they think will happen or what they would like to have happen amount to nothing against the actual lessons of experience and authority. We tried this experiment as far as we could try it. We got down to a limit of one hundred and twenty-six millions. The gold was hoarded. When we get back there or begin to go back there on the passage of this resolution it will be hoarded again. The result must inevitably be that the gold coin—five hundred and fifty millions I believe it is estimated to be—I refer all these matters to my learned friend from Ohio [Mr. WARNER]—five hundred and fifty millions must disappear from circulation; I will not say from the country; but it must disappear from circulation the moment a premium, however small, is once established between gold and the other money of the country.

Mr. WARNER, of Ohio. What effect will that have on the remaining volume of money?

Mr. HEWITT. The remaining volume of money will be reduced *pro tanto*.

Mr. WARNER, of Ohio. In value?

Mr. HEWITT. No; in quantity. The result of a sudden withdrawal from the channels of trade of a large amount of currency in use means the stoppage of business, not the fall in value of the remaining money. No; that will come later. But it means the stoppage of business for the want of the lubricating material for the machinery of business, which is money. A hundred thousand men are to be employed by the adoption of this resolution; a million of men will lose their daily employment the moment the gold is withdrawn from circulation.

Mr. BUTTERWORTH. Will my friend permit me to ask him a question which is pertinent to what he has just suggested. If the $550,000,000 of gold hides itself away, will there not be a pressure upon this House to supply its place with a cheap currency printed at the Bureau of Engraving and Printing?

Mr. BRUMM. That "cheap currency" is at 5 per cent. premium now in England.

Mr. HEWITT. I said, in answer to the question of the gentleman from Ohio [Mr. WARNER], that the quantity of money would be reduced and that the wheels of business would be stopped; but in this country, governed by a people who have to earn their daily bread, the wheels of business will not be permitted to remain long idle, and, whatever may be the remedy—my friend from Illinois will tell us that it would be the restoration of gold (I differ with him)—but whatever may be the remedy that is required to set those wheels in motion it will be adopted, and we who have brought on this mischief, including believers in the gold basis, will be powerless to resist the demand which will come here for further issues of paper money, and I venture to predict the form in which those issues will first be made.

The greenbacks are maintained at par upon a reserve varying from 30 to 40 per cent. The reserve behind the silver certificates is to-day 74 per cent., a most wasteful and unnecessary reserve from a financial point of view. The first proposition that will be made, to which no financial authority will be able to make answer, will be: "If 35 or 40 per cent. is a sufficient reserve, let us double up the silver certificates upon the fund which is now in the Treasury." That will be the first step. The next step will be a demand for more greenbacks—not the greenback that saved the life of the nation, but a new kind of greenback to save the business and the industries of the nation. And, under the decision of the Supreme Court, I know of no answer which can be made by this House or by Congress in denial of that demand. Of the evils of such a state of things it is not necessary for me to speak. We go back to the basis of inconvertible paper money.

We deliberately adopt fiat money as the end of all this long struggle for a sound currency, and that, too, notwithstanding the pledge of the Democratic party that "we believe in honest money, the gold and silver coinage of the Constitution, and a circulating medium convertible into such money without loss." That process is one which robs those who have accumulated property and who have loaned it out to borrowers of a portion of their property—how large a proportion I know not; but during the period when we were under suspension it robbed them at one time of 60 per cent. It results in the transfer of the property of the country from the hands of those who have earned it and saved it into the pockets of the rich, the speculators, the masters of finance, many of them, most of them, perhaps, *residing in my own* city and many of them in my own district.

I do not want to pile up these overgrown fortunes at the expense of the industry and the labor of the country. I do not wish to rob the widow and the orphan who have their savings deposited in savings-banks. I do not wish to take away from the man who has provided a life-insurance fund for his family half of what he supposed he had secured to them. Of course when we have passed through the valley of the shadow of death which once we traveled with tears and lamentations, made wiser by suffering, taught by bitter experience, we shall slowly retrace our steps to the basis of honest money, the money which the Democratic party from the time of Jefferson and Gallatin to the present day have insisted is the only money for the people. The best money, the money which measures all other money in all other parts of the world, gold, is not too good for the workingman, is not too good for the widow and the orphan, is not too good for the pensioner, is not too good for the citizen who wishes that justice shall be established and maintained in this land forever.

It is for this that the President has made this struggle. It is to fulfill

his obligation to the party that put him in power; it is to comply with his oath to support the Constitution, which alone permits the coinage of gold and silver; it is for this that he has resisted all pressure from all quarters to call bonds at a time when, as he has told us in his annual message, the calls would have compelled the two metals to part company. The policy of the administration is to keep gold and silver married, for better, for worse, one as good as the other, neither the better-half of the other; but when the time comes that the choice must be made between them, the President of the United States will adhere, as he has promised and sworn to do, to that standard of value which pays debts in the value intended at the time the debts were contracted.

Now, Mr. Chairman, it may be said, in fact it has been said, that this is all very well to talk about, but that it will not happen. Sir, I am no prophet; I am not the son of a prophet; I am only a humble student of history and finance, trained in business, often brought face to face with questions of this kind, and therefore I can only bring to the House the measure of my own experience and knowledge, supplemented, however, by the knowledge and experience of those who are confessed to be the masters of the question. A hundred millions of dollars will, if this resolution be adopted, be the sole reserve for the redemption of the paper money of the United States. How much is there of this paper money? Three hundred and forty-six millions of greenbacks and three hundred and eleven millions of national-bank notes, making in round numbers $650,000,000, upon which $100,000,000 of reserve is about 15 per cent.

To this is to be added the whole volume of silver money, now amounting to $234,000,000, and increasing at the rate of $3,000,000 per month, for the reason that not being of the instrinsic value of gold its parity can only be maintained by redemption out of the reserve fund.

That is your reserve. Let us see what we provided when we began to resume specie payments. When resumption took place there were $246,000,000 in the Treasury. We were told triumphantly yesterday that only $12,000 of greenbacks came in for redemption. Of course the quantity of notes coming in for redemption was inconsiderable, for the Treasury held gold enough to pay upon demand two-thirds of the entire amount outstanding. After the public had become accustomed to specie payments the gold balance in the Treasury was suffered slowly to run down until the average amount of gold in the Treasury varied from year to year between $140,000,000 and $150,000,000 free and clear of all demands.

Now remember this is fair weather. I do not hesitate to say that in a stormy time $140,000,000 or $150,000,000 is not a sufficient sum of itself to insure convertibility into gold for both the national-bank notes and the greenbacks. But in fair weather it is abundant. The effect of this resolution will be to bring on foul weather—a storm. Instead of being stronger, we are weaker; instead of having furled our sails in advance, they are all spread to the wind, and the ship, rolling and tossing, will finally go down under the overpowering volume—I was going to say of wind, but currency when inflated and wind are correlative terms, and therefore I may say of currency which will be poured in for redemption.

I know the Government holds security in bonds for the national-bank notes. I know that the banks can redeem their notes in greenbacks. What will happen if the Government calls in its bonds and the national banks deposit greenbacks to cover their outstanding circulation? The greenbacks will be withdrawn from circulation; and then the difficulties of business will be increased tenfold, unless the Treasury does what I think it has no moral right to do, although it may have the legal right—unless it uses the trust fund deposited by the banks for the redemption of their currency and pays it out into the community, so that not only the national-bank notes but the greenbacks will be in circulation. But if the demand be for gold (and for gold it will be), the fact that both forms of currency are outstanding and the Government is then responsible for both will only increase the rush upon the Treasury for gold and soonerbring about collapse.

What do other countries do? The gentleman from Ohio gave us the facts and has spared me the necessity of repeating them. In England, with bank notes to the amount of £24,000,000 in circulation, and including those of the private banks—about £30,000,000 ($150,000,000)—the Bank of England never lets her specie get below £18,000,000. When that point is reached she raises the rate of interest, and, as she has done within the last sixty days, restores the balance, until it is now over £20,000,000. In other words, with $150,000,000 in circulation, the bank is sure to keep $100,000,000 in hand ready to meet her notes, the reserve thus being 66⅔ per cent.

But the gentleman from Ohio will tell us that this is a reserve to meet other obligations. So it is; but at the very worst period we have seen in the last twenty years the reserve of the Bank of England was 35½ per cent. in specie for every dollar of circulation and every dollar of deposits in her possession.

That is her practice. What is the practice of the Bank of France? To-day the Bank of France holds in round numbers over 90 per cent. of gold and silver in her vaults against the paper currency which is outstanding; and the Bank of France has behind her in addition the Government of France. More than that, she has in circulation among her people the largest fund of gold and silver that exists in any nation of the world. Yet the gold and silver which the Bank of France keeps on hand is 90 per cent. of her paper money. The same thing substantially is true of the other great banking institutions—for instance, the Imperial Bank of Germany, though there the circumstances are somewhat different. But human experience has never contemplated the maintenance of specie payments in time of trouble upon a basis below 35 or 40 per cent.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HEWITT. I had no idea that I should or could occupy my hour. I fear I have exhausted the patience of the House, as I have myself.

Mr. MCADOO. I ask unanimous consent that the gentleman's time be extended.

Mr. HEWITT. I am very much obliged to the gentleman from New Jersey, but I think I have sufficiently brought out the views which I entertain and which led me to make the minority report, standing alone among the Democrats on the committee. I shall, if there be no objection, attach that minority report to these remarks in further explanation of my views. [Applause.]

I dissent from the report of the majority of the Committee on Ways and Means in favor of the following joint resolution directing the payment of the surplus in the Treasury in excess of $100,000,000 on the public debt:

"*Resolved by the Senate and House of Representatives in Congress assembled*, That whenever the surplus or balance in the Treasury, including amount held for redemption of United States notes, shall exceed the sum of $100,000,000, it shall be, and is hereby, made the duty of the Secretary of the Treasury to apply such excess, in sums not less than ten millions per month during the existence of any such surplus or excess, to the payment of the interest-bearing indebtedness of the United States payable at the option of the Government."

The effect of this resolution, if enacted into law, will be to reduce the balance in the Treasury available for the payment of its current indebtedness and for the redemption of the legal-tender notes to $100,000,000. It makes no provision for replenishing the Treasury when the available balance shall fall below $100,000,000. The question thus presented is whether, in view of the obligations and the functions of the Treasury as now defined by law, the proposed limitation upon the balance to be held for meeting the liabilities payable on demand is prudent and safe, with a due regard to the solemn pledge of the United States to redeem all its indebtedness in coin or its equivalent. The undersigned believe that such a limitation would be unwise, dangerous, and at variance with the experience alike of solvent nations and of sound financial institutions.

The ordinary disbursements of the Treasury may be roughly stated to amount to about $1,000,000 per day. To meet these disbursements it is necessary that a reasonable working balance should be kept on hand, because at times the current expenditures largely exceed the daily receipts. Careful business firms usually carry a balance equal to one month's disbursements. Measured by this standard, and a lower one can not be safely adopted, because the Secretary of the Treasury has no power to make temporary loans, the working balance in the Treasury should be about $30,000,000. That this amount is not too large will be apparent from the fact that in the Pension Bureau alone drafts for $10,000,000 will be made on the 1st of March, and that the amount of future payments, under the arrears act, can not be definitely fixed for any specified date.

But, besides the current expenditures provided for by law, the United States has a totally distinct obligation to provide for a debt payable on demand in the shape of $346,681,016 of legal-tender notes. These notes form about one-half of the paper currency of the country. They constitute the final means of payment between individuals and of settlement in all the transactions of business. It is absolutely necessary, therefore, that the ability to redeem these notes in coin shall be at all times assured beyond preadventure. For this purpose there must always be retained in the Treasury a reasonable and adequate reserve of coin. The only question is as to the amount of coin which will constitute a reasonable and adequate reserve.

To determine this point we have no other guide but usage and experience. In the case of gold and silver certificates the Treasury keeps dollar for dollar, but in the case of the legal-tender notes it has not been usual to have at any time in the Treasury a reserve in coin exceeding one-half of the whole issue of such notes. When specie payments were resumed bonds of the United States were sold so as to provide a fund amounting to $95,500,000 in gold for the purpose of assuring the redemption of the notes, which, as the law then provided, were to be reduced by cancellation to $300,000,000. It was certainly not considered safe to begin resumption with less than one-third reserve, and as a matter of fact, the available balance in the Treasury amounted to over 40 per cent.

At the present time, under the practice of the Treasury, claimed to be in accordance with the bank act of 1882, $100,000,000 in gold coin is set apart for the redemption of the legal-tender notes, being rather less than 29 per cent. This reserve would be regarded by prudent bankers as a minimum amount in an easy money market, but if the financial prospects should be threatening, prudence would require that it should be enlarged and strengthened. The practice of the Treasury, under Secretary Sherman, who put the resumption act in operation, was not to allow the reserve to fall below 40 per cent., and, all things considered, this is probably the smallest amount consistent with absolute safety. If this ratio be adopted, the amount of the reserve in coin would be $138,000,000. Adding this amount to the amount heretofore stated as a reasonable working balance, we have the sum of $168,000,000 as the minimum balance which the Treasury should carry in order to be in a condition of ease and safety. Any other conclusion is at variance with lessons of experience and the well-established rules for the safe conduct of business.

The main argument urged for infringing on this balance must be the saving in interest on $68,000,000, which, after allowing for the tax on bank circulation, is 2½ per cent. per annum, amounting to $1,700,000 annually. But it is to be remembered that the demand debt of the United States, represented by the legal-tender notes, bears no interest, and that the gain in interest between the total amount and a proper reserve is over $4,000,000 per annum, so that the Government can well afford the outlay required to keep its finances in the strongest possible position, and should certainly never approach the point where, under the law, it might become necessary to sell United States bonds in order to preserve specie payments. Such a contingency would not be an edifying spectacle to a people whose proud boast it is that in twenty years from the close of the war it has paid off more than one-half the public debt and reduced the burden of interest to one-third of its original amount. Certainly a policy so humiliating would be condemned by the people when its effects shall become apparent.

In all measures affecting the currency of the country the greatest care must be taken not to interfere with its flexibility. This essential attribute of a safe currency must reside somewhere, its exact depository depending upon the system of banking in operation. Under our system of national banks, in which the issue of notes is limited to 90 per cent. of the bonded debt deposited to secure the

circulation, the only flexible agency resides in the Treasury, by virtue of the power now exercised by the Secretary to make calls for the redemption of the public debt. It is a grave question whether such power should ever be intrusted to the Government or to the discretion of any official. In other conservative commercial countries it has been conferred upon intermediate agencies in direct communication with the business interests of the people. We have no such system, and hence the Treasury has been forced to become a member of the New York Clearing-House, which is the financial center of the exchanges of the country. The Treasury is thus practically engaged in the banking business, not only in the issue of currency, but in adapting its operations to the general requirements of trade.

Dangerous as this system is, it was the outgrowth of necessity, and until some other security beside the bonded debt of the United States is devised for the issue of bank currency, the power to come to the relief of the money market in times of stringency must reside in the Treasury. The remedy is not to destroy or impair the only flexible element of the existing system in the calls of bonds, but to divorce the Government altogether from the banking business, and bring it back to its ancient and only legitimate function of collecting its revenues in lawful money and of making its disbursements out of the money thus collected in accordance with law. This result can only be reached by the payment of the demand notes of the United States, and substituting, through the national banks or some other fiscal agency, an issue of currency subject to adequate taxation, properly secured and automatic in its expansion and contraction, the redemption of which will belong to the agency of issue and not to the Government, whose only function will then be to see that the security is sufficient and the general administration is carried on in accordance with the well-settled principles of safe banking.

One other consideration may be presented as a fatal argument against the reduction of the Treasury balance to $100,000,000 in coin necessary at all times to be kept for the redemption of the legal-tender notes. The ability of speculators to reduce this balance below $100,000,000 by presenting demand notes for payment is obvious, and unless the expedient for replacing the amount by the sale of bonds be resorted to, the money market could be so manipulated as to impair confidence and bring about a general disaster, by which the operators for a fall would reap abundant profits at the expense of the legitimate business of the country. Within a very recent period, when the Treasury was plethoric with money, but with an impaired gold balance, all the indications pointed to a great disturbance to be effected by the hoarding or exportation of gold. Very strenuous efforts and decided measures were required to prevent the catastrophe, which at any time may occur when the danger-line is passed in the reduction of the gold balance below the minimum reserve originally provided for the resumption of specie payments.

Being clearly of opinion that the proposed resolution will neither be economical, so far as the Government is concerned, nor advantageous to the business interests of the country, but in fact extremely dangerous in times of recurring strengency in the money market, I recommend that it be laid upon the table.

ABRAM S. HEWITT.

TREASURY DEPARTMENT, *Washington, D. C., February* 13, 1886.

SIR: I have received a copy of the following proposed joint resolution respecting surplus revenue, now under consideration in your committee, and upon which you do me the honor to request my opinion:

"Joint resolution directing the payment of the surplus in the Treasury in excess of $100,000,000 on the public debt.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That whenever the surplus or balance in the Treasury, including amount held for redemption of United States notes, shall exceed the sum of $100,000,000, it shall be, and is hereby, made the duty of the Secretary of the Treasury to apply such excess, in sums not less than $10,000,000 per month during the existence of any such surplus or excess, to the payment of the interest-bearing indebtedness of the United States payable at the option of the Government."

The language of this resolution is such as to include in the "surplus or balance in the Treasury" the amount held for redemption of United States notes. This is in no sense a surplus, but is set apart and appropriated as a minimum security and reserve for the redemption and payment of $346,681,016 of United States notes which have been issued, both of which are specifically promised in the act of March 18, 1869 (R. S. 3693). This reserve, amounting to $100,000,000, should of course be held above all possibility of an encroachment, like that which my distinguished predecessor, Mr. McCulloch, in his last annual report (page 33), was constrained to exhibit and deplore.

The resolution now before me requires that there should be at no time a surplus in the Treasury available for the general needs of the Government to exceed $10,000,000, and that when this sum is reached it should be immediately paid upon the public debt.

After nearly twelve months' experience in the conduct of this Department, and forecasting, as well as I am able, future requirements of the Treasury, as now defined by existing laws, and as they may be affected by legislation yet to come, and considering the course of future receipts, which are liable to influence from many causes, such as the fluctuation of imports, the prolonged depression of trade, and the marketing of more or less of our agricultural products abroad, I can not now foresee a state of things which will make it prudent to limit the surplus reserve in the Treasury to a sum ranging from nothing to a maximum of $10,000,000.

The legislation now before Congress relating to pensions will, if perfected, increase the demands upon the Treasury to an amount which it is impossible to exactly estimate; and a late decision of the Supreme Court subjects the Government to the repayment of duties collected, the aggregate of which is large but altogether indefinite. These things are mentioned to remind the committee that neither the calls upon the Treasury nor the exact time that such demands must be met can be precisely foreseen.

It would seem to follow, as a business proposition, that if the Government is to maintain its credit, in the sense of being prepared to meet all just demands, which are impossible of ascertainment in advance, there should be a reasonable sum laid by or kept on hand for that purpose.

Respectfully, yours,

DANIEL MANNING, *Secretary.*

Hon. WILLIAM R. MORRISON,
Chairman Committee on Ways and Means.

Mr. BRECKINRIDGE, of Kentucky, obtained the floor, and said: I yield ten minutes to the gentleman from Iowa [Mr. WEAVER].

Mr. WEAVER, of Iowa. Mr. Chairman, the pending joint resolution will, if it becomes a law, require the Secretary from time to time to disburse monthly in payment of the interest-bearing public debt subject to call all surplus money in the Treasury in excess of $100,000,000. However this disbursement, the resolution provides, must be in sums not less that $10,000,000 per month.

It may be presumptuous, as indicated by the gentleman from New York [Mr. HEWITT] who has just taken his seat, for a man who does not reside in New York to have any opinion on this question. I notice, sir, that New York is rarely divided on these questions. They have no politics. The gentleman from New York [Mr. HISCOCK], a Republican, and the gentleman from New York [Mr. HEWITT], a Democrat, join hands in declaring here that this House is incompetent to decide a question of this character, and that we shoulddefer to their judgment, and to the judgment of New York.

Mr. Chairman, it is hard for us common people to see that, and we shall have to discuss it for a few minutes anyhow. [Laughter.]

Now, what is the present surplus in excess of the so-called $100,000,000 of greenback-redemption fund? I have before me the Treasurer's statement of June 30, 1886, which gives the balance at $104,473,605.61. To this should be added in all fairness $24,471,955.38, consisting of items belonging to the "Post-Office Department account" and "disbursing officers' balances," which the Treasurer has improperly deducted from his estimate of cash balance on hand. These items are not demand liabilities. The revenues are constantly coming in to replenish and replace these items.

This then swells the net cash balance to the grand total of $128,844,560.99, over and above the $100,000,000 of coin held for what is improperly called the redemption of the greenbacks. It includes, however, in round numbers, $28,000,000 in subsidiary silver and minor coins.

I do not mean to concede that under an ingenious system of bookkeeping and Treasury management that the sum here indicated is the sum total of money that might be properly and immediately disbursed with perfect safety to our credit and in perfect accord with sound business principles, for I believe that we could safely pay out twice that sum and then have money to spare. I do not wish to be misunderstood upon this matter by any means.

Under present conditions of law, growth of population, and of our current receipts and expenditures this surplus is likely to remain an ever-increasing quantity. That there should be any doubt about the propriety of restoring this enormous surplus to the channels of trade by paying it out on an equal amount of matured interest-bearing and hence burdensome public debt seems to me like a travesty upon common sense and business propriety. And when we consider the present ample authority of law for such disbursement, the bare necessity of a resolution like the one under consideration marks I fear an alarming decline in that high sense of official responsibility and obedience to law that characterized the early officers of the Republic.

What moral or legal right has a Secretary of the Treasury to horde in the vaults millions, yea hundreds of millions, of money that has been drawn from the people by painful taxation when interest-bearing debts are due and payable according to law? Why, sir—and I wish to be entirely impersonal—to the extent of the additional interest which the people are thus forced to pay by such a policy, and to the extent of the injury inflicted by withholding this money from the channels of business, I hesitate not to say that, *pro tanto*, it amounts morally to a misappropriation of the public funds and to the baldest kind of absolute tyranny.

What do gentlemen mean by opposing this resolution? Is it not mild and conservative enough in all conscience? The only trouble with it in my opinion is that it does not go far enough. It simply says in effect: "Come, let us set apart $100,000,000 for any emergency that may arise, and then pay out the balance on our debts." Now, taking our industrial depression and the pressing wants of trade into account, I ask could there be a more conservative proposition made? And yet, gentlemen here who represent the great money centers of the country oppose it with that solemnity of utterance, gravity of mien, and dejection of spirit that reminds one of the lamentations of Jeremiah over the follies of Israel or of David weeping over the profligacy and rebellion of his son Absalom.

While the gentleman from New York [Mr. HISCOCK] was speaking, the lachrymal barometer indicated a heavy fall of tears, and while his colleague [Mr. HEWITT] was on the floor we were threatened with a perfect water-spout, washout, and wreck. [Laughter.] Why, says the first gentleman [Mr. HISCOCK], this is bad faith. It is an attempt to pay the debt in cheap silver dollars of less value than the coin you received for the bonds, and therefore it is rank repudiation. What respectable drivel! Coin received for the bonds!

Now, inasmuch as the question of repudiation is raised, let us see who it is that is seeking to repudiate the contract nominated in the bond. Let us be sure that we get the boot on the right leg. During the war the Government issued a large amount of bonds, bearing coin interest, and exchanged them for circulating Treasury notes. These notes were received in exchange for bonds at par, although they were purchased in the market with gold at less than 50 cents on the dollar. By express terms these bonds were payable in lawful money, and every greenback in the pockets of the people was labeled with the declaration that it was receivable for all public and private dues except interest on the public debt and duties on imports.

The soldier had a coin contract for his wages, and yet the Government paid him in this depreciated paper. It was submitted to without a murmur, and through valor and suffering the war closed and the value of Government bonds began to increase in the market, and in 1869

they reached a premium. At this period, under a false pretense, what is known as the credit-strengthening act was passed. It should have been styled an act to strengthen the public creditor instead of the public credit. This converted their currency bonds into coin obligations. Not satisfied with this and fearing a repeal at the hands of an indignant people, the funding act of July 14, 1870, was passed. This act was very explicit and specific in its terms. The currency bonds were to be refunded into coin bonds and were to be paid in coin of the weight and fineness of that date, July 14, 1870. There was no foolishness about that act. The coin had to be bright, unworn, and exactly so fine. Everything was now fixed and made certain.

So matters have continued in this condition up to the present time. These bonds have shirked all the burdens of taxation for nearly a quarter of a century. The interest has been paid quarterly in gold coin, aggregating a total of $2,370,000,000 in interest alone. During all this time the holders of these bonds have been banking on them and have received from the Government an average of about $300,000,000 per annum in bank notes at a nominal tax or cost of only 1 per cent. per annum, payable half yearly. They have loaned these notes out at high rates and taken the interest in advance on every loan. They have been permitted to draw their interest on their bonds in advance in many instances without rebate. They have been made the depositories of public funds, and have loaned these funds out at usury and pocketed the proceeds.

And now our Treasury is bursting with lawful money, every dollar of which, whether gold, silver, or greenbacks, is of equal value with every other dollar, and will at this moment purchase more of the necessaries of life than it would when the funding act was passed sixteen years ago to-day—July 14, 1870. The Government says to its creditors, "You hold our paper and it is due and payable. The money is ready for you; hold out your hand and receive it." The answer comes, "In what kind of money are you going to pay us?" We reply, "In the money of the contract—in coin of the standard weight and fineness of July 14, 1870." "But," say they, "we do not want coin of the standard weight and fineness of July 14, 1870, unless it is gold coin. If you pay us in silver coin, the bullion in it must be of equal value with the gold dollar of 1886."

Now the gentleman from New York [Mr. HISCOCK] and every member of this House knows that we have never agreed to do any such thing as that, and we never will. Who are the repudiators, the people who wish to pay exactly according to contract, or they who stand at the Treasury doors higgling for still harder terms and an overthrow of the equities of the former agreement? How cruel and devoid of mercy is such a position! It is enough to make the cheek tingle with mingled feelings of shame and indignation. How these men can face the poor wage-earners whose average earnings are only about $300 per annum; how they can face the soldiers of the Republic who were paid in depreciated paper, and have been paying for a quarter of a century their own taxes and the bondholders' too, is beyond all comprehension.

But I must not digress too far when I am so limited for time. Now what is likely to be the effect of this resolution, and of what value will it be to the country? It will not, in my judgment, materially reduce the surplus, for the reason that there will only be paid out under it $10,000,000 per month, and with our present current receipts the surplus will continue to increase at a rate per month nearly equal to the disbursement required if this resolution becomes a law. What good will it accomplish then? Why, this: It directs the payment of the public debt and establishes that as our policy. This, of course, will undermine the national banks and direct public attention to the great question of what shall be the permanent currency of the Republic.

The payment of these 3 per cent. bonds will be followed by contraction of national-bank circulation, but not to an extent greater than the amount paid out on the bonds. There will be a saving of the interest which we are now paying on the 3 percents. I shall vote for the resolution, but I wish to amend it so as to define what is meant by "surplus or balance," and also so as to require the disbursement of all surplus money in the Treasury in excess of $50,000,000. I think this is enough and more than is needed as a working balance and to satisfy the hallucination that possibly some one may want at some future time to present a few greenbacks to be exchanged for coin.

Mr. BRECKINRIDGE, of Kentucky. I now yield ten minutes to the gentleman from Pennsylvania [Mr. RANDALL].

Mr. RANDALL. Mr. Chairman, I listened with great respect and close attention throughout the remarks of the gentleman from New York [Mr. HEWITT] for the purpose of discovering whether there was apparent cause for the dark cloud of prophecy which he has pictured heretofore and again in connection with the proposed legislation and whether his apprehension had any substantial basis. I say to that gentleman that I do not find, according to the mode of financial figuring which I secured from the common arithmetic rather than from experience in the management of public affairs, anything that justifies the dangers and the disasters he prophesies from the passage of this resolution.

This is not a silver question. It is a question as to whether we have the money in the Treasury undisposed of, and against which there are no legitimate claims, to the extent of seventy millions of dollars, so that that amount of money can be used in the manner suggested in the resolution in liquidation of that much of the interest-bearing debt of the Government. We propose in this resolution to do just what has been done in the past, when in pursuance of substantially the same principle and practice we reduced the public debt $1,200,000,000. Nay, more, we say, as the forty-four and one-half millions of dollars added to the sinking fund during the last fiscal year was managed so shall this seventy millions be managed; and I suggest that in the liquidation of the forty-four and one-half millions of bonds carried to the sinking fund during that period there never was a dollar of gold employed, and there was only about thirteen millions of United States notes used in the liquidation of that amount of debt.

I do not hesitate, Mr. Chairman, to say to-day that if this proposition prevails the amount of United States notes now in the Treasury is entirely adequate for the liquidation of the entire amount, as authorized to be paid by the proposition of the gentleman from Illinois.

Mr. PAYSON. Do not the Treasury officials make that announcement?

Mr. RANDALL. I will tell you what their figures show: That there are $57,000,000 of gold there in excess of the $100,000,000 held there for the redemption of the United States notes outstanding. There are $22,000,000 there of United States notes, and $14,000,000 of other money in public depositories belonging to the Government of the United States, making in the aggregate about ninety-three millions of money in the possession of the Government, against which there is in fact no claim. I do not want any gentleman to confuse this question with the apprehension which prevails in the mind of the gentleman from New York. This is a mere matter of business management. We have unemployed in the Treasury of the United States, as I have shown, approaching ninety-three millions of money; and we say that to the extent of $70,000,000 it ought to be used in the liquidation of the public debt, just as we have liquidated $1,200,000,000 of the public debt heretofore, which has commanded the wonder and admiration of every civilized nation.

I assert, without questioning anybody's motives, that if these bonds that are due and payable at the option of the Government, to wit, about one hundred and thirty-five millions, one hundred millions of which are held by the Government as security for the national-bank circulation, were held by individual capitalists we would not hear any complaint against the proposition. [Applause.] It is because it bears upon the national banks to the extent of one hundred million of 3 percents that we hear this outcry, which is the mainspring of the hostility to the measure.

I say also that I know of no better way for a government to strengthen its credit than by paying its interest-bearing bonds. That is the way we have done in the past. If you want to strengthen still further the public credit, I do not object, nor do I find in this proposition introduced by the gentleman from Illinois objection that the one hundred millions shall be held as a redeeming fund toward the three hundred and forty-six millions of United States notes in circulation. If the Treasury officials should have an apprehension in connection with the large amount that we propose to liquidate by this proposition of the public indebtedness in addition to the forty-odd millions due during the current year as a payment to the sinking fund, then attach a limitation to the amount to be used.

There is that amount of money. The statement of the gentleman from Ohio immediately in front of me [General WARNER] to that effect has not been controverted, nor can it be. It can not be claimed that the money is not there, for the Treasury report shows that it is there; and all we ask is that that amount of money shall be used in the liquidation of the public indebtedness. That is what any business man would do. That is like to what the Government has done. And why all this scare at this time (after having paid more than a thousand millions of the public debt, just as is proposed in this joint resolution) when we suggest the propriety of paying seventy millions more? There is nothing in it, gentlemen. The truth is, the Government of the United States has the money, and can pay this amount as provided for with the use of less than the amount of United States notes that are to-day in the Treasury of the United States; because experience has shown in the case of the forty-four and a half millions paid to the sinking fund that it only required some thirteen millions to handle that amount of payment.

A like amount of United States notes, as I am informed, find their way back into the Treasury generally within ten days. The silver certificates come back, as I am advised, in large quantities within six days. I feel assured that within thirty days there would be returned to the Treasury of the United States through the receipts from customs, which are paid to-day to the extent of about 82½ per cent. in United States, notes, a sufficient sum to enable the Government to handle every payment of ten millions a month, just as they had handled the prior ten million payment.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MILLIKEN. I desire to ask the gentleman from Pennsylvania a question.

Mr. MORRISON. I object to any extension of time for that purpose.

Mr. BRECKINRIDGE, of Kentucky. I yield ten minutes to the gentleman from Illinois [Mr. PAYSON].

Mr. PAYSON. Speaker, my views are not in harmony with those thus far expressed on this side of the House. I am in favor of the resolution and heartily support it.

The criticism I make upon it is, that it does not, in my judgment go far enough; but as it is a step, or rather a stride, in the right direction I favor its adoption.

Let us see exactly what is proposed; for the observations thus far submitted seem to be based on the assumption that the whole question of the currency—finance and banking—is involved.

The resolution, as presented and amended by the chairman of the Ways and Means, is as follows:

Joint resolution (H. Res. 126) directing payment of the surplus in the Treasury on the public debt.

Resolved, &c., That whenever the surplus or balance in the Treasury, including amount held for redemption of United States notes, shall exceed the sum of $100,000,000, it shall be, and is hereby made, the duty of the Secretary of the Treasury to apply such excess, in sums not less than ten millions per month, during the existence of any such surplus or excess, to the payment of the interest-bearing indebtedness of the United States payable at the option of the Government.

The surplus or balance herein referred to shall be the available surplus ascertained according to the form of statement of the United States Treasurer of the assets and liabilities of the Treasury of the United States employed on June 30, 1886.

This resolution has been offered upon the showing made by the Secretary of the Treasury as to its condition, in connection with the condition of the public debt.

There are outstanding and subject to call and payment, in round numbers, one hundred and forty-four millions of the bonds of the Government, drawing 3 per cent annual interest.

The assets and liabilities of the Treasury appear in the last official monthly statement, June 30, ultimo, as follows:

Statement showing the assets and liabilities of the Treasury from the latest returns received from the several assistant treasurers, mints, and assay offices of the United States, and national-bank depositories.

		Assets.	Liabilities.	Balances.
Gold:				
Coin	$189,529,603 75			
Bullion	43,308,520 16	$232,838,123 91		
Certificates	131,174,245 00			
Less amount on hand	55,129,870 00			
Net gold			$76,044,375 00	$156,793,748 91
Silver:				
Standard dollers	181,253,566 00			
Bullion	3,092,198 45	184,345,764 45		
Certificates	115,977,675 00			
Less amount on hand	27,861,450 00		88,116,225 00	
Net silver				96,229,539 45
United States notes		41,118,316 79		
Certificates	18,500,000 00			
Less amount on hand	250,000 00		18,250,000 00	
Net United States notes				22,868,316 79
National-bank notes		194,014 00		194,014 00
Deposits in national-bank depositaries		14,435,199 25		14,435,199 25
Totals		472,931,418 40	182,410,600 00	290,520,818 40
Public debt and interest:				
Interest due and unpaid	1,655,291 56			
Accrued interest	9,247,408 00			
Matured debt	9,704,445 26			
Interest on matured debt	224,020 42			
Debt bearing no interest	2,667 17			
Interest on Pacific railroad bonds due and unpaid	19,109 96			
Accrued interest on Pacific railroad bonds	1,938,705 36		22,791,647 73	
Fractional currency redeemed	2,667 17			
United States bonds and interest redeemed	3,789,163 51			
Interest checks and coupons paid	47,372 47	3,839,203 15		
Totals		476,770,621 55	205,202,247 73	
Reserve for redemption of United States notes, acts of 1875 and 1882			100,000,000 00	
Fund held for redemption of notes of national banks "failed," "in liquidation," and "reducing circulation"	60,146,726 85			
Fund held for redemption of national gold-bank notes	101,979 00			
Five per cent. fund for redemption of national-bank notes	10,445,114 96		70,693,820 81	
National-bank notes in process of redemption		3,840,402 05		
Post-Office Department account	5,372,285 84			
Disbursing officers' balances	19,099,669 54			
Undistributed assets of failed national banks	755,256 97			
Currency and minor coin redemption account	6,260 00			
Fractional silver coin redemption account	43,580 00			
Redemption and exchange account	355,630 04			
Treasurer's transfer checks and drafts outstanding	3,393,066 70			
Treasurer United States, agent for paying interest on District of Columbia bonds	498,686 43		29,524,435 52	
Interest on District of Columbia bonds paid		590 41		
Totals		480,611,614 01	405,420,504 06	
Balance				75,191,109 95
Assets not available:				
Minor coin	377,814 00			
Fractional silver coin	28,904,681 66	29,282,495 66		29,282,495 66
Aggregate		509,894,109 67	405,420,504 06	104,473,605 61

C. N. JORDAN, *Treasurer United States.*

Collated in more comprehensive form, the items of cash in the Treasury may be seen by this statement for July 1, 1886:

Cash in the Treasury July 1.

Available for reduction of the public debt:		
Gold held for gold certificates actually outstanding		$76,044,375 00
Silver held for silver certificates actually outstanding		88,116,225 00
United States notes held for certificates of deposit actually outstanding		18,250,000 00
Cash held for matured debt and interest unpaid		18,999,817 05
United States bonds and interest		3,789,163 51
Fractional currency		2,667 17
Total available for reduction of the debt		205,202,247 73
Reserve fund, held for redemption of United States notes, acts January 14, 1875, and July 12, 1882		100,000,000 00
Unavailable for reduction of the debt:		
Fractional silver coin	$28,904,681 66	
Minor coin	377,814 00	
		29,282,495 66
Certificates held as cash:		
Legal-tender	250,000 00	
Gold	55,129,870 00	
Silver	27,861,450 00	
		83,241,320 00
Net cash balance on hand		75,191,109 95
Total cash in the Treasury as shown by Treasurer's general account		492,917,173 43

The call of bonds maturing July 1, was only $4,000,000, and the resolution contemplates the use of this surplus of $75,000,000 in the reduction of the interest-bearing debt. As against this proposal are found the gentlemen who assume that all the financial wisdom of the country is found in Wall street, and that no measures of a financial character should be passed except such as meet their interested approval.

Nor have the people forgotten, Mr. Speaker, that in all the years of the recent past, during and since the war, that every success we have had in our vast national financial experience has been against the advice and contrary to the predictions of all these professional financiers of their day.

We have had always the same direful predictions and lugubrious forebodings over results, but we have never seen one realized—not one—hence their advice and judgments do not inspire me with special confidence.

In the pending question the different monetary theories are not in the least degree involved. The cry that if this resolution is passed all payments must be made on Government account in silver or on the "silver basis," is without reason and puerile.

Past experience in the payment of the called bonds by Republican administrations, as well as the small reduction in the interest-bearing debt made by this, shows that under the modern system of exchanges the handling of vast sums at the commercial centers through the banks, clearing-houses, and the subtreasuries, a comparatively small sum of legal-tenders and gold certificates effects the redemptions and makes the payments.

Indeed, sir, I have been advised, in company with several of the distinguished gentlemen on the other side of the Chamber, by a Treasury official who is authority, that if this resolution should pass, $15,000,000 in Treasury notes will practically make operative its provisions.

That, sir, disposes of the claim that all the gold will be withdrawn and the "silver basis" inaugurated.

I insist, sir, that there are involved in this proposal only the application of a few well-established and universally conceded business principles.

The nation is a rich debtor, rich and prosperous, its resources are in a state of infant development, its revenues so great and yet the burden so light that statesmanship is exercised to devise means of lessening them without clashing with existing interests.

The Treasury is literally overflowing with money; almost one-third the entire circulation of the country (which is a little in excess, in round numbers, of $1,500,000,000) is in the Treasury; confessedly there are one hundred and seventy-five millions for which there is no actual use, and which will not and can not be used except in the payment of the debt of the country bearing interest, or in the redemption of such of the Treasury notes as shall be presented.

Every obligation of the Government due on demand, or at its option, is at par; all deferred obligations, at a premium. A substantial portion of it, one hundred and forty millions, is due, drawing an annual interest of $4,200,000, and why do not we pay it?

Mr. Speaker, interest charges are always a burden; always the rule is inexorable; they never cease their accumulation; they retain their vigor and "flourish in immortal youth." Taxation to pay them is equally weighty, and when we have the money and can pay and stop interest and have no other profitable use for it, it is stupid folly not to do it; that is the plain English for it.

The tables I have read show what we have, and it should be so applied. The gentleman from New York [Mr. HISCOCK] has given us an elaborate, carefully prepared and deliberately read speech in opposition to the resolution and the first one in the debate. Coming from this side of the House and from one of the most distinguished of our party, it may be regarded as a key-note to the views of this side. However that may be, I decline to enlist or march under the banner.

I do not believe in the doctrine he asserts. I do not believe in his conclusions. My views are my own; and believing them to be in harmony with my constituents, the people of the district who honor me with this seat, I do not hesitate to avow them and vote accordingly.

He speaks of the "sacredness of the funds specifically set apart for all these purposes," that these funds in the Treasury are "trust funds for specific purposes," &c., and further commits himself to the self-evident error of asserting that not only are the obligations issued by the Government payable in gold alone, but that the national-bank notes of the banks which have failed, or are in liquidation, or reducing circulation, are payable in gold.

The gentleman will excuse me from joining the procession.

He congratulates the administration that it has followed Republican precedent in the payment of the debt. Sir, here he is mistaken; this administration has not followed Republican precedent.

Until Mr. McCulloch was made Secretary of the Treasury in the closing hours of President Arthur's administration, we had adopted and followed the policy of calling an average of about ten millions of bonds per month. That was followed till he became Secretary of the Treasury for the very short time.

On the 4th of March, 1885, the Republican administration had in the Treasury:

Gold coin and bullion	$240,501,132 29	
Less certificates outstanding	114,143,140 00	
		$126,358,042 29
Silver coin and bullion	157,914,956 10	
Less certificates outstanding	111,694,881 00	
		46,220,075 10
Legal-tender notes	47,980,004 33	
Less certificates outstanding	29,400,000 00	
		18,580,004 33
Deposits in national banks		10,150,036 90
National-bank notes		9,355,462 53
		210,663,621 15
Liabilities of the Treasury upon the same date:		
Matured debt and interest	$5,483,735 37	
Interest due and unpaid	3,136,940 68	
Accrued interest to date	6,529,435 37	
Disbursing officers' balances	26,123,546 05	
Outstanding drafts and checks	6,249,573 07	
National-bank redemption fund	51,331,161 04	
Post-Office Department	3,034,639 51	
Legal tender reserve	100,000,000 00	
		201,899,031 04
Net available balance in Treasury		8,764,590 11

Leaving an available surplus of only $8,764,590.

With that condition of the Treasury we were paying ten million per month of bonds, except, as I have said, during the short time Mr. McCulloch was Secretary. His views on the question of the greenback and the payment of the debt are too well known to be reproduced here.

This administration came in March 4, 1885. It had on that date one hundred and twenty-six millions in gold—it has never had less than one hundred and twenty millions in gold surplus—that was June 30, 1885 besides a large surplus of other available funds, and yet, sir, it never issued a call for bonds till December, 1885, and that not effective till February 1, 1886, for $10,000,000.

This, sir, in the face of a public sentiment expressed in every possible way. No call has it made for more than ten millions, and the last was but for four.

Fifty-eight millions, including the July redemption, all told, are all that have been called in the sixteen months; and we, sir, in the same time, called one hundred and fifty-three millions every sixteen months during the whole of the last Republican administration. That was the average. They do not follow our example, and hence the necessity of this resolution.

Mr. Speaker, in my judgment one of the gravest faults of our administration was that it did not reduce the debt as rapidly as it ought with the avails it had at hand. I felt and said so then, and emphasize it now. This administration is far worse.

The efforts of the present officials seem to be directed toward reducing the non-interest outstanding paper, as this résumé will show:

Reduction for the year ending June 30, 1886:	
Bonded debt	$50,136,850
Certificates of deposit	11,330,000
Gold certificates	50,685,355
Silver certificates	13,414,721

This shows, sir, the principle upon which the Treasury Department is being run.

The gold and silver certificates are regarded with special favor by the people; they want, they demand that the interest-bearing debt shall be reduced; and yet these officials devote their energy to taking in and keeping in this favorite form of currency, and parade the figures, vast as they are, as so much reduction of the public debt.

The debt that the people want reduced is the debt that is a burden, that bears interest, that exhausts their resources to sustain, and not the one that is not only not burdensome but self-sustaining, and which is to all intents and purposes money, aiding in lightening the pressure of hard times.

Moreover, Mr. Speaker, it must be kept in mind that the available balance has been increased during the year $34,514,179, and the available gold increased by this administration in round numbers $69,000,000.

This is called by both the gentlemen from New York [Mr. HISCOCK and Mr. HEWITT] "strengthening the Treasury."

Sir, strengthening the Treasury by dead accumulation of cash above its actual needs is a weakening of the people, always.

But, sir, what I specially desired to call the attention of the House to was as to the one hundred million of "reserve" kept to redeem the greenbacks.

This fund has been kept since January 1, 1879, and it seems to be agreed that because there was an apparent necessity for it then it was properly continued and should be still kept.

This I do not believe, and think I can show. If the reason for its retention has ceased to exist, it ought to follow that the plan need not be continued.

It was provided for by the act of January 14, 1875—the resumption act—in substance, that to provide for the payment of such greenbacks as should be presented for redemption the Secretary might sell bonds for coin to hold for that purpose.

He was given discretion as to the amount. Mr. Secretary Sherman sold ninety-five and one-half millions of bonds, and out of the resources in the Treasury made the amount $100,000,000, and this was the "reserve."

Now, sir, when this act was passed the greenback was at a serious discount; its legality was denied by many prominent men; the Democratic party as a party assailed it so bitterly that at one time the test of Democratic fealty was the vigor of denunciation of the greenback. Sincere, doubtless, but erroneous; and no one was more vigorous than the gentleman from New York [Mr. HEWITT] against it.

The policy then was, even by the friends of the greenbacks, to regard them as an evidence of a forced loan only with some of the incidents of money, and that they should be speedily retired and canceled. The financiers then as now were loud for the national-bank notes instead of the greenback, on both sides, politically. It was the avowed policy of the officials of the party in power to retire, redeem, and cancel them. They were at a discount because of these doubts as to their validity; because they were a legal tender only for limited purposes; they could not be used to pay debts to the Government, and because of all this they were below par. Nay, more; the question of their legality was in the courts.

The great case of Hepburn against Griswold (8 Wallace), in which the Supreme Court held that they were not legal tender as to prior transactions, had been decided, and it was confidently asserted by excellent lawyers that the court would go further. The court was enlarged and the great legal-tender cases of Knox against Lee and Parker against Davis (12 Wallace), were decided favorably to the greenback but by a bare majority—the court dividing five to four—and Mr. Chief-Justice Chase, the father of the greenback in official life, delivered the dissenting opinion against it.

So certain were many of the best legal minds of the country that the greenback could not be legal-tender money for all purposes, that the court was still called on to pass upon the question, Railroad Company against Johnson (15 Wallace) and Savage against United States (92 United States) followed; but it was not till the legal-tender case (110 United States), decided March 3, 1884, that the question was decisively set at rest by the Supreme Court, not only as to the original act, but as to notes reissued under the act of May 31, 1878.

Therefore it was apparently, indeed absolutely, necessary that with all these doubts as to absolute validity and unlimited use as money, and a settled official policy of retiring them, a reserved fund should be established and maintained. But, sir, owing to all these discussions and pending litigation public feeling was excited, and finally, sir, in 1878 the whole policy was changed by the passage of the act of May 31 of that year, that the volume should not be reduced below the amount then outstanding—three hundred and forty-six millions, in round numbers—and that all returned to the Treasury should be reissued. In December of that year Mr. Sherman issued an order that they should be received for customs dues and internal-revenue taxes, and at once, because of that official recognition of their full legal-tender qualities, they rose at once to par and have stood so ever since, and will stay so.

No part of the one hundred millions reserve, except a few thousand dollars—less than fifteen thousand—in 1879, and a little a few months ago to get gold bars for export, has ever been used or desired to be used for redemption of the greenback.

It protects and redeems itself every time it is used in lawful payment of debt, and needs no redemption fund in gold or metal behind it, under the present recognition of it, which, sir, could not be changed by officials without causing a revolution!

Gentlemen have called attention to the tables in the Treasury reports, showing that there are and have been yearly "redemptions" to the amount of nearly $100,000,000 annually for years past.

But, sir, these are not "redemptions;" they are simply exchanges of new notes for old ones—every one of them. I would append the tables, but gentlemen will see that the Treasurer makes the clear statement that all these "redemptions" are reissue of new notes for soiled and mutilated notes returned.

Now, sir, I assert that, however wise the creation of the "reserve fund" was, the changed condition of public policy as well as express law renders the keeping it up unnecessary. It is of no practical value, and should be, as it may be safely, substantially abolished. Seven years' experience has proved it, at an expense in interest to this people of $25,000,000. With the changed condition of affairs must come new legislation—the mistakes of one Congress we correct in the next. Experience, the best of teachers, has proved that that vast fund is unnecessary.

Nothing is sacred in legislation that does not create a vested right in the citizen; and an expensive practice, experience, and laws found to be unnecessary can not be too soon abandoned.

Gentlemen talk about the necessity of plenty of cash assets, "working balances," &c. Why, sir, the revenues of this Government are as stable and as sure in anticipation as your salary. Roughly stated, they are a million of dollars per day—as certain as any human transaction can be; the expenses somewhat less. The Treasurer can not use a dollar except in pursuance of law, and this sum allowed by this resolution, one hundred millions of dollars, can only be trenched upon in one of three ways: first, by an excess of appropriations above receipts; second, by a legitimate call for gold for the purpose of export when it can not be as readily had at the great commercial centers; third, by an organized raid by speculators to create a panic in calling for gold for greenbacks in large quantities in the belief that the Treasury will be unable to respond.

The first two can never cause an inconvenience. The last would be promptly and effectively met by a tender of silver dollars. No organized raid upon the Treasury would possibly be made without the officials being made aware of it, and a silver tender would stop that at once.

For and in legitimate business the greenback is needed and is perfectly satisfactory to the people, and will always remain so. Legislation based on that assumption is perfectly, absolutely safe, at least. I shall act on it always, and my regret is that so much is reserved by this resolution. The amount is enormous and full and ample for all possible needs of the Treasury for payments and "working balance" for all the accounts on the books. Every dollar in the Treasury represents so much of the labor and toil of the country; it is so much of the accumulations of the productive industry of the people, and it lying unused when interest-bearing paper is due and uncalled is burning the candle at both ends.

If these bonds were not the property of the banks and used for their benefit for circulation, we should hear of none of this opposition to their payment; but the people wish the debt paid, and are under no obligation, legal or moral, to sustain these institutions as banks of issue.

That question may as well be regarded as settled now as later.

Nor am I concerned as to the future, as to what shall supply the vacuum caused by the retiring of their notes.

The Treasurer of the United States in a recent interview is reported as saying:

"What will be the effect of Mr. MORRISON'S resolution, if it eventually becomes law, upon the national banks?" was asked last night of Treasurer Jordan.

"The national banks," he replied, "hold about 65 or 70 per cent., or about $100,000,000 in round figures, of these bonds. The resolution would necessarily involve the retirement of the currency issued on these bonds, and the result would be a contraction of the currency to that extent. It would transfer the liability for the notes from the banks to the Treasury, and they would be redeemed in due course of time. Their redemption would certainly take a year, and probably two. Until they were redeemed the Government would profit. After that the places of the notes would probably be supplied by the silver certificates."

Sir, in the Forty-seventh Congress I had the honor to make a report for the Committee on Coinage on the proposal to suspend the coinage of the silver dollar, and ventured the suggestion in that report that this form of currency would supplant the national-bank note, and I congratulate myself that my crude and unprofessional idea of that day has now the indorsement of the able financier, the Treasurer of the United States.

A few words more, sir, and I shall have done.

The gentleman from New York [Mr. HEWITT] has said—I quote from his speech:

Upon one or two other points brought out by the debate I wish to say a few words. My colleague from New York, who is also my colleague on the committee [Mr. HISCOCK], has stated that the introduction of this resolution and the peculiar manner in which it has been brought before this House for discussion is a declaration of war on the part of the Democratic majority of the House against a Democratic administration. It must be conceded, I think, that this resolution is at war with the declared policy and practice of the administration.

I think this is not disputed on either side of the House. Hence, governed by the ordinary rules of party management, I was exceedingly anxious to avoid the discussion of the resolution; and I resisted the adoption of the amendment to the rules by which it was brought on. But I was reminded by what happened of the time when I used to recite "The boy stood on the burning deck, whence all but he had fled;" for I found that I was not only the only Democrat who voted against the resolution, but notwithstanding what my friend from Illinois says about New York men, I was the only member from the city of New York who resisted its consideration. Hence I suppose there are some occasions on which the New York men do not hold together on the money question. Perhaps it is best to have the discussion. I think it very likely they were right, and that I was wrong in trying to resist the discussion; for in a country governed by public opinion, it is well that every great question affecting the employments of the people should be ventilated here and elsewhere; and any attempt to repress the judgment of the people would in my opinion be an error.

Hence I do not consider that the action of the Committee of Ways and Means in reporting this resolution, or of the Committee on Rules in bringing it before the House, is a declaration of war against the administration. If, however, it should be adopted, I should regard it as a vote of want of confidence in the policy of the administration, which under other forms of government would lead to the resignation of the ministry and under our form of government would lead to a change in the practice of the administration, because the administration is governed by law, and law is expressed by the action of Congress when approved by the President.

Mr. Speaker, this is not the first time this House has been called on to express public sentiment on financial questions for the benefit of this administration. We have been called on often in this Congress to do it, and have promptly acted, and always adversely to the views of the Executive and his Cabinet. We were called on by the gentleman from Pennsylvania [Mr. RANDALL] in the Forty-eighth Congress on the proposal as to silver in the sundry civil appropriation bill, upon the message of the President before his inauguration, for constitutional reasons, addressed to the gentleman from Ohio [Mr. WARNER] and others, because although elected, the President could not yet formally address Congress.

The gentleman from New York [Mr. HEWITT] will not forget I trust

how swift and certain and definite the response was; it was a vote of want of confidence in advance. I repeat, sir, that the administration has never had the confidence and support of the people on financial questions; nor has it had a majority of this House.

But that Congress expired, and in the message and reports to this Congress, elected when he was, the questions were again presented.

The greenback was denounced, silver as legal tender as well; though the people had almost unanimously stood for the Treasury note, and its reissue under the act of 1878, the official report of the Secretary of the Treasury, approved by the President and sent to us, says:

> We are in the presence of 550,000,000 full-tender dollars of gold, and 215,000,000 full-tender silver dollars, the latter number now practically irreducible.
> As metallists of both schools condemn all efforts by laws to manufacture a legal-tender equivalent of any nation's monetary unit out of the paper record of a promise to pay that unit, it here suffices to allude to that episode in our history before showing what the procedure of the Congress of the United States has been in making our monetary unit reside in coin, formerly of two metals, latterly in one metal, and the relation of the bimetallic theory and practice thereto, and to our immediate problem, the silver-dollar coinage. Indeed, the disparity between the two (285:100=100:35) in July, 1864, when Congress tried to compel their equality, is comment enough, from a financial point of view, upon the legal-tender laws of February 25, 1862, July 11, 1862, March 3, 1863, and the law of May 31, 1878; though I can not myself believe the voters of the several States will ever decide that their Federal Government holds as sovereign a power to issue and reissue Treasury notes and make them a legal tender in payment of private debts, as it has to coin money and borrow it.

Public opinion had thus failed to reach or impress them, although the Supreme Court had decided, in the cases I have cited, and settled the question of power, these officials can not believe that the voters will ever decide that the Federal Government holds the power to issue Treasury notes and make them a legal tender.

What can make them believe it? Not one raised from the dead!

I doubt whether there is a member here who would brave the public opinion in his district, any district in the United States, by proposing a bill to destroy the greenback or take from it its legal-tender quality.

And yet the gentleman from New York [Mr. HEWITT] talks about the effect of a vote of want of confidence.

A little later, see. In this Congress, vote after vote has been had upon questions involving the policy of continuing the national debt as a basis for national bank currency, of issuing silver certificates, ingrafting that proposal on the sundry civil appropriation bill, and by an overwhelming vote, and what difference has it made with the policy of the administration?

On the direct question of the free coinage of silver public sentiment expressed itself and more fully as against the suspension of silver coinage here. But, sir, instead of it having any effect, it seems to have hardened the hearts of the Treasury officials; for although the statute provides that the standard silver dollar shall be a legal tender for all debts and demands, public and private, the Treasury officials deny that it is a legal tender in payment of or for the redemption of a Treasury note.

This is well known to many gentlemen who now hear me, as recent statements of high officials.

But, sir, I am glad that a direct issue is presented, and that one so high in the councils and confidence of the administration as the gentleman from New York [Mr. HEWITT] has so plainly put the proposition that this vote, soon to be taken, will express either an indorsement or a want of confidence in the financial policy of the administration.

I predict, sir, that this resolution will be carried overwhelmingly, and in the same sentence, that it will not affect the policy of the administration as much as an idle breath!

No, sir; as admitted by the gentleman, such a vote, which would under a limited monarchy lead to a resignation of a ministry and a new election, in this Government of ours, in theory, of the people, will not, I venture the prediction, cause a ripple, unless of derision of our action in the two buildings at the other end of the Avenue!

We shall see. I confess to an eager curiosity to see the effect of this vote, and ask gentlemen to watch it with me.

Our experience in the past will be repeated in the near future, in the contest between the interests of the banks, the capitalists, and those with fixed incomes, and the will of the masses of the people, in this instance the people must yield again; of that I feel sure. The holders of the greenback need not have, nor have they, any fear as to their security. The magnificent resources of this great nation, all the elements of wealth within it, the productive energies of the best people on the globe, and the pledged faith of that people with whom national honor is a prominent characteristic, all unite in the guarantee that the Treasury note is worth its face and ever will be.

But what is needed now, sir, is a recognition on the part of the executive officers of the Government that they are not above the law, but subordinate to the will of the people expressed in these Halls in a constitutional manner.

The time will come, slowly possibly but none the less surely, when some representative of the people instead of fearing to lay his hand on the surplus in the Treasury, instead of being guilty (I quote from the gentleman from New York [Mr. HISCOCK], and call his attention to my simile) "of an act of impiety approaching that in the olden time of laying hands by the unsanctified upon the ark of the covenant," will not hesitate to go further and like Moses of old abolish the worship of the golden calf, now set up for adoration at the Treasury and ministered to by the order of priesthood now in power.

Like its ancient prototype it shall be "ground to powder," and by the power of a people whose will is the law. [Applause.]

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, when this Congress reassembled after its vacation it found that there had been no call of bonds from the time when the Democratic administration assumed control of the executive government. It also found that there was a balance in the Treasury, not subject to any incumbrance, of $71,000,000 and $194,190,500 of 3 percents outstanding subject to call. The Committee on Ways and Means therefore had to consider whether this balance could not be used to diminish the interest-bearing public debt without affecting the public credit.

When the resolution under consideration was first proposed the question most prominently discussed in this House and the country was the silver question, on which each party was divided, and on which the present administration and Congress held different opinions. During the early months of this administration there were difficulties in the management of the Treasury, dangers to the financial condition of the country, that were met, overcome, and averted with ability and skill. However much we may disagree with some of the views of the Secretary of the Treasury and of the Treasurer, however much we may criticise policies which do not entirely meet our approval, yet I take this occasion to express my confidence in their entire fidelity to their public trusts, in their purpose to maintain the public credit, and their obedience to the law as they understand and construe it.

That great Department has had few Secretaries at its head who will hereafter rank higher than Daniel Manning. It is a most intricate and complicated department; with its many bureaus and divisions, a vast machine; and it now requires an executive ability far beyond what was once demanded to supervise the numerous subordinate chiefs; and when to this immense labor and responsibility is added the higher duty imposed to manage the financial policy of the country, it is indeed a position to be accepted only from an imperative sense of duty. But whatever had been those embarrassments, they had been removed; whatever had been those dangers, they were over; and however we differed on the silver question, the facts then were that we had outstanding subject to our call $194,190,500 of 3 percents, and in the Treasury, according to the present mode of making the Treasury statement, a clear balance of $71,018,872.23; that in addition to this sum was $28,323,275.52 of minor and fractional silver coin; $53,638,417.54 held under sections 5222–5225 Revised Statutes, acts of June 20, 1874, and July 12, 1882, and $100,000,000 held for redemption of national Treasury notes, an aggregate of $252,980,565.29.

The $53,638,417.54 was held under acts which were differently construed. The minor and fractional silver coin was not available for the public debt, but it is an asset to give credit; and moreover it is not proper in Congress to longer refuse to enact such legislation as will utilize this idle sum; and it was believed that if the policy of the payment of the surplus upon the public debt was adopted it would force this legislation. There has, as is well known, always been a difference of opinion as to whether the act of July 12, 1882, required $100,000,000 in gold to be held for the redemption of Treasury notes, but it was not considered necessary to settle that difference in adopting this policy. This $100,000,000 surely would aid if not secure the maintenance of the public credit. So that after leaving these questions open and setting apart these three sums of $28,323,275.52, minor and fractional coin, $53,638,417.54 for the redemption of national-bank notes, and $100,000,000 for reserve, there remained on December 31, 1885, the sum of $71,018,872.23 for a working balance and the payment of the 3 percents.

The joint resolution now pending before the House was pending before the committee, and on the 30th of January that balance had increased to seventy-nine millions. It was believed by those who were in favor of it that the estimate made by the Secretary of the Treasury that the income of the Government would be three hundred and fifteen millions was an underestimate by at least twenty millions. It was further believed that the accumulations of revenue over and above daily expenditures would be so great that ten millions a month could be paid without seriously diminishing the balance of seventy-nine millions. It was further believed, whether there was any pledge in political platforms or not, that it was the duty of the party in power to relieve as rapidly as it could every burden that was upon the neck of industry and to reduce every permanent source of expenditure, so that every reform that was possible might be made in the absence of a great public debt. It was further believed that the first postulate of true financial dealing was the payment of the public debt; that to this should be squared every other question; that to this should be subjected the consideration of every other financial problem; that the debt of the country was in no sense a blessing; that its constant, gradual, and, as far as practicable, rapid payment was the first necessity of true financial management—not so rapidly as to create revulsion; not so rapidly as to disturb the parity in value of the different kinds of money—gold, silver, and paper; not so rapidly as to permit the continuance of the unequal bur-

dens which ought to be removed from the tax-payer, but always keeping in view as the object of the party in power and of the country under any administration the payment of the public debt.

Now, we were confronted with this state of the case: an outstanding public debt of $194,000,000, subject to call, bearing interest; an accumulation over and above daily expenditures at the rate of more than $8,000,000 per month; and this going on through the spring into the summer. So the resolution was reported and allowed to remain on the Calendar. We disagreed in that committee. The able gentleman from New York [Mr. HEWITT], beside whom I have the pleasure of sitting and whose companionship during the last seven months has been one of the most delightful features of my short public service, from whose vast stores of information I have derived a pleasure and profit which will always be to me a source of gratification, predicted the same alarming result that he has predicted to-day.

We had an opportunity to put side by side the operation of practical execution with prophetic disaster; for the Secretary of the Treasury began to call $10,000,000 of the bonds monthly. For one, I was willing to allow the predictions made to be tested by the experiment. If we were correct, each month would show that the balance would be but slightly reduced; that the $10,000,000 would be paid out of the accumulated and the returning revenues of the Government; that as this money, like the rain, fell upon the country it would, like that rain, be drawn up and restored to the reservoir in the Treasury to be again poured out; so that there would be but a slight diminution of this balance. Has that been the result? By the 30th of June $50,000,000 had been called—$10,000,000 on the 1st of February, $10,000,000 on the 1st of March, $10,000,000 on the 1st of April, $10,000,000 on the 1st of May, and $10,000,000 on the 1st of June.

Now, let us look at the balances. On the 30th of January, before these payments had been made, the amount was $79,687,862; at the end of February, a short month, after the first call $72,298,202; at the close of March, $76,381,099; on the 30th of April, $77,330,999; on the 29th of May, $76,142,611, and on the 30th of June, $75,191,109. Thus we have $4,000,000 of diminution from the 30th of January to the 30th of June; and from the 27th of February to the 30th of June, $2,892,000 of increase. So much of the public debt paid, so much of the burden of interest removed, financial credit more firmly established, and an increment of $2,892,000.

This is the practical test. This is what has been done. If on the 27th of February this resolution had been called up for argument my distinguished and eloquent friend from New York [Mr. HEWITT] would have made the same speech in substance that he has made to-day. He would have said, "$10,000,000 will go month after month, until finally the $70,000,000 balance will have disappeared and you will be face to face with silver, with disaster and ruin." We said to him, "Nay; not so. This is no bank. This is the ruling power of the country; that is taxing at the rate of $1,000,000 a day. This is not a loan machine, which can only pay to the borrower the amount which its depositors may bring in, and has no means of recovering money except by the payments of the borrower; this is a vast tax-gathering machine, which from day to day brings in from new resources—not those which have gone out—nearly $1,000,000, a sum sufficient, after paying daily expenditures, to meet this payment."

That is the practical result of the figures to-day. Of course, I take it for granted there is not a gentleman on this floor who would hesitate about the adoption of this resolution but for other considerations. Some say this will force the bonds to be paid in silver. I do not care to enter into that argument. My colleague on the committee, the gentleman from New York [Mr. HISCOCK], to whom I always listen with profound attention, holds that we are bound by certain excerpts from letters of the late Secretary of the Treasury, Mr. Sherman, in which he said to Mr. August Belmont certain things. I do not consider the extracts from that correspondence as warranting the construction which the gentleman puts upon them; nor do I understand the act of 1870 as the gentleman from New York does. I understand that act to reserve an option on the part of the Government to pay its bonds in gold or silver of the standard value of the date of the act; but that is only a part of the reservation. It is not only an option by the Government; it is a limitation upon the Government.

Standing as that Congress did, looking back through the horrors of the war and the financial experiences of that time, remembering what had occurred before the war when all seemed smiling and hopeful and peaceful, and how suddenly, like a thunderbolt, there came that great political convulsion, and with it its financial troubles—looking forward through the life of a generation, or two generations, which these bonds would have to run, that Congress put in not merely an option, but a limitation upon the Government. They said to the creditors who should hereafter purchase and hold those bonds, "We will not subject you to the fluctuations of the future, we will not subject you to the caprices of Congress, we will not subject you to the subtle and unknown powers of the laws of commerce, we will not subject you to that still more uncertain factor, the exhaustion of silver and gold mines, with the possibility of the discovery of new mines of one or the other metals; but adopting an inflexible standard, so far as a human standard can be inflexible, we fix as the value of the payment of these bonds the coins which are now legal." Whether these bonds to-day are to be paid in gold, gold being as 100 to 75 compared with silver, or whether in 1907, when silver may be better than gold, they shall be paid in silver, is a question I am willing to leave where the law leaves it—to the discretion of the executive department of the Government, under the power of this Congress to see that the public faith is preserved.

There was no doubt about this. I only give the opinion of the Attorney-General. The very same volume from which my colleague on the committee [Mr. HISCOCK] took the two excerpts of letters of Mr. Sherman contains the opinion of Attorney-General Devens, in which he says Mr. Sherman had no power to write on the face of these bonds any recital except payment in coin of the standard value in 1870.

I will append to my remarks the letter of Mr. Sherman to Mr. Devens and the official opinion of Mr. Devens, to show the Government of the United States through its proper officer submitted that question at that very time to the proper official of the Government, and that official gave the very opinion upon which I stand to-day.

No letter to Mr. Belmont, no letter of the Secretary to any banker can set aside that official opinion of the Attorney-General of the United States, nor vary the provisions of the law which bound that Secretary, and all other Secretaries to pay those bonds in coin of the standard value at the date of the act which authorized the issue of the bonds. The terms of that act form part of the contract between the Government and bondholders.

So I care not to enter further into that discussion. Nor do I care to enter into discussion about the national banks. I have no fear that the national banks will not be able to take care of themselves.

One hundred and six millions of dollars of $136,000,000 now outstanding of the 3 percents are already in the vaults of the Treasury held to protect circulation of the national banks. All that is necessary is a mere change of security for these banks—the purchase of other bonds to take the place of these bonds. This will be gradually done. There will be a slight loss of interest to the banks. At the present premium on 4 percents an investment in them will pay about 2½ per cent. per annum instead of 3 per cent. This difference will not of itself cause contraction.

Of course there will be some contraction of national-bank currency. How much no one can foresee. That will depend upon whether we have revival of business; whether money being more plentiful will be more profitable; whether there will be a larger interest for active capital, or whether there will be a demand for money. It is the activity rather than the amount of money that will regulate this. When men are very busy and enterprises are profitable money is sought by the active and enterprising and interest cheerfully paid. When ready sale at profitable prices is found for the products of the farm and factory, when wages are paid for full days' work on fabrics sold at a fair profit, then the banks find no trouble in loaning all the currency they can control. A short crop abroad, a large crop here, or the reverse, are factors here.

But in any event the problem of what shall be done with national-bank notes under the steady decrease of the national debt must some day be met and answered. We must pay that debt, and its payment must not be suspended until we answer that question. When the banks realize that the bonds are to be called in as rapidly as practicable they will furnish some reasonable answer. I have no doubt that their financial skill is sufficient for the settlement of this question.

I insert here a letter from Mr. Trenholm, Comptroller of the Currency, a most accomplished officer, of rare attainments, and for whom, although I do not agree with some of his views, I have the most sincere respect, exhibiting what bonds are held by the Treasurer to secure the circulation of the national banks:

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE CURRENCY,
Washington, July 12, 1886.

DEAR SIR: I have the honor to acknowledge receipt of your letter of this date and in reply to send you the following statement in answer to the second interrogatory contained therein:

United States bonds held by the Treasurer to secure the circulation of national banks at the close of business July 10, 1886, are as follows:

3 per cent. loan July 12, 1882	$106,773,600
4 per cent. consols of 1907	114,212,500
4½ funded loan of 1891	50,831,700
6 per cent. Pacific Railroad	3,565,000
	275,382,800

The answers to the remaining interrogatories will form the subject of a communication from the office of the Secretary of the Treasury.

Very respectfully,

W. L. TRENHOLM, *Comptroller.*

Hon. W. C. P. BRECKINRIDGE, *House of Representatives.*

The change from $106,773,600 in 3 percents to 4 or 4½ percents under monthly calls of $10,000,000 will be gradually accomplished through fourteen months from now, for it will require at least fourteen months, perhaps longer, to call in the outstanding 3 percents. This change so gradually done can not seriously affect the financial enterprises of a people possessing a circulation of over $1,500,000,000. The call of these bonds means also the output of $10,000,000 monthly. This sum must seek investment; its owners need the interest to live on. My colleague from New York [Mr. HISCOCK] is alarmed at the predicted return from abroad of American securities. He may dismiss his fears.

They will not be returned; but all that are returned and are valuable will find purchasers.

Neither he nor my friend [Mr. HEWITT] gives due allowance to one cause for idle money. For years the world has been absorbing all its spare capital in railroad building, in opening new lines of transportation, and constructing the appliances for trade. The facilities for commerce in many parts of the world thus created are sufficient for many years to come. The money-holders of the world have not yet found other enterprises into which they can put their capital. I commend to these gentlemen the late report of the Commissioner of Labor, a most suggestive and valuable report; and I venture to ask pardon for saying the report of an able man, not yet quite sound, but on the highway to orthodoxy. I therefore am not willing to suspend the reduction of the public debt because the call of the 3 percents may contract the national-bank currency.

Another matter I wish to notice: Both the gentlemen from New York [Mr. HEWITT and Mr. HISCOCK] say the $70,000,000 we hold for the national banks constitute a trust fund, belonging to the banks. This resolution does not touch that question. It may be so, and it may not be so. This sum consists of four distinct classes; $10,445,114 is the 5 per cent. fund held for the redemption of national-bank notes, and is part of the legal reserve held by those banks to secure deposits, and stands on an entirely different footing from the $60,146,726.85, which consists of three distinct funds. Deposits of "lawful money" are made for the redemption of national banks which have "failed," of national banks in process of "liquidation" or reducing circulation, and of banks which have renewed their charters and have not been able to call in all their notes outstanding at the time of the renewal.

Of all deposits under the act of 1882 the gains belong to the Government. Bankers claim that the gains on other deposits ought to belong to the banks. Did they not get dollar for dollar when they loaned their dollar across the counter? They sold that dollar to the borrower and that dollar has been paid back, if not by that dollar by some other dollar, and they are not the losers of it. Whether the Government is or is not the beneficiary of these gains is a question I am willing to remit to the future for settlement, when by process of time it can be definitely ascertained what "the gains" are. This may require some years.

That fund has been increased. It is steadily increasing. There need be no alarm, the monthly increase will be larger than the monthly withdrawal. I hold in my hand the statement of December 31, 1885, when it was $53,638,417. In June, 1886, six months afterward, it was $70,693,820, showing an increase of $17,000,000. It is therefore not a liability to be afraid of.

But, Mr. Chairman, in what sense do these gentlemen mean that this is a "trust" fund? Do they mean that the identical money deposited is set apart and held separately as a "trust fund?" Surely not, for this has never been and is not now done. Do they mean that any separate, specific sum is held for this fund? Surely not, for this has never been so. Do they mean that the United States is under obligation to redeem in lawful money when presented any of the national-bank notes for the redemption of which this deposit has been made? Then we agree. This is a debt, an obligation, and the Government must be ready to meet it, must be ready to thus redeem on presentation, precisely as a bank must pay the check of a depositor on presentation; and a reserve, calculated on precisely similiar principles, must be held for that purpose. This is all of that. Now by experience we know that the monthly deposit is larger than the monthly redemption; and we can not be frightened by this. But the resolution leaves that sum untouched. The balance of which it speaks is that residue after this sum has been set apart as a liability. And this answers all said on that subject.

It has been said that this is a vote of want of confidence in the President and his administration. I united in the report of the Committee on Ways and Means that this resolution be adopted, in no partisan spirit; I shall discuss it now in no partisan spirit. I know not how gentlemen know what are the views of the President on this subject. In his courage, his sincerity, and his sense of duty I have implicit confidence. He will discharge his duty as his conscience commands; so will we; and a vote here can never be construed to mean more nor less than thus did duty require.

During this debate the question has been asked, what shall be done as to the sinking fund when all the 3 percents are called? As this can not be done until a new Congress, fresh from a new election, assembles, I remit that question to that Congress.

It seems clear that this Congress will not revise the tariff, and therefore will not reduce taxation. The sum required for the sinking fund and the excess of revenues over expenditures the past fiscal year exceeded $90,000,000. At the present rates of taxation this aggregate will be greater at the expiration of this fiscal year. Entering the year with a balance of $75,191,107, the country will not accept as an excuse for prolonging the payment of an interest-bearing debt that we were in perplexity as to what was wise to enact concerning the disposition of the sinking fund in 1888. Let us discharge the duty of to-day, and trust our successors with the discharge of the duties of their day.

But, Mr. Chairman, I desire to submit other considerations. I believe gold and silver ought to be kept together, if possible. I am sincerely a bimetallist. I do not want to obliterate silver from the money metals of the world. As commodities gold will bring more in the market than silver. It was not always so; it may not always be so. For years Congress has declared that silver shall be held to be money; this is "the law of the land." But this imposes on Congress the duty of doing all possible to keep the parity of values. And it is also the duty of all executive and administrative officers to recognize this "law of the land," and to so manage, if it be possible, the financial matters intrusted to them as to maintain this parity. This can be done at least for months. The same policy of payment pursued since February 1 will have precisely the same result.

Not a dollar of silver would be paid. The payments will be in this way as in the last five months: Checks on banks will be sent to the places where there are bond-holders or other persons holding certificates of Government indebtedness, and the sums thus paid, being necessary for the payment of a million dollars a day of customs and of taxes, will instantly be paid back through the custom-house or the internal-revenue offices precisely as was the case in July. Four million dollars were paid on the 1st of July as part of the sinking fund. Now, there have been paid into the Treasury since that time in the shape of customs duties $6,098,000, from internal-revenue sources $4,155,000, and miscellaneous sums increasing the aggregate to about $11,000,000 since July 1, and I am informed that in addition to that sum over $1,200,000 have been this day paid into the Treasury.

Four millions of dollars were paid out for that portion of the expenditures involved in the sinking fund, and $11,000,000 returned to replace it. If we will not make these payments, nevertheless taxes must come in. These taxes must come into the Treasury either from that or from some other source. Every dollar we lock up and keep locked up in the Treasury must be, for taxing purposes, replaced by some other dollar gathered from some other source.

I contend, Mr. Chairman, that this Government has no power to hold any more dollars in its Treasury than are necessary for the protection of the public credit; and I contend further that it has been shown by this experiment that the public debt can be thus reduced. But besides that there is a growing feeling throughout the country that in some way the Government must have a certain amount of good interest-bearing securities to be the basis of investments, and for savings-banks and for other institutions of like character; that for some reason, out of some construction of the Constitution, we must have in some way some large amount of debt in the shape of good securities to be the basis of banking and of investments. For one, Mr. Chairman, I desire to have that conviction forever taken from the public mind. We ought not for a moment to attempt to consider the possibility that our securities shall be permanent as a debt on the labor of the nation.

Debt is never wealth. It is always the representative of past expenditure. It is the difference between that which a man was able to give and that which he promised to give for some past investment or expenditure. Let us as we get wealthier pay off these debts. Let us strive to separate taxation from debt by having no debt. Let us get ready by our payments to reform the tariff, to revise its inequalities, to free ourselves from the internal-revenue system, to relieve every industrial burden under which we groan, to make new and favorable conditions for labor, and try to get rid of all the objections which grow out of a public debt. Let the people free themselves from these obligations, so that they may need no larger revenue than is necessary to administer justice, to protect the citizen, to defend the country from foreign invasion. [Applause.]

Mr. Chairman, I look forward with abiding hope, not for myself but for my children, to a day when this great land of ours, stretching from sea to sea and not from lake to Gulf, but taking the lakes in our embrace and holding the Gulf as our *mare clausum*, shall owe no indebtedness, when no man shall have in his possession an obligation over the signature of the United States of America. [Applause.] I want to pay all our debt according to its tenor for whatever purpose it was issued, for whatever object it was created. Let us pay it, too, as promptly as we can, and let the country and the world know that we are going to pay it as fast as the resources are in our possession with which to do it. [Applause.]

The CHAIRMAN. The gentleman from Kentucky has five minutes of his time remaining.

Mr. BRECKINRIDGE, of Kentucky. I shall reserve the five minutes, having promised to yield that time during the discussion to the gentleman from Texas [Mr. REAGAN].

I append extract from a letter from C. N. Jordan, esq., Treasurer.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., April 21, 1877.

SIR: I beg leave to call your attention to, and ask your opinion upon, the following questions growing out of the refunding act of July 14, 1870, to wit:

Can I stipulate in the body of the 4 per cent. bonds about to be issued that they shall be redeemable in coin of the present standard value; that is, the standard value at the date of their issue, or must it be the date of the law?

I submit a statement prepared by Hon. H. F. French, assistant Secretary, having reference to the laws.

It may become important to the public interests to make the new bonds payable in coin of the present standard; that is, gold coin. Some doubts have been ex-

pressed upon whether previous bonds issued under acts passed prior to 1873 are not legally payable in silver coin. This question may become important, as any doubt upon the legal terms of a public security affects its value.

Very respectfully,

JOHN SHERMAN, *Secretary.*

Hon. CHARLES DEVENS, *Attorney-General.*

DEPARTMENT OF JUSTICE, *Washington, April 26, 1877.*

SIR: In answer to your letter of the 21st instant, requesting my opinion upon the following question growing out of the refunding act of July 14, 1870, to wit, "Can I stipulate in the body of the 4 per cent. bonds about to be issued that they shall be redeemable in coin of the present value, that is, the standard value at the date of their issue, or must it be the date of the law," I have the honor to reply:

The act provides for the issue of bonds "redeemable in coin of the present standard value." The word "present" undoubtedly refers as a matter of date to the time when the act was passed, and not to the time when the bonds were thereafter issued. It contemplated that a long period would elapse before it would finally be carried into effect, and that changes in the coinage of the country might occur during that period.

Whatever changes in the coinage should occur, these bonds were, however, to be redeemed in coin of the standard value as it existed at the date of the act. By this provision the holder was guarded against any depreciation that might take place in the value of the coin, and the Government would not be compelled to pay the additional value should the coinage be appreciated. All the bonds issued under the act were to stand alike, no matter what was the date when such bonds were issued. Each was to be redeemable in coin which was included in the authorized coinage of the country at the date referred to, it being of the standard value as it then existed. Since the law was passed, no change has taken place in the standard value of the coin. It is understood that there has been a certain change in the coinage of the country, and that silver dollars have now ceased to exist practically as coin.

It has been further provided by the statute of February 12, 1873 (Revised Statutes, sections 3585-6) that "the silver coins of the United States shall be a legal tender at their nominal value for any amount not exceeding $5 in any one payment."

Notwithstanding this practical change in the coinage of the country, and the passage of this act in regard to legal tenders, the form of bond to be issued by you should not be changed so far as the mode in which it is to be redeemed is concerned. It was not intended that this should be varied according to the changes which might be made in the coinage, because a definite rule was given by reference to the coin of a particular date. That which will pay the bonds heretofore issued under this act will pay the bonds which you may hereafter issue.

It can not be authoritatively said that the words "payable in coin" or "payable in gold" are equivalent to the words used by the statute. Even if this leaves open for discussion the question whether bonds issued under this act are or are not redeemable in silver coin of the character and standard which existed July 14, 1870, it is not a doubt which it is in your power to remedy by the use of words in the bond other than those which this statute provides.

While I comprehend the difficulty suggested in your letter and the convenience that there might be in removing any question upon this matter, I am, therefore, of opinion that it would not be safe to issue the bonds, except as redeemable in coin of the standard value of July 14, 1870.

Very respectfully, your obedient servant,

CHAS. DEVENS, *Attorney-General.*

Hon. JOHN SHERMAN,
Secretary of the Treasury.

TREASURY OF THE UNITED STATES, *Washington, July 12, 1886.*

SIR: Your letter of the 12th instant is before me, asking—

First. What is the number of 3 per cent. bonds now outstanding, and of this number how many have been called for and not presented?

Second. What number of bonds of each issue of 3 percents, 4½ percents, and 4 percents is deposited by national banks to secure national-bank currency?

Third. What was the total cash in the Treasury July 10, and of what did this cash consist?

Fourth. What have been the daily receipts of the Treasury during the month of July?

To the first question I reply as follows:

Amount of 3 per cent. bonds outstanding, to include July 10, 1886		$147,834,950
Of this amount bonds of the one hundred and thirty-eighth call not due until August 1, 1886	4,007,700	
3 per cent. bonds called and matured not yet presented for payment	7,770,200	
	11,777,900	
Actually outstanding		136,057,050
To the second:		
Currency 6's		3,565,000
Four and one-halfs		50,821,700
4 percents		114,212,500
3 percents		106,783,600
Total		275,382,800
To the third:		
Total cash in Treasury July 10, 1886:		
United States notes		35,998,623
National-bank notes		296,309
Standard silver dollars		180,903,221
Gold coin		189,877,431
Subsidiary silver coin		28,786,635
Gold certificates		52,414,110
Silver certificates		27,529,320
Gold bullion		42,137,404
Silver bullion		3,547,831
Minor coin		360,496
In national-bank depositaries		11,994,308
Total		573,845,688

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A copy of this reply has been forwarded to the Secretary of the Treasury.

Very respectfully,

C. N. JORDAN, *Treasurer United States.*

Hon. WILLIAM C. P. BRECKINRIDGE,
House of Representatives.

Mr. MCKINLEY. Mr. Chairman, this resolution, coming as it does from a Democratic majority in one branch of the Government addressed to a Democratic Executive in control of another branch of the Government, is, to say the least, very exceptional and most remarkable. It is a proposition coming from a majority of the Committee on Ways and Means which is in political accord with the present President of the United States, and will undoubtedly receive the approval of the majority on the other side of the Chamber. It is a proposition to compel the President of the United States and his Secretary of the Treasury to do that which they have always had the power to do, that which they now have authority to do under section 2 of the act of March 3, 1881.

The administration, which is in accord with the committee that reports this resolution, has been in power sixteen months. When it came into power it found the following section on the statute-books of the country:

That the Secretary of the Treasury may at any time apply the surplus money in the Treasury not otherwise appropriated, or so much thereof as he may consider proper, to the purchase or redemption of the United States bonds.

Not only has the Secretary of the Treasury the power to call in and pay off the bonds the moment they are redeemable, but he has the power under that section of the statute to go into the money markets of the world, wherever our bonds are held, and buy them, even if they are not yet matured. And yet in sixteen months a Democratic administration, with the expressed and confessed authority to do it, has called but fifty-eight millions of Government bonds for redemption, and leaves oustanding to-day one hundred and forty millions or more of the 5 percents extended, now known as the 3 percents, which are redeemable at the pleasure of the Government.

It is not to be wondered at, Mr. Chairman, that with a record like this, in view of the professions that have heretofore been made by the Democratic party, in view of their declarations in platform and upon public rostrum in favor of the distribution of the surplus for the payment of Government bonds, characterizing the Republican party, as they have repeatedly done, as dishonest for keeping the surplus in the public Treasury—I say it is not surprising, in view of the record made by its own administration, that the majority of the Ways and Means Committee, under the leadership of the leader of one wing of the Democratic party, should insist that the President of the United States and the Secretary of the Treasury should keep the pledges which they made to the people. And it is all the more suggestive and trying to these Democratic friends of ours, Mr. Chairman, when they look back to the record made by the Republican party on this very subject, a record that we commenced making from the very close of the war, and of which all of us are justly proud, which the gentleman from Pennsylvania was frank enough to say had paid over twelve hundred millions of public indebtedness since the conclusion of hostilities and the reign of peace. I say it is not surprising, looking at the record the Republican party had made and then looking at the first sixteen months of record made by a Democratic administration, that the two wings of the Democratic party on this floor—in the language of the gentleman from Pennsylvania—should flap together and demand the President should pay out some of this surplus on the public bonds of the country, no matter what consequences would follow.

Look at the record. In 1881, two years after the resumption of specie payments, the Republican Secretary of the Treasury called in one hundred and twenty-one millions of Government bonds, and paid them off. In 1882, the Republican Secretary of the Treasury called in one hundred and seventy-three millions of Government bonds and paid them off. In 1883 the same Secretary called in eighty-six millions; and in 1884 over seventy millions of the Government bonds were paid off and canceled. In your first sixteen months you have paid off $58,133,000. We averaged in the last four years $153,000,000 every sixteen months, and you have made a record of but fifty-eight millions in the same length of time. It is not to be marveled at that the Democratic majority here smart under such a contrast and have become impatient with its own administration and distrustful of its capacity for financial management.

There is another remarkable feature to which I desire to call attention in this connection. When a Republican Secretary of the Treasury was calling in these numerous sums and canceling the bonds we had no such surplus in the public Treasury as you have to-day. In 1880 we had but $141,000,000; and in that one hundred and forty-one millions were included twenty-six millions of fractional silver coin which are not included in the surplus reported by the present Secretary of the Treasury, although he reports as on hand more than twenty-nine millions of such coin, which he does not regard as available. In 1881, when we called in one hundred and seventy-three millions of bonds, in November of that year there was but $100,069,000 in the Treasury remaining after that vast payment. In November, 1882, we had one hundred and sixty-six millions of a surplus, including the fractional coin, and during that year we called in $86,581,000. In November, 1883, we had one hundred and thirty-four millions of a surplus, and through that year called in $70,000,000. To-day, according to the report of the Treasurer of the United States, we have, exclusive of fractional silver coin, over $75,000,000. Why does not the administration of Grover Cleveland pay out that balance upon the public debt? There are one hundred and forty millions due and payable. Secretary Folger said, in his annual report of 1883, if the estimated receipts should continue all the 3 percents could be

paid off in three and one-half years, and before the close of the fiscal year ending June 30, 1887. One hundred and forty millions are yet outstanding, and but six months of these three and one-half years are yet remaining. Why they have not been paid some one on the other side close to the administration should be able to tell us.

Some gentlemen of the majority in the confidence of the administration ought to explain to us why the Secretary does not exercise the discretion given him by the statute and distribute the surplus. There must be some valid reason for it, some controlling reason, which those charged with the management of our financial affairs know and realize better than we can. The Secretary has got the power to do it now, full and complete, as I have shown you by public law. I believe that discretion ought to be left with the executive officers of the Government. I believe it to be a wise discretion. I believe it to be a judicious thing to give the officers charged with the management of the financial affairs of the Government, charged by the people, the power to call the bonds or withhold a call for bonds whenever the condition of the Treasury will permit the one or the other. The hands of the President and Secretary should not be tied; they should have full power to act under the laws as they are, and then held to the highest responsibility and strictest accountability.

Therefore, Mr. Chairman, unless the amendment I offered at the beginning of this discussion, and another amendment which will be offered by the gentleman from Maine [Mr. REED], and still another which will be presented by the gentleman from Massachusetts [Mr. LONG], shall be adopted by this House, I shall feel constrained to give a negative vote on the resolution presented by the Committee on Ways and Means. Of course we can not help, I can not help, no gentlemen on this side can help, the Democratic party voting to-day a want of confidence in its own administration. We can not prevent you from passing a vote of condemnation on the President of the United States and his Secretary, and that is what this resolution means if it becomes a law, and that is what you are doing when you vote for it.

Why, think of it, Mr. Chairman! A Republican Secretary of the Treasury presided over the financial affairs of this Government from 1861 to 1885, a period of twenty-four years, and no such proposition as this ever passed. A Republican Secretary of the Treasury was in charge from 1875 until 1885, covering the years of resumption, a period of more that ten years; eight years of that time the Democratic party had control of this House. The Republican Secretary of the Treasury exercised discretion under the act of March 3, 1881, and a Democratic House, with a majority larger than you have to-day, never thought of taking that discretion away from the Republican President or the Republican Secretary of the Treasury.

Mr. MORRISON. Oh, the gentleman is mistaken.

Mr. McKINLEY. Did you ever pass a resolution to compel the Secretary of the Treasury to pay out the surplus?

Mr. MORRISON. I introduced the proposition and sent it to the Committee on Ways and Means, and I never could get it out. [Laughter.]

Mr. McKINLEY. Exactly.

Mr. MORRISON. I offered it in the House of Representatives and had the support of the gentleman from Pennsylvania [Mr. RANDALL] in an attempt to pass it, but was kept from passing it by a point of order coming from the Republican side of the House. [Applause on the Democratic side.]

Mr. McKINLEY. Yes; but you never passed it. You had control of the House; you had the Committee on Rules; you could have fixed a time for considering it, just as you fixed a time for considering it in this Congress; you had a larger majority then than you have now. But, whatever you may have done in the committee, whatever you may have attempted to do on the floor of the House, one thing is certain, you never did pass a resolution taking away that discretion from the Republican President and the Republican Secretary of the Treasury. [Applause on the Republican side.]

Mr. MORRISON. I was prevented by the co-operation of Democrats with that side of the House.

Mr. McKINLEY. That is, the two wings of the Democratic party were not in harmony, and one wing, with the aid of the Republicans, prevented you from taking away that statutory discretion from the Republican Secretary of the Treasury. But now that you have got the Presidency; now that you have got the administration of the Treasury Department, both wings of the Democratic party "flap together" in denouncing a Democratic Secretary and a Democratic President of the United States for not calling in the bonds and absorbing the surplus. And this is not to be wondered at, Mr. Chairman. Why, the campaign of 1884 was waged and won upon the howl raised all over this country that the Republicans had $400,000,000 of idle surplus in the Treasury, and would not pay the honest debts of the Government.

Governor Hendricks, it is alleged, said that all over the West. I have no doubt that my greenback friend from Iowa [Mr. WEAVER] said it all over his State. I know that the distinguished gentleman from Pennsylvania [Mr. RANDALL] in his famous speech at Nashville, Tenn., when he was making that triumphal tariff march through the South [laughter], I remember that when he was making that grand march from Atlanta to the sea [renewed laughter], carrying the banner of protection, he said there were three hundred millions of surplus in the public Treasury and that the administration of Grover Cleveland would take it out and pay the public debt with it.

Mr. RANDALL. I am beginning in that direction now. [Applause on the Democratic side.]

Mr. McKINLEY. Yes; you are beginning, but you are beginning sixteen months after your administration has failed to do it [applause on the Republican side], and you have not got very far yet. [Laughter.] Supposing this resolution passes this House, supposing it passes the Senate, to give it any force it must have the approval of the President of the United States, and by this resolution you are asking that the President shall do what for sixteen months he has refused to do.

He will lay down the pen, which with him within the last few weeks has been mightier than the sword [laughter], and will refuse to sign your resolution, or he will take up a fresh and newly sharpened pen and use it; he will veto your joint resolution if half the disturbance would follow its execution which the officials in the Treasury predict, and the surplus will still remain in the Treasury to be paid whenever and in such sums as in his wisdom and that of the Secretary will be within the line of safety. I hesitate to join even with the Democrats in taking away from their administration a discretion which Republican administrations have always enjoyed. I would want that discretion continued if we still had the administration, and if is to be taken away from yours without qualification or condition it must be your act, not mine. If this is a mere play of politics, if it is a mere play for postion, you are welcome to it, gentlemen; when your own Secretary of the Treasury solemnly tells the chairman of the Committee on Ways and Means, in an official communication, that if this resolution passes it will impair the public credit, will shake public confidence, will destroy the good financial name which we have enjoyed so long, thanks to Republican fidelity, that it will leave no working balance for the great transactions of the Government, if that is any solace or comfort in your affliction we cheerfully grant it to you; when he says another thing, that this resolution means trenching upon the one hundred millions which is kept as a redemption fund for the legal-tender notes of the country, and he asks his Democratic friends not to do it for the sake of our public credit and our financial honor, we give you the benefit of all the political advantage there is in it. It is your quarrel, now ours. Yet they do it, they heed not the warnings of their own officials whom they should trust, and in fact this Congress seems to be given to doing just what the President does not want it to do. If there is anything upon which the majority of this House and the President are in accord, I would like to know it.

Several MEMBERS (on the Republican side). Vetoing pension bills.

Mr. McKINLEY. In that they may be a happy family.

Why, Mr. Chairman, in the annual message of the President of the United States and the report of the Secretary of the Treasury this Congress was asked to do three things: First, to retire the greenbacks, to get them out of circulation, to pay them off; second, to suspend the coinage of silver. The fact is the President asked that before he became President. [Laughter.] He could not wait until he was inaugurated; he so feared calamity from its continuance. He therefore repeats in his formal message to Congress the statement that unless this Congress shall suspend silver coinage, the financial situation of the country will be very much disturbed. Then finally he asks you to revise the tariff. What have you done in the way of carrying out these recommendations?

You have not retired the greenbacks; you have not suspended silver coinage; you have not revised the tariff—at least you have not revised it under the leadership of my friend, Colonel MORRISON; I do not know what you may do under the leadership of "Colonel" RANDALL. [Laughter.] What a delightful situation! [Laughter and applause.] The gentleman from Pennsylvania about three or four weeks ago showed his contempt for the tariff bill of the chairman of the Committee on Ways and Means; and only the other day the chairman of the Ways and Means Committee showed his positive contempt for the attempt of the gentleman from Pennsylvania to make a tariff bill. [Laughter.] So it goes. There is not a single thing upon which the members of this Democratic party in this House agree and are in positive accord except in getting the offices. [Applause.]

Mr. MORRISON. And we are only doing middling well at that. [Laughter.]

Mc McKINLEY. Yes; and in that particular you are getting along very slowly. [Laughter and applause.]

But my friend from Pennsylvania [Mr. RANDALL] and my friend from Indiana [Mr. HOLMAN], impatient with the delay in getting offices when they had an appropriation bill before this House a week or two ago, undertook to break down the civil-service law by a rider on that bill. It seems that the gentleman from Pennsylvania and his "wing" are for the spoils. I was glad to find my honest and honored friend from Illinois standing against that covert attempt to nullify and destroy a public statute. [Applause.]

Mr. MORRISON. Now the gentleman is getting on my side.

Mr. McKINLEY. After what I have stated, and much more which I might state in the same connection, is it to be wondered at that Secretary Manning, weary of the burdens of his office, indites a letter to

the President of the United States, dated May 20, 1886, in which he says:

The reforms in our fiscal policy which you have maintained—

That is, keeping up the credit of the Government and keeping up the surplus in the Treasury—

and which have been commended to the wisdom of the legislative branch—

None of which the legislative branch has paid any attention to—

are reforms necessary to our safety, binding in honor, obligatory in the traditions of the Democracy, set down with promises in our statute-book?

That is what Mr. Manning says to President Cleveland, in giving notice of his intention to retire from the Treasury. Listen to what the President says in his response to the Secretary:

I have hoped that the day was at hand when the party to which we belong, influenced largely by faith and confidence in you and in the wisdom of your views, would be quickened—

Quickened!—

in the sense of responsibility and led to a more harmonious action upon the important questions with which you have had to deal.

That is the way the President felt May 28, 1886.

Mr. SESSIONS. The hope of the ungodly shall perish.

Mr. MCKINLEY. How will the President feel after this resolution of condemnation, this resolution of censure, this resolution of disapproval, this resolution of want of confidence? As the gentleman from New York told you this morning, he can not resign and go to the country; but every one of you and every one of us will go to the country; and the issue will then be made up. If President Cleveland vetoes your resolution, you can go to the country on that. You will then have an issue with your own President. The $400,000,000 that it is charged Mr. Hendricks said was in the Treasury, the $300,000,000 which the gentleman from Pennsylvania said was in the Treasury, will in the mean time remain there, unless the Secretary exercises the discretion he now has and pays a part or the whole of it out.

I only wish to say in conclusion, Mr. Chairman, that I hope the amendment I have submitted and others which I have indicated will be adopted. It seems to me absolutely demanded that they should if this resolution is to pass. Let us save that reserve, the $100,000,000, from encroachment, so that the $346,000,000 of promises of the National Government shall be kept sacred and at par as they are to-day. Let us maintain the old Republican policy; let us keep our promises; and in adopting my amendment we hold on to the Republican position and Republican precedents. If we will do this, and will adopt an amendment giving the Secretary of the Treasury a fair working balance, which any business man or corporation would keep—if we will do these two things, then your resolution will be harmless and it may be spared the veto of the President. [Loud applause.]

In the report of the Treasurer of the United States of November 1, 1883, there is an exhibit and statement, which I herewith append, and also the statement of the Treasurer of the United States, of June 30, 1886:

THE RESERVE.

The following statement shows the excess of the cash assets of the Government over its net demand liabilities on the 1st day of November, 1883, compared with that on the same date in 1882:

	1882.	1883.
ASSETS.		
Gold coin	$108,888,963 44	$147,037,092 56
Gold bullion	50,916,780 10	62,392,847 34
Standard silver dollars	92,414,977 00	116,036,450 00
Fractional silver coin	26,749,432 45	26,712,424 15
Silver bullion	4,012,503 27	4,936,364 86
Deposits with national-bank depositaries	8,738,523 16	7,987,693 27
United States notes	29,689,196 17	37,113,037 33
National-bank notes	6,370,051 58	6,428,179 99
Total assets	327,780,427 17	408,644,089 50
LIABILITIES.		
Old debt	792,012 27	775,096 84
Called bonds matured, and interest	9,661,510 16	3,531,342 84
Matured bonds and interest	786,524 00	331,009 90
Interest due and not paid	5,255,170 24	2,371,276 57
Gold certificates outstanding	11,370,270 00	52,076,180 00
Silver certificates outstanding	65,620,450 00	85,334,381 00
Certificates of deposit (act of June 8, 1872) outstanding	9,835,000 00	12,545,000 00
Disbursing officers' balances and various small accounts	24,208,117 05	24,331,528 02
Outstanding drafts and checks	5,635,232 31	8,379,155 26
Five per cent. fund for redemption of national-bank notes	14,471,298 01	14,220,766 81
Fund for redemption of notes of national banks failed, in liquidation, and reducing circulation	$38,169,253 10	$35,672,219 60
Post-Office Department account	6,823,901 04	8,253,587 24
Total liabilities	192,628,738 18	247,821,544 08
Reserve—Excess of assets	135,151,688 99	160,822,545 42

It will be seen that the reserve is ascertained by deducting from the cash in the Treasury the aggregate of the current liabilities other than United States notes, the amounts of certificates and other obligations nominally outstanding having been first reduced by the amounts of those held by the Treasnry.

The reserve increased from $135,151,688.99 in 1882 to $160,822,545.42, due to the increase in the cash owned by the Government of $8,918,286.36 in gold coin and bullion, $4,831,403.59 in silver dollars and bullion, and $4,771,969.57 in currency; and to the decrease in the liabilities for bonds and interest of $9,486,490.52, and in the funds for redemption of national-bank notes of $2,747,564.70. This aggregate increase of $30,755,714.74 is, however, reduced to $25,670,856.43 by the increase in the liabilities on account of Post-Office Department, outstanding drafts and checks and disbursing officers' balances of $4,297,020.12, and by an actual decrease in the fractional silver coin in the Treasury and the funds on deposit with national-bank depositaries of $787,838.19.

The amount of the reserve a year ago would, however, have appeared greater by $12,063,714.72 had not payment been anticipated of that amount of called bonds not then matured; which should be considered in making any comparison.

The following table shows, for the first day of each of the past thirteen months, the amount of the current liabilities exclusive of United States notes; the amount including such notes; and the cash in the Treasury, certificates for gold, silver, and currency deposits and the moneys held for the redemption of the same, having been deducted; also the percentage of the reserve ascertained as stated above, to the United States notes outstanding, and of the cash to current liabilities including those notes:

Month.	Current liabilities, excluding United States notes and coin and currency certificates.	Current liabilities, excluding certificates and including United States notes, namely, $346,681,016.	Cash, less amount of coin and currency certificates.	Percentage of reserve to United States notes outstanding.	Percentage of cash to demand liabilities, including United States notes, certificates having been eliminated.
1882.					
November	$105,803,018 18	$452,484,034 18	$240,954,707 17	39.0	53.3
December	112,156,311 13	458,837,327 13	236,742,304 00	35.9	51.6
1883.					
January	111,908,927 79	458,589,943 79	223,700,425 05	32.2	48.8
February	105,295,921 02	451,976,937 02	226,707,110 73	35.0	50.2
March	110,604,935 34	457,285,951 34	238,201,333 89	36.8	52.1
April	108,292,907 34	454,973,923 34	240,420,177 64	38.1	52.8
May	122,080,864 40	468,761,880 40	243,783,639 91	35.1	52.0
June	116,546,697 48	463,227,713 48	244,580,843 16	36.9	52.8
July	112,105,099 61	458,786,115 61	253,111,870 34	40.7	55.2
August	105,931,897 37	452,612,913 37	258,374,204 94	44.0	57.1
September	109,370,166 29	456,051,182 29	261,665,988 79	43.9	57.4
October	107,070,088 12	453,751,104 12	259,236,856 51	43.9	57.1
November	97,865,983 08	444,546,999 08	258,688,528 50	46.4	58.2
Average for 59 months	98,059,296 47	444,740,312 47	233,424,407 81	39.0	52.5

The range of the percentage of the reserve to the amount of United States notes outstanding ($346,681,016) during the period was from 32.2 per cent. in January to 46.4 per cent. in November, 1883; and the average for the four years and eleven months since the resumption of specie payments was 39 per cent.

Upon the assumption that the percentage should be computed between the cash in the Treasury and the liabilities, including United States notes, all certificates and the moneys for their redemption being excluded, the range was from 48.8 per cent. to 58.2 per cent. during the thirteen months, and averaged 52.5 per cent. for the fifty-nine months since resumption.

Mr. BRECKINRIDGE, of Arkansas, addressed the Chair.

The CHAIRMAN. To whom does the gentleman from Ohio [Mr. MCKINLEY] yield the residue of his time?

Mr. MCKINLEY. I agreed that, so far as our side of the House was concerned, the time should be under the control of the gentleman from Maine [Mr. REED]. If the gentleman from Arkansas [Mr. BRECKINRIDGE] desires to speak now in his own time I have no doubt the gentleman from Maine will be glad to give way.

Mr. REED, of Maine. Will the Chair be kind enough to intimate what time remains on this side?

The CHAIRMAN. The hour of the gentleman from Ohio [Mr. MCKINLEY] will expire at twenty-five minutes before 3 o'clock. Five minutes of the time remaining belong to the gentleman from Texas [Mr. REAGAN], having been yielded to him by the gentleman from Kentucky [Mr. BRECKINRIDGE], and the remaining twenty minutes are under the control of the gentleman from Illinois [Mr. MORRISON], having been reserved by him.

Mr. REED, of Maine. So that we now have thirty-two minutes.

The CHAIRMAN. So the Chair understands.

Mr. HISCOCK. I have seven minutes, which I yield to the gentleman from Maine [Mr. REED].

Mr. REED, of Maine. Mr. Chairman, I shall endeavor in the observations I shall make to allow a little time for our Democratic brethren to recover from the somewhat severe description of their unfortunate situation to which they have just listened [laughter], and shall call their attention back to the strictly financial bearings of this matter.

I am not one of those who have the misfortune to believe my opinions on questions of finance or of the Constitution are final and infallible. I have no hope to do more than to indicate to the House some reasons why I think this resolution ought not to pass. Gentlemen on the other side in their discussion of this matter seem to have forgotten a considerable part of recent history. They seem to have forgotten the United States Treasury for many years had ceased to be a mere instrument for collection and disbursement of its own revenue. Thanks to a long series of legislative acts, the Treasury of the United States has added

to its functions that of becoming in large measure the base upon which our financial and bank system rests.

With that change of situation comes a change of duties. Among the foremost duties of the Treasury of the United States to-day is to preserve a sound currency, to maintain public confidence, and to present a firm basis for the sound business of the country.

The saving of a million or two of dollars per year at the expense of the business interests of the country, at the expense of its business prosperity, is too silly to be entertained by grown men intrusted with the powers and living under the obligation under which we live.

So that whoever votes on this question without considering the whole of the situation does injustice to his own good sense and does injustice to the country as well.

Now, let us see what was the condition of the Treasury of the United States at the time when the Republican party left it and its condition to-day. And let us see if we can account for the change which has been made in it. It will be remembered, and indeed has been repeated here, that gentlemen of the Democratic party fought the last campaign on the statement that there was a large sum of money in the Treasury which ought to come out, and the size of that statement always depended upon the rank the man held in the party. [Laughter and applause.] The candidate for Vice-President boldly put it at $400,000,000, because the Democratic party would probably absorb more from him than they would from the gentleman from Pennsylvania [Mr. RANDALL], who only made it $300,000,000.

Mr. BLAND. Was not that $400,000,000——

Mr. REED, of Maine. I can not go into the silver question now. [Great laughter and applause.]

Mr. BLAND. I want to make this remark.

Mr. REED, of Maine. Excuse me.

Mr. BLAND. Mr. Calkins, of Indiana, your candidate for governor, made that statement.

Mr. REED, of Maine. The gentleman can not follow the thread of my discourse. That is my misfortune, that there are some who can not. [Laughter.] Having fought that campaign on this basis, it became necessary for the Democratic party to make an onslaught to-day. Why have they not made it before? As my friend has well said, this has been going on for sixteen months. This very resolution was reported months and months ago. Why have they not brought it up until this time? Because it is a mere political game. It is because they thought they could pass it in this House, and they knew the Senate would be busy on appropriation bills and that it might not pass through the Senate and never be vetoed by the President, and they could go to the country a second time with a second edition of the same paper. [Laughter and applause.]

Now, what were the figures on the 4th of March when the Democrats took possession of the country? Net balance, March 4—and I take it from the report of the Democratic Secretary—$8,764,590.11. Immediately upon their accession to power they began to increase this balance. They began to add to the $400,000,000, according to one estimate, or the $300,000,000, or whatever was the truth or rather untruth about the matter. [Laughter.] On the 1st day of November they had, instead of $8,000,000, $66,000,000 added to this mythical sum for which the gentleman from Pennsylvania vouched in part and the gentleman who was a candidate for Vice-President vouched for in whole. To-day the amount of the balance, instead of being $8,000,000, is $75,000,000.

In other words, the Democratic party, after having gone to the country with a statement that there was the sum of $400,000,000 improperly in the Treasury, increased that sum, if it ever existed, by $75,000,000; and what does the Democratic House propose to do? Does it propose to take out the $300,000,000 of the gentleman from Pennsylvania? Not a bit of it. They simply propose, as the gentleman from Pennsylvania has said to-day on the floor—they simply propose to go back to the condition of the Treasury as it was when the Republicans left it. In other words, their action here to-day, although it is an attempt to make the people believe that they are trying to get out of the Treasury some of that mythical $300,000,000, is an attempt to get out not a single cent of it, but only to put the $75,000,000 out which the Democratic Secretary of the Treasury has put into it in addition to what was there when he took possession.

Now, is not that line of conduct perfectly characteristic of the action of the Democratic leaders? Is it not perfectly of a piece with their method of presentation of facts to the people? Does it not perfectly agree with that sublime economy which saves money on an appropriation bill and still pays it out of the Treasury? Why it is all of a piece. [Laughter.]

Why is it that the Democratic Secretary of the Treasury has behaved in this manner? What is his purpose; what is his object? Let us deal fairly and frankly with him. He never made the $400,000,000 assertion; he never even made the $300,000,000 one [laughter]; but he stood in the position of Secretary of the Treasury with the finances of the country resting upon him. It became necessary for him to act.

On the one hand was stump oratory and on the other hand was the financial safety of the country. Why, no man could hesitate what to do.

Mr. STRUBLE (from his seat). Especially after the election.

Mr. REED, of Maine. Especially after election, as my friend well suggests. [Laughter.] He found himself not only confronted with what the Republican Secretary of the Treasury had to meet, but also with another evil, which became more and more apparent every day, and that is that the coinage of the silver dollar of 412½ grains was increasing, and that the coin, being piled up in the Treasury, also was increasing. He found himself, as he believed, face to face with a financial crisis, and therefore the very first thing he did was to add more gold to the Treasury. Was he justified in that or not?

As the gentleman from Illinois [Mr. MORRISON] has well said, it is not any of our business. [Laughter.] We are simply friendly spectators looking on. You it is on that side who have to decide about this matter; and judging from the unanimity of the brethren on the other side the question is already decided in advance. In all the "wings" there has been so far but one "frizzled feather," and all the rest of them appear to be lying straight and the same way. [Laughter.]

Now, the Secretary of the Treasury has continued that accumulation for the same reason. Had he not ground for it, supposing he believed his view of the business need was right? What was his position? Why, he has explained it to the House with calm seriousness in a document the contempt of which toward this House has never been equaled in official literature. In his letter of March 2, in response to an inquiry made by the gentleman from Missouri so sedulous in the matter of the silver dollar, he says, in substance, there is but one unit of value, and that unit of value is the gold dollar, and it is the duty of the Treasurer of the United States to make the dollar in greenback and the dollar in silver the equivalent of the gold dollar and to keep it so.

That is the declaration of the Democratic Secretary of the Treasury. That is the declaration which is bolstered up by the approval of the Democratic President of the United States.

And you gentlemen propose to pass a vote of censure or a vote of lack of confidence upon both those officials, and you are going to pretend to the country that you expect them to sign the bill or resolution which flouts them in this fashion. Do you suppose you can make anybody believe it? Do you suppose anybody in this country is going to endure that three hundred or four hundred millions in the Treasury story a second time? Well, you have great confidence in your constituencies [laughter], and you have reason.

Now, what has been the effect on the relative positions of gold and silver in the Treasury during this effort which the Secretary has been making to make every dollar in the Treasury correspond with the only unit of value there is in the United States? Why, look at it. On the 4th of March the gold of the Treasury was 73 per cent. of its contents; on the 1st of November it was 65 per cent.; on the 1st of July it was 62 per cent.—a constant fall, notwithstanding the fact that the actual quantity of gold had increased from one hundred and twenty-six millions to one hundred and fifty-six millions. The silver was 26¾ per cent. on the 4th of March; on the 1st November it was 34¼; on the 1st July it was 38—a steady increase, notwithstanding all the efforts that they were making to prevent.

What is going to be the effect of this? Why, just as sure as can be, the depriving the Secretary of the Treasury of all discretion when you set him to manage what is partially a banking business will necessarily result in a quicker division between the values of the different kinds of money there are in the Treasury.

Just here is the point where men may well hesitate. A man with one disposition may reason in this way. He may say to himself: "There is only one way out of this silver question; that way will be the way of disaster." That is what some men think, and they will say, "The quicker it comes the better; therefore let us help this; therefore let us assist this resolution; therefore let us aid this project." Another man may say—and it does seem to me on the whole the wiser thing—another man may say: "True, we may not be able to stave off this matter if no change takes place; but we may, if the time is prolonged, come to our reason without the disaster, and it is worth while to try."

It seems to me there is the whole matter so far as this is an economic question.

So far as it is a political question, I can say to you gentlemen on the Democratic side that you have made a fine move, unless it gets found out. [Laughter and applause.]

I yield to my colleague [Mr. DINGLEY].

Mr. DINGLEY. One serious difficulty with this resolution lies in the fact that it is an attempt on the part of Congress to interfere with a question which exclusively pertains to administration. This is the first attempt I think in the history of this Government to determine by a legislative resolution what should be the working balance of the Treasury. Necessarily the decision of such a question must depend upon a consideration of the circumstances that may exist at any particular period. No cast-iron rule can be laid down in a matter of this kind. At the beginning of one month a working balance of ten millions may be wanted; at the beginning of another month a working balance of twenty millions may be wanted; at another time a working balance of only two, three, or four millions will be sufficient.

In the determination of a question of this kind if we could bring to it purely business considerations we should reach the conclusion at once that it is a question for the Treasury Department itself and not the legislative department to decide.

It has been said and well said that practically this is a vote of want of confidence in the administration of the Treasury Department. Whether

so intended or not, it seems to me that as practical business men the members of this House should reach the conclusion that in a matter of this kind which is purely administrative, necessarily so, there should not be an interference on the part of the legislative department.

I have no doubt, Mr. Chairman, that this resolution is the result of long continued efforts to make use of the question of the surplus in the Treasury for partisan purposes. When the gentleman from Ohio [Mr. WARNER] said yesterday that this was a purely business question, and that there ought not to be any political considerations in it, I was ready to say to him, that is the whole truth; but why did you not discover that fact two years ago when upon every stump in this country there was ringing the charge that there were four hundred millions, as Mr. Hendricks had it, or three hundred millions, as Mr. RANDALL had it, of surplus in the Treasury, when the fact was that there was an available surplus at the very moment that charge was made of only $18,000,000. If, therefore, this discussion shall have the result of bringing the gentlemen of this House to the conclusion that on questions that are purely business questions in this Congress, partisanship should not step in to bend our judgments, I am sure that good will arise from it.

There have been in all these charges in reference to the balance in the Treasury so many misstatements for partisan purposes that I invite the House to consider for a moment what are the real facts of the case. Only yesterday the gentleman from Tennessee [Mr. MCMILLIN] said that there were five hundred millions of idle money stored in the Treasury, one-third of the currency of this nation, which should be put into circulation. Where did the gentleman get any such fact as that?

Mr. MCMILLIN. Do I understand the gentleman to say that I stated that there were five hundred millions surplus locked up in the Treasury?

Mr. DINGLEY. There was much confusion at the time, but I so understood the declaration, and thought it was uttered by the gentleman from Tennessee.

Mr. MCMILLIN. Then the gentleman wholly misunderstood me.

Mr. REED, of Maine. You did not say "surplus;" you said "amount."

Mr. MCMILLIN. I did not say even "amount;" I did not speak to the point. What I did say was that there could be paid out under this resolution only about $70,000,000.

Mr. DINGLEY. I am informed that it was the gentleman from Illinois [Mr. MORRISON] who made the statement. But the fact was that the amount of money in the Treasury on July 1 was only a little more than half that sum. In order to obtain the five hundred millions the gentleman iucluded the certificates issued on gold and silver coin which are in circulation.

Only ten days ago a distinguished Senator [Mr. BECK] said in another place that there were $224,000,000 of money idle, absolutely idle, which ought to be used at once for the calling in of bonds.

Now it is such careless, and I might say reckless, assertions as this that have created the widespread impression among those people in this country who do not understand the subject that there are hundreds of millions of money locked up in the Treasury that ought to be used for the reduction of the public debt. It is such assertions that have brought many petitions here calling for a paying out of two hundred millions of the surplus in the Treasury—a demand which has been met by this resolution, framed by some of the very gentlemen who made the charges, which admits that notwithstanding the surplus in the Treasury has increased sixty-six millions since the present administration came in, March 4, 1885, yet that to-day there is an available surplus of only seventy-five millions to pay out.

I call attention to the report of the present Secretary of the Treasury (page 12) wherein is presented in detail the following condition of the Treasury when the Republican administration went out and the Democratic administration came in, March 4, 1885:

Condition of Treasury March 4, 1885.

The assets of the Treasury on the 4th of March, 1885, excluding fractional coin and other unavailable items, were as follows:

Gold coin and bullion	$240,501,182 29	
Less certificates outstanding	114,143,140 00	
		$126,358,042 29
Silver coin and bullion	157,914,956 10	
Less certificates outstanding	111,694,881 00	
		46,220,075 10
Legal-tender notes	47,980,004 33	
Less certificates outstanding	29,400,000 00	
		18,580,004 33
Deposits in national banks		10,150,036 90
National-bank notes		9,355,462 53
		210,663,621 15

The liabilities of the Treasury upon the same date were as follows:

Matured debt and interest	$5,493,735 37	
Interest due and unpaid	3,136,940 63	
Accrued interest to date	6,529,435 37	
Disbursing officers' balances	26,123,546 05	
Outstanding drafts and checks	6,249,573 07	
National-bank redemption fund	51,331,161 04	
Post-Office Department	3,034,639 51	
Legal-tender reserve	100,000,000 00	
		201,899,031 04
Net available balance in Treasury		8,764,590 11

A similar statement of the condition of the Treasury, October 1, 1884, shows a surplus of $18,493,407, aside from the greenback redemption fund.

Now, Mr. Chairman, I call special attention to Secretary Manning's statement that there was available surplus of only $8,764,590 in the Treasury March 4, 1885, only a short time after Democratic orators and organs were charging that this surplus was three hundred or four hundred millions.

Observe the items of the statement. There were in round numbers two hundred and ten and one-half millions of money and bullion in the Treasury, for of course the coin in the Treasury which was represented by certificates outstanding was practically in circulation. But nearly fifty-one and one-half millions of this was money deposited in trust by banks retiring their circulation or for redemption purposes, which belonged to the people who held their notes. This left one hundred and fifty-nine millions belonging to the Government. Of this sum one hundred millions was the redemption fund which brought $346,000,000 of greenbacks to par with gold in 1879 and which now maintains this currency. It is not an idle hundred millions, but the busiest and most useful in the country, in that it supplies the people with three and a half times the amount of currency which it stands to protect.

This leaves fifty-nine millions of money in the Treasury. But all of this is not idle. Over twenty-nine millions are in the hands of disbursing officers doing daily duty in paying the expenses of the Government, and six and a quarter millions represent checks and drafts already drawn against it. Fifteen millions are held to pay matured bonds and interest which may be called for any day.

Therefore, less than nine millions remained March 4, 1885, as the available surplus or balance, aside from the fractional silver. This was indeed a small sum—too small, as Secretary McCulloch stated at the time—for the working balance of the Treasury to meet possible exigencies. This balance was usually kept up to eighteen millions as a protection and reliance. Yet it was such a surplus as this which was exaggerated to three hundred millions for partisan purposes.

Now, as has been said by my colleague [Mr. REED], this surplus has been increased sixty-six millions in the past sixteen months, to $75,000,000. The following statement of the United States Treasurer for June 30, 1886, will show the condition of the Treasury at that date:

Condition of Treasury June 30, 1886.

ASSETS.

Gold coin and bullion, less certificates outstanding	$156,793,749
Silver coin and bullion, less certificates outstanding	96,229,539
Legal-tenders, less certificates outstanding	22,868,317
Deposits and national-bank notes	14,629,213
	290,520,818

LIABILITIES.

Fund deposited by national banks	$70,693,820	
Matured debt and interest	22,791,647	
Disbursing officers' balances	19,099,670	
Outstanding drafts and checks	3,393,067	
Post-Office Department balance	5,372,236	
Other items	3,979,219	
Legal-tender reserve (greenback-redemption fund)	100,000,000	
		215,329,709
Available balance		75,191,109

It will be seen that the money in the Treasury has increased about eighty millions, and that on the other hand the liabilities have increased about fourteen millions; so that the net available balance has been increased sixty-six millions.

I shall not enter, Mr. Chairman, upon the discussion of the reasons given by the Secretary for that increase growing out of the increase of the surplus silver in the Treasury to the extent of fifty millions, as these have been fully discussed. Suffice it to say, that it is my judgment that the Secretary could use fifty millions of this surplus in calling bonds, perhaps more, although I doubt the wisdom of undertaking to prescribe by law that he shall use all of this surplus and leave on hand no working balance. Under Republican administrations this working balance was from eight to twenty millions. Gentlemen ask, "If you have a balance of seventy-five millions to-day in the Treasury, why not pay it all out for the redemption of the debt?" For the very good reason that to-morrow liabilities to the amount of ten millions may arise, as they often do in a single day in the affairs of the Government, and therefore to pay out every dollar to-day, leaving the Treasury without a working balance when its liabilities to-morrow may be ten millions, would certainly be action on the part of the Treasury Department unwarranted by experience and destructive to the credit of the country.

Mr. Chairman, notwithstanding these objections I shall vote for this resolution in view of all the circumstances, if it be amended as proposed by the gentleman from Ohio [Mr. MCKINLEY] so as to absolutely protect the greenback-redemption fund. As it stands, I regard the resolution as the entering wedge for the destruction of the fund which makes $346,000,000 of greenbacks as good as gold. The gentleman from Illinois [Mr. MORRISON] admits that when the seventy-five millions which his resolution proposes to pay out—although he takes seven months for it—shall be paid out, then for a time the current expenses must be paid from the greenback-redemption fund. With this understanding the

fund will become the ready prey of every exigency, and, whenever the revenue falls below the expenditures, will soon be gone.

I regard this too serious a matter to allow of my voting for a resolution which sanctions it. I appeal to the House to add an amendment to the resolution which will remove this danger. If this resolution is passed without thus protecting the greenback-redemption fund, I predict that it will sooner or later result in evil to the greenback currency of the country. To-day by virtue of the gold-redemption fund, which has been maintained by the Secretary of the Treasury for more than seven years, every greenback dollar is as good as gold. But with this resolution a law, and this redemption fund will begin to disappear. A slight amendment will prevent this evil and place this resolution in a form in which it can be generally supported. I trust that this House, looking to the welfare of the people and to the protection of the currency, which is the life-blood of business, will adopt this amendment. [Applause.]

The CHAIRMAN. The time of the gentleman from Maine [Mr. DINGLEY] has expired.

Mr. REAGAN. Mr. Chairman, if all the members of this House had been here continuously for the last ten years I do not know that I should be called upon to say what I think it right I should say at this time. On the occasion of every effort which has been made within that period to protect and promote the interests of the people and to restrain and control the avarice of the bondholders and the bankers of this country we have had the same solemn warning, the same terrible prophecies from the gentleman from New York [Mr. HEWITT] that we have heard this morning. I think those warnings in their solemnity and terrific character were fully equal to what they are to-day when, in 1878, we were about to adopt measures to arrest the taking up and canceling of the legal-tender notes and were seeking to leave those notes in the hands of the people as a part of their currency. Again, sir, when during the same year we provided for the recoinage of silver the gentleman from New York warned us with all the solemnity of a seer that we would drive gold out of the country, would impoverish mercantile people, and starve labor. At every session since that time (unless possibly the last session was an exception) we have had the same solemn warnings from the same gentleman in regard to the terrible dangers threatening the finances of our country; and this, sir, in the face of some official facts to which the attention of almost every other person than himself has been called.

Has the coinage of silver driven gold out of the country? In 1878 the amount of gold goin in the country was $218,000,000, and of bullion, about $10,000,000. Since that time the gold in the country has steadily increased, year by year, until in 1885, as appeared by the Treasury reports, the amount of gold coin in the country was $563,000,000, and of bullion $63,422,646. These figures show the amount of gold in the country. The amount of gold in the Treasury in 1878 was $116,520,934 of gold coin and bullion, and $6,853,789 of silver coin and bullion. The very next year after this disastrous work of coining silver was begun the gold in the Treasury amounted to $135,382,639 of gold coin and bullion, and $30,557,533 of silver coin and bullion; and the amount continued to increase until 1885, when there was in the Treasury $234-975,851 in gold coin and bullion, and $181,362,978 in silver coin and bullion; and the increase has continued.

The gentleman from Illinois [Mr. MORRISON] stated to us yesterday that the gold reserve had increased $26,000,000 since the introduction of this resolution by him last January. With these facts before us, and in the face of the steady growth of the country in prosperity and wealth, we are still treated to this deluge of woful prophecies year by year whenever the bondholders and the bankers conclude there is danger that justice may be done to the people, and their power to oppress the rest of the country for their own benefit is liable to be diminished.

[Here the hammer fell.]

Mr. MORRISON. Mr. Chairman, I promised yesterday to yield ten minutes to the gentleman from Iowa [Mr. HENDERSON]. I must keep faith; and I now yield to him for that time.

Mr. HENDERSON, of Iowa. Mr. Chairmon, I am no doctor in finance, and I do not know that I shall be able to add much to the information of the House, but as I am obliged to vote on this resolution I propose to give briefly my reasons for the vote I shall cast in favor of the resolution. I can not consent to consult the financial doctors of New York, as has been suggested by the able gentleman from that city, for the reason that when a man in New York city wants to get a whole dollar which a man in Dubuque is entitled to half of, the Dubuque man is not wise if he goes to the New Yorker to learn now to get his share of the dollar. Furthermore, Mr. Chairman, I feel that we would not to-day enjoy the safe and sound currency which this country has if we had always consulted the financial managers of that city.

I favor this resolution because it enforces a Republican proposition. The Republican party inaugurated the system of taking liberally from the amount that could be spared to pay off the bonded debt. It has been shown in this debate on both sides of the Chamber that the amount of money in the Treasury has increased; and in voting for this resolution I but insist that the present Executive shall follow the course marked out and pursued by Republican Executives.

I would not have been in favor of this resolution a few months ago, because I saw other places to put this money, where I think it ought to have gone in preference to paying off the public debt so rapidly. But having become convinced that the majority of this House and the President of the United States will not allow any more legislation looking to the doing of justice to the soldiers of this country—realizing that the money can not be taken for that purpose, because the majority here is opposed to that, I do want the money taken out of the Treasury and paid upon the public debt.

We have had our eyes opened here during yesterday and to-day. It was only in January last we were told there was no money to pay the pensions of the soldiers. That gentleman from Pennsylvania [Mr. RANDALL] whose voice sounded loud in this Chamber to-day, told us in January last we could not have money for that purpose because it was not in the Treasury. Now he is supporting a resolution and has admitted that there is $70,000,000 to spare for the purpose of buying the bonds of the country.

Now, Mr. Chairman, I will tell you frankly why I am not afraid to vote for this resolution. Even the bankers of New York, the financial giants and doctors, have told us you can safely carry on business with 33⅓ per cent. of the cash on hand. That is 33⅓ per cent. of your liabilities. Country bankers all over the nation work on 25 per cent. All admit that 40 per cent. is a safe margin even for times of "financial storm," to quote from the gentleman from New York [Mr. HEWITT].

Now, we find there are $652,000,000 in round numbers of presentable liabilities outstanding against the Government, including $346,000,-000 of greenbacks. Forty per cent. of that amounts to $262,000,000. Upon that rule, with $262,000,000 we could safely run this Government even if the storms of financial trouble were beating against us.

But we have $509,000,000 of available assets to-day within the check of the financial head of this Government. With $509,000,000 to meet and dispose of $652,000,000 of presentable liabilities I am not afraid to vote for this resolution.

One thought more, Mr. Chairman. I confess that this matter has been presented with an ability never before exhibited in this Chamber within my experience. No man can blindly say there are not unknown factors in the problem. I do not say there are not, but if any member here has a doubt we know the Secretary of the Treasury will not pay over $10,000,000 a month. We know in a short four months we will be reassembled here. I say let the thousands and tens of thousands of people who are demanding the money shall be taken out of the Treasury and paid on our debts, let their voices be heard and answered. We certainly have near at hand a speedy remedy. Forty million dollars paid off between this and the meeting of the next session of Congress can not certainly shake the foundations of the financial system of our Government. For one with a safety-valve within reach of my hand and with this available sum of money within the check of the Secretary of the Treasury, I shall vote for this resolution without fear. I trust it will give good results to the community at large.

It has been said that it countenanced repudiation, that it means paying off bonds in silver. I just want to say on that proposition I am perfectly willing to stand upon the same footing with every other man in the country for what the Government owes me, and if the bondholder is not content to take the coin which I have to take and which his contract gives him I will shed no tears over his distress. He has got to take in his investment the chances I take in receiving the coin of the country for my services. [Applause.]

Mr. MORRISON. Mr. Chairman, our friends on the other side of the Hall are apparently much disturbed at our divisions of opinion and purpose, what to them seems the unsatisfactory Democratic situation and our lack of support of the Democratic administration. In the confident belief that after the next election they will be less satisfied with the Democratic situation than they now are, I dismiss further consideration of the subject.

Neither will I stop to consider the question of motives. I do not in debate question the motives of other gentlemen, and never feel obliged to vindicate my own. Whoever questions them is likely to sustain greater loss than I, else I have lived to very little purpose.

This question of getting money out of the Treasury which serves no useful purpose there is not new with me. Four years ago I sought to accomplish this. Two years ago I again introduced it when a Republican administration was in power, and I had the co-operation of the gentleman from Pennsylvania [Mr. RANDALL], as I now have. It was then opposed, as it is now, and by the same gentlemen, or so many of them as are still here. It was urged then as it is now on what was believed to be its merits, and with no relation to the fact of who was then in control of the Government, through its administration. We desired them to enact into law what had been left to discretion, which was as we believed liable to abuse.

This was prevented by what influences I need not say. Sufficient that it was not adopted. This should at least quiet the apprehensions of gentlemen over the way as well as the gentleman from New York about myself or anybody else showing a want of fidelity to the administration because we do not surrender our opinions as to legislation long ago entertained—entertained, urged before this administration came into power. I do not understand that fidelity to my party or its administration requires any such sacrifice as the surrender of opinion long

entertained. Since the Republicans have come to support the administration such surrender or sacrifice is not needed. I trust we will have their help now in sustaining the President in all his vetoes, at least all of his vetoes that are good, and they are mostly good and well timed.

The gentleman from New York [Mr. HEWITT] expresses the belief that when we are sick and must look up a doctor we ought to have one skilled in medicine, and nobody questions the accuracy of this information. When we come to a question of finance we ought, he says, to go for advice to men skilled in finance, and that those most skilled in finance are to be found in New York.

This is probably all true; but when I look for a a financier or a physician or anybody to assist me in anything I will not go to New York, Illinois, or anywhere else to find a doctor who has no interest in my good health, or a financier whose interests are adverse to my own. Nor would we be wise in this matter to take counsel from financiers, however able and skilled, whose interests admonish them that dead capital and unused money better lie in the vaults of the Treasury than their own.

And now it is said that a vote in the House for this measure is the declaration of a want of confidence in the President and his administration. Such a vote, the gentleman from New York tells us, would in England dissolve the government or cabinet and necessitate the creation of a new one. In this the gentleman forgets how unlike this Government of ours is to that of England.

We have co-ordinate departments or separate departments or branches of the Government, each independent of the other: an Executive, who has duties to perform; the legislative, which has other duties to perform; and because they do not always agree it never before occurred to anybody, either from New York or anywhere else, that either the one or the other was condemned, censured, voted, or declared not entitled to the confidence of the one or the other or the people who make both.

Neither the Cabinet, this House, nor the country went to pieces only a few days ago when a measure as near to the administration as the one now being considered was voted upon and voted down in this House; at all events it was not voted up.

If the President has any great anxiety on or interest in this subject he has never communicated the fact to anybody in any public way, and certainly he has not communicated the fact to me at all.

This joint resolution, Mr. Chairman, leaves the question of the legal-tender reserve or redemption fund and its legal status just as we find it in the law to-day. It deals with what is in the Treasury over and above the liabilities including the reserve, and leaves, as I say, whatever legal rights this fund has just as now provided by law. The hundred million of reserve is left as we find it. Why should the gentleman from New York predict, as he does, that the country is to become a financial wreck and its Treasury a faithless bankrupt giving out dishonest (or silver) dollars if this measure shall become law and $70,000,000 of idle money be paid out? And gentlemen on the other side assume to believe with him and I therefore suppose do believe with him.

In 1881, but five years ago, as the gentleman from Ohio [Mr. MCKINLEY] told us a few moments ago, this surplus was reduced to $100,069,000, including the $100,000,000 Treasury-note reserve. Did any harm come to the country? Did anybody lose faith in the Government or in the Treasury to keep its engagements or in its ability to pay? Is the gentleman from New York here speaking for the Democratic party to tell me that it requires seventy millions more of money in the Treasury in order that the people may have confidence in its Treasury because this is a Democratic administration? [Laughter and applause.]

If the people all over the country had confidence in the Government, in its financial faith, and ability to pay in 1881, when we had a Republican administration and the surplus, including the reserves, was $100,000,000, in the name of all that is good, should they not have faith now, when that good man Cleveland, of whom we have heard so many fine things said to-day by men of both parties, is at the head of the Government? [Laughter and applause.] And none of you think more highly of him than I do; but I am not bound to accept all his views, whatever they may be, on this subject. The country, its credit, and its people ought to be at least as safe with a Democratic administration and one hundred millions in the Treasury for suplus and reserve as it was under a Republican administration with a like sum for the like purpose; and if it is not, then, Mr. Chairman, we ought not to be trying to get the money out, but ought to get out ourselves. [Applause.]

Mr. Chairman, I am very anxious for a vote and will detain the House no longer. I ask that the amendment offered by me may be adopted and made part of the resolution.

Mr. BRUMM. I suppose there will be debate upon the amendments? [Cries of "No!" and "Vote!" "Vote!"]

The CHAIRMAN. The joint resolution will be reported by the Clerk.

The joint resolution was read, as follows:

Joint resolution (H. Res. 126) directing payment of the surplus in the Treasury on the public debt.

Resolved, &c., That whenever the surplus or balance in the Treasury, including amount held for redemption of United States notes, shall exceed the sum of $100,000,000, it shall be, and is hereby made, the duty of the Secretary of the Treasury to apply such excess, in sums not less than ten millions per month, during the existence of any such surplus or excess, to the payment of the interest-bearing indebtedness of the United States payable at the option of the Government.

Mr. MORRISON. Is there objection to my amending the resolution, in order to make it a little more explicit, by adding the clause which was read from the desk this morning? I ask the Clerk again to report it.

The Clerk read as follows:

The surplus or balance herein referred to, shall be the available surplus ascertained, according to the form of statement of the United States Treasurer, of the assets and liabilities of the Treasury of the United States employed on June 30, 1886.

Mr. MORRISON. I desire to be allowed to perfect the resolution by adding to it that clause.

Mr. CANNON addressed the committee. [See Appendix.]

Mr. MORRISON. I have asked whether there is objection to modifying my resolution as I have proposed.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the amendment proposed by him be made a part of the resolution. Is there objection?

There was no objection.

The CHAIRMAN. On yesterday a number of amendments were read for information, the resolution not then being at a stage when it could be amended. The Chair will now recognize gentlemen to offer amendments in the order in which they were read. The first offered was by the gentleman from Ohio [Mr. MCKINLEY].

Mr. MCKINLEY. I ask that my amendment may be read.

The Clerk read as follows:

Add to the resolution the following:

"*Provided*, That said sum of $100,000,000 herein excepted and reserved, which amount was purchased by the sale of bonds to the extent of ninety-five and a half millions, and the balance by reservation from the revenue under authority of the act of January 14, 1875, entitled 'An act to provide for the resumption of specie payments,' shall be maintained, as provided by said act, and set apart for the purpose of redeeming the legal-tender notes of the United States when presented for payment, and said fund shall not be used for any other purpose."

Mr. REED, of Maine. I desire to offer an amendment to the amendment of the gentleman from Ohio, to come in at the end of it.

The Clerk read as follows:

Provided further, That the Secretary of the Treasury may at any time suspend action under this resolution until the balance shall equal $130,000,000 whenever in his judgment the condition of anticipated receipts and expenditures may require such suspension.

Mr. REED, of Maine. I desire to explain the effect of this amendment which I propose. As I understand it, the resolution which is now offered to the House, if unamended, will render it possible to diminish the $100,000,000 held as reserve to redeem the greenbacks, and even if the amendment of my friend from Ohio is adopted it will still leave it difficult for the Treasury to anticipate a possible state of receipts and expenditures.

Whoever has noticed the balances from month to month and from year to year will perceive that they have varied from $8,000,000, which was the balance at the time the Democrats came into possession of the Treasury, to twenty-five or thirty millions, I think. Now the gentleman from Pennsylvania [Mr. RANDALL] contemplates a return to what he considers the halcyon days, when the Republicans used to pay out the surplus for the purchase of bonds; and I propose in this amendment to give to the Secretary the same discretion as was actually exercised by a Republican Secretary of the Treasury.

Of course this contemplates the giving up of the effort which the Treasury Department is now making to keep all the different kinds of dollars on a par with each other. But it accords with the practice of the Treasury Department prior to its transfer, and the practical limit of this will be, not thirty millions of working capital, because when it arrives at one hundred and thirty millions then ten millions of bonds are to be called. So it will practically give the Secretary discretion in regard to twenty or twenty-five millions. That is the practical effect of my amendment.

Mr. RANDALL. Will the gentleman allow me to say at this point that, if I remember correctly, every public utterance on this subject of every President of the United States, with one *exception, since that* great debt accumulated, has been in favor of its speedy payment. That exception was President Arthur, who in one of his messages expressed the opinion that we were paying the public debt too rapidly. I do not remember what was the occasion of that statement, but I remember the statement. All other expressions of public officials have been in favor of paying the debt as rapidly as possible. I suppose that President Arthur thought its payment ought to be left to the next generation.

Mr. REED, of Maine. I do not know what President Arthur thought about the matter.

Mr. RANDALL. I am telling the gentleman what President Arthur said.

Mr. REED, of Maine. I do not know what President Arthur thought, but I do know that the view which the present Secretary of the Treasury has taken of his duties was not necessarily imposed upon his predecessors, because the question of keeping all the different kinds of dollars of the same value was not then one which threatened an unpleasant solution.

Mr. RANDALL. I do not think that the passage of this resolution threatens the one hundred millions reserve held as such, nor do I be-

lieve that it is possible to approach in this way the necessity of paying out the standard dollar.

Mr. REED, of Maine. There is where the gentleman differs again from his administration.

Mr. RANDALL. It is an honest difference of opinion.

Mr. REED, of Maine. The gentleman from Pennsylvania and the present Democratic administration differ on that point. As to which Democrat is right and which wrong, that is none of my business. Neither is it my business to determine in what degree they are both wrong. [Laughter.]

Mr. MCKINLEY. Mr. Chairman, I have a single suggestion to make in addition to what I have already said in relation to the amendment which I have offered and which has just been read at the Clerk's desk. It is a singular fact, yet it is nevertheless the fact, that there is no positive provision of law setting aside $100,000,000 for the redemption of the United States legal-tender notes. That amount was fixed by the Secretary of the Treasury, who put in operation the resumption act in 1879, and has been maintained ever since by every succeeding Secretary. The present Secretary of the Treasury, unlike his predecessors, has set aside in his debt statement this sum specially for purposes of redemption. He has done it, as he says, under authority of the redemption act, and under what I believe is a forced construction of the banking act of 1882, which provides that gold certificates shall not be issued when the gold gets below $100,000,000 as a reserve. That, Mr. Chairman, is all the authority reposed in the Secretary of the Treasury for holding $100,000,000 for the purposes of redemption.

Mr. MORRISON. That is all there ought to be.

Mr. MCKINLEY. The gentleman from Illinois says that is all the authority there ought to be. In that particular again he differs from the President, and from the Secretary of the Treasury, who has set sacredly aside that sum for that purpose, notwithstanding there is no clearly defined power to do it.

Now, Mr. Chairman, I only propose to put in the form of positive law what has been the action of our Secretaries and the precedent set by all of them, and acquiesced in by the people, and there is more necessity for it now than there ever was before, because under the resolution of the gentleman from Illinois, upon his own confession, the one hundred millions can be trenched upon, and in the letter of the Secretary of the Treasury the same statement is made. If you take away all discretion, you should at least make this much secure. In connection with that I want to read a dispatch which I sent to the acting Secretary of the Treasury this morning and his reply. It will make clear the wisdom of the amendment offered by the gentleman from Maine [Mr. REED]. I invite for it the serious consideration of members of this House and especially those of the party faith of the Secretary. It comes from the Democratic Secretary of the Treasury, whose means of knowledge can not be questioned and whose statements should have great weight with the majority:

Hon. C. S. FAIRCHILD, *Acting Secretary of the Treasury:*

If balance of seventy-five millions, as shown by Treasurer's report of June 30 last, should be used to pay bonds, what would the Treasury have left for working balance besides fractional silver coin? An immediate answer will oblige.

To that dispatch I received but a few moments ago the following reply:

TREASURY DEPARTMENT, *July* 14.

Hon. WILLIAM MCKINLEY, Jr.,
House of Representatives:

In reply to your telegram of this date, asking what the Treasury would have left for working balance besides the fractional silver coin if the balance of seventy-five millions, as shown by the Treasurer's report of June 30 last, should be used in paying bonds, I beg to state that nothing would be left but trust funds, which it would be dishonorable and dishonest to use for that purpose.

C. S. FAIRCHILD, *Acting Secretary.*

Mr. BLAND. Mr. Chairman——

The CHAIRMAN. Debate upon this amendment is exhausted.

Mr. BLAND. Mr. Chairman, I do not propose that that amendment shall go before the committee unless it is properly understood.

The CHAIRMAN. An amendment to the amendment is now pending, and debate upon it is exhausted.

Mr. REED, of Maine. I ask unanimous consent that the gentleman from Missouri [Mr. BLAND] be allowed to speak for five minutes.

Several MEMBERS. That is right.

The CHAIRMAN. The Chair hears no objection.

Mr. BLAND. Mr. Chairman, I think we ought to understand these measures as we proceed. I have not spoken on this resolution, and did not intend to take up time in discussing it, for I want to see it passed promptly. But what is the effect of this amendment? It involves a covert, lingering, lurking principle which this Committee of the Whole ought not to sanction, that the greenbacks of this country shall be redeemable in gold and gold only. To that I believe this House will never assent. The effect of this proposition is simply that the gold received from the sale of bonds shall be held, to the exclusion of all other coin for the redemption of the greenbacks.

It is true that in the act of 1882 there lurked a proposition that after the gold in the Treasury for the redemption of greenbacks had run down to $100,000,000 no more of that form of money should be issued. But that is the only law which mentions gold as the fund for the redemption of greenbacks. I affirm that the greenback is redeemable in the coin of this country, be it gold or silver.

Here is a proposition to supplement the existing law by a provision declaring in indisputable terms that the greenback shall be redeemable in gold only—not in coin; because the amendment of the gentleman from Ohio specifically mentions the gold procured by the sale of bonds and proposes to set apart this fund for the redemption of the legal-tender notes.

Mr. Chairman, I am in favor of the adoption of the resolution of the gentleman from Illinois [Mr. MORRISON] without amendment; but if these amendments are to be adopted, then I wish to offer an amendment providing that the fund for the redemption of the greenbacks shall consist of coin, not of gold exclusively. I trust, however, that the Committee of the Whole will vote down these and all other amendments which bring in questions calculated to interfere with the great object of the resolution, which, letting matters of that sort alone, proposes simply that the surplus in the Treasury shall be paid out upon the public debt. I trust the members of the Committee of the Whole will see that unless they desire to have the object of this resolution defeated these amendments should be voted down, so as to leave the paper currency of this country redeemable in gold and silver, not in gold alone. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is first on the amendment offered by the gentleman from Maine [Mr. REED] to the amendment of the gentleman from Ohio [Mr. MCKINLEY].

Several MEMBERS. Let them be read.

The CHAIRMAN. If there be no objection, the Clerk will first read the amendment of the gentleman from Ohio [Mr. MCKINLEY] and afterward the amendment of the gentleman from Maine [Mr. REED].

The amendment of Mr. MCKINLEY, of Ohio, was read, as follows:

Add to the resolution the following:

"*Provided*, That said sum of $100,000,000, herein excepted and reserved, which amount was purchased by the sale of bonds to the extent of ninety-five and one-half millions, and the balance by reservation from the revenues, under authority of the act of January 14, 1875, entitled "An act to provide for the resumption of specie payments," shall be maintained as provided by said act and set apart for the purpose of redeeming the legal-tender notes of the United States, when presented for payment, and said fund shall not be used for any other purpose.

The CHAIRMAN. The gentleman from Maine [Mr. REED] proposes to amend the amendment just read by adding what the Clerk will now read.

The Clerk read as follows:

Provided, further, That the Secretary of the Treasury may at any time suspend action under this resolution until the balance shall equal $130,000,000, whenever in his judgment the condition of anticipated receipts and expenditures may require such suspension.

Mr. MORRISON. I hope the amendments will be voted down.

Mr. MCKINLEY. I hope they will be voted up.

The question being taken on the amendment of Mr. REED, of Maine, to the amendment of Mr. MCKINLEY, it was not agreed to, there being—ayes 77, noes 140.

The question being taken on the amendment of Mr. MCKINLEY, there were—ayes 91, noes 128.

Mr. MCKINLEY. I call for tellers.

Tellers were ordered; and Mr. MCKINLEY and Mr. MORRISON were appointed.

The committee again divided; and the tellers reported—ayes 104, noes 132.

So Mr. MCKINLEY'S amendment was rejected.

The CHAIRMAN. The Clerk will read the next amendment, an amendment offered by the gentleman from New York [Mr. HISCOCK].

The Clerk read as follows:

Add to the resolution the following:

"*Provided*, That nothing hereinbefore contained shall authorize the reduction of, or the payment of, any part of the $100,000,000 reserve set apart for the payment of United States notes upon the interest-bearing indebtedness of the United States.

Mr. HISCOCK. The difference between the amendment which I propose and that of the gentleman from Ohio which was just voted on is this: His amendment proposed by a positive provision of law to enact that the reserve of $100,000,000 should not be encroached upon. The amendment I now offer is in different form, and simply declares that it is not the intention of this resolution to interfere with that reserve. I hope the gentleman from Illinois will accept this amendment.

Mr. MORRISON. I do not want the gentleman from New York [Mr. HISCOCK] to interpret my intentions.

Mr. HISCOCK. I have not attempted to interpret the gentleman's intentions.

The CHAIRMAN. The gentleman from New York will suspend a moment, in order that the Committee of the Whole may rise informally and a message from the Senate be received.

MESSAGE FROM THE SENATE.

The committee rose informally, when a message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of

the two Houses on the amendments of the House to the bill (S. 71) for the benefit of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territories of Washington and Idaho, and Nevada when a Territory.

The message also announced that the Senate had agreed to the amendments of the House to the bill (S. 57) for the erection of a public building at Oshkosh, Wis.

The message further announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. 758) granting a pension to Alexander Harper;

A bill (H. R. 944) for the relief of Mary Jane Conrad;

A bill (H. R. 3358) granting a pension to Hiram L. Wait;

A bill (H. R. 4374) to increase the pension of Samuel Frost;

A bill (H. R. 5715) granting a pension to Mary Sprague;

A bill (H. R. 6087) granting a pension to Patrick Murphy;

A bill (H. R. 7750) to place the name of John W. Payton on the pension-roll;

A bill (H. R. 8351) for the relief of Edward Coleman;

A bill (H. R. 8372) granting a pension to John E. Doggett;

A bill (H. R. 8602) granting a pension to Sarah M. Carroll;

A bill (H. R. 1205) to provide for the construction of a bridge across the west channel of the Detroit River to connect Belle Isle Park with the mainland;

A bill (H. R. 4139) for the relief of Thomas Sampson;

A bill (H. R. 6979) authorizing the construction of additional lighthouse districts;

A bill (H. R. 7471) to provide for the establishment of additional aids to navigation to guide vessels through the channels leading to Pensacola, Fla.; and

A bill (H. R. 9438) appropriating money for the completion of the public building at Greensborough, N. C.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House was requested, bills of the following titles:

A bill (H. R. 5003) for the relief of Mary E. Casey:

A bill (H. R. 7633) establishing additional aids to navigation at the mouth of the Mississippi River; and

A bill (H. R. 8066) to pension Martha A. Voorhees.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 1212) for the further protection of property from fire and safety of lives in the District of Columbia;

A bill (S. 1775) for the relief of Eliza Ellen Ehle;

A bill (S. 1801) for the reappraisement and sale of a certain tract of land of the reservation of the Sac and Fox Indians of the Missouri tribe, in the State of Nebraska;

A bill (S. 2431) granting a pension to Henry Shoulders;

A bill (S. 2485) granting a pension to Robert Boyd;

A bill (S. 2519) granting an increase of pension to Richard B. Rians;

A bill (S. 2676) to repeal chapter 360 of the statutes of 1882, entitled "An act to amend section 2133 of the Revised Statutes, in relation to Indian traders."

THE SURPLUS IN THE TREASURY.

The Committee of the Whole on the state of the Union resumed the consideration of the joint resolution (H. Res. 126) directing payment of the surplus in the Treasury on the public debt.

Mr. HISCOCK. Mr. Chairman, as I have understood in this discussion it has been declared that it was not the intention to interfere with the reserve set apart in the Treasury Department for the redemption of United States notes. I do not know that I have understood the chairman of the Committee of Ways and Means expressly to declare that, and I have not understood it was his intention to interfere with that reserve.

Now, the amendment I have offered does not propose to enact a provision of law that they shall be kept there; but it is the declaration of the intention of the joint resolution that under that resolution the Secretary of the Treasury shall not be called upon to encroach upon the $100,000,000.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, in regard to the amendment offered by the gentleman from New York [Mr. HISCOCK] let us inquire for a moment as to the exact nature of that reserve. That reserve is not a trust fund except by implication. The Secretary who made the greenback reserve $100,000,000 had equal power to make it $200,000,000, or $50,000,000, or any other sum that seemed to him necessary for resumption of specie payment. What may have been necessary to begin resumption may not be necessary under better conditions to maintain it. The present Secretary of the Treasury has power to increase or to diminish this fund at his discretion. In truth, nobody proposes to compel him to trench upon it, as I will show; but as for its being a "trust fund" or a "sacred fund," it is clearly not such further than sound discretion may decree from time to time.

As for the proper amount of the reserve it is very well to view it in a comparative way. We find it is considered entirely adequate for the national banks of the country to maintain the following reserves—I read from section 5192 of the Revised Statutes:

SEC. 5191. Every national banking association in either of the following cities, Albany, Baltimore, Boston, Cincinnati, Chicago, Cleveland, Detroit, Louisville, Milwaukee, New Orleans, New York, Philadelphia, Pittsburgh, Saint Louis, San Francisco, and Washington, shall at all times have on hand, in lawful money of the United States, an amount equal to at least 25 per cent. of the aggregate amount of its notes in circulation and its deposits; and every other association shall at all times have on hand, in lawful money of the United States, an amount equal to at least 15 per cent. of the aggregate amount of its notes in circulation and of its deposits.

Section 5192 says:

Three-fifths of the reserve of 15 per cent. required by the preceding section to be kept may consist of balances due to an association, &c.—

Referring to the clearing-houses.

Now, sir, 25 per cent. is the maximum for national banks. That is considered ample security in addition to the bonds deposited with the Secretary of the Treasury, and with the exception of the banks of these cities 15 per cent. is adequate.

Mr. CUTCHEON. I hope order will be preserved in the Hall; it is impossible to hear the gentleman.

The CHAIRMAN. The Chair appeals to members on the floor to preserve order.

Mr. BRECKINRIDGE, of Arkansas. It was stated by the gentleman from New York [Mr. HEWITT] that the reserve we have in the Treasury to-day is 15 per cent. of the greenback circulation. That was evidently an inadvertence on the part of my accurate and learned friend from New York, because the reserve is within a small decimal of 29 per cent.

Mr. HEWITT. I will correct the gentleman. The reserve was 15 per cent. of greenback and national-bank circulation together.

Mr. BRECKINRIDGE, of Arkansas. We have nothing to do with national-bank circulation now.

Mr. HEWITT. Yes, we have.

Mr. BRECKINRIDGE, of Arkansas. I am talking about the reserve set aside to redeem the greenbacks.

Mr. HEWITT. My statement, whatever it is worth, applies to those too.

Mr. BRECKINRIDGE, of Arkansas. That was not the gentleman's statement, as I think the Reporter's notes will show. That is what the gentleman meant to say, I now am certain. We will not dispute about it.

Mr. HEWITT. It is one-half.

Mr. BRECKINRIDGE, of Arkansas. What reserve have we behind the greenback circulation? We have not 15 per cent., but we have in round nnmbers 29 per cent. and the unlimited amount of bonds that this country can float. In section 3 of the act of June 14, 1875, it is provided as follows:

And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required, he is authorized to use any surplus revenues from time to time in the Treasury not otherwise appropriated, and to issue, sell, and dispose of, at not less than par in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July 4, 1870, entitled, &c.

This shows that the Secretary of the Treasury can sell bonds running up to 4 per cent., 4½ per cent., and, I believe, 5 per cent., to an unlimited extent, for this is a continuing act. Suppose we required held in the Federal Treasury the maximum reserve required of the national banks? Of course the bonds more than offset, for they are limited and we are unlimited. To bring our cash reserve down to 25 per cent. of the greenbacks we would have to pay out $14,840,000 of the $100,000,000 reserve, bringing it to say $85,160,000. Some gentleman tells me that the present law requires only 5 per cent. of circulation from the banks in addition to their bonds. I remember now there is a later act than the one in the Revised Statutes. It is said, though, that the Government gives a general guarantee to the bank notes. Do we pledge less for our own legal-tenders?

How then would the case stand if we brought our own cash reserve to the same basis, which we do not propose to do, but which you say is perfectly safe for the bank money? Why, sir, that would reduce our greenback reserve from the present $100,000,000 to, say, $18,300,000. Yet gentlemen talk about insufficiency. I want the Government to set an example to the people of safe dealing; and to do business upon a safer basis than any bank. How far then, if at all, would this measure trench upon the $100,000,000 reserve?

To get at this we must consider our way of keeping books, and see what would be called a "surplus." All matured debt is offset by an equal amount of cash. That does not figure in our cash balance. At the end of each month the accrued interest on the public debt for that month is also so treated, so that a call for never more than thirty days' interest can be "precipitated" upon the Treasury, and of that they have thirty days' warning and taxes amounting to nearly $1,000,000 a day coming in out of which to provide for this amount of say a little over $4,000,000.

The appropriations are mainly provided for by funds set aside in the hands of the disbursing officers. A call for bonds is not made until funds are set aside to pay off the bonds. Now, money can not be paid or spent except according to law. These provisions cover lawful demands, and unlawful demands we do not pay. The "surplus" is only what accumulates after all these provisions for payment have been made. How can the Treasury be "surprised" with cash set aside, dollar for dollar,

to meet all these demands? How can the $100,000,000 reserve be trenched upon? We allow all this, and do not propose to allow less. Is not this enough? You admit by the sanction of Government action in the case of bank money that it is far too much to allow. We owe debts, inferest-bearing debts. They are mortgages and shackles upon our energies. If the Government wants money to look at or for uses not provided for by law it wants it for uses not consistent with the interests of a debt-burdened people. The amount is enough and will not be trenched upon.

All these amounts set aside are working balances, and they balance all the work there is to be done. The next work to do is with our "surplus" to pay our debts.

Suppose we reduced taxes, as the gentleman from New York [Mr. HEWITT] and others of us are anxious to do, would not the "balance" have to be paid out to meet the requirements of the sinking fund? Is it worse to pay it out now and any way? If surplus taxes must be borne, let us at least stop interest and not bear both burdens.

Sir, the charge of repudiation is made when our insistence is to pay our debts. It is then in the face of a condition such as this that gentlemen charge upon this proposition an act of repudiation. No, they think that some silver payment may mean all silver basis. We have silver payments every day, and it is upon a gold basis. Our increase in population is 3 per cent. per annum. Our increase in commerce and business transactions may be set down at the same rate. Our silver coinage is 1½ per cent. per annum of our volume of money. Money and business must increase alike for things to keep even, unless modes of transmittal grow more rapid. Are they likely to become more rapid than by steam and electricity? If not, when will 1½ per cent. catch up with 3 per cent.?

[Here the hammer fell.]

Mr. MORRISON. I ask unanimous consent now that all debate upon the resolution and all amendments thereto be limited to ten minutes. [Cries of "Vote!" "Vote!"]

There was no objection, and it was so ordered.

Mr. WHEELER. I should like to have five minutes on this.

Mr. HISCOCK. A single suggestion.

Of course the gentleman seems to think that the Government could provide for the presentation of the Treasury notes by the sale of bonds. Now, I do not believe that anybody would seriously think for a moment of leaving the Government in the condition of forcing it to issue more bonds.

Mr. MORRISON. There is no danger of that.

Mr. HISCOCK. And, as I have understood, it has not been the intention to encroach upon that $100,000,000 of reserve, and is simply a declaration to the effect that we will not. [Cries of "Vote!" "Vote!"]

Mr. BROWNE, of Indiana. Mr. Chairman, I expect to vote for this resolution. I intend to vote for it because I believe it is not a very wide departure from the Republican policy and Republican practice. I would prefer that the resolution should provide that the $100,000,000 be maintained intact, and held as a reserve for the redemption of outstanding Treasury notes if they shall be presented. It was the Republican policy to declare at the earliest possible day that the debt of the nation was a coin debt, and as soon as it was able to do so the nation was committed to the resumption of specie payments. From 1879 down to the present time that resumption has been maintained, and by Republican policy. This policy brought a depreciated currency to par and strengthened our national credit. The securities of the Government bear a higher premium in proportion to the rate of interest than the securities of any other nation in the world. This is another result of Republican legislation. I take some pride, Mr. Chairman, in the credit of my country.

I believe, as I have ever believed, that national credit is national wealth; and if I thought that by voting for this resolution I would impair the value of the debt or the confidence of the people who hold that debt in its ultimate payment to the injury of the national credit, I should vote against this proposition with emphasis. But I do not believe we do any such thing by its adoption. One of the first and most essential things toward the maintenance of public confidence is the payment of the debt of the nation, its prompt payment by providing whenever we have a surplus fund that it shall be used in that direction. We should pay the debt in good money, not in a broken promise nor a dishonored dollar, but in sterling coin—the money of the contract. In this way we maintain our credit at home and abroad.

But it is said the time may come when we shall trench upon the one hundred millions to some extent under the provisions of this resolution; that demands will be made to which we can not respond, and then will come all the calamities that occur during a period of transition between an era of practical repudiation and resumption. I do not believe such a thing will happen. During the whole course of our Republican administrations there have been times when we have paid out the surplus to the very lowest limit; paid it down to a hundred millions. There was an instance when it was but one hundred and one millions, and at one time it went five hundred thousand below the reserve limit. We have trenched to that extent upon the one hundred millions; but it has been the policy of past administrations to keep near that amount always on hand for the redemption of the Treasury notes.

Now, I would prefer, as I have already said, to continue one hundred millions surplus in the Treasury and not go below it; but I do not believe that under this resolution we can go very far below it.

[Here the hammer fell.]

Mr. MILLS was recognized, and yielded a part of his time to Mr. BROWNE, of Indiana.

Mr. BROWNE, of Indiana. I say, Mr. Chairman, if a deficiency happens it can only run until the beginning of the next month, and it is altogether probable that the daily receipts in the Treasury will supply it and we will not suffer even temporarily in consequence of it.

But, as I said, it has been claimed that this may result in compelling the public creditor to accept what some gentlemen are pleased to call the 75-cent dollar. Why, we do not change existing law in that regard. We still leave the Secretary of the Treasury to determine the character of the funds which he will use to pay the debt. If he wants to use the dishonored dollar, as some people speak of it, he may do it. We do not compel him to do it or advise him to do it by the passage of this resolution; and if he is willing to take that responsibility I am willing that he may assume it.

This may be a vote of censure on the administration. In that spirit I would like to indorse it, for I would rebuke this administration thirty times every day if I had the opportunity. [Applause.]

I proceed to a brief discussion of this question at this late hour at the hazard of repeating what has already been said. I am more than pleased that this subject has been introduced. Its discussion has effectually exploded a monstrous falsehood which largely contributed to the defeat of the Republican party in the last campaign. In the State I have the honor in part to represent the Democracy, under the leadership of the late Vice-President, charged from every stump that the Republican administration, in the interest of the capitalists, banks, and bondholders, was keeping a surplus in the Treasury of $450,000,000 which should be at once applied to the extinguishment of the interest-bearing debt. This campaign lie was repeated with variations all over the Union. Let us now compare the records of the two parties.

On the 4th of March, 1885, the Republican administration had in the Treasury:

Gold coin and bullion	$240,501,182 29	
Less certificates outstanding	114,143,140 00	
		$126,358,042 29
Silver coin and bullion	157,914,956 10	
Less certificates outstanding	111,694,881 00	
		46,220,075 10
Legal-tender notes	47,980,004 33	
Less certificates outstanding	29,400,000 00	
		18,580,004 33
Deposits in national banks		10,150,036 90
National-bank notes		9,355,462 53
		210 663,621 15
Liabilities of the Treasury upon the same date:		
Matured debt and interest	$5,493,735 37	
Interest due and unpaid	3,136,940 68	
Accrued interest to date	6,529,435 37	
Disburing officers' balances	26,123,546 05	
Outstanding drafts and checks	6,249,573 07	
National-bank redemption fond	51,331,161 04	
Post-Office Department	3,034,639 51	
Legal-tender reserve	100,000,000 00	
		201,899,031 04
Net available balance in Treasury		8,764,590 11

Leaving an available surplus of only $8,764,590. "Only this and nothing more." In October, 1884, when the people were being cheated by the false pretense to which I have referred, the working balance was but little over $18,000,000. During the whole period of Republican control after resumption the surplus above the one-hundred million reserve was barely sufficient to meet the current demands upon the Treasury. These facts have not been challenged in this debate.

How stands the Democratic record? What sum has this administration maintained as a surplus and withheld from the extinguishment of so much of the interest-bearing debt? In his speech on yesterday the distinguished chairman of the Ways and Means Committee and the author of the pending resolution [Mr. MORRISON] said:

> The money of the country, coin and paper, or, to be more specific, gold, silver, United States notes, and national-bank notes, amount to $1,556,000,000, or more exactly, $1,556,914,798. Of this sum $525,664,054, or more than one-third of all the money of the country, was in the United States Treasury when this joint resolution was introduced here.

Mr. MORRISON, continuing, said:

> Deducting all these sums for specific uses, running or current liabilities, and there remains in the Treasury a very little more than $200,000,000 held there for current uses, including that held to redeem Treasury or legal-tender notes. These legal-tender notes are by law money to be paid out as other money, whether they come into the Treasury as debt redeemed due from or as money taken in payment of a debt due to the Government. * * * There was in January last and still is a surplus in the Treasury of $100,000,000, but because of this fractional coin being unavailable as money, this joint resolution would only take $70,000,000 out of the Treasury.

Now suppose we analyze these statements of the distinguished gentleman, and what is the result? It is a confession—an explicit confession—that it has been the policy of this Democratic administration to increase the sum of money in the Treasury and to largely increase the surplus. It is admitted that there was in the Treasury a few weeks

ago nearly $526,000,000, and this is an increase since Mr. Cleveland's inauguration of over $113,000,000. It is admitted that after deducting the $100,000,000 reserve for resumption purposes there is now in the Treasury over $70,000,000 of surplus available for payment on the national debt.

This surplus is greater by over $61,000,000 than that of March, 1885, and $50,000,000 more than the average balance maintained while the Republican party was in power. In the presence of this record of Democratic practice it is not probable the friends of the present administration will make an issue on the "surplus question" in the approaching campaign.

Mr. MILLS. In 1875, on the 14th of January, Congress passed the law known as the resumption law. That is the termination of one line of policy. There had been an irrepressible conflict between the bank-note paper of the United States and the Treasury-note paper of the United States as to which should survive and as to which should pass out of existence. On the 14th of January, 1875, the banking interest of this country secured a law which required the sale of bonds and the procurement of gold to pay up and take out of circulation every Treasury-note dollar of the Government.

There was an appeal from Congress to the country on this question and the country compelled this House to rescind its action in that regard. On the 29th of May, 1878, that policy was reversed by the high mandate of the people of the United States. They said the Treasury note should exist and the bank note should go and the public debt with it.

It was the policy under the resumption law to retire the Treasury note and keep the bank note; and this reserve of one hundred millions was procured and paid into the Treasury as a fund to pay and extinguish the Treasury note. That is the way in which it got into the Treasury, and it has been called a reserve fund. It was a fund procured under the resumption law to take up and destroy and pay for the Treasury notes of the Government. There is no necessity for a solitary dollar to maintain the equal value of Treasury notes and gold and silver; and the only excuse that can be made for the retention of any gold to keep up the par value of the Treasury note is to provide against any conspiracy of the national banks to run upon the Government for gold, as they did a few years ago when they wanted to affect legislation.

[Here the hammer fell.]

The CHAIRMAN. By order of the committee debate is now closed on the resolution and amendment.

Mr. BROWN, of Pennsylvania. I ask unanimous consent to print some remarks on this question in the RECORD.

There was no objection.

Mr. MORRISON. I ask unanimous consent that any gentleman who desires to print remarks on the joint resolution be permitted to do so.

There was no objection.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. HISCOCK].

The amendment was read, as follows:

Add to the resolution the following:
"*Provided*, Nothing hereinbefore contained shall authorize the reduction of or payment of any part of the $100,000,000 reserve set apart for the payment of the United States notes upon the interest-bearing indebtedness of the United States."

The question being taken on the amendment, there were—ayes 74, noes 129.

So the amendment was not agreed to.

The next amendment (offered by Mr. WEAVER, of Iowa) was read, as follows:

Add to the resolution the following:
"*Provided*, The words 'surplus or balance' in this resolution shall be construed to mean all money in the Treasury against which there is no actual demand liability of the Government other than greenbacks for redemption."

The amendment was not agreed to.

The next amendment (offered by Mr. WEAVER, of Iowa) was read, as follows:

In line 5 strike out "$100,000,000" and insert "$50,000,000."

The question being taken, the chairman stated that the "noes" seemed to have it.

Mr. WEAVER, of Iowa. I call for a division.

The committee divided; and there were—ayes 41, noes 130.

Mr. WEAVER, of Iowa. I call for tellers.

Tellers were not ordered, only 6 members voting therefor.

So the amendment was disagreed to.

The next amendment (offered by Mr. WARNER, of Ohio) was read, as follows:

Add to the resolution the following:
"*Provided*, That after the passage of this act, whenever and as fast as the circulating notes of national banks are redeemed and canceled as provided by the act of June 3, 1864, and amendments thereto, the Secretary of the Treasury shall cause to be issued in place of such bank notes redeemed, dollar for dollar, United States notes in denominations as nearly as may be of the bank notes redeemed, and all laws applicable to United States notes now in circulation are hereby made applicable to notes issued under this act."

Mr. MORRISON. I make the point of order that that amendment is not germane.

Mr. WARNER, of Ohio, addressed the Chair.

Mr. MORRISON. I withdraw the point of order, as the discussion on it might occupy time.

The question being taken, there were—ayes 73, noes 110.

So the amendment was disagreed to.

Mr. LONG. I move to amend the resolution by adding the proviso which I send to the desk.

The Clerk read as follows:

Provided further, That if the execution of this resolution shall at any time in the judgment of the President impair the public credit, he may suspend the operation hereof.

The amendment was disagreed to—ayes 75, noes 131.

Mr. WHEELER. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add the following proviso:
"*Provided*, That before any bonds be purchased or redeemed under this act, there be appropriated, from the surplus money in the Treasury, the sum of $10,000,000 each year, to aid in the support of common schools, and that such money shall annually be divided among and paid out in the several States and Territories in that proportion which the whole number of persons in each who, being of the age of ten years and over, can not read, bears to the whole number of such persons in the United States. Such computation shall be made according to the census of 1880. Said schools to be under the supervision and control of the State officials in the States where located, and of the Territorial authorities where located in the Territories.

Mr. MORRISON. I make a point of order that the amendment is not germane.

Mr. WILLIS. I hope the gentleman from Alabama [Mr. WHEELER] will withdraw that proposition.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WEAVER, of Nebraska. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add the following proviso:
"*Provided*, That the first payment under this resolution shall be for an amount that will reduce the surplus to $100,000,000.

The amendment was disagreed to.

Mr. MORRISON. I now move that the committee rise.

Mr. WHEELER. At the request of several gentlemen I ask that they be permitted to extend their remarks in the RECORD upon the point of order made on my amendment.

The CHAIRMAN. Unanimous consent has been granted for any member who desires to print remarks.

Mr. DIBBLE. Mr. Chairman, I offer an amendment which I send to the desk.

The amendment was read, as follows:

After the word "hundred," in line 5, insert the words "and twenty-five."

The amendment was rejected.

Mr. GROSVENOR. Mr. Chairman, I desire to offer an amendment which I send to the desk.

The amendment was read, as follows:

Add at the end of the resolution:
"*Provided*, That nothing in this resolution shall be construed to convey to the public any doubt as to the wisdom, patriotism, or integrity of the President or Secretary of the Treasury, nor as dictating a policy which said administration would not under proper circumstances carry out upon their own motion and judgment."

Mr. MORRISON. I make the point of order upon that amendment.

Mr. GROSVENOR. What is the point of order?

Mr. MORRISON. That it is not germane to the joint resolution.

Mr. REED, of Maine. Oh, there can be no point of order on that.

Mr. GROSVENOR. Why is it not germane?

Mr. MORRISON. Because it is not. That is the reason.

Mr. GROSVENOR. Mr. Chairman, here is a resolution dictating to the Executive a course of action. [Cries of "Regular order!" on the Democratic side.] My amendment simply adds a declaration that the purpose and intent of the original resolution is not to raise a doubt in the public mind that the President of the United States will do his duty in the premises.

Mr. SPRINGER. We will take care of the President; you need not worry about him.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GROSVENOR. I appeal from the decision of the Chair. [Laughter.]

Mr. MILLS. I move to lay the appeal on the table.

The CHAIRMAN. The question is, Shall the decision of the Chair be sustained as the judgment of the committee?

The question was taken; but before announcing the result the chairman asked for a division.

The House divided; and there were—ayes 141, noes 9.

Mr. GROSVENOR made the point that no quorum had voted, but withdrew it.

Mr. NEECE. Mr. Chairman, I desire to offer an amendment.

Mr. MORRISON. Mr. Chairman, I move that the committee now rise and report the joint resolution to the House.

The CHAIRMAN. The Chair understands that as long as gentlemen desire to offer amendments the motion to report the joint resolution to the House can not be entertained. The committee may of course rise.

Mr. NEECE. Mr. Chairman, I send up an amendment which I desire to offer.

The amendment was read, as follows:

In line 5 strike out the words "one hundred" and insert "forty;" in line 7 strike out the word "ten" and insert "one."

The amendment was rejected.

Mr. EVERHART. Mr. Chairman, I send to the desk an amendment which I desire to offer.

The amendment was read, as follows:

Add at the end of the resolution the following:

"*Provided also*, That the said indebtedness shall be paid in gold coin, or its equivalent, at the option of the creditor.

The amendment was rejected.

Mr. MORRISON. Now, Mr. Chairman, I move that the committee rise and report the joint resolution to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CRISP, from the Committee of the Whole, reported that they had had under consideration the joint resolution (H. Res. 126) directing the payment of the surplus in the Treasury on the public debt, and had directed him to report the same back with an amendment.

Mr. MORRISON. Mr. Speaker, I now move the previous question on the amendment and the joint resolution.

Mr. MCKINLEY. Mr. Speaker, I desire at the first opportunity to make a motion to recommit.

The SPEAKER. That is not now in order, because the gentleman from Illinois has demanded the previous question.

Mr. MCKINLEY. At what point will it be in order?

The SPEAKER. When the question is on the passage of the joint resolution.

Mr. MCKINLEY. Then I desire to make the motion at that time.

The previous question was ordered.

The amendment reported from the Committee of the Whole was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time.

Mr. MORRISON. I move the previous question on the passage of the joint resolution.

Mr. MCKINLEY. Mr. Speaker, I now offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the pending joint resolution be recommitted to the Committee on Ways and Means with instructions to said committee to forthwith report the same with the following amendment:

"*Provided*, That said sum of $100,000,000 herein excepted and reserved, which amount was purchased by the sale of bonds to the extent of ninety-five and a half millions, and the balance by reservation from the revenue under authority of the act of January 14, 1875, entitled 'An act to provide for the resumption of specie payments,' shall be maintained, as provided by said act, and set apart for the purpose of redeeming the legal-tender notes of the United States when presented for payment, and said fund shall not be used for any other purpose."

Mr. MCKINLEY. I move the previous question on the motion to recommit with instructions.

The previous question was ordered.

The SPEAKER. The question is now upon the motion to recommit with the instructions just read.

Mr. BLAND. I make the point of order that the amendment embodied in those instructions has already been voted down in Committee of the Whole.

The SPEAKER. But the House may overrule the action of the Committee of the Whole.

The question is on the motion of the gentleman from Ohio [Mr. MCKINLEY] to recommit with instructions.

The question having been put,

The SPEAKER said: In the opinion of the Chair the ayes have it.

Mr. MCKINLEY. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 119, nays 154, not voting 49; as follows:

YEAS—119.

Adams, G. E.	Evans,	Laird,	Price,
Allen, C. H.	Everhart,	Lehlbach,	Reed, T. B.
Atkinson,	Farquhar,	Libbey,	Rice,
Baker,	Felton,	Lindsley,	Rockwell,
Belmont,	Findlay,	Little,	Romeis,
Bingham,	Fleeger,	Long,	Rowell,
Bliss,	Funston,	Lyman	Ryan,
Bound,	Gilfillan,	Mahoney,	Sawyer,
Boutelle,	Goff,	Markham,	Sessions,
Browne, T. M.	Grosvenor,	McComas,	Seymour,
Brown, W. W.	Grout,	McKenna,	Smalls,
Buck,	Guenther,	McKinley,	Spooner,
Bunnell,	Hayden,	Merriman,	Steele,
Burleigh,	Haynes,	Millard,	Stephenson,
Burrows,	Henderson, D. B.	Milliken,	Stewart, J. W.
Butterworth,	Henderson, T. J.	Mitchell,	Stone, E. F.
Campbell, Felix	Hepburn,	Moffatt,	Strait,
Campbell, J. M.	Hewitt,	Morrill,	Struble,
Campbell, T. J.	Hiestand,	Morrow,	Swinburne,
Cannon,	Hires,	Muller,	Taylor, I. H.
Conger,	Hiscock,	Negley,	Thomas, O. B.
Cooper,	Hitt,	Nelson,	Thompson,
Cutcheon,	Holmes,	O'Neill, Charles	Wadsworth,
Davis,	Hopkins,	Osborne,	Wait,
Dibble,	Jackson,	Parker,	Wakefield,
Dingley,	James,	Payne,	Weber,
Dorsey,	Johnson, F. A.	Perkins,	West,
Dowdney,	Kelley,	Peters,	White, Milo
Dunham,	Ketcham,	Pettibone,	Whiting.
Ely,	La Follette,	Pirce,	

NAYS—154.

Allen, J. M.	Davidson, R. H. M.	Kleiner,	Singleton,
Anderson, C. M.	Dockery,	Laffoon,	Skinner,
Ballentine,	Dougherty,	Lanham,	Snyder,
Barksdale,	Dunn,	Lawler,	Sowden,
Barnes,	Eden,	Le Fevre,	Springer,
Barry,	Eldredge,	Lore,	Stahlnecker,
Bennett,	Ellsberry,	Lovering,	Stewart, Charles
Blanchard,	Ermentrout,	Lowry,	St. Martin,
Bland,	Fisher,	Martin,	Stone, W. J., Ky.
Blount,	Foran,	Matson,	Stone, W. J., Mo.
Boyle,	Ford,	Maybury,	Storm,
Bragg,	Forney,	McAdoo,	Swope,
Breckinridge, C. R.	Frederick,	McCreary,	Tarsney,
Breckinridge, WCP.	Fuller,	McMillin,	Taulbee,
Brumm,	Gay,	McRae,	Taylor, J. M.
Burnes,	Geddes,	Miller,	Taylor, Zach.
Bynum,	Gibson, C. H.	Mills,	Throckmorton,
Cabell,	Glass,	Morgan,	Tillman,
Caldwell,	Green, R. S.	Morrison,	Townshend,
Campbell, J. E.	Green, W. J.	Murphy,	Trigg,
Candler,	Hale,	Neal,	Turner,
Carleton,	Hall,	Neece,	Van Eaton.
Catchings,	Halsell,	O'Neill, J. J.	Wade,
Clardy,	Harris,	Outhwaite,	Warner, A. J.
Clements,	Hatch,	Payson,	Warner, William
Cobb,	Hemphill,	Peel,	Weaver, A. J.
Collins,	Henderson, J. S.	Perry,	Weaver, J. B.
Compton,	Herbert,	Pidcock,	Wellborn,
Comstock,	Hill,	Pindar,	Wheeler,
Cowles,	Holman,	Plumb,	Wilkins,
Cox,	Howard,	Randall,	Willis,
Crain,	Hudd,	Reagan,	Wilson,
Crisp,	Hutton,	Reid, J. W.	Winans,
Croxton,	Irion,	Richardson,	Wise,
Culberson,	Johnston, J. T.	Riggs,	Wolford,
Curtin,	Johnston, T. D.	Sadler,	Woodburn,
Daniel,	Jones, J. H.	Sayers,	Worthington.
Dargan,	Jones, J. T.	Seney,	
Davidson, A. C.	King,	Shaw,	

NOT VOTING—49.

Adams, J. J.	Gallinger,	Oates,	Symes,
Aiken,	Gibson, Eustace	O'Donnell,	Taylor, E. B.
Anderson, J. A.	Glover,	O'Ferrall,	Thomas, J. R.
Arnot,	Hammond,	O'Hara,	Tucker,
Barbour,	Hanback,	Owen,	Van Schaick,
Bayne,	Harmer,	Phelps,	Viele,
Beach,	Heard,	Ranney,	Wallace,
Brady,	Henley,	Reese,	Ward, J. H.
Brown, C. E.	Hermann,	Robertson,	Ward, T. B.
Buchanan,	Houk,	Rogers,	White, A. C.
Caswell,	Landes,	Scott,	
Davenport,	Louttit,	Scranton,	
Dawson,	Norwood,	Spriggs,	

So the motion of Mr. MCKINLEY to recommit with instructions was rejected.

The following pairs were announced:

Mr. TUCKER with Mr. BROWN, of Ohio, on all political questions for this day. If present, Mr. TUCKER would vote against and Mr. BROWN for the amendment of Mr. MCKINLEY; and Mr. TUCKER would vote "ay" on the passage of the resolution.

Mr. ROBERTSON with Mr. WADSWORTH on joint resolution No. 126. Mr. ROBERTSON would vote for the resolution of Mr. MORRISON to pay out of the Treasury of the United States the surplus as provided for in said resolution; Mr. WADSWORTH would vote against the resolution.

Mr. WARD, of Indiana, with Mr. HARMER on joint resolution No. 126. Mr. WARD would vote for the resolution, Mr. HARMER against it.

Mr. HENLEY with Mr. SCOTT on joint resolution No 126. Mr. HENLEY would vote for the resolution, Mr. SCOTT against it.

The following members were announced as paired until further notice:

Mr. O'FERRALL with Mr. VAN SCHAICK.
Mr. LANDES with Mr. HANBACK.
Mr. ARNOT with Mr. THOMAS, of Illinois.
Mr. REESE with Mr. BUCHANAN.
Mr. BARBOUR with Mr. LIBBEY.
Mr. ROGERS with Mr. EZRA B. TAYLOR.
Mr. SPRIGGS with Mr. OWEN.
Mr. WARD, of Illinois, with Mr. HOUK.
Mr. DAWSON with Mr. RANNEY.
Mr. HEARD with Mr. BAYNE.
Mr. HAMMOND with Mr. CASWELL.
Mr. NORWOOD with Mr. O'DONNELL.
Mr. VIELE with Mr. GALLINGER.

The following members were announced as paired for this day:

Mr. BEACH with Mr. DAVENPORT.
Mr. ADAMS, of New York, with Mr. LOUTTIT.

Mr. WADSWORTH. Mr. Speaker, as I understand my pair, which has been read by the Clerk, I am at liberty to vote on this question, and if so, I desire to do so.

The SPEAKER (having examined the pair). According to the terms of the pair the Chair thinks the gentleman has the right to vote on this question, as the pair appears to apply only to the passage of the resolution.

Mr. WADSWORTH. That is the way it struck me. I vote "ay."

The result of the vote was announced as above stated.

The question recurred on the passage of the joint resolution.

The SPEAKER. The gentleman from Illinois demands the previous question upon the passage of the resolution.

The previous question was ordered.

Mr. SOWDEN. On the passage of the resolution I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 207, nays 67, not voting 48; as follows:

YEAS—207.

Allen, J. M.	Ellsberry,	Laird,	Sayers,
Anderson, C. M.	Ermentrout,	Lanham,	Seney,
Atkinson,	Felton,	Lawler,	Sessions,
Ballentine,	Fisher,	Le Fevre,	Shaw,
Barksdale,	Foran,	Lore,	Singleton,
Barnes,	Ford,	Lovering,	Skinner,
Barry,	Forney,	Lowry,	Snyder,
Bennett,	Frederick,	Lyman,	Sowden,
Blanchard,	Fuller,	Markham,	Springer,
Bland,	Funston,	Martin,	Stahlnecker,
Blount,	Gay,	Matson,	Steele,
Boyle,	Geddes,	Maybury,	Stephenson,
Bragg,	Gibson, C. H.	McAdoo,	Stewart, Charles
Breckinridge, C.R.	Gilfillan,	McComas,	St. Martin,
Breckinridge, W.C.P.	Glass,	McCreary,	Stone, W. J., Ky.
Browne, T. M.	Goff,	McKenna,	Stone, W. J., Mo.
Brown, W. W.	Green, R. S.	McMillin,	Storm,
Brumm,	Green, W. J.	McRae,	Strait,
Burnes,	Grosvenor,	Miller,	Struble,
Burrows,	Guenther,	Mills,	Swope,
Bynum,	Hale,	Moffatt,	Tarsney,
Cabell,	Hall,	Morgan,	Taulbee,
Caldwell,	Halsell,	Morrill,	Taylor, J. M.
Campbell, J. E.	Harris,	Morrison,	Taylor, Zach.
Candler,	Hatch,	Morrow,	Thomas, O. B.
Cannon,	Hemphill,	Murphy,	Thompson,
Carleton,	Henderson, D. B.	Neal,	Throckmorton,
Catchings,	Henderson, J. S.	Neece,	Tillman,
Clardy,	Henderson T. J.	Negley,	Townshend,
Clements,	Hepburn,	Nelson,	Trigg,
Cobb,	Herbert,	Oates,	Turner,
Compton,	Hermann,	O'Neill, J. J.	Van Eaton,
Conger,	Hill,	Outhwaite,	Wade,
Cooper,	Hires,	Payson,	Wakefield,
Cowles,	Hitt,	Peel,	Wallace,
Cox,	Holman,	Perkins,	Warner, A. J.
Crain,	Holmes,	Perry,	Warner, William
Crisp,	Hopkins,	Peters,	Weaver, A. J.
Croxton,	Howard,	Pettibone,	Weaver, J. B.
Culberson,	Hudd,	Pidcock,	Wellborn,
Curtin,	Hutton,	Pindar,	Wheeler,
Cutcheon,	Irion,	Plumb,	White, A. C.
Daniel,	Jackson,	Price,	White, Milo
Dargan,	Johnston, J. T.	Randall,	Wilkins,
Davidson, A. C.	Johnston, T. D.	Reagan,	Willis,
Davidson, R. H. M.	Jones, J. H.	Reid, J. W.	Wilson,
Dockery,	Jones, J. T.	Richardson,	Winans,
Dorsey,	Kelley,	Riggs,	Wise,
Dougherty,	King,	Romeis,	Wolford,
Dunn,	Kleiner,	Rowell	Woodburn,
Eden,	Laffoon,	Ryan,	Worthington.
Eldredge,	La Follette,	Sadler,	

NAYS—67.

Adams, G. E.	Dibble,	Johnson, F. A.	Pirce,
Allen, C. H.	Dingley,	Ketcham,	Reed, T. B.
Baker,	Dowdney,	Lehlbach,	Rice,
Belmont,	Dunham,	Lindsley,	Rockwell,
Bingham,	Ely,	Little,	Sawyer,
Bliss,	Evans,	Long,	Seymour,
Bound,	Everhart,	Mahoney,	Smalls,
Boutelle,	Farquhar,	McKinley,	Spooner,
Buck,	Findlay,	Merriman,	Stewart, J. W.
Bunnell,	Fleeger,	Millard,	Stone, E. F.
Burleigh,	Grout,	Milliken,	Swinburne,
Butterworth,	Hayden,	Mitchell,	Taylor, I. H.
Campbell, Felix	Haynes,	Muller,	Wait,
Campbell, J. M.	Hewitt,	O'Neill, Charles	Weber,
Campbell, T. J.	Hiestand,	Osborne,	West,
Collins,	Hiscock,	Parker,	Whiting.
Davis,	James,	Payne,	

NOT VOTING—48.

Adams J. J.	Davenport,	Libbey,	Scott,
Aiken,	Dawson,	Louttit,	Scranton,
Anderson, J. A.	Gallinger,	Norwood,	Spriggs,
Arnot,	Gibson, Eustace	O'Donnell,	Symes,
Barbour,	Glover,	O'Ferrall,	Taylor, E. B.
Bayne,	Hammond,	O'Hara,	Thomas, J. R.
Beach,	Hanback,	Owen,	Tucker,
Brady,	Harmer,	Phelps,	Van Shaick,
Brown, C. E.	Heard,	Ranney,	Viele,
Buchanan,	Henley,	Reese,	Wadsworth,
Caswell,	Houk,	Robertson,	Ward, J. H.
Comstock,	Landes,	Rogers,	Ward, T. B.

So the resolution was agreed to.

On motion of Mr. WILSON, by unanimous consent the reading of the names was dispensed with.

The following additional pair was announced:

Mr. ROBERTSON and Mr. WADSWORTH are paired on joint resolution 126. Mr. ROBERTSON would vote for the resolution of Mr. MORRISON to pay out of the Treasury of the United States the surplus as provided for in said resolution. Mr. WADSWORTH would vote against the resolution.

Mr. BRECKINRIDGE, of Arkansas. I wish to state that my colleague, Mr. ROGERS, is paired on this vote; and if present would vote "ay." I am also informed by him that the gentleman with whom he is paired would vote "no."

The result of the vote was then announced as above recorded.

Mr. MORRISON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

QUESTION OF PRIVILEGE.

Mr. LOWRY. Mr. Speaker, I desire to offer a resolution as a question of privilege.

The Clerk read as follows:

Whereas there appears in the CONGRESSIONAL RECORD of June 30, 1886, on page 6286, certain remarks purporting to have been made by Hon. JOHN M. GLOVER on the preceding day, but which it is believed were not uttered by him on the floor, and which do not appear in the official notes of the Reporter, and which said remarks are as follows: "If there had been a third party present on this occasion the gentleman from Indiana would never have made these statements to the House:" Therefore,

Resolved, That the Committee on Rules be, and they are hereby, instructed to inquire and report to the House whether such remarks were so uttered on the floor of the House, and constitute a part of the official report, or whether they were interpolated in said report by any other person than the Official Reporter, and if so by whom; and if by a member of this House, what action, if any, should be taken in reference thereto.

Mr. HATCH. I suggest to the gentleman from Indiana that my colleague [Mr. GLOVER] is not present, and it is proper of course that he should be here before action is taken upon such a resolution.

Mr. BLAND. There is another matter contained in a subsequent part of this resolution that does not refer to any gentleman specifically, but which relates to a fraud upon the RECORD, that should be investigated.

Mr. HENDERSON, of Iowa. Let the resolution be read and go into the RECORD so we can see what it is.

Mr. LOWRY. I will withdraw that resolution for the present and offer the other one.

Mr. BLAND. I hope the resolution to which the gentleman now refers will be adopted, because if this is not a mistake, in the whole course of my Congressional experience I have never seen such a fraud perpetrated upon the RECORD. I hope it will prove to be a mistake.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Whereas Mr. LOWRY, as chairman of the Committee on Expenditures in the Treasury Department, on yesterday, July 13, 1886, reported from said committee a substitute for certain resolutions theretofore referred to said committee in reference to an alleged fraud on the revenue by one Richard D. Lancaster, in procuring the compounding of a judgment taken against him and others in favor of the United States, which said substitute called upon the Secretary of the Treasury for information touching the action of the Department in regard to said transaction, and was adopted by the House; and

Whereas said resolution so adopted by the House does not appear in the official report of the proceedings in the CONGRESSIONAL RECORD, but instead thereof there appears therein a lengthy preamble and resolution bearing upon the same subject, but of an entirely different character: Therefore,

Be it further resolved, That the Committee on Rules be, and they are hereby, further instructed to inquire and report through what means, and by what instrumentality, said substitution of the preamble and resolution published was made to supplant the resolution actually adopted by the House, and what action, if any, should be taken in reference thereto.

Mr. BLAND. I repeat, if that was an intentional substitution it is a fraud on the RECORD that ought to be investigated.

Mr. LOWRY. I am not prepared to say that any fraud was perpetrated. It may possibly be a mistake or an accident. I hope it will so transpire.

Mr. HATCH. I only wish to say that I favor the adoption of the resolution, but simply reminded the gentleman from Indiana that the gentleman from Missouri [Mr. GLOVER] was not present, and the first resolution certainly reflects upon him.

Mr. KING. In the absence of Mr. GLOVER certainly no action should be taken upon that resolution.

Mr. HATCH. As every gentleman present from Missouri knows I sympathize with this investigation, but I regard it as improper to take any action upon the first resolution, at all events in the absence of the gentleman.

Mr. MORRISON. Has not the hour of 5 o'clock arrived? [Cries of "Vote!" "Vote!"]

The SPEAKER. It has not.

Mr. LOWRY. I withdraw the first resolution.

The SPEAKER. The question is on agreeing to the second resolution.

Mr. DUNHAM. Can that be read again?

Mr. HATCH. The second resolution, I think, is all right.

The SPEAKER. Is there objection to having the resolution again read?

Several members objected.

Mr. DUNHAM. Then I move that the House adjourn.

The motion was not agreed to.

Mr. LOWRY. I ask the adoption of the second resolution.

And then (the hour of 5 o'clock having arrived) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAKER: Papers in the claim of Nehemiah Osburn—to the Committee on Claims.

By Mr. BARKSDALE: Papers relating to the claim of Asa W. McClure, of Alcorn County, Mississippi—to the Committee on War Claims.

By Mr. BARNES: Petition of citizens of Augusta, Ga., and others, for payment of debts due by the Freedman's Savings and Trust Company—to the Committee on the Judiciary.

By Mr. BUNNELL: Memorial of the American Humane Association, of Chicago, Ill., asking prevention of cruelty to animals in transportation—to the Committee on Commerce.

By Mr. DIBBLE: Papers relating to the claim of Hiram C. Rucker, of Lexington County, South Carolina—to the Committee on War Claims.

By Mr. ERMENTROUT: Memorial of the Chamber of Commerce of New York, asking for the passage of Senate bill 2157—to the Committee on Rivers and Harbors.

By Mr. KING: Petition of Charles T. Dunn, of Morehouse Parish, Louisiana, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. LAIRD: Petition of 125 citizens of Chace and Dundy Counties, Nebraska, protesting against the passage of Senate bill 721, establishing a live-stock highway over public lands in or adjoining Nebraska—to the Committee on Commerce.

Also, petition of C. F. Hughes and 49 others, asking that the bills embodying the recommendations of the Grand Army of the Republic be passed at an early day—to the Committee on Invalid Pensions.

By Mr. MORGAN: Papers relating to the claim of Willis Dean, of Mississippi—to the Committee on War Claims.

By Mr. ST. MARTIN: Resolution of the General Assembly of Louisiana relative to the erection of a monument to the memory of ex-President Zachary Taylor at New Orleans—to the Committee on the Library.

By Mr. SMALLS: Petition of Philip Henson, of Alcorn County, Mississippi, for compensation for services in the Federal Army during the late war—to the Committee on War Claims.

By Mr. TOWNSHEND. Petition of W. H. Blades for allowance on account of services in securing the capture of the confederate W. B. Terry—to the Committee on Naval Affairs.

By Mr. MILO WHITE: Resolution of the Minnesota veterans in Dakota in favor of Senate bill 1886; and also the admission of Dakota—to the Committee on Invalid Pensions.

By Mr. WILLIS: Papers in the case of Susan P. Vance, for relief—to the Committee on War Claims.

The following petitions, asking for the passage of House bill 7887, repealing timber-culture, pre-emption, and desert-land acts; of House bill 7021, for adjustment of railroad and other land grants; of bill forfeiting all railroad land grants the conditions of which have not been strictly complied with; of House bill organizing the Territory of Oklahoma; of Senate bill opening a portion of the great Sioux reservation to settlement; of bill prohibiting aliens from holding land in the United States; of bill making Presidential and Congressional election days holidays, and punishing bribery; and of bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired, were severally referred to the Committee on the Public Lands.

By Mr. J. M. CAMPBELL: Of George A. McClelland and 172 others, citizens of the seventeenth district of Pennsylvania.

By Mr. CULBERSON: Petition of John Bangus and others, of Cass County, Texas.

By Mr. FREDERICK: Petition of W. W. Hazen and 50 others, of W. H. Thomas and 38 others, of G. H. Morier and 71 others, and of Louis Story and 303 others, citizens of the fifth district of Iowa.

By Mr. FULLER: Petition of S. Wright and 85 others and of Charles F. Wolfe and 112 others, citizens of the fourth district of Iowa.

By Mr. HAMMOND: Petition of Robert Coyle and 194 others, of N. L. Holmes and 64 others, and of John H. Garner and 188 others, citizens of the fifth district of Georgia.

By Mr. HAYDEN: Petition of Charles W. McRaith and 40 others and of F. W. Reily and 52 others, citizens of the fifth district of Massachusetts.

By Mr. LAIRD: Petition of Oliver Sutton and 71 others, of A. S. Gardiner and 66 others, of S. C. Bond and 24 others, and of Jacob Kopp and 14 others, citizens of the first district of Nebraska.

By Mr. LE FEVRE: Petition of W. H. Meiser and 253 others, of K. P. Cleveland and 221 others, and of A. High and 140 others, citizens of the fifth district of Ohio.

By Mr. LEHLBACH: Petition of A. Flanigan and 75 others, of N. A. Hughes and 26 others, of R. McDonnell and 30 others, of Thomas Bray and 40 others, and of Edward Isslen and 20 others, citizens of the sixth district of New Jersey.

By Mr. McKINLEY: Petition of M. Crawford and 180 others, of John S. Haines and 54 others, of M. J. Coyle and 70 others, and of P. F. O'Neil and 68 others, citizens of the twentieth district of Ohio.

By Mr. MOFFATT: Petition of Patrick Brady and 208 others, citizens of the eleventh district of Michigan.

By Mr. MORRISON: Petition of John Campbell and 480 others, citizens of the eighteenth district of Illinois.

By Mr. ROGERS: Petition of D. F. Tomson and 275 others, of J. C. Flyrin and 150 others, of C. Depont and 218 others, of Stephen Tucker and 108 others, of Gus Randolph and 33 others, of Charles Fisher and 75 others, of D. N. Fisher and 11 others, of Samuel Little and 66 others, of J. A. Heberly and 280 others, of John Ingram and 40 others, of E. Stuart and 60 others, and of A. D. Jones and 146 others, citizens of fourth Congressional district of Arkansas.

By Mr. SAYERS: Petition of citizens of Travis County, of Lampasas County, and of others of the tenth district of Texas.

By Mr. THROCKMORTON: Petition of Robert Bailey and 67 others, of C. E. Shipley and 124 others, and of Peter Brady and 34 others, citizens of the fifth district of Texas.

By Mr. WALLACE: Petition of Ed. Flood and 46 others, of Frank J. Farrell and 184 others, of James Rihner and 92 others, and of James C. Burns and 308 others, citizens of the second district of Louisiana.

By Mr. WHITING: Petition of D. F. Cleary and 7 others, and of G. H. Pray and 42 others, citizens of the eleventh district of Massachusetts.

By Mr. WILKINS: Petition of Charles McCarley and 58 others and of O. F. Bash and 26 others, citizens of the sixteenth district of Ohio.

SENATE.

THURSDAY, *July* 15, 1886.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. HALE presented a petition of citizens of Maine, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. EVARTS presented a petition of 77 dairymen and butter-makers of New York, praying for the passage of the oleomargarine bill; which was ordered to lie on the table.

Mr. EVARTS. I present six memorials signed by 218 citizens of Brooklyn, N. Y., who are consumers of butter, remonstrating against taxing oleomargarine; also sixteen memorials signed by 754 citizens of New York city to the same effect.

I move that the memorials lie on the table.

The motion was agreed to.

Mr. SEWELL presented eight petitions of citizens of New Jersey, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. PUGH presented two petitions of citizens of Alabama, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. PALMER presented the petition of George H. Haynes and 39 other consumers of butter, citizens of Manistee, Mich., praying for the passage of the bill to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

Mr. INGALLS presented the petition of Elizabeth Lawton, of Lawrence, Kans., praying to be compensated for personal injury sustained by her from the Quantrill raid on that place during the late war; which was referred to the Committee on Claims.

Mr. PLUMB presented four petitions of citizens of Kansas, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. CONGER, from the Committee on Commerce, to whom was referred the bill (S. 2800) to authorize the construction of bridges across the Tennessee and Cumberland Rivers by the Ohio Valley Railroad Company, reported it without amendment.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 2837) relative to the location of the town-site of Wallace, Kans., reported it without amendment.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 2777) authorizing the appointment and retirement of Bvt. Maj. Gen. William W. Averell, United States Army, reported it with amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2764) authorizing the President to appoint and retire Alfred Pleasonton a major-general, reported it with amendments, and submitted a report thereon.

Mr. HAWLEY. The bill (S. 1070) granting the Fort Sullivan military reservation to the town of Eastport, Me., for a public park has been considered by the Committee on Military Affairs. We discover that that reservation has been turned over to the Interior Department. We ask that the committee be discharged from the further considera-

tion of the bill, and that it be referred to the Committee on Public Lands.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection.

OHIO SENATORIAL ELECTION.

Mr. PUGH. I am directed by the Committee on Privileges and Elections, to whom the subject was referred, to submit a report in relation to the election of Hon. HENRY B. PAYNE to the Senate. I ask that the report be printed and lie on the table, and at some future day we can call it up for action by the Senate. I give that notice. The committee ask to be discharged from the further consideration of the subject and recommend its indefinite postponement.

Mr. EVARTS. I present the views of certain members of the Committee on Privileges and Elections, concurring in the conclusion of the report just submitted, and stating the reasons, on the part of the signers, being Mr. TELLER, Mr. LOGAN, and myself. I ask that these views accompany the report submitted by the Senator from Alabama [Mr. PUGH].

Mr. HOAR. I desire to present the views of a minority of the Committee on Privileges and Elections, signed by the Senator from Maine [Mr. FRYE] and myself, dissenting from the action of the majority of the committee, and proposing a resolution for the action of the Senate, which I desire to have printed as an amendment to the report of the committee and have it considered pending.

The PRESIDENT *pro tempore*. The report of the committee and the views of the minority, together with the accompanying papers, will be printed and lie on the table.

Mr. INGALLS. I hope, for convenience, they will all be printed and bound together.

The PRESIDENT *pro tempore*. That order will be made.

Mr. EDMUNDS. If there is a resolution it ought to go on the Calendar.

Mr. HOAR. I was about to make an inquiry of the Chair. I suppose it will be desired to submit some remarks on the question and take the sense of the Senate upon it. Should the reports and the resolution go upon the Calendar or lie on the table?

The PRESIDENT *pro tempore*. The Chair understands that the reports of the committee and the resolution of the minority go on the Calendar.

Mr. HOAR. It is a privileged matter, and I suppose it can be called up at any time the Senate choose to consider it.

The PRESIDENT *pro tempore*. The reports of the majority and the views of the minority will be printed in the same document, and the resolution will be placed on the Calendar. Some question arises whether the original document which was referred to the committee and comes back with the reports shall be ordered to be printed.

Mr. LOGAN. That has been already printed.

The PRESIDENT *pro tempore*. The order then will not embrace the printing of that document.

Mr. PUGH. Nothing but the reports.

The PRESIDENT *pro tempore*. The reports and the accompanying papers will be printed.

The following resolution is proposed by the minority, consisting of Messrs. HOAR and FRYE:

Resolved, That the Committee on Privileges and Elections, or any subcommittee thereof, be authorized to investigate the charges affecting the title to the seat of Hon. HENRY B. PAYNE, and to send for persons and papers, administer oaths, and employ a clerk and stenographer, and to sit during the recess of the Senate; and that the expenses of the investigation be paid out of the contingent fund of the Senate.

ERNEST H. WARDWELL.

Mr. HAMPTON. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 1062) for the relief of Ernest H. Wardwell, to report it favorably without amendment. I ask that it may be put upon its passage now, and I will explain it.

The PRESIDENT *pro tempore*. The Senator from South Carolina asks the unanimous consent of the Senate to proceed to the consideration of the bill reported by him.

Mr. EDMUNDS. Let it be read for information.

The PRESIDENT *pro tempore*. It will be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, directed to pay to Ernest H. Wardwell, of Garrett County, Maryland, late a captain and assistant quartermaster of United States volunteers, out of any money in the Treasury not otherwise appropriated, the pay and allowances of a captain and assistant quartermaster in the United States Army from the 11th day of March to the 18th day of May, 1865; and also the three months' additional pay proper as first lieutenant and regimental quartermaster of the Second Regiment North Carolina Union Volunteers (white), the same as allowed to all volunteer officers under the act of Congress approved March 3, 1865.

Mr. HAMPTON. I will state that that is identical with the Senate bill which passed the Senate the other day. This bill passed the House and was referred to the Committee on Military Affairs, and to save time I report it back and ask that it may be put upon its passage now.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. INGALLS. Is there a quorum present, Mr. President?

Mr. HAMPTON. We passed a Senate bill similar to this the other day.

Mr. MCMILLAN. I think, in order to save time, I shall move that the Senate proceed to the consideration of the river and harbor bill.

The PRESIDENT *pro tempore*. The Chair is of opinion that a quorum is present. Is there objection to the present consideration of the bill reported by the Senator from South Carolina? The Chair will count the Senate if desired.

Mr. MCMILLAN. If the bill will not take any time I shall not object to it. If it leads to debate I shall have to interpose an objection.

The PRESIDENT *pro tempore*. A quorum is not present.

Mr. ALLISON. Call the Senate.

The PRESIDENT *pro tempore*. The Senator from Iowa asks for a call of the Senate. That order will be made as a matter of course, if there be no objection.

Mr. EDMUNDS. The rule requires it.

The PRESIDENT *pro tempore*. The Secretary will call the roll of the Senate.

The Secretary proceeded to call the roll.

Mr. CHACE (when Mr. ALDRICH'S name was called). I desire to inform the Senate that my colleague [Mr. ALDRICH] is detained away by sickness.

Mr. MCMILLAN (when Mr. CONGER'S name was called). The Senator from Michigan [Mr. CONGER] is detained on the Committee on Commerce with some other members of the committee, which has leave to sit during the sessions of the Senate by order of the body.

Mr. MCMILLAN (when Mr. FRYE'S name was called). The Senator from Maine [Mr. FRYE] is also engaged on the Committee on Commerce.

Mr. MCMILLAN (when the name of Mr. JONES, of Nevada, was called). The Senator from Nevada [Mr. JONES] is also on duty upon the Committee on Commerce.

Mr. EDMUNDS (when Mr. MORRILL'S name was called). My colleague [Mr. MORRILL] is absent ill, as Senators all know, and that accounts for his absence.

The roll-call was concluded.

The PRESIDENT *pro tempore*. Forty-six Senators have responded to their names. If there be no objection further proceedings under the call will be dispensed with.

The Senator from South Carolina [Mr. HAMPTON] has asked the unanimous consent of the Senate to proceed with the consideration of the bill reported by him.

Mr. MCMILLAN. I have no objection to the consideration of the bill if it does not lead to debate. If it does, I reserve the right to object.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the bill is before the Senate as in Committee of the Whole.

Mr. INGALLS. Is there a report?

Mr. HAWLEY. May I make a word of *explanation*? The bill has passed both Houses, and the House copy has come here. The Senator from South Carolina desires to have the Senate concur in the passage of that House bill. Both Houses have not passed the same identical piece of paper.

The bill was considered as in Committee of the Whole, reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. BLAIR. I desire to be understood as objecting to any business out of order that will interfere with our reaching and considering the Calendar.

CENSUS REPORT.

Mr. CULLOM submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he hereby is, requested to transmit to the Senate the report of Fred. H. Wines, special agent of the Tenth Census, on the defective, dependent, and delinquent classes.

PRESIDENT'S MESSAGES.

Mr. WILSON, of Iowa, submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the inaugural addresses, annual messages, and such special messages as may be deemed of general public interest, of the several Presidents of the United States be arranged in chronological order, and printed as a Senate document.

MILITARY SITE ON LAKE MICHIGAN.

Mr. LOGAN. I ask unanimous consent for the action of the Senate on the joint resolution (S. R. 78) authorizing the Secretary of War to accept certain lands, &c., near Chicago, Ill. That will take but a moment. I ask the Senator from Minnesota to allow it to be read at the desk. It is a very important matter. I have prepared an amendment to it.

The PRESIDENT *pro tempore*. The joint resolution will be read for information if there be no objection.

The Chief Clerk read the joint resolution.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. EDMUNDS. Has it been reported from a committee?

Mr. LOGAN. I offered it yesterday and asked to have it lie on the

table. I have the report of the Secretary of War and of officers of the Army, a commission who have examined the lands. Let it be read at the desk.

Mr. EDMUNDS. I wish to hear the report of the Secretary of War, subject to objection.

Mr. LOGAN. Certainly. I ask that it be read.

Mr. CULLOM. Let the report be read.

The PRESIDENT *pro tempore*. The report of the Secretary of War will be read.

The Chief Clerk read as follows:

WAR DEPARTMENT, *Washington City, July* 9, 1886.

The Secretary of War has the honor to transmit herewith a copy of a report of a board of Army officers consisting of Lieut. Gen. Philip H. Sheridan, Maj. Gen. Alfred H. Terry, and Maj. J. G. C. Lee, quartermaster, which was convened to consider the subject of a site on Lake Michigan, near Chicago, Ill., tendered as a gift to the United States by the Commercial Club of that city for military purposes, and to respectfully request that such legislation be had as will authorize the Government to accept the same.

WM. C. ENDICOTT,
Secretary of War.

The PRESIDENT *pro tempore United States Senate.*

Report of officers designated to consider the subject of a site for military purposes, in the vicinity of Chicago, Ill., in accordance with the following instructions:

WASHINGTON, D. C., *June* 15, 1886.

SIR: The undersigned, a committee duly appointed for that purpose by the Commercial Club of Chicago, have the honor to tender to you, for the acceptance of the United States Government, a tract of land in the vicinity of Chicago for military purposes.

No definite site has been selected, but options have been secured upon several eligible tracts, and we respectfully request that you will appoint a committee of Army officers who shall visit Chicago and select the ground best suited to the purpose. The tract thus selected will at once be purchased with the money already subscribed for the purpose, under the auspices of the said Commercial Club, and conveyed to the United States Government.

JOHN W. DOANE,
C. B. FARWELL,
ALEXANDER P. McCLURG.

The SECRETARY OF WAR.

[First indorsement.]

WAR DEPARTMENT, *June* 23, 1886.

Respectfully referred to the Lieutenant-General, who will proceed to Chicago, and in connection with the commanding general Division of the Missouri, and one other officer, whom they may select, consider this subject, and report the result to the Secretary of War.

WM. C. ENDICOTT,
Secretary of War.

CHICAGO, ILL., *June* 26, 1886.

The Lieutenant-General and Major-General Terry selected Maj. J. G. C. Lee, quartermaster, as the third officer.

CHICAGO, ILL., *July* 2, 1886.

The officers designated having critically examined the several tracts of land tendered by the committee hereinbefore named beg to report that the one known as the Highwood tract, in Lake County, Illinois, containing 598½ acres lying on Lake Michigan, north of the city of Chicago, and distant 25 miles, said tract being the one examined on the forenoon of June 30, and shown by accompanying plat, possesses, in their opinion, the greatest advantages of all the sites offered, and is admirably adapted, in every respect, for the purposes for which it is proposed.

It lies advantageously for the use desired, stretching along the lake front for about a mile and a half, with a width varying from three-eighths to three-fourths of a mile, and a height above the lake of about 70 feet, with bold bluffs bordering the beach.

It commands transportation by rail on the west and by lake on the east.

It is beautifully diversified with picturesque valleys, throughout which springs of the purest water abound. These valleys form natural divisions of the tract into plateaus of unusual beauty, excellently adapted by size and situation for the object in view.

With the exception of several limited areas, the whole is covered with a fine growth of forest trees.

Excellent water in any quantity can be had from the lake, while the springs referred to are of considerable volume and noted for their exceeding purity.

Superior sand for construction purposes can be had from the lake in unlimited abundance; also, gravel for roadways and other purposes. Clay suitable for the manufacture of bricks can be had on the tract and on adjacent properties.

The place is susceptible of being readily and economically converted into one of rare beauty. Indeed, it would be difficult to find a tract of land more perfectly adapted by nature and location to the purpose required.

The undersigned, therefore, unanimously recommend to the honorable the Secretary of War the acceptance of this tract at the earliest practicable date.

P. H. SHERIDAN,
Lieutenant-General, U. S. Army.
ALFRED H. TERRY,
Major-General, U. S. Army.
J. G. C. LEE,
Major and Qaartermaster, U. S. Army.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. BECK. I object, until we have more information on the subject. I object to the establishment of any more military posts or the dismantling of those now in existence until we know the need of them.

The PRESIDENT *pro tempore*. Objection being made, the joint resolution goes over under the rule.

Mr. LOGAN. I hope the Senator will withdraw his objection until I have an opportunity briefly to explain it.

Mr. BECK. I know what it is.

Mr. LOGAN. Then the Senator can object afterward.

Mr. BECK. I have no objection to the explanation, but I know what the measure is.

Mr. LOGAN. There is nothing in the measure whatever except that the Commercial Club of Chicago have purchased this land and paid $300,000 in cash for it, and have tendered it to the Government of the United States as one of the most beautiful sites that can be found anywhere on Lake Michigan for the Government of the United States to use it as it sees proper. There is no proposition here to build forts or anything else. It provides that the Government shall accept the property, and afterward Congress can act as they see proper about it. Congress is not compelled to build forts or fortifications. It is a mere acceptance of this gift without conditions. There are no conditions whatever. They simply give the property freely to the Government, and the joint resolution proposes that the Government shall accept it; and that is all.

Mr. DAWES. Free of condition?

Mr. LOGAN. Free of condition. There are no conditions whatever in the acceptance of the gift. They simply propose to give it to the Government. The Secretary of War can recommend what he pleases about it afterward, and Congress can do as it pleases.

The PRESIDENT *pro tempore*. If objection is made——

Mr. BECK. I still object, for the reason that the United States ought not to accept gifts from anybody unless there is some special necessity for doing so.

The PRESIDENT *pro tempore*. Objection being made, the joint resolution goes over.

Mr. LOGAN. I desire to give notice that I shall at the proper time ask for a vote of the Senate on taking up the joint resolution. I give this notice so that the Senator from Kentucky may know that I intend to ask again that the joint resolution be taken up and acted on.

ORDER OF BUSINESS.

Mr. McMILLAN. I move that the Senate proceed to the consideration of the river and harbor bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Minnesota.

The question being put, it was declared that the ayes appeared to prevail.

Mr. BLAIR. I call for a division on that question.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks for a division.

Mr. BLAIR. I ask the Senator from Minnesota if he will not be willing that we take so much of the morning hour until half past 12 as shall be necessary to get through with the pension cases on the Calendar. It is necessary that they shall go to the House in order to have any chance of action at this session, and as they are mixed up with other bills on the Calendar they can not be reached in time if we take them only as the Calendar is disposed of. I think it is due to that class of legislation that we shall take the time to pass those bills.

The PRESIDENT *pro tempore*. The Senator asks for a division on the motion and is entitled to it.

Mr. BLAIR. I suppose we can get through with the pension cases in half an hour.

Mr. McMILLAN. Is the river and harbor bill before the Senate?

The PRESIDENT *pro tempore*. The Senator from Minnesota moves that the Senate proceed to the consideration of the river and harbor bill.

Mr. HALE. If the river and harbor bill does not go on I shall ask the Senate to take up the naval appropriation bill.

Mr. BLAIR. I ask the Senator to waive that motion until the pension cases can be run through with which are now on the Calendar.

Mr. McMILLAN. It is evident the river and harbor bill must be proceeded with now if we are to pass the bill at this session. There are important appropriation bills yet to be passed.

Mr. HARRIS. Has the special order upon which the Senate has been acting for several days past in regard to the Calendar expired?

The PRESIDENT *pro tempore*. It has expired. The question is on the motion of the Senator from Minnesota, on which a division is demanded.

The question being put, the ayes were 28.

Mr. BLAIR. It will not take over half an hour to dispose of the pension bills, and I will ask for the yeas and nays on the motion to take up the river and harbor bill.

Mr. EDMUNDS. That would take a great part of the half hour. You will get a chance later. Wait until to-morrow.

Mr. BLAIR. Very well.

Mr. EDMUNDS. I hope that to-morrow these pension bills will be taken up.

Mr. BLAIR. I shall move their consideration to-morrow morning.

The PRESIDENT *pro tempore*. The motion is agreed to; and the river and harbor bill is before the Senate.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I ask the Senator from Minnesota to allow it to be laid aside informally that I may submit the report of the committee of conference on the legislative, executive, and judicial appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Iowa submits a conference report. That is a privileged matter.

Mr. ALLISON. I submit the conference report.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8974) "making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 15, 16, 26, 27, 34, 45, 54, 58, 59, 71, 72, 103, 104, 110, 111, 112, 113, 122, 128, 129, 130, 137, 140, 141, 146, 150, 155, 169, 196, 199, 215, 228, 229, 230, 232, 236, and 237.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 6, 7, 8, 10, 32, 33, 35, 38, 42, 46, 52, 56, 57, 60, 61, 63, 64, 65, 69, 70, 73, 75, 76, 77, 78, 79, 80, 81, 86, 87, 91, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 120, 121, 123, 124, 125, 133, 134, 135, 136, 142, 143, 145, 148, 149, 151, 152, 158, 159, 160, 161, 162, 164, 165, 167, 168, 172, 173, 174, 175, 176, 177, 178, 187, 188, 195, 198, 210, 220, 221, 226, and 227, and agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,500;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000;" and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000;" and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$115,350;" and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment and on page 17, in line 6 of the bill, strike out "five" where it occurs and insert "four;" and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$151,346.50;" and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment, and at the end thereof insert the following: "*Provided*, That adjustments of said accounts shall be limited to those originating subsequent to March 3, 1851;" and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment, and add at the end thereof the following: "*Provided*, That adjustments of said accounts shall be limited to those originating subsequent to March 3, 1851;" and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirteen;" and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out insert "two clerks at $800 each;" and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$272,701.60;" and the Senate agree to the same.

Amendment numbered 119: That the House recede from its amendment to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said Senate amendment, insert the following: "And hereafter the records prepared for publication under this appropriation shall contain only the records of the war of the rebellion covering contemporaneous events, arranged chronologically, according to the provisions of the act of June 23, 1874, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875. And the evidence taken by the court-martial on the trial of Fitz-John Porter, and the arguments made before the court by counsel for the prosecution and defense, together with the report thereon by Judge Holt to President Lincoln, and any reply thereto filed with the President before approval of sentence, shall be printed in connection with matter already printed concerning the proceedings of said court-martial;" and the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,020;" and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$59,000;" and the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "One carpenter, $900;" and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$59,530;" and the Senate agree to the same.

Amendment numbered 144: That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment as follows: On page 61, in line 2 of the bill, strike out "six" where it occurs and insert "five;" and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$175,390;" and the Senate agree to the same.

Amendment numbered 153: That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out and inserted by said amendment insert the following: "Two law-examiners, at $2,000 each; thirty-nine;" and the Senate agree to the same.

Amendment numbered 154: That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$489,050;" and the Senate agree to the same.

Amendment numbered 170 and 171: That the House recede from its disagreement to the amendments of the Senate numbered 170 and 171, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following: "For purchase of books for the scientific library and expenses of transporting publications of patents issued by the Patent Office to foreign governments, $3,000;" and the Senate agree to the same.

Amendment numbered 181: That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: Strike out of the matter proposed to be inserted by said amendment the words "and for other necessary expenses, including the purchase of books and periodicals;" and the Senate agree to the same.

Amendment numbered 211: That the House recede from its disagreement to the amendment of the Senate numbered 211, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,500;" and the Senate agree to the same.

Amendment numbered 212: That the House recede from its disagreement to the amendment of the Senate numbered 212, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500;" and the Senate agree to the same.

Amendment numbered 217: That the House recede from its disagreement to the amendment of the Senate numbered 217, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,300;" and the Senate agree to the same.

Amendment numbered 233: That the House recede from its amendment to the amendment of the Senate numbered 233, and agree to the same.

Amendment numbered 235: That the House recede from its disagreement to the amendment of the Senate numbered 235, and agree to the same with an amendment as follows: After the matter proposed to be inserted by said amendment insert as a separate paragraph the following:

"For salary of one additional associate justice of the supreme court of the Territory of Motana, $3,000."

And the Senate agree to the same.

They have been unable to agree on amendments numbered 2, 17, 39, 40, 41, 88, 89, 90, 179, and 180.

W. B. ALLISON,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.

WM. S. HOLMAN,
GEO. C. CABELL,
J. G. CANNON,
Managers on the part of the House.

The PRESIDENT *pro tempore*. What motion does the Senator from Iowa make?

Mr. ALLISON. I move that the Senate concur in the conference report.

Mr. INGALLS. I hope that the Senator will state, before we are asked to do that, what the points are on which the conferees thus far have failed to agree.

Mr. ALLISON. The first point on which the conferees have failed to agree is the item found on page 7 of the bill, amendment numbered 17, for clerks to Senators who are not chairmen of committees at $6 per day during the session. That is the first disagreement. The next is the appropriation for the Civil Service Commission, being one clerk of class 3 and two clerks at $900 each. The latter clause of the Senate amendment for that commission was agreed to, the Senate yielding half of the sum inserted. The next item is the salary of the assistant treasurer at Baltimore.

Mr. INGALLS. The Senate increased that?

Mr. ALLISON. The Senate increased that to $4,500, increasing it $500. The next item of disagreement is that relating to the compensation and expenses of agents and surveyors, fees and expenses of gaugers, salaries of storekeepers, &c., under the internal revenue.

Those are the only items of disagreement, I believe. I shall be glad to explain, if any Senator desires it, the report in detail.

Mr. INGALLS. Is there any danger, if I may inquire, that the Senate conferees will recede from the amendment of the Senate in the item providing for clerks for Senators?

Mr. ALLISON. I can hardly answer the Senator. I do not know what we shall do in the future; but I will say that if the gentlemen who have had charge of the matter shall be reappointed by the Chair we will do as near as we can according to the judgment and will of the Senate as we understand it.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the report of the conference committee be concurred in.

Mr. INGALLS. Do I understand that the Senator desires to yield the points on which the conferees have disagreed?

Mr. ALLISON. Not yet.

Mr. INGALLS. I do not understand the effect of this vote. What is meant by the motion? What do the conferees ask us to do now?

Mr. ALLISON. I ask that the report of the committee of conference be concurred in.

The PRESIDENT *pro tempore*. So far as it goes.

Mr. ALLISON. That will close up the bill so far as the conferees have agreed, and then I shall move that the Senate still further insist upon its amendments.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa to concur in the report of the conference committee.

The report was concurred in.

Mr. ALLISON. I now move that the Senate still further insist upon the amendments disagreed to and ask the House for a further conference.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate still further insist and ask for a further conference.

Mr. ALLISON. I think on a moment's reflection I will withdraw the part of the motion asking for a committee of conference. The House may recede from its disagreement.

The PRESIDENT *pro tempore*. Part of the motion is withdrawn.

Mr. ALLISON. I merely move that the Senate further insist on its amendments not settled by this report.

The motion to insist was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 8066) to pension Martha A. Voorhes.

The message also announced that the House had passed the bill (S. 582) for the relief of the board of field officers of the Fourth Brigade of South Carolina Volunteer State Troops.

The message further announced that the House had passed a joint resolution (H. Res. 202) to continue the provisions of a joint resolution approved July 1, 1886, entitled "A joint resolution to provide temporarily for the expenditures of the Government;" in which it requested the concurrence of the Senate.

RIVER AND HARBOR BILL.

The Senate resumed the consideration of the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDENT *pro tempore*. The next amendment made as in Committee of the Whole will be stated.

The CHIEF CLERK. In line 1181, after the word "improvement," the Senate, as in Committee of the Whole, struck out the words:

And the money heretofore appropriated for locks and dams is hereby made available for dredging said river, according to the plan of the Chief of Engineers, recommended on the 12th of March, 1884: *Provided*, That not exceeding $30,000 shall thus be expended on Goose Rapids.

And inserted the following words:

From Breckenridge to the northern boundary line of the United States, including dredging, removal of snags and bowlders, and construction of wing-dams, &c.; and the money heretofore appropriated for locks and dams is hereby made available for this purpose.

So as to make the clause read:

Improving Red River of the North, Minnesota: Continuing improvement from Breckenridge to the northern boundary line of the United States, including dredging, removal of snags and bowlders, and construction of wing-dams, &c.; and the money heretofore appropriated for locks and dams is hereby made available for this purpose.

The next amendment was, in section 1, line 1201, after the word "operations," to strike out "and the cost of the proceedings hereinafter authorized" and insert "$10,000 to complete dredges authorized by act of July 5, 1884;" and after the word "mining," at the end of line 1205, to insert "hurtful to navigation;" so as to read:

Improving Sacramento and Feather Rivers, California, $40,000 of the money heretofore appropriated for improving said rivers that may remain unexpended at the end of the present fiscal year, for snagging and dredging operations; $10,000 to complete dredges authorized by act of July 5, 1884; the balance of said unexpended money not to be used until the Secretary of War be satisfied that hydraulic mining hurtful to navigation has ceased on said rivers and their tributaries.

The amendment was concurred in.

The next amendment was, at the end of the clause making an appropriation for "improving Sacramento and Feather Rivers, California," in line 1207, after the word "tributaries," to strike out the words:

If he be not satisfied, he is hereby instructed to institute such legal proceedings as may be necessary to prevent the washing, sluicing, dumping, or discharging *detritus*, *débris*, or slickens, caused by or arising from hydraulic mining, into either of said rivers or any of its tributaries, or into the San Joaquin River or any of its tributaries, or in or to such place or situation from which such *detritus*, *débris*, or slickens may be liable to be washed or carried by storms or floods into either of said rivers or tributaries; and he is hereby instructed to use out of said sum as much as may be necessary for said purpose.

The amendment was concarred in.

The next amendment was, in section 1, line 1222, to increase the appropriation for "improving canal at the Cascades, Oregon: Continuing improvement," from $200,000 to $250,000.

The amendment was concurred in.

The next amendment was, in section 1, line 1227, to increase the appropriation for "improving the mouth of the Columbia River, Oregon," from $150,000 to $250,000.

The amendment was concurred in.

The next amendment was, in line 1247, after the word "improvement," to insert:

Including necessary work at Omaha, Atchison, Saint Joseph, Fort Leavenworth reservation, Arrow Rock, Kansas City, Nebraska City, Plattsmouth, and Brownville.

So as to make the clause read:

Improving Missouri River from its mouth to Sioux City: Continuing improvement, including necessary work at Omaha, Atchison, Saint Joseph, Fort Leavenworth reservation, Arrow Rock, Kansas City, Nebraska City, Plattsmouth, and Brownville, $500,000.

Mr. HAWLEY. I do not read the bill as the Clerk does. He says "necessary work." I see "repairs of works."

The PRESIDENT *pro tempore*. The words "including necessary repairs of works" were stricken out.

Mr. MCMILLAN. The amendment was read correctly as amended in the Senate. The committee's amendment was amended in Committee of the Whole.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, after the word "dollars," in line 1250, to strike out:

Without the intervention of the Missouri River Commission.

And insert:

To be expended under the direction of the Secretary of War in accordance with plans and estimates to be furnished by the Missouri River Commission.

The amendment was concurred in.

The next amendment was, in section 1, after the word "dollars," at the end of line 1256, to insert "under the direction of the Secretary of War;" so as to read:

Improving Missouri River from Sioux City to Fort Benton: Continuing improvement, $80,000, under the direction of the Secretary of War.

The amendment was concurred in.

The next amendment was, after the word "improvement," at the end of line 1260, to insert "including Davis Island dam;" so as to read:

Improving the Ohio River: Continuing improvement, including Davis Island dam, $500,000, &c.

The amendment was concurred in.

The Secretary proceeded to read the amendment made as in Committee of the Whole in relation to the improvement of the Mississippi River, beginning in line 1327.

Mr. HOAR. I suggest that the words stricken out be not read.

Mr. INGALLS. This amendment is the amendment providing to insert words in place of the words stricken out on pages 58 and 59 and 60. I wish to move again the amendment that I offered in the Committee of the Whole, which will be found on page 6834 of the RECORD, and which I send to the desk to be read. I do not propose to continue this debate. I ask the Senate to give me the yeas and nays upon the final vote on that amendment.

The PRESIDENT *pro tempore*. The Senator from Kansas moves to amend the amendment of the Committee of the Whole. It will be reported.

The CHIEF CLERK. On page 59, line 1438, of the part proposed to be inserted, after the word "channel," it is proposed to insert:

And provided further, That the expenditure of so much of said appropriation as may be required to continue the improvement of Plum Point and Lake Providence reaches shall be confined to the complete repair and maintenance of the levees throughout said reaches to the height of 2 feet above the flood of 1882, and to the completion of the permeable works of contraction to such extent as may be required to bring the high-water banks of the river to the comparative uniformity of width contemplated in the first five paragraphs of the plan of improvement recommended by the Mississippi River Commission and adopted by Congress in 1880, and more fully set forth in the report of the Secretary of War for 1881, volume 2, part 3, page 2733: *And provided further*, That no works of bank protection or revetment shall be executed in said reaches or elsewhere until after it shall be found that the completion of the permeable contracting works and uniform width of the high-water channel will not secure the desired stability of the river banks: *Provided, however*, That nothing herein contained shall prevent the construction of revetment works where the banks are caving, at Greenville reach, Delta Point, in front of the cities of Vicksburg, Memphis, Hickman, and Columbus: *And provided further*, That contraction works shall be built at the same time in the wide portions of the river immediately above the said revetment works.

The PRESIDENT *pro tempore*. The Senator from Kansas asks for the yeas and nays on the adoption of the amendment to the amendment.

The yeas and nays were ordered.

Mr. MCMILLAN. The Senate perhaps will remember the discussion which took place in Committee of the Whole between the Senator from Kansas [Mr. INGALLS] and the Senator from Indiana [Mr. HARRISON] upon this amendment, and the yeas and nays were taken. It is the amendment to the Mississippi River provision adopting the plan known as Mr. Eads's plan. I think that is it.

Mr. INGALLS. In brief that is it.

The Secretary proceeded to call the roll.

Mr. CHACE (when Mr. ALDRICH'S name was called). My colleague [Mr. ALDRICH] is paired with the Senator from West Virginia [Mr. CAMDEN.]

Mr. TELLER (when Mr. BOWEN'S name was called). My colleague [Mr. BOWEN] is paired with the Senator from Alabama [Mr. MORGAN].

Mr. CHACE (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. PLUMB (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON] on this bill and all amendments to it, with the understanding that he would vote with the committee, and if I was opposed to it we should stand paired. I am in favor of this amendment myself, but I do not know personally how the Senator from Pennsylvania stands affected toward this amendment, nor can I tell with any degree of certainty what the position of the committee is upon it.

Mr. KENNA. I will say to the Senator that individually the committee is about equally divided in the matter.

The PRESIDENT *pro tempore*. No debate is in order during the roll call.

Mr. KENNA. I am paired with the Senator from Minnesota [Mr SABIN], but I take the liberty to vote "yea."

Mr. PLUMB. I shall not vote, under the circumstances.

The roll-call was concluded.

Mr. SAULSBURY. I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. PLUMB. Since my remark a moment ago, the Senator from New York [Mr. MILLER] has stated to me that in view of the fact that the committee has taken no action I am at liberty to vote, and therefore I vote "yea."

Mr. CAMDEN. I am paired with the Senator from Rhode Island [Mr. ALDRICH].

The result was announced—yeas 32, nays 18; as follows:

YEAS—32.

Beck,	Eustis,	Hoar,	Plumb,
Berry,	George,	Ingalls,	Pugh,
Blackburn,	Gibson,	Jones of Arkansas,	Ransom,
Call,	Gorman,	Jones of Nevada,	Stanford,
Cockrell,	Gray,	Kenna,	Vance,
Coke,	Harris,	Maxey,	Vest,
Conger,	Hawley,	Palmer,	Walthall,
Dawes,	Hearst,	Payne,	Whitthorne.

NAYS—18.

Allison,	Frye,	Manderson,	Teller,
Blair,	Hale,	Miller,	Van Wyck,
Cullom,	Hampton,	Platt,	Wilson of Iowa.
Edmunds,	Harrison,	Sherman,	
Evarts,	McMillan,	Spooner,	

ABSENT—26.

Aldrich,	Colquitt,	Mitchell of Oreg.,	Saulsbury,
Bowen,	Dolph,	Mitchell of Pa.,	Sawyer,
Brown,	Fair,	Morgan,	Sewell,
Butler,	Jones of Florida,	Morrill,	Voorhees,
Cameron,	Logan,	Pike,	Wilson of Md.
Camden,	McPherson,	Riddleberger,	
Chace,	Mahone,	Sabin,	

So the amendment to the amendment was agreed to.

The amendment as amended was concurred in.

The next amendment made as in Committee of the Whole was, in line 1465, after the word "survey," to strike out "seventy-five" and insert "twenty-five;" so as to read:

For survey of the Mississippi River from the head of the passes to its headwaters: Continuing survey, $25,000.

Mr. HARRISON. Let me inquire what was done with the amendment adopted as in Committee of the Whole, in line 1348, on my motion?

The PRESIDENT *pro tempore*. That is in as adopted.

Mr. GIBSON. I desire a vote on the amendment offered by the Senator from Indiana [Mr. HARRISON].

The PRESIDENT *pro tempore*. That has been adopted.

Mr. GIBSON. It was adopted as in Committee of the Whole, but has not been adopted by the Senate.

The PRESIDENT *pro tempore*. The whole amendment has been adopted; but it will be considered open if the Senator desires.

Mr. GIBSON. I reserved the right to ask a yea-and-nay vote on the proposition. I opposed it in committee.

The PRESIDENT *pro tempore*. The Senator is in time.

Mr. GIBSON. I ask for a yea-and-nay vote on the amendment offered by the Senator from Indiana.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In line 1438, after the word "channel," the Senate, as in Committee of the Whole, inserted:

But not below the reaches of the river which are being improved by them, unless it shall be necessary to prevent or close an injurious crevasse.

Mr. GIBSON. I desire to call the attention of the Senate to the fact that there is already in the bill as it came from the Committee on Commerce a restriction upon the commission in respect to building levees on the Mississippi River. The proviso is as follows:

Provided, That no portion of this appropriation shall be expended to repair or build levees for the purpose of reclaiming lands or preventing injury to lands or private property by overflows: *Provided, however*, That the commission is authorized to repair and build levees if, in their judgment, it should be done as part of their plan to afford ease and safety to the navigation and commerce of the river, and to deepen the channel.

A provision similar to that offered by the Senator from Indiana was placed in the first bill, making provision for the improvement of the Mississippi River. It is in keeping with the position taken by the Senator from Indiana when a member of that commission. He united then with General Comstock, who held views diametrically opposed to the plan upon which the jetties were built at the mouth of the Mississippi River, and condemned that plan, I am informed, when it was adopted by the Congress of the United States, and foretold that it would not be successful.

General Comstock is a learned and accomplished engineer, and I speak of him with great respect. I believe that he differed from Captain Eads and every other member of the commission, the six gentlemen who compose this commission, conscientiously. He has submitted minority reports, and while on the commission the Senator from Indiana joined General Comstock in the minority report condemning the plan which a majority of the commission had adopted for the improvement of the Mississippi River.

What does General Gillmore say of that language that was placed in the first bill?

There was just enough difficulty put in our way by that phraseology to influence a majority of the members of the commission and render them unwilling to touch the levee question with that phraseology in the law.

Mr. President, I attempted in the discussion of this bill when under consideration in Committee of the Whole to show that the plan of the commission adopted by the commission and indorsed by Captain Eads, rested upon the theory that it was necessary to hold all the water in the channel in order to decrease friction and increase the velocity of the current, and thus secure the scouring force which would carry away the sand bars and obstructions to the navigation, and prevent destructive floods by deepening the channel, lowering the surface, and giving it a uniform width. That is the whole theory of the commission.

If there be any truth in that theory it was illustrated by the success of the jetties at the mouth of the river. If it be true that by holding the water as you proceed from the Gulf upward in the channel it will deepen itself 3 feet or 5 feet or 6 feet or 10 feet or 20 feet, necessarily the bed of the river must be correspondingly lowered, and if you could lower the bed of the Mississippi River from the Gulf to Red River, you would necessarily increase the velocity immensely above the mouth of the Red River and add to its scouring force. This is the logic of the plan. This is the common-sense view of it, illustrated by every test and approved by experience.

That is what General Gillmore says in his last report; and I ask Senators to look into this question carefully before they vote for this amendment of the honorable Senator from Indiana. It is an insidious attack in support of the minority of the commission, the effect of which will be to overturn and condemn the Mississippi River Commission and the whole plan upon which this work proceeds. The honorable Senator's own explanation of his amendment discloses its true purpose and its real effect. General Gillmore says, in speaking of this matter with respect to the improvement of the river, as follows:

As there are no portions of the river where levees sustain relations to the general plan of improvement more important than those which obtain in these lower reaches, so there are none where their importance is more likely to be underestimated or even entirely overlooked, for the reason that, the lower-river channel being at all times sufficiently deep for the purpose of navigation, levees do not suggest themselves at all as a means of improvement below Red River.

Hear now what he says:

The essence of the whole matter is apt to be lost sight of, that they are required below for the benefit of the river above, and that they are valuable in proportion as they help—

To do what?

to enlarge the river bed, facilitate the discharge of the floods, lower the flood heights, lessen the difference between high and low river, and thereby ameliorate and simplify all the difficulties of improvement. Indeed, were it necessary to omit the maintenance of levees, as an auxiliary means, on any portion of the stream they might better be omitted above than below Red River. Were it possible to enlarge the bed of the river to a capacity that would be sufficient to carry off the flood-waters without any rise above the tide-level as far up as Red River, which would be practically extending the Gulf more than 300 miles upstream, there would then be no greater difference between high and low river at that point than that due to the tide oscillations, while for fully 200 miles higher up the largest floods would doubtless be retained within the natural bed. Works of improvement below Red River, of whatever character, are valuable as such only so far as they tend to the development of these conditions—that is, only so far as they aid in securing an enlarged local water way. The general benefits to which reference has been made will be certain to follow in due proportion.

Mr. President, it must be apparent to Senators that if you are going to improve this river according to the plans of the Mississippi River Commission and on which the jetties were constructed it is absolutely essential to begin at the mouth of the river, as the bill creating the Mississippi River Commission provides, because by deepening the channel the velocity of the current will do the work of scouring out and lowering the bed and surface of the river. If you begin at Cairo or at Vicksburg in the upper river or middle river, and deepen it there while leaving the lower end obstructed, you reverse the order and so far as you can you really check the velocity and create a tendency in the river to flow upstream. It would be illogical and unscientific.

Now a word further. There is no plan proposed by the Mississippi River Commission or by anybody else, as was asserted by the Senator from Indiana, to construct a great and permanent system of levees. Captain Eads does not suggest that. Some members of the commission may have an idea that it will be necessary to raise these great works; but it is because they do not appreciate the real theory upon which this system rests. Let the line of levees be once established and completed from the passes at the mouth of the river to the high lands above Cairo and the tremendous force and velocity and momentum of the current will solve the problem and solve it, I believe, as Captain Eads predicts. These results can not be accomplished in a day or year—it may take ten years or more to produce them.

I quote from some remarks delivered by Captain Eads before the Committee on Commerce on the first bill I offered in April, 1876, creating a Mississippi River commission, and I ask the attention of Senators to that, because it is the very essence of this whole matter:

There can be no doubt—

Says Captain Eads—

of the entire feasibility of so correcting the Mississippi River from Cairo to the Gulf that a channel depth of 20 feet during the low-water seasons can be permanently secured throughout its entire course, and that the alluvial lands on each side of its waters can be made absolutely safe from overflow without levees by such correction. This can be accomplished for a sum entirely within the ability of the Government and one really insignificant when compared with the benefits which would flow from such improvement.

Until such work is accomplished an annual expenditure for the maintenance of the levees is imperative.

These levees extend from the mouth of the Red River to the Gulf of

Mexico. What the commission ask and what Captain Eads asks is that the levee system there shall be maintained until the full force of the river itself, which is greatest during the floods, may be invoked to deepen the channel and bear the mighty burdens from the great valley to the sea.

There are some 2,200 miles of levees on the banks of the Mississippi River which have been constructed by the population behind them, and there are only about 200 miles of gaps to be closed. Two million dollars is estimated by Captain Eads to be necessary for that purpose, and if this theory be correct, and if the commission desire to close all of these gaps in order to complete the line and to hold the water there instead of having it dispersed all over the country in order to carry the sediment and *débris* to the sea, why should we impose restrictions the evident effect of which the president of the commission tells us is to embarrass, is to nullify every purpose they have in that respect?

I ask Senators and the people of the Mississippi Valley to weigh well the amendment of the honorable Senator from Indiana and the reasons he carefully assigns for it in urging its adoption.

Mr. HARRISON. Mr. President——

The PRESIDENT *pro tempore*. The Chair would like to have the sense of the Senate as to whether the five-minute rule applies now. It was abandoned yesterday. The Chair did not enforce it against the Senator from Louisiana [Mr. GIBSON] and will not against any other Senator unless called for.

Mr. PLUMB. I suggest that the matter be held in abeyance until after the Senator from Indiana is through.

The PRESIDENT *pro tempore*. The Chair did not intend to raise the point against the Senator from Indiana.

Several SENATORS. Enforce it after that.

The PRESIDENT *pro tempore*. Yesterday it was practically abandoned by a motion to postpone indefinitely the whole bill, which can be made at any time, and when made practically dispenses with the rule.

Mr. HARRISON. The majority of the commission have suggested that in the construction of levees that would be the course to be pursued; that it was in a measure illogical to construct levees at any point up the river until provision had been made for the lower reaches of the river. Professor Mitchell dissents from that view and presents a conclusion which to my mind is very satisfactory, which I do not think can be answered. Looking at this river from the standpoint of navigation only, he says that he regards the experiments which they have made in order to test the effect of levees upon navigation as not yet developed. He thinks it is very far from proved that they are essential—I do not quote his words, but that is the substance—and he suggests that to enter upon a general system of protecting by levees 270 miles of the lower river before you have demonstrated that the use of those levees along the reaches of the lower river that are to be improved is as beneficial as it is supposed to be would be premature.

Mr. President, I think we should look at this question from the standpoint of navigation only, which is the view that the people of this country generally take of it, because as a question of land protection it is a local question, and the general public view of the question is one of navigation. Now, looking at it from that standpoint, I think any prudent man would say, before we enter upon the construction of 270 miles of levee, or double that, at least more than that, for the river will need to be leveed on both sides certainly a part of the way, we ought to be absolutely sure that that vast expenditure will be useful. I have no idea how large it would be and I do not know whether either of the Senators from Louisiana could tell me.

Mr. GIBSON. Captain Eads says $2,000,000 will complete the entire system.

Mr. HARRISON. From the mouth up. Well, Mr. President, of course I have no data upon which I can controvert that. I have heard those who claim to be acquainted make the estimate very much higher than that.

I do not think the amendment I proposed, which was adopted in Committee of the Whole, puts shackles upon the commission that will be felt in the expenditure of the appropriation that is now being made. The amount of money which we give them is less than one-third of the total amount estimated for. The estimate of the commission, I see, was seven millions for the river between Cairo; and we give them, I think, two and a quarter millions, about one-third. It simply provides that they shall not build levees below those points of the river that are now suffering from an insufficient depth of water, so that navigation is impeded, unless it shall be necessary to prevent or to close an injurious crevasse.

I am entirely willing to add there if necessary the word "outlet" if the junior Senator from Louisiana [Mr. EUSTIS] whose suggestion I accepted in that respect thinks the word should be added, so that there may be no question that this shall not be technically a crevasse. I am entirely willing to say "crevasse or outlet." I want to give the commission the discretion below the points of the river that they are improving to expend money if it is necessary to prevent that which would be a threatened injury to the river; and it seems to me that gives them as wide a discretion as we ought to give unless we expressly sanction the application of this money, the whole of it if necessary, to the construction of levees on the Louisiana and Mississippi front of the river.

Mr. GIBSON. With the permission of the Senator from Indiana I submit to him that the bill as it came from the Committee on Commerce does not do that thing, it does not authorize the commission to construct levees.

Mr. HARRISON. The Senator from Louisiana refers to the language that was inserted in the original bill constituting the Mississippi River Commission. It was language most adroitly framed to open to this scheme of leveeing the lower river, to give "ease and safety to navigation;" and as has been argued by some and suggested in some of the reports, of course leveeing would give ease to navigation; it would make a landing where perhaps none would exist, and high water where it would not be otherwise, and thus give facilities of that kind to navigation. This language was introduced in the original constitution of the commission, and it is here now that they shall not do it exclusively for the purpose of reclaiming land; but they may do it if it gives ease to navigation. That is the language that is incorporated here; and yet under that very language and acting under that very provision, the Senator from Louisiana agrees that this commission, having such a provision in its organic and fundamental law, have devised and reported a plan for leveeing the entire lower river. Then there is nothing in this bill that prevents them doing it. If they are already prevented, why does the Senator from Louisiana resist my amendment? If it does not curtail a power that now exists which would authorize them to levee the entire lower river, why object to it if they are already restrained from doing that by the bill?

Mr. GIBSON. Why offer it if they are restrained from doing it by the bill when General Gillmore declares that such language is embarrassing to the commission?

Mr. HARRISON. If it embarrasses the commission, it is simply in the direction of carrying out a scheme of levees on the lower river which the Senator from Louisiana said a moment ago they were prohibited by the bill as it came from the House and by the Senate amendment from doing. I do not understand it so. If they are already so prohibited, this bill will not embarrass them. They are at liberty under the amendment of our committee, the Senator agrees, without this proviso, to spend the entire $2,000,000 in leveeing the lower river. The Senator assents.

Mr. GIBSON. On the condition that the levees be necessary for the improvement of the river, and the chief of that commission shows how if it becomes necessary money might be spent for that purpose.

Mr. HARRISON. The Senator has alluded to the estimate of Captain Eads. Can he turn me to the estimate of the commission as to the amount necessary to complete the leveeing of the stream? Can the Senator give me an estimate from the commission as to the amount necessary to be expended to complete a substantial levee along the entire front of this river? I think that is greatly beyond the estimate of Captain Eads.

I am not undertaking to settle an ultimate policy in reference to dealing with this river. I am simply taking this position, that as the commission wanted $7,000,000 and we have only given them two million and a quarter, they can expend the $2,000,000 within the restrictions which I have proposed here, properly on the river, and defer until these experiments have been further tested the expensive project of leveeing the whole river in order to get good water at points above where there are present shoals.

If this were a total appropriation, if we were assuming to do the whole thing at once, if we were inflexibly settling a policy in reference to this matter, if it were quite clear that the amount we appropriate can be judiciously expended on other and more urgent and more imperative work, namely, the improvement of the low-water navigation of the river—if that could be demonstrated, then we should have to settle the question now by this bill. I do not think we need to do that, and I think we give the commission sufficient discretion when we say at any place opposite or above where you are making an improvement, to remedy a defect in low water, if you think it necessary, you may build levees. You may build them below the points you are operating upon, if, in your judgment, it is necessary to prevent a serious or injurious crevasse or outlet. I am willing, if the Senator from Louisiana, who made this suggestion thinks it enlarges the matter, to insert the words "or outlet," so that they can protect the river below by an expenditure in the way of levees, if it is necessary, in their judgment, to prevent a serious outlet or outbreak of the river; but it would restrain them, in my judgment, from beginning at the mouth of the river a general system of levees.

I do not think that until we can get some concurrence of view from the commission as to the necessity of that, we ought to enter upon so large an expenditure until we have completed the interchannel works above that are necessary to give navigation ease over these low stretches of the river.

Mr. EUSTIS. Mr. President, if I had the responsibility of dictating to the river commission the policy which should be adopted, as a supporter of the levee system, I would be satisfied with the amendment offered by the Senator from Indiana; that is, that this commission, below a certain point, shall not build levees unless it be for the purpose of preventing or closing an injurious crevasse. Every crevasse is necessarily injurious. Therefore, this commission would have the power, under this amendment, wherever they had reason to apprehend

that a crevasse was about to occur, to build a levee to prevent that crevasse, and wherever a crevasse had occurred they would have the power to use this money to close that crevasse. That, in my judgment, is the essence of the Eads system, which prevents any outlet whatever caused by any crevasse. And, therefore, as I construe that amendment, that would be, in my judgment, the levee system *per se*. But not having this responsibility, not being a member of the Committee on Commerce which has reported this bill, I do not feel at liberty to differ with those gentlemen who represent the States in the Mississippi Valley; and hence, I shall yield to them upon the question of superior knowledge and superior judgment, and also upon the question of superior responsibility. For that reason I feel called upon to vote against the amendment offered by the Senator from Indiana.

TEMPORARY APPROPRIATIONS.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate a joint resolution from the House of Representatives the title of which will be stated.

The CHIEF CLERK. A joint resolution (H. Res. 202) to continue the provisions of a joint resolution approved July 1, 1886, entitled "A joint resolution to provide temporarily for the expenditures of the Government."

Mr. ALLISON. I ask the Senate to agree to that joint resolution.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent to proceed to the consideration of the joint resolution at this time. Is there objection? The Chair hears none.

The joint resolution was read twice, and considered as in Committee of the Whole. It provides that the provisions of the joint resolution of July 1, 1886, shall be extended and continued in full force and effect to and including the 31st day of July, 1886.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

A message was subsequently received from the House of Representatives by Mr. CLARK, its Clerk, announcing that the Speaker of the House had signed the enrolled joint resolution (H. Res. 202) to continue the provisions of a joint resolution approved July 1, 1886, entitled "A joint resolution to provide temporarily for the expenditures of the Government;" and it was thereupon signed by the President *pro tempore*.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 14th instant approved and signed the following bills:

An act (S. 1942) for the relief of J. M. Hiatt, only surviving partner of Hiatt & Co.; and

An act (S. 2692) to amend and correct the act approved June 1, 1886, granting a pension to J. H. Thornburg.

AMENDMENTS TO BILLS.

Mr. PLUMB submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. CHACE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Finance, and ordered to be printed.

Mr. BROWNE and Mr. VAN WYCK submitted amendments intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. BROWN, Mr. PALMER, and Mr. SEWELL submitted amendments intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. VANCE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Post-Office and Post-Roads, and ordered to be printed.

RIVER AND HARBOR BILL.

The Senate resumed the consideration of the bill (H. R. 7480) "making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes."

Mr. HARRISON. Before the amendment is voted upon carrying out the suggestion I made, I move to add at the end of it the words "or outlet," so as to read "crevasse or outlet."

It is possible, that this may have some relation to the Atchafalaya River, which might not perhaps be accurately described as a crevasse, but it is an outlet in the Mississippi River the way the water is usually running. I am willing to add those words, so as to read "crevasse or outlet."

Mr. GIBSON. I will say to the Senator from Indiana that the main objection to his proposition is that the president of the Mississippi River Commission in his testimony before the Committee on Commerce says that it is an embarrassment to the commission.

Mr. MCMILLAN. I hope the amendment will be concurred in.

The PRESIDENT *pro tempore*. The Senator from Indiana moves to amend the amendment by adding the words or "outlet."

Mr. GIBSON. How are those to vote who oppose the amendment of the Senator from Indiana?

The PRESIDENT *pro tempore*. The question is first on the amendment to the amendment.

Mr. HARRISON. The question is simply now on the addition of the words "or outlet."

The PRESIDENT *pro tempore*. That amendment to the amendment will be considered as agreed to unless there be objection. The Chair hears none; and it is agreed to. The question now is on the amendment proposed by the Senator from Louisiana [Mr. GIBSON] to strike out the paragraph known as the amendment of the Senator from Indiana [Mr. HARRISON] in the amendment made as in Committee of the Whole.

Mr. GIBSON. I ask for the yeas and nays.

Mr. HARRISON. The motion is not to strike out. The question is, Will the Senate agree?

Mr. MCMILLAN. This is an amendment made by the Senate as in Committee of the Whole.

The PRESIDENT *pro tempore*. The whole amendment is one amendment, and this having been inserted, it can not now be reached unless by a motion to strike out.

Mr. INGALLS. On what are we to vote?

The PRESIDENT *pro tempore*. On striking out the amendment of the Senator from Indiana.

Mr. INGALLS. I should like to have it reported.

Mr. HARRIS. It is the amendment proposed by the Senator from Louisiana.

The PRESIDENT *pro tempore*. The Senator from Louisiana moves to strike out a certain portion of the paragraph. The amendment will be stated.

The CHIEF CLERK. After the word "channel," in line 1438, it is moved to strike out:

> But not below the reaches of the river which are being improved by them, unless it shall be necessary to prevent or close an injurious crevasse or outlet.

Mr. INGALLS. I do not propose to continue this debate, but will only say that as one of the most active and earnest friends of the improvement of the Mississippi River, I regard the amendment offered by the Senator from Indiana as in strict accordance with the ideas that I believe ought to prevail, and I regret very much that those who have agreed with me upon other parts of this subject should disagree with the absolute propriety of incorporating this provision. I shall vote against the motion to strike out.

The Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the Senator from Nebraska [Mr. MANDERSON], and, he not being in his seat, I withhold my vote.

Mr. CAMDEN (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. HARRISON. May I interrupt the roll for a moment? I understand the fact to be that the entire clauses as to the Mississippi River have been treated as one; and the question now being on the motion to strike out my amendment, the vote is not understood by many Senators. Those who vote "yea" of course vote to reject my amendment, and those who vote "nay" vote in favor of that amendment.

The PRESIDENT *pro tempore*. The Chair will state again that the Senator from Louisiana [Mr. GIBSON] moves to strike out the words which were inserted on the motion of the Senator from Indiana [Mr. HARRISON]. Those in favor of retaining that clause in the proposition will vote "nay."

The roll-call was resumed.

Mr. KENNA (when Mr. SABIN'S name was called). I am paired with the Senator from Minnesota [Mr. SABIN].

The roll-call was concluded.

Mr. CHACE. I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. BUTLER. I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "yea."

The result was announced—yeas 24, nays 24; as follows:

YEAS—24.

Beck,	Cullom,	Hampton,	Pugh,
Berry,	Eustis,	Harris,	Stanford,
Call,	George,	Hearst,	Vest,
Cockrell,	Gibson,	Jones of Arkansas,	Walthall,
Coke,	Gorman,	Maxey,	Whitthorne,
Conger,	Gray,	Payne,	Wilson of Md.

NAYS—24.

Allison,	Frye,	Jones of Nevada,	Sawyer,
Blair,	Hale,	McMillan,	Sewell,
Dawes,	Harrison,	Miller,	Sherman,
Dolph,	Hawley,	Mitchell of Oreg.,	Spooner,
Edmunds,	Hoar,	Palmer,	Teller,
Evarts,	Ingalls,	Plumb,	Wilson of Iowa.

ABSENT—28.

Aldrich,	Chace,	Mahone,	Ranson,
Blackburn,	Colquitt,	Manderson,	Riddleberger,
Bowen,	Fair,	Mitchell of Pa.,	Sabin,
Brown,	Jones of Florida,	Morgan,	Saulsbury,
Butler,	Kenna,	Morrill,	Vance,
Camden,	Logan,	Pike,	Van Wyck,
Cameron,	McPherson,	Platt,	Voorhees.

So the amendment was rejected.

The amendment as amended was concurred in.

The next amendment made as in Committee of the Whole was, in line 1465 of section 1, after the word "survey," to strike out "seventy-five" and insert "twenty-five;" so as to read:

For survey of the Mississippi River from the head of the passes to its headwaters: Continuing survey, $25,000.

The amendment was concurred in.

The next amendment was to strike out section 2, and in lieu thereof to insert:

That in places where harbor lines have not been established, and where such deposits can be made without injury to navigation, within lines to be established by the Secretary of War, said officer may, and is hereby, authorized to cause such lines to be established; and within such lines such deposits may be made, under regulations to be from time to time prescribed by him.

Mr. DOLPH. What is the amendment proposed now?

The PRESIDENT *pro tempore*. To strike out section 2 and insert what has been read.

Mr. DOLPH. The propositions were not voted on as one amendment; they were not one amendment when adopted; but I have no objection to the question being taken in that manner. I desire, however, to say a word if I can get the attention of the Senate.

I do not ask for a separate vote on this amendment or call attention to it for the purpose of delaying action upon the bill, or for the purpose of saying anything further upon it. I do not believe there is a Senator here who will not acknowledge that the subject-matter of the legislation proposed in this section and the five succeeding sections is very important. It has been pressed upon the attention of Congress by the War Department for a number of years. The draught of a bill containing the substance of the provisions contained in these several sections was prepared by the Secretary of War or under his direction and submitted to Congress in a special report in 1877.

I found after the vote was taken night before last that many Senators did not understand that this subject-matter had been under investigation by the Committee on Commerce and that a separate bill had been reported by that committee. That is the fact; I hold the bill in my hand. It is Senate bill 64, entitled "A bill to prevent the obstruction of navigable waters and to protect public works against trespass or injury." Some additions were made to the first section by the House Committee on Rivers and Harbors as incorporated in this bill in order to cover hydraulic mining.

I have had some conversation with the Senator from Kansas [Mr. INGALLS] this morning who opposed this section. I understood him to say during the discussion night before last if a certain portion of section 2 could be stricken out he saw no objection to it and I think he finds after careful scrutiny no objection to the subsequent sections.

I now suggest, if there is no objection to the first portion of the second section of the bill which makes it unlawful for any person to cast or throw or deposit into navigable streams anything that will cause an obstruction, whether or not the amendment suggested by the Senator from Maine [Mr. HALE] could not be adopted striking out the latter part of the section which makes it unlawful to deposit certain matter upon any affluent or tributary so that it may be washed into a navigable stream and adopt the balance of it.

Mr. EDMUNDS. Why not pass the regular bill?

Mr. DOLPH. The Senate Committee on Commerce, as I understand, agreed to the provisions contained in these sections. They agreed upon the bill which was reported by me. It is true the Senator from Nevada [Mr. JONES] was not present when that bill was considered, but when he did return he was present when the bill under consideration was considered in the committee and on two occasions amendments suggested by him were adopted which it was understood by the committee removed all the objections he had to section 2 as it stood in the bill. If there are still objections coming from persons interested in mining operations, let us amend the section so as not to affect them and secure what we can at this time in this bill and have further legislation hereafter.

The Senator from Vermont [Mr. EDMUNDS] asks why not pass the special bill. That is all very well; but every one knows the difficulty in getting a measure of that kind through both branches of Congress. Here, as I said the other day, we have an opportunity to secure this legislation. The House committee, in accordance with the rules of the House, has incorporated these provisions in this bill. They are certainly germane to the subject-matter of the bill. It is in order under the House rules. It is now before us. We can modify it in a few moments and secure the enactment of many of these provisions, which are important and which it may take years to secure by an independent bill.

I am not tenacious about it. I have no personal interest in it. I am only seeking to serve the interests of the public; and if the Senate do not wish to consider the sections they need not. I ask a separate vote, and will state that I will raise no objection to the amendment of the Senator from Maine if the motion to strike out the section is rejected.

Mr. HALE. I do not think that the Senate has any inclination now to proceed to amend and perfect these provisions. It was evident the other day that the sense of the Senate was against the whole general propositions in these various sections. They were discussed considerably, and on a very large vote by a large majority were left out.

I think the safer way now and the better way is to leave these sections all out with the exception of the amendment that was suggested by the Senator from Michigan [Mr. CONGER], which was accepted by the Senate in Committee of the Whole. We can not agree upon any form that will satisfy the Senate, I am very clear in my mind, and therefore I for one shall object to undertaking to do that now.

The extension of Federal jurisdiction is a very important matter, and it is so important that it ought to be brought up, as the Senator from Vermont suggests, by a general bill, when the Senate can take time under no such pressure as there is to-day, and agree upon some policy that shall protect the Government works without unduly interfering with citizens and industries hundreds of miles away from the place where these works are carried on.

I hope the Senator from Oregon will not insist upon taking up time in the matter, though of course that is a subject entirely within his discretion.

Mr. DOLPH. Others have been so careful about the time to be consumed that I ask for the yeas and nays on the motion.

The PRESIDENT *pro tempore*. On the motion to strike out section 2 and insert the words now incorporated on the motion of the Senator from Michigan [Mr. CONGER] the Senator from Oregon [Mr. DOLPH] asks for the yeas and nays.

The yeas and nays were ordered.

Mr. COCKRELL. Let the amendment be reported.

The PRESIDENT *pro tempore*. The question is on striking out section 2 and inserting the words which will be read.

The Secretary read the words proposed to be inserted, as follows:

SEC. 2. That in places where harbor-lines have not been established, and where such deposits of *debris* of mines or stamp works can be made without injury to navigation, within lines to be established by the Secretary of War, said officer may, and is hereby authorized to, cause such lines to be established; and within such lines such deposits may be made, under regulations to be from time to time prescribed by him.

Mr. CONGER. Are there two votes, or is it all one?

Mr. HALE. This is included. A "yea" vote strikes out the section and leaves in what the Senator from Michigan proposed.

The PRESIDENT *pro tempore*. That is the effect. The Senator from Maine has correctly stated the question.

The Secretary proceeded to call the roll.

Mr. CAMDEN (when his name was called). I repeat the announcement of my pair with the Senator from Rhode Island [Mr. ALDRICH].

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN].

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

The roll-call was concluded.

Mr. BLACKBURN. I am paired with the Senator from Nebraska [Mr. MANDERSON]. Were he here, I should vote "yea."

Mr. CHACE. I am paired with the Senator from Georgia [Mr. COLQUITT]. My colleague [Mr. ALDRICH] is paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. TELLER. I am paired with the Senator from Georgia [Mr. BROWN], but I understood at the time I was paired that I should vote upon certain amendments as I saw fit. There seems to be some misunderstanding, and therefore I refrain from voting. I should vote "yea" if I felt at liberty to vote.

The result was announced—yeas 35, nays 10; as follows:

YEAS—35.

Allison,	Dawes,	Hawley,	Ransom,
Beck,	Edmunds,	Hearst,	Sherman,
Berry,	Eustis,	Ingalls,	Spooner,
Blair,	Evarts,	Jones of Arkansas,	Vance,
Butler,	George,	Jones of Nevada,	Walthall,
Call,	Gray,	Logan,	Whitthorne,
Coke,	Hale,	Maxey,	Wilson of Iowa,
Conger,	Harris,	Platt,	Wilson of Md.
Cullom,	Harrison,	Plumb,	

NAYS—10.

Dolph,	McMillan,	Pugh,	Vest.
Frye,	Mitchell of Oreg.,	Sewell,	
Hampton,	Palmer,	Stanford,	

ABSENT—31.

Aldrich,	Colquitt,	Mahone,	Riddleberger,
Blackburn,	Fair,	Manderson,	Sabin,
Bowen,	Gibson,	Miller,	Saulsbury,
Brown,	Gorman,	Mitchell of Pa.,	Sawyer,
Camden,	Hoar,	Morgan,	Teller,
Cameron,	Jones of Florida,	Morrill,	Van Wyck,
Chace,	Kenna,	Payne,	Voorhees.
Cockrell,	McPherson,	Pike,	

So the amendment was concurred in.

The next amendment made as in Committee of the Whole was to strike out section 3.

Mr. TELLER. As I stated a moment since, I am paired with the Senator from Georgia [Mr. BROWN]. It was my understanding that I should vote for certain amendments or against them as my judgment dictated. It seems that it was understood by his friends that I was generally paired. I voted on what was known as the Harrison amendment. I desire to enter a motion to reconsider that I may have an op-

portunity of consulting the Senator from Georgia to see whether he regards the pair as applying to that or not.

Mr. EDMUNDS. Reserving the question whether a reconsideration can be moved.

Mr. HOAR. It is suggested that a separate vote is not required on the remainder of the amendments.

The PRESIDENT *pro tempore*. The Chair will put the question on agreeing to the amendment made as in Committee of the Whole, striking out sections 3, 4, 5, 6, 7, 8, and 11.

The amendments striking out these sections were concurred in.

Mr. HOAR. I suggest that the vote be taken at once without reading on the remaining amendments. They are all to section 12, providing for surveys.

The PRESIDENT *pro tempore*. The Chair will treat all the amendments to section 12 as one amendment if there be no objection.

Mr. HOAR. It is not necessary to read them.

The amendments were concurred in.

Mr. MCMILLAN. Does that finish the amendments of the Committee of the Whole to the bill?

The PRESIDENT *pro tempore*. It does.

Mr. MCMILLAN. Now, if the Chair please, I wish to make a motion.

Mr. HALE. I think there are some amendments which were reserved as we passed along.

Mr. EDMUNDS. There was one on page 41 where I tried to amend an amendment of the committee and found it was not in order to move to amend an amendment of the committee. I wish to make a motion about that.

The PRESIDENT *pro tempore*. The Senator from Vermont reserved a vote on that, the Chair understands.

Mr. EDMUNDS. I move to strike out the paragraph commencing on line 974 and ending on line 993. That is the Green and Barren River Navigation Company clause, and on that I ask for the yeas and nays. The matter has been fought here enough. I only want to have a record made on it.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to strike out from line 974 to line 993, inclusive, and asks for the yeas and nays.

The yeas and nays were ordered.

Mr. CALL and Mr. HAWLEY. Let the amendment be reported.

The PRESIDENT *pro tempore*. The words proposed to be stricken out will be read.

The Chief Clerk read the words proposed to be stricken out, as follows:

The Secretary of War is hereby authorized and directed to ascertain the value and commercial importance of the works and property of the Green and Barren River Navigation Company, situated on the Green and Barren Rivers, in the State of Kentucky, and of the Monongahela Navigation Company, situated on the Monongahela River, in the State of Pennsylvania; and in order to acquire such information the Secretary of War shall appoint a board of three competent engineers from the Engineer Corps of the United States Army, which board shall in each case report to the Secretary of War, who shall report thereon to Congress at its next succeeding session; and the cost of such examination shall be paid out of the sum appropriated by this act for surveys: *Provided*, That nothing herein shall be construed as committing Congress to the purchase of the said works.

Mr. KENNA. I only want to say one word on this question. There is a provision contained in this bill for the Sturgeon Bay and Lake Michigan Ship-canal and a harbor of refuge in connection therewith, and also a provision for the Hennepin Canal and for the canals on Lake Superior. Now here are provisions for the Barren and Green Rivers, Kentucky, and for the Monongahela River, Pennsylvania, simply looking to an inquiry as to compensation that will be required hereafter if the Government takes possession of them. The Muskingum has been provided for also. If these other works are to be left in this bill, why should this important Monongahela provision be antagonized? I hope this item will be allowed to take the course of the others.

Mr. EDMUNDS. If I am not mistaken, Mr. President, in my recollection of the reports, this operation about the Green and Barren Rivers' improvement has been once gone through with and reports have been obtained as to its condition which do not look very favorable to a purchase. Now, although this is under color of getting information and not committing Congress, it is, in fact, the first step of what is to lead to an inevitable conclusion, apparently, as these things go.

If it is for information, I repeat that if my recollection is correct we have got it. We know all about the works of the Green and Barren River Company, and therefore I want to have the Senate determine whether they wish to go on with that enterprise, and it is exactly what this thing means. As the Senator from West Virginia said, it is one of a series of things that stand on four, five, or six legs, and if one leg comes out he is afraid that it will be unjust to the others.

Mr. KENNA. No; I think the four, five, or six things stand on one leg, and that prop ought not to be taken away.

Mr. EDMUNDS. I will not go into the question of dynamics. All that I can move at this present time is to strike this out. I do not wish to take up the time of the Senate. I know discussion is perfectly useless, but the yeas and nays may not be always.

Mr. VEST. I wish to make a single observation. The Senator from West Virginia says that this is only for information. That is exactly the way in which the transfer or assignment of the Kentucky River to the General Government was brought about. In that case the first step that was taken was a survey by a United States engineer for information, and the next thing was an appropriation in a river and harbor bill, which nobody seems to have noticed, for it passed both Houses without debate, to put the whole slack-water navigation of the Kentucky River, then in a ruinous condition, upon the General Government. Now the very same sort of process is to be gone through with as to Barren and Green Rivers, because slack-water navigation was put upon them at the same time that it was put upon the Kentucky River, they being in the southern portion of Kentucky, and it would be unjust, as Kentuckians thought, to that section to take the Kentucky River in the northern part of the State off the hands of the State and put it on the Treasury of the United States without doing the same thing for the two rivers in the Green River country.

I do not propose to make any factious opposition. I have been beaten on every one of these schemes and I have acquiesced in the better judgment possibly of my colleagues in the Senate. But do not let us make any mistake about it. As soon as we vote for this proposition to make this survey for information we are taking the initial step toward unloading upon the General Government both of these rivers.

Mr. KENNA. Undoubtedly the Senate will not undertake to purchase any work without knowing what it is doing. The Senator from Missouri will observe the proviso here:

That nothing herein shall be construed as committing Congress to the purchase of the said works.

Mr. VEST. Of course.

Mr. KENNA. So that the next Congress or any subsequent Congress is absolutely free to act on this matter without regard to this legislation.

Mr. BECK. I do not quite see why there is so much repetition and reiteration in regard to what happened seven or eight years ago about the Kentucky River improvement. The Monongahela, the Kanawha, the Illinois, and a dozen others I could name have been in the same fix, and yet this seems to be singled out with great vehemence by a number of gentlemen who repeat it and repeat it, and bring it up as though it was a matter that stood by itself alone.

The survey of the Green and Barren Rivers was ordered years and years ago. I hold in my hand the report of the engineers made as early as 1880, and the act of Congress ordering the survey and examination of these rivers, to ascertain what had been done with them. On page 1799 of the report of the engineers for this year is a report of a survey of these rivers under an order of Congress, made by Mr. Merrill.

I could spend an hour, if I wanted to take up the time of the Senate, as we expect to run to the 1st of August, by reading it all and also the report of Mr. Fitzhugh, dated Frankfort, Ky., January 28, 1880, covering four or five pages with regard to the examinations made as to whether these rivers should be part of the system. Again, on page 292 of the report of this year is another long statement as to the examinations that have been made of these rivers. When the House of Representatives saw fit to insert a provision here looking with some distinctness to the purchase from the company that own these works, the Senate very properly struck out any words that looked in that direction, and in order to prevent any misunderstanding as to action hereafter, the Senate Committee on Commerce very properly directed the Secretary of War not to negotiate for the purchase, but to ascertain the value and commercial importance of the property.

That is all the Senate committee desires to do, and not to keep this running year after year by surveys and examinations and reports. Let us know what is going to be done to close it out one way or the other. That is all anybody asks in regard to the Monongahela or the Green River. Instead of ascertaining the value of the works as the House proposed, the Senate committee inserted "acquire such information," and in order to obtain such information provide that a board of engineers shall be appointed. Then the provision appropriating $10,000 as it came from the House is stricken out, and only the costs of examination and surveys are to come out of the general sum appropriated for surveys in the bill, with a proviso.

That nothing herein shall be construed as committing Congress to the purchase of the said works.

The whole object is simply to see that the matter can be closed out at once after five or six years' examination and let us know what it is proposed to do. We do not go even as far as the House proposed; but after having made all sorts of examinations, and having had favorable reports on these improvements, we now say let us get the information upon which we can settle the question; and the Senator from Vermont, the chairman of the Judiciary Committee, who can swallow the Hennepin Canal and everything else, seems to think this is a special point to make in regard to an examination that involves no expenditure except to pay our own officers, who have to be paid anyhow no matter what work they are doing, to give us official information that we may settle this question. That is all anybody asks you to do. The provision being in the bill now and being improved by the Senate over what the House has done, I think the distinguished Senator from

Vermont could have found something bigger than this clause on which to exercise his great talents.

Mr. EDMUNDS. Mr. President, I am sorry to have excited the displeasure of the Senator from Kentucky [Mr. BECK] in exercising the right that is supposed to exist west of the Alleghanies of a Senator to express his opinion about any particular clause in a bill that happens to be before the Senate; but I must bear it as best I may.

The Senator from Kentucky is as mistaken, however, in his statement of fact as he is in his inference. I did not support the Hennepin measure; I opposed it to the extent of my ability and voted against it, as I did against the Sturgeon Bay, the Portage Lake, and the Muskingum, and the whole brood of schemes, as the Senator from Missouri [Mr. VEST] very mildly designated them, which had been dumped into this bill with strength enough to stand together when neither one of them would have had strength enough to stand alone.

We want information, do we? Well, it is only, without anybody's noticing it, two years ago the 5th of July that Congress commanded this information to be got, and under date of the 27th of January, 1885, page 1904 of this report of the Secretary of War, the information is returned; and the short of that information is that the State of Kentucky went into this enterprise a good many years ago and got sick of it and turned it over to a corporation; the corporation has gotten sick of it and the charter of the corporation has expired about a dozen years, and if we do not make haste there will be nothing to sell, although I do not know that that would make any difference about the United States paying the money. That is all I have got to say.

The Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired generally with the Senator from Nebraska [Mr. MANDERSON], but knowing how he would vote were he in the Chamber, I shall vote "nay."

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. CHACE (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT]. My colleague [Mr. ALDRICH] is paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. SPOONER (when Mr. MANDERSON'S name was called). The Senator from Nebraska [Mr. MANDERSON] is absent on a conference committee.

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. I do not know how he would vote.

Mr. EDMUNDS. He would vote "yea" if he were here.

Mr. SAULSBURY. Then I vote "yea."

Mr. TELLER (when his name was called). I am paired with the Senator from Georgia [Mr. BROWN]. Not knowing how he would vote, I withhold my vote.

The roll-call was concluded.

Mr. CAMDEN. I am paired with the Senator from Rhode Island [Mr. ALDRICH].

The result was announced—yeas 21, nays 26; as follows:

YEAS—21.

Allison,	Frye,	Ingalls,	Sewell,
Berry,	Gray,	Maxey,	Vest,
Cockrell,	Hale,	Mitchell of Oreg.,	Wilson of Iowa.
Coke,	Hampton,	Platt,	
Dawes,	Harrison,	Plumb,	
Edmunds,	Hawley,	Saulsbury,	

NAYS—26.

Beck,	George,	McMillan,	Spooner,
Blackburn,	Gibson,	Manderson,	Vance,
Call,	Gorman,	Palmer,	Van Wyck,
Conger,	Harris,	Payne,	Walthall,
Cullom,	Hearst,	Pugh,	Whitthorne.
Dolph,	Kenna,	Sawyer,	
Evarts,	Logan,	Sherman,	

ABSENT—29.

Aldrich,	Colquitt,	Mahone,	Sabin,
Blair,	Eustis,	Miller,	Stanford,
Bowen,	Fair,	Mitchell of Pa.,	Teller,
Brown,	Hoar,	Morgan,	Voorhees,
Butler,	Jones of Arkansas,	Morrill,	Wilson of Md.
Camden,	Jones of Florida,	Pike,	
Cameron,	Jones of Nevada,	Ransom,	
Chace,	McPherson,	Riddleberger,	

So the motion to strike out was rejected.

Mr. EDMUNDS. I move now to strike out, on pages 41 and 42, from line 994 to line 1023, inclusive, on which I ask for the yeas and nays.

Mr. BECK. Let that matter be reported.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. It is proposed to strike out the following clause:

Improvement of the Muskingum River, Ohio, between Zanesville and the mouth of the river, and for operating the same, $20,000. And the United States hereby accepts from the State of Ohio the said Muskingum River improvement, and all the locks, dams, and their appurtenances, and the canals, belonging to said improvement, and all the franchises and property of every kind, and rights, in said river, and its improvements, now owned, held, and enjoyed by the State of Ohio, including all water leases and rights to use water under and by virtue of any lease of water now running and in force between the State of Ohio and all persons using said water, hereby intending to transfer to the United States such rights in said leases and contracts as are now owned, held, or reserved by the State of Ohio: but not to affect any right to the use of the water of said river now owned and held by the lessees of any water right under any lease or contract with the State of Ohio. And the United States hereby assumes control of said river, subject to the paramount interest of navigation. The provisions of this act, so far as they relate to the Muskingum River, shall not take effect, nor shall the money hereby appropriated be available, until the State of Ohio, acting by its duly authorized agent, turns over to the United States all property ceded by the act of the General Assembly aforesaid, and all personal property belonging to the improvement aforesaid, and used in its care and improvement, and any balance of money appropriated by said State for the improvement of said river, and which is not expended on the 15th day of July, 1886.

The yeas and nays were ordered.

Mr. SHERMAN (Mr. FRYE in the chair). Mr. President, I feel bound to say a few words in regard to this improvement.

I am sorry the Senator from Vermont raises the question again, because the Senate have once heard the matter fairly debated on both sides, the main arguments against the measure being presented certainly forcibly by the Senator from Missouri, and I tried to present the considerations which should induce Congress to accept this improvement. But as the question is again raised, I feel bound to repeat very briefly the considerations which, in my judgment, make this proposition among the strongest in the whole bill.

The Muskingum improvement is a work which cost over $1,600,000 at a time when the Government of the United States undertook to improve neither rivers nor harbors. It was an improvement of very great value, composed of eight locks and as many dams, and gave a very valuable navigation to the first stream west of the Alleghany Mountains that was improved in the United States. At the time the State of Ohio undertook to improve this navigable stream the question of the improvement of rivers had not been much discussed; Congress for years had declined to engage in such work; and Ohio—in my judgment in violation of the Constitution—undertook to improve these navigable streams. In my judgment, and according to the opinion that now prevails, the State of Ohio had no power to put dams and locks in this navigable stream without the consent of Congress.

At that time no such consent was supposed to be necessary, and they went on and expended from $1,600,000 to $2,000,000 in making this valuable improvement.

The State of Ohio never undertook to make any money from the improvement. It simply levied tolls enough on the commerce passing through it to pay exactly the expense of maintaining it, the expense of the gate keepers, &c., some $10,000 a year. For a period of nearly fifty years the State of Ohio has simply maintained it by levying tolls to the amount of from ten to twelve thousand dollars a year, and the returns contained in the reports of the engineers show that the annual expenses of the improvement were about equal to the tolls levied upon the tonnage, because the tolls were small.

This is a very valuable improvement. I have been asked by Senators why does the State of Ohio wish to get rid of it? This is the reason: While we hold it, according to our policy we levy tolls upon the people in the neighborhood to pay the expenses of maintaining and keeping it in repair from $10,000 to $20,000 a year. That is the policy of the State, and that policy will not be departed from. The result is that this navigable stream of all the navigable streams in the United States of America is subject to tolls because the State of Ohio undertook to make this improvement instead of the United States. If the State of Ohio had waited ten years, the United States would naturally have made this improvement in the ordinary course of things, as it did in all the other navigable streams; but because of that fact, are the people of that particular neighborhood to be compelled forever and forever to pay tolls on that navigable stream after all the other navigable streams are free from toll? The only benefit the people of the State of Ohio will derive from the assumption by the Government of this improvement, taking charge of it and accepting this gift without money and without price, will be that the Government of the United States will pay this charge of from ten to twenty thousand dollars a year and make this river like all the other rivers of the United States toll-free.

Why should the people of Ohio be denied this? We do not ask you to buy the work. We do not ask you to reimburse us what we paid for the improvement. We do not deny that the improvement is of value to us, and if put into the hands of a corporate company with power to levy tolls they might levy on the people of the Muskingum Valley more than enough to pay the expenses and to make a large profit. But does the Senate desire that this stream alone of all the navigable streams in the United States should be compelled to pay money for every barrel of wheat and for every ton of coal passing through it?

The whole of that beautiful valley is underlaid by a magnificent bed of coal. The tonnage of coal from that valley is over 300,000 tons a year. The vessels that are passing are steam-vessels. It is not a canal; it is a steam slack-water navigation. It is true there are three or four short canals made at the end of dams where locks are inserted, as a matter of convenience. The general improvement is simply that of a slack-water navigable stream.

It seems to me that when the State of Ohio proposed to donate this entire property to the United States free of charge, and in addition to that contributed the usual annual allowance of $10,000 for this year to pay the expenses of the improvement, gate-keepers, lock-keepers, &c., it was a generous and a liberal thing that ought to be promptly accepted. This has been recommended by every engineer who has examined it.

General Merrill, who has charge of it, expresses his recommendation in the strongest possible terms.

It is sufficient to say that it has been discussed elsewhere fully and sent here to us as a part of this bill. It was proposed to be stricken out by the Committee on Commerce simply because they had not examined into all the merits of the matter. My colleague and I who know most about this did not deem it necessary to go before the committee and I had no knowledge of its being stricken out until the bill was reported, so that we had no opportunity to explain to the committee the reasons why this clause ought to be retained. I have no doubt if we had gone before them and done what others had done, explained the reasons and the circumstances connected with this donation, the report of the committee would have been otherwise. I judge so from the fact that many members of the committee after hearing the explanations made voted to retain the provision in the bill.

I shall not detain the Senate any longer.

Mr. GEORGE. I desire to ask the Senator from Ohio a question, if he will permit me.

Mr. SHERMAN. Certainly.

Mr. GEORGE. Upon what terms and conditions has the State of Ohio granted this property to the United States?

Mr. SHERMAN. Simply on condition that the United States shall receive it. It can do what it pleases with it. As a matter of course we knew that the United States would make it free of toll. That is the principal consideration, but even that consideration is not mentioned in the law.

Mr. GEORGE. It is just a free grant, unrestricted gift, without condition?

Mr. SHERMAN. A free grant to the people of the United States.

Mr. GEORGE. Then I shall vote for it.

Mr. SHERMAN. Besides that, there is a stipulation (I have forgotten now the language of the grant) which is itself in the bill; but I would not object to any amendment which would make it entirely within the pleasure of the United States to improve it, or abandon it, or do with it as it may choose.

Mr. GEORGE. You understand that to be the situation of it now.

Mr. SHERMAN. Undoubtedly. There is no other expectation. It will cost $114,000 according to the estimate of the engineer to put the improvement from Zanesville to Marietta in an excellent state; that is, to put it in a complete state of improvement.

Mr. VEST. The engineer says $200,000.

Mr. SHERMAN. That is from Dresden down, the Senator will see.

Mr. VEST. I thought the 16 miles from Dresden to Zanesville had been abandoned.

Mr. SHERMAN. The engineer says it will cost $84,000 or $86,000 to rebuild the upper dam, which is practically abandoned, but from Zanesville down you will see that General Merrill says in his report the entire cost will be $114,000. He recommends that an appropriation be made to complete the work and to put it in good condition. It is not proposed in this bill to do that. We hope and expect some time that it will be the pleasure of the United States to treat this improvement like other improvements. Ten million dollars is the estimate for New York Harbor and $1,000,000 is appropriated in the bill. There is no appropriation in this bill for this work except $20,000, I believe, to pay the ordinary charges for the maintenance of the improvement.

Mr. GEORGE. I understand the Senator to say that if we accept this grant from the State of Ohio we are at liberty to go on with the improvement or abandon it as we see proper.

Mr. SHERMAN. I so understand it. If that is not clear I am perfectly willing to make it so.

The PRESIDING OFFICER (Mr. FRYE in the chair). Is the Senate ready for the question?

Mr. EDMUNDS. Not quite, Mr. President.

The act of the State of Ohio does not to my humble apprehension appear to be exactly what the Senator from Ohio seems to think it is. I I have it here. It is a very carefully drawn section—very carefully drawn. The man who drew it was accomplished in the business of saying no more than he meant to say.

That whenever the United States shall make an appropriation, and shall be about to begin the improvement of any of the navigable rivers within or bordering on the State of Ohio, by means of locks and permanent removable dams, or dams with adjustable chutes, or by means of a canal, the consent of the State of Ohio is hereby given to the acquisition by the United States, by purchase or by condemnation of any lands, buildings or other property necessary for the purpose of erecting thereon dams, abutments, locks, lock-keepers' dwellings, chutes, and other necessary structures for the construction and maintenance of slack-water navigation on said rivers, or for the purpose of constructing canals on the same, and the said United States shall have, hold, use, and occupy the said land or lands, buildings, or other property, when purchased or acquired as provided for by this act, and shall exercise jurisdiction and control over the same.

The second section provides for condemnation in case the United States can not agree with the owners.

Mr. SHERMAN. If the Senator will allow me, the second section authorizes the United States to condemn property for the improvement of the Ohio River. The condemnation of property is for the improvement of the Ohio River in other parts of the State. If the Senator will look at it a little closer he will see that is the fact.

Mr. EDMUNDS. I am looking at it with the utmost closeness, and I will read the second section.

Mr. SHERMAN. It is the first section, I think, which authorizes the condemnation of land.

Mr. EDMUNDS. I have read the first section *in extenso*, literally, and the second section I undertook to state, to save time. Now I will read enough of it to show what that is:

SEC. 2. That in case of failure of the United States to agree with the owner or owners of any such lands as the United States may deem necessary for the purpose named in the first section of this act, it shall be lawful for the United States to apply for the condemnation of such land, &c.

The third section provides for punishing willful and malicious injury to the property of the United States. That is excellent on the part of the State of Ohio. The fourth section provides that—

For the purpose of enabling the United States to expend any sum of money that is or may hereafter be appropriated by Congress for the improvement of the Muskingum River, the State of Ohio hereby transfers and cedes to the United States the eleven locks and dams heretofore constructed by said State on said river, together with all the grounds, canals, and appurtenances belonging to the same, subject to the provisions of the preceding sections of this act, as to the jurisdiction of the United States over the lands and buildings authorized to be acquired and constructed by said sections, and imposing penalties for injuries to said work, [which] shall extend and apply to the said eleven locks and dams and their appurtenances hereby transferred and ceded to the United States, but the custody and ownership of said Muskingum River improvement shall remain in the State of Ohio until such time as the United States appropriates sufficient money to properly improve and operate the same.

Now where do we stand? The effect of that is that for the purpose of improving that river and for no other the United States is to have it, and the moment she fails to improve, then this so-called grant of the State of Ohio ceases. I am not complaining of the propriety of it as a trade between the State of Ohio and the United States. The State of Ohio has a right to make any terms she pleases in selling her property.

Mr. GEORGE. Will the Senator allow me to ask him a question?

Mr. EDMUNDS. Yes.

Mr. GEORGE. Is there anything in that, though, which imposes upon the United States an obligation to keep up those improvements after the United States shall determine that it is improvident to do so?

Mr. EDMUNDS. There is, in my opinion, clearly.

Mr. GEORGE. At what point is that?

Mr. EDMUNDS. If the Senator will just take the act and read it all through for himself, he will see clearly that running all the way through it is that very fundamental condition, not stated in any express terms in one line, except stating the purpose and object of making the improvement perfect, and as fast as the United States will spend money, or may spend it, on the canal, that she may buy this property of these lease-holders, and so on. For all purposes of spending money it belongs to the United States. For all the other purposes, whenever she stops spending it, it does not; and so she is bound to keep on; that is the condition; and if it is not fulfilled the property is Ohio's again.

Now, let us see who built these canals and where the generosity comes in. I find in the report of the Commissioner of the General Land Office of the 30th of June, 1885, that Congress has given to the State of Ohio under the acts of 1827 and 1834, two acts, apparently, and 1852 and 1855, extensions I suppose, lien lands, &c., 266,535 acres of land for canal purposes.

Mr. SHERMAN. Will the Senator from Vermont allow me to say that those grants of land were all in the northwestern and western part of the State and were not intended at all to apply to this improvement? This was never called a canal. It was called the Muskingum slack-water improvement. I happen to know about that, because I served as a rodman on this very improvement; and I think I ought to know better than my friend from Vermont. The State of Ohio never got one cent from the Government of the United States directly or indirectly, either in lands or any other form, for the construction of this improvement. Those grants were made for the western canal, the Wabash Canal.

Mr. EDMUNDS. We will see about that. By the acts of 1828 and 1830 more canal lands, amounting to 333,826 acres, were given to the State of Ohio, and she got them certified.

Mr. SHERMAN. That was before this improvement was commenced.

Mr. EDMUNDS. Certainly it was before the improvement was commenced. By the act of May 24, 1828, for general canal purposes, without naming where the improvement would be, 500,000 acres of land in the State of Ohio were given to that State for these purposes.

So putting all together she has received more than 1,100,000, almost 1,200,000 acres of land, enough to make an empire almost, in the rich and beautiful country of the State of Ohio for her internal-improvement system. I do not say anything about the grants for railways; they are under another head. This is the water part of it, as separated by the Commissioner of the General Land Office.

Mr. GEORGE. I return the Senator the act.

Mr. EDMUNDS. I do not care about it.

Mr. GEORGE. I am through with it.

Mr. EDMUNDS. I do not care about it, because I know how perfectly useless this discussion is.

I find in the report of the engineers that the only considerable part of this business is supplying the water to manufacturing establishments.

The supply runs up that is actually used per minute (I have not footed it except roughly and rapidly) to more than 100,000 cubic feet per minute. That is leased on long leases, expiring as this says away up, some of them in 1900, some in 1894, and so on, where complete and vested rights to this probable navigable water, that more than a million acres of the lands of the United States have been given to that State to improve her internal water ways in such way as she pleased, have been secured; and it is tied up by these contracts of the State with more than a dozen, I should say nearly twenty, different manufacturing parties and firms.

The income of the canal does not appear to be very great. It is stated here in the financial statement. The average tolls per year are only $12,000. They get from rents $3,970. More than a quarter of the whole income of the canal is in these private speculations for manufactures; perfectly lawful for the State of Ohio to do, except that it was rather hard in her to take so much land from the United States and use the water that was to be saved up for navigation to sell it out to mill-owners, &c. That is the way the thing stands.

These land grants to the State of Ohio for these purposes carried with them the duty and propriety—I have not looked it up in terms as I did in some of the other cases—of keeping these tolls down to the minimum when the expenditures of the State were reimbursed out of these lands; and now they have got to a condition where the thing is no longer profitable to the State, and is only profitable apparently to the mill-owners. Whether it is profitable to them or not we do not know; but now is a good time to turn it over to the United States and let the common Treasury spend half a million, or a quarter of a million, or a whole million dollars and take off from the State of Ohio this burden which she had assumed and undertaken, and which burden has been paid for by more than a million acres of the lands of the United States.

I do not think it is a good answer for my friend to say that some of these lands were granted for different canals in the State. We did not undertake to determine how many and what canals she should have, but we undertook to say, "You want to improve your internal water courses, and you want the land; here it is, but you must use it for these public purposes;" and now, having been used for these purposes, and the thing having got into this quasi-bankrupt condition, the United States is asked to take it off her hands and to improve it, leaving her to have it again when it is improved, apparently, if we do not keep up to time. I do not believe in that sort of thing. I do not think it is right. I fear it is useless to oppose it, but I deemed it a duty to say what I have said.

Mr. SHERMAN. Mr. President, but a few words. If the Senator from Vermont had as much information about this matter as the citizens of Ohio have he would not make the mistake of falling into the idea that the Muskingum River was built with any land grant, or that the water rights interfere at all with the grant now proposed to be made to the United States.

Let me tell the Senator from Vermont that in this part of the State of Ohio the whole of the land was sold to the Ohio Company's Purchase, as it was called. Not an acre of the land along the banks of the lower Muskingum was ever public land of the United States since 1785. I think that was the date of the grant to the Ohio company.

Mr. EDMUNDS. If I may interrupt my friend, none of these grants in Ohio were alternate section land grants; they did not pretend to be.

Mr. SHERMAN. I will come to that.

When the State of Ohio undertook to build two canals across the State as a continuation of the Erie Canal, it was at a cost of something like $14,000,000. It involved the State in a large debt, under which for many years it labored. At that time, between 1820 and 1830 (I think the date of the law referred to by the Senator was 1829 or 1830) the United States did give land to the States of Ohio and Indiana, for Indiana received the greater proportion of it, for the purposes of building the Wabash and other canals, the canal system as it was called; that is, this double parallel line of canals across the State of Ohio, one extending from Cleveland to Portsmouth and the other from Toledo to Cincinnati. Those canals did not affect the region that is affected here, did not come anywhere between Zanesville and Marietta, had no connection with that region; and besides that the Muskingum improvement was never contemplated, it was never thought of, until nearly ten years after these grants had been made. It was commenced in 1837, and the United States never paid one dollar or contributed one acre of land or gave any encouragement or aid or assistance whatever in the building of this Muskingum improvement. It was made for the purpose of improving the only navigable river in the State of Ohio, and one that is pretty large, because it drains nearly one-third of the State. It extends from the mouth of the Muskingum on the Ohio River to within 25 miles of Cleveland. It extends west from where I live, and I live in the middle part of the State, and runs to the Ohio River, embracing all that region of country, and is a large navigable river, and the only navigable river in the State of Ohio.

Ohio undertook to improve that river.

There is no defect in this grant if I have understood the grant correctly. I am sorry I have not the law before me. I have General Merrill's report here, which contains the law. I think it can not be all in the document from which my friend read, but no doubt its main provisions are there. The law contained certain provisions to authorize the United States to condemn property necessary for the construction of a series of works on the Ohio River, and as an addendum to and part of that same law it provided for the cession of the Muskingum improvement, because the Government of the United States is now erecting at the mouth of the Muskingum an ice-harbor which to some extent does take private land, and it was necessary for the Government of the United States to have the authority of the State to have this land condemned. At least upon application by the authorities of the Government of the United States this law was passed to enable the United States under the law of Ohio to condemn certain land that it was necessary to condemn for the use of the United States, and as a part of it this cession was made after a survey and an investigation had been made by the United States authorities. The cession was made without conditions or qualifications, except that the United States should accept it and maintain it, and go along with it.

The Government is not bound to maintain it for a single day. There is no provision there which binds the United States to spend a single dollar of money upon it. They may abandon it and let it go if they choose. If there is any such provision I would like to see it, but if there is any found I hope the Senator from Vermont, who is no doubt perfectly able to amend any measure which may be presented, will draw an amendment that will cover that point; so that the United States receives this property absolutely without any stipulation to do anything with it. I am perfectly willing it shall be done. There is no special expectation on the part of the people of Ohio; there is no interest there to be subserved, no private interest, nothing but the desire that the people in that beautiful valley may have the opportunity of transporting their goods and merchandise over the bosom of the waters of the Muskingum River just as they are transported from Marietta all the way to the Gulf of Mexico and the sea.

I do not want to see the rivers improved south of us and west of us and east of us, as this bill provides, and then to have this provision taken from the bill. There is the great Kanawha River about the size of the Muskingum. There is an appropriation here of $250,000 to improve that river. We do not object to that. We vote for it. We vote for the improvement of all the rivers of the South. There is the Wabash River just west of us which is provided for here. There is the Illinois River which is provided for, and all the rivers which are navigable are provided for in the bill. We vote those appropriations; and now when we ask the Government of the United States to assume the care and custody of some locks and dams on the only navigable stream we have in the State of Ohio with a population of three or four million, it seems to me it is a very modest request.

There is one other matter to which the Senator from Vermont referred to which he would not have made an objection if he had noticed it. He complains that certain water rights are reserved. So they are. Wherever a dam has been constructed across the Muskingum River, at the end of that dam is a lock to allow vessels to pass through. There is a great superabundance of water power there, which can be utilized, and it has been let out at very low rates to citizens. It is now let out to any citizen who has built a mill alongside of the works, and he can use this water power, and it is let out at a nominal rate. The State of Ohio does reserve the rights of the people to that water privilege, to the use of that water which they hold. They pay some $5,000—I think that is the amount—in the way of low rents on water rights.

Mr. KENNA. That does not affect navigation.

Mr. SHERMAN. It does not affect the navigation in the slightest degree. It is only surplus water that passes over the dam that is used and allowed to be used by private individuals upon paying a certain license or tax, which yields about $5,000. We propose to turn over to the United States this revenue of $5,000, which pays about one-half the expense of gate-tenders and the like. That is turned over to the United States, together with the appropriation for this year for the expenses of maintenance.

Mr. PLATT. Is that reserved to the State or to the individual now?

Mr. SHERMAN. It is reserved to the individual. The money is transferred to the United States, but the right to the water is reserved.

Mr. GEORGE. Mr. President, I have examined the act of the Ohio Legislature, to which the Senator from Vermont called my attention, with as much care as I could give to it here in the Senate, and I am unable to find in the act the provision which the Senator from Vermont has found.

I believe that if we accept this grant and make this appropriation we stand with reference to this river and these improvements exactly as we stand with reference to the improvement of any other river in the United States; and, understanding it that way, I shall vote for the appropriation, although in Committee of the Whole, not understanding it as I do now, I voted the other way.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont, on which the yeas and nays have been ordered.

Mr. SHERMAN. I ask the Chair to state the question fully. The question is upon agreeing to the motion to strike out.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont to strike out on page 41, commencing with line

994 and ending with line 1023, the paragraph having been retained in the bill by the Committee of the Whole. The "yea" vote is to strike out the Muskingum appropriation, and the "nay" vote is to keep it in. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHACE (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT]. My colleague [Mr. ALDRICH] is paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. SAULSBURY (when his name was called). I vote "yea;" I am paired, but I am pretty well satisfied that the Senator from Vermont [Mr. MORRILL], with whom I am paired, would also vote "yea" if he were here.

Mr. TELLER (when his name was called). I am paired with the Senator from Georgia [Mr. BROWN], but I understand he voted "nay" on this proposition in Committee of the Whole, and therefore I vote "nay," as he would vote if he were present.

Mr. HAMPTON (after voting in the affirmative). I will interpose to say that I have been requested on this particular vote to pair with the Senator from Georgia [Mr. BROWN]. I shall therefore withdraw my vote. I voted "yea."

The roll-call having been concluded, the result was announced—yeas 14, nays 32; as follows:

YEAS—14.

Berry,	Frye,	Miller,	Vest,
Cockrell,	Harrison,	Platt,	Wilson of Md.
Coke,	Jones of Arkansas,	Saulsbury,	
Edmunds,	Maxey,	Vance,	

NAYS—32.

Blackburn,	Evarts,	Mitchell of Oreg.,	Sherman,
Blair,	George,	Palmer,	Spooner,
Call,	Gibson,	Payne,	Stanford,
Conger,	Hearst,	Pugh,	Teller,
Cullom,	Hoar,	Ransom,	Van Wyck,
Dawes,	Kenna,	Riddleberger,	Walthall,
Dolph,	Logan,	Sawyer,	Whitthorne,
Eustis,	Manderson,	Sewell,	Wilson of Iowa.

ABSENT—30.

Aldrich,	Chace,	Hawley,	Morgan,
Allison,	Colquitt,	Ingalls,	Morrill,
Beck,	Fair,	Jones of Florida,	Pike,
Bowen,	Gorman,	Jones of Nevada,	Plumb,
Brown,	Gray,	McMillan,	Sabin,
Butler,	Hale,	McPherson,	Voorhees.
Camden,	Hampton,	Mahone,	
Cameron,	Harris,	Mitchell of Pa.,	

So the motion to strike out was not agreed to.

Mr. MCMILLAN. By the direction of the Committee on Commerce I move to strike out all after the enacting clause of the bill and to insert an amendment in the nature of a substitute, which I send to the Secretary's desk.

Mr. CALL. Before that amendment is placed before the Senate I should like to ask if it is in order to renew the amendments I moved in Committee of the Whole to amend the text of the bill?

Mr. TELLER. I ask the Senator from Florida if he will yield to me that I may make a motion to reconsider. I have heard from the Senator from Georgia [Mr. BROWN], and he understood that I was paired with him on the motion of the Senator from Louisiana [Mr. GIBSON]. I voted on the question.

I would ask leave to withdraw my vote, which I might do under the rule, but to do so would change the result and carry the proposition, I think. Therefore I do not desire to do that, but I desire to move to reconsider, so that the Senate may pass on the question again.

The PRESIDING OFFICER. What amendment was that?

Mr. TELLER. That was the amendment on page 59 to insert words after the word "channel," the amendment offered by the Senator from Indiana [Mr. HARRISON].

Mr. HARRISON. I think that under the circumstances the reconsideration ought to be allowed. If the Senator from Colorado voted under a misapprehension, I suggest that a reconsideration be had as a matter of course, and that the vote be taken again upon the proposition.

The PRESIDING OFFICER. This is proceeding by unanimous consent. There is a pending question, the amendment of the Senator from Minnesota [Mr. MCMILLAN].

Mr. RIDDLEBERGER. I object.

Mr. TELLER. I understand that mine is a privileged motion.

Mr. RIDDLEBERGER. I do not think it can be done except by unanimous consent. I understand that it was a mistake, but a man must be responsible for his own mistake. If the Senator voted on the prevailing side he can make a motion to reconsider.

Mr. TELLER. I have made the motion.

The PRESIDING OFFICER. The Senator from Colorado desires action on the motion to reconsider the vote of the Senate by which a certain amendment was lost.

Mr. TELLER. By a tie vote.

Mr. INGALLS. It was lost if there was a tie.

The PRESIDING OFFICER. The question is on reconsidering the vote.

Mr. TELLER. I understand that the Senator from Indiana consents that the reconsideration may be had as a matter of course.

The PRESIDING OFFICER. The Chair does not see how it can be done in any other way. The Senator from Colorado voted "nay" on disagreeing to the amendment?

Mr. TELLER. I did.

The PRESIDING OFFICER. And therefore he voted on the prevailing side?

Mr. TELLER. Certainly.

The PRESIDING OFFICER. And therefore he has a right to move to reconsider, to do which the Chair will recognize him.

Mr. GIBSON. If the Chair will allow me, I will state that I submitted the motion to strike out the amendment offered by the honorable Senator from Indiana. That motion was defeated, the Senator from Colorado voting in the negative. Therefore he would have the right to submit now a motion to reconsider the vote by which it was defeated.

The PRESIDING OFFICER. The Chair has so ruled. Is it the pleasure of the Senate to reconsider? Senators in favor will say "ay;" contrary, "no." [Putting the question.] The ayes have it, and the vote is reconsidered.

Mr. HARRISON. I do not want to bring on a debate upon this question. I want Senators simply to understand that we are voting again upon the proposition whether there shall be any limitation in the bill upon the construction of levees below those parts of the Mississippi River where there is any bad navigation, or whether we shall authorize the Commission out of the appropriation of two million and a quarter of dollars to begin the construction of levees along a river front that has 18 feet of water at all seasons of the year.

Mr. GIBSON. I ask for the yeas and nays on my motion to strike out the amendment. I wish to say that there is no proposition, as I understand, in the bill as it comes from the Committee on Commerce, to authorize the commission to build one yard of levee anywhere on the Mississippi River for the protection of the alluvial land or for the benefit of private property.

Mr. KENNA. I desire to ask the Chair whether, if the motion to strike out is withdrawn, the question would not arise on the motion to concur in the amendment made as in Committee of the Whole?

The PRESIDING OFFICER. The present occupant of the chair was not in at the time this question was up, and does not know what the amendment was. The Secretary will report the amendment which was voted on.

The CHIEF CLERK. After the word "channel," in line 1438, the Senate, as in Committee of the Whole, inserted the following words——

Mr. KENNA. The amendment being an amendment of the Committee of the Whole to insert, the Committee of the Whole having made the insertion, does not the question arise on the action of the Senate concurring in the amendment? If that be as I understand it is, I will ask the Senator from Louisiana to withdraw his motion to strike out, so that the affirmative will be on concurring in the amendment.

The PRESIDING OFFICER. The Chief Clerk did not state it correctly. He will state the amendment once more.

The CHIEF CLERK. In line 1438, after the word "channel," it is moved to strike out the following words:

But not below the reaches of the river which are being improved by them, unless it shall be necessary to prevent or close an injurious crevasse or outlet.

Mr. KENNA. That is the motion of the Senator from Louisiana, but if that motion were withdrawn would not the question be upon concurring in the action of the Committee of the Whole inserting those words? The vote of the Senate is on concurring in the action of the Committee of the Whole on all questions.

Mr. HOAR. It seems to me that the Senator from Colorado can not make and have put the motion which he has made to reconsider without first reconsidering the subsequent vote. This vote was upon a motion to amend an amendment, and thereupon the motion was lost. Then we adopted the clause, the proposed amendment which came from the Committee of the Whole. Having adopted that as it was left after the vote which the Senator wants to reconsider, we can not reconsider the last motion, and leave this adopted; the Senate will never have voted upon the paragraph as it will stand. I suppose the Senate will reconsider both motions, first on the adoption of the amendment, and next the vote on the amendment to that amendment.

The PRESIDING OFFICER. The Chair thinks the Senator from Massachusetts is entirely right about that.

Mr. HARRISON. I do not claim to be a parliamentarian, but it seemed to me that the orderly motion was precisely the motion which the Senator from Vermont has made in several other cases, to strike out. If that is all right, as the Senator from Massachusetts says, then the motion to strike out that was lost by a tie having been reconsidered is now pending; and what is the necessity of reconsidering anything else?

Mr. HOAR. Let me illustrate. Supppose we take a bill pending. Thereupon an amendment was moved to that bill and that amendment was lost or was carried, and then the bill passed. It would not, of course, be possible to move to reconsider the vote on the amendment without first reconsidering the vote passing the bill, because after you have reconsidered the vote on the amendment you have still a standing

vote of the Senate passing the bill in the shape it was, with the amendment lost or carried, as the case may be; so that you must reconsider both votes.

Mr. HARRISON. Let me ask the Senator whether when we have reconsidered the motion to strike out, which was lost, we do not stand precisely as we did when that motion was made and pending and before it was voted upon?

Mr. HOAR. But suppose we adopt now after a reconsideration an amendment to this amendment and do nothing more.

Mr. GIBSON. The Senator from Colorado proposes to take that vote over again.

Mr. HARRISON. I suppose if it was in order to move to strike out the amendment when the motion was made, having reconsidered the vote by which the motion was lost, the motion is again in order. The amendment made as in Committee of the Whole was adopted yesterday by the Senate, and this morning the motion to strike out was made. It seems to me when that motion is reconsidered we are precisely in the attitude we were when it was made before, and that we do not need to go back in our reconsideration beyond the point at which the bill and amendment stood at the time the motion to strike out was made.

Mr. GIBSON. I concur with the Senator from Indiana. I do not want to take any advantage one way or the other, but to remove a misconception. I understand that the amendment was adopted by the Senate as in Committee of the Whole, and it was then concurred in by the Senate. I then made a motion to strike out that part of the amendment which had been offered by the Senator from Indiana. That motion was defeated by a tie vote. One of the Senators who voted in the negative moves to reconsider. Therefore it appears to me that the only matter before the Senate is the reconsideration of the motion which I made to strike out the amendment offered by the Senator from Indiana, and I ask for the yeas and nays on my motion.

Mr. KENNA. The point I make is simply this, that on all the amendments which are to be voted on by the Senate, the affirmative and negative stand in the Senate precisely as they stood in Committee of the Whole, so that in the absence of a motion to strike out the question would be on concurring in the amendment.

Mr. MCMILLAN. I raise the point of order that to strike out is not in order. The Committee of the Whole adopted the amendment of the Senator from Indiana as an amendment to the committee's amendment, and then adopted the amendment as amended, and the Senate concurred in the amendment as amended.

Mr. RIDDLEBERGER. Before any motion is put I wish to ask the Senator from Minnesota whether he did not just a moment ago say that the Committee on Commerce proposed to strike out all after the enacting clause of the bill.

Mr. MCMILLAN. I am not referring to that now. That motion is pending. This is another matter.

Mr. RIDDLEBERGER. I know the motion is pending. I am not at all discouraged by noticing that the friends of the bill are scolding a little at each other; I am rather encouraged by it; but is not the Senator's proposed substitute on the table now reported from the committee striking out all after the enacting clause; and if so are we not to pay the same deference——

Mr. GIBSON. I believe the motion I made is now pending, and I ask for the yeas and nays on it.

Mr. MCMILLAN. I make the point of order that that motion is not in order.

The PRESIDING OFFICER. What was the motion of the Senator from Louisiana?

Mr. GIBSON. To strike out the amendment offered by the Senator from Indiana.

Mr. MCMILLAN. I raise the point of order that that is not in order.

The PRESIDING OFFICER. The Chair is of the opinion that the first step to be taken by the Senator from Colorado is a motion to reconsider the vote by which the Senate agreed to the amendment covering the five pages, and that vote having been reconsidered, then his motion would be to reconsider the motion agreeing to the motion of the Senator from Indiana.

Mr. TELLER. I make that motion or any other motion which may be necessary.

The PRESIDING OFFICER. The Senator from Colorado moves that the vote by which the Senate concurred in the amendment on pages 56, 57, 58, and 59 be reconsidered.

Mr. RIDDLEBERGER. I ask the Chair whether I am entitled to my five minutes? I had the floor and was speaking to the proposition that was pending before the Senate. I ask the Chair whether I am entitled to five minutes to oppose the bill when Senators here have had two hours to advocate it?

The PRESIDING OFFICER. If the Senator was on the floor the Chair was not aware of it.

Mr. RIDDLEBERGER. That is the Chair's fault. The Senator from Louisiana was aware of it.

I was saying that the Senator who heads this committee stated here explicitly that he proposed from the committee and by the direction of the committee to strike out all after the enacting clause, and we know what is an enacting clause, and to insert something else. If we are proceeding that way, let us know what the committee propose to do and proceed to do it, and not go on in this piecemeal arrangement, which continues in the line and direction of a bargain and a bargain only, whether it is to make an appropriation for this, that, or the other improvement, whether it is to make an appropriation to buy up somebody's private stocks, whether it is leaving out the dollars and cents that ought to be at the end of the paragraph where the appropriation is suggested to be made, to bull or bear stocks in the market. That is this bill, if you look at it, from one end to the other, except half a dozen items. I have invited a discussion of the bill in that view of it. I can not get it. Nobody will dare to defend it. Each Senator seems only to be trying to get something for his own constituency, and getting that, he is satisfied.

I said the motion to reconsider was not in order, but the Chair ruled that it was. The Chair undertook to state that I was not entitled to my five minutes of debate. I will take a hundred and five, five hundred and five, whenever I can get the opportunity to do so, when I believe I am acting in accord with the rules of this body.

I ask the Senator from Minnesota whether he does not propose to change the bill, and when the committee instructed him to bring here a proposition to strike out all after the enacting clause? When was it done? Why detain us here discussing it for four days until it is exposed in such a way that you want to get away from it, and then come in and say that you are to strike out all after the enacting clause and insert something else? When did the committee instruct you to do that? When did your committee direct you to bring in this report, and what are the changes? Tell us that, and you will enable us to act intelligibly and intelligently on this measure which proposes to give away millions of money.

The PRESIDING OFFICER. The question is on reconsidering the vote by which the amendment was concurred in.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The Senator from Colorado [Mr. TELLER] further moves to reconsider the vote by which the amendment offered by the Senator from Louisiana [Mr. GIBSON] was rejected.

The motion to reconsider was agreed to.

Mr. MCMILLAN. Now I raise the point of order that the motion to strike out is not in order.

Mr. LOGAN. The whole thing is reconsidered and it is certainly in order now.

The PRESIDING OFFICER. The question now before the Senate will be stated.

The CHIEF CLERK. In line 1438, after the word "channel," strike out the words:

> But not below the reaches of the river which are being improved by them, unless it shall be necessary to prevent or close an injurious crevasse or outlet.

The PRESIDING OFFICER. On this question the Chair understands the Senator from Louisiana [Mr. GIBSON] to ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRISON. There have been several times some confusion as to the effect of these votes. I desire it to be distinctly understood that this is a motion to strike out my amendment, and that a vote in the affirmative is a vote against limiting the Mississippi River Commission in the project of building levees on the lower river, where they are not attempting any improvement in the channel of the river itself. A vote to strike out is a vote against limiting the commission. My proposition is to limit them below the points where they are improving the river and where there is low water to the closure of existing or threatened gaps or crevasses.

Mr. GIBSON. I wish to have the Senate understand this proposition. The bill as it came from the committee and as it was adopted by the Committee on Commerce expressly provided:

> That no portion of this appropriation shall be expended to repair or build levees for the purpose of reclaiming lands or preventing injury to lands or private property by overflows.

I think that is a sufficient restraint upon the discretion of the Mississippi River Commission, which, under the authority of an act of Congress, is charged with the simple and exclusive work of the improvement of the river. They have nothing to do with the protection or improvement of private property, or the reclamation or protection of the alluvial lands. They are under a mandate from Congress to improve the river, and this provision adopted by the Committee on Commerce and retained in the bill confines the commission to that work. They have been acting, ever since they were constituted, under such a provision; and I do not see why we should vote a want of confidence in the character and capacity of the Mississippi River Commission.

The PRESIDING OFFICER. The question is on the motion to strike out, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. CHACE (when his name was called). I am paired with the

Senator from Georgia [Mr. COLQUITT]. My colleague [Mr. ALDRICH] is paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN].

Mr. TELLER (when his name was called). As I have stated, I am paired with the Senator from Georgia [Mr. BROWN]. If he were present, I should vote "nay."

The roll-call was concluded.

Mr. BLACKBURN. I am paired with the Senator from Nebraska [Mr. MANDERSON].

The result was announced—yeas 27, nays 20; as follows:

YEAS—27.

Beck,	Eustis,	Jones of Nevada,	Vance,
Berry,	George,	Logan,	Van Wyck,
Butler,	Gibson,	Maxey,	Vest,
Call,	Gorman,	Palmer,	Walthall,
Coke,	Gray,	Payne,	Whitthorne,
Conger,	Hampton,	Pugh,	Wilson of Md.
Cullom,	Harris,	Ransom,	

NAYS—20.

Allison,	Evarts,	Hoar,	Platt,
Blair,	Frye,	Ingalls,	Plumb,
Dawes,	Hale,	McMillan,	Riddleberger,
Dolph,	Harrison,	Miller,	Sawyer,
Edmunds,	Hawley,	Mitchell of Oreg.,	Spooner.

ABSENT—29.

Aldrich,	Colquitt,	Manderson,	Sherman,
Blackburn,	Fair,	Mitchell of Pa.,	Stanford,
Bowen,	Hearst,	Morgan,	Teller,
Brown,	Jones of Arkansas,	Morrill,	Voorhees,
Camden,	Jones of Florida,	Pike,	Wilson of Iowa.
Cameron,	Kenna,	Sabin,	
Chace,	McPherson,	Saulsbury,	
Cockrell,	Mahone,	Sewell,	

So the motion to strike out was agreed to.

The PRESIDING OFFICER. The question now is on concurring in the amendment of the Committee of the Whole, extending from line 1327 to line 1460 inclusive, being the Mississippi River amendment.

The amendment was concurred in.

Mr. MCMILLAN. Now I offer——

Mr. CALL. I believe I had the floor.

The PRESIDING OFFICER. The Senator from Minnesota had offered his amendment and it had been stated when the Senator from Florida rose and was recognized by the Chair.

Mr. CALL. Before that amendment is offered I ask the Senator from Minnesota to allow me to move several amendments which simply distribute the amount of various appropriations in Florida.

Mr. MCMILLAN. I can not consent to withdraw the amendment for that purpose. This is an amendment recommended by the committee, which I was instructed to offer.

The PRESIDING OFFICER. The amendment reported by the Senator from Minnesota will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and to insert——

Mr. CALL. I submit to the Senator from Minnesota that nothing will be gained by pressing that amendment now, whereas there will be delay caused, because it would simply require me to offer these amendments afterward.

Mr. HOAR. Are not the rights of the Senator from Florida exactly the same whether the amendment of the Senator from Minnesota be pending or not? The Senator from Minnesota moves an amendment to the whole bill, a substitute. The Senator from Florida wishes to move to perfect the bill.

The PRESIDING OFFICER. It is entirely in order for the Senator from Florida to make any motion he pleases pending the substitute which has been offered.

Mr. EDMUNDS. It is also his right as everybody's else to move to perfect the text of the original bill.

The PRESIDING OFFICER. Undoubtedly.

Mr. EDMUNDS. In that connection, I wish to state that a matter on page 10, about Apalachicola Bay or some river there, was passed over.

Mr. CALL. I am obliged to the Senator from Vermont. That is one of the matters to which I refer.

Mr. MCMILLAN. I did not move the amendment with a view to prevent the Senator from any action he desired, of course, but merely present the amendment in obedience to the instruction of the committee.

Mr. CALL. I moved yesterday to amend the bill in line 233, which reads:

Improving harbor at Apalachicola Bay, Florida: Continuing improvement, $12,000.

By inserting after the word "dollars," in line 234, the words:

Of which $2,000 may be expended in the discretion of the Secretary of War at the Carabello or Crooked River.

The Senator from Vermont desired me to refer to the report of the engineers which was made in the Forty-seventh Congress, second session, and is found in Executive Document, part 2——

Mr. EDMUNDS. If I may interrupt the Senator, to save time he need not refer to it on my account. I shall make no further opposition. When I have failed in opposing things that are of great importance, and a majority of the Senate is against me on great things, I do not want to take up time on these little matters. The friends of the bill may fix it just as they please, without my consent, but without any time taken up by my opposition.

Mr. CALL. I wish to say that it is shown by the report of the engineers that at Dog Island Harbor, which is a part of Apalachicola Bay, there is a mean depth of water of 15½ feet. Carabello River is one of the principal avenues through which the shipments of lumber are floated down to the large vessels which find their anchorage in the bay, and which are consigned to merchants in the port of Apalachicola.

I have been requested by some of the business men of that community to lay this matter before Congress and ask that a discretion may be allowed the Secretary of War to use $2,000 of this money in that part of Apalachicola Bay. That is the whole statement. It does not increase the appropriation at all.

The PRESIDING OFFICER. The amendment of the Senator from Florida will be stated.

The CHIEF CLERK. In line 234, after the word "dollars," it is proposed to insert:

Of which $2,000 may be expended in the discretion of the Secretary of War at the Carabello or Crooked River.

The PRESIDING OFFICER. The Chief Clerk informs the Chair that the item is already in the bill, having been agreed to by the Committee of the Whole. The question before the Senate is on concurring in it.

The amendment was concurred in.

Mr. CALL. In line 229, after the word "dollars," I move to insert the words:

Two thousand dollars of which may, in the discretion of the Secretary of War, be applied on Gilbert Bar, Indian River, Florida.

Mr. MCMILLAN. To what line does the Senator refer?

Mr. CALL. Line 229, after the word "dollars," I propose to insert a provision that $2,000 of the appropriation may be applied in the discretion of the Secretary of War to the cleaning out of Gilbert Bar, on Indian River, Florida."

Mr. PLATT. Is that the same improvement?

Mr. CALL. No; it is not. I will state that Indian River is a long inland communication or channel from the sea, a navigable river which extends southwardly along the coast of Florida, it being near the headwaters of the Saint John's River. The railroads from Cumberland Sound, Jacksonville, and elsewhere in Florida, but I mention Cumberland Sound particularly, connect with Indian River, which traverses the whole Atlantic coast of Florida southerly down to a point not very remote from the island upon which Key West is located.

Mr. EDMUNDS. The amendment, I think, is not in order.

Mr. CALL. It is a channel of very great importance to the people of Florida. The harbor from which produce is shipped is Fernandina, on Amelia Island, Cumberland Sound. The report of the engineers, made in 1883, states the importance of this improvement and the value of the products which are now being shipped from Indian River.

Mr. EDMUNDS. Is there any estimate in the last report?

Mr. CALL. None in the last report, but I have here the former report, which is very full.

Mr. EDMUNDS. The amendment would not be in order if the estimate is found in a report made three years ago.

Mr. CALL. I appeal to the Senator from Vermont that he will not interpose any point of order.

Mr. EDMUNDS. I am not going to interpose anything. I merely call attention to the fact.

Mr. CALL. This report is very full, and shows that there are two hundred and eighty orange groves shipping several hundred thousand dollars' worth of oranges, besides cocoanuts, pineapples, and all the tropical productions of that region. Amelia Island, Cumberland Sound, is their outlet, and here is the estimate for the improvement of that navigation.

I only ask that the Secretary of War may be allowed to use of this $150,000, in his discretion, $2,000 for the improvement of this communication with Amelia Island and Cumberland Sound.

The PRESIDING OFFICER. Does the Senator from Vermont raise the point of order?

Mr. EDMUNDS. No, sir; I do not raise anything.

Mr. MCMILLAN. The Senator from Florida might just as well ask to have $50,000 of the appropriation for Cumberland Sound appropriated to the improvement of New York Harbor as to make this change. It is a diversion entirely of the amount to a different purpose, and one which has not been estimated for. I raise the point of order that the amendment is not in order.

The PRESIDING OFFICER. The Chair rules it out. The point of order is sustained.

Mr. CALL. I think that is rather hard, because it does not concern anybody but those people there, and there is no reason whatever in the objection. It is evidently a matter of great importance to the commerce of Cumberland Sound for which this improvement is being made. It is a matter which concerns Florida. It does not increase

the appropriation and leaves it to the discretion of the Secretary of War. There is no kind of reason for the objection made by the chairman of the committee. It does not do him or anybody else any good, but only does others harm.

I move, in line 767, after the word "dollars," to insert the words:

Including San Carlos Bay—

So as to read:

Improving Caloosahatchee River, Florida: Continuing improvement, $4,000, including San Carlos Bay.

Mr. McMILLAN. I raise the point of order upon that amendment that it is a new item of appropriation.

Mr. CALL. Whether it be a new item or not depends entirely on whether San Carlos Bay is a part of the Caloosahatchee River. The Senator from Minnesota knows nothing about that. The Caloosahatchee River debouches into the Gulf of Mexico by several mouths. San Carlos Bay is named as one of these entrances, which have various local designations, but are all connected with the Caloosahatchee River, which extends up into Lake Okechobee, and from which a channel improvement has been projected and is now partially completed. Steamboats are running up nearly to the headwaters of the Saint John's River, almost entirely across the peninsula of Florida.

It is desired that those appropriations which apply to the Caloosahatchee River may be definitely known, and that the money may be applied in the discretion of the Secretary of War to San Carlos Bay, which is a part of the river.

I think there is nothing in the point of order. The clause would have been so designated in the House but for the oversight of the committee there. So I am informed by those who had charge of the bill there, and I am simply asking to correct a mere oversight.

Mr. McMILLAN. The Caloosahatchee River is not the bay the Senator refers to; they are separate.

Mr. CALL. I think the chairman might very well agree to it.

The PRESIDING OFFICER. The Chair will be obliged to rule the amendment out of order.

Mr. CALL. Does the Chair think it is out of order?

Mr. EDMUNDS. Yes; it is a technical point and well taken.

Mr. CALL. I should like the Chair to state the ground on which it is out of order.

The PRESIDING OFFICER. There are three or four grounds on which it is out of order.

Mr. CALL. Give us one of them.

The PRESIDING OFFICER. It has not been estimated for; it has not been referred to the Committee on Commerce; it is not strictly germane to the item under consideration which it is proposed to amend.

Mr. CALL. It has been estimated for, if it is a part of the Caloosahatchee River; it has been referred to the Committee on Commerce; as to the other point made by the Chair, it is evidently germane if it is a part of the Caloosahatchee River. All of these points depend upon whether this is or is not a part of the river, and my amendment is simply intended to make clear that which is doubtful. But I will pass it by.

In line 780, I move to insert the words:

Of which $2,000 may be applied to the improvement of Pease River—

So as to read:

Improving Manatee River, Florida: Continuing improvement, $10,000; of which $2,000 shall be applied to the improvement of Pease River.

I will state with regard to this item that it is an improvement which has been estimated for in the current reports, and it is estimated that more than this sum, about $6,000, is needed to complete the improvement of that river, or that it may be used advantageously this year.

Manatee River is upon one side of Manatee County, and Pease River is upon the other. The railroads have been extended there, and it is very desirable that the people there should have the water communication as a means of competition.

This $2,000, with the $3,000 appropriated by the bill for Pease River in line 782, will render that river navigable at the present time and open up the trade and business of that country.

While it is local to Manatee County, having the river and the bay upon one side and the Pease River discharging into the Charlotte Harbor and the San Carlos Bay on the other side, it is desirable for the interests of all the people there and the commerce which they contribute to the country that this improvement should be made.

I will state that all these rivers upon the Gulf coast of Florida are the centers of the Gulf trade. They furnish coral, sponge, fish, and tropical fruits. Large cocoanut groves are being grown all over that country. The trade is entirely cosmopolitan so far as this country is concerned, and it is very desirable that this avenue of communication should be made, for which only $2,000 of the money already appropriated is asked and the provision made that it shall be expended in the discretion of the Secretary of War.

Mr. McMILLAN. I raise the point of order on the amendment.

The PRESIDING OFFICER. The Chair will be compelled to sustain the point of order. At any rate he rules that it is not in order.

Mr. CALL. Upon what ground?

The PRESIDING OFFICER. The rule reads:

Nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto.

The Chair can not possibly see how an appropriation for the Pease River relates to an item providing for the improvement of Manatee River.

Mr. CALL. Here is in lines 781 and 782:

Improving Pease River, Florida: Continuing improvement, $3,000.

And just above it:

Improving Manatee River, Florida: Continuing improvement, $10,000.

Here are both improvements in the bill in juxtaposition, and both are estimated for.

The PRESIDING OFFICER. The Chair understands that; but the Senator did not hear what the Chair read: "Nor shall any amendment to any item * * * be received which does not directly relate" to that item.

Mr. CALL. Does the Chair mean to say that there is a rule that an appropriation bill shall not be amended except the appropriation relates to that item, so that you can never amend it at all except by adding to that item? Certainly that will not do; there is no reason in that.

Mr. LOGAN. I think if the Senator would move to strike out the appropriation of a certain amount of money and then afterward move to increase the appropriation in the other item he would evidently be within the rule.

Mr. CALL. The Senator is evidently correct, and that only illustrates the error of the ruling of the Chair. I certainly could move that the two appropriations for the Manatee River and Pease River be consolidated.

Mr. BUTLER. The Chair has decided the case against you.

Mr. CALL. I thought it was so plain that perhaps the Chair would reverse his ruling. I ask the Chair what motion he thinks would be in order.

The PRESIDING OFFICER. The Chair is not obliged to instruct the Senator.

Mr. CALL. But the Senator feels obliged to instruct the Chair, and he is simply trying to do so.

The PRESIDING OFFICER. The Chair needs no construction of this rule.

Mr. CALL. Rather than delay the Senate, although the ruling is unjust and unreasonable, I shall not press the matter further.

The PRESIDING OFFICER. The Chair will say to the Senator from Florida that he sees no objection to an amendment increasing the appriation made for Pease River.

Mr. EDMUNDS. That comes under another rule. I shall make a point on that, that you can not move to increase an appropriation without an estimate, a reference to a committe, &c.

The PRESIDING OFFICER. There is an estimate for Pease River.

Mr. CALL. My object is to leave the discretion with the Secretary of War for the addition of the amount to Pease River and the diminution of the amount for Manatee River as he may deem it expedient, and I would desire to put the motion in such a form that they might not be subject to the idea of the Chair as to a point of order.

I will move then to strike out from line 779 to line 782, and to insert:

Improving Manatee River, Florida: Continuing improvement, $10,000; improving Pease River, Florida: Continuing improvement, $3,000; of which $5,000 may be expended on Pease River.

Mr. EDMUNDS. That is precisely the same question.

The PRESIDING OFFICER. The amendment of the Senator from Florida will be stated.

The CHIEF CLERK. It is proposed to strike out from line 779 to line 782, inclusive, in the following words:

Improving Manatee River, Florida: Continuing improvement, $10,000.
Improving Pease River, Florida: Continuing improvement, $3,000.

And to insert in lieu thereof:

Improving Manatee River, Florida: Continuing improvement, $10,000; improving Pease River, Florida: Continuing improvement, $3,000; of which $5,000 may be expended on Pease River.

Mr. McMILLAN. Is that in order?

Mr. EDMUNDS. It is precisely the same question that the other was.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida.

The amendment was agreed to.

Mr. LOGAN. I wish to move an amendment in line 1131, which I offered before and gave notice that I would offer again in the Senate. I believe the chairman of the committee will accept the amendment, knowing that it is so perfectly just. It is to increase the appropriation for the Illinois River from $100,000 to $150,000, which will not be one-half of the estimate made for the work of completing the two locks upon that river. If the appropriation is left as it is in the bill the work will evidently have to stop. I think under the circumstances that the chairman will probably accept the amendment.

Mr. McMILLAN. But there is an amendment pending.

Mr. LOGAN. I understand that, but this proposition was made before, and it was agreed that it should be offered in the Senate.

The PRESIDING OFFICER. The Senator from Illinois offers an amendment, which will be read.

Mr. LOGAN. I will read it. In line 1131, after the words "one hundred," I move to insert "and fifty;" so as to read:

Improving Illinois River, Illinois: Continuing improvement, $150,000.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Illinois.

The amendment was agreed to.

Mr. PLUMB. Would it be in order now to move to increase by 33⅓ per cent. all the items of the bill? I suggest that, in view of what is the apparent determination of the committee to have it go back for the purpose of making a reduction of 35 per cent. In the first place, would it not be as well to increase them all 33 or 35 per cent.?

Mr. MCMILLAN. Twenty-five per cent. is the reduction proposed.

Mr. PLUMB. Then suppose we first increase them all 25 per cent. That would be a financial stroke that I think might commend itself to the Senate. If it is in order now to offer the amendment, I offer that which I sent to the desk as a separate section.

The PRESIDING OFFICER. The amendment of the Senator from Kansas [Mr. PLUMB] will be read.

The Chief Clerk read as follows:

That the Secretary of War shall report to Congress at its next session and each succeeding session thereof the name of each civil engineer employed in the work of improving rivers and harbors by means and as the result of appropriations made in this and succeeding river and harbor appropriation bills, the time so employed, the compensation paid, and the place at and work on which employed.

Mr. PLUMB. As suggested by the Senator from Vermont, I will add after the word "name" the words "and place of residence."

Mr. MCMILLAN. Is that an amendment to the bill?

Mr. PLUMB. An additional section to the bill. In view of the fact that it is generally understood that we have quite an army of civil engineers doing the work, while we pay a large number of Army engineers to do the loafing around, I think we had better have information as to who they are.

The PRESIDING OFFICER. The Senator from Kansas offers this as a new section.

Mr. MCMILLAN. I desire to be informed what the question is pending before the Senate.

The PRESIDING OFFICER. The question is on the amendment just submitted by the Senator from Kansas [Mr. PLUMB].

Mr. MCMILLAN. Is that an amendment to the amendment which I proposed, or is it an amendment to the original bill?

The PRESIDING OFFICER. It is an amendment to that portion of the bill which the Senator from Minnesota proposes to strike out.

Mr. RIDDLEBERGER. Then I ask for the reading of the amendment of the Senator from Minnesota. I have been waiting for some time to ask for the reading of that amendment for information.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kansas [Mr. PLUMB].

The amendment was agreed to.

Mr. RIDDLEBERGER. I believe now that the amendment proposed by the Senator from Minnesota is before the Senate. I therefore call, as I did before, for the reading of the amendment for information, that we may know what it is.

Mr. EDMUNDS. The Senator has a right to have it read.

Mr. RIDDLEBERGER. I asked that it be read before this amendment was offered, for there was no Senator here who could have determined for himself as to whether this amendment proposed by the Senator from Kansas was meant as an amendment to the original bill or as an amendment to that which was introduced here this morning by the Senator from Minnesota, who says he brings it in as the product of the Committee on Commerce. I have a right to ask for the reading of that so that I may make a motion to this Senate that will go beyond his, not only to strike out all after the enacting clause and insert, but I desire to make a motion to strike out all after the enacting clause and leave out the words "and insert." That is my desire and for that reason I have a right to ask, not only a right but a privilege to ask, to have the amendment read, so that I can make a motion before this Senate.

I think the time has come when we ought to begin to consider a little more carefully bills of this sort. I have asked the Senator from Minnesota to tell me, or to tell the Senate if he declines to tell me, when the Committee on Commerce agreed to strike out all after the enacting clause and insert something else.

> Upon what meat do these our Cæsars feed,
> That they have grown so great?

Bring in bills, allow us to discuss them for a week, defend them from the standpoint the committee occupies here, and then come in this morning and say that they propose to strike out all after the enacting clause, when we have read through seventy-nine pages of a bill that proceeded from that committee, and it was almost treason for anybody here on this floor to say that there was anything wrong in it! When did that committee act? Upon what new information have you stricken out all of this bill? Why do you propose to strike off 30 per cent. of its amount? That is what I heard this morning when I came in; but it is proposed, I hear now, to strike off 25 per cent. You propose to take 25 per cent. from the amount which the bill says we ought to appropriate. We could not dare to take out of this bill the little miserable streams that only float the minnows of your constituents, and upon which you can not float anything that will promote commerce. You would take 25 per cent. from Norfolk; you would take 25 per cent. from the James River improvement; you would take 25 per cent. from New York Harbor; you would take 25 per cent. from San Francisco Harbor; to popularize this bill you take 25 per cent. from that which is laudable and for which Senators ought to vote, and take 25 per cent. from that which we ought not to appropriate for at all—these little streams.

I ask, therefore, that this amendment of the committee shall be read. I ask further that it shall be read because when a committee makes a report here it comes in as the property of the Senate, and I deny that there is any man on this floor who can control an appropriation for millions and millions of dollars. It is the property of the Senate. It is my property; it is the property of every Senator. I repudiate and reprobate the idea that any man can be the manager of the Senate. He may assert himself as the chairman of a committee or a member of a committee, but he can not and shall not, so far as I am concerned, ever abridge the right of any Senator to expose the wrong in a bill and advocate that which he thinks is right.

This bill started out——

The PRESIDING OFFICER. The Senator's time has expired. The amendment will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and insert the following——

Mr. RIDDLEBERGER. I move now to amend the amendment.

The PRESIDING OFFICER. The Chair understood the Senator from Virginia to demand that the amendment be read.

Mr. RIDDLEBERGER. Yes, sir. Of course I prefer to have it read through.

The PRESIDING OFFICER. It will be read.

The Chief Clerk proceeded to read the amendment, and having read for some time, was interrupted by—

Mr. RIDDLEBERGER. I have been requested several times to withdraw my request for the reading of this amendment. I am ready to do it, willing to do it, if the Senator who has presented it will just simply state what it is. Is it 25 per cent. alike from the meritorious and the improper appropriations? If I am correct in that, and the Senator will say so, I am ready to withdraw my call. If I am incorrect, and he will tell me what he means by taking off 25 per cent., so that we can all understand it, I shall be satisfied.

Mr. MCMILLAN. For the information of the Senator from Virginia, and for the information of the Senate, I desire to say that by the direction of the Committee on Commerce I have submitted this amendment to the bill. It embraces all the items and all the legislation which was incorporated in the bill by the Senate up to the time I submitted the motion, except that each item of appropriation has been reduced 25 per cent. from the amount as it appears in the bill and in the amendments adopted by the Senate.

Mr. RIDDLEBERGER. On that statement I withdraw my request for the reading.

Mr. BUTLER. Let us have a vote on the amendment.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Minnesota.

Mr. MCMILLAN. Now I ask that the amendment be modified by the amendments of the Senator from Florida [Mr. CALL] and the Senator from Kansas [Mr. PLUMB] and the Senator from Illinois [Mr. LOGAN], adopted within the last half-hour and made to conform thereto, the amounts of the appropriations being reduced 25 per cent. in each case.

The PRESIDING OFFICER. The Senator from Minnesota moves to amend the amendment submitted by him by inserting the three items named.

The amendment to the amendment was agreed to.

Mr. INGALLS. Will the Senator give the aggregate?

Mr. MCMILLAN. The bill as it came from the House amounted, in round numbers, to $15,182,200. The Senate Committee on Commerce reported the bill containing an amount of $18,077,475. The bill as the Senate amended it up to the time of submitting my motion amounted to $18,613,775. From that amount my amendment reduces the total 25 per cent., which leaves the bill, before the amendment of the Senator from Illinois was adopted, $13,960,331. With that reduction the amount of the bill as it shall pass, if my amendment is adopted, is $1,221,869 less than the bill as it came to the Senate from the House of Representatives.

Mr. COKE. Mr. President, as a member of the Committee on Commerce, I desire to say that I do not concur in this amendment. I did not attend the committee this morning, because I was engaged with another committee, but if I had been there I should have opposed this amendment. I do not believe it necessary to make this reduction. I can see no good reason for making it. The items in the Senate bill have passed the scrutiny of the Commerce Committee and of the Senate and have been deliberately approved. They have been decided to be proper and correct items of appropriation. To cut them all down now 25 per cent. by a sweeping provision without regard to merit, as is proposed, is not logical, and will be unjust and unreasonable.

I know of no reason why they should be changed. They certainly should not be changed because of lack of money in the Treasury, for the Treasury is overflowing with money that ought to be in circulation among the people. They certainly should not be changed because unsustained by estimates and recommendations, because each one of them has been recommended and estimated for by the engineer officers of the Government charged with that duty. Not only so, but not a single item is found upon the bill that is more than 50 per cent., except in rare instances, of the amount recommended by the engineers. Usually 25 per cent. or 30 per cent. of the amount recommended is the amount of the appropriation in the bill.

If these appropriations then are sustained by the judgment of the officers of the Government who have been called on to pass upon them, if there is money in the Treasury to pay them, if the necessity exists for them, as the committee and the Senate has solemnly adjudged to be the case, I ask why reduce them? This money is to be expended all over this country, throughout the country, from one extreme to the other. It is to be generally diffused among the whole people of the country, and for a purpose which has been determined by those to whose charge the question was committed to be meritorious. Then, I repeat the question, why reduce the appropriations?

Mr. President, there is one great problem in the economy of this country which up to this time has defied solution, and that is the great question of railroad transportation and how to control it, so as to bring down the rates of freight and locomotion to reasonable limits. That is the greatest problem with which the statesmanship of this country has to deal to-day. No man has offered a solution of it; but a greater number of eminent men in this country concur in the opinion that its solution must depend upon water competition with the railroads, than in any other.

If we are to have competition with the railroads we can not get it among the railroad corporations themselves, because they will consolidate, they will pool, they will combine. It is an admitted fact that where combination is possible competition is impossible. We can not expect competition among them. Every effort of legislation directed to the end of creating competition between the railroads has broken down and been a failure.

There is but one chance confessedly for competition with railroads in the carrying trade and commerce of this country, and that is through the water ways, the rivers, the lakes, and the canals of this country. If we can not get it in that way we are under the domination of a railroad oligarchy, of a railroad combination, that no man living can see any end to. Then the object of this bill is to increase the efficiency of these instrumentalities to which alone we must look for competition with the railroad system of this country; it is to increase the efficiency of our lines of navigation, our water courses, our lakes, and our canals.

The bill as perfected in the Senate amounts to between eighteen and nineteen millions of dollars. Is that a large sum of money considering the purpose for which it is appropriated? How much do the railroads expend annually in repairs? I venture the assertion not less than $500,000,000 a year. Here there are between eighteen and nineteen millions to be expended by the Senate bill in keeping open our water ways to compete with the railroads which expend five hundred millions annually in repairs.

This does not appear to be unreasonable. It does not seem to me that the amount is a large one. So far as I am concerned and so far, as I believe, the country is concerned, the only solicitude felt is about the proper and judicious expenditure of the money. I will vote cheerfully for a river and harbor bill of $30,000,000 annually if you will show me where the money can be expended judiciously and economically, because I believe the object is a great one and worthy of that and a still larger expenditure of money.

No, Mr. President, we should not reduce this bill. We should stand by it. The clamor against it comes from railroad centers, comes from a press under the domination of railroads, and comes in large measure from people in the interest of railroads with which the water ways to be improved under the bill come in competition. The great mass of the people of this country have no sympathy with this clamor. It is superficial; it does not come from the people. They desire an improvement of the water ways of this country; they desire a release from the domination of railroad combinations, and they can never get it except through means of water competition.

Mr. BLAIR. Will the Senator permit me to make an inquiry?

Mr. COKE. Yes, sir.

Mr. BLAIR. This is suggested to my mind by observing recently a State convention of the teachers of Texas, who have pronounced unanimously in favor of the school bill which the Senate passed recently. Will the Senator be willing to support the amendment suggested by the committee if the 25 per cent. reduction can be applied to the support of common schools, based on the illiteracy of the country, according to the terms and conditions of the Senate school bill?

Mr. COKE. I am opposed to the Blair educational bill.

Mr. BLAIR. It is not the "Blair educational bill." It is the Senate educational bill.

Mr. COKE. I am opposed to it in every manner, shape, and form, and by any name it may be called; and I am not willing to put 25 per cent. or any other per cent. from the national Treasury upon it.

Mr. BLAIR. I thought I should like to know the Senator's position.

Mr. COKE. Now, Mr. President, the clamor against this bill is a fictitious one, is a manufactured one. It does not come from the people of the United States; it comes from railroad combinations, it comes from the press operating in the interest of the railroads, it comes from the railroad centers, and it comes from States which for one hundred years have been receiving the benefactions of the Government until they have been perfected in their lines of communication, in their public buildings and public works, and need nothing more. The people of the South and West, who have not enjoyed these advantages, need the competition of the water ways and the aid of the Government to improve them. In the South and West we believe that the Government should improve its rivers and its harbors, its lakes and its canals, so as to keep pace with the demands of the country for transportation, and so as to secure reasonable and moderate rates of freight on the exchange of products in the country by rail.

Mr. President, a great deal has been said about trout streams, about creeks, rivulets, and bayous to be found provided for in this bill which, it is said, are unworthy of improvement, have no water in them, and contribute nothing to commerce. I reply to that that there is to be found in the official reports here before us the report of a competent engineer of this Government recommending every stream appropriated for, and this upon personal inspection, as fit and proper to be improved. The committee rejected promptly every amendment not sustained by the engineer's report. Mr. President, you may take every appropriation of doubtful propriety in this bill and add them all together and they will not aggregate one-fourth of 1 per cent. of the aggregate amount of the entire bill.

I venture the assertion that there is not a bill passed by Congress of its amount with less waste in it than is in this bill as it is now perfected and stands before the Senate. Take the most insignificant river named in the bill for which an appropriation is made, and yet you find, small though it be, that it makes its contribution to the grand aggregate of the commerce of this country. I care not how small it is, it contributes something of value to the commerce of the country. There is not an appropriation in this bill not certified by the engineers of the Government to be necessary to the present or prospective commerce of the stream on which it is to be expended, and the object of these appropriations is to develop these streams, open them out, and make them more accessible, and thereby develop the commerce of the country.

This appropriation is for two years. Who shall say that eighteen or nineteen or twenty million dollars, if you choose, is too much to appropriate for two years when the great railroad system, with which these water ways must compete, expends five hundred millions a year? No, Mr. President, it is not too much; it is not enough. I would vote for more because I desire to see the water ways of this country opened, I desire to see commerce developed, I desire to see competition established in the great carrying business of this country, and, above all, I desire to see the people's highways, on which no tolls are collected, improved for the free use of the people.

There are no jobs in this bill; there are no private interests in it. They are all public. It is for the public interest and the public good. The eighteen or twenty millions, if appropriated, will be expended throughout this whole great country. It will not go to one section or to one State or to a few States. It goes among the whole people and helps the industries of all. It is one of the few bills which pass Congress that gives the poor farmer, wherever he may be, who is always reached by the burdens of this Government, a chance to get a dollar back in the saving of freights upon his products.

Mr. President, I will not consume the time of the Senate in reading. I have here before me the able report of the Interstate Commerce Committee, of which the Senator from Illinois [Mr. CULLOM] is chairman. I will give a list of names of gentlemen who have declared before that committee that the improvement of our rivers and harbors is a prime necessity, and that we can look for no other competition with the railroads than that which comes from our rivers and lakes and canals; and that if we desire to have this competition we must improve them.

The first gentleman named in this report is Mr. Albert Fink, the head of the New York railroad pool, or as he is styled, the commissioner of the associated trunk lines. He was the first man to come upon the stand on this subject. Then Mr. Simon Sterne, of the New York Board of Trade and Transportation; Mr. F. B. Thurber, a director in the same board; Mr. Charles Randolph, for many years secretary of the Chicago Board of Trade; Mr. Charles Ridgely, president of the Springfield Iron Company. Here is a strong paper submitted by the Toledo Produce Exchange, which I have not the time to read; General George B. Wright, of Indianapolis; James J. Woodman, master of the National Grange; Isaac H. Sturgeon, of Saint Louis; Hon. Thomas Updegraff, of McGregor, Iowa; Henry C. Haarstick, president of the Saint Louis Merchants' Exchange; Jabez Burrows, a leading farmer in Nebraska; Oliver Dalrymple, the great Dakota wheat raiser, and last and greatest of all, Horatio Seymour, of New York, since deceased, whose letter to the committee I will read.

UTICA, *May* 4, 1885.

DEAR SIR: I have been confined to my house during the past winter, and I am still too weak to prepare a paper with regard to our water routes. I do not

think they are properly valued. Their usefulness does not depend so much upon the amount of tonnage carried upon them as it does upon their influence upon the cost of transportation. As they are open to all, the moment undue charges are made upon other modes of transportation boats which are cheaply built are placed upon them. Pooling arrangements can not be made with boatmen, as they would only serve to multiply boats and boatmen. I value as highly as any one can our railroads. But they are forced into pooling arrangements, which are hurtful to the interests of commerce. We have strong proof of this in the history of the canals of New York. Up to a late date the State imposed heavy tolls upon them, and the railroads kept up high charges. The balance of trade was against our country.

We could not send our products as freely as we should to Europe. Our State then began to reduce the tolls, and in 1880 the canal was made free of charges. The result was that the balance of trade was in favor of our country in its dealings with Europe, and we enjoyed unusual prosperity. The tonnage of the canal has not been much increased by the policy of low tolls or no tolls, but the cost of carrying grain from Chicago to New York is cut down to about one-third of the former charges.

I send you a paper I prepared on this subject. I wish to call your attention to a table which it gives, taken from the official reports of the General Government. I can make no argument in favor of water routes so clear and strong as this official table.

It is strange that many regard with complacency plans for ship-canals which will enable vessels to sail around our country from New York to California only touching at a few points, while they denounce improvements across our country giving prosperity to all points on their lines in our own country, while the ship-canals across the Isthmus are for the benefit of other lands as well as our own.

Canals as regulators of transportation will soon be appreciated. Water routes are the only reliable protections against undue charges for carrying. The people will soon learn that fact.

I fear you will find it hard to read this letter. I am so weak I write with difficulty.

Respectfully yours,

HORATIO SEYMOUR.

Hon. S. M. CULLOM.

These gentlemen have all made statements to the effect that we must look and can only look to our rivers and lakes and canals for competition with the railroads. I will read the conclusion of this report:

THE EFFECT OF WATER COMPETITION UPON RAILROAD CHARGES.

The evidence before the committee accords with the experience of all nations in recognizing the water routes as the most effective cheapeners and regulators of railway charges. Their influence is not confined within the limits of the territory immediately accessible to water communication, but extends and controls railroad rates at such remote and interior points as have competing lines reaching means of transport by water. Competition between railroads sooner or later leads to combination or consolidation, but neither can prevail to secure unreasonable rates in the face of direct competition with free natural or artificial water routes.

The conclusion of the committee is, therefore, that natural or artificial channels of communication by water, when favorably located, adequately improved, and properly maintained, afford the cheapest method of long-distance transportation now known, and that they must continue to exercise in the future, as they have invariably exercised in the past, an absolutely controlling and beneficially regulating influence upon the charges made upon any and all other means of transit.

This is the conclusion of the report your select committee, so far as it relates to this subject, made to this session of Congress. They say that the water routes "have invariably exercised in the past an absolutely controlling and beneficially regulating influence upon the charges made upon any and all other means of transit."

Now, Mr. President, what is eighteen or twenty million dollars compared with the great purposes to be attained by the passage of this bill? It seems to me that to deny that amount is an unworthy quibble over a great subject. I will vote that amount, and I would vote, if I could see how the officers of the Government could judiciously expend it, double that amount if certified to be necessary, as every dollar in this bill is certified to be by the officers of the Government.

I will not further consume the time of the Senate, Mr. President, but I will venture to express the hope that the amendment offered by the honorable chairman of the Committee on Commerce will not be adopted.

Mr. DOLPH. Mr. President, being a member of the Committee on Commerce, I desire to embrace this opportunity to explain the vote that I intend to give on this amendment. I was not present at the first meeting of the committee when the amendment proposing to reduce the gross amount to be appropriated by this bill was considered. I was not present at the meeting this morning.

I intend to vote against the amendment. I concur heartily in all that has been said by the Senator from Texas [Mr. COKE] in regard to this bill. I believe that it is a good bill. I do not believe that the proposed reduction will be in the interest of the people of this country or in the interest of economy in the Government. I do not believe either that it will strengthen the bill in any other department of this Government. I do not believe it will strengthen the bill in either branch of Congress, nor do I believe it will benefit any political party or injure any political party. I do not think there is or should be any political question in this bill. I shall therefore vote against this amendment.

Mr. PLATT. Let us have the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. MCMILLAN. Mr. President, I agree entirely with the views expressed by the Senator from Texas [Mr. COKE] in regard to the merits of the river and harbor bill as reported by the Senate committee, and it is only because the Committee on Commerce believed that in order to secure a bill of any sum at this time it is necessary that a reduction in the amount of the bill be made.

We have had no appropriations for rivers and harbors for two years. The public works are suffering for want of appropriations, and the improvements commenced are already in danger of being injured and going into decay. If we have no river and harbor bill passed at this session by Congress, material injury will result to the public interests. All the views expressed by the Senator from Texas are emphasized by me except that in my view and in that of the Committee on Commerce, with the exception perhaps of two or three members who did not express their views until they uttered them on this floor, it is necessary that a reduction in the amount of the appropriations be made. It would be a great disaster if we do not obtain an appropriation for these improvements at this session, and it is in order to continue them and to secure to the country the benefit of an appropriation for their conduct and improvement that we report this amendment.

The appropriations in this bill, as the Senator from Texas has well remarked, go to every portion of the country. So far as these improvements are concerned they are situated in all parts of the country and they are equally distributed in every portion of it. The fact that the amounts of the appropriation have been decreased, if this amendment is adopted, gives no indication or color to the opinion that the Committee on Commerce had any doubt about the merits of the several items embraced in the bill. That question had no such influence upon the Committee on Commerce; and the Senator from Texas has well said that the items which are at all debatable in this river and harbor bill would not amount to one-quarter of 1 per cent. of the whole bill, and that that amount would only be subject to the criticism of those who were hostile, perhaps, to the principle of appropriating the money of the Government to anything that was not strictly a national improvement.

The Senate Committee on Commerce when they received the bill deemed it necessary that a large number of additional items should be inserted in it in order to make a judicious appropriation; and the additional items embraced in the Senate amendments are those of general importance, and must necessarily be considered by all as of great national importance. Some of those measures have been debated in the Senate and I need not particularly refer to them; but I desire to say that in regard to one of those appropriations, and in regard to the appropriations generally for public improvements embraced in this river and harbor bill, I hold in my hand petitions which have been presented at this session and referred to the Committee on Commerce which are but a portion of those which have been sent to Congress in behalf of these public improvements. These are petitions from Missouri, from Indiana, from Kansas, from Ohio, from Oregon, from Illinois, from Massachusetts, from Wisconsin, from Colorado, from New York, from Pennsylvania, from Nebraska, from Maine, from Texas, from Virginia, from New Jersey, from Connecticut, from Tennessee, from Michigan, from Arkansas, from Rhode Island, from Missouri, from Minnesota, from Mississippi, from Iowa, from New Hampshire, from North Carolina, from California, and from Delaware. All these petitions contain prayers from the people for these general improvements, and all of them I may mention by the way include specific prayers for the construction of the Hennepin Canal.

The Committee on Commerce with four hundred of these petitions before them believed that the sentiment of the people is in favor of these appropriations and that the public interest demands——

Mr. PLUMB. Will the Senator be a little more specific and state what improvements were petitioned for to any considerable extent besides the Hennepin Canal?

Mr. MCMILLAN. Yes, sir; internal improvements generally, and the specific improvement of the Hennepin Canal, the Portage Lake Canal, and others.

Mr. PLUMB. What others can the Senator call to mind?

Mr. MCMILLAN. I can recall Sandy Bay. The petitions are generally in favor of the improvements. The Senator no doubt presented some himself. I think he did.

Mr. PLUMB. Quite a number naming the Hennepin Canal, printed in the State of Illinois, were sent out.

Mr. MCMILLAN. I know nothing about where they were printed. I only know that they come to the Committee on Commerce of the Senate, presented by Senators and referred to that committee by this body. In addition to these are memorials from States and from business organizations throughout the country in favor of these improvements and I again repeat, and it is only for the purpose of emphasizing this fact that I have taken the floor, that the reduction in the amount is for the purpose of securing a bill at this session.

Mr. EUSTIS. I should like to ask the Senator from Minnesota a question. He has vaguely referred to some danger, which he has not defined, as to the success of this bill unless this reduction be made. I should like to ask him where does that danger exist—in this body or elsewhere?

Mr. MCMILLAN. Well, Mr. President, I will say to the Senator that it does not exist in this body as I believe.

Mr. EUSTIS. Now I will ask the Senator whether he has any more specific information as to danger elsewhere, wherever that may be, than other members of the committee?

Mr. MCMILLAN. I have no more specific information.

Mr. EUSTIS. Then I understand that some members of that com-

mittee do not share the apprehensions which seem to exist in the chairman's mind.

Mr. McMILLAN. I am not aware of that fact. I do not say that they do not share such apprehensions.

Mr. EUSTIS. I assume that to be the case from the mere fact that the argument *in terrorem* which the Senator has urged has not affected several members of the Committee on Commerce.

Mr. McMILLAN. Some of the members of the Committee on Commerce have expressed themselves as being willing to pass this bill whatever may be its fate, as it came before the Senate.

Mr. KENNA. The suggestion of the Committee on Commerce is that this bill be reduced, as matured by the Senate, by the amount of 25 per cent.

Mr. McMILLAN. Will the Senator permit me to state in justice to the committee that the action of the committee was taken at a regular meeting of the committee, all the members being notified?

Mr. PLUMB. I should like to ask the Senator from West Virginia to wait a moment until I ask a question of the Senator from Minnesota.

Mr. KENNA. I will do so.

Mr. PLUMB. Was it the deliberate judgment of the Committee on Commerce that all the appropriations provided in this bill should be made as matters of public policy and of public interest?

Mr. McMILLAN. I answer that question affirmatively without qualification. There were diversities of views in regard to particular matters in the Committee on Commerce; but the bill as reported to the Senate was assented to by all the members, with one exception perhaps.

Mr. FRYE. A majority of the committee reported every item in the bill, and every item in the bill was read, and every item in the bill was examined with the reports of the engineers touching that item—every single one.

Mr. PLUMB. I want to get at the feeling of the committee in regard to the propriety of the various expenditures proposed in the bill, and I thought the Senator from Minnesota, who is the champion of the bill here as chairman of the committee, would be able to say whether it was the sense of the committee, and is still the belief of the committee, that every single item of appropriation contained in the bill is a proper one to be made in view of the public interests involved.

Mr. McMILLAN. It would not be possible for me to say that every member of the committee assented to every item in the bill.

Mr. PLUMB. I did not speak of every member of the committee; I spoke of the committee.

Mr. McMILLAN. The committee assented to the bill; they reported the bill favorably. There have been items inserted in the bill by the vote of the Senate since it came into the Senate that the committee did not insert.

Mr. PLUMB. I speak of the bill as reported. I want to see if I can not get something to distinguish between mere passive acquiescence in the passage of the bill by the committee and an active affirmative sentiment in favor of the proposition. I want to know how much authority the committee's report in favor of this bill has.

Mr. McMILLAN. I feel great assurance in saying to the Senator from Kansas that the Committee on Commerce were strongly in favor of this bill. Perhaps I should say that there were some items in which the Senator from Missouri [Mr. VEST] did not concur originally, and the Senator from Maine [Mr. FRYE] is opposed to the bill as I understand; that is, I do not know that he is on principle but he is from some other causes which I will not undertake to explain. The Senator may explain his own position. I think the members of the Committee on Commerce will explain to the Senate their own views if there is any difference in the committee. The committee as a committee is positively in favor of the bill.

Mr. PLUMB. And believes that all the items in it are proper in amount and cover proper expenditures.

Mr. McMILLAN. Just as any other bill reported to the Senate.

Mr. PLUMB. Then I will ask the Senator, if that be the case, whether there is any feeling on the part of the committee against the bill on account of amendments that have been adopted in the Senate, if that in any way influenced the committee in proposing this reduction?

Mr. McMILLAN. I can not answer as to that. The Senator can ascertain from members of the committee, I think. He had better ask individual members of the committee how they feel about that.

Mr. PLUMB. I supposed the Senator was the organ of the committee. Will the Senator permit me to ask a question as to how it affected him, as to whether his position in this matter is affected by the fact that the Senate has inserted some amendments?

Mr. McMILLAN. Not at all. I am in favor of the bill as it was reported by the committee and as it has been amended by the Senate, and would, if I had my own choice, pass this bill as it stood before the pending amendment was submitted by me. I submit that not as the expression of my individual views, because I believe these improvements are necessary, I believe they are proper and should be carried forward, and that the appropriation made by the bill is too small rather than too large. Those are my individval views and I have no qualifications to make of them.

Mr. PLUMB. The Senator is very frank. Now, let me ask him this further question, whether he has had any late information about the condition of the Treasury which would seem to indicate that there will not be money there forthcoming on the draft of the Secretary of War to pay for these improvements in case they are ordered by Congress?

Mr. McMILLAN. The information I have in regard to the Treasury is altogether accessible to the Senator from Kansas. The information I have in regard to the public affairs relating to this bill comes to the committee from the Senate and from other sources which the Senator has the same facilities for communicating with that I have.

Mr. PLUMB. The question of facility in regard to getting information is a pretty wide field. I perhaps may have the facility but may not have the mental alertness to get hold of it when it is going around, and so I should like to be further advised on that point.

I find that the committee which we rely upon, which does not need any testimony of mine as to its reliability and capacity, believes that all the items contained in this bill are proper subjects of public expenditure; that the amounts appropriated are not as large as they ought to be, instead of being too large; that they ought to be larger; and that the condition of the public Treasury is such that it can easily respond to this and a much larger demand on it for the purpose of carrying on these works; and now we have presented here the spectacle—I hope the Senator from West Virginia will pardon me——

Mr. KENNA. I rose to ask the Senator from Kansas a question.

Mr. PLUMB. Let me get through with my question first.

Mr. KENNA. I hope the Senator will remember that I still have to ask him a question.

Mr. PLUMB. The Senator from West Virginia has the floor when I get through.

Mr. KENNA. The Senator from West Virginia is wholly unconscious of the fact.

Mr. PLUMB. We have here this spectacle of the committee coming in in the face of these facts, their own recommendation, their own practical certification of the fact that they offered this bill to the Senate with confidence that the Senate would agree to it upon their judgment as to its advisability from a public standpoint, and at the last minute, after we have gone through with it all and agreed to the items separately and agreed to them in gross, the Senator from Minnesota comes in with a confession, or what amounts to a confession, that the committee was mistaken, that somewhere there is some question of public policy which requires the committee now to take the back track, and it invites the Senate to follow it in taking the back track, and cut down indiscriminately these appropriations.

Now, in view of this very grave proposition, for it is a grave one, affecting, I will not say, the integrity of the committee, but its judgment, and affecting the Senate, which, with confidence, has followed that committee up to the very jaws, I do not say whether of death or success, but up to this moment of time, with an unquestionable fealty, I want before I turn around and eat up all that has been done and take the back track and swallow it all, to have the Senator make a somewhat more specific statement, stating the reasons requiring a motion of this kind.

Mr. McMILLAN. I think the Senator from Kansas will not have far to turn to take the back track. If the Senator is going to support this bill I think he can do it as well at this amount as he could if it were larger. I think in any event he is not going to support this bill nor any other, from his own statement and his own votes in the Senate.

Mr. PLUMB. My appetite has been considerably increased by this debate, and I think on the whole it is rather hankering for eighteen millions instead of twelve.

Mr. KENNA. I rose to ask the Senator from Kansas a question some time ago, and that is, whether he is for or against the bill as it now stands without the amendment of the Senator from Minnesota?

Mr. PLUMB. I can give a better answer to that in a few moments when the presiding officer of the Senate directs the roll to be called.

Mr. KENNA. It only requires a word to give his answer now.

Mr. PLUMB. I can say this, that if I can be persuaded that this money can be usefully expended upon objects of a public character, I will not only support a bill for $18,000,000, but I will make it $50,000,000 with a perfect assurance on that point. I never have stood here and objected to these bills because they carried a large amount of money. That never has been my objection. I regard that point as of the most trifling character.

Mr. KENNA. In that connection I should like to ask the Senator from Kansas a further question. Assuming, as he intimates, that this bill carries some objects which in his judgment are not worthy, will it add to his objection that some of those unworthy objects are reduced?

Mr. PLUMB. I have not objected that it carried unworthy objects. I object to this bill, as to all such bills, because we spend our money in driblets in such a way that a large portion of it is wasted. If I believed that every single object proposed in this bill was worthy I would still object to it, because I say it is better to mass our appropriations and complete the improvements desired, in the earliest possible time, in order first that the country may have the benefit of them; and in the next place that the money may be usefully expended and not

washed out by lapse of time and the general erosion that occurs on the banks of streams and in all our harbors.

Mr. KENNA. In that connection I will take the liberty of saying to the Senator from Kansas that a motion to amend the motion of the Senator from Minnesota by adding 25, 50, or 100 per cent. would be equally in order as the motion of the Senator from Minnesota.

Mr. PLUMB. Not at all, because that would be doing exactly what the Senator proposes to do, an indiscriminate thing. Some of these improvements are to be completed with the appropriations in the bill. I have observed as I have run through the bill that $3,000 or $5,000 is to complete an improvement in some cases.

Mr. KENNA. There are not a dozen items in the bill that can be excepted.

Mr. PLUMB. Why make that kind of confession of legislative incompetency that there is an appropriation of even $50 more than is necessary in order to avoid the necessity of writing out an amendment which would put the proper amount on each item?

Mr. KENNA. The Senator could ascertain that in two minutes and a half by submitting a motion. But I rose, Mr. President, for the purpose of stating that this proposition to reduce the amount of the bill is one that addresses itself to my individual judgment simply for the reason that I believe the same practice ought to be adopted by the Government in the prosecution of its great works of internal improvement which prevails in the business affairs of men everywhere. I agree entirely with the suggestion of the Senator from Kansas that it would be better in one year or two or in as short a time as practicable to appropriate the amount of money necessary to carry on these works expeditiously and completely, and I have no doubt that the amount of cost of various public works has been increased by the fact that we drawl them out and made it take years to do what ought to be done in a much shorter time. While I support this motion, it is not on account of any misgiving I have about the amounts of money required or about the specific sum allowed by this bill for any particular work.

But I ought to say, and say particularly to the Senator from Kansas, that the Committee on Commerce of the Senate has gone through this bill laboriously. There is not an item or a line in it that has not been subjected to the closest scrutiny. The amounts have been allowed not to the extent in which the committee would have been glad to go, because we should have been glad to finish in a day what it may require years to finish; but the amounts have been allowed within the discretion of the committee and according to its judgment with reference to a general sentiment as to what gross amounts we ought to appropriate for the current year.

Here again we are confronted by the fact that we are appropriating really for two years. There was no bill passed by Congress last year for these great works. Much material waste has resulted, great delay has resulted, and considerable expense to the Government of the United States has resulted. This is practically a bill appropriating money for the prosecution of these works for a period covering two years. At the same time the committee has not been able to recommend the amount recommended by the engineers for the completion of all works. I do not recollect the exact amount, but it must be forty, forty-five, or fifty million dollars. Everybody concedes that we can not afford to do that.

Examining these items, analyzing them, devoting a careful attention to the merits of each and the public interests of each, we allowed in the original bill the amounts we thought, in consideration of the general aggregate, ought to go to these particular items. Now, we come to the consideration of the bill in the aggregate, which as amended by the Senate amounts to $18,700,000, with reference not to the necessities of each particular case, nor to any principle of horizontal reduction, because there is nothing horizontal about it. There is nothing horizontal about a bill every item of which has been put in there on its own indvidual merits, but in the consideration of what is conceded to be the general sentiment with reference to the gross amount which we can afford to appropriate for this year for the prosecution of these great works. We have thought it fair to all these items, to each and every one of the works in progress under the law provided by these annual bills, that such reduction should bring the gross amount within the limit that Congress is disposed to appropriate for the purpose. It is to that sentiment that I have yielded, and I believe it to be in the interest of this bill. I do not know what may be thought of it elsewhere, either in Congress or anywhere else.

Mr. PLUMB. I will ask the Senator right there, did that question what may be thought of it elsewhere, which is a pretty general term, have any influence with the committee in regard to this matter? I ask whether "elsewhere" was allowed to determine the course of legislation and the amount of money to be appropriated?

Mr. KENNA. I can only answer that question for myself, and I will say that in yielding to this proposition to reduce the bill 25 per cent. I yielded to what I conceived to be the general proprieties of the situation. I have not sought information elsewhere. The information which I possess, meager as it is, about this bill and its particular items, I have derived from official sources; I mean from those official sources which are connected with these works in the engineering department; and I have acted accordingly.

So far as I am concerned, I will vote for this bill with $25,000,000 in it. I believe it would be genuine economy, I believe it would be in the interest of the public service, and I believe it would be further in the interest of great improvements scattered throughout this country involving the application of the funds of the people collected by taxes levied upon our people, and this is, perhaps, the only one of all the great appropriation bills passed by Congress the fund provided for by which goes back to the people for their general purposes and to promote their general good. I am ready, as far as I am individually concerned, to defend this bill here or elsewhere, for I believe it is right.

Mr. BUTLER. Mr. President, while this general confession is going on all around, I should be very glad to hear from the other members of the committee. It seems that the Senator from Texas [Mr. COKE] is violently opposed to this amendment, and the Senator from Missouri [Mr. VEST] I believe is opposed to it. The Senator from Minnesota [Mr. MCMILLAN] is opposed to it, and the Senator from West Virginia [Mr. KENNA] is opposed to it.

Mr. MCMILLAN. I am not opposed to it. I offered the motion, and of course I am not opposed to it.

Mr. BUTLER. The Senator is certainly not very earnest in support of it, for the Senator from Kansas applied a pretty high-pressure pump to the Senator from Minnesota and extracted from him a confession that he would prefer the bill as it originally came from the committee.

Mr. MCMILLAN. I think the Senator from Kansas got very positive information from me that I am in favor of the bill and in favor of the amendment.

Mr. BUTLER. I understood the Senator to say that he would be quite willing to vote for the bill with the Senate amendments on it, and the Senator from West Virginia made the same statement. I should be very glad, in view of having my own conduct and action on this bill clearly understood, to have a confession all around from the other members of the committee. The Senator from Maine [Mr. FRYE] says he is opposed to the bill *in toto*, amendment and all.

Mr. CONGER. In accordance with the Senator's remark, may I ask him to give a little information from himself and not be drawing information from others. I have not heard him express his sentiment one way or the other.

Mr. BUTLER. I shall be glad to give the Senator any information I can.

Mr. GEORGE. This is a very interesting colloquy and I should like to hear it.

Mr. EDMUNDS. I wish we could have order.

Mr. MCMILLAN. Will the Senator from South Carolina permit me to ask a question?

Mr. BUTLER. Certainly.

Mr. MCMILLAN. I ask the Senator from South Carolina if he has not offered as an amendment to this bill a proposition to strike out all after the enacting clause and insert a general appropriation of $10,000,000?

Mr. BUTLER. I have done that and with great deliberation, because I saw that the Committee on Commerce were in such an utter state of confusion and had become so absolutely stampeded about their own bill that, rather than not have any appropriation at all, I wanted to have a saving clause and get $10,000,000. That was the reason I offered it, if the Senator wants to know why I did it.

Mr. EDMUNDS. May I correct the Senator from South Carolina?

Mr. BUTLER. Certainly.

Mr. EDMUNDS. The Senator says the Committee on Commerce, to whose defense I come——

Mr. BUTLER. I am glad to know they have some one to defend them. They make a bad showing for themselves.

Mr. EDMUNDS. Would it not be more correct to say, looking at the bill as it came from the House and all together, that they are in a state of diffusion, instead of confusion? [Laughter.]

Mr. BUTLER. I am glad to accept that correction. Certain gentlemen of the committee have expressed their opinion about the bill, and I confess very frankly that I would prefer to vote for the bill as it is. I shall certainly vote against the amendment offered by the Senator from Minnesota when it has such a half-hearted, hesitating, halting support by the mover of it, who says in its support that he would prefer the bill as it is, as it came to the Senate.

Mr. MCMILLAN. No, I did not say that. The Senator is mistaken about my statement.

Mr. BUTLER. I hope I am.

Mr. KENNA. Allow me to ask a question of the Senator from South Carolina, whether he would vote for an amendment to reduce the bill to $10,000,000?

Mr. BUTLER. No; I would rather have it as it is, as it stands amended by the Senate.

Mr. KENNA. The Senator's amendment is $10,000,000.

Mr. BUTLER. If I can get a vote on the bill as it came from the Committee of the Whole, I prefer to vote for that. If not, I will vote for my amendment of $10,000,000.

Mr. EUSTIS. I wish to ask the chairman of the committee a question. Will he give his reasons why he offered the amendment. He stated that he was apprehensive that unless the original amount was reduced the success of this measure would be endangered.

Mr. McMILLAN. The Senator in justice to me will permit me to say that I stated distinctly that the Committee on Commerce directed me to offer the amendment. I expressed my individual views in regard to it and my opinion upon the bill as it stood.

Mr. EUSTIS. But I understood the Senator from Minnesota distinctly to state that while he was in favor of the bill as reported from the committee and in favor of the amendments increasing the amount which was reported from the committee, yet that the reason which actuated him to offer this motion calling upon us to vote for a reduction of 25 per cent. was that unless that original amount was so reduced the success of this bill would be endangered. That reason was satisfactory to me so far as any explanation from him was concerned; but I am not able to state exactly to what he does refer, what is the basis for his apprehension, or what he is afraid of. But we have the statement of the Senator from West Virginia, who is also a member of that committee and who is a supporter of the motion, that such an apprehension as that does not influence or actuate him in his support of the motion. He says that he yields to what he calls the general propriety of the situation, whatever that may mean.

Mr. KENNA. I leave it to the Senator to interpret my expression for himself.

Mr. EUSTIS. I am not in the position of the Senator from Kansas, who is an enemy of this bill, nor am I in the position of the Senator from South Carolina, who is a quasi friend of this bill. I am an earnest and original and blindfold supporter of this bill. I have followed this Committee on Commerce; I have supported this Committee on Commerce; I have yielded to this Committee on Commerce my utmost confidence and affection; but now, forsooth, the Committee on Commerce calls upon me to give up $500,000, for instance, of the amount appropriated for the improvement of the Mississippi River.

Mr. KENNA. Will the Senator pardon me there? And every other Senator and every other member of the House, if this bill should pass as reduced, as proposed by the committee, will be called on to yield precisely the same proportion, whatever his own individual judgment might be in reference to the improvements in his locality.

Mr. EUSTIS. But I do not represent trout streams, Mr. President.

Mr. KENNA. Neither do I; nor do I think any of us do, so far as this bill is concerned. If the Senator thinks there are appropriations in the bill for trout streams, I ask him to oppose it, because I would certainly do so under those circumstances.

Mr. BUTLER. Now may I ask the Senator from Louisiana who has criticised my position as a quasi friend, if he is a thick-and-thin friend of the bill, in season and out of season?

Mr. EUSTIS. I have proved that, Mr. President, and I propose to prove it further by voting against the motion made by the Senator from Minnesota. I consider that motion an imputation upon the Committee on Commerce. I consider that motion a serious reflection upon the Senate of the United States; and for one, sir, whatever may be appprehended by others in other quarters, wherever those quarters may be, I do not intend to be intimidated in the discharge of my duty as a Senator.

If the Committee on Commerce have acted, and I assume they have, from proper motives, earnest in the discharge of a public duty, feeling and knowing that in the discharge of that duty they were protecting and guarding the rights and interests of the American people, I say that the idea involved in the motion of the Senator from Minnesota is a humiliating surrender on our part, to what influence I will not attempt to describe; but it is a confession at the conclusion of our labors that there is something wrong about this bill, that the bill contains a vice of some kind, and that this committee and that this Senate do not dare to go before the country and assume the responsibility of this legislation, and, therefore, they call upon us who represent the constituencies who are vitally interested in this appropriation to conduct and to complete great public works, that we shall not only surrender our prerogatives of legislation, but that we shall sacrifice the interests of those people and of those works because of some apprehension which seems to alarm the chairman of the Committee on Commerce.

Mr. President, I hope that the friends of this measure will vote against the pending motion, and if the Committee on Commerce propose to turn their backs upon this measure, and are afraid to confront the enemy and to face his fire, whoever he may be, that we at least who have been merely foliowers and privates in this controversy will have the courage to assume the responsibility of this measure.

Mr. EDMUNDS. Mr. President, in voting for this amendment I do not understand that I am casting any reflection upon the Committee on Commerce, but quite the reverse. We have just had from the House of Representatives—I may mention that with propriety—a joint resolution which proposes to pay a respectable fraction of the public debt, but a very large fraction will still be left, some millions or billions, or whatever it may be, and, therefore, in the interest of paying our debts before we undertake to carry on very largely the so-called improvement (and in a great many instances it is a real improvement) of the navigable waters of the United States, the Committee on Commerce, looking at the debates in both the Houses, at the reports of the Secretary of the Treasury, and the state of the public finances, has thought it fit to propose that in this particular bill there shall be a reduction of aggregates and of items pro rata—that is all—still leaving thirteen or fourteen million dollars of the public treasure to be spent upon these works.

When this bill came from the House of Representatives it was ill-adjusted. Certain regions of country, I will not say sections, seem to have been much more largely in the minds of those who framed and passed the bill than others. Certain public works seem to have been much more largely in their minds than others. It was therefore necessary, as it is in every tax-bill and in every other kind of bill that comes to one of the Houses from the other, to see that its adjustment of burdens and benefits for the public interest was made as nearly correct as possible. Those adjustments have been made according to the sense of a majority of the Senate—not according to my own but according to the better sense of the average judgment of a majority of this body, which we are all bound to respect for the time being.

Those adjustments having been made, so that as one item relates to another, and one region relates to another, and one work relates to another, and one public local benefit or general benefit over a continent relates to another, it is found that there is more money in the aggregate of this bill than is necessary, in view of the state of the public Treasury and the public debt and the public interests, to be appropriated now.

This very Congress, this very Senate, without any change whatever except the casualties that happen from the providence of the Almighty and this House of Representatives, will have the opportunity in December, if any one of these public works, great or small, is found to be deficient in the necessary money to carry it on, to proceed to provide for it; and between now and the day when Congress will dissolve itself on the 3d of March next, it would be perfectly suitable, in my opinion, if the aggregate and the total of this bill were reduced ratably by 50 per cent. instead of 25, because when we meet in December not 50 per cent. will have been spent in one instance in twenty to provide for any actual need. It should be remembered that there is no limitation in these river and harbor bills of fiscal years; and any money that is left on the 1st day of next July will still be applicable to the objects to which it has been devoted.

Wherefore, then, is this committee assailed because having made according to the judgment of the Senate a suitable and ratable adjustment among all the interests and sections and works of the whole United States, it is thought unnecessary to put so vast an amount of money in the aggregate into the immediate control and disposition of the Secretary of War which he can not use within the time between now and the period when Congress meets again? There is none at all. The act of the committee therefore in my opinion is the act of wisdom and of prudence, and is not in any way detrimental to any public interest. I wish it had gone further a good deal.

Mr. KENNA. I wish to ask the Senator from Vermont in reference to the effect of this appropriation, and with reference to the duty of the Department to expend it within the fiscal year or the right of the Department to postpone beyond the fiscal year the amount appropriated. The Senator will understand from the discussion we had the other day the purpose I have in asking the question.

Mr. EDMUNDS. If I correctly understand it, as I have been told by everybody and so far as I see the frame of this bill, it is true that these river and harbor appropriations—and this like all the others is not an appropriation, as the Senate will see by looking at its title and its first provisions—are not limited to any single fiscal year. This bill is a complete and absolute appropriation of so much money for such and such objects. That being so, the question of balances falling into the Treasury at the end of fiscal years is entirely apart and does not apply to this bill at all.

It being then an appropriation of money to be expended by the administrative department of the Government, it is their duty in carrying out in good faith the objects of Congress in passing this bill, to expend it prudently, economically, faithfully, and diligently, I will say, not to refuse to expend it at all. It amounts to a direction of Congress, in a moral sense of course. If a President of the United States saw that there was some obvious mistake, that there was a provision in this bill, or any of the others that have gone before it, for improving a stream that could not be found at all, then nobody would say that the Secretary of War or the Chief of Engineers or the President of the United States was guilty of any impropriety in not spending the money.

Mr. KENNA. I agree with the Senator.

Mr. EDMUNDS. That is clear enough. So it comes to the ordinary case of a just and faithful administration of an Executive Department in carrying out faithfully and diligently the objects that Congress has in view with the approval of the President, passing the bill to be signed, or passed and not being signed, no matter, so that it becomes a law. But that does not mean that this $17,000,000 or $18,000,000 shall be spent between now and the 1st of January. It means according to the nature of each case and a fair application of honest and intelligent minds to it, the best, the most economical way of doing what has been provided.

That is what seems to me, and therefore it is that I defend this action of the committee so far as it has gone—and I wish they had gone farther—in saying that it is much better to take these three or four or five million dollars that are to be diminished by this amendment, and

pay that amount of bonds with it, than it is to tie it up and credit it in the books of the Treasury and in the books of the War Department, so that it could not be used for that purpose, and when more money is needed, be it December or January or June, for any just object that commends itself to Congress to carry it on, here is Congress to provide for it.

Mr. MILLER. Mr. President, I stated my position with regard to this motion yesterday, and therefore I need not repeat it.

The history of this bill is very brief. It came to the Senate some weeks ago and went to the Committee on Commerce. The Committee on Commerce amended it in two ways, by striking out some provisions found in it, and by reducing the sums of several propositions contained in it. It added to the bill by making amendments for other public works that were not found in it.

In that condition the committee reported the bill to this body, and from the day it was reported to this body until now every Senator who has announced himself as unqualifiedly against this bill, as determined to defeat it and vote against it when the final vote should come, with one single exception has steadily voted to increase the amounts in the bill. With one exception they have steadily voted to increase the bill. I believe to-day as the bill stands that every item that was stricken out by the Committee on Commerce has been restored to the bill by the votes of those who were in favor of that restoration, and by the votes of the announced enemies of the bill. For what purpose? For the avowed and declared purpose of loading this bill down in order either that it might be defeated here or that it might receive an executive veto. That is no secret. Every Senator on this floor knows the truth of the words I have just spoken.

Now, the question is whether this bill shall be submitted to its enemies, whether they shall be permitted to leave it in a condition where it will never become a law, or whether the friends of the measure shall rally around this proposition of the committee and see that it is carried through.

Mr. PLATT. Will the Senator from New York allow me to interrupt him for a moment? I do not know whether I am to be classed as an enemy of this bill. I have expected to vote against it from the start, but I have, I think, consistently voted not to increase it, not on the recommendation of the committee or any other recommendation, since it came into the Senate.

Mr. MILLER. I have not said anything about the Senator from Connecticut. He takes his own position on this bill. I have not mentioned any names.

The Senator from Louisiana [Mr. EUSTIS] tells us that he has been a thick-and-thin supporter of this measure from first to last. I believe he has. I believe he has conscientiously supported it, and that he believes in it. But now he tells us that under the present circumstances, no matter what there may be before this bill, he prefers to stand by it as it is even if it shall go down in the end, rather than yield anything of his own opinions to the judgment of his colleagues or to the necessities of the circumstances which surround this measure.

Mr. President, I do not know what the motives are that actuate the Senator in his present position. It is not for me to question them; but his well-known opposition to the present administration may lead us to believe that he challenges an executive veto, that he desires it, that he desires it even more than he desires the large amount of money which this bill carries for the Mississippi River and for all his portion of the country.

Sir, I am very frank to say that looking at all the great public works provided for in this bill, believing that the necessity for their preservation and for their improvement is paramount and absolute in its obligations upon every member of this body, I am willing to yield so much of my opinion as to what these appropriations should be as to put this bill in such a condition that it will at least have a fair chance of becoming a law after it shall have left this body.

I trust that the Senator from Louisiana on reconsideration, as a friend of this measure, will still further continue to follow the majority of the Committee on Commerce upon this question, and that rather than take the dangers of a final defeat of the bill after it shall have left here—and in saying that I may refer either to the House or to the Executive, it matters not——

Mr. PLUMB. Will not the Senator state more specifically to what he does refer and not leave us to imagination about it?

Mr. MILLER. I may refer to both; but what I do refer to is as well known to the Senator from Kansas as it is to me.

Mr. PLUMB. The Senator gives me more credit than I am entitled to. I do not get things by spontaneous combustion, as some people do. I want to know about this a little. I want to see how it is that people who have been so conscious of their own rectitude and their own judgment have seemed to run against a stronger body and consequently have wilted like a lettuce plant under an early frost.

Mr. MILLER. We ran against the Senate and, as I stated a moment ago when the Senator was out, the Senate has put back into this bill every item, I believe, that the Committee on Commerce took out of it, and put it back by the votes of the friends of each particular measure backed up by the enemies of the bill.

Mr. MITCHELL, of Oregon. I wish to ask the Senator from New York how much the bill has been increased in the Senate.

Mr. MILLER. I can not tell that; it is a matter of no consequence to me now. Whatever the Committee on Commerce did has been undone so far as striking anything out of the bill was concerned.

Mr. DAWES. And all the committee did in adding to it has been agreed to.

Mr. MILLER. The Senate has added to it also beyond the additions of the Committee on Commerce. The Senate has not followed the Committee on Commerce at all to any extent.

Mr. DAWES. How much did the Committee on Commerce take off? Can the Senator tell?

Mr. MILLER. Those figures are in the RECORD forty times. My memory is not good upon figures. It is quite a large sum, I will say.

Mr. DAWES. Six hundred thousand dollars in the $15,000,000 was proposed to be stricken out by the committee, I believe.

Mr. MCMILLAN. Six hundred thousand dollars.

Mr. MILLER. I do not think it is of any great importance now.

The Senator from Kansas is very anxious to know what the committee has run against. I have said that it has run against the Senate in the first place, which has put back in the bill everything the committee took out of it, and has added to it in addition to that.

But I have no objection to stating in my place here—it is an open secret, in fact it is no secret at all—that arrangements were being made to bury this bill out of sight in another body not the Senate of the United States, provided certain things were done, or the amount was increased beyond a certain point. There have been floating about the corridors of this Capitol and in these cloak-rooms and upon the floor of the Senate statements made and repeated day after day by men supposed to represent the present administration, men who stand close to it, and who before all the people are taken as its champions, who do not hesitate to say, not in whispers but in words that any Senator might know, that if this bill exceeded a certain amount it would undoubtedly meet the executive veto.

Mr. SAULSBURY. I desire to ask the Senator right here whether he has any information from the President of the United States, or from any person connected with him, that he intends to veto this bill? It is not right to state that the Executive of this country is undertaking to influence the action of the Senate, when perhaps there has been no President of the United States who has been more careful on that point than the present Executive.

Mr. MILLER. I have made no such charge against the Executive. I have not intimated that the President proposed to veto the bill. I have no information whatever from him upon that question. What I have stated is that men who stand before the country as the leaders of the administration upon this floor—if that is more direct and certain—have told us here for weeks and weeks together that if this bill exceeded a certain amount it would undoubtedly be vetoed. Whether they have any positive information about it or not, I advise the Senator from Delaware to ask of them in as public a way as he has asked of me.

Mr. President, after the Senate has put back into this bill everything that the Committee on Commerce took out of it, after it has increased it beyond the amendments proposed by the Committee on Commerce, we must as practical legislators act upon what our judgments may be for the time being. They may be all wrong. It may be possible that the other House and the Executive would approve of this bill if it were $30,000,000; but I say the air is full of rumors that it would not do to do it at all. Believing in the absolute necessity, I repeat again, of these public works and of their improvement and maintenance, I yield so much of my own private judgment as to vote for this proposition to cut down the bill 25 per cent. It does neither impeach the committee nor impeach any single item in the bill, for it does not take a single item out of it.

Mr. MAXEY. I should like to ask the Senator from New York a question. I understood him to say that the Senate had practically ignored the action of the committee and disregarded their recommendations. I find that the Senate committee placed upon *the bill the following* amendment:

Improving New York Harbor, New York: Continuing improvement to secure a 30-foot channel at mean low water at the Sandy Hook entrance of the harbor, upon such plan as the Secretary of War may approve, $1,000,000.

That was put on the bill by the Senate, on the recommendation of the Committee on Commerce. Has that been stricken out?

Mr. MILLER. That was put on by the committee and was concurred in by the Senate unanimously, the Senator from Texas himself joining in that concurrence.

I did not say that the Senate had overruled the Committee on Commerce upon every point. I said the Senate, I thought, had put back everything the committee had taken out, and in addition to the amendments which the Committee on Commerce had proposed by way of increase, it had gone far beyond them and added to them. That is what I said. The Senate was gracious enough, I will say, to consent to the amendment the Senator has read and to some others which the Committee on Commerce did propose.

Mr. MAXEY. This proposition of cutting down 25 per cent. strikes me as self-stultification not only on the part of the Committee on Commerce but on the part of the Senate. Here the committee have been

for forty-six days and the Senate for a number of days considering this bill, and we have endeavored to procure a good and fair bill. It does seem to me that the Senate of the United States should determine for itself, without the slightest regard to what others who have their part to perform may do. It is our duty to determine for ourselves what is right now.

The Senate has added about half a million dollars to what was in the bill when it came from the committee; and here comes a proposition that after the Senate has agreed to the amounts which came from the House, and to the amendments made by the committee, because the Senate has added half a million dollars, and chiefly by disagreeing with the committee in respect to items which the House had passed upon, we shall strike down four and a half million dollars from the whole bill, taking it, in round numbers, at $18,000,000. The Senate has only increased it half a million; and yet because the Senate has made an increase of half amillion dollars, after all this labor, and after this deliberate judgment of the Senate, we are now upon the demand of our leader in this matter, the chairman of the Committee on Commerce, to say that all our action was wrong, the recommendations of the committee were wrong, the items passed upon by the House and agreed to by the committee and by the Senate were wrong, the whole action was wrong, and because the Senate has had the temerity to add half a million more to the bill than was in it when it came from the committee, therefore we shall recommit it with instructions to deduct one-fourth, or four and a half million dollars. It does seem to me that that is a very unreasonable proposition.

Again, look through the bill and you will find as a pretty general rule that the States which had representation on that committee have had large increases. In reference to the State which I have the honor in part to represent, I say that the committee has representation from that State on it, and yet the Committee on Commerce did not add one dollar, one dime, to the appropriations which were given to that State by the House of Representatives, nor has my colleague [Mr. COKE] or myself asked the Senate after the bill came here to add a solitary dollar, in any shape, form, or manner, to any appropriation we have in the bill. But what is the fact as to others?

The Senator from New York has secured in the item to which I have referred $1,000,000; and all through the bill you will find in italics thousands and thousands of dollars are added on to the State of New York, not given to it by the House of Representatives, and what then is the effect of this motion? When you strike a horizontal line of 25 per cent. through these items, those who have taken care of their houses, strike it through what the committee has given, and they who were most thrifty in securing additional appropriations in committee stand a far better chance of success then he who took the bill as it came to the Senate from the House, believing that what he got there was a fair share.

Mr. President, that will not do.

Mr. DAWES. I wish to ask the Senator a question before he sits down. I ask the Senator to be a little more definite in the matter of his statement that the Senate has had the audacity to add half a million dollars to this bill. I understand that the Senate has added very much more than half a million. The half million alluded to by the Senator from New York I understood to be a half million which the committee had the temerity to cut out of the bill as it came from the House, but they have added independent of that something like two million or more, and the Senate have not only put the two millions and more upon the bill, but they put back the half million that the committee had the audacity to recommend should be taken out of the bill. That is the way I understand it. I should like to have the Senator from Texas a little more definite upon that point.

Mr. MAXEY. The Senator has some little difficulty in understanding what I said. I said nothing about the audacity of the committee. I said the Senate had had the temerity to add half a million dollars to the bill after it left the committee and came to the Senate, and it seemed that because of that the committee now ask that the bill shall be recommitted and four and a half million dollars stricken out.

The Senator from Vermont says this motion ought to carry and let the bill go to the House, and at the next session of Congress we can again consider it, and if there is necessity for more let it come in then. There never has been a bill more thoroughly considered than we have a right to suppose this bill has been considered, from the length of time it was in the House committee and in the House before it reached here, and the forty-six days that it was in our committee after it reached here; and we have the positive assurances of the chairman of the committee and other members of the committee that every item of the bill was carefully examined, and that there is not one single item of the entire bill that does not have the approbation of the Chief of Engineers, whose especial business it is to look to the river and harbor improvements of this country. We have had all that. When do you ever expect to have a fairer bill than you have now?

That suggestion does not come from a friend of the bill; it does not come from a friend of the bill that 25 per cent. of all that gets into it is to be cut down. It comes from one who has voted against every river and harbor bill for the last eleven years, so far as my recollection goes, and will vote against this one; and it is strange that those who claim to be friends of this bill will follow in the lead of one who always has been, and in my judgment always will be, opposed to such bills. The greatest of all military leaders says never do what your enemy wants you to do, if for no other reason simply because he does want you to do it, and when the Senator from Vermont advocates a proposition of this kind I understand him. I attribute to him as perfect sincerity and integrity and honesty in his course of action as I claim for myself; but he opposes this bill, and therefore he will take any course whatever that he may deem best adapted to execute the purpose he has in view, which is the defeat of the bill.

It has been said also that this is to save the bill. It is my deliberate judgment that if this 25 per cent. proposition is adopted, that is the last of a river and harbor bill that you will hear of during this session of Congress. It is the absolute defeat of the bill. Here we have gone on step by step, earnestly endeavoring to perfect this bill for the good of the whole country, and have reached a point where, to say the least of it, it is not courage to back in the middle of the battle. The true courage is for us to go on to the close; do what we, by a vote, have said it was our duty to do; take the bill as we ourselves have perfected it, and vote upon that bill. That is my judgment. I never knew a man to win a battle who would retreat in the midddle of the fight when his troops were going on to conquer. Here where we have a majority and everything is in our favor our general comes to us and tells us "retreat," and in that he is backed by every man who is opposed to the bill and wants that retreat for the purpose of destroying the bill. That is the doctrine. You are following the lead of your enemies and doing what they want you to do for the destruction of this bill; and I urge every man who is honestly and sincerely a friend of this bill to act on his own deliberate judgment and disregard the proposition which has been made by the chairman of the committee, and vote for the bill as we have perfected it.

Mr. GORMAN. Mr. President, the Committee on Commerce considering this measure have given it as much attention as ever a committee of this body gave to any bill that came to it from the House of Representatives. It came here appropriating about $15,000,000, as a majority of the committee thought unequally distributed. We believed that some States and some sections had a larger amount appropriated to their rivers and harbors than ought to be made in any one year, and we endeavored by weeks of labor to correct the inequalities by making reductions, and thus adding many rivers and harbors not in the bill as it came here, and yet keep the aggregate amount within reasonable limit. I as one member of the committee thought that to be the proper course, not because I believed the President of the United States would veto the bill if we appropriated $20,000,000 in it. I never gave it a thought, nor would I care what might be the views of any President on a matter of this sort, I would exercise my individual judgment as I have no doubt every Senator has. And here I desire to say, in reply to what has been stated by my distinguished friend from New York [Mr. MILLER], that I believe he did the President great injustice when he said that the President had intimated, or some one for him, or who pretended to know the President's views, that he had expressed an opinion adverse to the river and harbor bill.

Mr. MILLER. The Senator will pardon me for interrupting him. Will he yield?

Mr. GORMAN. With great pleasure.

Mr. MILLER. The Senator certainly misunderstood me if he understood me to express any opinion or any judgment of my own as to what the intention of the President was on this question. I in no way made any such intimation, or if I did it was entirely unintentional at the time.

The Senator will do me the justice to say that in private conversation on this bill I have over and over again insisted that the President was a man who understood something of the great public works of this country, and I have expressed my private judgment that he would not veto the bill. I am still of that opinion. But the other opinion has prevailed among other gentlemen who have just as good a right, and perhaps a better right, to express an opinion on that subject than myself. I certainly did not intend to express any opinion as to what the President would do.

Mr. GORMAN. I am very glad to hear the statement of the Senator from New York. I do not pretend to have any authority to express any view for the President of the United States upon any measure that is before Congress, and I doubt whether there is any member of the Senate or of the other House who has any such authority. I do not believe the President has as to this or any other measure pending sought to influence any Senator or member of the House. The statements referred to by the Senator, no matter by whom made, are not entitled to consideration.

Mr. EDMUNDS. Mr. President, I rise to a point of order. I submit as a point of order that it is out of order and unseemly and improper to refer to any possible or impossible action of the President of the United States or of the other House of Congress in respect to this bill. The Constitution has made it our mission to try this bill on its merits, as it seems to us, without any reference to what any other House or any other department of the Government may do.

The PRESIDENT *pro tempore*. The point of order is undoubtedly proper; but the Chair observes that nearly every Senator violates the rules in an indirect way.

Mr. EDMUNDS. I hope the Chair will enforce the rule in truth and righteousness.

The PRESIDENT *pro tempore*. A reference to what is done "elsewhere" is the common way which is resorted to by almost every Senator to circumvent the rule. That is a violation of the rule, and much more a violation of decency and propriety than it is to make directly a charge that the President of the United States will do so and so. The Chair therefore finds a difficulty in enforcing the rule unless Senators themselves observe it and see the impropriety of referring to what the President or the other House may do.

Mr. GORMAN. Mr. President——

Mr. EDMUNDS. I did not refer to the Senator from Maryland in particular. I only hope we shall treat this bill on its merits and keep within the proprieties of legislation.

Mr. GORMAN. I am very glad indeed that the Senator from Vermont has made the point of order. I only regret that he did not feel it his duty to make the point at an earlier stage in this discussion.

Mr. EDMUNDS. The trouble with that was the fact that I was engaged in the Committee on the Judiciary in studying the accounts of sundry marshals that we have to deal with.

Mr. GORMAN. The Senate is apt to go wrong when the Senator from Vermont is not here.

But, Mr. President, for one, without regard to the views of anybody inside or outside of this Chamber, as a member of the Committee on Commerce I believe it was wise before we reported the bill that a general reduction should be made in the items, so as to bring the aggregate within $15,000,000. Hence I desire it to be understood that I am casting my vote for the amendment offered by the chairman of the committee without reference to the views of anybody else.

I know that a reduction of 25 per cent. of all the items in this bill is not altogether the fair and proper way to reduce. There are appropriations contained in it which will complete some of the great works of this country, notably the improvement of the harbor of Baltimore, in my own State. The small amount appropriated for that State in this bill, less than $300,000, would complete that great work and give the country the benefit of the large sums heretofore expended. So with the improvement at Muscle Shoals and other great points in this country, such as the Mississippi River.

But we must look to the general result at this late stage of the session. With the sums which have been appropriated for all the purposes of the Government, the gross amount has been swollen to a point that will probably make this the most liberal Congress that has ever assembled since the adoption of the Constitution. And speaking to my friends on this side whose States have been liberally dealt with in this bill, particularly to my friend from Texas [Mr. COKE], I say that for the first time in twenty-five years there is appropriated nearly a million dollars for the harbors within that great State, and it is entitled to it all and ought to have more, possibly an annual appropriation until completed of a million dollars for the great harbor of Galveston, yet it is not practicable to give it all.

It is not right for us to go on, simply because we happened to have a larger amount in this bill than usual, to swell that amount until the country will rebel against what I believe is the best bill in the interests of the people that has ever been brought to the consideration of the Senate.

Mr. GEORGE. That is your opinion.

Mr. GORMAN. I have the right to express my opinion, as the Senator from Mississippi has the right to express his. I mean to say by that, for I believe it, that liberal appropriations for the improvement of the water ways is wise and does more to advance the interest of the whole country than any like amount appropriated for any other purpose, and yet I believe that the great corporations who now largely control the transportation interests, with their power and their money, with their astute and able attorneys and writers to largely manufacture public opinion, annually make war upon the river and harbor bill. It is a power that we can not despise. You and I know it has had too large a control in all the affairs of the Government. These corporations know that improved rivers, harbors, and canals is the one great preventive for extortion. Their interest is to suspend these great works. If our appropriations are excessive, the country may become alarmed.

Mr. PLUMB. Right in that line does the Senator not think that this great influence he speaks of would feel better about a twelve-million-dollar than an eighteen-million-dollar bill? Does he not think that to appropriate less and make the rivers less useful would better suit the railroads than to appropriate more and thereby more completely improve them and make them keener competitors with railroad commerce?

Mr. KENNA. The Senator from Maryland will allow me a word. In that line of inquiry I wish to suggest to the Senator from Kansas whether he will support the eighteen-million-dollar bill.

Mr. GORMAN. We all understand that there are numerous gentlemen who can not be controlled, whose votes can not be had for what they regard as an enormous and extravagant bill, and yet who are prepared to go for and approve the usual appropriation. There is no Senator on this floor who is a greater stickler for keeping appropriation bills within the usual amounts than my friend from Kansas.

Mr. EDMUNDS. May I interrupt the Senator from Maryland?

Mr. GORMAN. With pleasure.

Mr. EDMUNDS. I agree entirely with what he has said about the corporations, and yet it is a very strange thing that every time I stand up in the Senate, as I have over and over again, every time such a bill was up when I was here to oppose the putting of destructive bridges over the navigable waters of the United States by these very same railroad corporations I have been voted down, I believe every time.

Mr. RIDDLEBERGER. I rise to a point of order. I ask whether we are acting under the five-minute rule? If so, if I am not misinformed about that, the advocates of these appropriations have exceeded the five minutes. I state now that the five minutes have been exceeded.

The PRESIDENT *pro tempore*. The five-minute rule is to be enforced by the Senate and not by the Chair. It is not now in force, at any rate.

Mr. EDMUNDS. There is pending now I believe somewhere in Congress a bill providing for a low bridge across the Mississippi River for which six millions are appropriated, and in respect of anything that can do it any good I am for it; and yet whenever a railroad corporation or anybody else comes with an application to build a bridge over these navigable streams, in spite of everything that can be done it goes through every time. I think we ought to begin somewhere to stop that sort of thing. I ask the attention of my friend from Maryland to that part of the case.

Mr. GORMAN. In the expenditure of money under the river and harbor bill we are compelled to rely upon the reports of the Government engineers, who in each and every case have made a thorough examination and reported to Congress the facts, and upon their report and upon their judgment as engineers we frame this bill and vote the money to carry out the appropriations.

Now, the Senator from Vermont seems to think, or at least that would be a proper inference from what he has said now and has heretofore said, that he is a better engineer than the Chief of the Engineer Corps of the United States Army; for I venture the assertion that there never has been a bill, at least since I have been a member of the Committee on Commerce, reported to the Senate and acted upon to bridge any navigable stream in the United States unless it first met with the approval of the Chief of Engineers, and he has stated that it would not seriously interfere with navigation.

Of course every bridge does to some extent interfere with navigation. We must have railroads, and the right to bridge navigable streams can not be denied; but the Committee on Commerce, which has reported bridge bills, have taken the judgment of the Engineer Corps, and, so far as I know, they have not misled us. The railroads we have. They practically control the internal commerce of the country. As I have heretofore stated, the only certain means of controlling their charges and protecting the people is in improved water ways. I trust the Senator from Vermont will use his great power in the interest of every consumer by voting for the passage of this bill.

Mr. President, I only intended when I rose to give my reasons for voting for this amendment to reduce the total amount provided for in the bill to about $15,000,000.

Mr. RIDDLEBERGER. Mr. President, I know that I have consumed much more time than the Senator from Maryland, but I have endeavored to accommodate myself to the five-minutes rule, and whenever I have failed to do so the gavel has reminded me, or some one else has called to order. I have noticed here within the last half-hour that two gentlemen have spoken in advocacy of this bill, no matter how much they may undertake to deflect themselves around it by suggestions as to the difference between the amendment and the original bill, and they have each of them spoken over twelve minutes. They can have twelve minutes in which to attack the Treasury, but you can not have but five in which to defend it.

I heard the Senator from New York, in a speech here of nearly fourteen minutes, say that this bill had been loaded down, the increases being made by the votes of those who were opposed to it. I say that the statement is not borne out by the record. I have voted for one or two increases, and other Senators have done the same possibly; I can speak only for myself. I have opposed the bill from the beginning. I have voted for no increase that I thought would load the bill down for the sake of opposition. I want to defeat it by fair means or none at all. I have combated it openly on this floor, and I have done it by exposing the enormities it contains relating to my own State.

I am told here to-day by this immense committee that the deliberation which we have given this subject is such and has been such as that we ought to be concluded from further argument. I asked the chairman of the committee this morning to tell me when his committee met. I asked another member of the committee to tell me when the committee met. Picking up this RECORD, I find that we adjourned yesterday evening at 6 o'clock and 2 minutes, after having deliberated over a bill of this size [exhibiting] which you have for a few weeks talked about in committee. Did you meet last night or did you not? Answer me, or say you are confused by the words you hear uttered. I say you did not meet since the adjournment yesterday.

You asked us to pass this morning upon a judgment you did not venture to give us before. That which you devoted weeks to an in-

cubation of you ran away from last night and come in here to-day and charge us with doing that which is not courteous to a committee. Now, I ask the committee to recollect that there are some people here who are entitled to some consideration as well as they. What have I seen members of that committee do to-day?

The Senator from West Virginia, having here a kind of prominence that gives effect and strength to his statements, gets up and says, "I am paired with Senator So-and-so," and never once says how he would have voted or how Senator SABIN would have voted. He has never uttered a syllable that ever indicated how he would have voted on one of the amendments, being at the time, I suppose is yet, and will probably remain so, the chairman of the Congressional Democratic committee. When he found there was some danger of this new amendment that he was backing, he says, "I will defend this bill here and everywhere else." Now I challenge him to its defense.

I have found the same on this side of the Senate Chamber, Senators announcing that they were paired and never once announcing whether they would vote for or against, not even giving the absentee the benefit of the declaration which was due to him.

This, we are told, is the deliberate act of this committee. Will the chairman of the committee tell me now how long they deliberated on it? Since two minutes after 6 yesterday evening; for this RECORD shows we did not adjourn until that time? The RECORD of to-morrow morning will show that before any other business was done here to-day, except that which we call the morning-hour business and the taking up of this bill, the Senator from Minnesota, the chairman of the committee, propounded this amendment, which was to strike out all after the enacting clause. Look upon this committee composed of eleven Senators, than whom there never were such, and you must accept just what they offer you; and if you do not, you are consuming the time of the Senate when we ought to be at home! I grant it; we are consuming time, but we are doing it, in my judgment, in the interest of the people we represent.

Who constitute this committee? Mr. MCMILLAN, Mr. JONES of Nevada, Mr. CONGER, Mr. FRYE, Mr. MILLER, Mr. DOLPH, Mr. CAMERON, Mr. RANSOM, Mr. COKE, Mr. VEST, Mr. GORMAN, Mr. JONES of Florida, Mr. KENNA, and Mr. GIBSON. Which one of them can say that he took this bill since two minutes after 6 o'clock yesterday evening and was in deliberation upon it so as to arrive at the conclusion which we have heard here that the committee came to cutting down all the items 25 per cent.? If you did not give it that deliberation do not bring it in here with the prestige of a report that you did not make. It is not right to us who are opposed to this bill. We are willing to contest it on fair and equal terms and on level ground all the time. Which one can state that there was a committee report? How long did you deliberate? I repeat that we adjourned at two minutes after 6 o'clock yesterday evening and you came back here this morning with the original bill stricken out and a substitute for it that did not discriminate in favor of rivers and harbors as you ought to have done, but just making one horizontal—is that what you call it?—an equal, uniform reduction of 25 per cent. And do you tell me that is the result of the deliberation of the committee?

If the committee can not stand by their original appropriation bill, then God forbid that I should stand by it. If they could come in here and tell us for four days that we ought to vote for this appropriation bill as it emanated from them, and then since two minutes past 6 yesterday evening conclude we ought to go for 25 per cent. less, uniformly taken off, I must confess that I can not be governed in my judgment by a report of a committee so constituted.

Mr. President, I heard suggested here something about a Presidential veto of this bill. I care nothing about that. I have never seen the President; I do not know him; but I have never heard of his vetoing anything except as I have heard the messages read here, but I think it will be quite time enough for him to veto something after we have passed it and sent it to him. I do not think it is a proper thing for a New York President to suggest a veto and a New York Senator to rise here and say that other Senators have thought that the New York President would veto it. If I knew he would veto anything that I believed that I was right in voting for, I would not hesitate to vote for it; and I object to the Senator from New York, who is not President, vetoing this bill before we pass it.

There was a time in the history of this country when a speech of that kind would not be tolerated, and I hope the time will come again when words of that sort will not be spoken here, when we are one branch of a great co-ordinate department of the Government, when we are supposed to act deliberately and independently. If I were to express even a hope that if we should pass such a bill we had an Executive who would veto it, I would feel that I was not doing the part of a Senator on this floor. It is not my business to discuss such a matter or to refer to it.

I do not understand now that the Senator from New York can point to a Senator on this floor who has had any conversation or who knows, or who even has any plausible ground to believe he has heard from the President that he will veto this bill. Is that kind of argument or suggestion to be brought here for the purpose of passing such bills as this? Let the bill pass upon that, and not upon its merits, appropriating $18,000,000 reduced 25 per cent.

Sir, I state expressly that I have not voted for any increase that I thought at the time of voting would possibly have any effect on the ultimate passage of this bill. I voted, I think, to increase two of the appropriations that I deemed right. I voted to decrease others. Now I think I know that the Senator from New York had not any reference to me. I have a great deal of vanity, but not enough to suppose for a moment that the Senator could possibly have referred to me when he said there was one Senator here who was capable of doing that. Therefore it is that as to the discussion of that part of his unfair remarks I relegate it to the Senator from Kansas [Mr. PLUMB].

Mr. CALL. Mr. President——

Mr. EUSTIS. Will the Senator yield to me for a moment?

Mr. CALL. Yes, sir.

Mr. EUSTIS. The Senator from New York made some remarks, I understand, in which he spoke of my position toward the administration. I understand that he questioned the sincerity of my remarks and impugned my motives.

Mr. HOAR and others. We can not hear the Senator.

Mr. EUSTIS. I say that I understood that the Senator from New York had questioned my sincerity in supporting this bill and impugned my motives.

Mr. MILLER. The Senator will excuse me. When I was speaking I did not notice that the Senator from Louisiana had gone out of the room. If he had been here I have no doubt he would have understood, as I think all the other Senators understood, that I was not speaking seriously in regard to the Senator from Louisiana at that time, but rather chaffingly upon what was supposed to be his position in regard to the administration, and I said that I hoped that supposed opposition of his would not influence him upon this measure; but I did him the credit to say that I believed he had been sincerely the friend of this bill all the way through, and I appealed to him to still remain a friend of the bill and to support the committee in this proposition. I certainly had no intention to seriously reflect at all upon the motives of the Senator or his position, and if I did so it was entirely unintentional.

Mr. EUSTIS. Very well, sir.

Mr. CALL. Mr. President, the propriety of adopting the amendment now before the Senate does not depend in any degree upon the action of the committee which has reported it. For myself I desire to say that I have no doubt the Committee on Commerce in reporting this amendment, as in reporting the original bill, have acted with an entire view to the general benefit of the country. Individual judgments may of course be influenced in favor of localities which are better known to them, but I have no question that the committee have desired to carry out the general policy of improving the great public works of the country with fairness and with respect to the benefits to be derived by the country. But this amendment derives an importance outside of the peculiar amount which is appropriated by it, from the circumstances under which it is presented to the country. It is not the committee itself, but the Senate of the United States that will be arraigned before the country and in view of its constitutional duties by the adoption of this amendment.

The justification for this amendment can not be found in the fact that the Senate in its legislative character has not given to each and every item of this bill full and deliberate consideration, for such is not the fact. For two weeks this body, exercising the highest legislative power of this great country, has been engaged in the deliberate consideration of every item of this appropriation bill, and has passed its judgment upon it.

The condition of the public Treasury and the resources to be derived from the revenues of the fiscal year, the propriety of the work which was designed to be improved, its relations to the general commerce of the country—all these have been considered by the Senate with the utmost care and deliberation, and it has pronounced a judgment, and a final judgment upon it in the performance of its constitutional duty; and now the arguments by which the Senate is asked to reverse that judgment do not relate to the merits of each particular case or to the exercise of individual opinion. They relate to other and adventitious circumstances, to the power of great corporations in the public opinion of this country.

For one, Mr. President, if there be such a power I desire the issue to be met with it and between the people and it, and the Senate will be recreant to its constitutional duty if it abandons its deliberate judgment because of the apprehension that corporations which use a taxing power that draws $1,000,000,000 a year from the labor of this country will oppose the action of the Senate, and create opposition to it among the people. I wish the people's Representatives and the Senators here representing the States to adhere to its judgment, and let the issue be met, as met it must be, sooner or later, if such influences as these are to affect the legislative judgment.

The suggestion that this or any action of the Senate in the interest of the people which reduces the taxes levied for the benefit of a few individuals on the great body of the people under the taxing power granted to the persons who own these corporations because of their apprehended opposition establishes the necessity of adhering to the action of the Senate. If it be true that a privileged order of a few persons in the States has grown to be so powerful in wealth and privileges under

powers granted by States and by Congress that they can control and direct the people against their own representatives and against the people's interest, let us be firm, and without delay proceed to remedy it, for the very existence of the Republic depends on our remedying it. We talk about bills to indict and punish Senators because of business relations with corporations, but if there be such a fact as this that the great public opinion of the people of the country may be corrupted by these corporations as against the constitutional authorities in the exercise of their functions for the protection of the people, let the issue be met, for here indeed is a real danger, and as compared with which the other is as nothing.

Mr. President, I am opposed to this amendment on every ground. By our constitutional duty when we have arrived at a judgment on any subject different from that of the House we are remitted to a conference with the House of Representatives for a decision as to the correctness of that judgment, and whether we are to adhere to it or not, it is not proper for us to say to ourselves that in anticipation of any action by anybody outside of this Chamber we will change the deliberation which we have agreed upon. If, therefore, this bill is as the Senate has pronounced it, right, our constitutional duty is to say so to the other House of Congress and to confer with them in regard to the points of difference and agree or disagree, as may be found necessary on further deliberation; but it is not our right to abandon our conclusions without an effort to persuade the House that we are right in the action we have taken.

The Committee on Commerce of this body increased the appropriation which came from the House in the bill $2,895,275. The Senate increased it over the committee's report a little over $600,000, so that, with the exception of $600,000 which the Senate acted upon in Committee of the Whole, it has received the deliberate sanction of the Committee on Commerce, and has been sanctioned and indorsed by the Senate itself.

There can therefore be no reason found for asking that this reduction of 25 per cent. shall be applied to the bill. The Senate when it spoke made the final judgment so far as this body was concerned in regard to the propriety of its action, and unless you reconsider that, and go over the whole of this bill by amendment, you in this negative way reverse the deliberate judgment of the Senate and do it because of certain supposed influences outside.

I am in favor of the amount appropriated by the bill. I believe that the expenditures are required for the public good. The Congress of the United States should adopt a liberal policy of internal improvements, natural or artificial, a policy as the Senator from Texas said to-day looking forward to the greatest possible facilities of transportation. Such a policy should be adopted and maintained, and whatever excise or tax is necessary for that object should be imposed upon the people of this country. The only question is as to the importance of the public works proposed to be made, and the fairness of the distribution in the different parts of the country. As to this the Senate has decided and the committee and the Senate owe it to themselves that they should not give countenance to the charge of an unfair distribution of this money by a new apportionment made by the committee without the action of the Senate.

For that reason I am unwilling to concede a smaller amount than the Senate has agreed shall be devoted to these public works. If the policy of providing facilities for interstate commerce or foreign transportation, either natural or artificial, is necessary, let us boldly proclaim it; and when we agree about the details let us adhere to it. No action can be taken by the Senate or the committee which will give rise to unfriendly suspicion and criticism so much as to adopt the amendment proposed by the committee. After cutting down the House bill as to two or three States, the public works in which are of as great importance as any others, and increasing the amount in several other States $2,895,275, the committee propose to reduce the works in the States already reduced 25 per cent., and leave the States increased with three-fourths of the increase, without reference to the importance or present necessity of the expenditure.

What do we see in the country? We see a thousand million dollars of unrestrained taxation imposed upon the people of this country by taxes levied without representation by a taxing power in the shape of corporate authority created by law, with the power to levy tax upon the people of this country on all locomotion and transportation. They accumulate larger wealth and greater luxury for a privileged class than exists in any other country, directly derived from a taxing upon transportation—a greater power and a more exclusive right than is possessed by any government, however great it may be.

Upon whom does it rest? It rests upon a people of 60,000,000 and by the law of natural increase that 60,000,000 people in twenty-five years will be doubled to 120,000,000 people, and by immigration and natural increase it will be doubled in twelve years, and 125,000,000 people will be found within this country, and that pressure for subsistence upon population which has been apprehended, and which the great thinkers Mill and Spencer have pointed out as the rapidly coming danger of the country with its millions of unemployed and starving people. This is the question which confronts us now and demands that a broad and liberal policy of internal improvements which shall diffuse the productions of the country and its benefits everywhere, and furnish the means of subsistence to every locality, shall be adopted and maintained.

The Senator from Connecticut suggested the other day an idea which may become in the future a subject of consideration and which looks to aid from public authority, and that public authority upon this subject has come to be the General Government, that the functions of legislation would have to be exercised by which means of transportation should be made with great highways of railroad transportation directly by the Government, instead of as now indirectly, by the grant of this great power of taxation to individuals. It may be that this will be forced upon us in the future, and certainly it is true that now the great natural highways of transportation demand the utmost care and consideration by the Government of the country. The question of the reasonable cost of transportation and travel and its regulation and control by law is second to no other question in its immediate and urgent importance upon which the subsistence and comfort of the people depends, and even the existence of free government.

I am in favor of this general policy because while it gives employment to the people of this country and provides for their subsistence and diversification to their employments it also gives cheap transportation. It demands on the part of the Government of the United States a liberal and judicious system of internal improvements, bringing to the highways of commerce, interstate as well as foreign, the entire production of this country.

For these reasons I desire this body to take a firm stand and exercise those high sovereign legislative powers which have been intrusted by the people and the States to them, and when they have formed a mature judgment and have asserted it that they will adhere to it. This bill asserts this broad policy of improving the highways of transportation wherever they may be found and are worthy of it, and will contribute in any important degree to the general welfare of the country.

I have no belief that the Executive of this country, or any other department of the Government, will not do what is right and wise and patriotic upon this subject. It is not a party question. I have confidence in each of the departments of the Government, in their integrity and their wisdom and their good faith to the public. I hope this amendment will not be adopted.

Mr. PLUMB. Mr. President, I wish the Senate to come to an understanding exactly of the motive which actuated the committee with reference to the proposition in regard to this reduction. Before I enter upon that, however, I wish to say that there is another matter which does not touch upon the question of motive, but is one of mere accident and circumstance attendant on the bill, of which I want to make mention. I make the suggestion in a way that I think it will be put in a proper light and such as not to create any possible reflection on the committee. Every member of the committee who succeeded in getting much of an increase for his State in this bill is now more strongly in favor of adopting this proposition for a diminution of the gross appropriation. The fact is that the reduction made will still give them more in comparison than would be given if the amounts were left as the bill came from the committee.

In saying this I do not inculpate the committee. I feel perfectly assured that the members of the committee had forgotten that fact if they ever knew it, and they therefore have been proceeding in this matter wholly without any reference to it. I put that in now in order that it may not be brought up hereafter by way of a reflection upon members of the committee who in this lucky and good way are to be fortunate whether the pan is up or whether the pan is down.

Mr. VEST. Will the Senator permit me to say a word?

Mr. PLUMB. I will.

Mr. VEST. I do not want to discuss this question. I said yesterday all I had to say and gave my reasons for opposing this horizontal reduction, as it is termed. It was 30 per cent. yesterday; to-day it is 25 per cent. I am a member of the Committee on Commerce, but I could not attend the meeting this morning on account of other duties. Therefore I was not there to vote upon this proposition *in committee*, where I would have opposed it; and so I feel at perfect liberty to oppose it in the Senate.

Mr. PLUMB. I understand that, for I know the fact that the Senator from Missouri and the Senator from Texas are the only two members of the committee who lack either the acquisitive faculty, or judgment, or energy, or whatever else may be required to carry a measure in that committee—"industry," the Senator from Massachusetts says; and my colleague adds "temptation;" and I will put in all the other adjectives which can be suggested in that line. As I said, these two members of the committee are the only members who failed to get a large or at least an appreciable, as I now recall it, increase of the appropriations for their States, and they are the only two members who are opposed to this reduction.

Mr. VEST. I do not know what the Senator means by appreciable.

Mr. PLUMB. The Senator from Missouri did not get what might be called a real benefit.

Mr. VEST. Seventeen thousand five hundred dollars for Missouri.

Mr. McMILLAN. How much did the Senator from Minnesota get?

Mr. PLUMB. The Senator from Minnesota ought not to ask me that question. He has the information himself.

Mr. McMILLAN. I can answer it.

Mr. PLUMB. Well?

Mr. McMILLAN. The appropriation for Duluth Harbor, Lake Superior, was increased $25,000 in answer to the absolute demands of commerce. If the Senator from Kansas thinks that Senators are influenced by any such motive, he follows a rule that is a mistaken one. If he applies it to himself and judges of others by himself, he may be right.

Mr. PLUMB. I started out by saying that I wanted this out now, and I make comment on it for the purpose of saying that I knew that this matter had escaped the attention of those members of the committee who had succeeded in thus increasing their appropriations, the 25 per cent. to the contrary notwithstanding, so as to be prepared, perhaps, for the general reduction. As in the case of a confession made by a homicide, or any other criminal, the confession must be considered in connection with all the qualifying attendant circumstances which surround it before it can be used; and so the confession of a part of this committee exculpates them entirely.

The Senator from Minnesota says that this reduction is made because the committee was run on, like a wagon going down-hill sometimes runs on the team. He did not believe in it at all; it was against his judgment, against his conviction, and everything of that kind, but yet he comes in and supports it. Surely he does not give a candid judgment of the merits of the situation.

Now we have got it finally that in some way underground, by a sewage system that connects the Senate with the White House and which similarly connects it with the House of Representatives, by the fetch-and-carry fellows who always know a good deal of somebody else's business in an inverse ratio to that which they know about their own, if they have any, that the House of Representatives in the first place is going to take the aggressive on this bill if it is made $18,000,000, and that the President of the United States is going to veto it if it is made $18,000,000. What there is magical in the particular sum of $18,000,000 I do not know.

I do not know that I object to stating my position on this bill. To this bill I am opposed not because of the amount appropriated but because of the method of the appropriation, because I deem it to be wasted in the form in which it must inevitably be expended; and so I presume I shall vote against the bill, but I shall vote against it with a great deal more urgency and a great deal more under a sense of public duty if it is reduced than if it were increased. The reduction only magnifies and increases the objection which I had to the bill at first. It will make the sums more trifling, and make it more perfectly certain that they will be uselessly spent.

The public feeling about this matter is not against the expenditure of money but against the method of the expenditure, and whatever there is in the bill that is entitled to respect, as there always is in a measure which finally comes to a focus, the Government should finally do the thing in a business way, taking up the meritorious streams and appropriating money enough to carry on their improvement rapidly and safely and certainly to completion in order that the public may have the benefit of it and that the public money may be properly spent in producing these needed improvements.

But this now has reached a point where it materially involves the self-respect of the Senate. The theory of our Government is that the House and the Senate are independent of each other. We have that enforced in the rules, which prevent us from alluding to the other House in any way to affect the action of the Senate, and similarly in regard to the Executive. If the Senate is simply to sit here, informed in advance what the House wishes it to do, it had better adjourn and go home, and when it has got safely home it had better stay there.

I do not believe that the President of the United States has ever made an utterance on this subject. I have a great deal more respect for him than to believe that he has violated the essential proprieties of the situation by saying that he would or would not veto this bill. He has no business to say it. He has no business to make any declaration on the subject which will in any way tend to affect the action of either House of Congress upon it or upon any other measure pending before them. I do not believe he has done it; but if he has done it, whatever conviction I might have about the necessity of any appropriation to be made or of any measure to be passed which he had expressed himself upon, I should feel more like clinging to my judgment as a matter of self-respect and the preservation of the co-ordinate power of the Senate in regard to the legislative functions of the Government. And so in regard to the House.

And what have we got finally? We have simply here what is in the air, as the Senator from New York says; men who have come over from the House, tramping over here in some way to see what we were doing, and conveying to us some impression that it would be agreeable to do a certain thing in regard to important matters of public policy. Those men are not authorized to speak for the House. They may be members of it, it is true, but the individual members of the House do not express the judgment of the House collectively, and if they did I should say as I said in regard to a possible declaration of the President, that that would only make me cling the closer to that which was and had been the judgment of the Senate as expressed by a direct vote.

Speaking for myself personally I would rather find that the House of Representatives had made a declaration by a resolution that it would not pass a bill of a given kind that came to them from the Senate, and the open declaration of the President of the United States that his veto would be given to a bill if it passed the Senate, than I would to find these insinuations, this underground communication, this tittle-tattle which is always going backward and forward, and which has just as much force as representing public opinion as the float would have as representing the current of the Mississippi River by which it is carried. It is a wrong to the President of the United States and to the House of Representatives that these things should have been mentioned, and it is a double wrong that they should be used here for the purpose of influencing our action. It is insulting to the President of the United States that it should be so used, and would be degrading to the Senate if it yielded to it.

I could readily see how the committee under certain circumstances might have recommended a reduction of the total amount of this bill, that they might have said that a certain public policy was to be observed in reference to the national finances, that something was to be conserved by keeping the appropriations within certain limits; but it does not come with that foundation or with that argument, but simply as a mysterious intimation that if the bill is to go through it will have to be reduced, followed by the declaration that otherwise it would not pass the House of Representatives, and if it did it would be vetoed by the President of the United States.

I think that ought to be argument enough for the Senate to stick to whatever conviction it has. If it has not any, if it is like a thistle-down, blown by the wind, if it is willing to abnegate its functions on an intimation by some irresponsible parties that the House of Representatives will or will not do something when our action comes under their purview, then, as I said, why keep this ornamental position any longer; why sit here with all power and authority abnegated in advance? Why not better go home and perform some useful function there, it may be, than to stay here to record the decrees made elsewhere?

So, in regard to the matter that is now presented, for the reasons which I have alleged, and the further reason, as I said in advance, that if the bill is to be reduced the money will be more unwisely expended; of course I myself shall vote against this amendment.

I can see, looking over the bill, a great many very important considerations that arise in connection with amendments of this kind. How is this money to be apportioned? How are we to get the money to buy the works of the Portage Lake or Lake Superior Canal Company? We have appropriated a certain amount for the purchase of that canal, to be used of course only in a contingency, and suppose we reduce that amount by 25 per cent.?

Mr. HARRISON. Then do not provide for it at all.

Mr. PLUMB. We do provide for buying the canal and paying a certain sum of money, which I understand represents the cost of the works to the company with interest, and we appropriate $150,000 for that work. We reduce that amount by 25 per cent.; and shall we thereby get the canal? Unless that amount is sufficient, of course we shall not get it.

There are a multitude of complicated provisions in the bill which will be injuriously affected by a proposition to horizontally reduce the appropriations. I do not know, and no member of the Senate knows, what is contained in the bill. No one knows whether the mathematician who went through the bill for the purpose of ascertaining what 75 per cent. of the sum already provided for will amount to, has done his duty faithfully or not, and nobody knows what other provisions are contained in it.

Of course, I do not mean by that to doubt in any way the sincerity or the candor of the Senator from Minnesota. He, of course, had to trust this matter to somebody else. Here is an amendment covering the entire ground of this bill, which it is proposed to pass without its even having been read.

Mr. EDMUNDS. It was read.

Mr. PLUMB. It has not been read.

Mr. EDMUNDS. The amendment?

Mr. PLUMB. No, sir; it has not been read.

Mr. EDMUNDS. I asked that it be read and the clerks started on the reading.

Mr. PLUMB. I know they started, but they incontinently stopped.

Mr. HOAR. The Senator from Vermont left the Chamber.

Mr. PLUMB. "When the cat's away the mice will play."

Mr. EDMUNDS. Will the Senator from Kansas allow me to interrupt him?

Mr. PLUMB. Yes, sir.

Mr. EDMUNDS. The Senator from Vermont left the Chamber after asking to have the amendment read, as everything ought to be read, to do his duty in the committee to which he belongs, in respect of the business of that committee which is pressing, concerning matters that can not be spoken of with propriety here, and, therefore, the Senator from Vermont supposed that the amendment would be read, if any-

body wanted it to be. He is not complaining that it was not read, having looked at it himself since all through.

Mr. PLUMB. Is the Senator from Vermont satisfied with the amendment in its terms?

Mr. EDMUNDS. I am satisfied that the amendment does what the committee proposes to do, and that is to take the text of the bill in respect of all its provisions, as it has been agreed upon so far as we have gone, and to reduce the items of appropriations and aggregates by 25 per cent. I have examined its provisions sufficiently to be satisfied of that fact. That I am satisfied with all of the items from top to bottom, or any part of them except about one-third, is quite another question.

Mr. PLUMB. If the Senator from Vermont is satisfied and the Senator from Minnesota is satisfied, that makes two members of the Senate out of seventy-six, and of course if the number could be enlarged from time to time by the voluntary confessions of different members it might obviate the necessity of reading the amendment at all.

But it is deliberately proposed upon the part of this committee to pass a bill carrying about $15,000,000 without actually having it read to the Senate at all. I do not think there is anything in the history of legislation, even during that time when the laws were supposed to be comparatively silent, which equals the carelessness and slipshod method proposed here at this time, when we have "ample room and verge," when in fact we are just getting down to summer work, and a bill, as I said, carrying $15,000,000 is proposed to be passed without a reading at all.

It has got to be so in regard to rivers and harbors that it is supposed to be only those who get a part of the pork, and they only to the extent of being certain that they get what they want, without inquiring about the means whereby they get it, who ought to be consulted in regard to the material disposition of the question. I think here is an illustration of what my friend the Senator from Alabama [Mr. MORGAN] who is now absent would call the driblet of legislation.

I propose as far as I can that the bill shall be read, so that if we can not have the substance of legislation, that consideration which ought to attach to all measures especially those which go to take away the substance of the people of the United States, the form at least shall be observed if the substance is not; and that we shall not insult the intelligence of the people of the United States by taking up a bill carrying $15,000,000 and putting it through *nem. con.* on the word of the Senator from Vermont and the Senator from Minnesota that they are satisfied. There is something due at least to form, and the forms sometimes become essential, and this I think is one of those cases.

If this bill is to be passed let it be passed on the ordinary reading. Let it be passed by a pretense of preserving that which is observed in regard to a bill carrying a pension of only $8 a month, or authorizing some transaction which must necessarily be the subject of legislation before it can occur, but which in no way affects the great mass of the people of the United States.

Mr. MCMILLAN. Will the Senator from Kansas permit me to state to him that the reading of the amendment was commenced under the call of the Senator from Vermont, and the reading of it, after progressing for a while, was waived by unanimous consent at the request of a Senator upon the floor of the Senate; and if the Senator from Kansas had been present he certainly could have interposed an objection if he desired to have the amendment read, or he can have it read yet?

Mr. PLUMB. I am much obliged to the Senator for that information. I knew that in advance, and I will ask that the amendment be read. ["No!" "No!"]

Mr. CONGER. Mr. President, I will venture to say that there has never been on any committee, on any number of Senators in this body, such an insidious attack on their motives as has run through the entire speech of the Senator from Kansas. Why does he attack this committee? Why does he speak of every single member of it as having been influenced by some corrupt motive?

Mr. PLUMB. I disclaimed that in the beginning.

Mr. CONGER. The Senator has stated it whether he disclaims it or not, and he has said here that there are but two men of all that committee who rose to confess, to own that they were corrupt and unscrupulous in accomplishing their objects. All through his speeeh has run that same attack upon the motives and sincerity and honesty and honor of the Committee on Commerce. What for?

The Senator never voted for a river and barbor bill. Nobody dreams that he would ever give a vote to favor these appropriations, but there never comes a time but that in his peculiar way he attacks the sincerity and the honor and the honesty and integrity of every man upon that committee, and himself the great umpire stands there as a self-constituted judge to execute those who come, as he says, to confess and apologize to him.

The Senator from Kansas is the chairman of the Committee on Public Lands, the advocate of measures that he thinks right in regard to matters under his committee's administration and examination. Whoever attacked him for the innumerable bills that he has presented here relieving his people? Whoever attacked him for trying to save the people along the Des Moines River who had the Des Moines lands when laboring here with a zeal and energy and a pathos that brought tears to my eyes while he described the sufferings of his people? Who attacked him?

Mr. PLUMB. May I——

Mr. CONGER. In a moment.

Mr. PLUMB. I want to give the Senator a lesson in geography; that is all.

Mr. CONGER. Geography does not alter the motives of a man. Whether it is in this country or that country, or along this river or that, where he was advocating the interests of the people of his State is not material. He did it, I will give him credit to believe from a sense of duty; but what kind of a heart, and what kind of a conscience, and what kind of respect for his fellows, as good men as he on this floor, can a man have who will run mad in extravagance and abuse of his comrades and fellows on this floor through speeches, not to-day alone, but on former occasions in regard to this bill, ascribing all kinds of corrupt and all kinds of indecent motives to the members of the Committee on Commerce? He says the committee have engaged by some way unknown, by some secret process, by some sewerage system, to explain what they have done and to defend themselves here by some sewerage system. Ah, sir, that kind of attacks and that kind of sentiments smell of the *cloaca*. The suggestion of a sewerage system shows and indicates the seeking for motives of men in some filthy place; and I will leave it there with those expressions in regard to men.

How much better is the Senator from Kansas than the gentlemen upon this committee? How much higher in the sight of Heaven, or of his fellows, does he stand than the gentlemen of the committee? Have they done anything to merit that kind of lawless guerrilla attack which he makes upon them and upon their character and upon their reputation to hold them up to the scorn of their fellows in the Senate and of the people of the United States?

I do not come to the Senator to confess. I do not come to his altar to make my confession. I stand, as I suppose every other Senator does, upon his record, upon the general opinion of his fellows as to his integrity and honesty, and it is not that he is on the Committee on Commerce that he is to be condemned because he is on that committee, or that he is chairman of the Committee on Public Lands that he has a right to stand so exalted above his fellows that he can hurl his scorn and his sarcasm against his colleagues here.

Sir, I admit the great superiority of the Senator from Kansas in the use of language, in freedom of debate, in the soaring high, ay, and in the sinking low, when he addresses the Senate over his fellows, over myself or almost any of us; but I do not admit his superior honesty and integrity in the work in the Senate; I do not admit his superior assiduity and industry in trying to promote the general interests of the United States to other Senators here, great as it is. I do not admit his superior honesty or integrity, for I have supposed that among the representatives of the States here there was no State to be attacked because it had sent unworthy men to this body. The reflection goes past the Senators here and goes to the Legislatures which sent them here and to the States which they represent. It is an attack upon the system of government under which we live, if his assaults upon any committee or upon any body of men in the Senate are to be permitted to go unrebuked.

Now I ask, and the committee ask and expect nothing in aid of anything they recommend here, unless it be a bridge bill or some other measure in which his people are interested in Kansas that the Senator may advocate. I know the Senator never has advocated a river and harbor bill of any kind, of a great amount or a small amount. So far as I know, the river and harbor bill, with its rivers, and with its harbors, and with its ponds, and with its brooks, and with its water in its channels has been the play-ground upon which the Senator from Kansas has sported whether in swimming where there was water or in striking gravel along the dry channels of dry streams. That is his favorite stamping-ground. That is the place where he amuses himself. That is the place where he gratifies the tastes of a people who relate year by year that in the State in which he lives, except on one side in the east and at one in the south, there are no rivers and there are no water courses, and the people are compelled by all kinds of machinery and by all kinds of power to bore and dig down into the earth to see if bountiful nature will not send up to them from the recesses of the earth those artesian waters which they can not have upon the surface.

No wonder that he opposes river and harbor bills. No wonder that with the gasping, longing, dying struggle for water in his State he envies States that have water and water courses. A report was made in his State long ago of an invention of some kind of a trap that should go by wind across his prairies, and it was advocated, as I recollect, in published speeches and in printed pamphlets that the dews which fall during the night would aid in the gliding over the prairies of Kansas these ships of the desert. The dew dried up, the ships could not run, as one report said, after 10 o'clock because the dew was gone, and the grass was an obstruction when not wet by dew to the gliding of the sailboats in Kansas.

A man from the dry, arid region where he looks upon a great extent of territory, those boundless prairies that stretch themselves far beyond human vision, sometimes views with a kind of disgust navigable streams

and waters and rivers, coming as he does from a region where there are no rivers, where there are no running waters, and where the shrieking sound of the artesian well is all that greets his weary ear.

Now, I do not find any fault with the Senator from Kansas. He has brooded over this subject of the lack of water until it has become a kind of monomania with him. If anybody talks about water courses and rivers and lakes, the Senator from Kansas begins to feel the premonitory symptoms of hydrophobia, of dread of water, and hatred of those who have water.

Mr. PLUMB. The difference between the Senator's State and mine is that in the Senator's State they use water for navigation and in Kansas we drink it. He may not believe it, but it is true.

Mr. CONGER. That is what causes the great trouble there, the great use of water. I have said that. I knew, of course, the Senator would corroborate what I said. I said it a little before it was necessary, but I presume that no Senator here would question the truth of my statement. Some Senators would take what I say without the corroboration of the Senator from Kansas, much as he feels disposed to criticise the honesty of the Committee on Commerce of which I am a humble member.

When did the Senator from Kansas, in all his varied experience in the Senate, with all the vast statesmanship—for the mantle of the statesman has fallen upon his shoulders, and hangs there and lingers there still—when did he ever advocate any of these great measures of such vast importance to so many people and to so many regions of the United States in a river and harbor bill? Never; no, never. Not even the comic-opera exception of "hardly ever" could be applied to him. His speech from year to year is interesting, it is eloquent, it is varied, because the items in the bill are varied. They are not all the same each year, and it gives a trifling kind of a variety to the attack of the Senator from Kansas; not enough to diversify it, not enough to make the lights and shades prominent; but one by careful watching, by a sort of microscopic examination of these speeches that are made from year to year against the river and harbor bill, can detect some little variation in the attack. I confess myself that with a tolerable memory, and having heard these speeches so often, were I a short hand writer I could write from memory a little in advance of the Senator, and very seldom go wrong.

What is the object of this constant and continual and perpetual and perennial attack upon the river and harbor bill? What hostility has the gentleman to oceans and to lakes and to bays and to rivers and to water generally? I can not account for it.

The true statesman—and I say the gentleman from Kansas represents the true statesman perhaps more than any other gentleman on this floor except one that I could mention, and each Senator may apply that to himself [laughter]—the true statesman can look over a country like this, inclosed upon its eastern and western borders by oceans, bounded along much of its northern course by a wonderful chain of lakes which make possible communication by water, on its south by a gulf opening from our own country into the tropical regions—the true statesman could find in the condition of almost a hemisphere, with the Mississippi River and its tributaries rising away over beyond the Rocky Mountains, circling its way far around to the north, with its three great tributaries, the Gallatin and the Madison and some other, uniting to form even beyond the Rocky Mountains in a direct westerly distance the Missouri, a running of a navigable river three or four thousand miles through the very heart of a continent, and our continent, through the heart of a country which is a part of our Republic, peopled by an enterprising, intelligent, thrifty, thriving class of men, the very type and the very perfection of the pioneers of an empire yet to come—I say a statesman might find something in such a vast empire as the Missouri or the Mississippi flows through, the home of millions of people yet to come, to enlist his sympathy, to exercise his judgment, to help devise the better means, if a committee fail to reach them, to benefit that vast region and those teeming millions of people.

The statesman must not get behind his mantle. The mantle of the statesman is on his shoulders, but his eyes and his judgment and his feeling are all before him when he looks out on the great country of which he is the statesman, and sees what is needed; and if one man does not come up to his judgment of what is necessary and what is best, he looks over, with his great giant intellect and his power of comprehension and his quickness of arriving at details, and he tells his fellows who know less than he does how the better way is for the statesman to handle these great questions that affect the interests of millions of the people over whom he towers in his pride of place. The mantle of the statesman is not held before his face so that he shall not see. The solitude and reflection and thought of the statesman are in his closet, and when he comes in here to legislate and to make laws it is his duty to tell his fellows that they are mistaken in this plan, and they are mistaken in that, that there is a better way, that he perceives a better way. The people demand of such a leader in this Senate that he tell his fellows and tell the country what that better way is, and that he work with them and they with him for the good of that great, grand people whom we are all so proud to represent on this floor.

Sir, since 1826, when the Erie Canal connected the great chain of lakes with the great oceans, there is not a State, nor a country, nor a town west of that canal, and northwest of it, and southwest of it that has not felt a million-fold the benefit of that great water communication, which great minds and great statesmen in New York in 1816 and 1817 devised to connect the East with the wild, unknown regions of the West. Did Clinton, when that matter came under his consideration, quibble about the details? Did he try to destroy it because it went in this course or went in that, because the locks had a 7-feet lift or a 10-feet lift? No, sir; the great men of New York, knowing the importance to the whole United States of having a water communication between the system of internal lakes and the seaboard, selected the shortest route, and from the foot of Lake Erie to the Hudson, took that route and labored for it with an energy and assiduity which have made their names immortal among their fellows in the United States.

Mr. President, I challenge contradiction to this statement, that wherever there were either naturally water communications from the Atlantic States far into the interior, or where by the improvement of rivers which could be made navigable communication has been secured, from the beginning of those improvements until this time, settlement, industry, increase of population, wealth, happiness, comfort, the growth of the people have followed steadily in the line of the improvements wherever made and whenever made. To the small appropriations made commencing in 1824 and continuing and increasing most of the years down to the present time this country owes its growth, owes its increase of settlement, owes its increase in the number of its States, owes its increase in population and in wealth and in peace and happiness, more to the river and harbor improvements in this country than to any and all other devices put together, for they were made before even the methods of transportation by rail which followed long after the settlement of the country had been made in our land.

Sir, I call attention to the fact, and if any one desires to be instructed, not to say amused, by witnessing the improvements made by the Erie Canal and the communication by water on the different rivers, and the deepening of our harbors and the access to and from our coasts through the harbors—if any one desires to couple together the great growth, the wonderful prosperity of this country, he will find that these improvements and the growth and extension of our people over this country have run along together until to-day.

But I have been diverted from what I desired to say. I wished to say that I am one of those who have wished the appropriation bill reported to the Senate and agreed upon by the Senate, if possible, passed in that shape. I do not believe the appropriations too large, I have no fear of the result of them to my fellows and my colleague, were it not that some of the committee believe that it would be better if there were a reduction of the bill. I therefore agree to cut off from the bill $323,000 from the apropriation of my State. I agree to it in the feeling that it is best, and so I think other members of the committee have felt. In our bill and in our work the judgment of men equal to that of the Senator from Kansas or any other Senator advised us and urged us that it is better by some means to reduce the amount of the bill and wait until another year for further appropriations to be made. For that reason, and for that reason alone, I am willing to yield my own judgment to the views of my fellow-Senators, whom I respect and whose opinions I am very anxious to conciliate.

Mr. HOAR. I rise merely to say one word before a motion to adjourn is made in regard to the matter of the reading of the bill, which I should like to have go into the RECORD. This bill has been read as much as any bill which ever passes is read. We pass a bill through its several readings. It is read once. Then the changes are made by the action of the Senate; but the actual engrossed copy of the bill is never read aloud to the Senate, nor is it read by the Committee on Engrossed Bills. It is always referred practically to a clerk. Now a clerk, under the direction of this committee, has taken a bill which we have already passed upon and has simply made 25 per cent. reduction on each item where a sum of money is named; but there is no less thoroughness of reading by the Senate than in any appropriation bill or other bill that ever passes.

Mr. MCMILLAN. Mr. President, I ask that this amendment be printed, and I move that the Senate adjourn until to-morrow.

Mr. ALLISON. The Senator means to have the substitute printed.

Mr. MCMILLAN. I mean the substitute.

Mr. ALLISON. The Senator from Minnesota has offered a substitute which comprehends the entire bill, I understand, including the House provisions and the provisions inserted in the Senate.

Mr. MCMILLAN. It presents the bill as it existed at the time the substitute was offered, with the amendments which have been adopted since.

Mr. ALLISON. Now, the suggestion I make is that that portion of the bill known as the House text be printed in the ordinary form of a bill, and that the Senate amendments be printed in italics, so that we may distinguish on the face of the print between the House provisions and the Senate provisions.

Mr. EDMUNDS. Yes; but I ask in addition that the changes which have been made since the chairman of the committee from the committee offered the substitute be also printed in a way to show them.

Mr. MCMILLAN. Let that be done.

Mr. ALLISON. The Secretary can easily arrange the printing.

The PRESIDING OFFICER. The request will, without objection, be agreed to.

Mr. RIDDLEBERGER. I ask that the Senator from Vermont or any one who makes a suggestion for unanimous consent will speak out loud enough that it may be heard.

Mr. MCMILLAN. There was no unanimous consent asked.

Mr. RIDDLEBERGER. For what?

Mr. MCMILLAN. I proposed to move an adjournment.

Mr. RIDDLEBERGER. A motion to adjourn does not require unanimous consent.

Mr. MCMILLAN. No. I make that motion.

The PRESIDING OFFICER. The Senator from Minnesota moves that the Senate adjourn.

Mr. PALMER. I hope the motion will be withdrawn for a moment.

Mr. DOLPH. I wish to make a report.

Mr. HARRIS. I hope the motion will be withdrawn, and that the Senator from Michigan [Mr. PALMER] and the Senator from Oregon [Mr. DOLPH] may be allowed to present what they want.

Mr. MCMILLAN. I withdraw the motion for the purpose of permitting the Senator from Michigan to present what he wishes to offer.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. PALMER. I only wish to submit an amendment to be hereafter proposed.

The PRESIDING OFFICER. In the absence of objection the Chair will receive it.

Mr. PALMER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

REPORT OF A COMMITTEE.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (H. R. 4839) for the relief of E. P. McNeal, reported it without amendment, and submitted a report thereon.

Mr. MCMILLAN. I renew my motion to adjourn.

The motion was agreed to; and (at 6 o'clock and 34 minutes p. m.) the Senate adjourned until to-morrow, Friday, July 16, 1886, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July* 15, 1886.

The House met at 11 a. m. Prayer by Rev. Dr. BULLOCK, of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

MARY E. CASEY.

The SPEAKER laid before the House the bill (H. R. 5003) for the relief of Mary E. Casey, with Senate amendments; which was referred to the Committee on Private Land Claims.

MARTHA A. VORHES.

The SPEAKER also laid before the House the bill (H. R. 8066) to pension Martha A. Vorhees, with amendments by the Senate.

The amendments were read, as follows:

In line 3, where it first occurs, strike out the name "Vorhees" and insert "Vorhes."

In line 3, where it occurs the second time, strike out the name "Vorhees" and insert "Vorhes."

Amend the title so as to read: "A bill to pension Martha A. Vorhes."

The amendments of the Senate were concurred in.

MOUTH OF MISSISSIPPI RIVER.

The SPEAKER also laid before the House the bill (H. R. 7633) establishing additional aids to navigation at the mouth of the Mississippi River, with amendments by the Senate; which, with the Senate amendment, was referred to the Committee on Commerce.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House the following Senate bills; which were read twice and referred as follows:

The bill (S. 1212) for the protection of property from fire, and safety of lives, in the District of Columbia—to the Committee on the District of Columbia.

The bill (S. 1755) for the relief of Eliza Ellen Ehle—to the Committee on Claims.

The bill (S. 1801) for the reappraisement and sale of a certain tract of land of the reservation of the Sac and Fox Indians of the Missouri tribe, in the State of Nebraska—to the Committee on Indian Affairs.

The bill (S. 2431) granting a pension to Henry Shoulders—to the Committee on Invalid Pensions.

The bill (S. 2485) granting a pension to Robert Boyd—to the Committee on Invalid Pensions.

The bill (S. 2519) granting an increase of pension to Richard B. Rians—to the Committee on Invalid Pensions.

The bill (S. 2676) to repeal chapter 360 of the statutes of 1882, entitled "An act to amend section 2133 of the Revised Statutes, in relation to Indian traders"—to the Committee on Indian Affairs.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. STORM, for five days, on account of sickness in his family.

EXTENSION OF APPROPRIATIONS.

Mr. RANDALL. I am instructed by the Committee on Appropriations to report the joint resolution which I send to the desk, and to ask unanimous consent for its present consideration.

The Clerk read as follows:

A joint resolution to continue the provisions of a joint resolution approved July 1, 1886, entitled "A joint resolution to provide temporarily for the expenditures of the Government."

Resolved, &c., That the provisions of a joint resolution entitled "A joint resolution to provide temporarily for the expenditures of the Government," approved July 1, 1886, be, and the same are hereby, extended and continued in full force and effect to and including 31st July, 1886.

Mr. DUNHAM. Is that a privileged resolution?

The SPEAKER. It is privileged to be reported but not to be considered at this time.

Mr. DUNHAM. It ought to be understood as far as the House of Representatives is concerned that the appropriation bills necessary to carry on the Government have been passed.

Mr. RANDALL. I will not enter on any criticism as to that. I ask to have printed in the RECORD a copy of the original joint resolution bearing date July 1, and also a statement of the present situation of the appropriation bills.

The SPEAKER. Without objection the joint resolution and statement will be printed in the RECORD.

They are as follows:

[PUBLIC RESOLUTION—No. 15.]

Joint resolution to provide temporarily for the expenditures of the Government.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all appropriations for the necessary operations of the Government under existing laws which shall remain unprovided for on the 30th day of June, 1886, be, and they are hereby, continued and made available for a period of fifteen days from and after that date, unless the regular appropriations therefor provided for in bills now pending in Congress shall have been previously made for the service of the fiscal year ending June 30, 1887; and in case the appropriations, or any of them, hereby continued are or is insufficient to carry on the said necessary operations, a sufficient amount is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry on the same: *Provided*, That no greater amount shall be expended therefor than will be in the same proportion to the appropriations of the fiscal year 1886 as fifteen days' time bears to the whole of said fiscal year: *Provided further*, That authority is also granted for continuing during the same period the necessary work required for public printing and binding, and for all other miscellaneous objects embodied in the sundry civil and naval appropriation acts, in advance of appropriations to be hereafter made for said objects: *And provided further*, All sums expended under this act shall be charged to and be deducted from the appropriations for like service for the fiscal year ending June 30, 1887.

Approved July 1, 1886.

CONDITION OF THE APPROPRIATION BILLS.

The agricultural, Army, consular and diplomatic, District of Columbia, Indian, Military Academy, pension, and Post-Office bills have been passed and agreed upon by both Houses.

The legislative, executive, and judicial bill is in conference.

The sundry civil, naval, and river and harbor bills are pending in the Senate.

The deficiency bill is in the Senate committee.

The fortification bill is in the House.

Mr. MILLIKEN. Some of us would like to know how many more of these extensions will be required.

Mr. RANDALL. They will be required as often as the necessity occurs. The Senate seems to be working night and day.

Mr. MILLIKEN. The appropriation bills have been delayed in the Senate because they were delayed in the House.

The joint resolution (H. Res. 202) to continue the provisions of a joint resolution approved July 1, 1886, entitled "A joint resolution to provide temporarily for the expenditures of the Government" was read a first and second time, and ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RANDALL moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FOURTH BRIGADE SOUTH CAROLINA STATE TROOPS.

Mr. DIBBLE. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (S. 582) for the relief of the board of field officers of the Fourth Brigade of South Carolina Volunteer State troops, and that the same be now considered.

The bill was read, as follows:

Be it enacted, &c., That the Court of Claims shall, notwithstanding the bar prescribed by any statute of limitation, hear, determine, and adjudge any claim or claims of the board of field officers of the Fourth Brigade of South Carolina Volunteer State troops, a municipal corporation of the State of South Carolina, against the United States, for the rent due by them or for the use and occupation by them, prior to the 21st of July, 1874, and subsequent to July 1, 1868, of certain buildings on Citadel Green, in the city of Charleston, after the legal termination of the late war; and that any judgment in favor of the claimant rendered hereunder be paid as other judgments of the said court are paid.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. On yesterday the gentleman from Wisconsin [Mr. BRAGG], the Chairman of the Committee on Military Affairs, objected

to the consideration of this measure, I do not know for what reason. The bill seems to be one that belongs to the Committee on Military Affairs.

Mr. DIBBLE. I will state for the information of the gentleman from Indiana that the gentleman from Wisconsin has consented to withdraw his objection.

Mr. CUTCHEON. I would like to hear some explanation of the measure.

Mr. HOLMAN. I think the report should be read.

The SPEAKER. If there be no objection the report will be read.

Mr. DIBBLE. I can state in a few words what the case is.

Mr. HOLMAN. I think it is as well to have the report read:

The report (by Mr. LANHAM) was read, as follows:

The Committee on Claims, to whom was referred the bill (S. 582) for the relief of the board of field officers of the Fourth Brigade of South Carolina Volunteer State troops, having had the same under consideration, respectfully report back the same without amendment, and recommend that it do pass.

For the facts upon which this claim is based reference is here made to Senate report No. 287, at this session of Congress.

Mr. DIBBLE. The facts are simply these: This is a claim for rent for the occupation of buildings for the use of the United States in the city of Charleston which the Government occupied and for which they paid rent until the 1st of July, 1868. When the claim was first presented the appropriation was exhausted. The claim was acknowledged and approved by the officers of the Government. Now the bar of the statute intervenes. That is the only trouble, and it is necessary to go to the Court of Claims for the recovery of this amount.

Mr. HOLMAN. How much is involved?

Mr. DIBBLE. The amount involved is about $6,000—between $6,000 and $7,000. It is for rent from the 1st of July, 1868, to the 21st of July, 1874. It is not a war claim. It is a matter that occurred after the war.

Mr. CUTCHEON. I would like to ask the gentleman why this matter has not been adjusted before now. It appears that nearly twenty years have elapsed since the occupation of these premises.

Mr. DIBBLE. No; the occupation was from 1868 to 1874.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BURROWS. Mr. Speaker, the reading of the report threw no light upon this subject, as it simply referred to the Senate report. I therefore ask to have the Senate report read.

The Senate report was read, as follows:

The Committee on Claims, to whom was referred the bill (S. 582) for the relief of the board of field officers of the Fourth Brigade of South Carolina Volunteer State Troops, submit the following report:

This claim was prosecuted and heard before the Court of Claims upon petition filed July 21, 1880, and the court made therein the following findings as to the facts:

I. The board of field officers of the Fourth Brigade of South Carolina militia was a perpetual corporation created by the State of South Carolina in 1809. The said corporation was vested with power to purchase and hold land not exceeding 300 acres for the use of the militia in the parishes of Saint Philip and Saint Michael's.

On the 25th May, 1835, the said corporation became the owner by purchase of a parcel of land, with the building thereon, on Citadel Green, in the city of Charleston, known as the Picquet Guard-house, and on the 1st August, 1856, of another parcel of land, with a building thereon known as the Boylston House, in the city of Charleston.

II. When the rebellion broke out the confederate forces took possession of the premises, and continued their occupancy for war purposes until they evacuated Charleston in February, 1865. The United States troops then took possession of the premises and turned them over to the bureau of refugees, freedmen, and abandoned lands. In October, 1865, that bureau surrendered them to the city of Charleston, and Charleston in turn delivered them to the claimant.

Whether the officers of the claimant consented to the occupancy of the premises by the confederate forces does not appear. They were themselves actively engaged in the rebellion.

III.—August 20, 1867, the United States forces again took possession of the Picquet Guard-house and of the Boylston House, and occupied the former until November 1, 1874, and the latter until April 1, 1879.

For this occupancy the United States paid rent to the city of Charleston until July 1, 1868; for the Picquet Guard-house at the rate of $50 a month, and for the Boylston House at the rate of $92 a month.

Since July 1, 1868, no rent has been paid to the claimant and no express lease appears to have been made.

The rate of rent paid prior to July 1, 1868, would be a reasonable compensation for the use of the buildings subsequent to that date.

IV.—On the 8th June, 1877, the board of field officers of the Fourth Brigade of South Carolina Volunteer State Troops was created a corporation by the State of South Carolina and vested with the rights, franchises, and property of the board of field officers of the Fourth Brigade.

CONCLUSION OF LAW.

Upon the foregoing findings of facts the court decides as conclusions of law that the claimant is entitled to recover for the use and occupation of the Picquet Guard-house from July 21, 1874, to November 1, 1874, at the rate of $50 a month, $116 12; for the Boylston House from July 1, 1874, to April 1, 1879, at the rate of $92 a month, $5,181.67; making in all $5,347.79.

The court, in its opinion, says:

"We agree to the position taken by defendant's counsel that so much of the claim as originated prior to July 21, 1874, is cut off by the statute of limitations (R. S. 1069). As no time was fixed for the payment of the rent, it must be deemed to be payable as it accrued. The petition was not filed until July 21, 1880."

It having been made to appear to your committee that this claim had been presented from time to time to accounting officers and special boards charged with the settlement and adjudication of such claims from 1869 to 1879, inclusive, and that the claim had never been disallowed, but had been several times reported upon favorably, it seems to them that justice requires that the claimant should be permitted by law to present its whole claim to the court untrammeled by the statute of limitations.

Your committee therefore recommend that the bill be amended by inserting in the third line, between the words "shall" and "hear," the following words: "Notwithstanding the bar prescribed by any statute of limitations;" and by inserting in the eighth line, between the words "them" and "of," the following words: "Prior to the 21st day of July, 1874, and subsequent to July 1, 1868;" and that, so amended, the bill do pass.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. DIBBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHANGE OF REFERENCE.

Mr. PRICE. Mr. Speaker——

Mr. ROWELL. Regular order.

Mr. OATES. I ask the gentleman to withdraw the demand for the regular order so that I may have the reference of a bill changed. The bill (H. R. 2475) for the relief of Samuel Noble was referred to the Committee on War Claims. A bill for the relief of the same person is being considered by the Committee on the Judiciary, and I ask that the reference to the Committee on War Claims be annulled and the bill referred to the Judiciary Committee.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. PRICE. Mr. Speaker, the gentleman on my right [Mr. ROWELL] who called for the regular order agrees to withdraw the call to enable me to ask the consideration of a bill.

Mr. ROWELL. I withdraw the demand for the regular order.

Mr. PRICE. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill H. R. 2775. It is simply a bill to give us a term of the United States court at Eau Claire, Wis. It will not cost the Government a cent. The bill has been agreed upon unanimously by the Committee on the Judiciary; that is, they have agreed to report a substitute for the original bill. I do not think the bill ought to excite any discussion, as no man on earth is opposed to it.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, &c., That there shall be one term each of the district and circuit courts of the United States for the western district of Wisconsin held yearly at the city of Eau Claire, in said State of Wisconsin, which terms shall begin on the first Tuesday of December of each year.

SEC. 2. That the clerk of said courts and the marshal of said district shall each appoint a deputy who shall reside and keep an office at said city of Eau Claire, in which offices, respectively, shall be kept all such books and records as appertain to the business of said offices and are usually kept in the offices of the clerk of said courts and the marshal of said district, respectively; and said deputy clerk shall keep in his office full records of all actions, proceedings, and judgments in said courts.

The SPEAKER. The Chair understands that the Committee on the Judiciary reports a substitute for this bill, and that the original bill is to be laid on the table.

Mr. HOLMAN. I will ask the gentleman from Wisconsin whether this bill is reported to the House by the Committee on the Judiciary?

Mr. PRICE. It is, through Mr. CASWELL.

The SPEAKER. The Chair is advised that there is no substitute reported.

Mr. PRICE. I have handed up the substitute. Mr. CASWELL, as a member of the Judiciary Committee, has charge of the bill; but he is at home sick, and he wrote me requesting that I would get it out of his desk and have it presented to the House.

The SPEAKER. But the report does not appear to have been made.

Mr. PRICE. I am making it now verbally for Mr. CASWELL, and it will be made in writing.

The SPEAKER. But the gentleman's motion was to discharge the Committee of the Whole from the further consideration of the bill.

Mr. PRICE. Well, I am not particular about the motion; but I want this bill to pass.

The SPEAKER. The Chair is informed that the bill is on the Calendar, but that the Committee on the Judiciary have not reported a substitute.

Mr. PRICE. But I have presented the substitute now for Mr. CASWELL, a member of the Committee on the Judiciary. The only difference between the substitute and the original bill is that the substitute saves the cost of the deputy marshal and deputy clerk.

Mr. HOLMAN. Is the bill which has been read the substitute?

Mr. PRICE. No, sir; that is the original bill.

The SPEAKER. The Clerk will report the substitute.

The substitute was read, as follows:

Be it enacted, &c., That the regular terms of the circuit and district courts in the western district of Wisconsin shall be held at the times and places following: At Eau Claire on the first Tuesday in June; at La Crosse on the third Tuesday in September, and at Madison on the first Tuesday in December in each year.

SEC. 2. *And be it further enacted*, That after the commencement of either of said terms of said court to be held at Eau Claire and La Crosse, respectively, as hereinbefore provided, and until the first day of the next succeeding regular term of said circuit and district courts herein appointed to be held in said western district, it shall be lawful for either or both of said circuit and district courts at any time to be open at Madison, and to there do and transact any business whatsoever therein not requiring the aid or intervention of a jury.

SEC. 3. *And be it further enacted*, That all provisions of law inconsistent with this act are hereby repealed; but nothing in this act shall interfere with the power now possessed by the judges of said courts to order special terms of the same, as now provided by law: *Provided, however*, That nothing herein shall be so construed as abolishing the provisions of law for a clerk and clerk's office of said court at La Crosse and Madison, Wis., but the same shall remain as now constituted, except that the clerk residing at Madison shall attend all terms of said court at Eau Claire as clerk thereof.

Mr. HOLMAN. Can the gentleman tell us at how many points courts are now held?

Mr. PRICE. Two, and this makes three. Madison and Eau Claire are about 200 miles apart; from Madison to La Crosse is about 150 miles, and from La Crosse to Eau Claire is about 125 miles. There you have a valley with a population of 130,000 or 140,000 who are distant from a circuit court from 125 to 200 miles. The consequence is that it costs a great deal to get juries and causes great inconvenience to the people. The difference between the substitute and the original bill is that the substitute saves the cost of a deputy marshal and a deputy clerk, and provides distinctly that this court shall not interfere with the terms held at either of the other points. The judge of the circuit is in favor of it; La Crosse is in favor of it; Madison is in favor of it; the whole State is in favor of it; the Committee on the Judiciary were unanimously in favor of it. I trust that there will be no objection to the passage of the bill. It will not put the Government to any additional expense, while this term of court will be a great convenience to the people.

Mr. MCMILLIN. I would ask the gentleman whether there is a public building at that point in which the court can be held?

Mr. PRICE. No, sir; but we provide in the bill that it shall not cost the Government anything for a building.

Mr. TOWNSHEND. Is there a report from the committee; and if so, has it been read?

Mr. PRICE. Yes, sir.

Mr. TOWNSHEND. If there is a report from the committee I hope it will be read.

Mr. PRICE. I have already stated, and will state again, that my colleague [Mr. CASWELL], who was authorized by the Committee on the Judiciary to report on this subject, was called home by a telegram in consequence of sickness in his family. He wrote to me to have his desk opened by Mr. Chancey and this bill taken out and presented to the House for action. That is the way it has come into my hands.

The SPEAKER. If there be no objection, the original bill will be laid on the table.

There was no objection, and it was ordered accordingly.

The substitute (H. R. 9857) was read a first and second time, ordered to be engrossed for a third reading; and was accordingly read the third time, and passed.

Mr. PRICE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HEMPHILL. I call for the regular order.

MRS. CATHARINE M'CARTY—ELIZABETH LUCE.

Mr. MATSON. I rise to a privileged question, and submit the views of a minority of the Committee on Invalid Pensions on two veto messages which were referred to that committee.

Mr. HEMPHILL. Has this matter precedence of the regular business set for to-day—business of the Committee on the District of Columbia?

The SPEAKER. Leave was heretofore given for the presentation of these minority views, and they are therefore privileged. If there be no objection they will be printed in the RECORD.

There was no objection.

Views of the minority on House bill No. 5603 and the veto message of the President accompanying it.

That this soldier died in the service is not disputed; that his death was the result of his own carelessness can not be disputed; and the evidence tends to show that it was an act of very gross carelessness and recklessness that led to his death, and that it was in no way connected with his military duty. Besides this, Hon. Wayne McVeagh, then Attorney-General of the United States, on the 14th of July, 1881, gave an official opinion to Hon. J. J. Kirkwood, then Secretary of the Interior, against the right of the widow and a pension in this very case. We think the objections of the President are well taken.

C. C. MATSON.
E. B. WINANS.
W. P. TAULBEE.
J. S. PINDAR.
JNO. A. SWOPE.
W. W. ELLSBERRY.

Views of the minority on House bill No. 5997 and the veto message of the President.

The objection made by the President to this bill is that there could be no connection between an injury to the urethra and the gastritis of which the soldier died many years afterward. We have taken some pains to inquire into this question, and can find no respectable physicians nor any medical authority against the opinion of the President, and therefore feel compelled to say that the bill ought not to be passed, and that the objections of the President ought to be sustained.

C. C. MATSON.
JNO. A. SWOPE.
EDWIN B. WINANS.
W. P. TAULBEE.
J. S. PINDAR.
W. W. ELLSBERRY.

PUBLIC BUILDING AT GALVESTON, TEX.

Mr. CRAIN. Mr. Speaker, I ask to make a personal explanation.

The SPEAKER. The gentleman from Texas asks leave to make a brief personal explanation. He will proceed if there be no objection.

Mr. CRAIN. Mr. Speaker, on yesterday, when the bill amendatory of the act providing for the construction of a public building at Galveston, Tex., was under consideration I stated, in response to inquiries propounded by the gentleman from Michigan [Mr. BURROWS] and the gentleman from Indiana [Mr. HOLMAN], that the increase of the limit of cost would amount to $125,000. Within five minutes after the bill had passed the House, while on my way to the Senate Chamber to communicate the fact of its passage to the Senators from Texas, I discovered upon examination of the bill that I had overlooked the fact that there was in it a provision that the limit should be $250,000, being $125,000 more than the amount provided for in the law exclusive of the cost of site. Now the site has already been purchased at a cost of $30,000, the title is vested in the Government, and the building is in process of construction. But I overlooked, I repeat, the fact that this sum of $30,000 ought to have been added to my estimate of $125,000, making the increase $155,000 instead of $125,000.

Immediately upon discovering my error, and within twenty minutes after the passage of the bill, I communicated the facts to the Speaker of the House, went to the gentleman from Indiana [Mr. HOLMAN] and explained the matter to him and also to the gentleman from Michigan [Mr. BURROWS], proposing to them both that if they had any objection to urge to the passage of the bill on account of the increased appropriation I would ask unanimous consent to have it recalled from the Senate and reconsidered in the House in order that the objection might be made, or I would ask the Senators from my State to have stricken out the $30,000 which I had overlooked. Both those gentlemen stated that they were satisfied.

Now, in justice to this House and to myself I make this statement, and propose that if any gentleman who was present yesterday when I called the bill up for consideration will say that he would have objected to it if I had not made the mistake to which I refer, I will ask unanimous consent to have the bill recalled and reconsidered.

Mr. HOLMAN. I only wish to say that so far as I am informed the statement of the gentleman from Texas is absolutely correct, and under the circumstances I did not think it necessary to call the attention of the House to the matter.

ORDER OF BUSINESS.

Mr. HEMPHILL. I call for the regular order.

Mr. WINANS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Michigan [Mr. WINANS] rise?

Mr. WINANS. To make a privileged report.

Mr. HEMPHILL. I object, unless it has preference to the business of the Committee on the District of Columbia, which was set for to-day.

Mr. ROWELL. I call for the reading of the order fixing District business for to-day.

The SPEAKER. If objection is made, the report which the gentleman from Michigan desires to present is not in order.

QUESTION OF PRIVILEGE.

The SPEAKER. There is a matter of the highest privilege which was pending at the adjournment yesterday, and which now comes up as a matter of course unless the gentleman from Indiana [Mr. LOWRY] who presented it waives it. Does the gentleman from Indiana desire to call it up this morning?

Mr. LOWRY. I desire to call up that resolution for action now.

The SPEAKER. The gentleman from Indiana calls up the resolution which was pending at the adjournment yesterday afternoon.

Mr. HEMPHILL. To-day was by special order set apart for business of the Committee on the District of Columbia, and the understanding was that we should not lose any portion of the day except by unanimous consent. I think the RECORD will so show.

The SPEAKER. The Chair would not allow any new matter of privilege to come before the House this morning if objected to; but this is a question of privilege relating to the proceeding of the House itself, which comes over from the adjournment yesterday. The Chair thinks that it will take but a few moments to dispose of it.

Mr. LOWRY. Mr. Speaker, I desire to say, having made some inquiry in reference to the circumstances connected with the substitution of one resolution and preamble for another in the RECORD, I have every reason to believe it will prove to be the result of a mistake or an accident, by reason of the wrong paper having been transmitted to the Printing Office, or rather a resolution which had been offered by the gentleman himself on last Monday was on the files of the Printing Office when the report of the proceedings went over, referring the foreman of the RECORD to the foreman of printing for the report of the committee, but the only paper he had there was the resolution which had been introduced by the gentleman on Monday. I deem it proper, however, to have that inquiry made as contemplated by the resolution, and I call for the previous question.

The SPEAKER. As a matter of justice to the Official Reporters of the House the Chair will cause a letter from the Public Printing Office to be read.

The Clerk read as follows:

GOVERNMENT PRINTING OFFICE,
OFFICE OF CONGRESSIONAL RECORD,
Washington, D. C., July 14, 1886.

DEAR Mr. McELHONE: In reply to your note of this date, asking why the matter which appears on pages 7217 and 7218 was printed instead of Mr. LOWRY's report, I have to say that his report was not in the office last night, and finding this and nothing else on the subject I supposed it was what was called for in the copy. Mr. LOWRY's report was not received until this afternoon.

Yours, truly,
AVEN PEARSON,
Foreman Congressional Record.

J. J. McELHONE, Esq.,
Chief Corps of Official Reporters,
House of Representatives.

Mr. GLOVER. May I be heard?

The SPEAKER. The gentleman from Indiana has demanded the previous question.

Mr. GLOVER. I hope the House will vote down the demand for the previous question. I should like to address some remarks to the gentleman from Indiana by way of thanks for the honor of his public mention.

Mr. LOWRY. I did not hear the remark of the gentleman from Missouri.

Mr. GLOVER. I will give it to you.

Mr. LOWRY. I desire to say if the gentleman from Missouri supposes there is any cause for him to make any statement or explanation I have no inclination to keep him from doing so.

The SPEAKER. How much time does the gentleman yield?

Mr. LOWRY. I will yield to him for three minutes.

Mr. GLOVER. I want ten minutes; I can not get through short of ten minutes.

Mr. TOWNSHEND. Give it to him.

Several MEMBERS. Let him have it.

Mr. LOWRY. Be kind enough to repeat your remark.

Mr. GLOVER. I desire ten minutes. I do not feel able to deal with the gentleman from Indiana short of ten minutes.

Several MEMBERS. Give it to him.

Mr. LOWRY. I do not know what is intended by this observation of the gentleman, but I am willing he shall have full opportunity to make any statement he desires to make, reserving such time as may be necessary.

The SPEAKER. How much time does the gentleman yield?

Mr. LOWRY. Ten minutes, if he desires it.

Mr. GLOVER. Mr. Speaker, not having been in the House when the resolution was called up, a fact I have no doubt which was the result of contrivance rather than of accident, I learned this morning through the kind attention of a friend——

Mr. ZACH. TAYLOR. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ZACH. TAYLOR. There is so much confusion in the House we are unable to hear what is going on.

The SPEAKER. Gentlemen will resume their seats and preserve order. The gentleman from Missouri [Mr. GLOVER] will proceed.

Mr. GLOVER. I say, Mr. Speaker, under those circumstances I learned by accident this morning, through the information kindly extended by Mr. TAULBEE, that an effort had been made in this House to adopt, not by inadvertence, but by design, and in my absence to persuade the House I had been guilty of interpolation of the RECORD.

The fact that the resolution had been misprinted was called to my attention when I read the RECORD, and naturally as any man would, actuated by an honest desire and not by a malicious purpose, I went to the first source I could reach to make inquiry thereupon. The reporter at that desk told me it was a mistake. I stepped to Mr. BRECKINRIDGE, of Kentucky and asked his explanation.

Mr. BRECKINRIDGE, of Kentucky. The gentleman does not mean Mr. BRECKINRIDGE, of Kentucky, but Mr. BRECKINRIDGE, of Arkansas.

Mr. GLOVER. Yes, I intended to say Mr. BRECKINRIDGE, of Arkansas. We concluded the gentleman from Indiana must by accident have incorporated it in his report.

Now, I say if the gentleman from Indiana had not been actuated by a feeling unworthy a member upon this floor he would have made the same inquiry and have arrived at the same conclusion; and since the gentleman from Indiana, as I understand it, disclaims any imputation upon me in that connection and does not charge or insinuate that I have been guilty of fraud, he will take no exception to the remark I make that any man who would make that statement, since the remark does not apply to a member of this House, is a blackguard and a liar.

Mr. LOWRY. Mr. Speaker, on the third day——

Mr. BRECKINRIDGE, of Arkansas. Will the gentleman from Indiana yield to me for a moment?

Mr. LOWRY. I will yield to the gentleman from Arkansas five minutes, if he desires it.

Mr. GLOVER. Before the gentleman proceeds permit me a moment.

The SPEAKER. The gentleman has four minutes of his time remaining.

Mr. GLOVER. I see that there are two resolutions which were offered by the gentleman from Indiana on yesterday. I did not see but one resolution when I first rose, and I desire to be heard for a moment upon the other one.

The SPEAKER. Both resolutions were offered by the gentleman from Indiana.

Mr. GLOVER. I did not observe the first one when I spoke a moment or two ago.

Mr. BLAND. I understand the gentleman from Indiana withdrew the first.

The SPEAKER. The Chair understood the gentleman from Indiana to withdraw the resolution in relation to the report.

Mr. BLAND. Not at all. There were two separate and distinct resolutions, embodying two separate and distinct propositions. One related to a colloquy which had taken place some time before between the gentleman from Indiana and the gentleman from Missouri. The gentleman from Missouri [Mr. HATCH] suggested that Mr. GLOVER was absent, and that the resolution ought not to be considered in his absence. The gentleman from Indiana thereupon withdrew the resolution entirely. The last resolution, the pending one, is simply an inquiry whether or not the RECORD was changed by accident or mistake or otherwise. That resolution was not withdrawn, and is the pending proposition.

The SPEAKER. But as the Chair understands there are two distinct charges made in the RECORD as embodied in the resolutions, one in relation to the remarks of the gentleman from Missouri and the other in relation to the substitution of the paper which was printed in the RECORD instead of the report of the gentleman from Indiana.

Mr. BLAND. But the resolution in reference to the remarks of the gentleman from Missouri has been withdrawn. It was originally proposed, but was withdrawn by the gentleman who introduced it and the latter resolution substituted. This substitution of the paper which has been printed in the RECORD for the paper that should have been printed purports to change the whole action of the House. It has got there evidently by a mistake, but how it got there should be explained.

The SPEAKER. The gentleman from Indiana on yesterday offered two resolutions, one of them relating to the remarks of the gentleman from Missouri, which it was alleged had been interpolated in the RECORD; but on being requested to withhold that because the gentleman from Missouri was not present, as the Chair understood, the gentleman from Indiana consented that it should take that course. The Chair did not understand at the time that it was intended to be withdrawn, but simply passed over for the time being.

Mr. BLAND. I so understood.

Mr. HOLMAN. My colleague distinctly in terms withdrew the first resolution.

Mr. LOWRY. That is correct.

The SPEAKER. The Chair understands now that that resolution is withdrawn?

Mr. LOWRY. Yes, sir.

Mr. BLAND. The RECORD shows it.

The SPEAKER. The gentleman from Indiana demands the previous question upon the adoption of the resolution.

Mr. BRECKINRIDGE, of Arkansas. The gentleman from Indiana has yielded to me.

Mr. LOWRY. I yield to the gentleman from Arkansas three or four minutes.

Mr. BRECKINRIDGE, of Arkansas. I want to explain, Mr. Speaker, in connection with the remark of the gentleman from Missouri a few moments since, that he called my attention to the error in the RECORD as published on yesterday. My attention was not called to the error in detail, but to the first line, in large type, in the second column on page 7218, where it says:

The previous question was ordered upon the adoption of the report.

It all hinged upon the word "report" instead of the word "resolution," which word should have been used in that connection. All I saw by glancing over the column without reading it was what appears to be an abstract of title to certain property in Saint Louis, and that is spoken of as a "report," as I have just stated. I remarked that I had supposed Judge LOWRY would make a short report; but I was surprised to see that he had passed it with all that matter; but I did not examine it or the resolution printed in the RECORD at the end of this matter. I now look and find the resolution printed to be entirely different from the resolution agreed to by the committee—wholly different. How it got into the RECORD I am of course entirely unable to say. The present resolution does not meet my views at all. I was entirely ignorant of the resolution as printed in the RECORD; and when I spoke on yesterday to the gentleman from Missouri [Mr. GLOVER] I had reference only to what I supposed was but a trivial error, namely, the substitution of the word "report" instead of the word "resolution."

I suggested to the gentleman from Missouri [Mr. GLOVER], supposing the resolution printed was the resolution adopted, that if he would go to Mr. McElhone, our Chief Reporter, he would correct the word "report" and insert "resolution." Going further, in the subsequent report of the proceedings I found the clerical error was not repeated, and that instead of its being said the "report" was adopted, it properly said the "resolution" was adopted.

To sum up, the resolution incorporated in the RECORD is entirely unlike the one adopted by the committee, and, I presume, put in by the

chairman, and I am wholly unable to account for how this matter got into the RECORD, and I have not attempted to explain it. I pass no judgment on it now.

Mr. GLOVER. I desire to ask the gentleman from Arkansas a question. Do you not recollect in our conversation having surmised that the abstract of title might have been incorporated by Mr. LOWRY in the report?

Mr. BRECKINRIDGE, of Arkansas. I have so stated.

Mr. LOWRY. I feel quite sensible, Mr. Speaker, that this matter is being altogether unduly magnified. On the 30th June last a motion was made by the gentleman from Missouri [Mr. GLOVER] to discharge the Committee on Expenditures in the Treasury Department from the consideration of a resolution which he had had referred to that committee. I resisted that motion, stating to the House that an understanding had been arrived at between the gentleman from Missouri and myself as to the consideration of the resolution being proceeded with by the committee at a given time, and that that was satisfactory to the gentleman from Missouri and that he assented to it. He then came before the House to move the discharge of the committee before the time arrived at which it was understood the resolution was to be considered. The gentleman controverted the statement I made. I undertook to say to the House that I did not deem the matter of sufficient importance to enter into any controversy with him about it; but if I had any further intercourse with him I would take occasion to have some other party present at the interview. On scanning the RECORD I found there had been appended to the colloquy which took place between the gentleman and myself the further statement——

Mr. GLOVER. I rise to a point of order. The gentleman stated that resolution was withdrawn or I would have noticed it effectually when on the floor. Now he is speaking to it.

Mr. LOWRY. The gentleman has imputed to me personal motives in the introduction of the resolution.

Mr. GLOVER. Which I do not disclaim.

Mr. LOWRY. As bearing on that question I am referring to the circumstances connected with the origin of this whole affair. Now, on scanning in the RECORD the report of the colloquy which took place between the gentleman and myself——

Mr. GLOVER. I rise to a question of order.

The SPEAKER. The Chair thinks the gentleman from Indiana has a right to state the circumstances under which he offered the second resolution.

Mr. GLOVER. I wish to say on the point of order, if the gentleman desires to dwell on that proposition, I desire to have the resolution introduced and passed, and not have it discussed in this shape.

The SPEAKER. The gentleman from Indiana has a right to state the circumstances under which he has offered the resolution now before the House. Of course if he makes reflections on the gentleman from Missouri the point of order can be made.

Mr. LOWRY. I found inserted in that report as contained in the RECORD a statement following the remarks made by myself coming from the gentleman from Missouri that if a third party had been present at the interview in question I would not have ventured to have made the statement on the floor.

Mr. GLOVER. Which I reiterate.

Mr. LOWRY. Knowing that was not spoken on the floor of the House I repaired to the Printing Office——

Mr. GLOVER. I make the point of order. I did not understand the gentleman from Indiana when I met him on the floor. I understand him now.

Mr. LOWRY. I hope the gentleman from Missouri will not be permitted to interrupt me.

Mr. GLOVER. I hope the gentleman will not be permitted to go on in this line of discussion.

The SPEAKER. There was a resolution charging that those words were interpolated in the report; but the statement would have no connection with the resolution now pending.

Mr. LOWRY. The gentleman imputed to me personal feelings toward himself. I am now explaining to the House that I have been animated by motives of patience, forbearance, and charity to the gentleman instead of being animated by any feeling of ill-will and malice or anything akin to it, so far as the gentleman is concerned. I wish simply to state what transpired.

Mr. GLOVER. I insist on the point of order.

The SPEAKER. The gentleman from Missouri insists that the gentleman from Indiana [Mr. LOWRY] shall not be permitted, in discussing a resolution which relates to the correction of the RECORD in one particular, to charge that matter has been improperly interpolated in the RECORD on another occasion.

Mr. LOWRY. Now, Mr. Speaker, my purpose is to show that I was not actuated by personal feeling——

The SPEAKER. The Chair understands the gentleman's purpose, but the point of order is made that that purpose can only be executed by introducing a resolution for the investigation of the question whether or not the alleged interpolation was improperly made in the RECORD, and that it is not proper to discuss that question on this resolution.

Mr. LOWRY. May I not be permitted to respond to the charge which the gentleman has made that I am animated by personal ill-will to him?

The SPEAKER. Of course the gentleman has a right to disclaim any such purpose, but the Chair thinks he has no right to make another charge against the gentleman from Missouri in discussing the resolution which is now before the House, having previously withdrawn the resolution which made that charge.

Mr. LOWRY. My purpose, however, was to show that I have been forbearing with the gentleman from Missouri and that I have not been actuated by personal feeling.

The SPEAKER. The gentleman has a right to disclaim any personal feeling.

Mr. LOWRY. Now, Mr. Speaker, I say that upon finding that statement in the RECORD——

Mr. GLOVER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The Chair has already decided that the gentleman from Indiana has no right on this resolution to discuss another matter, the resolution in relation to that matter having been withdrawn.

Mr. MILLS. I ask unanimous consent that the gentleman from Indiana may make his statement in whatever way he pleases, and then that the gentleman from Missouri be allowed to reply in his own way.

Mr. GLOVER. I object.

Mr. HEMPHILL. I object to any more statements. If these gentlemen wish to settle this matter let them settle it outside. [Laughter.]

Mr. GLOVER. I accept that amendment.

Mr. LOWRY. Now, Mr. Speaker, I took no notice of that matter in the RECORD——

Mr. GLOVER. I call the gentleman to order.

The SPEAKER. The gentleman is not out of order.

Mr. GLOVER. He is still "harping on my daughter."

Mr. LOWRY. I presume the House will be gratified to learn that the gentleman has a daughter. [Laughter.]

Mr. GLOVER. It was the gentleman from Indiana's daughter, not mine.

The SPEAKER. The gentleman from Indiana will proceed in order.

Mr. LOWRY. Now, Mr. Speaker, for two whole weeks I took no notice of the interpolation in the RECORD, but upon this other matter appearing in the RECORD yesterday morning——

Mr. GLOVER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The Chair has already stated that the only question now before the House is the resolution offered by the gentleman from Indiana [Mr. LOWRY] to inquire into the circumstances under which a certain alleged report was printed in the RECORD of yesterday. It is competent for the gentleman to show that such a resolution ought to be passed; it is competent to show, if the gentleman can, that that publication was improperly made; it is proper also for the gentleman to explain, if he desires to do so, that he has no personal feeling in the matter; but the other alleged interpolation of certain words in the RECORD on a former occasion is not now before the House.

Mr. LOWRY. Mr. Speaker, when my attention was called to the fact of the appearance of this lengthy preamble and resolution which was printed in the RECORD of yesterday morning in place of the report of the committee I immediately addressed myself to making inquiry in reference to it. I consulted with several members of the committee, the gentleman from Arkansas [Mr. BRECKINRIDGE], the gentleman from Tennessee [Mr. ZACH. TAYLOR], and the gentleman from Missouri [Mr. BLAND]. All of those gentlemen were consulted by me, and I also spoke with the Chief Reporter of the House in regard to the matter. My colleagues upon the committee all concurred in the opinion that there ought to be an investigation with a view to ascertaining how this extraordinary occurrence had taken place, for it was a matter of amazement to each and every one of them that any such publication should have been substituted for the original report of the committee. I took the precaution of consulting these gentlemen, and the resolution introduced by me yesterday was submitted to each and every one of them and was introduced with their concurrence and approbation. Now it has been said by the individual who represents one of the Saint Louis districts that the opportunity was sought to introduce that resolution at a time when he was not present in the House.

The gentleman seems to have a consciousness of his own presence which is sufficient, I think, for the entire balance of the House. I must be permitted, however, to say that I was entirely unaware of the fact that that august presence did not honor one of the seats in this Hall at the time the resolution was introduced, and when my attention was called to the fact by his colleague [Mr. HATCH] it will be seen by the report in the RECORD that I immediately indicated my purpose to withdraw that resolution which had some reference, and a very significant reference, as the House will see when I bring to its attention the actual condition of the RECORD in that particular——

Mr. GLOVER. I rise to a parliamentary inquiry.

Mr. LOWRY. I decline to be interrupted, Mr. Speaker.

Mr. GLOVER. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. GLOVER. I want to know whether it is in order for the gentleman from Indiana, having deemed it more prudent to withdraw his insinuation, to now insist upon it?

The SPEAKER. The Chair does not know what the gentleman is insisting upon.

Mr. GLOVER. I doubt whether the gentleman from Indiana himself knows either.

Mr. LOWRY. Immediately following the reading of the resolution yesterday the gentleman from Missouri [Mr. HATCH], as the RECORD sets forth, said:

I suggest to the gentleman from Indiana that my colleague [Mr. GLOVER] is not present, and it is proper of course that he should be here before action is taken upon such a resolution.

The gentleman from Missouri [Mr. BLAND] then addressed the Chair, and the gentleman from Iowa [Mr. HENDERSON] suggested that the resolution be read and go into the RECORD, so that it could be seen. Then the report continues:

Mr. LOWRY. I will withdraw that resolution for the present and offer the other one—

Which is the resolution now under consideration. Yet the gentleman, judging of the motives of others by the standard by which he is actuated, assumes that my inclination was to press that personal resolution upon the consideration of the House at a time when he was absent from his seat, although immediately upon my attention being called to the fact that he was absent the resolution was not only laid over but was withdrawn.

So far as the pending resolution is concerned I will simply repeat that I have reason to believe the resolution which was substituted for the original report of the committee was inserted in the RECORD purely by accident; and I anticipate that such will be found to be the fact upon inquiry being made, if one is instituted, by the Committee on Rules. In common with my colleagues on the committee I deem it proper, however, under all the circumstances, that an investigation should be had and the facts reported to the House.

The gentleman has made an allusion which, although I did not fully comprehend it, was evidently intended by him as personal to myself. I have regretted exceedingly, Mr. Speaker, to be obliged to trouble the House with any question of this kind. It is an unwelcome duty that has been thrust upon me in connection with this matter. I repeat what I said upon another occasion—that if I sought an altercation with any gentleman on this floor I think I should select some other than the Representative from Missouri. I think, Mr. Speaker, I should select game worthy of the candle. If I understand the character of the expression——

Mr. DANIEL. Mr. Speaker, I rise to a point of order. I ask whether the gentleman's language is parliamentary.

The SPEAKER. The Chair thinks that these personal allusions are all out of order whenever the point is made.

Mr. LOWRY. I beg to ask my friend from Virginia [Mr. DANIEL] whether he heard the remark of the gentleman from Missouri?

Mr. DANIEL. No, sir, I did not; my suggestion is made without reference to anything which may have been said by any one else.

The SPEAKER. The Chair will state that if a point of order had been made upon any personal allusion of the gentleman from Missouri the Chair would undoubtedly have sustained the point. The question before the House is not a personal matter, but a matter affecting the House itself.

Mr. LOWRY. I deem it due to myself and the House to withdraw anything that I may have uttered which may be regarded as in the least degree unparliamentary.

The SPEAKER. The gentleman will proceed in order.

Mr. LOWRY. Recurring again, however, to the personal allusion of the gentleman from Missouri, as to which he was not called to order by the gentleman from Virginia (nor did I myself deem it important to do so), I have only to say that the language which has fallen from him is characteristic, I apprehend, of those who are in the habit of associating with people accustomed to the use of such expressions.

Mr. GLOVER. Mr. Speaker——

The SPEAKER. The gentleman from Indiana [Mr. LOWRY] is still entitled to the floor.

Mr. GLOVER. Is the gentleman completely done?

Mr. LOWRY. Now, Mr. Speaker, I feel that some apology is due to the House for occupying so much time as has been occupied with this matter. There are some gentlemen who seem to be irrepressible in their pursuit of those against whom they entertain feelings of personal dislike. There are others who are irrepressible in the way of being conspicuous doing mischief upon all possible occasions. There has been a description given of a character of this kind, to the effect that he was like a flea, a fly, and a flitch of bacon: Like a flea, he was on everybody's back; like a fly, he was in everybody's broth; and like a flitch of bacon, he would never have his deserts until he was hung up. I regret to say there are some gentlemen who have membership in this House who, I think, will answer that description.

I yield to the gentleman from Tennessee [Mr. ZACH. TAYLOR].

Mr. HEMPHILL. I call the previous question on this resolution. I will state, Mr. Speaker, that on Monday last the House by unanimous consent set apart this day for business of the Committee on the District of Columbia. We have a great many matters of importance to attend to, and as these personal explanations have been made on both sides I trust that this matter may be brought to a close.

Mr. GLOVER. There are four minutes of my time remaining.

The SPEAKER. The gentleman from South Carolina [Mr. HEMPHILL] demands the previous question. The gentleman from Missouri reserved four minutes of his time, but any gentleman who has the floor in his own right can call the previous question at any time.

Mr. GLOVER (while the Speaker was proceeding to put the question on ordering the previous question). I merely desire, in closing this matter, to say I agree with the gentleman from Indiana that the next time he starts out on this tack he will select somebody else as the object of it.

Mr. ZACH. TAYLOR. I hope the House will vote that down. [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded. The gentleman from Indiana [Mr. JOHNSON] asks to make a personal explanation.

Mr. HEMPHILL. I object.

The SPEAKER. The ayes seem to have it.

Mr. ZACH. TAYLOR. I call for a division.

The SPEAKER. The question is on ordering the previous question.

The House divided; and there were—ayes 95, noes 59.

Mr. ZACH. TAYLOR demanded tellers.

Tellers were ordered, 41 (more than one-fifth) voting therefor.

Mr. HEMPHILL and Mr. ZACH. TAYLOR were appointed tellers.

Mr. ZACH. TAYLOR. I ask, Mr. Speaker, by unanimous consent to offer an amendment, which will, I think, excite no debate. I will then withdraw my objection to ordering the previous question.

The SPEAKER. The previous question might be ordered if the amendment is to come in by unanimous consent.

Mr. KING. Is that in order?

The SPEAKER. The gentleman asks unanimous consent.

Mr. PETTIBONE. Have the proposed amendment read.

Mr. BLAND. Let it be read. It is a proper amendment to the pending resolution.

The SPEAKER. If there be no objection the Clerk will read it.

Mr. ZACH. TAYLOR. I move by unanimous consent the following amendment to the pending resolution.

The SPEAKER. The Clerk will read it, after which the Chair will ask for unanimous consent.

The Clerk read as follows:

Amend by adding:

"*Resolved further*, That that portion of the CONGRESSIONAL RECORD of date July 14, 1886, beginning with, and including, first line on top of right-hand column, page 7217, and ending with the line preceding the line on page 7218 which reads: 'The previous question was ordered upon the adoption of the report,' near the middle of the right-hand column, page 7218, shall be expunged."

Mr. GLOVER. I object, as that is the matter to be investigated.

The SPEAKER. The gentleman from Missouri objects, and the amendment is not before the House.

Mr. ZACH. TAYLOR. I withdraw my objection to ordering the previous question.

The SPEAKER. The ayes have it and the previous question is ordered.

The resolution was adopted.

Mr. LOWRY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WASHINGTON CABLE RAILWAY COMPANY.

Mr. HEMPHILL. Under instructions of the Committee on the District of Columbia, I propose to take up for consideration the bill (H. R. 8976) to incorporate the Washington Cable Railway Company of the District of Columbia; and I therefore move that the House resolve itself into the Committee of the Whole House on the Private Calendar for the purpose of taking it up for consideration; and pending that motion I move that all general debate be closed in one minute after its consideration has been resumed.

Mr. ADAMS, of Illinois. Has the committee reported it favorably or adversely?

Mr. COBB. I move the time be extended to two hours.

The SPEAKER. One at a time.

Mr. COBB. This is an important bill and ought not to be considered hastily.

The SPEAKER. The gentleman from Indiana moves to amend the motion of the gentleman from South Carolina to extend the general debate to two hours.

Mr. HEMPHILL. I would like to make a statement by unanimous consent. I know this is not debatable.

The SPEAKER. Is there objection?

Mr. IKE H. TAYLOR. I object.

The SPEAKER. The question recurs on the amendment of the gentleman from Indiana to the motion of the gentleman from South Carolina to extend the general debate to two hours.

The House divided; and there were—ayes 42, noes 95.
Mr. COBB. No quorum has voted.
Mr. COBB and Mr. HEMPHILL were appointed tellers.
The House again divided; and there were—ayes 22, noes 133.
So Mr. COBB's amendment was rejected.

PERSONAL EXPLANATION.

Mr. DANIEL. Mr. Speaker, I ask by unanimous consent to make a simple personal explanation.
There was no objection.
Mr. DANIEL. I would have made no point of order in reference to the gentleman from Indiana [Mr. LOWRY], when he was speaking, if I had been aware previous personalities had been indulged in.

WASHINGTON CABLE RAILWAY COMPANY.

The SPEAKER. The question recurs on the motion of the gentleman from South Carolina to close general debate on the bill (H. R. 8976) to incorporate the Washington Cable Railway Company of the District of Columbia.
The motion was agreed to.
The question recurred on the motion to go into committee; and it was agreed to.
The House accordingly resolved itself into the Committee of the Whole on the Private Calendar, Mr. MCMILLIN in the chair.
The CHAIRMAN. The House resumes the consideration of the bill (H. R. 8976) to incorporate the Washington Cable Railway Company of the District of Columbia, and by order of the House all general debate is closed in one minute.
Mr. HEMPHILL. Mr. Chairman, this bill was fully discussed by the gentleman from Missouri [Mr. HEARD], who had it in charge and explained its provisions to the House, a few weeks ago, and was replied to by the gentleman from West Virginia [Mr GIBSON]. I do not think it is important to discuss it here again in a general way, and as the bill will be read by sections and certain amendments offered, it will give every opportunity for gentlemen to express their views upon it. I move, therefore, that the bill now be read by sections for debate and amendments.
The first section of the bill was read, as follows:

Be it enacted, &c., That William M. Galt, Albert W. Fletcher, Charles Payson, Lawrence Gardner, James E. Fitch, William Dickson, Charles J. Bell, William W. Dudley, A. T. Britton, O. G. Staples, E. K. Johnson, and B. H. Warner, all of Washington, D. C.; William Hanway, of Maryland; John R. Read, of Philadelphia; William Gladding, Charles E. Henry, and George M. Roads, of Pennsylvania; and John W. Hall, of Baltimore, and their associates, successors, and assigns, be, and they are hereby, created a body corporate under the name of the Washington Cable Railway Company of the District of Columbia, with authority to construct and lay down a single or double track railway, with the necessary switches, turnouts, and other mechanical devices, in the District of Columbia, through and along the following avenues and streets, with the privilege of entering the Capitol grounds under such restrictions as the Architect of the Capitol may prescribe: Commencing at G and Twenty-seventh streets northwest, with a double track, along G street to Seventeenth street, to Pennsylvania avenue, along Pennsylvania avenue to Fifteenth street, along Fifteenth street to G street, along G street to Fourteenth street, along Fourteenth street to E street and Pennsylvania avenue, along E street to Sixth street, along Sixth street to C street, along C street to North Capitol street, along North Capitol street to B street northeast, along B street to Eleventh street northeast; also commencing at G and Twenty-second streets northwest, with double track, along Twenty-second street to M street northwest, along M street, crossing Rock Creek Bridge, to Twenty-ninth street, along Twenty-ninth street to N or Gay street, and with single track along N or Gay street to Fayette or Thirty-fifth street, along Fayette or Thirty-fifth street to U or Eighth street, along U or Eighth street to High street, along High street to Stoddard or Q street, along Stoddard or Q street to Twenty-ninth street, along Twenty-ninth street to N street, there connecting with the double track; also commencing at Eleventh and B streets northeast, with single track, along Eleventh street to M street southeast, along M street to Tenth street southeast, along Tenth street to B street northeast, connecting with main line; also commencing at P and Water streets southwest, with double track, along Water street to Twelfth street southwest, along Twelfth street to the Boundary northwest; also commencing at Twelfth and B streets northwest, with double track, along B street to Sixth street northwest, along Sixth street to the junction of the Boundary and T street; also along T street, with single track, to Eighteenth street northwest, along Eighteenth street to S street, along S street to Sixth street northwest, there connecting with double track; also commencing at junction of G and Eighteenth streets, from the main line, along Eighteenth street to T street northwest, there connecting with single tracks; also commencing at Eighteenth and M streets, with a double track, along M street to Twenty-second street, there connecting with the Twenty-second-street line: *Provided*, That wherever the foregoing route or routes may coincide with the route or routes of any other duly incorporated street-railway company in the District of Columbia, but one set of tracks shall be used by both companies, which are hereby authorized and empowered to use such tracks in common, upon such fair and equitable terms as may be agreed upon by said companies; and in the event the said companies fail to agree upon equitable terms, either of said companies may apply by petition to the supreme court of the District of Columbia, which shall provide for proper notice to and hearing of all parties interested, and shall have power to determine the terms and conditions upon which and the regulations under which the company hereby incorporated shall be entitled so to use and enjoy the track of such other street-railroad company, and the amount and manner of compensation to be paid therefor: *And provided further*, That neither of the companies using such track in common shall be permitted to make the track so used in common the depot or general stopping-place to await passengers, but shall be only entitled to use the same for ordinary passage of their cars, with the ordinary halts for taking up and dropping passengers; but that this shall not apply to or interfere with any station already established on any existing line; that said corporation is authorized and empowered to propel its cars by cable-power over the line of any other road or roads which may be in alignment with and upon such streets as may be covered by the route or routes as prescribed in this act, in accordance with the conditions hereinabove contained; and that this corporation shall construct and repair such portions of its road as may be upon the line or route or routes of any other road thus used; and in case of any disagreement with any company whose line of road is thus used, such disagreement may be determined summarily upon the application of either road to any court in said District having competent jurisdiction. Said company shall receive a rate of fare not exceeding 5 cents per passenger for any distance between the termini of the main railway, or between the termini of either of said branch railways, or between either terminus of said main railway and the terminus of either of said branch railways.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RICHARDSON took the chair as Speaker *pro tempore*.
A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 1062) for the relief of Ernest H. Wardwell.
The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government, and further insisted on its disagreement to certain amendments; and asked a conference with the House on said amendments.
The Committee of the Whole resumed its session.

WASHINGTON CABLE RAILWAY COMPANY.

Mr. HOPKINS. I offer the amendment I send to the desk.
The Clerk read as follows:

In line 95, after the word "railways," add:
"*And provided further*, That in case of the construction of said railway along any of the streets above named, such railway shall either first obtain the consent of the owners of the property along and abutting upon such street or streets, or pay such owner or owners a just compensation for the injury or damage to said property accruing by reason of the construction of said railway along such street or streets.
"The supreme court of the District of Columbia shall have jurisdiction to try and determine the question of such injury or damage; and in determining such question and ascertaining the amount of compensation therefor, either party to such proceeding may have the same ascertained and determined by a jury as in common-law cases in said court."

Mr. BROWNE, of Indiana. I offer the following amendment to the amendment.
The Clerk read as follows:

Provided further, That if the construction of such road adds to the value of the property, that the owners thereof shall pay to said corporation a sum equal to such increase.

Mr. CURTIN. Before passing from that section I want to offer an amendment as to a change of route, and have read a communication bearing upon the subject.
The CHAIRMAN. The gentleman will be recognized for that purpose later on. At present two amendments are pending.
Mr. COBB. I wish to offer a substitute for the amendment, if in order.
The CHAIRMAN. There is an amendment and an amendment to the amendment pending. When the amendment has been perfected a substitute will be in order.
Mr. HOPKINS. Mr. Chairman, when this subject was before the House the other day the question was asked the gentleman who had charge of it, Mr. HEARD, if any provision had been made in the bill looking to the protection of the property-owners along the line of the proposed road as indicated in the amendment I have sent to the Clerk. He said no provision of that kind was in the bill, and justified that position by stating in his remarks to the House that the property-owners to the number of several thousand along the proposed route had given their consent to the construction of this road. Now, if the property-owners along the line of the road have given their consent to its construction, and have no desire to ask any damages, no harm is done by the adoption of the amendment, but any person who has not given his consent and whose property is damaged should have the right to recover a just compensation for such damage.
Any person, Mr. Chairman, who has had experience with railroads in general, or with street railroads in particular, I care not whether they be of the character of this proposed road or the ordinary horse street railways, knows that they do injure certain kinds of property along their lines. In a broad street like Pennsylvania avenue, with business houses on either side of it, perhaps no direct injury would result from the construction of the road. But anybody whose attention has been drawn to the subject knows that if a street is narrow, and a residence street, a road of this character will materially damage property along its line. Now, I see by an examination of the plan proposed by the incorporators of this road that it is designed to go along many streets where the width of the roadway does not exceed 30 feet between the curbs. They propose still further, Mr. Chairman, to build a double track along many of the streets, and that track will absorb over 15 feet of the 30, and right in the middle of the street. It does not require much of mathematical knowledge to determine the fact that upon neither side of the street after the construction of such a double-track road through its center will there be room for a carriage or vehicle to stand in front of a residence along such street.
Now, any man who is interested more in the protection of public and private property than in granting franchises to corporations of this kind ought not to object to voting for an amendment of the character I have offered. In the discussion of this question the other day the gentleman who had charge of the bill seemed to think it was a contest between the horse-railroads now existing and that which is proposed to be built.

So far as I am concerned, sir, I am not interested directly or indirectly in the present railroads, nor am I interested in the proposed one; but I believe just what every text-book that has ever treated of private corporations states, that the granting of these franchises is not for the individual benefit of private incorporators, but the primary and great object is the benefit of the public.

The gentlemen who are demanding this bill and are eager for the establishment of this proposed road seem to forget there is a public. They seem to forget that the property-owners in the city of Washington have some rights which should be protected in this case. They seem to think that all that is necessary is for Congress to vote a franchise. And the moment it passes both Houses of Congress and is signed by the President it is worth a million dollars, and that, too, without the expenditure of a cent in the actual construction of the road by the corporators.

Mr. BROWNE, of Indiana. May I ask the gentleman a question?

Mr. HOPKINS. Yes, sir.

Mr. BROWNE, of Indiana. Does the gentleman know of the condition he proposes having been annexed to any charter of this kind in any city in all the past, in New York, Chicago, Cincinnati, or anywhere else?

Mr. HOPKINS. I am glad of the opportunity of answering the gentleman from Indina. At common law the rights I propose to protect by this amendment are ignored, and the reason is because these corporations and the class of rights proposed in this bill were unknown at the time of the adoption of the common law in this country. But I will state for the information of the gentleman from Indiana that so great is the evil I propose to provide against in this amendment, and so great had it grown in the State of Illinois, that in 1870 when the people sent their delegates to the capital of the State to draught a new constitution one of the important things placed in the constitution was the right which is contemplated in the amendment I have submitted.

[Here the hammer fell.]

Mr. COBB. This bill comes before the House asking for great franchises which are perpetual. The tendency of the construction of this line of street railway will be to injure property-holders along its road, no matter whether corporate or individual property-holders. This franchise is a valuable one. It is sought by the gentlemen whose names appear in the bill for the purpose of accumulating large wealth in the future. I believe the spirit of the amendment is right and proper. This House ought never in my judgment to pass a bill to grant such rights and franchises as are provided in this bill without requiring the corporation to compensate those who are injured by the construction of their road. It may be contended that the construction of this line of street railway will be of service to the public. That may be true. It may be a great convenience to the public. But these gentlemen who come here and ask this franchise are not asking it in the interest of the public. They are asking it in their own interest. Their object is to accumulate large wealth out of this charter; and they will probably do so in the future. Why, then, should they not be compelled to compensate the property-holders along their line where the construction of the road injures private property? To say it will not injure private property is to say what no one can believe. It will injure property.

I have here a remonstrance, coming, as I am informed, from every property-holder along one of the streets to be traversed by this railway against its construction. But I go further. I insist that incorporators under such circumstances as these ought to be required to compensate the public or to pay to the public for their franchise what it is reasonably worth. If we grant these franchises to these men we give them in perpetuity what will be worth millions to them. It builds up a monopoly that we ought not by legislation to encourage. We ought on the other hand to discourage as far as practicable for the public good the accumulation of large wealth in the hands of a few; and one way by which we can prevent the accumulation of vast wealth is, when we grant franchises like this, to require corporators to return to the public a portion of the value of their franchise. I will, at the proper time, offer an amendment requiring these corporators to do so. It may be regarded as a new thing in legislation of this character, but I submit it is the only way in which we can prevent great monopolies, not only of power, but of money, in this country. When we grant to a body of men a franchise which will result ultimately in the accumulation of capital by them, we should require them to return to the public some of the value of the great franchise we grant them, so as to prevent them from accumulating vast wealth, enabling them to control and domineer over the public. This is one of the cases, I think, where such a provision is right and proper. These men ought not to have this great franchise without compensating the public in some way or other. They should also be required to compensate the property-holders for injuries they sustain, as the amendment provides.

[Here the hammer fell.]

Mr. O'NEILL, of Missouri. Concerning the question of compensating the owners of property along the line of this proposed road, I wish to say that the effect of this amendment if adopted is to kill this bill. The experience of cable roads in every city where they now exist is that instead of being a detriment they are a benefit to the property adjoining their lines. This fight against any competitor prevails in all the large cities. I have seen it in my own city.

I was a member of the municipal assembly there for four years, and I never knew of any case where a new company proposed to come in and compete with an old one, whether it was a competing gas company or a competing railway company, that the same miserable makeshift objections were not raised against it. The plain question is, Will you allow this new line of railway to come in and compete with the present monopoly which controls the streets of this city?

I have seen all the cable roads from New York to California, and in every instance they give better service than the horse railroads. They remove a nuisance from the streets; they guarantee unimpeded travel; they preserve the streets from wear; they give more rapid transit; they are in the line of the improvements of to-day, and the man who now stands up and opposes the cable road places himself in the same position as those who opposed the original introduction of railroads. It is the moss-back, reactionary element, which gets in the way of progress of every kind, whether it is a cable road, electricity, or anything else suggested by the growth of intelligence. I hope this amendment will be voted on, and that the House will stand up for this bill and pass it. I reserve the remainder of my time.

The CHAIRMAN. The gentleman has two minutes remaining.

Mr. PAYSON was recognized and yielded his time to Mr. HOPKINS.

Mr. HOPKINS. Mr. Chairman, in answer to the gentleman from Missouri I wish to say that this amendment is not offered in the interest of the existing railroad, that it is not offered in hostility to the incorporators of the proposed cable road; it is designed simply for the protection of the property-owners along the line of the proposed road.

Mr. O'NEILL, of Missouri. Will the gentleman allow a question?

Mr. HOPKINS. Yes, if you will restore me the time.

Mr. O'NEIL, of Missouri. Does the gentleman imagine that these railroads are built solely for the convenience of the property-owners along their route? They are for the benefit of the general public.

Mr. HOPKINS. Yes; but, Mr. Chairman, the only reason they ask the House to grant them this privilege is because Congress can exercise the right of eminent domain. That right as it is set forth in the law books and generally understood is to be used for the benefit of the public and not for the benefit of private incorporators, and I defy the gentleman to show where the right of eminent demain is exercised in any State for purposes like this without a provision to protect the rights of the property-owners whose property is injured by reason of the public improvement. Now, that is just what my amendment contemplates.

If this proposed road is constructed along any of the streets that are dedicated to private residences, and those residences are injured or damaged in any way by reason thereof, then this amendment provides for the impaneling of a jury and the determination of the question of damages, just as would be done in a case where a person is injured and sues for personal damages. No man, as it seems to me, can deny the justice and equity of this amendment.

Mr. PAYSON. I hope my colleague, in the time that I have given him, will explain to the gentleman from Indiana [Mr. BROWNE] what is the constitutional provision in our own State with reference to this question.

Mr. BROWNE, of Indiana. I do not understand, Mr. Chairman, that the constitution of Illinois applies to the District of Columbia.

Mr. PAYSON. No, but the gentleman from Indiana challenged my colleague to show any instance where any such provision was made for the protection of the property-owners.

Mr. BROWNE, of Indiana. I challenged him to show an instance where such a condition was made a part of the charter.

Mr. PAYSON. But this is a constitutional provision. Every corporation organized in that State is of course subject to that constitutional provision, and therefore it applies to every city and town in the State of Illinois.

Mr. HOPKINS. I will say in answer to the gentleman from Indiana [Mr. BROWNE] on that branch of the case that in 1870, so great had grown the evil in the State of Illinois from the granting of charters to railroads and street railroads without some such provision as is contained in this amendment, that the people of the State arose in their might and demanded protection, and when we adopted our new constitution we included in it a provision making it a part of the organic law of the State that where private property is taken or damaged by reason of any public improvement of the character contemplated in this bill just compensation shall be made to the owners of the property. The gentleman from Indiana asks why this provision in the constitution of the State of Illinois should have any bearing upon the discussion of the question here. For the reason, sir, that there is no provision in the Constitution of the United States for the protection of property-owners in the District of Columbia, and the only way in which a man's rights can be protected where his property is taken or injured by the construction of a road such as is proposed is by the adoption of an amendment of this character. In the city of Chicago the street railways are constructed subject to this condition, and so with the railways in every city throughout the State.

Mr. ROWELL. I wish to ask my colleague if he means to state that

in Illinois it is made a condition precedent to granting authority for the laying down of a street railway that the parties shall go on and ascertain the damages to property where no part of the property is taken?

Mr. HOPKINS. Yes, sir.

Mr. ROWELL. The gentleman is mistaken. That is not a part of the law, and there never was such a law. But you may recover damages, not as a condition precedent, but by filing a bill showing damages.

Mr. HOPKINS. The provision of the Constitution is that private property shall not be taken or damaged for public use without just compensation; and the courts of Illinois have uniformly held that the compensation must be determined and paid before the private property is taken for public use.

Mr. BROWNE, of Indiana. Mr. Chairman, I confess that I do not understand why this charter is to be embarrassed by this extraordinary provision. I assert that in this shape it is extraordinary. At common law the power of the common councils of towns and cities over the public streets was plenary. They might direct any character of improvement, and it could not work injury to the property-holder for which he could claim damages. That was the common law. It has been so adjudged by almost every court in the Union. But that rule, while it was a good one, while there should have been no innovation upon it so far as concerns the streets, has been by legislation in some particular localities somewhat qualified. For instance, in the State of Illinois if the improvement works actual damage a suit may be instituted by the property-holder and recovery had. But how is it here? You propose, as I understand this amendment, to provide as a condition precedent to the right of the corporation to occupy the street that there shall be an assessment and payment of damages. That is extraordinary. I might have, perhaps, less objection to it if it simply permitted the property-holder to institute suit in case actual damage had been committed by the construction of the road. But why make this a condition precedent?

This city is checkered all over with the tracks of your bob-tail horse-cars, in which a man pays 5 cents for standing up and having his corns tramped on the whole distance he may desire to ride.

Mr. MILLIKEN. And travels at the rate of 3 miles an hour.

Mr. BROWNE, of Indiana. And when we propose to provide some measure of convenience for the traveling public to relieve them from this iniquitous imposition, we are asked to embarrass the measure by requiring all kinds of damages in advance of a corporation that may seek to invest its capital not only for the profit of the investors, but for the convenience of the people.

The city of Washington is not like other cities of the United States—New York, Cincinnati, Chicago, &c. Here the people of the United States pay one-half of the expense of these street improvements. Your constituency and mine pay their proportion; and, so far as I am concerned, I intend that when my constituents come here they shall be permitted to ride in some kind of vehicle which affords convenience and accommodation. They help to pay for this opportunity, and I intend they shall have it.

These horse-car tracks encumber the streets all over; the companies tear up these nice pavements and put down stones, over which the cars rattle and clatter day and night; and their roads are almost impassable to vehicles that want to pass from one side of the street to the other. The noise on these roads keeps people awake a large part of the night. And yet when we propose to construct a road which shall be convenient, which shall not interrupt the passage of the streets by vehicles, which shall not cause these nightly disturbances, there are certain gentlemen here who say it shall not be done.

[Here the hammer fell.]

Mr. HEMPHILL. Mr. Chairman, it seem to me we have had sufficient discussion on this question. I move that the committee rise for the purpose of limiting debate on this section and on amendments thereto to one minute.

Mr. HOLMAN. I suggest that the gentleman first ask unanimous consent to limit debate.

Mr. HEMPHILL. Very well; I will ask unanimous consent.

Mr. DANIEL. I would like to have a few minutes to oppose the amendment.

The CHAIRMAN. The gentleman from South Carolina [Mr. HEMPHILL] asks unanimous consent to limit debate upon the section and amendments thereto to one minute.

Mr. PERKINS. Will that cut off debate on other amendments?

The CHAIRMAN. It will not cut off the offering of other amendments, but will cut off debate on them. Is there objection?

Several members objected.

Mr. HEMPHILL. I move that the committee rise for the purpose of limiting debate.

The question being taken, there were—ayes 90, noes 17.

Mr. COBB. I make the point that no quorum has voted.

The CHAIRMAN. A quorum is not required upon a motion that the committee rise. The motion is agreed to.

Mr. BUTTERWORTH. Before the committee rises I want to make a suggestion.

The CHAIRMAN. Nothing is in order, the committee having determined to rise.

The committee accordingly rose; and Mr. WELLBORN having taken the chair as Speaker *pro tempore*, Mr. MCMILLIN reported that the Committee of the Whole, having had under consideration the bill (H. R. 8976) to incorporate the Washington Cable Railway Company of the District of Columbia, had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed the joint resolution (H. Res. 202) to continue the provisions of a joint resolution approved July 1, 1886, entitled "A joint resolution to provide temporarily for the expenditures of the Government."

WASHINGTON CABLE RAILWAY COMPANY.

Mr. HEMPHILL. I move that the House again resolve itself into Committee of the Whole for the consideration of House bill No. 8976, and pending that motion I move that all debate in Committee of the Whole on the first section of the bill and all amendments thereto be limited to ten minutes. On this motion I call for the previous question.

Mr. SOWDEN. I move to extend the time——

The SPEAKER *pro tempore*. The previous question is demanded.

The question being taken on ordering the previous question, there were—ayes 108, noes 5.

Mr. COBB. No quorum.

Tellers were ordered; and Mr. HEMPHILL and Mr. SOWDEN were appointed.

Mr. BROWNE, or Indiana. We may as well have the yeas and nays; it will prevent confusion. [Cries of "Oh, no!"] Gentlemen on the other side intend to filibuster.

Several MEMBERS (to Mr. BROWNE, of Indiana). Withdraw the call.

Mr. BROWNE, of Indiana. I withdraw the call for the yeas and nays.

The House again divided; and the tellers reported—ayes 160, noes 4.

So the previous question was ordered.

The SPEAKER *pro tempore*. The question recurs on Mr. HEMPHILL'S motion that all debate on the first section of the bill and all amendments thereto be limited to ten minutes.

The motion was agreed to.

The question then recurred on Mr. HEMPHILL'S motion that the House resolve itself into Committee of the Whole on the Private Calendar for the purpose of further considering the bill (H. R. 8976) to incorporate the Washington Cable Railway Company of the District of Columbia.

Mr. COBB demanded a division.

The House divided; and there were—ayes 125, noes 5.

Mr. COBB. No quorum.

The SPEAKER *pro tempore* appointed as tellers Mr. COBB and Mr. HEMPHILL.

The House divided; and the tellers reported—ayes 159, noes 6.

So the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the Private Calendar, Mr. MCMILLIN in the chair.

The CHAIRMAN. The committee resumes the consideration of the bill (H. R. 8976) to incorporate the Washington Cable Railway Company of the District of Columbia; and by order of the House all debate on the pending paragraph and all amendments thereto will be closed in ten minutes.

Mr. HEMPHILL. If I am recognized, Mr. Chairman, I will yield for five minutes to the gentleman from Texas [Mr. REAGAN].

Mr. REAGAN. Mr. Chairman, if the construction of this road shall result in damaging property along the line of the road, that damage has to be paid for by the railroad company for whose benefit this act of incorporation is to be passed, or it will have to be paid out of the Treasury of the United States as growing out of the action of the Government.

I do not know whether that claim could be enforced in strict law against the Government, but ultimately it would be enforced, and the Government would have to pay the damage.

Taking this view of the matter, Mr. Chairman, it seems to me only right the amendment proposed should be adopted. My view is, if that is the true construction, that along the road as built the Government should be held liable for damages done there; every house along the line of it would consider itself damaged, and the people of the country at large would be asked to pay that damage. If the railroad company had to pay the damage, and was here to contend against the local interests and get all the money it could, it would see to it that no damage should be recovered unless actual damage had been inflicted in the construction of the road.

I would, Mr. Chairman, if I had framed the amendment, make an addition to it, that the enhanced value of the property by reason of the construction of the road should be an offset against any damage which

might accrue by the construction of the road. This, I take it, any court would do at all events.

The question is a simple one. I am not saying that any property will be damaged. It may be that no property will be damaged, but the property along the line of the road which is enhanced in value more than it is damaged should be compelled to pay for the damage to the extent which it has been enhanced in value.

Mr. MILLIKEN. Let me ask the gentleman from Texas a question.

Mr. REAGAN. I only have five minutes.

Mr. MILLIKEN. If it is right to pay damages for property which has been injured, should not the property which has been bettered pay for that betterment?

Mr. REAGAN. That is going a little farther than any law I know of.

Mr. MILLIKEN. We have such laws.

Mr. REAGAN. There may be such laws.

Mr. BRUMM. I ask the gentleman to yield to me for a question.

Mr. REAGAN. I have only five minutes.

Mr. BRUMM. Is it not true, as a principle of law, that property necessarily on streets is subject to any change which may be made even to vacating the streets without being subject for damages?

Mr. REAGAN. I could not undertake to say that.

Mr. BRUMM. Is not that the law?

Mr. REAGAN. It raises a question of law, of course. Now, Mr. Chairman, I wish to guard the Treasury against a raid upon it by all property-holders along the line of this road when it is constructed. There is no way to guard the Treasury against that raid but by this amendment. If the amendment is agreed to and put upon the bill, then the railroad company will take care that no damages are recovered against it.

Mr. BRAGG. Mr. Chairman, there seems to be a disposition on the part of some members of the committee to wander away from the law of this case or the law which is applicable to it. I confess I may be myself in the same error that some gentlemen on this side of the House are in; but I doubt it.

The rule of damages and liability to pay damages I do not think has been correctly stated, for the reason that there has been no distinction made in the cases. In all cases where the public have only an easement for a highway, and the lands abutting upon the highway own the fee of the road, if an additional servitude be imposed upon the highway, the lot owners upon either side have a claim for damage. But if the fee of the highway is in the public, then no damage arises for any use of that highway to the lot-owner upon either side of it. That I believe to be the law.

To make it applicable in the District of Columbia the fee of the roadway exists in the Government.

The lot-owner abuts upon the Government's land, which is the strip over which the highway runs; and therefore the use of that highway creates no claim for damage upon the part of the lot-owner abutting upon the highway.

Mr. DANIEL. May I ask the gentleman a question?

Mr. BRAGG. Certainly.

Mr. DANIEL. Is it a fact that the fee here is in the Government?

Mr. BRAGG. That is a fact.

Mr. DANIEL. For that would settle the whole question in controversy.

Mr. HOLMAN. That is the claim, anyway.

Mr. BRAGG. We are proposing by this amendment to change the rule of damages entirely, and to make the rule applicable to a corporation which seeks to come here for the purpose of giving to the public better facilities than they have for transportation about the city.

Mr. MILLIKEN. Let me ask the gentleman from Wisconsin a question. Was this rule applied to the present corporation that now run their horse-cars on the streets of the city and give about the worst service in the country?

Mr. BRAGG. No, sir. It has never been applied to any of them, and there is no reason why there should be a distinction here for the purpose of preventing new and better facilities to the public, and by preventing it keep alive the old monopolies, which furnish their bob-tail cars in the summer with a 3-cent fare until they succeed in running off opposition, and as soon as they do run it off go back again to 5 cents.

Mr. GROSVENOR. Mr. Chairman, I think the amendment of the gentleman from Illinois [Mr. HOPKINS] ought not to be agreed to by the House. I concur with the statement of the gentleman from Wisconsin just made, and I add to it this proposition, that it makes no sort of difference, so far as justice to the people along the line of these streets is concerned, whether the fee of the street is in the public or in the property-owners, subject to the paramount easement of the public for a highway.

Mr. BRAGG. The fee is in the public.

Mr. GROSVENOR. That makes stronger the case in behalf of the negative of this proposition. But in either event there is no danger that there will be a failure of justice if this amendment is not adopted; and there is a certainty that there will be a failure of justice beyond any doubt if it is agreed to.

Mr. HOPKINS. Let me ask the gentleman a question.

Mr. GROSVENOR. Yes, sir.

Mr. HOPKINS. If the amendment is not adopted what remedy has the property-holder?

Mr. GROSVENOR. I am coming to that. That is the whole question. In the State of New York this question has been litigated. The gentleman from Illinois is greatly mistaken when he supposes that the common law does not apply to a creature which was not in existence when the common law was adopted in this country. My friend himself was not in existence at that time, and yet nearly all of the rights that he has come to him under the common law.

Mr. HOPKINS. Does not the gentleman know that the supreme courts of Ohio and Illinois have so decided?

Mr. GROSVENOR. I know that they decided exactly the reverse in Ohio. As to what may have been decided by the supreme court of Illinois I have no knowledge. I am talking of the common-law principle which gives the property-owner the right to recover damages for any injury to his property independent of a statute. Now the court of appeals in New York, in an exactly similar case, held that the property-owners all along the line traversed by the elevated roads had a right, notwithstanding the lapse of time and the bar of the statute, to recover damages under the common law for the ordinary injury done to their property by the construction of the roads; and that right is beyond all question reserved to the people along the line of these streets. Therefore I think the amendment is well calculated only to hinder the bill and damage its passage. It is not required in the interest of the public. I want to say further that the public are interested in these streets. They own them. The paramount right to the occupation of them is in the public, and the public has a right to make such use as it sees fit to do, saving always the right to the property-owners to recover damages for the occupation of their property by act of Congress.

Mr. HOPKINS. If the common law is as you state, what harm is there in adopting the amendment I offer, which is a re-enactment, according to your own statement, of the common-law doctrine?

Mr. GROSVENOR. For the reason, as has been already stated, that these are speculative damages. They are damages that can not be ascertained before this corporation goes into the occupation of the streets. It is simply impossible that any jury can estimate the damage to the property by the mere presence in the street of a traction railroad.

The CHAIRMAN. The time for debate on the pending section and amendment thereto has expired.

Mr. BROWNE, of Indiana. I desire to withdraw my amendment to enable the gentleman from Illinois [Mr. ADAMS] to substitute another in its place.

Mr. ADAMS, of Illinois. I desire to offer as a substitute for the pending amendment the provision which is in the Chicago ordinance.

The Clerk read as follows:

At the end of section 1 insert the following:

"And said company shall be liable for all damages to the owners of property abutting upon roads, streets, highways, or public property upon or over which its said road is to be constructed which said owners may sustain by reason of the location, construction, or operation of said company's road."

Mr. BROWNE, of Indiana. Is this proposed as an amendment to the amendment of the gentleman from Illinois [Mr. HOPKINS], or as a substitute?

The CHAIRMAN. The gentleman from Illinois [Mr. ADAMS] said he desired to offer it as a substitute.

Mr. HOPKINS addressed the Chair.

The CHAIRMAN. Debate is not in order.

Mr. PAYSON. I ask that the substitute be read again. Owing to the confusion in the Hall it was not distinctly heard.

The proposed substitute was again read.

Mr. ADAMS, of Illinois. May I ask that the original amendment be read? I may have misunderstood the scope of it.

The amendment of Mr. HOPKINS was again read.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Illinois [Mr. ADAMS] for the amendment offered by his colleague [Mr. HOPKINS].

Mr. EVERHART. Is an amendment to the substitute in order?

The CHAIRMAN. It is not.

The question being taken on the substitute, there were—ayes 19, noes 41.

Mr. COBB. No quorum.

The CHAIRMAN. A quorum not having voted, the Chair will appoint tellers.

Mr. ADAMS, of Illinois. Is it in order for me to withdraw my amendment?

The CHAIRMAN. If there be no objection it can be withdrawn.

There was no objection.

Mr. ADAMS, of Illinois. I withdraw the substitute in order to save time.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. HOPKINS].

The question being taken, there were—ayes 33, noes 66.

Mr. HOPKINS. No quorum.

The CHAIRMAN. The Chair appoints as tellers the gentleman from Illinois [Mr. HOPKINS] and the gentleman from South Carolina [Mr. HEMPHILL].

ENROLLED JOINT RESOLUTION.

The committee informally rose, and the Speaker resumed the chair.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a joint resolution of the following title; when the Speaker signed the same.

Joint resolution (H. Res. 202) to continue the provisions of a joint resolution approved July 1, 1886, entitled "A joint resolution to provide temporarily for the expenditures of the Government."

WASHINGTON CABLE RAILWAY.

The Committee of the Whole resumed its session.

The tellers reported—ayes 66, noes 102.

So the amendment was not agreed to.

Mr. CURTIN. I offer the amendment which I send to the desk, with a memorandum attached assigning the reasons for it.

The Clerk read the amendment, as follows:

Amend section 1 as follows:

Strike out all of lines 19 to 37 inclusive, on page 2, and lines 38 to 55, and to and including word "line," in line 55 inclusive, on page 3, and insert as follows:

Commencing at the corner of Eleventh and M street southeast, thence along Eleventh to B street northeast; thence along B to Tenth street northeast; thence along Tenth to M street southeast; thence along M to Eleventh southeast, with a single track.

Also, from Tenth street northeast along B to North Capitol street; thence along North Capitol to C street northwest; thence along C to First street, with double track; along G street to Market Space, with single track; also along Indiana avenue from First street to Louisiana avenue; thence along Louisiana avenue to Market Space, with a single track along Market Space to Eighth street northwest; along Eighth to E street; thence along E to Fourteenth street northwest; thence along Fourteenth to G street; thence along G to Fifteenth street; thence along Fifteenth street to Pennsylvania avenue; thence along Pennsylvania avenue to Seventeenth street; thence along Seventeenth to G street; thence along G to Twenty-second street northwest, with double track; thence along Twenty-second to M street, and along M to Twenty-fourth street, and along Twenty-fourth to G street, and along G to Twenty-second street, with single track. Also, along M from Twenty-fourth street northwest, crossing Rock Creek Bridge to Twenty-ninth street; along Twenty-ninth to N, or Gay street, with double track, and along N or Gay to Fayette or Thirty-fifth street; along Fayette or Thirty-fifth to T or Seventh street; along T or Seventh street to High street; along High to Stoddart or Q street; along Stoddart or Q to Twenty-ninth street; along Twenty-ninth to N or Gay street, with a single track, with privilege of extending said line with double track from the corner of T or Seventh street, and Thirty-fifth or Fayette street, along the prolongation of said T street, called the New Cut road to Conduit road, and along Conduit road to to the District line.

Also, commencing at P and Water street southwest; along Water to Twelfth street; along Twelth to B street northwest, with a double track.

Also, along Twelfth from B street northwest, to the Boundary; thence along Boundary to Thirteenth street; thence along Thirteenth to B street northwest; thence along B to Twelfth street, with a single track, with privilege of extending with double track along Thirteenth street beyond Boundary to Whitney avenue and Soldier's Home, with double track.

Also, commencing at Twelfth and B northwest; along B to Sixth street; along Sixth to G street northwest, with double track.

Also, along Sixth to S street; to Eighteenth; along Eighteenth to T street; along T to Sixth street and Boundary; along Boundary to Fifth street northwest; along Fifth to G street, and along G to Sixth street, with a single track.

The Clerk read the following memorandum accompanying the amendment:

The changes to be effected by this amendment are as follows:

1. The double track on G street northwest from Twenty-seventh street to Twenty-fourth street is taken off.

2. The double track on E street from Eighth street to Sixth street is taken off.

3. The double track on C street northwest is replaced by a single track as far as First street.

4. The double track on Twenty-second street from G street to M street is replaced by a single track.

5. The single track on U or Eighth street, Georgetown, is taken up, and the single track put on T or Seventh street instead.

6. The double track on Twelfth street northwest is replaced by a single track from B street to Boundary, and a returning single track laid on Thirteenth street from Boundary to B street, with privilege of extending out Thirteenth street beyond Boundary to Soldier's Home.

7. The double track on Eighteenth street is taken off from G street to S street.

8. The double track on M street from Eighteenth to Twenty-second street is taken off.

9. A single track is laid on Indiana avenue and Louisiana avenue from First street to Market Space, and from Sixth street to Market Space on C street.

10. The double track on Sixth street from G street to Boundary is replaced by a single track, and a single track is put on Fifth street from Boundary to G street.

11. A single track is put on Twenty-fourth street from M street to G street.

These amendments take all double tracks off of streets less than 40 feet wide, and take from the route as in the bill described about 3½ miles of track.

The amendment conforms exactly to the map exhibited upon the desk, and is offered to cure objections raised to the route as laid down in bill, and to lessen the length of line and make it practicable in construction.

Mr. GAY. I rise to inquire if it is in order to offer a motion to refer this amendment and the whole measure back to the Committee on the District of Columbia? This contemplates so great a change in the route that I do not think we can understand it from merely hearing it read.

The CHAIRMAN. That might be done when the bill has been reported to the House; but such a motion is not in order in Committee of the Whole.

The question being taken on Mr. CURTIN'S amendment, it was agreed to.

Mr. BUTTERWORTH. Mr. Chairman, I send up an amendment to come in at the end of the section, after the word "railways."

The amendment was read, as follows:

Add to the section the following:

"And said companies shall sell tickets in packages of six for 25 cents and twenty-five for $1."

The amendment was agreed to.

Mr. MCADOO offered the following amendment:

Page 1, strike out lines 3 to 12 inclusive, and all of line 13 down to the word "to," and insert in lieu thereof the following: "The following shall be the route through which, in the District of Columbia, authority is hereby given." Also after the word "line," in line 55, insert these words: "The franchise to lay and operate this road shall, after due advertisement of not less than ten days, in at least two daily newspapers published in the city of Washington, be sold by the district commissioners of the District of Columbia to the highest bidder, and the money obtained therefrom turned into the United States Treasury for the benefit of the District of Columbia, and the successful bidder shall take the name of The Washington Cable Railway Company of the District of Columbia, on filing a proper certificate of incorporation in the office of the clerk of the supreme court of the District of Columbia."

Mr. MCADOO. Mr. Chairman——

The CHAIRMAN. Debate is exhausted upon this paragraph.

Mr. WILSON. Mr. Chairman, I desire to offer a substitute for the amendment of the gentleman from New Jersey [Mr. MCADOO].

The proposed substitute was read, as follows:

Amend section 1 by adding thereto,

"And the said Cable Railway Company, for and in consideration of the rights, privileges, and franchises granted in this act, shall, on the 1st day of July, 1888, and on each 1st day of July thereafter, pay to the Treasurer of the United States, to be used in the payment of interest on the debt of the District of Columbia guaranteed by the United States, the sum of 5 per cent. of the gross receipts of said company: *Provided, also*, That if default be made in the payment of the said sum for thirty days in any year after the same shall have become due, its collection may be enforced by the same remedies and processes as are provided for the collection of taxes in this act."

Mr. MCADOO. Mr. Chairman, can the committee, by unanimous consent, allow me five minutes?

Mr. BRUMM. Regular order.

The CHAIRMAN. Objection is made to the request of the gentleman from New Jersey [Mr. MCADOO]. The question is on the substitute offered by the gentleman from West Virginia [Mr. WILSON].

The question was taken; and there were—ayes 27, noes 67.

Mr. WILSON. No quorum.

The CHAIRMAN. The point being made that no quorum has voted, the Chair appoints the gentleman from West Virginia [Mr. WILSON] and the gentleman from New Jersey [Mr. MCADOO] to act as tellers.

The committee again divided; and (the point of no quorum having been withdrawn) the tellers reported—ayes 54, noes 100.

So the substitute was rejected.

Mr. PERKINS. Mr. Chairman, I desire to offer a substitute for the amendment of the gentleman from New Jersey [Mr. MCADOO].

The proposed substitute was read, as follows:

And provided further, That in consideration of the valuable franchise granted herein, the said railway company shall, by its proper officers, quarterly pay to the Treasurer of the United States 20 per cent. of the gross receipts of the company received from the carrying of passengers during the preceding three months, the money so paid to the Treasurer of the United States to be reserved as a fund with which to meet and pay the current expenses of the District of Columbia.

The question was taken; and the substitute was rejected—ayes 26, noes 59.

Mr. HOLMAN offered an amendment as a substitute for the amendment offered by Mr. MCADOO.

Mr. MCADOO. Mr. Chairman, I ask that my original amendment and the proposed substitute be both read, so that the committee may understand them together.

The amendment offered by Mr. MCADOO was again read.

Mr. BRUMM. Mr. Chairman, in case that amendment should pass, would it not enable the present street railway company to buy up the franchise and thus defeat the building of this line entirely?

The CHAIRMAN. The Chair thinks that is a matter of argument.

Mr. MCADOO. The amendment gives everybody a right to bid.

The CHAIRMAN. The question is on the substitute proposed by the gentleman from Indiana [Mr. HOLMAN] for the amendment of the gentleman from New Jersey [Mr. MCADOO].

The Clerk was proceeding to read the substitute when Mr. HOLMAN temporarily withdrew it, stating that this was not the proper point in the bill at which to offer it.

The question was taken on the amendment offered by Mr. MCADOO, and the chairman declared that the noes seemed to have it.

Mr. MCADOO. I call for a division.

The committee divided; and there were—ayes 23, noes 6.

Mr. MCADOO. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MCADOO. Can I have a vote in the House on this amendment by now giving notice that I desire such a vote?

The CHAIRMAN. The amendment would not be reported to the House unless it was adopted, and therefore no vote could be had upon it except by unanimous consent.

The committee again divided; and there were—ayes 24, noes 60.

Mr. MCADOO. No quorum has voted.

The CHAIRMAN. The point being made that no quorum has voted, the Chair appoints the gentleman from New Jersey [Mr. MCADOO] and the gentleman from South Carolina [Mr. HEMPHILL] to act as tellers.

The committee again divided; and the tellers reported—ayes 23, noes 88.

Mr. MCADOO. I merely wanted to test the good faith of the House about this matter. I withdraw the demand for a further count.

The CHAIRMAN. The demand for a further count being withdrawn, the amendment is rejected. The Chair may not have been sufficiently explicit in response to the parliamentary inquiry made by the gentleman from New Jersey [Mr. MCADOO] a few moments ago. The Chair was correct in saying that there would be no report of this amendment to the House unless it should be adopted; but the statement should have been added that if in the House the previous question should not be ordered, the amendment might be again offered and a vote obtained upon it. But no such right would exist on the basis of any proceedings in Committee of the Whole unless the amendment were reported from the Committee of the Whole to the House as having been adopted.

Mr. SCRANTON. I move that the committee rise for the purpose of laying aside this bill and going on with other business of the Committee on the District of Columbia.

Mr. HEMPHILL. Mr. Chairman, I desire to state that in the Committee on the District of Columbia the question of the consideration of this bill in the House was taken up, and on motion of the gentleman from Pennsylvania [Mr. SCRANTON], who now makes this motion, it was agreed that the bill should be brought before the House in order that we might test the probability of its passage. We have not yet gone through with the first section, and there are twenty-two sections in the bill. We have about two hours and a quarter of the day remaining; and it is the opinion of those members of the committee with whom I have consulted that it is impossible to get the bill through to-day.

Mr. BRUMM. Can we not extend the time for adjournment?

Mr. HEMPHILL. We can not do it under the order of the House. There are many other bills which we think will not create any discussion, and which it is important should be passed, a number of them having come from the Senate. We do not expect to have another day assigned for the consideration of District business, and therefore if we consume the whole of to-day upon the pending bill without any possibility of its passage the time will have been absolutely wasted. Therefore I concur most heartily in the proposition of the gentleman from Pennsylvania [Mr. SCRANTON] that, having given this question a fair test and having seen that we can not pass the bill, it is proper to ask the House to lay it aside in order to take up some other matter.

The CHAIRMAN. That will be a question for the House after the report of the Committee of the Whole shall be made. The question is on the motion of the gentleman from Pennsylvania [Mr. SCRANTON] that the committee rise.

Mr. HOPKINS. I desire to ask the gentleman in charge of this bill what bills he proposes to take up if the House should agree to the present request.

Mr. HIESTAND. I object to any inquiry of that kind.

Mr. GROUT. The idea of fighting this bill in order to fight another is wholly unfair.

Mr. HOPKINS. When the gentleman assumes that, his assumption is entirely gratuitous.

Mr. GROUT. I do not assume it.

The question being taken on the motion of Mr. SCRANTON that the committee rise, there were—ayes 61, noes 76.

Mr. HEMPHILL. I call for tellers.

The question being taken on ordering tellers, there were 31 voting in the affirmative—not a sufficient number; and tellers were not ordered.

The CHAIRMAN. The Committee of the Whole refuses to rise.

Mr. DUNHAM. I call for the regular order.

Mr. COBB. I offer the amendment which I send to the desk.

The Clerk read as follows:

SEC. —. Before the said company shall be permitted to construct any part of said road, the President of the United States shall appoint a commission of five persons, three of whom shall be officers in the Corps of Engineers of the Army, and shall include the Chief of Engineers, and two of whom shall be disinterested persons appointed from civil life, whose duty it shall be to examine into the utility and practicability of operating street railways in the city of Washington by means of the cable system, and shall report their conclusions in that behalf to the Secretary of the Interior. And said commission shall also report to the Secretary the value of the franchise created by this act, if they shall report in favor of the utility and practicability of said system as applicable to the said city of Washington, and the effect of the use of the road on the proposed lines of private property. And the said company shall within six months pay into the Treasury of the United States the sum so fixed as the value of the franchise. If said company shall fail to pay said sum within the time aforesaid the franchise hereby created shall be deemed to be forfeited, and shall thereafter, without any proceedings for forfeiture, be deemed to be null and void; and no part of said road shall be constructed until a report favorable to the utility and practicability of said system has been made. Nor shall any obligation be created by said company until said money is fully paid. Nor shall any part of said road be constructed if said report shall show that the injury to private property exceeds the value of the franchise.

Mr. BROWNE, of Indiana. I rise to a parliamentary inquiry. What is now the condition of this question? Is this the only amendment pending?

The CHAIRMAN. This is the only amendment pending.

Mr. PARKER. I raise the point that this is not an amendment to the pending section, but an additional section, to come in somewhere else—naturally at the end.

Mr. OWEN. That is correct; the amendment is called "Section —."

The CHAIRMAN. It could be inserted as section 2.

Mr. PARKER. But we are not yet through with section 1; and therefore this is not in order.

The CHAIRMAN. If there is no other amendment pending this is in order.

Mr. PARKER. I wish to offer another amendment.

The CHAIRMAN. The gentleman is recognized for that purpose. The amendment of the gentleman from Indiana [Mr. COBB] will be withheld for the present.

Mr. PARKER. I move to amend by striking out "5," in line 91 of section 1, and inserting "4;" so as to reduce the rate of fare on this road to 4 cents.

Mr. COBB. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COBB. Is the amendment to the provision I asked to be put in the bill?

The CHAIRMAN. This amendment is to the section as reported by the committee.

Mr. COBB. What becomes of my amendment?

The CHAIRMAN. This is an amendment to the text, and of course takes precedence.

Mr. DANIEL. Is it in order to move an amendment?

The CHAIRMAN. It is.

Mr. DANIEL. I move to strike out "4" and insert "3."

The CHAIRMAN. The question is on the amendment of the gentleman from Virginia to the amendment.

Mr. REAGAN. I have not prepared an amendment; but I will make the suggestion of an amendment.

Mr. BRAGG. Regular order.

Mr. REAGAN. That is to reserve the right to fix the rate of charge——

Mr. BRAGG. I demand the regular order. Debate is not in order.

The CHAIRMAN. The regular order is demanded, and debate is not in order.

Mr. REAGAN. I beg pardon. I did not know that.

The question recurred on Mr. DANIEL'S amendment to the amendment.

The committee divided; and there were—ayes 34, noes 62.

Mr. COBB. No quorum.

The CHAIRMAN appointed as tellers Mr. COBB and Mr. DANIEL.

The committee again divided; and the tellers reported—ayes 62, noes 101.

So Mr. DANIEL'S amendment to the amendment was rejected.

The question recurred on Mr. PARKER'S amendment, to strike out "5" and insert "4."

The committee divided; and there were—ayes 72, noes 22.

Mr. COBB. No quorum.

The CHAIRMAN appointed as tellers Mr. COBB and Mr. PARKER.

Mr. PARKER. I trust the gentleman will not insist on his objection.

Mr. WILSON. I move the committee rise.

The CHAIRMAN. The committee is dividing, and that motion is not in order.

The committee again divided; and the tellers reported—ayes 73, noes 59.

The CHAIRMAN. Does the gentleman insist upon his point of no quorum?

Mr. COBB. I do.

The CHAIRMAN. In accordance with the rule of the House, the committee finding itself without a quorum, the roll will be called.

The roll was called, and the following members failed to answer to their names:

Aiken,	Dawson,	Lore,	Steele,
Anderson, C. M.	Dougherty,	Louttit,	Stone, E. F.
Anderson, J. A.	Ellsberry,	Lowry,	Stone, W. J., Ky.
Arnot,	Gallinger,	McCreary,	Storm,
Barbour,	Geddes,	Miller,	Taylor, E. B.
Barksdale,	Gibson, Eustace	Nelson,	Taylor, Zach.
Barry,	Gilfillan,	Norwood,	Thomas, J. R.
Bayne,	Green, W. J.	O'Donnell,	Thomas, O. B.
Beach,	Guenther,	O'Ferrall,	Throckmorton,
Belmont,	Hale,	O'Hara,	Tucker,
Boyle,	Hall,	Phelps,	Van Schaick,
Breckinridge, WCP.	Hammond,	Pidcock,	Viele,
Brown, C. E.	Hanback,	Ranney,	Wade,
Buchanan,	Heard,	Reese,	Wakefield,
Caldwell,	Henley,	Robertson,	Ward, J. H.
Campbell, Felix	Howard,	Rockwell,	Ward, T. B.
Cannon,	Johnston, J. T.	Rogers,	Warner, A. J.
Caswell,	Jones, J. T.	Seney,	Weaver, A. J.
Cowles,	Kelley,	Sessions,	Weaver, J. B.
Cox,	Laird,	Snyder,	Wheeler,
Davenport,	Landes,	Spriggs,	Wise.
Davidson, R. H. M.	Le Fevre,	Springer,	

The committee rose; and the Speaker having resumed the chair, Mr. MCMILLIN reported that the Committee of the Whole House on the Private Calendar, having had under consideration the bill (H. R. 8976) to incorporate the Washington Cable Railway Company of the

District of Columbia, and finding itself without a quorum, had caused the roll to be called, and had directed him to report the names of the absentees to the House to be spread upon the Journal.

Mr. HENDERSON, of North Carolina. I wish to state, Mr. Speaker, that my colleague [Mr. COWLES] is detained at home by reason of sickness.

The SPEAKER. The names of the absentees will be entered upon the Journal. From this report it appears that there are 89 members absent and 234 members present. Being more than a quorum, the committee will resume its sitting without a motion.

Mr. MORRISON. I have a resolution which I would like to introduce at this time from the Committee on Rules.

The SPEAKER. It could only be done by unanimous consent.

Mr. ROWELL. I ask unanimous consent to make a brief statement.

The SPEAKER. The only business now in order is for the Committee of the Whole to resume its sitting.

The Committee of the Whole resumed its session.

Mr. ROWELL. Mr. Chairman, I ask unanimous consent to make a short statement.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROWELL. Mr. Chairman, there are a good many bills from the District Committee that are entirely unobjectionable and can be passed in a short time. It is evident that the whole day will be wasted and nothing accomplished by going on with this bill; and I hope, in the interest of practical legislation, that the committee will rise and allow this bill to be postponed.

I therefore move that the committee rise.

Mr. BROWNE, of Indiana. I ask to be indulged by unanimous consent also to make a brief statement.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BROWNE, of Indiana. Mr. Chairman, the friends of this measure have been willing at all times to vote upon all propositions to amend it and accept the results without calling at any time the question of a quorum. They are still willing to do this. The obstruction has come from those who are neither willing to pass the bill as it is nor pass it in any other shape. That is the fact——

Mr. COBB. That is not true with reference to the opposition of myself.

Mr. BROWNE, of Indiana. Everybody who has observed these proceedings knows that the opponents of the bill have exhausted the time and are neither willing to pass it as it is nor amend it. Now this is the question:

If the committee should rise and proceed to go into the consideration of other business may not a half-dozen gentlemen obstruct their consideration, and is it not therefore in the interest of the proper and legitimate exercise of the business of this House to see to it that members are present, a quorum, and that they shall vote upon the proposition?

There is no absence of a quorum here, but there is simply an indisposition on the part of gentlemen to vote upon propositions and questions pending before the House or the committee.

The bill now under consideration is as important and has as many rights as any bill represented by the Committee on the District of Columbia; and as one of the Representatives on this floor I object to passing over the consideration of a measure legitimately before the committee for the purpose of accommodating any gentleman who is disposed to filibuster against it.

Mr. HEMPHILL. Can I be indulged to say a word since something has been said against this suggestion? [Cries of "Regular order!"]

Mr. ROWELL. Evidently the committee is unwilling to rise, and I withdraw the motion.

The CHAIRMAN. The question recurs upon the amendment proposed by the gentleman from New York, on which the committee was dividing when a quorum failed to appear.

Mr. HEMPHILL. Would a motion to rise be now in order?

The CHAIRMAN. The Chair thinks it would.

Mr. HEMPHILL. I make that motion, and would like to say to the members of this House that the gentleman who made the motion before in committee to take up this particular bill stated that the projectors of the bill (and if I am not correct he is present and can correct me)—that the projectors of this bill would be satisfied if an honest effort was made to pass it; and if after two hours it was found that could not be done, the bill should be laid aside and other business taken up. Of course that is not binding upon the House, but it shows the spirit in which it was brought here. We have other measures just as important, and it is evident, as we have but one day, that all of the business of the committee will be blocked during this session by this bill in view of the fact that there is so much opposition to it.

Mr. BROWNE, of Indiana. This bill can pass by an overwhelming majority.

Mr. HEMPHILL. Then why do you not pass it?

Mr. BROWNE, of Indiana. Because they will not make an honest effort to pass it.

Mr. HEMPHILL. I am satisfied the gentleman does not apply that to me, for a statement that I am not making an honest effort to pass it would not be true.

The CHAIRMAN. The Chair will state that when he responded to the gentleman from South Carolina that the motion was in order, he was forgetful of the fact that a vote was pending upon the amendment of the gentleman from New York.

Mr. COBB. I rise to a parliamentary inquiry. Before the call of the House was had the House was taking a vote by tellers. What has become of that?

The CHAIRMAN. That is the vote now to be taken, and the Chair will again submit the question.

The question was taken; and on a division there were—ayes 127, noes 4.

So the amendment was agreed to.

Mr. RICHARDSON. I offer an amendment to the first section.

The Clerk read as follows:

Provided, That it shall be unlawful for the company hereby incorporated to consolidate with any other railroad company now in existence, or which may hereafter be chartered; and any such consolidation shall of itself operate as a forfeiture of all chartered rights and privileges heretofore granted to said company.

The amendment was agreed to.

Mr. EVERHART. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add at end of section 1 the following:

"*Provided*, That the said company shall be liable for damages, if any, resulting to the adjoining property-owners on account of said road; but the advantages resulting to the said property-owners therefrom shall be taken into consideration in making any award."

Mr. EVERHART. This is part of the amendment which I offered some moments ago to the substitute of the gentleman from Illinois [Mr. ADAMS], and which the Chair, through a misunderstanding, ruled out of order.

Mr. BROWNE, of Indiana. I make the point of order that that has been substantially voted on by the committee already.

Mr. COBB. Regular order.

Mr. BROWNE, of Indiana. I will advise my colleague that I am in the regular order.

The CHAIRMAN. The gentleman from Indiana [Mr. BROWNE] raises the point of order, which is in order.

Mr. BROWNE, of Indiana. The amendment of the gentleman from Illinois [Mr. HOPKINS] contained the substance of what is now suggested.

The CHAIRMAN. The Chair thinks there is sufficient difference to justify the submission of the amendment to the committee.

The question being taken on the amendment, it was disagreed to.

The CHAIRMAN. The Clerk will now report the amendment offered by the gentleman from Indiana [Mr. COBB] as a new section.

The Clerk commenced to read the amendment.

Mr. SPRINGER. I make the point of order that this is not the place to move an additional section. It should come in, if anywhere, at the end of the bill. It is not germane to the first section.

The CHAIRMAN. The Chair is informed that the gentleman from Indiana [Mr. COBB] moves this as an additional section, to be inserted after the first section.

The Clerk read the proposed amendment, as follows:

SEC. —. Before the said company shall be permitted to construct any part of said road the President of the United States shall appoint a commission of five persons, three of whom shall be officers in the Corps of Engineers of the Army, and shall include the Chief of Engineers, and two of whom shall be disinterested persons appointed from civil life, whose duty it shall be to examine into the utility and practicability of operating street railways in the city of Washington by means of the cable system, and shall report their conclusions in that behalf to the Secretary of the Interior; and said commission shall also report to the Secretary the value of the franchise created by this act. If they shall report in favor of the utility and practicability of said system as applicable to the said city of Washington, and the effects of the use of the road on the proposed lines on private property, and the said company shall within six months pay into the Treasury of the United States the sum so fixed as the value of the franchise. If said company shall fail to pay said sum within the time aforesaid the franchise hereby created shall be deemed to be forfeited, and shall thereafter, without any proceedings for forfeiture, be deemed to be null and void, and no part of said road shall be constructed until a report favorable to the utility and practicability of said system has been made; nor shall any obligation be created by said company until said money is fully paid, nor shall any part of said road be constructed if said report shall show that the injury to private property exceeds the value of the franchise.

Mr. SPRINGER. I make the point of order that the amendment is not in order at this part of the bill.

The CHAIRMAN. The Chair thinks it is in the power of the committee to number this, if adopted, as section 2, and to change the numbering of the other sections.

The question being taken on agreeing to the amendment, there were—ayes 18, noes 125.

Mr. COBB. No quorum.

The CHAIRMAN. The Chair appoints as tellers the gentleman from Indiana [Mr. COBB] and the gentleman from Indiana [Mr. BROWNE].

The committee again divided; and the tellers reported—ayes 19, noes 147.

So the amendment was disagreed to.

The Clerk read the following section:

SEC. 2. That said roads shall be deemed real estate, and they, together with

other real property and personal property of said body corporate, shall be liable to taxation as other real estate and personal property in the city aforesaid, and the property and franchise of said company shall be liable to sale for the non-payment of taxes.

Mr. PAYSON. I offer the amendment which I send to the desk:

The Clerk read as follows:

Insert after the word "property," in line 2, section 2, the words "and including the franchise."

The amendment was agreed to.

Mr. HOLMAN. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the section the following:

"And in addition to the payment of such tax, in common with other owners of real property and personal property in said body corporate, the said Washington Cable Railway Company, in consideration of the franchises granted by this act, shall annually, on the 1st day of January of each year, pay into the Treasury of the United States a special tax equal to 5 per cent. on the gross earnings of said company during the preceding year, which shall be applied to public purposes in the District of Columbia, in the discretion of Congress, the payment of which special tax shall be enforced in like manner with other taxes assessed in the said District.

"The foregoing provision shall apply to all street railway companies heretofore organized or that shall hereafter be organized in the District of Columbia under the authority of any act of Congress."

Mr. GROUT. I desire to offer a substitute for the amendment of the gentleman from Indiana.

Mr. BRAGG. I reserve the point of order.

Mr. GROUT. My object is to reduce the special tax to 2 per cent.

The Clerk read Mr. GROUT'S proposed substitute, as follows:

And the said cable railway company, for and in consideration of the rights, privileges, and franchises hereby granted, shall, on the 1st day of July, 1888, and on each 1st day of July thereafter, pay to the Treasury of the United States, to be used in the payment of interest on the debt of the District of Columbia guaranteed by the United States, the sum of 2 per cent. of the gross earnings of said company: *Provided, also*, If default be made in the payment of the said sum for thirty days in any year after the same shall have become due, a collection may be enforced by the same remedies and processes as are provided for collection of taxes in this act.

Mr. HOLMAN. I have but a single remark to make in regard to the proposition.

Mr. BRAGG. I reserved the point of order. My point of order is that it is not germane to a bill incorporating this company to put in a section which shall be part and parcel of the incorporation of other companies already existing.

Mr. HOLMAN. The gentleman's point of order is made too late.

The CHAIRMAN. The gentleman from Wisconsin [Mr. BRAGG] reserved the point of order.

Mr. CANNON. A substitute has been offered, and now comes the point of order. I submit that it is made too late.

The CHAIRMAN. The gentleman from Wisconsin reserved the point of order when the substitute was offered.

Mr. HOLMAN. I did not hear the gentleman from Wisconsin reserve the point of order.

Mr. BRAGG. I did, although the gentleman did not hear it.

Mr. HOLMAN. I heard the gentleman reserve the point of order as soon as the amendment last offered was read.

The CHAIRMAN. The Chair thinks the point of order was reserved about the time the gentleman from Vermont sent his amendment to the desk; but whether it was before any portion of it had been read or not the Chair does not distinctly remember.

Mr. CANNON. I make the point that it is not competent for a gentleman to reserve the point of order on an original amendment till after a substitute is offered. I do not know of any rule under which that can be done. It can only be done by unanimous consent.

Mr. HOLMAN. There was no announcement made of the reservation of the point of order. The Chair gave no intimation that the point of order was reserved, and the committee is generally informed when a point of order is reserved. But after the first proposition was submitted then the gentleman from Vermont [Mr. GROUT] submitted his, and then for the first time the committee was informed that the point of order had been reserved. I think it came too late, sir, according to the usual practice of the Committee of the Whole. But I wish to say a word in regard to the point itself. Here is a bill proposing to organize a given system of street railways in the District of Columbia, and here is a proposition that is germane to that, but goes beyond and applies to street-railroad companies in general here. I think it is clearly germane to this bill. The power of amendment is a power reserved in all the acts incorporating companies for the construction of street railways in this District. Congress has reserved that power and it may be properly exercised. On the main question, I hope the gentleman from Vermont [Mr. GROUT] will remember that his proposition does not go far enough, and I will tell him the reason why. This funded debt of the District of Columbia is a temporary debt, and the annual bonus reserved by the Government ought to go into the Treasury and be disposed of for the public purposes of the District of Columbia.

Mr. GROUT. Mr. Chairman, I ask leave to withdraw my substitute with a view to amending the amendment of the gentleman from Indiana, so as to make the rate 2 per cent. instead of 5. That is satisfactory to the friends of this bill.

Mr. HOLMAN. I trust that where such a valuable right is given away some reservation will be made.

Mr. BRAGG. Mr. Chairman, on the subject of the point of order I wish to say, that I started from my seat the very moment the proposition was read and came down to the front to attract the attention of the Chair; the Chair recognized me, and then I allowed the gentleman from Vermont [Mr. GROUT] to proceed. I do not believe that we have any business, when we are considering a question of incorporating one company, to insert a provision applicable to some other corporation not under consideration before the committee. That is the reason I insist upon the point.

Now, upon the main question, the proposition is to reduce the rate to 2 per cent. That may be all right, but if the tax is to be laid upon the earnings of the road, then the tax upon the franchise which has just been inserted should be stricken out. This company should not be made to pay a tax the same as upon other property, and then pay a tax upon the value of the franchise in addition and then pay upon what makes the franchise of value.

The CHAIRMAN. The Chair is ready to rule upon the point of order. The Chair is of opinion that the point of order is well taken. That portion of the amendment which seeks to affect other charters is clearly not germane to the bill.

Mr. SPRINGER. I call for a vote.

Mr. GROUT. What was the ruling of the Chair?

The CHAIRMAN. The Chair rules out so much of the amendment as seeks to regulate charters heretofore granted.

Mr. GROUT. Then let mine stand as an amendment to the remainder of the amendment of the gentleman from Indiana.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Strike out "5 per cent. on the gross earnings of said company" and insert "2 per cent. on the gross earnings of said company."

Mr. PARKER. Mr. Chairman, I am opposed to that amendment for this reason: I do not believe it is just or proper to charge every person who rides on the cars of this contemplated cable railway a higher rate of fare than is required to meet the running expenses and yield a fair profit merely for the purpose of creating a fund for the benefit of the District of Columbia or of the United States.

Mr. LONG. The bill limits the rate of fare to 5 cents.

Mr. PARKER. Congress should so provide that if it shall appear upon the running of the road that a lower rate of fare can be endured by the company a lower rate may be charged. Again, I think it is not either worth while or proper to tax this road which is proposed to be chartered in order to bring up the fares, or to keep them up, for the benefit either of this road or of the roads now existing. This is a movement to "level up" the rates of fare for the benefit of existing roads and for the benefit of tax-payers of the District, and I submit that it is wrong. The gentleman from Vermont [Mr. GROUT] has spoken of what the friends of this bill and of this proposed road are willing to accept. I am not a friend of the one road or of the other, but I say, in the interest of those who will have to pay the fare, that this tax is wrong in principle and ought not to be placed in the bill.

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. I ask that it be again read.

The amendment was again read.

The question was taken; and there were—ayes 55, noes 86.

Mr. HOLMAN. No quorum has voted.

The CHAIRMAN. The point being made that no quorum has voted, the Chair will appoint the gentleman from Indiana, Mr. HOLMAN, and the gentleman from Indiana, Mr. BROWNE, to act as tellers.

The committee again divided; and the tellers reported—ayes 45, noes 120.

So the amendment was rejected.

Mr. JOHNSTON, of North Carolina. I move to amend by adding at the end of section 2 the proviso which I send to the desk.

The Clerk read as follows:

Provided, That the assessed value of said roads for the purpose of taxation shall not be less than $30,000 per mile of single track.

Mr. JOHNSTON, of North Carolina. Mr. Chairman, I offer this amendment in good faith, and for this reason: It is provided in the bill that this company shall have the right to issue mortgage bonds to the amount of $40,000 per mile of single track. It seems to me that if they have property capable of bearing mortgage bonds to that amount their property ought to be taxed upon a valuation of at least $30,000 per mile of single track.

Mr. HOLMAN. Mr. Chairman, it seems to me important that the franchise granted to this company by the provisions of this bill should be the subject of taxation, but any attempt to tax that franchise will, I think, prove entirely inoperative, unless a definite valuation be fixed. I therefore suggest to the gentleman from North Carolina, if he intends that the franchise shall also be taxed, that the amount named in his amendment should be increased so as to embrace some definite sum as the basis for the taxation of the franchise which the bill proposes to grant.

Mr. MILLIKEN. Mr. Chairman, I would like to inquire in the

first place whether any such provision as that just offered has been applied to any railroad now operated in this city. The only purpose I have in this matter is to see a cable road built in the city of Washington; and I do not wish to see the provisions of the bill so embarrassed that the road will not be built. I think that if we should get off of this question a little of the shell which we have seen here to-day and get at the meat of it, we should find that the opposition to this bill—I do not wish in saying this to reflect upon any member of the House—is stimulated by the corporation now existing in this city, and which, I have no hesitation in saying, gives the worst service of any horse-railroad in this country whose line I have ever had the fortune or misfortune to ride upon. It is only a winter or two ago that a number of gentlemen who were members of this House went whirling down the hill in one of these cars at the rate of 50 miles an hour, and some of the passengers suffered severe personal injury—why? Because the cars were not in such condition that the brakes could be put on and the cars stopped. Then, as we all know, we have to stand up in the cars; we have to act as car conductors, putting our own tickets into the boxes and the tickets of others. After we have paid our fare we have to pass along the tickets of other passengers.

A MEMBER. That is "a labor of love."

Mr. MILLIKEN. I understand that in many cities in this country where this narrow-gauge, small-size, bob-tail car business has been tried the people would not submit to such an imposition—would not consent to act as conductors and pass up fares; and consequently such roads have been obliged in other cities to provide conductors. But in this capital of the nation, where citizens from every State in the Union visit, and where we ought certainly to have decent and dignified accommodations, we are accustomed to act as the messengers and car conductors of this monopoly which to-day is fighting this bill in this House; and fighting it, why? Because it is desired that this monopoly shall be continued.

The gentleman from Indiana [Mr. COBB] spoke to-day about creating a monopoly. If I understand what the word "monopoly" means, it is the control of any business by one person or one corporation. You have such a monopoly here now; and gentlemen are fighting here to continue that monopoly. Citizens from various parts of the country visiting this city are obliged now to put up with such street-car accommodations as the poorest cities in this country will not submit to, because this one corporation must maintain the power and the remuneration which it is enjoying from the charter it now holds.

The railroad which is to be built if this bill passes will come in competition with the existing monopoly, and will gentlemen tell me that the competition will not be healthful? Why, the difference between a first-class cable road, as every man knows who ever rode over one, and such an apology for a horse-railroad as you have in this city, is the difference between swift, comfortable conveyance and that which is slow, shabby, and in the last degree mean. I hope that in the interest of rapid and easy transportation, and in the interest of such traveling accommodations as the people here demand, and such as are enjoyed in almost every other city in this country, this company will not be refused the opportunity to give us such accommodations in the capital of this nation as they are now offering to furnish.

Mr. JOHNSTON, of North Carolina. I modify the proviso I have offered by inserting the words "in addition to the value of the franchise."

The CHAIRMAN. The amendment of the gentleman as modified will be read.

The Clerk read as follows:

Provided, That, in addition to the value of the franchise, the assessed value of the said roads for the purpose of taxation shall not be less than $30,000 per mile of single track.

Mr. JOHNSTON, of North Carolina. Mr. Chairman, when I offered this proviso I stated that I did so in good faith. In reply to what I said my friend from Maine [Mr. MILLIKEN] takes the floor and launches off upon his hobby of "monopolies," maintaining that the Washington and Georgetown Railroad is a monopoly.

Mr. MILLIKEN. I will say to my friend that I have no such "hobby" at all.

Mr. JOHNSTON, of North Carolina. So far as I am concerned, I want it particularly understood that I have not talked with a single gentleman outside of this House upon this question. I offer this amendment to prevent this miserable "monopoly," that the gentleman is here undertaking to create by this bill, from escaping the taxation they ought properly to bear.

He is willing to vote for a corporation here with millions of capital and let them pay tax on the value of a little road of six or eight miles long. This House can judge who is in favor of monopolies, whether the gentleman or any one else, when he desires to vote that a corporation with $2,000,000 of capital shall pay a tax only on $100,000 or less.

I undertake to say, Mr. Chairman, this corporation ought not to be allowed to have the benefit of any such provision, but on the contrary should be taxed according to the value of the property they have. They themselves value it at $40,000 a mile. They get a mortgage of $40,000 a mile, and they are asked to pay a tax only on $30,000. Yet my friend from Maine gets into a terrible state about monopolies. I do not know whether this is in any charter of any corporation in the city of Washington, nor do I care. It is so much the worse for the country I was not here to put it in. [Laughter and applause.] It ought to go in and it ought to be in every charter.

These gentlemen should be required to pay tax according to the value of the property they have. If any individual citizen in this city owns a valuable piece of property he has to pay tax on it nearly to its value. He has no right to put mortgages on it to a fictitious value.

Mr. MILLIKEN. Does Congress fix the value of any private property in this city?

Mr. JOHNSTON, of North Carolina. I do not think it does. But gentlemen in voting for this bill should see it taxes the value of this road at $40,000 a mile. [Cries of "Vote!"] I know it hurts these gentlemen. I shall propose to put in another amendment. [Cries of "Vote!"] I shall do that to show the sincerity of these gentlemen. I am opposed to grinding these people to death by a few men in position who wish to make an immense fortune, leaving the little stockholders to be deprived of all their property.

[Here the hammer fell.]

Mr. BRAGG. Mr. Chairman, I trust my friend from North Carolina [Mr. JOHNSTON] does not propose to make a different rule of taxation for one kind or class of people than for another. I understand him to say in the District of Columbia the people were obliged to pay tax on what their property was worth. Section 2, as it now stands, provides that this railway company shall pay precisely the same tax and pay at the same rate as all other property-holders in the District do.

Mr. MILLIKEN. Do you believe that under the Constitution it is competent for Congress to fix the price of property for the purpose of taxation?

Mr. BRAGG. I was going to say that the rule of taxation in order to be constitutional must be uniform. That uniformity is regulated by a board of assessors, or in whatever method it is assessed, so the property is assessed on the same scale, so that each piece of property pays pro rata its proportion toward the expense of the government which it is taxed to support.

I do not believe this Congress, or any other legislative body would desire to act as a board of assessors in advance and pick out one particular piece of property in the District before it was born to determine what its valuation should be in the future as a basis upon which taxation should be levied, and particularly so after the franchise—that invisible and incorporeal right which may have value and may not have value—has been inserted as a specific object of taxation. It seems to me when we establish a uniform rule to prescribe the franchise shall be estimated pro rata as other property in the District we have done all that sensible legislators ought to do. We can not do what some people who are in the lobbies desire us to do, so to hamper one corporation that another may ride over us for the next few years to come.

[Here the hammer fell.]

Mr. MILLS. The gentleman from Wisconsin has stated the rule correctly in ordinary taxation, that it must be on a uniform basis; but when the Government is granting a charter, that is a contract between the parties, the Government being one and the beneficiaries of the charter the other—under those circumstances, in granting that charter the Government can make such conditions as the parties may agree to.

Now it is known that, a charter having been granted a railroad or other corporation, to exempt that from taxation, when the general rule is in favor of taxing all property, is an injustice to all other property; but when the charter is granted, the courts have held that it is a contract, upon and beyond which the Legislature can not encroach and they can not repeal. This is not an ordinary levy of taxation upon a railroad corporation different from other corporations or upon other property. But here comes up a party asking us to make a contract with them, and we are stipulating the terms upon which that contract shall be granted, and one of the provisions is the proposition of the gentleman from North Carolina [Mr. JOHNSTON] that they shall not be assessed at a less valuation than $30,000 per mile for purposes of taxation; and that is a provision which I claim is perfectly legitimate and proper to impose.

The question was taken on the amendment of Mr. JOHNSTON, of North Carolina; and on a division there were—ayes 41, noes 102.

So the amendment was rejected.

Section 3 was read, as follows:

SEC. 3. That the said railway shall be laid in the center of the avenues and streets, as near as may be, to be constructed of good materials and in a substantial manner, with the rails of the most approved patterns, to be approved by the Engineer Commissioner of the District, laid upon an even surface with the pavement of the street, and the gauge to correspond with that of other city railroads.

Mr. RICHARDSON. I offer the amendment I send to the desk.

The Clerk read as follows:

That said company shall divide the seats in all the cars by a rail or partition so as to designate a seat for each passenger; and when all the seats in a car are taken and occupied by passengers the car shall not be stopped to receive any other passenger, and any passenger not provided with a seat shall not be required to pay fare.

The question was taken; and on a division there were—ayes 48, noes 76.

Mr. RICHARDSON. I think the committee did not understand the

purport of the amendment or they would not have voted against it. [Cries of "Regular order!"] Then I make the point of order that no quorum has voted. [Cries of "Too late!"]

The CHAIRMAN. The Chair thinks the gentleman rose in time for that purpose.

Mr. HEMPHILL. With permission of my friend from Tennessee, I desire to move that the committee rise for the purpose of allowing the chairman of the Committee on Ways and Means to submit certain resolutions providing that evening sessions be set apart for the consideration of specified business.

Mr. RICHARDSON. I withdraw the point of no quorum.

So (no further count being demanded) the amendment was not agreed to.

The motion of Mr. HEMPHILL was then agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union having had under consideration House bill No. 8976 had come to no resolution thereon.

COMMITTEE APPOINTMENT.

The SPEAKER announced the appointment of Mr. WALLACE as a member of the Committee on Public Buildings and Grounds, and also of the Committee on Railways and Canals, to fill vacancies occasioned by the death of the late Mr. COLE, of Maryland.

EVENING SESSIONS.

Mr. MORRISON. Mr. Speaker, I am directed by the Committee on Rules to submit the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That on this afternoon at 5 o'clock the House shall take a recess until 8 o'clock p. m., the evening session to be devoted exclusively to the consideration of such measures as may be presented by the Committee on Labor; and that on Saturday afternoon next at 5 o'clock the House shall take a recess until 8 o'clock p. m., the evening session to be devoted exclusively to the consideration of such measures authorizing public printing as may be presented by the Committee on Printing. That the evening sessions herein provided for shall not extend beyond 11 o'clock p. m.

Mr. HISCOCK. Does that hour apply to both sessions, or to only one session? I understood the Clerk to read it "the evening session."

The SPEAKER. It applies to the sessions of both days.

Mr. MORRISON. I move the previous question upon the adoption of the resolution.

The previous question was ordered; and under the operation thereof the resolution was agreed to.

Mr. SPRINGER. I ask unanimous consent to make a report from a committee, as we have had no call of the committees for a day or two.

LEGISLATIVE APPROPRIATION BILL.

Mr. HOLMAN. If other business can be transacted I shall have to call up the report of the conferees on the legislative bill.

I ask unanimous consent that the session may be continued this afternoon until this report be disposed of, as it is important to get this bill before the President to-morrow.

Mr. BROWNE, of Indiana. Let the report be read first.

The Clerk proceeded to read the report.

Mr. HOLMAN (two minutes before 5 o'clock). Mr. Speaker, I renew my request for unanimous consent that the time for the recess be extended long enough to permit the reading to be completed.

Mr. BURROWS. Why not dispense with the further reading and agree that it shall be printed in the RECORD.

Mr. HOLMAN. I have no objection to that, and let the accompanying statement be also printed.

The report of the conference committee and the statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on cetain amendments of the Senate to the bill (H. R. 8974) "making appppropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 15, 16, 26, 27, 34, 45, 54, 58, 59, 71, 72, 103, 104, 110, 111, 112, 113, 122, 128, 129, 130, 137, 140, 141, 146, 150, 155, 169, 196, 199, 215, 228, 229, 230, 232, 236, and 237.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 6, 7, 8, 10, 32, 33, 35, 38, 42, 46, 52, 56, 57, 60, 61, 63, 64, 65, 69, 70, 73, 75, 76, 77, 78, 79, 80, 81, 86, 87, 91, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 120, 121, 123, 124, 125, 133, 134, 135, 136, 142, 143, 145, 148, 149, 151, 152, 158, 159, 160, 161, 162, 164, 165, 167, 168, 172, 173, 174, 175, 176, 177, 178, 187, 188, 195, 198, 210, 220, 221, 226, and 227, and agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,500;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000;" and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000;" and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$115,350;" and theSenate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment and on page 17, in line 6 of the bill, strike out "five" where it occurs and insert "four;" and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$151,346.50;" and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment, and at the end thereof insert the following: "*Provided*, That adjustments of said accounts shall be limited to those originating subsequent to March 3, 1851;" and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment, and add at the end thereof the following: "*Provided*, That adjustments of said accounts shall be limited to those originating subsequent to March 3, 1851;" and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirteen;" and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out insert "two clerks at $800 each;" and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$272,701.60;" and the Senate agree to the same.

Amendment numbered 119: That the House recede from its amendment to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said Senate amendment, insert the following: "And hereafter the records prepared for publication under this appropriation shall contain only the records of the war of the rebellion covering contemporaneous events, arranged chronologically, according to the provisions of the act of June 23, 1874, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875. And the evidence taken by the court-martial on the trial of Fitz-John Porter, and the arguments made before the court by counsel for the prosecution and defense, together with the report thereon by Judge Holt to President Lincoln, and any reply thereto filed with the President before approval of sentence, shall be printed in connection with matter already printed concerning the proceedings of said court-martial;" and the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,020;" and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$59,000;" and the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "One carpenter, $900;" and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$59,530;" and the Senate agree to the same.

Amendment numbered 144: That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment as follows: On page 61, in line 2 of the bill, strike out "six" where it occurs and insert "five;" and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$175,390;" and the Senate agree to the same.

Amendment numbered 153: That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out and inserted by said amendment insert the following: "Two law-examiners, at $2,000 each; thirty-nine;" and the Senate agree to the same.

Amendment numbered 154: That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$489,050;" and the Senate agree to the same.

Amendments numbered 170 and 171: That the House recede from its disagreement to the amendment of the Senate numbered 170 and 171, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following: "For purchase of books for the scientific library and expenses of transporting publications of patents issued by the Patent Office to foreign governments, $3,000;" and the Senate agree to the same.

Amendment numbered 181: That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: Strike out of the matter proposed to be inserted by said amendment the words "and for other necessary expenses, including the purchase of books and periodicals;" and the Senate agree to the same.

Amendment numbered 211: That the House recede from its disagreement to the amendment of the Senate numbered 211, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,500;" and the Senate agree to the same.

Amendment numbered 212: That the House recede from its disagreement to the amendment of the Senate numbered 212, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500;" and the Senate agree to the same.

Amendment numbered 217: That the House recede from its disagreement to the amendment of the Senate numbered 217, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,300;" and the Senate agree to the same.

Amendment numbered 233: That the House recede from its amendment to the amendment of the Senate numbered 233, and agree to the same.

Amendment numbered 235: That the House recede from its disagreement to the amendment of the Senate numbered 235, and agree to the same with an amendment as follows: After the matter proposed to be inserted by said amendment insert as a separate paragraph the following:

"For salary of one additional associate justice of the supreme court of the Territory of Montana, $3,000."

And the Senate agree to the same.

They have been unable to agree on amendments numbered 2, 17, 39, 40, 41, 88, 89, 90, 179, and 180.

WM. S. HOLMAN,
GEO. C. CABELL,
J. G. CANNON,
Managers on the part of the House.

W. B. ALLISON,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on certain of the amendments of the Senate to the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1887, submit the following written statement in explanation of the accompanying conference report:

As compared with the provisions of the bill as it passed the House the effect of the action agreed upon and recommended in the report will be as follows:

On amendments 4 and 6: Increases the salary of the Secretary to the Vice President, $117.60, making it $2,220.

On amendments 7 and 8: Provides for a clerk to the Senate Committee on Public Buildings and Grounds at an annual salary of $2,220.

On amendment 10: Insert the name of Amzi Smith as superintendent of the Senate document-room.

On amendments 15 and 16: Provides for twenty-five clerks to the Senate committees for the session, as originally provided in the bill as it passed the House.

On amendments 26 and 27: Strikes out the names of H. H. Smith and George A. Bacon, which were proposed to be inserted by the Senate.

On amendments 32, 33, 34, 35, 36, 37, and 38: Touching the Library of Congress, increases the salaries of two assistant librarians from $480 to $600 each, increases amount for purchase of law-books from $1,000 to $1,500, increases amount for international exchanges from $1,000 to $1,500, and increases the amount for the preparation of Force's American Archives from $2,000 to $2,500.

On amendments 42 and 43: Increases amount for necessary traveling expenses of the Civil Service Commission from $3,500 to $4,000.

On amendments 45, 46, and 47: Touching the Department of State, strikes out proposed increase of one clerk of class 3 and provides for a telegraph operator at $1,200.

On amendments 51, 52, 54, and 55: Touching the office of the chief clerk of the Treasury, restores the inspector of electric-light plants and gas at $1,900, proposed to be stricken out by the Senate, reduces the number of clerks of class 4 one, reduces the number of assistant messengers one, and restores the five charwomen proposed to be stricken out by the Senate.

On amendments 56 and 57: Touching the division of captured property of the Treasury, increases the force by one clerk of class 3.

On amendments 58 and 59: Touching the disbursing clerk's office of the Treasury, strikes out the proposed increase of one clerk of class 1.

On amendments 60 and 61: Touching the First Comptroller's Office, makes an increase of two clerks of class 3.

On amendments 62 and 66: Restores the force under the Second Comptroller and Second Auditor for adjusting accounts of the Soldier's Home, with the provision that the adjustment of said accounts shall be limited to those originating subsequent to March 3, 1851.

On amendments 63, 64, and 65: Touching the Second Auditor's Office, strikes out eighteen copyists at $840 each, and provides $21,000 for the purpose of restoring and repairing worn-out and defaced rolls.

On amendments 67 and 68: Touching the Fourth Auditor's Office, makes an increase of one clerk of class 3 and a reduction of two clerks at $800 each.

On amendments 69, 70, 71, 72, 73, and 74: Touching the Treasurer's Office, makes an increase of five clerks at $1,000 each, a decrease of five clerks at $900 each, strikes out proposed increase of one mail messenger at $1,000 and the reduction of one messenger, and provides for one compositor and pressman at $3.20 per day.

On amendments 75, 76, and 77: Touching the Bureau of Statistics, makes an increase of two copyists and provides for an assistant messenger and one laborer in lieu of two laborers.

On amendments 78, 79, 80, and 81: Touching the office of Standard Weights and Measures, provides for one mechanician at $4 per day, and for a watchman instead of a laborer.

On amendments 86 and 87: Strikes out of the proviso attached to the appropriation for salaries and expenses of collectors and deputy collectors of internal revenue the words "in the aggregate;" also strikes out the second proviso that no part of the money appropriated shall be paid to collectors of internal revenue except the allowances provided for in section 12 of the act of February 8, 1875, as amended by the act of March 1, 1879.

On amendments 91 and 93: Fixes the salary of the assistant treasurer at Boston at $5,000.

On amendments 94, 95, 96, 97, and 98: Provides for an increase of one night watchman at $720 in lieu of one watchman at $120 at the subtreasury in Cincinnati.

On amendments 99 and 100: Provides for an assistant cashier and vault clerk at $3,200 at the subtreasury in New York.

On amendments 101, 102, 103, and 104: Fixes the salaries of the assistant treasurers at Saint Louis and San Francisco at $4,500 each.

On amendments 110, 111, 112, and 113: Touching the Quartermaster-General's Office, leaves the force just as it was fixed in the bill as it was passed by the House.

On amendment 119: Touching the Office of Publication of the Records of the Rebellion, inserts the following provision:

"And hereafter the records prepared for publication under this appropriation shall contain only the records of the war of the rebellion covering contemporaneous events, arranged chronologically, according to the provisions of the act of June 23, 1874, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875. And the evidence taken by the court-martial on the trial of Fitz-John Porter, and the arguments made before the court by counsel for the prosecution and defense, together with the report thereon by Judge Holt to President Lincoln, and any reply thereto filed with the President before approval of sentence, shall be printed in connection with matter already printed concerning the proceedings of said court-martial."

On amendments 120, 121, 122, 123, 124, 125, and 126: Touching the force in the building at the corner of F and Seventeenth streets, strikes out the provision for a superintendent at $250, provides for an additional laborer and four charwomen, and strikes out proposed increase of one fireman.

On amendment 127: Fixes the sum for contingent expenses of the War Department at $59,000.

On amendments 128, 129, and 130: Strikes out the proposed reduction of one watchman for Armory Square.

On amendments 131 and 132: Provides for a carpenter at $900 in the Navy Department.

On amendments 133, 134, and 135: Provides for a copyist at $900, in lieu of one at $720, in the Nautical Almanac Office.

On amendments 136 and 137: Touching the Hydrographic Office, increases amount for rent of building $100, and strikes out proposed increase of $1,000 for contingent expenses of branch offices.

On amendments 140 and 141: Touching the Bureau of Steam-Engineering strikes out proposed increase of one assistant draughtsman at $1,800.

On amendments 142, 143, 144, 145, 146, 147, and 148: Touching the office of the Secretary of the Interior, provides for two additional boards of pension appeals of three persons each for one year at $2,000 each; for two special inspectors connected with the public land service, at $2,500 each, and $5,000 for their subsistence and traveling expenses; also for one census clerk at $1,800 in lieu of a clerk of class 4; provides for a private secretary at $1,800 in lieu of a stenographer at same salary, increases the salary of one clerk from $1,000 to $1,200, and strikes out proposed increase of two assistant messengers.

On amendments 149, 150, 151, 152, 153, 154, and 155: Touching the General Land Office, accepts proposed decrease of $250 in salary of the assistant commissioner, provides the three inspectors of surveyors-general and district land offices in lieu of the two as proposed by the Senate, and restores the amount for their expenses to $10,000 as originally passed by the House; provides for three principal clerks at $1,800 each in lieu of ten at $2,000 each, restores the two law examiners at $2,000 each, and increases the clerks of class 4 from thirty-two to thirty-nine.

On amendments 158, 159, 160, 161, and 162: Touching the Indian Office, strikes out provision for chief of accounts division at $2,000 as passed by the House and gives an additional clerk of class 4.

On amendments 164 and 165: Increases the salary of the chief clerk of the Pension Office from $2,000 to $2,250.

On amendments 167 and 168: Increases the clerks of class 4 in the Patent Office from two to three.

On amendments 169, 170, and 171: Gives $3,000, instead of $4,000, for purchase of books for scientific library and for transporting publications of patents issued by the Patent Office.

On amendment 172: Touching the Bureau of Education, increases amounts for collecting statistics from $2,500 to $3,000.

On amendments 173, 174, 175, 176, 177, 178, and 181: Touching the Bureau of Labor, provides that the clerks of class 4 shall be statistical experts; that one clerk of class 3 and one clerk of class 1 shall be stenographers; gives two charwomen at $240 each in lieu of one at that price, and one at $300; requires that two instead of three of the special agents shall be females, and in the provision for contingent expenses strikes out the words "and for other necessary expenses, including purchase of books and periodicals."

On amendments 187 and 188: Provides for $2,400, instead of $1,776, for rent for Bureau of Labor.

On amendments 195, 196, 198, and 199: Strikes out State of Nebraska under provision for surveyor-general for Dakota and strikes out proposed increase of his salary from $2,000 to $2,500.

On amendments 210, 211, and 212: Increases amount for clerks in office of surveyor-general in Nevada from $1,000 to $1,500.

On amendments 215 and 217: Strikes out proposed increase of salary of surveyor-general in Oregon from $1,800 to $2,500.

On amendments 220, and 221: Reduces amount for clerks in office of surveyor-general for Washington Territory from $6,000 to $3,000.

On amendments 226 and 227: Provides for an assistant map mounter at $720 in the office of the topographer of the Post-Office Department.

On amendments 228, 229, 230, and 232: Touching the Department of Justice, strikes out provision for portraits of Attorneys-General and leaves the contingent fund of the Department just as it was passed by the House.

On amendment 233: Strikes out provision inserted by the House for two law clerks at $2,000 and one stenographer at $1,600 for work incident to the French spoliation claims.

On amendment 235: Restores the salaries of the district judges for the eastern district of Lousiana and California to $4,500 and $5,000 respectively, and provides $3,000 for salary of the additional judge for Montana authorized by this Congress.

On amendments 236 and 237: Strikes out proposed increase of one copyist at $900 for the Court of Claims.

On amendments 2 and 17, providing for clerks to Senators; 39, 40, and 41, increasing the clerical force for the Civil Service Commission; 88, increasing the amount for salaries of agents and other internal-revenue officers from $1,900,000 to $2,050,000; 89 and 90, increasing salary of assistant treasurer at Baltimore from $4,000 to $4,500; and 179 and 180, appropriating $10,000 for collection of statistics relating to marriage and divorce, the committee of conference have been unable to agree.

WM. S. HOLMAN,
GEO. C. CABELL,
J. G. CANNON,
Managers on the part of the House.

And then (the hour of 5 o'clock having arrived) the House, in obedience to its previous order, took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m.

ORDER OF BUSINESS.

The SPEAKER. Under the order of the House, the session this evening is to be devoted exclusively to the consideration of measures presented by the Committee on Labor.

Mr. LAWLER. In the absence of the chairman of the committee, I would ask if the Clerk has got in his possession the bills on the Calendar reported by the Committee on Labor?

The SPEAKER. Those bills, of course, are at the desk.

Mr. LAWLER. I call up the bill H. R. 5541.

Mr. BRAGG. Having received a summons from the Committee on Labor to be present this evening, I obeyed it at considerable personal inconvenience. And being here, and casting my eye about, I do not see the chairman of that committee present. I almost feel like what is expressed in a piece of poetry that comes to my mind, something like this:

The war trump has sounded,
The stream must be crossed,
Why lingers our leader afar?

I ask if the House will be willing to take a recess until our leader appears, so that he may designate what business he desires the friends of labor to consider this evening?

Mr. LAWLER. I insist that we proceed with the regular order of business.

CONVICT AND ALIEN LABOR.

The SPEAKER. The Clerk will report the bill which has been called up.

The Clerk read as follows:

A bill (H. R. 5541), to prevent the employment of convict labor and alien labor upon public buildings and other public works, and convict labor in the preparation or manufacture of materials for public buildings or other public works, and to regulate the manner of letting contracts therefor.

Be it enacted, &c., That in all advertisements for the erection or construction of public buildings or other public works, or for materials to be used in their erection, construction, or completion, and for all supplies of every description to be furnished to or for the use of any of the Departments, and in all contracts made under or in pursuance of such advertisements, there shall be inserted a condition that no convict or prison labor whatsoever, or the product thereof, shall be employed or used upon any public building or other public work, or in preparation or manufacture of any of the articles, materials, or supplies contracted to be furnished therefor; and there shall also be inserted in said contract the further condition that no person who is not a *bona fide* resident within the limits of the United States, and who has not declared his intention to become a citizen thereof in the manner provided by law, shall be employed in the erection, construction, or completion of any public building or other public work.

SEC. 2. That any willful breach of any of said conditions by any contractor shall authorize and work a forfeiture of the contract, and shall constitute a complete defense in bar against any claim or action against the United States for the recovery of any sum or sums under said contract, and it shall be the duty of the officer letting any such contract, upon being advised that any contractor has knowingly violated the terms of such contract, to declare the same forfeited.

Mr. TARSNEY. I desire to make a brief statement relative to this bill. It comes as a report from the Committee on Labor, and is believed by that committee to be the only bill upon the Calendar of this House which really tends in the direction of the protection of American labor. All along our northern boundary, extending from the Atlantic on the east to the Pacific on the west, we find that aliens from another country come across our boundary line at a 5-cent fare, enter into free competition with American labor, earn our money and take it back home with them. We find the same condition of things existing on the Pacific slope, where the imported Chinee is competing with free American labor. We find the same condition of things to exist in the south with the greaser from Mexico. All that we ask in this bill is that the Congress of the United States will see that decent, respectable American labor, that has come here to make this its home and Americanize with us, shall not be placed in competition, first, with convict labor; and, second, that it shall not be placed in competition with alien labor that does not come here to make this its home, but simply to maraud upon us, and earn our money and take it back from our country.

I demand the previous question on the bill.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HOLMAN. I ask that the bill may be again reported.

The bill was again read.

Mr. O'NEILL, of Missouri. I move the previous question on the passage of the bill.

Mr. COBB. Before that question is taken I ask the gentleman to allow me a moment. I may not have understood the reading of the bill, but there seems a clause in it that prohibits the use of any material that may have been produced by foreign labor.

Mr. O'NEILL, of Missouri. No, sir. The provision referred to by the gentleman prohibits the use of the product of convict labor.

Mr. COBB. I think there is a provision subsequent to that such as I have indicated.

Mr. O'NEILL, of Missouri. The gentleman is mistaken.

Mr. COBB. If that is not in the bill I have no objection to it.

Mr. McKINLEY. I desire to make a single inquiry of the gentleman from Michigan [Mr. TARSNEY], whether this bill applies to the laborers employed in the several Departments of the Government; if not, why not?

Mr. TARSNEY. The bill does not apply to laborers employed in the Departments. It applies only in cases where advertisement is made for the letting of contracts for the construction of a public work.

Mr. McKINLEY. I suggest whether it ought not to apply to laborers in the Departments.

Mr. TARSNEY. I am inclined to think it ought.

Mr. McKINLEY. It seems to me that ought to be added.

Mr. HOLMAN. I wish to inquire why the principle of this bill might not be extended so as to embrace persons in the employment of the various departments of the Federal Government who have never declared their intention to be citizens of the United States? Why apply it, in other words, to laboring men and not extend it to those employed in what are more properly official positions?

Mr. TARSNEY. I will answer the question of the gentleman from Indiana. My friend can go no further than I am willing to go in order to properly protect respectable American labor; and if there be in any of the Departments of this Government people employed who are not with us and of us and will not Americanize, then I simply say that the head of that Department ought to exercise the power that he possesses and turn those men out of their places. But this measure, sir, is a measure directly in the interest of the protection of American labor. It is something that American labor has never yet had, with all our pretenses of protection.

Labor and the air we breathe are about the only two things that flow across the national boundary line free of duty. It comes in, walks the docks of our customs offices, bids good morning to the customs officers, and enters into free competition with the American labor that has come here to make this its home. And this is one of the things that have produced the result that you find in this country to-day.

With over a million and a quarter of men idle from one end of this land to the other we find, with all our pretenses of protecting labor, that we are inviting aliens to come in and compete with American laborers. This bill simply provides that upon our public works—I do not now ask that it shall go further—the men who pay the taxes, the men who are here with us as Americans and as citizens of the United States, should be entitled to the benefits of the money that we in Congress here vote to expend upon public works. There is no knownothingism in this business. We shut nobody out; we invite them all to come in; but we compel them to become a part of us when they do come.

Mr. O'NEILL, of Missouri. The previous question is pending, I believe, Mr. Speaker.

The SPEAKER. It has been withdrawn.

Mr. O'NEILL, of Missouri. Then I renew the demand for the previous question.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TARSNEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXCLUSION OF CONTRACT LABOR.

Mr. O'NEILL, of Missouri. Mr. Speaker, I call up the next bill on the Calendar (H. R. 9232) in regard to the importation and immigration of foreigners and aliens under contract.

The bill was read, as follows:

Be it enacted, &c., That an act to prohibit the importation and immigration of foreigners and aliens under contracts or agreement to perform labor in the United States, its Territories, and the District of Columbia, and to provide for the enforcement thereof, be amended by adding the following:

"SEC. 6. That the Secretary of the Treasury is hereby charged with the duty of executing the provisions of this act, and for that purpose he shall have power to enter into contracts with such State commission, board, or officers as may be designated for that purpose by the governor of any State to take charge of the local affairs of immigration in the ports within said State, under the rules and regulations to be prescribed by said Secretary; and it shall be the duty of such State commission, board, or officers so designated to examine into the condition of passengers arriving at the ports within such State in any ship or vessel, and for that purpose all or any of such commissioners or officers, or such other person or persons as they shall appoint, shall be authorized to go on board of and through any ship or vessel; and if in such examination there shall be found among such passengers any person included in the prohibition in this act, they shall report the same in writing to the collector of such port, and such persons shall not be permitted to land.

"SEC. 7. That the Secretary of the Treasury shall establish such regulations and rules, and issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act; and he shall prescribe all forms of bonds, entries, and other papers to be used under and in the enforcement of the various provisions of this act.

"SEC. 8. That all persons included in the prohibition in this act, upon arrival, shall be sent back to the nations to which they belong and from whence they came. The Secretary of the Treasury may designate the State board of charities of any State in which such board shall exist by law, or any commission in any State, or any person or persons in any State, whose duty it shall be to execute the provisions of this section without compensation. The Secretary of the Treasury shall prescribe regulations for the return of the aforesaid persons to the countries from whence they came, and shall furnish instructions to the board, commission, or persons charged with the execution of the provisions of this section as to the time of procedure in respect thereto, and may change such instructions from time to time. The expense of such return of the aforesaid persons not permitted to land shall be borne by the owners of the vessels in which they came.

"SEC. 9. That all acts and parts of acts inconsistent with this act are hereby repealed.

"SEC. 10. That this act shall take effect and be in force from and after its passage."

Mr. O'NEILL, of Missouri. Mr. Chairman, this bill extends the scope of the law which now applies to paupers and criminals so as to make operative the bill passed by the last Congress prohibiting the importation of contract labor. It has been found that that law is to a certain extent a dead letter by reason of the fact that the only manner of its enforcement is by lodging a complaint with the United States district attorney. This empowers the officials who are now clothed with the power of preventing the landing of paupers and criminals to prohibit also the landing of persons whose importation is prohibited by the act passed last year, and to compel their return to the country whence they came. I now move the previous question upon the bill.

Mr. CANNON. I wish to call the attention of the chairman of the Committee on Labor to what I take to be a defect in one provision of the bill. On page 3, lines 35 to 39 it is provided that "the Secretary of the Treasury may designate a State board of charities of any State in which such board shall exist by law, or any commission in any State, or any person or persons in any State, whose duty it shall be to execute the provisions of this section without compensation." Now, does the gentleman think that this provision that the agents designated shall serve without compensation is likely to lead to a very vigorous execution of the law?

Mr. O'NEILL, of Missouri. Mr. Speaker, I had some correspondence with the New York board of immigration on this subject. Members of that board wrote me in regard to this very question, and said that if we would make this change they were confident they could carry out

the law, and this suggestion in the first place came from that board. They have there an organized board, and the present law which prohibits the landing of these other classes of persons, criminals and paupers, is word for word and letter for letter this law. This bill simply extends the scope of the existing law in regard to paupers and criminals so as to include the other class of persons which the law passed by last Congress provided should not be allowed to come into this country.

Mr. CANNON. How about the execution of the law along our northern border, and along our western coast, and along our eastern coast from New York to New Orleans and Galveston?

Mr. O'NEILL, of Missouri. Unless you establish a cordon of sentinels all along the border I do not see how you can prevent some of these people coming in. This is the best we can do.

Mr. GROSVENOR. Mr. Speaker, I wish to ask the chairman of the Committee on Labor a question or two. I do not like to see as important a bill as this passed under the previous question without some fuller explanation. I am in entire sympathy with the purpose of the bill, but I beg to ask the chairman of the committee whether this section, which is to become the eighth section of the act, does not leave its meaning somewhat uncertain? The general purpose of that section is to direct that persons arriving here in violation of the prohibition shall be sent back. That is the order of the section, "that all persons included in the prohibition in this act, upon arrival, shall be sent back to the nations to which they belong and from whence they came." Then it goes on to provide that "the Secretary of the Treasury may designate the State board of charities of any State," and certain other persons "to execute the provisions of this section without compensation."

Now, it seems to me that the exact thing which it is desired that the State board of charities or the other persons referred to shall do ought to be specifically stated. I presume it was not the intention of the Committee on Labor to report a bill providing that the State board of charities, or the other persons indicated, should send these people back without compensation, for in the latter clause of the same section it is provided that "the expense of such return of the aforesaid persons not permitted to land shall be borne by the owners of the vessels in which they came." Yet there is the distinct direction in the first part of the section that the State board of charities or other persons shall send these immigrants back without compensation, and that is all there is in the bill to be executed.

Now, it seems to me that a very brief amendment should be inserted at the point I have indicated.

Mr. O'NEILL, of Missouri. What would the gentleman suggest?

Mr. GROSVENOR. I would suggest language which would limit the duty to be performed without compensation by these State boards of charities to the search for (as I understand it to be their duty to search for) these individuals arriving contrary to law. Without an amendment of this kind a misunderstanding might grow out of the provision of this section.

Mr. O'NEILL, of Missouri. Would it not meet the gentleman's suggestion if we should strike out line 39 and the word "compensation," in line 40?

Mr. GROSVENOR. That would cover it.

Mr. O'NEILL, of Missouri. I have no objection to that.

Mr. GROSVENOR. I think the gentleman's suggestion a very proper one—to strike out the whole of line 39 and the word "compensation," in line 40.

The provision would then be in the shape that the Secretary of the Treasury could designate these authorities to make these examinations and discoveries, and it would be incumbent upon the owners and masters of the vessels to pay the expense of the return of persons prevented from landing.

Mr. O'NEILL, of Missouri. The intent of the section as it now stands in the bill is simply that these boards of charities shall not be paid for their services by the General Government. It does not apply any further than that.

Mr. GROSVENOR. If there is no provision for their payment they will not be paid.

Mr. CANNON. I suggest an amendment, to strike out "without compensation," in line 40, and insert "and shall be entitled to reasonable compensation therefor, to be fixed by regulation prescribed by the Secretary of the Treasury."

Mr. O'NEILL, of Missouri. I accept the amendment.

Mr. HOLMAN. The gentleman has no power to accept the amendment.

Mr. O'NEILL, of Missouri. I am aware of that. The gentleman, of course, understands what I mean—that I have no objection to its adoption.

Mr. HOLMAN. I do not see the motive of making this change. I take it for granted the Committee on Labor has reached the conclusion that this service will be performed by these organizations without charge to the Federal Government; and the service is a matter of as much moment to the State or local authorities as to the General Government; in some instances of more moment. On this account, it seems to me the matter may well be left in a large degree under the charge of the State authorities, subject to regulations to be prescribed by the Secretary of the Treasury. Otherwise you bring together much more directly the exercise of power by the local authorities and by the Federal Government than you would by the provision as it stands. Under the provision in its present form the local authorities will exercise power permissively, so to speak, as regards the General Government; under the provision as proposed to be amended those local authorities will become in a certain sense officers of the Government.

Mr. CANNON. In reply to the gentleman from Indiana I desire to say that section 8 without this amendment will make it the duty of certain boards or persons to be designated by the Secretary of the Treasury to perform certain duties without compensation. Now, to my mind that is pure trifling, because everybody understands that when you devolve a duty upon any persons and for this purpose make them officers of the General Government, while at the same time you say the duty shall be performed without compensation, the provision is in effect—I speak without disrespect—a cheat and a fraud, because everybody knows that something can not and will not be done for nothing.

Now, if this legislation means anything, it is designed to prohibit the importation of this class of labor and to provide the money necessary to make this prohibition effectual; otherwise it is a mere empty enactment, abounding in words only, and without practical strength or force.

Mr. HOLMAN. In that view of the matter, would it not be better to leave the exercise of the duties contemplated by this bill to the collectors of the ports rather than make these local organizations in this indirect way employés of the Government? I think that these powers can all be exercised more properly by collectors of the ports and persons under them than by anybody else.

Mr. CANNON. If the power is to be exercised by these officers upon their mere motion, why legislate at all? The Secretary of the Treasury controls the collectors of the ports, and we give him authority, if this amendment be adopted, to make effective regulations; and more than that, we give him money to enforce them.

Mr. HOLMAN. Why not put the entire duty on the collectors of the ports?

Mr. CANNON. It will rest upon them under suitable regulations, because their chief, the Secretary of the Treasury, is charged with the making of the regulations.

Mr. HOLMAN. Is it not much safer and better to devolve the duty directly upon officers of the Federal Government than upon other persons?

Mr. CANNON. I go, and so does the bill, to the fountain-head. The man who controls all the collectors of the ports is responsible. I see no necessity for imposing these duties upon any subordinate class of officers. Why not take the Secretary of the Treasury, who controls the machinery at all our ports and all our boundaries, and make him responsible?

Mr. HOLMAN. But he has to act through other persons.

Mr. CANNON. Certainly.

Mr. HOLMAN. Somebody at the port of entry must act in this matter, and why should not that officer at the port of entry be a responsible officer of the Government?

Mr. PETERS. Why not leave them in the discretion of the Secretary of the Treasury?

Mr. HOLMAN. That would do.

Mr. McMILLIN. I think the bill we have before us ought to prevail. I was most heartily in favor of the act of which it is amendatory, and I am for any amendment which increases the efficiency of that act.

And I agree with the gentleman from Indiana [Mr. HOLMAN] it is best to leave the execution of the act with the officers of the Government of the United States.

I have no objection if State boards of immigration and others charged with the duty of looking after immigration are called upon to assist in this work if they will act, in conjunction with the officers of the Government of the United States as provided by the bill, without compensation.

But if there are to be specific fees provided and officers employed I see no reason why we should go outside, say in the port of New York, of the thousands of officers we have already there and employ a new corps. We already have a vast number of officers. We have a corps in New York more efficient if we devolve this duty on them than could be organized outside of them. I am strenuously opposed to the employment of more officers when we can very efficiently perform the work by those already in the employment of the Government.

I realize that this bill strikes at the very root of the evils complained of as to our labor troubles. It is useless for us to talk about protecting American labor and assisting the American laborer when we permit contracts to be executed and enforced by which criminals and paupers, who could not otherwise get here and who come not for love of our institutions but for the plunder they can get by coming, come in and compete with our laborers.

I trust this duty will be devolved where it properly belongs, upon the Treasury Department and by Treasury officials, by whom it can be done more efficiently and more cheaply.

I hope the bill will pass. I suggest to the gentleman from Missouri [Mr. O'NEILL] in charge of the bill we might add some clause which would fix a penalty upon vessels bringing them here so as to make the act more effectual.

Mr. O'NEILL, of Missouri. I ask by unanimous consent to correct

the title, and also to amend the first section of the bill by inserting the words "approved February 26, 1885."

Mr. SPRINGER. After the word "Columbia."

There was no objection, and the amendment was agreed to.

Mr. RICE. What right have we to impose duties on State boards?

Mr. O'NEILL, of Missouri. If the gentleman will pardon me I will say this imposition of duties is asked for by the boards which now undertake to prevent the landing of paupers and criminals.

Mr. RICE. I am aware of that.

Mr. O'NEILL, of Missouri. It does not impose any other duty than that.

Mr. RICE. But suppose there should be no such boards in some of the States, or suppose some of the boards in some of the States should refuse to execute this duty; have you any provision for such a case?

Mr. O'NEILL, of Missouri. We have not.

Mr. RICE. It seems to me we ought to have.

Mr. CANNON. Look at line 38, where it says "or any person or persons in any State"——

Mr. RICE. I noticed that.

Mr. CANNON. "Whose duty it shall be to execute the provisions of this section without compensation."

Mr. O'NEILL, of Missouri. In the absence of State boards individuals can be designated. The gentleman from New Jersey [Mr. McADOO] informs me they have two extremely efficient and competent boards at New York and Jersey City, where most of the immigrants of the country come, and they are asking for power to be conferred by this act to prevent these people violating the present law.

Mr. RICE. No doubt of that.

Mr. O'NEILL, of Missouri. I call for the previous question.

The previous question was ordered.

Mr. GROSVENOR. What is the amendment?

The SPEAKER. The question recurs on the amendment of the gentleman from Illinois [Mr. CANNON].

The amendment was agreed to.

Mr. NEECE. I offer the following amendment.

The Clerk read as follows:

At the end of section 8 add the following:
"All necessary expenses of the execution of this act shall be paid out of any money in the Treasury not otherwise appropriated."

Mr. O'NEILL, of Missouri. That is not necessary.

Mr. SPRINGER. Yes; it is.

Mr. HOLMAN. There is this objection to it, that it makes another permanent appropriation.

Mr. NEECE. No, sir.

Mr. HOLMAN. It makes another permanent appropriation. I concede that there are some purposes for which permanent appropriations seem proper; but it should never be allowed, it seems to me, except in extreme cases and where it can not otherwise be avoided. It has been the effort of late years to get rid of permanent appropriations entirely, except in a certain few instances; and there is a bill pending for that purpose.

The gentleman's amendment would be simply to add to the long list of permanent appropriations which are now so objectionable.

Mr. NEECE. I can see no use in passing a bill of this character without appropriating the necessary money to carry it into execution. The officers charged with its execution are not going ahead to do anything in reference to it unless they have the money to do it with.

Mr. HOLMAN. But there is no limit imposed by the amendment; there is no safeguard whatever.

Mr. BRAGG. My friend from Indiana, it appears, can not be too friendly to labor; but yet he wants the labor and is unwilling to appropriate for it.

Mr. HOLMAN. I want to appropriate for it by annual appropriations; not by permanent appropriations.

I think it is well enough to keep our expenditures under our own control. Let them be estimated for every year and the appropriations made according to the necessities.

Mr. McMILLIN. Let me suggest to the gentleman from Indiana that if he will add to the amendment of the gentleman from Illinois the words "for the fiscal year" that amendment will divest it of the objection of being a permanent appropriation, but will require the appropriation to be made year by year to keep it up.

Mr. NEECE. I will so modify the amendment.

Mr. HOLMAN. Say for the present fiscal year.

Mr. RYAN. I want to ask the gentleman in charge of the bill a question as to one of its provisions.

I find at the close of section 8 it is provided:

That the expenses of such return—

That is, the return of the prohibited class—

of the aforesaid persons not permitted to land shall be borne by the owners of the vessels in which they came.

How do you enforce that provision? I regard it as important, but would like to know how you would enforce it.

Mr. McMILLIN. If the gentleman from Kansas will permit me I have an amendment to that section, which I will read and send to the desk, which I think will cover that point.

Mr. BLOUNT. I ask that the amendment of the gentleman from Illinois [Mr. NEECE] be read as modified.

Mr. RYAN. In my time I would like to have the suggested amendment of the gentleman from Tennessee read for information.

The SPEAKER. That can be done.

Mr. McMILLIN. I will state the amendment I propose to add to this section first. It is as follows:

And any vessel refusing to pay such expenses shall not thereafter be permitted to land at any port of the United States.

I think that will cover the case.

Mr. BLOUNT. I ask that the amendment of the gentleman from Illinois be read as modified.

The SPEAKER. The Clerk will read the amendment as now modified.

The Clerk read as follows:

That the necessary expense in the execution of this act, for the present fiscal year, shall be paid out of any money in the Treasury not otherwise appropriated.

The amendment of Mr. NEECE as modified was agreed to.

Mr. McMILLIN. I now send the amendment I suggested to the desk to be read to be added at the end of line 48. Before it is read I will suggest a modification of the amendment by the incorporation of the words "or clear from," and send it to the desk to be read in that form.

The Clerk read as follows:

And any vessel refusing to pay such expenses shall not thereafter be permitted to land at or clear from any port of the United States.

Mr. O'NEILL, of Missouri. I do not think that is necessary.

Mr. McMILLIN. It will put the vessel in a position to require it to carry out the law and will prove to be one of the greatest adjuncts we can have in enforcing the law. I am for the law most heartily, and for having it to mean something when it is passed.

Mr. PLUMB. I would like to ask the gentleman from Tennessee one question. I desire to know whether this provision contained in his amendment will not interfere with some existing treaty stipulations?

Mr. McMILLIN. Well, it will not interfere with any that ought to exist; and it is well for us to begin at once, if we are going to pass this act, to prepare for it. I think we ought to make it amount to something, by requiring that it shall mean what it says and say what it means.

Mr. PLUMB. I have no objection to that. I am for the act as well as the gentleman and will go as far as the gentleman will go in securing the adoption of such a measure; but I am anxious to have it modified if necessary so as to make it effective. Now, this in my judgment is one of the most effective means to protect labor in the United States; but when it is enacted I desire that it shall be enforced without trouble, and therefore I raised the question for information, not being able to answer it myself.

Mr. McMILLIN. I have not had occasion to examine the question, but I do not remember of any treaty stipulations which would be violated by it.

Mr. RICE. It being a provision applicable to the vessels of all nations, I do not suppose it would come in conflict with any treaty.

Mr. McMILLIN. I think not.

Mr. PETERS. Will not that amendment allow all vessels of foreign countries to land here once before it can take effect?

Mr. McMILLIN. Yes, sir; but there will not be any inducement to land with the second amendment, which prevents them from clearing.

Mr. WILSON. But suppose the vessel contracts to bring over one load?

Mr. McMILLIN. If it does that and does not pay the expenses under this act, it shall not clear from our ports.

Mr. PETERS. But it may land, and do the very damage you seek to prevent.

Mr. McMILLIN. But it is not to be supposed that the vessel will tie itself up in an American harbor to rot simply to bring over one load of these people.

Mr. PETERS. It might have a species of cargo which would enable it to do that with profit.

Mr. RYAN. It is very much of an improvement on the text.

Mr. McADOO. The great trouble in New York is to enforce the penalties on landing paupers and idiots. If the amendment of the gentleman from Tennessee is not in contravention of any treaty, I think it is a most excellent one and ought to be adopted.

Mr. WILSON. I ask that the amendment may again be reported.

The amendment was again read.

Mr. WILSON. I suggest that instead of the words "any vessel refusing to pay such expenses," &c., it should read "the owner of any vessel."

Mr. SPRINGER. It is right as it stands.

Mr. McMILLIN. Let it operate on the timbers.

Mr. ZACH. TAYLOR. I offer a substitute for the amendment.

Mr. McMILLIN. If the gentleman from Tennessee [Mr. ZACH. TAYLOR] will withhold his amendment for a moment I think we might

probably amend the phraseology by making it read "any vessel whose owner refuses."

Mr. ZACH. TAYLOR. I ask that my substitute may be read.

The Clerk read as follows:

And the owners of vessels who refuse to pay such expenses shall be subject to a fine of $200 for every such person so brought to the United States, to be recovered in any court of competent jurisdiction thereof.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Tennessee [Mr. ZACH. TAYLOR] offered as a substitute for the amendment of the gentleman from Tennessee [Mr. MCMILLIN].

Mr. MCMILLIN. Before we act on that, I wish to state to my colleague that I think his amendment would make some of the penalties smaller than they are now. The act passed in last Congress of which this is amendatory already provides penalties which I think are more severe than what are provided in his amendment.

Mr. ZACH. TAYLOR. I am willing they should be made as severe as the gentleman may desire.

Mr. BRAGG. I ask the gentleman from Tennessee how he is to enforce that penalty against an alien non-resident owner of a vessel?

Mr. MCMILLAN. I think the gentleman from Wisconsin [Mr. BRAGG] is right. There should be something added to the amendment in regard to that. I have no objection to amend it in such a way as will make it more effective.

Mr. ZACH. TAYLOR. I withdraw my amendment.

Mr. WILSON. I offer as a substitute what I send to the desk.

The SPEAKER. A substitute for what?

Mr. WILSON. A substitute for the amendment of the gentleman from Tennessee [Mr. MCMILLAN].

The Clerk read as follows:

Add to section 8 the following:
"And such vessels shall not be permitted to clear from any port of the United States until the owners thereof shall, by bond or other assurance satisfactory to the collector of said port, undertake to bear this expense."

Mr. DINGLEY. I suggest to the gentleman who has offered that amendment that it would have no force in the case of a large class of vessels known as tramps, that do not return to this country. I suggest that he add to the language of the bill simply this: "And constitute a lien on said vessel."

Mr. MCMILLIN. It might be made to read in this way:

And the penalties provided shall constitute a lien on said vessel.

Mr. DINGLEY. I would suggest that you simply add the language I have indicated to the bill.

Mr. MCMILLIN. I have no objection to that being added to the amendment.

Mr. STEWART, of Vermont. Then it would be necessary to provide for the enforcement of the lien by an additional amendment.

Mr. MCMILLIN. I have no objection to that as an amendment to the amendment.

The SPEAKER. But the gentleman from Maine is talking about the amendment offered by the gentleman from West Virginia [Mr. NELSON].

Mr. MCMILLIN. I did not so understand him.

Mr. DINGLEY. What is the amendment pending?

The SPEAKER. The amendment of the gentleman from Tennessee provides if the vessel refuses to return these persons at its own expense it shall not be permitted to land at or clear from any port of the United States. The gentleman from West Virginia [Mr. WILSON] offers an amendment providing the vessel shall give bonds or other assurance that it will return these persons at its own expense.

Mr. MCMILLIN. I suggest to the gentleman from Maine [Mr. DINGLEY] that we may add the substance of his amendment to that which I have offered.

Mr. DINGLEY. I merely make the suggestion to the gentleman from Tennessee, who can incorporate it if he chooses.

Mr. MCMILLIN. Then it can be made to read in this way:

And any vessel refusing to pay such expenses shall not be permitted to land at or clear from any port of the United States, and such expenses shall constitute a lien on said vessel.

I will add that last clause, and I think it will cover what the gentleman from Maine has suggested.

Mr. STEWART, of Vermont. But how are you going to enforce the lien?

The SPEAKER. The gentleman from Tennessee modifies his amendment in the way he has stated.

Mr. O'NEILL, of Missouri. I demand the previous question on the pending amendments.

The previous question was ordered.

The SPEAKER. The first question is on the amendment of the gentleman from West Virginia, offered as a substitute for the amendment proposed by the gentleman from Tennessee [Mr. MCMILLIN].

Mr. WILSON. I ask that it be again reported, and I ask the Clerk to read along with my amendment the last sentence of the eighth section.

The Clerk read as follows:

The expense of such return of the aforesaid persons not permitted to land shall be borne by the owners of the vessels in which they came. And such vessels shall not be permitted to clear from any port of the United States until the owners thereof shall, by bond or other assurance satisfactory to the collector of the said port, undertake to bear this expense.

Mr. MCMILLIN. Now let the Clerk read my amendment as modified, for which that is offered as a substitute.

The Clerk read as follows:

And any vessel refusing to pay such expenses shall not thereafter be permitted to land at or clear from any port of the United States, and such expenses shall be a lien on said vessel.

The question being taken on Mr. WILSON's substitute, there were—ayes 17, noes 74.

So (further count not being called for) the amendment was not agreed to.

The SPEAKER. The question now is on the adoption of the amendment offered by the gentleman from Tennessee [Mr. MCMILLIN].

The amendment was agreed to.

Mr. SPRINGER. I desire to move an amendment to section 10. That section provides that this bill shall take effect from and after its passage. It will be observed that by the amendments which we have just adopted vessels bringing these persons are charged with the expense of returning them to the country from which they have come. Now, such vessels may be on the sea when this bill becomes a law, and they ought not to be mulcted in these damages unless they have had notice or have had a chance to be notified of the existence of the law.

The amendment was read, as follows:

SEC. 10. That this act shall take effect at the expiration of thirty days after its passage.

Mr. ZACH. TAYLOR. Mr. Speaker, it does not take a vessel thirty days to come from Europe. I move to amend the amendment by striking out thirty and inserting ten.

Mr. SPRINGER. But you should notify them of the law before they leave the other side.

Mr. STEWART, of Vermont. What about sailing vessels? They take more than ten days to come from Europe.

The amendment of Mr. SPRINGER was agreed to—ayes 62, noes 8.

Mr. OATES. Mr. Speaker, I desire to offer an amendment to come in as an additional section.

The amendment was read, as follows:

That no alien or person who is not a citizen of the United States shall acquire title to or own a greater interest than a leasehold for five years in any lands anywhere within the United States of America and their jurisdiction; and any deeds or other conveyances of lands acquired after the approval of this act by any alien or unnaturalized foreigner, or by any company, firm, or corporation composed of such, shall be void.

Mr. O'NEILL, of Missouri. I make the point of order on that amendment that it is not germane to the bill.

I am heartily in favor of his proposition, but it does not belong on this bill. Besides, there is a bill now on the Calendar covering that subject.

Mr. OATES. It seems to me that it is.

The SPEAKER. The Chair thinks the point of order well taken.

Mr. O'NEILL, of Missouri. I move the previous question upon ordering the bill to be engrossed and read a third time.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. O'NEILL, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WAGES OF MECHANICS, LABORERS, AND SERVANTS.

Mr. O'NEILL, of Missouri. I call up the bill (H. R. 5310) to protect mechanics, laborers, and servants in their wages.

The bill was read, as follows:

Be it enacted, &c., That for all personal services rendered by any person acting in the capacity of mechanic, laborer, or servant in the District of Columbia and Territories of the United States, to an amount not exceeding $100, no property shall be exempt from seizure and sale under execution: *Provided*, That in order to secure the benefits of this act such mechanic, laborer, or servant shall commence their action within six months next after the last service shall have been rendered.

SEC. 2. That all acts and parts of acts inconsistent with this act are hereby repealed.

Mr. O'NEILL, of Missouri. Mr. Speaker, this bill simply proposes to protect mechanics, laborers, and servants in their wages by providing that no one can set up an exemption law against a judgment obtained for such a debt. It protects those who can not protect themselves, and who are compelled to trust their labor before asking for compensation. I move the previous question.

Mr. SPRINGER. The bill relates only to the District of Columbia.

Mr. O'NEILL, of Missouri. Only to the District of Columbia and the Territories.

The previous question was ordered upon the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. O'NEILL, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAY FOR DECORATION DAY.

Mr. O'NEILL, of Missouri. Mr. Speaker, I now report back from the Committee on Labor the joint resolution (S. R. 40) providing for the payment of per diem laborers in Government employ on the 30th of May of each year as on other days, and I ask that it be put upon its passage.

The SPEAKER. The joint resolution will be read.

The joint resolution was read, as follows:

Resolved, &c., That all per diem employés of the Government, on duty at Washington or elsewhere in the United States, shall be allowed the 30th day of May of each year, commonly called "Decoration Day," as a holiday, and shall receive the same pay as on other days.

Mr. O'NEILL, of Missouri. I move the previous question on the passage of the joint resolution.

Mr. BROWNE, of Indiana. Mr. Speaker, I move to amend by inserting, after the words "30th day of May," the words "and the 4th day of July."

Mr. O'NEILL, of Missouri. That would send it back to the Senate, and might defeat it.

Mr. BROWNE, of Indiana. Will the gentleman allow me to make this inquiry: Suppose the 30th day of May should fall on Sunday, as it did this year, under the provisions of this resolution would not these employés receive pay for a day on which they would not be required to work at all or be permitted to work if they desired?

Mr. BRUMM. In such a case Decoration Day is usually observed on the succeeding Monday.

Mr. BROWNE, of Indiana. But this resolution provides specifically for paying them for "the 30th day of May of each year."

The previous question was ordered on the engrossment and third reading of the joint resolution; and it was ordered to be engrossed and read the third time.

Mr. HOLMAN. I understood there was an amendment, to insert "the Fourth of July."

The SPEAKER. The gentleman from Indiana [Mr. BROWNE] requested the gentleman from Missouri to withdraw the demand for the previous question in order to allow that amendment to be offered; but it was not done.

Mr. O'NEILL, of Missouri. An amendment has been suggested to which I have no objection, to insert the words "except when it falls on Sunday."

Mr. BINGHAM. Why not put in simply the words "Decoration Day?"

Mr. O'NEILL, of Missouri. That is the language of the bill.

Mr. HOLMAN. I move to amend by inserting "the Fourth of July."

The SPEAKER. The bill has been ordered to be engrossed and read a third time, and it can only be amended by unanimous consent.

Mr. HOLMAN. I hope unanimous consent will be given for that amendment.

The SPEAKER. The gentleman from Indiana asks unanimous consent to insert "the Fourth day of July." Is there objection?

Mr. BENNETT. I wish to make a parliamentary inquiry. I would like to know whether there is now in our legislation a provision similar to this in regard to other national holidays.

The SPEAKER. The Chair thinks not; but that is not a parliamentary inquiry.

Mr. BENNETT. I ask the attention of the gentleman from Missouri [Mr. O'NEILL]. I wish to know whether "the per diem employés of the Government on duty at Washington and elsewhere in the United States" are allowed by existing statute the benefit of other national holidays with pay?

Mr. HOLMAN. There is no such law.

Mr. O'NEILL, of Missouri. I do not think there is any such law.

Mr. BENNETT. Then there is a matter of law which may be worthy the attention of the gentleman from Missouri. I believe it is the practice of the Government to give these laborers the benefit of these other national holidays with pay?

Mr. HOLMAN. That is not the law at this time.

Mr. BENNETT. I say it is the practice of the Government.

Mr. HOLMAN. I think not as to persons employed by the day.

Mr. BENNETT. If my friend from Indiana is correct, the force of my inquiry is broken. But if the per diem employés of the Government are now allowed pay on these other national holidays, then this bill, if enacted, would as a matter of law exclude these employés from the benefit of pay on those days, and would make Decoration Day the only holiday for which they would receive pay.

Mr. CANNON. I would like to ask the gentleman from Missouri a question. I would be glad to know whether his committee has considered and reported a bill allowing to that multitude of laborers who are not in the employment of the Government, but who pay the taxes in order to meet this appropriation, a day's pay on Memorial Day or any other holiday?

Mr. O'NEILL, of Missouri. I think that bill is being considered by members in the abstract.

Mr. CANNON. How about the concrete? [Laughter.]

Mr. CRAIN. I ask unanimous consent to insert "Memorial Day" in place of "Decoration Day."

The SPEAKER. There is one request for unanimous consent now pending.

Mr. LOVERING. I trust I may be permitted one word of explanation as to how this bill came to be asked for. In the employ of the Government are many members of the Grand Army of the Republic—old soldiers—who desire to turn out with their posts on Memorial Day. Under the conditions existing at the present time they are obliged in doing so to submit to the loss of a day's wages. They felt it due to them that they be allowed this day as a holiday with pay, so that they might not suffer loss of wages by reason of joining in paying their respects to the memory of those who died in the service of their country.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] asks unanimous consent that this bill be amended by inserting "the 4th day of July in each year." Is there objection? The Chair hears none. The gentleman from Texas [Mr. CRAIN] asks unanimous consent to amend the bill by striking out the words "the 30th day of May in each year," and inserting "Memorial Day."

Mr. CRAIN. "Except when the same falls on Sunday."

Mr. WILSON. Is the language last suggested by the gentleman intended to apply to both days?

Mr. CRAIN. Yes, sir.

Mr. WILSON. I suggest that the words "without reduction of pay" should be inserted. Then if any pay is due these employés they will get it.

The SPEAKER. The Chair is not able to hear what gentlemen are saying, and the clerks are unable to hear the amendments which are being suggested. The gentleman from West Virginia [Mr. WILSON] suggests that the clause "except when said days fall on Sunday," which has been proposed by the gentleman from Texas, be inserted, so as to apply to both days.

A MEMBER. That is unnecessary.

Mr. CRAIN. I withdraw my suggestion as to the words "except when the same falls on Sunday."

Mr. BINGHAM. The designation of the day which shall be a public holiday when Decoration or Memorial Day falls on Sunday varies in the different States. In my own State of Pennsylvania, when the 30th of May falls on Sunday, the Saturday preceding is a legal holiday; but in many other States, and in the District of Columbia, the Monday following is a legal holiday. Hence, if the day be described merely as "Memorial Day," the Government employé, wherever he may be, will get the benefit of the holiday with pay.

The SPEAKER. The amendment suggested—to insert the words "except when the same falls on Sunday"—has been withdrawn. The question is on the passage of the joint resolution.

Mr. LAWLER. Do I understand this joint resolution has been amended to include the 4th of July?

The SPEAKER. It has.

Mr. LAWLER. All that was asked to be included in this joint resolution was embraced in the report made from the Committee on Labor. If it is the intention of the House to amend the resolution I should also like to move an amendment. As stated by the gentleman from Massachusetts [Mr. LOVERING] it was reported from the Committee on Labor in good faith. If other days are to be included I should like to move an amendment including Saint Patrick's day. [Laughter and applause.]

Mr. BINGHAM. Does that mean Saint Patrick's day in the morning? [Laughter.]

The SPEAKER. Is there objection?

Mr. BRUMM. Yes; I object. [Laughter.]

Mr. McMILLIN. Was the amendment as to the 4th of July when it falls on Sunday adopted?

The SPEAKER. It was not.

Mr. McMILLIN. I hope the gentleman will permit it to be amended in that respect. There is no reason or justice in it nor common sense without that amendment.

The SPEAKER. The Chair thinks the joint resolution had better be again reported as it has been amended.

The joint resolution was again reported.

Mr. McMILLIN. I ask consent to amend by adding the following:

Provided, That no payment shall be made when the 4th of July falls on Sunday.

Mr. SOWDEN. In such a case they celebrate the following day.

The SPEAKER. The question is on the passage of the joint resolution. [Cries of "Vote!"]

Mr. BRUMM. I move to insert "except when these are celebrated on the Sabbath."

Mr. O'NEILL, of Missouri. I call for the regular order.

The SPEAKER. The question is on the passage of the resolution.

The House divided; and there were—ayes 72, noes 10.

So the joint resolution was passed.

Mr. O'NEILL, of Missouri, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EMPLOYÉS OF BUREAU OF ENGRAVING AND PRINTING.

Mr. O'NEILL, of Missouri. I now call up the bill (H. R. 4857)

granting relief to the employés in the Bureau of Engraving and Printing, United States Treasury.

The bill was read, as follows:

Be it enacted, &c., That the employés of the Bureau of Engraving and Printing, including pieceworkers, be allowed a leave of absence, with pay, not exceeding fifteen days in any one year, at such time as the Chief of the Bureau may designate.

Mr. McMILLIN. Do not the rules require its first consideration in the Committee of the Whole?

The SPEAKER. It is on the House Calendar.

Mr. O'NEILL, of Missouri. This bill does not mention an appropriation.

The SPEAKER. The Chair thinks not. It requires no additional appropriation.

Mr. BROWNE, of Indiana. I move to amend by adding "provided the pay of the pieceworkers be rated on the basis of the average of their daily earnings for the thirty preceding days." It will not be possible to rate the pay of pieceworkers unless some basis be fixed in the bill by which their pay is to be rated.

Mr. REID, of North Carolina. I desire to offer a substitute for the bill.

The SPEAKER. It can be read, but can not be voted on now.

The substitute was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the employés of the Bureau of Engraving and Printing who are paid by the piece or by the day shall be allowed a leave of absence with pay, under such regulations and at such times as the Secretary of the Treasury may prescribe, for a period not exceeding fifteen days for one year's continuous service, and for proportionate periods for shorter terms of service. Such of said employés as are paid by the piece shall receive a daily rate of pay for the leaves of absence granted them equal to the daily average rate of pay earned by them during the remainder of the month in which the said leaves of absence shall be taken.

SEC. 2. That to enable the Secretary of the Treasury to comply with the provisions of this act the sum of $14,550 be and hereby is appropriated, out of any money in the Treasury not otherwise appropriated, for the service of the fiscal year ending June 30, 1887, and the said sum shall be added to and made a part of the appropriation for plate printing in the Bureau of Engraving and Printing for the said fiscal year.

Mr. REID, of North Carolina. I now desire to have read a letter from the chief of the bureau explaining the substitute I have offered.

The Clerk read as follows:

TREASURY DEPARTMENT,
BUREAU OF ENGRAVING AND PRINTING,
July 9, 1886.

SIR: In reply to the oral inquiry made by you as to the additional appropriation required for the support of this bureau in the event of the passage of an act granting fifteen days' annual leave of absence to its employés, I have to say that the enactment of such a measure would not necessitate any increase in the appropriation for the pay of the employés other than the plate-printers and their assistants, inasmuch as such employés are paid by the day and the leaves of absence could be so adjusted that the work of the absentees would be done by those who remain on duty.

The granting of leaves of absence to the plate-printers and their assistants would, however, cause a direct increase of expense for the reason that the printers are paid by the piece and the wages of their assistants are deducted from their earnings. The total number of impressions printed must, therefore, be paid for at the established rates, and the granting of pay to plate-printers and printers' assistants while absent on leave will cause an additional expenditure which must be separately provided for. The estimated amounts required for this purpose are:

For one hundred and eighty plate-printers, fifteen days, at an estimated average of $4 a day	$10,800
For two hundred printers' assistants, fifteen days, $1.25 a day	3,750
Total additional appropriation required	14,550

To enable the bureau to execute the estimated quantity of work the bill providing for the leaves of absence should make an appropriation for this amount to be added to and made a part of the appropriation for plate-printing for the current fiscal year.

Very respectfully,

E. O. GRAVES, *Chief of Bureau.*

Hon. JAMES W. REID,
Committee on Printing,
United States House of Representatives.

Mr. REID, of North Carolina. In support of the substitute I have submitted I wish to say that if the original bill is passed there will be no provision made to pay for the fifteen days' leave of absence for the engravers and plate-printers and their assistants. The substitute also covers the necessary appropriation. I submit that in every Department of the Government there is provision made for a leave of absence to Government employés except those employed in the Bureau of Engraving and Printing. These plate-printers, who perform disagreeable and hard work over gas-stoves day after day, will not be provided for unless the substitute be adopted, which makes provision for their pay. The amendment provides not only for the fifteen days' leave of absence, but in the second section it also makes provision whereby they may be paid.

The House has just appropriated $90,000 to grant the same leave of absence to the employés of the Government Printing Office, and I submit, sir, that these are the only employés of the Government who are not allowed a leave of absence. If, then, we propose to do the laboring men justice who have the most disagreeable, arduous, and exacting work to perform, this substitute should be adopted. It is simply doing an act of justice to skillful laboring men who undergo faithful and exacting service for the Government, and I repeat if we are going to do equal and exact justice to all Government employés this substitute should pass, so that these employés may be placed upon an equal footing with the other employés of the Government.

Mr. SKINNER. What are they paid now?

Mr. REID, of North Carolina. The plate-printers get about $4 a day, but they pay out of that for their assistants a large amount, which greatly reduces their per diem.

Mr. SKINNER. Do you not think that is pretty good wages?

Mr. REID, of North Carolina. But there are many of the employés there who only get from a dollar and a quarter to a dollar and a half a day.

Mr. O'NEILL, of Missouri. The greater number of them get the smaller sum.

Mr. REID, of North Carolina. The superintendent of that bureau says in the letter which has been read that all of the rest of the employés are provided for except the plate-printers, and this is for their benefit.

Mr. BROWNE, of Indiana. Let me ask the gentleman from North Carolina, have you considered the propriety of compelling private employers to grant leaves of absence, with pay, to the large body of workingmen in this country who are not in the Government employ, and who get a much lower rate of pay as a rule than is granted to the Government employés?

Mr. REID, of North Carolina. I have considered that; and if I had the power, as a Representative, I would insist that equal justice should be done to all of the laborers of this country without regard to the character of their employment. That is what I propose here as far as it is within my power.

Mr. BROWNE, of Indiana. I fear you are neglecting the large body of the laboring people of the country.

Mr. REID, of North Carolina. I represent a laboring class of people myself; and that being the case, I want justice done to all laborers, whether they work in the shop or in the field, with their heads or with their hands.

Mr. SKINNER. You do not represent a constituency who get extra pay for doing nothing.

Mr. REID, of North Carolina. I represent a constituency who want justice done to all laborers.

Mr. SKINNER. Nor do you represent a constituency who get $4 a day for their labor.

Mr. REID, of North Carolina. Nor do these men get $4 a day. We give clerks with high salaries and light work thirty days' leave of absence with full pay, and these men who do the hardest work—work with their heads over heated stoves, in trusted and confidential positions—should at least have half as much consideration as their associates, who have light work in easy places.

Mr. SPRINGER. Mr. Speaker, this substitute is preferable to the original bill, in that it deals frankly with the question and gives the cost to the Government if the legislation shall pass. It is too late now to raise the question submitted by the gentleman from Indiana.

Mr. BROWNE, of Indiana. I am raising no question, except in behalf of the whole body of the laboring people.

Mr. SPRINGER. I know; but my friend should have done that when his party friends were in power and granted leave of absence to all of the employés in the Departments at Washington, one month in every year, with full compensation. We have already allowed the fifteen days' leave of absence to the employés of the Government Printing Office. Now, we have granted this leave to all of the employés in this city except those engaged in the Bureau of Engraving and Printing, and it would be an invidious distinction to withhold this privilege from the employés of that bureau.

Mr. HOLMAN. Will the gentleman allow me a moment? My friend has made the suggestion that now, if this bill passes, all of the employés of the Government are provided with a reasonable leave of absence with pay. That is not exactly correct.

Mr. SPRINGER. I mean in this city.

Mr. HOLMAN. No; not in this city. There is a large body of employés here working for the Government at a dollar and a dollar and a quarter a day.

Mr. SPRINGER. I do not include members of Congress either.

Mr. HOLMAN. I did not mean that. I refer now to laboring men who are working under the broiling sun or in rain and shine. They are right around us here on the public grounds.

Mr. REID, of North Carolina. Will the gentleman offer an amendment to include them?

Mr. HOLMAN. Yes, sir; with pleasure. I would add the words, "and all the employés of the Government not otherwise provided for."

Mr. REID, of North Carolina. I will accept the amendment.

Mr. SPRINGER. If that is done I want to increase the appropriation at the same time. But I do not know that the gentleman means to submit it now, as I had the floor and only yielded for a question. I presume it is not intended to be put in, nor is there any estimate for its cost. They are the men who are working on contracts generally; while this is a naked proposition, which ought to pass, to do justice to the employés of the Bureau of Engraving and Printing, I would help my friend from Indiana if he will find from the Architect of the Capitol and the Treasury Department the number of persons embraced in

the amendment he suggests, and will bring in a resolution to put them upon an equality with the others and also provide the money, at the same time, to pay them.

Mr. HOLMAN. I think they ought to be provided for.

Mr. SPRINGER. I hope the proposition will not be incorporated, however, in this bill. It is not germane to it, and it ought not to be passed until an estimate and an appropriation is made at the same time.

Mr. SOWDEN. I would like to ask the gentleman from Indiana a question, whether this amendment includes the per diem employés of the House of Representatives?

Mr. HOLMAN. No, sir; it does not. I submit, in all fairness to the gentleman from North Carolina, this question: There are employed under the Supervising Architect of the Capitol and under the Superintendent of Public Buildings and Grounds a large number of persons who receive a very low compensation, all the way up from $1 a day to $60 a month. It seems to me that class of persons ought to receive the generosity of the Government as much as persons who receive more compensation.

Will my friend consent to add to this bill a provision that laborers employed in various Departments of the Government in this capital shall be entitled to a like leave of absence with pay?

Mr. REID, of North Carolina. I will say this to the gentleman: there are in the Government employment in the various Departments men receiving $900, $1,200, $1,400, and $1,600 who receive thirty days' leave of absence to go home to work at the elections.

A MEMBER. Oh, no; not now.

Mr. REID, of North Carolina. They have had it heretofore. But if the gentleman from Indiana will draw his amendment in the way he has stated I will accept it.

Mr. HOLMAN. I will offer that amendment.

Mr. MCMILLIN. If I understand the status of matters the substitute itself of the gentleman from North Carolina [Mr. REID] is not yet before the House.

The SPEAKER. It is pending, but can not yet be voted on.

Mr. MCMILLIN. I understood the Chair to say it was read for information.

The SPEAKER. It is pending, but can not be voted on until the text of the original bill is perfected.

Mr. MCMILLIN. When will be the proper time to make the point of order that the substitute must have its first consideration in the Committee of the Whole House on the state of the Union?

The SPEAKER. It is in order to do that now. The Chair stated when the substitute was sent up it could be read for information, but could not be voted on until the original proposition was perfected. That may have led gentlemen on the floor to suppose it was not pending. Under the rules it can be offered and be pending, but it could not be voted on at present.

Mr. REID, of North Carolina. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. REID, of North Carolina. Will the substitute be in order at any time during the pendency of this proposition?

The SPEAKER. It will. The Chair has stated it is in order now to offer it, but it could not be voted on under the rules of the House until the text of the original bill has been perfected. The gentleman from Tennessee [Mr. MCMILLIN] makes the point of order that the substitute must be considered in the Committee of the Whole House on the state of the Union under the rules of the House, inasmuch as it proposes to make an appropriation of money out of the Treasury.

Mr. BLOUNT. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLOUNT. Does that take the bill to the Committee of the Whole?

The SPEAKER. It does; but there is nothing to prevent the House from immediately resolving itself into Committee of the Whole House on the state of the Union to consider it. No time is lost.

Mr. O'NEILL, of Missouri. I demand the previous question on the pending amendments.

The SPEAKER. The Chair must first determine whether the amendment offered by the gentleman from Tennessee [Mr. MCMILLIN] is in order. It has not been read.

Mr. MCMILLIN. I did not offer an amendment, but made the point of order.

The SPEAKER. Then there is only one amendment pending.

Mr. HENDERSON, of Illinois. I understood I was recognized by the Chair.

The SPEAKER. But the gentleman from Missouri [Mr. O'NEILL] has demanded the previous question.

Mr. HENDERSON, of Illinois. I ask the gentleman to yield to me for an inquiry. I ask the chairman of the Committee on Labor whether the word "annual" should not be inserted in line 3, before the word "employés," so as to show that the bill only applies to the annual employés.

Mr. O'NEILL, of Missouri. It is intended to apply to all.

Mr. HENDERSON, of Illinois. Is the man who is employed for six months only or for three months only to have the benefit of this enactment?

Mr. O'NEILL, of Missouri. Certainly.

Mr. HENDERSON, of Illinois. In that case it ought not to pass.

The SPEAKER. The previous question is demanded on the amendment of the gentleman from Indiana [Mr. BROWNE].

The question being taken, there were—ayes 47, noes 18.

Mr. MCMILLIN. In view of the fact that this motion if passed cuts off all debate, all chance for explanation, and will include those employed only for ten days as well as those serving for years, and the gentleman has said he would accept amendments never reported on and the effect and cost of which we can not tell, I make the point that no quorum has voted, that we may have further explanation and amendment.

Mr. O'NEILL, of Missouri. I move a call of the House. If a quorum is to be insisted on, the sooner we find out who are here the better.

The SPEAKER. The question is on the motion for the call of the House.

Mr. O'NEILL, of Missouri. I withdraw it on reflection, in order not to waste time.

Mr. MCMILLIN. I renew it.

The question being taken, the Speaker stated that the "noes" seemed to have it.

Mr. MCMILLIN. I call for a division.

The question being taken, there were—ayes 11, noes 65.

So a call of the House was not ordered.

The SPEAKER. The gentleman from Tennessee having made the point that no quorum has voted, the Chair will appoint as tellers the gentleman from Missouri [Mr. O'NEILL] and the gentleman from Tennessee [Mr. MCMILLIN].

Mr. SPRINGER. I ask that this bill be laid aside. If we can not pass it without a quorum let us take up some business which we can pass.

Mr. MCMILLIN. I do not consent that this bill shall go through without discussion, without other amendments than those the committee have indicated a willingness to accept, without any chance for a member to express even his opinions upon it.

Mr. SPRINGER. I ask unanimous consent that this bill be laid aside for the present. We can not pass it without a quorum, and if it is kept before the House we will lose the evening for other measures.

Mr. O'NEILL, of Missouri. I have no objection to the bill being laid aside since a quorum is demanded and I know there is not a quorum present. [Cries of "Regular order!"]

Mr. BINGHAM. I desire to make a parliamentary inquiry. Under the rule of the House will we not adjourn at 11 o'clock?

The SPEAKER. Certainly.

Mr. BINGHAM. Can a quorum be assembled before that time?

The SPEAKER. That is not a question for the Chair to answer. The Chair does not know what would be the result of a call of the House.

Mr. MCMILLIN. I do not wish to stand in the way of the business of the committee and will not, for they have important bills to be acted upon, and I will not object.

The SPEAKER. The gentleman from Missouri [Mr. O'NEILL] asks unanimous consent to withdraw this bill for the present.

Mr. O'NEILL, of Missouri. I desire to call up for consideration——

Mr. BINGHAM. If in order, I desire to ask the chairman of the Committee on Labor if it is his purpose to take up for consideration this evening the bill (S. 2076) to extend to letter-carriers the advantages secured to other employés of the United States by section 3738 of the Revised Statutes, relating to the hours of labor? [Cries of "Regular order!"] I am making an inquiry. That is in the regular order.

Mr. LAWLER. It is on the list.

Mr. O'NEILL, of Missouri. Yes; it is on the list to be called up this evening.

Mr. BINGHAM. What is its position on the list?

The SPEAKER. The regular order is demanded.

Mr. O'NEILL, of Missouri. I call up House resolution 142——

Mr. BINGHAM. Then the gentleman does not answer my question.

Mr. O'NEILL, of Missouri. I tell the gentleman it is on the list, to be called up very soon.

Mr. BINGHAM. Oh, everything is "on the list."

Mr. O'NEILL, of Missouri. Mr. Speaker, I call up House resolution 142, which is joint resolution authorizing and directing the Commissioner of Labor to make an investigation as to convict labor.

The joint resolution was read, as follows:

Resolved, &c., That the Commissioner of Labor be, and he is hereby, authorized and directed, under the direction of the Secretary of the Interior, to make a full investigation as to the kind and amount of work performed in the penal institutions of the several States and Territories of the United States and the District of Columbia, as to the methods under which convicts are or may be employed, and as to all the facts pertaining to convict labor and the influence of the same upon the industries of the country, and embody the results of such investigation in his second annual report to the Secretary of the Interior: *Provided*, That the investigation hereby authorized can be carried out under the estimate of the expenses of the Bureau of Labor for the fiscal year ending June 30, 1887.

Mr. O'NEILL, of Missouri. I move the previous question on the passage of the joint resolution.

Mr. WILSON. Mr. Speaker, before that motion is put, I would like to call the attention of the chairman of the Committee on Labor to the proviso, which I think needs to be perfected. Its language is:

Provided, That the investigation hereby authorized can be carried out under the estimate of the expenses of the Bureau of Labor, &c.

I submit that it should be amended so as to read "under the appropriations made for the expenses of the Bureau of Labor," &c.

Mr. CANNON. I will ask the chairman of the Committee on Labor whether the Commissioner has not authority to make this investigation now?

Mr. O'NEILL, of Missouri. I do not know that he has.

The SPEAKER. Does the gentleman from Missouri withdraw the demand for the previous question?

Mr. O'NEILL, of Missouri. I do, for the present.

The SPEAKER. The amendment proposed by the gentleman from West Virginia will be read.

The Clerk read as follows:

In line 14 strike out the words "estimate of" and insert the words "appropriations made," making the proviso read: "*Provided*, That the investigation hereby authorized can be carried out under the appropriations made for the expenses of the Bureau of Labor for the fiscal year ending June 30, 1887.

Mr. MCKINLEY. Mr. Speaker, I desire to ask the gentleman from Missouri [Mr. O'NEILL] whether the expenses contemplated in this bill were estimated for by the Chief of the Bureau of Labor.

Mr. O'NEILL, of Missouri. He has an appropriation in gross, and this simply proposes that in his labors he shall give a certain amount of attention to the subject and furnish certain information about it.

Mr. MCKINLEY. But in the appropriation for his bureau has any provision been made for this special work?

Mr. LOVERING. It does not require any special appropriation.

Mr. MCKINLEY. If the gentleman from Missouri [Mr. O'NEILL] accepts the amendment of the gentleman from West Virginia [Mr. WILSON] will there be any money to execute the provisions of this bill?

Mr. O'NEILL, of Missouri. The estimates are not in detail; they are in gross.

Mr. MCKINLEY. I am merely asking for information.

Mr. CANNON. I think I can answer the question. I recollect that the Commissioner of Labor submitted a supplemental estimate (the legislative bill carries the appropriation for his bureau), in which he outlined quite a number of investigations, touching labor as connected with railways and labor as connected with the textile industries, and also the question of the employment of women and children; and we appropriated, in pursuance of his suggestions or recommendations, what we deemed sufficient to carry out the work in the lines indicated by him, but my recollection is that this was not included.

Mr. REED, of Maine. Mr. Speaker, I move to strike out the proviso.

Mr. CANNON. Now, Mr. Speaker, I want to say further to the gentleman that, if my recollection is correct, by passing this specific direction Congress may express an opinion which may perhaps keep the Commissioner from investigating some other matter of more importance than this in its relations to labor.

Mr. O'NEILL, of Missouri. There can be no more important subject than to investigate this question of convict labor, which to-day is destroying many of the trades by its unfair competition. Honest labor can not compete with the unpaid-for labor of convicts.

Mr. CANNON. Well, I think the question of labor as connected with railways is pretty important, perhaps more important than this.

Mr. MCKINLEY. What I was apprehensive of was that the proviso might impair the whole force of this joint resolution.

Mr. O'NEILL. I think the proviso might very properly be struck out.

The SPEAKER. The gentleman from Maine [Mr. REED] moves to strike out the proviso.

Mr. REED, of Maine. Well, Mr. Speaker, I think this is a matter which ought to be discussed a little. I am not sure but there ought to be added an appropriation for this purpose. I do not wish to interfere with the business of the chairman of the Committee on Labor, but I submit to him that if he intends to make this effective he ought to make provision to pay the expense of the proposed investigation. What is the use of ordering a thing to be done when you do not provide any means of doing it? I have called the gentleman's attention to the matter and the responsibility is with him.

Mr. O'NEILL, of Missouri. I yield to the gentleman from Massachusetts [Mr. LOVERING] who introduced this joint resolution.

Mr. LOVERING. Mr. Speaker, this joint resolution was presented with the knowledge and consent of the Commissioner of Labor. At the time the interview was had with him he was of the opinion that the joint resolution should pass in this form, and that if it did pass sufficient money would be appropriated in a general way to enable him to carry out its provisions.

Mr. REED, of Maine. But the gentleman from Illinois [Mr. CANNON] has just told us that there has been no appropriation made for this purpose.

Mr. CANNON. My recollection is that the supplemental estimates did not include this particular work.

Mr. WEAVER, of Iowa. I think the Commissioner of Labor itemized the matter.

Mr. REED, of Maine. The gentleman from Illinois [Mr. CANNON] had better send for the estimates, and let us know what we are doing. If this is a legitimate and proper work, it is legitimate and proper that an appropriation be made to carry it on.

Mr. MCADOO. Almost all the great States require work of this character to be done and have bureaus charged with its supervision, so that the expense to be incurred by the United States under the pending measure must be merely nominal.

Mr. CANNON. I am in harmony with gentlemen who desire this investigation; the only question is whether we ought to give more money.

Mr. PERKINS. Why can not the Commissioner of Labor collect this information now?

Several MEMBERS. He can.

Mr. LOVERING. But this bill directs him to make the investigation.

Mr. ADAMS, of New York. As I understand, he is not restricted now to any particular line of investigation. I put to the chairman of the Committee on Labor the direct question whether the power now conferred upon the Commissioner of Labor would not enable him to make this investigation and report, without additional legislation?

Mr. O'NEILL, of Missouri. I will answer the gentleman that the Commissioner of Labor is in favor of the passage of this resolution as it is. If it be found that an additional appropriation is needed, your Committee on Appropriations can incorporate it in some of the bills now pending between the two Houses. I renew the demand for the previous question.

Mr. REED, of Maine. I should like an appropriation of $10,000 made as a substitute for the proviso. If we want this work done, I would rather not trust it to the Committee on Appropriations, who are, perhaps, quite as economical as they are patriotic. [Laughter.]

Mr. O'NEILL, of Missouri. My friend from Indiana [Mr. HOLMAN] says he will take care of it.

Mr. REED, of Maine. The gentleman from Indiana! [Laughter.]

Mr. HEPBURN. I desire to ask the gentleman from Missouri a question.

The SPEAKER. Does the gentleman from Missouri withdraw the demand for the previous question?

Mr. O'NEILL, of Missouri. No, sir.

Mr. HEPBURN. I desire to inquire whether the purpose of this bill would not be better carried out by striking out the word "can," in the thirteenth line. Then the bill will be mandatory.

The SPEAKER. The gentleman from Missouri insists on the demand for the previous question, and no debate is in order.

The previous question was ordered; there being—ayes 46, noes 14.

The SPEAKER. The question is first upon the amendment proposed by the gentleman from West Virginia [Mr. WILSON], which will be again read.

The Clerk read as follows:

In line 14, strike out "estimate of" and insert "appropriations made for."

Mr. O'NEILL, of Missouri, and other members. That is right.

The amendment was agreed to.

The SPEAKER. The question is now on ordering the joint resolution as amended to be engrossed and read the third time.

Mr. HOLMAN. There was no motion to strike out the proviso, I believe?

The SPEAKER. That motion was withdrawn.

Mr. REED, of Maine. No; it was not withdrawn.

The SPEAKER. Then the Chair should have put the question upon it.

Mr. REED, of Maine. I desired to add an appropriation.

The SPEAKER. The Chair will put the question on the motion of the gentleman from Maine to strike out the proviso.

Mr. HOLMAN. Was that made before the previous question was called?

The SPEAKER. It was. The Chair thought it had been withdrawn, but the gentleman from Maine informs the Chair that it was not.

The question being taken on the motion of Mr. REED, of Maine, to strike out the proviso, it was not agreed to.

The joint resolution as amended was then ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. O'NEILL, of Missouri, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE TO EMPLOYÉS IN NAVY-YARDS.

Mr. O'NEILL, of Missouri. The next measure I call up is House bill No. 8819.

The Clerk read the title of the bill, as follows:

A bill (H. R. 8819) to grant leaves of absence to employés in the United States navy-yards.

The SPEAKER. The Chair will state that this bill is in Committee of the Whole.

Mr. O'NEILL, of Missouri. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

Mr. OATES. I object.

Mr. FORAN. I rise to a question of order. Bills are not being called up in their order on the Calendar.

The SPEAKER. The Chair is aware of that. The order made for this evening's session provided for the consideration of such bills as should be presented by the Committee on Labor.

Mr. FORAN. But the Committee on Labor has not authorized the order in which they are being presented.

The SPEAKER. The Chair of course has no knowledge as to that matter.

Mr. McKINLEY. I was unable to hear the remark of my colleague [Mr. FORAN].

The SPEAKER. The gentleman makes the point of order that bills are not being called up in their order on the Calendar, and that the Committee on Labor has not directed any other order to be pursued.

Mr. McKINLEY. Does the gentleman make the point that we are not considering bills in the order in which the committee agreed they should be considered.

The SPEAKER. The gentleman makes the point that the bills are not being considered in the order in which they were reported and in which they stand on the Calendar, and that the committee has not directed any other order to be pursued. The resolution under which the House met this evening provides that the evening session shall be devoted exclusively to the consideration of such bills as may be presented for consideration by the Committee on Labor.

Mr. O'NEILL, of Missouri. Mr. Speaker, I am calling up bills in the order deemed proper according to the judgment of the committee which gave us this night for the business of the Committee on Labor.

Mr. McKINLEY. What committee is that?

Mr. O'NEILL, of Missouri. The Committee on Rules.

Mr. McKINLEY. They fixed the order?

Mr. O'NEILL, of Missouri. It was arranged in the interest of having the most work accomplished for this reason: There were certain bills to which it was thought there was so much opposition in this House that to call them up first would, on account of the time consumed, involve the defeat of all the other bills reported from the Committee on Labor, and they thought the bills to which there was no apparent opposition should be first considered.

Mr. BROWN, of Pennsylvania. How do you know that?

Mr. O'NEILL, of Missouri. The order under which these bills have been arranged is the order in which I have called them up. The next bill is the one providing for the extension of the eight-hour law to the letter-carriers. The bill following that is the bill providing for the restoration of the wages of the employés of the Government Printing Office.

Mr. FUNSTON. Call up the next bill then.

The SPEAKER. The gentleman called up a bill, which has been read, and the Chair submitted the request of the gentleman from Missouri, that by unanimous consent the Committee of the Whole House on the state of the Union should be discharged from its further consideration, which was objected to.

Mr. O'NEILL, of Missouri. I will withdraw the request in regard to that bill.

The SPEAKER. The gentleman will proceed.

LETTER-CARRIERS.

Mr. O'NEILL, of Missouri. I now call up the bill (S. 2076) to extend to letter-carriers the advantages secured to other employés of the United States by section 3738 of the Revised Statutes, relating to the hours of labor.

The bill was read, as follows:

Be it enacted, &c., That eight hours shall constitute a day's work for letter-carriers who are now or who may hereafter be employed by or on behalf of the Government of the United States; and there shall be no reduction in compensation paid for services rendered by reason of the limitation of the hours of labor prescribed by this act.

Mr. WILSON. This seems to be a Senate bill, although the copy I have does not state that it passed the Senate.

Mr. O'NEILL, of Missouri. It passed the Senate and is on the House Calendar.

The SPEAKER. The bill passed the Senate on the 1st day of June last.

Mr. BLOUNT. Is this bill in the Committee of the Whole?

The SPEAKER. It is not. The Chair was first under the impression it was.

Mr. BLOUNT. I make the point of order it must have its first consideration in the Committee of the Whole.

The SPEAKER. Why?

Mr. BLOUNT. Because it is an additional charge on the Treasury.

Mr. BINGHAM. How does the gentleman know that?

Mr. McMILLIN. Because he has mother wit.

Mr. BLOUNT. There is no doubt that is the purpose of it.

The SPEAKER. The Chair must be governed in deciding the point of order by the contents of the bill. It provides that eight hours shall constitute a day's work for letter-carriers who are now or who may hereafter be employed by or on behalf of the Government of the United States; and there shall be no reduction in compensation paid for services rendered by reason of the limitation of the hours of labor prescribed by this act. Now it may be if the hours of labor of letter-carriers are so diminished as to make it necessary to employ an additional number in that service an appropriation will have to be made for their payment. But that is a matter of argument. The bill does not make an appropriation and on its face does not require any appropriation to be made.

Mr. BLOUNT. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLOUNT. Has the Chair considered in connection with this bill the communication to this House from the Postmaster-General that it does involve additional expense?

The SPEAKER. That is a matter of argument. The invariable rule is to look at the bill itself and see whether on its face, by its terms, it makes an appropriation or requires one to be made.

If it should involve an increase of the service—an increase of the force necessary to perform the service—there is nothing in the bill requiring an appropriation to pay that increased force, and there is no appropriation in the bill itself.

Mr. BLOUNT. I would like to know if the language of the rule requires an appropriation to be made in order that such a proposition must have its first consideration in the Committee of the Whole.

The SPEAKER. The Chair will cause the rule to be read.

The Clerk read as follows:

Clause 3, Rule XXIII:

"All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced."

The SPEAKER. The language of the rule is, making appropriations, or requiring such appropriations to be made, or releasing some liability to the Government.

Mr. CRAIN. I believe the point of order has been overruled?

The SPEAKER. It has been.

Mr. BLOUNT. I would inquire further whether this comes up in the regular way on the Calendar?

The SPEAKER. The Chair has already stated, but a few moments ago, what the order of the House was: that this evening should be set apart exclusively for the consideration of such measures as might be presented from the Committee on Labor; and under that rule the Chair has allowed the gentleman from Missouri, the chairman of the Committee on Labor, without objection from any one on the floor, to make a report from the committee, which has been considered.

Mr. CRAIN. The object of this bill, as shown by its caption, is to give to the letter-carriers——

Mr. BLOUNT. I make the objection that this is not considered in the regular order.

The SPEAKER. The Chair stated that the resolution allowed the presentation of measures from the Committee on Labor. It does not specify their order of presentation.

Mr. CRAIN. I believe I have the floor.

Mr. McMILLIN. I would like to have the report read at some time during the consideration of this measure.

The SPEAKER. It is in the nature of debate, and may be read in the time of any gentleman who gets the floor.

Mr. CRAIN. The object of this bill, as I was about stating when interrupted, is apparent from its caption. Section 3738 of the Revised Statutes provides that eight hours shall constitute a legal day's work for all laborers, workmen, and mechanics in the employ of the Government. Letter-carriers were supposed to be included within that provision, but the Post-Office authorities have held that they are not embraced within that section of the Revised Statutes; and in order to include them within its provisions this bill has been prepared. It has passed the Senate; it contains but one section; it is easily understood, and I think argument upon it is unnecessary. I therefore move the previous question upon the bill.

Mr. McMILLIN. I trust the gentleman will not insist upon that. This should certainly be debated. It is too important a measure to pass without full consideration.

Mr. BLOUNT. The gentleman from Texas certainly should not undertake to cut off debate in that manner upon a proposition involving an increase of expenditures amounting to several millions of dollars, especially in view of the fact that he has an official communication in his possession from the Department that he withholds from the House. I wish to say that I am not willing, so far as I am concerned, to be choked off in that way; and I shall resort to whatever methods I may properly employ to compel a fair consideration of this bill.

Mr. CRAIN. Mr. Speaker, the gentleman from Georgia is aware of the fact that at 11 o'clock this evening the session must terminate. Now the previous question, as I understand it, will give fifteen min-

utes' debate on each side, which I take it will be ample for the gentleman to state his objections.

The SPEAKER. Not when there has been debate, as in this case, the gentleman from Texas having debated it.

Mr. CRAIN. We will give, then, some debate if the gentleman wants it.

Mr. BLOUNT. This is a proposition which involves several millions of dollars, and we should certainly have a full opportunity to discuss it.

Mr. CRAIN. And so far as withholding the communication to which the gentleman refers, is concerned, I have only to say that he is mistaken. I have no right to withhold it. I withhold nothing.

Mr. BLOUNT. But you have demanded the previous question.

Mr. CRAIN. That does not prevent the letter from being put into the RECORD.

Mr. BLOUNT. What is the use of putting it into the RECORD after action has been taken upon the bill?

Mr. MCMILLIN. I hope the gentleman from Texas will permit the communication from a Cabinet officer of the Government to be read for the information of the House before the previous question is insisted upon.

The SPEAKER. The gentleman has demanded the previous question, and the only thing in order is a vote on that demand.

The question was taken; and on a division there were—ayes 48, noes 68.

So the previous question was not ordered.

Mr. CRAIN. Mr. Speaker, I now resume the floor, and wish to say——

Mr. BLOUNT. The gentleman has lost the floor and lost control of the bill.

Mr. CRAIN. I am willing to give the gentleman ten minutes if that will be satisfactory.

The SPEAKER. Under the practice of the House, when a gentleman in charge of a bill demands the previous question and the demand is not sustained the floor passes away from him with the control of the proposed measure.

Mr. BLOUNT. Mr. Speaker, I will take the floor in my own right now, and yield fifteen minutes to the gentleman from Texas who asks for that time.

Mr. BROWNE, of Indiana. If nobody else wants to do so, I shall propose to amend this bill by adding after the words "letter-carriers," in line 4, the words:

And all other persons.

Mr. CRAIN. The letter to which the gentleman from Georgia [Mr. BLOUNT] refers is a letter which was sent to the Speaker of the House by the Postmaster-General; and in accordance with the request of the gentleman I will give the substance of it.

Several MEMBERS. Let it be read.

Mr. CRAIN. The substance of this letter is that the passage of this bill will involve an expenditure of $1,350,000, or thereabouts; and that it will require the employment of twenty-two hundred and eight additional letter-carriers in the one hundred and eighty-one free-delivery offices in the several States. The Postmaster-General says in that letter that he bases that statement upon communications that were received by the various chief clerks in his Department from the postmasters of those free-delivery offices. In support of the statement made in that letter he furnishes a communication from J. F. Bates, superintendent of the delivery system, who appends to that communication a statement giving answers from the various postmasters of the free-delivery offices, in which they set out, first, the number of hours that the letter-carriers are employed in their respective offices; second, the number of carriers who are actually employed; and third, the additional number of carriers that will be required to carry out the provisions of this bill should it become a law.

I have examined this statement very carefully, and as the gentleman from Georgia has permitted me to go on I will give the House the benefit of the information which I have acquired.

I have selected twenty-three free-delivery offices embraced in this list; and in those twenty-three offices I have discovered that the postmasters have made mistakes in their calculations which amount in the number of carriers to seven hundred and twenty-two and in the amount of money which they say is necessary to be expended to $433,200, without including the excessive charges as incidental expenses for seven hundred and twenty-two carriers.

In the city of Boston the postmaster reports that the letter-carriers work nine hours a day; that there are two hundred and ninety-five carriers in actual service, and that he will require an additional force of seventy carriers to put this bill in execution. By a calculation which I have made and which any gentleman in this House can make that postmaster is clearly in error, and instead of needing seventy additional carriers he will only need thirty-seven.

In the city of Brooklyn, where the letter-carriers are working ten hours a day, according to the postmaster, he reports that he will require one hundred additional carriers, whereas the calculation shows he will only need fifty-two.

A MEMBER. What is the number now?

Mr. CRAIN. He claims to have two hundred and nine now.

Mr. ADAMS, of New York. I wish to ask the gentleman whether these postmasters in New York and Boston in making up the number of hours these men work have reported that they work, say, ten continuous hours?

Mr. CRAIN. They do not; I will come to that before I close.

In the city of Detroit the postmaster reports he works his carriers nine and a half hours a day; that he has fifty-two in actual service, and that he will require twenty additional carriers, whereas a correct calculation will show that he will only need ten extra carriers.

In the city of Erie, the postmaster says that he works his carriers eight hours a day; that he employs twelve; and, *mirabile dictu*, that he will require twelve more to comply with the requirements of this bill, although he only works his men eight hours a day now.

In the city of Fort Wayne, according to the postmaster, there are eleven carriers, who work eleven hours a day, and he says he will require eleven extra carriers if he be compelled to carry out the provisions of this bill. The calculation will show that he is mistaken to the extent of five carriers.

In the city of Jersey City, represented by my honored friend [Mr. MCADOO], the postmaster says he works his carriers ten and three quarters hours a day; that he has thirty-six in actual service; and that he will require thirty-six more to comply with this bill.

Mr. MCADOO. Will the gentleman allow me to make a suggestion there?

Mr. CRAIN. Yes, sir.

Mr. MCADOO. I may insert a letter in the RECORD which will explain his statement.

Mr. CRAIN. I do not mean that he intentionally made an error. Do not misunderstand me. The calculation is that at Jersey City instead of thirty-six it will only require thirteen additional carriers to execute the proposed law. In Kalamazoo the postmaster has six letter-carriers, who work nine hours a day; and yet he says he will require six more to comply with the provisions of this bill; whereas in truth and in fact he will only need two. So it goes down through the list of twenty-three. I will not read the figures for each one. But I will take the city of New Haven. The postmaster there works the carriers thirteen hours a day; he has thirty-five in actual service, and says he will require twenty-five more, whereas he will only need seventeen.

Mr. BRAGG. Will the gentleman permit me to ask him a question?

Mr. CRAIN. Yes, sir.

Mr. BRAGG. Do you understand that each letter-carrier works nine or ten hours a day?

Mr. CRAIN. I have already answered that question.

Mr. BRAGG. Is not this the order of business, that they are divided up into reliefs, one going out to make one trip and the next trip being made by another relief entirely, the first carrier not going out on that trip, and the nine and a half or ten hours a day covering the whole time that they are all out?

Mr. CRAIN. They work from twelve to fifteen hours a day, if you count their actual time of service in that way. This statement means the time they are performing actual service, the time they are out on their routes. Take the city of New York—and this is the most remarkable statement, I think, in the whole list—in the city of New York the postmaster reports that he employs seven hundred and three carriers, and that he works them eight and a half hours a day; that is only half an hour more a day than this bill provides for, so that for every sixteen carriers employed by him, if this bill were to become a law, he would have to employ one additional carrier. Now, he says that in order to comply with the provisions of this bill he would have to employ five hundred additional carriers; whereas the fact is that instead of five hundred he would need only forty-four.

Any gentleman can make the calculation for himself.

Mr. HEPBURN. Will the gentleman yield for a question?

Mr. CRAIN. I can not answer many more questions, but I will yield to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. I would like to know whether these postmasters who have made these miscalculations are all recent appointments? [Laughter.]

A MEMBER. No; they have held over.

Mr. CRAIN. That is a question into which I do not desire to enter at this time.

Mr. MCADOO. The postmaster at Jersey City is a Republican, coming over from the last administration.

Mr. CRAIN. I do not think that politics ought to be injected into this discussion, and therefore I will ask the gentleman from Iowa to excuse me from answering his question further.

Take next, Mr. Speaker, the case of Philadelphia——

Mr. WEBER. If the gentleman will permit me, I would like him to state the basis of his calculation that only forty-four additional carriers would be required in New York.

Mr. CRAIN. I will tell the gentleman. The postmaster says he works his carriers eight and a half hours a day. So, if you take off half an hour from the time of each man, when you have taken off sixteen half hours an additional man must be employed to make up the

time. Therefore, for every sixteen men now employed he would have to employ an additional man, and by dividing sixteen into seven hundred and three, the total number of carriers employed, you get forty-four, the number required in excess of those actually in service.

Mr. WEBER. But with those seven hundred and three carriers now employed there are seven hundred and three routes. Now, if the gentleman will tell me how the one additional carrier whom he would employ for every sixteen now employed could cover the sixteen routes, then I will admit the correctness of his calculation.

Mr. CRAIN. I put this calculation upon the same basis as the calculations made by other postmasters whose statements I have found to be correct.

Mr. WEBER. Then those calculations are wrong, and you are proceeding upon a wrong basis, and the gentleman who said that he would require nearly as many additional carriers as he was then employing was nearer to being correct.

Mr. CRAIN. Well, I have made my calculation on the same basis upon which the other postmasters have made their statements, and applying that test I find the calculation which I have made to be correct.

Mr. WORTHINGTON. If the gentleman will permit me, suppose twenty men are employed ten hours a day. Now if you confine their labor to eight hours their day of labor ceases two hours sooner, and there are forty hours' work left to be provided for. How do you provide for that?

Mr. CRAIN. Extend the routes.

Mr. WORTHINGTON. But you can not extend the routes because of the hours at which the mails come.

Mr. CRAIN. The way I make the calculation is this: I multiply the number of hours by the number of men actually in service and I divide the result by eight, which gives the number of men that the postmaster will have to employ if this becomes a law. Then I subtract the number he now employs from the quotient, and the difference gives the number of additional men required.

Mr. WORTHINGTON. I was under that impression at one time, but I think the gentleman is in error, and I know that he desires to get the matter correctly.

Mr. CRAIN. Certainly. I am stating the basis upon which I have made the calculation, and it is the basis upon which the statements of postmasters which I found to be correct seem to have been made.

Mr. WADE. Mr. Speaker——

Mr. CRAIN. I must decline to yield further, Mr. Speaker. I also submitted this matter to the gentleman from Pennsylvania [Mr. BINGHAM], who I believe was at one time postmaster of Philadelphia, and he stated the calculation was correct according to his understanding. I am not an expert in postal matters, but I have made the calculation to the best of my ability upon the basis of the calculations of the postmasters whose statements I found to be correct.

In addition to what I have said I will state that those who have furnished the Postmaster-General this information say in substance that they do not now employ these men in actual work more than eight hours a day; that they keep them from perhaps half past six in the morning until half past six or seven at night, but that they are not actually at work on the streets gathering and delivering the mails more than eight hours a day upon an average. If it be true that they work the men only about eight hours a day, then how can it be true that an appropriation of $1,350,000 would be required to carry this bill into effect? If they employ the men only eight hours a day now, then clearly this bill will be harmless, because it will add nothing to the expenditures of the Department.

But the fact is that while these men are only engaged eight hours a day in actual service upon the streets, going through the snow and rain in every direction in the performance of their duties, yet when not thus occupied upon the streets they are compelled to consume a great deal of time in their offices in doing what is called "routing" their letters; that is, assorting them, preparing for the next outdoor service. In other words, they actually work from twelve to fifteen hours a day. This is too much work for any man to do continuously.

Mr. OATES. I would like to ask the gentleman whether any of these employés have resigned, or whether persons have refused to accept the positions on account of the hardship of the service?

Mr. CRAIN. No, sir; and repeatedly on this floor when members of Congress have been asked whether they were coming back I have heard them individually say, "I do not believe I shall; it is such hard work; we are perfect drudges and slaves; we are compelled to run from Department to Department, and to perform every kind of duty for our constituents; I do not believe I shall come back." But I have yet to hear the first case of any member resigning on this ground.

Mr. ADAMS, of New York. Neither did the car-drivers in New York resign, but the Legislature came to their rescue.

Mr. CRAIN. Of course there would have to be a reorganization of the service in the various offices. The routes would have to be lengthened and the time of service in the offices shortened so as to conform to the provisions of the bill, but the expense of carrying them out would be nothing like the amount suggested in the letter of the Postmaster-General.

The SPEAKER. The gentleman's time has expired.

Mr. BLOUNT. Mr. Speaker, the gentleman from Texas [Mr. CRAIN] has made his own estimate of the increased cost to the service which this measure will cause. While I have very great regard for that gentleman's intelligence, I think it will be much more satisfactory to the House if I have read official communications from the Post-Office Department. I therefore send to the desk to be read a communication from the superintendent of the free-delivery service, with a statement showing the whole time that these men are employed. When in actual service they are not always on their routes. The communication and tabular statement which I send to the desk to be read will disclose the time these men are actually in service.

The Clerk read as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., June 7, 1886.

SIR: In response to your communication under date of May 5, 1886, transmitting, by direction of the Committee on Rules, the inclosed draught of a bill to be proposed as an amendment to House bill No. 5540, and requesting that I inform the committee what additional expense, if any, would be caused by the passage of such a bill, and generally as to the advisability and practicability of the execution of such a law and its effect upon the postal service, I have the honor to submit herewith a report to me, under date of May 28, by the superintendent of free delivery, exhibiting the results of inquiries made of the postmasters at the several free-delivery offices, together with his estimate based thereon of the probable increase of cost in the free-delivery service by the passage of such an act; also a communication from the disbursing clerk and superintendent of this department, under date of May 7, showing the effect which the act would produce upon the force of laborers now employed in the department; and also a communication, under date of May 28, from the Superintendent of Railway Mail Service, exhibiting the probable effect of the introduction of the eight-hour law to that service.

It is perhaps not within the contemplation of the proposed act that railway mail clerks should be embraced within it; but if that is considered, the communication of the superintendent suggests very pertinent reasons why it would be an element of inconvenience and embarrassment so great as to interfere seriously with the distribution of the mails.

The communication from the superintendent of free-delivery service exhibits the probable increased cost at $1,344,822.20. In respect to this it may be remarked that although letter-carriers are in a certain sense on duty more than eight hours in many places, yet the actual labor which they perform frequently does not reach to eight hours, and while with many the service is laborious and severe, with probably a large majority the contrary is the fact.

So far as the department is concerned some small increase of the number of laborers would be necessary, but it may be still asserted that no more than eight hours labor is required of any laborer, although more hours of duty are necessary in the case of some in order to an economical arrangement of the work to be done.

I have the honor to be, very respectfully, yours,

WM. F. VILAS, *Postmaster-General.*

Hon. JOHN G. CARLISLE,
Speaker House of Representatives.

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., June 8, 1886.

SIR: In the communication which I had the honor to address to you upon the subject of the proposed eight-hour legislation for letter-carriers, I mentioned as one of the accompanying papers a communication from the Superintendent of Railway Mail Service to me. By accident, my secretary omitted to include it, and I beg herewith to hand it to you to go with my former communication.

Very respectfully, yours,

WM. F. VILAS, *Postmaster-General.*

Hon. JOHN G. CARLISLE,
Speaker House of Representatives.

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
FREE-DELIVERY DIVISION,
Washington, D. C., May 28, 1886.

SIR: I have the honor to inform you that on receipt of the inclosed letter of T. E. Nash, esq., chief clerk, I addressed a circular to the postmasters at the free-delivery offices, one hundred and eighty-one in number (a copy of which is also inclosed), and all of them have replied. I send you a tabular statement herewith, showing in detail the number of additional carriers which will be required in the event of the passage of the bill referred to. It will be noticed that the total number is two thousand two hundred and eight. As sixteen officers report that double the present force will be required, and others a large proportionate number, it is my opinion that a reorganization under the direction of a careful inspector would permit a reduction of the number estimated in many cases. The difference in the time of arrival and departure of mails at different offices will account in part for the disproportion in the several estimates. The additional expenses immediately connected with the free-delivery system will be as follows:

2,208 carriers, at $600 each	$1,324,800 00
2,208 satchels, at $2.15 each	4,747 20
Additional horse-hire	2,500 00
Additional car-fare	6,875 00
*Additional carrier furniture, 118 offices	5,900 00
Total amount for first year	1,344,822 20

It will be difficult to fully comply with the provisions of this law, owing to frequent changes in the time of arrival and departure of mails, which will require reorganization of the force from time to time. Even with the increase in number of carriers, a majority of the postmasters express grave doubts as to their ability to literally comply with this law, and at the same time render satisfactory service to the public.

Very respectfully, yours,

J. F. BATES,
Superintendent of Free-Delivery System.

Hon. WILLIAM F. VILAS,
Postmaster-General.

*The remaining offices, sixty-three in number, are in Government buildings, and no estimate for carrier furniture is made, as this is provided by the Treasury Department.

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
FREE-DELIVERY DIVISION,
Washington, D. C., May 8, 1886.

SIR: A bill is now pending in Congress which provides as follows:

"Eight hours shall constitute a day's work for laborers, workmen, mechanics, and letter carriers, who are now, or may hereafter be, employed in the civil service by or on behalf of the Government of the United States."

Please inform this office what effect the passage of such a law will have on your carrier service. How many hours of labor are now required of your letter carriers, including the time they are necessarily employed in the post-office? In reorganizing your force so as to comply with this law, based on the construction that it means eight consecutive hours, or such a reasonable division of that time as to substantially comply with this construction, will additional carriers be required at your office, and if so, how many? What additional expense other than for carriers' salaries will necessarily be incurred?

This information is called for by Congress, and an immediate answer is therefore necessary. Please reply promptly and greatly oblige,

Very respectfully yours.

J. F. BATES,
Superintendent Free-Delivery System.

Postmaster ——,
—— ——.

Reports of postmasters regarding the "eight-hour law," showing number of carriers now in service and additional number which will be rquired.

Free-delivery cities.	Hours employed.	Carriers in service.	Additional required.
Akron, Ohio	10½	7	2
Albany, N. Y	10	32	3
Allegheny, Pa	11½	19	6
Allentown, Pa	10	7	2
Altoona, Pa	9½	7	1
Atchison, Kans	11	6	4
Atlanta, Ga	11½	17	6
Auburn, N. Y	10½	9	3
Augusta, Ga	10	8	8
Augusta, Me	9	5	1
Aurora, Ill	10	7	2
Austin, Tex	12	6	3
Baltimore, Md	12	146	73
Bangor, Me	9½	5	1
Bay City, Mich	11	6	4
Binghampton, N. Y	10	8	2
Bloomington, Ill	7½	8	8
Boston, Mass	9	295	70
Bridgeport, Conn	10½	12	9
Brockton, Mass	11½	6	3
Brooklyn, N. Y	10	209	100
Buffalo, N. Y	10	58	15
Burlington, Iowa	9	10	2
Burlington, Vt	10½	6	2
Camden, N. J	11½	13	7
Canton, Ohio	11	6	3
Cedar Rapids, Iowa	10	5	2
Charleston, S. C	8	12	0
Chattanooga, Tenn	11	7	3
Chicago, Ill	11	360	135
Cincinnati, Ohio	9	122	15
Cleveland, Ohio	11	65	25
Columbus, Ohio	9½	23	3
Concord, N. H	11½	5	3
Council Bluffs, Iowa	12	6	3
Covington, Ky	10	8	2
Dallas, Tex	10½	10	4
Davenport, Iowa	10	9	4
Dayton, Ohio	11	16	6
Decatur, Ill	11	5	2
Denver, Colo	10	25	4
Des Moines, Iowa	10½	17	8
Detroit, Mich	9½	52	20
Dubuque, Iowa	9	8	6
Duluth, Minn	11	6	1
Easton, Pa	12	7	4
East Saginaw, Mich	9½	9	4
Eau Claire, Wis	11	8	2
Elgin, Ill	12	5	3
Elizabeth, N. J	10½	10	3
Elmira, N. Y	10	9	3
Erie, Pa	8	12	12
Evansville, Ind	11	12	6
Fall River, Mass	11	12	3
Fitchburg, Mass	10½	5	2
Fort Wayne, Ind	12	11	11
Fort Worth, Texas	11	7	2
Galesburgh, Ill	11½	6	2
Galveston, Tex	10½	11	2
Gloucester, Mass	10½	6	2
Grand Rapids, Mich	10	17	4
Hannibal, Mo	10½	5	2
Harrisburg, Pa	12½	10	5
Hartford, Conn	10	19	6
Haverhill, Mass	10½	7	3
Hoboken, N. J	10½	7	7
Holyoke, Mass	11	7	2
Houston, Texas	8	9	2
Indianapolis, Ind	11	37	14
Jackson, Mich	11¾	8	6
Jacksonville, Fla	12	7	3
Jamestown, N. Y	11	5	3
Jersey City, N. J	10¾	36	36
Kalamazoo, Mich	9	6	6
Kansas City, Mo	12	39	20
Keokuk, Iowa	11	6	6
Knoxville, Tenn	12	8	4
La Crosse, Wis	11	8	3
Lafayette, Ind	11½	7	5
Lancaster, Pa		10	

Reports of postmasters regarding the "eight-hour law," &c.—Continued.

Free-delivery cities.	Hours employed.	Carriers in service.	Additional required.
Lansing, Mich	11	6	6
Lawrence, Kans	8	6	3
Lawrence, Mass	12	12	12
Leadville, Colo	12	4	1
Leavenworth, Kans	8	8	1
Lewiston, Me	10½	6	2
Lexington, Ky	9	7	3
Lincoln, Nebr	10	8	1
Little Rock, Ark	10½	7	3
Lockport, N. Y	10	6	1
Los Angeles, Cal	10	11	2
Louisville, Ky	9	49	4
Lowell, Mass	10	19	5
Lynchburg, Va	11	8	4
Lynn, Mass	9	13	5
Macon, Ga	9	9	5
Madison, Wis	12	5	5
Manchester, N. H	10	11	4
Mansfield, Ohio	10½	5	2
Memphis, Tenn	11	16	16
Meriden, Conn	10	6	1
Milwaukee, Wis	10	47	12
Minneapolis, Minn	10	40	10
Mobile, Ala	10	8	3
Montgomery, Ala	9	5	0
Nashville, Tenn	9½	17	3
Newark, N. J	8½	42	3
New Bedford, Mass	12	11	5
Newburg, N. Y	10½	6	2
New Haven, Conn	13	24	25
New Orleans, La	11	75	18
Newport, Ky	10	4	2
Newport, R. I	10	7	4
New York, N. Y	8½	703	500
Norfolk, Va	10	9	2
Norwich, Conn	11	7	3
Oakland, Cal	10	14	14
Omaha, Nebr	10	21	6
Oshkosh, Wis	8½	8	3
Oswego, N. Y	11	8	4
Ottumwa, Iowa	9	6	3
Paterson, N. J	10½	14	4
Pawtucket, R. I	11	7	3
Peoria, Ill	11	11	4
Petersburg, Va	10	6	2
Philadelphia, Pa	11	439	237
Pittsburgh, Pa	10½	55	20
Pittsfield, Mass	11	5	4
Portland, Me	9¾	16	5
Portland, Oreg	10	8	3
Pottsville, Pa	10½	5	3
Poughkeepsie, N. Y	10	7	2
Providence, R. I	10	40	10
Quincy, Ill	12	11	8
Racine, Wis	12	6	2
Raleigh, N. C	8	4	4
Reading, Pa	11	15	6
Richmond, Ind	11	7	3
Richmond, Va	12	25	14
Rochester, N. Y	10	33	9
Rockford, Ill	9½	9	2
Sacramento, Cal	10	10	2
Saint Joseph, Mo	12	15	5
Saint Louis, Mo	11	172	65
Saint Paul, Minn	10	39	35
Salem, Mass	11	8	3
Salt Lake City, Utah	7	7	0
San Antonio, Tex	9	9	3
Sandusky, Ohio	10	6	4
San Francisco, Cal	10½	101	100
San José, Cal	14	6	5
Saratoga Springs, N. Y	12	6	6
Savannah, Ga	12	9	3
Scranton, Pa	9	19	0
Sedalia, Mo	12	5	3
Sioux City, Iowa	12	6	6
South Bend, Ind	12	7	2
Springfield, Ill	9½	10	1
Springfield, Mass	10½	13	9
Springfield, Ohio	10½	12	2
Syracuse, N. Y	10	24	4
Taunton, Mass	10	7	3
Terre Haute, Ind	10	11	2
Toledo, Ohio	11	24	8
Topeka, Kans	10½	9	3
Trenton, N. J	12	14	6
Troy, N. Y	10½	24	4
Utica, N. Y	11	14	5
Washington, D. C	11	75	30
Waterbury, Conn	10	6	4
Watertown, N. Y	8	6	0
Wheeling, W. Va	9	10	9
Wilkes Barre, Pa	11	9	5
Williamsport, Pa	12	8	4
Wilmington, Del	10½	15	6
Wilmington, N. C	12	6	3
Worcester, Mass	10¾	17	6
Yonkers, N. Y	12	8	3
York, Pa	11	8	8
Youngstown, Ohio	9½	6	2
Zanesville, Ohio	10	6	2
Total		4,842	2,208

POST-OFFICE DEPARTMENT,
OFFICE OF DISBURSING CLERK AND SUPERINTENDENT,
Washington, D. C., May 7, 1886.

SIR: In response to your request that I should state how the work of this Department would be affected by the passage of House bill No. 5540, relative to the eight-hour law for laborers, workmen, and mechanics, I have the honor to report that the carpenters, plumber, awning-maker, watchmen, engineers, firemen, and elevator conductors now work eight hours a day.

There are in this Department forty-nine laborers at a salary of $660 per annum. Twenty-nine of these are employed in the various divisions at work which requires them to be here during office hours from 9 a. m. until 4 p. m., seven hours a day.

The other twenty are under the superintendent of the building, and their duties, in the care of the building, require them to be here from 6 a. m. to 8.30 a. m. They report again at 11 a. m., and are on hand from that time until 4 p. m. to do all the heavy work of the Department, such as moving and lifting furniture and carrying books, files, heavy bags, and packages of documents, &c. From 4 until 6.30 p. m., and often later, they are employed in cleaning the building; making, in all, a working day of ten hours.

Should the hours of work of these men be reduced to eight hours a day, it would necessitate an increase of at least ten laborers, in order to have a sufficient number on hand at the times when their services are required. This would add $6,600 to the appropriation to be made for laborers in the office of the disbursing clerk and superintendent.

Very respectfully,

PERRY C. SMITH,
Disbursing Clerk and Superintendent.

Hon. WILLIAM F. VILAS,
Postmaster-General.

POST-OFFICE DEPARTMENT,
OFFICE GENERAL SUPERINTENDENT OF RAILWAY MAIL SERVICE,
Washington, D. C., May 28, 1886.

SIR: Replying to yours of May 6, transmitting copy of the bill to amend House bill 5540, relative to the eight-hour law, so as to read:

"Eight hours shall constitute a day's work for laborers, workmen, mechanics, and letter-carriers, who are now or who may hereafter be employed in the civil service by or on behalf of the Government of the United States; and there shall be no reduction in compensation paid for services rendered by reason of the limitation of the hours of labor prescribed by this act, &c."—

and wherein you ask my views regarding the effect that such a law would have upon the railway mail service, I would state that I have carefully considered the matter, in connection with division superintendents, and I am clearly of the opinion that such a law could not be applied to and should have no bearing upon railway postal clerks; and this opinion is indorsed by all of the division superintendents, who, by reason of their having immediate charge of the men and the work, are the best judges of the effect that such a law would have upon the practical workings of the service.

Upon the 20th day of March last there were in the service 4,526 clerks; of these, 4,159 were employed in postal cars upon the lines, 17 in the office of the general superintendent, 91 in the offices of the nine division superintendents: 47 as chief clerks, 15 as assistants to chief clerks, and 197 as transfer clerks. Now, considering these different classes separately, I think you will agree with me that, so far as the clerks employed upon lines are concerned, a law of this kind prescribing a specific period of time as a day's labor could not be put into effect. It is necessary for the proper distribution of the mail that clerks should be on duty between certain points, in most cases terminals upon railroads. The schedules upon which trains are run between these points are arranged solely and exclusively by the railroad companies, and over them the Department has no control whatever. If the time consumed upon a trip is only six hours it would be wholly unnecessary to hold such a clerk upon duty for two additional hours when there would be nothing for him to do. If, on the other hand, the run is of nine hours' duration, you can readily see that it would be impracticable to relieve this clerk at the end of eight hours and place another clerk upon the line for whom there would only remain one hour's duty. Each clerk is held personally responsible for mail worked.

It would, therefore, be necessary for the first clerk to tie out his mail and for the clerk coming on duty at that point to open up a new case. This, of course, would consume time. The point at which the eight hours would expire would just as liable be at some small, unimportant point, and in most cases the clerk going off duty would very probably ride to the end of the road any way in order to get a suitable place to stay. A large majority of the clerks upon lines are only on duty a portion of the time, the balance of the time being needed for rest and study; and this introduces a new feature, in that while the clerks are not on actual duty upon the cars, still, as it is necessary that they should study in order to perfect themselves in their work, they can not strictly be said to be off duty while so doing.

The railway mail service demands fully as much mental as physical labor. A clerk is required to commit to memory his schemes of distribution, to make himself thoroughly familiar with railroad schedules and connections, to make out daily, monthly, and a number of special reports, to appear for examination at stated periods, keep a careful and accurate record of all registered matter handled, and thoroughly understand the postal laws and regulations. He can not, therefore, be properly classed as a laborer. While his duties could not exactly be classed as professional, still the intellectual strain he is required to undergo is akin to that required in the learned professions.

CHIEF CLERKS.

The work of these men is more executive than clerical in its nature, and I think it would be very detrimental to the service to attempt to prescribe a certain number of hours as a day's work for these men. They are, as a rule, in charge of a large number of clerks and are required to see that the work is properly performed upon the lines assigned to them. In cases where clerks are sick or disabled they are expected to see that the work is properly performed either by other clerks or substitutes. They are required to keep track of the distribution upon the various lines, to issue orders to the clerks regarding the same, to conduct examinations, and to attend to a large correspondence. They are subject to the call of duty at any hour of the day or night; and, while I do not think that under ordinary circumstances they are employed an average of more than eight hours per day, still there are emergencies that require their watchful care and attention, sometimes covering a period of several days, during which a chief clerk is required to obtain such rest as he can and when he can and still meet the emergency and uphold the efficiency of the service.

Chief clerks, as above stated, are required to examine the clerks; and while a chief clerk is doing this he is required to hold the clerk being examined under his personal supervision. The clerk is not allowed to leave the examination case, and he is not limited as to time; hence, if the chief clerk was only on duty for eight hours, it would probably often happen that the eight hours would expire while one or more clerks were in the midst of an examination; therefore, the examination would have to be thrown up, unless there was another chief clerk there to continue it. The placing of two or more chief clerks at any point (and under the eight-hour system it would require three at very important points, because they are liable to be called upon to act at any hour of the day or night) would, I think, result disastrously to the service, in that there would very likely be a conflict of authority and multiplication of ideas of government and discipline.

TRANSFER CLERKS.

These men are stationed at the depots at important points to attend to the proper transfer and dispatch of the mails. In many cases there is but one clerk employed to attend to all of the mails arriving and departing during the twenty-four hours, and in a great many cases he may properly be said to be on duty every hour in the day; still, when you consider the nature of his duties you will readily see that this is not true. He is only occupied when trains are arriving and departing. There are many hours of the twenty-four when he has practically nothing to do, and many more in which he is only occupied a few moments.

At the larger points where there is more than one clerk employed the work is arranged, as nearly as possible, upon the eight-hour system, and a clerk is occupied continuously during that time either in attending to the receipt or dispatch of mails from and to trains or in other duties, such as making reports, distributing wooden labels and pouch slides, putting up and dispatching supplies, &c. While with these men the eight-hour system could probably be adopted, it would result in a large expenditure to the Government without, I think, any commensurate increase in the efficiency of the service. Transfer clerks, in my estimation, are not overworked. They are as a rule at home every night and in most cases their pay is ample for the work performed.

I have not attempted to obtain specific figures as to the increased expenditure that would be caused by the introduction of the eight-hour system, where possible, in this service. I think I have demonstrated that the only class of clerks that could be affected by the introduction of this system is that of transfer clerks. This class would probably have to be increased about one-third; but considering the nature of their duties and upon the basis that they are not underpaid at present, I could not recommend such an increase in the force and such a diminution of work without recommending a reduction of pay, in many cases probably to such a figure that the present skilled help would not consent to remain. In fact, as a class, I am sure they would prefer to perform their duties as at present and retain present pay.

Very respectfully,

JNO. JAMESON,
General Superintendent.

Hon. WILLIAM F. VILAS,
Postmaster-General, Washington, D. C.

Pending the reading of documents sent to the desk by Mr. BLOUNT the following proceedings took place:

Mr. LAWLER. I ask unanimous consent, as there is so much noise in the Hall, that the further reading of these documents be dispensed with.

Mr. BLOUNT. The gentleman has not the floor for that purpose.

The SPEAKER. These papers are being read in the time of the gentleman from Georgia, and, as the Chair understands, he does not yield for the request of the gentleman from Illinois [Mr. LAWLER] for unanimous consent.

Mr. O'NEILL, of Missouri. Mr. Speaker——

The SPEAKER. Does the gentleman from Georgia yield?

Mr. BLOUNT. I do for a moment.

Mr. O'NEILL, of Missouri. I ask unanimous consent that leave be granted members generally to print remarks on the various bills which have been passed this evening.

The SPEAKER. The gentleman from Missouri asks unanimous consent that leave be given to all members who desire to do so to print in the RECORD remarks upon the bills——

Mr. O'NEILL, of Missouri. Considered this evening.

The SPEAKER. Upon the bills considered this evening, whether passed or not. Is there objection? The Chair hears none.

Mr. BINGHAM. Does that apply to the pending bill?

The SPEAKER. As the Chair stated the request, it does. The gentleman's proposition as first stated applied to "bills passed;" but as modified it applied to all bills considered.

Mr. LORE. Mr. Speaker, I objected when the Chair called for objection. I merely desire to state that I did so in order not to have so much matter printed in the RECORD that is not necessary.

The SPEAKER. The gentleman from Delaware [Mr. LORE] objects.

Mr. BLOUNT. Mr. Speaker, while the reading is being interrupted I will ask unanimous consent to have the letter of the Postmaster-General on this subject printed in the RECORD in connection with my remarks. What the Clerk has been reading is from other officers of the Department.

The SPEAKER. The gentleman from Georgia asks unanimous consent to print in the RECORD the letter of the Postmaster-General on this subject. Is there objection? The Chair hears none.

Mr. MCADOO. Mr. Speaker, I made a statement in regard to the postmaster of Jersey City which I want to make more explicit in the RECORD. Therefore I ask unanimous consent to print as a part of the debate on the pending bill some additional remarks—probably not more than a "stickful" of printed matter.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to print in the RECORD a brief statement in regard to the postmaster at Jersey City. Is there objection? The Chair hears none.

Mr. BINGHAM. Mr. Speaker, the chairman of the committee on the Post-Office and Post-Roads [Mr. BLOUNT] has been allowed the privilege of printing in the RECORD a communication of the Postmaster-General on this subject. There is a disposition on the part of some gentlemen here to take exception to some propositions embraced in that statement; and it seems to me but fair, for a full understanding of the question should it be considered in the future, that the privilege of printing remarks on the pending bill be extended to all members.

The SPEAKER. The gentleman from Pennsylvania [Mr. BING-

HAM] asks unanimous consent that leave be granted to all members desiring to do so to print remarks on the bill now under consideration. Is there objection? The Chair hears none.

Mr. REID, of North Carolina. I renew the request that leave be granted to all members desiring it to print remarks on the bills which have been passed to-night. I hope the objection which has been made will not be pressed.

Mr. WINANS. I object.

The SPEAKER. The hour of 11 o'clock having arrived, the House, in accordance with its previous order, stands adjourned until to-morrow morning at 11 o'clock.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk under the rule, and referred as follows:

By Mr. G. E. ADAMS: Memorial of the American Humane Association, on transportation of live stock—to the Committee on Commerce.

By Mr. BARRY: Petition of John Young; of B. R. Boydstone, administrator of H. U. Kerr, deceased; of Mrs. Ann C. Weatherly, widow of Joseph A. Weatherly, deceased; of Samuel H. Miller; of Mrs. Hettie E. Ladd, formerly Black; of William Taliafero; and of Narcissa Tarver, widow, and others, heirs of Robert Tarver, of Yalobusha County; of Phil. Davis and of John White, of Chickasaw County, Mississippi, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. CROXTON: Petition of Annie M. Smith, of Accomack County, Virginia, requesting that her war claim be referred to the Court of Claims—to the same committee.

By Mr. CUTCHEON: Memorial of Merritt Lewis, of Lansing, Mich., praying for the passage of House bill increasing his pension—to the Committee on Invalid Pensions.

By Mr. GROUT: Testimony in support of House bill granting a pension to Harmon Day—to the same committee.

By Mr. MATSON: Petition of N. B. Graham, for a pension—to the same committee.

By Mr. PEEL: Petition of Avery Marrs, of Washington County, Arkansas, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. PETERS: Evidence in the claim of Jesse G. Hamilton, for an invalid pension—to the Committee on Invalid Pensions.

By Mr. RANNEY: Petition of Alfred Bloxham, for an invalid pension—to the same committee.

By Mr. ST. MARTIN: Petition of Jane M. Anderson, of Orleans Parish, and of Zuline Augamar, of Orleans Parish, Louisiana, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. SENEY: Paper in the case of Robert Burke, for relief—to the Committee on Invalid Pensions.

By Mr. STAHLNECKER: Petition in favor of Senate bill 2157, for the improvement of New York Harbor—to the Committee on Rivers and Harbors.

By Mr. W. J. STONE, of Kentucky: Petition of citizens of Hickman, Fulton, and Marshall Counties, Kentucky, asking that the coinage of silver be made unlimited—to the Committee on Coinage, Weights, and Measures.

The following petitions, asking for the passage of House bill 7887, repealing timber-culture, pre-emption, and desert-land acts; of House bill 7021, for adjustment of railroad and other land grants; of bill forfeiting all railroad land grants the conditions of which have not been strictly complied with; of House bill organizing the Territory of Oklahoma; of Senate bill opening a portion of the great Sioux reservation to settlement; of bill prohibiting aliens from holding land in the United States; of bill making Presidential and Congressional election days holidays, and punishing bribery; and of bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired, were severally referred to the Committee on the Public Lands:

By Mr. W. W. BROWN: Petition of James F. Reily and 37 others and of R. W. Smith and 75 others, citizens of the sixteenth district of Pennsylvania.

By Mr. J. M. CAMPBELL: Petition of C. A. Miller and 74 others, citizens of the seventeenth district of Pennsylvania.

By Mr. COMSTOCK: Petition of Henry Witters and 17 others, citizens of the fifth district of Michigan.

By Mr. FUNSTON: Petition of J. W. Babb and 42 others and of H. Pettingill and 84 others, citizens of the second district of Kansas.

By Mr. J. J. O'NEILL: Petition of William Fitzgerald and others and of John W. Garry and 80 others, citizens of the eighth district of Missouri.

By Mr. PEEL: Petition of citizens of Eureka Springs, Ark.

By Mr. RIGGS: Petition of Frederick Fleer and 95 others and of George G. Smith and 500 others, citizens of the twelfth district of Illinois.

By Mr. CHARLES STEWART: Petition of Alexander Gaines and 28 others, of Frank Duvall and 30 others, of L. Gause and 96 others, of H. Kidney and 16 others, and of John Holland and 70 others, citizens of the first district of Texas.

By Mr. SYMES: Petition of Arnold Bringleman and 100 others, of James Stewart and 75 others, of W. H. Lynch and 125 others, of V. H. Klein and 197 others, of Thomas Higgins and 270 others, and of F. C. Williams and 50 others, citizens of the first district of Colorado.

By Mr. WEST: Petition of Frank Beebe, M. D., and others, citizens of Fulton County, New York.

By Mr. WISE: Petition of C. E. Hill and 61 others and of W. T. Lawrence and 266 others, citizens of the third district of Virginia.

SENATE.

FRIDAY, *July* 16, 1886.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

CALL OF THE SENATE.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a letter of the Secretary of the Treasury, transmitting a supplemental list of claims for horses and other property lost in the military service of the United States allowed by the accounting officers of the Treasury; which will be read.

Mr. INGALLS. Mr. President, is there a quorum present?

The PRESIDENT *pro tempore*. A quorum is not present. Does the Senator desire business to be suspended or to have a call of the Senate?

Mr. INGALLS. The Chair has certain duties devolved upon him when the absence of a quorum is apparent.

The PRESIDENT *pro tempore*. There will be a call of the Senate. The Secretary will call the roll of Senators and those present will answer to their names.

The Secretary proceeded to call the roll, and the following Senators answered to their names:

Allison,	Cullom,	Harris,	Sherman,
Beck,	Dawes,	Harrison,	Spooner,
Berry,	Dolph,	Hawley,	Teller,
Blackburn,	Edmunds,	Ingalls,	Vance,
Blair,	Eustis,	Logan,	Van Wyck,
Call,	Evarts,	McMillan,	Walthall,
Camden,	Frye,	Miller,	Whitthorne,
Chace,	George,	Payne,	Wilson of Iowa,
Cockrell,	Gibson,	Platt,	Wilson of Md.
Coke,	Hale,	Saulsbury,	
Conger,	Hampton,	Sewell,	

Mr. CHACE. I desire to announce that my colleague [Mr. ALDRICH] is detained from the Senate by sickness.

Mr. EDMUNDS. I wish to state that my colleague [Mr. MORRILL] is absent on account of illness.

Mr. MCMILLAN. My colleague [Mr. SABIN] is detained from the Senate by sickness.

The PRESIDENT *pro tempore*. Forty-one Senators have answered to their names. The Chair will proceed with morning business.

Mr. CONGER. Why not proceed with the call? There has been no order to stop proceedings under the call, I believe.

The PRESIDENT *pro tempore*. A quorum being present, business proceeds according to the rule.

Mr. EDMUNDS. The rule simply provides, I think, tha, when the want of a quorum is disclosed the roll shall be called, and if that discloses the presence of a quorum, no other proceedings are to be taken without a distinct motion therefor.

The PRESIDENT *pro tempore*. When a quorum is present the rule seems to contemplate that no further proceedings shall be had.

Mr. CONGER. It takes about five minutes to have the roll called, hardly enough time to enable Senators who have left their committee-rooms and business here to be in; and I think we had better go on with the call, and not go through the shadowy form every time.

The PRESIDENT *pro tempore*. Does the Senator from Michigan move to proceed with the call?

Mr. CONGER. I will not make any motion.

The PRESIDENT *pro tempore*. The letter of the Secretary of the Treasury presented by the Chair will be read.

Mr. HALE. Before that goes on, I wish to make an inquiry as to these last proceedings. Do these proceedings under the call go into the RECORD?

The PRESIDENT *pro tempore*. They do. They are provided for by an express rule. So that Senators may see it is necessary for them to be present, the Chair will ask that the rule be read. It is the imperative duty of the Chair, upon a suggestion being made, to have the roll called.

The Chief Clerk read as follows:

RULE V.

QUORUM—ABSENT SENATORS MAY BE SENT FOR.

1. No Senator shall absent himself from the service of the Senate without leave.

2. If, at any time during the daily sessions of the Senate, a question shall be raised by any Senator as to the presence of a quorum, the presiding officer shall

forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate.

3. Whenever upon such roll-call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, shall be in order.

Mr. HALE. I never could see much use in these calls. Senators get in as early as possible and many are away engaged on public business in their committee-rooms. But if it is done it ought to appear of record. There was a call, or a partial call, yesterday morning, if I remember aright. I do not find any account of it or record of it in the CONGRESSIONAL RECORD. Perhaps I have not examined it carefully enough, but looking at the proceedings of the Senate of July 15 I do not discover a report of any call. It may be that I am wrong.

The PRESIDENT *pro tempore*. The record of proceedings certainly ought to show an act done in pursuance of a rule of the Senate.

Mr. EDMUNDS. I think it was almost the first thing done yesterday.

The PRESIDENT *pro tempore*. The Reporter informs the Chair that the RECORD does show exactly what occurred. The report of it will be found on page 7374.

Mr. HALE. I have been trying to find it. I thought it was early in the morning. Perhaps it was later.

The PRESIDENT *pro tempore*. If there be no question raised the routine business will be proceeded with.

Mr. VEST. Is the call concluded?

The PRESIDENT *pro tempore*. It is concluded.

Mr. VEST. I was in the building at the time and I came immediately into the Senate Chamber. I do not want to be marked as an absentee.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a supplemental list of claims for horses and other property lost in the military service allowed by the accounting officers of the Treasury; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General transmitting, in response to a resolution of March 26, 1886, an additional account for moneys due to the commissioners appointed by the court to examine and report on the damages against the Government occasioned by the erection of dams on the Fox and Wisconsin Rivers, in the State of Wisconsin; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. EVARTS. I present fourteen memorials signed by 580 citizens of New York city and Brooklyn remonstrating against taxing oleomargarine. I move that the memorials lie on the table.

The motion was agreed to.

Mr. VANCE presented the petition of Daniel R. Goodloe, praying to be allowed compensation for the lost manuscript of his work entitled "Compilation of internal-revenue legislation, with a brief sketch of the debates leading to the passage of the several acts from 1791 to the present time;" which was referred to the Committee on Printing.

Mr. MILLER presented a petition of citizens of Franklinton, Schoharie County, New York, praying for the passage of the oleomargarine bill; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. DAWES, from the Committee on Indian Affairs, to whom were referred the following bills, reported them severally without amendment:

A bill (S. 2407) for the relief of Charles A. Ruffee; and

A bill (S. 2408) for the relief of Charles A. Ruffee.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2995) for the relief of Francis H. Shaw, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. DAWES introduced a bill (S. 2855) to authorize a change of location of a certain Indian school building in Washington Territory; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MILLER introduced a bill (S. 2856) to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2857) to amend section 4414 of the Revised Statutes fixing the compensation of inspectors of hulls and boilers in the several districts of the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MITCHELL, of Oregon, introduced a bill (S. 2858) to pay the heirs of George W. Harris and his wife, Mary A. Harris, and their daughter, Sophia Love, deceased, and others for the depredations of the Rogue River Indians in 1853, 1855, and 1856; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

INDIAN TRADERS.

Mr. PLATT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the select committee to investigate the subject of licenses to Indian traders be authorized to have 50 copies of the testimony taken and to be taken printed for the use of the committee.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" the Calendar is in order under the eighth rule.

Mr. HALE. I move that the Senate proceed to the consideration of the river and harbor bill.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate proceed to the consideration of the river and harbor bill.

Mr. BLAIR. Before that motion is put I should like to remind the Senate that it was distinctly understood yesterday that we should take up pension bills this morning.

Mr. HALE. The chairman of the Committee on Commerce [Mr. MCMILLAN] is now here, and he will take care of the bill himself.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maine to proceed to the consideration of the river and harbor bill.

The motion was agreed to.

REMOVAL OF EASTERN CHEROKEES.

Mr. CHACE. I move to recommit to the Committee on Indian Affairs the bill (S. 1799) for the removal of the Eastern Cherokee Indians to the Indian Territory.

The PRESIDENT *pro tempore*. Pending the river and harbor bill the Senator from Rhode Island moves to recommit to the Committee on Indian Affairs the bill named by him.

Mr. EDMUNDS. He must ask unanimous consent pending this bill.

Mr. CHACE. I ask unanimous consent.

The PRESIDENT *pro tempore*. The Senator from Rhode Island asks unamimous consent that Order of Business 1362, being the bill (S. 1799) for the removal of the Eastern Cherokee Indians to the Indian Territory, be recommitted to the Committee on Indian Affairs. The Chair hears no objection, and that order will be made.

ORDER OF BUSINESS.

Mr. MCMILLAN. That was done laying aside the river and harbor bill informally?

The PRESIDENT *pro tempore*. Yes. The river and harbor bill is now before the Senate.

Mr. EDMUNDS. I ask unanimous consent that the river and harbor bill be informally laid aside in order that the Committee on Pensions may request the Senate to go through at least until half past 12 o'clock with the private pension bills that are on the Calendar.

Mr. HALE. Unobjected cases.

The PRESIDENT *pro tempore*. Is there objection?

Mr. BUTLER. I object, Mr. President.

Mr. MCMILLAN. I understood that it was the understanding yesterday, and therefore I have no objection to interpose to it.

The PRESIDENT *pro tempore*. The Senator from South Carolina objects.

Mr. BLAIR. I move to take up the first pension bill on the Calendar, which is the bill (H. R. 5921) granting an increase of pension to John Ryan.

Mr. HARRIS. If the motion of the Senator from New Hampshire is agreed to I suppose it displaces the river and harbor bill.

Mr. EDMUNDS. Yes; and we are going to take it up again when we get through with the pension bills.

Mr. BLAIR. I hope there will be no objection to disposing of these pension bills. I do not think that they will take more than half an hour. I only wish to run through with them so that whatever of them it shall be necessary for the other House to act upon may go to the House. I do not believe it will take more than until 12 o'clock to dispose of everything of the kind on the Calendar.

Mr. BUTLER. I object.

Mr. BLAIR. I hope the Senator will withdraw his objection. I insist on my motion.

The PRESIDENT *pro tempore*. The motion is to proceed to the consideration of the bill (H. R. 5921) granting an increase of pension to John Ryan.

Mr. MCMILLAN. I hope it will be the understanding that the river and harbor bill will be taken up immediately after these bills are disposed of.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Hampshire.

Mr. BLAIR. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "nay."

Mr. CAMDEN (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr CHACE (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. If he were here, I should vote "nay."

Mr. EDMUNDS. And my colleague would vote "yea."

The roll-call was concluded.

Mr. BLACKBURN (after having voted in the negative). I have been paired with the Senator from Nebraska [Mr. MANDERSON], and as I see he is not in his seat I withdraw my vote.

Mr. CONGER. My colleague [Mr. PALMER] is detained at his room by sickness this morning and unable to be here. I have understood that generally he is paired with the Senator from North Carolina [Mr. VANCE], but I do not know whether that pair still stands.

Mr. VANCE. I have had no notice of his desire to pair, but if he does I am willing to withdraw my vote.

Mr. CONGER. I did not speak in reference to this vote, but for pairing during the day, a general pair, if that will be the understanding. If not, let it remain, and I will try to arrange a pair for my colleague.

Mr. VANCE. Very well; I shall consider myself paired from this time on.

The PRESIDENT *pro tempore*. Is the Senator from North Carolina understood to withdraw his vote?

Mr. VANCE. No, sir; not on this question.

Mr. SEWELL (after having voted in the affirmative). As there seems to be a political division on this question, I withdraw my vote, as I am paired with my colleague [Mr. MCPHERSON].

The result was announced—yeas 25, nays 19; as follows:

YEAS—25.

Allison,	Frye,	Logan,	Stanford,
Blair,	Hale,	McMillan,	Teller,
Conger,	Harrison,	Miller,	Whitthorne,
Cullom,	Hawley,	Platt,	Wilson of Iowa.
Dawes,	Hoar,	Plumb,	
Edmunds,	Ingalls,	Sherman,	
Evarts,	Jones of Nevada,	Spooner,	

NAYS—19.

Beck,	Eustis,	Maxey,	Vance,
Berry,	Gibson,	Mitchell of Oreg.,	Vest.
Call,	Gray,	Payne,	Walthall,
Coke,	Hampton,	Pugh,	Wilson of Md.
Dolph,	Harris,	Ransom,	

ABSENT—32.

Aldrich,	Cockrell,	Kenna,	Pike,
Blackburn,	Colquitt,	McPherson,	Riddleberger,
Bowen,	Fair,	Mahone,	Sabin,
Brown,	George,	Manderson,	Saulsbury,
Butler,	Gorman,	Mitchell of Pa.,	Sawyer,
Camden,	Hearst,	Morgan,	Sewell,
Cameron,	Jones of Arkansas,	Morrill,	Van Wyck,
Chace,	Jones of Florida,	Palmer,	Voorhees.

So the motion was agreed to.

The PRESIDENT *pro tempore*. The pension bill is before the Senate.

Mr. CONGER. I desire to state that I voted for leaving the river and harbor bill because I am informed that there was some understanding yesterday that the pension cases should be taken up to-day. Otherwise I should have liked to go on with that bill.

Mr. BECK. I wish to say that when the Senator from Minnesota made the motion to proceed to the consideration of the river and harbor bill I voted with him, but when I heard him set aside his own bill, after making us sit here until after midnight two nights ago in order to get through with the bill, when he has asked unanimous consent time and again to have it closed at a particular time, and limiting debate to five minutes, all for the purpose of urging it, and then to give it up for something else, I do not feel that I am under any obligation to press for the river and harbor bill any further.

I have no objection to the pension bill now taken up, but these bills can be taken up and disposed of at any time, when here is the river and harbor bill, which has been pending for two weeks with all sorts of—I am not going to say pretenses but expressions of desire to have it out of the way, so that the naval appropriation bill and the sundry civil and a number of other important bills that are pending and necessary for the running of the Government might come up; and when we all agreed that the bill should be taken up and it was taken up, I can not quite understand why the chairman of the committee should himself vote against it after urging us to do so.

Mr. MCMILLAN. When I moved to take up the river and harbor bill this morning it was with the implied understanding that the bill should be informally laid aside for the purpose of disposing of a few pension cases which the chairman of the Committee on Pensions announced yesterday it was necessary to pass in order that they might reach the other House, and that they would take not more than thirty minutes. But an objection was interposed which prevented me from laying aside the bill informally, and in view of what transpired yesterday I did not feel that I could in good faith insist upon refusing to the Senator from New Hampshire the privilege of going on with the few pension bills remaining on the Calendar. I desire to read what transpired yesterday. In the proceedings of yesterday, at the time the river and harbor bill was taken up, the Senator from New Hampshire [Mr. BLAIR] said:

It will not take over half an hour to dispose of the pension bills, and I will ask for the yeas and nays on the motion to take up the river and harbor bill.

Mr. EDMUNDS. That would take a great part of the half hour. You will get a chance later. Wait until to-morrow.

Mr. BLAIR. Very well.

Mr. EDMUNDS. I hope that to-morrow these pension bills will be taken up.

Mr. BLAIR. I shall move their consideration to-morrow morning.

Under that state of facts, on my insisting that the river and harbor bill should be taken up yesterday the Senate proceeded to the consideration of that bill, and this morning it is understood that the river and harbor bill shall be proceeded with at the expiration of the usual time which was allowed for the Calendar under the recent order, or as soon as these few pension bills can be disposed of. I did not feel justified in interposing my objection to that.

JOHN RYAN.

The bill (H. R. 5921) granting an increase of pension to John Ryan was considered as in Committee of the Whole. It proposes to increase the pension of John Ryan, late first lieutenant of Company F, Sixty-ninth Regiment Pennsylvania Volunteers, to $17 per month, in lieu of the pension now paid to him.

Mr. CAMDEN. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. BLAIR June 21, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 5921) granting an increase of pension to John Ryan, have examined the same, and report:

Your committee have considered the facts of the case and adopt the report of the House committee (House Report No. 2382), and recommend the passage of the bill. To the House report may be added the further facts that without any fault of his own the claimant has since discharge lost a leg, is very poor, and has a family to support.

"The soldier in this case, John Ryan, enlisted April 1, 1861, in Company I, Sixteenth Pennsylvania Volunteers, as a private. He was discharged July 30, 1861, and enlisted as sergeant in Company H, Forty-ninth Pennsylvania Volunteers, August 6, 1861; promoted to second lieutenant November 8, 1862, and first lieutenant May 1, 1863; received a contused wound over the liver at the battle of Fredericksburg, December, 1862; was captured at the battle of Gettysburg, July, 1863; was treated while a prisoner of war for dysentery, contracted scurvy, and was paroled March 7, 1864. He was discharged July 9, 1864, on account of physical disabilities.

"It appears from the records of the War Department that the wound affected his stomach to such a degree as to compel him to reject a greater part of his food, even while in the service.

"In 1878 he presented his claim to the Pension Office and was pensioned at the rate of $8.50 per month from result of scurvy.

"It is evident from the testimony presented in this case that the soldier has been a constant sufferer ever since his discharge, both from this and several other disabilities, all of which were evidently contracted in the service.

"Your committee, therefore, are clearly of the opinion that his services and sufferings while in the Army, that the degree of his disability since discharge, as shown by the testimony offered, would warrant the increase of his pension. Therefore your committee recommend that the bill do pass."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES NOYES.

The bill (S. 2598) granting a pension to James Noyes was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Noyes, late of Company I, Second Regiment Louisiana Native Guards.

Mr. CAMDEN. Let the report be read in that case.

The Chief Clerk read the following report, submitted by Mr. BLAIR June 21, 1886:

The Committee on Pensions, to whom was referred the bill (S. 2598) granting a pension to James Noyes, have examined the same, and report:

The claimant, James Noyes, enlisted December 1, 1861, and served until discharged, February 27, 1865, as first lieutenant of Company I, Second Regiment Louisiana Native Guards; also captain Company G, Seventy-fourth United States Colored Troops, and also served in the Sixty-eighth Veteran Volunteers.

He applied for a pension alleging that he incurred disability in the service, namely, obscure disease of the brain, the result of malarial affection. This was rejected on the ground that there is no record, and claimant's declared inability to furnish competent evidence, showing origin of the alleged results of malaria in service, or existence at date of discharge.

Your committee have examined the evidence in support of this claim, comprising the statements of the claimant, a comrade who testifies to trouble with his head in the service, two physicians who have recently treated him, a classmate at school in 1865, where he suffered with some difficulty in the head, which has constantly been increasing, and other evidences showing the long continuance of the brain trouble, all of which, together with the other letters and statements before us, leads to the conclusion that the soldier incurred some brain derangement as a result of his service, which, though slight at first, has continued steadily to increase until its effects have become so marked as to seriously disable him the greater part of the time. The last report of the examining board rates him at three-fourths of total. The applicant is a clergyman of the best personal character, and from personal knowledge of him the member of the committee who makes the report feels confident of the justice of this claim.

After a consideration of all the facts, your committee report back the bill with the recommendation that it do pass.

Mr. CAMDEN. That report shows that there is no evidence that that disease was incurred in the service.

Mr. LOGAN. No testimony of what?

Mr. CAMDEN. An affection of the brain is shown to have existed before the man went into the service; and that has gradually increased.

Mr. LOGAN. I do not so understand.

Mr. BLAIR. There is no evidence that the trouble existed before he went into the service.

Mr. COCKRELL. Was it hereditary?

Mr. EDMUNDS. The report says it developed in 1866—after the war.

Mr. COCKRELL. Was not this hereditary?

Mr. BLAIR. I really do not know. I have never heard any suggestion of the kind.

Mr. COCKRELL. Was there ever any suggestion that it was not?

Mr. BLAIR. There is not any presumption of that kind.

Mr. COCKRELL. Here is a member of the Senate who says: "Here is a worthy preacher, and he must be pensioned on the country for having served a little while in the Louisiana Native Guards." He does not seem to have been in the United States service actually, but in some military company around New Orleans doing parade duty.

Mr. BLAIR. The Senator is quite wrong in his statement in regard to the case.

Mr. EDMUNDS. I see that he is described in this bill as "late of Company I, Second Regiment Louisiana Native Guards." I should like to be informed what sort of a regiment that was, whether it was in the service of the United States.

Mr. BLAIR. I understand that it was; but the Senator will see that he is also further described in the report as "captain Company G, Seventy-fourth United States Colored Troops, and also served in the Sixty-eighth Veteran Volunteers."

Mr. EDMUNDS. The point to which I wish to call my friend's attention is that the bill had better be amended by describing his subsequent services, for it may happen that somebody somewhere will discover that the regiment named in the bill was not a regular regiment. I move to amend by saying after the word "Guards:"

Also captain Company G, Seventy-fourth United States Colored Troops, and of the Sixty-eighth Veteran Volunteers.

So as to describe all the military offices he held, and save giving anybody hereafter any trouble.

Mr. BLAIR. I agree to the amendment.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont.

The amendment was agreed to.

Mr. BLAIR. Now read the bill as amended.

The Chief Clerk read the bill as amended.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and read the third time.

Mr. COCKRELL. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. CAMDEN (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH]. If he were present, he would vote "yea" and I should vote "nay."

Mr. CHACE (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. FRYE (when his name was called). I am paired with the Senator from Texas [Mr. COKE].

Mr. SEWELL (when his name was called). I am paired generally with my colleague [Mr. MCPHERSON], but I believe he would vote for a bill of this kind, and therefore I vote "yea."

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER]. If he were present, I should vote "nay."

Mr. WALTHALL (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL].

The roll-call was concluded.

Mr. JONES, of Arkansas. I have a general pair with the Senator from Indiana [Mr. HARRISON]. He is not in his seat. As I do not know how he would vote, I withhold my vote.

The result was announced—yeas 27, nays 13; as follows:

YEAS—27.

Allison,	Evarts,	Logan,	Sewell,
Blair,	George,	McMillan,	Sherman,
Conger,	Hale,	Miller,	Spooner,
Cullom,	Hawley,	Payne,	Stanford,
Dawes,	Hoar,	Platt,	Teller,
Dolph,	Ingalls,	Plumb,	Wilson of Iowa.
Edmunds,	Jones of Nevada,	Riddleberger,	

NAYS—13.

Beck,	Eustis,	Harris,	Wilson of Md.
Berry,	Gibson,	Maxey,	
Call,	Gray,	Pugh,	
Cockrell,	Hampton,	Vest,	

ABSENT—36.

Aldrich,	Colquitt,	McPherson,	Ransom,
Blackburn,	Fair,	Mahone,	Sabin,
Bowen,	Frye,	Manderson,	Sawyer,
Brown,	Gorman,	Mitchell of Oreg.,	Saulsbury,
Butler,	Harrison,	Mitchell of Pa.,	Vance,
Camden,	Hearst,	Morgan,	Van Wyck,
Cameron,	Jones of Arkansas,	Morrill,	Voorhees,
Chace,	Jones of Florida,	Palmer,	Walthall,
Coke,	Kenna,	Pike,	Whitthorne.

So the bill was passed.

MARY A. THOMAS.

The PRESIDENT *pro tempore*. The next pension bill will be stated.

The bill (H. R. 6747) granting a pension to Mary A. Thomas was announced as next in order, and the Senate as in Committee of the Whole proceeded to consider it.

It proposes to place on the pension-roll the name of Mary A. Thomas, a volunteer nurse and superintendent of nurses in the late war, at $25 per month.

Mr. CAMDEN. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report submitted by Mr. BLAIR June 21, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 6747) granting a pension to Mary A. Thomas, have examined the same, and report:

The facts of this case are set forth in the annexed report of the House Committee on Invalid Pensions (House Report No. 1713), which we adopt, and recommend the passage of the bill.

Your committee attach hereto the petition of Miss Mary A. Thomas, late volunteer Army nurse. It sets forth the nature and character of the service rendered much more graphically than your committee could hope to do.

All the points are substantiated by testimony of the highest character, so that there can remain no doubt as to the entire accuracy of her statement.

Robert F. Weir, M. D., late assistant surgeon United States Army, states:

"During the war I was in charge of the United States Army general hospital, Frederick, Md., from 1862 to 1865. For eighteen months of the time Miss Mary A. Thomas was the superintendent of the nursing department as a volunteer Army nurse, and as such brought it to the highest degree of efficiency. This, with other points, secured the official commendation of the hospital by the Surgeon-General. The faithfulness and intelligence of Miss Thomas continued at the disposal of the soldiers until 1864, when she was compelled to retire from duty. Her deterioration of health was the result, in my opinion, of the mental and physical strain passed through in those trying times."

R. M. Murray, Surgeon-General, United States Army, states:

"In regard to the services rendered by Miss Mary A. Thomas as Army nurse during the late war, the records of the United States Army general hospital at Frederick, Md., show that she was employed in that hospital as nurse. Robert F. Weir, M. D., of New York city, late assistant surgeon, United States Army, was in charge of the said hospital in 1861-1865. He was one of our ablest and most judicious medical officers, and his statement can be implicitly relied upon. I believe that the services of Miss Thomas were in the highest degree admirable, and should commend her to special consideration. I unite in recommending that she receive the pension for which she has applied."

The following is her petition:

To the honorable the Committee of Invalid Pensions, House of Representatives:

I, your petitioner, respectfully beg leave to present the following facts as the basis for a claim to a pension as Army nurse and superintendent of nurses:

In the summer of 1862 and during the eighteen ensuing months I had the honor of serving as a volunteer nurse and superintendent of nurses in the "United States Army general hospital," located at Frederick city, Md. In proof whereof I submit Exhibit A, the affidavit of Dr. Robert F. Weir, of New York city, residing at No. 37 West Thirty-third street, late surgeon of the United States Army, in charge of the aforesaid hospital.

The invasion of Maryland by General Robert E. Lee, in September, 1862, brought us between the two conflicting armies; then followed the battle of Antietam, at the distance of 20 miles only from Frederick, and my services were required immediately at the front. No one save an eye-witness to such scenes can realize the magnitude of the labor involved, or the amount of courage demanded. Even that born genius of battle, the great Napoleon, was unnerved by the ghastly sights displayed on the field of a freshly-fought battle; what, then, was the spectacle for a timid woman? The roar of the cannon, the smoke, the confusion, the frantic encounter of warring squadrons, these constituted but the opening scene in the bloody drama, and required but brief space for enactment. The tragic horrors of the fray remained to be fully developed in the wards of our hospitals. Days then counted for months and months for years in the expenditure of moral force and the sacrifice of physical strength. To serve by day and by night, to assist frequently at surgical operations whose very memory makes me shudder; afterward, with indescribable anxiety, to watch those patients, for then the embers of life burned low and the slightest want of vigilance would be attended with fatal consequences—such were, in part the duties devolving upon me as Army nurse, and as superintendent of all the other nurses there engaged.

Another great battle, that of Gettysburg, was fought in the summer of 1863, and our hospital was again in the very midst of war and tumult. Over the rocky roads of those hilly regions, day after day, came the long line of Army ambulances bringing the wounded direct from the field of battle. Our hospital was capacious, the barracks numbered from the letter A to the letter P inclusive, but all were soon filled to overflowing, and tents had to be pitched for the emergency. Some of those heroes died shortly afterward; the majority lingered to endure long martyrdoms of pain; but not one of those pathetic death-beds was left solitary. It was a comfort to those poor dying soldiers to confide to a sympathetic ear their fond farewells to friends far away in the North or the East, the West or the South, and it was made a sacred duty to transmit by letter, when possible, those touching messages. Defenders of the old Stripes and Stars, soldiers of the South, all received the tender cares needed in their sad condition.

And here, perhaps, I may be pardoned for saying that, being by birth a Maryland woman, I had near relatives and dear friends in the hostile camp. Consequently, when the hospital came to change hands, as it did between the interval of General Lee's entrance and exit from Frederick, followed in two days by General Burnside's army, my allegiance to the Union cost me somewhat severely in respect to natural sympathies.

The above details are given as a mere sketch of the circumstances of time and place connected with my services. Having the entire superintendence of the nursing department of a large military hospital, my responsibility was great and my duties most arduous. I served as a volunteer, and with no expectation of ever applying for a pension. Now, however, my health is feeble. (See Exhibit B, the affidavit of Dr. Samuel R. Skillern, of Philadelphia, and Exhibit C,

affidavit of Dr. G. Latimer, District of Columbia.) I am wholly dependent upon my own effort for support. Therefore I now appeal to your honorable committee for a pension of $50 per month. The precedent of giving $25 has been established in some well-known cases, as, for example, in those of Miss Harriet B. Dame, of New Hampshire, and Mrs. Mary M. Husband, of Philadelphia, whose names, and others, are on the statute-book; but I have asked for $50 per month because of the wider field of service, the heavier responsibility, and greater tax upon my mind and body, inseparable from the post assigned me, that of superintendent of nurses. Many widows of superior officers are given pensions of $50 per month, not for personal service rendered, but because of their deceased husband; and, in like manner, the widows of lesser officers and subalterns are pensioned in a decreasing ratio. I appeal to the fair judgment of your honorable committee whether my services do not merit to be considered with similar discrimination.

Very respectfully,

MARY A. THOMAS,
Late Volunteer Army Nurse.

WASHINGTON, D. C., *March* 9, 1886.

Your committee, in view of the high character of Miss Thomas and the service rendered, together with her ill health and straitened circumstances, report the bill favorably and recommend its passage.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMILY B. BAKER.

The bill (H. R. 1580) for the relief of Emily B. Baker was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Emily B. Baker, widow of Joel B. Baker, late colonel of the Eighth Regiment New York Heavy Artillery Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK W. TUBBESING.

The bill (S. 2705) granting a pension to Frank W. Tubbesing was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Frank W. Tubbesing, late a private in Company A, Fifteenth New York Artillery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. VEST. I ask for the reading of the report.

The PRESIDENT *pro tempore*. It was not called for during the consideration of the bill.

Mr. VEST. I want to know the basis for the bill.

The PRESIDENT *pro tempore*. The report will be read if there be no objection.

The Secretary read the following report, submitted by Mr. BLAIR June 21, 1886:

The Committee on Pensions, to whom was referred the petition of Frank W. Tubbesing, have examined the same, and report:

The claimant, Frank W. Tubbesing, enlisted December 30, 1863, as a private in Company A, Fifteenth Regiment New York Heavy Artillery. He was discharged February 4, 1866. He was also subsequently in the service from July 21, 1866, to July 20, 1869, in Battery E, Third United States Artillery.

He filed a claim in the Department for a pension, February 4, 1880, alleging that about May, 1865, he received a furlough to go to New York for medical treatment for wounds he received at the battles of Wilderness, Spottsylvania, and Five Forks, and also alleging wound of left leg and right side of head. His claim was rejected on the ground of no record of the disabilities alleged, wounds of leg and head; no evidence showing their incurrence in the military service, and claimant's expressed inability to establish the claim; can not furnish testimony of officers or comrades.

It appears from the reports of the War Department that the medical records of claimant's regiment are not on file, which would explain the fact that there is no record of incurrence of disability.

The examining surgeon reports, in 1881, that the claimant suffers a great deal of pain from wounds; an old ulcer of left leg below knee, the result of wounds; also right temporal bone is driven in 1½ inches in circumference.

There was also a charge of desertion against him, which was afterward removed.

There is considerable other evidence filed with your committee, after a careful consideration of which we have come to the conclusion that the preponderance of the testimony shows that the soldier is entitled to a pension.

Your committee therefore report back the petition and an original bill, with a favorable recommendation.

WILLIAM H. H. PRICE.

The bill (S. 2369) granting an increase of pension to William H. H. Price was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, which were, in line 5, after the word "to," to strike out the word "thirty" and to insert the word "twenty-four;" in line 9, after the word "of," to strike out the word "thirty" and insert the word "twenty-four," and in line 10, before the word "dollars," to strike out the word "thirty" and insert the word "twenty-four;" so as to make the bill read:

That the pension of William H. H. Price, late of Company F, Sixty-sixth Regiment Indiana Volunteer Infantry, be, and the same is hereby, increased to $24 per month; and the Commissioner of Pensions is hereby authorized and directed to place the name of said William H. H. Price on the pension-roll as a pensioner of the United States for the sum of $24 per month, said $24 per month being in lieu of all other pensions heretofore granted.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. VEST and Mr. BUTLER. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. WILSON, of Maryland, June 22, 1886:

The Committee on Pensions, to whom was referred the bill (S. 2369) granting an increase of pension to William H. H. Price, have carefully examined the same, and report:

That William H. H. Price is already on the Government rolls as an invalid pensioner to the extent of $12 per month, and on the 18th day of last June made a new declaration for an increase of pension, on the ground of an increased disability growing out of an aggravation of his disease—which is anchylosis of the elbow-joint of the right arm—which application was rejected by the Pension Office on the ground "that he is now receiving the full amount of pension to which he is entitled under the law for the disability" named. In view of the papers sent to us from the Pension Office, we can not agree to this conclusion. The Government board of surgeons, by whom he was examined, on the 16th day of September, 1885, duly certified to the Pension Office that the ex-soldier suffers from "complete anchylosis of the right elbow-joint, the arm being firmly held in a semiflected position, and there being a complete atrophy of all muscles of the right arm, the measurement of which is 6¾ inches, while the left arm is 9 inches." They also return that "his right arm and hand are of no value for purposes of manual labor, and his disability is equal to the loss of a hand or a foot." There appearing no evidence to the contrary, this degree of disability, under the act of March 3, 1883, entitles the pensioner to $24 per month.

We therefore recommend that the bill be amended by striking out the word "thirty" where it occurs therein, and by inserting in each case in lieu thereof the word "twenty-four," and that, as so amended, said bill do pass.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH A. TUCKER.

The bill (H. R. 7193) granting a pension to Sarah A. Tucker was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah A. Tucker, mother of Charles P. Tucker, deceased, late of Company I, First Regiment of Wisconsin Volunteers.

The bill was reported to the Senate without amendment.

Mr. BUTLER. Let us have the report, Mr. President.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. SAWYER on June 22, 1886:

The Committee on Pensions, to which was referred the bill (H. R. 7193) granting a pension to Sarah A. Tucker, has examined the same, and adopts the annexed House report, and recommends the passage of the bill.

Sarah A. Tucker is the mother of Charles P. Tucker, who enlisted in Company I, First Wisconsin Volunteers, October 5, 1861, and died at Andersonville prison July 10, 1864.

The claimant lost another son in the Army, while three others served and were discharged.

Her claim for pension as dependent mother of Charles P. Tucker has been rejected by the Pension Office on the ground that the evidence fails to show dependence upon the soldier at time of his death.

It appears from the evidence on file that the son, Charles P., was a stonemason by trade, and, being a single man, made his home with his parents, who owned a small place, and with the son's assistance were moderately comfortably situated. Nearly all of the son's earnings went in the common fund of the family, and after enlistment he is shown to have contributed to the support of the claimant, but the exact amount of such contributions can not now be ascertained, as the letters of the soldier furnishing this information were destroyed by fire some years ago.

The ground of rejection of the mother's claim appears to have been based principally upon the certifications of the proper officers of the assessments standing against the claimant and her husband during the alleged period of dependence and since. In 1864, the year of the son's death, they were assessed for real estate $550, and on personal property $140, while in 1868 the assessment reached $1,900 on real estate, and $422 on personal property. The latter is the maximum assessment during any year since 1861; while in 1878 the real estate of claimant and her husband is assessed at $750, and since that time in no one year higher than $120.

The increased value of real estate after the son's death is fully explained by testimony as well as by certified extracts from the records of conveyances of the county in which located. Claimant's husband purchased with the money sent home from the Army by his younger sons a certain tract of land, which he held in his own name in trust for the sons, and subsequently conveyed it to them. In 1873 claimant's husband purchased 120 acres for $2,600, $300 only being paid down, and failing to make the deferred payments, it was reconveyed to the original owner in 1880.

It further appears in evidence that claimant's husband was more or less disabled for manual labor for many years, and since 1881 has been insane. Claimant has now no income except that derived from her own manual labor, and being old is now dependent upon charity.

Winfield Scott Post, Grand Army of the Republic, at Whitehall, Wis., as well as the Woman's Relief Corps, Grand Army of the Republic, department of Wisconsin, have asked Congress to place this much-deserving woman upon the pension-rolls.

While notwithstanding the acknowledged contributions on the part of the soldier son, claimant may not have been so dependent upon these contributions as to bring her case within the general pension laws, yet your committee are clearly of opinion that the evidence shows at least a partial dependence upon the soldier, and in view of the fact that she gave five sons to the country's cause, two of whom were lost to her in that cause, and the further fact that by reason of the unfortunate condition of her husband, the father of the soldier, she has now become dependent upon others, we believe her entitled to the favorable consideration of Congress.

The bill was ordered to a third reading, read the third time, and passed.

JENNETTE DOW.

The bill (H. R. 3363) granting a pension to Jennette Dow was considered as in Committee of the Whole. It proposes to enter upon the pension-roll the name of Jennette Dow, widow of Charles E. DOW, late first sergeant of Company K, Eighty-ninth Regiment of Illinois Infantry Volunteers.

Mr. CAMDEN. Let us have the report read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. SAWYER June 22, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 3363) granting a pension to Jennette Dow, have examined the same, and report:

That an examination of the facts in this case satisfies the committee that the report of the House committee is correct. It is adopted, and is as follows:

"That Mrs. Jennette Dow is the widow of Charles E. Dow, late a sergeant of

Company K, Eighty-ninth Regiment Illinois Volunteers, who was pensioned for gunshot wound in left knee, received at the battle of Chickamauga, and who died at Boonesborough, Iowa, December 16, 1882. Mrs. Dow applied for pension April 18, 1883, but her claim was rejected on the ground that 'death resulted from apoplexy, not the result of gunshot wound.'

"Dr. R. M. Huntington, the physician who attended claimant in his last illness, testifies:

"'I was in attendance at the death of Mr. Charles E. Dow, late sergeant Company K, Eighty-ninth Illinois Infantry, who died at Boonesborough, Boone County, Iowa, on the 16th day of December, 1882, and giving the cause of death, state it as follows: Hemiplegia (apoplexy), and death in twelve hours. In thus giving the cause or causes of death a statement of facts as bearing on the case should be made. Mr. Dow was wounded in the popliteal space, severing the artery and ligaments of the left leg, from the effects of which wound he never fully recovered. So far as the mobility or muscular co-ordination and nervous sensibility were concerned, these conditions seemingly for a time better, were subject to frequent relapse, and extended in time to the hand and arm of the corresponding side.

"'Mr. Dow's calling in life for years after leaving the service was that of railroad conductor, the duties of which were at all times quite seriously interfered with, because of the want of strength in the afflicted side. At the time of death Mr. Dow had with difficulty reached his home in a dazed or semi-conscious condition, and while receiving the ministrations and assistance of his wife, suddenly fell to the floor, severely bruising and lacerating the right temple and supraorbital arch of the right side. Complete unconsciousness ensued, accompanied with contracted pupil, slow stertorous breathing, dark face, flapping of the lips, slow and labored pulse, in which condition, without any change for the better, he continued for about twelve hours, when death closed the scene. From the facts and history of the case as known to me, I regard it as a case of hemiplegia, the outgrowth primarily of nerve injury, aggravated by the life's calling, and eventuating in appoplexy, as stated.'

"In the examination upon which pension was granted to soldier, the examining surgeon describes his condition as follows:

"'Gunshot wound of the left thigh, ball entered just above and at center of the external condyle of the femur, out at upper edge of popliteal space, resulting in impaired use of the leg from paralysis of extensor muscles of the foot and impaired sensation in and over second, third, fourth, and fifth toes, and inability to straighten the leg when knee is bent after ordinary exercise.'

"Orson T. Waltermont, of Sac City, Iowa, testifies:

"'I was well and personally acquainted with Charles E. Dow during his lifetime from 1862 till his death; were both members of the same company. I was with him at the time he received his wound; that from the time he received said wound till his death he was greatly troubled with his left leg and arm; said Charles Dow and I railroaded together for fifteen years; that I know from personal observation that his arm would be worse at the time his leg troubled him most, and at one particular time, at Council Bluffs, Iowa, when said Dow was being unusually troubled with said wound in said left leg, he told me he was afraid that his disease would go to his heart.'

"Cheney Eddy, G. S. Rhoads, and Charles Schoonover all testify to substantially same fact as to the effect of wound and the loss of power in left side and arm. So, also, does Dr. P. S. Moses, of Boone, Iowa, and adds, 'In my opinion his death was caused by paralysis.'

"His wife, Mrs. Jennette Dow, testifies that the wound troubled him continuously and caused him to become emaciated and weak, and when taken with his last illness his wound had been troubling him very much and he had less ability to use his left arm and leg.

"Hon. A. J. HOLMES, a member of this House, certifies:

"'I was personally acquainted with Charles E. Dow during a period of more than ten years that he resided in the city of my residence. While I can not speak from personal knowledge of the cause of his death, yet it was well known among his neighbors and friends that he suffered almost continuously from a severe wound received in the late war. Physically large and of full habit, he steadily became emaciated, and before his death presented a very wan and haggard appearance.'

"From a careful comparison of the report of examining surgeon, upon which the pension was granted, with the report made by the physician in attendance at death and all the corroborative testimony, it seems very clear to your committee that the soldier's wound was the cause of the partial paralysis of his left side, and may very reasonably be presumed to have finally caused his death. There appears to be but little doubt in the case, and the Government can afford to give the widow of a wounded soldier the benefit of that doubt."

The bill is reported favorably, with a recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the joint resolution (S. R. 40) providing for the payment of per diem laborers in Government employ on the 30th of May of each year as on other days.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 5310) to protect mechanics, laborers, and servants in their wages;

A bill (H. R. 5541) to prevent the employment of convict labor and alien labor upon public buildings and other public works, and convict labor in the preparation or manufacture of materials for public buildings or other public works, and to regulate the manner of letting contracts therefor;

A bill (H. R. 9232) to amend an act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia;

A bill (H. R. 9857) in relation to the western judicial district of Wisconsin; and

Joint resolution (H. Res. 142) authorizing and directing the Commissioner of Labor to make an investigation as to convict labor, and for other purposes.

OHIO SENATORIAL ELECTION.

Mr. PUGH. I desire to give notice that on Tuesday next, at the expiration of the morning hour, I will call up for consideration the report of the Committee on Privileges and Elections in what is known as the Payne case.

THOMAS CHAPMAN.

The bill (S. 2259) to increase the pension of Thomas Chapman was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 6, before the word dollars, to strike out "fifty" and insert "twenty-five;" so as to make the bill read:

Be it enacted, &c., That the pension of Thomas Chapman, of Campbell County, Tennessee, evidenced by pension certificate numbered 14157, be, and the same hereby is, increased to the sum of $25 per month, his disabilities being such as to require the constant attention of some person to take care of him.

The amendment was agreed to.

Mr. CAMDEN. I ask for the reading of the report.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. WHITTHORNE June 22, 1886:

The Committee on Pensions, to whom was referred the bill (S. 2259) granting an increase of pension to Thomas Chapman, have examined the same, and report:

That this is an application for an increase of pension to a soldier of the war of 1812, now receiving a pension of $8 per month. The facts upon which it is made are fully shown in the affidavit of prominent citizens of the county of his residence, which affidavit is as follows:

STATE OF TENNESSEE, *Campbell County:*

In the matter of the memorial before United States Senate and Congress for increase of pension of Thomas Chapman, of Capt. S. Lawson's company, Virginia Militia, in war of 1812, whose name is inscribed on the pension-list roll of the Knoxville, Tenn., agency, at the rate of $8 per month, under pension certificate No. 14157, personally came Thomas Wilson, aged forty-two years, of Jacksborough Post-Office, Campbell County, Tennessee, who, being duly sworn, deposed as follows:

I am well acquainted with said surviving soldier of the war of 1812, whose physical condition is such as to render him totally unable for the performance of manual labor, as his age is past ninety-five years, as he says, and that is his general reputation, and his appearance indicates that such is the fact. His reputation for morals is good, his poverty is extreme, he owns no property whatever, and his condition is such as to require the almost constant care and attention of some person, and his present pension is utterly inadequate for his support. I make these statements from personal knowledge, and my knowledge of the facts are gained by being his near neighbor and having a good opportunity to know his true condition from personal observation. I am no kin to the soldier, and have no interest in his matters.

THOMAS WILSON.
JOHN HURNLEY.

Attest:
JOHN SMIDDY,
R. D. PERKINS.

We, the undersigned, citizens of Campbell County, Tennessee, and residents of the neighborhood of the town of Jacksborough, Tenn., do hereby concur in and certify to the truth of the foregoing statement, and know that said surviving soldier of the war of 1812, Thomas Chapman, is a worthy object of the country's bounty.

JOHN HURNLEY, *Deputy Sheriff.*
J. P. HOLLINGSWORTH, *Sheriff.*
R. D. WHEELER.
HENRY MAUPINS.
LAFAYETTE ISLEY.
LEWIS WILSON, *Register.*
J. H. AGEE, *Clerk and Master.*
S. C. BAIRD, *Clerk County Court.*

Sworn and subscribed to before me; and I hereby certify that all the affiants are respectable and the persons they represent themselves to be, and are well worthy of full faith and credit, and that they each read and understood the foregoing contents before they swore to it. I further certify that the statements made by them are true, and have a personal knowledge of the facts. I am no kin to said soldier, and have no interest in his claim.

Given under my hand and seal of circuit court of Campbell County, Tennessee, at office, in Jacksborough, Tenn., May 22, 1886.

[SEAL.] WILLIAM ALLEN,
Clerk Circuit Court.

The credibility of these parties is vouched for by a member of this committee (Mr. WHITTHORNE).

The committee, accepting the facts to be as stated, deem the case to be a meritorious one, and in view of the fact of the utter helpnessness of the pensioner, his extreme old age, and that Congress has in similar cases granted an increase of pension, they recommend that the same may be done in this, and accordingly recommend that the pension to Thomas Chapman be placed at $25 per month from and after the passage of this bill, which should be so amended.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES WYANT.

The bill (H. R. 5705) granting a pension to Charles Wyant was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charles Wyant, late of Company K, One hundred and fiftieth Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM WINANS.

The bill (S. 1531) granting an increase of pension to William Winans was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Winans, late a corporal of Company B, First New York Lincoln Cavalry Regiment, at the rate of $30 per month, in lieu of the $8 per month heretofore allowed him.

Mr. BUTLER. Let us have the report in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. VAN WYCK June 22, 1886:

The Committee on Pensions, to whom was referred the bill (S. 1531) granting

a pension to William Winans, late a corporal of Company B, First New York (Lincoln) Cavalry Regiment, have examined the same, and report:

That said William Winans enlisted August 5, 1861, and was discharged August 4, 1864, was a good soldier, and while charging a rebel battery at Martinsburg, W. Va., July 25, 1864, was wounded in the left shoulder by bursting shell, which killed his horse. He was also injured in right index finger.

The examining board report the claimant is not entitled to an increase. But the testimony of Dr. Bliss and others, copies of which are annexed, show that the medical board and the Pension Department erred in rejecting the application for increase, and therefore recommend the passage of annexed bill.

GENERAL AFFIDAVIT.

DISTRICT OF COLUMBIA, *ss:*

In the matter of pension claim of William Winans, of Washington, D. C.

On this 20th day of March, A. D., 1886, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, Augustus Hubbell, aged ——, a resident of Washington, District of Columbia, whose post-office address is No. 1513 F street N. W., well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to the aforesaid case as follows: That he has been well and personally acquainted with claimant for about five years, and —— years respectively, and that about the years 1881, '82, and '83 he and the claimant worked together in the Quartermaster-General's Office, in Washington, D. C. The claimant was put on work in the files of the office, a kind of work which required climbing of step-ladders and taking down and replacing file-boxes. He was not competent to do this kind of work, on account of his inability to use his left arm, either in reaching up to file-boxes or holding them when taken down. On account of this disability he was transferred to book-work, copying, &c. At this work he was not able to handle the books without great difficulty and pains of the left arm, and he was after awhile put on lighter clerical work. I have personal knowledge of the above facts, and since his discharge from the Quartermaster-General's Office I have had frequent opportunity to observe his physical condition, and I have known him to be laid up at several times with pains in the left arm. The claimant was discharged, as affiant was informed and believes, on account of inefficiency, being absent a considerable time on account of sickness, caused by the condition of his left arm.

He further declares that he has no interest in said case and is not concerned in its prosecution.

AUGUSTUS HUBBELL.

DISTRICT OF COLUMBIA, *ss:*

Sworn to and subscribed before me this day by the above-named affiant; and I certify that I read affidavit to said affiant, with its contents, before he executed the same. I further certify that I am in nowise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me, and that he is a credible person.

[SEAL.] G. W. BALLOCH, *Notary Public.*

GENERAL AFFIDAVIT.

DISTRICT OF COLUMBIA, *ss:*

In the matter of pension claim of William Winans, pending before Congress, of Washington, D. C.

On this 20th day of March, A. D. 1886, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, Thomas S. Chappell, aged forty-five, a resident temporarily of Washington, in the District of Columbia, whose post-office address is Washington, D. C., and ——, aged forty-five years, a resident of Baltimore, Md., in the county of —— and State of Maryland, whose post-office address is No. 621 H street northwest, Washington, D. C., well known to me to be reputable and entitled to credit, and who, being duly sworn, declares, in relation to the aforesaid case, as follows: That he has been well and personally acquainted with claimant for seven years, and that in the year 1881 he boarded with claimant for several months, and during all his acquaintance has had frequent opportunity to observe and know personally of the claimant's physical condition, especially with regard to his left arm. The claimant habitually carried his left arm and hand in a useless manner by his side. At table he could not use left hand to feed himself on account of not being able to raise the hand to his mouth. When attempting to handle even light objects the left hand was only used awkwardly and inefficiently, owing to weakness of hand and arm, and this only with the arm pendent or partly so. He complained constantly of pain in left arm and shoulder, and always manifested pain when attempting to use left hand and arm. Ever since my first acquaintance with him affiant has frequently and always observed the foregoing manifestations of the claimant's disability.

He further declares that he has no interest in said case, and is not concerned n its prosecution.

THOS. S. CHAPPELL.

DISTRICT OF COLUMBIA, *County of Washington, ss:*

Sworn to and subscribed before me this day by the above-named affiant; and I certify that I read affidavit to said affiant and acquainted him with its contents before he executed the same. I further certify that I am in nowise interested in said case, nor am I concerned in its prosecution, and that said affiant is personally known to me, and that he is a credible person.

[SEAL.] THOMAS K. WALLACE, *Notary Public.*

GENERAL AFFIDAVIT.

DISTRICT OF COLUMBIA, *ss:*

In the matter of pension claim of William Winans, of Washington, D. C., now pending before Congress.

On this 22d day of March, A. D. 1886, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, J. M. Pipes, aged forty-five; a resident of Washington, in the District of Columbia, whose post-office address is No. 1837 Ninth street northwest, in the county of Washington, and District of Columbia, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to the aforesaid case as follows: That they have been well and personally acquainted with claimant for three years and —— years respectively, and that he has worked with the claimant about two years in the Quartermaster-General's Office, during the years 1884 and 1885. Our work was clerical. Claimant always complained of his left arm hurting him. He was apparently not able to do anything with it except to hold papers on the desk or in holding light articles when hanging down. In handling books, or even light articles, he always appeared to favor the left arm; this was the case in taking off or hanging up his coat. He used his right arm almost exclusively in performing any kind of work.

He further declares that he has no interest in said case, and is not concerned in its prosecution.

JAMES M. PIPES.

DISTRICT OF COLUMBIA,
County of Washington, ss:

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read affivavit to said affiant, and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution, and that said affiant is personally known to me and that he is a credible person.

[SEAL.] THOMAS K. WALLACE, *Notary Public.*

STATE, COUNTY, AND CITY OF NEW YORK,
Southern District New York, ss:

Be it known that on this the 12th day of February, 1886, personally appeared before me, Samuel H. Lyman, United States commissioner for said district, Jenyns C. Battersby, brevet-colonel late First New York (Lincoln) Cavalry, United States Volunteers, who, being duly sworn, maketh oath and saith that: On or about the 25th day of July, 1864, while in command of his troop (B) of said regiment, and while in line of battle near the town of Martinsburg, W. Va., a shell from the enemy's battery exploded in his rear and between the front and rear rank of his troop of horses, killing and wounding some of said horses (which fell upon the men), and wounding some of said men, one of whom was William Wynans, of said troop, and who for the time being was, to the best of deponent's knowledge and belief, unable to perform military duty.

Having no interest in this document, further deponent saith not.

JENYNS C. BATTERSBY.

Subscribed and sworn to before me this 12th day of February, 1886.

[SEAL.] SAM'L H. LYMAN,
United States Commissioner, Southern District New York.

WASHINGTON, D. C., *February* 16, 1886.

I certify to the correctness of the within statement, sworn to by Bvt. Col. Jenyns C. Battersby, as to the wounding of William Wynans, of Company B, First New York (Lincoln) Cavalry Regiment, in the engagement at Martinsburg, W. Va., on the 25th day of July, 1864. I was in command of said regiment in said engagement and remember the circumstances very well. Said Wynans was a good and faithful soldier, and from his long sufferings by said wounds deserves, as I believe, an increase in his pension, which is entirely inadequate to the support of himself and family.

A. W. ADAMS,
Late Colonel First New York (Lincoln) Cavalry Regiment, and Brevet Brigadier-General United States Volunteers.

DISTRICT OF COLUMBIA, *ss:*

Subscribed and sworn to before me this 10th day of March, 1886, and I have no interest, &c.

[SEAL.] G. W. BALLOCH, *Notary Public.*

PHYSICIAN'S AFFIDAVIT.

DISTRICT OF COLUMBIA, *ss:*

In the pension claim No. 143474, of William Winans, Company B, First New York (Lincoln) Cavalry.

Personally came before me, a notary public in and for the aforesaid District, James C. Bird, a citizen of Washington, D. C., whose post-office address is No. 1336 G street northwest, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows:

That he is a practicing physician, and that he has been acquainted with said soldier for about five years, and that he was called in consultation with Dr. D. W. Blisss December 1, 1880, to Mr. William Winans, who was suffering from necrosis of the scapula (shoulder-blade). It was necessary to remove part of the bone. He was very much reduced at that time, so much so that I thought he would never recover from it. Since then, in August and September, 1884, in the absence of Dr. Bliss, I prescribed for Mr. Winans. He was suffering from debility, the effect of his wound.

He further declares that he has been a practicioner of medicine for thirty-three years, and that he has no interest, either direct or indirect, in the prosecution of this claim.

JAMES C. BIRD, M. D.,
1336 G Street N. W., Washington, D. C.

Sworn to and subscribed before me this 2d day of March, A. D. 1886, and I hereby certify that the affiant is a practicing physician in good professional standing; that the contents of the above declaration, &c., were *fully made* know to him before swearing; and I have no interest, direct or indirect, in the prosecution of this claim.

[SEAL.] G. W. BALLOCH, *Notary Public.*

STATE OF NEW YORK,
County of Westchester, ss:

On this 20th day of February, 1886, before me personally appeared Jerome Bell, who, upon being duly sworn, deposes and says, that he was a member of Company B, First New York (Lincoln) Volunteer Cavalry; that he was present at the battle of Martinsburg, W. Va., on the 25th day of July, 1864, and that while the regiment was advancing in line of battle and preparing to charge a rebel battery in our front, a shell came from the battery in question and burst in Company B line, killing the horses of William Winans, Thomas Pearl, and —— Garland, and wounding all three named. Winans was wounded in his left shoulder by a piece of the shell.

The said Jerome Bell also deposes and says, that he was captured by a part of General Imboden's force near Berryville, Va., on or about the 13th day of October, 1863, while with a scouting party under the command Lieut. —— New, of his regiment, and that on the next morning, before daybreak, the same force captured Charlestown, W. Va., and among the prisoners captured was William Winans, who was with his party the day before, but who escaped to Charlestown, where he arrived with his horse foundered, and that he was in company with said Winans all the time they were prisoners, and until paroled about five months after, and that their sufferings while on Belle Isle were simply indescribable, and he would refer any one to histories of those places by abler minds; he would state, though, that the James River (in which Belle Isle is situated) was frozen over three times that winter; that there was no shelter for more than one-fifth of the prisoners, and the food was of the coarsest and most meager kind, and that when we were paroled, Winans was a mere physical wreck, and had wasted to a skeleton, and went immediately to the hospital upon arriving at Annapolis, Md.

JEROME BELL.

Sworn to this 20th day of February, 1886, before me.

THOMAS MARTIN,
Justice of the Peace.

STATE OF NEW YORK,
Westchester County, ss:

I, John M. Digney, clerk of the county aforesaid, and also clerk of the county and supreme courts in and for said county, the same being courts of record, do hereby certify that Thomas Martin, esq., whose name is subscribed to the annexed affidavit, was on the day of the date thereof a justice of the peace in and for said county, duly authorized to take the same, and that I verily believe the signature of the said affidavit is genuine.

In testimony whereof I have hereunto set my hand and affixed the seal of the said courts and county the 23d day of February, 1886.

[SEAL.] JNO. M. DIGNEY, *Clerk.*

I certify that William Winans, clerk general service, detailed Quartermaster's Office, is suffering from gunshot wound (piece of shell) in left shoulder, and is in consequence unable to do the duty of handling files and lifting folios. I respectfully recommend lighter, or more suitable duty for him.

BASIL NORRIS,
Surgeon, United States Army.

UNITED STATES ARMY DISPENSARY, 1733 G STREET, N. W.,
Washington, D. C., March 19, 1881.

I certify the above to be a true copy.

B. C. CARD,
Quartermaster, United States Army.

FEBRUARY 24, 1883.

WASHINGTON, D. C., *March* 4, 1886.

To whom it may concern:

I certify that I have made a professional examination of William Winans, and find him suffering from a gunshot wound of the left arm and shoulder. A fragment of shell entered two inches below the acromion process of the scapula and immediately posterior to the humerus, and was removed three inches below the point of impact. The mobility of the shoulder-joint is impaired so as to prevent his raising the forearm and hand on a level with the chin. The hand can be placed behind the back with difficulty. At the time of my visit, November, 1880, a large abscess had formed extending posterior to the axilla arm, involving the anterior border of the scapula. Assisted by Dr. Bird, I made a free opening into the abscess and along the anterior border of the scapula, exposing it, a portion of which was necrosed or dead. This portion was removed, and after a period of two or three months the wound healed, and has remained so since. His disability for performing manual labor is total.

I have had the professional care of said Winans since September, 1880, and find that his general health has been greatly impaired and requiring frequent attention, and which I believe to be due to the injury and confinement and exposure during his retention in a rebel prison.

D. W. BLISS, M. D.

DISTRICT OF COLUMBIA, *ss:*

Subscribed and sworn to before me this 4th day of March, 1886; and I have no interest, &c.

[SEAL.]

G. W. BALLOCH, *Notary Public.*

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY E. CASEY.

Mr. VAN WYCK. I move that the Secretary be requested to ask the return from the House of Representatives of the bill (H. R. 5003) for the relief of Mary E. Casey, passed a day or two ago by the Senate.

The PRESIDING OFFICER (Mr. CULLOM in the chair). It will be so ordered unless there be objection.

AMENDMENTS TO BILLS.

Mr. CALL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DAWES submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

HENRY F. KAISER.

The bill (S. 2562) granting a pension to Henry F. Kaiser was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry F. Kaiser, late a private in Company E, Forty-ninth Regiment Pennsylvania Volunteers.

Mr. BUTLER. Let us have the report, Mr. President.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. BLAIR June 22, 1886:

The Committee on Pensions, to whom was referred the bill (S. 2562) granting a pension to Henry F. Kaiser, have examined the same, and report:

The claimant, Henry F. Kaiser, enlisted April 17, 1861, and served until July 29, 1861, in Company B, Twenty-fifth Pennsylvania Volunteers. He again enlisted August 6, 1861, and was discharged January 5, 1863, having served as a private in Company E, Forty-ninth Pennsylvania Volunteers. He first filed an application for a pension August 31, 1877, and again April 9, 1878, alleging that at Camp Griffin, Virginia, December 25, 1861, from cold exposure he became disabled so that he lost the sight of left eye and partial sight of right eye.

The claimant has on file the original discharge, dated January 5, 1863, at camp near White Oak Church, Virginia, stating that it is because "the said private has been blind of one eye for the last six months, and the other has become so affected that he is not able to see after night at all."

The claim was rejected March 9, 1885, on the ground that the alleged disease existed prior to enlistment.

It appears also that the soldier enlisted again at Harrisburg, Pa., in the Veteran Reserve Corps, December 29, 1863, and was mustered out December 23, 1865. Disability at date of enlistment in Veteran Reserve Corps, partial loss of sight of left eye.

The certificates of the examining boards show that in 1881 he had lost the sight of the left eye, and the right was very weak; June 8, 1883, total loss of sight of right eye, and can barely discern the light with the left eye; June 27, 1883, totally blind.

The claimant testifies that he can not furnish medical evidence showing his physical condition prior to and at the date of his enlistment, for the reason that he was a sailor on a merchant vessel for nine years prior thereto, and there were no doctors employed in the merchant service.

The testimony in this case is very voluminous, and the case has been several times examined by special examiners in the field. There is no question as to the existence of the disease in the service, and its continuance in a more severe degree and increasing intensity ever since. In addition to his own testimony there is the evidence of several comrades who served with him in his first three months' service that he was then sound and his eyesight good. The only evidence of any prior difficulty is very meager and indefinite in its character.

Your committee are of opinion that if the disease was not in its first inception due to the service, of which there seems to be little doubt, that it was certainly much aggravated thereby, and that after the Government twice accepted this man as a good soldier, and he rendered long and valuable service to his country and was discharged for disability, that the weak and unsatisfactory evidence here presented of some slight previous weakness of the eyes should not prevent this poor blind soldier from now receiving a pension. We therefore report back the bill and recommend that it do pass.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., June 2, 1886.

SIR: In compliance with your request, I have the honor to transmit herewith the papers in the pension claim of Henry F. Kaiser, who served in Company E, Forty-ninth Pennsylvania Volunteers. Original invoice No. 241328. This claim was specially examined and rejected March 9, 1885, upon the ground that the alleged disease existed prior to enlistment.

Very respectfully,

JOHN C. BLACK, *Commissioner.*

Hon. JOHN I. MITCHELL,
U. S. Senate.

Mr. COCKRELL. What is the amount of pension granted by the bill?

The PRESIDENT *pro tempore*. It states:

Place on the pension-roll, subject to the provisions and limitations of the pension-laws, the name of Henry F. Kaiser.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RIVER AND HARBOR BILL.

The PRESIDENT *pro tempore*. The hour of 12.30 having arrived, the Chair places before the Senate the river and harbor bill.

The Senate resumed the consideration of the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Minnesota [Mr. MCMILLAN] from the Committee on Commerce.

Mr. EDMUNDS. The amendment had not been read, I believe.

The PRESIDENT *pro tempore*. The Chair is of opinion, though it is not expressly so stated, that there was an agreement that it should not be read.

Mr. EDMUNDS. I think it ought to be read.

Mr. MCMILLAN. I have no objection.

Mr. INGALLS. I do not know what the agreement was, but I ask leave to make one observation.

Not desiring to delay or retard the progress of the bill, I did not interpose any objection to the request that was made to dispense with the reading of the amendment, because I was assured by the chairman of the committee that the amendment had been very carefully prepared, and relying upon that I was willing to accept his assurance that the amendment was in a condition fit to be voted upon by the Senate; but I ask the attention of the Senator from Minnesota to page 4 of his amendment, line 77:

Improving harbor at Block Island, Rhode Island: Continuing improvement, $15,000; of which $8,000 shall be expended on the breakwater and $12,000 on the inner harbor.

Eight and twelve as I understand are twenty, according to my arithmetic, and this amendment provides that out of the $15,000 for this improvement $20,000 shall be expended in the way provided in that paragraph.

Mr. President, is this amendment, with that showing, in a condition that justifies us in accepting it without any further consideration? Look again on page 7, line 142:

Improving harbor at Oswego, N. Y.: Continuing improvement, $71,250; of which $75,000 to be used in repairs and $20,000 in continuing work on the harbor.

That is to say, there is an appropriation of $71,250 and a designation of the expenditure of $95,000.

Again, look on page 9, where there is an appropriation, beginning in line 176, for "improving harbor at Erie, Pa.: Continuing improvement, and also for the improvement of said harbor as recommended by the Chief of Engineers, January 13, 1885, $37,500," and a proviso "that $30,000 of said sum shall not be expended until the aforesaid title shall be accepted by the Secretaty of War," leaving $7,500 to be expended for the improvement.

Again, examine page 10:

Improving harbor at Norfolk, Va., and improving approach to Norfolk Harbor and the United States navy-yard at Norfolk—

For which $187,500 are appropriated—

Of which $100,000 shall be expended in improving the harbor, and $150,000 in widening the channel of Elizabeth River.

Making an appropriation of $187,500, and a specific direction for the expenditure of $250,000.

I ran this amendment over casually this morning after the Senate assembled, and I found a great variety of such eccentricities, to say the least, as those to which I have called the attention of the Senate.

Look on page 19, beginning at line 438:

Improving harbor at Superior Bay and Saint Louis Bay, Wisconsin: Continuing improvement, $22,500.

* * * * * * *

Eighteen thousand dollars of the money hereby appropriated are to be expended in dredging in said Superior Bay and Harbor, and in repairing piers at natural entry, and $12,000 in dredging Saint Louis Bay.

That is to say, $22,500 are appropriated, of which $18,000 are to be

expended in one way and $12,000 in another, making $30,000 to be expended out of an appropriation of $22,500.

Again, on page 25, beginning at line 584:

Improving Newtown Creek and Bay, New York: Continuing improvement $37,500; of which $12,500 to be expended—

In one way and $12,500 in another, making $25,000 out of the $37,500, making no allusion whatever to the original appropriation nor to the reduction that has been made, but simply continuing the direction of the committee as if the appropriation had not been reduced.

Again, look at page 31:

Mr. MILLER. Would it not expedite business to commence the reading of the amendment and make these corrections as we go on?

Mr. INGALLS. No; because there may be more than these, and I only call attention to what I have seen in the most cursory and casual examination of this amendment in order that the attention of the Senate may be directed to them for the purpose of determining what we shall do in regard to the bill.

Look, on page 31, beginning at line 738:

Improving Roanoke River, North Carolina: Continuing improvement, $15,000. Two thousand five hundred dollars, or so much thereof as may be necessary, of the aforesaid $10,000 shall be used——

Mr. CHACE. Mr. President——

Mr. INGALLS. Do not interrupt me.

Mr. CHACE. The Senator will see the comma, which changes that sentence.

Mr. INGALLS. When I get through the Senator from Rhode Island will be at liberty to comment upon what I have said. There is a period after "fifteen thousand dollars," and there is no other mention anywhere in the paragraph of $10,000, except in this declaration of the method in which this appropriation is to be expended:

Two thousand five hundred dollars, or so much thereof as may be necessary, of the aforesaid $10,000 shall be used for the purpose of removing obstructions in the Thoroughfare and Coshoke Creek.

That is to say, the appropriation is $15,000, and $2,500 "of the aforesaid $10,000" is to be used for a specific purpose.

On page 33, beginning at line 799:

Improving Flint River, Georgia: Continuing improvement, $15,000; of which sum $5,000 are to be expended between Albany and Montezuma, and $15,000 below Albany.

Making an appropriation of $15,000 and an expenditure of $20,000.

On page 34:

Improving Choctawhatchee River, Florida and Alabama: Continuing improvement, $11,250; of which sum $5,000 to be expended below Geneva, and $10,000 to be expended between Geneva and Newton, Alabama.

Making $4,500 more designated than the sum appropriated.

And one more mysterious than all, on page 35:

Improving Manatee River, Florida: Continuing improvement, $7,500; improving Pease River, Florida: Continuing improvement, $2,250; of which $5,000 may be expended on Pease River.

Mr. MCMILLAN. That amendment was inserted by a vote of the Senate.

Mr. INGALLS. Here it is, and we are asked to vote upon it without reading.

Mr. MCMILLAN. That item was inserted by the Senate after this amendment was prepared.

Mr. INGALLS. After appropriating for the general purpose, appropriating for Pease River, Florida, $2,250 it declares—

Of which $5,000 may be expended on Pease River.

On page 36:

Improving Tombigbee River, Alabama and Mississippi: Continuing improvement, $18,750; to be expended below Vienna, $15,000; and between Vienna and Fulton, $10,000.

Making an appropriation of $18,750, and an expenditure of $25,000.

Again on page 41, beginning at line 992—

Improving White River, Arkansas: Continuing improvement, $13,500; thirteen thousand of which, or so much thereof as may be necessary, to complete the survey of said river; the remainder for general improvement.

Without making any improvement at all, leaving $500 out of $13,500 to be devoted to the improvement and $13,000 to the survey!

On page 45, beginning at line 1092—

Improving Saginaw River, Michigan: Continuing improvement, $33,750.

And providing out of that for a distribution of $27,500, leaving $6,200 for the general purposes of the appropriation.

Page 56:

Improving Mississippi River at Des Moines Rapids Canal, under the modified project, $26,250; of which sum $20,000 are to be used for pier construction.

Page 57:

Improving Mississippi River from the mouth of the Illinois River to the mouth of the Ohio River, $375,000—

With a proviso—

Provided, That the Secretary of War, in his discretion, may use not to exceed $100,000 of said sum of $500,000—

The amount being $375,000——

to correct the current of the river and improve the channel at Saint Louis.

Out of this total sum I find that by adding up the distributions that are made for specific amounts there is a total amount of $675,000 out of the amount without any reference to the original appropriation.

Mr. President, how much more there is in this amendment that has escaped my attention I do not know. I did not have the opportunity of seeing the amendment until I came in here this morning, and in the intervals of such other business as has been transacted I have given a casual examination to it, and I now submit, after this inspection that I have been able to give to it, it is hardly appropriate that I should be called upon to adopt in lump and in gross without further consideration the amendment offered by the committee.

I say this without any hostility to this bill. If it is reduced as the Senate has ordered, I intend to vote for it; but I do not think we ought to be called upon, even if time has been consumed and other matters are pressing, with such enormous discrepancies as appear there, to say that this committee have devoted to it the consideration that will require us to act without even having it read.

Mr. MCMILLAN. This reduction was made in the amounts appropriated, and all the reductions have been made as stated to the Senate. The items to which the Senator from Kansas has called attention are mere clauses distributing the appropriations made by the other bill, and those distributions are not matters of appropriations in the bill, but were all intended to be correct of course and made to conform with the appropriations as reduced by the amendment proposed by the committee. It is a mere clerical act to make them conform in the same proportion as in the bill to the amounts here appropriated. There is nothing at all the Senator has stated which need at all cause the Senate to hesitate.

I have not interposed any objection to the reading of the amendment. I have no objection to that being done. If the Senator wishes to make the corrections as he goes along, it can be done; but certainly all those distributions would have been made in the same proportion from the original bill as the appropriations have been reduced by the amendment.

Mr. CULLOM. May I inquire of the chairman what is his wish in the premises as to the manner of correcting the details?

Mr. MCMILLAN. Let the amendments be read and let them be corrected as the reading proceeds.

Mr. INGALLS. I do not think the Senate ought to be called upon to make these computations. Our time can be better employed. The committee, as I understand, proposed to report a bill in such shape that we could intelligently vote upon it. There are other matters of great importance pressing here. I submit that before we are called upon to vote on this bill it ought to be presented to us in such a form that there will be some assurance at least that the necessary computations have been made. I think the committee ought to take it again and fix it up and present it to us in a proper shape.

Mr. MILLER. It can be done in a few hours.

Mr. FRYE. It can be done in an hour without the slightest difficulty. There are about twenty of those cases, my recollection is, in the whole bill; and it requires a very short computation which can be arrived in an hour at furthest. It seems to me it would be better to informally lay aside the bill for one hour, and by that time the chairman of the committee will be able to present a modified amendment which will be correct.

I desire to say one thing further. I was occupying the chair yesterday when the question of reading the amendment came up, and my recollection is not that the reading was dispensed with by unanimous consent. I do not think it was. The Senator from Vermont called for the reading of the amendment and immediately withdrew to escape it. After he withdrew the Senator from Virginia called for the reading of the amendment and the reading was commenced; but the Senator from Virginia withdrew his call after the reading had begun. I have no recollection whatever of submitting to the Senate the question whether the reading should be dispensed with, and I do not think it was done. I was occupying the chair at the time.

Mr. PLATT. Without any reference to this bill rather than any other bill, I think that the orderly way of proceeding in the Senate whenever an amendment is proposed is to have it read at length. I think if we make the exception in favor of this bill or this amendment, which has been proposed, it will at some time come back to plague us.

Therefore it seems to me that the best way is to have the reading of the same amendment which is proposed proceed. I think we shall be justly chargeable with doing business in an inconsiderate manner if we do not have all amendments which are proposed to any bill reported at the desk.

While the amendment is being read the chairman of the committee or the clerk of the committee can make all these computations, so that in ten minutes after the reading of the amendment is completed the changes can be stated.

I do not make any specific call for the reading of the amendment, but as that call has been made I think the reading should be proceeded with.

The PRESIDENT *pro tempore*. The amendment will be read at length.

Mr. VEST. Before it is read I wish to make a single remark. Yesterday when the Senator from Michigan [Mr. CONGER] addressed the Senate at the close of our afternoon session, on account of the confusion

in the Hall I was unable to catch distinctly what he said. I find in the RECORD this morning a very singular statement, which I am utterly at a loss to understand unless it was applicable to the Senator from Texas [Mr. COKE] and myself.

The Senator from Michigan said:

> Why does he—
>
> Meaning the Senator from Kansas [Mr. PLUMB]—
>
> speak of every single member of it—
>
> That is, of the Committee on Commerce—
>
> as having been influenced by some corrupt motive?
>
> Mr. PLUMB. I disclaimed that in the beginning.
>
> Mr. CONGER. The Senator has stated it, whether he disclaims it or not, and he has said here that there are but two men of all that committee who rose to confess, to own that they were corrupt and unscrupulous in accomplishing their objects.

Mr. President, if I had heard any such statement here it would have received from me a very stern, emphatic, and indignant denunciation. There were but two members of that committee who rose to speak in regard to this reduction of 25 per cent., and they were the Senator from Texas and myself. I heard no charge of any corrupt motive on the part of that Senator, and certainly not of myself, nor did I hear anything or say anything that could have been distorted or contorted into anything like a confession. I have no confession to make. I have done nothing I would not do again.

There were many things in the bill as reported from the Committee on Commerce, after six weeks of deliberation, from which I dissented and which I opposed with all my power in that committee, without going into the details now; but when a majority of the committee voted me down and concluded to report the bill as it came to the Senate, I said then that I would loyally support it with the exception of the Hennepin Canal appropriation, and I gave notice in the committee that I would oppose that in Senate as I had done in the committee.

The bill came into the Senate in accordance with what I understood was the agreement of the committee. I supported that bill loyally and earnestly, and for four days I stood here in connection with the Senator from Michigan, the Senator from New York, and the chairman of the committee, and fought for every provision in the bill. I considered it my duty to do so. I considered that to be the compact made in the committee.

What was the result? A majority of the committee here did not vote at all or voted against the committee on all the amendments that were brought in increasing the appropriations. There was but one legitimate result: the committee went to pieces, never got together afterward, and the bill was butchered in the Senate. None of its blood is upon my garments. I stood by it and fought to the best of my ability.

As to this charge of corruption, I have heard nothing but the ordinary amount of talk that we get upon every river and harbor bill—about the members of the committee taking care of their own States; and I have replied to it, as I have always, that it amounts to nothing in the opinion of the country; that there was no foundation whatever for any such imputation; that the Committee on Commerce was simply like the rest of the Senate, actuated by the same sort of motives; and that there was no venality or corruption at all which could be imputed to them.

This assumption that the Committee on Commerce have legislated alone for themselves is based upon the idea that the Senators who make it stand upon a sort of legislative pedestal above and beyond the ordinary motives that influence other Senators; and yet it is only necessary to call the yeas and nays to know the vote on a river and harbor bill in the Senate. A map of the United States will show the vote. Take States which have no navigable rivers and their Senators vote "nay" invariably and have always done so and will always do so. The Senator from North Carolina [Mr. VANCE] reminds me that there is one exception to that, the Senator from Nevada [Mr. JONES], a member of the Committee on Commerce, who I believe supports the bill; but I repeat that you can take a map of the United States and you will find the yeas and nays as they are here invariably. There are certain States whose Senators never vote for a river and harbor bill, and two or three of those Senators attack the Commerce Committee of the Senate and say that they have provided for their own States.

But what I rose to call attention to was this remarkable statement in the RECORD, that the Senator from Texas and myself had confessed to the Senator from Kansas that we were actuated by corrupt motives. Mr. President, any Senator who would so stultify himself would deserve to be expelled from this body. So far from making any confession I simply rose when the Senator from Kansas was making a wholesale attack upon the Committee on Commerce for having increased the appropriations in committee for their own States to call attention to the statement and to emphasize the injustice of it from the fact that I had made no such increase, not that I was better than the rest of the committee, but because I thought the best thing for the Mississippi River, in which I am more interested and in which my people are more interested than in any other portion of the bill, was to retain the appropriations as they were for fear that disaster might overtake the bill if there were increases of appropriations everywhere. That is all of it. I do not arrogate to myself any purer or higher motives or better instincts. I acted as a legislator to save the appropriation for that river, because, without any claim to prescience, it seemed to me that if we went on loading down the bill by adding three or four million dollars, the very thing would happen which has happened in the Senate, that the Commerce Committee would be forced to cut down the bill themselves, if they would stay together, or else agree to a horizontal reduction such as is proposed now.

What is the operation of this amendment if it is carried? The Mississippi River receiving about one-half what it should receive, and the Missouri and the Ohio just the same, being cut down 50 per cent. under the estimates by the House, now receives a further reduction. There is a further reduction on the Mississippi River of $800,000, of nearly $200,000 in the case of the Ohio and $200,000 in the case of the Missouri, while the Senators who have increased their appropriations in the committee from $300,000 to a million dollars receive a little more than they would have received if the House bill had been adopted.

Is it fair, is it just, because a Senator has not asked for an increase that he is subjected to the same Procrustean rule, and the great river of this continent has a reduction of $800,000 because its friends on that committee, in the interest of the river, in the interest of the great commercial advantages which its improvement would give to the people of the Mississippi Valley, did not ask an increase, and their modesty, if you may so term it, is to be punished by a reduction of nearly a million dollars?

I can not vote for any such amendment. I was not in the committee when it was adopted. I shall fight it fairly and honestly because it is wrong in principle. We spent six weeks upon the bill in committee. We deliberated upon every amendment. The bill was increased a little, and after the committee by a large majority had put these increases upon the bill, we are now asked to cut off one-fourth of the whole amount without regard to the appropriations as they were made in the other branch of Congress.

Mr. CONGER. Mr. President, I, of course, made no such imputation in my speech in regard to the two Senators as the Senator from Missouri seems to have inferred from my remarks, knowingly or intentionally. I heard the speech of the Senator from Kansas [Mr. PLUMB], and without taking notes or having it before me I made such remarks as occurred to me upon what I had supposed was said. If I made any remarks that were not called for by the remarks of the Senator from Kansas, or did injustice to any one, I did it unintentionally.

However, I do find in the remarks of the Senator from Kansas that he said:

> The Senator from Missouri and the Senator from Texas are the only two members of the committee who lack either the acquisitive faculty, or judgment, or energy, or whatever else may be required to carry a measure in that committee; "industry," the Senator from Massachusetts says; and my colleague adds "temptation;" and I will put in all the other adjectives which can be suggested in that line. As I said, these two members of the committee are the only members who failed to get a large or at least an appreciable, as I now recall it, increase of the appropriations for their States, and they are the only two members who are opposed to this reduction.

Then followed a conversation between the Senator from Missouri [Mr. VEST] and the Senator from Minnesota [Mr. MCMILLAN]. The Senator from Kansas [Mr. PLUMB] then said, after stating what he had started out to say:

> As in the case of a confession made by a homicide, or any other criminal, the confession must be considered in connection with all the qualifying attendant circumstaces which surround it before it can be used; and so the confession of a part of this committee exculpates them entirely.

That I find in the RECORD.

Mr. VEST. What page is that on?

Mr. CONGER. It is on page 6975, first column, near the top. That I had in my mind without any definite recollection of who those Senators were, and I repeat the language so that you will see what my thought was:

> As in the case of a confession made by a homicide, or any other criminal, the confession must be considered in connection with all the qualifying attendant circumstances which surround it before it can be used; and so the confession of a part of this committee exculpates them entirely.

In my remarks, without knowing who the persons were, or without saying anything about them, coupling incidentally the remarks as to two, but not knowing even who those two were, for I had not heard all the remarks made before, I thought that applied to the Committee on Commerce as a confession of a part of the committee, and I made my remark in regard to it.

Mr. VEST. Will the Senator permit me to interrupt him?

Mr. CONGER. I will only say that I do not quite see the connection of that last clause with anything that appears in the RECORD. The Senator from Kansas, of course, will do me the justice to say whether there was anything that I might have had my attention called to in that connection left out of the RECORD. I do not suppose there was.

Mr. VEST. The Senator will permit me to say that I listened very carefully to the Senator from Kansas and I heard every word that he said. On account of his nearness to my seat I could hear him, but I could not hear the Senator from Michigan very distinctly. I understood that when the Senator from Kansas spoke of a confession he alluded to the chairman of the committee, because he goes on in the next sentence and says:

> The Senator from Minnesota says that this reduction is made because the

committee was run on, like a wagon going down-hill sometimes runs on the team. He did not believe it at all; it was against his judgment, against his conviction, and everything of that kind, but yet he comes in and supports it.

There was nothing said by the Senator from Texas or myself against this bill or any provision of it. On the contrary I had advocated it, as the Senator from Michigan well knew.

Mr. CONGER. Neither did I say anything about the Senator from Missouri. The Senator will find here in this the statement was based upon remarks which I have read twice, "as in the case of a confession," &c. I merely disclaim having had any thought of allusion to the Senator from Missouri or the Senator from Texas. They have been firm and congenial advocates of this bill with myself, and in constant and continual consultation in the committee-room and elsewhere in regard to what would be the best bill.

I have never had a thought of either of them or of any other member of the committee doing anything improper. The remarks which I made were founded upon the clause which I have read twice, and as I say I do not see in the connection in that clause that there is anything which precedes it, what I certainly had in my mind, as something connecting those two clauses together, and I was probably laboring under some mistake as to what particular individuals that clause related to.

Mr. PLUMB. The Senator from Michigan rather insinuates or suggests that possibly something is in the RECORD which was not uttered or that something was left out of the RECORD which was uttered. I have this to say, that I did not see the report of the remarks which I made yesterday, and I have not yet read it; but on looking at the paragraph to which the Senator from Michigan calls attention, on page 6975, I will say that, while I do not think what is printed preserves the same connection in which it was used, that is to say that all the connecting language is not inserted in the RECORD, owing probably to some inevitable mistake on the part of the stenographer, at the same time what was said was in direct reference to the Senator from Minnesota [Mr. MCMILLAN], and his interruptions of me and his own somewhat emphatic utterance of the ill way in which Minnesota had fared in the bill, thereby exculpating himself from what he deemed to be my charge against those members of the committee who are in favor now of scaling down the bill. Certainly it was not in my mind to make any charge against any member of the committee individually, or against the committee as a committee that would in any way be construed as imputing motives to them; and especially I excepted out from that anything which could reflect upon the Senator from Missouri and the Senator from Texas, to whom I alluded as having been entirely consistent in advocating the bill and still sticking by it.

In fact in what I said I had before my mind the difficulty under which the committee labored, being beset from all quarters about appropriations, and the necessity that was upon them of selecting from a multitude of objects of appropriation those which must go into the bill. But I confess that when the committee turned around upon itself, after having had an individual log-roll with the members of the Senate to stand by a large bill, and one member having conspicuously stated at two different places in my presence that the larger the bill—if not exactly that, that was the idea—the larger the bill the more certain it would be to receive the Presidential approval, and that he thought certainly, although himself a Republican yet gave what I understood as the suggestion of a Democrat, he having got the information close to the throne, it did seem to me a little out of place, and I thought worthy of characterization, that the committee should, without any previous explanation or information to anybody, come in here and propose to turn tail and not have the star performance go on, in not standing by these various items of appropriation upon the theory which they believed in, as I thought, that they were necessary, that they were proper, and that the money was in the Treasury to pay them. I certainly had no thought of characterizing the committee at all, although I did say what I thought about that method of expending the public money, and until we got some light on the subject I thought it ought not to influence our action in turning and opposing what had before been so strenuously favored.

Mr. COKE. I had not seen the RECORD until my attention was called to it by the Senator from Missouri. I did not happen to hear what occurred yesterday. I have listened to what the Senator from Michigan and the Senator from Kansas have said about it. As far as I am concerned, I am perfectly satisfied that both of those gentlemen were doing exactly what they thought was right, and that neither intended any reflection upon myself or the Senator from Missouri.

As to my action on the committee I have no apologies to make to anybody about it. As a Senator I pursue the convictions of my own judgment. When I agree with the committee I go with it. When I differ with the committee I go my own way, and the committee goes its own way. I have supported the bill brought in by the committee mainly. In some respects I have opposed it.

To the proposition now before the Senate, brought in last by the committee, I am opposed. I believe that it will work injustice. I believe that it should never have been brought in, because the bill as it has been perfected and as it stands before the Senate is the deliberate judgment of the committee and the Senate in favor of the appropriations in the bill as they stand. The proposition to cut them down 25 per cent. is an unreasonable and illogical and unjust assault upon the previous action of the Senate and the committee in this regard.

I have heretofore given the reasons of my opposition to this substitute, and will say nothing more.

Mr. BECK. Mr. President——

Mr. MCMILLAN. Will the Senator allow me?

Mr. BECK. I only want to say a few words.

Mr. MCMILLAN. I was about to ask that the Secretary proceed with the reading of the amendment.

Mr. BECK. I do not hear the Senator.

The PRESIDENT *pro tempore*. The Senator from Kentucky has the floor.

Mr. MCMILLAN. I will yield; I do not wish to interrupt the Senator.

Mr. BECK. Mr. President, I rise simply to say that as we are in a good deal of trouble about adjournment, the middle of July having been reached, that we have already wasted the greater part of two weeks on this bill, and that the amendment now proposed is perfectly well understood and no rereading of it will throw any new light on the subject. Of course it must be read if anybody desires it, but that will be a clear waste of time. We are as well prepared to vote upon the proposition without having it read as we would be afterward.

I propose to vote with the committee. They seem to think that this amendment will more likely enable them to pass the bill than if it is not adopted. They ought to know. I do not care what their reasons are, they, or a large majority of them, seem to think so. The bill ought to pass in some form, and as the committee believes that this is the best chance to pass it, I am willing to give them that opportunity.

One thing it certainly does, it throws open to consultation with the House or in conference whatever may be ascertained to be objectionable. If there is any objectionable feature that has been improperly inserted it can be stricken out. The whole subject is opened by adopting the amendment, because the proposition changes the whole action of the House. Yet, neither House loses control of the bill because it has to come back to each House for their consideration after whatever may be found wrong in it has been considered by the committee who have charge of it.

I said when the bill was first before the Senate that I was in favor of a liberal river and harbor bill if the sum appropriated was applied to such objects as benefited the people of the United States. There are provisions in this bill of which I do not approve. I voted against them, my vote is so recorded; but I am not prepared to vote against the whole bill because I was beaten in regard to those objectionable provisions any more than I was prepared to vote against the Post-Office appropriation bill after resisting for a long time what I considered a subsidy of $800,000. The Senate overruled me and adopted it.

I voted for the bill although it was in. Fortunately, in my opinion at least, the House agreed with me. Though I was in the minority here, that subsidy is not a part of the law as it finally passed. Some of the things which I object to in the bill have been voted in here by a majority of the Senate, but they may yet get out of it before it gets through both Houses. I hope they will. I have done my best here to keep them out, yet I do not want to defeat the bill because they are in; that would destroy the good and bad features of it alike, and would prevent any consultation with the other House in regard to them. A defeat of the bill is the worst thing possible, and ought not to be attempted until every other effort to correct what is wrong in it has failed. All that is bad may be stricken out when the two Houses get together. I, at least, will vote for the amendment and take that chance.

In looking through the hundreds of provisions in it I find that for six or seven objects alone, such as the New York Harbor, the Mississippi River, the Ohio, the Missouri, the Columbia Rivers, and the Muscle Shoals in the Tennessee, there are about $7,000,000 given, nearly one-half of the entire appropriation. When I look over it again for Boston Harbor and the harbor of refuge at Sandy Bay, which was said to be an important one, for Baltimore, Norfolk, Charleston, Savannah, Mobile, Galveston, Cleveland, Milwaukee, and Humboldt, Cal., I find about $4,000,000 more, making $11,000,000 for objects that everybody agrees ought to have liberal appropriations. Indeed, $20,000,000 might well be given for these alone and still be within the estimates of the Department.

I would not object to increasing every one of those items so far as I am concerned, because we have too much idle money and because I do not regard the improvement of the harbor of New York, for example, as a New York improvement. If the grain of the West can get out of the harbor of New York 1 cent a bushel cheaper than it can now either from reduced freight or insurance, or both, because of an improved channel, that cent a bushel goes into the pockets of the men of Kentucky and Dakota; it is added to the profits of the men who raise the wheat. It does not go to the people of the city of New York.

When we improved the Mississippi and built jetties there, securing a 30-foot channel, so that a 3,000-ton ship can go out of it now as easily as a thousand-ton ship could go over the Southwest Pass before, the advantage of the improvement inured to the people of Kentucky quite as

much and I think more than it did to the people of Louisiana, because our freights passing down that great river exceed theirs, and so do the freights from Missouri and the great Northwest. So it is at Savannah, so it is at Mobile, at Norfolk, Wilmington, anywhere. Every improvement which cheapens transportation inures to the benefit of the man who produces the thing transported over that line, no matter where he lives or where the goods are produced.

As the Senator from Texas [Mr. COKE] very well said yesterday, after we have given empires to railroads, after we have given subsidies amounting to millions upon millions of dollars, we have no means of keeping down their freight charges except by improving the water ways of the country. Every improvement made in a water way forces down the freight charged by the railroad, because competition regulates that. When the rivers compete sharply the railroads have to decrease their charges. If we can afford to aid railways owned by corporations we can afford to aid free rivers, we can afford to improve harbors so as to encourage competition, and give all the people living everywhere the benefit of it.

I have no doubt that we in the West are more benefited by the improvement of the harbor of New York than any man living in the city of New York. I mean to say that our people send their wheat, their cattle, and their other products to foreign markets through that great port, and they have to send them there.

Therefore, I do not look upon improvements of that character as a local matter at all, nor do I complain of what has happened in the committees of either House. I have been on committees of both bodies long enough to know that men who are familiar with the wants of their own localities will always endeavor to get all they need even if other sections are pinched a little. The House committee no doubt did it. Our committee I assume did the same. The Senate committee was carefully selected. I took part in selecting the Democratic side of it. It is composed of men thoroughly acquainted with commercial matters and understand the value of cheap transportation, men who were interested in these great improvements. Both sides selected men from the different States who had to deal most largely with those subjects in choosing the members of that committee. No doubt they saw and felt keenly the importance of those improvements, and it may be that there are some differences in favor of the States they represent.

My friend from Indiana [Mr. VOORHEES] was laughing at me just now because I made a remark to him while this wrangle was going on that my countryman, Burns, in his advice to a "young friend," expressed the truth very well when he said:

> But, oh, mankind are unco weak,
> And little to be trusted,
> If self the wavering balance shake
> It 's rarely right adjusted!

Perhaps there was some little selfishness in the committees of both Houses when they were looking at these questions, and there may have seemed a difference between the things they knew about and the things they did not know about personally; but that there was any desire to do any injustice or to take any advantage of other Senators I never have believed, and I do not believe now, and I do not think that any gentleman on this floor believes.

I am not a lecturer; I am no better than anybody else. I may have a little better temper than most of you; that is the only advantage I have. But I desire to say that there has been a little bit too much crimination and recrimination going on here for the last day or two. The press and the country are very apt to magnify it, and to say if such is our own estimate of ourselves we have not told the whole truth and it is worse than we admit it to be. Therefore it does not redound very much to our credit to have such things occur. The misunderstandings of this morning are all pleasantly settled now. I hope they will remain so, and that we will hurry on with our work and get away from here.

Mr. GIBSON. Mr. President——

Mr. HOAR. I rise to a question of order. Three or four Senators having demanded the reading of the amendment——

Mr. GIBSON. I wish to ask the Senator from Kentucky a question.

The PRESIDENT *pro tempore*. The Senator from Massachusetts rises to a point of order.

Mr. HOAR. I desire to raise the question whether any further debate is in order until that reading has been had.

The PRESIDENT *pro tempore*. When the reading of an amendment is demanded, that is the first thing to be done.

Mr. CULLOM. As the reading proceeds will it be in order to move such amendments as may seem necessary?

The PRESIDENT *pro tempore*. That can only be done by unanimous consent.

Mr. CULLOM. I ask that that course be pursued.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Illinois?

Mr. INGALLS. What is the proposition?

The PRESIDENT *pro tempore*. The proposition is that amendments may be moved as the reading proceeds.

Mr. GIBSON. I rose to get some information from the Senator from Kentucky when he finished speaking. I desire to know of the Senator from Kentucky whether he intends to vote for the bill as proposed to be amended by the committee.

Mr. BECK. I shall do so because the committee have reported the bill back that way. It is only for that reason that I vote for it, and not because of any amount appropriated by it.

Mr. HOAR. I insist on my point of order.

The PRESIDENT *pro tempore*. The Senator from Massachusetts insists on his point of order. The reading of the amendment will be proceeded with and it may be corrected as the reading proceeds.

Mr. RIDDLEBERGER. I believe the amendment moved by me is in order, which proposed to amend the proposition coming from the committee. I ask that the whole of the bill be stricken out except the enacting clause, the committee says "after the enacting clause," and to insert, and I have not heard yet that that amendment has been entertained. The RECORD certainly shows it to have been offered.

Mr. PLATT. It is not in order until the amendment of the committee is read.

The PRESIDENT *pro tempore*. The amendment of the committee will now be read at length and will be open to modification as the reading proceeds by paragraphs.

Mr. VEST. I have a copy of the bill, but when the Senator from Kansas [Mr. INGALLS] was speaking I could not find the clauses I was looking for. Are there two prints?

Mr. INGALLS. There are two prints.

Mr. VEST. Which one is correct?

The PRESIDENT *pro tempore*. The bill as originally reported from the Committee on Commerce was printed, and the amendment now proposed by the committee has been printed separately.

The Secretary proceeded to read the amendment submitted by Mr. MCMILLAN, and read to line 41.

Mr. MCMILLAN. In line 39, "$25,000" should be stricken out and "$18,750" inserted, so as to read:

Improving harbor at Boston, Massachusetts: Continuing improvement, $36,250; of which $18,750 are to be expended at Fort Point Channel, on Part A, below Congress Street Bridge.

The PRESIDENT *pro tempore*. If there be no objection the amendment to the amendment will be made.

Mr. RIDDLEBERGER. I object.

The PRESIDENT *pro tempore*. Objection being made, the question is upon agreeing to the amendment to the amendment striking out "$25,000" and inserting "$18,750."

Mr. RIDDLEBERGER. Mr. President, I shall be very glad, if I am in order, to speak to this proposition.

This morning there has been a reflection on motives here which caused so many apologies, but the fact still stares us in the face that however much there may have been a kind of regret among Senators that their language yesterday was not such as they would have chosen in cooler debate, the devil underlies this bill all the same. I can comprehend why it is possible sometimes to get to the soft side even of a United States Senator.

This is the same amendment which proceeded from the committee that has criticised the action and the words of every Senator here who has dared to ask them whether they had considered the subject. I repeat again that they did not meet to prepare this proposition. I repeat that that committee, if it met at all, met after the original bill had been discussed, and that they met not earlier than 10 o'clock in the morning, and that they were in here before 11 o'clock.

I am not to be abashed, and I am not to be driven from my original position by the criticisms of members of that committee. The Senator from Michigan said yesterday what he thought was the duty of the true statesman. I will say what I think ought to be the duty of the true man. Did that committee consider this amendment? I say they did not, and if they did let them rise here and say that they did. There may be a true statesman and there may be a truthful man. I do not undertake to say that every member of that committee is not truthful, but then there is such a thing as *suppressio veri*. They have not dared yet to mention on this floor that they undertook to cut down the bill 25 per cent. because they had run away from their original proposition, which I think I am entitled to say I was the only Senator on this floor to attack. I am not ashamed of it, and I am not going to run away from the position which I took.

The Senator from Kentucky [Mr. BECK] has not treated this question as it deserves to be treated. He spoke of New York Harbor. I am in favor of improving that harbor. I am in favor of increasing, if we can do it, the commerce of this country. But when you take off 25 per cent. in the way in which it is proposed to be done, you take 25 per cent. off from the amount because you are afraid to take out the apppropriations from the little streams which can not improve commerce and which promote no part of the commerce of this country.

This is what this bill does. It is a bill to make appropriations without regard to rivers and harbors, and I do not propose for one to let this committee escape, however much smoke shall be raised around it, like in a certain historical figure, by coming in and saying, "We reduce the appropriation 25 per cent." You ought not to take off 25 per cent. from the appropriations which you propose here for the improvement

of rivers and harbors when we take but 25 per cent. off that which we are capable of knowing here, knowing the streams in our own States, what we propose to give them and that it can avail nothing, leaving that which is necessary for the improvement of the navigable rivers and harbors of our country.

This 25 per cent. reduction ought to shame a man who knows that he is taking off one-fourth from New York, one-fourth from Norfolk, one-fourth from Newport News, one-fourth from the James River, one-fourth from all navigable streams. But the Government must at all times and even under distressing circumstances help little streams and little creeks. That is what it is proposed to do; that is what is done in this bill; and every time there is an apology made for it, every time that Senators seem to want to come down, as they did in this bill, by a 25 per cent. reduction to a kind of mercy seat, which they have established here this morning, I intend to discuss it even if I have to utter the same sentiments and employ the same phraseology every time.

Mr. HOAR. The pending amendment was introduced by the chairman of the Committee on Commerce. After it was introduced last night one or two small amendments were made in it by the Senate in order that it might conform with what had been passed in the original bill. The amendments which had been made in the original bill since it was prepared were made in it. If it were not for that the chairman would have a right, as a matter of course, to modify his amendment now in all these little details which require correction.

I therefore ask unanimous consent that he may have the right to modify the amendment, of course subject to being adopted by the Senate afterward, as if it was an original amendment introduced by him.

The PRESIDENT *pro tempore*. The Chair is of opinion that the Senator from Minnesota might modify that part of the amendment which has not already been acted upon by the Senate in any way. He has a right to do that as to the amendment, except that part of it which has been put in by a vote of the Senate.

This amendment to the amendment will be regarded as agreed to.

The reading of the amendment was continued to line 73.

Mr. HOAR. I should like to ask a question of the chairman of the committee at this point. On line 74, page 4, I suppose the word "complete" should be stricken out.

Mr. McMILLAN. Yes; it should be "continuing improvement."

Mr. HOAR. Let the words "continuing improvement" be inserted instead of the words "to complete," at the beginning of line 74, because this cuts down the appropriation 25 per cent., not leaving enough to complete the improvement of the harbor at Wood's Holl.

Mr. McMILLAN. Let the amendment be modified by striking out the words "to complete" and inserting the words "continuing improvement."

Mr. RIDDLEBERGER. I can not hear the discussion that goes on between Senators when they ask unanimous consent. If they want unanimous consent they ought to ask for it loud enough so that it can be responded to. I object to anything that can possibly go to the passing of this bill as it is reported from the committee, even if it is amended after the enacting clause.

Mr. McMILLAN. This is a mere modification to conform to the order of the Senate. In line 63, after the word "which," I propose to strike out "two thousand" and insert "fifteen hundred."

The PRESIDENT *pro tempore*. That modification will be made.

Mr. McMILLAN. In line 74 I move to strike out "to complete" and insert "continuing improvement."

The PRESIDENT *pro tempore*. That has already been done.

The reading of the amendment was resumed and continued to the end of line 80.

Mr. McMILLAN. In line 79, before "thousand," I wish to strike out "eight" and insert "six," and in line 145, before "thousand," to strike out "twelve" and insert "nine."

The PRESIDENT *pro tempore*. The amendment will be so modified.

The reading of the amendment was resumed and continued to the end of line 146.

Mr. McMILLAN. In line 144 strike out "seventy-five" before "thousand" and insert "fifty-six thousand two hundred and fifty;" and in line 145 strike out "twenty," before "thousand," and insert "fifteen."

The PRESIDENT *pro tempore*. That modification will be made.

The reading of the amendment was resumed and continued to the end of line 190.

Mr. McMILLAN. Instead of "$30,000" in line 188 insert "$22,500."

The PRESIDENT *pro tempore*. That correction will be made.

The reading was resumed and continued to the end of line 235.

Mr. McMILLAN. In line 229 insert "$75,000" instead of "$100,000;" and in line 230 strike out "$150,000" and insert "$112,500."

The PRESIDENT *pro tempore*. The modifications will be made.

The reading was resumed and continued to the end of line 264.

Mr. McMILLAN. In line 262 strike out "$2,000" and insert "$1,500."

The PRESIDENT *pro tempore*. That correction will be made.

Mr. RIDDLEBERGER. Can the Senator from Minnesota explain this:

The Secretary of War is authorized to cede to the city of Chester, Pa., the upper and lower piers located in said city and extending into the Delaware River and formerly used as an ice-harbor.

To whom do the piers belong now?

Mr. McMILLAN. Those piers were erected by the General Government.

Mr. RIDDLEBERGER. Does the Government charge anybody for using or passing over them?

Mr. McMILLAN. No, sir.

Mr. RIDDLEBERGER. Then how does that become a part of a river and harbor bill?

Mr. McMILLAN. There is an appropriation made for an improvement at that harbor, and this is for the benefit of the harbor.

Mr. RIDDLEBERGER. The two items are not associated in this bill.

Mr. McMILLAN. They are all embraced.

Mr. RIDDLEBERGER. All in the same bill, but not close enough together to be associated. This is on page 9. I do not want to retard the reading of the amendment too long. I supposed the Senator would be ready to give a proper answer to any question about the details, as the committee had so much time to consider the bill.

The PRESIDENT *pro tempore*. The reading will proceed.

The reading of the amendment was resumed and continued to the end of line 312.

Mr. McMILLAN. In line 309 strike out "forty" and insert "thirty," so as to read "$40,000."

The PRESIDING OFFICER (Mr. CULLOM in the chair). That modification will be made.

The reading of the amendment was resumed and continued to the end of line 339.

Mr. McMILLAN. In line 338 strike out "$3,750" and insert "$2,812."

The PRESIDING OFFICER. That modification will be made.

The reading of the amendment was resumed and continued to the end of line 352.

Mr. McMILLAN. In line 351 strike out "$2,500" and insert "$1,875."

The PRESIDING OFFICER. That modification will be made.

The reading of the bill was resumed and continued to the end of line 354.

Mr. LOGAN. The clause just read is a reduction of the appropriation for Calumet Harbor. I wish to call attention to the fact that the sum fixed here is $7,500, when the estimate was $100,000, which I think is pretty low scaling. I shall ask the Senate to put it up to $10,000 at least.

Mr. McMILLAN. Let the reading of the amendment be finished. We are correcting merely clerical errors while the amendment is being read.

Mr. LOGAN. The bill will not be amendable after it is gone through. The rule was stated by the President of the Senate that the amendments should be offered as we read the sections.

Mr. MILLER. The Senator is mistaken in regard to that, I think. The suggestion was that the chairman of the committee should correct his own amendment, by unanimous consent, while the reading went along. When the amendment has been read through and the chairman has made such corrections as he desires in order to put the whole amendment in the shape he desires, then of course it will be open to amendment the same as any other bill, but not till then.

Mr. LOGAN. If that is the understanding, I shall not interfere at this time; but the statement made by the President I took as notice that amendments could be offered during the reading, but if amendments can be offered afterward that will do just as well.

Mr. McMILLAN. As far as I am concerned, they can be.

Mr. LOGAN. I will wait until the reading is concluded. I propose to make the same motion in the next clause; I give notice now of it to the chairman that he may think about it. It is in reference to the Chicago Harbor.

The reading of the amendment was resumed and continued to the end of line 396.

Mr. McMILLAN. In line 595 strike "$50,000" and insert "$37-500."

The PRESIDING OFFICER. The modification will be made.

The reading was resumed and continued to the end of line 449.

Mr. McMILLAN. In line 443 strike out "$18,000" and insert "$13,500;" and in line 446 strike out "12,000" and insert "$9,000."

The PRESIDING OFFICER. Those modifications will be made.

The reading of the amendment was resumed to the end of line 485.

Mr. McMILLAN. In line 467 there is a misprint. Strike out "until" and insert "unless;" so as to read:

Unless the report of said board shall be in favor of making said canal free to commerce.

The PRESIDING OFFICER. That modification will be made.

The reading was resumed and continued to the end of line 583.

Mr. McMILLAN. In line 582 strike out "$20,000" and insert "$15,000."

The PRESIDING OFFICER. That modification will be made.

The reading was resumed and continued to the end of line 593.

Mr. McMILLAN. Strike out "$12,500" and insert "$9,375" in line 586; and in line 589 strike out "$12,500" and insert "$9,375."

The PRESIDING OFFICER. Those modifications will be made.

The reading was resumed and continued to the end of line 606.

Mr. McMILLAN. In line 605 strike out "$3,000" and insert "$2,250."

The PRESIDING OFFICER. That modification will be made.

The reading was resumed and continued to the end of line 639.

Mr. McMILLAN. In line 634 strike out "$40,000" and insert "$30,000," and in line 637 strike out "$10,000" and insert "$7,500."

The PRESIDING OFFICER. Those modifications will be made.

The reading was resumed and continued to the end of line 690.

Mr. McMILLAN. In line 688 strike out "$5,000" and insert "$3,750," and the same change in line 689.

The PRESIDING OFFICER. Those modifications will be made.

The reading was resumed and continued to the end of line 712.

Mr. McMILLAN. In line 705 strike out "$2,500" and insert "$1,875."

The PRESIDING OFFICER. That modification will be made.

The reading was resumed and continued to the end of line 719.

Mr. McMILLAN. In line 715 strike out "$15,000" and insert "$11,250."

The PRESIDING OFFICER. That modification will be made.

The reading was resumed and continued to the end of line 743.

Mr. McMILLAN. In line 739 strike out "$2,500" and insert "$1,875;" and in line 741 strike out "$10,000" and insert "$15,000."

The PRESIDING OFFICER. Those modifications will be made.

The reading was resumed and continued to the end of line 794.

Mr. McMILLAN. In line 792 strike out "ten thousand" and insert "seven thousand five hundred."

The PRESIDING OFFICER. That modification will be made.

The reading was resumed and continued to the end of line 803.

Mr. McMILLAN. In line 800 strike out "$5,000" and insert "$3,750;" and in line 802 strike out "$15,000" and insert "$11,250."

The PRESIDING OFFICER. Those modifications will be made.

The reading was resumed and continued to the end of line 829.

Mr. McMILLAN. In line 826 strike out "$5,000" and insert "$3,750;" and in line 328 strike out "$10,000" and insert "$7,500."

The PRESIDING OFFICER. Those modifications will be made.

The reading was resumed and continued to the end of line 839.

Mr. FRYE. I call the attention of the Senator from Florida [Mr. CALL] to the clause from line 835 to line 839.

Mr. McMILLAN. That is an amendment inserted in the Senate. I can not change it.

Mr. FRYE. The item needs amendment.

The PRESIDING OFFICER. The understanding is that the chairman of the committee may go through with the amendment of the committee so as to correct it before any amendments are made by the Senate. The reading will proceed.

The reading of the amendment was resumed and continued to the end of line 873.

Mr. McMILLAN. In line 871 strike out "$15,000" and insert "$11,250;" and in line 872 strike out "$10,000" and insert "$7,500."

The PRESIDING OFFICER. Those modifications will be made.

The reading was resumed and continued to the end of line 877.

Mr. McMILLAN. In line 876 strike out "$2,000" and insert "$1,500."

The PRESIDING OFFICER. That modification will be made.

The reading was resumed and continued to the end of line 892.

Mr. McMILLAN. In line 889 strike out "$3,000" and insert "$2,250;" and in line 890 strike out "$3,000" and insert "$2,250."

The PRESIDING OFFICER. Those modifications will be made.

The reading was resumed and continued to the end of line 908.

Mr. McMILLAN. In line 907 strike out "$5,000" and insert "$3,750."

The PRESIDING OFFICER. The modification will be made.

The reading was resumed and continued to the end of line 944.

Mr. McMILLAN. In line 940 strike out "$25,000" and insert "$18,750."

The PRESIDING OFFICER. That modification will be made.

The reading of the amendment was resumed and continued to the end of line 956.

Mr. McMILLAN. In line 955 strike out "$7,500" and insert "5,625."

The PRESIDING OFFICER. The modification will be made.

The reading was resumed and continued to the end of line 976.

Mr. McMILLAN. In line 974 strike out "$13,000" and insert "$9,750;" in line 965 strike out "$10,000" and insert "$7,500;" and in line 976 strike out "$8,000" and insert "$6,000."

The PRESIDING OFFICER. Those modifications will be made.

The reading was resumed and continued to line 982.

Mr. McMILLAN. In line 979 strike out "$1,500" and insert "$1,125."

The PRESIDING OFFICER. That modification will be made.

The reading was resumed and continued to the end of line 985.

Mr. BERRY. The words "Texas and the Indian Territory" were stricken out by order of the Senate.

The PRESIDING OFFICER. The Chair understands the Senator is right. The words "Texas and the Indian Territory" were stricken out by order of the Senate.

Mr. McMILLAN. Let the amendment be so modified.

The PRESIDING OFFICER. The modification will be made.

The reading of the amendment was resumed and continued to the end of line 996.

Mr. McMILLAN. In line 993 strike out "$13,000," at the end of the line, and insert "$9,750."

The PRESIDING OFFICER. That modification will be made.

The reading was resumed and continued to the end of line 1097.

Mr. McMILLAN. In line 1094 strike out "$22,500" and insert "$16,875," and in line 1096 strike out "$5,000" and insert "$3,750."

The PRESIDING OFFICER. Those modifications will be made.

The reading was resumed and continued to the end of line 1139.

Mr. McMILLAN. In line 1131 strike out "$8,000" and insert "$6,000."

The PRESIDING OFFICER. That modification will be made.

The reading was resumed and continued to the end of line 1147.

Mr. McMILLAN. In line 1146 strike out "$12,000" and insert "$9,000."

The PRESIDING OFFICER. That modification will be made.

The reading was resumed and continued to the end of line 1192.

Mr. McMILLAN. In line 1191 strike out "$5,000" and insert "$3,750."

The PRESIDING OFFICER. That modification will be made.

The reading was resumed and continued to the end of line 1278.

Mr. McMILLAN. In line 1276 strike out "$28,000" and insert "$21,000."

Mr. DOLPH. I ask the chairman of the committee if that is absolutely necessary; if that is not an expenditure for which $28,000 is required for a snag-boat?

Mr. EDMUNDS. It is like all the others. Let it go.

Mr. McMILLAN. It is like the others.

The PRESIDING OFFICER. The modification will be made.

The reading of the amendment was resumed and continued to the end of line 1300.

Mr. VEST. There is a mistake in the print. In line 1293 we amended the clause by striking out the words "repairs of" and taking the letter "s" off the word "works;" making the clause read:

Improving Missouri River from its mouth to Sioux City: Continuing improvement, including necessary work at Omaha, &c.

Mr. McMILLAN. That was the amendment.

The PRESIDING OFFICER. That modification will be made.

Mr. VEST. Now I move——

Mr. McMILLAN. Will the Senator from Missouri withhold any motion until we get through with the formal corrections?

The PRESIDING OFFICER. The Senate is going through the amendment, making the necessary corrections to put the amendment in the shape desired by the chairman of the committee.

Mr. VEST. Very well.

The reading of the amendment was resumed and continued to the end of line 1340.

Mr. McMILLAN. In line 1308 strike out "$50,000" and insert "$37,500;" in line 1310 strike out "$25,000" and insert "$18,750;" in line 1318 strike out "$37,500" and insert "$28,125;" in line 1337 strike out "$25,000" and insert "$18,750;" and in line 1339 strike out "$15,000" and insert "$11,250."

The PRESIDING OFFICER. Those modifications will be made.

The reading was resumed and continued to the end of line 1362.

Mr. McMILLAN. In line 1352 strike out "$8,000" and insert "$6,000;" and in line 1355 strike out "$20,000" and insert "$15,000."

The PRESIDING OFFICER. Those modifications will be made.

The reading of the amendment was resumed and continued to the end of line 1367.

Mr. McMILLAN. In line 1365 strike out "$20,000" and insert "$15,000."

The PRESIDING OFFICER. That modification will be made.

The reading was resumed and continued to the end of line 1398.

Mr. McMILLAN. In line 1387 strike out "$50,000" and insert "$37,500;" in line 1392 strike out "$30,000" and insert "$22,500;" in line 1396 strike out "$100,000" and insert "$75,000;" and at the end of the same line strike out "$500,000" and insert "$375,000."

The PRESIDING OFFICER. Those modifications will be made.

The reading was resumed and continued to the end of line 1461.

Mr. McMILLAN. In line 1441 strike out "$100,000" and insert "$75,000;" in line 1443 strike out "$250,000" and insert "$187,500;" in line 1448 strike out "$50,000" and insert "$37,500;" in line 1450 strike out "$100,000" and insert "$75,000;" in line 1455 strike out

"$50,000" and insert "$37,500;" in line 1458 strike out "$75,000" and insert "$56,250;" in line 1459 strike out "$25,000" and insert "$18,750;" and in line 1460 strike out "$25,000" and insert "$18,750."

The PRESIDING OFFICER. Those modifications will be made.

The reading was resumed and continued to the end of line 1478.

Mr. McMILLAN. That concludes the reading of the first section, and I desire to correct the amendment made by the Senate. On line 835, page 35:

Improving Manatee River, Florida: Continuing improvement, $7,500; improving Pease River, Florida: Continuing improvement, $2,250; of which $5,000 may be expended on Pease River.

I move to amend that so as to read:

Improving Manatee and Pease Rivers, Florida: Continuing improvement, $9,750; of which $5,000 may be expended on Pease River.

The Senator from Florida [Mr. CALL] consolidated the two items in the bill, and this reduces the gross amount.

The PRESIDING OFFICER (Mr. FRYE in the chair.) That modification will be made.

The reading of the amendment was continued to line 133 of section 5.

Mr. HOAR. The words "Manchester Harbor" should be inserted under the head of "Massachusetts." It was by a mistake that those words were omitted.

The PRESIDING OFFICER. The amendment will be corrected by the insertion of those words.

The Secretary resumed the reading of the amendment and continued the reading to line 204 of section 5.

Mr. McMILLAN. In line 204 "Glencoe Harbor" should read "Glen Cove Harbor."

The PRESIDING OFFICER. That correction will be made.

The reading was resumed and continued to section 6.

Mr. HOAR. The last "section 6" should be "section 7."

Mr. EDMUNDS. The Secretary will arrange that under the general order.

The Secretary resumed and concluded the reading of the amendment.

Mr. McMILLAN. In line 1310 I suggest a change from "$25,000" to "$18,750."

The PRESIDING OFFICER. That change will be made. The reading of the amendment having been concluded, the question before the Senate is on striking out all after the enacting clause of the bill and inserting the amendment offered by the Senator from Minnesota.

Mr. MITCHELL, of Oregon. I ask for the yeas and nays.

The yeas and nays were ordered.

The amendment as corrected is to strike out all of the bill after the enacting clause and in lieu of the matter stricken out insert:

That the following sums of money be, and are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, and to be expended under the direction of the Secretary of War, for the construction, completion, repair, and preservation of the public works hereinafter named:

Improving harbor at Rockland, Me.: Continuing improvement, $22,500.

Improving breakwater at mouth of Saco River, Maine: Continuing improvement and repairs, $9,375.

Improving harbor at Portland, Me.: Continuing improvement, $30,000.

Improving the channel in Back Cove, Portland, Me.: Continuing improvement, $26,250.

Improving harbor at York, Me., $11,250.

Improving harbor at Portsmouth, N. H.: Continuing improvement, $11,250.

Improving the harbor of refuge at Little Harbor, New Hampshire: Continuing improvement, $7,500.

Improving harbor at Burlington, Vt.: Continuing improvement, $18,750.

For a breakwater at Gordon's Landing, on Lake Champlain, to be built on the 12-foot curve mentioned in the papers accompanying the report of the Secretary of War to the Senate, dated March 1, 1886 (Executive Document No. 81, Forty-ninth Congress, first session), $18,750.

Improving harbor at Boston, Mass.: Continuing improvement, $56,250; of which $18,750 are to be expended at Fort Point Channel, on Part A, below Congress street bridge.

Improving harbor at Lynn, Mass.: Continuing improvement, $4,500.

Improving harbor at Nantucket, Mass.: Continuing improvement, $11,250.

Improving Hyannis Harbor, Mass., $7,500.

Improving harbor at Newburyport, Mass.: Continuing improvement, $37,500.

Improving harbor at Wareham, Mass.: Continuing improvement, $11,250.

Improving harbor at Plymouth, Mass.: Continuing improvement, $4,500.

Improving harbor at Hingham, Mass.: Continuing improvement, $4,500.

Improving harbor at Provincetown, Mass.: Continuing improvement, $2,250.

Improving harbor at Gloucester, Mass., $3,750; of which $1,500, or so much as may be needed, for a survey, and remainder on Babson's Ledge.

For the national harbor of refuge of the first class at Sandy Bay: Continuing improvement, $75,000.

Improving harbor at Scituate, Mass.: Continuing improvement, $7,500.

Improving harbor at Westport, Mass.: Continuing improvement, $750, for sand-fence.

Improving harbor at Wood's Holl, Mass.: To continue improvement, $10,875.

Improving harbor at Block Island, R. I.: Continuing improvement, $15,000; of which $6,000 shall be expended on the breakwater and $9,000 on the inner harbor.

Improving harbor at Newport, R. I.: Continuing improvement, $11,250.

Improving harbor at Bridgeport, Conn.: Continuing improvement, $15,000.

Improving harbor at Black Rock, Conn.: Continuing improvement, $3,750.

Improving breakwater at New Haven, Conn.: Continuing improvement, $75,000.

Improving harbor at New Haven, Conn.: Continuing improvement, $15,000.

Improving harbor at New London, Conn.: Continuing improvement, $1,500.

Improving harbor at Norwalk, Conn.: Continuing improvement, $2,250.

Improving harbor at Stonington, Conn.: Continuing improvement, $15,000.

Improving harbor at Stamford, Conn.: Continuing improvement, $7,500.

Improving harbor at Buffalo, N. Y.: Continuing improvement, and repairs on the outer breakwater, $112,500.

Improving Buttermilk Channel, New York: Continuing improvement, $56,250.

Improving breakwater at Rouse's Point, N. Y.: Continuing improvement, $15,000.

Improving harbor at Dunkirk, N. Y.: Continuing improvement, $15,000.

Improving harbor at Canarsie Bay, New York: Continuing improvement, $7,500.

Improving harbor at Charlotte, N. Y.: Continuing improvement and repairs, $26,250.

Improving harbor at Flushing Bay, New York: Continuing improvement, $7,500.

Improving channel at Gowanus Bay, New York: Continuing improvement, $5,625.

Improving harbor at Great Sodus Bay, New York: Continuing improvement, $16,875.

Improving harbor at Greenport, N. Y.: Continuing improvement, $3,750.

Improving harbor at Little Sodus Bay, New York: Continuing improvement, $9,375.

Improving harbor at Oak Orchard, N. Y.: Continuing improvement by repairs, $9,375.

Improving harbor at Olcott, N. Y.: Continuing improvement and repairs, $7,500.

Improving harbor at Wilson, N. Y.: Continuing improvement, $7,500.

Improving harbor at Ogdensburg, N. Y.: Continuing improvement, $7,500; which, together with the amount on hand, is to be used in removing obstructions from the mouth of the Oswegatchee and continuing the excavation at the lower harbor up stream.

Improving harbor at Oswego, N. Y.: Continuing improvement, $71,250; of which $56,250 to be used in repairs, and $15,000 in continuing work on the harbor.

Improving harbor at Rondout, N. Y.: Continuing improvement, $1,875.

Improving harbor at Saugerties, N. Y.: Continuing improvement, $11,250.

Improving harbor at Sheepshead Bay, New York: Continuing improvement, $3,750.

Improving New York Harbor, New York: Continuing improvement to secure a 30-foot channel at mean low water at the Sandy Hook entrance of the harbor, upon such plan as the Secretary of War may approve, $750,000.

Improving channel between Staten Island and the New Jersey shore, New York and New Jersey: Continuing improvement, $11,250.

Improving harbor at Raritan Bay, New Jersey: Continuing improvement, $37,500.

Improving harbor at Plattsburg, N. Y.: Continuing improvement, $3,750.

For a more thorough and definite survey and examination of the harbor at Atlantic City, N. J., with a view to making a harbor of refuge at that point, $3,750; said examination and survey to be made by a board consisting of three United States engineers.

Improving harbor at Erie, Pa.: Continuing improvement, and also for the improvement of said harbor as recommended by the Chief of Engineers January 13, 1885, $37,500: *Provided*, That the Secretary of War be, and he is hereby, authorized and directed to receive and accept for the United States, from the marine hospital of Erie, Pa., the title to the peninsula of Presque Isle, at Erie, Pa., as tendered by the said marine hospital, agreeably to the provisions of an act of the Legislature of the State of Pennsylvania approved May 11, 1871: *And provided further*, That $22,500 of said sum shall not be expended until the aforesaid title shall be accepted by the Secretary of War.

Improving ice-harbor at Marcus Hook, Pennsylvania.: Continuing improvement, $11,250.

The Secretary of War is authorized to cede to the city of Chester, Pa., the upper and lower piers located in said city and extending into the Delaware River, and formerly used as an ice-harbor.

Improving Delaware Breakwater, Delaware: Continuing improvement, $56,250.

Improving ice-harbor at New Castle, Del.: Continuing improvement, $3,750.

Improving harbor at Wilmington, Del.: Continuing improvement, $18,750.

Improving harbor at Baltimore, Md.: Continuing improvement, $150,000.

Improving harbor at Breton Bay, Maryland: Continuing improvement, $4,875.

For continuing the improvement of the Potomac River in the vicinity of Washington, with reference to the improvement in navigation, the establishment of harbor lines, and the raising of the flats, under the direction of the Secretary of War and in accordance with existing plans, $375,000: *Provided*, That no part of the sum hereby appropriated shall be expended upon or with reference to any place in respect of which the title of the United States is in doubt, or in respect to which any claim adverse to the United States has been made.

Improving harbor at Norfolk, Va., and improving approach to Norfolk Harbor and the United States navy-yard at Norfolk: Continuing improvement by widening the channel of Elizabeth River to the port-warden's line on the eastern side, between Lambert's Point light and Fort Norfolk, $187,500; of which $75,000 shall be expended in improving the harbor and $112,500 in widening the channel of Elizabeth River to the port-warden's line on the eastern side, between Lambert's Point light and Fort Norfolk, beginning at Lambert's Point light, including the construction of the proposed dike.

Improving harbor at Beaufort, N. C.: Continuing improvement, $11,250.

Improving harbor at Edenton Bay, North Carolina: Continuing improvement, $1,500.

Improving the inland water way between New Berne and Beaufort, N. C., $7,500.

Improving harbor at Charleston, including Sullivan's Island, South Carolina: Continuing improvement, $187,500.

Improving Winyaw Bay, South Carolina: Continuing improvement, $18,750.

Improving harbor at Georgetown, S. C.: Continuing improvement, $3,750.

Improving harbor at Brunswick, Ga.: Continuing improvement, $22,500.

Improving Cumberland Sound, Georgia and Florida: Continuing improvement, $112,500.

Improving harbor at Savannah, Ga.: Continuing improvement, $150,000.

Improving harbor at Apalachicola Bay, Florida: Continuing improvement, $9,000; of which $1,500 may, in the discretion of the Secretary of War, be expended at the Carabello or Crooked River.

For examination and survey of the entrance to harbor at Key West, Fla., $1,875.

Improving harbor at Pensacola, Fla.: Continuing improvement, $15,000.

Improving harbor at Tampa Bay, Fla.: Continuing improvement, $7,500.

Improving harbor at Cedar Keys, Fla., $5,250.

Improving harbor at Mobile, Ala.: Continuing improvement, $90,000.

Improving harbor at Biloxi Bay, Miss.: Continuing improvement, $9,375; which sum, together with the money on hand heretofore appropriated for the roadstead, is hereby directed to be used in deepening the channel from Mississippi Sound to the wharves at Biloxi.

Improving Aransas Pass and Bay up to Rockport and Corpus Christi, Tex.: Continuing improvement, $101,250.

Improving Brazos Santiago Harbor, Texas: Continuing improvement, $37,500.

Improvement of entrance to Galveston Harbor, Texas: Continuing improvement, $300,000.

Improving Pass Cavallo, Texas: Continuing improvement, $37,500.

Improving Sabine Pass and Blue Buck Bar, Texas: Continuing improvement, $198,750.

Improving ship-channel in Galveston Bay, Texas, from Morgan's Cut to Bolivar Channel: Continuing improvement, for which purpose the balance now remaining of the money heretofore appropriated for this work is hereby directed to be expended by the Secretary of War in the completion of said channel, in accordance with the plans heretofore adopted, and in marking out said channel by piles or stakes, so as to enable navigators to find the same without difficulty.

Improving harbor at Ashtabula, Ohio: Continuing improvement, $30,000.

Improving harbor at mouth of Black River, Ohio: Continuing improvement, $7,500.

Improving harbor at Cleveland, Ohio, on the last plan projected, $93,750; of which $30,000 are to be used in building a parapet on the existing breakwater, and the $100,000 now on hand to be available for work on the last plan.

Improving harbor at Fairport, Ohio: Continuing improvement, $18,750.

Improving harbor at Huron, Ohio: Continuing improvement, $2,250.

Improving ice-harbor at the mouth of the Muskingum River, Ohio: Continuing improvement, $37,500.

Improving harbor at Port Clinton, Ohio, by repairs of existing works, $1,500.

For the purpose of acquiring the title to the land adjoining the inner end of the west pier built by the United States for the improvement of the harbor at Port Clinton, Ohio, the Secretary of War shall negotiate with the owner or owners of the land for the purchase thereof at a reasonable price, to be approved by Congress; and if an agreement as to price can not be made with the owner, then the value of the same shall be ascertained in the mode provided by the laws of Ohio for the condemnation of lands for public uses in that State, the result of said proceedings of condemnation, if taken, to be reported to the next Congress for its approval.

Improving harbor at Sandusky City, Ohio, by dredging the channel through the outer bar and within the bay; and for this purpose the money appropriated by act of July 5, 1884, now on hand, is hereby made available, and the further sum of $2,812 is hereby appropriated.

Improving harbor at Toledo, Ohio: Continuing improvement of the Maumee River by a straight channel along such line as may be approved by the Secretary of War, $112,500; and the balance of the $25,000 heretofore appropriated are hereby made available for clearing the old channel.

Improving harbor at Vermillion, Ohio: Continuing improvement, $2,250.

Improving harbor at Michigan City, Ind.: Continuing improvement, $56,250; of which sum $1,875 are to be used on the inner harbor.

Improving harbor at Calumet, Ill.: Continuing improvement, $7,500.

Improving harbor at Chicago, Ill.: Continuing improvement, $75,000.

Improving harbor at Waukegan, Ill.: Continuing improvement, $15,000.

Improving harbor at Charlevoix and entrance to Pine Lake, Mich.: Continuing improvement, $7,500.

Improving harbor at Cheboygan, Mich.: Continuing improvement, $11,250.

Improving harbor at Frankfort, Mich., by extension of piers and repairs: Continuing improvement, $5,250.

Improving harbor at Grand Haven, Mich.: Continuing improvement, $30,000.

Improving harbor of refuge at Grand Marais, Mich.: Continuing improvement, $26,250.

Improving harbor at Ludington, Mich.: Continuing improvement, $56,250.

Improving harbor at Manistee, Mich.: Continuing improvement, $7,500.

Improving harbor at Marquette, Mich.: Continuing improvement, $7,500.

Improving harbor at Monroe, Mich.: By repairs, $1,500.

Improving harbor at Muskegon, Mich.: Continuing improvement, $9,375.

Improving harbor at Ontonagon, Mich.: Continuing improvement, $9,750.

Improving harbor at Pent Water, Mich.: Continuing improvement, $7,500.

Improving harbor at Portage Lake, Michigan: Continuing improvement, $11,250.

Improving and repairing harbor of refuge at Sand Beach, Mich.: Continuing improvement, $75,000; of which not exceeding $37,500 are to be used in repairs.

Improving harbor at Saint Joseph, Mich.: Continuing improvement, $7,500.

Improving harbor at Saugatuck, Mich.: To complete improvement, $6,000.

Improving harbor at South Haven, Mich.: Continuing improvement, $3,750.

Improving harbor at White River, Michigan: Continuing improvement, $7,500.

Improving harbor at Black Lake, Mich.: Continuing improvement, $3,750.

Improving harbor at Ahnapee, Wis.: Continuing improvement, $11,250; but no part of said sum is to be expended until the wharfage over the Government piers at that port shall be made free.

Improving harbor at Green Bay, Wis.: Continuing improvement, $5,250.

Improving harbor at Kenosha, Wis.: Continuing improvement, $3,750.

Improving harbor at Kewaunee, Wis.: Continuing improvement, $7,500.

Improving harbor at Manitowoc, Wis.: Continuing improvement, $11,250.

Improving harbor at Menomonee, Wis.: Continuing improvement, $2,250.

Improving harbor of refuge at Milwaukee, Wis.: Continuing improvement on bay and harbor, $60,000.

Improving harbor at Oconto, Wis.: Continuing improvement, $6,000.

Improving harbor at Port Washington, Wis.: Continuing improvement, $3,750.

Improving harbor at Racine, Wis.: Continuing improvement, $7,500.

Improving harbor at Superior Bay and Saint Louis Bay, Wisconsin: Continuing improvement, $22,500; and the engineer in charge, in his next annual report, shall submit an estimate of the cost of a dredge-boat or other facilities that may be needed for dredging the harbors of Duluth and Superior. Thirteen thousand five hundred dollars of the money hereby appropriated are to be expended in dredging in said Superior Bay and Harbor, and in repairing piers at natural entry, and $9,000 in dredging Saint Louis Bay, along the dock-line on the Wisconsin shore, from deep water at Connor's Point toward deep water at Grassy Point.

Improving harbor at Sheboygan, Wis.: Continuing improvement, $11,250.

Improving harbor at Sturgeon Bay, Wisconsin: Continuing improvement, $3,750.

Improving harbor at Ashland, Wis.: Continuing improvement, $22,500.

For making free of toll to commerce the Sturgeon Bay and Lake Michigan Ship-canal, connecting the waters of Green Bay with Lake Michigan, in the State of Wisconsin, $112,500, or so much thereof as may be necessary: *Provided*, That no part of said sum shall be expended until the Secretary of War shall have caused an examination to be made by a board of three United States engineers into the importance and value to commerce and navigation of the free use of said ship-canal, and unless the report of said board shall be in favor of making said canal free to commerce: *And provided further*, That no part of said sum shall be expended until the Secretary of War shall be satisfied, upon investigation, as to the actual cost of said canal to said company; and then only so much of said sum shall be expended as the said Secretary of War shall be satisfied is necessary to reimburse the said company for advances and expenses actually made and incurred in constructing said canal, and in maintaining the same, over and above the net proceeds of the lands granted by Congress to aid in constructing said canal, and over and above the tolls received therefrom, with interest, as provided by the act of Congress making said grant, approved April 10, 1866; and none of said moneys shall be expended except upon a full and absolute conveyance to the United States of said ship-canal, harbor, easements, rights of way, piers, docks, and appurtenances of every name and nature pertaining to said work, free and clear of all liens and incumbrances.

Improving harbor at Duluth, Minnesota: Continuing improvement, and enlarging basin between Minnesota and Rice's Points, $56,250; of which a sum not exceeding $500 may be used in placing buoys in the channels and elsewhere where needed in the harbor; and the consent of the United States is hereby given to a change of the existing dock-line on the east side of Rice's Point by the municipal authorities of Duluth: *Provided*, That such change meets the approval of the Secretary of War.

Improving harbor at Grand Marais, Minn.: Continuing improvement, $7,500.

Improving harbor at Agate Bay, Minnesota, $22,500.

Improving harbor at Lake City, Minn.: Continuing improvement, $7,500.

Improving harbor and bay at Humboldt, Cal.: Continuing improvement, $75,000: *Provided*, That no part of said sum shall be expended until 12 acres of land necessary to said improvement shall have been conveyed to the United States free of expense, and such conveyance has been approved by the Secretary of War, after the Attorney-General of the United States shall have certified to the Secretary of War that the title is perfect.

Improving harbor at Oakland, Cal.: Continuing improvement, $60,000.

The sum of $8,250, or so much thereof as may be necessary, is hereby appropriated for a survey of San Francisco Harbor, San Pablo Bay, Suisun Bay, Strait of Carquinez, mouth of San Joaquin River, and mouth of Sacramento River, Cal.

Improving harbor at Red Wood, Cal.: Continuing improvement, $3,750.

The sum of $3,750, or so much thereof as may be necessary, is hereby appropriated for examination, survey, and estimated cost of obtaining a channel 250 feet wide and 24 feet deep at mean low water across the outer bar, and from thence to a point abreast of beacon No. 2 in San Diego Harbor, California; also, of obtaining a navigable channel at least 8 feet in depth at mean low water at Newport Harbor, California; also, of the establishment of a breakwater extending in a southeasterly direction one-fourth of a mile, more or less, along the sunken reef commencing at or near Whaler's Point, so called, at San Luis Obisbo Harbor, California.

Improving harbor at Wilmington, Cal.: Continuing improvement, $56,250.

Improving harbor at Yaquina Bay, Oregon: Continuing improvement, $75,000.

Improvement of the harbor at entrance of Coos Bay, Oregon, $33,750.

Improving harbor at Portland, Oreg., $3,750.

Improving Lubec Channel, Maine: Continuing improvement, $7,500.

Improving Moosebec Bar, Maine: Continuing improvement, $7,500.

Improving Penobscot River, Maine: Continuing improvement by widening the channel opposite Bangor and removing obstructions near Crosby's Narrows, $11,250.

Improving Saco River, Maine, $9,375.

Improving Narragaugus River, Maine, $7,500.

Improving Cocheco River, New Hampshire: Continuing improvement, $7,500.

Improving Ipswich River, Massachusetts, $1,875.

Improving Warren River, Rhode Island, $3,750.

Improving Pawtucket River, Rhode Island: Continuing improvement, $30,000.

Improving Providence River and Narragansett Bay, Rhode Island: Continuing improvement, $30,000.

For removing Green Jacket Shoal, Providence River, Rhode Island, $26,250.

Improving Pawcatuck River, Rhode Island, $9,000.

Improving Connecticut River below Hartford, Conn.: Continuing improvement, $26,250.

Improving Housatonic River, Connecticut, $3,750.

Improving Thames River, Connecticut: Continuing improvement, $22,500.

Improving East Chester Creek, New York: Continuing improvement, $7,500.

Improving Hudson River, New York: Continuing improvement, $26,250; of which $15,000 may be used for the removal of the rock in channel at Van Wie's Point.

Improving Newtown Creek and Bay, New York: Continuing improvement, $37,500; of which $9,375 to be expended on west branch between Maspeth avenue and Dual Bridge, at Grand street and Metropolitan avenue; $9,375 to be expended on main branch, between Easterly Grand Street Bridge to Metropolitan avenue; and balance on lower end, from Maspeth avenue to the mouth of the creek.

Improving Hell Gate, New York: Continuing improvement, $112,500.

Improving Narrows at Lake Champlain, New York, from Benson, Vt., to canal locks at Whitehall, N. Y., $30,000.

Improving Ticonderoga River, New York: Continuing improvement, $1,500.

Improving Maurice River, New Jersey: Continuing improvement, $3,750.

Improving Passaic River, New Jersey: Continuing improvement, $26,250; of which $2,250 are to be used above Newark.

Improving Raritan River, New Jersey: Continuing improvement, $26,250.

Improving Shrewsbury River, New Jersey: Continuing improvement, $7,500.

Improving South River, New Jersey: Continuing improvement, $3,750.

Improving Saint Jones River, Delaware: Continuing improvement, $7,500.

Improving Nanticoke River, Delaware: Continuing improvement up to and near the town of Laurel, Del., $7,500.

Improving Monongahela River, Pennsylvania and West Virginia: Continuing improvement, $90,900; but no charges or tolls shall be collected on any other part of the river on any commerce on said river which originates above the works herein appropriated for.

For beginning the construction of a dam at Herr's Island, in the Allegheny River, near Pittsburgh, Pa., $37,500.

Improving Allegheny River, Pennsylvania: Continuing improvement, $30,000.

Improving Schuylkill River, Pennsylvania: Continuing improvement, $18,750.

Improving Delaware River, Pennsylvania and New Jersey: Continuing improvement from Trenton to its mouth, $210,000; of which $30,000 shall be applied to improving the channel between Camden, N. J., and Philadelphia, Pa., and $7,500, or so much thereof as may be needed, shall be expended on said river and its tidal tributaries above Bridesburg.

Improving Choptank River, Maryland: Continuing improvement, $7,500.

Improving Corsica Creek, Maryland: Continuing improvement, $7,500.

For rebuilding piers at Battery Island, head of Chesapeake Bay, which were carried away by ice, strengthening and protecting the works at that point from future destruction, $12,956.25.

Improving Susquehanna River, Maryland and Pennsylvania: Continuing improvement, $4,500; to be expended above the Philadelphia, Wilmington and Baltimore Railroad bridge.

Improving Pocomoke River, Maryland: Continuing and completing improvement, $6,000.

Improving, by dredging and otherwise, the inland water way from Chincoteague Bay, Virginia, to Delaware Bay at or near Lewes, Delaware, to be used from Chincoteague Bay to Indian River Bay, $18,750.

Improving Appomattox River, Virginia: Continuing improvement, $18,750.

Improving Chickahominy River, Virginia: Continuing improvement, $3,000.

Improving James River, Virginia: Continuing improvement below Richmond, $75,000.

Improving Mattapony River, Virginia: Continuing improvement, $3,750.

Improving New River, Virginia: Continuing improvement between the lead-mines, in Wythe County, and the mouth of Wilson's Creek, in Grayson County, $7,500, together with the $3,000 now on hand.

Improving Pamunky River, Virginia: Continuing improvement, $3,750.

Improving Rappahannock River, Virginia: Continuing improvement, $15,000.

Improving Staunton River, Virginia: Continuing improvement, $7,500; one-half of which is to be expended between the mouth of Pig River and the Midland Railroad crossing.

Improving York River, Virginia: Continuing improvement, $18,750.

Improving Dan River, Virginia: Continuing improvement, $7,500.

Improving Big Sandy River, West Virginia and Kentucky: Continuing improvement, $30,000; of which sum $3,750 are to be expended on Tug Fork, in West Virginia, and $3,750 on Lavisa Fork, in Kentucky.

Improving Buckhannon River, West Virginia: Continuing improvement, $1,125.

Improving Great Kanawha River, West Virginia: Continuing improvement, $187,500.

Improving Elk River, West Virginia: Continuing improvement, $1,125.

Improving Guyandotte River, West Virginia: Continuing improvement, the amount heretofore appropriated is hereby made available for this purpose.

Improving Little Kanawha River, West Virginia: Continuing improvement, $16,875; of which $1,875 shall be used in continuing the improvement of navigation above the West Fork. But no toll shall be collected by any person or corporation for this improved navigation; and such right, if any exist, shall be relinquished, in a manner satisfactory to the Secretary of War, before the expenditure of any of the money herein appropriated for this work.

Improving Cape Fear River, North Carolina: Continuing improvement, $188,750; of which sum $11,250 are to be expended above Wilmington, the remainder below and opposite the city of Wilmington, including as much of its northeast branch as lies in front of Wilmington, within the city limits.

Improving Contentnia Creek, North Carolina: Continuing improvement, $11,250.

Improving Currituck Sound, Coanjok Bay, and North River Bar, North Carolina: Continuing improvement, $7,500.

Improving Neuse River, North Carolina: Continuing improvement, $22,500.

Improving New River, North Carolina: Continuing improvement, $7,500.

Improving Pamlico and Tar Rivers, North Carolina: Completing improvement, $3,750.

Improving Black River, North Carolina, $2,250: *Provided*, That all claims of private parties to the navigation of the river shall be ceded to the United States, free of charge, before the commencement of said improvement.

Improving Roanoke River, North Carolina: Continuing improvement, $15,000. One thousand eight hundred and seventy-five dollars, or so much thereof as may be necessary, of the aforesaid $15,000 shall be used for the purpose of removing obstructions in the Thoroughfare and Coshoke Creek.

Improving Trent River, North Carolina: Continuing improvement, $2,625.

Improving Dan River, North Carolina: Continuing improvement between Madison, N. C., and Danville, Va., $7,500.

Improving Yadkin River, North Carolina: Continuing improvement, $7,500.

Improving the inland water way between Beaufort Harbor and New River, North Carolina, through Bogue Sound, $7,500.

Improving Ashley River, South Carolina: Continuing improvement, $750.

Improving Edisto River, South Carolina: Continuing improvement, $2,250.

Improving Great Pee Dee River, South Carolina: Continuing improvement, $15,000.

Improving Salkiehatchie River, South Carolina: Continuing improvement, $1,500.

Improving Santee River, South Carolina: Continuing improvement, $18,750; no part of which sum to be used for the construction of any road bridge across the Mosquito Creek Canal: *Provided*, That if salt water be found flowing into said Mosquito Creek, $5,000 of said sum, or so much thereof as may be necessary, shall be used for the construction of a flood-gate at upper end of the canal, to prevent the same.

Improving Waccamaw River, South Carolina: Continuing improvement, $11,250.

Improving Wappo Cut, South Carolina: Continuing improvement, $3,750.

Improving Wateree River, South Carolina: Continuing improvement, $5,625: *Provided*, That no part of said sum shall be expended until all bridges now obstructing the navigation of said river shall have been provided with suitable draw-spans, fenders, and other aids to navigation at such bridges as the Secretary of War may direct for the purpose of affording free navigation of said river; and the Secretary of War is hereby authorized and directed to cause such changes to be made in said bridges, at the expense of the owners thereof, as in his opinion are necessary to make the navigation of said river through said bridges free and safe.

Improving Congaree River, South Carolina, $5,625.

Improving Altamaha River, Georgia: Continuing improvement, $15,000; of which $7,500 are to be used on Doboy Bar, or so much thereof as may be necessary.

Improving Chattahoochee River, Georgia and Alabama: Continuing improvement, $15,000.

Improving Coosa River, Georgia and Alabama: Continuing improvement, $45,000.

Improving Flint River, Georgia: Continuing improvement, $15,000; of which sum $3,750 are to be expended between Albany and Montezuma and $11,250 below Albany.

Improving Ocmulgee River, Georgia: Continuing improvement, $5,625.

Improving Oconee River, Georgia: Continuing improvement, $5,625.

Improving Romely Marsh, Georgia: To complete improvement, $17,475; and so much of said sum as may be necessary may be applied by the engineer in charge, with the approval of the Secretary of War, to pay for work done on said improvement, under the direction of the War Department, since the last appropriation was exhausted.

Improving Savannah River below Augusta, Ga.: Continuing improvement, $11,250.

Improving Apalachicola River, Florida: Continuing improvement, $750.

Improving Caloosahatchee River, Florida: Continuing improvement, $3,000.

Improving Choctawhatchee River, Florida and Alabama: Continuing improvement, $11,250; of which sum $3,750 to be expended below Geneva, and $7,500 to be expended between Geneva and Newton, Ala.

Improving Conecuh-Escambia River, Florida and Alabama: Continuing improvement, $5,625.

Improving La Grange Bayou, Florida: Continuing improvement, $1,500.

Improving Manatee and Pease Rivers, Florida: Continuing improvement, $9,750; of which $5,000 may be expended on Pease River.

Improving channel over the bar at the mouth of Saint John's River, Florida: Continuing improvement, $150,000.

Improving Suwanee River, Florida: Continuing improvement, $3,750.

Improving Volusia Bar, Florida: To complete improvement, $5,625.

Improving Withlacoochee River, Florida: Continuing improvement, $2,250.

Improving Alabama River, Alabama: Continuing improvement, $11,250.

Improving Black Warrior River from Tuscaloosa to Daniels Creek, Alabama, $56,250, together with the $47,000 on hand; to be expended in accordance with the plan adopted by the board of engineers.

Improving Cahawba River, Alabama: Continuing improvement, $5,625: *Provided*, That no part of said sum shall be expended until the officer in charge shall have reported that the railroad and other bridges across said river have been provided with good and sufficient draw-openings.

Improving Tallapoosa River, Alabama: Continuing improvement, $5,625.

Improving Warrior River, Alabama: Continuing improvement, $18,750; to be expended below Tuscaloosa.

Improving Tombigbee River, Alabama and Mississippi: Continuing improvement, $18,750; to be expended below Vienna, $11,250; and between Vienna and Fulton, $7,500.

Improving Big Sunflower River, Mississippi: Continuing improvement, $3,750; of which $1,500 to be expended between Woodburn and Lehrton.

Improving Noxubee River, Mississippi: Continuing improvement, $5,625.

Improving Pascagoula River, Mississippi: Continuing improvement, including bar at the mouth, and from there to the mills at Moss Point, $15,000; and the balance of the money now on hand heretofore appropriated for improving Horn Island Pass is to be applied to the same purpose.

Improving Pearl River, Mississippi; Continuing improvement, $17,623; of which $2,250 are to be expended between Edinburg and Carthage, $2,250 between Carthage and Jackson, and the remainder below Jackson, including bar at the mouth of East Pearl River.

Improving Steele's Bayou, Mississippi, including Washington Bayou: Continuing improvement, $1,875.

Improving Tallahatchee River, Mississippi: Continuing improvement, $2,625.

Improving Tchula Lake, Mississippi: Continuing improvement, $1,500.

Improving Yallabusha River, Mississippi: Continuing improvement, $1,500.

Improving Bayou Pierre, Mississippi: Continuing improvement, $3,750.

Improving Yazoo River, Mississippi: Continuing improvement, $11,250; of which $3,750, or so much as may be necessary, to be used in repairing snag-boat.

Improving Big Black River, Mississippi: Continuing improvement, $3,750: *Provided*, That no part of this appropriation shall be used until the State of Mississippi shall have first caused the bridges over said stream south of the Vicksburg and Meridian Railroad to be so constructed as not to obstruct the navigation of said stream.

Improving Amite River, Louisiana: Continuing improvement, $1,500.

Improving Bœuf River, Louisiana: Continuing improvement, and for closing Outlet No. 1, $3,750.

Improving Bayou Bartholomew, Louisiana and Arkansas: Continuing improvement, $3,750.

Improving Bayou Courtableau, Louisiana: Continuing improvement, $3,750.

Improving Bayou D'Arbonne, Louisiana: Continuing improvement, $1,500.

Improving Bayou Terrebonne, Louisiana: Continuing improvement, $7,500.

Improving Cypress Bayou and the lakes between Jefferson, Tex., and Shreveport, La., Texas and Louisiana: To complete improvement, $13,500.

Improving Tensas River and Bayou Macon, Louisiana: Continuing improvement, $3,000.

Improving Red River, Louisiana and Arkansas: Continuing improvement from Fulton, Ark., to Atchafalaya River, Louisiana, including completing the work at Alexandria, $71,250; of which sum $18,750, or so much thereof as may be necessary, shall be used in making a thorough survey of the river from Fulton, Ark., to the Atchafalaya River, and in completing the survey of Bayou Pierre, Louisiana.

Improving Tchefuncta River and Bogue Falia, Louisiana: Continuing improvement, $1,875; to be expended in the improvement of Bogue Falia up to Covington.

Improving Tickfaw River, Louisiana: Continuing improvement, $1,500; to be expended on its navigable tributaries.

Improving Ouachita River, Louisiana and Arkansas, and Black River, Louisiana: Continuing improvement, $13,125; of which $5,625, or so much thereof as may be necessary, for repairing snag-boat Wagner.

Improving Calcasieu River and Pass, Louisiana: Continuing improvement to secure a navigable channel 8 feet deep over the bars affecting the entrance to said river and pass, and for this purpose the money on hand heretofore appropriated for improvement of Calcasieu River is to be used.

Improving mouth of Brazos River, Texas: Continuing improvement, $18,750.

Improving Buffalo Bayou, Texas: Continuing improvement, $18,750.

Improving Saint Francis River, Arkansas and Missouri, to the town of Saint Francis: Continuing improvement, $6,000.

Improving Arkansas River, Arkansas: Continuing improvement, $56,250: *Provided*, That if in the opinion of the Secretary of War it shall be necessary, the sum of $9,750 may be expended at Fort Smith, $7,500 at Dardanelles, and $6,000 at Pine Bluff.

For the removal of snags, wrecks, and other obstructions in the Arkansas River, $19,875; of which sum $1,125, or so much thereof as may be necessary, shall be used to complete the survey of the Arkansas River between Little Rock, Ark., and Wichita, Kans.

Improving Red River, Arkansas, above Fulton, Ark., $3,250.

Improving Little Red River, Arkansas, $2,250.

Improving Black River, Arkansas and Missouri, $3,750.

Improving Petit Jean River, Arkansas, $2,625.

Improving White River, Arkansas: Continuing improvement, $13,500; $9,750 of which, or so much thereof as may be necessary, to complete the survey of said river; the remainder for general improvement.

For removing the rock shoals in Fourche River, Arkansas, situate four miles south of Perryville, in Perry County, Arkansas, according to the plans of the engineers for creating a 50-foot channel, $3,750.

Improving Big Hatchee River, Tennessee: Continuing improvement, $2,250.

Improving Caney Fork River, Tennessee: Continuing improvement, $2,250.

Improving Clinch River, Tennessee: Continuing improvement, $3,750.

Improving Cumberland River, Tennessee and Kentucky: Continuing improvement above Nashville, with a view to secure in the channel a depth of 4 feet, commencing with the lock at or near the lower island at Nashville, $75,000.

Improving Cumberland River below Nashville, Tenn.: Continuing improvement, $9,375.

Improving French Broad River, Tennessee: Continuing improvement, $4,500.

Improving Tennessee River above Chattanooga, Tennessee: Continuing improvement, $5,625.

Improving Tennessee River at Big Muscle Shoals, Little Muscle Shoals, and Elk River Shoals, Alabama: To complete improvements at these localities, $262,500.

Improving Kentucky River, Kentucky: Continuing improvement, $187,500.

Improving Tradewater River, Kentucky: Continuing improvement, $1,500.

Improving the Falls of the Ohio River at Louisville, Ky.: Continuing improvement, $150,000.

The Secretary of War is hereby authorized and directed to ascertain the value and commercial importance of the works and property of the Green and Barren River Navigation Company, situated on the Green and Barren Rivers, in the State of Kentucky, and of the Monongahela Navigation Company, situated on the Monongahela River, in the State of Pennsylvania; and in order to acquire such information the Secretary of War shall appoint a board of three competent engineers from the Engineer Corps of the United States Army, which board shall in each case report to the Secretary of War, who shall report thereon to Congress at its next succeeding session; and the cost of such examination shall be paid out of the sum appropriated by this act for surveys: *Provided*, That nothing herein shall be construed as committing Congress to the purchase of the said works.

Improvement of the Muskingum River, Ohio, between Zanesville and the mouth of the river, and for operating the same, $15,000. And the United States hereby accepts from the State of Ohio the said Muskingum River improvement,

and all the locks, dams, and their appurtenances, and the canals, belonging to said improvement, and all the franchises and property of every kind, and rights, in said river, and its improvements, now owned, held, and enjoyed by the State of Ohio, including all water leases and rights to use water under and by virtue of any lease of water now running and in force between the State of Ohio and all persons using said water, hereby intending to transfer to the United States such rights in said leases and contracts as are now owned, held, or reserved by the State of Ohio; but not to affect any right to the use of the water of said river now owned and held by the lessees of any water right under any lease or contract with the State of Ohio. And the United States hereby assumes control of said river, subject to the paramount interest of navigation. The provisions of this act, so far as they relate to the Muskingum River, shall not take effect, nor shall the money hereby appropriated be available, until the State of Ohio, acting by its duly authorized agent, turns over to the United States all property ceded by the act of the General Assembly aforesaid, and all personal property belonging to the improvement aforesaid, and used in its care and improvement, and any balance of money appropaiated by said State for the improvement of said river, and which is not expended on the 15th day of July, 1886.

Improving Clinton River, Michigan: Continuing improvement, $4,500.

Improving Detroit River, Michigan: Continuing improvement, $37,500.

Improving Saint Clair Ship-canal, Michigan: Continuing improvement, $18,750.

Improving Saint Mary's River, Michigan: Continuing improvement by a new lock and approaches, $187,500.

Improving Hay Lake Channel, Michigan: Continuing improvement, $112,500.

Improving Saginaw River, Michigan: Continuing improvement, $33,750; of which $16,875 are to be used above Bay City, and $3,750 in improving the west channel along West Bay City.

For the purchase of the two improved water ways known as the Portage Lake and River Improvement Company Canal and the Lake Superior Ship-canal Railway and Iron Company Canal, being the improved harbors of refuge and the water communication across Keweenaw Point, from Keweenaw Bay to Lake Superior, by way of Portage River and Lake, in the State of Michigan, and to make the same a free passage-way and harbors of refuge to commerce and navigation, $262,500, or so much thereof as may be necessary: *Provided*, That before said moneys shall be expended the Secretary of War shall cause an examination to be made by a board of three engineers to ascertain and report upon the importance and value of the free use of said two harbors of refuge and the water communications across Keweenaw Point to the commerce and navigation of the lakes, and the reasonableness of the price therefor, and shall have received from said board a report favorable to such purchase by the United States, and also upon full and absolute conveyance to the United States of said two harbors of refuge, canals, easements, rights of way, piers, docks, and appurtenances of every nature belonging to or connected with said works, or either of them.

Improving Chippewa River, Wisconsin: Continuing improvement from the Dalles Dam to its mouth, $18,750.

Improving Fox River, Wisconsin: Continuing improvement below Montello, on the approved plan, $56,250. And the Secretary of War is hereby directed to have the examination and survey of the Wisconsin River from Portage to the mouth, now being made by a board of engineers, completed as soon as practicable, and a report thereof made on or before the meeting of the next session of Congress. And the sum of $6,000 of the above appropriation, or so much thereof as may be necessary, may be expended at or near Portage City to prevent the overflow of the Wisconsin River into the Upper Fox River, so as to prevent injury to the Government works on Fox River; and this expenditure may be made separately or, if deemed more economical by the Secretary of War, in adding to any protecting works which may be made by the State of Wisconsin.

Improving Saint Croix River, Wisconsin and Minnesota: Continuing improvement, $5,625.

Improving Wabash River, Indiana and Illinois: Continuing work on lock and dams at Grand Rapids, and on the river from Grand Rapids to its mouth, $60,000; and $9,000 to be expended on the river at Grayville.

Improving White River, Indiana: Continuing improvement below Hazelton, $5,625.

Improving Calumet River, Illinois: Continuing improvement, $30,000; of which $15,000 are to be used between the Forks and one-half mile east of Hammond, Ind.; $7,500 of which are to be used in dredging the river between the Forks and the State line of Illinois and Indiana; and $7,500 on the river at Hammond, Ind.: *Provided, however*, That no part of said sum, nor any sum heretofore appropriated, except the said $15,000 for the river above the Forks, shall be expended until the entire right of way, as set forth in Senate Executive Document No. 9, second session Forty-seventh Congress, shall have been conveyed to the United States free of expense, and the United States shall be fully released from all liability for damages to adjacent property-owners, to the satisfaction of the Secretary of War; and if any of the owners of real estate required to be taken or that is damaged for the purpose of straightening or widening that portion of the Calumet River for which the appropriation herein is now made can not be induced to convey to the United States such real estate so required, and release their claim for damages caused by said improvement, or should the owner or owners be incapable of conveying and releasing, or should his or her name or residence be unknown, or he or she be a non-resident of the State of Illinois, it shall then be the duty of the United States attorney for the northern district of Illinois to immediately file a petition in any court having jurisdiction thereof, in the manner and as authorized by the laws of the State of Illinois in such cases, for the purpose of ascertaining the just compensation to be paid to the respective owners of the land taken or damaged: *Provided, however*, That the other owners of property and parties interested in said improvement shall first execute a bond to the United States, to be approved by the Secretary of War, for the payment of the costs of such proceedings, and to pay any judgment that may be rendered therein; and on failure to do so the proceedings shall be dismissed.

Improving Illinois River, Illinois: Continuing improvement, $112,500; of which sum $3,750 may be expended in dredging the river in front of Peoria.

The grant of the Illinois and Michigan Canal, its rights of way, and all its appurtenances, and all right, title, and interest which the State of Illinois may have in any real estate heretofore ceded to the State of Illinois by the United States for canal purposes, made to the United States by an act of the General Assembly of the State of Illinois approved April 28, 1882, be, and is hereby, accepted on the terms and conditions specified in the act of the General Assembly of the State of Illinois.

For the construction of a canal from the Illinois River, at or near the town of Hennepin, in the State of Illinois, to the Mississippi River, at or above the mouth of Rock River, in said State, together with such feeders and other works that may be necessary to supply said canal with water, $225,000. Said canal shall be known as the Illinois and Mississippi River Canal, and shall be constructed on such route as may be determined by the Secretary of War: *Provided*, That it shall be the duty of the Secretary of War, in order to secure the right of way for such canal and feeders, to acquire the title to such lands as may be necessary by agreement, purchase, or voluntary conveyance from the owners, if it can be done on reasonable terms; but if that shall be found impracticable, then the Secretary of War shall apply at any term of the circuit or district court of the United States for the northern district of Illinois to be held thereafter, at any general or special term held in said district, and in the name of the United States institute and carry on proceedings to condemn such lands as may be necessary for right of way as aforesaid; and in such proceedings said court shall be governed by the laws of the State of Illinois, so far as the same may be applicable to the subject of condemning private property for public use: *Provided further*, That said canal shall be 80 feet wide at the water-line and 7 feet deep, with a capacity for vessels of at least 280 tons burden, with guard-gates, waste-weirs, locks, lock-houses, basins, bridges, and all other erections and fixtures that may be necessary for safe and convenient navigation of said canal and feeder as specified in said survey.

Improving Gasconade River, Missouri: Continuing improvement, $5,625.

Improving Osage River, Missouri: Continuing improvement by snagging and removing obstructions, $7,500.

Improving Red River of the North, Minnesota: Continuing improvement from Breckenridge to the northern boundary line of the United States, including dredging, removal of snags and bowlders, and construction of wing-dams, &c.; and the money heretofore appropriated for locks and dams is hereby made available for this purpose.

Improving Yellowstone River between Glendive and the mouth, Montana: Continuing improvement, $18,750.

Improving Mokelumne River, California, by removing obstructions, $1,875.

Improving Sacramento and Feather Rivers, California, $10,000 of the money heretofore appropriated for improving said rivers that may remain unexpended at the end of the present fiscal year, for snagging and dredging operations; $10,000 to complete dredges authorized by act of July 5, 1884; the balance of said unexpended money not to be used until the Secretary of War be satisfied that hydraulic mining hurtful to navigation has ceased on said rivers and their tributaries.

Improving San Joaquin River and Stockton and Mormon Sloughs, California: Continuing improvement, $18,750.

Improving canal at the Cascades, Oregon: Continuing improvement, $187,500.

Improving the Upper Columbia River, including Snake River, Oregon and Washington Territory: Continuing improvement, $7,500.

Improving the mouth of the Columbia River, Oregon, $187,500.

Improving Lower Willamette River, and Columbia River below Portland, Oreg.: Continuing improvement, $75,000; of which sum $21,000 for a snag-boat to be used on the Willamette and Columbia Rivers.

Improving the Upper Willamette River above Portland, Oreg.: Continuing improvement, $7,500.

Improving Coquille River, Oregon: Continuing improvement, $15,000.

Improving Chehalis River, Washington Territory: Continuing improvement, $1,875.

Improving Cowlitz River, Washington Territory: Continuing improvement, $1,500.

Improving Skagit, Steilaquamish, Nootsack, Snohomish, and Snoqualmie Rivers, Washington Territory: Continuing improvement, $7,500.

Improving Missouri River from its mouth to Sioux City: Continuing improvement, including necessary work at Omaha, Atchison, Saint Joseph, Fort Leavenworth reservation, Arrow Rock, Kansas City, Plattsmouth, Brownsville, and Nebraska City, $375,000; to be expended under the direction of the Secretary of War, in accordance with plans and estimates to be furnished by the Missouri River Commission.

Improving Missouri River from Sioux City to Fort Benton: Continuing improvement, $60,000, under the direction of the Secretary of War.

For removing obstructions in the Missouri River, $22,500.

Improving the Ohio River: Continuing improvement, including Davis Island Dam, $375,000; out of which sum $37,500 are to be expended at Grand Chain in removing rocks and other obstructions to navigation at that locality; also $18,750 may be expended in constructiug or aiding in the construction of such an embankment on the south side of the Great Miami River, near its junction with the Ohio, as may be necessary to confine the waters of the Great Miami in great floods to the general course of its channel at or near the Ohio, to the end that the formation of the bar in the Ohio River now forming and obstructing navigation may be arrested; also $28,125, or so much thereof as may be necessary, of said appropriation shall be expended in constructing five ice-piers, pursuant to the present or prospective plans of the Chief of Engineers, at or near the following places, to wit: One at Pomeroy, Ohio; one at Middleport, Ohio; one at Gallipolis, Ohio; and one at Ironton, Ohio; and one at or near Ashland, Ky., on the south side of the Ohio River: *Provided*, That the Secretary of War is hereby authorized and directed to obtain, if he can do so without cost to the United States, perpetual leases or conveyances of the riparian rights of the property-owners at each of said localities, in the event said ice-piers, or any one of them, shall be located where there is no improved landing place: *And provided further*, That at localities where there are improved landings he shall first obtain a relinquishment of wharfage rights and dues in favor of water-craft seeking protection from damage by ice; and no part of this appropriation shall be used for such purpose until the foregoing conditions are complied with. Also, out of said appropriation for the Ohio River, $18,750 for removing obstruction at the mouth of Licking River; also $11,250 for completing ice-harbor at Four-Mile Bar, near Cincinnati.

For continuing operations upon the reservoirs at the headwaters of the Mississippi River, $37,500: *Provided*, That in the opinion of the Chief of Engineers the expenditure of this appropriation and the ultimate completion of this part of the reservoir system will adequately improve navigation.

For operating snag-boat on Upper Mississippi River $22,500.

Improving Mississippi River from Saint Paul to Des Moines Rapids: Continuing improvement, $382,500; of which sum $6,000, or so much thereof as may be necessary, shall be applied to the removal of the rock at Duck Creek Chain, at the Rock Island Rapids; and of which sum the further amount of $15,000, or so much thereof as may be necessary, may be used by the Secretary of War, in his discretion, for continuing the practical test of the flume invented by M. J. Adams, the said test to be made under the supervision and direction of said Adams; but if not so used the sum shall remain as a part of said appropriation, and be used for the purposes first in this paragraph specified.

Improving Mississippi River at Des Moines Rapids Canal, under the modified project, $26,250; of which sum $15,000 are to be used for pier construction, in extending the outer wall of canal to the pivot-pier of the bridge.

For dry-dock at Des Moines Rapids, $48,750.

Improving ice-harbor at Dubuque, Iowa, the unexpended balance, or so much thereof as shall be necessary, shall be applied to paving instead of riprapping said ice harbor.

Improving Mississippi River from Des Moines Rapids to the mouth of the Illinois River, including the river at Quincy Bay and the removal of the bars at the mouth of Whipple Creek and Hamburg Bay, including also the strengthening of Sny Island levee where it crosses Snicarto slough and other sloughs: Continuing the improvement, $150,000.

Improving Missisippi River from the mouth of the Illinois River to the mouth of the Ohio River, including the completion of the work at Alton, and, at the discretion of the Secretary of War, the protection of the Illinois shore opposite the mouth of the Missouri River: Continuing improvement, $375,000; of which $37,500, or so much thereof as may be necessary, to be expended in extending the work for the protection of the eastwardly bank of the Mississippi River at Cairo, and the prevention of its wash or erosion, commencing at the southerly end of the present Government revetment work and continuing down stream; and $22,500 for continuing improvement at Cape Girardeau, Missouri, and Montona Point, Illinois: *Provided*, That the Secretary of War, in his discretion, may

use not to exceed $75,000 of said sum of $375,000 to correct the current of the river and improve the channel at Saint Louis.

Improving Mississippi River from head of the passes to the mouth of the Ohio River: Continuing improvement, $1,687,500; which sum shall be expended under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission: *Provided*, That no portion of this appropriation shall be expended to repair or build levees for the purpose of reclaiming lands or preventing injury to lands or private property by overflows: *Provided, however*, That the commission is authorized to repair and build levees if, in their judgment, it should be done as part of their plan to afford ease and safety to the navigation and commerce of the river and to deepen the channel: *And provided further*, That the expenditure of so much of said appropriation as may be required to continue the improvement of Plum Point and Lake Providence reaches shall be confined to the complete repair and maintenance of the levees throughout said reaches to the height of 2 feet above the flood of 1882, and to the completion of the permeable works of contraction to such extent as may be required to bring the high-water banks of the river to the comparative uniformity of width contemplated in the first five paragraphs of the plan of improvement recommended by the Mississippi River Commission and adopted by Congress in 1880, and more fully set forth in the report of the Secretary of War for 1881, volume 1, part 3, page 2733: *And provided further*, That no works of bank protection or revetment shall be executed in said reaches or elsewhere until after it shall be found that the completion of the permeable contracting works and uniform width of the high-water channel will not secure the desired stability of the river banks: *Provided, however*, That nothing herein contained shall prevent the construction of revetment works where the banks are caving at Greenville reach, Delta Point, in front of the cities of Vicksburg, Memphis, Hickman, and Columbus: *And provided further*, That contraction works shall be built at the same time in the wide portions of the river immediately above the said revetment works. Of the amount herein appropriated for the Lower Mississippi, $75,000 are to be expended in continuing the work in progress at New Orleans; $187,500 for the rectification of the Red and Atchafalaya Rivers by preventing further enlargement of the latter stream and restricting its outlet capacity, and for keeping open a navigable channel through the mouth of Red or Old River into the Mississippi; $37,500 in improving navigation in the Greenville reach by preventing the bank at Greenville from further caving; and $75,000 in deepening the channel at Vicksburg by dredging through the bar existing there; but this last-named sum shall not be expended unless after another examination or survey the commission shall deem it advisable; and if they shall not, then $37,500 shall be expended in the improvement of navigation at Vicksburg by constructing suitable dikes and other appropriate works, and $56,250 in completing the work on the river at Memphis; also $18,750 for work on the river at Hickman, and $18,750 for work on the river at Columbus, Ky.

For examinations and surveys at South Pass of the Mississippi River, pursuant to the act of March 3, 1875, $7,500.

For survey of the Mississippi River from the head of the passes to its headwaters: Continuing survey, $18,750.

For gauging the waters of the Lower Mississippi River and its tributaries, as provided for in joint resolution of the 21st of February, 1871, $3,750.

For continuing the removal of snags, wrecks, and other obstructions in the Mississippi River, $56,250.

For gauging the waters in the Columbia River, $750.

SEC. 2. That in places where harbor-lines have not been established, and where deposits of *débris* of mines or stamp-works can be made without injury to navigation, within lines to be established by the Secretary of War, said officer may, and is hereby, authorized to cause such lines to be established; and within such lines such deposits may be made, under regulations to be from time to time prescribed by him.

SEC. 3. The Secretary of War shall prescribe such rules and regulations as may be necessary to secure a judicious and economical expenditure of the money herein appropriated, and shall cause to be made and submitted to Congress annual reports, together with maps and plans, including the report of the Mississippi River Commission, on or before December 1, giving detailed statements of the work done, contracts made, the expenditures thereunder or otherwise, and balances of money on hand up to November 1, and the effect of such work, together with such recommendations as he may deem proper. He shall, at the same time, report to Congress all cases in which piers, breakwaters, locks, and dams, or other structures or works built or made by the United States in aid of commerce or navigation are used, occupied, or injured by a corporation or an individual, and the extent and mode of such use, occupation, or injury. He shall report, at the same time, whether any bridges, causeways, or structures now erected or in process of erection do or will interfere with free and safe navigation.

SEC. 4. It shall be the duty of the Secretary of War to apply the money herein appropriated for improvements other than surveys and estimates, in carrying on the various works, by contract or otherwise, as may be most economical and advantageous to the Government. Where said works are done by contract, such contract shall be made after sufficient public advertisement for proposals, in such manner and form as the Secretary of War shall prescribe; and such contracts shall be made with the lowest responsible bidders, accompanied by such securities as the Secretary of War shall require, conditioned for the faithful prosecution and completion of the work according to such contract, and for the prompt payment of all liabilities incurred in the prosecution thereof for labor and material.

SEC. 5. The Secretary of War is hereby directed, at his discretion, to cause examinations or surveys, or both, to be made, and the cost of improvements to be estimated, at the following localities, to wit:

In the States of—

Arkansas:

Re-examination of Little River.

The lakes connecting with Red River, between Shreveport, La., and Fulton, Ark.

Re-examination of Ouachita above Camden, Ark.

Saline River.

Cache River.

California:

San Pedro Bay near the entrance to Wilmington Harbor, with a view to establishing an outer harbor for the protection of deep-draught vessels.

Mouth of Smith's River.

Crescent City Harbor, with a view to a sea-wall from Battery Point to Flat Rock.

Connecticut:

Five-Mile River Harbor.

Resurvey of Duck Island Harbor, on Long Island Sound, including plans, specifications, and estimate of cost for making the same a harbor of refuge.

Dakota Territory:

James River.

Delaware:

Duck Creek.

Florida:

Punta Rassa Harbor.

Resurvey of Tampa Bay, including Hillsborough River up to the city of Tampa.

Resurvey of outer and inner bars at Pensacola.

Charlotte Harbor, including San Carlos Bay.

Clear Water Harbor, including Anclote and Saint Joseph's Bays and the Narrows into Boga Ciega Bay.

Wakulla River from its mouth to Wakulla Springs.

Survey of the channel from Haul-over, on Indian River, to Gilbert's Bar.

Saint Augustine, for a deep-sea channel on the outer Bar.

Georgia:

Savannah River from cross-tides above Savannah to the bar, with a view to obtaining 28 feet of water in the channel.

Flint River from Montezuma to Old Agency.

From Doboy Island to Doboy Bar.

Jekyl Creek.

Illinois:

Farm Creek, with a view to changing its course.

Kaskaskia River, from New Athens to mouth.

Bars in Hamburg Bay.

Calumet River, from the forks of the river near its entrance into Lake Calumet to Riverdale; also Calumet River from Riverdale to Blue Island.

Mississippi River at Rush Island Bend and Ivy Landing, with a view to confining and deepening the channel.

Indiana:

For a survey of the Ohio River near the city of Evansville, Ind., with a view to determine what, if anything, will be necessary, to prevent a change of the channel of the river in front of that city.

Kentucky:

Pond River.

The Secretary of War is directed to report to the next session of Congress whether or not the Government dry-dock at the Louisville and Portland Canal is adequate for the purposes of commerce, and what alterations, if any, are necessary, and the cost of making the same.

Licking River from Farmer's to West Liberty.

Salt River.

For ice-harbor at Paducah, Ky.

The bar at the mouth of Limestone Creek, in the harbor of Maysville.

Louisiana:

Little River.

Bayou Rouge.

Dugdemona River.

Mouth of Bayou Plaquemine, with a view to its connection with the Mississippi River by locks; also Bayou Plaquemine and other connecting streams, to form the best route to Grand Lake.

Bogue Falia from present landing to Covington.

The three bars at the mouth of the Calcasieu River and affecting its outlet to the Gulf.

Bayou Terrebonne from Houma to Thibodeaux.

Bayou Teche from Saint Martinsville to Fort Barre.

Mouth of Bayou La Fourche, with a view to the construction of a lock and dam; Clear Lake, Black Bayou, Red Bayou, Black Lake, and Kelley Bayou, to reopen navigable communication between those streams and Red River; and permanent improvement to secure navigation in Bayou La Fourche at low water.

Cornay River.

Ouachita River from Camden to mouth, with a slack-water navigation.

Bayou Vermillion, to secure navigation from Abbeville to the railroad bridge of the Louisiana and Texas Railroad.

Bayou Rondeway.

Cypress Bayou.

Bayou Vidal.

Maine:

Bayoduce River between the towns of Penobscot and Brooksville.

Big Rapids of Saint John's River.

Camden Harbor.

Rockport Harbor.

Kennebec River at Bath, and from Augusta to lower end of Perkin's Island.

Saint George's River from Warren to Thomaston.

Matinicus Isle, with a view to a harbor of refuge.

Penobscot River from Bangor to Bucksport Narrows.

Saint Croix River from Ferry Point Bridge, at Calais, to Breakwater Ledge.

Bar Harbor, Maine, with a view of establishing a breakwater and deepening the waters of said harbor, and especially the channel between Rodick's Island and Mount Desert Island.

Maryland:

Cambridge Harbor.

Fairlee Creek.

Patuxent River from Benedict to Hill's Landing.

For widening the channel of Baltimore Harbor to 600 feet.

Massachusetts:

Manchester Harbor.

Duxbury Harbor.

Wellfleet Harbor.

Falmouth Harbor of Refuge.

Vineyard Haven Harbor.

Cottage City Harbor.

Menemsha Harbor of Refuge.

Taunton River.

Winthrop Harbor.

New Bedford Harbor.

Michigan:

Bar in Saint Clair River opposite Saint Clair City.

Grand River.

North River between Essex and North Bridges.

Biddle's Point at Mackinac Harbor, with a view to breakwater.

Harbor at Forestville, Lake Huron.

Pigeon River.

Mouth of Black River, Saint Clair County.

Carp River at Leland, with a view to affording an entrance to Carp Lake for harbor of refuge.

Lake Michigan at Empire, with a view to cutting a channel across the bar from Lake Michigan to Bar Lake.

Grand Traverse Bay, with a view to connecting it with Torch Lake, near Eastport.

Pinepog River.

Rouge River at its junction with Detroit River, and up the river to bridge of Saint Louis and Wabash Railroad.

Torch Lake Channel, Lake Superior.

Minnesota:

Red River of the North from Moorhead to Fergus Falls.

Red Lake River from Grand Forks to Red Lake.

Mississippi River between Saint Paul and Saint Anthony's Falls.

Minnesota River, with a view to its improvement by locks and dams.

Mississippi:

Tombigbee River, to ascertain what improvement is necessary to make said river continuously navigable from Vienna, Ala., to Walker's Bridge, Miss.

Cassity Bayou.
Noxubee River, to ascertain whether it can be made continuously navigable by a system of locks and dams, or otherwise.
Bear Creek.
Missouri:
Resurvey of the Osage River from its mouth to Osceola, with a view to movable locks and dams, or other methods of improvement.
Little River from Hornersville to its junction with the Saint Francis River.
Saint Francis River from Greenville to the Arkansas State line.
New Hampshire:
Bellamy River.
North Carolina:
Alligator River.
Lockwood's Folly River.
Lumber River.
Yadkin River from South Carolina line to the Narrows.
Catawba River.
New Jersey:
Thoroughfare running back of the ocean from Cape May to the Great Bay north of Atlantic City.
Channel back of Brigantine Beach, between Absecon and Brigantine Inlets.
New York:
Channel between Jamaica Bay and Rockaway Inlet.
The East River, with a view to the removal of a ledge of rocks situated between five and six hundred feet from the foot of Tenth and Eleventh streets in the city of New York.
Spring Creek.
Waddington Harbor.
Mouth of Patchouge River.
Hudson River between New Baltimore and Coxsackie.
Peter's Neck Bay.
Tonawanda Harbor and Niagara River between Black Rock and Tonawanda, with a view to a 16-foot channel.
Glen Cove Harbor.
Oregon:
Wood River.
Link River.
Suislaw River and Bar.
Coquille River between Coquille City and Myrtle Point.
Nehalem Bay and Bar.
Tillamook Bay and Bar.
Umpqua River.
Ohio:
Sandusky Harbor, with a view to a straight channel from the north end of Cedar Point to the east end of the existing channel in front of the city.
Big Hockhocking River from its mouth to Coolville.
Chagrin River at its mouth.
Pennsylvania:
Darby Creek:
Rhode Island:
Little Narragansett Bay, entrance to the wharves at Watch Hill.
South Carolina:
Mosquito Creek between the South Edisto and Ashepoo Rivers, with a view to connect the South Edisto with the Ashepoo at or near Fenwick's Island.
Mingo Creek.
Clark's Creek.
Little Pee Dee River.
Alligator River and other waters connecting Santee River and Bull's Bay.
Tennessee:
North Fork of the Forked Deer River below Dyersburg.
Obeils River from the point where improvements have heretofore been made to the mouth of the West Fork.
Texas:
Cedar Bayou where it empties into Galveston Bay.
Virginia:
Mattox Creek.
Nansemond River.
Louisa Fork of Sandy River.
Roanoke River from Clarkesville, Va., to Eaton Falls, N. C.
Hunter's Creek.
West Virginia:
Meadow River.
Gauley River.
Coal River.
Wisconsin:
Harbor at Hudson, Lake Saint Croix.
Examination and report on the causes of the extraordinary overflows of the Chippewa River, and what means, if any, can be adopted to prevent their recurrence.

SEC. 6. For examinations, surveys, and contingencies, and for incidental repairs, for which there is no special appropriation, for rivers and harbors, $75,000: *Provided*, That no survey shall be made of any harbors or rivers until the Chief of Engineers shall have directed a preliminary examination of the same by the local engineer in charge of the district, or an engineer detailed for the purpose; and such local or detailed engineer shall report to said Chief of Engineers whether, in his opinion, said harbor or river is worthy of improvement, and shall state in such report fully and particularly the facts and reasons on which he bases such opinion, including the present and prospective demands of commerce; and it shall be the duty of the Chief of Engineers to direct the making of such survey if, in his opinion, the harbor or river proposed to be surveyed be worthy of improvement by the General Government; and he shall report to the Secretary of War the facts, and what public necessity or convenience may be subserved thereby, together with the full reports of the local engineer. Said reports of preliminary examinations and surveys shall be made to the House of Representatives, and are hereby ordered to be printed when so made.

SEC. 7. That the Secretary of War shall report to Congress, at its next and each succeeding session thereof, the name and place of residence of each civilian engineer employed in the work of improving rivers and harbors by means and as the result of appropriations made in this and succeeding river and harbor appropriation bills, the time so employed, the compensation paid, and the place at and work on which employed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate numbered 39, 40, 41, 89, and 90; that the House further insisted on its disagreement to the amendments of the Senate numbered 2, 17, 88, 179, and 180, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOLMAN, Mr. CABELL, and Mr. CANNON the managers on the part of the House at the further conference.

Mr. ALLISON. I ask that the Chair may lay before the Senate the legislative, executive, and judicial appropriation bill, with the action of the House of Representatives.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives receding from its disagreement to certain amendments of the Senate, further insisting on its disagreement to certain other amendments of the Senate to the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, and asking a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BECK. Will the Senator from Iowa tell us what these four amendments are that are disagreed to?

Mr. ALLISON. There are really but three topics of difference. The first is the one relating to Senator's clerks; the second, the amount appropriated for gaugers and storekeepers; and the third is the appropriation respecting statistics of divorce, the amendment found on page 93 of the bill. Those are the only three items. The other two amendments are merely formal. I move that the Senate still further insist on these amendments and agree to the further conference asked by the House.

Mr. INGALLS. I wish to make a suggestion here about the proceeding under these bills. That is, that I regard it as a mistake when the conferees have partially concluded their consultation upon a bill and have agreed to some amendments and disagreed to others, to accept a partial report and leave the matter open only as to the remaining amendments.

Now take this case. By successive reports the two committees have narrowed down the points of difference between the two Houses substantially to three, and one of them affects absolutely the Senate and nobody else. If we had all the amendments open, those affecting the House as well as the Senate and all other persons that are interested, we should have a great deal better lever to secure justice, so far as our own amendments are concerned, than we have now.

I think it is exceedingly bad policy when these reports are made to summarily consent and leave nothing but the disagreement upon a very few items which practically place the Senate at the disposal of the other branch of Congress. The Senator informs us that there is an item about the payment of clerks to Senators. If this process goes on, the next report will leave that the only item of disagreement, and then the House conferees will be at liberty to say, "Everything in this bill is agreed to, but we do not propose to agree to this, and you can either recede from it or let the bill go, as you please," and we shall be put in the attitude of asking for a further conference about a matter that affects this body alone, or else giving up the bill.

I regret very much, indeed, that the chairman of the committee sees fit to come in here on all these bills and report partial agreements, excluding those matters about which there is a practical difference, thus giving the House conferees a lever that I submit they ought not to be able to wield over this body.

Mr. ALLISON. I will say in response to the Senator from Kansas that the practice which he deprecates has been in existence for many years, and has been found, especially at short sessions, to be the only method of disposing of these bills.

Mr. INGALLS. This is not a short session.

Mr. ALLISON. Apparently not.

Mr. EDMUNDS. I hope it will turn out to be short.

Mr. ALLISON. Of course, the conference committee on the part of the Senate on this bill has merely carried out the usual practice. I think that the Senate will be able to take care of itself on these three remaining amendments; just how I do not know, but I undertake to say that the Senate, if it desires to adhere to the provision which relates exclusively to the convenience of conducting the business of the Senate, will so say to the House. Of course, a bill like this legislative appropriation bill is one of great detail, and it is quite agreeable to those having charge of it to close up a great many matters that are not serious in their character. This bill as it left the Senate had two hundred and thirty-nine amendments. The House agreed to eighty-six of them without the intervention of a conference, and the remaining amendments went into conference and the conferees agreed as to all but six or seven. We sent the disagreeing votes to the House, and they have receded from their disagreement on four of the amendments, leaving now only three subjects of difference.

Mr. EDMUNDS. I was not in when the chairman of the Committee on Appropriations opened this question. I should like to ask him to explain the position of the House of Representatives through its conferees on the subject of amendment 179, I believe it is, respecting the collection of statistics of marriage and divorce. It is a subject of great interest to very many people in the United States and I think a subject of much importance. I should like to know upon what grounds

the House of Representatives through its conferees insists upon disagreeing to that amendment.

Mr. ALLISON. I suppose I could state generally, without stating what occurred in the conferencee committee.

Mr. EDMUNDS. The Senator has a right, and it is his duty, as a conferee, to state what did occur in the conference committee. It is quite different from all other questions between the two Houses. It is exactly what the Senate and the House of Representatives both have a right to know.

Mr. VEST. Will the Senator state the nature of the amendment?

Mr. EDMUNDS. It is for the collection of statistics of marriage and divorce. It is an amendment put in by the Senate and about which the conferees differ. I understand the necessity of the case and the parliamentary law both to be that the conferees in reporting to their respective Houses have a right and it is their duty to explain the views and presentations of the other side of the difference in order that if they seem to be reasonable the body may recede.

Mr. ALLISON. I will state the claim of the House of Representatives on the question, which I suppose was represented by the House conferees.

Mr. EDMUNDS. Of course, it must be.

Mr. ALLISON. It was, in the first place, that we have a great number of statistical bureaus and that they have been multiplying somewhat of late; that the Senate, in addition to this specific amendment, added considerably to the general appropriation for the Bureau of Labor, &c.; and that if these statistics were valuable they could be ascertained under those appropriations. That was their first claim.

Their next claim was that this sum of money was entirely too great for the purpose indicated; and the next claim was that the House had specifically decided against this amendment in such a way as to preclude the conferees from assenting to it. Those were their claims.

Mr. EDMUNDS. Now I wish to say, in asking the Senate still further to insist upon this amendment, that the amendment does not increase the bureaus of any Department of the Government. The subject has engaged the attention of thinking people all over the country for some years, and Congress has been appealed to to pass a special law upon the subject. A bill of that kind has been introduced for one, or two, or three Congresses back, I do not know how long, but has never got action. It was again introduced at this session and sent to the Committee on the Judiciary.

We examined the subject, feeling exactly as the House of Representatives does through its conferees in respect of not desiring to increase establishments in the executive offices any further than should be absolutely necessary. We examined the law concerning the establishment of the Bureau of Labor, and we were all satisfied that the establishment of the Bureau of Labor by the statute, in terms almost, and clearly within the scope of its terms, authorized the Bureau of Labor, respecting the social condition of the people of the United States, to collect those statistics.

We therefore were of the opinion that any new act of Congress on the subject was quite unnecessary; that adequate power existed in the Bureau of Labor now, and it only required a sufficient sum of money to be devoted to that object to enable the Bureau of Labor under its existing powers to accomplish it.

Accordingly, instead of reporting the bill favorably, as we otherwise would have done, we reported this amendment in the regular way and sent it to the Committee on Appropriations to be put in the proper bill, which is this, and it was put in the bill.

The amendment increases the appropriation for the Bureau of Labor; and anybody who looks at the reports of the Commissioner of Labor, which are valuable, will see——

Mr. BUTLER. What is the amount, may I ask?

Mr. EDMUNDS. Only $10,000, not half as much as the Commissioner says it ought to be if he is going back at all, which he can easily do, for information on the subject. He thought he ought to have $25,000, but the committee thought it fit to put in $10,000 and he would only have to go back as far as he could with that money to get started.

Then, as was explained in the Senate when the matter was up, the number of offices to which he must send in all the States and Territories of the Union which contain the records of marriages and of divorces is very great indeed. I stated a number the other day when the matter was before the Senate on the bill, and my friend from Texas [Mr. COKE] in speaking of the number of counties even where divorces might be had in the United States came over to me afterward and said to me that in respect of the number of counties I had not stated half enough for the whole United States. I made a general computation on my feet, a mere guess, as it might be called, and he said that Texas itself had not so many counties but offices where records of this kind are filed and kept, as large as the number that I had stated for the United States. I may overstate that, for I do not remember the details.

Now, when you take the whole number of the States, the whole number of the counties, and, as in New England, the whole number of the towns, as we call them, where marriage certificates are filed and recorded, the number of offices to which the Commissioner of Labor must send to obtain this information, it runs into the tens of thousands, I suppose.

Why the House of Representatives should say that this small sum should not be devoted to that object on the ground that the general appropriation for the Commissioner of Labor, which has hitherto been devoted to entirely different and appropriate questions, I agree, having been greatly enlarged for the purpose of those other questions, there should not be placed at his disposal $10,000 to commence this work, I am quite unable to understand.

If the House of Representatives had said, "We do not believe in this business at all; we do not care anything about the question of marriage and divorce in the United States in regard to the general interest and welfare of its people," that would be one thing; but if they said that, they then logically should say we should abolish the Bureau of Labor altogether, because labor is only one element in social progress and in social prosperity and in social happiness.

So, though I do not wish to take up the time, as I hope we shall adjourn some time this year, I do hope that the Senate will still insist upon this amendment, and that the Senate conferees will exert their diligence, consistent with proper respect to the House of Representatives, to bring them to the same mind.

Mr. ALLISON. I hope a vote will now be taken.

Mr. INGALLS. What does the Senator ask now?

Mr. ALLISON. I move that the Senate still further insist upon the points of difference and agree to the further conference asked for by the House.

The PRESIDING OFFICER. The Senator from Iowa moves that the Senate still further insist on its amendments not disposed of and agree to the further conference by the House of Representatives.

Mr. INGALLS. If there is any way in which the amendment which provides for the payment of clerks to Senators can be taken out of conference I should be glad to have it done; and I suppose that can be done by a motion to adhere.

The House of Representatives fix their own official staff. They select the number of their employés and determine the compensation that they shall receive. As I understand the chairman of the Committee on Appropriations, the Senate did not attempt in that matter to make one hair white or black; they took it exactly as it came from the House without making any amendment or suggestion whatever.

Mr. EDMUNDS. The Senate added several names.

Mr. INGALLS. But the Senator from Iowa tells me that I am correct.

Mr. EDMUNDS. The Senate did put in two or three names.

Mr. ALLISON. That perhaps ought to be stated. We agreed to the substance of everything of value with reference to the House of Representatives. On the request of two members of the Committee on Appropriations of the House of Representatives, being two of those who were on the subcommittee which prepared the bill, we inserted some names merely for their convenience, in order that they might be reached; and when our attention was called to it, of course we immediately receded from that.

Mr. INGALLS. I respectfully submit, without desiring to speak in derogation of any person or any body of men, that the attempt to interfere with the amendments that were agreed to in this body as to the official staff of the Senate under the circumstances is an unwarrantable and unjustifiable interference with the prerogatives of this body; and I am somewhat surprised that the chairman of the Committee on Appropriations was willing to permit every other amendment in the bill, two hundred and sixty-nine in number, to be acted upon, and leave that open as a question of debate between the conferees of the two Houses.

I believe it was the duty of the Senate conferees to have said to the conferees on the part of the House at the outset, on the threshold, "This is one of the matters that we do not propose to dispute with you about. It is a matter that concerns this body and its official force and the discharge of its own duties, in which we are independent under the Constitution of the United States." And yet the Senate conferees have agreed to 266 out of 269, if that is the number.

Mr. ALLISON. Two hundred and thirty-nine.

Mr. INGALLS. They have agreed to two hundred and thirty-nine amendments, and have left this one that affects the constitution and convenience of this body open still between the two Houses. Eighty-six were agreed upon, the Senator informs us, without debate. That is, wherever we put up salaries——

Mr. ALLISON. They were agreed to in the House.

Mr. INGALLS. I say the House promptly agreed to all the amendments made by the Senate where we had put up the salaries of Democratic officials, where we had increased the salary of the Commissioner of Patents and the Commissioner of Pensions, that physical and mental wreck who is drawing $1,200 a year as a pension besides his salary. When we increased that salary from $4,000 to $5,000 there was no debate on that on the part of the conferees of the House of Representatives; that was promptly agreed to with the eighty-six others of a similar character.

So one by one the Senate conferees have agreed to eliminate from these two hundred and thirty-nine amendments everything about which there could be debate or discussion, and have left as the last one to confront us that involving the prerogatives and the rights of this body.

Mr. President, I am discontented with it, and I believe that every one who hears me feels the same way. It never ought to have been left

open for debate. It is an invasion of our prerogatives and our rights.

While I do not suppose that the Senator from Iowa has any design of abandoning this amendment, I should like to fortify him a little, I should like to re-enforce him, not that he needs it, but we have got down within two of agreeing to all the amendments except this, and I fear that before long we shall have another report saying that the conferees have agreed to every amendment except the one involving the pay of clerks of Senators in this body; and then we shall be told we can either recede from that or let the bill go. I believe I will move that the Senate adhere to that amendment now.

Mr. BUTLER. And ask for the yeas and nays on it?

Mr. INGALLS. I move that the Senate adhere upon the item affecting the payment of clerks of those Senators who are not chairmen of committees.

Mr. DAWES. The Senator from Kansas belongs to that class of legislators and persons in the world we have seen a great many of, who are unwilling to take up with satisfaction. He has arraigned the conferees because they have agreed with the committee of conference on the other side upon matters which the other side have offered to agree with them upon. They have come to our terms upon every other matter but these three, and the Senator is not willing to take up with satisfaction on these.

With some little experience in matters of conference committees, going over several years, I find it the best way in those committees, just as fast as the committees agree upon items, to close them up. They are diminished in number the most rapidly in that way. When we come to concentrate our differences upon points, we can understand what is our duty in respect to each one of them better than when two hundred or more of them are afloat.

We have now closed up this bill upon more matters of difference between the two Houses than any other legislative bill that I ever had anything to do with, and more rapidly and more satisfactorily; and we have reduced, in less time by this conference than in any other conference that ever I was on upon a legislative bill, to three out of 135 of the differences. We can stand just as firmly upon those three as we could if 130 of them were afloat—differences of great importance, differences that would be vital, differences that would affect or cripple the executive branches of the Government.

It was the duty of the conference committee to agree as far as they could; and this goes back to another committee with the same condition of things that it went into the first committee.

Until a committee of conference shall show symptoms of giving up that which belongs to us it will be unnecessary for the Senate to take any extreme measure with any one of these points. I submit to the Senator from Kansas that the ordinary method of settling these things is the best, and the least friction between the two Houses upon matters about which there is no necessity for friction is the best way to come to an agreement.

I have no more idea that to save this bill we shall be obliged to give up either of those three items of difference than I have that we should have been unable to agree upon any of them. Suppose we should have started out in the committee of conference, each one of us, by planting ourselves upon two or three items on the one side or the other of difference, and announced to the conferees of the other branch, "You need not confer on these; these are not to be conferred upon, unless you take these as we have decided them." Announce that in the beginning and you come to an end of a conference.

Let this conference be pursued as all others are until there shall be an indication of the difference. The Senate need not be afraid to trust this or any committee of conference that shall be appointed by the Chair in the ordinary way.

Mr. BUTLER. Can the Senator from Massachusetts or the Senator from Iowa give any explanation of the fact that at every session of Congress we are confronted with this issue between the House of Representatives and the Senate upon this matter relating entirely and exclusively to ourselves? Now, I am like the Senator from Kansas——

Mr. DAWES. I can tell the Senator what I suppose is the reason.

Mr. BUTLER. I am getting a little impatient under this constant disposition on the part of the other branch of Congress to interfere with what, as the Senator from Kansas says, is our especial and peculiar prerogative, with which I submit they have nothing to do.

Mr. DAWES. I am not defending the position of the House. The position of the House in reference to it strikes me just as it does the Senator from South Carolina and the Senator from Kansas. I am only discussing the best method to deal with that difference. I have no idea but what they expect to yield, but they expect to go through with this form to maintain what they call a consistency upon certain points. It is all understood how far they are to go. But for us to throw an obstacle in the way by putting it where the bill must fail in the outset only puts further off an agreement. There is no doubt about the result if we go on in the ordinary way.

Mr. ALLISON. I do not wish to occupy any more time. I can assure the Senator from Kansas and the Senator from South Carolina that at least the conferees who have considered the bill thus far have endeavored to represent truly what they believed to be the unanimous judgment of the Senate upon this question; and I have no doubt any future conferees appointed by the Chair will do the same thing.

We have over and over again presented to the House of Representatives that it is the business of the Senate to choose its own officers, and that they have no right to interfere with our prerogative (if that is a proper word to use in that connection) any more than we have a right to say who their officers shall be or what the number of them shall be. Of course, the question of compensation can fairly be a matter of consideration between the two Houses.

I hope the Senator from Kansas will not now insist upon his motion to adhere to this amendment. I think we can get on with it better perhaps by having one further conference upon this subject.

Mr. CHACE. I should like to ask the Senator from Iowa a question. I ask him if the House of Representatives may take from us certain of our employés, our servants, may they not upon the same principle take from us others, and may they not then go on until they may take the whole, and thus cripple entirely the functions of this body?

Mr. ALLISON. I see no reason why they can not say, if they interfere at all, that we shall have only one secretary at that desk instead of four or three, or that we shall have only five messengers instead of one at each door of the Senate. I quite agree with the Senator.

Mr. CHACE. That is the way it strikes me, and it seems to me it becomes a question, as a matter of precedent, of very great importance. The House of Representatives may arrogate to itself to absolutely destroy the functions of this body by crippling our ability to conduct our business.

Mr. BECK. I have heard this question discussed time and again in conference, and I think the whole matter is so very safe in the hands of the chairman, the Senator from Iowa, that we had better trust to him to manage it his own way without telling him anything. I hope the Senator from Kansas will not press his motion to adhere.

Mr. INGALLS. Upon the assurance that the Senator from Iowa and his conferees will adhere to this amendment and consider themselves, as I understand them to say they are, instructed by the Senate to stand by it and never relinquish it, I will withdraw my motion to adhere.

Mr. SAULSBURY. It seems to me that there is one view of this question which has not been presented. I do not understand that the House undertake to dictate who shall be the employés of the Senate; they only exercise their constitutional right to say whether they will vote an appropriation for certain objects. I believe that the courtesy due the Senate requires that we shall insist, but I do not think they are justly censurable to the animadversions which have been made here, because in the exercise of their discretion they assume to say that there shall not be devoted an appropriation for this purpose. They do not undertake to say that every Senator shall not have a clerk; they only say that in this bill they will not appropriate money for that purpose. The criticisms here upon the House I think are unjust.

I hope the Senate conferees will insist upon the amendment, and I hope the House will yield; but I do not believe that these animadversions are exactly right.

The PRESIDING OFFICER. The question is on the motion that the Senate further insist and agree to the request of the House for a further conference.

The motion was agreed to.

By unanimous consent, the presiding officer was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL were appointed.

RIVER AND HARBOR BILL.

The Senate resumed the consideration of the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, the question being on the amendment proposed by Mr. MCMILLAN, from the Committee on Commerce, as a substitute.

Mr. LOGAN. It was understood by the chairman of the committee that I was to be permitted to offer amendments to the amendment after it had been read, and I desire to offer them now.

In line 353 I move to increase the appropriation for the improvement of Calumet Harbor, Illinois, from $7,500 to $10,000. It was reduced to $7,500, when the estimates are $100,000; and I think such a reduction is a little too much, compared with the reductions made in other cases. I do not wish to discuss the question. I merely wish a vote on it.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. In line 354, before the word "dollars," it is proposed to strike out the words "seven thousand five hundred" and to insert "ten thousand;" so as to read:

Improving harbor at Calumet, Ill.: Continuing improvement, $10,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois to the amendment.

The amendment to the amendment was rejected.

Mr. KENNA. I move to insert at the end of the first section what I send to the Secretary's desk.

Mr. LOGAN. Will the Senator allow me to offer another amendment to the next paragraph?

The PRESIDING OFFICER. Does the Senator from West Virginia yield?

Mr. KENNA. Oh, yes; I have no disposition to crowd out the Senator from Illinois.

Mr. LOGAN. No, it is not crowding me at all; but the amendment I propose comes right in the next line. Lines 355 and 356 read:

Improving harbor at Chicago, Ill.: Continuing improvement, $75,000.

I offer an amendment to increase the amount to $150,000. I desire to call the attention of the chairman of the committee to the estimates and the appropriations which have been made in reference to other improvements. There is appropriated for improving the harbor at Mobile, on line 274, continuing improvements, $90,000; and there is appropriated for the improvement of the Chicago Harbor $75,000.

The estimate for the Chicago Harbor is $284,000. Out of the $284,000 of the estimate, $75,000 are given; of the estimate for the Mobile Harbor about one-half is given; also for the improvement at Muscle Shoals the chairman will find that the estimate is $400,000, and the committee appropriates $262,500.

All that I ask is that a great work like this in Chicago, which has been in progress for a great many years, a great improvement as it is, and a great harbor, and as necessary as that is, as every one knows who is acquainted with the commerce on the lakes, shall have at least enough to be able to do something. The $75,000 proposed to be appropriated will not dredge the sand in the channel that has to be dredged every year.

Not only that, but the engineers' estimate is $284,000 for its completion, and they say that $225,000 can be expended during this fiscal year, and they show the necessity for it. The amount has been reduced from $284,000, or $225,000 necessary for this year, down to $100,000, and then 25 per cent. off leaves it at $75,000. That does strike me as not being exactly what ought to be done in reference to a harbor of that character where the commerce is so great as it is at Chicago, where so many vessel come in and go out, and where great necessity exists for a harbor not only for the benefit of commerce but a harbor for the safety of vessels.

As is well known, Lake Michigan is one of the most treacherous lakes in the whole United States of America. There are more vessels lost on it than on any other lake; and this harbor is a great protection. It has protected hundreds and thousands and probably millions of dollars' worth of property since it has been put in such a shape that vessels could come in within the reach that is timbered out so as to protect them.

I do not wish to criticise the committee, nor do I criticise it at all; but in comparing this harbor with others which have larger appropriations for them, others which really are not as necessary as this one, others which do not require as much work or as great an expenditure, it does seem to me that it is not exactly the thing.

Mr. McMILLAN. This item was not changed by the Senate committee, and remained as it came from the House, except the reduction embraced in the amendment which I have submitted. The amount which the engineer said could be profitably expended during the year is $225,000. The appropriation as it came to us from the House is substantially 50 per cent. of that estimate; $112,500 would have been just 50 per cent. of the estimate. The appropriation for the harbor at Mobile was just 50 per cent. of the estimate also, and the Senate itself increased the appropriation for Muscle Shoals after the committee brought the bill into the Senate.

I should be glad to have larger appropriations for these great improvements if it could be done. I should be very glad to have the whole amount appropriated which the engineer says could be profitably expended during the year; but the harbor is not going to suffer with an appropriation of this amount for this year. None of these harbors are going to suffer. The engineers can use this money profitably, and the harbor will be ready for all the commerce that is established at that port.

I hope the Senator will be satisfied with the bill now as it stands and let the item remain. If this is to be increased the same reasoning would apply to all the others, and the amendment offered by me would not be sustained.

Mr. MILLER. I desire to say a single word, and that is that this item as it now stands at $75,000 is just 33⅓ per cent. of the amount asked for by the engineers, and that is more by far than the average we have given throughout the entire bill. Originally we gave nearly one-half; now it has been cut down by the amendment, and still this remains at just one-third, or 33⅓ per cent. I do hope that no changes whatever will be made in these sums or in these proportions at present.

Mr. LOGAN. I do not wish to enter into any discussion with Senators on the committee; I know it is perfectly useless; but at the same time the assertion of the Senator from New York I do not think would be borne out if he were to examine the bill very critically. I do not wish to call the attention of the Senate to them, but I could pick out quite a number of rivers and harbors where the reduction has not affected them as it has affected the appropriations for certain matters in the State of Illinois.

To illustrate: For the Illinois River some gentleman said I secured an increase of $50,000. That is true. The estimate was $350,000, and the statement of the engineer was that it was absolutely necessary to have the full appropriation for the reason that they were completing two locks and dams in that river. That appropriation is now cut down to $100,000. I had it raised to $150,000, and now it is put at $112,000. When you take that and compare it with other appropriations which I do not care to mention, not in that immediate section of the country, there is a very great and material difference so far as coming up to the estimates is concerned.

Perhaps I have no right to complain more than other people, and I do not wish to speak here by way of complaining, but merely to call attention to the fact that Chicago for a small village has not received exactly what it ought to have received and what it is entitled to from the hands of the committee or from the hands of the House, if I may speak of the House; and why I do not know; I can not tell. There has not been a river and harbor bill brought into the Senate for years that the very same thing has not occurred in reference to the Chicago Harbor.

Mr. EDMUNDS. Mr. President, I just want to say on this question of proportions that you may take Lake Champlain, on one side of which I live and on the other side is the great State of New York; you may take the appropriation for the breakwater at the harbor of Burlington, Vt., where the revenue collected is just about one-quarter of that collected at Chicago. There was in the bill as it came from the committee $25,000 to continue the work on that breakwater. That being reduced by 25 per cent. makes $18,750.

If you take the report of the engineer as to what can be profitably expended—I do not remember its detail, but knowing the place perfectly well—you might appropriate all the money that is necessary to complete that breakwater, to make it long enough to protect that growing town and increasing commerce, in any one year, because it is the mere question of applying your force to extending a breakwater. If you appropriated $200,000 it is only the question of putting down more cribs and more stone to extend the breakwater. As I say, I do not remember what the engineers said could be profitably expended, but I happen to know myself, as it is a mere question of cribs and stone, and with plenty of room, and plenty of timber, and plenty of stone, you can apply all the money at once.

But this appropriation for that particular part of Lake Champlain is cut down, and on the same principle, and it illustrates Chicago almost perfectly, for the reason that the revenues collected in that collection district are just about a quarter. As I remember, the revenues of Chicago are about $4,000,000, and they are about $1,000,000 in the district of Vermont. It makes a very fair comparison.

I appeal to the Senator from Illinois, the bill containing for public works and things in the State of Illinois, and going to the benefit of Chicago and the commerce there as it is claimed by the Hennepin Canal and the other canal and the Illinois River, that if we are to go on and put everything in Illinois up, as the Illinois River has been put up to above what the House had it, notwithstanding this ratable reduction, then we must go to every other locality in the country in order to make an equal average.

Mr. LOGAN. I said I was not going to discuss the proposition, and that I only asked for a vote; but to show how perfectly fair the Senator from Vermont, the assistant chairman of this committee, is about matters I will read what the estimate is in reference to Burlington, Vt.

Mr. EDMUNDS. On what page?

Mr. LOGAN. Page 356. The engineer says that there can be profitably expended in the fiscal year ending June 30, 1887, $50,000.

Mr. EDMUNDS. That would make two cribs.

Mr. LOGAN. The gentleman has had 50 per cent. allowed of the amount estimated for by going to that committee perhaps. With an estimate for Chicago of $284,000 we have $75,000. The Senator has very nearly 50 per cent. left in the bill to-day for Burlington, Vt.

Mr. McMILLAN. It is reduced 25 per cent.

Mr. LOGAN. I know it is reduced 25 per cent., and the reduction is exactly what I complain of in this bill, that the reduction is not fair to different parts of the country which deserve according to the estimates more money than is appropriated in the bill. Fifty thousand dollars is the estimate for Burlington and $284,000 for Chicago, and $18,000 is allowed to Burlington while $75,000 of the $284,000 is allowed to Chicago. That is the difference; and that is exactly what I complain of.

Mr. McMILLAN. The appropriation for Chicago was substantially 50 per cent., within $12,000 of 50 per cent. of the estimate of the engineer.

Mr. LOGAN. I beg the Senator's pardon.

Mr. McMILLAN. If the Senator will look at the estimate for the amount that can be profitably expended this year——

Mr. EDMUNDS. It is $225,000.

Mr. LOGAN. Yours was $50,000 and you get $18,000, while we get $75,000, and the Senator complains because Burlington has not been as fairly dealt with as Chicago. I know Burlington, Vt., is a very nice town. I have been there. I know it has very nice people and it is much larger than Chicago; it has much more business, and is more important and the people are more important, and men who understand

these things represent them much better than Illinois is represented perhaps! They understand how to get things into bills, and then they understand very well how to get bills reduced after they have got all they want themselves, and how to drive committees to do these things. Against that I have naught to say except that my friend the Senator from Vermont on every occasion when I have said anything about Illinois seemed to have some kind of spite against the State. I do not know why; I can not tell; but no other propositions have been fought by the Senator from Vermont as the propositions coming from Illinois have been. There has not been one that he has not objected to, not one that he has not criticised, not one that he has not fought.

Mr. EDMUNDS. Mr. President, I must take the time of the Senate to have this little difference among friends out, and I will begin at the end of my friend's observations. He says there is not a thing for Illinois that the Senator from Vermont has not fought.

Mr. LOGAN. Oh, no. I said not one of the propositions here, and I will state them. He fought the increase for the Illinois River; he fought the Hennepin Canal; he fights the increase for Chicago; he objected to the increase for Calumet Harbor; and that is every one that has been mentioned on this floor by the Senator from Illinois.

Mr. EDMUNDS. I then only fought the things that were mentioned and let those that were not mentioned go. The presumption is then that those which were not mentioned had some merit, and that those which had not merit enough to go alone and had to be carried on the broad and strong shoulders of my friend from Illinois, with a chip on each shoulder, would naturally attract the attention of somebody and he would make some inquiry about them. That is where we come.

Now when we come back to a comparison of Chicago with Burlington, I am bound to agree with my friend. Burlington is a town of more importance than Chicago, because my friend has said so. I never knew it before, but I know that he is a man who always states everything with absolute deliberation. I will mention one little circumstance as a comparison between the two towns. We do have social order and the execution of the law at Burlington, Vt. They do not always have it—not because my friend would not have it—in Chicago. And I will mention another thing, which is entirely apart from any personal badinage between my friend and myself. There has been put into this bill—against my vote and opinion, it is true, but put in, and I submit to it—a proposition which involves millions for the benefit of the commerce of Chicago and of Lake Michigan, as the friends of it claim. So the amount of public money to be expended in that quarter of the United States—and I do not care anything about State lines in these matters—is something enormous compared to any other part of the United States, with three or four exceptions which I will not waste the time of the Senate to state.

Now, therefore, if the Senator from Illinois, after this reduction of 25 per cent., having got the Illinois River—which this great canal is to give the go-by to entirely—put up, after this reduction, by a considerable sum above the House bill, proposes to go on rating up everything that happens to exist in the State of Illinois, I do not think it is right to the other parts of the country—not speaking for Vermont, because the interest of Vermont is not at all different from the interest of the rest of the people of the United States anywhere in these matters—but if we are to put this up, then let us go back and put up everything else and reject this whole amendment altogether.

Mr. LOGAN. I am very sorry that the Senator has come to the conclusion that I have a chip on each shoulder at different times. He certainly has not. He never carries chips on his shoulders, and if he did he would not find anybody who would want to knock them off. I certainly should not.

But I find there is a peculiarity always in the sincerity and justice of the Senator from Vermont. I do not know anything about Gordon's Landing, on Lake Champlain, in Vermont. I do not know what it is. I can not find it in the estimates. Probably it is there; I suppose the Senator can find it.

I notice an item of $25,000 for extending a pier at Gordon's Landing, in Vermont. That is reduced to $18,750. I notice in all matters in connection with Vermont that it has not been hurt very much, nor do I wish to hurt it. If the Senator wanted more I think he ought to have it if there was a necessity for it; but when persons are amply supplied with everything they desire themselves, when they get all they want themselves and then attack everything that belongs to other States, it is not the generous mode of proceeding that I think ought to be pursued by mankind generally outside or inside of the Senate.

Mr. EDMUNDS. I agree with you entirely.

Mr. LOGAN. And when the Senator says that Burlington is important I agree with him; but when he leaves the path of argument, when he deviates from the logic of the case as presented, and when he goes outside that case and casts a slur at the city of Chicago because they have had confusion there on account of strikes and anarchists, he goes further I think than that courtesy which belongs from one Senator to another should warrant him in going.

I will say to the Senator that the people of Chicago are just as good citizens as he is, and just as law-abiding as he is, and certainly they are not so pestiferous at home as he is in this body. [Laughter.] I will say that for them. Of course we have had our troubles there occasionally. In a population of nearly 700,000 we have some bad men. I am very sorry that we have them. There are other places, however, where there are bad men, not in Vermont, of course, but other places in the country where a less generous and kind people reside, less intelligent and less patriotic than those who reside in the State of and are the constituents of the Senator from Vermont.

Why, sir, I might say more and say it truthfully, but I will not, for I do not desire to cast slurs upon the constituents of anybody. It is a thing that I do not do. I do not engage in that kind of argument. No matter how futile my arguments may be, no one has found me casting slurs on the constituents of any other Senator for the benefit of a little proposition that might arise in a bill, and no great man ever did it.

Mr. EDMUNDS. I admit the force of that proposition, and we have found one great man in the Senate that does not do it. So we can drop that part of the subject.

Now, I wish to tell my distinguished friend from Illinois, for whom I always have had the greatest admiration, which increases from day to day, that he is mistaken in saying that anybody in the State of Vermont has got all the appropriations that that State ought to have.

Mr. LOGAN. I did not say that.

Mr. EDMUNDS. There are two places on the east side of Lake Champlain, to both of which go railway lines, that have their harbors and their commerce, for which no appropriation is made in this bill at all. Former appropriations have been made, and they ought to be made now, but I did not want to load this bill up, and I thought those places might wait for another year before I should even say a word to the committee about them. So the Senator is unjust, or rather I should say incorrect—he does not mean to be unjust—in saying that Vermont has got all she wants in the sense in which he speaks of that.

Mr. LOGAN. I did not say that.

Mr. EDMUNDS. The RECORD will show what the Senator said, and I will not enter into a dispute with him on this bill as to what he did say. The RECORD will show. So I think we may drop that out of the thing and go to the merits of this proposition.

I must repeat, that if in respect of the harbor of Chicago it is to be thrown out of relation with the harbor of New York, and the mouth of the Mississippi River, and Norfolk, and Baltimore, and Boston, and all these other great harbors, then we might just as well begin at the beginning and put everything up to its original status and go as much further as we can get anybody to go. That is just the short of it.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Illinois [Mr. LOGAN] to the amendment of the Senator from Minnesota [Mr. MCMILLAN].

The amendment to the amendment was rejected.

Mr. VEST. On page 53, line 1296, after the words "Nebraska City," I move to strike out "three hundred and seventy-five thousand" and insert "five hundred thousand;" and I give notice that I shall move to put back the sums appropriated in the bill reported from the Commerce Committee and the bill as it came from the House that were given to the Missouri, Ohio, and Mississippi Rivers.

I have understood throughout the whole of this discussion that all Senators from all sections of the Union agreed as to the national character of these rivers, the Mississippi and its great tributaries, the Ohio and the Missouri. The appropriation for the Missouri River was one-half the amount that was estimated for by the engineer. It came from the House at $500,000 from the mouth of the river to Sioux City, a distance of over fifteen hundred miles, and in which the States of Missouri, Kansas, Nebraska, Iowa, and Minnesota are all interested. I now move that this appropriation of $500,000 be put back in the bill, and upon that I ask for the yeas and nays.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 1296, after the words "Nebraska City," it is moved to strike out "three hundred and seventy-five" and insert "five hundred;" so as to read:

Improving Missouri River from its mouth to Sioux City: Continuing improvement, including necessary repairs of works at Omaha, Atchison, Saint Joseph, Fort Leavenworth reservation, Arrow Rock, Kansas City, Plattsmouth, Brownsville, and Nebraska City, $500,000; to be expended under the direction of the Secretary of War, in accordance with plans and estimates to be furnished by the Missouri River Commission.

The yeas and nays were ordered.

Mr. MCMILLAN. I think if this amendment is adopted it will lead to the entire rejection of the amendment of the committee, because other improvements in this bill will ask for the same increase. The amount appropriated to the Missouri River is $610,000.

Mr. VEST. You mean the whole river.

Mr. MCMILLAN. The whole river.

Mr. VEST. This only applies to part of it.

Mr. MCMILLAN. From the mouth of the Missouri to Sioux City the bill as it came from the House appropriated $500,000, and we reported it to the Senate without a change, except inserting certain points at which expenditures of the money might be made. The appropriation contained in this amendment will be 33 per cent. of the estimate of what can be expended this year.

While we all know that the Missouri River is a very important stream and contributes largely to the interests of commerce in the country, yet the interest of the stream will not suffer with the appro-

priation of the sum embraced in the bill. It will be expended at particular points in the river until the repairs and constructions of certain portions of the river are all completed. When that is done then the general plan of the improvement of the river will be entered upon.

I appeal to the Senator from Missouri to permit this amendment to pass as it has been offered by the committee in order to have this amount of expenditure, which is one-third of the estimate for this year, and the engineer has the discretion under this item of appropriation to spend this money at such places as in his discretion he deems best for the interests of the river. He is not limited in his expenditures to either of the points named here, nor to all of them; but he has as unlimited discretion so far as the expenditure of the money is concerned.

I hope the Senator will not insist upon his amendment, in the interest of the welfare of the Missouri River and of the whole bill.

Mr. VEST. Now, Mr. President, I want to say a very plain word about this amendment, because this is a practical illustration of how the thing operates.

I have never—I do not leave it to my assertion, I leave it to my colleagues in the Commerce Committee and my colleagues in the Senate—I have never asked or demanded, directly or indirectly, anything but what is fair and just in regard to the distribution of the money appropriated by this bill.

Mr. KENNA. That is true as to others also.

Mr. VEST. I admit it as to others, but I put this as a preliminary observation to what I shall say now. I am talking about facts, not methods.

This bill came from the House with an appropriation of $500,000 for the Missouri River. As a member of the Committee on Commerce I did not ask for an increase, though I might have secured it. Other members of the committee did ask increases and did increase this bill to the amount of $3,400,000—not all of it in their States, but much the larger portion of it. Under this reduction of 25 per cent., what is the result? Take certain States—and I do not mention them invidiously—take the State of New York with an increase of $900,000 in round numbers in the Senate bill. Take off 25 per cent. and the State of New York is still ahead of the amount appropriated by the House of Representatives.

Mr. MILLER. The Senator will permit me to say that the amount asked for the improvement of New York Harbor by the engineers was two and a half millions.

Mr. VEST. I am not talking about the engineers' estimates.

Mr. MILLER. The House gave $150,000 and we made it a million.

Mr. VEST. I am not talking about estimates. The estimate for the Mississippi River was $7,000,000 outside of local improvements. Nearly $10,000,000 was asked by the commission in all. The House gave the Lower Mississippi $2,100,000, and now, under the operations of this reduction bill, the Mississippi River, with 25 per cent. off, gets $1,275,000.

But I ask the Senator from New York this distinct question: How much did his State get under the House bill as it came to the Senate, and how much does it get now under the 25 per cent. reduction? Does he lose anything in his appropriations?

Mr. MILLER. The Senator knows how much New York got under the increase. I have stated it here repeatedly. It was between $900,000 and a million dollars, but it happened that bill as it came to this body had given to some large improvements their fair share and their just share, so much so that the Senators representing that portion of the country did not feel at liberty to ask for a dollar of increase; but when the engineers asked for two and a half million dollars to be expended in one year upon an improvement in New York and the bill contained $150,000, everybody admitted the justice of making it somewhere near right by giving a million dollars, which was still less than 50 per cent. of the estimate.

Mr. VEST. No friend of the Mississippi River ever said anything else except that that appropriation was too small in the House bill; and all that prevented me from having the appropriation increased—I have said it over and over again—was the fact that I did not want to endanger the whole bill and run the risk of losing the amount that was put in by the House. In other words I would rather have $2,150,000 for the Mississippi River than have nothing, not that I have admitted for a single minute that that appropriation was sufficient. But the Senator does not answer my question. I say this reduction is inequitable and unjust. It leaves his State with just as much as the bill gave it as it came from the House while it cuts off from the Mississippi River $800,000 and from the Missouri and Ohio $125,000 each.

Mr. MILLER. Will the Senator from Missouri answer this question? Does he believe that if the Senate Committee on Commerce had made up this bill originally, with the Senator from Missouri as a member of that committee, that committee could have been induced, or even that he would have asked it, to give a dollar more either to the Missouri or to the Mississippi River than the bill contained as it came to this body from the House and as it came out of that committee to the Senate?

Mr. VEST. Well, Mr. President, the Senator has a very poor opinion of my influence and industry on that committee if he thinks I could not have increased it, and if as an original proposition I had not made it twice or three times as great as the amount mentioned in the House bill.

Mr. KENNA. I should be glad if the Senator from Missouri would allow me to make a suggestion at this point?

Mr. VEST. Certainly.

Mr. KENNA. The Senator speaks of the House bill and the equities of the present proposition as based upon the bill as sent to us from the House. What have we to do with the House bill? It is true that these appropriations originated there, and they have been amended here, but I want to remind the Senator from Missouri of two facts of which he seems to be absolutely oblivious. The first is, that this bill came to the Senate as revised and adjusted by the Commerce Committee of the Senate; and the second is, that this proposition to reduce 25 per cent. all along the line has been made after the Senate has adjusted this bill in every detail and in reference to every item, so that the Senator stands in regard to the Mississippi and the Missouri Rivers' improvement precisely where every one of us stands in regard to improvements in his locality.

I am free to admit that if I could not go beyond the confines of my State I would be perfectly unwilling here to reduce the appropriation for the Great Kanawha River, but I hope to be able in dealing with this subject to reach all the appropriations and every commercial interest involved.

Mr. VEST. Yes, Mr. President, I know that the Senator has "no pent-up Utica." West Virginia has never done anything on the river and harbor bill! It has been utterly neglected in the interest of other sections of this country!

Mr. KENNA. Whether that is true or not——

Mr. VEST. The Senator seems to be utterly oblivious of the fact that the Mississippi River does not belong to the State I represent here at all; it belongs to the whole country, and there are States that have larger territory on its borders than my State can possibly have. It might as well be charged to the State of Louisiana or Arkansas or Tennessee or Kentucky, all of which border upon that great stream.

The Senator says we have nothing to do with the House bill. I say we have.

The simple question now before the Senate is whether those of us who did not increase our appropriations in the Commerce Committee are now to suffer because this bill was loaded down by other Senators until it came to the Senate in such a condition that we are compelled to apply a horizontal reduction to it. That is the whole question, and of that I complain. If I had ever supposed that this bill would have been loaded down to the extent it has until this Procrustean rule would have been applied to it by a reduction of 25 per cent., I would have seen that the Mississippi and Missouri Rivers should both have had an increase, so that they could have stood a reduction like other improvements in the country. These other States that have got increases from the Commerce Committee get just as much as they would have got if we had adopted the House bill without a single amendment.

Mr. PLUMB. I have a table here which will show that the Senator rather understates than overstates it. New York gets $1,372,000 by the bill as reduced and only $875,000 by the bill as it came from the House; North Carolina $274,000 by the bill as reduced, while it only got $266,000 by the bill as it came from the House; Michigan gets $901,000 by the bill as reduced, while it got $918,000 by the bill as it came from the House; and Maryland gets $300,000 by the reduced bill in place of $232,500 as the bill came from the House.

Mr. MAXEY. I should like to remind the Senator from Missouri that this is an appropriation for the Mississippi River which not only affects the States on the banks of that river and all its tributaries, but there are living on the Mississippi River and tributaries over fifteen million people who are interested in the appropriations for it. I am heartily in accord with the Senator from Missouri in regard to that river.

Mr. VEST. No one can overstate the importance of the navigation of that river to the Western country and to the whole Union.

But recurring to the salient point in this whole matter, if the appropriations for these great rivers can be increased so that this 25 per cent. reduction will affect them as it does the other appropriations in this bill, I am willing to take my share of the reduction. As to the little improvements inside of my State, I am willing they should be cut down; but I do think it is unjust and unequal and inequitable in every sense of the word that those of us upon that committee who, in the interests of the whole bill and all the improvements in this country, did not increase our appropriations should now suffer this iron rule that they propose to apply to every appropriation in this measure.

Mr. KENNA. I only want to say one word in response to the Senator from Missouri, and I desire to say that as concisely as I can.

I utterly repudiate the suggestion that seems to bear on his mind that this is a distribution of money by States. I believe I am speaking for the Commerce Committee as a whole when I say that the question of making a distribution of the amount appropriated for the improvement of the rivers and harbors of this country by States never entered into the mind of any member of that committee.

We are confronted here daily from one source and from another by

the suggestion that this State has so much in this bill, and that State has much in this bill, and some other State has so much in this bill. Sir, I deny that the lines of States have anything to do with this bill, either from a constitutional standpoint or from the standpoint of distribution made by this committee. Our great water courses constitute a system, and our committee has endeavored to treat it so. The question of granting money or refusing to do it is one that is to turn on the general advantages to the country to be derived from this improvement proposed, not on the question whether accidentally a State line crosses a stream at one point or another.

Mr. RIDDLEBERGER. Mr. President——

Mr. KENNA. I prefer not to yield.

Now, Mr. President, I do not assert here that West Virginia has too much or too little in this bill. I am willing to say to the Senate that if there were one dollar in the bill which had been appropriated by virtue of the fact that by a system of distribution West Virginia should be entitled to so much, I should misrepresent my constituency if I did not stand here ready to relinquish it.

It is true, as the Senator from Missouri says, that the Mississippi does not belong to any State; and yet this seems to be marvelously true in the same line that geography and proximity exercise powerful influences with reference to certain persons. From the beginning of the Forty-fifth Congress to this day, I believe I speak with profound truth when I say that the Mississippi River has had no better friend than I have been.

Without referring to another branch of Congress, I am within the limits of truth as I do know it when I say that I gave the casting vote for the proposition which appropriated the first million dollars that ever went to that improvement; and I am as ready, as willing, and as earnest as any man can be to advance the great interests of the navigation of that river and its tributaries and the general system which it involves.

I am perfectly frank, however, when I state to the Senator from Missouri if he could eliminate the Mississippi River and add to it the Ohio and the Missouri, and say to him as he would possibly say to other members of Congress, "Improve this stream and no other, abandon your great harbors, abandon your other navigable waters," I should be one of the first to stay the hand of the Government and advance those great interests to the abandonment and prejudice of other water routes of this country.

There is a stream that develops mines and tends to the usefulness of commerce and the interchange of commodities beneficial to civilization, running by a hundred square miles of the finest coal fields on this earth in my State; and notwithstanding the fact that you can not run a 2,000-ton steamer up and down that stream, it is of as great interest and importance to us as the Mississippi or any other great commercial highway in this country; and we shall insist now, as we have insisted heretofore, that a like appropriation, by a tribute levied from the common taxation of the whole people, shall be expended in promotion of improvements likewise beneficial to the whole, by an equal and fair distribution everywhere.

That is all we ask for and we will be content with nothing less.

The PRESIDENT *pro tempore*. The Secretary will call the roll.

Mr. RIDDLEBERGER. I ask the Senator to yield to an inquiry.

Mr. KENNA. I have yielded the floor.

Mr. RIDDLEBERGER. I know the Senator has. I did not want that information. The information I wanted I think the Senator could give. He says "our committee." I feel very much like the Senator from North Carolina [Mr. VANCE] did when he wanted to bid farewell to a bill, about which I differed with him and voted contrary to what he thought was proper, I feel like giving this a parting salute. I think that possibly "our committee" will carry this bill. I think that "our committee" has possibly done enough in considering the advantages that are to come from making the appropriations to different localities to secure votes enough to pass this bill. I believe that it is an animal called the beaver that can build dams with its tail, and there are streams in this bill not only in West Virginia but in other States that even the beaver would have a contempt for.

Now I refer to the Senator's suggestion to me by the use of this pronoun "our" that this committee has done something. I ask the Senator respectfully through the Chair how to get this bill back to this committee? This bill was reported here originally from the committee. It was discussed by the Senate and there was no way of getting the bill itself back to the committee except by a motion to recommit, and never was any motion made here to recommit this bill but it went back to "our committee" and came back here amended.

How did you get it back into your committee or "our committee?" How did the Senator from Minnesota get it there so that he could come here and say that this amendment comes from the Committee on Commerce? Was there ever a motion made to recommit the bill? Did the Senator from West Virginia who represents "our committee" ever hear of a motion to recommit this bill? There never was such a motion made. When the committee themselves ascertained from the discussion of the bill that it could not bear the sunlight and not even the gaslight of this salubrious Chamber, they then brought in what they called an amendment, and their amendment came on the principle of this bill and it is "our committee." It is not "our Senate."

I want to call the attention of the Senator from West Virginia to the fact that he does not lose one penny by this bill that he could have defended if he had taken the floor on the original bill, and I want to say the same of the Senator from Minnnesota, and I want to say of the Senators on this floor who have advocated the passage of this bill from the beginning that they have not stricken out any clause in it which provides for the purchase of property of private corporations and it appears here on a page three removes from that on which it appeared on the original bill. I forget the name of it, but I called attention to it on the first day of the discussion. So here is a river and harbor bill that proposes not to improve rivers and harbors alone, but to buy property of rotten corporations, and this amendment does not change the principle of the original bill. It simply says that franchises shall be bought for less than the original bill said. Strike all these things out and then you will be ready to improve rivers and harbors.

Mr. President, here is an improvement called "Tallahatchie: Continuing improvement, $2,625." Can the Senator tell me how the committee reached the conclusion that the Senate ought to vote that sum of money? Can he tell the Senate how they come back here and say that $1,200 will make a harbor—not improve one, but make a harbor? Can he come back here and show me how where two-thirds of this bill appropriates from $1,000 to $2,000, and it asserts every time that it is for continuing the improvement of a harbor when there is no such harbor as is named in the bill, and then ask Senators here to vote the appropriation?

I know that the State of Virginia is getting its share in the bill. I noticed to-day that Senators were prepared to grin a little when the Secretary read that the State of Virginia was getting this for the Pamunky, and that for the Mattaponi, and so on. But, sir, we want it for the improvement of harbors and of navigable rivers, and we do not want it for any other purpose. The State of Virginia has been incapable so far as I know of sending a man here to ask for an appropriation in the river and harbor bill that is not to improve a harbor. If she has, it has yet to be developed. It may be so at the other end of the Capitol, but so far as I am able to testify, and I can speak for myself, it is not here.

It is the same with this bill from the beginning to the last page of it. All these States are asking for contributions from the Federal Government, contributions not to improve rivers and harbors, but contributions to return men to the House of Representatives or to the Senate. I look through this bill and I do not find a change in it from what we had in the original bill, except in the reduction of 25 per cent. of the appropriations.

The Senator from Minnesota brought it back here as chairman of that committee after all that we had heard about deliberation in the committee-room upon the bill, and yet the whole of this day has been given up till within the last half-hour to amendments that he himself suggested. Where was that committee that brought back this amendment, and then after they had amended their own bill and stricken off 25 per cent. we are still asked to just vote blindly and blindfolded, as the Senator from Kentucky [Mr. BECK] expressed his willingness to do, for the amendment of the Committee on Commerce to this bill? I want an explanation of that. When I vote blindfolded I shall vote against appropriations; I shall not vote for them unless I do it with my eyes open.

I said in the start that I wanted to bid farewell to this bill; in other words, to say good-bye to it. It is going to pass, I take it. It will go back to the House of Representatives, and it will come here again through a conference committee that will be composed of the same men on either side who made up the bill, men who owe no responsibility, possibly, to the constituency who sent them into the one Chamber or the other; and we shall be asked, as we always are on such occasions, to acquiesce in the report of the conference committee when it comes back here.

No Senator who is opposed to it will be appointed on the conference committee. There will be men on it representing different political views, but no man who is opposed to the bill itself, no man on the other side of this question will be upon it. It will come back here the same bill, the same thing that came back here the second time from the Committee on Commerce appropriating money indiscriminately, and they will say then it is a question of privilege.

I have been reminded that I have gone beyond the five-minute rule. I should like to say a few more words only.

Mr. LOGAN. I want to call up a conference report when the Senator is through.

Mr. RIDDLEBERGER. Another conference report, not on an appropriation bill. That was the very matter I was discussing, that as soon as a conference report comes in we have nothing to do but to acquiesce and just adopt it. That is what they want with this bill in both ends of the Capitol—to get it out of here, to get it away from the Representatives, to get it away even from "our committee," to get it into the hands of a conference committee, to get it where a supposed President of the United States from Pennsylvania can assert that it is proper on the one side or a second President of the United States from somewhere else can assert that it is proper on the other side, the latter being from Iowa, and then we are asked to acquiesce in the results of

the conference, and then we appropriate for rivers, little miserable places, to which it is proposed to give this money to the deprivation of the rights of the people who live on the harbors and on the rivers where alone commerce can be improved.

Mr. President, I know I have gone beyond the five-minute rule; I know that most of the Senators have done it; I know that I have transgressed it half a dozen times; I know that it is due to you, Mr. President, that I should say that you have indulged me more than once, but you have done no more to me than to other Senators.

The Secretary proceeded to call the roll on the amendment of Mr. VEST.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. CAMDEN (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. CHACE (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. EDMUNDS (when Mr. MORRILL'S name was called). My colleague [Mr. MORRILL] is absent ill. He is paired with the Senator from Delaware [Mr. SAULSBURY]. If he were present, my colleague would vote "nay."

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]; but as his colleague says he would vote "nay" if present, I vote "nay."

The roll-call was concluded.

Mr. BLACKBURN. I am paired with the Senator from Nebraska [Mr. MANDERSON], who has been called away from the city because of a death in his family. If he were here, I should vote "nay."

Mr. CONGER. My colleague [Mr. PALMER] is paired with the Senator from North Carolina [Mr. VANCE] on this question and on all questions to-day.

The result was announced—yeas 20, nays 30; as follows:

YEAS—20.

Beck,	Eustis,	Logan,	Pugh,
Berry,	George,	Maxey,	Van Wyck,
Call,	Gibson,	Mitchell of Oreg.,	Vest,
Cockrell,	Hampton,	Payne,	Voorhees,
Coke,	Harris,	Plumb,	Walthall.

NAYS—30.

Allison,	Frye,	Jones of Nevada,	Sherman,
Blair,	Gorman,	Kenna,	Spooner,
Conger,	Gray,	McMillan,	Stanford,
Cullom,	Hale,	Mahone,	Teller,
Dawes,	Harrison,	Miller,	Whitthorne,
Dolph,	Hawley,	Platt,	Wilson of Iowa.
Edmunds,	Hoar,	Ransom,	
Evarts,	Ingalls,	Saulsbury,	

ABSENT—26.

Aldrich,	Chace,	Manderson,	Sabin,
Blackburn,	Colquitt,	Mitchell of Pa.,	Sawyer,
Bowen,	Fair,	Morgan,	Sewell,
Brown,	Hearst,	Morrill,	Vance,
Butler,	Jones of Arkansas,	Palmer,	Wilson of Md.
Camden,	Jones of Florida,	Pike,	
Cameron,	McPherson,	Riddleberger,	

So the amendment to the amendment was rejected.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments to the following bills:

A bill (S. 2113) granting a pension to Mrs. Sarah Young;

A bill (H. R. 5866) to construct a road to the national cemetery at Knoxville, Tenn.; and

A bill (H. R. 7627) providing for the construction of a light-house supply steamer for the Atlantic and Gulf coasts.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 758) granting a pension to Alexander Harper;

A bill (H. R. 944) for the relief of Mary Jane Conrad;

A bill (H. R. 1062) for the relief of Ernest H. Wardwell;

A bill (H. R. 1205) to provide for the construction of a bridge across the west channel of the Detroit River to connect Belle Isle Park with the mainland;

A bill (H. R. 3358) granting a pension to Hiram L. Wait;

A bill (H. R. 4139) for the relief of Thomas Sampson;

A bill (H. R. 4374) to increase the pension of Samuel Frost;

A bill (H. R. 5715) granting a pension to Mary Sprague;

A bill (H. R. 6087) granting a pension to Patrick Murphy;

A bill (H. R. 6979) authorizing the construction of additional light-house districts;

A bill (H. R. 7471) to provide for the establishment of additional aids to navigation to guide vessels through the channels leading to Pensacola, Fla.;

A bill (H. R. 7750) to place the name of John W. Payton on the pension-roll;

A bill (H. R. 8066) to pension Martha A. Vorhes;

A bill (H. R. 8351) for the relief of Edward Coleman;

A bill (H. R. 8372) granting a pension to John E. Doggett;

A bill (H. R. 8602) granting a pension to Sarah M. Carroll; and

A bill (H. R. 9438) appropriating money for the completion of the public building at Greensborough, N. C.

NATIONAL CEMETERY AT KNOXVILLE.

Mr. LOGAN. I desire to call up the conference report in reference to Knoxville Cemetery just received from the House. It will take but a moment. I present the report on the part of the conferees of the Senate.

The PRESIDENT *pro tempore.* The Chair will lay before the Senate a report of the committee of conference just received from the House of Representatives.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 5866) to construct a road to the national cemetery at Knoxville, Tenn., after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate No. 1, and agree to the same.

That the Senate recede from its amendment No. 2.

JOHN A. LOGAN,
BENJ. HARRISON,
Managers on the part of the Senate.
C. M. ANDERSON,
L. C. HOUK,
Managers on the part of the House.

The report was concurred in.

REPORT OF A COMMITTEE.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (H. R. 8596) for the relief of Beaufort Lee and others, reported it without amendment.

BILLS INTRODUCED.

Mr. CULLOM (by request) introduced a bill (S. 2859) to incorporate the Great Falls Railway Company; which was read twice by its title, and referred to the Committee on Railroads.

Mr. GIBSON introduced a bill (S. 2860) to cancel certain reservations of lands, on account of live-oak, in the southwestern land district of the State of Louisiana; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BROWN. I introduce, by request, a bill to perfect the military record of James T. Hughes, together with the petition of Mrs. Hughes, the mother of the deceased, whose record is to be perfected by the bill.

The bill (S. 2861) to perfect the military record of James T. Hughes was read twice by its title, and, with the accompanying petition, referred to the Committee on Military Affairs.

Mr. PLUMB introduced a bill (S. 2862) to provide for the entry of a certain tract of land for town-site purposes; which was read twice by its title, and referred to the Committee on Public Lands.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I ask permission to place before the Senate the report of the conference committee on the legislative appropriation bill.

The PRESIDENT *pro tempore.* The Senator from Iowa presents a conference report, which will be read.

Mr. ALLISON. The report is a disagreement.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8974) "making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes," having met, after full and free conference have been unable to agree.

W. B. ALLISON,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.
W. S. HOLMAN,
GEO. C. CABELL,
J. G. CANNON,
Managers on the part of the House.

Mr. ALLISON. I move that the Senate still further insist on its amendments.

The PRESIDENT *pro tempore.* The Senator from Iowa moves that the Senate still further insist on its amendments.

Mr. INGALLS. Are these the same amendments on which we had a debate about fifteen minutes ago?

Mr. ALLISON. Yes, sir.

Mr. INGALLS. It has been an extraordinarily rapid determination to reach a point of disagreement again, it seems to me. What is the condition?

Mr. ALLISON. The condition is a disagreement.

Mr. INGALLS. Has there been a full and free conference since that time?

Mr. ALLISON. Very full, and quite free.

The PRESIDENT *pro tempore.* The Senator from Iowa moves that the Senate further insist.

The motion was agreed to.

MRS. SARAH YOUNG.

Mr. WILSON, of Iowa, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 2113) granting a pension to Mrs. Sarah Young, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the word "twelve" insert the word "twenty;" and the House agree to the same.

PHILETUS SAWYER,
JAMES F. WILSON,
W. C. WHITTHORNE,
Managers on the part of the Senate.

EDWIN B. WINANS,
JNO. A. SWOPE,
E. H. CONGER,
Managers on the part of the House.

Mr. EDMUNDS. Let that be explained.

Mr. WILSON, of Iowa. The Senate passed a bill granting a pension to Mrs. Sarah Young at the rate of $25. The House amended the bill by reducing the rate to $12. The Senate disagreed and asked for a conference which was granted, and the conferees have agreed upon $20 as the rate.

The report was concurred in.

THE RIVER AND HARBOR BILL.

Senate resumed the consideration of the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is the amendment of the Senator from Minnesota [Mr. MCMILLAN].

Mr. KENNA. I offer an amendment to come in at the end of the first section.

The PRESIDENT *pro tempore*. The amendment of the Senator from West Virginia will be read.

The CHIEF CLERK. It is proposed to insert, as a new section, the following:

If, in the judgment of the Secretary of War, the public interests will be subserved by the withholding of the amount appropriated for any improvement provided for in this act for the current year he may do so in his discretion, and shall report such fact, and the reasons therefor, to the next session of Congress.

Mr. EDMUNDS. I move to amend the amendment by striking out the words "Secretary of War" and inserting "President of the United States."

Mr. KENNA. I have no objection to that modification. I inserted "Secretary of War" simply because the early part of the bill directs the expenditures to be under the Secretary of War.

Mr. EDMUNDS. I know, but this question of withholding is a much more important one.

Mr. KENNA. I have no objection to the modification.

Mr. PLUMB. I move to lay the amendment on the table.

Mr. KENNA. I hope the Senator will withdraw that motion until I explain it in a minute.

Mr. PLUMB. I withdraw the motion.

Mr. KENNA. It is the opinion as developed here of, I think, quite a majority of the Senate that under the discretion of the executive department that might be done which can be done under this amendment. I should like to leave it beyond any controversy, and for that reason offer the amendment.

It will be observed that the amendment does not vest the executive department with discretion to suspend these appropriations or the prosecution of any particular work indefinitely. It does allow it for the current year; but even if the suspension is made for the current year, the fact of the suspension or withholding and the reasons therefor are to be reported to the next session of Congress in December.

That is all I meant by offering the amendment, and I hope it will be the pleasure of the Senate and the friends of the bill to adopt it.

Mr. PLUMB. I move that it lie on the table.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the amendment lie on the table.

Mr. BECK. Let it be read again. We heard it very indistinctly here.

The PRESIDENT *pro tempore*. The amendment will be read again.

The Chief Clerk read the amendment.

Mr. BECK. That means that the President is to be substituted for the Congress of the United States, to do as he likes.

Mr. CHACE. I wish to offer an amendment.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the amendment lie on the table; that is not debatable.

The motion was agreed to.

Mr. LOGAN. I desire to call the attention of the Senate, and especially of the chairman of the committee, to page 48, from line 1152 to line 1158, the appropriation for dredging and continuing the work on the Calumet River. There were $40,000 appropriated, and $15,000 of the $40,000 was to be expended between the Forks, one-half mile east of Hammond, Ind., and $7,500 of which was to be in dredging the river between the Forks and the State line of Illinois and Indiana, and $7,500 on the river at Hammond, Ind. On motion of the Senator from Indiana [Mr. HARRISON] the $15,000 was divided, making $7,500 to be applied in dredging opposite Hammond and the balance on the opposite side of the river between the Forks, &c. The reduction of 25 per cent. has been taken from the $40,000, leaving it $30,000 without any change in the $7,500 for the dredging at either of these places. I should like to know what the object of that is.

Mr. MCMILLAN. The Senator from Indiana called my attention to the fact that perhaps there might be some injustice done to the Senator from Illinois or some misunderstanding between himself and the Senator from Illinois. He did not ask for a reduction in these items, and on conference with the Senator from Indiana I suggested to him that the change should be made, and he called the attention of the Senator from Illinois who now has the floor to the fact and told him that he would ask me to make the change. The attention of the Senator from Illinois was called to it by the Senator from Indiana after a conference between myself and the Senator from Indiana in which I suggested that I would make that change, and I had risen to make it when the Senator from Illinois insisted upon taking the floor.

Mr. LOGAN. I know of no conference between you and the Senator from Indiana and never heard of it. The Senator from Indiana called my attention to the fact.

Mr. HARRISON. I called the attention both of the Senator from Minnesota and the Senator from Illinois, because this had been a matter of discussion and somewhat of agreement, and I felt that it was unfair, my attention having been called to it by the Senator from Illinois, that I should let it stand in that way. The Senator from Minnesota agreed to make the modification.

Mr. LOGAN. I knew nothing about that fact. We talked with the Senator from Indiana about it, and I once made a memorandum for the purpose of making the suggestion to the Senate. I knew nothing about the conference between the two Senators.

Mr. MCMILLAN. In line 1152 let "$15,000" be made "$11,250."

Mr. LOGAN. Why make it $11,250?

Mr. MCMILLAN. That is a reduction of 25 per cent.

Mr. LOGAN. But I want to make it $10,000 and add $5,000 to the $30,000 for continuing the improvement of Calumet River, so as to have $5,000 for dredging at each place.

Mr. MCMILLAN. In line 1154 change the "$7,500" to "$5,625," and in line 1157 change "$7,500" to "$5,625."

Mr. EDMUNDS. That puts it on the pro rata.

Mr. LOGAN. How is that?

Mr. MCMILLAN. It makes it conform to the proportion.

Mr. LOGAN. I know it reduces it that percentage, but it makes the appropriation for the dredging there larger than the appropriation for the whole river. That leaves $11,500 to be used in two certain places when there will be only $19,000 left for the whole river.

Mr. HARRISON. It is all for the whole river.

Mr. LOGAN. I know it is all for the whole river, but this is confined now on the suggestion of the Senator from Indiana to these two spots. The whole appropriation is only $30,000, and I suggest, if $20,000 is sufficient for the remainder of the work, that $10,000 be used for dredging. As the chairman proposes it, $11,500 would be used at these two places, leaving less than $19,000 for the rest of the river. I do not think that is fair. I suggest that the appropriation be $5,000 at each of the two places, and that the $10,000 be taken from the $30,000.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. It is proposed to amend the amendment so as to make it read:

Improving Calumet River, Illinois: Continuing improvement, $30,000; of which $11,250 are to be used between the Forks and one-half mile east of Hammond, Ind.; $5,625 of which are to be used in dredging the river between the Forks and the State line of Illinois and Indiana; and $5,625 on the river at Hammond, Ind.

Mr. LOGAN. I move to amend that by making it $5,000 to be used opposite Hammond and $5,000 at the other spot.

Mr. HARRISON. I hope the Senator from Illinois will not insist upon that. This is the exact state of the case: The Senate increased the amount of the total appropriation $5,000 and it increased the amount to be used between certain points from $10,000 to $15,000. Now the understanding upon which this amendment was reported was a uniform reduction of 25 per cent. on the aggregate and on each item to which it applied. That is exactly what I suggested to the Senator from Illinois, exactly what the Senator from Minnesota has proposed. It leaves it just as the Senate committee reported it, reducing the aggregate one-fourth to each item, as the Senate committee apportioned it. It is the same principle precisely that has been applied to every item in this bill from first to last.

Mr. LOGAN. I will not contend a moment about it, for it is no use. I know something about this work myself, though I find other people who are on the committee know more about it than I do although I live there.

The 25 per cent. reduction is on the $40,000 as it stood before and not on the $15,000. Forty thousand dollars was the aggregate appropriation and the reduction has been made on that. If the reduction is made on both the $40,000 and the $15,000 it is more than 25 per cent. in the aggregate. I think any person could make that calculation

very rapidly. However, I shall not contend about it. Let the amendment be adopted.

The amendment to the amendment was agreed to.

Mr. VEST. On page 58, line 1401, I move to strike out "one million six hundred and eighty-seven thousand five hundred" and insert "two million two hundred and fifty thousand."

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. On page 58, line 1401, it is proposed to strike out "one million six hundred and eighty-seven thousand five hundred" and insert "two million two hundred and fifty thousand;" so as to read:

Improving Mississippi River from head of the passes to the mouth of the Ohio River: Continuing improvement, $2,250,000; which sum shall be expended under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission.

Mr. VEST. This is the last time I shall trouble the Senate on this bill. The Mississippi River Commission asked for continuing the improvement of the Mississippi River from Cairo, Ill., to the head of the passes, including the improvement of the Red River at and below the head of the Atchafalaya, $7,000,000. For local improvements at Columbus, Ky., Hickman, Ky., Memphis, Tenn., Greenville, Miss., Vicksburg, Miss., Natchez, Miss., New Orleans, La., in addition to the foregoing, $2,014,600; making, $9,014,600.

Mr. EDMUNDS. There is so much noise in the Chamber that I can not hear the Senator from Missouri.

Mr. VEST. It is no fault of mine. I am speaking as loud as I can.

The PRESIDENT *pro tempore*. Senators will please cease conversation and resume their seats.

Mr. VEST. If the Senator from Vermont desires I will again read what the Mississippi River Commission asks for the improvement of the Mississippi River from Cairo to the head of the passes:

For continuing the improvement	$7,000,000
For improvements in addition to the foregoing at Columbus, Hickman, Memphis, Greenville, Vicksburg, Natchez, and New Orleans	2,014,600
Making the estimate in the aggregate for the general improvement and the local improvement	9,014,600

The bill as it stands gives to the same reach of the river from Cairo to head of the passes $1,687,500. I propose to put back in the bill the amount the Committee on Commerce of the Senate reported, and which was the amount put in by the House of Representatives, $2,250,000; and on that I ask for the yeas and nays.

Mr. MCMILLAN. I move to lay this amendment on the table.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves to lay on the table the amendment of the Senator from Missouri.

Mr. VEST. I call for the yeas and nays on that motion.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CHACE (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT]. My colleague [Mr. ALDRICH] is paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. MCMILLAN (when Mr. SABIN'S name was called). My colleague [Mr. SABIN] is paired with the Senator from Indiana [Mr. VOORHEES]. If present, my colleague would vote "yea."

Mr. SPOONER (when Mr. SAWYER'S name was called). My colleague [Mr. SAWYER] is paired with the Senator from Tennessee [Mr. WHITTHORNE].

Mr. VOORHEES (when his name was called). I believe my pair has been announced with the Senator from Minnesota [Mr. SABIN]. If he were here, I should vote "nay."

The roll-call was concluded.

Mr. BLACKBURN. I should vote "nay" if I were not paired with the Senator from Nebraska [Mr. MANDERSON].

Mr. BUTLER. I was requested by the Senator from Kansas [Mr. PLUMB] to announce his pair with the Senator from Pennsylvania [Mr. CAMERON].

Mr. BROWN. My colleague [Mr. COLQUITT] is paired with the Senator from Rhode Island [Mr. CHACE].

At this point Mr. PLUMB appeared and voted "yea."

Mr. BUTLER. I shall have to withdraw my vote, and announce my pair with the Senator from Pennsylvania [Mr. CAMERON]. I withdraw my vote.

The result was announced—yeas 29, nays 19; as follows:

YEAS—29.

Blair,	Frye,	McMillan,	Spooner,
Brown,	Gorman,	Mahone,	Stanford,
Conger,	Gray,	Miller,	Teller,
Cullom,	Harrison,	Platt,	Wilson of Iowa.
Dawes,	Hawley,	Plumb,	Wilson of Md.
Dolph,	Hoar,	Ransom,	
Edmunds,	Ingalls,	Saulsbury,	
Evarts,	Kenna,	Sherman,	

NAYS—19.

Beck,	George,	Jones of Arkansas,	Pugh,
Berry,	Gibson,	Logan,	Van Wyck,
Call,	Hampton,	Maxey,	Vest,
Coke,	Harris,	Mitchell of Oreg.,	Walthall.
Eustis,	Hearst,	Payne,	

ABSENT—28.

Aldrich,	Chace,	McPherson,	Riddleberger,
Allison,	Cockrell,	Manderson,	Sabin,
Blackburn,	Colquitt,	Mitchell of Pa.,	Sawyer,
Bowen,	Fair,	Morgan,	Sewell,
Butler,	Hale,	Morrill,	Vance,
Camden,	Jones of Florida,	Palmer,	Voorhees,
Cameron,	Jones of Nevada,	Pike,	Whitthorne.

So the motion to lay the amendment to the amendment on the table was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the adoption of the amendment proposed by the Senator from Minnesota [Mr. MCMILLAN], from the Committee on Commerce, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the Senator from Nebraska [Mr. MANDERSON]. Were he present, he would vote "yea" and I should vote "nay."

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present, he would vote "yea" and I should vote "nay."

Mr. CHACE (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT], and my colleague [Mr. ALDRICH] is paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. CONGER (when Mr. PALMER'S name was called). My colleague [Mr. PALMER] is paired with the Senator from North Carolina [Mr. VANCE]. My colleague, if present, would vote "yea."

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]; but I am informed by his colleague that he would vote "yea." I shall therefore vote "yea."

Mr. SPOONER (when Mr. SAWYER'S name was called). My colleague [Mr. SAWYER] is paired with the Senator from Tennessee [Mr. WHITTHORNE]. If my colleague were present, he would vote "yea."

Mr. VOORHEES (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN], who is absent on account of sickness.

The roll-call was concluded.

Mr. BROWN (after having voted in the affirmative). I am paired now with the Senator from Vermont [Mr. MORRILL], and therefore withdraw my vote. If the Senator from Vermont were here, I should vote "nay" and, as I understand, he would vote "yea."

Mr. RIDDLEBERGER. I refrain from voting simply because yesterday I offered an amendment to this amendment striking out all after the enacting clause and inserting——

The PRESIDENT *pro tempore*. It is not in order to interrupt the call of the roll.

Mr. RIDDLEBERGER. On account of the fact——

The PRESIDENT *pro tempore*. The roll-call can not be interrupted.

The result was announced—yeas 31, nays 18; as follows:

YEAS—31.

Allison,	Frye,	Jones of Nevada,	Saulsbury,
Beck,	Gorman,	Kenna,	Sherman,
Blair,	Gray,	McMillan,	Spooner,
Conger,	Hale,	Mahone,	Stanford,
Cullom,	Harrison,	Miller,	Teller,
Dawes,	Hawley,	Payne,	Wilson of Iowa,
Edmunds,	Hoar,	Platt,	Wilson of Md.
Evarts,	Ingalls,	Ransom,	

NAYS—18.

Berry,	Eustis,	Hearst,	Van Wyck,
Call,	George,	Jones of Arkansas,	Vest,
Cockrell,	Gibson,	Maxey,	Walthall.
Coke,	Hampton,	Mitchell of Oreg.,	
Dolph,	Harris,	Pugh,	

ABSENT—27.

Aldrich,	Chace,	Mitchell of Pa.,	Sabin,
Blackburn,	Colquitt,	Morgan,	Sawyer,
Bowen,	Fair,	Morrill,	Sewell,
Brown,	Jones of Florida,	Palmer,	Vance,
Butler,	Logan,	Pike,	Voorhees,
Camden,	McPherson,	Plumb,	Whitthorne.
Cameron,	Manderson,	Riddleberger,	

So the amendment was agreed to.

Mr. COCKRELL. The Committee on Appropriations has leave to sit during the sessions of the Senate, and I have been engaged in committee. When the vote was taken on the motion of the Senator from Minnesota [Mr. MCMILLAN] to lay on the table the amendment of my colleague [Mr. VEST], if I had been present I should have voted "nay" upon that motion, as I was in favor of the amendment.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. PLATT. On the passage of the bill let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the absent Senator from Nebraska [Mr. MANDERSON]; but assured as I am that he would vote for this bill were he present, I shall exercise my right, and vote "yea."

Mr. BUTLER (when Mr. CAMERON'S name was called). The Senator from Pennsylvania [Mr. CAMERON] is paired with the Senator from Kansas [Mr. PLUMB]. The Senator from Pennsylvania, if present, would vote "yea" and the Senator from Kansas would vote "nay."

Mr. CHACE (when his name was called). If I were not paired with the Senator from Georgia [Mr. COLQUITT], I should vote "yea" on this bill. My colleague [Mr. ALDRICH] would also vote "yea" if he were not paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. CONGER (when Mr. PALMER'S name was called). I announce again that my colleague [Mr. PALMER] is absent on account of sickness. He is paired with the Senator from North Carolina [Mr. VANCE]. My colleague, if present, would vote "yea."

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL], but I understand he would vote "nay" if he were here. I transfer my pair to the Senator from Arkansas [Mr. JONES], who would vote "yea," and I vote "nay."

Mr. SPOONER (when his name was called). My colleague [Mr. SAWYER] is unavoidably absent. He would vote "yea" if he were present and not paired with the Senator from Tennessee [Mr. WHITTHORNE].

Mr. RANSOM (when the name of Mr. VANCE was called). My colleague [Mr. VANCE] is generally paired with the Senator from Michigan [Mr. PALMER], but if he were here my colleague would vote "yea."

The roll-call was concluded.

Mr. CAMDEN. I am paired with the Senator from Rhode Island [Mr. ALDRICH], but learning from his colleague that if he were present he would vote "yea," I therefore vote "yea."

Mr. BROWN. My colleague [Mr. COLQUITT] is paired on this question with the Senator from Rhode Island [Mr. CHACE]. As I understand their positions, if my colleague were present he would vote "nay" and the Senator from Rhode Island would vote "yea."

Mr. KENNA. With the concurrence of the Senator from Delaware [Mr. SAULSBURY], I will transfer the pair between the Senator from Minnesota [Mr. SABIN] and myself, so as to allow the Senator from Arkansas [Mr. JONES] to vote.

Mr. JONES, of Arkansas. I vote "yea."

The result was announced—yeas 42, nays 14; as follows:

YEAS—42.

Allison,	Conger,	Hoar,	Pugh,
Beck,	Cullom,	Ingalls,	Ransom,
Berry,	Dolph,	Jones of Arkansas,	Sherman,
Blackburn,	Eustis,	Jones of Nevada,	Spooner,
Blair,	Evarts,	Kenna,	Stanford,
Brown,	George,	McMillan,	Van Wyck,
Butler,	Gibson,	Mahone,	Vest,
Call,	Gorman,	Maxey,	Walthall,
Camden,	Gray,	Miller,	Wilson of Md.
Cockrell,	Hampton,	Mitchell of Oreg.,	
Coke,	Harrison,	Payne,	

NAYS—14.

Dawes,	Harris,	Riddleberger,	Whitthorne,
Edmunds,	Hawley,	Saulsbury,	Wilson of Iowa.
Frye,	Hearst,	Teller,	
Hale,	Platt,	Voorhees,	

ABSENT—20.

Aldrich,	Fair,	Mitchell of Pa.,	Plumb,
Bowen,	Jones of Florida,	Morgan,	Sabin,
Cameron,	Logan,	Morrill,	Sawyer,
Chace,	McPherson,	Palmer,	Sewell,
Colquitt,	Manderson,	Pike,	Vance.

So the bill was passed.

Mr. HALE. Mr. President——

Mr. MCMILLAN. I ask the Senator from Maine to yield to me to move that the Senate insist on its amendment to this bill and ask for a conference.

Mr. EDMUNDS. No; the House will probably agree to it.

Mr. HALE. That is part of the business that we have just been transacting. If the Senator chooses to make that motion now I shall not object.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves that the Senate insist on its amendment to the river and harbor bill and ask for a conference.

The motion was agreed to.

LIGHT-HOUSE SUPPLY STEAMER.

Mr. MCMILLAN. I ask the Senator from Maine to yield to me to submit a conference report.

Mr. HALE. Certainly.

The PRESIDENT *pro tempore*. The Chair will receive it.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7627) "providing for the construction of a light-house supply steamer for the Atlantic and Gulf coasts," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with amendments as follows: In section 2 strike out all of line 3 and the first three words in line 4; after the words "New York," in line 5, insert "the cost of which shall not exceed the sum of $40,000;" in line 7, after the word "of," strike out "forty" and insert "three;" and at the end of the section add "and also to place and maintain at or near the southeast end of Hog Island Shoal, Naragansett Bay, Rhode Island, the light-ship recently withdrawn from Eel Grass Shoal;" so that the section will read:

"That the Light-House Board is authorized and required to establish and maintain light-ships at the following places: one at or near the south end of Ram Island Reef, Fisher's Island Sound, Long Island, New York, the cost of which shall not exceed the sum of $40,000; one, the cost of which shall not exceed the sum of $3,000, to be stationed off Grosse's Point, Lake Saint Clair, Michigan; and also to place and maintain at or near the southeast end of Hog Island Shoal, Naragansett Bay, Rhode Island, the light-ship recently withdrawn from Eel Grass Shoal."

And the Senate agree to the same.

S. J. R. MCMILLAN,
J. N. DOLPH,
A. P. GORMAN,
Managers on the part of the Senate.

MARTIN L. CLADY,
T. E. TARSNEY,
W. W. MORROW,
Managers on the part of the House.

Mr. EDMUNDS. I should like that to be explained. It is impossible from hearing the report to understand what the points of difference were and what the effect of the agreement is.

Mr. MCMILLAN. The Senate passed several separate bills to provide for light-ships, and they amended a House bill providing for one by inserting additional ones which had been passed by the Senate in these separate bills. The House conferees agree to the Senate bills incorporated as an amendment on this bill reducing the amount of one of the appropriations where the Light-House Board thought it was not necessary that it should be more than $3,000, reducing it from an amount not exceeding $40,000, and the Light-House Board say that the $3,000 will be sufficient. The House assented to all of the propositions of the Senate otherwise.

The report was concurred in.

HOUSE BILLS REFERRED.

The following bills and joint resolution from the House of Representatives were severally read twice by their titles and referred to the Committee on Education and Labor:

A bill (H. R. 5310) to protect mechanics, laborers, and servants in their wages;

A bill (H. R. 5541) to prevent the employment of convict labor and alien labor upon public buildings and other public works, and convict labor in the preparation or manufacture of materials for public buildings or other public works, and to regulate the manner of letting contracts therefor;

A bill (H. R. 9232) to amend an act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia; and

Joint resolution (H. Res. 142) authorizing and directing the Commissioner of Labor to make an investigation as to convict labor, and for other purposes.

The bill (H. R. 9857) in relation to the western judicial district of Wisconsin was read twice by its title and referred to the Committee on the Judiciary.

NAVAL APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of the naval appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8975) making appropriations for the naval service for the fiscal year ending June 30, 1887, and for other purposes.

The PRESIDENT *pro tempore*. Does the Senator from Maine wish the bill read now?

Mr. HALE. I propose to go on with the bill.

Mr. EDMUNDS. Let us finish it to-night.

Mr. HALE. I ask that the formal reading be dispensed with and that the bill be considered with the committee amendments and the amendments acted on as they are reached in the reading.

The PRESIDENT *pro tempore*. If there be no objection that course will be pursued and the amendments of the Committee on Appropriations will be acted on as they are reached in the reading of the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee of Appropriations was, under the head of "Pay of the Navy," in line 18, after the words "in all," to strike out—

Six million three hundred and twelve thousand seven hundred and seven dollars and twenty-six cents; besides which the sum of $576,380 of the surplus on hand to the credit of "Pay of the Navy" is hereby reappropriated and made available—

And in lieu thereof to insert:

Six million eight hundred and eighty-nine thousand and eighty-seven dollars and twenty-six cents—

So as to make the clause read:

For the pay of officers on sea-duty; officers on shore and other duty; officers on waiting orders; officers on the retired-list; Admiral's and Vice-Admiral's secretaries; clerks to commandants of yards and stations; clerks to paymasters at yards and stations; inspections; receiving-ships and other vessels; extra pay to men re-enlisting under honorable discharge; pay of petty officers, seamen, landsmen, and boys, including men in the engineers' force, and for the Coast Survey Service and Fish Commission, seven thousand five hundred men and seven hundred and fifty boys, at the pay prescribed by law, in all, $6,889,087.26.

Mr. HALE. That should be $7,129,087.26. I move to so amend the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Pay, Miscellaneous," in line 34, after the word "cadets," to strike out "and for the payment of any such officers as may be in service, either upon the active or retired list, during the year ending June 30, 1887, in excess of the numbers of each class provided for in this act, and for any increase of pay arising from different duty, as the needs of the service may require;" and in line 57, after the word "thereof," to strike out "two hundred and twenty-five thousand" and insert "one hundred and ninety-one thousand one hundred;" so as to read:

Pay, miscellaneous:

For commission and interest; transportation of funds; exchange; mileage to officers while traveling under orders in the United States, and for actual personal expenses of officers while traveling abroad under orders, and for traveling expenses of apothecaries, yeomen, and civilian employés, and for actual and necessary traveling expenses of naval cadets while proceeding from their homes to the Naval Academy for examination and appointment as cadets; for rent and furniture of buildings and offices not in navy-yards; expenses of courts-martial and courts of inquiry, boards of investigation, examining boards, with clerks' and witnesses' fees, and traveling expenses and costs; stationery and recording; expenses of purchasing-paymasters' offices of the various cities, including clerks, furniture, fuel, stationery, and incidental expenses; newspapers and advertising; foreign postage; telegraphing, foreign and domestic; telephones; copying; care of library; mail and express wagons, ferriage, tolls, and livery and express fees; costs of suits; commissions, warrants, diplomas, and discharges; relief of vessels in distress; canal tolls and pilotage; recovery of valuables from shipwrecks; quarantine expenses; care and transportation of the dead; reports, professional investigation, cost of special instruction at home or abroad, including maintenance of students, and information from abroad, and the collection and classification thereof, $191,100.

The amendment was agreed to.

Mr. BECK. I desire to ask the Senator from Maine if some complaint was not made about the change in lines 57 and 58?

Mr. HALE. It may be that the amount is rather small.

Mr. BECK. It can perhaps be arranged afterward.

Mr. HALE. It can be arranged.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Bureau of Navigation," in line 101, to reduce the appropriation for "foreign and local pilotage and towage of ships of war; services and materials in correcting compasses on board ships, and for adjusting and testing compasses on shore; nautical and astronomical instruments, nautical books, maps, charts, and sailing directions, and repairs of nautical instruments for ships of war; books for libraries of ships of war; naval signals and apparatus," &c., from $87,500 to $83,500.

The amendment was agreed to.

The next amendment was, in line 106, after the word "coast," to strike out "and for publishing charts of the coast from San Francisco to Panama, ten," and insert "seven;" so as to read:

For preparing and engraving on copper plates the surveys of the Mexican coast, $7,000.

The amendment was agreed to.

The next amendment was, in line 119, to strike out "eighteen hundred and seventy-four and;" so as to read:

For the completion and other expenses connected with the reduction of the observations of the transit of Venus, in 1882, to be expended under the direction of the Transit of Venus Commission: *Provided*, That said commission shall deliver all the instruments and other public property in its possession into the custody of the Secretary of the Navy, $3,000.

The amendment was agreed to.

The next amendment was, in line 127, after the word "work," to strike out "whatever;" and in line 128, before the words "in payment," to insert "used;" so as to read:

For the civil establishment at navy-yards and stations, including master of tugs, storekeepers, clerks, writers, and all clerical work, $9,000; and no other fund appropriated by this act shall be used in payment for such services.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Ordnance," in line 131, before the word "preserving," to strike out "procuring, producing, and;" after the word "preserving" to insert "and handling;" and in line 136, after the words "one hundred and," to strike out "twenty-seven thousand five" and insert "nine thousand three;" so as to make the clause read:

For preserving and handling ordnance material; for the armament of ships; for fuel, tools, material, and labor to be used in the general work of the Ordnance Department; for furniture at magazines, at the ordnance dock, New York, and at the naval ordnance battery and proving-ground, $109,300.

The amendment was agreed to.

The next amendment was in line 145, after the word "Bureau," to strike out "and so forth;" so as to read:

For miscellaneous items, namely: Freight to foreign and home stations, advertising and auctioneers' fees, cartage and express charges, repairs to fire-engines, gas and water pipes, gas and water tax at magazines, toll, ferriage, foreign postage, and telegrams to and from the Bureau, $4,000.

The amendment was agreed to.

The next amendment was, in line 154, after the word "wharves," to strike out "and so forth;" so as to read:

For the torpedo corps, namely: For labor; material; freight and express charges; general care of and repairs to grounds, buildings, wharves, boats; instruction; instruments, tools, furniture, experiments, and general torpedo outfits, $50,000.

The amendment was agreed to.

The next amendment was, in line 157, after the word "ferry-launch," to strike out "setting boilers" and insert "including machinery, in place of that now in use;" and in line 159, before the word "dollars," to strike out "five hundred;" so as to read:

For new ferry-launch, including machinery, in place of that now in use, building fuse-room and coal-shed, $8,000.

The amendment was agreed to.

The next amendment was, after line 159, to insert:

Chicago, Boston, Atlanta, and Dolphin: To complete the armament of the three steam-cruisers, the Chicago, Boston, and Atlanta, and the dispatch-boat Dolphin, $91,137.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Equipment and Recruiting," in line 175, to reduce the appropriation "for equipment of vessels" from $790,000 to $782,200.

The amendment was agreed to.

The next amendment was, in line 186, before the word "postage," to insert "foreign;" so as to read:

For contingent expense, equipments and recruiting: For extra expenses of training-ships, freight and transportation of equipment stores, printing, advertising, telegraphing, books and models, foreign postage, ferriage, ice, apprehension of deserters and stragglers, continuous-service certificates, good conduct badges, and libraries for enlisted men, school-books for training-ships, medals for boys, and emergencies arising under cognizance of the Bureau of Equipment and Recruiting unforeseen and impossible to classify, $20,000.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Yards and Docks," in line 206, after the word "service," to insert "sent to foreign countries;" in line 212, after the words "quarters at," to strike out "Philadelphia" and insert "League Island;" in line 213, after the words "League Island," to strike out "rent of eight officers' quarters at Washington;" and in line 216, before the word "thousand," to strike out "ninety" and insert "fifty-two;" so as to make the clause read:

For general maintenance of yards and docks, namely: For freight and transportation of materials and stores; books, maps, models, and drawings; purchase and repair of fire-engines; machinery; repairs on steam fire-engines, and attendance on the same; purchase and maintenance of oxen and horses, and driving-teams; carts and timber-wheels, and all vehicles for use in the navy-yards, and tools and repairs of the same; postage on letters and other mailable matter on public service sent to foreign countries, and telegrams; furniture for Government houses and offices in the navy-yards; coal and other fuel; candles, oil, and gas; cleaning and clearing up yards and care of public buildings; attendance on fires, lights, fire-engines, and apparatus; for incidental labor at navy-yards; water-tax, and for tolls and ferriage; rent of four officers' quarters at League Island; pay of watchmen in the navy-yards; and for awnings and packing-boxes, and advertising for yards and docks purposes, $152,000.

The amendment was agreed to.

The next amendment was, after line 225, to insert the following headline:

NAVAL ASYLUM.

The amendment was agreed to.

The next amendment was, under the head of "Naval Asylum," in line 245, after the word "dollars," to strike out "erecting brick building in rear of main building for kitchen, laundry, and servants' quarters, $10,000; in line 249, after the word "dollars," to strike out "removing laundry boilers and tubs to new building, and plumbing, $400; kitchen range for new building, $800;" and in line 253, after the words "in all," to strike out "seventy-four thousand two hundred" and insert "sixty-three thousand;" so as to make the clause read:

For the Naval Asylum, Philadelphia, Pa.: For superintendent, $600; steward, $480; matron, $360; chief cook, $240; two assistant cooks, $360; chief laundress, $192; six laundresses, at $168 each; four scrubbers, at $168 each; eight waiters, at $168 each; six laborers, at $240 each; stable-keeper and driver, $360; master-at-arms, $480; two house corporals, at $300 each; barber, $360; carpenter, $845; water-rent and gas, $1,800; cemetery, burial expenses, and head-stones, $350; improvement of grounds, $500; repairs to buildings, furnaces, grates, and ranges, furniture, and repairs to furniture, $4,500; fitting up bath-rooms with twelve tubs for use of beneficiaries, $800; and for support of beneficiaries, $45,800; in all, $63,057; which sum shall be paid out of the income from the naval pension fund.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Medicine and Surgery," in the clause making appropriations "for contingent expenses," in line 276, after the words "naval dispensary," to insert "Washington;" in line 279, after the words "naval dispensary," to insert "Washington;" in line 282, before the word "contingent," to in-

sert "absolutely necessary;" and in the same line, after the word "expenses," to strike out "impossible to classify;" so as to make the clause read:

For contingent expenses: For freight or expressage on medical stores, toll, ferriages; transportation of insane persons; advertising; telegraphing; rent of telephones; purchase of books; postage, and purchase of stamps for foreign service; expenses attending the medical board of examiners; rent of rooms for naval dispensary and museum of hygiene; hygienic and sanitary investigation and illustration; sanitary and hygienic instruction; purchase and repairs of wagons and harness; purchase and feed of horses and cows; trees, plants, garden-tools, and seeds; furniture and incidental articles for museum of hygiene, naval dispensary, Washington, naval laboratory, sick-quarters at Naval Academy, and dispensaries at navy-yards; washing for medical department at museum of hygiene, naval dispensary, Washington, naval laboratory, sick-quarters at Naval Academy, dispensaries at navy-yards, and for receiving-ships and rendezvous, and all other absolutely necessary contingent expenses, $20,000.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Provisions and Clothing," in line 294, before the word "thousand," to strike out "eighty-one" and insert "fifty-two;" and in line 295, after the word "dollars," to strike out—

Of which the sum of $250,000 shall be paid from the clothing fund and $75,000 from the small-stores fund on hand to the credit of the Bureau of Provisions and Clothing, and the remainder, to wit, $756,000, is hereby appropriated from the Treasury of the United States.

So as to make the clause read:

For provisions for the seamen and marines; commuted rations for officers, naval cadets, seamen, and marines; commuted rations stopped on account of sick in hospital and credited to the hospital fund; water for drinking and cooking purposes on board ships; and for labor and expenses of inspections; in all, $1,052,000.

The amendment was agreed to.

The next amendment was, in the clause making appropriations for contingent expenses of Bureau of Provisions and Clothing, in line 306, after the word "ferriages," to strike out "car-tickets;" and in line 307, after the words "ice and," to strike out "other expenses not enumerated" and insert "incidental expenses absolutely necessary;" so as to make the clause read:

For contingent expenses: For freight on shipments, candles, fuel, books and blanks, stationery, advertising, furniture for inspections and pay offices in the navy-yards, expenses of naval-clothing factory, foreign postage, telegrams, express charges, tolls, ferriages, yeomen's stores, iron safes, newspapers, ice, and incidental expenses absolutely necessary, $50,000.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Construction and Repair," after the words "foreign stations," at the end of line 321, to insert "preservation of materials;" in line 322, after the words "purchase of," to strike out "machinery, rights of patent articles, and;" and in line 329, before the word "thousand," to strike out "eighty" and insert "fifty-seven;" so as to read:

For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; labor in navy-yards and on foreign stations; preservation of materials; purchase of tools for use in shops; wear, tear, and repair of vessels afloat, and for general care, increase, and protection of the Navy in line of construction and repair; incidental expenses, such as advertising, foreign postage, telegrams, photographing, books, plans, stationery, and instruments for the drawing-room, $957,009.

The amendment was agreed to.

The next amendment was, in line 330, to strike out the proviso to the clause appropriating $957,000 "for preservation and completion of vessels on the stocks and in ordinary," &c., as follows:

Provided, That in the discretion of the Secretary of the Navy $30,000 of the amount hereby appropriated may be used to repair and furnish a suitable vessel, if in his judgment it can be done without injury to the service, said vessel to be used as a nautical schoolship at the port of Philadelphia, Pa., under the authority and provisions of the act of Congress of June 20, 1874.

And in lieu thereof to insert:

Provided, That no part of this sum shall be applied to the repairs of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 20 per cent. of the estimated cost, appraised in like manner, of a new ship of the same size and like material: *Provided further*, That nothing herein contained shall deprive the Secretary of the Navy of the authority to order repairs of ships damaged in foreign waters or on the high seas, so far as may be necessary to bring them home.

The amendment was agreed to.

The next amendment was, after line 350, to insert:

Chicago, Boston, Atlanta, and Dolphin: To complete the construction of the three steel cruisers, the Chicago, Boston, and Atlanta, and to pay the amount due on the dispatch-boat Dolphin, authorized by the act approved March 3, 1883, $95,861.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Steam Engineering," in line 358, after the word "completion," to strike out "and;" in the same line, after the word "repairs," to insert "and preservation;" in line 360, after "steam-steerers," to insert "pneumatic steerers;" in line 361, after the words "steam windlasses," to strike out "and so forth;" so as to read:

Beaureau of Steam Engineering:
For completion, repairs, and preservation of machinery and boilers of naval vessels, including cost of new boilers, steam-steerers, pneumatic steerers, steam capstans, steam windlasses.

The amendment was agreed to.

Mr. HALE. There should be inserted there "steam windlasses and other steam auxiliaries."

The PRESIDING OFFICER (Mr. HARRIS in the chair.) The words "steam windlasses" are already in the bill. The question will be on adding the other words.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 364, after the word "launches," to strike out "and so forth;" after the word "engines," at the end of line 367, to strike out "and so forth;" and in line 371, after the words "hundred and," to strike out "eighty" and insert "sixty-three;" so as to read:

Bureau of steam-engineering:
For completion, repairs, and preservation of machinery and boilers of naval vessels, including cost of new boilers, steam-steerers, pneumatic steerers, steam capstans, steam windlasses; preservation of and small repairs to machinery and boilers in vessels in ordinary, receiving and training vessels; repair and care of machinery of yard tugs and launches; purchase, handling, and preservation of all materials and stores; purchase, fitting, repair, and preservation of machinery and tools in the navy-yards and stations; running yard engines; incidental expenses for naval vessels, yards, and the bureau, such as foreign postages, telegrams, advertising, freight, photographing, books, stationery, and instruments, $763,000.

The amendment was agreed to.

The next amendment was, in line 372, at the end of the clause "for completion, repairs, and preservation of machinery and boilers of naval vessels," &c., to insert the following proviso:

Provided, That no part of said sum shall be applied to the repair of engines and machinery of wooden ships where the estimated costs of such repair shall exceed 20 per cent. of the estimated cost of new engines and machinery of the same character and power; but nothing herein contained shall prevent the repair or building of boilers for wooden ships the hulls of which can be fully repaired for 20 per cent. of the estimated cost of a new ship of the same size and materials.

The amendment was agreed to,

The next amendment was, in line 381, before the word "instruments," to insert "and;" and, after "instruments," to strike out "and so forth;" so as to read:

For contingencies, drawing materials, and instruments, for the draughting-room, $500.

The amendment was agreed to.

The next amendment was, under the head of "Naval Academy," in line 395, after the words "and one of," to strike out "physics" and insert "chemistry;" in line 397, after the words "namely, one of," to strike out "chemistry" and insert "physics;" so as to read:

For pay of professors and others: For two professors, namely, one of mathematics and one of chemistry at $2,500 each; three professors (assistants), namely, one of physics.

Mr. HALE. I wish that amendment disagreed to. It was proposed under a misapprehension.

The amendment was rejected.

The next amendment of the Committee on Appropriations was, in line 399, after the word "each," to strike out "four" and insert "five;" in line 400, after the word "namely," to insert "one of English studies, history, and law;" so as to read:

For pay of professors and others: For two professors, namely, one of mathematics and one of chemistry at $2,500 each; three professors (assistants), namely, one of physics, one of Spanish and French, and one of English studies, history, and law, at $2,200 each; five assistant professors, namely, one of English studies, history, and law, three of French, and one of drawing, at $1,800 each.

The amendment was agreed to.

The next amendment was, in the same clause, line 426, after the word "at," to strike out "two hundred and forty" and insert "three hundred;" so as to read:

Six attendants at recitation-rooms, library, store, chapel, and offices, at $300 each.

The amendment was agreed to.

The next amendment was, in line 430, to increase the total amount of the appropriation "for pay of professors and others" at the Naval Academy from $49,959 to $52,119.

The amendment was agreed to.

The next amendment was, after the word "cadets," at the end of line 433, to insert "abroad;" so as to read:

For special course of study and training of naval cadets abroad, as authorized by act of Congress approved August 5, 1882, $5,000.

The amendment was agreed to.

The next amendment was to strike out the clause from line 505 to line 510 inclusive, as follows:

For commencing the erection of the new Naval Observatory on the site purchased under the act of Congress approved February 4, 1880, $50,000: *Provided*, That the construction of no building shall be commenced except an observatory proper, with necessary offices for observers and computers.

The amendment was agreed to.

The next amendment was, under the head of "Marine Corps," in line 518, to increase the amount of appropriation "for pay of officers on the active list" from $121,265 to $181,265.

The amendment was agreed to.

The next amendment was, in line 523, to increase the amount of appropriation "for pay of officers on the retired-list of Marine Corps" from $25,290 to $31,290.

The amendment was agreed to.

The next amendment was, in lines 530 and 531, after the word "privates," to strike out "two hundred and fifty-five" and insert "three hundred and eighty-nine;" and in line 532, after the word "dollars," to strike out "and the further sum of $200,000 of the surplus fund now standing to the credit of 'Pay of the Marine Corps' is hereby reappropriated and made available for that purpose during the fiscal year 1887;" so as to read:

For pay of non-commissioned officers, musicians, and privates: For one sergeant-major, one quartermaster-sergeant, one leader of the band, one drum-major, fifty first sergeants, one hundred and forty sergeants, one hundred and eighty corporals, thirty musicians, ninety-six drummers and fifers, and one thousand five hundred privates, $389,052.

The amendment was agreed to.

The next amendment was, in line 542, after the word "duty," to strike out "without troops" and insert "where there are no public quarters;" so as to make the clause read:

For pay of civil force, namely: For ten clerks and two messengers, $16,035; payments to discharged soldiers for clothing undrawn, $20,000; transportation of officers traveling under orders without troops, $8,000; commutation of quarters for officers on duty where there are no public quarters, $4,000; in all, $48,035.

The amendment was agreed to.

The next amendment was, in line 555, after the words "repairing muskets," to strike out "and so forth;" so as to read:

For military stores, namely: For pay of one chief armorer, at $3 per day; three mechanics, at $2.50 each per day; purchase of military equipments, such as cartridge-boxes, bayonet-scabbards, haversacks, blanket-bags, canteens, musket-slings, swords, drums, bugles, flags, and spare parts for repairing muskets, $5,000; purchase of ammunition, $1,000; purchase and repair of instruments for band, and purchase of music and musical accessories, $500; in all, $9,786.50.

The amendment was agreed to.

The next amendment was, after the words "yellow fever," in lines 570 and 571, to strike out "(appropriation to be immediately available)"; so as to make the clause read:

For repairs of barracks at Portsmouth, N. H.; Boston, Mass.; Brooklyn, N. Y.; League Island, Pennsylvania; Annapolis, Md.; headquarters and navy-yards, Washington, D. C.; Gosport, Virginia; and Mare Island, California, $9,000; for the erection of a building for marine barracks at navy-yard, Pensacola, Fla., to take the place of one destroyed on account of yellow fever, $2,000; placing tin roof on marine barracks and officers' quarters at Washington, D. C., $1,200; rent of building used for manufacture of clothing, stowing supplies, and offices of assistant quartermasters, Philadelphia, Pa., and San Francisco, Cal., $2,260; in all, $14,460.

The amendment was agreed to.

The next amendment was, in line 599, after the word "knives," to insert "and;" and in the same line, after the word "forks," to strike out "and so forth;" so as to read:

Mess utensils for enlisted men, such as bowls, plates, spoons, knives and forks.

The amendment was agreed to.

The next amendment was, in line 610, after the word "officers," to strike out "serving with troops;" in line 611, after the word "quarters," to strike out "belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them;" so as to make the clause read:

For hire of quarters for officers where there are no public quarters, $4,500.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 2. That all appropriations for the naval service and for the Marine Corps for the fiscal year 1886, and for previous years, not required for the service of such years, shall be covered into the Treasury, according to the provisions of sections 3690 and 3691 of the Revised Statutes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HALE. I move that the Senate do now adjourn.

Mr. JONES, of Nevada. Mr. President——

Mr. HALE. I yield for papers to be put in.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. JONES, of Nevada. The Committee to Audit and Control the Contingent Expenses of the Senate direct me to report an amendment intended to be proposed to the general deficiency appropriation bill, and move its reference to the Committee on Appropriations.

The PRESIDING OFFICER. The amendment presented by the Senator from Nevada will be printed and referred to the Committee on Appropriations.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 4 minutes p. m.) the Senate adjourned until to-morrow, Saturday, July 17, 1886, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July* 16, 1886.

The House met at 11 o'clock a. m. Prayer by Rev. Dr. BULLOCK, of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

CIVIL-SERVICE APPOINTMENTS, DISTRICT OF COLUMBIA.

The SPEAKER laid before the House a letter from the secretary of the Civil Service Commission, in response to a resolution of the House calling for information as to the authority for appointments to positions in the civil service from the District of Columbia in excess of its proportion, and transmitting a list of employés appointed from the District of Columbia under the civil-service rules.

Mr. TAULBEE. I ask unanimous consent that the report be printed in the RECORD and referred to the Committee on Reform in the Civil Service.

There was no objection, and it was so ordered.

The report is as follows:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., July 14, 1886.

SIR: The United States Civil Service Commission has the honor to have certified to it the following resolution of the House of Representatives:

"*Resolved*, That the United States Civil Service Commission be, and is hereby, directed to inform this House by what authority twenty-three appointments to positions within the classified public service were made from the District of Columbia, when the proportion due to said District of Columbia was less than three for the year ending January 16, 1886."

To this resolution I am directed by the commission to reply that if the answer were confined to the resolution alone it would be stated that only two appointments, and not twenty-three, had been made from the District of Columbia upon certifications of the commission during the year ending January 16, 1886. But it is presumed by the commission that exact information upon the subject of the resolution was desired by the House of Representatives, and therefore there is herewith transmitted a full statement of all certifications for appointment from the District of Columbia made by the commission from the 16th day of July, 1883, when the civil-service act took effect, to the 16th day of January, 1886.

An examination of the tables furnished will show that these certifications were regularly made in pursuance of requisitions from the appointing power for persons examined for services of a special and technical character, and sometimes needed for temporary work only. The eligibles for these certifications were obtained by special examinations for places in the departmental service at Washington, as provided for in the rules promulgated by the President, when technical and peculiar qualifications were needed.

The positions to be filled were specially stated in every requisition, and called for persons eligible and graded highest, whether from the District of Columbia or otherwise; and in all cases those graded highest were certified by the commission for appointment. The necessary apportionment upon these special matters was placed with the appointing power, and, as directed by the civil-service act, the apportionment was made "as nearly as the conditions of good administration would warrant."

The highest special and technical qualifications were not obtainable through apportionment alone, and therefore the highest graded were certified and selected without regard to locality, because "good administration" required it.

This undoubtedly was the view taken by the commission as organized when all but one of these certifications and appointments were made.

Very respectfully,

RO. D. GRAHAM, *Secretary.*

HON. JOHN G. CARLISLE,
Speaker of the House of Representatives.

Apportionment of appointments to the Departments at Washington from the District of Columbia under the civil-service rules.

1. The civil-service act requires an apportionment of appointments to the Departments at Washington (which shall be made after its passage) to be made on the basis of population in the States, Territories, and the District of Columbia, respectively.

2. The whole number of appointments apportioned to the District of Columbia from July 16, 1883, to the 16th of January, 1886, is in fact twenty-six, but the commission had no control over the apportionments of four of them, which were made for the Pension Office. The apportionment of these four places was made under special rules Nos. 3 and 4.

Special rule No. 3 required a separate apportionment to be made of the one hundred and fifty places in the Pension Office, provided for by the act of July 7, 1884, except so far as they should be filled by promotions. After the promotions had been made only eighty-nine places were left to be apportioned. The apportionment of the eighty-nine appointments was made by the appointing power, the commission having no participation in the matter. Two of the eighty-nine places were filled from the District of Columbia, as follows: Marion Dorian, appointed July 14, 1884; Jared C. Nichols, appointed July 14, 1884.

Special rule No. 4 required a separate apportionment to be made of the one hundred and fifty places in the Pension Office provided for by the act of March 3, 1885, except so far as they should be filled by promotions or transfers. All these places, except sixty-eight, were filled by transfers and promotions. The apportionment under that special rule of the sixty-eight appointments was made by the appointing power, the commission having no participation in the matter. Two of the sixty-eight places were filled from the District of Columbia, as follows: Louis C. Walsh, appointed August 1, 1885; Joseph S. Vowles, appointed August 13, 1885.

[Extracts from the reports of the commission.]

The small excess secured by the District of Columbia was inevitable in the first stage of a new system mainly by reason of the need of securing well-trained experts in certain offices. (Third annual report, page 48.)

It is natural that at the seat of Government a large excess of applicants for the public service shall be found. Under the old system the District of Columbia supplied numbers of clerks greatly disproportioned to its population. The requirement by Congress that new appointments shall be apportioned to the States and Territories on a basis of population has diminished the chances of residents of Washington to secure Government places in the same ratio that it has increased the chances of those who reside elsewhere. (First annual report, page 24.)

Herewith is furnished a list of all those appointed from the District of Columbia to the classified departmental service, under the rules, from July 16, 1883, to January 16, 1886.

List of all those appointed from the District of Columbia to the classified departmental service, under the rules, from July 16, 1883, to January 16, 1886.

Names.	Apportionment number.	Department.	Salary.	Date appointed.	Kind of examination.	Remarks.
James B. Peake	1	Treasury	$900	Oct. 3, 1883	Limited	Promoted, $1,200, February 7, 1885.
James R. O'Neale	2	do	900	Oct. 6, 1883	do	These two appointments in excess resulted from an unanticipated selection of three from a single certification.
William H. Haynes	3	do	900	Oct. 6, 1883	do	
John E. Weyss*	4	War	1,800	Jan. 21, 1884	Topographic draughtsman	Non-competitive examination.
Helene Peterson	5	Post-Office	720	Apr. 18, 1884	Scandinavian languages	Resigned August 27, 1884.
Charles H. Baker	6	Interior	1,000	May 23, 1884	Mechanical draughtsman	
Edward C. Stewart	7	State		July 24, 1884	Telegrapher	
Francis U. Stitt	8	War	1,400	July 17, 1884	Proof-reader	Non-competitive.
C. E. Doolittle	9	Interior	720	July 30, 1884	Assistant topographer, Geological Survey.	Resigned August 10, 1884.
Felix Freyhold	10	do	720	July 28, 1884	do	Dismissed May 15, 1885.
Robert H. Phillips	11	do	720	July 28, 1884	do	Promoted, $900, September 1, 1885.
T. R. K. Forrest†	12	do	1,200	Aug. 21, 1884	Pension examiner.	
Joseph H. Keefer†	13	do	1,200	Aug. 22, 1884	do	
George B. Wright†	14	do	1,200	Aug. 22, 1884	do	Dismissed February 21, 1885; reinstated August 10, 1885.
James B. Albright†	15	do	1,200	Aug. 22, 1884	do	
Antonio F. Madden	16	Post-Office	720	Aug. 30, 1884	Scandinavian languages	Promoted, $900, March 5, 1885.
Lewis D. Wilson	17	Interior	1,200	Sept. 8, 1884	Assistant examiners, Patent Office.	
Anthony Janus	18	do	1,200	Oct. 2, 1884	Assistant examiners, Patent Office.	Died March 6, 1885.
Pauline Kilp	19	do	900	Oct. 18, 1884	Topographer, Land Office	
William H. Goines	20	do	900	Jan. 1, 1884	Type-writer	
Minnie C. McGill	21	do	900	Oct. 21, 1885	do	
Alexander P. Shaw	22	do	900	Dec. 1, 1885	Examiner's clerk, Patent Office.	Promoted fourth assistant examiner.

* Discharged on completion of special work, January 31, 1885.
† Clerk of class 1, assigned to duty as an examiner of pension claims in the Pension Office.

SENATE BILL REFERRED.

The SPEAKER laid before the House the bill (S. 1839) for the relief of Richard C. Ridgway and others; which was read a first and second time.

Mr. SPRINGER. This bill, or rather a House bill in precisely the same language, has been reported favorably by the Committee on Claims of this Congress, and was also reported favorably by the Committee on Ways and Means on three different occasions. I believe the present Speaker of the House reported it favorably at one time. As the Committee on Claims have already reported a similar bill favorably and the Senate bill is in identical language with it, I see no reason why it should not be passed at once, and therefore I ask unanimous consent to put it upon its passage.

Mr. TAULBEE. Reserving the right to object, I ask that the bill be read.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STONE, of Kentucky. I object.

Mr. KELLEY. I think if the gentleman will listen an instant he will withdraw his objection. This bill has been four times unanimously recommended, three times by the Committee on Ways and Means of the House, once by the present Speaker of the House, once by the gentleman from Alabama [Mr. HERBERT], and once by myself under instructions of the Committee on Ways and Means, and also by the Committee on Claims, from which it is now before the House under the new rule. It has also been recommended unanimously by the Committee on Claims of the Senate, and the gentleman from Illinois asks consent to substitute the Senate bill for the four times recommended bill of the House, which is in the same language. It has had five indorsements——

Mr. TAULBEE. Will the gentleman allow a question?

Mr. KELLEY. Certainly.

Mr. TAULBEE. Why is it that this is not a general law; or does this bill apply to all persons thus affected?

Mr. KELLEY. It applies to all persons thus affected and closes up that list of claims.

Mr. TAULBEE. I understand from the gentleman from Illinois that this relief has been recommended by the Commissioner of Internal Revenue.

Mr. KELLEY. Yes, sir; in each of the successive bills during the incumbency of the several Commissioners of Internal Revenue.

Mr. BUTTERWORTH. This is not a general law?

Mr. KELLEY. It is, in effect, because it covers every case that can arise.

Mr. BUTTERWORTH. Every case that has arisen.

The SPEAKER. The gentleman from Kentucky objects.

Mr. KELLEY. Does the gentleman persist in his objection?

Mr. STONE, of Kentucky. I do not like to be considered as an obstructionist, and I do not intend to appear contrary; but I am opposed to giving precedence to any special character of claims. I belong to a committee that has been working since the session began with all the earnestness and vigor that was in it. We have bills of vast and vital importance on the Calendars, which we are unable by any sort of procedure to get before the House; and I do not intend, where my objection will prevent it, from this time forward, because we have been invariably and continually cut off from the consideration of claims—I do not intend as far as I am concerned that one class of claims shall have any precedence given to it over another. Let us consider all of them in their proper order.

Mr. KELLEY. But this is to remove an obstacle, not to create one. This is to substitute the Senate bill, which has been recommended and is in the same terms as the House bill. Its passage will remove an obstruction from the Calendar.

Mr. STONE, of Kentucky. Just so we have numbers of important bills upon the Calendar.

The SPEAKER. The gentleman from Kentucky objects.

The bill was referred to the Committee on Claims.

AMENDMENT OF A TITLE.

The SPEAKER. At the session of the House on yesterday evening the House passed a joint resolution (S. R. 40) entitled "A joint resolution providing for the payment of per diem laborers in Government employ on the 30th day of May of each year as on other days." The joint resolution was so amended as to strike out the "30th of May" and insert the words "Memorial or Decoration Day, and on the 4th of July." By an omission the title was not amended to conform to the amendments in the body of the resolution, and, if there be no objection, before the bill is transmitted to the Senate the Clerk will be directed to amend the title to correspond.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. O'DONNELL, indefinitely, on account of sickness.

To Mr. OUTHWAITE, for three days, on account of important business.

To Mr. HEWITT, until Monday next, on account of sickness.

To Mr. THROCKMORTON, indefinitely, on account of sickness.

To Mr. MILLER, indefinitely, on account of sickness.

To Mr. SYMES, for one week, on account of ill health.

To Mr. STEELE, indefinitely, on account of important business.

To Mr. NEGLEY, for one day, to attend to important business.

To Mr. ROBERTSON, of Kentucky, until Monday, on account of important business.

To Mr. GREEN, of North Carolina, for one week, on account of important business.

WITHDRAWAL OF PAPERS.

On motion of Mr. COMPTON, by unanimous consent, leave was given to withdraw from the files of the House, without leaving copies, the papers in the case of Dennis W. Mullen.

ORDER OF BUSINESS.

Mr. DUNN. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 9376) for a public building at Helena, Ark.

Mr. ZACH. TAYLOR. Let the bill be read.

The SPEAKER. The bill will be read, subject to objection.

The bill was read.

Mr. ZACH. TAYLOR. I object to the present consideration of the bill.

Mr. DAVIS. I ask unanimous consent to discharge the Committee of the Whole——

Mr. McMILLIN. Let us have the regular order.

Mr. MATSON. I rise to a privileged question.

The SPEAKER. There is a privileged question before the House. The Chair understands the gentleman from Kentucky to withdraw his objection to the consideration of the Senate bill (S. 1839) for the relief of Richard C. Ridgeway and others.

Mr. STONE, of Kentucky. On the representation of the gentleman from Pennsylvania [Mr. KELLEY], and at his personal request, I withdraw my objection.

Mr. HOLMAN. I think the bill should go to the proper committee.

Mr. KELLEY. It has been before the House committee and has been reported favorably, as I have stated.

Mr. HOLMAN. I did not understand it had been considered by a committee of the House this session. If that is the fact I ask that the report may be read.

The SPEAKER. The gentleman from Indiana withdraws his objection and asks for the reading of the report.

Mr. McMILLIN. I demand the regular order. I do so because my demand for the regular order has cut off other gentlemen, and I can not discriminate.

LEGISLATIVE APPROPRIATION BILL.

The SPEAKER. The House resumes the consideration of the conference report on the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes. Is the reading of the remainder of this conference report required? It has been printed in full in the RECORD.

Mr. TAULBEE. My recollection is the agreement was the report was to be printed in the RECORD and the further reading would be dispensed with.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] remarked that if it was printed in the RECORD he supposed the further reading would not be required; but that was not submitted to the House. The Chair is informed the original manuscript was sent to the Printing Office and has not yet been returned.

Mr. HOLMAN. I understood the further reading would not be required.

The SPEAKER. The question is on agreeing to the report of the conference committee.

Mr. HOLMAN. I will state to the House that with the exception of five, on which there is no agreement, all the amendments of the Senate have been disposed of, the House as usual having made the larger number of concessions.

Mr. REED, of Maine. Why has the House made the larger number of concessions? Is it wrong oftener than the Senate?

Mr. HOLMAN. The House has made the larger number of concessions, as is ordinarily the case, on this principle: That portion of the bill which the Senate inserts is the Senate part of it. It is that body's revision of the action of the House; and it will ordinarily occur that of the amendments made a larger number should be concurred in than refused by the House. That must be almost inevitable in this body of amendments.

The amendments on which there was no agreement to which I now wish to call the attention of the House are, in the first place, amendments numbered 2 and 17, appropriating $23,232 for clerks of Senators. Those two amendments go together and constitute the amendment of the Senate appropriating $23,232 for clerks for the Senators who are not chairmen of committees. Disagreement is reported on those amendments.

Senate amendments numbered 39, 40, and 41 are amendments providing for one clerk at $1,600 and two clerks at $900 each for the Civil Service Commission. The conferees of the two bodies have not been able to agree upon that.

Amendment numbered 88 is the amendment of the Senate increasing the amount of the appropriations for the internal-revenue service. The House Committee on Appropriations appropriated the sum of $2,050,000 as the proper amount. The Committee of the Whole, its action being afterward sanctioned by the House, reduced that to $1,900,000. The Senate has restored the original figures, $2,050,000. Upon that the two Houses are not able to agree, the House conferees believing that inasmuch as the $2,050,000 is about $150,000 more than was expended in the last fiscal year, there is no necessity of appropriating so large a sum.

Mr. CABELL. The excess is $201,000.

Mr. HOLMAN. My friend from Virginia states it would be $201,000 of an excess above the expenditure of last year.

The next disagreement is on amendments 89 and 90, in which the Senate proposes an increase of $500 in the salary of the office of the assistant treasurer at Baltimore. The House fixed that salary at $4,000. The Senate proposes to increase it to $4,500, and the conferees have not been able to agree. As to that item, I wish to state, however, to the House that there is an unpleasant discrimination in the salaries of these assistant treasurers. The salary of the assistant treasurer at Cincinnati was put by the House at $4,500, and that was concurred in by the Senate. Cincinnati is the least important of all the subtreasuries, the transactions there amounting to but a little over $40,000,000 per annum, while Baltimore does a business running up above $53,000,000. And while the House conferees did not feel justified in receding from the disagreement on that item, I believe myself that if the Cincinnati salary remains, as it must remain, at $4,500, it would be an invidious discrimination against Baltimore to fix the salary of the assistant treasurer there at $4,000.

Mr. BLAND. What was done in the matter of the salary of the treasurer at Saint Louis, which is a larger subtreasury than that at Baltimore?

Mr. HOLMAN. The Senate amendment was concurred in.

Mr. BLANCHARD. What was done as to the salary of the treasurer at New Orleans?

Mr. HOLMAN. It was not changed.

Mr. BLANCHARD. That salary is left at $4,000, and the subtreasury at New Orleans does $15,000,000 more business per annum than the one at Cincinnati.

Mr. HOLMAN. That is true. The action of the House unhappily created an unjust discrimination between the salaries at these different subtreasuries; but most of them can not be corrected now, and the only question before the House is whether the salary of the assistant treasurer at Baltimore shall be made as high as that of the assistant treasurer at Cincinnati, Baltimore being the more important office of the two.

Mr. FINDLAY. Will the gentleman tell us the reason why the salary of the assistant treasurer at Baltimore was lowered from $4,500 to $4,000?

Mr. HOLMAN. That was done by the House. The House put it at $4,000 and the Senate raised it to $4,500.

Mr. FINDLAY. Why did not the House conferees agree to that change?

Mr. HOLMAN. I have already stated that that question is now submitted for the action of the House, and I have expressed my own opinion that there is an unjust discrimination made against Baltimore. The last amendments, Nos. 179 and 180, are the items inserted by the Senate for the collection of statistics in relation to marriage and divorce, $10,000. The conferees were not able to agree as to those items. If any gentleman desires to make a motion in relation to the item providing for the salary of the assistant treasurer at Baltimore I will now yield for that purpose.

The SPEAKER. That motion can not be made at this time. As soon as the conference report is agreed to or disagreed to, such a motion will be in order.

Mr. HOLMAN. Then I move that the conference report be agreed to, and on that I call the previous question.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] demands the previous question upon the adoption of the conference report.

Mr. TOWNSHEND. Mr. Speaker, I suggest to the gentleman from Indiana that we take up in their order these amendments on which the two Houses disagree.

The SPEAKER. That can not be done while the conference report is pending. As soon as that is disposed of, then it will be in order for any gentleman to make a motion that the House recede from its disagreement to any particular amendment.

Mr. RANDALL. The House had better first adopt the report and then deal with these other matters.

The SPEAKER. That is the first thing to be done.

Mr. TOWNSHEND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND. Will the adoption of the report interfere with action on the separate amendments?

The SPEAKER. Not at all. It will leave them undisposed of. The House may recede from its disagreement to any of those amendments and ask for a further conference.

Mr. BLANCHARD. Mr. Speaker, I desire to call the attention of the gentleman in charge of this bill to what I think is an omission in this report of the conference committee and in the explanatory statement accompanying it. I call his attention to amendments 200 to 209, inclusive, on page 98 of the bill. So far as I can discover they do not appear in this report or in the accompanying statement, and the report makes no mention of what was done with them in conference.

Mr. HOLMAN. They were concurred in by the House, and therefore they did not go into the conference. Mr. Speaker, I call the previous question on the adoption of the report.

The previous question was ordered.

The SPEAKER. The question now is on agreeing to the report of the committee of conference.

Mr. PAYSON. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYSON. If this report of the conference committee shall be agreed to, will that preclude a vote upon the separate amendments at a later stage of the proceedings?

The SPEAKER. It will conclude everything which the report settles; but as to those matters about which there is a disagreement they will not be concluded at all.

The conference report was agreed to.

Mr. HOLMAN moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table. The latter motion was agreed to.

Mr. HOLMAN. Mr. Speaker, I wish now to submit a motion, in general terms, that the House further insist upon its disagreement to the other Senate amendments.

Mr. TOWNSHEND. I object. Let them be taken up in their order.

The SPEAKER. They can not be taken up unless some motion is made about them.

Mr. HOLMAN. I move that the House insist upon its disagreement to the amendments of the Senate not included in the conference report and ask for a further conference, but I will withhold that motion if any gentleman desires to submit a motion in relation to any particular amendment.

The SPEAKER. The gentleman from Indiana moves that the House insist on its disagreement as to the remaining amendments and request a further conference. Pending that, it is in order for any gentleman who desires to do so to move that the House recede from its disagreement to any particular amendment.

Mr. FINDLAY. I move that the House recede from its disagreement to the amendment with reference to the salary of the subtreasurer at Baltimore, and agree to the sum named by the Senate, $4,500. The amendments covering this matter are numbered 89 and 90. I do not propose to say anything on the question. I understand the gentleman in charge of the bill says that the original discrimination was an invidious one, and he is not prepared to stand by it.

The SPEAKER. The Clerk will read the amendments as to which the gentleman from Maryland [Mr. FINDLAY] moves that the House recede from its disagreement and agree to the same.

The Clerk read as follows:

Amendment 89: In line 25, page 34, after "thousand" where it first occurs, insert "five hundred;" so as to make the salary of the assistant treasurer at Baltimore $4,500.

Amendment 90: In line 3, page 35, strike out "one" and insert "six;" so as to make the aggregate appropriation of the paragraph $21,600.

Mr. FINDLAY. I move the previous question on my motion.

The previous question was ordered.

The motion of Mr. FINDLAY that the House recede from its disagreement to Senate amendments numbered 89 and 90 and agree to the same was adopted, there being ayes 115, noes 3.

Mr. TOWNSHEND. I move that the House recede from the disagreement to Senate amendment No. 88.

Mr. HOLMAN. I hope the House will not do that.

Mr. TOWNSHEND. I wish to make a statement.

The SPEAKER. The Clerk will first report the amendment so that the House may know what is pending.

The Clerk read as follows:

Amendment 88: On page 34, in lines 21 and 22, strike out "one million nine hundred" and insert "two million and fifty," so as to appropriate $2,050,000 for salaries and expenses of agents and surveyors, for fees and expenses of gaugers, for salaries of storekeepers and for miscellaneous expenses.

The SPEAKER. The gentleman from Illinois moves that the House recede from its disagreement to this amendment and agree to the same.

Mr. TOWNSHEND. Mr. Speaker, I am impelled to make this motion by a well-grounded belief that the amount which the House conferees insist upon is less than will probably be needed for a proper administration of the internal-revenue laws and for the protection of the Government from frauds in connection with the distillation of spirits and the manufacture of tobacco. The amount which the Senate insists upon is the sum which was originally recommended by the Committee on Appropriations and the sum which was appropriated for the last year. This amount, I am informed, may possibly be needed in the administration of the law for the coming year.

I have in my hand a communication addressed by the Commissioner of Internal Revenue to Senator ALLISON, chairman of the subcommittee on appropriations in the Senate, and, I believe, chairman of the committee. In this communication it is insisted that the amount contended for by the House conferees is $63,000 less than was necessarily expended for this service in 1885. By strict economy, owing to the condition of business in the country, the Internal Revenue Bureau was enabled to expend a far less sum last year; but, as stated in this communication, the business of distillation of spirits and the manufacture of tobacco is fluctuating, and if the business should increase, as it now apparently will, the Commissioner of Internal Revenue insists the service will be crippled, and he will have at his command an insufficient sum to protect the revenue from frauds.

Mr. HISCOCK. Will the gentleman state to what branch of the service this money is to be devoted?

Mr. TOWNSHEND. I was about to state that. This appropriation is to cover salaries and expenses of agents and surveyors, fees and expenses of gaugers, salaries of storekeepers, &c.

Mr. HISCOCK. Does this amendment contemplate any increase of force?

Mr. TOWNSHEND. It does not contemplate any increase, but simply the maintenance of the present force. But it is thought desirable that there should be a sufficient sum at the command of the bureau to allow an increase of force if the needs of the service should demand it.

Mr. HISCOCK. What I wish to know is whether the increase of this appropriation contemplates action on the part of the bureau looking to increasing the force.

Mr. TOWNSHEND. Not at all, unless the necessity arises.

Mr. HISCOCK. That is precisely the point on which I am asking information.

Mr. TOWNSHEND. As I understand, it does not contemplate any increase of force at present.

Mr. RANDALL. Then what is the necessity of increasing the appropriation?

Mr. CANNON. Allow me a moment. As I understand, this amendment does not propose to fix by law any increase of force, but is designed to allow an increase of gaugers and storekeepers if the necessities of the service should demand it.

Mr. HISCOCK. An increase over what year?

Mr. CANNON. As I understand, this amendment embraces the appropriation from which the gaugers and storekeepers are paid; and of course the amount to be paid to these officers will depend upon whether the amount of distillation shall increase or diminish. If the amount of distillation should increase, more gaugers and storekeepers will be needed.

Mr. HISCOCK. But what I want to get at is this: Does this increase the force over the last fiscal year or the previous year?

Mr. TOWNSHEND. Not at all.

Mr. HISCOCK. And also whether it contemplates an increased business over the previous years?

Mr. BRADY. This would give the Commissioner of Internal Revenue discretion to appoint extra gaugers, storekeepers, &c.

Mr. HISCOCK. But what I want to get at is, if you give this amount, can he increase these appointments beyond the service of the last year or the preceding year?

Mr. BRADY. The bill as it left the House increased the amount by $150,000 over the amount expended last year.

Mr. HISCOCK. That is, then, he will have $150,000 more to increase the force than he had last year if this Senate amendment is concurred in.

Mr. CABELL. That is true.

Mr. CANNON. Oh, no.

Mr. TOWNSHEND. I will explain to the gentleman from New York. The Senate amendment does not increase the appropriation for the current year a dollar. It simply gives that bureau the same amount that was given for the current year and the previous year. Now, some years it is found that more money is needed to protect the revenues from fraud than in other years.

No matter how large a sum is given the Treasury for this purpose, no more money will be expended than is actually needed for the service and an honest administration of the law for the protection of the revenue requires. The same amount was given last year, and yet, as I have already said, by a system of strict economy in the Internal Revenue Bureau it was enabled to leave a surplus of somewhere in the neighborhood of $200,000. The same officials will probably be there this year as in the past year, and from my knowledge of the officers of that department I am convinced they are honest, and will be as honest in the expenditures they make this coming year as in the past.

It is a little remarkable that the gentleman from Indiana who in the last Congress under a different political administration was willing to allow the amount that was allowed to that department, yet has not sufficient confidence in the present administration to leave the same sum for the next year in its hands.

Mr. HOLMAN. Does not the gentleman know that we reduced the amount in the last Congress some $200,000?

Mr. TOWNSHEND. And the service shows this: that the gentleman is contending for a sum which is just $63,000 less than was expended in 1885.

If the gentleman should be able to succeed in this amendment he might cripple that bureau so that it would not be able to honestly administer the revenue laws and protect the Government from frauds that may be committed in the manufacture of tobacco and the distillation of spirits.

I have in my hand a communication addressed by the Commissioner of Internal Revenue to the chairman of the Committee on Appropriations of the Senate, and it will answer every inquiry addressed by the gentleman from New York, and in my judgment ought to convince every fair-minded man, who wants the revenue laws to be honestly administered, that we ought to accept this amendment of the Senate.

Mr. HOLMAN. Permit me to suggest to the gentleman that the conference committee on the part of the Senate will undoubtedly agree to the reduction of the amount.

Mr. TOWNSHEND. I ask that this communication be read.

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, June 21, 1886.

SIR: With regard to that portion of the legislative, &c., appropriation relating to internal revenue, to which you referred this morning, the bill as passed by the House and referred to the Senate committee (see page 44) provides "for salaries and expenses of agents, &c., $1,900,000."

This is a reduction made on the floor of the House of $150,000 from the amount as reported by the House Appropriations Committee, which was $2,050,000. The amount which was recommended by the Secretary of the Treasury for this item was $2,100,000.

The reduction from the amount reported by the committee was based chiefly upon a statement from this office, showing that the expenditures in that behalf for the year ending June 30, instant, were—

For the first three quarters of the same	$1,359,098
And for the last quarter (estimated)	490,000
Total	1,849,098

The amount appropriated for the said year ending the 30th instant was $2,100,000. While the amount thus expended during the present fiscal year has by economy been kept down to the sum of $1,849,098 above stated, and while I propose to use my best endeavor to further economize during the coming year, as far as the true interests of the service will permit, yet it is desirable that the enforcement of the law should not be obstructed by a want of funds for that purpose; and as the moral effect upon those inclined to violate the law of a belief on their part that the office has been crippled by a failure to appropriate sufficient moneys to carry out its provisions is bad, I respectfully beg you to urge upon the Senate Committee on Appropriations the restoration in the above item of the sum of $150,000 at least, this making it the same sum reported by the House committee.

I desire to say further that the estimate of the Secretary of the Treasury was based upon the expenditure for the year ending June 30, 1885, which was $1,963,527.41. You will see by this that the sum as appropriated by the House would fall short over $63,000 should the expenses of the coming year be as great as for the fiscal year 1885.

The law *compels* the appointment and assignment of officers of the class of gaugers and storekeepers sufficient in number to enable the distillers to carry on their business in accordance with the provisions of law. The number of distilleries, especially of fruit brandies, and their production fluctuate considerably, and under the requirements of the law a deficiency would occur in case the coming year should bring a large increase of distillation, which is highly probable.

The encouragement of lawful distillation and the suppression of frauds against the internal revenue are sufficient reasons in my mind why the sum allowed in the above-mentioned item should not be limited to the amount appropriated by the bill as it passed the House.

Let me add, that if the bill taxing oleomargarine should pass, it would add an expense that would greatly enhance the necessity for a larger margin in this item.

Very respectfully,

JOS. S. MILLER, *Commissioner.*

CHAIRMAN COMMITTEE ON APPROPRIATIONS.

Mr. TOWNSHEND. I reserve the remainder of my time.

Mr. RANDALL. How is that, Mr. Speaker?

The SPEAKER. The gentleman from Illinois is entitled to an hour in his own right, deducting the time he has occupied the floor. Of course that does not prevent the House, when a gentleman obtains the floor in his own right and submits the motion, from ordering the previous question.

Mr. CABELL. Mr. Speaker, I did not know the gentleman had all the time he claims, but it makes no difference. The gentleman has misapprehended this amendment and the necessities for it; and I beg the House, because this is a matter that involves $150,000 of the people's money which is asked to be given to this bureau when there is not the slightest necessity for it, to attend closely to the facts involved in the case.

This question was discussed by the House when the legislative bill was before it; and after a full hearing of the matter and upon a full vote, with not more than a half-dozen votes against it, the provision was adopted by which we reduced the appropriation some $150,000—and why? When the Appropriations Committee sent in its bill to the House it is true that they put the amount of money appropriated for "revenue agents, gaugers, &c., and miscellaneous purposes" at $2,050,000. That was done in obedience to the estimates which had been sent to that committee. But the chairman of this committee, at the instance of a member on the other side of the House, sent to the Commissioner of Internal Revenue and asked him to say what had been his expenditures so far in the year and what would be the expenditures up to the 1st of July, 1886. He returned a letter giving the desired information; in other words, showing what had been the expenditures and what would be the expenditures for this service to the 1st day of July, 1886. I will read to the House an extract from that letter:

From the appropriation for salaries and expenses of agents and subordinate officers there was expended up to March 31, $1,359,098, and it is estimated that the expenses for the quarter ending June 30 will be about $490,000, making a total of $1,849,098.

Now, that information came to the Appropriations Committee after the bill came into the House; and, when it did so, after consultation with other members of the committee I offered the amendment to strike off $150,000 from the original recommendation of the committee so as to reduce the appropriation to $1,900,000. After discussion the House with but few dissenting voices adopted that amendment. And the bill as amended went to the Senate. The Senate put back upon the bill the $2,050,000 which the Committee on Appropriations had originally reported to the House.

This was done, I take it for granted, principally upon statements contained in the letter which the gentleman has had read, which, I take it, is a letter to the committee of the Senate. As soon as the action of the House became known the Internal Revenue Bureau officers set to work to have the appropriation made as they had asked it, and their operations, as a matter of course, were directed to the Senate. And the Senate, as I have said, put on that $150,000 which the House had stricken out.

I beg here to call the attention of the House to the fact that when we strike off that $150,000 which the Senate has added we have still left as a margin $51,000 more than was expended last year.

The gentleman from Illinois made, as I think, a disingenuous statement when he undertook to say that we appropriated less money than had ever been appropriated and less than had ever been expended. At the very time this House adopted that amendment we had the statement from the Commissioner of Internal Revenue that he had expended but $1,849,000, and we appropriated $1,900,000, thus giving him the sum of $51,000 more than he had expended, and more than he could reasonably suppose that he would be called upon to expend. There is absolutely nothing in the idea of the gentleman from Illinois that the failure to appropriate all the money asked for revenue agents, &c., will encourage lawbreakers to the perpetration of crime, or weaken the ability of the Department to employ all the officers needed for its operations or to repress all violations of the law.

Now, I will state, as one of the conferees on the part of the House, that we might have been willing and would have been willing rather than come back to the House with a disagreement to yield $40,000 or $50,000 to the Senate upon their requirement. We did not want to come back here with a disagreement. I was willing for myself to yield $50,000, but no more; so that there would have been appropriated $101,000 more than was expended last year, according to the statement of the Commissioner.

But the Senate committee would not yield—it was with them all, or nothing; so we disagreed.

The House surely could not have desired us to act otherwise than as we did. We can not understand why the Senate should want to give more, or why the Commissioner of Internal Revenue should want more than we offered. What does the Commissioner want with more money than $1,900,000? How can this House with any propriety give him for the ensuing year a sum greater by $100,000 than he expended this year?

I ask you, gentlemen of the House, to sustain this disagreement on the part of the House conferees and let this matter go back to conference. It will not do to thus give up the people's money without a struggle. I do not think there is a gentleman upon this floor, either Democrat or Republican, who can go before his constituents and with a clear conscience answer to them and show a reason why there should be turned over to any officer of the Government $201,000 in excess of what he had expended in the last fiscal year for the conduct of his Department.

The gentleman from Illinois stated that there was no reason why the appropriation recommended by the Senate should be cut down. Why, sir, the Commissioner of Internal Revenue—the very Commissioner who is seeking this immoderate sum, and against whom I make no aspersions, because I regard him with great favor though he is mistaken in this matter—this Commissioner says in this report that since the incoming of his administration he has discharged nine hundred and twenty-six officials. The gentleman from Illinois instead of reciting the expenditures last fiscal year, just passed, recited the expenditures under the Republican administration, the expenditures of the fiscal year 1884–'85. And what were those expenditures?

Those expenditures were in round numbers $1,963,000. But now comes the gentleman from Illinois [Mr. TOWNSHEND] applauding in one breath the Commissioner of Internal Revenue for his *retrenchment* and saving economy, and in the other demanding more money than was expended during Republican rule, and, worse than all, the Commissioner, while claiming credit for cutting down expenses and lopping off the heads of hundreds of officials, demands with emphasis that he shall be allowed more money by $200,000 than he expended last year, more than his Republican predecessor expended the year before that, and within a fraction of the large sum appropriated when the dismissed officials were in place under his predecessor and himself.

Mr. REED, of Maine. What is he to do when he reappoints these nine hundred and twenty-six men?

Mr. CABELL. He ought not to reappoint them. He was honest about this matter of reform. He did right, no doubt.

Mr. REED, of Maine. If not, perhaps the object of discharging them would not be accomplished.

Mr. HOLMAN. He can not appoint them under the law.

Mr. CABELL. I will say to the gentleman from Maine I am not undertaking to make a political harangue in discussing a question of this character.

Mr. REED, of Maine. I want to know why these men were discharged?

Mr. CABELL. I suppose there was no use for them. I suppose

they had been fraudulently—I will not say fraudulently, but I will say improperly, billeted on the Government, and if the Commissioner and those above him were acting honestly, as I presume they were, those men were discharged from proper motives and should not have been allowed to remain an incubus and a load upon the Government. But if they are properly discharged they are not wanted now and do not require to be paid now. Since they have been discharged, however, we do not need to appropriate money as if they had been kept in service.

Mr. TOWNSHEND. Will the gentleman allow me to ask him a question?

Mr. CABELL. Yes, sir.

Mr. TOWNSHEND. Suppose that by the establishment of new distilleries the business should increase?

Mr. RANDALL. Well, we will be here in December.

Mr. TOWNSHEND. Suppose that new distilleries are established, do you propose to leave those distilleries without gaugers?

Mr. CABELL. No, sir; there will be plenty of gaugers, never fear.

Mr. TOWNSHEND. The object of having a sufficient fund placed at the command of the Commissioner is that he may meet whatever exigency may arise in the business.

Mr. CABELL. Certainly; and when you give him more than he expended last year he will be well equipped for any exigency.

Mr. RANDALL. What reason is there to think that there will be more this year than last year?

Mr. TOWNSHEND. He will not appoint one single officer unless the protection of the revenue demands it.

Mr. CABELL. I thought the gentleman merely desired to ask me a question. I trust the gentleman will not inject his speech into mine.

Mr. BUTTERWORTH. What does the Commissioner want this money for?

Mr. CABELL. I have not the remotest idea. I only know that there has been a margin of $51,000 allowed to him by the vote of the House, and I think that is quite enough. I do not know what this money is wanted for. I can not conceive why more money is needed for next year than for last year.

Mr. BUTTERWORTH. Does the Commissioner give any reason?

Mr. CABELL. None on earth, except the reason suggested by my friend and colleague on the committee [Mr. TOWNSHEND], that "perhaps" the money may be wanted. Now, if you are going to bring "maybes" into this question, and if "perhaps" more money will be wanted, then I say "perhaps" not more than $51,000 in excess of what was spent last year can by possibility be wanted.

Mr. LONG. Should not we on this side of the House be justified in inferring that, the Commissioner having discharged nine hundred and twenty-six Republican officials, the money is wanted for the purpose of appointing nine hundred and twenty-six Democratic officials in their places?

Mr. CABELL. No, sir; I do not think that at all. I have no reason to know that they were all Republicans. My own opinion is that the discharges were made in good faith, and that the Commissioner has attempted to act honestly and for the good of the service. In justice, I ought perhaps to say that some of those officials who were discharged were not paid except by the owners of the distilleries, and when upon duty, but some of them were paid by the Government, and enough of them were so paid to justify us in claiming to have made a saving by these discharges.

Mr. LONG. But you say you do not know of any other reason for asking this money.

Mr. CABELL. I do not know of any reason except that the Commissioner thinks that perhaps in the course of the business of his bureau he may want to appoint some additional officials to attend to necessary duties, and that circumstances may arise which may involve expenses not now anticipated.

I think there ought to be a margin allowed for that, but we have already provided a margin of $51,000, and if this House goes beyond that and undertakes to put in this $150,000 I want the members to understand what they are doing; if they agree to what the Senate demands they will be appropriating $201,000 more than was expended last year. Now, gentlemen, are you going to do it?

Mr. HOLMAN. With the permission of the gentleman from Virginia [Mr. CABELL] I will answer the question put by the gentleman from Massachusetts [Mr. LONG]. Can what he suggests be done, in view of the law? In other words, can his apprehension be realized that the dismissal of nine hundred and odd employés will result in the appointment of an equal number of new men during the present year? For three years this has been the law, and it has been included in every successive bill:

Provided, That the number of deputy collectors, gaugers, storekeepers, and clerks employed in the collection of internal revenue shall not be increased nor shall the salaries of said officers or employés be increased beyond the salaries paid during the last fiscal year.

Now, under that provision of law, which, as I have said, has been included in each successive bill for several years, how can there be an increase either in the number of employés or in their salaries?

Mr. LONG. I did not say there would be.

Mr. TOWNSHEND. Does not the gentleman from Virginia know that the number of gaugers is not limited by law, and that if the business increases there is an absolute necessity for an increased number of gaugers? The law that he has read refers only to the special agents.

Mr. HOLMAN. The gentleman evidently did not hear the law which I read. It says: "Provided that the number of deputy collectors, gaugers, storekeepers, or clerks" shall not be increased.

Mr. TOWNSHEND. But must not the number of gaugers be increased if the business increases?

Mr. HOLMAN. Does not the law expressly prohibit an increase above the number employed last year?

Mr. TOWNSHEND. The law does not limit the number of storekeepers or gaugers, but——

Mr. CABELL. Now, I trust my friend will allow me to resume the floor. I do not occupy it very often. Mr. Speaker, the gentleman from Massachusetts [Mr. LONG], who is usually a very fair man, has asked me as to the necessity which existed for the discharge of these men who have been discharged. I have no doubt, I repeat, that the Commissioner of Internal Revenue acted fairly, honorably, and honestly in this matter, for I believe he is a good official and a worthy man.

Whatever mistakes he may have made, I do not think he is such a partisan or so badly disposed that he will discharge men from the Government service when it is not necessary. He is, however, greatly in error when he asks to have this amount of money appropriated. There can be no reasonable purpose in having this sum laid up to his order. The only reason assigned is to provide against contingencies, the happening of which he has no right to anticipate; and certainly this House has no right to appropriate to meet such contingencies when we have not the remotest idea that the contingencies can or will happen.

Even if the contingencies apprehended should occur, there will be no special activity in the distilling business until the fall of the year; it is at that time, if at all, when additional guagers and storekeepers will be needed. We will come here again next winter. If the appropriation now made should by that time prove deficient, if it should appear that we have imposed too narrow a limitation, have failed to appropriate the full amount required, we can then pass an appropriation to remedy the deficiency.

Mr. SKINNER. Does not the history of the internal-revenue system show it to be a fact that as many gaugers and storekeepers are dropped as are appointed, that as many distilleries are daily going out of existence as daily come into existence?

Mr. CABELL. That is my information, and I believe it to be true.

Now, I think every gentleman in this House understands this matter. It is a plain, simple proposition. The Commissioner of Internal Revenue shows that for this work he expended last year in round numbers $1,849,000. We agree to appropriate $1,900,000, being $51,000 more than he expended during the last year. It seems to me this should be sufficient. The Republican administration expended $1,963,000; but since that time nine hundred officials, many of whom were paid by the Government, have been dispensed with.

We all realize the objection to these indefinite appropriations. In other words, we have judged it wise not to make appropriations in the dark. Now, there are only four classes of officials to be paid under this appropriation—agents, storekeepers, gaugers, and inspectors; the rest of the money is for miscellaneous purposes. What guide have you in the appropriations you make except the previous expenditures?

Mr. DIBBLE. Will the gentleman yield for a question?

Mr. CABELL. Certainly.

Mr. DIBBLE. Is not this appropriation $50,000 less than the appropriation for the last fiscal year?

Mr. CABELL. Yes, sir.

Mr. RANDALL. But it is $51,000 more than was expended last year.

Mr. TOWNSHEND. And $63,000 less than was expended the year before.

Mr. DIBBLE. If on an appropriation of $2,100,000 for the last year there has been a saving of $150,000, why not now leave a margin, as we did before? The experience of the last year has shown that the Commissioner of Internal Revenue can be trusted to curtail expenditures; and the appropriation proposed by the Senate amendment allows only a reasonable margin, being $50,000 less than the appropriation for last year.

Mr. CABELL. The actual expenditure, as the gentleman himself states, has during the last year been $150,000 less than the amount appropriated. That very fact shows that it is not necessary to make so large an appropriation as we made last year. We propose to allow the Commissioner a margin of $51,000, which is as much margin as ought to be allowed any public officer, I do not care who he is. If the Angel Gabriel himself should come down here and be placed at the head of a Department, I would not turn over to him hundreds of thousands of dollars from the Treasury of the people to be administered at his discretion, when it is the duty of the House of Representatives to see to it that all necessary money, and no more, is appropriated. When my friend from South Carolina goes home to his constituents and they ask him, "How have you administered the public moneys; to whose hands have you intrusted them?" will he not desire to say, "I intrusted the officials of the Government with only the sums necessary to carry on the operations of the Government, and no more?"

Mr. DIBBLE. My friend will allow me to say that this is only a

question of judgment as to what is a reasonable margin. During the last year this bureau got along very well with $150,000 less than was appropriated. There was no extravagance of expenditure. Why should we fear to allow this year a smaller and certainly only a reasonable margin?

Mr. CABELL. There is no reason why the Commissioner of Internal Revenue can not during the coming year get along with the amount which he expended during the past year.

I now yield three minutes to my friend from Illinois [Mr. CANNON], and reserve the remainder of my time.

Mr. CANNON. Mr. Speaker, if I can have the attention of the House I can say all I want to say in three minutes' time.

I regard it as of but little importance whether this appropriation remains as the House fixed it, or the Senate shall insist and the House shall recede. The truth is it is for the payment of gaugers and storekeepers, a service provided by law, and which can not be affected by the appropriation. If you do not appropriate enough of money, then the law says they shall be employed anyhow; and they will have to wait for their money to the end of the year. If you were to appropriate twice as much, there could not be a dollar of it spent except for the payment of gaugers and storekeepers provided under the law. No Commissioner of Internal Revenue can under the appropriation, with or without it, increase or decrease one gauger or storekeeper over what is required.

So the gentleman from Virginia [Mr. CABELL] is right enough that if we do not appropriate enough they will come in here for a deficiency.

The truth is, Mr. Speaker, the House recommends $50,000 more than was spent last year, and $63,000 less than was spent the year before. It may be $50,000 more will be spent this year, or it may be $150,000 less. It all depends on the number of distilleries and fruit-stills and the number of gaugers and storekeepers who may be found to be necessary. Having said this much, I do not care, except to close up the bill, what action the House takes, for in my opinion it is not of the slightest importance what disposition is made of it.

Mr. REED, of Maine. It is the usual discussion, then, of the difference between the appropriation bill and the deficiency bill.

Mr. CANNON. Precisely.

Mr. TOWNSHEND. Let me inquire of the gentleman from Illinois whether it is not better when we have it within our power to prevent laying the foundation for a deficiency bill, and especially when it might so easily be guarded against?

Mr. RANDALL. Mr. Speaker, the adoption by the House of the motion of the gentleman from Illinois [Mr. TOWNSHEND] is without excuse if we are to rely on the information in possession of the House. Its adoption would give in this appropriation bill more money than either the House or Senate considers necessary. It would give about $200,000 more than was expended for the same service last year by the very officer who is likely to expend it during the current year.

Why anybody on either side of this House should want unnecessarily to add $200,000 to the aggregate of this year's appropriations I am at a loss to conceive. The committee in the first instance gave what was asked, but on fuller information from the Commissioner of Internal Revenue the amount was reduced in this House $150,000. We have been further advised that while the Senate increased the amount to the original estimate, yet that body is now ready to make a reduction. But the motion of the gentleman from Illinois will estop the Senate and the House from placing the amount where, by the concurrent proceedings of the two Houses, it ought to be placed.

Mr. DIBBLE. What was the estimate the Department made for this service?

Mr. RANDALL. If I remember rightly the estimate was $2,100,000 for the current year.

Mr. TOWNSHEND. Fifty thousand dollars more than the Senate provided.

Mr. RANDALL. When we come to take these estimates they are not always reliable.

Mr. TOWNSHEND. Is not the Secretary of the Treasury reliable, in his judgment?

Mr. RANDALL. I am not to be diverted.

Mr. TOWNSHEND. Let me ask my friend from Pennsylvania whether the officer who administers the law with his experience is not better qualified than the gentleman from Pennsylvania to form a judgment in the matter?

Mr. RANDALL. I answer that the Secretary of the Treasury estimated for last year $2,300,000. The law reduced it $200,000, and it appears there was expended about $150,000 less than the law gave.

Mr. TOWNSHEND. That was by a different Secretary of the Treasury.

Mr. RANDALL. I am not discussing distinctions of party as to Secretaries of the Treasury. We do not follow the estimates in every case, and yet the Government goes along while the expenditures are found far below the appropriations.

Mr. TOWNSHEND. Did my friend from Pennsylvania listen to the communication which was read?

Mr. RANDALL. Yes; I have heard both sides and both letters.

Mr. TOWNSHEND. That communication differs radically from the gentleman as to what is required by the service.

Mr. RANDALL. I think I am as well informed by experience of twenty years as the Commissioner with a few months' service.

Mr. HISCOCK. I understand the gentleman to say he is willing to stand here upon the position there will be no deficiency.

Mr. RANDALL. In this bill?

Mr. HISCOCK. Yes, sir.

Mr. RANDALL. I say that the law prevents a deficiency.

Mr. HISCOCK. Oh, I know what the law prevents, or attempts to prevent——

Mr. TOWNSHEND. Suppose new distilleries are created and the business increases?

Mr. RANDALL. The gentleman must not allow his imagination to mislead him. He may conjecture that new distilleries will be established, but the past history shows that the business of manufacturing and consumption go hand in hand together. In point of fact there is not a great deal more whisky produced than is sold. I have no apprehension from that source.

Mr. HISCOCK. The gentleman from Pennsylvania and myself differ as to the law preventing a deficiency.

Mr. RANDALL. It prevents it so far as language can be employed to accomplish such a purpose.

Mr. HISCOCK. But you have nothing in the law prohibiting the Commissioner of Internal Revenue from spending all of this money in nine months if he wants to. I suppose the gentleman will not dispute that; nor can you put anything in the law which would prevent it.

Mr. RANDALL. Well——

Mr. HISCOCK. Wait a moment. Now let me come to the other question: Are you willing to advise the House that you will not come in here at the next session and ask a deficiency for this service?

Mr. RANDALL. I never commit myself to the acts of another.

Mr. HISCOCK. Well, give us your own opinion.

Mr. RANDALL. I will say, however, that judging by the expenditures of the last year, when the amount was about $50,000 less than is fixed by the House in this bill, I believe said sum will be adequate.

Mr. HISCOCK. Then, in your opinion, this claim for an increase on the part of the present Commissioner of Internal Revenue is to create unnecessary gaugers and storekeepers.

Mr. RANDALL. No, I do not say that; but I do distinctly say that this request of the Commissioner of Internal Revenue to have about $200,000 more than he expended last year for like service, when the law prevents an increase of pay to these employés——

Mr. HISCOCK. No, he has not the power to increase the pay; but you know he has the power to increase the number of gaugers.

Mr. RANDALL. Or an increase of expenditures therefor, is absolutely unjustifiable.

Mr. HISCOCK. It may be unjustifiable, but it is not illegal. He may employ gaugers and storekeepers to any number he pleases.

Mr. RANDALL. I say more; that I do not think he places the administration under which he holds office in a right attitude when he seeks to get more money for the coming year than he expended last year. [Applause on the Democratic side.] And further I say to the House that he ought not to have the opportunity of expending more money than he employed last year. If there should be an excess of expenditure over appropriation, and such contingency arises, then——

Mr. TOWNSHEND. What?

Mr. RANDALL. Then I will be ready to meet it in some way. But why any one on either side of the House should want to give more money than is shown to be necessary for the collection of the internal revenue I am at a loss to know, in view of the fact that this very officer with this $50,000 less than you propose to give him for the current year collected an increased amount of revenue from these same sources over the prior year.

Mr. REID, of North Carolina. With $200,000 less of expenditures.

Mr. HISCOCK. I intend to vote with you upon the strength of your recommendations and assurances; and all I have said on my part has been simply for the purpose of getting your assurance and recommendation.

Mr. RANDALL. I do not give any assurance. I give nothing except the deductions from the facts of the situation.

Mr. HISCOCK. Then upon your statement of facts before the House I propose to stand by you for one.

Mr. RANDALL. Now, Mr. Speaker, I have promised to yield to the gentleman from Indiana, who desires a vote.

Mr. TOWNSHEND. I hope the gentleman from Indiana will not deprive the House of an opportunity to reply to the reflections upon the department.

Mr. HOLMAN. I think in all fairness to the gentleman from Illinois that he should be permitted to have some time. How much does the gentleman desire?

Mr. TOWNSHEND. Well, I have reserved my own time, but only desire a few moments and will take it now.

Mr. HOLMAN. How much time?

Mr. TOWNSHEND. I do not think the gentleman ought to limit me, but I think five minutes will be sufficient.

Mr. HOLMAN. Very well.

Mr. TOWNSHEND. Now, Mr. Speaker, I have discharged my duty

in bringing to the knowledge of this House the statement and assurances of the Treasury officials in regard to what they believe may probably be the needs of the service. That is all I have desired to do. It is a matter of no personal interest to me any more than it is to every other honest tax-payer in the land. I have not a single distillery in my district. I have no manufactory of tobacco in my district. My people are consumers to a very moderate extent of both articles. They manufacture neither. But what I say is this: When the chief of the bureau positively asserts, as he has asserted in this communication, that this reduction of the amount of money that has been asked for may result in serious detriment to that service, I think we ought to have confidence in his integrity and veracity and give consideration to his recommendations.

The Commissioner has stated in that communication that the effect of the reduction of this appropriation will be to encourage those who are inclined to commit frauds in the distillation of spirits and in the manufacture of tobacco. I am impressed with the belief that there is much in his assertion. The other day when the gentleman from Pennsylvania supported an amendment here striking from the sundry civil bill the fraud fund which it is asserted at the Department is absolutely necessary to protect the Government from the frauds committed by moonshiners and others who have been defrauding the revenue, when certain gentlemen on this floor wanted to strike out that appropriation, it struck me then it was an insidious attempt to break down the internal-revenue tax to which many are opposed; and I resisted that effort then as I resist now the effort to cut down the appropriation to that bureau to an extent which may seriously cripple the efficiency of that service. I will state of this officer that if you put in his hands $5,000,000, I would trust him for an economical expenditure of that money.

This is a sum less than we intrusted to officers of a former administration. Why should we not give our own officials the same degree of confidence as we did the others? I do not want a single dollar more expended than may be needed for an economical administration of the Government. But these officers who are controlling the affairs of this Government must not be crippled in their efforts to administer the Government efficiently. And I believe that the assertion of the Commissioner of Internal Revenue may come true, that if you reduce this sum down to a point where there is danger of crippling the efficiency of the service you encourage those who are inclined to do so to commit frauds on the revenue. That is all I have to say.

Mr. HOLMAN. Does the gentleman from Missouri [Mr. CABELL] wish more time?

Mr. CABELL. I do not wish to occupy more time. I have not heard anything to which I think it necessary to reply.

Mr. HOLMAN. I wish to say to the gentleman from Illinois [Mr. TOWNSHEND] there is really no trouble about this matter. Every dollar required to carry on this important bureau of the Government will be appropriated. There is no material difference of opinion as to this matter between the conferees on the part of the two Houses. I feel authorized to say the Senate conferees do not regard it as absolutely necessary that the whole sum named shall be appropriated. The proper concessions will be made and the amount appropriated will be, at least in the judgment of the conferees, ample for the purpose. There is not the slightest occasion for any comment as to the management of this office; for I think we all agree that the present Commissioner of Internal Revenue has proved himself a very competent and efficient public officer, and that he has managed the affairs of that office exceedingly well. He reduced the expenses last year as compared with the preceding year over $115,000.

Mr. SPRINGER. More than that. Here is the report of the Treasurer showing a reduction of $829,000.

Mr. HOLMAN. The expenditures in this branch of the service which we are now discussing were in the previous year $1,963,527.

Mr. TOWNSHEND. He has reduced the expenses in another direction.

Mr. HOLMAN. I am speaking of one item.

Mr. SPRINGER. The figures I cited apply to the whole service.

Mr. HOLMAN. There is a heavy reduction in the expenses of the bureau. For this item the expenditures last year were $1,849,098, showing a difference of $114,429.

Mr. REID, of North Carolina. I have a statement from the Department showing a reduction of expenses of $200,000 in the Internal Revenue Bureau.

Mr. HOLMAN. I am speaking of this one item alone.

Now, Mr. Speaker, I wish to put on record as a portion of my remarks a statement showing the appropriations for this service for a series of years, and I wish to call the attention of the House to the fact that in the first session of the Forty-fourth Congress the appropriation for this branch of the service was $1,475,000. The amount gradually ran up.

The following is the statement referred to by Mr. HOLMAN:

Appropriations for salaries of storekeepers, gaugers, &c., of internal revenue.

1886	$2,100,000
1885	2,300,000
1884	2,300,000
1883	2,300,000
1882	2,100,000
1881	1,700,000
1880	1,500,000
1879	1,500,000
1878	1,800,000
1877	1,475,000
1876	2,300,000

Mr. SPRINGER. I ask the gentleman to yield to me to state this fact: I have before me a statement from the Treasurer of the United States, showing the entire reduction in the internal-revenue department. It shows that during the last fiscal year the decrease of expenditures in the collection of internal revenue, as compared with the year 1885, was $829,361.32.

Mr. HOLMAN. I now call the previous question.

Mr. RANDALL. What is the pending question?

The SPEAKER. The Chair will state it. The gentleman from Illinois [Mr. TOWNSHEND] moves that the House recede from its disagreement to the Senate amendment which has been read, and agree to the same.

Mr. RANDALL. I ask a division on that, so that the conferees may know the numerical vote of the House on that question.

The previous question was ordered.

The question being taken on Mr. TOWNSHEND'S motion, there were—ayes 5, noes 125.

Mr. TOWNSHEND. No quorum.

The SPEAKER. The Chair appoints as tellers the gentleman from Illinois [Mr. TOWNSHEND] and the gentleman from Indiana [Mr. HOLMAN].

Mr. TOWNSHEND. As this division is entirely useless, I will not insist on a quorum.

So (further count not being called for) the motion was not agreed to.

Mr. WEAVER, of Iowa. I move that the House recede from its disagreement to the amendment of the Senate numbered 179 and agree to the same; and in regard to that I desire to make a brief statement, not to occupy over a minute.

The Clerk read Senate amendment 179, as follows:

To enable the Commissioner of Labor to collect and report to Congress the statistics of and relating to marriage and divorce in the several States and Territories and in the District of Columbia, $10,000.

Mr. WEAVER, of Iowa. Mr. Speaker, I simply wish to say that, in my judgment, this is enlightened legislation, and the duty of making this examination is very properly assigned to the Commissioner of Labor, because the industrial condition of the country does affect the family, and we want to know whether this country is traveling in the direction of France, which has increased in population only 1 per cent. in thirty-six years. We want to know whether there are influences at work which are carrying this Republic in the same direction; and I think, as I have already said, that these amendments put upon the bill by the Senate are enlightened legislation and do the Senate much honor. I also wish to call attention to the fact that upon a yea-and-nay vote in the House the motion to concur received 108 or 110 votes. I hope that the House will recede and agree to this amendment.

Mr. HOLMAN. Mr. Speaker, I rise only to call the previous question on the motion, and to say that I do not think there will be any very serious trouble in coming to some agreement about this item.

The question was taken on ordering the previous question upon the motion that the House recede from its disagreement to the amendment and agree to the same; and there were—ayes 51, noes 74.

Mr. WEAVER, of Iowa. I ask for tellers.

Mr. DINGLEY. I suggest to the gentleman from Iowa that he had better not press that demand, the gentleman from Indiana having assured us that an agreement can probably be reached upon this item in conference.

Mr. WEAVER, of Iowa. Very well; I do not press the demand for tellers.

Mr. CANNON. Mr. Speaker, I move that the House recede from its disagreements to the amendments numbered 39 and 40.

The amendments were read, as follows:

Amendment numbered 39: Page 15, line 7, after "dollars," insert "one clerk of class 3."

Amendment numbered 40: Page 15, line 7, after "one" where it occurs the third time in said line insert "two clerks at $900."

Mr. CANNON. A single word, Mr. Speaker, about these amendments. This one clerk at $1,600 and these two clerks at $900 have been put into the bill by the Senate for the Civil Service Commission. A communication from that commission to the Senate committee, which is embodied in the report upon this subject, states:

The clerical force of the commission now consists, besides the secretary and stenographer, of one clerk of class 2 and one clerk of class 1. The appropriation bill just passed by the House provides for the same force for the coming year. It is utterly inadequate, being barely sufficient (with the help of the messenger, who is an expert type-writer, and the laborer, who is constantly employed on clerical work), for the dispatch of absolutely current work, leaving the important records and tabulations which should be kept up to date untouched. It is therefore recommended that to the present force there be added one clerk of class 3 and two clerks at $1,000.

The Senate amends that suggestion by providing for one clerk of class 3 and two clerks at $900. I have read the statement of the Civil Service Commission. Let me say, in addition, that I am not here to fight the battle of this Civil Service Commission, but, as long as the law re-

mains upon the statute-book and you keep the Civil Service Commission, for one I am willing to give them the force that is necessary, and that without reference to whether the commission performed its duty or not. To be perfectly honest and frank about it, I am inclined to think that whether you give this force or whether you do not give it, the duty of that commission in enforcing the law in good faith will be neglected; yet while the law remains on the statute-book and the commission remains in existence I, as a member on the minority side of this House, do not propose to furnish you, or your administration, or your commission any excuse for not performing its duty.

Having said this much and made this motion to concur, so far as I am concerned I am ready to vote.

Mr. SPRINGER. Mr. Speaker, I think, in view of the fact that the Civil Service Commission have sent a communication to the Senate stating that they need this additional force for the proper discharge of their duties, the House ought in all fairness to agree to this additional allowance. I hope that will be done even without a division, in order that this arm of the public service may be enabled to go on and perform its functions as the law requires it to do. I hope there will be no objection.

Mr. HOLMAN. Mr. Speaker, before calling the previous question I simply wish to add that the objection to these items is that when we once organize a bureau its tendency always is to extend and increase the number of its employés and enlarge its expenditures. These bureaus seem to grow steadily and remorselessly, without any possibility of their being restricted unless by the positive action of Congress. The tendency is to magnify every public employment, to magnify the duties of every office, and I think that especially in the early history of a Government bureau there ought to be great hesitation in yielding to its demands for increased force and larger expenditure. It is for that reason the conferees on the part of the House did not yield this point.

Mr. SPRINGER. I concede the force of the gentleman's argument, but the country is growing, and I think these Departments must grow with the growth of the country.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

The question being taken on the motion of Mr. CANNON that the House recede from its disagreements to Senate amendments 39 and 40 and agree to the same, there were—ayes 67, noes 77.

Mr. CUTCHEON. I call for the yeas and nays.

Mr. SPRINGER. Oh, no; let us have tellers.

The yeas and nays were ordered.

Mr. BUTTERWORTH. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BUTTERWORTH. Is this a motion to concur in the amendment of the Senate allowing additional clerks?

The SPEAKER. The Senate adopted two amendments allowing three additional clerks to the Civil Service Commissioners. The House disagreed to those amendments. The gentleman from Illinois now moves that the House recede from its disagreement and agree to the amendments. The question is on that motion.

Mr. BRAGG. I desire to make an inquiry—I do not know whether it is a parliamentary question or not; it may be something of that nature. I desire to know whether there is any provision by which anybody will be authorized to examine these clerks before they are appointed.

Mr. CUTCHEON. They would come under the civil-service rules, and would have to pass the examination applicable to clerks of the classes specified.

The question was taken; and it was decided in the affirmative—yeas 123, nays 111, not voting 88; as follows:

YEAS—123.

Adams, G. E.	Findlay,	La Follette,	Ryan,
Allen, C. H.	Fleeger,	Laird,	Sawyer,
Atkinson,	Frederick,	Lindsley,	Scott,
Baker,	Fuller,	Long,	Smalls,
Bingham,	Gay,	Lyman,	Spooner,
Bound,	Gilfillan,	Markham,	Springer,
Boutelle,	Goff,	McComas,	Stephenson,
Boyle,	Hale,	McKenna,	Stone, E. F.
Brady,	Hall,	McKinley,	Strait,
Browne, T. M.	Harmer,	Millard,	Struble,
Brown, C. E.	Hayden,	Milliken,	Swinburne,
Bunnell,	Haynes,	Moffatt,	Taylor, I. H.
Burleigh,	Henderson, D. B.	Morrill,	Taylor, Zach.
Burrows,	Henderson, T. J.	Nelson,	Thomas, O. B.
Butterworth,	Hepburn,	O'Neill, Charles	Thompson,
Bynum,	Herbert,	Osborne,	Townshend,
Campbell, J. M.	Hermann,	Owen,	Wade,
Cannon,	Hiestand,	Parker,	Wadsworth,
Conger,	Hill,	Payne,	Wait,
Cooper,	Hires,	Payson,	Wakefield,
Cutcheon,	Hiscock,	Perkins,	Warner, William
Dargan,	Hitt,	Peters,	Weaver, A. J.
Davis,	Holmes,	Pettibone,	Weber,
Dibble,	Hopkins,	Pindar,	West,
Dingley,	Houk,	Pirce,	White, A. C.
Dorsey,	Howard,	Plumb,	White, Milo
Dunham,	Jackson,	Price,	Whiting,
Ely,	James,	Rice,	Willis,
Evans,	Johnson, F. A.	Rockwell,	Winans,
Everhart,	Johnston, J. T.	Romeis,	Worthington.
Farquhar,	Kelley,	Rowell,	

NAYS—111.

Adams, J. J.	Culberson,	King,	Sayers,
Allen, J. M.	Curtin,	Kleiner,	Shaw,
Anderson, C. M.	Davidson, A. C.	Laffoon,	Singleton,
Ballentine,	Dockery,	Landes,	Skinner,
Barksdale,	Dowdney,	Lanham,	Sowden,
Barnes,	Dunn,	Lawler,	Stewart, Charles
Barry,	Eldredge,	Lore,	St. Martin,
Belmont,	Ellsberry,	Lovering,	Stone, W. J., Ky.
Bennett,	Ermentrout,	Lowry,	Swope,
Blanchard,	Fisher,	Mahoney,	Tarsney,
Bliss,	Ford,	Martin,	Taulbee,
Blount,	Forney,	Matson,	Taylor, J. M.
Bragg,	Geddes,	Maybury,	Tillman,
Brumm,	Gibson, C. H.	McAdoo,	Trigg,
Burnes,	Glass,	McCreary,	Turner,
Cabell,	Glover,	McMillin,	Van Eaton,
Caldwell,	Green, R. S.	McRae,	Wallace,
Campbell, J. E.	Halsell,	Merriman,	Ward, J. H.
Candler,	Harris,	Morgan,	Ward, T. B.
Carleton,	Hatch,	Murphy,	Weaver, J. B.
Catchings,	Henderson, J. S.	Neal,	Wellborn,
Clardy,	Henley,	Oates,	Wheeler,
Clements,	Holman,	Perry,	Wilkins,
Collins,	Hudd,	Randall,	Wilson,
Comstock,	Hutton,	Reagan,	Wise,
Cowles,	Irion,	Reid, J. W.	Wolford,
Crisp,	Johnston, T. D.	Richardson,	Woodburn.
Croxton,	Jones, J. H.	Sadler,	

NOT VOTING—88.

Aiken,	Dawson,	Little,	Riggs,
Anderson, J. A.	Dougherty,	Louttit,	Robertson,
Arnot,	Eden,	Miller,	Rogers,
Barbour,	Felton,	Mills,	Scranton,
Bayne,	Foran,	Mitchell,	Seney,
Beach,	Funston,	Morrison,	Sessions,
Bland,	Gallinger,	Morrow,	Seymour,
Breckinridge, C. R.	Gibson, Eustace	Muller,	Snyder,
Breckinridge, WCP.	Green, W. J.	Neece,	Spriggs,
Brown, W. W.	Grosvenor,	Negley,	Stahlnecker,
Buchanan,	Grout,	Norwood,	Steele,
Buck,	Guenther,	O'Donnell,	Stewart, J. W.
Campbell, Felix	Hammond,	O'Ferrall,	Stone, W. J., Mo.
Campbell, T. J.	Hanback,	O'Hara,	Storm,
Caswell,	Heard,	O'Neill, J. J.	Symes,
Cobb,	Hemphill,	Outhwaite,	Taylor, E. B.
Compton,	Hewitt,	Peel,	Thomas, J. R.
Cox,	Jones, J. T.	Phelps,	Throckmorton,
Crain,	Ketcham,	Pidcock,	Tucker,
Daniel,	Le Fevre,	Ranney,	Van Schaick,
Davenport,	Lehlbach,	Reed, T. B.	Viele,
Davidson, R. H. M.	Libbey,	Reese,	Warner, A. J.

So Mr. CANNON's motion was agreed to.

During the roll-call,

On motion of Mr. SPRINGER, by unanimous consent, the reading of the names was dispensed with.

The following pairs were announced from the Clerk's desk:

Until further notice:

Mr. SPRIGGS with Mr. OWEN.

Mr. DAWSON with Mr. RANNEY.

Mr. HEARD with Mr. BAYNE.

Mr. HAMMOND with Mr. CASWELL.

Mr. NORWOOD with Mr. O'DONNELL.

Mr. VIELE with Mr. GALLINGER.

Mr. ROBERTSON with Mr. STEELE.

Mr. FELIX CAMPBELL with Mr. DAVENPORT.

Mr. RIGGS with Mr. PHELPS.

Mr. STORM with Mr. LOUTTIT.

Mr. SNYDER with Mr. BRADY.

Mr. PIDCOCK with Mr. SYMES.

Mr. O'FERRALL with Mr. VAN SCHAICK.

Mr. GREEN, of North Carolina, with Mr. HANBACK.

Mr. ARNOT with Mr. THOMAS, of Illinois.

Mr. REESE with Mr. BUCHANAN.

Mr. BARBOUR with Mr. LIBBEY, until December next.

Mr. ROGERS with Mr. EZRA B. TAYLOR, until the end of the session.

For this day:

Mr. HEWITT with Mr. BUCK.

Mr. SENEY with Mr. FELTON.

Mr. MULLER with Mr. GUENTHER.

Mr. COX with Mr. LEHLBACH.

Mr. OUTHWAITE with Mr. LITTLE. If Mr. OUTHWAITE were present, Mr. LITTLE would vote in the affirmative.

Mr. THROCKMORTON with Mr. SESSIONS.

Mr. LE FEVRE with Mr. NEGLEY.

Mr. WARNER, of Ohio, with Mr. ANDERSON, of Kansas.

The vote was then announced as above recorded.

Mr. HOLMAN. I move the House insist on its disagreement to the remaining amendments numbered 2 and 17.

Mr. CANNON. I ask the gentleman from Indiana [Mr. HOLMAN] as to the amendment numbered 17, which relates to Senators' clerks, whether he does not think the House should take some action?

Mr. HOLMAN. Oh, yes; it is a matter upon which the House will have to act.

Mr. CANNON. I ask the gentleman whether there is any necessity at this stage of the session to send the conference back only to report further disagreement?

Mr. HOLMAN. I suggest inasmuch as four amendments go to the conference this might as well go.

Mr. CANNON. I am perfectly willing if the other side of the House wishes another conference.

The SPEAKER. The Chair would like to call the attention of the gentleman from Indiana to the fact that the amendment numbered 41 changing the amount of appropriation so as to conform to the recommendation of the Civil Service Commission, has not been disposed of.

Mr. HOLMAN. That is to be concurred in.

The SPEAKER. If there be no objection the House will concur in that amendment.

There was no objection, and it was so ordered.

Mr. SPRINGER moved to reconsider the votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HOLMAN. I move the House further insist on its disagreement and ask for a further conference.

The motion was agreed to.

The SPEAKER appointed as managers on the part of the House Mr. HOLMAN, Mr. CABELL, and Mr. CANNON.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 758) granting a pension to Alexander Harper;

A bill (H. R. 944) for the relief of Mary Jane Conrad;

A bill (H. R. 1062) for the relief of Ernest H. Wardwell;

A bill (H. R. 1205) to provide for the construction of a bridge across the west channel of the Detroit River to connect Belle Isle Park with the mainland;

A bill (H. R. 3358) granting a pension to Hiram L. Wait;

A bill (H. R. 4139) for the relief of Thomas Sampson;

A bill (H. R. 4374) to increase the pension of Samuel Frost;

A bill (H. R. 5715) granting a pension to Mary Sprague;

A bill (H. R. 6087) granting a pension to Patrick Murphy;

A bill (H. R. 6979) authorizing the construction of additional lighthouse districts;

A bill (H. R. 7471) to provide for the establishment of additional aids to navigation to guide vessels through the channels leading to Pensacola, Fla.;

A bill (H. R. 7750) to place the name of John W. Payton on the pension-roll;

A bill (H. R. 8066) to pension Martha A. Vorhees;

A bill (H. R. 8351) for the relief of Edward Coleman;

A bill (H. R. 8372) granting a pension to John E. Doggett;

A bill (H. R. 8602) granting a pension to Sarah M. Carroll; and

A bill (H. R. 9438) appropriating money for the completion of the public building at Greensborough, N. C.

CARTER W. TILLER.

Mr. MATSON. I call up for consideration a bill (H. R. 4002) granting a pension to Carter W. Tiller, together with the accompanying message of the President. This bill has been twice before the House for consideration. I wish to say this pension claim is in the hands of a special examiner for the purpose of being investigated for allowance in the Pension Office. There seems to be but one point of difficulty remaining as to that claim; it is whether or not the soldier was in the line of duty at the time of capture. I think that can be cleared up by a special investigation. With a view of calling up other cases of the kind, at the request of the gentleman from Kentucky [Mr. TAULBEE] I ask that by unanimous consent the consideration of this matter be postponed to the fifth day of the next session of this Congress.

The motion was agreed to.

MRS. MARIA HUNTER.

Mr. MATSON. I call up as a matter of privilege for consideration a bill (H. R. 7167) granting a pension to Mrs. Maria Hunter, with the accompanying message of the President.

Mr. FORNEY. I raise the question of consideration against that, my object being to take up the fortification bill.

The SPEAKER. The gentleman from Alabama raises the question of consideration. The question is, Will the House now proceed to consider the message and bill?

Mr. MATSON. I want to make a suggestion. If in the judgment of the House it is important that this bill, the fortifications bill, should go to the Senate at an early date, I do not want to insist upon this measure, because it can be called up at any time after the appropriation bill has been disposed of.

Mr. FORNEY. This is the last one of the general appropriation bills.

Mr. SMALLS. I would like to ask the chairman of the Committee on Invalid Pensions to allow this bill to go over until next Friday, as Mr. O'HARA, who made the minority report, is not present and will not be in his seat until next week.

Mr. MATSON. I have no objection.

Several MEMBERS. Say next week.

Mr. SMALLS. Very well; I will suggest that it go over until next Tuesday.

Mr. SPRINGER. I must object to that; Friday is private bill day, and this should go over until then.

The SPEAKER. As the question of consideration is raised against the bill, the first question is, Will the House proceed to consider it.

Mr. FORNEY. I withdraw the question of consideration if it will facilitate the disposition of it.

The SPEAKER. The question is on postponing the further consideration until Friday next.

Mr. PERKINS. I think the Speaker misunderstood the gentleman from South Carolina. He modified his request and made it Tuesday.

Mr. SMALLS. Yes, sir; Tuesday next.

Mr. SPRINGER. I insist upon Friday, that being private-bill day.

Mr. SMALLS. We have taken up all of the private-bill days for weeks upon other matters.

The SPEAKER. The Chair will submit the question to the House.

Mr. SPRINGER. I move to amend the motion by setting the consideration of the bill for next Friday.

The question was taken; and on a division there were—ayes 52, noes 82.

So the motion was not agreed to.

The motion to postpone the consideration of the bill until Tuesday was then agreed to.

ELIZABETH LUCE.

Mr. MATSON. I now call up House bill No. 5997, granting a pension to Elizabeth Luce; and I ask it to be considered in connection with the message of the President stating his objections.

Mr. FORNEY. Against that I raise the question of consideration.

Mr. TOWNSHEND. I desire to ask the gentleman from Alabama how long a time the consideration of the fortifications bill will occupy?

Mr. FORNEY. I suppose we can get through with it to-morrow, unless gentlemen want the general debate extended. I understand four hours' debate is desired.

Mr. HOLMES. I trust this bill will be considered.

Mr. MATSON. I have learned enough of the condition of the appropriation bills to insist upon the consideration of this bill now, as against the fortifications bill. There is no immediate necessity for sending that bill to the Senate.

Mr. FORNEY. It is a question as to whether we will take up the general appropriation bill or a private bill.

Mr. RICHARDSON. I wish to make a parliamentary inquiry. There are two bills carried over from last Friday, both of them being private bills. I desire to ask if they do not come up prior to this one?

The SPEAKER. The Chair thinks not. These are private bills also, and are privileged under the Constitution.

Mr. BUTTERWORTH. I wish to say, in response to my colleague on the committee in charge of the fortifications bill, that this side of the House will expect two hours for general debate. I do not know what my friend wants on that side. But of course there is no pressing necessity for getting this bill to the Senate as they have their hands full.

Mr. REED, of Maine. And as reported it does not amount to much of a bill anyway. [Laughter.]

The question being taken, there were on a division—ayes 93, noes 73.

So the House determined to proceed to the consideration of the bill.

Mr. MATSON. Mr. Speaker, I now ask that this report be read and that the views of the minority be also read, and after that I propose to move the previous question, in which I hope I will be sustained by gentlemen on both sides of the House.

Mr. HOLMES. I trust the gentleman will not move the previous question yet, as a little explanation is desirable in regard to the medical evidence in this case.

Mr. MATSON. After the report is read if any gentleman insists that he has some word of explanation which is essential, I will yield ten or fifteen minutes.

The report of the Committee on Invalid Pensions on the veto message of the President of the United States, and the minority report accompanying the same, which have heretofore been printed in the RECORD, were again read.

Mr. MATSON. I now move the previous question.

Mr. HOLMES. I hope the gentleman will give at least twenty or thirty minutes' debate on this.

Mr. MATSON. It is impossible in the present state of the business. I am sure it is not needed, because the report sets forth the facts very fully.

Mr. LONG. I rise to a parliamentary inquiry. If the previous question is ordered will there not be fifteen minutes' debate on either side?

The SPEAKER *pro tempore* (Mr. MILLS in the chair). The previous question will cut off debate.

Mr. LONG. Does not the rule provide that where there has not been any debate fifteen minutes shall be allowed for and against after the previous question has been ordered?

The SPEAKER *pro tempore*. The reading of the report, which has been held to be in the nature of debate, has occupied the time.

Mr. HENDERSON, of Iowa. The chairman of the committee said that after the reports were read he would yield time to discuss it.

Mr. MATSON. I said if any gentleman stated that he had a particular point I would be willing to yield a few minutes. But the gentleman has asked thirty minutes, which is inadmissible.

The previous question was ordered; there being on a division—ayes 85, noes 79.

The SPEAKER *pro tempore*. The question now is, Will the House on reconsideration agree to pass the bill, the veto of the President to the contrary notwithstanding? And on this question the Constitution requires the yeas and nays to be taken.

The question was taken; and there were—yeas 116, nays 124, not voting 82; as follows:

YEAS—116.

Adams, G. E.	Frederick,	Landes,	Romeis,
Atkinson,	Fuller,	Lindsley,	Rowell,
Baker,	Funston,	Lyman,	Ryan,
Bingham,	Geddes,	Markham,	Sawyer,
Bound,	Gilfillan,	Maybury,	Smalls,
Boutelle,	Goff,	McComas,	Spooner,
Browne, T. M.	Grosvenor,	McKenna,	Stephenson,
Brown, C. E.	Grout,	McKinley,	Strait,
Brown, W. W.	Harmer,	Millard,	Struble,
Brumm,	Haynes,	Milliken,	Swinburne,
Bunnell,	Henderson, D. B.	Moffatt,	Tarsney,
Burleigh,	Henderson, T. J.	Morrill,	Taylor, I. H.
Burrows,	Hepburn,	Morrow,	Taylor, Zach.
Butterworth,	Hermann,	Nelson,	Thomas, O. B.
Campbell, J. M.	Hiestand,	O'Neill, Charles	Thompson,
Cannon,	Hires,	Osborne,	Wade,
Carleton,	Hiscock,	Owen,	Wadsworth,
Conger,	Hitt,	Parker,	Wait,
Cooper,	Holmes,	Payne,	Warner, William
Cutcheon,	Hopkins,	Payson,	Weaver, A. J.
Davis,	Houk,	Perkins,	Weaver, J. B.
Dingley,	Jackson,	Peters,	Weber,
Dorsey,	James,	Pettibone,	West,
Ely,	Johnson, F. A.	Pirce,	White, A. C.
Evans,	Johnston, J. T.	Plumb,	White, Milo
Everhart,	Kelley,	Price,	Whiting,
Farquhar,	Ketcham,	Reed, T. B.	Wolford,
Fleeger,	La Follette,	Rice,	Woodburn,
Foran,	Laird,	Rockwell,	Worthington.

NAYS—124.

Adams, J. J.	Dargan,	Hutton,	Sadler,
Allen, J. M.	Davidson, A. C.	Irion,	Sayers,
Anderson, C. M.	Davidson, R. H. M.	Johnston, T. D.	Scott,
Ballentine,	Dibble,	Jones, J. H.	Seymour,
Barksdale,	Dockery,	Kleiner,	Shaw,
Barnes,	Dougherty,	Laffoon,	Singleton,
Barry,	Dowdney,	Lanham,	Skinner,
Belmont,	Eden,	Lawler,	Sowden,
Bennett,	Eldredge,	Lore,	Springer,
Blanchard,	Ellsberry,	Lowry,	Stahlnecker,
Bland,	Ermentrout,	Martin,	Stewart, Charles
Bliss,	Fisher,	Matson,	St. Martin,
Blount,	Ford,	McAdoo,	Stone, W. J., Ky.
Boyle,	Forney,	McCreary,	Stone, W. J., Mo.
Bragg,	Gay,	McMillin,	Swope,
Breckinridge, C. R.	Gibson, C. H.	McRae,	Taulbee,
Breckinridge, WCP.	Glass,	Merriman,	Taylor, J. M.
Burnes,	Glover,	Mills,	Tillman,
Bynum,	Green, R. S.	Mitchell,	Townshend,
Cabell,	Hale,	Morgan,	Trigg,
Caldwell,	Halsell,	Morrison,	Turner,
Candler,	Harris,	Murphy,	Van Eaton,
Catchings,	Hatch,	Neal,	Wallace,
Clardy,	Hemphill,	Neece,	Ward, T. B.
Clements,	Henderson, J. S.	Oates,	Wellborn,
Cobb,	Henley,	Peel,	Wheeler,
Crain,	Herbert,	Perry,	Wilkins,
Croxton,	Hill,	Randall,	Willis,
Culberson,	Holman,	Reagan,	Wilson,
Curtin,	Howard,	Reid, J. W.	Winans,
Daniel,	Hudd,	Richardson,	Wise.

NOT VOTING—82.

Aiken,	Dawson,	Long,	Scranton,
Allen, C. H.	Dunham,	Louttit,	Seney,
Anderson, J. A.	Dunn,	Lovering,	Sessions,
Arnot,	Felton,	Mahoney,	Snyder,
Barbour,	Findlay,	Miller,	Spriggs,
Bayne,	Gallinger,	Muller,	Steele,
Beach,	Gibson, Eustace	Negley,	Stewart, J. W.
Brady,	Green, W. J.	Norwood,	Stone, E. F.
Buchanan,	Guenther,	O'Donnell,	Storm,
Buck,	Hall,	O'Ferrall,	Symes,
Campbell, Felix	Hammond,	O'Hara,	Taylor, E. B.
Campbell, J. E.	Hanback,	O'Neill, J. J.	Thomas, J. R.
Campbell, T. J.	Hayden,	Outhwaite,	Throckmorton,
Caswell,	Heard,	Phelps,	Tucker,
Collins,	Hewitt,	Pidcock,	Van Schaick,
Compton,	Jones, J. T.	Pindar,	Viele,
Comstock,	King,	Ranney,	Wakefield,
Cowles,	Le Fevre,	Reese,	Ward, J. H.
Cox,	Lehlbach,	Riggs,	Warner, A. J.
Crisp,	Libbey,	Robertson,	
Davenport,	Little,	Rogers,	

So (two-thirds not having voted in favor of the bill) on reconsideration, it failed to pass.

Mr. GUENTHER. I am paired with Mr. MULLER, of New York, on all political questions. If this is to be considered a political question I will withdraw my vote. I will leave it to the Chair to determine.

The SPEAKER *pro tempore* (Mr. MILLS). That is a question which the gentleman must decide for himself.

Mr. GUENTHER. Judging from the vote it seems to have been made a political question, and I am somewhat uneasy about it. As it seems to be considered a political question, I withdraw my vote.

Mr. MATSON. I ask unanimous consent to dispense with the reading of the names.

Mr. HOLMES. I object.

The following additional pairs were announced:

Mr. CAMPBELL, of Ohio, with Mr. WAKEFIELD, for the rest of the day.

Mr. PINDAR with Mr. SCRANTON, for the rest of the day.

Mr. MILLER with Mr. HAYDEN, on this vote.

Mr. CRISP with Mr. DUNHAM, on this vote.

The result of the vote was then announced as above stated.

Mr. HOLMES. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HOLMES. It is whether a motion would be in order to reconsider the vote just taken?

The SPEAKER *pro tempore*. The question on which the House has just voted is a question of reconsideration, and a motion to reconsider that vote would not be in order.

MRS. SARAH YOUNG.

Mr. WINANS. I submit a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2113) granting a pension to Mrs. Sarah Young, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same with an amendment as follows: In lieu of the word "twelve" insert the word "twenty;" and the House agree to the same.

EDWIN B. WINANS,
JOHN A. SWOPE,
E. H. CONGER,
Managers on the part of the House.

PHILETUS SAWYER,
JAMES F. WILSON,
W. C. WHITTHORNE,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

The effect will be to grant the beneficiary a pension at the rate of $20 per month from the passage of the act.

EDWIN B. WINANS.
JOHN A. SWOPE.
E. H. CONGER.

The report was adopted.

Mr. WINANS moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIGHT-HOUSE SUPPLY STEAMER.

Mr. CLARDY. I submit the report of a committee of conference.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7627) providing for the construction of a light-house supply steamer for the Atlantic and Gulf coasts, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with amendments as follows: In section 2 strike out all of line 3 and the first three words in line 4; after the words "New York," in line 5, insert "the cost of which shall not exceed the sum of $40,000;" in line 7, after the word "of," strike out "forty" and insert "three;" and at the end of the section add "and also to place and maintain at or near the southeast end of Hog Island Shoal, Narragansett Bay, Rhode Island, the light-ship recently withdrawn from Eel Grass Shoal;" so that the section will read: "That the Light-House Board is authorized and required to establish and maintain light-ships at the following-named places: One at or near the south end of Ram Island Reef, Fisher's Island Sound, Long Island, New York, the cost of which shall not exceed the sum of $4.000; one, the cost of which shall not exceed the sum of $3,000, to be stationed off Grosse's Point, Lake Saint Clair, Michigan, and also to place and maintain at or near the southeast end of Hog Island Shoal, Narragansett Bay, Rhode Island, the light-ship recently withdrawn from Eel Grass Shoal."

MARTIN L. CLARDY,
T. E. TARNSEY,
W. W. MORROW,
Managers on the part of the House.

S. J. R. McMILLAN,
J. N. DOLPH,
A. P. GORMAN,
Managers on the part of the Senate.

The following is the statement of the House conferees:

In the matter of conference on Senate amendments to bill H. R. 7627, providing for the construction of a light-house supply steamer for the Atlantic and Gulf coasts, the managers on the part of the House report that the second amendment relates to a change of the title of the bill made necessary by the adoption of Senate amendment numbered 1.

Senate amendment numbered 1 provided for the construction of a light-ship at or near the south end of Ram Island Reef, Fisher's Island Sound, Long Island, to which the managers on the part of the House agreed with an amendment that the cost of such light-ship shall not exceed $40,000; said amendment numbered 1 provided also for a light-ship at or near Grosse Pointe, Lake Saint Clair, Michigan, the cost of which should not exceed $40,000, to which the managers on the part of the House agreed with an amendment striking out $40,000 and inserting $3,000.

Said amendment further provided for the establishment of a light-ship at the southeast end of Hog Island Shoal, Narragansett Bay, Rhode Island, to which the managers on the part of the House agreed with an amendment directing the Light-House Board to place and maintain at such point the light-ship re-

cently withdrawn from Eel Grass Shoal, the effect of which is to obviate the necessity of constructing a new light-ship.

MARTIN L. CLARDY.
T. E. TARSNEY.
WM. W. MORROW.

The report was adopted.

Mr. CLARDY moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ROAD TO KNOXVILLE NATIONAL CEMETERY.

Mr. HOUK. I submit a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 5866) to construct a road to the national cemetery at Knoxville, Tenn., after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

That the Senate recede from its amendment numbered 2.

C. M. ANDERSON,
L. C. HOUK,
Managers on the part of the House.
JOHN A. LOGAN,
BENJ. HARRISON,
Managers on the part of the Senate.

Mr. SPRINGER. The report does not state the effect of the amendments.

Mr. HOUK. The effect, if the gentleman will permit me, is this: Through a mistake, General LOGAN added two amendments instead of one, having misread the Quartermaster-General's letter. We are not building the road as far as the original bill contemplated, and the first amendment cuts the road off about half way. Then, through a mistake, he made the bill read that the road should be 35 feet wide. We want it 50 feet, and the Senate agrees to that.

The conference report was adopted.

Mr. HOUK moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN W. FARRIS.

Mr. MORRILL. Mr. Speaker, I present a privileged report from the Committee on Invalid Pensions in relation to the bill (H. R. 5137) granting a pension to John W. Farris. I ask that the report be printed in the RECORD and lie over.

There was no objection, and it was so ordered.

Mr. MATSON. I ask leave to file the views of the minority in that case.

There was no objection, and it was so ordered.

The following is the report:

Mr. MORRILL, from the Committee on Invalid Pensions, submitted the following report:

The Committee on Invalid Pensions, to whom was referred the veto message of the President of the United States on the bill (H. R. 6136) granting an increase of pension to John W. Farris, submit the following report:

This bill was considered by the Committee on Invalid Pensions and was favorably reported May 4, 1866. The bill, having passed both Houses of Congress, was presented to the President, who returned it June 21, 1886, with the following message:

To the House of Representatives:

I hereby return without approval a bill originating in the House of Representatives, entitled "An act granting an increase of pension to John W. Farris," which bill is numbered 6136.

The claimant mentioned in this bill enlisted in the month of October, 1861, and was mustered out of the service in August, 1865.

In 1881, sixteen years after his discharge, he filed an application for a pension, alleging that he was afflicted with chronic diarrhea, contracted in the Army, and in 1885 his claim was allowed and he was granted a pension for that cause.

In September of the same year, and after this pension was granted, he filed an application for an increase of his rate, alleging that in 1884, his eyes became affected in consequence of his previous ailments and the debility consequent thereupon.

The ingenuity developed in the constant and persistent attacks upon the public Treasury by those claiming pensions and the increase of those already granted is exhibited in bold relief by this attempt to include sore eyes among the results of diarrhea.

I am entirely satisfied with the opinion of the medical referee, who, after examining this case in October, 1885, reported that "the disease of the eyes can not be admitted to be a result of chronic diarrhea."

On all grounds it seems to me that this claimant should be contented with the pension which has been already allowed him.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 21, 1886.

[H. R. 6136. Forty-ninth Congress, first session.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of John W. Farris, late first lieutenant and adjutant of the Forty-eighth Illinois Volunteers, for disease of eyes, subject to the provisions and limitations of the pension laws.

Claimant enlisted in Company K, Forty-eighth Illinois Volunteers, being at the time only fifteen years of age. September 8, 1864, he was promoted to be second lieutenant of his company, and was afterward promoted to be first lieutenant and adjutant of his regiment, and was mustered out August 16, 1865. On September 9, 1881, he made application for a pension, alleging chronic diarrhea and general debility. January 16, 1885, this application was approved, and pension allowed for "chronic diarrhea and resulting general debility." It is shown in the evidence that he contracted measles in the service, from which he had not fully recovered when he engaged in the battle of Shiloh, where he received a gunshot wound in his head, but did not leave the field. That from the effects of the measles and the exposure at said battle he contracted chronic diarrhea from which he has suffered ever since, and for which he is now receiving a pension.

September 4, 1885, claimant filed an application for increase of pension, alleging "that since the granting of said certificate affiant's general condition has grown worse. That in July, 1884, he was taken with sore eyes, and that said sore eyes resulted from the long and aggravated general debility contracted in the Army." February 16, 1886, the application for increase was rejected on the ground that "the disease of the eyes can not be admitted as the result of chronic diarrhea."

It will be noticed that in his application for increase he alleges that the disease of his eyes was the result of the general debility contracted in the Army; the medical examiner, if your committee understand his language, denies that the disease of the eyes can be the result of chronic diarrhea. The following evidence was submitted in support of his claim. Dr. James McComb, a reputable physician of twenty years, testifies under date of January 27, 1886:

"I have frequently treated him for chronic diarrhea, and have known for many years that he was a sufferer from that disease; that in 1884, when he was first attacked with conjunctivitis, I, in connection with my partner, Dr. Billings, treated the claimant until he went to the city of Saint Louis for treatment by Dr. Michel, professor of opthalmology in Missouri Medical College; that, in my opinion, his impaired vision and protracted eye disease is the result of a chronic constitutional disability."

Dr. James M. Billings, of Lebanon, Mo., testifies, January 27, 1886:

"I have often treated claimant for chronic diarrhea, with which he was afflicted. That in 1884, when claimant was attacked with sore eyes, Dr. McComb and myself treated him until he went to Saint Louis for treatment by an oculist. That at the time I first treated the claimant for sore eyes I attributed said disease to constitutional causes, and I am now, and ever have been from that time, of the opinion that his impaired vision and protracted eye disease is the result of a vitiated constitution."

Dr. Charles E. Michel, oculist, of Missouri Medical College, certifies "that he has been treating Senator J. W. Farris for chronic conjunctivitis with granulation since January, 1885, and that I am satisfied that a vitiated constitutional condition is to blame for his impaired vision and prolonged eye affection."

The examining board of surgeons at Lebanon, Mo., report, October 21, 1885:

"We find the conjunctiva of both eyelids thickened and in a state of chronic inflammation. There is an opacity of the cornea of both eyes, resulting from ulceration, which is of the nebulous variety. The vessels of the conjunctiva of the cornea are very much enlarged. The opacity of the left cornea extends over the pupil, and almost completely obstructs the vision. That of the right eye is less extensive—about two-thirds. He can not distinguish the largest test type with the left eye, but with the right eye can distinguish it at a distance of 17 inches. He is totally incapacitated for manual labor. He is in our opinion entitled to a second-grade rating for the disability caused by chronic diarrhea resulting in general debility and sore eyes."

This evidence was carefully discussed and weighed when the case was considered by the committee. Upon the committee are two able physicians of long and extensive practice. The evidence was submitted to them, and they were requested to decide upon the merits of the question as to whether disease of the eyes would be a natural result of long-continued chronic diarrhea and general debility. They decided, after a careful consideration of the matter, that it would be, and recommended a favorable report in the case. Dr. John Swinburne, a member of this House, one of the most noted physicians of this country, a gentleman who for forty years has had a large and varied practice, who was himself a distinguished Army surgeon during the late war, and afterward at the siege of Paris, expresses himself as follows:

"My experience is that where any inflammation occurs while one is suffering from any exhausting disease, such as chronic diarrhea of years' standing, and especially those involving the eyes (conjunctivitis), the disease becomes chronic, and does not yield so long as the diarrhea continues. Also that persons suffering from chronic diarrhea, or other exhaustive ailments, are more liable to contract low forms of inflammation, and particularly the eyes (conjunctivitis)."

Your committee in considering this case had before them the evidence of five physicians, men known to be skilled in the practice of their profession—one of them a distinguished oculist, and a professor of a well-known medical college—who, after a personal examination of claimant and months of acquaintance with him, declared that they were satisfied that his disease of the eyes was the result of his "vitiated constitutional condition." The other able physicians who had examined the evidence declared that the conclusions reached by those who had examined the claimant were logical and reasonable.

On the other hand was the statement of the medical examiner, that "the disease of the eyes can not be admitted as the result of chronic diarrhea," and this was formally approved by the medical referee. Neither of them had ever seen the man, nor can your committee discover that they had any evidence before them except the affidavits of the five physicians which are set forth in this report. It was simply a question whether the opinions of two men, who had never seen a patient, should weigh more than those of five just as able and as skilled, who had personally examined him, with the judgment of three more added who had given the case just as careful thought and attention as the two had.

But there are other matters which enter into a full and fair consideration of this case. Your committee, in considering the bills that have been referred to them, have labored under the impression that they were not wholly restricted to the consideration of cases that could properly be allowed in the Pension Office, nor were they confined to the rules and regulations of that bureau, but they have assumed that they had an enlarged jurisdiction, and that upon them devolved the delicate duty of meting out justice and equity in cases where adequate relief could not be afforded under existing laws. They do not therefore deem it absolutely essential that it shall be proven with mathematical certainty that this claimant's loss of sight was entirely the result of his military service. It is probably beyond the power of human skill to trace unerringly the connection between his present disability and the days and months lengthened into years that he passed in camp and on the march or the terrible ordeals of the battlefields and the hospitals.

It is known that this man enlisted early in the war when a mere lad; that he served nearly four years, though much of the time a constant sufferer from the terrible disease which has clung to him ever since. That he was a brave and gallant soldier, and so distinguished himself by his fidelity and bravery that he won two commissions before he was twenty years of age. That he came out of the service diseased and broken down, justly entitled to a pension, which he proudly refused to accept until worn and weakened by his disability incurred in the service. That for sixteen years he cheerfully surrendered to the Government that pension to which he was justly entitled. That he has now entirely lost the sight of one eye, and that of the other is very seriously impaired. In a few more months he will probably be forever shut out from the light of the sun, and for him during the remainder of his years on earth there will only be one endless night. If this brave boy had not enlisted in the military service of the United States he would have been now, at the age of forty years, in the prime of manhood instead of being an almost helpless wreck. That Congress has the power to grant the relief asked for no one questions. That it is its duty your committee, without a dissenting voice, believe. They therefore recommend the passage of the bill, the objection of the President to the contrary notwithstanding.

The views of the minority will be submitted hereafter.

INTEROCEANIC CANAL.

Mr. BELMONT. Mr. Speaker, I desire to submit a privileged report.

The SPEAKER *pro tempore*. The report will be read.

The report was read, as follows:

The Committee on Foreign Affairs, having had under consideration the following resolution, beg leave to report the same with an amendment in the nature of a substitute, and recommend its adoption:

"*Resolved*, That the President be requested, if not incompatible with the public interests, to furnish the House of Representatives with all correspondence not heretofore made public between the Government of the United States and the Republics of Nicaragua and Costa Rica since 1876 in reference to the location and construction of an interoceanic canal via San Juan River and Lake Nicaragua, and relating to the treaty or other rights of the bordering republics."

The substitute was agreed to.

The resolution as amended was then adopted.

Mr. BELMONT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DAVID T. ELDERKIN.

Mr. CONGER. Mr. Speaker, I desire to present a privileged report from the Committee on Invalid Pensions on the bill (H. R. 5995) granting a pension to David T. Elderkin and the President's message vetoing the same. I ask that the report be printed in the RECORD and lie over.

There was no objection, and it was so ordered.

Mr. MATSON. I will ask leave to file the views of the minority in that case.

There was no objection, and it was so ordered.

The report is as follows:

The Committee on Invalid Pensions, to whom was referred the message of the President of the United States returning House bill 5995 with his objections thereto, report.

The veto message is as follows:

To the House of Representatives:

I return herewith without approval House bill No. 5995, entitled "An act granting a pension to David T. Elderkin."

This claimant enlisted August 5, 1862. From his record it appears that he was dishonorably discharged the service, to date from June 11, 1863, with loss of all pay, bounty, and allowances.

He filed a declaration for a pension in 1882, claiming that he was wounded in the head by a shell January 1, 1863, which cut his cheek close to his right ear, causing almost total deafness.

There is conflicting evidence as to the claimant's freedom from deafness prior to enlistment, and on a special examination it was shown that he was slightly hard of hearing before enlistment. Indeed the claimant himself stated to the special examiner and also to the board of surgeons that he had been somewhat deaf from childhood.

In 1882 an examining surgeon reports that he finds no scar or evidence of wound, but his hearing is very much impaired.

The claim was rejected in 1885 on the ground that deafness existed prior to enlistment, and also because of no ratable disability by reason of alleged wound in the cheek.

I think, considering the manner of the soldier's discharge and the facts developed, that the claimant should not be pensioned.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 23, 1886.

[H. R. 5995. Forty-ninth Congress, first session.]

An act granting a pension to David T. Elderkin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and hereby is, authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of David T. Elderkin, late of Company K, One hundredth Regiment Illinois Infantry Volunteers.

JOHN G. CARLISLE,
Speaker of the House of Representatives
JOHN SHERMAN,
President of the Senate pro tempore.

I certify that this act originated in the House of Representatives.

Attest: JNO. B. CLARK, JR., *Clerk.*

The following is the military history of this soldier:

He enlisted August 5, 1862, in Company K, One hundredth Regiment Illinois Infantry Volunteers; was wounded and taken prisoner at battle of Stone River, December 31, 1863; confined in Libby prison forty-one days; paroled at Annapolis, Md., and sent to Benton barracks, Missouri, from whence, upon the advice of commander and officers, he went home with the assurance that his discharge would follow him. Not receiving it, he returned in two weeks and went home again upon same advice. His discharge was not sent him, but he never returned, being totally unfit for duty, and was never paid. On June 23, 1875, he received from the War Department a dishonorable discharge "to date from June 11, 1863, with loss of all pay, bounty, and allowance."

On October 14, 1882, he filed application for pension, alleging that at battle of Murfreesborough or Stone River, Tennessee, he received a shell wound on side of the head by a shell which had taken off the head of a fellow soldier just before it struck him, which wound has resulted in his almost total deafness, and that he was captured, &c., as above stated. This claim was rejected November 5, 1885, "on the ground that said disability existed before enlistment."

A large amount of testimony has been taken in this case, by two special examiners, and it is clearly proven that claimant was slightly deaf at enlistment, but not to such a degree as prevented his acceptance into the service by examiner, and his performance of the duties of a soldier, until wounded in battle and taken prisoner.

Special Examiner J. J. Purman, who seems to have made a very extensive and thorough examination in Illinois among claimant's old comrades, says he finds conclusive evidence that soldier was somewhat deaf at enlistment, but also finds evidence showing that he was much deafer after the battle of Stone River than before, and recommends rejection for deafness alone, but thinks claimant entitled to something for the wound and its results.

Peter M. Chisholm, of Joliet, Ill., and whose reputation and character are certified to as excellent, testifies before special examiner:

"I first got acquainted with claimant in 1859; lived just 1 mile from him; he and I enlisted about the same time. * * * At the battle of Murfreesborough claimant and myself were both taken prisoners. I was taken prisoner two or three days before the battle and he was taken at the time of the battle. While we were both prisoners at Chattanooga, Tenn., and while the battle was yet going on, I met the claimant and I could hardly make him hear, and I asked him what made him so much more deaf than he used to be, and he then told me he had got hurt in the battle of Murfreesborough. He said a cannon-ball had passed by and just grazed his head and shoulders on the left side, and that since that he could not hear as well as before. He came home from the service in June, 1863, and I was mustered out in June, 1865.

"The same summer or the fall after I came home I met claimant and he was more deaf than when I last saw him in the Army."

In another affidavit Chisholm testifies:

"In regard to the charge of desertion that is made against David Elderkin, of Company K, One hundredth Illinois Volunteer Infantry, on file in the War Department at Washington, I, Peter M. Chisholm, of Braidwood, Will County, Illinois, being duly sworn, depose and say that I was a private in Company E, One hundredth Illinois Volunteers; that I enlisted about August 18, 1862, at New Lenox, Ill., and that I am and have been intimately acquainted with David Elderkin since 1859. I knew when he enlisted and was near him on the march south from Nashville, Tenn., just before the battle of Stone River which took place January 1, 1863; that I was taken prisoner about December 28, 1862; that I did not see Elderkin again till about January 1, 1863, when he arrived a prisoner at Chattanooga, Tenn., where I was also held as a prisoner by the rebels; that we were both taken from this place to Richmond, Va., together, that when we arrived there we were separated, he going to Libby prison and I to Castle Thunder; that I saw him one day while he was in Libby prison; that I was paroled and sent to Annapolis, Md.

"After being there some ten days David Elderkin arrived, and I met him on the wharf when the boat arrived. After remaining there some time we were sent to Benton barracks, Missouri. We arrived there together on March 17, 1863. He was very deaf, and I took him to a doctor of an Illinois regiment, whose name I have since forgotten, and asked him if he could do anything for this man. The doctor examined him and said he would have to be discharged, that he was not fit for the service. Elderkin then asked for a discharge, but the doctor told him he had no orders to examine him, but that he would have to be discharged.

"Some of the officers and soldiers, to my certain knowledge, advised him to go home; that he was unfit for the service, and that if he went home his discharge would follow him. As I was a particular friend of his, he came to me to consult about the matter, and asked me what would be the result if he went home. I told him it would be all right; that they could not hurt him as he was not fit for the service. This I gave him as my opinion. He then went home, but returned in about two weeks to see about his discharge. His discharge had not arrived. So I and other soldiers then advised him to go home and report to the provost marshal and state his case to him; that he was unfit for duty, and would be discharged. I had great influence over him, and it may be that I am to blame for his going home as he did. I am willing to swear positively that he never intended to desert.

"David Elderkin was a very conscientious man, and I do not believe he could be induced to do anything he thought wrong. He was not posted as to the rules and regulations, and in this matter acted entirely on the advice of others. I was with him almost continually from the close of the battle of Stone River till he left Benton Barracks, Missouri, which was some time in June, 1863. I am no relation of David Elderkin, and have no interest whatever in the clearing up of his case."

Several other affidavits are on file showing that his hearing was much worse after he returned from the Army than it was before. He claims to have a roaring sound in his ears like musketry or artillery, which has existed ever since the wound was received, but with greater severity in last few years.

The following is taken from the examination by the full board at Waverly, Iowa, July 30, 1885:

"On percussing his head, he says, it jars all over and aches like a toothache; that the noise in his head came right on after the injury, but two years ago last spring the noises became very much exaggerated and have continued so until this time. Owing to his mental inaptitude his wife gave most of the answers to our inquiries * * * He can not hear the watch tick at the ear or in the mouth, but does hear loud conversation (his wife says a good deal by the lip movements of the speaker).

"On rough handling at the angle of the lower jaw, he says it hurts on the scarred angle, which is a little swollen. Upon the statement of claimant that the ringing in his ears commenced upon the receipt of injury, and has continued ever since, and became worse two years ago last spring, we rate on the subjective symptoms only, namely: injury to the jaw and resulting hyperesthesia of the brain and nerves. He is, in our opinion, entitled to an 8-8 total rating for the disability caused by injury to jaw and disorder of brain."

It is not an uncommon thing for persons suffering from deafness caused by such injuries as this of Elderkin's, and with such resulting ringing and roaring in their heads, to finally become insane.

This result has already come upon Daniel Elderkin, as will be seen by the following affidavit of the commissioners of insanity for Black Hawk, Iowa:

"The undersigned, Dr. D. W. Crouse and E. T. Corwin, commissioners of insanity of said county, do hereby certify that we were present at the examination of David T. Elderkin for custody and treatment as an insane person. Said Elderkin was laboring under the delusion that he saw the head of a comrade taken off by a shell in battle, &c., and that the evidence in the case, with his actions, were conclusive beyond a doubt that said Elderkin was of unsound mind."

It is also in proof that claimant is very poor, and has a wife and seven children. The following petition is on file in the case, signed by a very large number of citizens, many of them, officers and business men of the county, of the very highest character and standing:

"Your petitioners, citizens of Black Hawk County, Iowa, respectfully show that we are personally acquainted with David T. Elderkin, of Finchford, this county, formerly of Company K, One hundredth Regiment Illinois Volunteers; that he has resided in this county for a number of years; that before he became insane he was a man of truth and veracity, and any statements he then made in regard to his claim for a pension are entitled to full credit and belief. Also, that, so far as his health would permit, he has been a hard-working, industrious man up to the time his health failed and he became insane; that he has a wife and children that are dependent almost entirely on him for their support; that we believe him entitled to a pension. And will forever pray," &c.

This seems to your committee a very sad and a very meritorious case, and the only possible objection to its passage lies in the fact of his dishonorable discharge. But this seems to be fairly explained, and while technically the soldier might have been a deserter, he certainly was not in spirit or intent. Knowing that he was valueless as a soldier, upon the advice of his friends he went home, and openly remained there expecting his discharge.

The Pension Office does not seem to have considered this as a bar to his receiving a pension, else why send examiners into several States at great expense to determine the other questions involved without any reference to this.

This man was accepted into the service as sufficiently sound for enrollment. He served faithfully until wounded and taken prisoner. His disability has continued to increase until now it has developed into hopeless insanity. He never received any pay.

In view of the high character of this claimant, as testified to by the best citi-

zens of his county, his disease and deplorable insanity, unquestionably resulting from his wound and the circumstances connected therewith, as shown by the testimony of the insane commission quoted above, and the recommendation of the Waverly examining board, your committee believe that a generous and grateful Government can and should afford the relief asked for, regardless of the formal dishonorable discharge, and therefore recommend the passage of the bill, the objections of the President to the contrary, notwithstanding.

The views of the minority will be submitted hereafter.

MRS. CATHARINE M'CARTY.

Mr. MATSON. I desire to call up the bill (H. R. 5603) granting a pension to Mrs. Catharine McCarty, and ask for its present consideration, with the message of the President stating his objections. I ask that the report be read, and also the views of the minority.

The report and the views of the minority, heretofore printed in the RECORD, were read.

The SPEAKER *pro tempore*. The question is, Will the House, on reconsideration, agree to pass this bill? And on that the gentleman from Indiana [Mr. MATSON] demands the previous question.

Mr. WEAVER, of Iowa. Mr. Speaker, I will say to the chairman of the Committee on Invalid Pensions that I desire an opportunity to explain this bill.

Mr. MATSON. I withdraw the demand for the previous question and yield five minutes to the gentleman from Iowa.

Mr. CONGER. Mr. Speaker, I desire to ask the chairman of the Committee on Invalid Pensions to yield us more time for the consideration of this question. It is only just to the gentlemen who have joined in making this report that they should have time to state their reasons for recommending the passage of the bill over the veto.

Mr. MATSON. The gentlemen who have joined in the report have stated their case in their own way in the report. The gentleman from Iowa who introduced the bill [Mr. WEAVER] asks five minutes and I have yielded him that time.

Mr. CONGER. The chairman knows very well, however, that there is not an opportunity in a report of this kind to state all the circumstances of a case.

Mr. MATSON. If the report does not state all the circumstances, that certainly is not the fault of the gentleman, who did not write the report. I yield five minutes to the gentleman from Iowa [Mr. WEAVER].

Mr. WEAVER, of Iowa. Mr. Speaker, I would like the close attention of the House during the few minutes that I am to speak.

Mr. BOUTELLE. I rise to a parliamentary inquiry. I wish to know whether, under the rules, fifteen minutes' debate are not allowed on each side?

The SPEAKER *pro tempore*. That time is allowed where there has been no debate, but in this case there has been the reading of the report, which is in the nature of debate.

Mr. BOUTELLE. Does the reading of the report, occupying eight minutes, cut off the whole thirty minutes allowed under the rule?

The SPEAKER *pro tempore*. The rule says that where there has been no debate there shall be thirty minutes allowed, fifteen minutes on each side; but the reading of the report is debate, and therefore this case does not come within the provisions of the rule.

Mr. BOUTELLE. It is not so understood by the House.

Mr. DINGLEY. That is rather a techical decision, Mr. Speaker.

Mr. PARKER. Mr. Speaker——

The SPEAKER *pro tempore*. The gentleman from Iowa [Mr. WEAVER] has the floor.

Mr. WEAVER, of Iowa. Now, Mr. Speaker, this case had the careful consideration of the Committee on Invalid Pensions, and it passed the House. The veto message of the President has also had careful consideration, and the committee have reported this bill back with the recommendation that it do pass, the President's veto to the contrary notwithstanding. It is perfectly clear to my mind that this bill ought to pass. This soldier died while he was in the service. His widow is poor and has a large family on her hands. The circumstances attending the death must, however, control her right to a pension. In brief, they are these: The soldier was asked by one of his comrades to taste of some medicine which he had in a bottle. The soldier did taste of it and it killed him; that is all there is in this case. The medicine had been prepared for a sick soldier. It was not a case of suicide; it was purely an accident. I appeal to the soldiers present here on both sides of the House to say if they did not know in their own experience of a great many men who were killed accidentally while in the service by gunshots, and we all know that nobody ever raised a question about their widows being entitled to a pension. It would be a very hard rule, indeed, to say that this widow is not entitled to a pension under the circumstances.

This is exactly a case in which Congress ought to interfere. The widow is not entitled to a pension under the general law; by reason of its universality she is technically excluded. But the equities of the case are all with her, just as though her husband had died from any other cause than accidentally taking poison.

I think the House understands this case; and, with a proper understanding of it, I believe there is generosity and independence enough here (without intending to cast the least reflection upon the Executive) to insure the passage of this bill. The opinion of the President is the opinion of one man. It has called this House and the committee to a careful reconsideration of the bill. Such careful re-examination has now been had——

Mr. BROWN, of Pennsylvania. I would like to ask the gentleman a question before he closes. Is there any evidence in this case showing that the soldier had knowledge he was taking poison?

Mr. WEAVER, of Iowa. None at all. There is no evidence of any fault on his part, except that he placed confidence in a comrade who handed him the poison; and that was not a crime.

I appeal to this House to show to the country that we mean only to draw proper distinctions and that we intend to pension every one who presents an equitable claim for a pension. Suppose a physician had prescribed this medicine for this soldier and he had made a mistake in taking an overdose, would his widow be deprived of a just claim for a pension? Certainly not. Suppose somebody had poisoned a spring from which the soldier took a drink, would the widow be justly deprived of a pension? Certainly not. Here, the temptation being held out by a comrade, the soldier tasted this fluid and it killed him. Now, under these circumstances I see no reason on earth for depriving this widow of a pension, and I do not believe this House is disposed to do any such thing.

Mr. MATSON. Mr. Speaker, it is perhaps true, as the gentleman from Iowa [Mr. WEAVER] says, that the widow ought not to suffer for the negligence of her husband. She ought not to suffer on account of his negligence, unless she is claiming on account of his negligence. In this case she is claiming a pension because of her husband's death occasioned by his gross carelessness. This, it seems to me, concludes the case against her.

Mr. WEAVER, of Iowa. How could there be "gross carelessness" on the part of the soldier when his comrade held out the fluid to him, and he himself did not know what it was?

Mr. MATSON. Because his act of drinking that fluid had nothing whatever to do with his military duty; because he had no business whatever to taste the medicine; because the evidence shows he thought it was whisky he was drinking; and because he drank a great deal more than a mere taste of it, or it would not have killed him.

Mr. CUTCHEON. Does the gentleman know how much of the fluid extract of colchicum suffices to kill a man?

Mr. MATSON. I do not.

Mr. CUTCHEON. Half a teaspoonful will do it.

Mr. WEAVER, of Iowa. Every physician or other person having knowledge of this medical preparation knows that to the taste it is pleasant and apparently harmless. So far as the taste is concerned, it is like ordinary wine; and this man could not tell whether it was a deadly poison or not. Half a teaspoonful of that fluid, I am assured, is sufficient to cause death.

Mr. MATSON. Still, it is the fact that the soldier in drinking that liquid was not in the line of his duty. He was grossly careless in tasting it at all, simply because he was asked to taste it. More than that, he was told, as the evidence in the case shows, that it had a very peculiar taste and a very peculiar smell. He was put on his guard. After sufficient notice or warning he recklessly drank enough to kill him. He certainly was guilty of very gross negligence; and his widow is now claiming a pension because of his gross negligence. I am disposed to be as liberal, I trust and believe, toward the soldiers' widows of this country as any one ought to be; but when a widow claims a pension on account of her husband's recklessness, she must suffer the consequences of the reckless act of her husband.

Mr. WEAVER, of Iowa. There stands beside me a celebrated physician of this country, now a member of this House, the gentleman from New York [Mr. SWINBURNE]; and he will tell the chairman of the Committee on Invalid Pensions that a glass of sherry wine and a glass of the fluid extract of colchicum are so similar to the taste that an inexperienced person could not tell the difference between them.

Mr. SWINBURNE assented.

Mr. MATSON. That may be true; I do not know anything about it. Still the fact remains that the act of the soldier in drinking that fluid had nothing whatever to do with his military duty. He was killed outside of the line of his duty just as much as if he had been engaged in some business in which he had no right to be engaged. There can not be any question about this case. More than that, as is stated in the minority report, Hon. Wayne MacVeagh, when Attorney-General of the United States, gave an opinion on this case, showing clearly that under the circumstances stated the widow could not have a claim for a pension.

Mr. WEAVER, of Iowa. We concede that under the general law there is no right to a pension.

Mr. MATSON. There is no right under any law.

Mr. WEAVER, of Iowa. But there is under the equities of the case.

Mr. MATSON. No; not under the equities.

Mr. HENDERSON of Iowa. Suppose that the soldier had been accidentally shot in the camp?

Mr. MATSON. That would be a different case altogether.

Mr. HENDERSON, of Iowa. Can you discover any real difference in principle?

Mr. MATSON. I can. If the soldier had been shot while in camp, while engaged in the line of his duty and as a result of the pursuit of duty, his widow would undoubtedly be entitled to a pension.

Mr. WEAVER, of Iowa. Substantially the fact here is that this soldier's comrade did shoot him—not with a gun but with poison.

Mr. MATSON. The comrade did not "shoot him;" this soldier took the poison himself.

Mr. WEAVER, of Iowa. But he took it under false pretenses; he supposed he was taking something harmless.

Mr. JOHNSTON, of Indiana. Will the gentleman from Indiana yield to me for a question?

Mr. MATSON. I will.

Mr. JOHNSTON, of Indiana. Let me inquire whether the gentleman from Indiana had those views when he reported this bill or whether he has entertained them only since the reception of the President's veto message?

Mr. MATSON. I do not remember anything about the bill; whether I was present or not I can not say; but whether I was or not does not make any difference to me. When I come to reconsider a case, if I find I am wrong I have sense enough to see it, and if on examination I find I am wrong I will say so.

Mr. WEAVER, of Iowa. You were right then but wrong now.

Mr. MATSON. It may be a mere difference of opinion. Now, Mr. Speaker, I demand the previous question.

Mr. BURROWS. Mr. Speaker, I rise to a parliamentary inquiry.

Mr. CANNON. Let me first ask a question. The other day we passed a Mexican pension bill putting the widows of Mexican soldiers on the pension-roll without reference to disability.

Mr. CUTCHEON. Without reference to service.

Mr. CANNON. Does not the gentleman think it is quite as proper for us to put this unfortunate woman, the widow of a soldier, upon the pension-roll under the circumstances which have been stated?

Mr. MATSON. In reply to that question of the gentleman from Illinois, all I have to say is that what may be proper to do under general legislation it may be improper to do in special cases.

Mr. CUTCHEON. The reverse exactly is the truth.

Mr. MATSON. When you come to put all the widows of the last war on the pension-roll without regard to the cause of the death of the soldier, you present an entirely different question from selecting out one widow who can not trace her husband's death as having been caused in the service. That is an entirely different question.

Mr. HENDERSON, of Iowa. He would have been supporting her now if he had not been in the service.

Mr. BURROWS. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore* (Mr. MILLS in the chair). The gentleman will state it.

Mr. BURROWS. My parliamentary inquiry is in reference to the question of recognition. This is the second veto message upon which we have been called to vote, and in both instances the gentleman from Indiana has taken the floor and demanded the previous question.

The SPEAKER *pro tempore*. That has been because he is the chairman of the Committee on Invalid Pensions.

Mr. BURROWS. I have not yet stated the whole question. When a gentleman on the part of a committee takes charge of a matter it is supposed he is a member of the majority of the committee which has signed the report in favor of the bill, but when it turns out that he does not belong to the majority of the committee but has on the contrary signed the views of the minority, I submit, then, as a matter of parliamentary practice, that some member on the part of a majority of the committee which makes the report should first be recognized for the purpose of demanding the previous question and not any gentleman who has signed the views of the minority. Hereafter I hope the Chair will recognize some one who signs the majority report. [Cries of "Vote!"]

Mr. CUTCHEON. Every bill should be in the hands of its friends and not in the hands of its enemies.

Mr. BURROWS. Some one should be recognized who represents not the views of the minority but the views of the majority.

Mr. REED, of Maine. I submit this is a serious question, because the member who is recognized by the Chair is the one who is entitled to call for the previous question, and therefore regulates in the first instance the debate. It is a very important privilege and ought not to be granted to any one opposed to the bill. It is not pretended that the gentleman from Indiana represents the majority in this matter.

The SPEAKER *pro tempore*. It has been the parliamentary custom to recognize the chairman of the committee which makes the report.

Mr. BOUTELLE. He did not make the report at all.

Mr. HENDERSON, of Iowa. The gentleman does not say he represents the majority of the committee.

Mr. BOUTELLE. But, on the contrary, he is opposed to the report of the majority.

Mr. CUTCHEON. Why should he have the control when he says himself that he is opposed to it?

The SPEAKER *pro tempore*. Does the gentleman appeal from the decision of the Chair?

Mr. CUTCHEON. I do.

Mr. WEAVER, of Iowa. I wish to say one word.

The SPEAKER *pro tempore*. Gentlemen will take their seats.

Mr. McMILLIN. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. McMILLIN. I make the point of order that no appeal from the decision of the Chair on the question of recognition can be taken.

Mr. SPRINGER. I say very frankly, while I do not agree with the Chair, that the gentleman from Indiana [Mr. MATSON] is entitled to make the report, although he was in the minority, and that it is a question this House has nothing to do with. The Speaker recognized him, and recognized him to move the previous question, and therefore he had a right to make the motion, and that is all there is of it.

Mr. CANNON. No Chair can do that thing with impunity or without a protest.

Mr. SPRINGER. It is not a question that comes before the House at all.

I will vote with you gentlemen against ordering the previous question, so that a member representing the majority report may be recognized to control the debate thereafter. That is the only way to do it. You can not appeal from the decision of the Chair on a question of recognition.

Mr. REED, of Maine. I thought the House would not permit a matter of this kind to be controlled by a man who has not the affirmative of the question. I do not think the ordinary parliamentary proceedings would justify it; and I am glad to see the gentleman from Illinois has come to the rescue of the proprieties on this occasion.

Mr. BLAND. But there was no objection to the recognition. When the gentleman from Indiana rose, that was the time to make the objection. It is now too late.

Mr. WEAVER, of Iowa. I want to make a remark. I appeal to the members of the House in disposing of this question to leave party out of the question. It is no party question; it is only whether this poor widow shall have the pension or not.

The SPEAKER *pro tempore*. The question is upon the appeal from the decision of the Chair.

Mr. SPRINGER. I hope the Chair will not entertain the appeal.

Mr. McMILLIN. I have already made the point of order that the Chair can not entertain such an appeal. There is not an instance on record where such a thing has been done under such circumstances.

Mr. SPRINGER. I hope the gentleman from Michigan will withdraw the appeal.

Mr. CUTCHEON. It is not a question of recognition at all, but the right of a man who signed a minority report to take control of a bill as against the majority of the committee. I do not want a minority to succeed in cutting the throat of a bill reported by a majority of the committee in this manner. It is against that that I enter my protest.

Mr. RANDALL. Mr. Speaker, I submit that the gentleman from Indiana who is chairman of the Committee on Invalid Pensions was permitted to make this report by consent of the majority of this committee, and that no one has a right to complain of his being recognized in that relation.

Mr. BURROWS. But it was supposed when he made the report that he was in favor of it. It turns out now, before we are through with the question, that the gentleman who made the report and held out to the House that he was in favor of it signed a minority report. That report was read, and immediately thereupon he demanded the previous question.

Mr. MATSON. How did the gentleman from Michigan get the idea that I favored either of these bills?

Mr. BURROWS. Why, that was the understanding clearly on the floor.

Mr. MATSON. How? By simply calling them up?

Mr. BURROWS. Certainly.

Mr. McKINLEY. Mr. Speaker, I ask the indulgence of the House for one moment on this subject. I ask to read from *page 326 of* the Manual:

> By parliamentary courtesy the member upon whose motion a subject is brought before the House is first entitled to the floor. So, too, it is an invariable practice of the Speaker, at every new stage of a bill, or proposition, to recognize first the member who has had charge of it, even if another member addressed him first, provided he is competitor for the floor.

Now, I am quite sure that the gentleman occupying the chair to-day wants to do no injustice to the rules of the House or to the parliamentary rules of procedure which govern all parliamentary bodies. I hope he will reconsider the decision and recognize some gentleman who favors the proposition before the House.

Mr. RANDALL. If I understand the condition of the question, no one else was recognized or was seeking recognition. There was no other competitor of the chairman of the Committee on Invalid Pensions who called the bill up.

Mr. HOLMES. I desire to say that I was a competitor. It was my bill; and further I want to say that the preceding bill, which came before the House in the same manner, the same minority, reported in the same words almost that they used in this bill, was unfairly treated by cutting off debate; and I want to show the pernicious effects of that ruling. Now, can the chairman of the committee get

up and cut off debate, only allowing it, so far as he is concerned, saying we should not have further debate, after first agreeing in open House that debate may be had upon such points as any member wished to address to the House, and yet when I signify my desire to discuss the matter he demanded the previous question? Even after that he allowed a gentleman on the Democratic side to get up and make remarks after the previous question was called, but allows no explanation of the preceding bill involving the same points.

Mr. BLAND. I want to ask the gentleman, so as to have an understanding on this point, did he claim the floor as against the chairman?

Mr. HOLMES. I had a right to the floor.

Mr. RANDALL. But you did not assert it.

Mr. HOLMES. I asserted my right and tried to get it; but the previous question was sustained, and by a failure to secure an explanation of some of the facts in connection with the bill it was probably lost.

The SPEAKER *pro tempore*. The gentleman was not entitled to the floor only by the courtesy of the Chair, for the reason that the Chair then had the floor to state the pending question.

The Chair will again state his understanding of the parliamentary law to be that the majority, as organized on the floor, have the right to bring in and take control of measures, and as soon as it is demonstrated by a vote on the floor that a majority is against the party proposing the measure, it is the duty of the Chair to recognize a gentleman then acting with the majority.

Mr. REED, of Maine. What party does the Speaker refer to?

The SPEAKER *pro tempore*. The majority party.

Mr. REED, of Maine. Political party?

The SPEAKER *pro tempore*. The majority party.

Mr. REED, of Maine. Political party?

The SPEAKER *pro tempore*. The majority party as demonstrated by a vote on the question.

Mr. BOUTELLE. There has been no vote on this question.

Mr. REED, of Maine. But the gentleman from Iowa [Mr. CONGER] represented the majority party. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The question is: Shall the decision of the Chair stand as the judgment of the House?

The question being put, the Speaker *pro tempore* stated that the "ayes" seemed to have it.

Mr. BOUTELLE. I call for a division.

Mr. REED, of Maine, and others. What is the question we are voting on?

The House again divided; and there were—ayes 93, noes none.

Mr. REED, of Maine. No quorum.

Mr. PERKINS. When the Chair has not the courtesy to state the proposition to the House, how can we vote?

Mr. BURROWS. We tried to get from the Chair a statement of what was the question.

The SPEAKER *pro tempore*. The question was on an appeal from a decision of the Chair.

Mr. PETTIBONE. We did not hear it.

Mr. BURROWS. What was the pending motion? Was there not a motion to lay the appeal on the table?

The SPEAKER *pro tempore*. The Chair does not remember.

Mr. BURROWS. That was the motion that was made.

The SPEAKER *pro tempore*. The question was on sustaining the decision of the Chair, and that was the question submitted. The gentleman from Indiana [Mr. MATSON] has demanded the previous question. As many as are in favor——

Mr. CANNON. The point of no quorum was made.

Mr. BURROWS. The point was made on the last vote that no quorum had voted.

Mr. PAYNE. As I understand, the last vote was on the question of sustaining the decision of the Chair. No quorum voted, and the question of no quorum was raised.

The SPEAKER *pro tempore*. There was so much confusion in the House that the Chair did not understand that the point of no quorum was insisted on. The Chair will order tellers, and appoints the gentleman from Michigan [Mr. BURROWS] and the gentleman from Indidiana [Mr. MATSON].

Mr. BURROWS (one of the tellers). On what question is the House now to vote?

The SPEAKER *pro tempore*. On the question whether the decision of the Chair shall stand as the judgment of the House.

Mr. CANNON. What was the decision of the Chair?

The SPEAKER *pro tempore*. The question is: Shall the decision of the Chair stand as the judgment of the House?

Mr. CANNON. I rise to a parliamentary inquiry.

Mr. CRISP. The House is dividing. I call for the regular order.

Mr. CANNON. I desire to make a parliamentary inquiry, and also to raise a point of order. I want to know what the decision of the Chair was?

The SPEAKER *pro tempore*. The decision of the Chair was that the gentleman from Indiana [Mr. MATSON] had control of the measure, and the Chair recognized the gentleman from Indiana to call up and conduct the progress of the bill as it passed through the House; from which decision an appeal was taken.

Mr. REED, of Maine. The Chair, as I understand, did not make the decision, but merely answered a parliamentary inquiry.

The SPEAKER *pro tempore*. The Chair gave a decision, and an appeal was taken from it by the gentleman from Michigan [Mr. BURROWS].

Mr. REED, of Maine. The Chair merely answered a parliamentary inquiry.

The House again divided; and the tellers reported—ayes 91, noes none.

Mr. WEAVER, of Iowa. I hope there will be no more filibustering on this pension bill. Let gentlemen come forward and vote.

Mr. BURROWS. I do not insist on the point of no quorum.

The SPEAKER *pro tempore*. The "ayes" have it, and the decision of the Chair is sustained by the House.

Several members called "No quorum!"

Mr. MATSON. I want to say a word about this before we proceed any further. [Cries of "Regular order!"] I want to explain the reason—— [Cries of "Regular order!"] I rise to a parliamentary inquiry. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The House will come to order. Gentlemen will be seated.

Mr. MATSON. I desire to make a parliamentary inquiry. Has the previous question been ordered?

The SPEAKER *pro tempore*. The previous question has been demanded but a quorum did not vote.

Several MEMBERS. There was no vote taken on that question.

Mr. MATSON. I ask the indulgence of the House for a few moments——

Mr. REED, of Maine. You can withdraw the demand for the previous question.

Mr. MATSON. I do so for the purpose of saying this—— [Cries of "Regular order!"]

Mr. BLAND. I rise to make a privileged motion. I move that the House do now adjourn.

Mr. WEAVER, of Iowa. I hope that will be voted down.

The House divided; and there were—ayes 39, noes 94.

So the House refused to adjourn.

Mr. BLAND. I move that the House take a recess until 8 o'clock. We are doing nothing and there is no disposition to do anything.

Mr. RANDALL. I think a little calmness on both sides may bring us to an amicable result.

The motion for a recess was not agreed to.

Mr. REED, of Maine. The parliamentary law about this matter is perfectly clear if we do not confuse it. It is that the member who represents a majority of the committee has a right to be recognized to control a measure until the House indicates the contrary by its vote.

Mr. RANDALL. I ask the gentleman from Maine whether in this instance the gentleman from Indiana [Mr. MATSON] was not without competitor recognized as exponent of the committee?

Mr. REED, of Maine. I can not answer that question.

Mr. BROWNE, of Indiana, addressed the Chair.

The SPEAKER *pro tempore*. The gentleman from Maine [Mr. REED] has the floor.

Mr. REED, of Maine. This question arose from the answer which the Chair gave to a parliamentary inquiry made by the gentleman from Michigan [Mr. CUTCHEON]. That answer, I think, was not in accordance with what I have stated to be the parliamentary law, and which, I think, will generally be agreed to be the parliamentary law on the subject. It was upon that statement that the confusion arose as to whether the gentleman from Indiana [Mr. MATSON] was recognized without a competitor or not.

Mr. RANDALL. As he had been in all the prior cases.

Mr. REED, of Maine. But it is very undesirable that such a statement as that should go as the decision of the Chair and sanctioned as the decision of the House. And I think upon reflection, especially after what has been read by the gentleman from Ohio [Mr. MCKINLEY], the Chair will see that the parliamentary proprieties and parliamentary rules require that the member who represents the majority of the committee should be recognized if there is a competition. And it is very possible that there may have been a misunderstanding on the part of the Chair as to the question, or a temporary misunderstanding as to parliamentary law. We want to get out of this in some sensible sort of way, and we want to do it in accordance with well-known and-well understood parliamentary law. I ask the gentlemen on the other side if I have misstated the rule.

Mr. RANDALL. Let us say a word on the other side. The Chair had recognized the gentleman from Indiana [Mr. MATSON] on all these veto cases, as far as I recollect, without controversy.

Mr. CONGER. If the gentleman will permit me, as the member of the Committee on Invalid Pensions who made this report, I had been seeking recognition of the Chair on the bill that was called up before, and as soon as it was disposed of I attempted to attract the attention of the Chair.

The SPEAKER *pro tempore*. The Chair first recognized the chair-

man of the Committee on Invalid Pensions, and he yielded to the gentleman from Iowa [Mr. CONGER].

Mr. CONGER. Then, after the chairman of the Committee on Invalid Pensions was recognized to call up this bill, I asked that he give time to this side of the House for its discussion, which he refused.

Mr. RANDALL. As I understand the fact, since these cases began to be taken up for consideration the chairman of the Committee on Invalid Pensions has been recognized. In pursuance of that, the Chair again recognized him on this bill. Now, if the chairman of the committee does not represent the majority that fact will be developed immediately.

Mr. REED, of Maine. But does not the gentleman from Pennsylvania [Mr. RANDALL] agree with me as to the parliamentary rule with regard to recognition by the Chair?

Mr. RANDALL. I agree with you exactly in this, that we ought to get out of this tangle; but I do not agree with you in any act or any word which would reflect upon the Chair as not following the parliamentary rule.

The SPEAKER *pro tempore*. The Chair has no pride in this matter at all. The Chair wants to do what is right.

Mr. RANDALL. I know that.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. MATSON], as chairman of the Committee on Invalid Pensions, the Chair thinks, ought to have control of the bills called up by that committee in the House.

Mr. LONG. Even if he does not represent the majority of the committee?

The SPEAKER *pro tempore*. If he calls up a bill as to which he is in the minority, he can yield to some member of the committee who is in the majority; but how can the Chair know, when the gentleman calls up a bill, whether he is in the minority or not?

Mr. REED, of Maine. I submit that the Chair can not know that in advance, but when another gentleman seeks recognition and the fact becomes apparent that the majority is the other way, then, according to parliamentary usage, the Chair is bound to recognize that gentleman. I am aware—and probably that is what has misled the Chair in this matter—that it is the custom when a bill belonging to a particular committee is called up, for the chairman of that committee to take the floor and yield it to some other member of the committee who may have the bill specially in charge; but when there is a case of dispute as to who represents the majority of the committee, or rather when the fact is clearly developed that the chairman does not represent the majority, then he is not entitled to control the floor, because the principle of parliamentary law governs that a man ought to be allowed to manage the case which he is in favor of until the House manifests itself against it, when the control passes to the other side.

Now, I desire above all things not to have anything occur here in the nature of a personal reflection upon the Chair, though I do not suppose the Chair cares anything about it——

The SPEAKER *pro tempore*. The Chair can stand it.

Mr. REED, of Maine. This is one of those mistakes that sometimes occur in the hurly-burly of the proceedings of the House, and we desire to rectify it by going back to the sound principle which ought to govern in such cases.

Mr. BURROWS. Let me say further in this connection that in this case the Chair had no difficulty in determining that the chairman of the Committee on Invalid Pensions did not represent the majority, because as soon as the report and the views of the minority were read it became apparent to the Chair and to the House that the chairman belonged to the minority of the committee.

Mr. BLAND. I think the trouble arose in this way: The Speaker had been recognizing the chairman of the Committee on Invalid Pensions in all these cases and no other gentleman on the committee had claimed the floor until this controversy came up, but then the claim was made.

Mr. REED, of Maine. The gentleman from Iowa [Mr. CONGER] had claimed the floor.

Mr. BLAND. Then after the Speaker had recognized the gentleman from Indiana [Mr. MATSON] the gentleman from Michigan arose——

Mr. HOLMES. Mr. Speaker, I wish to say that the gentleman from Pennsylvania [Mr. RANDALL] labors under an error in this matter. The fact is that the gentleman from Iowa [Mr. CONGER] who represented the majority of the committee on this bill, and had the bill in charge, sought to obtain the floor before the chairman was recognized at all, and had promised to yield to me. Therefore, I say the gentleman from Pennsylvania [Mr. RANDALL] is in error in asserting that nobody had claimed the floor in antagonism to the chairman of the Committee on Invalid Pensions.

Mr. REED, of Maine. Now, Mr. Speaker, I suggest as a way to get out of this difficulty that the gentleman from Indiana [Mr. MATSON] withdraw his demand for the previous question and turn the case over to the gentleman from Iowa [Mr. CONGER], who represents the majority of the committee.

Mr. SPRINGER. I suggest that my friend from Indiana, in a spirit of conciliation, yielding the questions that have been raised here as having arisen under a misapprehension, had better withdraw his demand for the previous question and let the gentleman from Iowa [Mr. CONGER] be recognized, and that will relieve the whole difficulty.

Mr. REED, of Maine. Yes; that will do it.

Mr. MATSON. I withdrew the demand for the previous question a while ago, and asked to be heard for a minute; but that side of the House hooted me down and would not listen to me. I will not withdraw it until I have had an opportunity to say how and why I took the lead in this matter.

Now, Mr. Speaker, if the gentlemen are willing to hear what I have to say—and nearly everybody has had his say in relation to this matter except me—I am perfectly willing to withdraw the demand for the previous question.

Mr. CUTCHEON. I rise to a point of order.

Mr. MATSON. Mr. Speaker, about one week ago——

Mr. GROSVENOR. Mr. Speaker, I rise to a parliamentary inquiry. I have a right to know, and I insist on my right to know, whether the demand for the previous question has been withdrawn or not.

Mr. MATSON. I have not withdrawn it.

Mr. GROSVENOR. I demand the regular order until it is withdrawn.

Mr. MATSON. Then upon the gentleman from Ohio is the responsibility for refusing to consider these pension bills.

Mr. BLAND. I rise to a privileged motion. I move that the House adjourn.

The SPEAKER *pro tempore*. The House will be in order. The Chair has sustained the point made by the gentleman from Ohio.

Mr. BLAND. I move that the House do now adjourn.

The motion of Mr. BLAND was not agreed to.

The question being taken on ordering the previous question, there were—ayes 83, noes 105.

Mr. MATSON. I call for the yeas and nays.

Mr. SPRINGER. I hope that will not be insisted upon.

Mr. MATSON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. TOWNSHEND. Will the Chair state the question?

The SPEAKER *pro tempore*. The question is on ordering the previous question upon the passage of the bill, notwithstanding the objections of the President.

The question was taken; and it was decided in the affirmative—yeas 117, nays 111, not voting 94; as follows:

YEAS—117.

Allen, J. M.	Dargan,	Kleiner,	Seymour,
Anderson, C. M.	Davidson, A. C.	Laffoon,	Shaw,
Ballentine,	Dibble,	Landes,	Singleton,
Barnes,	Dougherty,	Lanham,	Skinner,
Barry,	Dowdney,	Lawler,	Sowden,
Belmont,	Dunn,	Lovering,	Stahlnecker,
Bennett,	Eden,	Lowry,	Stewart, Charles
Blanchard,	Eldredge,	Martin,	St. Martin,
Bland,	Ellsberry,	Matson,	Stone, W. J., Ky.
Bliss,	Ermentrout,	McAdoo,	Stone, W. J., Mo.
Blount,	Fisher,	McCreary,	Swope,
Boyle,	Ford,	McMillin,	Taulbee,
Bragg,	Forney,	McRae,	Taylor, J. M.
Breckinridge, C. R.	Gay,	Merriman,	Tillman,
Breckinridge, W. P.	Gibson, C. H.	Mills,	Townshend,
Bynum,	Glass,	Morgan,	Trigg,
Cabell,	Green, R. S.	Morrison,	Turner,
Candler,	Hale,	Murphy,	Van Eaton,
Carleton,	Halsell,	Neal,	Wallace,
Catchings,	Harris,	Neece,	Ward, T. B.
Clardy,	Hatch,	Oates,	Wellborn,
Clements,	Hemphill,	Peel,	Wheeler,
Cobb,	Henderson, J. S.	Perry,	Willis,
Compton,	Herbert,	Randall,	Wilson,
Comstock,	Holman,	Reagan,	Winans,
Crisp,	Howard,	Reid, J. W.	Wise,
Croxton,	Hutton,	Richardson,	Worthington.
Culberson,	Irion,	Sadler,	
Curtin,	Johnston, T. D.	Sayers,	
Daniel,	Jones, J. H.	Scott,	

NAYS—111.

Adams, G. E.	Farquhar,	Johnston, J. T.	Rockwell,
Adams, J. J.	Fleeger,	Kelley,	Romeis,
Allen, C. H.	Foran,	La Follette,	Rowell,
Atkinson,	Fuller,	Laird,	Ryan,
Baker,	Funston,	Lindsley,	Sawyer,
Bingham,	Geddes,	Long,	Smalls,
Bound,	Gilfillan,	Lyman,	Spooner,
Boutelle,	Glover,	Markham,	Springer,
Brady,	Goff,	McComas,	Stephenson,
Browne, T. M.	Grosvenor,	McKenna,	Struble,
Brown, C. E.	Grout,	McKinley,	Swinburne,
Brown, W. W.	Harmer,	Millard,	Taylor, I. H.
Brumm,	Hayden,	Moffatt,	Taylor, Zach.
Buchanan,	Haynes,	Morrill,	Thomas, O. B.
Bunnell,	Henderson, D. B.	Morrow,	Thompson,
Burleigh,	Henderson, T. J.	Osborne,	Wade,
Burrows,	Hepburn,	Owen,	Wadsworth,
Butterworth,	Hermann,	Parker,	Wait,
Campbell, J. M.	Hiestand,	Payne,	Warner, William
Cannon,	Hill,	Payson,	Weaver, A. J.
Conger,	Hires,	Perkins,	Weaver, J. B.
Cutcheon,	Hiscock,	Peters,	Weber,
Davis,	Hitt,	Pettibone,	West,
Dingley,	Holmes,	Pirce,	White, A. C.
Dorsey,	Hopkins,	Plumb,	White, Milo
Dunham,	Jackson,	Price,	Wilkins,
Ely,	James,	Reed, T. B.	Wolford.
Everhart,	Johnson, F. A.	Rice,	

NOT VOTING—94.

Aiken,	Felton,	Mahoney,	Seney,
Anderson, J. A.	Findlay,	Maybury,	Sessions,
Arnot,	Frederick,	Miller,	Snyder,
Barbour,	Gallinger,	Milliken,	Spriggs,
Barksdale,	Gibson, Eustace	Mitchell,	Steele,
Bayne,	Green, W. J.	Muller,	Stewart, J. W.
Beach,	Guenther,	Negley,	Stone, E. F.
Buck,	Hall,	Nelson,	Storm,
Burnes,	Hammond,	Norwood,	Strait,
Caldwell,	Hanback,	O'Donnell,	Symes,
Campbell, Felix	Heard,	O'Ferrall,	Tarsney,
Campbell, J. E.	Henley,	O'Hara,	Taylor, E. B.
Campbell, T. J.	Hewitt,	O'Neill, Charles	Thomas, J. R.
Caswell,	Houk,	O'Neill, J. J.	Throckmorton,
Collins,	Hudd,	Outhwaite,	Tucker,
Cooper,	Jones, J. T.	Phelps,	Van Schaick,
Cowles,	Ketcham,	Pidcock,	Viele,
Cox,	King,	Pindar,	Wakefield,
Crain,	Le Fevre,	Ranney,	Ward, J. H.
Davenport,	Lehlbach,	Reese,	Warner, A. J.
Davidson, R. H. M.	Libbey,	Riggs,	Whiting,
Dawson,	Little,	Robertson,	Woodburn.
Dockery,	Lore,	Rogers,	
Evans,	Loutit,	Scranton,	

So the previous question was ordered.

Mr. GUENTHER. I am paired on all political questions with the gentleman from New York [Mr. MULLER]. I have voted, but have since come to the conclusion that this is a political question. I therefore withdraw my vote.

The following additional pairs were announced:

Mr. HUDD with Mr. WHITING, on this vote.

Mr. COWLES with Mr. JOHNSTON, of Indiana, for this day, not to include the vote on pension bills.

Mr. LORE with Mr. O'NEILL, of Pennsylvania, until Monday next.

The following members were announced as paired for the rest of the day:

Mr. MAHONEY with Mr. STEWART, of Vermont.

Mr. DAVIDSON, of Florida, with Mr. KETCHAM.

Mr. CALDWELL with Mr. COOPER.

The result of the vote was announced as above stated.

The SPEAKER *pro tempore*. The previous question having been ordered, the question is now on the passage of this bill notwithstanding the objections of the President. Before putting the question the Chair desires to make a statement.

The Chair had been recognizing the gentleman from Indiana [Mr. MATSON], the chairman of the Committee on Invalid Pensions, to indicate what pension bills should be taken up and to conduct the proceedings of the House thereon. The gentleman from Indiana had called up the pending bill and was proceeding with its management when a point of order was made or a parliamentary question asked in regard to the right of the gentleman from Indiana to recognition. The Chair at the time did not comprehend exactly the import of that question. The Chair thought the point made was as to the propriety of recognizing the gentleman from Indiana every time to call up these bills, and did not understand the point to be that the gentleman from Indiana, representing in this case a minority of the committee, had no right to make a report to the House; that only the majority of the committee can make an official report, the minority being recognized merely by the courtesy of the House to submit their views. If the Chair had comprehended the real issue raised, the ruling would have been different, but the confusion in the House was so great that the point did not get into the head of the Chair at the proper time. [Laughter.]

The Chair now rules that decision was wrong and retracts it. [Applause.] Hereafter when the majority makes a report the Chair will recognize a member of the majority to conduct the business of the House.

Mr. HOLMES. I ask the proposition of the gentleman from Illinois [Mr. SPRINGER] be adopted by unanimous consent, and we go back to the preceding bill and allow a statement to be made to the House.

The SPEAKER *pro tempore*. This bill is not through with.

Mr. BLAND. I demand the regular order. The Chair was right, as no one claimed the floor on that bill.

The SPEAKER *pro tempore*. The question is, Will the House, on reconsideration, pass the bill, notwithstanding the objections of the President?

On that question the Constitution requires the vote to be taken by yeas and nays.

The question was taken; and it was decided in the negative—yeas 124, nays 97, not voting 101; as follows:

YEAS—124.

Adams, G. E.	Bunnell,	Eldredge,	Goff,
Allen, C. H.	Burleigh,	Ellsberry,	Grosvenor,
Anderson, C. M.	Burrows,	Ely,	Grout,
Atkinson,	Butterworth,	Evans,	Hale,
Baker,	Campbell, J. M.	Everhart,	Harmer,
Bingham,	Cannon,	Farquhar,	Hayden,
Bound,	Carleton,	Fleeger,	Haynes,
Boutelle,	Comstock,	Foran,	Henderson, D. B.
Browne, T. M.	Conger,	Frederick,	Henderson, T. J.
Brown, C. E.	Cutcheon,	Fuller,	Hepburn,
Brown, W. W.	Davis,	Funston,	Hermann,
Brumm,	Dingley,	Geddes,	Hiestand,
Buchanan,	Dunham,	Gilfillan,	Hill,
Hires,	McKenna,	Pettibone,	Taylor, Zach.
Hiscock,	McKinley,	Pirce,	Thomas, O. B.
Hitt,	Merriman,	Plumb,	Thompson,
Holmes,	Millard,	Price,	Townshend,
Hopkins,	Milliken,	Reed, T. B.	Wade,
Howard,	Moffatt,	Rice,	Wadsworth,
Jackson,	Morrill,	Rockwell,	Wait,
James,	Morrow,	Romeis,	Warner, William
Johnston, J. T.	Murphy,	Rowell,	Weaver, A. J.
Kleiner,	Neece,	Ryan,	Weaver, J. B.
La Follette,	Nelson,	Sawyer,	Weber,
Laird,	Osborne,	Smalls,	West,
Landes,	Owen,	Spooner,	White, A. C.
Lindsley,	Parker,	Stephenson,	White, Milo
Long,	Payne,	Strait,	Wilkins,
Lyman,	Payson,	Struble,	Wolford,
Markham,	Perkins,	Swinburne,	Woodburn,
McComas,	Peters,	Taylor, I. H.	Worthington.

NAYS—97.

Allen, J. M.	Dockery,	Lanham,	Skinner,
Ballentine,	Dougherty,	Lawler,	Sowden,
Barry,	Dowdney,	Lovering,	Springer,
Belmont,	Dunn,	Martin,	Stahlnecker,
Bennett,	Eden,	Matson,	Stewart, Charles
Blanchard,	Ermentrout,	McAdoo,	St. Martin,
Bland,	Fisher,	McCreary,	Stone, W. J., Ky.
Bliss,	Ford,	McMillin,	Stone, W. J., Mo.
Blount,	Forney,	McRae,	Swope,
Breckinridge, C. R.	Gay,	Mills,	Taulbee,
Breckinridge, WCP.	Gibson, C. H.	Morgan,	Taylor, J. M.
Burnes,	Glass,	Morrison,	Tillman,
Bynum,	Green, R. S.	Neal,	Trigg,
Cabell,	Halsell,	Oates,	Turner,
Clardy,	Harris,	Peel,	Van Eaton,
Clements,	Hatch,	Perry,	Wallace,
Cobb,	Hemphill,	Randall,	Wellborn,
Crisp,	Henderson, J. S.	Reagan,	Wheeler,
Croxton,	Herbert,	Reid, J. W.	Willis,
Culberson,	Holman,	Richardson,	Wilson,
Curtin,	Hutton,	Sayers,	Winans,
Daniel,	Irion,	Scott,	Wise.
Dargan,	Johnston, T. D.	Seymour,	
Davidson, A. C.	Jones, J. H.	Shaw,	
Dibble,	Laffoon,	Singleton,	

NOT VOTING—101.

Adams, J. J.	Davenport,	Libbey,	Sadler,
Aiken,	Davidson, R. H. M.	Little,	Scranton,
Anderson, J. A.	Dawson,	Lore,	Seney,
Arnot,	Dorsey,	Loutit,	Sessions,
Barbour,	Felton,	Lowry,	Snyder,
Barksdale,	Findlay,	Mahoney,	Spriggs,
Barnes,	Gallinger,	Maybury,	Steele,
Bayne,	Gibson, Eustace	Miller,	Stewart, J. W.
Beach,	Glover,	Mitchell,	Stone, E. F.
Boyle,	Green, W. J.	Muller,	Storm,
Brady,	Guenther,	Negley,	Symes,
Bragg,	Hall,	Norwood,	Tarsney,
Buck,	Hammond,	O'Donnell,	Taylor, E. B.
Caldwell,	Hanback,	O'Ferrall,	Thomas, J. R.
Campbell, Felix	Heard,	O'Hara,	Throckmorton,
Campbell, J. E.	Henley,	O'Neill, Charles	Tucker,
Campbell, T. J.	Hewitt,	O'Neill, J. J.	Van Schaick,
Candler,	Houk,	Outhwaite,	Viele,
Caswell,	Hudd,	Phelps,	Wakefield,
Catchings,	Johnson, F. A.	Pidcock,	Ward, J. H.
Collins,	Jones, J. T.	Pindar,	Ward, T. B.
Compton,	Kelley,	Ranney,	Warner, A. J.
Cooper,	Ketcham,	Reese,	Whiting.
Cowles,	King,	Riggs,	
Cox,	Le Fevre,	Robertson,	
Crain,	Lehlbach,	Rogers,	

So (two-thirds not voting in favor thereof) the bill was not passed.

On motion of Mr. BROWNE, of Indiana, by unanimous consent, the reading of the names was dispensed with.

The following additional pairs were announced:

Mr. WARD, of Indiana, with Mr. WHITING, on this vote.

Mr. LOWRY with Mr. KELLEY, for the remainder of the day.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage of bills of the following titles without amendment:

A bill (H. R. 1580) for the relief of Emily B. Baker;

A bill (H. R. 3363) granting a pension to Jennette Dow;

A bill (H. R. 5705) granting a pension to Charles Wyant;

A bill (H. R. 5921) granting an increase of pension to John Ryan;

A bill (H. R. 6747) granting a pension to Mary A. Thomas; and

A bill (H. R. 7193) granting a pension to Sarah A. Tucker.

It further announced the passage of bills of the following titles; in which concurrence was requested:

A bill (S. 1531) granting increase of pension to William Winans;

A bill (S. 2259) to increase the pension of Thomas Chapman;

A bill (S. 2369) granting an increase of pension to William H. H. Price;

A bill (S. 2562) granting a pension to Henry F. Kaiser;

A bill (S. 2598) granting a pension to James Noyes; and

A bill (S. 2705) granting a pension to Frank W. Tubbesing.

It further requested the return of the bill (H. R. 5093) for the relief of Mary E. Carey.

It further announced that the Senate insisted on its amendments numbered 2, 17, 88, 179, and 180 to the bill (H. R. 8974) making appro-

priation for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, disagreed to by the House, and agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL as managers of said conference on its part.

JOSEPH ROMISER.

Mr. MATSON. I now call up House bill 1059, to grant a pension to Joseph Romiser, and ask that it may be considered in connection with the President's message. In this connection I call for the reading of the report, which is unanimous.

Mr. McCOMAS. Permit me to suggest to the chairman of the Committee on Invalid Pensions that as the report is unanimous I think it would be entirely acceptable to the House to have a statement by the gentleman who made the report, and then by the chairman of the Committee on Invalid Pensions as to the facts, which are few, and it would save the time occupied in the reading of the report and the affidavits, the report itself being quite lengthy.

Mr. MATSON. I apprehend that the best information the House could have would be the reading of the report. After that, if the gentleman from Kansas wishes to make a statement, and the gentleman from Maryland desires that I shall make a statement, I will do so.

Mr. McCOMAS. These affidavits and the report are all printed in full in the RECORD of the 14th instant, and every member could have seen them on the day before yesterday. Many have already read the affidavits and the report. I am confident, if the chairman of the committee will allow me, that a brief statement of the gentleman who made the report, and then by the chairman of the committee, would be amply satisfactory.

Mr. MATSON. I am disposed to submit to the suggestion of the gentleman from Maryland.

Mr. REAGAN. That is, I suppose it is to be permitted to have a discussion of the bill by two persons who favor its passage and not to have the report read.

Mr. MATSON. I shall not ask the previous question if any gentleman desires to be heard. I withdraw the demand for the reading of the report, and yield five minutes to the gentleman from Kansas [Mr. MORRILL].

Mr. MORRILL. Mr. Speaker, I desire to call the attention of the House to two points in this case very briefly. First, I wish to say that it is unanimously reported from the Committee on Invalid Pensions, who have considered the case. The President in submitting his veto message had no papers before him upon which to base a proper conclusion in reference to the merits of the claim, as I shall now show. He vetoed it in fact because there were no papers furnished him to sustain it. The Pension Bureau reported that the records showed no application as having been made for a pension in this case. This happened not to be true.

The Committee on Invalid Pensions had before them the papers when they made the original report in that case, and returned those papers to the Pension Office on the 16th day of May. Afterward when the veto message came in they again sent for the papers and carefully examined them, and on those papers made the report. So the veto was based upon an entire misapprehension of the facts. I feel confident that if these papers had been before the President the veto message would never have been written.

The simple facts of the case, Mr. Speaker, are these: This gentleman belonged to a company of provisional volunteers raised in Frostburg, Md., in June, 1861. An attack was impending on the Union forces at *Cumberland*, Md., and the proper authorities called upon the provisional companies in the neighborhood to come to their relief.

The Union forces were then under the command of Col. Lew. Wallace, of the Eleventh Indiana Volunteers, and stationed at that point. This company, in obedience to the call, marched to Cumberland. After reaching that point, and while standing in the line facing the enemy with their arms in their hands, by the accidental discharge of a musket this man Joseph Romiser was terribly wounded in the head, the ball entering the back part of his head on the left side, passing through the head and coming out through the cheek under the left eye, entirely destroying the hearing of one ear and the sight of one of his eyes. It is true that he never was regularly mustered into the United States service, but it is also true that this Government has uniformly recognized the principle that any man wounded in its defense, whether mustered in or regularly enlisted, a citizen serving for the moment in the United States forces, would be entitled to relief under the pension laws. In 1866 a law was passed giving cases of this kind——

Mr. REAGAN. How long has such a principle been in force when a man was not in the service at all?

Mr. MORRILL. The law passed in 1866 provides that—

Any person not an enlisted soldier in the Army, serving for the time being as a member of the militia of any State, under orders of an officer of the United States, or who volunteered for the time being to serve with any regularly organized military or naval forces of the United States, or who otherwise volunteered and rendered service in any engagement with rebels or Indians, disabled in consequence of wounds or injury received in the line of duty in such temporary service.

Mr. SOWDEN. On what grounds was this claim originally rejected at the Pension Office?

Mr. MORRILL. Because it was filed after the limitation had expired. The law of 1866 provided that all applications for pensions under it must be presented by or before 1868. In 1873 an act was passed extending the time for the presentation of such claims until July 4, 1874. Mr. Romiser failed to make application within the time, which was very limited. In 1879 he made his application, and the proof is overwhelming that the accident occurred as I have said. There is absolutely no question about the matter.

Mr. REAGAN. Then why did not the Department allow it?

Mr. MORRILL. Because he made it five years after the limitation had expired. The limitation for proving up these cases expired on the 4th of July, 1874. He did not know the law which was in force from 1868 to 1873.

Mr. LONG. Is it not the fact that the Department say they are "constrained to refuse?"

Mr. MORRILL. The Department in their refusal to grant the application say:

This office was constrained under the provisions of law, especially paragraph 4693 Revised Statutes, to reject the claim, applicant having never been regularly enrolled and having failed to make and complete his application prior to date of limitation established by said section, namely, July 4, 1874.

It has been the universal custom of Congress to grant pensions in cases of this kind. We have invariably at this session and in the preceding sessions of Congress granted pensions to the members of the Missouri militia who were wounded under similar circumstances. And more than that, the present President has signed bills of that kind.

Mr. REAGAN. In cases where the parties were wounded by accident?

Mr. MORRILL. Yes; where they were wounded by accident and not in battle.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. MATSON. I yield the gentleman five minutes more.

Mr. MORRILL. I call to mind one or two cases where men were injured by the discharge of fire-arms in the hands of their own comrades. The President has signed bills of that kind.

It has never been a condition that men must be regularly mustered into the United States service in order to be entitled to pensions. It is only necessary to establish that he was serving in the defense of his country and under legitimate authority. There can be no question this man was under the command of General Lew. Wallace, of the Eleventh Indiana Volunteers, who was regularly mustered in the service.

Mr. BROWNE, of Indiana. I understand this application was made to the Pension Bureau and was denied by the Commissioner of Pensions?

Mr. MORRILL. The case was rejected by the Commissioner of Pensions on the ground that the limitation had expired.

Mr. BROWNE, of Indiana. In the opinion of the committee ought the claim to have been allowed under the law at the time it was made?

Mr. MORRILL. It could not be allowed under the existing law, because the law provided all cases of this kind had to be presented before the 4th of July, 1874.

Mr. BROWNE, of Indiana. Is this, then, the allowance of a pension that ought to have been denied under the law?

Mr. MORRILL. We have many cases of that kind. The only difficulty was that the man failed to put in his application in time.

Mr. BROWNE, of Indiana. Now, what is the difference between allowing this case in contravention of existing law and allowing the case that has just been denied?

Mr. McCOMAS. I suggest to the gentleman that we had better try one case at a time.

Mr. BROWNE, of Indiana. I want to know the distinction which the committee make.

Mr. McCOMAS. And I want the pension for this man.

Mr. MORRILL. This man was terribly wounded in the line of duty. In the other case the man met his death by an act of carelessness on his own part. I think that will be admitted as to a man who drank excessively of that medicine so as to cause his death. But in this case there was no carelessness on the part of the applicant.

Mr. McADOO. May I ask the gentleman a question?

Mr. MORRILL. Yes, sir.

Mr. McADOO. What is the custom in the Pension Bureau as to granting pensions in cases of accident like this?

Mr. MORRILL. Where the cases have been presented before the expiration of the limitation there has been no question about the granting of pensions in such cases.

Mr. OATES. Suppose a man in performing or attempting to perform an order fires at the enemy and shoots one of his comrades, that is accidental?

Mr. MORRILL. Yes, sir.

Mr. OATES. And the man is wounded while fully in the line of duty?

Mr. MORRILL. Yes; while fully in the line of duty. I thank the

gentleman from Alabama for calling my attention to that fact. That is exactly this case. While this man's comrade was removing under orders the cap from his gun it was accidentally discharged, and this man received his terrible wound. The case is so clear that there ought not to be a single objection to the passage of the bill.

Mr. WILLIS. Well, let us put it through without more talk. It appears that the President had not these papers before him, and therefore could not pass on the merits of the case.

Mr. TOWNSHEND. How was it the President was not aware of these facts?

Mr. MORRILL. The Pension Department, through a mistake, had notified the President that there were no papers.

Mr. REAGAN. This is a case where it appeared the applicant was not actually mustered in the service. While that was an objection on the part of the Pension Office the proof seems to have satisfied the committee that he was actually in the service. I will not, therefore, regard that as an objection to his receiving the pension.

But the proof also shows that he was wounded by accident. Now, what I wish to call attention to is the fact that being wounded by accident, not being wounded in battle, not being wounded strictly in the line of duty, his case is the same as that of any other citizen at home in any vocation who may be similarly wounded.

Mr. MORRILL. Will the gentleman allow me to interrupt him a moment? The gentleman states this man was not in the line of duty. That is completely contradicted by the proof. He was standing in the ranks at the time he received his wound.

Mr. REAGAN. I know the gentleman relies on the fact that the man was in the service, although not mustered into the service, and on that account he says he received the wound when he was in the line of duty. Now, a wound or disability is only received in the line of duty when the wound is received in battle or the disease is contracted in the service.

He may contract a disease in the service that will disqualify him to support himself or his family. He may receive a wound in the service that will disqualify him to support himself or his family. But a wound received by accident is not, in the sense of the law, a wound received in the line of duty. If a person, being an enrolled soldier, is entitled to a pension because of a wound or injury received, not in the line of duty but by accident, the question is, will not the same disability received by accident by any citizen at any place, in any vocation in life, entitle him to a pension? I do not care to argue the question. I simply wish to call attention to the fact that this bill proposes to introduce the principle of pensioning a man who has been enlisted in the Army if, by accident—not by disease contracted in the service, not by a wound received in the line of duty—but if by accident he has been wounded or injured. That is the principle that is asserted by this bill, and it is one which it seems to me ought not to be approved by Congress.

Mr. MILLIKEN. Was not this man wounded in obeying orders?

Mr. REAGAN. I do not understand that a wound received by accident in this way is a wound received in obeying orders.

Mr. MILLIKEN. But was he not in the ranks and under orders at the time he received the wound?

Mr. REAGAN. O, Mr. Speaker, I understand, without reference to all these questions, that the gentleman from Maine [Mr. MILLIKEN] is in favor of pensioning anybody, and I did not make the point I have made with the expectation of defeating the passage of the bill, but simply because I felt it my duty to present the point to the House.

Mr. MATSON. Mr. Speaker, I will now yield two minutes to the gentleman from Kentucky [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, the language of the act which allows the granting of pensions to persons who, not having been mustered into the service, may still receive pension, is that they may receive it "in consequence of wounds or injuries received in the line of duty in such temporary service."

The wound in this case was received in June, 1861. It was received when the man was actually in line of battle, with his arm in his hand, awaiting an attack. While he was in that position a minie-ball from a musket in the hands of a comrade in the same company inflicted the injury under which he has since suffered and is now suffering. It seems to me, with great deference to my friend from Texas [Mr. REAGAN], that it would be a very rigorous rule which would construe the three words "line of duty" as meaning that that man was not actually in the line of duty when he was standing in the ranks ready to receive an attack. While he was so standing he was shot by a bullet from the gun of a comrade standing behind him, which was accidentally discharged, and it seems to me quite clear that that wound was received while he was in the line of duty.

I feel, Mr. Speaker, that I ought to vote, as far as it is consistent with the law, to give pensions to persons who in my judgment have performed real service to the Government, giving the benefit of the doubt to the claimant, and not against him. I vote with a good deal of reluctance to pension a drafted man who was brought into the service late in the war; but for a soldier who went in at the tap of the drum in June, 1861, when none of us knew much about technical rules of mustering in, and was at that time wounded, I am certainly inclined to vote, and there would have to be a pretty clear case against him to make me say that that sort of a man should not have a pension. As I understand the case, the ground upon which he is debarred from receiving a pension is purely technical. The limitation of the law cuts him out. I certainly do not feel like pleading the statute of limitations against that soldier. [Applause on both sides of the House.]

Mr. REAGAN. I desire to ask the gentleman from Kentucky a question if he will permit me.

Mr. BRECKINRIDGE, of Kentucky. Certainly.

Mr. REAGAN. I will ask the gentleman if there has ever been a law passed which, in his opinion, contemplated the idea of a man being pensioned who was wounded by accident?

Mr. MATSON. Oh, certainly.

Mr. BRECKINRIDGE, of Kentucky. I will answer the question frankly. I can not answer it yes or no, because "accident" is in itself an ambiguous word; but I would not hesitate to pension a man who received a wound by an accident that might naturally have occurred while he was in the line of duty.

Mr. BROWNE, of Indiana. Will the gentleman from Kentucky [Mr. BRECKINRIDGE] permit me to read a few lines from the opinion of the Attorney-General in the McCarty case to show what may be done or what may happen "in the line of duty?"

Mr. BRECKINRIDGE, of Kentucky. Yes, sir.

Mr. BROWNE, of Indiana. The Attorney-General writes to the Secretary of the Interior:

> His widow has applied for a pension, and you inquire whether his death was connected with the military service in such a manner as to justify the allowance of a pension. It does not appear, either in your letter or through the papers transmitted, what were the circumstances under which this mistake occurred. If he were an inmate of the hospital at the time, and took this medicine instead of some that had been prescribed for himself, committing the blunder either through inattention on his own part or through failure of the surgeon properly to distinguish the vials, the claim should be allowed. Similarly, if two vials stood together in his tent, and the negligence consisted simply in mistaking another bottle for his own.

In such a case, in the opinion of the Attorney-General, the pension should be allowed, the death having resulted while the soldier was "in the line of duty." [Cries of "Vote!" "Vote!"]

Mr. CRAIN. Mr. Speaker, I desire to ask the chairman of the Committee on Invalid Pensions why this man was not mustered into the service?

Mr. MATSON. I hold in my hand a letter written from Pittsburgh by a gentleman named Hoblitzell on the 10th day of June, 1861, to this man Romiser, which was filed with the papers in the Pension Office, from which letter it appears that the man Romiser was in correspondence with this friend in relation to entering a permanent company of the Union forces. He evidently intended to go into the permanent forces of the Army at least nine days before he was wounded.

Mr. LONG. And he did not go in because he was wounded?

Mr. MATSON. Evidently he did not go in, because he was disabled and could not serve.

Mr. Speaker, after very careful consideration I have arrived at the conclusion that this bill ought to pass. I have no hesitancy in saying that I have been reluctant to have bills passed over the veto of the President except in clear cases, because I believe that when the President states an objection to a bill it is entitled to very careful consideration.

Mr. DOUGHERTY. May I ask the gentleman a question?

Mr. MATSON. What is it?

Mr. DOUGHERTY. It is claimed that there were in the Pension Office papers in relation to this case which were not laid before the President at the time he considered the case. Why were not these papers laid before the President?

Mr. MATSON. I will answer that question, although the gentleman interrupts the thread of my discourse very considerably. Here in my hand are the papers which were in the Pension Office. Here is the claim filed there June 7, 1879. The number of the claim is 290707. The President says in his veto message that the Pension Office reports there have been no papers filed on behalf of this man. How that statement came to be made I do not know. I feel very sure, however, that the Pension Office did so state to the President, otherwise I am confident the President would not have declared that the statement had been made to him. Probably the mistake resulted because of the negligence or error of some clerk; and that is the suggestion of the committee in its report.

Mr. SPRINGER. Is there anything in those papers which if the President had seen them would have led him to a different conclusion?

Several MEMBERS. Oh, yes.

Mr. PETTIBONE. Certainly; of course there is.

Mr. MATSON. I will answer the gentleman's question in the course of my statement.

The facts in this case are these: On the 19th of June, 1861, the city of Cumberland, Md., was threatened with an attack. On the 17th, I believe—two days previous—the confederate forces had burned two bridges within a very short distance of Cumberland, on the Baltimore and Ohio Railroad.

A MEMBER. And had driven back the guards.

Mr. MATSON. And had driven away the forces which were there attempting to protect those bridges. At that time this company, which was known as Capt. Frank Mason's company, a provisional company, had probably been organized (though as to the fact of its organization the proof, I apprehend, is not clear) for the purpose of entering the permanent service of the Government. These men were called upon by the authorities of Cumberland to go to that city to aid in its protection. They went there; and at the time of their arrival an attack was imminent. They remained there; and while there with guns loaded for the enemy, this man, standing in the ranks of the Union forces, received a horrible wound. Now the question is whether a pension should be refused in his case simply because he was not mustered into the service. The wound he received did not come from an enemy's gun; but that makes no difference either in law or equity. There are now upon the pension-roll at least a thousand men—probably more—who have been pensioned because of accidental injuries resulting from the carelessness of their comrades—not the result of their own carelessness—and incurred in the line of duty.

There can not be any question about this man having been in the line of duty. He and his comrades stood there with their guns loaded for the enemy, ready to fight. They went there in response to a summons, to meet an emergency, to protect the city of Cumberland, and to protect one of the main lines of communication that kept the capital in connection with the forces that were expected to defend it. You have staring you in the face the historical fact that up to this time there had been a call for only seventy-five thousand men and for three months; that this call was quickly filled, and that thousands and tens of thousands who desired to enter the service of the Government and go to the rescue of the Union were unable to find places in the Union ranks at that time——

Several MEMBERS. That is true.

Mr. MATSON. Because no call was made for any more troops until after the battle of Bull Run on the 21st of July, 1861.

So that, when you come to look at all the facts of this case, you see that here was a patriotic volunteer—not a drafted man—with his gun in his hand, ready and willing to defend the Government of the United States, and receiving under such circumstances a horrible wound—by accident, it is true, but a wound from which he is suffering to this day.

Mr. CUTCHEON. And received in the line of duty.

Mr. MATSON. Yes; strictly in the line of his duty. But somebody may say, "Yes, but he did not apply promptly for his pension." Is that to be counted against him? Because for years he voluntarily surrendered to this Government a pension which Congress ought to have given him years and years ago, and which until 1874 he could have obtained through the regular channels of the Pension-Office—because he has thus surrendered to the Government thousands of dollars will this Government now refuse him a pension for the rest of his life? He only asks for a pension from this time on; and that is all this bill proposes to give him. Are my friends here unwilling to do justice to one who deserves a pension? That is the question. If there were any doubt about this case I would not urge it. It is as clear as sunlight to me. I have no doubt about it. There is no dispute about the facts. How the President came to veto it is not a matter of consideration to me. I have a solemn duty to discharge as well as he; and when I find a clear case, one about which there is no doubt at all, where the right, the equity, and the justice of the claim are beyond dispute, I will not hesitate to say that man shall be pensioned.

I now call for the previous question.

The previous question was ordered.

The SPEAKER *pro tempore*. The question is, Will the House on reconsideration pass the bill notwithstanding the objections of the President?

The question was taken; and it was decided in the affirmative—yeas 175, nays 38, not voting 109; as follows:

YEAS—175.

Adams, G. E.	Comstock,	Gibson, C. H.	Orion,
Allen, C. H.	Conger,	Gilfillan,	Jackson,
Anderson, C. M.	Crain,	Goff,	James,
Atkinson,	Cutcheon,	Green, R. S.	Johnson, F. A.
Baker,	Dargan,	Grosvenor,	Johnston, J. T.
Ballentine,	Davis,	Grout,	Kleiner,
Bingham,	Dingley,	Guenther,	La Follette,
Bound,	Dockery,	Hale,	Laird,
Boutelle,	Dorsey,	Halsell,	Landes,
Boyle,	Dougherty,	Harmer,	Lawler,
Breckinridge, C. R.	Dunham,	Hatch,	Lindsley,
Breckinridge, W C P.	Eden,	Hayden,	Lovering,
Browne, T. M.	Eldredge,	Haynes,	Lyman,
Brown, C. E.	Ellsberry,	Hemphill,	Markham,
Buchanan,	Ely,	Henderson, D. B.	Matson,
Bunnell,	Ermentrout,	Henderson, T. J.	McAdoo,
Burleigh,	Everhart,	Hepburn,	McComas,
Burnes,	Farquhar,	Hermann,	McKenna,
Burrows,	Fisher,	Hiestand,	McKinley,
Butterworth,	Fleeger,	Hill,	Merriman,
Bynum,	Foran,	Hires,	Millard,
Cannon,	Ford,	Hiscock,	Milliken,
Carleton,	Frederick,	Hitt,	Mills,
Caswell,	Fuller,	Holman,	Moffatt,
Catchings,	Funston,	Holmes,	Morrill,
Clardy,	Gay,	Hopkins,	Morrison,
Cobb,	Geddes,	Howard,	Morrow,
Neece,	Rice,	Strait,	Ward, J. H.
Nelson,	Rockwell,	Struble,	Warner, William
Oates,	Romeis,	Swinburne,	Weaver, A. J.
O'Neill, J. J.	Rowell,	Swope,	Weaver, J. B.
Osborne,	Ryan,	Tarsney,	Weber,
Parker,	Sawyer,	Taulbee,	West,
Payne,	Scott,	Taylor, I. H.	White, A. C.
Payson,	Seymour,	Taylor, Zach.	White, Milo
Perkins,	Shaw,	Thomas, O. B.	Wilkins,
Perry,	Skinner,	Thompson,	Willis,
Peters,	Smalls,	Tillman,	Wilson,
Pettibone,	Sowden,	Townshend,	Winans,
Pindar,	Spooner,	Trigg,	Wise,
Pirce,	Springer,	Van Eaton,	Wolford,
Plumb,	Stahlnecker,	Wade,	Woodburn,
Price,	Stephenson,	Wadsworth,	Worthington.
Reed, T. B.	Stone, W. J., Mo.	Wait,	

NAYS—38.

Bennett,	Dowdney,	McCreary,	Sayers,
Blanchard,	Dunn,	McMillin,	Singleton,
Bland,	Forney,	McRae,	Stewart, Charles
Cabell,	Harris,	Morgan,	St. Martin,
Candler,	Henderson, J. S.	Peel,	Taylor, J. M.
Clements,	Johnston, T. D.	Randall,	Turner,
Crisp,	Jones, J. H.	Reagan,	Wellborn,
Croxton,	Laffoon,	Reid, J. W.	Wheeler.
Culberson,	Lanham,	Richardson,	
Davidson, A. C.	Martin,	Sadler,	

NOT VOTING—109.

Adams, J. J.	Cox,	King,	Riggs,
Aiken,	Curtin,	Le Fevre,	Robertson,
Allen, J. M.	Daniel,	Lehlbach,	Rogers,
Anderson, J. A.	Davenport,	Libbey,	Scranton,
Arnot,	Davidson, R. H. M.	Little,	Seney,
Barbour,	Dawson,	Long,	Sessions,
Barksdale,	Dibble,	Lore,	Snyder,
Barnes,	Evans,	Louttit,	Spriggs,
Barry,	Felton,	Lowry,	Steele,
Bayne,	Findlay,	Mahoney,	Stewart, J. W.
Beach,	Gallinger,	Maybury,	Stone, E. F.
Belmont,	Gibson, Eustace	Miller,	Stone, W. J., Ky.
Bliss,	Glass,	Mitchell,	Storm,
Blount,	Glover,	Muller,	Symes,
Brady,	Green, W. J.	Murphy,	Taylor, E. B.
Bragg,	Hall,	Neal,	Thomas, J. R.
Brown, W. W.	Hammond,	Negley,	Throckmorton,
Brumm,	Hanback,	Norwood,	Tucker,
Buck,	Heard,	O'Donnell,	Van Schaick,
Caldwell,	Henley,	O'Ferrall,	Viele,
Campbell, Felix	Herbert,	O'Hara,	Wakefield,
Campbell, J. E.	Hewitt,	O'Neill, Charles	Wallace,
Campbell, J. M.	Houk,	Outhwaite,	Ward, T. B.
Campbell, T. J.	Hudd,	Owen,	Warner, A. J.
Collins,	Hutton,	Phelps,	Whiting.
Compton,	Jones, J. T.	Pidcock,	
Cooper,	Kelley,	Ranney,	
Cowles,	Ketcham,	Reese,	

So (two-thirds having voted in favor thereof) the bill was passed over the veto of the President.

During the roll-call,

On motion of Mr. MATSON, by unanimous consent, the reading of the names were dispensed with.

The following additional pairs were announced from the Clerk's desk:

Mr. DANIEL with Mr. WHITING, until further notice.

Mr. BELMONT with Mr. LONG, until Monday next.

Mr. ADAMS, of New York, with Mr. EVANS, for the remainder of the day.

Mr. NEAL with Mr. HOUK, on this vote.

Mr. WALLACE with Mr. COMPTON, on this vote. If present, Mr. COMPTON would vote "ay" and Mr. WALLACE "no."

The vote was then announced as above recorded.

REPRINTING A REPORT.

Mr. BRECKINRIDGE, of Arkansas, by unanimous consent, offered a resolution that 3,800 copies of report 3209 on the bill (H. R. 9702) to reduce and equalize duties on imports, to reduce internal revenue taxes, and to modify the laws in relation to the collection of the revenue, be printed for the use of the House; which was referred to the Committee on Printing.

And then (at 4 o'clock and 59 minutes p. m.), on motion of Mr. MATSON, the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House was called to order at 8 o'clock p. m. by the Chief Clerk, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., July 16, 1886.

SIR: Hon. BENTON MCMILLIN is designated to preside as Speaker *pro tempore* at the session of the House this evening.

J. G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK, JR.,
Clerk House of Representatives.

Mr. MCMILLIN accordingly took the chair as Speaker *pro tempore.*

BILLS PASSED.

Mr. MORRILL. I ask unanimous consent that we now take up and pass the bills which were favorably reported by the Committee of the Whole on last Friday evening.

There was no objecton.

A bill (H. R. 7796) granting a pension to James Long was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

A bill (H. R. 9115) for the relief of Eugene E. McLean was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed (two-thirds voting in favor thereof).

Senate bills of the following titles were severally considered, ordered to a third reading, and being read the third time, were passed:

A bill (S. 1625) granting a pension to Rebecca Hollingsworth Humphreys;

A bill (S. 1289) granting a pension to Thomas J. Owen;

A bill (S. 1853) granting a pension to Isabella Jessup;

A bill (S. 2233) granting a pension to John P. McElroy;

A bill (S. 1766) granting a pension to William Brentano;

A bill (S. 2163) granting a pension to Powhattan B. Short; and

A bill (S. 2160) granting a pension to Mary J. Hagerman.

A bill (S. 2026) granting a pension to Wallis Pattee was considered, and recommitted to the Committee on Invalid Pensions, as recommended by the Committee of the Whole.

Mr. MORRILL moved to reconsider the several votes taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM H. WEAVER.

The bill (S. 1421) granting a pension to William H. Weaver was considered. The question being upon its passage,

Mr. WALLACE. Mr. Chairman, I do not think this is a bill that ought to pass the House. According to the report, as it appears in the RECORD, there have been numerous efforts made on the part of the claimant to prove himself worthy of a pension before the Pension Office. They sent various special examiners and made five or six different examinations in the case, and finally after all of these efforts it was decided by the Pension Office that this soldier was not entitled to a pension. I think that bill had better be passed over.

Mr. MATSON. I ask unanimous consent that this bill be laid aside informally, not to lose its status.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. MATSON. I move that the House now resolve itself into Committee of the Whole for the consideration of bills under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

BILLS INFORMALLY PASSED OVER.

The CHAIRMAN. The Clerk will report the unfinished business coming over from last Friday.

The Clerk read as follows:

A bill (S. 2132) granting a pension to Fridoline Glastetter.

The bill was read.

The CHAIRMAN. The pending question, as the Chair understands it, is on the motion to lay aside the bill with a favorable recommendation. The committee was dividing, and the gentleman from Louisiana [Mr. WALLACE] and the gentleman from Indiana [Mr. MATSON] will resume their places as tellers.

Mr. MATSON. I ask unanimous consent that this bill be passed over informally, not to lose its place on the Calendar.

There was no objection, and it was so ordered.

The next business on the Private Calendar was the bill (H. R. 4097) for the relief of William J. Owings.

Mr. MATSON. I ask that the same order be made in that case.

There was no objection, and it was so ordered.

The next business on the Private Calendar was the bill (H. R. 4702) amending sections 4756 and 4757 of the Revised Statutes, relating to pensions to certain disabled persons who have served in the Navy or Marine Corps.

Mr. MCMILLIN. That is a general bill, and I ask that the same order be made in this case.

There was no objection, and it was so ordered.

The next business on the Private Calendar was the bill (H. R. 4712) to place the name of Jacob S. Biddle on the pension-roll.

Mr. MATSON. I ask that the same order be made in this case.

There was no objection, and it was so ordered.

The next business on the Private Calendar was the bill (S. 1852) granting a pension to Mrs. Jane R. McQuaide.

Mr. CONGER. I ask that that bill be passed over, not to lose its place on the Calendar.

There was no objection, and it was so ordered.

JAMES M'GLEN.

The next business on the Private Calendar was the bill (H. R. 8474) granting a pension to James McGlen.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll of the United States, subject to the provisions and limitations of the pension laws, the name of James McGlynn, late a private in Company I, One hundred and thirty-sixth Regiment New York Volunteers.

The report (by Mr. SAWYER) is as follows:

That from the papers on file in the Pension Office and presented before this committee it appears that the soldier enlisted as a private in Company I, One hundred and thirty-sixth Regiment New York Volunteers, August 28, 1862, and was discharged June 13, 1865.

The soldier testifies:

"On or about the 2d day of May, 1863, he was detailed to watch the knapsacks, &c., of his company, which, with the regiment, had been ordered to advance; that while he was thus engaged he was requested by some members of another regiment to assist in carrying some logs to be used in constructing a breastwork, and while carrying a heavy log the men carrying the other end fell, leaving the weight resting on the shoulder of the claimant, which crushed him to the ground, injuring him in his shoulder and spraining his wrist; that shortly after the enemy charged the soldiers where he was and took him prisoner, and that he was wounded in his right wrist; that he was taken to Libby prison, where he was treated by a rebel surgeon, who removed the ball; that when wounded no officer or comrade of his company was present, only one man from each company being detailed to watch the baggage. This was the day of the battle of Chancellorsville."

H. L. Arnold testifies:

"That he was lieutenant-colonel of the One hundred and thirty-sixth Regiment when it was mustered out; that on the day of the battle of Chancellorsville he was captain of Company I in said regiment; that on the afternoon of that day the said regiment with the balance of brigade was ordered out on reconnaissance in force; that the claimant, who was a private in his company, was by a proper order left behind in charge of the knapsacks and other property of the company; that while gone the enemy, under command of Stonewall Jackson, made an attack upon that position and carried it; that when they returned to our lines they found them in a different position, and the claimant was missing and was reported missing for some time; that before that battle the claimant was an able-bodied man in good health."

Matthew Mead testifies:

"At the time of the battle of Chancellorsville, he was orderly sergeant of Company I, One hundred and thirty-sixth Regiment of New York Volunteers, to which soldier belonged; that in that capacity on the day of said battle he detailed the soldier to take charge of the baggage of said company; that at that battle the soldier was reported missing; that some time after that he was informed that the soldier was wounded and taken prisoner; that at the time of his capture the soldier was an able-bodied man in good health; that he next saw him the following September at Bridgeport, Ala., where he was unable to go on duty or carry a gun; that from that time until the regiment was mustered out the soldier was able to do only light duty, such as loading a pack-mule."

B. L. Hovey, M. D., testifies:

He was surgeon of the One hundred and thirty-sixth Regiment New York Volunteers; that during the summer of 1863 he treated the soldier for an injury to his shoulder and wrist, which he claimed to have received at the battle of Chancellorsville; that the injury was a severe one and disabled him from performing full military duty, and that after several weeks he so far recovered as to be able to perform light duty; that he has seen the soldier several times since his discharge and has examined him within four or five years prior to 1878, and that his arm is useless for the purpose of manual labor; that he knew the claimant and recollects him; that there is a perfect anchylosis of his wrist joint, and he has only a partial ability to close the fingers, the index finger being less useful than the others.

Charlemagne Fisk testifies in his affidavit of date of April 1, 1866:

"That he then resided at Livonia, Livingston County, New York (that being where the claimant lives). That he was a private in Company K, Eighty-sixth Regiment New York Volunteers; that at the battle of Chancellorsville he was detailed to guard knapsacks, &c.; that his lines were not more than 30 feet from the lines of the Eleventh Corps, where the soldier and others were guarding baggage, &c.; that this past summer when he was working with the claimant he thought he had seen him before, and asked him if he was not guarding baggage at the battle of Chancellorsville, and the soldier replied he was."

Said Fisk further testifies:

"I saw the soldier when he was wounded. I saw him throw up his gun and say he was shot. When the enemy charged upon us at that time we were all mixed up, and I escaped. I am now drawing a pension."

Robert Park testifies that he was a private in same company with claimant and saw him wounded at the battle of Chancellorsville.

Patrick McCadden testifies:

"He was a member of Company K, Thirty-third Regiment New York Volunteers, and was taken prisoner at the battle of Fredericksburg; that while so a prisoner he saw the claimant, also a prisoner, wounded in the shoulder; saw the rebel surgeons dress his wounds; that they were in the Libby prison together; that he did not see the claimant wounded, but was informed that he was wounded while guarding breastworks at the battle of Chancellorsville."

Matthew Mead testifies:

"That on the 2d day of May, 1863, he was lieutenant of Company I, One hundred and thirty-sixty Regiment of New York Volunteers; that on or about that day the claimant was detailed to guard the company's baggage; that it was reported at the time that the claimant had been taken prisoner; that he returned in about two months, and that when he returned he was disabled by an injury to his shoulder and arm to such an extent as to unfit him for military service."

Dr. John C. Patterson testifies:

"Treated the claimant during the fall months of 1865 for some disease of the shoulder, which, as deponent was informed, was the result of service in the Army."

Dr. Charles C. Richmond, in his affidavit of date of April 13, 1874, testifies:

"That he was well acquainted with the claimant, and had attended him professionally for about seven years; that the disease for which he has prescribed for him was inflammation of the sheaths of the tendons of the right wrist, which, as deponent was informed, was the result of his service as a soldier."

The records of the Adjutant-General's Office show:

"Reported as missing in action at Chancellorsville May 1, 1863, but since returned as an exchanged prisoner. Prisoner of War Records show him captured as above, paroled at City Point, Va., May 14 and 15, 1863, reported at Camp Parole, Maryland, May 15 and 16, 1863, and was sent to Convalescent Camp, Virginia, May 20, 1863."

The Surgeon-General reports that "there are no records of City Point, Va., on file prior to June 20, 1864, and no records of regiment on file."

John Craig, the examining surgeon, in his report of date of March 18, 1878, says:

"The metacarpal bone of the right forearm has been badly shattered and is now united so that at the place of union the bone is bent outward, the fingers bent so that he can not grasp anything firmly, which disables him from performing much manual labor with that hand."

The evidence shows the claimant to have been a sound, healthy man before the battle of Chancellorsville, and that down to this time he has remained a crippled, disabled man. The claim has been rejected at the Pension Office, but the member of the committee drawing this report is unable to state from the papers the ground of the rejection.

Your committee believe this to be a most meritorious case, and therefore recommend that the bill do pass, with an amendment to the bill and the title thereto, by changing the word "McGlynn" in the title and the same word in the sixth line of the bill to the word "McGlen."

The amendment of the committee was agreed to.

Mr. WALLACE. Mr. Chairman, the papers in this case, it seems to me, show very clearly the reason why the Pension Office did not grant the application of this soldier. He was captured at Chancellorsville and fifteen or eighteen days afterward was exchanged, and the records show that there was no evidence of disability whatever at the time of the exchange. I have also seen a letter from the Surgeon-General, who says there is no record at any of the camp hospitals around the city of Washington at that time to indicate that he was present. If he got this wound in his wrist at Chancellorsville, he certainly would have been in some of these hospitals and there would have been some record of it.

I think this is not a bill we should act upon. The case, according to the records as I have looked at them in the papers in the Pension Office, is decidedly weak; and the additional testimony of the Surgeon-General saying this man was not in any of these hospitals within thirty days after the battle of Chancellorsville is a strong indication that the wound was received at some other time. Among those papers is no claim made at the commencement of this period when he returned from Chancellorsville of the wound in the wrist, which is the only one on which this application is based. I ask that the case be passed over.

Mr. PETERS. A considerable portion of the facts set forth in the report come within my own knowledge. I was brigaded with the One hundred and thirty-sixth New York Regiment at Chancellorsville. I was one of the men ordered to strap knapsacks and go out on a reconnaissance in the direction of Spottsylvania Court House, some of our company being left to guard the knapsacks. Our brigade, under the command of General Barlow, was directed to make this reconnaissance and report it to General Birney. Thus far I can verify the statements made in this report.

The evidence, as I understand it, is overwhelming that this soldier received this injury as he claimed in his application, and also that he received the wound. The evidence is also overwhelming that he was taken prisoner. Those who were there at that time and who were connected with this brigade and the Eleventh Corps know that Jackson made his attack on the right of Howard's corps, rushed in upon the Eleventh Corps when their guns were stacked, drove them back in utter confusion, and captured all of these knapsacks and the greater portion of the soldiers left to guard them. I know as far as my regiment was concerned, and so far as every regiment connected with the brigade was concerned, we never saw our knapsacks again.

I listened to the evidence with some care, because the moment the One hundred and thirty-sixth New York Regiment was mentioned my interest was aroused in the matter, as I served with that regiment nearly three years. That evidence is overwhelming as to the facts set forth in the application of the claimant; and the great wonder to me is why this application was not granted at the Pension Department. Certainly if ever there was a case in which the injury to the soldier and the wound are clearly established by the testimony not only of officers but of privates, this is such a case. One of the affidavits made here is by the man who was afterward lieutenant-colonel of the regiment, but who was at that time captain of Company I. He makes an affidavit as to the material facts set forth in the application. It seems to me if there ever was a case where all the facts necessary to the granting of a pension have been established by overwhelming testimony, not by one affidavit or the evidence of one person, but by the evidence of five or six parties, it is this case.

The gentleman from Louisiana [Mr. WALLACE] makes the point that there is no record in any of the hospitals of this man having been treated. There is the evidence of one man who was captured afterward at Fredericksburg, I believe, and who saw this man in prison.

Mr. CUTCHEON. And saw his wound dressed.

Mr. PETERS. Yes; and saw his wound dressed in Libby prison. He saw a surgeon of the confederate army dress his wound.

It seems to me that must have escaped the attention of the gentleman from Louisiana. That not only corroborates the evidence of the witnesses who testified to the capture of this man and to his receiving his injury, but brings the evidence up until after the time of capture. The mere fact that he might not have had a hospital record after exchange should not outbalance the weight of the evidence of these witnesses who testified to his receiving his wound and being captured and the evidence of the man who testified to his wound being dressed in Libby prison. It seems to me this case should never have come here to ask the equitable interposition of Congress. The application should have been granted at the Pension Department; but as it was rejected there and is now before us for action, it seems to me it ought to be allowed.

Mr. SAWYER. Having introduced this bill and drawn the report accompanying it, I would like to say something in support of it. But in the first place I would like to ask the gentleman from Louisiana what he said with reference to the letter from the Surgeon-General. I did not hear him distinctly.

Mr. WALLACE. Among the papers was a letter from the Surgeon-General, which stated no such name as that of this soldier is to be found among the records of Camp Parole or other hospitals around the city of Washington.

Mr. SAWYER. I think if the gentleman had examined all the papers he would have found that he is laboring under a mistake.

Mr. WALLACE. I did examine all the papers.

Mr. SAWYER. Because I think he would have found that the remark of which he has spoken refers to another person, and not to this claimant.

The gentleman will find among the papers on record a report from the Adjutant-General's Office showing that this man was reported missing in action May 1, 1863, and was afterward returned as an exchanged prisoner of war.

Mr. WALLACE. At what date was he returned as an exchanged prisoner?

Mr. SAWYER. I can not tell without stopping to look at the record.

Mr. WALLACE. I think it was on the 24th of the same month, about three weeks after he was reported missing.

Mr. SAWYER. In the first place, then, the statement from the Adjutant-General's Office shows that this man was reported as missing at the battle of Chancellorsville, and that subsequently to that he was returned as an exchanged prisoner. Now he could not have been returned as an exchanged prisoner unless he had been taken prisoner.

Mr. WALLACE. Does it say anything about his being wounded when he was returned as an exchanged prisoner?

Mr. SAWYER. Probably not. The record of prisoners of war shows that he was captured at Chancellorsville on May 1, 1863; that he was paroled at City Point May 14 and 15, reported at Camp Parole on the 15th and 16th, and was sent to the convalescent camp May 20.

So, from the records of the Adjutant General's Office we have the facts that he was reported missing and returned a paroled prisoner, and from the other official records of the Government we have the facts of his capture and his return, and also the significant fact that he was sent to the convalescent camp, which it seems to me would not have happened if the man at that time had been free from wounds or disability. The Surgeon-General's Office reports that there are no records on file of the City Point Hospital prior to June 20, 1864, and it was prior to that time that this man was taken to that place. Another significant fact appears, that is, that there are no hospital records of that regiment on file.

To go back, this man was taken prisoner in May, 1863. Dr. Hovey, who was the surgeon of the regiment, swears in his affidavit that he treated him in the summer of 1863 for an injury to his shoulder and wrist, which he claimed to have received at the battle of Chancellorsville. Therefore this treatment was after that battle. It appears that the man had a wound in the wrist, which the evidence shows he had received, and we have the evidence of the surgeon that he treated him for that injury several times, and continued to treat him for the injury to the wrist down to 1878. It appears from the testimony of the captain of the company, who afterward became its lieutenant-colonel, and from the testimony of the orderly sergeant, that this man was detailed by the company, when they were on the reconnoissance which has been spoken of by the gentleman from Kansas [Mr. PETERS], to take care of the knapsacks.

The man himself makes oath that he was taken prisoner at that time. We have the testimony of another man that he was present at the time this claimant was taken prisoner and saw him taken. We have the testimony of another that he was there at the time and saw him wounded, saw him throw up his gun, raise his hand, and exclaim that he was shot. Then we have the testimony of another man that he saw him at Libby prison, saw him in a wounded condition there, and saw his wound dressed by a rebel surgeon.

I can not imagine how you can make a stronger case than is made here. The man was placed by the proper officer in charge of the baggage; the confederates charged upon him while he was there and took him prisoner; he was shot in the wrist, taken prisoner, and taken to Libby prison, where his wounds were dressed by a confederate surgeon, as shown by the evidence, and he appeared in the camp, as appears by the official record, and it is shown that he has been in a crippled condition ever since. I think I recollect the paper to which the gentleman from Louisiana [Mr. WALLACE] refers, and my recollection is that it relates to another person, one of the witnesses in the case, not to the claimant.

MESSAGE FROM THE SENATE.

The CHAIRMAN. The committee will rise informally to receive a message from the Senate.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 2113) granting a pension to Mrs. Sarah Young.

The message further informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5866) to construct a road to the national cemetery at Knoxville, Tenn.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7527) providing for the construction of the light-house supply steamer for the Atlantic and Gulf coasts.

The message also announced that the Senate further insisted upon its amendments numbered 2, 17, 88, 179, and 180 to the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, disagreed to by the House of Representatives.

JAMES M'GLEN.

The Committee of the Whole House on the Private Calendar resumed its session.

Mr. SAWYER. As I was saying, Mr. Chairman, the evidence discloses the fact that this man, then a sound and healthy man, was standing at the post of duty by the command of his superior officer. We show him taken prisoner, a wounded man. We show him with his wounds being dressed in the prison of the enemy. We show him returning to his regiment and going to the convalescent camp. We show the surgeon of his regiment treating him for the very wound which we prove by two other witnesses he received at Chancellorsville. It appears from the records of the Department that this disability still continues. Now, I can not imagine how a stronger case can be made out than this. [Cries of "Vote!" "Vote!"]

Mr. WALLACE. There is no question, I suppose, in the mind of any one that this man was captured and taken to Libby prison, but there is no evidence at all that he was shot in the battle of Chancellorsville. If he had been, he would be entitled to a pension from Congress unless he had already received it through the Pension Office. But the testimony does not show that he was hurt otherwise than being injured in the shoulder by a falling log, which was only a temporary injury and one of very small moment, from which he had evidently recovered by the time he was exchanged and returned to his regiment, fifteen or twenty days afterward. But as the man seems to have been wounded during the period that the war lasted, and as I feel that to be a justification for giving him a pension, I do not desire to be captious, and will withdraw my objection.

Mr. SAWYER. Now, if the gentleman will pardon me, I will call his attention—— [Cries of "Vote!" "Vote!"]

The question being taken, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

STEPHEN SAUER.

The next business on the Private Calendar was the bill (H. R. 5038) for the relief of Stephen Sauer.

The CHAIRMAN. This bill, having already passed the House, has been returned from the Senate with an amendment, which will be read.

The Clerk read as follows:

After the words "Stephen Sauer," in line 6, insert "dependent father of George Sauer."

Mr. MATSON. I move that the bill be reported to the House with a recommendation that the amendment of the Senate be concurred in.

The motion was agreed to.

ROBERT POTTS.

The next business on the Private Calendar was the bill (H. R. 9119) granting a pension to Robert Potts.

Mr. MATSON. I ask unanimous consent that this bill be passed over informally, as the gentleman representing it is not present.

The CHAIRMAN. If there be no objection the bill will be laid aside informally, retaining its place on the Calendar.

There was no objection, and it was ordered accordingly.

CYRA L. WESTON.

The next business on the Private Calendar was the bill (H. R. 8310) granting a pension to Cyra L. Weston.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Cyra L. Weston, dependent father of William L. Weston, late a private in Company B, One hundred and twenty-sixth Massachusetts Volunteers.

The amendment reported by the Committee on Invalid Pensions was read, as follows:

After the words "Company B," in line 7, strike out "One hundred and."

Mr. EDEN. I would like to hear the report in this case.

The report (by Mr. HAYNES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R 8310) granting a pension to Cyra L. Weston, submit the following report:

Cyra L. Weston's claim as dependent father of William L. Weston, private Company B, Twenty-sixth Massachusetts Volunteers, was rejected by the Pension Office "on the ground that the nature of soldier's fatal disease and its origin in line of duty can not be shown; also, that while a prisoner he enlisted in the rebel service."

The records of the War Department show that at the age of eighteen the soldier enlisted as a private in the third unattached company of Massachusetts cavalry. He was enrolled on the 12th day of November, 1861, and was discharged at New Orleans, La., June 16, 1862, on surgeon's certificate of disability, which contains the following statement:

"Ever since the company was mounted, February 25, 1862, he has essayed to mount and drill and do service as a trooper, but has invariably failed, owing to weakness; has never done one day's mounted duty; in consequence, in my opinion, never can be fit for cavalry.

January 8, 1864, he enlisted as a private in the Twenty-sixth Massachusetts Regiment; was captured at the battle of Cedar Creek, Virginia, October 19, 1864. Prisoner of war records show him captured as above, confined at Richmond, Va., October 23, 1864, and sent to Salisbury, N. C., November 4, 1864, where he enlisted in the rebel army; date not given. Paroled at N. E. Ferry, North Carolina, March 3, 1865. Final statement by company commander reports him died in United States Army general hospital, Wilmington, N. C., March 17, 1865, of causes not stated.

Two special examinations were ordered in this case. The first was by D. J. Safford, special examiner, who examined claimant and witnesses in his vicinity, and whose report bears date April 6, 1885. In this report he says:

"From a careful study of all the evidence I am of the opinion that the claim is meritorious. Though the evidence as to dependence is not strong, still in the feeble condition of the claimant's wife, as shown, I think it should be accepted (Safford gives the names and addresses of several comrades who should be seen). As the names of others of the company and regiment, who were in prison with him, and in their examination the question of his enlisting in the rebel service should be inquired into, although I place very little reliance on that portion of the record, from the fact that, apparently, he died in consequence of exposure in prison."

The second examination was by S. J. Davis, special examiner, whose report bears date June 19, 1885. He examined such comrades of soldier as he was able to reach, touching the points of his disabilities in the service and his enlistment into the rebel army, and says in his report:

"While I may and do presume that if the real facts could be proved the claim would be allowed, nevertheless proof and not presumption must decide the case."

The testimony of Orville W. Booth and Francis W. Woods shows him to have had chronic diarrhea in his second service, the testimony of the former touching the time before he was taken prisoner, and that of the latter while in Salisbury prison.

The testimony of the latter also has a bearing upon his enlistment into the rebel army, inasmuch as he saw soldier in prison and conversed with him as late as about the middle of January.

There is nothing to indicate upon what information the War Department record is based. It will be observed the date of alleged enlistment is unknown and so stated. If it is correct, it must have been some time in the period of six or seven weeks between the middle of January and the 3d day of March. This committee are of opinion, from all the facts developed, that the accuracy of the record is open, to say the least, to very grave doubts, with the probabilities very strongly against it. It is a matter of common knowledge that many prisoners who are charged on the War Department records with this dishonorable act never in fact enlisted in the rebel army or entered the rebel service. We are of opinion that this is a case of that character. The fact that he was paroled as a prisoner of war and sent into our lines is to our minds conclusive on this point.

It is not reasonable to assume that if in the rebel service he would have been thus paroled. That act of the rebel authorities recognized him as a Union soldier in good standing, and is in itself a refutation of the charge that he had enlisted in their army. Were he living he might be able to clear up this adverse, and we think unjust, record. But he died in the hospital at Wilmington, and the record stands, which we are convinced is a great injustice to the memory of a soldier who gave his life to the service of his country.

From all the facts and circumstances surrounding the case there can be no reasonable doubt that his death was the result of his prison life and its attendant hardships and privations.

Two special examiners, examining witnesses face to face, were impressed that the claim was meritorious if the real facts could be developed.

But in cases similar to this the Pension Office has ruled that the claim must be rejected and that Congress alone can grant relief.

The claimant is poor, old, and infirm, has lost one eye, and but for the bar heretofore discussed has shown a meritorious claim. In view of all the circumstances surrounding his son's prison record, the doubts concerning his alleged enlistment in the rebel service, and his death, we think the Government may properly waive the objections standing against the allowance of this claim.

We therefore report the bill to the House with a recommendation that it be amended by striking out the words "one hundred and," in line 7, and that as so amended the bill do pass.

The amendment reported by the Committee on Invalid Pensions was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

DUFF GREEN REED.

The next business on the Private Calendar was the bill (H. R. 8296) to remove the political disabilities of Duff Green Reed.

Mr. WHEELER. I ask for the consideration of this bill.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That all political disabilities imposed by the fourteenth amendment of the Constitution of the United States be, and the same are hereby, removed from Duff Green Reed.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES CARLIN.

The next business on the Private Calendar was the bill (H. R. 6314) to increase the pension of James Carlin.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby directed to increase the pension of James Carlin, late a private in Company I, Third Regiment Vermont Volunteers, and now on the pension-roll, to $50 a month.

An amendment reported by the Committee on Invalid Pensions was read, as follows:

In line 6 strike out "fifty" and insert "forty."

Mr. PERKINS. I ask unanimous consent that we adopt this evening the method of proceeding which has been pursued on several previous evenings—that when a bill has been read by its title, unless some member asks for its consideration, it be laid aside informally without losing its place on the Calendar.

Mr. HAYNES. I would like to have this case considered.

Mr. PERKINS. Of course I have no objection to the consideration of this case; but I ask that the arrangement I have suggested be made.

Mr. WINANS. I object. Let the bills be considered regularly in their order.

Mr. GROUT. Mr. Chairman, I understand the bill just read is before the Committee of the Whole for consideration?

The CHAIRMAN. It is.

Mr. EDEN. Let the report be read.

The report (by Mr. HAYNES) was read, as follows:

James Carlin was a private in Company F, Third Vermont Regiment. He lost his left leg above the knee at the battle of the Wilderness, for which he draws a pension of $30 per month. This bill proposes to increase his pension to $50 per month. The Pension Office has no authority to increase his pension beyond the present rate, unless that degree of helplessness is shown which would entitle him to a $50 rating. His present condition is shown by the affidavits of Drs. Morse and Holden, which are appended as a part of this report. They disclose a badly diseased stump, which renders his disability much greater than usually follows similar amputations. It has been the policy of Congress to grant an increase in this class of cases—to recognize the increased disability which results from diseased stumps, and to make proper allowance therefor—which the Pension Office is not permitted to do. The certificates hereto appended do not indicate a disability which would entitle claimant to a $50 rating, but we think he is equitably entitled to more than he at present receives.

We therefore recommend that the bill be amended so as to increase his pension to $40 per month, and that as so amended the bill do pass.

I, Frederick L. Morse, of Windsor, in the county of Windsor, on oath depose and say that I am a practicing physician, and a graduate of medicine from the University of Michigan in the year 1872, and commenced to practice my profession in said Windsor in 1872; that I immediately became acquainted with James Carlin, a harness maker and repairer, who had lost his left leg at the middle third of the thigh, and have been familiar with him and his troubles since my first acquaintance. The stump of said leg troubled him continually and was continually painful, with either a constant discharge or preparing for a discharge. His stump gave him so much trouble that it was thought best to operate with the hope of affording him relief. Therefore, on the 8th day of October, 1874, the operation proposed was done. The bone was laid bare on the end, when we found it was greatly enlarged, being of a round and somewhat oval shape; white, hard, and constituting within itself a diseased condition. It was not thought best to further expose the bone to search for dead or diseased bone, and after the removal of a small piece of the enlarged extremity with the hope of inducing a reduction of its size by absorption, the operation was completed. He made a very quick and good recovery from the operation, the stump healing rapidly. It soon broke out again, however, and the suppurating discharge has continued ever since with all the old symptoms greatly aggravated at times. There is a constant sore on the extremity of the stump, or on the side near the end, accompanied by a great deal of pain.

I can swear positively that his stump has had a badly diseased bone it it since I first knew him in 1872. His condition is such as would oblige him to refrain from labor absolutely unless it were of a kind that would not interfere with the stump at all. It is my opinion that, taking the work he attempts to do as a standard of judgment, his disability is fully one-half. I have no interest in any claim Mr. Carlin may make or is making for increase of pension.

FREDERICK L. MORSE.

Subscribed and sworn to this 25th day of February, A. D. 1886, before me,
FRED. W. CADY, *Notary Public.*

I, Clarence P. Holden, of Windsor, county of Windsor and State of Vermont, do depose and say that I am a graduate in medicine of the New York Homeopathic Medical College; that I have been engaged in the practice of my profession ten years, and that I have known James Carlin, of Windsor, since November 1, 1882. That the said James Carlin has a diseased stump, resulting from an amputation in the middle third of the thigh; that the stump is greatly enlarged, and there is a place near the end of the stump from which pus is almost constantly being discharged. That the disease consists of hypertrophy of the bone, with almost constant inflammation and ulceration; and, further, that I have treated the said James Carlin at various times since November 1, 1882, and at one time when he was confined to his house and bed for about two weeks. And, further, that the above-described disease is a source of almost constant pain and suffering, frequently requiring the care of physician and attendant, and incapacitates him from all except very light manual labor, and many times is totally incapacitated from performing any labor whatever. That since my acquaintance and professional attendance began as aforesaid in November, 1882, with said James Carlin his general health and strength have suffered a marked deterioration; and, further, that, in my opinion, the said James Carlin, by reason of the above-described disease and disability, should receive a pension of at least $60 per month.

CLARENCE P. HOLDEN.

Sworn to and subscribed before me this 22d day of February, A. D. 1886.
[SEAL.] JOS. C. ENRIGHT, *Notary Public.*

The amendment reported by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELLEN SADLER.

The next business on the Private Calendar was the bill (S. 1492) for the relief of Ellen Sadler, sister of John Sadler.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of Ellen Sadler, sister of John Sadler, formerly of Company E, Sixty-eighth Regiment of Pennsylvania Volunteers.

An amendment reported by the Committee on Invalid Pensions, to add to the bill the words "and pay her a pension at the rate of $12 per month," was read.

Mr. WALLACE. Let the report be read.

The report (by Mr. HAYNES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1492) for the relief of Ellen Sadler, sister of John Sadler, submit the following report:

This committee have examined the papers in this case, and find they fully substantiate the statements of the Senate report. While there is no direct evidence of the soldier's celibacy, the facts disclosed of care of soldier by mother and sister, and will of soldier making his sister sole legatee, and report of Commissioner of Pensions that no claim had been filed in soldier's name, establish his celibacy to our satisfaction. We append the Senate report and recommend the passage of the bill with the following amendment: After the word "volunteers," in the sixth line of the printed bill, insert "and pay her a pension at the rate of $12 per month."

The claimant, Ellen Sadler, is a sister of John Sadler, formerly of Company E, Sixty-eighth Regiment Pennsylvania Volunteers. No claim was ever made before the Pension Department, because this case does not come within the provisions of any general law.

The following letter from the Adjutant-General's Office gives the service of the soldier:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, April 9, 1886.

SIR: I have the honor to return herewith a letter from the Senate Committee on Pensions, requesting the military record of John Sadler, as of Company E, Sixty-eighth Pennsylvania Volunteers, and, in compliance with instructions thereon, to report that the records of this office show that John J. Sadler was enrolled August 13, 1862, at Philadelphia, Pa., and mustered into service September 1, 1862, to serve three years as a private in Company E, Sixty-eighth Pennsylvania Volunteers; that he served therein to January 13, 1863, when he was discharged on surgeon's certificate of disability at Camp Pitcher, Virginia, because of "inguinal hernia of right side, contracted about five days ago while on duty." In said certificate the company commander also certifies that "John J. Sadler has been a good and attentive soldier and has had good health since his enlistment until the 30th December, 1862, when he was first attacked with this disease, supposed to have been brought on by wearing a cartridge-box."

I have the honor to be, sir, very respectfully, your obedient servant,
J. C. KELTON,
Acting Adjutant-General.

The SECRETARY OF WAR.

It appears from the evidence before your committee that the soldier was discharged for disability contracted in the service, which disability continued until his death. The certificates of physicians are on file with the papers. The testimony of comrades and others corroborates the evidence as to the incurrence of the disability in the service and its continuance since. The evidence is that the soldier, after his discharge, was unable to do any work whatever, and that his mother and sister were compelled to support him; that after his mother's death the burden of such support fell on his sister, Ellen Sadler, and that she did her duty until disabled by partial paralysis. This paralysis still continues, and it further appears that this sister is left in the most destitute circumstances. The soldier died at the Pennsylvania Hospital.

Your committee are of the opinion that the soldier died from the result of disease contracted in the service, and that his sister, who, it appears, is his only surviving relative and now utterly destitute, should receive from the Government some assistance which will in some measure take the place of that which the soldier would no doubt have contributed were he now alive and in good health. We therefore report back the bill with the recommendation that it do pass.

Mr. WALLACE. I desire to inquire whether it is customary to grant pensions to the sisters of soldiers who have died in the war—whether there are any precedents for it?

Mr. HAYNES. There are scores of precedents. My impression is there are probably a dozen in this Congress. Where the sister has been dependent on the soldier and where she is suffering under disability, where she is crippled, blind, or otherwise incapacitated for earning a livelihood, it is the invariable practice for Congress to grant relief.

Mr. PETTIBONE. That has been the practice for years.

The amendment reported by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS WALSH.

The next business on the Private Calendar was the bill (H. R. 8481) granting a pension to Thomas Walsh.

The bill was read, as follows:

Be it enacted, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas Walsh, late of Company F, Seventy-fourth Regiment of New York Volunteers.

Mr. WALLACE. I ask for the reading of the report.

The report (by Mr. PINDAR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8481) granting a pension to Thomas Walsh, have had the same under consideration, and beg leave to submit the following report:

Thomas Walsh, or Wallsh, enlisted as private in Company F, Seventy-fourth New York Volunteers, June 3, 1861, was captured in action at Brandy Station, Va., November 27, 1863, confined in prisons at Richmond and Andersonville until paroled, November 21, 1864, and mustered out January 10, 1865.

Claimant has been in the employ of the Government in this city ever since discharge until recently, when he became physically disqualified from performing his duties. In October, 1885, he applied for pension, alleging that he contracted kidney disease and enlargement of right testicle while prisoner of war. His condition two weeks after application for pension had been made may be best described by copying the report of Examining Surgeon Tyler, who was directed to make the examination at claimant's home:

"He is unable to make a statement, by reason of his present condition, intelligibly, or walk without the aid of another person. It is stated that paralysis occurred in June, 1885. Heart's action very irregular and intermittent; impulse feeble; is pale; has œdema of the ankles, and suffers from valvular lesions of the heart. The right testicle is enlarged; testicular sensation deadened; has chronic orchitis. Nothing definite as to cause can be obtained. Urine examined and found to contain a certain amount of mucus, but no albumen discovered under test and no distinct evidence of kidney disease. He suffers from hemiplegia on right side; contractions of fingers of right hand; can not articulate. Disability from orchitis one-half."

In support of this claim the following evidence has been filed:

John T. Smith, passed assistant engineer United States Navy, testifies—

"That he has been acquainted with claimant since 1865, about the time of his discharge. He was then suffering with kidney disease and disease of the testicles, and to affiant's personal knowledge continued to suffer therefrom until now he has become entirely helpless. It was well understood at the time affiant first formed claimant's acquaintance that said diseases were contracted while a prisoner of war."

Kate E. Schmalhoff testifies:

"That she has known claimant since about 1871, when he came to her house and occupied a room there about six years. About six months after coming there he was taken sick with troubles of kidneys and urinary organs; was very sick for about seven months. During the last two years of his residence with

affiant he was in comparatively good health, but always complained of the old trouble, which he attributed to hardships while prisoner of war."

Dr. F. Donohue testifies—

"That in 1872 or 1873 he was called to treat claimant for a severe case of orchitis, and his history was to the effect that he was captured by Mosby's cavalry, and mounted barebacked on a tall, bony mule, on which he was taken to Richmond, which caused the disability."

Dr. G. L. Magruder testifies—

"That he treated claimant for hemiplegia of right side and aphonia since June, 1885."

Calvin B. Walker, late deputy commissioner of pensions, testifies—

That he was one of claimant's attorneys; that claimant is totally helpless physically, and is almost demented; that he has so completely lost his mind that he is wholly unable to furnish his attorneys with the necessary information to enable them to obtain the required evidence to establish the origin of his diseases in the service; that affiant is unable to obtain such information from other sources, but that he has such knowledge of the case as to satisfy him of the merit of the claim."

Claimant has an excellent reputation in the city in which he has lived and filled important trusts for over twenty years past. His present unfortunate condition came upon him so suddenly after years of suffering as to preclude the possibility of procuring the evidence necessary to establish his claim under the general pension law. It is true the evidence is meager, but what has been furnished is of the highest character, and can not be ignored by your committee. The soldier's services were long and faithful. For twelve months he was confined in Southern prisons. Within a month after release he was mustered out of service. Hence no record of treatment. If he was treated for his disabilities in the service the fact can not be shown by parol evidence. That he has suffered from diseases reasonably chargeable to exposure of prison life ever since discharge is clearly shown. Under all the circumstances your committee are inclined to give so worthy a claimant the benefit of any doubt as to origin, and therefore report favorably on the bill and ask that it do pass.

Mr. HIESTAND. I move the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. WALLACE. I object to this bill. The report does not state any good reason why the pension should be granted. Almost any man will have liver troubles or something of that sort if he lives long enough. Twenty years after the close of the war this does not seem to be a case where a pension should be granted.

Mr. MATSON. I ask the gentleman from Louisiana not to object to this bill. Since it was reported by the committee an affidavit has been brought and filed with the committee furnishing additional proof. This man is in a helpless condition. He was a prisoner of war a long time under aggravating circumstances. I do not think there is any doubt about his disability or that it was incurred in the service. The fact that he withheld his application until a late day is not to be taken against him. The report shows he held a Government position and that he felt delicacy in applying for a pension while he occupied that Government position.

He is so helpless that he has to be assisted when he walks. I think this bill should be allowed to be reported to the House with the recommendation that it do pass.

Mr. GROSVENOR. I ask the gentleman from Indiana whether it is not almost utterly impossible to comply with the regulations of the department as to furnishing facts.

Mr. MATSON. Not always.

Mr. GROSVENOR. Almost always.

Mr. MATSON. The Pension Office is liberal in such cases.

Mr. GROSVENOR. Is it not almost impossible in such cases to make strict proof?

Mr. MATSON. It is. Additional proof has been filed in this case, I will say to my friend from Ohio. I move the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. WALLACE. Does this additional evidence bear on the fact this trouble came from service in the Army?

Mr. MATSON. Recently he ran across a friend who had been in prison with him. His son-in-law filed that testimony with the committee last Friday.

Mr. BLANCHARD. Is there any evidence to show this party was not suffering with this disease prior to his enlistment in the Army.

Mr. MATSON. I do not remember enough of the case to answer the gentleman's question.

Mr. HIESTAND. He could not have entered the service if he had been suffering with the disease.

Mr. CUTCHEON. The presumption of law is in his favor. [Cries of "Vote!"]

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. ANNA SCHIER.

The next business on the Private Calendar was the bill (H. R. 7983) granting a pension to Mrs. Anna Schier.

The bill was read.

Mr. SPRINGER. Read the report.

The report was read.

Mr. WALLACE. I object to this bill.

Mr. MATSON. I ask the bill be passed over informally. It was introduced by the gentleman from New York [Mr. HEWITT], who is not present.

There was no objection, and it was ordered accordingly.

CATHARINE LANIGAN.

The next business on the Private Calendar was the bill (S. 2349) granting a pension to Catharine Lanigan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Catharine Lanigan, mother of John Lanigan, late of Company K, Twenty-third Illinois Volunteers, in the late war, at the rate of $50 per month, from and after the passage of this act, in lieu of the pension she is now receiving.

Mr. BLANCHARD. Let the report be read:

The report (by Mr. NEECE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill S. 2349, submit the following report:

The Senate Committee on Pensions, to whom was referred the bill (S. 776) granting arrears of pension to Catharine Lanigan, reported as follows:

"That Catharine Lanigan was pensioned at the rate of $15 per month from March 18, 1882, as dependent mother of John Lanigan, who served as second lieutenant of Company I, Twenty-third Illinois Volunteers, and who died September 11, 1881. A very thorough examination of this claim was made by the Pension Office, and the fact that the soldier died from causes originating in the service was medically established. The dependence of the mother upon the son during his life is shown, and it also appears that she has been bed-ridden for years.

"Mrs. Lanigan is now eighty-one years of age, has long been a helpless invalid, and is dependent for support upon the pension allowed her and the exertions of her two daughters. Her title to a pension having been satisfactorily established before the Pension Office, and the rating allowed under the general laws being insufficient for her maintenance in her helpless condition, the committee consider this an exceptional case, which justifies special action and the allowance of a higher pension to Mrs. Lanigan during the brief time that she can receive any benefit from the bounty of Congress.

"We therefore recommend that the original bill (S. 776) be indefinitely postponed, and the passage of the accompanying substitute bill, granting Mrs. Lanigan a pension at the rate of $50 per month."

Your committee find, on thorough examination of the papers in the case, the facts to be substantially as above set forth, to which we desire, however, to add that the proofs show Major Lanigan to have been a most gallant soldier, who, though a great sufferer from disease contracted while in the Army, never during his lifetime sought any relief from the Government. Indeed, your committee are advised that but for physical disabilities incurred during four years' service as a volunteer in the war of the rebellion, Major Lanigan might now be holding high rank in the regular Army, a captain's commission having been offered him immediately after the war in appreciation of his gallant conduct, which he declined for the reason that his health was already so far impaired by the disease from which he finally died as to render him unfit for active military duty.

He was practically the only support of his aged, widowed, and helpless mother, who, in the opinion of your committee, is clearly entitled to a pension adequate to her comfortable support during the, at most, very few years she may reasonably be expected to survive.

Your committee therefore recommend the passage of the bill.

Mr. ADAMS, of Illinois. One fact might be stated, as it does not appear in this report. It states this old lady, eighty-one years of age, is supported by her two daughters. The truth is, one of these daughters is also an invalid, and therefore if this pension is granted it will help to support two invalid ladies, one of whom is over eighty years of age and has been confined to her room for over twelve years, bedridden most of the time.

There is another fact which ought not to be forgotten. Major Lanigan was entitled to invalid pension and would have received it if he had not been restrained by a noble feeling not to do so so long as he could support himself. He could also have received arrears of pensions much more in amount than the Treasury will be called upon to pay in the way of pension to this old lady.

The CHAIRMAN. The question is on laying the bill aside to be reported to the House with the recommendation that it do pass.

Mr. BRAGG. I ask for a division.

Mr. LAWLER. Allow a brief statement to be made. This bill only grants pension to an old lady eighty-two years of age.

Mr. BRAGG. The Chair put the question to the House, but has not stated how the vote stands.

The committee divided; and there were—ayes 62, noes 20.

Mr. BRAGG. No quorum.

The Chair appointed as tellers Mr. ADAMS, of Illinois, and Mr. BRAGG.

The committee again divided; and the tellers reported—ayes 55, noes 27.

The CHAIRMAN. Has the point of no quorum been withdrawn?

Mr. MATSON. The point of no quorum has not been withdrawn I understand.

Mr. MORRILL. I ask unanimous consent that this bill may be laid aside informally, retaining its place upon the Calendar.

Mr. LAWLER. Mr. Chairman, I merely rise to ask this question: What is the object in doing that? We would rather use some effort to induce gentlemen to compromise their objection to the bill, which certainly ought to pass.

Mr. MORRILL. This will simply delay all other pension business to-night, unless some arrangement of the kind can be made. I yield, however, to the gentleman from Illinois, who desires to make a request.

Mr. NEECE. Mr. Chairman, I ask unanimous consent that this bill be reported to the House with the understanding that it go over and have a vote in the House on it.

Mr. BRAGG. I object.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas that it be laid aside informally, retaining its place on the Calendar?

Mr. BRAGG. I have no objection to that.

Mr. TIMOTHY J. CAMPBELL. Mr. Chairman, I ask unanimous consent to say a few words in reference to this bill. [Cries of "Go on!"]

I want to say simply in relation to this case that I have the honor to

represent a part and parcel of the city of New York, and I happen to know the person, this aged lady, for whom this pension is intended. I had occasion to visit Chicago in 1884, at the time of the Democratic convention, and visited the house of this old lady.

I saw for myself that she is aged and feeble, actually bedridden, eighty-one, nearly eighty-two years of age, and that she has a crippled daughter, who is herself almost helpless. The result of her unfortunate circumstances is that they have great difficulty in maintaining themselves. This old lady had a son, a most elegant young gentleman and one of the most promising young men who lived in Chicago, who went into the war to defend the country and to keep it intact. He received wounds during his service in the Army that ultimately caused his death, thereby leaving his aged mother in her helpless, feeble condition, not only to care for herself, but in part for her crippled daughter.

I would say further, gentlemen, you all remember the gallant Colonel Mulligan, who lost his life in defending our flag. You must remember him well. His name is in the history of this country. This Colonel Mulligan, who was killed on the field of battle, died in the arms of this gallant young man, who when he left the war left it as Major Lanigan. He won for himself honor and distinction in his country's service. Now this is simply doing an act of charity to a most worthy lady who has claims upon us; and charity, you know, covers a multitude of sins. With charity to all and malice toward none I hope this Congress will grant this little relief, which is only an act of justice after all to this old lady, so as to care for her in her helplessness in the few remaining days she has to live.

I hope nobody will demur to the passage of this bill. Further, I desire to say that if Major Lanigan had demanded what he was entitled to from the General Government on account of the wounds he received and the service rendered during the war he would have been entitled to at least four or five thousand dollars. All who know of his services will bear witness to their importance during the war of the rebellion. He never accepted a cent, not a farthing, from the Government, and all we ask you to do now is to take care of his poor old crippled mother. This is a piece of generosity, a piece of Christian charity on the part of the House, and I am sure there will be no objection to passing the bill if the facts are understood.

Mr. PETTIBONE. May I ask the gentleman a question?

Mr. TIMOTHY J. CAMPBELL. Yes, sir.

Mr. PETTIBONE. Do you tell the House that Major Lanigan, if he had applied for a pension, was himself entitled to a pension?

Mr. BRAGG. Do you want to make a speech on this subject?

Mr. PETTIBONE. No; I want to know the facts of the case.

Mr. TIMOTHY J. CAMPBELL. He was entitled to a pension. The Commissioner of Pensions, General Black, knows the facts. But he never got a penny.

I sincerely hope my friend from Wisconsin will not insist upon his objection in this case. My friend came from New York himself, and I hope he will do this act of kindness now to this poor old lady. I appeal to my friend General BRAGG to withdraw his objection. I do not see how he can insist upon it in such a case. It would be unworthy of the flag he followed so gallantly to refuse this pension.

Mr. BRAGG. I do not know that it would be quite possible to do it except I bear in mind that in my own State there are widows whose grandfathers and great grandfathers were in the war of the Revolution, whose fathers and grandfathers were in the war of 1812, and whose fathers, husbands, brothers, and sons were in the war of 1861, and with all of that glorious record Congress says that they are entitled to $12 a month.

Mr. TIMOTHY J. CAMPBELL. I am not demurring to anything you ask for your constituents. [Laughter and applause.] If you will bring forward any of your people that you want to grant pensions to, or want to aid, I promise you now that I will not be a party to interfere. On the contrary, I will help to get a pension for your constituents or any person you may represent. I ask gentlemen of this House, I ask my friend of old from New York, in view of the fact that this is the only speech I have made, and perhaps the last speech I will ever make in this House, for I am no speech-maker, to permit this bill to be laid aside with a favorable recommendation.

The CHAIRMAN. Is the point of no quorum insisted on?

Mr. BRAGG. When I object to a bill I do not object to it for fun or for the purpose of whiling away time. In such a case I always think I have a good ground for objection; and in this case I have no earthly doubt that the objection is a proper one. We can not afford to commence establishing precedents of granting pensions of $50 a month to old ladies who may have been dependent on sons who lost their lives or had their health injured during the war. We have had too much of that special legislation. If anything is to be done in that direction, let it be done by general law. Do not let us at one leap go from the highest notch of pension which the officer himself could have drawn—$15 a month—a lieutenant's pension, to give his mother $50 a month, which is higher than any pension known to pension law.

Mr. LAWLER. I wish to ask the gentleman from Wisconsin this question.

The CHAIRMAN. All this is proceeding by unanimous consent.

Mr. LAWLER. I wish to say to the gentleman from Wisconsin that I know this family well, and I know the circumstances in which they are situated. Besides the aged mother, not only is one daughter crippled, but both daughters are really dependent. [Cries of "Regular order!"] I ask unanimous consent to be heard for a few moments. I do not want to take up time.

The CHAIRMAN. The gentleman from Illinois [Mr. LAWLER] asks unanimous consent to make a statement. Is there objection? The Chair hears none.

Mr. LAWLER. I do not wish to occupy more than a minute or two. Friends of the family have been trying to get one of these deserving daughters something to do, but have not succeeded as yet in accomplishing it. We can show by affidavits that this old lady is not likely to live for any considerable length of time. If this pension should be granted, when this old lady passes away that will be the end of the bounty of the Government in this case. I will say to the gentleman from Wisconsin that we have come up here every Friday night to vote pensions, and we have passed the bills because we believed they were meritorious cases. And I will now say to the gentleman, if he will not consent to a pension of $50, I ask him to agree to give something for the support of the aged mother of this gallant officer, whose sisters also are dependent.

Mr. BRAGG. The gentleman from Illinois has to a large extent based this case on the statement that this old lady is not likely to live for any length of time. I will say this to him: I am willing to pay her myself $10. Will the gentleman from Illinois and the balance of the Illinois delegation say the same thing and make up a purse for her?

Mr. LAWLER. I will say to the gentleman from Wisconsin that he can not give this lady $10 any sooner than I will. But I do not think it is a worthy proposition when we know that this man was a gallant soldier, and that if he had not entered the war he could have made a competence for his mother and sisters. And I will tell the gentleman further that if money is to be given in that way to that family we need not go out of the city of Chicago. When the members of that family want charity they can get it there. It will not be necessary to go to the State of Wisconsin.

This insulting proposition to this dying mother comes with a poor grace from the gentleman from Wisconsin. I say to him Wisconsin never will pay a dollar toward her support or toward her burial. Major Lanigan left friends in Chicago who will take care of his mother and of her crippled daughter when she passes away.

We have made every honorable proposition to the gentleman from Wisconsin to induce him to withdraw his objection. We are willing to put this pension at $25. Major Lanigan was entitled by right to receive $5,000 from the Government, but he had too much pride to ask a dollar. He worked in the state treasurer's office till he was brought to the grave. It is now asked that the Government contribute to the support of this old lady while she lives, which may be three months, or six months, but probably not longer. I will say to the gentleman from Wisconsin that I am willing to compromise on $20 a month.

Mr. BRAGG. When this is urged on the score of charity, I will say I have no compromise to make. And when you talk of having a claim of $5,000 against the Government that this officer might have got you might just as well say $25,000, for that involves but one word more. And when you talk of the commission in the regular Army which was rejected, that is another thing that floats through the air; that we hear and do not see. This sort of argument never obtains with me. I made the objection in good faith because I am opposed to the establishment of the precedent, and I shall insist upon it.

Mr. WADE. I call for the regular order.

Mr. THOMPSON. I ask unanimous consent to make a statement.

The CHAIRMAN. The regular order is demanded.

Mr. PRICE. I desire to be permitted to make a brief statement. [Cries of "Regular order!"]

Mr. PRICE. What is the regular order?

The CHAIRMAN. The regular order is the request for unanimous consent made by the gentleman from Kansas [Mr. MORRILL] that this bill be laid aside informally, retaining its place on the Calendar. Is there objection?

Mr. RANDALL. I object.

Mr. MATSON. I rise to make to make a privileged motion. I move that the committee do now rise.

The question being taken, there were—ayes 66, noes 14.

So the motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having resumed the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House having had under consideration the Private Calendar under the special order had directed him to report to the House sundry bills with various recommendations.

THOMAS WALSH.

The bill (H. R. 8481) granting a pension to Thomas Walsh, reported favorably from the Committee of the Whole, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

CYRA L. WESTON.

The bill (H. R. 8310) granting a pension to Cyra L. Weston, reported

from the Committee of the Whole with an amendment, was taken up.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and was accordingly read the third time.

The SPEAKER *pro tempore*. The question is, Shall this bill pass?

Mr. WALLACE. Mr. Speaker, looking over the report in this case I think this is another case that ought to be passed by. I do not think this is a proper bill for us to pass. It is not one in which the testimony establishes the alleged facts. There is no evidence that this man was at any time dependent upon his son.

The SPEAKER *pro tempore*. Does the gentleman from Louisiana [Mr. WALLACE] ask unanimous consent that the bill be passed over informally?

Mr. HAYNES. Mr. Speaker, before that is done I desire to say that if the gentleman had listened to the report he would have found that a special examiner of the Pension Office (Mr. Safford, I believe), a very careful and competent examiner, went to the home of this claimant and examined witnesses face to face and made his report upon the very point which the gentleman raises, the question of dependence, and reported that the claim was a meritorious one. In fact, the only bar against the claim in the Pension Office was this matter of the enlistment in the confederate army.

The question was taken on the passage of the bill, and the Speaker *pro tempore* declared that the ayes seemed to have it.

Mr. WALLACE. I call for a division.

The House divided; and there were—ayes 63, noes 2.

Mr. WALLACE. No quorum has voted.

Mr. DOCKERY. If the gentleman insists upon his point of no quorum, I ask unanimous consent that this bill be laid aside informally, retaining its present status.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. DOCKERY] asks unanimous consent that this bill be laid aside, not losing its status in the House. Is there objection?

Mr. HENDERSON, of Illinois. I object, Mr. Speaker. I am tired of coming here night after night and seeing one or two men obstruct the action of this House.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. HENDERSON] objects to the request of the gentleman from Missouri [Mr. DOCKERY].

Mr. CUTCHEON. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. CUTCHEON. Has this bill been read a third time?

The SPEAKER *pro tempore*. The bill has been read a third time, and the question now is upon its passage.

Mr. CUTCHEON. I move the previous question on the passage of the bill.

The SPEAKER *pro tempore*. The House is dividing upon the passage of the bill.

Mr. BRECKINRIDGE, of Arkansas. I ask unanimous consent that the previous question be ordered on the passage of this bill. That will insure a vote upon it when there is a quorum to-morrow, and, that being done, we can proceed to the consideration of other business.

Several MEMBERS. That is right.

The SPEAKER *pro tempore*. The gentleman from Arkansas [Mr. BRECKINRIDGE] asks unanimous consent that the previous question be ordered upon the passage of the bill, and then that it be passed over informally.

Mr. MATSON. I object.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. MATSON] objects. The question is on the passage of the bill, and the point being made that no quorum has voted——

Mr. MORRILL. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 9 o'clock and 40 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ERMENTROUT: Memorial of Franklin Saul, for increase of pension for soldiers who have lost arms and legs—to the Committee on Invalid Pensions.

By Mr. HEWITT: Petition and papers in the case of Louis Lange for relief—to the Committee on Military Affairs.

By Mr. IRION: Papers relating to the claim of James Madison Wells and of the estate of Joseph C. Lewis—to the Committee on War Claims.

By Mr. LANHAM: Petition of citizens of Eastland County, Texas, for relief—to the Committee on Appropriations.

By Mr. OSBORNE: Petition of ship-owners, ship-builders, and others, relating to reciprocity treaty between the United States and Hawaiian Islands—to the Committee on Ways and Means.

By Mr. PAYSON: Memorial of W. R. Kent and others, citizens of Ashkum, Ill., for relief of suffering by recent cyclone in Illinois—to the Committee on Appropriations.

By Mr. PEEL: Papers in the claim of Avvey Marre, of Washington County, Arkansas—to the Committee on War Claims.

By Mr. PETTIBONE: Petition of John Hartman (estate) and of C. H. Hitt, of Hamlin County; and of Elijah Michael, of Mary Jane Hubbard, and of C. T. P. Jarnigan, of Jefferson County, Tennessee, asking that their war claims be referred to the Court of Claims—to the same committee.

By Mr. SMALL: Papers in the claim of of Villeneuve Le Blanc, of West Baton Rouge, La.—to the same committee.

By Mr. ZACH. TAYLOR: Petition of William A. Franklin, executor of J. B. Franklin, deceased, of Hardeman County, Tennessee, asking that his war claims be referred to the Court of Claims—to the same committee.

By Mr. WADSWORTH: Petition of Nancy F. Middleton, widow, for the removal of the charge of desertion against her deceased soldier husband—to the Committee on Military Affairs.

By Mr. WILLIS: Remonstrance of Col. O. H. Stratton and others against the Senate amendments to the Mexican pension bill—to the Committee on Pensions.

The following petitions, asking for the passage of House bill 7887, repealing timber-culture, pre-emption, and desert-land acts; of House bill 7021, for adjustment of railroad and other land grants; of bill forfeiting all railroad land grants the conditions of which have not been strictly complied with; of House bill organizing the Territory of Oklahoma; of Senate bill opening a portion of the great Sioux reservation to settlement; of bill prohibiting aliens from holding land in the United States; of bill making Presidential and Congressional election days holidays, and punishing bribery; and of bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired, were severally referred to the Committee on the Public Lands:

By Mr. GREEN: Petition of Jacob Gardiner and 286 others, of Lewis Johnson and 30 others, of Martin Schuliten and 188 others, of Fred. Hiller and 152 others, of John B. Lavender and 29 others, of Edward Silvers and 279 others, of Alfred Holmes and 49 others, of Joseph Morse and 18 others, of Thomas J. Darricks and 24 others, of Charles Gibson and 67 others, and of Edward Ball and 85 others, citizens of the third district of New Jersey.

By Mr. RICE: Petition of J. N. Jones and 20 others, of G. M. Gallager and 145 others, of J. A. Fuller and 26 others, and of James R. Powers and others, citizens of the tenth district of Massachusetts.

By Mr. W. J. STONE, of Kentucky: Petition of S. J. Sisson and 49 others and of W. H. Lancashire and 11 others, citizens of the first district of Kentucky.

SENATE.

SATURDAY, *July* 17, 1886.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

CALL OF THE SENATE.

The PRESIDENT *pro tempore*. The Chair lays before Senate——

Mr. INGALLS. Is there a quorum present?

The PRESIDENT *pro tempore*. There is not a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Edmunds,	Jones of Nevada,	Pugh,
Beck,	Evarts,	Kenna,	Saulsbury,
Berry,	Frye,	Logan,	Sherman,
Blair,	Hale,	McMillan,	Spooner,
Camden,	Harris,	Mahone,	Stanford,
Chace,	Harrison,	Maxey,	Teller,
Cockrell,	Hawley,	Miller,	Vance,
Coke,	Hoar,	Payne,	Van Wyck,
Cullom,	Ingalls,	Platt,	Whitthorne,
Dawes,	Jones of Arkansas,	Plumb,	Wilson of Md.

Mr. CHACE (when Mr. ALDRICH'S name was called). My colleague [Mr. ALDRICH] is absent from the Senate, detained by sickness.

Mr. EDMUNDS (when Mr. MORRILL'S name was called). My colleague [Mr. MORRILL] is absent, and I suppose for the session, on account of illness, and I will announce it once for all.

The PRESIDENT *pro tempore*. Forty Senators are present, a quorum.

Mr. INGALLS. Then business can proceed.

RIVER AND HARBOR BILL.

The PRESIDENT *pro tempore* appointed Mr. MCMILLAN, Mr. CONGER, and Mr. RANSOM the conferees on the part of the Senate on the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and its amendment thereto.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Benjamin Holt, of Wayne County, Tennessee, praying that his claim for quartermaster's stores, which has been disallowed by the Quartermaster-

General, be referred to Court of Claims under the provisions of the act of March 3, 1883; which was referred to the Committee on Claims.

Mr. EVARTS. I present four memorials, remonstrating against taxing oleomargarine, from consumers of that article, signed by 105 names, of citizens of New York city and Brooklyn, including representatives of the press; and 18 memorials, remonstrating against taxing oleomargarine, from consumers of that article, citizens of New York city, signed by 520 names in all. I move that the memorials lie on the table.

The motion was agreed to.

Mr. MAHONE. I present a petition of sundry citizens of Mecklenburg County, Virginia, in reference to imitation butter; also a petition on the same subject from sundry citizens of Warren County, Virginia, praying for the passage of the bill taxing oleomargarine. I move that the petitions lie on the table.

The motion was agreed to.

Mr. MAHONE presented the proceedings of the Council of Norfolk city, Va., urging the adaptation of the Norfolk navy-yard to the construction of iron ships, &c., which were referred to the Committee on Naval Affairs.

Mr. MAHONE. I present a petition of sundry citizens of Henrico County, Virginia, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the distribution of a part of the Treasury surplus; also, a like petition from sundry citizens of Roanoke County, Virginia; also, a like petition from sundry citizens of Pittsylvania County, Virginia; also, a like petition from sundry citizens of the city of Norfolk, Va., praying for the passage of certain bills therein named; also, a petition from sundry citizens of Atlantic City, Va., praying for the like purpose; also, a like petition from sundry citizens of Halifax County, Virginia; also, a petition from sundry citizens of the city of Norfolk, Va., praying for the like; also, a further petition from sundry citizens of the city of Norfolk, Va.; also, a petition from sundry citizens of the county of Norfolk, Virginia; also, a further petition from citizens of the county of Norfolk, Virginia, for the like purpose; also, a further petition from sundry citizens of the city of Portsmouth, Va., praying for the passage of the bills named therein; also, three petitions from sundry citizens of the city of Richmond, Va., praying for the like purpose; also, a petition from citizens of Petersburg, Va., praying for the passage of certain bills now pending. I move the reference of these petitions to the Committee on Finance.

The motion was agreed to.

Mr. MILLER presented a petition of citizens of the city of New York, praying for the passage of the oleomargarine bill; which was ordered to lie on the table.

Mr. MILLER. I present four petitions of citizens of different parts of the State of New York, largely signed, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the distribution of a part of the Treasury surplus. I move that the petitions be referred to the Committee on Finance.

The motion was agreed to.

Mr. KENNA presented memorials of Knights of Labor of Wheeling, Benwood, and Malden, in the State of West Virginia, and memorials of Knights of Labor of the counties of Brooke, Mineral, and Kanawha, in the State of West Virginia, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

Mr. LOGAN presented a memorial of business men and citizens of Chicago, Ill., remonstrating against the passage of the oleomargarine bill; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. DAWES. The Committee on Indian Affairs, to whom was referred the message of the President of the United States returning with his objections the bill (S. 2281) granting to railroads right of way through the Indian reservation in Northern Montana, have considered the message and have instructed me to submit a report which I desire may go upon the Calendar. I wish to say that this is the unanimous report of the committee, and I shall take early occasion to call it up for action. I do not think it will take much time in debate.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. CONGER, from the Committee on Commerce, to whom were referred the following bills, reported them adversely, and they were postponed indefinitely:

A bill (S. 2104) to establish a light-ship on the south end of Ram Island Reefe, Fisher's Island Sound, Long Island;

A bill (H. R. 3664) to establish a light-ship on Hog Island Shoal, Narragansett Bay, Rhode Island;

A bill (H. R. 7631) authorizing the construction of a steam light-house for use in the fourth light-house district; and

A bill (S. 2202) to establish and construct a light-ship to be stationed and maintained off Grosse Pointe, Lake Saint Clair, Michigan.

Mr. CONGER. I will state that the subjects-matter of these bills are embraced in another measure which has passed both Houses.

MARY J. NOTTAGE—VETO MESSAGE.

Mr. BLAIR. I submit a report from the Committee on Pensions, to whom was recommitted Senate report No. 1424, in the case of Senate bill No. 2005 granting a pension to Mary J. Nottage, with the veto message of the President of the United States. I am directed to report back the same recommending the passage of the bill, the objections of the President to the contrary notwithstanding, and that the previous report do stand as the report of the committee.

Mr. WHITTHORNE. On behalf of a minority of the Committee on Pensions I submit their views, and I ask that they be printed with the majority report.

The PRESIDENT *pro tempore*. That order will be made if there be no objection, and the bill placed on the Calendar.

AMENDMENTS TO BILLS.

Mr. VANCE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill, providing for the removal of the Eastern Cherokees; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HARRISON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. VOORHEES submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 1289) granting a pension to Thomas J. Owen;

A bill (S. 1625) granting a pension to Rebecca Hollingsworth Humphreys;

A bill (S. 1766) granting a pension to William Brentano;

A bill (S. 1853) granting a pension to Isabella Jessup;

A bill (S. 2160) granting a pension to Mary J. Hagerman;

A bill (S. 2163) granting a pension to Powhattan B. Short; and

A bill (S. 2233) granting a pension to John P. McElroy.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7796) granting a pension to James Long;

A bill (H. R. 8481) granting a pension to Thomas Walsh; and

A bill (H. R. 9115) for the relief of Eugene E. McLean.

The message further announced that the President of the United States having returned to the House of Representatives in which it originated the bill (H. R. 1059) to grant a pension to Joseph Romiser, with his objections thereto, the House had proceeded in pursuance of the Constitution to reconsider the same; and had

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

BILL INTRODUCED.

Mr. VOORHEES introduced a bill (S. 2863) for the relief of James K. Kennedy; which was read twice by its title, and referred to the Committee on Pensions.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 8481) granting a pension to Thomas Walsh; and

A bill (H. R. 7796) granting a pension to James Long.

The bill (H. R. 915) for the relief of Eugene E. McLean was read twice by its title, and referred to the Committee on the Judiciary.

JOSEPH ROMISER—VETO.

The PRESIDENT *pro tempore* laid before the Senate the following message from the House of Representatives:

IN THE HOUSE OF REPRESENTATIVES, *July* 16, 1886.

The President of the United States having returned to the House of Representatives in which it originated the bill (H. R. 1059) to grant a pension to Joseph Romiser, with his objections thereto, the House proceeded in pursuance of the Constitution to reconsider the same; and

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Mr. BLAIR. Let that be referred to the Committee on Pensions.

The PRESIDENT *pro tempore*. The action of the House will be referred to the Committee on Pensions with the bill and the message of the President.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, returned to the Senate in compliance with its request the bill (H. R. 5003) for the relief of Mary E. Casey.

The message also announced that the House further insisted on its disagreement to the amendments of the Senate numbered 2, 17, 88, 179, and 180 to the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, further insisted on by the Senate, and asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOLMAN, Mr. CABELL, and Mr. CANNON the managers on the part of the House.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The PRESIDENT *pro tempore*. If there be no objection the Chair calls attention to the importance of action on this matter, being a re-

quest for a committee of conference on the legislative appropriation bill. The conference asked for by the House will be agreed to if there be no objection.

Mr. INGALLS. I think the chairman of the Committee on Appropriations had better be consulted about that. He advised me yesterday—although perhaps that was not public—that——

Mr. BECK. The chairman will be in in a moment. Here he comes.

Mr. ALLISON. I ask that the legislative bill be laid before the Senate.

The PRESIDENT *pro tempore*. The action of the House has already been reported.

Mr. ALLISON. I move that the Senate agree to the further conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL were appointed.

MARY E. CASEY.

Mr. VAN WYCK. I move that the Senate insist on its amendment to the bill (H. R. 5003) for the relief of Mary E. Casey, just returned from the House, and ask for a committee of conference.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves that the Senate insist on its amendment to the bill referred to by him, and ask for a committee of conference with the House of Representatives.

The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. PLUMB, Mr. VAN WYCK, and Mr. BERRY were appointed.

BUTTER AND OLEOMARGARINE.

The PRESIDENT *pro tempore*. If there be no "concurrent or other resolutions" the Calendar is now in order.

Mr. MILLER. I move that the Senate proceed to the consideration of House bill 8328.

The PRESIDENT *pro tempore*. The Senator from New York moves to proceed to the consideration of a bill the title of which will be stated.

The CHIEF CLERK. A bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New York.

Mr. BECK. I desire to inquire——

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. BECK. The Calendar is the regular order, is it not?

The PRESIDENT *pro tempore*. It is, but the motion is to proceed to the consideration of a particular bill. It is not in order to debate it.

Mr. BECK. I want the bill read for information.

The PRESIDENT *pro tempore*. The Chair is of opinion that the bill can not be read as a matter of right. It will be read if there be no objection.

Mr. HOAR. I object.

The PRESIDENT *pro tempore*. The Senator from Massachusetts objects to the present reading of the bill. When taken up it will be read, as a matter of course.

Mr. BECK. I desire to have the bill read, to see what is proposed to be taken up.

The PRESIDENT *pro tempore*. It is the duty of the Chair to submit that question to the Senate.

Mr. BECK. The question whether the bill shall be read or not?

The PRESIDENT *pro tempore*. Yes, upon a motion to take up the bill.

Mr. HOAR. I will not interpose an objection. I thought it would require a double reading of the bill if we took it up, but perhaps the reading now will answer if it shall be taken up. I withdraw the objection.

The PRESIDENT *pro tempore*. The objection is withdrawn, and the bill will be read.

The Chief Clerk read the bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion to proceed to the consideration of the bill.

Mr. BECK and Mr. MILLER called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. CHACE (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. WALTHALL (when Mr. GEORGE'S name was called). My colleague [Mr. GEORGE] is unavoidably absent. He is paired generally with the Senator from New Hampshire [Mr. PIKE].

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. SPOONER (when Mr. SAWYER'S name was called). My colleague [Mr. SAWYER] is paired with the Senator from South Carolina [Mr. HAMPTON]. If my colleague were present, he would vote "yea."

The roll-call was concluded.

Mr. VAN WYCK. My colleague [Mr. MANDERSON] is paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. CALL. I am paired with the Senator from Minnesota [Mr. SABIN]. If he were present, I should vote "nay."

Mr. CAMDEN. I am paired with the Senator from Rhode Island [Mr. ALDRICH], who is detained from the Senate by illness.

Mr. MCMILLAN. In addition to the announcement made by the Senator from Florida [Mr. CALL] I desire to say that my colleague [Mr. SABIN] is detained from the Senate by sickness. He would vote "yea" if present.

Mr. EDMUNDS. My colleague [Mr. MORRILL] is absent ill. He is paired with the Senator from Delaware [Mr. SAULSBURY]. If my colleague were present he would vote "yea."

Mr. BROWN. On this question, if the pair has not been already announced, I announce that my colleague [Mr. COLQUITT] is paired with the Senator from Rhode Island [Mr. CHACE].

The result was announced—yeas 28, nays 13; as follows:

YEAS—28.

Allison,	Evarts,	Kenna,	Plumb,
Blair,	Frye,	Logan,	Sherman,
Cockrell,	Gorman,	McMillan,	Spooner,
Conger,	Hale,	Mahone,	Stanford,
Cullom,	Harrison,	Miller,	Teller,
Dawes,	Hawley,	Payne,	Van Wyck,
Edmunds,	Hoar,	Platt,	Wilson of Iowa.

NAYS—13.

Beck,	Gray,	Pugh,	Wilson of Md.
Berry,	Harris,	Vance,	
Brown,	Jones of Arkansas,	Walthall,	
Coke,	Maxey,	Whitthorne.	

ABSENT—35.

Aldrich,	Dolph,	Jones of Nevada,	Ransom,
Blackburn,	Eustis,	McPherson,	Riddleberger,
Bowen,	Fair,	Manderson,	Sabin,
Butler,	George,	Mitchell of Oreg.,	Saulsbury,
Call,	Gibson,	Mitchell of Pa.,	Sawyer,
Camden,	Hampton,	Morgan,	Sewell,
Cameron,	Hearst,	Morrill,	Vest.
Chace,	Ingalls,	Palmer,	Voorhees.
Colquitt,	Jones of Florida,	Pike,	

So the motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole, and open to amendment.

Mr. BECK. I move that the bill be referred to the Committee on Finance.

The PRESIDENT *pro tempore*. The Senator from Kentucky moves that the bill be referred to the Committee on Finance.

Mr. BECK. I believe that motion is debatable.

The PRESIDENT *pro tempore*. It is debatable.

Mr. BECK. Mr. President, I called for the reading of the bill before it was taken up for the purpose of developing the fact that it was beyond all question a tax bill, and as such, under all the rules of the Senate, that it ought to be considered by the Committee on Finance of this body. Indeed, when the bill came from the House and the question was made then as to whether it ought or not to go to that committee the yeas and nays were called and it was sent to the Committee on Agriculture by a vote of 22 yeas against 21 nays, mainly, however, upon the ground that it had been considered in the House by the Committee on Agriculture, and as the Committee on Agriculture of the Senate had been looking into it and taking a good deal of testimony it ought to have a chance to consider it, the Senator from New York [Mr. MILLER] saying, among other things, as a reason why they should have it sent to that committee:

> By the common consent of the Senate thus far a vast number of petitions upon this subject, amounting to many thousands, have been referred to the Agricultural Committee at this session. Several bills have been introduced in the Senate regarding the manufacture and sale of imitation butter, which have been referred to that committee. The Committee on Agriculture has already considered the matter at several meetings. It has given two or three public hearings on this question, very important hearings, and it proposes, of course, if the bill shall be referred to it to give other public hearings, to the opponents as well as to the friends of the measure.
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> What will be the condition of the bill when it shall reappear from that committee, if referred there, I can not tell—whether there will be anything of a tax in it or not. I know nothing whatever about the views of the individual members of that committee. I have not thought it wise or proper that I should in any way interrogate the members of the committee as to their views upon it.

The fact that it was a tax bill as it came from the House was presented by myself, by the Senator from Rhode Island [Mr. ALDRICH], and others; there was a general acquiescence in the suggestion that if the bill came back to the Senate from the Committee on Agriculture as a tax bill in any proper sense then would be the right time to refer it to the Committee on Finance. In the mean time, as I said, the Senate by a majority of determined that the Committee on Agriculture should examine it and see what they could make out of it; and if it did not come back as a tax bill (although the House bill was admitted to be one) it might be proper to consider it without referring it to the Finance Committee.

Now, we find the House bill brought back to the Senate by that committee without crossing a "t" or dotting an "i," without any report in regard to it, unless a miscellaneous document containing "testimony taken before the Committee on Agriculture and Forestry of the United States Senate in regard to the manufacture and sale of imitation dairy products" can be called a report. I obtained it from the document-room a few moments ago. There is no report of a committee—indeed,

it is obvious that the committee could not make one without confessing that it is a tax bill and nothing else—there is no information given as to the needs of a bill like this for the purpose of raising revenue, and the committee did not dare to assert that any such need existed. The bill imposes special taxes of $600 on the manufacturers of oleomargarine, $480 on wholesale dealers, $48 on retail dealers, and provides a tax of 15 cents a pound in addition to the tariff tax on imports, in the form of internal-revenue taxes on all oleomargarine imported.

Mr. COKE. Five cents a pound.

Mr. BECK. No, they go beyond domestic taxation. Elsewhere in the bill they impose a tax of 5 cents a pound, to be paid by the manufacturer on its manufacture in this country, but in regard to imports they impose the following:

SEC. 10. That all oleomargarine imported from foreign countries shall, in addition to any import duty imposed on the same, pay an internal-revenue tax of 15 cents per pound, such tax to be represented by coupon stamps as in the case of oleomargarine manufactured in the United States.

Therefore, it not only deals with internal taxation but changes the tariff laws in regard to this article. The magnitude of its production in this country is set forth in a report which I hold in my hand by the advocates of the measure, in which it is said:

From the best and most reliable information obtainable your committee believe that about 200,000,000 pounds of spurious and imitation compounds and mixtures are now being manufactured annually, which not only take the place of so much butter, but stop the consumption of much more by the demoralization of the trade.

Two hundred million pounds manufactured in this country at a tax of 5 cents a pound would produce $10,000,000 of revenue. How much more would be produced by the additional tax imposed upon the oleomargarine imported under the tariff laws the committee do not see fit to tell us, and I have not the means of knowing. It would either prohibit imports or at 15 cents a pound add largely to the revenues.

Do we need more revenue? Let us see.

The last report from the Treasury Department, which I have lying before me, dated the 1st day of July, shows that the surplus revenue for the year ending June 30 was over $96,000,000. Here is a proposition to increase taxation for the purpose of raising more revenue, or that does raise more revenue certainly, to the extent of $10,000,000, and if the imports amount to anything considerable, perhaps $15,000,000 more, when we have already, as is shown by the report for the last fiscal year, $96,000,000 surplus lying idle, and do not know what to do with it. We can not buy any of our outstanding bonds which mature in 1891 and 1907 without paying an enormous premium, as I have shown before. All are paid which can be except $135,000,000, and more than money enough is lying in the Treasury to pay them with a large surplus left as a reserve. We can not pay any more until 1891, no matter what surplus we have idle and locked up from the people who own it. It will be a condition of things that this country will resent and this Congress will not be proud of to see $100,000,000 of surplus money within a year or so (for there will be more than that owing to the growth of the country, with no reduction of taxation) paid into the Treasury and our officials paying from $20,000,000 to $25,000,000 of premium to the men who hold our bonds not due until 1891 and 1907 in order to get money into circulation, and that robbery of the tax-payer must be repeated year by year, while we are piling up taxation and refusing to give relief from it.

The Committee on Agriculture may well be afraid to make a report. Yet we all know that we are by this bill imposing at least $10,000,000 and perhaps $15,000,000 more taxes, and that is done without any report as to the need of it, without any suggestion that there is a dollar required, indeed when it is plainly apparent that every additional dollar of taxation that we impose is only adding that much more not only to the burden of the tax-payer but to the embarrassment of the Treasury.

Surely in that condition of things it is fair that the Finance Committee of this body, which has to deal with internal and tariff taxation, which knows or is presumed to know from its past investigations whether or not the country will not be seriously embarrassed by adding more taxes, should be required, or, at least, allowed to report the facts. It is plainly apparent to all intelligent men that taxes ought to be promptly reduced from $50,000,000 to $75,000,000 in the interest of all the business people of this country as well as of all the payers of taxes. Yet we are called upon to proceed in a bill like this without a report as to the condition of our finances from the Committee on Finance, to pass a measure which on its face shows that, leaving all other questions out for the present and not discussing the merits of it beyond the single point of it being a revenue bill. I regard such a proposition as little less than an insult to the intelligence of the Senate and a direct reflection on the Committee on Finance. I insist that the Senate owes it to itself, owes it to the decent and orderly forms of legislation, owes it to the country that a report should be made on this measure and its effect by the Committee on Finance, and that it ought to be referred to that committee for the purpose of showing whether or not this tax is needed, or whether any additional revenue will not be a serious embarrassment to the administration of the Government and to the finances of the country.

If that is refused, the vote of the majority can have but one meaning, and that is, that there is a determination to push this bill through against all precedent, against all rules, to obtain some purpose which I doubt whether Senators will be sustained before their constituents or before the country in pushing through. I will, as I said, avoid speaking on its merits on this motion. It certainly reaches into all the questions relating to internal revenue and tariff taxation. If we are not in this form proposing to embarrass the Government by adding still further to its surplus idle money, by providing for from ten or fifteen millions more revenue, then it behooves us, if we are wise men, to amend it by putting salt, coal, aniline dyes, and dozens of other things on the free-list, so as to reduce our revenues and keep them within bounds. We ought to adjust all the inequalities of tariff taxation. If need be, although I have opposed that always, because the money all goes into the Treasury, let the taxes be removed from tobacco in all its forms. Everything relating to taxation is open in this bill.

I need not state what is well known to every gentleman here, that both political parties, if politics are to enter into the consideration of this question, have pledged themselves to a reduction of taxes and a readjustment of the existing tariff laws for the purpose of giving relief to the country. If the bill goes to the Finance Committee I hope that committee, if they consider that it ought to pass, will so readjust existing taxes as to reduce them at least fifty millions even if this tax is imposed; but to add ten or fifteen millions more and leave everything as it is now and violate all the pledges that both parties gave as to relief from taxation does not seem to me to be a fitting thing to do.

Therefore I move that the bill be referred to the Committee on Finance.

Mr. MILLER. Mr. President, I do not care to discuss this question of reference at all. That was very thoroughly discussed in this body when the bill came from the House of Representatives. Of course the friends of the bill understand very well that this motion, if it should carry; can have but one possible result, and that is to carry the bill over the session; in other words, to bury it in the Committee on Finance, where there is not time at this stage of the session to consider and report it back. I simply desire a vote on this motion.

Mr. MAXEY. Mr. President, when the question of oleomargarine first came before Congress the friends of this measure placed it on the ground largely that oleomargarine was an unwholesome food, and proposed to legislate in regard to it upon that theory. That theory, however, was completely abandoned, and there is not one word of that in this bill. On the contrary, this bill recognizes oleomargarine as a wholesome food, a legitimate subject of manufacture and of sale. It does not attempt to destroy it as an unwholesome food, to prohibit the manufacture of it as such, but it simply regulates the manufacture of it by imposing a tax upon the manufacture and tax upon the sale. It is, therefore, not a bill to prevent the sale of unwholesome food, but it is a bill to tax an article of food. Upon that there can be no sort of question.

The third section imposes a tax of $600 on the manufacturer, $480 on wholesale dealers, and $48 on retail dealers. Section 8 imposes a tax of 5 cents a pound on every pound sold, and section 10 imposes a tax of 15 cents a pound on every pound imported.

The whole of this bill and its entire framework from the beginning to the end is a tax-bill. It is not a bill with which the Committee on Agriculture has anything whatever to do, because it does not pretend on its face to be a bill which affects the agricultural industries of the country; it does not pretend to be a bill which is designed to prohibit the sale of unwholesome food in the District of Columbia or in the Territories within the jurisdiction of the Congress of the United States; but it is purely and wholly and simply a tax-bill and nothing else. If oleomargarine is unwholesome, and known to be so, then the passage of this bill would be a criminal prostitution of the power of Congress, for in such case Congress would license for money the manufacture and sale of food injurious to health; the fact that the tax power is exercised and the manufacture and sale are licensed conclusively proves that Congress does not hold oleomargarine to be unwholesome.

No one disputes or doubts that Congress has the power "to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States." But when you come to exercise that power, sound wisdom, sound statesmanship, demands absolutely that you should determine whether or not the needs of the Government demand the taxation. If the needs of the Government do not demand the taxation, then I deny that Congress has the right to extort from the people a part of their hard earnings in the form of taxation when there is no need for that taxation for the support of the Government.

Is there any need for it? There is the question. The Senator from Kentucky [Mr. BECK] has stated—and he has the figures before him and the statement is undoubtedly true—that the excess of revenue over the needs of the Government is to-day $96,000,000 a year. If then, there be an excess of revenue above the needs of the Government, is there any right in conscience, in equity, in justice, to demand of the people to still further fill up the coffers of the Treasury when there is no need for it for the purposes and the purposes only contemplated by the Constitution?

It is then a tax bill. The Committee on Agriculture, intelligent as that committee may be, is not intrusted by this body with the inves-

tigation of questions of revenue. Those questions are questions which have always been regarded by the Senate as proper to be investigated and reported upon by the Committee on Finance. That committee is in direct communication with the Secretary of the Treasury; that committee looks into amounts of expenditures proposed by Congress; that committee looks into the amounts of revenues which may be raised under the various laws which raise revenue; that committee estimates the expenditures as compared with the income, and in that way ascertains whether or not it is necessary to increase or reduce taxation.

Upon that investigation, upon that examination by the appropriate committee, it is shown that there are $96,000,000 in excess of the needs of the Government raised by the various revenue laws now in force.

If, then, there are $96,000,000 a year collected more than is needed for the expenditures of the Government, I ask in the name of all that is reasonable, why should that amount be increased by taxation upon an article confessedly a wholesome article of food; because if this article be unwholesome, if it be a product that injures the health of the people, then to the extent of the power of Congress, which in this case is limited to the District of Columbia and the Territories, it should not be licensed, but suppressed. But it is not contended that it is unwholesome; it is admitted that it is wholesome, because the sale of it is legitimized by this very bill.

Mr. BECK. Allow me to say that the theory of the bill is that it is unwholesome if made cheap without a tax, and that it is wholesome if it is made at a high price with a tax. That is the bill.

Mr. MAXEY. I call attention to the framework of this bill. There is not one word on the face of the bill to show that the article of oleomargarine is unwholesome. It proposes to tax it, or as the Senator from Kentucky very well observes, it is a bad thing to permit it to be manufactured unless you tax it, and it is a good thing to be manufactured if you pay the Government for the privilege of manufacturing it.

I know very little about this oleomargarine as a food from general knowledge. I may have eaten it, for aught I know; I suppose all of us have, and have never been hurt by it so far as heard from. But I do know that it is believed by experts of scientific skill fully competent to judge, to be a sound and wholesome product for food, that it is a cheap food for the people, and the demand for this tax has never come from the people. It has come from rival industries and from nowhere else, and it is simply another of those efforts to use the power of this Government unlawfully to build up one industry to the destruction of another. That is the foundation of this whole thing. If this article proposed to be taxed is unwholesome, prohibit its manufacture to the full extent of your power. If it be a wholesome article of food, then there is no more reason for taxing it than for taxing butter, or taxing cheese, or taxing meat, or anything else which constitutes a part of the food of the people.

If the proposition which I have laid down be true—there can be no question of its truth—that this is a tax bill and nothing else, then it ought to go to the Committee on Finance and that committee ought to determine whether or not there is a need for further taxation in this country, and in the next place, if there be a need for further taxation in this country, is this the proper article to lay that tax upon.

These are grave and important questions, which should be investigated by the committee, of which the presiding officer is an honored member, and their report should come to this body.

This is the view I take of it, and for that reason I shall vote for the reference of the bill to the Committee on Finance.

Mr. BECK. Mr. President——

Mr. HARRIS. I ask the Senator to let me present at this time an amendment, in order that it may be on the table, and if the bill be not disposed of to-day that the amendment may be printed. I propose to offer it at the proper time.

The PRESIDENT *pro tempore*. If there be no objection the proposed amendment will be received and printed.

Mr. PLATT. I should like to hear the proposed amendment of the Senator from Tennessee read for information.

The PRESIDENT *pro tempore*. It will be read.

The CHIEF CLERK. It is proposed to strike out all after section 2 of the bill and insert:

SEC. 3. That it shall be unlawful to sell or offer for sale within the limits of the District of Columbia or any of the Territories of the United States, oleomargarine as defined in section 2 of this act, unless the package containing the same be clearly and distinctly marked or branded with the word "oleomargarine," and in addition the purchaser informed of the true character of the article so offered for sale. Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than —— dollars or imprisoned not more than six months, or both, in the discretion of the court, and one-half of the fine so imposed shall go to the infomer.

Mr. BECK. Mr. President, I am very hoarse this morning, an unusual thing with me, but I desire to have read as a part of my remarks a report which I propose to submit to the Committee on Finance if the bill goes there, which contains my views of what they ought to report back. Perhaps I can not say where it came from. I ask the Secretary to be kind enough to read it for me.

The PRESIDENT *pro tempore*. The Senator from Kentucky asks that a paper be read.

The Chief Clerk read as follows:

The questions submitted by these bills to this committee are of great importance, and involve the fundamental principles of the Constitution.

For our purpose the evil consequences to the regular producer of butter or any other article by the permission of a product by the spurious competitor, and even the results to health of the people may be conceded. The contention is not as to the existence of the disease, but what is the remedy, and by what authority is it to be applied?

Your committee do not think that the evil complained of can find its remedy from what Congress can do, except as hereafter stated. The legislation, if proper, must be sought from the States.

No grant of power to Congress in express terms or by fair inference from express grant can be found which would authorize any law by Congress to prevent the production of anything by a person in a State of the Union. Congress may have some power over production in the District of Columbia, or where its power of exclusive legislation extends, or in the Territories. But the power to forbid the production of butter, or wheat, or tobacco in a State will scarcely be asserted by any one.

Questions which concern the production of the soil or otherwise, the health and well-being of the people of the State, belong to that large class which, for want of a better name, has been termed the police power.

The powers of Congress refer to the foreign relations of the State, to their relations *inter se*, and do not pass within the confines of that interior life which constitutes the being and the civilization of a commonwealth. These are subjects for State legislation. A stranger to these local interests and internal concerns, under our system, must not intermeddle with them.

The evil to result from the exercise of the power as to oleomargarine is not seen by one who looks only to the extermination of the unwholesome product, but dairymen would readily perceive it if the power were directed against the production of butter. The question, then, of power is the primary one.

The concession will be made by most constitutional lawyers that Congress can not directly forbid the production of this or any other article in a State. But there are two modes in which it is supposed that Congress may operate on such a product; these methods are indirect.

First, it is said that Congress may act upon it through the power to regulate commerce; and, second, that as it may tax any article, it may tax oleomargarine, and so heavily as to put a stop to its production. Let us examine these in their order:

First. The power to regulate commerce is one of the most valuable and important of all those granted to Congress. It had two prominent objects: affirmatively, to give to the Federal Legislature the control of foreign and interstate commerce; and negatively, to take it from the States. The use of it by the States, under the confederation, put restrictions on trade and intercourse, and created inequalities between the States, which it was believed the Federal Government would not do if the power were vested in Congress.

It is an interesting phase of this discussion, whether the purpose to deny to the States this important power was coupled with a purpose to give to Congress the power to do all that is intended to be denied to the States. For example, it is clear that a State may not prohibit the transit or admission of the ordinary products of another State through or into its territory. But does it follow that Congress may do so? May not the absence of right in the State to do so rest upon another clause of the Constitution which gives equivalent privileges and immunities in every State to citizens of every other with its own citizens?

Your committee are not aware that it has ever been asserted for the power to regulate commerce that it involved a power to prohibit the free transportation of the products of each State through and into every other; and it could hardly have been within the minds of the framers of the Constitution to give to Congress the power to do so, when history shows that the purpose of giving the power to Congress and taking it from the States was to prevent the very result which this construction of the clause would involve and bring about. Be this as it may, no such power under this clause has been heretofore claimed, and has, in regard to the interstate slave trade, been denied by the *dicta* of eminent judges. (Groves *vs.* Slaughter, 15 Peters, 449.)

It may be within the meaning of this clause to require such needful regulations as to articles transported from State to State as will conserve the safety and well-being of the transportation, but the right to say what articles shall and what shall not be the subject of commerce is not included in the regulation of the commerce in such articles. The transportation of the article is the commerce in that article; the regulation of that transportion does not touch the right to transport the article under the regulation. Freedom as to the articles to be transported is reserved to the citizen; its transportation, as to mode, &c., is subject to the regulation of Congress.

And this is the more clear because the judicial decisions have never impinged upon the power of each State to control the right of its citizens as to food, clothing, &c., under what is called its police powers, and the right of Congress to enact anything like sumptuary laws for the States is nowhere granted, was expressly refused by the convention (3 Mad. Papers, 1369, 1370) and has never been seriously claimed in this first century of our constitutional history.

Your committee, therefore, do not think that Congress can, as a regulation of commerce, forbid or restrain the free transportation of any article from one State into another. It can regulate its transportation for its safety and for the safety of other articles or persons transported in the same or annexed vehicles provided for their carriage.

The question remains whether, under a regulation of commerce, a duty or tax may be laid upon it. Clearly not, when carried from place to place within a State, for that is not interstate commerce in the article. But how when carried from one State to another?

Regulations of commerce and revenue are wholly distinct in constitutional language. The first clause of Article I, section 8, gives the revenue power to Congress. The third clause of the same gives the regulation of commerce to Congress. In Article I, section 9, clause 6, the phrase "regulation of commerce or revenue" is used, thus emphasizing the distinction. In the convention, at one time, the revenue power was left to be exercised by a majority vote in Congress, the regulation of commerce by a two-thirds vote.

These facts, and the preconstitutional and revolutionary assertion of this distinction, leave no reason to doubt that it was never intended that Congress should lay any tax or duty on the transport of an article from one State to another. Nothing in the debates of the Federal convention, nor in those of the States ratifying the Constitution, nor in the Federalist, gives any shadow of claim to this power, and such a construction of the clause has never been asserted in any act of Congress or in any serious proposition to that effect.

Your committee therefore conclude that under the power to regulate commerce no power to forbid, restrain, or tax any product of industry is conferred on Congress.

Second. It remains to inquire whether oleomargarine or any other product may be subjected to an internal-revenue tax.

If the power to lay taxes (Const. U. S., Art. I, secs. 8 and 9) involves the power in Congress to select any article for excise or other tax, as seems to be now settled by the practice of the Government (and no doubt properly so settled), then the right to tax oleomargarine is undoubted.

But your committee are constrained to add that this is a revenue power. The right "to lay" is conjoined with that "to collect taxes," and the right to lay and collect is conjoined with the purpose "to pay the debts and provide for the common defense and general welfare." The power is conferred in order to the duty

imposed on Congress. It is a trust power, and becomes a right only when used for the purpose in view. The tax is the means to the end, and is only legitimate and rightful when needful for the end.

To use the tax when needless for revenue, merely to strike down a product or an industry, is to abuse a constitutional trust; and while the power may be conferred, the right to use it in such case can not be asserted. All power under our system is trust power; to use it for the trust makes it a rightful power; to use it *diverso intuitu*, is wrongful perversion and abuse of power, and is contrary to the Constitution. In other words, as Congress can not forbid the production of an article in a State by direct legislation, it can not use a power conferred for another purpose to destroy and prevent such production. To do by indirect means what it could not do by direct legislation would be an unworthy evasion of constitutional limitations, which can not be sanctioned by an enlightened construction of the Constitution.

It is true that in such case the judicial power may not be able to declare such taxation void, because the judge dare not look into the intents of the legislator's breast, but the legislator who so abuses his trust and wrongfully misuses power can not avoid responsibility to his own conscience, bound as it is to support the Constitution; for by personal introspection he will find his motive not to be a tax for revenue to the Government, but a tax as a means of destruction to the product subjected to it; that is, tax used as an instrument of destruction and not as a means of revenue.

Your committee therefore think that Congress may lay the tax, if it be needed for revenue, but does it against right if only to restrain and destroy the use and sale of the article in question.

Your committee will now proceed to consider these various bills in detail.

Bill H. R. 4809 is broad in its terms and makes it unlawful and a misdemeanor for any person or corporation to make or sell any adulterations or imitations of food anywhere; and punishes it by fine and imprisonment. If this were passed all the industries engaged in food production in every State would be subject to the absolute power of Congress. This claims the direct power for Congress to permit or prevent production, to allow or to destroy it, and to regulate all sales and transfers of any such product in a State. Unless your committee have greatly erred in the views presented this bill is clearly unconstitutional.

Bill H. R. 4172 limits the power to the District of Columbia, forts, &c., and to the Territories, and while not forbidding production or sale, requires notice of the nature of the article to be labeled upon it. This bill does not conflict with the Constitution, as exclusive legislative power is vested in Congress over these places, except the Territories, and the power to govern these last is fully recognized as in Congress. Your committee, however, do not recommend its passage. The policy of this legislation is more proper for other committees, and is hardly within the jurisdiction of this committee except upon the inquiry as to power to pass it.

The same general remarks apply to H. R. 4171. The question of power is settled as to places by the considerations of H. R. 4172. But the bill is indefinite in the description of the offenses, and dangerous in the powers conferred on the so-called sanitary board, and the effect given to their reports. The bill should be carefully restrained in its operations, the offenses accurately defined, and the reports of the said board be allowed no such effect against the property, liberty, or other rights of the citizen. The policy of this bill is not proper for the consideration of this committee, and should be referred to some other.

Bill H. R. 1054 is liable to the objection that it, under the apparent purposes to regulate interstate commerce, forbids the commerce between the States in certain articles. It strikes at the articles, and does not regulate commerce in them. It is not a regulation of commerce, but a destruction of all commerce in certain condemned articles.

Its other provisions for enforcing the law and defining the offenses are not satisfactory, but these are more proper for the consideration of some other committee of the House.

Your committee therefore report back bills H. R. 4809, 4171, 4172, and 1054, with a recommendation that they do lie upon the table.

Mr. BECK. Mr. President, I think that report, which was drawn by a very able man, shows that this subject is at least entitled to careful consideration, and that it should not be thrust in upon us here without a report or statement of any sort answering the argument I have had read. I hardly think the Committee on Agriculture can answer them. When they provide that every person who knowingly purchases any oleomargarine that has not been branded or stamped shall be fined $50, or who buys from any manufacturer who has not paid the special tax shall pay $100 fine, and that his goods shall be forfeited, they are straining Congressional authority to its limit. We admit the product to be wholesome by allowing it to be imported and produced at home. It is a very serious question whether a man living in the city of Boston or the city of New York has not a right to buy anything that we allow to be imported or manufactured that he likes. States and municipalities are still recognized, I believe, and people living in the same town may yet deal with each other and buy and sell anything we have declared wholesome without the purchaser having to look to see whether the seller had paid his tax or had put a proper brand on the article. It is absurd by indirection to seek to prevent a man from buying oleomargarine if he likes it better than butter for his breakfast table; that is simply protection run mad. It may result in exposing the folly of the system.

I do not care to discuss this question any further now. I am hardly able to make myself heard, and therefore I content myself with calling for the yeas and nays on my motion to refer the bill to the Committee on Finance for consideration. The report I have had read will furnish them food for reflection.

The yeas and nays were ordered.

Mr. SAULSBURY. I desire to say that I shall vote for this reference to the Committee on Finance, because I believe the bill is of such a character that it ought to go to that committee. I do not intend, however, by that vote to indicate the opinion I have on the merits of the bill. I have never seen the bill until this morning. Therefore I do not desire now by voting for the reference to have it understood what my views are on the bill.

Mr. EDMUNDS. I shall vote against the proposed reference. I voted for the reference of this bill to the Committee on Finance when the bill reached the Senate, thinking that the proper committee. The Senate after deliberation and discussion decided to send it to another committee of this body for the purpose of its being acted upon and reported, and I am glad that the committee acted promptly and reported the bill as they have. It has now been on our tables without any motion to refer for almost three weeks; and to refer it now to the Committee on Finance is to say that we will not pass it at this session. I shall, therefore, vote against any such reference.

The matter has been decided by the Senate; the subject has been examined by the committee, and we know all about it now that we ever shall know.

Mr. BECK. The bill has been reported back, it is true, but it is very well understood that individual Senators have no right or no power to call up matters for reference when they want to do so. I had an important bill in regard to railroad attorneys which the Senator from Vermont promised when we sent it to his committee to bring back in eight days, and he held it for twenty-two, and then brought in a burlesque substitute, and I have not been able yet to get a chance to make a motion in regard to that. So it is not a very easy matter to bring up bills and ask their consideration or a change of reference.

I have made this motion at the earliest possible moment when I could see any possibility for a hearing. Matters were arranged, as I understood, by some caucus arrangement on the other side, so that we were until half past 12 to have a morning hour and then the river and harbor bill should take all the time outside of that until it is too late now to complain that gentlemen change their votes on the question of reference because there have been improper delays in regard to the matter.

Mr. BUTLER. I should like to inquire of the Senator from New York if he proposes to get a vote on this bill to-day?

Mr. MILLER. Of course I am not able to say as to what the Senate will do. I certainly hope to be able to get a vote on this bill to-day.

Mr. BUTLER. I hope not. There is no occasion for railroading the bill through the Senate without discussion, as I understand seems to be the purpose of the Republican caucus as far as I can find out.

Mr. MILLER. There is no intention to rush the bill through without discussion. I shall discuss it myself, and of course I expect to accord the same privilege to every other Senator who wants to discuss it; but I hope to keep the bill continuously before the Senate as long as they want to discuss it, and at the end of the discussion to get a vote. I have no expectation of railroading the measure.

Mr. BUTLER. It has been intimated about that it was the purpose of the majority of the Senate to get the bill through *nolens volens*. I wanted to know about that.

Mr. MILLER. I intend to speak on the bill myself, and do not intend to cut off others.

Mr. BUTLER. I desire to submit some observations on it before we get through, and I should like some understanding about it.

Mr. MITCHELL, of Oregon. I desire to state that yesterday I paired with the Senator from Louisiana [Mr. EUSTIS] and agreed to announce it on the question of taking up this oleomargarine bill. I happened to be detained in the Departments a short time this morning, and was not here myself when the vote on taking up the bill was reached. I desire to state that if I had been here I should have voted to take up the bill and the Senator from Louisiana would have voted against that motion if he were present.

The Secretary proceeded to call the roll.

Mr. CHACE (when the name of Mr. ALDRICH was called). My colleague [Mr. ALDRICH] is paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "yea."

Mr. CALL (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN]. If he were present, I should vote "yea."

Mr. CAMDEN (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. CHACE (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. WALTHALL (when Mr. GEORGE'S name was called). My colleague [Mr. GEORGE] is paired with the Senator from New Hampshire [Mr. PIKE].

Mr. VAN WYCK (when Mr. MANDERSON'S name was called). On this vote my colleague [Mr. MANDERSON] is paired with the Senator from Ohio [Mr. PAYNE].

The roll-call was concluded.

Mr. BROWN (after having voted in the affirmative). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. As I do not see him in the Chamber I withdraw my vote.

Mr. SAULSBURY. I am paired with the Senator from Vermont [Mr. MORRILL], but I find from the RECORD that he voted for the reference of this bill to the Committee on Finance, of which he is chairman. I therefore vote for the reference.

Mr. EDMUNDS. My colleague [Mr. MORRILL] is paired generally with the Senator from Delaware [Mr. SAULSBURY]. I think it due to say that I believe if my colleague were here he would vote under the circumstances against this reference, but I do not know it.

Mr. INGALLS. I have been requested to announce the pair of my

colleague [Mr. PLUMB] with the Senator from Louisiana [Mr. GIBSON] who usually sits nearest me.

Mr. SPOONER. My colleague [Mr. SAWYER] is paired with the Senator from South Carolina [Mr. HAMPTON]. Were he here, my colleague would vote "nay."

Mr. MITCHELL, of Oregon. Did I understand the Senator from Kansas to announce a pair with the Senator from Louisiana [Mr. EUSTIS]?

Mr. INGALLS. A messenger just came to me from the room of the Committee on Appropriations requesting me to make the announcement that my colleague had paired with the senior Senator from Louisiana.

Mr. MITCHELL, of Oregon. Does the Senator mean Mr. GIBSON?

Mr. INGALLS. Yes, sir.

Mr. MITCHELL, of Oregon. I am paired with the junior Senator from Louisiana [Mr. EUSTIS]. If he were here, I should vote "nay" and he would vote "yea."

Mr. MCMILLAN. My colleague [Mr. SABIN] is detained from the Chamber by sickness, and would vote "nay" if he were here. He is paired, as has been stated.

The result was announced—yeas 15, nays 29; as follows:

YEAS—15.

Beck,	Harris,	Pugh,	Voorhees,
Berry,	Hearst,	Saulsbury,	Walthall,
Coke,	Jones of Arkansas,	Vance,	Wilson of Md.
Gray,	Maxey,	Vest,	

NAYS—29.

Allison,	Evarts,	Logan,	Stanford,
Blair,	Frye,	McMillan,	Teller,
Cockrell,	Gorman,	Mahone,	Van Wyck,
Conger,	Hale,	Miller,	Whitthorne,
Cullom,	Harrison,	Palmer,	Wilson of Iowa.
Dawes,	Hawley,	Platt,	
Dolph,	Hoar,	Sherman,	
Edmunds,	Kenna,	Spooner,	

ABSENT—32.

Aldrich,	Chace,	Jones of Florida,	Payne,
Blackburn,	Colquitt,	Jones of Nevada,	Pike,
Bowen,	Eustis,	McPherson,	Plumb,
Brown,	Fair,	Manderson,	Ransom,
Butler,	George,	Mitchell of Oreg.,	Riddleberger,
Call,	Gibson,	Mitchell of Pa.,	Sabin,
Camden,	Hampton,	Morgan,	Sawyer,
Cameron,	Ingalls,	Morrill,	Sewell.

So the Senate refused to refer the bill to the Committee on Finance.

Mr. MILLER. Mr. President, the bill under consideration is House bill 8328, having for its object, as the title indicates, to define butter and to impose a tax upon and regulate the manufacture, sale, importation, and exportation of oleomargarine. I think no bill has been before this body for many years which has excited so much public interest as this. It has been the topic of conversation and of discussion both in newspapers and in public meetings from Maine to Minnesota. The great body of the American people have been interested in the question, and they have taken the trouble to make their views known to Congress. During the present session we have received here petitions signed by at least fifty thousand American citizens praying for legislation similar to that contained in this bill. Some five or six thousand in all, I think, have petitioned against its passage. The number of petitions going to the other branch of this legislative body have been much larger in number than those which have been received here. Every Senator has found his daily mail filled with petitions and with letters from leading citizens from all portions of this country praying for the speedy passage of this bill.

The interests involved are very great. On the one hand they comprise all our people, for all our people are consumers of butter. On the other hand the dairy interest in this country reaches into nearly every farmer's home from one end of the land to the other. The interests involved are sufficient to command the most serious attention of this body.

Doubtless this is a new species of legislation, or largely so, in this country, and under our system; but the exigencies of the case seem so great that this body can not afford to ignore them.

This bill assumes at the beginning that a very great wrong is being done in that a food product, which is consumed by all our people, is being counterfeited or imitated and passed off upon the people for the genuine article, thereby defrauding the consumer and injuring the producer of the genuine article.

This matter has been going on for a number of years until now this great industry of the dairy is threatened with destruction and it comes up seeking relief and remedy, and in order that that relief may be given this bill has been framed. It is in form a bill proposing to tax the manufacture and sale of this imitation article known as oleomargarine.

I resort to no subterfuges in this case, Mr. President. My object in bringing forward this bill and supporting it is, not to secure a large increase to the revenue of our Government; but I have sought to invoke the taxing power of the Government in order that under it the Government might take absolute control of this manufacture, might properly regulate it, and so regulate and control it that it should be carried on in a legitimate way and that the product should be sold to the consumer in all cases for what it is, and it is for that purpose that the friends of this measure have invoked the taxing power of the Government.

I do not propose to discuss the constitutionality of this bill, nor do I believe that any lawyer here will seriously question its constitutionality, for the power of the Government to tax any and all products or manufactures of this country has been recognized from the beginning of the Government down to the present time; and under that taxing power the Government has always regulated and controlled the article taxed as it saw fit. It has done this especially in regard to our tariff upon foreign imports. While tariffs on foreign imports are nominally laid for the purpose of raising revenue, yet from the beginning of the Government, from the first tariff act down to the present time, there has been aside from the question of revenue a question of protection to American manufacturers and producers. The first tariff act ever passed, which was passed, I believe, on the second day of the First Congress, in its preamble stated that that law was enacted for the purposes of raising revenue and of protecting American manufactures.

Mr. President, if we may thus exercise the taxing power under a tariff bill, I have no doubt of our right to exercise it under an internal-revenue bill, and we may exercise it in such a way as we see fit, so as even absolutely to destroy and inhibit the article thus taxed. That power was used during the early days of the war when the Federal Government, desiring to firmly establish the national banks and to give into their hands the issuing of the currency of the country, enacted a law taxing the circulation of State banks 10 per cent. It was never claimed for a moment that that was a tax for revenue. That was a tax for extermination and it had the effect. It drove out of circulation all the currency of the various State banks and has kept it out of circulation up to the present time, and forever hereafter prevents its circulation unless the law shall be repealed.

Mr. President, this question has agitated the people of my own State and of many other States for a number of years. More than four years ago a number of the leading dairymen of my State came to me to consult with me in regard to legislation upon this subject both by the State and by the Federal Government. I then advised them that in my judgment no legislation would ever be effectual for their protection unless it was undertaken by the Federal Government, and I advised them then that under the Internal Revenue Department, exercising the power of the Government to tax this article, its manufacture, and its sale, it could be so regulated as to render frauds almost if not quite impossible, and that proper protection could be given to the dairy interests of the State.

Last winter, when the National Dairymen's Association met in the city of New York and I was invited to be present, I replied by letter, stating that I could not be there, but I advised the appointment of a committee upon legislation and the drafting of a bill which should put the manufacture and sale of oleomargarine under the Internal Revenue Department by placing a tax upon it. As the result of that convention and of its deliberations a committee was appointed which draughted this bill, and it was presented in both Houses of Congress.

"Oleomargarine" is a term which is undoubtedly well understood by all of our people. It applies generally to all imitations of what is known as dairy or milk butter. Originally "oleomargarine" applied only to such imitations as were made from the fat of beef-cattle. I will not detain the Senate by going into any description of that process; but since its first manufacture in this country great changes have come about, and instead of oleomargarine to-day as it appears upon our markets being made entirely from the fat of beef-cattle or out of oleo oil as it is termed, the testimony taken before the committee shows that oleo oil is one of the lesser ingredients now used in the manufacture of imitation or bogus butter. It is now stated upon authority which is not questioned that not more than 15 to 20 per cent. of oleo oil is used in the manufacture of this product. The balance is either refined lard or some other fat mixed with vegetable oils and with some milk, and in some cases with pure dairy or milk butter.

It will be seen further on that the change in the manufacture of this article and the using of a large number of fats and oils has entirely changed its character, and that to-day no person can be sure of the constituent elements of this article unless it is carefully analyzed by a chemist. Therefore it is that even if the original article was wholesome, as is claimed by its supporters, it by no means follows that the article put upon the market to-day which varies in its constituent elements as the manufacturers differ as it comes from the different establishments scattered throughout the land, is wholesome for food purposes.

FOUR PRINCIPAL REASONS FOR SUPPORTING THIS BILL.

Mr. President, I base my support of this bill chiefly upon the four following reasons:

First, it is necessary in order to protect the whole people from fraud and imposition in having a counterfeit article sold to them for the genuine.

Second, it is necessary to protect the public health, for if it be admitted that oleo when made according to the process known as the Mége process is wholesome, yet I hold that the best of it, made as it is

made to-day, is not as wholesome as butter and that it may be the means of communicating disease to the human system.

Third, it is necessary to protect the chief farming interests of this country, which is the dairy, from unjust and fraudulent competition and consequent loss, if not absolute ruin.

Fourth, this legislation is necessary because the States have not been able thus far to either suppress or properly control the great evil of which I have spoken, and as sufficient remedy can be found nowhere in my judgment save under the Federal Government.

FIRST, TO PREVENT FRAUD UPON THE WHOLE PEOPLE.

First I say it is necessary to prevent fraud upon the whole people. It is one of the highest duties of all governments to protect their subjects against fraud. All our statutes, the statutes of all civilized nations, are full of laws for the express purpose of preventing fraud in commerce and trade, and the law holds that all contracts fraudulently made or tainted with fraud are invalid. This article of imitation butter is fraudulent in its commercial bearings from beginning to end. Although it may be manufactured in accordance with the prescribed methods, and although it may be sold to the dealer upon its own merits and under its own name, yet the statement which I now make can be verified to the fullest extent, and that is that not less than nine-tenths of all the imitation butter made in this country is sold to the consumer as butter, bought as butter, and used by the consumer believing it to be butter.

This article is not made and put upon the market as a substitute for butter. If it were that would be legitimate and proper, for we are constantly substituting one article for another; in all kinds of manufactures we are doing that; but this article is so manufactured as to imitate butter, and it is stated by the manufacturers that the imitation is so close that only experts can detect the difference, and that frequently it requires a chemical analysis to determine whether the article is bogus or genuine.

Mr. President, this article, as produced by the manufacturer, in its natural state would deceive no one. The oil as produced from the fat either of beef cattle or of swine or of sheep is perfectly white, odorless, and tasteless, and no human being who had ever used pure natural butter would be deceived by it. It would simply pass for refined lard or some similar material. In that condition it has in it all the qualities substantially that it has when it has been converted into a bogus and imitation butter. Originally under the process of Mége after this oil had been produced in its white, tasteless, and odorless condition, it was simply churned with a certain amount of milk, a very small amount indeed, and colored yellow to imitate butter, and then put upon the market and sold as butter. It is this latter part of the process which is confessedly a fraud, for in the investigation before the committee the scientific experts brought before the committee by the advocates of oleomargarine did not hesitate to say that this last process was resorted to for the express purpose of making it appear like butter and making it taste like butter, giving it a flavor of butter by the milk or cream which was used in the churning process.

SOLD NOT AS A SUBSTITUTE, BUT AS BUTTER.

So we see, Mr. President, that the pretense that this is merely a substitute for butter is not correct. It is not put upon the market as a substitute for butter; it is put upon the market as butter itself.

This imitation or fraudulent transaction follows it in every step of its progress from the time the fat has been converted into the oleo oil until it reaches the table of the consumer. After the manufacturer of this article has mixed with it milk or cream or a little natural butter and his coloring matter, in order to make the deception perfect, he goes still further in the deception; he proceeds then to pack it in tubs or firkins of precisely the same shape and size as have been used and are constantly being used by the farmers and dairymen of this country to pack their butter in.

It is in proof that the manufacturers of this article send all the way to Vermont to have made for them firkins or tubs from a fine white spruce which grows there and which is used by the dairymen of that portion of the country for the packing of their natural butter. Why is this done? Simply in order that they may make the deception more complete. But they carry it still further than that. When it has once been put into these butter firkins or tubs they then proceed in almost all cases to brand it with a deceptive brand in order that they may deceive the consumer, and in many cases the letter-heads and bill-heads of these manufacturing firms are also deceptive. I propose to call the attention of the Senate to the testimony upon this question of fraud, for it is upon that point quite as much as upon any other that I rest my support of this bill. Let us see how this is put upon the market.

The manufacturers of this article in coming before the committee state that they always sold it to the wholesale dealer or the retail dealer for what it was; that he knew what he was getting. It seems from the testimony on the hearing that that statement is substantially true; that the manufacturer does in nearly all cases, if not in all, sell this to the retail dealer for what it is, and the retail dealer knows precisely what he is getting. But it also appeared from the testimony that the manufacturer within his own manufacturing establishment, before the article left it, before it was shipped, did proceed in nearly all cases to put upon the firkins or tubs in which it was packed deceptive brands, which were intended to deceive the people or whoever might see it.

It was admitted freely by Mr. Webster, the representative, and one of the firm of Armour & Co., of Chicago, the largest manufacturers of this article in this country, and I propose to call the attention of the Senate to that branch of the question. Before reading Mr. Webster's testimony or admissions, I call the attention of the Senate to a circular or letter-head which I have before me. I will not give the name of the firm, because I do not desire here to do injury to any one, but this is a genuine circular furnished to me from the trade to which it had been sent. After giving the name of the firm, it reads thus:

[Wholesale dealers in butter.]

SOUTH WATER STREET, CHICAGO, *January* 4, 1886.

DEAR SIR: We this day reduce prices as follows:
Extra fancy creamery, 25 cents; bail boxes, $2.20.
Extra creamery, 20 cents; bail boxes, $1.75.
Creamery, 18 cents; bail boxes $1.60.
Extra dairy, 15 cents; bail boxes, $1.35.
Dairy, 13 cents; bail boxes, $1.20.
No. 5, 12 cents; bail boxes, $1.05.
Rolls and prints 1 cent extra.

Not satisfied with taking the tub and firkin, which have been used from time immemorial by the honest farmers of this country, they went still further and they invaded the province of the little petty dairy, where the housewife made her butter in such small quantities that she could not pack it into a tub or firkin, but made into little rolls or prints and send them daily to the village store to be sold. That was always a fine quality, and was always sought after, and these people follow it to that extent:

All delivered at depot in Chicago.
We pack in all sizes of ash and spruce tubs, also New York half-firkin tubs and firkins, also in 18 and 20 pound cans, four cans in a case.
Yours, truly.

So that if it were wanted in New York it would be put up in precisely the same kind of a tub as the consumers of butter in the city of New York are in the habit of seeing tubs which are used in the great butter county of Orange and the surrounding counties which in the New York market has been a synonym of purity and extra quality for a century. Ready the manufacturers are to put it in any shape or style you want it, in order that the retail dealer when he gets it may be able to sell it readily to his customers.

Awaiting your orders, we remain,
Yours, truly,

———.

Mr. MCMILLAN. Is that an oleomargarine circular?

Mr. MILLER. That is an oleomargarine circular from a firm which manufactures during the height of the season 60,000 pounds of oleomargarine daily in the city of Chicago; but there is not a line or a letter or a word upon that circular to indicate that it is oleomargarine, or butterine, or anything else. They start out with the direct proposition that they are wholesale dealers in butter.

ANY BRAND AT THE REQUEST OF THE DEALER.

I stated that nearly all, if not all, the manufacturers of this article did undoubtedly sell it to the retail dealer for what it really was, and sold it probably at a fair or reasonable price. Now, I wish to call attention to the testimony of Mr. Webster, of the firm of Armour & Co., upon the question of branding:

The CHAIRMAN. Does your house ship its products to this District; I mean oleomargarine or butterine?

Mr. WEBSTER. We do.

The CHAIRMAN. How are the tubs that come here branded?

Mr. WEBSTER. I do not know, but I think they are branded as we usually brand them. Sometimes we put on merely a specific name, but our products usually are branded like that. [Exhibiting a printed paper to the committee.]

The CHAIRMAN (reading the paper). "Armour & Co.; pure dairy butterine." "Armour & Co.; finest creamery butterine."

Senator VAN WYCK. Why are the words "dairy" and "creamery" put on that bill?

Mr. WEBSTER. Merely to distinguish the grades. Creamery butterine is the highest grade.

Senator VAN WYCK. Why do you not say "first quality" or "second quality?"

Senator SAWYER. Mr. Webster stated, before you came in, that they used 25 per cent. of butter besides the milk, which ran it up to 35 per cent., and in some other grades less.

Senator BLAIR. What are some of those names which occur to you which you put on at the request of customers—those brands?

Mr. WEBSTER. I am not very familiar with that. My business is at the office, 5 miles from the packing-house, but "Oakfield" is one.

Senator BLAIR. That represents oleomargarine?

Mr. WEBSTER. Yes, sir. That is the brand, I believe, that some of our customers ask us to put on.

Senator VAN WYCK. Is there anything on that label indicating that it is oleomargarine or butterine?

Mr. WEBSTER. No, sir; nothing specially.

Senator BLAIR. You sell in quantity to those who sell to the consumers?

Mr. WEBSTER. Yes, sir.

Senator BLAIR. Why should not they desire the thing they have to sell to be branded according to the fact?

Mr. WEBSTER. I can not answer that; that is their own matter.

Senator BLAIR. Do you not understand that is a matter of deception on their part?

Mr. WEBSTER. Not altogether. A man may have a sort of private brand. Many people have private brands that they sell their products under; not this product specially, but many things which I should think it would be legitimate to mark with a brand.

Senator BLAIR. But there is nothing on this package to indicate what it is. You say "Oakfield." We will suppose it is the name of a place or the name of

a person; but there is nothing to indicate whether it is butter, butterine, oleomargarine, lard, or what not.

Mr. WEBSTER. They may have a brand that they put on after that.

Senator BLAIR. They may have.

Mr. WEBSTER. Well, I do not pretend to follow it to its remotest limit.

The CHAIRMAN. Would you, at the request of a customer, brand it "Oakfield Creamery," or "Oakfield Dairy," without using the word "butter?" Would you put that on if they asked you to?

Mr. WEBSTER. I think we would.

The CHAIRMAN. Simply "Oakfield Creamery," without the word "butter" attached to it; simply "Oakfield Creamery" or "Oakfield Dairy," if a customer desired that brand put upon it?

Mr. WEBSTER. I think we would. It is merely a distinguishing term as to quality.

The CHAIRMAN. Do not all the manufacturers in branding it leave out the words "oleomargarine" and "butterine," and simply brand it "dairy" or "creamery?"

Mr. WEBSTER. Possibly so. Sometimes they put on a single name without specifying whether it is dairy or creamery.

The CHAIRMAN. What do you mean by that?

Mr. WEBSTER. Sometimes they will put on the name with the word "oleomargarine" under it.

The CHAIRMAN. Does your house ever brand it without using the words "butterine" or "oleomargarine?"

Mr. WEBSTER. Yes; but not to any great extent. We do that on an order, because customers ask it.

The CHAIRMAN. You brand it just as your customers ask to have it branded, if they have any desire about it?

Mr. WEBSTER. Well, we use a consistent judgment about that. If our customers should ask us to brand it "creamery butter" we should decline to do it.

The CHAIRMAN. But if they ask you to put any special brand or name upon it, you do that?

Mr. WEBSTER. Yes, sir.

Here is an admission that the largest manufacturer of this article in the country, although usually branding his goods "oleomargarine" or "butterine," will, at the request of the dealer who desires to so put the goods before his customers, brand them as "Oakfield Creamery," or "Oakfield Dairy," or any other fancy title that may be given. Every one who is at all familiar with the produce trade of this country and with the manufacture of butter knows that the various creameries that manufacture the genuine article simply put a brand of that kind upon it. The name may be "Oakfield" that they place upon the tub of butter, the brand "Oakfield Creamery," if it is a creamery. They never put the word "butter" upon it, for that never has been thought to be necessary. The words "creamery" and "dairy," by common consent and by common use, are applied to the genuine article of butter only.

So we see in this case that the fraud begins in the manufacturing when instead of making a substitute they make an imitation article. They carry it still further in the packing in the tubs or firkins, as the case may be. Then when they come to the branding of it they put upon it a brand which is distinctly intended to deceive the people and the consumers.

I might go on here and read lengthly quotations from the testimony taken before the committee showing how this fraud is carried on, how the people are imposed upon, but that testimony is before the Senate, and I scarcely think it necessary that I should go into it at any great length at this time. If any question shall be made during this discussion, or if it shall be claimed that this is not carried on fraudulently and imposed upon the people, I shall then undertake to go into that question very fully and show up what the testimony is.

NINE-TENTHS SOLD AS BUTTER, AT THE PRICE OF BUTTER.

Now, we have traced this article from the manufacturer to the retail dealer, and at this point I repeat the statement made a moment ago that nine-tenths of it is sold as butter and not as oleomargarine.

The opponents of the bill brought only one or two persons before the committee who undertook to say that they had positive knowledge that it was ever sold for what it really was. The great weight of testimony from beginning to end in the investigation made here, and in the investigations which have been made by the State of New York, goes to prove most conclusively that it is, nearly all of it, sold to the consumer through deception; and it is observed that but a very small part of that now manufactured and sold could be sold if it were sold upon its own merits as what it really is.

When it reaches the retail dealer and goes upon his shelves it goes alongside of the genuine butter, and the ordinary consumer, the ordinary purchaser, has no guarantee whatever except the honesty and fair-dealing of the man of whom he purchases as to the quality of the goods he may receive. All the prosecutions which have been made in New York and elsewhere to prevent this fraudulent transaction have only brought out more clearly the fact that the retail dealer actuated by his desire of gain does in almost every instance sell the bogus article for the genuine, and at the price of the genuine article. If it be admitted, as I do not admit, that it is a perfectly wholesome food, yet the fraud upon the consumer is very great, if it be viewed from a financial standpoint.

Let us see what the people pay for it under the present system. It appears that it costs to manufacture it at the present time somewhere from 6 to 9 cents a pound, depending upon the quality and depending upon the perfectness of the imitation, or the amount of milk or cream or butter which is put into the article; but as it is being sold freely at wholesale for 10 cents a pound, it is fair to assume that the manufacturer is able to make it probably at about 7 cents a pound. If the consumer were to receive this article as an article of food, and were to pay for it what it costs plus a fair profit, there might be an argument made in favor of its consumption by those whose means are limited; but the testimony goes to show that in nearly all cases it is sold substantially at the same price as butter, usually ranging a little under the price of the best or fancy grades of butter. For instance, if fine creamery butter were selling at 30 cents a pound, a retail dealer would alongside of the tub of fine creamery butter have his oleomargarine, branded as "Oakfield creamery," but claiming that it was of inferior quality sell it for 25 cents a pound, thereby making a profit of 15 cents a pound upon it.

If in the competition of business creamery butter is driven down to 20 cents a pound, alongside of the firkin of creamery butter is the tub of oleomargarine, which is sold as butter, not as oleomargarine, for 17 or 18 cents a pound, upon the ground that it is butter, but not quite so good a quality as the creamery butter. Again, in this case the consumer pays more than twice its actual cost.

What does this amount to in money? The House committee in their report have estimated that 200,000,000 pounds of this bogus or imitation butter is made annually in this country. In my examination I found it very difficult to obtain any proper data. Manufacturers themselves claim to know nothing about the business save their own, and could not undertake to say how much there was made in the country, and of course the boards of trade and commerce could not give any correct figures, as the great bulk of it is handled as butter and not as oleomargarine.

But taking the figures of the House committee for convenience, if it is sold to the retail dealer at the average price of 10 cents per pound it would bring $20,000,000; but sold to the consumer as butter, as it has been for the past year, at an average say of 20 cents a pound—though I believe the average is a little above that—the fraud upon the consumers of the country has been $20,000,000, and it would be the same proportion whether the amount I have given is correct or not. If it were only 100,000,000 pounds per annum the fraud upon the people—that is, the selling of it for what it is not and thereby obtaining a higher price—would be $10,000,000.

DEMORALIZATION OF TRADE.

If we want to prevent this fraud and to protect the consumers of this country we must see to it that this article is sold for what it is, and then the necessities of trade will compel it to be sold for a fair price; that is, its cost of manufacture plus a fair profit to the dealer.

Mr. President, I shall not detain the Senate with reflections upon the moral aspect of this question; I will merely suggest it. The retail dealers of food products are the most numerous of all dealers engaged in trade. No community can go on without them. They are to be found in every village and city in large numbers. This is a direct temptation to all of them to engage in a profitable branch of business, but a fraudulent branch of business—a business which can not be carried on with a large profit except as they are able to deceive their customers. The vast amount of this stuff which has been sold during the past few years, and the undoubted and unquestioned fact remaining that it has been sold for butter and not for what it is, prove conclusively the baleful effects that it has had upon the retail dealers of food products in this country. If they can be induced to resort to deception in this article, will they not do it in all other food products where they can do so to their profit?

There can be but one answer to that proposition. The Government owes it to all the people to exert all its power to prevent adulterations and fraud in food products which can not but seriously affect the health of all our people.

OLEOMARGARINE NOT A WHOLESOME FOOD PRODUCT.

Secondly, I said that I favored this bill because it would be a protection to the public health, and I hold that oleomargarine as now made is not a wholesome food product. I realize fully that this is a disputed question. I realize fully that some of the first scientific men of this country and of Europe have pronounced oleomargarine to be a wholesome food product. Of course their judgment was based upon the particular samples they were called upon to investigate. Those samples were always furnished them by the manufacturers; and it stands to reason that they were the best that they could make. Originally when this product was first produced it was produced only under the process of Mége, which I have heretofore referred to.

But this matter has now assumed an entirely different aspect. It is made out of the fats of various animals, and of various vegetable oils, and various compounds, and, as I have said before, there is no certainty regarding any particular sample which may be brought you unless you have it chemically analyzed. But believing as I do that the weight of evidence to-day is in favor of my proposition, that it is not a wholesome food, or, to put it perhaps more mildly, that it is not as wholesome as pure butter, and that it may be the means of conveying dangerous diseases to the human system, I propose to call attention for a few moments to some of the late investigations regarding this subject.

The State of New York, which is more largely interested in this question, of course, than any other State in the Union, and which has passed a large number of laws to suppress it, and has appropriated a large amount of money to carry out those laws and to prevent the fraud, has

been carrying on during the last winter through its dairy commissioner a very thorough investigation of the question as to the wholesomeness or unwholesomeness of this product. I have received the advance sheets of Dr. Clark, who has been employed by the dairy commissioner to make this investigation, and I propose briefly to refer to his report at this time. He gives a synopsis of all the various patented processes for producing artificial butter which have been issued by the United States Government. They show that a large number of substances which every one will admit are deleterious to health are used in these various processes. I understand that the manufacturers of oleomargarine claim that these patents are not used to any extent; that they are merely waste paper; but I think I can show by evidence which ought to be satisfactory that at least one of these patents which had deleterious acids in the manufacture is used to a very large extent.

INVESTIGATIONS BY DR. CLARK BY AUTHORITY OF NEW YORK STATE.

But before coming to that, I will briefly allude to the investigation made by Dr. Clark on behalf of the dairy commissioner of the State of New York. He has made a very thorough investigation into the comparative digestibility of the various animal fats as compared with each other and as compared with butter, and from those examinations and experiments he arrives at these general conclusions:

We now come to the all-important aspect of the subject—is artificial butter a wholesome article of food? We answer it in the negative on the following grounds:

First. On account of its indigestibility.

Second. On account of its insolubility when made from animal fats.

Third. On account of its liability to carry germs of disease into the human system.

Fourth. On account of the probability of its containing, when made under certain patents, unhealthy ingredients.

Here is the result of his experiments very carefully made in regard to the digestibility of oleomargarine and of the various animal fats as compared with butter. Along with this report are photographic plates showing the condition of the various animal fats taken at the different stages of the process of digestion as carried on by this chemist. Without troubling the Senate to go over the whole of these experiments, let me read the conclusion:

Fig. 6, Plate I, and Fig. 3, Plate II, presents the same at the end of twelve hours, which shows that the "oleo" is but a trifle, if at all, further emulsionized than the butter was at the end of the four hours.

That is, the digestibility of oleomargarine as compared to butter is as 12 to 4. This ratio, or about this ratio, is given by a number of leading chemists of established reputation, some placing it a little higher and others a little less, some stating that the comparison between the digestibility of butter and of oleo is as 3 to 5, and others placing it even higher than that.

I need say very little more on that particular question as to digestibility. It requires no scientific teaching or knowledge to enable us to understand that a food which is of very difficult digestion is not particularly healthy. We do not need any scientific instruction to tell the common people of this country that tallow and lard are not as easily digested in the human stomach as butter. Every housewife in the land knows that; every mother understands it, and neither children nor people in delicate health are permitted to eat either of those fats, lard or tallow, in their food, because they are so indigestible as to be very unhealthy.

AMERICANS A RACE OF DYSPEPTICS.

We are told by medical men that dyspepsia is the universal disease of Americans, and they tell us that it is largely attributable to the eating of too much fat, of the tallow and of the lard which goes with our meat, and which is used in the cooking or the preparing of our food. Some have gone so far as to tell us that we are a nation of pie-eaters, and therefore a nation of dyspeptics, and that the lard which is used in the pastry to give it a light and pleasant taste renders it, at the same time, indigestible and unhealthy. Some physiologists have gone so far as to undertake to trace a connection between the food eaten by a people and their mental capacity and their mental characteristics. Some of these physiologists have suggested that the somewhat short and crusty characteristics of the New Englander are due to the amount of lard that he takes in his pie-crust. I do not know how that may be, but during the last few days in the discussion of the river and harbor bill two sons of New England have certainly given us a very good illustration of short and crusty characteristics. If it shall be pie-crust that has done it by its lard, I do not know what would be the condition of the people if they were given over to the unlimited consumption of oleomargarine, which is to-day composed of at least 75 per cent. of lard.

Then, if we look at our friends upon the other side we may find that they have been affected in a like way. Some physiologists have drawn a connection with the "late unpleasantness" in this country and the chief article of food in the South. We all know that the chief meat diet of the South for many years has been fat bacon. The result has been just what the doctors told us it would be, the production of a lean and wiry race of people. Whether that had anything to do with the late rebellion, I do not know; I can not tell. Physiologists who are following out these questions carefully suggest that it might be. But, Mr. President, you will remember that Cæsar feared Cassius because he wore "a lean and hungry look;" and well he had a reason to fear him, because it was through his conspiracy that Cæsar lost his life. I am glad to see that our friends who have returned to us and who have come to our habits of living are losing that "lean and hungry look" which we all recognized twenty years and odd ago. You could have told a confederate soldier by his visage. If he were dressed in a Union uniform he could not disguise it.

The manufacturers of oleomargarine tell us that the South is the chief consumer of oleomargarine in this country to-day. Who shall say what effect that may have upon this country in the next half century if it shall go on unchecked? But I simply make these suggestions pleasantly, and in order that the friends of oleomargarine will see just how far it may lead.

CONDEMNED BY THE FRENCH ACADEMY OF MEDICINE.

So much for the indigestibility of this article. I could read you much more in relation to that, but here is a more important matter relating to it given by Dr. Clark. When this article was first produced by Mége, the Frenchman, and was made in Paris, the council of health in 1872 made a report in favor of its healthfulness. That was when it first came out and was made according to the original process. But since then the French Academy of Medicine has carried on a thorough investigation, and has reported that it is not as digestible as butter, and therefore not as healthy, and the use of it in the hospitals in Paris has been forbidden. It was never allowed to be sold in the public markets of Paris except under its name, so that whoever bought and used it might do so knowingly and willfully; but as guarding the health of the patients in the hospitals its use has been entirely forbidden.

I do not think that any of the casual investigations which have been made by chemists in this country, no matter how high their reputation or standing may be, will undertake to overturn this decision arrived at by the French Academy of Medicine. There is no higher authority upon questions of that kind in the world, and if they, after it had first been approved by the council of health, of the city of Paris, have now condemned it, let no one say in this discussion that it is universally admitted to be a healthy and wholesome food.

This article is not only less digestible that butter, but in and of itself, it is insoluble at the ordinary temperature of the human system. Here is an experiment made by Dr. Clark in this same report, and I will read a portion of it, in regard to that question:

The artificial butters made from animal fats, although the oleine and palmitine are separated as much as possible by pressure, will not liquefy at the stomach temperature, as is demonstrated by the following experiments: We placed in an oven kept at a temperature of from one hundred to one hundred and four degrees Fahrenheit four beakers containing respectively pure butter, oleomargarine butter, oleomargarine oil (commercial), and lard oil, about 20 drams of each and which were all of the temperature of about 60° Fahrenheit when taken. At the expiration of thirty-five minutes and the temperature at 100° Fahrenheit the butter presented a clear, limpid appearance, but the others remained solid, being but very little affected; and at the end of five hours, the temperature being from one hundred and one to one hundred and four degrees Fahrenheit, they were in a semi-solid condition. The oleomargarine oil being most softened, the oleo butter next, and the lard the least softened.

These insoluble fats then must interfere with digestion in two ways: first, by not being acted upon themselves by the gastric juice; and second, by being thoroughly mixed with the other foods in the mouth they form an impervious covering to them, thereby preventing the gastric juice from coming in direct contact with them.

Randolph says that "a further reason that the fats, especially when cooked with other foods, are frequently found to be unwholsome, is that in the process of cooking they so surround and saturate the tissues of the substance with which they are combined that it is rendered nearly inaccessible to the action of the saliva and gastric juice, and at times digestion is in so far delayed that the fried substance does not become entirely freed from this more or less impervious coating of fat until subjected to the action of the pancreatic juice."

The temperature of the human stomach being 100° ordinarily, or a little less, it is shown that these fats are entirely insoluble in the human stomach, and that that adds greatly to the difficulty of digestion. The stearine contained in all oleomargarine as now made is insoluble at a temperature of less than 114° Fahrenheit. Of course that temperature is never attained in the human stomach and can not be if the person lives. The result is that the stearine contained in this product, according to this statement and according to others which I might read, is never really digested at all, but passes from the human system in substantially the same condition as it is taken in.

It is true that in the manufacture of oleomargarine they undertake to remove a considerable portion of the stearine from the tallow; but it is freely admitted by the witnesses that it was never completely done, and we are told that now, when they are using such a large percentage of neutral oil or lard, they undertake to take out only a very small portion of the stearine found in the beef fat, because stearine is the article or element which gives firmness and hardness to the compound, which enables it, as we say, to stand alone and endure heat and transportation.

One of the principal reasons urged in favor of oleomargarine was that it bore transportation better than butter, that it lasted better than butter, and therefore it was a good product. The qualities giving it better powers of resisting transportation and maintaining its firmness and its consistency and its lasting qualities are just the qualities which make it unwholesome and unfit for human food. I need not spend any time in arguing in regard to the unwholesomeness or indigestibility of stearine; every one will admit it.

CARRYING GERMS OF DISEASE INTO THE HUMAN SYSTEM.

Now, Mr. President, one of the reasons given why this article is not

a fit food for man was the liability of its carrying germs of disease into the human system. It has been denied by some chemists that there was any such danger and asserted that all the parasites found in the animal were found only in the tissues and not in the fat. It has been positively stated by some chemists that no parasites or worms or trichinæ or bacteria or tuberculosæ had ever been found in the fats of animals. I deny that statement. I think I can show from testimony as good as any that has ever been had upon this subject that there is the liability of it and that there is great danger of it. I read further from this report:

The liability of conveying disease germs into the human system through artificial butter is, in our opinion, greater than is supposed by those not familiar with the subject. In the first place investigations are showing that many more diseases than was formerly supposed are communicable from animal to man. The following are some of those known to be such: Consumption, anthrax, trichinosis, tape-worm, glanders, foot and mouth disease, cow-pox, hydrophobia, &c. Many more as epidemic pleuro-pneumonia, small-pox of sheep, splenic apoplexy, braxy of sheep, typhus, &c., have, when the flesh of animals suffering from them was eaten, produced serious sickness in human beings.

He goes on:

The manner in which trichinæ can get into artificial butter can easily be seen from the following: When the animal takes a cyst containing a trichina into its stomach the cyst is dissolved by the gastric juice which sets the trichina free, when it passes out of the stomach into the intestine where it develops in from a week to ten days, and the female deposits her embryos—from 60 to 2,000 for each female trichina. The young trichinæ then make their way through the connective tissue to the muscles. Trichinæ are found in hogs, cattle, and sheep. Now, if those animals are killed during the migratory stage the caul fat would doubtless contain the parasite. Doctor Billings says he has frequently found encysted trichinæ in the adipose tissue between muscular tissue of very fat hogs, but not in the fat lying upon the muscles. He states, however—

This is the statement of Professor Taylor, of the Department of Agriculture—

He states, however, that Professor Taylor, of the Department of Agriculture at Washington, has seen in the journal of the Microscopical Association that they have been found in fat. Every one is aware of the dangerous character of this disease.

I have here a statement by Professor Salmon, of the Department of Agriculture, who has been for years engaged in the investigation of the diseases of animals. I propose to quote from him briefly upon this question:

That the fat of animals slaughtered for food may contain objectionable parasites is a fact which admits of no doubt whatever. In eating meats or fats which are raised to a high temperature, either in cooking or in rendering, we are generally protected from the parasites; but when we take into our stomachs the tissues of animals which have not been raised to a sufficient temperature to destroy these inferior organisms we confront a serious danger, which it would be folly to conceal. And this danger is the greater in our country because we have no systematic and skilled inspection of animals and carcasses intended for food.

Let me remark here that in Paris and all over Europe the government undertakes to inspect every animal that is killed for human food. It is done by skilled experts, and if the animal is found to be diseased in the least it is condemned and is forbidden to be used for human food. But in this country, unfortunately, we have not yet come to a condition of affairs which enables our Government to undertake any such useful function as that. Professor Salmon produced before the committee specimens of parasites which he had himself taken from the fat of hogs. He says:

The sclerostoma pinguicola is a round worm from 1 to 2 inches long, which, as its name indicates, lives in the fat. It is a very common parasite of hogs in this section and south of here, but I am unable to speak of its prevalence in the States farther north. It bores channels through the fat about the kidneys, and lives and multiplies there in considerable numbers. It is a very difficult matter to remove all of these worms from the fat even when we carefully dissect and follow up the channels in which they live. Fortunately this worm is not known to inhabit the human body or to cause any injurious effects with the consumer.

So he goes on describing a number of other parasites which are found in the fat of animals. I simply refer to this because some of the scientific gentlemen before the committee said that parasites had never been found in the fat of animals.

THE FINDING OF TRICHINÆ IN LARD.

In regard to trichinæ he says:

It is generally supposed that the trichinæ is exclusively a muscle parasite, but this is probably largely due to the fact that it is more difficult to discover them in the lard. Chatin, who wrote a volume on trichinæ a few years ago, asserts that they may be found in the fat of parts not connected with the muscles. I have made the following translation from a passage in his work:

And this is an authority:

"a. Fragments of lard taken from a piece of American salted meat were, after hardening, examined in thin sections under a magnification of 120 diameters. Several preparations showed no trace of the parasite, but with a few the trichinæ appeared clearly characterized."

Here is positive testimony from a skillful scientific man in Paris stating that he himself by the use of the microscope has discovered trichinæ in lard. One fact eslablished overturns any theory, no matter how well it may be backed by scientific opinion. Since science first was followed down to the present time it has been remodeling and changing its theories, changing them because scientific men were constantly discovering facts which would not coincide with their previously established theories, and when any such facts were established the theory had to give way and not the fact; the fact remained and the theory went out, and a new theory was built up. So in regard to the statement that parasites have never been found, and can not be found, in the fat of animals; that is sent to the rear by the simple fact that they have been found. Let me read further from Professor Salmon:

I see no reason to doubt these statements, judging from the life history of the parasite. We all know that the adult worm gives birth to the embryos in the alimentary canal of the host, and that then the embryos bore through the intestinal walls and other tissues until they find a place where they are satisfied to coil themselves up and become encysted. The psoas muscles are among those most infested, and to reach these the embryos must pass through the leaf lard. It is not surprising that some of them conclude to stop there and make it their permanent dwelling-place.

When we consider that on an average about 2 per cent. of the hogs killed in this country are trichinous, making for the twelve or fifteen million hogs annually packed in our large cities 250,000 to 300,000 inspected animals, we can not shut our eyes to the fact that there is danger in consuming the expressed fat from hogs which have not been inspected. It is true we might not get very many of the parasites in this way, but as every adult female worm produces about 1,500 young, a very few of them would be as large a dose as most of us would care to take.

Professor Salmon continues describing these parasites and the danger of their coming into the human system through the use of these products, because it is a well known fact that the oleo oils, or the neutral lard, are never heated to such a degree of heat as to destroy these parasites. They are prepared at the lowest temperature possible for their liquefaction in order that they may avoid any offensive odor coming from the tissue; and neither trichinæ, nor bacteria, nor any of these other dangerous parasites are destroyed by the temperature used in the process of manufacturing oleomargarine or butterine.

Mr. President, of late years science has given much attention to bacteria and tuberculosa, and it is now generally believed that very dangerous diseases can be communicated from one person to another and from the animal, when the food is consumed, to the human system by bacteria or tuberculosa; and when it is known that large numbers of diseased animals are brought every year into the great slaughtering yards of the West and are there put to some useful purpose, no one knows what, may we not properly fear that the fat of some of these diseased animals finds it way to the oleomargarine factories?

THE FAT OF A KILLED HOG NOT DISTINGUISHABLE BY CHEMISTS FROM THAT OF A HOG DYING FROM DISEASE.

I know it is claimed by some that the fat of diseased animals can not be used for the manufacture of oleomargarine, but Dr. Chandler, a most eminent chemist of New York city, admitted in his examination before the committee that, if the fat was taken from a hog dying of cholera and from another killed at the same instant by the butcher, neither he nor any other chemist could distinguish the fat of the diseased hog from the fat of the healthy hog. Dr. Chandler admitted that freely and frankly. He said it could not be done.

Under our system, where there is no Government inspection or Government control, where all animals are permitted to be transported and brought to the slaughtering yards and there disposed of in some way, what guarantee have we that unprincipled men, in their greed to get rich and make profits, will not take this fat, which no chemist by any known process can distinguish from the fat of a healthy animal, and put it into a business where the profits are 2, 3, or 500 per cent., as I have shown they are in this oleomargarine business? Mr. President, can we afford to trust a matter of this importance to the discretion or honesty of the ordinary man? I think not.

Speaking of tuberculosis, Professor Salmon says:

Now, tuberculosis is a very common disease of cattle—and the bovine form is believed to be identical with that which affects man—it is a disease which also affects the hog. The tubercles often form in these animals upon the serous membranes and in the glands of the abdominal cavity in situations where they would necessarily contaminate those portions of the fat which are used in the manufacture of oleomargarine. We do not know what proportion of our beef-cattle are tuberculous, but in Europe, where careful statistics have been recorded for a series of years, and with large numbers of cattle, it is found that among the animals which come to the slaughter-houses for beef there are all the way from two to thirty in every thousand. In this country we have no such inspection, and it is very seldom that an animal affected with tuberculosis is ever condemned. It is not difficult to imagine what follows when the contaminated fat of a steer or a hog affected with this disease is transformed into oleomargarine or butterine, or any of these compounds. It may be mixed with a thousand or with thousands of pounds of other fat and contaminate it. I am unable to say how much fat is mixed together for this purpose, but I presume it varies with the capacity of the factory. If we say a thousand pounds, then it may go to a thousand families, and be eaten by five thousand persons.

There follow many questions by the committee and answers by Professor Salmon, all in this same direction, and he thoroughly maintains his proposition that parasites have been found in the fat of animals, and that there is therefore great danger of their being communicated to the human system. But I will not weary the Senate further in that direction. I simply have desired to show that it is possible that these parasites would find their way into the human system through these bogus goods if great care was not observed in their manufacture.

I stated also that it was unhealthy because many dangerous materials were used in its manufacture by some of the manufacturers. The principal manufacturers, such as Armour & Co., of Chicago, and some others, undoubtedly follow the original process, and as to the use of dangerous chemicals and acids it can not be charged, so far as I have any knowledge, that they use them at all.

Some of the scientific gentlemen who appeared before the committee undertook to ridicule the large number of patents which have been issued for the use of various acids for deodorizing the fat used for this purpose, by stating that fats could not be deodorized and never had

been. It was a most remarkable statement, one which astonished me, and, I think, will astonish the entire Senate, because the deodorizing of fats is a well-established and well-known manufacturing process in this country. There can be no question whatever about it. Professor Morton, after first denying that it could be done, said that if it was done the process was so expensive that it could not be used, but it is used in deodorizing the fats from the animals which die in all our great cities, as is well known. I do not undertake to say that the fat thus produced is used in manufacturing oleomargarine at all. I have no knowledge on that question.

DEODORIZING OF THE FAT OF THE OFFAL OF NEW YORK CITY ON BARREN ISLAND.

But Professor Salmon told me only a few days ago that in a recent visit to Barren Island, near New York, where all the offal of New York city is rendered by a rendering company, he had seen fat produced from animals which had died in the city, which was perfectly white in color and was almost absolutely odorless and tasteless. If they can afford to treat fats in that way for using them in the manufacture of soaps and for lubricating purposes, I have no doubt that they can afford to do it in making a product which will sell at the price of creamery butter.

But let me call the attention of the Senate to one of these numerous patents.

There are several hundred of them. I laid the matter before the committee at the time of the investigation. This is a patent granted to N. I. Nathan, of the firm of N. I. Nathan & Co., a firm manufacturing oleomargarine or butterine, and it advertises to the world that it manufactures its product after a patent granted to N. I. Nathan and so advertises it upon its bill-heads, upon its business cards, and upon its letters. Let me read a letter from this firm, which was received in this city some time in the winter:

NEW YORK, *March* 30, 1886.

SIRS: We have taken the liberty of forwarding to you per P. R. R. one 10-pound tub of our creamery brand of butterine, which we claim is the finest in the market, for which we do not charge you anything. We guarantee uniformity in quality at all times, and our present price for the same is 10 cents per pound net, F. O. B., New York, in the following packages, namely: Half firkins, 10, 20, 30, 40, and 56 pounds Welsh tubs—

I want here to call the attention of the Senate to a subject to which I alluded some time ago, and that was the fraud in putting up oleomargarine in packages which heretofore had only been used by manufacturers of butter.

IMITATING THE WELSH TUBS OF CENTRAL NEW YORK.

The Welsh people are known to be *par excellence* the best buttermakers; and they are located largely in Oneida County and adjoining counties in New York State, and they have from time immemorial used a particular form of tub in which to pack their butter, which has got to be known in the market as the Welsh tub. Not satisfied with stealing the ordinary firkin and ordinary butter tub, in order to deceive the people they have picked out this special thing, the Welsh tub, and they have put up their butterine in that in order that people might think they were buying butter made by a genuine old Welsh lady in the interior of New York—

Fifty-six-pounds Welsh tubs; 1-pound rolls, thirty, forty, or fifty in a tub; 60-pound tubs, catch-weight rolls; 1-pound round prints, forty in a case; 1-pound square prints, 52 pounds in a case.

If the quality and price are satisfactory, we would be pleased to receive your valuable orders.

Very respectfully, yours,

N. I. NATHAN & CO.

I stated at that time to the committee:

The CHAIRMAN. I also hold in my hand a business card which reads as follows: "N. I. Nathan & Co., manufacturers of butterine, under patent granted to N. I. Nathan."

I have also here a copy of a patent granted by the United States to N. I. Nathan, of New York, for a process of making artificial butter.

NITRIC ACID NAMED IN THE PATENT OF A LARGE MANUFACTURER.

After describing the process the patent proceeds thus:

The lard which has passed through the sieve is then subjected to the action of cold water, to which has been previously added and thoroughly stirred a quantity of borax and nitric acid, about in the proportion hereinafter specified. By treating the lard in this solution, composed of water, borax, and nitric acid, the effect is to further cleanse the lard and make it partake of or assume a clear white color, free of all odor, and almost perfectly tasteless.

Still Professor Morton told us there was no known system of deodorizing or purifying fats.

After being subjected to this treatment, the mass is removed and thoroughly rewashed in cold water, preferably in a separate and distinct vessel from that previously employed, whereby the product becomes a purified or deodorized leaf-lard, its characteristic being that it is of a beautiful color, a clear white, perfectly odorless, remarkably solid, and free from the disagreeable taste usually present with lard. Arriving at this stage of the process, a certain minute quantity of nitric acid is added—

This is the third addition of nitric acid—

to the water, and incorporated with a certain quantity of the purified or deodorized lard to further strengthen the solution, and this mode of treatment and addition of nitric acid are continued as mass after mass of the purified or deodorized lard is prepared, the operation being continued until the product assumes a clear white color, void of odor and taste. The product thus obtained is mixed with oleomargarine, which is then a commercial article and readily obtained in the market, and when all is thoroughly mixed, the mass is subjected to heat, &c.

It will be seen that the last solution of nitric acid which is added to it is never washed out. It is first treated with nitric acid and borax to deodorize it and purify it, and then the process is continued by a further addition of nitric acid, and in that condition it is finished.

This firm manufacture several million pounds of butterine per annum. They advertise over their own name that it is manufactured under this patent granted to N. I. Nathan. If it is not manufactured under that, it is still a fraud, because they advertise that it is thus manufactured. Dr. Clark refers to this patent and to the danger of a small portion of nitric acid being left in the material and thus gradually and insidiously breaking down the human stomach.

UNDOUBTED FINDING OF NITRIC ACID IN OLEOMARGARINE.

Dr. Taylor, of the Agricultural Bureau, told me three days ago that a friend of his, a chemist of high standing, had been making a large number of analyses of various samples of oleomargarine or butterine, and that in one sample he had discovered an appreciable amount of free nitric acid. This one fact overturns the theory of Professor Morton or of Dr. Chandler that none of these deleterious substances can be or have been used in the manufacture of these various products. I think the actual discovery of nitric acid in one sample of oleomargarine is worth all the theories of all the scientific men in the country upon the proposition that it can not be found there.

Mr. President, I will not detain the Senate longer upon the question of the healthfulness or unhealthfulness of this product or the danger of its containing germs of disease. Scientific men tell us that this product is a real butter; that in its chemical analysis it comes so closely to natural butter that the small difference found can be of no avail; and that therefore it must be as healthy as ordinary butter. They admit, however, that pure butter contains all the way from 5 to 10 per cent. of certain elements such as butyrine and caprylin and a number of others, elements which give the flavor, the peculiar flavor, to pure butter, that are not found at all in oleo oil or neutral lard, that there is not in them naturally the least trace of these most important essential oils which give to butter its characteristic and which render it so desirable as an article of food, and it is for the purpose of adding to this neutral matter, this oleo oil, some butyrine, some flavoring in order that they may make it more desirable, in order that they may make it more like genuine butter, that they do put in some genuine cream or milk or genuine butter, in order that they may the better deceive the people with their products.

SUBSTANCES ALIKE CHEMICALLY TOTALLY UNLIKE PHYSIOLOGICALLY.

It does not follow because two substances are substantially alike chemically that they are therefore alike in their action upon the human system; and if these two products, butter and oleomargarine, were more nearly alike than they are, it would then not follow that the one manufactured article was therefore as pure and wholesome as the other natural article. The microscope is able to detect and determine every kind of fat. It will detect the globules of pure butter in any compound. It will detect the globules of tallow or of cotton-seed oil or of any other oil that may be put under it. And we find that all these various fats present most striking differences under the microscope; that while the chemist may say they are chemically alike, the microscope tells us that in their form and condition they are radically different.

Mr. President, I wish I had illustrations here of these various globules of fat in order that I might show to the Senate what radical differences there are in their structure. I simply allude to the matter to show that the mere fact that two substances are substantially alike chemically does not prove that they are alike in their effects upon the human system. We all know that cellulose, which is the principal constituent element of all plants, is the same in all the plants, is the same in the tree and in the grass, but I do not think that because they are chemically alike any sensible man would think that he might as well feed his horse with the cellulose obtained from sawdust as the cellulose obtained from blue grass or fine clover. If he did the horse would go to the bone-yard or the oleomargarine factory very soon.

It is a well-known fact that, chemically, mineral and bone phosphates are precisely the same. No chemist has ever been able to detect a particle of difference between the mineral phosphates and the bone phosphates; but it is a well-known commercial fact that the bone phosphates are more than twice as valuable as fertilizers as are the mineral phosphates, but chemistry has never yet been able to tell us why. I have no doubt an equal difference between butter and oleomargarine exists as exists between mineral phosphates and bone phosphates; that is, that one is twice as valuable as an article of food as the other; that as a matter of nutriment for the human system butter is vastly more valuable than oleomargarine. It is also known that dried blood, which is used largely in fertilizing and is one of the richest fertilizers, is chemically precisely the same as leather scraps; but if you fertilize one field with dried blood you will get an enormous crop, and if you fertilize another with leather scraps you can not raise anything on it at all; but the chemist tells us they are precisely alike.

So, Mr. President, no argument can be made from the statement of the chemist that these two substances are substantially alike chemically except as to 5 or 10 per cent. of butyrine and the other elements which are found. I have shown you that the microscope teaches us

that they are materially different as they are presented under the microscope, and it holds to reason, and the experiments which have been made and to which I have referred prove, I think, most conclusively, that it is neither as wholesome nor as nutritious a food as is butter, and, therefore, if it is to be used as a human food it should be used so that every person using it may know what it is. If a person wants to eat an unwholesome food and an indigestible food, let him do so, if he is a man full-grown and of sound mind, but make it impossible that he should eat it without knowing it, without his being absolutely sure of it, for how are we ever to protect the health of our children, how are we to care for the sick, how are we to protect those in the hospitals if they are liable to have given them every day as an article of diet a food product which the Academy of Medicine in Paris has forbidden to be used in the public hospitals and which the best authorities there say is not as digestible and as wholesome as butter? If it goes on unchecked, if this fraud is permitted to continue, it must result in a large number of our intelligent people giving up the consumption of butter entirely unless they can be absolutely certain of its place of production.

PROTECT THE DAIRY INTERESTS!

But, Mr. President, my third and principal reason for supporting this bill is found in the fact that it is intended to give protection to the great farming interest of this country, the dairy interest.

I said at the beginning of my remarks that I had no subterfuges upon this question, that I did not support the bill because it levied a tax and because it might bring some revenue into the Treasury of the United States. In this matter I invoked the taxing power of the Government in order that I might do some great good to a very large portion of all our people. I believe that to be a sound ground; at all events I have taken it, and I propose to stand upon it.

Mr. President, let me call the attention of the Senate for a few moments to the importance of the dairy interest of this country. In order that I might be accurate in my figures I have asked the statistician of the Agricultural Department to give me so far as he could the figures relating to this matter down to the present date, and he has done so. I present the result of his labors:

NUMBER OF MILCH COWS.

The following is the census exhibit of cows on the farm at four decennial periods.

Census.	Cows.	Gallons of milk.	Average.
1880	12,443,120	2,893,698,520	232.6
1870	8,935,332	1,840,186,160	205.9
1860	8,585,735	1,499,985,364	174.7
1850	6,385,094	1,063,161,127	166.5

The number on farms, as estimated by the statistician of the Department of Agriculture, in January, 1886, is 14,238,388. Including those in towns and villages the grand total of milch cows must be 16,000,000. Thus the increase has been about 15 per cent. in the last six years.

The increase has been largest in the West. New York and Iowa occupy the highest places in numbers, as follows:

	1880.	1886.
New York	1,437,855	1,510,300
Iowa	854,187	1,230,695

This is an increase of 44 per cent. in Iowa and a little more than 5 per cent. in New York, which reports 31,000 milch cows less than in January, 1885. Minnesota has made an increase of 40 per cent. from 275,545, to 386,366. Kansas has made an increase of 157,000, and Missouri of 47,000. In point of percentage the increase of Nebraska is most noticeable, 91 per cent., from 161,187 to 309,106.

VALUE OF MILCH COWS.

The value of milch cows on farms in recent years is thus stated in the records of the Department of Agriculture:

Years.	Value per head.	Total value.
1884	$31 37	$423,486,649
1885	29 70	413,903,093
1886	27 40	389,985,523

Including all milch cows not on farms the present value at the decreased rate reported this year would be $438,000,000.

There is a decrease of 3.97 per head in two years, equal to $63,520,000 on the entire number. Some of this decrease is due to a general shrinkage of values, but much of it is evidently the result of the unequal and fraudulent competition of oleomargarine. The decline in the value of horses has been less than 5 per cent., while this decreased value of milch cows is nearly 13 per cent.

MILK PRODUCTS.

Including the entire products of milch cows, in city and country, from an aggregate volume of 5,600,000,000 gallons of milk, at 350 gallons average, the following record is made:

Butter, at 3 gallons per pound	lbs...	1,000,000,000
Cheese, at 1 gallon per pound	lbs...	370,000,000
Milk used as food	gals...	2,170,000,000

The consumption of butter exceeds 17 pounds per capita in this country. It averages only 5 pounds in Europe, though it is 13 in Great Britain.

I wish my friend from Kentucky were present—I do not refer to the Senator from Kentucky now here [Mr. BLACKBURN] but to the senior Senator [Mr. BECK]—that I might refer him to this statement to show how much better the people in this country live, including the laboring people, than they do in Europe. But we will let that pass.

The consumption of butter has been increasing in former years with the greater ability of the masses to consume, until the recent invention of butter substitutes of various names and heterogeneous ingredients, which are taking the place of genuine butter, reducing its value, limiting its consumption, and throwing suspicion on every grade of butter products.

I have here a table giving the average production of milk to cows in the various portions of the United States.

Average milk product in butter and cheese and milk sold, exclusive of milk consumed on the farm.

Sections.	1870.	1880.
	Gallons.	*Gallons.*
New England	300.5	353.9
New York, New Jersey, and Pennsylvania	325.2	367.1
Delaware, Maryland, and Virginia	137.1	177.2
South Atlantic States	53.6	76.5
Gulf States	54.7	93.0
Ohio basin	208.0	257.1
Lake States	259.5	274.4
Trans-Mississippi States	159.1	175.6
Pacific-coast States	160.0	228.4
Rocky Mountain district	63.3	108.9

The average for the entire country is believed to be about 350 gallons, including the home consumption. The dairy States have much higher averages. New York averages about 475, and other dairy States nearly as much.

I have here a table of the exports of butter and cheese by decades, from 1821 down to 1880, showing the great value of the dairy interests in the matter of international trade, furnishing to us an article which is largely exported and thereby doing very much to keep the balance of trade in our favor:

Butter and cheese exported.

Decades.*	Butter.		Cheese.		Total value of butter and cheese exported.
	Quantity.	Value.	Quantity.	Value.	
	Pounds.		*Pounds.*		
1821–1830	11,596,858		7,914,198		$1,942,841
1831–1840	9,086,536		8,247,795		1,965,675
1841–1850	33,763,410		90,610,348		10,375,437
1851–1860	36,338,779	†4,029,188	78,533,783	†4,996,004	13,049,881
1861–1870	133,985,053	30,798,104	446,512,816	63,850,667	94,648,771
1871–1880	152,452,885	27,482,030	999,924,409	116,388,443	143,870,473

*Inclusive. †1855 to 1860, inclusive.

I asked the statistician of the Agricultural Department to give me, as near as he could, figures regarding the number of people actually and directly interested in the manufacture of butter as far as possible. Of course this applies only to those actually engaged in its manufacture, and not to the whole number of people employed upon the farms throughout that portion of the country which is given up to dairying. He says:

UNITED STATES DEPARTMENT OF AGRICULTURE,
Washington, D. C., June 17, 1886.

DEAR SIR: Yours relative to numbers interested in dairying is received.

Nearly all the farmers in the United States are in some degree interested in milk production, though perhaps half of them are very little interested in butter and cheese production.

Those who are immediately connected with the manufacture in factories were as follows in 1880:

In New York	3,368
In Ohio	819
In Iowa	795
In Illinois	698
In Wisconsin	561
In California	391
Elsewhere	1,271
Total	7,903

These represented probably twenty-four thousand people, as nearly all are males above sixteen years. But the number supplying milk to these factories and those interested in farm dairies, large and small, are very large.

There are now about four million five hundred thousand farms in the United States, one-fifth of which, or nine hundred thousand, are doubtless engaged in the manufacture of butter and cheese beyond their own immediate supply, and therefore are interested in the commercial aspects of dairying. With females and dependents, the number especially interested in this manufacture would reach three million people.

Very respectfully,

J. R. DODGE, *Statistician.*

Hon. WARNER MILLER,
United States Senate.

Of course we know that all the people in every community are in-

terested directly in whatever may be the principal industry of that section. It is difficult to arrive at a full comprehension of the total value of the butter interests of this country. From the census of 1880 I have been able to give substantially the amount of milk produced, the number of pounds of butter produced and the number of pounds of cheese, but at what prices these have been sold or consumed it is very difficult to say, but I find that the House Committee on Agriculture in their report having considered this matter found—

That there are in the United States over 15,000,000 cows, producing annually over 1,000,000,000 pounds of butter, and 300,000,000 pounds of cheese, and that the product is worth $250,000,000. That about an equal amount of milk is consumed as milk, so that the product of the dairy interest of the United States is worth $500,000,000 annually.

That far exceeds in value any other farm product, whether it be wheat or cotton or tobacco, or any other of the great products of our country. Nothing approaches it, and no single industry or line of manufacturing approaches it in importance.

I have given the number of cows and their value at different periods. Let us look for a moment at the amount of land and its value used in this industry.

DAIRY INVESTMENTS.

The value of milch cows, even at present reduced rate, has been shown to be $438,000,000. The investment in lands is a still larger consideration. It may be difficult to give it exactly, but at the value of land in 1880, allowing five acres per cow, the acreage required for the milch cows on farms alone is 71,176,940 acres, and the valuation $1,353,785,399. Including the cows within the limits of towns and villages, pastured both on town and neighboring farm, and the value of lands required for all, at the same rate, would be $1,521,600,000.

If any one should insist that four acres per cow is enough it would reduce the land investment to $1,217,280,000.

The investment in factories, milk-houses, utensils, horses and wagons, and other property adds materially to these large figures, so that with the most moderate allowance for land the dairy capital can not be reduced much below $2,000,000,000. The figures for the United States and for the principal dairy States are given as follows:

	New York.	Ohio.	Iowa.	United States.
1880:				
Acres in farms	23,780,754	24,529,226	24,752,700	536,081,835
Value of farms	$1,056,176,741	$1,127,497,353	$567,430,227	$10,197,096,776
1886:				
Acres devoted to dairying*	7,551,500	3,878,620	6,153,475	71,176,940
Value of dairying area	$335,362,115	$178,300,161	$141,037,647	$1,353,785,399

*Five acres per cow.

Mr. President, what is known as the dairy belt begins upon the Atlantic coast in Maine and extends through the whole breadth of the country to Minnesota, and then passing over the Rocky Mountains we find it with a strong lodgment in California, Oregon, and Washington Territory. It reaches as far south as the Potomac and Ohio Rivers, and even in certain portions of this line it bends south into Virginia and West Virginia and into Kentucky and Tennessee, and to-day even into some portions of the uplands of Mississippi. The population of this vast region which I have just described is considerably more than thirty millions, more than one-half of all our people, and in that region, particularly north of the Potomac and Ohio Rivers, it is the chief industry. It has been gradually stretching out to the west until to-day it has invaded the wheat-fields of Minnesota, and the statistics which I have read here show that the increase within a few years in Minnesota has been 40 per cent.

This growth, this extending westward, has been necessary for the preservation of the fertility of our lands. If we go back to the early settling of the country and before the West was opened, we find that wheat was grown in all the Eastern States, that it moved westward from New York through the Mohawk Valley, then into the Genesee Valley, then into Ohio, then into Indiana and Illinois, until finally it only stops at the Rocky Mountains. As the lands of the East became less able to produce wheat profitably, the farmer gave it up to the West and turned his attention to cattle raising and to dairying; and thus it is that to-day in all New England, in New York, in New Jersey, and in Pennsylvania there is almost no wheat-growing at all. But I have read statistics here showing the importance of the dairy interest to all those States. The wheat belt is already passing further west into Dakota, into California and into Oregon and Washington Territory; and it will be a few years, and a few years only in my judgment, when even those fertile regions will produce less and less wheat, when they will be obliged to diversify their industries by the introduction of the dairy interest.

VALUE OF COWS DECREASED FROM $10 TO $20 PER HEAD.

Now, Mr. President, this immense interest is threatened with great loss, if not destruction. Already the value of our herds in all these regions has decreased largely. The value of our lands has also decreased largely. I could read from the statements and the testimony before the committee to show that in the Eastern States, particularly in New York and Pennsylvania and in the States which are given up almost entirely to dairying, the land on the average has depreciated at least $20 per acre in the last few years, and that the value of the cows upon the farms has decreased from $10 to $20 per head. In my own State the report shows that the value of the cows upon the farms has decreased at least $20 per head within the last few years.

If the computation should be made, the loss to the country by this depreciation of our lands and of our herds would, in my judgment, appeal to every Senator upon this floor to give his aid and his support to a measure which will do something to check this depreciation and loss. It is not claimed that all this depreciation in the value of our lands and of our herds is due to the introduction of oleomargarine. We understand very well that the dullness of the times, the loss which has come to all the business of the country, has had very much to do with it; but those who have given it a careful consideration and inspection believe that at least one-half of this depreciation of which I have spoken is due to the introduction of oleomargarine or to its being sold as butter. I hold in my hand a letter of Hon. Harris Lewis, president of the New York State Dairymen's Association, bearing upon this point, which I will read.

FRANKFORT, N. Y., *June* 26, 1886.

MY DEAR SENATOR: The anxiety in regard to our oleomargarine-butter bill is becoming more and more a matter of interest in all the dairy sections of the State. When any class of our people find their capital gradually slipping away, without any fault on their part, and with the same care, industry, and economy as before practiced, they are very apt to believe something wrong. The average price of dairy cows has fallen, from about $55 to $60, to $40 or under, and no man can tell what our real estate is worth, divided up into dairy farms. One thing we do know, that but few dairy farms in this county will pay all the expense of cultivation and leave anything for the owner.

Now, I do not insist that all the loss sustained by dairymen has grown out of the imitation butter business, but when we find so many million pounds going into consumption all around us, which takes the place of natural butter, we can judge of its gross effects.

Again, the imitation butter is almost everywhere on sale, and a large class of citizens prefer not to eat butter than to eat it from home without knowing its pedigree.

Many of the dairymen would like to have the imitation butter taxed out of sight as the only way to deal with it, but many of us think a high tax unnecessary, and that the Senate in its wisdom will place the manufacture and sale of all imitation butter under the kind care of the Internal Revenue Department, where all men are supposed to do right and to be honest. Any method that will secure open, fair, equal competition by which this imitation butter will sell for what it is, and nothing else, will, in my opinion, satisfy the people.

Yours very truly,

HARRIS LEWIS,
President of the New York State Dairymen's Association.

DEAR SIR: When I left this my intent was to write something more, but something preventing I closed it up without signing. Pardon my stupidity.

HARRIS LEWIS.

I also have a letter here from the secretary of the New York Dairymen's Association corroborating this statement of the president, in which, speaking of the great value of the dairy interest to the State of New York and its loss, he says:

ILION, N. Y., *June* 26, 1886.

DEAR SIR: I have with much interest watched the proceedings in Congress on the oleomargarine bill.

The people and dairymen of the State of New York are much interested and solicitous in regard to legislation on the bill now in the Senate.

There is more than $350,000,000 value in lands, cows, and implements employed in the dairy in the State. The production of butter is much the larger portion to which this value is employed. Take in consideration all the items of expense, it costs more than 20 cents to produce a pound of butter. Imitation butter can be made for less than one-half the cost of genuine butter. Nearly all the imitation butter sold by the retail trade is sold for butter, not for what it is. In consequence of the fraud in the trade the imitation takes the place of the genuine article and supplants just so much of the genuine; therefore dairymen are obliged to compete with that which costs less than one-half of genuine butter.

If you can compel the sale of imitation butter for what it is you will accomplish what the people and dairymen desire and ask.

Dairymen do not fear competition with imitation butter when the imitation is sold for what it is. What we ask is, compel dealers to sell it for what it is.

That in dairy districts, as butter has depreciated in value, lands and cows have depreciated about in the same proportion. Within the past five years land and cows have depreciated about 20 per cent. in value in this State, being about in proportion of the depreciation of money value of butter.

Very respectfully, yours,

JOSIAH SHULL.

Hon. WARNER MILLER,
Washington, D. C.

A RETURN TO GRAIN GROWING AND FAT CATTLE MAY BE NECESSITATED.

Mr. President, in what condition would the farmers find themselves in the vast territory of which I have spoken if having given up grain-growing, having giving up growing cattle, and having given their whole attention to the dairying interest, they now find that no longer remunerative? If some assistance is not given them there is but one course left open to them, and that is to return to the old system of mixed farming, to the growing of their own wheat and their own corn and the growing of fat cattle for their own home markets. The result must be to deprive the West of a very large part of its market for grain and fat cattle, which certainly will be a very great loss to all the West, for to-day the farmers in the dairy districts of the East do not produce any considerable portion of the grain which they consume upon their farms, but import it from the West, thus giving up all their lands to pasturage and to meadows, finding it heretofore cheaper and better for them to bring these products from the West.

Mr. President, we all know that changing from one system of farming to another is necessarily a slow process. It has taken fifty years for the farmers of the East to change from grain growing to dairying. It

was a process which went on gradually and slowly; and while at times it may have resulted in some loss and some hardship, yet the process was so slow and gradual that no great harm came to the people. That process has been completed. The East no longer produces any considerable portion of the grain that it consumes, neither does it produce any considerable proportion of the meat which it consumes. It buys these from the West.

By this process of manufacturing an imitation product, by which one man in a factory can turn out more imitation and bogus butter than all the farmers in the State of New York can make of the genuine article, the farmer finds himself confronted with threatened and instantaneous destruction in his business. If the introduction of this new article of food had been carried on legitimately and properly, if it had been sold on its own merits and for what it is, if it had proved to be a wholesome and proper food, it would have made its way slowly into consumption and it would have enabled the farmers of the dairying districts to gradually change their system of farming if they had found it necessary to do so. But too suddenly this evil comes upon them and they are all stricken down.

The best estimates that I have been able to obtain, given to me by the officers of the New York State Dairy Association, show that it costs in the State of New York to make fine creamery butter, taking our lands at their present value, not less than 20 cents per pound. It is selling in New York city at 15 cents per pound, forced there by the illegitimate competition of a bogus article.

Of course the system can not long be continued. Some relief must be found; and though the opponents of this bill argue that we have no right to legislate in the interest of one industry as against another industry in this country, yet I do not hesitate to take the ground here and now that it is the duty of this Government when any considerable number of its people are threatened by some unexpected evil to interpose its powerful arm and protect them. I hold that the protection of this interest and this industry is for the benefit of the whole people—not of the farmers alone. They are the great consumers of this country; they are the market, as I may say, for the manufacturing interests of this country; it is for them that the laboring men of the factories work in the production of textile fabrics and agricultural machinery and all the things which are consumed and used upon the farms. If this market is broken down, then you break down the whole country with it; and shall it be permitted that a dozen or two dozen and a half of men shall undertake to manufacture a product which is confessedly bogus in the system in which it is made and sold, and put their interests against ten million people in this country and destroy them?

THE FEW DOZEN RICH AGAINST THE MANY MILLION STRUGGLING.

It appears in this testimony that there are in this country to-day only thirty manufacturers of oleomargarine turning out this vast amount of stuff as shown by these statistics. They have it in their power to bankrupt and destroy this great farming industry of which I have spoken. They are doing it to-day as rapidly as they can. They are able to sell their product for 10 cents per pound or less. They sell it for whatever the market may be, of course their product going in and helping to break down the market, and consequently reducing it in order that they may force their goods into market.

Shall it be said that the Government has no right to interfere for the protection of this great interest, even temporarily? I think not, Mr. President. I think no Senator will care to take that ground and assert that we have no right here representing the people, chosen and sent here by them to look to their interests, to say that the interests of this vast section of the country are not to be cared for by the legislation which is proposed in this bill.

If it shall go on unchecked, it will convert the honest yeomanry and farmers of this country into tenant farmers whose condition will be little better, if any, than that of the tenantry of Ireland. Already throughout New York and all this dairy country wherever a farmer with 100 or 150 acres of land, tilling it with his own hands, has a mortgage upon that farm and can not out of this industry secure sufficient to support his family, pay his labor, and pay the interest on his mortgage, the result is that hundreds and thousands of these farms are to-day in the hands of the sheriff, being sold for mortgages upon which the payment of the interest has not been kept up.

What is to be the result? Of course these farms fall into the hands of the rich men. Men who have money and are able to invest it do not hesitate to take up these lands for the mortgages, and then the farmer who has toiled through thirty or forty or fifty years of his life from early morning until late at night at honest toil, loses his home, his fireside, his shelter, and becomes a tenant farmer at will.

Mr. President, in my judgment the safety of our institutions rests upon the large number of independent individual landholders in this country. If under our system of government it shall so happen that these small landholders shall be compelled to give up their farms, so that they shall fall into the hands of capitalists, then our country will be nearly ready, in my judgment, to change its form of government and become an aristocracy or a monarchy.

This legislation is necessary to prevent any great monopoly from fastening its hands upon this country. This whole business, I have stated, was in the hands of not more than thirty men. A few days ago you saw in the papers that a combination of five or six men engaged in the slaughtering of animals in the West was about organizing a syndicate or pool to control the slaughtering of animals in this country. Five or six men substantially control it to-day, and if they see fit to organize themselves into a combination, like the Standard Oil Company, they can control absolutely the meat product of this country; and when they have done that, they can give us cheap oleomargarine or they can give us dear oleomargarine, just as they please. We shall find ourselves bound hand and foot by monopolies.

Mr. President, every consideration which should influence a legislator here, in my judgment, demands of him that he should look carefully and well to the interests of the mass of the people, to the producers of these products which are necessary for all of our people.

STATE LAWS ENTIRELY INEFFECTUAL.

Sir, I gave as another reason for my support of this bill that State laws were ineffectual; that up to the present time none of the States had been able to pass such laws as had at all checked this evil or controlled it. I think twenty or more States have passed laws either absolutely forbidding the manufacture of bogus or imitation butter, or controlling it and compelling it to be sold for what it is; but the testimony taken before this committee and before a number of other investigations goes to show most conclusively that none of the States have been able to effectually enforce these laws.

The State of New York has passed, I think, some thirteen separate enactments. It has appropriated and expended up to this time $146,000 to secure the suppression of what the State of New York believes to be a great evil, the selling of this article for butter when it is not. But the testimony of the dairy commissioner and his assistant, and of all the produce dealers of the State of New York, is still to the effect that a great majority of it is sold in New York under a false name for butter. The same testimony comes from Pennsylvania, from New Jersey, and from nearly every State.

There was an attempt before the committee to show that in the State of Massachusetts the Massachusetts law was thoroughly executed and that it was there sold for what it was; but how was the proof? In the city of Boston they have a milk inspector appointed by the city government to inspect milk and milk products and butter, and to see that they are honestly sold and that they are not adulterated, and to prosecute offenders. That officer came down here in the pay of the opponents of this bill, brought on here by the oleomargarine manufacturers of the city of Boston, and he admitted before the committee that he came here at their request and at their pay. He undertook to say that in the city of Boston he believed the law was pretty well carried out, and told the committee how he had done it. He told the committee how many notices he had issued, some three or four hundred in all; that wherever he found a person selling it without notifying the consumer as to what it was, instead of prosecuting him under the law he gave him notice that he must not do so again, and then he took it for granted that the law was carried out. But his jurisdiction extended only over the city of Boston, and he admitted that the goods were shipped from there to all the villages and towns of Massachusetts, and he also admitted that the bulk of the goods came into Boston without being branded at all, or else branded as "creamery" or "dairy" without either the word "oleomargarine" or "butterine" upon them. The chief officers and members of the Produce Exchange of Boston came before the committee, men who came here in the interest of pure trade and commerce, and they told the committee that the law was not enforced in Boston or anywhere in Massachusetts to any considerable extent, and they challenged the milk inspector of Boston and his appearance here in the pay of the oleomargarine people.

Mr. President, if the dairy commissioner of New York, who has charge of this business in our State, had ventured to come here in the interest of oleomargarine he would not have ventured to return, I think, to the State of New York. At all events his commission would have been taken away from him by the governor of the State by telegraph. He would not have been permitted to use his office in such a way as that.

But that was substantially the only attempt that was made before the committee to show that this material was anywhere sold for what it was, except that Mr. Webster, of Armour & Co., stated that in their manufacturing establishment they there sold it to people who came in at retail for what it was and sold it for a price a little above what they charged to the retail dealer, and that a certain number of people did go there and buy it at that very low price. The dealers who came before the committee and the manufacturers who manufacture it, almost without exception—with only one exception—admitted that they did not use it at all upon their own tables, that they only used it for cooking purposes as they would lard.

THE GOVERNMENT MUST ASSUME CONTROL.

Mr. President, I will not go into the testimony in regard to the ineffectual workings of the various State laws. It stands to reason that they can not be effectual and that they can not succeed when we consider the present condition of commerce in this country. These goods are manufactured in various States; they are shipped over all our lines

of railroads and steamboats; they go without let or hinderance from one State to another; and when this stuff is being brought into New York and Chicago by the hundreds of car-loads unmarked or else branded so as to imitate butter it is absolutely impossible that the dairy commissioner with all his experts and assistants should be able to detect any considerable portion of it; and the assistant dairy commissioner states in his showing that if they were to undertake to reach all the retail dealers in the city of New York alone in this matter and to watch over all this as it came into the city upon railroads and steamboats it would require not less than a thousand inspectors to do it.

There is but one way in which it can be done securely, and that is by requiring the article to be manufactured in an establishment under the Federal Government's supervision, and that none of it shall be allowed to go out of that manufactory until it is thoroughly branded and until it has affixed to it the internal-revenue stamp, and carrying with it all the penalties which attach to infringements of the internal-revenue laws. When that shall be done, then this material will be known wherever it goes; it can not be unloaded at a depot; it can not be taken off a train; it can not be exposed in the markets anywhere without any one who buys it being warned in advance that he is buying a bogus article.

Mr. President, I think I have said enough in regard to the policy of the State laws to show the necessity of the Federal Government taking control of this matter. None of our State governments have any bureau or system similar to the Internal Revenue Bureau. The Federal Government has had this bureau in operation now for a quarter of a century. It is thoroughly established. It has its agents in every part of the country. It is a perfected system of licenses and of inspections which are well known to all of our people and are thoroughly feared by all evil-doers. This can be put under the control of that department, and not very seriously embarrass it with its work, and through it the people can know to a certainty what they are buying. It seems to me that one consideration is sufficent to induce the Government to undertake this work.

THE TAX A NECESSITY.

A tax is found in this bill that in my judgment is not too high. It should be sufficient to recompense the Government for all expenditures connected with this provision; and even if it should go further and afford some incidental protection to the farmers of this country, I think no one would be harmed. If the tax had been left at its original figure as the bill was introduced, at 10 cents a pound, I should have supported it heartily at that figure, but having been reduced by the other House to 5 cents, I have not undertaken and have not thought it wise in the committee to either increase it or diminish it.

I am anxious that this bill shall pass at this late stage of the session precisely as it came to us from the House, for if amended here we all know that there may be danger of its failing between the two bodies.

This bill is not to take effect until ninety days after its passage. If it shall pass and become a law it will not go into effect until nearly the 1st of November, and if it shall be found to work hardship in any direction, if it shall be found to be inadequate in any of its provisions, Congress will be in session in December and can again take up the matter and correct it. But, believing that this tax is not too high for the purposes of the bill as I have expressed them, I hope that the Senate will leave the tax as it now is, at 5 cents a pound.

I desire briefly to call attention to some of the objections which have been made to this measure, and then I shall leave it.

The manufacturers and those interested in this industry have undertaken to array three distinct classes of people against this measure. First, they have attempted to arouse the cattle-men, so-called, those men who upon the great plains of the West grow cattle, not for dairy purposes but for food purposes, and they have told the cattle-men and the committee that if this law passed it would reduce the value of all beef-cattle in this country at least $3 a head.

WHY THE CATTLEMEN OF THE WEST SHOULD FAVOR THIS BILL.

I shall be able to show that it will do nothing of the kind, that it will not reduce the value of beef-cattle at all, in my judgment, and even if that proposition were true I should still appeal with confidence to the cattle-men of the West to come to the aid of the dairymen of the East and protect them in their rights and in their property and in their industry. Let us see about this proposition of reducing the value of beef-cattle at least $3 per head. Mr. Webster, of Armour & Co., who gave the opinion to the committee that it would reduce the value of beef-cattle $3 per head, stated that the amount of fat taken from a beef animal which could be used for oleomargarine was upon the average 55 pounds, or less than one-half the total amount of fat; that its value over ordinary tallow was from 5 to 8 cents per pound. Taking it at 7 cents per pound, he made the increase in value about $3 per animal. Mr. Webster also stated that at least two-thirds of all the oleo oil produced in this country was exported, and therefore it would not be affected by this bill at all. That takes out by this calculation two-thirds of it, or $2 out of the three at the start. But does any one here who knows anything about the cattle industry of the West and about the value of beef-cattle at the present time, and who has looked over the prices for the past ten years, undertake to say that the manufacture of oleomargarine has in any appreciable degree increased the market price of beef-cattle? You can find nothing of the kind in the reports of the country. On the contrary, there has been a large reduction in their value instead of an increase.

But the manufacture of oleomargarine or the using of 55 pounds, or nearly one-half, of the fat found in a beef animal and converting it into oleomargarine oil, which is worth more than ordinary tallow, has really decreased the value of all the tallow in this country more than $3 per head of all the cattle that are killed. Before oleo oil was produced in this country, when tallow was made from the entire fat of the animal, it held the markets of the world, it was the finest tallow produced anywhere, and we exported it in immense quantities to Europe, and it commanded a price of from 7 to 9 cents per pound. Why was that? Because the best portions of the fat went into the tallow, and the stearine, which makes the tallow hard, makes it valuable for illuminating purposes, for the manufacture of candles, was left in it; but by the manufacture of oleo oil the best of the fat is consumed or used in that process, and of course the remainder makes only an inferior quality of tallow, which to-day instead of commanding the markets of the world, is scarcely exported at all.

We have been driven out of the markets of Europe by tallow from Russia and that portion of Europe, and to-day our common tallow is worth only 3, 3½, or 4 cents a pound, when before this process began it was worth 6, 7, 8, and 9 cents per pound. If you will make the computation you will find that the value of beef-cattle has been absolutely diminished by this process rather than increased. There is nothing whatever in this argument. The cattle-men of the West are as much interested in this industry as the dairymen are in the dairy sections.

I have already stated that the dairymen throughout New York State are no longer producing beef-cattle. They can produce beef-cattle if they are compelled to do it. They have the finest grass in the world, the best pastures, and if it shall be no longer possible for them to produce butter and cheese, what will they do with their one million five hundred thousand cows; what will they do with their twenty or thirty million acres of land which are to-day being used for pasture and the support of the dairy cow? They must again return to the growing of beef-cattle, and in three years from now if the New York farmer is compelled to give up dairying he can produce every year and put into the market half a million of fine beef-cattle, and being near the great cities and the great markets of the East, although he may not find it as profitable as he has found dairying heretofore, yet he has no choice. The land is there and he is there, and he must get out of it the most he can.

Why, sir, to-day, all down though Central New York and through the dairy regions where I live, our farmers do not produce their own meat. Every day a refrigerator-car with Chicago dressed beef passes through the great valley of the Mohawk and stops at every village, and into a refrigerator it puts 10 or 15 tons of Western beef, and the dairy farmers of that section, instead of growing their own beef, come down to the village markets and buy Chicago dressed beef. They have done this because they have turned their attention entirely to one thing, the production of butter and cheese. Take from them that industry, and they must turn to the other, and the lands in New York, which have not grown wheat for nearly fifty years, and which have been growing in fertility because of the cattle which have been kept upon them, must return to wheat-growing also.

THE WHEAT-GROWERS OF THE WEST INTERESTED.

Not one out of ten of the farmers of New York to-day grows his own wheat for his own table, but the lands are again fertile and the farmers can again return to growing wheat and they must do it. But, as I say, changes in the management of affairs and in the process of farming are necessarily slow. They have been holding on now for five years contending against this accursed thing which is destroying them, hoping against hope that their own State laws might protect them, until finding their inability to protect themselves there they have at last appealed to Congress.

This attempt to stir up the cattle interest of the West by the false pretense that this action will reduce the value of their herds is just as bogus and false a pretense as is the stuff they produce. No, Mr. President; the cattle-men of the West are quite as much interested in this thing as are the dairymen in New York or Minnesota. Let this industry be stricken down and we shall be able to produce, and will be compelled to produce, a very large part of all the meat which is required for the Eastern markets.

COTTON-SEED OIL MEN FALSLEY ARRAYED AGAINST THE MEASURE.

Secondly, the attempt has been made to stir up the growers of cotton in the South upon the flimsy pretext that cotton-seed oil was largely used in this process and that if it were disturbed it would break down the price of cotton.

Mr. President, that is so absurd a proposition that it seems scarcely necessary to mention it. It is answered, and completely answered, by a circular-letter which was issued by Armour & Co., of Chicago, at the beginning of this contest, in which they described their process of manufacture, its cleanliness, &c., and stated the ingredients that were used, and in that letter they state that they use chiefly the fat of beef-cattle, and lard, and that occasionally at certain seasons of the year, which,

of course, is in the winter, some manufacturers use a very small percentage of salad oil made from cotton-seed, to soften the product; but no one came before the committee nor could we find any manufacturer of oleomargarine who admitted he was using cotton-seed oil regularly. Since they have come to use lard largely in this product they have abandoned the use of cotton-seed oil, if they ever used it to any great extent, and the use of all other oils.

Cotton-seed oil has its own place. It is undoubtedly a very valuable product. It makes a very valuable salad oil, and it has been used, I am told, and exported abroad and there mixed with olive oil and returned to us as olive oil. I have no doubt, if properly clarified and put up, within a few years' time the principal salad oil of this country will be made from the cotton seed, and it will be sold for what it is; there will be no necessity of resorting to fraudulent labels or any pretenses that it is something that it is not.

No, Mr. President; any attempt to stir up the South on this question is utterly futile. I have here a letter from a gentleman in the South exposing this whole attempt to stir up the people of the South on this question, denouncing it in the strongest terms, going on to say that little or none of the cotton-seed oil is used in this manufacture.

It is undoubtedly true that to-day less than 1 per cent. of the oleomargarine in this country contains any cotton-seed oil whatever.

POSITION OF THE LABORER.

The advocates of oleomargarine have also attempted to stir up one class of our people against another. They have circulated throughout the country petitions asking laboring men as such to petition Congress against the passage of this measure. They have met with very little success, I am glad to say, for the laboring men of this country are too intelligent to be deceived by any such arguments as have been presented to them. The advocates of oleomargarine have told us that this is a good, cheap food for poor people and laboring people. I do not propose to insult any of my constituents or any free American citizens by telling them that any kind of food is good enough for them unless I think it is good enough for myself; nor do I believe that the laboring people of this country desire to have any cheap kind of food set apart and designated as good enough for them, and that it is a cheap and proper substitute for a better article. The laboring men of this country know this fundamental truth, that they can not expect to and that they have no right to buy the labor of any other man for less than its true value. They do not desire to have their butter for less than it costs the labor on the farm to produce it, no more than they desire to have their own labor in the factories sold to the farmer for less than it costs. They understand full well that if the farmers of this country are compelled to sell their products for less than it costs them to produce them, in return those farmers can not afford to buy the manufactured articles which these laboring men turn out from the manufacturing establishments unless they buy them at equally reduced prices.

No men in the country understand that proposition better than the laboring men. Thus far these appeals have not been very successful in securing the co-operation of the laboring men of this country. If these parties had desired to furnish a cheap food, why have they not sold it for what it was and for a reasonable price?

SWINDLING THE LABORING MAN.

One retail dealer came before the committee and told the committee that he thought this was a very valuable food product, one which would be largely consumed in the manufacturing towns in New England and that it was a proper food for mechanics, and he thought they ought not to be denied the privilege of having it. I asked him how much he charged the laboring men for it. He said 17 cents a pound. I asked him how much he paid for it at wholesale, and he said about 10 cents. I said, "You think it is a good food for the laboring man and he ought to have it," and he said, "Yes." I said, "My dear friend, why do you not sell it to him for 11 or 12 cents a pound, making a fair profit to yourself, if you think he ought to have it at a cheap price?" To that he had no answer except to say that that was not profit enough.

Mr. President, it is a "good enough" food for poor people, and it is good enough food for a laboring man; but when it is sold to him it must be sold at the highest price! Pass this bill, and if the laboring man wants to consume this food he will get it as he gets it now, but he will know what it is, and he will get it for from 25 to 50 per cent. less than he gets it now, even if you put a tax of 5 cents a pound on it. There can be no question about that. To-day this article is sold anywhere from 100 to 200 per cent. above its cost, and it is so sold because the people who buy it are deceived. Put the stamp upon it and compel every man to sell it for what it is, and thus all the people will get the benefit of the low price if they desire to use it.

AN APPEAL TO ALL THE AGRICULTURAL INTERESTS NORTH AND SOUTH.

Mr. President, I do not hesitate to appeal here to all the agricultural interests of the country. Our Government is a government of compromises. It covers a vast territory, in one portion of which one principal article may be produced, and in another portion another article is produced, and in another another, and so the country is divided up. Now it will not do for one interest to demand that its opponents shall be sacrificed for itself; there must be mutual concessions and compromises. The farmers of the dairy districts of this country have stood for protection to home industry, they have stood for protection to the manufacturers of this country and to the mechanics and laborers who work in manufacturing establishments. They have a right to ask of them in return that their great industry when threatened with destruction shall receive their support.

The farmers of the dairy districts have consented, and I have voted to maintain a large duty upon sugar, which is produced in the southern portion of our country. They have done this because they believed it for the best interests of the whole country. By it all the sugar consumed in the country is advanced from 2 to 3 cents a pound over what it would be if there was no duty upon sugar. But the farmers of the North, knowing that the people occupying the sugar-producing country of the South can produce nothing else but sugar to any profit, have said, we are one common country, we will stand together, we will allow ourselves to be taxed for your protection.

And so, Mr. President, the men in the dairy districts of which I have been speaking have stood for a tax upon rice, which is produced in another portion of our country, and although the great bulk of the rice is consumed at the North and in the manufacturing districts largely, still all our people have consented to its protection. In short, had it not been for the votes of the North in this body and in the other legislative body for years it would have been stricken down.

So to-day, Mr. President, you may go over the whole country and look at all its various industries and interests; they may clash at points, but still heretofore there have been concession and compromise, and so to-day the farmers living in this vast region which I have described from the Atlantic Ocean to the Rocky Mountains and north of the Potomac and Ohio come here appealing confidently to the justice of the men who live in the sugar region, and the men who live in the rice region, and the men who are herding their vast flocks upon the common domain in the West, and ask of them that they will concede something of their interest for the protection of this great industry of which I have spoken.

Mr. President, we know that the political majority in the country—and by that I do not refer to political parties, but the majority of the votes—may be found in sections of country which are not particularly interested in the dairy industry; but we do not hesitate to appeal to all the people to give us this legislation which shall prevent the destruction and ruin which is now going on in the dairy districts. I have faith to believe that we shall not appeal in vain.

A CLASS OF CITIZENS HAVING A RIGHT TO BE HEARD.

If I have wearied the Senate with my long speech, if I have spoken earnestly, it is because I am pleading for a class of our citizens who have a right to be heard. It is a class to which I belong, in which I was born, and with which my lot was cast in early manhood. There is nothing connected with farm life as known to the North which I have not experienced and do not know; and when I look about me at my home and see strong men now at fifty or sixty years of age, who have worked all their lives to accumulate a little property of 150 acres of land which they have labored early and late to improve, building their houses, their barns, and their fences, and still with a mortgage of a thousand or two thousand dollars upon the farm—when I see the sheriff taking possession of these farms, turning out these men and their families in the decline of their life because thirty manufacturers of oleomargarine can to-day make as much of an article they call butter as the whole of them, and furnish it and produce it for less than half what it costs the honest farmer, you must pardon my earnestness, you must pardon the length of my speech.

I hope I have not appealed in vain to this body. I hope, however weak and imperfect has been my presentation of this question, that the Senate of the United States upon this almost the first measure which the farmers of this country have asked this body to act upon will act upon it promptly, will act upon it wisely, will act upon it liberally, and that finally it will pass this bill precisely as it came from the House in order that we may be sure that it shall finally become a law before the two Houses of Congress shall adjourn.

Mr. COKE. Mr. President, the pending bill imposes a license tax of $600 a year on all manufacturers of oleomargarine, $400 on all wholesale dealers in oleomargarine, and $48 dollars on all retail dealers in that article. It also imposes a tax of 5 cents per pound on all oleomargarine manufactured, and hedges about its manufacture and sale with the most onerous and repressive restrictions and obstructions, involving heavy bonds and extreme penalties, the whole bill bristling with evidences of legislative hostility to the manufacture or sale of oleomargarine. I propose to state briefly and without elaboration the reasons for the vote I shall cast against the bill. If the manufacture or use of oleomargarine is detrimental to the public health, or for any reason of public policy should be prohibited or discouraged, it belongs exclusively to the police powers of the several States to deal with the subject, and Congress has neither power nor jurisdiction over it. The general proposition that the regulation of the trades, business, and occupations of the people, so far as the public are affected by them, is under the exclusive control and jurisdiction of the several States is so fully sustained in the texts of elementary law writers, the decisions of

the courts, and in the political history and jurisprudence of the country that it would seem almost unnecessary to quote authorities in support of it. I will read from Cooley's Constitutional Limitations a full, clear, and accurate statement of the general principles of law on this subject.

On page 572 the learned author says:

The police of a State, in a comprehensive sense, embraces its system of internal regulation, by which it is sought not only to preserve the public order and to prevent offenses against the State, but also to establish for the intercourse of citizen with citizen those rules of good manners and good neighborhood which are calculated to prevent a conflict of rights, and to insure to each the uninterrupted enjoyment of his own, so far as is reasonably consistent with like enjoyment of rights by others.

* * * * * * *

We think it is a settled principle—

Says Chief-Justice Shaw—

growing out of the nature of well-ordered civil society that every holder of property, however absolute and unqualified may be his title, holds it under the implied liability that his use of it shall not be injurious to the equal enjoyment of others having an equal right to the enjoyment of their property, nor injurious to the rights of the community. All property in this Commonwealth is * * * held subject to those general regulations which are necessary to the common good and general welfare.

Rights of property, like all other social and conventional rights, are subject to such reasonable limitations in their enjoyment as shall prevent them from being injurious, and to such reasonable restraints and regulations established by law as the Legislature, under the governing and controlling power vested in them by the Constitution, may think necessary and expedient. This is very different from the right of eminent domain, the right of a government to take and appropriate private property whenever the public exigency requires it, which can be done only on condition of providing a reasonable compensation therefor.

The power we allude to is rather the police power; the power vested in the Legislature by the Constitution to make, ordain, and establish all manner of wholesome and reasonable laws, statutes, and ordinances, either with penalties or without, not repugnant to the Constitution, as they shall judge to be for the good and welfare of the Commonwealth and of the subjects of the same. It is much easier to perceive and realize the existence and sources of this power than to mark its boundaries or prescribe limits to its exercise.

This police power of the State—

Says another eminent judge—

extends to the protection of the lives, limbs, health, comfort, and quiet of all persons, and the protection of all property within the State. According to the maxim, *Sic utere tuo ut alienum non lædas*, which being of universal application, it must, of course, be within the range of legislative action to define the mode and manner in which every one may so use his own as not to injure others.

And again:

By this general police power of the State persons and property are subjected to all kinds of restraints and burdens in order to secure the general comfort, health, and prosperity of the State; of the perfect right in the Legislature to do which no question ever was, or, upon acknowledged general principles, ever can be made, so far as natural persons are concerned.

In the American constitutional system, the power to establish the ordinary regulations of police has been left with the individual States and can not be assumed by the National Government. Neither can the National Government through any of its departments or officers assume any supervision of the police regulations of the States, so long as they do not invade the sphere of national sovereignty and obstruct or impede the exercise of any authority which the Constitution has confided to the nation.

This statement of the meaning and scope of the police powers of the States is abundantly fortified by a large number of authorities both English and American, and especially by numerous and leading decisions of the Supreme Court of the United States. Among the latter is the United States *vs.* De Witt, 9 Wall., 41, in which a section of the internal-revenue act of 1867, which undertook to make it a misdemeanor to mix for sale naphtha and illuminating oils, or to sell oil of petroleum inflammable at a less temperature than 110° Fahrenheit, was held a mere police regulation, and as such void within the States.

The License cases (5 How., 504) and the Passenger cases (7 How., 283) affirm the same general principles. Congress can not legalize a business within a State which is forbidden by the State. (License-tax cases, 5 Wall., 471.) In Patterson *vs.* Kentucky, 97 United States Rep., 501, it was held that the State could prohibit in her borders the sale of an article patented as an invention under the laws of the United States, and this in virtue of the police powers of the State. Chief-Justice Marshall, in the great case of Gibbon *vs.* Ogden, reported in 9 Wheaton, in the extract I now read, covered the whole ground, as follows:

But the inspection laws are said to be regulations of commerce, and are certainly recognized in the Constitution as being passed in the exercise of a power remaining with the States.

That inspection laws may have a remote and considerable influence on commerce will not be denied; but that a power to regulate commerce is the source from which the right to pass them is derived can not be admitted. The object of inspection laws is to improve the quality of articles produced by the labor of a country; to fit them for exportation or, it may be, for domestic use.

They act upon the subject before it becomes an article of foreign commerce, or of commerce among the States, and prepare it for that purpose. They form a portion of that immense mass of legislation which embraces everything within the territory of a State not surrendered to the General Government, and which can be most advantageously exercised by the States themselves. Inspection laws, quarantine laws, health laws of every description, as well as laws for regulating the internal commerce of a State and those which respect turnpike roads, ferries, &c., are component parts of this mass. No direct general power over these objects is granted to Congress, and, consequently, they remain subject to State legislation. (Pages 202, 203.)

These and various other decisions of the Supreme Court of the United States, which I will not designate because I believe it unnecessary, establish, as undeniably as authority can do it, the proposition that while in the Territories and in the District of Columbia Congress possesses general legislative powers, in the States that Congress possesses no power over any business or trade, and can not forbid or punish any act done in pursuance of any calling or vocation. This whole subject, it is conclusively held, is within the police powers of the States and outside of the jurisdiction of Congress.

It is obvious that the pending bill, in its structure, is not predicated upon the idea that Congress possesses the power to suppress or interfere with the manufacture of oleomargarine in the States. It does not on its face trespass upon the police powers of the States, nor interfere in any way with their rights. The bill is a tax bill, pure and simple. Judged by itself, the purpose of the bill is to collect and pay money into the Treasury. Ought this bill to pass if this be its object, and it can have no other constitutionally?

Do we need more money to carry on the Government, and must we invent new methods and subjects of taxation in order to raise it? I answer that question by referring to the surplus now piled in the Treasury, which ought to be in circulation among the people because not needed for the purposes of the Government. We have lying absolutely idle in the Treasury $224,000,000, and only $144,000,000 of bonds which are subject to call and can be paid prior to 1891, and we collected last year $96,000,000 more than we could use, and will collect the same the next year and the year after, and indefinitely on, unless we reduce the present rate of taxation, which up to this time has been successfully resisted.

Why hoard up more of the people's money in the Treasury? The only legitimate object of taxation is to raise revenue, and the only honest purpose of raising revenue is to support and pay the expenses of the Government. We have now more revenue than is needed for that purpose. No recommendation of additional taxation has been made by the executive department of the Government; on the contrary, a reduction of the tariff has been recommended and urged. Judge Cooley says, on page 57 of the book I was just reading from, that—

Constitutionally a tax can have no other basis than the raising of revenue for public purposes, and whatever governmental exaction has not this basis is tyrannical and unlawful.

If this bill was what it purports to be, a bill to raise revenue to support the Government and nothing else, for the reasons I have given it would not receive five minutes' consideration nor half a dozen votes in either House of Congress.

While this is a tax bill on its face and in its structure, it is perfectly clear from the enormous rate of the tax it imposes and the declarations of its advocates in and out of Congress that the raising of revenue is not its object, because the tax is largely prohibitory and will seriously cripple if it does not destroy the industry of manufacturing oleomargarine, and this is the confessed object and purpose of the bill. This bill is demanded by the dairy farmers in order to break down the oleomargarine manufacture because that article competes in the market with butter and brings down the price of it. Here we all know this to be true.

I have on my desk, and there is on every Senator's desk, a volume of two hundred and seventy-four pages of testimony taken before the Senate Committee on Agriculture during this session in reference to this bill, and on every page of it is found avowals by friends of the bill that it is intended to protect and keep up the price of butter. On its face the bill is constitutional, because the power to tax resides confessedly in Congress, but the power was vested in Congress to enable the Government to raise the revenue it needs, and the use of that power for the other and different purpose of crippling or destroying one of the industries of the country for the benefit of another industry is an evasion of and fraud upon the Constitution.

In respect to the taxing power as to other great powers, Congress has been well said to be only a trustee, and the exercise of that power for purposes other than those for which it was granted is a violation of a trust and of the instrument creating it. It is a proposition which all will admit and not one will deny, that Congress has no power to prohibit or interfere with by direct legislation the manufacture of oleomargarine in the States. Yet the advocates of this bill are endeavoring to accomplish this very purpose by means of a wrongful and fraudulent use of the taxing power which was vested in Congress for a wholly different purpose, to wit, that of raising money to carry on the Government.

Revenue is neither expected nor desired under this bill if it passes. The friends of the bill, both in and out of Congress, admit the object of the bill to be to destroy the manufacture of oleomargarine, not because unwholesome, because the bill licenses it, and thereby admits it to be wholesome and fit to be sold, but in the interest of and for the benefit and protection of the butter industry. To accomplish this purpose, the power of the National Government is invoked to destroy by indirect means an established industry in the States, which is confessedly beyond its reach and outside of the scope of its jurisdiction by direct legislation.

This fraud upon the Constitution and the admitted rights of the States, is sought to be perpetrated for the protection and building up of one industry by the destruction of another. This is a new application of the principle of protection. We are familiar with a protective tariff, which levies a high duty on foreign imports in order to give a monopoly

of the home market to domestic manufacturers, for the people of this country have been robbed for more than a half century under such a tariff for the benefit of a comparatively few manufacturers. But this tariff does produce a large revenue, and its repressive features are directed against foreign competition.

The pending bill for the protection of the dairy interests, by the destruction of the manufacture of oleomargarine, turns the principle of protection against the great body of the American people, in behalf of a very small proportion of butter-makers. The advocates of the pending bill invoke high taxation not for the purpose of raising revenue, nor for the purpose of protecting American labor against foreign competition, but for the purpose of striking down and destroying a legitimate American industry, and the American capital and labor employed in it; and worse than that, for the purpose of preventing the manufacture of a healthy, nutritious, and cheap food product, needed and desired by millions of the American people, who are not able to buy the higher-priced butter, and all done to enrich the people engaged in the dairy business.

The high-tariff protectionist erroneously but honestly believes that he is protecting and defending all American labor and capital against foreign invasion. The high-butter protectionist is making war on both American labor and American capital, on both the manufacturers and consumers of oleomargarine.

Between the two forms of protection, both of which are odious to me, I infinitely prefer that of the protective tariff, because that is directed against foreigners, while the other is aimed at my own countrymen. I challenge successful contradiction when I assert that he who supports and advocates this bill can not without stultifying himself object either on the score of constitutionality or expediency to a high protective tariff. If protection to one domestic industry at the expense of another domestic industry is constitutional and expedient, *a fortiori* the protection of all American industries against all foreign industries is both constitutional and expedient. The tariff protectionist levies the tax on foreign goods regardless of revenue, to prevent their importation except in limited quantities. The butter protectionist under the pending bill has arranged the tax and the license fee to largely prevent and destroy the manufacture of oleomargarine, at the same time destroying all hope or prospect of raising the revenue from it which the bill on its face fraudulently promises to collect. I repeat that the sole difference between the two methods of protection is that one is leveled against foreigners and the other against American interests, and that the latter is more obnoxious than the former.

No precedent so vicious has ever been placed on our statute-book as this will be if enacted into law. It is class legislation of the most pronounced and flagrant character. Instead of leaving the various industrial interests of the country to self-adjustment under the laws of trade, of supply and demand, and the operations of individual enterprise, it will array them against each other in the halls of Congress, the partisans of each striving to gain by legal enactment what under the laws of commerce they are unable to reach or to hold, just as the dairy people are now striving by this bill to hold a market which under open competition they admit they are rapidly losing, and this loss of the market is the ground upon which they demand the passage of this bill. It does not require the gift of prophecy to foresee the struggles to occur between rival interests and opposing partisans if this course of legislation is to be entered upon.

How long will it be before Congress is called on to destroy by taxation cane sugar for the protection of beet sugar, or corn for the protection of wheat, or the raising of hogs for the protection of cattle-growers, or the raising of mules for the protection of horses, and to discriminate by prohibitory taxation between the different manufactures of this country, as we are called on by this bill to do between oleomargarine and butter? Congress can as well destroy or cripple any one or all of these industries as it can the manufacture of oleomargarine. Adverse interests will always be knocking at the doors of Congress and demanding this character of legislation, if it is once commenced. The precedent once established will be prolific of demands for its repetition.

With the possibility of this bill becoming a law a discussion of other forms of discrimination between domestic industries has already commenced. I read from the well-known New York journal The Nation a communication which is suggestive of the fierce antagonisms to be generated among our thousands of rival industries by this sort of legislation, as follows:

NATURAL GAS.

To the editor of the Nation:

SIR: In this time of discussing taxation and protecting industries, there is one commodity that seems to be a natural subject of special taxation—natural gas. The scope and promise of this new factor in industry is such as portends no little disturbance to our iron and other industries, and there seems no good reason why the nation should not share in the benefit of this great boon, although its discovery and source be in a special district of the country.

Natural gas, as its name indicates, is not a product of skill, is not even a surface product such as is conveyed in Government titles to land. It comes from "the bowels of the earth," and one who regards its present vast influence and conjectures its future must concede that it will throw our industries out of balance. If ever there was a suitable and equitable subject for special taxation, is not here one? The menace to the dairy sinks into insignificance in comparison with the danger to our manufacturing industries from this new and miraculous fuel. It is not too much to claim, on the score of cost alone, to say nothing of other advantages, that the cheapening of many manufactures in Pittsburgh amounts to 10 per cent. How is fair competition to be maintained without a tax?

PROTECTION.

PITTSBURGH, *June* 22, 1886.

No discovery, no invention, no innovation such as has marked every step of our wonderful progress as a nation could have survived the application of the principle underlying this bill, for every one of them would have been crushed out for the protection of the then existing order of things, as it is now proposed to crush out the manufacture of a desirable and healthy food product which the daily increasing density of our population demands for the comfort and sustenance of the people and especially of the great mass of them who are not rich.

Oleomargarine is proved by the testimony of the most learned physicians, scientists, and experts in this country, taken before the Senate committee, and printed and on our desks, to be a pure, wholesome, healthful, and nutritious food product, as palatable as butter and partaking very much of its nature, but made with much less labor and cost, and consequently much cheaper than butter.

The reports show that 200,000,000 pounds of this article are manufactured annually in this country. It is said by some of the witnesses that the cost of making it is some 7 or 8 cents per pound, and all the evidence shows that it is exceedingly difficult to detect the difference between it and genuine butter which is sold in the markets at from 25 to 40 cents per pound. If oleomargerine is clean, is wholesome, is nutritious, is palatable, and can be sold and a good profit made at less than half the cost of genuine butter, and if human testimony can be believed all these things are true of it, why, I ask, shall the sixty millions of people in this country be prohibited by law from choosing between it and butter?

Has it come to this, that the diet of the people is to be regulated by law, to the end that butter-makers shall have a monopoly of the market? Sumptuary legislation, which for more than two hundred years has been discarded in the monarchical countries of Europe, is sought to be established in this country by this bill, and our self-reliant, self-respecting, and self-governing people, who created this Government, are to have their diet regulated as if they were so many children under guardianship.

This result is proposed to be brought about not by direct, straightforward, honest legislation, because the advocates of this bill will admit that direct prohibition of the manufacture of oleomargarine by Congress would be utterly unconstitutional and void, because the subject is outside of the jurisdiction of Congress, and wholly within the jurisdiction of the several States, but by the indirect and fraudulent use of the taxing power, which was conferred on Congress solely for the purpose of raising revenue for support of the Government.

A wrongful and violent diversion of a great constitutional power from its proper and legitimate and beneficent use into that of an instrument of destruction of a great American interest is what is deliberately proposed by this bill. Not only the manufacturers and consumers of oleomargarine, but the producers of the raw material entering into the composition of that product will, if this bill become a law, be sufferers. The choicer portions of the fat of hogs and of beeves as well as some of the vegetable oils, notably cotton-seed oil, are used in the manufacture of oleomargarine. We are informed by experts that if this bill passes, every beef slaughtered in the United States will be depreciated in value from $1.50 to $3.00, and the value of every bushel of cotton-seed will be injuriously affected.

This bill is said to be in the interest of the farmers. It is in the interest of the dairy farmers, but is a direct blow at the interests of the great body of farmers of the South and West who raise the cotton, corn, and wheat, and the cattle and hogs. It is a direct blow at all the poor people of this country in that it will increase the cost of living, and the tax, if the manufacture of oleomargarine should survive, will be paid by them, not by the rich, who can afford to buy butter.

The dairy people have raised a hue and cry against oleomargarine as "bogus butter," "imitation butter," "fraudulent butter," &c. Nobody could object to a law requiring oleomargarine to be branded as such, so that all would know it to be oleomargarine, not butter. Nobody could object to a law affixing penalties to the sale of oleomargarine, representing it to be butter. This would be right and proper.

But this is a matter for State legislation. Congress has nothing to do with it. It falls under the police powers of the States to act on it. This would not satisfy the dairy people and they have not attempted it or asked it. It would not destroy competition with their product. It would not increase the price of butter in the market, and that is what they are seeking by the pending bill. They desire protection for butter against American competition, just as the manufacturer desires protection against foreign competition.

The people I have the honor in part to represent, who are mainly agricultural, sell the products of their labor in the open markets of the world, in unprotected competition with the products of pauper, peasant, serf, and heathen labor of the four quarters of the earth, while compelled by a tariff framed to protect manufacturers from similar competition to buy in a market 50 per cent. dearer than where they sell. They are unalterably opposed to a protective tariff which thus taxes them for the benefit of others, and desire trade and commerce as

free and untrammeled as the necessities of the Government for revenue will permit. With these views they are necessarily opposed to the internal protection of one class at the expense of all others, as provided for in this bill. In opposing this bill, both on the score of constitutionality and expediency, I express their wishes and my own convictions.

Mr. PALMER. Mr. President, the foundation and reliance of the system of government and civilization—of which we are justly proud and for the permanency of which we are all solicitous—is profitable agriculture.

The numbering of our producers in 1880 showed a total of 17,392,099, of which number 7,670,493, or a little over 44 per cent., were engaged in farming.

In all nations the landed interest has ever been the great conservative force, and its prosperity can not have too much consideration in state councils.

When the farmer is pinched the merchant and artisan cry out, and no abiding good comes to a land where labor in the soil is unremunerative.

American agriculture, by reason of cheap, fertile lands, wholesome laws, mixed farming, comprehensive systems of transportation, and the development of home markets, has stood on the apex of historical labor.

The American farmer has been a sovereign instead of a peasant; a gentleman instead of a hind.

The profits of the soil have permitted personal comforts and educational surroundings with leisure for self-culture.

Our farmers have not only contributed largely to the support of our Government, but have appeared in the front rank of our legislators and citizen soldiers.

Protected against foreign competition by the excellence and abundance of their products and by judicious tariffs the landholder has been the master not only of the soil but of the state, and the state has been the gainer thereby.

By the census of 1880 we learn that the values in farms, farm implements, live stock, and products of 1879 were $657,419,027 greater than that found in manufactures and manufactured products of that year, railroads, and the gold and silver product of our mines.

Capital invested in manufactures	$2,790,272,606
Value of manufactured product	5,369,579,191
Production of gold and silver	74,490,620
Capital invested in railroads	5,425,722,560
Total	13,660,064,977
Value of farms, including land, fences, and buildings	10,197,096,776
Value of farming implements and machinery in use on farms	406,520,055
Value of live stock on farms	1,500,464,609
Value of farm products for 1879	2,213,402,564
	14,317,484,004

Were such an interest, including nearly one-half of the producing population and so large a proportion of the real wealth of our nation, attacked in a vital part by a foreign assailant no time would be lost before beating to arms for its defense.

MAGNITUDE OF OUR DAIRY INTEREST.

The largest single department of our mixed farming and the most essential to the permanent fertility of the soil is dairying.

The annual product of the dairies in the United States in butter, cheese and milk is estimated at $564,959,500, which amount is over four times the value of the oat crop, $150,000,000 more than the value of the wheat crop, three times the value of our cotton manufactures and more than twice the value of the combined iron and steel product. The capital invested in milch cows is greater than that invested in national-bank stock.

This enormous interest is not localized at a few trade centers. It is distributed throughout the length and breadth of our land in the most favorable birth-places and homes of our people. It provides the extra necessities and simple luxuries for the log cabin and often measures the year's profit of the more forehanded husbandman.

OLEOMARGARINE THE CHILD OF FAMINE.

Amid the horrors of the siege of Paris in 1869, when horse-flesh was made palatable by hunger and patriotism, when house pets were sold in the markets for food, when rats were devoured by the gaunt and garbage fought for by the starving, when the fertile invention of the most ingenious cooks in the world was taxed to sustain life by any and all methods, a chemist named Mége discovered a substitute for butter. It was the child of famine and despair. Nine years afterward it was patented in the United States.

The ingredients of this compound were not objectionable—to the starving—and the mixture was toothsome and not poisonous.

The specifications were: "Fats of all animals reduced by novel methods; oleomargarine mixed with milk, combined with bicarbonate of soda and pepsin from cow's udders; coloring matter added and churned."

Of all the desperate innovations and inventions to prolong life in that city of horrors, only two, I believe, have retained places in the economy of living. They are horse-flesh for the very poor and the noxious elaborations of oleomargarine for all except the very rich and the very cautious.

YANKEE IMPROVEMENTS.

The compound of Mége was not an exact counterfeit of butter, and the swift improvements (?) of American cupidity were rained upon the Patent Office to add to its selling qualities and lessen its cost to the mixer.

Among the ingredients named in eighty-four of these patents twelve are known poisons, twenty-six are of dubious desirability, while eleven may be called unobjectionable.

The desired result has been reached, and an olla-podrida prepared at a cost of from 7 to 13 cents per pound, which is wholesaled at from 9 to 15 cents per pound and retailed at the going price of butter.

In each of its three presentations, as oleomargarine, suine, and butterine, its texture and consistency are most deceptive, and its enemies join with its advocates in testifying that it is impossible to distinguish it from butter by any or all the unaided senses.

An expert describes it as chemically the same as butter; but chemically charcoal and the diamond are the same, and such conclusions only illustrate the limitations of chemistry.

By the use of arnotto it is tinted with the rich, golden, buttercup hue which has served as the trade-mark of the choicest product of the herd since that memorable and fruitful day described in Genesis xviii, where Abraham received the messengers of the Lord on the plains of Mamre:

And he took butter and milk and the calf which he had dressed and set it before them; and he stood by them under the tree, and they did eat.

GROWTH AND EFFECT OF THE OLEOMARGARINE TRADE.

From the report of the testimony taken by the Committee on Agriculture and Forestry—which contains the fullest statements of the opponents of this bill—it appears that 200,000,000 pounds of these mixtures have been manufactured in the United States during the last year, at least 90 per cent. of which was sold as butter. This necessarily displaced 180,000,000 pounds of the dairy product, the direct and immediate effect of which is shown to have been the depreciation of 25 per cent. in the value of fifteen million milch cows and a depreciation of dairy lands in a single State (New York) of $230,000,000.

Our annual export of butter has decreased in six years 18,669,276 pounds, while the export of oleomargarine has increased 17,000,000 pounds, but, more to be deprecated, appears the loss of foreign confidence incident to the mixed traffic, as evidenced in the higher prices offered for Canadian butter.

Again, successful fraud is contagious. Armour & Co. state that they supply oleo oil to creameries for purposes of adulteration with the honest product, and reputable retail dealers testify that they have been forced by fraudulent competition to join in the surreptitious sales.

Established creameries in many States have been closed and Eastern dairy farms abandoned in consequence of this unnatural contest, while I noted when preparing these memoranda that local newspapers from Cass, Branch, and Oakland Counties in my own State, under dates of July 1 and 2, report sales of farm butter on their streets at from 8 to 10 cents per pound.

Three hundred thousand milch cows are reported to have been slaughtered for beef in Chicago alone during the past year.

Until the development of this industry, American tallow held the markets of the world at 9½ cents per pound. The imitation-butter makers entered our market, selecting the best qualities for their use, and now the trade is controlled by Russia and Australia, while the American product is unsought at 3½ cents per pound.

The temptation to the retailer to handle a mixture which he buys as oleomargarine, suine, or butterine at from 9 to 15 cents per pound and sells as butter at from 25 to 35 and 40 cents per pound is rapidly increasing the volume distributed to the people.

In the Boston market alone there were 17,577 pounds received during the month of May last as against 9,663 pounds received in May, 1885.

The production of these 200,000,000 pounds of butter substitutes is not in the hands of those of limited means nor are its manufactories distributed over the country. Mr. Webster, of the firm of Armour & Co., testifies that there are only thirty firms engaged in the business and that the bulk of the oleo oil is made in Chicago and New York.

It is becoming an important annex to market controlling packing-houses whose vast capital crushes lesser competition and enables the few to fix the profits of the many.

LEGISLATIVE PROTECTION DEMANDED.

Fully comprehending the menace to the most vital of their interests, noting the abandoned farms of the East, the dismantled creameries and growing mortgages of the West, comparing the thrifty past with the clouded future, the farmers have appealed to their local Legislatures for protection; not against the beneficent gifts of science nor against cheap and wholesome food for the poor, but against a dishonest competition through counterfeiting and false pretense.

All they have asked, or now seek, is that the expressed wish of these manufacturers may be granted, namely, that butter imitations may be sold "on their merits;" and to this the penurious and the poor have a right to add that they be prepared by cleanly methods and of wholesome substances.

Twenty States have responded by the passage of laws in this direction, but the lack of machinery for their full execution has rendered them inadequate for either of the purposes sought.

The evil, in its destruction of values and in its demoralization of trade, is a national one, and it is fit that Congress should provide for its control.

The men who now ask protection have for generations, by their intelligent support, enabled the Congress to contribute through judicious tariff discriminations to the establishment and maintenance of nearly every American industry which has added to the general prosperity of the Nation.

The reading and reasoning farmer is the sturdy and trenchant advocate of American markets for American industries, and has the first right to be heard when his interests are menaced or attacked, whether by foreign foes or domestic assassins.

THE REMEDY PROPOSED.

Briefly stated, the bill before us embodies a plan for supervising and regulating the manufacture and sale of these mixtures through the machinery of the Internal Revenue Bureau, which is fully organized and to hand.

It provides for the exclusion of deleterious and poisonous substances from the manufacture and for keeping official sight of the product until it is delivered with fair notice of its character to the consumer.

That an article or business which requires the intervention of the police power of the State for the protection of the people should be obliged to pay for such supervision is in accord with the precedents of all governments and the provision for a surplus to increase the revenues is not unusual.

The committee has reported this bill just as it came from the House, with tax provisions of $600 per annum on manufacturing, $480 on wholesaling, $48 on retailing, and 5 cents per pound on the product itself.

Personally I am not strenuous as to these exact amounts, but perhaps they may be safely left for revision until the experimental stage of the proposed law shall have been passed If they prove too high for the purposes contemplated they will doubtless be reduced, and if too low they may be increased.

PROS AND CONS.

Mr. President, I approach the consideration of this measure better aided by a knowledge of the views and wishes of the people of my State, as expressed in their correspondence, than has been the case in the consideration of any bill presented to this Congress, and I presume the same is true of every representative of a State whose industries are diversified.

Our mails have come laden with the pros and cons incident to various local points of view, and I may classify mine roughly as follows:

First. From the farmers, who, personally or through their organizations, represent their grievance and peril, but only ask that cheating be stopped and that their products may have a fair chance in the market;

Second. From the manufacturers and wholesale dealers in butter substitutes, who avow their wares to be cleanly and wholesome, and stoutly maintain that they are willing they should be sold on their merits, but protest against prohibitory taxation;

Third. From lumbermen, who claim that oleomargarine is better in taste and keeping qualities for use in their camps than such butter as they have been wont to furnish;

Fourth. From mining agents and owners, who advocate oleo for their workmen;

Fifth. From consumers, a few of whom are evidently in search of the cheap and wholesome, but the great majority of whom desire to know what they are buying, and agree with Colonel Littler in preferring to "mix their grease themselves;" and

Sixth. From the retail dealers who appear to "want to be let alone."

DIVERSE INTERESTS FAIRLY TREATED IN THE BILL.

As wide apart as the writers of these letters and circulars undoubtedly think themselves to be, I believe this measure substantially responds to the expressed wishes of each and every one of them, excepting, perhaps, the retail dealers.

It protects the farmer from dishonest competition.

It allows the manufacturer of a wholesome product to sell it "on its merits," and gives him the whole market by confiscating the wares of his rival who now competes to advantage by the use of deleterious ingredients.

When sold on its merits alone and not as butter it will naturally be purchased at a lower price by the lumberman and miner, and the "poor laboring man"—in whose behalf I am gratified to find so hearty an interest manifested—will be the gainer.

But should the effect of this measure be all that its opponents threaten, it would seem that the lumberman and miner should not be the first in protest or complaint.

It might be well for them to recall the steady support given by the farmers of Michigan to tariff charges essential to the prosecution of lumbering and mining. They should consider that among the incentives to that support was a desire for a home market for their produce, as well as a dread of the return of the thousands of laborers employed in camps and mines to compete with them in tilling the soil. They should stop to consider the wisdom, at this critical period in their interests, of any action tending to the substitution of an industrial antagonism for a mutually profitable partnership.

PROPER STATUS OF OLEOMARGARINE.

To me the chief good to be hoped from this proposed legislation is the securing a wholesome article which shall, at least, not injure those who, from choice or necessity, consume it and an honest sale which shall lift the burden from our dairymen.

I would that our political and social economies could be so arranged that every man and every woman who is willing to labor should receive such recompense as would command not only the necessities but the comforts and luxuries of life, including good, golden butter; but such is not the case to-day.

There are many toilers who are limited to the barest necessities. I personally know farmers who can not or will not afford to eat the butter they themselves make who, with their families, add flavoring zest to bread, potatoes, and other comparatively tasteless articles of diet by the use of pork fat, bacon drip, or molasses.

With these let oleomargarine compete. Let it solace the long-voyage sailor and frontier packer as a reminder of better things at home; let it serve the imagination of the struggling poor and remind them of better things to come through thrift and saving, but first let us see to it that it is comparatively harmless.

CHARACTER OF IMITATIONS NOW SOLD AS BUTTER.

Armour & Co. furnish a statement of the processes and ingredients of their manufactured product, which reads fairly, and is nowhere, I believe, gainsaid in the testimony presented to the committee, but among the specifications on file in the Patent Office may be found:

Nitric acid, sugar of lead, sulphate of lime, benzoic acid, butyric acid, glycerine, capsic acid, commercial sulphuric acid, tallow, butyric ether, castor oil, caul, gastric juice, curcumine, chlorate of potash, peroxide of magnesia, nitrate of soda, dry-blood albumen, saltpeter, borax, orris root, bicarbonate of soda, caparic acid, sulphite of soda, pepsin, lard, caustic potash, chalk, oil of sesame (or benne), turnip-seed oil, oil of sweet almonds, stomach of pigs, sheep, or calves, mustard-seed oil, bicarbonate of potash, boracic acid, salicylic acid, cotton-seed oil, alum, cows' udders, sal soda, farinaceous flour, carbolic acid, slippery-elm bark, olive oil, broma chloralum, oil of peanuts, sugar, caustic soda.

If this list, plainly printed and headed with "This may contain," should be attached to every butterine pat on the breakfast table, the price of board might be safely reduced.

These ingredients are not all used in any one process or by any one manufacturer; but some of them are used by each, and the evidence taken by the committee fully justifies interference by the General Government in behalf of the public health.

I do not care to enter upon the disgusting revelations of that testimony in detail.

Washington butchers state that they have sold suet to oleo-makers, bargaining for the return of the refuse, and found in said refuse when returned "pressed maggots." This is uncontradicted. It appears that the Agricultural Bureau has official knowledge of the expenditure of $30,000 last month in the purchase of dead hogs that died of hog cholera, also of the delivery of the fat from the putrid carcasses of drowned sheep to an oleomargarine factory.

The analyst of that bureau reports in writing upon eight samples of butter imitation purchased of retailers in New York, every one of which he pronounces unfit for human food.

The agents of the New York dairy commission, who provided these samples, purchased more than five hundred such during the past eighteen months, only five of which were sold under their true name. The prices paid for said samples were from 20 to 36 cents per pound.

In this connection I desire to send to the desk and have read a letter from a scientist than whom none stands higher in the confidence of all who know him.

From his chair in the Michigan Agricultural College he has sent forth critical information and warnings of practical, every-day, common-sense value to our people in excess of the total cost of that great institution. An accomplished chemist, his investigations of food adulterations, poisonous wall papers, explosive illuminating oils, contamination of wells, ventilation of dwellings, and general laws of health have been presented to the comprehension of all and, popularized by platform discussions, have conspicuously contributed to hygienic reforms.

I will ask the Clerk to read this letter from Prof. R. C. Kedzie, of Lansing, Mich.

LETTER OF PROFESSOR KEDZIE.

MICHIGAN STATE AGRICULTURAL COLLEGE,
Lansing, Mich., June 15, 1886.

SIR: Your message asking for information, documents, &c., in regard to oleomargarine is received. Instead of sending documents in regard to processes of manufacture, &c., I beg leave to submit the following considerations:

First. The most natural and digestible fat for human food is butter or fat of milk. It is true that men of strong digestive powers, ditchers, miners, lumbermen, &c., will eat and digest animal fats in the form of pork and fat beef. These are consumed as food directly and not used as a condiment or appetizer for tasteless foods. If men with the digestive powers of the ostrich can use these fats for food we need not assume that the same fats are equally suitable for appetizers for the delicate and feeble—for women, children, and invalids—the class that use bread and butter most largely in place of flesh-foods. For this class, that most especially require protection and care, the substitution of the coarser and more indigestible fats in place of butter would be a misfortune from its influence on their health.

Second. The sale of these mixed fats as butter is a fraud upon the buyer, and places the honest butter maker at a disadvantage; it is a premium on rascality.

Third. It is not enough to say that good oleomargarine is better than bad butter. If the sale and use of bogus butter would make the real butter better it would be an argument in its favor; but it tends to depress and destroy the

production of butter instead of improving its quality. Encourage the making of good butter by placing it on its own merits without unfair competition with bogus butter.

Fourth. Legislation is asked to protect the dairy interest, not alone to secure a better price for butter, but for the general promotion of agriculture through its relations to stock-raising. To cripple the dairy interest will most seriously injure stock-growing. But stock-growing is the conservative element in grain growing. Without a large amount of stock on the farm to keep up fertility, grain-growing will rapidly reduce the productiveness of a country and ultimate exhaustion of the soil is only a question of time. This is the history of agriculture in brief in every land not annually renewed by a new deposit of soil, as in the overflow of the Nile. England has doubled her acreage production of grain because beyond all other lands she has been a stock-grower. It is not the butter-plate only, but the grain-bin you are called to protect.

Fifth. Much is said about the purity and sweetness of the materials used in making these butter substitutes. This may be the case in some factories and at the present time, but I know that some manufacturers are trying to deodorize the rankest rotten stuff ever called butter, and to use this in making choice creamery.

While the market is brisk and prices high for these butter substitutes the makers can afford to use pure material. But when keen competition and an overstocked market send prices down, and the margin of profits becomes too small to permit the use of the purest and most costly animal fats, what assurance have we that cholera-swine and pleuro-pneumonia steers will not contribute their fatness to these butter substitutes to be sold to the public as "choice creamery butter?"

From my intercourse with our farmers in the farmers' institutes I know the feeling about bogus butter is very strong. If the bucolic mind is slow to grasp it is equally slow to forget the questions that take hold on their calling.

Submitting these suggestions, I remain,

Yours, faithfully,

R. C. KEDZIE.

Senator PALMER.

Mr. President, the evil, in its magnitude and in its menace, is before us, and the remedy is believed to lie in this bill.

The mother of all industries is attacked in a vital part, the public health is threatened, the morals of fair trade debased, and the good name of an honest American product discredited abroad.

Behind this onslaught stands organized capital, flanked by fraud and disregard for the rights of others.

Can we hesitate as to our duty in the matter or shall we wait until this greasy counterfeit shall have grown more powerful through its successful masquerading, and a ruined industry shall have lost even its voice in the land.

Desperate cases require heroic treatment, and I trust we shall not go in quest of legal quirks or quibbles to find excuses for non-action.

The best interpretation of fundamental law is that which admits of the greatest good to the greatest number; and, for one, I shall not be dismayed if I find myself quoted as advocating—in behalf of the American farmer and the American consumer—a tax for protection with incidental revenue.

Mr. EDMUNDS. I understand the Senator from New York in charge of this measure to have given notice that if the bill was not disposed of to-day he would ask the Senate to dispose of it certainly on Monday.

Mr. MILLER. Yes; I desired to dispose of it to-day, but I suppose we can scarcely do that. So many Senators are away that I shall not ask for a vote on it to-day. If any other Senator would desire to go on this evening I should be glad to have the discussion continued, but if not, I shall ask the Senate on Monday to dispose of the bill if possible.

Mr. EDMUNDS. Then, Mr. President, with that notice, with the consent of the Senator from New York I will move that the Senate proceed to the consideration of executive business.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the act (S. 209) for the relief of the legal representatives of John M. Robeson, deceased.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 5866) to construct a road to the national cemetery at Knoxville, Tenn.;

A bill (H. R. 7627) providing for the construction of a light-house supply steamer for the Atlantic and Gulf coasts, and for other purposes;

A bill (H. R. 7193) granting a pension to Sarah A. Tucker;

A bill (H. R. 6747) granting a pension to Mary A. Thomas;

A bill (H. R. 5921) granting an increase of pension to John Ryan;

A bill (H. R. 5705) granting a pension to Charles Wyant;

A bill (H. R. 3363) granting a pension to Jennette Dow; and

A bill (H. R. 1580) for the relief of Emily B. Baker.

AMENDMENT TO A BILL.

Mr. WHITTHORNE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore.* The Senator from Vermont [Mr. EDMUNDS] moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-two minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until Monday, July 19, 1886, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate the 17th day of July, 1886.

SECOND ASSISTANT ENGINEER IN REVENUE SERVICE.

William C. Myers, of Tennessee, to be second assistant engineer in the revenue service of the United States, *vice* Robert B. Higgins, resigned.

UNITED STATES ATTORNEY.

David Turpie, of Indianapolis, Ind., to be attorney of the United States for the district of Indiana, *vice* Charles L. Holstein, suspended.

(The nomination of John E. Lamb to the above-named office, delivered to the Senate December 14, 1885, is this day withdrawn, he having resigned.)

ASSAYER OF MINT.

George C. Munson, of Colorado, to be assayer of the mint of the United States at Denver, Colo., *vice* Herman Silver, suspended.

POSTMASTERS.

John C. Anderson, to be postmaster at Eagle Rock, Bingham County, Territory of Idaho, the office having become Presidential.

John L. Walsh, to be postmaster at South Chicago, Cook County, Illinois, *vice* John E. McIntosh, whose commission expires July 13, 1886.

William H. McAlister, to be postmaster at Vinton, Benton County, Iowa, *vice* Stephen A. Marnie, suspended; John F. Payne, who was assigned, having resigned before the assembling of the Senate, and the nomination of Abraham Rose, who was afterward designated and nominated to the Senate, having been rejected.

George L. Wright, to be postmaster at Denison, Crawford County, Iowa, *vice* J. Fred. Meyers, commission expired, and who has also resigned; the nominations of A. B. Keith, and afterward of John Seeman, to fill the vacancy having been rejected by the Senate.

James Curran, to be postmaster at Hoboken, Hudson County, New Jersey, *vice* L. H. Kendrick, commission expired.

Edmund McKinney, to be postmaster at Keyport, Monmouth County, New Jersey, *vice* Rufus Ogden, whose commission expires July 27, 1886.

Augustus R. Griffin, to be postmaster at Hempstead, Queens County, New York, *vice* J. S. Snedeker, whose commission expires July 18, 1866.

John W. Wright, to be postmaster at Temple, Bell County, Texas, *vice* John J. Hoke, removed.

George S. Stevens, to be postmaster at Catskill, Greene County, New York, *vice* Joseph F. Joesburgh, deceased, the nomination of Harry Hall to the above-named office having been rejected by the Senate.

Lieutenant-commander on the retired-list of the Navy.

William P. Randall, a lieutenant on the retired-list, to be a lieutenant-commander on the retired-list of the Navy, with the retired pay of that grade. This nomination is made in accordance with the provisions of the act of Congress, public No. 22.

FOR PROMOTION IN THE ARMY.

Eighth Regiment of Cavalry.

First Lieut. Edward A. Godwin, regimental quartermaster, to be captain, July 5, 1886, *vice* Randolet, promoted to the Ninth Cavalry.

Second Lieut. Enoch H. Crowder, to be first lieutenant, July 5, 1886, *vice* Gillmore, appointed regimental quartermaster.

Additional Second Lieut. Stephen H. Elliott, of the Fourth Cavalry, to be second lieutenant, July 5, 1886, *vice* Crowder, promoted.

Ninth Regiment of Cavalry.

Capt. James F. Randlett, of the Eighth Cavalry, to be major, July 5, 1886, *vice* Dewees, deceased.

Tenth Regiment of Cavalry.

Second Lieut. Charles H. Grierson, to be first lieutenant, July 6, 1886, *vice* Harmon, deceased.

Additional Second Lieut. Seward Mott, of the Sixth Cavalry, to be second lieutenant July 6, 1886, *vice* Grierson, promoted.

First Regiment of Artillery.

Second Lieut. Frank S. Harlow to be first lieutenant, July 7, 1886, *vice* Webster, deceased.

Additional Second Lieut. Thomas B. Mott to be second lieutenant, July 7, 1886, *vice* Harlow, promoted.

Eighth Regiment of Infantry.

Second Lieut. Colville P. Terrett to be first lieutenant, July 2, 1886, *vice* Johnson, resigned.

COMMISSIONER FOR ALASKA.

Lewis Williams, of Boonville, Mo., to be a commissioner in and for the district of Alaska, to reside at Juneau City, *vice* Henry States, to be removed.

(The nomination of Adolph Lippman for said office, which was delivered to the Senate May 28, 1886, is this day withdrawn.)

SURVEYOR-GENERAL OF OREGON.

Douglas W. Taylor, of Portland, Oreg., to be surveyor-general of Oregon, *vice* James C. Tolman, resigned.

INDIAN AGENT.

Gilbert D. Williams, of Poughkeepsie, N. Y., to be agent for the Indians of the Cheyenne and Arapaho agency, in the Indian Territory, *vice* Daniel B. Dyer, who was suspended in July, 1885; said agency having since been in charge of an officer of the Army.

RECEIVERS OF PUBLIC MONEYS.

Luke A. Burke, of Ipswich, Dak., to be receiver of public moneys at Aberdeen, Dak., *vice* Buel E. Hutchinson, commission expired.

James N. Welch, of Detroit, Mich., to be receiver of public moneys at Detroit, Mich., *vice* Lyman G. Wilcox, commission expired.

William G. Hobbs, of Cassville, Mo., to be receiver of public moneys at Springfield, Mo., *vice* James Dumors, whose commission will expire July 26, 1886.

REGISTER OF LAND OFFICE.

W. A. Selkirk, of Placerville, Cal., to be register of the land office at Sacramento, Cal., *vice* Edward F. Taylor, commission expired.

FOR PROMOTION IN THE NAVY.

Commodore James E. Jouett, to be a rear-admiral, from the 19th February, 1886, *vice* English, retired;

Commodore John H. Russell, to be a rear-admiral from the 4th of March, 1886, *vice* Simpson, retired.

Capt. John Irwin, to be a commodore from the 4th of March, 1886, *vice* Russell, promoted.

Commander Norman H. Farquhar, to be a captain from the 4th of March, 1886, *vice* Irwin, promoted.

Lieut. Commander Edwin White, to be a commander from the 4th of March, 1886, *vice* Farquhar, promoted.

Lieut. Samuel W. Very, to be a lieutenant-commander from the 4th of March, 1886, *vice* White, promoted.

Lieut. William F. Halsey, junior grade, to be a lieutenant from the 4th of March, 1886, *vice* Very promoted.

Ensign Charles S. Gove, to be a lieutenat, junior grade, from the 4th of March, 1886, *vice* Halsey, junior grade, promoted.

Ensign De Witt Coffman, to be a lieutenant, junior grade, from the 19th of April, 1886, *vice* Reynolds, junior grade, resigned.

Ensign William G. Hannum, to be a lieutenant, junior grade, from the 6th of May, 1886, *vice* Hunt, junior grade, deceased.

Capt. James S. Greer, to be a commodore from the 19th of May, 1886, *vice* Truxton and Mayo, retired.

Commander Theodore F. Kane, to be a captain from the 19th of May, 1886, *vice* Greer, promoted.

Lieut. Commander Oscar F. Heyerman, to be a commander from the 19th of May, 1886, *vice* Kane, promoted.

Lieut. George A. Bicknell, to be a lieutenant commander from the 19th of May, 1886, *vice* Heyerman, promoted.

Lieut. Frank A. Wilner, junior grade, to be a lieutenant from the 13th of May, 1886, *vice* Sullivan, retired.

Ensign Richard Henderson, to be a lieutenant, junior grade, from the 13th of May, 1886, *vice* Wilner, junior grade, promoted.

Lieut. Frederick H. Taylor, junior grade, to be a lieutenant from the 19th of May, 1886, *vice* Bicknell, promoted.

Ensign Thomas D. Griffin, to be a lieutenant, junior grade, from the 19th of May, 1886, *vice* Tyler, junior grade, promoted.

Lieut. Henry Morrell, junior grade, to be a lieutenant from the 23d of May, 1886, *vice* Grimes, retired.

Ensign Henry Minett, to be a lieutenant, junior grade, from the 23d of May, 1886, *vice* Morrell, junior grade, promoted.

Lieut. William Winder, junior grade, to be a lieutenant from the 23d of May, 1886, *vice* Delehay, retired.

Ensign Richard T. Mulligan, to be a lieutenant, junior grade, from the 23d of May, 1886, *vice* Winder, junior grade, promoted.

Lieut. Mason A. Shufeldt, junior grade, to be a lieutenant from the 26th of June, 1886, *vice* Bixler, resigned.

Ensign William Braumersreuther, to be a lieutenant, junior grade, from the 26th of June, 1886, *vice* Shufeldt, junior grade, promoted.

Ensign Francis H. Sherman, to be a lieutenant, junior grade, from the 1st of July, 1886, *vice* Nostrand, junior grade, resigned.

ASSISTANT TREASURER.

S. Davis Page, of Philadelphia, Pa., to be assistant treasurer of the United States at Philadelphia.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 17, 1886.

ASSISTANT TREASURER.

George W. Bishop, of Maryland, to be assistant treasurer of the United States at Baltimore, Md.

RECEIVER OF PUBLIC MONEYS.

Alexander H. Baker, of Grand Island, Nebr., to be receiver of public moneys at Grand Island, Nebr.

UNITED STATES MARSHAL.

Samuel F. Wilson, of Tennessee, to be marshal of the United States for the middle district of Tennessee.

UNITED STATES ATTORNEY.

Owen T. Rouse, of Missouri, to be attorney of the United States for the Territory of Arizona.

SURVEYOR-GENERAL.

D. W. Taylor, to be surveyor-general of Oregon.

POSTMASTER.

George L. Wright, to be postmaster at Denison, Iowa.

REJECTION.

Executive nomination rejected by the Senate July 9, 1886.

SOLICITOR-GENERAL.

John Goode, of Virginia, nominated to be solicitor-general.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July* 17, 1886.

The House met at 11 o'clock a. m. Prayer by Rev. Dr. BULLOCK.

The Journal of the proceedings of yesterday was read.

CORRECTION OF A VOTE.

Mr. STONE, of Kentucky. I desire to correct the RECORD. I find that in the RECORD of July 10, on page 6706, I am recorded as voting in the affirmative upon the motion to lay on the table the motion to reconsider the vote by which the amendment providing for an extra month's pay to House employés was adopted. I voted in the negative.

The SPEAKER. The correction will be made.

SENATE BILLS REFERRED.

The SPEAKER laid before the House Senate bills of the following titles; which were read twice, and referred to the Committee on Invalid Pensions:

A bill (S. 1531) granting an increase of pension to William Winans;

A bill (S. 2259) to increase the pension of Thomas Chapman;

A bill (S. 2369) granting an increase of pension to William H. H. Price;

A bill (S. 2562) granting a pension to Henry F. Kaiser;

A bill (S. 2598) granting a pension to James Noyes; and

A bill (S. 2705) granting a pension to Frank W. Tubbesing.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed with an amendment, in which the concurrence of the House was requested, the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, requested a conference with the House on said bill and amendments, and had appointed as conferees on the part of the Senate Mr. MCMILLAN, Mr. CONGER, and Mr. RANSOM.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House was requested, a bill (H. R. 8975) making appropriations for the naval service for the fiscal year ending June 30, 1887, and for other purposes.

RETURN OF A BILL TO THE SENATE.

The SPEAKER laid before the House the following message from the Senate:

IN THE SENATE OF THE UNITED STATES, *July* 16, 1886.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 5003) for the relief of Mary E. Casey.

The SPEAKER. Without objection this order will be made.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. DANIEL, for two days, on account of sickness in his family.

To Mr. WADSWORTH, indefinitely, on account of indisposition.

To Mr. SNYDER, for two days.

To Mr. HOUK, for eight days, on account of important business.

To Mr. FINDLAY, for one day, on account of important business.

To Mr. RANNEY, for the remainder of the session, by reason of illness in his family.

REPRINT OF A SPEECH.

By unanimous consent leave was granted to Mr. HISCOCK to reprint in the RECORD the remarks made by him on the 13th instant on the resolution of Mr. MORRISON to pay out the surplus in the Treasury.

EXPUNGING CERTAIN MATTER FROM RECORD.

Mr. ZACH. TAYLOR. Mr. Speaker, I present a resolution as a matter of privilege, as a member of the Committee on Expenditures in the Treasury Department, and ask to have it read and referred to the Committee on Rules.

There was no objection, and it was so ordered.

The resolution is as follows:

Resolved by the House of Representatives of the United States of America, That all that portion of the CONGRESSIONAL RECORD of date of July 14, 1886, beginning with and including the first line of the right-hand column, page 7217, down to the line which reads "the previous question was ordered upon the adoption of the report," in the right-hand column on page 7218, shall be expunged.

Resolved, That the first line on page 7219 be corrected so as to read "The substitute was adopted."

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HOLMAN. I submit a report from the committee of conference on the legislative bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, having met, after full and free conference have been unable to agree.

WM. S. HOLMAN,
GEO. C. CABELL,
J. G. CANNON,
Managers on the part of the House.

WM. B. ALLISON,
HENRY L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement accompanying the report is as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1887, submit the following written statement in explanation of the accompanying conference report.

The conference committee being unable to agree, they report accordingly, which leaves the bill in the same condition as when last acted upon by the House.

W. S. HOLMAN,
GEO. C. CABELL,
J. G. CANNON,
Managers on the part of the House.

The SPEAKER. Without objection the report will be accepted.

There was no objection.

Mr. HOLMAN. Mr. Speaker, the House will remember that there were three Senate amendments on which there was a disagreement, one in regard to the clerks for Senators, the second in regard to the amount to be appropriated for gaugers, &c., in the Internal Revenue Bureau, and the third an appropriation of $10,000 for inquiring into the subject, and the compilation of statistics of marriage and divorce through the Bureau of Labor. While the conferees have reported a general disagreement on all of these points, the real source of trouble is over the first amendment, relating to the appropriation of some $30,000 for clerks to Senators.

Of course the subject is open for any motion gentlemen may see proper to submit. I call attention to the fact that for three successive sessions of Congress, this being the fourth, the same question has been presented, the same disagreement has occurred, allowing more or less in some instances, and it has always been the judgment of the conferees on the part of the House that this is a question peculiarly between the two Houses, and should be determined by the House itself instead of by the conferees. In the absence of any motion I move that the House still further insist upon its disagreement and ask a further conference; and upon that I ask the previous question.

Mr. DUNHAM. Will the gentleman permit me to ask him a question. I understand the gentleman to say that for four successive Congresses——

Mr. HOLMAN. This is the fourth.

Mr. DUNHAM. That the two Houses have disagreed on this question of clerks to Senators?

Mr. HOLMAN. Yes, sir.

Mr. DUNHAM. What has been the result?

Mr. HOLMAN. The result has been heretofore that the appropriation has been made.

Mr. DUNHAM. Then a further question. Have the Senate conferees been in the habit of insisting on the House backing down on their internal affairs?

Mr. HOLMAN. It never has been done. It is peculiarly a question between the two Houses.

Mr. DUNHAM. Whenever the House wants anything of the kind the Senate have conceded it?

Mr. HOLMAN. Oh, yes.

Mr. CANNON. I hope the gentleman will withdraw his demand for the previous question.

Mr. HOLMAN. Of course, if the gentleman wishes to be heard. I withdraw it.

Mr. CANNON. I want to say to the gentleman from Indiana and to the House, that there may be a full understanding about this matter, that the gentleman from Indiana has stated correctly what the House has heretofore done on a motion to recede. Now, I believe that I have made the motion ordinarily for two or three years past that the House do recede, and at some time or other the House has invariably receded. The Senate has insisted that as to the expenditure of money for its own affairs it must determine the subject for itself, while at the same time conceding to the House the determination of its own affairs. Now, I said to the gentleman from Indiana on yesterday that to my mind, understanding what the temper of the Senate conferees was, that if this bill was to pass the House would have to recede upon this matter.

But the gentleman did not see fit yesterday to move that the House recede, nor does it appear that he sees it proper to do so this morning.

I think it fair to say to the House, and I believe the gentleman from Indiana will bear me out in the statement, that there will be no agreement upon this bill until the House in some shape or other does recede. Of course the House conferees might go in and sign a conference report receding on this amendment and the House might adopt it. That would be one way of receding. I doubt very much whether the conferees would feel like doing that, especially when the House has the power on a motion to recede to determine this question itself. I am inclined to think that motion ought to be made by some one. Of course I want to defer to that side of the House. I mean that the sense of the House ought to be taken directly, if it is to send this thing back to a conference again, as to whether the House is going to stand by this agreement to the bitter end or whether the House is going to recede. If you are to recede at this stage of the session, the time to recede is now. If you are not going to recede, the House, I suggest, should send the conferees back, with a yea-and-nay vote back of them if you please, that the sense of the House is not that it will assent to that appropriation for clerks of Senators.

Mr. TOWNSHEND. Will the gentleman allow me to ask him a question?

Mr. CANNON. Yes, sir.

Mr. TOWNSHEND. In the judgment of the gentleman from Illinois would such a vote as that have any effect on the Senate?

Mr. CANNON. My judgment is that the Senate will insist as it has hitherto done to the bitter end that they will have this appropriation for these clerks.

Mr. TOWNSHEND. Do you mean the Senate will insist until the bill fails, or to the extent of allowing the bill to fail?

Mr. CANNON. That is my opinion, although of course I can not know what the Senate will or will not do.

Mr. TOWNSHEND. I did not suppose they would go to that extent in order to secure clerks for a few Senators.

Mr. REED, of Maine. In the last session the courage of the House gave out at 3.38 in the morning. I hope we will keep up this time until 4 o'clock.

Mr. DUNHAM. I hope we will give it up now.

Mr. CABELL. It will be a relief to the conferees on the part of the House if the House will determine what they intend to do with this item. The Senate conferees seem determined to keep it in the bill. I am satisfied if we meet again without further action by the House there will be another disagreement with regard to this item; and I hope the House will decide it one way or the other. If the House means to recede, let us do it at once. If the House does not mean to recede, let us have a vote on it and determine that.

I do not believe we ought to recede. I never deemed it a proper appropriation. But if we are to do as we have done hitherto, if after hours and days of labor on the bill we are to recede and come back where we commenced, I think it is due by the House to the conferees to let us know that fact, that we may base our action upon it. I yield to the gentleman from Alabama [Mr. OATES].

Mr. OATES. The Senate has determined that the assistance of clerks is necessary to enable Senators to discharge their duties in a proper manner and with proper facilities. I am inclined, sir, to believe that was a wise decision. And I believe that if the working members at least of this House, and I will not confine it to them, but will say if the members of this House had a general provision made of an allowance for clerical work it would very much aid them in the discharge of their duties and facilitate legislation. It would give them a greater amount of time for properly considering and maturing questions which this House is to pass upon. And thus believing, I move that the House recede from its disagreement to the Senate amendment and agree to the same.

Mr. HOLMAN. I call the previous question on the motion of the gentleman from Alabama.

Mr. WILSON. I ask the gentleman to yield to me for a few moments.

Mr. HOLMAN. I withhold the call for the previous question.

Mr. WILSON. I simply desire to make this suggestion: When this claim was first made by the Senate in the long session of the Forty-eighth Congress there were several yea-and-nay votes upon it in the House, and the House by a very emphatic expression of its own opinion refused until almost the closing hours of the session to concur in that amendment. I suppose every member of the House felt that the allowance of a clerk to a Senator or a member would greatly facilitate the per-

formance of his duties and enable him to perform those duties in a manner much more satisfactory to himself and much more effective to his constituents. But it struck the House, I am sure, as an attempt upon the part of the Senate to secure an advantage to itself which the House was not willing to take the responsibility of voting to its own members.

I think in view of the experience of both sessions of the Forty-eighth Congress we must come to the conclusion that in some manner or other the motion made by the gentleman from Alabama [Mr. OATES] will finally prevail, and we shall be obliged to concede to the Senate in one form or other their request for this clerical assistance. But my own idea is, and the suggestion I have risen to make is, that the responsibility for this should be thrown as far as possible on the Senate and exclusively on the Senate.

If we vote for this item in the form in which it is contained in the appropriation bill, that responsibility is equally shared by the House, and I wish to suggest to the gentlemen who are upon this committee of conference the question whether the amount which the Senate desires for this purpose can not be added to the contingent fund of the Senate, which is a fund entirely under their own control, to be used and expended according to their own ideas of propriety, and for whose expenditure they, and they alone, are responsible. In that way this House will avoid any responsibility for concurring in what seems to be a disparity in the compensation of Senators and members of the House.

Mr. STRUBLE. Mr. Speaker, I desire to make a few remarks on the question of clerks for Senators.

Mr. CABELL. I will yield the gentleman the time he desires.

Mr. STRUBLE. Mr. Speaker, one of the most lasting impressions of the Forty-eighth Congress left on my mind is the impression of the contest which many gentlemen now present will remember over a similar question which arose upon the consideration of amendments to the legislative appropriation bill in that Congress.

I remember distinctly how, led by the distinguished gentleman from Pennsylvania [Mr. RANDALL], we skirmished and fought against the proposition to grant money to pay Senators' clerks through one or more days and into and nearly through one night, this House repeatedly refusing to concur in the Senate amendment on that subject. This course was firmly persisted in until to my surprise the gentleman from Pennsylvania, who as I then supposed would never back down upon any proposition of this sort, gave up, and we who had so faithfully followed his leadership were compelled to witness his surrender.

I do not recall this by way of reflection upon the gentleman from Pennsylvania, but rather for the purpose of calling attention to the proposition itself.

The Forty-eighth Congress conceded these clerks to the Senators, and the Forty-seventh also, says my friend from Ohio [Mr. BUTTERWORTH]. For my part, while I voted against the proposition in the Forty-eighth Congress until the surrender came, I have since come to the conclusion that not only should Senators have these clerks during the sessions of Congress, but that every member of the House should have a clerk during such sessions. [Applause.] Why, sir, those gentlemen at the other end of the Capitol have time to be in their places in the Senate, and to attend upon their committees, and still have as much time as we for the consideration of public questions.

Their salaries are the same as ours, their duties not much, if any, more laborious. If they are entitled to the assistance of clerks, as I concede they are in view of the multiplicity of their public cares and duties, so are we.

Every gentleman upon this floor knows that if he himself attends to the clerical work incident to his position as a member of this House, and the committee meetings, and the work that may be assigned him by the chairmen of the committees of which he is a member, he has no time left for the consideration of public questions other than those involved in his committee work, and that he must neglect either the public business to a considerable extent or that clerical work which is of so much importance to his individual constituents and which every faithful member feels can not be neglected with due regard to the interests of those whom he represents and who have need of and call for his personal labor.

For three winters, and until the early part of last spring, I have been without any but occasional clerical assistance. Other members have had similar experience, and know what it is to undertake to meet the demands made by their constituents upon their time.

It is simply a physical impossibility for one man to attend properly and promptly to all these matters and have adequate time to investigate the many important measures constantly before the House for discussion and action.

Many of us are compelled to cast votes upon propositions of great consequence without that examination and reflection which might be had were it not for the fact that we are so crowded with work of other kinds as to find no time to devote to the examination of these propositions.

This proposition may be disagreed to by the House, and that disagreement be repeated time and again before adjournment; but the House, in my humble opinion, will eventually, as did that of the Forty-eighth Congress, recede from its position and concur in the Senate amendment.

Sir, I am not only willing to vote for clerks to the Senators during sessions of Congress, at reasonable compensation, but I go further and say that I am willing here and now to go on record as in favor—for future Congresses—of a similar proposition as to members of the House.

Mr. RANDALL. Mr. Speaker, the gentleman from Iowa [Mr. STRUBLE] has not exhibited his usual fairness. He remembers only a part of what I said on the occasion which he characterizes as a surrender on my part. He well understood at that time, and I will refresh his memory now, that I stated that the issue was whether we should allow clerks to such Senators as were not chairmen of committees, or should insist on our disagreement and compel an extra session. I preferred to let them have the clerks. Now, that may have been a surrender, but certainly it was not much of a one when compared with the surrender which the gentleman from Iowa himself has just exhibited here. He says that he has voted against this demand of the Senators heretofore, but that he has now come to believe that not only those Senators but all the Members of this House should be allowed clerks.

Mr. STRUBLE. Yes, and I mean it, too.

Mr. RANDALL. I leave it to this House to determine which is the greater surrender of the two—the one made by me on the occasion to which the gentleman from Iowa has referred, which was made for the purpose of avoiding an extra session, or the one which the gentleman himself has just made upon this floor.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] demands the previous question on the motion to recede.

Mr. HISCOCK. I would like to inquire of the gentleman from Indiana [Mr. HOLMAN] if he proposes to let this bill fail unless the Senate will agree with the House on this proposition.

Mr. HOLMAN. My friend can answer that question just as well as I can, and he knows that this bill is not going to fail.

Mr. HISCOCK. Oh, no; I can not answer it. I want to know what you propose.

The previous question was ordered.

Mr. PAYSON. Mr. Speaker, I demand the yeas and nays upon that proposition.

Mr. WEST. Mr. Speaker, I would like to hear the amendments read.

The amendments were read, as follows:

Amendment numbered 2: Page 1, lines 11 and 12, strike out "$285,141.92" and insert "$304,917.52."

Amendment numbered 17: Page 5, after line 12, insert "for clerks to Senators who are not chairmen of committees, at $6 per day during the session, $23,232."

Mr. CABELL. What will the vote apply to, Mr. Speaker?

The SPEAKER. There are two amendments relating to this subject; one which increases the gross amount, and another which provides that $23,232 of that amount shall be expended for clerks to Senators.

Mr. CABELL. And it is proposed to vote upon the two questions together?

The SPEAKER. Yes; they go together.

The yeas and nays were ordered.

Mr. STRUBLE. Mr. Speaker, I would like to have the proposition reported.

The SPEAKER. It has just been reported, but the Chair will again state its substance. One of the amendments proposes to increase the gross sum provided in the House bill, and the other provides that $23,232 of that increased amount shall be used for the pay of clerks for Senators.

The question was taken; and it was decided in the negative—yeas 69, nays 143, not voting 110; as follows:

YEAS—69.

Atkinson,	Goff,	Ketcham,	Stewart, J. W.
Baker,	Grosvenor,	La Follette,	Stone, E. F.
Bingham,	Grout,	Lindsley,	Strait,
Boutelle,	Guenther,	Martin,	Struble,
Brady,	Hale,	Millard,	Swinburne,
Brown, C. E.	Harmer,	Moffatt,	Tarsney,
Buck,	Hayden,	Morgan,	Taylor, I. H.
Butterworth,	Haynes,	Morrill,	Van Eaton,
Campbell, J. M.	Henderson, D. B.	Negley,	Wade,
Carleton,	Henley,	Oates,	Wadsworth,
Caswell,	Hepburn,	Parker,	Weber,
Catchings,	Hiestand,	Perkins,	West,
Conger,	Holmes,	Peters,	White, A. C.
Davis,	Howard,	Plumb,	White, Milo
Dunham,	Irion,	Rice,	Winans.
Farquhar,	Jackson,	Romeis,	
Foran,	Johnson, F. A.	Smalls,	
Funston,	Kelley,	Spooner,	

NAYS—143.

Adams, G. E.	Burnes,	Dunn,	Hemphill,
Allen, J. M.	Burrows,	Eldredge,	Henderson, J. S.
Anderson, C. M.	Bynum,	Ely,	Hill,
Anderson, J. A.	Cabell,	Ermentrout,	Hitt,
Ballentine,	Caldwell,	Everhart,	Holman,
Barksdale,	Candler,	Felton,	Hopkins,
Barry,	Cannon,	Fleeger,	Hudd,
Bennett,	Clardy,	Ford,	Johnston, J. T.
Blanchard,	Clements,	Forney,	Johnston, T. D.
Bland,	Cobb,	Frederick,	Jones, J. H.
Blount,	Comstock,	Fuller,	Jones, J. T.
Bound,	Crisp,	Geddes,	Kleiner,
Boyle,	Croxton,	Gilfillan,	Laffoon,
Bragg,	Culberson,	Glass,	Landes,
Breckinridge, C. R.	Curtin,	Green, R. S.	Lanham,
Browne, T. M.	Davidson, A. C.	Hall,	Lawler,
Brown, W. W.	Dibble,	Halsell,	Le Fevre,
Buchanan,	Dingley,	Harris,	Lehlbach,
Bunnell,	Dougherty,	Hatch,	Lovering,

Lowry,	Peel,	Skinner,	Tucker,
Lyman,	Perry,	Sowden,	Turner,
Mahoney,	Pindar,	Springer,	Viele,
Matson,	Price,	Stahlnecker,	Wakefield,
McComas,	Randall,	Stephenson,	Warner, William
McCreary,	Reagan,	Stewart, Charles	Weaver, A. J.
McKenna,	Reed, T. B.	Stone, W. J., Ky.	Weaver, J. B.
McMillin,	Richardson,	Stone, W. J., Mo.	Wellborn,
McRae,	Rowell,	Swope,	Wheeler,
Milliken,	Ryan,	Taulbee,	Wilkins,
Mills,	Sadler,	Taylor, J. M.	Willis,
Morrow,	Sayers,	Taylor, Zach.	Wilson,
Neal,	Scott,	Thomas, O. B.	Wise,
Neece,	Sessions,	Thompson,	Wolford,
Nelson,	Seymour,	Tillman,	Woodburn,
Osborne,	Shaw,	Townshend,	Worthington.
Payson,	Singleton,	Trigg,	

NOT VOTING—110.

Adams, J. J.	Dockery,	Libbey,	Ranney,
Aiken,	Dorsey,	Little,	Reid, J. W.
Allen, C. H.	Dowdney,	Long,	Reese,
Arnot,	Eden,	Lore,	Riggs,
Barbour,	Ellsberry,	Louttit,	Robertson,
Barnes,	Evans,	Markham,	Rockwell,
Bayne,	Findlay,	Maybury,	Rogers,
Beach,	Fisher,	McAdoo,	Sawyer,
Belmont,	Gallinger,	McKinley,	Scranton,
Bliss,	Gay,	Merriman,	Seney,
Breckinridge, WCP.	Gibson, C. H.	Miller,	Snyder,
Brumm,	Gibson, Eustace	Mitchell,	Spriggs,
Burleigh,	Glover,	Morrison,	Steele,
Campbell, Felix	Green, W. J.	Muller,	St. Martin,
Campbell, J. E.	Hammond,	Murphy,	Storm,
Campbell, T. J.	Hanback,	Norwood,	Symes,
Collins,	Heard,	O'Donnell,	Taylor, E. B.
Compton,	Henderson, T. J.	O'Ferrall,	Thomas, J. R.
Cooper,	Herbert,	O'Hara,	Throckmorton,
Cowles,	Hermann,	O'Neill, Charles	Van Schaick,
Cox,	Hewitt,	O'Neill, J. J.	Wait,
Crain,	Hires,	Outhwaite,	Wallace,
Cutcheon,	Hiscock,	Owen,	Ward, J. H.
Daniel,	Houk,	Payne,	Ward, T. B.
Dargan,	Hutton,	Pettibone,	Warner, A. J.
Davenport,	James,	Phelps,	Whiting.
Davidson, R. H. M.	King,	Pidcock,	
Dawson,	Laird,	Pirce,	

So the motion of Mr. OATES was rejected.

The following pairs were announced:

Mr. COX with Mr. BRUMM, until July 20.

Mr. PIDCOCK with Mr. SYMES, until July 20.

Mr. BARBOUR with Mr. LIBBEY, for the remainder of the session.

Mr. ROGERS with Mr. EZRA B. TAYLOR, for the remainder of the session.

Mr. SNYDER with Mr. BRADY, until July 20.

The following-named members were announced as paired until Monday next:

Mr. MCKINLEY with Mr. BRECKINRIDGE, of Kentucky.

Mr. LORE with Mr. O'NEILL, of Pennsylvania.

Mr. BELMONT with Mr. LONG.

The following-named members were announced as paired on this vote:

Mr. WARNER, of Ohio, with Mr. ALLEN, of Massachusetts.

Mr. CAMPBELL, of Ohio, with Mr. ROCKWELL.

Mr. MAYBURY with Mr. PETTIBONE.

The following-named members were announced as paired for this day:

Mr. HEWITT with Mr. DORSEY.

Mr. MULLER with Mr. EVANS.

Mr. OUTHWAITE with Mr. LITTLE.

The following-named members were announced as paired until further notice:

Mr. THROCKMORTON with Mr. WADSWORTH.

Mr. MILLER with Mr. HOUK.

Mr. DOWDNEY with Mr. O'HARA.

Mr. DANIEL with Mr. WHITING.

Mr. SPRIGGS with Mr. OWEN.

Mr. DAWSON with Mr. RANNEY.

Mr. HEARD with Mr. BAYNE.

Mr. HAMMOND with Mr. PAYNE.

Mr. NORWOOD with Mr. O'DONNELL.

Mr. REESE with Mr. GALLINGER.

Mr. ROBERTSON with Mr. STEELE.

Mr. FELIX CAMPBELL with Mr. DAVENPORT.

Mr. RIGGS with Mr. PHELPS.

Mr. STORM with Mr. LOUTTIT.

Mr. O'FERRALL with Mr. VAN SCHAICK.

Mr. GREEN, of North Carolina, with Mr. HANBACK.

Mr. ARNOT with Mr. THOMAS, of Illinois.

Mr. BRADY. I am paired with the gentleman from West Virginia [Mr. SNYDER] on political questions; but not regarding this as a political question, I have voted.

The result of the vote was announced as above stated.

Mr. HOLMAN. I move that the House insist on its disagreement to the amendment of the Senate, and ask for a further conference on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER appointed as managers of said conference on the part of the House Mr. HOLMAN, Mr. CABELL, and Mr. CANNON.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of committees for reports.

BRIDGE ACROSS RED RIVER, LOUISIANA.

Mr. CRISP, from the Committee on Commerce, reported, as a substitute for H. R. 9188, a bill (H. R. 9858) to authorize the Louisiana North and South Railroad Company to maintain a bridge across Red River in Louisiana; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 9188 was laid on the table.

BRIDGE ACROSS OHIO RIVER, PADUCAH, KY.

Mr. CRISP, from the Committee on Commerce, also reported back with amendment the bill (H. R. 3768) to authorize the construction of a bridge across the Ohio River at Paducah, Ky.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGES ACROSS CUMBERLAND AND CANEY FORK RIVERS, TENN.

Mr. CRISP, from the Committee on Commerce, also reported back favorably the bill (H. R. 9793) to amend an act approved March 3, 1885, to authorize the construction of bridges across the Cumberland and Caney Fork Rivers, in Tennessee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HARTFORD A PORT OF ENTRY.

Mr. O'FERRALL (by Mr. CRISP), from the Committee on Commerce, reported, as a substitute for H. R. 8350, a bill (H. R. 9859) to amend sections 2533 and 2534 of the Revised Statutes, making Hartford, in the State of Connecticut, a port of entry in place of Middletown; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 8350 was laid on the table.

SERVICE OF STEVEDORE.

Mr. REAGAN, from the Committee on Commerce, reported back favorably the bill (S. 2313) defining the service of a stevedore as a maratime service and creating a maritime lien in his favor therefor; which was referred to the House Calendar, and, with the report to be filed hereafter, ordered to be printed.

MINNEAPOLIS INDUSTRIAL EXPOSITON.

Mr. IRION, from the Committee on Commerce, reported back favorably joint resolution (H. Res. 182) authorizing the several Executive Departments of the Government to loan to the Minneapolis Industrial Exposition certain articles for exhibit; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TRANSPORTATION OF WRECKED SEAMEN.

Mr. MORROW, from the Committee on Commerce, reported back favorably the bill (H. R. 9132) to credit the revenue-cutter service for the transportation home by United States revenue vessels of shipwrecked seamen from the arctic region or from the Territory of Alaska; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT MEMPHIS, TENN.

Mr. BYNUM, from the Committee on Commerce, reported back favorably the bill (H. R. 9069) to authorize the construction of a bridge across the Mississippi River at Memphis, in the State of Tennessee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. IRION submitted the views of the minority; which were ordered to be printed to accompany the majority report.

JAMES W. KINGON.

Mr. WHEELER, from the Committee on Military Affairs, reported back favorably the bill (H. R. 9860) to correct the record of the military service of James W. Kingon, late of Company E, Twenty-second Regiment Illinois Volunteers, and Company H, Forty-second Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CAPT. JAMES H. BONE.

Mr. WHEELER, from the Committee on Military Affairs, also reported back favorably the bill (H. R. 9486) to correct the military record of Capt. James H. Bone, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BERNHARD STEUBER.

Mr. WHEELER, from the Committee on Military Affairs, also reported back favorably the bill (H. R. 2155) to remove the charge of

desertion from the military record of Bernhard Steuber; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PURCHASE OF CERTAIN SWORDS.

Mr. WOLFORD, from the Committee on Military Affairs, reported back favorably the bill (H. R. 6783) to purchase of the widow and children of the late General James Shields certain swords; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDNANCE STORES FURNISHED COLORADO.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back with amendments the bill (H. R. 5215) to relieve the State of Colorado from charges on account of ordnance stores furnished to the State and Territory; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MARY E. HOPKINS.

Mr. WISE, from the Committee on Naval Affairs, reported back with favorable recommendation the bill (H. R. 5167) for the relief of Mary E. Hopkins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HOMESTEAD LAWS, ALASKA.

Mr. HILL, from the Committee on the Territories, reported back with favorable recommendation the bill (H. R. 9861) to secure the benefits of the homestead laws of the United States to the people of Alaska; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, OXFORD, MISS.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported back with favorable recommendation the bill (H. R. 9758) to amend an act entitled "An act for the erection of a public building at Oxford, Miss.;" which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MARINE HOSPITAL, NEW YORK.

Mr. ROCKWELL, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (H. R. 1618) to establish a marine hospital at the port of New York; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, LANCASTER, PA.

Mr. BROWN, of Pennsylvania, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (S. 1163) for a public building at Lancaster, Pa.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

STEPHEN N. SMITH.

Mr. LEHLBACH, from the Committee on Patents, reported back favorably the bill (S. 708) for the relief of Stephen N. Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. HENRIETTA H. COLE.

Mr. LEHLBACH, from the Committee on Patents, also reported back favorably the bill (S. 380) for the relief of Mrs. Henrietta H. Cole; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. MORRILL, by unanimous consent the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 8149) granting a pension to Jonathan Hayes; and the same was referred to the Committee on Pensions.

SALLY W. RICE.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 8791) granting a pension to Sally W. Rice; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

H. H. DODD.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 9401) granting an increase of pension to H. H. Dodd; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. SUSAN E. BARRY.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 9009) granting a pension to Mrs. Susan E. Barry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE HAM.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 785) granting a pension to George Ham; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 9400) granting a pension to William E. Fehrenback;
A bill (H. R. 728) to place the name of Abraham Westfall on the pension-roll;
A bill (H. R. 7613) for the relief of F. A. Sears;
A bill (H. R. 6116) granting a pension to George W. Wilburn;
A bill (H. R. 7306) granting a pension to Eli W. Cooley;
A bill (H. R. 7612) granting a pension to John Stuckey;
A bill (H. R. 4917) for the relief of Elijah W. Penney;
A bill (H. R. 8153) granting a pension to James Shepherd;
A bill (H. R. 7307) granting an increase of pension to Dr. Jackson T. Johnson;
A bill (H. R. 6720) to pension A. J. Parmer;
A bill (H. R. 6645) granting a pension to John W. Younger;
A bill (H. R. 4571) granting a pension to Isaac Smith; and
A bill (H. R. 7697) for the relief of William Church.

CHANGE OF REFERENCE.

On motion of Mr. WINANS, the Committee on Invalid Pensions was discharged from the further consideration of bills of the following titles; and the same were referred to the Committee on Pensions:

A bill (H. R. 4351) granting a pension to Henry Mill; and
A bill (H. R. 4352) granting a pension to Henry Däner.

LUCY E. ANDERSON.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with an amendment the bill (S. 2301) granting a pension to Lucy E. Anderson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. HAYNES, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 1459) granting an increase of pension to M. Louise Butler; and the same was referred to the Committee on Pensions.

MARY JANE MAGOON.

Mr. HAYNES, from the Committee on Invalid Pensions, reported a bill (H. R. 9862) granting a pension to Mary Jane Magoon; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BETSEY COONEY.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 9426) granting a pension to Betsey Cooney; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LIZZIE BROWN.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 7716) granting a pension to Lizzie Brown; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

EMILY J. STANNARD.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with amendments the bill (S. 2609) granting a pension to Emily J. Stannard; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

STEPHEN D. SMITH.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with amendments the bill (S. 1494) granting a pension to Stephen D. Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

SARAH E. BOULTER.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 2418) granting a pension to Sarah E. Boulter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHANNA SOFIA ENLIND.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 2061) granting a pension to Johanna Sofia Enlind; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with an adverse recommendation the bill (H. R. 1476) granting a pension to Joseph H. Adams; which was laid on the table, and the accompanying report ordered to be printed.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with an adverse recommendation the bill (S. 2096) granting a pension to Charles C. Hill; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

LIEUT. JAMES MORTON.

Mr. TAULBEE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 942) granting a pension to Lieut. James Morton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. SARAH HAMILTON.

Mr. CONGER, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2045) granting a pension to Mrs. Sarah Hamilton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 6674) granting a pension to Michael Dallhofer;
A bill (H. R. 5604) granting a pension to Nathaniel Brary;
A bill (H. R. 7224) granting a pension to Elizabeth Boydston;
A bill (H. R. 6399) to pension Winnie Trammell;
A bill (H. R. 617) granting a pension to John W. Hubbert;
A bill (H. R. 5606) for the relief of Henry Barton;
A bill (H. R. 5605) granting a pension to Claiborn Callison;
A bill (H. R. 5601) granting a pension to Whipple Handy;
A bill (H. R. 3380) granting a pension to Simpson Sparks;
A bill (H. R. 125) to grant a pension to T. J. Dickson;
A bill (H. R. 3926) granting a pension to Hezekiah Harney;
A bill (H. R. 3927) granting a pension to Rowland Noble;
A bill (H. R. 244) for the relief of Ray Phillips;
A bill (H. R. 104) for the relief of Samuel Dial;
A bill (H. R. 7685) granting a pension to Jerome B. Jones;
A bill (H. R. 5602) granting a pension to Rebecca E. Bushey;
A bill (H. R. 101) granting a pension to Alonzo Hayward Kent; and
A bill (H. R. 4851) for the relief of Russell Harvey.

MARY M'COY.

Mr. PINDAR, from the Committee on Invalid Pensions, reported a bill (H. R. 9863) granting a pension to Mary McCoy; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FERDINAND FRITZ.

Mr. PINDAR, from the Committee on Invalid Pensions, also reported a bill (H. R. 9864) granting a pension to Ferdinand Fritz; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY K. TAYLOR.

Mr. PINDAR, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 9241) granting an increase of pension to Mary Taylor; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH E. DILTS.

Mr. PINDAR, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 8832) granting a pension to Elizabeth E. Diltz; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FANNIE CARMAN.

Mr. PINDAR, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 4585) granting a pension to Mrs. Fannie Carman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANKLIN R. EWING.

Mr. PINDAR, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6164) granting a pension to Franklin R. Ewing; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY M. THOMPSON.

Mr. PINDAR, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 8826) granting a pension to Mary M. Thompson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. PINDAR, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 1325) for the relief of Thomas D. French; which was laid on the table, and the accompanying report ordered to be printed.

MEXICAN WAR PENSIONS.

Mr. ELDREDGE. Mr. Speaker, I report back from the Committee on Pensions the bill (H. R. 807) granting a pension to the soldiers and sailors of the Mexican war, with the recommendation that the amendments of the Senate be non-concurred in. I move that the report be adopted.

The SPEAKER. That motion can not be made in this hour.

Mr. ELDREDGE. I ask unanimous consent that it be made.

The SPEAKER. The Chair thinks that it can not be done in this hour even by unanimous consent.

SECTIONS 4756 AND 4757 REVISED STATUTES.

Mr. ELDREDGE, from the Committee on Pensions, also reported back with a favorable recommendation the bill (S. 1526) amending sections 4756 and 4757 of the Revised Statutes, relating to pensions to certain disabled persons who have served in the Navy or Marine Corps; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

EDWARD R. SHUBRICK.

Mr. BRADY, from the Committee on Pensions, reported back with amendments the bill (S. 2355) granting a pension to Edward R. Shubrick; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. LANDES, from the Committee on Pensions, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 6081) granting a pension to Joseph Schofield and Sarah N. Giese;
A bill (H. R. 5474) granting a pension to Mary Ann Egan.

W. A. LEMASTER.

On motion of Mr. ZACH. TAYLOR, by unanimous consent the Committee on Pensions was discharged from the further consideration of the bill (H. R. 622) for the relief of W. A. Lemaster; and the same was referred to the Committee on Claims.

QUINCY A. BALCH.

Mr. ZACH. TAYLOR, from the Committee on Pensions, reported back favorably the bill (H. R. 6779) granting a pension to Quincy A. Balch; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. ZACH. TAYLOR, from the Committee on Pensions, also reported back adversely bills of the following titles; which were referred to the Committee of the Whole House on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (S. 2002) granting a pension to Betsey A. Smith; and
A bill (S. 2569) granting a pension to Helen H. Harrell.

Mr. ZACH. TAYLOR, from the Committee on Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 9000) granting a pension to Malinda Lemon;
A bill (H. R. 8361) for the relief of Elijah Martin;
A bill (H. R. 7013) granting a pension to Sarah Vail;
A bill (H. R. 273) for the relief of Newton Coker;
A bill (H. R. 3839) for the relief of Elizabeth D. Stone;
A bill (H. R. 3859) for the relief of Joseph Stanley;
A bill (H. R. 3808) for the relief of Elizabeth Chapman;
A bill (H. R. 7928) granting a pension to Micah French;
A bill (H. R. 9491) granting a pension to Corporal A. H. Battle;
A bill (H. R. 2180) granting a pension to Lena Kebler;
A bill (H. R. 5327) granting a pension to John A. Vanderhoff; and
A bill (H. R. 8854) granting a pension to J. J. Armentrout.

WIDOWS OF SOLDIERS OF WAR OF 1812.

Mr. LANDES, from the Committee on Pensions, reported back adversely the bill (H. R. 7723) for the relief of certain surviving widows of soldiers who served in the last war with Great Britain, 1812 to 1815;

which was laid on the table, and the accompanying report ordered to be printed.

LIFURS ROBERSON.

Mr. STRUBLE, from the Committee on Pensions, reported back with amendment the bill (H. R. 3167) to restore the name of Lifurs Roberson to the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MILTON P. SHOCKLEY.

Mr. STRUBLE, from the Committee on Pensions, also reported back favorably the bill (S. 1398) granting a pension to Milton P. Schockley; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

RICHARD C. RIDGWAY AND OTHERS.

Mr. NEAL, from the Committee on Claims, reported back favorably the bill (S. 1839) for the relief of Richard C. Ridgway and others; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

EDWIN A. MERRITT.

Mr. MULLER (by Mr. SPRINGER), from the Committee on Claims, reported back favorably the bill (S. 1278) to provide for the adjustment of certain accounts of Edwin A. Merritt, late consul-general at London, for storage and care of archives at that consulate-general; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SEMON BACHE & CO.

Mr. SPRINGER, from the Committee on Claims, to which was referred an item in the Book of Estimates relative to the claim of Semon Bache & Co., reported a bill (H. R. 9865) for the relief of Semon Bache & Co.; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

S. H. PEARCE.

Mr. SPRINGER, from the Committee on Claims, also reported back favorably the bill (H. R. 7450) for the relief of S. H. Pearce; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM SCHUCHARDT.

Mr. SPRINGER. I am directed by the Committee on Claims to report back with a recommendation that it lie on the table the bill (H. R. 4771) for the relief of William Schuchardt, and also to report back with a recommendation that it pass a Senate bill of the same purport—the bill (S. 1444) for the relief of William Schuchardt, United States commercial agent at Piedras Negras, Mexico.

House bill No. 4771 was by unanimous consent laid on the table, and Senate bill No. 1444 was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

RICHARD OULAHAN.

On motion of Mr. SPRINGER, by unanimous consent the Committee on Claims was discharged from the further consideration of the bill (H. R. 1522) for the relief of Richard Oulahan; and the same was referred to the Committee on War Claims.

JUDICIAL PROCEEDINGS IN PENNSYLVANIA.

Mr. MULLER (by Mr. SPRINGER) reported back favorably from the Committee on Claims the bill (S. 1990) to provide for the adjustment of matters connected with certain judicial proceedings in Pennsylvania in which the United States was a party; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHARLES R. BLAIR.

Mr. HOWARD, from the Committee on Claims, reported back favorably the bill (H. R. 1250) for the relief of Charles R. Blair; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM H. FINCH.

Mr. HOWARD, from the Committee on Claims, also reported back favorably the bill (H. R. 7523) for the relief of the heirs of William H. Finch; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE E. W. SHARRETTS.

Mr. HOWARD, from the Committee on Claims, also reported back a bill (H. R. 4805) for the relief of George E. W. Sharretts; which was laid on the table.

Mr. HOWARD, from the Committee on Claims, also reported back favorably the bill (S. 1069) for the relief of George E. W. Sharretts; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GREENSBURGH LIMESTONE COMPANY AND OTHERS.

Mr. HOWARD, from the Committee on Claims, also reported back favorably the bill (S. 1829) for the relief of the Greensburgh Limestone Company and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANK J. BURROWS.

Mr. FLEEGER, from the Committee on Claims, reported back favorably the bill (H. R. 3129) for the relief of Frank J. Burrows; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEGAL REPRESENTATIVES OF MAJ. WILLIAM KENDALL.

Mr. FLEEGER, from the Committee on Claims, also reported back favorably the bill (H. R. 5420) for the relief of the legal representatives of Maj. William Kendall; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES S. CRAWFORD.

Mr. SHAW, from the Committee on Claims, reported a bill (H. R. 9866) for the relief of James S. Crawford; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

E. REMINGTON & SONS.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back favorably the bill (S. 2533) for the relief of E. Remington & Sons; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SONE AND FLEMING MANUFACTURING COMPANY, LIMITED.

Mr. WARNER, of Missouri, from the Committee on Claims, also reported back the bill (H. R. 3146) for the relief of Sone and Fleming Manufacturing Company, limited, of the city of New York; which was laid on the table.

Mr. WARNER, of Missouri, from the Committee on Claims, also reported back favorably the bill (S. 601) for the relief of Sone and Fleming Manufacturing Company, limited, of the city of New York; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS H. NORTON AND JAMES M'LEAN.

Mr. MCKENNA, from the Committee on Claims, reported back favorably the bill (S. 1256) for the relief of Thomas H. Norton and James McLean; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHRISTIAN BROTHERS' COLLEGE, SAINT LOUIS, MO.

Mr. TIMOTHY J. CAMPBELL, from the Committee on War Claims, reported back favorably the bill (S. 2415) for the relief of the trustees of the Christian Brothers' College, Saint Louis, Mo.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HEIRS OF MARK DAVIS, DECEASED.

Mr. SMALLS, from the Committee on War Claims, reported back with amendment the bill (H. R. 2525) for the relief of the heirs of Mark Davis, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROBERT H. MONTGOMERY.

Mr. KLEINER, from the Committee on War Claims, reported back favorably the bill (S. 1717) for the relief of Robert H. Montgomery, captain in the Fifth Cavalry, United States Army; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH R. WHITE.

Mr. JOHNSTON, of Indiana, from the Committee on War Claims, reported back favorably the bill (H. R. 1835) for the relief of Joseph R. White; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BOUNTY TO DISTRICT VOLUNTEERS.

Mr. JOHNSTON, of Indiana, from the Committee on War Claims, also reported back the bill (H. R. 8152) to provide for the payment of bounty to District of Columbia volunteers; which was laid on the table.

Mr. JOHNSTON, of Indiana, from the Committee on War Claims, also reported a bill (H. R. 9867) to provide for the payment of bounty to District of Columbia volunteers; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

P. L. WARD.

Mr. JOHNSTON, of Indiana, from the Committee on War Claims, also reported back favorably the bill (S. 1150) for the relief of P. L. Ward, executrix and widow of William Ward, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TURNER C. GOODRUM.

Mr. JOHNSTON, of Indiana, from the Committee on War Claims, also reported back favorably the bill (S. 2397) for the relief of Turner C. Goodrum; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

O. F. ADAMS.

Mr. REID, of North Carolina, from the Committee on War Claims, reported, as a substitute for H. R. 1744, a bill (H. R. 9868) for the relief of O. F. Adams; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and with the accompanying report, ordered to be printed.

House bill No. 1744 was ordered to be laid on the table.

LA GRANGE SYNODICAL COLLEGE.

Mr. LYMAN, from the Committee on War Claims, reported a bill (H. R. 9869) for the relief of the La Grange Synodical College, of La Grange, Tenn.; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS L. HIGGINS.

Mr. LYMAN, from the Committee on War Claims, also reported back with favorable recommendation the bill (H. R. 8221) to grant relief to Thomas L. Higgins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY A. SCHADEL.

Mr. LYMAN, from the Committee on War Claims, also reported, as a substitute for H. R. 5744, a bill (H. R. 9870) for the relief of the heirs of Henry A. Schadel, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THEODORE J. GILLETT.

Mr. LYMAN, from the Committee on War Claims, also reported, as a substitute for H. R. 5743, a bill (H. R. 9871) for the relief of Theodore J. Gillett; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 5743 was ordered to be laid on the table.

PEREZ DICKINSON.

Mr. LYMAN, from the Committee on War Claims, also reported, as a substitute for H. R. 8724, a bill (H. R. 9872) for the relief of Perez Dickinson; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 7824 was ordered to be laid on the table.

Mr. RICHARDSON, by unanimous consent, submitted the views of the minority on said bill; which were ordered to be printed to accompany the report of the committee.

Mr. RICHARDSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. The views of the minority are signed by eight of the thirteen members. I want to know whether under those circumstances they will remain the views of the minority or become the majority report?

The SPEAKER. The Chair does not desire to decide that question now. The Chair supposes the action of the committee which resulted in the majority report occurred at a regular meeting of the committee.

Mr. RICHARDSON. Yes, sir.

The SPEAKER. And perhaps a majority then voted for the report. Of course the Chair does not know the facts.

MRS. LOUISA JACKMAN.

Mr. LYMAN, from the Committee on War Claims, also reported back favorably the bill (S. 2057) for the relief of Mrs. Louisa Jackman and the legal representatives of Martha Vaughn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MATHILDA VICTOR.

Mr. LYMAN, from the Committee on War Claims, also reported back with a favorable recommendation the bill (S. 975) for the relief of Mathilda Victor; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. LYMAN, from the Committee on War Claims, also reported back with an adverse recommendation bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 5375) for the relief of Ammon McLaughlin; and

A bill (H. R. 4299) for the relief of John Kouns.

L. M. PEARLMAN.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back with amendments the bill (H. R. 8464) for the relief of L. M. Pearlman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. GEDDES, by unanimous consent, submitted the views of the minority; which were ordered to be printed to accompany the report of the committee.

FRANCIS M. MURRAY.

Mr. STONE, of Kentucky, from the Committee on War Claims, also reported back with a favorable recommendation the bill (S. 2117) for the relief of the estate of Francis M. Murray, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. L. BIVINS.

Mr. RICHARDSON, from the Committee on War Claims, reported back favorably the bill (H. R. 4294) for the relief of the legal representatives of Mrs. L. Bivins, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. GEDDES, by unanimous consent the Committee on War Claims was discharged from the further consideration of bills of the following titles; and the same were referred to the Committee on Claims, namely:

A bill (H. R. 6) for the relief of Mary S. Stone, administratrix; and

A bill (H. R. 2478) for the relief of John Friery.

FRANCIS DENMEAD.

Mr. CROXTON. I am instructed by the Committee on Private Land Claims to report back the bill (H. R. 1446) for the relief of Francis Denmead, and to ask that the committee be discharged from the further consideration of the same by reason of the fact that the same bill was referred to the Committee on the District of Columbia and by that committee has been reported favorably.

The committee was discharged from the further consideration of the bill H. R. 1446, and it was laid on the table.

LEGAL REPRESENTATIVES OF MATHEW SMITH.

Mr. CROXTON, from the Committee on Private Land Claims, also reported back with a favorable recommendation the bill (H. R. 3734) for the relief of the legal representatives of Mathew Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TRUSTEES OF REFORM SCHOOL, DISTRICT OF COLUMBIA.

Mr. FORD, from the Committee on the District of Columbia, reported back with a favorable recommendation the bill (S. 1587) in relation to the trustees of the Reform School, District of Columbia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the acccompanying report, ordered to be printed.

HENRY BROCK.

Mr. TRIGG, from the Committee on Accounts, presented a report on a resolution for the relief of Henry Brock; which was referred to the Committee on Appropriations.

PATRICK DOLAN.

Mr. IKE H. TAYLOR, from the Committee on Accounts, presented a report on a resolution for the relief of Patrick V. Dolan; which was referred to the Committee on Appropriations.

MONUMENT AT CRAB ISLAND.

Mr. O'NEILL, of Pennsylvania, from the Committee on the Library, reported back with a favorable recommendation the joint resolution (H. Res. 187) providing for the erection of a monument at Crab Island, Lake Champlain, over the grave of the unknown dead who fell at the battle of Plattsburgh, on the 11th of September, 1814; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MANUSCRIPTS OF W. VANS MURRAY.

Mr. SINGLETON, from the Committee on the Library, reported back with a favorable recommendation the bill (S. 1084) to authorize the purchase of five manuscript volumes (being letter-books) of William Vans Murray, formerly minister at The Hague and at Paris; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of committees. If there be no objection during the remainder of the hour the Chair will recognize gentlemen who were not in their seats when their names were called.

There was no objection.

UNITED STATES BOTTLERS' PROTECTIVE ASSOCIATION.

Mr. MCMILLIN, from the Committee on Ways and Means, reported back with a favorable recommendation the bill (H. R. 9208) to permit the entry free of duty of foreign goods for exhibition at the fourth bi-

ennial exhibition of the United States Bottlers' Protective Association; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SPIRITS DISTILLED FROM FRUITS.

Mr. BRECKINRIDGE, of Kentucky, from the Committee on Ways and Means, reported a bill (H. R. 9873) to reduce the tax on spirits distilled from apples, peaches, and other fruits, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT BIRMINGHAM, ALA.

Mr. WADE, from the Committee on Public Buildings and Grounds, reported, as a substitute for H. R. 31, a bill (H. R. 9873) for the erection of a public building at Birmingham, Ala.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill No. 31 was laid on the table.

JAMES KANE.

Mr. NEGLEY, from the Committee on Military Affairs, reported back with amendments the bill (H. R. 5454) for the relief of James Kane; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

FREEDOM OF COMMERCIAL INTERCOURSE.

Mr. DAVIS, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 9210) to protect the freedom of commercial intercourse; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The hour for the call of committees for reports under the rule has expired.

Mr. CRISP. I ask unanimous consent that the order may be extended to allow the remaining reports to be made.

Mr. FORNEY. I call for the regular order.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 1580) for the relief of Emily B. Baker;

A bill (H. R. 3365) granting a pension to Jennette Dow;

A bill (H. R. 5705) granting a pension to Charles Wyant;

A bill (H. R. 5866) to construct a road to the national cemetery at Knoxville, Tenn.;

A bill (H. R. 5921) granting an increase of pension to John Ryan;

A bill (H. R. 6747) granting a pension to Mary A. Thomas;

A bill (H. R. 7193) granting a pension to Sarah A. Tucker; and

A bill (H. R. 7627) providing for the construction of a light-house supply steamer for the Atlantic and Gulf coasts, and for other purposes.

RIVER AND HARBOR BILL AND NAVAL APPROPRIATION BILL.

Mr. WILLIS. Mr. Speaker, as a matter of courtesy to the Senate, as they have sent the river and harbor bill back with a request for a conference, I ask that the amendments of the Senate be non-concurred in, and that the request for a conference be acceded to.

Mr. RANDALL. Does that require unanimous consent?

The SPEAKER. It does.

Mr. RANDALL. I object.

Mr. WILLIS. I made the request as an act of courtesy to the Senate. I now ask, Mr. Speaker, that the bill be printed and referred to the Committee on Rivers and Harbors.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky [Mr. WILLIS]?

Mr. RANDALL. Is it to be printed in the RECORD?

The SPEAKER. No; the Chair understands the request to be that it shall be printed as a document.

Mr. RANDALL. Will not that be done when it is referred under the rule?

The SPEAKER. When it comes back from the committee it will be referred under the rule, but the gentleman asks now that it be printed and referred to the Committee on Rivers and Harbors.

Mr. RANDALL. Does not the operation of the rule take it there?

The SPEAKER. Yes, when it comes properly before the House; but the Chair has not yet laid the bill before the House under the rule.

Mr. DUNHAM. Mr. Speaker, is it in order to have the amendments read?

The SPEAKER. It is not.

Mr. DUNHAM. Then it had better go to the committee in the regular way.

The SPEAKER. The gentleman from Illinois objects to the request of the gentleman from Kentucky [Mr. WILLIS].

Mr. GROSVENOR. I hope the gentleman from Illinois will not object. It is a matter of saving two or three days' time.

The SPEAKER. The gentleman from Illinois objects.

Mr. DUNHAM. I withdraw the objection.

Mr. RANDALL. I object to the reference of the bill until it is made in due order.

The SPEAKER. Objection is made. The bill will be printed, but will not be referred. The gentleman from Alabama [Mr. HERBERT], who has charge of the naval appropriation bill, has requested the Chair to say that he desires to have that bill also printed, and if there be no objection it will be ordered printed, but not referred.

There was no objection, and it was so ordered.

FORTIFICATIONS APPROPRIATION BILL.

Mr. FORNEY. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole for the consideration of the fortifications appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. BLOUNT in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the bill (H. R. 9798) making appropriations for fortifications and other works of defense and for the armament thereof for the fiscal year ending June 30, 1887, and for other purposes.

Mr. FORNEY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection, and it was so ordered.

Mr. FORNEY. Now, Mr. Chairman, I desire to have an understanding as to the hour at which the general debate shall close.

Mr. BUTTERWORTH. Mr. Chairman, as I suggested to my friend from Alabama yesterday, we upon this side of the House want two hours for debate upon this bill. So far as I am advised that will be satisfactory.

Mr. FORNEY. Then I ask unanimous consent that general debate be closed at 4 o'clock; two hours to be allowed to the other side of the House, and the remainder of the time to this side.

There was no objection, and it was so ordered.

Mr. FORNEY. Mr. Chairman, I do not desire to take up very much of the time of the committee in explaining this bill.

The bill now under consideration differs very little from the bill of last year or the bills of prior years. Under the bill of last year a board was organized known as the board on fortifications or other defenses. That board has made a report to Congress. The substance of it is that, in the opinion of the board, in order to complete the fortifications required for coast and lake defenses, the sum of $126,000,000 will be needed. The board have also recommended that an appropriation of twenty-one and a half million dollars should be made this year, and an appropriation of $9,000,000 annually until the work is completed. The majority of the Committee on Appropriations did not deem it practicable to enter upon this great work at this time, and they have therefore presented the bill which is now under consideration, which merely appropriates $670,000; $50,000 of which is a reappropriation to pay for a gun to be manufactured at the South Boston Iron Works. I, for one, Mr. Chairman, do not think it is necessary at this time to enter upon the extensive works recommended by the board. We are at peace with all the world. Our relations with foreign governments are amicable, and at this time it does not seem likely that we shall get into difficulty at an early day. The board state in their report that—

> The coast defenses, which in 1860 were not surpassed by those of any country for efficiency either for offense or defense, and were entirely competent to resist vessels of war of that period, have, since the introduction of rifled guns of heavy power and of armor plating in the navies of the world, become unable to cope with the modern iron or steel clad ships of war, far less to prevent their passage into the ports destined for attack.

Hence the board deem it necessary that we should commence fortifying in the way they recommend. The board also report that at this time we have a number of heavy guns available for seacoast fortifications. There are over two thousand guns of large caliber, ranging from 8 to 20 inches, and as we have those guns, as our country is at peace with the world, and as we have the fortifications which the board testify were so efficient in former years, the majority of the committee think it is not necessary for us to enter at this time upon the immense work which the board recommend. Therefore the committee have presented this bill, and my present purpose is merely to explain the objects for which appropriations are provided in the bill.

The first item is for the protection, preservation, and repair of fortifications. The sum appropriated is $100,000. The committee deem that a sufficient appropriation at this time. We have upon our seacoasts seventy or eighty forts or fortifications. Last year $100,000 was appropriated for that purpose; the committee thought we could not get along with less this year, and so have recommended an appropriation of the same amount as was appropriated last year.

The next item in the bill is for the continuation of torpedo experiments and for practical instruction of engineer troops in the details of service, $20,000. The same amount was appropriated last year for this purpose, and a larger sum might perhaps be appropriated now, but there have been improvements going on in the making of torpedoes, and the committee had also before it a proposition for the purchase of a pneumatic dynamite gun.

The committee do not recommend the purchase at this time, but it is said that that gun which is now ready for us can throw 100 or 200 pounds of dynamite or other explosive with precision against an object at the distance of over a mile, and that the projectile can be thrown at least 2 miles. In view of these facts the committee have not thought it necessary to appropriate more than $20,000 for these torpedo experiments, because that gun is now being examined and investigated by the War and Navy Departments, and if it proves a success it will be unnecessary to appropriate any more money for torpedoes and we shall turn our attention to the purchase of guns of this character.

They say they can make a ship over 200 feet long, to carry three of these guns, to go at a speed of 20 miles an hour, and to throw a missile every two minutes from each of the guns. Therefore, Mr. Chairman, the committee did not deem it necessary to recommend any larger appropriation than $20,000 for this year.

The most important item in the bill is in section 2:

For the armament of seacoast fortifications, including the procurement of steel forgings for the manufacture of heavy guns; for guns, carriages, projectiles, fuses, powder, and implements, their trial and proof, and all necessary expenses incident thereto, $500,000, to be available until expended.

The sum here appropriated is larger than the appropriation of last year; but the Committee of the Whole will notice that the money to be appropriated by this section is to be expended under the supervision and direction of a board of five persons, three of whom (one from the Navy, one from the Army, and one from civil life) are to be selected by the President of the United States, another of whom is to be selected by the Speaker of the House, and another by the President of the Senate. So that this will be a non-partisan board. The committee think this is a step in the right direction, and if this board should prove a success a larger amount of money can hereafter be appropriated, and we can enter upon a proper policy of national defense.

The only other item in the bill, Mr. Chairman, is one which reappropriates $50,000, or so much thereof as may be necessary, of an unexpended balance of $400,000 appropriated by the act of March, 1883, for armament of fortifications, to pay the South Boston Iron Works on account of a contract heretofore entered into between the Government and that company. In order that the committee may fully understand this matter I will send to the Clerk and ask to have read a letter from General Benét, Chief of Ordnance, to the Secretary of War.

The Clerk read as follows:

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, D. C., May 25, 1886.

SIR: I have the honor to inclose a copy of a letter received from the South Boston Iron Works stating, for reasons given, their inability to complete certain contracts for heavy guns within the present fiscal year, and asking that the unexpended balance of the appropriation made for this purpose may be reappropriated for the completion of these guns.

The appropriation was part of $400,000 appropriated by act of March 3, 1883 (22 Statutes, 471), for armament of fortifications, and the manufacture of these guns was specially provided for in said act.

Under the provisions of the act of June 30, 1874, all unexpended balances of appropriations which shall have remained upon the books of the Treasury for two fiscal years are carried to the surplus fund and covered into the Treasury.

The unexecuted contracts for guns with the South Boston Iron Works to be paid for out of the appropriation of $400,000 made by act of March 3, 1883, and the amounts involved in each case are as follows, namely:

(1) Contract of September 24, 1883, for one cast-iron body for a 12-inch breech-loading rifled gun, finished in readiness for the insertion of a steel tube, &c., expires June 20, 1886, $25,657.93.

(2) Contract of June 30, 1884, for completing the above 12-inch rifle with steel tube, breech mechanism, &c., the parts to be supplied by the United States, $10,000.

(3) Contract of June 30, 1884, for completing one 12-inch cast-iron breech-loading rifle, hooped and tubed with steel, expires June 20, 1886, $12,961.

Making a total of $48,618.93, to which is to be added the customary incidentals, as additional test specimens, minor changes incident to such experimental constructions, which would increase the amount a few hundred dollars. I would therefore recommend that Congress be requested to reappropriate $50,000 of the unexpended balance of the appropriation made for this purpose.

I recommend that the following be incorporated into the fortification appropriation bill for the next fiscal year:

"The sum of $50,000, or so much thereof as may be necessary, of the unexpended balance of $400,000 appropriated by the act of March 3, 1883, for armament of fortifications, is hereby reappropriated and made available for the construction and payment of the guns authorized by said act, and now being constructed by the South Boston Iron Works, under contracts dated September 24, 1883, and June 30, 1884, and the extension of said contracts is authorized accordingly."

Very respectfully, your obedient servant,

S. V. BENÉT,
Brigadier-General, Chief of Ordnance.

The SECRETARY OF WAR.

Mr. FORNEY. Mr. Chairman, the committee are satisfied that these guns contracted for ought to be ready for trial within a very short time, and if they should prove a success, this money should be paid. Hence the propriety of this reappropriation. I reserve the remainder of my time for this side of the House.

MESSAGE FROM THE SENATE.

The committee rose informally; when a message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate requested a conference with the House of Representatives on the bill (H. R. 5003) for the relief of Mary E. Casey, and the amendment thereto, and had appointed as conferees on the part of the Senate Mr. PLUMB, Mr. VAN WYCK, and Mr. BERRY.

The message further announced that the Senate insisted on its amendments numbered 2, 17, 88, 179, and 180, disagreed to by the House, to the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes; had agreed to the further conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL.

Mr. BUTTERWORTH. Mr. Chairman, I deem it a duty to call the attention of the House, and so far as I may of the country, to what I regard as the gross remissness of Congress in failing to appropriate what not only this House but the country must recognize as indispensable if we are to have anything which is even suggestive of adequate coast and harbor defenses. This bill is called "the fortifications bill;" but there is nothing in it or about it, except the title, which could possibly suggest that it had any such mission in the earth as providing the means for securing to this country proper coast and harbor defenses.

It is fair to say that the committee did one thing in the right direction, but I shall be greatly surprised if some gentleman, imbued with the idea of what he esteems economy, does not secure the elimination of that item from the bill on a point of order; in other words I shall be agreeably and happily surprised if the best feature in the bill, provided full appropriations are made, is not thrust out of it upon a point of order by gentlemen who are still willing to trust the defense of our country to the Fourth of July oratorical pyrotechnics and vain boastfulness as to our power and greatness as a people. The section to which I refer is the one which was discussed briefly by my honorable friend from Alabama who has charge of this bill. It looks to the appointment of a board of five members, one officer of the Navy, one of the Army, and one person from civil life, the three to be selected by the President, together with one person to be selected by the Speaker of this House and another by the President of the Senate. The five thus selected to constitute a board, not merely to devise a plan, for there are many plans, but to pursue the work of providing suitable and proper coast and harbor defenses.

I will not stop to discuss at any length the necessity which in the judgment of the committee requires the appointment of such a board. I submit to the House that there can be selected in this country five men equal to the emergency of adopting a proper system of coast and harbor defense—a board competent to determine upon the character of the enginery of war to be used as a part of that system of defense, and to supervise the expenditure of any appropriation which Congress may make for carrying on the work. The board, if it shall be appointed, will be charged with the duty first of adopting the best plan of coast and harbor defense; and next, all expenditures providing ordnance, guns, torpedoes, &c., will be under the direction and supervision of that board. The only objection to this proposition possibly is that we are not able in this country to find five men equal to the discharge of this duty. Everywhere else than on this floor that suggestion would be resented as an insult to the ability and genius of our country. That such a board can and will be selected, if ample appropriations are made, I have no kind of doubt; and then we shall enter upon the discharge of a high public duty which we have neglected during all these years.

This bill, and I want to be parliamentary, presents hardly a decent apology for an appropriation to provide a proper coast and harbor defense for this country. How much is here appropriated? Half a million dollars.

Now, gentlemen, I desire to call your attention to one or two facts in that connection. Statistics are dry. While I shall, with the permission of this House, insert some statistics and evidence in my remarks, I shall not read them, because they are dry, although instructive. I shall state what I understand to be the logic of the statistics and evidence I cite, and which I would read if I had time, and let the House judge whether they have been cited timely and to the purpose.

Five hundred thousand dollars is appropriated to provide a suitable system of coast and harbor defense in the United States. Let me ask how much has been estimated by competent engineers, by Government experts in this line, to be necessary to provide proper ordinary and legitimate coast and harbor defense? One hundred and twenty-six million dollars is the estimate submitted. What per cent. does this committee propose to appropriate of the amount absolutely necessary to carry on that work effectually and with efficiency? Fifty per cent.? Twenty-five per cent.? Ten per cent.? Five per cent.? One per cent.? No, sir; but less than one-half of 1 per cent. of that which is found to be indispensably necessary to provide a sufficient and adequate system of coast and harbor defense is to be appropriated by this bill.

Let me ask, what can be accomplished in the direction of providing that system of defense with the sum appropriated by this bill? Can you provide an adequate defense for the great city of New York? No, sir. Can you provide adequate defense for any city or village along our whole 4,000 miles of coast? No, sir.

What can you do according to the testimony submitted by the gentleman from Pennsylvania [Mr. RANDALL], as chairman of the committee, to investigate this matter? Some progress could be made in securing one gun; and I speak now by the record when I say you can only make suitable progress in securing one gun suitable for coast and harbor defense. I say this in view of the plant and labor essential to produce that single gun.

And this is called economy! I want it to be understood that in making this statement I speak strictly according to the record, to be found

in the reports made to this House by the committee appointed to investigate the subject of our present ability to provide an adequate and efficient system of coast and harbor defense. There is the testimony of the committee of this House and of the committee of the Senate that we are not able in this country to-day to manufacture above an 8-inch steel gun, and our ability to do even that is called in question. The concurrent testimony of every committee which has investigated this subject and made a report to Congress or to the President, the concurrent testimony of every engineer who has made investigation into this subject is that in order to make any substantial progress in the direction of defense of the great city of New York alone it will require more than two years and the expenditure of a sum vastly greater than you propose to appropriate for the defensive works of our whole coast line.

Mr. BROWN, of Pennsylvania. Will the gentleman from Ohio permit me to ask him a question whether the letter of the Sage of Gramercy Park was taken into account in this matter?

Mr. BUTTERWORTH. I have the letter of the Sage of Gramercy Park in my pocket and will read it.

Mr. RANDALL. The gentleman used the word guns; he ought to have said 8-inch steel guns.

Mr. BUTTERWORTH. Eight-inch steel guns. I state it properly because the testimony shows that we are not situated in this country to supply this class of guns, which it is asserted are absolutely indispensible to successfully resist attacks from across the water in case of war. In other words, the meanest power on earth that floats that which serves as a fifir apology for a navy can to-day sail inside the harbor of New York and place that city under tribute and compel the payment of a sum which would more than pay the cost of girting our whole land with steel and iron. Yet this House hesitates to provide even funds enough to supply one armored turret at the entrance of the harbor of New York.

And that is accounted to them for economic righteousness!

What is at stake? Gentlemen, the interest left in jeopardy by your neglect, in case of war with a foreign nation, in property along our coast, and I do not speak now of our coastwise trade, but of the vast property along the coast of the United States from Portland coming down along the coast to Boston, New London, New York, Philadelphia, Baltimore, Charleston, Savannah, Mobile, New Orleans, Galveston and going around to San Francisco, over $5,000,000,000, all under the range of the enemy's guns, while we are as helpless to resist the attack or repel the enemy as it is possible for a nation to be.

Think of it for a moment; we have under the range of the enemy's guns and without the power of offering effective resistance property worth over $5,000,000,000, and yet to meet the great emergency, having to protect these great interests, the Committee on Fortifications in this House, guided by the gentleman from Pennsylvania and the gentleman from Indiana, in their wisdom and magnanimity, suggest the magnificent sum of half a million of dollars—less even than enough to provide a plant to manufacture the guns which they admit to be absolutely indispensable to make an adequate defense against the navy even of decayed and worn-out Spain. Does some one suggest to me that we already have a system of fortifications all along our coast line?

I read from the reports of these various committees, from the officers of the Army and the Navy, and from your civil engineers, men who are competent to judge, that we are absolutely defenseless; and while our fortifications were able to meet the emergency that arose in 1860 and 1861, now as against modern artillery they are not only worthless except as a defense in case we are attacked by land, in which event they may possibly be useful, but so far as our coast defense is concerned against the navies of the world they are, according to the judgment of all these authorities, absolutely worthless. I have said that the old fortifications, as shown by competent evidence, are not only absolutely worthless but they are worse than useless. And why? Because, Mr. Chairman, they seem to serve as an excuse for men pretending to be economists to say to the people of this country away inland and at other places that we already have our seacoast lined with fortifications now, and thus the otherwise suspicious and impatient public are lulled into a false sense of security. I now call attention to the report of the board appointed to investigate and report upon the subject under consideration; and also other pertinent evidence.

REPORT OF THE BOARD—ORDER OF THE PRESIDENT.

EXECUTIVE MANSION, *Washington, May* 12, 1885.

Under a provision of an act of Congress entitled "An act making appropriations for fortifications and other works of defense and for the armament thereof for the fiscal year ending June 30, 1886, and for other purposes," approved March 3, 1885, a board, to consist of the officers and civilians hereinafter named, is appointed to "examine and report at what ports fortifications or other defenses are most urgently required, the character and kind of defenses best adapted for each, with reference to armament," and "the utilization of torpedoes, mines, or other defensive appliances:"

Hon. William C. Endicott, Secretary of War, president of the board.
Brig. Gen. Stephen V. Benét, Chief of Ordnance.
Brig. Gen. John Newton, Chief of Engineers.
Lieut. Col. Henry L. Abbot, Corps of Engineers.
Capt. Charles S. Smith, Ordnance Department.
Commander W. T. Sampson, United States Navy.
Commander Caspar F. Goodrich, United States Navy.
Mr. Joseph Morgan, jr., of Pennsylvania.
Mr. Erastus Corning, of New York.

GROVER CLEVELAND.

The board convened by order of the President has the honor to submit the following report:

The reports of the Chief of Engineers of the Army have annually laid before the country the condition of the national defenses, and attention is specially invited to those of 1880, 1881, 1882, and 1884.

Without enlarging upon this subject, it suffices to state that the coast fortifications, which in 1860 were not surpassed by those of any country for efficiency, either for offense or defense, and were entirely competent to resist vessels of war of that period, have, since the introduction of rifled guns of heavy power and of armor plating in the navies of the world, become unable to cope with modern iron or steel clad ships of war; far less to prevent their passage into the ports destined for attack.

Prior to 1860 the largest gun in service was the 10-inch Rodman smooth-bore, the energy of whose projectile was 2,000 foot-tons. The forts of that period were more than competent to resist its projectile; it should form, therefore, no subject of reproach because at present they can not withstand the shock of 20,000, 30,000, and 45,000 foot-tons of energy, without mentioning the new guns under construction expected to deliver 61,000 foot-tons of energy. On the other hand, the assumption should not be made that existing fortifications may not be effective at short range against unarmored or light-armored ships. At many sites, also, they are of indispensable value as citadels or keeps to secure the position against attacks by land, and as flanking works for torpedo lines.

Some idea of the wonderful change in guns since 1860 may be obtained from comparing the weights of the projectiles, which, during this period, have increased about twenty-fold. This increase in power of guns necessitates the use of large masses of armor in important parts of the defensive works and largely increases their cost compared with the old works.

It is of no advantage to conceal the fact that the ports along our seacoast—a length of about 4,000 miles, not including Alaska—invite naval attack; nor that our richest ports, from their greater depth of water and capacity to admit the largest and most formidable armored ships, are of all the most defenseless.

The property at stake exposed to easy capture and destruction would amount to billions of dollars, and the contributions which could be levied by a hostile fleet upon our sea-ports should be reckoned at hundreds of millions.

It is impossible to understand the supineness which has kept this nation quiet—allowing its floating and shore defenses to become obsolete and effete without making an effort to keep progress with the age, while other nations, besides constructing powerful navies, have not considered themselves secure without large expenditures for fortifications, including armored forts.

Our nearest neighbor, though, reasoning from the past, she should have no occasion to dread a naval attack from us, has nevertheless constructed armored forts at Halifax and Bermuda, both as a refuge for her fleets and as outposts for offensive operations.

In the mean time we have acquired great riches and apparently dreamed that prosperity should inspire friendship and not envy in less favored peoples—forgetting that riches are a temptation, and that the plunder of one of our seaports might abundantly reimburse an enemy for the expenses of a war conducted against us.

Had another policy prevailed and been consistently pursued toward the formation of a suitable coast defense, we should at the present moment have nothing more serious to engage our attention than a measured development in the strength of the works of defense and in the power of guns, in order to keep pace with the gradual progress in the means of attack.

Unfortunately the immense labor of novel constructions must be undertaken under circumstances where careful workmanship is required and haste would be impossible. Under the most favorable conditions a long period would be required to place the defense upon a secure basis, and who shall guarantee that this can be effected free from complications with foreign powers? The gun-foundry board has estimated that it would require at least three years to establish proper plant for the construction of modern guns. It would in all probability require two years more to get out and prove the first 16-inch gun. That there may be no delay in mounting the guns as fast as completed, the work upon the extensive foundations for the gun emplacements, as well as magazines, shell-rooms, engine-rooms, and other constructions necessary for the service of the guns, should be commenced at the earliest moment.

[Extract from the annual message of the President.]

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The Secretary of War submits the report of the Chief of Engineers as to the practicability of protecting our important cities on the seaboard by fortifications and other defenses able to repel modern methods of attack. The time has now come when such defenses can be prepared with confidence that they will not prove abortive; and when the possible result of delay in making such preparation is seriously considered, delay seems inexcusable. For the most important cities—those whose destruction or capture would be a national humiliation—adequate defenses, inclusive of guns, may be made by the gradual expediture of $60,000,000, a sum much less than a victorious enemy could levy as a contribution. An appropriation of about one-tenth of that amount is asked to begin the work, and I concur with the Secretary of War in urging that it be granted.

[Extract from the annual report of the Secretary of War.]

WAR DEPARTMENT, *November* 21, 1884.

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ENGINEER BUREAU.

The Chief of Engineers presents in his annual report a review of the modern requirements for the defense of our important seacoast cities, and in his comprehensive, but brief discussion, shows not only the urgent necessity of beginning the defensive works which can not be improvised, but their small cost in comparison with our national resources. Steel forts and turrets to resist guns which can send a projectile weighing a ton through 60 feet of sand, and which must themselves have like guns, with steam machinery to load and manipulate them, can not be built in the short time which would be given us by an enemy for preparation after the cessation of diplomatic intercourse; and, as is said by the Chief of Engineers, "the contribution which could be levied from New York alone would probably pay four or five fold the cost of all the fortifications of the important harbors of the country."

I quote from Admiral Porter's report to the Secretary of the Navy:

Our entire system of arming ships must be changed if we expect the Navy to be of any service in case of war with a foreign power.

It is of little use to build ships when we are without guns of proper caliber to mount on them.

We possess no Government workshops of sufficient magnitude to supply even the small navy we have at present with large guns.

The indifference of our Government to this matter of arming our forts and ships must strike other nations with astonishment. It looks as if we supposed ourselves exempt from the dangers of war which beset them. A few converted rifle guns have been placed upon our principal forts, but nothing of a character that would keep a single powerful ironclad from passing them in broad daylight, to say nothing of a night passage, which could be made with wooden vessels so far as the forts are concerned.

An enemy could come on our coasts to-morrow, and commencing in Maine could take possession of every harbor as far as Texas. Our poor little wooden vessels would have to run away for safety, and our old quasi ironclads would with their present armament be more than useless. The enemy would sink them as "worthless after he had obtained possession."

And now let me refer you to the readiness of other nations in case of war to force their way into our great harbors and compel payment of tribute sufficient to build a dozen fleets and line our coast with steel-clad fortifications.

England owns 70 armor clads, of which 13 are building; France, 50, of which 12 are building; Russia, 24, of which 6 are building; Italy, 19, of which 5 are building; Turkey, 15; Germany, 14; Austria, 13; Denmark owns 7 armor clads; Holland, 7; Spain, 6; Japan, 3; Chili, 3; China, 3.

To oppose the entrance into our harbors we have no defensive works, and our Navy is not worthy the name.

These citations, which are needless since all our people are well advised of the defenseless condition of our coast line and lake front, indicate the great necessity of large appropriations and prompt effort to atone for the delay of which the country with good reason complains.

My honorable friend from Alabama, General FORNEY, says we are at peace with all the world. Yes; and so is every other nation at peace with all the world immediately preceding the condition of war. Yes; we are at peace. We are not only at peace with the world, but we are held in just contempt by the world so far as our power to resist any suggestion of defensive or aggressive warfare is concerned. How do you know that peace will last an hour? Is there anything connected with affairs in the Northeast where our vessels are being seized for a supposed infraction of law by the British nation; is there anything suggestive of ultimate possibilities of war in that quarter? Are the suspicions of the people or their apprehensions lulled by the fact that France assumes to take charge of the great highway across the Isthmus as a matter of right?

Do you find any reason to believe that we can maintain peace when we contemplate the fact of the impulsive disposition of our people to manage the affairs of other nations as if we were the proprietors? I do not know anything so utterly humble or shrinking in the bearing of the American people as to suggest that we can long remain at peace with other nations.

Mr. Chairman, is it necessary that I read further from expert authority or is it so notorious that it be taken for granted that our coast line is defenseless? Will it be taken for granted or will some one be courageous enough to rise in his place, and without blushing assert that there is a proper condition of defenses along our coast line? I take it to be admitted, sir, on all hands that our defenseless condition is a crying shame, and should be remedied. When shall we begin, I ask my friends from Pennsylvania and Alabama, to put ourselves in proper condition for defensive warfare? Suppose war should come to-morrow, and the experience of the world teaches that the supposition is not violent, are we prepared to offer as ramparts against the enemies' shot and shell the bodies of our children? Either we will gird our lines with ramparts of steel and iron or we must offer to the ememies' shot and shell the bodies of our citizen soldiers; one or the other must be furnished to resist the assault—iron and steel or flesh and blood.

Is the time to begin this work auspicious or not? That the Government must provide full and adequate coast and harbor defense this House can not for one moment doubt. That the work must be begun and completed is known to the people of the whole country. I put the question to this Democratic House, controlling as it does the only means by which this work can be accomplished. Why delay? What excuse or apology can be offered? Are the conditions upon which our judgment must be based such as prompt and justify immediate action? Have we the means? Undoubtedly we have. There is small reason to hope that our financial condition will ever be more auspicious for beginning and prosecuting to completion this great work. Have we the skilled labor, the willing and capable workmen? Never can the conditions touching labor be more suited to the work. Throughout the land strong, willing men are standing idle around the forges and furnaces. In the great mills and shops of the country mechanics and artisans of rarest skill and cunning in their several fields of labor are waiting with folded hands to begin this labor.

Behold our nation exposed and defenseless in the presence of ample revenue, unused capital, unemployed artisans, mechanics, and laborers. This Democratic House refuses to permit the employment of either the capital or labor of the country to provide defensive works sufficient to enable our own to cope with the weakest among the nations of the earth. So far from meeting and providing for the crying needs of the country in the matter of ships of war and coast and harbor defense, the effort has been in the other direction. Our Secretary of the Navy has used the power of the Government to crush out the only great plant in the country, capable of meeting in substantial degree the demands of the hour, to crush and ruin John Roach, who seemed to appreciate the needs of his country and was able and willing to meet them. This man, whose genius and enterprise, the admiration of every land except his own, enabled him to compete in building war ships with his competitors of the Old World was crushed and his business scattered to the winds by the Secretary of the Navy, and twenty thousand persons, workmen and their families, turned out on the common to starve. Not only have we in this country no adequate plant to provide needed enginery for offensive and defensive warfare, but such as we have it seems to be the especial mission of the Navy Department to stamp out.

Is the time auspicious, I ask again, to begin this work? You do not know, I repeat, that our nation will be long at peace, since war may come at any time and find us wholly unprepared to defend the vital interests at stake. Our coasts are as destitute of needful engines of war as a meadow brook, and yet you delay. The engineers whose duty it is to study and suggest plans for offensive and defensive warfare, recognizing our defenseless condition, are eager to begin the work. Our mines, our forests, and quarries present exhaustless supplies. Ten thousand skilled and unskilled workmen stand ready to engage in the service. The people have provided the money, but this House refuses to appropriate it for the purpose.

My Democratic friends, I do not expect that my admonitions to you in this behalf will receive your favorable consideration. Plain as the duty seems to me, I can hardly hope to influence your action; then let me read the language of a statesman for whose judgment in the matter in question you ought to have great respect.

I propose to read a letter, Mr. Chairman, with which I know you are familiar. It is a communication from the Hon. Samuel J. Tilden. We Republicans are glad to profit by the wise utterance of Mr. Tilden in this behalf. I regret to say that there is too much reason to be apprehensive that his party friends have less concern about and less interest in his wisdom and experience than they have in his ability to provide the ready cash to defray the expenses of a political campaign. [Laughter.]

That Mr. Tilden has carefully studied the question of which he treats in this letter is clear. His words are full of wisdom. Though not accustomed to quote from Hon. Samuel J. Tilden anything that appertains to politics, I am glad in this instance to read his tistimony, because of the careful consideration he has given the subject and in view of the influence his suggestions ought to have with the majority in this House. The letter is, in effect, addressed to the Democratic majority upon this floor, urging them to provide for a crying need with which even the schoolboys of the country have become familiar, because it has been forced upon their attention.

Mr. VIELÉ. Do I understand the gentleman regrets Mr. Tilden was counted out?

Mr. BUTTERWORTH. No; I do not regret that he was counted out, as you term it. But I will tell you what I regret, since you force me to refer to the matter. I regret that there should be a man in this country who could feel reconciled to having the candidate of his party walk to the Presidential office winning his way in one part of the country by a bloody savagery and unscrupulous fraud unequaled and without a parallel in any land where enlightened civilization has a foothold. [Applause on the Republican side.] I was not proposing to discuss that aspect of the case, however, nor refer in any wise to a matter so utterly disconnected with the subject under consideration.

But hear what the Sage of Gramercy Park, the idol of Democracy, says concerning the matter now being considered by the House:

GREYSTONE, YONKERS, N. Y., *December* 1, 1885.

DEAR MR. CARLISLE: As public opinion points to you as the Speaker of the next House of Representatives—

We have lived to rejoice that the probabilities in that behalf were realized. We take great pleasure in congratulating you on having selected a Speaker conspicuous alike for his eminent ability and thorough impartiality in the discharge of his duties [applause]—

I desire to submit a suggestion as to one of the public objects for which an appropriation ought to be prompt and liberal.

In considering the state and management of the public revenues the subject involves the questions whether we shall extinguish the surplus by reducing the revenue or whether we shall apply the surplus to payments on the public debt, or whether we shall seize the occasion to provide for our seacoast defenses which have been long neglected. I am of the opinion that the latter is a paramount necessity which ought to precede the reduction of the revenue and ought also to precede an excessive rapidity in the payment of the public debt.

Mr. Tilden, in entertaining that opinion, I regret to say, so far as the representatives of the people upon the Democratic side of the House are concerned, you stand almost solitary and alone.

The property exposed to destruction in the twelve seaports—Portland, Portsmouth, Boston, Newport, New York, Philadelphia, Baltimore, Charleston, Savannah, New Orleans, Galveston, and San Francisco—can not be less in value than $5,000,000,000. To this must be added a vast amount of property dependent for its use on these seaports. Nor does this statement afford a true measure of the damage which might be caused to the property and business of the country by a failure to protect these seaports from hostile naval attacks.

They are the centers not only of foreign commerce but of most of the internal trade and exchanges of domestic productions. To this state of things the machinery of transportation of the whole country has become adapted. The interruption of the currents of traffic by the occupation of one or more of our principal seaports by a foreign enemy or the destruction of them by bombardment or the holding over them the menace of destruction for the purpose of exacting contribution or ransom would inflict upon the property and business of the country an injury which can neither be foreseen nor measured. The elaborate and costly fortifications which were constructed with the greatest engineering skill are now practically useless. They are not capable of resisting the attacks of modern artillery.

But why repeat this? As I said before, every school-boy in this country has learned that our coast-line defenses are worthless. Our school books, our philosophies teach our boys the power of guns and the range and destructive energy of projectiles. So we are not acting in ignorance of what the truth is when we refuse to provide what our country demands for the maintenance of its rights, dignity, and the proper protection of its coast-line cities. But I read on:

A still greater defect exists in our coast defenses. The range of the best modern artillery has become so extended that our present fortifications, designed to protect the harbor of New York, where two-thirds of the import trade and more than one-half the export trade of the whole United States is carried on, are too near to the great populations of New York city, Jersey City, and Brooklyn to be of any value as a protection.

To provide effectual defenses would be the work of years.

If my honored friend from Pennsylvania [Mr. RANDALL] questions the other authority from which I quote I know he will not question the authority of Samuel J. Tilden, whose experience he must acknowledge and whose wisdom he concedes.

It would take much time to construct permanent fortifications. A small provision of the best modern guns would take several years.

Yes, sir; the concurrent testimony of all who are advised in the premises is that even "a small provision of the best modern guns would take several years."

It is not only the witness borne by Mr. Tilden, but it is the evidence of the officers of the Army and Navy, as well as of the civil engineers, that to construct even a few modern guns would be the work of several years. And yet this House proposes deliberately to appropriate hardly enough to provide for the manufacture of one gun.

Neither of these works can be extemporized in presence of emergent danger. A million of soldiers with the best equipments on the heights surrounding the harbor of New York in our present state of preparation, or rather in our total want of preparation, would be powerless to resist a small squadron of war steamers.

Thus we observe that the testimony of the Sage of Gramercy Park, supplementing that of all the experts on the subject, is that the expenditure of a million dollars would be inadequate even to approximately furnish a proper defense for the city of New York, and yet we appropriate for the defense of 4,000 miles of coast and all the great cities on that coast but half a million of dollars, and we do that in presence of the fact that we can not in this country to-day make a single gun adjudged suitable for use in connection with such defenses!

I read again from Mr. Tilden's letter:

The state of things is discreditable to our foresight and our prudence.

Our foresight! Has he not yet learned that his party is not guided by its foresight? [Laughter.] Its gaze is fixed steadily on the hindsight. There is my honored friend from Indiana [Mr. HOLMAN] whom I do not see in his seat, one of the leaders in this House, who does, perhaps, as much if not more than any other member on this floor to shape what he is pleased to term its economic policy. Observe him take his seat in the tail of the wagon of progress, and from that point of observation he never sees anything till it is passed; never turns his eyes to the waking glories of the future, or catches a glimpse of the great possibilities and opportunities that lie in front. Able and good as he is, that is his fixed habit, and he represents the advance thought and the peculiar methods of the great party which is shaping the destinies of our country. The appropriation of less than one-half of 1 per cent. of the amount required to provide that which is confessedly indispensable to the country is a fair measure of the capacity of that party to deal with the great questions that confront us.

Mr. WILSON. And yet you said the other day that we were always "on the cow-catcher."

Mr. BUTTERWORTH. Ah, yes, when the work is accomplished, when you are forced forward in spite of yourselves, then it is that you pose in the front and rejoice over the success achieved. When we come into power again and build these defenses, as we will, and show the enemies of this country, if it has any, that we are rich and powerful enough, patriotic enough, to provide all the means and instrumentalities to resist every attack from whatever quarter it may come, then you will with characteristic modesty rush frantically forward to take charge and challenge the admiration of the world to our wonderful achievements. You may then be heard to exclaim with pride, "See what we have done." [Laughter.] That is thoroughly characteristic of your party, and my reference the other day to your getting on the cow-catcher was not at all inappropriate.

What else does Mr. Tilden say?

The best guarantee against aggression, the best assurance that our diplomacy will be successful and pacific, and that our rights and honor will be respected by other nations, is in their knowledge that we are in a situation to vindicate our reputation and interest.

Now, I put it to this House, and especially to the majority side of the Chamber, suppose to-day England should in defiance of law and right seize and forcibly remove from the deck of an American vessel a half-dozen citizens of the United States, citizens whose rights our Government would be bound to protect; what would we do? Suppose we demanded an apology and satisfaction. Are we in any manner prepared to enforce a recognition of and proper respect for the rights of such outraged citizens or to properly resent such an indignity to our flag? Certainly not. We could adopt a series of resolutions condemning in strong language the outrage, and could also serve notice that as soon as we can establish a plant and manufacture the necessary guns and armament, and as soon as we can build armed ships and generally make suitable preparation, England shall hear from us further, and we may hold her to a rigid accountability. [Laughter.] What else could we do? We would be powerless to do anything else except engage in vivid verbal exercises here and on the stump, and generally on the 4th of July. And just here I wish to call your attention to the length of time that our Democratic friends would require to fit us for such an emergency as I have described—that is, if allowed to proceed unmolested at the present speed and with the appropriations they make annually. It is a matter of easy mathematical solution, since we know the amount required, the amount of the annual appropriations, and the work that the annual appropriations will do. The whole estimated cost is $126,000,000; the annual appropriation, less than half a million, and we know what can be done with that sum. I have been at some pains, Mr. Chairman, to ascertain just how long it would take, at the present rate, to put our country in a condition for defensive warfare, to say nothing of offensive war. If allowed to continue the work unmolested, the Democratic party, administering the Government, would complete the work in about two centuries. It would take something beyond that period, but I give my friends the benefit of the doubt. [Laughter.] Now, what excuse is there to offer for this? That our people are poor? No, sir. They are at least not so poor that they are willing to give the blood of their children instead of the steel and iron that are required for a proper national defense.

But I read on:

The notoriety of the fact that we have neglected the ordinary precautions of defense invites want of consideration in our diplomacy, injustice, and arrogance and insult at the hands of foreign nations. It is no more than sixty years since we announced to the world that we should resist any attempts, from whatever quarter they might come, to make any new colonization on any part of the American continent; that while we should respect the *status quo*, we should protect the people of the different nations inhabiting this continent from every attempt to subject them to the domination of any European power, or to interfere with their undisturbed exercise of the right of self-government. This announcement was formally made by President Monroe, after consultation with Mr. Madison and Mr. Jefferson. It was formulated by John Quincy Adams.

Then he goes on to show how perfectly helpless we are to assert and maintain the doctrine to which the American citizen is thoroughly devoted—that American thought, American civilization, the American form of government shall be supreme to the extent at least which we deem necessary to the triumph and maintenance of republican ideas in the western continent. The Republican party was not so indifferent to the condition of our country in this behalf. Even when we were yet staggering under the blows of a gigantic rebellion, when the young Republic was in fact reeling under a load which it could hardly bear, a Republican administration marched an army to the Mexican frontier and said to France, "Weak as we are, shattered as we are, still we are strong enough, great enough, brave enough, and determined to enforce in its letter and spirit the Monroe doctrine, and no empire shall be planted on Mexican soil." The Emperor of the French promptly withdrew his soldiers from the territory of Mexico, and Maximilian, poor dupe, was shot near the halls of the Montezumas by the people over whom he assumed to play the despot.

That was what a Republican administration did when the country was distracted and torn, weak and exhausted. Now Democracy is again in power. It remains to be seen what will be done to put the country in such condition as to be capable to assert and maintain the rights of American citizens on land and sea. Up to this hour you have done nothing in the direction of providing the means which Samuel J. Tilden, voicing the demands of experience and wisdom, points out and which every boy and girl in the country know to be indispensable to the maintenance of the ideas which are uppermost in American minds and which leaven the policy of this country, whether in dealing with the rights of individual citizens or determining the policy and authority of nations.

Now I desire to call the attention of my friend from Pennsylvania [Mr. RANDALL], at whose feet I have sat at times as Paul at the feet of Gamaliel, to learn lessons of wisdom touching the tariff [laughter]—I want to call his attention to the fact that he is rebuked by the "Sage of Gramercy Park," Samuel J. Tilden, who fitly and most appropriately calls attention to the fact that while gentlemen are willing to reduce the tax upon whisky to the consumer, they are not yet willing to provide a dollar, comparatively, to defend the great cities and the vast interests that lie exposed and defenseless along our coast. Here is what he says, and he has a good deal of leisure to coin his phrases:

Second, in the questions that beset this subject, until they shall have reached a solution, we can content ourselves with adding but sparingly to the Navy.

They have taken that advice, Governor [addressing Mr. CURTIN], and have deemed that the country could observe with complacency the extinguishment of a great naval plant in your State. I read on:

But what we do add should be the very best that science and experience can indicate.

This prudential view is re-enforced by the consideration that the annual charge of maintaining a war vessel bears an important proportion to the original cost of construction. In the construction of permanent fortifications and in providing an ample supply of the best modern artillery the annual cost of maintenance is inconsiderable.

Nearly the whole expenditure is in the original outlay for construction. If we do not make the expenditure necessary to provide for our seacoast defenses when we have a surplus and have no need to levy new taxes, we certainly will not make those expenditures when we have no longer a surplus in the Treasury.

How true! Could any suggestion comport more thoroughly with the dictates of practical common sense?

To leave our vast interests defenseless in order to reduce the cost of whisky to its consumers would be a solecism.

So it would, and behold your partisan leaders here are not disinclined to do that very thing, and so proclaim it. Now, I shall insert the whole of this letter in my remarks, because it contains words of wisdom fitly spoken—timely suggestions to a great party as to what they ought to do to meet the demands of this hour in the matter of national defense.

Mr. REAGAN. And to perpetuate the national banks!

Mr. BUTTERWORTH. The letter of Mr. Tilden concludes as follows:

The present time is peculiarly favorable for providing for this great national necessity too long neglected. Not only does the surplus in the Treasury supply ample means to meet this great public want without levying new burdens upon the people, but the work can now be done at a much lower cost than has ever before been possible. The defensive works would consist almost entirely of steel and iron. These materials can now be had at an unprecedented low price. A vast supply of machinery and of labor called into existence by a great vicissitude in the steel and iron industries offers itself to our service.

We should have the satisfaction of knowing that while we were availing ourselves of the supplies which would primarily be unattainable we were setting in motion important industries, and giving employment to labor in a period of depression. With encouragement by the guarantee of work, or perhaps by the Government itself furnishing the plant, the inventive genius of our people would be applied to the creation of new means and improved machinery, and establishments would spring into existence capable of supplying all of the national wants and rendering us completely independent of all other countries in respect to the means of national defense.

I endeavored to impress these ideas on Mr. RANDALL the last time I had the pleasure of seeing him.

With my highest regards to Mr. CARLISLE and yourself, I remain,

Very truly, yours,

SAM'L J. TILDEN.

Mr. BUTTERWORTH. My honored friend from Texas is distressed about the continuance of national banks. I want to say to him that we, and he with us, owe a debt of gratitude to the national banks which we shall be a long time in paying. He remembers very well when looking across the border he saw our greenbacks depreciating in value until they threatened to become almost as worthless as the treasury notes of the Southern confederacy. He will remember that at that time gold and silver had hidden themselves away; they no longer formed any part of the currency of the country. He will also remember that it became apparent that unless some quickening energy could put new life into our financial system, and thus strengthen the nation's credit, the young Republic would have staggered to its fall under the heavy blows his friends were dealing it all along our Southern border. At that time the present national banking system, the best I submit to this House the world has ever known, came to the rescue of the national credit, and upheld it until our armies battered down——

Mr. WEAVER, of Iowa. Nonsense!

Mr. BUTTERWORTH. It does not follow that any proposition is nonsense because you can not grasp it. [Laughter and applause.] To finish the sentence, until the armies of the Union had overcome all armed resistance to the rightful authority of the Government.

Now, Mr. Chairman——

Mr. REAGAN. Permit me to interrupt the gentleman. I will accept all the knowledge the gentleman asks us to accept, and I also hope he will accept the fact that in 1878, when we were struggling to maintain our currency and to revive business in the country, the national banks, in order to intimidate Congress and the President and to overrule the public policy, withdrew $19,000,000 in about three weeks, producing thereby almost a panic in the country. The national banks have never done anything to help the public credit.

Mr. BUTTERWORTH. I was going on to say that my friend from Iowa [Mr. WEAVER] belongs to that class of men who believe in the doctrine that the greater the nation's debt the wealthier it is. [Laughter and applause.] Each greenback represents a debt of this nation. It was issued as a promise to pay a hundred cents on the dollar, and their number represented our poverty not our wealth. Prudent, wise, economical business men do not entertain the idea that their wealth increases with the number of the promissory notes they issue.

Mr. REAGAN. That does not refer to me, of course.

Mr. WEAVER, of Iowa, rose.

Mr. BUTTERWORTH. I will discuss your financial theory with you some day when I have leisure.

Mr. WEAVER, of Iowa. No; I wish you to do it now. The gentleman seems to belong to those who pay off the public debt by keeping the money in the Treasury. [Laughter.] I would like to ask him how his theory of paying off the public debt comports with his vote on the Morrison surplus resolution?

Mr. BUTTERWORTH. I will do that in a few moments. I will do it now. It comes in well at this point.

Mr. WEAVER, of Iowa. I think so.

Mr. BUTTERWORTH. There are men in this country who have no conception of what the national credit is. [Applause.] They do not know what it is. They seem not to understand that it has anything to do with the national prosperity, or that it is in anywise related to the maintenance of that healthful financial condition in the absence of which our industries and general business prosperity would be paralyzed. Touching the so-called surplus in the Treasury I know, as does my friend from Iowa, that for every dollar of gold in the Treasury there are nearly $4 in paper floating around the country to the payment of which that hundred millions of so-called surplus in the Treasury is pledged, and to that pledge, which the Morrison resolution if adopted would break, is due the fact that the paper currency mentioned floats at par. The gentleman ought to know—of course he does not [laughter and applause], but it is I submit none the less the fact that if it should please the God of the universe to blight for one season the harvest by withholding the early or the latter rains so that the barns should be left empty and the resulting calamity come upon our country, the farmers having nothing to sell and hence being unable to pay their debts much less to make purchases, the life-blood that courses along the arteries of trade would become stagnant; with every storehouse full of the products of the shops, the mills, the factories, and the mines, and nobody buying, it is not difficult to see that general business paralysis would ensue, and all men holding a promise to pay would begin to feel anxious touching the real value of the written or printed promise they held, since in the certainty of its prompt payment must be involved the problem of bread and butter for those who hold them. The revenues fall off, dark clouds lower in the financial horizon, the holders of the promissory notes of the Government begin to wonder if they will be paid, and particularly when they reflect that to pay the four hundred millions of paper only one hundred millions of dollars have been retained. I am of opinion that in the presence of such conditions even my friend from Iowa with the rest would be found gathering up his greenbacks and ambling along the Avenue toward the Treasury and saying, Uncle Sam you will please let me have the specie on these notes. [Laughter and applause.] I will feel safer with the money in my pocket.

Mr. WEAVER, of Iowa. You must not misrepresent me. The wonderful thing is with these sentiments you refused to pay out over and above $100,000,000 in the Treasury.

Mr. BUTTERWORTH. Why? Because the administration is bound to maintain the national credit by conducting its business according to business principles, and they require that the Secretary of the Treasury should hold trust funds according to the conditions of the trust and to the prompt discharge of the obligation the trust imposes. You do not allow the Secretary of the Treasury or the President the discretion ordinarily allowed to a bank president or cashier.

Mr. WEAVER, of Iowa. Your idea of paying the debt, then, is to keep the money in the Treasury?

Mr. BUTTERWORTH. No, sir; my way of paying the debt is to so conduct the financial affairs of the Government as to give the world assurance that we can promptly meet our obligations at any time demand may be made upon us. And that can not be done except by keeping enough specie on hand to give the world from time to time needful assurance that the Treasury can meet promptly all demands that can be made upon it. The Morrison resolution not only awakens suspicion that the Government may not be able to do this, but by its very terms invites a condition of things against which it renders it impossible for the Government to provide. The suggestion contained in the resolution touching what may hereafter be the financial policy of the Government will provoke a storm, and when that storm comes it will find the Secretary of the Treasury helpless, crippled, shackled by the provisions of the remarkable resolution of my friend from Illinois, and which was voted for by a majority on that side of the House.

Mr. WEAVER, of Iowa. And by a great majority on that side of the House also.

Mr. BUTTERWORTH. Well, I am not aware that our side of the House is required to be constantly rushing to the front to save you brethren from destroying yourselves. [Laughter and applause.]

Mr. WEAVER, of Iowa. And I notice they do not follow the gentleman himself always, either.

Mr. BUTTERWORTH. I have not assumed to lead.

Mr. BUTTERWORTH. But to return to the subject-matter of this bill, from which I have been tempted for a moment to stray. I know what the suggestion of my friend from Illinois will be touching the delinquency of his party in this matter. We will hear it said, why did not you do this yourselves when you had charge of the Government? Gentlemen, that is a proper question, but the answer to it is easy and will become apparent on a moment's reflection. The Republican party had control of the Government at the close of the war and for some years thereafter. While that is true, you all know the difficulties under which the Government was laboring in settling the thousand important questions that grew out of the troubled era of the war. You know the Government was struggling under a heavy load of debt that it was illy able to bear; there was a depreciated currency and the air was full of prophecies of repudiation. You know as well as I the condition of the South touching the newly-enfranchised race, which presented a problem not of easy solution; that the Republican party, confronted by all these momentous problems, the solution of which was threatening to destroy the integrity of the Republic, and that with pos-

sible foreign complication, all pressing for attention, there was little time and less opportunity to look after the matter of coast defenses. You will recognize also that it was a transition period, a period of evolution in the matter of enginery of war.

You know that the conflict between the Merrimac and the Monitor had not merely suggested but had worked a revolution in the matter of coast defenses; but we passed all of that, settling every question as it arose, and unfortunately during all of this period I regret to say to my brethren on the other side we had no assistance from you. While we were attempting to place the finances of the country upon a firm basis, while attempting to reach the safe harbor of resumption, you planted your greenback batteries all along the shore to drive us back into the chop-sea of inflation and financial ruin.

Mr. REAGAN. Does not the gentleman know that if it had not been for the efforts of this side of the House in its action which prevented the further cancellation of legal-tender notes, and which insisted upon and secured the recoinage of silver, that resumption could not have been secured at all, and that the Republican Secretary of the Treasury so stated?

Mr. BUTTERWORTH. There is always something so peculiar about the logic and philosophy of my distinguished friend from Texas that I am unable to understand his doctrine. I am aware that we were hindered in our efforts to reach resumption by the constant interference of our Democratic friends, who possibly thought that their efforts had the tendency and effect which my honored friend now claims for them. But just how you could reach the shore of resumption when you with both oars were pulling with all your might in the other direction is something that passes my comprehension. In the Forty-third Congress, when the question of resuming specie payment was before this House, the records will show that Democratic members voted almost solidly against it.

Mr. REAGAN. The gentleman is mistaken, and the Secretary of the Treasury, himself a Republican, acknowledged, as I have just stated, that the measures I have named hastened resumption.

Mr. BUTTERWORTH. Well, I think I can not yield further to my friend. But just how they could hasten resumption by staving it off will always be a mystery to practical men. The course of the Democratic party on all the vital questions pertaining to and growing out of the war is matter of history; so with the bearing of the Republican party. And the course of neither will be determined by reference to any single eddy of thought or solitary action. The record is full and complete and will leave no doubt as to which rendered the better service. The course of the great Republican party, its policy and purposes were known to every one, and all tended in the direction of resumption; and I submit that the record discloses that, at every stage of that progress, every step forward in that direction was hampered and impeded by the Democratic party.

Mr. REAGAN. Will the gentleman allow a question?

Mr. BUTTERWORTH. Yes, sir.

Mr. REAGAN. If the policy of the party to which he belonged had been perpetuated, of subordinating all the interests of this country to legal tender, we would not have resumed specie payments now. He certainly forgets that the remonetization of silver, which arrested the cancellation of the legal-tender notes, was the beginning of prosperity in this country, and was so recognized by the Republican Secretary of the Treasury.

Mr. BUTTERWORTH. My honored friend states what his party did and then assumes that the result of what it did was all that he claims. It is a very strange thing that no other nation on earth ever made such progress, and nowhere in history is there a record of such progress and development, as this country enjoyed under the administration of the Republican party; and it is equally strange that every measure which tended to add to that prosperity and healthful development met with opposition from the Democratic side of the House. I have been constrained by my friends on the other side to depart at times from the line of thought which I was pursuing.

Now, Mr. Chairman, our friends on the other side have had control and charge of this Government in the House which originates money bills for ten years or more. It has been perfectly competent for them, and within their power, to provide the means for securing proper coast defense all along our border. The judgment of this country is and has been for a decade that that ought to be done. The judgment of the wisest and most patriotic men of the Democratic party is that there is a crying necessity for appropriations equal to providing for the emergency. And yet you refuse to do it. You refuse to take the advice of Samuel J. Tilden, who, recognizing the defenseless condition of our harbors and cities, has urged the majority in this House to make suitable appropriations now while our finances are such as to enable you to do so, and when our workmen are idle and stand ready and willing. He says instead or adopting the suggestion which has been made upon this floor by gentlemen time and again to reduce the tax on whisky—he says, "Take this surplus, employ the waiting idle workmen, and put your coast defenses in suitable condition, and thus win the confidence and support of the people of the country."

Have you done it? No, sir. But in response to the request of the chosen leader of Democracy, and in spite of the palpable needs of the country, you present to the House an appropriation insufficient to provide an adequate defense for the humblest harbor along our whole coast line. Do you think your constituents will approve of that course? If you do you are mistaken, or I am greatly mistaken in the intelligence, tone, and temper of the American people. Instead of making these needful appropriations we have presented a proposition to reduce internal-revenue taxes for which there has been no demand except upon this floor. Here is a demand to reduce the tax upon whisky, not heard anywhere except upon this floor. Here is a demand that the surplus, so called, in the national Treasury, kept under a sacred promise, an express trust and indispensable to maintain the national credit, shall be wiped out to pay bonds that are drawing 3 per cent. interest. Instead of fortifying your country on the coast so as to maintain its power and dignity among nations you deal a deliberate blow at the national credit, a blow under which it staggers to-day.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RYAN was recognized and yielded a portion of his time to Mr. BUTTERWORTH.

Mr. BUTTERWORTH. Instead of upholding the national credit, which is our source of strength and prosperity, the proposition I have alluded to, known as the Morrison resolution, sanctioned by my honored friend from Virginia [Mr. TUCKER], is launched against it, and when I see these two gentlemen leave the beaten highway of their fathers and along which they have heretofore been accustomed to walk, I am moved to exclaim, "Who shall be strong if these be weak? Who shall rebuke the wrong if these consent?" But, to my surprise, they have consented to the attempt to force arbitrarily from the national Treasury the reserve which has been recognized for a quarter of a century and by every administration, including the present, as being indispensable to the maintenance in the financial marts of the world of our national credit, which is, I repeat again, the foundation upon which alone we must build the sure foundations of prosperity. That surplus is to be scattered from the vaults of the national Treasury. To strengthen your coast defenses? No. To meet the crying needs of the country? No. But, as my friend from Tennessee would say, to quicken our industries by pouring into the channels of trade and commerce this vast sum. If the observation had fallen from other lips than those of my friend from Tennessee [Mr. MCMILLIN] I would think it was intended solely for the gallery on the theory that there might be among the listeners some unemployed waiting for work, and waiting in vain, who could or would be induced to believe the moment the alleged surplus was paid out to cancel the 3 per cent. bonds new industries would start into life and a thousand avenues of trade would be opened up to the watching, waiting men. And that was said in face of the fact that nearly $100,000,000 are lying idle in the city of New York unemployed, but vainly seeking remunerative investment. The gentleman on reflection will admit that the matter of quickening industry has some relation to the question of demand and supply. It seems logical to conclude that when every garner is full of grain the farmer is not tempted to plow and sow a greater number of acres; when shoes are on every shelf and the supply exceeds the demand, there is no disposition to establish another shoe factory. When the mills and factories have produced more than is sufficient to supply the wants of the people, how will the pouring of millions into the already glutted channels of trade tend to help matters?

It seems to me patriotic, intelligent men should seek in another manner to point out the highway to national prosperity than by attempting to induce the people of this land to believe there is a power in the Government, yes, in this House, which, if rightly exercised, would quicken every industry and give employment to every idle hand. I would it were so, but it is not, and all intelligent men know the power does not rest in the Government to do it. And yet, because the struggling millions of the land are anxious to get work and be about something to make their homes better and happier, the chosen representatives of the people—that is, many of them at least—stand in their places here, denounce the Government, denounce ourselves as if we were standing in and blocking the way of national prosperity, because, forsooth, we refuse to tear out the very foundation upon which rests every possibility of business prosperity. We are assailed even here, as if we could if we would loosen the wheels of our locked industries by legislative enactment; as if we could by act or resolution start the healthful current of trade and commerce which is now stagnant.

I know of but one standing menace to our industries, one impending danger that has influence to partly paralyze our vast manufacturing industries, and that comes from the gentleman from Illinois [Mr. MORRISON], who constantly assaults the tariff with bills for its great reduction, thus unsettling every avenue of business which would be affected by such revision.

My Democratic friends, you make a great mistake if you suppose for one moment that I desire that you should fail in the administration of this Government. I would to God your administration should be characterized by such wisdom, such economy and frugality, such beneficial results to my country that the people of the land would be justified in continuing you in power, being assured that you had dealt better by the great interest committed to your care than my own party would have done.

I see nothing, however, in your course to inspire such hope or to justify such expectation.

On the contrary, I submit that instead of dealing with great questions in a manner consistent with ripe wisdom and perfect candor there seems to be a constant appeal to the prejudice, the passion, the appetites of men, a disposition too often to deal with them as if we questioned the wisdom of God when he created man as having put together anything beyond a mouth, an appetite, a stomach, and an alimentary canal.

Mr. Chairman, I have said, and repeat it, that for the defenseless condition of our country the Democratic majority in this House are at fault, and are without excuse. You came into power with profuse promises of accomplishing all that the people demanded. Nobody on this side of the House expected you would quicken our industries or extend our commerce; but we hoped, with reason, that you would not refuse to appropriate the people's surplus to provide needful and proper defense for our vast cities and coast line.

Governments are not made great or strong by legislation. National strength lies back of that. Our national strength will be found in the homes of our land. Our legislation is but the reflection of the teaching at the hearthstones of our country. There is where the decay of civic virtue will begin, there the foundations of our Government be undermined, if at all. Those who hold the guiding reins above the children at the hearthstones exercise a mightier influence over the destinies of the country than we who make its laws. If this Congress appealed more earnestly to those hearthstones, more earnestly to the intelligence of our people; if we sought to deserve their confidence by fearless discharge of duty, rather than to secure applause by serving merely to please those who are supposed to hold our political fortunes in their hands, we would do better for ourselves and the country, and would frequently show less promptness to vote for measures that we do not deem wise, nor exhibit such hesitation to vote for others which we know to rest in wisdom and which promise ultimate good.

I do not know what may be done touching this bill. It is my purpose to offer an amendment increasing this appropriation $3,000,000. That certainly is little enough. But it will enable this board to move in the direction of providing defenses for some of our great cities.

Will you adopt it, gentlemen? If not, why? It can not be said that we lack the money. It can not be urged that the engineers, mechanics, and artisans of the country are not able, ready, willing, and anxious to begin the work. Nor will it be said that we are lacking in material resources. It can not truthfully be said that the work can be prudently delayed. The necessity is great, the time and all conditions auspicious to begin. It rests with the Democratic majority to vote or withhold the needful appropriation from the surplus revenues, and just here I want to say, Mr. Chairman, that the talk we have heard on the stump during the past year or two about the vast balance lying idle in the Treasury was not worthy of the men who stumped the country on that issue. Now the promise to distribute the four hundred millions among the people has come home to torment you. The Morrison resolution, aimed at the national credit, is the nearest approach you can make to redeeming the delusive promise made in regard to scattering four hundred millions among the people. I am informed that some persons were actually deceived by the talk about the four hundred millions of idle surplus. You came into power and your Secretary of the Treasury found it absolutely necessary to increase the surplus, so called. He was bound by his oath of office and by his high sense of duty to protect and defend his country's credit. So he did not redeem the promise to scatter the hundreds of millions among the people. I am not criticising the administration at all upon this point.

I have no doubt that President Cleveland and Secretary Manning did what they believed to be, and what was, for the best interests of the financial credit of this country; and I say amen to what they have done. But our friends upon the other side asserted that there were $400,000,000 lying idle in the Treasury, while the result proves that that was a statement made to deceive and delude the unwary. What was the statement made for? The thousands of idlers that gathered about the various stumps from which that was proclaimed said among themselves: "If this balance be distributed among us there will be employment for us all." Even the idler will be flush. Yet the speakers knew that they were worse than mocking the men who listened to them. Not only that, but when the administration inaugurated by the Democracy seeks to do what is demanded by every consideration of private and public honor, they are slapped in the face by the Democratic majority in this House, who promptly vote a want of confidence in their own administration. And I may mention that the Secretary of the Treasury in reference to the object, purpose, and effect of the Morrison resolution telegraphs to a member upon this floor, my colleague, Mr. MCKINLEY, as follows:

TREASURY DEPARTMENT, *July* 14.

Hon. WILLIAM MCKINLEY, Jr.,
House of Representatives:

In reply to your telegram of this date asking what the Treasury would have left for working balance besides the fractional silver coin if the balance of seventy-five millions, as shown by the Treasurer's report of June 30 last, should be used in paying bonds, I beg to state that nothing would be left but trust funds which it would be dishonorable and dishonest to use for that purpose.

C. S. FAIRCHILD, *Acting Secretary.*

Was ever such a message sent by a Cabinet officer to the representatives of the people? Who is right, and who is wrong?

But all this is characteristic, and indicates that the Democratic majority in this House deals with the finances of the country as with the civil-service reform some time ago.

We heard a great deal about civil-service reform; yet when the Democratic President, who climbed up to his great office on that ladder, begins to find himself unsteady on his perch, substantially the only men who fly to his support to uphold him are to be found on this side of the House; and when he asks for clerks necessary to properly conduct the business of the Civil Service Commission, the Democratic majority in this House, without a ripple of dissent, votes to refuse the needful appropriation. This side votes to comply with the request of the President; his party friends vote against it.

Gentlemen, what can the country think of a party that comes into power with a rich profusion of promises, every one of which it breaks before the middle of its second year of administration?

Now, I have but this to add, and then I will take my seat regretting that I have trespassed so long upon the patience of the House. This bill pertains to a matter in which there is no partisanship. Its object appeals equally to both sides of the House. It is a proposition to provide sufficient and adequate coast defenses, confessedly needed, and to make an appropriation out of the abundance of the Treasury to do that which every citizen admits to be absolutely necessary and indispensable. To you, gentlemen, belongs the glory if you do it and the humiliation if you neglect it; and I assure you we will help you to vote the needed appropriation.

I confess, however, that as to you I am almost as one without hope. [Applause on the Republican side.]

Mr. HISCOCK. Before the gentleman closes I would like to ask him this question: has he explained what good reason there is for the creation of the commission that this bill proposes? And further, I would like to ask the gentleman if in his judgment all of this work can not be as well done by the Army and the Army engineers as by this new commission which it is proposed to create?

Mr. BUTTERWORTH. I will answer the gentleman, categorically, no; I do not think it can. That is the judgment of the committee; and I think they were unanimous in the opinion that what we need is a little new blood, a little aggressive energy, some new material selected with wisdom, which will appreciate the wants of the country. I am assuming that just and liberal appropriations will be made.

Mr. REED, of Maine. I think the bill needs a little more money more than anything else.

Mr. BUTTERWORTH. So it does.

Mr. REAGAN. Mr. Chairman, what disposition has been made of the time?

The CHAIRMAN. The gentleman from Kansas [Mr. RYAN] was recognized, and yielded a portion of his time to the gentleman from Ohio [Mr. BUTTERWORTH].

Mr. REAGAN. Is the gentleman from Kansas [Mr. RYAN] willing that I should proceed now?

Mr. RANDALL. Mr. Chairman, I have something to say on this subject. Whenever the committee is again recognized I desire to proceed on behalf of the committee. If there should be an extension of the time desired, so far as I am concerned I shall be perfectly willing to concede it.

Mr. REAGAN. If the gentleman from Pennsylvania [Mr. RANDALL] wishes to go on now on behalf of the committee of course I have nothing to say, but if he does not, I wish to say a few words on this subject.

Mr. RANDALL. Well, Mr. Chairman, let us have a clear understanding about this. We have agreed that the general debate shall close at 4 o'clock. That gave two hours and three-quarters of debate, two hours of which were generously conceded to the other side. Fifteen minutes I think have already been occupied on this side, leaving but thirty minutes more. How much of those thirty minutes I desire I can not say. I do not often talk at great length.

Mr. REAGAN. Does the gentleman from Pennsylvania want to go on now or may I?

Mr. RANDALL. How much time does the gentleman desire?

Mr. REAGAN. I may require half an hour to say what I want to say.

Mr. RANDALL. That is all the time there is left.

Mr. REAGAN. I understand there is an hour and a quarter left on this side.

Mr. WILSON. Only half an hour.

Mr. REAGAN. Does the debate close at four o'clock?

Mr. RANDALL. The general debate closes at that time.

Mr. REAGAN. I should like then to occupy fifteen minutes.

Mr. RANDALL. With the concurrence of the gentleman from Alabama in charge of this bill I ask unanimous consent that the general debate may be extended fifteen minutes, so as to accommodate the gentleman from Texas.

The CHAIRMAN. The gentleman from Pennsylvania asks that the time for general debate be extended fifteen minutes for the accommodation of the gentleman from Texas. Is there objection? The Chair hears none.

Mr. REAGAN. Mr. Chairman, there are two questions which I desire briefly to discuss. From my participation in the colloquy with the gentleman from Ohio [Mr. BUTTERWORTH] it might be inferred that I am opposed to the policy he was advocating of preparing for efficient national defense. I desire to say that it has been my hope that at this session of Congress liberal appropriations would be made to strengthen the Navy of the United States. I am prepared now, and shall be at all times whenever a suitable plan for the fortification and defense of our seacoast is presented, to vote whatever money may be necessary for that purpose. I recognize that as our country grows older, and as its relations with other commercial countries grow more extensive, we become complicated with the world's questions, and it is necessary for our country to be in a condition to take care of the property and lives of its citizens and the honor of the nation. I shall do my duty toward securing these ends.

If we should lag behind and fail to do the duty which we owe to this country and the world by securing a transit across the Isthmus of Panama, the interests of the commercial world demand that transit, and it will be secured by some other country if not by ours; and whether it be secured by some other government or by ours, it will bring the commerce of the world with western Europe and Asia and the islands of the Pacific by our doors. It will extend our commerce and business relations with the world, and make it necessary for us to have a stronger navy in order to protect our interests upon the seas and in foreign countries. At the same time I think a proper system of fortification ought to be adopted. If I had time, though I am not an engineer, I think I could suggest a system much cheaper than the cumbersome and costly systems of fortifications heretofore adopted, and one which would be much more efficient—a system of defense in the form of revolving turrets at proper places so strengthened that the most powerful guns could not break them down.

I have thought it proper to say thus much, so as to have it understood that I am prepared now and shall be in the future, so long as it may be my duty to act here as a Representative, to take every appropriate step necessary to strengthen the defenses and promote the welfare of the country. I see that this bill which the gentleman from Ohio has criticised so severely makes provision for the creation of a commission and for the preparation of plans looking to secure the defense of the country as he suggests; but he seems to think that the work ought to be done at this session of Congress—immediately. That would be very well if we had the power to speak a system of fortifications into existence without the great expenditure and labor and skill and scientific knowledge necessary to build up a system of national defense. But this work takes time. I agree with him that we should avail ourselves of every means which may promote the rapid construction of necessary national defenses both by land and by sea. With these remarks I leave that subject.

The gentleman has chosen to arraign in terms of great bitterness, and it seems to me great injustice, the Democratic party for its policy, for its failure, in his view, to meet the demands of this country. He stands here as a representative of that great political party which during the twelve years when it had sole control of both branches of Congress, as well as of the executive department, voted away about 200,000,000 acres of the public lands to corporations, as well as passed many other political measures wholly unjustifiable in a moral or political sense. He stands here the representative of a party which undertook to reach specie payments by what they called "getting down to hard pan." They worked on the problem of procuring specie payments until the country was bankrupt and the people substantially ruined; their property was being sold in every township from Maine to California for taxes. Merchants were failing in business; distress spread over the commercial portion of the country, and labor was sunk in poverty and sorrow. That was the result of the policy of "getting down to hard pan."

One plan of bringing about specie payment was to redeem and cancel the $400,000,000 of legal-tender notes; and that party was proceeding to do this at the rate of $2,000,000 or $3,000,000 a month, I believe, when there was no specie in circulation and when the paper circulation was inadequate. It is this policy of resuming specie payments by taking currency out of the country, by bankrupting the people and making specie payments forever impossible, that the gentleman [Mr. BUTTERWORTH] on this floor to-day boasts about.

The country was saved from the calamity which that policy had brought about by a Democratic majority returned to this House by the people of the United States. That Democratic majority with the aid of some Western Republicans stopped the redemption and cancellation of the legal-tender notes, secured $346,000,000 of them as a part of the volume of the currency of this country, re-established confidence, gave stability and prosperity to business.

More than that, while our country is the largest silver-producing country in the world, producing about 40 per cent. of all the world's silver, the Republican party, in the interest of the bondholders and bankers, had demonetized silver, had taken it away from the people as a part of their currency.

The Democratic party represents the traditional policy of that party from the foundation of the Government until the present time. The use of silver as money has been the policy of the commercial world through all its history. It was the safe commercial policy of the world, until rich men in this country and in Europe undertook, in their own interest, for the purpose of enhancing the value of their bonds and other securities, increasing the interest to be paid them on their money, to stop the coinage of silver. In order to enhance the interest of the bondholders and to increase their profits the interests of millions of toilers of this land were sacrificed and the fortunes of our merchants were wrecked.

Now, the Democratic party remonetized silver, as I have stated, by the aid of a portion of the Western Republicans. They not only remonetized silver, but, by the coinage of $2,000,000 a month of silver and by making $346,000,000 of legal-tender notes a part of the volume of currency, they gave confidence to the public mind, they gave stability to trade, they gave employment to the poor, and, as stated by Mr. Sherman in his report as Secretary of the Treasury to Congress, they thereby enabled the Treasury of the United States to resume specie payment.

From that day to this, Mr. Chairman, the Democratic party has been endeavoring to enforce a policy of giving ample circulation of gold and silver coin and paper redeemable in coin and based on coin to promote the public prosperity and advance the business interests, and especially to protect the interests of the millions of toilers of this land. By so doing we have redeemed the country from the policy of being run in the interest of corporations, railroads, and national banks, grinding down the people in the interest of the money power.

It is right for me to say in this connection that every movement of the Republican party on these subjects for the last twenty years has been to build up the strength of the money interests and the power of the corporations of this country. While its bids for popular favor have to be paid for out of the public Treasury, the Democratic party stands here representing the people and not the plunderers and corporations. Yet because they vote against extravagant appropriations, they are denounced by gentlemen on the other side for want of statesmanship, want of progress, want of capacity to deal with the problems involved in carrying on this Government. Whenever it becomes the policy of both the great political parties to bid the money in the Treasury for the votes of the populace the Government of this country will go as that of Rome did, into the hands of the highest bidder.

If you would protect the rights of the people you should guard carefully against the allowance of extravagant appropriations. If that be done, and we also preserve a proper volume of currency, we need have no fear as to the continued prosperity of the country and no apprehension as to the perpetuation of our liberties. [Applause.]

Mr. RYAN. I yield now fifteen minutes of my time to the gentleman from Maine [Mr. DINGLEY].

Mr. DINGLEY. Mr. Chairman, I agree with the gentleman from Ohio [Mr. BUTTERWORTH] in his judgment of the utter inadequacy of this appropriation for the defense of the country. He has presented that subject so ably and justly that I do not propose at this time to repeat what he has already so well said.

It seems to me, Mr. Chairman, the great difficulty in all these matters in reference to appropriations for objects of public importance lies in the disposition which there is among members of this House to vote in the negative simply for the purpose of preserving what they term an economical record. Economy is always essential, but a wise economy is not parsimony.

Adequate appropriations for any object of public concern is economy and not profligacy of expenditure; and the withholding of necessary appropriations is waste and may result in injury to the public interests. It seems to me that the withholding of appropriations to put the nation in a state of defense in case of war, which is sure to come to all nations, is anything but statesmanship. Those who vote to withhold these appropriations to make a record of apparent economy I believe are mistaken as to the public sentiment of the country. The withholding of a single million of dollars of expenditure in the direction of preparing for adequate defense of the nation may result in the destruction of property amounting to hundreds of millions of dollars.

Those of our Democratic friends who look upon the record of a reduction of expenditures where they are needed for public objects as something that commends them to popular favor overlook the fact that the great majority of the people are willing to support the proper employment of the public money in furthering whatever will advance the prosperity and strength of the nation.

The gentleman from Illinois [Mr. SPRINGER] the other day took occasion in the course of a speech upon the deficiency bill to claim great credit for Democratic management because of what it had saved during the past year in the administration of the Government. I endeavored at that time to interrupt him for the purpose of making a suggestion, but was not permitted, and therefore take this earliest opportunity to make a few remarks in response to what the gentleman said. He stated:

> The Democrats have made a net reduction of $16,000,000 in the expenses of the Government during this year, and, exclusive of pensions, a reduction of $24,000,000 have been secured during the first year of Democratic administration.

Mr. Chairman, the gentleman from Illinois claims that the fact that the expenditures of the Government during the past fiscal year were

$16,000,000 less than in the previous fiscal year has been because of a Democratic administration. But why did the gentleman claim that this reduction had been the savings of the Democratic administration? Why did he compare the expenditures of the last fiscal year with the expenditures of the previous fiscal year, four months of which had been also Democratic; for if there was extravagance in expenditures in the fiscal year ending June 30, 1885, it was extravagance in which the Democratic administration had shared. If the gentleman intended to be fair in his comparison why did not he select the last fiscal year which comprised an entire year of Republican administration, namely the year ending June 30, 1884? If he had done that he would have discovered the fact that the expenditures for the fiscal year ending June 30, 1886, were one and one-half millions of dollars larger than they were in the fiscal year ending June 30, 1884. The expenditures for the last fiscal year under the present Democratic administration were $245,615,745, but the expenditures for the fiscal year ending June 30, 1884—the last entire year of Republican administration—were only $244,126,244.

Now, I do not make this comparison for the purpose of drawing any conclusions in favor of superior economy on the part of a Republican administration, but simply to show that the effort of the gentleman from Illinois to claim superior economy for the present Democratic administration has no foundation. I think, Mr. Chairman, and gentlemen will certainly concur with me, that there has been in the past as in the present a disposition on the part of gentlemen whether representing one side or the other of this House to exercise at all times a due degree of economy consistent with the highest efficiency of the public service; and that there can be no well-founded claim of superior economy on either side. There have been, it is true, and will continue to be differences of opinion as to whether this or that expenditure is wise, or whether it will secure results that justify a particular appropriation.

I have obtained somewhat in detail a table showing in what items there was a reduction of expenditure in the fiscal year ending June 30, 1886, as compared with the preceding year of part Republican and part Democratic administration, an account of which the gentleman from Illinois lays claim to a large reduction of expenditures by a Democratic administration; and I will print the table in connection with my remarks.

It will be seen by this comparative table that there has been almost no reduction of expenditures for ordinary purposes or in directions under the control of the administration. The reductions have been almost entirely in directions where Congress, or the course of the administration of the laws of Congress, happened to call for payments in the prior fiscal year and did not call for such payments in the last fiscal year.

For example, the gentleman from Illinois claimed that the Democrats had reduced the expenditures of the War Department $8,344,869. Now, of this so-called reduction, $6,868,000 was in expenditures for rivers and harbors, and was the result of the fact that at the first session of the Forty-eighth Congress a river and harbor bill was passed; and at the second session of the Forty-eighth Congress the river and harbor bill passed by the Democratic House was defeated by the Republican Senate. If the Senate had concurred in passing the bill the expenditures under this bill alone would have covered nearly all the reduction claimed by the gentleman from Illinois in all departments. Surely the gentleman will not pretend that a Democratic administration is entitled to the credit of a saving made by the Republican Senate.

But again, over a million of dollars of other items of reduction claimed arose simply from the fact that certain States were reimbursed for war expenditures or certain payments were made for war claims and soldiers' homes in the former year that were not made in the latter year. This surely had nothing to do with a change of administration.

Take the Navy Department, in which the claim is set up that the Democratic administration has saved $2,406,585. Over one-half of this so-called saving arises from the fact that less work was done and paid on the new war vessels in process of construction in the former year than in the latter year. The fact that there has been an increase in pay of Navy and miscellaneous of $889,000 is hardly consistent with the claim that there has been a reduction of expenditures in items to a certain extent in the control of the Department.

The gentleman claims that there has been a reduction of over $4,000,000 in diplomatic expenditures, when the fact is that the ordinary expenditures for the two years were substantially the same. The so-called reduction of expenditures is due to the fact that in the former year nearly $4,000,000 of Alabama claims and French claims were paid from funds placed in the Treasury by Great Britain and France for the payment of claims against those governments, while in the latter year none were paid. Would the gentleman have us understand that this is a reduction of expenditures made by the administration?

Turn to the expenditures of the Treasury Department and for the customs service, and it will be seen that there has been very little reduction in items of ordinary expenditure. But I have not time to enter into details. The table which I will print in connection with my remarks will exhibit them and will show that nearly all the so-called reductions have been in extraordinary payments, outside of ordinary expenditures, which happened to be larger in the fiscal year ending June 30, 1885 (which, however, was in part under Democratic control), than in the fiscal year ending June 30, 1886.

The following is the table referred to:

Comparison of expenditures of the Government, fiscal years 1885 *and* 1886.

	1885.	1886.	Increase 1886.	Decrease 1886.	Items of increase and decrease.	Amounts.
Customs service	$27,123,972 67	$24,165,246 36		$2,960,726 31	Decrease in—	
					Repayment to importers	$1,412,000
					Collecting the revenue and detection of fraud	124,000
					Debentures or drawbacks	486,000
					Furniture and repairs of same for public buildings	87,000
					Fuel, light, and water for public buildings	27,000
					Light-House Establishment	223,000
					Custom-houses and other buildings	645,000
					Total decrease	3,004,000
					Increase in miscellaneous items	44,000
					Net decrease	2,960,000
Internal-revenue service	4,550,623 21	4,113,319 90		437,303 31	Decrease in—	
					Salaries and expenses of collectors, agents, &c	269,000
					Redemption of stamps	125,000
					Miscellaneous items	105,000
					Total decrease	499,000
					Increase in stamps and paper	62,000
					Net decrease	437,000
Diplomatic and consular service	5,439,609 11	1,332,320 88		4,107,288 23	Decrease in—	
					Payment of judgments, Alabama Claims	3,301,000
					Awards of French and American Claims Commission	594,000
					Miscellaneous items	212,000
					Total decrease	4,107,000
Quarterly salaries	598,986 61	616,379 42	17,392 81			
Treasury Department	36,854,109 05	33,323,749 66		3,530,359 39	Decrease in—	
					Salaries	135,000
					Mints and assay offices	197,000
					Bureau of Engraving and Printing	257,000
					Sinking funds, Pacific Railroads	4,397,000
					Mail transportation, Pacific Railroads	947,000
					New Orleans, Cincinnati, and Louisville Expositions	1,000,000
					Building for State, War, and Navy Departments	139,000
					Increasing water supply of Washington, D. C	485,000
					Payment of judgments, Court of Claims	468,000
					Miscellaneous items	615,000
					Total decrease	8,640,000

Comparison of expenditures of the Government, fiscal years 1885 *and* 1886—Continued.

	1885.	1886.	Increase 1886.	Decrease 1886.	Items of increase and decrease.	Amounts.
Treasury Department—Con'd					Increase in—	
					Court-houses, post-offices, and other buildings $1,058,000	
					Louisville and Portland Canal 400,000	
					Deficiency in postal revenues 3,652,000	
					Total increase	$5,110,000
					Net decrease	3,530,000
Judiciary	$3,945,691 37	$3,309,689 19		$636,002 18	Decrease in—	
					Fees of supervisors of elections	255,000
					Expenses United States courts and miscellaneous	381,000
					Total decrease	636,000
Interior civil	8,979,266 36	7,306,224 44		1,673,041 92	Decrease in—	
					Salaries and miscellaneous expenses	58,000
					Buildings and grounds under Interior Department	220,000
					Public-lands service	70,000
					Surveying public lands, &c	354,000
					Deposits by individuals for surveying public lands	681,000
					Miscellaneous items	290,000
					Total decrease	1,673,000
War	42,670,578 47	34,324,152 74		8,346,425 73	Decrease in—	
					Rivers and harbors	6,868,000
					National Home for Disabled Volunteer Soldiers	117,000
					Soldiers' Home	100,000
					Reimbursing certain States (Kansas) expenses incurred in suppressing Indian hostilities, &c	332,000
					Refunding to States expenses incurred in raising volunteers	255,000
					Horses and other property lost in military service	224,000
					Army transportation, Pacific railroads	300,000
					Miscellaneous items	150,000
					Total decrease	8,346,000
Navy	16,021,079 67	13,907,887 74		2,113,191 93	Decrease in—	
					Double-turreted monitors	290,000
					Steel cruisers, construction	441,000
					Steel cruisers, ordnance	217,000
					Pay, miscellaneous and contingent	100,000
					Mileage, Navy, Graham decision	208,000
					Steam machinery	90,000
					Construction and repair	30,000
					Provisions	20,000
					Bounty for destruction of enemies' vessels	85,000
					Extra pay to officers and men in Mexican war	63,000
					Lady Franklin Bay expedition	65,000
					General account of advances	1,393,000
					Total decrease	3,002,000
					Increase in—	
					Pay of Navy and Marine Corps $630,000	
					Miscellaneous 259,000	
					Total increase	889,000
					Net decrease	2,113,000
Indian service	6,552,494 63	6,099,158 17		453,336 46	Decrease in—	
					Fulfilling treaties and treaty supports	4,000
					Miscellaneous supports	230 000
					Trust-funds	9,000
					Miscellaneous expenses of Indian service	210,000
					Total decrease	453 000
Pensions	56,102,267 49	63,404,864 03	$7,302,596 54			
Interest on the public debt	51,386,256 47	50,580,145 97		806,110 50		
Totals	260,226,935 11	242,483,138 50	7,319,989 35	25,063,785 96		
Decrease in 1886		17,743,796 61		17,743,796 61		

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. REAGAN took the chair as Speaker *pro tempore*.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, informed the House that he had approved bills of the following titles:

An act (H. R. 1462) granting a pension to Addie L. Macomber;

An act (H. R. 3463) granting a pension to Hannah Babb Hutchins;

An act (H. R. 4544) granting a pension to Ann E. Cooney;

An act (H. R. 6311) for the relief of Mrs. Maria Walker;

An act (H. R. 7165) to increase the pension of Manhattan Pickett;

Joint resolution (H. Res. 202) to continue the provisions of a joint resolution approved July 1, 1886, entitled "Joint resolution to provide temporarily for the expenditures of the Government;"

Joint resolution (H. Res. 199) providing for printing eulogies delivered in Congress upon the late Michael Hahn; and

An act (H. R. 1840) granting a pension to Samuel F. Garrett.

Mr. RYAN. I yield for ten minutes to the gentleman from California.

Mr. MORROW. Mr. Chairman, a year ago Congress passed an act entitled "An act making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1886, and for other purposes." This act provided, among other things, that the President of the United States should appoint a board, of which the Secretary of War should be a member and president, to be composed of two officers of the Engineer Corps, two from the Ordnance Corps, two officers of the line of the Navy, and two civilians.

This board was required to examine and report at what ports fortifications or other defenses were most urgently required, the character and kind of defenses best adapted for each, with reference to armament, the utilization of torpedoes, mines, or other defensive appliances. It was clearly not the purpose of the statute to require merely an elaborate preparation for the effective and complete defense of our seacoast; but it was provided specially that the board should examine and report upon the urgent and present absolute needs of the country in the way of defensive appliances. And it was mainly to meet this pressing emergency that the law was passed and the board constituted.

This action of Congress was in response to the demand of the people that something should be done toward protecting our exposed ports and harbors.

A board was appointed as directed by the act, and in accordance with its terms a full and comprehensive report has been submitted to Congress covering the whole subject. From this report we learn that the ports at which fortifications or other defenses are most urgently required are as follows:

1. New York.
2. San Francisco.
3. Boston.
4. Lake ports.
5. Hampton Roads.
6. New Orleans.
7. Philadelphia.
8. Washington.
9. Baltimore.
10. Portland, Me.
11. Rhode Island ports in Narragansett Bay.

In the order of the urgency and importance New York stands first and San Francisco second. As representing in part the city of San Francisco I would be derelict in the duty I owe to my constituents if I should refrain from protesting most vigorously against the action of the Committee on Appropriations in refusing to provide for the construction of defensive works at the ports and places named in accordance with the recommendations of the board on fortifications or other defenses.

The board recommends the appropriation of $21,500,000 for the present year. The Committee on Appropriations provide in this bill for the expenditure of only $620,000 for but little more than continued experiments and investigations. The board recommends an aggregate expenditure of $126,000,000 for the twenty-seven principal ports and harbors of the United States in annual appropriations of $9,000,000 each year after the first, until the work is completed. The Committee on Appropriations gives no heed to this recommendation.

The amount of property in the city of San Francisco exposed to the guns of any hostile vessel that may see fit to come within reach of the city has been estimated for the year 1884 at $181,000,000. Is it right or just that a community paying its taxes and cheerfully bearing its share of all the burdens of the Government should be allowed to remain with the lives of its citizens and the greater portion of its wealth exposed to the mercy of the first marauder that may come along? Certainly the cities of San Francisco and New York are entitled to the protection of the General Government, and they ought not to be allowed to remain longer without defensive works.

In a paper entitled The Policy of the National Defense, written by D. M. Taylor, captain of ordnance, I find the following very plain statement of the necessity for fortifications in the harbor of San Francisco. He says:

> Lieutenant Griffen, of the engineers, in an able paper showing our lack of proper defensive dispositions, read in New York a short time ago, spoke of the monetary value of property there lying so defenseless as almost to court an invader, and showed what poor economy it was to economize upon guns and fortifications and all defensive dispositions. The same line of argument would apply here (San Francisco), but I will not localize it; but, disregardjng entirely the financial aspect of the case both as to what is to be protected and as to the cost of such protection, I state the broad fact that if the Pacific coast is to remain an integral part of the United States the national honor demands that its main harbor be so protected that the almost irreparable misfortune and disgrace of its loss, with the probable consequent loss of the whole of the Pacific States for a time at least, may be avoided, and that the possession of the key of this coast may not be allowed to slip from our hands through our apathy or parsimoniousness in not properly fortifying it.
>
> The question here is, or should be, not one of cost but simply of what will be most effective and how soon it can be applied, and it is to be hoped that the Representatives and Senators from this section of the country will begin with the beginning of the next session of Congress, and, remembering and applying the parable of the unjust judge, give their fellow-Congressmen no rest in House, or Senate, or committee-room, or in the seclusion of private life, until an appropriation has been made and the business of properly and amply protecting San Francisco Bay with guns, forts, and torpedoes, at least had a beginning.

We are following these suggestions with all the vigor and earnestness we can command, but so far we have had but little to encourage us in the hope of success.

I call the attention of the gentleman from New York [Mr. VIELE], who is a military man, to the fact that the great city of his State, the largest city in the United States, is exposed to the shot of almost any gun carried by almost any war vessel afloat on the ocean to-day.

What will you do when an enemy's vessel shall menace your city? As the gentleman from Ohio [Mr. BUTTERWORTH] has so eloquently said, you will place your young men upon your improvised fortifications to defend your lives and property and expose them to certain slaughter or you will meekly surrender at the sound of the first gun.

Sir, the people of this country demand that we shall provide the necessary fortifications for a proper defense, and with the information now before us we have no excuse for further delay.

I understood the chairman of the sub-committee who reported this bill to give as one of the reasons for the action of the committee in refusing to make larger appropriations for fortifications that we are at peace with the whole world. So we are. But suppose, as has been suggested, that a controversy should arise between us and some of our neighbors, how long do you suppose it would take to prepare ourselves to repel an attack and maintain our rights? The able report of this board to which I have already referred informs us that it would require five years. Let me read this part of the report. The board say:

> Unfortunately the immense labor of novel constructions must be undertaken under circumstances where careful workmanship is required and haste would be impossible. Under the most favorable conditions a long period would be required to place the defense upon a secure basis, and who shall guarantee that this can be effected free from complications with foreign powers? The gun-foundery board has estimated that it would require at least three years to establish proper plant for the construction of modern guns. It would in all probability require two years more to get out and prove the first 16-inch gun. That there may be no delay in mounting the guns as fast as completed the work upon the extensive foundations for the gun emplacements, as well as magazines, shell-rooms, engine-rooms, and other constructions necessary for the service of the guns, should be commenced at the earliest moment.

From this statement it apears that should we to-morrow have a difficulty or misunderstanding with any of the leading powers of the world we would most likely be compelled to surrender our position or ask a suspension of the controversy for the period of five years until we could construct cruisers, build fortifications, and make guns to enforce and defend our rights as a nation. The predicament would, of course, be absurd. It is not with nations as with individuals. There is a sort of chivalry among men by virtue of which when you say to your threatening antagonist that you are unarmed he will give you a chance to procure a weapon in self-defense, but with nations the declaration of war and the first blow come very nearly together.

There is no chance for preparation. If any of our controversies with foreign nations should result in a rupture we would find hostile fleets on our coast within twenty-four hours after the declaration and every dollar's worth of property of our citizens at exposed points would be at the mercy of the enemy. This is the position in which we would be. And now I ask is it the spirit of American manhood and American statesmanship that continues us in this faltering attitude? I do not think so. And yet the Democratic party, representing the Government, comes before the country with the proposition that only $620,000 shall be appropriated for the year 1887. And what is this sum for? To commence the building of fortifications in a feeble way? No. It is to enable the committee representing the party in power to continue to think upon this subject.

For five years the leaders of the Democratic party have been refusing to make appropriations for this purpose, telling us that they wanted time to consider what they should do. They wanted to determine what kind of guns we should have and ascertain the best system of defensive work. And now that they have the information they propose to appropriate the sum of $620,000 more, simply that they may make the pretense of doing something.

I submit the time has come for practical results. The country is prepared to accept the best judgment of this Congress upon the able reports and recommendations that have been made from time to time by the various committees and boards appointed to consider the question of defenses. We ought to do something; and I for one am prepared to vote for an appropriation in accordance with the recommendation of the board on fortifications. If not the $21,500,000, then I favor the appropriation of $3,000,000 as proposed by the gentleman from Ohio [Mr. BUTTERWORTH], but let us do something in response to the demand that the country shall be properly defended.

Another statement made by the gentleman having this bill in charge is that there are now two thousand guns in our fortifications, and the intimation he threw out was that these two thousand guns were available as a means of defense and could be relied upon in an emergency. Now, what is the actual condition of these guns? Some of them are too small to be effective against modern war ships. It is true that there are a few large guns mounted in different parts of the country. Some of these are in the fortifications at San Francisco, and I desire to call the attention of the committee to a statement concerning these the largest and most effective guns we have in our fortifications. I again read from a paper written by Captain Taylor. The article is entitled "Are we protected?" He says:

> The 15-inch smooth-bore, which will ever remain as a monument to General Rodman's skill and knowledge as a worker in metal, was a most formidable weapon against wooden ships or stone fortifications, but against armor-clads was classed as a gun of the "racking" rather than of the "punching" school. That is to say, its effect was supposed to be rather to jar, shatter, or "rack" the whole side of the vessel, breaking off bolt-heads and cracking plates, than to penetrate the armor, and this gun, while useful against the light armor-clads, which were contemporaneous with its introduction, is almost innocuous against the heavily armor-clad vessels of to-day.
>
> Recent experiments, however, have shown that owing to the admirable construction of this gun, it is possible to fire it with largely increased powder charges and obtain the very respectable penetration in wrought iron of 10 inches at 1,000 yards' distance. But in order to fire it with this charge—130 pounds of powder—it is necessary to have an entirely different carriage from its present one, and of the few of these carriages in existence there is not one on this (the Pacific) coast. A few months ago an attempt was made to fire one of these guns in this (San Francisco) harbor with a charge of 100 pounds of powder, 30 pounds less than that needed to produce its maximum penetration of 10 inches; and the gun was at once dismounted, and lies on the ground to-day, a melancholy witness to the inefficiency of our present defense.

That is a sample of one of the best guns you have in the fortifications to-day. The firing of a heavy charge of powder will dismount the gun and render it useless for a time at least. In the case cited we will have to wait until Congress in its wisdom shall appropriate enough money

to build a derrick and a gun-carriage before that gun can be again got into place.

Mr. BUCHANAN. Those guns appear to be as dangerous at one end as at the other. [Laughter.]

Mr. MORROW. Yes, with the present worthless gun-carriages they are so. I venture to say that there is not a gun-carriage on any of our fortifications that will carry one of these heavy guns loaded and fired properly. Now, Mr. Chairman, is it treating the country fairly to bring forward this bill appropriating only $620,000 for 1887 when it is known that the work to be accomplished requires over twenty millions? It is not economy; and it is not enough to say that everything is all right, because we are at peace with all the world and have got "two thousand guns" in our fortifications.

It appears to me that this question ought not to be one of political controversy.

The national security is a matter in which there should be no divided opinion and no delay in action, and yet it seems that gentlemen on the other side of the House are not in accord with the sentiment of the country even in their own party upon this important subject. You have not only disregarded the advice of Mr. Tilden, although he spoke as one having authority, but you have ignored the warning of your leading newspapers charging you not to neglect your duty in this respect. And in this connection I beg leave to commend to your consideration the following editorial from the New York Sun of July 15, 1886:

THE FORTIFICATIONS BILL.

Considering the great amount of preliminary work performed by a great many persons with a view to preparing the Forty-ninth Congress for final and intelligent legislation on the important subject of coast defense, the House Committee on Appropriations will hardly startle the country by the magnitude of the expenditure it proposes.

For many years past the annual fortifications bill has been one of the easiest of the regular appropriations to prepare and hurry through Congress, because it did little more than provide for taking care of the forts without attempting new construction. But the present Congress not only assembled with a quite unprecedented public call for immediate and liberal outlays upon the protection of our seaports, stimulated by the letter of Mr. Tilden on this subject, but it has had a remarkable series of committee investigations to guide its legislation. It has had, in the first place, the very elaborate report of the gun foundry board, representing years of the labor of experts. It has also had the reports of the House Select Commission on Ordnance and Gunnery, sometimes called the public defense commission, and the Senate's Select Committee on Ordnance and War Ships, both representing months of labor in taking testimony and in visiting foundries and navy-yards by some of the ablest men in Congress. It has also had the very elaborate report of the board on fortifications and other defenses. Finally, on the subject of heavy guns and harbor-defense batteries it has had the important report of the House Naval Committee. Perhaps there never has been in any Congress such a collection not only of documentary evidence as to the needs of our coast defense, but so specific a statement of the precise method of beginning the work and the exact appropriations required. But more remarkable still, if possible, has been the substantial unanimity of these reports in describing the foundation-work needed for providing heavy guns and impregnable forts.

Perhaps there may have been an impression that the long delay this year in reporting the fortifications bill was due to the magnitude of the scheme thus proposed, and to the necessity of great care in providing the money for carrying out the system of works and guns described with so much detail in these various reports. Mr. Tilden, indeed, in his famous letter of December 1, 1885, to Mr. CARLISLE, had pointed out that the appropriation for seacoast defenses should be prompt as well as liberal, being "a paramount necessity." But delay for a few months could be ascribed to careful study of the details of this vast project. Now, however, after more than seven months of the session are gone, in its last days the great fortifications bill is reported to the House and proves to be a measure proposing to expend $620,000, which is a full sixth less than even last year's appropriation.

The plain truth seems to be that, with the annual pension bill necessarily increased this year to $75,000,000, being $15,000,000 more than last year's; with $5,000,000 and eventually $6,000,000 a year added by a bill for a general increase of pensions; with unknown millions possibly to be called for by the Mexican pension bill, now under consideration; with a river and harbor bill of over $15,000,000 passed by the House, and increased to $18,000,000 by the Senate against no bill at all passed at the last session, an "appropriation prompt and liberal" for coast defense, such as Mr. Tilden urged, had no chance whatever this year, at least at this stage of the session. Possibly, also, when so much of the year had been expended in passing little pension bills for the benefit of individuals, which the President no less laboriously vetoed, it was thought that a great national project of protecting our seaports could not possibly receive suitable attention from either Congress or the administration in the few weeks of midsummer heat, already largely preoccupied, with which the session will close.

So we get, instead, a proposition for one more board to look into the coast-defense question, with half a million dollars devoted to its expenses and experiments.

It is inadequate. The delay is a mistake.

In my judgment it is a very grave mistake. I think it is the duty of Congress to proceed at once with the preparations necessary to place the country in a proper position of defense against attack, from whatever direction it may come.

Mr. RYAN. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Twenty-seven minutes.

Mr. RYAN. I yield fifteen minutes to the gentleman from Michigan [Mr. CUTCHEON], and the remainder of my time to the gentleman from New York [Mr. VIELE].

Mr. CUTCHEON. Mr. Chairman, what I shall say at this time will be upon the subject of fortifications and our coast defenses. I shall not discuss the silver question, or the national bank question, or the general question of Government expenditures, or any other question except that of fortifications.

I think that the title of this bill ought to be "A bill to provide how not to do it." It comes so far short of what seems to me to be the emergency and the demand of the hour, that it can be in no sense called a fortification bill. At the very best it is a bill to get ready to prepare to begin to fortify. But beyond that it does not go.

The gentleman from Alabama who has charge of the bill said in his opening remarks as excusing the meagerness of the measure that we are at peace with all the world. That is true; and for that very reason we ought to be utilizing the present opportunity to get ready for a different state of affairs. As has been said by the gentleman from Ohio [Mr. BUTTERWORTH], when the hour of danger comes it is too late to make preparation for war. Human nature, Mr. Chairman, is the same to-day that it has ever been. International intercourse is the same it has always been. Human selfishness, human greed, and human ambition have not changed with the lapse of years. And as in ages past one nation has ever stood ready to take advantage of the unpreparedness of another, so to-day our great commercial and political rivals stand ready to seize the opportunity of our nakedness to fall upon us and destroy us. The millennium has not yet come; and until it does come, it will never be safe for a great commercial nation, a rich nation like the United States, to be unprepared for war.

As to when war may come—soon or late—that is a mere question of years; it may be a mere question of months. At all events, it is only a question of time when this nation shall again be plunged in war. It is as certain as any future and contingent event can be; and when it comes where is it going to fall? With the present military power of this nation, its strength in men, its command of resources, no great foreign army will ever again be marched into the interior of this country. No foreign flag will ever be borne across our territory. But the war will be waged on our sea borders. Upon the great commercial centers on the seacoast the blow will fall.

Therefore it is, Mr. Chairman, that we need to provide not interior defenses, not great standing armies, but adequate defenses along the sea margin. I think it was Talleyrand who said that nothing happens but the unexpected. War never yet, or very rarely, came to a nation when that nation was fully prepared, armed, equipped, and expecting the assault. In 1871, when the matter of a submarine tunnel to connect France and England was under discussion, Colonel Maurice of the English army undertook an investigation of the manner in which great wars have originated. He commenced his investigation with the year 1700 and brought it down to the year 1871, covering a period of one hundred and seventy-one years.

He found as a result of his investigation that during those one hundred and seventy-one years one hundred and seven wars had commenced without any previous declaration of war or announcement of hostilities. He found that during that time there has been forty-one cases of war commenced without the declaration of hostilities, not only evidently, but in many cases avowedly for the very purpose of gaining the advantage that was to come from a blow for which the enemy was unprepared. He found that of those one hundred and seven wars commenced without previous declaration sixty had occurred in the present century, and that in thirty cases important fortresses had been seized by sudden movements because of no previous declaration of hostilities and inadequate preparation on the part of the enemy. This is the history of modern warfare. It almost always comes in a day, as did the Franco-Prussian war and as have other wars of recent date. We know not, therefore, when war may come; but when it does come it will come suddenly "as a thief in the night."

Now, what preparation have we for war at the present time? In the report of the commission on fortifications, to which reference has been made several times to-day, the commission state that in 1860 this nation was as well fortified and as well prepared for war as any nation in the world in the then state of the art of war. But what is our condition to-day? We are absolutely helpless; we are wholly deficient in any modern armament; we are absolutely stripped of any navy; we are totally without the best modern guns of heavy caliber. In other words, we are not prepared to cope with the meanest European power.

Even the "sick man," Turkey, to-day could send a fleet of war ships into New York Harbor that the United States of America with all its armaments could not withstand, and which could dictate terms to that great commercial metropolis and lay it under contribution for hundreds of millions of dollars. We have not the means for capturing or destroying any one of those which they could send against us. The little South American republic of Chili has more than one and more than two ships of war which could steam through the Golden Gate into the harbor of San Francisco and lay that great Western metropolis in ashes in spite of all that we could do.

This is the deplorable and disgraceful condition we are in. The board, composed of the Secretary of War, of the Chief of Ordnance, of the Chief of Engineers of the Army, of two able ordnance officers, of two well-known naval officers, and two distinguished citizens from civil life, say in their report to this House, under date of January 23, 1886:

It is impossible to understand the supineness which has kept this nation quiet—allowing its floating and shore defenses to become obsolete and effete, without making an effort to keep progress with the age, while other nations, besides constructing powerful navies, have not considered themselves secure without large expenditures for fortifications, including armored forts.

That is what their report says; that is what the Secretary of War subscribes to, because his name is appended to the report.

The new navy which we have not built and have made no appropriations to build is the coefficient of coast defense, goes along with it, and is a part of the system. The Navy is the movable factor and the coast defense the permanent factor.

It is said we have no present need of these defenses. I said a moment ago the time when we have no present need is the time when we must prepare for the time of need. As the board says, it would take three years to create the plant and then two years more to fabricate the first great gun—five years before we can begin to turn out our armament. It would take fifteen years with the utmost expedition we can make to carry out the system of fortification this plan has evolved. Not less than fifteen years will suffice to put our 4,000 miles of coast in a condition of sufficient defense.

Along the Atlantic coast, along the Gulf coast, and along the great Pacific coast are the great entrepôts and depots of the nation, through which its vast wealth goes out to the world and the wealth of the world comes to us. Close these great ports—Portland, Boston, New York, Baltimore, Philadelphia, Hampton Roads, Charleston, Savannah, and the mouth of the Mississippi River—and the commerce of this nation is absolutely paralyzed until the blockade is raised; and we have not yet the first ship, the first gun, the first battery with which to raise the blockade. We would have to go to work to create the ships, to create the guns, to create the armament before we could raise the blockade of the first of these ports.

Mr. Chairman, I desire to speak especially for one moment on the condition of our lake frontier. We not only have this great Atlantic coast fronting Europe, the great Gulf coast fronting South America, and the great Pacific coast fronting China, Japan, and the Orient, but we have a great lake coast of a thousand miles from Rouse's Point, on Lake Champlain, to Duluth, on Lake Superior. Right across the border we have a flourishing, strong, and vigorous young nation of five millions of people, with the British Empire back of it, with the St. Lawrence open to them so that British iron-clad gunboats could be sent to them through the canals on the Canadian territory, while we have not a ship-canal or water way on American soil through which any war vessel could pass from tide water to the lakes.

On these lakes are more than a thousand millions of property within range of any one of a fleet of gunboats that can get access to them. On Lake Michigan alone is approximately a thousand millions of property within range of any gunboat that can reach that lake; and as you come down along the lakes there are Detroit, Toledo, Sandusky, Cleveland, Buffalo, and Oswego, with hundreds of millions more of property liable to destruction by gunboats that could come up through the Welland Canal.

By the treaty of 1817 we are forbidden to maintain more than one revenue-cutter upon Lake Ontario and two upon the upper lakes with one 18-pound gun on board. That is the only protection that is now afforded to this vast amount of property. But you say there is no danger on our northern frontier because we could walk over and take Canada any morning before breakfast.

Gentlemen do not remember perhaps that we have to cross this great water boundary first. Canada has control of the canals, and it would not take over twenty-four hours for a British gunboat fleet from Kingston to come up through the Welland Canal and reach the upper lakes, and once there we would have no means to stop them. Fort Wayne is little better for this purpose than an earth bank with a popgun on it.

Once there they would have "the world before them where to choose." There would be nothing to prevent their devastating the shores and laying their great cities under contribution at will.

The board of fortifications in its report places the lake frontier as fourth in point of urgency of all the great fortifications required; only New York, San Francisco, and Boston taking precedence.

The board recommends the construction of four principal works on this northern frontier:

First. A work at the outlet of Lake Champlain, to prohibit the entrance of naval vessels of an enemy into that lake.

Second. A work with heavy armament upon the St. Lawrence to command the entrance into Lake Ontario.

Third. The strengthening and supplying of modern guns to Fort Wayne upon Detroit River, which commands the entrance to the three upper lakes, with all their populous and opulent cities.

Fourth. The construction of works at the Falls of the Sainte Marie for the purpose of protecting the great ship-canal through which passes the vast commerce of the new Northwest. For these purposes the board recommends an expenditure of $4,136,800.

If it is said that Great Britain will never declare war against us because we have a mortgage on Canada, I would ask if we are prepared to surrender our vast seacoast of 4,000 miles to be ravaged and desolated for the sake of an ultimate possibility of the aquisition of Canada? Will not a great iron-clad fleet off New York, Boston, Philadelphia, and Baltimore be quite as likely to dictate terms to us as we would be to dictate the terms of settlement to them with a hundred thousand men on Canadian soil? They would have us by the throat while we have them by the heels.

The idea that the proper place to defend New York city from an iron-clad fleet is beyond the Canadian border is, to say the least, a novel and striking one.

The great seaport towns, Portland, Boston, New York, Philadelphia, Baltimore, New Orleans, and San Francisco, are the nerve-centers or ganglia at which national life resides. Here the great railroad lines, internal water lines, foreign commerce, and coastwise trade concentrate.

The possession or destruction of these by an enemy would paralyze the entire commercial system of the country.

This is so clearly pointed out in the letter already read by the gentleman from Ohio [Mr. BUTTERWORTH] from Samuel J. Tilden to the Speaker of this House, on the 1st of December last, that I need not again repeat it. He says:

> The property exposed to destruction in the twelve seaports of Portland, Portsmouth, Boston, Newport, New York, Philadelphia, Baltimore, Charleston, Savannah, New Orleans, Galveston, and San Francisco can not be less in value than $5,000,000,000. To this must be added a vast amount of property dependent for its use upon these seaports.

The distinguished writer whose voice and counsel should at least be potential on the Democratic side of this Chamber, advises the immediate application of the surplus in the Treasury to our seacoast defenses.

The board of fortifications most emphatically re-enforces that counsel.

The President in his annual message says:

> The board on fortifications or other defenses appointed in pursuance of the act approved March 3, 1885, will in a short time present their report, and it is hoped that this may greatly aid the legislation so necessary to remedy the present defenseless condition of our seacoast.

This is a substantial indorsement of the report of the board. So we have both the intellectual head and the political head of the Democratic party urging them in one direction and yet they hesitate to go. They are deaf to their own Secretary of War.

But what is the plan of the board? It is the construction of a system of iron and steel armored forts; some with revolving turrets, others consisting of metal casemates, and others yet with barbette emplacements, and all armed with the best modern breech-loading rifled guns of heavy caliber.

These works are to be supplemented by floating batteries and submarine mines and torpedo boats.

It is hardly needful to say that all these should be the correlative of a first-class armored navy, prepared to contest the approach of a hostile fleet to our coast.

COST OF THE PROPOSED DEFENSES.

The next question is what is the estimated cost of this system.

The following is the estimate of the board:

CONSOLIDATED ESTIMATE.

For masonry and earthworks	$31,863,000
Armor	20,300,000
Structural metal	3,320,000
Guns and mortars	28,554,000
Carriages for armament	9,411,000
Floating batteries and armament	18,875,000
Submarine mines, &c	4,334,000
Torpedo boats	9,720,000
Total proposed cost	126,377,000

This seems like a very large sum. But let us not forget that it is to be spread over not less than thirteen years, and will amount to less than $9,000,000 per year. Our present population is estimated at 60,000,000, and averaging the population for the period of expenditure and it would beyond doubt average upward of 63,000,000, or the average annual expenditure per capita would be only 14 cents.

In 1840, when our population was but 17,000,000, we inaugurated a system of fortifications that cost us $57,131,000. This in like manner spread over thirteen years would average $4,394,000 per year, or 25 cents per capita upon the population of 17,000,000. So that we see that though the sum is large it is not relatively so large as that expended for a like purpose in the last generation. Of the total cost the board recommends the following initial and annual appropriations:

Appropriations recommended.

	First year.	Annual thereafter.
A. Gun steel	$8,000,000	.....
B. Gun factory	1,000,000	.....
C. Masonry, &c	4,000,000	$2,000,000
D. Armor, &c	2,000,000	2,000,000
E. Gun-carriages	1,000,000	1,000,000
F. Floating batteries	3,000,000	2,000,000
G. Submarine mines	1,000,000	500,000
H. Torpedo boats	1,500,000	1,500,000
Total	21,500,000	9,000,000

This is the recommendation of your administration through your Secretary of War.

The board conclude their report in the following words:

> After mature consideration, and with all the information before it, the board is of the opinion and recommends that the above-named amounts should be

appropriated without delay for the purposes mentioned, and it further states that nothing less will suffice, even for a beginning.

W. C. ENDICOTT,
Secretary of War.
S. V. BENÉT,
Chief of Ordnance.
JOHN NEWTON,
Chief of Engineers.
HENRY L. ABBOT,
Lieutenant-Colonel of Engineers.
CHAS. S. SMITH,
Captain of Ordance.
W. T. SAMPSON,
Commander, United States Navy.
C. F. GOODRICH,
Commander, United States Navy.
JOS. MORGAN, JR.
ERASTUS CORNING.

And what a lame and impotent conclusion is this bill, with its paltry $600,000, where $21,000,000 were asked. But, Mr. Chairman, aside from the urgent need of this great system for the protection of the nation's commerce and aggregated wealth, there are certain

INDIRECT BENEFITS

which should be taken into account. We are passing through an industrial convulsion the cause of which lies in the insufficient employment of our industrial population. A great number of men are said to be out of work, or unable to make living wages. It is but rarely that the Government can create work. In this case it can.

Almost every dollar of these $21,000,000 would go for wages. It would be expended in the mines, in the furnaces, in the forges and the machine shops, in ship-yards and gun founderies, in building forts and furnishing armament. These $21,000,000 put in circulation in wages would furnish employment for thirty-five thousand men at average wages of $600 per year, and estimating that each of these would have four dependents, it would provide a living for 175,000 of our industrial population.

It is hardly possible to estimate the effect that this creation of work would have upon the industrial situation.

I regret for this reason, as well as for the greater reason growing out of our defenseless condition, a sense of national insecurity and anxiety for the national honor, that the Committee on Appropriations has not responded more patriotically to the urgent appeal of their greatest leader, their political head, and the recommendation of the Secretary of War and board of fortifications. What we expend for the honor of the Republic is never wasted.

[During the delivery of the foregoing the hammer fell.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CUTCHEON. I ask leave to extend my remarks.

There was no objection.]

Mr. RYAN. I yield the remainder of my time to the gentleman from New York [Mr. VIELE].

Mr. VIELE. Mr. Chairman, I regret very much that in the disposition of the time alloted to this debate there is not sufficient allowed to me for a discussion of the question in a manner which I conceive its importance merits. As a representative, sir, of that profession which has made for its study the science of war, and as a representative of that great city which has more at stake in this question than all of the rest of the country together, I enter my solemn and earnest protest against the whole tone and tenor of this bill.

I do not impugn in the slightest degree the motives of the members of this committee; but, sir, I am satisfied that they have allowed the tentative policy to get the better of their judgment. What is this question? It is simply a practical question of national defense. It is not a question of policy. It is not a question with which any political party has any essential connection; nor does the question of politics enter into its consideration; but it is simply a question, pure and simple, of our national defense and of national intelligence.

What is the position to-day? On the 3d day of March, 1885, Congress passed an act precisely similar in all respects for the accomplishment of precisely the same purposes for which this bill provides a commission of three civilians and two military officers. That board appointed under the act of March 3, 1885, was composed of the most intelligent men in this country upon the question which they were called upon to discuss; and I am free to say that you might search the whole country over, you may search the whole of Europe, and you will not find a board of more intelligence than that which composed the board whose report is now upon our desks. What is more, they made the most valuable report upon this subject that has ever been made upon any subject submitted to this or any other Congress. It is full, complete, and ample in every respect, and has all the plans, almost the specifications of a complete system; and as a truthful statement of the condition of our fortifications to-day, that they are of no use whatever. Why, sir, if this bill began by appropriating a sufficient amount of money to pay for the dynamite that would blow every fort that we have into the Atlantic, it would have more common sense than anything else it now contains. These forts are worthless, shams, and most deceptive. They are good for no purpose and must be substituted by something that is necessary and adequate for our defenses.

Now, what is necessary? We have now all the information that can possibly be obtained on this question. If the new board composed here were to sit fifty years and discuss the matter it could not add to it. We, by the advance and through the inventive genius of the age in the manufacture of projectiles and in the construction of guns, we to-day find ourselves where the Chinese were when the European powers took their determination to acquire possession of their country, and did it with the slightest possible resistance. We are in the same condition that China was in when the English and French nations determined to throw open their ports against their will. We are utterly and entirely defenseless. The question is, what shall be done?

It is a fact that there exists, as defenses of the ports of England and of France, a species of armored works which is recognized as the most complete system in existence and the most effective. These are known generally as monitor turrets. England has put them up at her seaports and France has done the same. This report tells us that is what we want; that our stone forts are of no use whatever; that the millions of treasure they have cost has been thrown away so far as their present usefulness is concerned.

We are asked to make an appropriation of half a million of dollars both for the purpose of paying expenses and to provide another board to take the facts which have been collected by the old board and report some years hence—1889—and then, we are told, we will go to work to do something.

Why, sir, what has been the policy of the intelligent nations of the earth in this respect? England has spent more money in the construction of ships for experiment that never went to sea than this Government has ever spent upon her entire Navy. What we want is to recognize the fact that the intelligence of the age has placed before us all the knowledge that we want.

Have we read this report or not, as a collective body or as individuals? Do we know what it contains? If we do we should not hesitate one hour, one moment, before we appropriate at least $10,000,000 to carry into effect the recommendations of that board. If we do not do it we do a wrong to this country. We fail to recognize the necessity. If there is any necessity for further discussing the question, if there is any necessity for another board, it is for the purpose of gaining information. But they can not gain any information that is not already presented in the report before us.

Are we to throw this into the fire? Are we to say these men knew nothing? Read the list of them. There were two eminent civilians. Talk of new blood; there was new blood there. Two of the most eminent civilians were selected. There are the facts; and I give it as of my own personal knowledge that this report is even with the age. It tells the story up till to-day; and we have no reason to hesitate for one hour to go foward and carry out the recommendations of that board and make the necessary appropriations.

Mr. BUTTERWORTH. If my friend will allow me to interrupt him I call his attention to the fact that the bill on page 3 authorizes the board not merely to investigate but also to purchase.

Mr. VIELE. But it gives no money wherewith to purchase. What do you want them to purchase? A stick of candy? We want to purchase guns.

Mr. BUTTERWORTH. I propose to insert an amount to enable them to purchase guns.

Mr. VIELE. I hope that will be inserted. But I am talking now about what is not inserted. I am talking for the insertion.

Mr. HISCOCK. I suppose my colleague will be willing to compromise and give the committee this legislation if they will give $3,000,000?

Mr. VIELE. No doubt.

Mr. RANDALL. But he wants $10,000,000.

Mr. VIELE. What I want to impress on the committee is this, that all the facts are before us on which to act; that it is not necessary to delay another year or two years in this matter. We have got all the information we want and can go right on. And it will be a glad day for this country when it recognizes that Congress has understood the situation and made the appropriation. The men and women of this country will go to bed with calmer hearts and more contented souls when they know the property of this country is not at the mercy of any freebooter that may come along. I assure you we must be always ready for these great questions that present themselves. Of the antagonisms of peace have always come the horrors of war, and it is against those antagonisms of peace that we must protect ourselves.

It is a well recognized fact that England and Germany and France are expending enormous sums of money for the purpose of increasing their trade with foreign countries. They are absolutely appropriating countries all over the world and constituting colonies of their own where they can send their surplus products. And it is this strife among the industries of the world that is to bring about the next war we are to have, and we know not how soon it may come.

We have the materials in this country to construct these turreted monitors. They have the plans in the War Department. They can construct them to-day as readily as they could a chicken-coop from the plans made for it. There is no occasion for the delay. It is absolutely necessary we should recognize the facts before us and act upon them.

Mr. RANDALL addressed the committee. [See Appendix.]

The CHAIRMAN. If no further general debate is desired, the Clerk will proceed to read the bill by paragraphs.

Mr. RANDALL. I have agreed to yield five minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman, I desire to reply briefly to the remarks made by the gentleman from Maine [Mr. DINGLEY] in regard to the statement furnished by the Treasurer of the United States and printed in the RECORD of July 10 in connection with remarks submitted by me on the day previous. That statement of the Treasurer of the United States, which is published on page 6699 of the RECORD, shows that the expenditures of the Government for ordinary purposes, for pensions, and for interest for the year ending June 30, 1885, were $260,226,935, and for the year ending June 30, 1886, $243,480,941, the net decrease being $16,745,993, which net decrease would have been $25,346,179, but for an expenditure of $8,600,186 for pensions. The Treasurer on the next page itemizes the expenditures for ordinary purposes, this itemized statement disclosing the fact that the decrease in the War Department was $8,344,869. This is in part accounted for by the table presented by the gentleman from Maine, showing that there was a decrease of $6,868,000 in the expenditure for the improvement of rivers and harbors, this reduction resulting from the fact that Congress failed to make any appropriation for that service.

In the diplomatic service this report of the Treasurer shows a decrease of $4,107,288. In connection with this it should be stated that there was paid during the year 1885 for judgments of the Court of Alabama Claims $3,301,000, and for awards of the French and American Claims Commission $594,000.

[Here the hammer fell.]

The CHAIRMAN. The gentleman from Pennsylvania has still seven minutes remaining.

Mr. RANDALL. Then I yield to the gentleman from Illinois the remainder of my time.

Mr. SPRINGER. I concede that the items to which I have referred—the river and harbor appropriations, the judgments of the Court of Alabama Claims, and the awards of the French and American Claims Commission—are not properly chargeable to expenditures of the year 1885; but if I had opportunity to analyze the ordinary expenses for 1886 as the ordinary expenses for 1885 are here analyzed, I presume the analysis would show that in all other respects there had been an equal amount of extraordinary or accidental expenses for that particular year. So that, giving the most liberal construction on account of the matters to which I have referred, I maintain that these two tables will show that, leaving out the item of pensions and the other items mentioned, there has been a net reduction upon the ordinary expenditures of the Government of $14,583,000 during the year 1886 as compared with the year 1885. Now, I will not claim that this reduction is entirely attributable to the fact that there was a Democratic administration; but I do claim that most of these items of reduction are directly traceable to that fact. I want to call attention to two of these items.

The honorable gentleman from New York [Mr. HISCOCK] took occasion a few days ago to refer to the fact that there was a great increase during last year for expenses of United States courts.

This table shows when we get at the expenses of the United States courts there was a decrease in the year 1886 as compared with the year of 1885.

Mr. DINGLEY. That was because a deficiency was carried over.

Mr. SPRINGER. I beg the gentleman's pardon. I will show what it was. The decrease was first in the fees of supervisors of elections—$255,000. That was what the gentleman's party expended, through partisan agents, to help in electing their candidate for President in 1884.

Mr. HISCOCK. All right.

Mr. SPRINGER. You say it is all right. If we were to spend that much in the Congressional elections this fall you would say it would be all wrong. I would say it was all wrong, too. It will be seen that $255,000 was expended in the election of 1884 through partisan agents of the Republican party to aid them in electing their President. The amount of that expense was cut off during the year 1886.

There was a decrease in the expenses of the United States courts and in miscellaneous items to the extent of $381,000. These items went to the ordinary expenses of the courts.

There are a number of items to which I would like to call attention if opportunity was afforded to show that the present administration is economizing in the ordinary expenses of the Government. I would cite the discharge of a large number of useless officials in the Internal Revenue Department. I might cite also a great reduction in supplies for the Indian service. The reduction in other like items discloses the palpable fact that in carrying on the Government the present administration has been reducing expenses. That reduction is creditable to the Democratic administration, because it was predicted by gentlemen on the other side of the House in the last Presidential election, that the election of a Democratic President would result in a large increase of the expenditures of the Government, that it would pay a large amount of rebel claims, that it would pay off the rebel debt, that it would in effect result in the general bankruptcy of the Government. None of these predictions have turned out to be true. On the contrary, they have not only turned out to be untrue, but the present administration of the Government has been carrying it on with great efficiency, while at the same time the expenses of the Government have been reduced to an economical basis and are much lower than they have been under preceding Republican administrations. [Applause.]

The CHAIRMAN. The time for debate has expired, and the Clerk will now read the bill by paragraphs for amendment.

The Clerk read as follows:

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1887, and for other purposes, namely:

For the protection, preservation, and repair of fortifications and other works of defense for which there may be no special appropriation available, $100,000, the same to be expended under the direction of the Secretary of War.

Mr. REED, of Maine. I should like to have some explanation as to the necessity for this appropriation.

Mr. FORNEY. It is the same amount that was appropriated last year, and it is supposed to be sufficient for the protection and preservation of the fortifications we have, between seventy and eighty.

Mr. REED, of Maine. If these fortifications are good for nothing, what is the necessity for repairing them?

Mr. FORNEY. That is what the other side say.

Mr. REED, of Maine. What is the object of repairing them?

Mr. FORNEY. Some one should be there to take care of the public property.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

SEC. 2. For the armament of sea coast fortifications, including the procurement of steel forgings for the manufacture of heavy guns; for guns, carriages, projectiles, fuses, powder, and implements, their trial and proof, and all necessary expenses incident thereto, $500,000, to be available until expended.

Mr. VIELE. I move to strike out "$500,000" and insert "$3,000,000."

Mr. BUTTERWORTH. During the course of my remarks I indicated a purpose to move to increase the amount to $3,500,000, and I offer that amendment now. I only desire to say that while we believe it is a ridiculous sum, nevertheless it is a move in the right direction, and the provision for its expenditure is one which ought to commend it to the fair consideration of the House.

The CHAIRMAN. The question is on the amendment to the amendment.

The committee divided; and there were—ayes 47, noes 73.

So the amendment to the amendment was rejected.

Mr. WEAVER, of Iowa. I move to strike out the last word.

In the interest of historic accuracy I want to say a word or two upon a subject which, although not exactly germane to the bill, is, I think, as much in order as the argument of the gentleman from Ohio [Mr. BUTTERWORTH], to which I wish simply to reply for a moment.

The gentleman from Ohio said that when the war was flagrant in the land the national banks sprang to the defense of the country. I want now to call his attention to a table which I hold in my hand, and which gives the circulation of the national banks from their first organization down to the present time.

The national-bank act was passed on the 23d of February, 1863, and not one dollar of national-bank circulation was issued during that year. During 1864 there were issued only thirty-one and a quarter millions of this kind of paper, and during the next year, 1865, which is the year the war closed, there were only one hundred and forty-six millions of national-bank notes outstanding, one hundred and fifteen millions of it being issued during that year.

Now, Mr. Chairman, how the national banks could have sprung to the defense of the Government under the circumstances I am stating I can not perceive. They were not authorized until February, 1863, and did not commence issuing notes until 1864, and then only in small quantities. I am only speaking now in the interest of historical accuracy. The springing they did was after the soldiers had sprung into line and saved the Government and showed that the Government bonds and Government notes were good fat investments.

They had been made good by the blood and sufferings of the soldiers of the country, and then the national banks sprang into the financial breach, but not before, and then only to plunder the people. From that hour to this they have speculated upon public and private misfortune, and their attitude has been one of hostility toward the people. They have occupied a hostile attitude toward the Treasury and the whole country when Congress has dared to thwart their plans.

So far as the personal remarks of the gentleman are concerned I wish only to say that he was undoubtedly provoked to say what he did by a remark that I made. I never squeal. [Laughter.]

Mr. BUTTERWORTH. I may have seemed a little hasty in the reply to my friend from Iowa; but certainly there was no intention of offense. There were no barbs upon the shaft I sent, and such sallies never find their place in the RECORD.

Mr. WEAVER, of Iowa. Put them right in.

Mr. BUTTERWORTH. Oh, no; it was not intended. Sometimes we say things in the heat of debate—many times indeed—which are not always well-considered.

But, touching this matter to which my friend from Iowa referred, I

still insist, and the truth of history will affirm the fact, that I am correct in saying the national-bank system came to the rescue of the Government and strengthened it by taking its bonds, currency, &c., in its hour of need, but I do not care to discuss that question now, but will leave it to another occasion, when I may have something to say upon the subject at a time when it is more fitting to the bill under consideration than it is to the present one. Then I may pay my respects to the question.

Now I want to ask my friend from New York what is the point of order against this section?

Mr. VIELE. The point of order is withdrawn.

Mr. WEAVER, of Iowa. I withdraw the *pro forma* amendment.

Mr. McADOO. Mr. Chairman, I renew the *pro forma* amendment for the purpose of saying a word or two, and that not by way of any special criticism on the bill. Representing as I do one of the large cities that would be subjected to naval invasion, and thus aware of the danger, I would be unfaithful to my trust if on this floor I did not call the attention of the House to the fact that this is not a local question. I have often observed that when matters relating to the Navy or to our system of seacoast fortifications are under discussion here some gentlemen seem to suppose it is an Eastern or local question.

There are $5,000,000,000 worth of property in round numbers from San Francisco to Portland, Me., around our coast, as shown by careful estimates based on assessed valuations, which to-day is endangered by any foreign naval invasion. That property is the common wealth of the Union. Its destruction by a foreign invasion does not fall solely as a loss on any locality, but it comes from the pockets of all of the people of the United States, and not, as some seem to suppose, from New York, Brooklyn, Jersey City, San Francisco, Charleston, New Orleans, or Portland, Me., but from the common produce, wealth, industry, and common labor of the whole people of the entire United States. Besiege New York, and the wheat-growers of Minnesota and the cattle-raisers of Texas, whose products come to and go in part from that great port, will pay the greater part of the damage.

I do not desire now to criticise this bill, although it is not to me entirely satisfactory. It is in wise, cautious, and conservative hands; but I do hope that when the Congress of the United States, representing the various States and sections of this great country, shall come to deal with the Navy and the fortifications of this Union, it will do it in the proper spirit of defending the interests of all the people and all our territory and not specially the people along the coast. Such narrowmindedness is unbecoming and unjust. As a very high and patriotic officer said to me the other day, the coast ports are the mouth and the interior the stomach. As well might the human anatomy begin unnatural contention as this great question become sectional.

I agree with all that has been so well and eloquently and frequently said on this floor, that the United States was able to defend itself successfully against any nation on the face of the earth. So long as we are a united people—which I thank Heaven we are, and put the accent on "united"—there never will be an invasion of our soil, and no foreign nation, however powerful and great and warlike, that has trouble with the United States will ever undertake to land an army on our shores. The armies of Napoleon and Wellington combined could not invade the United States with its sixty million free people and its enormous territory and great wealth. But our seacoast cities and harbors are in peril.

A navy and a proper fortification of our coast is not in the line of monarchical government. A standing army affects our own people, but the navy and seacoast defenses only menace foreign powers. I am opposed to paternal government and for the man against the State just as much as the upright defender of the Constitution from Texas [Mr. REAGAN] or the able gentleman (Judge HOLMAN) from Indiana. But a government ceases to be a government when at its border lines it is not, as against foreign interests and foreign arms, protective, defensive, and paternal in the broadest and most sacred sense in guarding the lives, liberties, rights, and properties of its citizens and in upholding its own dignity and honor.

That is the very essence of government—to protect its citizens; and as against foreign nations or foreign interests I would provide the strongest defenses that can be produced by the energy and skill of man. Full freedom within, but unyielding, determined, undying, and eternal protection and defense against foreign interference in whatever form it may come. I do not advocate wild and extravagant navies and forts looking to foreign intermeddling and conquest, but sufficient to assert our rights and defend our coasts. Let the robber governments of Europe maintain tremendous military establishments. They need them; free and contented people do not.

The importance of this question of the defense of our coast can not be exaggerated. Its only defense to-day is in the shallowness of the waters of our harbors and in the growing draught of the great war-ships that are being constructed in the Old World. In my opinion it is not a matter of speculation as to what kind of defense we can make. It is demonstrated, as the gentleman from Pennsylvania [Mr. RANDALL] says, that the old fort is obsolete, and that the old smooth-bore muzzle-loading gun is likewise obsolete. But it is also demonstrated that turreted forts and vessels and rifled cannon show the high-water mark in the rise and progress of naval skill and modern science, and we are bound to take a step in advance, that we may put ourselves in a position of defense and prevent war by not inviting attack. I hope on another occasion soon approaching to present some facts and tables on this important question.

[Here the hammer fell.]

Mr. CUTCHEON. I wish to say a word only as to the fortifications on the Northern frontier. The gentleman from Pennsylvania [Mr. RANDALL] made light of the idea that any danger could by any possibility threaten us from that direction. In accordance with the act of March 3, 1885, the President of the United States appointed the commission already spoken of, which consisted of the Secretary of War, the Chief of Ordnance, the Chief of Engineers, Lieutenant-Colonel Abbot, of the Engineers; Capt. Charles S. Smith, of the Ordnance Corps; Commander Sampson, and Commander Goodrich, of the United States Navy; and from civil life Joseph Morgan, jr., of Pennsylvania, and Erastus Corning, of New York. Their report is before us. They have made their report in regard to the objects of fortifications, as they say, in the order of urgency. They place first in the order of urgency the harbor of New York; secondly, San Francisco; thirdly, Boston; and, fourthly, the lake ports; and they recommend an appropriation for the fortifications of the lakes of $4,131,000. And this is the language in which the commission urges the appropriations in the conclusion of its report:

> After mature consideration, and with all the information before it, the board is of the opinion and recommends that the above-named amounts should be appropriated without delay for the purposes mentioned, and it further states that nothing less will suffice even for a beginning.

This is signed by W. C. Endicott and the other members of the board.

Now, if I am foolish, Mr. Chairman, I am foolish in good company.

Mr. RANDALL. I did not say you were foolish.

Mr. CUTCHEON. I know you did not. That is merely an inference. If this is an unreasonable fear that we may ever be attacked or approached from the northern frontier, I share it with the Secretary of War, with the Chief of Ordnance, with the Chief of Engineers, and with these other distinguished gentlemen. And they recommend an immediate expenditure of more than $4,000,000 for the protection of that frontier.

It may be that we have taken securities from Great Britain, and that we hold a mortgage on Canada which we can foreclose any morning before breakfast. But while we are foreclosing our mortgage they can do well-nigh infinite mischief to our ports on the lakes. And although in the fullness of time Canada may fall like a ripened pear into our hands, yet while it is ripening, and until it falls, these frontier States—Wisconsin, Illinois, Michigan, Ohio, Pennsylvania, and New York—may suffer the greatest damage.

Mr. RANDALL. Does the gentleman recollect the treaty stipulation between Great Britain and the United States as to the armament on the lakes?

Mr. CUTCHEON. By the treaty of 1817 it was provided that each power might maintain on each of the lakes one revenue-cutter of 100 tons burden, carrying one gun and no more.

Now, while Great Britain can muster a squadron of any dimensions in the St. Lawrence and have her gunboats ready to cross the frontier through the canals which are under her control, we can not muster one single gunboat, nor have we one single canal through which we can pass a gunboat into the lakes.

[Here the hammer fell.]

The *pro forma* amendment was withdrawn.

Mr. STONE, of Kentucky. I offer the amendment which I send to the desk.

The CHAIRMAN. The Clerk will first report the amendment offered by the gentleman from New York [Mr. VIELE].

The Clerk read as follows:

> Insert after the word "thereto," in line 5, section 2, "$3,000,000," instead of "$500,000."

Mr. BURROWS. Has the second section been read?

The CHAIRMAN. That paragraph has been read, and is subject to amendment.

Mr. BURROWS. I understood both sections were to be read. I desire to make a point of order against the section.

Mr. HISCOCK. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HISCOCK. I inquire whether the Clerk is not reading the second section by paragraphs, and whether as each paragraph is read a point of order or an amendment can not be made to it?

The CHAIRMAN (Mr. BLOUNT). That is the opinion of the present occupant of the chair.

Mr. BURROWS. I understood the Chair to say the Clerk would read the bill by sections.

Mr. RANDALL. The point of order was made by the gentleman from New York [Mr. VIELE] and was withdrawn, and there have been amendments adopted since.

The CHAIRMAN. There is no point of order pending on this paragraph. The question is on the amendment of the gentleman from Kentucky [Mr. STONE].

Mr. RANDALL. I am unwilling to have this section considered except as a whole.

The CHAIRMAN. The Chair has ruled on that question.

Mr. HISCOCK. I desire to make the point of order that it has been ruled in this House always, that when a section contains a number of paragraphs each paragraph as it is read is subject to amendments and points of order.

The CHAIRMAN. The Chair has so ruled and will enforce the ruling unless the committee reverses it.

Mr. BUTTERWORTH. I rise to a parliamentary inquiry. The point of order was made against the entire section and after that discussion was had. Now, when the point is made upon the entire section, and admendment and debate intervene, is it competent to make a point of order against the paragraph after that?

The CHAIRMAN. The Chair thinks that the several paragraphs or subdivisions of the section are considered separately, and are subject to points of order as they are reached. The amendment of the gentleman from Kentucky will be read.

The Clerk read as follows:

Amend section 2 by inserting after the word "proof," in line 4, the words "and the testing of improvements of the same."

Mr. FORNEY. There is no particular objection to that.

The amendment was agreed to.

The CHAIRMAN. The question now is on the amendment of the gentleman from New York [Mr. VIELE].

The question was taken; and there were—ayes 38, noes 72.

So the amendment was rejected.

The Clerk read as follows:

That all money appropriated by this section shall be expended under the direction and supervision of a board composed of five persons, one of whom shall be an officer of the Army and one an officer of the Navy; both of said officers shall be designated by the President; three members of said board shall be appointed from civil life; the President shall appoint one, the President of the Senate one, and the Speaker of the House of Representatives shall appoint one; the five persons so designated and appointed shall constitute said board; members of Congress shall be ineligible to serve on the board. The necessary and proper expenses of said board and the compensation of the three civilians, at $10 per day while so employed in the discharge of said duty, shall be paid from the sum herein appropriated.

Mr. BUCK. Mr. Chairman, I make the point of order on that paragraph that it changes existing law. If the bill should be passed with only the first paragraphs which we have already considered, the expenditure of the money appropriated would fall within the jurisdiction and control of the War Department. But by adding the paragraph upon which I now make the point of order we take the control of the expenditure of this money from the War Department, where the existing law puts it, and place it in the hands of a board which is to be appointed under the provisions of this paragraph and the paragraphs following.

It is unnecessary for me to read the statute to show that this authority belongs to the War Department. It grows out of the incidental powers of the Department under the law, and also, I believe, out of an express provision in the statutes (section 1164) that the Ordnance Bureau shall make the purchases and contracts for munitions of war. The paragraph is also new legislation.

Mr. RANDALL. I hope the gentleman will not insist upon that point of order. If he does, he will only make necessary an effort to reduce the amount very considerably.

Mr. REED, of Maine. The amount now in the bill?

Mr. RANDALL. Yes. We are not willing that this money shall be expended under the control of the department.

Mr. BUCK. It is perhaps not germane to this question to allude to the paragraphs that follow, but there is another paragraph on the next page which takes a very radical step forward in the line of enlarging the powers given to boards. It authorizes this proposed board not only to investigate, but to make purchases of guns and to establish a plant for the manufacture of guns.

Mr. RANDALL. To the extent of this appropriation.

Mr. BUCK. To the extent of this appropriation.

Mr. RANDALL. Well, that is the direction in which we want to go. We want fresh intelligence, fresh energy, fresh blood.

Mr. BUCK. I want no intelligence any more fresh than that which is furnished by what is called the "Randall board," which has made a report to this Congress on all the questions that are covered by this paragraph and the following paragraphs with the exception of the purchase of the guns and war materials. We already have all the information on these subjects necessary for intelligent action.

Mr. RANDALL. We want somebody to direct in that line. The present Ordnance Bureau does not direct in that line.

Mr. BUCK. Permit me to say that the fittest persons to do that are William C. Endicott, the Secretary of War, and General Benét, Chief of Ordnance.

Mr. RANDALL. I have nothing to say about Secretary Endicott, but he is not a manufacturer of guns.

Mr. BUCK. They are both entirely qualified to control the expenditure of this money wisely.

Mr. BUTTERWORTH. Mr. Chairman, I do not know how this paragraph stands with reference to the statute, but if the amount to be appropriated is to be insignificantly small, and that seems to be the temper of the House, I apprehend that it is not very important whether we have a board or whether we have not, as there will be nothing for them to expend.

The CHAIRMAN. The Chair sustains the point of order.

Mr. RANDALL. That takes all out of the first section of the bill after the paragraph stating the amount appropriated?

The CHAIRMAN. It does.

Mr. RANDALL. Now, Mr. Chairman, can I move to amend the amount in the first paragraph of this section?

The CHAIRMAN. The Chair thinks that is not in order, as that paragraph has been passed.

Mr. RANDALL. Then I will move to recommit the bill, if I have an opportunity, in the House.

Mr. HISCOCK. Do I understand that the whole section is ruled out?

Mr. RANDALL. Yes.

The CHAIRMAN. The Chair did not so rule, because the succeeding paragraphs of the section had not been read; but if there is no objection to the Chair ruling upon those paragraphs before they are read, with the view of saving time, they will be considered as read and ruled out.

There was no objection, and it was so ordered.

The Clerk read as follows:

SEC. 3. That the sum of $50,000, or so much thereof as may be necessary, of the unexpended balance of $400,000 appropriated by the act of March 3, 1883, for armament of fortifications, is hereby reappropriated and made available for the construction and payment of the guns authorized by said act, and now being constructed by the South Boston Iron Works, under contracts dated September 24, 1883, and June 30, 1884; and the extension of said contracts is authorized accordingly.

Mr. FORNEY. I move that the committee rise and report the bill as amended to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 9798) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1887, and for other purposes, had directed him to report the same back with an amendment and to recommend its passage.

NAVAL APPROPRIATION BILL.

Mr. HERBERT. I ask unanimous consent that the naval appropriation bill, which has been returned from the Senate with amendments, be referred to the Committee on Naval Affairs and ordered to be printed.

The SPEAKER. The bill has already been ordered to be printed. If there be no objection, it will be referred to the Committee on Naval Affairs. The Chair hears no objection, and it is so ordered.

FORTIFICATIONS APPROPRIATION BILL.

Mr. RANDALL. I ask unanimous consent that this afternoon's session be extended after 5 o'clock until we can dispose of this bill.

Mr. PRICE. I object.

Mr. HISCOCK. Before we decide to extend the session, I desire to inquire of the gentleman from Pennsylvania whether it is the intention to withdraw this bill or to press it to passage.

Mr. RANDALL. I have not charge of the bill; but I will say it is the intention to try to change it.

Mr. HISCOCK. In that case, the final disposition of the bill might take longer than we would be willing to stay this afternoon.

Mr. RANDALL. Prior to the gentleman from Alabama demanding the previous question, I desire to move to amend the second section by striking out "$500,000" and inserting "$100,000," which is the amount given at the first session of the Forty-seventh Congress. I want to test the sense of the House on that proposition.

Mr. REED, of Maine. You do not propose to ask a vote of want of confidence in another Department of the Government without giving some reason for it?

Mr. HISCOCK. I make the point of order that amendment should be considered in Committee of the Whole.

Mr. REED, of Maine. It ought to be considered in Committee of the Whole.

The SPEAKER. It is a reduction; it does not propose to make an additional appropriation.

Mr. SPRINGER. And the paragraph has already received its first consideration in Committee of the Whole.

Mr. REED, of Maine. I think we ought to have discussion before voting to condemn the War Department.

Mr. RANDALL We do not know that the War Department is opposed to our suggestion. No communication has been received from that source.

Mr. REED, of Maine. This seems to me a proposition to vote a want of confidence in the constituted authorities. [Cries of "Regular order!"]

Mr. HISCOCK. Mr. Speaker, has consent been given to extend this afternoon's session?

The SPEAKER. Objection was made by the gentleman from Wisconsin.

The question being taken on ordering the previous question, there were—ayes 76, noes 35.

Mr. HISCOCK. I make the point that no quorum has voted.

Tellers were ordered; and Mr. HISCOCK and Mr. FORNEY were appointed.

The House proceeded to divide again; but before the tellers had reported,

The SPEAKER said: The hour of 5 o'clock having arrived, the House, in accordance with its previous order, takes a recess until 8 o'clock, the session of this evening to be devoted exclusively to the consideration of reports from the Committee on Printing.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m.

ORDER OF BUSINESS.

The SPEAKER. The session of this evening is to be devoted, by order of the House, exclusively to the consideration of bills and resolutions authorizing public printing, reported from the Committee on Printing.

Mr. BARKSDALE. I move that the Committee of the Whole House on the state of the Union be discharged from the further consideration of bills and joint resolutions embraced in the order for this evening's session, so that they may be considered in the House as in Committee of the Whole.

There being no objection, it was ordered accordingly.

The SPEAKER. The Clerk will report the title of the first bill on the Calendar under this order.

The Clerk read as follows:

A bill (H. R. 598) to provide for the distribution of the statutes of the United States and the CONGRESSIONAL RECORD to designated incorporated bodies and associations within the several States and Territories.

The SPEAKER. The Chair will state that under the order of the House these different measures are not necessarily to be taken up in the order in which they stand on the Calendar, but the committee may designate such as they desire to have considered.

Mr. BARKSDALE. Then I ask that the bill just read by title be passed over for the present.

NAVIGATION AND CUSTOMS COLLECTION LAWS.

Mr. FARQUHAR. I call up the concurrent resolution (report 612) for printing 5,000 copies of the navigation and customs collection laws.

The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 5,000 copies of the navigation and customs collection laws relating to vessels, including the laws relating to merchant seamen, and the regulation of steam-vessels, compiled by the Bureau of Navigation in the Treasury Department; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the Bureau of Navigation.

The resolution was adopted.

Mr. FARQUHAR moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT OF GREELY EXPEDITION.

Mr. BARKSDALE. I ask that concurrent resolution (Report No. 834) to print the report of the Greely expedition to Lady Franklin Bay be taken from the Calendar and laid on the table, for the reason that a resolution covering the same subject-matter has already been disposed of.

The SPEAKER. If there be no objection, that order will be made.

There was no objection, and it was ordered accordingly.

REPORT OF INTERNATIONAL MONETARY CONFERENCES.

Mr. FARQUHAR. I ask to call up House joint resolution No. 87, providing for the printing and distribution of documents of the monetary conferences of 1878 and 1881.

The joint resolution was read, as follows:

Resolved, That there be printed and bound in cloth —— thousand copies each of the Reports of the International Monetary Conferences of 1878 and 1881; —— thousand copies of each for the use of the House of Representatives, and —— thousand copies of each for the use of the Senate; and that the Public Printer hold the remaining —— thousand copies of each for sale, at 10 per cent. advance on cost-price, to any person applying for the same, a notice stating the price of each report to be inserted in the daily edition of the CONGRESSIONAL RECORD until the edition be disposed of.

The committee recommend the following amendments:

In line 3 insert before the word "thousand" the word "five;" so that it will read "five thousand copies."

Also in line 6 insert "three," so as to read "three thousand copies."

In line 7 strike out the word "thousand" and insert "fifteen hundred."

In line 9 strike out the word "thousand" and insert "five hundred."

Strike out all in line 11 after the word "same" down to the end of the resolution.

The amendments were agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FARQUHAR moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT GOVERNMENT DIRECTORS UNION PACIFIC RAILROAD.

Mr. FARQUHAR. I now call up Miscellaneous Document 42, of March 2, a concurrent resolution relating to the reports of the Government directors of the Union Pacific Railroad.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That in addition to the usual number there be printed of the letter of the President of the 4th instant, communicating to the Senate copies of the reports of the Government directors of the Union Pacific Railroad Company, together with said reports, 2,000 copies; 1,000 for the use of the Senate and 2,000 for the use of the House of Representatives.

The concurrent resolution was agreed to.

Mr. FARQUHAR moved to reconsider the vote by which the concurrent resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ASTRONOMICAL AND METEOROLOGICAL OBSERVATIONS.

Mr. FARQUHAR. I now call up the resolution of March 2, providing for printing the annual volumes of the astronomical and meteorological observations of the Naval Observatory for 1883, 1884, and 1885.

The resolution was read, as follows:

Resolved by the Senate of the United States (the House of Representatives concurring), That the annual volumes of the astronomical and meteorological observations of the Naval Observatory for 1883, 1884, and 1885 be printed, and that 1,800 additional copies of each report be printed; of which 300 copies shall be for the use of the Senate, 700 copies for the use of the House of Representatives, and 800 copies for the use of the Navy Dpartment.

Mr. DINGLEY. I would like to ask a question in reference to this resolution. I observe that the word "printing" is used in the report. I desire to ask a member of the committee if this is understood to include binding also?

Mr. FARQUHAR. It does include the binding. If only the usual number of copies was printed, which is 1,900, it would not include binding; but in all other cases where additional copies are ordered these books are bound.

The resolution was agreed to.

Mr. FARQUHAR moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORTS SMITHSONIAN INSTITUTION.

Mr. BARKSDALE. I call up the resolution providing for printing the last annual report of the Smithsonian Institution.

The resolution was read, as follows:

Resolved by the Senate of the United States (the House of Representatives concurring), That there be printed of the last annual reports of the Smithsonian Institution and of the National Museum, in two octavo volumes, 16,000 extra copies of each; of which 3,000 copies shall be for the use of the Senate, 6,000 copies for the use of the House of Representatives, and 7,000 copies for the use of the Smithsonian Institution.

The resolution was agreed to.

Mr. BARKSDALE moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISTRIBUTION OF CONGRESSIONAL RECORD.

Mr. BARKSDALE. I call up the joint resolution (H. Res. 129) directing the Public Printer to forward the CONGRESSIONAL RECORD to our legations abroad.

The joint resolution is as follows:

Resolved, &c., That the Public Printer be, and he is hereby, authorized and directed to forward, free of charge, through the Department of State, one copy of the daily CONGRESSIONAL RECORD to each of our legations abroad, commencing at the beginning of the present session.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

Mr. BARKSDALE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORTS ON CATTLE-BREEDING AND DAIRY-FARMING.

Mr. BARKSDALE. I now call up the concurrent resolution to authorize the printing of the reports of the United States consuls on cattle-breeding and dairy-farming, my object being to move to lay it on the table, as the matter has been already disposed of.

There being no objection, the resolution was laid on the table.

AWARDS UNDER TREATIES WITH FRANCE AND SPAIN.

Mr. FARQUHAR. I call up the concurrent resolution of the Senate provided for printing 5,000 additional copies of the statement relative to the awards under treaties with France and Spain.

I will state, Mr. Speaker, that there are two dates to this resolution as it appears on the Calendar. There is one of date of March 23, and the last resolution that was passed by the Senate was on the 5th of April. The latter resolution is the one the committee desires to pass to-night.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That 5,000 additional copies of the revised list of papers touching unpaid claims on account of French spoliations prior to July 31, 1801, transmitted by the President of the United States on the 17th instant, be printed; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House, and 2,000 for distribution by the Department of State.

The concurrent resolution was agreed to.

Mr. FARQUHAR moved to reconsider the vote by which the concurrent resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore* (Mr. DOCKERY in the chair). Without objection the concurrent resolution of March 23 will be recommitted to the committee.

There was no objection, and it was so ordered.

BULLETINS OF THE BUREAU OF ETHNOLOGY.

Mr. REID, of North Carolina. I ask now to call up the joint resolution (H. Res. 120) to print the annual bulletins of the Bureau of Ethnology.

The joint resolution was read, as follows:

Resolved, &c., That there be printed at the Government Printing Office 10,000 copies of any matter furnished by the Bureau of Ethnology relating to researches and discoveries connected with the study of the North American Indians, the same to be issued in parts, and the whole to form an annual volume of bulletins; 4,000 copies of which shall be for the use of the House of Representatives, 1,500 copies for the use of the Senate, and 4,500 copies for the use of the Bureau of Ethnology.

Mr. REID, of North Carolina. I ask for the reading of the report.

The report (by Mr. REID, of North Carolina) is as follows:

The Committee on Printing, to whom was referred the joint resolution (H. Res. 120) to print the annual bulletins of the Bureau of Ethnology, have duly considered the same, and recommend its adoption.

This printing will be in addition to the 15,000 copies of the annual report of the Bureau of Ethnology, and will be different in matter.

It will be a report, in detail, of the operations and researches of the bureau, to be published in parts as bulletins, as the said operations and researches transpire. There will be from three to six parts per annum, costing about $500 for each edition, or from $2,500 to $3,000 per annum, the whole to form an annual volume of bulletins.

Mr. RANDALL. Mr. Speaker, I would like to inquire of the gentleman from North Carolina, who is on the Printing Committee, what year this report is for, and how far the printing already ordered in connection with ethnology has been advanced? In other words, whether we now need to authorize this printing in advance of the year not yet completed?

Mr. REID, of North Carolina. In response to the gentleman from Pennsylvania I will say that as I understand it this is for the current year. It has been issued in pamphlets, and the cost as I have estimated it, and as the estimate was furnished by the Chief of the Bureau of Ethnology, Major Powell, is about $2,500 to $3,000 a year. As he collects the material he proposes to issue it as a bulletin. We went to the office and made an estimate. He exhibited to the Committee on Printing specimens of one of the bulletins and the way he proposes to issue it from month to month. It will cost from $2,500 to $3,000 per annum.

Mr. RANDALL. For which year?

Mr. REID, of North Carolina. For the present current year.

Mr. RANDALL. How far back has the ethnological report been printed?

Mr. REID, of North Carolina. I do not know.

Mr. RANDALL. If I recollect aright not later than 1884.

Mr. DUNHAM. Not later than 1883.

Mr. RANDALL. I do not think we ought to authorize the printing of reports for 1885 until we know how far advanced and what is the result of the printing of the report for 1883.

This is one of the abuses, as I think, in connection with the scientific bureaus of the Government. It will be remembered that in the sundry civil bill we have endeavored to restrict this matter. While we have given every dollar that is essential to the bureau, we ought to restrict the printing, which has come, as the commission showed, to be an abuse.

Mr. REID, of North Carolina. I will withdraw the consideration of the joint resolution for the present.

Mr. RANDALL. This is for data not yet collected. We are providing for the printing of matter that has not yet come from the hands of those people who are being sent to the field to gather it.

The SPEAKER *pro tempore*. The gentleman from North Carolina withdraws the joint resolution.

Mr. DUNHAM. Can that be done without unanimous consent?

Mr. DINGLEY. Let me say that the report of the bureau for 1884 is now being printed.

Mr. RANDALL. And this is to authorize the printing for two or three years in advance.

Mr. DINGLEY. Not the annual report.

Mr. RANDALL. This is for prining bulletins which are the advanced copies of the matter contained in the reports. I hope the Committee on Printing will not suppose for a moment that I wish to interfere with their getting their business through.

The SPEAKER *pro tempore*. The Chair understands the gentleman from North Carolina proposes to withdraw the joint resolution?

Mr. REID, of North Carolina. Yes, sir.

Mr. DUNHAM. Is it the understanding that every bill objected to by any one member, although the rest of the House might wish it passed, is to be withdrawn?

Mr. RANDALL. The gentleman from North Carolina does not lay this aside on my objection, but on an objection which might attract the attention of the House and be confirmed by the House. Here is a proposition to print or authorize the printing of a report away in advance of the collection of the facts.

Mr. REID, of North Carolina. If the gentleman will allow me, I will say that I proposed to withdraw the joint resolution because I thought he would make the point of no quorum on it.

Mr. RANDALL. I will not do that.

Mr. REID, of North Carolina. Then I will not withdraw it. I do not wish to postpone the consideration of it; but I do not wish, by pressing it, to defeat the object for which we are assembled this night, as there are other measures to be considered to which I think there will be no objection.

I wish to make this statement: There will be from three to six parts of this bulletin issued each year. It will be in addition to the 15,000 copies of the annual report of the Bureau of Ethnology, and will be entirely different in matter. It is a report of the operations and researches of the bureau, and will be more in detail than the annual report. The bulletin will consist of the reports from the members connected with this department sent out in different parts of the country to collect ethnological matter, and will be issued as that is gathered.

Mr. RANDALL. I understand that. The joint commission in connection with the subject of the scientific bureaus reported a recommendation that the printing be abridged. I want to show the gentleman what has been the cost of printing these reports. There is work charged for 1881 in connection with the Bureau of Ethnology amounting to $9,955.14. For 1882 the work charged amounts to $55,137.12. For 1883 the work charged amounted to $9,123.27. In 1884 the work charged amounts to $41,152.66. In 1885 the work charged amounted to $4,110.44. The whole aggregated $119,478.63 charged but not yet completed. And yet we are asked to go on and make further charges and authorize further printing in this connection when the work is not yet completed for 1881, 1882, 1883, 1884, and 1885.

I do not think these facts could have been in the possession of the Committee on Printing, or that the recommendation of the commission appointed to examine into the expenditures of this department could have been fully examined. They recommend not to proceed further with the printing until there is a completion of the prior work.

Now, what are these bulletins? They are scraps that are subsequently to make part of the report. Now it is asked that these scraps shall be printed as they come in. If they are printed as scraps *they ought not* to be reprinted in the regular report, and if they are printed in the regular report they ought not to be printed as scraps. I think that they would be of more service to science if they were brought together, and not printed separately in this disjointed way.

Mr. REID, of North Carolina. Mr. Speaker, I have just this to say: This report was made on March 25, 1886, when the joint commission referred to by the gentleman from Pennsylvania had not yet made their report, and the Committee on Printing was in possession of none of the facts reported by that commission as the result of their inquiries concerning the printing done for the Geological and Ethnological Bureaus. I will state, however, that this printing is in addition to the regular annual bulletin issued by the bureau. As the persons who are sent out by the bureau to make researches make their reports it is proposed to issue those reports in pamphlet form, thus giving the scientific world the benefit of those researches as they are made.

Mr. DUNHAM. Something like the Patent Office Gazette?

Mr. REID, of North Carolina. Something in that order. These are not intended to be published in the annual reports at all. We went over the matter very carefully with the chief of the bureau, and according to the best estimate we could make they will be printed in from three to six parts annually, and the cost will be from $2,500 to $3,000 per annum. That would be in addition to the regular annual bulletin printed by the bureau.

Mr. BARKSDALE. Mr. Speaker, I call the previous question on ordering the joint resolution to be engrossed and read the third time.

Mr. RANDALL. Mr. Speaker——

Mr. BARKSDALE. I withdraw the demand for the previous question. I did not know that the gentleman from Pennsylvania desired to speak further on this subject.

Mr. RANDALL. Mr. Speaker, I am glad to hear the gentleman from North Carolina [Mr. REID] say that when this report was made the Committee on Printing were not in possession of the recommendations of the joint commission in relation to the scientific bureaus of the Government.

Mr. REID, of North Carolina. The gentleman from Pennsylvania

[Mr. RANDALL] will remember that it has been only a few weeks since that commission reported.

Mr. RANDALL. I know that, and I desire to say now that in anything I have said on this subject it has not been my wish, purpose, or intention to reflect in even the slightest degree upon the recommendations of the Committee on Printing. On the contrary, without making an invidious distinction, I might say that the present Committee on Printing of this House has been perhaps more assiduous in its efforts to save money than any of its predecessors. At the same time I think the committee ought to stop right here, and not ask us to appropriate for the printing of these bulletins in view of the state of facts I have presented.

Mr. REID, of North Carolina. I will add, Mr. Speaker, that if we send out these employés to make these researches and to report upon them, I think the scientific world ought to have the benefit of their reports. As I have already said, these bulletins are not to be published in the annual report, and therefore the only way in which the scientific world can get the benefit of them is by printing them in the form here proposed.

Mr. RANDALL. If they are printed in this form they ought not to be subsequently republished at great additional cost in the annual report. Can the gentleman inform us when these bulletins will reach the public?

Mr. REID, of North Carolina. Just as soon as the order is made to print them.

Mr. RANDALL. I think not.

Mr. REID, of North Carolina. That is my information from the bureau.

Mr. JAMES. Will the gentleman from North Carolina please tell us how much money the bill carries for this purpose?

Mr. REID, of North Carolina. Twenty-five hundred or three thousand dollars; the highest limit will be $3,000 per annum.

Mr. RANDALL. Each of these bulletins costs about $2,500 or $3,000, but when you aggregate the cost it comes to a great deal more.

Mr. REID, of North Carolina. No; that is the aggregate cost per annum. Mr. Speaker, I now call the previous question.

Mr. DINGLEY. Before the gentleman does that, I wish to make an inquiry with reference to the issuance of the reports of the Bureau of Ethnology. I think the report that is now being distributed is the one for 1882–'83; that is, three years behind the present date, and the inquiry I wish to make is (if the Committee on Printing have investigated the matter) why it is that these reports are so much delayed.

Mr. RANDALL. I can answer the question. It is because the men who are engaged in the field service for any particular year do not report in full in time to make their work a part of the report for that year. We are now two or three years in advance in the authorization of printing the reports of the Bureau of Ethnology.

Mr. REID, of North Carolina. The gentleman speaks of the annual bulletin.

Mr. RANDALL. No; the annual report. The report on the mineral resources of the United States is a different matter.

The previous question was ordered.

The joint resolution was ordered to be engrossed and read a third time—ayes 26, noes 13.

Mr. RANDALL. I do not call for a quorum, Mr. Speaker. I am satisfied with the statements that have been made.

The joint resolution, being engrossed, was read the third time and passed—ayes 22, noes 14.

Mr. REID, of North Carolina, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SPECIAL REPORTS OF GEOLOGICAL SURVEY.

Mr. REID, of North Carolina. I call up for consideration the joint resolution (H. R. 130) to distribute copies of special memoirs and reports of the United States Geological Survey.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That there shall be distributed from the number of special memoirs and reports of the United States Geological Survey now authorized by law one copy of every such publication to every public library which shall be designated to the Secretary of the Interior as follows: Two public libraries to be designated by each of the Senators from the States respectively, two public libraries by the Representative in Congress from every Congressional district, and two public libraries by the Delegate from every Territory; such public libraries to be additional to those to which the said publications are distributed under existing law.

Mr. REID, of North Carolina. Let the report be read.

The report (by Mr. REID, of North Carolina), was read, as follows:

The Committee on Printing, to which was referred joint resolution (H. Res. 130) to distribute copies of special memoirs and reports of the United States Geological Survey, have duly considered the same, and recommend its adoption.

By the act of March 3, 1879, 3,000 copies of the memoirs and reports of the United States Geological Survey were authorized to be printed for scientific exchanges and for sale to the public. Of this number the annual publications on hand that have accumulated since 1879, and which have not nor will be disposed of under the provisions of said act, are sufficient to make the distribution provided in the resolution. A complete set of said memoirs and reports comprise 10 bound volumes, 26 bulletins, and 2 atlases. No appropriation of money is required.

Mr. RANDALL. This is a book which was authorized to be sold to those who might apply for it. There have not been a sufficient number of applications. If I remember rightly, the printing of this book cost the Government $10 for each copy. This case simply shows the folly of this sort of printing.

Mr. FARQUHAR. We did not do it.

Mr. RANDALL. No, sir; it was done by somebody else, prior to this Congress. Now we have to give these volumes away. That is the whole story.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. REID, of North Carolina, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT OF GREELY EXPEDITION.

Mr. BARKSDALE. I ask that Senate concurrent resolution (Report 1634) providing for printing the report of the International Polar Expedition to Lady Franklin Bay be taken up and laid on the table, the matter having been disposed of.

The SPEAKER *pro tempore* (Mr. DOCKERY). The Chair will state that as to measures coming from the Senate it is customary where action is not desired that they be recommitted rather than laid on the table. If there is no objection the order will be made in this case that the resolution be recommitted.

There being no objection, it was ordered accordingly.

EDUCATIONAL REPORT.

Mr. BARKSDALE. I ask that House concurrent resolution (Report No. 1635) providing for printing the report of the Commissioner of Education for 1884–'85 be taken up and laid on the table, as the subject has already been acted on.

The SPEAKER *pro tempore*. If there be no objection, that order will be made.

There was no objection.

BINDING OF CENSUS SCHEDULES.

Mr. BARKSDALE. I ask that Senate concurrent resolution (Report No. 2206) be taken up for consideration.

The resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Interior is hereby authorized to have bound, at the Government Printing Office, the schedules of the second, third, fourth, and tenth censuses of the United States.

Mr. BARKSDALE. I ask that the report of the Committee on Printing, to which is appended a letter from the Secretary of the Interior on this subject, be read.

The report by (Mr. BARKSDALE) was read, as follows:

The Committee on Printing, to whom was referred the following resolution, to wit—

"*Resolved by the Senate (the House of Representatives concurring)*, That the Secretary of the Interior is hereby authorized to have bound, at the Government Printing Office, the schedules of the second, third, fourth, and tenth censuses of the United States"—

report that the same has been duly considered, in connection with the letter of the honorable Secretary of the Interior, printed in Senate Ex. Doc. No. 86 of the present session, which is hereto annexed and made a part of this report, and to recommend the passage of said resolution without amendment.

The estimated cost is $3,000.

Letter from the Secretary of the Interior relative to binding census schedules.

DEPARTMENT OF THE INTERIOR, *Washington, March* 2, 1886.

SIR: The schedules of the second, third, fourth, and tenth censuses of the United States have never been bound, and, from constant use, are fast being worn and defaced to such an extent that they must soon become valueless. The Public Printer estimates that to bind them uniformly with those of other censuses would cost about $2 per volume. The volumes would aggregate nearly fifteen hundred in number, thus making a total cost of about $3,000.

The matter is respectfully submitted for the consideration and action of Congress.

Very respectfully,

L. Q. C. LAMAR, *Secretary.*

The PRESIDENT OF THE SENATE *pro tempore.*

Mr. BARKSDALE. As I presume the report just read explains this resolution sufficiently, I ask a vote on the adoption of the resolution.

Mr. RANDALL. Does that complete the printing in connection with the last census?

Mr. BARKSDALE. It is my understanding that it does.

The resolution was adopted.

Mr. BARKSDALE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT ON ALASKA.

Mr. FARQUHAR. I call up Senate concurrent resolution (Report No. 3060) to provide for printing the report on Alaska by L. M. Turner.

The resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the report on Alaska, by L. M. Turner, be printed, with the necessary illustrations, and that 4,000 additional copies be printed; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 copies for distribution under the direction of the Chief Signal Officer of the United States Army.

Mr. RANDALL. I would like to know the cost of printing this report.

Mr. FARQUHAR. I ask that the report of the committee be read.

The report (by Mr. FARQUHAR) was read, as follows:

The Committee on Printing, to whom was referred the accompanying Senate concurrent resolution, providing for printing the report on Alaska, by L. M. Turner, respectfully report the same back to the House, and recommend its passage.

The value of the report recommended to be printed is evidenced by the following extract from an official communication from Professor Spencer F. Baird, of the Smithsonian Institution:

"By the courtesy of the Signal Office, the natural history labors of these gentlemen (L. M. Turner and E. W. Nelson) were prosecuted under the direction of the Smithsonian Institution.

* * * * * * * *

"The results obtained are of exceptional interest and value, as furnishing the only accurate and reliable information at our command upon the vegetable, animal, and mineral resources of the region, the productivity and character of the soil, and other points of great practical interest in connection with the future of that country. Detailed notes of habits and life characteristics were secured by these gentlemen, with collections of specimens in such great magnitude and variety as to have made the National Museum pre-eminent by their possession.

"The publication of these reports is therefore extremely desirable, as representing the only detailed and extended information at our command of a large region belonging to the United States."

The estimated cost of printing 4,000 copies and illustrations is $4,556.

Mr. DUNHAM. I desire to inquire of the gentleman from New York [Mr. FARQUHAR] why it is necessary to furnish the Signal Office with 1,000 copies of this report.

Mr. FARQUHAR. In cases of this kind there is a general distribution, independently of the copies given to the Senate and House, to all these scientific departments. Very often members and Senators, after exhausting their own reports, can only obtain copies by sending to one of the departments (as, for instance, in this case the Signal Office) for any overplus copies that may be at command. This is the plan, I understand, now adopted, in lieu of the old system of laying by volumes for sale. The surplus copies are put at the disposal of the bureau that is concerned in sending the report to Congress. I can not give any special reason why there should be a greater or less number given to these bureaus.

Mr. MILLS. They have to furnish copies of their reports to a great many correspondents all over the world, from whom they receive information of the same character. I have talked with some officers of the Government in reference to this matter, and in many cases these documents are distributed all over Europe, and documents of similar character are received in return.

Mr. RANDALL. Has the Signal Office been instrumental in getting up this report?

Mr. FARQUHAR. As the report of the committee states, it was through the courtesy of the Signal Office that these two officers, Mr. Turner and Mr. Nelson, gathered all the matter for these reports. It is stated at the Signal Office, and also by Professor Baird, that the reports of these two gentlemen are the most complete ever made on Alaska; and they were made with the sanction of the Signal Office. They were made in connection with the Signal Service.

Mr. RANDALL. Within the scope of the Signal Service duty.

Mr. SPRINGER. Mr. Speaker, in ordinary cases I would object to printing any report of this kind. In the case of Alaska it seems to me almost any valuable information to be had should be printed for circulation among the people. It has come to the knowledge of one of the committees of the House that the publications on this subject heretofore have not been reliable; that there were persons in Alaska and elsewhere in the United States interested in giving out incorrect information in regard to that Territory.

I have been informed by reliable authority that Alaska is destined to be one of the great empire States in the Union in the future, and when the means of securing accurate information is provided I am in favor of printing that information. I met a gentleman who spent the winter there, and he told me he never spent a milder winter in his life; that the climate was almost tropical in its character; that, while he said nothing of bananas growing there or big sunflowers blooming, he did say that the winter in its mildness was extremely enjoyable.

Mr. RANDALL. Does the gentleman from Illinois state that the climate in Alaska is tropical and that sunflowers and bananas ripen there?

Mr. SPRINGER. I do not know what the report of the committee states in regard to these productions, but I do hope the report contains reliable information concerning the Territory of Alaska, which has been so much misrepresented.

Mr. RANDALL. Does the gentleman say sunflowers bloom there?

Mr. SPRINGER. It was merely stated that while sunflowers did not bloom there and bananas did not ripen there, nevertheless the winter was a mild one.

Mr. RANDALL. I know that oats do not ripen there at all.

Mr. SPRINGER. I am willing to spend $4,000 for the publication of this report.

The fish industry of Alaska is exceedingly important. It is said that a gentleman wishing to cross the mouth of a river in Alaska was unable to do so in his canoe because the salmon were so thick.

Mr. BARKSDALE. After this most voluminous exposition of the report I have no doubt the House is willing to vote. I therefore demand the previous question.

The previous question was ordered, and under the operation thereof the concurrent resolution was adopted.

Mr. FARQUHAR moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DIGEST OF INTERNATIONAL LAW.

Mr. FARQUHAR. I call up a joint resolution (S. R. 62) authorizing the publication of an edition of A Digest of International Law, edited by Francis Wharton.

The joint resolution was read, as follows:

Resolved, &c., That there be printed the usual number of copies of A Digest of the International Law of the United States, taken from the Opinions of Presidents and Secretaries of State and of Attorneys-General, and from the Decisions of Federal Courts and of Joint International Commissions in which the United States was a party; and that there be printed, in addition to said usual number, 1,000 copies for the use of the State Department, 1,000 copies for the use of the Senate, and 2,000 copies for the use of the House of Representatives; said digest to be printed under the editorial supervision of Francis Wharton, and the editing to be paid for at a price to be fixed by the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Foreign Affairs of the House of Representatives, acting with the Joint Committee on Printing, not to exceed $10,000.

Mr. RANDALL. I ask for the reading of the report.

The report by Mr. FARQUHAR was read, as follows:

The Committee on Printing, to whom was referred the joint resolution (S. R. 62) authorizing the publication of an edition of A Digest of International Law, edited by Francis Wharton, have considered the same, and respectfully report:

As this digest can only be published under executive and Congressional sanction, the executive permission has been given through the Secretary of State, who strongly indorses the importance of the work and urges its publication. The Chief-Justice and the judges of the Supreme Court also concur in its usefulness and great public value. The editor, Mr. Wharton, has spent the greater portion of his life in the preparation of standard legal works.

The following extract from the report of the Senate Committee on Printing will give the House an intelligent view of the scope of the work:

"The digest is a compilation, arranged analytically, of all the decisions of the several departments of the Government on international law. It is drawn from the following sources:

"1. Manuscript records of Department of State. Of these 400 volumes have been examined, and the pertinent portions, only a small fraction of which has been published, extracted.

"2. Documents published by Congress. Down to 1830 these were in the main incorporated in the American State Papers (folio), published under the direction of Congress, but now out of print. Between 1830 and the present date there have been no such republications, though in 1861, 1862, 1863, and from 1871 to the present date, certain portions of the diplomatic correspondence of the Government have been published by the Department of State, but of the documents published by Congress, as such, with the exception of those of the last few years, no copies are now obtainable.

"3. Letters and papers of Washington, John Adams, Jefferson, Madison, Monroe, Marshall, Gallatin, Edward Livingston, J. Q. Adams, Clay, Webster, and Seward, published in their works, or obtained in manuscript from private sources. The unpublished letters of Washington, Jefferson, Madison, and Monroe, on file in the Department of State, have been largely drawn on, and are of great value in filling up gaps caused by the destruction of records in 1815, as well as for other purposes.

"4. British Blue Books, and British and Foreign State Papers, which contain many documents obtained by the British legation at Washington, or otherwise, but of which the records were:

"5. Papers obtained from our legations abroad, which likewise fill up gaps in our own records.

"The editorial labor in this work has been in the examination, analyzing, and indexing of the vast mass of material thus grouped, and in the collection, in some instances by the labor of years, of a portion of it; in supplying historical memoranda to explain the text, and of legal notes to sustain and apply it."

The compilation will fill two quarto volumes, and the estimated cost of printing is $4,500.

The committee report back the joint resolution and recommend its passage.

Mr. RANDALL. I want to say in connection with this matter there is no copyright asked for by the gentleman who has during his life prepared these papers, and who recently came into official station in the State Department. He is a wonderful man so far as information on this subject is concerned. He has almost exhausted it.

The joint resolution was ordered to be engrossed and read a third time, and being engrossed, it was accordingly read the third time.

Mr. BENNETT. I should like to hear the resolution read again.

The resolution was again read.

The joint resolution was adopted.

Mr. FARQUHAR moved to reconsider the vote by which the joint resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AGRICULTURAL REPORT.

Mr. BARKSDALE. I call up a joint resolution (H. Res. 201) for printing the report of the Commissioner of Agriculture.

The resolution was read, as follows:

Resolved, &c., That there be printed 370,000 copies of the annual report of the Commissioner of Agriculture for the year 1886; 250,000 copies for the use of members of the House of Representatives, and 120,000 copies for the use of members of the Senate.

SEC. 2. That the sum of —— thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the cost of the publication of said report.

The report of the Committee on Printing (by Mr. BARKSDALE) was read, as follows:

The Committee on Printing, to whom was referred resolution for printing the

report of the Commissioner of Agriculture for 1886, have considered the same, and instructed me to report the same back with the following amendments:

In line 3 insert the words "four hundred" instead of "three hundred and seventy thousand dollars."

In line 8, by adding, after the word "Senate," "and 3,000 copies for the use of the Department of Agriculture."

In line 1, section 2, insert the words "two hundred" preceding the word "thousand."

As amended, the committee recommend the passage of the joint resolution.

Mr. DUNHAM. By the act of 1884 the members of the House of Representatives had something less than 900 copies each for distribution of this Agricultural Report. For 1885 they received less than 600 copies.

Mr. REID, of North Carolina. About 590.

Mr. DUNHAM. According to this resolution the committee are furnishing to the members of the House some 750 copies for 1886. Is that correct?

Mr. BARKSDALE. It is not quite so much; it will be about 700 copies.

Mr. DUNHAM. There are 250,000 copies provided for the use of the House?

Mr. BARKSDALE. Yes, sir.

Mr. DUNHAM. There is no document that is more valuable to the members than this Agricultural Report.

Mr. RANDALL. Why not give the increased number of copies entirely to the representatives of the people rather than to the bureau?

Mr. BARKSDALE. This is the number that has been allowed the bureau heretofore in the preparation of this bill.

Mr. REID, of North Carolina. And the increase is entirely for the House.

Mr. BARKSDALE. The bureau is always ready to supply members of the House, when they request it, after their own supplies are exhausted. I ask that the resolution be put upon its passage.

Mr. DUNHAM. The members who get them from the bureau would have to pay for them.

Mr. BARKSDALE. No, sir; they are furnished without charge.

Mr. RANDALL. I would like to hear the reading of the report, or rather of the joint resolution, as it will stand if the amendments shall be adopted.

The joint resolution was again read as proposed to be amended.

Mr. PRICE was recognized.

Mr. RANDALL. I have the law before me here——

The SPEAKER *pro tempore*. The gentleman from Wisconsin is entitled to the floor.

Mr. PRICE. Mr. Speaker, I was only about to suggest that I think there is no place where such a small amount of money will accomplish so much as in the publication of these agricultural reports, nor where such a small amount of money will provide so much useful and valuable information.

The cost is only about 50 cents a copy; and I think we could well expend a little more money so as to give the members of the House more copies for distribution. None of us want to keep them; they are distributed among the people, who read them and who prize them highly.

There is much valuable information in them; and I therefore move to amend by providing instead of 250,000 that it be increased to 400,000 copies for the use of the House. The estimated cost can be easily made up by a little computation and inserted at the proper place. I shall not press the motion for the purpose of blocking business, but will leave it to the House and hope the amendment will be adopted.

Mr. FARQUHAR. Without discussing the amendment now, I wish simply to state that it has been the custom, and on a review of the last year's proceedings in the Senate it will be seen, that while the House was anxious to add to the number of copies of the annual report on agriculture, yet the Senate demanded, and will demand out of the extra copies when it comes to their consideration, a part of whatever the increase may be. That was the trouble last year when the number was required to be cut down instead of being properly increased. So that if an amendment made in the House shall provide that the increase is for the use of the House exclusively to the extent of 50,000 or 100,000 copies, very certainly the Senate will make an amendment and take part of the increase themselves or cut the whole number down.

Mr. RANDALL. I have before me the laws of 1884 and 1885, and it is quite proper to refer to them in view of the inquiry made by the gentleman from Illinois [Mr. DUNHAM] as to why the number of copies furnished to the members of the House was reduced. I find by the act of 1884 that there was ordered printed 400,000 copies, 300,000 for the use of the House, 70,000 for the use of the Senate, and 30,000 for the use of the Department of Agriculture. When we come to the act of 1885, and that bears exactly upon the point of the gentleman's inquiry, we find that instead of being 300,000 copies, the House has only 200,000 copies, and the Senate is put at 80,000 and the Department of Agriculture 30,000.

Mr. REID, of North Carolina. Two hundred and ten thousand, I think, to the House.

Mr. RANDALL. No, the law reads 200,000 copies for the use of the House in that year. I think then we had better go back to the law of 1884 and give to the House—and, mark you, in both years the aggregate was 400,000 copies—and give to the House membership 300,000 copies. The Senate then, instead of giving them as they propose here a hundred thousand copies——

Mr. BARKSDALE. One hundred and twenty thousand copies.

Mr. RANDALL. Give them the same number, 70,000.

Mr. DUNHAM. As bearing on what the gentleman from Pennsylvania has just read to us, I will state that the gentleman from Missouri [Mr. HATCH], the chairman of the Committee on Agriculture, early in this session offered a resolution which would divide to the members of this House and of the Senate the same number of copies of the Agricultural Report for 1885 as we had for 1884. I understand the Committee on Printing are not prepared to present that resolution to the House to-night.

Mr. REID, of North Carolina. We have incorporated that in this resolution.

Mr. DUNHAM. I think not.

Mr. RANDALL. I think we had better go back to the law of 1884, which gave members of the House 300,000 copies.

Mr. DUNHAM. I wish to say further, as bearing on the suggestion of the gentleman from Wisconsin [Mr. PRICE], that under this resolution, as here presented, the House will receive about 750 copies per member, but the Senate will receive over 1,600 for each Senator. Now it seems to me that is not exactly the way the House would like to have this matter placed. I join with the gentleman from Pennsylvania in suggesting we put this up to 300,000.

Mr. PRICE. I wish to suggest to the gentleman from Pennsylvania and to my friend from Illinois [Mr. DUNHAM] that this is a progressive age, and that we ought not to take a back track. If the number in 1884 was 300,000 and that was sufficient, the increase of population and the increase of the agricultural interest would certainly require a greater number now than were required then.

Mr. DUNHAM. We do not propose to take a back track.

Mr. PRICE. If we shall add 150,000 copies to the number now proposed by the committee, when that proposition goes to the Senate if they object on the ground that they are not getting their usual share, it will be easy to divide them on some basis satisfactory to both sides, while in any case we will have accomplished the main purpose of publication and will get a valuable work before the people at a cost of 50 cents per volume. We will be presenting that work in large quantities to the people of the United States giving them information which they need. I want the additional number voted now, and if the Senate will not let us have them for distribution, then in the name of common sense and agriculture let the Senators distribute them themselves.

Mr. RANDALL. If you go back to the law of 1884, giving 300,000 copies to the House and 70,000 copies to the Senate, there will be 900 copies to each Member and each Senator. That will be quite fair, I think, and in either case the Department of Agriculture will have 30,000 copies. The arrangement of 1884 gives exactly the same number of copies for distribution by each Member and each Senator alike.

Mr. BARKSDALE. The gentleman from Pennsylvania has stated correctly that, by the act of 1884, 300,000 copies were given for the use of members of the House of Representatives and 70,000 copies for the members of the Senate. By the act of March 3, 1885, there were given 200,000 copies for the use of members of the House and 80,000 for the use of members of the Senate. I was not connected at that time with the Committee on Printing. But on investigation I learn that the House passed a resolution in 1885 similar to that which was adopted in July, 1884, but the Senate disagreed to it. The Senate insisted that it was not a fair and just distribution to have 300,000 copies for the House and but 70,000 for the Senate.

The difference led to a conference, and the result was the adoption of the resolution in the form in which it has been read by the gentleman from Pennsylvania. To avoid this difficulty the House Committee on Printing of this session have not returned to the figures of 1884, but they have proposed what may be regarded as a compromise in the shape of the resolution that has been reported, namely, to give 250,000 to the members of the House and 120,000 to the members of the Senate.

I will add, Mr. Speaker, that the distribution usually made between the House and the Senate of documents which are ordered to be printed is one-half as many for the Senate as for the House. We have departed from that custom in this case by giving the House a larger proportion than that. In other words, Mr. Speaker, under this resolution each member of the Senate would get about 1,000 copies, whereas the members of the House would receive about 700.

Mr. RANDALL. The one-seventy-sixth part of 120,000 would give a greater number to each Senator than the gentleman from Mississippi states.

Mr. BARKSDALE. It is something over 1,000. Now, in order to avoid the necessity and the trouble of a difference between the two Houses and a committee of conference, we hoped to make a report which would be acceptable to the Senate, and that the resolution would be passed in the form in which it is reported.

Mr. RANDALL. Will the gentleman from Mississippi pardon me when I say to him the proposition to give the Senate 120,000 copies gives each Senator nearly 1,600? And if it is a matter of compromise I think we can make a better compromise than that.

Mr. BARKSDALE. Judging from the report of the committee of conference in 1884, I would say these terms are much better than can be obtained by a committee of conference.

Mr. RANDALL. I want you to go back to the figures of 1884——

Mr. BARKSDALE. I meant 1885.

Mr. RANDALL. So as to give to the House 300,000 copies. And I really think they are more generally distributed by members of the House, and more intelligently distributed than by the Senators—at least equally so.

Mr. PRICE. Better; a good deal better.

Mr. BARKSDALE. The Senators have each much larger constituencies than the members of the House. For instance, take my own State; I represent one-seventh of the State, while one of the Senators represents half of the whole State. In view of this fact I insist that the distribution proposed is not unfair to the House.

Mr. RANDALL. But the Senators look rather to the Legislatures that elect them, while we look to the great mass of the people who sent us here.

Mr. BARKSDALE. Very true, Mr. Speaker; but, after all, the people elect the Senators through the Legislatures.

Mr. RANDALL. I only wish they did. [Laughter.]

Mr. SPRINGER. I hope my friend from Wisconsin [Mr. PRICE] will withdraw his amendment which proposes to increase the number of copies to be printed, and let us have the amendment submitted which is proposed by the gentleman from Pennsylvania [Mr. RANDALL], that is, the law of 1884. That law gave each member of the House and each Senator about the same number of these reports for distribution. The Senators from each State have the same constituencies that the aggregate representation in the House from that State has, and it frequently happens that copies of these documents sent out by Senators are sent to the same persons who get them through members of the House. This duplicate distribution results in the loss of a great many of the books, and the more of them you give to the Senate the more you increase the probability of this wasteful double distribution.

The aggregate representation in this House from each State covers the whole population of the State, and I have known a great many instances where a person was getting the same book or document both from the Senators and the Representatives. I am sure that the Senators do not claim these documents as a matter of advantage to themselves. The distribution of them imposes much labor upon both Senators and Representatives. The books do not belong to us; they are intended for the benefit of the people at large, and our object here should be to adopt such a mode of distribution as will cause them to reach the largest number. In other words, such a distribution as will place them where they will do the most good.

Mr. DUNHAM. I would suggest to my colleague that the amendment of the gentleman from Wisconsin [Mr. PRICE] is intended to accommodate the increased population in the different districts since the last census. That increase has been great. Take, for instance, the district that I represent. When the apportionment was made it contained about 150,000 people, whereas to-day it contains 300,000.

The same is true in large measure of the gentleman's own district in Central Illinois and of many other districts represented here.

Mr. SPRINGER. Yes; but the district of my colleague is a city district, while mine is an agricultural one.

Mr. DUNHAM. I beg the gentleman's pardon. My district contains thirteen towns besides the city.

Mr. RANDALL. Under the act of 1884 Senators and members of the House received each about the same number of copies; Senators getting 921 copies each and members of the House 900. Under the recommendation of the Committee on Printing, taking the membership of this House and the Delegates at 333, each Member and Delegate will get 751 copies, while each Senator will get 1,578. That is, each member of the Senate will get about twice as many copies as each member of the House.

Mr. BARKSDALE. But, Mr. Speaker, a Senator in some cases has thirty times as large a constituency as a member of the House, and that is especially true of the Senators and Representatives from the State of Pennsylvania. However, believing that the House is now prepared to vote on this resolution, I have risen not to continue the discussion but to call for the previous question.

Mr. RANDALL. Before the previous question is ordered, I would like to have the privilege of moving a substitute in the language of the law of 1884, which gives to each Senator and each Member about 900 copies.

Mr. BARKSDALE. I will accept that as a substitute.

Mr. JOHNSTON, of Indiana. Gentlemen should remember that the population of the country has increased largely since 1884, and the number of farmers has greatly increased.

Mr. RANDALL. I think the increased population will be best taken care of by lodging the distribution in the Representatives rather than in the Senators.

Mr. BARKSDALE. Now, Mr. Speaker, I call the previous question.

Mr. PRICE. Mr. Speaker, I rise to a parliamentary question.

Mr. BARKSDALE. I withdraw the demand for the previous question if the gentleman from Wisconsin desires to speak.

Mr. PRICE. Mr. Speaker, I wish it to be understood that my purpose in proposing the amendment which I have proposed was not to determine which end of the Capitol should have the larger part in the distribution of these documents. My sole object was to get more copies printed, and my amendment provides for 150,000 additional copies.

Mr. FARQUHAR. For the House, or for each body?

Mr. PRICE. I have put it so as to give the distribution to the House, without caring whether it is left there or not. I think the better way would be to have them all distributed by the House, because then there would be no duplication of copies; but of course we can not have it that way.

The estimate made by the committee as to the cost of these books is 50 cents per copy, because they provide for publishing four hundred thousand volumes, and propose to appropriate $200,000, or so much thereof as may be necessary.

Mr. BARKSDALE. The cost will not exceed 50 cents a copy.

Mr. PRICE. I am informed by gentlemen on this floor who ought to know, and I presume do know, that the actual cost is about 32 cents per copy. Now, can you tell me how the same amount of money can be better appropriated than in publishing additional copies of this work? There is no other class of people who can be as much benefited by this small expenditure as the people for whom these volumes are intended. They circulate among a class of persons who have not a great deal of literature at command, and among these people there is, I know, a universal clamor for these volumes. Therefore I hope the House will provide for the publication of one hundred and fifty thousand additional copies. If we can not at once determine how these copies are to be divided between Senators and Representatives for purposes of distribution, that matter can be arranged in a committee of conference.

Mr. RANDALL. I desire to move an amendment to insert 300,000 copies for the House instead of 250,000.

Mr. PRICE. I rise to a parliamentary inquiry. Did the Chair entertain the amendment I offered, providing for 150,000 copies in addition to the 250,000?

The SPEAKER *pro tempore*. The amendment is pending.

Mr. PRICE. Then I apprehend it takes precedence of the amendment of the gentleman from Pennsylvania.

Mr. RANDALL. I have moved to strike out the 250,000 copies to be distributed by the members of the House and insert 300,000.

Mr. PRICE. But my proposition, which was first offered, is to increase the number to 400,000.

Mr. RANDALL. I do not wish to raise any parliamentary issue with the gentleman. Let his amendment be voted on, and then I will move mine.

The question being taken on the amendment of Mr. PRICE to strike out "250,000" and insert "400,000," it was agreed to; there being—ayes 31, noes 6.

The SPEAKER *pro tempore*. The question is now on agreeing to the amendment of the committee as amended on motion of the gentleman from Wisconsin [Mr. PRICE].

The amendment as amended was adopted.

Mr. RANDALL. I now move to strike out the entire section and substitute what I send to the desk.

The Clerk read as follows:

That there be printed 440,000 copies of the annual report of the Commissioner of Agriculture for the year 1886; 333,000 copies for the use of members of the House of Representatives, 76,000 copies for the use of members of the Senate, and 31,000 copies for the use of the Department of Agriculture.

Mr. DUNHAM. The gentleman from Pennsylvania proposes to give 31,000 copies to the Department. Why not make the number 38,000, which would be 1,000 for each State?

Mr. RANDALL. I think the number I propose is about right, being 1,000 for each Senator and member and 31,000 for the Department.

Mr. BARKSDALE. I ask that the second section of the resolution be read.

The second section, as proposed to be amended by the Committee on Printing, was read, as follows:

SEC. 2. That the sum of $200,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the cost of the publication of said report.

Mr. BARKSDALE. My object in having that read is to show that while the gentleman from Pennsylvania increases the aggregate number of copies to be published he does not increase the amount of the appropriation.

Mr. RANDALL. As I understand, the amount expended for this publication for the first session of the last Congress was $165,000, and for the second session $200,000. If the expenditures for the last Congress are any guide, I really believe $200,000 will cover the expense of printing these 440,000 copies.

The SPEAKER *pro tempore*. The Chair will state that the second section is not now under consideration. The question is now on the substitute of the gentleman from Pennsylvania.

Mr. PRICE. I hope it will be voted down.

The substitute was agreed to, there being—ayes 33, noes 10.

The second section of the resolution was read, as follows:

SEC. 2. That the sum of ——thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the cost of the publication of said report.

The amendment reported by the Committee on Printing was read, as follows:

In line 1, before the word "thousand," insert "two hundred;" so as to make the appropriation $200,000.

The amendment was agreed to.

The joint resolution as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. BARKSDALE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CIVIL SERVICE COMMISSION REPORT.

Mr. BARKSDALE. I report back favorably from the Committee on Printing the following:

IN THE SENATE OF THE UNITED STATES, *July* 6, 1886.

Resolved by the Senate (the House of Representatives concurring), That the third annual report of the United States Civil Service Commission be printed, and that 26,000 additional copies be printed; of which 2,000 shall be for the use of the Senate, 4,000 for the use of the House, and 20,000 copies for distribution by the commission: *Provided*, That appendices 8 and 9 of the report as published by the House of Representatives, Executive Document No. 140, Forty-ninth Congress, first session, be omitted by the Public Printer in printing this edition.

Mr. RANDALL. What is the nature of this report?

Mr. BARKSDALE. It is the usual report of the Civil Service Commission. I demand the previous question.

The previous question was ordered.

Mr. BENNETT. I would suggest to my friend from Mississippi and my friend from North Carolina that perhaps it would be as well not to pass this report to-night.

Mr. BRECKINRIDGE, of Kentucky. A wink is as good as a nod to a blind horse. [Laughter.]

Mr. BENNETT. I demand a division on the resolution.

The House divided; and there were—ayes 16, noes 11.

Mr. BENNETT. No quorum.

Mr. BARKSDALE. I ask that this resolution be laid aside for the present.

Mr. JOHNSTON, of Indiana. I object.

Mr. BENNETT. How long does the gentleman propose to lay it aside?

The SPEAKER *pro tempore*. Does the gentleman from Indiana insist on his objection?

Mr. JOHNSTON, of Indiana. I have objected.

The SPEAKER *pro tempore*. Does the gentleman insist on his objection?

Mr. JOHNSTON, of Indiana. Is the gentleman from North Carolina going to insist upon a quorum?

Mr. BENNETT. Does the gentleman address his question to me?

Mr. JOHNSTON, of Indiana. Yes.

Mr. BENNETT. Dead certain. [Laughter.]

Mr. JOHNSTON, of Indiana. As the gentleman, a friend of the administration which went into power pledged to civil-service reform, proposes to call a quorum, I will withdraw my objection.

By unanimous consent the resolution was passed over for the present.

INTEROCEANIC CANAL REPORT.

Mr. BARKSDALE. I now call up for consideration the resolution which I ask the Clerk to read.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 additional copies of the report of Mr. Menocal on the interoceanic canal, Senate Executive Document No. 99, first session Forty-ninth Congress; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House, and 2,000 copies for the use of the Navy Department; and such additional number shall contain the plates, maps, and photographic illustrations.

Mr. BENNETT. What is this going to cost?

Mr. BARKSDALE. The estimated cost is $3,175.

Mr. FARQUHAR. I ask for the reading of the letter of the Secretary of the Navy.

The Clerk read as follows:

NAVY DEPARTMENT, *Washington, D. C., June* 23, 1886.

SIR: I have the honor to acknowledge the receipt of your letter of the 21st instant, requesting to be informed as to whether the recent report upon the proposed route for an interoceanic canal by way of Nicaragua, made by Civil Engineer A. G. Menocal, United States Navy, and called for by resolution of the Senate, contains data of sufficient value to make its publication necessary or of interest to the public.

In reply I have to state that the report, which was prepared from surveys by naval officers in 1885, contains the latest information upon the subject of canal transit across the American isthmus by way of Nicaragua, and as there seems to be considerable public interest in the successful solution of this problem, I am of the opinion that the report is of sufficient value to render its publication expedient.

Very respectfully, your obedient servant,

W. C. WHITNEY, *Secretary of the Navy.*

To Hon. E. BARKSDALE,
Chairman of Committee on Printing,
House of Representatives.

Mr. BENNETT. Has this report been published heretofore?

Mr. FARQUHAR. It has not been published. That is the object of presenting this resolution to-night.

I now move the previous question.

The previous question was ordered.

The resolution was concurred in.

Mr. FARQUHAR moved to reconsider the vote by which the resolution was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAYMENT OF AWARDS—FRANCE AND SPAIN.

Mr. FARQUHAR. I now report back from the Committee on Printing the concurrent resolution of March 2, and ask its adoption.

The concurrent resolution was read, as follows:

Resolved by the Senate of the United States (the House of Representatives concurring), That the statement relative to the payment of awards under treaties with France and Spain, transmitted by the President of the United States in response to Senate resolution of February 9, 1886, be printed, and that 5,000 additional copies of said message and statement be printed; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies for distribution by the State Department.

The concurrent resolution was agreed to.

Mr. FARQUHAR moved to reconsider the last vote taken, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT ON ALASKA BY E. W. NELSON.

Mr. REID, of North Carolina. I desire to report back from the Committee on Printing the Senate concurrent resolution with reference to the report of E. W. Nelson on Alaska, and ask its adoption.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the report on Alaska, by E. W. Nelson, be printed, with the necessary illustrations, and that 4,000 additional copies be printed; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 copies for distribution under the direction of the Chief Signal Officer of the United States Army.

The report (by Mr. REID, of North Carolina) was read, as follows:

The Committee on Printing, to whom was referred the concurrent resolution of May 25, 1886, that the report on Alaska by E. W. Nelson be printed, with the necessary illustrations, and that 4,000 additional copies be printed, have considered the same, and I am instructed to make a favorable report thereon and to recommend its passage. The estimated cost of printing 4,000 copies will be $4,556.

The concurrent resolution was adopted.

Mr. REID, of North Carolina, moved to reconsider the last vote taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INTERNATIONAL SHEEP AND WOOL SHOW.

Mr. REID, of North Carolina. I ask unanimous consent to take from the table the House joint resolution (H. Res. 138) to print 10,000 copies of the Report of the Commissioner of Agriculture on the International Sheep and Wool Show held in Philadelphia in September, 1880, and put it upon its passage.

The joint resolution was read, as follows:

Resolved, &c., That there be printed 10,000 copies of the Report of the Commissioner of Agriculture on the International Sheep and Wool Show held in Philadelphia, Pa., in September, 1880; of which 3,000 copies shall be for the use of members of the Senate, 6,000 copies for the use of members of the House of Representatives, and 1,000 copies for the use of the Commissioner of Agriculture; the work to be subject to the approval of the Commissioner of Agriculture.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from North Carolina?

There being no objection, the joint resolution was taken from the table, ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. REID, of North Carolina, moved to reconsider the last vote taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT OF BOARD OF FORTIFICATIONS AND COAST DEFENSES.

Mr. REID, of North Carolina. I now report back the resolution of the Senate of May 25, 1886, relating to fortifications and other coast defenses, and ask to put it upon its passage.

The resolution was read, as follows:

Resolved by the Senate of the United States (the House of Representatives concurring), That 7,500 additional copies of the report of the Board of Fortifications or other coast defenses be printed; 2,000 for the use of the Senate, 4,000 for the use of the House of Representatives, 500 for the War Department, and 1,000 for the Navy Department.

The report (by Mr. REID, of North Carolina) was read, as follows:

The Committee on Printing, to whom was referred the Senate concurrent resolution of May 25, 1886, that 7,500 additional copies of the report of the Board of Fortifications or other coast defenses be printed, have considered the same, and its adoption is recommended.

The estimated cost of the proposed printing is $10,577.50.

Mr. SAWYER. I would like to inquire of the chairman of the Committee on Printing, not with reference to this particular resolution, but

I have a great many letters of inquiry regarding a work by Dr. Sheldon Jackson about Alaska. Has anything been done in reference to printing any copies of that?

Mr. REID, of North Carolina. We have passed to-night several reports on Alaska.

Mr. SAWYER. But in reference to this particular matter?

Mr. REID, of North Carolina. Not with reference to that.

Mr. SAWYER. Having called the attention of the committee to it I shall not pursue the subject further at this time.

The SPEAKER *pro tempore*. The question is on the adoption of the resolution which has been read.

Mr. RANDALL. Mr. Speaker, I hope some member of the Committee on Printing will tell us how many copies of that report have already been printed, and whether there is a scarcity of copies.

Mr. REID, of North Carolina. The report is recommended by the Secretary of the Treasury. I do not think that any extra copies have been printed.

Mr. RANDALL. I ask what number has already been printed? This proposes to print an extra number. I think the gentleman had better let this lie over. I do not object to it, but I would like to be fully informed. This is a large sum of money to expend.

Mr. REID, of North Carolina. I ask for the reading of a letter which gives all the information the gentleman asks. [After looking for it.] I find I have mislaid the letter. I think only the usual number have been printed. This is the additional number to the regular number of 1,900.

Mr. RANDALL. I would like to have accurate knowledge of what has already been printed before forty or fifty members authorize the printing of extra copies. I have some copies at my disposal of that report, and if there is a scarcity I will offer to supply a copy to somebody. I think we should have some more information before we venture upon printing any more copies.

Mr. REID, of North Carolina. I ask that the concurrent resolution be laid aside for the present.

Mr. RANDALL. I think that is the better course.

There was no objection.

REPORT OF NATIONAL ACADEMY OF SCIENCES.

Mr. REID, of North Carolina, from the Committee on Printing, reported back with a favorable recommendation the following concurrent resolution of the Senate; which was read:

Resolved by the Senate (the House of Representatives concurring), That the report of the National Academy of Sciences for 1885, with its appendices, be printed in the usual octavo form, but that the eight accompanying memoirs be printed in quarto form, and that 4,500 additional copies of the report and memoirs be printed; of which 1,000 shall be for the use of the Senate, 2,000 for the House of Representatives, and 1,500 for the use of the National Academy of Sciences.

The report of the committee was read, as follows:

The Committee on Printing, to whom was referred the Senate concurrent resolution of March 31, 1886, that the report of the National Academy of Sciences for 1885, with its appendices, be printed in the usual octavo form, have duly considered the same, and have directed it to be reported favorably and recommend its passage. The estimated cost of the proposed printing is $13,249.

Mr. RANDALL. I would like to ask what particular scientific subject this report from the Academy of Sciences embraces.

Mr. REID, of North Carolina. I send to the desk a letter to be read for the information of the House. It contains all the information we have got.

The Clerk read as follows:

UNITED STATES SENATE, *Washington, D. C., April* 13, 1886.

DEAR SIR: I inclose herewith a communication from Professor O. C. Marsh, president of the National Academy of Sciences, in reference to the printing of their annual report for 1885, together with an estimate of the cost of printing the report, prepared by the Government Printing Office.

Section 3 of the act to incorporate the National Academy of Sciences, approved March 4, 1863, is as follows:

"That the National Academy of Sciences shall hold an annual meeting at such place in the United States as may be designated, and the academy shall, whenever called upon by any Department of the Government, investigate, examine, experiment, and report upon any subject of science or art, the actual expense of such investigations, examinations, experiments, and reports to be paid from appropriations which may be made for the purpose; but the academy shall receive no compensation whatever for any services to the Government of the United States."

Under this provision the academy have annually reported to Congress, and its reports have always been printed, some of them being upon subjects of general interest, and others of them being in answer to demands made by the Departments of the Government.

Respectfully, yours,

JOS. R. HAWLEY,
Of the Senate Committee on Printing.

Hon. E. BARKSDALE,
Chairman Committee on Printing,
House of Representatives.

The concurrent resolution was agreed to.

Mr. REID, of North Carolina, moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MAP OF THE UNITED STATES AND TERRITORIES.

Mr. BARKSDALE, from the Committee on Printing, reported with amendments the joint resolution (H. Res. 160) to authorize the Commissioner of the General Land Office to cause 15,000 copies of the map of the United States and Territories to be printed.

The joint resolution was read, as follows:

Resolved, &c., That the Commissioner of the General Land Office be, and he is hereby, directed to cause to be printed, under the existing contract, at a rate not exceeding $1.35 each, 15,000 additional copies of the map of the United States, edition of 1885; and the sum of $20,925, or so much thereof as may be necessary, is hereby appropriated for that purpose out of any money in the Treasury not otherwise appropriated.

The report of the Committee on Printing was read, as follows:

The Committee on Printing, to whom was referred the joint resolution (H. Res. 160), have considered the same, and have instructed me to report it with the following amendments:

In line 8, after the word "five," insert "4,500 copies of which shall be for the use of the Senate, 10,000 copies for the use of the House of Representatives, and 500 copies for the use of the Commissioner of the General Land Office."

In lines 8 and 9 strike out "$20,925" and insert "$20,250."

The adoption of the resolution as so amended is recommended. The estimated cost of the proposed printing is $20,250.

Mr. BARKSDALE. I move the adoption of the amendments.

The amendments were adopted.

The joint resolution as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BARKSDALE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT OF DIRECTOR OF THE MINT.

Mr. BARKSDALE, from the Committee on Printing, reported back with a favorable recommendation the following concurrent resolution; which was read:

Resolved by the House of Representatives (the Senate concurring), That the report of the Director of the Mint on the production of the precious metals in the United States for the year 1885 be printed, and that 6,000 extra copies be printed; 4,000 copies for the use of the House and 2,000 copies for the use of the Senate.

The report of the committee was read, as follows:

The Committee on Printing, to whom was referred the accompanying resolution, that the report of the Director of the Mint on the production of the precious metals in the United States for the year 1885 be printed, and that 6,000 extra copies be printed—4,000 for the use of the House and 2,000 for the use of the Senate—have considered the same, and instructed me to report favorably thereon and recommend its passage. The cost of printing the report is estimated at $3,000.

The resolution was agreed to.

Mr. BARKSDALE moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BENNETT. I move that the House do now adjourn.

Mr. BARKSDALE. I hope that motion will not prevail.

The motion was not agreed to.

REPORT ON THE PANAMA CANAL.

Mr. REID, of North Carolina. Mr. Speaker, I report back from the Committee on Printing with a favorable recommendation the concurrent resolution which I send to the Clerk's desk, and I ask that it be put upon its passage.

The SPEAKER *pro tempore*. The report will be read.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *June* 7, 1886.

Resolved by the House of Representatives (the Senate concurring), That the Committee on Printing be directed to cause to be printed for distribution by the Senate and members of the House in the usual proportion 5,000 copies of the special intelligence report, by Lieutenant Kimball and Naval Cadet Capp, United States Navy, upon the progress of the Panama Canal during the year 1885, which report was transmitted to the House by the honorable Secretary of the Navy on May 20, and referred to the Committee on Printing.

The estimated cost of the proposed printing is $3,437.50.

Mr. BENNETT. What report is this that is to be printed?

Mr. REID, of North Carolina. It is the report of Lieutenant Kimball and Naval Cadet Capp upon the progress of the Panama Canal.

Mr. BENNETT. When was it made?

Mr. REID, of North Carolina. The inspection was made in 1885.

Mr. BENNETT. Why, Mr. Speaker, Mr. John Bigelow, of New York, and the chief engineer in the French service have made reports this year on the Panama Canal.

Mr. REID, of North Carolina. If my colleague will permit me I will have a letter read which will explain the character of this report.

The Clerk read as follows:

REPORT OF LIEUTENANT KIMBALL.

NAVY DEPARTMENT, *Washington, D. C., June* 23, 1886.

SIR: I have the honor to acknowledge the receipt of your letter of the 21st instant, requesting to be informed whether in my opinion it be advisable to print the special report upon the progress of the work on the Panama Canal recently submitted to the Department by Lieutenant Kimball and Naval Cadet Capp.

In reply, I have to state that the report in question was made from personal inspection of the work during the past winter, and that in view of the peculiar interest which the isthmus transit possesses for the people of the United States I am of the opinion that it is advisable to print the report in question.

Very respectfully, your obedient servant,

W. C. WHITNEY, *Secretary of the Navy.*

Hon. E. BARKSDALE,
Chairman Committee on Printing,
House of Representatives.

Mr. BENNETT. What is the date of that letter?

Mr. REID, of North Carolina. June 28, 1886.

Mr. BENNETT. Well, I think there can be no possible utility to the people of the United States in printing a report as old as this.

Mr. REID, of North Carolina. I will have another letter read which will throw additional light on the subject and show the value of the report.

Mr. BENNETT. If the report was made last year it has been superseded by more recent reports.

Mr. REID, of North Carolina. It was made during this last winter.

Mr. BENNETT. Well, it has been superseded by more recent performances. It will be remembered by the House that within the last three months the chamber of commerce and other bodies in New York city sent Mr. John Bigelow especially to inspect the Panama Canal, to report upon the condition of the work, the probable time that would be consumed in its construction, and the probable output of money necessary to build it. Mr. Bigelow made a report on the subject, which is doubtless known to every member of this House. That report comes from a gentleman of very great ability, and is the most recent and most thorough of all the reports that I have seen respecting that great enterprise.

I am therefore unwilling to agree that the Government shall spend $3,000 or $4,000 in printing a report which, however scientific it may be, has been superseded by others more recent and more thorough.

Mr. REID, of North Carolina. In response to my colleague [Mr. BENNETT] I ask that the letter which I send to the Clerk's desk be read.

The Clerk read as follows:

2823 Q STREET, WASHINGTON, *June* 3, 1886.

SIR: Learning that the honorable Secretary of the Navy has transmitted to the House a report on the Panama Canal, referred to your committee, I beg leave to submit an earnest request for its printing. This report, made by Lieutenant Kimball, United States Navy, under orders, has been placed before me in consequence of my frequent duties in the past on the problem of interoceanic communication, in connection with which my report on the Suez Canal and its relation to our own isthmus transit was made to the Department. (Senate Executive Document No. 198, Forty-ninth Congress, first session.) Of this I have the pleasure to send from the Department to you two copies.

An attentive reading of Lieutenant Kimball's report will, I believe, show an impartial account of the Panama scheme, its present status and possible prospects, his investigations having been conducted for more than two weeks over the whole line of the proposed route. While offering no conclusions as to the cost or the time of possible completion of the work, he furnished new matter of high value, including the detailed plan and calculations for the proposed "barrage" to control the floods of the Chagres.

The secretaries of several chambers of commerce have expressed their desire for the printing of the report. I believe that the Government Printer will say that it would make an octavo of not more than thirty to thirty-five pages, and that the illustrations would be inexpensive, being those only which are explicative of the history of the scheme, what it has accomplished and what it has not. The illustrations in colors can be reproduced more simply.

Allow me to add that the officer in charge at the Department, Lieutenant Rodgers, is especially qualified to superintend the printing, as he was himself on duty on the isthmus.

All of which is respectfully submitted, and with the approval of the lieutenant, except the last suggestion, which is my own prompting and unknown to him.

I am, sir, very respectfully, yours,

J. E. NOURSE,
Professor, United States Navy (retired-list).

Hon. E. BARKSDALE,
Chairman Committee on Printing,
House of Representatives.

Mr. REID, of North Carolina. This report has been prepared and sent in by the Department; it is very recent, very elaborate, and very full; it is accompanied with full illustrations and is just ready for the Printer's hands. It has been asked for, as is stated in that letter, by different chambers of commerce, and will be very valuable to the country. [Cries of "Vote!" "Vote!"]

The question was taken on the adoption of the resolution; and there were—ayes 12, noes 3.

Mr. BENNETT. No quorum has voted.

The CHAIRMAN. The point being made that no quorum has voted——

Mr. PRICE. I move that the House do now adjourn.

The motion was not agreed to.

Mr. REID, of North Carolina. Mr. Speaker, I ask unanimous consent that this concurrent resolution be laid aside.

Mr. DUNHAM. I hope the gentleman from North Carolina [Mr. BENNETT] will withdraw the point of no quorum in the interest of his colleague [Mr. REID].

Mr. BENNETT. I will do anything in the world to gratify my friend from Illinois but that. [Laughter.]

The SPEAKER *pro tempore*. The point being made that no quorum has voted, the Chair will appoint the gentleman from North Carolina, Mr. BENNETT, and the gentleman from North Carolina, Mr. REID, to act as tellers.

Mr. REID, of North Carolina. I ask unanimous consent to withdraw the resolution.

Mr. DUNHAM. Did I understand the gentleman from North Carolina [Mr. BENNETT] to say that he would do anything for me except that one thing which I asked him to do?

Mr. BENNETT. Well, I would have done it when I answered the gentleman, but it is a different question now. [Laughter.]

There being no objection, the concurrent resolution was withdrawn.

REPORT OF COAST AND GEODETIC SURVEY.

Mr. REID, of North Carolina. I call up for present consideration Senate concurrent resolution for printing extra copies of the report of the Coast and Geodetic Survey.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 extra copies of the report of the Superintendent of the Coast and Geodetic Survey, showing the progress made in such survey during the year ending June 30, 1885, for distribution by said Superintendent.

The resolution was adopted.

Mr. REID, of North Carolina moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMPILATION OF REPORTS OF COMMITTEES.

Mr. REID, of North Carolina. The resolution I am about to call up is the last measure the consideration of which I shall ask this evening. I call up joint resolution (H. Res. 22) authorizing the preparation of a compilation of the reports of committees of the Senate and House of Representatives. The Committee on Printing have reported back this joint resolution with a substitute. I ask that the substitute be read.

The Clerk read as follows:

Strike out all after the resolving clause and insert:

"That there be prepared, under the direction of the Joint Committee on Printing, a compilation of the reports of the Senate and House of Representatives from the Fourteenth to the Forty-eighth Congress inclusive, classified by committees, arranged, indexed, and bound in suitable volumes, for the use of the standing committees of the two Houses of Congress. And the sum of $7,750, or so much thereof as may be found necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the preparation of said work, which sum may be paid by the Secretary of the Treasury upon the order of the chairman of said joint committee as additional pay or compensation of any officer or employé of the United States."

Resolved further, That the Clerk of the House and the Secretary of the Senate be, and they are hereby, directed to procure and file for the use of their respective Houses copies of all reports made by each committee of all succeeding Congresses; and that the Clerk of the House and the Secretary of the Senate be, and they are hereby, authorized and directed, at the close of each session of Congress, to cause said reports to be indexed and bound, one copy to be deposited in the library of each House, and one copy in the room of the committee from which the report emanated.

Mr. REID, of North Carolina. I ask unanimous consent that the report accompanying this joint resolution be printed in the RECORD, for the information of the House.

There being no objection, it was ordered accordingly.

The report is as follows:

Mr. REID, of North Carolina, from the Committee on Printing, submitted the following report:

The Committee on Printing, having had under consideration the joint resolution (H. Res. No. 22) providing for a compilation of the reports of committees of the Senate and House of Representatives, make the following report:

The origin of the proposed compilation dates back to the Forty-sixth Congress, at which time a number of persons connected with both branches of Congress suggested the utility of such a work. In order to bring the subject before Congress, at the first session of the Forty-eighth Hon. C. N. Brumm, of Pennsylvania, introduced the following resolution:

"*Resolved*, That the Committee on Printing be, and they are hereby, authorized to inquire into the expediency of procuring a compilation of the House reports of committees for the use of the several committees of the House."

Near the close of the session the committee reported as follows:

Mr. Smith, from the Committee on Printing, submitted the following report, to accompany H. Res. 285:

The Committee on Printing, to whom was referred the following resolution—

"*Resolved*, That the Committee on Printing be, and they are hereby, authorized to inquire into the expediency of procuring a compilation of the House reports of committees for the use of the several committees of the House"—

have had the same under consideration, and respectfully report:

The reports of committees from the First to the Fourteenth Congress were not numbered in order as reports, but were intermixed with the documents and numbered with them. The reports of committees for this same period are very rare, as there is not even a complete file of them in the Congressional Library; this is owing to the destruction of the records in the Capitol in 1814.

From the beginning of the Fourteenth Congress to the present time the reports have been numbered in the order in which they were reported in each Congress, and, including the Forty-seventh Congress, are bound in 212 volumes, in numerical order, making in all more than 26,000 printed reports. In the present arrangement these reports are not practically available, for want of classification and proper indexing.

The committee find that none of the rooms in which the committees of the House meet are supplied with files of the reports made by them. And it does appear expedient for each standing committee to have at hand a complete file of the reports made by them, arranged, indexed, and bound in suitable volumes. Such a compilation will embrace about three hundred volumes, and will require forty-six separate indexes and one consolidated index.

The estimated cost of such a compilation and index will be, for preparing, compiling, and indexing, about $10,000; for printing and binding, $——.

Your committee therefore recommend the adoption of the accompanying joint resolution.

A. M. SCALES, *Chairman.*
A. HERR SMITH.
WM. F. ROGERS.

"Mr. Smith, from the Committee on Printing, reported the following joint resolution:

"Joint resolution providing for the collection, classifying, and indexing the reports of committees.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Joint Committee on Printing be, and they are hereby, authorized to contract for the collating, classifying, and indexing the reports of the standing and select committees of the two Houses of Congress from the Fourteenth to the Forty-seventh Congress, both inclusive, to the end that each committee-room in both Houses may be supplied with one bound copy of the reports made by each committee, respectively: *Provided*, That the cost of the same shall not exceed the sum of $10,000."

The committee have carefully considered the design of this work, and upon investigation find that none of the committees are supplied with a complete set of their own reports; and they concur in the report made by the Committee on Printing in the Forty-eighth Congress, "That it does appear expedient for each standing committee to have at hand a complete file of the reports made by them, arranged, indexed, and bound in suitable volumes." Such a compilation as is here proposed will remove all the uncertainty concerning the facts reported on any given subject by any past committee, and also save much of the reduplication of costly and useless printing.

It is apparent to the committee that thoroughness under the present system of searching for a given report, is a matter of impossibility, from the fact that more than 28,000 House reports, scattered through 223 volumes, having 98 separate indexes, each of which must be consulted in order to determine all that may have been reported on any one given subject. In order to illustrate this fact each Congress from 1800 to the present time have reported upon the question of French spoliation. Consequently, to determine all the reports that have been made upon this one question, these 98 indexes must be consulted and these 28,000 reports handled.

With the proposed compilation this great waste of time and laborious searching in the fields of uncertainty is completely overcome, as by a single reference to the report of the committee to which this subject was referred all the information extant upon that subject can be commanded in a moment of time. We therefore call the attention of the House to the proposed plan of the work, which is as follows:

COMPILING.

The purpose is to separate the reports as they are now found in the old volumes, distributing them to the committees from which they came, or classifying them by committees so that all the reports made by one committee will be found together under the new classification. The order of classification is first chronological and then numerical, beginning with the Fourteenth Congress. All the reports of the special and select committees will constitute a separate series and be bound together.

This compiling necessitates having one complete set of these printed reports. Many of the older reports are very valuable, as some of them are not to be found even in the Congressional Library, and it is hard to estimate their value.

There can be no question involved as to the thoroughness of this work when the reports are first collected and compared, showing that there are no omissions.

INDEXING.

The reports of each committee will require a separate index, averaging about fifteen pages each, being one for each standing committee, or seventy-two indexes, requiring more than 100,000 index entries. These indexes will be bound in each volume, so that any given volume of any committee will contain an index of all reports made by such committee.

BINDING.

The compilation when complete will consist of about three hundred volumes for the House and two hundred volumes for the Senate. The greatest number for any one committee will be for the Committee on Claims, of the House, which will make about thirty fair-sized volumes; but the average number to each committee will be about seven volumes. These volumes will be arranged in chronological and numerical order, beginning with the Fourteenth Congress and including the Forty-eighth. A sample set for the Committee on the Judiciary has already been prepared, which shows the entire plan and scope of the work.

PRINTING AND BINDING.

The estimated cost for printing and binding as furnished by the Public Printer is $10,365.58; said estimate was made from samples submitted by the committee.

COMPILING AND INDEXING.

The estimated cost of preparing said work:

Material and compiling	$2,550
Indexing	5,200
Total	7,750

The committee believe this proposed work to be of great importance, and that it ought to be provided for at once, while the material is available, so that Congress may have the benefit it will afford at the earliest possible date.

The committee therefore recommend the passage of the accompanying joint resolution as a substitute for joint resolution 22.

The following statement shows the condition of the printed reports of the two Houses of Congress:

SENATE REPORTS.

From the First to the Thirtieth Congress the Senate reports are numbered and bound with the executive documents. From the Thirtieth to the Forty-ninth Congress they are numbered and bound in numerical order, and bound in separate volumes. The number of these volumes in existence is about eleven copies to each volume, scattered through the rooms of the Senate.

The following is the number of reports made by the Senate and the number of volumes in which they are now bound:

Congress.	Reports.	Volumes.
Fourteenth		2
Fifteenth	139	4
Sixteenth	233	9
Seventeenth	113	5
Eighteenth	73	7
Nineteenth	81	8
Twentieth	86	7
Twenty-first	62	4
Twenty-second	66	4
Twenty-third	155	16
Twenty-fourth	217	9
Twenty-fifth	195	11
Twenty-sixth	179	13
Twenty-seventh	356	10
Twenty-eighth	247	18
Twenty-ninth	309	11
Thirtieth	331	2
Thirty-first	320	2
Thirty-second	432	3
Thirty-third	551	4
Thirty-fourth	450	3
Thirty-fifth	396	3
Thirty-sixth	311	3
Thirty-seventh	107	6
Thirty-eighth	142	5
Thirty-ninth	178	4
Fortieth	272	3
Forty-first	380	3
Forty-second	524	21
Forty-third	693	8
Forty-fourth	706	12
Forty-fifth	855	7
Forty-sixth	916	10
Forty-seventh	1,031	6
Forty-eighth	1,573	9
Total	12,606	252

HOUSE REPORTS.

From the Fifth Congress to the present time the House reports are numbered and bound in a separate series in numerical order.

The number of these volumes in existence is very hard to estimate, as the books in the Library have never been catalogued, and the exact number is not known.

The following table shows the number of reports and volumes of the House in each Congress from the Fourteenth to the Forty-eighth, inclusive:

Congress.	Reports.	Volumes.
Fourteenth	165	3
Fifteenth	479	3
Sixteenth	168	2
Seventeenth	302	4
Eighteenth	331	4
Nineteenth	311	4
Twentieth	370	5
Twenty-first	500	4
Twenty-second	641	6
Twenty-third	802	7
Twenty-fourth	1,284	7
Twenty-fifth	1,393	6
Twenty-sixth	965	5
Twenty-seventh	1,413	10
Twenty-eighth	782	4
Twenty-ninth	936	5
Thirtieth	986	6
Thirty-first	607	4
Thirty-second	183	2
Thirty-third	523	4
Thirty-fourth	628	6
Thirty-fifth	860	10
Thirty-sixth	774	9
Thirty-seventh	216	6
Thirty-eighth	174	3
Thirty-ninth	135	7
Fortieth	136	7
Forty-first	187	5
Forty-second	197	18
Forty-third	1,188	12
Forty-fourth	1,061	11
Forty-fifth	1,308	7
Forty-sixth	2,393	8
Forty-seventh	3,855	8
Forty-eighth	2,696	11
Total	28,949	223

The question being taken on the adoption of the substitute, it was agreed to.

The joint resolution as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. REID, of North Carolina, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OFFICIAL REGISTER OF THE UNITED STATES.

Mr. REID, of North Carolina. I am directed as a privileged matter to report back, with the amendments of the Senate, the joint resolution (H. Res. 89) providing for the distribution of the Official Register of the United States. I move that the House non-concur in the amendments of the Senate, and ask a conference.

The motion was agreed to.

The SPEAKER *pro tempore* (Mr. DOCKERY) announced the appointment of Mr. BARKSDALE, Mr. REID of North Carolina, and Mr. FARQUHAR as the conferees on the part of the House.

Mr. BARKSDALE. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 20 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. CLEMENTS: Petition of J. B. Rogers and O. L. Wyley, heirs of Lowry Williams, deceased, and of Mrs. W. A. Bray, widow

of W. A. Bray, deceased, of Gordon County, Georgia, asking reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Patrick Mansfield, for payment of war claims—to the same committee.

By Mr. DANIEL: Petition of citizens of Dinwiddie County, Virginia, against the internal-revenue system—to the Committee on Ways and Means.

By Mr. McCOMAS: Petition of Thoburn Post, Grand Army of the Republic, in favor of the passage of the Romiser pension bill over the President's veto—to the Committee on Invalid Pensions.

Also, petition of George J. Adams, executor of David Schlosser, deceased, asking payment for his war claim—to the Committee on War Claims.

By Mr. MORROW: Resolutions of the international arbitration and peace federation of the Pacific coast, recommending the establishment of a permanent international tribunal for the equitable and peaceable settlement of all international questions—to the Committee on Foreign Affairs.

By Mr. ROGERS: Papers in the case of James H. Hamilton for relief—to the Committee on Indian Affairs.

By Mr. ZACH. TAYLOR: House resolution to expunge certain portions of the RECORD—to the Committee on Rules.

The following petitions, asking for the passage of House bill 7887, repealing timber-culture, pre-emption, and desert-land acts; of House bill 7021, for adjustment of railroad and other land grants; of bill forfeiting all railroad land grants the conditions of which have not been strictly complied with; of House bill organizing the Territory of Oklahoma; of Senate bill opening a portion of the great Sioux reservation to settlement; of bill prohibiting aliens from holding land in the United States; of bill making Presidential and Congressional election days holidays, and punishing bribery; and of bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired, were severally referred to the Committee on the Public Lands:

By Mr. CRAIN: Petition of B. J. Hughes and 45 others, of John Dwyer and 144 others, of S. K. Hooker and 119 others, of Charles E. Paine and 42 others, of B. R. Goodwin and 54 others, and of J. B. Badgers and 90 others, citizens of the seventh district of Texas.

By Mr. DANIEL: Petition of M. M. Crawford and 166 others, of Thomas Pagett and 244 others, of James Young and 101 others, of J. H. Harris and 88 others, of H. A. Sims and 80 others, and of A. H. Ried and 1,053 others, citizens of the sixth district of Virginia.

By Mr. TARSNEY: Petition of William Hogan and others, citizens of East Saginaw, Mich.

SENATE.

MONDAY, *July* 19, 1886.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Saturday last was read and approved.

CENSUS REPORT.

The PRESIDENT *pro tempore*. The presentation of petitions and memorials is now in order.

Mr. CULLOM. A communication has, I understand, been addressed to the President of the Senate from the Secretary of the Interior in reference to a report of Fred. H. Wines, who was one of the persons engaged in taking the census of 1880, called for by a resolution submitted by me and adopted by the Senate on the 15th instant. I am informed by the messenger who brought it here that the material is in the office somewhere.

The PRESIDENT *pro tempore*. The Chair has received the letter of transmittal, but not the accompanying documents.

Mr. CULLOM. The accompanying documents are in the building. I do not know where exactly. I wish to have the report referred to the Committee on the Census and printed.

The PRESIDENT *pro tempore*. The Chair will present the letter of transmittal. The documents to accompany it have not been received.

Mr. CULLOM. The gentleman who brought them over told me he left them in the office some place, I do not know where.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 15th instant, a report of Fred. H. Wines, special agent of the Tenth Census, on the defective, dependent, and delinquent classes; which was read.

Mr. CULLOM. The documents referred to are the work of that officer in preparing that branch of the census report for publication. I ask that the communication and the documents be referred to the Committee on the Census and printed.

The PRESIDENT *pro tempore*. It is usual to refer this class of documents to the Committee on Printing to ascertain whether they should be printed or not.

Mr. CULLOM. It will be impossible for that committee to know anything about it.

The PRESIDENT *pro tempore*. If there be no objection the communication, with the accompanying papers, when received, will be referred to the Select Committee to make Provision for taking the Tenth Census and ascertaining the results thereof, without printing.

PETITIONS AND MEMORIALS.

Mr. BLAIR. I have received a communication in the nature of a petition, stating that at a regular meeting of the Woman's National Industrial League, held pursuant to notice, the following preamble and resolutions were unanimously adopted:

Whereas it has come to the knowledge of this league that colored children work in the mills and factories in the South sixteen and seventeen hours per day at wages ranging from 10 to 15 cents per day, the said children, male and female, being under ten years of age: Therefore,

Be it resolved, That we deem it just and right that the colored wage-workers of the South should be properly represented in the present Labor Bureau.

Resolved further, That a committee of this league be appointed to wait upon Hon. ROBERT SMALLS, M. C., and James E. O'Hara, the colored members of the House of Representatives, and urge them to ask that two colored men and two colored women be appointed as agents of said Labor Bureau to compile statistics of the colored wage-workers of the South, who compose a large majority of the laboring population.

Be it further resolved, That copies of this preamble and resolutions be sent to all colored organizations, the colored press and clergy, asking them to petition their respective State Legislatures to pass laws against the system of child labor, and strictly enforcing the law where it already exists against the same.

I will state in this connection that there has been during the last and the present Congress a bill introduced, I do not know but both times, certainly in the present Congress, by the Senator from Illinois [Mr. LOGAN], who is not present, providing that an investigation of the condition of the colored population and its progress made in civilization, industry, and the arts of life be made, extending over the whole period of time from emancipation until the present. The bill was referred to the Committee on Education and Labor. That committee has never reported the bill, as there seemed to be objections in the way of undertaking so vast a work; but the suggestion that there be representatives of the colored population employed in the Labor Bureau, so that statistics relating to this subject may be collected in connection with the other statistics bearing upon other portions of the population of the country, seems to me to be a good one, and I hope that it may be acted upon by the powers that be.

This petition may as well be referred to the Committee on Education and Labor. I do not know what we can do with it, but I make these suggestions hoping that something may come of the suggestions if there be no legislation.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Education and Labor.

Mr. SEWELL presented a petition of dairymen and butter-makers, citizens of New Jersey, praying for the passage of the oleomargarine bill; which was ordered to lie on the table.

The PRESIDENT *pro tempore* presented nine petitions of citizens of Ohio, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. CAMERON. I present a petition of the Octoraro Farmers' Club, of Pennsylvania. I should like to have the petition read, so that it may go into the RECORD, as it is very short.

The PRESIDENT *pro tempore*. The petition will be read, if there be no objection.

The petition was read, and ordered to lie on the table, as follows:

ATGLEN, PA., *July* 13, 1886.

To the honorable the Senate of the United States:

At a late meeting of the Octoraro Farmers' Club, composed of progressive and representative farmers and dairymen of Chester and Lancaster Counties, Pennsylvania, it was unanimously

Resolved, That, in view of the great wrong of the bogus-butter traffic, a committee be appointed to impress upon that honorable body, the Senate of the United States, the importance of protecting the dairy.

This pretended butter is often an unwholesome hash, a gross fraud upon the consumers, and an unfair and injurious competitor of the old and legitimate industry of the dairy.

And the committee earnestly hope that the Senate, in its wisdom, will see fit to pass without amendment, so that its enactment may not be retarded, the oleomargarine bill of the House of Representatives. It is believed that nine-tenths of the people through all the States will approve legislation which protects them from imposition, &c.

DAVID H. BRANSOM, *Committee.*

Mr. CAMERON presented eleven petitions of citizens of Pennsylvania, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. EVARTS presented a memorial of the Starlight Association of Yonkers, N. Y., with a mixed membership of 500; a memorial of the Literary Association of Verplanck, N. Y.; a memorial of the Confectioners' Protective Association, No. 5705, of New York city, with a membership of 4,000; a memorial of the Machinists' and Blacksmiths' Union, No. 12, of New York city, with a membership of 1,200; a memorial of the Mixed Labor Niagara Association, No. 93, of Brooklyn, N. Y., with a membership of 1,000; a memorial of the Robert Barrett

Assembly, No. 1074, of Brooklyn, N. Y., with a membership of 1,500; and a memorial of the Advance Labor Club, of Brooklyn, N. Y., with a membership of 500, remonstrating against the passage of the oleomargarine bill; which were ordered to lie on the table.

He also presented the petition of C. N. Bowne and 28 other citizens of Delhi, N. Y., praying for the passage of the oleomargarine bill; which was ordered to lie on the table.

Mr. McMILLAN. I present evidence in the form of affidavits in support of the bill (S. 2645) granting a pension to John Dennert, heretofore introduced by me. I move the reference of the papers to the Committee on Pensions.

The motion was agreed to.

Mr. BROWN. I present three petitions. They purport to be, one from the seventh Congressional district of Georgia, signed by A. W. Jordan and 99 others; one from the eighth Congressional district of Georgia, signed by John Hodges and 54 others, and one from the fourth Congressional district of Georgia, signed by Julia S. Roberts and 173 others. Numerous others have been sent to other Senators, judging from what I have heard here, by Mr. Beaumont, chairman of the national legislative committee of the Knights of Labor, Washington, D. C., who sends these to me stating that they are from constituents of mine. I therefore present them. I will remark that there is great similarity in the handwriting of all the petitioners. However, I present the petitions, and move their reference to the Committee on Finance.

The motion was agreed to.

Mr. COKE presented the petition of A. J. Session and 39 other citizens of the third Congressional district of Texas, the petition of W. E. Wilson and 100 other citizens of the fifth Congressional district of Texas, the petition of J. T. Cornelius and 60 other citizens of the seventh Congressional district of Texas, the petition of Samuel Muller and 60 other citizens of the seventh Congressional district of Texas, the petition of James E. Moore and 138 others, citizens of the seventh Congressional district of Texas; the petition of E. M. Harris and 128 others, citizens of the tenth Congressional district of Texas; the petition of B. F. Dewsitt and 54 others, citizens of the eleventh Congressional district of Texas; and the petition of W. H. Ogden and 94 others, citizens of the first Congressional district of Texas, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. MAXEY presented eight petitions of citizens of Texas, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. GEORGE presented three petitions of citizens of Mississippi, praying for the passage of certain bills in regard to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. BLACKBURN presented four petitions of citizens of Kentucky, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. HARRIS. I present three petitions, sent me by a citizen of this District, purporting to come from the people of Tennessee, asking for the passage of sundry bills. I move the reference of the petitions to the Committee on Finance.

The motion was agreed to.

Mr. CONGER. I present seven petitions from different Congressional districts in Michigan, purporting to contain the names of 1,219 citizens of Michigan, praying for the passage of sundry bills mentioned on the back of the petitions, which I move may be referred to the Committee on Finance.

The motion was agreed to.

Mr. PALMER presented a memorial of Knights of Labor of Republic, Mich.; a memorial of Knights of Labor of Ishpeming, Mich.; a memorial of E. A. Johnson and 11 others, citizens of Ishpeming, Mich., and a memorial of Peterson & Linden and 24 others, citizens of Escanaba, remonstrating against the passage of the bill relative to the manufacture and sale of oleomargarine; which were ordered to lie on the table.

Mr. LOGAN. I present six petitions purporting to come from Illinois, and requesting the passage of eight different bills, the titles of which are pasted on the outsides. I will mention that they all seem to be in some two or three handwritings, and I do not know where they come from, but I move that they be referred to the Committee on Finance.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 2855) to authorize a change of location of a certain Indian school building in Washington Territory, reported it without amendment.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 2862) to provide for the entry of a certain tract of land for town-site purposes, reported it without amendment.

BILLS INTRODUCED.

Mr. WHITTHORNE introduced a bill (S. 2864) to return the tax on cotton collected by the United States in 1865, 1866, 1867, and 1868 from the people of certain States of the Union, to be held and used by said States for educational purposes; which was read twice by its title.

Mr. WHITTHORNE. I move that the bill lie on the table, and I shall ask the courtesy of the Senate within a day or two to submit some remarks thereon.

The motion was agreed to.

Mr. CAMERON introduced a bill (S. 2865) granting a pension to Morgan Gordon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 2866) to amend sections 5191 and 5192 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Finance.

Mr. BLAIR introduced a bill (S. 2867) to grant leaves of absence to employés of the Bureau of Printing and Engraving; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Education and Labor.

AMENDMENTS TO BILLS.

Mr. LOGAN, Mr. McMILLAN, Mr. SAWYER, and Mr. VOORHEES submitted amendments intended to be proposed by them respectively to the general deficiency appropriation bill; which were referred to the Committee on Appropriations.

Mr. BLAIR. I submit an amendment to the joint resolution (H. Res. 126) directing payment of the surplus in the Treasury on the public debt, providing that before the payment of any part of such surplus or balance there shall be reserved and set apart the sum of $79,000,000, which shall be known as the common-school fund, which shall be paid from year to year next after the passage of this resolution, and providing the terms of the common-school bill enacted by the Senate at the present session, simply changing them so as to correspond to a joint resolution instead of a bill. I move the reference of the amendment to the Committee on Finance.

The motion was agreed to.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. "Concurrent and other resolutions" are now in order. If there be none such, the Calendar is in order.

Mr. MILLER. I move that the Senate proceed to the consideration of the oleomargarine bill.

The PRESIDENT *pro tempore*. The Senator from New York moves that the Senate proceed to the consideration of the bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine. The question is on the motion of the Senator from New York.

Mr. CONGER. I ask the Senate to lay that bill aside informally, and I ask unanimous consent to pass a bill providing for a bridge between the towns of Menominee, Mich., and Marinette, Wis.

Mr. MILLER. Let the oleomargarine bill be first taken up.

Mr. CONGER. I thought it was taken up.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New York to proceed to the consideration of the bill.

Mr. INGALLS. Is there a quorum present, Mr. President?

The PRESIDENT *pro tempore*. The Chair is of the opinion that there is not a quorum present within three or four members.

Mr. CONGER. Probably there will be a quorum by the time the bill which I ask to have taken up is read.

The PRESIDENT *pro tempore*. Nothing is in order until the roll is called under the rule. The attention of the Chair being called to the fact that there is not a quorum present, the rule makes it imperative that the roll shall be called.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Dawes,	Jones of Arkansas,	Spooner,
Beck,	Dolph,	Jones of Nevada,	Teller,
Berry,	Edmunds,	Logan,	Vance,
Blair,	Evarts,	McMillan,	Van Wyck,
Cameron,	Frye,	Maxey,	Vest,
Chace,	Gorman,	Miller,	Walthall,
Cockrell,	Gray,	Platt,	Whitthorne,
Colquitt,	Harrison,	Plumb,	Wilson of Iowa,
Conger,	Hoar,	Sawyer,	Wilson of Md.
Cullom,	Ingalls,	Sherman,	

Mr. CHACE (when Mr. ALDRICH'S name was called). I desire to announce that my colleague [Mr. ALDRICH] is detained from the Senate by sickness.

The PRESIDENT *pro tempore*. Thirty-nine Senators have answered to their names. The question recurs on the motion of the Senator from New York to proceed to the consideration of the oleomargarine bill.

The motion was agreed to.

Mr. VANCE. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from North Carolina yield to the Senator from Michigan?

Mr. VANCE. What is it that the Senator from Michigan desires?

Mr. CONGER. I had asked unanimous consent to take up a bridge bill, which had been passed by the House, for a bridge over the Menominee River, a wagon-bridge between two villages there. I should like

to have it passed here as it has passed the House, and they are waiting to contract for the bridge.

Mr. VANCE. I yield for that purpose.

The PRESIDENT *pro tempore*. The Senator from Michigan asks unanimous consent, pending the consideration of the oleomargarine bill, to proceed to the consideration of the bill named by him. Is there objection?

Mr. EDMUNDS. Subject to a call for the regular order.

Mr. INGALLS. And subject to the reading of the bill for information.

The PRESIDENT *pro tempore*. The bill will be read for information, subject to objection.

Mr. CONGER. I ask unanimous consent that we have until half past 12 o'clock to devote to the Calendar.

The PRESIDENT *pro tempore*. The bill is before the Senate.

Mr. MILLER. The bill is not objected to.

Mr. CONGER. I understood the Senator from Vermont to object.

Mr. EDMUNDS. No; it is only taken up subject to call for the regular order.

MENOMINEE RIVER BRIDGE.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8023) to give the assent of Congress to the construction of a bridge by the municipalities of Menominee, Mich., and Marinette, Wis., over Menominee River.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT POLICE REGULATIONS.

Mr. CHACE. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 2600) to authorize the commissioners of the District of Columbia to make police regulations for the government of said District.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the bill is before the Senate as in Committee of the Whole.

Mr. CHACE. I reported from the Committee on the District of Columbia an amendment as a substitute for the bill.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and insert:

That the commissioners of the District of Columbia be, and they are hereby, authorized and empowered to make, modify, and enforce usual and reasonable police regulations in and for said District as follows:

First. For causing full inspection to be made, at any reasonable times, of the places where the business of pawnbroking, junk-dealing, or second-hand clothing business may be carried on.

Second. Concerning the observance of Sunday in the carrying on of business in the District of Columbia, to designate what places may be kept open or shall be closed on that day.

Third. To regulate the storage of highly inflammable substances in the thickly populated portions of the District.

Fourth. To locate the places where licensed venders on streets and public places shall stand, and change them as often as the public interests require, and to make all the necessary regulations governing their conduct upon the streets in relation to such business.

Fifth. To make needful regulations for the orderly disposition of carriages or other vehicles assembled on streets or public places, and to require vehicles upon such streets and avenues as they deem necessary to pass along on the right side thereof.

Sixth. To establish and regulate the charges to be made by owners of hacks and hackney carriages of any kind whatsoever.

Seventh. To prohibit conducting droves of animals upon such streets and avenues as they may deem needful to public safety and good order.

Eighth. To prohibit the deposit upon the streets or sidewalks of fruit, or any part thereof, or other substance or articles that might litter the same, or cause injury to or impede pedestrians.

Ninth. To regulate or prohibit loud noises with horns, gongs, or other instruments, or loud cries, upon streets or public places, and to prohibit the use of any fireworks or explosives within such portions of the District as they may think necessary to public safety.

Tenth. To regulate the movements of vehicles on the public streets and avenues for the preservation of order and protection of life and limb.

Eleventh. To prescribe reasonable penalties for the violation of any of the regulations in this act mentioned; and said penalties may be enforced in any court in the District of Columbia having jurisdiction of minor offenses, and in the same manner that such minor offenses are now by law prosecuted and punished.

SEC. 2. That the regulations herein provided for shall, when adopted, be printed in one or more of the daily newspapers published in the District of Columbia; and no penalty prescribed for the violation of said regulations shall be enforced until thirty days after such publication.

Mr. VAN WYCK. I ask the Secretary to reread the clause about conducting animals on the streets.

The Chief Clerk read as follows:

Seventh. To prohibit conducting droves of animals upon such streets and avenues as they may deem needful to public safety and good order.

Mr. VAN WYCK. I should like very much to have added to the bill, if it does not exist somewhere, as this is probably the proper bill, it being a police regulation, a provision to regulate or prohibit the keeping of dogs. I propose that as an amendment, to follow right on after the clause which has just been read. I trust the Senator in charge of the bill will not object to that. There should be some power lodged somewhere among the officers of this city to provide for that, which is an intolerable nuisance I think all over the city.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves an amendment to the amendment, which will be stated.

The CHIEF CLERK. After paragraph 7, and after line 31, it is proposed to add:

To regulate or prohibit the keeping of dogs.

Mr. MILLER. Will the Senator from Nebraska consent to strike out the words "or prohibit," and simply leave it "to regulate?" It seems to me that ought to be sufficient power. We should not give such arbitrary power as the Senator proposes.

Mr. VAN WYCK. Perhaps the Senator can suggest some other word to meet the point. My object is this——

Mr. MCMILLAN. Let the bill go over for the present, until I have an opportunity of seeing it.

The PRESIDENT *pro tempore*. Objection is made, and the bill goes over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed without amendment the joint resolution (S. R. 62) authorizing the publication of an edition of A Digest of International Law, edited by Francis Wharton.

The message also announced that the House had passed the following concurrent resolutions of the Senate:

A concurrent resolution authorizing the Secretary of the Interior to have bound the schedules of the second, third, and fourth censuses of the United States;

A concurrent resolution to print the report on Alaska by L. M. Turner;

A concurrent resolution providing for printing the annual volumes of the astronomical and meteorological observations of the Naval Observatory for 1883, 1884, and 1885;

A concurrent resolution to print the statements relative to the payments of awards under treaties with France and Spain;

A concurrent resolution to print additional copies of the "Revised list of papers touching unpaid claims on account of French spoliations prior to July 31, 1801;"

A concurrent resolution to print extra copies of the message of the President communicating to the Senate copies of the reports of the Government directors of the Union Pacific Railroad;

A concurrent resolution providing for printing extra copies of the last annual reports of the Smithsonian Institution and of the National Museum;

A concurrent resolution to print extra copies of the report of Mr. Menocal on the interoceanic canal, Senate Executive Document No. 99; and

A concurrent resolution to print the report of E. W. Nelson on Alaska.

The message further announced that the House had passed the following joint resolutions; in which it requested the concurrence of the Senate:

Joint resolution (H. Res. 120) to print the annual bulletins of the Bureau of Ethnology;

Joint resolution (H. Res. 87) providing for the printing and distribution of documents of the monetary conferences of 1878 and 1881;

Joint resolution (H. Res. 129) directing the Public Printer to forward the CONGRESSIONAL RECORD to our legations abroad;

Joint resolution (H. R. 130) to distribute copies of special memoirs and reports of the United States Geological Survey;

Joint resolution (H. Res. 138) to print 10,000 copies of the Report of the Commissioner of Agriculture on the International Sheep and Wool Show held in Philadelphia in September, 1880; and

Joint resolution (H. Res. 201) for printing the report of the Commissioner of Agriculture.

The message also announced that the House had passed a concurrent resolution for the printing of 5,000 copies of the navigation and customs-collection laws relating to vessels, including the laws relating to merchant seamen and the regulation of steam vessels, compiled by the Bureau of Navigation in the Treasury Department.

OHIO VALLEY RAILROAD BRIDGE.

Mr. BECK. I ask unanimous consent to take up another bridge bill. The Senator from Michigan desired to call it up, but had not time. I ask the Senate to consider the bill (S. 2800) to authorize the construction of bridges across the Tennessee and Cumberland Rivers by the Ohio Valley Railway Company.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read.

Mr. BECK. I have only to say that the bill meets the approval of the Engineer Department and of the Secretary of War, and is the unanimous report of the Committee on Commerce.

Mr. VEST. I did not pay very strict attention to the reading of the bill, but I did not hear any provision in the bill that if the bridge should not be commenced and built within a certain time then the charter should be void. I think that ought to be put in all these bridge bills.

Mr. BECK. I am not sure that it is in, but the road is finished to the bridge on both ends and it will be completed by December. They are only waiting for the bridge. The road is finished on both sides from Jackson, Tenn., to Aurora, and the bridge will be up by December. There will be no trouble about it.

Mr. VEST. I find that there is no such provision in the bill.

Mr. BECK. I did not observe it. I suppose the reason why it was omitted is because the road has been built on both sides and they are only waiting for the bridge.

Mr. VEST. I move to insert those words.

Mr. BECK. There will be no objection to that. It will be finished in time.

Mr. LOGAN. Simply insert a proviso that the bridge shall be built in a certain time.

Mr. VEST. I move to add the following proviso:

Provided, That the bridge authorized to be constructed by this act shall be commenced within twelve months from the passage of this act, and completed within three years from the same date.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Missouri [Mr. VEST].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARMY CLERKS AND MESSENGERS.

Mr. LOGAN. I desire to take the time of the Senate for just a moment to call up the bill (H. R. 7191) to provide for the enlistment and pay and to define the duties and liabilities of "general-service clerks" and "general-service messengers" in the Army.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. MILLER. I reserve the right to object if it leads to any debate.

Mr. LOGAN. It will lead to no debate.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Military Affairs with amendments. The first amendment was, in section 1, line 7, after the word "headquarters," to insert the words "at headquarters general service, at recruiting depots, and at West Point, New York;" and, in lines 8 and 9, to strike out "one hundred and forty-eight" and insert "one hundred and seventy;" so as to read:

That the Secretary of War be, and he is hereby, authorized and directed to cause to be enlisted and mustered into the service of the United States, for clerical service and messenger duty at the headquarters of the Army and at the several division, department, and district headquarters, at headquarters general service, at recruiting depots, and at West Point, N. Y., in the Army, a corps of men not to exceed one hundred and seventy, who shall be subject to the Articles of War and Army Regulations the same as enlisted men on duty in the line, but shall not be subject to be assigned to any other than clerical and messenger duty, as hereinbefore specified; nor shall this number be computed as a part of the number at which the Army is now limited by law.

The amendment was agreed to.

The next amendment was, in section 2, line 2, to strike out "one hundred and three" and insert "one hundred and twenty-five;" in line 3, to strike out "sixty-six" and insert "ninety;" and in line 11, to strike out "bi-monthly" and insert "monthly;" so as to read:

SEC. 2. That of the men so enlisted one hundred and twenty-five shall be "general-service clerks," who shall be classified and paid as follows: Class 1 shall consist of ninety clerks, at $1,000 per annum; class 2 shall consist of twenty-five clerks, at $1,100 per annum; class 3 shall consist of ten clerks, at $1,200 per annum; and the remaining forty-five of such men shall be "general-service messengers," who shall be paid at the rate of $60 per month; and all of such men shall be mustered for pay monthly the same as enlisted men, and shall receive no other compensation, pay, or allowance, except when on duty, when necessity requires, they shall each be allowed for subsistence one ration in kind, to be issued by the Commissary Department.

The amendment was agreed to.

Mr. LOGAN. I offer an amendment suggested by the War Department. I move to strike out seetion 3, in the following words:

That the provisions of law relating to the retirement of enlisted men shall be construed to include "general-service clerks" and "general-service messengers."

And to insert:

That the provisions of law relating to the retirement of enlisted men shall be construed to include "general-service clerks" and "general-service messengers," and for the purposes of retirement they shall rank as follows: General-service clerks of class 3 with first sergeants of the line, general-service clerks of class 2 with sergeants of the line, general-service clerks of class 1 with corporals of the line, general-service messengers with privates of the line.

Mr. SEWELL. I ask the Senator from Illinois what pay they will get?

Mr. LOGAN. They will get the pay that is allowed now by law to that class.

Mr. SEWELL. The sergeants and corporals?

Mr. LOGAN. The sergeants and corporals.

Mr. SEWELL. Not in proportion to their present pay as clerks and messengers?

Mr. LOGAN. No, sir; that was suggested by the War Department so as to give them the grade that will be recognized.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HOUSE BILLS REFERRED.

The following joint resolutions from the House of Representatives were severally read twice by their titles, and referred to the Committee on Printing:

Joint resolution (H. Res. 87) providing for the printing and distribution of documents of the monetary conferences of 1878 and 1881;

Joint resolution (H. Res. 129) directing the Public Printer to forward the CONGRESSIONAL RECORD to our legations abroad;

Joint resolution (H. Res. 130) to distribute copies of special memoirs and reports of the United States Geological Survey;

Joint resolution (H. Res. 138) to print 10,000 copies of the report of the Commissioner of Agriculture on the International Sheep and Wool Show held in Philadelphia in September, 1880;

Joint resolution (H. Res. 120) to print the annual bulletins of the Bureau of Ethnology; and

Joint resolution (H. Res. 201) for printing the report of the Commissioner of Agriculture.

NAVIGATION AND CUSTOMS COLLECTION LAWS.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed 5,000 copies of the navigation and customs-collection laws relating to vessels, including the laws relating to merchant seamen, and the regulation of steam-vessels, compiled by the Bureau of Navigation in the Treasury Department; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the Bureau of Navigation.

BUTTER AND OLEOMARGARINE.

The Senator, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8328) defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine.

Mr. VANCE. Mr. President, of all dangerous legislation that has been enacted or attempted to be enacted since I have had the honor of being a member of this body, it strikes me that this bill, commonly called the oleomargarine bill, is the most dangerous. It strikes me that it is the most violative, outrageously violative of the Constitution and of the safety to individual and personal rights which the Constitution is intended to preserve. It is literally protection gone to seed. It is literally the doctrine that the taxing power of the Government may be used for private purposes carried to its logical and legitimate extent.

Some years ago, while I had the honor to be governor of my native State, it became my province to inaugurate fish-culture in that State for the purpose of restocking its exhausted streams with fish. Of course I consulted the scientific men and the experts, and having expressed a preference for the introduction of the black bass rather than any other foreign fish into our waters, I was reminded by an eminent scientist in that department that that was a most dangerous experiment. I wanted to know why. "Why," said he, "the first thing that the black bass do when put into a stream is to clean out every other fish in it." "So much the better," said I. "No," said he, "but wait; after they have cleaned out every other fish in the stream, and every frog, and every eel, and every tadpole, and every living thing in the water, then they will begin with one another, and they will soon clean each other out." [Laughter.]

Now, sir, the doctrine of protection is the black bass of American politics. It began on this article and that article and the other to exclude foreign competition, and having succeeded in imposing a protective tariff upon more than four thousand articles, and raising the price of every one known to human wants or to human consumption that comes at all in competition with anything made in this country, it has now begun to devour its own species. Having exhausted the foreigner and utterly annihilated him, and having prohibited by taxation the last item in the long-extended list of articles competing with our American labor, it now begins on American labor itself. Having exhausted the English language in eulogy of the legislation which encourages American industry, for lack of a foreign aliment it now begins to eat up American industry.

I have taken occasion several times to express my admiration for what I have always regarded the stalwart, practical business sense of the Senator from New York [Mr. MILLER]. I now have to add to that admiration my extreme gratification of his candor, for he is the first Senator I have ever heard on this floor openly proclaim in his advocacy of a bill of this sort that he wanted no revenue. He says, "I have no desire to introduce such a bill for taxation; I want no money from this bill in the Treasury; I want protection to the dairy interest of New York; I want the taxing power used not to raise revenue but to promote the interests of my people in New York; and I want it, and I say that I want it to go so far as to exterminate this rival industry if necessary." That is an extremity of candor on which I congratulate the Senator.

The bill is very harmless on its face so far as its constitutionality is concerned. It is entitled "A bill to define butter" and I do not remember what else, but the provision is to raise revenue by taxing all imitations of butter. The Senator availing himself thus of the consti-

tutionality of a revenue bill comes before us and repudiates the revenue feature and says that he does not want a dollar and that all his purposes are ulterior. He says that it is the duty of the Government to protect all its people against fraud and against such foods, &c., as will be injurious to the public health. Where is that to stop if we once inaugurate that doctrine? If we once invade the police powers of the States and undertake to go down into private and domestic life and regulate all the relations of the people one with another and take charge of everything that is fraudulent or everything that is injurious to the public health, where shall we stop?

The very first blow would be one directed at one of the prime interests of New England. We are now invited and urged as far as possible to enter into a quarrel with Great Britain and if necessary to fight her, to turn our splendid Navy upon our rival and drive her from the sea! What for? In order that New England Yankees may catch in Canadian waters Canadian red herring with which to make French sardines. What would become of that fishing interest if we were to apply the doctrine of the suppression of fraud in that way? What would become of the New England fisheries if judgment were to begin at the house of the Lord, and every man was required, as the citizens of Jerusalem were, to keep the street clean by sweeping before his own door? Next we should have to interfere with a very considerable and enormous interest by forbidding the use of sulphate of baryta, which is extensively used for the purpose of adulterating white lead. Next we should have a lick at kaolin and forbid the use of those extensive beds of that article in South Carolina, which are so largely applied by the sugar refiners in New York in the adulteration of the candy on which our children feed.

Next we should have to invade regions where the glucose is made, which is used for the purpose of adulterating molasses. Then we should have to forbid wines of all kinds that have any kind of mixture or adulteration in them. We might then turn our attention to the hotels, and, with long-delayed justice, arrest every landlord who deceives travelers with coffee adulterated with chicory. Again, we should have to invade every manufacturing establishment of tobacco in the country and arrest every one who adulterated or mixed his tobacco with licorice; and then we should have to invade every fertilizer manufacturing establishment in the United States and investigate the frauds—and they are very extensive ones—perpetrated in the manipulation of commercial fertilizers.

Finally, we should have to get down to the inexpressible and inscrutable mysteries of boarding-house hash and link sausage. There would be no stopping short of that. And on the score of health we should have to forbid the manufacture of pickled pork or the use of pork in any way for fear of trichinosis. We should even have to go into all the towns and villages of the United States, including this great disfranchised village of Washington, and forbid the sale on the market of stale vegetables, green apples and green watermelons, which so afflict the juvenile population of this country at certain seasons of the year.

That is the task which is now proposed to this great Government by principles of this bill. This is the initial step; but we should not stop there. Having exhausted all of the catalogue of rival competitors against whom there could be made any allegation of fraud or unwholesomeness in their products on the general principle of the public good, attempts would be made to extinguish any product in the world that competed with another that was not exactly of the same material. For instance, the woolen interest of the country might take it into their heads to combine and secure the passage of a law by Congress forbidding the use and manufacture of any goods that were part wool and part cotton, on the pretense that they were retailed as all wool, or any goods that were part silk and part linen, as poplin.

Any pretext whatever to show that an article was being put on the community for one thing when it was not, but was really something else, would be sufficient to invoke legislation and the power of Congress to suppress it, notwithstanding that something else was just as good and a great deal cheaper.

And then the greed of men would not let them stop. The black bass must still be fed. Wherever an industry could combine sufficient strength to crush out its rival on any pretext, or without any pretext, there is no reason to say that it will not be done. If we set this precedent, it is to result in the crushing of all business that competes with another stronger business, not by manufacturing the same product but by manufacturing products which were used as substitutes therefor. In other words, it would result not in Mr. Darwin's doctrine of the survival of the fittest, but the survival of the strongest and the unfittest; because any business that comes to this Congress and invokes the arm of the law to keep it alive at the expense of another honest business is, in my opinion, unfit to live, so that this would result in the survival of the unfittest.

There is no limit to this doctrine of protection when you once fairly embark upon it and get away from the Constitution, which prescribes that no tax can be levied except for public purposes.

> Protection's battle once begun,
> Bequeathed by bowling sire to son,
> Only can be fought and won
> By taxing every son of a gun,

in the name of "American labor!"

There is no safety, sir, I repeat, except within the doctrines of the Constitution; and whenever you once depart from the plain principle that taxation can only be levied on a free people for public purposes, then the only limit that there is upon taxation for private purposes will be in the power or want of power necessary to accomplish that legislation; and we have seen how that power can be gathered by combinations of one interest and another asking for the same thing.

They say the States can not do this. I do not believe it, Mr. President. There is, however, this to be said, that if the States can not do it, the Government of the United States can not do it rightfully, because what the States have the power to do rightfully and can not do, the Government of the United States can only do wrongfully, if at all.

The State of North Carolina was for many years imposed upon very greatly by fraudulent commercial fertilizers until the ills and abuses got to be so great that the matter was taken in hand by the Legislature. There was no appeal to the Congress of the United States; but the Legislature of the State itself enacted laws upon the subject, and they required every manufacturer who sold goods in the State to take out a license and to submit a sample of all his products to a chemist employed by the State, whose duty is was to analyze them. And it was enacted that all the goods should be branded, specifically designating what they were or purported to be, and if upon analysis by the State chemist the goods did not come up to what was written upon the label purporting to be its contents they were forfeited to the State.

There never was a more successful law enacted in any State than that has been. It completely threw out all improper fertilizers from the market, and again and again we have had the happiness of congratulating ourselves upon the complete success of the State in preventing frauds and impositions upon our people. Why can not that be done in any State that feels aggrieved by the manufacture and sale of this oleomargarine? Surely if the State can not do it the Government ought not to be able to do it. The very fact that the Government would be unable to enforce a law is evidence that that law ought not to be enforced. The fact of its refusal to be enforced ought to be taken as a protest of political economy against the violation of one of her laws which such legislation is.

Another very great objection, as it seems to me, to this bill is the introduction of still more Federal revenue officials into our homes. One of the greatest abuses and oppressions that my people have ever experienced since their reconstruction and restoration to the Union of their fathers has been the presence and the conduct of the internal-revenue officers of this Government, as I have had occasion more than once on this floor to speak of. Now it is proposed in addition to having a storekeeper and a gauger or a revenue official in every orchard and in every little still-house mashing three or four barrels of corn per day, to have the additional officers necessary to carry out this butter law.

It is proposed to leave all these regulations to the Commissioner of Internal Revenue, and what they will be we can judge by the existing regulations with regard to the tax on spirits and tobacco. We should have every door in the country guarded by a revenue official. We shall have on every hearth-stone in the land a Government spy; and the shadow of governmental interference would blacken every home in the land if this principle is carried out. I am opposed to it, sir, not only on account of its unconstitutionality but on account of its inexpediency and the oppression which it will bring about. It seems to me that every old woman's churn in the land would have to be watched lest oleo oil or butterine should be mixed with the product, and every spring-house on every homestead would be subject to be raided by rude officials armed with six-shooters, by United States marshals and warrants, in search of "crooked" butter!

The Senator from New York, as if conscious of the extraordinary, if not outrageous, character of this bill, prefaced his advocacy of it by many apologies. He said the dairy interest was declining, and he read us figures to show us how it was declining. He said that ruin stared them in the face and something must be done. The exigencies of the case, he said, absolutely required that something should be done. What was that something? Legislation of course. The Government of the United States is to be made a hospital for decayed and diseased industries, and every man who starts an enterprise and finds that by reason of competition or from some other cause it can not be successfully carried through, instead of abandoning it and undertaking something else that he can carry through successfully, falls back upon the Government and calls for legislation to help him. He calls for taxation upon his neighbors to supply his want of business tact or his want of success generally. Legislation is to be the remedy for every business failure. Every enterprise which can not walk is to be carried.

A hundred things during your own lifetime, Mr. President, and mine have been invented and brought into general use that conflicted seriously with some established product of manufacturers or have absolutely driven it out of existence. That has been the result of what we call the advancement of science. If now every time that science makes an improvement in our condition or adds anything to the common comforts and support and civilization of mankind, the industry which is supplanted by that improvement has to be supported and carried along by public taxation, in defiance of economical principles, had we not better abandon all attempts to promote science and be done with it? Had

we not better abolish our Patent Office and all of its laws and institutions? Had we not better abolish our Geological Survey? Had we better not abolish our Coast Survey, our Agricultural Department, and all the other methods of pursuing and promoting science which we now spend so much money upon, if the result is to be that every disabled and diseased and broken-down product the manufacture of which is supplanted by advancing science is to be supported by public taxation? It seems so to me. If we carry our dead with us we shall travel neither far nor fast.

But as the Senator from New York was so candid as right in the face of his printed bill to assign an entirely different motive from that named in the bill, would he not be candid enough to go a little further and make an acknowledgment to the Senate in relation to those "exigencies" which call for such a bill? Is not that "exigency" chiefly found in the necessity of providing a measure by which they can carry New York in the next Presidential campaign? It seems so to me, and if the Senator's candor would not forsake him I would calculate upon having an affirmative response. That is one of the exigencies which surround this case and demand this extraordinary measure, I am quite sure.

Now, when the example is set that all competition is to be suppressed by law and the demand for such laws is almost universal, what wonder that other men who can not procure this legislation undertake to suppress competition in their own way, and become strikers, who not only refuse to labor, but who go to the doors of the shops and manufactories which they have abandoned and refuse to let any other men enter and labor in their places. What difference is there between this kind of legislation, brought in here by the dairy interests of the country at the expense of all other interests, and the club and revolver of the striker, who stations himself at the door of the workshop and refuses to let a non-union man earn his bread? I confess that as much as I abhor both, I have infinitely more respect for the club of the striker than I have for the legislative sneak of the protectionist. One is manly and open and acknowledges itself to be a violation of the law and takes all the consequences. The other is an attempt by a perversion of law and the Constitution of the country to secure an advantage over its rivals that nothing can justify.

Mr. President, pursuing the usual course in such cases, we have been told here a great deal and very eloquently by the Senator from New York about the magnitude of this interest, about the greatness of the dairy farms of the country, about the great amount, so many billions of gallons of milk each year, so many hundreds of millions of pounds of butter and cheese manufactured and shipped abroad, and the part each had played in keeping up the balance of trade in our favor, and so forth, and so forth, and so on. What has that to do with it, Mr. President? The greatness and magnitude of an interest involved has nothing whatsoever to do with the legality and constitutionality of crushing by law a rival interest. It has much to do, I acknowledge, with that "exigency" to which the Senator referred, as demanding this kind of legislation, but it has nothing to do with either the justice or constitutionality involved in this question.

I acknowledge the greatness of the cow. I acknowledge my indebtedness to the cow, which was one of my first acquaintances, and I must say to the Senate that great as she is, and wonderful as her products are, and beneficent as she has been to the human family, I can not be made to violate the plain principles of the Constitution and the plainer principles of political economy for the sake of protecting her products. It is suggested, why should we protect one end of the cow at the expense of the other?

Mr. GRAY. Why should we protect the udder of the cow at the expense of her ribs?

Mr. VANCE. Very well put. Why is the product of her udder any more entitled to our respect and protection than the product of her ribs when it comes in the shape of a beefsteak? In other words, why is not the cow as great and useful when dead as when living? It seems that she is greater, for if the Senator from New York is to be believed, like Samson her death has caused greater destruction than all her lifetime wrought—the more cows slaughtered the worse the chance of the living, or rather the less the value. Those Senators over there know quite as well as I do that this bill is an outrage. Then why do they not do their duty by voting against it? The reasons are "exigencies" and butter! Butter, like conscience, "doth make cow-herds of them all." [Laughter.] The necessity of grease to carry New York two years from now is what makes cowards of them all. [Laughter.]

Mr. President, I do not believe this interest is declining, but if it is declining I do not believe that it is any more entitled to help than any other interest that is declining; for there is hardly a product known to our production in this country exhibited upon our markets but that has declined in the same ratio that the product of the cow has declined. But let the Senator from New York console himself with the thought that his favorite animal, the cow, is so great that no other interest in the world could injure her but herself or her own progeny. Let him take comfort in the boast of one of the ancient panegyrici, who, in addressing the Emperor Theodosius about the greatness and power of Rome and reciting her struggles with rivals and triumphs over enemies, closed with this burst of gratulation:

To whom the party madness of thy own children had wrought in every age heavier woe than the Carthagenian thundering at thy gates, or the Gaul admitted within thy walls; on whom Emathia, more fatal than the day of Allia—Collina, more dismal than Cannæ—had inflicted such deep memorials of wounds, that, from bitter experience of thy own valor, no enemy was to thee so formidable as thyself.

Let the Senator reflect that the glories of his favorite animal, though waning in the pastures of New York, are waxing mightier day by day in the wider prairies of the West; and that no enemy to her has been so formidable as herself. Let him commemorate the virtues of his lost New York love and bewail the coming of the Western charmer by reciting the touching lines of the great poet, Byron, upon the lesser one, but purer and better man, Kirk White:

Oh! what a noble cow was here undone,
When Brindle's self destroyed her favourite son!
Yes, she too much indulged thy fond pursuit,
She sow'd the seeds, but death has reap'd the fruit.
'T was thine own genius gave the final blow,
And help'd to plant the wound that laid thee low:
So the struck milker stretch'd upon the plain,
No more through waving grass to browse again,
View'd her own tallow on the fatal dart,
And wing'd the shaft that quiver'd in her heart.

[Laughter.]

Yes, sir; it was her own tallow that brought her to grief. Mr. President, is it possible that the American Senate is called on to declare that there must be no competition between the product of the living cow and the product of the dead cow? Must the Senate of the United States take sides with the very limited portion of the farming interest of this country which raises cattle for the purposes of milk and butter against all that great and wide and expanded and ever-increasing interest which rears cattle for the purpose of feeding mankind; and must it decree the loss of $3 per head on every one slaughtered for food in order to increase to something like the same extent the profits of every one kept for milk? If that is not an economical question great enough to rive the world asunder, I should like to know what is. I approach it with fear and trembling. There is no use in attempting to appeal to Senators on this side on the ground that the bill is in the interests of the farmer. There are ten farmers raising cattle for food to one raising for milk. The farmer owns the live cow and the farmer owns the dead one—one owns the milk, the other owns the flesh. All questions of constitutionality and expediency aside, and fair play says to me hands off, and hands off it is with all true friends of the farmer.

I will not go into the statistics. We all know that so long as human prejudices imbibed in childhood are continued pure butter never will be interfered with by artificial butter. We all know from reading this extended report of testimony taken before the Committee on Agriculture of the Senate that not one man in ten of all those who use oleomargarine would be able to purchase high-priced butter if there were no competition. With them it is a question as to whether they shall have artificial butter or whether they shall have no butter.

We know the fact also, as we are bound to know, that it is not an unwholesome product. We know the fact that nearly every one of the scientific men who appeared before this committee testified that the same ingredients which are found in the one are to be found in the other, and that oleomargarine butter was both cheap and wholesome.

We know all these facts. So there is not a single question of right or justice, there is not a question of expediency, there is not a question of constitutional law but what when fairly stated militates against this bill, and the only appeal that is made or can be made by its advocates is simply to protect an interest that has been damaged by competition.

So, sir, it seems to me that it is not safe to embark on this kind of legislation. That it is safest to leave these questions of what people shall eat and what they shall drink and what they shall wear to the regulation of their own States, if any regulation be necessary, and that the Government of the United States should confine itself to questions strictly within its power as granted by the Constitution of the United States, to the great questions of national import, and not undertake to follow up these little fragmentary matters such as regulating the competition of one man with another or giving one business by law an advantage over another. To do so we might as well abolish State lines at once and destroy their autonomy forever.

Mr. BUTLER. I offer an amendment as new sections what I send to the desk.

The Secretary read the words proposed to be inserted, as follows:

SEC. —. That for the purposes of this act the words "pure wines" shall be understood to mean the juice of grapes, apples, or other fruits fermented, prepared, perfected, preserved, or fortified for use as beverages according to methods recognized by competent authority as legitimate and approved by the Commissioner of Internal Revenue; and wines produced under such approved methods shall, for the purposes of this act, be held to be pure according to the standard of the United States.

SEC. —. That for the purposes of this act certain manufactured liquors and certain mixtures and compounds, including such mixtures and compounds with pure wine, shall be known and designated as "compounded liquors," namely: All articles, except pure wines, in the nature of beverages known as wines; all articles, except pure wines, in the nature of beverages known by names which, in the opinion of the Commissioner of Internal Revenue, indicate that they are intended to be sold as or for wine, or that they are to be compounded with liquors intended to be so sold; all articles in the nature of beverages, except pure wines and malt liquors, containing alcohol produced by fermentation; all articles in the nature of beverages containing alcohol obtained by distillation, except pure wines, and also except distilled spirits, cordials, bitters, and medicines which are popularly, as well as commercially, known and intended for sale to consumers as such under names or brands which shall not cause them, in the

opinion of the Commissioner of Internal Revenue, to be recognized as wines, or to be used as or for wines, or for compounding with wines or imitations thereof; all compounds in the nature of beverages, or intended, in the opinion of the Commissioner of Internal Revenue for use as beverages, of preserved fruit-juices with substances not produced from fruits; all compounds of preserved fruit-juices with substances not produced from fruits, intended, in the opinion of the Commissioner of Internal Revenue, for use in the fermentation or preparation of liquors to be used as beverages; all articles in the nature of beverages known as wines, or imitations of wines, or liquors calculated or intended to be sold as or for wine, which are made in whole or in part from dried grapes or other dried fruits not grown in the United States, or from imported foreign fruit-juices which are admitted into the United States at a less rate of duty than still wines; also all such articles made in whole or in part of any dried grapes or other dried fruits, or from any preserved fruit-juices, except condensed must; the juice of grapes, apples, or other fruits fermented, prepared, perfected, preserved, or fortified as beverages with the use of materials intended, in whole or in part, as substitutes for fruit, or with the addition of aniline dyes or any coloring matter not produced from the fruit during a legitimate process of wine-making, or compounded with coloring fruit-juices of foreign production which are admitted at a rate of duty less than that imposed on foreign still wines, or containing salicylic acid or other anticeptic, or containing other adulterations or ingredients deleterious to the health of consumers, or with the use of any sugar except refined crystallized sugar for the sole purpose of perfecting the wine, or with the use of distilled spirits, or any liquors compounded with distilled spirits, to increase the alcoholic strength of wines for domestic consumption, for the purpose of enabling water to be used in enlarging the volume of such wines, or with the use of any distilled spirits in fortifying or mixing with wines for domestic consumption, except to preserve the wines, and except within the limitations and under the rules and regulations prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury.

SEC. —. That for the purposes of this act the word "beverage," as applied to wines, shall be understood to mean a liquor for drinking as distinguished from a medicine, such as wine of antimony, wine of colchicum, which may be administered in the treatment of disease: *Provided, however*, That where a physician prescribes a wine by name as medicine, such as *vinum portensis* (port wine), the wine bearing that name, defined by the Commissioner of Internal Revenue as pure, shall be furnished by the pharmacist. And any apothecary, druggist, pharmacist, or other person who shall sell on a physician's prescription, or who shall sell as a pure wine for medicinal use, any wine other than a pure wine, shall affix to each bottle or package containing the medicine so prepared or compounded, or upon each bottle or package of wine so sold or offered for sale, a stamp in the form prescribed in section — of this act, to be furnished and affixed under such rules and regulations as the Commissioner of Internal Revenue may prescribe. Any person failing to use the stamp herein required shall be deemed guilty of a misdemeanor, and shall be fined not less than $50 nor more than $2,000, and imprisoned not less than ten days nor more than two years. Collectors of internal revenue shall have power to demand of manufacturers and dealers in wines claimed to be exempt from tax under this act such samples as may be needed in determining the truth of such claim; and the Commissioner of Internal Revenue may require manufacturers to furnish with samples a sworn statement or formula of all the materials and processes used in the manufacture of such wines. Such statements or formulæ to be filed in the confidential archives of the Commissioner's office and preserved in secresy.

SEC. —. That compounders shall pay a special tax of $96. Every person who manufactures, compounds, or imports compounded liquors shall be deemed a compounder. Wholesale dealers in compounded liquors shall pay a special tax of $96. Every person who sells or offers for sale articles subject to tax under this title, in quantities of not less than five wine-gallons at the same time, shall be regarded as a wholesale dealer in compounded liquors. But no compounder, as defined by this act, who has paid the special tax as such, and who sells only articles subject to tax under this act at the place of manufacture or importation, in the original packages, on which the tax-stamps are affixed, shall be required to pay the special tax of a wholesale dealer in compounded liquors on account of such sales. Retail dealers in compounded liquors shall pay a special tax of $24. Every person who sells or offers for sale articles subject to tax under the provisions of this act, in less quantities than five wine-gallons at the same time, shall be regarded as a retail dealer in compounded liquors. And the provisions of chapter 3, title 35, Revised Statutes of the United Statutes, concerning special taxes, as far as applicable, are hereby made applicable to the special taxes created by this act.

SEC. —. That every person who carries on the business of a compounder without having paid the special tax therefor as required by law shall, besides being liable to the payment of the tax, be fined not less than $1,000 nor more than $5,000; and every person who carries on the business of a wholesale dealer in compounded liquors without having paid the special tax therefor as required by law shall, besides being liable to the payment of the tax, be fined not less than $500 nor more than $2,000; and every person who carries on the business of a retail dealer in compounded liquors without having paid the special tax therefor as required by law shall, besides being liable to the payment of the tax, be fined not less than $50 nor more than $500 for each and every offense.

SEC. —. That every compounder shall file with the collector of internal revenue of the district in which his manufactory is located such notices, inventories, and bonds, shall keep such books and render such returns of materials and products, shall put up such signs and affix such number to his factory, and conduct his business under such surveillance of officers and agents as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation require. But the bond required of such compounder shall be with sureties satisfactory to the collector of internal revenue, and in a penal sum of not less than $5,000; and the sum of said bond may be increased from time to time, and additional sureties required, at the discretion of the collector or under instructions of the Commissioner of Internal Revenue. That every wholesale dealer who offers for sale compounded liquors which are subject to tax under the provisions of this act shall be required to keep such books as will plainly show as to such liquors the date of each purchase and each sale, the quantity purchased or sold, as the case may be, and the name of the person from whom purchased or to whom sold; and such books shall at all times be open to inspection by any officer of the internal revenue.

SEC. —. That all packages, of whatever size or kind, held by any producer, wholesale dealer, or retailer, containing pure wines, whether foreign or domestic, intended to be offered for sale, whether they are denominated as wine, cider, or are known by any other name, shall be plainly stamped, branded, or labeled, in accordance with regulations which shall be prescribed by the Commissioner of Internal Revenue, with words indicating that they are pure according to the standard of the United States: *Provided, however*, That collectors of internal revenue, under regulations to be prescribed by the Commissioner of Internal Revenue, shall exercise due vigilance in detecting fraudulent representations, and shall have the right to inquire whether such brands, labels, or marks correctly indicate the contents of the package to which they are affixed: *And provided further*, That such collectors shall be required to inform themselves as to methods of practice in producing any and all domestic liquors affected by this act and shall have the right to demand explicit information as to such methods, from any or all producers, when such wines or liquors are of domestic production, and as to the origin of such liquors, whether foreign or domestic, when in possession of dealers, and shall report on the same upon the demand of the Commissioner of Internal Revenue. All packages bearing brands, labels, or marks indicating that their contents are exempt from taxation under this act, but which contents are subject to such taxation, shall be forfeited to the United States; and any person who shall brand, label, or mark, or cause to be branded, labeled, or marked, as free of tax under this act, any package, knowing the same to contain liquors liable to tax thereunder, shall be guilty of a misdemeanor, and be punished by a fine of not less than $50 nor more than $2,000, and by imprisonment not less than ten days and not more than six months, for each offense; and any liquors containing alcohol, other than malt liquors, distilled spirits, cordials, bitters, and medicines, as defined herein, the packages of which are not stamped, branded, or labeled in accordance with the provisions of this section, shall be deemed to be taxable, and shall be taxed under the provisions of section — of this act.

SEC. —. That on all compounded liquors there shall be levied and collected a tax of 40 cents on each wine-gallon, and for each fraction thereof at the same rate per gallon, to be paid by the manufacturer, compounder, importer, or owner, or person having posession thereof, before removal from the place of manufacture or compounding, or in the case of imported articles taxable under this section, before removal from the custody of the proper custom-house officers. The tax levied by this section shall be represented by coupon-stamps when the taxable article is contained in packages holding five or more wine-gallons, and by strip-stamps suitable to be affixed to bottles when such article is contained in packages holding less than five wine-gallons; and the provisions of existing law governing the engraving, issue, use, accountability, cancellation, effacement, and destruction of stamps relating to distilled spirits, as far as applicable, are hereby made to apply to stamps provided for by this section: *Provided*, That any fraction of a pint shall be taxed as a pint: *Provided further*, That the taxable quantity in each package containing not less than five wine-gallons shall be determined by an internal-revenue gauger; and all existing laws governing the employment of gaugers in the gauging of distilled spirits, as far as applicable, are hereby made to apply to their employment under the provisions of this act: *And provided further*, That the tax so levied and collected shall not release the tax otherwise levied by law on any distilled spirits used in the preparation of such liquors: *And provided further*, That the tax herein provided for shall be in addition to any customs duty levied on such liquors when imported from foreign countries: *And provided further*, That under regulations prescribed by the Secretary of the Treasury collectors of customs shall cause to be examined all importations of liquors taxable under this section, and all importations of liquors claimed to be pure wines, and shall promptly notify the collectors of internal revenue within whose districts such goods are landed from foreign countries, whenever any liquors liable to tax under this section are imported, and shall report quarterly to the Secretary of the Treasury full information as to the quantities of such taxable liquors and pure wines which may be imported. Collectors of customs shall also cause to be examined all importations claimed to be pure wines under this act, and shall exercise due vigilance to discover any false representations which may be made as to the character of such goods; and in case of the discovery of any facts which may cause it to be known that fraudulent representations are being or have been made, due notice of the same shall be given by collectors of customs to the proper collectors of internal revenue, and information of the same shall be reported to the Secretary of the Treasury. The reports of the proper customs officers appointed to make such examinations of imported liquors and wines shall be *prima facie* evidence of the true nature of such importations; and in the absence of other competent information such importations shall be treated as taxable or exempt from tax under this section in accordance with such reports, subject, however, to seizure and forfeiture if fraud has been practiced and discovered.

SEC. —. That all packages containing liquors taxable under section — of this act shall bear stamps indicating briefly the nature of their manufacture, and the name and place of the manufacturer, compounder, or importer, so affixed as to be plainly seen by any purchaser; and in case the holders of such liquors shall desire to empty any package so stamped, all new packages, of whatever size or character, shall have similar stamps likewise plainly affixed; and the Commissioner of Internal Revenue shall make all regulations necessary to provide for such change of stamps, as in the case of rectifiers, and for the proper identification of such goods to all holders or purchasers thereof. All packages containing such taxed liquors shall, under regulations of the Commissioner of Internal Revenue, who is hereby authorized to prescribe the size of the letters, be legibly and prominently labeled, stamped, or branded also with the word "compounded."

SEC. —. That there shall be in the office of the Commissioner of Internal Revenue an analytical chemist, who shall be appointed by the Secretary of the Treasury, and shall receive a salary of $3,000 per annum; and the Commissioner of Internal Revenue may, whenever in his judgment the necessities of the service so require, employ chemists, to be paid such compensation as he may deem proper, not exceeding in the aggregate any appropriation made for that purpose; and the Commissioner is authorized to decide, for the purpose of taxation, what substances enter into the composition of liquors which may be submitted for his inspection in contested cases. The Commissioner may also decide whether any liquor containing alcohol and intended for human consumption contains adulterations or other ingredients deleterious to the public health; but in case of doubt or contest his decisions in this class of cases may be appealed from to a board hereby constituted for the purpose, and composed of the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Commissioner of Agriculture.

SEC. —. That all packages of liquor subject to tax under this act that shall be found without stamps and marks as herein provided, and all liquors intended for use as beverages which contain adulterations or other ingredients known to be deleterious to the public health, shall be forfeited to the United States. Any person knowingly violating the provisions hereof, or who shall willfully remove or deface the stamps or marks on packages containing liquors taxed as provided in this act, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than $100 nor more than $2,000, and by imprisonment for not less than thirty days nor more than six months.

SEC. —. That if any manufacturer of compounded liquors, any dealer therein, or any importer thereof shall knowingly or willfully omit, neglect, or refuse to do or cause to be done any of the things required by law in the carrying on or conducting of his business, or shall do anything by this act prohibited, if there be no specific penalty or punishment imposed by any other section of this act for the neglecting, omitting, or refusing to do, or for the doing or causing to be done the thing required or prohibited, he shall pay a penalty of $1,000; and if the person so offending be the manufacturer of or a wholesale dealer in compounded liquors, all the compounded liquors owned by him or in which he has any interest as owner shall be forfeited to the United States.

SEC. —. That whenever any manufacturer of compounded liquor sells, or removes for sale or consumption, any compounded liquors upon which the tax is required to be paid by stamps, without the use of the proper stamps, it shall be the duty of the Commissioner of Internal Revenue, within a period of not more than two years after such sale or removal, upon satisfactory proof, to estimate the amount of tax which has been omitted to be paid, and to make an assessment therefor and certify the same to the collector. The tax so assessed shall be in addition to the penalties imposed by law for such sale or removal.

SEC. —. That all fines, penalties, and forfeitures imposed by this act may be recovered in any court of competent jurisdiction, one-half of such fine or penalty, when paid, to go to the informer.

SEC. —. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may make all needful regulations for carrying into effect the provisions of this act.

SEC. —. That section 3328 of the Revised Statutes is hereby repealed.

SEC. —. That on and after the thirtieth day after the passage of this act the Commissioner of Internal Revenue shall have power, for the purposes of this act, to define pure wines, which may be so stamped, branded, or labeled in accordance with the provisions of section — of this act; and on and after the sixtieth day after the passage of this act said section — shall be operative, so that the holders of pure wines may cause all packages of such wines in their possession to be plainly stamped, branded, or labeled with words indicating that they are pure according to the standard of the United States.

SEC. —. That on and after the ninetieth day after the passage of this act all of such portion thereof as is embraced in this title shall be in full force and effect; and all packages containing liquids in the nature of beverages known as wines, or known by names which, in the opinion of the Commissioner of Internal Revenue, indicate that they are intended to be sold as or for wine, shall, on and after said ninetieth day, be deemed to be taxable and shall be taxed as compounded liquors under section — of this act, unless stamped, branded, or labeled as provided in section — of this act; and for the purpose of securing the affixing of the stamps, marks, and brands required by sections — and — of this act, compounded liquors shall be regarded as having been manufactured and sold, or removed from the place of manufacture for consumption or use, on or after said ninetieth day; and such stock on hand on such ninetieth day may be stamped, marked, and branded under special regulations of the Commissioner of Internal Revenue, approved by the Secretary of the Treasury; and the Commissioner of Internal Revenue may authorize the holder of such packages to mark and brand the same and to affix thereto the proper tax-paid stamps.

Mr. MILLER. Mr. President, I learn from the Appropriations Committee that if the bill now under consideration shall be disposed of to-day the Senate can complete its work regarding the appropriation bills so that Congress may finally adjourn next week. I hope to get a vote on this measure to-day, if possible, not of course cutting off any proper debate if anybody desires to debate it. It is very evident that we can not dispose on this bill of amendments of the importance of those now offered, and therefore I move to lay this amendment on the table.

Mr. BUTLER. I hope that motion will not be made. It cuts off debate.

Mr. MILLER. If the Senator offering it desires to speak, of course I will withdraw the motion.

Mr. BUTLER. That motion cuts off debate entirely.

Mr. MILLER. Only on this amendment. If the Senator from South Carolina desires to debate the amendment, of course I will withdraw the motion.

Mr. BUTLER. It is quite likely I shall desire to debate it before the bill is disposed of. I am not prepared to debate it now. There are other gentlemen who wish to take the floor.

Mr. MILLER. I withdraw the motion until later on if any Senator desires to speak on the amendment.

Mr. GRAY. Mr. President, the motion is not debatable. I ask the Senator from New York to withdraw the motion.

The PRESIDENT *pro tempore*. The motion has been withdrawn.

Mr. HARRIS. I desire to inquire whether the amendment that I proposed on Saturday to the pending bill is the pending amendment, to strike out all after section 2 and insert as a third section what is printed in the RECORD?

The PRESIDENT *pro tempore*. The Chair does not remember that that amendment was offered. If it was, it properly should be the pending amendment.

Mr. JONES, of Arkansas. I desire to offer an amendment to this bill. In section 3, line 1, I move to strike out all after the word "that" and insert——

The PRESIDENT *pro tempore*. That amendment is not in order now.

Mr. GRAY. Mr. President, in rising to address the Senate on this question I could not hope to add anything of value to what has been so ably said by the Senators from Texas and by the Senator from North Carolina [Mr. VANCE] this morning, but the bill reported by the Committee on Agriculture appeals so strongly to what is seemingly the interest of large numbers of very worthy people whose well-being and prosperity I am anxious in every proper way to promote, that I am constrained to state very briefly the reasons which prevent my voting to make this bill a law.

It is hardly necessary for me to say that inasmuch as the legislative powers conferred by the Constitution on Congress are specific and enumerated and limited in their scope, many things which may be desirable of accomplishment are outside of the domain of Federal legislation, and remain as the proper subjects of the ungranted powers of legislation of the States. Among these powers ungranted to the General Government are unquestionably what have come to be known as the police powers, remaining in and rightfully exercised by the several States. These have been well defined as to their character and scope in the citations from Cooley on Constitutional Limitations and the judicial opinions read by the Senator from Texas [Mr. COKE] on Saturday, and I will take the liberty of referring to them again.

Judge Cooley, on page 572 of his work, says:

> The police of a State, in a comprehensive sense, embraces its system of internal regulation, by which it is sought not only to preserve the public order and to prevent offenses against the State, but also to establish for the intercourse of citizen with citizen those rules of good manners and good neighborhood which are calculated to prevent a conflict of rights, and to insure to each the uninterrupted enjoyment of his own, so far as is reasonably consistent with like enjoyment of rights by others.

Says another eminent judge:

> This police power of the State extends to the protection of the lives, limbs, health, comfort, and quiet of all persons, and the protection of all property within the State. According to the maxim, *Sic utere two ut alienum non laedas*, which being of universal application, it must, of course, be within the range of legislative action to define the mode and manner in which every one may so use his own as not to injure others.

And again:

> By this general police power of the State persons and property are subjected to all kinds of restraints and burdens in order to secure the general comfort, health, and prosperity of the State; of the perfect right in the Legislature to do which no question ever was, or, upon acknowledged general principles, ever can be made, so far as natural persons are concerned.
>
> In the American constitutional system, the power to establish the ordinary regulations of police has been left with the individual States and can not be assumed by the National Government. Neither can the National Government through any of its departments or officers assume any supervision of the police regulations of the States, so long as they do not invade the sphere of national sovereignty and obstruct or impede the exercise of any authority which the Constitution had confided to the nation.

Now, what is the object and purport of this bill? For by the character of that object we must test our power to make the bill a law. It is not hard to find. It is not disputed. The advocates and opponents of the bill alike state that it is to regulate, if not to destroy, an industry already established in this country within the jurisdiction of the States, and to prevent one manufactured product from competing with another, and incidentally to restrain the use of what is asserted to be an unwholesome food. The very title of the bill sufficiently indicates this. It is, "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine."

And the Senator from New York, with great frankness, states that—

> Doubtless this is a new species of legislation, or largely so, in this country, and under our system; that the exigencies of the case seem so great that this body can not afford to ignore them.

And further on he says:

> I resort to no subterfuges in this case, Mr. President. My object in bringing forward this bill and supporting it is not to secure a large increase to the revenue of our Government, but I have sought to invoke the taxing power of the Government in order that under it the Government might take absolute control of this manufacture, might properly regulate it, and so regulate and control it that it should be carried on in a legitimate way and that the product should be sold to the consumer in all cases for what it is; and it is for that purpose that the friends of this measure have invoked the taxing power of the Government.

The object, then, of the friends of the bill is, by the confession of the author of it and the principal supporter and promoter of it on this floor, not to raise revenue for any public or other purpose, but to control the manufacture of an article within the jurisdiction of the States, to regulate if not to entirely suppress it.

It may be pertinent right here and in opposition to the views of the Senator from New York to cite the opinion of the Supreme Court of the United States in a case often referred to, the case of the United States *vs.* De Witt, upon what are the powers of Congress in regard to the control of an industry within the jurisdiction of the States, and I read from 9 Wallace, page 41, the case of the United States *vs.* De Witt:

> The twenty-ninth section of the internal-revenue act of March 2, 1867 (14 Statutes at Large, 484), which makes it a misdemeanor, punishable by fine and imprisonment, to mix for sale naphtha and illuminating oils, or to sell or offer such mixture for sale, or to sell or offer for sale oil made of petroleum for illuminating purposes inflammable at less temperature or fire-test than 110 degrees Fahrenheit, is in fact a police regulation relating exclusively to the internal trade of the States.

Chief-Justice Chase, in delivering the opinion of the court, says:

> As a police regulation, relating exclusively to the internal trade of the States, it can only have effect where the legislative authority of Congress excludes territorially all State legislation, as, for example, in the District of Columbia. Within State limits it can have no constitutional operation. This has been so frequently declared by this court, results so obviously from the terms of the Constitution, and has been so fully explained and supported on former occasions, that we think it unnecessary to enter again upon the discussion.

The question then is, have we the power to legislate for the purpose set forth by the Senator from New York in the following propositions? I read from the record of the Senator's speech where he says:

> I base my support of this bill chiefly upon the four following reasons:
>
> First. It is necessary in order to protect the people from fraud and imposition in having a counterfeit article sold to them for the genuine.
>
> Second. It is necessary to protect the public health, for if it be admitted that oleo when made according to the process known as the Mége process is wholesome, yet I hold that the best of it, made as it is made to-day, is not as wholesome as butter and that it may be the means of communicating disease to the human system.
>
> Third. It is necessary to protect the chief farming interest of the country, which is the dairy, from unjust and fraudulent competition and consequent loss, if not absolute ruin.
>
> Fourth. This legislation is necessary, because the States have not been able thus far to either suppress or properly control the great evil of which I have spoken, and as sufficient remedy can be found nowhere, in my judgment, save under the Federal Government.

Now, if we have the power to legislate for the purposes set forth in these four propositions I shall be glad to co-operate in achieving some of them; but if we have not the power, then no temptation presented by the desire to benefit a worthy industry or to suppress an unworthy one should for a moment swerve us from our manifest duty.

With this admission of the objects and purposes of this bill, the admitted fact that the Treasury of the United States is overflowing with money taken by taxation from the pockets of the people, and that an increase of revenue would be an increase only of embarrassment to the finances of the Government, the advocates of this bill still say that they can rightfully use the taxing power of the Government to accomplish these objects and purposes. They do not deny that Congress has no

power to legislate directly on these subjects, or that they belong to the police powers of the States.

So the question is, can a legislative power be used to accomplish by indirection an object clearly beyond the scope of any express or implied power granted to Congress? The power to lay and collect taxes in order to pay the debts and provide for the common defense and general welfare of the United States is the first of the enumerated powers granted to Congress. Wide and plenary as this grant of power is, it is still limited in its exercise to the purpose declared by the Constitution, to wit, "to pay the debts and provide for the common defense and general welfare of the United States;" and this power and the purpose for which it was granted can not be divorced.

It is true that no court could look behind the law which laid the tax to question the motive that actuated Congress in its passage, and therefore no court could declare such a law as is proposed by this bill to be unconstitutional. But are not constitutional restraints as binding on Congress as upon courts? How can Senators satisfy their minds and conscience to vote for a bill to lay and collect taxes for any other purpose than that which the Constitution declares shall be the only purpose for which Congress shall lay and collect taxes, to wit, to pay the debts and provide for the common defense and general welfare of the United States?

Cooley in the Principles of Constitutional Law, on page 57, says:

> Constitutionally a tax can have no other basis than the raising of a revenue for public purposes, and whatever governmental exaction has not this basis is tyrannical and unlawful. A tax on imports, therefore, the purpose of which is not to raise a revenue, but to discourage and indirectly prohibit some particular import for the benefit of some home manufacture, may well be questioned as being merely colorable, and therefore not warranted by constitutional principles.

Surely we are trifling with our obligations when we say that the avowed and real object of this bill is not to lay a tax in order to pay the debts or defray the expense incurred in providing for the common defense and general welfare of the United States, because the taxes already laid are more than sufficient for that purpose; but under color of laying a tax we intend to suppress one industry for the benefit of another, and, if you please, to restrain the manufacture of a noxious food product, or to protect the people from fraud and imposition, or to protect the public health.

We know that the power to do any of these things has not been granted to Congress, and that it is an invasion of the police power reserved to the States; but we will accomplish them all the same by the use of the taxing power for a purpose different from that for which it is declared by the Constitution to have been granted.

This, of course, is a misuse and an abuse of a constitutional power, a violation of constitutional obligations resting on us as Senators; but the bill, on its face, is a bill to tax and as the title does not declare its true object no court can set it aside. This, it seems to me, is the position to which we bring ourselves by the argument made by the advocates of this bill.

It would be in vain to call this a government of limited powers if the powers granted for one purpose could be perverted to another purpose not contemplated in the Constitution. Something else is needed besides the specification and enumeration of the powers of legislation, and the definition of their scope and purpose to insure the maintenance of the constitutional scheme of government devised by our fathers, and that was and is an absolute fidelity to the great trusts of power conferred by the Constitution on the part of those who administer and exercise them.

It is a doctrine full of peril to our liberties, that we may seize upon any weapon we please out of the great armory of Federal powers, and wield it for a purpose for which it was never intended.

I lay down, then, the proposition as one of binding force, at least to regulate my own action, that a power of legislation granted in the Constitution for a purpose there declared can not be rightfully exercised for any other purpose.

The Senator from New York, with great candor, says this is a new species of legislation for Congress. I trust it may never become accustomed or old. Just now the agitation is in behalf of the dairy interest. In the constantly changing moods to which the desire for class legislation is subject, other and different demands will with increasing frequency, if this bill becomes a law, be made upon Congress to use the taxing power to protect first one and then another interest. Those who for the time being can by clamor and importunate appeal gain the attention of Congress will not be slow to invent plausible reasons why the interests they represent should receive the protection of this power to lay and collect taxes, and a door will be flung wide open by which we can at pleasure enter and usurp all those powers of internal regulation which were so carefully and by express words reserved by the framers of the Constitution to the States and to the people.

It is said that this article called oleomargarine is a fraudulent one, inasmuch as it is often sold for what it is not, to wit, dairy butter. It is most desirable, I admit, that this should not be; and many of the States have already passed laws to prevent it, and they may have to enact and doubtless will enact still more stringent ones to accomplish the object. I shall with pleasure support the amendment of the Senator from Tennessee, to prevent the sale of oleomargarine in the Territories and in the District of Columbia except under its own name. I shall be glad to go further and provide for the inspection of all oleomargarine to be exported out of the country, so that it shall be branded with its proper name, because I believe that it is competent for Congress to do that under the power to regulate foreign commerce. Just as far as my convictions of duty will permit, I will go in devising legislation to prevent the fraudulent sale of this article for what it is not; but I can not gain my own consent as a legislator to attempt to prevent one fraud by committing another.

So far, then, as the object of this bill is to compel the sale of oleomargarine under its true name I sympathize with it, but say that it is clearly a matter for the police power of the States alone and for Congress in respect to the District of Columbia and the Territories. Its wholesomeness or unwholesomeness is a question not for Congress, except in the District and the Territories, but for the States. The regulation, suppression, or restraint of the manufacture of a deleterious substance within their own limits belongs to the States exclusively.

But what are we to say as to the object of this proposed legislation as avowed in the third of the principal reasons stated by the Senator from New York upon which he based his support of the bill? That object is to protect the dairy interest of the country from competition with an artificial butter.

Mr. President, it is the old cry of protection the world over, protection of one producing class at the expense of all others and of the great body of consumers. Here is a cheap food product not shown by the evidence produced by those most interested in suppressing it to be unwholesome, but only at the most not quite so good or digestible as first-class butter, which it is proposed to tax, not for the purpose of raising a revenue, but for the purpose of enhancing its price to consumers for the benefit of the producers of another food product. This is paternalism and communism combined in their most insidious forms. What right has the Government to go into partnership with people who are engaged in one industry to the detriment of those engaged in another? Suppose one State is peculiarly a cattle-raising State, in which the oleomargarine manufacture, honestly conducted, we will suppose is the dominant and principal industry, what would be thought of a proposition to tax all dairy butter, the manufacturing of which happened to be the dominant and principal industry in another State, for the benefit of the former? Could the vice of protection be more clearly portrayed, or the prostitution of the powers of government be more clearly exposed? What sort of conception of government is that which allows the hand of governmental power to go down into my pocket to take out the dollar there, not for the purpose of putting it in the Treasury of the nation, but to transfer it to the pocket of my neighbor?

Against this monstrous claim of power I have been protesting during all my political life. No class of our people have so suffered from the exercise of this power as the farmers of our country. Compelled to sell in an open market and to buy in a protected one, they have borne upon their bowed backs for many years the burden of a protective tariff.

I have no public ambition greater than that I may be permitted in some humble way to aid in removing some portion at least of that burden. I should be ashamed to go home to my farmer constituents and say that all that I had urged before them these many years as to the iniquity of governmental protection of one industry at the expense of all others was heresy and hypocrisy, that the doctrine that they and I had all along been denouncing as false in theory and ruinous in practice was after all the orthodox one, and that we now propose to turn around and apply it for our own benefit, to use the power of internal taxation as the tariff taxation has been used, though it was true that the power might some day be wrested from our hands and turned against us and our interests hereafter. Should I be so false to their interests and my own convictions, I know that their honesty and intelligence would repudiate with scorn such a proposal.

It may be that it is the cue now of the protection-by-taxation party to seek favor with a class who have heretofore been the victims of their policy, but they ought never, nay, they can never deceive those who are intelligent enough to perceive a principle and honest enough to maintain it.

Mr. HARRIS. Mr. President, the only power that Congress has to pass a law such as is proposed by this bill is derived from that clause of the Constitution which delegates to Congress the power to levy taxes, imposts, and excises. This bill is upon its face and in its terms a tax bill, and can not be constitutionally rested upon any other ground. Yet, it is not and will not be pretended by any one of its advocates that there is at this time the slightest necessity for an increase of revenue or the slightest excuse for increasing taxation. Upon the contrary, they admit that revenue is not the object or purpose and that revenue will not result from its passage.

They admit that the object is to prohibit the manufacture and sale of oleomargarine throughout the country. That being the object, it is an undisguised and admitted prostitution of the taxing power to a purpose wholly different from the one for which that power was delegated to Congress.

I am safe in asserting that there is not a Senator upon this floor who will assert the constitutional power of Congress to prohibit by direct legislative declaration the manufacture and sale of oleomargarine in the States. It being admitted, as it must be admitted, that this can

not be constitutionally done directly, who will undertake to justify, either in morals or in law, the attempt to accomplish it by indirection?

The bill in its present form is a false pretense. It professes to seek revenue, when in fact revenue is neither desired nor expected as a result; and its passage will be a much more far-reaching, dangerous, and serious fraud upon the Constitution than all the frauds that have been, or ever will be, practiced upon the people by falsely representing oleomargarine to be butter. I have never voted and will never vote to exercise the taxing power for any purpose other than that of raising such revenues as are actually necessary to the Government.

To use that power for the purpose of enriching one class of citizens at the expense of another—for the purpose of transferring a portion of the earnings of one class to increase the profits of another—is a usurpation of power, a great wrong, not to say a crime.

With a large surplus in the Treasury for which the Government has no present need, and which ought never to have been exacted from the people, but allowed to remain in the channels of commerce, and with an existing revenue system which will from year to year increase that surplus, withdrawing more and more from the earnings of the people and the business and trade of the country to be locked up in the vaults of the Treasury and lay there idle and useless, why should new objects of taxation or an increase of taxation in any form be thought of?

But, Mr. President, as I said before, it is not pretended that revenue is the object of this bill. It is too plain to admit of argument or doubt that the purpose is to prostitute the revenue power to the accomplishment of an object that Congress has not the semblance of power to accomplish in any other way; or, in other words, has no legitimate constitutional power to accomplish in this or in any way.

This legislation is demanded by the dairymen of the country because they say that oleomargarine is a cheap substitute for dairy butter, and therefore they demand that its manufacture and sale be prevented by a prohibitory tax.

If oleomargarine is a pure, healthful, and nutritious food, as I understand it to be, its manufacture is as legitimate and as laudable as the making of butter, and the more cheaply it can be furnished the consumer the better.

Why should the Government exert its power, or in any manner interfere with the competition which exists between two lawful and legitimate home industries?

The dairy interest is an important one, I grant, and I will go as far as any other Senator to secure to it absolute fair play; but I will not consent to tax out of existence another industry to free it from competition.

The amendment that I have proposed goes as far as Congress can constitutionally go in respect to this question.. It provides that it shall be unlawful to sell or offer for sale in the District of Columbia or in any of the Territories of the United States oleomargarine unless the purchaser is informed of its true character. It forbids all false pretenses. It forbids its assuming the name of butter to compete with butter, but compels it to sail under its own flag and in its own name.

Congress, having legislative jurisdiction over the District of Columbia and the Territories, may, with propriety and justice, go this far, and I hope it will, and then I shall be glad to see every State that has not already done so pass a similar act.

This will leave butter to the full enjoyment of all the prestige and good-will that attaches to its name and character, and gives oleomargarine an open field in which to make a name and a market for itself.

What right has the Government to say to the producer of either of these food products, you shall not compete with the other? What right has it to say to the citizen we will put it out of your power to consume this cheap food however much you may need and desire it? If this principle is to be adopted, why not tax corn-meal out of existence because it is a cheaper food and competes with flour?

Why not tax pork out of existence because it competes with beef?

Why not adopt a sumptuary code in the interest of certain classes, and prescribe to the people specifically what they may and what they shall not eat or drink?

For these reasons, sir, I shall vote in favor of the amendment striking out all after the first and second sections (the first of which defines butter and the second defines oleomargarine), and to insert as the third section the amendment which I have already offered, that being as far as I think legislation, either Federal or State, has any right to go or ought to go in the premises.

The PRESIDING OFFICER (Mr. PALMER in the chair). The Senator from New York [Mr. MILLER] moved to lay the amendment on the table, as the Chair understands?

Mr. MILLER. I withdrew that. I would just as soon take a direct vote on the amendment as to take it upon laying on the table. If the Senator offering the amendment prefers to have the vote taken that way let the vote be taken directly on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee [Mr. HARRIS].

Mr. HARRIS. Let it be read.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. It is proposed to strike out all after section 2 of the bill and to insert:

SEC. 3. That it shall be unlawful to sell or offer for sale within the limits of the District of Columbia or any of the Territories of the United States oleomargarine as defined in section 2 of this act, unless the package containing the same be clearly and distinctly marked or branded with the word "oleomargarine," and in addition the purchaser informed of the true character of the article so offered for sale. Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than $100 or imprisoned not more than six months, or both, in the discretion of the court, and one-half of the fines so imposed shall go to the informer.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee which has been read.

Mr. HARRIS. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called.) I am paired with the Senator from Nebraska [Mr. MANDERSON] who is absent.

Mr. MILLER. I think I know the sentiments of the Senator from Nebraska [Mr. MANDERSON] upon this question, and I am very sure that he would not vote for the amendment. I think the Senator from Kentucky is at entire liberty to vote on this question if he desires to do so.

Mr. BLACKBURN. I will simply say that I have taken every opportunity that I could, even telegraphing to the absent Senator, to know. I have had no answer from him, and I have had no assurance from the other side of the Chamber. If the Senator from New York is satisfied, and will assume the responsibility, I shall vote.

Mr. MILLER. I will assume the responsibility so far as this amendment is concerned. I am very sure as to that.

Mr. BLACKBURN. Upon the assurance given by the Senator from New York I shall vote. I vote "nay" on this amendment.

Mr. GEORGE (when his name was called). On this question and on all questions pertaining to the bill I am paired with the Senator from New Hampshire [Mr. PIKE]. If he were present, I should vote for the amendment and against the bill on the question of its passage.

The roll-call was concluded.

Mr. CHACE. My colleague [Mr. ALDRICH] is paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. MCMILLAN. My colleague [Mr. SABIN] is absent from the Chamber on account of illness, and is paired with the Senator from West Virginia [Mr. KENNA]. My colleague would vote "nay" if he were here.

Mr. EDMUNDS. My colleague [Mr. MORRILL] is absent on account of ill health. He is paired generally with the Senator from Delaware [Mr. SAULSBURY]. If my colleague were present, I have no doubt he would vote "nay."

The result was announced—yeas 18, nays 32; as follows:

YEAS—18.

Beck,	Colquitt,	Hearst,	Voorhees,
Berry,	Eustis,	Jones of Arkansas,	Walthall,
Brown,	Gray,	Maxey,	Whitthorne.
Butler,	Hampton,	Vance,	
Coke,	Harris,	Vest,	

NAYS—32.

Allison,	Dawes,	Ingalls,	Riddleberger,
Blackburn,	Edmunds,	Logan,	Sawyer,
Blair,	Evarts,	McMillan,	Sewell,
Cameron,	Frye,	Miller,	Sherman,
Chace,	Hale,	Mitchell of Oreg.,	Spooner,
Cockrell,	Harrison,	Palmer,	Teller,
Conger,	Hawley,	Payne,	Van Wyck,
Cullom,	Hoar,	Platt,	Wilson of Iowa.

ABSENT—26.

Aldrich,	Gibson,	Manderson,	Ransom,
Bowen,	Gorman,	Mitchell of Pa.,	Sabin,
Call,	Jones of Florida,	Morgan,	Saulsbury,
Camden,	Jones of Nevada,	Morrill,	Stanford,
Dolph,	Kenna,	Pike,	Wilson of Md.
Fair,	McPherson,	Plumb,	
George,	Mahone,	Pugh,	

So the amendment was rejected.

The PRESIDING OFFICER. The question now is on the amendment of the Senator from South Carolina [Mr. BUTLER].

Mr. BUTLER. I ask for the yeas and nays.

Mr. GEORGE. Let it be read.

Mr. MILLER. It has been read.

Mr. GEORGE. It is a very long amendment. I hope the vote will not be taken without Senators having an opportunity of knowing what is in it.

The PRESIDING OFFICER. The amendment has been read.

Mr. GEORGE. Can we not have it read or explained so that we may understand it?

Mr. MILLER. It was read a short time ago. It would take ten or fifteen minutes to read it.

Mr. VANCE. Will the Senator give us the substance of what it is?

Mr. MILLER. The Senator from South Carolina will explain it.

Mr. BUTLER. It is substantially the bill which is before the Committee on Finance in regard to spurious compounds, imitations of wines, impure wines, and which has been presented in another branch of Congress upon the same subject, proposing a tax upon beverages adulterated with compounds of various kinds. It is in addition to the present bill, and puts the whole question under the supervision and jurisdiction of the Internal Revenue Bureau, and makes provisions and regulations for the enforcement of the act.

I shall vote for the amendment of course, as I think if the provision of the bill is to become a law it might be extended in its scope so as to protect some other industries in this country besides mere butter, but I give notice that if my amendment shall pass I shall vote against the bill. I am opposed to the spirit of the bill as unconstitutional and unwise.

Mr. BECK. Mr. President, I do not know exactly what the amendment of the Senator from South Carolina is. It can not be much worse than the original proposition. I suppose it is in the same general line.

We have had a good deal of discussion before the Committee on Finance on sumptuary laws, and this sounds like one we had before us. I believe, however, that the committee has not so far thought it consistent with its duty to urge the passage of any of them. I suppose it is bet cause it has not done so that it was thought best now to allow the oleomargarine bill to go before that committee. But after the vote cast by the Senator from Ohio [Mr. SHERMAN] and the Senator from Iowa [Mr. ALLISON] and other gentlemen on that committee, I think they have lost faith in themselves as to their capacity to deal with subjects relating to taxation, therefore they have determined to have a general scramble in the Senate, and we might just as well vote for one thing as another, the amendment of the Senator from South Carolina along with the others.

Questions of this sort have been up time and again. None of them have so far become laws. The Senator from New York [Mr. MILLER] has been the champion of most of them. Three years ago when we had the long discussion on the tariff bill of March, 1883, the Senator from New York undertook to tax or legislate white-wine vinegar factories out of existence in order to protect the products of the orchards of New York and elsewhere. He piled petitions mountain-high before the committee and made speeches before the Senate urging the measure in order to protect apples with as much zeal and earnestness, and with as much plausibility, and upon as strong grounds as he is now urging the passage of the pending bill to protect those who deal in butter.

Mr. MILLER. Will the Senator allow me to interrupt him?

Mr. BECK. I will.

Mr. MILLER. The Senator, I think, is scarcely correct in his statement. The vinegar bill to which he refers was not a tax on vinegar, but it simply provided that distilled spirits or whisky used in the manufacture of vinegar should be taxed the same as any other distilled spirits used in any other of the arts. The argument that I made at that time was so convincing to the Senate that even the Senator from Kentucky voted for it, and it was carried through by the assistance of his vote, and then after a very few days by some very curious operation, I scarcely then know how it was done, the vote was reconsidered, when I think the Senator from Kentucky voted the other way.

Mr. BECK. The Senator from New York came then, as he does now, with a great clamor that frauds were being committed and that the cider men were surreptitiously using alcohol without paying any tax; he found a few cases in Brooklyn where frauds were committed, and for the time he induced a good many of us to vote with him in order to stop those frauds. We all desired to prevent the makers of vinegar from defrauding the Government. A motion was made to reconsider the vote the next day. It was made I believe by the Senator from Kansas [Mr. INGALLS]. The charge was investigated. It was found that only the ordinary frauds that occur in any sort of business at isolated points were committed; the vote was reconsidered, and the proposition was rejected after full debate. I have the RECORD before me. I will read a few extracts so that there will be no mistake about the facts. Let me state first, on page 2478, volume 14, part 3, the proposed amendment was rejected by a vote of 33 to 16. The Senator from New York at once introduced a bill. I will read from the RECORD so that there will be no mistake about what he said:

By unanimous consent, leave was granted to introduce a bill (S. 2477) to repeat an act relating to vinegar factories established and operated prior to March 1, 1879, approved June 14, 1879; which was read twice by its title.

Mr. MILLER, of New York. I ask to have the bill referred to the Committee on Finance, and I desire to call the attention of that committee to it. We have had several dispatches read here this morning stating that all the vinegar manufacturers are on their way to Washington, and I desire to call the attention of the Finance Committee to any hearing that may be given them. Of course the million farmers will not get here in time to be heard, but nevertheless we shall try to represent them.

Just before that vote was taken the distinguished gentleman, who has championed, as I said, all that class of measures, said:

The results are as I have stated, that it has destroyed and confiscated property to the value of millions of dollars in the great fruit-growing States, and it has destroyed the honest business of manufacturing cider vinegar. In the State of New York there are over 2,500 cider-vinegar manufacturers; they are men of moderate means located all over the State a few miles apart. There are many farmers who, having accumulated a little capital, erect large buildings for the storage of cider vinegar, and they buy up the apple crop from their neighbors about, paying from 10 to 25 cents a bushel for the apples.

Again, he says:

My own neighbors, I know, have not thought their apple crop to be of sufficient value to gather the portion of it suitable for vinegar. They have given the apples away to anybody who would come and carry them off.

* * * * * * *

But I do protest that to select out just one industry, represented by only ninety men in this country, and to give them a monopoly of this thing and put them in a position where they can destroy the fruit-growing interest of the United States is certainly not giving equal and exact justice to all our people before the law.

That was the tone of his whole argument. The Senator from Iowa, who seems now to be an advocate of the dairymen, was a zealous opponent of the proposition of the Senator from New York when the vinegar factories were attacked; he maintained, and the Senate was satisfied, that the white-wine vinegar made in those factories was made by as innocent a process and was as healthy a product as cider made from apples; that there was 2 per cent. alcohol in white-wine vinegar was admitted, and there was at least that much in cider vinegar was conceded, the one being produced from the fermentation of corn and the other from apples; alcohol was shown to be the ingredient which preserved them both. Congress saw that it was a contest on the part of the apple producers to stop the manufacture of it, or tax it so as to enable them to sell their cider at a higher price. The argument made then by the cider-vinegar men was the same as is made now in regard to butter; when forced to tell the grievances, it was that their product was excluded by a cheaper article. The effort to force consumers to pay a higher price was made as earnestly then as it is now.

Mr. MILLER. Will the Senator permit me just a moment?

Mr. BECK. Certainly; as long as you like. I happen to have that record before me.

Mr. MILLER. I am very glad to have the Senator bring out the fact that I have been consistent in advocacy of the interest of the farmers of this country; but he will certainly remember that contest and the discussion well enough to remember that the chief claim for that legislation was based upon the ground that the whisky-vinegar manufacturers succeeded in distilling spirits and putting them upon the market without paying the tax, thereby gaining a great profit out of their fraudulent transactions, and were making a great profit out of the distilled spirits thus put upon the market without paying the tax, and they were able of course to sell their vinegar for much less than the real cost if they had paid the tax on it the same as on whisky. That was the basis of the argument.

Mr. BECK. That was the first pretext, and it was proven abundantly that with the exception of a few cases in Brooklyn nothing of the sort was perpetrated. The Senator from Iowa showed that in his State, and the then Senator from Wisconsin, Mr. Cameron, in his, and in many parts of the country it was shown abundantly that there was no legitimate ground for complaint. At last it settled down to the proposition I have stated, which was merely to prevent one set of manufacturers from underselling another under the pretense that the production was dishonest and the product unwholesome. The real trouble was that the white-wine vinegar could be made for from 4 to 6 cents a gallon, and that the cider vinegar could not be made profitably for less than 10 or 12 cents a gallon, and that the cheapness of the article, although it was admitted to be of superior quality, and that pickles and the thousand other things that are put up in vinegar could be carried across the tropics to South America in white-wine vinegar, and could not be carried because of the fermentation that continued to go on, in cider vinegar, the principle objection was that they were underselling their apple-vinegar competitors, and the argument made and the petitions filed all urged that view. The Legislature of New Jersey sent resolutions here, the farmers of New York and Pennsylvania were excited; petition after petition came, a number of which I hold in my hand, all based upon the idea that the cheapness of the article was destroying the value of apples and the apple trees in the orchards, and that they could not compete, and therefore they must be protected against a bogus product. As I said, many gentlemen who first voted for the measure when they understood what it was refused to sustain it and reconsidered the action first taken in regard to it when they found that the charges of fraud were only made to secure the destruction of fair competition. I am not going to read the whole record of the debate, but some of the gentlemen who are so zealous for this measure took the true position then.

The Senator from Maine [Mr. HALE] said:

Let me see what the Senator is trying to get at. I agree with him that cider vinegar is much the best. I do not believe that the other is nearly as good. I do not know for what it can be manufactured. I do not know what sort of a business it is that results in its being sold for 4, 5, or 6 cents a gallon. But supposing that the people of the Western States get a good table vinegar manufactured here that they are satisfied with at 4, 5, or 6 cents a gallon, does the Senator believe that we ought to insist, by imposing a heavy duty, upon their buying his vinegar and my vinegar, the vinegar of New York and of New England, simply because we believe it is a better vinegar and can be made cheaper? Would the Senator interfere with this market in the West and with this price of a product that they are satisfied with? If he would, he would do different from what I would. This is not a question of the production of foreign labor. I do not want anything upon this bill that obliges the people of the West, if they prefer to use a poor vinegar at 4 or 5 cents, to take our better vinegar. I do not believe it is a part and parcel of a tariff bill.

That statement pretty much exhausts the argument in this case. If the object is to guard against fraud or imposition, the amendment of the Senator from Tennessee [Mr. HARRIS] which has just been voted down gave every man a chance to know what he is buying. That is all Congress ought to be asked to do. If there are men who prefer to buy and eat oleomargarine or butterine, knowing what it is, why should they not do so? We can have it branded, as far as the United States has authority to do so, as we have in the District of Columbia and the

Territories, that may be supplemented by State authority in the several States, and will be, if needed, by the several State Legislatures. Why should men be obliged to pay to the butter dealers of New York or the butter dealers of Kentucky or the butter dealers of any other State twice as much as they can get another article for that they prefer?

I repeat, the Senator from Maine [Mr. HALE] exhausted the argument in the statement I have read, yet I assume that he too will now vote for this bill thinking it may have some effect on the farmers' votes in some election. Aspiring Senators are all anxious to push this bill through right or wrong to show what friends they are to the farmer.

Kentucky makes butter, and has perhaps as good cattle and as good grass as any other State, but I do not believe that any of the people of my State or any dairyman living in it wants to be protected against anybody else in this country who manufactures anything that anybody wants. This proposition is protection run mad. I do not know, as was said the other day, why we should not as well protect the breed of horses by prohibiting the raising of mules, why we should not protect the coal-miners against the natural gas, as was said by the Senator from Texas the other day, or the gas-men against the light of the sun. The Senator from Connecticut [Mr. HAWLEY] was equally pronounced when that debate was going on. He said:

Mr. HAWLEY. I am one who is going to change his vote; because we have nothing to do with rival processes of manufacture or cutting each other out of the market, and all that sort of thing. If the revenue laws are evaded by the secret selling of alcohol developed in these establishments, the existing laws give the Commissioner of Internal Revenue full power to follow and prosecute these men.

That is what is proposed now. This case was then well stated by the Senator from Connecticut. If any law is needed to enable men to know what they are buying or restrictions are needed to prevent fraud or to prevent the imposition upon the people of an article as being a thing that it is not, to the extent of the power of Congress I propose to give all the people that security; but when it comes to the question, and that is the only one really before us, disguise it as you may, I repeat, as the Senator from Connecticut then said:

We have nothing to do with rival processes of manufacture or cutting each other out of the market, and all that sort of thing.

Nobody denies that the bill is a tax bill, and on its face it is a constitutional bill, because it professes to do what Congress has a right to do; but when gentlemen rise in their places and avow that they do not mean to do what the bill proposes, then their action and vote come within the denunciation so well stated in the argument made in the report which I had read the other day, written, as I said, by one of the ablest men in the country, Hon. JOHN RANDOLPH TUCKER, of Virginia. No man has answered that argument, and, as I can not improve it, I will adopt it and read part of it again to see if any Senator will attempt to answer it. He says:

Second. It remains to inquire whether oleomargarine or any other product may be subjected to an internal-revenue tax.

If the power to lay taxes (Const. U. S., Art. I, secs. 8 and 9) involves the power in Congress to select any article for excise or other tax, as seems to be now settled by the practice of the Government (and no doubt properly so settled), then the right to tax oleomargarine is undoubted.

But your committee are constrained to add that this is a revenue power. The right "to lay" is conjoined with that "to collect taxes," and the right to lay and collect is conjoined with the purpose "to pay the debts and provide for the common defense and general welfare." The power is conferred in order to the duty imposed on Congress. It is a trust power, and becomes a right only when used for the purpose in view. The tax is the means to the end, and is only legitimate and rightful when needful for the end.

It is distinctly avowed by the advocates of this bill that they do not propose or desire to raise revenue by the taxation imposed in this measure for public purposes. It is almost admitted to be an indirect method of striking down a business which is obnoxious mainly because it is cheapening products. They do not ask to prohibit its manufacture. As I said the other day, when the Senator from Texas was speaking, they admit upon the face of the bill that the product is one which can be legitimately made, one which can be properly used. There is no sanitary reason against it. They admit that if a tax of 5 cents a pound is paid to the Government it is wholesome. They will hardly venture to say that it is not wholesome if it is made freely and cheaply. The report I read from continues—I hope Senators will listen and answer it if they can:

To use the tax when needless for revenue, merely to strike down a product or an industry, is to abuse a constitutional trust; and while the power may be conferred, the right to use it in such case can not be asserted. All power under our system is trust power; to use it for the trust makes it a rightful power; to use it *diverso intuitu* is wrongful perversion and abuse of power, and is contrary to the Constitution. In other words, as Congress can not forbid the production of an article in a State by direct legislation, it can not use a power conferred for another purpose to destroy and prevent such production. To do by indirect means what it could not do by direct legislation would be an unworthy evasion of constitutional limitations, which can not be sanctioned by an enlightened construction of the Constitution.

It is true that in such cases the judicial power may not be able to declare such taxation void, because the judge dare not look into the intents of the legislator's breast; but the legislator who so abuses his trust and wrongfully misuses power can not avoid responsibility to his own conscience, bound as it is to support the Constitution; for by personal introspection he will find his motive not to be a tax for revenue to the Government, but a tax as a means of destruction to the product subjected to it; that is, tax used as an instrument of destruction and not as a means of revenue.

There is not a Senator who proposes to vote for that bill who does not know that every word there uttered is true, and that his motive is what Mr. TUCKER says in that report is subversive of all good legislation and contrary to all true constitutional principles.

I had intended to read more from the debate in 1883 on the vinegar bill, but I believe I shall not do so. The Senator from Illinois [Mr. LOGAN] took part in it, and the then Senator from Wisconsin, Mr. Cameron. The Senator from Kansas [Mr. INGALLS] in his incisive way said among other things:

Mr. President, if I understand the effect of this amendment it will prevent the manufacture of what is known as white-wine vinegar, an article of almost universal consumption in the West, which is sold now at an average of 4 or 5 cents a gallon, and compel all those who use vinegar west of the Alleghany Mountains to purchase an article of cider vinegar manufactured in New England or New York or Pennsylvania that will cost at least double that price to every retail consumer. In addition to that, it will result in the practical destruction of a great many hundreds of thousands of dollars that are now invested in the legitimate enterprise of the manufacture of white-wine vinegar.

I made a short speech, in which I admitted that when the question was first presented by the Senator from New York and he claimed the existence of such extensive frauds I thought the business had better be stopped, but upon looking into it, when I found that fraud was only a pretext and that the whole object then, as it is now, was to strike down and cut off a cheap, wholesome, competing product in order to force men to pay more for another product which they do not want, and that was not, in many instances, as good for their purposes, I reversed my vote. I could not sustain a measure upon the ground that if the people of the whole country were not compelled to pay higher prices for vinegar the orchards of New York and New Jersey and Pennsylvania would not be valuable, and the apples that they used to make into cider could not be sold to advantage. Nor will I now vote to make the people buy anybody's butter at a high price if they do not want it, nor will I destroy under pretense of taxation a cheap substitute which they like and want in order to force them to pay what any butter dealer demands. There is neither justice nor decency in such legislation, in my opinion.

The petitions that are now said to be piled up mountain-high from the dairymen are no higher than the petitions that I have been piling up and every other Senator has been piling up from men who never heard of the bills whose passage they asked for. They are all in the same forms; I suppose I shall present half a dozen more to-morrow from people claiming to come from Kentucky. They ask for the passage of the following bills:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding land in the United States;
7. Bill making Presidential and Congressional election days holidays, and prohibiting bribery;
8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

These are wholesale petitions coming by the hundreds to all of us, manufactured, as nine-tenths of the petitions that come here are manufactured. I have had petitions sent to me to vote for this bill and I have had letters sent to me from people to whom they have been written begging them to sign and forward these petitions to Senators and Representatives. Here is one [exhibiting] from one Joseph H. Reall, the president of the American Agricultural and Dairy Association, 169 Chambers street, New York. That is rather a remarkable place for the president of an agricultural and dairy association to live. There is not much of a farm around Chambers street, as I understand. It reads as follows:

AMERICAN AGRICULTURAL AND DAIRY ASSOCIATION,
169 *Chambers Street, New York, June* 8, 1886.

MY DEAR SIR: We have succeeded in passing our bill through the House of Representatives after a most desperate struggle. We had 177 votes for us and 101 against us, but the enemy fought our measure for ten days and exhausted every means to defeat it. We have now to work upon the Senate, and I ask your best aid toward success with that body. Will you please write your Senators, and have all the leading men you can do the same, urging the adoption of the House bill regulating the sale of bogus butter and taxing it 10 cents per pound? The House reduced the tax to 5 cents, but we hope the Senate will restore it. This measure is of the utmost importance to the dairy industry of the United States.

Our chief opponents in the House were the Southern members, and we fear that the Senators from that section will oppose us. Will you, therefore, please communicate at once with your sister societies in the South, and urge them to use their strongest influence with their Senators in behalf of our bill. Address me No. 22 Grant Place, Washington, D. C.

Yours, very truly,

JOS. H. REALL, *President.*

P. S.—Please have resolutions adopted by your organization in favor of the bill and send me.

At an earlier date I find this distinguished president of the American Agricultural and Dairy Association wrote other letters. He may be a great farmer. I have heard of most of the great farmers; I have known some of them; I have been on the Dalrymple farm in Dakota; I know John Alexander, in my own State, and other great farmers; but I never heard of Joseph H. Reall, of 189 Chambers street, New York, as being the guardian of the great dairy interest of this country till this bill came up. He may be. I do not know him and have nothing to say against

him. I do not think he is known in my part of the country. On the 13th of April, 1886, from the National Hotel at Washington he writes:

NATIONAL HOTEL, *Washington, D. C., April* 13, 1886.

MY DEAR SIR: We have just closed a three days' hearing before the committee of Congress, to whom our bill regulating the manufacture and sale of imitation butter was referred. There were present during its sessions representatives of the butter trade of New York, Chicago, and Baltimore, over thirty members of Congress, and the leading dairymen from several States. The bill was earnestly advocated and the interest of the committee thoroughly aroused. The best measure that can be passed will be reported, and we have assurances of favorable action by Congress. Over fifty Senators and Representatives have already pledged their support, and we are getting new accessions to our ranks all the time. The question is attracting more attention and interest than any subject that has been before Congress in twenty years.

As there are thousands of bills in Congress awaiting action, and every member of the Senate and House is engrossed with his multiform duties, it is necessary that the most popular measure should be followed up personally to secure prompt action, and I therefore remain in Washington with some able assistants for the purpose of keeping our bill in line. The success of our work means the most important results to the dairy industry of America ever accomplished, as it will save it from ruin and restore it to prosperity. Its importance can not, therefore, be overestimated, nor can we do too much for success.

We have been engaged in the effort now culminating, that of securing national legislation, for many months, and it has involved much expense, including the holding of the national convention in New York at a cost of nearly $500, besides a vast amount of correspondence, traveling, &c., and there is much to be undergone yet.

We are in urgent need of funds to pay the remainder of the expense already incurred and to cover the work that remains to be done. I am giving the work my whole time and attention, of course free of charge, but I must have help in the expense, as I can not afford it myself. I therefore earnestly appeal to you for such contribution as you can make. Please send me here, by check or otherwise, as much as you can spare yourself, and collect from others for the cause. Any sum will be acceptable and appreciated.

Then, after giving names of some who are interested, he says:

Please also circulate the inclosed petitions and get the names of every farmer, dairyman, and factoryman you can reach at once, and return to me as soon as possible to above address. Write to each Senator and Member of Congress from your State urging the passage of our bill, and request everybody to do the same; especially ask that the bogus article be taxed at least 10 cents per pound.

Now is the time for prompt, effective work. Aid us all you can, and we will win the great battle for honest industry.

We have succeeded in interesting Congress far beyond my most sanguine expectations. Our bill is the only practicable way of controlling the bogus-butter fraud, and it will assist in making our State laws effective. By a long pull and a strong pull and a pull all together we shall succeed, and in succeeding confer a lasting blessing on the dairy interests of our country.

I will send you a copy of my address, delivered before the committee, if you desire it and will so advise me.

Please favor me with an early response, at the above address, and oblige

Yours, very truly,

JOSEPH H. REALL,
President American Agricultural and Dairy Association.

P. S.—If you can not do more, send $5 for a membership in the association, and get all you can to do likewise. This will be but a small sum to you in proportion to the good it will do you and all concerned. As showing the interest our movement is exciting, I inclose copy of articles from the Washington Star, one of the leading journals of the country.

Mr. VOORHEES. May I ask the Senator from Kentucky to read again the designation by the writer of himself.

Mr. BECK. He claims to reside at 169 Chambers street, New York. He writes from the National Hotel, Washington, and signs himself "President American Agricultural and Dairy Association."

Mr. VOORHEES. I had not the least idea before that the agricultural interests of the country were confided to 169 Chambers street.

Mr. BECK. I had not the least idea of it before, but strange things happen. I read these letters, sent to me by gentlemen, to illustrate how petitions are manufactured, just as the other petitions I read were manufactured in regard to Oklahoma land grants, &c.; just as the cider vinegar interest got up an excitement in 1883 in the States of New York and New Jersey, and all sorts of people petitioned for the passage of the Miller vinegar amendment. At last it comes to this——

Mr. MILLER. Will the Senator permit me?

Mr. BECK. Yes, sir.

Mr. MILLER. I want to inquire what the criticism was upon these petitions and upon Mr. Reall and upon the mode of obtaining petitions. I suppose the Senator does not wish to curtail the right of the American people to petition Congress.

Mr. BECK. Oh, no; I do not pretend to curtail anybody's rights. The active managers have all found out how to do it. Whether Mr. Reall is president of the American Association or whether he is the patentee of a butter separator, or whatever he may be, he has a right to get all the help he can, and all the petitions he can. He has a right to humbug the American Senate if he can, and if he can make us believe that these petitions are genuine, when he may have gotten them up himself or perhaps paid for them out of the money he received from the millions he assumed were backing him, he has a right to do it. If he got $5 apiece from all his friends he may be well paid for all the trouble he has undertaken. I do not say anything against the man's right nor his action. He is an enterprising citizen, undoubtedly.

Mr. MILLER. Do I understand the Senator to state that the petitions which have come here in favor of this bill are bogus and have been manufactured by Mr. Reall?

Mr. BECK. I do not know whether they are bogus or not.

Mr. MILLER. I understood the Senator to use that language.

Mr. BECK. I have read what Mr. Reall wrote begging people to send petitions to him. Is Mr. Reall a distinguished farmer of this country? I do not know him.

Mr. MILLER. Mr. Reall of course can take care of himself.

Mr. BECK. If the Senator does not know him——

Mr. SEWELL. Mr. Reall is a respectable farmer.

Mr. BECK. Do you know him?

Mr. SEWELL. He is a citizen of New Jersey, a respectable gentleman.

Mr. BECK. Living in Chambers street, New York.

Mr. SEWELL. He has an office in Chambers street, as a great many people have who reside just across the river.

Mr. BECK. Is he a butter maker?

Mr. SEWELL. He is engaged in the sale of dairy products.

Mr. BECK. He is a butter seller. Has he a patent for a butter separator?

Mr. SEWELL. I do not think he has.

Mr. BECK. I care nothing about that. I have nothing to say against him. I have said nothing against him. I have read his communications.

Mr. MILLER. I think the Senator used language which perhaps if he had considered it he would not have employed. If I understood him correctly, he stated that these petitions which have come in in favor of this bill were bogus and had been manufactured. All I can say about it is that those which I have received from my own State have almost always come from gentlemen whom I personally know, living in various parts of the State. Undoubtedly the heading of these petitions or the paper upon which they were written was sent out from the central organization, as such things are always done; but I have not presented any petitions here from the State of New York that have not been entirely genuine. In nearly every case they have been forwarded to me and vouched for by gentlemen of high character, nearly all of whom I know personally.

As to the other petitions which have come here I know nothing about them at all, but as the farmers of this country are scattered over a vast territory, and are not thoroughly organized, it is undoubtedly necessary that some gentlemen having an interest in the matter should undertake to communicate with them and to bring out their views by petitions and by letters. That is what has been done in this case, and I think done quite correctly and very properly. That is all I desire to say about the petitions.

Mr. BECK. I did not reflect upon any one any further than to give the facts. They are before the Senate. A Chambers street merchant in New York is here in Washington begging for money and having petitions sent to him and urging everybody to get up petitions and letters to Senators and Represenatives, and we are all to believe that they originated at home because of the intense interest our people took in the matter. It looks a good deal as if there was a strong effort made to put a pressure upon Congress that the people themselves were not trying to do.

But I have said, and I repeat, I care nothing about these things. I believe the amendment offered by the Senator from Tennessee [Mr. HARRIS] goes as far as Congress can go in dealing with the subject. I never yet ate any oleomargarine or butterine in my life that I know of. I am so prejudiced against it that I never will eat it unless I change my mind; but I do not propose to prevent anybody else from using it if he wants to. The Senator from Delaware says if I have eaten it without knowing it, it has not hurt me.

I do not think it has, and I know that a good many people believe that it is a substitute for butter more wholesome than much of the butter that is made in the country. I have eaten butter, I am sorry to say, that was not as good as I should like to have it. I assume that there are others who like butterine and oleomargarine. That is not the question. If it ought not to be made at all let us say so, if we think we have the power. Taxing it does not make it any better. Pretending to tax it for the purpose of raising revenue (which is the only ground on which we can impose a tax) when we do not mean any such thing is by indirection to strike it down unjustly and illegally under the guise of imposing a tax. I insist that is not good legislation, and therefore I oppose this bill in its present shape.

I am willing to have the article branded and marked and to punish all evasions of the law which imposes brands and marks. I am willing to make men tell the truth in regard to what they are selling and give people who want to buy a chance to know what they are buying, especially in regard to what they propose to eat. No one would go further than I in that direction, but I will not by indirection do what I can not do directly.

Mr. BUTLER. I want to make a brief contribution to the literature of this debate, and will ask the Secretary to read from the second annual report of the chief executive viticultural officer to the board of State viticultural commissioners of California within the lines marked in the document I send to the desk.

The Chief Clerk read as follows:

We have reason to welcome the efforts of viticulturists in States east of the Rocky Mountains to establish their industry. In many cases they have made notable progress. The vine-growers of the East, whose ambition is to sub-

stitute pure wine of native production for spurious compounds, now foolishly permitted and indirectly encouraged by the Government, will not only assist in enlarging the field of American industry, but will be a powerful ally to his brethren in California. We should appeal to him to unite with us in perfecting legislation to check the abuses of adulteration and imposition, and to demonstrate that, while the Government wisely fosters viticulture, it does not intend to overlook fraud and deception.

SPURIOUS AND ALULTERATED WINES.

There is a law which provides for the taxation of spurious and adulterated wines. It has been nullified by a construction of the Internal Revenue Department. Our commission has authorized its president to take steps toward obtaining a new ruling. If the law proves ineffective, it is the duty of Congress to make it operative in such a manner that consumers may be protected from imposition and producers against ruinous competition.

To illustrate the magnitude of this evil, I will quote a portion of a letter which I have recently received from a wine dealer of New York. He writes under date of August 7, 1884:

* * * As I have tasted here some very good Burgundy wine made in California from the Pineau grape, I don't doubt for a moment that your State will produce in a few years as good wine as is produced in France. The greatest enemy you will have to contend with is the spurious wines. As long as they are permitted to be manufactured the wines of the country will linger under a cloud, as much of the wine sent here from California is "doctored," and consequently its quality is spoiled.

I know two manufacturers of this kind of trash, one with the name of —— on Second avenue, and the other Messrs. ——, Broad street, New York. They each manufacture over 15,000 gallons a month. The former sells it as it is made to the wine dealers throughout the city and country, and also mixes some himself; but the latter are all using it for mixing with California wines, and send it to every State in the Union. Is it to be wondered then that California wines do not gain reputation as rapidly as they should, and as their fair quality deserves?

I am pleased to see that you will try to influence members of Congress in respect to enforcing the law. All the grape growers of the country and the honest wine dealers should petition to have the manufacture of this vile stuff prohibited.

The essential features of these spurious wines are corn spirits, glucose, acids, and flavoring matters, all of which can be put together very cheaply. When mixed with pure wines dishonest retailers use the compounds to enable them to undersell those who sell pure goods. The consumers are imposed upon, money obtained under false pretenses, and our producers are prevented from enlarging their markets by reason of the unpopularity which commercial swindling causes. The stamp of the internal revenue should follow and identify these goods throughout the trade upon all forms in which they reach the actual consumer. Such a law would be more effectively enforced than one prohibiting spurious manufactures-

Mr. BUTLER. I wish to enlarge the scope of this bill with the view of enabling our friends who are in favor of it to correct some other evils in this country besides that alleged to exist in regard to butter.

It was announced by the Senator from New York [Mr. MILLER] that this was a government of compromises and that the producers of one commodity and one section of the country ought to consent to the protection of different commodities in the different sections of the country, and so on. I do not agree to that view. I do not agree to the principle of this bill, but I was asked for an explanation of my amendment, and I do not know that I can give a better explanation than by having a little more literature read.

I ask the Secretary to read a letter from Mr. Charles A. Wetmore, chief executive viticultural officer of California, to T. H. Sherley, esq., of Louisville, Ky. Mr. Wetmore does not appear to have been so enterprising as Mr. Reall, who resides in Chamber street, New York, and therefore has not flooded Congress with quite so many stereotyped petitions as have come in under the head of bogus butter. I should like to have that read by way of throwing light on some frauds in this country, with a view to giving our friends on the other side an opportunity to vote to suppress those.

The Chief Clerk read as follows:

LOUISVILLE, *April* 15, 1886.

GENTLEMEN: Permit me to refer again to the subject of our interview of this morning, and to explain briefly the substance of the legislation demanded of Congress in the interest of genuine wine producers.

Our most pressing needs are, namely:

First. Legislation to prevent fraud and imposition in the wine trade, compelling the products which are known as imitation, bogus, or compounded wines to be sold under stamps which shall identify their true character to all purchasers, and suppressing entirely all such as contain adulterations known to be deleterious to the public health; wines that are pure to be so marked that public confidence in them may be established, with stringent penalties for false markings.

Second. In the making of genuine sweet wines, the privilege of distilling a portion of our grape products, free of tax, to obtain pure wine spirits to fortify such sweet wines according to commercial standard with limitations to such privilege as follows: The wines so fortified not to contain after fortification, including the natural strength of the wines as produced by fermentation, more than 24 per cent. of absolute alcohol. No wines to be so fortified, free of tax, except such as are positively sweet and showing not less than 4 per cent. of sugar according to tests made with Balling's must scale after the distillation of the spirit; this privilege to be limited to the original place of wine-making and to apply only to pure wines made from grapes and to wine-makers who distill their own wine spirits.

In case of wines intended for exportation, however, fortification with wine spirits, free of tax, withdrawn from bond, for any kind of wine and to any extent demanded by foreign markets, under supervision of internal-revenue service, with provisions against fraud and to prevent the reimportation of dry wines without payment of the tax on the spirits used in fortification.

In connection with this brief statement I refer you to the printed copy of resolutions adopted at the last meeting of the State Viticultural Commission of California, of which I am a member and the authorized executive officer.

We have recently been informed that an effort has been made to obtain consent of parties interested to the support of a bill permitting the use of any spirits, withdrawn from bond, in fortifying any kind of wine to the limit of 24 per cent. of absolute alcohol, free of tax. Such a bill would be fatal to the production of genuine wines, would destroy the sweet wine production of vine-growers while fostering the production of imitation goods, and would lead to unlimited stretching and adulterations of dry wines; moreover, it would prevent the use in wines of the genuine wine spirits of the vine-grower and wine-makers on account of the exceedingly low price of other spirits when free of tax. In other words, such a bill might be advocated by those who desire to compel wine-makers to use grain spirits in sweet wines instead of the products of the vineyards and by compounders of artificial wines, but could never be advocated by the vine-growers.

We know we have to contend against the selfish interest of the latter class of spurious wine-makers; but we do not believe that distillers of grain spirits desire to extend the use of their products by sacrificing the interests of the vine-growers. It has been reported, nevertheless, that some one professing to represent distillers of grain spirits has antagonized the demand of the sweet-wine makers, threatening opposition of distillers unless the privilege of fortification, free of tax, be extended so as to include their products. We believe that this collision has been the result of a misunderstanding of the question. The interests of grain distillers are not antagonized by the genuine wine-makers; on the contrary, our sympathies are with them in respect to many important points, having in view relief from oppressive laws and the improvement of the quality of goods on the market.

Such antagonism as has been reported to be threatened would, if the report be true, lead to resistance that would surely be unfortunate for all concerned. The vine-growers will resist with all their influence any effort to permit the use of grain spirits, free of tax, in fortifying wines. The reason why we need the free use of wine spirits in fortifying sweet wines, and why we would oppose such use in dry wines for domestic trade, have been fully explained to you.

This letter is addressed to you to ascertain whether in making the demands which are set forth there is any reason why any distillers should oppose us, and with the hope also that it may elicit from you some expression positively encouraging us by your sympathy. If we have your sympathy and influence in these matters we shall confidently hope that the relations between our industries will be such as to secure by harmonious action other laws in which we shall be more mutually interested.

Respectfully, yours,

CHAS. A. WETMORE,
Chief Executive Viticultural Officer of California.

T. H. SHERLEY, Esq.,
Chairman Committee on Manufactures Board of Trade, and Vice-President Kentucky Distillers' Association, Louisville, Ky.
GEO. T. STAGG, Esq.,
President Carlisle O. F. C. Distilleries, Frankfort, Ky.

CARLISLE & O. F. C. DISTILLERIES,
Frankfort, Ky., April 16, 1886.

SIR: After duly considering your written communication addressed by you to our Mr. Stagg, in which you set forth the legislation desired by the vine-growers and brandy distillers in the interest of pure, healthful wines and brandies and for protection against spurious imitations and poisonous adulterations and compounds, we take pleasure in saying we heartily wish you success in your efforts and will cheerfully lend you any aid in our power to that end. Genuine wines, brandies, and whiskies are pure. Pure wines, brandies and whiskies, when matured by age, are healthful, and their use, to the exclusion of bogus, manufactured compounds sold as wines, brandies, and whiskies, will do more to prevent drunkenness and its attendant evils and to promote temperance and its attendant blessings than can ever be attained through prohibition, local option, or high license.

If Congress would make a law prohibiting the adulteration of all kinds of wines and spirits, intended for consumption as beverages, or use as medicines, it would be a deserved protection to the interests of honest vine-growers and distillers, and a much-needed protection to the health of all consumers, whether as beverages or as medicines.

Distillers of fine whiskies generally will indorse your proposed measures, and we think they should assist you by their influence with their Representatives and Senators in getting early and favorable action on them.

Yours, truly,

E. H. TAYLOR, JR., COMPANY,
By GEO. T. STAGG, *President.*

CHAS. A. WETMORE, Esq.,
Vice-President and Chief Executive Officer, State Viticultural Commission of California, Washington, D. C.

Mr. BUTLER. I have had these letters read with a view of explaining to the Senate the object of the amendment I have offered. I stated a while ago that I was opposed to this bill in principle, and I shall vote for this amendment with the understanding that if the amendment shall be adopted I shall then vote against the bill. I believe that this whole system of legislation is not only unconstitutional, but vicious in the extreme.

Mr. MILLER. Will the Senator permit me to ask a question?

Mr. BUTLER. Yes, sir.

Mr. MILLER. If this amendment which is proposed were now before this body as a distinct bill would the Senator from South Carolina support it?

Mr. BUTLER. No, sir. I announced distinctly that I was opposed to all this class of legislation as vicious and unconstitutional.

Mr. MILLER. I can hardly see the object then of the Senator offering it as an amendment to this bill.

Mr. BUTLER. My object is to test the sincerity of the advocates of this bill. They announce that they want to suppress a fraud by using the taxing power of the Government to destroy a legitimate, *bona fide*, honest industry; that they desire to suppress what they call a fraud; and I simply want to call their attention to the fact that there are other grievances and other evils of farmers in this country, grape-growers, viticulturists, and wine-makers; that they also would like to have the interposition of Congress to prevent fraud. I merely desire to give the friends of this bill an opportunity to vote for that also to suppress as great an evil, or, as I think, a greater evil than the one of which the Senator complained the other day in his speech. That was my object. Later on in the debate I may have something to say, but for the present I shall content myself with this explanation of the amendment.

Mr. MILLER. Mr. President, I dislike very much to have the Senator from South Carolina vote in favor of an amendment to which he is opposed in principle, and I know that a great many of the Senators here are in favor of the principle contained in that amendment. I did not listen to it carefully and can not say whether I would approve of all its provisions or not; but of the principle I am decidedly in favor. Therefore, in order that the Senator from South Carolina may not feel constrained to vote for a measure which he does not approve and thinks

unconstitutional, and in order that other Senators may not be compelled to vote against a proposition which they believe to be right in itself but think it would be unwise to put upon this bill, as it might endanger its final passage, I move to lay this amendment on the table, and ask for the yeas and nays.

Mr. BUTLER. I ask the Senator to withdraw that. Let us have the courage of our convictions.

Mr. MILLER. I can not withdraw the motion.

Mr. BUTLER. I hope the Senator will not cut off debate.

The PRESIDING OFFICER. The Chair will inform the Senator from South Carolina that the motion of the Senator from New York is not debatable.

Mr. BUTLER. I am not debating it. I simply asked the Senator from New York to withdraw it so as to let us have a fair, honest, even-handed vote on the amendment, and not dodge the question.

Mr. MILLER. The Senator having stated that he was against his own proposition, I want to save him from that sort of vote.

Mr. BUTLER. I shall be able to take care of myself.

The PRESIDING OFFICER. The motion is to lay the amendment on the table.

Mr. CALL. Mr. President——

The PRESIDING OFFICER. The motion is not debatable.

Mr. CALL. I did not wish to debate it; but as the amendment is a long one and can not be reported without consuming time, I wish to ask the Senator from South Carolina if his amendment proposes to do anything more than require these articles to be labeled and stamped?

Mr. BUTLER. Yes; it imposes a tax.

Mr. CALL. What is the amount of the tax?

Mr. BUTLER. I forget the amount now.

Mr. HARRIS. It proposes to apply the principle of the bill to adulterated wines.

The PRESIDING OFFICER. The yeas and nays are called for on the motion to lay the amendment on the table.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CHACE (when Mr. ALDRICH'S name was called). My colleague [Mr. ALDRICH] is paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. SEWELL (when Mr. MCPHERSON'S name was called). My colleague [Mr. MCPHERSON] is absent on account of sickness in his family.

Mr. EDMUNDS (when Mr. MORRILL'S name was called). My colleague [Mr. MORRILL] is, as I have often said, absent sick, and is paired with the Senator from Delaware [Mr. SAULSBURY], but if my colleague were here he would vote "yea" on this motion.

Mr. VAN WYCK (when his name was called). I am paired with the Senator from Nevada [Mr. FAIR] on the passage of this bill. I do not know how he would vote on this amendment if present, and I therefore withhold my vote.

The roll-call was concluded.

Mr. GEORGE. I am paired with the Senator from New Hampshire [Mr. PIKE].

Mr. BLACKBURN. I am paired with the Senator from Nebraska [Mr. MANDERSON].

Mr. CAMDEN. I am paired with the Senator from Rhode Island [Mr. ALDRICH], who is absent on account of sickness.

Mr. BERRY (after having voted in the negative). I withdraw my vote, and announce my pair with the Senator from Minnesota [Mr. SABIN].

The result was announced—yeas 32, nays 16; as follows:

YEAS—32.

Allison,	Dolph,	Hoar,	Platt,
Blair,	Edmunds,	Kenna,	Sawyer,
Cameron,	Evarts,	Logan,	Sewell,
Chace,	Frye,	McMillan,	Sherman,
Cockrell,	Gorman,	Mahone,	Spooner,
Conger,	Hale,	Miller,	Teller,
Cullom,	Harrison,	Mitchell of Oreg.	Vest,
Dawes,	Hawley,	Palmer,	Wilson of Iowa.

NAYS—16.

Beck,	Coke,	Jones of Arkansas,	Vance,
Brown,	Gray,	Maxey,	Voorhees,
Butler,	Hampton,	Payne,	Walthall,
Call,	Harris,	Pugh,	Whitthorne.

ABSENT—28.

Aldrich,	Fair,	McPherson,	Ransom,
Berry,	George,	Manderson,	Riddleberger,
Blackburn,	Gibson,	Mitchell of Pa.,	Sabin,
Bowen,	Hearst,	Morgan,	Saulsbury,
Camden,	Ingalls,	Morrill,	Stanford,
Colquitt,	Jones of Florida,	Pike,	Van Wyck,
Eustis,	Jones of Nevada,	Plumb,	Wilson of Md.

So the amendment was ordered to lie on the table.

Mr. EDMUNDS. I think it right to occupy ten minutes or so of the time of the Senate in trying to correct the impression which Senators opposed to this bill seem to have that we are taxing one legitimate and honest industry of the country of our own citizens for the benefit and protection of another legitimate and honest industry. I do not understand it that way at all. If I did I should vote against it.

I suppose, Mr. President, that out of every hundred people who eat these compounds called oleomargarine and butterine and whatever, at least ninety-five, and I believe ninety-nine, eat them supposing them to be butter in the sense in which our grandfathers and grandmothers, and we when we were children, understood that term; that the workingman and the laborer and the small village shopkeeper, everybody that keeps house and everybody that has anything to do with the social progress of this Republic of ours, when he gets this commodity gets it supposing it to be butter in the sense in which I have defined it, and he eats it on that supposition; and if when he bought it he knew that it was another and a different thing and did not contain any butter at all, he would not have bought it. And I think that is just as true of the poorest of the poor laborers as it is of the richest of the rich, whoever they may be, because no man is so poor, no man is so weak, no man is so feeble, no man is so debased as to like to be cheated Whether a man be a truth-telling man himself and a true-dealing man himself, he wishes every other man to tell him the truth and to deal truly with him. When therefore I can do anything to repress a fraud upon this class of people I think I am doing them a service, and I am sure they will believe that I am doing them a service.

The same on the other hand is true of the farmer, the butter-maker of the country. When he sells his butter he wishes it to be sold as butter, he wishes to get the benefit of it, and he has a right to get the benefit of manufacturing and selling the thing that he produces for what it really and truly is; but if he undertakes to sell butter for something that is finer than that, if he melts it up and turns it by some contrivance into an imitation of salad oil, he would be called a cheat who ought to be repressed, so far as the power of the law-making part of the Government can go to repress him.

Nobody disputes that in the abstract, I suppose. If anybody does dispute it, then we have this simple proposition: The fact exists over this immense Republic that into every household that does not make its own butter, and therefore knows what it is doing, there is brought a fraud and a cheat, and when I say "every household" I allow for the very small percentage of people who eat this commodity knowing it to be what it is. In that state of things I should suppose we would all agree that whatever constitutional power a State may have, or the United States may have, ought to be exerted to repress it. I take it nobody can deny that.

Then we come to the constitutional difficulties presented by the Senator from Kentucky [Mr. BECK] and other gentlemen who have presented them with great ingenuity, the Senator from Texas [Mr. COKE] in particular, I now remember, about the bill being itself something like oleomargarine; that is to say, a fraud and a humbug, a pretense. I deny it. The taxing power of every civilized community from the time taxes in a systematic way began down to this day, of every State of this Union, of every civilized country upon the face of the globe, has always been exerted by discrimination of burdens, by selections, by exemptions, in order to promote the general welfare of that community as it appeared to the persons who had the power to make its laws.

I do not believe there is an instance in the whole history of civilization of a systematic tax law that did not on the face of it show that the taxing power was exerted not merely with an eye to getting money into the treasury, but also with the distinct and avowed purpose, proper, wholesome, beneficial to the community, of taxing by discrimination against employments and objects which were not so beneficial to the whole community as others—some of them may be deleterious—and by exempting, which is the same thing, some things which were so universally for the general benefit, as churches and charities and schoolhouses and so on from taxation entirely, which involves precisely the same principle.

The Congress of the United States by the Constitution, as everybody agrees, has power to impose customs taxes called duties, and if you turn to the standing customs laws of the United States from the beginning of the Government down to this day, you will find in those tax laws prohibitions against the bringing into this country of sundry things which are supposed by the lawmaking power to be deleterious to its general welfare. There is one section of the Revised Statutes of the United States which embraces an enumeration of those things.

Upon what principle does it go? It goes upon the principle that the Constitution has expressed in terms that taxes, &c., are to be imposed to pay the debts, to provide for the common defense, and to provide for the general welfare of the United States; that is, to exert the taxing power in such a way, by such exceptions, by such prohibitions, by such differentiations of burdens as shall promote the general good of the whole body of society. That is the express purpose of the taxing power, as much as it is the express power to pay the debts and provide for the common defense of the people of the United States.

The taxing power of the United States is just as extensive, just as supreme, just as illimitable as the taxing power of every State is; and will anybody stand up and deny that it is within the just competence, in the legislative sense (I am not now speaking of the judicial sense at all, because everybody gives up that and admits that this measure is constitutional in court, so far as I have heard), of any State to make such a provision? In every State of this Union, I repeat, discriminations of this kind, involving precisely the same principle, have been in

operation by common and univeral consent from its foundation down to now.

I happen to have here an instance of it which I have taken simply because my honorable friend from Texas assailed the constitutional principle in its legislative sense of this bill as making a discrimination against one kind of manufacture and one operation of business and in favor of another—the statutes of the State of Texas. I turn to their tax laws, and I find that special and onerous taxes are laid, just as I have said, in general, upon a great variety of operations which are supposed some of them to be less beneficial to the general welfare than others. Some of them are supposed, I imagine, as they would be in most States if carried on at all, to be rather injurious to the general welfare, and yet not so injurious as to require the sovereign power to prohibit them altogether, but if they are to go on at all they are to go on bearing a burden out of proportion to the value of their operation, and they are to pay this burden of taxation because they ought to be discouraged.

Mr. BUTLER. Does the Senator mean to have the Senate understand that the State of Texas authorizes a tax for any other purpose, than that of raising revenue to support the government of the State of Texas?

Mr. EDMUNDS. No, sir; I do not. I do not mean to say that the Congress of the United States authorizes a tax for any other purpose, or that any State does. There is a difference between purpose and motive, as I understand. The purpose of this bill on its face and in its effect is to put a certain amount of money into the Treasury of the United States, which will be paid out under appropriations made by law, and not otherwise, and for objects that the Constitution authorizes, and not other objects. That is the purpose and effect of the bill. The motive which leads us to support it is the same motive which leads every State; and, as I say, I only take Texas to illustrate, for it is just so in Vermont, although we prohibit some things that Texas allows; it is just so everywhere. The motive which leads the taxing power to discriminate in favor of one operation of society or one species of property and against another is the motive of intending to promote in the best way it can the general good of the whole body of the community.

Otherwise, as my friend [Mr. DAWES] suggests, the simple mission of every taxing power would be merely a horizontal proposition to tax everything according to its appraised value, and to deny the right of any State and of Congress to tax any special employment or calling of any kind; you could not require a license for anything, for that is a special and peculiar affair; you could not have any State to raise revenue except simply to say there shall be an appraisal of everything that can be felt or seen that is property, and levy a uniform rate upon it for carrying on the operations of the society of a State as well as of the United States; for I repeat, as it is important in my mind, that the taxing power of the United States is just as complete, just as illimitable, just as sovereign as is the taxing power of every State; and I never heard anybody deny it.

Now, let me take Texas, just to illustrate, because, as I say, Vermont is just the same, except that we prohibit some things that Texas allows; but that is a question of internal discretion. Texas, for instance, lays a very heavy tax upon liquor dealers, a less heavy tax upon lager-beer sellers, a still less heavy tax upon merchants, a heavier tax than upon merchants on drummers, a still heavier tax upon patent-medicine peddlers, as it is generally supposed that most people can get along without patent medicines, I presume; and upon every fortune-teller a tax of $200 a year is laid. A man who tells one single fortune is taxed $200. Why? What is the principle upon which that is done? I can run down through a great list of other things, but I do not wish to take up the time. It is upon the solid and just principle that the business of fortune-telling is not necessary to the welfare of a State, and while the State chooses for the time being not to prohibit it altogether, as it is an innocent delusion or whatever, the men who tell fortunes or the women who tell fortunes are to pay for every year of their occupation $200; and so on.

As I said, the principle upon which that rests is (and I could run through a long list of other things) that the taxing power of the State of Texas, like the taxing power of every other State and of the United States, is exercised wisely and judiciously by imposing extraordinary taxes upon those occupations and employments which are not so useful to the community as others, and still heavier taxes upon those occupations and employments which are of no benefit to the community, even if they are sufficiently innocent in themselves to be tolerated at all.

That being the principle, Mr. President, when you come back to its application to this instance we find the fact to be—at least I do—that while the manufacture of oleomargarine as such may be admitted to be a perfectly legitimate performance, and as such may be admitted for the purpose of this argument to be just as legitimate and worthy as the manufacture of butter (for the purpose of this argument I say), its effect upon society is a fraud and a cheat upon ninety-five one-hundredths of the people who eat it, and a wrong and a fraud upon the people who make the honest thing and sell the honest thing that it pretends to be when it is sold to the man who has to eat it.

Mr. BUTLER. May I interrupt the Senator?

Mr. EDMUNDS. Certainly.

Mr. BUTLER. Simply with a view of understanding his position, because I really should like to understand it. Do I understand the Senator to say that the taxing power of Congress has no limitation whatever upon it, and that it may go on and tax, we will say, bogus oil or bogus sugar or bogus candy or bogus wine or bogus vinegar without limit—I understand the Senator to take that ground—without regard to the requirements of the Treasury for revenue? Do I understand that to be his position?

Mr. EDMUNDS. That was not what I said, Mr. President.

Mr. BUTLER. But does not the Senator agree to that proposition?

Mr. EDMUNDS. No; I do not agree to it for the purposes of the argument that I am now making, whether it is right or wrong in the abstract. My proposition now, which is enough for this bill, is that the purpose of the bill as distinct from its motive or a part of its motive is to put money into the Treasury, and that is its effect. That is the tax. The motive which leads me and others to vote for it is that we are discriminating and levying a tax upon the people of the United States in such a way as that while it brings money into the Treasury to be spent on appropriations made by law for legitimate objects it discourages fraud and encourages truth.

Mr. BUTLER. Whether the Treasury needs the money or not?

Mr. EDMUNDS. That is a question for the Senator and for me. I think the Treasury needs the money.

Mr. BUTLER. Ah!

Mr. EDMUNDS. I should be glad to take the taxes off from some other present objects of taxation and increase them upon this so long as it is the mere instrument of fraud, and so keep the revenues within a proper bound. I do not know that they are yet. As to these tales we have heard told about an enormous surplus of the revenue in the Treasury, when we come to examine the obligations of the United States as they would be if they were the obligations of a private banker or a financial institution we shall find, I suspect, that we have not any such enormous surplus of money as many people seem to suppose. But that is apart from this question.

I have never heard the constitutionality of a tax yet attacked upon the ground that the tax was unnecessary. That is a question of reason, a question of discretion, a question of judgment, but it is not a question of constitutional power. Supposing the United States did not owe a dollar and that every one of its officials and servants, including Senators, served without pay, as the members of the Parliament of Great Britain do, I believe, and that there was nothing due from the United States to any human being, I take it that nobody would deny the constitutionality of a bill which should say that a direct tax should be raised of $10,000 over the whole United States and put into the Treasury, without saying what it was for, as no proper tax law ever did say what a tax was for, only to provide the Treasury with the means that the law-making power should afterward use for the common benefit and general welfare.

Mr. BUTLER. I of course do not desire to place my opinion against that of the Senator from Vermont, but for fear that he might think by my remaining silent that I agreed to that proposition, I will say that I am not able to see that it is constitutional. Congress has no such power under the Constitution whatever.

Mr. EDMUNDS. Does the Senator mean to say in the case I have supposed that the judicial department of the Government, which was organized for that purpose, would hold that it was an unconstitutional tax, and that he and I could resist the payment of our share?

Mr. BUTLER. I can not undertake to say what the judicial department of the Government would hold, but I do not believe that Congress has any power under the Constitution to levy a tax for any purpose except for revenue; and not requiring revenue, I think that the exercise of that power would be clearly in violation of the Constitution.

Mr. EDMUNDS. Taking that then as the Senator states it, it would be a clear defense for him and me, if the Congress of the United States to-day, on his statement that we do not need any money for revenue, should impose a tax per capita according to population upon the States, a tax of $1 apiece, that we could resist the collection of that tax in the courts of law of the United States by proving that Congress had not any present need for the money, and would not know what to do with it if it got it. I can not agree to that proposition. I never saw anything of that kind in any of the innumerable tax questions which have been raised in the courts. I never saw such a thing hinted at either in the judgment of the courts or in the arguments of counsel.

There is one very interesting instance of motive and purpose that has been drawn in question in the act that taxed 10 per cent. per year on the circulation of State banks, State institutions created by a State, carried on under its authority by a franchise only derived from the sovereignty of the State. A bank called the Veazie Bank in a case reported I think in eighth Wallace resisted the payment of this tax upon the ground, among others, that the purpose, intent, and motive, taking it fore and aft, as sailors would say, from beginning to end, of Congress was to abolish and destroy the circulation of State banks. Everybody knows that that was its purpose. Yet the Supreme Court of the United States held, as they were bound to hold, that they had nothing to do

with the motive of the legislative power in exerting a function which the Constitution had directly reposed on it, and that if the effect of the tax, as it was admitted to be, would be to absolutely destroy and put out of existence all the circulation of the State banks, it was a perfectly legitimate exercise of the constitutional power of Congress, and it would be for the people to say whether Congress had exercised the power of taxation in a just way or not; that there was no question of law about it at all.

Mr. BUTLER. Was not that decision upon the principle that it was the duty of Congress to provide a uniform currency for the United States? Was not that the leading principle in that case?

Mr. EDMUNDS. No; it was a tax principle. It was a tax law.

Mr. BUTLER. I understand that.

Mr. EDMUNDS. It was a tax law and a tax principle.

Mr. BUTLER. By Congress.

Mr. EDMUNDS. Then we come back to the simple proposition that in the judicial sense a judicial court can neither inquire into the object or purpose to which the money is to be devoted when it comes into the Treasury, nor into the motive of the legislative power in laying such a tax. When you come back to our constitutional duty as legislators, bound by the same Constitution to proceed upon just principles for the common welfare of the United States, which in terms, I repeat, we are authorized and required to look to in the levying of taxes, we come back to the proposition that here is an instrumentality of revenue carried on, the effect if not the object of which is to cheat and defraud every consumer of that commodity, and in ninety-five instances in a hundred it does cheat and defraud him, whether he be poor or whether he be rich.

That being the case, acting upon the principles that every taxing sovereignty has acted upon, every State in the Union, South Carolina and Vermont alike, we discriminate against frauds and tax them heavily, while we do not undertake to tax the honest and useful employments in which everybody may engage and which everybody knows the truth of. There is the distinction.

Mr. BUTLER. Then I understand the Senator to say that Congress has not the power directly to suppress these frauds by criminal statute. I should like to know his opinion on that subject, if Congress has the direct power to suppress these frauds he speaks of by criminal statute, making it a penal offense to commit such a fraud?

Mr. EDMUNDS. I do not think it has, except in the District of Columbia and the Territories.

Mr. BUTLER. Of course.

Mr. EDMUNDS. As a regulation of commerce I have no doubt that Congress would have the power to say that no false and fraudulent commodity of this kind should be transported from one State to another except upon regulations which would operate in effect to prevent its being gotten out of one State and into another. That may be, but that does not touch the question. To go back to the tariff laws, Congress has no right to say that no obscene publication shall be sold in the streets of New York, but it has the right to say, as it has from 1789 down to now, that no obscene publication shall be brought into the State of New York from any foreign country.

Mr. BUTLER. That is under the postal clause.

Mr. EDMUNDS. Oh, no, not at all.

Mr. HARRIS. It is a regulation of commerce.

Mr. EDMUNDS. So we come back to the simple proposition——

Mr. GRAY. May I interrupt the Senator from Vermont?

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Delaware?

Mr. EDMUNDS. Oh, yes.

Mr. GRAY. The Senator from Vermont spoke of the case of the Veazie Bank *vs.* Fenno, and stated very correctly that that was an exercise of the taxing power to destroy the circulation of the State-bank notes. I should like to call his attention to the ground upon which the court placed the exercise of that power. They say that Congress, inasmuch as it has the control over the circulation of its own notes, "may restrain, by suitable enactments, the circulation of any notes, not issued under its own authority." Without this power its attempts to secure a sound and uniform currency for the country would be futile, and upon that ground the court decided that Congress may either by the taxing power or in any other way suppress the circulation of a competing currency. But they do put it upon the ground that Congress has the power to forbid the circulation of a currency that competes with that established by Congress. Here there is no pretense of course that Congress has the power to suppress the industry which is aimed at by this tax.

Mr. EDMUNDS. Yes, that was one of the grounds, and the Senator will find the other I have stated, and still a third one. The court had three or four very good reasons for deciding as it did. But we do not stand upon an implied power to protect the circulation of the United States in that case as applied to this. We stand upon the express power that the Constitution in terms reposes in Congress to levy taxes in such a way as to promote the common welfare of the people of the United States, and if it is not to promote the common welfare of the people of the United States to protect fifty millions of consumers who suppose they are eating butter when they are cheated into buying what is not butter then I do not know what the common welfare is.

I had supposed that the common welfare even in this day was to repress, so far as we had the power to do it, frauds and cheats, just as it was true at the common law in England from whence we came that the man who sold this very thing, if it had existed, under a false label as pretending to be one thing when it was another was guilty of a misdemeanor at the common law, and he could be indicted and punished for it, just as we know as between private citizens that the man who undertakes to sell his goods under a trade-mark that pretends they are the goods of somebody else has committed a wrong which a court of equity will enjoin. So we have here the express letter of the Constitution requiring us to so levy our taxes as to provide for the common welfare of our people. I propose to levy them in this instance so as to provide for the common welfare of the fifty million or sixty million people who every day (and I do not know but that I am the victim of it now that I have to take my meals at a hotel) are given what is supposed to be butter and what they ask for as butter when it is not that at all; and I suppose it to be providing for the common welfare of the people of the United States when I guard the most universal and the most fundamental of its industries and the best of its people against being made the victims and sufferers by the fraud that is committed upon the consumer.

Mr. BUTLER. May I ask the Senator if that might not have been obviated by the adoption of the amendment of the Senator from Tennessee requiring all these manufactures to be branded?

Mr. EDMUNDS. Far from it, only here in the District of Columbia. It might protect me while here, but on my way home it would not.

Mr. BUTLER. I will ask the Secretary to read the language of the honorable Senator from Vermont the other day when he was discussing the river and harbor bill. His language was so in accord with my views upon such questions, and was so wise and statesmanlike, that I want to contrast it with the utterances he has just given upon this floor. I will ask the Secretary to read it.

Mr. EDMUNDS. Let it be read, Mr. President.

The Chief Clerk read as follows:

I can imagine that the people of the interior of New England, which has as many good streams in proportion to its size as any other part of the country, would be glad to have their little streams cleaned out; the floatage of logs and of timber would be vastly helped; but somehow or other the New England Representatives and Senators have not in general, or in particular so far as I know, felt at any time in the history of this Government that it was a part of the mission of the national Treasury to do that thing, or that it was a part of our mission to ask the national Congress to do it or to help us to do it. Perhaps we were wrong, but I have been brought up in that idea.

Therefore, without enumerating, as we have in the debates, two or three mere sample instances—it would take until December to go through with them all in detail, of course—I have felt and feel now that the totality of this business, instead of being beneficial in this extreme way to the public interests at large, is injurious, and that it is teaching the people of the United States in its remotest interior districts, of Vermont or of Illinois or of Mississippi, or wherever, to be looking to the national Capitol and the national Treasury for everything that is to be done instead of depending upon themselves for their local prosperity, their local progress, and their local improvement.

I do not believe that it is a good thing for a republic, and I believe the sooner we begin to be taught by the people of the United States and to teach them so far as they need it that the man who is to prosper in this world and the community that is to prosper must in respect of its immediate objects be taught to take care of itself, will have done a good work for the welfare and happiness and prosperity of the whole people.

When it comes to wide national objects, what is a real commerce and navigation between States, or a real commerce without navigation (because navigation is only a mere incident and part of commerce), a real and necessary intercourse between States that cover a continent from the Atlantic to the shores of the tranquil sea, then whatever is necessary to promote intercourse, exchange, travel, and products, unifying and solidifying the oneness of feeling that belongs to a common people, reserving their separate and independent local State rights, ought to be encouraged.

Now, where are you to draw the line? Our fathers began by drawing the line at a point that would take, I think, more than 50 per cent. out of this bill, that for all the objects which forty years ago by men as intelligent and patriotic as we are and by a people as intelligent and patriotic as we are would be thought to have been within the competence of Congress, can be reached and accomplished with less than half the money there is in this bill.

But it is in the Senate as it is everywhere else in this world, I suppose, as it is in tax bills, and tariff bills, and everything else that affects the people. If I find that a tax is to be imposed upon some particular product of the community where I happen to reside and with whose special and local interests I am identified, I feel that an equal and a similar tax in some way should be imposed upon the products and industries of the rest of my brethren in the United States for the common purpose of us all. When some product of one State or community is to be protected I naturally feel, and every other Senator naturally feels, that in some just and equal relation the products and industries that need it of the communities with whom he is specially identified ought to be protected. That makes equality; and in general it is supposed you can not have it in any other way.

Mr. BUTLER. My object in calling attention to the utterances of the Senator from Vermont, which I repeat I think were words of wisdom, was to show that the Senator has just had an opportunity of voting for the protection of another industry which has been clamoring for protection in this Congress, and has cast his vote against it. I simply desire the Senate and the country to look on that picture and then on this, and judge for itself.

Mr. EDMUNDS. What have I cast my vote against?

Mr. BUTLER. Against the amendment I offered. I do not know whether the Senator was in the Senate Chamber or not. The amendment I offered was to protect the wine interests of the country.

Mr. EDMUNDS. I did not, thanks to the wise prudence of my friend from New York, cast my vote against it at all.

Mr. BUTLER. Practically.

Mr. EDMUNDS. Not practically, because I assure the Senator from

South Carolina that I should be willing to join him, either at this session or any other session, on a properly matured and carefully guarded bill, to provide for taxing every species of fraudulent manufacture that there is in this country, and, if I can, taxing it out of existence. Oleomargarine is only one, wine is another, drugs are another. Even the soap that we wash our hands and faces with every morning, and partly as a consequence of using the beef fat that ought to go into soap for making what is called butterine, &c., is a fraud and humbug, part of it, and injurious. My friend will find in me a humble but a devout follower in his crusade against all manner of lies and cheats and frauds.

Mr. BUTLER. I am glad to hear it, Mr. President.

Mr. VANCE. What is before the Senate now?

The PRESIDING OFFICER. The oleomargarine bill, so called.

Mr. VANCE. Have all the amendments been disposed of so far?

The PRESIDING OFFICER. All the amendments offered have been disposed of.

Mr. JONES, of Arkansas. There is an amendment pending which I have offered.

The PRESIDING OFFICER. The Chair was not aware of it.

Mr. VEST. Mr. President, the shadow even of a pretense that this is a revenue bill has been effectually removed not only by the history of the bill since it came into Congress but by the open and undisguised declaration of the Senator who has charge of it upon this floor. The bill came into Congress not from the Finance Committees of either body, but from the Committees on Agriculture.

In the closing sentence of his elaborate argument here the Senator from New York [Mr. MILLER] distinctly and emphatically declared that he was proud to array himself as an advocate "*of protection with incidental revenue.*" The Senator from Vermont supplements that declaration by putting the right to enact this legislation under the general or common welfare clause of the Constitution. The logical and inevitable result of the argument just made by the Senator from Vermont is to absolutely eradicate the police powers of the States and to put into the hands of the General Government the right to control and regulate the health and food products of the people of the United States without regard to the State governments.

With great respect for that eminent jurist, I proclaim this a monstrous doctrine. It teaches the people of the United States that there is no necessity for their State governments. It says to them you must go to Washington city and to the General Government for all legislation inside your States and as to your domestic and police affairs. If his argument amounts to anything at all, it teaches this logically and nothing else, for under the general-welfare clause of the Constitution there is no use for the States, and Congress can do anything.

The power to tax is the power to destroy, and while the Senator admits that Congress can not say in so many words that a certain avocation or a certain production shall not exist within a State, in the same breath he declares that by using the taxing or revenue power we have the right to destroy any product inside of any State in this whole Union. If that does not destroy all the ideas that the fathers of the Constitution had when they created that document, if that does not reverse every decision of the Supreme Court of the United States from the case of Gibbons *vs.* Ogden, in 9 Wheaton, down to the last session of that tribunal, I can not understand constitutional history or judicial declarations.

The first question that meets us in the discussion of this bill is its purpose. Is it a revenue measure? The Senator from Vermont says that he believes there is a necessity for collecting more revenue and placing it in the Treasury of the United States, and he seeks to evade the argument by simply declaring that to be his opinion. How any intelligent legislator can come to the conclusion that this country needs more revenue to-day passes my comprehension.

I have here an estimate and statement in regard to the revenues and expenses of the Government. Of course we are compelled for the fiscal year to make simply a conjectural estimate, but we can arrive at a very near approximation to the real state of the case. We have revenue from customs duties, $190,000,000; we have revenue from internal revenue taxes, $115,000,000; we have revenue from miscellaneous sources, $30,000,000; making the total revenue for the year $335,000,000. Against this we have ordinary expenditures, $160,000,000; interest on the public debt, $45,000,000; pensions, $80,000,000; leaving for the sinking fund, &c., $50,000,000.

It has been said here and elsewhere that Congress intends to take the tax from some other product in the future, some other article that is now being taxed under the general legislation of Congress. Both parties in the last canvass declared that their mission here during this session of Congress was to reduce taxation upon the people; and yet with this surplus in the Treasury existing there as we know beyond any sort of question, we are called upon now to indulge in the most odious form of taxation, that of collecting additional excise duties or internal revenue. We are called upon to add to this system which has been odious to the American people since the days of Mr. Jefferson.

I believe that if this bill is enacted and becomes a law the Supreme Court of the United States would declare it to be constitutional, because every intendment would be made in favor of the motives that actuated Congress in passing the bill. Under the general constitutional power to impose taxes the Supreme Court would make every intendment in favor of the constitutionality of the law; but that does not relieve us as legislators. I am asked here now, not as a judge but as a legislator, to exercise the great constitutional power of taxation; and I have no doubt that if by my vote I put one dollar upon any citizen of the United States in the shape of tariff taxation or internal-revenue taxation over and above the necessities of the Government, I violate my oath of office palpably and distinctly.

If the Senator from Vermont is correct in his position then the power to tax is a police power, and as a matter of course you eradicate all inquiry as to whether the taxes are necessary to carry on the Government or not. Under the general-welfare clause, which, as Sancho Panza said of sleep, "covers one all over like a blanket," you can exercise the police powers of the State through the legislation of the General Government and you overturn every precedent and every decision of the Supreme Court of the United States from 9 Wheaton down to the last session of that tribunal.

I have no question but that the Supreme Court would assume that Congress had discovered the necessity for this tax if the bill becomes a law, but that does not relieve me from the primary inquiry which I must make as an honest legislator, have I a right to take this money out of the pockets of the people unless it is necessary to carry on the Government? Judge Miller said in a recent decision:

> To lay with one hand the power of the Government on the property of the citizen, and with the other to bestow it upon favored individuals to aid private enterprise and build up private fortunes, is none the less robbery because it is done under the forms of the law and is called taxation.

Judge Cooley, in his Constitutional Limitations, says:

> Constitutionally a tax can have no other basis than the raising of revenue for public purposes, and whatever governmental exaction has not this basis is tyrannical and unlawful.

The party of which I am a member declared in its national platform in Chicago:

> We demand that Federal taxation shall be exclusively for public purposes and shall not exceed the needs of the Government economically administered.

"Public purposes"—not to build up one industry at the expense of another, not to go into the States and outrage the police powers which are given by the Constitution to the State governments alone.

Every honest man within the sound of my voice and in this whole land knows that the bill is not to raise revenue, but that it is to be passed because of the clamor raised in the name of the dairies of the country and because all sorts of prejudice and passion are sought to be excited against the oleomargarine manufacturers as monopolists who are making enormous fortunes by fraud and outrage upon the people.

Mr. MAXEY. I should like to call the attention of the Senator from Missouri for a moment to the legal question raised by the Senator from Vermont. By the exercise of the taxing power, or the power to lay and collect taxes, duties, imposts, and excises, we have already raised enough, and more than enough, for the needs of the Government, and now we are called upon to further exercise that power by raising a large additional amount. I ask as a legal proposition whether the exercise of a power that is unnecessary does not by the very reason that obviously it was not a necessity make it unlawful? In other words, if there be no lawful necessity for the exercise of the power, can there be a lawful reason for its exercise?

Mr. VEST. I have no doubt that it is an unlawful exercise of this power. We have no right to vote one dollar of tax upon any citizen of the United States unless it is necessary to pay the expenses and obligations of the Government.

I know that one of the popular and ordinary methods of meeting this argument from any one in this Chamber is to point to certain votes that have been given when there was some doubt as to the constitutionality of the measures for which we voted. Under the appeals of humanity, under the solicitations of friends and constituents, I have given during my public service votes here about the constitutionality of which I had very great doubt at the time, and which I certainly would not give again. That is no argument against the position I assume now.

To convict me of having given mistaken votes or bad votes does not meet the proposition as I undertake to lay it down now in regard to the bill before the Senate. The best evidence that I intend to do right is that I do not propose to give another vote where I have any doubt in regard to the constitutionality of the measure proposed. In this case I have not the slightest doubt as to my duty. I have examined this bill carefully, and have taken my position. So help me Heaven, I would leave the Senate to-morrow and close my public career before I would vote for a bill that I believe to be in its spirit unconstitutional and a greater fraud upon the taxing power of Congress than oleomargarine can be among food products.

If the position of the Senator from Vermont be correct, tear up the Constitution, take the general-welfare clause and let Congress do all that it wants to do in any way it pleases. I have always understood, and I have been taught to believe, that the Constitution as a written instrument had certain specific limitations of power upon the National Government and upon the States. I have always believed and expect, God willing, to die in the belief, that the Congress of the United States is

limited in its functions by the express law and spirit of the Constitution itself.

If there is one principle dearer to the American heart than all others combined it is the idea of local self-government. It is the safeguard of the rights and liberties of the people. All history shows that every government which has ignored the great doctrine of home and individual right and responsibility and local self-government and has become a great, splendid national centralized power has been numbered among the failures in governmental history.

The doctrine which is sought to be taught here to-day ignores self-government, wipes out the rights of the States, gives to Congress all the functions and powers that I have been taught to believe belong to the domestic polity and government of the respective States.

A great deal of incoherent and idiotic literature has been sent all over this country and especially into the Halls of Congress attempting to draw a parallel between this bill and the tax upon whisky and tobacco and the tax of 10 per cent. imposed by Congress upon the State banks in the interest of the national banks. Congress possesses only that degree of power, call it police or otherwise, which is necessary to prevent a fraud upon or the destruction of a power given to it by the Constitution. If Congress has not this power, then the right of self-preservation would be denied to the Government. If this bill becomes a law and a tax be imposed upon oleomargarine, then it is the duty of Congress to defend that taxation. The tax on whisky and tobacco was levied in a great war and to preserve, as many patriotic citizens thought, the life of the Government. As incidents to laying that tax, which Congress had the constitutional right to impose, come the gauger, the collector, the supervisor, and all the machinery necessary in excise taxation.

The first question in regard to a revenue law, as I believe and as the party to which I belong believes, is simply, is the tax necessary to carry on the Government or to pay its obligations? If it is not necessary, I have no more right to impose that tax upon the humblest citizen of the United States than I have to enter his family circle and take from him the property he has acquired by his own industry. I must first answer to myself and to my conscience without regard to what the Supreme Court may afterward say, whether the necessity for this tax exists or not; and just as soon as my deliberate judgment tells me that the tax is not necessary, and that there is already a surplus in the national Treasury, my functions cease, and I have no right to impose that tax within the domain of the Government.

It is true that after Congress has come to the conclusion that this tax is necessary, then the details of the taxing law should be wisely and justly arranged. The legislator who does not make the distinction between a useful article and a simple luxury in the collecting of taxes is derelict in his duty. The power of taxation, the most enormous, the most potent for good or evil that has been put into the hands of mortal man, should be so exercised as to make it operate as equitably and justly as possible upon the objects of taxation and the owners of property.

Some years ago in discussing the tariff bill I announced the proposition upon this floor, which I have never retracted and never will, that I would never vote one dollar in any tariff law above the necessities of the General Government, but that when I became convinced that a tariff tax was necessary, I believed that the tax, with its incidental and necessary protection and its incidental and necessary burden, should be equitably distributed over the whole country. I believed then and believe now that neither the protection which, in some cases, is absolutely inevitable from the imposition of a tariff tax nor the burdens which come from it should be placed upon one section or class alone, but should be equitably and properly distributed over the whole country.

No one seeks to deny the proposition of the Senator from Vermont that the wise legislator looks to the object of taxation, the property to be taxed, and equitably imposes the burden upon the people throughout the whole country. But that is an evasion of the question in this case. I am first to determine whether the tax is necessary or not, and if I believe it to be unnecessary and that there is a surplus of money to-day in the national Treasury, I can not vote the tax of a single dollar without violating my official oath.

Mr. President, I have hardly patience to discuss what is called the revenue aspect of this bill. That proposition is so flimsy, that pretense is so naked and bald, that it is not seriously urged now in this discussion, and I come to the salient point and the only argument that has induced honest Democrats to advocate the pending bill. It is the appeal to the fair-mindedness, the hatred of fraud and counterfeits by the American people. The question of the limitation of the taxing power has been submerged in the clamor about bull butter, counterfeit butter, bogus oleomargarine, and we are asked now to abandon the constitutional and legal aspect of this question and to use the taxing power simply as a police regulation against a fraudulent food product.

Mr. President, it is not my purpose to enter *in extenso* into the argument whether oleomargarine is a counterfeit or not. I read the other day a grave assertion that the Congress of the United States had as much right to punish the counterfeiting of honest butter as to punish the counterfeiting of national money. The brain which conceived this utterly ignored the fact, the plain, patent fact, that the power to issue money is expressly granted by the Constitution to the Government of the United States, and that the right to make butter is an individual right. In the case of Veazie Bank *vs.* Fenno, from which the Senator from Delaware read, the power to place a 10 per cent. tax upon the issue of the State banks was expressly defended by the Supreme Court in these words:

> Congress having undertaken, in the exercise of undisputed constitutional power, to provide a currency for the whole country, may constitutionally secure the benefit of it to the people by appropriate legislation, and to that end may restrain, by suitable enactments, the circulation of any notes not issued under its own authority.

Mr. EDMUNDS. Was not that under the general-welfare clause?

Mr. VEST. Mr. President, that was under the doctrine which has been conceded by all parties, so far as I know, from the beginning of the Government, that the grant of an express power carries with it necessarily all the implied powers to its safe and proper execution.

Mr. EDMUNDS. But would not that all come down to the fundamental proposition that this discrimination is made for the general welfare?

Mr. VEST. Mr. President, when the Constitution gave to Congress the power to create a national money it gave to Congress that implied power necessary to defend the grant, to prevent fraud, and to see that the power granted was fairly and justly executed. I do not propose to be drawn into any discussion of the general-welfare clause, of which we have heard so much on this floor. I think that if any proposition is settled in the light of history, logically settled, it is that the general-welfare clause of the Constitution is not a separate and distinct grant of power, but is simply an incidental power, to be executed as auxiliary to the other powers which are expressly granted and within the limitations of the Constitution. It is not a separate and distinct grant of power, as has been so often claimed, but merely an auxiliary power.

Mr. EDMUNDS. Shall I disturb the Senator if I ask him a question?

Mr. VEST. Not at all.

Mr. EDMUNDS. Then I should like to know on what constitutional principle it was that Congress in very early times, when our fathers who made it were expounding it by legislation, provided grants and gratuities to patriotic refugees from Nova Scotia, &c.; upon what principle it was that we provided donations for people who suffered from an earthquake at New Madrid by payments out of the public treasure. We paid out in those instances the public treasure that had been got in by taxation. In some instances we paid out land, which was the common property of the people, but in other instances we made grants of money, and that money was raised by taxation, as does all the money that comes into the Treasury except for land; and that comes in as a separate item. On what principle could we constitutionally appropriate money for these objects unless we could appropriate a tax?

Mr. VEST. Oh, Mr. President, I could supplement the statement of the Senator from Vermont by a long list of votes that have been given since I have been in the Senate, some of which I have given myself, as I said a few moments ago, on the appeals of humanity where there were overflows, and Senators rose here and described their constituents starving to death, and asked Congress to meet the emergency that was upon us by the donation of a few dollars. In my judgment there was no constitutional power for any such grant if closely and critically examined; but the benefit of the doubt was given to the side of humanity and the money was voted.

Mr. EDMUNDS. But would not my friend acknowledge the force of a contemporaneous construction, a practical application of that clause of the Constitution for a century, beginning with our fathers and coming down to now?

Mr. VEST. Mr. President, I know that there has been a difference of construction as to that clause of the Constitution. Answering for myself I believe in the construction given it by Mr. Jefferson, not by Mr. Hamilton, and we know very well that Jefferson left the Cabinet of George Washington upon the ground that Hamilton in his report on manufactures when Secretary of the Treasury put the right to lay a protective-tariff tax on foreign imports upon the ground that the general-welfare clause of the Constitution authorized it. Mr. Jefferson protested and stated to the President of the United States, then General Washington, that he would be compelled "under this new and strange doctrine which had been advanced by the Secretary of the Treasury to leave the Cabinet rather than to submit to the constitutional construction "which absolutely destroys the rights of the States and makes Congress absolute." Washington finally prevailed upon him to remain in the Cabinet until the 1st of the next January. But the difference between Hamilton and Jefferson was so marked, so irreconcilable as to this very general-welfare clause that Jefferson finally retired from the Cabinet on account of it.

Mr. HAWLEY. May I ask a question?

Mr. VEST. Certainly.

Mr. HAWLEY. Under what clause of the Constitution did Mr. Jefferson find the power to acquire the Territory of Louisiana and to levy taxes upon it and perform a variety of legislative acts in conse-

quence of the cession? Taxes to pay the fifteen million were levied on the whole United States, and then the people of that Territory were taxed without representation. And where did he get power to do various other things all for the general welfare as all the world admits now; but a great many people disputed it then?

Mr. VEST. Mr. Jefferson believed that under the treaty-making power he had a right to acquire that territory, and of course he was compelled to pay for it. He defended it upon that ground.

Mr. MAXEY. With the consent of the Senator from Missouri, I will state that when that direct question came up as to the acquisition of Florida, the United States Supreme Court in Insurance Company *vs.* Canter, in 1 Peters, decided that under the war-making power or the treaty-making power Congress had the undoubted right to acquire territory. That settled the question, and it has been regarded as settled ever since.

Mr. VEST. It has been brought up here repeatedly and flung at those of us who denied this sweeping general-welfare construction that is now sought to be put upon the Constitution. I never had any doubt myself about the right to acquire Louisiana or to pay the money of the people of the United States for that territory, not only under one clause of the Constitution but more than one.

Here in the pending bill is a naked, bald assumption of the taxing power in order to protect one American industry against another. If I were forced to meet the issue between a high protective tariff and this bill, I should take the tariff because that at least has the patriotic defense of being a tax against foreigners, while this is a tax against our own people. If the taxing power of the country can be used between two American citizens, what is the result? The power to tax, as Chief-Justice Marshall said, is the power to destroy; and while the Senator from Vermont admits that Congress can not go into any State and tell its people, "You shall not manufacture oleomargarine," yet Congress can fraudulently—for it is nothing else but fraud upon the Constitution—use the taxing power so as to effect the same thing. In other words, Congress can do indirectly what it can not do directly. We evade the Constitution. We might just as well take that instrument and tear it to pieces and throw it to the winds of heaven.

We are in this bill using the revenue power of the Government as a police power, and the conclusion is irresistible, and no mortal man can answer it, if we can do that we can then make the General Government assume the functions and take the place of the States; there is no longer any necessity for local self-government or for any State government. The State of Missouri immediately occupies the relation to the General Government that a county in that State occupies toward the State government. If this assumption here to-day, that this taxing power can be used to put down a fraud, is true, it immediately becomes a police power, and the health and quarantine and inspection laws of the States all pass into the General Government, and the limitations of the Constitution are utterly ignored.

I have here the opinion of a very eminent jurist upon this question, my friend from New York [Mr. EVARTS]. Here is an opinion given by Mr. EVARTS which I thoroughly indorse upon the constitutionality of the law prohibiting the manufacture and sale of oleomargarine in New York. That was on the statute of a State prohibiting the manufacture and sale of oleomargarine and I will read the provision of the law:

> No person shall manufacture out of any oleaginous substance or substances, or any compound of the same other than that produced from unadulterated milk or of cream from the same, any article designated to take the place of butter or cheese, produced from pure, unadulterated milk or cream of the same, or shall sell or offer for sale the same as an article of food. This provision shall not apply to pure skim-milk cheese, made from pure skim milk.

Upon the constitutionality of this State statute, not an act of Congress, the eminent jurist who wrote this opinion said as follows:

> Upon the whole, then, I am of the opinion that the just judicial interpretation of the sixth section of this act will impose its penalties on the manufacture and sale therein prohibited only when the manufacture and sale of oleaginous substances for food when they are so manufactured, exposed for sale, or sold and designed as a "deception in sales in dairy products," as used in the title of the act.
>
> If, however, this section of the act shall be construed not as protecting the public against "deception in sales of dairy products," but as protecting dairy producers in a monopoly of human food, against the manufacture and sale of the genuine products of other oleaginous substances suited as wholesome human food, in greater or less degree, to compete with or take the place of dairy products, I am of opinion that such legislation is repugnant to our constitution. Legislation in this sense no longer adheres to the protection or guaranteeing a lawful product against simulation and deception, or protecting the public against fraud and imposition, but stands upon the avowed and unlimited discrimination in favor of monopoly, to the injury of other honest and useful producers, and the oppression of the public. It is quite plain that the moment that this legislation departs from the theory and justification of this act as limited, "to prevent deception in sales of dairy products," no proscription on the mere ground of protective monopoly of one industry can be limited by any rule of discretion in this line and style of discrimination among the people of this State and their pursuits. Hitherto, until recently, the maxims and instincts of public liberty have discountenanced all such methods of legislation. I am unwilling to tolerate the pretension that the provisions of our constitution offer no barrier to such an innovation upon freedom and equality as the creation of monopolies at the discretion of the Legislature.

Mr. EDMUNDS. May I ask my friend a question?

Mr. VEST. Certainly.

Mr. EDMUNDS. I wish to ask him, supposing that the statute of New York which was afterward set aside by the court of appeals who held in the same way that the opinion of Senator EVARTS was, and for other reasons which they state—suppose that instead of being a prohibitory statute it had been a statute imposing a tax of 10 cents a pound on those commodities, does the Senator think that Mr. EVARTS would have given that opinion or that the court of appeals would have sustained it?

Mr. VEST. I have undertaken in my feeble way to draw a distinction between the functions of a judge passing upon the taxing power when exercised by Congress and the duty and function of a legislator creating a tax. If my friend from Vermont can not see it, undoubtedly it is my fault and not his.

Mr. EDMUNDS. I do see it, but I only wanted to keep clearly in our minds the discrimination. I infer, then, that my friend from Missouri would agree that if this had been the exertion of a taxing power of 1 cent or 10 or 20 cents—because the court can not go into the quantity of the tax—it would have been held constitutional; and that his argument, that being constitutional, is addressed on this bill (which is a taxing bill) to the impropriety of levying a tax for the purpose, as he puts it, of discriminating in favor of one industry against another. Stated in that way, I should agree with him, but it is not an industry that is honest.

Mr. VEST. The Senator does not state my position. I am not discussing the propriety or the impropriety of levying this tax. I say that this bill absolutely ignores the limitations of the Constitution as to the power of Congress in regard to taxation. I say that this bill is itself a fraud and a monstrous fraud. It pretends to be a revenue bill, and its advocates here show that it is not a revenue bill. It is a police bill, and Congress has no such police power as is sought here to be exercised.

Mr. EDMUNDS. Does the Senator mean to say that in the suggested case he has just spoken of it would be held unconstitutional by a court, or only as an appeal to our constitutional duty not to do that sort of thing with that sort of motive?

Mr. VEST. I am talking as one legislator to his colleagues in legislation. If I were a judge of the Supreme Court of the United States and this bill came before me, I would decide in favor of its constitutionality because I would assume that Congress had not violated their oaths but had levied a tax because it was necessary to carry on the Government and pay its obligations.

Mr. EDMUNDS. That is fair. That brings it right down to the legislative power.

Mr. VEST. But I am not here now as a judge passing upon the constitutionality of a law already enacted. I am here acting under my oath of office and I say that when I know this Government does not need this tax I have no right to rob any citizen of one single cent. I have no right to say that I will take money out of any man's pocket when there is no public necessity for it.

There is not the shadow of a pretense in this discussion that this revenue is necessary for the Government. All disguise has been thrown off. It was thrown off when the bill came into the Senate from the House and when the Senator from New York and the Senator from Nebraska stood here and said it ought to go to the Committee on Agriculture because it was intended to protect an agricultural product, butter, that it ought not to go to the Committee on Finance, that it was not a matter of finance or revenue but a question of simple, naked protection of one agricultural product against another—a broad, naked act of prohibition and that alone.

As I said, the real defense of this bill before the public and here is that it is intended to suppress a fraud, and we have had a ghastly array, equal to that which is given of the witches' banquet in Tam O'Shanter, presented by the Senator from New York—corruption, death, decayed bones, dogs, and cats, all put into the stomachs of the people by the venders of oleomargarine. No Senator left this Chamber with anything like an appetite for dinner after listening to that ghastly speech, and yet the Senator from New York, with a full knowledge of the deadly compound, with the certainty that it was making a charnel-house out of the stomach of every American man, woman, and child, is willing to poison the whole population for 5 cents tax on a pound.

Mr. MILLER. I think the Senator must be mistaken in his reference. I said nothing about dead cats, dogs, or any other dead animal except dead cattle and hogs. He is referring to some one else.

Mr. VEST. I listened to the Senator until my stomach rebelled and I left the Chamber. [Laughter.] I presumed that he was putting all the offal and refuse in the country into oleomargarine.

It is a most remarkable fact, and yet it is glaring all through this discussion and in all these petitions and affidavits and chemical analyses, and all the arraignment of figures from learned authorities, professors, and presidents, and physicians, and divines, and eminent farmers, not one solitary word is heard from any poor devil who contracted dyspepsia or any other disease by eating oleomargarine. The poisoned people seem to be the happy people.

Mr. MILLER. They do not know it.

Mr. VEST. Of course not, and yet it is deadly. Where does the complaint come from? Where is the human being that complains of it? This bill is a part of this sumptuary system in which some people are so good and wise and pure and holy that they want to take care of

all the stomachs as well as the morals of everybody else. We are to be told what we shall drink and what we shall eat and what we shall wear and how we shall worship God. And the doctrine of the commune is being taught now all over this country—that the individual is nothing and the Government is everything; that I belong to the Government, with my family, and if I do not treat my wife and children as the Government thinks right it shall interfere; and if I want to eat anything that suits me I can not do it, because it is not good for my stomach; and if I want to drink I can not do it, because I am destroying my usefulness and impairing my private fortune so that I can not pay taxes to the Government. It is the doctrine of the commune, and there are certain people in this country who are never happy unless they practice it.

Here now is the Senator from New York catching every poor fellow who can not pay 26 cents a pound for butter and can pay 12 or 14 for oleomargarine, and chokes the very life out of him because he will not take his butter. He can not have oleomargarine because it would put him into the hands of a doctor, and if he protests and says, "I like it," he is told, "But you do not know what is good for you; I am the judge, and Congress," and we shall set up a general dispensary, and physic through our laws the entire population of this country.

I do not wish to discuss the question whether it is healthy or not. I have nothing to do with that. As I will undertake to show directly, I think beyond the possibility of cavil, that is a question for the States and not for Congress, and as a member of Congress I have nothing to do with that police power at all.

But in passing I will ask the Secretary to read one article so that the Senator from New York can see that there is very good authority on the other side of this question as to the healthfulness of oleomargarine.

Mr. MILLER. I stated that it was a disputed question.

Mr. VEST. Let the Secretary read the article I have marked. I will say before the article is read that I went to the Senators from Connecticut and inquired in regard to the gentleman who is the author of it. He is a chemist in the Wesleyan University, the largest Methodist educational institution in this country. He is a chemist, and the lady, Miss Palmer, is a lady of as high character and of as much intelligence as any in this whole land. Now I want the Secretary to read that article.

The Secretary read as follows:

THE CONSPIRACY AGAINST CHEAP BUTTER.

To the Editor of the Nation:

SIR: In Boston, by a combination of municipal appropriation and private benevolence, cooking schools have been established in which girls attending the public schools, many of them from families of very limited means, are not only taught the art of cookery practically, but are told about the composition and nutritive values of foods, and how to select as well as use them most economically. The teachers are not merely ladies of large general intelligence and skill in household affairs, but have had especial training in the scientific principles that underlie the right exercise of the art they teach. One of these schools is in North Bennett street, a quarter inhabited by the poorer people of the city. Miss Palmer, the teacher in this school, in referring to the efforts made to instill right ideas of economy, says:

"I do not find much difficulty in getting my girls to see that inexpensive foods are really wholesome, nutritious, and good. * * * The children are much interested in learning the price of oleomargarine (the best is 14 cents a pound here now) as compared with that of butter. * * * No butter has been used at the North Bennett street cooking school during the past year, and, had it not been for oleomargarine, I should have rejected, on the ground of extravagance, dishes which we were thereby enabled to cook. The children buy the food they prepare, if they so desire, at the cost of the materials, and it has been my object to keep the price of even the most attractive articles so low that even the poorest girls might take them home and reproduce them there. * * * I visited a poor family yesterday (who have lately become comparatively prosperous), * * * and asked about the butter they used, and learned that they allowed themselves for cooking and table use for five persons but a pound a week at 28 cents per pound, which is the lowest price, even at this season (June), at which butter is palatable. How much better it will be for her (her mother) to use oleomargarine at 14 cents in the future! * * * When the directors of the school held their meetings there they wanted a noon lunch. I had no butter to give them, so they ate oleomargarine on their bread much more cheerfully than they would have eaten poor butter."

Miss Palmer cites other instances of the use of oleomargarine in places where oleomargarine is used with greatest satisfaction among well-to-do people, and considers its general use, especially for cooking, very advisable.

While the oleomargarine bill, which, instead of providing for regulation of the manufacture and sale of imitation butter in such ways as to prevent use of unwholesome materials, and to insure its sale on its merits, proposed to tax it so high as to bring the price up to that of butter, and render the manufacture and sale unprofitable, was pending in the House of Representatives at Washington, the Connecticut Farmer called upon its readers to keep close watch upon their Representatives in Congress, and by their future votes to "strike down any man, be he Republican or Democrat," who should not vote for the bill. Three Connecticut Representatives supported the measure, and received the warm approval of that journal. The single one who opposed it received a full measure of the threatened opprobrium.

Now notice the contrast. Science has shown how an excellent food product may be brought within the reach of that large mass of people of limited means who make up the bulk of our population—a product to whose nutritive value specialists bear unanimous testimony, and with whose flavor even the critical are content. In the exercise of an especially useful charity, a school, supported by public and private benevolence, teaches daughters of families in moderate circumstances and of the worthy poor in Massachusetts how to work toward elevation of their home life, by more refined and judicious economy in selection and use of food the cost of which makes more than half of their whole living expenses. With other things, this food product is wisely commended. But another class of the people, the dairymen, regarding this food product as interfering with their own profits, ask, not that its improper manufacture and sale, of which they justly complain, shall be regulated in accordance with the principles of legislation that justice and experience have approved, but that it shall be subjected to a tax which will not only put its price beyond the poor man's reach, but, if practicable, stop its manufacture. Is this the fairness and the wisdom which the American people will approve?

W. O. ATWATER.

CHEMICAL LABORATORY, WESLEYAN UNIVERSITY,
Middletown, Conn., July 2, 1886.

Mr. VEST. I did not have that read in order to go into a discussion of the question whether oleomargarine be a healthy food or not. I simply want to show that there is an honest difference of opinion about it; but if this be the most deleterious and unhealthy compound ever invented by mortal man either for greed or malice, we have nothing to do with it. Unless we can satisfy ourselves that we are legitimately exercising the taxing power in this case, we have nothing to do with the question of the health or the deleterious nature of this much-abused product. If frauds be perpetrated upon the citizens of the United States by inducing them to eat this oleomargarine when they suppose they are eating dairy butter, when it is marked and branded falsely as butter, that is within the cognizance of the States alone. The Supreme Court of the United States has so decided in an unbroken chain of authorities from Gibbons *vs.* Ogden, decided by Chief-Justice Marshall in 9 Wheaton, down to the term before last of the Supreme Court.

I have taken the trouble to collate these authorities, and I assert now that in Gibbons *vs.* Ogden, in 9 Wallace, in 7 Wallace, in 11 Wallace, in 16 Wallace again, in 92 United States, in 97 United States, in 5 Wallace, in 9 Wallace, and in 97 United States the Supreme Court through different judges has over and over again in one unbroken line of authorities declared that health, quarantine, and inspection laws were given by the Constitution to the States alone. Chief-Justice Marshall said, in the case of Gibbons *vs.* Ogden, speaking of inspection laws:

> They form a portion of that immense mass of legislation which embraces everything within the territory of a State not surrendered to the General Government and which can be most advantageously exercised by the States themselves. Inspection laws, quarantine laws, health laws of every description, as well as laws for regulating internal commerce of a State and those which respect turnpike roads, ferries, &c., are component parts of this mass. No direct general power over these objects is granted to Congress, and consequently they remain subject to State legislation.

Mr. President, to make this thing so clear to a lawyer that there can be no mistake about it, in the case of Patterson *vs.* The State of Kentucky, where the opinion was a unanimous one and delivered by Mr. Justice Harlan, the facts were these: Patterson brought into the State of Kentucky, as he had a right to do, an oil called "Aurora Illuminating Oil," and it was held by a Kentucky court that the sale of it inside of the State was in violation of a Kentucky statute, and he was fined $250. He had a patent for this oil, and he came to the Supreme Court of the United States claiming that his patent gave him the right to sell the oil anywhere within the domain of the General Government, ignoring the police power of the States, ignoring the fundamental legal axiom that a citizen has a right to take any product of one State to another and that State into which it is carried can not prohibit its importation, yet if he undertakes to sell that product within the territorial limits of the State he becomes subject immediately to its police power. I may take any of my property from the State of Missouri to the State of Illinois, but the very minute that my foot presses the soil of Illinois the police power of that State attaches to me and to my property; and if this were not so the State would be destroyed absolutely and without the right to protect its own citizens. Said Judge Harlan, in delivering this opinion:

> It is not to be supposed that Congress intended to authorize or regulate the sale within a State of tangible personal property which that State declares to be unfit and unsafe for use, and by statute has prohibited from being sold or offered for sale within her limits. It was held by Chief-Justice Shaw to be a settled principle, "growing out of the nature of well-ordered society, that every holder of property, however absolute and unqualified may be his title, holds it under the implied liability that his use of it shall not be injurious to the equal enjoyment of others having an equal right to the enjoyment of their property, nor injurious to the rights of the community." (Commonwealth *vs.* Alger, 7 Cush., (Mass.) 53.) In recognition of this fundamental principle we have frequently decided that the police power of the States was not surrendered when the Constitution conferred upon Congress the general power to regulate commerce with foreign nations and between the several States.

It is claimed here by the advocates of this bill that this police power is within the authority of Congress to regulate commerce between the States. The Supreme Court answers that identical proposition and says:

> Hence the States may, by police regulations, protect their people against the introduction within their respective limits of infected merchandise. "A bale of goods upon which the duties have or have not been paid, laden with infection, may be seized under health laws, and if it can not be purged of its poison may be committed to the flames." (Gilman *vs.* Philadelphia, *supra.*) So may the States, by like regulations, exclude from their midst not only convicts, paupers, idiots, lunatics, and persons likely to become a public charge, but animals having contagious diseases. (Railroad Company *vs.* Husen, *supra.*) This court has never hesitated, by the most rigid rules of construction, to guard the commercial power of Congress against encroachment in the form or under the guise of State regulation, established for the purpose and with the effect of destroying or impairing rights secured by the Constitution. It has, nevertheless, with marked distinctness and uniformity, recognized the necessity, growing out of the fundamental conditions of civil society, of upholding State police regulations which were enacted in good faith, and has appropriate and direct connection with that protection to life, health, and property which each State owes to her citizens.
>
> These considerations, gathered from the former decisions of this court, would seem to justify the conclusion that the right which the patentee or his assignee possesses in the property created by the application of a patented discovery must be enjoyed subject to the complete and salutary power with which the States have never parted, of so defining and regulating the sale and use of property within their respective limits as to afford protection to the many against the injurious conduct of the few. The right of property in the physical substance, which is the fruit of the discovery, is altogether distinct from the right in the discovery itself, just as the property in the instruments or plate by which copies of a map are multiplied is distinct from the copyright of the map itself.

If my strength permitted I could stand here and read by the hour a line of unbroken decisions by the Supreme Court of the United States

that the police power is prohibited to Congress within the respective States and given to the States alone. I have searched thoroughly from the case of Gibbons *vs.* Ogden down to the last term of the Supreme Court, and there is not a dissent. I say that the assumption here in this debate that the Government of the United States can go into any State and interfere with its internal domestic police regulations is the most monstrous political heresy that ever was announced in the American Senate. It is an absolute and utter abrogation of all the limitations of the Constitution and of the construction put by the highest judicial tribunal of the land upon that instrument.

It is worse than the most extreme federalism that Alexander Hamilton ever taught in the whole of his extraordinary career. It is the essence of centralization. If the General Government can, under the guise of exercising the revenue power, interfere to prevent a fraud, no matter how glaring that fraud may be, if the Congress of the United States can go into any State of the Union and usurp the functions of the State authorities, and set that State with all its power aside until its purposes are carried out, what is left of the States? With my whole heart and soul I denounce any such assumption. The Constitution never intended that Congress should act as a police instrumentality; and to say that the power to regulate commerce among the States carries with it any lawful police power is just as monstrous as the naked and bald annunciation of the doctrine itself in all its enormity.

Mr. President, it is hardly necessary for me to notice one or two assumptions that are made by the advocates of this bill. This power is claimed under the general-welfare clause, claimed under the power to regulate commerce between the States, and at last it is claimed upon the broad ground that it is the duty of Congress to legislate for the benefit of the people at large in this country. I can have no argument with any Senator who makes that assumption, because he ignores the written limitations of the Constitution and says that Congress can do all that it wishes to do without let or hinderance.

I know, Mr. President, as we have been told so often by the advocates of this bill, that there is an enormous influence behind this legislation which public men must beware of. I know how easy it is to array the prejudices of a great class like the farmers of the country, especially when supplemented to that bill is the denunciation of the monopolies and the great gigantic capitalists of the country. I have no acquaintance even with a manufacturer of oleomargarine. I represent one of the largest agricultural States of this Union, but neither the agricultural interests nor any other interests can induce me to trample upon the principles of the Constitution and to violate my oath to support it. And if I should condescend to notice such appeals as that, I have one other thing to say.

Great as is the dairy interest of this country, there is another interest even greater than that, putting aside our obligations to support the Constitution. I want Senators to understand that the laboring and poorer classes of this country understand full well what this means when you tell them that they shall not buy what they please, that they shall not purchase oleomargarine at 12 or 14 cents a pound, but must go and buy dairy butter at 25 or 30 or 40 cents a pound. Why, sir, we see all over the country immense fortunes made by selling this dairy product, not by the farmer, but the city dealer. Mr. Armour says that his best customers are the dairymen. He says his largest trade in butterine comes from the gentlemen who are engaged in the sales of pure Alderney dairy butter!

But there are interests in the country besides this dairy interest. It is asserted by the cattle-men—and the cattle interest is the largest interest west of the Mississippi River—that the passage of this bill will decrease the value of every head of beef-cattle from two to three dollars at the lowest estimate. In my own State alone we have one million six hundred and forty thousand beef-cattle; and take off $1 even from each one of these animals and you can easily see the enormous loss that falls on this interest alone.

The cattle-men of the country have been compelled to meet with the assertion of their own interest the advocacy of this bill. I have here a letter addressed to the Senator from Illinois [Mr. LOGAN], which I ask the Secretary to read. This comes from a gentleman interested in cattle, and the statement I make here I derive from a committee of cattlemen who called upon my colleague and myself, representing the large cattle interest in Missouri, and who simply ask us not to pass a law in the interest of the dairy people which strikes down the value of their property, and they have a right to ask it.

The Chief Clerk read as follows:

DEAR SIR: I notice that the oleomargarine bill, having passed the House, has now been reported to the Senate without amendment. The general expectation seems to be that your honorable body will adopt it also with the idea of placing the responsibility on the President if he should see fit to veto it. There is no justice or right in this oleomargarine measure, and the Senate of the United States should never permit it to reach the President for his signature.

Let me call your attention to a few facts regarding the bill: In the first place the bill is alleged to provide for a tax upon oleomargarine, when in fact it calls for a tax upon all the cattle raised in the United States. It ostensibly cuts down the profits upon the manufacture of oleomargarine, but in fact cuts down the selling price of every steer raised in this country. The tax of 5 cents per pound upon oleomargarine, as provided for in this bill, would not place one penny into the pockets of the dairymen of the country, but it would take $2 per head off the market price of every steer raised in the American Union, and I will tell you why: The heaviest makers of oleomargarine in the United States are also the heaviest buyers of cattle in the United States. I refer to the three great firms comprising the dressed-beef monopoly of the Union Stock Yards of Chicago. An interested people know this trinity of dressed-beef, cattle-buying monopolists have thrived and waxed fat financially by reason of cut rates and rebates upon railroads running to the seaboard. One of them, having at his back the Grand Trunk road of Canada, has been enabled to slaughter one-third of all the fat cattle arriving in Chicago; the others of the trinity are given similar advantages by roads leading to the same Eastern markets, but ruled by managers who believe in underhand and *sub rosa* rebates. The result is that these few makers of oleomargarine and buyers of cattle hold within their iron grip this, the greatest cattle market in the world, and are in a position to pay the farmer for his cattle whatever price may best please their sweet monopolistic wills.

Now, in case this bill is passed these makers of oleomargarine will have to pay a tax of 5 cents per pound on every pound they make. How will they get even? By simply paying the farmer and cattle-raiser just $2 less per steer for every steer brought to this great Union Stock Yards cattle market—a market which makes the price for all cattle markets throughout the Union. Mr. Senator, will this state of things help the farmer or cattle producer? Most certainly not. Will it help the dairymen? Let us see. There is much more neutral lard than tallow used in this country in the manufacture of butter; all dairymen use neutral lard in greater or less quantities in butter making. Our finest creamery butter receives its share of neutral lard. Indeed, where one pound of tallow is used in the making of butter at least four pounds of neutral lard are used. This being the case, why tax the steer, as, in plain English, this bill will do and let the hog go free.

Oleomargarine is largely exported and is not so generally used in this country as neutral lard. Another thing, the placing of this tax upon oleomargarine will not stop in the least its manufacture. The tallow from the steer must be used in some direction, and as the great production of petroleum in this country has caused that product to almost wholly replace tallow as a lubricator, and in other channels, the only opening left for its use is in the manufacture of oleomargarine. Even with a 5-cent tax the cheapness of tallow would still permit the large manufacture of oleomargarine. Nothing less than a 15-cent tax would benefit the dairymen in the least, and in case a 15-cent tax was imposed it would fall, as I have shown, upon the cattle-raiser, and not upon the maker of oleomargarine. The bill you are about to pass, in the very best light you can place it, is a tax upon one of the great industries in the West—cattle-raising—to benefit a large Eastern interest—the dairymen. It is not against common honesty to tax one great agricultural interest in favor of one no less important, but fathered, perhaps, and protected by a larger representation in the Congress of the Union.

Respectfully,

S. W. ALLERTON.

Mr. VEST. Now, Mr. President, putting it in the most conservative shape, I decline to exercise what every Senator must admit to be a doubtful constitutional power in order to strike down one interest for another; I will never give any vote which discriminates between one interest and one class of producers in favor of another, for it is to use the Government for private and not for public purposes. Statesmanship, honesty, my oath to support the Constitution as an individual Senator forbid. The laws of the United States should apply alike for the protection of all its people in all the parts of this great Union. Let them be free to apply their own industry, free to follow their own inclinations, provided those inclinations and pursuits do not militate with the just rights of others.

If I vote for this bill I subvert the fundamental principles of free government and use the machinery of Government out of the sphere where the Constitution has placed it in order to forward and advance the interests of one set of producers at the expense of another. If the advance in invention, in machinery, in the wish and aim to meet the increasing wants of civilization result in the discovery of a new food product, it is my duty as a legislator to protect that industry and that product as far as I can. If fraud is committed under it the States are the only instrumentalities that can take charge of those frauds and punish and prevent them.

The State of Missouri in 1881 passed a law virtually prohibiting the manufacture or sale of oleomargarine within its limits, and that law has been three times amended, but the miserable argument and illogical sequence is put before me that the State has not the machinery to enforce its own laws. What is the result of that doctrine? It is to teach the American citizen to look away from his State government, as the Senator from Vermont has said here over again, from the State authorities to the Congress of the United States and beg protection from them. The whole result, not of that argument, for it is no argument, of that appeal is to teach the people of the United States that their State governments are powerless for good and that Congress alone can protect their persons, their property, and their constitutional rights. I shall not be a party to any such teachings. When the States can not protect their people with their own police power, this Government as a free Government has ended, and the imperial centralized system has taken the place of constitutional limitations which our fathers intended to establish.

Mr. VAN WYCK. Mr. President——

The PRESIDENT *pro tempore*. If the Senator will pause a moment the Chair will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House requested the Senate to furnish the House of Representatives an engrossed copy of the bill (S. 1042) to pay B. S. James for transporting the United States mails.

The message also announced that the House had non-concurred in the amendments of the Senate to the joint resolution (H. Res. 89) providing for the distribution of the Official Register of the United States,

asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BARKSDALE, Mr. REID of North Carolina, and Mr. FARQUHAR the managers at the conference on the part of the House.

The message also announced that the House had passed a concurrent resolution for the printing of the report of the Director of the Mint on the production of the precious metals in the United States for the year 1885; in which the concurrence of the Senate was requested.

The message further announced that the House had agreed to the following resolutions of the Senate:

A resolution for the printing of 4,500 additional copies of the report of the Academy of Sciences for the year 1885;

A resolution to print 3,000 extra copies of the report of the Superintendent of the Coast and Geodetic Survey for the year ending June 30, 1885; and

A resolution to print 26,000 copies of the third annual report of the United States Civil Service Commission.

The message also announced that the House had passed the following bill and joint resolutions, in which it requested the concurrence of the Senate:

A bill (H. R. 9798) making appropriations for fortifications and other works of defense and for the armament thereof for the fiscal year ending June 30, 1887, and for other purposes;

Joint resolution (H. Res. 22) authorizing the preparation of a compilation of the reports of committees of the Senate and House of Representatives; and

Joint resolution (H. Res. 160) to authorize the Commissioner of the General Land Office to cause 15,000 copies of the map of the United States and Territories to be printed.

MINT REPORT.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That the report of the Director of the Mint on the production of the precious metals in the United States for the year 1885 be printed, and that 6,000 extra copies be printed; 4,000 copies for the use of the House of Representatives, 2,000 copies for the use of the Senate.

B. S. JAMES.

The PRESIDENT *pro tempore* laid before the Senate the following request of the House of Representatives:

Ordered, That the Clerk be directed to request the Senate to furnish the House of Representatives an engrossed copy of the bill (S. 1042) to pay B. S. James for transporting the United States mails.

The PRESIDENT *pro tempore*. Shall the request of the House be granted?

The request was granted.

Mr. PLATT. Mr. President, is not that an unusual request from the House, that the Senate be requested to furnish them with a copy of an engrossed bill? I should like to have that resolution read again.

The PRESIDENT *pro tempore*. It will be read. The Chair understands the engrossed bill was lost.

The Chief Clerk read the request of the House of Representatives, as follows:

Ordered, That the Clerk be directed to request the Senate to furnish the House of Representatives an engrossed copy of the bill (S. 1042) to pay B. S. James for transporting the United States mails.

Mr. PLATT. The engrossed bill furnished has been lost by the House?

The PRESIDENT *pro tempore*. So the Chair is advised. That is the allegation in the House.

Mr. PLATT. Then I have no objection.

HOUSE BILLS REFERRED.

The following joint resolutions from the House of Representatives were severally read by their titles, and referred to the Committee on Printing:

Joint resolution (H. Res. 22) authorizing the preparation of a compilation of the reports of committees of the Senate and House of Representatives; and

Joint resolution (H. Res. 160) to authorize the Commissioner of the General Land Office to cause 15,000 copies of the map of the United States and Territories to be printed.

The bill (H. R. 9798) making appropriations for fortifications and other works of defense and for the armament thereof for the fiscal year ending June 30, 1887, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

WITHDRAWAL OF PAPERS.

On motion of Mr. WILSON, of Iowa, it was

Ordered, That J. M. Hiatt have leave to withdraw his papers from the files of the Senate.

PETITIONS AND MEMORIALS.

Mr. PLUMB presented four petitions of citizens of Kansas, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. HAWLEY presented three petitions of citizens of Connecticut, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. McMILLAN presented four petitions of citizens of Minnesota, praying for the passage of certain bills in relation to public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

BUTTER AND OLEOMARGARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine.

Mr. VAN WYCK. Mr. President, I should probably not have trespassed even for a few minutes on the time of the Senate except for the allusion of the Senator from Missouri [Mr. VEST] to suggestions made by myself at the time this bill was referred to the Committee on Agriculture which might have placed me in a wrong position as to what I assumed in regard to this matter.

There seems to be but little difference on both sides of the Chamber, or rather between the friends and opponents of the bill, as to general principles; but the difficulty is as to the state of fact, and then as to the application of principles thereto.

There is no attempt made by this legislation to trespass on the police regulations or laws of any State, and hence when the Senator from Missouri was reading the last decision which he read, that a State might prohibit the introduction of goods infected with disease, I should like to have propounded a question to him. If on the Atlantic seaboard in different ports goods were lying, upon which duties had been paid, which were infected with the germs of disease, and Congress knew that fact, and there might or might not in the different States of this Union be laws prohibiting the introduction of goods of that nature, I ask him if he believes it would not be within the power of Congress to provide that goods of that character should not be introduced into any of the States of this Union? Does he believe Congress has no power to do an act of that kind, whether there may or may not be a law of the State on the subject?

So to announce general principles is one thing and the application of general principles is quite another. My friend from Missouri says we are seeking to protect one industry at the expense of another. I beg leave to say that that is a statement of fact upon which there is not an agreement. When he says we ought not to protect one industry at the expense of another, I agree with him. I stand as firmly and as broadly upon that proposition as the Senator from Missouri or any other Senator; but that is not this case. The question is whether one honest industry shall be protected against the fraud of another industry. That is the question—not to tear down one to build up another. That is not the point.

Before there was any legislation proposed in Congress on this matter men who are engaged in the manufacture of oleomargarine were perpetrating what, I trust I may be allowed to say, is a fraud, a pretense upon the people of the United States. One of the greatest manufacturers of oleomargarine is the firm of Armour & Co., in Chicago. No one, I suppose, will question their honesty or integrity; and so what I say of them will not be taken as meant in an offensive way or as a reflection on them. Whatever this manufacture may be—you may call it a fraud or whatever it may be—it is an imposition upon the people to manufacture one product of honest industry and then palm it off upon the people and upon commerce as another. Shall that be protected? That is the point; not striking down one industry to build up another, but, as I have suggested, protecting one industry, if you please, from the injustice of another.

Why is oleomargarine put up in the shape of butter if it is not intended to deceive? Before there was any bill introduced into Congress Messrs. Armour & Co. came here and they now come and tell us they brand their goods, they label them so that nobody can be deceived, and yet the very brand which they make and put upon this production shows an intention to deceive. Here is their own brand [exhibiting]: "Armour & Co., Pure Dairy Butterine." Why "dairy?" Will somebody tell me why put in "dairy" if not intended to deceive? "Pure dairy butterine." Then another brand they have. If they can get on the racket of that, as the boys would say, they have another brand: "Armour & Co., Finest Creamery Butterine." Why "creamery?"

Mr. MILLER. The Senator will permit me to suggest that I think he was present in the committee at the time Mr. Webster produced that brand and said to the committee that, at the request of a customer, they would leave off "butterine" and "oleomargarine" entirely and put on any fancy name as "Oakfield Creamery" or anything else anybody might want.

Mr. VAN WYCK. Exactly. That was being done before any bill was introduced into either House of Congress. Gentlemen say they have a right to make oleomargarine or butterine. Certainly they

have; and if it had been kept as oleomargarine and butterine and so had been placed on the market the first word probably never would have been uttered in the legislation of Congress on the subject.

This oleomargarine you say is a legitimate product. Certainly. Then sell it as a legitimate product; but when you brand it as something else, the intention is to deceive and to impose a fraud upon the commerce and upon the people of the country and nothing else. There is the fact, and that fact will answer all the theories that may be started. No matter about State rights. That has nothing to do with it. No matter about the Constitution that is brought in on every convenient occasion—no matter about that. Here is the point. Here is a legitimate product branded as a fraud. What then? Then they say police regulations. Certainly. Your State of Kentucky may have a regulation in regard to the danger of burning-fluid and provide against it; your State may have a law providing against the introduction of goods infected with disease. Certainly, if Congress should assume, in violation of your State law, to insist that inflammable material should be sold in your State, if Congress should undertake to assume that goods infected might be sold in your State in violation of your statute, then we could understand the decision. But here Congress is only doing what by the Constitution it is authorized to do, regulating commerce between the States. What is commerce? It is too late in the day to discuss that. This is a branch of it. Transporting cattle alive from Chicago to New York is commerce. That is conceded. Transporting cattle dead is commerce. Transporting a production made from cattle, oleomargarine, branded as it is with a falsehood, is commerce, and the power to regulate that seems to me to be the beginning and ending of this matter.

When gentlemen speak of this production being legitimate, I agree with them as far as the facts will excuse it; but look at this brand of the manufacturers, the great producers of this production, and they brand a falsehood upon it and set it afloat through the channels of commerce to wend its way from Chicago to New York and other portions of the country.

Mr. President, I doubt very much whether the passage of this bill will be as much in the way of suppression as is supposed by some. I hope it will. Mr. Armour buys cattle cheap. Mr. Armour doctors his goods, brands them, and the object of that is what? That the price of these goods may reach in the market the price of genuine butter. Is not that what he does it for? The Senator from Michigan [Mr. PALMER] a few days ago said Michigan butter was 8 to 10 cents a pound. Gentleman go farther west, and find it selling for 6 or 8 cents a pound. Absolutely pure butter in some parts of the United States is selling for less than this manufactured article branded as it is. I doubt very much whether the passage of the bill will raise the price of butter, probably not much more than it will affect the price of milk. Milk has access to the market which my friend refers to; and yet that industry is depressed in New York.

There is fraud in all these pursuits. If they could manage to wring the water out of the milk, undoubtedly milk could be profitably produced, and so if we could manage to get the grease out of butter as well as the water out of the milk. Fraud exists everywhere. That is the misfortune at this time, and the question is how to reach it. We think we can reach it. There is no reason why we should not do it.

I wanted to make myself right on the question of the power which the Senator from Missouri says we are seeking to exercise of protecting one industry to the injury of another. This power has been frequently exercised to prevent and regulate adulterations. We have done it in the case of medicines. We have done it in the case of whisky. Congress has done it, you may say, for a different reason, but yet it has been done. The power of protecting one industry at the expense of another is not assumed by this bill, but it is, as I have stated, to prevent one industry from defrauding another.

This oleomargarine has been assuming the guise and fraudulently masquerading in the color of butter. Oleomargarine is white; that is, the natural product of the legitimate industry; but it is in the guise of butter in color and then in flavor, though the original production has neither the color nor flavor of butter. When that is all done as far as they can do it, they give it the name and brand it "dairy" and brand it "creamery." This bill is only to restrict that and compel it to stand on its own merits, and Congress deems this the best way to accomplish that object. It is a matter of commerce. Adulterations are made, and that subject is within the power of Congress.

On one branch of that point I find right here in the District of Columbia that Congress passed a law that flour should be inspected. True, it was restricted to the District of Columbia; but there are two branches to the argument against this bill. First is it the duty of the Government to undertake to regulate a legitimate industry, and next is it a constitutional exercise of power? As to the first, Congress has legislated in the District of Columbia that flour shall be inspected and that a tax shall be imposed on every barrel of flour to pay for its inspection. Congress has exercised that power of controlling a legitimate industry by requiring right here under the shadow of the Capitol that every barrel of flour shall be inspected by an inspector who shall after he has inspected it brand it. You may ask what right is there to brand any goods in the market the product of a legitimate industry, and then if any man shall sell them without their being inspected and branded he is to pay a fine of a dollar a barrel. There is a tax on a barrel of flour. That answers one point as to the absurdity of taxing an industry.

Now Congress desires to reach this other matter, because the very promoters of it have made it necessary that Congress shall reach it. How shall they do it? I desire to say now and here for myself that whatever is imposed is not to raise money to put in the Treasury. I agree with the Senator from Missouri that we do not need it. We have money enough in the Treasury. It is not for that purpose, and it is not to build up one industry to the injury of another; but the best way to provide against a fraud is to regulate the manufacture of the article, and then we can protect commerce and protect the people from using it. It is said people use this because it is cheap, that poor men use it only because it is cheap. Are they benefited by the manufacturers of this thing branding it as butter and obtaining the price of butter for it?

Congress undertakes to say "We will deal with this question as a matter of commerce," and how shall we deal with it? We provide this machinery for its inspection, for its examination, and in order to pay the expense of this machinery we put a tax upon the article. The manufacturers of it have rendered it necessary by the frauds they resort to to impose upon commerce, and therefore all that Congress does is to place a tax upon it sufficient to defray the expense of its inspection. If there is more received than is necessary, Congress can relieve by reducing the amount.

The Senator from New York says very properly that Mr. Webster said they branded this according to the wants of the people. I read from his examination before the Committee on Agriculture:

The CHAIRMAN. Do not all the manufacturers in branding it leave out the words "oleomargarine" and "butterine," and simply brand it "dairy" or "creamery?"

Mr. WEBSTER. Possibly so. Sometimes they put on a single name without specifying whether it is dairy or creamery.

The CHAIRMAN. What do you mean by that?

Mr. WEBSTER. Sometimes they will put on the name with the word "oleomargarine" under it.

The CHAIRMAN. Does your house ever brand it without using the words "butterine" or "oleomargarine?"

What? You say it is a legitimate article of commerce!

Mr. WEBSTER. Yes; but not to any great extent. We do that on an order, because customers ask it.

Why do they ask it? What is the objection to this article being branded as it is, and showing just what it is? Here one of the great manufacturers, a firm without reproach, states these facts, and they show sufficient in them to induce Congress to interpose and protect commerce, and to protect honest and fair dealing, and if they have rendered it necessary that something shall be done, Congress must determine what that shall be, and they have determined to deal with it as commerce, and in order to furnish the machinery they put this tax on that article and declare that this much shall be done for protection.

My friend says that west of the Mississippi River they are interested in raising cattle. Certainly I partake of that feeling with my friend from Missouri, but I desire to say to him that whether some of the suet is made into oleomargarine and butterine or not has not a feather's weight in the price of the cattle. It is the great commerce, it is the great market which gives the value—the price in the market. There are only about thirty establishments engaged in the manufacture of oleomargarine. There are only a few localities in the United States where it is made. Do you pretend that Mr. Armour and these men are those who fix the price of cattle? No; in a thousand other places they buy this beef for food and can only use it for food, and there you get the market price.

Do Mr. Armour and the thirty other manufacturers of oleomargarine by their purchases settle the price of cattle? Do they make the cattle more valuable by converting a portion of the animals into this article and then branding it fraudulently, thereby getting a higher price for it? Do Mr. Armour and the other thirty manufacturers raise the price of beef one penny a pound? I can not believe it and I think dealers generally do not believe it, because there are thousands of others who buy and slaughter cattle. The price must be regulated by the great mass of purchasers and the great consumption of the article.

While I agree to much that has been said by the opponents of the bill as to matters of principle, I only rose to explain how these principles do not apply, and that the power Congress is seeking to apply is not of a doubtful character and is not only proper in itself but a judicious application of it.

Mr. BUTLER. Mr. President, I shall not detain the Senate long.

Congress since the foundation of the Government has taken a good many liberties with the Constitution. There have been times in its history when it confessedly camped outside of the Constitution. Very prominent statesmen have denounced the Constitution as "a covenant with death and an agreement with hell." True, that charge was made in times of great excitement, immediately on the heels of a gigantic civil war, before the passions of the people had subsided, and therefore may be partially excused on that ground. But, sir, I had hoped that there was reverence enough for that instrument to have saved it from the assaults which we now see being made upon it.

The Senator from Nebraska who has just taken his seat [Mr. VAN WYCK] sneered at those who chose to rely upon the Constitution for their guidance as "hiding behind the Constitution," and said in terms, almost, that the Constitution was not in his way, he would brush that aside, and he would pass this act without regard to its provisions or limitations or restraints.

Why, Mr. President, it is painful in this forum at least to hear language like that from a distinguished Senator from a sovereign State. Throw the Constitution aside as something unworthy to be considered, and allow Congress or a majority of it in its own sweet will to do whatever it thinks right; ignore the Supreme Court of the United States; ignore precedent, trample upon the fundamental principles of the Government, and establish upon the ruins an unbridled parliamentary government to do as it pleases. That, sir, is the position; and of all the violations that have been shown to it, I submit that this bill, in my judgment, is the most flagrant, unblushing disregard of the principles of the Constitution that has ever been introduced into the Congress of the United States.

It is not pretended by the advocates of this bill that the purpose is to raise revenue, and I submit to any constitutional lawyer upon this floor or elsewhere that that, and that alone, is allowed by the Constitution. Why, sir, we are not permitted under our consciences to accomplish by indirectness that which we have not the power to accomplish directly. We surely shall not attempt to usurp the reserved powers of the States in the regulation of their police affairs or their quarantine affairs by using the taxing power to suppress them and blot them out of existence. That is in effect what this bill proposes to do.

I shall not attempt to go over again the arguments which have been so ably presented by the Senators who have preceded in opposition to this bill in the constitutional or legal aspect of the question; but I will put my objections solely on the ground that it is in itself not only unwise legislation, but that it is unjust and is in itself a fraud.

We have heard a good deal on the subject of fraud to-day, fraudulent oleomargarine, butterine, and various frauds. I confess that I have no accurate knowledge upon that subject. I doubt very much if I would recognize oleomargarine when I saw it or tasted it. I know nobody who manufactures it or sells it. I have never heard, it has never been asserted upon this floor, that it is not a perfectly legitimate industry, that any citizen of the country may not manufacture oleomargarine if he pleases; but the gravamen of the complaint is that after he manufactures it he does not label it "oleomargarine," and that seems to me to be about all that is complained of. Now, if it be true that it is healthful, that it is what it purports to be, I submit that Congress has no power under the Constitution, or, as I said a while ago, in the exercise of its own conscience, to suppress it in the interest of another industry.

I have said that this bill itself was a fraud, and I should be very glad if the chairman of the committee would explain to me and to the Senate the meaning of the first section, for perhaps he is more familiar with the manufacture of dairy butter than myself. The very first section is:

That for the purposes of this act the word "butter" shall be understood to mean the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter.

I should be very glad if the chairman of the committee would explain to me why that reservation was put into the first section of this bill if it was not to enable the so-called dairymen to perpetrate a fraud upon the people of this country. Will any honest man who makes butter find it necessary to put coloring matter into it unless he intends to perpetrate a fraud upon the consumer of that product, and if he does not intend to perpetrate a fraud why give him the right by act of Congress purporting to suppress a fraud? Why give him the power and the right under the law to perpetrate a fraud himself?

Mr. MILLER. What is the fraud?

Mr. BUTLER. "With or without additional coloring matter."

Mr. MILLER. The Senator ought to know that in the manufacture of the dairy in the ordinary process from the milk of the cow coloring matter has been used from time immemorial.

Mr. BUTLER. Coloring matter? Why, will the Senator inform me? Why use coloring matter? A great deal has been said about the fraud of oleomargarine. If the dairyman is honest and is going to give to the consumer what he claims to make, why put coloring matter in it? Why interfere with the laws of nature, and take the natural product of the cow and put coloring matter into it? What coloring matter? Has anybody vouchsafed to tell us what that coloring matter is, whether it is wholesome or unwholesome?

Mr. MILLER. I assume, of course, that the Senator is familiar enough with the manufacture of the dairy in the old-fashioned way to know what the coloring matter used is.

Mr. BUTLER. I am not.

Mr. MILLER. It is perfectly wholesome. It is always a vegetable matter, and it is what is called annotto.

Mr. BUTLER. I did not hear the Senator.

Mr. MILLER. It undoubtedly has been used for a great many years, how many years I do not know. But it is well known to the dairymen that the different kinds of foods given to a cow will produce some difference in the color of the butter, and in order that the manufacture may have a uniform color from one end of the year to the other the coloring matter contained in annotto is used, and has been from time immemorial. It is perfectly harmless, and has always been so declared.

Mr. BUTLER. What is the object of putting in that coloring matter?

Mr. MILLER. I have just explained that by stating that different kinds of food to cows produces butter of different degrees of color, the natural ordinary color being light yellow, cream color. That is where we get the term "cream color," from cream; and some kinds of food produce a lighter or less yellow color than others; and in order that it may be all of one uniform color it is customary to color butter in the dairy. It has been done, as I stated before, from time immemorial.

Mr. BUTLER. The object of the coloring matter is evidently intended for the purpose of practicing a fraud upon the consumer.

Mr. MILLER. How a fraud?

Mr. BUTLER. Why put it in?

Mr. INGALLS. If the Senator from South Carolina really desires information upon that subject, and will permit the interruption, I have a vial of what is commonly known as butter coloring here in the original package, with the instructions for use on the chromatic envelope, and a statement of the purpose for which it is employed. I dislike to interrupt the Senator, but if he will consent——

Mr. BUTLER. I shall be very glad to have it.

Mr. INGALLS. I will present the facts as they appear.

Mr. BUTLER. I shall be very glad to hear, for I really want information.

Mr. INGALLS. I hold in my hand a vial of "Wells, Richardson & Co.'s Perfected Butter Color," which, the envelope assures us, "gives to white butter a beautiful dandelion color; price 25 cents," and, as a commentary on the suggestions made by the Senator from Vermont this afternoon that this bill was intended to prevent one man from cheating another, I will state that this preparation pretends to be manufactured by "Wells, Richardson & Co., Prop's, Burlington, Vermont." [Laughter.]

Open this end.
Keep the
bottle
in this box at all times
to protect from
the
action of the light—

says the label. This vial, so the manufacturers assure us, put up in Burlington, Vt. [laughter], for dairy purposes is—

Warranted to color
300 lbs.
winter butter.

In using our Perfected Butter Color it must be borne in mind that no two dairies will often require the same amount of color. Cows fed on poor hay, and kept with only ordinary care, will make whiter butter than when well cared for and fed on fine hay and grain; also young cows give less color than old.

Different seasons also make much difference. Care should be taken—

Say these friends of the dairymen—

to get just the right amount, and never *overcolor*.

Coloring butter nicely is an art, and one must expect to learn something by practice and experience.

CAUTION!

In large letters and with an interjection point after it—

This preparation is made by a process entirely new and original with us. No other process can produce so pure and harmless nor so uniform and reliable a color, and consumers should be careful to use only the genuine, which is always put up in bottles, and each bottle in a box bearing our dandelion trade-mark. Beware of preparations sold in bulk or under similar names, for you will find them but poor imitations.

This is somewhat protracted, but the advice to the dairymen of America is so important and they have been presented in the light of a long-suffering class of afflicted people engaged in their bucolic honesty in Vermont and elsewhere in a struggle with the herculean efforts of the manufacturers of oleomargarine to put a spurious article on the market, that I feel that perhaps the Senate will bear with me, and the Senator from South Carolina also, while I continue to give the country information as to the methods in which butter-color is prepared and the purposes for which it is employed.

Mr. BUTLER. I shall be delighted.

Mr. INGALLS—

We take pleasure in offering to the dairymen of America—

Not to the oleomargarine men—

this preparation as the perfect result of our long-continued experiments in the preparation of an artificial color for their use. In our Perfected Butter Color we have succeeded in combining the same bright yellow coloring principle found in the dandelion blossom with our previously well-known "Golden Extract"—

Now notice this—

thereby securing a bright golden tint so exactly like the highest grade of Jersey butter that no expert can detect it [laughter], even by actual comparison of the artificial color with the natural.

We claim for it every point wanted in a perfect butter-color, namely:

First. Perfect color. The butter never turns to a reddish tinge, but always keeps the bright golden color.

Second. Perfect freedom from any taste or smell that can be imparted to the butter.

Third. Perfect keeping qualities. It does not mold, sour, or spoil in any way. Heat or cold have no effect on it.

It is apparently one of the unchangeable elements of nature—

It has a decided tendency to preserve butter, whereas butter colored with carrots, annatto, &c., will often spoil—

Notwithstanding the statement of the Senator from New York, who is supposed to be an expert in these matters—

will often spoil or turn to a dull reddish tint.

Fourth—

And here comes the nut of this whole matter. The Senate is now about to learn why this butter-color is used, the purpose for which it is employed, the reasons why it is put onto the market, and why these innocent, unsophisticated countrymen in the valleys of the streams of New England that have no knowledge whatever of the plumber, whose products have become synonymous with purity and excellence—why it is that manufactories turn out barrels of butter-color, and why it is, as the Senator from New York says from time immemorial, so long that the memory of man runneth not back to the contrary, the innocent dairyman has colored his butter.

FOURTH.—PERFECT ECONOMY IN USE.

It requires no labor, as it is a fluid that is put in with the cream in the churn. It is cheaper than any other coloring, being put up in three sizes, selling at 25 cents, 50 cents, and $1 each, which color, respectively, 300, 750, and 2,000 pounds of butter.

I almost hesitate to read the last paragraph:

We warrant it to add at least 5 cents per pound to the value of white butter, a return of $1 for every cent it costs.

This is the preparation, Mr. President [exhibiting a vial]. It looks like tincture of iodine. It is manufactured in Burlington, Vt. [laughter] by Wells, Richardson & Co. for the use of dairymen, and is warranted to add 5 cents a pound to every pound of white butter they make in the winter time, or from the milk of cows that are fed on poor hay and cheap food, and to give to the butter manufactured from the Texas stock, or the poor cows that wander on those rocky hill-sides, a color that will prevent even the most astute expert from being able to detect it from the "highest grade of Jersey butter."

I may add that this auxiliary of the dairy came into my possession in rather a peculiar way. We had a bill before the Committee on the District of Columbia for preventing the sale and adulteration of foods, and a gentleman who carries on a small dairy in the suburbs here with a few cows came to the committee-room one morning and said that he was brought into competition with the proprietors of Alderney and Jersey dairies in this city in a way that rendered it impossible for him to continue his business, and he said that there was a preparation sold in the market, kept in all the drug stores, manufactured in Burlington, Vt., and that the use of a single drop of it in a quart of skimmed milk would change it into the appearance of the finest Alderney beverage with the cream in it, and that some of these great dairymen in the vicinity here, who furnish Alderney milk of the highest grade and the most opulent description, gathered in from everywhere the products, skimmed milk, low-grade milk, and in the cans and vats and tanks and reservoirs of their laboratory poured in a drop or teaspoonful of this product and, presto, it was changed into the richest product of the dairy; and he performed the experiment before me in my presence. He had with him a can of genuine milk from his own dairy with the cream in it and he had a can of the most watery and cerulean material, I suppose, that ever went by the name of milk. He took two goblets and into one he poured the milk with the cream in it and into the other this skimmed material, and out of this vial he put one single drop into the goblet of skimmed milk, and it became, so far as the eye or the appearance was concerned, in every particular equal to the other; and he stated that the innocent dairymen, who now desire to be protected against fraud, who are struggling to furnish the people of this city and elsewhere with pure products, and who are inflamed against tallow and lard and the other products of the same animal, were engaged in using this same material for the purpose habitually of imposing upon their customers and obtaining inordinate prices for their product.

The usual method—

Say Wells, Richardson & Co., of Burlington, Vt., for using "perfected butter color"—

is to add the color to the cream in the churn. The rule is one teaspoonful for four gallons of cream, but the amount may have to be varied somewhat according to circumstances, as stated on the outside of the box. This method is the simplest and easiest and gives good satisfaction. The objections are that the buttermilk is slightly colored, and the shade of color will be somewhat injured by contact with sour cream, especially if it is quite acid. The method which we consider to give the best color to the butter is the following: The buttermilk must first be all washed or worked out. Then mix the color with sufficient powdered white sugar to absorb it and make a paste; spread the butter out thin and spread the colored sugar over it; work it in partially and then add the salt and work as usual. This is the method employed by some of our most expert butter-makers, who get the best color and flavor.

Coloring butter nicely is an art, and one must expect to learn something by practice and experience. Our color will surely give you a beautiful June tint when properly used. Be careful not to use too much of the color, as a high color is not desirable in winter.

CAUTION.—The genuine will always bear the *fac-simile* of our signature, thus:

WELLS, RICHARDSON & CO.

As I stated before, of Burlington, Vt.

Mr. BUTLER and Mr. MILLER rose.

The PRESIDENT *pro tempore*. The Senator from South Carolina.

Mr. MILLER. I trust the Senator from South Carolina will yield to me a few moments, as he has yielded so much time to my distinguished friend here.

Mr. BUTLER. Certainly.

Mr. MILLER. Mr. President, I am not sure whether this little tragedy which has been enacted upon this stage was all prearranged—"comedy" a friend suggests; I stand corrected—this burlesque was prearranged and rehearsed in the committee-room of the Committee on the District of Columbia or not, but certainly there seems to have been a perfect understanding between the two Senators, who quite likely have been sitting up of nights of late in order that they might produce this little play here to our delectation. Certainly I am very much obliged for it.

If the constituents of the Senator from Vermont are at all generous, if they have any gratitude for a kind act, they will make the distinguished Senator from Kansas rich for all time to come. This advertisement given to their goods could not be printed on as many pages and circulated as widely over this country for $50,000 in ready cash. He tells us how he came by it. I was thinking perhaps that some rosy-cheeked dairymaid of Vermont had come down here to give it to him and to tell him how good it was and to seek this indorsement here on the floor of the Senate.

Mr. President, I know nothing about this coloring matter which the distinguished Senator has dilated upon. When he was going over its wonderful character I was carried back to my boyhood days, when, at general trainings, I used to see a man standing in a wagon auctioning off bogus goods, bogus jewelry, offering to the people some elixir of life which would cure all the pains that flesh was heir to. Whether the Senator ever had any experience in that kind of work I do not know; but he has shown a great aptness for it here, and if he should ever fail in this calling, or any other, he certainly could succeed at that sort of work.

Mr. President, if he or any other Senator wants to decry the farmers and dairymen of this country, he may have a monopoly of that business. It is a well-known fact, and always has been known, that more or less coloring matter was used in the manufacture of butter, just as salt is used in its manufacture, and nobody has complained of it, and nobody has heretofore denounced it as a fraud. Why, Mr. President, the Senator from Kansas usually comes here with a flaming red necktie. Why color the natural silk? Why not wear it in the color that it came from the cocoon? Because he admires some other color. It is silk all the same; it is no fraud and no pretense whatever, I think. And that is true of everything we wear and of a great portion of the food that we eat. We find our cake sugared over and colored on the top with white sugar, or if we go back to our boyhood days we may remember when we rejoiced in yellow gingerbread, made yellow by New Orleans molasses and ginger. It was not the natural color of the flour, but if anybody had told us it was a fraud then, there would have been a contest on the spot. And, Mr. President, those of us who are not able to wear patent-leather shoes or fine kid boots usually set our shoes at the door at night to have them nicely blacked in the morning. Is there any fraud about that or any pretense of fraud?

Mr. President, there is nothing whatever in this bill to prevent the manufacturer of oleomargarine from coloring his oleomargarine any color he pleases—yellow, pink, black, or green; there is no pretense of any attempt to do that; and the scientific gentlemen who came before that committee when they were asked why the oleomargarine was colored, said it was colored to imitate butter because mankind having been accustomed to eat butter of a yellow tint would find that it was not so pleasant to eat oleomargarine if it was white as if it was yellow, and Dr. Chandler and Professor Morton, the two great authorities, insisted that it would be a great wrong upon mankind to prevent the coloring of oleomargarine yellow, that it would not be so pleasant to the taste or so sweet in the stomach if it were colored pink or green or red or any other color.

Mr. President, I do not think much can be made out of the charge that the dairymen have colored and do color their butter either by the natural process of feeding carrots to their cows or by putting an extract of annotto into it. It is well known that it is done, and I am surprised that the Senator from Kansas, knowing that he is a strong defender of this measure, one of its earliest advocates, should join hands with the Senator from South Carolina in this attack.

Mr. President, I send a document to the desk and ask to have it read, in order that we may know precisely the position of the distinguished Senator from Kansas on this question.

Mr. BUTLER. Mr. President——

Mr. INGALLS. I ask the Senator to allow me a few moments after that is read.

Mr. BUTLER. I want to make a statement. I did not yield the floor to enable the Senator from New York to have letters printed in the RECORD.

Mr. MILLER. Send it back and I will read it myself.

Mr. INGALLS. Let it be read.

The PRESIDENT *pro tempore*. If there be no objection, the paper will be read by the Secretary.

Mr. BUTLER. I have no objection to the Secretary reading it.

Mr. MILLER. I did not intend to encroach on the time of the Senator from South Carolina, but as he yielded so much time to the Senator from Kansas I asked the same privilege, and supposed I had received it. I beg pardon if I have trespassed.

Mr. BUTLER. I certainly have been generous to the Senator from New York.

The PRESIDENT *pro tempore*. The paper will be read, if there be no objection.

The Chief Clerk read as follows:

THE RIGHT KIND OF TALK—A TRUE FRIND OF THE DAIRYMEN AND OF CORRECT PRINCIPLES.

COMMITTEE ON THE DISTRICT OF COLUMBIA,
UNITED STATES SENATE,
Washington, D. C., 4-20, 1886.

DEAR SIR: I am opposed to bogus butter as well as bogus politics, religion, and money, and shall do all I can to keep counterfeits out of circulation. The tax ought to be so heavy as to prevent the production and destroy the sale of the stuff you describe. It is surprising to me that a market can be found in Kansas. Perhaps the person who buys it, however, is equally guilty with him who sells.

Yours,

JOHN J. INGALLS.

To J. P. BADEN, Esq.,
Winfield, Kans.

Mr. INGALLS. I think the Senate will bear me witness that in the observations that I made I did not make any personal attack or make any personal allusion with reference to the Senator from New York. If any Senator thinks I did, I pause for a reply. Will any one say that I alluded to him in any particular, to his course, or his conduct, or his argument? I simply presented what I believed to be a legitimate argument in this matter, and the Senator from New York saw fit in his reply to descend into the arena of personality. His humor was very much like the attempt of a hippopotamus to dance on a slack rope [laughter], but of that I do not complain.

I pause now merely for the purpose of saying that I indorse every word that is contained in that letter which he has had read at the desk. I am opposed to bogus butter, whether it is made by a dairyman or an oleomargarine man. I do not know that ever I saw any oleomargarine. I have stood in the presence of confessedly genuine products of the dairy with awe and terror at their strength and with reverence for their antiquity. [laughter], and if there be anything worse even in the imagination of the Senator from New York than many of the products that have been placed within hailing distance of me in this city and elsewhere, to which my memory reverts with a shudder, all I have to say is that I should be in favor, if oleomargarine be worse, not only of a heavier tax on that, but of a prohibitory tax. But I have one thing further to say, Mr. President.

The Senator saw fit to allude to my youthful avocations, and presented the spectacle of a peddler at a country muster dealing in elixirs and selling compounds for the benefit of the populace. I have this remark to make in reply to that: Whatever I may have done, I never stood before the Senate of the United States advocating a measure in which I had the strongest personal interest, as the Senator from New York has. He is in the dairy business; he owns a dairy farm; he has a herd of dairy cattle; and he puts his products on the market in New York and elsewhere as the product of the Oak Hill or Oakleaf Creamery, and uses the whole power of his official station as a member of this body and as chairman of a committee to get this measure, in the first place, out of the committee where it belonged to his own, and then stands here on this floor day after day advocating a measure that is to increase directly the price of his own product.

Mr. President, as I said, I did not invite this controversy; I did not make any reference to the Senator from New York; but if he desires or thinks it advisable in a matter of this kind to pursue this subject upon personal grounds, he will find that I never decline the invitation. I say that a more shameful spectacle was never presented to the American people than this measure supported in the other House under the leadership of the chairman of a committee who is himself engaged in the dairy business, who has a herd and a farm whose product he sells in the market and upon which he relies for his support, and re-enforced in this body by the chairman of the Committee on Agriculture, who is engaged in the same business, and who is to profit, if this bill can by any means whatever be passed through this body, directly by the legislation that he is seeking here to promote.

We have heard, Mr. President, something about attorneys at law in this body not being permitted to take fees against the Government of the United States in cases where land-grant railroads were involved; and the impropriety and the indecency of a member of this body availing himself of his position to take fees and swell his income as an attorney at law against the interests of the United States have been dwelt upon, and dwelt upon properly. But, sir, if that is improper, how much more improper is it, how much more indefensible is it, for the chairmen of the committees of the two Houses to present measures here in which they have direct personal interest, and whenever any argument is made against them to descend into the arena of vulgar personality and denunciation in order to make the passage of the measure less obnoxious.

Mr. BUTLER and Mr. MILLER addressed the Chair.

The PRESIDENT *pro tempore*. Does the Senator from South Carolina yield to the Senator from New York? ["Yes!" "Yes!"]

Mr. BUTLER. I yield to the Senator from New York.

Mr. MILLER. Mr. President, I did not in my remarks, as the Senator says, refer to any calling of the Senator in his early life. The correct report of my words will not bear out the statement.

The Senator charges me with being directly interested in this measure. Mr. President, I am proud of the fact that I was born and reared on a farm. I am also proud of the fact that I now make my home upon a farm. It is true that I do for my own delectation keep a few cows, horses, and other domestic animals. It is true, sir, that I do at some periods of the year make butter upon that farm and other periods of the year cheese. I have expended, however, ten dollars in my experiments to improve butter and cheese and the products of the farm to every one that I have received in return; but I make no claim for that here and I seek no legislation to recompense me for my losses.

Mr. President, whether this bill passes or not, it adds not one farthing to any profit that I can possibly receive. Whatever butter is made upon my farm sells to-day for a price so high that it is in no way affected by the competition of oleomargarine or butterine or any other bogus stuff that may be put upon the market.

Shall it be said that no man having any material interest in this country shall hold a seat here to represent the industry or the class to which he belongs? I know that to-day three-quarters or more of all the national legislators are lawyers; but shall it be said, because a man happens to belong to the class of farmers or of manufacturers, that he can not here honestly represent the interests of the class to which he belongs even if he does have a few dollars of interest in that special industry? Mr. President, I think not; and I have no answer to make to the implication of the Senator from Kansas that I was actuated by base and corrupt motives in my support of this measure.

Sir, having been born and having lived among the dairy class all my life, seeing them to-day being driven out of their farms into bankruptcy and their farms going into the hands of the sheriff, I have felt called upon to raise my voice here in the national Legislature for their protection; and no sneers at the dairymen of this country, no implication that I am actuated by base and corrupt motives, will close my mouth here. I appeal from this infamous charge to my constituents through all the great rural districts of New York. I go for judgment to them and not to any man upon this floor who ventures to charge me with corruption.

Mr. President, those are words that neither the Senator from Kansas nor any other man dare to speak out of this body to me. Men here may shield and seek refuge behind the Constitution and behind parliamentary law; but I go to my constituents upon that base and infamous charge, and there I leave it.

Mr. BUTLER. Mr. President, I had not the slightest idea of provoking this controversy between my two friends on the other side of the Chamber, I can assure them; and I do sincerely hope that when their angry passions have subsided they will think better of what has passed between them. I have nothing whatever to do with the personal issue between the Senator from Kansas and the Senator from New York. I was proceeding to discuss this bill in a perfectly legitimate parliamentary manner. I put a question to the Senator from New York which I think I had a right to propound to him. I asked him to explain why certain words were in the first section of the bill.

I believe I did say that the effect of this bill if it should become a law would be practically to legalize a fraud. I was not at all aware of the existence of the advertisement of the coloring matter to which the Senator from Kansas has referred, and if I was permitted to let my temper rise I might be disposed to say something pretty hard to the Senator from New York, but I will not. He was perhaps not conscious of the effect of his language when he charged that there must have been a conspiracy between the Senator from Kansas and myself, that we had rehearsed this tragedy. I hope it will not result in a tragedy.

Mr. MILLER. The Senator, I hope, knew that was a pleasantry.

Mr. BUTLER. I do sincerely hope it will not result in a tragedy. So far there have been a good many comic features in this debate, a good many things said in a Pickwickian sense which I have no doubt each one of the Senators will consider fully when he gets on the outside of the Chamber, which has been referred to.

So, Mr. President, I will not retort upon the Senator from New York in reply to that charge that I had formed a conspiracy with the Senator from Kansas. I desire to assure him that I had never heard before of this coloring matter from Burlington, Vt. I really was not aware of what the object of that provision of the bill was. I thought it was a little remarkable that a bill purporting to have for its object the suppression of a fraud should contain language which had the appearance of being a fraud itself.

But let that pass. Therefore I was, Mr. President, justified in saying that if this bill becomes a law it legalizis a fraud upon its very face, the introduction of coloring matter into what is claimed to be genuine butter.

And now a word to the Senator from Vermont. He said with great

emphasis that he for one would not permit the poorest man in this country, if he could help it, to be cheated by a fraud. I say to him in the light of recent developments that if he votes for this bill he not only permits the poorest man in this country to be cheated, but he justifies that act by his vote if he votes for this bill.

I have said that the legislation, in my judgment, was unwise and vicious in its consequences. I do not want any man, poor or rich, in this country to be cheated by oleomargarine or Burlington (Vt.) coloring in butter either. The poor man in this country does not desire to be cheated himself. Still less does he desire that himself and his family shall be starved as the result of this special sumptuary legislation of Congress.

Sir, it is on a line, it is of a piece with the legislation of this Congress for twenty-five years, passing laws the effect of which is to put money into the pockets of the rich dairymen of New York and to deprive the millions of poor men in this country of buying in open market a cheap food for themselves and their families.

If the object of this legislation is simply to procure votes, if demagogism is at the bottom of it, and the farming element of this country is to be enlisted by these appeals for the "poor farmer," let me say to Senators there are more butter consumers in this country than butter producers. There are more people in this country who can not afford to give more than 14 or 15 or 20 cents per pound for a wholesome article than there are otherwise.

The effect of this bill will be, as I said, to legislate money into the pockets of the rich man, to widen the breach between the rich and the poor in this country, all under the guise of protection to American industry. You profess to protect the American laboring man by depriving him of the right to buy cheap food, assuming the guardianship over him, as if he were not a free American citizen able and competent to take care of himself. An artificial public opinion is created by stereotyped petitions sent from Chambers street, New York city, ostensibly in the interest of the farmers of the country, the practical effect of which means a blow at the poor man, to add to his burdens, to add to his discomforts, to deprive him and his wife and his children of the ability to buy cheap food, under the guise of protection to American labor. God save the mark!

Well might the laboring man exclaim, "Save me from my friends," if this is to be the evidence of their kindness. Under the progress of science a cheap article of food, perfectly wholesome food, is put at his command, and the rich dairyman of New York State comes to Congress and invokes the strong hand of the Government in his behalf to strike down this article of cheap food which has been placed at his door.

Mr. President, we all have great contempt for cheats and frauds, but the greatest of all is the cheat and fraud which comes to Congress to invoke its strong arm to oppress the weak and the poor men in this country.

Your high protective tariff, your labor bureaus, are given to the laborer when he asks for bread. You widen the breach between capital and labor by this class of legislation, and when the laboring man responds, through the ingenuity, I might say the deviltry of science, and when the anarchist responds to this legislation with dynamite and arson and murder and plunder, the bayonet is invoked and ball and cartridge used to suppress him.

I would not be understood as tolerating for one instant anarchy, or anarchists or socialists, but when we, intrusted by the people, exercising a high trust for their benefit, pervert the objects for which we were sent here so as to subvert the rights of the very people who require the protection of the law more than others, I must say that I listen with some impatience to the demand all over this country for armed soldiery to put down and suppress the freemen of the country for protesting against this class of legislation.

I do not believe that any appreciable number of farmers in this country have demanded this legislation. I believe it has been procured by interested dealers in this fraudulent article, made fraudulent by the use of the coloring matter referred to by the Senator from Kansas. I do not believe that if this question were submitted to-morrow to the honest farmers of this country, who love this country and love its liberties, they would in any appreciable numbers approve of this kind of legislation, which comes in under the pretense of being a bill to raise revenue, at the same time sustaining a fraud in the bill while pretending to strike down another.

Such a bill can never have my support, sir. As I said in the beginning, in my experience in this Government, in my knowledge of the history of legislation in this Government, I have never known a measure so entirely untenable as this is. I have never known a measure which flies so completely and squarely in the face of the fundamental law as does this bill; and if it should pass, I now predict that nothing will come of it except oppression and disaster and calamity to the best interests of the people of the country.

Mr. EVARTS. Mr. President, I rise to speak to this bill. I have been delayed by the progress of the discussion to this hour. If it is the desire of the Senate to proceed to a vote to-night I do not wish to delay that vote being taken; but I imagine that I should not meet with a very indulgent hearing at this hour, after meeting at the hour of eleven and it is now six, if I should occupy even a brief time, which is all the time that I expect to give to this bill in any remarks, and therefore I leave it for the Senate to say whatever they wish a majority will do.

Mr. CAMERON. With the consent of the Senator from New York I will move that the Senate adjourn.

Mr. MILLER. Will the Senator from Pennsylvania withhold the motion for a moment?

Mr. CAMERON. Certainly.

Mr. MILLER. On Saturday I gave notice that I should ask the Senate to finish the consideration of the bill to-day. It has run much longer than I anticipated, and I am not disposed to burden the Senate by keeping them here beyond a reasonable hour. Notice was given last week of calling up another important matter to-morrow, and if the Senators interested in that would now by an arrangement consent to let it go over, and if we could have an understanding to vote on this bill absolutely to-morrow, or at 2 o'clock to-morrow, say, not before 2 o'clock——

Mr. MCMILLAN. No; do not fix an hour.

Mr. MILLER. I shall not attempt to fix the hour, but I do not propose to have the vote taken before 2 o'clock, so that everybody desiring to vote may be here. I understand that some Senators have to go out of town to-night and can not be back before 1 o'clock to-morrow; and therefore it would not do to vote previous to that time. My colleague has a speech for to-morrow, but I know of no other Senator desiring to speak. There may be a few other short speeches, which I do not think will take any long time to-morrow, and if the Senators having the other matter in charge, of which they gave notice, although there was no agreement that they should have to-morrow (but as it is a matter of high privilege I suppose they might not be inclined to waive it otherwise), will consent that that may go over until we can have a vote on the bill to-morrow, I shall be entirely willing to have the Senate adjourn now.

Owing to the condition of the public business, the appropriation bills, and the lateness of the session, it is very important that all these measures should be considered and brought to a final determination one way or the other; and as I hear no objection from the Senators who gave notice of calling up another matter to-morrow, if I can have an understanding that we shall go on with the bill in the morning and complete it and then that the other matter may come up, I shall be entirely willing now to adjourn.

Mr. MCMILLAN. To vote at what time to-morrow?

Mr. MILLER. To vote to-morrow not before 1 o'clock and as soon after 1 as the discussion is closed. It is suggested that an agreement might be made to fix the hour for voting at 4 o'clock.

Mr. PUGH. I intended to make the call for the reports in the Payne case at 2 o'clock to-morrow. If that will suit the Senator from New York I will delay it until that hour.

Mr. MILLER. That will suit me if——

Mr. EDMUNDS. That will not do. We can not agree to take that matter up at that hour, because this bill must be finished first.

Mr. MILLER. I think the Senator from Alabama had better consent that the matter go over until this bill is finished, whether at 1 o'clock, 2, 4, 5, or 6 o'clock, whatever the hour may be.

Mr. CAMERON. I must insist on my motion that the Senate adjourn.

Mr. ALLISON. I hope that before we adjourn this evening we shall have some understanding in respect to the time when a vote shall be taken upon the bill to-morrow. I think that can very easily be arranged. I hope the Senator from Alabama will postpone any action in the matter he has in charge until this bill can be disposed of.

Mr. PUGH. I am willing to give until 3 o'clock, but I shall insist on asking the Senate to consider the Payne case at 3 o'clock. It is a matter of privilege.

Mr. EDMUNDS. I do not intend to consent to take up any other business until this bill is disposed of. The matter of privilege, as it is called, is no more a matter of privilege in the judgment of the Senate by its votes than any other matter. It is a privileged question in the sense that it is one that belongs to the privileges of the Senate, but not in the sense that anybody has a right to insist upon its being considered at one time rather than another. It is just like the veto messages of the President of the United States, where the Constitution says we shall proceed to consider them. That means in our own time and in our own way.

So I object to any understanding by which any limitation is put upon the consideration of this bill until it is ended. I do not object to fixing an hour if I can have five minutes to reply to my friend from Kansas and to the distinguished Senator from South Carolina on two topics which they have presented; but I am going to object to everything that does not give me five minutes to say my say.

Mr. MILLER. The Senator will permit me to say that I have been told to-day by older Senators and those more accustomed to parliamentary law and to the rules of the Senate that the question of privilege to be presented by the Senator from Alabama is of such a high order that it would take everything else out of the way.

Mr. EDMUNDS. Not in the least.

Mr. MILLER. After the explanation of the Senator from Vermont I do not ask for any agreement, because I shall move to take up the bill the first thing in the morning, and I shall not yield to anything else until it is finished.

Mr. CAMERON. I renew my motion.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves that the Senate adjourn.

Mr. ALLISON. I hope that we shall have some understanding as to the hour when the vote shall be taken on the bill.

The PRESIDENT *pro tempore*. Does the Senator from Pennsylvania yield?

Mr. LOGAN. I should like the Senator to yield for just one moment.

The PRESIDENT *pro tempore*. Does the Senator from Pennsylvania yield?

Mr. CAMERON. For a moment.

Mr. LOGAN. I desire to say but one word. I do not very often ask courtesies of the Senate, but I am going away, and before I leave I should like to have the question of privilege disposed of. It will certainly come up soon, and I prefer to have it come up before I leave. The Senator from Vermont objects to everything, but of course his objection is not made with a view of preventing the question of privilege from coming up. However, when a bill has been discussed as long as this has been, it does seem to me as if an agreement might be made by the Senate that we would vote on it at 2 o'clock or 3 o'clock or some time to-morrow.

Mr. EDMUNDS. I agree to that, if I can have five minutes.

Mr. LOGAN. Five minutes! You can have forty minutes. Nobody objects to your speaking, and if he did it would not make any difference; you would speak anyhow; and so it is all right.

Mr. ALLISON and Mr. VOORHEES. Ask for 3 o'clock.

Mr. LOGAN. I think an agreement might be reached and that everybody might be at least satisfied. I do not think there are very many Senators who want to discuss the question any further.

The PRESIDENT *pro tempore*. The Senator from Illinois asks the unanimous consent of the Senate that at 2 o'clock or 3 o'clock——

Mr. LOGAN. Three o'clock.

Mr. EVARTS. If the Senator will allow me, I have a word to say on this subject. If the bill can be taken up after the morning work, as early as a quarter past 11 or half past 11 to-morrow, I will agree that the only space of time that I shall occupy will enable me to finish my remarks, and the vote could be taken, if there were not other speakers, very soon after 12. If I can begin at a quarter past 11 I shall be through before 12. The Senator from Vermont has claimed a very brief period for his address to the Senate. I am not advised that on this side of the Chamber other speakers are expecting to take part.

Mr. CULLOM. There may be two or three others.

Mr. EVARTS. There may be. I had learned that as my colleague did not desire to close the debate, I was proposing to close it on our side, and I had inquired to find out if there were others going to speak.

Mr. McMILLAN. Then let us come to an agreement to vote at 3 o'clock.

Mr. EVARTS. If it is true that there are other speakers, I can not say so distinctly as to the time that will be occupied.

Mr. MILLER. Having the bill in charge, I know of no one on this side of the Chamber who expects to speak except my colleague. I inquired on the other side and was told, of course not positively, but that the general understanding was the speeches had been finished. I suppose that other speeches, such as the Senator from Vermont proposes to make in reply to two Senators, will be very short. I desired to have my colleague close the debate on this side, if it were convenient to all the Senate. There might be speeches I know nothing about, but if we take two or three hours of time I have no doubt we shall give every one an opportunity to be heard who desires. I do not want to shut off any one. I ask that 3 o'clock be fixed as the time to take the vote to-morrow.

Mr. BROWN. I wish to say that I expect to occupy about ten minutes.

Mr. CULLOM. If we vote at 3 o'clock it will give every one an opportunity to speak who wishes to do so.

The PRESIDENT *pro tempore*. The Chair will submit the request to the Senate. The Senator from New York asks the unanimous consent of the Senate that at 3 o'clock to-morrow the vote upon the pending bill shall be taken. Is there objection?

Mr. EDMUNDS. I do not object if it is subject to my five minutes.

The PRESIDENT *pro tempore*. Is there objection?

Mr. CALL. I object.

Mr. CAMERON. I renew my motion.

The PRESIDENT *pro tempore*. Objection being made, the Senator from Pennsylvania moves that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, July 20, 1886, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *July* 19, 1886.

The House met at 11 o'clock a. m. Prayer by Rev. Dr. BULLOCK.

The Clerk proceeded to read the Journal of the proceedings of Saturday last, when

Mr. PAYSON said: Mr. Speaker, the entries in the Journal with reference to reports from committees are lengthy, and I therefore move that the reading of that part of the Journal be dispensed with.

There being no objection, it was ordered accordingly.

The remainder of the Journal was read and approved.

LEAVE TO PRINT.

Mr. MORROW, by unanimous consent, obtained leave to extend in the RECORD his remarks on the fortifications appropriation bill.

WITHDRAWAL OF A BILL.

By unanimous consent leave was granted to the Committee on Public Buildings and Grounds to withdraw the bill (S. 1404) to authorize the acquisition of certain parcels of real estate embraced in square No. 406 of the city of Washington, for the enlargement of the Post-Office Department building, and to provide accommodations for the city post-office.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. BLAND, indefinitely, on account of sickness in his family.

To Mr. WINANS, after to-morrow, for the remainder of the session, on account of important business.

COPY OF ENGROSSED BILL.

The SPEAKER. The engrossed copy of Senate bill 1042, to pay B. S. James for transporting the mails, was referred to the Committee on Claims, but has been mislaid. If there be no objection the Chair will direct an order to be made requesting the Senate to furnish the House another engrossed copy of said bill.

There was no objection, and it was so ordered.

FORTIFICATIONS APPROPRIATION BILL.

Mr. FORNEY. I desire to call up the bill (H. R. 9798) making appropriations for fortifications and other works of defense, in order that we may pass it to-day so as to send it over to the Senate.

The SPEAKER. The gentleman from Alabama calls up the fortifications appropriation bill. The question on Saturday when this bill was last before the House was upon ordering the previous question upon an amendment submitted by the gentleman from Pennsylvania [Mr. RANDALL] and upon the engrossment and third reading of the bill.

Mr. HISCOCK. At that time we were dividing on the demand for the previous question, I having made the question of no quorum. I will withdraw my demand for a quorum, and hope the gentleman will yield to me five or ten minutes for discussion.

Mr. FORNEY. Certainly.

The SPEAKER. That arrangement, then, is agreed to.

Mr. RANDALL. The gentleman from Alabama has yielded the time to the gentleman from New York, but before he proceeds I want to ask consent to modify the second section of the bill by inserting after the word "implements," in the fourth line, that part of the section stricken out on the point of order relating to the use of materials of American production. What I ask is to insert what the committee originally had in at the place I have indicated. In other words, to make it distinct, I ask consent that after the word "implements" these words be added: "the materials for which shall be of American production;" so that this section will read, if amended as I suggest—

SEC. 2. For the armament of seacoast fortifications, including the procurement of steel forgings for the manufacture of heavy guns; for guns, carriages, projectiles, fuses, powder, implements, the materials for which shall be of American production, and their trial and proof, and all necessary expenses incident thereto, $500,000, to be available until expended.

Mr. HISCOCK. Let me suggest to the gentleman also that in the words—

Unless in the unanimous opinion of the board the interest of the Government will be better subserved by making purchases elsewhere—

The word "board" should be stricken out and "Department" inserted.

Mr. RANDALL. I am not willing to have those words in.

Mr. HISCOCK. But having stricken out the provision in reference to the board you will want to leave it to the Department to determine.

Mr. RANDALL. No; I want it just as I have stated the amendment.

Mr. HISCOCK. I only call attention to the matter; I desire to make no point upon it.

The SPEAKER. If there be no objection this amendment will be considered as agreed to.

There was no objection.

Mr. HISCOCK. The point of order was made upon the provision of the second section, which provides for the creation of a board that

shall have the expenditure of the money for fortifications and their armament, and it was ruled out in committee.

When we went back into the House the gentleman from Pennsylvania proposed to amend the bill by reducing the appropriation from $500,000 to $100,000, and I raised the question of no quorum, pending a division upon which question the House adjourned. I wanted an opportunity to call the attention of the House to this fact, that the provision of the Constitution in reference to the appointing power of the President is in the following language:

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, *and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments.*

Here, sir, was a provision reported by the Committee on Appropriations of this House which proposed to create a board to take charge of the whole system of fortifications and expend the money; and that board under the provisions of this act would be appointed not by the President, under the Constitution but would be created in part by the Speaker of the House and in part by the President of the Senate.

The point I desired to make is that a provision of this kind is probably unconstitutional, as an encroachment upon the powers of the Executive and is without precedent in the history of our country. I desired to call the attention of the House, especially of the other side, to the fact that this provision was reported here coming from a committee in sympathy with the present Executive. There may be some legislation somewhere in the past in which Congress has been allowed to create a commission, appointing it also, to examine into some matter or to expend some paltry sum of money, where the act has been approved by the President; but I appeal to you, Mr. Speaker, if in your experience ever before it was attempted to take the expenditure of the money for the fortifications, to take the charge of a great, vast system of work, from the President, through the War Department, and give it to a commission to be created by the legislative branch of the Government? I will appeal to my friend from Texas, Judge REAGAN, if in his experience he has ever seen the like? And, Mr. Speaker, when the gentleman from Pennsylvania, after we had gone back into the House, made his motion to reduce this $500,000 to $100,000, as I understood him to make the motion because the gentleman from Connecticut had made a point of order against this proposed legislation, and because he had not succeeded in having the expenditure of this money and the control of the work in part taken from the present administration, when he made his motion to reduce the amount carried by the bill as I then supposed for that purpose, I desired to emphasize his position before the country and before this House.

Mr. RANDALL rose.

Mr. HISCOCK. I do not want to do the gentleman injustice. I understand his object.

Mr. RANDALL. I will state what was my object. It was not that I might have my way, but that the House might have its way by a vote on that proposition, which the point of order made by the gentleman from Connecticut [Mr. BUCK] prevented.

Mr. HISCOCK. I understand the gentleman from Pennsylvania is entirely willing the bill should remain at $500,000 provided the material is to be purchased in the United States; but he proposes to reduce it to $100,000 if the provision for the purchase is stricken out of the bill. But I sympathize with that purpose. At the time I understood it to be a threat to the House that you shall not have this appropriation of $500,000 unless you allow us to take the expenditure of the money from the administration—which of course we have no great feeling about—unless we would allow the creation of a board, which we seriously think unconstitutional. To that I for one have decided objection. If we have the power to take from the President and the War Department the work and to create a commission to take charge of it, of which one member is to be appointed by yourself, Mr. Speaker, and one member by the President of the Senate, we have the power to provide that every member of that commission shall be appointed by you. The result would be an encroachment upon the power and prerogative of the Executive; and we are all interested in seeing that the lines between the powers of the executive and the legislative branches of the Government are maintained and strictly observed.

Mr. RANDALL. I have only one word to say. The House and the Senate every year indicate by a joint resolution the managers of the Soldiers' Home. Now, if the gentleman from New York expresses his opinion as a lawyer that this board is unconstitutional, that is one matter.

Mr. HISCOCK. I do.

Mr. RANDALL. But why not let the House pass upon that question whether it is constitutional or not, and not prevent it by a point made by a single member in the manner in which it was done? The board is a mere auxiliary to the Department.

Mr. BRECKINRIDGE, of Arkansas. Are the managers of the Soldiers' Home officers of the United States?

Mr. RANDALL. They are officers of an institution organized by the United States.

Mr. HISCOCK. When before did Congress ever attempt to take the expenditure of money for the fortifications of our coast away from the President and the War Department?

Mr. RANDALL. I have stated the reasons we had for the proposition in the bill.

Mr. REAGAN. If the purpose was to take from the War Department and the President the power to control the expenditures on the fortifications of the country, perhaps the gentleman from New York is right in his position. But this seems to have been merely proposed as an auxiliary to aid the President and the Secretary of War in the performance of the work.

Mr. HISCOCK. I beg the gentleman's pardon. It was an absolute condition imposed upon and affixed to an appropriation for fortifications.

Mr. RANDALL. At the solicitation of the gentleman from Alabama I withdraw the amendment to reduce the amount from $500,000 to $100,000.

Mr. FORNEY. I demand the previous question on the bill and amendments.

The previous question was ordered.

The following amendment reported by the Committee of the Whole House on the state of the Union was read:

Amend section 2 by inserting after the word "proof," in line 4, the words "and the testing of improvements of the same."

The amendment was agreed to.

Mr. BURROWS. I would be glad to hear the amendment of the gentleman from Pennsylvania read in its connection.

The SPEAKER. The amendment proposed by the gentleman from Pennsylvania [Mr. RANDALL] on Saturday has been withdrawn, and this morning by unanimous consent words have been inserted which require the material to be of American production.

Mr. RANDALL. That was in the bill, but went out on the point of order.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

After the word "implements," in line 4 of section 2, insert "and the materials shall be all of American production."

The SPEAKER. The Chair suggests that it read "the materials for which," &c.

There was no objection.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. FORNEY. I demand the previous question on the passage of the bill.

The previous question was ordered; and under the operation thereof the bill was passed.

Mr. FORNEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CIVIL SERVICE COMMISSION REPORT.

Mr. DINGLEY. I rise to a question of order. On Saturday evening the House had under consideration a resolution providing for the printing of the third annual report of the Civil Service Commission, and the previous question was ordered on it.

The SPEAKER. The gentleman from Maine asks that the House proceed to the consideration of the resolution he has indicated, on which the previous question was ordered on Saturday evening. The Clerk will report the concurrent resolution.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *July* 6, 1886.

Resolved by the Senate (the House of Representatives concurring), That the third annual report of the United States Civil Service Commission be printed, and that 26,000 additional copies be printed; of which 2,000 shall be for the use of the Senate, 4,000 for the use of the House, and 20,000 copies for *distribution* by the commission: *Provided*, That appendices 8 and 9 of the report as published by the House of Representatives, Executive Document No. 140, Forty-ninth Congress, first session, be omitted by the Public Printer in printing this edition.

Mr. RANDALL. My recollection is that the previous question was not ordered.

The SPEAKER. The Chair is advised that it was. The RECORD shows the previous question was ordered and that afterward the resolution was passed over.

Mr. RANDALL. The resolution was withdrawn, if I recollect aright. What does the Journal show?

Mr. DINGLEY. The previous question was ordered, and then the consideration of the resolution was passed over by unanimous consent.

Mr. DOCKERY. That is a correct statement of the case. The previous question was ordered, but the Chair understood that the request to lay the resolution aside disposed of it, and that was the understanding of the House.

The SPEAKER. The record shows that the previous question was

ordered, and that after that, by unanimous consent, the resolution was passed over.

Mr. DINGLEY. Passed over for the present.

Mr. FARQUHAR. That is the fact.

Mr. SPRINGER. After the previous question was ordered the question came up on the passage of the resolution and a quorum was demanded, and that would have broken up the session. Therefore, when the point that no quorum had voted was insisted upon, the gentleman from Mississippi [Mr. BARKSDALE] in charge of the resolution asked to have it passed over in order to take up another matter. That was agreed to. As to the effect of that order, it may not have been clearly understood by the House at the time, and the parliamentary effect of it is of course to be now decided by the Speaker. It was understood, however, by most of the members present, especially by those who objected to the resolution, that it was withdrawn from the consideration of the House.

Mr. DINGLEY. It was simply understood and stated that it was passed over for the present. That is the language as reported in the RECORD.

Mr. REID, of North Carolina. The understanding of the committee was that the resolution was withdrawn; and this morning I was directed by the chairman to request our associate, the gentleman from New York [Mr. FARQUHAR], to introduce it at the proper time when there was a full House. The committee understood that it was withdrawn.

Mr. DOCKERY. Mr. Speaker, there can be no question as to the understanding of the House. The House did not understand that the previous question was ordered upon this resolution with the expectation that it would come up again to-day. They understood that the effect of the order was the withdrawal of the resolution.

Mr. DINGLEY. That was not the understanding of many of the gentlemen present. If they had so understood it they would have objected. As appears from the RECORD the request was for unanimous consent that the resolution should be passed over "for the present," and that was agreed to. If the request had been for unanimous consent for the withdrawal of the resolution, certainly objection would have been made.

Mr. JOHNSTON, of Indiana. Mr. Speaker, I made objection to the laying aside of the resolution and afterward withdrew my objection, with the understanding that the resolution was to be passed over—not that it was to be withdrawn, but that it was to be passed over for the present, the previous question having been ordered upon it. I should not have withdrawn my objection had I understood that the resolution was to be withdrawn, and the withdrawal of my objection was based upon the understanding that the resolution was merely passed over for the time.

Mr. REID, of North Carolina. If the gentleman will permit me, I will state that it was not the understanding of the committee that the resolution was totally withdrawn from the consideration of the House, but that it was to be called up when there was a full House.

Mr. JOHNSTON, of Indiana. I understood that it was to be simply passed over.

Mr. REID, of North Carolina. It is a privileged resolution, which can be called up at any time, and it was the intention of the chairman when he withdrew it to call it up again at the proper time.

Mr. SPRINGER. He has a right to call it up now.

The SPEAKER. The RECORD shows the following proceedings on the subject:

Mr. BARKSDALE. I ask that this resolution be laid aside for the present.
Mr. JOHNSTON, of Indiana. I object.
Mr. BENNETT. How long does the gentleman propose to lay it aside?
The SPEAKER *pro tempore*. Does the gentleman from Indiana insist on his objection?
Mr. JOHNSTON, of Indiana. I have objected.
The SPEAKER *pro tempore*. Does the gentleman insist on his objection?
Mr. JOHNSTON, of Indiana. Is the gentleman from North Carolina going to insist upon a quorum?
Mr. BENNETT. Does the gentleman address his question to me?
Mr. JOHNSTON, of Indiana. Yes.
Mr. BENNETT. Dead certain. [Laughter.]
Mr. JOHNSTON, of Indiana. As the gentleman, a friend of the administration which went into power pledged to civil-service reform, proposes to call a quorum, I will withdraw my objection.
By unanimous consent the resolution was passed over for the present.

The Journal also shows that the resolution was passed over for the present, the previous question having been ordered upon it. The Chair supposes that under the practice of the House that would bring this resolution up for consideration this morning.

Mr. SPRINGER. It is a privileged resolution, anyway.

The SPEAKER. Yes; it is a privileged resolution.

Mr. FARQUHAR. Then it can be called up now.

The SPEAKER. The question is upon the adoption of the concurrent resolution.

Mr. SPRINGER. Let it be again read.

The SPEAKER. It has been read; but if there be no objection the Clerk will again report the resolution.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *July* 6, 1886.

Resolved by the Senate (the House of Representatives concurring), That the third annual report of the United States Civil Service Commission be printed, and that 26,000 additional copies be printed; of which 2,000 shall be for the use of the Senate, 4,000 for the use of the House, and 20,000 copies for distribution by the commission: *Provided*, That appendices 8 and 9 of the report as published by the House of Representatives, Executive Document No. 140, Forty-ninth Congress, first session, be omitted by the Public Printer in printing this edition.

Mr. REID, of North Carolina. I call for the reading of the report.

The SPEAKER. Debate is not in order, and the reading of the report is in the nature of debate. The House does not vote on the report, but simply on the resolution.

The question being taken on agreeing to the resolution, there were—ayes 111, noes 28.

Mr. BENNETT. No quorum.

Mr. DINGLEY. I call for the yeas and nays.

The yeas and nays were ordered, 58 voting in favor thereof.

The question was taken; and it was decided in the affirmative—yeas 187, nays 46, not voting 89; as follows:

YEAS—187.

Adams, G. E.	Ford,	Lore,	Singleton,
Allen, C. H.	Frederick,	Louttit,	Smalls,
Allen, J. M.	Fuller,	Lovering,	Spooner,
Atkinson,	Funston,	Lowry,	Springer,
Baker,	Gay,	Lyman,	Stahlnecker,
Barksdale,	Geddes,	Markham,	Stewart, J. W.
Bayne,	Glass,	Martin,	Stone, E. F.
Bingham,	Glover,	McAdoo,	Stone, W. J., Ky.
Blanchard,	Goff,	McComas,	Stone, W. J., Mo.
Blount,	Green, R. S.	McCreary,	Strait,
Bound,	Grosvenor,	McKinley	Struble,
Boyle,	Guenther,	McMillin,	Swinburne,
Breckinridge, C. R.	Hale,	Merriman,	Symes,
Breckinridge, WCP.	Hall,	Millard,	Tarsney,
Browne, T. M.	Harmer,	Milliken,	Taulbee,
Brown, C. E.	Hatch,	Mitchell,	Taylor, I. H.
Brown, W. W.	Hayden,	Moffat,	Taylor, Zach.
Buck,	Haynes,	Morgan,	Thomas, O. B.
Bunnell,	Henderson, D. B.	Morrill,	Thompson,
Burleigh,	Henderson, T. J.	Morrison,	Townshend,
Burrows,	Hepburn,	Morrow,	Tucker,
Bynum,	Herbert,	Murphy,	Turner,
Campbell, J. M.	Hiestand,	Neal,	Van Eaton,
Candler,	Hill,	Neece,	Viele,
Cannon,	Hires,	Negley,	Wade,
Catchings,	Hiscock,	O'Neill, Charles	Wakefield,
Clardy,	Hitt,	Osborne,	Wallace,
Cobb,	Holman,	Parker,	Ward, J. H.
Conger,	Holmes,	Payson,	Ward, T. B.
Cowles,	Hopkins,	Peel,	Warner, A. J.
Cox,	Hudd,	Perkins,	Warner, William
Curtin,	Hutton,	Peters,	Weaver, A. J.
Cutcheon,	Irion,	Pirce,	Weaver, J. B.
Dargan,	Jackson,	Plumb,	Weber,
Davidson, R. H. M.	James,	Price,	Wellborn,
Dibble,	Johnson, F. A.	Reagan,	West,
Dingley,	Johnston, J. T.	Reed, T. B.	Wheeler,
Dockery,	Jones, J. H.	Reid, J. W.	White, A. C.
Dunham,	Jones, J. T.	Rice,	White, Milo
Dunn,	Kelley,	Rockwell,	Wilkins,
Eden,	Ketcham,	Romeis,	Willis,
Ely,	La Follette,	Rowell,	Wilson,
Everhart,	Laird,	Ryan,	Winans,
Farquhar,	Landes,	Sawyer,	Wolford,
Findlay,	Le Fevre,	Scott,	Woodburn,
Fisher,	Lindsley,	Scranton,	Worthington.
Fleeger,	Long,	Seymour,	

NAYS—46.

Ballentine,	Davidson, A. C.	Laffoon,	Sayers,
Barry,	Dougherty,	Lanham,	Seney,
Bennett,	Eldredge,	Lawler,	Shaw,
Bragg,	Forney,	Matson,	Skinner,
Cabell,	Halsell,	McRae,	Snyder,
Carleton,	Harris,	Mills,	Stewart, Charles
Clements,	Henderson, J. S.	Oates,	Swope,
Compton,	Henley,	O'Ferrall,	Taylor, J. M.
Comstock,	Howard,	O'Neill, J. J.	Trigg,
Crisp,	Johnston, T. D.	Randall,	Wise.
Croxton,	King,	Richardson,	
Culberson,	Kleiner,	Sadler,	

NOT VOTING—89.

Adams, J. J.	Cooper,	Hermann,	Ranney,
Aiken,	Crain,	Hewitt,	Reese,
Anderson, C. M.	Daniel,	Houk,	Riggs,
Anderson, J. A.	Davenport,	Lehlbach,	Robertson,
Arnot,	Davis,	Libbey,	Rogers,
Barbour,	Dawson,	Little,	Sessions,
Barnes,	Dorsey,	Mahoney,	Sowden,
Beach,	Dowdney,	Maybury,	Spriggs,
Belmont,	Ellsberry,	McKenna,	Steele,
Bland,	Ermentrout,	Miller,	Stephenson,
Bliss,	Evans,	Muller,	St. Martin,
Boutelle,	Felton,	Nelson,	Storm,
Brady,	Foran,	Norwood,	Taylor, E. B.
Brumm,	Gallinger,	O'Donnell,	Thomas, J. R.
Buchanan,	Gibson, C. H.	O'Hara,	Throckmorton,
Burnes,	Gibson, Eustace	Outhwaite,	Tillman,
Butterworth,	Gilfillan,	Owen,	Van Schaick,
Caldwell,	Green, W. J.	Payne,	Wadsworth,
Campbell, Felix	Grout,	Perry,	Wait,
Campbell, J. E.	Hammond,	Pettibone,	Whiting,
Campbell, T. J.	Hanback,	Phelps,	
Caswell,	Heard,	Pidcock,	
Collins,	Hemphill,	Pindar,	

So the resolution was adopted.

Mr. LITTLE. Mr. Speaker, I am now informed that my colleague, Mr. OUTHWAITE, relies on our pair of Saturday continuing through this vote, and therefore desire to withdraw my vote. I voted in the affirmative.

The following pairs were announced:
Mr. PIDCOCK with Mr. SYMES, until July 20.
Mr. SNYDER with Mr. BRADY, until July 20.
The following-named members were announced as paired for this day:
Mr. HEWITT with Mr. WAIT.
Mr. MULLER with Mr. ANDERSON, of Kansas.
Mr. COLLINS with Mr. DAVIS.
Mr. FELIX CAMPBELL with Mr. DAVENPORT.
Mr. BELMONT with Mr. NELSON.
Mr. CAMPBELL, of Ohio, with Mr. BRUMM.
The following-named members were announced as paired on this vote:
Mr. LITTLE with Mr. OUTHWAITE.
Mr. ADAMS, of New York, with Mr. BUTTERWORTH.
Mr. CRAIN with Mr. COOPER.
The following-named members were announced as paired until further notice:
Mr. THROCKMORTON with Mr. WADSWORTH.
Mr. MILLER with Mr. HOUK.
Mr. DOWDNEY with Mr. O'HARA.
Mr. DANIEL with Mr. WHITING.
Mr. SPRIGGS with Mr. OWEN.
Mr. DAWSON with Mr. RANNEY.
Mr. HAMMOND with Mr. PAYNE.
Mr. NORWOOD with Mr. O'DONNELL.
Mr. REESE with Mr. GALLINGER.
Mr. ROBERTSON with Mr. STEELE.
Mr. RIGGS with Mr. PHELPS.
Mr. STORM with Mr. LOUTTIT.
Mr. BLAND with Mr. VAN SCHAICK.
Mr. GREEN, of North Carolina, with Mr. HANBACK.
Mr. ARNOT with Mr. THOMAS, of Illinois.
Mr. ROGERS with Mr. E. B. TAYLOR.
Mr. BARBOUR with Mr. LIBBEY.
The result of the vote was announced as above stated.

Mr. FARQUHAR moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EVENING SESSIONS.

Mr. MORRISON. I am directed by the Committee on Rules to make the following privileged report:

The Clerk read as follows:

Resolved, That on Tuesday afternoon next, at 5 o'clock p. m., the House shall take a recess until 8 o'clock p. m., the evening session to be devoted exclusively to the consideration of bills authorizing the construction of bridges reported from the Committee on Commerce; that on this day at 5 o'clock p. m. the House shall take a recess until 8 o'clock p. m., the evening session to be devoted exclusively to measures presented by the Committee on the Post-Office and Post-Roads; that the sessions herein provided for shall not extend beyond 11 o'clock p. m.

Mr. MORRISON. I demand the previous question.

Mr. HENDERSON, of Iowa. I hope the gentleman will not do that, as I have an amendment to offer.

Mr. BINGHAM. Does that mean to-night?

The SPEAKER. It does.

Mr. ADAMS, of Illinois. What committee does this come from?

The SPEAKER. The Committee on Rules, the resolution having been sent to that committee.

Mr. ADAMS, of Illinois. Is it not subject to amendment?

The SPEAKER. Not if the previous question is ordered. The gentleman from Illinois has demanded the previous question.

Mr. HENDERSON, of Iowa. I hope the gentleman will withdraw that demand, as I have an amendment to offer.

Mr. SPRINGER. Is the evening session for to-night?

The SPEAKER. Yes, to-night.

The question recurred on ordering the previous question.

The House divided; and there were—ayes 87, noes 42.

Mr. HENDERSON, of Iowa. No quorum.

Mr. MORRISON. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. STRUBLE. Let the resolution be again reported.

The SPEAKER. The question is on ordering the previous question. The proposition is to set apart this evening from 8 to 11 o'clock for the consideration of bills coming from the Committee on the Post-Office and Post-Roads, and to-morrow evening from 8 to 11 o'clock for the consideration of bills authorizing the construction of bridges reported from the Committee on Commerce.

The question was taken; and it was decided in the affirmative—yeas 162, nays 69, not voting 91; as follows:

YEAS—162.

Allen, J. M.	Boutelle,	Burrows,	Catchings,
Ballentine,	Boyle,	Butterworth,	Clardy,
Barry,	Bragg,	Cabell,	Clements,
Bennett,	Breckinridge, C. R.	Caldwell,	Cobb,
Blanchard,	Buck,	Campbell, T. J.	Comstock,
Bliss,	Burleigh,	Candler,	Cowles,
Blount,	Burnes,	Carleton,	Cox,
Crisp,	Henderson, T. J.	Mills,	Stone, W. J., Mo.
Croxton,	Henley,	Mitchell,	Swinburne,
Culberson,	Herbert,	Moffatt,	Swope,
Curtin,	Hermann,	Morgan,	Tarsney,
Dargan,	Hill,	Morrill,	Taulbee,
Davidson, A. C.	Hiscock,	Morrison,	Taylor, I. H.
Davidson, R. H. M.	Holman,	Murphy,	Taylor, J. M.
Dockery,	Hopkins,	Neal,	Taylor, Zach.
Dougherty,	Howard,	Neece,	Townshend,
Dunham,	Hutton,	Oates,	Trigg,
Dunn,	Irion,	O'Ferrall,	Tucker,
Eden,	Johnston, T. D.	O'Neill, J. J.	Turner,
Eldredge,	Jones, J. H.	Peel,	Van Eaton,
Ellsberry,	Jones, J. T.	Perry,	Viele,
Ermentrout,	King,	Randall,	Wallace,
Felton,	Kleiner,	Reagan,	Ward, J. H.
Findlay,	Landes,	Reid, J. W.	Ward, T. B.
Fisher,	Lanham,	Richardson,	Warner, A. J.
Foran,	Lawler,	Ryan,	Warner, William
Ford,	Le Fevre,	Sadler,	Weaver, J. B.
Forney,	Lehlbach,	Sayers,	Wellborn,
Frederick,	Lore,	Scott,	West,
Gay,	Louttit,	Seney,	Wheeler,
Geddes,	Lovering,	Seymour,	White, A. C.
Glass,	Lowry,	Shaw,	Wilkins,
Glover,	Markham,	Singleton,	Willis,
Green, R. S.	Martin,	Skinner,	Wilson,
Guenther,	Matson,	Snyder,	Winans,
Hale,	McAdoo,	Sowden,	Wise,
Hall,	McComas,	Springer,	Wolford,
Halsell,	McCreary,	Stewart, Charles	Woodburn,
Harris,	McMillin,	Stewart, J. W.	Worthington.
Hatch,	McRae,	St. Martin,	
Henderson, J. S.	Merriman,	Stone, W. J., Ky.	

NAYS—69.

Adams, G. E.	Everhart,	Little,	Rockwell,
Allen, C. H.	Fleeger,	Long,	Romeis,
Atkinson,	Fuller,	Lyman,	Rowell,
Baker,	Grosvenor,	McKinley,	Scranton,
Bayne,	Harmer,	Millard,	Smalls,
Bingham,	Hayden,	Negley,	Spooner,
Bound,	Henderson, D. B.	O'Neill, Charles	Stone, E. F.
Browne, T. M.	Hiestand,	Osborne,	Strait,
Brown, W. W.	Hires,	Parker,	Struble,
Brown, C. E.	Hitt,	Payson,	Thompson,
Bunnell,	Holmes,	Perkins,	Wade,
Campbell, J. M.	Jackson,	Peters,	Wakefield,
Cannon,	James,	Pettibone,	Weaver, A. J.
Caswell,	Johnson, F. A.	Pirce,	Weber,
Cooper,	Johnston, J. T.	Plumb,	White, Milo.
Cutcheon,	Kelley,	Price,	
Dingley,	La Follette,	Reed, T. B.	
Ely,	Laird,	Rice,	

NOT VOTING—91.

Adams, J. J.	Davenport,	Houk,	Ranney,
Aiken,	Davis,	Hudd,	Reese,
Anderson, C. M.	Dawson,	Ketcham,	Riggs,
Anderson, J. A.	Dibble,	Laffoon,	Robertson,
Arnot,	Dorsey,	Libbey,	Rogers,
Barbour,	Dowdney,	Lindsley,	Sawyer,
Barksdale,	Evans,	Mahoney,	Sessions,
Barnes,	Farquhar,	Maybury,	Spriggs,
Beach,	Funston,	McKenna,	Stahlnecker,
Belmont,	Gallinger,	Miller,	Steele,
Bland,	Gibson, C. H.	Milliken,	Stephenson,
Brady,	Gibson, Eustace	Morrow,	Storm,
Breckinridge, WCP.	Gilfillan,	Muller,	Symes,
Brumm,	Goff,	Nelson,	Taylor, E. B.
Buchanan,	Green, W. J.	Norwood,	Thomas, J. R.
Bynum,	Grout,	O'Donnell,	Thomas, O. B.
Campbell, Felix	Hammond,	O'Hara,	Throckmorton,
Campbell, J. E.	Hanback,	Outhwaite,	Tillman,
Collins,	Haynes,	Owen,	Van Schaick,
Compton,	Heard,	Payne,	Wadsworth,
Conger,	Hemphill,	Phelps,	Wait,
Crain,	Hepburn,	Pidcock,	Whiting.
Daniel,	Hewitt,	Pindar,	

So the previous question was ordered.

On motion of Mr. JAMES, by unanimous consent, the reading of the names was dispensed with.

The result of the vote was then announced as above recorded.

Mr. MORRISON moved to reconsider the last vote taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. Under the rules thirty minutes are allowed for debate, fifteen for and fifteen minutes against the resolution. If no gentleman desires to be heard the question is on agreeing to the resolution.

Mr. BAYNE. Mr. Speaker, I do not care particularly about debating this question, but I should like to say a word on the general subject involved.

As I understand this resolution comes from the Committee on Rules, and assumes the magnitude of fixing two nights for the consideration of bills. In all the years that I have been here I have never seen a proposition of that kind coming from the Committee on Rules before. I never saw a rule reported from the committee of such a character as that—a rule whose only purpose is to serve a temporary object and to serve some particular committee whose bills are to be considered. I have no objection in the world to the consideration of bills reported by the Committee on Commerce, nor to the consideration of those bills reported from the Committee on the Post-Office and Post-Roads.

But if the rules of the House are to be converted into machines for the purpose of effecting temporary objects of this kind, if the powers of the Committee on Rules, with its special prerogatives and special pow-

ers, are to be perverted to the mere object of fixing a night or a day for the consideration of special bills to be reported from some particular committee—I say if that plan is to obtain there soon will cease to be any respect for the rules of the House at all.

Rules, as I understand them, are to serve general purposes and objects, and are to be made to meet classes of objects. They are not to be prepared and passed merely for the purpose of effecting some special object, some particular subject, or some merely temporary purpose; and I think it is placing in the hands of the Committee on Rules a power which should be denied to it by the members of the House. It will come to this, if this sort of plan is to obtain here in the House, that soon the fixing of a day for the consideration of bills, or the fixing of a time for taking up some special measure, will simply lie in the hands of the Committee on Rules.

The Committee on Commerce having jurisdiction over bills relating to bridges, and the Committee on the Post-Office and Post-Roads having jurisdiction over the affairs of that Department, will not be able to call up their measures, but will be compelled to bow obeisance to the Committee on Rules, and that committee, by special favoritism, or at least by a preference which will be expressed in the way of some temporary expedient of this kind, will come in and say we report a rule, which is a privileged question, and we will fix next Friday night, or next Saturday night, or any other night they see proper, for the consideration of measures reported from these committees.

I say I have no antagonism to the measures to be proposed by these committees, but I do protest against this prostitution of the principle upon which the rules of the House were founded and upon which the measures of this House are to be considered; and I want every committee to stand upon a fair footing of equality here, with the right to come in here with its measures and have them considered on the days on which they may properly be considered. I do not think it is right in any respect, and I think it will lead to the overthrow of all rules. It will do more, Mr. Speaker; it will generate a disrespect for the very rules which are intended to be equal in their effect and application and to serve all the members and all the committees of the House alike.

Mr. HISCOCK. Mr. Speaker, I desire to make a suggestion or two in response to the gentleman from Pennsylvania. I agree with him that it is unfortunate the Committee on Rules should be called upon to exercise this power; but, sir, in the last days of the session we always find the calendars crowded with an immense amount of legislation to which there is no objection, and yet we have not the time to reach it. We have invented rules that bills should be considered if there were not ten objections to them or five objections to them, in some way attempting to get rid of the power of one man to defeat all of this sort of legislation; and that practice, or the practice under those rules, has really not effected anything in the way of giving relief in the passage of this character of bills. The motive of the Committee on Rules in this matter is this: To get before the House in these last days of the session that legislation to which there is practically no opposition and utilize our evenings in the passage of bills to which there is no objection; and if there is any gentleman here who is able to invent a better method or more effective method than this I have no doubt it will be adopted by the Committee on Rules, of which I am a humble member and in the minority. But I desire to say that this thing has not been done with reference to running the House, grasping power, or creating an abuse. We have adopted this method as the only one by which we can get before the House and pass bills to which there is no objection.

Mr. BAYNE. I now yield to the gentleman from Illinois so much time as he may desire.

Mr. ADAMS, of Illinois. Mr. Speaker, all that the gentleman from New York has said amounts simply to this: That under the rules which exist we find it inconvenient or difficult at this part of the session to transact the public business. That is all of his argument. Now, my opinion of a rule is that it is a law of general application to the class which goes before it; and we have in the book of rules provisions for suspending the rules, but the rules provide that motions to suspend shall only be made on particular days and under particular regulations.

Now, I insist that where we have a rule that the House shall adjourn at 5 o'clock until the next day, a rule, or a so-called rule, that on a particular evening the House shall not adjourn, but shall take a recess for an evening session for the particular business of a particular committee—that is nothing more nor less than a proposition to suspend the rules. And I think my friend from New York [Mr. HISCOCK] would find it rather difficult to point out a logical distinction between a rule which applied to a particular committee on a particular evening in regard to a particular sort of business and a suspension of the rule.

Therefore this alleged rule, as it is called, amounts simply to this: that although the members of this House can not move to suspend the rules except in the mode provided in the book of rules, yet the Committee on Rules shall have the power to suspend the rules at any time; and I doubt whether that is a power which ought wisely to be given to any committee whatever.

Mr. MORRISON. After the very clear and candid statement of the gentleman from New York [Mr. HISCOCK] I hardly need to say more. Under our rules fixing the adjournment at 5 o'clock there is no other practical way of getting evening sessions than the one proposed in this resolution, and if we provided for an evening session without determining the business to be considered, gentlemen very well understand committees would contend for precedence with each other and there would be nothing done. Gentlemen know, too, how very improbable it is that any measure will pass at an evening session to which there is any objection; for it has seldom, if ever, occurred, and probably never will, that on any of these occasions, or night sessions, we have a quorum; so that any member can prevent the passage of any measure which is objectionable to him by his single objection. Still much useful legislation may be, and frequently is, accomplished at these evening sessions.

I do not need to call the attention of the gentleman from Pennsylvania [Mr. BAYNE] and the gentleman from Illinois [Mr. ADAMS] to the fact that it was only a short time ago when the Committee on Rules made a rule to apply to one bill only and providing how it should be voted on, and both those gentlemen supported it. And I have already said how very improbable it is that any objectionable measure would be passed at an evening session with but few members present.

Mr. ADAMS, of Illinois. Will my colleague admit that that very instance he has cited met with very general criticism inside the House and outside the House? And will he point out the distinctions between such a rule as this and suspending the rules?

Mr. MORRISON. It met with no criticism from the gentlemen who complain of this. I suppose the trouble about this, and the apprehensions of my two excellent friends comes from the fact that at Saint Louis a very enterprising citizen, a man who is chief in many valuable enterprises, owns a bridge, and there are people who want to build another. This seems to have excited the apprehensions of other cities and of gentlemen along the line of some roads that go over the old bridge. I do not know if the two things have any connection with each other, but it is very improbable the evening session will result in the passage of that new bridge measure if one of those excellent gentlemen is here to say "I object."

Mr. HENDERSON, of Iowa. The last remarks of the gentleman from Illinois [Mr. MORRISON] induce me to say this: He has intimated that probably the objection to the building of another bridge at some point was the cause of this trouble. I want to say simply this to the House, that I have not objected this morning to this resolution passing, nor do I object to the construction of another bridge at the city of Saint Louis. But I do represent thousands of people and millions of dollars in the Mississippi Valley that are opposed to the construction of a low bridge at the city of Saint Louis which will interfere with the navigation of the Mississippi. I am prepared here and now, as I have repeatedly said to the friends of the low bridge at Saint Louis, to favor the construction of another bridge, and still another if they want it, provided it is made a high bridge so as not to interfere with the navigation of that stream. I have no antagonism to granting every facility which the city of Saint Louis may desire; but I do object to handicapping or jeopardizing the interests of the Mississippi Valley for the interests of a few who want to build a little cheaper bridge at Saint Louis. Neither do I represent, nor do those who are with me represent, any of the elements that are interested in the present high bridge. I understand statements of that kind have been made here by gentlemen in this House. That is not so. We know nothing of those interests there in the present high bridge; but we simply protest against the construction of another bridge with a draw to it below the mouth of the Missouri River, which would jeopardize and interfere with the navigation of the Mississippi River.

We are opposed to millions of dollars being expended for the improvements of the Mississippi and then putting clogs and interruptions in the way of the free navigation of that river after these improvements are made. All I had desired in my amendment was to confine the evening session under the operation of this resolution to the consideration of those other bills to which, as the gentleman from New York has said, there is practically no opposition.

Mr. CLARDY. I do not know that the Saint Louis bridge bill is a proper subject of discussion now; but I will say one word in reply to the gentleman from Iowa. He tells the House he is in favor of building a high bridge at Saint Louis, or if need be two, or as many as are needed to subserve the interests of commerce.

When the gentleman says that he is opposed to this bill and in favor of a high bridge he says, in substance, that he is opposed to the construction of any bridge there. It is proposed by those having this project in charge to build a bridge, either a high or a low one, which, in the opinion of the Secretary of War, will not interfere with the uninterrupted navigation of the river. It is proposed to build a bridge that will be practically a free bridge.

Mr. HENDERSON, of Iowa. Does not your bill provide for the collection of tolls?

Mr. CLARDY. It provides that no higher rate of toll shall be charged on the bridge than is charged on the roads leading to the bridge.

Mr. HENDERSON, of Iowa. Yes; but it is a toll-bridge.

Mr. CLARDY. The tolls will scarcely amount to enough to keep the bridge in running order.

Mr. HENDERSON, of Iowa. We are perfectly willing that you shall make it a free bridge, for that matter. [Cries of "Vote!" "Vote!"]

Mr. CLARDY. Now I do not know but what gentlemen who surmise that there will not be a quorum here to-morrow night are correct. I had supposed that there would not be a quorum, and that we would not call up this bridge bill, which we knew would be antagonized. I do not suppose that this resolution was presented to this House in order to accommodate the proponent of that measure; in fact, I am sure it was not.

Mr. HENDERSON, of Iowa. Your Saint Louis papers have said for ten days past that this was to be done in the interest of that bill.

Mr. CLARDY. I am not altogether responsible for what the newspapers state. I want to say this in addition to what the gentleman from Illinois [Mr. MORRISON] has said in reference to the opposition to this bill: There are some gentlemen who live in the districts represented by my friend from Iowa and by certain other gentlemen who occupy hundreds of acres of land for which they pay an annual rental and who are interested in getting that land at a cheap rent. But if this bridge be built the value of those lands will be enhanced, and instead of renting them by the acre these gentlemen will be compelled to buy them by the foot or else move their lumber yards. That is how this project will affect their interests. But the people of Saint Louis, the people of Missouri, and I think I may add the people of Illinois, are more interested in cheap transportation than they are in cheap rents for these gentlemen, who have already made their tens of thousands and their millions of dollars out of the people of that city and of those States.

Mr. HENDERSON, of Iowa. And the cost of transportation on the Mississippi River, compared with the cost of transportation on the railroads that run beside it, is as one dollar to five. We can deliver our lumber there for $1 a thousand, when your railroads would charge $5 a thousand.

Mr. CLARDY. And the transportation on the river is trifling in amount compared with the transportation by rail.

Mr. MORRISON. We built a bridge across the river just 20 miles from the point where it is proposed to build this one, and the gentleman from Iowa sat in his seat and never said a word.

The resolution was agreed to.

Mr. MORRISON moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the regular order is the call of the States and Territories for the introduction of bills.

REPEAL OF THE PRE-EMPTION LAW, ETC.

Mr. COBB. Mr. Speaker, I desire to present a privileged report from a committee of conference.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House 7887, "to repeal all laws providing for the pre-emption of the public lands, all laws allowing entries for timber-culture, and all laws authorizing the sale of desert lands, and for other purposes," having met, after full and free conference have been unable to agree.

T. R. COBB,
W. J. STONE,
L. E. PAYSON,
Managers on the part of the House.

J. N. DOLPH,
P. B. PLUMB,
F. M. COCKRELL,
Managers on the part of the Senate.

The SPEAKER. The question is on accepting the report of the committee of conference.

Mr. COBB. Mr. Speaker, I desire to make a brief statement in connection with this report. The conference committees of the two Houses had a meeting and quite an extended conference, but failed to agree. The main point of difference is upon the first and eighth sections, the Senate amendments, which would confirm all the fraudulent titles or entries that have been made heretofore. The committee on the part of the House believe that that ought not to be done. I do not now desire, however, to take up more of the time of the House, and I yield to my colleague on the committee, the gentleman from Illinois [Mr. PAYSON], reserving my remaining time.

Mr. PAYSON. Mr. Speaker, the pending question, as I understand it, is on the motion to insist upon the disagreement between the House and the Senate.

The SPEAKER. That motion has not been made.

Mr. PAYSON. Assuming that it will be made, I address myself to that. Of course on the general question I do not care at present to occupy any time or to tax further the attention of the House. For the purposes of this motion it is enough to say that upon the question as to the repeal of the pre-emption and the timber-culture law the Senate and House agree, and the conferees have informally agreed to concur with reference to that. But the point of difference between the two committees of conference may be briefly stated to be this: The Senate has amended the House bill by inserting in the first section of it a validating clause as to all entries which may have been made where there has been a conveyance by the entryman and a sale of his interest made prior to the 1st day of June, 1886.

The avowed object of the insertion of that validating clause on the part of the Senate conferees is to wipe out every question connected with the fraudulent entry where the entryman has sold his land prior to that date—as one of the Senate conferees expressed it, "to turn over a new leaf."

For the past four years, as is well known, this House has passed appropriations of $95,000 or $100,000 each year for the purpose of detecting these frauds, having the entries canceled, and preserving the lands affected by these entries for honest settlers. It is proposed by this amendment to undo everything which has been done by the Land Department during these years, and present to these people who claim to be purchasers from these entrymen a bill of peace. On that question, Mr. Speaker, the Secretary of the Interior and the Commissioner of the General Land Office have both expressed themselves earnestly. I ask the Clerk to read, as the sentiment of the Secretary of the Interior, a portion of a letter which I send to the desk.

The Clerk read as follows:

9. I also disapprove of the provision in section 1, lines 16 to 22, confirming all pre-emption entries heretofore made on proof of sale and in the absence of adverse claims.

It condones all such fraudulent claims in the past, even those where the question has been adjudicated and the entries legally canceled, and it invites new frauds in the future by providing such a precedent. It does not limit the sales to those made prior to that act, but invites every fraudulent pre-emptor to make a swift conveyance of his claim, pretended or otherwise, and evade the penalty of the law. Its evident purpose is, however, not so much the relief of entrymen as of their assignees, of whom, it is notorious, there is a large number who have got into their hands great tracts of lands by means of the grossest frauds and perjuries, which they have aided and abetted. If the provision is made to apply to sales made before final entry, it would be a condonation of another class of frauds in both vendor and vendee. If the cases to be affected by it were few in number, or of unexpected hardship, there might be some excuse for such a provision; but in fact they are numerous, and the hardship rests deservedly and almost wholly on the speculators, who have evaded the law by inducing ignorant men or their own servants to settle on lands under a pretense, to swear falsely to their *bona fides* at date of entry, and theretofore or thereafter to convey to them. Such a provision is, in my judgment, wholly indefensible.

Mr. PAYSON. Mr. Speaker, the concluding clause of the extract just read by the Clerk expresses in clear terms the judgment of the Interior Department with reference to the Senate amendment to the House bill. The Secretary says:

Such a provision is, in my judgment, wholly indefensible.

So the House conferees believe, and so does the Committee on Public Lands; and the necessity for such a provision nowhere appears.

In the last Congress a bill passed both Houses which was identical practically with the bill which we sent over to the Senate at this session, and which has had these provisions ingrafted upon it. The House conferees have endeavored to the best of their ability to secure from the Senate conferees the adoption of that proposition, pure and simple.

I include as a part of my remarks a letter from the Commissioner of the General Land Office on this subject, carefully prepared, and presenting clearly the objections to the Senate amendments:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 30, 1886.

SIR: In reply to your request for a condensed statement of objections to the amendment to the bill for the repeal of the pre-emption laws, &c., I respectfully refer you to the following:

1. The second clause of the first section, confirming all entries heretofore made under the pre-emption laws and which may have been sold to "*bona fide* purchasers," must have the effect, if any, to validate and confirm all illegal and fraudulent entries so made under that act.

This provision, and a similar provision in the eighth section in respect to final entries *hereafter* made under the pre-emption and homestead acts, are in contravention of well-settled principles of the law of real property and of the law of equity. I think that neither under the civil law nor the common law, nor in any legal authorities, nor in any decision under the public land laws, is it or has it ever been asserted that a person can be an innocent purchaser who buys of one who does not own the legal title. Equity never relieves in such cases, and there is no reason why it should.

In private transactions the owner of property is not expected to indemnify a person against loss who purchases from one who has merely a claim to a legal title but not the legal title itself. The doctrine of *caveat emptor* is as good against a purchaser of property claimed to be derived from the United States as against the purchaser of property claimed to be derived from any other source.

The property of the United States in its public lands is as sacred as the property of individuals, and no good reason would appear to exist why legal principles should be violated and the public domain sacrificed to make good to the purchasers of fraudulent entries, or to speculators in them, titles which may be either absolutely void or voidable in law.

The classes of people who will chiefly be benefited by the proposed legislation are corporations and syndicates, who have covered grazing and timber lands with a cloud of false entries, and money-lenders, who have taken worthless mortgages at exorbitant rates of interest and other charges. Doubtless individual citizens may also have been misled by erroneous advice or persuaded by land or loan agents to invest their money without looking to the foundations of their titles, but such persons have no possible claim upon the United States. Their purchases were private transactions with which the United States had nothing to do. The public records were open to their inspection. They knew, or might have known, that their vendors were not the owners of the land, but had only a claim to it, and that the validity of this claim depended upon its merits. They are charged with a knowledge of the law that all claims under the public land acts are subject to a final confirmation and are liable to defeat, and that titles do not pass until patents issue. If, in some individual cases, the purchasers of inchoate titles have suffered a misfortune which appeals to personal sympathy, and if such cases were a proper subject for public relief, it would be far better that direct money appropriations should be made than that a horde of false and fraudulent claims should be rushed through to patent by force of Congressional

confirmation in order to save certain persons from the consequence of their own indiscretion.

In my letter to Mr. Cobb of March 12 last, I cited authorities running from 1836 to the present time, uniformly sustaining the legal propositions above set forth. There has been no break in the long line of decisions of the Supreme Court of the United States, the supreme courts of the several States, the opinions of Attorneys-General, and the decisions of this office and Department upon the point involved.

A recent decision by Judge Deady to the contrary is in contravention of all the decisions of the Supreme Court of the United States, and of the principles of the decisions cited in its support.

In the case of Harkness *vs.* Underhill, 1 Black, 316, the court specifically overruled the precise points raised by Judge Deady, and in the case of Barnard's Heirs *vs.* Ashley's Heirs, 18 Howard, 43, the court explained certain decisions which had been misconstrued, which misconstruction is carried into Judge Deady's opinion, and showed conclusively that said decisions did not bear the construction put upon them.

The case of Carroll *vs.* Safford, 3 Howard, 460, cited as sustaining the opinion of Judge Deady, was a case arising in 1836, of a purchase of land at private cash sale, where the only conditions of entry were that the land should be subject to sale and should be paid for. In that case, as in others in which the effect of a certificate of purchase has been regarded as entitling the purchaser to a patent, the court expressly said that if the lands were not subject to entry the entry would be invalid. The principle of the decision was that the validity of the certificate depended upon the legality of its issue. There was but one point upon which its validity could be questioned, because there was but that one condition, besides payment, attached to the purchase. Where other conditions are attached to the making of an entry, necessarily those other conditions must also be satisfied. There is therefore no conflict in decisions of the Supreme Court upon the point raised, and the cases cited in support of Judge Deady's opinion are all of the two classes above named, being either those overruled by subsequent or higher decisions, or those which have been misinterpreted and the misinterpretation corrected by the court itself, or apparent on the face of the record.

No honest entry needs a confirmation by Congress. It is the history of this office and Department that liberality to claimants under the public-land laws is carried to extreme lengths, and only those cases in which illegality or fraud are conclusively shown by record facts and testimony taken upon formal hearings, or by failure of interested parties to attempt to controvert the evidence in possession of the Government, are canceled. Consequently it is only these cases—the undeniably illegal or flagrantly fraudulent cases—that will be affected by the amendment, and these are confirmed out of hand, the frauds condoned, and more frauds invited by the nature of the amendment.

2. The last clause of the first section of the Senate amendment provides for the location of soldiers' additional homestead entries by assignees. This provision is not in the interest of soldiers, their heirs or legal representatives, by whom the location may now be made, but is exclusively in the interest of the speculative holders of such claims. I think legislation in the interest of any character of speculation in public land unwise, inexpedient, and contrary to good policy.

These claims are sold in the market, as I am advised, for $16 per acre, but the soldier receives no benefit from that price. Under the present law the claims are not assignable, but the location must be made by the soldier or in his name. The bill makes them assignable, which is in aid of speculation in them.

3. The last proviso in the second section of the Senate amendment repeals the existing requirement that timber-culture entrymen, in making final proof, must show that the specified number of trees were planted on each acre. This requirement is one of the conditions upon which all timber-culture entries have been made. Its repeal changes the contract in favor of the entryman, and enables proof to be made upon natural trees, when they may exist, instead of cultivated ones.

4. In a letter to Senator COCKRELL, dated 21st instant, from which extracts are made in this letter, it was stated in reference to the third section of the Senate bill as follows:

"The third section amends the desert-land act in some meritorious particulars, but embraces other provisions of a different character, the principal of which is the incorporation of a right of assignment of the unperfected entry. This feature changes fundamentally the underlying principle of the public-land laws that entries shall be made for the exclusive benefit of entrymen, and not for the benefit of other persons, and it practically abrogates existing restrictions of the act limiting one person to one entry of 640 acres. By the proposed amendment any purchaser of desert entries may obtain as great a quantity of land which has been heretofore entered or which may be hereafter entered under this act as he may be able or may choose to pay for. That it is the purpose of the amendment to aggregate entries in single or corporate hands is shown by the clause providing for the association of entrymen and the filing of joint maps, coupled with the right of assignment. In Wyoming, Montana, and elsewhere great bodies of land have been covered by consecutive desert-land entries, embracing the water privileges of many square miles of territory. To legalize the assignment and consolidation of these entries as proposed by the Senate amendment is to create a land monopoly of vaster proportions than any against which publicists have warned the country or political conventions have denounced.

"Another objection to the amendment is that the provisions of the desert-land act are extended to another State (namely, Colorado) than the States to which it was confined by the original act. The public injury already done under this act, which, as stated by my predecessor, operates not to the reclamation of land but to its misappropriation and the prevention of reclamation, should not be extended to embrace additional territory. Legislation clamored for by monopolists is not legislation presumptively in the public interests."

The report of proceedings in the Senate shows that the words "or his assignors," in line 18, page 4, and the words "or his assigns," in line 67, page 6, were stricken out, and that the Senate subsequently refused to restore said words. Yet those words appear in the bill as passed.

5. The fifth section extends the homestead privilege to single females between the ages of eighteen and twenty-one. As young girls are not expected, as a class, to take up public land for the purpose of a home, and to live alone upon isolated claims, there would seem to be no utility in this provision, at least not for any purpose of promoting actual settlements.

6. The sixth section authorizing the transfer of any portion of a claim under the settlement laws for church, cemetery, or school purposes, or for the right of way for railroads, canals, or ditches, adds to existing law (section 2288, Revised Statutes) the words "canals or ditches for irrigation or drainage." As the right of way for the latter purposes is already secured by general law (sections 2339, 2340 Revised Statutes), the occasion for this amendment is not evident. The objection to it, apart from its apparent want of utility for any necessary purpose, is the liability of its use for the consummation of frauds upon a great scale. "Any portion" of an entry may be so transferred. The words "any portion" include the whole. Entire claims may therefore be transferred under the proposed amendment for the ostensible purpose named. It is not necessary that any canals or ditches should actually be constructed. The claims can be transferred for the alleged purpose of constructing them, and the amount of land that may be thus acquired by corporations or individuals may be limited only by the extent of territory desired to be dominated.

It may be suggested that the above objections would equally apply to the provisions in respect to tracts for cemetery or school purposes, but this is not the fact, because fraudulent entries are not presumed to be sought for those purposes, but are known to have been largely made in the special interests for which the amendment would naturally be available.

7. The seventh section provides a new form of entry, to wit, "mountain homesteads" of 320 acres. No cultivation of the land is required. It opens up the States of California, Oregon, and Nevada, and the Territories of Washington, Idaho, Montana, Utah, Wyoming, Arizona, and New Mexico to an easy form of fraudulent entry, which, falling under the provisions of the eighth section of the Senate amendment, will be protected and validated by the enforced confirmations of that section.

8. The eighth section is the germ and essence of the entire amendment. This section practically cuts off adverse claims and effectually prohibits contests against invalid entries, also rendering impossible an official investigation of fraudulent ones; confirms all entries that may be sold, however false or baseless, unless knowledge of the fraud is brought to attention within an impossible period; deprives the Land Department of its jurisdiction to determine the validity of claims against the United States under the public-land laws; transfers executive functions to the judiciary; imposes upon the courts duties which if they could be performed would require a quadruplication of the judicial establishment, and makes an absolute confirmation after two years of all entries not otherwise confirmed in fact or effect by other provisions of this section and bill.

I regard this section as a nullification of all guards and restrictions in the public-land laws; as a reversal of the whole policy of legislation in respect to the acquisition of individual titles to public land; as a repudiation of the pledges of political parties and conventions to preserve the public domain for actual settlements, and, in short, as the destruction of the public-land system of the United States. And I perceive that this radical change can have no other effect than to promote the interests of speculation and monopoly.

9. The ninth section, providing that suits to vacate patents shall not be brought after seven years from the date of the passage of the act or five years from the date of the issue of patents hereafter, would have the effect to validate both void and voidable patents even in the hands of the patentees, unless suit should be brought within the time fixed, which is wholly impossible, particularly in respect to patents issued to corporations when the bringing of the suit may depend upon the settlement of questions that may not even be considered within the term of five years.

It is said that some limitation of time is necessary within which public-land entries shall be liable to attack by individuals or to inquiry by the Government, in order that certainty in land titles may be assured, it may be replied that the same reason would apply to claims for money out of the Treasury, since such claims, equally with claims for public land from the treasury of the public domain, are the subject of sale and assignment; that unless the public-land system should be changed to favor speculative proprietorship instead of actual inhabitancy there is no substantial reason for anticipating the regular and orderly termination of cases; and, further, that another and better method exists by which a final adjudication of claims can be facilitated. This is by a simple repeal of laws under which the most extensive frauds have been committed, thus preventing their future perpetration, and by increasing the facilities of this office for the examination of existing claims so that the work can be speedily performed, false claims discovered and suppressed, and good ones confirmed and patented.

10. The tenth section of the amendment retains the provision that abandoned military reservations shall remain subject to sale as provided by the act of July 5, 1884. The reasons why such lands should not be sold at public sale as provided by said act are set forth in my annual report, page 75, as follows:

"RELINQUISHED MILITARY RESERVATIONS.

"By the act of Congress of July 5, 1884, providing for the disposal of abandoned military reservations, the lands are required to be appraised and sold at public sale for cash. Settlers entering upon such reservations after January 1, 1884, are not protected against these cash sales. Petitions and memorials have been received by this office representing that the effect of the law is disadvantageous to settlements, and urging executive recommendation for its modification or repeal. It is alleged that settlers can not compete with rich syndicates in the purchase of such lands, and that the result will necessarily be that the large bodies of land embraced in these reservations will pass into single or corporate possession, to the disadvantage of the settlement and prosperity of the country.

"Thirty-seven reservations have been turned over to this Department under this act, the majority of which contains area ranging from 5,000 to 100,000 acres each, and aggregating about 627,000 acres.

"The amount of land embraced in existing reservations that have not been relinquished by the War Department is estimated at about 2,500,000 acres.

"These reservations are chiefly in the Territories. They were selected by the military authorities for their advantages in respect to grass, wood, and water, and for these reasons invite settlement. It has not been the experience of this office that public cash sales of lands augment the revenues of the Government to a degree to make that form of disposal desirable as a matter of economy or of public policy. I know of no public reason why relinquished military reservations should be sold at public cash sale as a special class of lands. The buildings on the land are of little value to the Government after their use has ceased, and can be sold to as good or better advantage by the War Department before the reservations are relinquished than by the Land Department afterward. Custodians have to be appointed and paid, and this expense, with the cost of appraisal and sale, is likely to amount to as much or more than the buildings are worth. Their rapid deterioration after abandonment is another element to be considered. The past experience of this office is not favorable to this method of disposing of abandoned buildings.

"Interested parties desiring to secure large bodies of land naturally seek to hasten the extinction of reservations, but in my judgment the time is rapidly approaching when people needing homes will rejoice if Government reservations shall have saved any considerable amount of public lands from present indiscriminate appropriation. If, however, these reserved lands are to be disposed of at or soon after their abandonment for military purposes, I do not think a monopoly of them should be allowed to cash purchasers, but that an honest attempt at least should be made to enable *bona fide* settlers to obtain them."

In brief, I may say in general terms that the objections to the Senate amendment are to all those respects in which it adds to the House bill matters not necessarily connected with the repeals proposed, and which, as radically changing the theory, policy, and purpose of the public-land laws, should receive deliberate and independent consideration.

If it is the will of Congress to destroy the public-land system and turn over what is left of the public domain to speculators and spoliators, the pending amendment should be concurred in. If it is the intention to keep the public faith that has repeatedly been pledged to the people that the remaining public lands should be disposed of only for actual settlement and be subject only to an honest appropriation for that purpose, the amendment should not receive approval.

Your attention is called to my report, May 6, 1886 (Senate Ex. Doc. No. 134), showing that, with the increased force asked for, the pending cases of final entry can reasonably be expected to be closed within a year and a half.

I also respectfully call your attention to marked paragraphs in my predecessor's annual report for 1884, pages 15, 16, and 17, and in my report for 1885, pages 64-67, relative to examinations of entries, and to other marked paragraphs in reports for 1883, 1884, and 1885, relating specifically to different classes of entry.

Very respectfully,

WM. A. J[illegible], *Commissioner.*

Hon. L. E. PAYSON, *House of Representatives.*

As to the propriety of the repeal of the pre-emption law, the Senate conferees agree with us; as to the propriety of the repeal of the timber-culture law, they agree with us; but they insist upon ingrafting upon these repealing enactments a provision validating and condoning these frauds—whether of greater or less degree I am not here to argue, for it is utterly immaterial—but they insist as a condition precedent that this provision shall be inserted, or the repeal remain inoperative.

Mr. BROWNE, of Indiana. Is there in the bill any saving provision whatever?

Mr. PAYSON. There is. The House bill as sent to the Senate preserves the right of every *bona fide* settler and purchaser under the general land laws down to the time when the bill shall become operative. I read for the benefit of the gentleman the first proviso of the first section of the bill:

Provided, however, That this repeal shall not affect any valid rights heretofore accrued or accruing under said laws, including the right of such persons as have entered contest, to make entry of the land the subject of such contest, as now provided by existing law; and all *bona fide* claims, lawfully initiated upon either surveyed or unsurveyed lands before the 1st day of October, 1866—

The provision being extended for the benefit of those who may go in during the entire season, until the 1st day of October, 1886—

may be perfected upon due compliance with the law in the same manner, upon the same terms and conditions, and subject to the same limitation, forfeitures, and contests, as if this act had not been passed.

That is the House provision which we sent to the Senate.

Now, the next item of disagreement between us the House conferees regard as important. It is well known to those who are familiar with the public-land laws that there are vast areas of land in the country known as "offered lands;" that is to say, where land has been once offered at public auction and has not been purchased when so offered it thereafter becomes subject to what is known as private entry at $1.25 an acre, and in such quantities as the purchaser may desire to acquire. By proclamation of the President, most of the valuable lands in the Northwest have been withdrawn from that condition; but over the South and in the Southwest large areas of this land still remain. The great proportion of it is timber land, valuable only for the timber which is upon it. In anticipation of the passage of the House bill, which is in substance the same as the bill of the Senate at the last session, large areas of this land are now being taken, notably in Louisiana and Mississippi. I send to the Clerk's desk to be read an extract from one of the current newspapers showing what is being done with reference to this class of lands in the Southwest.

The Clerk read as follows:

Southern pine lands—Chicago and Michigan men have bought much of them up—A total of 1,446,300 acres purchased in the States of Louisiana and Mississippi—Yellow pine and cypress to supersede white pine—The South hereafter to be the region to which the country must look for its supply—Figures as to cost of cutting and getting to market.

[Special.]

NEW ORLEANS, LA., *April* 9.

Louisiana and Mississippi wake up suddenly to find that Chicago and Michigan men have purchased all their best pine lands. This city has been swarming with Northern lumber barons for the last few days, who are happy over their purchase of 1,446,300 acres of Government lands at $1.25 per acre—a total of $1,800,000. Three years ago surveying parties and experts began exploring both States, locating accurately all of the long-leaf pine lands, and writing out data on their location and proximity to water and other transportation. When the information was all secured at an expense of about $15,000, the desirable lands were taken with hot haste. The lands thus purchased from the Government run 10,000 feet to the acre, and hold 15,000,000,000 feet of standing lumber.

The list of purchasers is as follows:

In the Calcasieu district Southwestern Louisiana, a Chicago syndicate, comprising Messrs. Wirt Dexter, N. K. Fairbank, F. H. Head, H. B. Perkins, and Robinson & Lacey, of Grand Rapids, Mich., have taken 100,000 acres.

The Calcasieu Lumber Company, comprising Benton Hanchett, Louis Penoyer, W. S. Green, Ezra Rust, and Mr. Harden, of Saginaw; N. B. Bradley & Sons, and B. E. Warren, of Bay City; W. C. Yawkey, E. M. Fowler, and S. Chapman, of Detroit; E. A. & E. F. Brakenridge, of New Orleans, has 130,000 acres.

Other purchasers in the Calcasieu are: Grand Rapids—Hon. C. C. Comstock, 35,000 acres; E. F. Uhl, Robinson & Lacey, and Dr. George K. Johnson, 32,000 acres; G. W. Gay, 15,000 acres; N. W. Northrop and Robinson & Lacey, 3,500 acres; A. B. Watson and Robinson & Lacey 2,800 acres; Penoyer Brothers, Oscoda, 14,000 acres; E. A. & E. F. Brakenridge (formerly of Saginaw), 20,000 acres; M. R. Gay, Detroit, 5,000 acres; Charles Winchester, Ashburnham, Mass., 16,000 acres; William E. Rice, New Jersey, 40,000 acres; Lutcher & Moore, Orange, Tex., 56,000 acres; G. E. Wasey, Detroit, 15,000 acres; Pack & Woods, Cleveland, 26,000 acres; H. Lamport, Victoria, Ont., 16,000 acres; H. & B. Biers, New Orleans, 8,000 acres; S. R. Prentiss, Oakland, Cal., 25,000 acres; Berkett & McPherson, Howell, Mich., 20,000 acres. Total, 577,300 acres.

The purchasers in the Red River district of Louisiana are as follows: Governor R. A. Alger, Detroit, 10,000 acres; G. E. Wasey, Detroit, 10,000 acres; Grattick, South & Friar, Detroit, 30,000 acres; John L. Woods, Cleveland, 64,000 acres; A. B. Watson, I. M. Weston, of Grand Rapids, and M. B. Hull, of Chicago, 18,000 acres (runs 20,000 feet to the acre); William Hake, Grand Rapids, 8,000 acres. Total, 140,000 acres.

In the northeastern district of Louisiana the purchasers are: W. D. Morley, Marine City, Mich., 40,000 acres; E. A. Brakenridge, 5,000 acres; Henry and B. D. Hamlin, Southport, Pa., and R. W. Wright, Westfield, N. Y., 45,000 acres: L. D. Wetmore, Warren, Pa., 9,000 acres; J. P. Jefferson and E. Wetmore, Warren, Pa., 8,000 acres; Charles Parmalee, Warren, Pa., 3,000 acres. Total, 110,000 acres. Total for Louisiana, 827,300 acres.

The sales in Mississippi are as follows:

Pearl River district—On the eastern bank, D. A. and J. W. Blodgett, of Grand Rapids, have 85,000 acres, which they have recently purchased of I. M. Weston and Robinson & Lacey, of the same place. They can travel forty-eight miles on a north and south line without leaving their own land. Adjoining it the Mississippi Lumber Company, comprising Joseph Heald, Grand Rapids; John C. Lewis, H. E. Staples, M. B. and C. E. Covell, and W. F. Nufer, of Whitehall, own 16,000 acres, and Adam Hafer, of the firm of Weston, Hafer & Whitehall, 5,000 acres. Lying between Pearl and Wolf Rivers, I. M. Weston, Grand Rapids; R. T. Wilson, Ogden, and Robert Goelet, of New York, own 50,000 acres; adjoining these lands, Charles Bewick, Andrew and William Comstock, and Edward Kanter, Detroit, have 100,000 acres, and B. F. Southworth 7,000 acres. Total, 263,000 acres.

On streams tributary to the Pascagoula River in Eastern Mississippi are: On Leaf River, I. M. Weston, A. B. Watson, Grand Rapids, and M. B. Hull, Chicago, 38,000 acres; Watson, Weston & Stanton, Grand Rapids, 8,000; Pascagoula Lumber Company, Grand Rapids, comprising A. B. Watson, I. M. Weston, Osterhout & Fox Lumber Company, White, Friant & Co., H. T. Stanton, O. R. Wilmarth, and E. Ware, 50,000 acres. President Watson and Treasurer Weston, of this company, are now at the mouth of the Pascagoula River locating grounds for mills and boomage. On Black and Red Creeks, Senator T. W. Palmer, Detroit, ex-Congressman Jay Hubbell, Houghton, Mich.; Col. F. B. Stockbridge, Kalamazoo; Paul Blackmar, Big Rapids; G. C. Wetherby and Mr. Randall and associates, of Indianapolis, have 90,000 acres. West of these lands, F. Henry, Warren, Pa., has 8,000 acres; Henry Hamlin, Smithport, Pa., 21,000 acres; John McEwen, Bradford, Pa., 30,000 acres; I. L. Lyon, Detroit, 5,000 acres; William Solomon, Grand Rapids, 6,000 acres; Otto Plock, New York, 100,000 acres. Total, 356,000 acres. Total for Mississippi, 619,000 acres. Total for both States, 1,446,300 acres.

Mr. PAYSON. Without reading the whole list I will ask leave to insert it. It shows in anticipation of this proposed legislation these vast areas of land are being taken up, lands worth anywhere from five to ten and fifteen dollars per acre, as soon as transportation may be furnished, so soon as they shall be made accessible, are being taken up in great quantities, 1,600,000 acres having been taken up in a few days at two offices; and while this is the condition in reference to these lands being taken up in these large quantities the House bill provided that hereafter no public lands of the United States heretofore offered for public sale, including the abandoned military and other reservations, should hereafter be taken at private entry at $1.25 per acre. The Senate take that provision, change the phraseology by inserting a word or two, so that it shall read as follows:

That hereafter no public lands of the United States not heretofore offered at public sale, excepting abandoned military and other reservations, shall be offered at public sale.

Thus leaving it open as to all lands subject to private entry and public entry to be up for sale and open to private entry.

And the evil we attempted to abate still goes on. We disagreed wholly in reference to that provision in the Senate bill.

Section 8 of the bill is another validating provision; it provides in no instance shall there be any contest in reference to any fraudulent entry of any public land unless it is instituted within nine months of the date of the entry. At first the entry was thirty days, but afterward it was thought proper to make it six months, and finally without objection it was made nine months. It goes without saying in the great territory in the extreme West and Northwest, where these areas of public lands are, contests can not be instituted; that it is practically impossible, either for special agents of the Government or those who may desire to settle on the lands out there, to reach them and institute contests within nine months of the entry.

On that question the Secretary of the Interior, Mr. Lamar, has also expressed himself fully in reference to it. I ask the Clerk to read his expression in reference to this subject.

The Clerk read as follows:

7. The provision in section 8, lines 17 to 22, requiring judicial proceedings to cancel a final entry, I totally disapprove of for the following reasons: First, it is a radical departure from the letter and the spirit of all former land laws; second, it assumes that title passes out of the United States by an entry or location, whereas both the Department and the courts have almost invariably held to the contrary; third, it divests the Land Department of a jurisdiction over entries which it has always exercised, which does and of right ought to belong to it until the issue of patent, and for the exercise of which adequate quasi-judicial machinery has been or may be devised; fourth, it will provoke a multiplicity of suits, since it contemplates a complete trial in the Land Department and another in the courts, with the result of an increase of expense both to the claimant and to the Government; fifth, it will prolong controversies over the issue raised, often for several years, whereas the preliminary trial, with the appeals, must also usually consume one or more years, and it will thus tie up the land for an unnecessarily long period in the hands of persons adjudged by the Department to have entered by fraud, and to the great and often irreparable damage of other and *bona fide* adverse claimants; sixth, it will result in flooding the courts with the already great quantity of contested entries, whose number will be vastly augmented by the resistance of those fraudulent entrymen who now never take an appeal when their wrongdoings have been exposed; seventh, it will discourage the institution of contests, for it will create delays and finally take the conduct of the cases away from the contestants, who are under existing laws the best safeguards against fraudulent entries, which are so readily made by reason of the *ex parte* proceedings at final proof; eighth, it is opposed to sound policy, for the reason that the surest guarantee of *bona fide* settlement and entry is facility of contest, followed by a swift, sure trial, and a summary cancellation upon proof of the fraud.

I am of opinion that this provision, which would be an incentive to and a protector of fraud, should be eliminated, and that instead thereof the following provision should be inserted: "The Commissioner shall suspend the issue of patent and hold the entry or location for cancellation, with right of appeal to the Secretary of the Interior; and if appeal be not taken as prescribed by the regulations, or if the Secretary should affirm the decision of the Commissioner, the entry shall be canceled and the land and all moneys paid therefor shall be forfeited to the United States."

8. I decidedly disapprove of the provision in section 11 repealing the act of March 3, 1879 (20 Statutes, 472). Said act, by providing for public notice of intention to make final proof and entry, is almost the only check upon the consummation of secret and fraudulent claims. Its enactment was the result of long experience, and I believe it to be in every sense effective, while it is not ordinarily detrimental to the interests of persons who are acting in good faith.

Mr. PAYSON. Now, Mr. Speaker, an examination of section 8 in the Senate bill will show the most casual observer that the criticisms made by the Secretary of the Interior should be respected by the House. It does not need a lawyer to determine that question. Any one upon

reading the section and perusing the criticism would come to the same conclusion. It comes to the House with his recommendation backed by the experience he has had here; and I may say without any breach of confidence between him and myself that I know he has given the matter diligent attention and speaks advisedly in reference to it.

Section 8 of the Senate law provides:

SEC. 8. That in all cases under the pre-emption and homestead laws, and under this act—

Not only the homestead and pre-emption laws, but in reference to the desert-land act and the amendments here—

all contests or protests on the part of the Government, or any individual, concerning the land entered, shall be instituted within nine months after final entry and issue of the duplicate receiver's receipt, and not afterward.

Then follows a proviso introducing a new provision of law, introducing a new method, a regulation, a procedure which has never obtained in the Department before:

Provided further, That after final proof of the claimant and the issuing of the duplicate receiver's receipt, if it shall be proved to the satisfaction of the Commissioner that fraud has entered into the title so acquired by the claimant, unless it shall appear that the land has been sold or conveyed to a *bona fide* purchaser for a valuable consideration, the Commissioner shall suspend the issuing of the patent for the same, and file with the United States Attorney-General notice of such suspension of the patent, with his reasons therefor; and it shall be the duty of the Attorney-General to commence proceedings at once in the proper court to set aside such title, if in his judgment such proceedings can be maintained.

Recognizing, as will be seen, for the first time in the history of the public-land law, and for the government and guidance of the Interior Department, that the receiver's certificate is title as against the United States. That has never been held to be the rule before. There has never been a decision of any inferior or superior Federal court that embodied such a proposition as is contained in this provision to which I have referred; and it is proposed in this case to enact into law that the receiver's certificate is title, which can only be set aside by judicial proceedings, and taking from the Interior Department a power which it has always had since 1834, and has exercised uniformly and without question down to the present time, and which it has exercised without dispute as to its right to exercise it, namely, the power to investigate alleged frauds in the original entry after the receiver's certificate is issued and prior to the issuing of the patent. I assert that there never was a decision of a Federal court which established a contrary doctrine except in the one single individual case decided by Judge Deady in Oregon—a case which has been asserted as collusive, and it so appears, for no appeal was prosecuted.

Mr. PETERS. It has been held by the State courts that a mortgage after the final fee is paid and before the patent is issued is valid.

Mr. PAYSON. Yes, sir, it is true; and it has been held by the Federal courts that the entryman may have the final certificate, provided the entryman came with clean hands and had done nothing inconsistent with the public land laws. Precisely the same as the condition would be of a transaction as between you and myself; I holding from you a bond for the purchase of a piece of land which had been assigned to the gentleman from Kansas, and a bill in equity would lie in his behalf for a specific performance of the contract to compel the execution of the bond as between you and me, and the question of fraud as between the contracting parties could be set up. So it has been held in reference to these land matters in the Interior Department. The provision for a mountain homestead is a new departure, uncalled-for, and we do not agree to it; but I do not take time with reference to it.

These, Mr. Chairman, are the points of difference between us. They are vital and go to the root of the whole question. If the Senate bill shall become a law you might as well stop legislation with reference to protecting the public lands as against fraudulent acquisition of title, and close the doors of the Committee on the Public Lands and shut up the General Land Office, for this would all be useless if this bill should become a law. There is no demand for it, and it is against what I regard—I do not know whether other gentlemen have noticed the fact—but it is against what I regard as the overwhelming expression of public sentiment in favor of the passage of the House bill pure and simple. The people of this country are alive to the importance of the House bill.

House bill No. 7887 has been printed in nearly every newspaper North and West; wherever there is a trades union, wherever there are Knights of Labor organizations, wherever there is a farmers' grange or any society of laboring men and industrial classes in this country efforts have been made to express sentiment and opinion, and resolutions are upon every day's record of our proceedings day after day asking us to use every exertion to secure the passage of that bill, the House bill; and I call the attention of the gentlemen about me to the fact, and doubtless there is not one who does me the honor now to listen to me who has not received petitions signed by these citizens all over the Union asking their assistance and co-operation in securing the passage of that bill. It is a matter of daily occurrence. The RECORD is filled with them. I turn to a page of the RECORD and find:

The following petitions, asking for the passage of House bill 7887, repealing the timber-culture, pre-emption and desert-land acts; of House bill 7021 for the adjustment of railroad and other land-grants; of the bill forfeiting all railroad land grants, &c.

Mr. Speaker, page after page of this RECORD is filled and day after day such petitions as that, signed by the industrial classes all over the country, may be found. Thousands upon thousands of voters of this country have taken occasion to sign the petitions and forward them here. They come from different parts of the Union, so that since the days when petitions came here from the North and East with reference to the abolition of human slavery there has never been an occasion upon which the petitions and memorials have come to this Chamber or to the Chamber at the other end of the Capitol in such numbers asking for legislation, or that compare in dignity to this.

Mr. PLUMB. May I interrupt the gentleman a moment to cite an instance that has come under my own observation?

Mr. PAYSON. Certainly; I yield to my friend.

Mr. PLUMB. I wish to say that I hold in my hand a resolution passed by a State convention of Knights of Labor held in Illinois, in my own district, representing sixty thousand knights, and the first resolution adopted is in these words:

They ask that the public domain be reclaimed from all who hold it unjustly, and that laws be passed militating against the individual or corporate ownership of large tracts of land. Also, that the tendency of taxation shall be to discourage the holding of unprofitable lands for speculative purposes, and to encourage the return to the Government of the "unearned increment of land" sought to be obtained by such holding.

Mr. PAYSON. In glancing over the page of the RECORD before me, in reference to these petitions, I see in their order they came from Massachusetts, New York, Pennsylvania, New York again, Virginia, Maine, Maryland, Ohio, in fact all of the States. Petitions equally numerous, and representing as intelligent a class of citizens, come also to the Senate asking for the passage of House bill 7887. They ask this Congress respectfully to give them bread in the shape of the House bill, and the Senate gives them a stone by the bill proposed; a bill which will validate these frauds which stand as a stench in the nostrils of anybody who has taken occasion to investigate the subject.

I believe that is about all I care to say at present. The motion, which will doubtless be made in a moment, that the House further insists on its disagreement to the amendment of the Senate ought to be voted by this House unanimously as an instruction to these conferees when another conference is appointed, that this House represents a state of opinion that ought to be and shall be respected.

Mr. PERKINS addressed the Chair.

Mr. COBB. I move that the House further insist on its disagreement to the Senate amendments.

The SPEAKER. The first thing to be done is to accept the report.

Mr. STRAIT. The amendments have not been read to the House.

The SPEAKER. There is nothing before the House but the conference report, reporting a disagreement, which will be accepted, and then if the gentleman from Indiana makes a motion that the House further insists on its disagreement to the Senate amendments, it will be a motion having priority to move that the House recede. On either of these motions the amendments can be read.

Mr. PAYSON. That the matter may be before the House, I move that the House further insist on its disagreement to the Senate amendments.

The SPEAKER. That motion has been submitted by the gentleman from Indiana [Mr. COBB].

Mr. PERKINS. I intend at the proper time to move that the House recede from its disagreement.

Mr. COBB. I yield to my colleague on the conference committee, the gentleman from Missouri [Mr. STONE]. How much time have I remaining?

The SPEAKER. The gentleman has thirty-seven minutes of his time remaining.

Mr. COBB. I will allow my colleague on the committee to take the floor in his own right, and reserve the remainder of my time.

Mr. STONE, of Missouri. Mr. Speaker, on the first Monday in June last this House passed the bill, reported from the Committe on Public Lands, repealing the pre-emption, timber-culture, and desert-land laws, and sent it to the Senate. That body returned the bill here materially changed by amendments. The House refused to concur in the amendments of the Senate, and appointed a conference committee to meet a like committee from the Senate. The representatives of the two Houses have had a conference, but failed to reach any agreement. The Senate conferees insist on retaining the bill as it passed that body, to which the managers of the House emphatically dissent. As one of the representatives of the House in that conference I desire to emphasize one or two of the objections I have to the Senate amendments, and to give some brief expression to the reasons that induce me to advise the House to adhere to its former action.

The difference between the bill as it passed the House and as it passed the Senate is broad, radical, and vital. The House bill simply repealed the pre-emption, timber-culture, and desert-land laws, and the commutation clause of the homestead law, without impairing any existing vested right. The bill as amended in the Senate also repeals the pre-emption and timber-culture laws and the commutation feature of the homestead law. It does not repeal the desert-land law, but amends it. If that was all it did, if that was the only difference—though not satisfactory—we might agree to it as being better than nothing. But it

goes further than that. There are some provisions in the Senate amendments that I do not think this House ought to agree to or will agree to.

The eighth section of the Senate amendments provides in substance that whenever any claimant who has made an entry under the pre-emption or homestead laws makes final proof of his entry and receives a receipt from the receiver of the proper land office, he acquires title to the land entered, and if he then sells or conveys it to a *bona fide* purchaser for value, no matter how dishonest or fraudulent the claim may have been, or how false the proof upon which his receipt was obtained, the title is forever gone from the Government, and the Commissioner of the Land Office has no recourse but to issue a patent, though at the time he may be conscious it is but the crowning triumph of a crime.

I imagine it would never be a difficult task for any man who would participate in perjury in order to commit larceny upon the public domain to find an "innocent purchaser." They are both numerous and accommodating. But under this section, even in the absence of a white-winged "innocent," the original claimant who has made his final proof, though every affidavit may be a lie, and who has received his duplicate receipt, no matter under what fraud or false pretense obtained, can demand his patent of the Commissioner, and the Commissioner must issue it, unless on his suggestion the Attorney-General should see proper, in the exercise of his discretion, to institute proceedings in the name of the United States to set aside the fraudulent title of the entryman. Such a statute would overturn the long-established practice of the Department, and materially change the established law of the land. As the law now stands a claimant who has entered upon land, made his final proof and got his receipt, if his claim is based upon a substantial and honest compliance with the law, has a good equitable title to his land, and a right to a patent conveying to him the legal title—which right he can enforce, if it becomes necessary, by proper proceedings in the courts. The relation existing between the claimant and the Government is analogous to that of vender and vendee, where the latter is in possession under contract of purchase, having performed on his part can enforce performance, if refused, on the part of the former. This amendment of the Senate to the pending measure proposes to reverse the existing order of things in this respect. The people of the United States have offered homes to those who need them upon the public lands of the country; but they require those who seek the benefits of this great privilege to comply with certain conditions before they can receive title to the lands. They must take the lands for the purpose of actual settlement. They must go upon the lands, cultivate, improve, and subdue them to the uses of practical agriculture. The policy of the Government is to furnish free homes to honest men. The existing laws were enacted with an especial view to prevent speculations in the public lands, or a diversion of them to any other use than that of actual settlement in strict accordance with the requirements of the law. The laws were intended to preserve the public domain as homes for the men who would brave the perils of frontier life and lay the foundations of prosperous communities and great States, and to guard them against the encroachments of that less reputable class who would seek to speculate on the bounty of the Government and build up fortunes at the expense of the people. Now, here is a proposed statute which would throw its protecting wing over the most hardened land-shark on the continent. A man who has entered or procured the entry of public lands in open fraud of the law, and whose proof of compliance with law is the rankest perjury, could demand his patent and the Commissioner would be compelled to deliver it, unless he could persuade the law officer of the Government to sue him, and that suit would have to be brought within two years after final proof, or else the fraud would be forgiven by limitation.

Mr. Speaker, I should regard such legislation as unwise and improvident, as furnishing an inducement to the commission of fraud, and as giving it, when committed, an advantage over the ways of honest men, even if it had only a prospective operation. But inasmuch as it is proposed to repeal the pre-emption law, and as the opportunity and inducement for committing frauds under the homestead law with the commutation clause eliminated would be small, it is altogether probable no great harm would result if the proposed enactment looked to the future only. But in the light of all the facts before us I have absolutely no patience with the proposition when it is proposed to give to it a retroactive as well as a prospective effect. If this Senate amendment should become the law it would practically perfect every entry heretofore made, condone every fraud, and forgive every crime committed against the existing land laws of the country.

With all due respect to those who may favor such a scheme, I can not regard it as otherwise than outrageous and scandalous. That the pre-emption laws have been enormously abused in recent years, and that gross frauds frequently on a large scale have been perpetrated by the thousands and the public domain plundered almost at pleasure, there can be no sort of doubt. The Commissioner of the General Land Office gives it as his opinion that 90 per cent. of the pre-emption and timber-culture entries made in many, perhaps a majority, of the land districts of the West are fraudulent; and that opinion is not merely a vague speculation on his part. His judgment is based on reliable information coming to him from a multitude of both private and official sources. The registers and receivers of the land offices and special agents sent out to investigate the facts alike report that great bodies of the public lands throughout the West have been taken by syndicates and speculators in bold violation of law and in fraud of the public right.

I know there are many gentlemen in both Houses of this Congress who for some reason seek to discredit these reports and to belittle and disgrace the Commissioner of Public Lands. There is not a lobbyist or land-shark in Washington who does not denounce the Commissioner, nor a filthy sheet published in their interest that is not filled with murderous assaults upon his character, and upon the floor of this House he has been subjected to a fusillade of unjust imputations, criticisms, and accusations. No one has been bold enough to assail his personal integrity. That he is a thoroughly upright and honest man both friend and foe agree. In that respect at least he is beyond the range of criticism. He has represented a constituency upon this floor with honor and distinction, and at home in the great State of Illinois—a State which falls behind no other in the intellectual and progressive character of its people—he ranks as one of the first citizens of the Commonwealth.

This is the man who has been and is being denounced for doing his simple duty as he understands it—for throwing himself across the pathway of plunderers and calling a peremptory halt. That he may be mistaken and overestimate the number of frauds that have been committed is possible; but that he is grappling with a great public evil and struggling against odds to destroy it is beyond doubt, and he ought to be encouraged and sustained by every man in this country who believes in honest methods and the enforcement of the law. What motive could General Sparks have in intentionally misrepresenting the facts with a view to deceiving the country? Such a course would argue him a scoundrel, when we all know he is an honest man. What motive could induce the sworn officers of the law, the officials in charge of the land offices, and the special agents of the Department, both Democrats and Republicans, to report the prevalency of these frauds if they do not exist? Special Agent W. H. Goucher reports from San Francisco, November 17, 1884, as follows:

> I would estimate that but 5 per cent. of the entries made under the timber-culture and desert-land laws are in good faith and with the intent of accomplishing the purposes contemplated in those acts.

Special Agent Prichard reports from Gunnison, Colo., November 29, 1884, that the frauds are in proportion to the *bona fide* entries as one to ten. Special Agent Jaycox reports from Aberdeen, Dak., that in his opinion—

> Not more than 30 per cent. of the land in this district entered under the provisions of the pre-emption and homestead laws is occupied by actual settlers. Fully 75 per cent. of the entries made under the provisions of the pre-emption laws are made for speculative purposes and not for a home and for cultivation.

The register and receiver at Miles City, Mont., reports substantially the same state of affairs to exist in his district, and in speaking of how the claims are proved has this to say:

> The parties who make the declarations and affidavits seldom appear at this office, but appear before the deputy clerk of the district court in this very town and make their affidavits before him. We seldom have the opportunity of questioning the parties as to the character of the land or to learn from them in what manner the company obtains control of the land, and have to rely entirely upon the papers and small maps furnished or presented.

Such is the tenor of the reports that come into the Land Office by the hundreds. These are the official reports of the sworn officers of the law, especially appointed for the purpose and charged with the duty of overseeing the public lands of the country. It is possible that many of the estimates made are exaggerated, but unless we proclaim the whole Land Office force from the Commissioner down a set of fools or knaves, there can be no escape from the conclusion that the public lands have been misappropriated on a large scale in gross violation and abuse of the law. Shall this Congress now by solemn enactment confirm, validate, and perfect these fraudulent and invalid titles, covering we know not how many hundreds of thousands, and maybe millions, of acres?

On what theory of good morals, good business, or good statesmanship can such legislation be justified. Sir, it is an outrageous and shameful proposition, and I am astounded that it finds countenance with gentlemen in this Congress whom we all esteem for their high personal and official integrity. I have heard it excused on the ground that these lands have largely passed or soon will pass into the hands of innocent purchasers and actual settlers, and that it will be better in the long run to issue the patents and let it go as it is. Such an argument would not surprise me if it came from the lips of the beneficiaries of these frauds, but it does astonish me when it comes as the deliberate judgment of men whose aim it should be to inspire respect for the law, and whose duty it is to insist upon obedience to it. The assertion that these lands, fraudulently entered, are now or soon will be in the hands of actual *bona fide* settlers is a purely speculative statement, and I do not believe it.

In the next place I do not believe that any man who makes a fraudulent pre-emption acquires any title, before the issue of patent, which is the subject of conveyance to the prejudice of the Government; nor do I believe there can be, in contemplation of law, any such thing as an innocent purchaser of such a claim. The law says "that every person, being the head of a family," &c., "who has made, or hereafter

makes, a settlement in person on the public lands subject to pre-emption, and who inhabits and improves the same, and who has erected or shall erect a dwelling thereon" is authorized to enter a hundred and sixty acres upon paying the minimum price of such land. But before any person can claim the benefit of that law he must make oath that he has never previously exercised his right of pre-emption; "that he is not the owner of 320 acres of land in any State or Territory; that he has not settled upon and improved such land to sell the same on speculation, but in good faith to appropriate it to his own exclusive use; and that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person whatsoever, by which the title which he might acquire from the Government of the United States should inure in whole or in part to the benefit of any person except himself; and if any person taking such oath swears falsely in the premises, he shall forfeit the money which he may have paid for such land, and all right and title to the same."

Now, we are informed by reports from the Land Office that there are thousands of cases where men have been employed by speculators to go upon lands, erect thereon the pretense of a house, stir up a few shovelsful of dirt, and then go off and file their declarations, make the required oath and proofs, pay for the land with moneys furnished by their employers, get their duplicate receiver's receipts, and immediately transfer their claims to their employers, receiving the agreed consideration for their rascalities and perjuries. The employer, who is of course an "innocent purchaser," takes possession of the land and looks after the subsequent issue of the patent. Can the laws be thus evaded? Can the Government be defrauded and the people cheated by this sort of jugglery? Does such a proceeding vest any title in anybody? Did the pre-emptor acquire anything he could convey to his employer? His deed would be but a quitclaim at best; the title remains in the Government. The man who comes for a patent must bring a clean record, or else he may be lawfully denied.

Section 2263 of the Revised Statutes provides that "prior to any entries being made under and by virtue of the provisions" of the pre-emption law "proof of the settlement and improvement thereby required shall be made to the satisfaction of the register and receiver of the land district," &c., "and all assignments and transfers of the right hereby secured prior to the issuing of the patent shall be null and void." I maintain that a pre-emptor before the issue of a patent can pass nothing by his conveyance to the prejudice of the Government unless his entry was honestly made in compliance with the law, and that doctrine is sustained by the decisions of the Supreme Court. No, sir; I repeat, there is nothing in law, equity, or good morals that can justify or excuse this legislation which proposes to legalize rascality and offer a premium to perjury, and the proposition should be promptly and indignantly rejected by the House.

There is another proposition embraced in section 7 of the Senate amendments to which I could not agree without great reluctance and misgiving as to its wisdom. That is, the proposition to make another classification of the public lands, to be designated as "mountainous land," and to authorize the appropriation of 320 acres as a homestead. The section provides that whenever three-fourths of any 40-acre tract of the surveyed public lands is so mountainous and rough that it can not be plowed and cultivated it shall be deemed mountainous land within the meaning of the section. It is proposed therefore to give a homesteader 240 acres of land he can not cultivate, in order to induce him to accept 80 acres that he can cultivate. In the first place I do not believe the real honest homeseeker—the man who expects to reside upon the land and support his family out of the products of the soil—needs any such inducement. I can not see to what beneficial use a small mountain farmer could devote 240 acres of yawning chasms and towering mountain peaks. I can see how it is possible for men of ample means who desire to control large water fronts to realize some advantage out of such an enactment. But aside from all that, I am strongly opposed to giving away the public lands in large tracts to single individuals. There are two policies touching the disposition of our public lands which have their respective advocates upon this floor and elsewhere throughout the country. One contemplates a rapid disposition of the public domain, while the other seeks to husband and preserve it with jealous care. One is a policy for the present only, while the other, not unmindful of the present, looks down into the long future before us.

Gentlemen who live in Western States and Territories, ambitious to outstrip their neighbors and full of the dash and inspiration of Western enterprise, welcome whatever will quicken their growth, hasten their development, and increase their local prestige and importance. They are burning with anxiety to have their waste lands occupied, and grow impatient at whatever they imagine is calculated to delay their progress in this respect. I know that is very natural, Mr. Speaker, and perhaps commendable; but in so far as that progress depends on a prodigal donation of public lands as an inducement to emigration, I think it the better part of wisdom to make haste slowly in that direction. I believe the true policy of the Government should be to preserve its lands for small holdings for many people, rather than bestow them lavishly upon a few. For that reason I regard the proposed measure as an unwise one, and for the same reason have felt anxious to repeal the desert-land law, under which 640 acres may be taken by a single individual. The desert-land law affords no immediate advantage to men of small means, for no man can enjoy its benefits who has not capital enough to construct canals and ditches so as to distribute water over it and irrigate it. Those who are benefited by the law are men able to organize irrigation companies with ample capital at their back, and thus control the water privileges of the country. I know it is claimed that unless this is allowed what is called the arid or desert regions will never be redeemed, and we are told that time will eventually make all things even; that when the lands are ultimately subjected to domestic uses they will in the course of time be bought up and distributed among the masses. That may be, but I see no necessity for hurry about this. It would be far better if in the processes of time these lands could be taken up in small quantities by the masses of the people themselves as the demand for them shall arise.

I am aware it is contended that that is impracticable, for the reason that those desert lands can not be utilized for agriculture without the employment of water through expensive artificial means. That is measurably true to-day, but I believe that those conditions will gradually disappear until in the not distant future beneficent nature will shower upon the dry lands of the West whatever is necessary to make them useful and productive. Ten years ago I was familiar with Southwestern Kansas. Even then that section of that magnificent young State was regarded as a part of the great desert. Millions of acres of land were lying waste and idle, except in so far as they were used as grazing lands for cattle-herders. Occasionally some pioneer would venture out into the Southwest beyond the confines of civilization, locate a homestead, and plant a crop, which was sure to perish under the withering blight of the rainless summer, and that would be the end of him. When I first traversed that country ten years ago—eight years ago—I saw frequent evidences of those fruitless and abandoned efforts at settlement.

Whatever may have been the cause, certain it is great climatic changes have occurred in that section. The rainfall there now is amply sufficient, and as the climate is healthful, the soil fertile, and the country beautiful thousands of homeseekers have emigrated there, and it is developing into one of the most prosperous agricultural sections of the Union. As a matter of fact I know that these same changes are manifesting themselves farther to the West, and I believe, in the providence of God, the time is not far distant when the fertile plains of all the great West will be adapted by natural means to all the uses of mankind. But if that should not be, it might not be unwise for the Government itself to make the irrigation of our public lands a national work. At all events it will do no harm if we proceed only as there is necessity for advancement.

There is little of our public domain left to us outside of what is embraced in the mountain and so-called desert regions. The homes of the future must be found there if found at all. The whole world is pouring its population in upon us. We are growing too fast. Already we are unable to furnish employment to our laborers. Everywhere there is unrest and discontent. In the great centers of population we are daily confronted with evidences of social conditions and industrial disorders that excite the gravest apprehensions. It takes no prophetic eye to see the day when we must meet the dangers of an overcrowded population.

Sir, our experiment at self-government—our capacity for self-government—has never yet been put to the test. There was no question of self-government involved in our civil war. From our earliest history there had been differences of opinion as to the organic nature of our Government and the constitutional relations existing between the States and the Federal Government. Those differences were the basis of political parties and the fruitful source of political agitation. The controversies which grew up out of those antagonisms were intensified by social and industrial conditions which finally provoked a bloody and disastrous war. But at no time did anybody ever question the capacity of the American people for self-government, or consider that question at stake in the issue. But the time is fast approaching when that great crucial test will force itself upon us. Every year we add millions to our population, not only those who are born and reared in the faith of republican institutions but of those who come to us with strange notions from abroad.

In a little while we will be face to face with that dangerous problem which now confronts the older countries of the world—what are we going to do with the people? Then the test will be upon us. As long as we have public lands which we can offer as homes to these people—as long as they have some place to go and toil and live—the danger I speak of will be delayed; and when it comes, the more people we have upon farms engaged in agriculture and owners of the land the better will we be prepared to meet it. The very day a man becomes a landowner, sheltered under his own roof, with the means of living at his command, he becomes personally interested in maintaining order and preserving intact the institutions of his government.

It is in this view I say wise statesmanship urges the adoption of that policy with reference to our public lands which makes them most useful to the largest possible number, and it is because I am so deeply impressed with this conviction that I can not willingly support any

measure having a contrary tendency, and for the same reason I would rejoice if the desert-land law could be obliterated from the statute-book.

These are the two chief objections I have to the Senate amendments.

Mr. PERKINS. I move that the House recede from its disagreement to the Senate amendment to the first section of the House bill, and agree to the same. I ask to have it read.

The Clerk read the first section of the bill as it passed the House, as as follows:

That chapter 4 of title 32, excepting sections 2275, 2276, 2283, 2286, 2288, and section 2299 of the Revised Statutes of the United States, and all other laws allowing pre-emption of the public lands of the United States, are hereby repealed: *Provided, however*, That this repeal shall not affect any valid rights heretofore accrued or accruing under said laws, but all *bona fide* claims lawfully initiated before the passage of this act may be perfected, upon due compliance with law, in the same manner, upon the same terms and conditions, and subject to the same limitation, forfeitures, and contests as if this act had not been passed: *And provided further*, That any person who has not heretofore had the benefit of the pre-emption law, and who has failed, from any cause, except by sale or disposal of his right thereto, to perfect title to a tract of land heretofore entered by him under the homestead laws, may make a second homestead entry in lieu of the pre-emption privilege hereby repealed.

The Clerk read the amendment of the Senate to the first section of the House bill, as follows:

Strike out all after the enacting clause and insert:

"*Be it enacted*, &c., That section 2299 and section 2301, and chapter 4 of title 32, excepting sections 2275, 2276, 2283, 2286, and 2288, of the Revised Statutes, of the United States, are hereby repealed: *Provided, however*, That this repeal shall not affect any valid rights heretofore accrued or accruing under said laws, including the right of such persons as have entered contests to make entry of the land the subject of such contest, as provided by existing law; but all *bona fide* claims lawfully initiated upon surveyed or unsurveyed lands before the 1st day of October, 1886, may be perfected, upon due compliance with law, in the same manner, upon the same terms and conditions, and subject to the same limitation, forfeitures, and contests as if this act had not been passed; that all entries made under the pre-emption or homestead laws, on which final proof and payment may have been made and certificates issued, and to which there are no adverse claims originating prior to final entry, and which may have been sold prior to the 9th day of June, 1886, and after final entry, to *bona fide* purchasers, for a valuable consideration, shall be confirmed and patented upon presentation of satisfactory proof to the Land Department of such sale: *And provided further*, That any person who has not heretofore had the benefit of the pre-emption law, and who has failed, from any cause, to perfect title to a tract of land heretofore entered by him under the homestead law, may make a second homestead entry in lieu of the pre-emption privilege hereby repealed; but this provision shall not apply to persons who shall perfect title to lands under the pre-emption or homestead laws under proceedings already initiated: *And provided further*, That all outstanding certificates of deposit on account of surveys heretofore issued under the provisions of sections 2401, 2402, and 2403 of the Revised Statutes, and acts supplemental thereto, shall be receivable as cash (except for fees and commissions) in the sale and disposal of public lands, at the land-offices at which such certificates are now receivable in commutation of homestead and in payment for pre-emption claims: *And provided further*, That all certificates heretofore issued by the Commissioner of the General Land Office to soldiers, or their widows, or their minor children, under section 2306 of the Revised Statutes, may be located by the original beneficiaries, their heirs, legal representatives, or assigns; and upon such location patent shall issue in the name of the locator."

Mr. PERKINS. I desire to call the attention of the House briefly to the amendments that are to be found in this first section of the Senate bill. And as it has been exceedingly fashionable of late to traduce and defame those men who are settling those prairies of the West and converting them into thriving communities, and as it has been fashionable to impugn the motives of every man who stands on this floor and who speaks for them, I desire to say briefly, so far as I am personally concerned, I have no personal interest in this bill. I do not know of a single foot of public land remaining in my Congressional district, and I have not now and never had any pecuniary or other interest with any man engaged in securing from the Government of the United States a foot of public land, and hence I have no personal or political interest in the contest growing out of the proposed report of the pre-emption and other statutes pertaining to our public domain.

But I know the importance of this legislation to the people of the West, and I am fatigued and tired of the accusations that are made here against men who are reclaiming that territory from the desert that has heretofore dominated there. And I am fatigued at the insinuations and accusations made here against men at the other end of the Capitol who have framed and brought into being these Senate amendments; men who have participated in the growth of these Western commonwealths, and who from personal experience and observation know the working of the different statutes, and the difficulties those frontiersmen have to contend with.

The Senate bill is largely the product of the Senators from those Western States who know the necessities of their people and who know the practical working of the present land laws; and to stand here to impugn their motives is, it seems to me, rather audacious at least for men who know nothing from personal experience or practical observation of that section and the working of these land laws. And I have no hesitancy in saying that I have as much confidence in their integrity and have much more respect for their intelligence than I have for the integrity or intelligence of the men who make these accusations against the settlers on those frontiers and the man who presides as Commissioner of the General Land Office.

The first amendment to which I desire to call the attention of the House is to be found in line 7 of section 1 of the Senate bill. It reserves from the operations of this bill section 2283 of the general statutes. That section pertains to the Osage trust and ceded lands. Should the House bill pass, there is no provision in it pertaining to those lands; and I desire to call attention to the fact that those lands were obtained from the Osage Indians upon condition that they should receive a dollar an acre from the Government for the lands. This Senate amendment preserves the present statute on that subject. That statute I will send to the Clerk's desk and have read, and then I shall be glad to have some gentleman here who advocates the House bill tell us why the section should not remain as a part of the public statutes of the land.

The Clerk read as follows:

SEC. 2283. The Osage Indian trust and diminished reserve lands in the State of Kansas, excepting the sixteenth and thirty-sixth sections in each township, shall be subject to disposal, for cash only, to actual settlers, in quantities not exceeding 160 acres or one quarter-section to each, in compact form, in accordance with the general principles of the pre-emption laws, under the direction of the Commissioner of the General Land Office; but claimants shall file their declaratory statements as prescribed in other cases upon unoffered lands, and shall pay for the tracts, respectively, settled upon within one year from date of settlement where the plat of survey is on file at that date, and within one year from the filing of the township plat in the district office where such plat is not on file at date of settlement.

Mr. PERKINS. Those who have listened to the reading of that section will observe that under its provisions actual *bona fide* settlers are the only persons who can obtain a title to any of these lands, and that in consideration of the lands which they acquire by their settlement they are required to pay to the Government $1.25 per acre, and the Government is required to pay the Osage Indians $1 per acre. If that provision of law be stricken down by the action of Congress we will still be obligated to pay the Osage Indians $1 an acre for those lands, but we shall have no provision for the sale or disposition of them to actual *bona fide* settlers except such as may take them under the homestead law; and if the lands are taken under the homestead law, the obligation will still rest upon the Government to pay the Osage Indians the $1 per acre.

Mr. PAYSON. Will the gentleman permit me to interrupt him, because I know he desires to be accurate about this.

Mr. PERKINS. Yes, sir.

Mr. PAYSON. The section of the statutes, 2283, to which the gentleman refers, and which he says should be kept on the statute-book, is expressly reserved in the House bill. It is not affected directly or indirectly by the bill, but is expressly reserved from repeal, and the gentleman is, therefore, entirely in error in his criticism upon the Public Lands Committee. They agree with him in what he says, and have reserved that section from the operation of the repeal.

Mr. PERKINS. If the gentleman from Illinois [Mr. PAYSON] is correct in his statement, and it may be that he is, although in the hasty examination that I have been able to give the House bill, comparing it with the Senate bill, I got the impression that it repealed this section of the statutes——

Mr. PAYSON. Mr. Speaker, let us understand each other. I not only may be accurate but I am accurate; for I hold in my hand a print of the bill as it passed the House, certified by the Clerk on the 7th day of June last, and the first three lines of it read: "That chapter 4 of title 32, except sections 2275, 2276, 2283," &c., thus expressly excepting section 2283 from the repeal.

Mr. COBB. It is excepted also, I think, in section 5 of the bill.

Mr. PERKINS. Mr. Speaker, since the gentleman has called my attention to that part of the House bill, I am satisfied that he is correct; but, as I have stated, I had marked that as one of the amendments, and had overlooked the fact that the exception was made in the House bill. I, of course, agree with the gentleman and with the committee that that section should not be repealed, and hence there is no objection to so much of the Senate bill as preserves that section.

The next amendment which I desire to call to the attention of the House is the one commencing on line 20 of the Senate bill, which provides that—

All entries made under the pre-emption or homestead laws on which final proof and payment have been made and certificates issued, and to which there are no adverse claims originating prior to final entry, and which may have been sold prior to the 9th day of June, 1886, and after final entry to *bona fide* purchasers for a valuable consideration, shall be confirmed and patented upon presentation of satisfactory proof to the Land Department.

All that there is in that Senate amendment is to protect the honest, *bona fide* purchaser in the title that he supposed he was securing from the settler of the land. It provides that where there is no adverse claim and where the land has been sold by the settler to an honest, *bona fide* purchaser the entry shall be confirmed and approved and the patent shall issue to the present owner. Is that wrong? Should this House become a party to any other declaration or to the assertion of any other principle? Is it to be the policy of this House? Shall this body declare that if a man, in good faith and with honest purposes, goes upon those Western prairies and buys 160 acres from the settler his purchase shall not be approved, a patent shall not be issued to him for the land so purchased?

Some one may suggest in opposition to this that the original settler may have been a fraudulent one; that he may not have conformed in all particulars to the requirements of the land laws. Concede for the purposes of the argument that that is true; should the honest, *bona fide* purchaser suffer in consequence? The Senate amendment does not propose to protect those who were parties to the fraud, if frauds were practiced. It proposes only to protect the honest, *bona fide* purchaser,

The declaration is that where there are no adverse claims originating prior to entry, or where the land has passed into the hands of honest, *bona fide* purchasers prior to the 9th day of June of the present year, the entries shall be confirmed, and in the course of time the patent shall issue to such *bona fide* purchaser.

If that is not to be the law, if some other practice is to be inaugurated and justified by this body, what will be the result? Will this body become a party to the wrong that might be practiced, the great injury that might be done to the honest purchaser, if after he has invested his money in the land, has moved upon it and taken possession of it, all his right is to be stricken down, all his interests destroyed, his home taken from him, because, forsooth, the original occupant, in the judgment of the Commissioner of the General Land Office, was not there in good faith and for honest purposes?

If, in the judgment of the Commissioner, the original occupant was not there in good faith and for honest purposes and did not conform to every technicality of the land laws, his entry is to be set aside, the purchaser in good faith is to be stricken down; and for what purpose? The gentleman from Illinois [Mr. PAYSON] or the gentleman from Indiana [Mr. COBB] may suggest, for the purpose of permitting an honest occupant to go upon the land. But there is an honest occupant there now; there is a man there who has invested his money in good faith and is doing what he can for the cultivation of the soil. He it is who by the Senate amendment is to be protected and only he.

This is an important amendment, and one which, it seems to me, if we desire to do justice, should be ratified and adopted by the unanimous declaration of this House. If that is not to be the law, then, as I suggested a moment ago, what is to be the effect? Shall it be the law of this land that some one seeking a home upon the public domain may come along and settle upon the 160 acres of land which a man has purchased in good faith, upon which he has established a home, which he has been cultivating, and in which at the purchase and since he has invested his money?

Shall all that be taken from him by a settler who has not invested a dollar and who has no prior right? Yet that will be the effect if the Senate amendment is not accepted, because it is the decision of the Commissioner of the General Land Office that if the original occupancy was wrongful or unlawful, if the law was not conformed to in all its vigor, then the purchaser in good faith gets nothing by the investment of his money, and his right can not be recognized by the subsequent action of the Land Office. The Senate amendment is one which I submit should secure the commendation and approval of this House.

Another of the Senate amendments provides:

That all outstanding certificates of deposit on account of surveys heretofore issued under the provisions of sections 2401, 2402, and 2403 of the Revised Statutes, and acts supplemental thereto, shall be receivable as cash (except for fees and commissions) in the sale and disposal of public lands, at the land offices at which such certificates are now receivable in commutation of homestead and in payment for pre-emption claims.

Under the sections of the Revised Statutes mentioned in that Senate amendment certificates have issued to men who organized themselves into bodies or companies and deposited money for the purpose of securing a survey of the public lands.

Mr. PAYSON. It may save time for me to state to the gentleman that there is no disagreement beeween the House and the Senate conferees with reference to that provision.

Mr. PERKINS. Well, that is one of the Senate amendments; and I ask that the Senate amendments to this entire section shall be ratified by this House. As I understand now from the gentleman from Illinois, he consents that the House should accept that amendment. It is an important amendment, because, as I was about to suggest, settlers who go in advance of the surveyor, in advance of railroads, in advance of civilization, find themselves occupying public lands not surveyed, and they organize themselves into little bodies or parties and deposit money to meet the expenses of surveying their lands, and upon such deposit certificates are issued to them.

In the bill as passed by the House no provision is made for them; no protection is given to them. The Senate in considering these questions found it proper and deemed it necessary to make some provision for them; and I am glad to hear the gentleman from Illinois say that in the judgment of the Committee on Public Lands of this House that amendment is a good one.

Another amendment embraced in the first section is:

That all certificates heretofore issued by the Commissioner of the General Land Office to soldiers, or their widows, or their minor children, under section 2306 of the Revised Statutes, may be located by the original beneficiaries, their heirs, legal representatives, or assigns; and upon such location patent shall issue in the name of the locator.

As the bill passed the House, no provision of this kind was made. I do not know whether in the judgment of the Committee on Public Lands this amendment should be accepted or not. It is embraced in the first section of the bill as passed by the Senate, which I ask shall be accepted by this body as a substitute for the first section of the bill as passed by the House. Under the section of the Revised Statutes here indicated, certificates have issued to soldiers, their widows, or minor children, and being thus held, they should be validated and protected by this great Government; yet if the House bill is to be adopted as the law of the land, if this House is to persist in non-concurrence in the Senate amendments and the bill is to be enacted as passed by the House, no provision is made for this worthy class; and it must stand as the settled policy of this House that these soldiers, their widows and orphans, are not deserving of consideration or protection at the hands of this body. If that is the position in which this House is to place itself, I do not desire to take from it the credit or the glory of such legislation.

Mr. Chairman, I shall perhaps have occasion to speak of the other provisions of the bill as this discussion proceeds; but I desire now in connection with this first section to yield twenty minutes to my colleague [Mr. PETERS].

Mr. PETERS. Mr. Speaker, no one can condemn more severely than I do the acquirement of any portion of our public domain by cattle syndicates or by aliens. If I had the power I would prevent any alien from owning a foot of land in the United States. I believe the time is coming, even if it is not now at hand, when every foot of land we possess will be required for the use and occupation of our own population.

So that when persons get up here and say that those who are opposed to the passage of the House bill, are favoring large corporations and aliens, are favoring the giving of any portion of our public domain to aliens or cattle syndicates, they are mistaken at least so far as I am concerned.

I wish now to call the attention of the House for a few moments to what I consider one of the crucial matters connected with this bill. I care not what may be said in relation to the amount of land which has been held by these cattle syndicates or by these aliens for cattle ranches, not one foot of it can be held under the Senate bill.

Let me refer to the affidavit required to be made by the pre-emptor. I will only refer to that portion of the section of the Revised Statutes which particularly bears upon the point I am about to make, that is section 2262, one of the sections which is repealed by the proposed bill.

Section 2262 provides:

Before any person claiming the benefit of this chapter is allowed to enter lands, he shall make oath before the receiver or register of the land district in which the land is situated that he has never had the benefit of any right of pre-emption under section 2259; that he is not the owner of 320 acres of land in any State or Territory; that he has not settled upon and improved such land to sell the same on speculation, but in good faith to appropriate it to his own exclusive ute; and that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person whatsoever, by which the title which he might acquire from the Government of the United States should inure in whole or in part to the benefit of any person except himself.

That is the substance of the affidavit which the pre-emptor must make before he can enter upon and obtain a quarter-section of land under the pre-emption law.

How is it claimed these cattle companies obtain title? It is well known to those familiar with these matters that a man sends his herder out to settle on 160 acres of the Government land. He furnishes him with the money to make the entry and prove it up. He lives on it for six months. He is furnished with the money to make payment with the understanding after he obtains title to it, that he shall transfer it to the party who furnished him with the money. Is there any man who will say that an alien obtaining a quarter-section of land in that method, can obtain a valid title as against the Government? I assert he has no title, that it is not worth the paper upon which it is written if the officers of the Land Office do their duty. Under the amendment proposed by the Senate bill, a title obtained under such circumstances is absolutely null and void.

Mr. STONE, of Missouri. Suppose this bill passes?

Mr. PETERS. I say if this bill passes the title of such a man is not worth anything, because he is not a *bona fide* purchaser and can not be. He can not claim to be a *bona fide* owner when he has sent his herder to go upon the public land, make an entry, and prove it up. Is there any court in Christendom, though a land court, which would hold he was a *bona fide* purchaser?

I beg you to notice in the Senate bill, in line 20, first section, it is provided:

That all entries made under the pre-emption or homestead laws on which final proof and payment may have been made and certificates issued, and to which there are no adverse claims originating prior to final entry, and which may have been sold prior to the 9th day of June, 1886, and after final entry—

To whom?

to *bona fide* purchasers—

And for what?

to *bona fide* purchasers, for a valuable consideration, shall be confirmed and patented upon presentation of satisfactory proof to the Land Department of such sale.

Title is to be confirmed simply to *bona fide* purchasers for a valuable consideration. Everybody else is cut out. The cattle syndicate is cut out. Every man who is a speculator is cut out. He can not be a *bona fide* purchaser, for the Senate amendments say he must not only be a *bona fide* purchaser, but he must be a *bona fide* purchaser for a valuable consideration. The whole matter is placed under the control and jurisdiction of the Commissioner of the General Land Office.

The Commissioner of the General Land Office will take care that the man who is not a *bona fide* purchaser obtain no title under this law? Mark the language of the proposed law. It says:

Shall be confirmed and patented upon satisfactory proof to the Land Department of such sale.

What kind of sale? Why, sale to a *bona fide* purchaser for a valuable consideration. And unless it is shown to the Commissioner of the General Land Office, or "of the Land Department" are the words used here, that it was for a valuable consideration, and that the sale was made to a *bona fide* purchaser none of the provisions of this act apply and no title passes.

Unless that proof is made to the Land Department all provisions of law in relation to ferreting out of fraud, just as they now exist, will continue in force. The Land Commissioner can under that act send out his detectives, examine the condition of the public lands, look into the question wherever fraud is supposed to exist, and can suspend the entries and refuse to issue patents if fraud shall be discovered.

You will see, then, Mr. Speaker, that under the Senate amendment it is only the *bona fide* purchaser, it is only the innocent and honest pre-emptor that is protected, and the land rascal, the land-shark, the land speculator is the one that is punished by the Senate amendment.

There is the difficulty with the House bill. It punishes the innocent man with the guilty. It takes the pre-emptor, who in good faith entered upon a quarter-section of land, complied with all the provisions of law, improved his claim, obtained a final receipt, and paid his money, and puts him upon the same footing, subject to the same penalty, subject to the same peculiar delays, annoyances, and expensive litigation, that it does the land-shark, the land speculator, or the alien who is trying to obtain a ranch. It is to that provision I object. I am willing that every man who has obtained land for the purpose of getting a cattle ranch and who has obtained it fraudulently shall be deprived of it.

I want him to be deprived of it. I want every quarter-section of that land to go to the pre-emptor who complies with the law honestly and in good faith. I want the honest pre-emptor rewarded and the dishonest pre-emptor punished, but I will not quietly submit to have the honest pre-emptor, who has entered upon land in good faith and complied with the law, placed in the same category as the dishonest pre-emptor who has possession of the land but who has never complied with the law, or with the dishonest purchaser who is an accessary to the attempt to defraud the Government.

Mr. BROWN, of Pennsylvania. I want to suggest to the gentleman from Kansas that it may be difficult sometimes to tell who the honest purchaser is. May it not be well to say that it shall be to the honest purchaser and settler also, so as to combine the two.

Mr. PETERS. He can not be an honest settler if he does not comply with the law.

Mr. STONE, of Missouri. The statute says purchaser, not settler.

Mr. PETERS. And it is not necessary for the purchaser that he should be a settler, because he purchases from the settler. But let me illustrate this point: Suppose you go upon a piece of land I will say with the intention of complying with the pre-emption law so as to get the title, and that you had, as you thought or pretended to think, complied with the pre-emption law and attempted to sell that pre-emption tract to another man. Would that man buy it without looking at it to see whether you had complied with the law or not? What would he do? He would go and look at the land; he would see whether you had built upon it, whether you had made certain improvements upon it required by the law, if he was a business man. If he was a man who desired to protect himself he would undoubtedly make careful examination, and if he could see that you had not complied with the law and purchased with his eyes open with full knowledge of those facts, could it be claimed that he was a *bona fide* purchaser? Would he be entitled to the claim with full knowledge of the fraud that you had committed upon the Government? Such a person would not be a *bona fide* purchaser.

Mr. BROWN, of Pennsylvania. But the idea is that the purchaser himself should become a settler upon the land. That would be a protection.

Mr. PETERS. But that is not the idea of the law.

Mr. ADAMS, of Illinois. Let me ask the gentleman whether in the case he suggests where the person did not exercise that business caution and by his carelessness, without going upon the land to see whether the pre-emptor had complied with the law or not he had made the purchase, whether the Senate amendment protects him?

Mr. PETERS. It does not.

Mr. ADAMS, of Illinois. For of course it might be a case of collusion between the parties, and that is what I had in mind in asking the question.

Mr. PETERS. If there was collusion between the pre-emptor and the purchaser to defraud the Government, then such purchaser would not be protected by the bill. He would not be a *bona fide* purchaser within the meaning of the law.

Mr. ADAMS, of Illinois. The question of collusion might exist where the purchaser did not choose to exercise that caution which ought to be exercised in regard to the compliance with the law on the part of the pre-emptor; and I wanted to know, in a case where the purchaser declined from any motive to determine whether or not the pre-emptor had complied with the law, whether he would be protected by the Senate amendment?

Mr. PETERS. That, of course, is a question which the courts would have to pass upon, being a question of law and depending upon the facts in the case. I believe if the purchaser was guilty of such gross negligence; if the fraud of the settler was apparent; if the purchaser had not taken any pains to see whether there had been a compliance or not, his ignorance might be of such a character that he could not be regarded as a *bona fide* purchaser.

Mr. ADAMS, of Illinois. Would he not get his patent from the Land Office? Would the burden of proof be on the Land Office to show whether he had been in collusion or not? Suppose the pre-emptor goes on and does not comply with the law, and, after having partially complied with the law sells to a man, and that man does not investigate the fact, but takes the receipt, or whatever title the pre-emptor had, who goes to the Land Office to get the patent. Is it not the purchaser who gets the final receipt?

Mr. PETERS. Oh, no; it is the settler. He must make the proof to the Land Office of having complied with the law and he must make that proof before he can sell. He can not sell before he gets the final receipt. He may, but it is in violation of law and the sale would be invalid.

But in order to obtain this final receipt the pre-emptor must make certain proof that he has complied with the law; that he has made certain improvements; and all that proof must be made to the land offices, and they must pass on the question and determine whether he has complied with the law. They take the proof and send it to the Commissioner of the General Land Office. And then this law says if this proof is satisfactory to the Land Department it is all right, but if not satisfactory then the entry can be suspended.

There is one other provision to which I desire to call attention. That is in connection with the eighth section. The eighth section provides that nine months after the issue of the final receipt—it is not title; some gentlemen in arguing this question have spoken of it as title; it is simply *prima facie* evidence of a man's right to a title, that is all—within nine months of the issuance of this final receipt, that is, within nine months after he has made all the proofs required by the local land office of compliance with the law, all protests must be made and contest instituted, otherwise they can not be instituted after that. Now, that is nothing more than right and fair. The gentleman from Illinois [Mr. PAYSON] says it would be impossible to do this. It requires at least six months living on the land before the pre-emptor can obtain title under that law; then it requires the nine months, which make fifteen months that that title is under inspection by the neighborhood. At any time within that period it may be brought to the attention of the local land office, of the Land Department, or to the attention of anybody, and anybody can file a protest against that man's obtaining a title to that land. Certainly that period of fifteen months gives ample time, and to extend it longer is an injustice to the man who honestly goes upon the land and endeavors to obtain title under the pre-emption law.

Mr. STRUBLE. Does not very much depend on the quality of the land as to that being sufficient time—whether it is desirable on the part of others to seek it?

Mr. PETERS. It does to some extent.

There is one other provision to which I desire to call attention, the provision arraigned so severely by one of the gentlemen who have spoken, I believe the gentleman from Illinois [Mr. PAYSON]. It is that which provides that all these proceedings shall be instituted by the Attorney-General in the United States courts. Now, what are the facts in relation to these contests before the land offices? They are as expensive as a trial would be in the United States district court, because these men who pre-empt the lands are not in the vincinity of the land office; they are often many miles distant from it; they are often required to go many miles and take their witnesses many miles to reach the land office, and have to bear all the expenses incident to a contest of that kind before the local land office; and the contest before the local land office settles nothing, because an appeal is almost always taken to the Commissioner of the General Land Office, and very frequently from the Commissioner of the General Land Office to the Secretary of the Interior, involving a large and enormous bill of expenses. The final decision can only be obtained by an appeal to the highest authority, the Secretary of the Interior.

It would be less expensive therefore to have the proceedings to determine the right to the land instituted in the United States court, where judgment will be final.

The SPEAKER. The time of the gentleman has expired.

Mr. PERKINS. I yield my colleague four minutes more.

Mr. PETERS. There is another fact about it in this connection to which I desire to call attention. These land officers, the register and the receiver, take the proofs in all these contested cases. They are not usually lawyers, and their judgments as to the questions of law and questions of fact involved, as I said before, are not considered of such value that they are final.

But if these proceedings are instituted in the United States district court, then the party who is contesting knows he will have an able and an efficient judge to pass upon the question of law and that he will have a jury of his countrymen to pass upon the questions of fact, neither of which he has in the land office. And wherever a man has gone

upon a piece of land and complied with the law honestly and faithfully, where his very home is at stake, he is entitled to have his right to that land tried before a judge who is versed in the law and before a jury of his peers.

It is nothing more than fair and just. Therefore I claim that upon the question of expense, as well as upon the question of justice and right, the provision that all of these proceedings should be instituted in the United States courts is a proper one and constitutes a weighty argument in favor of the Senate amendments.

Mr. PERKINS. Mr. Speaker, I yield ten minutes to the gentleman from Dakota [Mr. GIFFORD].

Mr. GIFFORD. Mr. Speaker, it is not my purpose to impugn the motives of the Commissioner of the General Land Office. It is his public acts and the matters that are of record in his bureau, so far as they are connected with this bill, with which I desire to deal. We are told by those who are opposed to the adoption of the Senate amendments to the House bill that the purpose of the House bill is to prevent frauds upon the public domain. We are told that the repeal of the pre-emption and the timber-culture laws is essential to prevent frauds upon the public domain. Now, this pre-emption law has been in existence nearly half a century. It is true that it has not at all times required settlement and continued evidence in order to perfect a title under it, but so far as the law is concerned, and so far as acquiring title under the law in some form is concerned, that right has been extended to the people for a great many years, and a great portion of the West has been settled under its provisions.

Mr. Speaker, in what manner does the exercise or attempted exercise of rights under these laws permit fraud to enter into the acquiring of titles under them? Our friends tell us that the fraud is perpetrated in the matter of settlement, alleging settlement when there is in fact none. It occurs to me that whatever fraud enters into the acquiring of title to the public domain under these laws comes through the procedure under the laws in making proof of settlement or compliance with them. Now, what is that procedure? What sort of proof do parties introduce when they wish to acquire titles under these laws, and where and how are those proofs taken? They are taken before persons who are appointed without any regard to their knowledge of judicial rules or of the rules which determine the weight to be given to evidence. The same proof is presented before another tribunal upon appeal or review, and what is the result there? What sort of a tribunal or board is it, and how is it constituted? I charge it upon the General Land Office, without fear of successful contradiction, that there is an absolute lack of discrimination between the honest and the dishonest settler or claimant.

Look at the record of appeals from the Commissioner of the General Land Office to the Secretary of the Interior, and look at the reversals of the decisions of the Commissioner. Why, sir, the cancellations of final proofs made by the General Land Office and overruled or suspended upon appeal are in the proportion of three honest to five dishonest claims. What other Department, judicial or otherwise, could stand a moment with that record? It is unnecessary, I say, to impugn the motives of the Commissioner of the General Land Office. It is sufficient for us to know that either the laws by which the rights of claimants and others are determined are either miserably defective or else many of the officers charged with the administration of these laws are miserably incompetent. One thing is beyond dispute, the decisions of the General Land Office are scoffed at and looked upon with contempt by nearly all parties who are acquainted with its practice and work. It certainly does not possess the confidence of the litigants whose matters are there determined.

If there is any defect in these laws as to the manner of acquiring title to the public domain, then correct the law and correct the procedure, but do not slander and vilify the honest settlers who are attempting to comply with the law. Mr. Speaker, I say again that there is an utter lack of distinction or discrimination between the rights of the honest and the dishonest settler in the General Land Office, and the intention of the Senate amendment is to settle and determine the rights of these settlers and claimants and put an end to that useless, nonsensical litigation with which these claimants are burdened before securing their rights. That is the purpose of the amendment. These gentlemen tell us that the issuance of patents should be stopped, that no patents should issue at all. I believe this was recommended in one of the communications read, why should not the honest settler receive his patent? Why should he be forced to have his rights determined by a tribunal which can not, as we know from the records, safely be trusted to weigh evidence or to determine the rights of parties in these cases?

I probably represent as many people who are interested in these questions as any gentleman upon this floor, and I know the sentiments of those people. I know the hardships they have undergone in reference to this matter. I say it is the purpose of the Senate amendments to determine and to settle these cases under and in accordance with the rules of law, by courts that are competent to hear and weigh the evidence that is introduced in these contests and cases of final proof. This is the purpose of the Senate amendment, and it is one that should commend itself to every person who desires to secure title to any portion of the public lands, or who desires to see the rights of settlers upon the public domain protected. It is proposed to determine the differences between the party seeking to obtain title and the Government in a court of justice, the decisions of which parties have some respect and in which they have some confidence. If the Government desires to set aside a title after final proof and before a certain lapse of time, let it come into court and do it the same as private parties in like cases. Let it begin its action; then cite its witnesses, bring them into court, and have the weight of their testimony passed upon by that tribunal and under the established rules of evidence.

What is the rule or procedure when a party desires to obtain title to a portion of the public domain? He has to advertise his intention of making final proof in certain newspapers that are prescribed by the officers of the local land office. That notice goes forth to the world. It is furnished to the officers of the Government. It is furnished to other persons who desire to contest or object to the proof and, even after the proof is taken, months elapse within which time contestants may file their contests or objections to this final proof. This is a complete answer to the argument that a fraudulent proof may be made without notification to the Government and parties who desire to object to it. Ample notice is given to the Government and to all parties of the time and place when the proof will be taken, that they may appear and object if they choose.

Mr. PAYSON. The gentleman will permit me to say that the Senate amendment abrogates the very provision which he is now indorsing, and by a repeal of that provision of the law provides that no such publication need be made in any newspaper.

Mr. GIFFORD. That is not a provision of law; it is a rule of the Department.

Mr. PAYSON. No, sir; it is a provision of law, to which I will refer the gentleman before he sits down. Section 11 of the bill as passed by the Senate repeals that provision which the gentleman is now indorsing.

Mr. GIFFORD. Well, if I have understood correctly, it is a rule of the Department, and the Department is daily making rules in reference to matters of this kind. At one time it allowed parties to make their proofs before ministerial officers, such as clerks of courts, &c. Now the party desiring to make final proof must appear in person before an officer of the General Land Office. The rules in reference to these matters have varied repeatedly during the last fifteen years, since my attention has been called to them.

But the simple fact is, that the Senate amendments in their purpose and scope seek to change the procedure under existing law so as to determine more fully the respective rights of honest and dishonest claimants.

So far as the notice required to be given by parties desiring to make proof is concerned and the statute governing it they are excellent provisions and I am opposed to the repeal of the statute. But what the settler justly complains of is, that after he fully complies with the law, bears the burden and expense incident to making proof, then he feels that his title is far from being safe. No matter how sufficient and complete may be his evidence, his proof is liable to be canceled years after it is made, and himself, heirs, or assigns put to the expense and annoyance of employing counsel and conducting an appeal. The claimant seldom has confidence in the board or tribunal which passes upon and decides his case.

The experience of thousands upon thousands forces every claimant to the above conclusion.

This is a notorious fact beyond dispute. It is these defects and these evils in our land system which the Senate amendments are designed in part to correct.

[Here the hammer fell.]

The SPEAKER. The ten minutes of the gentleman from Dakota [Mr. GIFFORD] have expired. The gentleman from Kansas [Mr. PERKINS] is still entitled to the floor for thirteen minutes.

Mr. PERKINS. I yield to the gentleman from Nebraska [Mr. LAIRD] for eight minutes.

Mr. LAIRD. Mr. Speaker, the misfortune of this debate seems to be that it expends itself principally upon the charge and countercharge of fraud alleged to exist in the suspected Territory and does not bring up a discussion of the provisions of the bill. I desire to make one suggestion to gentlemen who hold that the entire section of country represented by the Western members here is penetrated and poisoned with fraud. It ought to be true, if fraud exists, that there should be some visible motive for that fraud. Take the State of Nebraska, and the supposition advanced is that the motive for fraud rests in the desire of the cattle-men to acquire title to land. Let us examine that in the light of the facts which surround these men.

In the first place, to acquire title to land by anything like a compliance with the provisions of the law costs the cattle-man or any other man in that State or any like country twice as much as it will cost him to acquire title to land by purchase from a railway company. This proposition is equally true in Kansas, Dakota, or any State or Territory in the neighborhood of the great railway grants. Land embraced within the grant of the Union Pacific Railway can be purchased to-day for $1.75 an acre. The first cost of land from the Government is $1.25 an acre; and this land is no better in point of quality, no better in location with

respect to a railroad. Now, what motive is there for a man to blacken himself with perjury, to conspire against the laws, when he can without any trouble as to lapse of time and compliance with the provisions of the law in respect to settlements walk over upon a railway grant and buy the entire tract, if he wants it, for $1.75 or $2 an acre. I undertake to say that the title of land can not be acquired from the Government for so low a price as it costs to acquire title to the same character of land from a railway company that is within the region of the railway grants.

One other thing: Gentlemen labor under the supposition that the cattle syndicates, as they are called, have entered into a great conspiracy to commit robbery of the public domain. Let us see. Gentlemen who are at all acquainted with the West understand it to be true that in the region of agricultural lands so soon as the lands are suitable for agricultural purposes that is the high-water mark of the possibility of their being available for grazing purposes. The moment the land is available for agricultural purposes there is such a rainfall as leaves no substance in the grasses upon which the cattle must maintain themselves, and that area is marked by a change in the nature of the grasses; instead of the buffalo-grass you have the blue-stem and the blue-joint; and when that day has dawned the business of the cattle-men in that country is done. That is now the case in the State of Nebraska.

Now, if these frauds exist, if that whole country is rotten and honeycombed with fraud, how happens it that by the report of your Commissioner of the Land Office there were investigated up to the time of making his annual report in 1885 only sixty fraudulent entries out of thirty-seven thousand six hundred and eighty entries made in that State? In view of this showing, how comes it that gentlemen stand here and condemn that section and bundle off the whole body of citizens as frauds and thieves, although we are confronted by the fact appearing of record in the report made by the special agent of the Land Office that taking the States of Arkansas and Louisiana, the frauds in one State are I think double, and in the other more than equal, those charged against my own State.

Now, what is under consideration here? A provision, or series of provisions, of law which will make it possible some time to quiet the title of these settlers. Is there any gentleman on this floor who is opposed to a state of things which will make it possible for these settlers some time to acquire the right to use their own property? That is the question which is now put to Congress, as I understand. The controlling provision of the Senate bill is that when two years shall have elapsed after the issuance of the receiver's receipt upon the final entry of any tract of land under the homestead or pre-emption laws or under this act, and when there shall be no pending contest or protest against the validity of such entry, the entryman shall be entitled to a patent for the land by him entered, and such patent shall be issued to him. Is there any gentleman on this floor who is opposed to the proposition that after the lapse of two years, during which there shall have been opportunity to rake this country back and forth for the discovery of fraud, if no protest or contest shall then be found to exist against the man's title he shall be allowed the privilege, which belongs to him as a matter of law already under the decisions of all the courts, of having his patent?

I certainly trust, speaking for the interest of the settlers of the West as I know them to exist, the amendments offered by the Senate will be adopted by the House.

Mr. COBB. Has the gentleman from Kansas finished?

Mr. PERKINS. Not yet. The gentleman from Wyoming [Mr. CAREY] desires to be heard on the third section; and, if there be no objection I will reserve the time remaining to me to yield to him for that purpose.

Mr. COBB. We have not yet got to the third section.

The SPEAKER. The gentleman from Kansas has only four minutes of his time remaining.

Mr. PERKINS. I am willing to vote on the second section with the understanding I shall reserve my time to yield it to the gentleman from Wyoming on the third section.

Mr. COBB. No further time is to be taken up.

Mr. PERKINS. I will yield with that understanding.

Mr. COBB. I now desire to yield for ten minutes to the gentleman from New Jersey [Mr. MCADOO].

Mr. PAYSON. If there be no objection I should like to make a correction. I stated when the gentleman from Dakota had the floor he was in error in regard to the Senate bill, and I cited him to a provision in section 11 to show that the Senate bill provided for the repeal of the statute he was advocating, and he insisted I was mistaken.

The repealing section to which I referred is as follows:

SEC. 11. That an act entitled "An act to provide additional regulations for homestead and pre-emption entries on public lands," approved March 3, 1879, and section 2 of an act entitled "An act relating to the public lands of the United States," approved June 15, 1880, are hereby repealed.

I hold in my hand chapter 192 of the Statutes at Large, in the first session of the Forty-fifth Congress, which statute is the statute to which the gentleman from Dakota refers and which he favors, and which section 91 of the Senate bill repeals. Upon my showing him this statute he agrees with me that he was mistaken and that my statement was accurate.

Mr. COBB. I now yield for ten minutes to the gentleman from New Jersey [Mr. MCADOO].

Mr. MCADOO. I regard this bill as a part of other pending legislation on the land question. There are, as everybody knows, two other important bills in relation to the public lands. One in regard to opening up to settlement the Oklahoma Territory, and the other to the settlement of the great Sioux reservation. I wish to say as one member of this House in reference to this great question of public lands that I think it would be well advised not to give way in favor of opening these immense tracts of the best remaining public territory until we have perfected our land laws in reference to the settlement of the public domain.

Mr. GIFFORD. So far as the great Sioux reservation is concerned it is provided it shall only be opened to settlement under the homestead law.

Mr. WEAVER, of Iowa. And the Oklahoma bill provides five years' actual settlement.

Mr. MCADOO. We should not open these large tracts of the public lands so long as we have upon the statute-book laws which according to the report of gentlemen who have investigated the subject have been the cover of immense frauds. That great frauds have been perpetrated under the timber-culture, pre-emption, and desert-land laws is, I think, proven. I think the great Indian reservations are to-day answering a useful purpose in preventing the near approach of land famine. It is the misfortune of the gentlemen who represent the section where these frauds have been perpetrated that impartial witnesses are against them. The extraordinary article of Mr. Gill, a member of the British Parliament, which has been frequently quoted in this House, shows that these laws have been made the vehicle by speculators, land-sharks, and land-grabbers to take great portions of the public territory dishonestly as against *bona fide* settlers, as against American citizens and in favor of British subjects and other aliens. Mr. Gill in his article speaks of the effect of the laws under discussion, as follows:

The grip of the money-lender is fast on the American farmer. His gilt legend, "Loans," strikes the eye with too significant frequency in every Western town. Who own these wasting farms that you noticed during your day's ride, with their bleak frame shanties, through whose unglazed windows the prairie wind sings? Ask the land agent, who is almost invariably the person that transacts loans and who unrolls before you a list of "improved" farms in which he recommends you to invest rather than in the virgin soil. *He* owns them. What has become of their former proprietors? "Oh, various things; they were a shiftless lot for the most part; some went back East again and became tenant-farmers; others moved farther west and pre-empted new land; some quit the country in the middle of the night when an interest was coming due—ran away from their honest debts, the rascals!"

Others—but of these he omits to tell you—signed an agreement in his office, the same day they filed their pre-emtion entry, to hand over to him for a sum of money the title to their homestead as soon as it was perfected according to the statute; it is one of the many ways of defrauding the nation of its public domain and throwing "improved" farms upon the market. In towns like Kansas City, Omaha, Sioux City, and Saint Paul; and even in towns no bigger than Worthington, Minn., there are publications specially devoted to advertising "improved" farms for sale.

During the entire discussion of these bills we have had elaborate defense delivered of the pioneer and the original settlers, as if we were assailing them, whereas, if Mr. Gill is right, those men who braved the savage and the storm and the terror of the wilderness and all the difficulties and hardships of pioneer life have been left to the tender mercies of the loan agent, who soon, under infamous bargains and usury, entered into possession of their claims to sell them to those who occupy them to-day. In other words, a great number of the enterprising people of the older States as well as immigrants from Europe go out upon this virgin soil, go out into the new Territories, exist as long as they can, toiling, braving, saving, slaving, and enduring, until finally the loan agent strikes them down with the shylock provisions of his blood-sealed bond, and the land they have improved, as it were with sacrifice of blood and tears, goes into the magnificent lists of improved farms for sale until the man comes along for speculation, profit, or settlement, and with the cash in his pocket to make the purchase, and he takes it up and holds the land they have redeemed at so much sacrifice from the savage and the wilderness.

Mr. PETERS. Does not the gentleman from New Jersey know that all such titles are perfectly fraudulent and good for nothing; that they have no value whatever, and are not worth the paper they are written on?

Mr. MCADOO. I am not talking of the titles.

Now, Mr. Speaker, every law on the statute-book that keeps a great public domain out of the market until we can perfect the land laws of the country is a great blessing to the people of the United States. I am glad that the Indian Territory exists for this reason. We no longer need stimulative legislation to induce settlement. We must call a halt; repeal and enact new laws to meet changed conditions. We can bar up now rather than let down.

I am glad that the great Sioux reservation, useless as it is to the Indians, is kept out from settlement and is still a part of the heritage of the American people. Let us repeal these laws unconditionally as they passed the House. The honest people of this land who are not biased by local circumstances favor this bill as it passed the House.

No appeals came to this House against this bill, but the yeomanry of the land, the honest, toiling masses of the United States, are sending up

myraids of petitions, signed by thousands of enterprising, honest citizens on behalf of the repeal of these laws as the bill passed the House. The House will be unjust to itself and dishonest to the interests of the people of the United States if there is a single recession on this question.

In my limited time I simply want to close by saying this: that it is my honest and sincere conviction that one hundred years from now, if the public domain is not saved, if farmer tenancy be not discouraged, if the land grants to these powerful syndicates be not stopped, if alien ownership be not abolished, the same question will be asked in the United States that is now being asked by the great land reformers in England, namely, how came these men to occupy this vast possession of territory? Who peopled this great continent with serfs and tenants? Joseph Kay, esq., of Trinity College, Cambridge, one of the ablest writers upon the important questions of land reform in England, looking at the handful of men in possession of the lands of England, Ireland, and Scotland, asks this very pertinent question:

It would be a most interesting subject of inquiry, had we only the means of following it out, to ascertain how each of the great estates came to be formed. How many were created by the industry and persevering efforts of some ancestor; how many were the grants of sovereigns to their favorites; how many were gradually amassed by successive marriages of convenience; how many were obtained by ambitious statesmen in the troublous times of our rough island story by the attainder and death of rivals; how many were either created or immensely increased by grants of immense possessions of the religious houses and of the Roman Church; how many were the results of our fierce and bloody civil wars and struggles? It would indeed be a curious and instructive study.

But they exist, and no one wishes to interfere with the just rights of property. The only question we all desire to have answered is, is it for the common weal that the laws which affect land, and which, as I and many others affirm, have the same effect here that similar laws used to have on the Continent of Europe, namely, to keep the land tied up in great tracts and to prevent it from going into the market as much as it otherwise would do—should be retained upon the statute-book of Great Britain and Ireland?

"Just rights of property," indeed! Let us see to it that no such unjust rights of robbery ever find a foothold in our own fair land. An evil institution like land robbery comes in time to be backed by all the social, commercial, and political forces of the stricken and enervated state, and a slight profit of the evil system too often wins the voice of press, forum, and even pulpit, as now seen in Great Britain, defying the mighty genius of the great and brave Gladstone to clip it of its most offending portions.

Mr. OATES. Let me ask the gentleman a question.

Mr. MCADOO. Certainly.

Mr. OATES. Is there not a marked difference in the manner in which the large landed estates have been accumulated in Great Britain as compared with this country? There, by the law of primogeniture, the land descends from father to son; and in this country, as a rule, the larger estates on the death of the original proprietors are divided.

Mr. MCADOO. I am glad the gentleman asked that question. There will, of course, be under our institutions a vast difference in the processes by which these estates will arise. They will not have the same conditions, owing to the fact that, thank Heaven, we have no primogeniture and feudal-entailment laws. But they are drifting toward corporations, which are immortal, as the gentleman from Alabama knows, though they have no souls, and the same object will be attained; and that great blessing which the immortal Jefferson secured when he and his friends hastened, as they did in Virginia as the gentleman will remember, to ingraft upon the statutes of that State as the very first fruits of the Revolution the suppression of the feudal system and the laws of primogeniture, will be lost to the American people and imperial estates passed over to these great corporations, which will acquire them for base purposes at variance with our institutions and contrary to the best interests of the people of this country.

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment House bills of the following titles, namely:

A bill (H. R. 8023) to give the assent of Congress to the construction of a bridge by the municipalities of Menominee, Mich., and Marinette, Wis., over the Menominee River; and

A bill (H. R. 7191) to provide for the enlistment and to define the duties of general-service clerks and general-service messengers in the Army.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested, namely:

A bill (S. 2800) to authorize the construction of a bridge across the Tennessee and Cumberland Rivers by the Ohio Valley Railroad Company.

REPEAL OF PRE-EMPTION AND OTHER LAND LAWS.

Mr. COBB. The gentleman from Pennsylvania [Mr. PERKINS] said he had four minutes, which I understood he wanted to yield to one of his friends.

Mr. PERKINS. I reserve what time remains to me so that the gentleman from Wyoming [Mr. CAREY] may take the floor in his own right to speak to a motion with reference to the sections from 3 to 8.

Mr. COBB. I would rather not extend the debate so far as that.

Mr. PERKINS. I will say to the gentleman that his side has occupied considerably more than ours. We will be content with twenty minutes more I think.

The SPEAKER. The gentleman from Wyoming, however, desires to discuss another proposition in reference to amendments which have not yet been reached. If there be no objection he can now do so.

Mr. COBB. I will resume the floor when the gentleman from Wyoming gets through.

Mr. CAREY. I desire to make the motion at this time in order to get it before the House——

The SPEAKER. It is not in order at present, but the gentleman can state it.

Mr. CAREY. The motion is that the House recede from its disagreement to the Senate amendments from section 3 to section 8, both inclusive, and that the House concur in said amendments.

Mr. Speaker, as every gentleman on the floor of this House acquainted with our land system is aware, it had been the custom until twenty years ago on the organization of a Territory to offer a certain amount of lands at public sale. In case such lands were not sold they became subject to private entry at $1.25 per acre, or if within railroad limits at $2.50 per acre. In this wise lands could be purchased by those who did not desire to avail themselves of the settlement laws. No inducement to settlement of this character has been made in Wyoming. No opportunity is afforded to purchase an acre of land of the Government at public or private sale.

By way of preface I desire to repeat what I have already said upon this floor, that I am opposed to the repeal of the land laws unless some laws are substituted that will be applicable to the arid regions of the country. With the homestead law as it is left in this bill and the repeal of the pre-emption, timber-culture, and desert-land law there will be no opportunity whatever in the Territories and the States of the arid region for a man to obtain one acre of land and strictly comply with the law. The homestead law as it will exist will be inapplicable to our country. We must have a desert-land law of some kind.

Assertions are made with reference to climatic changes, particularly the increase of rainfall on the great plains of the United States.

It is easy to make statements of this character, but if you investigate the matter you will find there has been no perceptible change in the rainfall during the past twenty years in the arid regions. Civilization has reached the plains. Cattle herds have spread through the valleys and on the mountain sides, large irrigation ditches have been cut, and railroads have been built, but the predicted increase of humidity has not come. So far as the cattle men and the cattle syndicates are concerned it would be to their advantage to have every land law repealed. What the cattle-men need and must have to successfully manage their herds is a free, open, unfenced country. Realizing this, they have removed and destroyed many miles of fences. The fences have proved a failure.

The man who has attempted to carry his herd inside of inclosures without hay and grain to feed in winter has lost in many instances a large part of his herd. If you repeal all the land laws you take away all the means for the settlement and reclamation of the land. It will remain for a long time in the control of these men you call cattle-kings and cattle-herders and cowboys.

It is estimated that the arid regions of the United States that will not produce a crop without irrigation are equal in area to four-tenths of the entire country, exclusive of Alaska. We have arrived I believe at that condition of public sentiment in this country when it may be said that Congress will not make appropriations for the development and reclamation of the country in question. The time for voting large sums of money for internal improvements seems to have passed in this country. While I believe it would be wise for Congress to aid in the construction of irrigation canals, it is not probable that the people would justify the voting of money or lands for such a purpose. The plains and the valleys of the mountains are very fertile and productive when irrigated; without irrigation these lands will not produce a crop. The minimum rain-fall needed to produce a crop is 20 inches. The average rain-fall in the Rocky Mountains is 7 to 14 inches.

If we would therefore have crops produced in that country we must furnish some means or some encouragement for the cutting of these irrigating ditches. As I have heretofore stated, it costs from five to twenty dollars an acre to get the land into a condition to plow. It takes large sums of money to maintain these ditches. I believe in opposing the repeal of the land laws I am working for the best interests of my country. It is true as a Western man I am anxious to see my Territory grow in population and wealth. All men are ambitious for their country, or should be. I want to see the Territory prosperous. To make it so we must have land legislation applicable to our country. If you do not pass the right kind of laws now you will be compelled to do so hereafter, or the lands will remain unoccupied and unproductive.

You ask how much of it can be reclaimed? All of the land that can be irrigated will amount to only a small percentage of the total area of that region. The great body of the plains and mountain sides must remain for years as grazing land. The water is not available for their

reclamation. The farmer will live in the valley, and will turn his herds out to graze on the plains and mountain lands, which will be held in common unless the United States chooses to part with its title. You should do something to assist the people in that country in the reclamation of these lands.

Are the provisions of the bill as amended by the Senate liberal? They are very illiberal when you take into consideration the amount of labor that it requires to reclaim any portion of the lands. The bill requires the man who proposes to reclaim the land to go to the land office with a map showing the plan of his canals, flumes, dams, &c., file his declaration, and pay 25 cents an acre for the land, which is certainly four times what it is worth; then, at the end of the first year, he must go and show by good and reputable witnesses that he has expended during the year at least $1 an acre in the construction of the works necessary for the reclamation of the land; he must repeat this at the end of the second and third years, and within four years must make his final proof of actual reclamation and further show that he has cultivated at least eighty acres of the land, and pay the Government an additional sum of $1 an acre. In other words, the Government is to receive its $1.25 an acre, and at the same time it must be shown that the claimant has expended at least an amount equal to $3 an acre in the reclamation of the land. It certainly can not be said that the Government does not receive a fair price for the land. If there is any unfairness it is to the men who propose to reclaim the lands.

There is a great deal of dread expressed here about corporations obtaining possession of these lands. Can the gentleman from New Jersey [Mr. MCADOO] tell me of any corporation in the United States today that is engaged in obtaining large bodies of the public land for the purpose of introducing the English tenant system in the United States? Can he tell me of any capitalist who is anxious to invest his money in the lands either of Virginia or Pennsylvania or the West. Investments in lands that are not productive has been found to pay very small interest.

There is a very different condition of things in this country from that which exists in England. The early lawmakers of this country very properly did away with the laws under which estates could be built up and entailed as they have been in Great Britain. It has not been possible in any conceivable way to attain those ends in this country. Lawyers have not been ingenious enough to draw deeds or write wills whereby great landed estates could be preserved in families for any considerable length of time.

The tendency in this country is toward the division of estates and the distribution of the land. We find that the great estates of the South are being rapidly divided; that the great estates which existed in Pennsylvania a century ago are to-day in the hands of small owners, and that the large farms which men undertook to cultivate in Illinois, in Dakota, and in other parts of the West brought bankruptcy upon the owners. The tendency of the country is to small farms and better farming.

Mr. MCADOO. Will the gentleman permit me a suggestion? Is it not also a fact that the class of tenant farms in the United States has been largely and rapidly increasing every year?

Mr. CAREY. There is no doubt about that. Tenants are increasing in this country because the farmers are increasing in numbers; but the tendency of the tenant system is not to increase the size of the farms; it is rather to divide them up. Any one can buy land. There are lands for sale in every State and Territory in the Union. No laws prevent the sale. There are more lands for sale than buyers. Lands in the West are only valuable when made so by settlement. They grow in value as the settlers increase in numbers. I rode over different parts of my Territory for twelve years; I went up and down different streams, and at the end of that time very few entries had been made; and the principal land office did not pay but little more than the salary of $500 per year. When immigration began to come in and men began to settle in the valleys, then the lands increased in value—and the more desirable tracts grew in value each year—in proportion to the increase in the population.

The same has been the history throughout the entire West. I have been told that at one time a purchaser went to a land office in the rich prairie country of Illinois and entered 500,000 acres of that land at $1.25 an acre on his own account, and that neither he nor his heirs own an acre of it to-day. It has passed into the hands of small owners. There is no tendency in this country to hold land in large bodies.

Mr. MCADOO. But does not the gentleman think that we have arrived at a period when there is no longer any need of stimulants to the settlement of the land? Does he not think that the pressure of population from the seaboard and the thickly settled East will cause those lands to be settled naturally without any artificial stimulant, and therefore is it not time to call a halt?

Mr. CAREY. I have no doubt that the land will be settled if proper laws are made, but the gentleman must bear in mind that we have more land left than all that has been settled; and what is left is largely arid.

Mr. PAYSON. But not the available land.

Mr. CAREY. I will come to that.

Mr. PERKINS. If it is not available, how can it be settled under the homestead act?

Mr. CAREY. This land is not available under the homestead law, and even if it were, it would be unwise for the Government to hold it against its own citizens when the tide of emigration is moving from the crowded East and going out to the Western country to build up homes.

Mr. FELTON. What do you mean when you speak of "its own citizens?"

Mr. CAREY. I mean that the great bulk of the people who are going West to-day come out of the Eastern and Western States.

Mr. FELTON. Is it not a fact that people come here from other countries, declare their intention, and locate land when they have not been in the country more than six months or a year?

Mr. CAREY. I say that you leave your homestead law in such a condition that I can bring from Italy one thousand or five thousand or any number that may be willing to come, of Italian immigrants, and within five minutes after landing at New York city I can have them qualified to make settlement under the homestead law.

Mr. FELTON. They are now qualified to settle under the pre-emption law?

Mr. CAREY. Yes, sir.

Mr. FELTON. Now, if we should adopt the repealing measure here proposed, even though some other legislation be needed to make our laws what they should be, does not the gentleman think it would be a good thing for the country?

Mr. CAREY. I agree fully with the gentleman that we need new legislation; but, as I understand it, during the last ten years Congress has been discussing this question, and the Public Land Committee have never framed a bill to cover the new condition of things in the West.

Mr. FELTON. Yes, sir, there has been indecent haste to get rid of every acre of the public domain—to give it away, no matter to whom or for what purpose.

Mr. CAREY. In reply to that suggestion I will say that I believe the land policy of this Government, under which it has disposed of its public lands, is the wisest policy the Government could have adopted. I believe it has contributed more to the glory and the strength of this Government than any other measure. The result of that policy has been the same in all the States. Take Illinois, settled under that system in the time of this country's greatest need; she sent forth from her prairie farms more than one hundred complete regiments to do battle for the preservation of the American Union.

Now, I wish to ask gentlemen who are so much opposed to our land laws what they are going to do with the great tracts of unsettled land; what disposition they propose to make of the arid regions. Do they believe in allowing people to settle there? Do they believe in letting the people own the land, or should the Government own it? I know some political economists contend that this Government should become a great landlord owning all the houses and lands and leasing them to the people. But it is the very opposite of this policy which has made our people proud of their Government, made them love their country; because it has been possible for every man who had the money to go into the market and buy a piece of land, or if he wanted to go out West, to buy public land at $1.25 an acre, or make settlement under the homestead law. Our theory has been that it is best for every man to control and own his home.

This policy has caused the people of these United States to love their country, to take a deep interest in its welfare, because they are a part and parcel of it. Much of the land in England, Scotland, and Ireland, I believe, is inalienable; it is tied up under the policy of the English law. Under that policy men who are not fit to own land, men of weak minds (though they probably have what is called royal blood in their veins), are able to control vast bodies of land, while in this country if a man buys or inherits a piece of land he can not keep it unless he has sense enough to take care of it himself. This is the true and the right policy. Under this policy we have grown to the condition in which we are to-day. Under this policy we give every man a chance. If he has the will and ability he can accomplish something. If he has not he goes to the bottom, while the man with will and ambition goes to the top.

There is no ground for the statement that the lands are being accumulated in few hands for the establishment of a foreign land system. The opposite is the fact. With the exception of a few families in the United States, we see no tendency whatever to tie up large estates in one family for any great length of time. Happily the few large estates have not been invested in land, but principally in speculative stocks and bonds.

The desert-land law as amended by this bill is a fair and profitable one to the Government. It is liberal to the Government if not to the Western people. It will bring about the development of the country, and if you keep such a law upon your statute-books it will accomplish much good.

With reference to what has been said about land frauds, I will only say at this time that I have no doubt there has been an amount of money expended in the reclamation of lands in Wyoming equal to $10

an acre for every acre patented under the desert-land law in that Territory. About all this money has gone into the pockets of labor. It takes labor with the pick, shovel, plow, and scraper to cut the irrigation ditches. It is not like building a railroad, where much of the cost and expense is in the wood, iron, and steel consumed. It takes muscle, and nearly the entire cost of reclamation goes directly into the pockets of those who perform the labor.

It will take thousands and millions of dollars in the States and Territories of the arid regions to accomplish very much; and when the work has gone on for fifty years under the desert-land law, there will still be millions and millions of acres in that country waiting for means to be devised and for capital to turn them from their desert character to that condition which will make the growing of crops thereon possible.

There can be no objection to the Government parting with its title to these lands if the title passes to its own citizens. The citizens of the Republic who acquire title to the land make the Republic richer by the acquisition of that title. They make the country wealthier by the crops which are produced from the land they acquire.

If the time shall ever come in this country as predicted when millions of hungry people shall be crying for land and we have no land to give them, let me tell the gentleman from New Jersey [Mr. MCADOO] there will rise up in this Hall men wise enough and broad enough in statesmanship to find a remedy. Not unlike the Roman statesman, they can drop from the folds of their togas samples of the well-ripened cereals that grow to the north of our borders and the delicious fruits that mature south of us, and thereby incite the surplus millions to go both to the north and the south and occupy, possess, and cultivate the lands. [Applause.]

[Here the hammer fell.]

Mr. COBB. If gentlemen on the other side are done I will now yield to the gentleman from Iowa [Mr. WEAVER] for ten minutes.

Mr. CAREY. I reserve the balance of my time.

Mr. COBB. I prefer to have gentlemen on the other side get through, if it will suit them just as well.

Mr. CAREY. If that be so I will yield, then, ten minutes of my time to the gentleman from Kansas, if he desires to go on at this time.

Mr. PERKINS. I had thought I would make some suggestions concerning the eighth section when it was reached in its logical order. Hence in my opening remarks I did not devote any attention to that section of the bill. As the debate has assumed a general character, perhaps at this time I can with propriety examine briefly that eighth section.

I desire to say to the gentleman from New Jersey [Mr. MCADOO], if I understood him correctly, I might with propriety make the same charge he makes in the remarks addressed by him to the House—that is if I understood him correctly, that no honest man would advocate these Senate amendments—I might with the same propriety say to him that no honest man would oppose these Senate amendments. My statement would be just as true as his. If his statement proves anything I would take exception to it, but his statement is not true. And if I impugned the motive of every man on this floor who opposes these Senate amendments my statement would not be true.

If I impugned the honesty and motives of every man on this floor as the gentleman from New Jersey impugns the honesty and motives of every man who favors the amendments of the Senate, if I impugned the motives of every man who opposes them, my statement would be as erroneous and false as his. I concede, sir, that men do differ and differ honestly concerning these matters. I am willing to acknowledge that he is honest in his position and in the statement he has made because he knows no better. [Laughter.] I question whether he ever was upon a prairie in his life. I doubt whether he ever met in their homes the people of the West whom he defames.

Mr. MCADOO. Yes; I have.

Mr. PERKINS. Then you should have learned better than to impugn their motives in the way which you have done.

Mr. MCADOO. I understand them and their sentiments in reference to the public-land question as well as the gentleman.

Mr. PERKINS. The gentleman knows but little of their wishes or sentiments, judging from the suggestions which he made impugning their motives and integrity.

Mr. MCADOO. I did not say so.

Mr. PERKINS. I understood you to say that no honest man would favor these Senate amendments.

Mr. MCADOO. That was a misunderstanding on the part of the gentleman altogether. I think the gentleman is mistaken about the whole question.

Mr. PERKINS. Gentlemen around me state with unanimity they understood you to say that no man of honesty would advocate the Senate amendments.

Mr. STRUBLE. I think the gentleman said that he hoped no honest man would be found going for the Senate bill, or something to that effect.

Mr. MCADOO. I have no recollection of my exact words, but I believe I said that so far as I understood this question the honest sentiments of impartial men would be found to be in favor of the House bill.

The gentleman wants to hurry up the settlement of the country.

Mr. PERKINS. Not at all; but, on the contrary, I am asking for legislation that will protect the settlers in their rights. I am not asking for legislation here or elsewhere that will unnecessarily or recklessly dispose of the public domain.

Now, Mr. Chairman, it is not in the interest of representatives of the Western communities and Commonwealths to favor the fraudulent occupation of the public lands. We want legislation that will give that territory to honest occupation and settlement. We want legislation that will protect the settler in the honest cultivation of the soil and the quiet possession of his home.

We want legislation that after the settler has occupied the land will confer title upon him and protect him in his rights; not legislation to reserve these lands to great cattle syndicates or companies, or that will reserve as a waste that great unoccupied domain to be traveled over possibly by no one claiming title thereto.

For that reason we oppose this proposed legislation. I have no hesitation in saying that I am opposed to the repeal of the pre-emption law, and I am opposed to its repeal because I believe it would be unwise legislation to do so. It is not the pre-emption law which is at fault. Under the pre-emption law mainly have our Western communities been built up, and through the agency of that law their growth and progress have been simply wonderful.

It is not one settler out of twenty-five who goes West for the purpose of acquiring a home who desires to avail himself of the homestead system. There is not one out of twenty-five who does not desire to take advantage of the pre-emption law, because by so doing in a few months he is able to secure a title to his home, and then of course it becomes subject to taxation. Then it contributes to the growth and development of the community. Then the settlers can build school-houses; then they can build roads, and irrigating ditches, secure railroads, construct bridges, and contribute to the growth and development of the country. Without this pre-emption law this country of which I speak is greatly paralyzed.

As suggested by the gentleman from Illinois, much of that territory is not available under existing conditions. But if it is not available now what will be its condition if all of these statutes are stricken down—the timber-culture act, the desert-land act, and the pre-emption law—and the homestead law is alone allowed to remain? That law exists now, and yet the gentleman confesses that much of the land is not available under the present law and existing conditions. If the desert-land act be repealed and these other laws be all stricken down and all but the homestead law abrogated, how will that make all of your territory available?

[Here the hammer fell.]

Mr. CAREY. I yield ten minutes' additional time to the gentleman from Kansas.

Mr. PERKINS. And hence, Mr. Speaker, we who know the existing conditions and necessities of these great Commonwealths oppose this proposed legislation. We believe we understand what is required and know the needs of the people better than those who never saw a prairie or took part in the settlement of new communities.

The gentleman from New Jersey says that no demand has come up in opposition to this legislation. Why, every breeze that comes from the West is freighted with remonstrances and protests in opposition to this proposed legislation; and I will send to the Clerk's desk and ask to have read in this connection a letter received a few days ago, not from a fraudulent occupant of the public lands but from an honest *bona fide* settler of my own State, who but speaks the feeling and sentiment existing in all of these communities.

The Clerk read as follows:

SHOCKEYVILLE, HAMILTON COUNTY, KANSAS, *June* 11, 1886.

DEAR SIR: By request of very many settlers on public lands in Southwestern Kansas I write you concerning the probable repeal of the pre-emption and timber-culture laws. I have traveled considerably through Southwestern Kansas this season and have talked with very many of the best citizens upon the prospect of a repeal of the present land laws, and the universal opinion is that it would be the worst thing that could be done the country. Men have come and are still coming here to get pre-emptions and tree claims who do not want to make homestead entries, and their reasons are good ones. Nine-tenths of the settlers want the land all deeded as soon possible, so the lands can be taxed, so we can raise money to build school-houses and make other public improvements.

People are bound to have bridges across the Arkansas River, which they cannot get until the land becomes taxable. We want this country developed as soon as energetic men can develop it, and any legislation that would retard the deeding of the land would work great injury to the settlers. We are having a hard time trying to improve the country, and we look to our delegation in Congress for protection, and we do pray Congress not to throw any obstacle in the way of the development of this Western country. Do not repeal any of the land laws. Let the land be deeded as soon as possible and become taxable, then we can have school-houses, bridges, railroads, irrigating ditches, and other public improvements, and this country will soon blossom like the rose, and we will be a prosperous people. A repeal of the present land laws would be the most injurious legislation Congress could enact to the settlers on this high, dry prairie. We say let us alone and we will be happy.

Yours, truly,

J. G. PENIX.

Hon. B. W. PERKINS, M. C.,
Washington, D. C.

Mr. PERKINS. That letter expresses the views and voices the sentiments of nine-tenths of the settlers upon the public lands. I know the facts to be as stated. If there are fraudulent settlers upon these

public lands we are not asking for their protection. If the cattle companies have been organized and have taken violent possession of the public domain remove them, evict them. You have the power to drive them off. Let that power be exercised. If great corporations have gathered and possess that which does not belong under the law to them, take it from them; dispossess them; leave the lands for the benefit of the honest settlers. No opposition to such legislation comes from the Western prairies. But we ask that these men who have gone to make homes under the existing law shall be protected in their rights and granted the privileges existing under the public statutes.

Instead of 90 per cent. of the settlements being fraudulent, as has been stated more than once in the discussion of this question, not 10 per cent. are fraudulent. Fraudulent occupants of the public lands do not convert them into thriving communities or great commonwealths. If these occupations had been fraudulent we would not have seen the wonderfully rapid development of the States and Territories west of the Mississippi River. It is because they have gone there in good faith and are devoting their best efforts to the reclamation of the prairies, building up homes, establishing thriving communities, that we have been enabled to witness that wonderful development, and such men are entitled to the fostering care and protection of this great Government rather than abuse and defamation.

The present Commissioner of the General Land Office says that to investigate eighteen thousand alleged fraudulent entries that he has suspended with his present force will take five years. If it will consume five years to investigate eighteen thousand suspended entries, how much time will be necessarily consumed to investigate the one hundred odd thousand that were made last year, to say nothing of all of the great number suspended by him when he came into office on the 27th of March of last year?

It is in opposition to this that we are contending. We say there should be legislation that will give security to these people, that will protect them in their homes, that will quiet their titles, instead of legislation which will precipitate upon them a contest that will be waged and prosecuted for years, and which will render uncertain during all that period the tenure of their possessions and bring bankruptcy and ruin to these pioneers of our Western prairies.

As is suggested by the writer of the letter which was read a few moments ago, they want a title to their lands so that they may be taxed, that they may build houses, that they may educate their little ones, and so that they may secure the conveniences and comforts of the old and civilized communities of our country. Take from them this legislation and for five years there is no title to the land they occupy. For five years it can not be taxed; for five years you paralyze the community and take from the people all opportunity of revenue and credit except the little that may be obtained from their personal property, and with that it is apparent, or should be, to all that these advantages can not be obtained. Hence we hear those protests in opposition to this proposed legislation.

The gentleman from Illinois [Mr. PAYSON] says that petitions have come here by thousands asking for this legislation. And yet the gentleman from Illinois well knows that in those petitions, coupled with this, are several other propositions; and I have no hesitancy in saying, as a matter of fact, that those petitions that have come from my own country—and what is true of my own country I presume is true of others—that those petitions are very largely signed because of the other propositions, and not because of any desire to have the pre-emption and desert-land laws repealed. It is because some of them want this $200,000,000 that is spoken of put in circulation; it is because they want aliens prevented from obtaining titles to public lands; it is because they want the Oklahoma country opened to settlement; it is because they want the unearned land grants to railroads forfeited. It is because of these reasons that these petitions come here signed by thousands, rather than because they want the desert-land law or the pre-emption law or the timber-culture law repealed.

I can understand how gentlemen living on the Atlantic coast, not familiar with the conditions existing in the West, not familiar with the practical working of these statutes, can favor the repeal of all laws pertaining to the public land except the homestead law; but we who are familiar with the experiences of the frontiersmen and who know the necessities existing there are, in my judgment, better prepared to speak on this subject, and I know we speak with as much sincerity and with as much integrity as those who hail from other sections; and I say this legislation pertaining to the desert-land act and the pre-emption law should not be stricken down by this Congress or any other.

If frauds are practiced, let us amend the law, as suggested by the gentleman from California or legislate anew; let the Committee on Public Lands report a bill which is calculated to protect the public domain against fraudulent occupation, and every man who hails from the West will favor it, and no man will support it more earnestly than I; no man will advocate it more earnestly than my colleagues and these gentlemen who represent Western constituencies. But do not take from us the opportunity of reclaiming those mountains, those prairies, those deserts, because, as has been confessed by the gentleman from Illinois [Mr. PAYSON], the lands in those regions are not available and never can be available under the homestead law.

Mr. Speaker, as we vote upon these different propositions I hope that this House will recognize the fact that these Senate amendments are meritorious and wise, and instead of longer insisting upon our disagreement thereto let us concur therein. If the pre-emption law is to be repealed, if the timber-culture act is to be stricken down, let us repeal them with provisions that will protect the honest occupants of those lands and shelter them from long, weary, and exhaustive contests or litigation.

Mr. COBB. I yield five minutes to the gentleman from Iowa [Mr. WEAVER].

Mr. WEAVER, of Iowa. There are two theories touching our public-land policy, or rather two distinct theories struggling for supremacy. One is presented by this bill as it passed the House and the other by the Senate amendments to the bill.

The House bill proceeds on the theory that all the remaining public domain should be held for settlement under the homestead laws in parcels not greater than 160 acres. Following and in harmony with that theory is the other bill, passed by the House, which appropriates money to enable the Land Department to discover and unearth the frauds that have been heretofore perpetrated in relation to the public domain. And following along third in order is the bill now on the Calendar, reported favorably to the House, making appropriations for digging irrigating ditches in what are known as the arid regions of the public domain.

Now these three measures are in harmony, and constitute a well-defined theory upon which the House proposes to proceed. First, preserve the public domain to actual settlers; next, unearth the frauds that have been perpetrated and appropriate money for that purpose; third, when you reach the arid region appropriate money for irrigating ditches, so that when our population becomes crowded and there is no longer arable land within the rain belt you may enable the settler to go upon the arid region and raise crops by means of irrigation. This is the true and wise theory.

Now what is the theory represented by the Senate amendment? It is this: Validate the frauds that have been perpetrated upon the public domain; allow what is known as the arid region to be taken up by cattle speculators and syndicates, and strike down the appropriation for the investigation of frauds, so that the Land Office will be powerless to protect the inheritance of the people. Can this House hesitate which theory to adopt? Here are the two theories, one represented by the Senate, the other by the House. There should not be a dissenting voice. This House will never abandon its position or agree to the policy of the Senate—never.

The gentleman from Wyoming [Mr. CAREY] says there is no danger; the tendency in the United States is toward the division of land into small holdings. I do not know where the gentleman gets his information. The census report of 1880 shows that the tendency is just the reverse, and every man's observation must teach him that the tendency is toward large holdings and tenant farming. The tendency of our population is away from the country and toward the city. The census also shows another fact, namely, that the number of tenant farmers in this country has increased enormously of late years. The tenant farmers now outnumber the freeholders of the country. It is so in my own State and every other; the tendency is to large holdings; whereas in a healthy condition of our land laws and of the Republic the tendency ought to lead from the city to the country, and the result should be small farms and high cultivation. The House bill will not interfere with the title of any *bona fide* entryman, nor with the title of any purchaser from a *bona fide* entryman.

Another departure in the Senate amendment is this: For a hundred years it has been the policy of this country to settle the validity of land entries before the proper officers within the land district with the right of review by the Commissioner of the General Land Office and the Secretary of the Interior, and finally, if necessary, by the courts. These Senate amendments propose to take this matter out of the hands of the land officers and make it the duty of the Attorney-General to proceed by suit in a Federal court to settle the good faith of all those alleged fraudulent entries. If this provision were adopted I venture to say that the Federal courts during the next century would not be able to investigate properly the frauds that have been committed upon the public domain.

Let us stand, then, by the House theory. Let us repeal all these land laws except the homestead law. Let us appropriate money to expose these frauds. Then let us pass a law for the construction of irrigating ditches in the arid regions and preserve those lands for the future for the homeless and the poor. The House says, away with speculation. The Senate says, give the speculator a chance, validate his frauds, and sanction his crimes. The House says, appropriate money to unearth the gigantic frauds upon the public domain, and hold up the hands of our faithful Commissioner in the grand work he is doing for the people. The Senate replies by striking down the House appropriation so that the Commissioner can not proceed. The House says, hold the arid lands for the future and make provision for their reclamation. The Senate says, turn them over into the hands of speculators and cattle syndicates. Here is the issue well defined, so that he who runs may read.

Mr. COBB. Mr. Speaker, I now yield three minutes to the gentleman from Missouri [Mr. O'NEILL].

Mr. O'NEILL, of Missouri, addressed the committee. [See Appendix.]

Mr. COBB. Mr. Speaker, as it is now quite late I shall not long occupy the attention of the House. I do not care to discuss now the legal propositions involved in this bill, as they have been so fully discussed on both sides. It has been stated, however, that the Commissioner of the General Land Office has not been looking into the question of frauds in the South. I want to let gentlemen understand that they may be mistaken in this regard. I send to the desk to be read a letter from the chief of division who has charge of that subject to the Commissioner of the General Land Office.

The Clerk read as follows:

WASHINGTON, D. C., *July* 17, 1886.

SIR: During the fiscal year ending June 30, 1886, legal proceedings were instituted on recommendation of this department against parties in the Southern States for timber depredations upon the public lands, as follows:

States.	Criminal.	Civil.	Amount involved.
Alabama	4	8	$61,050 25
Arkansas	29	16	34,345 02
Florida	4	2	1,037 50
Louisiana	120	60	257,603 65
Mississippi	26	17	108,183 00
Total	183	103	462,219 42

While in the same States during the previous fiscal year only twenty-two criminal suits and twenty civil suits were instituted, involving $148,713.92. (See Land Office report, 1885.)

Very respectfully,

ARCHIBALD YOUNG,
Acting Chief Special Service Division.

Hon. W. A. SPARKS,
Commissioner of the General Land Office.

Statement showing number of entries in the Southern States reported by special agents and numbers canceled or held for cancellation during the fiscal years ending June 30, 1885, and June 30, 1886.

States.	Reported by agents.		Canceled or held for cancellation.	
	1885.	1886.	1885.	1886.
Alabama	12	3	57	5
Arkansas	44	50	10	67
Florida	64	31	30	38
Louisiana	90	154	11	131
Mississippi	8	11	5	18
Missouri	3	76	10	1
Total	221	325	122	260

ARCHIBALD YOUNG,
Acting Chief Division P.

Mr. COBB. Mr. Speaker, the letter just read shows that the Commissioner of the General Land Office is vigorously exercising his official power to protect the public lands everywhere—as well in the South as elsewhere in the country. I think it the duty of all good men to sustain him in this effort. As to the charge that he is exceeding his legitimate powers and duties, I submit the charge can not be sustained. I shall say no more in defense of the Commissioner.

But it is said that these land frauds do not exist to the extent which the Commissioner would have us believe. Indeed, from the arguments of some gentlemen here we might suppose that no frauds at all exist in their localities. I wish to say to such gentlemen that the records of the General Land Office are crowded with the evidence of parties living in the localities from which they come, showing the frauds in the entries of the public lands to be numerous. I send to the desk an official letter; and I ask gentlemen to listen to it and determine whether the facts therein stated are consistent with the views which they have expressed on this floor.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., July 19, 1886.

SIR: During the fiscal year ending June 30, 1886, there were canceled or held for cancellation for fraud two hundred and eighty-five entries in Nebraska and one hundred and fourteen in Kansas, embracing about 63,000 acres of land. There are still a large number of cases not yet acted on for the want of sufficient force. A large majority of these entries were made in the interest of cattle companies or by individuals for cattle and sheep ranches.

Fifty-five entries of land lying within the Brighton and Finlin ranches in the North Platte district, Nebraska, have been canceled or held for cancellation upon report of agents or testimony taken at hearings, showing that all of the entries were made by members of the companies or by their employés for the companies, and that the claimants neither improved nor resided upon their claims.

A number of other entries of land within said companies' ranches are awaiting action and are of the same character as those examined.

In the McCook and North Platte districts, Nebraska, one hundred and sixty-six entries were made by procurement of one Arnold in the interest of cattlemen. These entries have all been canceled or held for cancellation, and Arnold is now a fugitive from justice.

Alleged claimants have relinquished during the last year about nineteen hundred entries in the Wa Keeney office, Kansas; six hundred in the Larned office, Kansas; sixteen hundred in the McCook office, Nebraska, and eighteen hundred in the Valentine office, Nebraska, embracing in all about nine hundred thousand acres of land.

It is estimated that during the fiscal year ending June 30, 1886, at least six thousand entries were relinquished in Nebraska.

The greater portion, if not all, of these entries were made solely for speculation and with no intention of complying with the law, and the relinquishments were undoubtedly caused by the investigations that were being made by special agents.

Very respectfully,

B. B. SIMMES,
Chief of Special Service Division.

Hon. WILLIAM A. J. SPARKS,
Commissioner of the General Land Office.

Mr. COBB. It seems to me, Mr. Speaker, these facts from the records of the Land Office show a state of things requiring an amendment of the law so as to preserve, if possible, our public lands from spoliation. We have now before us a bill, which in its original form was passed in this House by a vote of nearly 5 to 1. The Senate has stricken out all after the enacting clause and inserted a new bill, the provisions of which have been to-day fully discussed. Without going further into that discussion, I will say that if this Senate amendment should be adopted all the frauds mentioned in the letter just read would be confirmed, and the titles of the lands in question would be perfected. I submit, therefore, it is important that the amendment of the Senate should be defeated. I trust that this House, in its wisdom, in its desire to protect the public lands in the future from spoliation, will concur with the recommendation of the House conferees and insist on its disagreement to the amendment of the Senate. Let us have a further conference, and see whether we can not convince those gentlemen at the other end of the Capitol that the provisions of the bill as passed by the House should be sustained.

It has been intimated here that those of us who do not live in the extreme West do not know much about this question. I suppose that there are gentlemen here from other portions of the country who have familiarized themselves with the frauds which have been committed and which are being committed every day. To say that a gentleman who has served upon the Public Lands Committee for four or six years does not know anything about the public lands would be attributing to him great weakness of intellect or want of industry in the discharge of his duty as a member of Congress and a member of that committee. Gentlemen who live in those localities where these frauds exist know no more about this question than we do who have studied the matter carefully from the records, which are full and complete upon all these questions, as they well know. I move the previous question.

The previous question was ordered.

The SPEAKER *pro tempore* (Mr. MCMILLIN). The question is upon the motion of the gentleman from Kansas [Mr. PERKINS] that the House recede from its disagreement to the first section of the amendment proposed by the Senate.

Mr. PAYSON. I make a point of order against that motion for the reason that the Senate amendment is a proposition to strike out all after the enacting clause and insert a single measure as a substitute. That proposition, I submit, is not divisible.

Mr. PERKINS. There are, as the Chair will observe, several sections in the Senate bill. My motion relates merely to the first section. The House voted in the first instance to non-concur in the Senate amendment. I now move that the House recede from its non-concurrence as to the first section of that amendment, and agree to the first section.

The SPEAKER *pro tempore*. The Chair thinks that the amendment of the Senate having been adopted by that body in the form of several sections, the motion of the gentleman from Kansas is in order.

Mr. PAYSON. Before the Chair finally decides, let me make another suggestion. Upon the return of the bill to this House from the Senate the proposition was made to non-concur in the Senate amendment, which motion was carried, and a committee of conference appointed. The conferees have met, and they report that they are unable to agree. Now, the Senate amendment is a single amendment. It can not, I submit, be taken up by sections to determine whether we will insist or recede as to each section. It seems to me there is no question about this. If there is the least doubt in the mind of the Chair, I would like to be heard on the point of order.

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. PAYSON. Mr. Speaker, the proposition now pending is not to be treated as if it were a bill originally before the House for consideration. The Senate has adopted an amendment in the form of a substitute; and the House having non-concurred in that amendment, the conferees appointed have failed to agree. There is no independent propesition reported by the conferees, favorably or unfavorably. We report, as the Chair will see from the written statement accompanying our report, that the conferees have been unable to agree upon any item—upon anything connected with this Senate amendment.

It stands as an amendment in the House bill striking out everything after the enacting clause and inserting the entire bill proposed by the Senate as a substitute for the House bill. It strikes me it goes without saying you can not take up one proposition after another. It is presented as an entirety; we agree or we do not agree. I do not know argument can make it plainer.

Mr. RYAN. Is it competent for a conference to agree to a part of the Senate amendments?

Mr. PAYSON. Undoubtedly.

Mr. RYAN. And disagree to another?

Mr. REED, of Maine. The House is not controlled by the conference.

Mr. SPRINGER. It occurs to me this is but one amendment. To recede from the House disagreement to the Senate amendment and agree to the same is one proposition. But we can recede from our disagreement to the Senate amendment and agree to the same with an amendment thereto to leave out any of the sections. There are but two propositions now before us: First, to insist on our disagreement, which is the proposition of the conference committee. The second, to recede from our disagreement to the Senate amendment and agree to the same with an amendment. These three are the only propositions in order in parliamentary course of procedure.

These are the propositions: First, the motion proposed by the committee to insist on our disagreement; second, the proposition of the gentleman from Kansas to recede from our disagreement to the Senate amendment and agree to the same with an amendment.

Mr. PAYSON. The proposition of the gentleman from Kansas is not the proposition stated by my colleague. [Cries of "Vote!"] It is that we recede from our disagreement as to one section.

Mr. SPRINGER. That is the point I am making. You can only recede from the disagreement of the House. [Cries of "Vote!"]

Mr. PERKINS. For the purpose of saving time I am willing so to amend as to recede from our disagreement to the amendment of the Senate to the House bill.

The SPEAKER *pro tempore*. That is the only way in which it can be reached. The other motion is not divisible.

The question recurred on Mr. PERKINS'S motion to recede from the disagreement to the Senate amendment.

The House divided; and there were—ayes 20, noes 142.

So the motion was disagreed to.

Mr. COBB'S motion to insist on the disagreement of the House to the Senate amendment was adopted; and the House asked for a further conference on the disagreeing votes of the two Houses.

The SPEAKER *pro tempore* appointed as managers of said conference on the part of the House, Mr. COBB, Mr. STONE of Missouri, and Mr. PAYSON.

FINAL ADJOURNMENT.

Mr. MORRISON submitted the following resolution; which was referred to the Committee on Ways and Means:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* at 3 o'clock p. m., July 28, 1886.

[Great applause.]

MRS. R. E. WARD.

Mr. HATCH, by unanimous consent, introduced a bill (H. R. 9875) granting a pension to Mrs. R. E. Ward; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT PHILIPS.

Mr. HATCH also, by unanimous consent, introduced a bill (H. R. 9876) for the relief of Robert Philips; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANIMAL INDUSTRY.

Mr. HATCH also, by unanimous consent, introduced a joint resolution (H. Res. 203) providing for the printing of the third annual report of the Bureau of Animal Industry; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

BARRACKS, NEWPORT, KY.

Mr. BRAGG, from the Committee on Military Affairs, by unanimous consent, reported back with amendments the bill (H. R. 6066) to authorize the Secretary of War to improve and enlarge the barracks at Newport, Ky.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MICHAEL AHR AND OTHERS.

Mr. BRAGG, from the Committee on Military Affairs, also, by unanimous consent, reported back with a favorable recommendation the bill (H. R. 6167) to remove the charge of desertion against Michael Ahr, Jacob A. Sisson, and John Hill; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. BRAGG, by unanimous consent the Committee on Military Affairs was discharged from the further consideration of the bill (S. 882) to regulate the pay of graduates of the Naval Academy; and the same was referred to the Committee on Naval Affairs.

JOHN POTTS.

Mr. HITT. I ask by unanimous consent to discharge the Committee of the Whole from the further consideration of the joint resolution (H. Res. 118) relative to certain papers in the State Department deposited there by error, and put it upon its passage. This resolution provides for the withdrawal from the State Department of these papers, and was reported by the Committee on Foreign Affairs in the last Congress as well as in this unanimously.

The SPEAKER. The joint resolution will be read subject to objection.

The joint resolution is as follows:

Resolved, &c., That the Secretary of State be, and he is hereby, directed to deliver to the person justly entitled to the possession thereof the papers in the claim of the late John Potts, a British subject residing in Mexico, presented to the United States and Mexican Claims Commission through the agency of a Mr. MacManus, also a resident of Mexico, said papers containing certain original documents issued by the Mexican Government on the collectors of customs at sundry ports for the payment of moneys to said John Potts, and which moneys he had loaned to the Mexican Government; the said papers having been deposited in the State Department by error.

The report (by Mr. HITT) is as follows:

The Committee on Foreign Affairs, to whom was referred the joint resolution relative to certain papers in the State Department by error, have considered the same and recommend its passage.

It appears that when the United States and American Claims Commission was appointed to examine the papers that would be presented to them for the purpose of settling the claims of citizens of both countries, Mr. John Potts (a British subject), residing in Mexico, through the agency of a Mr. MacManus, also a resident of Mexico, laid before the commission certain original documents issued by the Mexican Government on the collectors of customs at sundry ports for the payment of money to said John Potts, and which he had loaned to the Mexican Government.

The Claims Commission, on examining the papers in question, rejected them, on the ground that being a claim of a British subject they could on no account be adjusted among the claims to be passed upon by the said commission, and consequently the papers were handed over to the State Department, at Washington, for safe keeping. The Secretary of State states to the agent of the executrix of the said John Potts, Mrs. Florence Graham Hardy, that he is not authorized to deliver up said papers without a special act of Congress to that effect.

The papers are in the State Department by error, and should be returned in accordance with the joint resolution, which follows the precedent of joint resolution No. 17, of June 28, 1879 (p. 54, vol. 21, Stat. L). All safeguards are thrown around the joint resolution by providing that the papers shall only be returned to the person justly entitled to the possession thereof. As an act of justice the papers should be returned at once.

There being no objection, the Committee of the Whole House was discharged from the further consideration of the joint resolution, and it was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HITT moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COST OF PRINTING PRIVATE BILLS.

Mr. SPRINGER. I ask consent to submit a resolution for present consideration.

The resolution was read, as follows:

Resolved, That the Public Printer be directed to inform the House as to the cost of printing the private bills (including what is known as the "Calendar print") of the House of Representatives during the present session.

The SPEAKER. Is there objection?

Several members objected.

INTRODUCTION OF BILLS.

Mr. MORRISON. I ask unanimous consent that gentlemen having bills or resolutions to present may send them up to the Clerk's desk for reference by the Speaker under the rule.

There was no objection.

The SPEAKER. Gentlemen will indorse their names upon the bills, and the Journal and RECORD will show the introduction and reference as soon as they can be prepared.

And then (the hour of 5 o'clock p. m. having arrived) the House, in obedience to its former order, took a recess until 8 o'clock p. m.

BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

The following bills and joint resolutions were introduced, severally read a first and second time, and ordered to be printed and referred as indicated below:

By Mr. COMPTON: A bill (H. R. 9877) for the relief of Mrs. Victorine R. Hughes, of Maryland—to the Committee on War Claims.

Also, a bill (H. R. 9878) for the relief of Edwards Owens, of Anne Arundel County, Maryland—to the Committee on War Claims.

Also, a bill (H. R. 9879) for the relief of Samuel Queen, of Charles County, Maryland—to the Committee on War Claims.

By Mr. STONE, of Missouri: A bill (H. R. 9880) for the relief of John H. Roberson—to the Committee on War Claims.

Also, a bill (H. R. 9881) granting a pension to Isaac Kitterman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9882) granting arrears of pension to Dennis McCarthy—to the Committee on Pensions.

By Mr. MCRAE: A bill (H. R. 9883) to lay a graduated income tax, and to provide for the manner of collecting the same, and for other purposes—to the Committee on Ways and Means.

By Mr. LORE: A bill (H. R. 9884) granting a pension to Ellen Wolfe—to the Committee on Invalid Pensions.

By Mr. WILLIS: A bill (H. R. 9885) for the relief of G. D. Hamilton, of Louisville, Ky.—to the Committee on War Claims.

By Mr. WHEELER: A bill (H. R. 9886) for the relief of C. C. Spiller and others—to the Committee on War Claims.

Also, a bill (H. R. 9887) for the relief of Mrs. Susan Fletcher, widow of Dr. Nathan Fletcher—to the Committee on War Claims.

Also, a bill (H. R. 9888) for the relief of C. G. Fennell—to the Committee on War Claims.

By Mr. BAKER: A bill (H. R. 9889) for the relief of Elizabeth Shrake, widow of Adam Shrake—to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 9890) to provide for the construction of steel-clad rams without guns—to the Committee on Naval Affairs.

Also, a bill (H. R. 9891) to authorize the commissioners of the District of Columbia to extend and widen certain streets and avenues of the city of Washington—to the Committee on the District of Columbia.

Also, a bill (H. R. 9892) to authorize the commissioners of the District of Columbia to condemn land on Rock Creek for purposes of a park, to be called Rock Creek Park—to the Committee on the District of Columbia.

Also, a joint resolution (H. Res. 204) directing payment of the surplus in the Treasury on the public debt—to the Committee on Ways and Means.

By Mr. MCMILLIN: A bill (H. R. 9893) for the relief of Arthur B. Jackson, of Clay County, Tennessee—to the Committee on Military Affairs.

Also, a bill (H. R. 9894) for the relief of Hester J. Mitchell—to the Committee on Invalid Pensions.

By Mr. LAFFOON: A bill (H. R. 9895) to authorize the construction of a bridge across Tradewater River by the Ohio Valley Railway Company—to the Committee on Commerce.

By Mr. GREEN, of New Jersey: A joint resolution (H. Res. 205) authorizing the Secretary of War to grant a permit to Caleb W. Spofford and his associates to erect a hotel upon the lands of the United States on the main beach at or near Horseshoe Cove, New Jersey—to the Committee on Military Affairs.

By Mr. CALDWELL: A bill (H. R. 9896) authorizing the transmission of weather reports through the mails free of postage—to the Committee on the Post-Office and Post-Roads.

By Mr. HALL: A bill (H. R. 9897) for the relief of Zemia Shepherd—to the Committee on Pensions.

By Mr. WILKINS: A bill (H. R. 9898) for the relief of Anna B. Kerr—to the Committee on Invalid Pensions.

By Mr. MCCREARY: A bill (H. R. 9899) granting a pension to W. L. Brown—to the Committee on Invalid Pensions.

By Mr. NORWOOD: Joint resolution (H. Res. 206) permitting public building authorized by act of Congress approved July 1, 1886, at Savannah, Ga., to be located not less than 40 feet from any other building, instead of 50 feet, as provided in said act—to the Committee on Public Buildings and Grounds.

By Mr. WARNER, of Ohio: Joint resolution (H. Res. 207) authorizing the compilation and printing of the laws relating to loans, currency, coinage, and banking—to the Committee on Printing.

Also, a bill (H. R. 9900) granting a pension to Joseph Chapman, late of Company F, One hundred and ninety-sixth Ohio Volunteers—to the Committee on Invalid Pensions.

By Mr. WARNER, of Missouri: A bill (H. R. 9901) to place the name of George W. Hollis on the pension-roll—to the Committee on Invalid Pensions.

By Mr. GUENTHER: A bill (H. R. 9902) to pay Gabriel Wick the sum of $700 for property destroyed by the burning of a Government lock-house—to the Committee on Claims.

By Mr. DAVIS: A bill (H. R. 9903) for the relief of the owners of the schooner Mary Mershon—to the Committee on Claims.

By Mr. SHAW: A bill (H. R. 9904) for the relief of Cyrus Gault—to the Committee on War Claims.

By Mr. GIBSON, of Maryland: A bill (H. R. 9905) for the relief of William C. Spencer, late lieutenant Second Infantry and captain Seventeenth Infantry—to the Committee on Military Affairs.

By Mr. VAN EATON: A bill (H. R. 9906) for the relief of Mrs. Isabella McSwain—to the Committee on War Claims.

By Mr. WARD, of Illinois: A bill (H. R. 9907) for the relief of Peter Casey—to the Committee on Military Affairs.

By Mr. BOYLE: A bill (H. R. 9908) granting a pension to Henry Drake—to the Committee on Invalid Pensions.

By Mr. ATKINSON: A bill (H. R. 9909) for the relief Henry S. Wishart, late captain Company F, Seventy-seventh Pennsylvania Volunteers—to the Committee on Military Affairs.

By Mr. NEECE: A bill (H. R. 9910) granting a pension to George Murfin—to the Committee on Invalid Pensions.

By Mr. PRICE: A bill (H. R. 9911) granting a pension to Julius C. Monson—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 9912) for the relief of T. B. Stearns, of Cherokee County, Kansas—to the Committee on Military Affairs.

By Mr. HOLMAN: A bill (H. R. 9913) granting a pension to Clara I. Worstell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9914) granting a pension to Thomas F. Brown—to the Committee on Invalid Pensions.

By Mr. MOFFATT: A bill (H. R. 9915) granting a pension to Levi Tresige—to the Committee on Invalid Pensions.

By Mr. ADAMS, of Illinois: A bill (H. R. 9916) to authorize the Omaha Southern Railroad to construct and operate a railroad through the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. SWINBURNE:

Whereas great anxiety exists throughout the nation with reference to what is termed hydrophobia, as the result of the bites of rabid dogs and other animals; and

Whereas a difference of opinion exists among scientific men as to the true nature of this disease: Therefore,

Be it resolved, That the Surgeon-General be, and he is hereby, authorized and directed to formulate and send through the mails, as far as possible, to every physician and medical board in the United States and Territories a printed circular for the purpose of obtaining from each a statement of how many, if any, cases of hydrophobia or tetanus (lockjaw) have come under their personal knowledge, what the symptoms, time as to recovery or death, mode of treatment, and such other particulars as he may deem of value to the public and to science, and that he be directed to submit the results of his investigations to Congress on the opening of the second session of the Forty-ninth Congress.

Resolved, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, such moneys for clerical hire and printing as may be deemed necessary by the Surgeon-General in carrying out these resolutions.

To the Committee on Commerce.

By Mr. SWINBURNE:

Whereas the question of the disease among cattle as reported by the Department of Agriculture is causing great apprehension throughout the country and creating an anxiety to arrive at some definite means of treatment; and

Whereas the subject has been treated in various forms and recommendations made in reports to Congress by the Commissioner of Agriculture: Therefore,

Be it resolved, That there be printed for distribution by members of the House of Representatives 60,000 copies of Public Document No. 41, first session of the Forty-eighth Congress, together with Miscellaneous Document 127, and reports 718 and 1234 (two parts) submitted to this Congress, and also H. R. 3350, 7208, and 8043.

To the Committee on Agriculture.

By Mr. SWINBURNE:

Whereas in the last report of the Commissioner of Agriculture submitted to this Congress of the bureau of animal industry it is stated that at the time of submitting the report four hundred and forty-five herds of cattle, aggregating sixty thousand animals, were exposed to a disease called pleuro-pneumonia, and that seventeen hundred animals were then sick; and

Whereas it has been learned since the making of the report that the disease does not exist in localities where it was reported to exist: Therefore,

Be it resolved, That the Commissioner of Agriculture be directed to submit to Congress within ten days a detailed statement of the names of the owners of such herds and infected cattle and the town, county, and State in which such cattle are located, and also what proportion of the seventeen hundred reported infected cattle has died and what proportion has recovered. He is further directed to state what means, if any, have been taken to suppress the disease or prevent the spread of the contagion by quarantine or otherwise, and if by quarantine a specific statement of the method pursued; and also what number of the sixty thousand animals exposed became infected with the disease, and how many of these have died and how many recovered.

To the Committee on Agriculture.

By Mr. SPRINGER:

Resolved, That 2,000 copies of the Digest for the second session of the Forty ninth Congress be printed for the use of the House.

To the Committee on Printing.

By Mr. HERBERT:

Resolved, That the Clerk of the House be authorized to employ for a period not exceeding two months a clerk, at the rate of $6 per diem, to be paid out of the contingent fund of the House, to complete the index of Southern Claims Commission reports and cases referred to the Court of Claims under the "Bowman act," heretofore authorized by the House.

To the Committee on Accounts.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) resumed its session.

MODIFICATION OF POSTAL MONEY-ORDER SYSTEM.

Mr. BLOUNT. Mr. Speaker, I call up for present consideration the bill (H. R. 5878) to amend an act entitled "An act to modify the postal money-order system, and for other purposes," approved March 3, 1883; and yield to my colleague on the committee, Mr. JONES, of Texas.

The bill was read, as follows:

Be it enacted, &c., That the first section of the act entitled "An act to modify the postal money-order system, and for other purposes," be amended so as to read as follows:

"That for the transmission of small sums under $5 through the mails the Postmaster-General may authorize postmasters at money-order offices, or at such other offices as he may designate, to issue money-orders, without corresponding advices, on an engraved form to be prescribed and furnished by him; and a money-order issued on such new form shall be designated and known as a "postal note," and a fee of 3 cents shall be charged for the issue thereof. Every postmaster who shall issue a postal note under the authority of the Postmaster-General shall make the same payable to bearer, when duly receipted, at any money-order office; and after a postal note has once been paid, to whomsoever it has been paid, the United States shall not be liable for any further claim for the amount thereof; but a postal note shall become invalid and not payable upon the expiration of three calendar months from the last day of the month during which the same was issued; and the holder, to obtain the amonnt of an invalid postal note must forward it to the Superintendent of the Money-Order System, at Washington, D. C., together with an application, in such manner and form as the Postmaster-General may prescribe, for a duplicate thereof, payable to such holder; and an additional fee of 3 cents shall be charged and exacted for the issue of the duplicate: *Provided*, That all provisions of law applicable to the issue of postal-notes at money-order offices, and to postmasters' clerks and other employés therein, shall be equally applicable to officers authorized to issue postal notes under this act."

SEC. 2. That section 5463 of the Revised Statutes be amended so as to read as follows, to wit:

"SEC. 5463. Any person who shall, with intent to defraud, falsely make, forge, counterfeit, engrave, or print, or cause or procure to be falsely made, forged, counterfeited, engraved, or printed, or willingly aid or assist in falsely making, forging, counterfeiting, engraving, or printing, any order in imitation of, or purporting to be, a money-order or postal note issued by or under the direction of the Post-Office Department of the United States, or of any foreign country, and payable in the United States, or any material signature or indorsement thereon; any person who shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering any such money-order or postal note; any person who shall, with intent to defraud, pass, utter, or publish, or attempt to pass, utter, or publish, as true, any such false, forged, counterfeited, or altered money-order or postal note, knowing the same, or any signature or indorsement thereon, to be false, forged, counterfeited, or altered, shall be punishable by a fine of not more than $5,000, or by imprisonment at hard labor for not less than two years and not more than five years."

Mr. JONES, of Texas. Let the report be read.

The report (by Mr. JONES, of Texas) was read, as follows:

The Committee on the Post-Office and Post-Roads, to whom was referred the bill (H. R. 4677) to authorize the payment of postal notes at any money-order office, and for other purposes, beg leave to submit the accompanying substitute therefor and recommend its passage.

Section 1 of this bill amends section 1 of the act of March 3, 1883, which authorized the issue of postal notes, by adding a provision that postal notes shall be payable at any money-order office authorized by the Postmaster-General to pay such note, and an additional provision empowering the Postmaster-General, in his discretion, to designate post-offices for the issue of postal notes only, independently of money orders. These provisions will widely extend the usefulness of the postal note, and in the opinion of the Post-Office Department, after an experience of nearly two years and a half, will render them more convenient and give greater satisfaction to the public.

The first provision will obviate all the difficulty now encountered through the mistaken payment at one money-order office of a postal note drawn upon another (payments which now occur in considerable numbers), and would furthermore save the clerical labor now required in post-offices of designating the office of payment on the face of the note, of recording the name thereof on the corresponding stub, and of reporting the same to the Post-Office Department in the postmaster's weekly statement of money-order business. It would likewise facilitate the payment of postal notes, inasmuch as it would no longer be necessary for the paying officer to examine carefully each note presented to see that it is properly drawn upon the money-order office of which payment is demanded. This provision was recommended by the Superintendent of the Money-Order System in his last annual report, and by the Postmaster-General in these words:

"The argument he (the Superintendent) adduces in support of his further recommendation that postal notes should be made issuable to bearer and payable at any money-order office so satisfactorily enforces it that addition is unnecessary. It is to be hoped that the public will not long be forced to wait the grant of this improvement in their service."

The second provision extends to post-offices situated in the smaller towns and villages where, for lack of post-office capital, a general money-order business can not be maintained, a medium of exchange greatly needed, and in many localities urgently demanded. Sparsely settled communities where there are no banks will thus be supplied with a convenient means of remitting small sums to business centers. The responsibility of the postmasters at such offices will be increased simply in the face value of the small number of blank postal notes intrusted to their charge, a responsibility which it is thought can be readily provided for by means of small additional bonds. The Post-Office Department will not need to undertake to supply such smaller offices with funds, because they are simply to be granted the privilege of issuing postal notes, not of paying them, the only privilege which the business necessities of their communities require.

Section 2 of the bill re-enacts the existing statute (section 5463, Revised Statutes), and extends its provisions to postal notes as well as to money-orders issued in a foreign country for payment in the United States.

The necessity for this legislation lies in the fact that there is nothing specific in existing law that subjects a person who forges the signature upon a money-order issued in a foreign country for payment in this country to trial, and if found guilty, to punishment. A case of this nature occurred in the late part of 1883, at Bay City, Mich., where the United States attorney decided that th eforger of a Canadian money-order was not punishable under United States statutes and where it was necessary to make complaint and prosecute the forger under State laws. A similar case (of a British order) occurred later in New York city.

Mr. JONES, of Texas. I am directed by the committee to offer the following amendment: In line 13, after the word "thereon," insert "or any material signature upon any receipt or certificate of identification thereon."

The amendment was agreed to.

Mr. JONES, of Texas. There is also a typographical error which has crept in the bill, and the committee direct me to move its amendment.

It occurs on the second page in line 32, after the word "postmasters." An apostrophe has been inserted improperly. It changes the sense of the sentence by putting it in the possessive case when it should be in the objective. This apostrophe should be stricken out and a comma inserted after the word "postmasters."

The amendment was agreed to.

Mr. HOLMAN. Mr. Speaker, I wish to inquire, without making any motion for the present, whether the committee have considered the propriety of permitting these postal notes to extend to $5.

Mr. JONES, of Texas. Yes, sir; they extend now to sums below $5.

Mr. WARNER, of Ohio. To $4.99.

Mr. HOLMAN. I move, if my friend from Texas will consent, to strike out the word "under" where it occurs in the sixth line of the first section of the bill and insert the same word after the word "dollars," in the seventh line; so that it will read:

That for the transmission of small sums, $5 and under, &c.

Mr. BLOUNT. I hope my friend will not insist upon that.

Mr. WARNER, of Ohio. If the gentleman from Texas will allow me, I will state that the reason for making it applicable to sums under $5 is that in issuing the postal orders the numbers representing the dollars and cents are punched out, and it would be difficult without changing the present system to extend that to $5. It allows the transmission of any sums now up to $4.99. Above that amount the money orders come in.

Mr. HOLMAN. Where is the trouble in using the same system in regard to $5 and under?

Mr. WARNER, of Ohio. It would require a new series to begin at $5; and if you do not want to run above $5 you do not want to begin at that sum. It would require an entirely new series.

Mr. HOLMAN. But that is quite an unimportant item, it seems to me, in view of the value of such a service where it extended to sums of even $5 or less.

The value of the postal notes will be greatly increased by extending it to $5.

Mr. PETERS. In order to obtain the 1 cent difference between $5 and $4.99 there would be required a large amount of expense to reprint the postal notes now prepared by the Department.

Mr. HOLMAN. I do not insist on the amendment.

The SPEAKER. The question is on ordering the bill as amended to be engrossed and read the third time.

Mr. BUCHANAN. I offer an amendment to come in at line 22 of section 2.

Mr. JONES, of Texas. I have not yielded the floor, and demand the previous question.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. JONES, of Texas. I move the previous question on the passage of the bill.

On ordering the previous question there were—ayes 67, noes none.

So (further count not being called for) the previous question was ordered; and under the operation thereof the bill was passed.

Mr. JONES, of Texas, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FREE-DELIVERY SYSTEM.

Mr. BLOUNT. I call up the bill (H. R. 7536) to extend the free-delivery system of the Post-Office Department, and for other purposes, and yield to my colleague on the committee, the gentleman from Missouri [Mr. DOCKERY].

The SPEAKER. This bill is in Committee of the Whole House on the state of the Union.

Mr. DOCKERY. I move that the House resolve itself into Committee of the Whole House on the state of the Union.

Mr. HOLMAN. Perhaps there would be no objection to considering the bill in the House.

Mr. DOCKERY. I prefer to insist on my motion.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. HATCH in the chair), and proceeded to consider the bill (H. R. 7536) to extend the free-delivery system of the Post-Office Department, and for other purposes.

The bill was read, as follows:

Be it enacted, &c., That letter-carriers shall be employed for the free delivery of mail-matter, as frequently as the public business may require, at every incorporated city, village, or borough containing a population of 50,000 within its corporate limits, and may be so employed at every such place containing a population of not less than 10,000 within its corporate limits, and at any post-office which produced a gross revenue for the preceding fiscal year of not less than $10,000; and cities, villages, and boroughs in convenient proximity, whose aggregate population shall equal 15,000, or whose post-offices together produced a gross revenue for the preceding fiscal year of $15,000, may be consolidated in one post-office delivery, and the post-office located where it shall be deemed most serviceable to the public convenience.

SEC. 2. That there may be in all cities which contain a population of 75,000 or more three classes of letter-carriers, as follows: Carriers of the first class, whose salaries shall be $1,000 per annum; of the second class, whose salaries shall be $850 per annum; and of the third class, whose salaries shall be $600 per annum.

SEC. 3. That in places containing a population of less than 75,000 there may be two classes of letter-carriers, as follows: Carriers of the second class, whose salaries shall be $850 per annum, and of the third class, whose salaries shall be $600 per annum. This act shall take effect on the 1st day of July, A. D. 1886.

SEC. 4. That all laws inconsistent herewith are hereby repealed.

The Committee on the Post-Office and Post-Roads recommended the following amendment:

In section 1, commencing at line 9, strike out the following:

"And at any post-office which produced a gross revenue for the preceding fiscal year of not less than $10,000; and cities, villages, and boroughs in convenient proximity, whose aggregate population shall equal 15,000, or whose post-offices together produced a gross revenue for the preceding fiscal year of $15,000, may be consolidated in one post-office delivery, and the post-office located where it shall be deemed most serviceable to the public convenience."

And insert as follows:

"According to the last general census taken by authority of State or United States law, and at which place the post-office produced a gross postal revenue for the preceding fiscal year of not less that $10,000: *Provided*, This act shall not affect the existence of the free delivery in places where it is now established: *And provided further*, That in offices where the free delivery shall be established under the provisions of this act, such free delivery shall not be abolished by reason of decrease below 10,000 in population and $10,000 in gross postal revenue, except in the discretion of the Postmaster-General."

In section 2, line 5, strike out "$850" and insert "$800."

Mr. DOCKERY. This is a bill to extend the free-delivery system and to classify the carrier service. The free-delivery service was originally established by the act of March 3, 1863, and went into operation July 1, 1863, with sixty-six offices, and cost the first year $317,061.20.

The original act has been amended by the act of February 21, 1879; and the law now authorizing the free-delivery system constitutes section 5 of that act. And that the House may be fully advised as to its terms I will read section 5, which authorizes the present system. It provides that—

Letter-carriers shall be employed for the free delivery of mail-matter as frequently as the public convenience may require, at every place containing a population of 50,000 within the delivery of its post office, and may be so employed at every place containing a population of not less than 20,000 within its corporate limits, and at post-offices which produced a gross revenue for the preceding fiscal year of not less than $20,000: *Provided*, That this act shall not affect the free delivery in towns and cities where it is now established.

That is the present law authorizing the free-delivery system. This bill proposes to amend that law so as to extend the service to cities having a population of 10,000, ascertained according to the last general census taken by authority of State or United States law, and at which place the post-office produces a gross postal revenue for the preceding fiscal year of not less than $10,000.

In other words, the committee propose to extend this system to all cities having 10,000 population, the post-offices of which for the preceding fiscal year produced a gross postal revenue of $10,000 or more. This provision of the pending bill will extend the free-delivery system to forty-three cities at a cost—provided that the law had gone into operation at the beginning of the present fiscal year and provided that it shall be established at every one of these forty-three cities—of $115,558.20. But, as is well known to members who have investigated this matter, there are some of these cities that perhaps will not apply for the service. Then again there are others of these forty-three cities that will not have what has been heretofore considered requisite by the Department, such as properly-numbered houses, lighted streets, and paved or planked sidewalks; so that the committee estimate that the appropriations for the first year to carry into effect this provision of the bill will not require to exceed $75,000, and I think a reasonable estimate would be $50,000.

Mr. BRAGG. Will the gentleman from Missouri permit me to call his attention to section 2, where the committee has stricken out of the salaries provided for carriers of the second class the words "and fifty," making the salary $800?

Mr. DOCKERY. If the gentleman will pardon me, I will come to the second and third sections in a moment. I am only addressing myself now to the first section. The Clerk suggests to me that a number of bills improperly printed are in the hands of members. The original bill was incorrectly printed and a reprint of the bill was ordered. The correct bill is here, and if some page will take charge of it members can see precisely what it contains.

Mr. BINGHAM. I wish to ask the gentleman from Missouri a question, that the House may thoroughly understand his position, which I fully understand, but by virtue of the misprint in the hands of many gentlemen is not understood. What I want gentlemen to distinctly understand is this proposition. The bill that the committee recommend is that the letter-carrier service shall be established at cities containing a population of 10,000 as well as producing a gross revenue of $10,000.

Mr. DOCKERY. The gentleman from Pennsylvania states the provisions of the bill correctly, as I endeavored to do a few moments ago.

Mr. McMILLIN. Will the gentleman yield for a question?

Mr. DOCKERY. If the gentleman will permit me to explain the second and third sections of the bill I will then yield to the gentleman for a question.

Mr. McMILLIN. This is the section to which my question relates.

Mr. DOCKERY. Then I will hear the gentleman.

Mr. McMILLIN. How many towns are there in the Union that will be entitled to this increase of service that would not otherwise have it?

Mr. DOCKERY. Forty-three, as I said a little while ago.

Mr. WARNER, of Ohio. Now, if the gentleman from Missouri [Mr. DOCKERY] will allow me, I will call his attention to this bill. Since he stated that some of the bills have been incorrectly printed I have sent and got another, and I still find stricken out the provision which authorizes the Postmaster-General to extend the free-delivery system to towns or cities having a population of 10,000 and a gross revenue of $10,000.

Mr. BURROWS. If the gentleman will turn his bill over he will find the amendment on the other side.

Mr. DOCKERY. The correct bill will be found at the conclusion of my report. I do not think there is any trouble about the matter. If the gentleman from Ohio [Mr. WARNER] will examine the bill, he will find the amendment on the second page.

Now, Mr. Chairman, the second and third sections of the bill simply classify the letter-carrier service. They make no changes whatever in the salary account of that service, but simply classify the carriers. As the law stands at present there are first and second class carriers and auxiliary carriers. These sections of the bill provide for first, second, and third class carriers, the third class taking the place of the auxiliary carriers. The Attorney-General has decided that where an auxiliary carrier is appointed there must be a principal, either a first or a second class carrier; so that the effect of this bill, if it has any effect at all (and it does affect the salaries to this extent), will be that for the first year of a free-delivery office the Postmaster-General will be authorized to inaugurate the system with third-class carriers, thus saving the difference between the salaries of first class and third class carriers.

Mr. SCOTT. If the gentleman will permit me, under the present law there are letter-carriers who go into the service without pay and are kept there learning the routes and the various duties, sometimes for five or six months acting as substitutes without pay. Do I understand that these third-class carriers are to be substituted for that class of carriers?

Mr. DOCKERY. I am obliged to the gentleman from Pennsylvania for his question. This bill makes no change whatever with reference to substitute carriers. It leaves the existing law intact.

Mr. SCOTT. Will the gentleman allow an amendment to be put upon this bill providing that where the post-office takes one of these men and keeps him four or five months learning the business, so that in case of a vacancy there will be a carrier on hand to do the work, he shall have some remuneration while he is discharging those duties and shall not be kept there doing duty and supporting himself?

Mr. DOCKERY. I will read the present law on that subject, to which I have never heard objection made by any one. This is the law:

Provided, however, That the Postmaster-General be, and he hereby is, authorized to appoint one or more substitute letter-carriers, whose compensation shall be $1 per annum and the pro rata compensation of the letter-carriers whose routes they may be required to serve.

The gentlemen will see that when one of these "substitutes" performs service as a carrier he gets the pay of the carrier whose substitute he is.

Mr. SCOTT. But that class of substitutes remains on duty sometimes three or four or five months, and perhaps they do get a dollar once in a while, but not often; and after all they are often driven out of the service because they can not remain without compensation.

Mr. DOCKERY. If they are driven out it is because the office has no use for their services. They take these positions in the hope that, by resignation or accident or something of that kind, they may succeed to the places of carriers.

Mr. BINGHAM. They are in the service in the position indicated by their title. They are "substitutes," and if I am a carrier and am absent from my duty a day or a week, the substitute is the only man authorized to do the work, and he gets my pay during the time I am absent and he is on duty.

Mr. SCOTT. I remember that there is an expression to the effect that "hope deferred maketh the heart ache," and I have known these substitutes to stay in the service three or four months, until they had become thoroughly acquainted with the duties of the position, and after all be compelled to give it up in disgust. Then when a vacancy did occur a new and untrained man had to be taken up who was unable to perform the service as it ought to be performed, and that was the result of allowing these trained substitutes no compensation. If a salary of $400 per annum were allowed to these substitutes there would be some inducement for them to remain in the hope of promotion; but when they receive no pay at all it is not to be wondered at that, growing weary of waiting, they leave.

Mr. DOCKERY. The salaries of substitute letter-carriers, like those of all officers under the Government of the United States, ought to be based on the service rendered; and if these substitute carriers render no service to the Government they ought not to receive any compensation.

Mr. BRAGG. Will the gentleman answer me one question? In section 2 the pay of second-class carriers is fixed at $800, and in section 3 the pay of second-class carriers is fixed at $850. I desire to know whether this is purposely done.

Mr. DOCKERY. It is purposely done, and it is the present law.

Mr. FELTON. I wish to know whether it is intended to have in this service a sort of training-school; whether a set of substitutes are to be kept under pay with a view to the contingency of their services being required.

Mr. DOCKERY. That is the purpose of the law. The gentleman will remember that under the existing law the letter-carriers receive thirty days leave of absence, during which time these substitutes come in and perform the work, and whenever a vacancy occurs one of the substitutes is appointed to such vacancy.

Mr. Chairman, I ask unanimous consent that general debate may close, and that we may now proceed to consider the bill by sections.

Mr. CRAIN. That does not cut off amendments?

Mr. DOCKERY. It does not.

The CHAIRMAN. The gentleman from Missouri [Mr. DOCKERY] asks unanimous consent that general debate on this bill be now closed. Is there objection? The Chair hears none. The Clerk will report the bill by sections for amendment and debate under the five-minute rule.

The Clerk read as follows:

Be it enacted, &c., That letter-carriers shall be employed for the free delivery of mail matter, as frequently as the public business may require, at every incor-

porated city, village, or borough containing a population of 50,000 within its corporate limits, and may be so employed at every such place containing a population of not less than 10,000 within its corporate limits, and at any post-office which produced a gross revenue for the preceding fiscal year of not less than $10,000; and cities, villages, and boroughs in convenient proximity, whose aggregate population shall equal 15,000, or whose post-offices together produced a gross revenue for the preceding fiscal year of $15,000, may be consolidated in one post-office delivery, and the post-office located where it shall be deemed most serviceable to the public convenience.

The amendment reported by the Committee on the Post-Office and Post-Roads was read, as follows:

Strike out from the words "and at any post-office," in line 9, down to the end of the section, and insert the following:

"According to the last general census taken by authority of State or United States law, and at which place the post-office produced a gross postal revenue for the preceding fiscal year of not less than $10,000: *Provided*, This act shall not affect the existence of the free delivery in places where it is now established: *And provided further*, That in offices where the free delivery shall be established under the provisions of this act, such free delivery shall not be abolished by reason of decrease below 10,000 in population and $10,000 in gross postal revenue, except in the discretion of the Postmaster-General."

Mr. PLUMB. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out line 17 and all of line 18 down to the word "law," and after line 8 insert the following:

"And within the limits of adjacent blocks which not being within such corporate limits and are immediately adjacent thereto, and are occupied by those who receive their mail matter at the post-office within said corporate limits."

Mr. DOCKERY. I reserve a point of order on that amendment to hear a statement from the gentleman.

Mr. PLUMB. Mr. Chairman, the object of this amendment is to extend the provisions of this bill not only to those cities having within their corporate limits 10,000 inhabitants, but to cities which, failing to meet this requirement, would be brought within the benefits of the system by including as part of their population adjacent and thickly settled territory, the inhabitants of which receive all their mail matter at the post-office of the adjoining city. I know of many cities of this character where for various reasons the adjacent population is not included within the corporate limits, but is to all intents and purposes a part of the population of the city, and just as much entitled to the benefits of the letter-carrier system as though within the corporate limits. It is to meet the requirements of such communities that my amendment is offered.

Mr. BLOUNT. Mr. Chairman, I trust that this bill, which has been carefully prepared under the supervision of the Post-Office Department, will be passed as nearly as possible in the form in which it has been reported. The bill provides that the population necessary to entitle any city to the benefits of the free-delivery system shall be ascertained by the Federal census or a State census. When you adopt any other standard you must resort to the estimates of persons residing in the locality, sometimes the postmasters, always persons interested in making as large a showing of population as possible. The only way to avoid an exaggerated statement of population is to adopt the method indicated by the bill. I trust that the amendment just offered will not be agreed to.

Mr. TAULBEE. I desire to ask the gentleman from Georgia whether there is any definite information as to what this bill will cost.

Mr. BLOUNT. Oh, yes.

Mr. CUTCHEON. The report shows that.

Mr. BLOUNT. The experience of the Department furnishes a pretty good guide in making an estimate.

A MEMBER. What is the estimate?

Mr. BURROWS. The estimated expense to be incurred under this bill is $115,000.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Illinois, and debate has been exhausted.

Mr. HEPBURN. I have a further amendment. I move to strike out the word "and," in the eighteenth line, and insert the word "or." I think if that is done the object of the gentleman from Illinois will be accomplished.

The CHAIRMAN. There are two amendments pending.

Mr. BLOUNT. I desire to suggest that there are two amendments pending at this time.

The CHAIRMAN. The Chair has so stated.

Mr. BLOUNT. Consequently a third amendment would not be in order.

The CHAIRMAN. The first question is on the amendment of the gentleman from Illinois.

Mr. HOLMAN. I move to strike out the last word.

The CHAIRMAN. There are two amendments pending already.

Mr. HOLMAN. I offer it in the way of a substitute, or rather I make a motion to amend the text which is proposed to be stricken out, and suggest to the gentleman from Illinois that the words "according to the last general census taken by authority of State or United States law" had better be allowed to stand, and insert after the word "law" "or a census duly taken under authority of such city, village, or borough."

Mr. PLUMB. I accept the suggestion and will so modify the amendment.

Mr. HOLMAN. I would suggest, therefore, that the gentleman withdraw his motion to strike out the seventeenth and eighteenth lines and substitute what I have suggested after the word "law."

Mr. PLUMB. Very well. I accept that.

Mr. BLOUNT. I suggest that this is not a substitute.

The CHAIRMAN. But the amendment, as the Chair understands, has been withdrawn and presented in form as now modified.

Mr. BLOUNT. But the amendment had been debated and it can not be withdrawn without consent.

The CHAIRMAN. There was no objection, as the Chair understood, to the modification.

Mr. HEPBURN. I now offer the amendment which I have suggested as a substitute.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In line 18, strike out the word "and" and insert the word "or;" so that it will read:

"According to the last general census taken by authority of State or United States law, or at which place the post-office produced a gross postal revenue," &c.

Mr. DOCKERY. I want to be heard on the amendment and the substitute.

I sincerely hope this House will not adopt the amendment of the gentleman from Illinois. This system and every other system that involves an expenditure of the people's money ought to rest upon a solid and stable foundation, and we all know how unreliable these census returns are which are taken simply by the authorities of a city or village.

I know, sir, of a city within the State of Missouri where a census was taken for a purpose that exhibited a population of 4,500 people, while by the Federal census the city had a population of only 3,000, and there was no growing business or population which would indicate that there had been an increase of 1,500 people in five years.

Again, Mr. Chairman, I hope the amendment or substitute of the gentleman from Iowa [Mr. HEPBURN] will not prevail, for the reason that it involves an expenditure from the public Treasury that this House can not now afford to make. I am, sir, an earnest advocate of this free-delivery system. It was organized on the 1st day of July, 1863, and up to the 1st of July of the present year, twenty-three years, only one hundred and eighty cities of the United States had been brought within its provisions. This bill proposes to extend that system to forty-three additional cities in one year, which, in my opinion, is progress sufficient for this Congress to make. If the amendment of the gentleman from Iowa be adopted it extends the system to one hundred and ten other cities at an expenditure to the people of $330,000.

Now, while I most heartily favor the system I am not at this session willing to go to that limit in its behalf. Let us pass this bill. Let us go to the limit of forty-three cities, and in the next year if thought best we can extend it still further and take in the remainder of the one hundred and ten cities covered by the substitute of the gentleman from Iowa [Mr. HEPBURN].

Mr. BLOUNT. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLOUNT. I wish to know—the Chair has now in possession the amendment of the gentleman from Iowa—if in the opinion of the Chair——

The CHAIRMAN. The Chair will state the question.

Mr. BLOUNT. I have not completed my inquiry.

The CHAIRMAN. The committee submitted an amendment to the first section, to which the gentleman from Illinois on the left offered a further amendment, and afterward modified it on the suggestion of the gentleman from Indiana on the right. The gentleman from Iowa offered an amendment as a substitute.

Mr. BLOUNT. Which is no substitute at all. I desire to make my parliamentary inquiry, which I had not finished. On examination of the proposition of the gentleman from Iowa it does not relate to the amendment pending, and it could not be, as a matter of course, a substitute.

Mr. HEPBURN. It is evident the chairman of the Committee on the Post-Office and Post-Roads has not examined the amendment, or he would not make that statement. It does refer to the amendment.

Mr. BLOUNT. It relates to another subject, and I hold it is not in order.

The CHAIRMAN. Does the gentleman make the point of order against it?

Mr. BLOUNT. I do make it; I have already made it.

The CHAIRMAN. What is the point of order?

Mr. BLOUNT. That it is not in order as a substitute.

The CHAIRMAN. The Chair overrules the point of order.

Mr. McCOMAS. I desire to make an inquiry of the gentleman from Missouri [Mr. DOCKERY]. I am in favor of the bill and shall vote for it in any shape; but, if I understand, under the present system the alternative is so much population or so much receipts?

Mr. DOCKERY. The present law is 20,000 population or twenty thousand revenue. This bill provides for 10,000 population and ten thousand revenue.

Mr. McCOMAS. Now, then, when we come down in population why should we not have an alternative of receipts?

Mr. DOCKERY. For the reason that that involves an expenditure of $445,000.

Mr. FELTON. That is in the discretion of the Postmaster-General, is it not?

Mr. DOCKERY. The establishment of offices everywhere in cities with a population below 50,000 is within his discretion. What is now proposed involves an expenditure that I feel we are not warranted in making. I am willing to give the free-delivery system to cities having a population of 10,000 which produce $10,000 revenue.

Mr. CANNON addressed the Chair.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. CANNON. I move to strike out the last word of the substitute.

A MEMBER. There is only one word in it.

Mr. CANNON. Then I move to strike out the last letter of the substitute.

I want to talk a minute about the effect of this bill. I am for an amendment of the law touching free-delivery cities. I have sat here year after year and seen this law amended from time to time and have seen the cities that had the population prescribed by the law get the free delivery that did not deserve it one-half as much other cities with less population, that yielded double the revenue, until I got tired of that kind of thing.

I undertake to say the best proof that a city needs the free-delivery system is the amount of revenue it produces. If you take this list of offices you find some cities of 13,000 or 14,000 people producing far less revenue than other cities of 7,000 or 8,000. The gentleman from Missouri has said if you include cities with 10,000 inhabitants or $10,000 gross revenue you will make the service cost $400,000 more instead of about half or less than half that amount according to the system provided in this bill. Suppose it does? You are but doing simple justice to all the people and all the cities of this country.

If you adopt this law giving the free-delivery system to cities of 10,000 population and producing $10,000 gross revenue you cut out one hundred and ten cities of the United States that ought to have this service with less than 10,000 population, most of them needing the service more than many cities that would get it under this law. Let me call your attention to two or three cases.

Here is the city of Alexandria, containing at the last census 13,600 population, and producing $12,000 gross revenue. Now turn to my own city of Danville, Ill, with 7,700 population in 1880, and producing nearly $15,000 of gross revenue. Then drop down to Freeport, Ill., with 8,000 population in 1880 and producing $19,500 of gross postal revenue.

And so it runs to the cities in Kansas, in Ohio, in Indiana, and in California. If gentlemen will take this list they will find it runs all over the United States. Now, where is the propriety of taking the city of Freeport, Ill., producing a gross revenue of $19,500, and because it only had 8,000 population in 1880 saying it shall not have a free-delivery service, while Alexandria—it is true two hundred years old—with a population of 13,000 and barely $10,000 of gross revenue, receives the service free.

I want to see this bill amended so as to give this service to every city with 10,000 population or producing $10,000 gross revenue, and I am going to offer that amendment if somebody else does not, so as to test the sense of the committee.

Mr. MILLARD. I desire to say a single word as to this bill. I think there is a misunderstanding on the part of some members of the committee as to what the bill really is.

Under existing law this service must be established in cities of 50,000 inhabitants and it may be established in incorporated cities or villages of 20,000 inhabitants and also in places where the postal revenue is $20,000.

Mr. MCKINLEY. But both are not required.

Mr. MILLARD. Both are not required in the existing law. But this bill goes a step further, and says you can establish the service in incorporated villages or cities with a population of 10,000 where the revenue produced is $10,000.

This matter has been carefully considered by the present Postmaster-General and the First Assistant Postmaster-General. It was carefully considered and investigated by the last Postmaster-General; and they both recommend just such a bill as we have before us to-night. Now, supposing you adopt the amendment offered. Here we will say is a town or borough which extends over 10 miles of territory and that town or borough has the requisite population to entitle it to this service; but you require two dozen carriers to carry the mail over the territory of 10 miles. Therefore we say this bill comes squarely within what is recommended by the Postmaster-General.

Mr. CANNON. But all the time there runs the discretion on the part of the Postmaster-General not to put the service over a territory of 10 miles square. But you propose to deprive him of his discretion for our fast-growing Western cities and villages unless they have the 10,000 population.

Mr. MILLARD. In reply to that I want to say that under the present law we have one hundred and seventy-eight letter-carrier offices. This bill will extend the service to forty-three more offices at an expense of $115,000, but if we adopt the amendment, as has been stated by the gentleman from Missouri [Mr. DOCKERY], it will increase the expenditure by $300,000 and make it almost impossible to establish the service.

Mr. DOCKERY. If the gentleman will allow me to correct my own statement I will say that instead of extending the service to one hundred and ten it extends it to one hundred and twenty-two cities, and makes the total increased cost resulting from the amendment $366,000; which, with the amount carried by the bill, $115,000, makes the total cost $481,000. Is the House willing to vote this enormous expenditure?

Mr. MILLARD. As I know that my friend from Illinois [Mr. CANNON] desires to be right on every occasion, I am very confident that if he will examine the bill carefully he will come to the conclusion that this is the best bill that can be presented under our present circumstances.

Mr. CANNON. I have examined the question carefully in years gone by, and I have always found that cities in the older parts of the country get the free delivery, though needing it less than the younger and more progressive cities in the West which yield more revenue.

Mr. MILLARD. I yield the balance of my time to the gentleman from Connecticut [Mr. BUCK].

The CHAIRMAN. The gentleman has one minute remaining.

Mr. BUCK. Mr. Chairman, in that one minute I wish to say that in my opinion to make the gross revenue the standard to regulate the giving of this privilege would be an unwise step. Because you have a large amount of gross receipts at a certain post-office it does not necessarily follow that by giving that office free-delivery service you would accommodate the greatest number of people. In my own city of Hartford I have no doubt that three-fourths of the annual revenue comes from a few firms and corporations whose offices are located within 30 rods of the post-office, but the free-delivery system is more for the benefit of citizens generally who live in more remote parts of the city and who can not afford to have letter-carriers of their own as many of the corporations do. I would be glad to vote for the free delivery in the city of Danville, Ill., or in any other place where it seems to be required, but I do say that it is a mistake to argue that because an office has a large revenue therefore it should have the free-delivery system.

Mr. BINGHAM. Mr. Chairman——

The CHAIRMAN. All debate is ended on this amendment.

Mr. CANNON. I withdraw the amendment.

Mr. BINGHAM. I move to strike out the last word.

The CHAIRMAN. That is not in order.

Mr. BINGHAM. I move to strike out the last two words.

The CHAIRMAN. The amendment is not in order.

Mr. BINGHAM. Very well; I move to amend so as to require 12,000 population instead of 10,000. Is that in order?

The CHAIRMAN. The amendment is not in order. The Chair has already stated that there are two amendments pending. The Chair understands the gentleman from Illinois [Mr. CANNON] to withdraw his *pro forma* amendment.

Mr. CANNON. Yes.

The CHAIRMAN. The question is on the amendment of the gentleman from Iowa [Mr. HEPBURN] in the nature of a substitute.

Mr. HEPBURN. I ask unanimous consent to perfect that amendment.

Mr. BURROWS. I renew the *pro forma* amendment withdrawn by the gentleman from Illinois [Mr. CANNON].

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. HEPBURN].

Mr. BURROWS. All right.

Mr. HEPBURN. In lieu of the amendment that I have offered I now move to strike out, in line 18, the words "and at which place," and insert the words "or at any place where."

The CHAIRMAN. The question is on the amendment submitted by the gentleman from Illinois on the left [Mr. PLUMB] to the amendment of the committee.

Mr. HOLMAN. I ask that the amendment be reported.

The amendment was again read.

The amendment was rejected—ayes 11, noes 91.

Mr. DOCKERY. Now, Mr. Chairman, I ask unanimous consent that debate on this paragraph and the amendments thereto be closed in ten minutes.

Several MEMBERS. No, no.

Mr. DOCKERY. I move that the committee rise.

The CHAIRMAN. The gentleman from Missouri [Mr. DOCKERY] asks unanimous consent that all debate upon this section and amendments be closed in ten minutes.

Mr. FELTON. I object.

Mr. HEPBURN. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HEPBURN. I desire to know whether the amendment that I have offered is now pending?

The CHAIRMAN. It is, and will be put to the House at the proper time.

The question being taken on the motion that the committee rise, it was agreed to.

The committee accordingly rose; and the Speaker having resumed

the chair, Mr. HATCH reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 7536) to extend the free-delivery system of the Post-Office Department, and for other purposes, had come to no resolution thereon.

Mr. DOCKERY. I move that the House again resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill No. 7536; and pending that motion I move that all debate on the paragraph last under consideration in Committee of the Whole and all amendments thereto be limited to ten minutes.

Mr. BINGHAM. The gentleman had better make the time a little longer.

Mr. WARNER, of Ohio. I desire to offer an amendment, and to be heard five minutes upon it.

Mr. BLOUNT. The committee has a number of bills to bring before the House and only a limited time this evening in which to do it.

Mr. WARNER, of Ohio. I understand that.

Mr. HEPBURN. I move to amend the motion of the gentleman from Missouri [Mr. DOCKERY] by striking out "ten minutes" and inserting "thirty minutes."

Several MEMBERS (to Mr. HEPBURN). Say twenty minutes.

Mr. HEPBURN. I modify my motion so as to name twenty minutes instead of ten, as proposed by the gentleman from Missouri.

The question being taken on the amendment of Mr. HEPBURN it was not agreed to; there being—ayes 40, noes 58.

The question recurred on the motion of Mr. DOCKERY to limit debate to ten minutes.

Mr. OATES. Does that cover only pending amendments?

The SPEAKER. All amendments pending or which may be offered under the rules.

The motion of Mr. DOCKERY to limit debate was agreed to.

The question recurring on the motion of Mr. DOCKERY that the House again resolve itself into Committee of the Whole, it was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. HATCH in the chair), and resumed the consideration of the bill (H. R. 7536) to extend the free-delivery system of the Post-Office Department, and for other purposes.

The CHAIRMAN. All debate on the section now under consideration and all amendments thereto has been limited by order of the House to ten minutes.

Mr. WARNER, of Ohio. I offer an amendment to be pending, and I wish to be heard upon it.

The Clerk read as follows:

In line 8 strike out "ten" and insert "fifteen," so as to read "a population of not less than 15,000."

Mr. HEPBURN. I raise the point that the amendment just read is not in order at this time.

Mr. WARNER, of Ohio. It is simply read as part of my remarks, that it may be pending when the proper time comes.

Mr. Chairman, I have found myself unable to agree with the majority of my colleagues on the committee as to the propriety of this bill. Whenever the people of a town or city find it economical to employ a carrier for themselves, instead of each family or each business man going or sending to the common post-office for mail matter it would be good economy, probably, for the Government under such circumstances to establish a public letter-carrier system. I think that is the rule which ought to govern. I am not at all certain, however, that it would be good economy for the citizens of a town of 10,000 population to employ at their own expense, if they were authorized to do so, a public letter-carrier, or perhaps two or three such carriers.

But that is not the principal reason which will govern my vote on this bill. We have been reducing the revenues of the Post-Office Department right along by reducing the postage on letters and newspapers and by other means until we find the annual revenues falling short of the expenses by something near $5,000,000. I am therefore opposed to increasing the expenses of the Post-Office Department in any direction whatever, unless that expense be provided for by an increase in the postal revenues in some way so that we shall not be obliged to tax the whole people in order to supply deficiencies incurred in affording accommodations in which, as in this case, only a few of the whole people are concerned. If this bill could be accompanied with some provision increasing the general revenues of the Post-Office Department by an increase in the postage on some classes of matter upon which I think it is now quite too low I should not object to the measure. But under present circumstances I think that if we extend this letter-carrier system to towns or cities of 15,000 population we are going quite far enough. We must provide for this expenditure in some way out of the general Treasury, because it is certain that the postal revenues this year will again fall short of the expenses of the Department by several million dollars.

Mr. DOCKERY. The gentleman's proposition reaches to only one town.

Mr. WARNER, of Ohio. The Postmaster-General has now authority under the law to extend the free-delivery system to cities not already provided with it. But I state the general principle which governs me. I am not willing to increase the expense of the Post-Office Department when that expense must be provided out of the general Treasury instead of being provided by the postal revenues of the country. If you will make provision for the expense out of the postal revenues, I will not object to the bill or vote against it. At the proper time I wish to have my amendment voted on.

Mr. MORRISON. Is there any town or city of 10,000 inhabitants where the revenues do not pay more than the expenses?

Mr. WARNER, of Ohio. The revenues of such offices very likely do pay, but not including free delivery.

Mr. LOUTTIT. I should like to ask the gentleman from Ohio a question.

Mr. WARNER, of Ohio. We can not separate cities or towns of 10,000 and count their revenues alone and say they pay. You have to take these in connection with the whole service.

Mr. LOUTTIT. Will the gentleman yield to me for one question?

Mr. WARNER, of Ohio. I will.

Mr. LOUTTIT. If you propose to make your basis population without reference to revenue of cities——

Mr. WARNER, of Ohio. Fifteen thousand population and $10,000 revenue.

Mr. LOUTTIT. If you make the basis 15,000 population and if you say ten thousand postal revenue, there must be a population of 15,000 no matter what the postal revenue may be.

Mr. WARNER, of Ohio. Ten thousand dollars is the amount of the postal revenue.

[Here the hammer fell.]

Mr. BINGHAM. Mr. Chairman, among the early days of this session of this Congress I introduced a bill covering in language exactly the amendment of the gentleman from Illinois [Mr. PLUMB]. In the wisdom of the Committee on the Post-Office and Post-Roads it was determined the basis of the extension of the letter-carrier service should be to cities of 10,000 population and $10,000 revenue. I am free to say, while I did not or do not fully agree with that proposition, so willing am I that general postal facilities should be extended to the people of the country, I accept it as a step in the direction of wise legislation.

However, in view of the amendment of the gentleman from Illinois, I desire to state that I believe it would be in the interest of the body of the people in what we might call the smaller cities, if the facilities of letter-carrier service could be extended to them, making the basis the same as is now the law to-day. The statute reads simply that the Postmaster-General may extend the letter-carrier service to cities containing a population of 20,000 or having a gross revenue of $20,000.

I would rather, when we are making a step to convenience the people, extend the limitation and amend the statute, which is as it has been. There I accord with the gentleman from Illinois when I state I believe I would have this enactment put in to read 10,000 population or $10,000 of gross revenue.

It is not a question, to my mind, whether the Post-Office Department pays or not. This whole letter-carrier service renders $1,290,000 clean, clear profit to the Post-Office Department.

Mr WARNER, of Ohio. In how many cities does free delivery pay?

Mr. BINGHAM. And in that number, I say it with pride, my own city contributes a large amount. In that number not more than twelve cities pay what is called local-delivery work or letter-carrier service.

But I do not propose to enter into a general discussion of what does or what does not pay in the Post-Office Department. I ask the man of the West and the man of the South, long distances from the great central thoroughfares of the North, what makes your deficiency of $5,000,000? It is not the letter-carrier service, but the convenience of what is called second-class newspaper matter and what is called fourth-class merchandise matter. Your first and third class matter contributes largely to the service. You do that which the people require when you build up what is called home correspondence.

In the great cities, where this revenue of $1,290,000 comes to the Post-Office Department as a net profit, it does not come from mail matter sent from San Francisco to Philadelphia or New York; that is carried gratuitously; it is all carried without charge; but this great revenue is made up of your letter to your friend within the confines and the limits of the city wherein it is delivered. That is the source of this revenue.

[Here the hammer fell.]

Mr. DOCKERY. I ask unanimous consent that inasmuch as the remarks of the two gentlemen who have just addressed the House have been in opposition to the bill and consumed all of the time allowed for debate the chairman of the committee be allowed five minutes in reply.

Mr. CANNON. I will consent if you will extend the same courtesy to the gentleman from Iowa [Mr. HEPBURN].

Mr. BLOUNT. I will not ask consent for debate if further time is asked on the other side. Gentlemen have consumed all of the time on that side already.

The CHAIRMAN. The question is on agreeing to the amendment submitted by the committee to the first section.

Mr. BINGHAM. What is the amendment?

The CHAIRMAN. The committee's amendment.

Mr. BINGHAM. Is not the amendment of the gentleman from Iowa the pending amendment?

The CHAIRMAN. That offered by the gentleman from Illinois on the left [Mr. PLUMB], as modified by the suggestion of the gentleman from Indiana [Mr. HOLMAN], was voted down. There is an amendment now in the nature of a substitute for that amendment, offered by the gentleman from Iowa, pending. The first section, however, has an amendment submitted by the committee, which the Clerk will read.

The amendment of the committee was again read.

Mr. TAULBEE. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TAULBEE. If this amendment is adopted will this section be still subject to further amendments?

The CHAIRMAN. Amendments to the text will be in order.

Mr. DINGLEY. But will not the amendment to the text offered by the gentleman from Iowa be first in order?

The CHAIRMAN. If it is an amendment to the text.

Mr. DINGLEY. I so understand it.

The CHAIRMAN. The Chair understood that it was a substitute for the amendment of the gentleman from Illinois.

Mr. HEPBURN. It was offered as a substitute for the amendment of the gentleman from Illinois; but as the Chair held it to be not in order as an amendment at that time, as there were two amendments pending. The amendment of the gentleman from Illinois having been voted down, I offered mine as an amendment to that submitted by the committee.

The CHAIRMAN. Upon that statement of the gentleman from Iowa the Chair will submit that amendment to a vote.

Several MEMBERS. Let it be again reported.

The Clerk read as follows:

In line 18 strike out the words "and at which place" and insert "or at any place where;" so that it will read, if adopted:

"According to the last general census taken by authority of State or United States law, or at any place where the post-office produced a gross postal revenue for the preceding fiscal year of not less than $10,000."

The question was taken; and on a division there were—ayes 51, noes 69.

Mr. LOUTTIT and Mr. HEPBURN. No quorum has voted.

Mr. DOCKERY. Very well; if that is the issue——

Mr. BLOUNT. That will block the business for the rest of the evening.

Mr. DOCKERY. The gentleman from California can make the point of no quorum. I believe there is a town in his own district which is a beneficiary of this bill.

Mr. LOUTTIT. Yes, sir; I have a town in my district of 10,000 population which turns in a net revenue of $14,000 every year.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. LOUTTIT and Mr. DOCKERY were appointed tellers.

The committee again divided; and the tellers reported—ayes 42, noes 74.

Mr. LOUTTIT. I withdraw the demand for a quorum.

Mr. HEPBURN. I insist upon the demand.

The CHAIRMAN. The tellers will resume their places.

The tellers again reported—ayes 43, noes 74.

Mr. HEPBURN. I withdraw the point of no quorum.

Mr. CANNON. I renew it.

Mr. CUTCHEON. I wish to make a parliamentary inquiry. Is it in order at this stage to move that the committee rise?

Mr. SCOTT. I move that the committee rise.

The CHAIRMAN. That motion is not in order. The committee is dividing, and the point of order has been made that no quorum is present. [Cries of "Regular order!"]

Mr. BLOUNT. What is the regular order?

The CHAIRMAN. The regular order is the call of the roll.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Adams, J. J.	Catchings,	Gay,	Jackson,
Aiken,	Clardy,	Geddes,	James,
Allen, C. H.	Clements,	Gibson, Eustace	Johnson, F. A.
Anderson, C. M.	Cobb,	Gilfillan,	Jones, J. T.
Anderson, J. A.	Collins,	Glass,	Kelley,
Arnot,	Compton,	Glover,	King,
Atkinson,	Cooper,	Goff,	Kleiner,
Baker,	Cowles,	Green, W. J.	Laffoon,
Ballentine,	Curtin,	Grosvenor,	Laird,
Barbour,	Daniel,	Grout,	Landes,
Barksdale,	Dargan,	Hale,	Lawler,
Barnes,	Davenport,	Hammond,	Le Fevre,
Beach,	Davis,	Hanback,	Libbey,
Belmont,	Dawson,	Harmer,	Little,
Bennett,	Dorsey,	Hayden,	Lovering,
Blanchard,	Dougherty,	Heard,	Lowry,
Bland,	Dowdney,	Hemphill,	Mahoney,
Boyle,	Dunham,	Henderson, D. B.	Markham,
Browne, T. M.	Dunn,	Henley,	Martin,
Brown, C. E.	Eldredge,	Hewitt,	Maybury,
Brumm,	Ellsberry,	Hill,	McCreary,
Bunnell,	Ely,	Hires,	Miller,
Burleigh,	Findlay,	Hiscock,	Mitchell,
Butterworth,	Fisher,	Hitt,	Morrill,
Campbell, Felix	Foran,	Holmes,	Morrow,
Campbell, J. E.	Ford,	Houk,	Muller,
Candler,	Frederick,	Hudd,	Negley,
Caswell,	Gallinger,	Irion,	Nelson,
Norwood,	Riggs,	Steele,	Van Schaick,
O'Donnell,	Robertson,	Stephenson,	Wadsworth,
O'Hara,	Rogers,	Stewart, J. W.	Waite,
O'Neill, Charles	Rowell,	Stone, E. F.	Ward, J. H.
Outhwaite,	Ryan,	Stone, W. J., Ky.	Warner, William
Parker,	Sadler,	Storm,	Weaver, A. J.
Payne,	Sawyer,	Strait,	Weber,
Payson,	Scranton,	Struble,	Whiting,
Perkins,	Seney,	Swinburne,	Wilkins,
Phelps,	Sessions,	Symes,	Willis,
Pidcock,	Shaw,	Taylor, E. B.	Wilson,
Pindar,	Singleton,	Thomas, J. R.	Wise,
Ranney,	Smalls,	Thomas, O. B.	Wolford,
Reid, J. W.	Sowden,	Throckmorton,	Woodburn,
Reese,	Spooner,	Tillman,	Worthington.
Rice,	Spriggs,	Trigg,	

The committee rose; and the Speaker having resumed the chair, Mr. HATCH reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 7536) and finding itself without a quorum he had directed the roll to be called, and now reported the names of the absentees to the House.

The SPEAKER. It appears from the roll-call that there are present 146 members—not a quorum. The Chair will cause the names of the absentees to be entered on the Journal.

Mr. SKINNER. My colleagues from North Carolina, Mr. COWLES and Mr. BENNETT, are detained at their rooms by sickness.

The SPEAKER. This is not the time for receiving excuses.

Mr. MILLS. I move that the House do now adjourn.

The motion was agreed to, and accordingly (at 10 o'clock and 5 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. M. ALLEN: Petition of George W. Marlar, of Tishomingo County, Mississippi, asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. T. M. BROWNE: Petition of A. M. Hunt and 276 others—to the Committee on Invalid Pensions.

By Mr. CLEMENTS: Paper in the case of Joel Cross, of Dade County, Georgia, for relief—to the Committee on War Claims.

By Mr. ERMENTROUT: Petition of John Williams, dependent father, asking for pension—to the Committee on Pensions.

By Mr. IRION: Papers in the claim of John Kelley, of Alleghany County, Virginia—to the Committee on War Claims.

By Mr. LANHAM: Petition of citizens of Eastland County, Texas, for relief—to the Committee on Appropriations.

By Mr. LITTLE: Petition asking arrears of pension for William S. Staley—to the Committee on Invalid Pensions.

Also, petition of A. S. Galvin, late postmaster at Jamestown, Ohio, praying reimbursement for lost postal notes—to the Committee on Claims.

By Mr. SPRINGER: Petition of the Chamber of Commerce of New York, in favor of Senate bill 2157—to the Committee on Rivers and Harbors.

By Mr. W. J. STONE, of Missouri: Petition of Isaac Kitterman, to accompany bill granting pension to Isaac Kitterman—to the Committee on Invalid Pensions.

By Mr. WILLIAM WARNER: Petition of S. J. Burnett, favoring Senate bill 1886 and Mexican pension bill—to the same committee.

By Mr. WILKINS: Petition of Anna B. Kerr, for a pension—to the same committee.

The following petitions, asking for the passage of House bill 7887, repealing timber-culture, pre-emption, and desert-land acts; of House bill 7021, for adjustment of railroad and other land grants; of bill forfeiting all railroad land grants the conditions of which have not been strictly complied with; of House bill organizing the Territory of Oklahoma; of Senate bill opening a portion of the great Sioux reservation to settlement; of bill prohibiting aliens from holding land in the United States; of bill making Presidential and Congressional election days holidays, and punishing bribery; and of bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired, were severally referred to the Committee on the Public Lands:

By Mr. C. M. ANDERSON: Petition of John J. Hanrock and 350 others and of J. H. Root and 69 others, citizens of fourth Congressional district of Ohio.

By Mr. BARKSDALE: Petition of R. R. Brown and others, citizens of the seventh district of Mississippi.

By Mr. BAYNE: Petition of W. T. Douglas and 72 others and of William Hendrie and 77 others, citizens of twenty-third Congressional district Pennsylvania.

By Mr. BINGHAM: Petition of George G. Kleok and 24 others and of Frank Green and 111 others, citizens of first Congressional district of Pennsylvania.

By Mr. BLISS: Petition of Hugo Frank and 70 others and of William Schroeder and 24 others, citizens of the fifth district of New York.

By Mr. BOUND: Petition of Andrew Leary and 241 others; of W.

C. Lee and 110 others; and of Joseph Straub and 66 others, citizens of the fourteenth district of Pennsylvania.

By Mr. J. M. CAMPBELL: Petition of James Geiser and 108 others, citizens of the seventeenth district of Pennsylvania.

By Mr. CARLETON: Petition of A. Linke and 28 others, and of J. E. Borens and 26 others, and of A. A. House and 58 others, citizens of seventh Congressional district of Michigan.

By Mr. COMSTOCK: Petition of Stanley Kliendest and 20 others, of Allen Buskirk and 88 others, and of V. E. Dennis and 120 others, citizens of the fifth Congressional district of Michigan.

By Mr. FISHER: Petition of John Brown and 33 others and of W. E. Smith and 500 others, citizens of the tenth Congressional district of Michigan.

By Mr. FLEEGER: Petition of John Scott and 60 others and of Orin H. Byran and 45 others, citizens of the twenty-sixth Congressional district of Pennsylvania.

By Mr. HALL: Petition of W. A. Johnson and 82 others, of R. Dean and 300 others, and of John Griffen and 74 others, citizens of the first Congressional district of Iowa.

By Mr. HITT: Petition of G. H. Shelp and 184 others, citizens of Rockford, Ill.

By Mr. HOPKINS: Petition of C. B. Robt and 111 others and of L. S. Drane and 74 others, citizens of fifth Congressional district, Illinois.

By Mr. HUTTON: Petition of Bernent Hayner and 21 others, of John C. Egley and 52 others, of W. O. Kreigler and 40 others, and of Thomas M. R. Riffle and 10 others, citizens of seventh Congressional district of Missouri.

By Mr. J. H. JONES: Petition of F. B. Moore and 13 others, of J. V. Harris and 73 others, of William Boon and 26 others, of James D. Danes and 65 others, of A. J. Sessions and 39 others, of J. B. McBain nad 75 others, of C. H. Bernotz and 128 others, and of Henry Craig and 28 others, citizens of the third district of Texas.

By Mr. LANHAM: Petition of Ed. Dortch and 22 others, of George R. Buck and 81 others, of W. F. Petty and 102 others, and of B. F. Dewsitt and 54 others, citizens of eleventh Congressional district of Texas.

By Mr. LORE: Petition of William Allen and 38 others, of J. L. Hansan and 41 others, and of James Hayes and 52 others, citizens of first Congressional district of Delaware.

By Mr. MARTIN. Petition of J. P. Lynch and 105 others, and of Henry Bernes and 35 others, citizens of sixth Congressional district of Alabama.

By Mr. NEGLEY: Petition of W. S. Frantz and 65 others, and of L. S. Harbaugh and 44 others, citizens of the twenty-second district of Pennsylvania.

By Mr. SPOONER: Petition of John Brand and 25 others, and of C. H. Stiles and 48 others, citizens of first Congressional district of Rhode Island.

By Mr. SPRINGER: Petition of James Sanford and others, citizens of the thirteenth district of Illinois.

By Mr. CHARLES STEWART: Petition of L. C. Buckland and others, citizens of Houston, Tex.

By Mr. TARNSEY: Petition of John A. Cotter and 19 others, of J. K. Fredericks and 96 others, of O. C. King and 21 others, and of W. H. Baker and 72 others, citizens of eighth Congressional district of Michigan.

By Mr. J. H. WARD: Petition of George G. Mains and 82 others and of George Nelson and 22 others, citizens of the third district of Illinois.

By Mr. WARNER: Petition of 88 citizens of Independence, Mo.

SENATE.

TUESDAY, *July* 20, 1886.

The Senate met at 11 o'clock a. m.

Prayer by Rev. HENRY B. CHAPIN, D. D., of New York, secretary of the United States Evangelical Alliance.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, requesting that an appropriation be made in the sundry civil bill for the construction of a supply steamer and tender for the fourth light-house district, a light-ship to be placed off Ram Island Reef, Long Island Sound, and a light-ship to be placed off Grosse Point, Lake Saint Clair, Michigan, authorized by House bill No. 2627; which, together with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents a preamble and resolutions adopted by the constitutional convention of Dakota, in session at Sioux Falls July 13, 1886, favoring the admission of South Dakota into the Union and the organization of a Territorial form of government for North Dakota. The resolutions will be read.

The resolutions were read, ordered to be printed, and referred to the Committee on Territories, as follows:

SIOUX FALLS, DAK., *July* 14, 1886.

SIR: I have the honor herewith to transmit to you certain resolutions passed this day by the constitutional convention reassembled as by previous order of the convention.

I have the honor to be, your obedient servant,

A. J. EDGERTON,
President of the Constitutional Convention.

To the PRESIDENT *of the United States Senate,*
Washington, D. C.:

Preamble and resolutions unanimously adopted by the constitutional convention for (South) Dakota, in session at Sioux Falls, on July 13, 1886.

Whereas a fundamental principle of our system of government, both Federal and State, is the right and capacity of the people for self-government;

Whereas under the Federal Constitution the Territorial organization was designed only as a temporary and provisional government to prepare the outlying dominion of the United States for admission to the Union as States on an equal footing with the original States;

Whereas under any and every proper test South Dakota has largely outgrown the Territorial condition and by right her people are now entitled to the management of their domestic affairs, to relief from burdensome taxation for the support of her public schools, now maintained by direct levy upon her industries, to a more complete and efficient judiciary system, and generally to the possession and exercise of the right of citizenship enjoyed by every other people of the United States with like qualifications;

Whereas the people of that portion of Dakota Territory lying south of the forty-sixth parallel, having adopted the constitution framed by this convention, and having proceeded thereunder lawfully to establish a provisional State government, the active powers of which are held in abeyance; and

Whereas the early adjournment of Congress holding out no promise of any legislation favorable to the admission of the State of (South) Dakota as established by her people, or to the division of Dakota, so urgently demanded by the people of the entire Territory: Therefore,

Be it resolved, That we, the members of the constitutional convention for the State of (South) Dakota, do most solemnly reaffirm the doctrines and principles enunciated in the bill of rights of the constitution framed by this convention, and declare it to be the unalterable will of the people of South Dakota, for whom we are delegated to speak and act, that the State of Dakota, unestablished, and awaiting admission into the Union at the hands of Congress, should be so recognized and admitted as a State of the United States without further delay; and

Resolved, That it is the sense of this convention that the division of Dakota Territory, and the creation out of its vast agricultural area of two States of the Union, is imperatively demanded in the common interest alike of North and South Dakota; and

Resolved, That in the judgment of the members of this convention a due and just regard for the well-known and oft-repeated wishes and petitions of the people of the northern half of the Territory should secure them in their right to the name of "North Dakota," and that Congress should give to that portion of the Territory upon the admission of the State of (South) Dakota or upon the division of the Territory the name of North Dakota; and

Resolved, That a copy of these resolutions be furnished the President of the United States, the President of the Senate of the United States, and the Speaker of the House of Representatives.

A true copy.

JOHN CAIN, *Secretary.*

Mr. MILLER. Mr President, I hold in my hand a memorial of the Evangelical Alliance of the United States relating to the Chinese question, or rather to the troubles upon our western borders during the past few months, in which great outrages have been perpetrated upon Chinese who were legitimately within our borders.

This memorial from the Evangelical Alliance of the United States has been brought out by the fact that the branch of the Evangelical Alliance in China has forwarded to the alliance of the United States a letter setting forth that the outrages perpetrated upon the Chinese in our country affect very injuriously Americans particularly, and all Christians who are in China or otherwise connected with the cause of education there.

In presenting this memorial, I may say that I present it thoroughly indorsing the sentiments contained in it. My position upon the importation of Chinese labor and of any other contract labor into this country is well known in this body. I have voted for the exclusion of Chinese laborers under the provisions of a treaty now existing with China, and I have voted for the exclusion of the importation of all labor under contract. That is my position. I believe it to be the correct position; but I hold that the Government of the United States is bound in honor to itself and by its treaty obligations to China to see that equal and exact justice is done to all the people of that race who are within our borders under the treaty and according to law; and it has given me pleasure here this winter to be permitted to vote for an appropriation to make good to the Chinamen upon our western borders who were despoiled of their property by the illegal acts of men who, although they were not citizens of the United States, yet were here under our protection and under our laws.

Mr. President, I ask that this memorial and the accompanying letter from the Chinese branch of the Evangelical Alliance may be read at the desk.

By unanimous consent the memorial and accompanying letter were read and referred to the Committee on Foreign Relations, as follows:

To the honorable the Senate and the House of Representatives
in Congress assembled:

The Evangelical Alliance of the United States respectfully shows to your honorable bodies that it embraces Christians of every name who rest their faith upon the Bible; that its chief objects are the promotion of religious liberty and co-operation in Christian work; that it is in harmonious correspondence with similar alliances in Great Britain, France, Germany and various other countries, including China; and that from the Chinese branch this body has received the letter hereto appended protesting against the outrages and massacres which have been perpetrated upon the Chinese resident on our Pacific coast and in some of the interior States.

The American Alliance is asked to call the attention of our Government and people to the wrongs thus done, to the scandal caused thereby to the American character, and to the tendency of the said wrongs if not duly rebuked and atoned for by the National or State Governments to prevent or impair, especially in the Chinese Empire, confidence in the truths of Christianity, in the justice of the American Republic, and in the fidelity of the Government to its international obligations.

This alliance, responding to that appeal, submits to the favorable attention of Congress the views of the Chinese branch, expressed in its own words and on its own responsibility.

In further fulfillment of its own duties and responsibilities as representing millions of loyal American citizens who hold to the truths of Christianity as revealed in the open Bible, and who believe those truths to be the historic basis and only sure bulwark of our civil and religious freedom, this alliance protests against the said wrongs (the repetition of which is threatened), as crimes which the National Government should treat as violations alike of humanity, Christianity, and national faith, as tending to retard throughout the world the progress of Christianity and to endanger the reciprocal international rights and safety of American citizens in the Chinese Empire.

Rejecting the vain attempt to justify or extenuate these crimes on the ground of jealousy of race, difference of religion, or rivalry in the labor market, and looking beyond the reciprocal obligations of treaties and the provocation to retaliate which these crimes offer to the Chinese at home, to the whole duty of Congress in the premises, we respectfully ask your honorable bodies to view this matter in the light of the fact engraven in our history and recorded in judicial decisions that this is a Christian country, and that its Constitution and laws were made by a Christian people. By the venerable custom of Congress inherited by the fathers of the Republic from their colonial ancestors and reverently continued by their descendants, your honorable bodies, the Senators and Representatives of the American people, are daily reminded that you are legislating for a Christian people; and the prayers offered in the two Chambers are responded to throughout the length and breadth of the Republic, that by your endeavors peace and happiness, truth and justice, religion and piety may be established among us for all generations.

In accord with the spirit of that petition, we respectfully ask your honorable bodies to take such prompt and efficient action as to your wisdom shall seem meet, providing for the reparation for the past and the security for the future which under similar circumstances we should demand, and which shall befit our character as a Christian people, enhance the dignity of republican institutions, and advance the beneficent progress of Christian civilization.

The alliance is encouraged to believe that these wrongs will receive the attention which is due, in view of the ground taken by the Executive in his proclamation on the subject and in his message to Congress bearing upon the same, and also from the favorable consideration which the indemnity bill has already secured from both your honorable Houses. But the alliance is constrained to urge that the influence of such action as Congress may take will be greatly enhanced by its early consummation.

All of which is respectfully submitted on the part of the Evangelical Alliance of the United States.

JOHN JAY,
W. E. DODGE,
MERRITT HULBURD,
Committee of United States Evangelical Alliance.

NEW YORK, *June* 28, 1886.

APPENDIX.

Letter from the Chinese branch of the Evangelical Alliance.

PEKIN, *April* 6, 1886.

To the Secretary of the Evangelical Alliance in the United States of America.

DEAR BROTHER: In view of the outrages recently committed upon the Chinese on the Pacific coast, and also in some of the interior States and Territories of the United States, wherein from many towns all the Chinese residents, without distinction of age, sex, occupation, or character, have been driven from their homes by threats and violence, with loss of property and life; and learning that continued threats of further violence and expulsion of the Chinese are openly made, being countenanced even by some who hold offices of public trust, we feel called upon in behalf of the China branch of the Evangelical Alliance to lift up our protest against such shameful and flagrant crimes, committed against a quiet and orderly people, who had as much right to the positions they occupied and protection in their lawful callings as had those who have so unjustly and cruelly driven them away or taken their lives.

1. We protest against such treatment of the Chinese as in contravention of law and treaty stipulation. The Burlingame treaty provides that the Chinese shall have the same privileges as to residence and trade as are granted to the citizens of the most favored nations. It is therefore the right of the Chinese to be treated with kindness and fairness, as are the citizens of other countries. Shall a people who boast of a conscientious regard for their word and for justice between man and man, and of their hatred of the oppression of the poor and weak by the rich and powerful, remain silent while such violent men disregard and break the plighted faith of the nation, and thus tarnish the fair name of their country, in heathen as well as in all Christian lands?

2. We protest against such treatment of the Chinese as inconsistent with those principles of kindness, hospitality, and justice which belong to all mankind, and which, being implanted in the natural conscience of all, are binding upon all. Still more are they exalted and enforced by the law of Christian charity.

3. We protest against such treatment as deleterious to the interests of Christianity in China. Several hundred citizens of the United States, representatives of the Christian churches in America, are engaged as missionaries, seeking the conversion of the Chinese to the Christian faith. But how can the Chinese look with any favor upon a religion which fails to restrain the people professing it from such inhumanity? How can they fail to contrast such conduct with the teachings of their own sages, which enjoin humanity and kindness in the treatment of strangers from other nations? If the Chinese do not read our Bible, they read our conduct and mark it carefully. The Roman Catholics are foremost in mission work in China. What effect must it have upon their missions when the Chinese read in their newspapers translations of paragraphs from American journals detailing the crimes committed against their people in the United States, and learn that the adherents of the Roman Catholic faith are foremost in these persecutions? After all they have suffered at home from Christian nations through war and the opium traffic, if they now learn that their countrymen abroad are chased out of Christian lands as if they defiled the very soil by their presence, what hope can there be of their conversion to Christianity? Although we ourselves know well it is the want of Christianity that opens the way for such wrongs, the Chinese people can not be expected to make this distinction. The natural course for them will be to look upon the treatment they receive in Christian lands as the proper fruit of Christianity.

4. We protest against such violence and wrong as endangering the persons and property of American and European residents in China. How can we expect Americans and Europeans to enjoy their present liberties, kind treatment, and official protection in China while the Chinese in America are hunted down as wild beasts? It is not in human nature not to resent such injuries and retaliate upon the people which inflicts them, nor can we expect in such resentment that careful distinction of nationalities will be made, but rather that a common hatred will spring up against all who bear the Christian name, and that acts of violence will with difficulty be restrained. Already in Canton the names of Chinese who have been maltreated or killed in the United States are placarded day by day, and threats of reprisals have been made. The ill-feeling will increase and spread to other places unless the outrages are stopped.

We beg you, therefore, in such ways as shall seem most effective, to bring these things before the people of the United States, using your influence also with the Government if necessary, and urge them by every motive of justice, honor, and right, and by their regard for the property and lives of their fellow countrymen and the citizens of other Western nations resident in China, to put a stop to such wrongs. We beg you to use every effort to secure just and equal treatment for the Chinese in America. They are our fellow-men; let them be treated as such. Let those who trample on their rights or destroy their lives be punished according to law and justice. Let ample indemnities be promptly paid. The United States and European Governments have demanded and received indemnities from China for wrongs committed by her citizens; it would ill become the United States when wrongs are committed within her jurisdiction against Chinese subjects to shield herself by saying the local courts are open to them to sue for damages. They are practically not open to them. Besides, the Government of China can only deal with the Government of the United States. If she holds that Government responsible for the violence committed within her jurisdiction is it not just what England or France or Germany would do?

Whatever course the laws concerning Chinese immigration may take, let such Chinese as are permitted by law and treaty to live in the United States at least be treated with the fairness and humanity which becomes an enlightened people to exhibit. We most earnestly desire that those who go to Christian lands should see the light and feel the warmth of Christian love.

HENRY BLODGET,
President China Branch Evangelical Alliance.
JOSEPH EDKINS,
J. L. WHITING,
Secretaries.

Mr. SAULSBURY. I present a petition of M. F. Nickerson and 34 other citizens of Delaware, praying for the passage of certain measures pending before Congress; a similar petition of William Allen and 38 other citizens of Delaware; also another petition of James Hayes and 52 other citizens of Delaware on the same subject, and a petition of Patrick Haggerty and 24 other citizens of Delaware to the same effect. I move the reference of the petitions to the Committee on Finance.

The motion was agreed to.

Mr. PUGH presented the petition of Henry Bernes and 35 other citizens of the sixth Congressional district of Alabama and the petition of B. Edwards and 35 other citizens of the first Congressional district of Alabama, praying for the passage of certain bills in relation to the public land, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. VEST. Mr. President, I hold in my hand for presentation to the Senate a large number of petitions from different Congressional districts of Missouri, all of them I believe asking for the passage of the eight laws. I wish to make a statement in regard to these petitions, and I think it my duty to do so.

These and similar petitions which have been received by the Senate—and I have presented a great many of them myself—come to me from Mr. Ralph Beaumont, "chairman of the national legislative committee of the Knights of Labor." I have examined these petitions, and I find that I am not acquainted with any of the parties whose names purport to be signed to them, and I am very strongly of the opinion that the petitions have been prepared by one and the same person. I am confirmed rather in this opinion, and I think it is my duty to state it, because among these measures the passage of which is asked by this chairman of the national legislative committee of the Knights of Labor is one for organizing a Territorial government in Oklahoma. I have had put in my hand a communication from the representatives of the Cherokee, Chickasaw, and Creek Nations—Chief Bushyhead, Mr. Porter, and John Chambers, of the Cherokee delegation; Pleasent Porter, of the Creek Nation; D. W. Bushyhead, principal chief of the Cherokee Nation—in which they call the attention of Mr. Powderly, who seems to be at the head of the Knights of Labor in the United States, to these petitions, and remonstrate against their being presented to Congress as an invasion of the rights of the five civilized tribes. In response to that communication Mr. Powderly addressed these gentlemen the following letter:

SCRANTON, PA., *July* 12, 1886.

DEAR SIR: The petitions you speak of were never sanctioned by me and were never presented to the executive board of the Knights of Labor. You are right in what you say regarding the duty of members of the Knights of Labor. It is not the intention or teaching of that order to rob any people of their lands.

I have forwarded your communication to our agent at Washington with instructions to look into the matter and act for the general order in the matter of adjusting this matter on the basis of justice. The address of the chairman of our committee is Ralph Beaumont, 205 Pennsylvania avenue, Washington, D. C. I would be pleased to have you meet with him for the purpose of explaining the whole affair.

Assuring you that no steps will be taken by the general order of the Knights of Labor that will injure your people, I remain

Very truly yours,

T. V. POWDERLY,
General Master Workman Knights of Labor.

D. W. BUSHYHEAD, Esq.,
Principal Chief Cherokee Nation, Washington, D. C.

About the merits of this controversy or these statements I know nothing, but I deem it my duty to state my impression in regard to these petitions. I express no opinion as to the merits of the legislation which is demanded, but I have simply to say that I do not know any of these petitioners and the petitions seem to be in the handwriting of one and the same person. I present them to the Senate for such action as they may deem proper, together with this correspondence, which ought

in justice to the gentlemen who have corresponded with Mr. Powderly to be made public.

The PRESIDENT *pro tempore*. The petitions with the accompanying communications will be referred to the Committee on Finance.

Mr. BERRY. I present two petitions from citizens of Arkansas, praying for legislation of various kinds similar to those presented by the Senator from Delaware and the Senator from Alabama. I move the reference of the petitions to the Committee on Finance.

The motion was agreed to.

Mr. SEWELL (for Mr. MCPHERSON) presented the petition of John L. Suess, brevet major United States volunteers, praying to be allowed an additional pension for the limited period of three years; which was referred to the Committee on Pensions.

THE OFFICIAL REGISTER.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the amendments of the Senate to the joint resolution (H. Res. 89) providing for the distribution of the Official Register of the United States, disagreed to by the House of Representatives.

On motion of Mr. MANDERSON, it was

Resolved, That the Senate insist on its amendments disagreed to by the House of Representatives to said joint resolution, and agree to the conference asked for by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate.

Mr. MANDERSON, Mr. HAWLEY, and Mr. GORMAN were appointed the conferees on the part of the Senate.

REPORTS OF COMMITTEES.

Mr. BECK, from the Committee on Finance, to whom was referred the bill (H. R. 8738) to so further amend section 3362 of the Revised Statutes, as amended, and section 3363, as makes a distinction in the mode of packing and selling cut tobacco, reported it without amendment.

Mr. COCKRELL. The joint resolution (H. Res. 181) authorizing and directing the Secretary of War to loan tents to the Southwestern Iowa and Northwestern Missouri Veteran Soldiers' Association, at Bethany, Mo., and to the Tri-State Veterans' Association of Ohio, Indiana, and Michigan, for reunion purposes, was referred to the Committee on Military Affairs. That committee has instructed me, in accordance with its well-established and oft-published action for the last two sessions of Congress, to report the joint resolution back to the Senate adversely and to recommend that it be indefinitely postponed.

There are no tents, and there have been no tents which could be loaned for any purpose. If the War Department is directed to loan these tents we must make an appropriation for their purchase, for without their purchase there can be none to loan.

The PRESIDENT *pro tempore*. If there be no objection, the joint resolution will be postponed indefinitely.

Mr. SEWELL, from the Committee on Pensions, to whom was referred the petition of Mary Ann Dougherty, praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. 2868) granting a pension to Mary Ann Dougherty; which was read twice by its title.

He also, from the Committee on Pensions, to whom was referred the bill (H. R. 578) for the relief of Emma J. Holloway, reported it without amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5389) granting a pension to Ann Kinney;
A bill (H. R. 1681) for the relief of William Hicks;
A bill (H. R. 7163) granting a pension to Peter Adams;
A bill (H. R. 8046) granting a pension to Erastus W. Kennedy;
A bill (H. R. 7517) for the relief of Warren L. Rice;
A bill (H. R. 7169) to grant a pension to James Robinson;
A bill (H. R. 8333) granting a pension to Lucinda Sawyer;
A bill (H. R. 3948) granting a pension to James F. Salyers;
A bill (H. R. 3851) granting a pension to William P. Shelton; and
A petition (H. R. 8334) for the relief of Jacob Nix.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 6278) granting a pension to Margaret O'Connor, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2730) granting an increase of pension to Elizabeth S. De Krafft;
A bill (H. R. 887) granting a pension to Thomas S. Duvall;
A bill (H. R. 5041) granting a pension to Sally A. Stone;
A bill (H. R. 9457) granting a pension to Martin V. Curry;
A bill (H. R. 2964) to restore to the pension-list the name of Abel Mishler, of Pennsylvania; and
A bill (H. R. 8663) to increase the pension of Jonas Schoonover.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 2790) granting a pension to Catherine M. Lee, reported it with an amendment, and submitted a report thereon.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following messages of the President of the United States vetoing certain bills, submitted reports thereon recommending the passage of the bills, the objections of the President to the contrary notwithstanding:

A bill (S. 1025) granting a pension to Jane Butler;
A bill (S. 1584) for the relief of Cornelia R. Schenck;
A bill (S. 1383) granting a pension to Harriet Welch;
A bill (S. 1290) granting a pension David W. Hamilton;
A bill (S. 1400) granting a pension to William H. Beck;
A bill (S. 1441) granting a pension to M. Romahr;
A bill (S. 789) granting a pension to John S. Williams;
A bill (S. 363) granting a pension to Edward Ayers;
A bill (S. 327) granting a pension to James E. O'Shea;
A bill (S. 1253) granting a pension to J. D. Haworth;
A bill (S. 1192) granting a pension to Alfred Denny;
A bill (S. 1998) for the relief of John D. Ham;
A bill (S. 2186) granting a pension to Louis Melcher;
A bill (S. 1288) granting a pension to Robert Holsey;
A bill (S. 2223) granting an increase of pension to Elizabeth S. De Krafft; and
A bill (S. 1726) granting a pension to Augustus Field Stevens.

Mr. BLAIR. I submit these reports by the direction of a majority of the Committee on Pensions.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (S. 2701) for the relief of Felix Marcinkowski, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. VAN WYCK, from the Committee on Pensions, to whom was referred the bill (S. 2682) granting a pension to Thomas W. Egan, reported it with an amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1802) for the relief of Moses B. Walker, reported it without amendment, and submitted a report thereon.

Mr. WILSON, of Maryland, from the Committee on Pensions, to whom was referred the veto message of the President of the United States on the bill (H. R. 1059) granting a pension to Joseph Romiser, reported it back with the recommendation that the bill do pass, the objections of the President to the contrary notwithstanding.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2156) for the removal of the charge of desertion from the record of Martin Murphy, reported it without amendment, and submitted a report thereon.

He also, from the same committee, reported an amendment intended to be proposed to the fortification appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

WASHINGTON GAS-LIGHT INVESTIGATION.

Mr. BLACKBURN. I ask an order of the Senate to have printed the testimony taken by the Committee on the District of Columbia relative to the investigation ordered by a resolution of the Senate on the gas question in this city.

The PRESIDENT *pro tempore*. The Senator from Kentucky, from the Committee on the District of Columbia, reports favorably a motion to print certain papers for that committee. If there be no objection the order will be made. The Chair hears none.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House further insisted upon its disagreement to the amendments of the Senate to the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber culture, the laws authorizing the sales of desert lands, and for other purposes; asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. COBB, Mr. STONE of Missouri, and Mr. PAYSON managers at the further conference on the part of the House.

The message also announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 5878) to amend the act entitled "An act to modify the postal money-order system, and for other purposes," approved March 3, 1883; and

Joint resolution (H. Res. 118) relative to certain papers in the State Department by error.

AMENDMENTS TO BILLS.

Mr. EVARTS and Mr. SEWELL submitted amendments intended to be proposed by them respectively to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there be no "concurrent or other resolutions" the Calendar is in order.

Mr. CHACE. I ask unanimous consent to take up Senate bill 2600.

Mr. DAWES. Will the Senator allow me? I have a telegram from the Interior Department which renders it necessary for me to ask unanimous consent for the passage of a small bill which was reported yesterday morning.

Mr. CHACE. Can you not wait for me?

The PRESIDENT *pro tempore*. The Senator from Rhode Island asks the unanimous consent of the Senate to proceed to the consideration of Senate bill 2600, which was read in full yesterday.

Mr. MILLER. I move to take up the oleomargarine bill first, and then I will waive the consideration of that bill informally.

Mr. CHACE. Very well.

The PRESIDENT *pro tempore*. Pending the request of the Senator from Rhode Island, the Senator from New York moves that the Senate proceed to the consideration of the bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine.

The motion was agreed to.

DISTRICT POLICE REGULATIONS.

The PRESIDENT *pro tempore*. Pending the consideration of the oleomargarine bill the Senator from Rhode Island asks the Senate to proceed to the consideration of the bill (S. 2600) to authorize the commissioners of the District of Columbia to make police regulations for the government of said District.

Mr. MILLER. This is brought up by unanimous consent, subject to objection, of course.

The PRESIDENT *pro tempore*. Certainly.

By unanimous consent the Senate, as in Committee of the Whole, resumed the consideration of the bill, the pending question being on the substitute reported from the Committee on the District of Columbia.

Mr. MILLER. The amendment was read at length yesterday, and went over when an amendment to it was offered. It need not be read again. If the bill can be passed now without objection, let it be amended and passed.

Mr. McMILLAN. I propose an amendment to the bill. Beginning with line 11 of the proposed amendment reported from the Committee on the District of Columbia, I move to strike out all down to and including the word "day," in line 14, as follows:

Second. Concerning the observance of Sunday in the carrying on of business in the District of Columbia, to designate what places may be kept open or shall be closed on that day.

Mr. CHACE. I accept that amendment.

The amendment to the amendment was agreed to.

Mr. VAN WYCK. I move to add at the end of clause 7 of section 1—

To regulate the keeping and running at large of dogs and fowls.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN SCHOOL BUILDING.

Mr. DAWES. The bill to which I alluded a moment ago is the bill (S. 2855) to authorize a change of location of a certain Indian school building in Washington Territory.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks the unanimous consent of the Senate to proceed to the consideration of the bill indicated by him. Is there objection?

Mr. MILLER. I have no objection to the bill. I think, however, when it is disposed of I must ask the Senate to go on with the oleomargarine bill.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized to erect the school building to be furnished Tonasket and his people, under agreement made with him July 7, 1883, and ratified in the Indian appropriation act for the fiscal year 1884 (23 Stat., page 79) at some suitable place in what is called Antoine Valley, Washington Territory, instead of at Buonaparte Creek, as provided for in said agreement.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES D. WOOD.

Mr. McMILLAN. I ask unanimous consent to take up the bill (H. R. 6337) for the relief of James D. Wood. It is a House bill reported from the Committee on Military Affairs, and it is all right.

Mr. MILLER. If it leads to no discussion I shall not object.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay James D. Wood, late captain and assistant adjutant-general of volunteers in the war of the rebellion, $133.50 cents, being the value of a horse and equipments lost in action at the battle of Chancellorsville, as found by the Court of Claims.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 1839) for the relief of Richard C. Ridgway and others; and

A bill (S. 2800) to authorize the construction of bridges across the Tennessee and Cumberland Rivers by the Ohio Valley Railway Company.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8975) making appropriations for the naval service for the fiscal year ending June 30, 1887, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HERBERT, Mr. SAYERS, and Mr. HARMER the managers at the conference on the part of the House.

The message further announced that the House had concurred in the amendment of the Senate to the bill (H. R. 7191) to provide for the enlistment and pay and to define the duties and liabilities of "general-service clerks," and "general-service messengers" in the Army.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 8023) to give the assent of Congress to the construction of a bridge by the municipalities of Menominee, Mich., and Marinette, Wis., over the Menominee River; and it was thereupon signed by the President *pro tempore*.

BRIDGE AT SAINT LOUIS.

Mr. VEST. I ask unanimous consent to take up the bill (S. 2589) authorizing the construction of a bridge over the Mississippi River at Saint Louis, Mo.

Mr. McMILLAN. I object to that.

The PRESIDENT *pro tempore*. Objection being made, the motion can not be entertained.

Mr. VEST. Let me make a parliamentary inquiry, please. Under the rule under which we are proceeding now I can not move, as I understand, to take up the bill notwithstanding the objection.

The PRESIDENT *pro tempore*. The bill can only be taken up by unanimous consent, as another bill is pending.

Mr. MILLER. The time will come, I suggest to the Senator, in a day or two when the Calendar will be in order.

Mr. VEST. I give notice that as soon as I can make a motion to proceed to the consideration of the bill I shall certainly do it.

BRIDGE AT MEMPHIS.

Mr. LOGAN. The other day when the bill (S. 2516) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn., was reached on the Calendar I objected to its consideration, but since that time I am told by the Senator from Kansas and the Senator from New York [Mr. EVARTS], whose constituents are interested in the bill, that there will probably be some agreement about it. So I withdraw the objection I made in order to give those gentlemen an opportunity of making whatever arrangement they can to take the bill up when it is reached, and that my objection may not obtain further to the bill.

The PRESIDENT *pro tempore*. The bill will retain its place on the Calendar under the eighth rule.

Mr. EVARTS. I can hardly say that I concur in the bill, but I understand the point——

Mr. LOGAN. I am not proposing that the Senator shall concur in the bill. I do not mean that. I mean that I allow my objection to be withdrawn for the present, so that the Senator from New York, whose constituents are interested, and the other Senators who are interested, can make arrangements in reference to the bill, if they can agree.

The PRESIDENT *pro tempore*. The bill is now on the Calendar and is subject to motion at any time. The oleomargarine bill will be proceeded with.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 9726) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1886, and for prior years, and for other purposes, to report it with sundry amendments. I give notice that unless the sundry civil bill is called up to-morrow morning, I will seek to call this up.

BUTTER AND OLEOMARGARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8328) defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine.

The PRESIDENT *pro tempore*. The Senator from New York [Mr. EVARTS] is entitled to the floor.

Mr. EVARTS. My friend the Senator from Georgia [Mr. BROWN], in accordance with a suggestion which he made near the adjournment last evening, has said he would now address the Senate, and I yield for that purpose.

Mr. BROWN. Mr. President, while the power of taxation conferred upon the Government of the United States by the Constitution is unlimited in its terms it is very clear to my mind that the Government of the United States has no right to collect more money by taxation than the amount necessary to an efficient and economical administration of the Government.

This necessary tax may be raised exclusively by a tariff upon imports, or it may be raised by an internal-revenue law, or the Government may, as at present, use both means of taxation to raise the amount actually necessary for the proper administration of the Government.

For almost half a century prior to the commencement of the late unfortunate civil war our fathers collected the necessary revenue, not by internal taxation but by laws imposing a tariff upon imports.

This, in my opinion, is the better mode of raising the necessary revenue, and this has been the judgment of the American people during the greater portion of the existence of the Government.

The internal-revenue system has been used in emergencies, as in case of the war of 1812, when a system very similar to the system adopted during the late war was put into operation, but the law was repealed within about three years after the termination of the war.

The present internal-revenue system was adopted on account of the necessities of the Government during the late war, and as a war measure. In my opinion, it should have been discontinued before this time, and it should now be discontinued at the earliest practicable period. I will not vote for the present bill, because it increases the classes of property made subject to the internal-revenue system. I will vote on all proper occasions where the vote is likely to avail anything to repeal the internal-revenue system in whole, and if that can not be done, in part. I favor tariff legislation to raise the necessary revenue so adjusted as to protect American labor and foster American industry by discriminating in favor of American productions and labor as against foreign productions and labor. In other words, I would raise the revenue by imposing a tariff upon such imported articles as are raised in this country, so as to foster American industry and protect American labor while raising revenue for the support of the Government. And I would put upon the free-list, wherever the revenue could be spared, such articles as are raised abroad which can not be raised in this country. This much for the general and safe rule as I understand it on this question. Now a few words more as to the measure before the Senate. The object of this bill seems to be to impose a tax on oleomargarine of 5 cents a pound for the purpose of protecting the butter which is the product of the dairy.

But judging from all the publications with which members of Congress have been flooded for months past the true object is to tax oleomargarine or butterine out of existence. Ten cents per pound was asked for. Five cents is in the bill as it came from the House. Why should this be done? We are told that it is necessary to pass such a law in order to save the dairy interest from ruin, as that interest can not bear the competition of the oleomargarine. I will not undertake to discuss the question whether oleomargarine is a healthy article of food. Chemists and scientific men of ability and integrity have pronounced it so. By taxing it instead of exterminating it the Government recognizes it as a wholesome article of food. Then why attempt to tax it out of existence? It is said it is necessary to pass the act to tax it for the protection of the farming class, so as to raise the price of butter in the market. This will also raise the price of oleomargarine. The 5-cent tax imposed upon it will be added to its present market price when it is offered for sale, and the dairymen will raise their butter in like proportion, or probably in much greater proportion.

Now, Mr. President, what will be the effect of this? It is said it *will* be an act of justice, as it will protect the farming interests of this country.

There are now, say, sixty millions of people in the United States. I think it has been stated here that there are fifteen thousand dairies or creameries, but suppose we say that there are four times that number, or sixty thousand persons or companies having creameries or making butter for sale. That would be only 1 per cent., or one in every hundred, of the population of the country who would get the benefit of the protection under the bill. One person would get the benefit of the protection, the other ninety and nine would have to bear the burden by paying the increased price for their butter. In other words, there is a vastly larger number of people in this country who buy butter than there is who sell butter. Now, Mr. President, notwithstanding the rules I have laid down, which I believe to be sound, if there is any case where I would vary from the rule to protect anybody it would be to protect the farming class of this country. But I can not violate a sound principle or a sound rule to protect a small fraction of the farming class at the expense of the great body of that class; in other words, I can not violate a principle to protect one in a hundred of our fellow-citizens of that class at the expense of the remaining ninety and nine, who are also our fellow-citizens. This is very different from the protection of our home labor and our home industries against foreign labor and foreign industries. If this bill is passed, the creameries of this country, of which many proprietors may not be practical farmers, will get all the benefits of the act. It will protect the butter of the proprietors of the creameries, and if they are farmers, that number of farmers will receive the benefits of the act, but the farmers who raise beef-cattle for sale will receive no benefit from it. In fact, the evidence shows that all farmers of that class will be injured to the extent of two to three dollars a head on their cattle, as the cattle will sell for that much more in the market on account of the use that can be made of part of the animal by manufacturing it into oleomargarine, which would be of but little value for any other use. It will be no protection to the farmers who raise sheep, and it will be no protection to the farmers who raise hogs. A hog would be worth less in the market if no portion of his lard could be used as an ingredient in the manufacture of oleomargarine.

The act will be no protection to the very large class of our farmers who raise corn, wheat, rice, rye, oats, and barley for sale, and the class of farmers who raise beef-cattle, sheep, hogs, corn, wheat, rice, rye, oats, and barley is vastly larger than the small class who maintain creameries and make butter for sale. Then this is not an act to protect the farmers as a class, but it is an act to protect a small class of farmers at the expense of a vast number of farmers, to protect one farmer of the creamery class at the expense of probably one hundred farmers who do not belong to that class, but raise other productions for the market. Mr. President, I have received a great many communications through the mail on this subject, and so far as I have been able to judge of them they came from a few interested parties, who are conducting large creameries, and who have combined their efforts to bring an immense pressure to bear upon the Congress of the United States to foster and protect their interest by a heavy tax on a wholesome article of food, to increase their own gains at the expense of a vastly larger number of farmers. This bill, then, as I understand it, is not a bill to protect the farming class of this country as a class. If it were, I should greatly sympathize with it, but it is a bill to protect a small fraction of the farmers of this country at the expense of the vast majority of them, and against all other classes of the population of this country who use the productions of the dairy, by an increase in the price of butter which benefits only those who make butter for sale, at the expense of all who use it.

It is estimated that if this bill becomes a law it will yield a revenue of probably $10,000,000 or more to the Treasury of the United States, which will be that much collected out of the honest working people of this country, and out of all classes of people who use butter or oleomargarine as food. The tax on the oleomargarine will raise the price of both butter and oleomargarine, and the consumer will have to pay more for it than he now pays. It is a tax, as already stated, upon one American production for the benefit of another American production. It taxes those who use oleomargarine manufactured of American material, and by American labor, for the benefit of those who make butter for sale out of American material and by American labor. This is in violation of every known rule or practice adopted by the Government in raising its revenues. If the additional ten millions of revenue were necessary to the support of the Government there would be a better reason for the passage of the act. But it is not pretended that such is the case.

We now have a surplus in the Treasury, and it is not pretended that we need more revenue. Congress may in its wisdom take ten millions off of articles now taxed and put it on oleomargarine as a simple revenue measure, but it is not proposed to do that. There is no proposition now pending upon which any action is expected at this session of Congress to reduce the present revenues of the Government. No more revenue is needed, and this is a simple proposition to increase the revenue say ten millions of dollars that is not needed, and all for the purpose of protecting one American industry against another. The class in whose favor the discrimination is made is comparatively a small class. The class against whom the discrimination is made is a very large class. It is not the protection of American commodities or articles produced by American labor as against foreign commodities produced by foreign labor, but it is the protection of one class of American production and labor to the detriment of another class of American production and labor.

It is a discrimination between American productions and American labor for the benefit of the few against the many. It is said that the oleomargarine is manufactured of such material and so colored that it is very difficult to distinguish it from butter, and that this close imitation of butter operates as a fraud upon those who buy it, as it is often sold for butter. I am willing to vote for stringent laws applicable to the District of Columbia and the Territories, where Congress has jurisdiction of such questions, and I would like to see laws passed and enforced in all the States to compel the manufacturers and venders of oleomargarine to label it as such, so as to inform every purchaser of the fact that it is such when he makes the purchase. But I am not willing to attempt to tax one wholesome article of food out of existence because it may sometimes be sold for another and different article of food. The proper remedy, in my opinion, is to compel the manufacturer and vender of the imitation article to sell it for what it really is, and not attempt to tax it out of existence.

The same rule would apply to inferior butter which by the use of coloring matter appears to belong to the higher grade of butter, when in fact it is of the lower grade. It seems to me that he who by artificial coloring of a very inferior article of butter sells it in the market

for the finest article is as much guilty of fraud as he who colors oleomargarine in like manner and sells it for butter, when it is so close an imitation that those who use it can not tell the difference. I should think there would be as much propriety in requiring the manufacturer and vender of inferior butter, which by the coloring appears to be the superior quality, to label it as "Second class butter, colored," as there would be in requiring the vender of oleomargarine to label it as such.

The law against fraudulent imitations should, I think, be the same in both cases.

For these and other reasons which I might mention I can not vote for this bill.

Mr. HAWLEY. Mr. President, the invention of this new substitute for butter is working a revolution. It is not one of the ordinary competitions of trade. It is a complete revolution. The new product is said to be nutritious and as good as butter. I suppose that it is, in most cases, at least, harmless; I suppose that in most cases it is nutritious. But the patents as recorded in the Patent Office are not agreeable reading. There is a great variety of them. There are chemicals used in the processes in many cases that we certainly do not look upon with favor when we reflect upon their use in compounding a substance that is put on our tables to eat. As nearly as I can judge from the reports of various chemists, it is not less digestible and wholesome than butter to the extent to which stearine is found in it in excess of the degree in which it is found in ordinary good butter.

The right to make and sell this new substitute when it is honestly made nobody doubts, nobody denies. If the straightforward, honest manufacturer of it produces a wholesome article, nobody denies the right of manufacture, and we do not desire to suppress it. I know the demand is made in some places that legislation be such as absolutely to suppress the manufacture and sale. That is an unreasonable and excessive demand to which Congress has no right to yield; it has no constitutional or moral right to so yield.

As to the further request that is made for the protection of the dairy interest, I respectfully beg leave to say that is not entitled to so much consideration as some of our farming friends seem to think, because they must run the risk and bear the burden of an honorable competition in their business as all other manufacturers must.

The true issue is to a considerable extent evaded in this discussion. It is often misstated. Let us, for the sake of the argument, lay aside all consideration of the manufacturer of oleomargarine, all consideration of the dairymen.

I hold that the rest of mankind, the remainder of the population, the 58,000,000 out of the 60,000,000, have a right to know what they are buying. You say the same applies to a great many other things, that it applies to coffee and sugar and spices, &c. So it does. But if this were not what I call it, a revolution, a most extraordinary and exceptional case, I should not be in favor of legislation of this sort, and I confess that the pending propositions did not at first blush recommend themselves unreservedly.

The manufacturer of oleomargarine sells it to the wholesale dealer. There is no deception or fraud there. The wholesale dealer buys for distribution to the retailers, knowing precisely what he buys. He is not overreached in the matter of price, because he goes from Mr. Armour to somebody else—from manufacturer to manufacturer—until he gets oleomargarine at a satisfactory price and of a satisfactory quality. The retailer, the grocer who buys for retailing to the customer and consumer, is in no danger of being defrauded. He knows what he is buying from the wholesale dealer, and he can go directly past him, if he chooses, to the great manufacturer. He knows precisely what he is buying.

Where, then, does the wrong come in? It is impossible to suppose that every grocer in the United States will sell oleomargarine for what it is. I hear of grocers who will not keep it at all. There are those who frankly tell their customers what it is. It is a painful thing to say, but I am afraid it is a fact, that a large proportion of those who buy it to sell at retail sell it as butter.

The wrong comes in, then, not in the competition above the retailer and the consumer, but in the fraud committed upon the American citizen at large—upon him who is the final purchaser and the consumer. He has the right to know what he is buying. In this is the strong element of the argument in favor of this bill. The practical effect of this invention is to offer a premium of 100 per cent. above the cost of the article—an enormous premium—tempting to dishonesty, and the inevitable effect of it is dishonesty. It is not a petty and contemptible fraud like that committed often as we suppose in markets to the extent of a penny or two a pound, but it is a fraud of 100 per cent. in the cost of the article, a universal fraud all over the country.

I do not deny the right to make it and to sell it, but no man has a right to tell a lie. To make a profit of a lie is to swindle.

If this article is really an honest article and a great benefit to the country I think the manufacturer and consumer of oleomargarine ought to rejoice over this bill. We require him to advertise; we seek to make the product perfectly familiar to every citizen of the nation. At present the manufacturer is not anxious to inform all people precisely what he is making and precisely where the citizen can obtain it. He does not advertise that the best and purest and freshest oleomargarine is to be obtained at such and such a grocery. Nothing of the sort. You do not hear men calling it as they do in the street "strawberries," "fresh fish," "oranges"—"here is the latest and best oleomargarine."

The man who carries the oleomargarine to market is as secret about it as possible, and he is very much offended if we require a sign to be set up in the grocery, "oleomargarine sold here," or if we require a label to be put on each individual package, "oleomargarine" or "butterine." He differs from all the rest of the dealers of the country. Now, we simply compel him or attempt to compel him by this legislation to advertise his business.

The consumers are the victims; the men who purchase in small quantities for actual consumption are the victims.

I think this bill will have a tendency to reduce the price of oleomargarine to the poor who, we are told, are to be blest by its cheapness and its nutritious qualities. Against the bill it is argued that it interferes with the right of the poor to have a wholesome article of diet at a reasonable price. I think it will work in the other direction. I think that, even after paying the 5 cents tax, the odds are that the article will be offered more cheaply to the consumer than it is now.

It is said that we are attempting to discourage an honest industry. I think not. But the discouraging effect of a tax is often recognized, is often welcomed, as a legitimate element of a tax.

The power to tax is practically unlimited save by the common sense of the legislator and the judgment of the people back of him. It is one of the first requirements of the economist, in studying taxation, that it should be levied first of all upon articles, not of necessity, but articles of luxury, or articles whose use and consumption are of doubtful value, or, some say, positively pernicious—for example, whisky and tobacco.

Outside of the actual producers themselves, among the great mass of the people, I do not know who grumbles about the tax on whisky and tobacco. Those of us who smoke a cigar reflect that we pay perhaps the third of a cent or a trifle over one-third of a cent upon each cigar to the Government of the United States. Who complains? Would the tax of 90 cents a gallon—a tax of 300 per cent. on whisky and alcohol—be submitted to as cheerfully as it is now if it were laid upon some wholesome and altogether nutritious, useful, and honest article?

The tax upon whisky is in reality too high. I say this not with any sympathy for the manufacturer, but because any tax so high as to give a temptation to and provoke fraud, to afford a constant incentive to fraud and crime, is a tax too high. The judgment of this country would not permit a tax of 90 cents a gallon on whisky were it not for the moral sentiment that comes in there and colors the whole transaction. Whisky has no friend. They say let it be taxed, it is not a necessity for the poor man or the rich man, save to the comparatively limited extent to which it is needed as a medicine.

We are told that State legislation should care for these matters. I confess that is a very strong argument to me. I wish it were possible to believe that State legislation could do it, but some States legislate very imperfectly, and if I am not mistaken a majority of them do not legislate at all. I ask the chairman of the committee——

Mr. MILLER. About twenty States have legislated.

Mr. HAWLEY. About twenty States have legislated more or less imperfectly. It affords me satisfaction, as it always does I am happy to say, in speaking of the legislation of Connecticut, to say that that State appears to have done vigorously and reasonably all that is possible, not to destroy entirely what is called an honest manufacture, but to protect the consumer, which I insist is the strong point to be held in view here constantly.

Various acts have been passed in Connecticut. They have all been revised and condensed in an act that was passed at the last January session of the existing Legislature. Its language is in the introduction similar to that of this bill:

> Any article resembling butter in appearance and not made wholly, salt and coloring excepted, from the milk of cows, shall be imitation butter within the meaning of this act.

None shall be sold except under these conditions—I do not read the act fully: "The seller shall maintain in plain sight, over" the door or his grocery a sign bearing in plain, black, Roman letters, not less than one-half inch wide and 4 inches long, on a white ground, the words "sold here," preceded by "the name of the imitation article," and if it is sold from a "wagon, or other vehicle, such vehicle shall conspicuously bear such a sign." Upon every package shall be a similar label, and, moreover, "the seller shall orally inform each buyer at each sale that the article he buys is not butter, and shall give the buyer the name of the imitation article;" and "no baker or vender of food shall sell any article of food containing imitation butter unless" he shall maintain the same sign I have previously described. "No keeper of a hotel, boarding-house, or restaurant, temporary or permanent, shall furnish any guest with any imitation butter" without having it made known by a sign "imitation butter" or "oleomargarine used here."

The State further provides for the appointment of a dairy commissioner, and gives him a salary and the right to appoint deputies, who shall have the right to examine all places suspected of dishonest dealing in this article. The State agricultural chemist—for we have an ex-

periment station such as it is sought to establish in all the States by a pending bill—is required to examine all samples duly presented, and proper penalties are inflicted upon dishonest dealing. But this legislation does not fully protect the consumer in Connecticut, nor do I see that any will unless we resort to our power under the national Constitution to tax the article and provide for an inspection similar to that imposed on tobacco and whisky. I am willing to vote for it.

There has been a singular movement made lately in this vicinity, a very determined and energetic—not to say desperate—attempt to couple with every pension act a tax that shall provide the money for paying that pension. It seems to me there is a curious analogy and a curious comparison to be made between that bill and this. It is very singular indeed if a tax is intended to discourage a production that there should be a tax provided for each pension case, as if to discourage the payment of pensions.

I am not exceedingly troubled by the constitutional question which has been raised here, because my reading shows me that the power of the Government to tax for the common defense and general welfare is virtually unlimited save by our responsibility to the citizens who sent us here.

I am perfectly well aware that there may be wild and foolish constructions of the expression "for the common defense and general welfare," and that Congress may attempt to bring within the purview of Federal legislation nearly all that is attempted, and rightfully, by State Legislatures. This is a matter for the discretion and the judgment of the legislative body and of the courts and of the people. If there be an obvious evil, a general, universal evil that can not be reached by the States within their own limited jurisdiction—a jurisdiction complete within their own territorial limits for many purposes—if it can not be reached by the several States, and is one of universal interest and importance, I shall, with care and hesitation, to be sure, but I shall in many cases (and I think this is one of them) be willing to have the Federal Government take it in charge, not by way of depriving the States of their control, not by way of interfering (as in this case we do not) with any legislation the States may see fit to enact, but for the purpose of carrying out and perfecting and acting in harmony with them.

There is nothing new whatever in concurrent jurisdiction in the matter of taxation—in the imposition of taxes, if you choose—upon the very same identical article. There is no lack of harmony between the standing Federal legislation concerning whisky and tobacco and the legislation of those States that heavily burden intoxicating liquors. So a majority of the States—I know best about my own—have burdens imposed upon the retailer of ardent spirits, taxation concurrent with the taxation of the Federal Government, and they feel no embarrassment in that respect.

The strong appeal to the popular judgment that this bill makes is because it is plainly and obviously in the interest of common honesty, a protection of the great mass of the people against an almost inevitable fraud, a fraud that without legislation is certainly altogether inevitable.

That is all I care to say. I shall vote for the bill, not as enthusiastically as I have for some bills, but because I believe it to be necessary, justifiable, and constitutional protection against dishonest practices, toward which there is a most extraordinary temptation.

Mr. CALL. Mr. President, the bill imposes a tax on property and requires a license to be obtained in order to pursue the business of selling or disposing of that property. The questions which arise in connection with it are certainly important ones and ought to be carefully considered. Before I give my vote upon it, I desire to state the questions which have impressed me with regard to it.

These questions are first whether or not the power to lay this tax is conferred on the Congress of the United States, and as to the effect it will have on the State governments and the powers conferred upon them. To my mind the Constitution is quite plain on the subject of the power and authority of Congress. Its language is that Congress shall have power "to lay and collect taxes, duties, imposts, and excise." This is a tax, and can not be regarded as otherwise than a tax. The power of Congress is plain and distinct.

The object for which the tax is provided is a very different question and one which does not concern the exercise of the power of Congress to levy and collect a tax. The appropriation of the money when collected will be in the hands perhaps of a different Congress. In the contemplation of the Constitution, the act of appropriation and the act of levying and collecting are manifestly distinct and have no direct relation to each other.

The objects for which public moneys may be appropriated after they are collected have been the subject of great discussion and great controversy. But this does not concern in any manner the subjects of taxation. The power of Congress to levy and collect taxes, imposts, and excises is not limited in reference to the subjects of taxation or the kind of property which may be taxed. There can be no question in regard to that. Hence to my mind there is no ground to doubt the entire constitutional power of Congress to levy and collect a tax upon this property or to require a license for this pursuit any more than any other. Indeed this proposition is quite fairly admitted in the report which was read by the Senator from Kentucky [Mr. BECK] made by Mr. RANDOLPH TUCKER, which says:

> To use the tax when needless for revenue, merely to strike down a product or an industry, is to abuse the constitutional trust.

This is quite as true if we leave out the words "merely to strike down a product or an industry" as with them. It is certainly an abuse of the trust to use the taxing power when needless for revenue, without any other qualification. It is certainly an abuse of the taxing power to use it to strike down or to suppress or deal injuriously with any property interest whether or not the money is required for revenue. This quality attaches to every exercise of power granted under the Constitution, and no more to this than to any other. All of them are subject to abuse and misuse, but this fact is no argument against the existence of the power.

The distinguished gentleman who is the author of this report in the House which was read by the Senator from Kentucky further says:

> If I could *bona fide* vote for this tax in order to raise needed revenue I would feel justified in doing so under constitutional sanction. But if my purpose is to strike down this business, and seeing I can not do so without an invasion of a clearly reserved right of the States I should use the tax to destroy the product and not to make it bring revenue, I should feel I had violated the Constitution by a disingenuous method which could not delude others nor successfully quiet my conscientious reproaches.
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> I concede that Congress, as all other political bodies having the tax power, may among the infinite variety of taxable subjects discriminate as to those which a wise public policy indicates as best fitted to bear the burdens. Between luxuries and necessaries, between articles owned or consumed by all and those owned or consumed by a few, between useful and useless, healthful and hurtful objects, we may discriminate when we need revenue and come to lay a tax to raise it. But no author of legal merit has ever said that when we do not need revenue at all we have the right to tax a man merely to reform his life or suppress his business. The power to tax sleeps until the need for revenue awakes it to action; and when it acts, it may wisely discriminate, as already shown.

These propositions made by the distinguished gentlemen who oppose the passage of this bill admit fully and entirely the constitutional power to levy and collect this tax. They admit also the expediency of discriminating between one species of property and another in the imposition of a tax. The power to tax exists quite as much when the revenue is not needed as when it is. The existence of a power can not in any sense depend on the necessity for its exercise. The right use of the power depends on the necessity for its exercise or public advantage to result from its use.

Upon these points, therefore, I think there need be no controversy. The power to levy and collect this tax is very clear. There is no limitation in the Constitution. It is not provided that Congress may lay and collect taxes provided they are not oppressive to one industry more than another, provided they do not interfere with the law or the policy of the States is this or that respect. These words can not be interpolated in this grant of power and as to these questions they are questions of expediency and not questions of constitutional power.

Mr. President, I am of the number of those who believe that it would be expedient, if any discrimination is made between subjects of taxation, to discriminate against those things which are hurtful and in favor of those which are beneficial. But I have no doubt that the provision of the Constitution requiring taxes and excises and imposts to be uniform throughout the country was intended to provide that there should be no discrimination between the values of the country, that each and all should bear its just proportion of the burden of taxation. But the language of the Constitution refers alone to the uniformity of the tax, not to the uniformity of its effect. It would have been wise, and it is wise no doubt in every system of taxation, to impose its burden in relation to value, to make the tax a burden upon property according to the value of the property, to make it rest most heavily upon those who own most largely and are best able to pay.

But these are not the provisions which are called in question here. We are asked to consider the effect of this tax and that it is a question entirely within the competency and a proper subject for consideration by Congress. The inexpediency of a tax, the hurtful character of a tax may be equal to a constitutional inhibition; and the great point in the imposition of taxation is to consider how far the tax may be an injury or a benefit, how far it may be unequal and oppressive upon one class of values, or how far it may be destructive of other powers and other rights created by different departments and organisms of the Government—rights created under and by the States which have complete and exclusive power over the subject.

Mr. President, this tax can not be justified by the argument that it will promote the health of the people in the States; for that is a subject upon which power is reserved in express terms to the States, and has always been so decided; and the reservation of this power exclusively to the States is an essential and chief feature of the Constitution and the form of government under which we live.

We therefore can not properly, we can not expediently exercise the power of taxation with the effect of exercising the function of promoting and protecting the health or the property of the people of a different government, a government under our form of government, equal to our National Government, and subordinate to it only in respect to the specific powers granted to us. And if there be any objection to the taxation imposed by this bill in this respect, it is to its effect, not its purpose,

not the motive of the legislator who may vote it—for the powers granted have no concern with the motives of those who have charge of the duty of exercising them—that is an objection which is within the forum of individual conscience, and from the nature of the constitutional or governmental power it can have no concern with the motives of those who exercise it, or with the purposes of a majority or a minority of those to whom it is intrusted, but it relates to its effect. Its exercise is a matter of expediency. But the power being conferred in terms, it must be exercised within the terms of the grant; and as to its effect, whatever effects may follow from the exercise of the power are intended. But as to the expediency of exercising the power of taxation to the end and with the effect of discharging a function exclusively conferred upon the State governments, surely if this Government is worth anything, if the principle of a general government with certain powers and State governments with certain other powers is of value to the prosperity and happiness of this people, certainly if it be a great feature of government important to the protection and growth of all industries and of all personal rights, it would be an extraordinary anomaly that the taxing power can be justified in its exercise with the effect of performing a function exclusively committed to another and a different authority, that is, to the States. That is, a tax should be collected by the General Government not to be used as revenue, but with the effect of regulating the business and protecting the morals and health of the people of the States.

It can not be that this Government can be of any value, that it can perform the great purposes which have been assigned to it, that it can hold the destinies of hundreds of millions of people safely in its hands, and yet it be true that this Government of the United States may properly exercise the taxing power to the end and with the effect of performing a duty intrusted to the State governments or of displacing the functions of the State governments and substituting the laws of the United States or the action or effect of the laws of the United States in place of the action or effect or influence of the laws of the States.

Then it is true that all questions of promoting and protecting the health of the people of the different States are committed exclusively to the people of those States, and that it is no part of the proper function or proper effect of legislation by the General Government that it shall perform any duty intrusted exclusively to the people of the States, nor can it do so, because the policy which they alone are authorized to establish in regard to the protection of any interest may constantly vary and is a matter of discretion with them; and therefore this effect can not be attached to any power exercised by this Government without interfering with that authority and that power on their part. It is no answer to this objection that the people of the States desire this action by the General Government. This would be to affirm that the people of the States desire to change this form of government and give power to the General Government over the health and business of the people of the States.

So, Mr. President, as a matter of expediency we are asked to consider how far the imposition of this tax will have that effect, and wherever it shall come within that limitation, wherever the tax is beyond the purposes of revenue, beyond a just and fair equality with other subjects of taxation, wherever it shall have the effect of prohibiting the existence of a property or a right the creation and protection of which is the exclusive function of the State government, it is a solid and substantial reason equal in potency to any constitutional inhibition of the exercise of power to that extent and in that manner.

Therefore the arguments and propositions upon which this bill is defended, that it will promote the general health, that it will protect a useful industry necessary to the public convenience, are arguments that in themselves, assuming that the preservation of our present form of government with its distinctions is important and valuable, are the most powerful argument that can be addressed to us, that can be conceived and urged against the passage of the bill.

I should myself vote, in adopting a system of taxation for a tax upon liquor and tobacco and oleomargarine, a reasonable and just tax apportioned according to the respective values of these articles, and I should be willing to increase that tax within the limit of revenue purposes and make it as has been the custom of the Government an unequal tax, because I conceive the one to be better for the public than the other. But the moment you transcend the point of necessary and proper revenue in the collection of the tax, that moment in my opinion you assume a position not hostile to the letter, not hostile to the power conferred, but hostile to the existence of these two governments and assailing the principle of a dual government, each sovereign in its own functions and for its own declared and specific purposes.

Mr. President, if this bill could be made a part of a general system of taxation within the purposes, within the limits of the amount needed by the Government for its revenue, I should be very willing to vote for a tax upon oleomargarine and to exempt from tax butter, the product of a widely diffused industry in which a great majority of the farming interests of the United States, not in my own but in other States, are interested, an industry in which a very large number of people of moderate means are most largely interested.

I conceive that the argument urged by the Senator from New York [Mr. MILLER] in reference to the fact that this manufactured product is one easily concentrated in the hands of a few persons, and more or less in the nature of a monopoly, would enable it to bear, and it would be a wise public policy to impose upon it an amount of taxation greater than on other products, and that an exemption which would be in the nature of a discrimination might be made in favor of that product and that property which belongs to the great mass of the people and is necessary to them.

But, sir, by what argument can you justify the exercise of the taxing power in an oppressive manner to one industry or pursuit with the effect of destroying it or imposing unnecessary and very onerous burdens upon it? You tax spirits and you tax tobacco as articles of luxury and not of necessity, as articles hurtful to the general health, and, therefore, the subject of your discrimination; and you tax them unequally, you impose a tax three or four times as great, according to value, as upon other things; but these articles are the most profitable subjects of taxation. You might very well, within the limit of the preservation of any industries, tax any other product or any other property with the same effect and to the same extent. But when you propose to impose a tax, and when the tax will have the effect—for it matters not as to the purpose—of destroying an industry or of oppressing it beyond the limits which it can reasonably bear, then we shall have committed a grave error of public policy and commenced a system of legislation which is a substitute for the exercise of the powers of the State governments over the business and the health and property of these people. The taxing power may be so exercised as to destroy any man's property, or any particular kind of property, or to enrich any particular man or any class of men. Certainly every one will condemn such a use of the taxing power. Yet this is the evident, the admitted and intended effect of this bill, and the policy of it is justified on the ground that it will promote the health and advance the fortunes of the class of farmers who own cows and sell butter.

If you can do that, having the power, which I admit, to do it, if you can justly do it, if we are to exercise the lawful powers conferred upon Congress to the end that a function vested exclusively in the States may be superseded and an industry allowed and created by law in these States shall be injured and another benefited, and the question as to what shall be the policy to promote the public health in the States or the contrary be determined by an exercise of the taxing power here, then surely that taxing power, that protection vested elsewhere, that right of discretion as to how the public health shall be promoted, what property shall exist and what shall not exist reserved to the States, is of no importance in our scheme of government and can be best discharged here, and if by the exercise of any power committed to us we may perform the function which is theirs to the exclusion of their authority, it results beyond a question that we attach no value and no importance to this principle of vesting power for certain ends and over certain objects in one authority and a power for other ends and other objects in another authority. We declare by this action that we have no faith or confidence in the principles on which our Government is founded, and our distrust of its usefulness and efficiency.

Mr. President, this is a conclusive objection. I think it would be wise in the different States to impose a tax upon this manufactured product, to let it bear a higher tax than the native product, than the product which is in the hands and is the property of much the greater number of the people, which seems to be the more healthful of the two. I think that in the General Government, when we impose a revenue tax, we might very well discriminate against this industry, not to the extent of destroying it, while we exempted some that were innocent and more healthful and better. Within that extent and with that limit we might discriminate that this product and this property would justly and properly be the subject of a system of taxation; but is this the bill? The bill imposes a tax of 5 cents to the pound. The bill requires a license. The bill extends the revenue system with all its guards and with the view and with the effect of making it onerous and oppressive upon this industry, upon this property. It is not a bill with the effect of raising revenue; it is a bill excessive in its imposition of burdens upon this property and surrounded with unnecessary guards and restrictions in the nature of license and of a tax for license, a tax for the pursuit of the business, all with a designed effect and having the effect of destroying a property which the State alone has the right to create and the exclusive right to protect or discriminate for or discriminate against.

For that reason I shall vote against this bill, because it is inexpedient, because its policy interferes with the right and the exclusive power and authority of the States, because it destroys and is intended to have the effect to destroy a particular industry, and is intended to have no other effect, and can have no other effect than of destroying a property created under State authority, which the States have the right to create; and for that reason, and that alone, I shall vote against this bill.

Mr. EVARTS. Mr. President, for several years before legislation by Congress was contemplated or invoked, the topics that are here considered and the interests of the community that are involved were largely discussed and weighed in the communities and before the Legislatures of many of the States. Whatever may be thought of the wise and just and expedient solution that shall be given to this matter here, it will not, I think, be gainsaid that great advantage has been gained by the discussion to which the subject and the interests have been sub-

mitted. Naturally when a great interest, a permanent interest, an extensive interest that touches perhaps the most vital and valuable portion of our common community under our equal laws and under our system, was invaded for whatever reason by such an encroachment upon what was thought to be as stable as the culture of the land, as necessary as the power of labor, though only in the humble sphere of the common milk dealer and the plain farmer—when he was exposed not only to a diminution of his crop, not only to a cloud upon his prospects, but to an invasion of the little property that he owned, an exclusion not only from the employments to which he had been brought up, but from the land which he had inherited or that which he had slowly paid for by the labor of his hands—when this happened, by whatever cause, it could not but excite great attention, cause great distress, and give rise to greater alarm. And for myself in advance I should have supposed that upon the mere statement of that existence of things among us all over this land, whether as affecting farmers who were interested in dairy products or in the cereals or in the fattening of cattle for market or in the raising of any articles for human use, if there could have been some preference of individual rights and interests, everybody would have sympathized with such an interest as this that was thus exposed to danger and to ruin.

I can not think that in the sober reflection of the Senators they or any of them can deem it right or wise to draw a geographical line as to the different profits of farming in different portions of this great and happy land. I do not think that whatever exuberance of wit may belong to any orator or whatever brilliance of rhetoric, he on reflection will wish to aim a shaft of ridicule at so vast an interest, so simple, so honest, so necessary, and so historical in the facts and circumstances of this nation.

So, too, if the progress of science, if the advantages of communication, if all the strenuous rights and interests of this vast nation shall crowd upon, shall degrade, shall embarrass, and shall endanger either this great interest or any other great interest, North or South, East or West, on the Pacific coast or on the Northeast portion of the Atlantic, wherever this body-politic of ours is vital and sensitive, and whatever adjustments may be made, they should be made justly and not by impertinent or intrusive consideration.

Now, the dairy farmers and all that groups around this vast industry would desire, perhaps did desire at the commencement of these discussions—before the country, I mean; not discussions here—that there should be an extirpation of this evil by all the powers of legislation that belong to the States and all the regulations that could be attached by the General Government. In their minds the interference, the disturbance, the simulation, the deception, the fraud was so inseparable from the product itself that it should stamp and contaminate the product itself and it should be proscribed as no longer tolerable under the interest of our community, that the purging of them, the detecting of them, the punishment of them was greater than the benefits to come from it unless there should be an extirpation of the product itself.

On the other hand the manufacturers and producers, the venders of this product desired to be let alone. They wanted to plant themselves upon the lawfulness of trade by the arts and contrivances that should press and promote their sales and be put upon the footing, therefore, of all honest employments, and on the principle of the common law of *caveat emptor*, that every one must look out for himself in his purchases, and the general propositions of our free system of government that equality before the law and under the regulations of the law should be recognized and enforced, they demanded that they should be left alone, that if the traffic in the fraud and the profit of the fraud, if the injury from fraud to the other competing interests, was inseparable from their advantage of being able to create and make sale of this article, it must stand for this competition, and the fraud must triumph, because there was no power, forsooth, to repress it or redress its mischiefs.

Sheltered under a notion that it was a domestic question for the States to deal with, and feeling the incompetency of the States to deal with it, knowing that they are hampered on all sides by intercommunications with other States, it belonged to the Federal Government to control, and with the foreign market which was wholly under the dominion of the General Government they were willing to play hide and seek over the counters of the groceryman with the police officers and the prosecuting attorneys, and they expected to ride triumphant over these restraints and these rectifications of the frauds.

As respects the General Government they felt themselves safe, not only upon certain recognized views of constitutional law, but under the feeling that the policy and the habit and the disposition of our people in their national legislation was to avoid discouragement and give equal and general encouragement to all the lawful pursuits of trade and industry. Thus they were willing to try conclusions with these two surveillant and controlling powers, knowing that in this contest each must work in its interests and could not triumph over the interest that they meant to maintain.

The progress of this discussion has, I think, brought both the dairy interests and the food-producing fats to confront one another upon an arena and over a dispute that is now narrowed to this: The debatable ground of fraud which one is to perpetrate to the detriment and disaster of the other is the point and is the subject over which these combatants expect to fight and to have their warfare made and disposed of by the powers of government both of the State and of the United States.

Efforts were made in the States to deal with this, and my honorable friend the Senator from Missouri [Mr. VEST] has enabled me to refer, following his instance, to an opinion which I had occasion to give as a lawyer, not on the retainer of either side, for I was never engaged in a controversy under the retainer of either side, but as a lawyer—my opinion of the constitution of the State and of the character of the bill then under consideration in its Legislature. That opinion I may now ask to be treated with some respect, not only because the Senator from Missouri has seen fit to give his encomium to it, but because afterward the high court of appeals of the State of New York unanimously adopted the conclusion.

What was the debate there and what was the conclusion to which the court arrived, and which I had reached in the passage which the Senator from Missouri read? The bill was long; its title gave it the appearance of an interference by fraudulent simulation and deception in the uses which were to be condemned and suppressed; the clauses favored that construction; and the views I took of it were that if it could be construed (and I thought it might be construed) as limiting in all its severest clauses and most exhaustive methods to the extirpation of the fraudulent simulation, however rigorous and pungent the measures of the Legislature might be, it was constitutional; that no court could impose a limit to the magnitude or the reach of its methods to extirpate the simulated and fraudulent sales and corruption of the market; but if the court must come to the opinion that a certain section of that bill was meant to be, and should be construed as, a proscription and suppression of the manufacture of oleomargarine in its own name an unwholesome product and put on the market in that name, it was unconstitutional, and the court arriving at the conclusion that the construction I had sought to give to a statute which had passed, what every lawyer should choose to give possible interpretation, was constitutional; but I so limited that construction as in itself, upon the conclusive proposition that it was a proscription, and that thus it was subject to the denunciation of the provisions of the constitution. The idea had been and was that the powers of government directed to and confined within the extirpation and regulation of fraud was constitutional, but if it went beyond and undertook to extirpate by discrimination between honest and honorable and open methods, it was unconstitutional.

On that discrimination I stand here to-day in maintenance of this bill, which is confined and limited, however severe people may think as to the methods and the sanctions, to extirpating this fraud from the market of this country at large, in its dealings in foreign commerce, in the exchanges between the States of the Union, and in the simulation of dealers here and there promiscuously in the land, although within the States, that this regulation is for that extirpation of the fraud and that suppression of the fraud.

I think the dairy farmers and those who espouse and promote the most intelligently and the most usefully their interests are disposed to recognize this limitation of the thing; and I am glad to think too that the oleomargarine manufacturers and venders are unmasked from any pretensions that they have a right to encroach upon the rights of dairy producers by simulation and fraud, and they must expect, and they must feel that rightfully they must expect, that the law shall pursue, shall expose, shall punish, unless its arm is shortened effectually to that end.

Mr. President, we come a little nearer now to the intervention, and the rightful intervention, of Federal legislation in restraint and extirpation of this fraud. It is not the ordinary matter of the buyer and the seller accomplishing their arts to the disadvantage on the one side or the other of such persons. The wise man has said, how can there be honesty between buyer and seller? I do not propose by Federal legislation, or by State legislation, or by any other means other than religious and moral culture, to extirpate this competition of interests between buyer and seller. Whether the encomiums may be upon the dairy butter and its flavor and its color, or, on the other hand, of oleomargarine in regard to its sincerity, its wholesomeness, and its equality with butter in the uses of the human body, these are not matters which can be controlled by law. But the law, either as enacted and executed in England or in this country, in the States or in the General Government, has never stopped short of an attempt to regulate frauds that were pernicious to the public interest, pernicious not in the dealing between A B and C D in the sale of a tub of butter but in the business of frauds in trade and in the rights and securities of traders by which their just labors and their just interests were undermined by encroaching upon them and by a simulated selling as their products what were the products of others.

It is on this principle that trade-marks are protected now, and energetically, abroad and here. You may invent anything that you can which is useful and will obtain a patronage in the community, but you can not put the name of another upon it, and you can not put the article under the assumption and under the pretension that it is the product of another, not merely of another man but of another industry. The principles, both moral and legal, and as well constitutional, apply to this security by such methods and by such faculties as are at the

command of wise people governing wise and honest nations; and this is the principle, and the only principle, that we need to invoke here.

As to these competing interests my colleague has greatly I think to the advantage of the Senate as of myself expanded and truthfully, with research, and with statistics, and with analytic and illustrative comparison, the vastness of these interests. I shall not restate them much, and I shall not recount them. What they are everybody knows. They can not be belittled. There is no interest in this country which can compete with it in sincerity, in importance, or in any single respect. I speak now of the dairy product. It is one of the contributing exports to our balances of trade with Europe, although it can not compare in that market, I agree, with the magnitude of the cotton or of the grains. Yet it is an important element, and one which if stricken out of the list of our foreign commerce will not only affect the interests of those immediately producing and selling but in our exchanges with Europe.

Now, as to the magnitude of the fraud is it one of detail? No. Is it between buyer and seller? Not in the aspect that we are to look at it, not in the interest that invokes us as dealing with the general interests of this country, that we are to hunt up and to punish in police courts these particular frauds. The question is whether by means of fraud on the one hand one great and honest pursuit, one great and honest production, one great and honest trade, one great and honest element in foreign commerce is in its body and its substance attacked by fraud, reduced not only in its gains but threatened in its existence, because unless by vigorous and efficient means the fraud is checked the fraud will take its effect and its effect in all the ways I have indicated.

What, then, is the fraud, on the other hand, besides this new project and this new trade raising itself to a competition that threatens, this great and established industry? How does it do it? How does it get its price that it can comport in price and can comport in uses, and in simulative and deceptive methods in competition with this other? Does it do it on its own merits, and because its cost brings it up to that competition? Is it by the fact that its reasonable profits added to its cost make it a competitor at these prices? Not by any means; if it were put at the low rate of a reasonable and honest butter, worthy of consumption as such by the common consumer, not merely by the wealthy or the well-to-do, but those who make up the population of our country everywhere, the common people, not paupers, not poor, not mendicants, not on the level of the disgraced and degraded populations that make up in great proportion the masses of other nations, but honest, respectable, cleanly, ambitious—ambitious of their own conduct, of their own treatment of others, of their own respect everywhere.

These masses of ours are those who are to be the patrons. If they can not command two pounds a week or one pound a week of honest butter they will have it at such meals as they can afford it and on such feast days as they can keep, but it shall be their butter as they knew it and as they desire it and they are not to be deprived of it. But if you put 20 cents a pound as a reasonable price for honest and worthy butter, whether it shall be tinged by a color that is agreeable or left to its own unaffected tinge, they do not care or know about that. They know that annotto put into butter does not change it from being butter or make it simulate anything that it is not. They do not need instruction. They understand that the butter and not the color is what they mean to eat and what they expect to digest, and they are not deceived, nor is it of importance enough, except for the passing agitation and momentary debate, that we should give attention to that. It is as well understood as if to the lowly on every pound of butter there were printed *nimium ne crede colori*, or in the vernacular, that it is the butter and not the color that feeds the eater.

How does the competing article come up to be worth and salable in the market at 20 cents, or a near approach to it? Six cents by making, 2 cents by profit, 2 cents by sale, and 10 cents by the simulated form. If it did no more than this it should be suppressed by any wise government that had powers to repress it. But when the measure of this fraudulent simulation goes to the extent of breaking down a sober and slow and regulated industry, that step by step and dollar by dollar and cent by cent, and toil by day and toil by night, by intelligent and sober-minded men and women, must make up in this slow and frugal need of their packages of butter to 20 cents, and this leaps from 10 to 20 cents in the market not by its cost, not by its profits, but by the fraud they sell and reap the benefit of.

I do not speak harshly of this business on the part of those who make and sell oleomargarine, except in this very form that the market made for them is out of the simulated purchase and the deceived consumer. I do not go through the steps, I strike at the fact that if you make the oleomargarine and make it honestly, wholesome and useful, if you please, and sell it as such, then you must sell it at the same ordinary profits that other honest productions under honest sales can command from the community.

If this 10 cents between the fair value of this commodity and the market competition under the simulated pretension of being dairy-butter is to be divided, 5 cents to destroy the butter and 5 cents to defraud the consumer in his estimate that he is paying a fair value for the butter that he buys, there is plenty of room for the 5 cents of this tax to come in without decrying or reducing the market price at an honest estimate and under an honest sale of this oleomargarine product, without the common butter being prejudiced in the market and without its being able to exclude and destroy the rights of oleomargarine dealers.

The attempts by the States were a failure. I do not speak of these contrivers, or manufacturers, as monopolists. It is not because they manufacture on a large scale, it is not on the principle that their manufacture admits of this aggregation. I enter into no crusades against any of the combinations that belong to manufacture for the benefit of the consumers. Every man, rich or poor, is to stand in regard to integrity upon his own conduct. Before the law, thank God, in this country, all stand alike; and thus far the law has been able to regulate the diversities of human affairs by this great principle that the law is equal and the law is just for all.

I have presented remonstrances on one hand and petitions on the other with an equal hand, and it was the right of the petitioners and remonstrants, and my duty to them. So far as any one may stand, I think, equally in these great interests, the city of New York competes even with Chicago in the magnitude of its production of oleomargarine. Certainly the great mart of New York desires for its trade the honest production, that which swells its profits and aggregates its wealth. As the port of exportation it desires all these methods and all these products which swell that trade. I have no interest, and I have no disposition to draw lines of comparison between honest competitions of honest productions, each sold and each competing with the other on its own merits.

Now, about the Constitution. I ought not to occupy much time upon what must be rather a moot controversy, when on all sides it is agreed that the bill as it now reads, if it becomes a law, is constitutional in the eye of the courts. Why should we debate either the doctrines, or the dogmas, or the history, or the traditions, or the divisions between sections of the country and large bodies of political persuasion with rhetoric and with logic that have marked the history of those ever since the Constitution was framed? I understand that when the taxing power was taken away from the States, as it was upon foreign imports, it meant to carry from the States collectively, contributing all that belonged to them in that use of taxation. Does anybody doubt that if New York had remained an independent State, and Massachusetts and Pennsylvania and South Carolina had remained independent States, their power of laying foreign imposts, covered by the uses that they possessed in that province, would have remained? Well, they renounced it all. What they renounced and what they contributed did not change in the process of its passing from the States into the Federal Government.

I have already debated the general doctrine in a former discussion early this session; but, for myself, I have never been able to understand how when the States, possessing all the methods and uses and choices that belong to the imposition of foreign imposts, surrendered them to this nation once for all and forever, the nation did not acquire all that was thus given. I have known—and we pride ourselves upon it—that there has been a division between the Federal and the State powers, but I have never known and have never been ready to admit in logic or in debate that the sum of powers put together did not make us a nation able to contend over the stormy sea of human interests with foreign nations. I do not understand that either of these powers, State or nation, proceeds halting, limping, and laggard in its race with foreign nations in the dominion of the world. There is a particular exception, an extraordinary exception, which has been obliterated from the whole compass of authority of the State and Federal Governments in regard to foreign trade, and that is the export trade. Any export tax is prohibited.

Mr. SAULSBURY. I should like, for my own information, to get the opinion of the Senator from New York as to taxation. I understood him to say that the General Government upon the formation of the Constitution obtained from the States all the power which was inherent in the States over the subject of taxation.

Mr. EVARTS. As regards foreign imports.

Mr. SAULSBURY. I want to inquire whether or not there was any limitation upon the power of the States in reference to foreign importations before the formation of the Constitution?

Mr. EVARTS. Not the least.

Mr. SAULSBURY. Then I want to understand the position of the Senator, and I wish to ask this question, whether he now insists that there is no limitation upon the power of the General Government in reference to taxation?

Mr. EVARTS. As to the power over imports. It has no power over exports; and in regard to excise it occupies common ground with the States.

My point was a simple one, that each State among nations and toward the rest of the world had the full discretion and the full power to use its import tax for the benefit of itself on all considerations that build it up as toward the rest of the world. Now, when they brought it and laid it at the feet of the common nation, surrendering all their power over imports to the whole nation for the good of the whole people so that this might be a great nation *ab extra* and toward the rest of the world, the power of the nation is complete in this regard.

I do not discuss with those of other opinions how far the right of laying

taxes includes, for other reasons than those I have now stated, the right of raising money for the general welfare. I discussed that subject in a previous debate some months ago. But here we are all agreeing that this tax bill is constitutional in the eye of the law. There is no other test of its constitutionality. If it be constitutional in the eye of the law it is constitutional in the eye of the Constitution, and the Supreme Court is the judge of what is constitutional. I am not disposed to disparage the importance of not invading or transcending the principles of discrimination between the authority of the State and the authority of the nation. Within the rule of Senatorial and of Congressional authority in the other House and the power of the President within the range of his inspection over legislation, there may be reasons of good argument and reasons of good decision why you should not crowd upon or trespass upon the debatable region of what attacks the principles of the Constitution or may endanger it too far in this or that direction or going too far in another may predjudice the adjustment and jostle the prosperity of the combined Government; and we look at this bill now to see whether that comes within that contemplation.

I ask attention as to this generality of the power of taxation to a single passage which I will read from section 965, being the first volume of Story on the Constitution:

> The absolute power to lay taxes includes the power in every form in which it may be used, and for every purpose to which the Legislature may choose to apply it. This results from the very nature of such an unrestricted power. A *fortiori* it might be applied by Congress to purposes for which nations have been accustomed to apply it. Now, nothing is more clear, from the history of commercial nations, than the fact that the taxing power is often, very often, applied for other purposes than revenue. It is often applied as a regulation of commerce. It is often applied as a virtual prohibition upon the importation of particular articles for the encouragement and protection of domestic products and industry; for the support of agriculture, commerce, and manufactures; for retaliation upon foreign monopolies and injurious restrictions; for mere purposes of state policy and domestic economy; sometimes to banish a noxious article of consumption; sometimes as a bounty upon an infant manufacture or agricultural product; sometimes as a temporary restraint of trade; sometimes as a suppression of particular employments; sometimes as a prerogative power to destroy competition and secure a monopoly to the government!

I am not therefore talking at large or outside of the book in the general observations I make.

Mr. GRAY. Will the Senator allow me to ask a question?

Mr. EVARTS. Yes, sir.

Mr. GRAY. I should like to ask the Senator from New York whether Mr. Justice Story in the chapter from which he read a section was not attempting to give and professing to give what he states to be the three views of this constitutional power of laying taxes, imposts, and excises, and whether the section from which the Senator read was not a part of the exposition of one of those views rather than the commentator's own opinion.

Mr. EVARTS. The subsequent sections——

Mr. GRAY. I do not know that it was so; I ask more for information; but I do know that the commentator in that chapter undertakes to give a statement of what he calls the three views of this power.

Mr. EVARTS. He states the argumentative views and then states the conclusions.

I only say that this shows that this large and general view I have presented is founded upon a clear interpretation supported by authority, and the action of this Government goes more and more in this direction, that it is a nation, that as towards foreign nations it is not crippled, that it commands powers which belong to Government, attributed and accorded in the Constitution; and then the lines of demarkation are drawn by inhibitions on the States and by restraints on the General Government and the prohibition of common and perfect liberty taken from the substance and mass of powers communicated to the States or to the nation or to all together.

But I wish to say this as a general proposition of constitutional construction, that when what belongs to the general purposes and rights of government and control is looked for, and it is found that the State is incompetent to deal with the actual situation by reason of its being hampered and restricted and thwarted by its being inclosed in the group of States, by what it has parted with to the General Government, the primary argument is that what is needed there for good government you are expected to find in the power of the General Government and its exercise. And in this matter, if the State is restricted and hampered by what is called the police power and the police duty of the State, not by its own institution, for that belongs to itself—not by the fault of its execution, its magistracy or its laws, but where it finds that the domain of its authority is curtailed in its legislation, curtailed in its courts, curtailed in its execution, curtailed in its duties for the protection of what belongs to it by its being surrounded by these other States, held by the trammels of the Constitution, are not freed from limitation and not free toward foreign nations, then I say that the presumption is that the General Government is to be appealed to under the presumption that it can meet the case. It is a difficulty that does not spring out of the execution of the peace powers and the domestic security, but it grows out of the inability of the State by its sovereignty (because it is one of a group which has surrendered the power) and the Federal Government is to be appealed to for its security and its universality.

As a matter of regulation towards our foreign trade, confessedly it is not only without the power of the States but it is within the power of the nation. As regards the communication between the States confessedly it is not within the power of the States but is within the power of the United States. This being so, it is useless, a mere fiction and a mockery, if each State inside itself is to be permitted to undertake to regulate the matter by the means I have stated.

Mr. President, I hold in my hand a bill only last Saturday reported by the Committee on Foreign Relations in regard to our pork that is to be reinstated if possible as one of the commanding interests and commodities in foreign consumption, relieved from the injury that it has suffered by the repulsion of foreign nations; and what is its first clause and what is the principle, and pnrpose, and *rationale*, and method of the bill?

> That the Secretary of the Treasury may cause to be made a careful inspection of all salted pork and bacon intended for exportation, with a view to ascertain and determine whether the same is wholesome and sound for human food, and may authorize the proper officer of the customs to give an official certificate clearly stating the condition in which such pork and bacon is found; and no clearance shall be given to any vessel having on board salted pork or bacon found, on such inspection, to be unwholesome for human food.

By the Constitution, the matter of packing and inspection, as matter of values, as matter of domestic export, is not for the States.

Mr. GRAY. Will the Senator pardon me again? Can not a law providing for the inspection of commodities that are to be exported be referred to the commercial clause of the Constitution? If commerce is defined to be the interchange of commodities between people and States, then the commodities that are to be exported are as much a subject of foreign commerce as the commodities that are imported; and it does seem to me, and I suggest it to the Senator, that the power to provide inspection for this article, as well as for other articles that are exported as well as imported, is within the plain and unmistakable power of the Federal Government. So far I should understand the position of the Senator.

Mr. EVARTS. We agree so far.

Mr. GRAY. Yes, sir.

Mr. EVARTS. Perhaps if my learned friend had awaited the application I proposed to make of that case he would see not only that I understood his question but that I had not overlooked the very intelligent proposition that he had made in his remarks yesterday.

Mr. GRAY. The Senator will understand me that I wish to learn his views of the Constitution.

Mr. EVARTS. I unfortunately can not take the position of a professor now. When the question comes up as to the intervention of the Federal Government *eo nomine* in the domestic health and peace of a State, it is a very serious matter; but the learned and honorable Senator understands perfectly well that what is admitted to be in a State for that degree and to that purpose is not communicated to the Federal Government but belongs to the State; but when you come to deal with this matter of pork exported or with this matter of oleomargarine to form part of the foreign trade, the regulation for that purpose is within the power of Congress.

I only cite this as a case where there was no concession of the right to tax; it had nothing to do with it; we merely had a right to look out for our commerce, and we had a right to look out for it in the large measure of that we wish to find for the good of the whole United States, a market for honest goods and the credit that belongs to honest goods. Then, as to oleomargarine, this Federal Government in the execution of its admitted power and duty as to foreign trade, must intervene not only because the article finds a market abroad, but because it darkens and confuses all the integrity of our exports of these products if this curious and this unrestrained and unregulated export takes place. So, too, when you come to it in the comparison between Illinois and Missouri and the neighboring States and the distant States, there you have an instance on every principle of the Constitution, an illustration of the right and the duty of Federal action.

Then two out of the three cases are surely within our comprehension on the principle of regulation and construction, and in the third we infer the authority under the commercial power in the regulation of our foreign trade. Then if we find it necessary, if we find it proper, if we find it expedient, if we find it judicious to take hold of the whole mass we can say that when it becomes a constituent of value and energy in our foreign commerce we will take it and regulate it, and require that there must be a stamp upon it for all the uses of the market or of sale, and with a setting forth that shall show its elements, and that our foreign trade shall not be abused and shall not be corrupted, and that the General Government shall not be deprived of the power to regulate the matter, and that moreover it shall not be left to a petty, a continual, an unending, and an undefinable controversy over the article sold as butter by the pound in the groceries and by the small dealers. We do what we think proper in regulating it and from the source, and if it be corrupted afterward it must be corrupted, not by our assent, not by our acquiescence, not by our inadvertence, not by our supineness or our misconception or misinterpretation of the great duties that have been confided to the General Government by the people of the United States.

These tax laws are constitutional. Whatever I might think as to whether for permanent stability a different rate of taxation or a different rate of license might be more beneficial to answer the purposes

which justly are within the control of the Government or not, here we are. By the Constitution, the origin of taxation rests with the House of Representatives. They have sent us this bill, I believe I am allowed to say, by a large majority after a full discussion; and these are the tax rates that the immediate representatives of the people have made, and the time has come when there is proposed to the intelligence and integrity of these Senators this question: Will you pass now a law graduating the tax differently from the law passed by the House of Representatives? You are now to confront the question, whether this mischief, whether this injury, whether this stigma, whether this danger upon our trade abroad and at home shall be suffered to exist by reason of a difference of opinion between the two Houses as to the rate of taxation. I shall myself forego any judgment of my own as to how I would accommodate differences of opinion. I must choose now and here whether I will pass this bill as it is under the necessity of justice to the farmer, justice to the manufacturer of oleomargarine, justice to the consumers of both, justice to our trade before the people, justice to our commerce abroad, or whether I shall go into a struggle and a controversy as to rates. Often in the affairs of life, often in the affairs of legislation we must decide how we will deal with the situation as it is, and not fold our hands and wish and wish for a better time and a better way, not reflecting all the while that if action is not had dangers and disasters are brewing and growing and threatening.

And now, Mr. President, if any apology be needed for the time I have consumed, I can only say that I trust I have not exceeded a reasonable limit of my share of the debate. I think every Senator, in whatever walk of life he may have been placed, however he may be affected by some circumstance of the evidence regarding this product of oleomargarine, and whatever may be said about the farmers and the milkmen and all the industries and competitions of petty life that may have entered into this debate, will understand that there is no greater practical question known that, perhaps, touches more of heart as well as more of property than this question of the dairy—farmers that are to turn their backs upon their little farms as honest men and leave them for wider pastures and for different pursuits. If there is any home and root that is fastened in a family and in a neighborhood and in all that belongs to poetry and real life that can be diffused through a mass of men, it is in these little farmers that have been able by advancement of combination to reap, perhaps, a little benefit from the painful and toilsome process by which at the close of every season it was a doubtful question between penury and gain.

I then ask that we shall have at least no ridicule and no belittling of this topic; that if this great breadth of land, if this great mass of population, if these great neighborhoods of families and sober men that make up at the ballot-box the sturdy voters who see that no detriment shall come to the Republic, and in the time of war the mother sends the son and the young wife her husband and the aged father that they may bear the brunt of war and save the Republic, and have saved it in war—they are the people. There are others, and many of them, thank God, in other pursuits, but in this you find none that are more in number nor more worthy in their character.

Mr. INGALLS. Mr. President, toward the close of the debate yesterday afternoon, exasperated by what appeared to me unjustifiable personal allusions intended to be offensive, I made some observations that upon reflection I am persuaded exceeded the limits of propriety in debate, and I avail myself of this first public occasion to express my regret.

Undoubtedly, Mr. President, every citizen of the United States holds his property of whatever description it may be, and however absolute its title may be, and not only his property but his life and his liberty, under the obligation and liability to so use it as not in any way to injure the equal rights of any other citizens, and to so employ it that it shall not be detrimental to the general welfare of the whole people; and I have no doubt of the power of Congress to enforce this limitation upon the enjoyment of property, and, what is more valuable, of life and of liberty, by such legislation and such regulation as are warranted and authorized by the Constitution.

This is what I understand by the police power of the nation, and I do not subscribe to the doctrine which asserts that Congress or the nation has parted with the police power, that there is no function anywhere except in the States to exercise police power, that the General Government has stripped itself and denuded itself so that in cases of great emergency or danger or peril, if the States are torpid and inactive, if they are criminally negligent, Congress must sit here without any capacity or power to interfere with whatever may be detrimental or injurious to the rights of the people or the safety of the nation. There is a police power in Congress as well as a police power in the States, and I repel and repudiate that narrow and restricted idea of the national authority which declares that there is not somewhere sleeping within the profound recesses of the Constitution a potential energy that can be invoked wherever there is a right to be enforced or a wrong to be redressed.

And therefore it has appeared to me from the outset and beginning that this whole subject was being treated inversely, that we were beginning at the apex and considering it downward, and that the fundamental question for us to consider was not whether there was power in Congress, even under the police authority, exercised through taxation or otherwise, to interfere with the production of oleomargarine as a substitute for butter, but whether oleomargarine was a product detrimental and injurious to the public health and the general welfare, for I do not assume that the most latitudinarian interpretation of the Constitution will claim that there is any power to prevent fraud simply as fraud. The Government of the United States does not deal with that subject in this connection in that way. The fundamental question in this topic is whether or not oleomargarine is a safe, healthful, nutritious food product, and if it be, oleomargarine has exactly the same right to ask for a tax on butter that butter has to ask for a tax on oleomargarine.

It is not a question whether or not there is cheating, whether or not there is imposition by one man upon another. It is the question whether or not this product is effecting a permanent injury upon the health and welfare of the country; and if it be not then this bill is not a bill to tax, it is a bill to spoliate and despoil. If it be a healthful product, then this bill is not for revenue, but it is for confiscation and destruction; and if it be a healthful food product, then if this bill passes, this Government from this time henceforward has no obstacle to its entrance upon a career of unrestrained depredation.

Why, Mr. President, glucose, a low grade of sugar, is manufactured from corn. It is not denied that it is healthful; it is not denied that it is a legitimate industry. If oleomargarine be healthful and we can destroy it because it interferes with some other industry, why can not the cane-sugar men demand that there shall be a penalty imposed upon the manufacture of glucose? A German chemist has recently discovered a substance known as saccharine from coal oil, as vile, I suppose, and offensive a substance as anything that can ever be introduced into oleomargarine, that is of such an intense sweetening power that a single teaspoonful will change a barrel of water into syrup. It is now produced at an expense of somewhere about ten or twelve dollars a pound. What shall be said of that? What shall be said of the discovery of this substance by chemical analysis and synthesis by which, if all that is reported is true, the whole sugar industry is to be uprooted and destroyed?

Mr. HAWLEY. Will the Senator allow me to give a brief answer to his question?

Mr. INGALLS. Yes, sir.

Mr. HAWLEY. Sell it as coal-oil sirup.

Mr. INGALLS. Sell it as coal-oil sirup! That is very true, and I shall come to that subject shortly. But if it is to be pursued by the imposition of burdens like those which are imposed in this bill upon oleomargarine we shall simply be called upon by the sugar-refiners and the cane-growers to declare that it is unsalutary and dangerous to the public health, and therefore must not be permitted to enter as a competitor with that product.

Mr. President, we were told the other day by one of the Senators from Maine in speaking about the delinquency of this administration and its incapacity to know when the country was insulted by a third rate colonial power that down on the coast of Maine a very important industry had been destroyed by the interposition of the Canadians; that the citizens of Maine were wont in their dories and skiffs and wherries to cross over the river that divides those two countries, and at Eastport to purchase small herring, which were put up in cotton-seed oil in tin boxes, properly labeled in the French language, and sold for sardines. The Senator from Maine spoke of that as one of the industries of Maine, a legitimate industry, that was being harassed and imperiled by this interference with the American shipping industries by the Canadian men-of-war.

Mr. President, while I should prefer the sardine in salad oil under the *imprimatur* of Phillipe & Carnaud, I do not know that it would appear that the herring of Maine, properly imbedded in cotton-seed oil and inclosed in a tin receptacle picturesquely labeled and decorated, is not healthy, salutary, and nutritious, although it may interfere with the sardine industry. I should question very much whether either under the police power of this Government or under the taxing power of this Government we have any right whatever to prevent the imposition.

I allude to this for the purpose of saying that so far as I know the bill that is now before us is an innovation. Macaulay describes a certain class of people as preferring to perish by precedent rather than be saved by innovation. This is where we are in danger of perishing by innovation, if I understand the principles involved in this bill, and while I know nothing whatever about oleomargarine—I never saw a pound of it or a particle of it to know it, and I would not eat it except upon compulsion, and I do not know that I would upon compulsion, though "reasons were as plenty as blackberries," and I want nobody else to eat it unless he desires to eat it—I must admit that having read with something of minuteness and attention and care the volume of testimony taken by the Committee on Agriculture and Forestry in relation to the manufacture and sale of imitation dairy products, if there is any confidence to be placed in human testimony, unless we are to assume that men of the very highest character, men of the loftiest attainments and science and scholarship, without temptation to crime, have conspired with one consent to lie, and put their names to the lie, with

date and place, without motive or reason for it, that oleomargarine is a healthful, nutritious, and cheap product; and there is not in this volume from the beginning to the end, from its alpha to its omega, from its Genesis to its Revelations, one single particle of evidence, express or implied, positive or indirect, that by the consumption of oleomargarine was ever one single human being injured in his health; and this committee was "organized to convict" oleomargarine.

Mr. GEORGE. Will the Senator allow me to interrupt him?

Mr. INGALLS. Yes, sir.

Mr. GEORGE. He alludes to the committee. I suppose I may be allowed to state the fact that, after all the evidence was in, the Agricultural Committee, by a majority of two to one, voted that this was not a hurtful substance to the health of the country and was not unwholesome.

Mr. INGALLS. Then so convincing was this evidence that upon a committee—I perhaps should not say "organized to convict" oleomargarine; that is too strong; I should say that I believe that committee did not sit with any prejudice in favor of oleomargarine—and yet so convincing was the evidence from men of every kind and degree, public and private, that as the Senator from Mississippi, who was himself, I believe, a member of the committee, informs us, the committee, by a majority of two to one, declared that it was not a hurtful food product.

Now, Mr. President, where does the police power of the nation, where does the police power of the State come in? The junior Senator from New York [Mr. EVARTS] appealed with touching pathos for the protection of the dairy interests of this country. He drew a picturesque figure of the situation and dwelt upon the hardy virtues and the patriotic valor of the farming population. Mr. President, I do not yield to the Senator from New York in my devotion to their welfare. But upon what theory of the Constitution or of natural justice or of the law of precedent that ever has before been invoked am I called upon to say that this product, admitted by the evidence and confessed by the committee to be salutary, nutritious, cheap, desired by many, shall be burdened with proscription and pursued as it is by this bill with pains and penalties, with the obvious purpose not of collecting revenue, because that mask has been dropped, not for the purpose of preventing the poisoning of the people of the United States by an unwholsome food product, but to protect the dairy farmers of this country from the further deterioration of their stock in trade?

Mr. President, the best types of butter are not permanent; they are not persistent. Butter is a compound that has many delicate, transient, and fugitive elements liable to rapid chemical change when exposed to the heat and the atmosphere. The Senator from Massachusetts [Mr. HOAR] suggests that it often melts in the mouth. It is liable to decomposition; it is liable to sudden change; it rapidly becomes unfit for human consumption; and the evidence is here that this product does not in any sense whatever interfere or compete with the higher class of butter. Nobody claims that it does. It is not insisted that it does. Those who manufacture the higher grades of butter confess that they do not care anything whatever about this bill. Yet here is a product that is adapted for the consumption of those who go down to the sea in ships, who are engaged in long voyages, especially in the tropics, where butter can not be carried because it would soon become rancid and dilute into oil, adapted for the consumption of the loggers in their camps and the miners in the mountains, adapted for consumption by the laboring classes of the South where the dairy products are scarce, consumed by multitudes voluntarily and knowingly, as I shall show by this volume, and we are called upon, confessedly in the interest of one class of our people, to destroy this industry for their benefit, for I say it is destruction. Nobody denies that destruction is intended.

I wish I had time to read, as I would have if the session were not so late, from the statements which this volume contains upon the subject of the character of this product; but I have only time to refer briefly to a few. Upon page 47 of this volume is the statement of Professor Henry Morton, who describes himself as of the Stevens Institute of Technology, Hoboken, N. J., in which he describes the constituents of this product, the process of its manufacture, and declares that it is a wholesome and nutritious article of diet. To the same effect is the statement of Charles F. Chandler, of Columbia College, New York, who states that he has prepared reports which have been submitted to the board of health of New York city and to the State senate of New York, in various years from 1880 down to the present. This is followed by the reports of Mr. Chandler, president, and Emmons Clark, secretary, to the senate of New York in 1878, a report by Mr. Chandler to Hon. M. R. Wise, chairman of the committee on manufactures of the house of representatives; Professor George F. Barker, of the University of Pennsylvania; Dr. Henry A. Mott, jr., analytical and consulting chemist, 117 Wall street, New York; Professor S. C. Caldwell, of Cornell University, New York; S. W. Johnson, of the Sheffield scientific school of Yale College, New Haven, Conn.; C. A. Goessman, professor of chemistry at Amherst College, Massachusetts; Professor Morton, of the Stevens Institute of Technology; Charles P. Williams, director and professor of the Missouri school of mines, State University, who writes from Philadelphia; W. O. Atwater, from Wesleyan University, Middletown, Conn.; J. W. S. Arnold, professor in the medical department of the University of New York, and so on, from men of the very highest professional and personal attainments.

So I think it may be fairly assumed that the declaration of the Committee on Agriculture and Forestry that this product is deleterious to human health and is to be restrained upon that ground must be abandoned. There is not a shadow of evidence left upon which that report can stand.

Mr. Lawrence J. Callanan, of New York city, representing the retail grocers, appeared before the committee and declared, on page 163, that he appeared—

> Not to oppose the manufacture of oleo or imitation butter, for I think it can be made in such a way and of such materials as to make it a healthy substitute for butter.

He continues:

> Now, the retailers of New York, and, I think, of the country, do not want to prohibit the manufacture of oleomargarine or butterine; they simply want the trade regulated in such a way that it must be sold for what it is.

Mr. W. S. Truesdell, vice-president of the Mississippi Valley Dairy and Creamery Association, says:

> We admit that oleomargarine is healthful, and if these gentlemen will confine themselves to the manufacture of oleomargarine alone there would be no question about the healthfulness of it.

Mr. George W. Slade, of Fall River, Mass., a wholesale grocer, says:

> The firm has been in existence a little over twenty years. We deal largely in cream butter and oleomargarine and butterine. We commenced the sale of butterine about twelve or thirteen years ago, when it was first introduced into New England. Our business in these goods, at first small, has gradually increased. Our city has a population of about 60,000, 17,000 of which are cotton-factory operatives, who, with their families, number 35,000 to 40,000 persons. These people consume oleomargarine almost exclusively. The goods are sold in 10-pound tubs, with the full knowledge on the part of the consumer of their character. These tubs are all marked and sold in accordance with the Massachusetts law, being stamped with the word "oleomargarine" or "butterine" upon the top and sides in one-half inch Gothic letters.
>
> One of our largest retail grocers constantly advertises these goods under their true name and in the daily papers, price $1.10 per 10-pound tub. I have never heard any complaint as to the character of the goods or of any sickness occasioned by their use.
>
> We should regard it as a calamity to the poor people if they were to be taxed upon an article which now costs them all they are able to pay for it.

So says Mr. William B. Clark, of Worcester, Mass., wholesale produce dealer:

> We make a specialty of handling oleomargarine and have done so for seven years. So far as I know, the Massachusetts law is generally complied with.
>
> I recently saw in the hands of a party engaged in collecting oleomargarine tubs from families for packing lard sixty-one empty 10-pound tubs, all of which had regular oleomargarine stencils upon them as required by statute. About three-quarters of our sales reach the consumers in the original marked packages, mostly 10-pound tubs.
>
> Consumers of these goods in Worcester and vicinity do not altogether belong to the poorer classes, though the larger number of them do. I am personally acquainted with several farmers in our neighborhood who sell their milk and do not make butter, who regularly purchase butterine to use upon their tables.
>
> Our firm is interested in several creameries in Vermont, and we have not seen that the sale of oleomargarine interferes with or lowers the price of fresh-made creamery butter.

Mr. J. Merrill Currier, of Lawrence, Mass., a retail dealer in groceries and provisions since 1850, says:

> Within the last five years we have dealt in oleomargarine. We commenced the sale of these goods because our customers demanded them, and because if we did not supply them we found that they would go to our competitors, so that we thus lost their trade for other goods. We have found the call for these goods to constantly increase, and that they give general satisfaction. We have less complaint from them than from our cream butter of prime quality. We account for this from its uniform character and quality. We have never heard that any person was made sick by it or that it was unhealthful. Many of our customers say they prefer it to creamery butter, which costs much more. Our customers for this article are principally laboring people with families, and I understand they use it for the purpose of saving money with which they are able to procure other necessities.
>
> If a person calls for butter he gets butter, and if he calls for oleomargarine he gets that. We desire and intend to continue our business in this way. We do not wish to be obliged to say that the price has gone up 5 or 10 cents per pound, or that we can not furnish it, because the Government has put such a tax upon it, while the corresponding article on the rich man's table is exempted from this burden, and all for the benefit of those who are better off than those upon whom the real burden would come. So far as I know, the feeling in the community in which I live is unanimous in the opinion that any tax would be unjust and bear heavily upon those who are the least able to sustain it.

Mr. HOAR. Who is that?

Mr. INGALLS. That is Mr. J. Merrill Currier, of the firm of J. M. Currier & Co., of Lawrence, Mass., who says that he has been in the retail business dealing in groceries and provisions since 1850. Mr. Simpson, one of the witnesses, who was called in this matter, who is himself a manufacturer of dairy butter, says:

> I believe that the population of the country has increased very much beyond the increase in the production of butter. I believe that fully ten million people would have been deprived of any butter, or substitute for butter, during the past winter, and I think roll butter would have been 50 cents a pound if it had not been for the oleo. I think that would have been the difference if it had not been for the manufacture of oleo. I think there is a demand for all the fine butter that can be made at a fair price.

There is much more testimony to the same effect. There was one witness who lived in Chicago whose testimony I had marked, but which has unfortunately escaped my attention so that I can not immediately turn to it, but he declared that of the product manufactured by Armour, kept only as butterine and oleomargarine at the grocery stores, thousands and thousands of pounds were sold every day to the operatives in the various factories and mills and establishments about Chicago, who preferred it to any other form in which that material can be presented.

If the object then of the promoters of this bill is simply to provide that the United States shall acquire jurisdiction over this product so

that there shall be no interference with the genuine products of the dairy, and not a desire to burden this manufacture with unnecessary imposition, the tax that is imposed here is out of all proportion to the results which are desired to be attained. It is admitted that not less than 200,000,000 pounds of oleomargarine are now manufactured and sold yearly, which at a tax of 5 cents a pound would produce, aside from the licenses, not less than $10,000,000 per annum. I doubt very much whether the most stringent regulations which could be adopted under the excise system of the United States would cost $500,000, because we are informed that there are not more than thirty places where these goods are manufactured.

I therefore move to strike out, in line 3 of section 8, upon page 6 of the bill, the words "five cents" and to insert "one cent;" so as to read:

There shall be assessed and collected a tax of 1 cent per pound.

Aside from the license taxes of $600 upon manufacturers, and $480 upon wholesale dealers, and $48 upon retail dealers, that would bring what appears to me to be an ample sum to pay all the expenses which could possibly be incurred in placing this product under the supervision of the internal revenue officials of the United States Government.

The PRESIDING OFFICER (Mr. PALMER in the chair). The Chair will inform the Senator from Kansas that there is an amendment already pending, and that his amendment is not in order at the present time.

Mr. FRYE. Before the Senator takes his seat I desire to call his attion to a few remarks which he made touching the statements made by a Maine Senator in regard to the sardines of Maine. I ask him to what Maine Senator he referred.

Mr. INGALLS. I referred to the Senator's colleague [Mr. HALE]. It occurred in a debate here a few days since, a public debate.

Mr. FRYE. As my colleague is now absent in the Committee on Appropriations of course he can make no reply in relation to that. I was not present at that debate, and I certainly myself would not like to be charged by my silence with saying what the Senator reports my colleague to have said.

Mr. INGALLS. It was a matter that occurred here in public debate. I do not recollect the bill which was before the Senate. I think there were many around me who heard the Senator from Maine speak about the fact that there were large quantities of small herrings packed by citizens of Maine in cotton-seed oil and sold as sardines; and he spoke of it in debate as one of the important industries of that State which was being imperiled by the depredations of the Canadian privateers upon our fishermen.

Mr. FRYE. It is an important industry, but whether or not the gentlemen who are engaged in the business admit that they put up sardines in cotton-seed oil, and in tin boxes, and in imitation of the French, and sell them under the French name as French sardines is another matter. I doubt very much indeed whether this statement is justified by anything which takes place in the State of Maine.

Mr. INGALLS. What is the pending amendment?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arkansas [Mr. JONES].

Mr. INGALLS. Let it be read.

Mr. MILLER. Mr. President, I shall detain the Senate——

The PRESIDING OFFICER. The Senator from New York will suspend a moment while the pending amendment is read.

Mr. MILLER. Certainly.

Mr. JONES, of Arkansas. As the amendment is only two or three lines long I hope the Senator from New York will allow it to be read, and as it honestly sets out the objects of the bill I have no doubt he will accept the amendment.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. In section 3, line 1, after the word "that," it is proposed to insert:

For the purpose of discouraging the manufacture and sale of oleomargarine or imitation butter, and to increase the price of genuine butter.

So as to read:

SEC. 3. That for the purpose of discouraging the manufacture and sale of oleomargarine or imitation butter, and to increase the price of genuine butter, special taxes are imposed, as follows:

Mr. MILLER. As the time has nearly arrived when I gave notice that I should ask for a vote, I do not propose to continue the discussion now, but simply to reply to what I understand the Senator from Mississippi [Mr. GEORGE] stated as having taken place in the Committee on Agriculture and Forestry. The question as to the wholesomeness or unwholesomeness of oleomargarine was never properly before that committee and was never properly considered by it, but the members of the committee in their consultations did express their opinions regarding it. However, those opinions were based upon the genuine article, upon the article manufactured under the process of Mége, a pure article, and it in no way had anything to do with the article as we find it in commerce. It was never properly before the committee, and any expression or statement here as to how the committee divided itself upon that question or any other question outside of the bill is, I think, outside of this debate and outside of this whole question.

Mr. GEORGE. Will the Senator from New York allow me to call his attention to what occurred on that subject?

The PRESIDING OFFICER. Does the Senator from New York yield?

Mr. MILLER. I do not understand that it is parliamentary or proper to bring into this body the votes or the conversations or the consultations that take place in a committee. The Senator of course is at liberty to state anything that he sees fit.

Mr. GEORGE. I desire to state, and I do not think it violates any parliamentary rule, that at the very initiation of our consideration of this bill a motion was made before the committee, upon which the committee voted by yeas and nays, and the result of that was an affirmation on the part of the committee that oleomargarine was not a noxious article of food.

Mr. MILLER. The Senator will undoubtedly qualify that by saying that that referred to oleomargarine, and not to any compound of it, or any adulteration of it, or any mixture of it.

Mr. GEORGE. Of course it meant properly-made oleomargarine.

Mr. MILLER. I am prepared to show, and could show here if I would spend the time, that there is to-day probably not a pound of oleomargarine made in the United States of America. I have a letter from a man who introduced the Mége process in this country, who first manufactured it, and who followed it from the beginning to the end. He does not hesitate to say that all the compounds which are made to-day are not pure oleomargarine; that they are combinations of oleo oil, of lard, of cotton-seed oil, of sesame oil, and of various other fats; and that the genuine article is entirely unknown. So whatever may have been the opinion of the committee upon the genuine article, or whatever may be the opinion of the scientific gentlemen who have been quoted here upon that question, it has nothing whatever to do with the question of the wholesomeness of the article as we now find it before the public.

This book of testimony which has been read here to-day, and I shall not go into that again, for at great length and in great detail I read the opinions of scientific men whose standing is as high as that of any others who have been quoted here, who show that as to-day made it is not as wholesome as butter; that it does frequently contain the germs of disease; and that it is always liable to be the medium of conveying disease to the human system. I showed that the Academy of Medicine in Paris had so declared against it and had forbidden its use in the public hospitals of Paris.

But in order that I might know something about the article which is now being sold in nearly every grocery store in this country under the name of butter I sent to the assistant dairy commissioner of New York to have him send to the Microscopist of the Agricultural Department samples of as many different kinds of oleomargarine as he could find in the market, and he sent here some ten or twelve different samples. I had them examined by Doctor Taylor, whose ability as a microscopist will not be questioned I suppose by any one, who has been for several years making a very careful study of this thing, and who was the first scientific man in this country or elsewhere to make the discovery that by the use of the microscope he could detect every different kind of fat known, of every different animal and of every different vegetable. He has undoubtedly succeeded in carrying his experiments to such a point that to-day he can take any of these fats and tell in a very short time precisely what kind of fat has been used in the combination.

Let me call the attention of the body for a moment only to some of the samples which were taken in the market of New York only a few weeks ago and sent here for examination. Here is the statement of Dr. Taylor:

U. S. DEPARTMENT OF AGRICULTURE.
Washington, D. C., June 22, 1886.

Hon. WARNER MILLER,
Chairman Senate Committee on Agriculture:

DEAR SIR: Herewith I respectfully submit an analysis of the ten samples of oleomargarine, so called, received June 12, 1886, from B. F. Van Valkenburgh, assistant New York State dairy commissioner, 350 Washington street, New York city, N. Y.

Sample No. 1 is an oleomargarine. Viewed under the microscope as received this sample exhibits crystals of lard. On boiling it gives off fumes of a very disagreeable acid odor and also that of decomposing cheese (caseine), showing the presence of butter. It is unfit for human food, being in a highly decomposed state. The sample is marked L. Aarensburg, N. Y.

Here was something pretending to be oleomargarine, which instead of being made of oleo oil was only made of lard and had mixed with it enough of milk or of butter to leave in it what is known as the cheesy flavor given to butter:

Sample No. 2.—This specimen is full of fungi, mycelium, and the spores of the same. Dark bodies, foreign to pure butter or oleomargarine, are also observed. On boiling a very sour odor is given off, and also that of decomposing cheese (caseine), indicating the presence of butter, although no odor of butter was perceived. This sample was too much decayed to detect in it the crystals of beef fat. Has a slight taste of butter. Is unfit for human food, being in a state of fermentation. The sample is marked H. & D., June 12, 1886. Probably Richards & Muny's goods.

Sample No. 3.—This sample is an oleomargarine. Viewed under the microscope it exhibits crystals of lard. On boiling gives off a slight odor of butter; also a sour and cheesy odor. Is unfit for human food, being highly decomposed. This sample is marked P. H. Riper, N. Y.; made by him in New York; old goods.

I might go on and read the entire list of ten, but I see the Senator from Missouri [Mr. VEST] is in his seat, and he told us the other day

that the details which I brought out were so sickening that he was compelled to leave the Chamber. I do not desire to drive him or any one else from the Chamber, and I will allow him to read this article for himself. The whole ten samples show the fraud that is being perpetrated in making oleomargarine.

Mr. President, it is a double fraud. Oleomargarine itself is a bogus imitation of butter. The article put upon the market to-day is a bogus imitation of oleomargarine, made out of all the compounds that can be gotten together, because they are cheap. I do not care to go further into the question either of its wholesomeness or of its cleanliness.

A good deal has been read here regarding the desirability of this food as a cheap product for men laboring in factories and ordinary laboring men. Thus far these efforts to supply the laboring man with a cheap food have resulted in trying to cheat him out of his money by charging him substantially the same price for the bogus article as he would have paid for the genuine article. I could read the testimony of Mr. Harris, from some point in Massachusetts, in which he said he was selling oleomargarine honestly for what it was worth, and that it was usually used for cooking purposes and not upon the table. I asked him what he charged for it. He replied 17 cents a pound. I asked him what he paid for it, and he said 10½ cents a pound. In the examination it came out that upon the finer quality of butter he charges a profit of 4 cents a pound. So in this case if he had been willing to content himself with the ordinary price of the retail dealer he would have furnished these goods to his customers for 14½ cents a pound. Instead of that he charged them the price of ordinary butter, 17 cents a pound, and he said he could not afford to do it for less, and still he thought it was a good food for poor laboring men in this country. I do not care to go into that. I am not asking the laboring men of this country to use any bogus article or any other because it is cheap. I think they can take care of that.

We have heard a good deal about the laboring men and about the Knights of Labor and the various organizations organized throughout the country as opposed to this bill. There have been some petitions coming in here pretending to come from that source, and they have been sent to the Senate in order that it might exert its proper influence. I have been furnished with an original letter from Mr. Powderly upon this question. I will ask that it be read at the desk in order that it may go into the RECORD, and let us see whether there is any organization among the laboring men against this measure.

The Chief Clerk read as follows:

SCRANTON, PA., *June* 16, 1886.

DEAR SIR: Neither the general assembly nor the general executive board of the Knights of Labor have ever indorsed or in any way meddled with the oleomargarine question, and all representations to the contrary are false. I have never heard (only through you) that our order was accused of interfering in this matter. We telegraphed from Cleveland when in special session that we had taken no action. It would seem that that would be sufficient.

Individual members of the Knights of Labor may have favored the oleomargarine bill or opposed it. If so, they have a right to their opinion. As an order, however, we have not touched the question at all.

I remain, very truly, yours,

T. V. POWDERLY.

JOHN LIVINGSTON, Esq.,
New York, N. Y.

Mr. MILLER. I submit that simply as an answer to some things which have been said here during this debate in regard to the position of laboring men on this question. I shall not repeat my argument on that question, but simply say that the laboring men of this country, and by that I mean those laboring in manufacturing establishments, producing manufactured articles for sale, know full well that they can not afford to buy the product of any labor for less than its real cost to the producer. They know full well that they can not afford to buy the products of the farm at such a price as will bring ruin to the farmer any more than the farmer and the farm laborer can afford to buy the manufactured article for less than it costs, for if they do it must eventually come out of the wages of the laborer. The laboring men of this country stand together upon questions of that kind, and they know their interests well enough to do it.

There is simply one other question to which I wish to call the attention of the Senate for a single moment. It was alluded to and fully brought out by my colleague in speaking of the influence of the dairy industry of this country upon our foreign commerce, that it furnished no inconsiderable portion of our exports and performed its fair share in producing to-day a balance of trade in our favor, and maintained, therefore, a healthy condition of our finances.

The bill which has been reported here by the Committee on Foreign Relations in regard to the inspection of our hog products is simply intended to give such a guarantee of their purity that they will no longer be rejected by the governments of Europe, and in order that by that method we may find a wider market for those products. Up to the time that oleomargarine began to be made in this country a very considerable portion of our butter found a market in Europe; but within the last few years it has declined at least 50 per cent. in its amount. Why has this been? Not that less butter is being consumed in Europe, but because of this uncontrolled and unlimited fraud by which these imitation goods are put upon the market as though they were original and genuine, it has brought discredit upon all our product, and to-day we can scarcely find any foreign market for the best made American butter. I have no doubt if we had the power under our Constitution to enact the law of the Dominion of Canada, it would be greatly to the interest of the whole country that it should be done.

Canada has a very simple law upon this question. It is scarcely more than ten lines long. It forbids either the manufacture or importation of oleomargarine into the Dominion of Canada under heavy fines and penalties. What has been the result of that legislation in Canada? It has transferred one-half of our existing trade in the dairy products across the border into Canada. Her exports of butter, as the figures of the produce exchange show, have grown as ours have diminished, and to-day she alone is able to hold her hand and control in the markets of Europe, because the Canadian brand is a guarantee of honesty and genuineness, and no matter how good our butter may be to-day it finds either an uncertain market or no market at all in Europe.

I have here a letter from one of the leading produce dealers and exporters of New York city bearing directly upon that question. I send it to the desk and ask the Secretary to read it.

The Chief Clerk read as follows:

NEW YORK, *June* 26, 1886.

DEAR SIR: I suppose you know the Canadian Government have passed a law to prohibit the manufacture, importation, or sale of any imitation or adulterated dairy products in the Dominion. By this act she secures a preference over us in the foreign markets on her dairy products. One of the partners of a foreign produce exporting house here, and who also have an agency in Montreal, has just told me that they had orders for Canadian butter at 75 shillings per hundredweight, but could not get orders for American at 65 shillings.

I remain, yours very respectfully,

JOHN S. MARTIN.

Hon. WARNER MILLER,
Chairman Committee on Agriculture, Washington, D. C.

P. S.—Seventy-five shillings sterling means about 16 cents per pound here, and at this price large quantities of fine, pure, June-made creamery butter could be bought in our market now.

Mr. MILLER. There is the evidence that our best dairy butter to-day is so discredited in the markets of Europe that if sent there at all it sells at 20 cents less than the Canadian article, which of course is no better. Take this then in every consideration, and it seems to me we do find sufficient reason for the legislation asked by the bill.

Mr. President, I appeal to the friends of this measure to see to it that it shall not be amended in a single section, that not a single line or letter or figure of it shall be changed by this body.

Mr. BECK. Why?

Mr. MILLER. Any change at this stage of the session may be fatal to the bill. As I said the other day, the measure does not go into effect until ninety days after the passage of the act, which will be near the 1st of November. If the bill shall become a law and if it shall be found that there is any injustice in it, or that there are any mistakes made in the bill, Congress will be in session within thirty days and can rectify them. But I trust that the friends of this measure will see to it that it passes this body as it came from the other House.

Mr. JONES, of Arkansas. With the consent of the Senate I will withdraw the amendment which I offered to the bill a few moments ago, for the purpose of allowing the amendment offered by the Senator from Kansas to be voted on directly.

The PRESIDING OFFICER. The amendment of the Senator from Arkansas is withdrawn.

Mr. INGALLS. In line 3 of section 8, I move to strike out "five" and insert "two" before the word "cents;" so as to read:

That upon oleomargarine which shall be manufactured and sold, or removed for consumption or use, there shall be assessed and collected a tax of 2 cents per pound, to be paid by the manufacturer thereof.

On that I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Kansas moves to amend the bill as he has stated, and demands the yeas and nays on agreeing to the amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MCMILLAN (when Mr. SABIN'S name was called). My colleague [Mr. SABIN] is detained from the Senate by sickness, and is paired with the Senator from West Virginia [Mr. KENNA]. If my colleague were here, he would vote "nay."

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. If he were here, I should vote "yea."

The roll-call was concluded.

Mr. GEORGE. On this bill and on the amendments I am paired with the Senator from New Hampshire [Mr. PIKE]. If he were present, I should vote "yea" on this amendment.

Mr. TELLER. On this question I am paired with the Senator from Florida [Mr. CALL]. If he were present, I should vote "nay."

Mr. MCMILLAN. I am authorized to announce that the pair of my colleague [Mr. SABIN] is transferred to the Senator from Florida [Mr. CALL] from the Senator from West Virginia [Mr. KENNA]. The Senator from Florida would vote "yea," and my colleague would vote "nay."

Mr. TELLER. Then I vote "nay."

The result was announced—yeas 32, nays 28; as follows:

YEAS—32.

Aldrich,	Coke,	Jones of Arkansas,	Riddleberger,
Beck,	Colquitt,	Jones of Nevada,	Stanford,
Berry,	Eustis,	Manderson,	Vance,
Brown,	Gibson,	Maxey,	Vest,
Butler,	Gray,	Payne,	Voorhees,
Camden,	Hampton,	Platt,	Walthall,
Chace,	Harris,	Pugh,	Whitthorne,
Cockrell,	Ingalls,	Ransom,	Wilson of Md.

NAYS—28.

Allison,	Dolph,	Hawley,	Plumb,
Blackburn,	Edmunds,	Logan,	Sawyer,
Blair,	Evarts,	McMillan,	Sewell,
Cameron,	Frye,	Mahone,	Sherman,
Conger,	Gorman,	Miller,	Spooner,
Cullom,	Hale,	Mitchell of Oreg.,	Teller,
Dawes,	Harrison,	Palmer,	Wilson of Iowa.

ABSENT—16.

Bowen,	Hearst,	McPherson,	Pike,
Call,	Hoar,	Mitchell of Pa.,	Sabin,
Fair,	Jones of Florida,	Morgan,	Saulsbury,
George,	Kenna,	Morrill,	Van Wyck.

So the amendment was agreed to.

Mr. BUTLER. In line 6 of section 1 I move to strike out the words "with or," before the word "without," where they occur the second time in the line; so as to read:

That for the purposes of this act the word "butter" shall be understood to mean the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and without additional coloring matter.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from South Carolina [Mr. BUTLER].

Mr. MILLER. I move to lay the amendment on the table.

Mr. BUTLER. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GEORGE (when his name was called). I am paired with the Senator from New Hampshire [Mr. PIKE]. I should vote "nay" if he were present.

Mr. PUGH (when his name was called). On this question I am paired with the Senator from Minnesota [Mr. SABIN].

Mr. McMILLAN. My colleague [Mr. SABIN] would vote "yea" if he were present.

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

The roll-call was concluded.

Mr. PLUMB. I ought, perhaps, to announce that the Senator from Alabama [Mr. MORGAN] is paired with the Senator from Colorado [Mr. BOWEN]. The pair was originally between the Senator from Alabama and myself, with the privilege on my part to transfer it, which I have done. I make this announcement now, and will not repeat it hereafter. The Senate will understand that the pair continues to exist on all the votes on the bill.

The result was announced—yeas 36, nays 26; as follows:

YEAS—36.

Aldrich,	Dawes,	Hoar,	Platt,
Allison,	Dolph,	Kenna,	Plumb,
Blackburn,	Edmunds,	Logan,	Sawyer,
Blair,	Evarts,	McMillan,	Sewell,
Camden,	Frye,	Mahone,	Sherman,
Cameron,	Gorman,	Manderson,	Spooner,
Chace,	Hale,	Miller,	Stanford,
Conger,	Harrison,	Mitchell of Oreg.,	Teller,
Cullom,	Hawley,	Palmer,	Wilson of Iowa.

NAYS—26.

Beck,	Colquitt,	Jones of Arkansas,	Vest,
Berry,	Eustis,	Jones of Nevada,	Voorhees,
Brown,	Gibson,	Maxey,	Walthall,
Butler,	Gray,	Payne,	Whitthorne,
Call,	Hampton,	Ransom,	Wilson of Md.
Cockrell,	Harris,	Riddleberger,	
Coke,	Ingalls,	Vance,	

ABSENT—14.

Bowen,	Jones of Florida,	Morrill,	Saulsbury,
Fair,	McPherson,	Pike,	Van Wyck.
George,	Mitchell of Pa.,	Pugh,	
Hearst,	Morgan,	Sabin,	

So the amendment was laid on the table.

Mr. INGALLS. In section 6, line 15, before the word "sells," I move to insert the word "knowingly;" so as to read:

Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine in any other form than in new wooden or paper packages as above described, or who packs in any package any oleomargarine in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for each offense not less than $100 nor more than $1,000, and be imprisoned not less than six months nor more than two years.

That is a penal clause imposing a penalty for the selling of a less amount than is to be required by law. It probably was an omission in any event, and as the bill has been amended I suppose there will be no objection to this amendment. It is the customary limitation upon the act whenever a criminal intent is to be charged.

Mr. BECK. Perhaps the Senator from Kansas does not agree with me, but I ask him whether it would not be well to strike out the minimum punishment? There may be technical violations of this law by very ignorant people, and if the court has the discretion to fix a maximum fine it ought not to fix so severe a minimum in some cases as seems to be fixed here for the very smallest offense. If the maximum is right I think the minimum could be dispensed with. I suggest this to the Senator from New York as well, because persons may buy these things, and you may prove some knowledge, and yet in a matter like this very many ignorant people deal in this article, and when you give the court a discretion to fix the punishment according to the offense it is very hard to make six months' imprisonment or a fine of $100 the very least it is authorized to impose.

Mr. INGALLS. I propose as soon as this amendment is acted on to add the necessary amendments in lines 21 and 23, so that the offense may have a maximum punishment, striking out the minimum.

Mr. MILLER. I can not accept any amendment to the bill. I trust the Senate will before the bill leaves it reverse its action upon the rate of taxation. It is impossible if the bill becomes a law that any person shall deal in this article in any other way than knowingly and willfully, and therefore no such words are necessary. At all events I should fail of doing my full duty in this matter if I consented to any amendment whatever, unless it is put in by an absolute vote of the Senate.

I move to lay the pending amendment on the table, and I give notice that I shall do that in every case.

The PRESIDING OFFICER. The Senator from New York moves that the amendment of the Senator from Kansas be laid on the table.

Mr. RIDDLEBERGER. Before that motion is put, I ask the Senator from New York whether he meant to say that every amendment shall be laid on the table on his motion.

The PRESIDING OFFICER. The motion is to lay the amendment on the table.

Mr. RIDDLEBERGER. But I understood the Senator from New York to say that he would give notice that all amendments shall lie on the table.

The PRESIDING OFFICER. The Senator from Virginia will please hear the Chair. The motion is to lay the amendment of the Senator from Kansas on the table, and that motion admits of no debate.

Mr. RIDDLEBERGER. Then I understood the notice of the Senator from New York to be that he would ask to dispose of all other amendments in that way. That is what he said.

The PRESIDING OFFICER. The motions can be treated as they come up, but this motion admits of no debate.

Mr. RIDDLEBERGER. He said it.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York to lay the amendment on the table.

Mr. MILLER. I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. SAULSBURY. I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. GEORGE. I am paired with the Senator from New Hampshire [Mr. PIKE]. If he were present, I should vote "nay."

Mr. McMILLAN. My colleague [Mr. SABIN] is detained from the Senate by sickness, as I have before announced, and is paired. He would vote "yea" on this question.

Mr. PUGH (after having voted in the negative). I withdraw my vote. I am paired with the Senator from Minnesota [Mr. SABIN].

The result was announced—yeas 27, nays 30; as follows:

YEAS—27.

Allison,	Edmunds,	Mahone,	Plumb,
Blackburn,	Evarts,	Manderson,	Sawyer,
Blair,	Frye,	Miller,	Sewell,
Cameron,	Hale,	Mitchell of Oreg.,	Spooner,
Cullom,	Hawley,	Palmer,	Teller,
Dawes,	Logan,	Payne,	Wilson of Iowa.
Dolph,	McMillan,	Platt,	

NAYS—30.

Aldrich,	Cockrell,	Harris,	Vance,
Beck,	Coke,	Hoar,	Vest,
Berry,	Colquitt,	Ingalls,	Voorhees,
Brown,	Conger,	Jones of Arkansas,	Walthall,
Butler,	Eustis,	Kenna,	Whitthorne,
Call,	Gibson,	Maxey,	Wilson of Md.
Camden,	Gray,	Ransom,	
Chace,	Hampton,	Riddleberger,	

ABSENT—19.

Bowen,	Hearst,	Morgan,	Saulsbury,
Fair,	Jones of Florida,	Morrill,	Sherman,
George,	Jones of Nevada,	Pike,	Stanford,
Gorman,	McPherson,	Pugh,	Van Wyck,
Harrison,	Mitchell of Pa.,	Sabin,	

So the Senate refused to lay the amendment on the table.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Senator from Kansas to insert the word "knowingly" in line 15 of section 6.

Mr. HOAR. I hope the Senator in charge of the bill will allow this amendment to be made, and also allow another amendment to be made striking out the minimum punishment at the end of the section, which

it seems to me, except in cases of crimes of great aggravation, like murder or burglary with violence to the person, ought never to be in criminal legislation. The Senate for the last few years has, I believe, invariably, when its attention has been called to the matter, stricken out the minimum legislation; that is, the compulsory imprisonment in all cases without regard to accident or extenuating circumstances, and so on.

If the bill is to be amended at all, it seems to me that the pending amendment and the amendment which I have indicated would help the bill rather than hurt it.

Mr. MILLER. The Senator from Vermont [Mr. EDMUNDS], with the law before him, informs me that the present internal-revenue law is precisely like this, only that the minimum punishment is greater than this. So that certainly is not in accordance with the statement of the Senator from Massachusetts, as I understood it.

Mr. HOAR. No; I said that for the last three or four years, whenever the attention of the Senate had been called to this matter of minimum punishment it had invariably adopted the policy of striking it out.

I wish to say that one of the great blots upon our legislation is the existence of the very provision to which the Senator from Vermont has called attention in the revenue laws. I had this case brought to my attention when I was a member of the other House.

An Irishman who was a man of standing and character among those who knew him, and whose wife I had known very well as a domestic in a family where I had lived, was convicted in Boston of violating the internal-revenue laws by selling some article; I have forgotten now what the article was, very likely liquor. He had applied to the collector of internal revenue in the district to know whether it was necessary for him to take both a wholesale and a retail license. The collector said that he was not himself certain under the circumstances, but he would apply to the Department for direction; that in the mean time the man might keep on. He took out the license which the collector required of him, and he was indicted for a violation of the other provision in the interval before the reply came back from Washington, and was convicted. The judge, Judge Sprague, said there was no power under the law which would prevent his sentencing that man to imprisonment. He happened to be in a condition of health in which imprisonment for six months or twelve months would have been his death, and it was with very great difficulty that the administration here were induced to interfere.

Mr. MILLER. So far as the amendment in line 15 inserting the word "knowingly" is concerned, it may as well be accepted now as to have another vote upon it, because the vote just taken indicates that it will carry, but I shall reserve the right of course when the bill is reported to the Senate to have a separate vote upon it, if I then think it wise to do so. Therefore, I suggest that the word "knowingly" be inserted by unanimous consent at present, in order to avoid another vote.

The PRESIDING OFFICER (Mr. FRYE in the chair). Without objection it will be so ordered.

Mr. INGALLS. In section 6, line 21, after the word "not," I move to strike out the words "less than one hundred dollars nor;" and in line 22, after the word "not," to strike out the words "less than six months nor;" so as to read:

Shall be fined for each offense not more than $1,000, and be imprisoned not more than two years.

I do not know whether that can be properly offered as one amendment, but I suppose by unanimous consent it may be so treated.

The PRESIDING OFFICER. Without objection it will be so treated. The question is on agreeing to the amendment proposed by the Senator from Kansas.

Mr. EDMUNDS. I voted to lay the amendment of the Senator from Kansas inserting the word "knowingly" on the table, not on the ground that I should object to its insertion *per se*, but upon the ground that thinking the clause to be perfectly safe as it stood I did not wish to amend the bill at all. But as that is put in, we now come to the question of penalties, and to illustrate that as well as the penalties under the internal-revenue system I will just read a section that I open at random in the internal-revenue chapter and title in the Revised Statutes, which illustrates both the absence of "knowingly" as a phrase and the amount of penalty. It is section 3268:

Every person who destroys, breaks, injures, or tampers with any lock or seal which may be placed on any cistern-room or building by the duly authorized officers of the revenue, or opens said lock or seal, or the door to said cistern-room or building, or in any manner gains access to the contents therein, in the absence of the proper officer, shall be fined not less than $500 nor more than $5,000, and imprisoned not less than one year nor more than three years.

There is an instance in which one would suppose on the theory of the argument of the proposer of this amendment of "knowingly" that it would be necessary and proper to put it in, because the lock being once put on does not show on the face of it that it is a Government lock put on that building by a proper Government officer duly authorized to do it. But the word is not in, and if anybody happened to be prosecuted under that section, and he showed that he did not know that that was a revenue-lock building, or a revenue lock, and he supposed it was perfectly right to go into the building for some purpose, and he broke the lock, he could not be convicted, because it would be implied that the essence of the offense after all was doing it with an intent to do wrong.

Therefore I voted to lay the amendment inserting the word "knowingly" on the table, while if this were a Senate bill I should not, of course, have the slightest objection to it, because it would mean the same thing in such a case whether in or out.

When you come to the penalty there is great force in what the Senator from Massachusetts says, and if the bill is to be amended at all I have no objection to striking out the minimums, although it is not different from but more mild than the present internal-revenue law about distilled spirits, &c.

Mr. MILLER. I move to lay the amendment on the table.

The PRESIDING OFFICER. The Senator from New York moves to lay the amendment of the Senator from Kansas on the table.

Mr. MILLER. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GEORGE (when his name was called). I am paired with the Senator from New Hampshire [Mr. PIKE]. If he were present, I should vote "nay."

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

The roll-call having been concluded, the result was announced—yeas 28, nays 33; as follows:

YEAS—28.

Allison,	Dolph,	Logan,	Platt,
Blackburn,	Edmunds,	McMillan,	Sawyer,
Blair,	Evarts,	Mahone,	Sewell,
Cameron,	Frye,	Miller,	Spooner,
Conger,	Gorman,	Mitchell of Oreg.,	Stanford,
Cullom,	Hale,	Palmer,	Teller,
Dawes,	Kenna,	Payne,	Wilson of Iowa.

NAYS—33.

Aldrich,	Coke,	Hearst,	Vance,
Beck,	Colquitt,	Hoar,	Vest,
Berry,	Eustis,	Ingalls,	Voorhees,
Brown,	Gibson,	Jones of Arkansas,	Walthall,
Butler,	Gray,	Maxey,	Whitthorne,
Call,	Hampton,	Plumb,	Wilson of Md.
Camden,	Harris,	Pugh,	
Chace,	Harrison,	Ransom,	
Cockrell,	Hawley,	Riddleberger,	

ABSENT—15.

Bowen,	Jones of Nevada,	Morgan,	Saulsbury,
Fair,	McPherson,	Morrill,	Sherman,
George,	Manderson,	Pike,	Van Wyck.
Jones of Florida,	Mitchell of Pa.,	Sabin,	

So the Senate refused to lay the amendment on the table.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment was agreed to.

Mr. INGALLS. In section 4, line 4, after the word "not," I move to strike out the words "less than one thousand and not;" in line 9, after the word "not," to strike out the words "less than five hundred nor;" and in line 13, after the word "not," to strike out the words "less than fifty nor;" so as to make the section read:

That every person who carries on the business of a manufacturer of oleomargarine without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not more than $5,000; and every person who carries on the business of a wholesale dealer in oleomargarine without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not more than $2,000; and every person who carries on the business of a retail dealer in oleomargarine without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not more than $500 for each and every offense.

As I do not propose to make any debate, I suggest that the vote may as well be taken on the amendment as on a motion to lay on the table, the object of that motion being I suppose only to stop debate.

Mr. MILLER. If the vote can be taken without debate I have no objection. I simply want to call the attention of the Senate to the difference. Section 4 relates to the people who are carrying on the business of manufacturing. There can never any question arise as to what they do, whether they do it knowingly and willfully; and therefore the reason which may have actuated the Senate in changing the other section can not apply here, certainly not with the force that it did in the other case. This applies only to the manufacturers of oleomargarine and it fixes a minimum as well as a maximum. I hope the amendment will not be agreed to.

Mr. HOAR. Mr. President, it seems to me that the principle does not apply to this particular section, but it is one where there ought to be a minimum punishment, although I am generally opposed to those punishments, because, as the Senator from New York says, the person who persists in carrying on a business which may be extremely profitable ought not to have the chance of getting off and retaining the profits of his business with a very small fine. It seems to me it is not unreasonable as this is a fine and not imprisonment.

Mr. INGALLS. Having no wish at all to retard final action on this bill, I withdraw the amendment; and in section 3, line 15 on page 2, after the word "pay," I move to strike out the word "forty-eight"

and insert "twelve," fixing the license for retail dealers at $12 instead of $48.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. INGALLS], which will be stated.

The CHIEF CLERK. In section 3, line 15, after the word "pay," it is proposed to strike out "forty-eight" and insert "twelve;" so as to read:

Retail dealers in oleomargarine shall pay $12.

Mr. MILLER. I move to lay that amendment on the table.

Mr. RIDDLEBERGER. I rise to a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. RIDDLEBERGER. The Senator from New York has not complied with one of the rules of the Senate, which requires that a Senator shall rise from his seat and respectfully address the Chair. [Laughter.] That is the only chance I have or any other Senator here has to get in a word or a reason why he is for or against this bill. The Senator from New York has spoken three hours or more on this bill, and has scarcely left his seat to-day. Now, the rule which requires that he shall rise from his seat also requires that the Chair shall recognize him, and him only, who thus rises and respectfully addresses the Chair. I submit that point. Otherwise there are no rights here, and we yield to these people called "managers of bills."

The PRESIDING OFFICER. The Senator from New York [Mr. MILLER] moves to lay the amendment on the table.

Mr. RIDDLEBERGER. I ask if the Chair will recognize my point of order. I want the Senate, if necessary, to pass upon the question as to whether a Senator here can hold the floor from time into eternity, and even not measure space or eternity.

I have some reasons for opposing this bill, with which, possibly, the Senator from New York is not very well acquainted. I know from my association with him here that he is coequal with infinity itself, omnipotence, omniscience, omnipresence, but there may be some reasons which I might be permitted to assign why I do not go for this bill.

I ask now whether the Chair is going to recognize two or three men on this floor all the time. I want to give my own reasons if the Chair insists that the Senator from New York has the right to make that motion standing as he was upon his feet, and then I will appeal from the decision of the Chair if the Chair will allow that a motion not debatable in itself is debatable now on an appeal.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Virginia to the fact that he rose and proceeded to speak without having the recognition of the Chair at the time.

Mr. RIDDLEBERGER. If I did that, I did not mean it, but I thought the Chair did not hear me.

The PRESIDING OFFICER. The Chair did not recognize the Senator from Virginia at all.

Mr. RIDDLEBERGER. I noticed that the Chair did not. That was a most evident thing.

The PRESIDING OFFICER. The Senator from New York [Mr. MILLER] moves to lay the amendment on the table.

Mr. INGALLS. Why not vote on the amendment directly? There is to be no debate.

Mr. BUTLER. I should like to make a further inquiry, why it is necessary for the Senator from New York to apply the gag law to this bill or to amendments to this bill. I can not understand it.

Mr. EDMUNDS. While a motion to lay on the table is pending we had better not have any debate.

Mr. BUTLER. I understand what is pending as well as the Senator from Vermont. I rise to a parliamentary inquiry, and I do not propose for one to be corrected by the Senator from Vermont.

Mr. EDMUNDS. I call the Senator to order. He is addressing himself to this question while a motion to lay on the table is pending.

Mr. BUTLER. I am not addressing myself to the subject of laying on the table at all. I rose for the purpose of making an inquiry of the Chair. It is done here every day of the year.

The PRESIDING OFFICER. What is the parliamentary inquiry the Senator desires to make?

Mr. BUTLER. I wanted to know if the Senator from New York proposed to apply the gag law to amendments to this bill?

The PRESIDING OFFICER. That is a question which it is not for the Chair to answer.

Mr. BUTLER. Then the Senator from New York can answer it, or perhaps the Senator from Vermont will answer it for him, as he seems to be taking charge of the bill and of the Senator from New York and of everybody else.

Mr. EDMUNDS. I call the Senator to order.

The PRESIDENT *pro tempore*. The motion is to lay the amendment on the table.

Mr. MILLER. I call for the yeas and nays.

The yeas and nays were ordered, and taken.

Mr. HARRISON. The Senator from Nevada [Mr. JONES] asked me to pair with him at one time on the passage of the bill, but I did not understand that the pair extended to these amendments. I am advised that he so understood it, and I therefore withhold my vote.

Mr. SAULSBURY. I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. GEORGE. I was paired with the Senator from New Hampshire [Mr. PIKE], but that pair has been transferred to the Senator from Rhode Island [Mr. CHACE] for this vote, and I therefore vote "nay."

The result was announced—yeas 29, nays 28, as follows:

YEAS—29.

Allison,	Edmunds,	McMillan,	Sewell,
Blackburn,	Evarts,	Mahone,	Sherman,
Blair,	Frye,	Manderson,	Spooner,
Cameron,	Hale,	Miller,	Teller,
Conger,	Hawley,	Mitchell of Oreg.,	Wilson of Iowa.
Cullom,	Hoar,	Payne,	
Dawes,	Kenna,	Platt,	
Dolph,	Logan,	Sawyer,	

NAYS—28.

Aldrich,	Cockrell,	Hampton,	Riddleberger,
Beck,	Coke,	Harris,	Vance,
Berry,	Colquitt,	Hearst,	Vest,
Brown,	Eustis,	Ingalls,	Voorhees,
Butler,	George,	Jones of Arkansas,	Walthall,
Call,	Gibson,	Maxey,	Whitthorne,
Camden,	Gray,	Ransom,	Wilson of Md.

ABSENT—19.

Bowen,	Jones of Florida,	Morrill,	Sabin,
Chace,	Jones of Nevada,	Palmer,	Saulsbury,
Fair,	McPherson,	Pike,	Stanford,
Gorman,	Mitchell of Pa.,	Plumb,	Van Wyck.
Harrison,	Morgan,	Pugh,	

So the amendment was ordered to lie on the table.

Mr. VAN WYCK. I wish to announce in regard to the last vote, as I have announced before, that I am paired with the Senator from Nevada [Mr. FAIR] on the passage of the bill. He is opposed to the bill and I am in favor of it. I withheld my vote on the amendment because I did not know how he would vote on it.

Mr. MCMILLAN. My colleague [Mr. SABIN] is paired with the Senator from Alabama [Mr. PUGH]. My colleague would vote "yea" if he were here.

NAVAL APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendment of the Senate to the bill (H. R. 8975) making appropriations for the naval service for the fiscal year ending June 30, 1887, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

On motion of Mr. HALE, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. HALE, Mr. LOGAN, and Mr. BECK.

PUBLIC-LAND LAWS.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives further insisting on its disagreement to the amendments of the Senate to the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands; the laws allowing entries for timber culture; the laws authorizing the sale of desert lands, and for other purposes, and asking a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. DOLPH. I desire to submit a conference report on the part of the Senate conferees on the bill just announced.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber culture, the laws authorizing the sale of desert lands, and for other purposes, having met, after full and free conference have been unable to agree.

J. N. DOLPH,
P. B. PLUMB,
F. M. COCKRELL,
Managers on the part of the Senate.

T. R. COBB,
W. J. STONE,
L. E. PAYSON,
Managers on the part of the House.

Mr. DOLPH. I move that the Senate further insist on its amendments and agree to the further conference requested by the House of Representatives.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. DOLPH, Mr. PLUMB, and Mr. COCKRELL were appointed.

HOUSE BILLS REFERRED.

The bill (H. R. 5878) to amend the act entitled "An act to modify the postal money-order system, and for other purposes," approved March 3, 1883, was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The joint resolution (H. Res. 118) relative to certain papers in the

State Department by error, was read twice by its title, and referred to the Committee on Foreign Relations.

AMENDMENT TO A BILL.

Mr. HARRIS, from the Committee on Rules, submitted an amendment intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

BUTTER AND OLEOMARGARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine.

Mr. BUTLER. Mr. President, in line 3 of section 11, page 8, I move to strike out the word "fifty" and insert "ten."

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In section 11, line 3, it is proposed to strike out "fifty" and insert "ten;" so as to make the section read:

SEC. 11. That every person who knowingly purchases or receives for sale any oleomargarine which has not been branded or stamped according to law, shall be liable to a penalty of $10 for each such offense.

Mr. RIDDLEBERGER. Does the Senator desire to speak?

Mr. BUTLER. No; I yield to the Senator from Virginia.

Mr. RIDDLEBERGER. Mr. President, this is the only opportunity I believe that has been afforded to express an opinion of this bill other than such as has proceeded from its friends or its opponents based on the dairy system or the right to manufacture anything, and I desire to express my hostility to the bill, coming as I do from a farming community, because it is to all intents and purposes an internal-revenue tax. I do not believe that there is a farmer in the western, northwestern, or southwestern part of Virginia who does not despise the suggestion of internal revenue. I know that when I cross the James River and get into the tobacco country where we have people upon whose product so much per pound, 8 cents, for instance, is levied, they hate the idea and they reprobate the internal revenue. It begins wrong.

I do not love oleomargarine. I do not eat it knowingly, and will not have it if I can help it. It is a fraud. I would not take it under a law enacted here. If it be such a fraud as the Senator from New York says it is, I would not have anything to do with it; I would not license it. I would not say with the Senator from Kansas that you should pay the Government a cent a pound for it, any more than I would license any other fraud. But when it comes to the question of whether we ought to permit its manufacture and sale in this country, then I am with the farming community and say I would prohibit it entirely. I desire that to be understood.

I desire it to be understood, moreover, that in opposing this bill I think that I am opposing the most obnoxious law that to-day stands upon the statute-books of the United States, that which says that tobacco shall be taxed, that liquor shall be licensed, and the manufacturer of oleomargarine shall have the right to sell it if he shall pay the revenue tax on it. I am opposed to that, and I am opposed to this bill. I ask that the farmer who makes honest butter shall be put a little bit above the whisky distiller of the mountain counties. I ask that we shall proceed in this matter in some other way and say if this be poisonous food, if Chicago furnishes hogs that die of disease out of which there shall be made hog butter or butterine or oleomarganine that enters into the physical system and destroys the life of man, woman, or child, that we will not license it; we will not permit it. That is the simple way in which the question suggests itself to me.

Here we have been day after day trying to determine between the Senator from Kansas and the Senator from New York whether one makes good butter or the other buys cheap oleomargarine, whether the laboring man wants the oleomargarine or the laboring man does not. Perhaps the laboring man would prefer the oleomargarine in some sections, as we see resolutions coming here against its taxation. How easy it is to teach him that as he destroys the cow he abridges the number of the calves. He can not reduce the price of his butter as he increases the price of the cow. So we find these men coming up in their State organizations and telling us that they prefer honest butter because it is made by honest men.

I say give us no more internal-revenue taxes. Let us have this as it ought to come from the Congress of the United States. Deal with it as heroically as the surgeon would with the knife with a man on the field, where it must be promptly applied or the subject would die. We are treating this thing here childishly. It does not become us, it does not become the Congress. The country does not want such treatment.

If this be a fraud, do not let Congress license it. The States may do it; give them the opportunity of correcting it themselves; but for God's sake do not let the Congress of the United States set the example of licensing a fraud. Rather let the fraud go on. Let every fraud go on; let your gambling-houses go on; let every unlicensed institution that the country ought not to tolerate go on rather than the Congress of the United States even by indirection should pass a bill here recognizing the thing and say that it is licensed. Let oleomargarine be manufactured if need be, but do not let us tax it and license it; let butterine be manufactured if need be, the one from the carcass of the hog and the other from the steer, but let us leave it out of the legislation of the great American Congress.

I appeal to those of the Senate who recognize that when they do this thing, Democrats or Republicans, they are adding to the internal-revenue taxation the most distasteful to all sections of this country and to all the people of it. I am not afraid to stand right here and vote against every feature of this bill and every amendment that is added to it to help to pass it, and go home to a mountain constituency, a conscientious constituency, and tell them that I stood on the two principles, first, that we ought not to increase and give addition to the internal-revenue system by taxing these articles; and next, that if the manufacture of oleomargarine or butterine be a fraud we ought to deal with it heroically, and say that it shall not be manufactured or sold in this country, and that we ought not to be putting a tax on it.

It has been said that Legislatures have made laws that you could drive a four-horse coach through. Did you ever read a statute where it was said that a man who knowingly commits murder shall be punished so-and-so? Did you ever read a statute in which the word "knowingly" was affixed to the crime itself? I never did. The intent must be proved. That belongs to the books without being written, it is a part of the common law that we accept and never think of inserting here; but in the interest of the oleomargarine manufacture we must insert the word "knowingly!" You might as well try the devil before a court in his own dominions and expect a conviction of him as to expect a conviction of a manufacturer or seller of oleomargarine under the law which is made ostensibly to protect the dairymen, the farmer, the consumer of the product, if you insert the word "knowingly." What lawyer here would undertake to go before a court on a contingent fee to prove that a man knowingly sold oleomargarine?

You have had it under discussion here. Is there a Senator on this floor who can tell me whether he knows the distinction between oleomargarine, butterine, and butter? Is there one? Then take the Senators themselves who undertake to make this law, go into court, and you could not convict one of them even for eating it, much less selling it.

I took some little pains to try to find out and I was told that there was such a thing as cutting the one with a knife and the other with a fork, or one with a sharp instrument and the other with a dull instrument; but if you cut them both alike with the same instrument, the little water that we know belongs to butter would appear on the butter and it would not on the other. I have been told that if you take a lump of butter as it comes wrapped around with a linen rag and lay it on the table, and then by the side of it take a lump of butterine and lay it down in the same way, the butter would melt in one-third of the time that the butterine would. Does that help you to a conviction of the man who would sell outside of the law when you say that he shall do it knowingly? He does not wait for the sun to shine on it to determine whether it is butterine or anything else; he sells it before the sun gets at it.

I say that this bill is one that will do no earthly good; its only effect is to give the sanction of the American Congress *to a fraud*. *Therefore* I shall vote against it. That is my only reason, as I stated.

Now, Mr. President, if I have been a little anxious to make this statement I know it will be excused by Senators on the ground that I first mentioned that I have a constituency of butter makers and that I think I owe some explanation to them when I cast my vote against the bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from South Carolina [Mr. BUTLER].

Mr. MILLER. Let the amendment be read.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In section 11, line 3, after the words "penalty of," it is proposed to strike out "fifty" and insert "ten;" so as to make the section read:

SEC. 11. That every person who knowingly purchases or receives for sale any oleomargarine which has not been branded or stamped according to law shall be liable to a penalty of $10 for each such offense.

Mr. MILLER. Let the yeas and nays be taken directly on the amendment without a motion to lay on the table if the Senator prefers. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GEORGE (when his name was called). I am paired with the Senator from New Hampshire [Mr. PIKE]. If he were present, I should vote "yea."

Mr. HARRISON (when his name was called). I am paired on this amendment with the Senator from Nevada [Mr. JONES]. If he were here, I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 22, nays 35; as follows:

YEAS—22.

Beck,	Coke,	Harris,	Voorhees,
Berry,	Colquitt,	Jones of Arkansas,	Walthall,
Brown,	Eustis,	Maxey,	Whitthorne,
Butler,	Gibson,	Ransom,	Wilson of Md.
Call,	Gray,	Vance,	
Camden,	Hampton,	Vest,	

NAYS—35.

Aldrich,	Dawes,	Ingalls,	Platt,
Allison,	Dolph,	Logan,	Plumb,
Blackburn,	Edmunds,	McMillan,	Sawyer,
Blair,	Evarts,	Mahone,	Sewell,
Cameron,	Frye,	Manderson,	Sherman,
Chace,	Gorman,	Miller,	Spooner,
Cockrell,	Hale,	Mitchell of Oreg.,	Teller,
Conger,	Hawley,	Palmer,	Wilson of Iowa.
Cullom,	Hoar,	Payne,	

ABSENT—19.

Bowen,	Jones of Florida,	Morgan,	Sabin,
Fair,	Jones of Nevada,	Morrill,	Saulsbury,
George,	Kenna,	Pike,	Stanford,
Harrison,	McPherson,	Pugh,	Van Wyck.
Hearst,	Mitchell of Pa.,	Riddleberger,	

So the amendment was rejected.

Mr. COCKRELL. I am in favor of the bill and will vote for its final passage, but I think there ought to be one or two amendments made, and the first one is in line 5 of section 3 on page 2. I see no occasion for the tax upon a wholesale dealer in oleomargarine being put at $480. I think that is exorbitant and I think it is unjust. I do not think that it ought to be over $120, and therefore I move to strike out "four hundred and eighty" and insert "one hundred and twenty."

Mr. MILLER. Does the Senator desire to discuss it?

Mr. COCKRELL. No. Then I want to make another amendment to the section, and that is that the retail dealer instead of paying $48 shall only pay $18. I think these two amendments very proper and just. They will make the bill, in my estimation, much fairer and more just than it is now.

Mr. MILLER. The Senator will remember that in line 15 the Senate has already declined to change the sum from $48 to $12, which was the amendment offered.

Mr. HARRIS. The Senate has declined to change it to $12, but not to $18.

Mr. MILLER. I shall not discuss it, but simply move to lay the amendment of the Senator from Missouri on the table.

Several SENATORS. Vote on it straight.

Mr. MILLER. I would as soon have the votes directly on the amendment as on laying the amendment on the table if the Senator will call for a yea-and-nay vote on the amendment.

Mr. COCKRELL. Let us have a yea-and-nay vote on this amendment.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In section 3, line 5, after the word "pay," it is proposed to strike out "four hundred and eighty" and insert in lieu thereof "one hundred and twenty;" so as to read:

Wholesale dealers in oleomargarine shall pay $120.

Mr. MILLER. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HARRISON (when his name was called.) I announce my pair with the Senator from Nevada [Mr. JONES].

Mr. SAULSBURY (when his name was called.) I am paired with the Senator from Vermont [Mr. MORRILL].

The roll-call having been concluded, the result was announced—yeas 26, nays 32; as follows:

YEAS—26.

Aldrich,	Chace,	Hampton,	Vest,
Beck,	Cockrell,	Harris,	Voorhees,
Berry,	Coke,	Ingalls,	Walthall,
Brown,	Colquitt,	Jones of Arkansas,	Whitthorne,
Butler,	Eustis,	Maxey,	Wilson of Md.
Call,	Gibson,	Ransom,	
Camden,	Gray,	Vance,	

NAYS—32.

Allison,	Edmunds,	Logan,	Platt,
Blackburn,	Evarts,	McMillan,	Sawyer,
Blair,	Frye,	Mahone,	Sewell,
Cameron,	Gorman,	Manderson,	Sherman,
Conger,	Hale,	Miller,	Spooner,
Cullom,	Hawley,	Mitchell of Oreg.,	Stanford,
Dawes,	Hoar,	Palmer,	Teller,
Dolph,	Kenna,	Payne,	Wilson of Iowa.

ABSENT—18.

Bowen,	Jones of Florida,	Morrill,	Sabin,
Fair,	Jones of Nevada,	Pike,	Saulsbury,
George,	McPherson,	Plumb,	Van Wyck.
Harrison,	Mitchell of Pa.,	Pugh,	
Hearst,	Morgan,	Riddleberger,	

So the amendment was rejected.

Mr. MILLER. I think the Senator will not care for another vote.

Mr. COCKRELL. Let the vote be taken by sound on the next amendment.

The PRESIDENT *pro tempore*. The next amendment of the Senator from Missouri [Mr. COCKRELL] will be stated.

The CHIEF CLERK. In section 3, line 15, after the word "pay," it is proposed to strike out "forty-eight" and insert "eighteen;" so as to read:

Retail dealers in oleomargarine shall pay $18.

The amendment was rejected.

Mr. SAULSBURY. I desire to call the attention of the chairman of the committee to what I consider to be an omission in the bill.

I see from looking over the bill that there are certain duties required of the Commissioner of Internal Revenue, the collection of the tax, the preparation of stamps, and he is authorized to employ a chemist and other persons to carry out the provisions of the bill, but there is no appropriation. There is no authority given to him to employ any additional assistance in the way of clerks, nor is any money appropriated for the purpose of enabling the Commissioner to carry out the requirements of the bill. It seems to me that we ought not to require additional duties of the Commissioner of Internal Revenue without providing some means by which he can carry out the provisions of the bill.

As I have not said anything on this bill, I will avail myself of the opportunity to make one or two remarks on some of the features of the bill.

I concur fully with every one who desires to prevent any fraud being committed upon the people of the country in the use of any article of food, and I would adopt any measure which, in my judgment, was within the power of Congress to prevent the practice of fraud in placing oleomargarine upon the markets of the country; but without going into any discussion of the authority of Congress by the power of taxation to prevent the perpetration of frauds in the use of this article, without entering into that question, and conceding all that is claimed, for the sake of the argument, by the friends of this bill, I believe it will be wholly impotent for the purposes for which it is designed.

The cost of oleomargarine is about 8 or 9 cents per pound, according to the testimony taken before the committee. If you add 5 cents tax, it will still be below the price at which any ordinary butter sells for in the market. So this article could be sold and a profit made upon it without coming in competition with the butter of the country. I therefore do not think that it affords any protection to the dairy interest of the country. The tax imposed is too small to prevent the manufacture and sale of this article.

That being the case, the question arises, what necessity is there for this proposed law? Suppose you have the power of taxation, is there any necessity pressing upon the country to-day for taxation upon this subject? It can accomplish no good for the purposes for which it is designed of benefiting the dairymen of the country, and there is no necessity on the part of the Government for the increase of taxation in any shape with an overflowing Treasury and a measure pending before the Senate for the purpose of relieving the Treasury from the balances that are now in the Treasury not needed for the purposes of the Government.

If a bill was here simply requiring that every manufacturer of oleomargarine or butterine should so brand and mark the article before it left his factory that the community that was to use it should not be deceived, and that every man who undertook to sell it in the markets of the country should make known what he was selling, I am not sure but that I would go to that extent for the purpose of preventing the people of the country being inveigled into the use of an article under a deception. While it might be a question of very doubtful power as to whether the Congress of the United States could go to that extent, yet I am not sure but that for the purpose of getting clear of any fraud in that which enters into the consumption of mankind I might not even strain a point to protect the community against imposition in this regard. But when you add to that taxation merely for the purpose—for that is the design—of using the taxing power of the Government to protect one interest against other interests without accomplishing any beneficial effect to the interest sought to be protected, to that feature of the bill I am utterly opposed.

If I would vote for any tax it would be a tax to the extent that would accomplish the object which was proposed to be accomplished, but we ought not in my opinion to exercise unnecessarily the power of taxation for any purpose. It seems to me that we are departing far from the original ideas of the taxing power as conferred upon the Government. Whatever taxation is required for the maintenance and support of the Government is a legitimate object for which the taxing power may be exercised, but I do not concur in the views expressed this morning by the Senator from New York [Mr. EVARTS] that the taxing power has been conceded in the most ample manner by the States of this Union to the General Government. I believe that the objects for which it should be used are specifically defined in the Constitution, and that we ought to maintain the Constitution as it was made in letter and in spirit.

I did not rise to enter into any discussion of this bill. I am paired upon it and can not vote on it, but I wanted to have it understood and let it be known where I stand upon this as upon all other questions. I will not, however, detain the Senate with any further remarks.

The bill was reported to the Senate as amended.

Mr. MILLER. I shall ask for a yea-and-nay vote upon what I think was the first amendment made as in Committee of the Whole in regard to the rate of taxation, and then see as to the rest.

The PRESIDENT *pro tempore*. The first amendment will be stated.

The CHIEF CLERK. In section 8, line 3, the Senate, as in Committee of the Whole, struck out the word "five" and inserted the word "two;" so as to read:

SEC. 8. That upon oleomargarine which shall be manufactured and sold or re-

moved for consumption or use, there shall be assessed and collected a tax of 2 cents per pound, to be paid by the manufacturer thereof; and any fractional part of a pound in a package shall be taxed as a pound.

The PRESIDENT *pro tempore*. The question is on concurring in this amendment made as in Committee of the Whole.

Mr. PLATT. I understood the Senator to say that he would ask a yea-and-nay vote.

The PRESIDENT *pro tempore*. The yeas and nays are demanded.

The yeas and nays were ordered.

Mr. HOAR. I desire to say that in my judgment this bill will be more effective and more likely to last and remain a permanent protection to the interest that it is designed to protect and a permanent obstruction to the fraud that it is designed to extirpate with the lower tax. I am in favor of the tax of 2 cents rather than 5, and although a friend of the bill I have entertained that opinion from the beginning. If the reduction to 2 cents, however, were to depend upon my vote, if the alternative were presented to me of having the bill go through without any amendment or run the risk of sending it back to the House, I would hesitate to take the responsibility; I think I would follow the committee; but I am very clear that if the amendment is to be adopted I shall vote for it according to my opinion.

Mr. HALE. I rise now, as I may have no other opportunity, to correct the Senator from Kansas [Mr. INGALLS], whose attention I desire for a moment.

I have been informed that the Senator from Kansas, in the course of the debate upon this bill, alluded to some remarks which I had made in the Senate with reference to the sardine industry prosecuted in the State of Maine. I am told that he referred to those remarks as if I had stated that it was the practice of the people in the State of Maine engaged in catching small fish to put them up and label them with a foreign label, thereby making it a cheat and a fraud.

The Senator from Kansas was mistaken if he so stated. No such thing occurs in this trade, and of course I made no such statement with reference to it.

These small fish are caught in Canadian waters largely by Canadian fishermen; they are sold to the American manufacturer from the boats by the fishermen upon the other side, are bought upon this side of the line to Eastport and are there put up regularly and openly as an American product and not as a French or Italian product. In fact it would add nothing to them or their value, because I estimate, and others who have tried them both estimate the American sardine as a better article of food than the European article, and it is sold in the market as an American product and labeled as such, and I never heard it claimed or suggested that fraud was engaged in by putting any foreign mark upon the production or the box, for such is not the case.

I do not know that I have been correctly informed as to what the Senator from Kansas said. I was not here. My attention has been called to what he said, and I wish simply, without engaging in any controversy, to put this industry right, and that it shall not go upon the record as having been said or admitted here by not denying it that there is any fraud in this industry.

Mr. INGALLS. I understood the Senator from Maine to state that in a debate which occurred here some weeks ago——

Mr. HALE. June 3.

Mr. INGALLS. That the action of the Canadian authorities had interfered with an important industry at Eastport, which I understood him to say consisted in buying the small herring that were taken in Canadian waters and put up and sold as sardines. I may be mistaken, but if I am it was an error of my hearing. If the Senator has it here I should be glad if he would repeat his statement.

Mr. HALE. The statement is as follows:

Under the ruling of the Treasury Department, that these fresh fish brought into our market for immediate use or consumption are not subject to duty, they come in free and the New Brunswick fisherman gets the benefit of our market duty free. He sells his fish to our citizen who puts up the herring or sardines.

That is all. It is an article, as I said, well-known in the market as an American sardine, so put up, and it is not claimed that it is a foreign product.

Mr. INGALLS. Put up as sardines?

Mr. HALE. Sardines or herring. It is a great question whether the fish are not precisely the same. It is put up as an American product purely.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

The Secretary proceeded to call the roll.

Mr. GEORGE (when his name was called). I am paired with the Senator from New Hampshire [Mr. PIKE].

The roll-call was concluded.

Mr. VAN WYCK. I am paired with the Senator from Nevada [Mr. FAIR] on the passage of the bill. As I do not know how he would vote on this amendment I withhold my vote.

Mr. HARRISON. I desire to announce my pair with the Senator from Nevada [Mr. JONES]. If he were here, I should vote "nay."

Mr. MCMILLAN. My colleague [Mr. SABIN] is paired with the Senator from Alabama [Mr. PUGH]. My colleague would vote "nay" if present.

The result was announced—yeas 33, nays 28; as follows:

YEAS—33.

Aldrich,	Coke,	Ingalls,	Vance,
Beck,	Colquitt,	Jones of Arkansas,	Vest,
Berry,	Eustis,	Manderson,	Voorhees,
Brown,	Gibson,	Maxey,	Walthall,
Butler,	Gray,	Payne,	Whitthorne,
Call,	Hampton,	Platt,	Wilson of Md.
Camden,	Harris,	Ransom,	
Chace,	Hearst,	Riddleberger,	
Cockrell,	Hoar,	Stanford,	

NAYS—28.

Allison,	Dolph,	Kenna,	Plumb,
Blackburn,	Edmunds,	Logan,	Sawyer,
Blair,	Evarts,	McMillan,	Sewell,
Cameron,	Frye,	Mahone,	Sherman,
Conger,	Gorman,	Miller,	Spooner,
Cullom,	Hale,	Mitchell of Oreg.,	Teller,
Dawes,	Hawley,	Palmer,	Wilson of Iowa.

ABSENT—15.

Bowen,	Jones of Florida,	Morgan,	Sabin,
Fair,	Jones of Nevada,	Morrill,	Saulsbury,
George,	McPherson,	Pike,	Van Wyck.
Harrison,	Mitchell of Pa.,	Pugh,	

So the amendment was concurred in.

The PRESIDENT *pro tempore*. The question recurs on the remaining amendments made as in Committee of the Whole, which will be put together unless a separate vote be demanded.

The amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT *pro tempore*. Shall the bill pass?

Mr. HARRIS, Mr. MILLER, and others called for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GEORGE (when his name was called). I am paired with the Senator from New Hampshire [Mr. PIKE]. If he were present, I should vote "nay."

Mr. HARRISON (when his name was called). I have been paired on some of the amendments to this bill with the Senator from Nevada [Mr. JONES]; but I understand in the present shape of the bill he would vote for its passage. I therefore vote "yea."

Mr. KENNA (when his name was called). I am paired on this question with the Senator from Minnesota [Mr. SABIN], who is absent ill. The Senator from Minnesota, if present, would vote "yea" and I should vote "nay."

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. VAN WYCK (when his name was called). I am paired with the Senator from Nevada [Mr. FAIR] on the passage of the bill. He is opposed to the bill, and I favor it.

The roll-call having been concluded, the result was announced—yeas 37, nays 24; as follows:

YEAS—37.

Aldrich,	Dawes,	Logan,	Sawyer,
Allison,	Dolph,	McMillan,	Sewell,
Blackburn,	Edmunds,	Mahone,	Sherman,
Blair,	Evarts,	Manderson,	Spooner,
Camden,	Gorman,	Miller,	Stanford,
Cameron,	Hale,	Mitchell of Oreg.,	Teller,
Chace,	Harrison,	Palmer,	Wilson of Iowa.
Cockrell,	Hawley,	Payne,	
Conger,	Hoar,	Platt,	
Cullom,	Ingalls,	Plumb,	

NAYS—24.

Beck,	Colquitt,	Hearst,	Vance,
Berry,	Eustis,	Jones of Arkansas,	Vest,
Brown,	Gibson,	Maxey,	Voorhees,
Butler,	Gray,	Pugh,	Walthall,
Call,	Hampton,	Ransom,	Whitthorne.
Coke,	Harris,	Riddleberger,	Wilson of Md.

ABSENT—15.

Bowen,	Jones of Florida,	Mitchell of Pa.,	Sabin,
Fair,	Jones of Nevada,	Morgan,	Saulsbury,
Frye,	Kenna,	Morrill,	Van Wyck.
George,	McPherson,	Pike,	

So the bill was passed.

Mr. MILLER. I move that the Senate insist on its amendments and ask for a conference with the House of Representatives on the disagreeing votes.

The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. MILLER, Mr. VAN WYCK, and Mr. GEORGE were appointed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I desire to call up for consideration House bill 9478.

The PRESIDENT *pro tempore*. The Senator from Iowa moves to proceed to the consideration of a bill the title of which will be stated.

The CHIEF CLERK. A bill (H. R. 9478) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

The motion was agreed to.

OHIO SENATORIAL ELECTION.

Mr. PUGH. I move that the consideration of that bill be laid aside temporarily with a view of asking that the Senate proceed to the consideration of the report of the Committee on Privileges and Elections in relation to the election of Senator PAYNE, of Ohio.

The PRESIDENT *pro tempore*. The Senator from Alabama moves that the pending bill be laid aside informally with a view to proceed to the consideration of the report of the Committee on Privileges and Elections in the case of Senator PAYNE, of Ohio. The question is on that motion.

The motion was agreed to.

Mr. HOAR. Does that lay aside the bill?

Mr. PUGH. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Alabama is recognized as entitled to the floor.

Mr. HALE. Nobody can understand what is going on.

The PRESIDENT *pro tempore*. The Chair will again repeat the motion of the Senator from Alabama.

Mr. HALE. What is that motion?

The PRESIDENT *pro tempore*. The Senator from Alabama moves that the pending bill be laid aside informally with a view to proceed to the consideration of the report of the Committee on Privileges and Elections in the case of Senator PAYNE, of Ohio.

Mr. HALE. That requires unanimous consent, of course.

Mr. HARRIS. To lay it aside informally does, but to postpone it does not.

The PRESIDENT *pro tempore*. The Chair thinks the motion is in order; it is for a majority of the Senate to decide.

Mr. HOAR. What is the effect of laying aside a measure informally?

Mr. HALE. That can not be done except by unanimous consent.

Mr. HOAR. I understand that the Senate unanimously agree sometimes to have a matter considered as before the Senate and take up another matter informally.

The PRESIDENT *pro tempore*. The Chair understands that if a measure is postponed in that way it is the pleasure of the Senator having the bill in charge to call it up at any time.

Mr. EDMUNDS. But that requires unanimous consent. The motion in the book is——

The PRESIDENT *pro tempore*. The Chair will ask unanimous consent of the Senate. Does the Senator from Alabama modify his request so as to ask unanimous consent of the Senate to proceed to the consideration of the report referred to?

Mr. VOORHEES. Did not the Senate vote a while ago and was not the vote announced to postpone the consideration of the sundry civil bill?

The PRESIDENT *pro tempore*. The Chair is of the opinion that under a request of that kind the Senator from Iowa could at any time call up the sundry civil bill.

Mr. HARRIS. Certainly, if the effect of that motion be not to postpone the consideration of the appropriation bill until the matter proposed to be taken up is disposed of, the motion was wholly out of order, and certainly it could have no such effect as to give the right of way at the call of the Senator from Iowa.

The PRESIDENT *pro tempore*. The Chair understands that to be the effect of it. A mere request to lay aside a bill informally allows the Senator having that bill in charge at any time to call it up.

Mr. HARRIS. That requires unanimous consent; it is never done by a vote of the Senate.

The PRESIDENT *pro tempore*. The Chair will again submit the request of the Senator from Alabama.

Mr. LOGAN. As I understand it when the reports were made from the Committee on Privileges and Elections last week the Senator from Alabama [Mr. PUGH] gave notice that on this morning he would call up as a privileged question the resolution reported by the minority of the Committee on Privileges and Elections pertaining to the seat of the Senator from Ohio. There was no objection made. It was agreed by the Senate that that should be done. If there is any question that ought to be at all times ready to be considered by a Senate or a House of Representatives it is that pertaining to the seat of a member against whom charges have been made such as are made in this and many other instances. I did not dream then that there was going to be opposition to taking this question up. I did not dream that there would be anything interposed that would in the slightest degree defer it for a moment. There have been quite a number of cases discussed here, but I have never before known opposition made in the Senate to the taking up of a case that pertained to the seat of a Senator—never before.

I stated yesterday that I was going away and that I was very desirous to have this case disposed of before I left. I am desirous that it shall be disposed of for many reasons. In the first place, I believe that the majority report of the committee is correct. In the next place, any man charged with an offense in obtaining his seat in the Senate has the right to be heard. Further, the three Republicans who had the temerity, if I may use such a term, to make a report here saying there was no evidence of a legal character to justify an investigation, have a right to show before this country that they have reported the facts and that they have been guided by the rules of the Senate and precedent after precedent that has been settled.

Now, sir, I do not believe in this attempt to postpone this case, so that men who have been charged before this country for the reason that they made a report which they believed to be just shall be prevented at this late day of the session expressing themselves and have no opportunity of being heard before the Senate and before the country. I demand that we shall be heard. I do not make that demand in any spirit except that which is guided and governed by the rules of the Senate in cases of a similar character; but just at the time when a Senator has notified the Senate that he is under obligation to leave the Senate Chamber within, perhaps, forty-eight hours this attempt is made to prevent this case from coming before the Senate.

Sir, I am ready to meet this charge that has been made against Senators here on legal grounds and on the grounds of the evidence that has been furnished to the Senate, and I challenge gentlemen to the controversy, and we will see whether or not we have maintained ourselves under the law and the rules of the Senate and the evidence that has been produced. I ask the gentlemen who desire a postponement—for what reason I do not know—to let this case come before the Senate and before the country, and let us see who has been guided by the law and by the evidence; or if anybody has been guided by any other motive than that which is to do justice in the premises, let it demonstrate itself. Now, sir, I ask that this case shall not be postponed, but that it may be discussed and decided by the Senate.

Mr. PUGH. Mr. President, I was informed that it was the wish of the Senator from Iowa who has charge of the sundry civil appropriation bill to get it before the Senate, and that he would yield to me to make a motion to lay aside the bill temporarily and take up the reports that I have mentioned. I am very much surprised that there is any opposition to having these reports placed before the Senate for consideration, and that they should be the order of business.

Mr. HOAR. Why should not the Payne case be now here in its own right in regular order, so as not to stand with any single Senator in this whole body having a right to come down upon it and thrust it out? It seems to me that the true way is to move to proceed with this highly privileged question.

Mr. ALLISON. Mr. President, I moved to take up the sundry civil bill with the understanding and expectation that it would be informally laid aside for the purpose of allowing the Senator from Illinois [Mr. LOGAN], who I understand desired to go away to-morrow morning, to address the Senate. That was my understanding. Now it seems that it is the desire of the Senator from Illinois and other Senators that this case shall be taken up and disposed of.

Mr. LOGAN. Yes, sir; that is my desire.

Mr. ALLISON. Of course I do not object to that if it can be disposed of in any reasonable time.

Mr. HOAR. Disposed of to-morrow.

Mr. LOGAN. I do not mean to dispose of it to-night; I mean to take it up.

Mr. ALLISON. I understood that the Senator did not desire to go on this evening, and I supposed we could make considerable progress with the appropriation bill to-night, and that to-morrow a motion would be made to informally lay it aside. I am perfectly willing that the election case should be disposed of, but Senators will readily see that if this case be interposed and occupy any very considerable length of time it will greatly inconvenience Senators in reference to the appropriation bills. That is all I desire to say about it.

Mr. PUGH. I have a reasonable expectation that it will be disposed of to-morrow and not take longer than that.

Mr. HARRISON. May I ask the Senator from Alabama a question? Is it his intention to proceed with the matter that he has now called up to-night?

Mr. PUGH. Certainly.

Mr. HARRISON. If so, I see no objection to going on with it.

Mr. ALLISON. I hope we shall have an understanding that this matter will be concluded to-morrow.

Mr. HOAR. I desire to say that there are nine members of the Committee on Privileges and Elections, and I have been informed as to six of those members that they desire to speak on this question, counting myself as one of the six. I have been informed that one other member of the Senate desires to speak, and it is desirable to have the reports read. It seems to me, therefore, that probably it would occupy, in addition to reading the reports if we can do that to-night, all of to-morrow. I have no choice whether the reports are read to-night, but I suppose it would be more convenient to the Senator from Illinois to have that done to-night, so that he may have the way clear to-morrow if he wishes to get away to-morrow night.

Mr. LOGAN. No, I do not want to put it on the ground of the Senator from Illinois. I want it put on the ground of the right of the case, because the Senator from Illinois is going to remain here if this case is taken up until it is disposed of unless——

Mr. HOAR. I was speaking only of the question of reading the reports.

Mr. LOGAN. I will correct that. I said until it is disposed of. I mean by that if it is disposed of in any reasonable time. I expect to leave here to-morrow, but I shall not do so, and shall postpone going until the next day. We can certainly get through with it to-morrow if it is taken up.

Mr. HOAR. It seems to me if we read these reports to-night——

Mr. COCKRELL and others. That is right.

Mr. HOAR. And then we can go on.

Mr. CULLOM. The reports are on our table. Why take up the time of the Senate in reading the reports in full?

Mr. PUGH. We can have the three reports read this evening, and I suppose that would take us to the hour at which we usually adjourn, and the debate can take place to-morrow. So far as I am concerned I do not believe it will take longer than to-morrow to reach a final vote.

Mr. FRYE. I should like to inquire what the Senator means by reports. Does he mean all the testimony and everything of that kind?

Mr. PUGH. No, sir; only the three reports signed by members of the committee. We can not take up time to read the exhibits.

Mr. HALE. Let me make a suggestion to the Senator, that he ask unanimous consent, or I will, that the reports be printed in the RECORD of to-morrow and dispense with the reading of them. If we start in now with an agreement that the reports shall be read and nothing else done to-night there will be a general emptying of the Senate. Nobody will stay here to hear the reports read, the time will be consumed, nobody will get any benefit from it; and it is much better if there is anything to be said upon the case as it is going on, and there are before the Senate nine speeches, to begin to-night. Otherwise the Senate may just as well know and realize that with this matter started out and launched on the sea of general debate the whole of this week will be taken up by this case. Therefore let the reports go into the RECORD and let the discussion begin to-night. I ask unanimous consent——

Mr. PUGH. I have no authority to make any such arrangement.

Mr. HALE. I will ask unanimous consent.

Mr. VOORHEES. To what extent did the Senator from Maine intend that discussion should proceed to-night?

Mr. HALE. I ask unanimous consent, first, that the reports presented by the different members of the committee, three in all, be printed, without the testimony, in the RECORD of to-morrow morning.

Mr. VOORHEES. To that I think there will be no objection.

Mr. HALE. I presume there will not be any.

Mr. VOORHEES. Now as to the next proposition for the debate to-night, what was that?

Mr. HALE. That the Senator from Alabama, who has charge of the matter, must take care of it.

Mr. VOORHEES. I thought the Senator had made a proposition about to-night.

Mr. HALE. Let this proposition be settled first, so that we get the reports out of the way.

Mr. VOORHEES. Very well.

Mr. HALE. That will save an hour.

Mr. HOAR. I do not see why the reports need be read in full. I think the suggestion of the Senator from Maine is a wise one.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent of the Senate that the three reports made by members of the Committee on Privileges and Elections in this matter be printed in the RECORD.

Mr. EDMUNDS. And that the reading be dispensed with.

The PRESIDENT *pro tempore*. And that the reading be dispensed with. Is there objection? The Chair hears none.

Mr. HOAR. Now I wish to make a request for another unanimous consent in connection with that. I made to the committee a report upon a document referred to the Senate by the Ohio house of representatives, which was in writing. That report is referred to by the Senator from Alabama, and he supposed it would be printed with the minority report; I supposed that it would be printed with my remarks when I came to make them in the Senate; but it will be more convenient undoubtedly to all the members who have not got a copy of this in their possession to have it printed. I ask leave that this paper may be appended to my report—may follow it.

Mr. EDMUNDS. In the printing in the RECORD?

Mr. HOAR. In the RECORD.

Mr. LOGAN. I desire to make an inquiry.

Mr. HOAR. Let this be settled first.

Mr. LOGAN. There is no objection to that.

The PRESIDENT *pro tempore*. The Senator from Massachusetts will please repeat his request.

Mr. HOAR. I request that the document which I hold in my hand, which is a report made by me to the Committee on Privileges and Elections in regard to the testimony furnished by the Ohio Legislature, may be appended to the minority report signed by myself and the Senator from Maine [Mr. FRYE], may follow that in the RECORD.

The PRESIDENT *pro tempore*. Is there objection to the request made by the Senator from Massachusetts that the paper referred to by him may be added as part of his minority report?

Mr. SAULSBURY. That is nothing but the report made to the committee?

Mr. HOAR. The report I read to the committee.

The PRESIDENT *pro tempore*. There being no objection, that order will be made.

Mr. LOGAN. Now, when consent is given that the reports be printed in the RECORD, I want it understood by the persons who print the RECORD what "the reports" are, what is meant by "the reports." I presume it does not mean that all the matter that has been thown in there which does not belong to a report at all, unsigned, is to be printed, but merely the reports signed by the different Senators.

The PRESIDENT *pro tempore*. The Chair understood it to be only that part of this document which is signed by respective members of the committee.

Mr. LOGAN. That is what I wanted understood.

Mr. HOAR. It seems to me that a document referred to, though not signed, which is made an appendix and part of the report, should be printed with it. It is part of the case.

Mr. TELLER. It is on the table of every Senator.

Mr. LOGAN. The objection to that is that it is composed of speeches made before the committee, and I do not know that the Government necessarily is required to pay for the printing of speeches of gentlemen made before the committee to go into the RECORD and put in as part of this report, when it is no part of the report at all, and is merely thrown in as a kind of makeweight. The reason I asked the question was that the reports should be printed and not the mass of matter that is thrown in at the tail end, having no connection with the report whatever.

The PRESIDENT *pro tempore*. The Chair can not construe the order except in the way he has done.

Mr. EVARTS. I understood the original motion and the agreement was that the three reports down to the signatures, with the signatures, should be printed and nothing more. Now the chairman has asked that a certain memorandum, which is referred to in the report of the Senator from Alabama [Mr. PUGH], may be appended as a part of his. To that I think there is no objection. That, I believe, is all. I think that is understood.

Mr. HOAR. There has been no such qualifications as that referred to by the Senator from New York.

Mr. EVARTS. I so understood it to be made at the time.

Mr. HOAR. I do not deny that the Senator so understood it. I only say that it was not so stated by the Chair, and no such qualification has been made anywhere in any unanimous consent that I have heard.

Mr. HARRIS. Will the Senator from Massachusetts allow me to call his attention to the fact that either the Senator from Alabama asked the Senator from Maine, or the Senator from Maine asked the Senator from Alabama to what extent this proposition to print would go, and the answer was distinctly made, "the reports down to and including the names of the signers."

Mr. HOAR. I did not hear that. It may be so. Then the Senator from New York is right.

Mr. TELLER. There was a limit to the order of the Senate; and it was to print the reports and only the reports. The reports consist simply of what has been signed and not what somebody may have added. There is much stuff added here that never ought to have been added to any public document. It may be possible that the Senate wants to print a great lot of newspaper clippings. That could not have been the suggestion, even if it had not been confined to the documents signed. The order of the Senate itself is confined to those.

Mr. HOAR. I understand that when a report is submitted to the Senate with exhibits or appendices, with papers marked A or B, they are a part of the report, and that it is not customary to put the signature at the bottom of those papers. The signature is put at the bottom of the report proper in every election case, and in almost every report that is made to the Senate, in every case of a claim, the committee sign the report, and the documents which they refer to in the report come in and are printed as a part of it as a matter of course.

Now, if one reason among others for ordering an inquiry into a public question is the unanimous opinion of the press of a great State, I differ with the honorable Senator from Colorado in thinking that that should not be brought to the attention of the Senate. I think it is a very pregnant and important fact. That we will debate before we get through.

I wish to say, however, that it does not seem to me, as this has been printed in this document which is on every Senator's table, that it is a question of the smallest earthly consequence whether this addenda be or be not printed in the RECORD, and therefore if any single Senator states, as the Senator from New York has stated and as one Senator on the other side of the Chamber has, that they understood the unanimous consent to apply only to the part of the report which is signed, I hope it will go so and be so printed and understood without any further question.

Mr. HALE. That is the better way.

The PRESIDENT *pro tempore*. The Chair understood distinctly that the order applied to the reports signed by members.

Mr. PUGH. The paper submitted by the Senator from Massachusetts is referred to in the report signed by four members of the majority as having been copied in the minority report, and I desire the report made by the chairman to the committee to become a part of the minority report and to be printed in the RECORD.

Mr. EDMUNDS. That has been agreed to.

The PRESIDENT *pro tempore*. There is no question before the Senate except the report of the committee.

The reports of the Committee on Privileges and Elections ordered to be printed in the RECORD are as follows:

Mr. PUGH, from the Committee on Privileges and Elections, submitted the following report:

The Committee on Privileges and Elections, to whom were referred the resolutions of the senate and of the house of representatives of the General Assembly of the State of Ohio, asking an investigation into the charges affecting the election of Hon. HENRY B. PAYNE as a Senator from that State, report:

(1) On April 27, 1886, the Senate referred to your committee—

"The testimony taken before the select committee of the house of representatives of Ohio, and the report of said committee, as to charges against the official integrity and character of certain members of said house of representatives, in connection with the election of Hon. HENRY B. PAYNE as United States Senator."

(2) On May 20, 1886, the Senate also referred to your committee the following copy of the resolutions of the house of representatives of the State of Ohio in respect to the election of Hon. HENRY B. PAYNE as a Senator from that State, namely:

"Whereas it is the precedent in the United States Senate that charges of bribery must be directly made to warrant a committee of said body in proceeding to investigate the title of any United States Senator to his seat: Therefore,

"*Be it resolved by the house of representatives of Ohio*, That in the investigation made under house resolution No. 28 ample testimony was adduced to warrant the belief that the charges heretofore made by the Democratic press of Ohio are true, to wit, that the seat of HENRY B. PAYNE in the United States Senate was purchased by the corrupt use of money; and

"*Further resolved*, That the honor of Ohio demands, and this house of representatives request, that the said title of HENRY B. PAYNE to a seat in the United States Senate be rigidly investigated by said Senate."

(3) The Senate also referred to your committee the following resolution of the senate of Ohio:

"Whereas by common report, suggested and corroborated by the public press of the State without respect to party, and by a recent investigation of the house of representatives, the title of HENRY B. PAYNE to a seat in the United States Senate is vitiated by corrupt practices and the corrupt use of money in procuring his election; and

"Whereas it is deemed expedient, in order to secure a thorough investigation of his said election as Senator by the United States Senate, that the belief of the General Assembly in this regard be formulated in a specific charge: Therefore,

"*Be it resolved*, That in the opinion of the General Assembly, and it so charges, the election of HENRY B. PAYNE as Senator of the United States from Ohio in January, 1884, was procured and brought about by the corrupt use of money paid to or for the benefit of divers and sundry members of the Sixty-sixth General Assembly of Ohio, and by other corrupt means and practices, a more particular statement of which can not now be given.

"*Resolved*, That the Senate of the United States be, and the same is hereby, requested to make a full investigation into the facts of such election, so far as pertains to corrupt means used in that behalf."

(4) The Senate also referred to your committee the following resolutions of the Republican State central committee of Ohio:

REPUBLICAN STATE COMMITTEE ROOMS,
Columbus, Ohio, May 5, 1886.

Whereas it has been shown to our satisfaction by the testimony taken by the committee of the Ohio house of representatives, under house resolution No. 28, and from other sources so strongly as to induce us to believe and charge that the election of HENRY B. PAYNE to the Senate of the United States was secured by bribery, fraud, and corruption; and

Whereas the testimony so taken has been by the house of representatives reported to the Senate of the United States for such action as that body may see fit to take on account thereof; and

Whereas the facts so established reflect upon the good name of the State of Ohio, and affect in morals, as well as in law, the validity of the title of Mr. PAYNE to his seat in the Senate: Now, therefore,

Be it resolved by the Republican central committee of Ohio, That in the name of all honest people in the State of Ohio, and for the credit of the hitherto unsullied name and reputation of our State, the Senate of the United States be, and hereby is, respectfully requested to prosecute such investigation into the matters suggested by said report, and the charges herein preferred, and to take such action thereon as may be necessary to relieve our State from the disgrace which it now rests under, and to do equity and justice to all concerned; and

Resolved further, That the chairman of this committee is directed to forward an authenticated copy of this resolution to Hon. GEORGE F. HOAR, chairman of the Committee on Privileges and Elections of the United States Senate.

We hereby certify the foregoing to be a true copy of the preamble and resolution adopted by the Republican State central committee of Ohio, at a regular meeting held in the city of Columbus, Ohio, this 5th day of May, 1886.

JAS. E. LOWRY, *Chairman*.

JOSHUA K. BROWN, *Secretary*.

The testimony given before the select committee of the house of representatives of Ohio was taken under the authority of the following resolution adopted by the house January 13, 1886:

"Whereas the Cincinnati Commercial-Gazette of January 12, 1886, contains a printed statement, on the authority of S. W. Donavin, alleging grave charges against the official integrity and characters of members of this house, namely, Hon. D. Baker, Hon. P. Hunt, Hon. W. A. Schultz, and Hon. Mr. Ziegler, so definite and precise in statement as to call for immediate action in order to vindicate the reputation of members of this house: Therefore,

"*Resolved*, That a select committee of five be appointed to inquire into all the facts of the charges so alleged, and report their conclusions to this house at as early a date as possible; and in the prosecution of this inquiry said select committee are empowered to send for persons and papers and to examine witnesses under oath."

The extent and character of the investigation made by the select committee, under the above house resolution, is described by the select committee in their report as follows:

"Although but four persons, and they members of the present house, are named in the resolution, and the committee is required by its terms to investigate and report concerning them only, it was found necessary to extend the inquiry beyond this limit, in order to gain something like a comprehensive view of the situation pertaining to said election."

* * * * * * *

"Whenever our attention was called to anything which indicated the probable employment of improper means to gain support, we followed the clews presented, on the theory that we were not only authorized, but in duty bound, to pursue any matter that promised, even remotely, to show the use of such means in connection with the election, because the discovery of one important fact, although having no immediate bearing upon the charge against the person named in the resolution, might lead to the discovery of facts having such bearing. And furthermore, and upon the same theory, our inquiries were not confined to the technical rules of legal proof, but the committee availed itself of any source of information—admitted hearsay statements, and even the opinions of witnesses. But we consider in making this report no facts should be stated which are not sustained by testimony upon which a legislative body might base further action."

* * * * * * *

The conclusion reached by the select committee after the examination of the fifty-five witnesses, is also stated in their report as follows:

"Although, as stated in the outset, the testimony developed nothing of an inculpating character concerning the members of this house named in the resolution of inquiry, we believe that circumstances surrounding the election of HENRY B. PAYNE, as one of the Senators to represent the State of Ohio in the Congress of the United States, as presented by the testimony, are such as to warrant us in recommending that an authenticated copy of the testimony and report be transmitted to the President of the United States Senate for the information of the body of which Senator PAYNE is a member, and for such action as it may deem advisable."

Upon the presentation of the above report the house of representatives of Ohio adopted the following resolution, on the 16th of April, 1886:

"*Resolved by the house of representatives of the Sixty-seventh General Assembly of the State of Ohio*, That the clerk of the house be, and he is hereby, directed to transmit a copy, duly authenticated, of the testimony taken by the select committee appointed in pursuance of house resolution No. 28, and of the report of said committee, to the President of the United States Senate, to be by him presented to that body."

The testimony taken by the select committee is contained in Senate Miscellaneous Document No. 106. It is not denied that the investigation was had, and the testimony taken in secret session of the select committee with closed doors, and that the house of representatives refused to print the testimony. If any examination was made of the testimony by the members of the house, except those on the select committee, no expression of any opinion, conclusion, or judgment thereon was made by the house, by resolution or otherwise, and it was resolved by the house, in accordance with the recommendations of the select committee, to transmit the testimony to the Senate for its consideration and action without the formulation of any charge.

On May, 18, 1886, over a month after the adoption of the resolution directing the transmission of the testimony without any conclusions thereon, and requesting nothing but the consideration of the Senate and such action as it thought proper, the same house of representatives, composed of the same members, after reciting that—

"Whereas it is the precedent in the United States Senate that charges of bribery must be directly made to warrant a committee of said body in proceeding to investigate the title of any United States Senator to his seat:

"*Resolved*, That in the investigation made under house resolution No. 28 ample testimony was adduced to warrant the belief that the charges heretofore made by the Democratic press of Ohio, that the seat of HENRY B. PAYNE in the United States Senate was purchased by the corrupt use of money, are true."

The select committee who had confronted and examined the fifty-five witnesses failed to discover that the testimony was "ample" or strong enough to create the "belief" that any such charges were true; and all the committee could say, and all the house could concur in saying, on the testimony, when it was fresh in their recollection (if it had ever been read by any member), was, "we believe that circumstances surrounding the election of HENRY B. PAYNE as United States Senator, as presented by the testimony, are such as to warrant us in transmitting to the Senate an authenticated copy of the testimony, without recommendation, or the expression of any opinion or belief as to what the testimony established.

The charge made by the house for the first time on the 18th of May, 1886, nearly two years and a half after the election of Senator PAYNE, that his seat was purchased by the corrupt use of money, is founded expressly and solely on the testimony taken under house resolution No. 28.

The resolution of the senate of Ohio adopted on May 14, 1886, states:

"That in the opinion of the General Assembly, and it [the General Assembly] so charges, the election of HENRY B. PAYNE as Senator of the United States from Ohio, in January, 1884, was procured and brought about by the corrupt use of money paid to or for the benefit of divers and sundry members of the Sixty-sixth General Assembly of Ohio, and by other corrupt means and practices, a more particular statement of which can not now be given."

The above resolution was not a "joint," but a "senate," resolution, although it undertakes to express the opinion of the General Assembly of Ohio four days prior to the passage by the house of its own resolution on the same subject. The resolution of the Ohio senate is based expressly and solely on "common report suggested and corroborated by the public press of the State without respect to party, and by a recent investigation of the house of representatives." It nowhere appears that the testimony taken by the select committee of the House was ever reported to the Senate, or otherwise subjected to its examination.

The Republican State central committee of Ohio, at a regular meeting held in the city of Columbus on the 5th day of May, 1886, preferred the charge "that the election of HENRY B. PAYNE to the Senate of the United States was secured by bribery, fraud, and corruption," and such charge is made on "the testimony taken by the committee of the Ohio house of representatives under house resolution No. 28, and from other sources."

Your committee are fully aware of the transcendent importance of throwing around the Senate of the United States the highest safeguards against seating or allowing any man to occupy a seat in that body whose title thereto was procured by bribery, fraud, or corruption. It is an undeniable public fact, causing general and serious apprehension among patriotic and thoughtful people, that in all representative governments founded on popular suffrage the indiscriminate and frequently the corrupt use of money by political parties, without exception, and their candidates, has become one of the most powerful and dangerous instrumentalities in elections. In the United States especially the power inseparable from great wealth in the hands of individuals and corporations has been, and we fear will always be, improperly and often corruptly exerted to produce successful results in elections. All parties invite, and as a rule demand, the contribution of money to control elections, and its influence has been found to be so potential that its use is generally accepted by public opinion as being indispensable and permissible to insure the success of parties and their candidates.

The charge in the case before us is made by the two houses of the General Assembly of Ohio, acting separately, and by the Republican State central committee of Ohio, that HENRY B. PAYNE obtained the seat he now occupies in the Senate of the United States by the corrupt use of money, or, to be more specific, by bribery of members of the Legislature. The gravity of the charge and the respectability and responsibility of those who make it are conceded, and your committee are deeply sensible of the obligation they are under to examine and decide the question referred to them as one of momentous public importance.

It is manifest that the charge as it comes to the Senate has its origin and support in the testimony taken by the Ohio house, under resolution No. 28, and forwarded to the Senate and printed in Miscellaneous Document No. 106.

It is equally manifest to a majority of your committee that no consideration of duty, law, justice, public policy, or propriety requires the Senate to authorize an examination into the title of a Senator to his seat upon the naked charge of the Legislature of his State that his election was procured by bribery of the members by whom he was elected, without informing the Senate of any fact or evidence or witness to establish or create reasonable ground to support the charge.

It would be unprecedented and inexplicable if any Legislature were to make such a grave charge without any preliminary examination into its truth or justification, and your committee feel constrained to believe that it is absolutely

certain that no such charge will ever be made by any Legislature without an investigation and without evidence to verify the charge; and that it is equally certain that no Legislature would request the Senate to enter upon such examination without furnishing the facts and witnesses to create a reasonable belief that the charge could be established by legal evidence if the Senate were to order an investigation. The sitting member was seated on credentials under the seal of his State showing that he had been legally and regularly elected by the Legislature of his State. These credentials were read in the hearing of the Senate and remained on the files of the Senate sufficient time to allow those who now assail the validity of the election to make their charges and ask for an investigation by the Senate.

The main facts and circumstances to which so much importance has been attached to create belief and excite suspicion that money was corruptly used in the election, and that the Senate should make the investigation, were as public and well known when Senator PAYNE was seated as they are to-day. Why were two years and over allowed to pass without question or action by those who seem now to be so confident and persistent in charging foul play in the election of Senator PAYNE? The Legislature of Ohio exercised its constitutional power of electing HENRY B. PAYNE to the Senate of the United States. The Legislature that elected him had unquestioned jurisdiction of that subject, and when the evidence of that election in the manner prescribed by the law and the Constitution is presented in the credentials under the seal of the State every presumption in favor of the validity of the election must be indulged by the Senate.

But it may be, and has been, urged that the two houses, acting separately, of another Legislature of Ohio, send us resolutions, passed in due form, in which the specific charge is made that the members of the Legislature that elected Mr. PAYNE, or some of them, were bribed with money by his friends, and that his election was produced by the corrupt use of money. It must be conceded that the two houses of the Sixty-seventh General Assembly of Ohio had no power or authority over the election or the title of HENRY B. PAYNE as United States Senator. The two houses having no jurisdiction over the subject, it is manifest that as a matter of right or authority they had no more claim upon the consideration of the Senate as to the charge contained in their resolutions than the State Republican central committee. The only difference is in the number and position of the members of the several bodies who present the charge and request an investigation. The Sixty-sixth General Assembly of Ohio had power and jurisdiction to confer upon HENRY B. PAYNE his title as a United States Senator. The only power that exists anywhere to try the validity of that title and to annul it is vested in the Senate of the United States. Would the Senate order an investigation of the title of a Senator to his seat on a charge made by any body of men, whatever might be their dignity or respectability, wholly unsupported and unaccompanied by any fact, evidence, or reason to make out the charge or to create a reasonable belief that the charge can be established and the sitting member deprived of his seat by an investigation?

A majority of your committee are constrained to believe that if such naked, unsupported charges by one man or any number of men could involve the Senate and any Senator in a trial of his right to his seat, such a precedent and practice would become an agency of persecution by the political and personal enemies of any Senator, and seriously impair the independence and standing of the Senate. No expectation was entertained by those who make the charges in the present case that they would receive a moment's consideration if presented without being accompanied by the testimony upon which the charge is founded. Then the question is, has enough proof been adduced to justify the Senate in going into a trial of the right of Senator PAYNE to his seat?

In the case before your committee an investigation was ordered as to charges against four members of the Ohio house of representatives, and although the authority of the select committee was limited to the four inculpated members, yet the select committee enlarged the scope of its examination and explored the whole field of inquiry the Senate is now requested to enter for the discovery of evidence of which your committee has no information upon which they can act, as having any real existence or legality, to make out reasonable ground for belief that the charge can be sustained by authorizing another investigation.

Your committee are of the opinion that to deprive a sitting member of the Senate of his seat, the Senate must be satisfied by legal evidence that he was personally guilty of bribery, or that he was personally connected with the bribery or the corrupt use of money to procure his election, or that he had personal knowledge of such corrupt use of money and personally sanctioned or encouraged such use thereof to insure his election. The legal effect of such personal guilt of the sitting member on his election your committee do not decide, some members being of opinion that whether it extended to the corruption of the majority of the nominating caucus or the majority of the Legislature of the State which secured his election is immaterial on the trial of the validity of his title or on the question of his expulsion, as the single personal act of bribery or other corrupt use of money by the sitting member, as stated, to procure his election, would be sufficient in the opinion of some of us to invalidate the title he claims to have acquired, and would justify his expulsion from the Senate.

Your committee are also of the opinion that, if the evidence fails to show that the sitting member was guilty of the bribery of any member of the caucus or the Legislature, or had any personal knowledge or agency in the bribery, or the corrupt use of money to secure his election, then the Senate must be satisfied by legal evidence that a sufficient number of the members of the Legislature were bribed by the friends of the sitting member to secure the votes of enough members of the Legislature to insure his election, and that without the votes thus corruptly obtained the sitting member would not have been declared elected.

It is conceded that the Democrats had a majority in the Sixty-sixth General Assembly of Ohio of thirty-six members, and that HENRY B. PAYNE was the only Democrat voted for by the members of the Legislature when he was elected to the Senate.

The charge was preferred against HENRY B. PAYNE by the senate and house acting separately in the Sixty-seventh Legislature of Ohio, which was a different Legislature from that which elected HENRY B. PAYNE, and was composed at the time the charges were made of a majority of Republicans in each house.

It is also conceded that prior to the day when the law required the Sixty-sixth General Assembly of Ohio to vote for the election of a United States Senator a caucus of the Democratic members of the Legislature was held to nominate some person for whom the Democratic members were to vote in the General Assembly, and in such caucus HENRY B. PAYNE received 46 votes, Durbin Ward received 17, and George H. Pendleton received 15 votes; and that Mr. PAYNE having received over a majority of the 79 Democrats in the caucus, he was declared nominated. The charge is that money was corruptly used by being paid to or for the use of divers members of the caucus to secure their votes, in the caucus, for Mr. PAYNE's nomination.

When your committee met to consider the matter referred to them, the first act of the committee was to comply fully with the first request of the Ohio house, and that was to make an examination of all the testimony taken by the select committee of the Ohio house of representatives under its resolution No. 28, the report of that select committee being all that was then before your committee. After several days' examination of the testimony the chairman of your committee, at our next meeting, made his report as copied in the minority report, which is, in effect, after careful reading of the testimony contained in Mis. Doc. No. 106, no evidence, opinion, or statement whatever was found personally inculpating HENRY B. PAYNE in any way in any bribery or the corrupt use of money in his election to the Senate. Neither did such examination show that enough had been found in the testimony to justify the charge that the election of Mr. PAYNE was procured by the corrupt use of money, or that there was anything in the testimony taken under the Ohio house resolution No. 28 to justify your committee in reporting in favor of a further investigation by the Senate. On the contrary, it was agreed that the testimony was insufficient to support the charge and insufficient to justify the committee in reportiug to the Senate that the title of Senator PAYNE to his seat ought to be investigated. This action met the entire demand first made by the Ohio house of representatives.

About the time that your committee considered its labors terminated, the supplemental resolutions of the two houses of the Ohio Legislature and of the Republican State central committee made their appearance in the Senate and were referred to your committee, and soon after this last reference a request was made by Hon. Mr. LITTLE, an able and distinguished lawyer and Representative of Ohio in Congress, that he be permitted to appear in person before your committee in behalf of the State Republican central committee to make known to your committee by argument and evidence that the title of Senator PAYNE to his seat in the Senate ought to be investigated. Permission was granted and full time allowed for the hearing of Mr. LITTLE. Then came another request from Hon. Mr. BUTTERWORTH, another able and distinguished lawyer and Representative from Ohio in Congress, that he be permitted to appear before your committee for the same purpose, which was granted, and full time given for the hearing of Mr. BUTTERWORTH. These distinguished Representatives explored all the sources of information that promised any supply of fact, argument, or speculation, whether the evidence was legal or mere rumor, or hearsay, found in the report of the special committee or elsewhere, to convince your committee that another investigation of the right of Senator PAYNE to his seat should be authorized by the Senate.

The able and plausible arguments of Mr. LITTLE and Mr. BUTTERWORTH were founded confessedly and almost entirely upon the evidence taken by the select committee of the Ohio house of representatives, which had been pronounced by the select committee itself as wholly insufficient to establish in the least degree any charge that had been made against the four members of the Ohio house named by the correspondent of the Cincinnati Commercial-Gazette, and which your committee had also decided was insufficient to support the charges preferred by the two houses of the Ohio Legislature on that testimony, notwithstanding the confident opinion expressed in their supplemental resolution that the testimony taken by their select committee was "ample" to establish the charge as to how Senator PAYNE's election was procured.

A majority of your committee report that the testimony taken by the select committee, under resolution No. 28, was not supplemented or strengthened by any additional legal evidence, and no new information, not contained in Miscellaneous Document No. 106, was brought to the attention of your committee that any court would not hold to be merely cumulative and speculative and of like character with that taken by the select committee of the Ohio house, and insufficient by itself, or in connection with the other testimony, and all treated as true, just as it might be shown to be if another investigation were ordered by the Senate, to justify your committee in reporting in favor of directing a trial by the Senate of the right of Mr. PAYNE to his seat.

Your committee having made a protracted and exhaustive examination of the matters referred to them, report.

First. That HENRY B. PAYNE has not been charged with having anything to do personally, or with having any personal knowledge of, connection with, or participation in any act, or anything that may have been done, or charged as having been done, that was wrong, criminal, immoral, or reprehensible in his election; that no member of your committee, and no witness, representative, or other person, has expressed the opinion or intimated any belief or suspicion that HENRY B. PAYNE is or was connected in the remotest degree, by act or knowledge, with anything that was or may have been wrong, or criminal, or immoral in his election.

Second. A majority of your committee report that on the whole case as presented to them they recommend that the Senate make no further investigation of the charge involving the right of HENRY B. PAYNE to his seat.

Your committee ask to be discharged from further consideration of the matters referred to them, and that the whole subject be indefinitely postponed.

JAMES L. PUGH.
ELI SAULSBURY.
Z. B. VANCE.
J. B. EUSTIS.

VIEWS OF MR. TELLER, MR. EVARTS, AND MR. LOGAN.

Upon undisputed facts it appears that of the General Assembly of Ohio, as in session and constituted in January, 1884, each house contained a majority of members of the Democratic party; that at a joint caucus of that party held on Tuesday, January 8, upon the first ballot, votes were cast, for Mr. Booth, 1 vote; for Mr. Pendleton, 15 votes; for Mr. Ward, 17 votes; and for Mr. PAYNE, 46 votes; thus showing a majority in the caucus of 13 for Mr. PAYNE over the united vote of all the other candidates. In regular conduct of the election of Senator by the Legislature, Mr. PAYNE was elected, and his credentials were received by the Senate of the United States at the session of March, 1885, and Mr. PAYNE since then has held, and now holds, a seat as Senator from Ohio in this body. No action was taken by or before the Legislature which elected Mr. PAYNE calling in question the validity of his election or the conduct of the same in the canvass, the caucus, or the Legislature itself.

A new Legislature, as in session and constituted in January in the present year, showed a majority of the General Assembly of the Republican party, and on the 13th day of January the house of representatives adopted the following resolution:

"Whereas the Cincinnati Commercial-Gazette of January 12, 1886, contains a printed statement, on the authority of S. K. Donavin, alleging grave charges against the official integrity and characters of members of this house, namely, Hon. D. Baker, Hon. P. Hunt, Hon. W. A. Schultz, and Hon. Mr. Zeigler, so definite and precise in statement as to call for immediate action in order to vindicate the reputation of members of this House: Therefore,

"*Resolved*, That a select committee of five be appointed to inquire into all the facts of the charges so alleged, and report their conclusions to this House at as early a date as possible; and in the prosecution of this inquiry said select committee are empowered to send for persons and papers, and to examine witnesses under oath."

The select committee commenced the taking of testimony, under this inquiry, on the 20th January, and concluded the same on the 6th April last. Two reports were made to the house, one presented by a majority of 3, and the other by the minority of 2. On April 16 the House adopted the following resolution:

"*Resolved by the house of representatives of the Sixty-seventh General Assembly of the State of Ohio*, That the clerk of the house be, and he is hereby, directed to transmit a copy, duly authenticated, of the testimony taken by the select committee appointed in pursuance of house resolution No. 28, and the report of said committee to the President of the United States Senate, to be by him presented to that body."

The President *pro tempore* of the Senate laid before the Senate the testimony and reports, and the same were referred to the Committee on Privileges and Elections.

The majority report of the committee of the Ohio house presented as their "conclusion" the following statement:

"Although, as stated in the outset, the testimony developed nothing of an inculpating character concerning the members of this house named in the resolu-

tion of inquiry, we believe that circumstances surrounding the election of HENRY B. PAYNE as one of the Senators to represent the State of Ohio in the Congress of the United States, as presented by the testimony, are such as to warrant us in recommending that an authenticated copy of the testimony and report be transmitted to the President of the United States Senate for the information of the body of which Senator PAYNE is a member, and for such action as it may deem advisable."

The minority report presented as their conclusion the following statement:

"The minority of your committee therefore find, in conclusion, that there has been no testimony going to show that any unusual or improper methods were resorted to by any person with any member of the Sixty-sixth General Assembly to induce them to support, or that any member was unduly influenced to support, Hon. HENRY B. PAYNE for either his nomination or election to the United States Senate."

It appears that when the select committee of the Ohio house of representatives was entering upon the inquiry before them the following correspondence took place between Mr. PAYNE and Mr. Cowgill, the chairman of the select committee, and that Mr. PAYNE was never advised by the committee that "any testimony tending to inculpate him in any degree with any questionable transaction" had been received or any opportunity was afforded him of appearing before the committee:

UNITED STATES SENATE,
Washington, D. C., January 22, 1886.

SIR: As one branch of the General Assembly has appointed a special committee, of which you are the chairman, to investigate the conduct of the Democratic caucus which in January, 1884, nominated a candidate for United States Senator, and as the matter is thus raised to the plane of respectability, and placed in charge of intelligent and honorable gentlemen, I propose to give it appropriate attention. For myself, I invite and challenge the most thorough and rigid scrutiny. My private correspondence and books of account will be cheerfully submitted to your inspection if you desire it. I only insist, in case any testimony is given which in the slightest degree inculpates me, I may be afforded an opportunity of appearing before the committee.

I am, very respectfully, your obedient servant,

H. B. PAYNE.

Hon. THOMAS A. COWGILL,
Chairman, Columbus, Ohio.

COLUMBUS, OHIO, *January* 25, 1886.

SIR: I acknowledge the receipt of your favor of the 22d instant, wherein you note the fact that a special committee of the Ohio house of representatives has been appointed to investigate the conduct of the Democratic caucus which in January, 1884, nominated a candidate for United States Senator, and you also declare that you propose to give the investigation appropriate attention.

In reply, I have to say that the resolution to which you refer recites the fact that allegations of bribery, published on authority of S. K. Donavin, are of so grave and positive character as to call for immediate action in order to vindicate the reputation of members of the present General Assembly. It directs the special committee to "inquire into all the facts of the alleged bribery, and report their conclusions thereon to the house."

If in the prosecution of this inquiry any testimony tending to inculpate you in any degree with any questionable transaction be received, I assure you that your request to appear before the committee in such event will be most cordially and fully acceded to.

Very respectfully,

THOMAS A. COWGILL,
Chairman.

Hon. H. B. PAYNE,
United States Senate, Washington, D. C.

Instead of attempting a selection or summary of the testimony transmitted to the Senate by the Ohio house of representatives, for the illustration or support of our views and conclusions as to the proper disposition of the matter referred to the Committee on Privileges and Elections, we have thought it eminently just to accept as the basis of our observations the two careful and intelligent presentations of the testimony to the Ohio house of representatives by the majority and minority reports of the select committee.

Your committee were addressed by two honorable members of the House of Representatives from Ohio, Mr. LITTLE and Mr. BUTTERWORTH, in exposition and enforcement of the testimony, and of the just rules and principles which should govern your committee in their disposition of the matter before them. Subsequently, and while the committee was deliberating upon the case, as submitted to them, these honorable gentlemen placed before your committee certain suggestions in the nature of corroborative or cumulative evidence, which we append, with the majority and minority reports to which we have referred, to accompany our report. These supplementary suggestions we have justly given this prominence to, as indicating in nature, if not in substance, what might be shown in testimony if an investigation should be entered upon by the Senate.

The only constitutional rights, powers, and duties which can sustain, or properly induce, an investigation such as is presented for the consideration of the Senate by the honorable house of representatives of the State of Ohio, arise from two separate and independent clauses of the Constitution:

By the first clause of section 5 of Article I of the Constitution each House of Congress is made "the judge of the elections, returns, and qualifications of its own members."

By the second clause of the same section each House may, "with the concurrence of two-thirds, expel a member."

As these two ends alone limit the basis and object of any investigation proposed, either for invalidating the election of a Senator or expelling from the Senate a duly elected and qualified member of it, a scrutiny of the grounds, in fact, upon which such action is demanded, in any case arising, from the Senate, requires an ascertainment whether the scope of the proposition and the testimony, presented or reasonably assured, would justify the ultimate action of the Senate under one or the other of these clauses of the Constitution. We do not understand that the house of representatives of Ohio presents any case upon the testimony taken or imagined to be accessible to any investigation by the Senate, or upon any allegation of the existence of facts suspected, though not probable, as would affect Mr. PAYNE with such personal delinquency or turpitude as would invite or tolerate his expulsion from the Senate for his participation in the transaction which resulted in his election. The examination of the testimony suggests no support for such an imputation, and the course of the select committee in not giving Mr. PAYNE an opportunity to be heard before them precludes any intimation that such a notion was entertained for a moment by that committee or the Ohio house of representatives.

We do not understand that any member of the Committee on Privileges and Elections has harbored or expressed the idea that the testimony taken, or suggested as accessible or possible, touches the subject of this personal inculpation of Mr. PAYNE. We shall, therefore, confine our further discussion of the matter, as presented for the investigation or action of the Senate, to the question arising upon the validity of Mr. PAYNE's election and the declaration of his seat in the Senate vacant for such cause.

It is, no doubt, supposable that an election may be vitiated by fraud, corruption, and bribery without the member unseated being accused even of personal participation in the fraud, corruption, or bribery, by which his election was compassed. If the election is thus vitiated, the member's seat can not be saved by his personal exculpation and vindication. The integrity of the election, and not of the member, is in question under this clause of the Constitution.

But, on the same reason, the investigation, which now deals with the election as vitiated, and not the member as innocent, must reach the proof that the fraud, corruption, or bribery embraces enough in number of the voting electors to have changed, by these methods, the result of the election. If these corrupted votes gave the innocent member his seat, the deprivation of these corrupted votes vacates his seat, however innocent he is. But, if the uncorrupted votes were adequate to his election, and he is purged from complicity in the fraud, corruption, or bribery, his seat is not exposed to any question of validity in the election.

Upon a reference to the testimony presented by the Ohio house of representatives, and sifted and emphasized by the select committee's majority and minority reports, we are able to ascertain the number of members of the General Assembly of Ohio that have been brought into inculpation, the degree and weight of evidence affecting each of them, and the conclusions of these two committees as to what had been proved, or could be expected to be proved, as bearing upon each of these members.

As to four members, namely, Messrs. Baker, Hunt, Schultz, and Ziegler, being the members of the house of representatives of 1886 upon charges against whom the general investigations were set on foot, we find the committee, by the majority report, declare that "the testimony developed nothing of an inculpating character concerning the members of this house named in the resolution of inquiry." The minority report express their conclusions to the same effect, as follows:

"That there has been absolutely nothing found in any way compromising the four members charged, and they are wholly exonerated from the charges made, and stand to-day without the shadow of a suspicion attaching to them in regard to conduct unbecoming members of this house."

As to two members of the house, namely, Mr. Kahle and Mr. Hull, the majority report names them as "two instances in which attempted bribery in the Senatorial canvass was reported by members of the Sixty-sixth General Assembly," and sets forth, as the report expresses it, "the testimony taken as to what those members reported" "in brief." Both Mr. Kahle and Mr. Hull were active and earnest supporters of Mr. Pendleton in the canvass, and so continued to the end, voting for Mr. Pendleton in the caucus and in the Legislature. The evidence respecting these two members, as given or commented upon by the majority and minority reports, we refer to, conformably to our declared purpose, without attempting any observations of our own upon the testimony. For the immediate consideration now presented, it is sufficient to say, that no diversion from Mr. Pendleton's support to Mr. PAYNE's was effected as to these two electors.

The select committee names in the majority report two senators and two representatives, and speaks of them as follows:

"Rumors as to suspected bribery with which were connected the names of Messrs. Mooney and Roche, members of the house, and Messrs. White and Ramey, members of the senate, of the Sixty-sixth General Assembly, all of whom voted in caucus for HENRY B. PAYNE for United States Senator, were traced by the committee until developments, which were regarded as important, were reached, as follows"—

Giving the testimony bearing upon each, as viewed by the majority of the committee. The minority report takes up the case of each of these members, and comments upon the evidence which it adduces from the testimony, and declares as to each of them that the testimony justifies no imputation upon any one of them. We again, without any observations of our own on the evidence, refer to the majority and minority reports on this topic.

It is proper that we should call the attention of the Senate to the very explicit and candid statement of the majority report, as to the reach and scope which were given to the investigation, and of the distinction drawn between the testimony at large and the report itself, as the latter containing "no facts" "which are not sustained by testimony upon which a legislative body might base further action." This report says:

"Whenever our attention was called to anything which indicated the probable employment of improper means to gain support, we followed the clews presented, on the theory that we were not only authorized but in duty bouud to pursue any matter that promised even remotely to show the use of such means in connection with the election, because the discovery of one important fact, although having no immediate bearing upon the charge against the persons named in the resolution, might lead to the discovery of facts having such bearing. And furthermore, and upon the same theory, our inquiries were not confined to the technical rules of legal proof, but the committee availed itself of any source of information—admitted hearsay statements, and even the opinion of witnesses. But we consider that in making this report no facts should be stated which are not sustained by testimony upon which a legislative body might base further action."

The minority report thus speaks of the completeness of the investigation instituted by the committee:

"Your committee, in its anxiety that nothing, however trivial and remote, that might have, either directly or indirectly, any possible bearing on the matter under consideration, have exercised the greatest liberality possible in the taking of testimony, which has extended the scope of its inquiry far beyond the limits that could be given the most liberal construction of the resolution."

As the result of this wide investigation it does not appear that the select committee recommended any action by the Legislature looking to a further investigation, or to the incrimination or punishment in the courts of law of any persons named in the report, nor that the Legislature itself has proposed any action in such directions or either of them. Indeed, the whole recommendation of the committee to the House of Representatives is in these words:

"That an authenticated copy of the testimony and report be transmitted to the President of the United States Senate for the information of the body of which Senator PAYNE is a member, and for such action as it may deem advisable."

In pursuance of this recommendation the house of representatives communicated to the Senate the testimony taken and the reports of the committee, which are before the Committee on Privileges and Elections. The only action taken by either house of the General Assembly of Ohio since, that has been brought to the attention of the Senate or of its committee, is shown in a resolution of the senate of Ohio, and one of the house of representatives, as follows:

Senatorial election in Ohio.

[Senate resolution—Mr. Hardacre—No. 58.]

Whereas by common report, suggested and corroborated by the public press of the State without respect to party and by a recent investigation of the house of representatives, the title of HENRY B. PAYNE to a seat in the United States Senate is vitiated by corrupt practices and the corrupt use of money in procuring his election; and

Whereas it is deemed expedient, in order to secure a thorough investigation of his said election as Senator by the United States Senate, that the belief of the General Assembly in this regard be formulated in a specific charge: Therefore,

Be it resolved, That in the opinion of the General Assembly, and it so charges, the election of HENRY B. PAYNE as Senator of the United States from Ohio, in January, 1884, was procured and brought about by the corrupt use of money, paid to or for the benefit of divers and sundry members of the Sixty-sixth General

Assembly of Ohio, and by other corrupt means and practices, a more particular statement of which can not now be given.

Resolved, That the Senate of the United States be, and the same is hereby, requested to make a full investigation into the facts of such election so far as pertains to corrupt means used in that behalf.

Resolved, That the governor be, and is hereby, requested to forward a copy thereof to the President of the Senate of the United States.

I hereby certify that the foregoing is a true and correct copy of said resolution, as the same appears upon the senate journal of Friday, May 14, 1886, after being changed from a "joint" to a "senate" resolution, and adopted by the senate.

C. N. VALLANDIGHAM,
Clerk Ohio Senate.

[H. R. No. 89.—Mr. Brumback.]

Whereas it is the precedent in the United States Senate that charges of bribery must be directly made to warrant a committee of said body in proceeding to investigate the title of any United States Senator to his seat: Therefore,

Be it resolved by the house of representatives of Ohio, That in the investigation made under house resolution No. 28 ample testimony was adduced to warrant the belief that the charges heretofore made by the Democratic press of Ohio are true, to wit: That the seat of Henry B. Payne in the United States Senate was purchased by the corrupt use of money; and

Further resolved, That the honor of Ohio demands, and this house of representatives requests, that the said title of HENRY B. PAYNE to a seat in the United States Senate be rigidly investigated by said Senate; and

Further resolved, That the governor of Ohio be requested to forward a copy of this resolution to the President of the United States Senate.

IN HOUSE OF REPRESENTATIVES.

Adopted May 18, 1886.
Attest: DAVID LANNING, *Clerk.*

Upon the whole matter as presented, in evidence and argument, to the Committee on Privileges and Elections, we are of opinion that there is no evidence which purports to prove that fraud, corruption, or bribery was employed in the election of Mr. PAYNE affecting the votes, given either in the caucus or in the Legislature, whereby the election was carried by corrupt votes to the effect of his election. Nor, in our opinion, is there any allegation that proof exists or would be forthcoming to the extent that would vitiate the election of Mr. PAYNE by reason of the necessary votes, in caucus or in the Legislature, for his election, having been obtained by fraud, corruption, or bribery.

We are of opinion, therefore, that under the first clause of the fifth section of Article I of the Constitution the testimony and other considerations placed before the Senate do not warrant the Senate in instituting by itself an investigation looking to the unseating of Mr. PAYNE as a member of the Senate.

We have, in our conclusions, made no distinction between the use of fraud, corruption, or bribery in a caucus vote or in the legislative vote for a Senator. Although a caucus, or what proceeds in it, has no constitutional or legal relation to the election of a Senator, yet, by the habit of political parties, the stage of determination as to who is to be elected Senator, and the influences, proper or improper, that produce that determination, is that which precedes and is concluded in the caucus. So far as the question of personal delinquency or turpitude is concerned, no moral distinction should be taken between corrupt proceedings in caucus and those in the Legislature. How far any such distinction would need to be insisted upon, in any case, on the question of unseating a Senator, where he himself was not affected with any personal misconduct or complicity with the misconduct of others, we have no occasion, in the immediate case or present attitude of the subject, to consider or suggest.

At the outset of our observations we stated the limits which properly should control the action of the Senate, under the applicable clauses of the Constitution, and by the same reason the ends which should be proposed in its investigations and to which they should be confined. It is obvious that the province and duty of a State, in its investigations of fraud, corruption, and bribery in an election of Senator, are much more extensive. A State is not confined at all to the question whether the actual election brought in question involves the Senator personally in misconduct, or whether enough votes for him were affected by fraud, corruption, or bribery that would require his seat to be vacated, although himself free from imputation.

The State should execute its laws respecting the purity of Senatorial elections, by the indictment and conviction of a single person who bribes or is bribed, whether the election is affected or not. The State should investigate as well to the end of better laws and surer execution of the laws. The State, too, is charged with the maintenance of "the honor of Ohio," and its vindication rests with its own legislation, its own judiciary, and its own people, but it can not demand this vindication at the hands of the United States Senate, except as that may flow from investigations by that body within the limits of its constitutional powers and duties.

That State has conducted and concluded its investigations into the election of Mr. PAYNE, and has placed the result before the Senate of the United States. It has attempted no further investigations either by the plenary power of its Legislature, or through the functions of the courts of law. If, upon further examinations made by the State, through its Legislature or its courts, a case should be presented for renewed consideration by the Senate, within the rules and principles we have stated as governing the action of the Senate, the further action of the Senate will be governed by what may then appear. As the whole matter now stands before the committee, we concur in its judgment that an investigation should not be instituted by the Senate, and the committee be discharged from the further consideration of the subject, and for the reasons which we have thus given.

H. M. TELLER.
WM. M. EVARTS.
JOHN A. LOGAN.

VIEWS OF MR. HOAR AND MR. FRYE.

The undersigned can not concur with the report of the majority.

The senate and house of representatives of the State of Ohio and the Republican State committee, representing the political party which for much the larger portion of the last thirty years has contained a majority of the voters of that State, have each addressed a memorial to the Senate charging that the election of the sitting member was procured by bribery and corruption and praying the Senate to cause an investigation into said charges. Two gentlemen of high character and position, Messrs. LITTLE and BUTTERWORTH, both now members of the other House from the State of Ohio, the former lately attorney-general of that State, appeared before the committee, declared their personal belief in the truth of the charge, asserted that in their opinion the belief is entertained by a large majority of the people of Ohio of both political parties, and asked to be permitted to lay before the committee evidence to support it. Besides Messrs. LITTLE and BUTTERWORTH eight of the Ohio delegation in the House add their earnest request to the same effect, affirm that the investigation is demanded by a large majority in number and influence of the press of the State, say that additional testimony is in the possession of Messrs. LITTLE and BUTTERWORTH, and express their belief that "if opportunity is offered the charges of the Ohio senate will be sustained by testimony to your full satisfaction."

Before the memorials above referred to were presented, there had been presented to the Senate for its information the evidence taken by a committee of the house of representatives of Ohio, who were directed to investigate charges of corruption in said election against four members of the present house of representatives of Ohio, being the only members of the Legislature who made the election against whom allegations of bribery were made who have been continued in the public service, and the conclusions of the committee upon said evidence. Messrs. LITTLE and BUTTERWORTH also produced certain affidavits and letters stating confessions of persons implicated, and pointing out other sources where evidence would probably be obtained if lawful authority should be given by the Senate to procure it.

We think this presents a case where it is the duty of the Senate to permit the petitioners to present their evidence and to authorize the issue of proper process to aid them in procuring the attendance of witnesses.

The Constitution declares that "each House shall be the judge of the elections, returns, and qualifications of its members." The Senate is the only court which has, or under the Constitution possibly can have, jurisdiction of this question. There can be no trial, inquiry, or adjudication anywhere else to which this inquiry is not totally foreign and immaterial." The courts in Ohio may exercise jurisdiction of the offense of bribery of or by an individual. But the question whether the result of an election of Senator was thereby changed can never be before those courts. Either house of the Legislature may inquire as to the personal turpitude of its own members. But the action which may result from such investigation must be precisely the same, whether other persons also were or were not corrupted, and whether the choice of Senator were or were not affected.

As the Senate is the only court that can properly try this question, so the charge is made, if not in the only way it can be made, yet certainly in the way beyond all others in which it can be made with most authority. The Legislature of Ohio is the representative of the dignity, interest, and honor of the State. It appoints the Senators of the United States, and if a vacancy in the office exists it must fill it. It is supported in this charge by the committee who are, under our political customs, the organ of more than half the voters of the State concerned.

For the Senate to refuse to listen to this complaint so made would, it seems to us, be, and be everywhere taken to be, a declaration that it is indifferent to the question whether its seats are to be in the future the subject of bargain and sale, or may be presented by a few millionaires as a compliment to a friend. No more fatal blow can be struck at the Senate or at the purity and permanence of republican government itself than the establishment of this precedent.

But the case does not rest alone upon the charge and the character of the parties who make it, and who ask to be permitted to produce evidence in its support. If it did, it in our judgment would be enough. It is surely a strange answer to be given by a court to a suitor to say that it has already considered the question and decided the case before it is presented.

But the petitioners adduce strong reasons to show probable cause that they can establish their case. The testimony taken by the committee in Ohio has been referred to us. Our attention has also been called to evidence pointing to a large mass of additional testimony. The committee of the Ohio house had power only to inquire into the conduct of four members of that body. They report that—

"A number of clews furnished were not followed, because we were convinced that they could lead only to points at which further pursuit would become necessary, but which could not be passed without authority to reach beyond the limits of the State for witnesses, and much anonymous information was ignored by the committee chiefly for the same reason."

We have examined the evidence taken by that committee. It does not support the charges as to the four members implicated; it does not connect Mr. PAYNE with the transactions; it does not show that the result was changed or effected by corrupt means. But it does show that Mr. PAYNE's name was not publicly suggested as a candidate for Senator until after the State election; that it was not very prominently suggested until shortly before his election in January; that many persons who had been supposed to favor Pendleton voted for PAYNE; that there was a widespread belief that corrupt means were used to procure the result; that one member was offered a large sum of money by another member to vote for PAYNE; that there were hearsay statements charging corruption as to several others; that two members of the Legislature received large sums of money about the time of the election, of which they, being called as witnesses, gave no satisfactory account; that the prominent managers of Mr. PAYNE's canvass, namely, Paige, McLean, Huntington, and Oliver H. Payne, did not testify before the committee. There was no evidence tending to show the bribery of any particular member, except as above stated.

When we say it was not shown that the result was changed or effected by corrupt means we are speaking of direct testimony. But the consideration should not be forgotten that where persons familiar with the whole case would be quite sure to know whether such means were needful to change the result, or whether their candidate would be elected without it, if they are found expending large sums of money corruptly the fact alone affords strong reason for the inference that the result was thereby controlled. But the result of the investigation in Ohio seems to the undersigned absolutely unimportant. That committee, while they took a wider range of inquiry than the matter committed to them, neither had, nor conceived they had, any power to inquire into Mr. PAYNE's title to his seat. They issued no process extending beyond the limits of Ohio. They report no conclusion, except as to the four members. When witnesses refused to answer they did not press them. They went beyond the scope of the resolution appointing them only, as they say, "to gain something like a comprehensive view of the situation."

The Ohio senate of 1883-'84 contained 33 members. Of these 22 were Democrats and 11 Republicans. The house contained 105 members, of which 60 were Democrats and 45 Republicans. The members entitled to vote on joint ballot were 138 in all, 82 Democrats and 56 Republicans. Eighty-two persons were entitled to vote in the Democratic caucus, of whom 42 were a majority. Seventy-nine persons actually attended that caucus, of which 40 were a majority. Is there fair reason for instituting an inquiry whether the result of the election was procured by bribery? We think that the character of the persons making the charge is of itself sufficient to require the Senate to listen to it. But they produce a great body of evidence all pointing in the same direction.

We are not now to consider whether the case is proved, or even whether there be a *prima facie* case. There has as yet been no evidence laid before us addressed to either of these considerations. That can not be done without the issue of process for the attendance of witnesses. Messrs. LITTLE and BUTTERWORTH now offer, on their personal responsibility, to establish to the satisfaction of the Senate, largely by witnesses who were not within the reach of the Ohio committee, and partly by evidence which strengthens, supplements, and confirms that which was before that committee, the following among other propositions:

First. That of the Democratic members elected to the Sixty-sixth General Assembly more than three-fourths were positively pledged to Mr. Pendleton and General Ward, and more than a majority pledged to Mr. Pendleton. This they offer to prove by Mr. Pendleton himself, by Col. W. A. Taylor, and others.

Second. That in these pledges these members represented the opinion and desire of their constituents.

Third. That Mr. PAYNE was nowhere spoken of or known as a candidate during the popular election or until a very short time before the appointment of Senator.

Fourth. That just before the legislative caucus, where the nomination was made, which was one week before the election, large sums of money were placed

by Mr. PAYNE's son and other near friends of his at the control of the active managers of his canvass in Columbus. This they allege can be shown by the books of one or more banks.

Fifth. Mr. PAYNE's near friends declared that his election has cost very large sums.

A gentleman whose name is offered to be given will testify that David R. Paige declared to him that he had handled $65,000.

Oliver B. Payne stated to the same person that it had cost him $100,000 to elect his father.

Sixth. That the members of the Legislature who changed from Pendleton to PAYNE did so after secret and confidential interviews with the agents who had the disbursement of these moneys.

Seventh. That members of the Legislature who so suddenly changed their attitude can be proved to have, at about the time of the change, acquired large sums of money, of which they give no satisfactory account.

Eighth. Respectable Ohio Democrats affirm that just before the caucus the room of Mr. PAYNE's manager, Paige, "was like a banking house," that "the evidence of large sums of money there was abundant and conclusive," that Paige's clerk declared in the presence of a gentleman of integrity that "he had never seen so much money handled in his life."

Ninth. That the public belief that the choice of Senator was procured by the corrupt use of money prevails almost universally in Ohio among persons of both parties, which finds very general expression in the press.

Tenth. That there is specific proof leading with great force to the conclusion that each of ten members will be shown to have changed their votes corruptly, and thereby that the result was changed.

The Senate has also recently referred to the committee certain resolutions adopted by a convention of the Republican editors of Ohio, held at Columbus July 8, 1886, praying the Senate to investigate these charges. The newspaper reports of the convention show that the governor of the State was present at the convention and declared his concurrence in said prayer. There have also been communicated to us extracts from the Democratic newspapers of Ohio, showing that a majority of those papers have declared their opinion that the election was procured by corruption. Copies of these extracts are appended.

What is the effect upon an election of Senator of bribery of voters in a caucus of the legislators who are to make the choice, is a question upon which we prefer not to form an opinion until the evidence is before us. The members of a caucus ordinarily deem themselves bound in honor to vote in the election for the person whom it nominates, by the vote of a majority, on condition that such person belong to their party, and is fit for the office in point of character and ability. Bribery, therefore, which changes the result in the caucus, would ordinarily determine the election.

If B, C, and D have promised to vote as A shall vote, if A be corrupted four votes are gained by the process, although B, C, and D be innocent. In looking, therefore, to see whether an election by the Legislature was procured or effected by bribery, it may be very important to discover whether that bribery procured the nomination of a caucus whose action a majority of the Legislature were bound in honor to support. Seventy-nine persons attended the Senatorial caucus and voted on the first ballot. Of these Mr. PAYNE had the votes of 46, Ward 17, Pendleton 15, Booth 1. If 6 only of Mr. PAYNE's votes in the caucus were procured by bribery, the result of the election of Senator was clearly brought about by that means. Now, Messrs. LITTLE and BUTTERWORTH tender specific proof, part of which was before the Ohio committee and part here offered for the first time, directly and very strongly tending to create the belief as to each of 10 of the members of the Ohio Legislature that his vote for Mr. PAYNE was purchased, and that proper process and inquiry will establish the fact by competent and sufficient evidence.

One member, after the caucus, deposited $2,500 in two amounts, and being charged that it was the price of his vote did not persist in a denial.

Another, who changed to PAYNE, just before the caucus stated to a colleague that he was offered $5,000 to vote for PAYNE, and intended to accept it, and tried to induce his colleague to do the same. That person's wife just afterward deposited $2,500 in a bank in Toledo, took a certificate therefor, which she transferred to her husband.

Another who is claimed to have changed suddenly from Pendleton to PAYNE is found making, soon after, expenditures amounting to $1,600 with his own money on land, the title to which was taken in the name of his father, who paid $2,000 for it about the same time. The father and son lived together in the same house. The son testified that he did not know where the father got the money to pay the $2,000. The father refused to state where he got his $2,000, and said he did not know where the son got the $1,600, and if he did he would not tell. The same member also made other large payments of money about the same time.

Another, who had to borrow money when he went to Columbus, and changed suddenly from Pendleton to PAYNE, was shown just after the election to be in possession of money to purchase property, refurnish his house, &c. He was denounced by another member as having sold his vote. He turned exceedingly sick, made no denial, and was taken away. Two others, elected as anti-monopolists, became supporters of Mr. PAYNE and were heard discussing together the amount of money each had received. Another, who had before been for another candidate, but voted for Mr. PAYNE, received from Oliver B. Payne $3,500, which he said was a loan. Another, according to affidavits produced by Mr. LITTLE, was declared by a fellow-member to be claiming $3,500 for his vote. Another, who had been very earnest in support of Pendleton, visited the room of Mr. PAYNE's managers, where the large sums of money are alleged to have been seen, and immediately afterward voted for Mr. PAYNE.

The committee received this communication from Messrs. Little and BUTTERWORTH in addition to the statements made by them at the hearing:

DEAR SIR: Since our appearance before your committee the last time, we have received information, deemed by us important, bearing upon the question of investigation, and desire to indicate its general character.

First. We have information, regarded trustworthy, that a member of the Sixty-sixth General Assembly, one of the sudden converts to PAYNE, with meager means and without financial credit prior to January, 1884, was able to and did deposit in bank to his own credit shortly after the election, to wit, February 13, 1884, $1,330, besides showing other signs of prosperity not accountable for in ordinary ways.

Second. We can show by a witness whose credibility will not be questioned that just prior to the meeting of the caucus at which Mr. PAYNE was nominated he (witness) was, in the interest of PAYNE, summoned by telegraph to Columbus. He went, and was asked by PAYNE's managers what sum of money would be required to withdraw the vote of the representative of his (witness') county from Pendleton and give it to PAYNE. The question was squarely and seriously addressed to witness: "How much money does he (the representative) want?"

Third. We have from reliable sources additional information of a convincing nature pointing to bribery, consisting of conversation, statements, and admissions of implicated members and others, which we are not at liberty to state more explicitly in this communication, owing to the conditions under which the information is imparted, but which, with the other matters referred to, we can verbally communicate to you in more particular form if desired.

In the line of matter heretofore submitted we deem it worth while to give this additional instance:

Fourth. We quote from a letter in our possession from a responsible person in Ohio, omitting names:

"Our representative, ——, had been elected as a Pendleton man, and had agreed —— to support Pendleton. A few days before the caucus it was whispered that '—— *had been seen*,' and that he would vote for PAYNE. A telegram was at once sent from here to —— (the member) by leading Democrats, warning him against such a course, and —— and others at once went to Columbus and saw the member. He hooted at the idea that he would vote for PAYNE. —— assured Pendleton that the member would support him. —— then came home feeling confident that the member would not disappoint him."

This member was interviewed in the presence of a friend of Mr. Pendleton, and asserted his devotion to him, but was suspected and watched. As the hour of the caucus approached it was noticed that he was not present. The friend of Mr. Pendleton went to his room for him. We quote further:

"He found him in company with one of the men who handled the 'boodle,' and he was much embarrassed by ——'s presence. But he went to the caucus with ——, and on the way again asserted his allegiance to Pendleton. If I remember correctly, —— said they had printed ballots for both candidates, and that he gave —— (the member) a Pendleton ticket. But when the vote was taken —— (Pendleton's friend) observed that —— (the member) wrote something on a piece of legal-cap and then tore it off. He afterward discovered that —— (the member) put in the hat the same piece of paper; and then —— (Pendleton's friend) went to ——'s (the member's) desk and tore off a piece of the legal-cap large enough to include the small piece torn off by —— (the member). I think —— (Pendleton's friend) was one of the tellers. At any rate, he got the ballot which fitted the piece of legal-cap, and which —— had voted, and found that PAYNE's name was on the ballot."

This member was thereupon charged by the Democratic county paper of his county with betrayal, &c.

We do not question that the facts can be shown substantially as indicated with respect to the member referred to.

Should this information not be used names and means of identity placed on record would or might lead to annoyances for no purpose. They are, therefore, not here given.

Your committee, we will venture to add in conclusion, will not overlook the fact that our showing, made in the face of a most persistent and powerful opposition of unlimited means and expedients, has been one for an investigation, and not final action following an investigation.

Very respectfully,

JOHN LITTLE.
BENJ. BUTTERWORTH.

Hon. GEORGE F. HOAR,
Chairman of the Committee on Privileges and Elections,
United States Senate.

It is said that much of this is hearsay and that taken together it is insufficient to establish a case which will overcome the presumption arising from the certificate of election. We are not now dealing with that question. The Senate is to determine whether there is probable cause for an inquiry. Any man who lays a claim to any property, real or personal, may institute his process at pleasure, and compel the courts to hear and try the cause. Even a criminal accusation requires only the oath of the accuser, who is justified, if he have probable cause.

It will not be questioned that in every one of these cases there is abundant probable cause which would justify a complaint and compel a grand jury or magistrate to issue process and make an investigation. Is the Senate to deny to the people of a great State, speaking through their Legislature and their representative citizens, the only opportunity for a hearing of this momentous case which can exist under the Constitution? We have not prejudged the case, nor do we mean to prejudge it. We sincerely trust that the investigation, which is as much demanded for the honor of the sitting member as for that of the Senate or the State of Ohio, may result in vindicating his title to his seat and the good name of the Legislature that elected him.

But we can not consent to be accomplices in denying justice to either. We do not believe the American people will be satisfied that the Senate should refuse to hear this case either on the ground that some other tribunal has tried some other case, or on the ground that it has already been decided without hearing or evidence, or on the ground that a bribe paid for a vote in a legislative caucus is not understood by both parties to include a vote in the Legislature for the candidate of that caucus.

How can a question of bribery ever be raised or ever be investigated if the arguments against this investigation prevail? You do not suppose that the men who bribe or the men who are bribed will volunteer to furnish evidence against themselves. You do not expect that impartial and unimpeachable witnesses will be present at the transaction. Ordinarily, of course, if a claim like this be brought to the attention of the Senate from a respectable quarter that a title to a seat here was obtained by corrupt means, the Senator concerned will hasten to demand an investigation. But that is wholly within his own discretion, and does not affect the due mode of procedure by the Senate. From the nature of the case the process of the Senate must compel the persons who conducted the canvass and the persons who made the election to appear and disclose what they know; and until that process issue, you must act upon such information only as is enough to cause inquiry in the ordinary affairs of life.

The question now is not whether the case is proved—it is only whether it shall be inquired into. That has never yet been done. It can not be done until the Senate issues its process. No unwilling witness has ever yet been compelled to testify; no process has gone out which could cross State lines. The Senate is now to determine, as the law of the present case and as the precedent for all future cases, as to the great crime of bribery—a crime which poisons the waters of republican liberty in the fountain—that the circumstances which here appear are not enough to demand its attention.

It will hardly be doubted that cases of purchase of seats in the Senate will multiply rapidly under the decision proposed by the majority of the committee. The first great precedent to constitute the rule under this branch of law is to be this:

Held, by the Senate of the United States, that a charge made by the Legislature of a State, and by the committee of the political party to which the larger number of its citizens belong, and by ten of its Representatives in Congress, that an election of Senator was procured by bribery, accompanied by the offer to prove the fact, does not deserve the attention of the Senate, and this, although it also appear—

That there is a general and widespread public belief in the truth of the charge; that there was a sudden and unexpected and unaccounted for change to the sitting member from another candidate to whom a majority of the electing body had been previously pledged; that large sums of money were brought to the place of election just before the choice by the managers of the canvass for the person elected; that there is evidence tending to show the bribery of several members, and the acquisition by others, who so changed their support, of considerable sums of money immediately after such change, affect at least ten members of said legislature; that a change by corrupt means of the votes of six persons would have changed the result in a legislative caucus, and thereby bound and committed the vote in the Legislature of eighty-two persons, who wer a large majority of such Legislature.

Provided it also appear that one branch of a subsequent Legislature of the same State have, in investigating charges against four of their members, incidentally inquired into charges against other persons so far as they could without compelling unwilling witnesses to answer, without use of process extending beyond their State, and "without following out many clews which they did not follow because they were convinced that they would lead only to points of which further pursuit would become necessary."

We recommend the adoption of the accompanying resolution:

Resolved, That the Committee on Privileges and Elections, or any subcommittee thereof, be authorized to investigate the charges affecting the title to the seat of the Hon. HENRY B. PAYNE, and to send for persons and papers, administer oaths, and employ a clerk and stenographer, and to sit during the recess of the Senate; and that the expenses of the investigation be paid out of the contingent fund of the Senate.

GEORGE F. HOAR.
WM. P. FRYE.

Report made by Mr. HOAR, chairman of the committee to the Committee on Privileges and Elections.

I have examined the evidence forwarded by the house of representatives of Ohio.

The investigation was under a resolution directing an inquiry as to the charges that four members of the present Legislature, being also members of the last, were guilty of being induced by corrupt means to vote for Mr. PAYNE.

These charges were not sustained, and the committee so report.

But the inquiry took a wider range. There was evidence tending to show—

That Mr. PAYNE's name was not publicly suggested as a candidate for Senator until after the State election;

That it was not very prominently suggested until shortly before his election in January;

That many persons who had been supposed to favor Pendleton voted for PAYNE;

That there was a widespread belief that corrupt means were used to procure the result;

That one member was offered a large sum of money for his vote by another member;

That there were hearsay statements charging corruption as to several others;

That two members of the Legislature received large sums of money about the time of the election, of which they being called as witnesses gave no satisfactory account;

That the principal managers of Mr. PAYNE's canvass, namely, Paige, McLean, Huntington, and Oliver H. Payne, did not testify before the committee, but there is not evidence tending to show the bribery of any member unless as above stated;

There is no evidence to connect Mr. PAYNE, the sitting member, with these transactions;

And none tending to show that the result was changed or affected by such means;

Informed that Mr. Little wishes to be heard;

That these persons kept out of State and reach of process.

RECESS.

Mr. ALLISON. Now, if this matter is disposed of, I move that the Senate take a recess until 8 o'clock, and that this evening we devote what time is possible to the examination of the sundry civil bill, so that to-morrow may be devoted to this matter of which gentlemen have spoken, as I suppose there is no desire to go on with the Payne case to-night.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate take a recess until 8 o'clock this evening.

Mr. COCKRELL. I appeal to the Senator not to force a night session. We can readily transact all the business in proper time without night sessions. Night sessions are not productive of good results.

The PRESIDENT *pro tempore*. The motion is not debatable. The question is on the motion of the Senator from Iowa.

Mr. CONGER. I ask what the proposition before the Senate is?

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate now take a recess until 8 o'clock.

Mr. COCKRELL. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 35, nays 20; as follows:

YEAS—35.

Allison,	Frye,	Logan,	Riddleberger,
Berry,	Gorman,	McMillan,	Sawyer,
Blair,	Gray,	Manderson,	Sewell,
Colquitt,	Hale,	Maxey,	Sherman,
Conger,	Harris,	Miller,	Spooner,
Cullom,	Harrison,	Mitchell of Oreg.,	Teller,
Dawes,	Hoar,	Palmer,	Van Wyck,
Edmunds,	Ingalls,	Pugh,	Wilson of Iowa.
Evarts,	Kenna,	Ransom,	

NAYS—20.

Blackburn,	Cameron,	Gibson,	Plumb,
Brown,	Cockrell,	Hampton,	Vance,
Butler,	Coke,	Hawley,	Vest,
Call,	Eustis,	Mahone,	Walthall,
Camden,	George,	Platt,	Whitthorne.

ABSENT—21.

Aldrich,	Hearst,	Morgan,	Stanford,
Beck,	Jones of Arkansas,	Morrill,	Voorhees,
Bowen,	Jones of Florida,	Payne,	Wilson of Md.
Chace,	Jones of Nevada,	Pike,	
Dolph,	McPherson,	Sabin,	
Fair,	Mitchell of Pa.,	Saulsbury,	

So the motion was agreed to; and (at 5 o'clock and 33 minutes p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate resumed its session at 8 o'clock p. m.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask that the sundry civil appropriation bill be proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9478) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

The bill was reported from the Committee on Appropriations with amendments.

Mr. ALLISON. I ask unanimous consent that the formal reading of the bill may be dispensed with, as is the usual custom, and also that the amendments may be considered in their order, first considering the amendments reported from the Committee on Appropriations as they are reached in the reading of the bill.

The PRESIDENT *pro tempore*. The Senator from Iowa asks that the formal reading of the bill be dispensed with, and that the bill be proceeded with and the amendments of the Committee on Appropriations be considered as reached in the reading. That order will be made if there be no objection. The Secretary will read the bill.

The Secretary proceeded to read the bill.

Mr. INGALLS. What is the intention of the chairman of the committee concerning this bill to-night? I ask for information to ascertain whether there is any design of proceeding further than the Committee of the Whole.

Mr. ALLISON. No, sir. I will say that I do not expect to finish the bill to-night in the Committee of the Whole. I have agreed with some Senators who desire to debate at some length one or two amendments to pass them over.

Mr. INGALLS. There are some amendments which are of considerable importance, and about which there is likely to be debate, and if they are all to remain open, notwithstanding the action of the Senate to-night, of course the discussion will not be concluded.

Mr. ALLISON. Of course the amendments will all remain open for action in the Senate.

Mr. INGALLS. Everything will remain open.

Mr. ALLISON. I do not expect to finish the bill as in Committee of the Whole to-night.

The PRESIDENT *pro tempore*. The reading of the bill will be resumed.

The Secretary proceeded to read the bill.

CALL OF THE SENATE.

Mr. COCKRELL. Mr. President, what has been done, I should like to ask? No quorum is here. I should like to find out what we have done.

The PRESIDENT *pro tempore*. The bill is being read now.

Mr. COCKRELL. As I have come here, I should like to have the rest come here too. I ask for a call of the Senate.

Mr. ALLISON. I think the Senators will come in in a few moments. I hope the Senator from Missouri will not insist on a call of the Senate.

Mr. COCKRELL. It is not fair nor right to transact important business without a quorum.

Mr. INGALLS. The Senator from Iowa has just advised me, before the Senator from Missouri came in, that this is a purely formal proceeding.

Mr. ALLISON. No, I did not say that.

Mr. INGALLS. Well, in effect it is. He said that the amendments are all to remain open, and that this is a reading of the bill for the purpose of going through the amendments *pro forma* as in Committee of the Whole, and that there is no design of finishing the bill at all as in Committee of the Whole this evening. So I suppose that nothing will be lost by proceeding in the absence of a quorum.

Mr. COCKRELL. Is it the right way to transact public business with only eight or ten Senators? I have heard the distinguished Senator from Vermont [Mr. EDMUNDS] so often appeal to the Senate not to do business unconstitutionally and out of order, and without having notice that he had omitted that duty which he has always been in the habit of performing I involuntarily called attention to the fact that there is no quorum here, and that I did not think we ought to transact business.

Mr. EDMUNDS. We probably, for aught the Senator knows, had a quorum when we began, and perhaps Senators have gone out to smoke. We did not have the presence of my friend from Missouri when the recess expired.

Mr. COCKRELL. I only missed two or three minutes. If we had a quorum when we commenced, a call of the Senate will bring Senators back out of the cloak-rooms.

Mr. EDMUNDS. I do not object to the call, and there must be one now that the Senator says there is no quorum, and it is the duty of the Chair to order the call.

The PRESIDENT *pro tempore*. The Secretary will call the roll.

The Secretary proceeded to call the roll; and the following Senators answered to their names:

Allison,	Cockrell,	Hoar,	Teller,
Beck,	Edmunds,	Ingalls,	Vance,
Berry,	Evarts,	McMillan,	Whitthorne,
Blair,	Hampton,	Palmer,	Wilson of Md.
Brown,	Harrison,	Sherman,	
Butler,	Hawley,	Spooner,	

Mr. EDMUNDS. Read the names of those present.

Mr. ALLISON. I think in a moment Senators will be in.

The Secretary read the list of those present.

The PRESIDENT *pro tempore*. Twenty-two Senators have answered to their names.

Mr. EDMUNDS. No quorum is present. Call the list of absentees.

The PRESIDENT *pro tempore*. The list of absentees will be called.

The Secretary read the list of absent Senators, as follows:

Messrs. Aldrich, Blackburn, Bowen, Call, Camden, Cameron, Chace, Coke, Colquitt, Conger, Cullom, Dawes, Dolph, Eustis, Fair, Frye, George, Gibson, Gorman, Gray, Hale, Harris, Hearst, Jones of Arkansas, Jones of Florida, Jones of Nevada, Kenna, Logan, McPherson, Mahone, Manderson, Maxey, Miller, Mitchell of Oregon, Mitchell of Pennsylvania, Morgan, Morrill, Payne, Pike, Platt, Plumb, Pugh, Ransom, Riddleberger, Sabin, Saulsbury, Sawyer, Sewell, Stanford, Van Wyck, Vest, Voorhees, Walthall, and Wilson, of Iowa—54.

Mr. TELLER. My colleague [Mr. BOWEN] is not in the city. He is paired with the Senator from Alabama [Mr. MORGAN], who is also absent from the city.

Mr. MITCHELL, of Oregon, appeared, and answered to his name.

Mr. BERRY. My colleague [Mr. JONES, of Arkansas] left a few moments before adjournment this evening, and I think he does not know there is a session to-night.

Mr. WHITTHORNE. My colleague [Mr. HARRIS] was called down the city on some important business and requested me to say that he would be here by 9 o'clock.

Mr. CULLOM, Mr. COLQUITT, Mr. MAHONE, Mr. MANDERSON, Mr. SEWELL, and Mr. WALTHALL appeared, and answered to their names.

Mr. ALLISON. May I ask how many Senators are now present?

The PRESIDENT *pro tempore*. Twenty-nine Senators have answered to their names.

Mr. ALLISON. I ask that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Sergeant-at-Arms be requested to notify the absent Senators.

Mr. EDMUNDS. That he be directed to request the attendance of absent Senators. That is the phrase.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Sergeant-at-Arms be directed to request the attendance of absent Senators. If there is no objection that order will be made.

Mr. CALL and Mr. PAYNE entered the Chamber and answered to their names.

Mr. VANCE. Would it be in order to inquire where those patriots are who moved for this recess?

The PRESIDENT *pro tempore*. That is hardly a parliamentary inquiry.

Mr. VANCE. Whether it is a parliamentary inquiry or an unparliamentary one, I voted against the recess myself, because I thought I knew the frame of Senators and remembered that they were dust; and sure enough we are here now waiting half an hour after the time, and we have not a quorum.

Mr. BUTLER. I think it is very obvious that we shall not have a quorum to-night, and I move that the Senate adjourn. ["No!" "No!"]

The PRESIDENT *pro tempore*. The Senator from South Carolina moves that the Senate do now adjourn.

Mr. ALLISON. On that I ask for the yeas and nays.

The PRESIDENT *pro tempore*. The yeas and nays are demanded.

Mr. ALLISON. I do not insist on the yeas and nays at this moment. Let us take a division first.

The question being put, there were on a division—ayes 3, noes 19.

The PRESIDENT *pro tempore*. The Senate refuses to adjourn.

Mr. BUTLER. How many do we lack of a quorum?

The PRESIDENT *pro tempore*. Thirty-one Senators have responded to their names.

Mr. CHACE, Mr. DOLPH, Mr. PLATT, Mr. WILSON of Iowa, and Mr. MILLER entered the Chamber and answered to their names.

Mr. COCKRELL. I see that the chairman of the Committee on Agriculture in charge of the oleomargarine bill that passed so successfully is present. That makes a quorum I know, and I think we can now proceed to the consideration of business.

Mr. EDMUNDS. We can not do it now until the record itself discloses the presence of a quorum. Until that time we can not go on.

Mr. SAWYER entered the Chamber and answered to his name.

Mr. ALLISON. I believe there is a quorum now.

The PRESIDENT *pro tempore*. Thirty-seven Senators have answered to their names.

Mr. GORMAN and Mr. KENNA entered the Chamber and answered to their names.

The PRESIDENT *pro tempore*. Thirty-nine Senators having answered to their names, the Chair will receive a message from the House of Representatives.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (S. 1666) granting a pension to Edward Corning;

A bill (S. 2192) granting a pension to Abby L. Burbank;

A bill (S. 2233) granting a pension to John P. McElroy;

A bill (S. 2163) granting a pension to Powhattan B. Short;

A bill (S. 2759) to remove the political disabilities of William H. F. Lee;

A bill (S. 2160) granting a pension to Mary J. Hagerman;

A bill (S. 2113) granting a pension to Mrs. Sarah Young;

A bill (S. 1853) granting a pension to Isabella Jessup;

A bill (S. 1766) granting a pension to William Brentano;

A bill (S. 1625) granting a pension to Rebecca Hollingsworth Humphreys;

A bill (S. 1289) granting a pension to Thomas J. Owen;

A bill (S. 1112) granting a pension to Phœbe H. Meech;

A bill (S. 57) for the erection of a public building at Oshkosh, Wis.;

A bill (S. 2322) to authorize the Secretary of War to credit the State of Kansas with certain sums of money on its ordnance account with the General Government;

A bill (S. 582) for the relief of the board of field officers of the Fourth Brigade of South Carolina Volunteer State Troops;

A bill (H. R. 7191) to provide for the enlistment and pay and to define the duties and liabilities of "general-sevice clerks" and "general-service messengers" in the Army; and

Joint resolution (S. R. 62) authorizing the publication of an edition of A Digest of International Law, edited by Francis Wharton.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HAWLEY, from the Committee on Coast Defenses, reported an amendment intended to be proposed to the fortification appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. EVARTS submitted an amendment intended to be proposed by him to the fortification appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, reported two amendments intended to be proposed to the sundry civil appropriation bill; which were referred to the Committee on Appropriations.

Mr. MAHONE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which, with the accompanying paper, was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9478) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

The PRESIDENT *pro tempore*. The reading of the bill will proceed.

The Chief Clerk resumed the reading of the bill.

The first amendment reported by the Committee on Appropriations was, in the appropriations for "public buildings," after the words "New York," at the end of line 19, to strike out "for approaches complete, exclusive of iron fence, $5,000" and insert "for repairs to building and sidewalk, $16,000;" so as to make the clause read:

For custom-house and post-office at Buffalo, N. Y.: For repairs to building and sidewalk, $16,000.

The amendment was agreed to.

The next amendment was to strike out the clause from line 23 to line 25 inclusive, as follows:

For post-office at Brooklyn, N. Y.: For completion of building under present limit, $165,000.

Mr. MILLER. I should be glad to have the chairman of the committee give the Senate the reasons for striking out the appropriation for the Brooklyn post-office. It may be all right, but I desire to know the views of the committee.

Mr. ALLISON. This appropriation for the Brooklyn post-office stands as several other appropriations do with reference to the limit of cost. The original limit of cost of the Brooklyn post-office was $800,000. They have already expended $462,000 for a site. That may not be the exact sum, but as I remember it it is $462,000 for a site. It is manifestly impossible to complete a suitable building at Brooklyn with the remaining appropriation. It is equally unnecessary to begin the erection of that building until a suitable law is passed with reference to the limit. This hundred thousand dollars if appropriated could not be expended until the limit is removed, and so the committee report to strike it out.

Mr. MILLER. Was not the work commenced?

Mr. ALLISON. I think the foundation has been laid for the building, but they desire, I think, to purchase a still further piece of ground to enlarge the foundation, and the building can not progress further without an additional appropriation and the removal of the present limit.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

The next amendment was, in line 26, after the word "Illinois," to strike out:

That the unexpended balance of the appropriation of $20,000 made by the act

approved March 3, 1885, for "filling and grading" is hereby made available for completion of the approaches and completion of the buildings.

And in lieu thereof to insert:

For completion of the approaches and buildings, $4,279.63.

So as to make the clause read:

For marine hospital at Cairo, Ill.: For completion of the approaches and buildings, $4,279.63.

Mr. CULLOM. I should like to inquire of the Senator from Iowa whether the amendment is a reduction of the amount appropriated by the House.

Mr. ALLISON. It is the exact sum remaining unexpended.

Mr. CULLOM. I had that impression, but I was not sure of it.

The amendment was agreed to.

The next amendment was, after line 33, to insert:

For court-house and post-office at Carson City, Nev.: For approaches and heating apparatus complete, $17,000.

Mr. BROWN. I desire to inquire whether any amendments to the amendments of the committee are now in order.

The PRESIDENT *pro tempore*. Amendments are not in order until the amendments of the committee are acted upon.

The amendment was agreed to.

The next amendment was to strike out lines 37 and 38, as follows:

For custom-house at Charleston, S. C.: For completing wharf, $40,000.

Mr. BUTLER. I trust that that amendment of the committee will not be adopted. I should be very glad if the chairman of the committee would consent to have it non-concurred in, and I move without further remark that the Senate do not concur in the amendment of the Committee on Appropriations.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. ALLISON. I desire to say one word as to the reason which operated upon the committee in striking out this item. This is for the completion of a wharf at this point. It so happens that the custom-house at Charleston is near the harbor, and I believe, what I did not thoroughly understand before, that the Government owns not only the building and the grounds about it, but also has purchased the open space between that and the harbor.

Mr. BUTLER. Yes, sir.

Mr. ALLISON. Now this is an appropriation for the building of a wharf.

Mr. BUTLER. For the completion of it.

Mr. ALLISON. Well, it is for the completion of a wharf, and an appropriation of $35,000 having already been made, the committee did not believe it a wise thing for the Government to undertake the building of wharves, because there will be difficulty respecting what shall be charged for the use of those wharves. They will have to be maintained in connection with private wharves, and it seemed to the committee wiser for the Government to dispense with this wharf rather than to build it, maintain it, and dredge out the harbor in front of it, and be at a continual expense with reference to it.

That was the motive which the committee had. It may be wise or otherwise; I do not know.

Mr. BUTLER. I think the Senator is not correctly informed as to the situation of the wharf, for I have been there personally and have seen its very lamentable condition. The custom-house faces the harbor of Charleston, and I do not suppose it is more than 40 or 50 yards from the front of the custom-house to the water. All the Government vessels land there, or should land there, the revenue-cutter and the tugs for the completion of the jetties, and in fact every Government vessel, and it is in a very dilapidated and unsightly condition. A part of the improvement has been completed. It was repaired by palmetto logs after destruction by a storm some years ago. The storm of 1880 and 1881 very seriously damaged that again.

The proposition now is to put a concrete wharf there, so as to be free from the effect of the toredo, the worm which was destructive of former structures. A great deal of the material is lying there. Some of the granite has been gotten out, and really the Government is suffering great loss by not having the work completed.

The House after a full investigation put the appropriation in the bill, and I submit that there is every reason in the world why this wharf should be completed. I therefore make the motion that the Senate do not concur in this amendment. I do not know exactly what form of motion is the proper one to make.

The PRESIDENT *pro tempore*. The form of the question is, Will the Senate agree to the amendment reported by the committee? The question is on the amendment.

Mr. BECK. There are some estimates in regard to this improvement which I should like to see. The estimate of the Department is only $10,000.

Mr. HAMPTON. I have a letter addressed to a colleague in the other House by Mr. Bell, Supervising Architect of the Treasury, which I will read. It is as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
February 16, 1886.

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant in relation to the appropriation asked for the completion of the custom-house wharf at Charleston, S. C.

The latest examination of the work established the fact that it will not be practicable to proceed with the construction of the wharf as originally contemplated. The crib foundation upon which it was proposed to place the granite superstructure is found to be insecure and can not be made permanent except at such an expense as to exceed the present limit of cost. To construct the wharf as it should be, with a concrete-block foundation that will secure a depth of water at the wharf of not less than 12 feet at mean low tide, an appropriation of $40,000 will be required instead of $10,000, as contemplated by the estimate of appropriation submitted in November last. I feel assured that a continuation of the work under the original plan of operations would result unsatisfactorily, and that a permanent piece of work can be secured only by the use of a concrete-block foundation.

Respectfully, yours,

M. E. BELL,
Supervising Architect.

Hon. SAMUEL DIBBLE,
Chairman Committee on Public Buildings and Grounds,
House of Representatives.

I have before me, but I will not detain the Senate by reading them, letters from the collector of the port of Charleston and others calling attention to the dilapidated condition in which the wharf has been placed by the storms which have occurred there in recent years. There have been no improvements on the wharf since 1871, and there will be no difficulty in the world in securing any depth of water, for the whole water frontage of Charleston in that portion by the Coast Survey is 43 feet. The wharf frontage fills up by drift on account of the wharf having been destroyed.

I have here also a petition from the chamber of commerce, from the cotton exchange, and the merchants' exchange, or rather a telegraphic dispatch, saying that a petition has been mailed and is on the way here, asking for the completion of the wharf. I think that it is a matter of great consequence to the Government that this wharf should be put in proper condition. The Signal Service, the revenue-cutter, the light-house service, and the jetty service all land there, or ought to land there, and the collector writes to say that it is impossible for them to land there now in the condition of the wharf.

A large amount of money has already been expended, and I think it would be true economy to go on and make this small appropriation to complete the work.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Committee on Appropriations. [Putting the question.] The noes appear to have it.

Mr. ALLISON. I can not permit this to go without saying one word further. The estimate is $10,000. The House appropriated $40,000. It is not a question of building this wharf precisely. It is a question of maintaining it, whether the Government of the United States shall maintain wharves in harbors, because the Government has no use for this wharf except as was said a tug now and then may land there or a revenue-cutter may now and then land there.

In addition to building this wharf, the moment it is built there must be a large amount of dredging done for the purpose of preparing this slip or harbor for use, and that dredging must be done in connection with private parties and private owners of wharves.

I submit this statement to the judgment of the Senate that it may determine whether this is a wise thing for the Government to go into.

Mr. BUTLER. The Senator is mistaken about that. If the Government does not complete this wharf it must pay wharfage elsewhere at private wharves. I know there is the greatest depth of water right in front of the custom-house. Perhaps immediately along the shore there may be some dredging required, but the private wharves have nothing to do with it. The Government has nothing whatever to do with private wharves. The Senator is entirely mistaken. I stated upon my own information that I have been there myself and have seen the condition of the wharf; and therefore I trust the Senator will not insist upon the amendment when the House after full investigation have put the amount of $40,000 in the bill.

The PRESIDENT *pro tempore*. The Chair will again submit the question to the Senate.

Mr. HAMPTON. I was just calling the attention of the chairman of the committee privately to the fact that in the estimate which came in from the Architect only yesterday the amount required for dredging is $3,000. There is no private wharf that will be at all concerned so far as this one is. There is plenty of water within a few feet of this wharf as it now stands, and it has only been filled up because it has been so neglected that the *débris* of the wharf and the washings of the streets are carried down into it and have filled it up. But the report of the Coast Survey will show that along that whole front there is from 40 to 43 feet of water.

Mr. BUTLER. Certainly there is; there is 40 feet of water right in front of it.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 41, to insert:

For custom-house and post-office at Chicago, Ill.: For extraordinary repairs, $65,000.

The amendment was agreed to.

The next amendment was to strike out from line 46 to line 48, as follows:

For court-house and post-office at Denver, Colo.: For completion of building under present limit, $97,000.

Mr. TELLER. I desire to correct the text and to offer an amendment to that clause. I suppose it is the proper time to do that now. I move to strike out the words in line 47, "for completion of building under present limit" and to insert what I send to the desk.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. It is proposed to strike out the words "for completion of building under present limit" and to insert after the word "dollars:"

That the act entitled "An act for the erection of a public building at Denver, Colo.," approved May 8, 1882, be amended by making the limit for said building $575,000, and that sum is hereby fixed as the limit of cost thereof. And the Supervising Architect and the officers of the United States Government having charge of the erection of public buildings are authorized and required to be governed by the limitation hereby prescribed in making plans and contracts for the erection of said building.

Mr. ALLISON. I make the point of order on that. If the Senator will allow me one moment, as it may have some significance, and it is an entirely different proposition from the clause proposed to be stricken out by the committee, I hope the Senator will allow the committee amendment to be agreed to now and go back to the clause afterward.

Mr. TELLER. That is exactly the amendment proposed by the committee.

Mr. ALLISON. What committee?

Mr. TELLER. Of course it is an entirely different amendment from what is proposed by the Committee on Appropriations, which is to strike out the appropriation altogether. The amendment I have offered was referred to the Committee on Public Buildings and Grounds and reported favorably from that committee. Consequently the point of order, as I understand, does not lie against it.

Mr. ALLISON. It changes existing law.

Mr. TELLER. It is indorsed by the proper officers of the Department in addition.

The PRESIDENT *pro tempore*. The Chair is of opinion that it is not in order at this time, at any rate.

Mr. TELLER. Why not at this time?

The PRESIDENT *pro tempore*. The amendments of the Committee on Appropriations are alone to be considered in this reading of the bill.

Mr. TELLER. If the amendment of the committee is adopted and the whole clause goes out, I should have to move hereafter to restore that which is stricken out by the Senate. That can not be. I do not know much about parliamentary rules, but it seems to me that it can hardly be possible that before the Senate votes on the question to strike out it will not be in order for me to move to perfect the text. I think I am entitled to perfect the text before the Senate votes on striking out.

Mr. ALLISON. It changes the existing law.

The PRESIDENT *pro tempore*. The Chair is of opinion that the amendment of the Senator from Colorado is not in order under the rule.

Mr. TELLER. In the first place I want to say that the amendment was referred to the Committee on Public Buildings and Grounds, and so is brought strictly within the rules. Besides that, it is indorsed by the Treasury Department, which brings it within the rule. If it is not within the rule it is not possible to make any amendment of this character to an appropriation bill. I have seen this done a hundred times in the Senate, and I am confident it is not out of order.

Mr. HOAR. I suggest to the chairman of the Committee on Appropriations and the Senator from Colorado that both the amendment of the committee and the other amendment be passed over for the present until we get to the end of the bill.

Mr. ALLISON. I will agree to that.

Mr. TELLER. I have no objection to that.

The PRESIDENT *pro tempore*. The amendment will be passed over informally.

The next amendment of the Committee on Appropriations was to strike out lines 49 and 50, as follows:

For court-house and post-office at Detroit, Mich.: For continuation of building, $50,000.

Mr. ALLISON. I ask that that may be passed over for the present. I want to see further in respect to it.

The PRESIDENT *pro tempore*. The amendment will be passed over.

The next amendment of the Committee on Appropriations was, after line 50, to insert:

For custom-house and post-office at El Paso, Tex.: For procuring site and commencing the erection of building, $50,000.

The amendment was agreed to.

The next amendment was, after line 56, to insert:

For court-house and post-office at Fort Smith, Ark.: For approaches and heating apparatus complete, $21,000.

The amendment was agreed to.

The next amendment was, after line 59, to insert:

For court-house and post-office at Fort Wayne, Ind.: For heating apparatus, elevator, and approaches complete, $20,000.

The amendment was agreed to.

The next amendment was to strike out from line 63 to line 69, as follows:

For custom-house at Galveston, Tex.: That the sum of $25,000 appropriated by the sundry civil appropriation act approved July 7, 1884, for continuation of the court-house and post-office, be, and the same is hereby, reappropriated and made available for the completion of the custom-house at Galveston, Tex.

Mr. COKE. I hope this amendment will not be concurred in. The act of August 7, 1882, provided for the erection of a custom-house building at Galveston, Tex., and appropriated $62,500. The act of March 3, 1885, appropriated $37,500 for this purpose, making in all $100,000. The limit prescribed by the act of 1882 providing for the erection of the building was $125,000. One hundred thousand dollars has been properly appropriated of that amount. An attempt was made in 1884 to appropriate the other $25,000, but there was a mistake, and it was designated "For court-house and post-office; continuation of building $25,000." It was intended to be for this custom-house, because there was no court-house and post-office being built at Galveston. The custom-house building was the only building being constructed there.

I have before me the correspondence of the Assistant Secretary of the Treasury, calling on the Attorney-General, stating this mistake, and asking to know if he could use this $25,000 for the construction of the custom-house, that being evidently and certainly the building for which it was intended. The Attorney-General replies that he can not. The House, in view of these facts, makes the appropriation in these words:

For custom-house at Galveston, Tex.: That the sum of $25,000 appropriated by the sundry civil appropriation act approved July 7, 1884, for continuation of the court-house and post-office, be, and the same is hereby, reappropriated and made available for the completion of the custom-house at Galveston, Tex.

It is simply the correction of a mistake made in 1884, when Congress instead of making the appropriation for the custom-house made it for the court-house and post-office.

Mr. HARRIS. It was a mistake in the name of the house; that is all.

Mr. COKE. That is all. Now this appropriation is stricken out by the committee. I hope the committee amendment striking it out will not be concurred in. All I desire is an appropriation of the money for the building.

Mr. BECK. I think the Senator from Texas would get along better to let this money, which was wrongly appropriated, remain in the Treasury, as it now is, and let the amendment of the Committee on Appropriations striking it out stand, and insert:

For the completion of the custom-house at Galveston, Tex., $25,000.

Making a clean appropriation and letting the whole matter correct itself.

Mr. COKE. That is the amount needed for that purpose, and that form would suit just as well.

Mr. ALLISON. I wish to make a brief explanation before that is done. There are two public buildings at Galveston, a custom-house and a court-house and post-office. In 1884, or whenever it was done, an appropriation was made for one of these buildings. Then Congress authorized the construction of an entire new building at Galveston, and limited the cost to $100,000. If this appropriation can be switched over upon the new building Galveston will stand in a better relation in reference to this bill than other people who have appropriations without a limit. The object of this transfer of an appropriation which has gone into the Treasury is to add to the limit of the Galveston building $25,000. It should be done directly, if done at all. I think the suggestion of the Senator from Kentucky is the true suggestion.

Mr. COKE. Will the Senator allow me to correct him? There is a court-house and post-office building at Galveston. It has been there many years. No appropriation has been asked for it; no work has been done on it; no work is contemplated being done on it. All that has been asked for since 1882 has been for the new custom-house now in process of erection. In 1882 the law provided for the erection of that custom-house, fixing the limit for the site of the building at $125,000. It was in 1884, two years after that, that this $25,000 appropriation was made in which the mistake occurred. It makes it exactly. Without that $25,000 there is $100,000 appropriated for the custom-house at Galveston. With it there is $125,000 appropriated, which is the limit fixed by the act of 1882.

Mr. ALLISON. Does the Senator say that when this appropriation is transferred, with all the other appropriations which have been made, the limit then will only be reached?

Mr. COKE. That is what appears from the letter of the Assistant Secretary of the Treasury.

Mr. ALLISON. If that is true, then the point I make would not lie.

Mr. BECK. It was because I believed that to be true that I made the suggestion I did.

Mr. COKE. It was $62,500 in one appropriation and $37,500 in another, making $100,000, and this $25,000 now asked for simply comes up to the limit of the law of 1882.

Mr. EDMUNDS. When was the first appropriation for the custom-house at Galveston?

Mr. ALLISON. In 1882.

Mr. COKE. The law was passed August 7, 1882.

Mr. ALLISON. I will say to the Senator from Texas that the committee was fortified somewhat in this view of the question from the fact that there is $89,000 of the appropriation still unexpended.

Mr. COKE. Here is a letter to the Solicitor of the Treasury from the Assistant Secretary of the Treasury.

Mr. ALLISON. What is the date of that letter?

Mr. COKE. February 18, 1886. He put down the limit for the site and building under the act providing for the erection of the building at $125,000. He says.

The act of August 7, 1882, appropriates $62,500 for custom-house and other Government offices. The act of July 7, 1884, appropriates for court-house and post-office, for continuation of building, $25,000.

Mr. ALLISON. If the Senator is correct in his statement, I should have been obliged if he had handed me that letter, because it is new.

Mr. COKE. Do you desire to see the letter?

Mr. ALLISON. I do not desire to see it now. I ask that the amendment may be passed over in order that I can examine it. I call the Senator's attention to the fact that the reason why we struck the clause out was because we understood the limit had been exceeded. Now that he says the limit is not exceeded I am in favor, and I think the committee would be in favor, of appropriating specifically $25,000 more for this work.

Mr. COKE. I am willing to let the amendment go over, because I am satisfied that it is just as I have stated, and the committee will find it so.

Mr. ALLISON. I ask that the amendment be passed over for the present.

The PRESIDENT *pro tempore*. The amendment will be passed over for the present.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 69, to insert:

For post-office at Hannibal, Mo.: For approaches and heating apparatus complete, $13,500.

The amendment was agreed to.

The next amendment was, after the word "fencing," at the end of line 74, to strike out "seven thousand five hundred" and insert "eleven thousand;" so as to make the clause read:

For court-house and post-office at Jefferson City, Mo.: For approaches complete, exclusive of iron fencing, $11,000.

The amendment was agreed to.

The next amendment was, in line 90, after the word "fence," to strike out "five thousand" and insert "four thousand five hundred;" and after the words "in all," at the end of line 92, to strike out "five thousand" and insert "four thousand five hundred;" so as to make the clause read:

For court-house and post-office at Leavenworth, Kans.: For approaches complete, exclusive of iron fence, $4,500; for connection to city sewer, $14.03; in all, $4,514.03.

The amendment was agreed to.

The reading of the bill was resumed and continued to the following item:

For post-office at Minneapolis, Minn.: For continuation of building, $125,000.

Mr. MCMILLAN. Would an amendment to the text in this instance be in order now?

The PRESIDENT *pro tempore*. It would not be in order.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after the word "fence," at the end of line 107, to strike out "seven thousand five hundred" and insert "five thousand;" so as to make the clause read:

For court-house and post-office at Nebraska City, Nebr.: For approaches complete, exclusive of iron fence, $5,000.

The amendment was agreed to.

The next amendment was to strike out the clause from line 109 to line 112, inclusive, as follows:

For marine hospital at New Orleans, La.: For laundry building and apparatus, $2,500; and approaches complete, $7,500; in all, $10,000.

The amendment was agreed to.

The next amendment was, after line 112, to insert:

For mint building at New Orleans, La.: For extraordinary repairs absolutely necessary, $23,000.

The amendment was agreed to.

The next amendment was, after line 115, to insert:

For post-office at New Bedford, Mass.: For the purchase of land adjoining and additional to that authorized to be purchased by the act of February 20, 1885, $30,000.

The amendment was agreed to.

The next amendment was, in line 127, after the word "complete," to strike out "exclusive of iron fence, five" and insert "ten;" so as to make the clause read:

For court-house and post-office at Pensacola, Fla.: For approaches complete, $10,000.

The amendment was agreed to.

The next amendment was, after line 131, to insert:

For custom-house and post-office at Port Townsend, Wash.: For approaches and heating apparatus complete, $17,000.

The amendment was agreed to.

The next amendment was, in line 138, after the word "complete," to strike out "exclusive of iron fence, five," and insert "nine;" so as to make the clause read:

For post-office and court-house at Quincy, Ill.: For approaches complete, $9,000.

The amendment was agreed to.

The next amendment was, after line 145, to insert:

For court-house and post-office at Saint Paul, Minn.: To enable the Secretary of the Treasury to purchase the ground, consisting of two lots, adjoining the United States court-house and post-office building in the city of Saint Paul, in the State of Minnesota, fronting not to exceed 100 feet on Wabash street and extending back to the depth of the said lots, $40,000, or so much thereof as may be necessary.

Mr. MCMILLAN. The Senator from Iowa has an amendment which I submitted to him that had better be added there.

Mr. ALLISON. The committee authorize me to move to insert, after the word "lots," in line 152:

Or in his discretion ground adjoining the said premises of the United States and fronting not to exceed 100 feet on Fifth street, and extending back the depth of said Government premises.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. It is suggested that the name of the street is wrong. It should be "Wabashaw."

Mr. MCMILLAN. Yes, Wabashaw.

Mr. ALLISON. That ought to be changed.

The PRESIDENT *pro tempore*. That change will be made. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, after line 153, to insert:

For post-office at Springfield, Ohio: For approaches and heating apparatus complete, $12,000.

The amendment was agreed to.

The next amendment was, in line 178, after the word "dollars," to insert "for approaches and heating apparatus complete, $13,000; in all, $93,000;" so as to make the clause read:

For court-house and post-office at Winona, Minn.: For completion of building under present limit, $80,000; for approaches and heating apparatus complete, $13,000; in all, $93,000.

The amendment was agreed to.

The next amendment was, after line 183, to insert:

To put the Treasury building in a proper sanitary condition by improved plumbing, sewerage, and drainage, $67,000, to be expended under the direction of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, after line 187, to insert:

For the purchase of land, and buildings thereon, being lots numbered 11 and 12 of the subdivision of square numbered 689 on the original plat of lands in the city of Washington, bounded north by South B street, east by New Jersey avenue, and west by South Capitol street, $275,000, or so much thereof as may be necessary; said purchase to be made by the Secretary of the Treasury, for the use of the Treasury Department.

Mr. ALLISON. I ask that that amendment may be passed over.

The PRESIDENT *pro tempore*. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "light-houses, beacons, and fog-signals," after the word "for," in line 208, to strike out "continuing" and insert "completing;" and in line 210, after the word "Florida," to strike out "thirty" and insert "fifty;" so as to make the clause read:

Mosquito Inlet light station, Florida: For completing the construction of the light-house at Mosquito Inlet, Florida, $50,000: *Provided*, That the entire cost of this work shall not exceed the original estimate of $200,000.

The amendment was agreed to.

The next amendment was, in line 221, after the word "California," to strike out "fifty" and insert "one hundred;" so as to make the clause read:

Northwest Seal Rock light station, California: For continuing the construction of a light-house on Northwest Seal Rock, off Point Saint George, California, $100,000: *Provided*, That the entire cost of this light-house shall not exceed $450,000.

The amendment was agreed to.

The next amendment was, after line 238, to insert:

Dutch Gap Canal light station, Virginia: For the purchase of additional land for the Dutch Gap Canal light station, James River, Virginia, $150.

The amendment was agreed to.

The next amendment was, after line 248, to insert:

San Luis Obispo light-house and fog-signal, California: For the establishment and completion of a light-house and fog-signal, together or on separate sites, as may be found most advantageous, at or near San Luis Obispo, at the entrance to Port Harford, San Luis Obispo Bay, California, $50,000.

The amendment was agreed to.

The next amendment was, after line 254, to insert:

Point Sur light-house and fog-signal, California: For commencing the construction of a light-house and fog-signal at or near Point Sur, on the coast of California, $50,000.

The amendment was agreed to.

The next amendment was, after line 258, to insert:

Castle Hill light-house and fog-signal, Rhode Island: For the establishment and completion of a light-house and fog-signal on Castle Hill, Rhode Island, at the entrance to Newport Harbor, $10,000: *Provided*, That a suitable site for the same can be obtained without expense to the Government, upon terms and conditions to be agreed upon by the Light-House Board with the owner of the land at Castle Hill.

The amendment was agreed to.

The next amendment was, after line 266, to insert:

Whitehall Narrows light station, New York: For the establishment and completion of a light above Pulpit Point, Whitehall Narrows, New York, $200.

The amendment was agreed to.

The next amendment was, after line 270, to insert:

Light on the bridge between New Bedford and Fairhaven, Mass.: For the establishment and completion of a light on the bridge between New Bedford and Fairhaven, Mass., $200.

Mr. EDMUNDS. That is already in.

Mr. ALLISON. That amendment should be disagreed to.

The amendment was rejected.

The next amendment was, after line 274, to insert:

Gull Rocks light-house and fog-signal, Rhode Island: For the establishment and completion of a light-house and fog-signal on one of the Gull Rocks, opposite the United States Naval Training-School, in Upper Newport Harbor, Rhode Island, $10,000.

The amendment was agreed to.

The next amendment was, after line 279, to insert:

Crabtree's Ledge light-house, Maine: For the establishment and completion of a light-house on Crabtree's Ledge (so called), between Bean Island and the mainland of Crabtree's Neck, in Frenchman's Bay, Hancock County, Maine, $25,000.

The amendment was agreed to.

The next amendment was, after line 284, to insert:

Deer Island light-house and fog-signal, Massachusetts: For the establishment and completion of a light-house and fog-signal at or near Deer Island, in Boston Harbor, Massachusetts, $35,000.

The amendment was agreed to.

The next amendment was, after line 289, to insert:

Lubec Narrows light-house, Maine: For the establishment and completion of a light-house at or near Lubec Narrows, Maine, $40,000.

The amendment was agreed to.

The next amendment was, after line 292, to insert:

Cape Orford light station, Oregon: For the purchase of a right of way from Cape Orford light station to the town of Cape Orford, Oreg., $2,000.

Mr. ALLISON. That amendment should be disagreed to. The law which was passed covers an appropriation for that service.

The amendment was rejected.

The next amendment was, after line 296, to insert:

Two Harbors light-house, Minnesota: For the establishment and completion of a light-house at Two Harbors, Minn., $10,000.

The amendment was agreed to.

The next amendment was, after line 299, to insert:

Gould Island light-house, Rhode Island: For the establishment and completion of a light-house on Gould Island, Narragansett Bay, Rhode Island, $10,000.

The amendment was agreed to.

The next amendment was, after line 303, to insert:

North Point light station, Wisconsin: For the establishment and completion of a light station at or near North Point, to take the place of the old one near Milwaukee, on Milwaukee Bay, Lake Michigan, Wisconsin, $15,000.

The amendment was agreed to.

The next amendment was, after line 308, to insert:

Cape Meares light-house, Oregon: For the purchase of a site and completing the construction of a first-order coast light-house at Cape Meares, Tillamook Bay, Oregon, $60,000.

Mr. MITCHELL, of Oregon. I move to strike out "sixty," before "thousand," and insert "seventy-five." I will say to the chairman of the committee that that is the recommendation of the Department. Unless my friend is satisfied, I will ask to have the amendment go over until to-morrow, when I shall produce the papers.

Mr. ALLISON. We have inserted a large number of lights here in view of the fact that Congress recently passed a law directing these lights to be constructed; and for Cape Meares, Tillamook Bay, Oregon, the law limits the cost of construction to $60,000.

Mr. MITCHELL, of Oregon. That is true, but at the same time the Department insists that it ought to be $75,000; that is, $15,000 more.

Mr. HALE. Congress has settled that.

Mr. ALLISON. The law must be changed next year, if at all.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, after line 312, to insert:

Steam-tender for the fourth light-house district: For building and completing a new steam-tender for service in the fourth light-house district, $68,300.

The amendment was agreed to.

The reading of the bill was continued to line 326.

Mr. EDMUNDS. I should like to call the attention of the chairman to line 322, about life-saving stations:

On the coasts of Rhode Island and Long Island, one, at $1,800.

That means one each, I suppose. They are separate coasts.

Mr. ALLISON. No, sir; that is one superintendent for both.

Mr. EDMUNDS. How can that be?

Mr. ALLISON. Rhode Island and Long Island are very closely allied. These are superintendents; they are men who have charge of a number of these stations.

Mr. EDMUNDS. One person has charge on the mainland and on Long Island also?

Mr. ALLISON. I understand so.

Mr. EDMUNDS. That will not work.

Mr. ALLISON. It has worked for many years, I will say to the Senator. He has an assistant superintendent provided for right below.

Mr. EDMUNDS. Oh, well; that may be.

Mr. ALLISON. I will say with reference to these life-saving stations that they are the stations which have been in existence for a number of years, and it is found to work very well in the service in which they are engaged.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The reading of the bill will be proceeded with.

The reading of the bill was resumed. The next amendment was, under the head of "Revenue-cutter service," after line 388, to insert:

For the construction or purchase of a steam revenue-vessel for use on the Mississippi River between New Orleans and the passes, $10,000.

The amendment was agreed to.

The next amendment was, in the appropriation for "Engraving and printing," after the word "Treasury," in line 429, to insert the following proviso:

Provided, That hereafter receipts for miscellaneous work performed by the Bureau of Engraving and Printing for the several Departments of the Government, and the amounts properly chargeable to national banks for engraving their plates, shall be deposited and covered into the Treasury as miscellaneous receipts.

So as to make the clause read:

For engravers', printers', and other materials, except distinctive paper, and for miscellaneous expenses, $141,820, to be expended under the direction of the Secretary of the Treasury: *Provided*, That hereafter receipts for miscellaneous work performed by the Bureau of Engraving and Printing for the several Departments of the Government, and the amounts properly chargeable to national banks for engraving their plates, shall be deposited and covered into the Treasury as miscellaneous receipts.

Mr. EDMUNDS. I should like to ask the chairman to explain what classes of miscellaneous work other than the regular work of the bureau are lawfully performed at the Bureau of Engraving and Printing for the several Departments of the Government, as distinguished from the Government Printing Office.

Mr. ALLISON. There are quite a number of things which the Bureau of Engraving and Printing do for the Government, such as printing Treasury drafts, Treasury checks, that are not enumerated in this list. The practice hitherto has been to pay for this work out of different appropriations, but the present Chief of the Bureau of Engraving and Printing asks for a single appropriation covering all the work to be done in the bureau. He stated in his letter, which will be found in the report of the House committee, that he would continue to do this miscellaneous printing or engraving as hitherto, and would collect the sums from the various Departments and would cover the money into the Treasury under the head of miscellaneous receipts. But on examination of the law we found there was no law requiring him to do that, and so we thought we would take him at his word and give him the necessary authority.

Mr. EDMUNDS. I agree to the propriety of that, only I am a little afraid that this language would authorize that bureau to set up a rival establishment in some respects to the Government Printing Office.

Mr. ALLISON. No, there is no conflict; these are small items; for instance, engraving post-office cards, engraving drafts of the Treasury and various others.

Mr. EDMUNDS. You think the law now authorizes that to be done at the Bureau of Engraving and Printing?

Mr. ALLISON. I have no doubt of it. It has been done there for a good many years.

Mr. EDMUNDS. Then in order to be sure that we are not enlarging the scope of that bureau as to work that now must be done somewhere else, I suggest to amend in line 430 by inserting, after the word "work," the words "authorized by law to be," so as not to enlarge the authority.

Mr. ALLISON. There may be no special provision authorizing some of this special work.

Mr. HALE. I do not think there is any provision providing for the finer engraved work. It is not a thing that has given rise to any abuse.

Mr. EDMUNDS. I have heard of some abuses in the way of printing, &c., that have been going on in that Department, and with the language of the clause, without my amendment, it would seem to be a general authority for all Departments of the Government to have any amount of engraving and printing done that they chose to have done, or printing without engraving, at the bureau rather than at the Government Printing Office, where the law now requires them to have it done.

Mr. ALLISON. If the Senator will turn to the Book of Estimates, page 283, he will see a detailed statement of the character of work that is done, pension checks, interest checks, transfer checks, drafts, or warrants, &c.

Mr. EDMUNDS. That is all right, and that I have no doubt the law does authorize.

Mr. ALLISON. I do not think it does specifically.

Mr. EDMUNDS. I think you will find in respect of all this proper Treasury work, in the way of fixing up their own work, they may do that; but my point is to prevent the implication that arises from this language of general authority to any of the Departments to have printing work done there because they may think it may be done a little nicer or finer than at the Government Printing Office. I want to keep it within the present limits of practical application.

I hope my amendment will be agreed to, and then if found between now and the time we get into the Senate that there is any trouble about it we can take it out of the bill.

Mr. HALE. There is no need of it whatever.

Mr. EDMUNDS. I think there is.

The PRESIDING OFFICER. The amendment of the Senator from Vermont to the amendment of the committee will be stated.

The CHIEF CLERK. In line 430, after the word "work," it is proposed to insert the words "authorized by law to be;" so as to read:

That hereafter receipts for miscellaneous work authorized by law to be performed by the Bureau of Engraving and Printing, &c.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. ALLISON. The amendments from line 435 to line 454, inclusive, relating to the silver question, I ask may be passed over.

The PRESIDING OFFICER. The amendments will be passed over if there be no objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 464, after the word "therewith" to insert the words "and erecting necessary structures for employés at existing light stations;" so as to make the clause read:

Repairs of light-houses: For repairing, rebuilding, and improving light-houses, and buildings and grounds connected therewith, and erecting necessary structures for employés at existing light stations; for establishing and repairing pier-head lights; for illuminating apparatus and machinery to replace that already in use, and for incidental expenses relating to these various objects, $300,000.

The amendment was agreed to.

The next amendment was, in line 481, to increase the appropriation "for expenses of establishing, replacing, and maintaining buoys, spindles, and day-beacons, and for incidental expenses relating thereto," from $300,000 to $320,000.

The amendment was agreed to.

The next amendment was, in line 485, to increase the appropriation "for establishing, replacing, duplicating, and improving fog-signals and buildings connected therewith, and for repairs and incidental expenses of the same," from $50,000 to $60,000.

The amendment was agreed to.

The next amendment was, in line 494, after the word "Georgia," to insert the words "Saint John's River, Florida; Columbia and Willamette Rivers, Oregon;" and in line 497, after the word "rivers," to strike out "one hundred and seventy" and insert "two hundred;" so as to make the clause read:

Lighting of rivers: For establishing, supplying, and maintaining post-lights on the Hudson River, New York; Cape Fear River, North Carolina; Savannah River, Georgia; Saint John's River, Florida; Columbia and Willamette Rivers, Oregon; at the mouth of Red River, Louisiana; Mississippi, Missouri, and Ohio Rivers, $200,000.

The amendment was agreed to.

The next amendment was, in the appropriation for the "Coast and Geodetic Survey," after the word "authority," in line 523, to strike out the words "and including traveling expenses of officers and men of the Navy on duty; for actual subsistence to officers of the field force while on field duty, at not exceeding two dollars per day each;" so as make the clause read.

For every expenditure requisite for and incident to the survey of the Atlantic, Gulf, and Pacific coasts of the United States, including the survey of rivers to the head of tide-water or ship navigation; deep-sea soundings, temperature and current observations along the coasts and throughout the Gulf Stream and Japan Stream flowing off the said coasts; tidal observations; the necessary resurveys; the preparation of the Coast Pilot; a magnetic map of North America; and including compensation not otherwise appropriated for of persons employed on the field-work, in conformity with the regulations for the government of the Coast and Geodetic Survey adopted by the Secretary of the Treasury; for special examinations that may be required by the Light-House Board or other proper authority; outfit, equipment, and care of vessels used in the Survey, and also the repairs and maintenance of the complement of vessels, to be expended under the following heads: *Provided*, That no advance of money to chiefs of field parties under this appropriation shall be made unless to a commissioned officer or to a civilian officer, who shall give bond in such sum as the Secretary of the Treasury may direct.

The amendment was agreed to.

The next amendment was, in the appropriations for "party expenses of Coast and Geodetic Survey," in line 539, to increase the appropriation "for examination of reported dangers and changes on the eastern coast" from $500 to $1,000.

The amendment was agreed to.

The next amendment was, in line 545, to increase the appropriation "for continuing examination of changes and resurveys on the seacoast of New Jersey" from $1,800 to $2,000.

The amendment was agreed to.

The next amendment was, in line 553, to increase the appropriation "for continuing the survey of the western coast of Florida from Estero Bay southward and from Saint Joseph's Bay northward, and hydrography of same," from $5,000 to $10,000.

The amendment was agreed to.

The next amendment was, in line 560, to increase the appropriation "to make off-shore soundings along the Atlantic coast and current and temperature observations in the Gulf Stream" from $6,000 to $9,000.

The amendment was agreed to.

The next amendment was, in line 567, to increase the appropriation "for determinations of geographical positions (longitude party)" from $2,000 to $5,000.

The amendment was agreed to.

The next amendment was, in line 569, to increase the appropriation "to continue the primary triangulation from Atlanta toward Mobile" from $2,000 to $5,000.

The amendment was agreed to.

The next amendment was, after line 569, to insert:

To continue the primary triangulation between Charleston, S. C., and the northwest corner of the State, to connect with the oblique arc along the Blue Ridge, $2,000.

The amendment was agreed to.

The next amendment was, in line 577, to increase the appropriation "for continuing an exact line of levels from the Gulf to the transcontinental line of levels between the Atlantic and Pacific Oceans, and for continuing the transcontinental line of levels," from $1,000 to $2,500.

The amendment was agreed to.

The next amendment was, in line 600, to increase the appropriation "for continuing explorations in the waters of Alaska, and making hydrographic surveys in the same" from $4,000 to $9,000.

The amendment was agreed to.

The next amendment was, after the word "For," in line 602, to strike out the words "traveling expenses of officers and men of the Navy on duty, and for any;" so as to read:

For special surveys that may be required by the Light-House Board or other proper authority, and contingent expenses incident thereto.

Mr. ALLISON. That and the following amendment in the same clause should be disagreed to.

Mr. EDMUNDS. Why? I should like to have it explained.

Mr. ALLISON. The House provision is the correct one. This is to cover traveling expenses of naval officers who are connected with the survey and who travel from one position to another, and it is the only method whereby they can be paid.

Mr. EDMUNDS. That is very forcible, but I see on line 523 an amendment striking out a similar clause was agreed to. I do not see the distinction.

Mr. ALLISON. There is a very wide distinction.

Mr. EDMUNDS. I hope the Senator will explain it.

Mr. ALLISON. On line 523 the words stricken out were intended to limit the subsistence of officers to a certain amount, $2 per day. They now receive, under the Treasury regulations, $3 per day; and the committee did not think it wise to disturb that.

Mr. EDMUNDS. But striking it out does not seem to make any provision for their traveling expenses at all. In this appropriation for the Coast and Geodetic Survey you strike out the words "including traveling expenses," which is distinct from the limit of $2 per day——

Mr. ALLISON. But the Treasury regulations, which are referred to above, cover all these items. It is not necessary to repeat them.

Mr. EDMUNDS. If the committee is sure of it, very well.

Mr. ALLISON. The provision just above is in conformity with the regulations for the government of the Coast and Geodetic Survey adopted by the Secretary of the Treasury.

Those are specific things well understood. I will say that the accounting officers have decided that officers of the Navy assigned to the Coast Survey can not receive traveling pay as they can while on duty in the Navy.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the same clause after the word "thereto," in line 605, to insert "including traveling expenses of officers and men of the Navy on such duty."

Mr. ALLISON. That ought not to be agreed to.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, at the end of the same clause, in line 605, before the word "thousand," to strike out "three" and insert "five;" so as to make the clause read:

For traveling expenses of officers and men of the Navy on duty, and for any special surveys that may be required by the Light-House Board or other proper authority, and contingent expenses incident thereto, $5,000.

The next amendment was, in line 609, to increase the appropriation "for continuing tide observations on the Pacific coast" from $2,000 to $2,500.

The amendment was agreed to.

The next amendment was, in line 610, to increase the appropriation "for magnetic observations on the Pacific coast" from $1,000 to $2,000.

The amendment was agreed to.

The next amendment was, after line 611, to insert:

For traveling expenses of the superintendent and his party on duty of inspection, $600.

The amendment was agreed to.

The next amendment was, in line 615, to increase the appropriation "for objects not hereinbefore named that may be deemed urgent" from $1,000 to $4,000.

The amendment was agreed to.

The next amendment was, in line 618, to increase the total amount of the appropriation "for party expenses of Coast and Geodetic Survey" from $95,300 to $125,600.

The amendment was agreed to.

The next amendment was, after line 619, to insert:

For furnishing points for State surveys, $10,000.

The amendment was agreed to.

The next amendment was, after line 627, to insert:

For continuing physical hydrography of New York Bay and Harbor, including East River to Throg's Neck, $8,000.

The amendment was agreed to.

The next amendment was, under the head of "pay of field officers," Coast and Geodetic Survey, to strike out from line 639 to line 664, inclusive, and in lieu thereof to insert from line 665 to line 707, inclusive.

Mr. HALE. Let that be treated as one amendment.

Mr. ALLISON. The striking out and insertion of a long list there should be treated as one amendment. I desire to say that the Committee on Appropriations found a very considerable reduction of the number of officials here and also a considerable change in the pay, some increased and some reduced, and the committee have carefully examined the whole subject and inserted the number and pay allowed in last year's appropriation bill.

Mr. EDMUNDS. Without any change?

Mr. ALLISON. Without any change as to number or as to pay.

Mr. HALE. With the proviso on page 30.

Mr. ALLISON. That provides that when vacancies occur there shall be no new appointments until the number of assistants, &c., is reduced to fifty-two, the number now being sixty-one.

Mr. EDMUNDS. Let the amendment be read.

The SECRETARY. It is proposed, after line 638, to strike out the following:

For pay of the Superintendent, $6,000.
For pay of three assistants, at $3,500 per annum each, $10,500.
For pay of three assistants, at $2,500 per annum each, $7,500.
For pay of five assistants, at $2,250 per annum each, $11,250.
For pay of four assistants, at $2,000 per annum each, $8,000.
For pay of six assistants, at $1,800 per annum each, $10,800.
For pay of eight assistants, at $1,500 per annum each, $12,000.
For pay of two assistants, at $1,400, $2,800.
For pay of five assistants, at $1,200 per annum each, $6,000.
For pay of twelve aids, at $900 per annum each, $10,800.
Total pay in field, $85,650.

And in lieu thereof to insert:

For pay of Superintendent, $6,000.
For pay of two assistants, at $4,000 per annum, $8,000.
For pay of one assistant, at $3,600 per annum.
For pay of one assistant, at $3,200.
For pay of two assistants, at $3,000 per annum, $6,000.
For pay of two assistants, at $2,800 per annum, $5,600.
For pay of four assistants, at $2,400 per annum, $9,600.
For pay of three assistants, at $2,300 per annum, $6,900.
For pay of six assistants, at $2,200 per annum, $13,200.
For pay of six assistants, at $2,000 per annum, $12,000.
For pay of ten assistants, at $1,800 per annum, $18,000.
For pay of nine assistants, at $1,500 per annum, $13,500.
For pay of three subassistants, at $1,400 per annum, $4,200.
For pay of two subassistants, at $1,300 per annum, $2,600.
For pay of four subassistants, at $1,100 per annum, $4,400.
For pay of six aids, at $900 per annum, $5,400.
For pay of one aid, at $720 per annum.
Total pay in field, $123,120: *Provided*, That no new appointments shall be made to the above force until the whole number of assistants, subassistants, and aids shall be reduced to fifty-two.

Mr. ALLISON. In line 671 I will add the words "per annum;" so that the clause will read:

For pay of one assistant, at $3,200 per annum.

Mr. EDMUNDS. And those words should be added in line 665, "For pay of Superintendent, $6,000," as well, to make it harmonious.

Mr. ALLISON. I do not know that that is necessary, but it may as well be inserted.

The PRESIDING OFFICER. The question is on this amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. ALLISON. I will say that the same rule prevails from line 709 to line 809, inclusive, and then from line 810 to 984. I wish that to be treated as one amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Under the head of "Pay of office force, Coast and Geodetic Survey," it is proposed to strike out from line 709 to line 809, inclusive, as follows.

For one auditing clerk and one accounting clerk, at $2,000 each, $4,000.
For one librarian, at $1,800.
For one general office assistant, at $2,000.
For three clerks, at $1,600 each, $4,800.
For two clerks, at $1,400 each, $2,800.
For three clerks, at $1,200 each, $3,600.
For one clerk, at $1,000.
For one clerk, at $900.
For two writers, at $840 each, $1,670.
For seven writers, at $720 each, $5,040.
For two computers, at $1,850 each, $3,700.
For one computer, at $1,500.
For two computers, at $1,400 each, $2,800.
For two computers, at $1,300 each, $2,600.
For two computers, at not exceeding $1,000 each, $2,000.
For two engravers, at $2,000 each, $4,000.
For one engraver, at $1,800.
For two engravers, at $1,500 each, $3,000.
For one engraver, at $1,200.
For one engraver, at $900.
For one draughtsman, at $2,400.
For one draughtsman, at $2,200.
For two draughtsmen, at $2,000 each, $4,000.
For three draughtsmen, at $1,800 each, $5,400.
For one draughtsman, at $1,500.
For three draughtsmen, at $1,400 each, $4,200.
For two draughtsmen, at $1,300 each, $2,600.
For one draughtsman, at $1,200.
For one draughtsman at $1,100.
For one draughtsman at $900.
For one electrotypist and photographer, at $1,600.
For two electrotypist's helpers, at $550 each, $1,100.
For one janitor, $1,200 per annum.
For two watchmen, at not exceeding $894 per annum each, $1,780.
For two messengers, at $840 each, $1,680.
For three messengers, at $820 each, $2,460.
For one driver, at $840.
For one packer and folder, at $820 per annum.
For one packer and folder, at $620.
For two laborers, at $620 each, $1,240.
For two laborers, at $550 each, $1,100.
For one laborer, at $1 per working day, $313.
For one laborer, at $1 per day, $365.
For one fireman, at $720.
For one fireman, at $550.
For one map-mounter, at $1,000.
For one map-colorist, at $720.
For one carpenter, at $1,500.
For one carpenter, at $700.
For one mechanician, at $1,600.
For one mechanician, at not exceeding $1,400.
For two mechanicians, at $1,200 each, $2,400.
For one mechanician, at $900.
For one mechanician, at $600.
For three copper-plate printers, at $1,300 each, $3,900.
For one copper-plate printer's helper, at $700.
Total for pay of office force, $108,236.

And in lieu thereof to insert:

For one disbursing agent, at $2,000.
For one accountant, at $1,800.
For one accountant, at $1,400.
For one general office assistant, at $2,200.
For one draughtsman, at $2,350.
For one draughtsman, at $2,100.
For one draughtsman, at $2,050.
For two draughtsmen, at $2,000, $4,000.
For one draughtsman, at $1,800.
For one draughtsman, at $1,500.
For three draughtsmen, at $1,400, $4,200.
For one draughtsman, at $4.25 per working day, $1,330.25.
For one draughtsman, at $1,260.
For two draughtsmen, at $1,200, $2,400.
For one draughtsman, at $3.50 per working day, $1,095.50.
For one draughtsman, at $3 per working day, $939.
For two computers, at $1,850, $3,700.
For one computer, at $1,420.
For one computer, at $1,300.
For one computer, at $1,260.
For one computer, at $1,100.
For one tidal computer, at $2,000.
For one tidal computer, at $1,250.
For one engraver, at $2,060.
For one engraver, at $6.39 per working day, $2,000.
For one engraver, at $6.25 per working day, $1,956.25.
For two engravers, at $5.75 per working day, $3,600.
For one engraver, at $5 per working day, $1,565.
For one engraver, at $4.75 per working day, $1,486.75.
For one engraver, at $4.50 per working day, $1,480.50.
For one engraver, at $3 per working day, $939.
For one contract engraver, contract not to exceed $2,400 per annum.
For one contract engraver, contract not to exceed $2,100 per annum.
For one contract engraver, contract not to exceed $1,800 per annum.
For one contract engraver, contract not to exceed $800 per annum.
For one electrotypist, at $2,000.
For one electrotypist's helper, at $3.75 per working day, $1,173.75.
For one copper-plate printer, at $5.50 per working day, $1,721.50.
For two copper-plate printers, at $4.25 per working day, $2,660.50.
For one copper-plate printer, at $4 per working day, $1,252.
For two plate-printers' helpers, at $2.25 per working day, $1,410.50.
For one chief mechanician, at $2,000.
For one mechanician, at $5 per working day, $1,565.
For one mechanician, at $4.25 per working day, $1,330.25.
For one mechanician, at $4 per working day, $1,252.
For one mechanician, at $3.75 per working day, $1,173.75.
For one mechanician, at $2.82 per working day, $882.66 cents.
For one mechanician, at $1.75 cents per working day, $547.75.
For one carpenter, at $5 per working day, $1,565.
For one carpenter, at $2.25 per working day, $704.25.
For one carpenter, at $1.82 per working day, $569.66 cents.
For one map-mounter, at $3.25 per working day, $1,017.25.
For one librarian, at $1,800.
For one clerk, at $1,650.
For two clerks, at $1,500, $3,000.
For one clerk, at $1,400.

For one clerk, at $1,350.
For two clerks, at $1,200, $2,400.
For one clerk, at $1,000.
For one clerk, at $900.
For one clerk, at $3.75 per working day, $1,173.75.
For one map-colorist, $720.
For one writer, at $900.
For one writer, at $840.
For six writers, at $720, $4,320.
For one writer, at $600.
For one messenger, at $2.40 per day, $876.
For one messenger, at $840.
For three messengers, at $2.25 per day, $2,463.75.
For three messengers, at $1.75 per day, $1,916.25.
For one fireman, at $2 per day, $730.
For one fireman, at $1.50 per day, $547.50.
For one packer and folder, at $2.25 per day, $821.25.
For one packer and folder, at $2 per working day, $626.
For two laborers, at $2 per working day, $1,252.
For two laborers, at $1.75 per working day, $1,095.50.
For one laborer, at $1 per working day, $313.
For one laborer, at $1 per day, $365.
For one janitor, at $1,200.
For three watchmen, at $2.45 per day, $2,682.75.
Total for pay of office force, $127,178.82.

The amendment was agreed to.

The next amendment was in the appropriations for "office expenses," Coast and Geodetic Survey, in line 991, after the word "electrotyping," to strike out "engravers' and printers'" and insert "and photographing; engraving, electrotyping, and photographing;" in line 994, after the word "charts," to insert "and printing from stone;" and in line 995, after the word "use," to strike out "ten thousand" and insert "eleven thousand five hundred;" so as to make the clause read:

For copper-plates, chart-paper, printer's ink; copper, zinc, and chemicals for electrotyping and photographing; engraving, electrotyping, and photographing supplies; for extra engraving; and for photolithographing charts and printing from stone for immediate use, $11,500.

The amendment was agreed to.

Mr. ALLISON. On line 1004 I ask consent to offer an amendment. "Twenty-eight thousand five hundred dollars" should be struck out as the total amount of the appropriation for general expenses of the office of the Coast and Geodetic Survey and "$30,000" inserted, to make the totals correct.

The PRESIDING OFFICER. If there be no objection that correction will be made.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1017, after the words "publishing observations," to strike out:

For one computer, $1,800; one computer, $1,600; and three copyists, at $720 each; in all $5,560.

And in lieu thereof to insert:

For continuing the publication of observations and their discussion, made in the progress of the Coast and Geodetic Survey, including compensation of civilians engaged in the work, the publication to be made at the Government Printing Office, $6,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in the appropriations for "miscellaneous objects under the Treasury Department," in line 1040, after the word "superintendent," to insert "counters;" and in line 1041, before the word "thousand," to strike out "fifty" and insert "sixty;" so as to make the clause read:

Paper and stamps: For paper for internal-revenue stamps, freight, and salaries of superintendent, counters, messengers, and watchmen, $60,000.

The amendment was agreed to.

The next amendment was after line 1041 to insert:

Punishment for violations of internal-revenue laws: For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws, or conniving at the same, including payments for information and detection of such violations, $50,000; and the Commissioner of Internal Revenue shall make a detailed statement to Congress once in each year as to how he has expended this sum, and also a detailed statement of all miscellaneous expenditures in the Bureau of Internal Revenue for which appropriation is made in this act.

The amendment was agreed to.

The next amendment was, to strike out the clause from line 1053 to line 1076, inclusive, as follows:

That the Secretary of the Treasury is hereby authorized and directed to sell at public auction, in the city of Philadelphia, Pa., to the highest bidder, after thirty days' notice in four of the principal newspapers published in the city of Philadelphia, in one or more lots, the land and premises known as the old court-house and post-office in said city, lying upon Chestnut street and extending back to Library street, and between Fourth and Fifth streets, and adjoining the present custom-house site in said city; the time and place of said sale in said city to be fixed by the Secretary of the Treasury at a date not later than ninety days after the passage of this act, and at a price not less than $300,000, with power to reject any or all bids, and to readvertise and offer the said property in like manner as often as may be necessary to secure the value thereof, and the cost to be paid from the proceeds of sale; and it shall be the duty of the Secretary of the Treasury to cause inquiry to be made as to the value of this property, and if it shall appear that the price above named is inadequate he is authorized and directed to appoint a board of three persons in the employ of the United States to assess the value of the said property, and report the same to the Secretary of the Treasury, when the sum fixed by this board shall be the minimum price at which the property may be thus sold.

Mr ALLISON. The same provision is in the law passed in 1884 and is a continuing provision. It is not necessary to repeat it.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out the clause from line 1112 to line 1124, inclusive, as follows:

Mint at Philadelphia: For the removal of the steam-power plant to the northwest corner of the mint property, locating the boiler-room outside of the walls of the main building, for underpinning, new walls, girders, brick-work, new boilers, engine, steam pipes, and shafting, $54,639.20; and for construction of vault for the storage of silver dollars out of the present boiler-room, $60,000; in all, $114,639.20; to be expended under the immediate supervision of the superintendent of the Mint at Philadelphia, on contract, subject to the approval of the Director of the Mint.

Mr. ALLISON. I ask that that amendment may be passed over.

The PRESIDING OFFICER. It will be passed over if there be no objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1164, after the word "carpets," to insert "and awnings where necessary;" and in line 1168, before the word "thousand," to strike out "fifty" and insert "seventy-five;" so as to make the clause read:

Furniture and repairs of furniture: For furniture and repairs of furniture, including carpets, and awnings where necessary, for all public buildings under the control of the Treasury Department, including marine hospitals, and for furniture, carpets, chandeliers, and gas-fixtures for new buildings, $175,000. And all furniture now owned by the United States in other buildings shall be used as far as practicable, whether it corresponds with the present regulation plans for furniture or not.

The amendment was agreed to.

The next amendment was, after line 1209, to insert:

Fish-hatchery at Duluth, Minn.: For the establisment of a fish-hatchery on Lake Superior, at or near Duluth, Minn., $10,000.

The amendment was agreed to.

The next amendment was, after line 1226, to insert:

Steamer Albatross: For the construction and introduction of new boilers for the steamer Albatross, and other necessary general repairs, $20,000; for expenses of journey from New York to San Francisco, including cost of coal and other necessary supplies, $7,500; in all, $27,500.

Mr. EDMUNDS. I suggest to strike out the word "journey," in line 1230, and insert the word "voyage."

Mr. ALLISON. I did not know but they might want to go across some canal. [Laughter.]

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in line 1259, before the word "thousand," to strike out "thirty" and insert "forty;" so as to make the clause read:

Compensation in lieu of moieties: For compensation in lieu of moieties in certain cases under the customs-revenue laws, $40,000.

The amendment was agreed to.

The next amendment was, in line 1286, after the word "Alaska" to strike out "twenty" and insert "thirty;" so as to make the clause read:

For the protection of sea-otter hunting-grounds and seal-fisheries in Alaska: To enable the Secretary of the Treasury to use revenue-steamers for the protection of the interests of the Government on the seal-islands and the sea-otter hunting-grounds, and the enforcement of the provisions of law in Alaska, $30,000.

The amendment was agreed to.

The next amendment was, after line 1287, to insert:

National Board of Health:
For salaries and expenses of the National Board of Health, $10,000.

The amendment was agreed to.

The reading was resumed and continued to the end of the clause from line 1291 to line 1299 inclusive, as follows:

Prevention of epidemics:
The President of the United States is hereby authorized, in case of threatened or actual epidemic of cholera or yellow fever, to use the unexpended balance of the sum appropriated therefor by the act approved March 3, 1885, in aid of State and local boards or otherwise, in his discretion, in preventing and suppressing the spread of the same and for maintaining quarantine and maritime inspections at points of danger.

Mr. EDMUNDS. I should like to inquire how much balance there is unexpended that is put at the command of the President respecting the prevention of epidemics?

Mr. ALLISON. The amount is $275,000.

Mr. EDMUNDS. He has plenty then.

Mr. GIBSON. I have an amendment to offer at that point.

The PRESIDING OFFICER. The Chair will suggest to the Senator from Louisiana that an amendment is not in order until the committee amendments have been disposed of.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was in the appropriations "under the Navy Department," in line 1303, after the word "dollars," to insert "for completion of iron crane, $22,000; in all, $213,595;" so as to make the clause read:

Navy-yard, Mare Island, California: For completion of stone dry-dock, $191,595; for completion of iron crane, $22,000; in all, $213,595.

The amendment was agreed to.

The next amendment was, after line 1306, to insert:

Navy-yard, Brooklyn, N. Y.: For repairing and preserving granite dry-dock, $125,000.

The amendment was agreed to.

The next amendment was, after line 1309, to insert:

Naval training station, Coaster's Harbor Island, Rhode Island: For extending wharf and dredging, repairs to main causeway, sea-wall, roads; buildings and grounds, and the necessary labor and implements required for the proper preservation of the same, $10,000.

The amendment was agreed to.

The next amendment was, after line 1315, to insert:

For repairs and improvements on buildings: Heating, lighting, and furniture for same; books and stationery; freight and other contingent expenses; facing building with Portland cement; purchase of food and maintenance of horses, and mail-wagon, and attendance on same, $8,000.

Mr. EDMUNDS. Does that mean the naval training station at Coaster's Harbor Island?

Mr. ALLISON. Yes, sir.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1324, to insert:

STATE DEPARTMENT.

French spoliation claims: To enable the Secretary of State to complete the preliminary search already made in France for records and other documents affecting the rights or claims of American citizens under the act of Congress approved January 20, 1885, entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to July 31, 1801," and to make a similar search in Spain or elsewhere, and to procure the records and documents already found or that may hereafter be found, or certified copies or abstracts thereof, to be used by the claimants or the Attorney-General of the United States before the Court of Claims, $10,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of State.

The amendment was agreed to.

The next amendment was, after line 1341, to insert:

Statue of "Liberty Enlightening the World:" To defray the expenses incident to the landing, housing, protecting, and inaugurating upon Bedloe's Island of Bartholdi's statue of "Liberty Enlightening the World," and for construction of platforms, repairs of wharf, clearing grounds of unsightly structures, and other incidental expenses, and for incidental expenses of the ceremony of inauguration, $56,500.

The amendment was agreed to.

The next amendment was, in the appropriations "Under the Department of the Interior," after line 1351, to insert:

Interior Department building: For reconstruction of the east wing of the Interior Department building, $160,000.

The amendment was agreed to.

The next amendment was, after line 1354, to insert:

For constructing a passenger and freight elevator in the west wing of the Interior Department building, $12,000.

The amendment was agreed to.

The next amendment was to strike out the clause from line 1364 to line 1377, inclusive; as follows:

That the Secretary of the Interior is hereby authorized to expend from any balance of the appropriation for "Contingent expenses office of the Secretary of the Interior," and so forth, for the fiscal year 1886, that may not be required for other purposes or remain unexpended, not, however, to exceed $20,000, or so much thereof as may be necessary, for the introduction in the Interior Department building of an electric-light plant, including dynamos, engines, boilers, pumps, wires, lamps, and such other material, and also labor, as may be required for the introduction of said plant; and the said sum of $20,000, or so much thereof as may be necessary, is hereby appropriated and made available for the purposes herein specified.

The amendment was agreed to.

The next amendment was, in line 1379, after the word "building," to strike out:

For occupancy by the Pension Office, the General Land Office, Indian Office, Bureau of Education, Office of the Commissioner of Railroads, Bureau of Labor, the office of the agent for the payment of pensions in the District of Columbia, and Office of the Geological Survey, namely: For extending the fourth floor around the whole building, to extend the wrought-iron gallery, and to provide light, heat, and ventilation for the new fourth-story rooms, for record-rooms, and for clerical work, $61,000.

Mr. HAWLEY. It would strike one who did not know so much about this subject as the Committee on Appropriations that this was a very reasonable provision of the bill, so that the already overcrowded buildings in the Interior Department may be relieved. I should like to hear the objections to it.

Mr. ALLISON. The Senator will observe that we do propose to complete the building by the remaining portion of this paragraph, but not to enlarge it The proposition just read is a provision to build another story on the Pension building, and it so appears on its face, to make a fourth story. It is in fact a proposition to cut the third story in two, and make a story above the present third story, which will be lighted from the roof by little circular holes just under the roof. It is perfectly manifest, it seems to me, that such a place would be uninhabitable during a portion of the year at least in this city.

Mr. HALE. Would it not be exactly as if the top of this Chamber was cut off and another story made around the lower part of the gallery?

Mr. ALLISON. It would be, I think, a great deal worse than that, if anything could be worse.

Mr. HALE. But that is the idea.

Mr. ALLISON. And therefore the committee believed, after a thorough examination so far as they could make an examination, that this scheme was wholly impracticable, and the Secretary of the Interior, after very careful examination, coincided with us.

The third story of this building ought to be utilized as a hall of records, when we get it finally completed. It is a story 31 feet high, with a circuit of windows around it, and it can be utilized for public records because it is a fire-proof building. The committee think it would be a waste of money to put another story there with a view to having it occupied by a clerical force.

Mr. EDMUNDS. Why is it 31 feet high?

Mr. ALLISON. That is the height the architect thought necessary to give the building the beautiful appearance it now has. I submit to the Senate that it would not be wise to divide this story into two parts in the way proposed.

Mr. HALE. I hope that no Senator will ask any questions about that remarkable and wonderful monstrosity that stands on the north side of Judiciary Square known as the new Pension Office building. The ingenuity of man, that has heretofore been devoted to the erection of structures that offend the eye and result in a total failure in almost every particular, has never gone as far as has been done in this building as it stands to-day before our eyes. It is a reproach in every way. It is unsightly and inconvenient. The room in it is wasted, and it is a total and complete abortion and failure. The less that is said about it the better.

Mr. HAWLEY. And it has no right to be on Judiciary Square.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after the word "dollars," in line 1395, to strike out:

In all, $150,000. And as soon as completed as herein provided for the Secretary of the Interior shall, within the fiscal year 1887, cause to be removed to the said building the General Land Office, Indian Office, Bureau of Education, Office of Commissioner of Railroads, Bureau of Labor, and the office of the agent for the payment of pensions in the District of Columbia, and office of the Geological Survey, and vacate the buildings rented for and now occupied by said offices and bureaus, or portions thereof; and the said Pension Office building shall be under the control of the Secretary of the Interior and subject to such rules and regulations as he may prescribe.

So as to make the clause read:

Pension building: For completing the Pension office building, renewing roof covering injured during construction of superstructure, and painting inside and out, plastering and decorating walls of hall and office rooms, wood flooring in office-rooms, tiling and other pavements, vault lights, hall and cellars, sky-lights, ventilating towers, entrance gate and gateways, supervision, foremen, superintendent, office expenses, and contingencies, $89,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, after the words "Capitol terraces," in line 1416, to strike out:

For continuing the work upon the terraces of the Capitol, sections marked K, D, and J, as shown on printed plan accompanying the letter of the Secretary of the Treasury (Executive Document No. 9, first session Forty-eighth Congress), including wages of mechanics and laborers, and for reconstructing boiler-vaults connected with sections C and K, $150,000.

That the unexpended balance of the appropriation for continuing the construction of the terrace and grand stairways of the Capitol made in the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes," is hereby reappropriated or rendered available for the continuation of that work during the fiscal year 1887.

And in lieu thereof to insert:

All work upon the Capitol terraces shall be suspended till a further plan shall be submitted to Congress providing for committee-rooms upon the western front of said terraces, with proper ventilation and light from windows in the outer western wall.

Mr. ALLISON. That amendment may be passed over.

The PRESIDING OFFICER. It will be passed over if there be no objection.

Mr. VEST. I suggest to the chairman of the committee that we have this document I hold in my hand printed in the RECORD.

Mr. ALLISON. I have no objection.

Mr. SEWELL. What document is that?

Mr. VEST. Mr. Olmsted's letter to the chairman of the Committee on Appropriations.

Mr. HALE. If it was before the Committee on Appropriations I want it read to show how weak a case it makes.

Mr. ALLISON. Let it be printed in the RECORD.

Mr. HALE. Yes; let it be printed where it will be seen.

The PRESIDING OFFICER. It will be printed in the RECORD if there be no objection. The Chair hears none.

The paper is as follows:

Hon. WILLIAM B. ALLISON,
Chairman of Committee of Appropriations,
United States Senate.

DEAR SIR: I respectfully ask that the attention of your committee may be invited to certain considerations affecting the question of opening windows in the outer wall of the terrace of the Capitol.

The essential purpose of the Capitol is provided for in a range of halls for legislative assemblies with connecting corridors, ante-rooms, and side rooms, and this range is manifested exteriorly by colonnades and other decorative features carried around the entire building. It is set well above ground, and is held up and made more conspicuous and notable by a very plain basement story.

Below this basement story there are foundation walls, and between these foundation walls a cellar. It is not customary in buildings of any importance to make a show of the foundation walls or of the cellar. It would detract from the dignity of such buildings to do so. That the cellar may be lighted and ventilated it is usual to make what in common city buildings is called an area, within which windows are opened through the foundation walls into the cellar

in such a manner that they can not be seen in a general view of the building from the outside.

This is essentially what has been done in building the Capitol, the area on the west side being a very large one. There are rooms of some importance in the cellar story, but these rooms are not designed to be presented to view, nor can they be presented to view with propriety any more than the coal vaults or any domestic offices in the cellar of ordinary fine, large town houses.

The original design of the Capitol has thus been sufficiently explained. Now, as to the construction that is being added to it, called the terrace, it must not be supposed that this has been designed with the slightest idea of amending or reorganizing or overruling the original design of the building. It has not been intended to make a more important feature of the cellar part of the building, to bring it out of ground or to light it. Had there been any such purpose, had Congress asked for a plan for any such purpose, a very different plan would have been devised for it from that of the terrace. Nothing whatever of what has thus far been built of the terrace would have been proposed.

What, then, was the object of the terrace? The answer may be given in this way:

Here is a great and costly building, the greater part of the cost of which has been directed to the purpose of producing a certain impression on the minds of those looking toward it, and an impression that should be associated with ideas of the strength and majesty of a great nation.

There is nothing more necessary to a successful realization of such a purpose in a building than that it should seem to stand firmly; that its base should seem to be immovable. There is a difficulty in making as strong an impression in this respect as is desirable when an extraordinarily massive structure is placed, as in the case of the Capitol, hanging upon the brow of a hill.

The object of the terrace was to more effectually overcome this difficulty. How was it to be accomplished?

It was proposed to be accomplished by setting a strong wall into the face of the hill in front of the foundations of the building; that is to say, in front of its cellar walls. Such an outer wall, it was calculated, would have the effect upon the eye of a dam holding back whatever on its upper side looked liable to settle toward the down-hill side. Every dollar thus far spent on the terrace, and on the grounds in connection with it, has been spent on the supposition that this calculation was soundly made. If it was soundly made, then it will appear that the opening of holes in this wall would leave the same effect as the opening of holes in a dam. It would make the building behind it look less secure in its foundations, less firmly based on the down-hill side.

Another way of stating the intended effect of the wall is that it would seem to overcome all tendency of the upper part of the hill to be squeezed out by the weight of the great mass of masonry above it.

Now, such a wall being seen a short distance in front of the cellar wall of the Capitol, it is of no consequence, with reference to the purpose stated, whether the space between the two is occupied by solid earth, or whether the earth is excavated, and in its place cross-walls built, by which any tendency of the cellar walls to slip out would be resisted. The result must be the same, a firmly reinforced base. In this case the arrangement of cross-walls has been adopted, and it has been thought that an advantage would be gained by making the spaces between these cross walls available for storage vaults, and in those parts where, under the old arrangement, a sunken area had been provided for the lighting of the cellar of the main building, that the spaces so gained should be prepared in a manner making them equally suitable with the best of the present cellar rooms in respect to the requirements of light and air. But the advantages to be gained in this way have always during the ten years in which the scheme has been under discussion been presented as incidental advantages simply, not as the main purpose.

With reference to this incidental purpose, and more specially to the requirement of additional committee-rooms, the Committee on Public Buildings and Grounds was asked to say how many additional well-lighted and ventilated rooms were desirable. The answer was that twenty would be enough. As the plan stands now, twenty-eight rooms are provided for. Their average area is 25 by 15 feet. Each has at least one window opening upon the area, and the smallest of these windows measures 8 by 11 feet. There is a large door opposite the window of each room opening from a spacious corridor, through which a thorough draught can be carried. The rooms would be large, lofty, airy, and well lighted.

Respectfully,

FRED'K LAW OLMSTED,
Landscape Architect.

WASHINGTON, *July* 15, 1886.

The reading of the bill was resumed. The next amendment of the Committee on Appropriation was, under the head of "Hot Springs Improvement," in line 1444, after the word "for," to strike out "continuation" and insert "completion;" so as to make the clause read:

For completion of improvement of Hot Springs Creek, $20,000.

The amendment was agreed to.

The next amendment was, in line 1463, after the word "lands," to strike out "seventy-five" and insert "sixty;" so as to make the clause read:

Depredations on public timber: To meet the expenses of protecting timber on the public lands, $60,000.

Mr. ALLISON. I asked that lines 1462 to 1467, inclusive, be passed over.

The PRESIDING OFFICER. The amendments in those lines will be passed over without action, if there be no objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1476, before the word "thousand," to strike out "fifteen" and insert "twenty;" and in line 1481, after the word "exceeding," strike out "two dollars and fifty cents" and insert "three dollars;" so as to read:

Settlement of claims for swamp land and swamp-land indemnity: For salaries and expenses of agents employed in adjusting claims for swamp lands and for indemnity for swamp lands, $20,000: *Provided*, That agents and others employed under this and the appropriations for "depredations on public timber" and "protecting public lands," while travelling on duty, shall be allowed per diem, in lieu of subsistence, at a rate not exceeding $3 per day, and for actual necessary expenses for transportation.

The amendment was agreed to.

The next amendment was, in line 1487, after the word "same," to strike out "five" and insert "ten;" so as to make the clause read:

Reproducing plats of surveys: To enable the Commissioner of the General Land Office to continue to reproduce worn and defaced official plats of surveys on file, and other plats constituting a part of the records of said office, and also to furnish local land officers with the same, $10,000.

The amendment was agreed to.

The next amendment was, in line 1493, to insert the word "of" before the words "the sum;" after the word "appropriated," at the end of the same line, to strike out "as far" and insert "$10,000, or so much thereof;" in line 1496, after the word "field," to insert "made under this appropriation;" so as to make the clause read:

For surveying the public lands, $50,000, at rates not exceeding $9 per linear mile for standard and meander lines, $7 for township, and $5 for section lines; and of the sum hereby appropriated, $10,000, or so much thereof as may be necessary, may be expended for the examination of surveys in the field made under this appropriation, to test the accuracy of the work and to prevent payment for fraudulent and imperfect surveys returned by deputy surveyors, and inspecting mineral deposits, coal-fields, swamp-lands, and timber districts, and for making such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States.

Mr. ALLISON. I ask that lines 1489 to 1503, inclusive, be passed over.

Mr. COCKRELL. I was just going to ask that myself; and I want to give notice of an amendment which I ask to have printed in the RECORD. I shall move at the proper time at the end of line 1488, on page 61, to insert these words:

And the moneys received at the General Land Office as fees for furnishing transcripts of records and patents, shall be deposited in the Treasury and be deemed an appropriation to pay for making such copies; and the Commissioner of the General Land Office shall be authorized to use any portion of this appropriation for piecework or for temporary clerk-hire, by the day, month, or year, at such rate or rates as he may deem just and fair, not exceeding a thousand dollars a year.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1503, to insert:

For surveying the public lands in the State of Nevada, $30,000, at rates not exceeding $9 per linear mile for standard and meander lines, $7 for township, and $5 for section lines, except that the Commissioner of the General Land Office may allow, for the survey of standard and meander lines through lands heavily timbered, mountainous, or covered with dense undergrowth, a sum not exceeding $13 per linear mile for standard lines, $11 for township, and $7 for section lines.

The amendment was agreed to.

Mr. MITCHELL, of Oregon. I wish to ask the chairman of the committee whether the provision in line 1490, appropriating $50,000 "for surveying the public lands," is the sum total of the appropriations for surveys of the public lands, except the special appropriations?

Mr. ALLISON. It is, but that amendment has been passed over for further consideration.

The PRESIDING OFFICER. The reading will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1522, after the word "for," to strike out "necessary expenses of survey, appraisal, sale, and pay of custodians" and insert "care and preservation;" and in line 1527, before the word "thousand," to strike out "ten" and insert "two;" so as to make the clause read:

For care and preservation of abandoned military reservations transferred to the control of the Secretary of the Interior under the provisions of an act of Congress approved July 5, 1884, $2,000.

Mr. ALLISON. I ask that the clause from line 1522 to 1527, inclusive, be passed over.

The PRESIDING OFFICER. The amendments in that part of the bill will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1527, to insert:

For the survey of the grant known as the Hanson grant, in the State of Florida, $400, the said sum to be expended under the direction and discretion of the Secretary of the Interior.

Mr. EDMUNDS. I move to amend that by putting before the word "grant" the word "alleged." I have been trying to look that matter up in the records of the Committee on Private Land Claims, and I am not absolutely sure that there is any such valid grant, and I do not want any implication that there is. I want to put the word "alleged" before "grant," in line 1528; so as to read:

For the survey of the alleged grant known as the Hanson grant, in the State of Florida, &c.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1533, after the words "protection and improvement of the Yellowstone National Park," to strike out:

For the construction and improvement of suitable roads and bridges within the park, under the supervision and direction of an engineer officer detailed by the Secretary of War for that purpose, $20,000.

And in lieu thereof to insert:

For every purpose and object necessary for the protection, preservation, and improvement of the Yellowstone National Park, including compensation of superintendent and employés, $40,000; $2,000 of said amount to be paid annually to a superintendent of said park, and not exceeding $900 annually to each of ten assistants, all of whom shall be appointed by the Secretary of the Interior and reside continuously in the park, and whose duty it shall be to protect the game, timber, and objects of interest therein; the balance of the sum appropriated to be expended in the construction and improvement of suitable roads and bridges within said park, under the supervision and direction of an engineer officer detailed by the Secretary of War for that purpose.

Mr. HOAR. Is the effect of that language to make a permanent appropriation?

Mr. ALLISON. No, sir; it is not so intended.

Mr. VEST. That is the language of the former appropriation.

Mr. ALLISON. Forty thousand dollars is the amount of the appropriation.

Mr. HOAR. But the language is "$2,000 of said amount to be paid annually to a superintendent." Does not that involve a continued appropriation of a particular amount to be paid annually? If you said "$2,000 per annum to be paid to the superintendent" it would not be, but you say "to be paid annually."

Mr. ALLISON. I accept the criticism of the Senator from Massachusetts, and move to insert the words "per annum" instead of "annually" where the word "annually" twice occurs in that clause.

The PRESIDING OFFICER. The question is on the amendment to the amendment, to strike out "annually" and insert "per annum" in line 1541.

Mr. HOAR. That would be the same thing. Strike out the words "of said amount to be paid annually" and put in "$2,000 per annum."

Mr. ALLISON. That is what I proposed.

Mr. EVARTS. Would not this be the proper amendment:

Two thousand dollars of said amount to be paid as a year's compensation for a superintendent of said park.

Mr. HALE. Or "for the fiscal year."

Mr. ALLISON. If Senators will agree on it I shall be satisfied.

The PRESIDING OFFICER. The amendment suggested by the Senator from New York will be stated.

The SECRETARY. In line 1541, after the word "paid," it is proposed to strike out "annually" and insert "as a year's compensation."

The amendment to the amendment was agreed to.

Mr. EDMUNDS. Line 1543 ought to be amended in the same way.

The PRESIDING OFFICER. The change will be made there if there be no objection. The question is on the amendment as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed and continued to the end of line 1585, to the close of the provision relating to the United States Geological Survey.

Mr. HALE. I suggest to the chairman of the committee that here is a poor, forlorn branch of the Government that seems to have no friends in either House; nobody has even offered an amendment for it; and that it be allowed to go over until to-morrow. The Geological Survey nobody seems to take any interest in, and no amendments have been offered. I think it had better go over.

Mr. ALLISON. You mean the amendments we propose?

Mr. HALE. I ask that they go over until to-morrow.

Mr. ALLISON. The amendment beginning on line 1586?

Mr. HALE. Yes, sir, the whole part of the bill in regard to the Geological Survey.

The PRESIDING OFFICER. If there is no objection the amendments to that part of the bill will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "miscellaneous objects," in the appropriations for "Government Hospital for the Insane," after line 1619, to insert:

For the erection of a hospital building for convict and homicidal insane, $50,000.

The amendment was agreed to.

The next amendment was, under the head of "Columbia Institution for the Deaf and Dumb," in line 1627, after the word "improvements," to strike out the words "fifty-two thousand five hundred" and to insert "fifty-five thousand;" in line 1628, after the word "than," to strike out the words "twenty-five thousand" and insert the words "twenty-six thousand five hundred;" so as to make the clause read:

Current expenses of the Columbia Institution for the Deaf and Dumb: For support of the institution, including salaries and incidental expenses, and for books and illustrative apparatus, for general repairs, and improvements, $55,000: *Provided*, That no more than $26,500 of said sum shall be expended for salaries and wages.

The amendment was agreed to.

The next amendment was, in line 1640, after the word "building," to strike out the word "five" and insert the word "eight;" so that the clause will read:

For the extension of the buildings of the institution for the purpose of providing additional school-room accommodation, and also room for the instruction of the pupils in industrial labor, and for furnishing and fitting up said additional building, $8,000.

The amendment was agreed to.

The next amendment was, under the head of "Freedmen's Hospital and Asylum," in line 1654, after the word "surgeon-in-chief," to insert the words "not to exceed $3,000;" in line 1665, after the word "mangle," to strike out the words "two hundred" and to insert "three hundred and twenty-five;" in line 1667, after the word "hundred," to insert the words "and fifty;" and in the same line, after the word "thousand," to strike out the words "four hundred" and insert "five hundred and seventy-five;" so as to make the clause read:

For subsistence, $22,000; for salaries and compensation of the surgeon-in-chief, not to exceed $3,000, two assistant surgeons, engineer, clerk, matron, nurses, laundresses, cooks, teamsters, watchmen, and laborers, $13,600; for rent of hospital buildings and grounds, $4,000; for fuel and light, clothing, bedding, forage, transportation, medicines and medical supplies, repairs and furniture, and other absolutely necessary expenses, $10,500; erecting one two-story building, to be used as bath-rooms and water-closets for wards 1 and 2, $900; one mangle, $325; two washing-machines, $850; in all, $52,575.

The amendment was agreed to.

The next amendment was, in line 1672, after the word "Museum," to strike out the word "building;" so as make the clause read:

Heating and lighting the National Museum: For expense of heating, lighting, and electrical and telephonic service for the National Museum, $11,000.

The amendment was agreed to.

Mr. SEWELL. Is this the appropriate time to call for an explanation in relation to the expenditures for the National Museum as connected with the Smithsonian Institution? I have yet to know under what committee of the Senate these expenditures are arranged. I ask the chairman of the Committee on Appropriations whether any committee of the Senate has any jurisdiction over these expenditures? Here is a large appropriation of $106,500.

For the preservation, exhibition, and increase of the collections received from the surveying and exploring expeditions of the Government, and from other sources, including salaries or compensation of all necessary employés.

Mr. ALLISON. I do not know that any special committee has charge of these expenditures, unless it be the Committee on Appropriations. They are very carefully estimated for in the Book of Estimates.

Mr. SEWELL. The National Museum and Smithsonian Institution seem to report their proceeding directly to the Committee on Appropriations, and their appropriations are granted as estimated for in that way without going through any committee of the Senate, as all other expenses of the Government do.

Mr. HALE. What committees do the salaries of the employés of the Departments come under in any case except the Committee on Appropriations?

Mr. SEWELL. They come regularly to the Committee on Appropriations, but the interests of the Treasury Department are in charge of the Finance Committee.

Mr. HALE. The Finance Committee do not deal with the salaries of employés.

Mr. SEWELL. But here is a lump sum for the preservation, exhibition, and increase of collections in the National Museum amounting to $106,500.

Mr. HALE. It is the same as the Fish Commission.

Mr. SEWELL. I grant the Fish Commission is of the same character.

Mr. HALE. There are thirty other items in the bill of the same kind.

Mr. SEWELL. There are very few others, if any. There is a Committee on Fisheries of the Senate to-day that has not a particle of control over the expenditures of the Fish Commission, as it ought to have.

Mr. ALLISON. So far as the National Museum is concerned, for the number of employés and the character of work done the compensation of the persons who perform the work is less than in any other department of this Government. They are employed at very small compensation and are generally highly intelligent and educated men.

Mr. SEWELL. I do not find any fault with the compensation or with the intelligence of the gentlemen employed in those bureaus. I merely criticise the mode of doing business. Take the Army matters; they are referred to the Military Committee, and naval matters to the Naval Committee, and finance matters to the Committee on Finance. It seems that the Smithsonian Institution, the Fish Commission, and the National Museum deal directly with the Committee on Appropriations, without supervision on the part of any other committee.

Mr. ALLISON. The Smithsonian Institution is not a Government institution. It is controlled by regents appointed, two by the President of the Senate and two by the Speaker of the House of Representatives, and the others are *ex officio* members; and the expenditures of the Smithsonian Institution are not even under the control of Congress, I think. The Smithsonian fund is perpetually in the Treasury, drawing a fixed rate of interest, and the income is under the control of the regents.

Mr. SEWELL. Does the chairman of the Appropriations Committee say that no appropriation is made for the Smithsonian Institution?

Mr. ALLISON. I think not.

Mr. SEWELL. Are none of the officers' salaries paid by Congress?

Mr. ALLISON. Not that I know of.

Mr. HOAR. It seems to me that it might be very well at the beginning of the next session of Congress to have a slight amendment to the rules by which all questions relating to the National Museum and the Smithsonian Institution, and perhaps some kindred matters, so far as a change in their work is proposed, should be referred to the Committee on the Library. But I do not say that that would justify the present criticism, because I suppose that committee would no more look into the question of the number of clerks to carry out the ordinary work than the Committee on the Judiciary would look into the same question in regard to the Department of Justice.

Mr. SEWELL. I will say to the Senator from Massachusetts that

I did not intend to make any criticism at the present time; but at some future time I shall ask that matters in relation to the National Museum and also the Fish Commission shall be referred to or placed under the jurisdiction of the appropriate committees of the Senate.

Mr. HOAR. That would require a change of the rules.

Mr. ALLISON. If the Senator from New Jersey desires that some other committee shall overhaul these bureaus in respect to their appropriations, of course I have no objection to that. If the Committee on Appropriations have not carefully scrutinized the amounts of these appropriations, I trust the Senator will point out where the committee has been negligent.

Mr. SEWELL. I did not intend to make any reflection of that kind. In the end we all have confidence in the Committee on Appropriations for running the Government, but I did intend to call the attention of the Senate to the fact that these bureaus were being run without any supervision by a committee of Congress. I shall take occasion hereafter to bring the matter before the Senate.

Mr. BLAIR. I ask the indulgence of the chairman of the committee to introduce an amendment to this bill to be referred to the Committee on Public Buildings and Grounds.

The PRESIDING OFFICER. It will be received and so referred.

Mr. EVARTS. I offer an amendment to this bill, to come in after line 1349, in connection with the control of Bedloe's Island, and ask that it be printed.

The PRESIDING OFFICER. It will be printed and referred to the Committee on Appropriations.

Mr. VEST. I submit an amendment to this bill to be printed.

The PRESIDING OFFICER. It will be received, printed, and referred to the Committee on Appropriations. The reading of the bill will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1684, to insert:

Growth of Industrial Art:

That the provision of the act of March 3, 1885, authorizing the reproduction of the Growth of Industrial Art, hertofore prepared by and under the supervision of Benjamin Butterworth, be modified and amended to the extent and as herein provided; that the said Growth of Industrial Art may be reproduced of a size not less than 13 by 17 inches, and bound in one volume. Such reproduction shall be under the direction or supervision of the said Benjamin Butterworth, and he is authorized to add any additional statistics and historical matter which may have been prepared for said work, provided the same can be done and the entire cost of such reproduction, including the binding, which shall be done by the Public Printer, shall not exceed the amount heretofore set apart and designated for that purpose by the aforesaid act.

Mr. EDMUNDS. I should like to have that explained.

Mr. ALLISON. This is a matter already provided for in the act of March 3, 1885, and it is proposed to reduce the size of these illustrations and to print them in one volume instead of two. We have in our committee-room illustrations of the system.

Mr. TELLER. Congress made an appropriation for the Interior Department to make an exhibit at New Orleans. The then Commissioner of Patents gathered what he called a "growth of industrial art," showing the various improvements in all kinds of machinery. Taking for an illustration the machinery for cutting grass and grain, he started in the upper corner of a large volume with a man with a scythe mowing grass. Then the next machine that was patented for the cutting of grass and grain, which was a crude affair, followed, and so on down to the improved harvesters and binders, and the same with the printing-press and various other things.

It is one of the most interesting publications that can be imagined. It shows all the industrial art growth in this country, as exemplified by the patents in the Patent Office. Ten thousand dollars, I think, is the appropriation to duplicate a large number of them. I do not remember the expense that the Department went to. The work attracted a great deal of attention at New Orleans, not only from the people of this country but from foreigners. It is the most complete exhibit of the growth of this country, with all the statistics added, that can be made; and there is nothing, I think, that would go so far to give the people a ready and comprehensive idea of the growth of industrial art in this country as the publication of this work.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the head of "Under the War Department," in the appropriations for armories and arsenals," in line 1717, before the word "thousand," to strike out "ten" and insert "fifteen;" so as to make the clause read:

For general care, preservation, and improvement; for building new roads; for care and preservation of the water-power; for painting and care and preservation of permanent buildings, bridges, and shores of the island; for building fences, grading grounds, and repairs and extension of railroad, $15,000.

The amendment was agreed to.

Mr. EDMUNDS. I wish to submit an amendment to this bill to be printed and referred to the Committee on Appropriations.

The PRESIDING OFFICER. The amendment will be received, printed, and referred to the Committee on Appropriations.

The next amendment was, in the appropriations for Springfield arsenal, Springfield, Mass., after line 1727, to insert:

For construction of a fire-proof building to be used as a milling-shop, $30,000.

The amendment was agreed to.

The next amendment was, in the appropriations for Frankford arsenal, Philadelphia, Pa., after line 1739, to insert:

For building a boiler-house, dry-house, and coal-shed, $5,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "buildings and grounds in and around Washington," in line 1818, after the word "dollars," to strike out:

To be expended under the direction of the officer in charge of public buildings and grounds, by contract or otherwise, as may be most economical and advantageous to the Government.

So as to make the clause read:

For care, repair, and refurnishing the Executive Mansion, $16,000.

The amendment was agreed to.

The next amendment was, to strike out the clause from line 1861 to line 1869 inclusive, as follows:

Washington Monument: For completion of the Washington Monument, namely: For earth filling and grading around the monument, filling pond just north of monument, office expenses, including rent of necessary office rooms, and for each and every purpose connected with the completion of the monument, $57,000, to be expended under the direction of the joint commission created by the act of August 2, 1876.

Mr. ALLISON. Mr. President——

Mr. EDMUNDS. Why do you strike that out?

Mr. ALLISON. I think we have made substantial progress to-night. It is now 11 o'clock, and I move that the Senate adjourn.

The motion was agreed to; and (at 11 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, July 21, 1886, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July* 20, 1886.

The House met at 11 o'clock a. m. Prayer by Rev. Dr. BULLOCK, of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

PERSONAL PRIVILEGE.

Mr. HATCH. I rise to a question of personal privilege. I ask to have read from the Clerk's desk the paragraph in the RECORD which I have marked.

The Clerk read as follows:

Mr. President, as I said, I did not invite this controversy; I did not make any reference to the Senator from New York; but if he desires or thinks it advisable in a matter of this kind to pursue this subject upon personal grounds, he will find that I never decline the invitation. I say that a more shameful spectacle was never presented to the American people than this measure supported in the other House under the leadership of the chairman of a committee who is himself engaged in the dairy business, who has a herd and a farm whose product he sells in the market and upon which he relies for his support, and re-enforced in this body by the chairman of the Committee on Agriculture, who is engaged in the same business, and who is to profit, if this bill can by any means whatever be passed through this body, directly by the legislation that he is seeking here to promote.

We have heard, Mr. President, something about attorneys at law in this body not being permitted to take fees against the Government of the United States in cases where land-grant railroads were involved; and the impropriety and the indecency of a member of this body availing himself of his position to take fees and swell his income as an attorney at law against the interests of the United States have been dwelt upon, and dwelt upon properly. But, sir, if that is improper, how much more improper is it, how much more indefensible is it, for the chairmen of the committees of the two Houses to present measures here in which they have direct personal interest, and whenever any argument is made against them to descend into the arena of vulgar personality and denunciation in order to make the passage of the measure less obnoxious.

Mr. HATCH. Every gentleman upon this floor will agree with me that this reference to myself as chairman of the Committee on Agriculture in the House of Representatives by a Senator in the discussion of a bill that passed this House is a violation of every parliamentary rule as well as of every manly and decent instinct that ought to actuate a member of either House. The respect I have for this House and its members alone deters me from characterizing this attack as it ought to be characterized.

I simply desire to say, when this gentleman connects my name with that of the Senator from New York, who was present, had the rights and privileges of the floor of the Senate, and could defend himself—when he seeks to connect my name with that of the Senator from New York in the statement that I am personally interested in the passage of that bill, or that I derive my support or any part of it from the product of a herd of cows upon my farm, it is simply a complete and gratuitous falsehood. There is no truth in it, and no foundation for it.

As a farmer, I am the owner of a little herd of Jersey cows that I raise for the profit of the increase, and I would be proud of owning a dairy farm in the State of Missouri and of being a dairy farmer. I wish I had had the good fortune to have saved enough in my past life to have been classed among the dairy farmers of Missouri. But when the gentleman attempts in my absence to insinuate, and in a forum where I have no rights, that I have any more personal interest in the passage of that bill than the ten millions of farmers and sixty millions of consumers of butter in the United States, he simply utters a falsehood. And when the gentleman goes further, and says I have in any part of this

discussion descended into the arena of vulgar personality and denunciation, he utters the greatest falsehood of his life; and that is the hardest thing I can say about him. I have never on this floor descended, and I am not in the habit of descending, to personality and vulgarity. I leave that to flow from the mouth of the Senator from Kansas, "that teeming gangrened womb of slander and detraction."

HOUSE BILLS WITH SENATE AMENDMENTS

The SPEAKER laid before the House the following House bills with Senate amendments; which were referred as indicated:

The bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—to the Committee on Rivers and Harbors.

The bill (H. R. 5003) for the relief of Mary E. Casey—to the Committee on Private Land Claims.

The bill (H. R. 7191) to provide for the enlistment and pay and to define the duties and liabilities of the general-service clerks and general-service messengers in the Army—to the Committee on Military Affairs.

BRIDGES OVER THE TENNESSEE AND THE CUMBERLAND.

The SPEAKER also laid before the House the bill (S. 2800) to authorize the construction of bridges over the Tennessee and Cumberland Rivers by the Ohio Valley Railway Company.

Mr. STONE, of Kentucky. Mr. Speaker, the House Committee has reported a bill similar to that, and I ask unanimous consent that the Senate bill be now considered.

There was no objection, and it was so ordered.

The bill was read, as follows:

Be it enacted, &c., That the Ohio Valley Railway Company, organized under act of the General Assembly of the Commonwealth of Kentucky, be, and is hereby, authorized to construct and maintain bridges, and approaches thereto, over the Tennessee River at any point below Aurora, in the State of Kentucky, and the Cumberland River at any point below Canton, on said river. Said bridges shall be constructed to provide for the passage of railway trains, and, at the option of the corporation by which they may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot-passengers.

SEC. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, and it shall enjoy the rights and privileges of other post-roads in the United States.

SEC. 3. That all railroad companies desiring the use of said bridges shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same, and over the approaches thereto, upon the payment of a reasonable compensation for such use; and in case the owner or owners of said bridges and the several railroad companies, or any of them, desiring such use, shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridges, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.

SEC. 4. That any bridges authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said rivers as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridges, and a map of the location, giving, for the space of one mile above and one mile below the proposed location, the topography of the banks of the rivers, the shore-lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridges are approved by the Secretary of War the bridges shall not be built, and should any change be made in the plan of said bridges during the progress of construction, such changes shall be subject to the approval of the Secretary of War.

SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. STONE, of Kentucky, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PENSIONERS ON THE ROLL BY SPECIAL ACTS.

The SPEAKER also laid before the House a communication from the Secretary of the Interior in response to a resolution of the House stating the number of original pensioners on the pension-rolls placed there by special act; which was referred to the Committee on Invalid Pensions.

Mr. BROWNE, of Indiana. Mr. Speaker, I hope that the House will consent that that statement may be printed in the RECORD.

There was no objection, and it was so ordered.

The statement is as follows:

DEPARTMENT OF THE INTERIOR, *Washington, July* 12, 1886.

SIR: In response to a resolution of the House of Representatives, under date of the 22d ultimo, requesting information as to the number of persons now drawing original pensions from the Government of the United States by reason of special acts passed in their behalf and the amount of money required annually to meet the obligations incurred by the Government to this class of pensioners, I have the honor to transmit herewith a copy of a letter from the Commissioner of Pensions, dated the 10th instant, containing the desired information.

Very respectfully,

L. Q. C. LAMAR, *Secretary.*

The SPEAKER *of the House of Representatives.*

DEPARTMENT OF THE INTERIOR, *Washington, July* 19, 1886.

SIR: In compliance with the request contained in your letter of the 17th instant I have the honor to transmit herewith a copy of the letter of this Department, dated the 12th instant, and the inclosure therein referred to, in answer to the resolution of the House of Representatives calling for the number of special-act pensioners and the amount required to pay such pensions.

Very respectfully,

H. L. MULDROW, *Acting Secretary.*

Hon. J. G. CARLISLE,
Speaker of the House of Representatives.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE.
Washington, July 10, 1886.

SIR: I have the honor to return herewith a copy of the resolution of the House of Representatives, dated June 22, 1886, which was referred to me for report by Department reference of the 23d ultimo, as to the number of persons now drawing original pensions from the Government of the United States, by reason of special pension acts passed in their behalf, and what amount of money is required annually to meet the obligations incurred by the Government to this class of pensioners.

A careful examination of the records of the various pension agencies shows that there are now upon the pension-rolls one thousand four hundred and seventy-four persons by virtue of special acts passed in their favor, and that there is required to pay said pensioners the sum of $359,395.

Very respectfully,

JOHN C. BLACK, *Commissioner.*

Hon. L. Q. C. LAMAR,
Secretary of the Interior.

TRUST FUNDS IN THE INTERIOR DEPARTMENT.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, in response to a resolution of the House, furnishing a full and complete schedule of all trust funds held by the chiefs of bureaus in the Department of the Interior; which was referred to the Committee on Ways and Means, and ordered to be printed.

RICHARD C. RIDGWAY & CO.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] asked the other day to have the Senate bill (S. 1839), an act for the relief of Richard C. Ridgway & Co., put upon its passage, and the bill was read, after which objection was made. The Chair thinks the gentleman from Tennessee [Mr. MCMILLIN] called for the regular order. If the objection is not insisted upon, the Chair now desires to dispose of the bill in some way.

Mr. MCMILLIN. I called for the regular order at that time merely for the purpose of getting at the regular business. I did not wish to stand in the way of the passage of this bill.

The SPEAKER. Is there objection to the present consideration of the bill? If not, the question is on ordering the bill to be read a third time, unless some gentleman desires to have it again read in full.

There was no objection.

The bill was ordered to the third reading; and it was accordingly read the third time, and passed.

Mr. KELLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled the bill (H. R. 8023) to give the assent of Congress to the construction of a bridge by the municipalities of Menominee, Mich., and Marinette, Wis., over Menominee River; when the Speaker signed the same.

NAVAL APPROPRIATION BILL.

Mr. HERBERT. Mr. Speaker, I rise to present a privileged report. I am instructed by the Committee on Naval Affairs to report back the bill (H. R. 8975) making appropriations for the naval service for the fiscal year ending June 30, 1887, and for other purposes, with the recommendation that the Senate amendments be non-concurred in, and that the House ask a conference.

The SPEAKER. The question is upon non-concurring in the amendments of the Senate.

Mr. DUNHAM. Mr. Speaker, is it in order to have those amendments read?

The SPEAKER. It is.

Mr. DUNHAM. Well, let us have them read.

Mr. HERBERT. Mr. Speaker, this is the unanimous report of the committee. There are quite a number of amendments, in several of which we shall probably ask the House to concur; but the committee think it desirable to have a conference with the Senate conferees in order to ascertain what their views are.

The amendments were read.

Mr. HERBERT. By instruction of the Committee on Naval Affairs I move that the amendments of the Senate be non-concurred in.

Mr. HOLMAN. It occurs to me that at this stage of the session it might be advisable that the amendments be considered in detail upon their merits by the Committee on Naval Affairs and by the House.

Mr. HERBERT. I am satisfied we can arrive at a conclusion much more readily in the manner proposed by the committee. As to quite a number of these amendments the Committee on Naval Affairs would doubtless concur; but we think it desirable, in order to expedite business, that there be a consultation with conferees on the part of the Senate as early as possible, in order to ascertain the motives with which some

of these amendments were adopted. I hope therefore the House will non-concur.

Mr. HOLMAN. There are some of those amendments—3, 5, 11, 22, and several others—which I think ought to be concurred in. But I will waive the point.

The SPEAKER. The question is on the motion of the gentleman from Alabama [Mr. HERBERT], that the House non-concur in the amendments of the Senate and ask a conference with that body thereon.

The motion was agreed to.

Mr. HERBERT moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER announced the appointment of Mr. HERBERT, Mr. HEWITT, and Mr. HARMER as conferees on the part of the House.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS. I rise to a privileged question. By the unanimous instruction of the Committee on Rivers and Harbors I report back the bill known as the river and harbor appropriation bill, and ask that the House non-concur in all the amendments of the Senate and agree to the request of that body for a conference.

Mr. HEPBURN. Mr. Speaker, should not these amendments receive their first consideration in Committee of the Whole on the state of the Union?

The SPEAKER. The Chair thinks so, if the point is raised.

Mr. HEPBURN. I make that point.

Mr. WILLIS. I hope the gentleman will not insist on the point. I will state to him that there are only seven or eight amendments of the Senate embracing new matter, the remainder consisting merely in scaling down matters which have been already fully considered in committee and in the House.

Mr. HEPBURN. I think I understand the situation. I desire to make the point that the bill must go to the Committee of the Whole on the state of the Union.

Mr. WILLIS. But I am appealing to the gentleman to withdraw that point. Of course I know he understands the situation.

The SPEAKER. The gentleman from Iowa [Mr. HEPBURN] insists on his point of order. Under the twentieth rule of the House these amendments must have their first consideration in Committee of the Whole House on the state of the Union; and the bill and amendments will be so referred.

Mr. WILLIS. I will call the matter up, then, as soon as possible.

ORDER OF BUSINESS.

Mr. DAVIS. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of Senate bill No. 1730, with amendments, and that it be put on its passage.

Mr. HENLEY. I call for the regular order.

Mr. DAVIS. This will take but a moment. I hope the gentleman will not insist. I think he will agree with me as to the importance of promptly passing this bill. It is in regard to the yellow fever commission.

The SPEAKER. Does the gentleman from California insist on the regular order?

Mr. HENLEY. I have no volition in the matter, because I am acting under the instructions of my committee.

RECIPROCITY CONVENTION WITH MEXICO.

Mr. HEWITT, from the Committee on Ways and Means, reported back favorably a resolution, which was read, as follows:

Resolved, That the President be, and he is hereby, requested to communicate to this House, if in his opinion not incompatible with the public interest, copies of any correspondence, reports, or other information in possession of any Department or the Executive, relating to the probable advantages or disadvantages to accrue to the United States by the operation of the reciprocity commercial convention signed between the United States and Mexico on the 20th of January, 1883.

Mr. HEWITT. I am instructed by the Committee on Ways and Means to report that the information which this resolution proposes to call for is deemed desirable, and the committee recommend the adoption of the resolution.

The resolution was adopted.

Mr. HEWITT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. CLARDY. I ask unanimous consent——

The SPEAKER. The regular order is insisted upon, which cuts off all requests for unanimous consent. The regular order is the call of committees for reports.

SAMUEL NOBLE.

Mr. OATES, from the Committee on the Judiciary, reported back favorably the bill (S. 2475) for the relief of Samuel Noble; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

GENERAL SERVICE CLERKS AND MESSENGERS.

Mr. BRAGG, from the Committee on Military Affairs, reported back, with a recommendation that the amendments of the Senate be concurred in, the bill (H. R. 7191) to provide for the enlistment and pay and to define the duties and liabilities of general-service clerks and general-service messengers in the Army.

The SPEAKER. Do these amendments require that the bill go to the Committee of the Whole on the state of the Union?

Mr. BRAGG. They do not.

The SPEAKER. The bill, with the amendments, will be referred to the House Calendar.

HENRY EAST.

Mr. FINDLAY, from the Committee on Military Affairs, reported back favorably the bill (H. R. 8922) for the relief of Henry East; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JAMES ROACH.

Mr. WOLFORD, from the Committee on Military Affairs, reported back favorably the bill (H. R. 228) for the relief of James Roach; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FOURTEENTH KANSAS CAVALRY.

Mr. NEGLEY, from the Committee on Military Affairs, reported back favorably the bill (S. 387) to define the status and for the relief of the heirs or legal representatives of certain recruits of the Fourteenth Kansas Cavalry Volunteers, who were killed at Lawrence, Kans., August 21, 1863, by guerrillas; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALVIN A. AYRES.

Mr. NEGLEY, from the Committee on Military Affairs, also reported back with amendments the bill (H. R. 6142) to correct the military record of Alvin A. Ayres; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. NEGLEY, from the Committee on Military Affairs, also reported back favorably the bill (H. R. 7525) for the relief of Alvin A. Ayres; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FREDERICK GATES.

Mr. NEGLEY, from the Committee on Military Affairs, also reported back with amendments the bill (H. R. 6591) for the relief of Frederick Gates; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ASHER W. FOSTER.

Mr. NEGLEY, from the Committee on Military Affairs, also reported back favorably the bill (H. R. 5180) for the relief of Asher W. Foster; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEVI GUY.

Mr. NEGLEY, from the Committee on Military Affairs, also reported back favorably the bill (H. R. 3590) to relieve Levi Guy from the charge of desertion; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HIRAM A. BENEFIELD.

Mr. NEGLEY, from the Committee on Military Affairs, also reported favorably, as a substitute for the bill H. R. 3798, a bill (H. R. 9917) for the relief of Hiram A. Benefield; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 3798 was laid on the table.

ADVERSE REPORTS.

Mr. NEGLEY, from the Committee on Military Affairs, also reported back with an adverse recommendation bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 5898) for the relief of Richard Facion;

A bill (H. R. 4825) for the relief of J. H. Thornburg;

A bill (H. R. 6435) for the relief of Silas D. Bailiff; and

A bill (H. R. 2708) for the relief of Catherine Brennan.

CONDEMNED CANNON, AVOCA, IOWA.

Mr. WHEELER, from the Committee on Military Affairs, reported back favorably the bill (H. R. 5608) granting condemned cannon to U. S. Grant Post, No. 123, Grand Army of the Republic, at Avoca, Iowa, for monumental purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

NATIONAL CEMETERY, DANVILLE, VA.

Mr. WHEELER, from the Committee on Military Affairs, also reported favorably, as a substitute for the bill H. R. 2510 a bill (H. R. 9918) to provide for grading and paving the approaches to the national cemetery at Danville, Va.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, CAMDEN, N. J.

Mr. SNYDER, from the Committee on Public Buildings and Grounds, reported back favorably the bill (S. 228) for the erection of a public building at Camden, N. J.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

GRANT E. Q. LATHERMON.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 9157) granting a pension to Grant E. Q. Lathermon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY MERICLE.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2998) granting a pension to Henry Mericle; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. SAWYER, by unanimous consent the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 1743) for the relief of Thomas Russell; and the same was referred to the Committee on Pensions.

CLARA M. TANNEHILL.

Mr. CONGER, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 9672) granting a pension to Clara M. Tannehill; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID B. CALDWELL.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 7390) granting a pension to David B. Caldwell; which was referred to the Commi tee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. MARGARET CASHIN.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5398) granting a pensicn to Mrs. Margaret Cashin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY CANODE.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1903) granting a pension to Henry Canode; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SETH WELDY.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 8227) granting a pension to Seth Weldy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back with an adverse recommendation the bill (S. 1950) granting an increase of pension to Merritt Lewis; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

H. B. WILSON.

Mr. HOWARD, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 19) for the relief of H. B. Wilson, administrator of the estate of William Tinder, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

POST & M'CORD.

Mr. SPRINGER, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 4130) for the relief of Post & McCord; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MISS EULA E. HENRY.

Mr. SPRINGER, from the Committee on Claims, also reported back with a favorable recommendation the bill (S. 2414) for the relief of Miss Eula E. Henry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. SPRINGER, the Committee on Invalid Pensions was discharged from the further consideration of the bill (S. 2335) for the relief of the heirs of Malitty Rose, and the same was referred to the Committee on Pensions.

B. S. JAMES.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 1042) to pay B. S. James for transporting the United States mails; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

R. G. HUSTON.

Mr. BROWN, of Ohio, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 2529) for the relief of R. G. Huston & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORVILLE HORWITZ.

Mr. SHAW, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 618) for the relief of Orville Horwitz, assignee in trust of C. D. De Ford & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SURETIES OF DENNIS MURPHY.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 4811) for the relief of the sureties of Dennis Murphy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SNOWDEN & MASON.

Mr. GEDDES, from the Committee on War Claims, reported, as a substitute for H. R. 5759, a bill (H. R. 9919) for the relief of Snowden & Mason; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 5759 was laid on the table.

LUTHER M. BLACKMAN.

Mr. RICHARDSON, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 2350) for the relief of Luther M. Blackman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REPRESENTATIVES OF RICHARD F. WASSON.

Mr. RICHARDSON, from the Committee on War Claims, also reported back with a favorable recommendation the bill (H. R. 4732) for the relief of the legal representatives of Richard F. Wasson, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with report hereafter to be filed, ordered to be printed.

REPRESENTATIVES OF JAMES A. TORBERT.

Mr. ELY, from the Committee on Private Land Claims, reported back with a favorable recommendation the bill (H. R. 3856) for the relief of the legal representatives of James A. Torbert, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. TRIGG, the Committee on Accounts was discharged from the further consideration of the claim of Henry Brock; and it was referred to the Committee on Appropriations.

WILBER H. GRAEF & CO.

Mr. MCMILLIN, from the Committee of Ways and Means, reported a bill (H. R. 9920) for the relief of Wilber H. Graef & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TALLAPOOSA SUFFERERS.

Mr. NEAL, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 702) for the relief of the sufferers by the wreck of the United States steamer Tallapoosa; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE AT NEBRASKA CITY.

Mr. WEAVER, of Nebraska, from the Committee on Commerce, reported back the bill (H. R. 1411) to amend an act authorizing the construction of a bridge across the Missouri River opposite to or within the corporate limits of Nebraska City, Nebr., approved June 4, 1872;

which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GENERAL-SERVICE CLERKS IN THE ARMY.

Mr. BRAGG. Mr. Speaker, I ask unanimous consent that the amendments of the Senate to House bill 7191, to provide for the enlistment and pay and to define the duties and liabilities of "general-service clerks" and "general-service messengers" in the Army, be concurred in.

The SPEAKER. The regular order has been demanded.

Mr. HENLEY. Mr. Speaker, I desire to make a report from the Committee on Public Buildings and Grounds.

A MEMBER. I hope the demand for the regular order will be withdrawn.

Mr. HENLEY. I withdraw the demand for the regular order for a few moments.

Mr. PRICE. I renew the demand for the regular order.

Mr. WILLIS. Mr. Speaker, the gentleman from California proposed to make a report from the Committee on Public Buildings and Grounds.

The SPEAKER. The Chair perhaps misunderstood the gentleman from California. What was his statement?

Mr. HENLEY. I do not antagonize the gentleman from Kentucky.

Mr. PRICE. I withdraw the demand for the regular order, Mr. Speaker.

The SPEAKER. The gentleman from California [Mr. HENLEY] and the gentleman from Wisconsin [Mr. PRICE] both withdraw the demand for the regular order, and the request of the gentleman from Wisconsin [Mr. BRAGG] can now be considered.

Mr. BRAGG. Then, Mr. Speaker, I ask unanimous consent that the House concur in the Senate amendments to the bill (H. R. 7191) to provide for the enlistment and pay and to define the duties and liabilities of "general-service clerks" and "general-service messengers" in the Army.

The SPEAKER. The Clerk will report the amendments, after which the Chair will ask for objections.

Mr. BRAGG. Unless some gentleman desires to hear the amendments in detail I think I can state their substance very briefly. The amendments of the Senate simply conform the bill to the provisions of the Army appropriation bill, in which the appropriation of the money has been already made.

Mr. HOLMAN. Does it increase or diminish the expenditure provided for in the law?

Mr. BRAGG. Neither.

The amendments were concurred in.

Mr. BRAGG moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES JUDGE FOR SOUTHERN DISTRICT OF ALABAMA.

Mr. OATES, from the Committee on the Judiciary, reported back the bill (H. R. 28) to provide for the appointment and compensation of a district judge for the southern district of Alabama with the recommendation that the Senate amendments be non-concurred in and that the request of the Senate for a conference be agreed to.

Mr. OATES. I ask unanimous consent that the report be considered now.

Mr. DIBBLE. I object.

Mr. WILLIS. Mr. Speaker——

PUBLIC BUILDING, PORTLAND, OREG.

Mr. HENLEY. Mr. Speaker, I desire to make a report from the Committee on Public Buildings and Grounds.

The SPEAKER. The report which was withdrawn?

Mr. HENLEY. Yes, sir.

Mr. HENLEY, from the Committee on Public Buildings and Grounds, reported back with an amendment the bill (S. 86) to provide for the construction of a public building at Portland, Oreg.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, EAST SAGINAW, MICH.

Mr. HENLEY, from the Committee on Public Buildings and Grounds, also reported, as a substitute for H. R. 1224, a bill (H. R. 9921) for the erection of a public building at East Saginaw, Mich.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS. Mr. Speaker, I now move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the river and harbor appropriation bill with the Senate amendments thereto.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HATCH in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of the amendments of the Senate to the river and harbor bill.

Mr. WILLIS. I ask unanimous consent that the first section be considered as read. As a preliminary to that, I will call attention to the fact that there is but one amendment of the Senate in which, under the instructions of the Committee on Rivers and Harbors, I ask that the House non-concur.

Mr. BROWNE, of Indiana. I understand the chairman of the Committee on Rivers and Harbors to say that there is but one amendment.

Mr. WILLIS. That is the report from the Senate. If the gentleman will refer to the bill he will find it stated:

July 16, 1886. Passed the Senate with an amendment.

That amendment consists in striking out the enacting clause and inserting matter in the form of a new bill. Now, I am instructed by the unanimous action of the Committee on Rivers and Harbors to ask that the House non-concur in that amendment and agree to the conference asked by the Senate.

Mr. BROWNE, of Indiana. My recollection from an examination of the RECORD is that there were various amendments by the Senate increasing the amount of the bill some $2,000,000 or $3,000,000; and after these amendments had been separately acted on another amendment was adopted by which the aggregate amount of the bill as amended was reduced 25 per cent.

Mr. WILLIS. I will state to the gentleman that after that was done the Senate adopted one amendment striking out all after the enacting clause and inserting a new bill. Therefore the final action of the Senate was—

July 16, 1886. Passed the Senate with an amendment.

Mr. BROWNE, of Indiana. But is it not true that this "amendment" adds many items which do not appear in the bill as it left the House?

Mr. WILLIS. There is no question about that; but the unanimous recommendation of the Committee on Rivers and Harbors is that the House non-concur.

Mr. BROWNE, of Indiana. That is to say, you want us to vote on the one amendment covering about one hundred pages.

Mr. WILLIS. I shall be very much obliged if the House will do it. I think it will facilitate matters.

Mr. BROWNE, of Indiana. I should be very glad to consider these amendments in the ordinary way, in the hope that we might not reach the end of their consideration before Congress adjourns, so that the bill itself might ultimately fail.

Mr. WILLIS. I do not share that hope with the gentleman. For the purpose of raising the question, I move non-concurrence in the amendment of the Senate striking out all after the enacting clause and inserting certain new clauses and sections.

Mr. HOLMAN. I rise to a question of order. We are now in Committee of the Whole for the consideration of this Senate amendment, and each paragraph of the amendment of the Senate *is*, as we *reach it*, open for consideration. The fact that the Senate adopts as a substitute for the House bill a measure containing a large number of paragraphs does not make the case different from what it would be if the Senate had simply amended each successive paragraph of the House bill. Here is an amendment sent from the House to the Senate, containing many paragraphs. Under the rule of the House these paragraphs are subject to consideration in the first place in Committee of the Whole. I submit that it is not in order to move to non-concur in all these amendments in a body, but each of them comes before the House separately for consideration. Each successive amendment may be concurred in or non-concurred in. For the purpose of raising the point more distinctly I call for a division of the question. That raises the question on each successive paragraph of the entire body of amendments.

Mr. BROWNE, of Indiana. But, Mr. Chairman, the House being in Committee of the Whole for the consideration of this "amendment," must not the "amendment" be read?

The CHAIRMAN. Any member has the right to call for the reading of the amendment.

Mr. BROWNE, of Indiana. Is it not the regular order of proceeding without a call from any member? We are in Committee of the Whole; these amendments have not been read; the gentleman from Kentucky has asked to dispense with the reading. The Chair did not put that request for unanimous consent, and it has not been granted.

The CHAIRMAN. The Chair did not hear the request of the gentleman from Kentucky for unanimous consent, and did not put the request to the committee.

Mr. BROWNE, of Indiana. Then I submit the first thing in order is for the Clerk to read the amendments.

The CHAIRMAN. The gentleman from Texas [Mr. REAGAN] is recognized on the question of order.

Mr. REAGAN. I think the position of the gentleman from Indiana, that because the amendment embraces several items those items are to be treated as separate amendments, is not tenable. We have before us one amendment. When the necessary steps are taken to bring about a conference upon the bill before the House then the items of the amend-

ment can be considered, but not now. No division of the question is admissible. There is but one question. A single amendment is presented; and the question is whether we shall concur or non-concur.

Mr. WILLIS. The gentleman from Indiana [Mr. HOLMAN] has asked for a division of the question. I call the attention of the Chair to page 333 of the Manual.

Mr. RANDALL. Not a division of the question, but a division of the amendment.

Mr. WILLIS. The amendment of the Senate is an entirety. It is to strike out all after the enacting clause and insert certain words. I call the attention of the Chair to the decisions heretofore rendered. It has been decided that upon a Senate amendment no division of the question is admissible. The single amendment is to strike out all after the enacting clause and insert certain other clauses, making a new bill. This is sent here as an amendment, not as amendments. I grant that if the Senate had taken up each item of the House bill, one after another, and thus scaled it down or otherwise changed it, the motion of the gentleman from Indiana would have been in order. But the Senate, instead of doing that, has presented the amendment as an entirety—an amendment striking out all after the enacting clause and inserting a new bill. It is this single amendment which the gentleman now asks to have divided.

Mr. RANDALL. Rule XX provides:

> Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union if, originating in the House, it would be subject to that point.

I maintain in obedience to that rule this bill has gone to the Committee of the Whole.

I maintain further, Mr. Chairman, it is susceptible of division, because it contains many separate and distinct propositions.

Several MEMBERS. And new ones.

Mr. RANDALL. Yes; entirely distinct propositions and many new ones, any one of which, if the point of order is raised, would be sent to the Committee of the Whole House on the state of the Union for its first consideration. It contains many propositions which never yet have been considered by the House or by the Committee of the Whole House on the state of the Union at all, and must, therefore, be open to division, to separate and distinct discussion, to amendment, to concurrence with amendment, or to concurrence or non-concurrence.

It is, Mr. Chairman, in all respects like an original bill coming here and subject to the rules of the House.

Mr. DIBBLE. I would call the attention of the Chair to the Journal of the House, second session Thirty-second Congress, page 401:

> The Speaker having again stated the question to be on agreeing to the said amendment—
> Mr. Alexander H. Stephens asked a division of the question, so that a separate vote might be taken upon the different sections comprised in the amendment.
> The Speaker decided that the question was indivisible, and that the vote must be taken upon the entire amendment.

Mr. RANDALL. Was not that in reference to the Kansas and Nebraska bill?

Mr. DIBBLE. No; it was a bill making appropriations for the naval service. That was the bill. Mr. Chairman, shall I proceed?

The CHAIRMAN. The gentleman has the floor, and will proceed.

Mr. DIBBLE. The Speaker decided the question was indivisible, and the vote must be taken on the entire amendment. From this decision of the Chair an appeal was taken, and on motion of Mr. Dean the appeal was laid on the table.

The amendment consisted of several sections. It was the forty-second amendment of a bill providing for the reorganization of the Navy. I have only the Journal of the House before me, and therefore am not able at this moment to present the items in the various sections.

Mr. Alexander H. Stephens asked for a division, so that a separate vote might be taken upon the different sections comprised in the bill. It was precisely such a case as the present one. This amendment has several sections. The question was whether that could be divided, and the Speaker decided it was indivisible; that the vote must be taken on it as an entire amendment. It is a case exactly like this. I found it by reference to the Digest. I found it cited as one of the authorities in the last edition of the Rules and Digest.

The CHAIRMAN. Will the gentleman be kind enough to give the Chair the page of the Digest?

Mr. DIBELE. It is page 333. It is there cited as one of the authorities in reference to the division of questions. It is there cited as an authority against a division on a Senate amendment, Journal 2, 32, page 401.

Now, Mr. Chairman, here is the information coming to us from the bill itself.

> Passed the Senate with an amendment July 16, 1886.
> *Resolved*, That the Senate request a conference with the House of Representatives on the said bill and amendment.

The amendment is put in the singular number. Then we find the following:

> *Ordered*, That Mr. MCMILLAN, Mr. CONGER, and Mr. RANSOM be the conferees on the part of the Senate.
> Attest:
>
> ANSON G. MCCOOK, *Secretary*.

Mr. BLOUNT. Will the gentleman from South Carolina yield to me for a question?

Mr. DIBBLE. I will.

Mr. BLOUNT. The gentleman from South Carolina has cited a decision in 1853, at a time when the rule was not in existence which we now have requiring the Senate amendments to have their first consideration in the Committee of the Whole House on the state of the Union just as an original bill would have to go to that committee. The gentleman's citation is not applicable, therefore, to the present case.

Mr. DIBBLE. The principle is precisely the same. The object of the conference which the Senate asks on this bill is not to defeat it but to facilitate legislation. The Senate have made an amendment to this bill. They have sent it here. They have asked for a conference on that amendment. Those who are hostile to this bill and do not desire to send it back at all and are willing that the great works of public improvement in this country shall not be carried on by the Government but left as they are—in effect, that all the money heretofore expended upon them shall be lost—of course those who are opposed to this and all like meritorious bills would naturally antagonize any mode for the purpose of bringing the two Houses into conference and agreement.

This bill, as the committee will remember, occupied a long time in its first discussion. The Senate amendment, while it strikes out the original bill and substitutes another bill, really contains only a few items of difference. The general substance of the bill is the same, and embodies the same general principle that is applicable to the House bill. Of course, as I have said, there are some few other items of change, but they are not such changes as require the House now at this stage of the session to go over again, as it has already done in the Committee of the Whole, this whole question. The rule is a salutary one. This very case is an illustration of its being a salutary rule. All the requirements of the rule of the House will have been complied with, and legislation will be furthered, and the interest of these great public improvements will be advanced by a decision in accordance with the precedents already had on this question.

Mr. GROSVENOR. Mr. Chairman, there is a cardinal principle in the construction of the rules of a parliamentary body which is sought to be violated by the assertion of this point of order. The principle to which I allude is that the rules of a parliamentary body shall be so construed as to carry the business of such body forward and not backward. This construction is in the interest of the dispatch of public business and not in the direction of the obstruction and defeat of business, and all doubtful questions ought to be construed by the Chair in the light of that principle.

Here it is sought, in support of this question of order, that the Chair shall insert language into this rule that is not already there. In opposition to this point of order it is claimed, upon the other side, that the Chair shall give only a literal construction to the language. Therefore we are asking a construction based upon the literal language without interpolation or addition when our construction is in the direction of progress and an intelligent solution of the pending question. They ask upon the other side for the introduction into this rule of language which is not there, but to be put there by the Chair by inference or by construction for the purpose of doing a vain thing, and for the purpose of making the rule an impedement rather than a facility to the transaction of business.

In the consideration of this rule of the House the Chair will look at the whole bill. This bill has been considered heretofore item by item in the House, excepting that it is said upon the other side that there are certain items which have been introduced into it by the Senate and which were not specifically, one by one and item by item, passed upon by the House in Committee of the Whole, as its rules require. Now, what have we before us? A single amendment to the bill. And it is said that the House ought not to be compelled to vote upon that single amendment to the bill because there are certain other items in that single amendment which change the whole attitude of the bill itself, and that while a member of the House might be willing to vote for the bill without the new item he would not be willing to vote for it with the new item, and therefore the House ought to be permitted at this stage of the bill to examine the items for the purpose of striking them out.

But this is not all their argument; it is only a part of it; and in point of fact that is not what they are claiming. They are claiming to go over the items one by one, not only those which have been inserted by the Senate as an amendment to the bill, but those which have already been passed upon by the House as well as by the Senate. Now, my proposition is that so far as there are new items in the bill they go to settle the question pro or con whether or not we will agree to the amendment of the Senate or refuse to agree to the amendment of the Senate; but that by no possibility of means affects the parliamentary question as to whether this is one or several amendments. Now, I will not claim to be as familiar with the rule as the gentlemen who make the point of order, and I would not be apt to put my judgment against theirs, for necessarily there is involved a history of the adoption of the rule, the construction which has been given to it and the scope of its applicability through the parliamentary proceedings of the House from time to time in years past, and on the ground of familiarity with the rule I

would not undertake to argue the proposition; but in the light of the general principle involved I submit, as being a cardinal point, as being a canon of construction in all questions of this kind, that the business of parliamentary bodies is intended to be carried forward not backward, and there is no construction of this rule to justify the reconsideration of the items of this bill which have been already passed upon by the House.

Let us take a single item by way of illustration of this point. Take the item "A," for instance. It appropriated when it left the House $100,000 for a specific purpose. By the Senate amendment the appropriation is $75,000. Does anybody undertake to say that the original question shall be passed upon by the House again in Committee of the Whole because of this change? Most certainly not. Nobody would undertake to say that. We have passed forward, if the principle of parliamentary construction is to be held, to another stage. The bill has stages to it under the rules. We are not to go backward to retrace our steps, but constantly forward and meet the new aspect that is presented and that only.

I have no doubt in considering this question—that is to say, the question whether or not the House will agree to the Senate amendment or refuse to agree—that it would be perfectly competent to demand the reading of any item which makes up the amendment, which reading could be called for by any gentleman who desired to discuss, on that basis, the propriety or impropriety of concurrence in the light of that particular amendment to show if he could that the amendment would change the condition of the bill. But to undertake to say that here is not one amendment but a whole series of amendments, each of which must have separate consideration, would be ruling in the direction of restriction; it would be a retrograde movement in legislation; and in my humble judgment—for I can not fully illustrate the point—but in my humble judgment would tend to wholly defeat progress in the House of Representatives upon any one of these bills.

The other day there came back here not one amendment, not an amendment to strike out the entire bill and insert another, but a bill with two hundred and fifty-seven individual amendments. Nobody denied that each was a proper item of consideration, because it was independent and stood upon its own merits. It was but one step in the many changes made by the Senate to the House bill.

So my proposition is this, Mr. Chairman, that originally we have examined all the items that were in the House bill. The Senate takes the bill, and without seeking to amend any one of the items alone, makes a new bill, and submits it to the House in the form of an amendment; and the question whether it ought to be adopted or not turns upon the question as to how each individual item in the bill stands. I agree to that; but I think, in the interest of going forward and not backward, the Chair ought to rule it is one amendment and subject to the same question that could be made on a single item of the bill.

Mr. JOHNSTON, of Indiana. I desire to ask the gentleman a question. I see the Senate amendment has reduced the appropriation for improvements on the Wabash River from $80,000 to $60,000. That is an item which is in the original bill. Now, the Senate adds new features to this bill and inserts improvements that were not in the original bill. Under those circumstances does the gentleman say they are all one amendment?

Mr. GROSVENOR. I can not answer the gentleman's question more fully than I have done already. If I have not answered it my remarks have been a failure.

Mr. RANDALL. In every parliamentary body designed for intelligent legislation the organization of the Committee of the Whole House is to give greater latitude of discussion and amendment. Now, can it be possible that the Senate proposition, which is in every item an alteration from the bill that was considered in the House, can be considered to be a single amendment and the House have no opportunity to discuss or amend any proposition involved, when it is perfectly well known that many of those propositions were not considered in the House? In other words, it is asking this House to delegate to three of its members not only the adjustment of differences between the two Houses, but the whole consideration as to matters which have never been discussed in the House.

I am at a loss to conceive how it can possibly be held that a division is not allowable in such a case. Now, suppose that the question of non-concurrence in this amendment as it is described is negatived. That vote is equivalent to concurrence and immediately passes the bill; passes a bill in fact containing matters which the House has never even considered.

Mr. BAYNE. There are two principles of construction which dominate our rules; whether they are right or whether they are wrong is not the question now. What the practice of the House has been under them is the question.

One principle is that there are certain bills that have to be considered by clauses and by paragraphs, and all other bills are subject to consideration by sections. The bills which are to be considered by clauses and paragraphs are enumerated on page 314 of the Digest:

General appropriation, tariff, and tax bills are considered by clauses; other bills by sections.

Mr. CUTCHEON. This is not a general appropriation bill.

Mr. BAYNE. Now, Mr. Chairman, I call your attention to page 441 of the Digest:

The river and harbor bill not being a general appropriation bill its paragraphs or clauses are treated and considered as sections.

The bill which we have now before us, however, comes from the Senate, and in what form? I ask the attention of the chairman of the committee to page 137 of the bill. Immediately under line 8 are these words:

Passed the Senate with an amendment.

Not with amendments but "with an amendment," thus showing the construction which the Senate itself put upon the amendment which it has passed to the river and harbor bill that went from the House to the Senate. That is in the singular number; and what has come to us from the Senate is not a number of amendments but an amendment, and only an amendment.

Now, Mr. Chairman, it is plainly laid down by numerous decisions that an amendment coming from the Senate to the House is not divisible; I care not what the subject-matter may be, how multiform it may be, it is not divisible, and I call the attention of the chairman of the committee to page 333 of the Digest:

But it has been decided on appeals that on motions to commit with instructions or on the different branches of instructions—on a Senate amendment—on an amendment reported as a single amendment from a Committee of the Whole, on a series of resolutions proposed to be inserted in lieu of other matter—

Much like this amendment coming from the Senate. A series of resolutions containing a variety of subjects is analogous to this amendment which comes from the Senate with a great variety of subjects embraced in it. And with reference to every one of those cases I have enumerated—

a division of the question can not be had.

My colleague from Pennsylvania [Mr. RANDALL] says he does not see any good reason why this should not be divisible, because it contains a variety of subjects. His logic may be good; his reason may be good. But the fact is the parliamentary law excludes the theory upon which he advocates a division of the amendment, because we have here a single amendment from the Senate, and although it does embrace, as set forth here, a variety of matters, it is not divisible and must be voted on as an entirety.

Now, is there any logical reason for that? There is. The whole conference system grows out of that. The House is protected. The theory upon which my colleague proceeds is that if this entire amendment be disposed of by one vote many individual items might go through to which the House might dissent. But as the House intrusted the preparation of this bill to the Committee on Rivers and Harbors, so it intrusts to that committee the management of it; and if the bill is sent to a conference committee, and that committee reports, separate votes may be had on the items on which they disagree. So there is a perfect protection; and there is no reason for assuming that the House may do that which it ought not to do if this amendment of the Senate be voted upon as an entirety. It would be a violation of parliamentary law and of correct principles to divide the question, and would lead to endless complications, while the theory of parliamentary law, which is clearly applicable to this case, entitles us to have one vote upon the entire Senate amendment, and thus dispose of the bill and send it to a committee of conference.

Mr. BROWNE, of Indiana. Mr. Chairman, I shall detain the committee but a few moments. There is no question but that Rule XX provides that an amendment which if it had been in the nature of a bill would have required its first consideration in Committee of the Whole must, when the point is made, be considered in that committee. It is assumed that this entire revision of the bill of the House by the Senate is but a single amendment. Why is it so assumed? Simply because the Senate has said so. I apprehend that it will be the duty of the Chair to look at what has been returned to us from the Senate and determine by inspection whether it is an amendment or a series of amendments. For instance, we sent to the Senate a bill containing divers sections. That which is returned in the shape of an amendment, as is assumed, contains a great number of sections, or, if you please, a great number of independent clauses, each of them having reference to a separate subject-matter.

Suppose the two bills are entirely dissimilar in their provisions, will it be insisted that this legislation, treating of a large number of harbors and rivers and creeks and streams, is but a single indivisible amendment? Then, if any of the propositions contained in the amendment have been considered in the first instance in the House, and we may not now have a division of those questions, that constitutes the committee of conference, the congress, the supreme legislative body. The committee of conference absorbs the entire power of giving original consideration to a series of amendments or clauses that were never considered in the House of Representatives at all or in Committee of the Whole. I want to make myself understood. If it be true that these amendments, these clauses in this bill, in whole or in part, have never been considered in the House of Representatives at all, and if we are compelled now to vote upon them as a whole, upon a mere motion to reject or approve, and then to commit the bill to a committee of conference, there is no use in the rule which requires the consideration of

them in the first instance in the Committee of the Whole, because the whole power of original consideration is given to a committee of conference.

Mr. BUCHANAN. Will the gentleman permit a question? If this amendment is one and indivisible, so that the House can not divide it, how can a committee of conference divide it?

Mr. BROWNE, of Indiana. I can not answer the question. Now, Mr. Chairman, it is said, in the next place, that this amendment is but a small departure from the original bill. I ask the Chair how this committee knows that to be true? How does the Chair know it? How can it be ascertained, except by reading each clause and comparing what has been sent to us by the Senate with the original bill passed by the House? The very statement of the proposition involves the necessity of reading all these amendments and the consideration of each separate clause. It seems to me that in the interest of the expedition of business these amendments ought to be considered separately, and if we come to any clause upon which we concur in the action of the Senate, then as to that there is no necessity of a conference, and by eliminating from the conference such of the amendments as are in accord with our judgment we facilitate the final consideration and disposition of the bill. As I said before, I hope we shall be compelled to consider it by paragraphs, for the purpose of eliminating from it a number of obnoxious provisions that have been interpolated by the Senate into the bill as it passed the House.

Mr. WILLIS. Mr. Chairman, I ask the attention of the committee for three or four minutes. Let us stand face to face with the proposition involved here. The House passed a bill with so many paragraphs and sent it to the Senate. The Senate could have taken those paragraphs and amended them separately one by one. Had that been done, then I grant that it would have been the right of any member on this floor, had he seen fit to exercise it (although it would have been a departure from the usage that prevails here), to call for a vote upon each and every paragraph. But the Senate did not deal with the bill in that way. Upon other appropriations the Senate has taken that action, but not upon this. When, this morning, the naval appropriation bill was reported to this House with a motion to non-concur in the amendments of the Senate, I did not hear my friend from Indiana [Mr. BROWNE] lift his voice in indignation because he was not aware what those amendments were. Appropriation bill after appropriation bill has come here in that way, and my friend has made no complaint. When a committee of the House have reported back a bill with a unanimous recommendation to non-concur in the amendments of the Senate, the House, looking to the right and the courtesy of the matter, has usually accepted their statement and united with them in non-concurring in the action of the Senate, reserving to itself the right to vote upon the propositions when the committee of conference come in with their report.

Now the only difference between this bill and other bills which have come before this Congress is that it stands in a peculiar position not occupied by them. It stands in the position of being brought before this House as a single amendment, not as twenty, or thirty, or forty different propositions. Waiving the question of courtesy, waiving the question of right, we are shut up to the conclusion that the House can act only on this single proposition.

"But," says some gentleman, "Rule XX provides that we shall consider all these appropriations in the Committee of the Whole." Where are we now? We are in that committee; and the sole proposition urged by gentlemen who oppose this measure is that the majority of this House shall be deprived of its right to do what it desires to do—to dispose of this question by one vote, instead of having three or four gentlemen gratified by having each distinct matter embraced in the bill voted on separately. That is the whole proposition.

"But," says the gentleman from Pennsylvania [Mr. RANDALL], "does the House intend to abdicate its rights?" When can a majority abdicate its rights? If we pass this vote of non-concurrence, who does it? Is it the Senate that does it? It is the House of Representatives acting by a majority vote—ay, acting, I undertake to say, by a four-fifths vote. Is that an abdication of our rights? Do we thereby surrender any of our privileges? If we want to do this, we shall do it by our own voluntary votes, and we shall do it under the rules.

But the gentleman from Indiana [Mr. HOLMAN] says, "I want a division." The attention of the Chair has been called to the decisions affirming that a Senate amendment can not be divided. Only as lately as yesterday when a House bill in regard to the timber-culture law came from the Senate with several new sections—a new bill—the gentleman from Kansas [Mr. PERKINS] moved to take up the first section and dispose of it separately; and his motion was promptly ruled out by the Chair, because the measure as an entirety was a single Senate amendment and could not be divided. So that as lately as yesterday from that very chair this point was decided. And no evil can result from the course which I am advocating. The House by a majority vote, accepting this action of the Senate as an entirety, rejects it and sends it into conference. I respectfully ask the Chair to put the question.

Mr. BLOUNT. Mr. Chairman, the gentleman from Kentucky [Mr. WILLIS] who has just taken his seat cites a ruling which, I take it, is the same ruling cited by the gentleman from South Carolina [Mr. DIBBLE]. I ask the attention of the Chair to the case cited by the gentleman from South Carolina from the House Journal, second session Thirty-second Congress. It appears from an examination of the Journal that when this question was raised this forty-second amendment had already been considered in Committee of the Whole and had been reported to the House. There had been a motion to suspend the rules and limit debate in Committee of the Whole upon it. After the measure had got out of the Committee of the Whole, and before the demand made by Mr. Stephens, there was a motion to suspend the rules so as to omit even the reading of the proposition. It was being proceeded with in the House, having actually passed from the committee under a special order fixed by a suspension of the rules; and the House was not at that time considering it under the rules.

Mr. DIBBLE. Will the gentleman yield for a question?

Mr. BLOUNT. Certainly.

Mr. DIBBLE. I will ask the gentleman whether that amendment of which he is speaking was not an entire bill, containing nine sections?

Mr. BLOUNT. That is true. But the question which we are now discussing is as to proceedings in Committee of the Whole. It does not appear from the record whether or not the bill was considered in Committee of the Whole by paragraphs; there is no light upon that question. When it came into the House it came as the forty-second amendment, and the rules were suspended so as to omit the reading of the whole of that amendment, and it was in the House that this ruling was made; therefore it has no application to proceedings in Committee of the Whole.

Mr. DIBBLE. If the gentleman will permit a further interruption, I will state that I have examined the Globe, and found that the measure was considered in Committee of the Whole as an entirety; and the question raised was not whether an amendment coming from the Committee of the Whole should be——

Mr. BLOUNT. Now the gentleman is undertaking——

Mr. DIBBLE. I will not take the gentleman's time if he objects.

Mr. BLOUNT. My friend has had his time, and I am now occupying mine.

Mr. Chairman, I ran over the record with the gentleman at the Clerk's desk, and it did not appear, so far as I could see, that there was any question raised such as is raised here.

But we need not go back to those times when the rules were different from our present rules. At that time debate in Committee of the Whole was limited under a suspension of the rules. It would seem that whatever was done in Committee of the Whole was preceded in the House by a motion to suspend the rules. We have now no such proceedings. I have not before me those old rules, but it is very manifest that the mode of procedure at that period was entirely different from our present methods of proceeding. Since the war we have adopted a rule intended to prevent the bad results which had followed from too hasty consideration of Senate amendments. A rule has been adopted declaring that Senate amendments containing appropriations shall receive their first consideration in Committee of the Whole.

Now, here is a measure coming from the Senate, containing not one proposition involving a single expenditure, but scores of propositions relating to different public works and each requiring special investigation, the consideration of different classes of facts—propositions just as different as they possibly can be. Now, because the Senate sees fit for its own convenience, or perhaps for the very purpose of preventing proper consideration under the rules of the House, to adopt language declaring these various propositions to be one amendment, is it possible that this House will violate its own practical common sense and declare that these scores of amendments, these scores of paragraphs containing different propositions, shall be considered as a single proposition because the Senate sees fit to treat them as such?

It seems gentlemen need but look at it. Here is House bill 7480, making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes. After the bill has been sent to the Senate it has been returned to us with an entirely new scheme. I do not imagine any one will say that the House bill as it was passed was one proposition. By the Senate amendment that whole bill has been stricken out. In that Senate amendment are used about the same terms. It provides in the beginning just as the House bill did:

> That the following sums of money be, and are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, and to be expended under the direction of the Secretary of War, for the construction, completion, repair, and preservation of the public works herein named.

The next paragraph is for improving the harbor at Rockland, Me.; and the next for improving the breakwater at the mouth of Saco River, and so on through that State.

The amendment is divided into paragraphs identically as the House bill was, and when that House bill was under consideration in the committee it was considered paragraph by paragraph, and not in its entirety. Now, a bill constructed on the same principle, precisely as the House bill, you will undertake by the use of the language of the Senate to avoid the purpose of the House that these paragraphs shall be considered separately.

Gentlemen say the House is not taken advantage of by this vote;

that the majority of the House may refuse to do it; that is, refuse to substitute the Senate amendment for the House bill. The House has not thought it right to get the attention of the House in that way. It has thought it to be wise and prudent to prescribe a rule for the Committee of the Whole, so that no strong impulse of the House shall be able to turn it away from that wise course of procedure.

I trust this House, when we consider this House originates the appropriations to pay the expenditures of this great Government, will not, prompted by a desire to pass this bill in this hurried way, evade a rule which has been observed for years and sanctioned by the wise judgment of every House from the time when it was first adopted until now. Let us make no temporary expedient. Let us adhere to the mode of procedure we have adopted in reference to every other like proposition. Do not let us sanction such a deviation from the well-known rule of this House simply because the Senate has chosen to offer a single amendment to the House bill, when it is from beginning to end constructed of separate sections precisely like the House bill itself.

Mr. HEPBURN. . Mr. Chairman, I desire to call the attention of the Chair to Rule XX:

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the State of the Union if, originating in the House, it would be subject to that point.

The Chair, in sending this amendment to the Committee of the Whole House, held this proposition if it had originated in the House would have had to go there.

Let us inquire for a moment why should it go there. Why should this proposition be sent to the Committee of the Whole House on the state of the Union? We find an answer to that in the third clause of Rule XXIII:

3. All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Mr. WILLIS. If my friend will permit me I will say this motion does not come exactly within that rule. It is only a question of a lump vote or a separate vote.

Mr. HEPBURN. I will try to show it does. This proposition is required to go to the Committee of the Whole House for the purpose of consideration. If considered, how is it to be considered? It is to be considered as every other appropriation bill is to be considered, and in no other way. We have had ruling after ruling on this proposition. The action of the House itself has established the rule. How have we considered every other appropriation bill? Always by paragraphs. We have always considered an appropriation bill in that way and in no other. Each paragraph has been read. No one has claimed it should be considered by sections, but by paragraphs, each one open to amendment and discussion.

We have here an amendment, so called, a single amendment. Admit for the sake of argument that it is; but it is made up of more than three hundred distinct clauses, each one providing an appropriation of money. Is it not true then that this should be considered now just as it was originally? Does it change its status in any manner to call it a single amendment? When we were considering the original bill one single section contained hundreds of clauses. No gentleman then contended that the entire section should be considered as a whole. All admitted that it was to be considered in separate and distinct clauses, and that was done.

Now, what is there in the rules of the House, what is there in our mode of procedure here, that changes the character of this amendment in gross, if you choose to call it so? It seems to me that this is an important question, one that the Chair ought to give grave consideration to. We spent weeks of time in the consideration of this bill, and the Senate has done the same thing. It has carried at different times $18,000,000. Now it is proposed that this new bill, for it is new in view of its various clauses—not one of them appears before the House now as when we considered it; not one of them was before the Committee of the Whole when we considered the bill some two or three months ago—but it is proposed that all the legislation with regard to this new and important bill shall be turned over to six gentlemen, members of this House, in order that they may engage in trade and traffic in regard to their different measures, or those of which they approve. I say, sir, it is not a wise procedure. There is no propriety in taking from the aggregate membership of this House their power and vesting it in three, or four, or six other gentlemen, no matter how wise or judicious they may be. Their wisdom and judiciousness is not equal to the aggregate wisdom of the entire House, and it is infinitely better for us in the consideration of this important measure that it should be before the House in its aggregate capacity rather than turned over to two, or three, or any other number of gentlemen, where in their haste, in their anxiety to secure some kind of action, they will be prevailed upon to give their assent to things their better judgment at other times would condemn.

I am utterly opposed to that kind of legislation. We might just as well remit the whole duty of making appropriations of this character, not to the Committee on Appropriations of the House, not to the fifteen gentlemen who compose that committee in the House and the gentlemen who compose the committee at the other end of the Capitol, but to six gentlemen selected from the House, and allow them to engage indiscriminately in this important legislation. The purpose now is to take this matter out of the hands of the House and put it in their hands. I do not regard that as wise. To my mind it would be a most obnoxious procedure, and I hope the conclusion of the Chair will be in opposition to such a dangerous principle in legislation.

Mr. DUNN. Mr. Chairman, the rules of the House provide that the Senate amendments to these appropriation bills may be required under the point of order to have their first consideration in Committee of the Whole. But, as has been well said by the chairman of the Committee on Rivers and Harbors, the House is now, in Committee of the Whole, dealing with one amendment, and it is certainly within the province of the committee to determine just how it will deal with that one amendment, and the chairman should allow the committee to do it.

The question pressed by the opposition to this bill is that the committee should not determine for itself how it will deal with that amendment of the Senate, but that the chairman of the Committee of the Whole shall determine for the committee how the committee shall deal with it.

Now the gentleman from Iowa says that he is opposed to allowing a committee of conference to deal with so important and momentous a question as this; that it ought not to be allowed that liberty. I want to congratulate him and the gentleman from Indiana and others on their recent reform, if it be true that they are opposed to trusting a committee of conference with that power. I remember, sir, in the Forty-seventh Congress that the House was called to consider a tariff bill. A little bill to amend the internal-revenue laws went from this House to the Senate. The Senate struck out the House bill and sent a tariff bill back here as an amendment with seven times seventy distinct items. That bill was never read in the House or in the Committee of the Whole. The whole tariff with its schedules annexed, all of the items, hundreds and thousands of articles, and it never was read in this House, but was licked into form in the conference by these virtuous and careful gentlemen who are straining so at this gnat but who swallowed that camel without oiling at one great gulp, and it was fully and perfectly digested by them. While the distinguished gentleman from Pennsylvania [Mr. RANDALL], though he may not have approved of the process by which the progeny of that conference was brought forth, yet he was so delighted with the measure that he has voted steadily and uniformly against all interference with it from that day to this. Why, if a conference committee can be trusted to coddle and nourish and fix up such a wonderful young one as that progeny proved to be, might it not be also trusted with a little river and harbor bill?

May it not be trusted to deal with these questions of improvement of public works which the people believe to be of great importance in the interest of cheap transportation. That went to the extreme length of the power of taxation, while this only involves a moderate measure of appropriations? The Committee of the Whole refused there, with the sanction of the chairman, to consider all those items of a tariff bill and sent it into conference; and those gentlemen have "pointed with pride" to that delightful piece of work ever since. Consistency is indeed "a jewel."

Now, the question simply is: Shall this committee be permitted to do what it has the right to do? I am gratified that the gentleman from Indiana [Mr. BROWNE], who is always frank and straightforward and who has no concealments, has served such prompt notice on the friends of this measure that it is to be lost. We know it has been an open secret here for more than three weeks that this bill is to be lost. It is to be adjourned upon. That is understood.

Mr. BROWNE, of Indiana. I am credibly informed it will be lost, whether we adjourn upon it or not.

Mr. DUNN. I do not know when the gentleman became the confidant of the President, nor how far he is authorized to speak for him; but let me inform the gentleman that if my voice can reach the friends of this measure, the enemies of it will have to find some way to adjourn this Congress without the consent of a majority of this House if it be done before this bill goes into conference and is finally voted upon by each House. I call upon the friends of the measure here and now to serve notice upon the managers who have preordained the defeat of this bill that no adjournment resolution can be voted upon in this House nor carried by a majority of this House till this bill is finally acted upon.

I am ready to sit here all summer; and we will promise you a better piece of work, too, than that monstrosity of the tariff of the Forty-seventh Congress which you swallowed whole without the oiling from a Committee of the Whole. It will be a much better piece of work than that; and I hope the friends of this measure will stay here and firmly demand fair play.

I hope the chairman of this committee will permit the committee to determine whether it will consider this amendment as an entirety and send it to a conference, instead of being compelled to go through it item by item, for every item in the bill is in dispute.

The CHAIRMAN. If the proposition raised by the point of order

was an original one the Chair would have no hesitation in deciding upon it. But the precedents and rulings of the House to which the Chair will adhere are to the effect that this amendment of the Senate is one amendment and must be so considered by the House or the Committee of the Whole.

The amendment will be read at length; and after it is read, pending the motion of the gentleman from Kentucky [Mr. WILLIS] to non-concur in the Senate amendment, the Chair holds that a motion by any member to amend the amendment in any particular, to concur with an amendment, or to concur by striking out any paragraph in the amendment, is in order and takes precedence of the motion of the gentleman from Kentucky to non-concur.

Mr. DUNN. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DUNN. What will be the rule of debate governing the consideration of those propositions?

The CHAIRMAN. The ordinary rule of debate, five minutes for and five minutes against.

Mr. BROWNE, of Indiana. I desire to ask a parliamentary question.

The CHAIRMAN. The gentleman will state it.

Mr. BROWNE, of Indiana. The Chair, as I understand, holds this is one amendment and must be treated as an entirety. But before the question is put on the motion to non-concur and ask a committee of conference the Chair will entertain a motion to amend. I want to know if the right to offer amendments will be extended to each independent proposition in the amendment.

The CHAIRMAN. Each and every paragraph in the bill the Chair thinks is subject to the motion of any member to concur with an amendment, or to concur in the amendment of the Senate with an amendment striking out any paragraph.

Mr. RANDALL. Has the Chair stated that general debate is cut off?

The CHAIRMAN. No limit to general debate has yet been fixed. The debate which has been allowed has been on the point of order.

Mr. WILLIS. I ask unanimous consent to limit general debate to one minute.

Mr. MCADOO. I would like to amend that by making it two hours.

Mr. RANDALL. In Committee of the Whole debate can be limited only by unanimous consent.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky [Mr. WILLIS] to limit general debate to one minute?

Mr. BROWNE, of Indiana. I object.

Mr. WILLIS. What time does the gentleman from Indiana propose?

Mr. BROWNE, of Indiana. I am willing to agree to the proposition of the gentleman from New Jersey [Mr. MCADOO].

Mr. WILLIS. I rise for the purpose of speaking on the bill.

Mr. RANDALL. The bill has not yet been read.

The CHAIRMAN. The Clerk will first read the Senate amendment, after which the Chair will recognize the gentleman from Kentucky [Mr. WILLIS].

Mr. BAYNE. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BAYNE. If the bill be now read through will another reading be necessary?

The CHAIRMAN. It will not.

Mr. REED, of Maine. It will, I should think, unless dispensed with.

Mr. BAYNE. That is what I apprehended—that another reading might be necessary.

Mr. REAGAN. I ask unanimous consent that the first reading of the bill be dispensed with, so that it may be read by paragraphs.

The CHAIRMAN. The Chair will state to the gentleman from Texas, in the judgment of the Chair there will be but one reading of the amendment. It is one amendment; but when it has been read once it will not be necessary to again read it by paragraphs. But it is open and subject to amendment by paragraphs.

Mr. DUNN. As the reading proceeds?

The CHAIRMAN. No. The Clerk will report the Senate amendment.

The Clerk proceeded to read the amendment.

Mr. REAGAN. I rise to a parliamentary inquiry. Did I understand the Chair to refuse to put the request for unanimous consent that the first reading of the bill be dispensed with?

The CHAIRMAN. The Chair did not.

Mr. REAGAN. Then are we to understand that when it is read once it is to be indiscriminately open to amendment everywhere?

The CHAIRMAN. After the amendment of the Senate has been read it will be competent for any member of the House to offer an amendment to any paragraph.

The Clerk resumed and concluded the reading of the Senate amendment.

Mr. WILLIS. Mr. Chairman, I do not intend to occupy more than a minute or two in the statement of the status of this bill. The Senate has amended the House bill in only five or six important particulars. It has, however, applied a scaling process to the remaining paragraphs of the bill as it left the House. Now, all the paragraphs of this bill except some half a dozen have already been considered, first by the Committee on Rivers and Harbors of this House, second by the Committee of the Whole of this House, and third by the House itself. Then on the passage of the bill and its transmission to the Senate, these various paragraphs have received full consideration in the Senate Committee on Commerce, then in the Senate as in Committee of the Whole, and finally in the Senate itself. The final vote in the Senate as to all of these paragraphs except some half dozen resulted, as I have stated, in scaling down the House appropriations some 25 per cent.

The House committee upon receiving the Senate bill has thought proper, pursuing the customs and usages which have always prevailed in this House, to report in favor of a formal non-concurrence in each and every one of the Senate amendments, with a view to having a conference thereon. This is the sole question now pending before this Committee of the Whole—whether we shall non-concur in the whole of the Senate amendment or not.

Now, I submit in good faith to the members of this Committee of the Whole that even disregarding the fact that the Senate has adopted but one amendment, and has coupled with that a request for a conference, which it was hoped could be acceded to at once without referring the bill again to the committee of this House—waiving that, I say, in view of the usages which have prevailed and in view of the lateness of the hour at which this bill comes to us from the Senate, I think good judgment and good parliamentary proceeding will require that we take the same steps in reference to this bill that we took in regard to the naval bill, and which, I presume, we shall take in regard to the sundry civil bill, which may soon be over here with probably one hundred and fifty amendments, the fortification bill, and other general appropriation bills. In other words, the Committee on Rivers and Harbors respectfully request this House to have enough confidence in them to believe that they will protect the House, and allow a vote upon matters which have been put on by the Senate and which may be in dispute between the two Houses.

With this view, Mr. Chairman, after this brief statement I now ask the Committee of the Whole to agree to some time within which general debate may be limited, if any gentleman has any suggestion to make upon that point. [A pause.] If no one desires general debate I ask unanimous consent that general debate be now closed.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that general debate upon the Senate amendment may be now closed. Is there objection? The Chair hears none, and it is so ordered.

Mr. WILLIS. I have nothing further to say.

The CHAIRMAN. The Senate amendment is now before the House for consideration.

Mr. BRECKINRIDGE, of Arkansas. I move to amend by substituting for the first section of the Senate bill what I send to the desk, which is simply the first section of the bill as it passed the House. My object is simply as each section comes up to introduce as an amendment exactly what the House adopted on the same subject, so that we may get back to our original bill and let the matter go into conference. This amendment covers over one thousand lines.

The CHAIRMAN. The gentleman from Arkansas moves to amend section 1 of the Senate amendment in the manner which will be read.

Mr. BRECKINRIDGE, of Arkansas. I ask unanimous consent that the proposition be submitted to a vote without being read. It is simply the corresponding provision of the House bill which we have already adopted. [Addressing Mr. WILLIS.] Do you want to make a motion?

Mr. WILLIS. Yes, sir.

Mr. BRECKINRIDGE, of Arkansas. Then I withdraw my proposition.

Mr. WILLIS. As the gentleman from Arkansas withdraws his amendment, I now renew my motion for non-concurrence in the Senate amendment.

Mr. RANDALL. I move to amend the Senate amendment by striking out lines 1195 to 1234 inclusive, being what is known as the Hennepin Canal provision. I make this motion because the House in Committee of the Whole——

Mr. CANNON. Let us have the amendment reported.

The Clerk read as follows:

Strike out the following:

"The grant of the Illinois and Michigan Canal, its rights of way and all its appurtenances, and all right, title, and interest which the State of Illinois may have in any real estate heretofore ceded to the State of Illinois by the United States for canal purposes, made to the United States by an act of the general assembly of the State of Illinois approved April 28, 1882, be, and is hereby, accepted on the terms and conditions specified in the act of the General Assembly of the State of Illinois.

"For the construction of a canal from the Illinois River at or near the town of Hennepin, in the State of Illinois, to the Mississippi River, at or above the mouth of Rock River, in said State, together with such feeders and other works that may be necessary to supply said canal with water, $225,000. Said canal shall be known as the Illinois and Mississippi River Canal, and shall be constructed on such route as may be determined by the Secretary of War: *Provided*, That it shall be the duty of the Secretary of War, in order to secure the right of way for such canal and feeders, to acquire the title to such lands as may be necessary by agreement, purchase, or voluntary conveyance from the owners, if it can be done on reasonable terms; but if that shall be found impracticable, then the Secretary of War shall apply at any term of the circuit or district court of the United States for the northern district of Illinois to be held thereafter, at any general or special term held in said district, and in the name of the United States institute and carry on proceedings to condemn such lands as may be necessary for right of way as aforesaid; and in such proceedings said court shall be gov-

erned by the laws of the State of Illinois, so far as the same may be applicable to the subject of condemning private property for public use: *Provided further*, That said canal shall be 80 feet wide at the water-line and 7 feet deep, with a capacity for vessels of at least 280 tons burden, with guard-gates, waste-weirs, locks, lock-houses, basins, bridges, and all other erections and fixtures that may be necessary for safe and convenient navigation of said canal and feeder as specified in said survey."

Mr. HENDERSON, of Illinois. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HENDERSON, of Illinois. I make the point of order that it is not proper for the House to strike out a Senate amendment. It is in order to amend a Senate amendment, provided the amendment offered be strictly germane to the Senate amendment. A motion to non-concur or to concur is the motion properly in order; but an amendment germane to the Senate amendment may be submitted. Now, what would be the effect if the House should strike out the amendment?

Mr. RANDALL. It would not be there.

Mr. HENDERSON, of Illinois. The amendment was put there by the Senate; it would be there just as much as it is now, even if the House should adopt the gentleman's motion to strike out that portion of the bill.

The CHAIRMAN. The Chair will state to the gentleman from Illinois that the motion of the gentleman from Pennsylvania was not to strike out the Senate amendment. The Chair has already held that the amendment upon which the committee is acting is an entirety. The gentleman from Pennsylvania [Mr. RANDALL] simply moves to strike out a single paragraph in that amendment. The Chair overrules the point of order.

Mr. CANNON. I hope the Chair will not rule on that for a moment.

The CHAIRMAN. The Chair will hear the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I would be glad to know just what position that ruling would leave this bill in. Here is a Senate amendment that comes to us as an entirety. There is but one way to disagree to a Senate amendment, namely, to non-concur, and the gentleman from Kentucky [Mr. WILLIS] has made that motion. If the House refuses to non-concur, then concurrence necessarily follows. I read from the Digest, page 318:

> The question which first arises on a resolution, amendment, or conference report is on concurrence. And, as the negative of concurrence amounts to the affirmative of non-concurrence, no question is afterward put on the latter motion.

Now, suppose this House refuses to non-concur, then it concurs. I fail to see how this motion can be in order on a Senate amendment.

The CHAIRMAN. Does the Chair understand the gentleman from Illinois [Mr. CANNON] to take the position that the House has not the right to non-concur in a Senate amendment with an amendment?

Mr. CANNON. No; the House has a right to non-concur or rather concur in a Senate amendment with an amendment, but a motion to non-concur is the proper motion by which to disagree with the Senate.

Mr. ROWELL. The motion of the gentleman from Pennsylvania [Mr. RANDALL] is made as an amendment to the motion to non-concur, and the substance of it would be to non-concur in all the amendments of the Senate, but especially to non-concur in this Hennepin Canal amendment. It is simply adding non-concurrence in the whole and non-concurrence in a part, and that certainly can not be in order.

Mr. CANNON. I do not know any way except non-concurrence in which you can disagree to an amendment of the Senate. I will grant that if this whole matter went to conference upon a motion to non-concur in all the Senate amendments when it returned upon the report of the conference committee it would be in order for the House to recede or to insist as it might determine. But I will ask the Chair to think a minute and see what shape this bill will be in when it returns to the Senate. Suppose it were amended by striking out this part of the Senate amendment, will the Chair tell me how the report would be made to the Senate, or, in the first place, how it would be made to the House from the Committee of the Whole?

Mr. RANDALL. Mr. Chairman, the matter is plain. I make a motion to amend the amendment of the Senate, which takes precedence of the motion to non-concur.

Mr. MURPHY. Mr. Chairman, it seems to me that if we give this matter a moment's impartial examination we shall have no difficulty in arriving at a correct, and, as I believe, a true conclusion. The Representative from Pennsylvania [Mr. RANDALL], I grant you, may make a motion to non-concur, but he does not seem to draw the distinction between a motion to non-concur and a motion to strike out. Let us look at the effect. If I make a motion that we do not concur and it prevails, that is one thing; but if I make also a motion to strike out, what is the consequence? There is nothing then to be considered. The bill is absolutely killed. It is disposed of. We would take up then this river and harbor bill and commence at the first appropriation and move to strike that out. Very well. We would go to the second and we would move to strike that out. Very well. So we would go on until we had struck out each and every one of these provisions; and then what would there be to concur in?

Mr. WARNER, of Ohio. Nothing.

Mr. MURPHY. Nothing. Then I ask, in all candor and sincerity, what are we here for [laughter] if it is not to accomplish something? I admit that some gentlemen here have just expressed, perhaps for the first time in their lives, a candid truth, but I am frank to say that I believe that my people sent me here for something, and did not send me here to be a nobody, for a nothing. I rose to call attention to the distinction between the motion to strike out and the motion to non-concur, and I hope the Chair will see the point.

Mr. CANNON. A word more, Mr. Chairman.

The motion of the gentleman from Kentucky [Mr. WILLIS] covers every line of this amendment and is a proposition on the part of the House to dissent entirely from the amendment of the Senate and every part of it. The gentleman from Pennsylvania comes and makes a motion, as my colleague well said, which in effect, if sustained, will non-concur by striking out this part of it.

Mr. RANDALL. The House sent the bill to the Senate and the Senate non-concurred in every part of it.

Mr. CANNON. Precisely.

Mr. RANDALL. Do you undertake to say when that amendment comes back it is not competent for this Committee of the Whole to amend that amendment?

Mr. CANNON. Certainly it is competent to amend.

Mr. RANDALL. That is all I have done.

Mr. CANNON. But your motion is of the same effect to that part of the Senate amendment as the motion of the gentleman from Kentucky.

Mr. RANDALL. The motion to amend is prior to the motion to non-concur. The motion to non-concur is a mere recommendation to the House at best.

Mr. CANNON. Precisely.

Mr. RANDALL. It is the House that non-concurs, it is the Committee of the Whole that amends.

Mr. CANNON. I may be mistaken about this matter. Let me inquire of the gentleman from Pennsylvania what will be the effect if the gentleman's motion prevails?

Mr. RANDALL. It will leave out this part of the amendment of the Senate——

Mr. CANNON. But would not this part of the amendment of the Senate go nevertheless back to the Senate?

Mr. RANDALL. It would not.

Mr. CANNON. Would it not be in conference?

Mr. RANDALL. It would be left out and it would be equivalent——

Mr. CANNON. Equivalent to what?

Mr. MURPHY. The conference would have to consider the whole Senate amendment just as it is.

Mr. RANDALL. When gentlemen get through and will talk one at a time I will try to answer them.

Mr. CANNON. If the Chair will allow me I will proceed.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Illinois when the committee comes to order.

Mr. CANNON. The effect of the amendment of the gentleman from Pennsylvania, or that which he calls an amendment, to strike out would be a disposition of this provision of the Senate so as not to place it in conference, as he states. I undertake to say there is no mode of action by the House that would have that effect unless we concur with the Senate.

Mr. RANDALL. We are in Committee of the Whole and not in the House.

Mr. CANNON. Certainly we are in the Committee of the Whole; but what is competent to be done in the committee by way of recommendation to the House is competent to be done in the House when the bill is reported back.

Mr. RANDALL. There is no rule of the House which debars the Committee of the Whole amending the Senate amendment, whether in entirety by a single amendment or by a number of amendments.

Mr. CANNON. What rule?

Mr. RANDALL. Whether this is a single amendment or many amendments, each one of these appropriations is a distinctive, substantive proposition which the committee has the right to pass upon.

Mr. CANNON. Ah, but the Chair has just held that this Senate amendment must be treated as a whole. Suppose it is a single proposition. The Chair takes that view of it, and his decision stands. Let us see how that works. The gentleman from Kentucky proposes to non-concur in the Senate amendment. Then the gentleman from Pennsylvania moves to strike out a part of that Senate amendment. Suppose it pleases the committee to strike out and also to sustain the motion to non-concur and the House agrees to the amendments recommended. That lets in a motion not known to parliamentary law, and we would have non-concurrence in the whole of the Senate amendment and in effect non-concurrence in a part of the Senate amendment.

Mr. SCOTT. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SCOTT. I do not know much about parliamentary law, but I am interested in this bill. As I understand, it originated in the House and contains some thirty or forty pages. It was passed in this body and sent over to the Senate. It was returned from the Senate to this

House with the enacting clause stricken out. The Chair has decided what the Senate put in, which in substance is the entire House bill only scaled down, is in fact but one amendment.

Now, sir, as I understand parliamentary law as embodied in the rules and practice of this House, if we should amend that amendment of the Senate in any particular way it would not go to the Senate again. That is to say, I do not understand that by an amendment we can send it back to the Senate. On the other hand, if it was referred to a committee of conference, and thus pass out of the control of the House, when that committee reported it back again whether it would be in our power to amend it or not is a question; and what I want to know is whether, if the bill gets to a conference committee, and the committee of the House and Senate, having met, shall agree to report the bill back to the House—whether any gentleman on this floor will have an opportunity to disagree with that committee by offering the amendments he deems necessary to the bill?

Mr. REAGAN. I take it for granted that no one will assume we are considering this bill now as we were considering the original bill in the House, where it is competent to move to strike out any particular clause of the bill. This bill has already passed the House and has been sent to the Senate, where it was amended. We can not now strike out a clause of the bill, because if we strike it out we have nothing to return to the Senate in lieu of it. It drops the whole matter out of the bill and leaves no mode of conferring between the two Houses upon the disagreement. An amendment would be in order, of course, to move to non-concur with an amendment; but a motion to strike out would violate parliamentary law and the usage of the House, and would leave the bill, if it could be tolerated here, in such a shape that a member of either the House or the Senate could reintroduce the proposition in either body, and so the two Houses might be interminably striking out and putting in. There would never be a conclusion upon any legislation.

But what would be the effect of this motion to strike out if adopted? You could not expect the Senate to accept our work without question, to strike out the amendment without giving them the privileges of a conference; and so I take it we are not going to commit the folly of striking out the clause when the question, and the only question, is upon concurrence, non-concurrence, or concurrence with an amendment.

These are the only three motions, as I suppose the gentleman from Pennsylvania knows, in this condition of the bill that can be entertained at this time—that is, to non-concur, to concur, or to concur or non-concur with an amendment.

Now in relation to the inquiry of the gentleman from Pennsylvania [Mr. SCOTT] last on the floor, as to whether if this goes into conference it would be in the power of the House to control the question as to the shape in which the bill shall finally pass, let me say to him that the conference reports as they are submitted to the House are always subject to its control; and I am very free to say if upon a conference a portion of the amendment of the Senate is not stricken out I will not vote for the bill. While I am anxious to have a proper bill, yet I do not propose to engage in the folly of undertaking here in this manner to strike out an amendment of the Senate, the result of which would be that the Senate would put it in again, if indeed (the House acting in such a discourteous manner), the Senate would consider the action of the House at all. And they would be perfectly justifiable, because if we strike this out and then send the bill back to the Senate with such an amendment as that, I take it they will treat it as a discourtesy, and in that respect further proceedings between the two Houses on this question would terminate.

Mr. RANDALL. Why, the Committee of the Whole on the state of the Union might strike out various paragraphs so as to make the Senate amendments acceptable to the House.

Mr. REAGAN. I understand the gentleman from Pennsylvania treats this as one amendment, and that his motion would be an amendment to the amendment. Now, I believe the gentleman from Pennsylvania himself and certainly some other gentlemen on the floor contended that we must consider this bill in Committee of the Whole by clauses as we did the original bill, but not with the power to strike out the particular clauses. I do not think we could do that. I defer, of course, to the superior parliamentary knowledge of the gentleman from Pennsylvania, but I do not wish to take a course which, in my opinion, is unjustified by parliamentary law, and which will induce the Senate to regard as a great discourtesy this action on the part of the House, an action which I apprehend they will not be likely to tolerate. If there is an amendment to a clause, why propose that amendment to it; but do not undertake to strike out the whole clause inserted by the Senate, for it seems to me that is not the way in which we ought to proceed; and I have no doubt if we attempt to do so it will lead to unpleasant consequences.

I think all these questions should go into conference, and that is the only proper way to dispose of them.

Mr. SPRINGER. Mr. Chairman, it seems to me that this controversy is more as to the form of expression than as to the substance of the matter. By reference to Jefferson's Manual, page 273 of our Digest, it will be seen that this subject of amendment between the two Houses is very simple and easily understood. For instance:

When either House, the House of Representatives for example, sends a bill to the other, the other may pass it with amendments.

That is just what has been done here. The chairman holds that it is but one amendment.

The regular progression in this case is: that the House disagree to the amendment; the Senate insist on it; the House insist on their disagreement; the Senate adhere to their amendment; the House adhere to their disagreement.

Which, of course, produces a disagreement between both Houses and a consequent loss of the bill. We have not reached that stage yet. But further:

A motion to amend an amendment from the other House takes precedence of a motion to agree or disagree. A bill originating in one House is passed by the other with an amendment. The originating House agree to their amendment with an amendment. The other may agree to their amendment with an amendment, that being only in the second and not in the third degree, &c.

Now the condition is just this. The House passed this river and harbor bill and sent it to the Senate. The Senate struck out all after the enacting clause and inserted practically a new bill. The chairman regards this as one amendment. The House, to have a text to build upon, must predicate its amendment on the fact that we agree to something the Senate has done with an amendment thereto. The proper motion of the gentleman from Pennsylvania [Mr. RANDALL] is to move to agree with the Senate amendment with the following amendment thereto, to strike out the lines he has indicated. That brings the question before the Senate. Another amendment will be offered that we agree to the amendment of the Senate with an amendment thereto striking out so many dollars and inserting so many dollars, being an intimation to the Senate that we want to raise or lower the amount in their amendment. It is simply a matter of form. What we want to get is an expression of the opinion of the two Houses as to each of these items.

Mr. REAGAN. I would ask the gentleman how many times can we agree to the Senate amendment with an amendment? Can we do it three hundred times?

Mr. SPRINGER. We are now in Committee of the Whole House. When our report is made by the chairman of the committee it will be that the Committee of the Whole recommend that the House concur with the Senate amendment with the following amendments thereto; and that brings the whole subject before the House.

Mr. REAGAN. I submit that we have to follow the rules. According to the theory of the gentleman from Illinois you can attach three hundred and odd amendments to a single amendment of the Senate.

Mr. RANDALL. What I have submitted provides a plainer and more direct mode of arriving at what is desired.

The CHAIRMAN. The Chair is ready to decide. The motion of the gentleman from Pennsylvania [Mr. RANDALL] is the ordinary motion to amend the Senate amendment. The Senate amendment is open to amendment under the rules of the House, and if it be amended, either by striking out certain words or by inserting certain other words, that sends the entire proposition to a conference if one be ordered, including, of course, the amendments of the House to the amendment of the Senate. It is simply an expression of the House for the first time on the new matter inserted in that amendment which has been sent to the House by the Senate. The Chair holds the amendment of the gentleman from Pennsylvania is in order.

Mr. RANDALL. I do not wish to detain the committee with debate on this proposition. All of us understand what it is for, what it means, and the amount involved. So far as I am concerned I am content with asking a vote.

Mr. WILLIS. I especially ask the gentleman from Pennsylvania not to make this motion. The motion I have made, I think, with all due deference to him, includes that motion; the whole includes the part. The motion I am instructed unanimously by the committee to make is that we non-concur; and I respectfully request him to allow this matter to go with the others non-concurred in to the committee of conference, and the House will at a later period have a better opportunity than now for a fair and full expression of opinion. I hope he will not press that motion at this time.

Mr. RANDALL. The House by a very marked vote declined to insert this paragraph. Now if the House has changed its mind in this particular I do not know why it should not have that right of expression which a vote on this amendment will give.

Mr. HENDERSON, of Illinois. The gentleman from Pennsylvania is laboring under a mistake. The House has not declined to insert this paragraph.

Mr. RANDALL. The committee did.

Mr. BROWNE, of Indiana. The House refused to consider the proposition.

Mr. WILLIS. I will state that this was not in the river and harbor bill. The gentleman from Pennsylvania is thinking of the action in a prior session.

Mr. RANDALL. Perhaps.

Mr. WILLIS. At this session the proposition was brought in by the Committee on Railways and Canals, and had a day for its consideration.

Mr. MURPHY. And received a majority of 14.

Mr. WARNER, of Ohio. Only a majority for consideration.

Mr. BROWNE, of Indiana. I raised the question of consideration myself on the Hennepin Canal bill.

Mr. MURPHY. That vote showed it had a majority on this floor.

Mr. BROWNE, of Indiana. Let us see whether it has now or not.

Mr. BAYNE obtained the floor.

Mr. NEECE. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. NEECE. The gentleman from Kentucky [Mr. WILLIS] moves to non-concur in the entire Senate amendment. The gentleman from Pennsylvania [Mr. RANDALL] moves to strike out a certain item, which in effect is a non-concurrence. Therefore the motion of the gentleman from Pennsylvania does not have priority over the motion of the gentleman from Kentucky. I insist the motion of the gentleman from Kentucky has priority.

The CHAIRMAN. The Chair has already decided that.

Mr. BAYNE. The attack made upon the Hennepin Canal is the attack made upon the bill. It is intended to involve the bill in difficulties and prevent its passage. It is perfectly known to my colleague from Philadelphia who has made this attack that he can have an opportunity of voting on the Hennepin Canal. When this bill comes from the conference it is perfectly well known if it be the desire to strike out the Hennepin Canal it can be stricken out.

Mr. RANDALL. No, sir. When it comes from a conference committee it is voted upon as a whole.

Mr. BAYNE. It comes back here and the items of the report of the committee of conference will be taken up and considered *seriatim*, and a vote can be taken upon this if the House chooses to take it.

Several MEMBERS. No, no.

Mr. BAYNE. Now, the purpose is to attack this bill and to involve it in difficulties so as to prevent the passage of any river and harbor bill. Therefore, in my opinion, the friends of this bill should stand by the Committee on Rivers and Harbors. The committee intend to ask for a vote of non-concurrence in the Senate amendments thereto, then put the bill into the hands of a committee of conference, and let that committee report to the House.

Mr. RANDALL. Yes; and when that committee reports you will have to take the report as a whole.

Mr. BAYNE. Very well. If the Hennepin Canal is objectionable to a majority of the members of the House they can vote the report down; or the conference report can be sent back to the committee by a vote of the House with instructions to strike out the Hennepin Canal.

Mr. RANDALL. There are other objectionable items in the bill.

Mr. BAYNE. There are other ways by which a vote can be reached if that be the purpose in view, but the real purpose is to involve this bill in difficulties and prevent its passage. Therefore I again ask the members of the House who are in favor of a river and harbor bill to stand by the Committee on Rivers and Harbors, which is going to move to non-concur, put the bill into the hands of a conference committee, and get it back here upon their report within a few days.

Mr. RANDALL. Mr. Chairman, I have only to say that this is the only time I see when we can have a vote upon the Hennepin Canal distinct from other propositions. The result of the action that is proposed here is to put this in with the rest of the propositions in this bill and make the others carry the Hennepin Canal.

Mr. WILLIS. The gentleman has no more authority to make that statement than he would have to make a like statement about the items in any other appropriation bill.

Mr. RANDALL. Well, it is generally so with these appropriation bills. What I want is to get a distinct vote upon the Hennepin Canal, and I do not see any other mode of getting it than the one I have suggested.

Mr. WILLIS. There is a mode provided by the rules which has been already suggested.

Mr. O'NEILL, of Pennsylvania. I wish to ask my colleague whether the Committee on Rivers and Harbors has jurisdiction over canals.

Mr. BAYNE. We have, over a number of them.

Mr. MURPHY. Will the gentleman allow me to answer his question?

Mr. O'NEILL, of Pennsylvania. Yes, sir.

Mr. MURPHY. There are only nine canals in this river and harbor bill.

Mr. O'NEILL, of Pennsylvania. The River and Harbor Committee have no jurisdiction over that subject, and they did not put the Hennepin Canal into the bill, because they had not jurisdiction. Now, I believe the sense of this committee is to have a direct vote upon such propositions as this one, but I do not see how we can ever get a vote upon the Hennepin Canal unless we get it now. I have always favored the river and harbor bill, but I have always voted against the Hennepin Canal scheme, and I propose, if I can get a chance, to vote against it again; and if it goes into this bill in this way, and we are obliged to vote ay or no upon the bill as a whole, although for years I have voted for river and harbor bills, yet I may feel it in my conscience a duty to vote against this bill.

Mr. GROSVENOR. I move to strike out the last word. Mr. Chairman, I am very much surprised at the attitude of the opponents of the Hennepin Canal. I do not count the gentleman from Pennsylvania [Mr. RANDALL] as specially an opponent of the Hennepin Canal, because he did all he could to defeat this bill when that project was not in it at all, and therefore I assume that he assails this outwork because he thinks that is the easiest way to breach the main line of the bill. I say I am very much surprised that members here are afraid to vote in favor of the proposition submitted by the chairman of the Committee on Rivers and Harbors. That motion is a motion against the Hennepin Canal; it is a motion to non-concur. Is not that enough?

Mr. REED, of Maine. Oh, yes; but we know what it means.

Mr. GROSVENOR. Yes; we know what all the other schemes here mean. We know what the scheme means to throw this bill into general debate, and, strangely enough, it happens to be proposed and supported by gentlemen who opposed the bill all the way through.

Mr. RANDALL. I will say to the gentleman I am not attempting to embarrass this bill by debate. On the contrary, I ask for a vote. [Laughter.]

Mr. GROSVENOR. I understand; but if the gentleman's proposition be agreed to, it at once alienates a large vote upon this floor from the proposition of the chairman of the committee to non-concur and send the bill to a committee of conference; not that it will ultimately harm the bill.

I am glad to see gentlemen who pride themselves upon their record at home, and who put into their platform upon which they seek reelection to Congress the high proposition that they have voted always against this river and harbor bill, now suddenly interesting themselves in trying to bring the bill back to the same place where it was when they voted against it.

The proposition of the Committee on Rivers and Harbors is to let this whole proposition—without committing the committee at all, for they have not considered the Hennepin Canal, have had nothing to do with it one way or another—to let the whole subject of this bill go to a committee of conference. For what purpose? That we may get along with our business, that we may not project the question here into a debate in Committee of the Whole, which may last for the next two weeks.

Mr. CANNON. Mr. Chairman, at this time, under the five-minute rule and with debate soon to be cut off, I do not propose to discuss the merits of the Hennepin Canal; and I should not have said one word but for what struck me as the unkind and uncalled-for words of the gentleman from Pennsylvania [Mr. O'NEILL]. Of course I have decided views about the propriety of the Hennepin Canal improvement. I believe that no friend of this bill can make an argument for it that will not apply in every respect in favor of this proposed improvement. There is but one ground on which to place these river and harbor improvements, and that is that they are instrumental in affording the necessary competition to secure a proper regulation of freight charges upon the products of the West and the East, the North and the South.

At a proper time, if I should have opportunity, I will discuss the merits of that question. I desire only to say now to the gentleman from Pennsylvania, representing in part that great commercial and manufacturing center Philadelphia, who has appealed to me as well as to all other members on behalf of the interests of his State in favor of wise and statesmanlike legislation affording appropriations for the water ways and other improvements of this country and for the merchant marine and for the Navy of the nation, that in my opinion he does not do himself justice when he rises here in his place and instead of seeking to produce argument showing the unwisdom of this appropriation uses that stale, common, ordinary term, which anybody can cry out against any measure, by denouncing it as a "steal." The cheapest man who pretends to statesmanship, or would even make a vain essay toward it, can daily and hourly indulge in that kind of characterization of any or all appropriations.

I hope, Mr. Chairman, that this bill with these amendments will take the ordinary course. What is that? That the House at this stage of the session non-concur in the whole of this Senate amendment in all its paragraphs; let the conferees meet and see wherein they can agree, and so far as they can agree, with or without amendment, make report to this House for approval or disapproval in whole or in part. All we ask for the Hennepin Canal proposition is the same treatment that other portions of the bill receive. If the enlightened representatives of sixty million people do not believe that this is a wise proposition, then let it be rejected; but let it be accorded the poor courtesy which is habitually accorded to every other measure.

Mr. RANDALL. The gentleman from Illinois [Mr. CANNON] will allow me to call his attention to the fact that if my amendment should prevail in Committee of the Whole there is no reason why a vote should not be taken upon it in the House.

Mr. O'NEILL, of Pennsylvania. Mr. Chairman, my friend from Illinois [Mr. CANNON] has been talking about something that he did not understand.

Mr. CANNON. I thought I listened to the gentleman carefully.

Mr. O'NEILL, of Pennsylvania. If he or any other member of this House ever heard me use such a word as "steal" in any discussion in which I have taken part in this House I should like to know it. I

spoke of this proposition as a "scheme;" and I did not in that mean anything offensive to the friends of the proposition.

Mr. CANNON. The gentleman will allow me to say that I was close to him when he spoke, and understood him to use the other word. I am very glad to learn that he did not, and withdraw all that I said touching that point.

Mr. O'NEILL, of Pennsylvania. I am very glad the gentleman has withdrawn it. Now, if he is so anxious to have the sense of the House upon the question of appropriating money for the Hennepin Canal, let him have the vote here and now. That is the statesmanlike way to meet the question. If the majority of this House should vote that this proposition is properly in the bill, let it remain there. I am sure I will yield to the decision of the majority. But, sir, it is not for the gentleman to give me a lecture as to what I should or should not do as a representative of the commercial city of Philadelphia. I represent a commercial city; he represents an inland community of a great and powerful State. I do not know whether by voting for the appropriation for the Hennepin Canal he is helping to solve the question of freights from the West to the seaboard. Another proposition involving that question will come up in a few days, and he can then be heard. Why, sir, this day the water ways of the country settle the question of the freight on railroads. That is a well-known proposition.

Mr. DUNHAM. The liberality of the gentleman's constituents should induce him to vote for this proposition.

Mr. BROWNE, of Indiana. We shall see how that is when we come to a vote.

The CHAIRMAN. The Chair understands the *pro forma* amendment of the gentleman from Ohio [Mr. GROSVENOR] as withdrawn.

Mr. SOWDEN. I renew the *pro forma* amendment.

Now, Mr. Chairman, it has been confidently asserted that if the House non-concur in the Senate amendment and the bill goes to a committee of conference, when the same is reported back to this House we can have a separate vote upon this proposition. This is a mistake. We can not have a separate vote upon it. It will be too late. My colleague from Pennsylvania [Mr. RANDALL] has stated the matter correctly. In the Thirty-ninth Congress it was decided that a separate vote could not be taken upon different propositions contained in a conference report, but that it must be adopted or rejected as a whole. (Congressional Globe, volume 1, Thirty-ninth Congress, page 4287.) The only way out of this dilemma is in the manner suggested by my colleague from Pennsylvania [Mr. RANDALL], and therefore I ask for a vote on his amendment. [Cries of "Vote!"]

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania.

Mr. SOWDEN, by unanimous consent, withdrew his *pro forma* amendment.

Mr. HENDERSON, of Illinois, addressed the committee. [See Appendix.]

The question recurred on Mr. RANDALL'S amendment.

Mr. RANDALL demanded a division.

The committee divided; and there were—ayes 89, noes 93.

Mr. RANDALL demanded tellers.

Tellers were ordered; and Mr. RANDALL and Mr. HENDERSON, of Illinois, were appointed.

The committee again divided; and there were—ayes 93, noes 109.

The CHAIRMAN. So the amendment is rejected. [Applause on the Republican side.]

Mr. HOLMAN. I move to strike out the paragraph beginning with line 1098 and ending with 1120.

The Clerk read as follows:

For the purchase of the two improved water ways known as the Portage Lake and River Improvement Company Canal and the Lake Superior Ship-canal Railway and Iron Company Canal, being the improved harbors of refuge and the water communication across Keweenaw Point, from Keweenaw Bay to Lake Superior, by way of Portage River and Lake, in the State of Michigan, and to make the same a free passage-way and harbors of refuge to commerce and navigation, $262,500, or so much thereof as may be necessary: *Provided*, That before said moneys shall be expended the Secretary of War shall cause an examination to be made by a board of three engineers to ascertain and report upon the importance and value of the free use of said two harbors of refuge and the water communications across Keweenaw Point to the commerce and navigation of the Lakes, and the reasonableness of the price thereof, and shall have received from said board a report favorable to such purchase by the United States, and also upon full and absolute conveyance to the United States of said two harbors of refuge, canals, easements, rights of way, piers, docks, and appurtenances of every nature belonging to and connected with said works, or either of them.

Mr. HOLMAN. Mr. Chairman, the canal here designated as the Portage Lake and River Improvement Company, or rather the Portage Lake and Lake Michigan Canal, was a work constructed under an act of Congress which was passed in 1865, by which 200,000 acres of land were appropriated to the State of Michigan with which to construct the work.

The canal was constructed and the other enterprises named in the pending amendment. It was equivalent to a grant, as estimated at that time, of a million dollars for the construction of the canal alone. It is now proposed, inasmuch as the purposes of the work have been in a large degree accomplished, as I understand, to transfer it back to the Government at a cost of $265,000; a work constructed by a public grant, a private estate in the State of Michigan, and yet it is now proposed, notwithstanding its origin, that the sum of $265,000 shall be paid out of the public Treasury, and the Government shall go on and take charge of the work. I do not think, sir, that this ought to be done.

The State of Michigan, I should have said, transferred these lands to a corporation; the corporation constructed the canals and now owns the works. Whether this subject was considered by the House Committee on Rivers and Harbors I am not able to say.

Mr. WILLIS. Let me inform the gentleman that it was considered and was not put into the bill.

Mr. HOLMAN. I am glad to hear it. I am informed by the chairman of the committee that the subject was considered and not deemed proper to be inserted in the bill. It is a barefaced transaction, where a work constructed principally by the Government, with its resources, is to be made the source of large profit to the gentlemen to whom the bounty of the Government was transferred.

Mr. MOFFATT. Mr. Chairman, I do not wish at this time to go into a discussion of the merits of this question. If the gentleman from Indiana would ask the committee to pursue the same course with this proposition that was pursued with the other, namely, to let it go into conference, then when it comes back before the House I shall be perfectly willing to go with him in detail over the subject and point out what I believe to be its merits. I should be glad to have an opportunity to give to this House, as I believe I can, a full statement of what I regard as the most meritorious proposition in this bill as embodied in this clause of the Senate amendment. But I do not wish to detain the committee at this time; and I think that upon further investigation, in fact I have no doubt of it, the gentleman will agree to take that position himself. I ask the committee now, without detaining it further, not to strike out the provision, but to give it fair play and let it take its course in the committee of conference with the rest of the bill.

Mr. REAGAN. I object, Mr. Chairman, to these motions to strike out particular portions of the Senate amendment, for the reason that they are subject to the objection that they do not take these things out of the conference one way or the other. The motions are misleading; and I shall vote against motions to strike out. And yet I may be permitted to say that if this provision is retained in the bill, or the one which was just voted upon a few moments ago, I should vote against the whole bill when it comes back to the House. But because these propositions to strike out are misleading and make men vote against their judgment one way or the other I am opposed to them. The chairman of the Committee on Rivers and Harbors proposes to non-concur in all of the amendments. That brings the whole subject into a conference. If there is a separate motion upon each item it simply means non-concurrence, and I do not think it is the proper way to get at the consideration of the subject.

Mr. WILLIS. The Senate put some four or five very important amendments on this bill; and I am sure that I express the unanimous opinion of the Committee on Rivers and Harbors when I say that they have no desire, and if they had the desire they would not dare to exercise it, to accomplish through a conference committee anything that could not be accomplished formally and openly upon the floor of the House. We not only will not decline a vote on these several matters, but I believe I express the opinion of every member of the committee when I say we will invite a vote.

Mr. RANDALL. In the House?

Mr. WILLIS. Yes, sir.

Mr. RANDALL. When?

Mr. WILLIS. After the conference.

Mr. HOLMAN. When did I understand the gentleman to say?

Mr. WILLIS. After we have reported the result of the conference.

Mr. HOLMAN. But then the gentleman knows a separate vote could not be had.

Mr. WILLIS. The gentleman understands the fact that the committee can come back into the House and a separate vote be taken upon each one of these propositions.

Mr. BLANCHARD. We have no other purpose in view.

Mr. WILLIS. We want a majority of the House to act upon these matters in detail. The Committee on Rivers and Harbors would not dare to put anything into the bill or take anything out except by a fair untrammeled vote of the House.

Mr. RANDALL. Will you consent to a separate vote as to the Washington flats?

Mr. WILLIS. There will be no objection to a separate vote as to all of these four or five Senate amendments.

Mr. WARNER, of Ohio. How as to the changes in reference to the Mississippi River Commission?

Mr. WILLIS. As to that I am not prepared to speak.

Mr. HOLMAN. With the understanding that as to all the new matters put in this bill by the Senate, the Portage Canal, the Hennepin Canal, and the other three measures which are the most important—with the understanding they are to be all reported to the House for action as separate and independent measures, so that votes can be taken in the House instructing the conferees on the part of the House, it seems

to me the better plan would be to acquiesce in what is desired by the gentleman from Kentucky.

Mr. DUNN. Does not that result necessarily follow anyhow? Even if you strike out the item here, it goes into conference anyhow.

Mr. HOLMAN. But it is an instruction to the conferees.

Mr. DUNN. Then when the committee of conference reports an agreement or disagreement the House must pass on that.

Mr. HOLMAN. There is no legislation so subject to severe condemnation as that forced on the two Houses of Congress by conference committees. It is the most pernicious of all species of our legislation; and I am always glad to see conferees distinctly instructed. And I am surprised that so old and wise a legislator as the gentleman from Texas [Mr. REAGAN] should not himself have seen the importance of a frank expression on the part of the House as to each one of these important Senate amendments.

Mr. REAGAN. I want that expression; but I want it to be in a form that would be effective. I do not want it to go through a blank form that does no good and takes time.

Mr. HOLMAN. It would do good to instruct the conferees as to the sentiment of the House in regard to the Hennepin Canal.

Mr. BURLEIGH. You have done that.

Mr. HOLMAN. You have not. The gentleman from Texas [Mr. REAGAN] voted against striking that out, but says he would vote against the bill if it finally contained that proposition; and other gentlemen have acted on the principle by which the gentleman from Texas is governed. These votes are misleading. They do not represent the sentiment of the House, and do a vast amount of injury to the conferees on the part of the House.

Mr. WILLIS. It is for that reason I wish the question taken on non-concurrence.

Mr. HOLMAN. With the understanding that each of these several important amendments attached to the bill by the Senate shall come back to the House in the only way they can properly come—upon reports from the conference committee showing disagreement between the two Houses, so that a vote can be taken here—I suggest the true plan is to adopt the motion of non-concurrence. Otherwise the conferees would be put at a disadvantage.

Mr. KING. The motion made by the gentleman from Kentucky covers that. That is what we have been wanting to do all the time.

Mr. HOLMAN. I withdraw the amendment.

Mr. WILLIS. I renew my motion.

Mr. SPRINGER. I wish to understand if any agreement has been arrived at. If so, I want to except one proposition. It was understood we were going to pass separately upon each of these propositions and settle them so far as the conference was concerned between the two Houses. We have now acted upon one of them and settled it by removing it from conference. If the action of the committee is ratified by the House that takes Hennepin out of the conference.

Mr. HOLMAN. Not at all.

Mr. SPRINGER. Then what is the use of this vote? I thought we were testing the sense of the committee and of this House so as to instruct the conferees when they went to deliberate. If that is not what we are doing, what are we doing?

Mr. WILLIS. We are trying to non-concur in the Senate amendments.

Mr. SPRINGER. But the House has agreed to that much of the Senate bill and taken it out of conference.

Mr. RANDALL. So far as the Hennepin Canal matter is concerned the battle has only begun.

Mr. BROWNE, of Indiana. I renew the amendment of my colleague [Mr. HOLMAN].

I have not occupied the attention of the House or the committee for, I believe, a single minute in the discussion of the river and harbor bill, and I now renew the amendment of my colleague that I may have the opportunity of talking upon this subject only for the brief term of five minutes. It strikes me that this legislation is anomalous. It presents some extraordinary features. The House passed the river and harbor bill appropriating for a very large number of rivers and harbors and breakwaters, and I believe for the improvement of some existing canals. That bill went to the Senate. It has been returned from the Senate with an amendment striking out every line of the original bill and returning to us, in the shape of an amendment, an entirely new proposition. The Senate has added some subjects not contained in the original bill.

It has added something to the amount of appropriations contained in the bill. It has taken off, I believe, in some instances a portion of the appropriations made in that bill. And after it has considered patiently, considered maturely, deliberated upon the necessities of this kind of service, only appropriating in each particular instance so much as that body supposed was demanded by the exigency of the case—for I take it for granted that in the judgment of that body it appropriated no more for any particular river or harbor than was needed by it for the purpose of making the proposed improvement—but after having gone over this whole field, embracing three hundred and fifty-five subjects, it then proposes to reduce the whole lump by reducing the appropriations 25 per cent. It is an acknowledgment, it seems to me, that in the original appropriations as they were considered there is an extravagance of at least 25 per cent.

And it is because of these extravagances that I have at all times refused to vote for river and harbor appropriations. I have, however, another serious objection to this bill. It proposes to buy from private corporations some old canals that have ceased, I presume, to be profitable to their owners; it proposes to buy breakwaters from private corporations. It not only proposes to improve the three hundred and fifty-five subjects of the bill, natural water ways as I suppose, but it proposes to enter into the purchase of old improvements and also to inaugurate some new ones. I do not mean the inauguration of improvements upon the natural water ways, but the inauguration of a system of internal improvements. Gentlemen talk about the necessity of having a competitor with the railroad corporations in the matter of freight. I remember that a few years ago Indiana entered upon a system of internal improvements which came very near bankrupting the State, and, rich as this nation is, great as are its revenues and its sources of wealth, you are entering upon a system which, if not arrested, may bankrupt this magnificent Republic of ours. You are introducing that system upon this bill. This is the beginning of it, and what we do here is to be used as a precedent for what is to come hereafter.

It is not the Hennepin Canal that I am opposed to; it is the system under which it is to be built; it is the precedent that will be established; for when you have made the Hennepin Canal, Indiana will come here and ask that its old canal across to the Ohio River shall be purchased and that the contents of the national Treasury shall be emptied out to pay for the construction of that important highway for the commerce of that State and of the Northwest. And so with other States.

Mr. HOLMAN. Does my colleague [Mr. BROWNE] withdraw his motion?

Mr. BROWNE, of Indiana. I withdraw it.

Mr. HOLMAN. Mr. Chairman, the committee seem to acquiesce in the suggestion of the gentleman from Kentucky [Mr. WILLIS] in regard to the important amendments put upon this bill by the Senate, which are entirely new propositions; but as to the propositions which are not new, but simply amended by the Senate, they seem to stand upon a different ground. Now, the Senate has made very important changes in the provisions of the House bill in regard to the improvements of the Mississippi River from the head of the passes to Cairo. It seems to me, therefore, that the Committee on Rivers and Harbors, or rather the conferees on the part of the House, will wish instructions upon that subject, and I hope that they will have the benefit of instructions. I think the sentiment of the House is that the Mississippi River Commission shall be dispensed with, and that a part of the works in progress on the river shall be completed so as to test the efficiency of the plan. I, therefore, submit an amendment to the Senate amendment.

The Clerk read as follows:

It is proposed to concur in the Senate amendment with the following amendment, to wit: Strike out all of the Senate amendment after the word "war," in line 1405, down to and including the word "banks," in line 1435, and insert the following:

"Improving Mississippi River from the head of the passes to the mouth of the Ohio: Continuing improvement, $2,250,000; which sum shall be expended under the direction of the Secretary of war."

Mr. HOLMAN. In order that the meaning of this amendment may be fully understood, I ask that the portion of the Senate amendment which it is proposed to strike out be read for the information of the House.

Mr. BUTTERWORTH. Will the gentleman state whether it leaves the proposition just as it stood in the House bill?

Mr. HOLMAN. It does, except in this: The House expressly provided that the work should not be done under the supervision of the Mississippi River Commission, while the Mississippi River Commission is entirely omitted from the amendment.

Mr. DUNN. Mr. Chairman, I suppose the gentleman's statement will obviate the necessity of reading the portion of the amendment that is to be struck out.

Mr. HOLMAN. Not at all, because the committee will see when it is read that the Senate have gone entirely away from anything that was germane to that portion of the bill.

Mr. KING. The Senate have simply restored the clause as it has always been in the river and harbor bill.

The portion of the amendment proposed to be struck out was read, as follows:

In accordance with the plans, specifications, and recommendations of the Mississippi River Commission: *Provided*, That no portion of this appropriation shall be expended to repair or build levees for the purpose of reclaiming lands or preventing injury to lands or private property by overflows: *Provided, however*, That the commission is authorized to repair and build levees if, in their judgment, it should be done as part of their plan to afford ease and safety to the navigation and commerce of the river and to deepen the channel: *And provided further*, That the expenditure of so much of said appropriation as may be required to continue the improvement of Plum Point and Lake Providence reaches shall be confined to the complete repair and maintenance of the levees throughout said reaches to the height of 2 feet above the flood of 1882, and to the completion of the permeable works of contraction to such extent as may be required to bring the high-water banks of the river to the comparative uniformity of width contemplated in the first five paragraphs of the plan of improvement recommended by the Mississippi River Commission and adopted by Congress in 1880, and more fully set forth in the report of the Secretary of War for 1881,

volume 2, part 3, page 2733: *And provided further*, That no works of bank protection or revetment shall be executed in said reaches or elsewhere until after it shall be found that the completion of the permeable contracting works and uniform width of the high-water channel will not secure the desired stability of the river banks.

Mr. HOLMAN. Mr. Chairman, it has been suggested that this proposition of mine is not in proper form, and I therefore withdraw the proposition "to concur with the following amendment," and offer what I now send to the desk as an amendment, simply striking out and inserting. I ask that the amendment be read as modified.

The Clerk read as follows:

Strike out all of the Senate amendment after the word "war," in line 1405, down to the word "banks," in line 1435, and insert the following:

"*Provided*, That the money appropriated by this act for the improvement of the Mississippi River from the head of the passes to the mouth of the Ohio River, except so much thereof as shall be necessary to expend in preventing the works in progress on other portions of the river from waste and injury, shall be expended in the continuation and completion of the works on the Plum Point and Lake Providence reaches of the river now in progress of improvement, as established by the Mississippi River Commission, to the end that the proposed improvement of said two reaches of the river on which the works are in progress shall be completed at an early day and the plan of said commission for the improvement of the navigation of the river fully tested."

Mr. HOLMAN. It will be seen that the last provision inserted by the Senate is not interfered with by the proposed amendment; the improvements provided for at Vicksburg, Memphis, Columbus, Ky., New Orleans, and other points are left as proposed by the Senate.

Mr. DUNN. Mr. Chairman, it is strange to me that the gentleman from Indiana [Mr. HOLMAN] and others who are opposed to this bill and who are seeking to destroy it, after they have found they were about to be "hoist by their own petard" on the plan of procedure which they had adopted, should have surrendered everything else to the suggestion of the chairman of the Committee on Rivers and Harbors except this item in relation to the Mississippi River. I do not know whether the Mississippi River is too little for improvement or too big for improvement. It is clear at all events that it is to be strangled.

Now, the committee is a little confused as to the effect of these votes which we are taking. We must keep in mind that we have but one Senate amendment before us; that if all these different items are amendments, then a failure to change one or a vote of the House agreeing to it, as we voted on the Hennepin Canal, takes that out of conference. The gentleman from Indiana [Mr. HOLMAN] shakes his head. I think perhaps it will go to the conference anyhow; and then the vote amounts to nothing.

The gentleman from Indiana says that he wants the committee of conference instructed. That would violate all the proprieties of a conference. Senators coming to confer with the managers on the part of the House would refuse to confer in such a case, because by instruction the freedom of conference is destroyed. Our managers should go into conference free, untrammeled, uninstructed. They should meet the Senatorial managers in a free conference.

The House passed a bill with certain provisions; the Senate amended it. All that is to be done is to concur or non-concur with or without amendment; and this effort here to throttle and strangle and smother the Mississippi River item is not fair or just or right. The motion of the chairman of the Committee on Rivers and Harbors to send the whole mass into conference non-concurred in is the only proper, logical, sensible course. I call upon the friends of the bill to stand by the chairman of the committee and absolutely vote down any and all amendments, thus sending the whole bill into conference.

I have confidence in the chairman of the committee and those who may be chosen as managers with him on the part of the House. I know that they understand, after the ten days or two weeks' consideration which we had of this bill, what the sense of the House is; or if they have forgotten it, all they have to do is to refer to that debate; for substantially all the items sent here by the Senate as amendments were considered in Committee of the Whole in the form of amendments offered to the House bill. The House voted upon nearly or quite all of them. There is but one logical course; and that is to stand by the chairman of the committee and vote down every amendment offered, and send the whole measure into conference. I have no doubt that the chairman of the committee and his co-managers will bring back to the House all that they are satisfied does not meet the concurrence of the House.

Mr. WARNER, of Ohio. I move *pro forma* to amend by striking out the last word. The Senate has amended materially the bill as it went from the House. It has made a radical change in the provision relating to the Mississippi River. Now, in order that the bill may get into conference as soon as possible, I suggest that this amendment take the same course adopted with reference to other amendments.

I want an opportunity to vote upon it. I may be mistaken, but my impression and belief are that if the work of constructing these levees could be done for nothing it had better not be done at all. It will cost at least $100,000,000 to construct them, and probably $10,000,000 annually thereafter to maintain them.

Mr. DUNN. There is no authority for that estimate of their cost. No estimate ever exceeded $20,000,000.

Mr. WARNER, of Ohio. I have only stated my opinion. I want a chance to vote on this question, and I prefer that it take the same course that has been adopted with the other amendments, with the understanding that we shall have an opportunity to vote upon it when the question comes back.

Mr. HOLMAN. With the understanding that this subject shall come to the House in such a form as to give the House a vote on this proposition, I do not insist upon a vote now.

Mr. WILLIS. The great body of this amendment of the Senate—two thirds of it—is identical with what the House passed. It therefore does not stand upon the same footing with the four or five other matters which have been mentioned. I beg the gentleman to let the matter go, assuring him that the committee will endeavor to reach an adjustment satisfactory to the House.

Mr. HOLMAN. My friend from Kentucky [Mr. WILLIS] must see that here there is a proposed application of money directly and immediately to the building of levees.

Mr. DUNN. For the improvement of navigation.

Mr. WILLIS. So there is in the House bill.

Mr. HOLMAN. I know; but that is conditional; here it is direct. It is this new matter which I am proposing to strike out; I am not proposing to interfere with the remainder. If the gentleman from Kentucky [Mr. WILLIS] will consent that this subject be reported back in such a form that an expression of the House can be had upon it, I will of course withdraw my amendment with great pleasure.

Mr. WILLIS. I think the gentleman, on examining the bill, will find that he is entirely mistaken; that this proposition in regard to levees is identical, "upon all fours," with the proposition as passed by the House. I ask him to turn to page 46 of the bill as passed by the House and compare it with page 121 of the bill as sent from the Senate. If I am not mistaken he will find that the two bills in this respect are indentical.

Mr. HOLMAN. The words to which I desire to call the gentleman's attention are these:

That the expenditure of so much of said appropriation as may be required to continue the improvement of Plum Point and Lake Providence reaches shall be confined to the complete repair and maintenance of the levees throughout said reaches to the height of 2 feet above the flood of 1882, and to the completion of the permeable works of contraction to such extent as may be required to bring the high-water banks of the river to the comparative uniformity of width contemplated in the first five paragraphs of the plan of improvement recommended by the Mississippi River Commission and adopted by Congress in 1880, and more fully set forth in the report of the Secretary of War for 1881, volume 2, part 3, page 2733.

It is this portion of the amendment to which I especially object and which I am seeking especially to strike out.

Mr. KING. You object to everything that improves the Mississippi River.

Mr. HOLMAN. I have more interest in the work than you have and my constituents have more interest than you have.

Mr. KING. I move to strike out the last word. [Cries of "Vote!"] I wish to correct the statement made by the gentlemon from Ohio [Mr. WARNER], and I call his attention—— [Cries of "Vote!"] He says to get these new banks would require one hundred millions of money. There are no official figures to that effect in any report made by the Government.

Mr. WARNER, of Ohio. I think General Comstock has so reported.

Mr. KING. Allow me a moment. The highest figure of any commission having this matter in charge is $11,000,000. Why do you then try to prejudice the minds of the House by making these extravagant statements when there is no foundation for them?

Mr. WARNER, of Ohio. Did not General Comstock report that it might cost that?

Mr. KING. No; he does not state anything of the kind.

Mr. DUNN. Nowhere can anything of the kind be found.

Mr. KING. It comes from your own mind.

Mr. BRECKINRIDGE, of Arkansas. It has been stated it might cost $7,000,000. I would also correct the statement of the gentleman from Ohio [Mr. WARNER] that $8,000,000 have already been spent. It should be less than $2,000,000.

Mr. WARNER, of Ohio. I rise to a parliamentary inquiry.

Mr. KING. I withdraw my *pro forma* amendment.

Mr. WARNER, of Ohio. Is it not understood that this is submitted to the conference committee?

Mr. HOLMAN. No; the gentleman from Kentucky declines to have this go before them.

Mr. WILLIS. The gentleman from Kentucky neither declines nor accepts the proposition.

Mr. KING. It will be governed by the rules of the House.

Mr. WILLIS. I hope the gentleman will not force us to a vote which may instruct the conference committee.

Mr. HOLMAN. When conference reports come in during the last days of the session there will be no difference.

Mr. WARNER, of Ohio. Let this take the same course.

Mr. WILLIS. Does he want a vote on the Hennepin Canal to be considered as an instruction to the conference committee as it is by the friends of that measure?

Mr. SPRINGER. It is an instruction to the committee of conference and is so regarded, and rightly so regarded.

Mr. WILLIS. I hope the gentleman will not force another vote

which may embarrass the committee by its being insisted upon as an instruction to the committee of conference.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Indiana [Mr. HOLMAN].

Mr. PAYSON. Let it be read again. [Cries of "No!" "No!"]

The amendment was again read.

Mr. HOLMAN demanded a division.

The committee divided; and there were—ayes 62, noes 106.

Mr. HOLMAN demanded tellers.

Tellers were not ordered, 30 only voting in favor thereof.

So the amendment was disagreed to.

Mr. HEWITT. I move to strike out of the Senate amendment the following.

The Clerk read as follows:

Improving New York Harbor, New York: Continuing improvement to secure a 30-foot channel at mean low water at the Sandy Hook entrance of the harbor, upon such plan as the Secretary of War may approve, $750,000.

Mr. HEWITT. Mr. Chairman, the estimates contain the recommendation of $42,000,000. Among them I do not find any recommendation for improvement of the depth of water in the Sandy Hook channel. If the engineers had known of any practicable mode by which that improvement could be executed there is no question when they recommended $42,000,000 they would have put in a loose million for New York Harbor. But the truth is, they did not know how to do it, and they did not recommend it. The New York delegation, when this was under consideration, made no recommendation of any amendment on that subject.

The Senate have inserted an amendment in the bill providing an expenditure of $750,000, with a single provision that it shall be expended under the direction of the Secretary of War.

Two years ago when I brought this matter to the notice of the House I secured, or rather the House adopted, an amendment by which $30,000 was appropriated to survey the harbor of New York. In this bill as it left the House $8,000 is appropriated in order to complete that survey. Until that survey is done no living man can tell how or where to spend the money in the harbor of New York. It is a problem that must be determined in advance. Of course we want a 30-foot channel. The steamboats built during the last year could load down 4 feet deeper than they do now if we had a 30-foot channel for that harbor; but the only effect of devoting this money at this time in the manner contemplated by the Senate amendment will be to put it in the hands of men to be expended without any definite plans or without any positive knowledge of the needs of that great harbor.

This is the view taken by the Chamber of Commerce of the City of New York. They do not ask for the money. They do ask that the channel be deepened, but first that a competent board shall be created to determine how the amount of money shall be expended; how the improvement may be best made, and then they will come and ask an appropriation to carry it out.

Such a bill is now pending or has actually passed the other body and is coming to the House; and I entreat the House not to put this amount of money at the disposal of officers who are not clear as to how they would expend it, although they would be compelled, under the terms of the law, to do so. Therefore I have moved to strike out this portion of the Senate amendment and trust it will be concurred in by the House.

Mr. BAYNE was recognized.

Mr. KING. May I ask the gentleman from New York a question?

Mr. HEWITT. Certainly.

The CHAIRMAN. The gentleman from Pennsylvania is entitled to the floor.

Mr. HEWITT. Has my time expired?

The CHAIRMAN. The Chair thought that the gentleman had yielded the floor. He has one minute of his time remaining.

Mr. HEWITT. Then I yield cheerfully for a question.

Mr. KING. Is it not contemplated that the present appropriation shall not go into effect until that commission has reported on the plan?

Mr. HEWITT. On the contrary, there is no such commission whatever. If there had been such a commission it would have changed my views as to the character of the proposition.

Mr. BURLEIGH. Has not the gentleman confidence in the Secretary of War and his ability to spend the money to good advantage?

Mr. HEWITT. The Secretary of War does not know anything about the best mode of improving the harbor, and without the report of such a board would not know how to expend the money.

Mr. BURLEIGH. I think he is as competent to give an opinion upon the matter as the gentleman from New York.

Mr. HEWITT. I do not pretend to be competent. Do not make any mistake. No, I am not competent; and do not assert that I am. But to put that money in the hands of the present officers, who have not submitted to this House any definite plan for its expenditure, would in my opinion be just a waste of so much money.

[Here the hammer fell.]

Mr. BAYNE. Mr. Chairman, the harbor of New York belongs to the whole country. All our people are interested in it. The people of the Far West and the Middle States and all over the world in fact are interested in the great harbor of New York. Complaint came before our committee of the inefficiency of the water channel for vessels of large draught floating into that harbor. It was made manifest to the Committee on Rivers and Harbors that there should be an improvement of the harbor. It was doubtless made manifest also to the Committee on Commerce of the Senate that an appropriation should be made to give a 30-foot channel into that harbor. That is the reason the appropriation was inserted. We put in as well as we knew how, in the bill as it passed the committee, a large appropriation for New York Harbor. The Senate saw fit to go a step farther and appropriate $750,000 upon a plan to be approved by the Secretary of War; and it is to be presumed, with the assistant engineers of the Army and with responsible and trustworthy officers, and with such an official at the head of the Department as the Secretary of War, that the money will be judiciously expended in the interests of the commerce of the country.

I am surprised that a Representative from the city of New York should undertake, by objecting to such an appropriation, to do away with an improvement in his own State for the benefit of his own city as well as for the benefit of the commerce of the whole country. I do not know what it means unless it be to relieve the President of the United States from an obligation which this would impose upon him when he comes to consider this bill. The President himself is likely to realize the importance of the harbor of New York. He is likely to know that a 30-foot channel there would afford sufficient draught of water for large vessels, and that it is a matter of importance to the people of this country; and I am disposed to think if he came to consider that proposition it would probably influence favorable action upon this bill, because this appropriation, if any appropriation in the bill is justified by the facts, is warranted by the importance of the harbor on account of the commerce that comes in and out of it.

MESSAGE FROM THE SENATE.

Here the committee informally rose, and the Speaker resumed the chair.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate further insisted upon its amendments to the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, all laws allowing entries for timber culture, and all laws authorizing the sale of desert lands, and for other purposes, disagreed to by the House of Representatives, agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DOLPH, Mr. PLUMB, and Mr. COCKRELL the conferees on the part of the Senate.

The message also furnished the House of Representatives, in compliance with its request, an engrossed copy of the bill (S. 1042) to pay B. S. James for transporting the United States mails.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2600) to authorize the commissioners of the District of Columbia to make police regulations for the government of said District; and

A bill (S. 2855) to authorize a change of location of a certain Indian school building in Washington Territory.

The message also announced that the Senate had passed without amendment the bill (H. R. 6337) for the relief of James D. Wood.

The message further announced that the Senate insisted upon its amendments to the joint resolution (H. Res. 89) providing for the distribution of the Official Register of the United States disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MANDERSON, Mr. HAWLEY, and Mr. GORMAN as the conferees on the part of the Senate.

The message also announced that the Senate insisted upon its amendments to the bill (H. R. 8975) making appropriations for the naval service for the fiscal year ending June 30, 1887, and for other purposes, disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two House thereon, and had appointed Mr. HALE, Mr. LOGAN, and Mr. BECK to be the conferees on the part of the Senate.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 7191) to provide for the enlistment and pay and to define the duties and liabilities of general-service clerks and general-service messengers in the Army.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 57) for the erection of a public building at Oshkosh, Wis.;

A bill (S. 582) for the relief of the board of field officers of the Fourth Brigade of South Carolina Volunteer State troops;

A bill (S. 1112) granting a pension to Phœbe H. Meech;

A bill (S. 1289) granting a pension to Thomas J. Owen;

A bill (S. 1666) granting a pension to Edward Corning;

A bill (S. 1625) granting a pension to Rebecca Hollingsworth Humphreys;

A bill (S. 1766) granting a pension to William Brentano;
A bill (S. 1853) granting a pension to Isabella Jessup;
A bill (S. 2113) granting a pension to Mrs. Sarah Young;
A bill (S. 2160) granting a pension to Mary J. Hagerman;
A bill (S. 2163) granting a pension to Powhattan B. Short;
A bill (S. 2192) granting a pension to Abby L. Burbank;
A bill (S. 2233) granting a pension to John P. McElroy;
A bill (S. 2332) to authorize the Secretary of War to credit the State of Kansas with certain sums of money on its ordnance account with the General Government;
A bill (S. 2759) to remove the political disabilities of William H. F. Lee; and
Joint resolution (S. R. 62) authorizing the publication of an edition of A Digest of International Law, edited by Francis Wharton.

CHARLES D. SWIM.

Mr. TAULBEE, by unanimous consent, introduced a bill (H. R. 9922) for the relief of Charles D. Swim; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ISLANDS IN PLATTE RIVER, NEBRASKA.

Mr. LAIRD, by unanimous consent, introduced a bill (H. R. 9923) to provide for the sale of islands in the Platte River, in Nebraska, containing less than 80 acres of land; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

HENRY WENHOLZ.

Mr. LAIRD, by unanimous consent, also introduced a bill (H. R. 9924) for the relief of Henry Wenholz; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

T. D. SCHOFIELD.

Mr. LAIRD, by unanimous consent, also introduced a bill (H. R. 9925) granting a pension to T. D. Schofield; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. HETTIE K. PAINTER.

Mr. LAIRD, by unanimous consent, also introduced a bill (H. R. 9026) granting a pension to Mrs. Hettie K. Painter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MISS JULIET G. HOWE.

Mr. LAIRD, by unanimous consent, also introduced a bill (H. R. 9927) granting a pension to Miss Juliet G. Howe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RIVER AND HARBOR APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. HEWITT. I move to strike out the last word.

The gentleman from Pennsylvania [Mr. BAYNE] says he is not able to understand how a member from New York could get up here in his place and refuse to take money which is to be expended in his district and in his State. I can understand how the gentleman from Pennsylvania comes to such a conclusion; for he was never known to resist any measure which proposed to spend money in the State of Pennsylvania and in his district. When I rose in my place in this House and resisted his proposition to buy out the Monongahela navigation he denounced me then for going into his district and interfering with the interests of the State of Pennsylvania. Now he has come into my district and is interfering with the interests of the State of New York and of the people of New York. He proposes to thrust $750,000 down our throats, which may ruin our noble harbor by the expenditure of that amount in ignorance of all the conditions of the problem.

This is no new matter. It is a curious fact that nature has been more powerful than man in preserving the entrance to the harbor of New York. There is to-day in the channel 1 foot more water than there was in the time of the Revolutionary war. It is due to the fact that three great currents have steadily scoured out the channel, in spite of the shoaling in spots produced by the dumping of garbage in places where it is forbidden by municipal law.

But nature has not kept up with the size of the steamships. We want 30 feet. There are three channels: Gedney's, the longest; the Swash Channel; and the third, the East Channel. No man can say to-day which of those channels can be best improved to accommodate ships carrying 30 feet of water. It is that information we want. We do not want to stop the improvement. It is necessary for the interests of the gentleman's constituents; it is necessary for the commerce of this country. But in view of the fact that great harbors have been ruined by injudicious expenditures, I think I voice the opinion of the Chamber of Commerce and the shipping merchants of New York not to allow injudicious appropriations to be made before we get the knowledge that is necessary for the improvement of the harbor, and then put the work under a competent board, as was done thirty years ago when the works now in existence for New York Harbor were devised and carried out by a board composed of Totten, Bache, and Davis, the most eminent engineers of their day.

This meets with the approbation of the Navy Department. I have here a letter from the Secretary of the Navy which states the whole case, and which I read as a portion of my remarks:

NAVY DEPARTMENT, *Washington, July 9, 1886.*

GENTLEMEN: I have received your letter of June 22, concerning the bill (S. 2157) now before Congress for the preservation of New York Harbor, and requesting an expression of opinion from me on that important subject.

The Navy Department naturally takes a great interest in questions which affect the port of New York, believing these questions to be national rather than local in their character. The commerce of the port of New York is in a great measure the commerce of the nation, and whatever affects that port can not fail to be felt by that Department of the General Government whose ships and fleets must in peace and war use and defend its channels and entrances.

In 1855, to supply a need similar to the present, a board of harbor commissioners, appointed by the President of the United States, served with great efficiency at New York. This board was composed of Totten, of the United States Engineers, Davis, of the Navy, and Bache, of the Coast Survey. Its decisions, made after careful examination and deliberation, gave thorough satisfaction to those interested in the future of New York, and have been the principal guides in the management of the physical features of the harbor during the thirty years which have elapsed since that board was dissolved. As a result of their careful consideration of harbor questions, these eminent officers left on record this significant declaration, as follows:

"Accordingly we unite with the memorialists of the Merchants' Exchange and the majority of the committee on commerce and navigation in condemning the irresponsible course which has hitherto been pursued in relation to the harbor, and in approving the appointment of a responsible body like the present commission, to the end that what remains of the harbor may be preserved for the benefit of the increasing commerce of the port."

Time has only shown the justice of this board's conclusions. The port, needing constant improvement to accommodate more and larger vessels, has, on the contrary, been steadily injured by the various artificial causes, against which nature has struggled in vain. Tidal lands have been unwisely reclaimed, injudicious dumping laws have succeeded others as injurious, and even these unwise laws have been largely evaded by the lazy and dishonest.

The Army engineers in charge of the improvements of the harbor have during these thirty years worked with their well-known ability; the pilot commissioners have striven earnestly to arrest the downward progress of affairs; while the merchants of New York have on more than one occasion sought relief from Congress; but the divided jurisdiction of the harbor, the lack of Congressional interest, and, above all, the absence of any permanent board or commission have rendered all efforts useless.

The Navy Department, having kept itself advised at all times of the maritime value of New York Harbor, is convinced that the only hope for maintaining and increasing that value lies in the immediate establishment of a harbor board, which shall combine the expert knowledge of the Army engineers, the Navy and the Coast Survey, together with a proper representation of the New York and New Jersey citizenship. This board, established permanently, would have a weight with the cities and States bordering upon New York Bay and with Congress the importance of which can not be overestimated.

The Navy Department, therefore, heartily concurs in the wish of New York citizens that the bill (S. 2157) reported from the Committee on Commerce to the Senate by Senator MILLER should become a law.

I am, gentlemen, with much respect, yours, very truly,

W. C. WHITNEY,
Secretary of the Navy.

Hon CORNELIUS N. BLISS,
Hon. A. FOSTER HIGGINS,
Of the Chamber of Commerce, New York City.

So I stand here on behalf of my constituents. I think they know what they want, and I think I know what they ought to have. They have not asked for this money. I do ask that it be withheld, but I ask the House to pass the bill which has come over from the Senate to give us a competent board to determine what we need and what it will cost and how it can best be expended. [Applause.] After that is done, we shall hope to get all the money we need.

Mr. WILLIS. Mr. Chairman, I deem it proper to say in one sentence, that when this matter came before the Committee on Rivers and Harbors we had a communication from the Chamber of Commerce of New York stating that all they wanted was a sufficient sum to survey these three channels, and that sum to the last cent the committee allowed.

Mr. HEWITT. That is true.

Mr. WILLIS. But I am informed that after the bill went to the Senate the Chief of Engineers presented there some facts and views which had not been submitted to the Committee on Rivers and Harbors, and upon his statement that he had arrived at a plan which would give New York a better harbor this appropriation was put in.

The CHAIRMAN. The question is on the motion of the gentleman from New York [Mr. HEWITT] to strike out this provision.

The question was taken, and the Chairman stated that the ayes seemed to have it.

Mr. BAYNE. I ask for a division.

The House divided; and there were—ayes 88, noes 61.

Mr. ANDERSON, of Kansas. No quorum.

The CHAIRMAN. The point being made that no quorum has voted, the Chair will appoint tellers.

Mr. SPRINGER. We have not time to divide by tellers before the hour for adjournment.

Mr. WILLIS. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH, from the Committee of the Whole, reported that they had had under consideration the Senate amendments to the river and harbor appropriation bill, and had come to no resolution thereon.

ADJOURNMENT SINE DIE.

Mr. MORRISON. Mr. Chairman, I report from the Committee of

Ways and Means a privileged resolution; giving notice that I shall call it up to-morrow.

The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* at 3 o'clock p. m. July 28, 1886.

[Cries of "Vote!" "Vote!"]

Mr. MORRISON. I move the adoption of the resolution.

Mr. REAGAN. Mr. Speaker, I hope the House will not adopt that resolution. It is very clear that we can not be ready to adjourn at the time named.

Mr. WEAVER, of Iowa. Oh, yes, we can.

Mr. REAGAN. I have been very anxious to secure action upon the interstate-commerce bill, and I desire to call it up as soon as this bill is completed.

The SPEAKER. There is not time to consider the resolution now, and it will have to go over till to-morrow morning.

INCREASE OF THE NAVAL ESTABLISHMENT.

Mr. MORRISON, from the Committee on Rules, reported the following resolution:

Resolved, That Thursday, the 22d day of July, immediately after the reading of the Journal, be set apart for consideration of H. R. 6664, entitled "A bill to increase the naval establishment;" and if the consideration of said bill shall not be completed on that day, then Saturday next, immediately after the reading of the Journal, is hereby set apart for the further consideration of the bill.

The SPEAKER. There is no time to read the resolution.

Mr. MORRISON. I will call it up to-morrow.

The SPEAKER. The hour of 5 o'clock having arrived, the House stands in recess until 8 o'clock p. m.; the evening session to be devoted exclusively to the consideration of bills for the construction of bridges, reported from the Committee on Commerce.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m.

ORDER OF BUSINESS.

The SPEAKER. By order of the House the session of this evening is to be devoted exclusively to the consideration of bills reported from the Committee on Commerce authorizing the construction of bridges.

RAILROAD BRIDGES ACROSS WILLAMETTE RIVER.

Mr. CRISP. I call up for consideration the bill (S. 901) to grant the Astoria and Winnemucca Railroad Company the right to construct bridges over navigable water courses.

The bill was read.

The following amendment reported by the Committee on Commerce was read and agreed to:

After the word "that," in line 3, insert "the consent of the Government is hereby given to."

In lines 5 and 6 strike out "be authorized and permitted."

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS FLINT RIVER, GEORGIA.

Mr. CRISP. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 9654) to authorize the Americus, Preston and Lumpkin Railroad Company to erect and maintain a bridge across Flint River, in the State of Georgia, and that the bill be now considered in the House.

There being no objection, it was ordered accordingly.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS MISSOURI RIVER AT NEBRASKA CITY.

Mr. WEAVER, of Nebraska. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 1411) to amend an act authorizing the construction of a bridge across the Missouri River opposite to or within the corporate limits of Nebraska City, Nebr., approved June 4, 1872, and that the bill be now considered in the House.

There was no objection, and it was ordered accordingly.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. WEAVER, of Nebraska, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS RED RIVER, LOUISIANA.

Mr. BLANCHARD. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 9858) to authorize the Louisiana North and South Railroad Company to construct and maintain a bridge across the Red River in Louisiana; and that the bill be now considered in the House.

There being no objection, it was ordered accordingly.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. BLANCHARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS TENNESSEE RIVER AT OR NEAR CHATTANOOGA.

Mr. CRISP. I call up the bill (H. R. 8880) to authorize the construction of a bridge across the Tennessee River at or near Chattanooga, Tenn.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGES OVER WILLAMETTE RIVER, OREGON.

Mr. BYNUM. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (S. 2115) granting to the Oregonian Railway Bridge Company of Oregon the right to construct a bridge over the Willamette River in the vicinity of Ray's Landing, Oregon; and that the bill be now considered in the House.

There being no objection, it was ordered accordingly.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. BYNUM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HERMANN. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (S. 1937) authorizing the city of Salem to construct a bridge across the Willamette River, in the State of Oregon, and that the House now proceed to consider the same.

There being no objection, it was ordered accordingly.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. HERMANN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RAILROAD BRIDGE ACROSS SAINTE MARIE RIVER.

Mr. GILFILLAN. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 6104) to authorize the construction of a railroad bridge across the Sainte Marie River, and that the House now proceed to consider the same.

There being no objection, it was ordered accordingly.

The SPEAKER. The bill will be read.

Mr. CRISP. Unless some gentleman desires the reading in full of each of these bills, I suggest that they might generally be passed upon a reading of the title. While they are not of course identical in terms, the committee in each case has sought to protect the interests of navigation and to avoid monopoly by permitting all railroad companies to use the bridge upon reasonable terms. We are not now calling up any bill to which, so far as we know, there is objection. These are bills which, according to the understanding of the committee, are unobjected to.

In every case, Mr. Speaker, where a bill will be called up under this order the provisions are approved by the Secretary of War after report thereon by the Engineer Department. I only make this suggestion in the interest of economy of time and to save the clerks in the reading of the bills.

Mr. HENDERSON, of Iowa. I see no objection to that. Let that rule, however, be applied to each bill as it comes along. If no objection is made the particular bill need not be read.

Mr. CRISP. I desire to be understood if any gentleman desires to have any bill read he can do so.

The SPEAKER. The Chair hears no objection, and unless the reading of a bill is requested it will only be read by the title.

The Chair will state there are several amendments proposed to this bill. At least one is a new section, which perhaps the Clerk had better read.

Mr. GILFILLAN. There is one substantial amendment, and one formal amendment simply changing the number of a section.

The SPEAKER. The Clerk will read the amendments proposed as a new section.

The Clerk read as follows:

SEC. 8. That whereas Congress by an act to authorize the construction of a railroad bridge across the Sainte Marie River, approved July 8, 1882, did authorize the Sault Sainte Marie Bridge Company, a corporation organized under the laws of the State of Michigan, to build a bridge across the said Sainte Marie River at or near the rapids in said river, in said Chippewa County, in the State of Michigan, therefore the provisions of the said act of July 8, 1882, as well as the provisions of this act, are hereby amended and qualified by the following provisions of this act, namely: At any time after the passage of this act the said Sault Sainte Marie Bridge Company may proceed, under said act of July 8, 1882, or the said Minneapolis, Sault Sainte Marie and Atlantic Railway Company may proceed, under this act, or both of said companies may so proceed, to prepare and submit to the Secretary of War for his approval a drawing and description showing the plan and location for its bridge, but the Secretary of War shall in the first instance approve but one such location and plan; and if the company whose location and plan shall be so approved shall proceed with due diligence to enter upon and prosecute to completion the construction of such bridge, no other location or plan shall be approved by the Secretary of War and no other bridge shall be built under either act; but if such construction shall not be so entered upon and prosecuted, then the Secretary of War may withdraw and cancel such approval and approve a second location and plan; it being the intention of Congress that the interests of commerce, including the transportation by water as well as on land, shall be kept in view, and to that end only one bridge shall be constructed at or near said point.

Mr. ADAMS, of Illinois. With regard to that bill I desire to ask whether my colleague [Mr. DUNHAM] was consulted in reference to it?

Mr. GILFILLAN. He is a member of the committee, and gave his consent to it.

Mr. DUNHAM. Yes; I was consulted.

The amendment was agreed to.

Mr. BUCHANAN. I move, in section 3, lines 12 and 13, to strike out the words "except when trains are passing over the same;" so it will read:

And the said draw shall be opened promptly upon reasonable signal for the passage of boats and vessels, but in no case shall unnecessary delay occur in opening said draw during or after the passage of trains.

The bill as drawn provides for the erection of a draw, and that it shall be opened upon reasonable signal "except when trains are passing over the same." Until the Arthur Kill bill was passed by the House those words have not occurred in any bill passed by this or any other Congress. The example there set seems to have been imitated in this bill. It is, in my judgment, a pernicious example. I believe navigation should have the right of way; and therefore I have moved to strike out these words, which have not been included in any other bill this evening.

Mr. GILFILLAN. There is no objection to that amendment.

Mr. WARNER, of Ohio. You can not open a draw when there is a train upon it.

Mr. REAGAN. I wish to say the commerce passing through the Sault Sainte Marie Canal is very great and grows greater every year. The Secretary of War objected to putting bridges there on account of detriment to commerce. He said provision should be made that the draw should be open except when trains are passing. This provision has been embraced on the recommendation of the Secretary. We all understand that it occupies some time to turn a draw. The train dispatchers will always know when trains are approaching. It has been included in the interest of navigation. A very great number of vessels are passing at all times. Therefore I believe it would be a mistake to strike out the words referred to.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GILFILLAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGES, CUMBERLAND AND CANEY FORK RIVERS, TENNESSEE.

Mr. MCMILLIN. Mr. Speaker, by direction of the Committee on Commerce I ask unanimous consent to take up for present consideration the bill (H. R. 9793) to amend an act approved March 3, 1885, to authorize the construction of bridges across the Cumberland and Caney Fork Rivers, in Tennessee. I ask unanimous consent to discharge the Committee of the Whole from its further consideration and consider it in the House.

There was no objection, and it was so ordered.

Mr. MCMILLIN. I will state briefly, so as to save the time occupied in reading the bill, that the object of this bill is to correct an error in the title of the road to which this privilege was granted by the original bill. The gentleman who wrote me at the close of the last session of Congress failed to give the exact title of the railroad company. This bill amends the former act in that respect. It also authorizes that company, or any other company with which it may consolidate, and also the Nashville and Knoxville Railroad Company, to construct and maintain a bridge over the Cumberland River, near Carthage, Smith County, Tennessee.

It also allows the railroad company, or either of them at its option, to construct a wagon, horse, and foot-passenger bridge, whereas the former act made it mandatory. The committee report unanimously in favor of the passage of the bill.

There being no objection, the Committee of the Whole was discharged from the further consideration of the bill, and it was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCMILLIN moved to reconsider the last vote taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGES ACROSS SAINT AUGUSTINE AND LAZARETTO CREEKS, GEORGIA.

Mr. CRISP. I ask to call up the bill (H. R. 8967) to authorize the building of railroad bridges across Saint Augustine and Lazaretto Creeks, in the State of Georgia.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the last vote taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS MISSOURI RIVER, MONTANA.

Mr. CRISP. I now call up the bill (H. R. 7851) to authorize the construction of a bridge across the Missouri River in Montana. I ask unanimous consent to discharge the Committee of the Whole from the further consideration of this bill and put it upon its passage.

There was no objection, and it was so ordered.

The committee recommend the adoption of the following amendments:

In line 32 of the second section, after the word "spans," strike out the words "shall not be of less elevation in any case than 50 feet above extreme high-water mark, as understood at the point of location, to the bottom chord of the bridge, nor shall the spans of said bridge be less than 200 feet in length, and the main spans shall be over the main channel of the river and not less than 200 feet in length."

And insert the words:

Shall be of such elevation and the spans of said bridge of such length as the Secretary of War may direct.

Also, in the same section, in the forty-fifth line of the printed bill, strike out the words "not less than one hundred feet" and insert the words "such width."

Also, in line 47, after the word "draw," insert "as the Secretary of War may direct."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the last vote taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS LAKE CHAMPLAIN.

Mr. CRISP. I now call up the bill (S. 63) from the House Calendar to authorize the construction of a highway bridge across that part of the waters of Lake Champlain lying between the towns of North Hero and Alburg, in the State of Vermont.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BELLINGHAM BAY RAILWAY AND NAVIGATION COMPANY.

Mr. CRISP. I now call up the bill (S. 236) to authorize the Bellingham Bay Railway and Navigation Company to build certain bridges in the Territory of Washington.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the last vote taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS YOUNG'S BAY, OREGON.

Mr. CRISP. I now call up the bill (H. R. 4670) granting to the county of Clatsop, in the State of Oregon, the right to construct a bridge across Young's Bay, a navigable stream in said county and State, with Senate amendments.

I am directed by the committee to move concurrence in the Senate amendments.

The SPEAKER. The amendments of the Senate will be read.

The Clerk read as follows:

On page 1 of the printed bill strike out after the word "Oregon," in the third line, the words "(1) and its court and duly authorized officers and agents, in the name of said county and under the authority of said court, are."

Also, in line 7 of the first section of the bill insert, after the word "State" the words "(2) at such point as said county may select and may be approved by the Secretary of War."

Also, in the same section, in the thirteenth line, after the word "prescribe" insert "(3) and also to construct, establish, and maintain a bridge across Skipanon Creek, in the county of Clatsop, in the State of Oregon, by permanent embankment or otherwise, as the Secretary of War may approve."

Also, in the twenty-first line of the first section, strike out after the word "said" the word "bridge" and insert "bridges."

Also, in the second section, in the eleventh and twelfth lines, strike out the word "bridge" where it occurs in each line and insert the word "bridges."

Also, in line 14, in the same section, after the word "bay" insert "and creek."
Also, in line 18 of the same section, insert after the word "bridge" "across Young's Bay."
Also, in the same section, line 31, after the word "floats" insert "also showing the Skipanon Creek to the head of usual navigation."
Also, in section 3, after the word "bay," insert the words "and said creek," and strike out in the same line the word "bridge" and insert "bridges."
Also, strike out in line 5, of section 3, the word "its" before the word "accessory;" and in lines 6 and 7 of the same section strike out the word "bridge" where it occurs in each line and insert the word "bridges."

The amendments of the Senate were concurred in.

Mr. CRISP moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TENNESSEE RIVER BRIDGE AT SHEFFIELD, ALA.

Mr. CRISP. I call up for consideration the bill (H. R. 8978) authorizing the construction of a bridge over the Tennessee River at or near Sheffield, Ala., and for other purposes. I ask that the Committee of the Whole House be discharged from the further consideration of the bill, and that it be considered in the House.

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OHIO RIVER BRIDGE AT PADUCAH, KY.

Mr. CRISP. I call up for consideration the bill (H. R. 3768) to authorize the construction of a bridge across the Ohio River at Paducah, Ky.

Mr. TOWNSHEND. I wish to ask the gentleman from Georgia what is the height of the bridge provided by this bill.

Mr. CRISP. This is an act authorizing the construction of this bridge under the general law for bridging the Ohio River, which prescribes the heights, with an amendment to that general law. The only change made in the general law is as to the cities in which the advertisement shall be published of the approval of the plans by the Secretary of War. Gentlemen who are familiar with the general law will recollect and know it provides for an advertisement in the newspapers having a circulation in certain cities of the approval of the plans by the Secretary of War. This reduces the number of cities in which the publication is to be advertised. I am not certain whether the reduction is from six to three or not, but it can be ascertained from the report. That is the only change. There is no change in the general law as to bridging the Ohio River.

The Committee on Commerce recommended the following amendment.

In line 15, after "1872," insert "and the act amendatory thereof, approved February 14, 1883."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS TRADEWATER RIVER.

Mr. CRISP, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 9895) to authorize the construction of a bridge across the Tradewater River by the Ohio Valley Railway Company.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OHIO RIVER BRIDGE AT CAIRO, ILL.

Mr. CRISP. I call up for consideration the bill (H. R. 9728) to authorize the Chicago, Saint Louis and New Orleans Railroad Company and the Illinois Central Railroad Company, or either of them, to construct a bridge over the Ohio River at or near Cairo, Ill. I ask unanimous consent to discharge the Committee of the Whole House from its further consideration, and that it be considered in the House.

Mr. PRICE. Before we consent to that I would like to ask the gentleman what is the height of this bridge?

Mr. CRISP. I was about to make a statement.

Mr. TOWNSHEND. I think the bill had better be read.

The SPEAKER. Is there objection to discharging the Committee of the Whole House from the further consideration of the bill?

There was no objection.

The SPEAKER. The gentleman from Illinois [Mr. TOWNSHEND] asks for the reading of the bill.

The bill was read in part.

Mr. TOWNSHEND (interrupting the reading). As the remainder of the bill consists of details that are not important I withdraw the demand for the further reading of the bill.

Mr. CRISP. I ask the attention of the House for a moment to this bill. The Engineer Department in reporting upon its provisions recommended that the height of this bridge be fixed at 53 feet above high-water mark. The committee authorized me to report the bill some time ago with a provision for a bridge 45 feet above high-water mark and the bill is so reported. On yesterday at a meeting of the committee I was instructed to submit an amendment fixing the height at 53 feet, the height recommended by the engineers and by the War Department. I therefore move to amend in the second section at the ninth line by striking out "forty-five" and inserting "fifty-three."

Mr. TOWNSHEND. That is the height I believe that is prescribed by the general law.

Mr. CRISP. And recommended by the Department in this particular case.

The SPEAKER *pro tempore* (Mr. DUNN). The question is on agreeing to the amendment proposed by the gentleman from Georgia.

Mr. DUNHAM. Mr. Speaker, I am opposed to that amendment, and I desire to give my reasons. It is true, as the gentleman from Georgia [Mr. CRISP] has stated, that the engineers' report upon this proposed bridge was that it should be 53 feet above high-water mark. The Committee on Commerce decided to report in favor of 45 feet above high-water mark, and I will read an extract from the committee's report. They say:

The act above mentioned requires that all bridges over the Ohio below the mouth of the Big Sandy should be 53 feet above the highest water mark, and in this case the committee have concluded that 45 feet above the highest water mark is sufficient to accommodate the commerce of the Ohio River, and is all that should be required of the commerce going over the bridge, for the following reasons.

Then they go on and speak of the lands that have been granted by the States of Kentucky and Illinois for the construction of bridges, railroads, &c.

According to the engineers' report there are now only ten boats running on the Ohio River which can not at any stage of water pass under a bridge 45 feet above the highest water mark at Cairo. Those ten boats can pass every day, except, on an average, twelve days in the year. That has been the case for the last eighteen years; that is, there have been but twelve days on an average in each of the last eighteen years when those ten boats could not have passed under a bridge 45 feet above the highest water mark, and those ten are the only boats running on the river that require so great a height.

For twenty-four days in every year, on an average, for the last eighteen years, these boats could not pass under the bridge at Louisville, which shows that the Louisville bridge is much lower than this proposed bridge at Cairo.

Mr. TOWNSHEND. And yet the Louisville bridge is 53 feet.

Mr. DUNHAM. I think not.

Mr. TOWNSHEND. All bridges below the mouth of the Big Sandy are required by the general law to be 53 feet above high-water mark.

Mr. DUNHAM. I see by reference to the report that the Louisville bridge is 39.56 feet.

Mr. TOWNSHEND. That bridge is at the falls; but they have a canal through which the boats go.

Mr. DUNHAM. That is true. Now, Mr. Speaker, I understand that no boats are being built at this time to run on that river of the height of the ten to which I have referred, and it is reasonable to expect, according to all past experience, that within the next ten years those ten boats will disappear. They will be sunk, or will explode their boilers, or will disappear in some way, and when that comes to pass there will be no boats upon that river that can not go under a bridge 45 feet above the highest water mark.

I am told by good authority here that the difference in cost between building this bridge 45 feet above high-water mark and making it 53 feet will be in the neighborhood of $500,000. Those gentlemen here who know anything about Cairo know that it is a very bad place to build a bridge, one of the worst places anywhere on the river. The Illinois Central Railroad Company are very anxious to build there for the benefit of the western, the southwestern, the northwestern country, and necessarily also for the benefit of the whole eastern country, but they do not wish to be compelled to construct a more expensive bridge than is necessary. As to the business, every man who has examined the question knows that the tendency of the commerce upon the rivers is to decrease and that the tendency of the commerce upon the railroads is to increase. There is no doubt about that. To show how the commerce carried on the railroads is increasing and how the commerce carried on the water is decreasing I will read another extract from the report of the committee. They say:

In the year 1881 the number of all craft touching at Cairo (including the Ohio River craft) was 3,583 with a tonnage of 1,469,151 tons; in 1885 the number was 1,583 with tonnage of 970,702 tons (including Ohio River tonnage). In 1885 1,583 Ohio boats of 482,000 tons landed at Cairo, and 79 boats passed without landing, showing a tremendous decrease in the half decade. The railroad tonnage increased from 1,134,507 tons in 1881 to 1,346,151 tons in 1885. (Wharf-master's reports, Cairo.) In 1884 the Illinois Central Railroad transferred by boat at Cairo 61,723 loaded freight cars and 8,000 passenger cars. These figures show to your committee that the commerce of the Ohio River is fast and steadily decreasing

and the commerce of the railroad as fast and as steadily increasing; the one demanding less and the other greater facilities.

The Secretary of the Senate, Mr. McCOOK, appeared with a message from that body.

The SPEAKER *pro tempore*. The gentleman from Illinois will suspend to receive a message from the Senate.

Mr. DUNHAM. I rise to a point of order, Mr. Speaker, and I ask the Chair to decide it.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. DUNHAM. My point is that, under the order of the House providing for this evening session, nothing is in order but to act upon these bridge bills, and that therefore the receipt of a message from the Senate is not now in order.

The SPEAKER. The Chair thinks that the reception of a message from the Senate or from the President is not the transaction of business; and this has heretofore been held very frequently in the House. For instance, even when the House is operating under an order for a call of the House, no motion being in order except a motion to adjourn or for some matter connected with the call, it has always been held that these messages could be received. The Chair overrules the point of order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine; that the Senate requested a conference with the House on said bill and amendments, and had appointed as conferees on the part of the Senate Mr. MILLER, Mr. VAN WYCK, and Mr. GEORGE.

Mr. HATCH. I ask unanimous consent that the House non-concur in the amendments——

The SPEAKER. The Chair thinks that could not be done now.

Mr. DUNHAM. I object.

Mr. HATCH (to Mr. DUNHAM). I supposed you would object.

Mr. DUNHAM. You may depend upon it I will.

BRIDGE ACROSS THE OHIO RIVER AT CAIRO.

The SPEAKER. The gentleman from Illinois [Mr. DUNHAM] is entitled to the floor.

Mr. DUNHAM. Now, for the reasons which I have stated, on account of the extra expense to which this railroad company would be subjected in building this bridge in accordance with the amendment of the committee, and in order that the bridge may be built as soon as possible, I hope that the House will vote down the amendment of the committee and accept the report as first made by them.

Mr. STONE, of Kentucky. Mr. Speaker, I think it is only necessary for the House to understand the situation of this case in order that this amendment shall be adopted. A general law applying to the whole of the Ohio River below the mouth of the Big Sandy requires that all bridges be built at a height of 53 feet above high-water mark. I understand an argument was made before the Committee on Commerce, which was designed to convince them (and did convince them so thoroughly that they made this report), that 45 feet above high-water mark at Cairo is equal to 53 feet above high water at any other point on the Ohio River. That was the most singular argument I ever heard addressed to intelligent men. I do not see how any man could undertake to convince another that a height of 45 feet is equal to a height of 53 feet; yet a railroad attorney actually went before that committee and attempted to convince them that this was the truth.

Now, Cairo, as gentlemen here understand, is located at the mouth of the Ohio River. Gentlemen are well aware that millions of dollars have been spent in improving the Ohio River and the navigable waters emptying into it. After appropriating money to remove rocks and other obstructions to the navigation of that river, we are now asked to pass a bill authorizing the construction of a bridge across that river which will practically shut it up. This the Congress of the United States can not afford to do, because the owner of every single pound of freight upon the Ohio River and every river emptying into it is interested in having the navigation of the river unimpeded.

We have been told by the gentleman from Illinois that there are only ten boats which can not pass under a bridge 45 feet above high-water, and these ten boats are unable to do so, on the average, only twelve days in the year. He tells us also that the commerce of the river is gradually being reduced. Well, sir, if you build a few more low bridges across the Ohio River and some other rivers of this country, you will practically stop water transportation, and the whole transportation of the country will be in the hands of the railroads. That is exactly what we do not want. So far as I am concerned, I want to see a bridge built at Cairo. It is anticipated that a bridge across the river at Cairo will very largely benefit the people of my district. For this reason I wish to see the bridge built, but I do not wish to see it built at any height which will interfere with navigation.

There is now a bridge, 53 feet above high-water mark, at Henderson, Ky.; yet for nearly a month during this last spring the navigation of the river was very seriously interfered with by that bridge. We can not afford to authorize the construction of a bridge which will be less than 53 feet above high-water mark.

I hope, therefore, that this amendment will be adopted, and that Congress will not countenance any effort to place any obstruction on the Ohio River or in any way to hinder its navigation. The gentleman said that the bridge at Louisville, which is only 39 feet above high-water mark, interferes with navigation. If that is true, why should we be guilty of the folly of authorizing another low bridge across the Ohio River, especially at its mouth, obstructing the navigation of that river and its tributaries, and very largely injuring the commerce of the river below. It would cut off to a very great extent the commerce which would otherwise go out of the Ohio River and down the Mississippi. I hope there will be no further objection to the amendment, and that it will be adopted without further discussion.

Mr. TOWNSHEND. Mr. Speaker, I rise to say a word, as I represent counties fronting on the Ohio River. I am informed that more money has been expended on the Ohio River in the improvement of its navigation than upon any other river in the Union, not even excepting the Mississippi River. The Ohio River bears more commerce upon its bosom annually than any other river west of the Alleghany Mountains except the Mississippi River.

The general law has forbidden any bridge to be constructed below Cincinnati less than 53 feet high. The bridges below Cincinnati have conformed to that general law with the exception of the bridge at the Falls of the Ohio River at Louisville.

If this bridge is allowed to be built at Cairo at a height of 45 feet it will seriously obstruct the navigation of that river and will do injustice to those who have been compelled to construct at greatly increased cost high bridges above Cairo at Henderson and other points below Cincinnati. I am as desirous as my colleague can possibly be to see a bridge thrown across the river at Cairo, but I am not willing any bridge shall be constructed at the mouth of the Ohio which will interrupt the navigation of that river. For that reason I wish the adoption of the amendment reported by the committee. That amendment, as has been stated by the gentleman in charge of the bill, is one which the engineers recommended to be embraced in the bill, so as to avoid all danger of obstructing the important navigation of that river.

Mr. BYNUM. I simply desire, Mr. Speaker, the House shall fully understand this question. I have no special feeling myself in regard to the passage or non-passage of the measure. The gentleman from Kentucky did injustice in stating the committee had been led to believe a bridge 45 feet above high water was as high as one 53 feet above high water. The flood of 1884 was the greatest known, and a bridge constructed 45 feet above the high-water mark of that year would be almost as high as one constructed 53 feet above the high-water mark previous to the flood of 1883 or 1884.

Mr. TOWNSHEND. That flood was phenominal.

Mr. BYNUM. Yes; it was phenominal. I was influenced by that statement of facts. The bank on either side of the Ohio River is low. As the gentleman from Illinois has said it will require greater expense. I can say to the House I know this company would rather have this amendment adopted to fix it at 53 feet than the bill should fail.

Since the bill has been reported the committee have received a communication from the chambers of commerce of New Orleans and Memphis protesting against the construction of this bridge. That is the influence which caused the committee to change its mind.

The Ohio River is the only great river running east and west. The floods in spring are much more likely to raise the water in that river than in rivers running north and south, as the flood enters the river at once. We know as the land is cleared up and drained floods become more frequent and of greater volume. We may not have floods often as great as that of 1883 or 1884, still they will be more frequent than heretofore.

Mr. CLARDY. I agree with the gentleman from Illinois in the statement that while the river traffic has been decreasing the railroad traffic has been increasing. I regret that the information did not come to him before he presented the views of the minority against the Saint Louis bridge bill. It is said he wants a high bridge at Saint Louis and a low bridge at Cairo. Yes, he wants a high bridge at Saint Louis where we want a low one, and a low bridge across the Ohio where we ought to have a low one with a draw.

I wish to say a word in regard to high bridges. We have a high bridge at Saint Louis 50 feet above high water, and for three months and frequently for four months steamers from New Orleans and Memphis can not pass under the bridge by letting down their smoke-stacks. The almost universal sentiment among river-men is that a low bridge with a draw is preferable to a high bridge without one.

There are three low bridges on the Missouri River; my friend from Kansas knows something about them. They are 55 feet high, and yet I assert that they are positive obstructions to the commerce, or at least that they were obstructions when there was any commerce, on that river. Now, unless a bridge is in fact a high bridge——

Mr. ZACH. TAYLOR. Like my bridge that I want to get through.

Mr. CLARDY. I repeat it would be much better to have a low bridge with a draw of 160 or 200 foot span, and that is the opinion and sentiment of the men who are engaged in navigating the river.

Mr. DUNHAM. I want to say, Mr. Speaker, in reply to what the gentleman from Missouri has said, that if I recollect aright, in the first place the report which I made, the minority report, on the Saint Louis bridge, was written before the report on the Cairo bridge.

Mr. CLARDY. Of course it was; it was before you got your information.

Mr. DUNHAM. That is all right; I am stating the exact facts in the case.

I want to say further, that I am advocating a bridge of 45 feet in height above the highest water ever known, and you want a bridge only 10 feet above.

Mr. CLARDY. I favor a draw.

Mr. DUNHAM. That is all I wanted to say.

Mr. BAYNE. I would like to ask the chairman of the committee if the words "ninety-five" ought not also to be changed to "one hundred and three."

Mr. CRISP. In what line?

Mr. BAYNE. In the second section, eighth line.

Mr. TOWNSHEND. That would necessarily follow.

Mr. BAYNE. These words, as now in the bill, might lead to some confusion and would depend altogether upon what construction was given to the words high and low water. It would become necessarily a matter of construction. The height at low water as well as at high water mark should be raised to make the bill correspond in that particular.

The river interests in Pittsburgh, and about it, have spoken to me about this bridge. They have no objection to its going up, but they want it constructed at least 53 feet above high water and the span not less than 500 feet in width. I see the bill provides for that, and if the amendment be adopted making it 53 feet above the high-water mark and 103 above low-water mark there will be no objection to it.

Mr. STONE, of Kentucky. There can be no objection to it in that event.

Mr. BAYNE. The allegation of the gentleman from Illinois [Mr. DUNHAM] that the tonnage on that river is diminishing may be true; or it may be true that the number of craft that touch at Cairo have diminished in the last two or three years.

But the tonnage that is shipped from Pittsburgh, the quantity of coal which has gone down the river, has increased year by year. I do not know where these figures were obtained; I do not know where the committee got that information; but I do know that the quantity of coal running down the Ohio River is increasing each year and year after year, and that it is likely to increase to many more millions of bushels than are now annually sent.

The quantity of coal and coke sent down the Ohio River last year was about 84,000,000 bushels, and the quantity that will probably be sent this year will reach 90,000,000 bushels or upward, and this increase seems to run at from four to five or even as much as eight million bushels a year. It seems to be practically uniform in its increase. There is no doubt that it will send down over 100,000,000 bushels soon, and the best quality of coal there will supply those sections of the country bordering on the Ohio and Mississippi Rivers for centuries to come. There is no reason in the world why that immense body of coal, being a heavy product, should not be shipped exclusively by water, and it will be so shipped as long as there are water ways to transport it.

I take it therefore to be the bounden duty of Congress to protect the navigation of that river, and to require that all bridges constructed over it shall be built with sufficiently wide spans and height above the water to allow craft to go through safely.

I therefore will insist upon the amendment, and hope the chairman of the committee will also amend line 8 by increasing it from 95 to 103 feet, so as to make the two provisions of the bill harmonize with each other in reference to high and low water.

Mr. CRISP. I do not care to discuss to the House the question as to what the height of this bridge should be. In the report is all the information the committee have. You have heard gentlemen who are particularly interested in the matter on both sides of the question; and I take it the House is prepared to vote on the amendment.

I think though the suggestion of the gentleman from Pennsylvania is a proper one. The amendment of the committee is to raise the height 8 feet more than the bill provides above local high water, and I see no reason why the same number of feet should not be added to 95, making it 103 feet above low water.

Mr. WARNER, of Ohio. Why require a given height above both low and high water? That presumes that the difference is constant. There is no harm, of course, but I think when you have fixed a given low-water mark or high-water mark alone, it would give all that is needed.

Mr. CRISP. If no gentleman desires to discuss the amendment further I will ask the previous question on the amendment.

Mr. PRICE. I hope the gentleman will not do that. I wish to be heard for a little while.

Mr. WARNER, of Ohio. That does not shut off other amendments?

The SPEAKER. It would not prevent other amendments, as the Chair understands it is only applicable to the pending amendment.

Mr. CRISP. I yield to the gentleman from Wisconsin a short time, if he wishes to be heard.

Mr. PRICE. Mr. Speaker, I do not apprehend that many of us are so much interested in the height of this particular bridge as in the general principle involved in the construction of low and high bridges on Western waters.

Statements have been made to this House which if uncontradicted would lead to misapprehension. The gentleman from Missouri [Mr. CLARDY] told us on yesterday that the opposition to another and a low bridge arose chiefly or materially from the fact that certain individuals were hiring land at a cheap rent for lumber-yards, and that if the bridge was built they would be compelled to remove their lumber-yards or pay a higher price for their land. I beg to say the gentleman is deceived in his information and his statement would deceive the House if uncontradicted. It is not the case.

We have been told steamboat men, who ought to be considered in this matter, prefer a low bridge to a high bridge unless it be very high. That is barely possible. But I hold in my hand a list of protests by fourteen steamboat companies, running in the aggregate about sixty steamboats, all of them protesting in vigorous and unmistakable terms against the construction of any bridge below the mouth of the Missouri River unless it be a high bridge so that steamboats may pass under them by merely putting a joint into their smoke-stacks.

It is not true, as the information comes to me, that the steamboatmen on the Upper Mississippi River prefer a low bridge. It is true we have above the mouth of the Missouri River seventeen low bridges, and it is true also that every boat or raft that runs below either of them is damaged from $10 to $100. It is one of the inconveniences which commerce must submit to.

If you come to the question of abstract constitutional right no bridge can be authorized on any of the navigable streams of the Northwest. But it is true new interests have arisen which have to be subserved, and the Supreme Court, to meet the exigencies of the times and the altered conditions, decided a bridge was not an obstruction unless it was an impassable barrier; that it was only an impediment to be overcome by additional time or caution or prudence or skill or expenditure. Therefore we all consent to these seventeen bridges where the channels are not shifting and where, by a reasonable outlay of skill or money, we may pass them and thereby the tide of commerce is permitted to flow through. But when you come to the mouth of the Missouri—some have said the mouth of the Ohio—men familiar with these streams know when you come to the mouth of the Missouri the conditions are all changed. The river rolls out great mountains of sand and gravel and *débris* which deposit themselves anywhere, and no engineering skill can prevent it shutting up any channel at any draw which engineering skill may establish. The whole matter of the construction of these bridges below the mouth of the Missouri River is destructive of any principle which justifies any man in voting a dollar for the improvement of these water ways.

Mr. CRISP. I yield five minutes to the gentleman from Illinois [Mr. DUNHAM].

Mr. DUNHAM. I do not wish to detain the House. I simply wish to repeat this: That I believe as much as any gentleman in a high bridge. I believe a bridge 45 feet high above the highest water ever known in the Ohio River at Cairo is enough, especially when the engineers say, as I have stated before, there are but twelve boats on this river that can not go under a 45-foot bridge; and according to all the traditions of the river these boats after a very little time are sure to disappear.

Mr. WEAVER, of Nebraska. What particular height do the engineers recommend in this particular case?

Mr. DUNHAM. They recommend 53 feet for this bridge. The Committee on Commerce differed from the engineers and reported the bill, giving their various reasons for it, providing that this bridge should be but 45 feet above high-water mark. That was done for reasons which the gentleman from Nebraska understands and which it is not necessary for me to repeat. The committee have thought fit to recommend an amendment to make the height 53 feet.

Mr. WEAVER, of Nebraska. That would be in accordance with the recommendation of the engineers.

Mr. DUNHAM. So I stated. But I say that is unnecessarily high; for in ten years' time there will not be a boat on the Ohio River that will not be able to pass under a 45-foot bridge.

Mr. WEAVER, of Nebraska. And what are they going to do during those ten years?

Mr. DUNHAM. It will probably be as in the past ten years. There are only twelve days in the year that they can not go under a 45-foot bridge.

Mr. WEAVER, of Nebraska. And are you going to stop them on those twelve days?

Mr. DUNHAM. We hope not to have those floods which will stop them. I do not think it is necessary to compel the railroad company that seeks to develop the business of the North, the West, the East, and the South at an outlay of $3,000,000 to pay out $500,000 of unnecessary expenditure.

Mr. HENDERSON, of Iowa. Will the gentleman allow me one question?

Mr. DUNHAM. Yes, sir.

Mr. HENDERSON, of Iowa. Would the Illinois Central Railroad

Company rather be authorized to build this bridge with the amendment requiring it to be 53 feet high than to have the bill defeated?

Mr. DUNHAM. Yes, sir. The Illinois Central Railroad Company want to build this bridge, and they propose to build it even if it must be 53 feet high, but it is not reasonable to ask them to make it so high.

Mr. BUCHANAN. You would rather injure the boat-owners.

Mr. DUNHAM. Why, there are not boat-owners enough to injure.

Mr. GLOVER. Mr. Speaker——

The SPEAKER. The gentleman from Georgia [Mr. CRISP] has the floor.

Mr. CRISP. How much time does the gentleman from Missouri desire?

Mr. GLOVER. Five minutes.

Mr. CRISP. I will yield five minutes to the gentleman from Missouri, and then I shall ask a vote.

Mr. GLOVER. Mr. Speaker, I desire to notice in a few words the remarks made by the gentleman from Wisconsin [Mr. PRICE]. Those remarks were really a side blow at a proposition not now before the House, but we have met that gentleman heretofore upon these propositions before the Committee on Commerce, where he had a full hearing, and where it was decided, notwithstanding the objections urged by the gentleman from Wisconsin, that the interests of the world at large would not be prejudiced by the construction of the bridge in question. At that time the gentleman urged an objection on account of the lumber interest, and it transpired that of the lumber which starts at points up the river in Minnesota and Wisconsin and other portions of the Northwest, only 4 per cent. would ever pass under this bridge if it were erected, and I take it that the gentleman from Wisconsin will remember that Mr. Stout, of the Knapp, Stout & Co. company, who appeared before that committee, admitted, in response to a question of mine, that if they would move their lumber-yard up the river a short distance the lumber interest would not be affected at all.

At any rate, gentlemen who set up an objection like that in opposition to the vast interests which would be benefited by relieving the transcontinental commerce which centers at Saint Louis from the arbitrary tax levied on it by Jay Gould—a tax which he levies on the commerce of that whole Western country as the robbers of the Rhine once taxed the commerce of the free cities of the Rhine—gentlemen, I say, who oppose such a measure of relief on such grounds should hardly be considered. I regret very much the misfortune that has happened to the Knapp & Stout lumber company—no man can be pleased to have another suffer—but it is a matter of fact that since the hearing before the committee that lumber-yard has been burned, so that now the owners of it would not be required even to move it up the river a little distance in order to avoid inconvenience from the bridge. So much for the lumber traffic concerned.

Now, Mr. Speaker, the great mass of commerce that crosses the river at that point and that now passes over the bridge which is owned by Jay Gould—and we all know that whatever Jay Gould owns he makes the most of—that great mass of commerce is in magnitude like the volume of the Mississippi itself, and the steamboats that would pass under this bridge are like a few stray geese floating down the stream from time to time, perhaps one or two or three a week.

The gentleman from Wisconsin knows that not a hundred thousand tons of merchandise of any kind go up that river annually by water. The question, then, is simply whether or not the people of that whole country west of the Mississippi shall be taxed arbitrarily at that point on everything they buy and sell. I have always noticed that the gentleman who owns that bridge and who confiscates the property of the people (for it is nothing less than confiscation) by what he calls his bridge "arbitrary"—I have always noticed that, like Proteus, he can disguise himself and appear in may different shapes; that he appears now in the shape of a steamboat transportation company, in which perhaps he owns an interest; that he appears again in the shape of a lumber-yard, and at other times in other shapes, but never with his own face or form or feature, and the truth is—no doubt without suspicion on the part of a great many gentlemen here, for I impugn nobody's motives—the truth is, that the objections to this bridge spring largely from the fact that Mr. Gould owns the existing bridge over which all this commerce has to pass, and that he hesitates to let go.

Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has one minute.

Mr. GLOVER. In that one minute I desire to say that any gentleman who will read the majority report of the committee on the proposed bridge, and then the minority report, and then the answer of the Merchants' Exchange to the latter, will have all his doubts on the subject removed. I have said so much at this time, Mr. Speaker, simply because I did not want to see a proposition which is not now before the House prejudiced by the ingenious and eloquent blows aimed at it by the gentleman from Wisconsin [Mr. PRICE].

Mr. CRISP. Mr. Speaker, I now ask a vote on the two amendments, one to strike out "ninety-five" and insert "one hundred and three," the other to strike out "forty-five" and insert "fifty-three."

The amendments were agreed to.

Mr. CRISP. I move a further amendment, to insert after the word "notice," in line 2 of section 4, the words "of the proposed construction of said bridge."

The amendment was agreed to.

Mr. WARNER, of Ohio. I desire to propose an amendment to section 2, where it reads "said bridge shall have its axis at right angles to the current at all stages." That implies of course that the current is not the same at all stages. It can hardly be proposed that the axis of the bridge is to be changed to conform to the varying current. I move that the words "at all stages" be stricken out.

Mr. HENDERSON, of Iowa. That amendment is open to debate, I believe, and I would like to make one or two remarks.

Mr. Speaker, I did not intend to participate in this debate which has been indulged in by my friend from Wisconsin and the gentleman from Missouri; but as it touches the underlying principles of this bill I want to say one or two words. I will skip the "robbers of the Rhine" and the erudite tendencies of my friend from Missouri; but when it comes to his robbers of America I want to say a word. He intimates that the Mississippi River interests, the rafting interests, the towboat interests, and the ice interests, which are opposed to low bridges below the mouth of the Missouri, are here in disguise, representing Jay Gould. I want to resent that imputation. It is as small an insinuation as could possibly come from a small source and has no foundation in fact. It only belongs to the fancy that can go and revel with the "robbers of the Rhine."

In opposing low bridges, we are not here at the dictation of Jay Gould or any other money king. We are not opposing the construction of properly constructed bridges on the Mississippi or on the Ohio, and when not the Chamber of Commerce of Saint Louis but a little bevy of gentlemen who are struggling for a charter which means tens of thousands of dollars in their pockets desire to strangle the navigation of the Mississippi River, we do not wait for Jay Gould or for the gentleman from Saint Louis to tell us what our rights on this floor are. As for the gentleman fastening his little fangs in the smoking ruins of the lumber-yards of the Knapp, Stout & Co. company, if his great soul can enjoy that, let him enjoy it. True it is that $400,000 or more of their property have gone up in smoke; but like the plucky men that they have been, growing up with the West and helping to build up its business enterprises, they will plant their lumber there again, and they will carry their rafts, too, in spite of this little bevy of gentlemen from the Chamber of Commerce of Saint Louis.

Mr. CLARDY. Will the gentleman let me ask him a question?

Mr. HENDERSON, of Iowa. With great pleasure.

Mr. CLARDY. If, because of the calamity which has overtaken these gentlemen, you propose to give them cheap rents, what will you do for the insurance companies that have had to pay their losses?

Mr. HENDERSON, of Iowa. That question, Mr. Speaker, comes with bad grace from one of the broad-minded, kind-hearted men of this House; and I will let the man who asked it answer it. He ought to know that the insurance which is paid to these men is but a bagatelle as compared with their loss. If the gentleman intimates that the insurance brought on the fire, let him say so like a man and I will answer him like another. Until he does so I leave him to answer his own question.

Mr. CLARDY. I have not intimated anything of the kind.

Mr. HENDERSON, of Iowa. I did not think you would.

Mr. CLARDY. The idea I meant to convey is this: If you propose to give these people cheap rents, what will you give the insurance companies, that have at least paid some of the losses? The object of that question was to show the absurdity of the argument.

Mr. HENDERSON, of Iowa. We are not asking for your rents; we get our grounds ourselves. We have our leased grounds; our rights are as sacred as those of any member of the Chamber of Commerce of Saint Louis.

Mr. CRISP. I regret, Mr. Speaker, a discussion should arise on the bridge at Cairo in reference to the Saint Louis bridge. That will come up directly, when we dispose of the pending bill.

Mr. HENDERSON, of Iowa. The gentleman will bear me out that I did not bring on that discussion. But for the insinuation made I would not have said a word.

Mr. CRISP. I wish to get through with this bill and get to others. I send up an amendment.

The SPEAKER. The gentleman from Ohio [Mr. WARNER] moved to strike out the words "at all stages."

Mr. CRISP. I thought that amendment was agreed to.

The SPEAKER. It was pending at the time the discussion arose.

The amendment was agreed to.

Mr. CRISP. I now move the following amendment.

The Clerk read as follows:

Section 4, lines 2 and 3, strike out the words "in newspapers having a wide circulation."

In line 4, after the words "Saint Louis," insert the word "Cairo."

In line 5, after the words "New Orleans," insert the words "having a wide circulation."

Mr. CRISP. That amendment is merely for the purpose of correcting the language.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE OVER BIGBEE RIVER, ALABAMA.

Mr. CRISP. I now call up the bill (H. R. 9725) authorizing the construction of a bridge over the Bigbee River at or near Jackson, Ala., and for other purposes.

The SPEAKER. Unless the reading of the bill is demanded the Clerk will read the amendment proposed by the committee.

The Clerk read as follows:

Strike out the sixth section of the bill, and in lieu thereof insert the following:

"SEC. 6. That the right to alter or amend this act so as to prevent or remove all material obstructions to the navigation of said river is hereby expressly reserved, and all changes and alterations so required shall be made at the expense of the parties owning or controlling said bridge."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS WEST PASCAGOULA RIVER, MISSISSIPPI.

Mr. CRISP. I call up the bill (H. R. 6114) to require the New Orleans, Mobile and Texas Railroad Company to construct and maintain a suitable draw in said company's bridge across the West Pascagoula River, in the State of Mississippi.

The reading of the bill was not demanded.

Mr. OATES. Mr. Speaker, I wish to submit a motion to recommit this bill to the Committee on Commerce, and desire to state to the House the reason why I make that motion. This is for the construction of a bridge and draw across the west branch of the Pascagoula River, Mississippi; that is the western mouth of that river.

There is now across that branch a substantial iron bridge, without a draw, authorized by Congress and by act of the Legislature of the State of Mississippi. Across the eastern branch or the eastern mouth there is a railroad bridge containing a draw. That branch has been improved by appropriation of money by Congress. Nearly all of the commerce of that river passes along the eastern branch. There are several towns and cities on that branch. There is no village on the western branch above the railroad bridge. There is nothing in the shape of commerce there except one saw-mill. There is at most only 3 feet of water in it, and just below the bridge it is almost impassable by an obstruction in the shape of an immense sand-bar. The commerce of the western branch amounts to little or nothing more than the lumber from this saw-mill.

There is then no necessity for putting the railroad company to the expense of erecting a bridge at this point in lieu of the one already there. The little commerce that floats along the western branch, or which would go along there if the bridge had a draw, is put to only a slight inconvenience by having to go a greater distance along the eastern branch of the river.

Again, it seems that it is not quite fair to this railroad company, inasmuch as an act of Congress authorized them to construct the bridge in the first instance which they are now using across that western branch; and it was also authorized by an act of the Legislature of Mississippi.

This bill seeks to compel them to destroy that bridge, to lose it entirely, and to put a new bridge there with a draw in it. I think the statements contained in the petitions which are being forwarded here by citizens in the county, and the only county which would be interested or benefited by a draw in the bridge across this western branch, are in opposition and show that there is no necessity for it.

I will state as a further reason for the motion that I derive my information from Gaylord B. Clarke, esq., a most reputable gentleman and an able lawyer of Mobile, who is the attorney for this railroad company. He desired to appear before the Committee on Commerce for the purpose of presenting the other side of the question. He wrote to a member of the House, who failed to get for him the information which would have enabled him to appear before the committee in time. He then wrote to me, and when I received the letter I applied to the chairman of the Committee on Commerce, the gentleman from Georgia [Mr. CRISP], and was informed by him that the bill had been already reported to the House. So that but one side has been heard, and the railroad company, through Mr. Clarke, representing them, desire an opportunity to appear before the committee and show the reason why the bill ought not to pass.

I think it is but a reasonable request, the gentleman having failed to get that opportunity through no fault of his own. It is a case where, in view of the facts, I trust the House will adopt the motion I submit, and recommit the bill to the committee merely for the purpose of allowing the railroad company to present its side. If it is not a good presentation, the committee can report the bill back and it can then pass the House.

Mr. CRISP. I merely wish to say, in behalf of the Committee on Commerce, that this bill, as is the case with all bills that the committee report for this purpose, was referred to the War Department for its approval. It is a bill requiring a certain railroad company to construct a draw in its bridge over a river. The Department recommended the passage of the bill in the interest of commerce, and we favorably reported it to the House. After it was so reported my friend from Alabama spoke to me as he has said, but it was then too late.

Speaking for myself and not for the committee, for I have no right to speak for them, I have no objection to its recommittal. If any injustice has been done or is likely to be done, I think the bill ought to be recommitted for further consideration.

Mr. OATES. I wish to say that no fault whatever attaches to the committee. It is one of those misunderstandings that is likely to happen to any person.

The question being taken on the motion of Mr. OATES, it was agreed to; and the bill was recommitted to the Committee on Commerce.

ORDER OF BUSINESS.

Mr. HENDERSON, of Iowa. May I ask the gentleman if he is through with the bills to which there is no objection?

Mr. CRISP. I will state to the gentleman that the next bill I propose to call up is the bill for the erection of a bridge at Saint Louis.

Mr. HENDERSON, of Iowa. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 12 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. W. C. P. BRECKINRIDGE: Memorial of the Evangelical Alliance of the United States, by John Jay (chairman), W. E. Dodge (president), and Merritt Hulburd, committee, asking the protection of Chinese residents in the United States, and transmitting protest of Chinese branch of the Evangelical Alliance against outrages committed on the Chinese—to the Committee on Foreign Affairs.

By Mr. LOVERING: Petition of Thomas B. Gregory, Company E, Forty-fifth Massachusetts Volunteers, asking for the passage of an act granting him a pension—to the Committee on Invalid Pensions.

By Mr. MCKINLEY: Petition of Thomas J. McElhenie, of Easton, Ohio, for an appropriation of $202.83 to be paid him for services rendered as postmaster at Easton, Ohio, as readjustment of salary from April 1, 1868, to July 1, 1874—to the Committee on Appropriations.

By Mr. RANDALL: Petition of Aaron Schwenk, of Frederick Township, Pennsylvania, for reimbursement for substitutes furnished for said township during the late war. Also for compensation for services rendered and information given leading to the surrender of General R. E. Lee—to the Committee on War Claims.

By Mr. SPRINGER: Resolution adopted and referred to Congress by claimants having bills on the Private Calendar of the House—to the Committee on Rules.

The following petitions, asking for the passage of House bill 7887, repealing timber-culture, pre-emption, and desert-land acts; of House bill 7021, for adjustment of railroad and other land grants; of bill forfeiting all railroad land grants the conditions of which have not been strictly complied with; of House bill organizing the Territory of Oklahoma; of Senate bill opening a portion of the great Sioux reservation to settlement; of bill prohibiting aliens from holding land in the United States; of bill making Presidential and Congressional election days holidays, and punishing bribery; and of bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired, were severally referred to the Committee on the Public Lands:

By Mr. ALLEN: Petition of William Leonard and 264 others, of Charles N. Fargous and 50 others, of J. E. Noel and 20 others, of E. A. Weton and 20 others, of D. J. Regan and 77 others, and of Henry O. Walker and 84 others, citizens of eighth Congressional district of Massachusetts.

By Mr. BAYNE: Petition of L. F. Armburst and 78 others and of Samuel McCay and 83 others, citizens of twenty-third Congressional district of Pennsylvania.

By Mr. BUCHANAN: Petition of Henry Lawton and 14 others, of F. W. Santen and 32 others, of S. C. Cook and 175 others, of Owen Benson and 14 others, of J. F. Donnelly and 28 others, of J. S. Wilkinson and 84 others, of John Maguire and 98 others, of George J. Robinson and 19 others, of A. M. Smith and 26 others, of Charles W. Sparks and 71 others, and of Samuel Tomlinson and 145 others, citizens of the second district of New Jersey.

By Mr. BURNES: Petition of Reuben Harris and 209 others, citizens of fourth Congressional district of Missouri.

By Mr. J. M. CAMPBELL: Petition of George Peck and 23 others, citizens of the seventeenth district of Pennsylvania.

By Mr. DORSEY: Petition of G. H. Geddes and 94 others, citizens of the third district of Nebraska.

By Mr. GILFILLAN: Petition of S. W. Stephens and 110 others, of M. J. O'Brien and 19 others, and of Edward Bushot and 138 others, citizens of fourth Congressional district of Minnesota.

By Mr. PARKER: Petition of Louis J. Marrow and 65 others, citizens of the twenty-second district of New York.

By Mr. PIRCE: Petition of Daniel Laughlin and 55 others, N. Clarke and 24 others, and of W. J. King and 68 others, citizens of second Congressional district of Rhode Island.

By Mr. RICE: Petition of R. Donnelly and 75 others, of J. H. Maloney and 85 others, and of George Stevenson and 90 others, citizens of tenth Congressional district of Massachusetts.

By Mr. ROGERS: Petition of J. R. Brown and 225 others, of W. B. Bethel and 160 others, and of W. H. Cutcheon and 150 others, citizens of fourth Congressional district of Arkansas.

By Mr. RYAN: Petition of T. A. Cunch and 270 others, of J. McDonough and 7 others, of John Richardson and 322 others, of N. Beauchamp and 95 others, of E. S. Thompson and 60 others, and of O. W. Meacham and 44 others, citizens of fourth Congressional district of Kansas.

By Mr. CHARLES STEWART: Petition of W. H. Ogden and 54 others, citizens of first district of Texas.

By Mr. WILLIAM WARNER: Petition of George A. Picard and 225 others, citizens of the fifth district of Missouri.

By Mr. WELLBORN: Petition of J. W. Taylor and 54 others, of S. B. Hunter and 84 others, of W. P. Blake and 111 others, and of W. H. Willbank and 387 others, citizens of the sixth district of Texas.

By Mr. WINANS: Petition of John A. Hebbell and 71 others, of J. A. Hamilton and 67 others, of J. E. Holding and 63 others, and of J. O. Rogers and 27 others, citizens of the sixth Congressional district of Michigan.

By Mr. WISE: Petition of Richard Moore and 49 others, citizens of the third district of Virginia.

SENATE.

WEDNESDAY, *July* 21, 1886.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read.

Mr. FRYE. I see by the RECORD that I am reported as absent when the vote was taken yesterday on the oleomargarine bill. I was present and voted "yea." I ask that the Journal be corrected accordingly.

The PRESIDENT *pro tempore*. The Journal will be corrected.

Mr. INGALLS. The Journal may not need correction.

The PRESIDENT *pro tempore*. The Chair is advised that the Senator's name is not recorded as voting in the Journal. The correction will be made; and as corrected the Journal stands approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting and asking favorable consideration of a letter from the Director of the Mint, requesting the printing of 3,000 copies of his report on the production of the precious metals for the calendar year 1885; which, with the accompanying papers, was referred to the Committee on Printing, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented resolutions adopted by the Republican central committee of Franklin County, Ohio, favoring investigation of charges relative to the election of Hon. HENRY B. PAYNE as United States Senator from Ohio; which were ordered to lie on the table.

He also presented a petition of dairymen and butter-makers of Milford, Pa., praying for the passage of the oleomargarine bill; which was ordered to lie on the table.

Mr. HALE presented two petitions of citizens of Maine, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. DAWES. I present a number of petitions from different Congressional districts of Massachusetts, praying for the passage of eight bills which have been set forth from time to time. I move the reference of the petitions to the Committee on Finance.

The motion was agreed to.

Mr. CAMERON presented thirteen petitions of citizens of Pennsylvania, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. MANDERSON presented a petition of ex-Union soldiers, praying that Mrs. Julia D. Howe, of York, Nebr., be placed on the pension-roll for her service as nurse in the late war; which was referred to the Committee on Pensions.

Mr. MILLER presented ten petitions of citizens of New York, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

KNIGHTS OF LABOR PETITIONS.

Mr. VAN WYCK. I desire to present sundry petitions of the Knights of Labor and others in different parts of the State of Nebraska.

In that connection I crave the indulgence of the Senate for a few moments while I make some suggestions with regard to this subject, because on several previous occasions some allusion has been made to these petitions and the manner of their being signed or presented. In order to show why I do this, I desire to read the following letter:

OFFICE KNIGHTS OF LABOR, NATIONAL LEGISLATIVE COMMITTEE,
Washington, D. C., July 20, 1886.

MY DEAR SIR: I notice on reading the RECORD of to-day, and I am further informed by reading the city papers, that Senators VEST, BROWN, LOGAN, BECK, and others have taken occasion by remarks upon the floor of the Senate to cast doubt and suspicion upon the numerous petitions recently laid before Congress emanating from the Knights of Labor and other citizens of the United States.

These petitions, I assure you, are all genuine, and were sent to me signed either directly or by authority of the persons purporting to sign them, and furthermore, the petitions are expressly authorized and sanctioned by the general executive board of the order in the United States.

I respectfully request that you correct the misrepresentations that have been made to the Senate and to the country. I also desire to call your attention to the remarks of Senator VEST in the Senate to-day, during which he read a portion of a correspondence between Mr. D. W. Bushyhead, of the Cherokee tribe of Indians, and Mr. T. V. Powderly, grand master workman of the Knights of Labor. In the interest of truth and justice I ask you to have read the concluding letter of Mr. Powderly to Mr. Bushyhead, herewith inclosed, showing an attempt to deceive Mr. Powderly on the part of Mr. Bushyhead in regard to the character of the Oklahoma bill.

Respectfully, yours,

RALPH BEAUMONT, *Chairman.*

Hon. CHARLES H. VAN WYCK,
United States Senate.

The letter referred to from Mr. Powderly is as follows:

PHILADELPHIA, PA., *July* 17, 1886.

DEAR SIR: When I wrote to you on the 12th I also wrote to Mr. Ralph Beaumont, at the same time placing in his hands your communication of the 7th. I requested of him to make an investigation and ascertain whether the statements made in your letter to me were correct so far as the petition which emanated from the congressional committee of the Knights of Labor was concerned. Mr. Beaumont has complied with my instructions and has made his report; he has also procured for me a copy of the bill in question, House bill No. 7217, known as the Oklahoma bill. A careful examination and comparison of the bill and your letter of the 7th has dispelled any doubts I might have had regarding the interference of this bill with the rights of the Cherokee Indians. I find that the very things which you claim are so essential to the welfare of the Cherokee Nation are embodied in the bill, and if it becomes a law it will not only protect the Indians themselves, but it will protect the lands in question from the cattle thieves who have intruded upon them.

You have either been misled into making the statements as contained in your letter of the 7th to me, or else it was your intention to mislead me into condemning one of the measures advocated by the congressional committee of the Knights of Labor. I can not find anything in the bill but what every honest man and friend to the Cherokee Nation can approve of most heartily.

I am told that you have exhibited to public gaze my letter of the 12th, in which I told you that I would cause an investigation to be made. It would have been as well to have awaited the result of that investigation before making known to the public the contents of my communication to you. I see in a special to the Philadelphia Times of this date that "those who were interested in the matter made some investigations at the instance of Mr. Powderly." I do not know the author of that statement, but take this opportunity of saying to you that I authorized no person to make an investigation except Mr. Beaumont, and at the time when the investigation mentioned in the Times of this date was being made Mr. Beaumont was in my presence in this city making his report. I am pleased to say that his report meets with my hearty approval, and I have counseled him to continue in the good work of protecting whites and Indians alike against those who would steal the land from both.

Very truly, yours,

T. V. POWDERLY, *G. M. W.*

D. W. BUSHYHEAD, Esq.,
Principal Chief, Cherokee Nation, Washington, D. C.

Mr. President, it seemed necessary that this letter should be written——

Mr. LOGAN. Is there an allusion made to me in the letter?

Mr. VAN WYCK. In the letter which Mr. Beaumont wrote me he says:

I notice on reading the RECORD of to-day, and I am further informed by reading the city papers, that Senators VEST, BROWN, LOGAN, BECK, and others have taken occasion by remarks upon the floor of the Senate to cast doubt and suspicion upon the numerous petitions recently laid before Congress emanating from the Knights of Labor and other citizens of the United States.

Mr. Beaumont is chairman of what is known as the legislative committee of the Knights of Labor.

Mr. LOGAN. Will the Senator allow me to interrupt him?

Mr. VAN WYCK. Certainly.

Mr. LOGAN. I have nothing to say about the bringing of letters of that character into the Senate to read about Senators, but I deny that I have said anything reflecting on the Knights of Labor or their petitions. I said the other day in presenting some petitions, quite a number of which I had in my hand, that I had looked at two or three of them, and that they seemed to be in the same handwriting. That is all the remark I made in connection with the matter. I cast no reflection upon the Knights of Labor or anybody else, except that I made that remark;

and any one who will notice the petitions will find my statement verified from the fact that one of them was signed in pencil and in the same handwriting, and others were signed in ink in the same handwriting. All the remark I made was that some of them seemed to be in the same handwriting.

Mr. VAN WYCK. But Senators made those assertions and their statements appeared in the RECORD. It was deemed by them necessary that attention should be called to the matter, and therefore it was that Mr. Beaumont very properly wrote the letter and forwarded Mr. Powderly's letter.

The nature of the remarks of some Senators was such that at least the impression has gone abroad that there is some reflection cast upon the manner in which these petitions were circulated or signed. The Senator from Kentucky [Mr. BECK], in alluding to the petition signed by Mr. Reall, the president of the National Dairymen's Association, alluded to it purporting to come from headquarters in the city of Washington, as if there should be something remarkable about that; and an allusion was also made to the fact that the headquarters of Mr. Beaumont, who is chairman of the legislative committee of the Knights of Labor, were at Washington. The inference would be drawn from the general tenor of the remarks that there was some doubt at least, if not suspicion, attached to the manner of the signing of these petitions, because one of the Senators alluded to the fact that the object of the petition was pasted upon the back of these petitions, whereas that was done for the convenience of Senators and Congressmen, so that when a petition is sent they shall not be compelled first to ascertain its contents and then make the necessary indorsement upon the back. It was for the purpose of preventing that labor that the indorsement was printed. It was printed upon paper and spread with mucilage so that it could be moistened and pasted upon the back of the petitions; and certainly there was nothing suspicious in that.

Some gentleman has stated, and it was stated yesterday, that the petitions appeared apparently in the handwriting of one or two persons. That is a matter capable of explanation. These petitions are in duplicate. One copy is intended to be sent to the Senate and the other to the House of Representatives, and when the petitions are drawn up the originals as these are—these are the originals [exhibiting]—instead of asking the persons signing them to stop in their pursuits to sign a second petition a copy is sometimes made of the petition, and the duplicate is obtained in that way.

Mr. SPOONER. Why could they not sign a duplicate petition?

Mr. VAN WYCK. That might be done, but all these gentlemen are not skilled, as you see by reading their letters; they are not clerks, they are not skilled in parliamentary tactics. I want to have it understood in that way, that the original is made and then it is copied by one or two persons, and the original is presented in one House and the copy in the other.

The PRESIDENT *pro tempore*. The Chair must remind the Senator from Nebraska that debate is not in order beyond a simple statement of the contents of a petition when it is presented.

Mr. VAN WYCK. I asked permission to make a statement. I supposed that leave was granted.

The PRESIDENT *pro tempore*. It is not in accordance with the rule. The Chair will not interrupt the Senator but remind him of the rule.

Mr. VAN WYCK. I understood three or four times that these petitions were attacked—I do not mean attacked offensively but I mean alluded to, and this is the only time they are defended; and I make this statement at the request of persons who think their good faith has been impugned in this matter. Three hundred thousand of these petitions have been presented in both bodies. If it is out of order now, I will seek an occasion at another time to state what the petitioners desire me to state. I shall have the right to be recognized on some subject before the Senate, and then talk upon that or any other subject as I may think best. But no one has been questioned in attacking these petitions; I mean in speaking of them before.

Mr. HOAR. The Senator has a perfect right on the question of the reference of the petition to say anything he wishes.

Mr. VAN WYCK. I would rather not have a contest with the Chair on that subject.

Mr. INGALLS. I hope the Chair will not insist on the enforcement of the rule against the Senator from Nebraska.

The PRESIDENT *pro tempore*. The Chair will say nothing further about it except to remind the Senator of the rule, which will be read. The rule authorizes a simple statement of the contents of a petition upon its presentation.

Mr. HOAR. This is on the question of reference.

Mr. INGALLS. It is on the question of reference.

The PRESIDENT *pro tempore*. The Senator from Nebraska will proceed.

Mr. VAN WYCK. Then I suppose I shall continue, although I would prefer not to rest under the imputation of violating a rule of this body in doing so. But as these gentlemen prefer not to rest under the imputation of committing a fraud on the Congress of the United States in presenting these petitions, I shall proceed.

Here are petitions from the State of Nebraska, and when I open them, although the Senator from Missouri [Mr. VEST] discovered none in his petitions from Missouri whose names he knew, I discover persons whom I am acquainted with, and I venture to say that my colleague is acquainted with some of the names of these petitioners, as they are from Omaha. The petitions are here in the original, and were signed in good faith, and, as I have said, as copies were to be presented to the other House, the copies would necessarily be in the handwriting of whoever should copy them.

That explains those two points, first, as to the handwriting, and in the next place as to the indorsement, which is a very intelligent statement of what the petitions contain.

In addition to that I will add that this is sometimes done in the assemblies of the Knights of Labor, and it is sometimes the case that in the meeting of an assembly, when a large number are gathered together, it is done by a resolution, and the members of the assembly ask that the secretary may sign their names to the petition. That is sometimes done. I know in some sections where a person can not sign his name to a petition, where the $80,000,000 bounty of our friend from New Hampshire [Mr. BLAIR] has not yet reached—where he can not sign his name, is he to be denied the right of petition because he asks his neighbor or friend or the presiding officer or the secretary to subscribe his name for him? It is true that these petitions which I present from Nebraska are in the proper handwriting of the petitioners, because fortunately we rank at the head on the score of education, and we have less of illiteracy in Nebraska than in any other State of the Union.

Mr. ALLISON. Except Iowa.

Mr. VAN WYCK. No, sir, not even excepting Iowa. We are ahead of Iowa, whereas in Georgia, which my friend from Georgia [Mr. BROWN] represents, and possibly in Kentucky, a great proportion of the men who form the Knights of Labor, and who do drudgery upon the farms, may not be able to read and write and therefore can not sign their names to a petition, they necessarily have to ask a neighbor or friend to do it for them. I take it the Senator will not deny the right of petition to the white or colored laborers or the Knights of Labor in Georgia because they have been unable to learn even so much of the rudiments as to write their names.

I think I have touched upon all the three points which have been alleged and charged against the right of these petitioners, and it seems, and I think these people thought, and some of the people of the country thought, that it savored, not in kind, possibly not in degree, of that which happened at the time when John Quincy Adams presented in the other end of this building petitions from citizens of Massachusetts in regard to the abolition of slavery in the District of Columbia. There it was boldly asserted that he had no right to present the petitions, and here seemingly—not intentionally, I grant—seemingly it is done by suspicion cast upon these petitions by one and another and another Senator rising in his place and arraigning and casting suspicion upon them, and questioning really by their act and some of them in their declaration whether the petitions are properly here.

Mr. President, three hundred thousand of these petitions have come to both branches of this Congress, and very nearly three hundred thousand more are on their way, and it would seem a little strange when this is open, notorious, when it is known in the States where these petitions are being gathered and sent here, that they should be questioned.

Senators are startled when they see the heading of the petition, "headquarters at Washington," and they say that Mr. Beaumont, the chairman of this committee, has his headquarters at Washington. It seemed to startle the Senator from Kentucky that the dairymen had a "headquarters at Washington." My friend from Kentucky asked, "is this man's farm at Washington?" No; but your tariff men gather at Washington, from which they frame and formulate petitions and scatter them to their friends and ask for signatures. Are they manufactured at Washington?

The great railroad presidents of the country will come to Washington. They do not carry a petition of three hundred thousand. All they need to do is to send an attorney, and he knocks at the door of your committee and it flies open and hats off, and in he walks. The Mississippi River improvement has headquarters at Washington. They do not send petitions here, but they bring a huge convention with headquarters in Washington. Does the Senator from Missouri rise in his place and say that the Mississippi River interest has come to Washington? This is the headquarters of the Mississippi River convention.

But when the farmer seeks to be heard and it seems necessary to have an agent at Washington for this purpose, or the Knights of Labor, then Senators become very sensitive about it, and they marvel and they wonder what it means, and they think there is to be an invasion upon the rights, the privileges, and the powers of the great Congress of the United States, because farmers who have no money to send attorneys, because the Knights of Labor who have no funds to send skillful, high-priced lawyers, must employ themselves and must content themselves by merely putting their manuscript before Congress. For doing that are they to be arraigned, and is suspicion to be cast upon their right, and is the sacred right of petition to be called in question?

No scandal will be connected with that, I am free to say; but why is there trouble about this matter? These men petition for what the nation desires. They publicly present their petition throughout this whole

country. They ask all men who agree to it to sign, and they ask for what? Repealing the timber-culture, pre-emption, and desert-land acts, which apparently the whole nation is desirous to have done; for the adjustment of railroad and other land grants, which both bodies of Congress are seeking to do; bills forfeiting all railroad land grants the conditions of which have not been strictly complied with. That nominally we are all in favor of; theoretically we all say that. Both political parties say that in their platforms. It is true when we get here sometimes it is a very difficult thing to do; but at the same time they petition for it and they ask it of us.

Then the House bill organizing the Territory of Oklahoma. That seems to be the trouble. I judge so, because Mr. Bushyhead has interposed in the matter. Then for the Senate bill opening a portion of the great Sioux reservation to settlement, and the bill prohibiting aliens from holding land in the United States.

Mr. ALLISON. The Sioux bill has been passed twice by the Senate.

Mr. VAN WYCK. The Sioux bill has been passed twice. I am stating that these petitioners publicly present their petitions and ask for what the nation demands and what Congress admits is a just demand. We passed the bill twice, but it is not done. The Sioux territory is not open to settlement, and the probability is it will not be, and that is just what ordinary people do not understand. They do not understand parliamentary tactics. The three hundred thousand citizens who signed these petitions and the three hundred thousand more on their way do not understand why, when both bodies of the American Congress are in favor of the passage of a proposition, it can not be done, and they seem to think that there is something strange about that. They ask for the passage of the bill prohibiting aliens from holding lands in the United States. That we are all in favor of, and that we have done, and the other House has done it.

The bill making Presidential and Congressional election days holidays and to punish bribery. That we all say is a right and proper measure to pass.

The bill directing the disbursement of at least two hundred million Treasury surplus. That is demanded. The other House passed such a bill nearly unanimously and the Senate will probably do the same thing. My friend from Iowa [Mr. ALLISON] ought to know. He is on that committee. I say that they are asking that this disbursement of $200,000,000 shall be made; the House has passed it nearly unanimously, and I queried whether the Senate would not probably do the same thing after it gets to my friend's committee; and to substitute Treasury notes for bank notes retired. That is the only proposition on which there may be some difference or dispute. There may be some question about that.

This is what these people ask. Three hundred thousand citizens ask this, signing in their own proper persons, and yet when these petitions come here they are questioned by what seemed to be, though not intended, aspersions cast upon them, but questions as to good faith connected with them. They are asking for these important measures. I do not propose to discuss the matter of the Indian lands except to say that Mr. Bushyhead and other people can have their headquarters here, railroad men, and bank men, and tariff men, and even the Indian can come down here and have his headquarters at Washington. My friend from Missouri has read Bushyhead's letter. He has his headquarters here at Washington, and he did not object to that. He writes from headquarters in Washington. It is all right for this Indian to come here and have his headquarters, but when eight hundred thousand Knights of Labor have their headquarters in Washington, there seems to be censure cast upon them in alluding to it. When the great farming interest of this country has its president here and he signs his papers at headquarters, then my friend from Kentucky feels that it is alarming and that they should not have headquarters in Washington, but Bushyhead can have them all the same and it is all right.

Mr. President, I meant only to refer to this matter. Probably the Senator from Missouri did not know these people. They are exercising the American's privilege to petition the American Congress. They ask what nine-tenths of the American people demand, and they can present their petition in only two forms, first, as they have presented it, and the only other petition they can make will be at the ballot-box, and if it becomes necessary they will exercise the other, the most powerful petition which they can present. That undoubtedly they will do, and at that time gentlemen will begin to know who they are, and where they belong, and where they come from, and what their rights are.

In regard to this Oklahoma matter, the men have been characterized very properly. I shall not use those terms for it is not necessary, but they have been denounced as men who have invaded that country, and the Cherokee strip of 6,000,000 acres can be rendered to six men, and Oklahoma can be used by cattle-men who intending to drive cattle start them farther west than where they are, and the chances are they do not go far enough west to get out of the Indian Territory. Yet Americans on the eastern border are kept off, white men who go with the principles of the Christian religion and who seek to disseminate education. The object seems to be to keep them out, and I take it that is the most troublesome point about it.

The desire and the want is that we should keep what there is now left of public land for settlement, or even of Indian land which probably should not belong to the Indians or which we should probably obtain from them. Is the Sioux reservation kept for hunting-grounds? Oh, no, there is no talk about that. There is no deer, no game, in Dakota on the immense Sioux reservation. My friend from Iowa says the bill to open that reservation has passed both Houses, and yet the exclamation comes again, Why are not those lands opened to settlement?

I ask the pardon of the Senate for having said so much, but I felt it to be my duty in order to show the good faith of these petitioners, first, in what they ask, and, secondly, in the manner in which the petitions are prepared and have been presented to this body.

The PRESIDENT *pro tempore*. The Secretary will read the third and fourth clauses of the seventh rule of the Senate in regard to petitions. The Chair simply presents the rule for the information of the Senate.

The Chief Clerk read as follows:

3. Every petition or memorial shall be referred, without putting the question, unless objection to such reference is made; in which case all motions for the reception or reference of such petition, memorial, or other paper shall be put in the order in which the same shall be made, and shall not be open to amendment, except to add instructions.

4. Before any petition or memorial shall be received, it shall be signed by the petitioner or memorialist, and a brief statement of its contents made by the presiding officer or Senator presenting it.

Mr. VAN WYCK. That was a question I omitted. I was afraid I was omitting something. I should have ascertained, if possible, to what committee these petitions properly belong, so as to know what order should be made in regard to them. That was the real point.

The PRESIDENT *pro tempore*. The petitions will be referred to the Committee on Finance. The Chair had the rule read, not to reproach the Senator from Nebraska, but simply to show by the rule that if the morning hour is to be interrupted by discussion on the merits of a bill of course it would be impossible to get through with the ordinary business.

Mr. VAN WYCK. I move that the petitions be referred to the proper committee.

The PRESIDENT *pro tempore*. They will be referred to the Committee on Finance.

Mr. LOGAN. I desire to make one remark only.

The PRESIDENT *pro tempore*. The Senator from Illinois asks the unanimous consent of the Senate to make a remark. The Chair hears no objection.

Mr. LOGAN. I hope that the Senator from Nebraska will hear me. After this remarkable tirade—I can characterize it by no other name—a part of it reflecting upon myself, I desire to say in response that I have never refused to present a petition for any citizen of the United States on any subject. I have presented hundreds of petitions of the character mentioned by the Senator. The other morning in presenting some of these petitions, which he now explains and shows I was correct, I made the remark that the signatures to some of the petitions seemed to be in the same handwriting. That is all I said. Now the Senator says they were in the same handwriting because some of them were copies. What criticism does the Senator think ought to apply to me if I made a statement that is absolutely correct? I made no reflection upon these men; I merely made that remark; and here is a half hour's speech now. You would think the country was on fire, or some revolution had taken place, or some great calamity had befallen some community or other. The Senator seems to take advantage of things of this kind for the purpose of boosting himself by characterizing other Senators here in a manner which is not very seemly in a body like this.

Mr. VAN WYCK. I made no sort of allusion or in any way referred to the Senator from Illinois or any other Senator. I stated what had been alleged in regard to these petitions, and the impression in the public mind, and the impression in the mind of the persons who sent them here.

I made the remarks which I did at the request of the gentleman whose letter I read, and the Senator from Illinois or any other Senator must make his quarrel with him and not with me. He stated what had been alleged against these petitions and desired me to make the explanation, which I have done without intending to reflect upon the Senator from Illinois or any other Senator in this body.

Mr. BROWN. Mr. President, I have no misunderstanding whatever with my constituents on the subject-matter presented here by the Senator from Nebraska.

Mr. MILLER. Is it not in order to present morning business?

Mr. BROWN. I rose to a question of privilege.

The PRESIDENT *pro tempore*. The Senator from Georgia rose to what is in the nature of a personal explanation.

Mr. BROWN. A personal explanation. It will not be lengthy.

Since I have been in the Senate I have never refused in any instance to present a petition of even the humblest citizen of my State when he has sent it to me in any shape, even in the shape of a letter, if he informed me that he desired it laid before the Senate as a petition or to bring his grievance before the Senate.

I have received repeatedly petitions from the Knights of Labor in my own State, sent to me directly by them, and have in every instance, when requested, presented them to the Senate. They know very well

that I will do so whenever I am requested. I do not deny their right, however, to send the petitions to some intermediary in Washington city, or some officer of their order, to be forwarded to me by him, instead of having them come directly to me through the mail, and in every instance where they have reached me in that shape I have presented them to the Senate.

The other morning, however, on looking over the petitions and seeing that they all seemed to be in the same handwriting and not knowing the reason why they were sent through some other person instead of coming to me directly by mail, I simply stated the fact to the Senate and called attention to the fact that the signatures appeared to be in the same handwriting. Nobody questions that. And the Senator from Nebraska now admits that they are all in the same handwriting. This was all I did. I did nobody any injustice.

Mr. HOAR. Will the Senator from Georgia allow me to make a suggestion to him right there?

Mr. BROWN. I would rather close.

Mr. HOAR. It is in aid of the Senator's position, and I think he would like to have me make it. The rule requires that—

Before any petition or memorial shall be received, it shall be signed by the petitioner or memorialist, and a brief statement of its contents made by the presiding officer or Senator presenting it.

Now, therefore, under the rule of the Senate if a petition be not signed by a single petitioner it is the duty of the Senator presenting it to call the attention of the Senate at the time, so that there may be unanimous consent implied to the waiving of the rule in that particular.

The Senator from Georgia therefore did what he was imperatively bound to do by the rule, called the attention of the Senate, so that for presentation there should be the unanimous assent of the Senate.

Mr. BROWN. I thank the Senator from Massachusetts for the suggestion, and the rule as he reads it fortifies me, as he well states, in the course I took.

I meant no disrespect certainly for anybody. I feel that I have done nothing wrong, and I have nothing whatever to apologize for.

As far as creating any prejudice against me with my constituents is concerned, I leave any Senator who thinks proper to take his own course in that regard. The people of Georgia understand very well that I am not the enemy of the laboring man. I have on various occasions in my life as a candidate gone before the people of my State, and where the popular vote was cast at the ballot-box I have always been sustained. I was known to be the friend of the laborer, or I should not have met with this response at the ballot-box. I never was defeated as a candidate in a popular election by the people, and I am not afraid of anything that is said or done here creating a prejudice in their minds against me, or shaking their confidence in my fidelity to them. I know I am their friend, and they know I am their friend.

I will lay their petitions before the Senate whenever they come to me in any shape that I consider authentic; but if they come in any shape that is not in accordance with the rule, or where there is any peculiarity about them, I shall feel justified, as in the past, in calling the attention of the Senate to the true condition of things.

The PRESIDENT *pro tempore*. The presentation of petitions and memorials is still in order. If there be no further petitions to be presented reports from committees are in order.

REPORTS OF COMMITTEES.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 512) to repeal certain sections of the Revised Statutes of the United States relating to the appointment of civil officers, to report the same without amendment, and I am directed by the chairman of the committee, the Senator from Vermont [Mr. EDMUNDS], to communicate to the Senate his dissent from the report.

Mr. WILSON, of Iowa. I merely wish to state that I dissent from the report of the committee, and when the matter comes before the Senate will give my reasons.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 509) to repeal certain provisions of the act approved March 3, 1875, relating to the purchase of arms for the use of the States, reported it with an amendment, and submitted a report thereon.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the amendments of the Senate to the bill (H. R. 4670) granting to the county of Clatsop, in the State of Oregon, the right to construct a bridge across Young's Bay, a navigable stream in said county and State.

The message also announced that the House had passed the following bills:

A bill (S. 63) to authorize the construction of a highway bridge across that part of the waters of Lake Champlain lying between the towns of North Hero and Alburg, in the State of Vermont;

A bill (S. 236) to authorize the Bellingham Bay Railway and Navigation Company to build certain bridges in the Territory of Washington;

A bill (S. 1937) authorizing the city of Salem to construct a bridge across the Willamette River, in the State of Oregon; and

A bill (S. 2115) granting to the Oregonian Railway Bridge Company of Oregon the right to construct a bridge over the Willamette River in the vicinity of Ray's Landing, Oregon.

The message further announced that the House had passed the bill (S. 901) to grant the Astoria and Winnemucca Railroad Company the right to construct bridges over navigable water courses with amendments; in which it requested the concurrence of the Senate.

The mesage also announced that the House had passed a resolution directing the President of the Senate and the Speaker of the House of Representatives to declare their respective Houses adjourned *sine die* at 3 o'clock p. m. July 28, 1886; in which the concurrence of the Senate was requested.

TERRITORIAL LAWS.

Mr. HARRISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill (H. R. 5179) entitled "An act to prohibit the passage of local or special laws in the Territories of the United States," after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Insert at the end of section 3 "except that in addition to any indebtedness created for such purposes the Legislature may authorize a loan for the erection of penal, charitable, or educational institutions for such Territory if the total indebtedness of the Territory is not thereby made to exceed 1 per cent. upon the assessed value of the taxable property in such Territory as shown by the last general assessment for taxation, and nothing in this act shall be construed to prohibit the refunding of any existing indebtedness of such Territory or of any political or municipal corporation, county, or other subdivision therein;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Strike out the word "two," in section 4, and insert "four;" and at the end of section 4 insert the following: "That nothing in this act contained shall be so construed as to affect the validity of any act of any Territorial Legislature heretofore enacted or of any obligations existing or contracted thereunder, nor to preclude the issuing of bonds already contracted for in pursuance of express provisions of law, nor to prevent any Territorial Legislature from legalizing the acts of any county municipal corporation, or subdivision of any Territory as to any bonds heretofore issued or contracted to be issued;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Insert after the word "law," where the same occurs the second time in section 6, the words "of Congress;" and the Senate agree to the same.

BEN. HARRISON,
M. C. BUTLER,
CHARLES F. MANDERSON,
Managers on the part of the Senate.

WILLIAM M. SPRINGER,
WILLIAM D. HILL,
Managers on the part of the House.

Mr. HARRISON. I move that the Senate concur in the report of the committee of conference.

The report was concurred in.

BILLS INTRODUCED.

Mr. BECK introduced a bill (S. 2869) to authorize the construction of a bridge across the Tradewater River by the Ohio Valley Railway Company; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GORMAN introduced a bill (S. 2870) for the relief of A. B. Mullett; which was read twice by its title, and referred to the Committee on Naval Affairs.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there is no further morning business the Calendar is in order.

Mr. PUGH. I move that the Senate proceed to the consideration of the Payne case.

The PRESIDENT *pro tempore*. The Senator from Alabama moves that the Senate proceed to the consideration of the report of the Committee on Privileges and Elections in the case of Hon. HENRY B. PAYNE.

The motion was agreed to.

Mr. CONGER. I wish to ask unanimous consent to take up a bill which very materially affects some sureties in my State in a matter of indebtedness to the Government arising some twenty years ago, and the Department with whose officers I have conversed recommend that Congress grant relief in the case. The report of the committee is very positive and the Senate has acted in that way. In order that the bill may get to the House and save a continuance of the prosecution between now and next session I ask the Senate to pass the bill.

I do not like to interfere with the Senator from Alabama, but we have no morning hour now, and this is a matter of very vital importance to the heirs and widows of various citizens there.

Mr. PUGH. I am very much disposed to accommodate gentlemen; but I moved the consideration of this order of business, and it is now before the Senate. There seems to be a general desire that it shall be finished to-day, and in order to do so we must have an early beginning.

Mr. CONGER. If the Senator will allow me to ask unanimous consent that we may have to-morrow morning the usual calendar hour until half past 12, I think we can dispose of it and probably of a large number of bills to which there is no objection. I ask that unanimous

consent be given now that to-morrow after the routine morning business we have until half past 12 o'clock for unobjected cases on the Calendar.

The PRESIDING OFFICER (Mr. SEWELL in the chair). Is there objection?

Mr. PUGH. I feel constrained to object.

Mr. HARRIS. I hope the Senator from Alabama will not object to taking for the Calendar whatever time there may be after the routine business to-morrow morning until half past 12 o'clock. There is not a Senator here who has not some matter on the Calendar to which there can be no objection. It is for to-morrow morning, not this morning.

Mr. CONGER. I asked for to-morrow morning.

Mr. PUGH. If it is for to-morrow, I make no objection.

The PRESIDING OFFICER. If there be no objection the order suggested by the Senator from Michigan will be made. The Chair hears no objection.

OHIO SENATORIAL ELECTION.

Mr. PUGH. The report of the Committee on Privileges and Elections is before the Senate, I believe.

The PRESIDING OFFICER. It is.

Mr. PUGH. Mr. President, the single question presented to the Senate by the three reports on the election of HENRY B. PAYNE as Senator from the State of Ohio is, whether the Senate, on the whole case, as reported, shall order an investigation of the charge that his election was procured by bribery. There is no charge or pretense that HENRY B. PAYNE had any participation or connection, by act or knowledge, with any bribery or wrongdoing, if any were committed, to secure his election. There is nothing, therefore, upon which to base a motion or resolution for his expulsion.

I call the special attention of the Senate to the language of the minority report, in which Senator HOAR, the chairman of the committee, and Senator FRYE, formulate the only question, in their opinion, to be decided by the Senate. On page 35 of the report of the minority is found these words: "We are not now to consider whether the case is proved, or even whether there be a *prima facie* case." "There has as yet been no evidence laid before us addressed to either of these considerations."

Mark the admission of the minority, that as yet there has been no evidence addressed to the inquiry whether the charge of bribery is true, or addressed to the inquiry whether a *prima facie* case for reasonable belief that the charge is true has any existence. What, then, do the minority claim to be the question before the Senate? They answer for themselves—"Is there fair reason for instituting an inquiry whether the result of the election was procured by bribery?" What the difference is between evidence that makes out a *prima facie* case and evidence that "there is fair reason for instituting an inquiry whether the election was procured by bribery" the minority must explain.

In the report signed by three majority members of the committee the following language is found on page 12:

> The integrity of the election and not of the member is in question. * * * The investigation, which now deals with the election as vitiated and not the member as innocent, must reach the proof that the fraud, corruption, or bribery embraces enough in number of the voting electors to have changed, by these methods, the result of the election.

In the report signed by the four majority members the following language is used:

> The Senate must be satisfied by legal evidence that a sufficient number of the members of the Legislature were bribed by the friends of the sitting member to secure the votes of enough members of the Legislature to insure his election, and that without the votes thus corruptly obtained the sitting member would not have been declared elected.

Or that the evidence must make out the charge or create a reasonable belief that the charge could be established, and the sitting member deprived of his seat by an investigation.

One of the most extraordinary statements to be found among the many in the report of the minority is the following:

> As the Senate is the only court that can properly try this question, so the charge is made, if not in the only way it can be made yet certainly in the way beyond all others in which it can be made with most authority. * * * For the Senate to refuse to listen to this complaint so made would, it seems to us, be, and be everywhere taken to be, a declaration that it is indifferent to the question whether its seats are to be in the future the subject of bargain and sale, or may be presented by a few millionaires as a compliment to a friend.
> * * * * * * *
> But—
> Say the minority—
> the case does not rest alone upon the charge and the character of the parties who make it, and who ask to be permitted to produce evidence in its support. If it did, it, in our judgment, would be enough.

Enough simply to make the charge. Such a startling proposition was never before announced in the Senate, and never received a moment's consideration.

In the case of Lapham and Miller, reported in Senate Election Cases by Taft, page 643, the committee say through their chairman that—

> The last ground alleges—
> In a memorial by members of the New York Legislature—
> that there were rumors of bribery in procuring the election of these gentlemen. The allegation of mere rumors of bribery is not sufficient, unaccompanied with evidence, to require investigation at the hands of the Senate or of its committees.

In the case of Senator Simon Cameron, found in the same report, page 185, the Committee on the Judiciary say in their report that—

> The third ground of protest is signed by members of the house of representatives of Pennsylvania, but not by the members of the senate of that State.
> It is a general allegation "that the election of the said Simon Cameron was procured, as they are informed and believe, by corrupt and unlawful means, influencing the action and votes of certain members of the house of representatives," and the Senate of the United States is asked to investigate the charge.
> The committee can not recommend that this prayer be granted. The allegation is entirely too vague and indefinite to justify such a recommendation. Not a single fact or circumstance is detailed as a basis for the general charge. Neither the nature of the means alleged to be corrupt and unlawful, nor the time, place, or manner of using them, is set forth, nor is it even alleged that the sitting member participated in the use of such corrupt means or, indeed, had any knowledge of their existence. Under no state of facts could your committee deem it consistent with propriety, or with the dignity of this body, to send out a roving commission in search of proofs of fraud in order to deprive one of its members of a seat to which he is, *prima facie*, entitled; still less can they recommend such a course when the parties alleging the fraud and corruption are themselves armed with ample powers for investigation. If it be, indeed, true that members of the house of representatives of Pennsylvania have been influenced by corrupt considerations or unlawful appliances, the means of investigation and redress are in the power of the very parties who seek the aid of the Senate of the United States. Let their complaint be made to the house of which they are members, and which is the tribunal peculiarly appropriate for conducting the desired investigation. That their complaint will meet the respectful consideration of that house your committee are not permitted to doubt. If upon such investigation the facts charged are proven, and if they in any manner involve the character of the recently elected member of this body from the State of Pennsylvania, the Constitution of the United States has not left the Senate without ample means for protecting itself against the presence of unworthy members in its midst.
> In the mean time your committee see no reason for initiating any proceeding on the subject, and submit the following resolution:
> *Resolved*, That the Committee on the Judiciary be discharged from the further consideration of the subject.

How does the opinion of the Judiciary Committee then, on this identical question, agree with the opinion of the minority now expressed as follows in their report:

> The Senate is the only court which has, or under the Constitution possibly can have, jurisdiction of this question. There can be no trial, inquiry, or adjudication anywhere else to which this inquiry is not totally foreign and immaterial.

But I desire to call the attention of the minority, and especially of the Senate, to the undisputed action of the Committee on Privileges and Elections, as reported by the four members on page 7.

> When your committee met to consider the matter referred to them, the first act of the committee was to comply fully with the first request of the Ohio house, and that was to make an examination of all the testimony taken by the select committee of the Ohio house of representatives under its resolution No. 28, the report of that select committee being all that was then before your committee. After several days' examination of the testimony the chairman of your committee, at our next meeting, made his report as copied in the minority report, which is, in effect, after careful reading of the testimony contained in Mis. Doc. No. 106, no evidence, opinion, or statement whatever was found personally inculpating HENRY B. PAYNE in any way in any bribery or the corrupt use of money in his election to the Senate. Neither did such examination show that enough had been found in the testimony to justify the charge that the election of Mr. PAYNE was procured by the corrupt use of money, or that there was anything in the testimony taken under the Ohio house resolution No. 28 to justify your committee in reporting in favor of a further investigation by the Senate. On the contrary, it was agreed that the testimony was insufficient to support the charge and insufficient to justify the committee in reporting to the Senate that the title of Senator PAYNE to his seat ought to be investigated.

The chairman has had the report he made to his committee in writing read to the Senate. I have stated its substance and effect, and if I have done so incorrectly my inaccuracy can be corrected by reading the report itself, which is in possession of the Senate.

It is an indisputable fact that on the case made by the Ohio house of representatives, after over three months' examination of fifty-five witnesses, the Committee on Privileges and Elections heard no suggestion from any member that there was enough testimony found to report to the Senate in favor of an investigation. The select committee of the Ohio house, after hearing the witnesses, made no charge and admitted their inability to frame one on the proof.

The Ohio house of representatives could then frame no charge, but they followed the advice of the select committee and sent an authenticated copy of the testimony to the Senate for examination and such action as the Senate thought proper. After the Committee on Privileges and Elections finished the examination and made its decision on the testimony referred to them, somehow or other the Ohio house and the Republican state committee heard that the Committee on Privileges and Elections had concluded that no specific charge had been made by the Ohio house or its special committee on the testimony, and that the Senate committee had come to the conclusion that no charge was made and none supported by the evidence.

So the Ohio house determined as an afterthought to renew the effort to get an examination by the Senate, and did so by making the specific charge that the election of HENRY B. PAYNE was procured by the corrupt use of money or by bribery. But having no hope that the Senate would order an examination on the naked, unsupported charge, the Ohio house based the charge solely and expressly on the testimony taken by their select committee, and which had been forwarded to the Senate. The formulation of the charge of bribery by the Ohio house has caused to be presented to the Senate of the United States the singular spectacle of one report by the chairman of the Committee on Privileges and Elections to his committee that the testimony taken by the Ohio house

was insufficient to justify the Senate in making another examination; but as soon as the Ohio house differed with him and declared that the testimony was "ample" to sustain the charge of bribery, we have another report by the chairman to the Senate that the testimony is not only sufficient to satisfy "fair reason," but that the mere unsupported charge by the Ohio house and senate should be treated as conclusive on the question whether another investigation should be made by the Senate of the United States.

Another remarkable feature of the minority report is that after declaring the Senate to be a court possessing the only judicial power to ascertain the truth of the charge and pass upon the title of Senator PAYNE to his seat, and themselves being two of the judges of this court, they dump upon the Senate for its consideration and digestion all the trash and filth that could be scraped up from Democratic newspapers and anonymous letter-writers in relation to the means employed to secure the election of HENRY B. PAYNE to the United States Senate. Can it be possible that such stuff had any weight in the minds of the minority in coming to a judicial determination of the momentous question referred to them, or did they expect that such wholly irrelevant matter that was never heard of by the committee, and if it had been was well known never to have been permitted to receive any consideration, would have a feather's weight in the Senate or be allowed to stain the records of the Senate? Why was this newspaper gossip and speculation rehashed and spread before the Senate and the country? How did the select committee of the Senate treat such testimony in the case of Powell Clayton, reported by Taft, on page 389?

If it should be asked, why not now submit all the testimony? we answer: First, because we know that much of it can have no possible bearing upon the question before us and the Senate, and its publication would involve a large and most unnecessary expense. Second, no useful end is to be gained by giving to the country a mass of testimony which only serves to show the bitterness of personal feeling existing between those prosecuting and their friends on one side, and the party accused and his friends on the other, which had its birth in the zeal of opposing political factions, to blacken and disparage the party integrity of those opposing them; which would only tend to still further disturb and distract the citizens of the State where they reside and render more difficult the restoration of that peace and quiet so essential in all the States, and especially those so lately in insurrection. And this course is the more justified from a conviction, which we can not now escape, that not a little of it was offered by the parties more with the view of making political capital against each other than in the hope or belief that it could have any influence upon the committee, or throw light upon the subject-matter under investigation. We do not propose to be the instrument of a purpose so foreign, and we most respectfully submit that the Senate should not and will not lend itself to the publication in advance of a mass of testimony which in no manner tends to elucidate the real question before them, and which, if published, while it might gratify the malevolence of parties, could not possibly serve any useful end. It would be worse than waste paper.

Mr. President, I simply desired to present to the Senate the question involved in these reports. In the name of seven out of nine members of the Committee on Privileges and Elections I move that the committee be discharged from the further consideration of the subject.

Mr. HOAR. Mr. President, it is unlikely that any graver topic will ever arise, even here, than that presented by the three reports from the Committee on Privileges and Elections. We shall not be held by the American people to exaggerate the importance to them of the question whether they have somewhere under their Constitution a defense against the usurpation of seats in the Senate through bribery in a State Legislature. A great State, larger than many kingdoms, third in power and population among American Commonwealths, demands at our hands the vindication of her honor, and the assertion of her title to sit here among her peers in a free and unbought representation. What can concern the Senate more than the measure and the rule of its authority to judge of the election of its own members?

The office of Senator, to which the foremost of your countrymen have aspired as the highest object of their ambition, will be cheap and base if the credential under which you sit does not imply beyond all question or cavil that you are the true representatives of your States by lawful and unsullied election. It is due to the sitting member himself to have that inquiry which alone can make it appear that the suspicion which we are all so eager to testify does not rest upon him personally ought not hereafter to rest upon the friends who are nearest to him, or the State which has so honored him, or upon his title to his great office.

I am not apt to pay much attention to mere clamors coming from the malice, or the disappointments, or the excitements, or the ambitions of politics.

> The air hath bubbles, as the water hath,
> And these are of them.

But it is one thing to disregard idle-clamor, and another to encounter the disapproval of the aroused moral sense of the country. We must not confound slander with public opinion, or accept the accusations of scandal and malice instead of proof. But we shall make a worse mistake, if, because of the multitude of false and groundless charges against men in high office, we fail to redress substantial grievances or to deal with cases of actual guilt. The worst evil resulting from the indiscriminate attack of an unscrupulous press upon men in public station is not that innocence suffers, but that crime escapes. Pure and stainless lives are the sufficient shield against scandal and malice. Let corruption and bribery be exposed and punished. The conscience and judgment of the country govern, and have a right to govern, the country. The Senate in all its actions, especially in exercising its discretion, must respect them or cease to be respected itself.

The question now before the Senate is not how a case shall be decided, but only whether an inquiry shall be instituted. One thing, I suppose, will be conceded by everybody. The power, wherever it be, which should make this inquiry must be one which can compel the attendance of unwilling witnesses. It must be a power having jurisdiction to hear and decide the case after the inquiry is made. It must be a power which can issue process and compel obedience to process coextensive with its jurisdiction. It must be able to search this whole nation, interested to know who shall be its rulers, for the evidence which is to establish their title. From the nature of the case, as I have said, such an inquiry must search the knowledge of unwilling witnesses. The men who know the truth of the ultimate fact will not disclose it if they can help it. Especially they will take no part in that voluntary disclosure which alone could establish the case in advance of the Senate's decision. Men who bribe and men who are bribed, men who are accomplices or spectators of bribery, men who are the companions of those who commit this offense or are familiar with their affairs, will not ordinarily volunteer to aid in the detection.

The process which must bring into judgment the title to a seat in the Senate impeached for this cause must not wait for the establishment of the case in advance, or it will never issue. All that should be required, as it seems to me, is a charge from a responsible complainant—from a person or public body of sufficient weight to assure the Senate that it will not be made lightly or without reason. It is not necessary to define exactly by a rule which will cover all cases what should be the qualifications of such complainant. But certainly the Legislature of the State chiefly concerned is such a complainant. Certainly the governor of the State is such a complainant. Certainly the members of the House of Representatives of the United States are entitled to make such complaint. Certainly the majority of the conductors of the press of both political parties, or even of one great political party of a State of four millions of people, constitute such complainants. But when, as here, these are combined, it is impossible that there can ever be a suitor who may rightfully bring this cause into judgment if these may not. But there is a great deal more in the case than the character of the complainants. I shall show presently that they state grounds and reasons for the inquiry which I think any court or magistrate under the sun would hold as matter of law to constitute probable cause. I wish first, however, to speak briefly of the proceedings of the committee of the Ohio house on which so much stress has been laid by the Senators who are in the majority. The majority of the committee base the argument by which they support their position wholly upon those proceedings. The following extract from the report of the Republican members of the majority states their opinion very clearly:

At the outset of our observations we stated the limits which properly should control the action of the Senate, under the applicable clauses of the Constitution, and by the same reason the ends which should be proposed in its investigations and to which they should be confined. It is obvious that the province and duty of a State, in its investigations of fraud, corruption, and bribery in an election of Senator, are much more extensive. A State is not confined at all to the question whether the actual election brought in question involves the Senator personally in misconduct, or whether enough votes for him were affected by fraud, corruption, or bribery that would require his seat to be vacated, although himself free from imputation.

With that proposition, as I understand it, I wish to join direct issue. I deny it altogether. I deny what it expressly affirms, and I deny what it implies. I deny that "the province and duty of a State in its investigations of fraud, corruption, and bribery in an election of Senator are much more extensive" than those of the Senate. On the contrary, I affirm that its province and duty are to be confined to the punishment of individual guilt, and that with the question what was its effect on the election, or even whether the election was accomplished by it, it has nothing to do. So far from agreeing that "a State is not confined at all to the question whether the actual election brought in question involves the Senator personally in misconduct, or whether enough votes for him were affected by fraud, corruption, or bribery that would require his seat to be vacated, although himself free from imputation," I say that the State can never by any possibility have anything to do with those questions. So far from "not being confined" to those limits, it never can enter those limits at all. I deny also the limit of the power and duty of the Senate which is stated by the majority of the committee. It is this misconception, as it seems to me, that has misled my associates, if they have been misled. The only reason I hear urged anywhere for denying the prayer of the State of Ohio is the supposed effect to be given to the proceeding before the committee of her house of representatives. Let us look into this matter a little more carefully. Besides the provision I have already cited which makes the Senate the judge of the election and returns of its own members, the Constitution provides in its first article, section 4:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

In the matter of the election of Senators Congress has taken into its own hands and exercised its power to make these regulations.

The Revised Statutes of the United States, sections 14 to 19, cover the

whole subject, which I will ask the Secretary to read, in order that the very familiar process may become still more familiar to the Senate for the purposes of this debate.

The Secretary read as follows:

TITLE II.

THE CONGRESS.

CHAPTER 1.

ELECTION OF SENATORS.

SEC. 14. The Legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each house shall openly, by a *viva voce* vote of each member present, name one person for Senator in Congress from such State, and the name of the person so voted for, who receives a majority of the whole number of votes cast in each house, shall be entered on the journal of that house by the clerk or secretary thereof; or if either house fails to give such majority to any person on that day, the fact shall be entered on the journal. At 12 o'clock m., of the day following that on which proceedings are required to take place as aforesaid, the members of the two houses shall convene in joint assembly, and the journal of each house shall then be read, and if the same person has received a majority of all the votes in each house, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes in each house, or if either house has failed to take proceedings as required by this section, the joint assembly shall then proceed to choose, by a *viva voce* vote of each member present, a person for Senator, and the person who receives a majority of all the votes of the joint assembly, a majority of all the members elected to both houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the joint assembly shall meet at 12 o'clock m., of each succeeding day during the session of the legislature, and shall take at least one vote, until a Senator is elected.

SEC. 16. Whenever on the meeting of the Legislature of any State a vacancy exists in the representation of such State in the senate, the Legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy, in the manner prescribed in the preceding section for the election of a Senator for a full term.

SEC. 17. Whenever during the session of the Legislature of any State a vacancy occurs in the representation of such State in the senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the Legislature is organized and has notice of such vacancy.

SEC. 18. It shall be the duty of the executive of the State from which any Senator has been chosen, to certify his election, under the seal of the State, to the President of the Senate of the United States.

SEC. 19. The certificate mentioned in the preceding section shall be countersigned by the secretary of state of the State.

Mr. HOAR. These provisions, Mr. President, were intended, among other objects, to prevent either house of the Legislature of the State whose majority might be in the minority on joint ballot to defeat or prevent an election. After the vote has been cast, the majority of the two houses concurring, or on joint ballot, everything else is ministerial. The clerk records the *viva voce* vote of the members on the journal of the two houses. The journals of the two houses are compared, the concurrent choice is announced, or the vote goes on in joint assembly until a result is reached; the executive certifies the election; the secretary of state countersigns the certificate; the credential comes to the President of the Senate. The State can not insert anywhere the sharpest razor's edge of jurisdiction to inquire into the validity of the election. When the credential is presented here under the almost unbroken practice of both houses, the Senator takes his seat upon the *prima facie* case made by the credential, subject to the inquiry which the Senate alone can make into his title upon the merits.

It is true that if the seat be declared vacant the Legislature must make a new election. But that can not happen until the Senate has declared the vacancy.

It was, then, never possible under the Constitution that the Ohio Legislature, or either house thereof, could inquire into Mr. PAYNE'S title to his seat as affected by his own misconduct or by that of any other person. It would hardly be expected that such an inquiry, if it were possible, would be undertaken during the life of the Legislature alleged to be corrupted. One branch of a subsequent Legislature undertook the inquiry, limited by the express terms of its order to charges against four of its members.

Whereas the Cincinnati Commercial-Gazette of January 12, 1886, contains a printed statement, on the authority of S. W. Donavin, alleging grave charges against the official integrity and characters of members of this house, namely, Hon. D. Baker, Hon. P. Hunt, Hon. W. A. Schultz, and Hon. Mr. Ziegler, so definite and precise in statement as to call for immediate action in order to vindicate the reputation of members of this house: Therefore,

Resolved, That a select committee of five be appointed to inquire into all the facts of the charges so alleged.

Mr. President, even the constitutionality of that inquiry has been doubted in very high quarters. It has been claimed by a very large number of persons in this or the other House of Congress that no House could inquire into the turpitude for purposes of expulsion or discipline of a person for acts which occurred before his taking his seat in the body. But I do not share that doubt myself. I merely make that observation in passing.

Now, it is well settled that no legislative body can compel obedience to process in support of an inquiry which does not affirmatively appear to be within its jurisdiction. That matter has been very recently before the Supreme Court of the United States in the case of Kilbourn vs. Thompson, where the court held—I will only read a very few sentences from the opinion of the court, which is quite long:

Such an enlargement of jurisdiction—

Which was claimed by the House of Representatives in that case—

Would not now be tolerated in England, and it is hoped not in this country of written constitutions and laws; but it looks very like it when, upon the allegation that the United States is a creditor of a man who has an interest in some other man's business, the affairs of the latter can be subjected to the unlimited scrutiny or investigation of a Congressional committee.

We are of opinion, for these reasons, that the resolution of the House of Representatives authorizing the investigation was in excess of the power conferred on that body by the Constitution; that the committee therefore had no lawful authority to require Kilbourn to testify as a witness beyond what he voluntarily chose to tell; that the orders and resolutions of the House and the warrant of the Speaker, under which Kilbourn was imprisoned, are in like manner void for want of jurisdiction in that body, and that his imprisonment was without any lawful authority.

There is a case upon the same general subject decided by the supreme court of Massachusetts, from which I will extract also a single passage, the opinion given by Judge Hoar.

Mr. PLATT. What is the case?

Mr. HOAR. The case of Burnham *vs.* Morrissey, 14 Gray. The extract is from page 238. This passage is cited in Kilbourn *vs.* Thompson, with strong expressions of commendation, by the Supreme Court of the United States:

The house of representatives is not the final judge of its own powers and privileges in cases in which the rights and liberties of the subject are concerned, but the legality of its action may be examined and determined by this court. That house is not the Legislature but only a part of it, and is, therefore, subject in its action to the laws, in common with all other bodies, officers, and tribunals within the Commonwealth. Especially is it competent and proper for this court to consider whether its proceedings are in conformity with the constitution and laws, because, living under a written constitution, no branch or department of the government is supreme; and it is the province and duty of the judicial department to determine in cases regularly brought before them whether the powers of any branch of the government, and even those of the Legislature in the enactment of laws, have been exercised in conformity with the constitution; and if they have not been, to treat their acts as null and void.

So that an order to inquire into facts made by a State Legislature, and especially made by one branch of a State Legislature, as in this national legislative body, unless it is as to a matter within the jurisdiction of that body, confers upon the House or the committee who are its organ no power to put questions to witnesses, to compel the attendance of witnesses, or to compel the answers of witnesses.

Not only could no process issue from this Ohio house of representatives beyond State lines, but no process to compel the attendance of witnesses to testify to anything which may be in issue here in this trial. Every such process would be totally void, whether within or without the State. The witness could neither be compelled to appear nor compelled to answer. The marshal who undertakes an arrest or commitment for contempt would be a trespasser and liable for false imprisonment.

The Ohio house of representatives neither had nor conceived they had, any power to inquire into Mr. PAYNE'S title to his seat. The resolution is limited to charges against four persons, members of that body, in order, as it declares, "to vindicate the reputation of members of this House." The committee completed its work and vindicated the four members. They say that they went beyond the scope of the resolution only "to gain something like a comprehensive view of the situation." But they also say that they report no conclusion whatever except as to the four members. They say:

A number of clews furnished were not followed, because we were convinced that they could lead only to points at which further pursuit would become necessary, but which could not be pressed without authority to reach beyond the limits of the State for witnesses, and much anonymous information was ignored by the committee for the same reason.

When witnesses refused to answer, as they did in several cases, they did not press them.

Now, Mr. President, it seems to me the most amazing legal and constitutional proposition ever uttered in this Chamber, is that this great court should be ousted of its jurisdiction, or affected in the smallest degree in its exercise by the failure of a committee to exhaust evidence in regard to an issue which they had no jurisdiction whatever to try, to wit, the inquiry as to the sitting member's title to his seat, a committee who were never directed to do it, who did not do it, who did not try to do it, who did not conceive they had a right to do it, and who had, in fact, no power, constitutional, legal, or physical, to enable them to do it.

There has been, I believe, but one case in our history where such an inquiry has been refused. In every other case, so far as I remember, which has been presented to the Senate the inquiry has been had either at the request of the sitting member or by order of the Senate.

In the Pennsylvania case in 1857 a minority of one house only of the Legislature of that State made a protest against the election of the Senator, in which they charged that the election was "procured by corrupt and unlawful means." Members of the Senate joined in that protest upon other grounds, but not upon this. The Judiciary Committee in denying the prayer of these members in the Pennsylvania case for an investigation treated the charge all through as not affecting the Senator's title to his seat, but only as against the personal misconduct of members of that Legislature as a ground of expulsion.

Now I wish to call attention to a few words from the report of the Judiciary Committee in the Pennsylvania case in 1857:

The committee can not recommend that this prayer—

The prayer for an investigation on the ground of bribery—

The committee can not recommend that this prayer be granted. The allegation is entirely too vague and indefinite to justify such a recommendation. Not a single fact or circumstance is detailed as a basis for the general charge. Neither the nature of the means alleged to be corrupt and unlawful nor the time, place, or manner of using them is set forth, nor is it even alleged that the sitting member participated in the use of such corrupt means or, indeed, had any knowledge of their existence. Under no state of facts could your committee deem it consistent with propriety, or with the dignity of this body, to send out a roving commission in search of proofs of fraud in order to deprive one of its members of a seat to which he is, *prima facie*, entitled; still less can they recommend such a course when the parties alleging the fraud and corruption are themselves armed with ample powers for investigation. If it be, indeed, true that members of the house of representatives of Pennsylvania have been influenced by corrupt considerations or unlawful appliances, the means of investigation and redress are in the power of the very parties who seek the aid of the Senate of the United States.

If the committee mean by "redress" the punishment of those particular inculpated persons, this is a proposition to which we should all agree; but it is impossible that the committee meant to say that if the State of Pennsylvania was represented by a sitting member not lawfully entitled to his seat because of the method of his election the Pennsylvania Legislature could redress that or had any authority to do it.

Let their complaint be made to the house of which they are members, and which is the tribunal peculiarly appropriate for conducting the desired investigation. That their complaint will meet the respectful consideration of that house your committee are not permitted to doubt. If upon such investigation the facts charged are proven, and if they in any manner involve the character of the recently elected member of this body from the State of Pennsylvania, the Constitution of the United States has not left the Senate without ample means for protecting itself against the presence of unworthy members in its midst.

That is by expulsion. If this Pennsylvania case be claimed or conceived by anybody to announce the doctrine that the proper place to try a title to a seat in the United States Senate is the State Legislature, and not the court which under the Constitution is the sole judge, then I think the doctrine of the case will find very few supporters here. But if, on the other hand, the committee treat this as a vague charge of unworthiness made against the then sitting member, not calling for his expulsion, or a charge against the conduct of members of the State Legislature calling for their condemnation and proper punishment, the committee are right in saying that that investigation belongs solely to the State.

The proposition which lies at the foundation of the report in the Pennsylvania case, if it have any broader meaning, is expressly contradicted by the report of the majority of the committee here.

The only power—

Says Senator PUGH, in behalf of the majority of the present committee—

that exists anywhere to try the validity of that title and to annul it is vested in the Senate of the United States.

The only power, say the committee in the Pennsylvania case, to make the investigation then sought was in the Legislature of Pennsylvania. Therefore it is obvious that they did not conceive they were speaking in regard to a proposition to investigate the title of that Senator to a seat, or if they were the judgment is clearly and manifestly wrong.

But the proceeding of the Ohio committee makes but a very small part of this case. The constant effort of my friends who differ with me is to confine the attention of the Senate to the portion of the facts offered to be shown which appeared there. The offer now before the Senate is to prove another and far different case—a case much stronger than that incidentally developed by that committee.

The evidence taken in Ohio was sent here by the house of representatives merely for our information and accompanied by no charge or request whatever. It was referred to the Committee on Privileges and Elections, but the testimony taken in the course of an inquiry as to whether four Ohio men were guilty of something took a wider range, and they sent it here for our information. It was referred to the Committee on Privileges and Elections and by them referred to the chairman for examination, and I made the following report which I desire to read; it is very brief:

I have examined the evidence forwarded by the house of representatives of Ohio.

The investigation was under a resolution directing an inquiry as to the charges that four members of the present Legislature, being also members of the last, were guilty of being induced by corrupt means to vote for Mr. PAYNE.

These charges were not sustained, and the committee—

That is the committee of the Ohio house—

so report.

But the inquiry took a wider range. There was evidence tending to show—

That Mr. PAYNE's name was not publicly suggested as a candidate for Senator until after the State election;

That it was not very prominently suggested until shortly before his election in January;

That many persons who had been supposed to favor Pendleton voted for; PAYNE;

That there was a widespread belief that corrupt means were used to procure the result;

That one member was offered a large sum of money for his vote by another member;

That there were hearsay statements charging corruption as to several others;

That two members of the Legislature received large sums of money about the time of the election, of which they being called as witnesses gave no satisfactory account;

That the principal managers of Mr. PAYNE's canvass, namely, Paige, McLean, Huntington, and Oliver H. Payne, did not testify before the committee, but there is not evidence tending to show the bribery of any member unless as above stated;

There is no evidence to connect Mr. PAYNE, the sitting member, with these transactions;

And none tending to show that the result was changed or affected by such means;

Informed that Mr. LITTLE wishes to be heard;

That these persons kept out of State and reach of process.

The charges from the two houses of the State of Ohio, from the Republican State committee, from the convention of editors, from the ten Ohio members of the national House of Representatives, the communication from Messrs. LITTLE and BUTTERWORTH, their appearance before the committee, their offers of new and largely additional proof, the production of the extracts from the Democratic papers of Ohio have all taken place since that report was made.

Besides, when that report was made there was no request before the Senate for an investigation. It was not offered in support of a request for further proceeding or to be allowed to submit further proof. It was then the whole case submitted or offered. Then what is this whole offer taken together? The Senate will remember that it is not a statement of the evidence to establish a case. It is a statement of reasons for an inquiry.

Let us see if these reasons ought to be satisfactory to the Senate.

Mr. PAYNE, the sitting member, in his remarks in the Senate on the 27th of April, 1886, states the vote in the Democratic legislative caucus, to wit, 1 for Booth, 15 for Pendleton, 17 for Ward, 46 for PAYNE, making 79 in all. So that if that statement were correct a transfer of seven votes from the successful candidate would be required to defeat him. If seven of his votes were obtained by bribery the result would have been thereby changed. I relied on that statement in making my minority report to the Senate. But it since appears that there was also one vote for Mr. GEDDES besides those stated, so that the vote stood: GEDDES, 1; Booth, 1; Pendleton, 15; Ward, 17; PAYNE, 46; total, 80; PAYNE's majority, 12. The deduction of 6 votes only from Mr. PAYNE would change the result. The bribery of 6 votes would have affected his nomination.

I do not understand that the Republican members of the majority of the Committee on Privileges and Elections now make any distinction between a result in a caucus secured by bribery and one so secured in the convention. The Senate would scarcely, I think, refuse an inquiry on this ground. It seems hardly probable that the case will turn on this distinction; but I will state a little more fully.

The vote in the Legislature was:

	Senate.	House.	Total.
Payne	22	56	78
Blank	8	39	47
Foster		2	2
	30	97	127

Or 127 in all, of which Mr. PAYNE's majority was 29. If there had been a joint ballot a change of 15 votes would have defeated PAYNE. A change from PAYNE of 8 votes in the senate or of 7 votes in the house would have prevented the election by concurrent vote, as it was in fact made. In other words, supposing the election had come to a joint ballot, 15 votes procured by fraud would have changed the result; and taking the election as it is, 8 votes procured by fraud in the senate would have changed the result in that body, and 7 votes procured by fraud or bribery in the house would have changed the result in that body.

Now let us see whether there be not abundant probable cause for the belief that inquiry would show that more than enough to change the result, whichever of these numbers be required, were unlawfully and corruptly obtained.

I have here an analysis of the offers of proof made by the gentlemen who appeared to represent the Ohio Legislature and the other complainants. I have the cases depending on the evidence in the Ohio testimony and other cases presented and depending on evidence which is offered by these gentlemen before the committee for the first time; and I wish to say that of course a case of this kind grows. An attempt to ferret out by legal process a transaction such as is charged to have taken place in the Legislature of the State of Ohio begins when a few persons have made disclosures. They are heard of in the public press and other persons communicate facts that they have known. That is the universal history of the detection of such things. Here is, in the first place, the case of Elmer White. He was the president *pro tempore* of the Ohio senate. He made a sudden change, having been pledged for Mr. Pendleton and changed to Mr. PAYNE.

He and his father were living together in the same house, as appears in the testimony before the Ohio investigation. He is one of the persons referred to there, being a man of limited pecuniary means. Just after the election a piece of valuable real estate, for which $1,200 or $1,500 was paid, was purchased in his father's name, and White himself expended on that real estate a considerable sum of money in improvements, and the father and son being called, living together, and having dwelt together in the same house, the son swore that he did not

know where his father got the money to make the purchase. The father swore that he did not know where the son got the money to make the improvements, and the father said he would not tell where he got his own money, and the committee conceived themselves without power to compel him.

Mr. PLATT. Did the son explain where he got his?

Mr. HOAR. He made a statement where he got his, a very unsatisfactory one. As to that Messrs. LITTLE and BUTTERWORTH offer some important new evidence.

Mr. GEORGE. May I ask the Senator a question in reference to that man White?

Mr. HOAR. Certainly.

Mr. GEORGE. Is there any proof before the committee as to what White's opinions were on the Senatorial question before the Legislature met?

Mr. HOAR. It is my opinion that there is, but I will look to see.

Mr. TELLER. He announced in his paper that he would not vote for Pendleton, some weeks before the Legislature met.

Mr. HOAR. My eyesight is not very good, and I will not stop to search through this volume to answer more definitely the question of the Senator from Mississippi.

Mr. TELLER. You will find it on page 255.

Mr. HOAR. That particular fact which the Senator stated?

Mr. TELLER. Yes; he said:

Q. Now, I will ask you whether or not you had gone to Columbus with the intention of supporting HENRY B. PAYNE?
A. I did, sir. I so announced several weeks before in my paper.

Mr. GEORGE. Is that White's own statement?

Mr. TELLER. That is White's statement.

Mr. HOAR. His story.

Mr. TELLER. It was not contradicted.

Mr. HOAR. I understand, but on the other hand he is also proved to have received this large sum of money. It will be found that there is evidence that, while this gentleman swore he had a very warm side to Ward, but had not pledged himself to him, he was elected on the understanding by the people that he would vote for Mr. Pendleton.

Mr. TELLER. That he denies very positively.

Mr. HOAR. All these considerations will have their due weight when the proper inquiry is made.

Here is the case of Senator Welsh, in regard to which there is also very strong evidence to show a change of position and I think the receipt of a sum of money. My eyesight does not permit me to hunt these things out. Then there is the case of O. B. Ramey, the case of W. B. Tierce, each of whom was shown to have a large and unaccounted-for sum of money. Mr. Tierce was charged with bribery by a person who testified before the committee, and he did not deny it.

Mr. TELLER. That is Mr. Pennington's statement, which he denies.

Mr. LOGAN. He denies it *in toto*.

Mr. HOAR. It is a very strange reason for refusing an inquiry when there is a *prima facie* case, to say that some one comes in and denies it.

Mr. LOGAN. He denies it himself.

Mr. HOAR. Very likely he himself denies it.

Mr. LOGAN. Would he not be a proper witness?

Mr. HOAR. Certainly, he ought to be. The inquiry ought to be before a committee that has power to make him and other witnesses answer.

Mr. LOGAN. There is no power to do it. The Supreme Court has decided that that can not be done.

Mr. TELLER. None of these witnesses refused to answer.

Mr. LOGAN. Not one of them.

Mr. HOAR. Then these cases which were before the Ohio house committee, the case of Mooney, the case of Roche, the case of Brunner, and the case of Hamilton. In each one of these cases there is abundant evidence, in my opinion, to warrant a magistrate to issue his process for an inquiry. It is true that in some of these cases the person implicated comes in and makes a denial, an extremely unsatisfactory denial in some instances, and in others perhaps it would be satisfactory.

Mr. LOGAN. Mr. Mooney states emphatically that he was not there at the time mentioned when he and the other man were said to have quarreled about the money; that he was in the room of another person, and that other person, who was a member, states that his statement is correct.

Mr. HOAR. I understand it as the Senator's proposition that in a question where a man testifies that he heard these two men comparing notes about the money they had received, the Senate of the United States, the only court that can inquire into this matter, is to be precluded by the man's denial. Is that the proposition the Senator states?

Mr. LOGAN. The Senator will find out my proposition when I speak.

Mr. HOAR. But if the Senator interrupts me when I am speaking, I am entitled to find out his proposition.

Mr. LOGAN. I did not intend to interrupt the Senator, but he said his sight was bad and he could not see and I called his attention to the fact that Mr. Mooney had contradicted that statement.

Mr. HOAR. I remember the fact now. Those two members, as testified by an impartial and a respectable witness, were heard in their room quarreling about the money they had received.

Mr. TELLER. There is no pretense that they were comparing notes about money that they had received in the Senatorial contest. The witness swore positively that he did not know where they got money and they never mentioned the Senatorial contest. He says that positively.

Mr. HOAR. But it was about that time. Now we are asked to take their denial as a reason why the Senate should not put this case on trial.

In addition to these eight persons, Messrs. LITTLE and BUTTERWORTH, who appeared as counsel in this matter, asked to be permitted to lay before the Senate evidence since obtained by them, tending to show a case in regard to eight others, making sixteen in all, in regard to whom they present testimony or state the information on which they make this charge and desire to lay the testimony before the Senate.

In addition to these eight I addressed a verbal inquiry to Mr. LITTLE asking him what number of persons in all he was able to assert had been corrupted, and Mr. LITTLE, who is a member of the other House, formerly attorney-general of the State, who represented these petitioners in their desire for an inquiry, replied:

Answering your verbal inquiry of Saturday I find the letters and documents forwarded and received by me and deemed by Mr. BUTTERWORTH and myself reliable mention twenty-one members of the Sixty-sixth General Assembly by name as having received money for their support of Mr. PAYNE in caucus. It is our conviction that a searching investigation under authority of the Senate would show the number to be greater.

Mr. TELLER. Does he give you the names?

Mr. HOAR. He does not; of course he does not. Why, Mr. President, it seems to me, I will not say a desire to make an investigation futile, but a suggestion that when a grand jury or a magistrate charged with making a preliminary inquiry is considering the question whether process should issue, a demand that the names of the witnesses with the details of what they would testify to, the strength of the case should be advertised before the public, should go before a committee and before the Senate where the debates are to be public so that the investigation would wholly evaporate or would be likely to.

I put this proposition upon this ground, that a demand made from a respectable quarter like this, accompanied with the statement that the party has in his possession information from a reliable source to establish the proposition, ought to enable him to have the process; and a magistrate who should refuse it would be impeached; a district attorney who would refuse process to bring such witnesses before a grand jury would go pretty rapidly out of office; and is the Senate in any different position in determining upon this question?

In addition to this general statement of Mr. LITTLE and Mr. BUTTERWORTH, here are statements as to particulars in regard to eight cases. Here is Messrs. LITTLE and BUTTERWORTH'S verbal proposition before the committee:

(1) It will be testified by the Hon. Joseph Hughes, that immediately after the caucus that senator—

When I said my eyes did not permit me to find this Mooney thing I looked for the page I had reference to but in the wrong document. But after stating the sudden changes of these persons—

It will be shown in regard to one senator that though he affected loyalty to Ward the latter was compelled to withdraw his confidence from him just before the caucus; that he was suspicious that he was being betrayed.
(1) It will be testified by Hon. Joseph Hughes that immediately after the caucus that senator deposited $2,500 in two different sums in two different banks, and that Mr. Hughes told him distinctly to his face that he had sold out and that he knew the amount he received and where he had deposited the money; that while there was an attempted denial at first there was ultimately no denial of the charge.

Mr. LOGAN and Mr. TELLER. What senator was that?

Mr. HOAR. One senator; he does not specify. Now let us understand the purpose of these constant interruptions, what they mean, what they amount to, what they are based on, what gives them any practical point at all. I say to the Senate that in my judgment when a respectable man, representing a State Legislature, the two Houses of it, representing ten members of the other House, himself a member of the other House, comes to the Senate and says, "I have in regard to one man whom I do not name now the evidence in my possession which will be given by a respectable man, whom I do name, that at the time of this proceeding he deposited $2,500 in two different banks, and was told he had sold out, and did not deny it," that is reason, so far as that one case is important, counting that as one of the number to be affected, why the Senate should issue its process and make its inquiry; and that it is not necessary, in addition to that, to advertise the name to the public and have the thing go out that the investigation may be baffled. It would baffle every inquiry into an offense like this to undertake this course.

Mr. TELLER. I desire to say that I asked the question, as I thought I had a right to do, because the testimony shows clearly that Mr. Hughes, if he ever made a statement of the kind, referred to Mr. Ramey, and other testimony shows that if Hughes did make this statement he referred to Ramey.

Mr. HOAR. I do not object to the Senator's question, but I say he can only make it material by standing on a position which is wholly untenable.

(2) Another senator who was known to be for Ward or Pendleton immediately before the caucus, stated to one of his colleagues that he was offered $5,000 to vote for PAYNE and intended to accept it, and tried to persuade his colleague to do the like, explaining to him how it could be paid. It also appears that soon afterward the wife of that senator who is said to have received the $5,000 deposited $2,500 in the bank in Toledo and took certificates therefor, which she afterward turned over to her husband. That this was done, although in the town where the senator lived there were two banks, and at which the parties transacted all their business. This senator appealed to Senator Pendleton for aid in his campaign and got it.

That is Ramey. The one the Senator from Colorado says was Ramey is Elliott. I find "Elliott" written in the margin.

Mr. TELLER. Perhaps it is.

Mr. HOAR—

(3) Another senator who had been a pronounced supporter of Ward and Pendleton, and in the event that if one could not receive the nomination the other should, from a state of impecuniosity preceding the nomination and election of Mr. PAYNE became thrifty, being able to pay off a number of thousands of dollars of incumbrances and make purchases of property involving several thousands of dollars, so that the sudden and extensive thrift was matter of remark in the community.

There are three——

Mr. EVARTS. Was that White?

Mr. HOAR. I do not call to mind.

Mr. EVARTS. The Senator will allow me a moment. My point of inquiry is to identify the person referred to in the observations the Senator makes. Certain witnesses are named and discussed; of others the names are not known. Then you go on to comment very properly upon the evidence touching them, and you do not name the person, and our desire is to identify him, at least on the question whether he is among those named or among those whose names are not given.

Mr. HOAR. I will state in regard to these persons, there are sixteen men who are named or identified. Eight of them are referred to in the evidence taken before the Ohio committee. But there is supplemental evidence offered by Messrs. LITTLE and BUTTERWORTH in regard to several of those. The other eight of the sixteen who are named—fifteen, remember, would change the whole result—the other eight of the sixteen who are named are pointed at by evidence adduced by LITTLE and BUTTERWORTH in their offer to the committee for the first time; and in regard to five more they say they have evidence coming from persons whom they know and deem to be reliable which will establish the facts about the other five whose names they do not disclose.

I did not wish to be impatient of the interruptions of the gentlemen on the other side, but I wish to say that it seems to me totally immaterial for the purposes of the point I make whether these men are named or not. If I were in the place of Messrs. LITTLE and BUTTERWORTH, I doubt whether I would have named one of them, because it is not a time, when you are determining whether the proper authority, whatever it is, shall investigate an offense attended with turpitude, to advertise to the world all the evidence you have got and whom you are aiming at until the process has gone out.

That is my proposition. I put this case to the Senate. I put my own conviction upon it on this ground among others, that when complainants of this character come and say that they have investigated and find for the persons that they represent and are possessed of evidence tending to show these facts in regard to at least twenty-one persons, that if the Senate will issue its process the Senate shall not say, "We will see what you know already and try the case on that, and refuse if you do not make out a case," or "We will compel you to disclose everything you have got in your mind or otherwise, or the process shall not issue." If that is an erroneous proposition, I am wrong.

Mr. FRYE. I should like to ask the Senator from Massachusetts a question. Is not that the man the title of whose land was in his father, the land being under mortgage, and the mortgage immediately paid off and purchases made for the farm part by the father and part by the son, and both father and son refused to say where they got the money.

Mr. TELLER. There is nothing of the kind there.

Mr. FRYE. That is one case.

Mr. TELLER. There is no such case.

Mr. FRYE. There is such a case.

Mr. TELLER. There is not.

Mr. FRYE. I beg the Senator's pardon, I can find it.

Mr. EVARTS. It is only to identify the person that the inquiry is put.

Mr. HOAR. Here are nine gentlemen on the other side on this question. They have insisted that I shall make the first speech, and I understand that they insisted they would have to close the whole case also. I hope they will have a reasonable forbearance in the matter of interruptions as I go along.

Mr. FRYE. I hope the Senator does not count me among the nine.

Mr. HOAR. No; I am quite sure of that.

(4) Another senator, a thoroughly pronounced Pendleton man, was aggressive and devoted to Pendleton until after an interview with Mr. Paige. His conversion was said to have been sudden and attended with thrift, which found expression in the purchases and the expenditure of quite a large sum of money.

That is the person to whom the Senator from Maine refers, I understand.

(5) Another member, from having to borrow money to go to Columbus, whither he went as an earnest supporter of Ward or Pendleton, who had aided him in his campaign, became a violent Payne man after an interview with PAYNE's party managers; and he, too, immediately afterward, was enabled to purchase property, furnish a house handsomely, and gave substantial evidence of thrift, which was irreconcilable to any known means he had of acquiring money. He was denounced openly to his face for having sold out, and on being arraigned was unable to make defense.

(6) Two other members, although elected to represent opposition to monopolies and the influence of monopolies, became supporters of PAYNE; and as said, on returning from the caucus—

That is the matter about which I was interrupted just now—

were heard discussing the difference in the amount of money they received, each one, as the witness avers, having a certain sum of money. (Page 153; also Boyle, 184.)

(7) Still another who had been hostile to PAYNE, and had criticized with great severity the proposition to permit the Standard Oil Company to slaughter Pendleton, became, on an interview with the representatives of Mr. PAYNE, an advocate of the latter's election. He, too, gave evidence of great thrift immediately after the election, and stated that out of gratitude, Oliver H. Payne had advanced him or loaned him $3,500. (Pages 57 to 203.)

(8) Another member, according to a statement of one who was conspicuous in his activity in promoting the candidacy of PAYNE in opposition to Pendleton, stated that a member whom he named was demanding that he be paid for his vote $5,000, which he alleged was too much, stating at the time that the fellow knew they would have to have his vote and had run the price up; that it was too much and that he was going to see one of the Payne men about it, saying that he didn't want to pay so much.

There is an affidavit which was in the hands of Mr. LITTLE, which is now on the table before me, furnished by him to these facts:

(See affidavit in hands of Mr. LITTLE.) The same gentleman—it was Hon. Allen O. Myers—on the floor of the house distinctly pointed out the member as having been purchased in the Senatorial fight, &c.

Another member—

Which makes nine—

Another member who had been very loud in his pretensions in the support of Pendleton, just before the caucus, after a visit to the room in which the indications of the banking-house had been seen by gentlemen, went back with his hand in his pocket to Mr. Pendleton, shook hands, congratulated him and wished him success, and immediately went to the caucus and voted for Mr. PAYNE.

Mr. LOGAN That is in the original?

Mr. HOAR. That is in the original. Here are three other letters which I should like to read, letters addressed to the President of the Senate:

MANCHESTER, OHIO, *May* 14, 1886.

DEAR SIR: In a conversation a short time ago with John C. Rineheart, a neighbor of mine, and an intimate acquaintance of John B. Young, who was a member of the Legislature when HENRY B. PAYNE was elected to the United States Senate, he said that John B. Young told him that John P. Leedom, now Sergeant-at-Arms of the House of Representatives, approached him and asked him if $500 would be any inducement for him to change his ballot, knowing that he was pledged to Mr. Pendleton. He answered that it would not, as Mr. PAYNE had no following in Adams County, and that it was the understanding before and after the State election that he was to support Mr. Pendleton. John P. Leedom then asked him if $1,000 would induce him to change his vote and support Mr. PAYNE. He answered as before that it would not. He was then told by the same party to name his terms in writing and leave it in his room so that John P. Leedom could get it. He answered that he would not write anything in regard to the matter in hand. He stated that after the caucus was over he found a note on his desk that had been previously left there but not seen by him requesting him to meet J. P. L. at the door before going into the caucus. Should the investigation in the Senate proceed, this man, J. B. Young, may be a valuable witness, as he also stated that he knew as much about Mr. PAYNE's election as any witness that was before the Ohio investigating committee.

I will say that my informant is a reliable gentleman and will not misrepresent. You can make such use of this as you think best.

Here is a letter addressed to this gentleman who says he told him this. It is from John B. Young himself:

Your letter received. Just got home from a two weeks' canvass, and found your letter and hasten to reply, as it is so long since I received it, will not send the letter to Governor Hoadly, as it would do no good and possibly might injure me in the October election. I am having a bitter fight here, but believe will pull through. What I told you on the train was on the square, and not to be revealed. Such revelations could possibly do you no good, but would injure others and the party at large. If I can assist you in getting your position back will gladly do so, &c.

Mr. EVARTS. What is the date of that?

Mr. HOAR. The date of that is September 30, 1885. Here is a letter relating to another case, the case of Elliott:

Your favor of the 18th instant is received. It has been rumored here for some time that Mr. Joseph B Hughes—

He is employed in the service of the country politically, a consul—

is expected to visit the United States sometime this winter, but I am unable to obtain any definite information as to when. There are many gentlemen here who have heard the consul to Birmingham tell what he knows about the matter you have under investigation, and especially the connection therewith of the then senator from the Butler-Warren district, among whom I would mention Mr. David Sheehan and T. V. Howell, of this city. A score of witnesses from here can be produced to testify that Mr. Hughes has unqualifiedly stated on many occasions that Senator Elliott received $500 from Pendleton to bear expenses while doing alleged work for Pendleton; that after the capture of the Legislature and senate by PAYNE, he, Hughes, called Elliott into his room at the Neil House, locked the door, charged Elliott with taking PAYNE's money and then betraying him, and with receiving $2,500 from the Payne men as the price of his treachery; that Elliott at first attempted to deny it; that Hughes faced him down with the statement that he knew exactly where he got the money, how it was paid to him, and the different places in which Elliott had placed it for safe-keeping; and that he compelled Elliott there to admit the fact. If these statements of Hughes's can be put in the record Hughes will never deny that he made them, either on oath before the committee or in the public prints.

Mr. LOGAN. Elliott denies that in his evidence.

Mr. EVARTS. To whom is it addressed?

Mr. HOAR. It is addressed to Hon. Thomas Cowgill, Columbus, Ohio.

Mr. EVARTS. What is the date of it?

Mr. HOAR. The date of it is February 19, 1886.

Then here is the case of Zeigler, No. 12, a member of the house from Crawford County. It comes from Mr. Cowgill:

Information comes to me from C. Ewing, a banker of Ottawa, Putnam County, Ohio, that one H. E. McClure, of Ottawa, and a reputable citizen, will testify, if brought before your committee, that the member of the house from Crawford County at the time of PAYNE's election to the United States Senate stated to him at various times and places that he had received money for his vote in caucus for Mr. PAYNE, that while he came to Columbus a Pendleton man and knew that his constituents were largely in favor of Pendleton's re-election; that he became convinced that PAYNE would carry the Democratic caucus anyhow and that money could be had for his vote for PAYNE and that he concluded to and did take it. I have not been able to learn that the amount of money received was ever stated.

This statement will be substantially the same as to conversations with and admissions made by Cuff, the then and now representative from Henry County. McClure is willing to respond to a subpœna by telegraph, &c.

Mr. TELLER. What is the date of that?

Mr. LOGAN. Is that in reference to Zeigler?

Mr. HOAR. It is in reference to Zeigler.

Mr. LOGAN. You know that Zeigler is one of the men whom Mr. Cowgill himself exonerated.

Mr. HOAR. This is new evidence.

Mr. TELLER. It is proved that Zeigler did not vote for PAYNE.

Mr. LOGAN. Zeigler did not vote for PAYNE. That is the evidence here, and you know it.

Mr. HOAR. What does the Senator mean by interrupting me to say "you know it?"

Mr. LOGAN. I mean that you know what the evidence is here.

Mr. HOAR. I did not recall that particular fact, but it makes no difference; the question is, Is this case to be ever tried? That is the point.

Mr. LOGAN. The Senator need not get excited about it; but I will state what I meant. It was this: If Mr. Zeigler was one of the parties who was tried before the Legislature and the evidence showed he did not vote for Mr. PAYNE and he was entirely exonerated by the Legislature, I ask what effect could it have to prove anything when he did not vote for him?

Mr. HOAR. The vote in that caucus, and it is a pretty significant suggestion, was by secret ballot. The Payne men against the earnest remonstrances of the members of the other party insisted on having that vote by secret ballot.

Is it enough, when a new piece of evidence from a man certified to be respectable is brought here to the only court which can ever try this case, to say that they did not have evidence enough to prove this on this man before the committee in the State of Ohio, who were not dealing with Mr. PAYNE'S title, and that he said on that secret ballot he did not vote for Mr. PAYNE? Is that any answer to this proposition? That seems to be the attitude of my learned friends who belong to the majority of the committee. When you want to have a case which the State of Ohio ask you to try they say the men inculpated deny it. They say that if you try it it will be decided so and so because somebody else who did not have the evidence that they now produce came to a certain conclusion. Who ever heard before of refusing to try a case because there was evidence on both sides?

My proposition once for all is (and if it does not stand the resolution reported by the committee does not stand): Here is the Senate of the United States, the constitutional court which tries the title of its members. There is no other court in the land that is not an invader or a usurper which undertakes to meddle with that question. Now, when a respectable complainant interested in the question, not an irresponsible person but a complainant like the Legislature of a State, like the whole of the delegation of one party in the House of Representatives of the United States from that State, like the governor of that State, like a convention of the representatives of any respectable calling, whether it is farmers or workingmen or editors of newspapers, but interested in the public affairs of that State, come and say, "We wish to ask you to permit us to lay our evidence before the court," and say through the persons whom they select to present their request and advocate it, "We have here in our hands evidence from reliable sources which will show to your satisfaction that twenty-one in this particular case were changed by corrupt means," when six only were necessary, if you take one view of the matter, to deny them by saying why this man contradicts it, and that other man looked into it and did not find it so, seems to me perfectly preposterous.

If this thing is not true, then the sitting member will be vindicated by the Senate of the United States. If all the things supposed in these constant interruptions by the other members of the committee turn out to be the case, still the more ought this process to be issued, still the more ought the vindication not only of the personal character of the honorable Senator who holds the seat but of public order, of republican government, of the Legislature of a great State, of all these individuals on whose good name this now rests—all the more ought that vindication to be made. This trial is as much due to the vindication of innocence as it is to the true and due and orderly and constitutional ascertainment of the title to a seat in this body.

Mr. TELLER. I ask the Senator what is the date of the letter? He reads these letters without the dates. It would be more satisfactory to me if he would give us the date. I shall not interrupt him if he will read the whole letter.

Mr. HOAR. This letter has no date whatever. It is signed J. R. Swigart.

Mr. TELLER. Is it not a letter that was before the Cowgill committee?

Mr. HOAR. I do not know; I suppose not.

Mr. TELLER. It was; that is the fact.

Mr. HOAR. I do not know whether it was or not.

Mr. TELLER. I assert that it is a fact.

Mr. HOAR. Then you did not want the date.

Mr. TELLER. I did. You object to interruptions, and therefore I did not ask to interrupt you, but to read the date.

Mr. HOAR. Here is another case, No. 14. Here is a telegram from Mr. J. R. Swigart dated June 11, 1886, and read before the committee, relating to the Akron case. The Akron case is a telegram received by me on the 15th of July:

Chairman Committee on Elections:

Democrats here tell of man who personally saw money paid upon PAYNE Senatorial purchase; just heard of it; your committee only could compel him to testify. Reference, Representative MCKINLEY.

THOMAS C. RAYNOLDS,
Editor Daily Beacon.

That is the Akron case.

Mr. LOGAN. Who is the man?

Mr. HOAR. It does not say. I suppose the Senator will claim that is a good reason for not sending for him.

Mr. LOGAN. The Senator does not claim anything about it. I merely asked for the name.

Mr. HOAR. I read the whole telegram just as it is. Then here are two additional new cases given in Mr. LITTLE'S and Mr. BUTTERWORTH'S letter, page 37 of our report:

DEAR SIR: Since our appearance before your committee the last time, we have received information, deemed by us important, bearing upon the question of investigation, and desire to indicate its general character.

First. We have information, regarded trustworthy, that a member of the Sixty-sixth General Assembly, one of the sudden converts to PAYNE, with meager means and without financial credit prior to January, 1884, was able to and did deposit in bank to his own credit shortly after the election, to wit, February 13, 1884, $1,350, besides showing other signs of prosperity not accountable for in ordinary ways.

I do not know whether it is necessary to repeat over and over again that it does not prove a case even against the man pointed at that he was found at a particular time just after the change of attitude or giving a vote to have a sudden and a considerable increase of property; but it does, in my judgment, taken with the other facts in this case, which I shall come to presently, make a proper case for instituting an inquiry to see what the facts were.

Second. We can show by a witness whose credibility will not be questioned that just prior to the meeting of the caucus at which Mr. PAYNE was nominated he (witness) was, in the interest of PAYNE, summoned by telegraph to Columbus. He went, and was asked by PAYNE'S managers what sum of money would be required to withdraw the vote of the representative of his (witness') county from Pendleton and give it to PAYNE. The question was squarely and seriously addressed to witness: "How much money does he (the representative) want?"

Third. We have from reliable sources additional information of a convincing nature pointing to bribery, consisting of conversation, statements, and admissions of implicated members and others, which we are not at liberty to state more explicitly in this communication, owing to the conditions under which the information is imparted, but which, with the other matters referred to, we can verbally communicate to you in more particular form if desired.

In the line of matter heretofore submitted we deem it worth while to give this additional instance:

Fourth. We quote from a letter in our possession from a responsible person in Ohio, omitting names:

"Our representative, ——, had been elected as a Pendleton man, and had agreed —— to support Pendleton. A few days before the caucus it was whispered that '—— *had been seen*.' and that he would vote for PAYNE. A telegram was at once sent from here to —— (the member) by leading Democrats, warning him against such a course, and —— and others at once went to Columbus and saw the member. He hooted at the idea that he would vote for PAYNE. —— assured Pendleton that the member would support him. —— then came home feeling confident that the member would not disappoint him."

This member was interviewed in the presence of a friend of Mr. Pendleton, and asserted his devotion to him, but was suspected and watched. As the hour of the caucus approached it was noticed that he was not present. The friend of Mr. Pendleton went to his room for him. We quote further:

"He found him in company with one of the men who handled the 'boodle,' and he was much embarrassed by ——'s presence. But he went to the caucus with ——, and on the way again asserted his allegiance to Pendleton. If I remember correctly, —— said they had printed ballots for both candidates, and that he gave —— (the member) a Pendleton ticket. But when the vote was taken —— (Pendleton's friend) observed that —— (the member) wrote something on a piece of legal-cap and then tore it off. He afterward discovered that —— (the member) put in the hat the same piece of paper; and then —— (Pendleton's friend) went to ——'s (the member's) desk and tore off a piece of the legal-cap large enough to include the small piece torn off by —— (the member). I think —— (Pendleton's friend) was one of the tellers. At any rate, he got the ballot which fitted the piece of legal-cap, and which —— had voted, and found that PAYNE'S name was on the ballot."

This member was thereupon charged by the Democratic county paper of his county with betrayal, &c.

We do not question that the facts can be shown substantially as indicated with respect to the member referred to.

Should this information not be used names and means of identity placed on record would or might lead to annoyances for no purpose. They are, therefore, not here given.

Your committee, we will venture to add in conclusion, will not overlook the fact that our showing, made in the face of a most persistent and powerful oppo-

sition of unlimited means and expedients, has been one for an investigation, and not final action following an investigation.

Very respectfully,

JOHN LITTLE.
BENJ. BUTTERWORTH.

Hon. GEORGE F. HOAR,
Chairman of the Committee on Privileges and Elections,
United States Senate.

Now, Mr. President, we have, then, these charges from several distinct quarters, all of the highest responsibility, accompanied by statements upon which any magistrate or grand jury would issue process showing amplest reason to believe that a change of vote was procured by bribery and corruption in each of twenty-one cases, or if there be any particular deduction still largely in excess of the number required to change the result on joint ballot.

But this is by no means the full strength of the case. It is abundantly proved that Mr. PAYNE was not a candidate at the popular election. The offer is made by Messrs. LITTLE and BUTTERWORTH to show by Mr. Pendleton himself, and by other witnesses, that a majority of the Legislature were pledged to him. Credible witnesses are offered to be produced to the Senate who will testify that one of the managers of Mr. PAYNE'S election, Mr. Oliver H. Payne declared that it cost him $100,000 to elect the sitting member, and that Paige, the most active manager of the canvass, declared he had handled $65,000.

In addition to that they offer to produce witnesses who, they say, will testify that the room of Mr. PAYNE'S managers was like a banking-house. One witness declared he never before saw so much money together in his life. They offered to produce the books of a bank showing that this large sum of money was transferred by one of these managers to another just before the vote in the caucus; and in addition to that that new fifty-dollar bills were so rife about Columbus after this proceeding as to become a subject of comment and ordinary remark.

Mr. TELLER. Does the Senator think the United States Senate would ever receive that kind of evidence?

Mr. HOAR. Yes, sir; I think they would.

Mr. TELLER. That fifty-dollar bills were in circulation?

Mr. GEORGE. Was Mr. Oliver H. Payne or Senator PAYNE either examined before the legislative committee?

Mr. HOAR. No, sir. It is stated that these gentlemen were all absent from the State, that one or two of them, I think certainly two of them, communicated to the committee of the Ohio house of representatives that they were ready to go before it and be examined if the committee desired, and it is well known that Mr. PAYNE made the same offer to disclose his own books, and so on.

Here comes this case, which the Senate is to hear or to refuse to hear.

First. That of the Democratic members elected to the Sixty-sixth General Assembly more than three-fourths were positively pledged to Mr. Pendleton and General Ward, and more than a majority pledged to Mr. Pendleton. This they offer to prove by Mr. Pendleton himself, by Col. W. A. Taylor, and others.

Second. That in these pledges these members represented the opinion and desire of their constituents.

Third. That Mr. PAYNE was nowhere spoken of or known as a candidate during the popular election or until a very short time before the appointment of Senator.

Fourth. That just before the legislative caucus, where the nomination was made, which was one week before the election, large sums of money were placed by Mr. PAYNE'S son and other near friends of his at the control of the active managers of his canvass in Columbus. This they allege can be shown by the books of one or more banks.

Fifth. Mr. PAYNE'S near friends declared that his election had cost very large sums.

A gentleman whose name is offered to be given will testify that David R. Paige declared to him that he had handled $65,000.

Oliver B. Payne stated to the same person that it had cost him $100,000 to elect his father.

Sixth. That the members of the Legislature who changed from Pendleton to PAYNE did so after secret and confidential interviews with the agents who had the disbursement of those moneys.

Seventh. That members of the Legislature who so suddenly changed their attitude can be proved to have, at about the time of the change, acquired large sums of money, of which they gave no satisfactory account.

Eighth. Respectable Ohio Democrats affirm that just before the caucus the room of Mr. PAYNE'S manager, Paige, "was like a banking house," that "the evidence of large sums of money there was abundant and conclusive," that Paige's clerk declared in the presence of a gentleman of integrity that "he had never seen so much money handled in his life."

Ninth. That the public belief that the choice of Senator was procured by the corrupt use of money prevails almost universally in Ohio among persons of both parties, which finds very general expression in the press.

There is specific proof leading with great force to the conclusion originally that each of ten members could be shown to have changed their votes corruptly, and now extended by these new offers to the number which I have stated.

Now, if these things be true who can doubt that an inquiry armed with the power of the Senate to search the memory of all the participants in this transaction will disclose many other like cases? The managers of this Ohio canvass well knew what was needed for its success. They did not spend their money without an object. The presumption, not, perhaps, enough to prove a case, is surely enough to provoke inquiry that they never would have expended these large sums except to change a result and procure an election. Yet, in spite of all these probabilities the majority of the committee ask the Senate to shut the door in the face of the State of Ohio when she asks your process to enable her to bring her witnesses, and tell her to resort for justice to a tribunal which has neither jurisdiction, power, nor duty in the premises.

The majority of the committee seem to go on the ground that a case must first be proved before a State Legislature, or otherwise no investigation can be had here. So far as I remember, and if any other gentleman remembers any other case I should like to have it referred to, there has been but one investigation in the Senate of the United States where a State Legislature has requested it. That is the case of Caldwell, I think.

It is a very different thing to say that a State Legislature is a party of sufficient weight to entitle its request to a hearing, to be respected, and to say that no inquiry can be had without it.

It may be said that this case has increased in the number of cases pointed out by these offers.

Of course it grows. It is in the nature of the case that the evidence should develop more and more, but it is not a question how it has developed. It is no matter, in my judgment, what was before the House committee, or what was in the beginning before us. The question is, what is before the Senate now? What is now offered in behalf of the persons who demand inquiry? The case is be made up as it stands when the Senate vote, and not as it stood when the committee of the house of representatives of Ohio expressed their judgment.

I have read already the letter of Mr. LITTLE in which he declares that he and Mr. BUTTERWORTH have in their possession evidence deemed by them entirely reliable, mentioning twenty-one members of the Sixty-sixth General Assembly by name as having received money for their support of Mr. PAYNE.

It is our conviction that a searching investigation under authority of the Senate would show the number to be greater.

Now, as to this contemptuous statement that if the State of Ohio shall make a new investigation perhaps we will act upon that, which is found in the report of my bretheren of the Committee on Privileges and Elections, I do not understand the law upon which that proposition is based. Undoubtedly the Legislature of Ohio are within their jurisdiction the guardians of its honor and its interests and its rights, and their jurisdiction is coextensive with the State of Ohio; but they are not the guardians of the honor of the Senate; they are not the judges of the title to the seats here. They are beyond their jurisdiction when they have gone further than to make a respectful and proper request to be permitted to lay the evidence before you.

Some of these witnesses are in the foreign service of the country. Others are in service, I understand, out of the State.

It is said that they did not examime Mr. PAYNE himself or the particular gentlemen among his managers who expressed their desire to appear. If Mr. PAYNE were charged with any personal knowledge of these affairs or connection with them it might have been very well, as their inquiry was taking this wide range beyond their jurisdiction and beyond their commission, that they should have afforded him the opportunity to be heard. It would have been proper at any rate, but the question of the propriety or impropriety or wisdom of the proceeding of that committee seems, if my view of the case is correct, totally and utterly inferior.

Mr. President, I have stated this case as an impersonal one. I have stated it as it seems to me, as a question of the propriety of making an inquiry; and of course whatever may be said upon the other side may perhaps on inquiry and it is to be hoped will absolutely answer and overthrow all these charges.

Mr. President, I would not willingly utter a word that should be unpleasant to the ambiable and venerable gentleman who now occupies this contested seat. My relations with him have ever been of the kindliest character. I think this inquiry is demanded for his sake as well as for that of the State and of the Senate. I think it a mistaken kindness which, holding him, as we all do, personally unstained, and denying, as the majority do, that his title is brought into reasonable question, refuses to him and to his claim to his office the vindication which the instructed judgment of the Senate alone can give.

But this surely is an impersonal question. It is vital to that free and pure government without which no republic can endure. Under other forms of rule men of rank or men of wealth may corrupt the poor and the strength of the State remain unimpaired.

The history of England and France has shown that the pride of rank has for long periods preserved the sense of personal honor in a governing class who bought their constituents as they bought their sheep. But a corrupt republic, a corrupt people, governor and governed both, must bow its head and disappear from among the nations like Lucifer, son of the morning. The greatest, you may almost affirm the only danger, that menaces the future of our country is that of indifference to the freedom and purity of elections, whether by the people or by their representatives. Other perils we have successfully passed—the savage, the wild beast, pestilence, foreign war, domestic strife. Our fathers proved equal to the great task of constructing institutions of government under whose models the framing of constitutions and statutes comes as natural to every company that makes a new settlement on the frontier as the building its nest to a bird.

We have taken into our body politic the foreigner and the freedman. But none of these things threaten our safety like the recent growth of

this sentiment of indifference to the purity of elections. This is the besetting danger of men of wealth. The imitator of the Englishman, who professes so much anxiety to rescue the civil service of the country from the dominion of party, hears with great indifference of the crime and fraud and corruption by which the will of the people is overcome. We can stand bad laws. We can correct bad administration. You may debase the currency; you may enact into law the worst heresies of finance. The poor will suffer and the speculator prosper for a time. But the people will learn from experience and return again to the path of safety.

We can endure to have communism sweep over the land. In a few years the laws of business will resume their sway. Labor may take the scepter into its own hand, even if in so doing it dethrone old parties and abandon old maxims. But it will learn its rights and its duties, and in the end nothing but good will come to that state whose producers are its rulers. It will respect the rights of capital. It will tolerate these vast properties, but only on condition that their owners keep off their hands from our system of free, equal, and honest elections. All these things we can anticipate without dread. But a purchased and corrupted ballot, whether cast by the people or by their representatives, will bring sure decay and death. The precedent of this case, if the committee be sustained by the Senate, will render that corruption easy hereafter where its example will be most pernicious and its effects worse.

Mr. LOGAN. Mr. President, the smoke of the lamp will not be discovered on any peroration that I may deliver here by way of appeal to carry a proposition that I may make. My appeal will be based upon the law and the facts.

I sympathize as fully with the proposition that this land shall be rid of corruption as any Senator in this Chamber. I am ready now, and ever have been, to vote to vacate a seat or expel a member if I feel I am justified in doing so by the law and the facts.

But while an appeal is made to us in this particular instance based upon garbled evidence, garbled extracts from and perversion of testimony, to do an injustice to a man or to the reputation of a man, it can not control my vote.

There are many considerations which should weigh in matters of this kind. While I may be appealed to on the one side for the benefit perhaps of my associates to do an act that I am not warranted by law and the facts in my judgment in doing, yet on the other hand I am appealed to by the knowledge I have, that which presents itself before me, of age, of honesty of purpose, of good character, and not only that, but of as deep a devotion to this Government (although opposed in political action to myself now), as any man whose voice may resound within the walls of this Chamber.

Knowing that to be the case, when I am asked to deal with the rights of that individual I want to take all into consideration the same as I would in reference to a man who belonged to my own political party, and there is no power in this land which can be brought to bear upon me, either from newspapers or political parties, which will cause me to do an injustice to a man, Democrat or Republican, where I am required under my oath to base my action upon the evidence and the law and where in my judgment the charges are not sustained.

I propose to investigate this case from the bottom, and if the Senate will give me their attention I shall demonstrate that the Senator from Massachusetts has mistaken the testimony and has made, not intentionally, improper use of it, and has used garbled extracts in such a way as may be calculated to cause prejudice and an unfair judgment in this case.

Let me take his first proposition, which is that because this Senator was not known to be a candidate until late in the canvass, therefore a suspicion is to be cast upon the manner in which his seat was obtained. That is one of the Senator's propositions. For a suggestion of that kind to come from an able man, to come from a lawyer and a Senator, reminds me of the suggestions of children when they are making mud pies by the side of a ravine; it is no higher. There are Senators holding seats in this Chamber to-day who were not known as candidates up to a very short time before they were elected. There are one or two on our own side of the Chamber. Does the Senator suggest that suspicion shall be cast upon Senators sitting here now who were so elected? Is that his proposition? If so, it is a proposition which can not be sustained either in morals or logic.

Another proposition is that men must not have money unless they tell everybody how they get it. Somebody discovers that certain members of the Legislature have a bank account. Therefore they are corrupt. Now, let us put that case a little differently. Let me put it this way: A member of the Legislature not known to be wealthy after the Legislature is over, if somebody finds that he has a few dollars of course he is corrupt. If a man is elected to Congress when he is poor and stays here a great many years and becomes well to do, therefore he is a thief. Is that the argument of the Senator? If he will apply his logic to some friends whom we may all know it would put them in a very bad position before the country. That kind of argument is unworthy this floor, that a man because everybody does not know exactly how his money was acquired is therefore a thief.

Mr. HOAR. Do you think that was my argument?

Mr. LOGAN. If that is not the logic of the Senator's argument I can not understand it. I may be incapable of understanding the Senator, but that is my understanding of it.

Mr. HOAR. I do not want to interrupt the Senator, but it seems to me that if you take, for instance, a vote on some measure in the House of Representatives, we will say, suppose a man had suddenly changed his mind from being an active opponent to an active supporter of a railroad bill, and it was shown that he was a poor man before that time and that the friends of that railroad bill had carried a large sum of money to Washington to be spent, and that they declared the passage of that railroad bill cost them a large sum of money, and then it was shown that the member who changed his vote had suddenly acquired a large sum of money, having been poor before, just at that time, and would not account for it, I think that argument, whether it is weighty or otherwise, putting all those four things together, would tend to prove in regard to whether we should have an inquiry or not; and it would be a little different from what the Senator states.

Mr. LOGAN. Now, if the Senator will just allow me I will answer him. I have noticed that however amiable the Senator may be he will not allow himself to be interrogated, but he injects a speech into the bowels of every speech that is made in the Senate by others if he can get the opportunity, and at the same time he becomes very irritable if anybody asks him a question. I shall not treat him that way. I shall answer his question.

I have never had the heart to believe that members of Congress or Senators, who were trusted by their people, could be bought like cattle, as some are wont to believe. There may have been instances, perhaps there have been; but I have not been trained in that school of suspicion which places every man's shadow before me and causes me to interpret his conduct in the direction of dishonesty, instead of giving him the benefit of the presumption that ought to be in favor of every honest man and every man who has been honored by his country.

I shall not go into the discussion further than to say that the argument of the Senator, even if good, would prove nothing. It only does this: It is an argument before the country that every poor man in this land, if he should fortunately become possessed of a few dollars, or a house, or something of the kind, is to be set down as a thief. That is the argument of the Senator. Every man who comes into Congress with his millions is expected to have money, but every poor man is to come here with suspicion cast upon him. Therefore he must go through the world a beggar, and if he comes here a poor man he must remain a poor man, no matter what his business may be outside of Congress, or be accused of being a thief.

That is the argument, sir, and as I said a while ago, you would have to apply it to some of our friends here to-day, men who have acquired fortunes in a few years whom no man charges with dishonesty, yet they were as poor as you or I a few years ago. Why then should you say they were dishonest? I commend them for their ability to acquire wealth, if they desire to do it, so they do it honestly, instead of charging that they are dishonest for the simple reason that they do not go to every neighbor and explain how they got their money.

Passing from that, I desire now to take this case from its origin to the present time and examine it.

I find here to-day men ready to be heard and to hurl their javelins against the rights of this Senator to his seat who have been silent here for two years without charging this man with a solitary wrong. How is it that just now, within a few weeks or months, we find such excitement in the country with reference to this matter, when it has slept so long and the men who are foremost in stirring up the excitement, not only against the seat of this Senator, but against their own friends, yet remaining dumb as an oyster during this time?

The proposition I lay down is (and the Senator then will see what my position is) that you are not merely to take suspicions and imagine that there is a probable cause, but I lay down the doctrine that in order to inquire as to whether a man's seat has been obtained corruptly or whether you will expel him from this body on account of corrupt action on his part, it must be as fully proved as would be necessary before a grand jury in order to procure an indictment against a person for the offense. In other words, the evidence must show that there is guilt; the evidence must show that there is not only probable cause, but that there is evidence to rebut the presumption of his seat in the Senate having been acquired honestly before it is competent for you to deal with this right in this or any other legislative body where the Constitution provides as it does in this case.

Therefore I say that the rule has been laid down by the Senate in every case that it has ever investigated as broadly as I lay it down now, and the Senate has uniformly required that there should be evidence produced, not by Blank, not by saying that if Mr. Blank can be summoned there might possibly be something got out of Mr. Blank that would prove that some other Mr. Blank knew something that he told some Mr. Blank that he would swear to. No, sir, that is not the kind of testimony, but it must be testimony that would be legal evidence presented before a court and which would be received by a court in the examination of any case.

Now, what is this case? In 1884 the Democratic party carried the State of Ohio. They elected their Legislature. They had a majority

of 26, I believe, on joint ballot. There were three candidates of the Democratic party for United States Senator, Durbin Ward, Mr. Pendleton, and the present Senator, Mr. PAYNE. The Republicans of Ohio (and perhaps there is something in connection with this that my friend from Massachusetts has not observed) had no chance whatever of an election, but some of the Republican papers of the State of Ohio suggested the name of Senator PAYNE. Yet the Senator say ist was not known that Mr. PAYNE'S name would be pressed until at the time of the caucus. Republican papers suggested the name of Senator PAYNE to beat Senator Pendleton on the ground that Senator PAYNE was a protectionist and Senator Pendleton a free-trader. Did not the Senator know that? If he did not, let me give him some facts in reference to it sworn to and to be found in the very book from which he has been reading.

General C. H. GROSVENOR, who is a member of the House of Representatives, one of the petitioners for this investigation, one of the Representatives who may have been, for aught I know, forced into this thing upon the ground on which it has been attempted to force three Republicans to make a report that they could not conscientiously do, by assaults made upon them, was called before the committee. Let me read his testimony:

General C. H. GROSVENOR, called by the committee, being duly sworn, testified as follow:

By the CHAIRMAN:

Question. General, you will please state to the committee your residence and business.

Answer. I reside at Athens, and am a lawyer.

Q. It is known that you have been an active participant in Ohio politics for a great number of years, and a leader of the party, and as such a close student of the politics of the State. There is a good deal in connection with the Senatorial election of 1884, and antecedent to that, that we desire to get whatever information you give us on that. I would like you to take this up in your own way and discuss it at some length. The first interrogatory I desire to ask is, about what time in the campaign of 1883 did, to your knowledge and belief, it become known that Mr. PAYNE would become a candidate for United States Senator before the coming Democratic caucus, or in the event of the election of a Democratic Legislature, that he would be a candidate for the United States Senate?

Now, the Senator from Massachusetts will please listen to the answer:

A. Well, Mr. Chairman, I can only answer what I gathered myself from current history, and can give you a little of my own participation in some of the preliminary stages of that contest. I did not hear that Mr. Payne was a candidate during the canvass. I had no knowledge of his being a candidate or that any person was proposing him. When I first heard about it, some time, perhaps, in December—I think it must have been as late as the middle of December—I met a number of gentlemen in Cincinnati—Republicans. I met them one at a time, and then finally we had a meeting in the evening of three or four of us.

We decided then that somebody was making a serious effort to nominate Mr. PAYNE, and we volunteered to endeavor to defeat Mr. PAYNE'S election because of the supposed perils that we thought would result to the Republicans in Ohio by his election. And I may say wherein that existed as we understood it. We had made the campaign largely on the question of protective tariff and free trade. We had lost the State, nevertheless. We thought—that was the opinion of the party that I consulted with—that the election of Mr. PAYNE, himself an avowed protectionist, would be an injury to the party in the country, because we believed it would be giving a false position to the Democratic party on that leading issue that we had made in the State. The Cleveland Leader and the Herald—

Now, mark the names of the papers—

then a separate and independent paper, independent in the sense of not being merged at that time, and the Sunday Voice, edited by Mr. Hodge, had all begun to vociferously indorse and further the election of Mr. PAYNE.

Mr. HOAR. What date was that? Was it in the canvass and before the caucus?

Mr. LOGAN. Before that time he said they began to do it.

Mr. HOAR. It was the middle of December.

Mr. LOGAN. Very well; that is the time they spoke of, which was before the election.

Mr. HOAR. No.

Mr. LOGAN. It was before the election of Senator, before the meeting of the Legislature, that I am talking about now. I will show the Senator the meaning of some of this testimony before I get through, so that he may get some light which has not been thrown in front of his vision heretofore.

It was decided that I should go—

Now, mark the language—

It was decided that I should go up to Cleveland and see if I could not pull off that Republican support from him. I went up there at the time of the snow and took my wife along, and we ostensibly visited. I met the Cleveland gentlemen and especially the editors of these papers, and did what I could to present the phase of the Cincinnati opposition to Mr. PAYNE. I presented them as strongly as I could, and succeeded in very materially changing the tone of the Cleveland support of PAYNE. I was there about the time that PAYNE'S picture made its appearance in Hodge's newspaper, and I assailed Hodge and tried to show him that the matter of personal consideration or neighborly consideration should not have any effect on politics at that time. The substance of what I had urged on these gentlemen was telegraphed to New York to the Times by Mr. [did not hear the name] as I understood, and returned and published in the Enquirer. That was about the time that I first began to understand that PAYNE was a candidate. Up to that time the discussions had all been about Pendleton and Ward. I did what I could in that insinuating sort of a way to pull away the Republican support from PAYNE.

Mr. Grosvenor, the gentleman who signed this petition under oath, states that the name of Mr. PAYNE was suggested by Republicans in the State of Ohio, and he went to Cleveland in order to deter them from supporting him because of the fact that he was a protectionist and that it would injure the Republican party.

Now, let us go a little further. Mr. PAYNE was known by me from boyhood. During the war he was a strong Unionist. He gave his money for the benefit of the Government, and his son marched to the sound of battle in favor of this Union, while one of his opponents made the Halls of the House of Representatives resound with his opposition to everything that was done favoring the Union.

There was division in the State of Ohio. There were war Democrats, and anti-war Democrats in that State called the Vallandigham Democrats, and other Democrats of the class of Senator PAYNE. They were in antagonism. Durbin Ward was a soldier, and a good soldier too. I knew him well. These three men were the candidates before the Legislature. Mr. Pendleton had been the supposed father or originator of the civil-service bill in the Senate of the United States. There was great opposition to him in Ohio, and some of the politicians in Ohio determined that they would defeat Mr. Pendleton if they possibly could, and that was favorably received not only by that class of Democrats but by Republicans, as is shown by the fact that Mr. GROSVENOR was sent to prevent Republican papers from supporting him.

When the election came on these three men went before the caucus. Mr. PAYNE was nominated and Mr. PAYNE was elected to the United States Senate by the Legislature of that State. It was a Democratic Legislature. Mr. Pendleton came back to the Senate and occupied his seat afterward. The Democratic papers that were Pendleton papers in the State of course howled against the election of Mr. PAYNE. The papers which favored him, some Republican and some Democratic, took the other side, and a bitterness grew up.

Smoke was seen everywhere in reference to corruption charged pro and con by Democrats. There was a Legislature. It was in session some months, with Republicans in it, a majority of it Democrats, the very same Legislature by which Mr. PAYNE had been elected, with all the witnesses present, with all the persons present, yet with this condition of things that Legislature failed to investigate.

I am not saying that there is no truth in any charges. I am speaking of the facts. They failed to investigate this question.

It was the very Legislature that elected him, the very Legislature where every Democrat save one voted for him, and that one of those the Senator from Massachusetts relied on as a witness to prove something against him, voted for Durbin Ward, and not only that, but he testified that he voted for him in the caucus. He is one of the senators, and the Senator is going to prove he was bribed, when he never voted for Mr. PAYNE either in the caucus or in the Legislature.

So the Legislature failed then to investigate this question. They did not find enough for the purpose of inducing them to investigate it. They went on until two years transpired. All the capital was made out of this that was possible, as parties are always inclined to do. Charges and counter-charges were made. The Republican party to which I belong made capital out of it, at least I presume so. If they did not they failed to do what every party always does in a political canvass. But when the next Legislature was elected it was Republican. A Republican Legislature being elected and convened, having a majority in the Legislature, they instituted an investigation for the purpose of ascertaining whether the seat was procured corruptly, or whether bribery was resorted to in transferring the votes from one member to another or from one candidate to another.

Upon what was the investigation based? It is well enough for us sometimes to understand the basis of these things in order to form a proper conclusion. A man by the name of Donavin in the State of Ohio published in the Cincinnati Commercial Gazette, or it was published as given by him, a charge that several members, I do not remember the number——

Mr. HOAR. Four is the number who were charged.

Mr. LOGAN. I know that four were investigated. On this man Donavin's statement the Cincinnati Commercial and other newspapers published the facts to the world, giving the names of the members of the Legislature who had been purchased, bribed to vote for Senator PAYNE. On that statement the Cincinnati Commercial commenced the wildest howl in reference to this thing ever known. The Legislature were forced, whether they desired to do it or not, to make this investigation. I do not say they did not do it properly, I shall not assert any such thing, but they made the investigation on the charges made by this man Donavin. It had been asserted that Donavin knew, and that he would come before the Legislature and swear before a committee that he knew of this bribery, how much was paid, and the names of the men who were bribed or purchased.

As I have said, after the Cincinnati Commercial had made this charge and it was brought before the Legislature and they organized the committee for the purpose of making this investigation, they sent for Mr. Donavin. Mr. Donavin came before the committee and he swore positively, as the evidence will bear me witness, that he knew nothing about it, that he did not know one scintilla in reference to bribery or in reference to any person being purchased or bought directly or indirectly. That ended the whole question so far as his charges were concerned.

The howl continued, and they went on to investigate as to four mem-

bers of the Legislature. The investigation of those four members of the Legislature continued for nearly four months, and at the conclusion of that investigation the committee reported unanimously. There were a majority and a minority report, but the conclusions were the same, that there was nothing in the testimony which proved any charge that was made of bribery against either of these four persons. After this investigation the whole matter was dismissed. The evidence was then sent to the Senate of the United States; and I want Senators to mark this as we go along, because there are certain facts connected with it which are not exactly understood by the country. The Legislature of Ohio, with all their desire at this time—and I find no fault with that—did not think enough of this evidence to even print it at the expense of the State.

The Senator from Massachusetts knows the fact that when the evidence was sent by the Legislature to the Senate of the United States it was sent in rough manuscript and had to be printed here by order of the Senate. It was taken by the house of representatives of the State of Ohio. The senate of that State concurred and joined in a request to the Senate of the United States, through its president, to examine this testimony; but it was not printed. It came here like a mass of rubbish to be printed by the Congress of the United States. Now, what are we to understand? Either that the Legislature of Ohio did not regard it as worthy of being printed or declined to print it on account of the cost, and certainly the State of Ohio, as rich as she is, would not be likely to regard that trifling expense and throw it upon the Government of the United States.

After the testimony was printed, the Senate Committee on Privileges and Elections agreed that the Senator from Massachusetts [Mr. HOAR] who is the chairman of the committee should examine the evidence and report to the committee what was found. He examined it carefully and reported to the committee that there was no evidence to be found there either inculpating Mr. PAYNE'S right to a seat or any evidence that would require the Senate of the United States to pursue the investigation further.

Mr. HOAR. The Senator may infer that my report amounts to that, but that is not what I reported. I said that evidence did not tend to show either that the result was changed or that the sitting member was affected. I said nothing about inquiring further. That is another thing.

Mr. LOGAN. This is what the Senator said, and the Senator knows very well that when that report was agreed to unanimously I may say in the committee, it was expected that it would be reported to the Senate and the committee discharged.

Mr. HOAR. The Senator is mistaken when he affirms that I know that very well.

Mr. LOGAN. Then I will leave off the "know very well."

Mr. HOAR. The Senator will see himself that he is wrong. I do not want to interrupt him.

Mr. LOGAN. It is no interruption. I am not like the Senator from Massachusetts: I do not get angry when I am interrupted; that is, I do not get excited; I withdraw the word "angry," as the Senator may object to that.

Mr. HOAR. I was asked by half a dozen Senators at once who knew it themselves to ask what the name was; I had to search through the document to find out.

Mr. LOGAN. They knew you understood it so well you could find it easily.

Mr. HOAR. When I made the report as the Senator will see I did report as I have myself stated, that the evidence did not tend to establish either of those two propositions. That I say now. I did not, however, report anything about whether there should be further inquiry. I did not say anything on that subject at all. That might have been inferred from the other proposition; but I reported at the same time that Mr. Little had applied to me for a hearing. It was not therefore understood by the committee that we were then to report that nothing further was to be done, but when I made that report the application to hear Mr. Little was made also.

Mr. LOGAN. I am perfectly willing to take the Senator's explanation, inasmuch as he selected several names to-day from the very evidence that he reported proved nothing, in order to base an argument in favor of the continuance of this investigation. I think it needs the explanation he has made, and further explanation on the latter proposition will be in order also.

Mr. HOAR. The Senator will pardon me, I did not do that.

Mr. LOGAN. If the Senator will allow me, I will try to make my own argument.

Mr. HOAR. The Senator will allow me?

Mr. LOGAN. Yes.

Mr. HOAR. When six persons' votes were required to be affected to change the result, and there was evidence only about four (which I did report there was evidence about), of course I should report, having only the four before me, that the evidence did not tend to establish the case; but when six new ones are brought in, making ten, the matter is very different.

Mr. LOGAN. The Senator has tried to argue his case and I will not say he has not done it, but if he will just allow me to argue my side of it I shall be obliged to him.

Now, I should like to state exactly what I was going to. The Senator used the name of White; he used the name of Elliot; he used the name of Zeigler; he used the name of Mooney, and he used the names of other persons who are included in this evidence examined by him, and he reported that there was nothing in it.

But he now tries to convince the Senate that there is something to be investigated. I say it does require explanation when a Senator will report to a committee that there is nothing in the evidence presented, and when it comes into the Senate he picks out eight names in the very evidence which he said proved nothing and tries to palm it off on the Senate as evidence worthy of examination by the Senate. I say it does require explanation; and when the Senator said to-day in his remarks that these men had changed their opinions so thoroughly, I will not say that about him, but if any man can change faster than he on this question I should like to see him pointed out.

We were all inclined to take the opinion of the Senator, he being recognized as a great lawyer and a straight and honest man. Of course none of the rest of us on the Committee on Privileges and Elections would pretend to vie with him in legal lore, and therefore we took his word that there was nothing in this testimony, and all agreed to it and thought that was the end of it. I did. That was our report. It went to the world that we had decided against an investigation. I stood by it. I said "yes" when I was asked about it. I said "certainly, there is nothing in the evidence." I did not say that the chairman said so. I said so myself. I took it for granted. We all said that was our report. But very suddenly something was discovered to change that report. Now, let us see what this great discovery is.

I say to the Senator—and he will bear me out in it—that there is not in this evidence taken before the Legislature of Ohio one single iota of testimony to inculpate Senator PAYNE directly or indirectly. The Senator agrees to that. If there is not, then where do you find the testimony? Show me the name of a witness, show me the name of a man mentioned by this committee who will swear to anything. No, sir. Twenty-one members have been corrupted, say Mr. BUTTERWORTH and Mr. LITTLE, but they have not given the name of a solitary one, and you profess here before the Senate that there is testimony in the hands of these gentlemen that would warrant them in prosecuting an investigation when you can not name a solitary witness that you are to summon before your committee. If you have the name of a man, I demand it. I am entitled as a member of the committee to know that. Say who he is, where does he live, what is his business?

Oh, but, the Senator says, Mr. Hughes knows that he charged Mr. Elliott so-and-so. Mr. Elliott swears before this committee that there is not one word of truth in it; yet you want Mr. Hughes to do what? Not to swear that he knows anything about the Elliott case, but to swear that he charged Elliott with it, and Elliott swears that he did no such thing. That is the character of the testimony on which we three men, Republicans as good as the Senator from Massachusetts, shall be heralded all over this land as having sacrified principle for the sake of exculpating a guilty man!

Sir, when it comes to that, when it comes to undertaking to develop a case without having a case, to throw mist and mud before the country that certain brothers in the same party may be injured, and for no other purpose, I will defend myself here and elsewhere as having done exactly what I would do a thousand times under the law and the evidence, and I hurl it back in the teeth of any man or any set of men who may say otherwise here or elsewhere, no matter to what party they may belong.

Sir, I have been threatened. Let the threats go on; they fall as broken shafts at my feet. Sir, I would rather be right and feel so in my conscience, even in standing by the rights of an old man, although differing politically, than have all the offices or compliments that you could bestow upon me. [Applause in the galleries.] There is not office nor anything else in this country to make me do a wrong to a man in the Senate merely for political purposes. I am the wrong man if that is the purpose.

Now, let me go a little further. The Senator from Massachusetts says the Legislature of Ohio had no jurisdiction. Is that so? Ohio did have jurisdiction to try this case of bribery against their members. Yes, he says so. You had this evidence against four members of the Legislature, and it was not sufficient for the Legislature to even print it, and then you want us to take that testimony and on it try one of the Senators of Ohio and expel and disgrace him, and that on evidence that Ohio would not even print.

Now, let us see whether the Legislature of Ohio had no jurisdiction. You ask us to do what? You ask us to find this man guilty; that is, to pursue him for the purpose of finding him guilty of a penitentiary offense, of bribery in violation of the State law, in violation of the right that he has under the Constitution of the United States to hold that seat. You ask us to do that, to indict him; in other words, to present by the Committee on Privileges and Elections charges and a resolution to oust him from his seat, which is in the nature of an indictment against him, to be presented to the Senate, which would be the court

to pass upon his case; and yet your own Legislature did not find enough in the evidence to even censure one of their own members.

If this man's seat has been procured by bribery, if this man's seat has been procured by corruption, why should not the people of Ohio indict the men who were bribed? They do not charge that this man bribed anybody; they do not even intimate it; they say that somebody, they do not know who, Mr. Oliver Payne, or Mr. John McLean, or somebody else perhaps did it. What jurisdiction has the Senate of the United States over Mr. Oliver Payne, Mr. John McLean, or Mr. Paige, or any of these men? Suppose these men are guilty, what can we do with them? We can do nothing with them. We may punish this man, but we can not punish them. Whose duty is it to punish them? It is the duty of the people of Ohio, they having the jurisdiction. You said they had no jurisdiction. They alone have the jurisdiction and are the only parties who can try these persons.

Why have they not indicted these men? Why have they not gone before a grand jury? Why have they not punished somebody? If bribery was so rife there in that place at that time, tell me why it is that somebody has not been arrested? Why has not an affidavit been made showing probable cause before a justice of the peace or other officer having the authority in Ohio? You talk about probable cause here in the Senate. Why, sir, if there is probable cause against these men, why not go and make an affidavit and have them arrested? Why not do that? Oh, no; this is the gentleman they are after. Some man wants to be Senator and is not after the men who they say committed bribery, not the men who they say are guilty. They are not after them; they do not want to punish them. Oh, but, my friend says, this thing of bribery and corruption throughout the land must be stopped. There is but one way to stop it, and that is by indicting men and punishing them for it.

The Senator spoke of ballot corruption. Sir, in the State of Illinois, where I have the honor to reside, when men violated the election laws in Chicago we sent them to the penitentiary, and there they are to-day. It might be well for our friends in Ohio to follow that example, and if they have any evidence to indict Oliver Payne, John McLean, Mr. Paige, or Mr. Huntington, or anybody else they have mentioned, the same evidence that would indict them would be very proper evidence then to present to the Senate of the United States. But until you have somewhere, some place, before some grand jury or some court, a man who is inculpated as a criminal, do not charge men with not doing their duty here when they fail to understand the case exactly as you do.

The Senator says that the clerk of Mr. Paige swore that he never saw so much money in his life. The clerk of Mr. Paige did not swear any such thing.

Mr. HOAR. He said so.

Mr. LOGAN. That is the kind of evidence, "he said so." What is the evidence? I have read this testimony and I can almost repeat every word of it.

Mr. HOAR. My honorable friend will pardon me. When he is stating what I said, a present fact, I should like to get that right.

Mr. LOGAN. So should I.

Mr. HOAR. And have it precise, and not something which he may think the same thing but I may think different.

Mr. LOGAN. That is true.

Mr. HOAR. I did not say that Mr. Paige's clerk had sworn to that. I read one of these offers of testimony to prove that Mr. Paige's clerk had declared so and so in the hearing of a reputable witness. That is a different thing.

Mr. LOGAN. Now, allow me to state it. I will tell you exactly what was sworn to:

James Boyle, correspondent of the Cincinnati Commercial Gazette, testified that a business man in the city of Columbus related to him the following in substance: "He had just that day came down from Akron; that a button had come off his coat; that he had gone into a small tailor-shop, kept, he thought, by a Hebrew. While sitting behind the stove, waiting for the button to be sewed on, a young man burst into the store, and, in an excited manner, ran to the proprietor of the store and said he had had a wonderful experience in Columbus. * * * From the talk of this young man he was an employé of Mr. David R. Paige. He stated that Mr. Paige thought it better for him to come down and attend to the store (Mr. Paige keeping a store in Akron, and Mr. Paige being then in Columbus working in the interest of Mr. PAYNE). The young man said he had never seen so much money together as he saw in an inner room attached to the room occupied by Mr. PAYNE as headquarters. He said that he was the one who passed the members of the Legislature in to get the money. He raised his hands [illustrating], and said the money was in stacks."

Mr. TELLER. If the Senator will allow me, I should like to go a little further. Mr. Russell——

Mr. LOGAN. I am going to state that.

Mr. TELLER. Mr. Russell says that he knew somebody——

Mr. LOGAN. I will state that. There is the testimony, and there is one of the cases where the testimony is plain and convincing. A man connected with the Commercial was traveling around the country; somebody told him that he was once in a tailor-shop in Akron when somebody came rushing in and said to the shopkeeper, "I never saw so much money in my life as I saw in Columbus." [Laughter.] That is the testimony. Turn to it. He said he was Paige's clerk and he was there with Paige.

Now I will tell the Senator something that probably he does not know. He said that these men were out of the State and could not be obtained. Mr. Paige, however, who is the man whom you charge and say used sixty-odd thousand dollars, was in the State of Ohio during nearly the whole term of that investigation at his own home; he was away perhaps one or two weeks at New York under a physician. He sent the committee word that he was ready to testify in reference to the whole thing, and they never called for him. That is another fact which perhaps the Senator from Massachusetts would like to have in his speech. This man Paige, who had so much money there, was ready to testify, ready to go before the committee, but they did not ask him to go, and why not?

That is one point. Now let us take another case, and if the Senator thinks I mistake the testimony I will turn to it, for I have it marked here. A man by the name of Russell is relied on by the Senator, and he put in his speech, if you will notice, a great lot of stuff about so much money being used there. Now let me give you the testimony. A man by the name of Russell, who lived in Cleveland, Ohio—a lawyer, who was a friend of Durbin Ward in prosecuting his claims for Senator—swears that the evening of the caucus somebody told him that he, somebody, had just come from Mr. Paige's room and in that room he saw bags of gold and silver and boxes of greenbacks and bags of greenbacks, and that one bag was lying on the floor with greenbacks sticking out of it, and he picked up one off the floor and Paige told him to keep it, and he put it in his pocket [laughter]; and they asked this man Russell who that man was, and he said, "I decline to answer." There is the evidence. Is it denied that I state the evidence correctly?

I notice in his report the gentleman who made the report to the committee left out the part that he declined to answer, and then the committee said, "Will you not give us the name of that man who witnessed this remarkable scene?" "Well," said he, "it was given to me in confidence." Then they asked him if he would not in some way or other let them know who the man was. He told the committee that if they would allow him to ascertain from this man if he would consent then he would tell the committee, and there it stpoped, and that is all there is of it.

Mr. HOAR. What committee?

Mr. LOGAN. I mean the committee of the Ohio Legislature, of course.

Mr. HOAR. A committee whose conclusions you think the Senate of the United States are bound by.

Mr. LOGAN. Oh, no, not at all. I think the Senator from Massachusetts is bound by it, because he has given evidence of it, but I do not think anybody else is; at least I have seen no evidence of any large number being bound by it.

I could go on from now until night quoting this testimony. It is all of the same character. There is none of it that is not hearsay except that one or two witnesses swear that some men said they had been paid money, and then that is denied. The Senator from Massachusetts spoke of Mooney and another man whose name I forget.

Mr. TELLER. Roche.

Mr. LOGAN. Yes, Roche. Let us examine Mooney, one of these witnesses. A certain man testified that he heard Mooney and Roche in a room at a hotel late at night quarreling about a division of money, and that they had a row about it. What does Mooney say? Mooney swears that nothing of the kind ever occurred; that he was not in that room at the time mentioned or during that night, and not only that but another member of the Legislature who slept in the same room with Mooney that night swears that Mooney was in a room with him; and yet the Senator says that is merely Mooney's statement. How are you going to get at it? Are you going to take the evidence of somebody who alleges that a man is guilty of a certain offense? Is his evidence to be taken and the man accused denied the right to swear? Besides himself there is another man who was with him who testifies to the same effect that Mooney does.

So it is all the way through, and I assert here as a fact that there is no evidence that would convict any man anywhere of any offense before any court, nor is there any evidence that tends to inculpate the Senator from Ohio in the slightest degree. Nowhere does any witness testify that Senator PAYNE ever spoke to him on the subject, whether a member or otherwise, of the election, except one man who spoke to him once about the use of money, and he [Mr. PAYNE] said, "Do you suppose I would be connected with any such wrong as that?" He was not a member but an outside man. That is the only time the name of Senator PAYNE occurs as having said or done anything in the evidence from beginning to end; and then these gentlemen presented to the chairman of the committee a very remarkable letter, which I propose to read and comment on for a moment. I say it is a remarkable letter, because it is remarkable. It is only such a letter as a lawyer would write or as a lawyer would know how to write provided he wanted to get up an investigation without known facts to base it upon.

Mr. LITTLE and Mr. BUTTERWORTH came in and supplemented the testimony that has been acknowledged by the chairman to have nothing whatever in it to inculpate anybody. And now let us see what evidence they have. These two gentlemen, JOHN LITTLE and BENJAMIN BUTTERWORTH, both lawyers, both gentlemen—I find no fault with them, except I think this is a remarkable letter, and I think

everybody who hears it will say so—after they had made speeches, Mr. LITTLE came before the Committee on Privileges and Elections and argued for two hours to prove that there was evidence in that testimony which inculpated Mr. PAYNE.

The chairman of the committee did not believe it, nobody believed it; at least I heard no member so express himself. He brought in no new facts. When he was before the committee he gave an extract of a letter to the chairman and withheld the name of the writer. I did not hear it read; I do not know what was in it except as I read it afterward. This is their letter to the chairman:

Since our appearance before your committee the last time we have received information, deemed by us important, bearing upon the question of investigation, and desire to indicate its general character.

It is of general character I suppose, on the ground of examining a person as to whether a man's general character is good in the neighborhood where he resides. So it is the general character of this evidence.

First. We have information, regarded trustworthy, that a member of the Sixty-sixth General Assembly, one of the sudden converts to PAYNE, with meager means and without financial credit prior to January, 1884, was able to and did deposit in bank to his own credit shortly after the election, to wit, February 13, 1884, $1,350, besides showing other signs of prosperity not accountable for in ordinary ways.

That is to say, he was more prosperous than they thought he was. He has just begun to show signs of prosperity. That is the condition of a good many of us who are just beginning to show signs of prosperity; that is, we are getting so now that we can live on our salaries and are prosperous and happy while we can be. Some have a little more than that, because some have means of acquiring money which others do not have. Now, let me ask the Senator from Massachusetts what that proves?

I come to you and say I have information of a general character and I will prove by somebody if I can find him that a certain man at a certain time deposited $1,300 in some bank and that then he gave signs of prosperity. Now call up that witness. The witness says, "Yes, I deposited $1,300 in bank. I did not get it for my vote; I had that much money." That is if you can find the witness; but you can not find from this letter the name of the member, the name of the witness, the name of the bank, or the name of anybody, but somebody, somewhere, at some place, at some time deposited $1,300 in some bank, somewhere, of some name, if we can find it, and therefore if you issue a writ we will find somebody to swear to that. That is it; nothing more and nothing less. It is not suggested whether the man lived in Ohio, or lived in Kamchatka, or some other place.

Now let us go a little further.

Second. We can show by a witness whose credibility will not be questioned that just prior to the meeting of the caucus at which Mr. PAYNE was nominated he (witness) was, in the interest of PAYNE, summoned by telegraph to Columbus. He went, and was asked by PAYNE's managers what sum of money would be required to withdraw the vote of the representative of his (witness') county from Pendleton and give it to PAYNE.

That is, if they have an opportunity they can find somebody somewhere who can swear that Mr. Blank asked a neighbor of one of the members how much money it would take to get that member to withdraw his support from Pendleton.

Now let us go a little further.

We have from reliable sources additional information—

That is additional to this I have just stated—

of a convincing nature pointing to bribery, consisting of conversation, statements, and admissions of implicated members and others, which we are not at liberty to state more explicitly in this communication, owing to the conditions under which the information is imparted, but which, with the other matters referred to, we can verbally communicate to you in more particular form if desired.

They said they would verbally communicate to us in more particular form if desired. I desire it. I am one of the committee. I am entitled to it. And if the chairman has it the other members of the committee are entitled to it. These men say they will communicate it verbally if required. I say to the chairman we require it so that we may know something about it.

In the line of matter heretofore submitted we deem it worth while to give this additional instance:

Fourth. We quote from a letter in our possession from a responsible person in Ohio, omitting names:

"Our representatives, ——, had been elected as a Pendleton man, and had agreed —— to support Pendleton. A few days before the caucus it was whispered that '—— *had been seen*,' and that he would vote for PAYNE. A telegram was at once sent from here to —— (the member) by leading Democrats, warning him against such a course, and —— and others at once went to Columbus and saw the member. He hooted at the idea that he would vote for PAYNE. —— assured Pendleton that the member would support him. ——then came home feeling confident that the member would not disappoint him."

Is not that good? I am disposed to take that. But what follows?

This member was interviewed in the presence of a friend of Mr. Pendleton, and asserted his devotion to him, but was suspected and watched.

What?

As the hour of the caucus approached it was noticed that he was not present. The friend of Mr. Pendleton went to his room for him. We quote further:

"He found him in company with one of the men who handled the 'boodle,' and he was much embarrassed by ——'s presence. But he went to the caucus with ——, and on the way again asserted his allegiance to Pendleton. If I remember correctly —— said they had printed ballots for both candidates, and that he gave —— (the member) a Pendleton ticket. But when the vote was taken —— (Pendleton's friend) observed that —— (the member) wrote something on a piece of legal-cap and then tore it off. He afterward discovered that —— (the member) put in the hat the same piece of paper; and then —— (Pendleton's friend) went to ——'s (the member's) desk and tore off a piece of the legal-cap large enough to include the small piece torn off by —— (the member). I think —— (Pendleton's friend) was one of the tellers. At any rate, he got the ballot which fitted the piece of legal-cap, and which —— had voted, and found that PAYNE's name was on the ballot."

There is the record. I am quoting absolutely *verbatim* what they say, and on this a monument of testimony has been builded by the learned Senator from Massachusetts that would inculpate any man on earth. It is all based on what Blank would say if Blank would send for Blank and have Blank brought forward and tell what Blank told some other Blank and he some other Blank told to some other Blank and what that Blank would say if the committee would send for Blank.

That is the kind of evidence that we are required as judges to sit upon and decide that the seat of a man has been corruptly obtained, or at least to investigate and see whether it has or has not been so obtained.

Now, I will say to the Senator from Massachusetts, because perhaps he is not aware of it, and he would not know that I had ever pretended to be a lawyer unless I told him, that I was once in my lifetime a prosecuting attorney. I have prosecuted a great many people; I have defended a great many, probably not as well as the Senator would, but I never had Blank for a witnsss in my life, and I never sent out Blank after Blank to have Blank come and swear that Blank would prove that Blank was inculpated for some blank operation.

Mr. HOAR. You did not advertise your witnesses to the public?

Mr. LOGAN. I always advertised my witnesses to the public, and you as a lawyer know there was never an indictment presented to a court where the names of the witnesses were not put on the back of the indictment so that the other party might know who they were.

Mr. HOAR. Did the Senator ever advertise his witnesses to the public before the grand jury determined the question whether they would send for witnesses and investigate the case or not? That is the proposition.

Mr. LOGAN. It is not the proposition at all.

Mr. HOAR. We differ.

Mr. LOGAN. We do differ radically. I almost always follow the Senator, but I can not on this occasion. The Senator knows the fact to be that no man was ever put on trial in this country, or any other where civilized means were observed, without being notified who the witnesses against him were. That is one of the leading features of criminal law, that if a man is to be tried he is to face the witnesses against him, and to have notice when he is indicted who the witnesses against him are. But the number of blank witnesses that has been found in Ohio in this case is perfectly astounding!

Mr. President, having passed through that part of the case, I now desire to take up the law as I understand it and apply it. I believe that is about the way lawyers arrive at conclusions, they find the law and take the facts; and they apply the facts to the law or the law to the facts, and see what the result is, being guided by certain rules and principles and what conclusions their minds are forced to by the application of certain principles when the evidence has been obtained.

As I said, the rule is and ever has been in the Senate, and there is no deviation from it, that in order to investigate the right of a Senator to his seat there must be a charge made and facts presented that are calculated to either affect his right to his seat or to induce his expulsion from the Senate. I call attention to the case of Humphrey Marshall in 1795, the first case you find, to see the rule laid down then, and which has been followed from that time to the present. This was a case in which it was charged that Marshall had committed perjury, and hence the Senate was asked to investigate the case and see whether or not he should be expelled on account of having committed a penitentiary offense, although the perjury was not committed in the Senate or as a Senator, but in a court. The rule laid down by the committee then was this:

They think that in a case of this kind no person can be held to answer for an infamous crime unless on a presentment or indictment of a grand jury, and that in all such prosecutions the accused ought to be tried by an impartial jury of the State and district wherein the crime shall have been committed. If, in the present case, the party has been guilty in the manner suggested, no reason has been alleged by the memorialists why he has not long since been tried in the State and district where he committed the offense. Until he is legally convicted, the principles of the Constitution and of the common law concur in presuming that he is innocent. And the committee are compelled, by a sense of justice, to declare that in their opinion the presumption in favor of Mr. Marshall is not diminished by the recriminating publications, which manifest strong resentment against him.

That does not apply to this character of case, and I only refer to it to show that the rule was laid down early that a man charged with an offense outside of the Senate must be indicted and convicted of the crime so that there could be evidence presented to the Senate of his guilt of the crime charged. That was the line that they went on at that time.

But I take up a case now that decides exactly the principle which is involved in this case. It was read by the Senator from Alabama [Mr. PUGH], I believe. Let me state this case. A protest was presented by members of the Legislature of Pennsylvania against a Senator elected by that State taking his seat, upon the ground that his election had been purchased, upon the ground that members had been

bribed to elect him to the United States Senate. In that case the Senate laid down a rule. The Senator from Massachusetts thought it was different, but we will see if it is not the same. This is a case where Senator PAYNE'S seat is contested upon the ground not that any member was bought to vote for him, because nobody pretends so, but on the ground that the caucus perhaps were corrupted. But it is no matter about that. The charge is that his seat was obtained corruptly. Now look at the Pennsylvania case.

It is a general allegation "that the election of the said Simon Cameron"—

Just as this is a general allegation—

"was procured, as they are informed and believe, by corrupt and unlawful means, influencing the action and votes of certain members of the house of representatives," and the Senate of the United States is asked to investigate the charge.

The committee can not recommend that this prayer be granted. The allegation is entirely too vague and indefinite to justify such a recommendation. Not a single fact or circumstance is detailed as a basis for the general charge. Neither the nature of the means alleged to be corrupt and unlawful, nor the time, place, or manner of using them, is set forth, nor is it even alleged that the sitting member participated in the use of such corrupt means or, indeed, had any knowledge of their existence. Under no state of facts could your committee deem it consistent—

Mark the language. They give a general expression as to what is required.

Under no state of facts could your committee deem it consistent with propriety, or with the dignity of this body, to send out a roving commission in search of proofs of fraud in order to deprive one of its members of a seat to which he is, *prima facie*, entitled; still less can they recommend such a course when the parties alleging the fraud and corruption are themselves armed with ample powers for investigation.

They went upon this theory, that while the Legislature of Pennsylvania charged its own members with corruption, the Legislature of Pennsylvania should convict its own members of corruption, and that their conviction would be such evidence as before the Senate of the United States would require an examination of the case, and would, if a sufficient number were corrupted, be sufficient to sustain the allegation. It was on that principle, and my friend from Massachusetts, the very time that he was arguing this case—while some friends are using all their power with friends in the Senate to prevent them from understanding the case there are others I hope who will be permitted to listen—the Senator from Massachusetts went upon the theory that the Legislature of Pennsylvania had no jurisdiction. He did not understand what the Senate of the United States meant by this report. They meant this: that the Legislature of Pennsylvania had the power to examine the question as far as their own members were concerned, and that it was their duty to do it, and their duty to present such a case to the Senate as would convict their own members; in other words, they should prosecute their own members, and bring out all the facts, and let those facts be laid before the Senate. That is what the Senate then decided. It was just such a case as this. If these men are guilty, why has not the Legislature of Ohio done exactly what the Senate of the United States said they should do in order that we might ascertain the facts?

Now, let me go a little further. I will not take up much time with this case, but only propose to examine the general principles. Let me read another case, the case of Senator Grover. Here was the rule laid down in that case:

It may be at times impossible for a legislative committee to apply to an investigation with which it is charged the rules which govern the admissibility of evidence in courts of justice, but the undersigned must be allowed to express his conviction that in an investigation into the truth of allegations affecting the personal honor of a member of the Senate, as well as his right to a seat in the body, no such wide departure should be allowed in the admission of testimony as the evidence in this case will show was permitted.

And they go on to show that the evidence should be as competent in a case of this kind as it would be if there was a trial in a court for an offense with which the Senator was charged. Let me take another case. Let me take the case of one of our colleagues—and he will pardon me for mentioning it—the case of the Senator from Kansas [Mr. INGALLS]. This case was investigated. The case was presented, after the Kansas Legislature had exonerated him, to the Senate of the United States charging certain things. The Committee on Privileges and Elections required that specific charges should be made, and specific charges were made before an investigation was ordered. Then on the investigation—and the majority and minority of the committee agreed in their conclusions—what was the decision? The Senator from Delaware [Mr. SAULSBURY] made the majority report, and Senator CAMERON, of Wisconsin, made the minority report, signed also by myself and the Senator from Massachusetts [Mr. HOAR]. The majority report is this:

That the testimony taken by the committee—

And I want you to mark the language——

Mr. HOAR. That was an investigation.

Mr. LOGAN. Yes, sir. I am reading the report—

the testimony taken by the committee proves that bribery and other corrupt means were employed by persons favoring the election of Hon. JOHN J. INGALLS to the Senate to obtain for him the votes of members of the Legislature of Kansas in the Senatorial election in that State. But it is not proved by the testimony that enough votes were secured by such means to determine the result of the election in his favor. Nor is it shown that Senator INGALLS authorized acts of bribery to secure his election.

Therefore they asked to be discharged from further consideration of the case. Now look at the views of the minority:

VIEWS OF THE MINORITY.

The undersigned, a minority of the Committee on Privileges and Elections, who were directed to investigate certain statements and charges concerning the recent election of a Senator in the State of Kansas, respectfully submit our views as follows:

We concur in part of the report. We exonerate Mr. INGALLS from any complicity with improper practices. We also find that the result of the election was not accomplished by such practices. We think that when the report goes further and finds that persons favoring Mr. INGALLS's election were guilty of such practices, it should in justice state what was clearly and unquestionably proved, that such means were employed in opposition to his election.

ANGUS CAMERON.
JOHN A. LOGAN.
GEO. F. HOAR.

Mr. HOAR. Is my name there?

Mr. LOGAN. Yes, "GEORGE F. HOAR." That is the language the committee used at that time when they were trying that case. We all agreed, all the Democrats and all the Republicans, in our conclusion in reference to the reasons.

Now, let me ask what kind of a case is this? Here is a case with the same character of charges. The committee which then tried that case and made this report made the same character of report in this case. But we are censured for doing exactly what has been the rule heretofore, or I am at least by some parties.

Mr. HOAR. There was an investigation there.

Mr. LOGAN. Of course there was, but I am speaking of the conclusions of the evidence, although sworn to before our committee and some of the men brought by order of the Senate before the committee, and yet when we came to our conclusions on the evidence in that case we decided that because the corruption was not brought to the knowledge of the Senator he was not inculpated. You do not pretend in this case that there is anything of that kind. No such pretension has ever been made. Am I to reverse my former decision? Why am I asked to do it? Is it because different political notions are entertained by the Senator from Ohio to the one from Kansas? No, sir; I can not for that reason.

Let me present another case. What I am trying to do is to show the principle that has governed the Committee on Privileges and Elections and the Senate from its first organization down to the present time, and that the Senators with whom I joined in this report are in precise accord with the opinions given from 1795 down to the present day. In the case of Messrs. Lapham and Miller, from New York, charges were made against them. What did the committee report?

The last ground is one of fact. Before I have alluded to what are called legal grounds or allegations that by legal operation the election is void. The last ground alleges that there were rumors of bribery in procuring the election of these gentlemen. The allegation of mere rumors of bribery is not sufficient, unaccompanied with evidence, to require investigation at the hands of the Senate or of its committees. It is alleged in this memorial that one State senator of New York is under indictment in that State for offering a bribe to a member of the house to vote in the Senatorial election. It is due to the Senators holding the seats that the committee should say that that indictment is not for a bribe offered to vote for either one of the present Senators. It is due also to state that while we find by reports that have been sent to us and investigations had that there were a great many scandals in connection with the Senatorial election in New York during the late session of the Legislature, most of these scandals occurred before the two gentlemen now holding seats became even candidates before that body.

Therefore, sir, the committee, without going further into details, hold that the respective grounds alleged and all of them together are not sufficient to authorize further investigation, and do not make a case invalidating the election of the Senators from New York. We believe, from all that is before us, that the elections were valid and ought to be so declared. We ask, therefore, that the committee be discharged from the further consideration of the subject.

Then also the charges were made that there were rumors of bribery; yet the committee say the majority of those rumors were prior to the election of these men. Hence because evidence is not brought forward of a character sufficient to show bribery or to show improper conduct on the part of these men, they refused to investigate the case further.

Now, let me give you a stronger case than any I have yet read. Here is a case occurring in 1873.

MONDAY, *March* 17, 1873.

The Vice-President laid before the Senate the memorial of members of the Legislature of the State of Missouri, accompanied by a report of a select committee of said Legislature appointed to investigate charges of bribery and corruption in the recent Senatorial election in that State, and the views of a minority of the committee therewith, praying that certain charges of bribery and corruption against Lewis V. Bogy, recently elected a Senator from the State of Missouri, may be promptly and fully investigated by the Senate.

It was referred to the Committee on Privileges and Elections. The evidence in that case presented to the committee, which can be found in the document-room, was as strong as the evidence here, in my judgment. It was all circumstantial, but it approached as near touching the Senator as this.

Mr. HOAR. Did the Senate order an investigation there?

Mr. LOGAN. They did not. We will read what the ground was. The report was made by Senator Morton, and I believe Senator Morton was never accused of shirking responsibility when it came to investigations, because he made several while he was here in the Senate; he reported in favor of the expulsion of one member on charges, but in this case he said:

The Committee on Privileges and Elections, to whom was referred the me-

morial of thirty-seven members of the Legislature of Missouri in regard to the election of Lewis V. Bogy to the Senate of the United States from that State, have had the same under consideration and submit the following report:

The memorial sets forth that the recent examination by a committee appointed by the house of representatives of the Legislature of Missouri, touching the currupt use of money in the election of Mr. Bogy, was imperfect; that it was not full and fair, and in the opinion of the memorialists, if the investigation had been conducted with more vigor and with a purpose of revealing the real facts of the case, other and more important evidence would have been produced showing that there was corruption in Mr. Bogy's election.

The memorial, however, does not state what additional facts can be proven, nor indicate with any certainty the character of the new evidence that may be produced.

The committee understand that the only duty which they have upon this reference is to report to the Senate whether the memorial presents such facts as would justify the Senate in instituting an examination in regard to the election of Mr. Bogy, and are of the opinion that it does not. Such a proceeding is of a grave character, and should not be set on foot without such a statement of the evidence that could probably be produced as would appear to make it the duty of the Senate to proceed to an investigation.

The evidence taken by the committee of the Legislature of Missouri also accompanies the memorial, and has been examined by the committee. It is not the province of the committee upon this reference to inquire whether the judgment pronounced by the house of representatives of the Missouri Legislature upon this evidence was correct; but they express the opinion that the evidence is not of a character to require of the Senate an investigation.

And the committee asked to be discharged from the further consideration of the case. There is a case precisely on all fours with this, where the memorial of the Legislature, where the evidence taken was sent to the Senate of the United States, and that memorial asked the Senate of the United States to prosecute an investigation, stating that if they did so further evidence could be found that would make a stronger case, and the Senate refused to do it.

Mr. President, that being the law of the case as I understand it, I ask any Senator to tell me what there is in this case other than there has been in other cases that should cause such great excitement, that should cause such attacks as have been made upon Senators in this Chamber—I do not mean made in the Chamber, but made against Senators who have seats in this Chamber? I have not been in my lifetime very much alarmed at attacks which are made on me. I have had quite a number, and I care very little for them. But in order to show the intense feeling against certain individuals, which must have been nursed for years instead of springing forth in a moment, I propose to read what has been said about these Republican Senators by persons who claim to be Republicans. This does not seem to be an investigation of the Senator from Ohio as much as it is now an attack upon three Republicans on this side of the Chamber.

After the decision was arrived at by the committee the first thing that was said, and it was telegraphed all over the country, was that LOGAN had requested of the committee to keep the vote secret. It went to a certain character of papers in this country. There is not a man on the face of God's earth who ever heard me request secrecy in regard to any act that I ever performed of a public character. Yet that was telegraphed everywhere. The committee know it is a lie, every one of them. They not only know it, but the chairman of the committee himself telegraphed over his own name through the Associated Press that there was no foundation at all for that statement.

Why was that statement made about me, I should like to know? Why should I be singled out above other Senators in order to try to cast some kind of a suspicion upon me? Sir, it was done just as many things have been done since this question came up. It is thought by some that this is a good time now to kill off Republicans. God knows I am a very small one to commence shooting at first. Why should I be killed off? I am not in the way of anybody. I am not a candidate in Ohio for any office. I am not running for anything; I do not want to be a candidate for anything. Why is it that so persistently attacks are made—one day on LOGAN, the next day on EVARTS, and then on TELLER, and the next day, as these men have all been killed off, a certain newspaper in Ohio shouts now is the time for our hero. [Laughter.]

Sir, it shows that this last part of the play is for the purpose of destroying, if possible, Republicans in the Senate Chamber instead of ousting Senator PAYNE from his seat. Well, that is all right. I am ready to be destroyed. I am no help to anybody. It would not hurt to kill me off in the slightest. I have been killed half a dozen times, and to kill me again will not hurt me if it does not hurt the men who are engaged in the killing; and if it pleases the people who desire to do it, then let them have the fun, and I will enjoy a part of it myself.

I am making a speech now against myself. I propose to make a general assault on myself, and when I get through, if you are not satisfied that I am the man who is being investigated then I will come to the conclusion that I have not made a good speech. Inasmuch as Senator HOAR put in his report Democratic newspaper extracts, I will fill mine with Republican newspaper extracts. This is very amusing to me. I am going to get my letters so that I can read them and show you what kind of a man I am. I did not know until recently how bad a man I was, but I am beginning to find out.

There is a newspaper in this country—and I am a friend of newspapers, and it seems to me that they are of mine from what I will read—known as the Commercial Gazette. Friends occasionally whisper to me and say, "Logan, you had better let the Commercial Gazette alone." I am not going to bother the Commercial Gazette. I am going to read from it. I am going to use it as evidence against myself, and that can not hurt the Commercial Gazette if I use it as testimony in court.

The Commercial Gazette is a very influential paper. I agree to that. It is a very powerful paper in this country; nobody disputes that; and it is owned and edited, or has been for a long time, by a man by the name of Halstead, I believe. Mr. Halstead is a gentleman of wealth and influence. Of course it is easy for him to trample upon a poor creature like I am and grind me in the dust. I am perfectly willing he should do so, because I have no aspirations above what I am, and inasmuch as Illinois does not always ask my friend Halstead what they shall do about their Senators, and I am not inquiring of Ohio to be a Senator from there, I propose that my friend Halstead shall have all the power and influence that he has a mind to exert against me in the State of Illinois. I will try to take care of myself at home.

Mr. Halstead has been an influential man. I know in the days of Abraham Lincoln he thought Lincoln's head ought be chucked against the wall and his brains knocked out, or something like that. That was complimentary to Lincoln. [Laughter.] In 1863 Halstead thought Grant was a drunken old loafer and ought to be kicked out of society, and that every man who deserted ought to be shot. He said so. Well, that was complimentary to Grant. [Laughter.] So when Grant was elected President, Halstead thought he was a dirty, corrupt, old scoundrel, and ought not to be trusted by the people of this country at all, and in 1872 Halstead supported Mr. Greeley against Grant, because Grant was not a man to be trusted. Being a leading Republican, he took that shoot, and so he followed that on.

I came into the Senate here accidentally almost. The first thing I knew when I got in here I picked up the Cincinnati Commercial and I found five columns one day charging my friend from Ohio [Mr. SHERMAN], whom I recognize as a gentleman and an able man and who presides honorably and fairly over the Senate Chamber—I picked it up and I found, as I said, five columns in that paper, written from Washington city and published with great head lines, to show that our friend the Senator from Ohio [Mr. SHERMAN] was a dishonorable, corrupt man, and ought not to be trusted anywhere with any place whatever, for the reason that he had been having some kind of devilment with quartermasters and God knows what all during the war. Then I thought this is getting down home. So I followed on down.

The next thing I found in the Cincinnati Commercial was that James G. Blaine was a thief, a scoundrel, and a villain, and ought to be executed at the first lamp-post, and all that sort of thing. I did not believe it. I do not believe it now. I do not believe it about my friend SHERMAN. I did not believe it about Grant; I did not believe it about Lincoln; I did not believe it about any of those honorable men.

I did not think I was a big enough man to be hit by the Cincinnati Commercial. I never dreamed of such a thing. I came on along down and I found it pitching into some other people not necessary to mention. The other day I picked up the Cincinnati Commercial and observed to my astonishment that my name had been mentioned in it in a very complimentary way, and I will read it presently. It mentioned the names of two other greater men than myself and honorable Senators, but I will show you how kindly Mr. Halstead dealt with us in reference to this case. He is the gentleman who got up the case by publishing first the Donavin charges, &c. He in the issue of June 26 says in a very kind manner, speaking of the Senator from New York [Mr. EVARTS], the Senator from Colorado [Mr. TELLER], and myself, and at the same time referring to Mr. PAYNE'S friends:

> They have brought to bear all the arts of accomplished schemers and all the blandishments that millionaires can employ in society and politics. In the case of one of the three Senators who yesterday voted with the Democrats it does not seem improbable that he was moved by the most material considerations this side of cash in hand, and that the others were influenced perhaps equally by ambition and complacency. The yellow-dog Republicans—

"The yellow-dog Republicans;" I do not know who they are—

> with the coal-oil bosses, have been baying gently for some time about the heels of Senator LOGAN, and there will be surprise in Ohio that he has not spurned the curs when they thrust their society upon him too closely.

I do not know who these yellow-dog Republicans are. I do not know what they mean by this society. I never was inside of the house of one of these gentlemen in Washington. They have not been associated with me nor I with them. We have not been thrown together.

But I will continue to show how we three gentlemen stand in the eyes of the Gazette. This from the issue of the 27th of June:

> Nobody believes that LOGAN has been boodleized; but it looks as if the glamour of Champagne Whitney's social receptions has given a crook to his weather eye. EVARTS is a railroad attorney, and from the first he has been indifferent to the regularity of the methods which landed the representative of coal oil in the Senate.
>
> The Presidential boom—

Now, Senator EVARTS, listen to this, because this strikes New York—

> The Presidential booms of two distinguished Republican United States Senators can now be tenderly laid away to eternal rest.

He means yourself and the Senator from Ohio [Mr. SHERMAN]. He has no allusion to anybody else, for there are no others. [Laughter.]

There is nobody else suspected of being aspirants for a place of that kind. Of course I do not take that to myself. [Laughter.]

Ohio Republicans will see that their graves are kept green.

Thanks to Ohio for that little. [Laughter.]

There have been the age of ice, the age of stone, the age of iron, and the age of bronze. We are now in the age of coal oil.

Laughter.]

Seven men in Washington have been found to declare that PAYNE'S seat was not purchased. Outside of the boodlers and perjurers there are not seven men, capable of telling whether grass is green or red, to be raked up in Ohio who would, if put under oath, agree with them.

That is to say, we seven men have been boodleized, and there are no seven men in the State of Ohio, unless they were boodleized, who would agree to any such proposition. That is kind and generous, coming from a Republican, as this does.

Andy Johnson's treachery—

I want the editor of this paper to have the full benefit of all he says. I am advertising it now [laughter]—

Andy Johnson's treachery to the Republican party was not more bitterly denounced in his day than the Republicans of Ohio now condemn Senators LOGAN, EVARTS, and TELLER for saying, in effect, that the purchase of a seat in the highest legislative body in the land is too trivial an affair to be investigated.

The Standard Oil Company does not confine its influence to the Democratic party.

It goes into the Republican party.

Three Republican senators had been waited upon in behalf of boodle, and consented to the continued disgrace of the senate. They have acted as the representatives of corruption in Ohio. The only possible excuse for them is that of ignorance, and we fear that can not be successfully pleaded for them. We are sure they made a miscalculation. They did not know how large a mistake they were making.

Here comes the beauty of the whole thing. I read the next extract to show, and I mean what I say, how far men will go to destroy their own brethren who are as honorable as they dare pretend to be. When I say that, I apply it to these men who have been pursuing us three Republicans as though we were wolves turned loose upon a prairie.

FIVE TO ONE ON PAYNE.

This is from the Commercial Gazette also:

Mr. George Fox, of the Friend and Fox Paper Company, of Lockland, has just returned from a visit in West Virginia, where he represented some important interests. While there he heard a piece of news in relation to the PAYNE investigation that is of public interest. He was thrown into intimate relations with several prominent individuals, some of them Democrats of high political and official connections.

Just before he left West Virginia for Cincinnati he learned that Senator CAMDEN, whose intimate relations to the Standard Oil Company are well known, representing that State in the United States Senate, had telegraphed to a prominent Democrat from Washington that only six more votes were necessary to carry the Senate for PAYNE, and they were prepared to pay $50,000 each for them.

Six. Seven it happened to be, but there were six needed to carry this, and $50,000 apiece was to be paid for them. That was published in the Cincinnati Commercial Gazette. I say that any man who will publish such an infamous slander and villainous lie as that on honorable members of his own party is unworthy of recognition anywhere. There is the Senator from West Virginia [Mr. CAMDEN]. If he has ever paid anything I should like to know it; I want him to say now whether that dispatch is true or not.

Mr. CAMDEN. I will state that as soon as that dispatch came to my attention I rose to a personal explanation, and after having the article read which has been referred to by the Senator from Illinois, I said:

I am not in the habit of noticing newspaper articles of this kind, and would not do so now, but in this instance, when it relates to a matter pending before the Senate and is evidently intended to have its effect in the consideration of the question referred to, I deem it my duty to the Senate as well as to the Senator referred to, to denounce the article as maliciously false from beginning to end, false in every particular, false in every detail, and without the slightest shadow of foundation in truth.

I know nothing of Mr. George Fox. The article states that I sent such a telegram from Washington. Its absurdity is so apparent that it needs no explanation to this body. But if it were not for dignifying the article, which is beneath decent recognition, I would state that instead of being in Washington, I have been at my home in West Virginia for the past ten days, returning only yesterday.

Mr. President, such publications are an outrage upon the Senate, an outrage upon individuals, and an outrage upon common decency.

I quote this from the CONGRESSIONAL RECORD of June 3, 1886. I will add now that if I knew any language in which to condemn or denounce that article any stronger than I have used I would use it.

Mr. LOGAN. Mr. President, I am reading these extracts to show you how this gentleman has worked up the people of the State of Ohio, or a portion of them, against certain Republicans for the purpose of supporting themselves, for they are the ones who made this charge, and in order to sustain themselves on the statement of Donavin which they published they must destroy somebody. Hence their attack upon Republicans, for that is the general rule nowadays. If anybody is to be destroyed it must be some of their own friends. We never can find anything to say about the enemy, but we must attack one another. That is the manner in which certain newspapers in this country, or men who manage them, have conducted affairs for the last few years, and the result has been as the country knows. Now, I read further to show how a mean insinuation is made. This is from the Cincinnati Commercial-Gazette of June 27:

There are those here, however, who go a step farther—

Speaking of what the people say generally about the Senator from Colorado [Mr. TELLER], the Senator from New York [Mr. EVARTS], and myself—

and regard the committee's action as a case of "standing together," for fear that other hearts might be caused to ache by exposing rottenness in high places.

That is to say, we three must stand together for fear that rottenness might be exposed somewhere else. That is the charge. Now what follows?

A large crowd of Republicans are talking about hanging LOGAN, EVARTS, and TELLER in effigy, so wrought up with anger and indignation are they.

So wrought up are the Republicans of Ohio. I do not know but they may have burned them; perhaps they did after they read this article; and if they had burned us in effigy it would not have hurt us unless they burned us bodily.

There are divers and sundry other articles on the Presidential question that I do not want to read, as it might possibly have an influence upon the aspirations of some gentlemen here, because they put their names in every time. When they speak of killing others off they always put up some other fellow's pole, and I do not want to read anything of that kind for fear it might have a deleterious effect on the health of people.

The Ohio members—

Speaking of the Ohio members of Congress; this is the Commercial Gazette of the 27th of June, the same; the heading is:

WHY
DID THREE SENATORS VOTE WITH COAL-OILERS
TO PUT A PREMIUM ON BRIBERY IN NATIONAL POLITICS.

Then they go on:

The Ohio members are greatly incensed at LOGAN'S action, and say that it kills forever his chances for a Presidential nomination.

Lord, I did not know I ever had any. [Laughter.]

Certainly LOGAN'S action has been rather peculiar in the matter.

In the Commercial of the 28th I find:

Who will mourn for Logan now?

[Laughter.]

Certainly not the Cincinnati Commercial Gazette, and I hope that we will not find any mourners around close by the house of my friend from Massachusetts. I hope he will not mourn for me and my other friends. [Laughter.]

Whipped spaniels are afraid of the crack of PAYNE'S whip.

That is too bad. [Laughter.]

Again we say that we do not believe that LOGAN has been boodleized.

They need not have put that in, because they said before they did.

But the extract of petroleum is wonderfully effective in more ways than one.

[Laughter.]

What a mean insinuation that is for an honorable man to make against another. If I were a fighting man I would get mad, but I am not, and therefore I will keep cool.

Two candidates for the Presidency have been suddenly side-tracked and derailed. Better that the discovery which led to this result should have been made now than at a later period.

They are glad, they are decidedly glad. Well, I am not mad about it. [Laughter.]

The recreancy of LOGAN, EVARTS, and TELLER has not injured the prospects of Republicans in Ohio.

I am glad to hear it, because we do not live there and of course our votes are not counted there.

They are fighting mad now, and when they are in that frame of mind they always sweep the platter.

I hope they will. I have always tried to help Ohio Republicans. I do not suppose they would like to have my help any further. They seem to indicate that they would not.

OUTRAGED OHIO, ETC.

Speaking of the Senator from New York [Mr. EVARTS], the Commercial Gazette says:

He seemed for a time a promising figure, and so did Senator LOGAN; but the two, since their vote for the coal-oil crowd of Ohio, have passed away.

We are beyond the vale; good-by. [Laughter.]

POLITICALLY DEAD,
SEEMS TO BE THE GENERAL IMPRESSION REGARDING EVARTS AND LOGAN.

The general feeling of indignation against these men still growing, and so on.

I have here about one hundred other extracts of the same character. I will not, however, encumber the record further from the Gazette.

The State Journal of Ohio has a few remarks of a similar character, and the Dayton Journal also, excepting that they are more complimentary to some other people, whose names I do not wish to mention, than they are to us.

I wish to follow that up to show further what this paper has done by its persistent assaults, of which we do not complain, or in what a complimentary way we have been treated by certain people.

GOOD HOPE, OHIO—

That is a good name anyhow. [Laughter.]

The Blaine and Logan Club at their meeting Saturday night changed its name from Blaine and Logan to Blaine—

I was looking to see if they had not put somebody else's name in there, but they did not. [Laughter.]

They also adopted resolutions not at all complimentary to yourself, TELLER, and EVARTS. The club has no use for such "cattle" as you three are.

Signed—

F. D. JONES, *Secretary.*

We have got down from the high pinnacle upon which our friend Halstead had us to cattle. [Laughter.]

Now I want to read to show how much we are in favor with certain people in Ohio, and I do this for the purpose of showing what determination there is with certain politicians. I do not speak of the people of Ohio; there is not a better class of people on the earth in my judgment than they are, and I am not saying anything about these gentlemen either except what they say themselves. If by saying these things about their own friends gives them commendation in the country I am perfectly willing they shall have it. But the lieutenant-governor of the State has I think overshot the mark a little in a letter to me, and I am going to read it if he is lieutenant-governor, because when men have a mind to stab others I think, in order that it may have its proper influence and do the damage it was intended, the public ought to know it, and then it can have its effect. It is an extract from a letter written June 26, 1886:

I do not think I make the assertion too broad when I say that your vote upon that question will be disapproved by every Republican in Ohio, not a purchased and hired defender, and by a large majority of the Democratic party of the State.

There have been so many charges of tampering and corruption with those whose duty it was to investigate that I should say to you frankly that such charges have also been made against the committee of the Senate charged with determining this question of an investigation.

I am free to say that matters which have come to my knowledge have led me to believe the "coal-oil gang" believed their money sufficient to protect them under all circumstances and no one was too high or exalted to have his price.

That is a pretty broad insinuation against us gentlemen coming from the lieutenant-governor of Ohio:

To such an end and to such a point had they come that the debauching of Legislatures in the securing of votes they regarded as the easiest of their conquests.

To say that Ohio is astonished at the report of the vote brought by telegraph from Washington, that the Senate committee by a vote of 7 to 2 had determined not to investigate, is to put it very mildly indeed, and the telegraph report says you desired the vote kept secret.

That was the dispatch which went out.

How at variance with your accustomed fearlessness and manliness is that. I do not wonder much at that, and that any one who votes to permit a man to keep his seat in the United States Senate after it has been purchased by infamy, corruption, and outrage should desire his vote kept secret is but part of the eternal fitness of things.

It is strange that the Democratic caucus which nominated HENRY B. PAYNE, which was purchased by so much money and evidenced by so much corruption, should also have desired the votes of that caucus kept secret after it had venally declared in favor of its purchaser.

I mention this simply as an unfortunate coincidence. I read it merely to give the lieutenant-governor of Ohio the benefit of all he has said in reference to myself. If it can do him any good I have not the slightest objection.

Mr. EVARTS. What is his name?

Mr. LOGAN. Robert P. Kennedy. He is now the lieutenant-governor and presiding officer of the senate of the State of Ohio. He is a gentleman of high position, and I read his letter merely to let the country know what his opinion is of us gentlemen. As I said, if he derives any benefit from it he is entiled to it, for I have no criticism to make, only that I am sorry a man holding as high a position as that should resort to the use of that character of language against men who are certainly as good as himself.

It may strike some people as being very strange that I should read these things when they are such severe attacks upon myself, but I do it for the purpose of showing the malignity that there is behind this thing on the part of certain individuals here and certain Republicans. I do it to show the character of the attack that is made upon Republicans by Republicans for the purpose of their destruction. I do it for the purpose of showing that men who do that do not desire the success of the Republican party. Men who will resort to such vile attacks as these are men who do not desire your success, but they desire the destruction of certain men who do not answer to their beck and call.

Sir, I will not say what word was sent to me. If I had bowed to the demand and been made to violate my conscience I would, perhaps, have been complimented highly; but, sir, I would rather never be permitted to let my tongue lisp another word than to be driven by any man behind a newspaper or otherwise to do that which I do not believe is right, merely for the praise that might be sounded through the land about my action. [Manifestations of applause in the galleries.]

Now, let me go a little further. I never have had aught against this man Halstead. Why should he pursue me in this manner? Why should he pursue the Republicans with whom I join in this report in such a manner? Is it done to affect the seat of the Senator from Ohio [Mr. PAYNE]? No, sir, that is not the reason. It is not that. It is to drive the Republicans of the Senate against us out of fear that they may be crucified and crushed in this country. That is the object and none other.

Sir, the downfall of many men has been brought about by the calumnies which have been heaped upon them. After Grant passed away the slanders which were in that paper against him turned in a night into encomiums bright and beautiful. They were gilded so that they attracted the attention of every one who perused the paper; but still the memory lingered that there was a time when those encomiums were not used, and when the foulest language that could be used by pen or tongue was used to destroy that man's high reputation before this great people.

So, as I said, it spoke of my colleague on the last Republican ticket, as the Senator from Maine [Mr. FRYE] before me knows, for he and I were side by side in Cincinnati when that paper's fulminations every morning were as though Blaine had been a criminal and had been convicted of every crime known in the catalogue of crimes; and not only that, but they were strewed in the streets, so that every man could see them. How is it now? Now it is all changed in that paper, and I am glad of it. I am glad that they have come to the conclusion that they were wrong and are willing now to do a man justice; but it only proves that the man who does this act, and has been continuously doing it for years, is willing to crush men until they will at least in some way or other submit to his dictation. If we three men had submitted we should have received the encomiums of this gentleman, Murat Halstead, of Cincinnati, now perhaps establishing himself in some other place larger and broader, the more easily to bear his colossal strides.

In order that there may be no mistake about what I say I will ask the Secretary to read the lettter which I send to the desk.

The PRESIDING OFFICER (Mr. SEWELL in the chair). The letter will be read.

The Chief Clerk read as follows:

OFFICE CINCINNATI DAILY AND WEEKLY COMMERCIAL,
Fourth and Race Streets, Cincinnati, February 19, 1863.

MY DEAR SIR: I wrote you a somewhat fantastic letter the other day. But that I suppose is not now strange. I write this morning to send you a copy of a private letter I have from our army in front of Vicksburg. It is from a close observer, who endeavors to tell the truth:

"There never was a more thoroughly disgusted, disheartened, demoralized army than this is, and all because it is under such men as Grant and Sherman. Disease is decimating its ranks, and while hundreds of poor fellows are dying from small-pox and every other conceivable malady, the medical department is afflicted with delirium tremens. In Memphis small-pox patients are made to walk through the streets from camps to hospitals, while drunken doctors ride from bar-rooms to whore-houses in Government ambulances. * * * How is it that Grant, who was behind at Fort Henry, drunk at Donelson, surprised and whipped at Shiloh, and driven back from Oxford, Miss., is still in command?"

Governor Chase, these things are true. Our noble Army of the Mississippi is being wasted by the foolish, drunken, stupid Grant. He can't organize or control or fight an army. I have no personal feeling about it, but I know he is an ass.

There is not among the whole list of retired major-generals a man who is not Grant's superior. McClellan, Frémont, McDowell, Burnside, Franklin, even Pope or Sumner, would be an improvement upon the present commander of the Army of the Mississippi. Will you wake up some of these days and find we have no Army of the Mississippi?

Then there is awful discouragement at the way the foolish old Hunter, who is thought to be a great man because he is not insane in his prejudices on the negro question, is doing. In God's name, what is he waiting for? More re-enforcements! Pity he can't die and get out of the way as Mitchel did.

But to stop this sort of growling and come to something more practical.

The army West and East is being weakened hourly by desertions. It is the great evil. The thing needful to stop it is for the President to give each commander of departments power to shoot deserters. They must be shot by the dozen. The President's weak, puling, piddling humanitarianism is death and hell to the Army. Can't you take him by the throat and knock his head against a wall, until he is brought to his senses on the war business? I do not speak wantonly when I say there are persons who would feel that it was doing God service to kill him, if it were not feared that Hamlin is a bigger fool than he is.

And yet the pitiful Congress twaddles weekly in private caucus about political matters, as if a little more nigger would do everything. Why don't they pass your finance measure, and the conscript act, and mind their own business?

The proclamation is a positive nuisance to every truly loyal man in the West. It is a weapon in the hands of the Butternuts. If it is made a party test Vallandigham would be elected governor of Ohio. Do not think I am talking at random. Alas! I know what I am talking about. What is wanted:

1. A general for our Army of the Mississippi.
2. Deserters shot by order of commanders of departments.
3. Less dependence upon the nigger and more on the white man.
4. The consolidation of the fragments of regiments.
5. Arrest and try Henry May and Wendell Phillips for treason.
6. Suppress the New York Tribune and New York World.

M. HALSTEAD.

Governor CHASE.

Mr. LOGAN. Those were the views of the gentleman in 1863 who is now expending his force in giving his views about three Senators. If he has missed us three as far as he did in reference to the gentleman he was writing about then, I think we ought to be satisfied.

There is one other thing I remember very well. About the time that James A. Garfield, now dead and mourned by this country, was talked of and whispered around Chicago, there are plenty of men within the sound of my voice who remember well the beautiful character this man was giving him around among the delegates at that time—a reputation that would even darken the one that he has given to us.

This gentleman has not even forgotten the last thing that is to be done to the dead, because we three are dead, he says, and I take it for granted that he knows I wish to show that he gives us decent burial. He says he wants us "to see ourselves as others see us." That is the condition he has got us in now [exhibiting an illustration], EVARTS, TELLER, and LOGAN wrapped around with coal-oil snakes all over. [Laughter.] So he does not even forget us in the last agonies.

Halstead says I have no friends in Ohio. I am sorry for that. Not that I expect anything, but merely because I like to have friends.

I remember very well that in 1867 a wail came from the State of Ohio to the lakes up in Minnesota. I was there, having gone there with a sick child. I was telegraphed for day after day, until finally I consented to go to Ohio. I left my wife and sick child and went to Ohio. There was a question then about the governorship of that State. I spent six weeks in that State. I spoke every day save Sunday. It cost me a spell of sickness, but it did not cost Ohio anything. The governor was elected by 1,300 majority. I do not know that I gained a vote, but he wrote me a letter saying that I did. That was enough. I cared for nothing else. From that day to the present there has hardly been a campaign in Ohio in which I have not participated and gone over that State at the request of friends. I ask no return for it. I never have. I never ask any one to do anything for me because I have tried to help them.

We in Illinois have never asked Ohio to come and help us. If we had, of course Ohio would have responded; but we never required it. We have always been able to take care of ourselves. I did suppose, at least, that they would allow me to have one friend in the State. I have one cousin living there, and I did not know but they would permit him, at least, on account of that relationship, to be my friend hereafter. So I hope that Murat Halstead will allow me to have at least one friend. I hope I have more, and I think I have. I think I have more friends in Ohio to-day than he has. Not only that, but I will say to these gentlemen who are attacking me—and when I say "me" I mean attacking our committee and attacking me personally—that I am willing to go to the city of Cincinnati to-morrow and call a jury of twelve lawyers, I do not care where you pick them, and go before that jury with those who have made these attacks in persecution of me, and discuss this case with them; and if that jury will not decide that we three Republicans, in conjunction with those who have made the majority report, have decided this case according to the law and the facts as presented to us, I will quit public life.

Mr. President, the Senator from Massachusetts in reference to the evidence in this case spoke of the want of jurisdiction of the Legislature to obtain certain testimony as certain persons were out of the State. I have in my hand the statement made in reference to Mr. Hughes, showing that the evidence of Mr. Elliott contradicts that statement. I have the statement of the man who managed the affairs of Mr. Pendleton, in which he denies that there is any such accusation against Mr. PAYNE or anybody else. I have the statement of John R. McLean, who says that in the latter part of March, more than four weeks before the committee closed its labors, he caused Chairman Cowgill to be notified that he was about to visit Ohio and would appear before his committee at any time he would designate, and to this Mr. Cowgill replied that he would let him know when he was needed.

When Mr. Cowgill answered Mr. McLean and said he would let him know if he was needed, I ask why it is that this part of the evidence could not have been obtained? If Mr. John R. McLean spent the amount of money that it is charged he did, why did not the committee let him come before it and testify? When he wrote to the chairman and said he was ready to appear and testify, why did they not request him to do it? I know, although I am not much acquainted with John R. McLean nor have I seen him since this Congress has been in session to my recollection, yet I know from what I have learned that he would prove no such fact.

What else? Let us take David R. Paige. David R. Paige states that he notified the committee that he was in the State the whole session, with the exception of about a week, and gave them notice that he was there, but they failed to let him come before them.

So it is with all these charges made in reference to these men. They have shown their willingness to come forward, yet you deny them the right; but the thing is to be kept before the country for the purpose, if possible, of injuring somebody, perhaps Republicans in preference to Democrats. If we are to be ground to death in this mill I want it to be done in fairness and in justice, and not by garbled statements, or misstatements, misconstructions, or anything that is unfair in dealing out justice between man and man.

Mr. HOAR. The Senator appeals to me when he makes that statement. He is aware, I suppose, that I made the same statement.

Mr. LOGAN. I beg the Senator's pardon.

Mr. HOAR. I said two of these gentlemen had applied to go before the committee. I did not give the two names.

Mr. LOGAN. I did not hear that remark of the Senator. If I had, I should have said so.

Now, Mr. President, what are we asked to do? We are asked to investigate this case for a purpose. For what purpose? For the purpose of declaring the seat of Senator PAYNE vacant, or for the purpose of expulsion. For the purpose of making that investigation the rule of the Senate laid down in ten or twelve different cases is so plain that any man ought to understand that we must have facts, indubitable testimony—I will not use the word "indubitable," but proper testimony, which would be received by a court in order to convict a man, in order to convince our minds of facts upon which we can act before we are required or even expected to make an investigation.

Ohio is a great State, I admit; I am proud of it as one of our great sister States; but that State has duties to perform as well as we have. If you find men who are criminals in your State, who violate your laws, it is your duty to arrest them and prosecute them and according to the theory of the Senator from Massachusetts that upon probable cause we should act, upon probable cause you should act. If your members have been guilty of bribery, indict them, prosecute them, and convict them. If any man in your State has been guilty of bribing a member of the Legislature, indict him, prosecute him, and convict him. If these men have violated your law, you have a statute law in Ohio against bribery, punishing it by fine and imprisonment. Why not execute your law?

If you say the bribery was in a caucus, why not indict the guilty parties? You have a statute under which you can do it. Why not punish them? Why not try them? You can do it, but you fail. If you have the character of evidence to do it and do it, then with some show of earnestness, some show of right, some show of justice, some show of having performed your part in reference to this matter you can then ask that we shall act in reference to the Senator who holds his seat here.

Indict these men and bring that testimony to us and we can act. The door is not closed against the action of the committee or the Senate at any time. It is always open as long as a member retains his seat on this floor. But when you demand that it shall be opened, you have got to produce the evidence on which we can act for that purpose. You have not done it. When you find fault with men for not complying with your wishes, you had better turn your attention to that which you can do, if what you say is true, at home, before you ask Senators here to do that which you yourselves refuse to do.

Sir, it will not do for the people of the States to come to the Senate or Congress all the time when they themselves can perform the act much easier and with more facility than we can do it. We have jurisdiction only of the Senator; you have jurisdiction of every bribed member, if there has been one bribed; of every one who has bribed a member of the Legislature if any man has bribed one, and the evidence is about you in your State, in the towns, in the places where the act was performed. You have grand juries, you have courts; why have you not acted? Why do you appeal to us, and with that appeal make such vile attacks as have been made here upon men who have been your friends, upon men who have stood by you, upon men who have loved your State, upon men who have stood by your State whenever called upon and by your people? Why should these villainous attacks be made upon such men as they have been made upon, on your own friends, when you fail to perform the duty that you may yourself do under your own law?

I tell you, Mr. President, this does not mean alone, as I have said, the seat of the Senator. I love this Republic, I love the institutions of my country. I am in favor of the rights of every American citizen upon the broad plane of equality before the law. I am in favor of every man having a fair trial and every man being dealt justly by. I would go as far to perpetuate these grand and glorious institutions as any living man. I would go as far to stamp out crime as any man. I would go as far against corruption in this body, or any other, as any Senator will.

I will go further than these men who throw mud on me to give honor and credit to this people and to stamp out corruption wherever it may be found. But when they appeal to me through the law they must do it by the law. When they ask me they must come up to the measure themselves before they require others to come up to it. They must bring the evidence, they must bring the facts, they must come right, and I say to them now Mr. Halstead can not bully any member of that committee who has not been bullied in any way; and I will not say that any one has been, for I do not believe it; but those men whom he has attempted to bully he can not bully and need not try it, and it will be a failure when he does. It has always failed when the attempt has been made to bully any man who has manhood in him.

I said I would sink in my place, I would cease speaking and existing, if need be, before I would be driven by him or anybody connected with him to do an act that would be ungenerous, unkind, unlawful, merely that I might become the pet of somebody for a few minutes and be crucified the next day by some person, which would be the result.

Now, Mr. President, in conclusion I want to say that I was guided in this case not by impulse, not by being aggravated—for these attacks came after the decision of the committee—but by a calm and deliberate examination of the testimony and the law in the case. This is the fifth time I have been called upon to investigate the right of Senators to seats. It is the fifth report I have joined in making on such questions. I have assisted investigating some and have refused in others, and this decision is just such a decision as I have made with my co-committeemen heretofore on the same line under the same circumstances, governed by the same character of evidence on the same principles, so that whatever may be said by any one I myself can lay my hand upon my breast and say I have done my duty and by that act I shall stand; it is right, it is just, it is proper. [Applause in the galleries.]

The PRESIDING OFFICER. Occupants of the galleries must refrain from all demonstrations.

Mr. TELLER. Mr. President——

Mr. LOGAN. I have just opened a dispatch which has been sent to me by one of the persons named in the charge which has been made, and although the language is not exactly the kind that might always be considered mild, I will ask that it be read.

The PRESIDING OFFICER. The paper will be read.

The Chief Clerk read as follows:

CINCINNATI, OHIO, *July* 21, 1886.

Hon. JOHN A. LOGAN:

Have just read BUTTERWORTH'S statement, as given in report of your committee. When he says that I ever showed a book on the floor of the Ohio house and charged members being bought he is either an ignorant or a willful liar. His malicious and reckless lying is only a sample of the general misstatements in the Payne case.

ALLEN O. MYERS.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1411) to amend an act authorizing the construction of a bridge across the Missouri River opposite to or within the corporate limits of Nebraska City, Nebr., approved June 4, 1872;

A bill (H. R. 3768) to authorize the construction of a bridge across the Ohio River at Paducah, Ky.;

A bill (H. R. 6104) to authorize the construction of a railroad bridge across the Sainte Marie River;

A bill (H. R. 7851) to authorize the construction of a bridge across the Missouri River in Montana;

A bill (H. R. 8880) to authorize the construction of a bridge across the Tennessee River at or near Chattanooga, Tenn.;

A bill (H. R. 8967) to authorize the building of railroad bridges across Saint Augustine and Lazaretto Creeks in the State of Georgia;

A bill (H. R. 8978) authorizing the construction of a bridge over the Tennessee River at or near Sheffield, Ala., and for other purposes;

A bill (H. R. 9654) to authorize the Americus, Preston and Lumpkin Railroad Company to erect and maintain a bridge across Flint River, in the State of Georgia;

A bill (H. R. 9725) authorizing the construction of a bridge over the Bigbee River at or near Jackson, Ala., and for other purposes;

A bill (H. R. 9728) to authorize the Chicago, Saint Louis and New Orleans Railroad Company and the Illinois Central Railroad Company, or either of them, to construct a bridge over the Ohio River at or near Cairo, Ill.;

A bill (H. R. 9793) to amend an act approved March 3, 1885, to authorize the construction of bridges across the Cumberland and Caney Fork Rivers, in Tennessee;

A bill (H. R. 9858) to authorize the Louisiana North and South Railroad Company to construct and maintain a bridge across the Red River in Louisiana; and

A bill (H. R. 9805) to authorize the construction of a bridge across the Tradewater River by the Ohio Valley Railway Company.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, agreed to the conference asked by the Senate on the said bill and amendment, and has appointed Mr. WILLIS, Mr. BLANCHARD, and Mr. T. J. HENDERSON managers at the conference on the part of the House.

BRIDGES OVER WILLAMETTE RIVER.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 901) to grant the Astoria and Winnemucca Railroad Company the right to construct bridges over navigable water courses, which were in line 3, after the word "That," to insert the words "the consent of the Government is hereby given to," and in line 5, after the word "Oregon," to strike out the words "be authorized and permitted;" so that the section will read:

That the consent of the Government is hereby given to the Astoria and Winnemucca Railroad Company, a corporation duly organized under the laws of Oregon, to build railroad bridges across the Willamette River, south of Oregon City, at such point as it may select, and across such other navigable streams or sloughs within the State of Oregon as it may be necessary to bridge along the line of said railroad or along the line of any of its branches.

Mr. DOLPH. The amendments are merely in the phraseology of an immaterial part of the bill, and I move that the Senate concur. I am authorized by a majority of the Committee on Commerce to make the motion.

The amendments were concurred in.

Mr. SHERMAN. I think the amendments should have been read.

The PRESIDING OFFICER. The amendments have been read.

Mr. SHERMAN. Then I have no objection.

ADJOURNMENT SINE DIE.

The PRESIDING OFFICER laid before the Senate the following resolution from the House of Representatives:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* at 3 o'clock p. m. July 28, 1886.

Mr. ALLISON. I move the reference of that resolution to the Committee on Appropriations.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives this day were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 1411) to amend an act authorizing the construction of a bridge across the Missouri River opposite to or within the corporate limits of Nebraska City, Nebr., approved June 4, 1872;

A bill (H. R. 3768) to authorize the construction of a bridge across the Ohio River at Paducah, Ky.;

A bill (H. R. 6104) to authorize the construction of a railroad bridge across the Sainte Marie River;

A bill (H. R. 7851) to authorize the construction of a bridge across the Missouri River in Montana;

A bill (H. R. 8880) to authorize the construction of a bridge across the Tennessee River at or near Chattanooga, Tenn.;

A bill (H. R. 8967) to authorize the building of railroad bridges across Saint Augustine and Lazaretto Creeks in the State of Georgia;

A bill (H. R. 8978) authorizing the construction of a bridge over the the Tennessee River at or near Sheffield, Ala., and for other purposes;

A bill (H. R. 9654) to authorize the Americus, Preston and Lumpkin Railroad Company to erect and maintain a bridge across Flint River, in the State of Georgia;

A bill (H. R. 9725) authorizing the construction of a bridge over the Bigbee River at or near Jackson, Ala., and for other purposes;

A bill (H. R. 9728) to authorize the Chicago, Saint Louis and New Orleans Railroad Company and the Illinois Central Railroad Company, or either of them, to construct a bridge over the Ohio River at or near Cairo, Ill.;

A bill (H. R. 9793) to amend an act approved March 3, 1885, to authorize the construction of bridges across the Cumberland and Caney Fork Rivers, in Tennessee;

A bill (H. R. 9858) to authorize the Louisiana North and South Railroad Company to construct and maintain a bridge across the Red River in Louisiana; and

A bill (H. R. 9895) to authorize the construction of a bridge across the Tradewater River by the Ohio Valley Railway Company.

OHIO SENATORIAL ELECTION.

The Senate resumed the consideration of the reports of the Committee on Privileges and Elections in the case of Senator PAYNE, of Ohio.

Mr. TELLER. Mr. President, a question involving a seat in the United States Senate is one, it seems to me, of sufficient importance to require the Senate to listen to any discussion of or concerning the right of the sitting member. Whoever may speak upon the subject ought to speak from a calm and dispassionate standpoint. There should be neither politics nor prejudice nor passion in it. It is not a question to be lightly handled. It is not a question of indifference to this body or to the people of the State whose member's seat is attacked; nor is it a question of indifference to the whole people of the United States. No more important question can be presented to the American Senate than the question of a right to a seat in this body. It ought, as I said before, to be discussed with judicial fairness.

I do not allow the Senator from Massachusetts by his impassioned appeal in behalf of a pure ballot, in behalf of pure elections, to this body to put me and my associates on this committee in the category of denying the principles that he enunciates. It is an unfair, unsenatorial, unjudicial position to attempt to put this committee in. Every man on this floor holds his seat by the same right and with the same title that any other man does. There is a presumption—unless by his conduct he has forfeited that presumption—that every act which he commits on this floor, every sentiment which he utters comes from as pure and clean motives as the acts and utterances of any other Senator, no matter whence he may come, and I repeat, measuring my words, that it is unsenatorial, it is unfair, and it is unjudicial for the Senator to attempt to put the majority of the Republican members of this committee in the category of looking upon corruption in reaching this body with approbation.

Mr. President, when this case came into the Senate I regarded myself as a judge. A long life of active practice in the law had made me familiar with dealing with questions of fact, whether I had become expert in dealing with questions of law or not. When this case came here I endeavored to take it as a judge would take it, to treat it as a court would treat it, and in that temper, so far as I can, I mean to treat it to-night. I am not on trial. I have no defense to make either to the people of Ohio or to any other portion of this country for acts done with deliberation, with thought, and with honest motives in this body. I shall endeavor to show that in the line of precedents established here the committee have kept steadily and sturdily and truthfully. There is not in the legal line of inquiries that have been made a single ruling in this body that will justify the position taken by the minority.

This case came here not from the State of Ohio, and I want to controvert the statement so frequently made by the Senator from Massachusetts that Ohio had demanded something at the hands of the Senate. Ohio has demanded nothing, either by the member who sits here by the side of him whose seat is attacked, or by her Legislature, in the proper and direct method by which such a State should act. Immediately upon the election of Mr. PAYNE there were charges of corruption, of bribery.

They found their way into the public press, and to my astonishment, when the minority report came in here, I learned that they had found their way, more than two years and a half after they had been published, in a document of this body; and we are told by the chairman of the committee, who is responsible for the minority report, that those things alone are sufficient to justify this body in taking up and investigating the question whether that seat was secured in a proper manner or not. If that is so, somebody somewhere has been derelict that no movement was made for thirty months after the Senatorial election, or nearly that length of time.

I shall not refer to the other members of the committee who do not agree with me in conclusions as counsel for the sitting member. I shall treat the honorable chairman as actuated by the same high and honorable purpose that actuates me when I approach the discussion and the determination of such a question.

In January last, or some time last winter—I shall not be particular as to the date—there was a charge made in the public press of Ohio——

Mr. HOAR. I should like to inquire of my friend whether he supposes that the slip of the tongue which I made in speaking inadvertently of gentlemen here as counsel should be brought up. It was the accident of an old lawyer, and I should like to say, if my friend would pardon me, that I made that slip of the tongue once in a Congregational council referring to something that had been said by a minister who had preceded me in a speech, absolutely without the purpose or idea of referring to anybody as counsel. It was a mere slip of the tongue, which I think I have heard other lawyers in the Senate make forty times.

Mr. TELLER. During the last winter there was published in the press of the State of Ohio a charge against four members of the Legislature who had also been members of the preceding Legislature that had elected the sitting member. The house of representatives, then composed of a majority of Republicans, thought that was a proper question of inquiry, not with reference to the Senatorial election, but with reference to the conduct of their own members, and with that purpose they instituted the inquiry which has been usually known as resolution 28.

If the Legislature of Ohio or the committee had confined themselves exclusively and entirely to the question of the guilt or innocence of those four members of the Legislature, there might have been some propriety in saying that there had been no investigation into this question at all, but they declare in the most emphatic manner that they had not only investigated as to those members, but they had investigated as to all other members who were members of the Sixty-sixth General Assembly which elected the sitting member.

After weeks of careful attention they made a report to the house of representatives of the Legislature of Ohio. They came there and said after all our inquiry we find the charge upon which this investigation was based to be false. We do not find that these four members charged in the Commercial Gazette, or whatever paper it may have been, guilty of anything whatever. They exculpated them from all possible connection with bribery or crime.

I know it is said that they had no jurisdiction to go further than that, but they did go further than that, and nobody questioned their jurisdiction, nobody denied their right to send a summons, nobody declined to obey the precepts that they sent out, nobody denied their right to investigate, to ask any and all questions because there was a doubt of their jurisdiction. The honorable chairman has said that in some instances witnesses declined to answer. I assert with a perfect knowledge of all that appeared before that committee that no witness ever declined except one, and that was a lawyer by the name of Gunning, who said when they asked him a question, "I think that is beyond your province," not because it was investigating the Senatorial question but because he said as a lawyer he knew it was not evidence.

Nobody refused to testify upon a single question that was pertinent or proper to the investigation of the title of the sitting member to a seat in this body. One witness said he would not tell the name of one man who had given him some information. One man said he declined to state where he got the property, and as he was neither a senator nor a member of the house, and had had no connection with the Legislature, nobody will pretend that this body if they had him here to-day could compel him to answer. I shall speak of that in the course of my remarks, and I think he was justified in declining to answer.

When that testimony came before the Legislature of Ohio, as has been said by the Senator from Illinois, so lightly did they regard this matter that they did not even print the evidence. They sent it here without recommendation and without suggestion, save that they thought there was sufficient surrounding the election to justify them in sending it here. When that came to the Senate it was referred to the Committee on Privileges and Elections.

How was the Committee on Privileges and Elections to act? Was it a question of politics? Was it a question as to what would be the effect upon the election in Ohio or somewhere else? Or was it a question that each man for himself must determine under the solemnities of his oath and with relation to the high position that he held as a member of this body? What has public newspaper clamor, what have the ravings of the press to do with a question of that kind when it comes to the American Senate? Have we reached that stage of moral decay that the United States Senate is to be bullied by the ravings of a political press?

This committee took up the case with earnestness and with a desire to do justice not simply to the sitting member, but to Ohio and to this body and to all the people of this land, as it was their duty to do, not as politicians, but as members of this body. We sent it to the chairman of the committee for his opinion. That opinion has been read here to-day. So important a question, involving such great principles, I did not myself trust to any man. I took the testimony and I carefully read it, and I have read it and reread it. I am quite willing that the chairman shall do what he declined to allow me to do, catechise me upon any part or parcel of that testimony. I know what it contains, and I know that it does not rise to the dignity of evidence in court cases; and even what was asserted here to be inculpating testimony against the sitting member is absolutely disproved and destroyed and would not be listened to by the Senate a moment if the Senate could take up the testimony and read it letter by letter and give it that consideration which the Senate I know can not do but which the committee were compelled by their oaths to do.

When the chairman said to us, "There is an end of the case; there is nothing to be done"—for that is what he said in substance, and it is in the record and I do not need to repeat it—and when, as has been before stated on this floor, the committee supposed their labor was ended, respectable gentlemen appeared before us for what purpose? For the purpose of convincing the committee that they had erred in their conclusions as to what was in proof. Then the committee again considered these matters, or at least I know a portion of the committee did, and a great majority of seven out of nine adhered to their first conclusion.

Now, how do we approach this great controversy? How do we come here to-night to discuss this with the newspapers of Ohio raving at the members of this committee who dared in this honorable body to express their honest sentiment and judgment? Oh, Mr. President, the chairman says it is not a question of determining the right of this man to his seat, it is the question of determining will the Senate go into an inquiry; will the Senate call for witnesses whose names they have not got? Let them formulate those charges that these people have never yet made, let them throw out a drag-net and bring into this body the testimony that these men hint at and dare not declare.

We are told because there is a great public sentiment in Ohio backed by the united press of one great party to which we belong, that the committee ought to yield its judgment and the Senate to-day is asked not to vote with that discretion, with that calm deliberation which is requisite and proper in such cases, but to vote with reference to public sentiment in Ohio and the ravings of the press.

Mr. President, in a life of some activity cast in scenes that sometimes required nerve, I have never yet failed to do my duty as God has given me to see it. Public opinion in Ohio if it was all one way goes for naught with me; public opinion everywhere goes for naught with me. If my judgment is convinced I will so conduct myself on a great question of this kind that I shall have my own approbation. Though the world shall be against me I shall be satisfied when my conscience vindicates my act. I trust the Senate of the United States can come up to that standard, and I think it can.

Mr. President, what was the duty of the committee? To determine whether there was sufficient ground for inquiry. Otherwise why send the case to the committee? Otherwise why ask our deliberation? It is said committees are the eyes and the ears of legislative bodies. The committee discharged its duty and reported to the Senate. Before its report was signed there was a general rumor and understanding in the country that the report would be made, seven members against an inquiry and two for it.

Then the most unheard of, the most unusual occurrence took place. A judicial body of seven men acted under the sanction of their oaths, seven men who by the partiality of their States had been elevated to the highest legislative body in the world, most of them more than once indorsed by their people as men of character and of reputation, most of them of mature years; and what do we see? A call for a newspaper convention in the State of Ohio to compel these recreant Republicans to forswear themselves, to perjure themselves, in the interest of political success!

Mr. President, I yield to no man living in devotion to Republican principles and to the Republican party; but I would rather it should sink out of sight than be forced to believe there were three members of the body who would thus stultify themselves even to secure political success in Ohio or anywhere else.

Are we wrong in the facts? Was there sufficient before the committee to justify us in this conclusion? Honorable gentlemen, two members of the other House, appeared before this committee; and allow me to say that while they are honorable and high-minded gentlemen they partake something of the temper of Ohio, they partake something of the temper of a people that could call a convention of political newspaper editors for the purpose of overawing members of this body. With those prejudices they came there to do what? To read to us from the testimony that we had already carefully examined, and to assume from their standpoint that we were wrong in our conclusions of fact.

In a few instances they did say that somebody had declared that if

this investigation went on there might be further and other testimony adduced. I need not say to men who have spent their lives as the greater portion of the members of the Senate have in the forum of the law, that it was but cumulative if it had been admitted to be proper; it was but adding to that which had already been examined; it was but their deductions in nine cases out of ten from evidence already before the committee, and which the Ohio legislative committee had declared proved nothing at all.

The honorable Senator from Illinois read, to the amusement of the Senate and to the amusement of the galleries, that which when I read it made my face tingle with shame that any respectable man should expect or hope to change my opinion upon a statement that some man who had said he was for Mr. Pendleton had afterward voted for somebody else! That and that alone was the last statement which was made to the committee on which we were asked to reverse ourselves and to come to a different conclusion.

The honorable member, Mr. Little, who has had great experience I am told in matters of this kind, having been attorney-general of his State, came before the committee, and in an argument which has been submitted to the Senate, prepared with care and attention, attempted to convince us, as I said before, from his deductions and from his conclusions that we were wrong.

The honorable chairman of the committee who made the minority report comes here to-day and assumes with an air that as much as says, "I have superior virtue and superior intelligence to the members of this committee who have seen fit to declare that there was nothing justifying the Senate in making this inquiry," and then he appeals to us to know if the purity of this body is not to be maintainad, and he lays down the rule that any respectable body making charges against a sitting member is entitled to be heard.

It is not enough by the law, it is not enough by the precedents of this body, that any man or set of men, however great or however good, should not come here to attack a seat unless they make specific charges, and that they have failed and declined to do. Is it enough to say that the sitting member is guilty of corruption, that his seat was bought by money? In this case we are not compelled to question the honesty or the integrity of the sitting member. The case is shorn of one of the most odious and disagreeable features of cases which have sometimes come to this body. All, without exception, of the witnesses before the Ohio committee, and the speakers before our committee, and everywhere, and the chairman of the committee to-day, have testified that there was no evidence whatever inculpating the sitting member, and that there was no reason to suppose that he was guilty of any conduct unbecoming a Senator of this body.

So we are left to the simple question of law, long since established in this body, that there must be first specific charges, and then they must be of a character to convince the mind of the Senate that the result will be that there will be proof of a sufficient change by improper methods to have altered the result of the election. In dealing with this case I have dealt with it without reference to the question whether bribery in a caucus or bribery in a legislative body were different in law. I have assumed for the purposes of this case, as I think I should upon all occasions, that if there had been bribery in the caucus to an extent to have determined a different result from what would have been otherwise arrived at the sitting member would be liable to lose his seat, not because of his criminality but because the will of the people of that State had not been lawfully and properly expressed, and that is all that is left in this case for the Senate.

We were told by the chairman that somebody somewhere has twenty-one names of men who were bribed, and he tells us to-day that the Senate is not entitled to know who they are for fear the ends of justice will be subverted and destroyed and these men I suppose will make their escape beyond the jurisdiction of the Senate of the United States. He tells us that there is ample evidence to indict before a grand jury; that there is ample evidence to commit before a committing magistrate. I deny that. The charge of corruption and bribery is a general charge, and that does not bring the crime within the limits which are required even in criminal cases.

It is not enough to say that there has been murder committed; somebody must have been murdered. It is not enough to say that a robbery has been committed; somebody must have been robbed. It is not enough to say that there has been a theft of somebody's goods; they must be identified, they must be specified as having been stolen. In a contest of this character involving not the rights of the Senator but the rights of his State, the dignity of this body, the dignity and the interests of the whole people of the United States, is it to be destroyed upon the assertion of one man or two, or one hundred, no matter how great, no matter how good, who decline to give us the names of the men who they say have been bribed?

The Ohio Legislature dealt not only with the four men but they dealt with many others. They dealt not only with those named in the resolution but they dealt with others, and they failed to find that any one of them had been bribed; and to-day if we should enter upon an investigation there is not the name of a single witness who could be called before the committee unless it was with the moral certainty that he would come there declaring as he had declared before, that there had been neither bribery nor corruption within his knowledge at least.

Mr. President, I am anxious not to detain the Senate at this late hour, but I wish to go over a little of this evidence, and I will venture to do it. I will only venture to do so because the chairman has done it. From his standpoint and from his proposition of law he need not have done it. He makes the broad assertion that ten members of the other House are sufficient when they say they believe corruption existed to put the sitting member upon inquiry. He states that if the governor—who in this case has not been heard from except as I believe he was a participant in the newspaper convention—so declares, that is sufficient complaint.

If that is sufficient complaint to put the sitting member from Ohio upon inquiry, it is equally so to put on inquiry the three members of this committee who signed the report, for they have alleged against us what they dared not allege and do not allege against the sitting member—newspaper reports sufficient to call the United States Senate to an inquiry of this character, the most monstrous and unsupported assertions ever made I believe on this floor. Contrary to every precedent, contrary to every principle of right, contrary to every common-sense idea, the newspapers of Ohio, because they clamor against the sitting member or against other members, can call their seats in question!

The honorable Senator felt undoubtedly that his position was weak; he was not willing to trust that to the Senate in view of the precedents which have been read here to-day. Therefore he resorted to reading what had been in proof, as he says, before the committee in Ohio, and he attempted to make the statement of counsel for the Republican central committee who appeared before our committee evidence in this case, and he assumed it because it said that some man would prove or it was believed some man would prove a certain set of facts; therefore the Senate is bound to order this inquiry at once!

I said I would attempt to approach this case in as calm and dispassionate manner as possible. I endeavored to do so. The momentous occasion, the importance of this verdict of the Senate as a precedent is, in my judgment, sufficient to justify me in taking a little more time than I otherwise would. The minority of the committee have summed up the reasons why the Senate of the United States should proceed to this inquiry. The honorable chairman here to-day said that it was necessary for the dignity of Ohio. I said in response to him, not for the RECORD, that the State of Ohio had not come here, and I repeat again the State of Ohio is not here. It came here with a resolution, but it based its resolution, both branches of that body based their resolutions upon this testimony, industriously, carefully confining their charges to what here appears, and what our committee with unanimity had declared did not make a case. If the State of Ohio had by her resolution of either body said, "We charge that there is fraud and corruption," and had made it specific, there would have been sufficient, in my judgment, to order an inquiry; but the mere, bare charge that there was fraud and corruption is not enough, and this Senate has so declared on more occasions than one when the Legislature itself or members thereof were the complaining party.

It is admitted that the Legislature of a State has nothing to do with the seat of a sitting member in this body. When he has been elected and certified to this body the Constitution has wisely taken away from the State the power to put in jeopardy his seat; and there never was a better illustration of the wisdom of the founders of this Government when they took away from the States the right to call in question the title of a sitting member than this case presents. Do you believe, sitting in the State of Ohio, a Republican senate and house would be able to do justice to the sitting member? With the temper displayed in that State by the public press, if they are to be believed, does anybody suppose they are in a frame of mind to proceed to a judicial inquiry and to determine it in accordance with law, fact, and justice? No; the Constitution wisely said when you have sent your agent here he shall not be put in terror by any act of yours.

The State of Ohio can come here only as its citizens may come. The difference between a resolution of the Ohio house of representatives and that of a mass meeting is simply in the respectability and the character of the men and nothing more. But they with care and attention and industry said, "We make this charge based upon the evidence in this case." One of the branches said, "Whereas it is a precedent in the United States Senate that charges must be directly made, therefore we make the charge based upon this evidence that there may be an investigation." The Republican central committee said the same thing, and in law they stand here just as the house stands and just as the senate stands by their resolution, entitled to the same consideration, no more and no less.

So the State of Ohio is not here, and if she were here we must apply the same rules that are applied to other cases. Specific charges must be made showing us how and when and where this corruption took place so that we may properly enter upon the investigation.

Mr. President, it is suggested that I had better quit and ask a recess, but I prefer to close.

Several SENATORS. Not to-night, but in the morning.

Mr. TELLER. If the Senate proposes to adjourn, I would as lief adjourn now as at any time.

Mr. SHERMAN. I understand there is a general feeling among Senators not to hold a night session to-night. I move that the Senate adjourn, the Senator from Colorado retaining the floor.

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Thursday, July 21, 1886, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July* 21, 1886.

The House met at 11 o'clock a. m. Prayer by Rev. Dr. BULLOCK, of Washington.

The Journal of the proceedings of yesterday was read and approved.

ALLEGED FRAUDS ON THE TREASURY.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, in response to a resolution of the House, giving the reasons why a clerk was not detailed to investigate a settlement made by R. D. Lancaster, and transmitting papers connected therewith; which was referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

OLEOMARGARINE.

The SPEAKER also laid before the House the bill (H. R. 8328) defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine, with the amendments of the Senate thereto, and stated that they would be referred to the Committee on Agriculture.

Mr. DUNHAM. Mr. Speaker, I make the point of order that that, being a revenue bill, it ought to go to the Committee on Ways and Means.

The SPEAKER. The Chair thinks that under the rule the bill would go to the Committee on Ways and Means, but the House by a vote referred it originally to the Committee on Agriculture. The gentleman has a right, however, to make a motion on the subject, if he desires. It is not for the Chair to decide absolutely and finally where the bill shall go.

The bill and amendments were referred to the Committee on Agriculture.

POLICE REGULATIONS FOR DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House an act (S. 2600) to authorize the commissioners of the District of Columbia to make police regulations for the government of said District; which was referred to the Committee on the District of Columbia.

CHANGE OF INDIAN SCHOOL BUILDING, WASHINGTON TERRITORY.

The SPEAKER also laid before the House the bill (S. 2855) to authorize a change of location of a certain Indian school building in Washington Territory; which was referred to the Committee on Indian Affairs.

MESSAGE FROM THE SENATE.

The SPEAKER also laid before the House the following message from the Senate:

IN THE SENATE OF THE UNITED STATES, *July* 19, 1886.

Ordered, That the Secretary be directed to furnish the House of Representatives, in compliance with its request, an engrossed copy of the bill, Senate bill 1042, to pay B. S. James for transporting the United States mails.

The SPEAKER. The Chair will state that since this request was made by the House the original engrossed bill received from the Senate has been found, has been reported back to the House, and is now on the Calendar; so if there be no objection this copy will lie on the table.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. T. J. CAMPBELL and Mr. CRAIN for the remainder of the week.

MOSES WILLIAMS.

Mr. CABELL, by unanimous consent, introduced a bill (H. R. 9928) granting a pension to Moses Williams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAUSES OF YELLOW FEVER.

Mr. DAVIS. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of Senate bill 1730, with the amendments thereto, and that it be put upon its passage. It is the bill providing for a commission to investigate into the alleged discovery of the specific causes of yellow fever and the best methods of prevention. I will add that the amendments have secured the support of gentlemen who previously opposed the bill, and I think there is now no opposition to it. The amendments eliminate the provision for paying the commission, and provide for a commission of two persons now in the service of the Government, who shall receive no additional compensation. The amendments also reduce the appropriation from $25,000 to $10,000. I sincerely trust that there will be no further opposition to the passage of the bill.

FINAL ADJOURNMENT.

Mr. MORRISON. Mr. Speaker, I desire to call up the privileged resolution which I reported yesterday in relation to final adjournment.

The SPEAKER. The request of the gentleman from Massachusetts [Mr. DAVIS] is before the House, unless the regular order is called for.

Mr. VAN EATON. I call for the regular order.

The SPEAKER. The regular order is called for.

Mr. MORRISON. I ask that the resolution which I have called up be read.

The resolution was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *July* 19, 1886.

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* at 3 o'clock p. m. July 28, 1886.

Mr. REAGAN. Mr. Speaker, I ask the chairman of the Committee on Ways and Means to allow the House some opportunity for an expression of views on this resolution.

The SPEAKER. If the previous question is ordered, there will be thirty minutes for debate, fifteen minutes on each side.

Several MEMBERS. That is enough.

Mr. MORRISON. I call the previous question on the resolution.

The previous question was ordered.

The SPEAKER. Under the rules thirty minutes are allowed for debate; fifteen minutes in support of the resolution and fifteen minutes in opposition to it.

Mr. REAGAN. Mr. Speaker, I feel as anxious as any one does to have our labors here closed; but I fear if we adopt this resolution to adjourn one week from to-day, and the resolution should be concurred in by the Senate, we shall fail to perform a very important part of our duty to the public. There are two bills at least (and I think it right I should mention them) which it seems to me of very great moment we should act upon. These bills have been matured in committees, and no great length of time will be required to act upon them. One is the bill to regulate interstate commerce. That bill has been discussed frequently before this House in former Congresses and before the country; I do not suppose it will require a great deal of general discussion. The subject has been acted upon by the Senate, and a Senate bill in relation to it is before us and in condition to be acted on here. For twelve or fifteen years the country has been demanding in every form in which public opinion could be expressed legislation on this subject. The Senate having acted upon the question, if the disposition of the matter by the House should require a few days' delay, it seems to me proper we should consent to this delay; for it is due to the interests of the country that we act upon the subject.

I would also favor a delay of final adjournment for a few days longer than proposed, in order that the Northern Pacific land-grant forfeiture bill may be taken up and acted upon. I think it due to the public that these two measures should be disposed of before we adjourn; and with this view I would be glad if the gentleman from Illinois would permit an amendment to fix Wednesday, the 4th of August, as the day of final adjournment, which would be a postponement one week beyond the time proposed. If the Senate should find that an adjournment can be reached sooner, the matter could be arranged; or if a later date be necessary, that can be settled by the way of amendment. I very much desire that we should not fix in our resolution an earlier day than the 4th of August, so that time may be allowed for action upon the two measures which I have mentioned, and so as to wind up the business of the session without unnecessary haste.

I yield a minute or two to the gentleman from Iowa [Mr. WEAVER].

Mr. WEAVER, of Iowa. Mr. Speaker, I concur heartily in the remarks of the gentleman from Texas [Mr. REAGAN]. I do not think we are now prepared to determine intelligently when this Congress can adjourn. Here are the land-forfeiture bills and the interstate-commerce bill; and in line with the land-forfeiture bills is the Oklahoma bill, not second in importance to any one of the land-forfeiture bills. It will take some time, though not a great deal, to pass upon these questions. There would be time within the period now fixed by the resolution, if the House would get right down to business. But I fear that if the date named be fixed, it will be a signal to those who are opposed to these measures to consume time in order to prevent their passage. As the resolution now stands I shall have to vote against it. I would much prefer that it be amended in accordance with the suggestion of the gentleman from Texas.

Mr. REAGAN. I yield three minutes to the gentleman from Arkansas [Mr. DUNN.]

Mr. DUNN. Mr. Speaker, I very much hope that the gentleman from Illinois will allow the House to vote upon a proposition to fix the 4th of August as the day of final adjournment. I perfectly well understand and appreciate the anxiety of many members to get to their homes pending their preliminary campaign; but gentlemen must remember that if this session of Congress should adjourn without having a vote upon three or four or five measures of great importance to the country public expectation will be greatly disappointed. If there is one sentiment stronger in the public mind than another at the present time it is the sentiment in favor of the forfeiture of unearned land grants. Public opinion is impatient at the delay which has already

occurred in acting upon these measures; and gentlemen who may be instrumental in adjourning this session of Congress without a vote upon all those bills will hear from the people; and they will be less anxious to hear from the people on that point than they are to hear from them just now on another.

The river and harbor bill at the shortest session of the Forty-eighth Congress failed to pass; and some hundreds of thousands of dollars have been wasted by the total cessation of works of improvement on rivers and harbors and by the failure of the means necessary to protect the works in progress.

Again, if this Congress should adjourn without considering the bill to increase the efficiency of the Navy by inaugurating the building of additional naval vessels public expectation will be very much disappointed. There is also the interstate-commerce bill, which stands second to none of these measures, but first in importance among them. It has not had a day in this House during this session of Congress. The House is ready to vote upon it. It is really ready to vote upon all these measures. And there are other measures which the public expects shall be acted upon. The dilatory proceedings inaugurated yesterday in regard to the river and harbor bill admonish us that the gentlemen who oppose that bill do not intend to allow a vote to be taken on it if they can defeat it by dilatory measures or by an early adjournment. If there is anything in the threat intimated to us yesterday by the gentleman from Indiana [Mr. BROWNE], who seems to be in the confidence of the President, or intimates that he is ——

Mr. BROWNE, of Indiana. I never spoke to the President in my life.

Mr. DUNN. The gentleman warned us yesterday that he was informed that this bill could not become a law, even if passed by Congress. That declaration could have but one meaning—that he was informed the President would veto it.

Mr. BROWNE, of Indiana. I have seen that in the newspapers repeatedly, in the newspapers of the gentleman's own party; and that is all I know about it.

Mr. DUNN. The gentleman from Indiana stands too high before this country to add his high authority to mere newspaper garbage. He can not afford to do that on this floor.

Mr. BROWNE, of Indiana. Well, I refer to the administration organ in this city—the Post.

Mr. DUNN. Well, the gentleman from Indiana can not afford to go before the country upon that assurance. You must have had some greater reason or better assurance than mere newspaper mention. I say, sir, that we should have a vote upon each one of these bills, and we want time to do it.

Mr. ROWELL. Do I understand the gentleman to say that the President has gone to the Republicans for his counsel?

Mr. DUNN. And we can not agree to anything that will not permit a full opportunity to discuss and vote upon that bill, as well as all of these other matters to which reference has been made.

Mr. REAGAN. How much time have I remaining?

The SPEAKER. The gentleman has seven minutes.

Mr. REAGAN. I yield two minutes to the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. Mr. Speaker, it strikes me that the only question embodied in this resolution is whether we shall pass the river and harbor bill or other necessary legislation before adjournment or not. When the committee saw fit to dump in all the appropriation bills at the end of the session, although I think they had but four——

Mr. DUNHAM. Six.

Mr. RYAN. They had six bills.

Mr. BAYNE. Although they had but six bills to consider and report on, and thereby gave the Senate but a very short time to consider them, so short indeed that the Senate has to sit up now at nights to give them consideration, it is but fair to the interests of this country that we should take a little more time now in order to perfect necessary legislation which has been prepared by the committees.

The river and harbor bill I regard as one that is absolutely essential to the best interests of this country. It will undoubtedly be a great mistake on the part of Congress to adjourn without passing such a bill. If any gentleman will take the trouble to examine the reports of the engineers of the United States Army and read them with any degree of care and see what the urgent necessities of the commerce of the country demand, he will not hesitate I think to support the river and harbor bill, which makes a judicious appropriation for the improvement of the navigable water ways of the country. There is a clamor raised against the bill; the press of the country has to some extent denounced it.

All sorts of wild and illy-considered diatribes are hurled against it; but notwithstanding all that, I believe the navigation interests of this country, with the great commerce depending upon them, are deserving of the careful consideration of Congress, and that Congress should not adjourn until it makes an appropriation to meet the requirements of that commerce. The introduction of this resolution at this time is to shut off this appropriation. The river and harbor bill seems to meet with embarrassment in many parts of the country. The inland districts and sections not bordering upon streams or navigable waters are adverse to the improvement of our water ways because they have no special interest in them. They have a general interest, however; the people of the whole country have a general interest in them; and I think, therefore, it is the duty of Congress to sit here until the necessary legislation is perfected; and I want to see that courage exhibited upon the part of members of this House which will induce them to stay here and vote for or against these great measures, and let them go to their constituents to meet their approval or disapproval upon these vital questions as the case may be.

Mr. REAGAN. I now yield two minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, I want to remind the House before voting upon this resolution reported from the Committee on Ways and Means, for adjournment on the 28th instant, of some of the more important bills which are now pending in the House and waiting its consideration. There is, for instance, the anti-polygamy bill. There is the interstate-commerce bill, the general bankruptcy bill, the international copyright bill, the land-grant forfeiture bills, the pension bill passed by the Senate, the Oklahoma bill, the bill admitting Dakota, the tariff bill, the bill creating the Agricultural Department, the free-ship bill, and many other important measures which are now upon our Calendars. Certainly there can be no excuse for adjournment until some if not all of these important measures are considered, especially those relating to interstate commerce and the pension laws of the country. We have an opportunity now to accomplish that legislation which the country desires. The Senate has passed the Cullom bill—a bill of judicious character with reference to interstate commerce, and which I believe meets the approval of a large majority of the House. We can have legislation upon that important subject without doubt at this session if we are not too hurried about this matter of adjournment.

I know gentlemen say it is now late. I do not so understand it. There is no one member of this body who is employed by his constituents or the country for any shorter period of time than the whole year. The time for the adjournment of this House, if it be necessary that it should remain in session that length of time, is the first Monday in December next. That is the time these gentlemen are paid to serve their constituents. They are not paid for the purpose of hurrying off home to enter into a political campaign. There is no excuse for abandoning the public business. I desire the interstate-commerce bills to be considered. I want the Cullom bill to be passed. I want an opportunity to vote for it and to urge its passage upon others. It is not all that I would have it, but in the main it is a wise, judicious measure. As it will come before the House it will be cumbered with the bill known as the Reagan bill. If we can get rid of this by a vote, the question will then recur upon the Cullom bill, which I hope will be passed.

Mr. REAGAN. I now yield the remaining time to the gentleman from Kentucky [Mr. WILLIS].

Mr. WILLIS. Mr. Speaker, I sincerely hope this adjournment resolution will be postponed at least for a few days. What, sir, is the present condition of legislation in Congress? Three great appropriation bills of this House—the sundry civil bill, the deficiency bill, and the fortifications bill—have not yet come out of the committee in the Senate.

Mr. RYAN. Oh, yes; the gentleman is mistaken about that. The sundry civil bill is about finished.

Mr. BROWN, of Pennsylvania. The Senate sat nearly all last night finishing it.

Mr. DUNHAM. And the deficiency bill has been reported.

Mr. WILLIS. The deficiency bill has not yet been reported.

Mr. DUNHAM. I beg the gentleman's pardon; it has been reported.

Mr. WILLIS. And the naval bill is in conference, while the river and harbor bill has not yet gone to conference.

Mr. RANDALL. But the deficiency bill has been reported to the Senate.

Mr. WILLIS. Well, that does not change very much the situation. The important bills are yet to be acted upon. The surplus resolution to which we attached so much importance is not yet out of the committee.

Now, what do we propose to do? If we pass this resolution we place it in the hands, not of a minority, even, but only of forty members on this floor to defeat every one of these great and important bills. The sundry civil bill has between two and three hundred amendments. When it comes to the bar of the House it can be challenged upon each one of these amendments. Each one can, if it be necessary to consume time, be considered in Committee of the Whole, and the whole time of the session between now and the 28th of this month can be and will be consumed upon the sundry civil bill alone. The naval bill, the surplus resolution, the reconstruction of the Navy, the interstate-commerce bill, all of these great and important measures will fall to the ground.

Mr. MORRISON. Mr. Speaker, if it be permissible to refer to what is going on at the other end of the Capitol, I may say we have reason to suppose the House is in advance of the Senate in the matter of legislation, and especially in legislation which must be done before any adjournment can be had; it is therefore altogether probable that this resolution, if adopted, will amount to nothing more than information to the Senate that the House can be ready to adjourn at the time named. The measures of which the gentleman from Kentucky [Mr. WILLIS]

has spoken, the surplus resolution and the other matters to which he has referred, are in charge of the body at the other end of the Capitol, and, from what I have observed, I deem it safe to predict that the surplus resolution will not occupy much of the time of that body. Perhaps I ought not to say this, but I say it because I think I know it. In regard to the measures to which the gentleman from Texas [Mr. REAGAN] has referred, I am in sympathy with him in desiring consideration of the interstate-commerce bill and of the bills forfeiting unearned land grants; and if gentlemen will cease talking and go to work these measures can and will be considered. [Applause and cries of "Hear!" "Hear!" and "That is right!"] Several months ago orders were passed enabling the Committee on Public Lands to enter upon the consideration of these bills of forfeiture, and now after the lapse of many months they are still unconsidered.

Mr. BROWN, of Pennsylvania. They would not consider them if we staid here all summer.

Mr. MORRISON. So it is with the interstate-commerce bill. Four or five months, or at least months, ago the committee having that bill in charge was given the right of way to call it up on the morning of any day.

Mr. DUNN. But that right of way was taken away from the committee repeatedly by vote of the House.

Mr. HENLEY. And the same is true of the Committee on Public Lands.

Mr. MORRISON. Certainly; and if the House desires to take away that right to-day, or to-morrow, or the next day, it will do so; and, on the other hand, if the House desires to consider the measure, it can consider it to-morrow.

Mr. REAGAN. I hope the gentleman will permit me to say a word in reply to his statement about the interstate-commerce bill. Before we could get our bill through the House the Senate passed a bill on the same subject, and we felt that it was useless to consider our bill until we could get the Senate bill before us, and from that time to this the gentleman himself and others have occupied the time of the House with appropriation bills and other measures that have precedence over the interstate-commerce bill.

Mr. MORRISON. I am not complaining of the committee or of the gentleman at all. I am only assuring him that I am in sympathy with him in his desire to pass that bill, and if the House inclines the same way he can consider his bill to-day or any day before adjournment.

Mr. HENLEY. Mr. Speaker, in justice to the Committee on Public Lands I desire to say that there has not been an hour of this session when the Committee on Public Lands have not been trying to have these land-forfeiture bills considered.

Mr. REED, of Maine. If they have had so little success in the past, what do they hope for in the future? [Laughter.]

Mr. HENLEY. The want of success has been owing in part to opposition coming from the gentleman from Maine.

Mr. MORRISON. Mr. Speaker, as to the river and harbor bill, I need hardly say that that bill is quite as well able to take care of itself as it ought to be [laughter], and its friends need have no cause for alarm. I will not detain the House longer.

Mr. REAGAN. Mr. Speaker, I will ask the gentleman whether he will consent to have the House vote upon an amendment to this resolution?

Mr. MORRISON. Oh, no. I demand the previous question.

Mr. WEAVER, of Iowa. Mr. Speaker, I wish to move to recommit the resolution with instructions.

Mr. REED, of Maine. Mr. Speaker, I desire to say a few words before the vote is taken.

Mr. MORRISON. I will yield to the gentleman from Maine [Mr. REED], who is a member of the committee reporting the resolution.

The SPEAKER. How much time does the gentleman yield?

Mr. MORRISON. All the gentleman wants, if I have so much.

The SPEAKER. The gentleman [Mr. MORRISON] has ten minutes remaining.

Mr. REED, of Maine. Mr. Speaker, I suppose it would not be at all difficult to make some piquant comments on the present situation of affairs, but I do not intend to indulge myself in anything of that sort. I suppose that the whole House recognizes the actual situation. The summer is past, the harvest is about ended, and whether anybody is saved or not can not be determined by discussions here or prophetic utterances.

We have been in session about eight months. Every gentleman connected with the measures that have been spoken of this morning has of course done his whole duty, has been instant in season and out of season, but the result has been that we have failed of accomplishment to any very great extent, and if we should stay here any longer it seems to me that we should probably have about the same result with more expenditure of time.

I simply want to call the House to witness that the majority have met with no factious opposition, no waste of time, no spinning out of debates, no hampering. They have had the rules changed to suit themselves; they have had most abundant opportunity for the transaction of business. My friend the chairman of the Committee on Appropriations [Mr. RANDALL] has had his burdens lightened to such an extent that he might have set us an example of speedy action upon the appropriation bills that were left to him. [Laughter.] The other committees on appropriations have had ample time and opportunity to consider their business with fullness and amplitude of detail. I want simply to point out the charming Arcadian simplicity of the situation which the gentlemen on the other side have had to deal with this session, a perfectly uninterrupted flow, perfect opportunity for the display of their varied talents, perfect opportunity to pass every measure which they deemed consistent with the honor, the dignity, the glory of the country; and it is to the credit of the gentlemen who have spoken this morning that, after all the Democratic party have achieved this session, they still find other fields of achievement open and possible for them.

It shows that there are men in the Democratic party who are in advance of the great mass of "reform" gentlemen who intended to make this country blossom like the rose, but who do not seem thus far to have absolutely succeeded. [Laughter.]

It does seem to me about time we should make some attempt toward finding the end of this session. It would seem that the country at least, if one can judge by the expressions of public opinion, is satisfied we have had full trial of our opportunities and capabilities. If these measures which are spoken of have not been brought up, who is to be blamed? After eight months of this session of Congress have passed, can we do anything better than make an attempt toward adjournment? The other branch of Congress, if it should find that the public business requires a modification of the resolution, will make such modification, and then the resolution will come back to us to be considered in the light of all the circumstances of the case. [Cries of "Vote!" "Vote!"]

Mr. MORRISON. As the gentleman from Maine has now relieved himself of what he wanted to say, I demand a vote.

The SPEAKER. The gentleman from Iowa [Mr. WEAVER], as the Chair understood, moved to recommit.

Mr. WEAVER, of Iowa. With instructions to report a resolution fixing the 4th day of August for final adjournment.

The question being taken on the motion of Mr. WEAVER, of Iowa, to recommit, it was not agreed to; there being—ayes 39, noes 152.

The question being taken on the adoption of the resolution, it was adopted; there being—ayes 145, noes 36.

Mr. MORRISON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to recommit be laid on the table.

The latter motion was agreed to.

INCREASE OF NAVAL ESTABLISHMENT.

Mr. MORRISON. I am directed by the Committee on Rules to call up the resolution reported by me yesterday, fixing a day for the consideration of House bill No. 6664.

The Clerk read as follows:

Resolved, That Thursday, the 22d day of July, immediately after the reading of the Journal, be set apart for consideration of House bill 6664, entitled "A bill to increase the naval establishment;" and if the consideration of said bill shall not be completed on that day, then Saturday next, immediately after the reading of the Journal, is hereby set apart for the further consideration of the said bill.

Mr. REAGAN. Mr. Speaker, I trust the House will not adopt this resolution. The gentleman from Illinois has just secured the passage of a resolution fixing a day for final adjournment, and now he proposes to select the bills which shall occupy the time between now and the adjournment. I am in favor of the naval bill all the time, but I would prefer to act on a bill upon which action is much more generally demanded by the country. I trust the House at this stage of the session will not take a course which may preclude the possibility of considering the interstate-commerce bill, which certainly, so far as the public sentiment and the wish of the country are concerned, stands pre-eminently above any other measure now before the House. I hope this resolution will not be adopted.

Mr. MORRISON. Before moving the previous question I desire to say a word. I have been directed by the Committee on Rules to report this resolution and to urge its adoption. If adopted it will put the Committee on Naval Affairs as to the consideration of this bill for the increase of the naval establishment exactly where the Committee on Commerce is in relation to the question of interstate commerce, and where the Committee on Public Lands is in relation to the question of land forfeitures. It will put it in the power of the House to consider whichever of these measures it desires to consider, to-morrow or on any other day. When this bill comes up any gentleman can raise the question of consideration.

Mr. REAGAN. I would like to know from the Speaker, if he feels free to express an opinion, whether the gentleman from Illinois has properly interpreted the effect of this resolution. The gentleman assumes that the resolution would simply place the Naval Committee, with reference to this bill, in the same position in which the Committee on Commerce stands with relation to the interstate-commerce bill, and in which other committees stand in regard to bills for the consideration of which a day has been fixed. Heretofore in several instances where days have been set for the consideration of particular measures it has been held that all other special orders were excluded.

I think it right the House should now know whether we are to be entrapped into the same state of affairs in the closing days of this session.

The SPEAKER. The Chair will state that this resolution will set apart—in other words dedicate—the two days named in it for the consideration of the bill for the increase of the naval establishment; and it would exclude all other business on those days.

Mr. WARNER, of Ohio. It would exclude the land-forfeiture bills, would it not?

Mr. MORRISON. In this same way days have been fixed for the consideration of the interstate-commerce bill and public-land measures; and the question of consideration has been frequently raised, and those measures have been set aside for the day or sometimes postponed for a longer time. As I understand, the same thing may be done under this resolution. Mr. Speaker, is not that true?

The SPEAKER. The Chair thinks the House can never put it out of its power to decide at the time when any particular measure comes up whether it will consider it or not; that is to say, any gentleman, under the rules, has the right to raise the question of consideration.

A MEMBER. And does a majority decide that?

The SPEAKER. A majority decides.

Mr. MORRISON. I move the previous question.

Mr. DUNHAM. I desire to ask a parliamentary inquiry. Does this resolution "fix" these days or "set apart" these days?

The SPEAKER. It sets them apart.

Mr. REAGAN. I understood the Chair to say that the resolution would give this business the exclusive right to those days.

The SPEAKER. In the same way, Friday of each week is set apart for the consideration of private business; yet, although the House may not vote to dispense with private business, each bill as it comes up is subject to the question of consideration. When the gentleman from Alabama [Mr. HERBERT] under this order calls up his bill to-morrow morning or Saturday morning any gentleman under the rules of the House, which this resolution does not change, will have the right to raise the question of consideration against it.

Mr. WARNER, of Ohio. In favor of any other bill?

The SPEAKER. Not in faver of any other bill. Any gentleman can raise the question of consideration, and then if the House determines not to consider this bill it will go on with the other business of the House.

Mr. BUCK. That to be determined by the majority vote?

The SPEAKER. Yes, that to be determined by the majority vote. It is a right which can not be taken away from members. It is provided for in the rules of the House.

The previous question was ordered.

Mr. SPRINGER. Is it in order to move to recommit this?

The SPEAKER. It is.

Mr. SPRINGER. Then I move to recommit with the following instructions.

The Clerk read as follows:

Resolved, That the order heretofore adopted requiring the House to adjourn at 5 o'clock p. m. be, and the same is hereby, rescinded.

Mr. MORRISON. No. [Cries of "No!"]

Mr. SPRINGER. If I can get unanimous consent to refer that to the Committee on Rules I will withdraw the motion to recommit. I think that order should be rescinded, because we can not do anything under it.

Mr. SPRINGER'S motion to recommit was disagreed to.

The SPEAKER. The question recurs on the adoption of the resolution.

Mr. MCADOO. I ask for a division.

The House divided; and there were—ayes 108, noes 41.

Mr. ANDERSON, of Kansas. No quorum has voted. [Cries of "No!"]

Mr. PAYSON. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 192, nays 47, not voting 83, as follows:

YEAS—192.

Adams, G. E.	Cabell,	Eldredge,	Halsell,
Allen, C. H.	Campbell, Felix	Ely,	Harmer,
Allen, J. M.	Candler,	Ermentrout,	Hayden,
Ballentine,	Cannon,	Evans,	Haynes,
Barry,	Carleton,	Everhart,	Heard,
Bayne,	Collins,	Farquhar,	Henderson, D. B.
Belmont,	Comstock,	Findlay,	Henderson, J. S.
Bennett,	Conger,	Fisher,	Henderson, T. J.
Blanchard,	Cowles,	Fleeger,	Henley,
Blount,	Cox,	Foran,	Herbert,
Bound,	Croxton,	Forney,	Hermann,
Boutelle,	Culberson,	Frederick,	Hewitt,
Boyle,	Curtin,	Funston,	Hiestand,
Brady,	Cutcheon,	Gallinger,	Hill,
Breckinridge, C. R.	Dargan,	Gay,	Hires,
Breckinridge, W C P.	Davidson, A. C.	Gilfillan,	Hiscock,
Browne, T. M.	Davidson, R. H. M.	Glass,	Hitt,
Brown, C. E.	Davis,	Goff,	Hopkins,
Brown, W. W.	Dingley,	Green, R. S.	Hudd,
Buchanan,	Dockery,	Grosvenor,	Hutton,
Buck,	Dougherty,	Grout,	James,
Bunnell,	Dunham,	Guenther,	Johnston, J. T.
Burleigh,	Dunn,	Hale,	Johnston, T. D.
Burrows,	Eden,	Hall,	Jones, J. H.
Jones, J. T.	Mitchell,	Rice,	Taylor, I. H.
Kelley,	Moffatt,	Richardson,	Taylor, J. M.
Ketcham,	Morgan,	Rockwell,	Taylor, Zach.
King,	Morrill,	Romeis,	Thomas, O. B.
Laffoon,	Morrison,	Ryan,	Thompson,
Landes,	Morrow,	Sadler,	Tillman,
Lanham,	Muller,	Sawyer,	Townshend,
Lawler,	Murphy,	Sayers,	Trigg,
Lehlbach,	Neal,	Scott,	Turner,
Lindsley,	Neece,	Scranton,	Wakefield,
Little,	Negley,	Seymour,	Wallace,
Long,	Nelson,	Shaw,	Ward, T. B.
Lore,	Oates,	Smalls,	Warner, William
Lovering,	O'Ferrall,	Sowden,	Weber,
Martin,	O'Neill, Charles	Stephenson,	West,
Maybury,	Osborne,	Stewart, Charles	Wheeler,
McAdoo,	Owen,	St. Martin,	White, A. C.
McComas,	Parker,	Stone, E. F.	White, Milo
McCreary,	Payne,	Storm,	Wilkins,
McKenna,	Perkins,	Strait,	Willis,
McMillin,	Pettibone,	Swinburne,	Wilson,
Merriman,	Pirce,	Swope,	Wise,
Millard,	Price,	Tarsney,	Woodburn,
Mills,	Randall,	Taulbee,	Worthington.

NAYS—47.

Anderson, J. A.	Fuller,	Matson,	Snyder,
Burnes,	Geddes,	McRae,	Springer,
Bynum,	Harris,	Payson,	Stone, W. J., Mo.
Caldwell,	Hatch,	Peel,	Struble,
Campbell, J. M.	Hepburn,	Perry,	Van Eaton,
Catchings,	Holman,	Peters,	Warner, A. J.
Clardy,	Jackson,	Pidcock,	Weaver, A. J.
Clements,	Kleiner,	Plumb,	Weaver, J. B.
Cobb,	La Follette,	Reagan,	Wellborn,
Crisp,	Le Fevre,	Rowell,	Winans,
Dorsey,	Lowry,	Singleton,	Wolford.
Ellsberry,	Lyman,	Skinner,	

NOT VOTING—83.

Adams, J. J.	Crain,	Libbey,	Seney,
Aiken,	Daniel,	Louttit,	Sessions,
Anderson, C. M.	Davenport,	Mahoney,	Spooner,
Arnot,	Dawson,	Markham,	Spriggs,
Atkinson,	Dibble,	McKinley,	Stahlnecker,
Baker,	Dowdney,	Miller,	Steele,
Barbour,	Felton,	Milliken,	Stewart, J. W.
Barksdale,	Ford,	Norwood,	Stone, W. J., Ky.
Barnes,	Gibson, C. H.	O'Donnell,	Symes,
Beach,	Gibson, Eustace	O'Hara,	Taylor, E. B.
Bingham,	Glover,	O'Neill, J. J.	Thomas, J. R.
Bland,	Green, W. J.	Outhwaite,	Throckmorton,
Bliss,	Hammond,	Phelps,	Tucker,
Bragg,	Hanback,	Pindar,	Van Schaick,
Brumm,	Hemphill,	Ranney,	Viele,
Butterworth,	Holmes,	Reed, T. B.	Wade,
Campbell, J. E.	Houk,	Reid, J. W.	Wadsworth,
Campbell, T. J.	Howard,	Reese,	Wait,
Caswell,	Irion,	Riggs,	Ward, J. H.
Compton,	Johnson, F. A.	Robertson,	Whiting.
Cooper,	Laird,	Rogers,	

So the resolution was adopted.

During the roll-call,

On motion of MCMILLIN, by unanimous consent the reading of the names was dispensed with.

Mr. REED, of Maine. I ask permission to vote.

The SPEAKER. Was the gentleman present when his name was called?

Mr. REED, of Maine. I was not.

The SPEAKER. Under the rules the Chair can not even entertain the request.

The following pairs were announced:

Mr. DIBBLE with Mr. BAKER, for the balance of the week.

Until further notice:

Mr. THROCKMORTON with Mr. WADSWORTH.

Mr. MILLER with Mr. HOUK.

Mr. DOWDNEY with Mr. O'HARA.

Mr. DANIEL with Mr. WHITING.

Mr. SPRIGGS with Mr. OWEN.

Mr. DAWSON with Mr. RANNEY.

Mr. HAMMOND with Mr. PAYNE.

Mr. NORWOOD with Mr. O'DONNELL.

Mr. ROBERTSON with Mr. STEELE.

Mr. RIGGS with Mr. PHELPS.

Mr. BLAND with Mr. VAN SCHAICK.

Mr. GREEN, of North Carolina, with Mr. HANBACK.

Mr. ARNOT with Mr. THOMAS, of Illinois.

Mr. ROGERS with Mr. EZRA B. TAYLOR.

Mr. BARBOUR with Mr. LIBBEY.

Mr. BARKSDALE with Mr. DAVENPORT.

Mr. REID, of North Carolina, with Mr. WAIT.

Mr. BRAGG with Mr. CASWELL, for the remainder of the session.

Mr. OUTHWAITE with Mr. LOUTTIT, for this day.

Mr. SENEY with Mr. BUTTERWORTH, for this day.

Mr. BARNES with Mr. FELTON, on this vote.

Mr. SPOONER with Mr. GIBSON, of West Virginia, on this vote.

Mr. CAMPBELL, of Ohio, with Mr. SESSIONS, for this day.

Mr. ANDERSON, of Kansas, with Mr. HOLMES, on this vote.

Mr. BRUMM. I was absent during the roll-call, in the Senate on official business, and ask leave to vote.

The SPEAKER. Under the rules the Chair can not entertain the request.

Mr. BRUMM. I would have voted in the affirmative.

Mr. STAHLNECKER. I wish to state I would have voted in the affirmative if I had been present during the roll-call.

The result of the vote was announced as above recorded.

Mr. MORRISON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The regular order has been demanded.

Mr. WILLIS. I move to dispense with the morning hour for the call of committees.

The question was taken; and (two-thirds voting in favor thereof) the motion was agreed to.

Mr. WILLIS. I move that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

RIVER AND HARBOR BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HATCH in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the river and harbor bill.

The Clerk will report the pending amendment.

The Clerk read as follows:

Strike out lines 155 to 159 inclusive.

The CHAIRMAN. When the committee rose last night the tellers were about to take their places on a vote on this amendment. That vote will now be taken anew.

Mr. HEWITT. Before that I desire to make a brief statement.

I am satisfied, after a conference with the members of the committee in charge of this bill, that the object I have in view will be accomplished by voting non-concurrence in the amendments generally. The committee have now had their attention attracted to the matter, and I am sure when the conference is ordered it will act in accordance with the views practically indorsed by the House; and if we can have a vote upon that amendment as upon the others I shall ask unanimous consent to withdraw the motion.

The CHAIRMAN. Is there objection?

There was no objection, so the motion was withdrawn.

Mr. HEWITT. I ask the gentleman from Kentucky if it is understood we shall have a vote upon that if demanded in the House?

Mr. WILLIS. That is understood.

I now renew my motion to non-concur in the Senate amendment.

Mr. BRECKINRIDGE, of Arkansas. To what extent, let me ask the gentleman from Kentucky, do you grant a vote in the House on disagreement to these amendments? On what portion or what portions of the amendment is a separate vote to be permitted? On any amendment on which a gentleman may demand a separate vote?

Mr. WILLIS. No, sir; because we would be here four months in that event. There are four or five amendments, as I stated yesterday, which the Senate have incorporated upon the bill that are of an important character. These are matters that will be brought up in the House and a separate vote permitted upon them.

I now renew my motion to non-concur.

The motion was agreed to.

Mr. WILLIS. I now move that the committee rise and report non-concurrence in the Senate amendment, and consent to the conference asked for.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH reported that the Committee of the Whole House on the state of the Union having had under consideration the river and harbor appropriation bill, with Senate amendment thereto, had directed him to report the same to the House with recommendation that it be non-concurred in, and consent given to the request for a conference.

Mr. WILLIS. On that I demand the previous question.

The previous question was ordered, under the operation of which the report of the Committee of the Whole was agreed to.

Mr. WILLIS moved to reconsider the last vote taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER announced as managers at said conference on the part of the House Mr. WILLIS, Mr. BLANCHARD, and Mr. HENDERSON, of Illinois.

ORDER OF BUSINESS.

Mr. HENLEY addressed the Chair.

Mr. REAGAN. I rise to make a privileged motion. I move to take up the Senate bill to regulate interstate commerce.

Mr. HENLEY. I rise to make a privileged report.

The SPEAKER. But the gentleman from Texas calls up a special order.

Mr. HENLEY. But I wish to make a privileged report from the Committee on Public Lands.

The SPEAKER. The gentleman from Texas, who was recognized, calls up a special order of the House, which is also privileged, and of as high a privilege as the other; in fact higher, because it is made a special order by the House.

Mr. HENLEY. Then I raise the question of consideration.

The SPEAKER. The gentleman has a right to do that.

Mr. HENLEY. I do so because I wish to reach the consideration of the Northern Pacific land-grant forfeiture bill.

The SPEAKER. The Clerk will report the title of the bill called up by the gentleman from Texas.

The Clerk read as follows:

A bill (S. 1532) to regulate commerce.

The SPEAKER. The gentleman from California raises the question of consideration as against this bill. The question is, Will the House proceed to consider it?

Mr. RANDALL. Will the Speaker state the exact question?

The SPEAKER. The gentleman from California states that he desires to make a privileged report from the Committee on the Public Lands to forfeit the unearned lands granted the Northern Pacific Railroad Company, and for that purpose raises the question of consideration against the interstate-commerce bill called up by the gentleman from Texas.

The question is, Will the House now proceed to consider the interstate-commerce bill?

The question was taken; and on a division there were—ayes 94, noes 66.

Mr. HENLEY. Let us have the yeas and nays.

The question was taken; and there were—yeas 142, nays 99, not voting 81; as follows:

YEAS—142.

Adams, G. E.	Dingley,	Laird,	Rockwell,
Allen, C. H.	Dorsey,	Landes,	Rowell,
Allen, J. M.	Dougherty,	Lanham,	Ryan,
Anderson, J. A.	Dunn,	Lehlbach,	Sadler,
Atkinson,	Evans,	Libbey,	Sawyer,
Ballentine,	Fleeger,	Lindsley,	Sayers,
Barry,	Fuller,	Long,	Scott,
Bayne,	Funston,	Lyman,	Singleton.
Bingham,	Gay,	Martin,	Skinner,
Blanchard,	Gilfillan,	Maybury,	Smalls,
Bliss,	Glass,	McComas,	Snyder,
Bound,	Glover,	McKinley,	Stephenson,
Brady,	Goff,	Millard,	Stewart, Charles
Breckinridge, C. R.	Guenther,	Mills,	St. Martin,
Browne, T. M.	Halsell,	Morgan,	Stone, E. F.
Brown, C. E.	Harmer,	Morrill,	Strait,
Buck,	Haynes,	Morrison,	Swinburne,
Bunnell,	Heard,	Morrow,	Tarsney,
Burleigh,	Hemphill,	Murphy,	Taulbee,
Burnes,	Henderson, D. B.	Negley,	Taylor, J. M.
Burrows,	Henderson, T. J.	Nelson,	Taylor, Zach.
Bynum,	Hepburn,	Oates,	Thomas, O. B.
Caldwell,	Herbert,	O'Ferrall,	*Tillman*,
Campbell, Felix	Hewitt,	Osborne,	Trigg,
Campbell, J. M.	Hiscock,	Payne,	Turner,
Cannon,	Hitt,	Perkins,	Wade,
Catchings,	Holmes,	Perry,	Wakefield,
Clardy,	Hopkins,	Peters,	Wallace,
Clements,	Hudd,	Pettibone,	Weaver, A. J.
Conger,	Irion,	Pindar,	Weber,
Crisp,	Jackson,	Pirce,	Wellborn.
Culberson,	James,	Plumb,	White, Milo
Cutcheon,	Jones, J. H.	Price,	Wilkins,
Dargan,	Jones, J. T.	Reagan,	Wilson.
Davidson, R. H. M.	Kelley,	Reed, T. B.	
Davis,	King,	Rice,	

NAYS—99.

Belmont,	Findlay,	Laffoon,	Shaw,
Bennett,	Fisher,	Lawler,	Sowden,
Blount,	Foran,	Le Fevre,	Spooner,
Boyle,	Ford,	Lore,	Springer,
Brown, W. W.	Forney,	Lovering,	Stone, W. J., Ky.
Brumm,	Geddes,	Lowry,	Stone, W. J., Mo.
Cabell,	Gibson, C. H.	Markham,	Storm,
Candler,	Green, R. S.	Matson,	Struble,
Carleton,	Grosvenor,	McCreary,	Swope,
Caswell,	Grout,	McKenna,	Taylor, I. H.
Cobb,	Hale,	McMillin,	Thompson,
Collins,	Hall,	McRae,	Townshend,
Comstock,	Harris,	Milliken,	Van Eaton,
Cox,	Hatch,	Moffatt,	Ward, J. H.
Croxton,	Hayden,	Neal,	Ward, T. B.
Davidson, A. C.	Henderson, J. S.	Neece,	Warner, A. J.
Dockery,	Henley,	O'Neill, Charles	Warner, William
Dunham,	Hermann,	O'Neill, J. J.	West,
Eden,	Hiestand,	Parker,	White, A. C.
Eldredge,	Hill,	Payson,	Willis,
Ely,	Holman,	Peel,	Winans,
Ermentrout,	Hutton,	Pidcock,	Wise,
Everhart,	Johnston, J. T.	Randall,	Wolford,
Farquhar,	Johnston, T. D.	Richardson,	Worthington.
Felton,	Kleiner,	Seymour,	

NOT VOTING—81.

Adams, J. J.	Barksdale,	Breckinridge, W. C. P.	Cooper,
Aiken,	Barnes,	Buchanan,	Cowles,
Anderson, C. M.	Beach,	Butterworth,	Crain,
Arnot,	Bland,	Campbell, J. E.	Curtin,
Baker,	Boutelle,	Campbell, T. J.	Daniel,
Barbour,	Bragg,	Compton,	Davenport,

Dawson,	La Follette,	Ranney,	Taylor, E. B.
Dibble,	Little,	Reid, J. W.	Thomas, J. R.
Dowdney,	Louttit,	Reese,	Throckmorton,
Ellsberry,	Mahoney,	Riggs,	Tucker,
Frederick,	McAdoo,	Robertson,	Van Schaick,
Gallinger,	Merriman,	Rogers,	Viele,
Gibson, Eustace	Miller,	Romeis,	Wadsworth,
Green, W. J.	Mitchell,	Scranton,	Wait,
Hammond,	Muller,	Seney,	Weaver, J. B.
Hanback,	Norwood,	Sessions,	Wheeler,
Hires,	O'Donnell,	Spriggs,	Whiting,
Houk,	O'Hara,	Stahlnecker,	Woodburn.
Howard,	Outhwaite,	Steele,	
Johnson, F. A.	Owen,	Stewart, J. W.	
Ketcham,	Phelps,	Symes,	

So the House determined to consider the bill.

Mr. HENLEY. Mr. Speaker, I ask unanimous consent to dispense with the reading of the names.

Mr. DUNHAM. I object.

Mr. LA FOLLETTE. Mr. Speaker, I was just passing into the hall as my name was called, but I had not quite reached the floor.

The SPEAKER. Was the gentleman inside of the Hall when his name was called?

Mr. LA FOLLETTE. I think I was not. If I can be permitted to vote I wish to be recorded in the affirmative.

The SPEAKER. Under the rule the gentleman's name can not be recorded.

The following additional pairs were announced:

Mr. ANDERSON, of Ohio, with Mr. SYMES, for the remainder of the day.

Mr. GIBSON, of West Virginia, with Mr. LITTLE, on this vote. Mr. LITTLE would vote ay if Mr. GIBSON were present.

The result of the vote was then announced as above recorded.

The SPEAKER. The House determines to proceed with the consideration of the bill to regulate commerce. The Chair thinks the Senate bill is in Committee of the Whole on the state of the Union.

Mr. REAGAN. The bill, as the Chair will see by referring to the order, is in the House as in Committee of the Whole. The Chair will remember that there was an agreement that the Senate bill was to be put under the special order which had been made in reference to the House bill.

The SPEAKER. The Chair will examine the RECORD.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, when the House bill was made a special order for the 13th day of May it was put into the House as in Committee of the Whole. In the House bill there is no appropriation of money provided for. In the Senate bill there is an appropriation of money provided for, and of course, under the rules of this House, that bill should go to the Committee of the Whole on the state of the Union.

Mr. REAGAN. That is so, Mr. Speaker, unless there was unanimous consent to put the Senate bill under the same order as the House bill.

Mr. O'NEILL, of Pennsylvania. But, Mr. Speaker, there was nothing like unanimous consent. The Senate bill was reported from the Committee on Commerce with the House bill as an amendment. The Senate bill, however, requires an appropriation of money to pay the salaries of the commissioners, and that brings it into Committee of the Whole. I have no objection to having the bill considered in the House as in Committee of the Whole, but I do not want to put it in such a position as that debate will be limited upon this important question, a question which requires the fullest debate, the Senate having taken three weeks to discuss it.

Mr. MORRISON. Oh, yes, and you have had three years.

The SPEAKER. When the House bill was made a special order the Senate bill had not then been passed or reported to the House, and the House bill not making any appropriation or requiring any appropriation to be made, was on the House Calendar. The order was then made that it should be considered in the House as in Committee of the Whole on the state of the Union. Afterward, when the Senate bill was reported to the House, the terms of the first order were made, by express provision, to apply to the Senate bill as well; which the Chair thinks results in having the Senate bill also considered in the House as in Committee of the Whole on the state of the Union.

Mr. DUNHAM. I think I raised a point of order on that.

The SPEAKER. The gentleman did, but he afterward withdrew it. The Chair will cause to be read what occurred in reference to the matter.

The Clerk read as follows:

Mr. REAGAN. Mr. Speaker, I ask unanimous consent that Senate bill No. 1532, to regulate interstate commerce, now on the Calendar of the Committee of the Whole House on the state of the Union, having been reported back from the Committee on Commerce, be considered also under the special order when the House bill to regulate interstate commerce shall be called up.

Mr. SPRINGER. The request of the gentleman is that the Senate bill be also included in that order?

Mr. REAGAN. Yes, sir.

Mr. DUNHAM. What is that bill?

The SPEAKER. It is the bill (S. 1532) to regulate commerce.

Mr. DUNHAM. But it is not upon the same Calendar.

The SPEAKER. No; because the Senate bill proposes a commission, and is on the Calendar of the Committee of the Whole on the state of the Union; but the fact that they are on different Calendars makes no difference.

Mr. DUNHAM. We have not both of those bills here, as I understand it.

The SPEAKER. They are here.

Mr. DUNHAM. I shall have to object for the present at least.

Some time subsequently,

Mr. REAGAN. Mr. Speaker, the gentleman from Illinois supposed the Senate bill was not on the Calendar. I have explained to him the situation, and that the object was to consider it with the House bill, to which I understand he is willing to withdraw his objection.

Mr. DUNHAM. I shall withdraw the objection.

The SPEAKER. Without further objection, the order requested by the gentleman from Texas will be made.

There was no objection, and it was so ordered.

The SPEAKER. And the Journal of the same day shows that the Senate bill was to be considered under the special order of the House of March 16 ultimo, which was an order providing that it should be considered in the House as in Committee of the Whole on the state of the Union.

Mr. REAGAN. Mr. Speaker, the House comprehends from the statements in the RECORD and the Journal the position in which the question now stands. The House committee reported a bill; subsequently the Senate passed a bill, which was referred to the House Committee on Commerce, and that committee, acting upon the Senate bill, reported it back with an amendment striking out all after the enacting clause and inserting the provisions of the House bill. What I wish to attempt now, Mr. Speaker——

Mr. O'NEILL, of Pennsylvania. Will the gentleman permit me to interrupt him a moment? There are several gentlemen absent from the House and from the city to-day who have heretofore expressed a desire to speak upon this bill. I propose, therefore, that leave be given both for gentlemen who are not present, and for any others who desire it, to print remarks upon this subject in the RECORD.

Mr. REAGAN. Mr. Speaker, I promised certain gentlemen to ask unanimous consent that they might have leave to print remarks on this bill.

Mr. DUNHAM. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. DUNHAM. There is nothing before the House. I demand the reading of the bill.

The SPEAKER. The gentleman from Illinois demands the reading of the bill, which he has a right to do.

Mr. REAGAN. If the gentleman does not understand the bill, let it be read.

Mr. DUNHAM. I demand the reading of both bills.

The SPEAKER. Only one bill is under consideration, which is the Senate bill with the amendment, in the form of a substitute, proposed by the Committee on Commerce.

The Clerk proceeded to read the bill and the proposed substitute.

Mr. REAGAN (before the reading was concluded) said: I ask the gentleman from Illinois whether he will not consent to have the reading of the bill dispensed with?

Mr. DUNHAM. I would like to accommodate the gentleman from Texas, but I do no see how the House can properly understand the bill, and be prepared to vote upon it, without having it read.

Mr. REAGAN. The gentleman is aware that nobody is listening to the reading, and we are simply consuming time uselessly.

The SPEAKER *pro tempore* (Mr. DOCKERY). The gentleman from Illinois [Mr. DUNHAM] insists on his objection to dispensing with the reading.

Mr. DUNHAM. I thing the gentleman from Texas ought not to charge that members of the House are not paying attention to their duties.

The Clerk resumed and concluded the reading of the bill and the proposed substitute.

Mr. REAGAN. I desire to ask consent of the House to fix a time for the closing of general debate. In order to ascertain the views of the House, I suggest that by general consent the session of to-day be extended until 6 o'clock and that general debate on this bill be closed at that time.

Mr. O'NEILL, of Pennsylvania. I hope the gentleman from Texas will postpone any effort to fix now a time for closing debate. There are many absentees to-day——

Mr. REAGAN. I think it my duty under the circumstances to have a time fixed, if possible, for the closing of general debate. If I can get unanimous consent I shall be glad; if I can not——

The SPEAKER *pro tempore*. The gentleman from Texas submits, as the Chair understands, two propositions. One is to extend the session of the House till 6 o'clock this evening; the other is to close general debate on the pending bill at that time.

Mr. O'NEILL, of Pennsylvania. I hope the gentleman from Texas will withhold the proposition to close debate until a later hour to-day.

Mr. REAGAN. If the proposition I have already suggested be not acceptable, I would suggest as an alternative proposition that the House take a recess from 5 o'clock this evening until 8 o'clock, the evening session to terminate at 11 o'clock, and general debate to be closed at that time. My object is that we close general debate to-day.

Several MEMBERS. That is right.

Mr. STRUBLE. I hope that suggestion will be concurred in.

Mr. O'NEILL, of Pennsylvania. The objection to that proposition is that it is utterly impossible to get a large number of members here at night to listen to a debate; and this is too practical a subject to be

discussed to empty seats. I do not wish to delay the final action of the House upon this bill; but I do protest that this is not a proper time to fix a limit to the debate; and I hope the House will not compel us to come here at a night session to speak upon so important and practical a a subject to vacant seats.

Mr. STRUBLE. The seats are practically vacant now.

Mr. O'NEILL, of Pennsylvania. Not as they will be to-night.

Mr. BROWNE, of Indiana. Mr. Speaker, we have been discussing this interstate commerce question for the last ten years.

Several MEMBERS. That is true.

Mr. BROWNE, of Indiana. It seems to me gentlemen here generally are in a condition to vote on this question; and we can expedite the consideration of this measure very much by having no general debate at all.

Many MEMBERS. That is right.

Mr. WEAVER, of Iowa. That suits me.

Mr. BROWNE, of Indiana. If we intend business, let us get at it.

Mr. WEAVER, of Iowa. I second the gentleman's proposition.

The SPEAKER *pro tempore*. The gentleman from Texas asks unanimous consent that the House take a recess at 5 o'clock this afternoon until 8 o'clock, the evening session to continue until 11 o'clock, and to be for general debate only. [Cries of "Vote!" "Vote!"] Is there objection?

Mr. TOWNSHEND. I object to having the whole day and evening devoted to general debate on this bill. Everybody understands it, and we ought to have action on it promptly.

Mr. BROWNE, of Indiana. The gentleman from Texas can not get unanimous consent for anything in connection with this bill. Whatever rights he has in this matter, I hope he will assert them, without asking unanimous consent.

Mr. O'NEILL, of Pennsylvania. I want to assert the rights of the Committee on Commerce. There are fifteen members of that committee; and it was the understanding in the committee that most of the members should be heard on this bill.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Texas?

Mr. DUNHAM. I object until I know what it is.

The SPEAKER *pro tempore*. The gentleman from Texas [Mr. REAGAN] has the floor.

Mr. DUNHAM. What is his proposition?

The SPEAKER *pro tempore*. The gentleman from Texas [Mr. REAGAN] proposes that at 5 o'clock the House shall take a recess until 8 o'clock, and continue in session from 8 until 11 o'clock for general debate only.

Mr. DUNHAM. I object.

Mr. TOWNSHEND. I hope the gentleman from Texas will close debate altogether and let us vote on the bill. [Cries of "Vote!"]

Mr. REAGAN. Is there any objection to the proposition?

Mr. O'NEILL, of Pennsylvania. I object.

The SPEAKER *pro tempore*. Objection having been made, the gentleman from Texas is recognized and will proceed.

Mr. REAGAN. Mr. Speaker, it was not my wish to close this discussion without permitting gentlemen to be heard on both sides. There are two bills before the House, and perhaps there should be some explanation as to the character of those measures. [Cries of "Vote!"] But if it be the wish of the House to vote now on these two propositions, of course I will not stand in the way of that being done. [Cries of "Vote!"]

Mr. WEAVER, of Iowa. Let us vote now; it will not take ten minutes to settle the question.

Mr. REAGAN. I will act in obedience to what seems to be the general request of members. Before doing so, however, I will ask by unanimous consent that members generally may have leave to print remarks on this question.

There was no objection, and it was so ordered.

Mr. REAGAN. I will take the sense of the House to close debate and vote on the bill.

Mr. TOWNSHEND. That is what we want.

The SPEAKER *pro tempore*. There is so much confusion in the Hall that the Chair is unable to hear the gentleman from Texas. The public business will be suspended until we have order on the floor.

Several MEMBERS. Call for the previous question.

Mr. REAGAN. I demand the previous question on the adoption of the House substitute for the Senate bill.

Mr. DUNHAM rose.

Mr. TOWNSHEND. That is not debatable.

Mr. REED, of Maine. This bill has to be read under the five-minute rule.

Mr. TOWNSHEND. We are in the House and not in the committee.

The SPEAKER *pro tempore*. The bill is being considered in the House as in the Committee of the Whole under an order of the House.

Mr. REED, of Maine. Even in that case it has to be read for amendment under the five-minute rule. We can not have business of this kind stampeded simply because those having it in charge have not attended to it during the eight months of the session. Let us undertake to act in some sensible way. If everybody does as the gentleman from California seems to understand there is no necessity for him indulging in language.

Mr. ROWELL. There are two vital questions before us.

Mr. REED, of Maine. It is too serious business to be stampeded in this way.

Mr. ROWELL. They differ as vitally as two questions can.

Mr. REAGAN. If gentlemen will consent to extend the session until 6 o'clock so that debate may run on until then I will withdraw my demand.

Mr. O'NEILL, of Pennsylvania. If the chairman of the committee will permit me to say a word in behalf of the minority of the Committee on Commerce, I will state to the House there was an understanding acquiesced in by the chairman of the committee himself that opportunity should be given to debate this bill whenever it came up. The gentleman knows it, and I do not think it fair for him now to come into the House and ask that we shall proceed to vote without any debate whatever. I grant we may be near the end of the session, but this is an important matter of legislation, and from my standpoint as well as from his I desire faith shall be kept, and we may be permitted to be heard on one side and the other on the vital and important questions involved in this matter.

Mr. ANDERSON, of Kansas. The House has some rights, too.

Mr. REAGAN. I offered the proposition to extend the session until 6 o'clock, or to take a recess from 5 until 8 and continue until 11 for general debate only.

Mr. O'NEILL, of Pennsylvania, rose.

Mr. REAGAN. The gentleman from Pennsylvania will not hear me. I ask unanimous consent to extend the session until 6 o'clock this evening, or, if that is not acceptable, to extend the debate until 5 o'clock, and then to take a recess until 8 o'clock this evening to continue the general debate until 11 o'clock. If gentlemen will accept either proposition I will renew it.

Mr. O'NEILL, of Pennsylvania. Why, I will say to the gentleman from Texas that there are various members absent——

Mr. DOCKERY. Well, they should be here.

Mr. O'NEILL, of Pennsylvania. Who are absent on important business and by consent of the House, and who desire to be heard on this bill. One of them I will name, the gentleman from Georgia, Mr. HAMMOND.

Mr. RYAN. Well, the House does not propose to wait for anybody who is absent. If gentlemen are not here it is not the fault of the House.

The SPEAKER (having resumed the chair). What is the proposition of the gentleman from Texas?

Mr. REAGAN. I have made an alternative proposition to extend the session of the House this evening until 6 o'clock and close general debate at that time. The other, if this was not accepted, was to take a recess at 5 o'clock, to meet again at 8 o'clock to-night, the general debate to close on this bill at 11 o'clock this evening.

Mr. BRUMM. And no vote to be taken to-day?

Mr. REAGAN. I will submit the latter proposition again to the House—that the general debate be extended to 5 o'clock, at which hour we take a recess, to meet again at 8 o'clock, with the understanding that the general debate is to close at 11 o'clock to-night.

Mr. O'NEILL, of Pennsylvania. I am just informed by the gentleman from Georgia [Mr. BLOUNT] that Mr. HAMMOND does not expect to return to the House this session. I did not know that fact when I made the statement a moment ago, because before he went away he expressed to me his desire to discuss this bill in favor of its passage.

The SPEAKER. The Chair will submit the request of the gentleman from Texas. The first is that unanimous consent be given to extend the session of the House to-day until 6 o'clock and that general debate be closed at that hour. Is there objection?

Mr. HENLEY. I object.

Mr. DUNHAM. Reserving the right to object——

The SPEAKER. Objection has already been made.

The gentleman from Texas now asks unanimous consent that the House take a recess at 5 o'clock to-day until 8 o'clock, the evening session to be devoted exclusively to debate on this bill, which shall close at 11 o'clock to-night.

Mr. DUNHAM. I object to that.

Mr. HENLEY. I will object unless it assumes this modification: that all debate, not only the general debate but debate under the five minute-rule as well, be closed at that time.

Mr. DUNHAM. I object in either event.

The SPEAKER. Objection is made.

Mr. HENLEY. I call the attention of the gentleman from Texas now to this fact, that unless he gets his bill through to-day the probabilities are that he will not get it through at all, for to-morrow, under the order of the House made to-day, the naval construction bill comes up. The fate of his bill depends, in my judgment, on action to-day.

The SPEAKER. There is nothing before the House.

Mr. REAGAN. I move that all general debate be closed on this bill at 5 o'clock.

Mr. TOWNSHEND. I move to amend that by making it 4 o'clock.

Many MEMBERS. Say 3 o'clock.

Mr. DINGLEY. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. DINGLEY. The general debate not having been entered upon on this bill it is not in order to move to close it.

Mr. WELLBORN. But there has been general debate.

The SPEAKER. Of course if there has been no general debate the motion would not be in order.

Mr. REAGAN. There has not been much, but I suppose I spoke two or three minutes upon it.

Mr. DOCKERY. I do not think that there has been any.

The SPEAKER. The record will show. The present occupant of the chair supposes that the gentleman from Texas, before the bill was read at all, took the floor and proceeded to state the situation in regard to the bill, that is, when it came to the House and what order had been made in reference to it; but the Chair remembers no general debate.

Mr. WELLBORN. My colleague had actually begun his speech when it was interrupted by the objection of the gentleman from Illinois [Mr. DUNHAM], who insisted on the reading of the bill.

The SPEAKER. The Chair thinks the gentleman was merely stating the situation of the bill.

Mr. WELLBORN. I do not know what progress he had made, but he was actually addressing the House upon the bill.

The SPEAKER. The Chair remembers the gentleman had the floor and was proceeding in the manner suggested to explain the situation of the bill.

Mr. REED, of Maine. Why can not the gentleman make his observations now?

Mr. O'NEILL, of Pennsylvania. The bill had not been read then.

The SPEAKER. The bill had not been read when the gentleman from Texas took the floor, but it was read afterward.

Mr. REAGAN. Mr. Speaker, I desire to call the attention of the House to the question before it at this time. The Senate bill which has been read was referred to the Committee on Commerce. The committee reported that bill back with the recommendation to strike out all after the enacting clause and substitute the provisions of the House bill for it. It is right for me to say in reference to the main features of difference between the two bills that in three different Congresses, with the issue directly made, the House has decided in favor of the provisions of the House bill by large majorities upon a yea-and-nay vote.

Mr. O'NEILL, of Pennsylvania. I ask the gentleman from Texas to yield to me a few minutes before he gets through.

Mr. REAGAN. In a moment.

It was my belief and hope, sir, that we would be able to take action upon the bill at a much earlier day. After the House bill was in a position to take it up the Senate bill came to the House; and I think it is right I should make this explanation in view of some remarks that have been made. It would then have been idle to take up the House bill without reference to the other. The committee, therefore, as they believed proper, took up the Senate bill referred to them and acted upon it. It was some time after the Senate bill was reported back by the committee and placed upon the Calendar before we got this bill placed by order of the House for consideration along with the House bill.

From the time that order was obtained the House has been occupied continuously with appropriation bills and revenue bills which had precedence, and there has been no time since this bill has been in a condition to be called up when it has been possible to call it up. Gentlemen may rest assured that if there had been any such time it would have been called up, for I have been in my place all the time, intending all the time to call it up whenever it was in order. I feel it due to the committee that I should make this statement, in view of the remarks made here this morning implying that the bill might have been considered at an early day in the session if sufficient vigilance had been exercised.

I now yield five minutes to the gentleman from Pennsylvania [Mr. O'NEILL].

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I do not propose to take any five minutes for general debate upon this bill, because I want the chairman of the committee, the gentleman from Texas, to comply with his agreement, to stand by his vote in the committee and to stand by the committee. I must say I have never seen such an instance as the gentleman presents of——

Mr. TOWNSHEND. I call the gentleman to order. The gentleman declines to take the time yielded to him by the gentleman from Texas.

Mr. TAULBEE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAULBEE. Do committees govern general debate in the House, or does that rest with the House?

Mr. O'NEILL, of Pennnsylvania. I will answer that. The committees always arrange about the debate, and the gentleman ought to know it.

The SPEAKER. The Chair desires to state to the gentleman from Pennsylvania [Mr. O'NEILL] that if he declines to accept the time——

Mr. O'NEILL, of Pennsylvania. I do not decline to accept the time. I decline it for general debate. I desire to say to this House that they should have a practical exposition of these two bills——

Mr. REAGAN. I call for the regular order, Mr. Speaker. I renew my motion that general debate be closed at 5 o'clock to-day, and upon that I ask the previous question.

Mr. TOWNSHEND. I ask my friend from Texas to make it 4 o'clock instead of 5.

The SPEAKER. The gentleman from Texas [Mr. REAGAN] moves that general debate upon this bill close at 5 o'clock this afternoon.

Mr. TOWNSHEND. I move to amend by making it 4 o'clock.

Mr. DUNHAM. I move to lay that motion on the table.

The SPEAKER. The motion can not be laid on the table. It is not debatable, and it is one of those motions which can not be disposed of in that way. The gentleman from Texas moves that all general debate upon this bill be closed at 5 o'clock p. m. to-day; to which the gentleman from Illinois [Mr. TOWNSHEND] moves an amendment, that all general debate upon the bill close at 4 o'clock p. m.; and upon these questions the gentleman from Texas [Mr. REAGAN] demands the previous question.

The previous question was ordered.

The SPEAKER. The question now is upon the amendment of the gentleman from Illinois [Mr. TOWNSHEND] that general debate close at 4 o'clock.

Mr. BURROWS. Mr. Speaker, I desire to inquire whether the gentleman from Illinois means 4 o'clock this afternoon.

The SPEAKER. Four o'clock this afternoon.

Mr. BURROWS. Why, if the gentleman from Texas [Mr. REAGAN] occupies his hour, as he probably will, that will leave but half an hour for other gentlemen.

The question was taken on the amendment of Mr. TOWNSHEND, and the Speaker declared that the ayes seemed to have it.

Mr. DUNHAM. I ask for a division.

The House divided; and there were—ayes 88, noes 42.

Mr. DUNHAM. No quorum.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint the gentleman from Illinois, Mr. DUNHAM, and the gentleman from Illinois, Mr. TOWNSHEND, to act as tellers.

The House again divided; and the tellers reported—ayes 106, noes 23.

Mr. TOWNSHEND. Mr. Speaker, in order to compromise this matter, I am willing to withdraw my amendment and let the general debate be closed at 5 o'clock.

The SPEAKER. That is for the House to determine.

Mr. REAGAN. And with that let it be understood that the time is to be equally divided between the friends and the opponents of the measure.

Mr. DUNHAM. I object.

Mr. ANDERSON, of Kansas. I ask for the yeas and nays.

Mr. HISCOCK. Has not the gentleman from Illinois a right to withdraw his motion?

The SPEAKER. Certainly; but the gentleman from Illinois [Mr. DUNHAM] objects to the proposed understanding.

Mr. HISCOCK. But the gentleman from Illinois [Mr. TOWNSHEND] can withdraw his motion.

The SPEAKER. That he has a right to do.

Mr. TOWNSHEND. Then, Mr. Speaker, in deference to the desires of several gentlemen around me, I withdraw my amendment.

The SPEAKER. The amendment being withdrawn, the question is on the motion of the gentleman from Texas [Mr. REAGAN] that general debate close at 5 o'clock.

The question was taken; and the Speaker declared that the ayes seemed to have it.

Mr. DUNHAM. I ask for a division.

The House divided; and there were—ayes 114, noes 1.

Mr. DUNHAM. No quorum has voted.

Mr. ANDERSON, of Kansas. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 204, nays 24, not voting 94; as follows:

YEAS—204.

Allen, C. H.	Burleigh,	Croxton,	Ford,
Allen, J. M.	Burnes,	Culberson,	Forney,
Anderson, J. A.	Burrows,	Curtin,	Frederick,
Ballentine,	Bynum,	Cutcheon,	Fuller,
Barnes,	Cabell,	Davidson, A. C.	Funston,
Barry,	Caldwell,	Davidson, R. H. M.	Gallinger,
Bayne,	Campbell, Felix	Davis,	Gay,
Belmont,	Campbell, J. M.	Dingley,	Geddes,
Bennett,	Candler,	Dockery,	Glass,
Blanchard,	Cannon,	Dunn,	Glover,
Blount,	Carleton,	Eden,	Goff,
Bound,	Catchings,	Eldredge,	Green, R. S.
Boyle,	Clardy,	Ely,	Green, W. J.
Brady,	Clements,	Ermentrout,	Grout,
Breckinridge, C. R.	Collins,	Evans,	Guenther,
Breckinridge, W. C. P.	Compton,	Everhart,	Hale,
Browne, T. M.	Conger,	Farquhar,	Hall,
Brown, W. W.	Cooper,	Findlay,	Halsell,
Brumm,	Cox,	Fisher,	Harris,
Bunnell,	Crisp,	Fleeger,	Hatch,

Hayden,	Little,	Parker,	Storm,
Heard,	Lore,	Payne,	Struble,
Hemphill,	Lowry,	Peel,	Swinburne,
Henderson, D. B.	Lyman,	Perkins,	Swope,
Henderson, J. S.	Martin,	Perry,	Tarsney,
Henderson, T. J.	Matson,	Peters,	Taulbee.
Henley,	Maybury,	Pettibone,	Taylor, J. M.
Hepburn,	McAdoo,	Pidcock,	Taylor, Zach.
Hermann,	McComas,	Pindar,	Thomas, O. B.
Hill,	McCreary,	Pirce,	Tillman,
Hitt,	McKenna,	Price,	Townshend,
Holman,	McKinley,	Reagan,	Trigg,
Holmes,	McMillin,	Rice,	Turner,
Hopkins,	McRae,	Romeis,	Van Eaton,
Hudd,	Merriman,	Ryan,	Viele,
Hutton,	Millard,	Sadler,	Wade,
Irion,	Milliken,	Scranton,	Wakefield,
Johnston, J. T.	Mills,	Seymour,	Warner, A. J.
Johnston, T. D.	Moffat,	Shaw,	Warner, William
Jones, J. H.	Morgan,	Singleton,	Weaver, A. J.
Jones, J. T.	Morrill,	Skinner,	Weaver, J. B.
Kleiner,	Morrison,	Smalls,	Weber,
Laffoon,	Morrow,	Snyder,	Wellborn,
La Follette,	Muller,	Sowden,	White, A. C.
Laird,	Murphy,	Stahlnecker,	White, Milo
Landes,	Neal,	Stephenson,	Wilkins,
Lanham,	Negley,	Stewart, Charles	Willis,
Lawler,	Nelson,	St. Martin,	Wilson,
Le Fevre,	Oates,	Stone, E. F.	Winans,
Lehlbach,	O'Ferrall,	Stone, W. J., Ky.	Wolford,
Lindsley,	Osborne,	Stone, W. J., Mo.	Worthington.

NAYS—24.

Adams, G. E.	Hires,	Long,	Scott,
Boutelle,	Hiscock,	O'Neill, Charles	Spooner,
Dunham,	Jackson,	O'Neill, J. J.	Strait,
Grosvenor,	James,	Plumb,	Thompson,
Hewitt,	Ketcham,	Reed, T. B.	West,
Hiestand,	Libbey,	Rowell,	Woodburn.

NOT VOTING—94.

Adams, J. J.	Daniel,	Louttit,	Sayers,
Aiken,	Dargan,	Lovering,	Seney,
Anderson, C. M.	Davenport,	Mahoney,	Sessions,
Arnot,	Dawson,	Markham,	Spriggs,
Atkinson,	Dibble,	Miller,	Springer,
Baker,	Dorsey,	Mitchell,	Steele,
Barbour.	Dougherty,	Neece,	Stewart, J. W.
Barksdale,	Dowdney,	Norwood,	Symes,
Beach,	Ellsberry,	O'Donnell,	Taylor, E. B.
Bingham,	Felton,	O'Hara,	Taylor, I. H.
Bland,	Foran,	Outhwaite,	Thomas, J. R.
Bliss,	Gibson, C. H.	Owen,	Throckmorton,
Bragg,	Gibson, Eustace	Payson,	Tucker,
Brown, C. E.	Gilfillan,	Phelps,	Van Schaick,
Buchanan,	Hammond,	Randall,	Wadsworth,
Buck,	Hanback,	Ranney,	Wait,
Butterworth,	Harmer,	Reid, J. W.	Wallace,
Campbell, J. E.	Haynes,	Reese,	Ward, J. H.
Campbell, T. J.	Herbert,	Richardson,	Ward, T. B.
Caswell,	Houk,	Riggs,	Wheeler,
Cobb,	Howard,	Robertson,	Whiting,
Comstock,	Johnson, F. A.	Rockwell,	Wise.
Cowles,	Kelley,	Rogers,	
Crain,	King,	Sawyer,	

So the motion to close general debate on the pending bill at 5 o'clock p. m. to-day was agreed to.

Mr. MILLS. I desire to announce that my colleague [Mr. SAYERS] is absent on a conference committee.

The following additional pairs were announced:

Mr. LOVERING with Mr. KELLEY, for the remainder of the day.

Mr. ADAMS, of New York, with Mr. HANBACK, for the remainder of the day.

The SPEAKER. Some requests for leave of absence which should have been presented to the House this morning were at that time mislaid. If there be no objection the Chair will now lay them before the House, before announcing the result of the vote just taken.

There was no objection; and, by unanimous consent, leave of absence was granted as follows:

To Mr. BRAGG, for the remainder of the session, on account of important business.

To Mr. WEST, for one week, on account of important business.

To Mr. SENEY, until Monday next.

To Mr. ANDERSON, of Ohio, indefinitely.

To Mr. BARNES, indefinitely, on account of important business.

To Mr. REID, North Carolina, until Monday next.

The result of the vote was announced as above stated.

Mr. REAGAN. There are now two hours and ten minutes remaining under the order of the House for general debate. I suggest that the time be equally divided between the friends and the opponents of the bill; and I suggest that the time in opposition be under the control of the gentleman from Pennsylvania [Mr. O'NEILL].

SAINT AUGUSTINE AND LAZARETTO CREEKS, GEORGIA.

The SPEAKER. Before the gentleman from Texas proceeds the Chair desires to state that in a bill passed last evening—the bill (H. R. 8967) to authorize the building of railroad bridges across Saint Augustine and Lazaretto Creeks, in the State of Georgia, there was a typographical error. In the bill as passed the language read:

Nothing in this act shall be so constructed as a repeal or modify, &c.

It should read:

Nothing in this act shall be so construed as to repeal or modify, &c.

If there be no objection that change will be made.

There was no objection, and it was ordered accordingly.

INTERSTATE COMMERCE.

The House resumed the consideration of the bill (S. 1532) to regulate commerce.

Mr. REAGAN. Mr. Speaker, I shall limit what I have to say on this question to a statement of the leading differences between the two bills now before the House for consideration.

The Senate bill differs from the House bill in that its provisions relate to the transportation of passengers as well as freights, and transportation by water as well as by land.

The House bill relates only to the transportation of freights and on railroads.

The first section of the House bill should be amended by adding to it lines 24, 25, 26, 27 of the first section of the Senate bill.

The second section of the Senate bill differs from the House bill in providing a measure of damages for its violation, and which is inadequate, by saying that a person charged a higher rate than is charged to any other person may collect the difference between such higher rate and the lowest rate charged upon like shipments during the same period.

This is no improvement on the common-law remedy which may now be invoked for a like purpose. The common law furnishes no practicable remedy for the abuses of power and the unlawful conduct of the managers of railroads. Claimants for small sums as damages can not as a general rule afford the expense of litigation to establish their claims, while the railroad corporations as a rule protract such litigation to such an extent as to wear out the claimants and defeat the ends of justice.

Their power to tax the commerce of the country at will enables them to supply the revenues necessary to employ the ablest legal talent of the country to represent them, and also to meet court costs; for these purposes the citizen must use his private means. This is known as a matter of common observation to all of us, and if we would protect the public against such wrongs we must furnish a better remedy than the common law. This is admitted in the able report of the Senate's committee.

The House bill provides for the recovery of full damages and requires the court in each case of recovery to tax the corporation with a reasonable fee for the plaintiff's counsel or attorney fees. This is an improvement of the common-law remedy in that, in case of recovery, it requires the defendant to pay the plaintiff's reasonable attorney's fees. The remedy should go further and require the payment of double or treble damages, and I think I shall offer an amendment for that purpose. Besides this, the railway corporations have the power by discriminations and unfriendly delays to punish any of their patrons who may attempt by litigation or otherwise to prevent their discriminations and injustice.

Section 4 of the Senate's bill, page 4, contains the provision that "no such common carrier shall be required to give the use of its terminal facilities to any other carrier engaged in like business."

This is a clear attempt at Congressional regulation of the corporate rights and franchises of the railroad corporations, and is not within the powers of the constitutional provisions which authorizes Congress to regulate commerce among the States. It is a power which clearly belongs to the States as to roads not situated in the Territories and in the District of Columbia. It is also evidently put in the bill to subserve some private purpose and not for the public good. A note to page 82 of Hudson's "Railways and the Republic" shows how the Standard Oil Company got possession of the terminal facilities for handling oil in Philadelphia and Baltimore. And on this subject see also New York investigating committee's report, page 44. This clause may have for its object to invoke the authority of Congress to preserve to it the advantages it then gained. And there may be other like cases. But as the enactment of this clause would be in violation of the Constitution it could afford them no protection in their wrongdoing, and would not avail to establish or perpetuate monopolies.

The fourth section of the Senate bill, the one which deals with the question of the long and short haul, is simply meaningless. To the casual reader it would seem as if it meant to prohibit charging more for the carriage of a like amount and kind of freight for a shorter than for a longer distance, but it does not do this. Its language is:

That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of freight and passengers or of like kind of property under substantially similar circumstances and conditions for a shorter than for a longer distance over the same line in the same direction and from the same original point of departure or to the same point of arrival.

It does not define or designate the original point of departure. Where is the original point of departure on any railroad? Is not every depot from which freight is sent an original point of departure for that freight? This section can only mean that one person can not be charged more than another for a like amount and kind of service, and is but a reenactment of other provisions of the bill. It does not prohibit charging more for a short than for a long haul.

The fourth section of the House bill is plain and specific on this subject. It is as follows:

SEC. 4. That it shall be unlawful for any person or persons engaged in the transportation of property as provided in the first section of this act to charge or receive any greater compensation for a similar amount and kind of property,

for carrying, receiving, storing, forwarding, or handling the same, for a shorter than for a longer distance, which includes the shorter distance, on any one railroad; and the road of a corporation shall include all the road in use by such corporation, whether owned or operated by it under a contract, agreement, or ease by such corporation.

But if this part of the Senate's bill had been allowed to have that effect, the closing part of the section would have substantially nullified it, as it provides that the commission which the bill creates may exempt the railroad companies from its operation. And this section also provides that when such exemptions are made by the commission, until changed by the commission or by law they shall have the same force and effect as though they had been specified in the section. This is an attempt to delegate the authority of Congress to the railroad commission to make law. I do not understand that the power to legislate can be so delegated.

The object of this important provision is to protect the people at non-competitive points from paying for the carriage of the freight shipped from competitive points. It was found difficult to provide a rule which would be entirely equitable. It would not be right to charge the same rate per mile for a long as for a short distance; as the loading, unloading, preparation of trains, and handling would be the same in both cases. In adopting the provision that no more shall be charged for a shorter than for a longer distance, which includes the shorter, we did discriminate in favor of the long haul to the extent of providing that no more should be charged for the shorter than for the longer distance, thus leaving the provision so that if the transportation companies find it necessary they may charge as much for the short as for the long haul. This rule recognizes the territorial extent of the country and the character of shipments to be made.

It enables the transportation companies to carry grain and flour and meats from the productive fields of the West as cheaply as from Illinois, Indiana, Ohio, West Virginia, or from the western parts of Pennsylvania or New York to the seaboard.

Justice and fair dealing could surely require no more. And in preventing charging more for the short than for the long haul it conforms to the rule adopted in the State constitutions of Pennsylvania, Missouri, Arkansas, and California and by the statute laws of Massachusetts and other States.

Besides the injustice and the ruinous consequences to shippers of charging more for a short than for a long haul, the power to do so enables the transportation companies to control the manufacturing interests of the country and to drive them from non-competitive points and from the rural parts of the country, where living is cheaper and health better, to the great commercial centers, where there is competition in freight rates. This is a power which no government of a free people would dare to exercise, and which no wisely administered government would think of exercising, and yet the railroad companies demand and insist on the right to exercise this vast and dangerous power. And under it they are impoverishing some cities, towns, and communities, without any fault of theirs, and enriching others having no other merit to this favor than the arbitrary power of the transportation companies.

Section 5 of the House bill requires that those engaged in carrying property, as provided in the first section of the bill, shall adopt and keep posted up schedules on their respective roads, as described in section 4, which shall plainly state:

First. The different kinds and classes of property to be carried.

Second. The different places between which it shall be carried.

Third. The rates of freight and prices of carriage between such places and for all services connected with the receiving, delivery, loading, unloading, storing, and handling the same. And the accounts for such service shall show what part of the charges are for transportation, and what part is for loading, unloading, and other terminal facilities.

This last provision is necessary in order to prevent excessive charges for transportation under the name of terminal facilities. It also provides for changes of schedules, and that they shall be printed and posted up for public inspection at least five days before they are to go into effect. It also provides that after thirty days from the passage of the act it shall be unlawful to charge more or less than shall be specified in these schedules.

A new provision was added to this section by the committee which provides that any railroad receiving freight for shipment in the United States to be carried through a foreign country to some other point in the United States, the company receiving such freight shall keep posted in a conspicious place at the depot where such freight is received for shipment a schedule giving the through rates to all points of the United States beyond the foreign territory, or be subject to the penalties prescribed in the bill. And any freight shipped through foreign territory and reshipped into the United States without a compliance with this provision will be subject to customs duties, as if of foreign production.

This provision was inserted to prevent the unfair competition of the roads through Canadian territory.

Section 5 of the Senate's bill does not require the accounts of the common carriers to show what part of their charges is for transportation and what part is for terminal facilities, and is in this respect defective and would fail to protect shippers against improper charges in many cases. It also only requires the schedule rates to be made public so far as may in the judgment of the commission be deemed practicable, and that said commission shall from time to time prescribe the measure of publicity which shall be given. This is a serious defect in this bill. What just reason can be offered why the rates of transportation charges shall not in all cases be made public it is difficult to conceive. Their publicity, as provided for in the House bill, is the one essential means of protecting shippers against unjust discriminations by means of rebates or other secret means of discrimination.

These companies serve the public for hire, and are under legal obligations as common carriers to serve them equally and impartially. Secrecy in rates is a badge of fraud in such cases, as it is by means of this secrecy that they are enabled to wrong some of their patrons while they benefit others, to impoverish some while they enrich others by their unjust discriminations.

And it is by these secret rates that they assert a sort of moral, mental, and commercial despotism over all shippers, and make each merchant or shipper suspect all others of getting special and favored rates, and drives them to seek by unmanly and dishonorable means to secure such special favors for themselves and advantages over their neighbors. Can anything more humiliating and demoralizing be conceived than this practice of secret frauds by transportation companies, constantly inviting so large a part of the people to seek to make themselves parties to fraud of this kind? No government and no people ought to submit to such a condition of things.

The Senate bill provides that no advance in rates shall be made except after ten days' public notice, while the House bill provides that no advance in rates shall be made upon less than five days' public notice. This shorter notice has been provided for in the House bill to meet the wishes of the railroad companies, as it was urged by them to prevent attempts of these roads to take advantage of each other by reducing rates and retaining the advantages of the reduced rates for too long a time.

I think it would be well to amend the House bill by inserting at the end of section 5 that part of section 5 of the Senate bill, from line 50 to line 77 inclusive; striking out the reference to commissioners, in lines 60 and 61, and inserting in lieu thereof the words "and be sued out by the district attorney of the United States at the relation of any party interested;" and by striking out, in line 63, the word "commissioners" and inserting in lieu thereof the word "parties."

Another reason for the publication of freight rates, which should be controlling, is that in questions before the courts involving the reasonableness of such charges, when the rates are not authoritatively published it is not difficult for railroad experts in the interest of the companies to defeat just demands for damages by confusing juries with artful statements of what they term all the elements which enter into the questions as to the reasonableness of rates. While if they are required to post up their schedules of rates they can not deny that those posted up are reasonable, nor escape the penalty of charging more or less than their schedule rates. These schedules of rates would not only advise the people what they would have to pay but they would furnish the evidence of what reasonable rates are. The first section of the House bill requires that all rates shall be reasonable. The making of an unreasonable schedule of rates would subject them to the penalties prescribed by the bill. These two sections of the bill would greatly protect the people against improper charges.

The second section of the House bill provides, among other things, that "it shall not be lawful for any person or persons carrying property, as aforesaid, to enter into any contract, agreement, or combination for the pooling of freights, or to pool the freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion of them, and in case of an agrement for the pooling of freights or earnings, as aforesaid, each day of its continuance shall be deemed a separate offense."

This is a clear, specific provision for the prevention of pooling.

The nineteenth section of the Senate bill is as follows:

The said commission shall specifically inquire into the methods of railroad management or combination known as pooling, and shall report to Congress what, if any, legislation is advisable or expedient upon that subject.

The House bill provides for action. The Senate bill proposes inquiry.

Pooling by railroad is prohibited by the constitution of the States of Arkansas, Michigan, Missouri, Nebraska, Pennsylvania, and Ohio. It is prohibited by the laws of other States. Pooling is a violation of the common law, because it is a restraint upon the freedom of trade and a conspiracy against the public welfare. And this doctrine is maintained in the following American cases: 8 Mass., 223; 1 Pickering, 450; 35 Pickering, 188; 19 Pickering, 51; 35 Ohio State Reports, 672; 68 Pennsylvania State, 173; 5 Denio, 434; 4 Denio, 349.

Judge Gibson, in the case of the Commonwealth of Pennsylvania against Carlisle (Brightly, 40), says:

I take it that a combination is criminal whenever the act has a necessary tendency to prejudice the public or to oppress individuals by unjustly subjecting them to the power of confederates. "The object of these combinations is to raise the rate of freight, and the means adopted is to suspend competition and place the traffic under the exclusive control of the combination."

In the early history of railroad construction the anxiety of the people of this country to secure their construction induced them to grant

charters without much reference to those safeguards necessary for the security and welfare of the people. It was understood then, as now, that each railroad would have a monopoly of the business of transportation on it. The people relied on three means of protection against monopoly prices:

First. On transportation by water and by other ordinary means of transportation.

Second. On the ultimate increase of the number of competing railroads; and

Third. On the exercise of legislative control and regulation.

Experience has shown that the first two of these means do not protect the public against the unjust exercise of these monopoly powers; and that if not controlled by law they will defeat competition with each other by pooling combinations.

The railroad managers recommend a universal pool, or federation of all the railroads in the country, and its recognition and the enforcement of its provisions by law. This Congress has no power to do under the Constitution. If this could be done it would be the creation of one vast and overpowering monopoly out of the many which now exist; and such a course would enable it to control the transportation and commerce of the country, and soon perhaps to control the legislation of the country, and to become the masters of the people and of their liberties.

As evidence that there is real danger of this, I will refer briefly to four notorious pools in this country, which have each exercised vast power, and inflicted great injury on individuals, on other corporations, and on the whole country.

We are informed by Mr. Hudson in his valuable work entitled "The Railways and the Republic" that the live-stock pool, as it existed before 1880, granted a rebate of $16 per car to a prominent live-stock firm of Chicago, thus giving that firm that much of advantage over other shippers of live stock, and enriching it and the railroad officials who were confederated with it at the expense of other shippers of live stock, and creating an oppressive and odious monopoly in their hands.

Second. The standard oil pool and monopoly, to which some years back the great trunk railroads running into New York and Philadelphia paid $10,000,000 as rebates in sixteen months, which by the special advantages it secured from these railroads mercilessly crushed out all competition in the mining, refining, transportation, and sale of petroleum; and it has obtained such power over the great railroad corporations as to compel them to be subservient to its will. This monopoly and pool is so notorious, the evils it has inflicted on individuals and corporations and on the country are so great and so well known as to render a more particular reference to it unnecessary.

Third. The anthracite coal pool and monopoly is another of those monster and lawless combinations which depresses labor at its will, limits the amount and increases the price of anthracite coal for fuel in the great cities and for manufacturing purposes as its own interests may dictate. I quote again from Hudson on "Railways and the Republic." He says:

> It is not necessary to follow out in detail the steps by which the railways established their absolute power in all branches of the coal trade. Enough that the result is that of the 270,000 acres of anthracite coal lands in Pennsylvania 195,000 are now owned by six railways. One effect of uniting in the same corporations the business of shippers and that of carriers is the enormous inflation of their capital. Their aggregate capitalization amounts to $500,000,000, while the actual cost of the roads and equipment for transportation is $114,000,000.
>
> For the purpose of securing a profit on this stupendous amount of inflated capital the policy of combination has been carried to an unequaled extent.

The fourth great pool to which I shall refer is that of Central, Union and Southern Pacific and other transcontinental railroads and the Pacific Mail Steamship Company.

House Executive Document No. 60, first session Forty-ninth Congress, which I shall append to my remarks, shows:

First. That on the 6th of August, 1877, the Union Pacific and Central Pacific Railroad Companies entered into an agreement with the Pacific Mail Steamship Company, by which they agreed to guarantee to this steamship company earnings to the amount of $27,000 per month on their business from San Francisco to New York, and $42,000 per month on their business from New York to San Francisco (making $996,000 per annum), upon the condition that these railroad companies should have the privilege of fixing the rates of transportation on the steamship lines.

Second. That on the 17th of January, 1879, a similar contract was made between these same parties by which a like sum of $996,000 was guaranteed by the railroad companies to the steamship company as gross freight earnings, and the railroad companies also guaranteed to the steamship company $5 on each passenger carried on tickets purchased at points east of Ogdensburg, Suspension Bridge, Pittsburgh, and Wheeling to points west of Sacramento, and *vice versa*.

Third. That on the 1st day of January, 1880, so much of the Southern Pacific Railroad as was necessary to consolidate the two roads was leased to the Central Pacific Railroad for the term of five years and until the Southern Pacific should be built to its connection with the Eastern railroads for the monthly rental of $250 per mile, for the purpose of controlling the rates of transportation and preventing competition.

Fourth. That on the 4th of March, 1880, another contract was entered into between these parties, by which these railroad companies guaranteed to this steamship company that its gross earnings should be $110,000 per month ($1,320,000 per annum) on condition that the railroad companies should have the right to fix the freight rates on the steamship company's line. This enabled these railroad companies to prevent any competition and gave them a complete monopoly of the transcontinental shipments, except what went by way of Cape Horn.

Fifth. That on the 10th of November, 1880, the portion of the Southern Pacific Railroad situated in Arizona was leased to the Central Pacific Railroad Company.

Sixth. That on November 17, 1880, the portion of the Southern Pacific Railroad situated in New Mexico was leased to the Central Pacific Railroad Company.

Seventh. That on the 17th of February, 1885, the Central Pacific Railroad and its branches was leased to the Southern Pacific Railroad Company for the term of ninety-nine years from the 1st of April, 1885, for the annual sum of $1,200,000, thus consolidating these two lines of road and preventing competition.

Eighth. That on the 1st day of June, 1885, an agreement was entered into between the Transcontinental Association, composed of the following-named railroad companies, namely, the Southern Pacific, including the Central Pacific and its branches; the Atchison, Topeka and Santa Fe; the Atlantic and Pacific; the Burlington and Missouri Railroad; the Denver and Rio Grande Western; the Northern Pacific; the Oregon Railway and Navigation Company; the Oregon Short Line, and the Union Pacific, which association was represented by L. G. Cannon, its general agent, party of the first part, and the Pacific Mail Steamship Company, party of the second part.

By this agreement the above-named railroad companies obligated themselves to guarantee that the gross earnings of the Pacific Mail Steamship Company should be $85,000 per month on 1,200 tons of freight each way between San Francisco and New York by way of Panama, that the steamship company should make two trips per month and no more, and that it would not carry any steerage passengers; in consideration of which it was agreed by the steamship company that this transcontinental association should, through agents appointed by itself, "have the entire and exclusive control of all through business of said steamship company between New York and San Francisco each way, and that no through freight or passengers shall be taken except at prices to be fixed by these railroad corporations or by their consent."

Thus it is seen that these railroad companies erected one gigantic monopoly by the combination in this contract of nine railroads and some branch roads and the only steamship company plying between New York and San Francisco, and in this way provided that there should be no possible competition in freight and passenger charges on the immense amount of transportation and travel across the continent. Thus these great corporations, created by the consent and authority of the people through their legislative agents, instead of being operated in the interest of the people and for their benefit, entered into a monopolistic conspiracy in order to subject the commerce and travel of the country to any exaction which their avarice might dictate or their greed demand.

It appears from the annual report made by J. B. Houston, president of the Pacific Mail Steamship Company, now before me, and dated New York, May 27, 1885, a portion of which I will append to my remarks, that notice had been given in March, 1885, by this transcontinental association of railroads of the intended abrogation of their guarantee to the steamship company, which Mr. Houston says had existed for three years, and that a new arrangement had been entered into by which these railroad companies guaranteed to this steamship company $85,000 per month, $1,200,000 a year, to continue this monopoly.

As illustrative of the methods by which the railroad companies defeat just competition, establish monopolies, and levy unjust tributes on the commerce of the country, I have before me the printed form of a contract which was to be executed between the Union Pacific, the Atchison, Topeka and Santa Fé, the Missouri Pacific, and the Galveston, Harrisburg and San Antonio Railway Companies, and such persons as they might carry merchandise for.

By this agreement shippers were required to bind themselves, in order to avoid excessive rates, to ship all their merchandise during the term of the contract, which, it is understood, was not to be for a less time than one year, by the above-named roads; and the shippers were required to bind themselves, in substance, that if they should ship any part of their goods by any other route it was to be held as *prima facie* evidence of default on their part, and it was then to be optional with those railroads whether they would cancel the agreement and charge their higher rates on shipments, "or collect as liquidated damages a sum equivalent to the charges said goods would have been subject to if shipped by rail in accordance with the terms of this agreement."

This pool, not content with its extensive combination, adopted this extraordinary means of forcing shippers to contract in advance to send all their merchandise over their lines, or pay the penalty of not doing so by paying much higher rates of freight than those specified in the contract. And the terms of the contract, which I can not take time to read, show that two of the objects which the railroads expected to

accomplish by these contracts were to prevent the competition of other railroads and of the Pacific Mail Steamship Company.

I quote the following from the New York Times of March 14, 1886, to show that the Transcontinental Association of Railroads, to which I have referred, in the exercise of its powers as a monopoly, conferred on another great and odious monopoly, the Standard Oil Company, a complete control of the oil trade on the Pacific slope, in the great plains, and in the Rocky Mountain region.

A circular recently issued for the information of railroad companies on the Pacific coast shows that the Standard Oil Company has used transcontinental lines to ruin competitors and build up its monopoly as it has used Eastern roads to accomplish the same objects. This circular gives notice that, owing to the transcontinental railroad war and the cutting of freight rates, the Standard's contract for a special rate from Chicago westward has been abrogated. It appears that under this contract the company's oil was carried from Chicago to California for 72½ cents per 100 pounds, while all other shippers were obliged to pay a rate of $1.20. The contract has been in force since 1884. The roads that have been used in this way to give to this company complete control of the oil trade of the Pacific slope were built in part with Government money and the proceeds of the sale of public lands. The facts in the case furnish a strong argument in support of a proper regulation of interstate commerce by law.

I also quote an editorial paragraph from the Washington Post of April 8, 1886, going to show how these corporations enrich themselves by the dishonorable means of watering their stocks, and overtax the commerce of the country and oppress the laboring people, in order that they may increase the value of their stocks or obtain dividends on this fraudulent stock.

There is a very general belief that the laboring classes are subjected to much injustice at the hands of the monopolizing capitalists who employ them. There is not a railroad corporation in the country which has not watered its stock to such a degree that its ostensible capital is largely fictitious. To create a market value for these fictitious shares a profit must be earned and a dividend declared, which can only be done by reducing wages to the lowest possible point. There results from this necessity a grinding pressure downward upon labor, which is grievance enough.

It will thus be seen that these corporations boldly enter into conspiracies in restraint of trade, in violation of the principles of the common law, and that with reckless audacity they defy constitutional provisions and statute laws, while they impudently set at naught the great fundamental principle imbedded in all our State constitutions denouncing monopolies as being contrary to the genius of liberty.

The cases I have presented on this subject are merely examples of what is constantly occurring in the matter of railroad pools all over the country, and so successful have the railroad corporations been in thus defying constitutions and laws, in levying unlawful exactions upon the commerce of the country, in plundering the people, in oppressing labor, and in assuming and exercising powers which neither the Federal nor the State government claims to possess or would dare to exercise, that they now ask that pooling be sanctioned by law, and claim that the adoption of a universal pool is the remedy for all grievances on this subject. With a knowledge of all these notorious facts, all that we are offered by the Senate bill on this subject is that "a railroad commission shall specifically inquire into that method of railroad management or combination known as pooling, and shall report to Congress what, if any, legislation is advisable and expedient on that subject."

I trust this House will show a higher appreciation of constitutional principles, a firmer purpose to see that the statute law and the principles of the common law shall be respected and enforced, that these corporations are not greater than their creators, and that the interests of the people shall be upheld and their rights respected, by forbidding pooling in unmistakable terms.

Another difference between the Senate and House bills is that the Senate bill provides for a commission to be known as the interstate-commerce commission, to be composed of five commissioners to be appointed by the President, to hold their offices for six years and to receive salaries of $7,500 a year each and their traveling expenses. These commissioners are empowered to appoint a Secretary with a salary of $3,000 a year and traveling expenses. It also has authority to employ and fix the compensation of such other employés as it may find necessary, subject to the approval of the Secretary of the Interior.

The House bill makes no provision for a commission. And here I beg to call special attention to the theory of these two bills. The Senate bill is framed on the theory of securing a detailed regulation of freight and passenger rates, though it neither fixes any rates nor authorizes the commission to fix rates. In this it seems to be strangely illogical.

The House bill proceeds on the theory of abridging the monopoly powers of the railroad companies, and of prohibiting the greater and more manifest violations of right by them, without attempting a detailed regulation of freight rates; and provides for the enforcement of its provisions through the courts of ordinary jurisdiction, which are within convenient reach of the people, and with whose methods of procedure they are familiar.

The Senate bill proposes to enforce its provisions by bureau orders and the proceedings of courts combined. The American people have as a rule great respect for law and for the action of the judiciary, but they are not accustomed to the administration of the civil law through bureau orders. This system belongs in fact to despotic governments; not to free republics. And I submit with due respect that the House bill will secure more ample, prompt, and perfect protection to the rights of the people, with less friction and embarrassment to the railroad companies, than the Senate bill, if it should be executed honestly and in good faith. A careful perusal of the two bills will, I think, convince any impartial mind of the truth of this statement. The Senate bill is, however, preferred by the railroad corporations, because under it they see greater chances for trickery and evasion; with whatever chances there may be for their controlling in their interest the appointment of the commission, or of controlling the commission in their interest after it shall be appointed; and because the Senate bill puts the commission between the complaining citizen and the railroad, instead of allowing the citizen to appeal directly to the courts for redress of his wrongs, as the House bill does.

When we remember that this commission is to be composed of five persons only, that all their judgments are to be rendered in Washington city, though it may send members of the board to different parts of the country to make inquiry and to take testimony; when we consider that it will have at least 130,000 miles of railroad to look after and to extend its supervision to, and that the roads cover the thirty-eight States and eight Territories of the Union, with their 60,000,000 of population, and transport not less than $15,000,000,000 worth of interstate commerce annually, it will be seen how utterly impossible it will be for one tribunal composed of five men holding their official sessions at one place to successfully regulate and supervise this vast field of transportation with all its numberless causes of controversy and litigation.

When we consider the number of district and circuit court judges and judges of the Supreme Court, of the Court of Claims, and of the District of Columbia, and the Territorial judges which it is found necessary to employ in the enforcement of Federal legislation, without reference to the larger number of judges of the State courts, we may be better prepared to understand how futile the attempts will be for five railroad commissioners to attend to all the controversies growing out of railroad management in this country.

But I have other objections to the appointment of a commission. I shall fear that the railroad interests will combine their power to control the appointment of the commissioners in their own interest. We all understand how easy it is for a few persons controlling large interests to unite their influence to carry out their wishes. However honest and patriotic a President of the United States may be, and however anxious he might be to secure a good and faithful commission, he would in a large measure have to depend on the information of others in appointing them. The great body of the people would be poorly qualified to give advice about such appointments, and if they were able to give good advice it is not practicable for them to unite in the recommendation of proper persons.

The notorious facts as to how railroad managers have corruptly controlled Legislatures, courts, governors, and Congress in the past give us sufficient warning as to what may be expected of them in the future. It is not to be supposed that they would directly approach any President of the United States and corruptly propose to secure the appointment of commissioners in their own interest; but the vast resources which they control, with the power of levying any tribute they please on the commerce of the country to secure means for the employment of men, enables them to control the best legal and business talent of the country, and would enable them to procure influential men in their interest to appeal to the President in the name of justice and on account of capacity to appoint such men as would serve their purposes.

To this line of observation the answer has heretofore been made that we trust the President to appoint our judges, and why not to appoint railroad commissioners? The answer to this is that judges are not selected to deal with one single great interest, but for the general administration of the law, embracing all questions for judicial determination under the Constitution, treaties and laws of the United States; while these commissioners are to deal with questions which relate to the duties of common carriers alone, but questions of daily occurrence, and interests involving billions of dollars, concentrated in a few persons, some of whom have proven themselves utterly unscrupulous. The success of a commission would depend upon the integrity, independence, and power to resist flattery and temptation of its members; while the courts, Federal and State, which would be required to adjudicate questions arising under the House bill, would be so numerous that there would be much less probability of their being tempted or tampered with. Nor can we judge what the result of the action of a commission for the whole United States would be from what has been done in a single State by a State commissioner.

In Mr. Hudson's book, which is the only one on this subject I have met with written in the interest of the people, in which great industry is shown in the collection and consideration of facts connected with railway management, it is said, on pages 339 and 340:

No matter how stringent or specific the law may be in prohibiting extortionate rates, discrimination, or pooling, its effectiveness, if its enforcement is put into the hands of a commission, will depend entirely upon the vigor and faithfulness of that body. What guarantee have we in the provisions of the bill or in the influences that would control the selection of commissioners that they would display these qualities? It must be remembered that this legislation seeks to restrain the greatest power in the country, except the united and aroused popular will. It confronts not a local or private wrongdoer, but the organized and combined power of the railway corporation, with unlimited political influence, infinite resources for corruption, and secret methods for controlling appointments and legislation.

This power has kept courts in its pay, it defies the principles of common law,

and nullifies the constitutional provisions of a dozen States; it has many representatives in Congress and unnumbered seats in the State Legislatures. No ordinary body of men can permanently resist it. Here is the fatal weakness of laws establishing railway commissions, whether their other provisions be radical or mild. If, by any happy suspension of the nature of things, the stream turned out to be purer than its source, what hope is there that it could be kept clear and undefiled under the corrupting influences which would await it at every turn of its future course? It is possible that, in obedience to an imperative public demand, such a body might be organized with the sincere purpose of restraining and preventing corporate abuses. The popular will has established such bodies in one or two States.

But legislation must regard the future and seek a remedy that will be effective, not merely for the next year or two but for future generations. Let popular vigilance be lulled, or the public attention directed to other issues, and will not this stealthy and almost resistless power gradually fill the commission with its tools, or win over the members to its purposes? It is idle to hope that a board of nine commissioners, with salaries such as a great railway pays its third-class subordinates, will permanently remain superior to the manifold forms of pressure and corruption that can be exerted by four thousand millions of railway capital, until it has been demonstrated that a housemaid's mop can keep back the tides of the Atlantic Ocean.

I read also as follows from pages 341 and 342:

Such a body would sooner or later become a mere bulwark or outpost for the defense of corporate abuses, instead of a fortress of popular rights. To expect this is simply to recognize the limitations of human strength when pitted against the vastest power for corruption ever known. The result of the unequal match is as certain as if nine men, however expert and strong, were ordered to stand in the path and arrest the destructive course of a mountain avalanche.

The force of this objection to the regulation of the railways by a few commissioners is shown in the history of such bodies, when established by State legislation. Railway commissions are in existence in Massachusetts, New York, Georgia, Illinois, Iowa, Kansas, Colorado, and California. Some of these are invested with large powers, while some are merely supervising and advisory boards. Only two of these bodies have, within four years, made any active effort to restrain abuses which have aroused the press and the public to impatience. The other six, for any practical benefit they have secured to the people, might as well have charge of regulating the movements of the heavenly bodies.

It is instructive to notice that the effectiveness of these boards appears to have no relation to the thoroughness or radicalism of the legislation by which they are established. The Georgia railway commission has perhaps as great powers as were ever proposed for any such body; and its energy in enforcing them has attracted the enmity of the railways, which have recently demanded the restriction of the powers of the commission. The California commission, with powers almost if not quite as great, has not vitality enough to make even a passing impression on the sway of the Central Pacific over California commerce. The Illinois commissioners, holding about the same powers proposed by the Cullom bill, with the additional prerogative of prescribing maximum rates, has of late years shown a disposition to investigate and correct the most serious of the abuses which it is its duty to check.

The commissions of other States exhibit varying evidences of inefficiency, from futile attempts to restrain corporate powers to superogatory efforts to strengthen the railways in their supremacy over commerce. It is a significant measure of the adequacy of this device that even in Illinois, where the commission was established in obedience to the same overwhelming public demand for regulation of the railways which produced the famous Granger legislation, it served for several years only to show how useless and lifeless such a guardianship of the public interests can be. And even now the charge is made in that State, through the press, that the railroads, in violation of the law, are making unjust discriminations whenever it suits the convenience and interest of some pool, and that the commissioners are doing nothing to protect the people's interests.

I also read the following from pages 348 and 349:

A plan which, among the State commissions already constituted, results in, at most, two out of eight that are efficient and useful, does not promise to grapple successfully with the vast railway powers of the entire country in the interest of independent commerce. The power which has converted the Charles Francis Adams of 1875 into the Charles Francis Adams of 1885 can not be conquered and held in subjection by any body of nine men at salaries of $7,500 each. Such legislation as results, in the greatest State of the Union, in a commission which, constituted for the public protection, assumes the guardianship of the railways and proposes to limit competition by forbidding capital and the public to build new roads will never adequately protect the public interests. To put such a body of weak and fallible men in charge of the vast interests of combined railway capital is not less fatuous than it would be to station a pigmy sentinel at the door of the treasure-house and bid him guard it against an enemy.

Instead of such a system, the House bill provides that any citizen aggrieved by a violation of its provisions may appeal directly to a court and jury for redress, and that he may proceed both by civil suit and by criminal prosecution.

The question as to which of these plans should be adopted has in three different Congresses in the last few years been passed on by this House, and on each occasion the House by a large majority declared in favor of the plan presented by the House bill as best for the general welfare.

Having called attention to the leading points of difference between the Senate and House bills I desire to state that after several years' study on this subject I do not believe it possible to successfully control the action of the railroad corporations in the interest of the public without embracing in the plan for this purpose three important features, to which I desire now to call particular attention.

The first is the necessity of prohibiting the charging of more for the carriage of a like amount and kind of freight for a shorter than a longer haul, which includes the shorter on the same road. The violation of this principle enables the railroads to collect from a part of the people the cost of carrying the freights of another part of the people. It causes freight rates at competing points to be put down at rates which do not pay for their carriage, and to tax the people at non-competing points enough more than it is worth to carry their freights to make up for the loss of revenue on the freight hauled from competing points. This practice reduces the value of commodities which are to be shipped from non-competing points, reduces the value of farms and other property dependent on shipments from non-competing points, and renders manufacturing and all employments requiring skilled labor dependent on such points of less value. It is a policy which augments the wealth and prosperity of people at competing centers of trade, while it impoverishes those who live at non-competing points in the smaller towns and rural parts of the country. Neither the Government of the United States nor those of the several States can sanction or tolerate a policy or practice which works such manifest and flagrant injustice to so large a part, indeed to a large majority, of our people.

The second essential feature in a just policy of railroad regulation is that freight rates and charges should be plainly stated in schedules, which should be posted up in public view at all places of shipment. Most railroad companies profess to do this now, but the violation of their schedules is more the rule of their action than the observance of them. The allowance of special rates, of rebates, of cut rates, &c., is resorted to for the benefit of those on whom these companies choose to confer special favors; and in many cases, perhaps most cases, where it is done, officers of the railroads, faithless alike to the public and to the stockholders of these roads, are beneficiaries in and grow rich upon these frauds.

By this policy they can and do injure the trade of some places and build up the trade of others; and by it they enrich some men while they impoverish others, make some prosperous while they drive others out of business. That these wrongs are of constant occurrence in all parts of the country is notorious. That Congress has the power to prevent them is not doubted, as far as relates to interstate commerce. That this is not done is not creditable to either the intelligence or the integrity of Congress. These wrongs can never be avoided or corrected until freight rates are required to be made public, and until it is made a punishable crime and a subject of legal damage to charge more or less than the published rates. This is provided for in the House bill. It is not provided for in the Senate bill.

The third great essential principle necessary to a successful protection of the public against the improper and injurious conduct of the railroad companies is that the pooling of the business and earnings of competing railroads shall be prohibited. The competition of competing roads is the only real check now on the monopoly powers they possess. Monopolies are denounced by the common law. They are denounced by our State constitutions and laws. They all injuriously restrict trade. They tend to distress and impoverish any people and any country in which they hold sway. They are of the very essence of despotism, oppression, and wrong; and no free people ought to submit to them nor can do so long and remain a free people.

The establishment and enforcement of these three principles are fought harder by the railroad representatives, because they are valued most by them as the means of giving them the sole control of the commerce and the mastery of the business and wealth of the country. Hence they favor the Senate bill and oppose the House bill.

In urging the special importance of these three great principles I do not wish to be understood as undervaluing many others. To make this regulation effective, we must require all charges to be reasonable. We must require that there shall be no discriminations in charges as between individuals. We must provide against evasions of the law. We must provide for the production and inspection of the books and papers of these corporations, and compel their officers and agents to testify when necessary to the ends of justice. And we must enforce all these principles through the courts of ordinary jurisdiction, with the proceedings of which our people are familiar, and where justice can be had speedily and cheaply, at the hands of an honest court and a jury of twelve men. All these things the House bill provides for. Many of them the Senate's bill does not provide for. How long shall the American people wait for this measure of necessary protection and justice?

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I wish to call the attention of the gentleman from Texas [Mr. REAGAN], in the first place, to a few words said by him on the 16th day of March last, when he reported this bill from the Committee on Commerce. I wish the gentleman from Texas would listen to these words which he then uttered and which I will read. They are as follows:

Mr. REAGAN. So far as I am concerned, I shall be disposed to allow reasonable debate; but I should not desire to see the debate run to an unreasonable extent. The subject has been so much discussed heretofore that I take it a very great length of time will not be required for its discussion. But I desire to see full and fair debate.

Such was the utterance of the gentleman from Texas, the chairman of the Committee on Commerce, when he reported the bill to the House; and he said at other times that he was in favor of such a full debate as would enable each member of that Committee on Commerce to have one hour if he so desired. I suppose the gentleman's understanding of full debate has been shown to the House by his occupying a full hour and five minutes. I presume that was done by the consent of others who had the privilege of speaking on that side if they wished to do so.

The gentleman has not forgotten his speeches of the past. He is not tired of speaking of the railroads as "oppressive monopolies." He is not tired of referring to the Standard Oil Company. I have understood the Standard Oil Company is not a factor and has not been for some years in the question of freights carried by railroads. That has been my understanding. If any gentleman present knows to the contrary I shall be glad to be corrected.

But in view of the short time we are to have for this general debate I am desirous my colleagues composing the minority of the Committee on Commerce so far as the Reagan bill is concerned shall be afforded some time out of the hour and five minutes at my disposal under the resolution limiting general debate to two hours and ten minutes to be heard, and therefore I shall not occupy the whole of that time, but will yield a portion to them.

I have before me a great deal of printed matter which I believed I would have an opportunity of reading to the House, practical in its character and bearing on this question, matter convincing to my mind, and I consider myself a man little given to prejudices on this or any other question. But if I can not read it to the House, I shall take advantage of the unanimous consent which has been granted to include it in my printed remarks.

I am, Mr. Speaker, as much in favor of passing a proper interstate commerce bill as the gentleman from Texas, or any other advocate of the measure either of the Committee on Commerce or of the House. In all sincerity, I will say that I am opposed to all unjust discrimination wherever it may be.

Mr. WEAVER, of Nebraska. Why not go for the Reagan bill?

Mr. O'NEILL, of Pennsylvania. Because the Cullom bill is more anti-discrimination than the Reagan bill.

Mr. WEAVER, of Nebraska. That is altogether a discrimination bill.

Mr. O'NEILL, of Pennsylvania. I will say that the Cullom bill is less discriminating than the other. It iterates and reiterates from beginning to end anti-discrimination provisions concerning rebates and drawbacks and every other point involved in this discussion. The Senate bill is emphatically an anti-discrimination bill.

Mr. ROWELL. Do you say it does not allow discrimination when the commission approves of it?

Mr. O'NEILL, of Pennsylvania. I say that in a statesman-like way the Senate bill allows questions to be referred to the interstate-commerce commissioners. I say in that respect it is superior to the iron-clad bill of the gentleman from Texas.

Mr. CALDWELL. Will the gentleman yield to me for a question?

Mr. O'NEILL, of Pennsylvania. Certainly.

Mr. CALDWELL. Does not the Senate bill put it in the power of the commission to exempt any road they see proper from the operations, and therefore is not that the grossest kind of discrimination if it be true?

Mr. O'NEILL, of Pennsylvania. Yes, it does. It does it in the right direction. It does it in the direction of accommodating the people who have freights to send by railroad.

Mr. CALDWELL. Could they not by that means ruin one system of railroads to build up another?

Mr. O'NEILL, of Pennsylvania. Why this Reagan bill will ruin all systems of railroads and all progress in building them and all endeavors to get capital to keep them up or to construct new lines.

Mr. WEAVER, of Nebraska. May I ask the gentleman another question?

Mr. O'NEILL, of Pennsylvania. Certainly.

Mr. WEAVER, of Nebraska. Does not the Cullom bill allow the roads to discriminate between persons who ship under similar circumstances?

Mr. O'NEILL, of Pennsylvania. Exactly, and so it should. That is just the difference between the Cullom and the Reagan bills, and just what I favor. But I may say here that I would be satisfied with a purely commission bill, such as was presented here in this and in a former Congress by the gentleman from Illinois [Mr. HENDERSON], and also in the last Congress by Mr. Horr, of Michigan. I would be willing to intrust to the commission all of the questions that might arise between the shippers and the carriers of freight.

Now, I desire to have read to the House the report of the minority of the Committee on Commerce on this bill, as I fear under the limit to the debate these gentlemen will not have any opportunity of discussing at length the provisions of either of the pending propositions, and I will ask that this be read from the desk.

The Clerk read as follows:

The minority, never for one moment seeking to depreciate the importance of enacting a law upon the subject of interstate commerce, but believing that wise and well-digested legislation will be gladly accepted by the people and by the railroad companies engaged in transportation between the States and between the United States and adjacent foreign countries, have looked with due deliberation upon this matter as one equally as grave as any pending before Congress.

The interstate commerce of the country, which it is proposed to supervise and regulate, now passes over more than 125,000 miles of railway, representing an investment approaching $8,000,000,000, upon which during the year 1884 nearly 350,000,000 passengers and nearly 400,000,000 tons of freight were carried, while during the same period transporters upon water ways, natural and artificial, in most instances competitors of the railways, carried less tons of freight and fewer passengers; yet their proportion was very large.

While it is remembered that a large portion of this freight and passenger traffic will be directly affected by the provisions of the proposed bill, usually designated as the Reagan bill, it should be borne in mind that the interstate freight traffic carried over the railroads of the United States is composed largely of products coming in direct competition with the products of foreign countries. The American railways having to meet these products in the markets of the world upon equal terms, it can readily be seen that the question of regulating the rates upon that freight traffic is a most serious one. The cost of transportation directly affects the price at which the citizen of the United States is enabled to place his products in those common markets, and any unwise restriction or regulation may render it impossible for him to meet his competitors on even terms, and may thus seriously cripple many of the leading industries of our country.

It will be seen at a glance that cotton, coal, wheat, provisions and breadstuffs of all kinds, and generally all commercial and agricultural products, form the great bulk of the interstate commerce of the country, and it is universally conceded that through the system pursued by the railways in the past these industries have been extensively developed, and the United States brought into a position where a very large portion of its debt has been paid off and its prosperity enormously increased. That this could not have been accomplished except for the extraordinary reductions made by the railways in their rates upon traffic, which reductions have enabled the products of the most distant portions of our country to be transported by rail to the seaboard and thence by water to foreign countries, must be very clear. Certainly no serious ground of complaint can exist when figures show that in the last thirteen years the rates upon traffic have gradually been reduced from about 2½ cents per ton per mile to about 7 mills, and when dividends and interest upon the capital invested in railways during the year 1884 did not exceed 3½ per cent.

It can readily be seen how, in the management of so enormous a traffic, it is absolutely necessary that there should be entire flexibility in the adjustment of rates to meet the varying circumstances presented, and it is not believed that any "cast-iron" rules can be laid down for the regulation of this enormous traffic without seriously interfering with it and directly and vitally affecting the prosperity of the country.

The minority of the committee, therefore, have not favored the insertion of the provision preventing, under all circumstances, the granting of drawbacks or rebates, because cases were cited before the Committee on Commerce, in hearings, in which drawbacks or rebates were absolutely necessary to enable the domestic shipper to meet his foreign competitor on equal terms; always, however, in the opinion of the minority, having the system of drawbacks or rebates open to all under similar conditions and circumstances.

Nor do the minority favor the provision prohibiting a greater charge for a shorter than a longer haul, as it was shown to a satisfactory degree, as we think, in the hearings, that where two competing points were connected by water as well as rail, it was impossible for the railways to secure the traffic unless they made their rates as low as the water rates, and that while they might be able to do this on a portion of their traffic, it would be destructive of their interests to reduce all their rates to those which were forced upon them between certain points by the competition of the water routes. The minority consider that in this, also, unjust discrimination should never be made, but that the idea of charging the same rate for the haul under similar conditions and circumstances should be adhered to.

The minority also differ from the majority upon the subject of "pooling." They believe its absolute prohibition is unnecessary. There should be legislation imposing restrictive provisions, for shippers should not be placed at a disadvantage or competition in freight charges lessened so that transporters only should be benefited. If fairly carried out and not done by secret and private arrangement, if resorted to for the purpose of preventing what is called injudicious "cutting down" of rates, so that reasonable and just charges should be permanently adhered to, are the means by which transporters endeavor, or ought to endeavor, to secure fair rates upon the traffic which they carry, "pooling" would not be open to many of the objections made to it.

Past experience in railway transportation has satisfied transporters that the "pool" is the nearest and fairest device yet used to enable them to place shippers upon an equality and prevent grievous discrimination in favor of the large shippers as against the smaller ones.

But we appreciate the difficulty of satisfactorily legislating upon this subject, and would prefer to leave it to the consideration of a board of interstate-commerce commission, which tribunal we hope will be created. So much for what the minority suggest as to the drawback or rebate, the longer and shorter haul, and the "pooling" systems. Proper notification of the changing of rates, with the limitation of a reasonable time, publicly posted in stations judiciously selected in accordance with the amount of freight offered, upon an equitable annual average, might also be conducive of confidence of the shipper in the transporter. A carefully digested section might be incorporated in the law to meet this point.

The conclusion of the minority is, however, unfavorable to positive legislation other than the above suggested, believing that it is impossible for Congress, limited necessarily in practical knowledge of railway movements, prejudiced perhaps against the railway system by some local disagreements not yet settled, led to think that an occasional instance of what appears to be unfair dealing with the shipper is the transporter's general course, and beg leave to suggest that the most available present remedy for imaginary as well as real grievances is the creation by law of a board of interstate-commerce commission.

It is the province of legislators to ascertain by intelligent experience the legislation required, and that experience can best be secured through the proposed commission. It should be a permanently-established bureau of an appropriate department; should be composed of the ablest men of the country; salaries should be large enough to attract men from the very highest and most lucrative positions of the varied business life of our citizens. This board should have power to investigate all complaints connected with the management of interstate commerce; power to secure their redress through the voluntary action of transporters or through legal proceedings instituted by it through the proper legal officers of the United States.

We desire to impress the House with our implicit belief in the present advantage of a board of interstate-commerce commissioners. We ask you to defer radical legislation until we have tried the commission, which, with powers to hear grievances, will also be required to report annually to Congress, and to suggest from time to time the legislation necessary to create harmony between shippers and transporters.

All which we submit.

CHAS. O'NEILL.
ROBERT T. DAVIS.
RANSOM W. DUNHAM.
FREDERICK A. JOHNSON.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I have stated the reasons why I have had the report read. I wish to have the views of the minority placed upon the RECORD, and thought it might as well come in here as elsewhere.

Now, that report follows out the idea from the beginning to the end of anti-discrimination. I am glad to be able to say that the Senate bill almost carries out the ideas presented in the minority report of the House Committee on Commerce, without any consultation at all with Senators who composed the Cullom committee. That report, which is very conservative—a very conservative report, indeed, but very anti-discriminating in its views—is the report that the minority of the committee present, and the report which recommends the establishment

of a commission in the legislation upon the subject of drawbacks or rebates and upon the long and short haul question and the manner of publishing changes in freight charges for the public information. It purposes to leave "pooling" to the consideration of the commission.

I will say further to the gentleman from Texas, or to any other gentleman who does not favor an interstate-commerce commission, that it must be known very well that no bill to regulate interstate-commerce can become a law that has not a provision creating a commission of interstate-commerce commissioners.

The Senate bill has in it legislation I do not approve of, and I shall propose to amend it if I have an opportunity when it comes before the House for consideration under the five-minute rule. I shall offer an amendment in the first place that this bill shall apply to all carriers, not only to carriers by railroads, but to carriers on the water ways of the country as well. And I think if the gentleman from Texas had been sincere in the last ten or twelve years in his agitation of the subject he would have had his bill apply to common carriers alike and subject them to the same conditions, or else place himself in the attitude that he was probably in the interest of the water ways as against the railroads of the country.

Now I refer the members of this House to the speech made in the Senate by Mr. BROWN upon this subject, and to the number of statistics incorporated in that speech, in which he shows the transportation paid to the water ways as compared with railroad transportation upon the Ohio, Lower Mississippi, and other rivers, which establishes the fact just as absolutely as anything can be established that they are endeavoring to charge and are actually charging for short hauls more than for long hauls, and have continued to do it, and will continue to do it, unless we insert a condition in this bill that its provisions shall apply to the water ways of the country as well as to the railways. In that respect I differ with my colleagues on the Committee on Commerce who have joined in the minority report, and I would have liked to have recommended in the report the insertion of the water ways. I think there are other members of the committee, other than the four who signed the report, who favor introducing the water ways and making the clearest and most stringent provisions of both the House and the Senate bills applicable to all common carriers engaged in interstate commerce.

Mr. DUNHAM. The gentleman would not have the House infer from what he said that all of the minority are in favor of undertaking to regulate water ways?

Mr. O'NEILL, of Pennsylvania. By no means. On the contrary, I stated just the reverse, that I differed with my colleagues in the minority in that respect, as I believe in making it applicable to all carriers. Why should it not be? There are millions of dollars invested in steamboat transportation and other kinds of transportation upon the rivers—millions of dollars. There are corporations upon corporations, and there are individuals who are enabled to enter into combinations as carriers by water ways just as great and obstructive to commerce as far as they go as those alleged to be made by the railroad companies in regard to freight, and yet, sir, if we carry out the ideas embodied in the Reagan bill, if the House takes that bill, we make the water ways of the country still more liable to combine as to charges for freight.

They control those charges now, but when we pass that bill they will control it more, and just as they want to, in reference to short and long hauls. In other words, the carriers by water are the great competitors of the railway carriers of this country in whatever part of the country water and rail come in competition. I believe that if all carriers were included in the Reagan bill or in the Cullom bill the railroad companies would almost be willing to accept the proposed legislation, especially the legislation sought for by the Cullom bill. For seven months in the year, or nearly that long, the water ways are absolute in fixing the freight rates of the railroads.

So I propose to offer that amendment to the Cullom bill. I shall also offer a further amendment, that a license shall be taken out by all interstate commerce carriers of freight, to apply not only to carriers of freight of our own country but to foreign trunk lines doing interstate-commerce business in it. I am free to say that I want to bring under the provisions of either bill, the Senate bill or the Reagan bill, if possible, and I think it can be done, the great trunk line railway of Canada. I want to bring all roads that are competitors with our own upon the same basis.

Mr. DUNHAM. How?

Mr. O'NEILL, of Pennsylvania. By requiring them to take out a license, and so modify section 7 of the Cullom bill as to make them in some way in their offices in this country, whether in Chicago or elsewhere, do exactly what is required to be done by the trunk lines of our own country.

Mr. DUNHAM. But take the Canadian Pacific road, which runs from the Pacific Ocean to Montreal, how are you going to prevent that line from taking all the business from the Northern Pacific?

Mr. O'NEILL, of Pennsylvania. If you allow them to regulate their freights and to raise and lower them as they please, are you not giving them an advantage over the Pacific lines in our own country?

Mr. DUNHAM. But you can not help it. They are entirely in Canada.

Mr. O'NEILL. Well, the Cullom bill, in section 7, proposes to help it, and I propose to offer an amendment when it comes before this House that will help that still more in another direction. I propose, if possible, to bind them in some way, bind their agents in the city of Chicago, for example, where there are connections of the American lines with them.

Mr. BYNUM. The House bill does that.

Mr. O'NEILL. The House bill tries to do it, but does not do it effectually. It does it in reference to the importation of goods; the amendment of the gentleman from Nebraska [Mr. WEAVER] does that.

Mr. DUNHAM. It does it where freight, going from New York to Chicago, passes through Canada.

Mr. WEAVER, of Nebraska. Well, of course we can not regulate the roads in Canada.

Mr. DUNHAM. But what I was speaking of was the business passing over the Canadian Pacific Railroad from the Pacific coast to Montreal. We may tie up our own roads by this legislation so as to let the Canadian line take the whole of that business, leaving none for the American lines.

Mr. WEAVER, of Nebraska. The only thing in which the Canadian roads would have an advantage over the railroads of the United States would be on through shipments from the United States into Canada and back into the United States, and in that particular we have put a provision in the bill which absolutely requires them to make public their rates.

Mr. DUNHAM. The gentleman is entirely mistaken. They are liable to take the entire China trade from us.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, my time is so limited that I must insist upon resuming the floor.

Now, I would strike out of the Cullom bill also the clause bringing passenger traffic within its provisions. The idea of the gentleman from Texas [Mr. REAGAN] all along has been to regulate freight traffic, and his bill does not apply to passengers, but the Senate bill does. We are here endeavoring to regulate the carriage of interstate freight, not the carriage of passengers, which is an entirely different question. I shall seek to amend the Cullom bill in that particular.

Mr. Speaker, I am much hurried, because I can not selfishly take this whole hour and five minutes to myself, and I think I may avail myself of the general permission to print what my limit of time fixed in my mind, about forty minutes, prevents me from saying to the House.

I will propose an amendment increasing the salaries of $7,500 of the commissioners to $10,000 per annum. This amount would satisfy men of great distinction and great learning and of undoubted integrity to leave their private business to take such honorable positions. Believing that holding stock or bonds in a railroad company should not disqualify a man from accepting the office of a commissioner, I would strike out that inhibition in the Cullom bill and provide in its place that a commissioner should not take part in the decision of any complaint against such company of whose stock or bonds he might be an owner. Many of the wisest and purest men of the country might be prevented from taking such an office because of his legitimately owning railroad securities, while an upright man in any judicial position would decline to hear or decide a case in which he might have even a remote interest.

I confess that I have been over this question of interstate commerce again and again during the last ten years, just as the gentleman from Texas has been over it. I differ from him materially in regard to it, and let me add that the bill now presented by him is not the same bill that he presented ten years ago. He himself has had light upon this subject from some quarter, and the consequence is that the great ironclad features of his former bills do not all appear in this one. The reason I do not know, unless it be because he has been compelled reluctantly to listen in the committee-room to the explanations of practical railroad men, and has learned from those men, who have at heart the interests of the people whose freight is to be carried, and especially of those of the Western part of the country, that such legislation as the Reagan bill would be destructive of cheap freights, prompt carriage, and the general railroad interests. Many years have been required to bring our railroad system to its present accommodating position. Do not let us make it less useful; do not let us interfere with it by unwise legislation.

Mr. WEAVER, of Nebraska. Is it not a fact that up to a recent date the argument of the railroads has been that there was no authority in Congress to regulate them?

Mr. O'NEILL, of Pennsylvania. That argument has been abandoned. I have never raised that point, and I never expect to.

Mr. HEPBURN. Nobody has raised it for ten years past. It was settled ten years ago.

Mr. O'NEILL, of Pennsylvania. Yes; that was settled long ago. There is no doubt that Congress can legislate upon this subject; but let Congress legislate as a number of the States have legislated. I can not tell exactly how many have established railroad commissions, but many have, the State of Massachusetts notably having a commission that does regulate these vexed questions until, as I understand, there is hardly a complaint on the subject of railroad freights in that State.

I assert here that in the broad State of Pennsylvania, with her six millions of people, with her vast railroad interests, with her immense vol-

ume of freight requiring to be carried from one end of the State to the other and to all parts of the country, there is scarcely a complaint today about what the gentleman from Texas [Mr. REAGAN] calls the excessive charges and discriminations of these "monopolies." The matter regulates itself. The railroads themselves have worked it out, so that within a few years the rate of freight charges has been reduced from 2½ cents per ton per mile to less than seven-tenths of a cent per mile. I will ask the Clerk to read the extract from a very conservative journal of the city of Philadelphia, the Public Ledger, which illustrates this matter of the reduction of freight charges upon the Pennsylvania Railroad.

The Clerk read as follows:

The Pennsylvania Railroad's freight tonnage moved 1 mile in 1885 was the largest in the history of the company, being 235,966,277 tons greater than the total tonnage moved 1 mile in the preceding year. The average rate per ton per mile charged to the shipper in 1885 was 0.627 cents, being the lowest rate ever received by the company since its organization, and 0.113 cents per ton per mile less than the rate received in 1884. In the year 1865 the total amount of freight moved 1 mile was 420,060,260 tons, a very large quantity for that period, but in 1885 the total tons of freight moved the same distance had grown to the enormous amount of 3,318,466,263 tons. In 1865 the average rate per ton per mile received for carrying freight was 2.665 cents, while in 1885 the average rate was but 0.627 cents. The amount of reduction in the charge for transportation in 1885, computed on the difference between the rate in that year and that which was charged in 1865, made a saving to shippers of $67,630,342.44. The total reduction for twenty years, computed upon the same basis, shows a saving of $565,238,590.22. Had the Pennsylvania Railroad charged 1 mill per ton per mile more for the transportation of freight in 1885 than the rate paid the receipts of the company would have been $3,318,466 greater than they were. The following statement, showing, for each year since 1865, the number of tons of freight moved 1 mile, the rate per ton per mile, and the amount of reduction in any given year by the Pennsylvania Railroad Division, computed on the difference between the rate in that year and that which was charged in 1865, will be found interesting:

Years.	Total tons one mile.	Average rate per ton per mile.	Amount of reduction each year, computed on rate of 1865.
1865	420,060,260	2.665	
1866	513,102,181	2.282	$1,965,181 35
1867	555,657,813	2.092	3,241,219 27
1868	765,775,500	1.906	5,129,136 50
1869	752,711,312	1.718	7,128,176 12
1870	825,979,602	1.549	9,217,933 36
1871	1,011,892,207	1.389	12,911,744 56
1872	1,190,144,036	1.415	14,864,899 01
1873	1,384,831,970	1.416	17,296,551 31
1874	1,372,566,976	1.255	19,353,194 36
1875	1,479,414,466	1.958	23,774,190 47
1876	1,629,742,021	0.892	28,895,326 03
1877	1,494,798,198	0.980	25,187,349 64
1878	1,732,003,131	0.918	30,258,094 70
1879	2,136,708,877	0.796	39,935,088 91
1880	2,298,317,323	0.880	41,024,964 22
1881	2,655,438,764	0.799	49,550,487 34
1882	2,879,542,701	0.817	53,213,949 11
1883	2,996,892,567	0.819	55,322,636 79
1884	3,082,499,986	0.740	59,338,124 73
1885	3,318,466,263	0.627	67,630,342 44
Total reduction for twenty years			565,238,590 22

Mr. O'NEILL, of Pennsylvania. The matter just read by the Clerk shows the millions of dollars saved within the last few years to the freight-senders of this country by the action of the railroads themselves; and the statement applies to other railroads as well as to the Pennsylvania Railroad Company.

On all important subjects of legislation we hear a great deal through the petition-box. Now, the petitions to this House on the one side or the other of this question come from only twelve or thirteen different sources; and almost all of these petitioners, be they commercial associations, supervisors of counties, boards of any kind, or individuals, recommend generally in so many words the Cullom bill, and there is but one of those petitions, and that coming from an almost insignificant town of this country, I mean in population, which recommends the passage of the Reagan bill.

What do the records of this House show in regard to this matter? We have resolutions favoring the Cullom bill from the Board of Trade of the city of Philadelphia, from the Legislature of the State of Iowa, from the Merchants and Manufacturers' Association of Cincinnati, and others. When we come to find who have sent in petitions opposing the bill, perhaps the most numerous petitions, all alike, from any section of the country come from a few towns in the county of Saint Croix, in the State of Wisconsin. I do not doubt that those people have an interest in the subject of interstate commerce; but they represent a county the whole population of which is not more than twenty-five or thirty thousand; while from the great centers of trade—Chicago, Saint Louis, Philadelphia, New York, Baltimore, and Boston—we hear nothing in favor of the Reagan bill, but everything in favor of most of the provisions of the Cullom bill.

I hope to have an opportunity to offer such amendments to the Cullom bill as will enable me, if adopted, to vote for it. I believe that a commission of suitable men properly selected can better settle these questions than can members of Congress with their crude ideas. Certainly five men as fit, as virtuous, as incorruptible, and as able as the men who compose the Supreme Court of the United States can be selected by the President. Just as the country confides in the decisions of the Supreme Court of the United States, so will the decisions of a carefully selected board of commissioners of interstate commerce satisfy the public mind.

In closing I ask the attention of members to the minority report from the Committee on Commerce which has been read by the Clerk. It contains the whole ground of my proposed action and I believe its suggestions to be unanswerable as far as the good of the business people of the country is concerned, and that the carriers of freight can not reasonably object to the passage of a law embracing the provisions proposed. Radical legislation would bring great injury to business, while proper laws upon this subject would meet the approval of the people. We are a business, progressive people, and Congress is expected so to legislate as to increase every interest and to injure none.

Mr. Speaker, I may, as I have said already, print much that I have left unsaid, and especially matter in print which I know would be read with interest by the members of the House.

Mr. Speaker, I now yield for a moment to the gentleman from Illinois [Mr. DUNHAM].

Mr. TURNER. Will the gentleman from Pennsylvania [Mr. O'NEILL] allow me to make an announcement?

Mr. O'NEILL, of Pennsylvania. Yes, sir.

ELECTION CONTEST—PAGE VS. PIRCE.

Mr. TURNER. I desire to give notice that on Friday next I shall move to discharge the Committee on Elections from the further consideration of the contested-election case of Page *vs.* Pirce, from the State of Rhode Island, and ask the House to consider it.

EVENING SESSION FOR DEBATE ONLY.

Mr. DUNHAM. Mr. Speaker, I desire to state that, in accordance with the request of several gentlemen on both sides of the House, I am willing to withdraw my objection to the proposition which was made by the gentleman from Texas [Mr. REAGAN] for a session this evening, from 8 o'clock to 11 o'clock, for debate only.

The SPEAKER. The gentleman from Illinois [Mr. DUNHAM] withdraws his objection to the request which was made by the gentleman from Texas, that a recess be taken at 5 o'clock to-day until 8 o'clock, the evening session not to continue beyond 11 o'clock, and to be devoted entirely to debate on this bill. Is there further objection? The Chair hears none; and it is so ordered.

INTERSTATE COMMERCE.

The House resumed the consideration of the bill (S. 1532) to regulate commerce.

Mr. O'NEILL, of Pennsylvania. I yield seven minutes to the gentleman from Massachusetts [Mr. DAVIS].

Mr. DAVIS. The provisions of this bill for the regulation of interstate commerce by rail-carriage apply to a subject of enormous magnitude and of vital moment to the material interests of our country. The business of transportation by rail, viewed with reference to the tonnage and value of the merchandise moved, the amount of property invested in railroads, the aggregate extent of their mileage and the cost of operating them, and their intimate relations with our great producing interests, is one of vital importance. A glance at the census tables reveals the proportions of this great interest.

In 1884 the property invested in railroads amounted to $7,431,732,458, the entire taxable property of all the States of the Union being $19,790,333,650, the capital invested in all the manufacturing industries of the country (gas excepted) amounting to $2,790,223,506, the total value of farms in all the States and Territories being $10,197,096,776.

It will be seen that the property in railroads amounts to more than one and one-half times the capital employed in all the various manufactures of the country, with one inconsiderable exception, that it equals seven-tenths of the value of all the farms and 27 per cent. of all the taxable property of the States and Territories. It is represented by an immense net-work of railroad lines which extends from Maine to Texas, from Minnesota to Florida, from the lakes to the Gulf, and from the Atlantic to the Pacific coast, aggregating more than 125,000 miles, 11,000 miles more than the entire railroad system of Europe.

The number of tons of freight carried on our railroads in 1884 equaled 390,074,749, valued at $9,751,868,725, and they transported during the same year 334,814,529 passengers. In doing this vast business nearly five hundred thousand men are employed, whose daily subsistence and that of their families are dependent upon the business of these roads.

At this moment serious controversies exist between the railroad managers and their employés. It is not to be doubted that they will soon terminate, their interests being substantially identical and the success of the industry being necessary to the prosperity of all classes of labor which it employs.

It has originated and sprung to these immense proportions within

fifty years, much the larger part of its growth having occurred within the past twenty years. During this time it has been much the most important factor in the material progress of our country. It has so cheapened and expedited transportation that it has more than all other causes developed the resources of the great West. In its absence the great States of the Mississippi Valley could not a century hence have attained their present population, wealth, and overshadowing importance in our political system.

Undoubtedly there have been two periods in the history of our railroad system when it was extended beyond the natural requirements of the time, and when the vast sums expended in construction and equipment, followed by a sudden cessation of operations and the consequent decline in prices of material, leading to the stoppage of mills and the throwing out of employment of thousands of workmen, have tended to produce general business depression. From the results of one of these periods of morbid activity we are still laboring. There have been also serious evils connected with the building of railroads and the manipulation of their stocks, from which stockholders and bondholders have each suffered and which have driven many railroad corporations into bankruptcy. Still, spite of much unwise, extravagant, and dishonest management and illegitimate speculation, they have been constantly improving in their methods of administration.

Passenger fares and freight rates have been gradually lessening until the former average about 2 cents per mile and the latter 1 cent per ton for that distance. When we connect with this cheap transportation—much the cheapest in the world—the fact that owners of this vast interest are realizing dividends averaging only 2½ per cent. annually it would appear that there can be no existing grievance calling for stringent legislation.

No one disputes that there have been grave errors and much injustice in the management of many of our railroads, which to some extent exists to-day. The Reagan bill as a remedial measure has four leading features: First, the long and short haul provision; second, prohibitions of rebates; third, prohibition of pools, and fourth, publication of schedules. The first provision prohibits the charging of a lower rate for a longer than for a shorter haul.

The principle of this prohibition, while specious and even equitable when applied under substantially similar conditions, would frequently operate injuriously upon long-distance freight, would seriously cripple the business of interstate railroads, and would be of no advantage to the short-haul freight.

Let us suppose a road chartered in one of the States, and at first doing a local business, in process of time by purchase or lease or some arrangement it becomes a carrier of freight from Chicago to New York or Philadelphia or other points on our Atlantic seaboard. It there meets competition which always determines rates.

It competes with rival roads and also with lines of water transportation whose competition always compels the lowest rates of freight. Under such circumstances through rates must always be lower per mile than short-haul local freight. This is inevitable and inflicts no injury upon local shippers so long as such freight is not carried at a loss.

Railroad experts declare that this never occurs except for short periods during railroad wars. That railroads can carry through freight for long distances at extremely low rates without loss and even at a small profit is readily demonstrated. The cost of their road-bed is about 40 per cent. of the entire cost of the road and equipment. Now, if upon the entire capital invested the corporation makes some profit without carrying through freight, then it is clear that it can take that additional freight at the mere cost of the labor and fuel and the added wear and tear of the equipment and rails without incurring loss. If the rate be sufficient to do this and help a little toward paying the interest on the imperishable road-bed, it yields a profit and becomes a justifiable business transaction. Of course, other things being equal, the amount of the through business will determine the amount of the profit or whether there be any. If a certain number of tons of freight on a given train will pay running expenses, all over that amount will be carried at a profit.

I am now treating through freight as supplementary to the ordinary business of a road and sufficiently distinct from its ordinary local business to make it proper to establish independent rates. If through business is to be done at all, it is absolutely necessary to so regard it. The sharp competition of water routes compels the adoption of the lowest remunerative rates. The agricultural and commercial interests of the interior of our country demand them. The corn and wheat of the Mississippi Valley must reach the Atlantic seaboard at the least possible cost to find a domestic and foreign market. The manufactures of the East must be conveyed with equal facility and cheapness to all parts of the West, as this reciprocal interchange of raw and manufactured products at the least cost is equally essential to the material interests of all parts of our country.

I have no hesitation in asserting that this provision of the bill, if carried into effect, would strike a deadly blow at the interests of the Western farmer and at the general prosperity of the West, whose unrivaled development within the last quarter of a century has been owing in large degree to the extension of our railroad system. Its inevitable result would be to increase freight rates by rail to and from the great distributing centers and to diminish the amount of tonnage transported. It is claimed that the advantage to through shippers is secured at the expense of communities living on the line of the road because local rates are increased to make good the losses incurred through long-haul rates. And this assumption is the strongest reason assigned for the passage of this provision. In fact it lies at the very foundation of the logic which supports it.

This may be and probably is true during those railroad wars when freight is carried from competitive points at a loss, but so long as a profit, however small, is made on this description of traffic, there need be no increase of local rates, and the evidence of railroad managers is to the effect that they are not increased. Mr. Blanchard states that whenever a reduction takes place in the through rates, a reduction takes place in the local rates also. (See page 151, pamphlet.) Railroads are usually built to secure traffic along their lines, and so long as they encounter no competition they should adopt charges determined by mileage; but even then the ratio of increase for distance should not be fixed, but should be a diminishing one, otherwise the profit on the merchandise would not bear the cost of transportation over a long route. When the road finally extends, as it usually does, to a point where it encounters competition from other roads or water routes, it must reduce its rates to meet that competition or it can not do business.

It is clear, therefore, to me that the principle which prohibits inflexibly under all circumstances a less charge for a longer than for a shorter haul is unjust alike to the shipper and to the carrier, and would prove to be impracticable if its enforcement were attempted. This bill also prohibits rebates. This principle, when inflexibly applied to the almost infinitely various conditions which are connected with our enormous railroad traffic, would be mischievous in its effects. To discriminate between the same class of freight carriers under similar conditions is unjust, and ought to be prohibited under proper penalties. When a railroad company does this, and takes an unfair advantage of its power to injure the interests of one man and promote the interests of another, it commits an outrage which the strong arm of the law should punish. Unjust discriminations are difficult of detection, but whenever proven the offender should be dealt with promptly and rigorously. But there are circumstances under which rebates are justifiable.

Suppose coal mined on the line of the Reading Railroad to be carried at a certain rate per ton to its terminus at Philadelphia. A Boston coal-dealer offers a lower rate to that point, stating that if he can secure it it will enable him to pay water transportation and lay the coal down in Boston as cheap as he can procure it elsewhere. If they accede to his proposal it will enable the Schuylkill Valley miner to dispose of that additional amount of coal and it will furnish more business for the road. He does not secure the lower rate until the bill of lading or other evidence satisfies the railroad managers that the coal has been shipped from Philadelphia to Boston. Then he receives a rebate equal to the difference between his special rate and the usual rate. It is evident that this arrangement, while advantageous to the road and mine, inflicts no injury on the coal dealer in Philadelphia. Transactions of this character are understood to be of frequent occurrence. The same principle applies where the goods transported are intended for a foreign market.

In such cases it is necessary that the rate should be reduced in order to meet competitors abroad. Now every car-load of grain or cattle or pork or any of the agricultural products of the West that can be shipped to a foreign market is a relief to the farmer and helps to maintain an active demand at home. It is of vast advantage to him; it is just what he needs, desires, and must have. It does no possible injury to any interest; but on the contrary, in promoting the prosperity of that great interest upon which all others are based, it contributes to the benefit of all. Here again we see the impolicy of adopting an inflexible rule and attempting to enforce it. The conditions are so variable and complex that it is impossible to apply rigid and immutable legislation without doing great and ruinous injury to the producing as well as the transporting interests.

Such legislation after becoming a proved failure would be either repealed or remain a dead letter upon the statute-book, while the lessons of experience and the laws of trade and transportation would soon resume their normal sway. The remaining important feature of this bill is that of prohibiting pools. This I understand to be an expression to describe a combination between railroads to regulate and maintain rates. A combination to prevent natural and healthy competition and to fix undue and extravagant rates would be against the public interests, and would furnish just ground for repressive legislation.

This is a popular idea of a pool, and may be in some cases a just one.

There is, however, an arrangement which is the direct result of ruinous competition and which being absolutely necessary to prevent bankruptcy is expedient and justifiable. We have repeatedly seen on a great scale railroad wars so clearly unwise and dangerous as to call for some prompt and efficient remedy. The evil to be cured is frequently caused by the building of parallel lines of road where none were needed, thus dividing the business below the paying point. Then each of several roads commences cutting rates to secure more than its share of the business, until the rates become nearly nominal and business is done at a loss.

Of course when this process is pursued long enough it becomes a question of the survival of the fittest. One or more roads which were perhaps always weak become insolvent and are placed in the hands of a receiver, but even this catastrophe may not stop a railroad war; the receiver manages the bankrupt road in the interest of the bondholders, and so long as even a small percentage is paid upon them, or if the road will simply pay running expenses, or even if the running nets a small loss, it may continue to be operated for a time. Of course this must end at last or the insolvent road or roads will drag down with them those that up to that time had been in good financial condition. But the process may be long and distressing.

It must be borne in mind that competition does not follow the same rule in industries where there is a large fixed capital that it does in ordinary commercial transactions. In the latter the merchant can stop selling when goods can not be disposed of at a profit, or at the worst without loss. He can wait, expecting that his competitor will soon either fail or weary of selling below cost, and in either case he can resume business profitably. A manufactory or a railroad can not stop without serious loss. The former has a large capital in building and machinery, the latter in its road-bed and equipment, and they each have large numbers of workmen to whom idleness means poverty and distress, and who will seek work elsewhere in case of a stoppage of operations.

The mill or railroad will therefore continue to run beyond the safety-line indicated by the results of competition. This is peculiarly the fact with railroads, because the competition is so direct, and often to a certain extent personal, that it becomes bitter and degenerates into strife. Any arrangement, whatever it may be called, that liberates these waning interests from such a position should be welcomed. It seems to me that the only cure is such a settlement as will secure a fair division of the business and equitable rates of freight. Under such circumstances ultimate combination is inevitable.

A famous railroad authority asserts that where combination is possible competition is impossible. These two antagonistic principles, like all others, may be carried too far, in which event each produces its own peculiar evils. Congress certainly will not insist that destructive competition shall continue to a bitter and disastrous end, and prohibit the use of the only means that can prevent it by a mutual agreement to charge reasonable rates.

The effect of such a law would be to destroy a large proportion of the railroad property of the country and to build upon its ruins a railroad monopoly more odious and oppressive than any we have seen. To prevent such a result I would allow the roads to make such arrangements as would protect their stockholders and would not injure private rights or public interests which are entirely compatible with such arrangements.

The gradual diminution of the rate of charges within a few years to their present low standard proves that this problem is being satisfactorily solved and as rapidly as the most sanguine could expect. That there are evils in railroad management which require correction is unquestionable. These evils should be corrected by some authority which can decide each case upon its merits. This authority could be exercised by a commission appointed by the General Government, which could investigate all charges of unjust discrimination and exorbitant rates and advise the parties of their conclusion. If not acceded to the commission could suggest arbitration, and if this were declined by the offending party could prosecute the delinquent at common law. The commission could also report to Congress facts relating to railroad management and suggestions respecting needed legislation.

The conclusions of this body would be sustained by public opinion, which in our country is sufficiently powerful to compel obedience to its mandates. The decisions of the commissioners would therefore have immediately the force of law, as is proved in my own State by an experience extending over many years. If it should be necessary to appeal to the law, then it would be difficult to enact a code of statutes that would apply to each case as fairly and fully and would result in such exact justice between the parties as an application of the principles of the common law.

This famous system of jurisprudence, whose maxims are derived from and are applicable to an infinite variety of cases, is the result of the accumulated judicial experience and wisdom of many generations. It touches every case like the atmosphere which surrounds us, and is as firm as the foundations of justice; it has long been regarded with respect and even reverence by lawyers and laymen alike—a sentiment which is confirmed by the lapse of time and the accumulating proofs of its wisdom and efficiency.

Having merely indicated my objections to the bill, without attempting to argue them at length, I close with a confession of the extraordinary difficulties of the subject from a legislative point of view and the impropriety of adopting a Procrustean method for the solution of a problem so complex, delicate, and difficult as railway management.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced agreement to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5179) to prohibit the passage of local or special laws in the Territories of the United States.

INTERSTATE COMMERCE.

Mr. O'NEILL, of Pennsylvania. I yield for seven minutes to the gentleman from Illinois [Mr. HITT].

Mr. HITT. Mr. Speaker, both of the bills pending here, the Senate or Cullom bill providing for a railway commission to regulate railway transportation, and the House or Reagan bill to regulate it by a strict law which is to be enforced by individuals bringing lawsuits at their own expense, contain many wholesome principles and excellent provisions. But the Senate bill is, I think, manifestly the most effective of good, and a vote for it will be the most practical in its results. Both prohibit unreasonable charges, rebates, drawbacks, special rates, and unjust discriminations, and both require the railroads to publish and keep posted the schedules of rates. Both contain the provision prohibiting a higher charge for a long haul than for a shorter haul over the same road. That provision, though it seems fair in words, is one which, unwisely applied, may work great hardship and oppression to the people shipping their products in the Northwest.

The Cullom or Senate bill fortunately gives a discretion to the commission in the application of this harsh provision, and I prefer it greatly on that account. It is the good fortune of the people who live at or near the termination of the long system of water ways extending from the sea to Lake Michigan and at the end of the lines of great competing trunk railways running from New York to Chicago to have, by the double effect of this cheap water transportation in competition with the roads, and by the fact of the trunk lines of roads themselves competing with one another as well as with the propellers and canal-boats in transporting hundreds of millions of dollars' worth of products, to have very low rates comparatively from Chicago to New York—one-third or one-half the ordinary rates charged elsewhere in the United States for railway carriage. In some cases and at certain times the disproportion is greater than this.

Now, at the stations on these trunk lines east of Chicago, and eastward for a long distance, the roads charge local rates on freight going to New York higher than the through rate from Chicago. They take from a station a few car-loads; they take from Chicago ten thousand train-loads, and in the struggle for it with each other and with the water way by the lakes they carry it at the lowest possible point, sometimes at a slight loss. They get a profit from the hundreds of stations paying local rates, and this keeps them running and pays their fixed charges. Even these local rates on the trunk lines are lower than in other parts of the United States. If then by law you absolutely force them to put the local rates down to the through rate, to charge no more for the shorter than for the long haul, or to put up the through rate so that they will not be charging less for a long than for a shorter haul, what will they do? They must keep their roads running; the local rates are the life of the roads; they will, instead of giving them up, raise the through rate.

In a word, this Reagan bill strictly carried out as it is severely drawn, would result in compelling our people in the Northwest to pay local rates on their products going eastward to market. In effect it would stop them from going at all and shut us off from the great markets of the East and Europe, for prices are so low now that if you raise the burden of freight charges to be borne by the farmer's crop he can not send it, can not get any adequate reward for his hard labor. A meddling law, inflexibly enforced, though it may be designed with good intentions, can do incalculable harm.

It is not fair to us, Mr. Speaker, that the advantages of our position, with the lake route and the trunk lines competing for our vast trade at low rates, should be taken away by an arbitrary law. Nature placed the lakes there, and shaped the continent, and marked out the sites of cities and ports and the easy path for the construction of railways. Legislation did not do it for us, and should not interfere to mar the operation of the laws of nature and of trade. I trust this Congress will not attempt by law to compel Western farmers to pay local rates on the enormous crops of the Northwest.

The Cullom bill, it is true, also contains this provision, which seems so fair and plausible, and can do so much harm. But the Cullom bill, while declaring generally that no more shall be charged for a shorter than for a longer distance over the same line, very prudently and carefully provides that upon application to the commission the road may in special cases be authorized to charge less for longer than for shorter distances. Under that provision the commission can prevent the law from operating unjustly, especially in cases where roads and water ways compete, and a fair commission would not allow the law to be so applied as to raise the freight rates on the region lying at and just west of Chicago. The Reagan bill contains nothing to soften the inflexible strictness of the prohibition applied everywhere, and it would bear heavily on us.

It is a very strong practical reason to my mind for preferring the Senate bill which is to be carried out by a commission, that it is a system that has been tried and works well in Illinois and many other States. It is found to be a good way of practically dealing with cases of oppression by railroads, a prompt, sure means of getting a decision from the

courts in spite of all the law's delay that the ablest lawyers may attempt. It is not a system of experiment, but of fact, of experience. In various States in this country, in England, in Belgium, and substantially in France, it has been tried and is in successful operation. The House bill is altogether experiment, and this is too vast a business to experiment with if we can avoid it.

We should aim at results. Voting for the Senate bill and passing it here will secure a law, for it has passed the Senate and will become a law as soon as signed. Voting for the Reagan bill, even passing it here in this House, will have no effect, unless it be political effect, for we all know it will not pass the Senate. That has been tried too often. The people want legislation to regulate railways, want a law, not bills or speeches. They demand that something be actually done that will practically answer their complaints and protect their rights. The Cullom bill is a good one even to the mind of the advocate of the Reagan bill as far as it goes, though he wants it more inflexible in its terms. Let us pass it now, and the people will all prefer this far better than talking, debating, speech-making for years about reform and never reforming.

Both these bills aim at the same thing but by different methods; one is to be enforced by five commissioners at the public expense for the public good; the other by lawsuits brought by individuals against the railroads—a method that people in our region, especially poor men, do not feel encouraged by their experience to undertake.

The Cullom bill enables the poorest man, the tenant as easily as the rich farmer or mercantile house, to present his complaint in a plain way and if he has a fair case to set in motion all of the machinery of the courts with able counsel and without any expense or risk to himself, and secure redress for his wrongs as quickly and completely as the richest. Under the Reagan bill he must take the risk of a lawsuit, that may wear him out and beggar him of what little he had. Is it likely that such men will readily try such a contest? Is it not more likely that these severe provisions of law will be abused by rival interests, rich and powerful, to foment and instigate lawsuits to harass competitors, and the law merely made an instrument in the struggles of the strong to weaken and exhaust the weaker roads?

There is a softening discretion allowed to the commissioners by the Cullom bill, and it is the better for it. I have pointed out a striking and beneficial instance where it deeply affects the people of my own district. How much better this is than to fix in advance by inflexible law the whole body of rules to govern the most complex business known to our civilization and the most extensive, involving the largest amount of property and the greatest number of individual interests in the whole world. It is well to have five wise, able, experienced men of reputation, commanding general confidence, clothed with a limited discretion in applying and enforcing a law that touches every man and every interest so closely.

[Here the hammer fell.]

Mr. O'NEILL, of Pennsylvania. I now yield seven minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN addressed the House. [See Appendix.]

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bill (H. R. 6337) for the relief of James D. Wood; when the Speaker signed the same.

WOMEN'S NATIONAL PRESS ASSOCIATION.

Mr. MORRISON submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That the front seat to the right of the reporters' gallery, and in the gallery now set apart for the use of ladies, be and is hereby set apart for the exclusive use of the Women's National Press Association, subject to the conditions and regulations of the rules established by the Committee on Rules.

The hour of 5 o'clock having arrived, the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m.

The House was called to order by Mr. MCMILLIN as Speaker *pro tempore*, who directed the reading of the following letter:

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Washington, D. C., July 21, 1886.

I hereby desiginate Hon. BENTON MCMILLIN to preside as Speaker *pro tempore* at the session of the House this evening.

JOHN G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK, Jr.,
Clerk of the House of Representatives.

INTERSTATE COMMERCE.

The SPEAKER *pro tempore*. The House is in session this evening under its special order, for debate only, upon the bill that was under consideration at the hour when the House took a recess, the bill to regulate commerce.

Mr. HEPBURN. Mr. Speaker, I reserve the remainder of my time.

Mr. CALDWELL. Mr. Speaker, the agitation of the question of the control of railroads, whether by State or national authority, has since its origin developed a wonderful change in the opinion of not only the general public but the railroads themselves. In many and I believe all of the States every proposition, whether of control by commissioners or statute, was fought by the roads in the press, at the polls, or in the courts. W. P. Shinn, in an article on the "relations of railways to the State," published in the Railway Review in March of this year, says:

The leading railroad companies, which formerly opposed such a commission are now almost without an exception in its favor; not because, as has been charged, they expect to be able to control it, but because it places between the companies and the public a responsible organization to which both parties can appeal and in the decisions of which both will acquiesce. It substitutes the forum for the public prints in the trial of cases of complaint; and all experience goes to show that under the light of investigation nine-tenths of the complaints made fail of substantiation, and thus grave causes of friction are removed.

In the discussion of this measure before the Commerce Committee of this Congress there was, as I recollect, only one man, and he was from Tennessee, who lagged behind the procession and stood out against the regulation either by the Reagan bill or a commission. For years nothing was heard but an appeal to supposed self-regulating laws of trade and competition, which were alone to be relied on for the regulation of reasonableness of charges and the prevention of unjust discriminations. While not denying in terms the power of Congress to regulate commerce between the States, it was denied that Congress had the right to control the common carrier or to control the commerce passing between the States.

Mr. Sellers said before Commerce Committee, Forty-eighth Congress:

If you have followed my remarks I have said, for the transportation of goods and persons, for the regulation of the charges of a common carrier on land highways there is no direct power in Congress; that is wholly in the States.

Near the same time that these arguments were being made here able railroad attorneys were insisting before Judges Baxter, Hammond, and Key, in the Federal court at Nashville, that a law creating a railroad commission for the State of Tennessee to regulate rates in the State was void and a violation of the Constitution of the United States, because it was a regulation of commerce between the States.

The argument prevailed with the court, notwithstanding the undoubted fact that that act by its terms dealt alone with rates inside the State of Tennessee, and its findings as to rates were *not conclusive* on the companies, but only *prima facie* correct, in any trial resulting from misunderstandings or differences with them.

Mr. Fink, the ablest railroad expert perhaps in the country, stated the position to be that:

All business belongs to the railroads that they can get at some profit. If it pays you little, you take little, rather than nothing; that is the principle recognized in all commercial transactions; every merchant that sells goods, sells calicoes or other cheap goods at a low profit, or even less than he paid for them, and sells silks at a larger profit to make up for the loss on the cheaper goods.

Mr. Charles E. Perkins, president of the Chicago, Burlington and Quincy Railroad, in a letter to the chairman of the select committee of the Senate, says:

Railroads may be said to manufacture a commodity for sale, namely, transportation. * * * They [the railroads] should stand on precisely the same ground as that occupied by other commercial ventures.

* * * * * * *

Charging a lower rate for a long haul than for a short haul, or making concessions to large shippers as against small shippers is really doing business at wholesale instead of retail. And the attempt has often been *made to show that it is* unjust discrimination. All trade is full of injustice in this sense. A man who buys anything in small quantities pays more than one who buys at wholesale. * * * It is expedient that shippers and carriers should be left free to make their own bargains. Society should treat railroad transportation as commerce nd let prices alone.

In short, the position taken by the railroad management is summed up in the report of the select committee of the Senate on interstate commerce as follows (page 183):

A railroad corporation has been looked upon by its managers as an association of individuals engaged in furnishing and selling of transportation for their own advantage and free to conduct the business in their own way as individual mercantile enterprises are conducted.

This position is utterly irreconcilable with the legal status of these corporations as common carriers. The common law since the time of Sir Matthew Hale has fixed and determined the character and obligations of those who exercise the business of carrying as a public employment.

The carrier may stipulate what his freight charges and fares shall be, but the law imposes the obligation that they shall be reasonable and not extortionate. Hence, he in fact does not fix the amount charged. He can only charge what is reasonable, and the law fixes that.

I would not, however, have it understood—

Says Lord Mansfield—

that carriers are at liberty by law to charge whatever they please; a carrier is liable by law to carry everything that is brought to him for a reasonable sum to be paid for the same carriage, and not to extort what he will.

This is the law to-day. (Redfield, 95; 12 Wallace, 270.)

Chief-Justice Taney, in 5 Howard, 583, says common carriers exercise a sort of public office and have duties to perform in which the public is interested.

The Supreme Court of the United States has announced the law authoritatively in this matter.

In Munn *vs.* Illinois (4 Otto), the court say:

The very essence of government has found expression in the maxim "*Sic utere ut alienum non lædas.*" From this source came the police powers, which, as was said by Mr. Chief Justice Taney in the license cases (5 How., 583), "are

nothing more nor less than the powers of government inherent in every sovereignty, * * * that is to say * * * the power to govern men and things.

Under these powers the Government regulates the conduct of its citizens one toward another, and the manner in which each shall use his own property, when such regulation becomes necessary for the public good. In their exercise it has been customary from time immemorial in England, and in this country from its first colonization, to regulate ferries, common carries, hackmen, bakers, millers, wharfingers, inn-keepers, &c., and in so doing to fix a maximum of charge to be made for services rendered, accommodation furnished, and articles sold.

This brings us to inquire as to the principles upon which this power of regulation rests, in order that we may determine what is within and what is without its operative effect. Looking then to the common law, from whence came the right which the Constitution protects, we find that when private property is "affected with a public interest it ceases to be *juris privati* only." This was said by Lord Chief-Justice Hale more than two hundred years ago in his treatise *De partibus marts* (I Harg. Law Tracts 78), and has been accepted without objection as an essential element in the law of property.

Property does become clothed with a public interest, when used in a manner to make it of public consequence, and affect the community at large.

When, therefore, one devotes his property to a use in which the public has an interest he in effect grants to the public an interest in that use, and must submit to be controlled by the public, for the common good, to the extent of the interest he has created. He may withdraw his grant by discontinuing the use, but so long as he maintains the use he must submit to the control.

Common carriers exercise a sort of public office, and have duties to perform in which the public is interested. Their business is, therefore, affected with a public interest within the meaning of the doctrine Lord Hale has so forcibly stated. But we need go no further. Enough has already been said to show that when private property is devoted to public use it is subject to public regulation.

We know that this is a power which may be abused; but that is no argument against its existence. For protection against abuses by Legislatures the people must resort to the polls, not to the courts.

Not only is it true that railroads are subject to regulation and control by law as common carriers in a business affected by a public use, but they are also public highways. It is true that they are to be used in a particular way, but they are nevertheless highways, and as such subject to control.

The Supreme Court of the United States says:

"That railroads, though constructed by private corporations and owned by them, are public highways has been the doctrine of nearly all the courts ever since such conveniences for passage and transportation have had any existence. Whether the use of a railroad is a public or a private one depends in no measure upon the question who constructed and owns it. It has never been considered a matter of any importance that the road was built by the agency of a private corporation. No matter who is the agent, the action performed is that of the State. Though the ownership is private, the use is public. So turnpikes, bridges, ferries, and canals, although made by individuals under public grants, or by companies, are regarded as *publici juris*.

The right to exact tolls or charge freights is granted for a service to the public. The owners may be private companies, but they are compelled to permit the public to use their works in the manner in which such works can be used.

It is said that railroads are not public highways *per se;* that they are only declared such by the decision of the courts, and that they have been declared public only with respect to the power of eminent domain. This is a mistake. In their very nature they are highways. It needed no decision of the court to make them such. (16 Wallace, 694-6.)

It follows that these corporations are thus on two distinct grounds indubitably the subjects of the control of Congress, under its grant of power to regulate commerce among the States. And in asserting and exercising the right to tax traffic between the States all it will bear the railroads have in effect usurped the power of Congress to regulate interstate commerce.

In support of their discriminations against persons and localities they are forced to claim to be merchants, and every argument offered in support of their right to sell transportation at such rates as they deem proper is in derogation of the common law and destructive of the rights of the public, who are bound to avail themselves of their facilities for transportation. In the face of decision after decision of the courts they still assert, as we have seen, that it is impossible to subject them to control as common carriers on a public highway without destroying their property and contract rights.

Mr. Justice Johnson, in Gibbons *vs.* Ogden (9 Wheaton), says:

Commerce, in its simplest signification, means an exchange of goods; but in the advancement of society labor, transportation, intelligence, care, and the various mediums of exchange become commodities and enter into commerce; the subject, the vehicle, the agent, and their various operations become the objects of commercial regulation.

In the Reading Railroad Company *vs.* Pennsylvania (15 Wallace) the court held that—

Beyond all question the transportation of freights or of the subjects of commerce for the purpose of exchange or sale is a constituent of commerce itself. This has never been doubted, and probably the transportation of articles of trade from one State to another was the prominent idea in the minds of the framers of the Constitution when to Congress was committed the power to regulate commerce among the several States.

In Mobile *vs.* Kimball (102 U. S.) the power of Congress to regulate commerce is declared "to be without limitation. It authorizes Congress to prescribe the conditions upon which commerce in all its forms shall be conducted." * * * It is under an act of Congress that the railroads chartered by the different States connect with the roads of other States so as to form continuous lines. (Act of July 15, 1866.) In the absence of Congressional action in this matter the railroads have attempted to regulate the commerce of the country in their own way, and still shrink from Congressional control. In the report of the Select Committee of the Senate on Interstate Commerce the indictment against them is drawn by no unfriendly hand and upon a full and patient investigation and survey of the whole field.

And I read this *in extenso*, because it has been stated here by the gentleman from Pennsylvania [Mr. O'NEILL] that the complaints against the railroads were unfounded—that the beneficent management of the roads had taken the ground from under every objector. The indictment consists of eighteen counts, as follows:

THE CAUSES OF COMPLAINT AGAINST THE RAILROAD SYSTEM.

The complaints against the railroad system of the United States expressed to the committee are based upon the following charges:

1. That local rates are unreasonably high compared with through rates.
2. That both local and through rates are unreasonably high at non-competing points, either from the absence of competition or in consequence of pooling agreements that restrict its operation.
3. That rates are established without apparent regard to the actual cost of the service performed, and are based largely on "what the traffic will bear."
4. That unjustifiable discriminations are constantly made between individuals in the rates charged for like service under similar circumstances.
5. That improper discriminations are made between articles of freight and branches of business of a like character, and between different quantities of the same class of freight.
6. That unreasonable discriminations are made between localities similarly situated.
7. That the effect of the prevailing policy of railroad management is, by an elaborate system of secret special rates, rebates, drawbacks, and concessions, to foster monopoly, to enrich favored shippers, and to prevent free competition in many lines of trade in which the item of transportation is an important factor.
8. That such favoritism and secrecy introduce an element of uncertainty into legitimate business that greatly retards the development of our industries and commerce.
9. That the secret cutting of rates and the sudden fluctuations that constantly take place are demoralizing to all business except that of a purely speculative character, and frequently occasion great injustice and heavy losses.
10. That, in the absence of national and uniform legislation, the railroads are able by various devices to avoid their responsibility as carriers, especially on shipments over more than one road, or from one State to another, and that shippers find great difficulty in recovering damages for the loss of property or for injury thereto.
11. That railroads refuse to be bound by their own contracts, and arbitrarily collect large sums in the shape of overcharges in addition to the rates agreed upon at the time of shipment.
12. That railroads often refuse to recognize or be responsible for the acts of dishonest agents acting under their authority.
13. That the common law fails to afford a remedy for such grievances, and that in cases of dispute the shipper is compelled to submit to the decision of the railroad manager or pool commissioner, or run the risk of incurring further losses by greater discriminations.
14. That the differences in the classifications in use in various parts of the country, and sometimes for shipments over the same roads in different directions, are a fruitful source of misunderstandings, and are often made a means of extortion.
15. That a privileged class is created by the granting of passes, and the cost of the passenger service is largely increased by the extent of this abuse.
16. That the capitalization and bonded indebtedness of the roads largely exceed the actual cost of their construction or their present value, and that unreasonable rates are charged in the effort to pay dividends on watered stock and interest on bonds improperly issued.
17. That railroad corporations have improperly engaged in lines of business entirely distinct from that of transportation, and that undue advantages have been afforded to business enterprises in which railroad officials were interested.
18. That the management of the railroad business is extravagant and wasteful, and that a needless tax is imposed upon the shipping and traveling public by the unnecessary expenditure of large sums in the maintenance of a costly force of agents engaged in a reckless strife for competitive business.

Mr. William P. Shinn, in the Railway Review, before quoted, says:

Until recently the railroad companies have been hostile to and have earnestly opposed all legislation upon the subject of regulation of interstate transportation by the Government, but it is now being recognized by the most enlightened railroad officials that such legislation is necessary, proper, and desirable.

The rate wars which have of late years so devastated the finances of railroad companies are all inaugurated and carried on upon interstate traffic. They are detrimental alike to producer, transporter, and consumer; they introduce elements of chance in transactions of business which should rest entirely upon supply and demand; they encourage speculation in the staples of life, and are generally to be deplored.

Such is the power in the large corporations intrusted to one man, who may exercise it from personal cupidity or for private revenge as well as from laudable motives, in the interest of his corporation, that only the General Government, which can control all, can afford any remedy or relief.

Upon the other hand, producers and shippers find themselves shut out of their legitimate markets because some more favored shipper or locality is secretly given rates so much lower as to enable the latter to monopolize the traffic, while the former has only recourse to the courts, always slow and frequently uncertain.

In the interest of producer, transporter, and consumer, governmental regulation of interstate traffic is necessary and desirable.

This is a confession written by a friend of railroads. They have failed to regulate or govern in this field, which they invaded and held by usurpation or the failure of Congress to assert its control. But they say you must not regulate us by statute. The common law and State statutes declaratory of the common law have failed to give relief. Why is this so? Because under the existing system the burden of proof is upon the plaintiff to establish that the rate is unreasonable or the discrimination unjust, and the sources of information upon these issues are in the hands of and under the control of the defendant, locked up in his books and in the memory of his agents and his experts.

Hence the hesitation of a man solitary and alone to sue a great corporation and endure the "law's delay and insolence of office" in the vain effort to obtain redress for the countless wrongs included in the Senate's bill of indictment and the confession of friends.

And when a law is proposed like the Reagan bill, declaring what is right and prohibiting what is wrong; opening the courts of the venue of supposed wrongs; providing for access to books and papers of the railroad corporations remedying as far as may be those things which have rendered the common-law remedies up to this date ineffectual and useless, the railroads exhaust themselves with rage and exclamation

and implore the Congress of the United States to enact for their benefit a special-class legislation in the shape of a commissioner to stand between them and justice, to legalize their pooling and their unjust discriminations and their iniquitous loading of their short-haul customers with the shortcomings of the long-haul, or the robbery of intermediate people to make good the loss of reckless competitive efforts to overreach or destroy rivals at competitive terminal points.

Where is the constitutional delicacy or chartered sacredness of these great corporations that they should not submit to the rule of the principles of the common law whether by the courts or by a commission? They have been the pets of States, the receivers of prodigal bounty! National and State aid have been given without stint. Bonds have been showered along their track like "leaves in Valombrosa." They have been armed with the State's right of eminent domain and her writ *ad quod damnum* to condemn private property to their use upon payment of just compensation. They were inaugurated with the shouts of a generous people, and sustained in their splendid success in developing and building up the country; but by reckless disregard of popular and legal rights and their obligations as common carriers they have come under the ban of a majority of the whole people of the country.

Like prodigals they have thrown away the good opinion of their benefactors, the people. The Senate committee says, page 191: "Universal complaint has been made to the committee as to the discriminations commonly practiced against places and as to the conspicuous discrepancies between what are usually termed 'local' rates and what are known as 'through' rates."

Are the American people engaged in one universal conspiracy against the poor innocent and persecuted railroads? No, Mr. Speaker. What everybody that knows you says about you is true. But our friends of the minority are alarmed for the railroads, and deprecate the laying down of any "cast-iron" rules for the regulation of this enormous traffic, "unless it should be interfered with and its prosperity vitally affected." No man in America wishes to harm these roads. But as Rufus Choate long since said, the "railroads were made for the people, not the people for the railroads."

The gentlemen want india-rubber rules for these monopolies. Seeing that they must give up their coveted domination over every interest in their own selfish and ungrateful abuse of power, seeing that the control of interstate commerce in the interest of the people was to come, in some shape, they with wily stratagem "stooped to conquer." The cry that they will be ruined is the cry of a spoiled child or a selfish tyrant who sees his sway overcome and controlled by a power for the right.

It would be singular if in this new field of legislation any law could be passed that would be perfect. England has passed many hundred statutes in the abortive attempt to regulate these matters, and the greatest failure of all the thirty-three hundred has been her commission.

Gentlemen laud the railroad commission in England, laud it in Belgium, laud it everywhere. Let us see what Mr. Hadley, in his work on Railroad Transportation, says on the subject:

We have seen what were the events which led to the passage of the regulation of railways act in 1873. The commission appointed under that act was to consist of three members; one of them a railroad man, one a lawyer. They received a salary of £3,000 each. They were to decide all questions arising under the act of 1854, and subsequent acts connected with it. They were further empowered to arbitrate betweenrailroads in a variety of cases; to compel companies to make through rates which should conform to the intention of the act of 1854; to secure publicity of rates; to decide what constitutes a proper terminal charge, and some other less important matters. On questions of fact their decision was to be final; on questions of law it was to be subject to appeal. The railway commissioners themselves were to determine what were questions of fact and what were questions of law. Subsequent acts have made but slight changes in these powers.

The commission consisted of able men—Sir Frederick Peel, Mr. Price, formerly of the Midland Railway, and Mr. Macnamara; the last named died in 1877 and was succeeded by Mr. A. E. Miller. They went to work with energy, and in a spirit which promised to make the experiment a signal success. And it was at first supposed to be such a success. People judged by the reports of the commission itself; and they were the more prone to believe the reports because it was so desirable to find an easy solution of perplexing questions of railroad policy. Mr. Adams, writing in 1878, said, "The mere fact that the tribunal is there; that a machinery does exist for the prompt and final decision of that class of questions, puts an end to them. They no longer exist." That represented the general public opinion on the subject at the time; it represents the general impression in America down to the present time.

In 1878, the very year when Mr. Adams wrote, the original term of the commission expired. People supposed that it would be made permanent. Instead of that the renewals have been for much shorter periods, leaving the commissioners a precarious tenure, and showing dissatisfaction somewhere.

A parliamentary investigation on railroad rates in 1881-'82 showed the grounds of dissatisfaction only too clearly. The testimony revealed a state of things almost unsuspected by the general public, and giving an entirely different explanation of the fact that the commissioners had so few cases to deal with. The substance is that the power of the commission satisfies nobody. It has power enough to annoy the railroads, and not power enough to help the public efficiently.

The railway commission was a court, not an executive body, but to all intents and purposes a court of law. And in establishing this new court, in addition to those already existing, Parliament had two ends in view: (1) to have a tribunal which would and could act when others would or could not. (2) To avoid the expense, delay, and vexation incident to litigation under the old system. Neither end was well fulfilled.

(1) The commission could not act, partly from want of jurisdiction, partly from want of executive power. Its jurisdiction did not cover by any means the whole ground. The provisions about terminals, arbitration, working agreements, &c., amounted to very little. Its real power was under the act of 1854. It could under this act require companies to furnish "proper facilities," and it could prevent their giving "preferences." But it could not compel a company to comply with special acts or special provisions of its charter. This is a serious difficulty, because the question of proper facilities was closely connected with charter requirements, and the railroad could almost anywhere raise the point of want of jurisdiction.

Nor could it enforce its decrees. Passive resistance of the railroads and jealousy on the part of the old established courts combined to produce this effect. For instance, under the act of 1854, if the railways refused to comply with the decisions of the court of common pleas, they were liable to a fine of $1,000 for every day's delay. The London, Chatham and Dover Railway refused to comply with one of the commission's decisions, and claimed that they were not liable to any such fine, although all the powers of the court of common pleas, under the act of 1854, had been transferred to the railway commission by the act of 1873. The court of exchequer actually sustained the railroad; and it was not until 1878 that by a decision of the Queen's bench the railway commission really had the power to do anything if a company chose to disregard its orders.

The injunctions of the commission at best only affect the future; for any remedy for the past there must be a new complaint and trial before a regular court. And so it often happens that a railroad, after exhausting all its means of resistance, obeys the decision of the commission in reference to one particular station without taking any notice of it at other stations where the same principle is involved. Thus, in the case of the manure traffic of Aberdeen, after long litigation, the rate was decided to be illegal. The railroad then reduced its Aberdeen rates, but continued its old schedule of charges at other points on its route where there were not organized interests strong enough to make a fight.

On the face of the act of 1873 the decisions of the commission, as to what were questions of fact or questions of law, appeared to be final. But by writ of mandamus from a court of appeal the decision on this point could be at once taken out of the hands of the commission by compelling them "to state a case," which could then be made the subject of action in the higher court. So this important power was made of no effect.

(2) Complaints before the commission are not quite so slow or costly as they were before the courts, but they are bad enough to prevent most men from undertaking them. Sir Frederick Peel himself admits that the expense frightens people away from making complaints. But this is by no means the worst. The testimony before the Parliamentary committee of 1881-'82 is full of matter to startle those who argue that because there are few complaints before the commission there are few men that have grievances. Men have good reason to think twice before they enter a complaint.

In the Aberdeen manure case, already referred to, the Aberdeen men, successful at every point, lost more money than they gained. Every important case is so persistently appealed that the original promptness or cheapness of railway commission practice counts for nothing. But the indirect results are yet worse. A complainant is a marked man, and the commission can not protect him against the vengeance of the railroads.

The railroads know that if they can not control the commission the chances are that it will be a greater failure here than in England. Upon the commissioners here in Washington will be focalized the headlights of all the railroads in the Union, with their command over the facts, and their expert knowledge, and without indulging in degrading suspicions of the venality of men, it would be next to impossible for such a tribunal not to be unduly influenced by the superior skill of fence and facility of massing facts upon them that the railroads would possess. But, if these conclusions are not warranted, certainly a commission would be onerated with the almost impossible task of taking care of and deciding justly all the disputes of a country whose area is many times that of Great Britain.

We have invested in railroads £1,190,000,000 to Great Britain's £770,000,000. How would it be possible for an individual or an obscure and remote town to come hundreds and thousands of miles to this city for redress. And then, when would the decrees of this commission ever be enforced? All the power, money, and skill of the combined railroad wealth would be exerted to delay and defeat any obnoxious finding.

The minority in their report oppose the prohibiting of drawbacks or rebates. They are not in favor of the provision against greater charge for the short haul than the long. They "differ from the majority as to pooling," believing its "absolute prohibition is unnecessary," and extol the past experience in railway transportation which proves the pool to be the nearest (*sic*) and fairest device yet used to place shippers on an equality." They approach the subject of publicity of rates as if they trod on eggs, and whisper "that a carefully digested section might be incorporated in the law to meet this point," and after all suggest a commission. What is the use of anything from this minority report? It negatives the Senate report and turns it back and shuts its eyes on the facts there arrayed in support of the terrible charges contained in the indictment they prefer against railroad mismanagement, discriminations and oppression.

SHORT HAUL AND LONG HAUL.

It is said that the short and long haul clause of the bill will result in driving the railroads to devoting their attention to local rates and refuse through freights; that this will cut the great interests of the West off from markets, or increase the through-freight rates. Except in rate wars it is a mistake to say that railroads carry through freights at less than cost of transportation. Competition simply reduces the profit on through rates to the minimum, when competition is not superseded by combination, and it is a gross misstatement to say that the railroads now carry through long-haul freights at less than cost of transportation. It is said to justify extorting from intermediate points more than is just; or, in other words, railroads justify extortion on local rates by alleging it is necessary to pay for cut-throat competition wars on through rates. As to the proviso to exempt any railroad from the long and short haul section the Louisville Courier-Journal, which, as I understand it, is opposed to control of railroads by the Reagan or Cullom bill, says:

This section, however, is murdered without clergy by the proviso which puts it within the power of the proposed railroad commission to exempt any railroad

whatever from the control of the whole long and short haul section. This proviso would obviously give the commission the license of a despotic and irresponsible junto, to make and unmake profits for any line whatever, to establish discrimination ruinous to railroads, cities, and agricultural communities, and to levy blackmail or booty on a gigantic scale upon any railroad or water carrier in the United States. It would, in fact, operate to place the commerce of all sections of the country under the mercy and subject to the rapacity or the whims of a solitary central junto, and might also be thus established in control of the stock market. It would seem that this fatal addition to the bill must have been foisted upon it by some of its enemies.

It is no reckless experiment to go to the perfection of human reason, the common law, under which every other interest has prospered, under which the glorious plant of Anglo-Saxon liberty and law has grown and flourished time whereof the memory of man runneth not to the contrary, to try and make effective its time-honored principles for the protection of the people against the tyranny and rivalry of giant corporations. But the question at last is, shall the principles of the common law be applied to the railroads by a commission or the courts?

For every provision which means in good faith to regulate interstate commerce in the Cullom bill is a common-law principle.

And I say, in the light of all the facts, if the Cullom bill can be made to include by amendment in conference some of the vital features of the Reagan bill and be shorn of its power of discrimination and distinction—of the power to make or break its favorites or its enemies—I will vote for it, as a step in advance of anything in the past Congressional history of the friends of railroads and as the beginning of a system which experience and the dicta of courts may mold, modify, and perfect; which may control with equal hand the interests and rights of carrier and shipper, and conserve the prosperity and common weal of all. This can be done if the advocates of that bill are in earnest, and if it is not a Trojan horse and a deception.

Law is not a revelation. Its tables are no longer handed down from the cloud on the mount. Law is a growth. Legislative power originates a rule of action, the courts pass upon it, experience tests it. From failure comes the successful statute thus planted, pruned, and reared into growth. Where can you get a more healthy and approved stock upon which to ingraft the new growth requisite for our new wants if not in the common law? Its protection against extortion and unjust discrimination in common carriers proved effectual until the age of steam.

The living principle of justice is in it; all it needs is to be set free. It is neither old nor blind, and if allowed to use its strength will rend the jaws of the lion of monopoly and unjust discrimination. The interposition of a commission is to be between the people and the courts—is a subtle device to close the courts against them. Our bill of rights says they shall be and remain open. Who are these intruders who deny to the humblest citizen his legal remedy, and dispute his right to justice without sale, denial, or delay?

It is a plea born of cowardice and tyranny. No harm can come to railroads by being compelled to do right. Disaster, public mistrust, and enmity have resulted from their own control. Railroad wreckers have grown rich on the spoils plundered from States and stockholders. The arrogance of tyrannical corporations has produced riot and bloodshed, and misery to mechanics, and poverty and bankruptcy to farmers.

As soon as the courts are armed with a live statute the gathered storm of popular indignation will be dissipated and the corporations will assume an attitude toward the community and the law-making power different from that which they now maintain.

Talk about prejudice against railroads! No man wishes to harm them, no man denies that they are most powerful factors in our prosperity, no man would disturb any vested right that is not exercised to strike down popular rights.

If they have been imprudently vested by charter with the right to fix their own rates to the detriment of the public prosperity it is a grant of the power to govern, which no Legislature had the right to make. No Legislature can contract away the discretion of their successors as to matters of government. Neither the power to govern, the power to preserve public health nor morals can be bargained away by contract or charter.

These corporations have fought this fight long and bitterly. For ten years they have succeeded in defeating Congressional control. They may succeed now in interposing a commission which as "silence like a poultice comes to heal the wounds of sound;" but the determination for legal control of these matters as evinced by the legislation of so many States and the utterances of the courts all over this broad land will not be satisfied until just restraint is placed upon the abuse of licentious and unbridled corparate power. [Great applause.]

The SPEAKER *pro tempore*. Does the gentleman reserve his remaining time?

Mr. CALDWELL. No, sir; I yield to the gentleman from Virginia [Mr. O'FERRALL].

Mr. O'FERRALL. Mr. Speaker, though a member of the Committee on Commerce, and a supporter of this bill in committee, I am reluctant to trouble the House with any remarks of mine. In the last Congress I listened with attention to all that was said upon the important question of the regulation of interstate commerce.

I became convinced that Congress not only had the constitutional power, but that it was impelled by a public duty, to pass a bill similar to the one now under discussion, and I then voted for the bill known as the Reagan bill, which passed this body but failed of passage in the other branch of Congress.

Reflection and study since have only strengthened me in the opinions I then formed.

But still with these opinions firmly fixed, I would not trespass upon time with which each day is becoming more and more precious and when, in my judgment, there should be less talk and more work, but for the fact that I come from the great agricultural center of Virginia, where my ears catch at all times the complaints of my constituents of the discrimination, extortion, and oppression of railroad corporations.

At the very threshhold of my remarks, however, I want to say that I am not of that number who are always ready to engage in idle clamor against railroad monopolies. I believe railroads have in great measure made this country what it is, the admiration and wonder of the world. I have no sympathy with that cheap demagogy which is ever ready to pander to ignorant prejudices by denouncing as monsters all who may be prominent in the management of these important factors in the progress and civilization of this country. No man favors them more than I do; no hand is more ready to aid them in every legitimate way, and no voice will be raised quicker in their defense, when wronged, than mine.

I would protect them in all their legal rights and render unto them the same justice I would measure out unto private individuals under similar circumstances. While they, like all corporations, might be "soulless," I would not be soulless; while they might have no heart to beat in the cause of right, I would have a heart to feel for their rights; while they might oppress, I would stay my hand in retaliation; while, like the horse-leech, their cry might be "give! give! give!" and, like the grave, their call "more! more! more!" I would demand simply that they be kept within the bounds of reason, the scope of justice, and the limits of purpose for which they were created.

In a word, sir, they are in the intendment of the law the servants and not the masters of the people, and I would act toward them in that fair, just, and equitable manner that should characterize the treatment of a servant, and in return demand of them that consideration due from a servant.

When a railroad company secures a charter granting the right to run whither it pleases and to invade private rights at pleasure, it is upon the well-recognized principle that private rights must be subordinated to public interests, and that the construction of the road is for the benefit of the people at large. It is not a private enterprise that is authorized but a public benefit, and whenever it ceases to be a public benefit or so acts as to oppress or discriminate, the object for the attainment of which the legislative power of eminent domain was invoked is thwarted, and private rights have been invaded for private interests and a public benefactor has become a public oppressor.

The exercise of eminent domain inherent in the States, by which life was breathed into the corporations which run and operate the vast network of railroads spreading over the States and Territories, was based upon this principle and no other.

It has been claimed, however, that States have no power even over railroads within their limits to redress the wrongs resulting from the ignoring of this principle, that you must look to and be restricted by the charters. Without stopping to discuss this question it is admitted that the States can not regulate in any way a system of railway running through various States or from one State into another, and that if the power to so regulate exists at all it is in the Congress of the United States.

Some deny that this power is vested in Congress. In other words, they deny that, however grievous may be the wrongs, however great may be the oppression, however outrageous the discrimination, however unconscionable the extortion, there is no remedy, and the people must grin and bear it; that though created for the public good, breathed into life by the sovereign will of the several States for public benefit, these corporations can act as they please and do as they please in the regulation of their rates and the running of their roads.

It seems to me that the mere statement of the proposition is an answer to it. To admit the correctness of it is to admit that under the sanction of law the people of this land can be put under the wheel of machinery whose motion was given to it by the hand of the law. To admit the correctness of it is to admit that this Government, which is claimed to embody all that is good in the recorded experience of all the republics of earth, is unequal to the task of protecting her own citizens against outrage and wrong. Yes, railroad corporations, gentlemen, are to be a law unto themselves; they are to stand out by statutes or the Constitution and with brazen effrontery declare that their will shall be the rule of action all along their tortuous ways.

Sir, I have too high a regard for the strength and scope of that instrument—the Constitution of the United States, the greatest of all instruments, not the result of inspired wisdom—to believe that within its clauses can not be found authority to seize hold of these iron creatures of the law and command them to have at least some respect for the golden rule.

Now, Mr. Speaker, while I have said there are some who deny the power of Congress over this subject, that number is now small and day by day, under the enlightened discussions here and in the public press,

is becoming smaller and smaller. I feel, therefore, that it would be a useless consumption of time for me to enter upon a discussion of this constitutional question. In the last Congress there were two bills presented to this House—one by the Committee on Commerce, the other as a substitute by the distinguished chairman then and now of that committee. Both bills recognized the power of the legislative branch of the Government to regulate interstate commerce by prescribing rules and guarding against wrong.

I shall treat it as a settled question and pass to the discussion of the bill presented for the consideration of this body by the Committee on Commerce, and in doing so I shall take the sections *seriatim*.

NO PERSONAL DISCRIMINATION.

The first section provides that no discrimination shall be made by any railroad in favor of one person over another in rates, facilities of transportation, receiving, delivering, storing, and handling of like property. Can there be any objection to this? In acquiring its franchises for the public good the implication at once arises that all were to be treated alike; that there were to be no preferred classes, no favored few; that the ægis of "equal rights to all, special privileges to none," was to shield against discrimination.

In the great community of interests, in the vast body of citizenship, all stood upon the same broad platform of equal rights; when the power of eminent domain was invaded, and when it was exercised this inherent principle was not destroyed, but remained indelibly written upon the tablets of a free and equal people.

Is it not right? Pray tell me wherein any principle of constitutional, common, statute, divine, or moral law is violated? An individual in his daily private business may discriminate in favor of one neighbor against another; communities may discriminate against each other; nations may discriminate against nations, and justify it upon grounds of peculiar obligations, wrongs real or fancied, public policy, or expediency. But what can justify a corporation, which springs into life by the touch of the sovereign hand, in discriminating against a portion of the community for whose equal benefit that life was given?

This section declares that A shall not be charged more than B, and that he shall have the same facilities and accommodations. It declares that the poor and humble shall enjoy the same privileges and receive the same treatment as the rich and influential. It declares that the small shipper sending perhaps his single car-load, representing the anxiety and anguish it may be of unrequited labor, shall send his little upon the same terms in all respects as the large shipper, with his long train loaded with the products of his wealth, shall send his much. Where is the soul that has a heart to beat for the right who will declare that wealth shall enjoy privileges over poverty on these lines of common carriers, or that influence shall reign supreme and humility bow in the dust?

This section further provides that all charges for transportation, receiving, delivering, storage, and handling shall be reasonable. It also provides that "no break, stoppage, or interruption, nor any contract, agreement, or understanding shall be made to prevent the carriage of any property from being treated as one continuous carriage in the meaning of this act, from the place of shipment to the place of destination, unless made in good faith for some practical and necessary purpose, without any intent to avoid or interrupt such continuous carriage, or to evade any of the provisions of the act."

POOLING PROHIBITED.

The second section prohibits "pooling."

I suppose, sir, there is no provision of this important bill more important and which is more strenuously objected to by the railroads than this provision.

What is pooling? It is a system of combinations by which a number of smaller corporations can make one great and gigantic corporation, which thereby intrenches itself against the effects of competition or the possibility of reasonable rates. It is a system which draws into its capacious maw the highest rates it can obtain by presenting a monopoly from whose extortion the business interests of the community can not escape. It is a system which sounds the death-knell to reasonable rates and raises the standard of monopolistic oppression.

The formation of such a combination is in itself an acknowledgment that its purpose is to deprive the people of the benefits that flow to them from competition and to form a "ring" or make a "corner" on rates.

When a charter is sought to build a railroad parallel to or crossing another, one of the potent arguments always used is the advantages which the sections through which the proposed road may pass will derive from competition. Then, when the charter is granted, the agents pass through the country urging the people to liberality in granting the right of way, without money and without cost, and with a voice as enticing as that of the siren they present the immense advantages to be derived from competition. Rights of way through valuable lands and special privileges are donated, and with eagerness and anxiety the donors await the dawning of a brighter day when their donations are to return to them like bread cast upon the waters.

But, alas! when the road is completed they realize that vain, indeed, are the representations or promises of corporations and that as Dead Sea fruit turns to ashes upon the lips, so the promised blessings vanish into ether. They find that instead of competition they have monopoly; instead of reasonable rates, extortion; instead of similar treatment, discrimination; and they awaken to the fact that they and their interests are in the anaconda coils of a thing without soul or conscience.

This, sir, may be strong language, but it is no stronger than the facts justify. There is no gentleman within the sound of my voice who has not seen or heard of just such occurrences as I have stated. They are read of all men and stand out in blazing light along the line of every railroad constructed as a competing road with some other.

Morality condemns "corners" on the necessary commodities of life, and morality condemns "corners" on railroad rates by which the producers of our land are forced to pay exorbitantly and submit to oppression or allow their products to remain in their garners or rot in their fields, their obligations go to protest, and their credit suffer. Combinations are generally odious, for they usually smack of conspiracy, and the combinations of Wall street whereby fortunes vanish in a day, and the conspirators rush heedlessly over wrecks and ruins, only meet with sanction in the gambling world. But these combinations are made by men who occupy no such relation to the public as do railroad corporations; they are individuals bent on private gain, owing no public duty.

Railroad corporations are public servants, created by the public will and owing a public duty, and when they enter into a conspiracy to "pool" their rates and extort from the sweat and toil of those who in the furrow, in the mines, or at the bench seek to reap a reward for honest exertion, they are perpetrating a wrong at which the wrongs of Wall street drop into insignificance. Sir, enlightened public sentiment condemns "pooling." The law of many States has put the seal of its condemnation upon it, not by statutes only, but I believe by constitutions.

I think the voice of the people has been heard and the decree of the people has been recorded in the clauses of the constitutions of the States of Arkansas, Colorado, Georgia, Illinois, Michigan, Missouri, Nebraska, Pennsylvania, and Texas—no less than nine sovereign States have prohibited pooling by their constitutions, and I shall assume that the decrees of these States will be recognized by their representatives here when they shall cast their votes.

Concluding upon this second section, I must express the confident belief that it will be adopted and pooling prohibited.

NO REBATE OR DRAWBACK ALLOWED.

I shall pass now to the third section, which declares "that it shall be unlawful for any person or persons engaged in the transportation of property directly or indirectly to allow any rebate, drawback, or other advantage in any form, upon shipments made or services rendered."

What is a rebate?

It is an abatement upon the regular rates.

What is a drawback?

It is a return or paying back of part of the regular rates.

What can be the object of a railroad company in abating or paying back?

If its regular rates are too high, why not reduce them?

It is a secret way, sir, of making fish of one and flesh of another; it is a covert way of discriminating between shippers and having its favored few.

Discrimination is the definition, and advantage to those within the charmed circle the result.

This section, true to the general scope of the bill, plucks this wrong up by the roots. The poor man with no influential surroundings, no influence at headquarters, is placed on the same level with him who has the ear of the magnates; the farmer who is following his plow "from early morn till dewy eve" or driving his team amid the winter cold or summer heat, thinking not of how to drive a sharp bargain or curry favor, is to be protected by the law of his land against the advantage heretofore secured by the shrewd, keen, and calculating shipper who may live more by his wits than his labor. This principle, sparkling with even-handed justice, has been approved by the organic law of Arkansas, California, and Georgia, and I believe by the iron-bound State of Pennsylvania, and now this Congress is called upon to recognize it by a national statute, that its operations may be universal so far as interstate commerce is concerned.

NO MORE FOR A SHORTER THAN FOR A LONGER HAUL.

The fourth section declares that it shall be unlawful to charge more for a shorter than for a longer haul. That means, sir, for instance, that a railroad company or any other common carrier shall not charge A $50 for carrying a car-load of cattle, flour, grain, or other property 100 miles, while it hauls a like car-load for B 200 miles for $40.

This discrimination in favor of long distances over shorter distances is another of the crying grievances of the present system.

Where is the justice of it?

I know that much sophistry has been expended to justify this rule; that gentlemen "versed in railroad matters" have appeared year after year before the Committee on Commerce of this House armed with "statistics" and loaded down with "facts" to show the justice and

equity of a rule which taxes one man more for a short service than another for a service perhaps ten times longer.

Well, I do not profess to be "versed in railroad matters" or to be able to converse with the fluency or learning of a Gould upon these subjects, but I do profess to have a modicum of common sense, and it is that which should be brought into play in the consideration of a practical question.

Sir, the most remote part of my district is not more than 175 miles from the city of Baltimore; Chicago, I think, is about 800 miles distant from Baltimore. It costs the people of my district more to send a car-load of ordinary freight to Baltimore than it does the Western shipper to send a car-load of live freight from Chicago to the same point, more than four times as far.

I find that in a former Congress it was shown that a car-load from Omaha to San Francisco cost $300, while from Omaha to Virginia City, a distance of 600 miles this side of San Francisco, the charge was $800, so that for 600 miles shorter haul the charge was $500 more. In my own State along the lines of roads at way stations the rates are much higher for the shorter distances than they are many miles beyond for the longer distances.

So throughout the length and breadth of this country the way stations and shorter distances must pay tribute to the centers and longer distances—they are the pack-horses and must stand all that is put on them.

I recognize the fact, Mr. Speaker, that freight can not be carried as cheaply in proportion for a few miles as for many miles, but I deny that it will cost more to carry a few miles than many miles. The handling is the same in either case, but the wear and tear upon the machinery and track and the expense in fuel is necessarily greater for the many than the few miles.

Why, I understand, in fact it was so stated to the committee, that this system of discrimination is carried to such an extent that in some instances in the transportation of coal differences are made on account of the purposes for which the coal is to be used. If used by some favored enterprise then cheap rates are given; if, however, the enterprise does not have the smiles of the powers that be, high rates are the order.

Now, sir, under this state of things what remedy have the business interests of the country, what redress have agriculture, manufactures, and commerce, the three pillars of our prosperity, unless the strong hand of our National Legislature shall be laid upon these monopolies, and the decree go forth under the great seal of this Government prescribing limits beyond which they shall not go, and laying down rules which they must regard?

We hear protests from all these corporations against what they term "cast-iron rules." We will probably hear the term more than once in this discussion.

This is just what the country demands, strong, unyielding, inflexible rules; rules with no double meaning, subject to no two constructions; rules so plain that the most ordinary mind may comprehend and the humble man understand them; rules so clearly defined that it will require no court or other tribunal to construe them.

In this section, in my opinion, will be found all that may be required to give protection against the short and long haul system of imposition.

SCHEDULES MUST BE POSTED.

The fifth section provides for the posting up of schedules on all roads, setting forth, first, the different kinds and classes of property to be carried; second, the different places between which such property shall be carried; third, the rates of freight and prices of carriage between such places and for all services connected with the receiving, delivery, loading, unloading, storing, or hauling of the same. And the accounts for such services shall show what part of the charges is for transportation, and what part for loading, unloading, and other terminal facilities. These schedules shall be printed in plain, large type, and shall be kept plainly posted for public inspection in at least two places in every depot where freights are received or delivered. They shall be posted at least five days before they shall go into effect, and it shall be unlawful to charge more than schedule rates.

These, I think, are the leading features of this section, and in them are embodied notice to all shippers as to what they are to pay upon any given commodity or quantity. It will prevent fluctuating rates—high rates to-day, low rates to-morrow, or *vice versa*—and the business of the country will be conducted with absolute knowledge as to the cost of transportation, and purchases and sales can be made and agreements entered into without speculating as to the cost of reaching market.

DAMAGES FOR VIOLATIONS OF ACT.

Next follow the prohibitory clauses and the measures of damages for any violation of the act; and if, sir, I were to criticise adversely any portion of this bill my criticism would be confined to these clauses. That criticism would be based upon the fact that for any violation only actual damages sustained can be awarded.

In the case of the violation of a simple contract actual damages, of course, constitute the measure of recovery. In simple contracts parties generally act at arm's length. They stand on an equal footing; they are free agents; they can agree and stipulate as they may choose. Not so with a shipper and railroad company. They do not occupy the same position, but the shipper is at the mercy of the company; he may have his shipments ready and his engagements may require him to send them at any cost to guard himself against damages, to protect his credit, or prevent his capital from remaining unproductive. Go they must. The important element of a contract, free and untrammeled consent, is wanting. It is that kind of consent which the traveler gives to the taking of his pocket-book when the highwayman with pistol at his breast demands his money or his life. It is compulsion.

I would treat any violation more in the nature of a test than as a violation of a contract, and apply the rules governing tests and exemplary damages.

If this were done, and these companies were made to understand that when they violate this law, in defiance of right and disregard of the fundamental principle under which they were created, they shall pay to the party injured or imposed upon for every violation not only actual but double or treble damages, you would find them adhering more closely to the track of right and observing more carefully the law of the land.

But, there is another cogent reason why more than actual, which would be construed direct or immediate, damages should be recovered. It is a well-known fact, one attested by the dockets and proceedings of every court in whose jurisdiction runs a railroad, that when a man is courageous enough to institute a suit against a railroad corporation, he is engaging in a litigation which bids fair to outlive him, even though he may be reasonably young in years and vigorous in health; or if he should live to see its final conclusion, he will have passed through years of trouble and vexation, frittered away much valuable time, and incurred losses not computable by any human rule.

A recovery of actual or direct damages is no compensation to him for all that he will have borne, all that he will have lost, all that he will have expended, and all that he will have suffered in the vindication of his rights, the redress of his wrongs, and the prosecution of a litigation not of his seeking, not of his fault, but provoked by a monopoly which in the arrogance of its power and the cupidity of its nature rode phætonlike over personal rights, crushing them under its ponderous wheels.

Sir, this is a land where courage dwells and bravery lives. Its history shines with records of heroism; its tablets sparkle with deeds of valor. On land and sea its flag floats in the breezes of courage, valor, and heroism, filling every soul with national pride.

But as much as I admire the valor, courage, and heroism which would lead to the bayonet point or cannon mouth in the vindication of our national honor, I admire almost as much the moral courage and heroism of he who in the vindication of personal rights and the redress of personal wrongs engages in a combat with a railroad corporation. There is genuine courage, there is true heroism in the act, for unequal is the contest, doubtful the result, however just the cause.

But, Mr. Speaker, while I entertain these views as to the inadequacy of the measure of damages fixed for a violation of the provisions of this bill, I shall not seek to amend this section, being willing to give the railroad companies an opportunity to show their regard for the right and respect for the law, and if they do this, then all will be well; if not, I shall trust to another Congress to increase the measure of damages.

Next follows the penal-punishment section. It reaches the individual, whether a director, receiver, lessee, or agent in his individual capacity, and makes him amenable to an indictment as for a misdemeanor, and liable to a fine of not exceeding $2,000 for any willful violation by commission or omission directly, or aiding or abetting therein.

This section, in my opinion, will go much further in securing adherence to the law than the civil remedy given. It strikes not at the corporation, but at the persons engaged in conducting the corporate business. The civil remedy will rarely be resorted to by a small shipper or poor man, for he will have to engage in years of litigation, as I have said, meeting corporate power single handed, strength with weakness, wealth with poverty. The seventh section will remain virtually a dead letter upon the statute-books so far as he is concerned, but he will find his protection in the penal provisions. The courts of the United States will be thrown open, and the grand juries will indict and the petty juries punish the individual official or employé who willfully violates the law, aids or abets in its violation, or suffers it to be violated.

I have now referred to the main and most important features of this bill. I shall vote for it as an entirety and against any amendment which may tend to weaken its force or lesson its efficiency. Its passage will lead, I trust, to the enactment of similar statutes by the Legislatures of the States respecting their internal commerce, and the good work begun here I hope will spread like a blanket over the States and its healthful influence will be felt in every section and locality. The wide-spreading importance of this measure can not be magnified, and I would wish, sir, for no higher encomiums than will be bestowed by the millions who to-day are suffering under the wrongs of which this bill treats, upon the distinguished chairman of the Committee on Commerce [Mr. REAGAN], from whose brain the bill originated, and who has labored for its passage with a perseverance almost akin to that of Hannibal

crossing the Alps or of Kepler calculating the laws of planetary motion Its enactment into a law will add fresh laurels to his already decked brow and stand upon the statute-books of the nation to do honor to his name and fame.

Mr. Speaker, I shall not detain the House in presenting my objections to the Senate bill. In favoring the House bill I have necessarily outlined my objections to the substitutes, for they are directly antipodal. I want, however, to emphasize one objection, and that is to the commission idea, which is the very bed-rock of the substitute. Speaking with due deference, I must say that in my judgment a more troublesome and intricate and inefficient piece of legal machinery was never suggested. If the most fertile minds in either House of Congress could have been employed to devise means to retard, embarrass, mystify, hinder, and delay the redress of wrongs and the punishment of violations of law they could not in my opinion have succeeded better than the distinguished framer of the Senate bill. It is the very thing the railroads want, since they are convinced that Congress intends to act upon the subject of regulating interstate commerce, for their favorite mode of warfare is to delay, embarrass, and hinder.

I want no commission The Congress of the United States is the commission created by the people for the enactment of laws, and the courts of the country the tribunals for their enforcement.

We have had commissions of various kinds within the last few years, and what good have they done? Absolutely none; but responsibilities have been shirked by their creation.

Let those who have been accredited as the representatives of the people here prove themselves equal to the high duties they have assumed. Let them not stand appalled and paralyzed in the face of corporate power; let them give the relief demanded, assume responsibilities, and not throw them off upon a commission that will be responsible to nobody.

I have now, Mr. Speaker, about concluded my remarks; they have been directed against corporations and not against individuals. There are many gentlemen prominent even in railroad circles who will rejoice with the people over the passage of this bill; for they have recognized the wrongs which have been inflicted, but have been powerless to prevent them. We have a country which is the marvel of the world; it is sublime in its beauty, grand in its extent, and great in its resources.

The Old World looks with amazement upon our broad domain and fertile fields, our inexhaustible supply of mineral wealth, our rivers upon whose bosoms ten times the navies of the world might float and whose waters could drive the machinery of the globe without exhausting a tithe of their power, our railroads linking the hills of Maine with the plains of Texas and traversing the sections from where the sun awakens our people with his first warm morning kiss to where with his last rays he bids the world good-night. We all love our country and feel the glowings of national pride, and we should all seek to promote its growth and add to its prosperity and happiness. We should cultivate broad and liberal views, know no section, build up no locality at the expense of another, oppress no community to prosper its neighbor and discriminate in favor of no class for the benefit of another.

That is the spirit of this bill, and I want to see the Government write over the door of every railroad office in this land: No discrimination, no combination, no unreasonable charges, no favored classes; equal rights to all, special privileges to none.

This is true democracy, and the Democratic party having secured control of the administration of this Government in the election of a Chief Magistrate, after many years of struggle, through the strength of its principles, stands forth to-day in the full blaze of these principles. Let it be true to its history and faithful to its pledges and remove oppression from the shoulders of the people, whether it be imposed by the hand of railroad monopolies or by the masked hand of a high protective tariff, by either or by both. Never since the bells pealed forth the glad tidings of American independence has any party ever had a better oportunity to rally to its standard the people and intrench itself in popular esteem than the Democratic party has at this hour.

Oppressed by monopolies, weighted down by monopolistic exactions, their energies burdened most heavily, their sweat and toil taxed most grievously for the benefit of task-masters, the people are looking, anxiously looking, to this administration for relief. Will it come? Will popular expectation be realized? I trust it may. But if relief should not come, if popular expectation should not be realized, then let the Democratic party so act as to throw the responsibility for the failure upon its political party antagonist, which rests now under popular condemnation.

If this bill is to be defeated and a reduction of tariff burdens is to fail, let not the blame be laid at the door of the party on this side of this House, but cast it at the feet of the party on the other side and let that party face the indignation of a long-oppressed and outraged people.

I trust, Mr. Speaker, that this all-important measure will become a law, and that it will mark the commencement of an era of Democratic reform, and that like wave upon wave it will spread until every abuse of power and every oppression of the people by monopolies of whatsoever kind may be bound and prevented by the hand and interposition of the Government, to which the people naturally turn for relief and redress. [Great applause.]

[During the delivery of the foregoing remarks the following proceedings took place:

The SPEAKER *pro tempore* (at 9 o'clock p. m.). The time of the gentleman has expired.

Mr. O'FERRALL. I ask to be allowed ten minutes more.

Mr. REAGAN. Mr. Speaker, I wish to have an understanding as to the use of the remaining time. We have an hour and a half on each side. Whatever remains of the hour and a half on this side after the remarks of the gentleman from Virginia [Mr. O'FERRALL] are concluded I shall claim the right to use in concluding the debate, and I trust that the gentleman from Virginia will be permitted to occupy as much more of the time on this side as he desires.

Mr. DUNHAM. I suggest that we be allowed to occupy an hour on this side, and that then the other side use its remaining half hour.

Mr. REAGAN. I think the gentleman from Virginia had better go on now.

Mr. DUNHAM. All right.

Mr. O'FERRALL resumed and concluded his remarks.]

Mr. REAGAN. Mr. Speaker, I reserve the remaining twenty minutes to close the debate.

Mr. DUNHAM. Mr. Speaker, I yield twenty minutes of my time to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN addressed the House. [See Appendix.]

Mr. DUNHAM addressed the House. [See Appendix.]

Mr. ROWELL addressed the House. [See Appendix.]

Mr. DUNHAM. I yield now for five minutes to the gentleman from Pennsylvania [Mr. BROWN].

Mr. BROWN, of Pennsylvania. Mr. Speaker, I indorse most heartily all the gentleman from Illinois [Mr. ROWELL] has just said. It seems to me he has demonstrated beyond question that the remedy that is incorporated in the Senate bill is far superior in all the essentials necessary to success.

I have been wondering, Mr. Speaker, since this bill came up to-day, how long the people would be satisfied with talk and with promises. They have waited a long time for legislation on this subject. I came here at the beginning of the Forty-eighth Congress enthusiastic on this question of giving the people some remedy as against what is called the exactions of the railroad corporations. I have sometimes thought there is a great deal said not strictly true against railroads, but I have known for a long time there was need of some remedy for actual wrongs upon the people. I came here with the purpose of supporting the gentleman from Texas [Mr. REAGAN] in his attempt to pass a law in this behalf. I waited during the first session of the Forty-eighth Congress for the gentleman to call up his bill, but all in vain. At the beginning of the second session of that Congress he brought forth his bill. We all know that it did not become a law. The present session has nearly run its eight months' course, and now in the closing hours of the session this bill which came from the Senate in the early days of May is taken up for action. Can the people be deceived into the belief that this delay was unavoidable or accidental?

Gentlemen on the other side say they have no faith in the honesty of a commission. I submit if there is not some danger of the people coming to the conclusion there is no faith to be placed in the United States Congress. I make no charges of bad faith, but it appears to me that if the gentleman should sit down with the purpose of devising a plan to defeat legislation in the Forty-ninth Congress on this question he could not succeed better than he is likely to do by the course he has taken here.

There is but little difference beyond pride of opinion between the Senate bill and the House bill brought forward here, the main difference being the remedy for the enforcement of the provisions of the bills. I have no time to go into that question, and will only say my convictions are clearly with the commission plan. The House amendments are simply the common law emphasized by statutes which will threaten but are too cumbersome to be practical and too expensive to bring relief to the class of people who need relief.

I can do no more than to say that the gentleman from Illinois has demonstrated beyond question that the remedy sought in the Senate bill is far more practical and likely to be much more effective than that which is the pet theory, and the only one which the gentleman from Texas will permit. He seems bent on securing his exact remedy or defeating all remedy whatsoever. And what is to be the outcome? We are to have the experience of the Forty-eighth Congress repeated in the experience of the Forty-ninth. The bill is not to become a law; and the gentleman from Texas is to return to Texas, preceded by his speeches, all telling a story of his usual Herculean efforts to curb the rapacity of railroads, and the gentleman from Virginia to his home in the Shenandoah Valley and to tell the people there through his speech what magnificent words he has uttered and promises made in their behalf, and to confess, alas, that he never was privileged to vote upon the final passage of the interstate-commerce act. That is not what I want. If the bill the Senate offered us early in the session is not perfect, there is another session of the Congress to come, in which its provisions can be amended and its imperfections made into perfections, and all the skill and ingenuity of the gentleman from Texas and the gentleman from Virginia can be brought forward in that behalf.

Why, sir, it seems to me now from the utterances of this evening that it is just a question whether the gentleman's bill, which he has been nursing for eleven long years all in vain, shall be the bill passed or whether it shall be the bill which has come from the other end of the Capitol bearing another gentleman's name attached thereto. If that is what we are here for, if we are here to skirmish for personal position and to kill all anti-discrimination legislation unless it bears the name of the gentleman from Texas, the sooner we adjourn the better. Before doing so, however, I am determined the country shall understand the farce being played here session after session of the Congress. The gentleman must not say I charge him with insincerity; I disclaim any such purpose. I have a right, however, to refer to facts, and leave him to reconcile his course with what he may conceive to be his duty. The Senate bill is here demanding action at our hands. It has been here waiting that action for two months. I grant you it is not perfect; neither is the substitute proposed. It is manifestly the best to be had. This is the last chance for the exercise of a little statesmanship. The gentleman can pass this bill any day he will. Its defeat must therefore be charged to him and those who act with him.

[Here the hammer fell.]

Mr. REAGAN. Mr. Speaker, if no other gentleman on that side desires to be heard to-night I shall ask the attention of the House for a few moments, to answer some suggestions made in this debate.

It has been a source of regret to me all the evening to hear the question of my own personality introduced into the discussion of this great measure. A measure, sir, which involves the interests of sixty million of people, which affects property of corporations of the nominal value of $7,000,000,000, which transport fifteen thousand millions of interstate property annually, a question which affects the rights of all of these people and the values of all of their property, such a question should never be affected by the consideration of the hopes, the fears, or the aspirations of any single individual. And it would be a source of profound regret to me to believe that I should stand in the way, or that my poor name should stand in the way, of the consideration of a just and necessary measure of great public importance and public good.

The gentlemen who have discussed this subject this evening have all been in favor of railroad regulation, so far as it relates to interstate commerce, by Congress. It is within your memory, Mr. Speaker, when they entertained other views. It has not been long that they have all been in favor of regulations like this. For six or seven weary years I fought the battle against railroad corporations, their counsel and their officers, struggling to defeat any possible legislation upon the subject and denying the power of Congress over it. At last the arguments and appeals for a measure of justice to the American people, and the awakening by them to their own interest, have been heard by the Congress of the United States, and by consent now that legislation which eleven years ago I said was necessary is by their acknowledgment necessary. That, at least, is some gratification to me. It ought to be some gratification to this country that at last the legislators of this country have come to understand themselves the necessity for such legislation.

The Senate during its last session appointed a committee to collect information upon the subject. That committee industriously and with great ability collected a vast amount of valuable information of which we should avail ourselves. Based upon that information the Senate have passed a bill. I have, and on a former occasion to-day, shown the contrast between the provisions of the Senate bill and the House bill. My hope is, sir, whether it be the one or the other that is to be adopted, that in the short remaining days of this session we are to reach at last practical legislation and practical results upon this question; and I trust in reaching that result, without reference to the authorship of bills, that we shall secure the enactment by Congress of this great principle of justice which commands the approbation of all disinterested people and which in the end will be as beneficial to the railroad companies as to the people at large.

I am a little surprised to see that gentlemen base their advocacy of the Senate bill upon the fact that it came from the Senate, and is a bill which has passed one House. Do gentlemen forget that in the Forty-fifth Congress a bill passed this House, I mean the House bill now before us, but with some slight modifications, and by a decided majority? That bill was sent to the Senate and fell upon the leaden ears of that body. They did not seem to think legislation was neccessary. Is it forgotten that in the Forty-eighth Congress this bill, slightly modified, again passed with an increased majority, and went to the Senate, and that the Senate then prepared a substitute for it which, with all respect to that body, fell far short of meeting the necessities for legislation on this subject?

But their investigations of the last year have enabled them to make a very decided improvement in the bill of this year, and that leads to the hope that they will sufficiently understand the interest and the desires of the country, and be sufficiently obedient to the will of the people to consent upon conference to a just bill. My hope is to get this bill through here and let it go to conference as early as possible for the purpose of reaching a practical result.

The gentleman from Iowa [Mr. HEPBURN] who discussed this subject ably, as he discusses all subjects, asked what reason there was for desiring to pass the House bill, and the gentleman from Illinois [Mr. ROWELL] who has just spoken, stated that he would prefer no bill to the House bill. Mr. Speaker, there are a few things that ought never to be forgotten in discussing this subject. The House bill is new in many of its features.

I admit and believe that no bill of the same character has heretofore been presented to a legislative body anywhere in the world. I claim that for it. What does it contain? First, it declares that all charges shall be reasonable. That is one of the "iron-clad" provisions that gentleman find in this bill. Who can gainsay that proposition? What honest man will controvert it? Next, the bill says there shall be no rebates, no drawbacks, no secret dealings by which one man or set of men may be swindled for the benefit of another man or another set of men. It provides means by which publicity shall be given to the action of the railroad companies and by which justice shall be meted out alike to the rich and the poor, the exalted and the humble. What is wrong in that? Who dares controvert its justice? Next, it says that more shall not be charged for hauling a given amount and kind of property a shorter than a longer distance, the shorter being embraced in the longer.

The House has heard elaborate arguments this evening, which I have heard repeated over and over for ten years, to demonstrate that it is honest and right to charge one man $25 for hauling a car-load of freight from Chicago to New York and at the same time to charge another man $100 for hauling a like car-load from Pittsburgh to New York. Now, sir, there is not genius, ability, plausibility, nor eloquence enough in all the hired talent of the railroad corporations to convince an honest man that that is right. What is that provision of the bill? We have been told this evening that it would work unjust discrimination. Two gentlemen from Illinois have said that. How unjust? If the railroads running, for instance, from Chicago to New York are told, "You may charge to way stations along the route as much as you charge between your terminal points, but you shall not charge more," what is the wrong? Who is injured?

It is the short-haul man that is discriminated against because he may, in that event, be required to pay as much as the long-haul man; but the bill says that he shall not be required to pay more. If he is compelled to pay more, what is the result? It is that the railroads, to secure freight at a competing point, may haul from that point at rates below what will pay, and if they do that and lose upon the transaction they claim the right to charge the people at the way-stations enough more than should be charged for hauling their freight to make up the loss of revenue from the undercharge upon the freight hauled between the terminal points. Is that right? What is the effect of it? If they be permitted to charge for hauling to intermediate stations more than they charge shippers at the terminal point—remember, it is not more per ton per mile, but more in the aggregate for a given amount or kind of freight—if, I say, they be permitted to charge shippers at way-stations more than they charge shippers at the terminal points, then they have the power to force the manufacturing of the country from the towns and villages and neighborhoods where living is cheap and health is good, to the trade centers where there are competing roads, and the power to enrich those at these centers by impoverishing the people at the cities, towns, and communities at intermediate points. What more? If they can charge more to shippers at the intermediate places than to those at the terminal points, they can thereby increase the value of the real estate around the centers where there is competition and reduce the value of land, the value of labor, the value of everything that makes up the comforts of life at every intermediate point between the terminal stations.

I say to you, gentlemen, that there is not a government on earth whose administration is based upon the principles of justice that would dare to exercise such a power. The Government of the United States would not and could not do it. No State in this Union would or could do it. Yet it is claimed for these railroad corporations that they may do what neither the Federal Government nor the State governments would do or dare attempt to do! That is not all. We say in this bill that the railroad companies shall post up their schedules of rates so that the citizen may know how much is to be charged, so that the railroad companies may be bound by their charges, and can not in litigation introduce expert witnesses to deceive and befog juries by the consideration of what they call "all the elements which enter into the consideration of fair and reasonable rates."

Besides that, it is a measure which shows the people what they have to pay and prevents discrimination by requiring the posting up of rates. It becomes a measure of evidence; it saves expense in litigation; it promotes the ends of justice. The Senate bill pretends to do this, but does not, just as it pretends to establish a rule with reference to the long and short haul, while in fact it presents a meaningless section, a section which I defy any lawyer, Congressman, or any one else to show has any earthly signification. And it goes on, as if it meant something, to provide in the end that it may be nullified and set aside by this commission which it is proposed to introduce between the citizen and the railroad company.

Another thing: the House bill prohibits the pooling of freights and prohibits the dividing of the proceeds or any part of the proceeds coming from the freights. The gentleman from Iowa [Mr. HEPBURN] this evening made the criticism that this bill only prohibited pooling freights and did not prohibit pooling money. The gentleman had read the bill to little purpose. It prohibits the pooling of freights and the dividing of the product of the pool.

These pooling arrangements enable the making of one vast monopoly from several small monopolies, and would give to the railroads control of the transportation and commerce and wealth of the country, and ultimately the control of its politics and its liberties. Pooling, in principle, has been forbidden by the common law for six hundred years and more; it is forbidden by the constitutions of many States, and by the laws of many others; forbidden by the whole line of judicial decisions running through many years; and I referred to a number of such decisions to-day.

Now the House bill proposes to do something to protect the people. The Senate bill proposes to inquire whether something is necessary to be done. These are the main features of difference between the bills. The one proposes to protect the people, the other proposes to create a commission which may furnish some measure of protection, but dodges the three great fundamental principles that must be incorporated into any measure in order to furnish a proper system of regulation on this subject—that is to say, it fails to meet the necessities growing out of the question of the long and short hauls; it fails to meet the question of the prohibition of pooling; and it fails to meet the question of requiring rates to be posted up. It pretends to make a requirement for the posting up of rates, but it authorizes the commission to disregard its requirements.

These are some of the main features of difference. Of course I can not in this brief way answer all the arguments which have been made to-night, nor do I deem it important to do so. But I do wish to add one further suggestion.

The methods of railroad management in the European countries and in the United States are a confessed failure, according to the admissions of the ablest railroad experts. Why a failure? Because the methods adopted are not based upon the principles of justice, but upon the principles of selfishness and of greed. All the railroad men will tell you that their methods of regulation are a failure. No railroad man will tell you that he can see light beyond, under the existing system, by which reasonable regulations can be made. If all railroad men would accept, as some of them are willing to do, the House bill, which does not pretend to enter into detailed regulation of freight rates, but simply abridges the monopoly powers of these corporations and proposes to enforce by proper remedies the principles I have stated, they would find its tendency would be to conduct them gradually but steadily to a system of management based upon the principles of justice, which would avoid railroad strikes, and would take away the inducement the companies now have to regard each other, as Mr. Adams has said in his book, as nothing better than horse jockeys, each one trying to cheat every other.

Adopt the principles laid down in this bill—principles imbedded in fairness, in justice, in equity—and we would say to these companies: "You must charge for all distances what will carry your freight. If you can make something by charging for the shorter distances an amount equal to that charged for longer distances, you may do it; but you shall not compel a part of the producers of this country—the farmers, the mechanics, the manufacturers—to enrich another part by paying for their transportation."

For the benefit of the two gentlemen from Illinois [Mr. DUNHAM and Mr. ROWELL] I read the following resolution, adopted by the State grange of Illinois, I believe, at its last annual meeting:

Brother Hopson presented the following resolution, which was adopted:

"*Resolved*, By the State grange of Illinois now in session, that the course of Senator CULLOM in being instrumental in defeating the passage of the Reagan interstate commerce bill in Congress at its late session is severely condemned by this body."

And the following extract from the report of a committee of the State grange of Illinois, dated, I believe, about last January:

A bill was introduced into the Forty-fourth Congress by Judge REAGAN, of Texas, for "regulating interstate commerce," which this State grange and nearly every State grange indorsed, and for the passage of which our whole fraternity labored and petitioned. This bill passed the House of the Forty-fifth Congress with 35 majority, but found its winding-sheet and final resting-place in the Senate, where the railroad influence seemed to have concentrated its strength and fortified against the prayers and influence of an oppressed people. A bill containing the same just and wise provisions was again introduced by the indomitable REAGAN, and passed the House of the last Congress, but met the fate of its predecessor in the Senate. The Senate did, however, pass a substitute for the bill, providing for an expensive railroad commission—to be appointed by the President and the Senate and paid by the people's money—to make regulations for companies engaged in interstate traffic. We are satisfied that the action of the House in rejecting this measure was in harmony with the views of our members and the public sentiment generally, for experience hath shown that the smaller the body or commission having public interest in charge and the farther the appointing power which creates it is removed from the ballot-box the less interest will it have for the people's rights, and the more potent will mercenary influences be to control it.

From these proceedings of an intelligent, numerous, and worthy body of men engaged in agricultural and other industrial pursuits in the State of Illinois, and constantly brought into contact with railroad management, and who are deeply interested in the action to be taken by Congress on this subject, it will be seen that they express a clear and decided preference for the Reagan bill over the Cullom bill, and I leave these two gentlemen from Illinois to settle with the farmers, the merchants, and the people generally of Illinois for their disregard of their wishes on this subject. I congratulate these gentlemen, however, on having advanced far enough on this subject to consent that some legislation is necessary, and shall hope that it will not be a great while until they conclude that real legislation for the benefit of the people should be adopted instead of something calculated to delude and deceive them.

I must make one more observation. The early legislation in the several States on this subject was faulty, and in many instances was not successfully enforced by the courts, because those who matured such legislation were not equal to the task of providing laws that would stand the test of judicial examination. It has been my hope that any legislation which may be adopted by Congress will be so clear and explicit as to guard against disappointing the people and discouraging them from further efforts, if further efforts be necessary, at legislation for the preservation of the public interests.

If we adopt the Senate's bill it will, in my judgment, certainly fall short of what the public has a right to expect, and when we afterward attempt to correct its defects we shall probably be met with the statement that "you have once tried to legislate by Congress for the interest of the people and failed." And this will be offered as an argument why we should not attempt to legislate again.

If the House bill be adopted, its remedies are clear, specific, and unmistakable, and they are so just and reasonable as not to operate any injustice to any one. Gentlemen have dwelt upon the idea that the provisions of the House bill are arbitrary, iron-clad they call it. Any felon would say that the law punishing larceny, burglary, robbery, and murder was iron-clad, and he would have as much reason for saying so as these gentlemen have for calling the bill arbitrary, because it prohibits wrong and provides for the punishment of it.

The SPEAKER *pro tempore*. The time of the gentleman from Texas [Mr. REAGAN] has expired.

Mr. REAGAN. If there is no further discussion desired I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 55 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred, as follows:

By Mr. DOUGHERTY: Petition of the Jacksonville (Fla.) Board of Trade, urging the passage of the river and harbor bill—to the Committee on Rivers and Harbors.

By Mr. DUNN: Petition of H. A. Robb and of Samuel P. Davidson, of Arkansas, praying that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. FORAN: Petition and resolutions of Assembly No. 1910, Knights of Labor, of Canton, Ohio, praying for a per capita tax of $500 upon emigrants landing at the ports of the United States—to the Committee on Ways and Means.

By Mr. GIFFORD: Petition of Union soldiers of the late war, residing in Dakota, praying for the passage of Senate bill No. 1886—to the Committee on Invalid Pensions.

By Mr. LANDES: Petition of John Jackman and 26 other citizens, for an act increasing the pension of John M. Collisson to $50 per month—to the same committee.

Also, by request, petition of Jemima Lyda, only heir of Skinner Hutson, soldier of the Revolution, for a $5,000 pension—to the Committee on Pensions.

By Mr. SHAW: Petition of Francis H. Bankard, for compensation for horse lost in the pension service—to the Committee on Claims.

The following petitions, asking for the passage of House bill 7887, repealing timber-culture, pre-emption, and desert-land acts; of House bill 7021, for adjustment of railroad and other land grants; of bill forfeiting all railroad land grants the conditions of which have not been strictly complied with; of House bill organizing the Territory of Oklahoma; of Senate bill opening a portion of the great Sioux reservation to settlement; of bill prohibiting aliens from holding land in the United States; of bill making Presidential and Congressional election days holidays, and punishing bribery; and of bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired, were severally referred to the Committee on the Public Lands:

By Mr. CARLETON: Petition of R. S. Mann, Fletcher Forester, and other citizens of Port Huron, Mich.

By Mr. GALLINGER: Petition of L. B. Lewis and 140 others, of George H. Hubbard and 125 others, of W. C. Hobart and 155 others, and of Richard Cross and 286 others, citizens of the second Congressional district of New Hampshire.

By Mr. HAYDEN: Petition of F. C. Gartey and 79 others and of Donovan and 46 others, citizens of the fifth Congressional district of Massachusetts.

By Mr. MITCHELL: Petition of Robert McDermott and 76 others, of John J. Coyle and 27 others, of J. L. Conklin and 184 others, and of G. Hayes and 24 others, citizens of the second Congressional district of Connecticut.

By Mr. PIDCOCK: Petition of George W. Bennett and 90 others, of Charles Bogert and 24 others, of John L. Harris and 57 others, and of Julius Krebs and 62 others, citizens of the sixth Congressional district of New Jersey.

By Mr. RANDALL: Petition of Edwin France and 30 others, of George C. Jayner and 42 others, of W. E. Elliott and 386 others, and of G. Rackler and 42 others, citizens of the third Congressional district of Pennsylvania.

By Mr. STORM: Petition of R. Daly and 44 others, and of R. F. Duke and 100 others, citizens of the eleventh Congressional district of Pennsylvania.

By Mr. STRUBLE: Petition of L. Countryman and 154 others, citizens of the eleventh Congressional district of Iowa.

By Mr. WORTHINGTON: Petition of W. H. Buck and 21 others and of H. R. Guder and 52 others, citizens of the tenth Congressional district of Illinois.

SENATE.

THURSDAY, *July* 22, 1886.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. CALL. I present a petition of the Board of Trade of Jacksonville, Fla., respectfully urging that provision be made by the present Congress for the protection and prosecution of the important public works which have been undertaken by the Government for the improvement of rivers and harbors. The board is impressed with the fact that the entire country will suffer if there be a failure to make suitable appropriation for the more important of these works.

The petition also calls attention to the fact that if these appropriations are permitted to lapse it will involve great damage to works now in course of construction; that as to the jetties at the mouth of the Saint John's River there is every reason to believe the work vigorously prosecuted will prove an early and complete success, while an interruption for another year will prove most disastrous and destructive to these works.

I move the reference of the petition to the Committee on Commerce.

The motion was agreed to.

Mr. CALL. I also present a petition and resolution of the Board of Trade of Jacksonville, Fla., the preamble of the resolution reciting:

Whereas as a great scarcity of small bills exists at the present time, and those which are in circulation are so ragged, worn, and filthy that they are unfit for use; and

Whereas it appears from the report of the Treasurer of the United States for 1885 that this is due to a practice adopted by the Treasury in May, 1885, in assorting notes sent for redemption, reissuing such as were fit for circulation, &c.

They therefore pray that there may be a new issue of notes and small bills which are generally preferred for circulation to a heavy and inconvenient metal currency. They further state that their resolution must not be construed as either advocating or opposing the cause of silver, greenbacks, or national bank-note currency, but is simply expressive of the public wish for a sufficient supply of clean, well secured paper currency of the denomination of one and two dollars.

I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. CAMERON presented a petition of Watson Brothers Post, Grand Army of the Republic, of Portersville, Pa., and a petition of McPherson Post, Grand Army of the Republic, of Pittsburgh, Pa., praying for certain legislation favorable to ex-Union soldiers; which were referred to the Committee on Military Affairs.

He also presented a petition of citizens of Freeland, Pa., praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which was referred to the Committee on Finance.

Mr. ALDRICH presented a memorial of 256 citizens of Rhode Island, remonstrating against the passage of the oleomargarine bill; which was ordered to lie on the table.

He also presented three petitions of citizens of Rhode Island, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. COKE presented five petitions of citizens of Texas, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. LOGAN presented the petition of Ralph W. Lowe and 510 citizens of the tenth Congressional district of Illinois, and the petition of Lincoln A. Little and 250 citizens of the seventh Congressional district of Illinois, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

He also presented several papers on the subject of the Haskell multicharge gun, and moved their reference to the Committee on Printing; which was agreed to.

REPORTS OF COMMITTEES.

Mr. CAMERON, from the Committee on Commerce, to whom was referred the bill (S. 2791) to provide for an American register for the steamer Nuevo Montezuma, of Philadelphia, Pa., reported it without amendment.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon.

A bill (H. R. 7234) granting a pension to Susan Hawes;

A bill (H. R. 7244) granting a pension to Robert B. Kirkpatrick;

A bill (H. R. 8481) granting a pension to Thomas Walsh;

A bill (H. R. 8556) granting a pension to Abraham Points; and

A bill (H. R. 9052) granting an increase of pension to Capt. John F. Morris.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 2774) to provide a pension for Mrs. Anna Etheridge Hooks, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 1553) granting a pension to Mrs. E. G. C. Abbott; and

A bill (H. R. 4460) to pension John W. Delph.

Mr. ALDRICH, from the Committee on Pensions, to whom was referred the bill (H. R. 7721) granting a pension to Ellen J. Welch, reported it without amendment, and submitted a report thereon.

Mr. MILLER, from the Committee on Finance, to whom was referred the bill (S. 1189) for the relief of Bessie S. Gilmore, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. EVARTS introduced a bill (S. 2871) for the relief of Semon, Bache & Co.; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. GIBSON submitted two amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

CIVIL-SERVICE RULES.

Mr. EDMUNDS submitted the following resolutions; which were considered by unanimous consent, and agreed to:

Resolved, That the Commissioners of the Civil Service be, and they hereby are, directed to send to the Senate, as soon as may be, a copy of the civil-service rules and regulations, both general and special, as they were in force on the 4th day of March, A. D. 1885; and also copies of all changes and modifications thereof, both general and special, made since said date; and also copies of any and all special orders or general orders made by any authority in reference thereto, or action thereunder, since said date.

Resolved, further, That said commissioners send to the Senate any and all information in their possession touching any and all alleged or supposed violations of any of said rules and regulations.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8974) "making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes," having met, after full and free conference have been unable to agree.

W. B. ALLISON,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.

WM. S. HOLMAN,
GEO. C. CABELL,
J. G. CANNON,
Managers on the part of the House.

Mr. ALLISON. I will say in respect to this report that the Senate and House conferees were unable to agree. The House still insists upon its disagreement to the votes on the three propositions before submitted.

Mr. MILLER. If the Senator will permit me I desire to ask him a question in regard to the bill. This is the bill making appropriations for the various Executive Departments of the Government, and I desire to know if the sums appropriated in the bill will be sufficient to enable the Treasury Department through the Internal-Revenue Bureau to carry into effect what is known as the oleomargarine law, if it shall finally become a law.

Mr. ALLISON. The amount appropriated in the bill with our amendments will be sufficient, although if the House insists upon its disagreement to the provision relating to the collection of revenue it of course will not be.

Mr. MILLER. Then I hope that the Senate conferees will insist on

the amendment of the Senate in that respect, so that if the bill which has passed here shall become a law the Treasury Department will find itself in possession of funds under a regular appropriation act to carry out the provisions of that law.

The PRESIDENT *pro tempore*. What motion does the Senator from Iowa make?

Mr. ALLISON. I move that the Senate still further insist upon its amendments.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate still further insist upon the amendments in controversy. Does the Senator from Iowa also ask for a conference?

Mr. ALLISON. I will include the asking for a further conference in my motion.

The PRESIDENT *pro tempore*. And ask for a further conference upon the disagreeing votes of the two Houses on the amendments to the bill. The question is on agreeing to the motion of the Senator from Iowa.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL were appointed.

THE CALENDAR.

The PRESIDENT *pro tempore*. If there be no "concurrent or other resolutions" the Calendar will be proceeded with under the special order, which will be read.

The Chief Clerk read from the RECORD of yesterday's proceedings as follows:

Mr. CONGER. If the Senator will allow me to ask unanimous consent that we may have to-morrow morning the usual Calendar hour until half past 12 I think we can dispose of it and probably of a large number of bills to which there is no objection. I ask that unanimous consent be given now that to-morrow after the routine morning business we have until half past 12 o'clock for unobjected cases on the Calendar.

The PRESIDING OFFICER (Mr. SEWELL in the chair). Is there objection?

Mr. PUGH. I feel constrained to object.

Mr. HARRIS. I hope the Senator from Alabama will not object to taking for the Calendar whatever time there may be after the routine business to-morrow morning until half past 12 o'clock. There is not a Senator here who has not some matter on the Calendar to which there can be no objection. It is for to-morrow morning, not this morning.

Mr. CONGER. I asked for to-morrow morning.

Mr. PUGH. If it is for to-morrow, I make no objection.

The PRESIDING OFFICER. If there be no objection the order suggested by the Senator from Michigan will be made. The Chair hears no objection.

The PRESIDENT *pro tempore*. Under that order the Calendar will be proceeded with, beginning at the point where its consideration was left off under the prior order.

SETTLERS AND PURCHASERS OF LAND IN NEBRASKA AND KANSAS.

The bill (H. R. 1413) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas was announced as first in order.

The PRESIDENT *pro tempore*. The bill has been read through and partially considered.

Mr. EDMUNDS. Neither of the Senators from Nebraska is here, and I suggest that the bill be passed by informally, not losing its place.

The PRESIDENT *pro tempore*. If there be no objection the bill will be laid aside informally.

Mr. INGALLS. It is a measure of very great local importance to the States of Nebraska and Kansas, and as the Senator who reported the bill [Mr. VAN WYCK] is not in, I hope that permission may be given that the bill may be called up when he comes in, if before half past 12.

Mr. EDMUNDS. I suggested that.

The PRESIDENT *pro tempore*. The bill has been passed over informally, and can be called up when the Senator from Nebraska comes in.

UNION PACIFIC RAILROAD BRANCHES.

The bill (S. 2395) to authorize and empower the Union Pacific Railroad to construct branch roads was announced as next in order.

Mr. HOAR. I am not sure that I have made the annunciation to the Senate heretofore, but I will say now that it does not seem to be expedient to deal with that question at the present session. I understand that it is quite likely before this session ends, or early next session, there will be before the Senate in a constitutional way another bill for its concurrence covering the same subject; and I would rather deal with that measure.

The PRESIDENT *pro tempore*. The bill will be passed over.

WARREN MITCHELL.

The bill (S. 31) for the relief of Warren Mitchell was announced as next in order.

Mr. HALE. That is a contested case.

The PRESIDENT *pro tempore*. The bill goes over.

GREELY ARCTIC EXPEDITION.

The bill (S. 1987) for the relief of David L. Brainard and others was considered as in Committee of the Whole. It proposes to appropriate $703.75 in lieu of commutations of fuel and quarters and extra-duty pay to the persons named, who were on duty with Lieut. A. W. Greely in the arctic regions from July 1, 1881, to June 30, 1884.

The bill was reported from the Committee on Military Affairs with an amendment, to add to the bill the following proviso:

Provided, however, That if any of the aforesaid nineteen persons shall have died prior to June 30, 1884, the allowances herein for commutation of fuel, extra-duty pay, and quarters shall be computed at the rates stated to the death of such persons respectively; and in such case the amounts found due shall be paid to the widow of the deceased, if any survive; and if none, to the children, if any; and if none, then to the next of kin of such person lawfully entitled.

Mr. EDMUNDS. I should like to hear the report. I dare say it is all right, but supposing one of these persons had died after that date, I do not see why somebody should not be entitled to draw commutation down to that date just the same as if he had continued to live.

Mr. MANDERSON. I find it difficult to hear the Senator from Vermont.

Mr. EDMUNDS. I stated that I should like to hear the report. I have no doubt this is a very meritorious thing, but I called attention to the date fixed, of a person dying prior to a certain date in 1884 and supposed the case of dying the day afterward, if you please, and made the inquiry whether in such a case the bill provided for the widows and heirs being able to get anything at all.

Mr. MANDERSON. I think that is covered by the bill. The report will show.

The PRESIDENT *pro tempore*. The report is very long.

Mr. EDMUNDS. Let the report be read and I will look at the bill.

The PRESIDENT *pro tempore*. The report proper, without the appendix, will be read.

Mr. MANDERSON. The reason for that provision, I will say to the Senator from Vermont, is that that is the date of the closing of this duty. If they died after that time, that would have been upon some other duty and would not be entitled to this extra pay and commutation of fuel and rations. The report will show, I think, very clearly.

The Chief Clerk read the report submitted by Mr. MANDERSON June 22, 1886, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 1987) entitled "A bill for the relief of David L. Brainard and others," have had the same under consideration, and submit the same for favorable consideration, with an amendment:

"*Provided, however*, That if any of the aforesaid nineteen persons shall have died prior to June 30, 1884, the allowances herein for commutation of fuel, extra-duty pay, and quarters shall be computed at the rates stated to the dates of the deaths of such persons respectively, and in such case the amounts found due shall be paid to the widow of the deceased, if any survive, and if none, to the children, if any, and if none, then to the next of kin of such person lawfully entitled."

In the judgment of your committee, the proposition embraced in this bill is one that appeals to a sense of justice, and the relief sought has been too long denied.

The enlisted men named in this measure accompanied Lieutenant Greely on the Lady Franklin Bay expedition in 1881-'84, and they and the families and representatives of those deceased each ask payment of the sum of $703.75, in lieu of commutations of fuel, quarters, and extra-duty pay, which they would have received as enlisted men had they remained at home.

Your committee will assume that the facts connected with this expedition and the hardships endured by those named in this bill are too fresh in the public mind to require repetition. The appeal of these men is not only just, with precedent in support of it, but the heroism exhibited and the hardships endured by the petitioners should have stimulated earlier action as an evidence of a desire of the representatives of the American people to reward those who were willing to sacrifice their lives and their health in the cause of science.

Justice has been tardy. Fourteen of the nineteen persons named in this bill are dead, and at the rate of progress which their prayer for relief has made, all may be deceased ere action is taken. The families of those who have died, with one exception, are in necessitous circumstances. It seems a commentary upon the administration of public affairs that these men have been so long denied that which men in similar grades in the Army receive on duty at home. Whether the defect which has deprived them of this exists in the law, in the administration of it, or in the original orders as construed, is of no practical consequence. These men were selected for this expedition because of their superior probable strength and endurance, and the result proved the wisdom of the choice. They enlisted for this hazardous voyage, understanding that the commutation asked for would be accorded, and it is also a circumstance worthy of consideration in their behalf that no promotion has followed as a reward for their services, and the plaudits of the people are found a poor substitute for the money which they ask, to which they are entitled, which they have come to require, and which they would have received had they remained in Washington.

When Sergt. David L. Brainard and his companions named in this bill returned from this expedition, the Government, on settling their accounts, refused all commutation for fuel; it paid commutation for quarters from June 30, 1882, but refused it for the period previous to that time, and it allowed extra-duty pay up to July 14, 1883, refusing it for the period subsequent to that date.

No attempt to reconcile this action upon any plane of consistency or of equitable requirement, regard being had for arctic climate and the situation of these men otherwise, will be made by your committee.

It is sufficient for the purposes of reaching a just conclusion to say that, independent of the support given this measure in the annexed exhibits, which your committee ask may be made a part of this report, the measure seems eminently equitable and just, and, in the judgment of your committee, the bill should pass with the amendment suggested.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Committee on Military Affairs.

Mr. EDMUNDS. I have the bill here, and the amendment I find needs a little amendment. I move to amend the amendment of the committee by adding at the end of it the words:

And if any of said persons have died since said date, the sum due such person shall be paid to his widow, children, or next of kin, in the order aforesaid.

So as to provide for the case of any of these persons who may have died after the date down to which they would be entitled to this allowance, and before the passage of the bill.

Mr. MANDERSON. There were nineteen of these persons on the Greely expedition. Fourteen of them died before the 30th day of June,

1884. Five are yet living. I think it well that this amendment should be added to the amendment of the committee, because it might be that some may die before this bill shall become operative by passage in the other House. Therefore I have no objection to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SETTLERS AND PURCHASERS OF LAND IN NEBRASKA AND KANSAS.

Mr. VAN WYCK. I move the consideration of the bill (H. R. 1413) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas. The bill was in order at the commencement of the call of the Calendar to-day.

The PRESIDENT *pro tempore*. The bill was passed over informally, retaining its place on the Calendar. The Senator from Nebraska moves that the Senate proceed to the consideration of the bill.

Mr. TELLER. I do not understand that it needs any motion.

Mr. EDMUNDS. It does not.

Mr. HAWLEY. When that bill was up before my colleague [Mr. PLATT] was on the floor and somebody made an objection, if I recollect aright, and the bill went over. He also made objection to and criticism of the bill. He is detained on Senate duty now.

Mr. ALLISON. Unless the rule relating to unanimous consent is adhered to—if it is interfered with at all—I shall ask to take up the sundry civil appropriation bill.

Mr. TELLER. This is not an interference. The bill was passed over informally awaiting the Senator from Nebraska.

The PRESIDENT *pro tempore*. The bill is before the Senate. Is there objection to its present consideration?

Mr. HAWLEY. I do not wish to object, but I shall be obliged to do so, because I know my colleague desires to be heard on it.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

Mr. VAN WYCK. Will the Senator from Connecticut listen for a moment?

Mr. TELLER. I do not think the Senator from Connecticut should be in such haste. I understand from a conversation in the presence of the Senator from Nebraska, in which I explained the bill to the Senator from Connecticut [Mr. PLATT], that he was entirely satisfied with it. Of course, if the business of the Senate is to be delayed because Senators are not here on the supposition that they might object if they were here, we can not get on.

Mr. HAWLEY. If this is to go on according to rule, and I am to object, I will withdraw my objection, but it is nothing unusual to interpose an objection. If the Senator has conversed with my colleague since this matter was up before, and if my colleague has expressed his entire satisfaction, I have nothing more to say, though the bill ought to be argued and explained at length.

Mr. CULLOM. I will say to the Senator from Connecticut that his colleague is in a committee-room at hand and can be sent for.

Mr. EDMUNDS. Let us send for him.

The PRESIDENT *pro tempore*. If there be no objection the bill will be passed over informally as before, and the next case on the Calendar will be proceeded with.

FRANCES H. PLUMMER.

The bill (H. R. 3750) for the relief of Frances H. Plummer was considered as in Committee of the Whole. It proposes to pay $1,000 to Frances H. Plummer, widow of J. B. Plummer, deceased, in full satisfaction and discharge of any and all claims against the United States for the loss of property by J. B. Plummer or his widow at the evacuation of Fort Cobb, Indian Territory, in May, 1861.

Mr. EDMUNDS. Let us hear the report.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. HAWLEY June 22, 1886:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3750) for the relief of Frances H. Plummer, having had the same under consideration, report as follows:

That the committee adopts and presents again the favorable report presented in the first session of the Forty-seventh and Forty-eighth Congresses, as follows:

"That the late Brig. Gen. Joseph B. Plummer, a graduate of the United States Military Academy, served honorably in the Florida and Mexican wars. At the breaking out of the rebellion he was a captain in command of two companies of the First United States Infantry, stationed at Fort Cobb, in the Indian Territory. In Texas General Twiggs joined the confederacy and surrendered his forces. A considerable force of rebels, marching northward from Texas, occupied Fort Washita the day Lieutenant-Colonel Emory evacuated it, and on the 5th of May, 1861, a large body of Texans occupied Arbuckle. The retreating Union forces were directed to concentrate at Fort Leavenworth, Kans. Captain Plummer evacuated Fort Cobb May 5, and marching rapidly joined Lieutenant-Colonel Emory May 9, and proceeded to Kansas. He commanded the First United States Infantry at Wilson's Creek and was severely wounded. He became colonel of the Eleventh Missouri Volunteers, and for gallantry at Fredericktown, October, 1861, he was promoted to be a brigadier-general. He served with distinction in many battles, and died of his wounds at Corinth, Miss., August 9, 1862, leaving a dependent widow.

"Of the three officers with him when he evacuated Fort Cobb, two joined the confederacy. He had two companies of infantry and but seven wagons for transportation of necessary supplies and seven camp women and their children. His own property he left behind, save what he placed in five large chests and intrusted to the care of Tucker Barton, the sutler, who was supposed to have engaged to take them to Fort Smith and ship them to Saint Louis. Barton, who, like his brother, Captain Barton, of the same command, joined the confederacy, says he was to take them to New Orleans and ship them to New York city. The following is an extract from his affidavit:

"'At the time of said evacuation the United States did not have sufficient transportation for the baggage and effects of the officers stationed at said post, for which reason Capt. J. B. Plummer, First Infantry, United States Army, intrusted to him, to be taken to New Orleans, and thence shipped to New York, if possible, several (he thinks seven) large chests, which he represented contained articles of great value, the collection of a lifetime; that a few days after leaving Fort Cobb his train was approached and surrounded by a large body of armed men from Texas, several hundred in number; that he was made prisoner by them on the ground that he was giving aid and comfort to the United States, the parties claiming to hold commissions from the State of Texas; that the chests, being marked in the name of the said Capt. J. B. Plummer, United States Army, were declared forfeited, and were forcibly taken from his possession by said body of armed men. This was done partly in the Indian Territory and partly in the State of Texas, in the month of May, 1861.'

"A favorable report upon this case in the House during the Forty-fifth Congress says:

"'Your committee recognize the fact that when war is actually going on there are many kinds of property that the Government is not liable to pay officers for in case of loss by capture or otherwise, for the reason that at such a time officers must necessarily take the risk and hazard of the service themselves. The Government has, however, provided by law for the payment to officers for horses killed or lost in battle or by the dangers of the sea while being transported (Revised Statutes, section 3482), and also for losses by officers, non-commissioned officers, or privates in the military service, while in the line of duty, of horses and certain other property, by capture or necessary abandonment, &c. (Revised Statutes, sections 3483, 3484, and 3485.) No provision of law, however, gives the right to any Department, officer, or court to pay this claim.

"'In analogy to the foregoing legal provisions a part of your committee thinks this claim should be paid. A portion of the committee finds the claim should be paid, for the further reason that governments have usually undertaken to reimburse their citizens for property lost which was at the outbreak of a war in an enemy's country and seized and confiscated.

"'At the time war was declared with Mexico an American citizen was in the port of Vera Cruz with his ship, which was seized and confiscated. The United States Government paid for this vessel and its cargo. If a government should pay to its private citizens such losses, much more favorably should it regard the claims for losses of its own officers who are so unfortunate as to be serving, when war breaks out, under orders in a territory which becomes, without fault of theirs, insurrectionary or enemy's territory.'

"The committee all think the claim made by Mrs. Plummer for the loss of Captain Plummer's goods ought to be paid as a matter of right and public policy. Its payment is no precedent for payments for captured or abandoned property in an enemy's country. Captain Plummer lost a large amount of personal property, making his military duties his first consideration, but he saved his troops and led them to battle with great vigor and courage."

A sworn schedule of the goods lost gives as their value the sum of $2,120, but some of them were articles of luxury not usual nor necessary in a frontier camp, and the committee recommend concurrence in the House bill naming $1,000 as the sum to be paid Mrs. Plummer.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SETTLERS AND PURCHASERS OF LAND IN NEBRASKA AND KANSAS.

Mr. VAN WYCK. As the Senator from Connecticut [Mr. PLATT] has come into the Chamber, I now move that the Senate proceed to the consideration of the bill (H. R. 1413) for the relief of settlers and purchasers of land on the public domain in the States of Nebraska and Kansas.

The PRESIDENT *pro tempore*. The bill is before the Senate, as in Committee of the Whole, and the pending amendment reported from the Committee on Public Lands will be read.

The CHIEF CLERK. The committee report to strike out all after the enacting clause and insert:

That for the purpose of reimbursing persons, and the grantees, heirs, and devisees of persons, who, under the homestead, pre-emption, or other laws, settled upon or purchased lands within the grant made by an act entitled "An act for a grant of lands to the State of Kansas to aid in the construction of the Northern Kansas Railroad and Telegraph," approved July 23, 1866, and to whom patents have been issued therefor, but against which persons, or their grantees, heirs, or devisees, decrees have been rendered by the United States circuit court on account of the priority of said grant made in the act above entitled, the sum of $250,000, or so much thereof as shall be required for said purpose, is hereby appropriated: *Provided, however*, That no part of said sum shall be paid to any one of said parties until he shall have filed with the Secretary of the Interior a copy of the said decree, duly certified, and also a certificate of the judge of said court rendering the same to the effect that such decree was rendered in a *bona fide* controversy between a plaintiff showing title under the grant made in said act and a defendant holding the patent or holding by deed under the patentee, and that the decision was in favor of the plaintiff on the ground of the priority of the grant made by said act to the filing, settlement, or purchase by the defendant or his grantor; and said claimant shall also file with the said decree and certificate a bill of the costs in such case, duly certified by the clerk and judge of said court. Thereupon it shall be the duty of the Secretary of the Interior to adjust the amount due to each defendant on the basis of $3.50 per acre for the tract his title to which shall have failed as aforesaid, and the costs appearing by the bill thereof. He shall then make a requisition upon the Treasury for the sum found to be due to such claimant, or his heirs and devisees or assigns, and shall pay the same to him, taking such release, acquittance, or discharge as shall forever bar any further claim against the United States on account of the failure of the title as aforesaid.

Mr. EDMUNDS. Is there any written report with the bill?

The PRESIDENT *pro tempore*. There is no report noted.

Mr. EDMUNDS. This is a very large bill, Mr. President, to go through by unanimous consent. The first appropriation (how much more will be required we do not know) is $250,000. I notice that the amendment provides for paying these people $3.50 an acre as the basis of valuation, although they were the purchasers of this land either at $1.25 an acre or if it was alternate sections, I suppose, where there was a railroad at $2.50 an acre. I do not see the propriety of the

United States paying persons who gave $1.25 an acre $3.50 an acre and appropriating $250,000 for it. I should like to hear that explained before I agree to consider the bill by unanimous consent.

Mr. BERRY. I wish to state that this is not a unanimous report from the Committee on Public Lands. I did not agree to the report.

The bill as it passed the House provided that where persons had purchased this character of lands at a dollar and a quarter an acre, only a dollar and a quarter should be refunded to them. The Senate committee proposes to strike that out and pay all parties, whether they paid a dollar and a quarter an acre to the Government or whether they obtained the land under homestead or pre-emption laws, three dollars and a half an acre.

In my opinion, not more than two dollars and a half in any case should be paid to homestead entrymen or those who entered under the pre-emption act. Certainly it has never been the practice of the Government to pay more than a dollar and a quarter, or to refund the purchase-money in that character of case where the title failed. I do not think the Government ever warranted the title to land further than the purchase-money.

I understand that hundreds of acres of this land are not improved, and though perhaps the parties purchased at a dollar and a quarter an acre, the Committee on Public Lands proposes to pay those parties three dollars and a half an acre where they only paid one dollar and a quarter an acre. I am, therefore, opposed to the amendment as it comes from the committee.

The PRESIDENT *pro tempore*. Does the Senator from Arkansas object to the consideration of the bill?

Mr. BERRY. I have not objected and I do not intend to object, but I am opposed to the adoption of the amendment.

Mr. TELLER. The Senator from Vermont wants to know why $3.50 should be paid. Fifteen or seventeen years ago, or thereabouts, the Government of the United States sold the most of this land for two dollars and a half an acre. Still a small portion of it was sold for a dollar and a quarter an acre, it being offered land. Some of it was taken by homesteaders who went upon the land and made their homes.

It was later discovered that when the United States sold the land it had not any title, that it belonged to a railroad company. The railroad company sold the property to a Mr. Knevals, of New York city, who brought suit against these settlers or a portion of them and ousted them. Subsequently he compromised with as many of these settlers as were willing to pay to him three dollars and a half an acre for the land.

A number of them had gone through the expenses of heavy litigation, including litigation in the Supreme Court of the United States. They concluded to buy out the title that they supposed they had bought in the first instance from the Government and paid $3.50 an acre.

So all these people, as I understand it, have already paid $3.50 an acre to the railroad grantee. They paid from a dollar and a quarter to two dollars and a half an acre to the Government, and it seems to me that it is nothing more than fair that the Government should make these people whole as to the amount of money actually paid out. To have done that would require the payment of $4.25 in some cases and $6 in others. The committee concluded to make the basis of their proceeding just what they had paid to the railroad company's grantee.

Mr. BERRY. Will the Senator from Colorado allow me to ask him a question?

Mr. TELLER. Certainly.

Mr. BERRY. I ask the Senator from Colorado if there are not cases occurring daily where parties purchased land from the Government, twenty, thirty, and fifty years ago, at $1.25 or $2.50 an acre, and where the title failed, and now the Government only pays back to them, without interest, the amount of money that they paid for the lands? If that be true in all other cases, why should these parties who only paid $1.25 an acre receive more than that sum?

Mr. TELLER. It is very true that the Government of the United States declines to pay any interest or damages, and if the man who deals with the Government of the United States gets back the money that he ever paid the Government after it gets into its coffers, he is in great luck and he is generally content not to get any interest. If I sell a piece of land to my neighbor, and I have not the title, he does not simply come back for the purchase-money, but he demands of me the interest on it, he demands of me everything that it takes to make him whole in that line.

These men bought this land, went upon it, paid taxes on it for fifteen years or thereabouts, found the Government had no title, were ousted in a proceeding in the Government court, and then paid, to settle the title which they supposed they had from the Government, $3.50 an acre; and now we are asked to go back to the iron rule that the Government of the United States does not pay interest because it is supposed always to be ready to pay its debts. This is more than a debt.

It is true that the Government of the United States does not guarantee its title. It is true you can not maintain an action against the Government of the United States on a warranty. That is all true; but does it behoove a great Government that had its citizens' money when it put them in possession of the land, after they have been ousted and compelled to respond to a superior title, to say, "Oh, you only paid us $1.25 an acre twelve or fifteen years ago, and therefore you must take $1.25 an acre now?" The citizen replies, "I paid you $1.25 an acre, and I paid your grantee, who held the title when you sold it to me in violation of law and good faith, $3.50 an acre in addition." The committee thought it was fair and just to say, "What you have paid to this grantee of the United States we refund to you."

Mr. EDMUNDS. Mr. President, this amendment strikes me, as compared with the House bill, as more and more unique. The House bill provided for reimbursing the purchase-money to those people to whom patents had been issued erroneously and reimbursing what they gave, just as the rule of damages is between private persons on covenants of seizin. This amendment departs from the use of the phrase to whom patents have been issued, but allows to anybody, settler, homesteader, purchaser, or anybody else, without regard to whether he has a title from the United States or not, the amount specified. Until they had had their claims examined and their patents issued these settlers stood like everybody else who settles on what are said to be public lands, in the attitude of people who took at their own risk; and therefore if any of these persons who have proceeded to purchase these lands or to settle upon them have been ousted before they have got what appears to be a title from the United States, they are just like a great many other people, who, wishing to get in a good place, swarm onto lands and it finally turns out that the title is not good, that they had no right to be there. The House bill guarded against that; but this amendment departs from it entirely. I do not think that is a very good thing to do.

Now when we come to the other part of the bill as to the price to be paid, the amendment of the Senate committee departs from the House bill, which provided the basis of not exceeding three and a half dollars and what they had given for the land as the reimbursement. The amendment allows three dollars and a half to everybody, which would operate as a great speculation to many people who purchased under pre-emption and otherwise as a mere speculation and who had not built up any betterments or done anything else, so that if I had been luckily engaged in land speculation and had bought ten or fifteen thousand acres of this land at a dollar and a quarter an acre and waiting for a rise, put no improvements upon it, I should make a speculation of $2.25 an acre clear profit, laying out of the interest, which you always do when you invest in land that is not productive. So these purchasers ought not to be provided for in that way, and, as the Senator from Arkansas has well said, there is no instance that I know of in the history of the Government, certainly none that I ever saw, and there are hundreds here the other way, that when a title of a purchaser of land who has got his patent from the United States filed, all that the United States have ever done from the beginning down is to reimburse him the money that he paid, or else to give him a land certificate, or something, to go and locate somewhere else on land open to pre-emption at the same rate.

Why is this innovation started and why is it started, particularly when so far as we yet know we have not any report or information from the Secretary of the Interior? There is no report from the committee in writing. Do we know now what is the real history of this transaction in the Department?

Mr. VAN WYCK. Will the Senator allow me just a moment?

Mr. EDMUNDS. Yes, sir.

Mr. VAN WYCK. There have been reports in the Forty-seventh, Forty-eighth, and Forty-ninth Congresses in regard to this matter. And there have been recommendations of this by the Commissioner of the General Land Office and by the Secretary of the Interior. This bill has been passed in this shape three times, and the House put on a proposition not to exceed $3.50 an acre in cases where there had been no judgment rendered, and hence it was necessary to introduce this as an amendment to the House bill on account of the reason the Senator has stated, that the case may be examined.

The PRESIDENT *pro tempore*. The five minutes of the Senator from Vermont are out.

Mr. EDMUNDS. Then I object to the consideration of the bill. I do not propose to vote $250,000 by unanimous consent.

Mr. TELLER. I wish the Senator would withhold his objection for a moment.

Mr. EDMUNDS. Certainly, I withdraw the objection.

Mr. TELLER. I wish to suggest to the Senator from Vermont that these people have a title and they have an equitable title. Every one of them has a certificate from the Government declaring that it is the owner of the land and that they have paid for it, or else the Government has allowed them to file a homestead claim upon the land and live upon it, which the Attorney-General recently within a few years declared was such a title as the Government could not interfere with when they accepted the homesteader's filing and segregated it from the public lands.

As to the speculation that the Senator speaks of, if he had listened to me he would have heard that I stated that every man who is relieved under this bill had paid $3.50 an acre to the grantee of the railroad company. So they are not getting their money back. They are not getting what they paid for the land. They are out either $6 or $4.75 an acre, every one of them, unless he is a homesteader.

Mr. INGALLS. Will the Senator allow me to ask him a question?

Mr. EDMUNDS. I withdraw the objection for the purpose of allowing the debate to go on.

Mr. INGALLS. The Senator from Colorado stated that all these

persons who were entitled to recover under the provisions of this act had paid three and a half dollars an acre to the grantees of the railroad company. Now, if the title of the persons holding from the railroad company failed, why should not that money be recovered from the grantor of the persons for whom this is alleged to be a protection? I can not understand why the Government should be called upon to pay what some extortionate speculator may have seen fit to charge a settler, for these lands were all bought from the railroad company.

Mr. TELLER. When the Supreme Court of the United States declared that this man Knevals, who had bought——

Mr. INGALLS. What was the title of that case?

Mr. TELLER. Van Wyck *vs.* Knevals. When the Supreme Court of the United States decided——

Mr. EDMUNDS. How long ago?

Mr. TELLER. I do not know. When the Supreme Court of the United States decided that this title was in Mr. Kenevals and not in the Government, that it was in the railroad company at the time the Government said to these settlers, "We take your money; go upon this land." Mr. Knevals said to the settlers, "Now, I have got the mandate of the Supreme Court of the United States to put you off; if you do not want to go off, come up here and pay." There were men there who had everything they owned on the face of the earth upon it. There were men there who had lived upon that land and made it their homes for fifteen years, had put there fences and their houses and their homes; and when Mr. Knevals said, "for the purpose of having no more trouble about this I will take $3.50 an acre," they walked up and gave it. If they did not want to do it they abandoned the land, but those who abandoned their claims are not the parties covered by this bill.

Mr. INGALLS. Certainly then the want of conscience on the part of Mr. Knevals should not be the measure of justice that the United States Government should deal out to these settlers.

Mr. TELLER. There was no want of conscience on the part of Mr. Knevals. He had the title of the United States Government. The want of conscience is on the part of the Government of the United States, that had sold this land to these people and now declines to make good its title.

Mr. EDMUNDS. Is there any betterment law in Nebraska?

Mr. TELLER. It does not make any difference about the betterment law. These men were compelled to pay this or quit. They preferred to pay it, and therefore it is a fair indication that the value of the land is what they paid. Mr. Knevals has asked no extortionate price, there is no pretense of that anywhere. On the contrary, it is understood that he made a reduction in favor of these settlers that he was not required to do, and the land is worth more money than that to-day, and it is now said that the settler who has already paid $6 per acre is extorting from the Government when he gets $3.50, that which he paid to the Government's grantee.

Mr. EDMUNDS. I renew the objection.

The PRESIDENT *pro tempore*. The bill being objected to, goes over under the rule.

Mr. MANDERSON. I ask consent to continue the bill. I appeal to the Senator from Vermont to withdraw his objection.

The PRESIDENT *pro tempore*. The Chair will again submit the question to the Senate. Is there objection to the present consideration of the bill?

Mr. MANDERSON. I call the attention of the Senator from Vermont, I appeal to the Senator from Vermont to withdraw his objection at this time to the consideration of the bill. I do it for the reason that this effort at reimbursement of this very serious loss to these settlers has been pending in this body for years. It has received, I think, in both Houses of Congress very full examination, and I hope that the consideration may go on to-day that the matter may be fully understood and the bill be acted upon. I fear that under this objection, if it passes away to-day, that will be the end of any relief to these parties who have been injured by the action of the Government at this session of Congress, and I again appeal to the Senator to withdraw his objection and permit the consideration of the bill to go on.

Mr. EDMUNDS. May I speak a minute, Mr. President?

The PRESIDENT *pro tempore*. It is against the rule, but several Senators have violated it.

Mr. EDMUNDS. Then I can not withdraw the objection.

Mr. MANDERSON. I ask that the Senator from Vermont be permitted to go on.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks unanimous consent of the Senate that the Senator from Vermont may continue the debate without respect to the rule. The Chair hears no objection.

Mr. INGALLS. One moment.

Mr. EDMUNDS. I only need one minute.

Mr. INGALLS. If this bill is to be considered, I ask that the rule may be enforced as to all or abandoned as to all.

Mr. EDMUNDS. I do not expect the bill to be considered, but I ask one minute to reply to the appeal of the Senator from Nebraska.

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. EDMUNDS. Nothing would give me greater pleasure than to gratify him; but here comes this bill with a very heavy amount of money, without any report present, without a paper from any Department present, without the decision of the Supreme Court present, and nobody seems to know where it is or where it is to be found, and without any information except the enthusiasm and the judgment of my friend from Colorado and the Senator from Nebraska. That is not the proper way, as it seems to me, to make us understand this bill; and if I can have time enough to look up these papers myself which ought to have been here I certainly shall make no objection to the bill going on when there can be free discussion of it.

Mr. MANDERSON. I hope that may be done.

Mr. TELLER. I venture to say, though it may be out of order, that the case of Van Wyck *vs.* Knevals is one of the most noted cases that the Supreme Court has ever decided. It settled questions that I supposed every lawyer in the United States was familiar with.

The PRESIDENT *pro tempore*. The next bill will be stated.

MISSISSIPPI RIVER BRIDGE AT MEMPHIS.

Mr. PLUMB. If it is in order I wish to call the attention of the Senate to the fact that Order of Business 1563, being the bill (S. 2516) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn., was objected to by the Senator from Illinois [Mr. LOGAN], who subsequently withdrew his objection. I desire that the bill should have its place on the Calendar, and I shall at the proper time ask the Senate to proceed to its consideration. If it comes up, I ask that it be informally laid aside.

The PRESIDENT *pro tempore*. It has its place on the Calendar just where it was before.

SARAH E. NORTON.

The bill (S. 2699) granting a pension to Sarah E. Norton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "rebellion," to insert the words "and pay her a pension at the rate of twenty-five dollars per month;" so that the bill will read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah H. Norton, a volunteer nurse during the war of the rebellion, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. KINCAID.

The bill (S. 2424) granting an increase of pension to George W. Kincaid was considered as in Committee of the Whole. It proposes to increase the pension of George W. Kincaid, war of 1812, to $30 per month.

Mr. EDMUNDS. Let us hear the report in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk proceeded to read the report, submitted by Mr. SEWELL, from the Committee on Pensions, June 22, 1886, but before concluding was interrupted by—

Mr. SEWELL. I ask the Senator from Vermont to withdraw the application for reading the report, which is quite a long one. This man is over ninety years old, a veteran of the war of 1812, and utterly destitute.

Mr. EDMUNDS. The Secretary need not read the petition which is embodied in the report. The statement of the committee is very brief. I think it had better appear for future reasons as well as for present consideration.

The Chief Clerk resumed and concluded the reading of the report, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2424) granting an increase of pension to George William Kincaid, have examined the same, and report as follows:

The committee have examined the papers in this case with very great interest. It is an application for increase of pension by a soldier of the war of 1812, and who is now fast verging to the close of a century of life, having been born in 1790.

The claimant enlisted on the 28th of December, 1812, and was discharged on March 15, 1815, upon the certificate of Surgeon T. Watkins, by reason of disabilities incurred by diseased liver and pulmonary affection.

The claim was rejected on the ground that no certificate could be found on file, and that there was no evidence identifying the claimant as the solder performing the service alleged.

The claimant for increase is already a pensioner under the acts and supplements thereto giving pension to soldiers of the war of 1812.

He is utterly and entirely destitute, and for many years has been wholly dependent upon his neighbors for care and subsistence, as the evidence discloses in a petition signed by numerous citizens, and herewith appended as a part of this report:

To the honorable the Senate and House of Representatives of the United States:

The petition of the subscribers, citizens of Richland County, Ohio, respectfully showeth that George W. Kincaid, whose residence for a great many years has been Belleville, Richland County, Ohio, was a soldier of the war of 1812; that his only means of support for many years has been the pension of $8 per month granted to the soldiers of that war. They further represent that in consequence of his great age, being now about ninety-six years of age, he has become so helpless that he requires the constant care and attendance of a nurse; that for several years this additional expense has been borne by his neighbors, as he has no family or relatives able to support him. In view of his services to his country,

and his great age and helplessness, we respectfully ask that his pension be increased to $30 per month, which will barely pay the expense of his support for the remainder of his life.

And as in duty bound, we will ever pray, &c.

B. F. Hines, Wm. Gerloch, H. Farber, H. L. Maury, O. E. Oberlin, Irwin Fisher, R. J. Hubbill, Eli L. Hess, Reuben Evarts, Ben. O. Smith, O. S. Hawley, Gustav Etz, J. M. Reed, Wm. Long, U. F. Armstrong, C. V. Morrow, Wm. C. Beattie, T. A. Swonger, A. W. Lewis, J. J. Charles, Wm. Le Fever, Leroy Le Fever, J. M. Alexander, J. R. Tennan, D. A. Lanehart, J. H. Burkholder, E. L. Garber, Wm. H. A. Raudebaugh, C. J. Brown, E. A. Brown, C. A. Lafferty, John Winemiller, S. B. Donel, M. Sharp, J. C. Potts, C. B. Walters, C. Strome, A. E. Shafer, Cyrus Gatton, B. Scott, W. A. Black, Cyrus Day, Wm. F. Madden, B. J. Levins, A. M. Young, C. N. Ink, W. H. Batterson, D. M. Teeter, A. G. Fans, J. C. Nelson, Charles Etz, J. P. Walsh, B. F. Greely, J. Jay Dean, R. W. Bell, J. W. Kelly, O. H. Gurney, A. Cunningham, Bent Charles, O. Howard, Henry Spain, Daniel Walker, W. H. Smith, H. O. Sheidley, Chas. Purcell, Jacob Winemeller, Wm. F. Charles, J. F. Greely, Aaron Leedy, J. S. Garber, John Gatton, J. W. Rhinehalt, Calvin Robinson, D. L. Young, George Rhein, B. C. Brown, Dr. W. T. McMahon, A. Fitz-John, J. E. Howard, Frank Shafer, A. J. Flahartry, M. L. Bonar, J. V. Oberlin, H. L. Canfield, D. J. Rummel, H. C. McCluer.

In his own sworn statement made before Hon. John Meredith, probate judge of Richland County, Ohio, on the 20th day of January, 1861, the veteran claimant qualifies as to his own identity as the same Kincaid who was a sergeant in Captain Barnard's company, Fourteenth United States Infantry, during the war with Great Britain declared in 1812. That his disabilities were incurred at Sackett's Harbor, New York, while in the line of duty, from which he has never recovered. For three years after his discharge he resided in Baltimore, and was treated for said disease of the liver by Surgeon Watkins, long since deceased. That he lived at other places for short intervals, and has been treated by other physicians, but received no benefit therefrom.

His first application for the required increase of pension was made in 1861, and he testifies that the long delay in seeking aid from the Government arose from his ignorance of the rules of the Department and the law. In June, 1862, for some unknown reason, not stated in the records on file in the Pension Office, the further progress of the case was suspended. He comes now before Congress for the relief which, in the opinion of the committee, he should have had long years ago.

In further proof of his identity the records of the Third Auditor's Office for September, 1835, the accounts of Paymaster Dobbin, United States Army, show George William Kincaid to have been a sergeant of Captain Barnard's company, Fourteenth United States Infantry, the dates of his enlistment, discharge, and the reason for the same.

Further, the following certificate from Captain McIlvaine is to the minds of the committee conclusive:

I do hereby certify upon my word and honor as a late officer and a gentleman that I know George William Kincaid, and that he served in the Fourteenth Regiment United States Infantry faithfully and honestly in the late war, and that he was under my command as an attendant at the recruiting headquarters in Baltimore, and that I left him doing duty in the office under Colonel Lane and Captain Cummings in 1814.

WM. McILVAINE,
Late Captain in the Fourteenth Regiment United States Infantry.

WHITE HALL, BALTIMORE COUNTY, *July* 18, 1835.

Samuel B. Hugo, a surgeon's mate in the war of 1812, certifies to his personal knowledge as to the service of the claimant in that war.

In January, 1861, Drs. H. O. Mack and S. M. Chandler made a personal examination of the claimant's condition, and found him suffering from chronic derangement of the liver, and by reason of this and a combination of diseases to be totally disabled from obtaining a living by manual labor.

In view, therefore, of the foregoing testimony, which is conclusive to the committee as to the merits of the case, and from the great age of the claimant, they recommend the speedy passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW MUCKLIN.

The bill (S. 2487) granting a pension to Andrew Mucklin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Andrew Mucklin, late of Battery C, Fifth Regiment United States Artillery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN B. FULLER.

The bill (S. 2488) granting a pension to John B. Fuller was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of John B. Fuller, late a private in Company A, Twenty-seventh Regiment New Jersey Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PREMISES LEASED FOR POST-OFFICES.

The bill (S. 2727) to authorize the Postmaster-General to lease premises for the use of post-offices of the first, second, and third classes was announced as next in order.

Mr. EDMUNDS. I should like to hear that explained and a statement of the number of post-offices that will be covered and leased, and the cost thereof.

Mr. WILSON, of Iowa. I can not state the number, but——

Mr. HALE. The bill can not pass without debate.

The PRESIDENT *pro tempore*. The bill will be passed over, objection being made to its consideration.

THOMAS B. SHAW.

The bill (S. 2551) granting an increase of pension to Thomas B. Shaw was considered as in Committee of the Whole.

The Committee on Pensions reported amendments, in line 7, before the word "dollars," to strike out "twelve" and insert "twenty;" and in the same line, after the word "month," to insert "in lieu of the pension he is now receiving;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas B. Shaw, of Port Huron, Mich., and pay him a pension at the rate of $20 per month, in lieu of the pension he is now receiving.

Mr. EDMUNDS. I should like to hear the report read in that case. It is short.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. SAWYER June 23, 1886:

The Committee on Pensions, to whom was referred the bill (S. 2551) granting an increase of pension to Thomas B. Shaw, have examined the same, and report:

The petitioner was a corporal in Company H, Third Regiment Michigan Volunteers. He was discharged May 25, 1866; filed his original application for pension April 9, 1880. He was first pensioned at the rate of $2 a month, which was increased from time to time until he is now receiving $12 a month.

His disabilities consist of rheumatism, scurvy, varicose veins, and hernia, in reference to the incurrence of which there is a mass of testimony of the most reliable character.

From the evidence on file, including that of the examining surgeons, it is apparent that the man is not only nearly helpless—utterly disqualified to labor for his support—but he is also a great sufferer.

In his petition to Congress he avers that he was not justly dealt with by the Pension Office, where he states his application was held without action on account of a lack of clerical force.

Sixty of the best citizens of Port Huron certify to his condition and to his worthiness, and to their belief that he is inadequately pensioned, and in this opinion the committee feel bound to concur. Rheumatism, scurvy, hernia, varicose veins, swelled almost to bursting, are known to be exceedingly disabling, and in this case their existence is proven and their effects are apparent.

In view of the fact that the claimant's application has repeatedly received the favorable action of the Pension Office; that there is no question whatever as to his having incurred disabilities in the service, and believing, as the committee do, that the pension he is now receiving is not adequate to his condition and need, the bill is reported with an amendment, substituting the word "twenty" for the word "twelve," in the seventh line, and adding after the word "month," in the seventh line, "in lieu of the pension he is now receiving," with a recommendation that it do pass.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LORENZO A. CLARK.

The bill (S. 1051) granting a pension to L. A. Clark was considered as in Committee of the Whole.

The Committee on Pensions reported amendments, in line 6, to strike out the initial "L" and insert "Lorenzo;" and in line 7, before "Indiana," to strike out "One hundred and twelfth" and insert "Twelfth;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lorenzo A. Clark, of Harbor Springs, Mich., late of Company A, Twelfth Indiana Volunteer Infantry.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Lorenzo A. Clark."

ANNIE E. GARDINER.

The bill (S. 2660) granting a pension to Annie E. Gardiner was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 7, after the word "Army," to strike out "and pay her a pension at the rate of —— dollars per month, from and after the passage of this act," and insert "and pay her a pension at the rate of $25 per month, from and after the passage of this act;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Annie E. Gardiner, widow of John W. T. Gardiner, late a major on the retired-list of the United States Army, and pay her a pension at the rate of $25 per month, from and after the passage of this act.

Mr. BUTLER. Let us hear the report in that case.

The Secretary read the following report, submitted by Mr. BLAIR June 23, 1886:

The Committee on Pensions, to whom was referred the bill (S. 2660) granting a pension to Annie E. Gardiner, have examined the same, and report:

The claimant, Annie E. Gardiner, is the widow of John W. T. Gardiner, late a major United States Army. He was educated at West Point, and appointed brevet second lieutenant July 1, 1840, and served until retired November 14, 1861, "for disability resulting from exposure in line of duty." He died September 24, 1879.

His widow applied for a pension November 24, 1879, but it was rejected June 20, 1885, on the ground that as the fatal cause of soldier's death originated prior to March 4, 1861, during the time of peace, there is no title to pension, the law requiring that it must have originated during a period of war.

It appears that the soldier died of rheumatic gout, and it also appears from the certificates of physicians that he was treated for this disease as early as 1852. There are also further statements, which seem to be reliable, showing the origin of the difficulty prior to the fall and winter of 1848-'49. Dr. J. F. Head, surgeon United States Army, testifies that he was stationed at Fort Snelling in 1849 with the soldier, and he was under his professional care, and had been subject to attacks of rheumatic gout for a year or two before.

This evidence indicates that the disability was probably contracted during the period of the Mexican war; but however that may be, it would be difficult to give

a reason why a soldier should be pensioned for a disability contracted in time of war and not pensioned for a like disability contracted in the service and line of duty in time of peace. Although the action of the Pension Office was legally correct, there can be no reason why, in the discretion of Congress, this widow should not be relieved from the inequitable operation of the rule, especially in view of the probability, from the sworn testimony, that this case may properly be considered within it.

We are inclined to give this widow the benefit of the doubt, and therefore report back the bill with a recommendation that it do pass with an amendment; striking out all after the word "Army," in the seventh line, and insert "and pay her a pension at the rate of $25 per month from and after the passage of this act."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HELEN PLUNKETT.

The bill (S. 757) granting a pension to Helen Plunkett was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 6, after the name "Plunkett," to insert "Company A, Twenty-first Massachusetts Volunteers;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Helen Plunkett, widow of Sergt. Thomas Plunkett, Company A, Twenty-first Massachusetts Volunteers, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

Mr. COCKRELL. I should like to know some reason why that pension is put at $30 a month.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. BLAIR June 23, 1886:

The Committee on Pensions, to whom was referred the bill (S. 757) granting a pension to Helen Plunkett, have examined the same, and report:

The claimant, Helen Plunkett, is the widow of Thomas Plunkett, a member of Company E, Twenty-first Regiment Massachusetts Volunteers. He enlisted July 19, 1861, and served until discharged, March 9, 1864, as stated in the original certificate on file, on account of "amputation of both arms in consequence of gunshot wound received at battle of Fredericksburg, December 13, 1862, while rescuing the colors of his regiment; is unfit for Invalid Corps, and disability total." This order was made by command of Major-General Dix.

He applied to the Department for a pension, which was granted at $8 per month; this was afterward increased to $25, then to $31.25, then to $50, and finally to $72, from June 17, 1878.

It appears from a report of S. G. Davis, special examiner, made at the direction of the Pension Office, that the pensioner, Thomas Plunkett, died March 10, 1885, aged forty-four years; "disease, or cause of death, chronic inflammation of stomach and bowels."

Sergeant Plunkett, as he was familiarly known, was born in Ireland in 1840, and came to this country in 1845. He was a corporal and then sergeant of Company A, Twenty-first Massachusetts Volunteers. At the battle of Fredericksburg the regiment was ordered to charge, and passed a terrific fire from the rebel batteries. The color-sergeant was shot. Sergeant Plunkett raised the colors, bore them to the front, raised the staff in the air, when both his arms were struck and torn away by a shell. He bore his calamity for more than twenty years with invincible patience and cheerfulness, and died March 10, 1885.

Hon. GEORGE F. HOAR appeared before your committee and made a brief statement, from which we extract the following:

"The bill to which I desire to call your attention is one granting a pension to Helen Plunkett, the widow of Sergt. Thomas Plunkett, who was, without any dispute, in my opinion, the most famous and the most representative Massachusetts soldier of the late war. In making this statement I do not forget the high character and fame of our very great and able general officers whom we contributed to the service like other States. Sergeant Plunkett was an Irishman; a man who enlisted very early in the war, and during its progress performed some very important and brilliant exploits, deeds of personal heroism, which have made him famous. He bore his wounds with unfailing heroism, courage, and patience until the end. It was at one time proposed to give him a commission, and a high one, in the Army; but Governor Andrew said: 'No; let him go down in history as Sergeant Plunkett, as Sergeant Jasper has come down to us in the history of the Revolution.' May I be permitted to read a few sentences from an address which I delivered at the two hundredth anniversary of Worcester, Mass., October 14, 1884, just before Sergeant Plunkett's death?

"'We need not go outside of our own local history for proof of the courage and soldierly quality of the Irish race. We need not recount the history of a hundred foreign battlefields where their valor has given victory to a flag which to them was only the emblem of oppression. We need not revert to our Revolutionary annals to remember Montgomery, or trace the lineage of Andrew Jackson, or name the name of Sheridan, the illustrious soldier at the head of our Army to-day. When the news came of the dishonor of our flag at Sumter, the prompt enlistment of the Emmett Guards, the first organization of foreign blood, one of the very first of any blood, that marched to the war has been well said to be "a representative fact of the very highest importance to the permanent character of our Government." Who can read, without tears of joy and pride and thanksgiving to Almighty God that He has given such men to be his countrymen, the story of the death of O'Neil, that natural gentleman who said when he was dying, "Write to my dear mother and tell her I die for my country. I wish I had two lives to give. Let the Union flag be wrapped about me and a fold of it laid under my head;" of the devoted and tender McConville, who died at Cold Harbor with the name of his mother on his lips; of him (Sergeant Plunkett) who gave both arms to save the flag of the country he loved, and whose stout and constant heart has never yet regretted the sacrifice.'

"I hope your committee will give in this case all that you can with propriety. It seems to me that if we can pension the widows of general officers and admirals and others of high station, who in some cases have not been remarkably conspicuous among the men of their rank for distinguished military service, that the wisdom and patriotism of this committee can find and will find some mode of bestowing this mark of special honor upon this man whom we recognize in our State—you have your own heroes—as our representative soldier, and the pride in whom of our citizens is increased by the fact that he is a man who represents the patriotism and service of our adopted citizens."

In recommending the passage of this bill the committee desire that it be understood that while there is a diversity of opinion in the body of the committee as to the propriety of a bill of this kind, yet they consent that it shall be reported to the Senate with a full statement of the facts, and placing it upon its own merits so as to prevent its being a precedent in other cases.

The statement of Senator HOAR shows that Sergeant Plunkett, by reason of his conspicuous gallantry, sacrifice, and suffering for his country, has come to fill, in the minds of the soldiers and, in fact, of the people of the whole of the great Commonwealth where he resided and died, a unique position as the model and ideal representative of the volunteer in the ranks of the armies which saved the Republic.

In the opinion of the committee a sound public policy as well as the irresistible impulses of generous and patriotic natures demand this small tribute to a sentiment honorable to our people, and the exhibition of which upon appropriate occasions will stimulate others to the performance of heroic deeds in times to come.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KATHARINA NICKERT.

The bill (H. R. 7513) granting a pension to Katharina Nickert was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Katharina Nickert, widow of Jacob Nickert, late of Company C, First New York Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS SMITH.

The bill (S. 2024) for the relief of Thomas Smith was considered as in Committee of the Whole. It proposes to pay to Thomas Smith, father of Thomas Smith, late a private in Company G, Second Regiment New York Mounted Rifles, the amount of pension allowed Margaret Smith, mother of the soldier, under pension certificate numbered 219004.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M. WILLBUR.

The bill (S. 821) for the relief of James M. Willbur was considered as in Committee of the Whole.

The Committee on Claims reported an amendment to strike out all after the enacting clause of the bill, and in lieu thereof to insert the following:

That the Secretary of the Treasury be, and he is hereby, directed to ascertain the excess in weight and measurement of material in illuminating tiling, frames and supports thereof, placed by James M. Willbur in and upon the New York post-office and custom-house building, over the weights and measurements of that which was contracted for with Bartlett, Robbins & Co. in their contract with the United States for said building, and paid for to them, and also what was the increased and extra expense or cost, if any, incurred by said James M. Willbur resulting from any changes made in the weight and character of said tiling from that which was specified in the contract of said James M. Willbur with Bartlett, Robbins & Co.

SEC. 2. That the Secretary of the Treasury shall, upon the basis of such ascertainment, and within thirty days of the date thereof, pay to said James M. Willbur such sum as may be found due for the excess in weight and measurement of material so ascertained, at the prices stipulated for in the original contract between the United States and Bartlett, Robbins & Co., together with such sum as shall reimburse said James M. Willbur for all extra expense resulting from changes made in weight and character of tiling frames and supports furnished from that specified in the original contract between the United States and Bartlett, Robbins & Co.

SEC. 3. That the sum of $45,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to enable the Secretary of the Treasury to carry out and execute the provisions of this act: *Provided*, That the amount allowed by the Secretary of the Treasury for such losses shall be final, and the payment thereof shall be held and taken as a complete relinquishment and satisfaction of all claim for damages sustained by him as aforesaid.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RACHEL BARNES.

The bill (H. R. 9106) granting a pension to Rachel Barnes was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rachel Barnes, widow of William Barnes, who served in Company I, Second United States Infantry, from February 24, 1836, to and until February 24, 1841.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROCK CREEK PARK.

The bill (S. 2584) to authorize the commissioners of the District of Columbia to condemn land on Rock Creek for the purposes of a park, to be called Rock Creek Park, was announced as next in order.

Mr. CONGER. Let that be passed over.

The PRESIDENT *pro tempore*. The bill goes over.

GEORGE G. EARLY.

The bill (H. R. 3379) granting a pension to George G. Early was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George G. Early, of Newton, Iowa, late of Company I, Third Ohio Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT CLARKSBURG, W. VA.

The bill (H. R. 4335) making an appropriation to continue the con-

struction of the public building at Clarksburg, W. Va., and changing the limit of cost thereof, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING IN SPRINGFIELD, MO.

The bill (H. R. 1391) to provide for the erection of a public building in Springfield, Mo., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POST-OFFICE BUILDING AT LYNN, MASS.

The bill (S. 1162) for the erection of a post-office building at Lynn, Mass., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT NEBRASKA CITY.

The bill (S. 1880) for the completion of a public building at Nebraska City, Nebr., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DUNCAN FORBES.

The bill (H. R. 8336) granting an increase of pension to Duncan Forbes was considered as in Committee of the Whole. It proposes to allow Duncan Forbes, late a private in Company F, Sixteenth United States Infantry, a pension on account of wound of right breast, in addition to that now received by him for wound of right ankle.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB MADISON PRUITT.

The bill (H. R. 5051) to place the name of Jacob Madison Pruitt on the pension-roll was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jacob Madison Pruitt.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS IN KANSAS.

The bill (S. 2720) to relinquish the interest of the United States in certain lands in Kansas was considered as in Committee of the Whole. By the bill all the interest of the United States in and to the southwest fractional quarter of section 31, township 16, range 16 east of the sixth principal meridian, Osage County, Kansas, is relinquished to those persons, their grantees and their successors in interest, who purchased from Samuel C. Gilliland, who entered the same on the 7th of June, 1870, but which entry was thereafter canceled.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TRIAL BY JURY TO PENSION CLAIMANTS.

The bill (S. 816) to give the right of trial by jury to claimants of pensions, under the laws of the United States, whose applications have been rejected by the Secretary of the Interior on appeal from the decision of the Commissioner of Pensions, was announced as next in order.

Mr. COCKRELL. I think that had better go over. It will lead to discussion.

Mr. BLAIR. Let the bill be read, with the report, so as to give an idea of it.

The PRESIDENT *pro tempore*. There are but five minutes left for the Calendar.

Mr. COCKRELL. Let the report be read.

Mr. HARRIS. Let the report be printed in the RECORD.

The PRESIDENT *pro tempore*. If there be no objection the report will be printed in the RECORD.

Mr. BLAIR. I will just say in relation to this bill—and I shall be glad of the attention of the Senate—that this is a bill which has been reported by the Committee on Pensions in the hope that it might relieve Congress of the great proportion of the special acts which we are called upon to consider, and the consideration of which during the present Congress has led to a state of feeling that I need not enlarge upon.

Probably nineteen-twentieths of the cases which we are called upon to consider are in the nature of appeals from the decision of the Department of the Interior. They arise under the general law. They reach us by reason of defect of proof or friction in the operation of the existing pension machinery. The object of this bill is to make provision that after an applicant has carried his case through the Pension Office and on appeal to the Secretary of the Interior until it is finally disallowed, so that it is in that condition where naturally of right it comes to us without objection on the part of anybody, he may have the right, instead of coming here, to appeal to the United States district court in the district where he resides, and have the benefit of whatever may have been placed on file in the prosecution of his claim here at Washington, and then the privilege of trying his case there by the court, or, if he desires it, by a jury of his countrymen. If he make out a case, then, upon judgment being rendered by the district court in his favor, his name shall be placed on the pension-roll, subject to the provisions and limitations of the pension laws, as in other cases which arise under the general laws of the United States. If he can not do that, if he can not satisfy a jury of his neighbors that his name ought to be placed on the roll, that is the end of it. He will have had the exercise of the great right of trial by jury, and that will be the end of it.

Mr. COCKRELL. What about costs?

Mr. BLAIR. There is no proposition in regard to costs. The costs will be very slight in any event. An amendment can provide for that matter. The bill says nothing about costs. There is one slight amendment that I wish to have go in the RECORD. I should like the bill, with the report and this proposed amendment, to be printed in the RECORD.

The PRESIDENT *pro tempore*. That order will be made.

The bill is as follows:

A bill to give the right of trial by jury to claimants of pensions, under the laws of the United States, whose applications have been rejected by the Secretary of the Interior on appeal from the decision of the Commissioner of Pensions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases of applications for pensions, under the laws of the United States, which shall have been rejected on appeal from the decision of the Commissioner to the Secretary of the Interior, the claimant of the pension, or his legal representative to the right of the pension, may file his petition in the district court of the United States in the district wherein he resides, for the pension, setting forth, with other necessary averments, the rejection of his claim by the Secretary of the Interior; and thereupon the court shall hear and try his cause, and such proceedings shall be had as in other cases, including the trial by jury whenever the claimant demands it, and the right of appeal to the higher courts upon questions of law and fact; and upon the hearing the claimant shall have the right to use all evidence, documents, and papers of every description which have been filed in the proceedings before the Commissioner of Pensions and Secretary of the Interior; and all record or other evidence in possession of the Government, or copies thereof, shall be furnished, on application by the claimant, for use in such proceedings in the district court.

The amendment of Mr. BLAIR is to add the following section:

When final judgment shall have been rendered in such court in favor of the claimant, a certified copy of the judgment shall be forwarded to the Secretary of the Interior, and the name of the claimant shall thereupon be placed upon the pension-roll, subject to the provisions and limitations of the pension laws as in other cases where pensions are granted under the provisions of the general pension laws.

The report of the Committee on Pensions is as follows:

The Committee on Pensions, to whom was referred the bill (S. 816) to give the right of trial by jury to claimants of pensions under the laws of the United States whose applications have been rejected by the Secretary of the Interior on appeal from the decision of the Commissioner of Pensions, have considered the same, and report herewith the bill, and recommend its passage.

A great number of pension claims, after years of earnest prosecution at great expense to the parties, are finally rejected by the Department, often where the evidence is very conflicting and great doubt exists of the justice of the decision. The methods of trial, substantially *ex parte* and without the advantage of personal examination of the party and witnesses in presence of the tribunal which decides the cause, can not be remedied under the present system of adjudication. Yet, the rights concluded are of much greater pecuniary importance than the ordinary amounts involved in litigation, and to the soldier, his widow, minor children, and dependent relatives the determination of these questions generally involve the comforts of life and not unfrequently existence itself.

The great mass of applications for relief by special legislation grow out of the dissatisfaction of claimants who have prosecuted their claims for many years under the greatest difficulties with the final, and as they believe, unjust decision of their claims. Consequently they come to Congress, and their petitions must be heard. The present session there have been more than 4,500 bills for special acts of pension introduced in the two Houses of Congress—3,788 in the House and 764 in the Senate—and probably not less than 5,000 will be introduced before the Congress ends. Of these 618 have passed the Congress. How many will become laws is unknown to the committee. Probably at least nineteen-twentieths of the bills are substantially appeals from the decision of the Pension Office.

There is every reason to believe that this army of petitioners for redress will increase annually for many years. There is no escape from the consideration of these cases by Congress or by some local tribunal, with opportunity to examine the parties, witnesses, and proof, and decide finally upon these controversies.

We can conceive of no possible reason why the trial by jury should not be allowed to these applicants, since it is insured by constitutional provisions in every other case of vested rights. No other tribunal but the regular judiciary of the country can settle, to final satisfaction, these claims. We believe that the passage of this bill would substantially remove the overwhelming labor which oppresses the Congress and the Executive with a work which can neither be ignored nor yet satisfactorily performed.

The great mass of cases would still continue to be finally decided by the Department of Interior, which, notwithstanding the imperfections inherent in the system, is able to adjudicate satisfactorily upon claims under the pension laws; but something must be done to provide for those who now come to Congress for relief, and in most cases with righteous demands, under the general laws, which they have not been able to establish to the satisfaction of the Department which is compelled to try their causes under every embarrassment and difficulty surrounding the forms of investigation and the formation of just conclusions in the premises.

ROCK CREEK PARK.

Mr. CONGER. I made an objection to Order of Business 1596, being Senate bill 2584, because I thought the Senator from Kansas who reported it was not in his seat. I am in favor of the bill, and I withdraw the objection, and ask that it take its place next on the Calendar.

Mr. INGALLS. I hope the bill will be taken up.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2584) to authorize the Commissioners of the District of Columbia to condemn land on Rock Creek for the purposes of a park, to be called Rock Creek Park.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 3, line 2, after the word "taken," to strike out "and an estimate of the damages caused by said condemnation;" and in the same section, in line 5, after the word "District,"

to strike out "who in making such estimate shall consider the benefits conferred upon such owner as well as the injury done to him;" so as to make the section read:

SEC. 3. That said commissioners shall cause an appraisement of the value of the land so taken to be ascertained by an appraisement to be made by three judicious, disinterested freeholders of said District.

The amendment was agreed to.

The next amendment was, in section 4, line 2, after the word "purchase," to insert "at a reasonable price;" in the same section, line 12, after the word "taken," to strike out the words "and the damages occasioned by the taking of said land to each owner thereof, or to any person having a legal claim to said damages;" and in the same section, line 16, after the word "Columbia," to strike out "and in the consideration of such damages the benefits conferred shall be considered in reduction of such damages;" so as to make the section read:

SEC. 4. That if said commissioners shall be unable to purchase at a reasonable price any portion of the land so condemned, by agreement with the respective owners, within thirty days after such condemnation, they shall, at the expiration of such period of thirty days, make application to the supreme court of the District of Columbia, at a general or special term, by petition, containing a particular description of the property required, with the name of the owner or owners thereof, and his, her, or their residence, as far as the same can be ascertained, which court is hereby authorized and required, upon such application, without delay, to ascertain and assess the value of said land so taken.

The amendment was agreed to.

Mr. PLATT. I should like to inquire of the Senator who reports this bill whether he knows of any precedent in the United States for assessing betterments or benefits where land is taken for a park?

Mr. INGALLS. I agreed with the Senators having charge of the privileged question that if this bill gave rise to debate I would ask that it go over.

Mr. PLATT. I do not want to debate it.

Mr. CHACE. I know of any number of cases. I have one in my memory clearly now, the city of Fall River.

Mr. PLATT. My impression has been that where land was taken for a road, a highway, a street, there betterments were considered, but not considered where it was taken for public parks or a public use of that kind. But I do not make any objection; I do not wish to delay the passage of the bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5179) to prohibit the passage of local or special laws in the Territories of the United States.

The message also announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 9736) to grant the Maricopa and Phœnix Railway Company of Arizona the right of way through the Gila River Indian reservation; and

Joint resolution (H. Res. 54) to credit Lieuts. Giles B. Harber and William B. Schuetze with sea-duty and sea-pay while engaged in the search for Lieutenant Chipp and party, and also for the time employed in bringing home the remains of Lieutenant-Commander De Long and party.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 4670) granting to the county of Clatsop, in the State of Oregon, the right to construct a bridge across Young's Bay, a navigable stream in said county and State; and

A bill (H. R. 6337) for the relief of James D. Wood.

NAVAL APPROPRIATION BILL.

Mr. PUGH. Mr. President——

Mr. HALE. I rise to make a privileged report.

The PRESIDENT *pro tempore.* The Chair will recognize the Senator from Maine.

Mr. HALE. I present the conference report on the naval appropriation bill.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8975) "making appropriations for the naval service for the fiscal year ending June 30, 1887, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 20, 55, and 56.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 7, 8, 10, 12, 13, 16, 17, 19, 21, 23, 24, 25, 26, 27, 28, 30, 31, 33, 35, 36, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 57, 58, 59, 60, 61, 63, 64, 65, 66, and 67; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the total sum proposed insert "$7,030,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "And other necessary incidental expenses, two hundred and twenty-five thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Substitute for the matter stricken out by said amendment the following: "And for publishing the same;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: Restore of the matter stricken out by said amendment the following words: "Procuring, producing;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Insert after the amended paragraph a new paragraph, as follows:

"One or more rifled cannon of each type constructed at the cost of the United States for the Navy shall be publicly subjected to the proper test for endurance including such rapid firing as a like gun would be subjected to in battle. This test shall be under the direction and to the satisfaction of the Secretary of the Navy, and if such guns do not prove satisfactory the type they represent shall not be put in use in the naval service."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14 and 15, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"For new ferry launch in place of the one now in use, which shall be sold, and building fuse-room and coal-shed, $8,500."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Strike out the word "foreign," proposed to be inserted by said amendment, and insert after the word "postage," in line 23, page 6 of the bill, the following: "On letters sent abroad:" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$170,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: Strike out from said amendment the word "absolutely;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "And the sum of $250,000 of the amount now standing to the credit of the clothing fund, and the further sum of $75,000 of the amount now standing to the credit of the small stores fund of the Bureau of Provisions and Clothing, shall be forthwith covered into the Treasury;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "Other necessary incidental expenses;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the total sum proposed insert "$900,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Restore the words stricken out by said amendment and add at the end of said restored words the following: "But the United States shall be put to no charge or expense and shall incur no liability in relation to said vessel while the same is in such use," and insert after the word "Provided," where it first occurs in the matter proposed to be inserted by said Senate amendment, the word "further;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "And other necessary incidental articles;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"SEC. 2. All balances of moneys appropriated for the pay of the Navy or pay of the Marine Corps for any year existing after the accounts for said year shall have been settled shall be covered into the Treasury."

And the Senate agree to same.

EUGENE HALE,
JOHN A. LOGAN,
JAMES B. BECK,
Managers on the part of the Senate.

H. A. HERBERT,
JOSEPH D. SAYERS,
A. C. HARMER,
Managers on the part of the House.

Mr. HALE. I wish to say that this disposes of the naval appropriation bill. It has in all consumed one hour of the time of the Senate. This ends it. I wish now to give notice that to-morrow morning after the morning business I shall ask the Senate to take up the deficiency appropriation bill, no matter what may be the state of the public business, and to continue its consideration until a reasonable time for a recess in the afternoon, unless it is before that finished, and I shall then ask for an evening session, and request the Senate to continue upon that appropriation bill until it is finished. I do this because I believe that the general sense of the Senate is in favor of putting the business through now and not to delay the necessary business that must be passed before the time for adjournment comes.

I do not seek to bring up the deficiency bill this morning or this evening, because the matter which was in debate yesterday it is said can be finished to-day, and I shall not of course in any way seek to put myself or the deficiency bill in opposition to the sundry civil bill if the chairman of the Appropriations Committee insists upon that being heard or considered; but if he does not, I propose to give the Senate the opportunity to take up the next large appropriation bill and stick to it until it is passed.

I can do nothing of course without the consent and vote of the Senate, but for one I mean that from this time forth at every possible opportunity the Senate shall have a chance to decide whether it will go on with the necessary business.

The PRESIDENT *pro tempore*. The question is on the report of the committee of conference.

The report was concurred in.

ROCK CREEK PARK.

Mr. PUGH. I call up the report of the Committee on Privileges and Elections.

Mr. PLATT. Will the Senator allow me a single moment? I wish to make a correction. I find that the remarks which I made a while ago about the consideration of benefits in taking land by condemnation on Rock Creek for purposes of a park were made under a misapprehension. As I understood the amendment read at the desk it was to insert those words, but I find the amendment was to strike out that clause as to benefits from the bill, which I think was entirely proper.

HOUSE BILL REFERRED.

The bill (H. R. 9736) to grant the Maricopa and Phœnix Railway Company of Arizona the right of way through the Gila River Indian reservation was read twice by its title, and referred to the Committee on Indian Affairs.

AMENDMENTS TO BILLS.

Mr. HARRIS, from the Committee on Epidemic Diseases, reported an amendment intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SAWYER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

OHIO SENATORIAL ELECTION.

The Senate resumed the consideration of the reports of the Committee on Privileges and Elections in the case of Senator PAYNE, of Ohio.

Mr. ALLISON. I of course do not wish to interfere with the pending matter to-day, although I had hoped we might be able this evening to do something with the sundry civil bill, and I still hope we shall. Of course the moment this business is disposed of I shall move to take up that bill, and will endeavor to have it passed at some early time.

Mr. HALE. I hope the Senator in charge of the bill will try to get it through.

Mr. TELLER. Yesterday when the Senate adjourned I was about to call its attention to some of the facts presented to the Committee on Privileges and Elections by the report of the committee of the Ohio house of representatives, not because I supposed that that was binding upon the committee or the Senate, but for the same reason that the committee in 1873 examined a case exactly like it from the State of Missouri, the case concerning the title of the seat held by Senator Bogy in this body. In that case the Legislature of Missouri had appointed a committee, the committee had taken testimony, and the testimony was referred to this body. It was alleged that in addition to the testimony then produced other testimony might be had. The Committee on Privileges and Elections making their report by Mr. Morton, the then chairman of the committee, said they had examined into the Missouri testimony, not committing themselves, however, to the fact that this evidence ought to have been admitted, though they had examined it in determining the question presented to them whether there should be a further inquiry, or whether, more properly speaking, there should or should not be an inquiry by this body.

In accordance with that precedent I desire to take up and examine somewhat the testimony that came to the committee. I am justified, I think, in detaining the Senate in an examination of that matter, because the chairman of the committee, who represents the minority in this case, has seen fit to examine and comment upon the testimony in his remarks to the Senate, as well as to incorporate in his report to the Senate some portions of that testimony.

I had hoped when I saw the Senator from Massachusetts with a carefully prepared manuscript, which he read in the main to the Senate, that I should have the opportunity to examine in this morning's RECORD his speech for the purpose of replying to some things that may possibly escape my memory, but I find it is not in the RECORD; therefore I must proceed upon my recollection, and if the honorable Senator from Massachusetts is present I will give him now full opportunity to make any correction in any statement I make or to catechise me with reference to any point that I may make concerning the evidence that was before the committee.

The minority in their report submit their views in the shape of conclusions, which will be found on page 35 of this report. They say:

First. That of the Democratic members elected to the Sixty-sixth General Assembly more than three-fourths were positively pledged to Mr. Pendleton and General Ward, and more than a majority pledged to Mr. Pendleton. This they offer to prove by Mr. Pendleton himself, by Col. W. A. Taylor, and others.

If it would be proper, which I deny, for the Senate of the United States to go into an examination of the question how the members of the Legislature of that State stood affected toward Mr. Pendleton or any other man, the Senate of the United States can see that it is a task much beyond the power of the Senate. It would be utterly impossible for this body to arrive at any just and proper conclusion as to whether, when the Legislature of Ohio assembled, or when it was elected, there was a majority of the members elected in favor of one man or another, unless they did by some act as a legislative body so declare. If there was any doubt about it, it can be seen how herculean would be the task and how futile would be the effort if you take this testimony page by page and line by line, as I have done, and find that one man swears that this member was for Mr. Ward, and another witness comes forward and swears that it was his understanding that the member was for Mr. Pendleton, and the member himself comes and swears that he was for neither. Mr. Pendleton was not present and did not give evidence. Mr. Taylor, the other person mentioned as the witness by whom this is to be proved, was before the legislative committee and gave his testimony in detail. I shall have occasion to refer to that. It shows that he did not declare and could not have declared that any considerable number of the members were for Mr. Pendleton.

The managers for Mr. Pendleton declared that when they got together they sat down and made a list one day, and changed it the next; that men whom they had put down for Pendleton were found to be for Ward, and men they had put down for Pendleton were found to be for PAYNE. They finally made up a list in the beginning of the campaign of twenty members and realized in the outcome fifteen. So I think that part of the minority report may be considered as presenting to the Senate an impossibility, beyond its power, beyond its province, and one that if we should enter upon would only land us in interminable confusion.

Next, the minority say that they will be able to prove if this investigation should be entered upon—

Second. That in these pledges these members represented the opinion and desire of their constituents.

Is it possible that the minority of the committee supposed the United States Senate would sit here to determine the public sentiment in Ohio upon the question who was or who was not the choice of the people of that State for Senator? Is there any method known to the law or to the forum where evidence is carefully scanned and adjudicated and its influence determined that would enable this body to go out in the State of Ohio and determine whether the people were or were not in favor of this man or the other? The impossibility of it shows that the minority of the committee were not willing to rest the case upon the proposition of law laid down by the chairman yesterday. It is thrown in here to make weight; it is thrown in here to give public opinion an opportunity to bring its force upon this body in a matter where the Senate ought to be above and beyond public opinion.

Third. That Mr. PAYNE was nowhere spoken of or known as a candidate during the popular election or until a very short time before the appointment of Senator.

That is mentioned as one of the reasons for supposing that the Legislature of Ohio was corrupted! I submit that no man would be heard to present a case of that kind in an inferior court as evidence. I submit that it is unheard of in judicial tribunals or in judicial inquiries. Mr. PAYNE was not a candidate until immediately preceding the caucus, they say, and that of itself is a suspicion of fraud. Why, Mr. President, admit that Mr. PAYNE was not a candidate; it does not follow, it is not the logical sequence of the statement they have made; on the contrary, the fact that he was not a candidate in the beginning, as is sworn to by more than one witness, kept the members of that legislative body in uncertainty and doubt whether they would support Mr. Ward or whether they would support Mr. Pendleton, and when Mr. PAYNE did become a candidate such was his character in the State that it appears by the testimony of his enemies that there was a stampede from the other two candidates to him. One of the witnesses, when speaking of it, said: "I told Mr. Pendleton that he was a dangerous candidate." "Why?" "He was an old-time Democrat, he had lived in the State, he was influential and popular, and he had held high position in the Democratic party. I said he is a dangerous candidate." Mr. Cole, speaking of it, and speaking of the sentiment of the Legislature, said: "It became so strong that I, myself a Pendleton man, had to guard myself at all times to prevent myself from considering myself also a Payne man."

Mr. PAYNE, with his nearly fifty years residence in the State, with his prominence of such a character that even Republicans of the State were found taking steps to secure his nomination and his election, was not the obscure man who was thrust into politics, was not the unheard-of man who came in at the last moment. If that had been the case there might have been some reason for seeing some other cause than that of his popularity and his high standing as inducing members to change, if change they did.

Mr. President, on very many occasions men who have not been candidates have been put in nomination with the entire approbation of all their constituents and with unanimity by the nominating power. Men have been elected to the high position of Senator of the United States who had not been heard of in connection with the place until a few days before, without corruption and without fraud. Men have been

elected to the executive office of this nation who were not heard of as candidates until the meeting of the conventions of their parties. Does it follow because Mr. PAYNE was not a candidate that it must be logically inferred that there was fraud in the procurement of his nomination?

Fourth. That just before the legislative caucus, where the nomination was made, which was one week before the election, large sums of money were placed by Mr. PAYNE's son and other near friends of his at the control of the active managers of his canvass in Columbus. This they allege can be shown by the books of one or more banks.

We are not enlightened in what banks this evidence can be found; we are not told where the evidence is; but we are told from whom it may be proved, that it can be proved that Mr. PAYNE'S sons and others placed it in the hands of Mr. PAYNE'S friends, citizens of course of the State of Ohio. This matter was thoroughly and carefully examined by the committee of the Ohio house of representatives under resolution 28. Who was absent that was necessary to the investigation of that charge? Nobody it is pretended save Oliver H. Payne. McLean was within the State and proffered to go before the committee and testify. Paige was within the State and proffered to go there and testify. All the minor agents who are spoken of were within the State and could have been called on and brought before the Ohio committee.

So it does not follow that there could be proved now any more in this respect than might have been proved before that committee; and unless the minority are prepared to arraign the committee of the Ohio Legislature (which I think they are not) it must be assumed that they followed out the clews, for these charges were as freely made when this committee was in session and before as they are made to-day.

Fifth. Mr. PAYNE's near friends declared that his election has cost very large sums.

A gentleman whose name is offered to be given will testify that David R. Paige declared to him that he had handled $65,000.

That fact could have been investigated into and inquired of. It is no new charge here against David R. Paige. It was before the committee of Ohio; and that is why I yesterday asked the chairman to give us the dates of the letters and reports or whatever you may call them that he read, because I knew they were before that committee; I knew they were matters of investigation there, or might have been matters of investigation if they were not.

Oliver H. Payne stated to the same person that it had cost him $100,000 to elect his father.

Oliver H. Payne was not in the State. I am not prepared to admit that which is asserted here with so much confidence that the precept of the State will not go beyond the State lines. I will admit that they could not bring Oliver H. Payne from New York into Ohio, but they could punish him for contempt when he came within Ohio's borders if he did not respond. It was not necessary to the jurisdiction of that committee that the writ should have been served in the State where the committee sat. Did this committee call Oliver H. Payne? They did not. Did they ask him by letter, by telegraph, or by precept, or by any writ to come before the committee? They did not. And they need not, because if the statement was true they could have called the man to whom he made this statement, who it is not pretended was beyond the jurisdiction of the State at the time.

Now, Mr. President, I come to another charge, which I will read and pass and take up later.

Sixth. That the members of the Legislature who changed from Pendleton to PAYNE did so after secret and confidential interviews with the agents who had the disbursement of these moneys.

Seventh. That members of the Legislature who so suddenly changed their attitude can be proved to have, at about the time of the change, acquired large sums of money, of which they give no satisfactory account.

I will speak of that in another branch of my remarks:

Eighth. Respectable Ohio Democrats affirm that just before the caucus the room of Mr. PAYNE's manager, Paige, "was like a banking-house;" that "the evidence of large sums of money there was abundant and conclusive;" that Paige's clerk declared in the presence of a gentleman of integrity that "he had never seen so much money handled in his life."

That is put forth by the minority for the information of the Senate. It ought to be truthful; it ought to be to the letter correct. I will show that it is untrue in every particular. There is no evidence here, no pretense that there is here any evidence which will justify the statement that Mr. PAYNE'S clerk ever made such a statement, nor is there any evidence that any prominent Democrat of Ohio so stated or that any man of integrity so stated.

Mr. GEORGE. May I ask the Senator a question?

Mr. TELLER. Certainly.

Mr. GEORGE. Does the Senator mean to say that there is nothing in the evidence which justifies the minority of the committee in making that statement in their report?

Mr. TELLER. I mean to say that there is no evidence in my judgment—and I have carefully scanned the testimony four times; I have read every line of it, every word of it, again and again—and I say there is nothing that can be fairly construed into a support of that proposition. The honorable Senator from Illinois [Mr. LOGAN] yesterday called attention to the character of that evidence. Let me read the charge again:

Respectable Ohio Democrats affirm that just before the caucus the room of Mr. PAYNE's manager, Paige, "was like a banking-house."

Who were the respectable Democrats who so asserted? Mr. Boyle, a newspaper correspondent, not a Democrat but a Republican, testified that some man, a merchant whose name he did not know, had told him that he was in some little village and went into a tailor's shop to get a button sewed on his coat or vest or pants, and while there he had heard a conversation of the character that the minority mention. Does it follow that respectable Ohio Democrats had made that charge?

Mr. Russell, a bitter opponent of the sitting member, as can be seen by every line of his testimony, admittedly so himself, states that he came in contact with a man of whom he says, "I do not know whether he was a Democrat or not;" he thought he might have been or probably was; "but I do not know;" and he says this man told him that he had been down to Paige's room and there he saw this great amount of money, and when he was asked to give the name of this man to the committee he declined so to do.

That is all the testimony there is upon which the minority can base the charge that respectable Democrats of Ohio are back of the charge as to the vast sums of money in Paige's room.

Mr. President, this charge was made before the Ohio committee. It is no new charge that comes here now. That committee had the opportunity to call the hundreds of men who went in and out of Paige's room, as shown by the testimony, day after day. Is it not strange that nobody was found to testify to that save and except the one man, and we do not know who he was, who had heard it second-hand in a Jew tailor-shop in some neighboring village, and the man of whom Mr. Russell spoke but declined to name at all?

I need not comment upon the absurdity of that statement. I do not know Mr. Paige, but I understand he has been a member of Congress and I think he was at that time. That he would be so stupid, if he was even so wicked, as to put out his money brought there for the purpose of corrupting members of the Legislature, in so public a manner as these unknown witnesses pretend, is not reasonable and is not to be presumed without some clear and positive proof. If the minority had intended to say and had said that these alleged facts might be proved it would be another thing.

Ninth. That the public belief that the choice of Senator was procured by the corrupt use of money prevails almost universally in Ohio among persons of both parties, which finds very general expression in the press.

I commented a little yesterday upon that class of evidence and that claim. What has the Senate of the United States to do with belief? If it should be said here truthfully that every man, woman, and child in Ohio so believed, unless we are furnished with some specific charges we have not the jurisdiction to inquire, can it be proved; is it in proof because the newspapers after their defeat complained? Newspaper man after newspaper man went before that committee, summoned by the committee, and when asked, "Did you charge in your paper that there was fraud and corruption," said, "Yes; irritated, provoked, and vexed over our defeat, we did." "Give us the facts," was the next question, and the answer, "I do not personally know of any; neither do I know of any man who does." More than one newspaper man so testified that he did not know, when he came before the committee, of any facts to sustain the sharp and hot editorials, and all of them excused themselves on the ground of the irritation that naturally grows out of defeat.

Mr. FRYE. Can the Senator give the names of any of the newspaper men who were summoned as witnesses before that committee?

Mr. TELLER. I can in a few moments.

Mr. FRYE. My recollection is that there were not over two of the representatives of the newspapers who have been cited in this case who were ever summoned.

Mr. TELLER. Then the Senator certainly has not read the evidence.

Mr. FRYE. Yes; I have read the evidence.

Mr. TELLER. Well, not with care. I can not give the names now for a moment, because that was not one of the things that I put down; but certainly one man said—I recollect it very distinctly—that he was irritated and that he wrote a very hot editorial—that was the term he used—but said, "I did not know of any fraud." Mr. Taylor, who was a newspaper man—not an editor, but a newspaper man—declared that he knew of no fraud. Mr. Donavin, who was a newspaper man, declared that he knew of no fraud.

Mr. FRYE. They were not down there as editors of newspapers.

Mr. TELLER. They were not the editors, but there were at least two editors who were members of the Legislature who declared before the committee that they had no personal knowledge of fraud.

Tenth. That there is specific proof leading with great force to the conclusion that each of ten members will be shown to have changed their votes corruptly, and thereby that the result was changed.

The minority, like the others, do not deign to say who the ten members were, and I do not know why they confined themselves to ten members except upon the theory that it is sufficient for them to show a change of ten members which would have altered the result, for the evidence points just as positively to a greater number than that as it does to ten. Mr. Donavin, upon whose authority the investigation was made, charged in the publication that brought out this resolution No. 28 that fourteen men had been guilty of corruption. Other newspapers charged at least four or five more. Elliott was charged, and

Bunner was charged, and so were Mooney and Roche. Mr. Donavin charged that Baker, Hunt, Schultz, and Ziegler, who were then members of the Legislature, had been corrupted, and specified the amounts. He charged also that Elmer White, Dr. Fierce, Mr. Welsh, and Mr. Ramey, members of the senate, had also been corrupted, and specified the amounts. He declared that Mr. Cable, Mr. Brenner, Mr. McLyman, Dr. Holbrook, Mr. Hamilton, and Mr. Lowenstein had been bribed, and specified the amounts. Other newspapers charged others with having been bribed, and so the minority might have said, I think, with equal propriety that there were twenty if there were ten.

Mr. HOAR. The Senator will pardon me. The Senator from Massachusetts in presenting his views stated that evidence had been offered, proofs had been tendered, indicating that twenty-one members of the Legislature had been bribed, if the Senator remembers. That information was subsequent to making that report I suppose.

Mr. TELLER. Oh, no; it was not, as I understand. I do not understand that anybody claims that they have any evidence they did not have when this committee made its report—I mean the first committee, the Ohio committee. They may have picked up something that they think is corroborative of the charges made, but I venture to say there is not a man now who was a member of the Sixty-sixth Legislature of Ohio that is charged who was not charged in 1884, either by some member of the Legislature, by some friend of Mr. Pendleton or Mr Ward, or by some paper in that State; and aggregating those charges it is easy to get twenty-one, I will admit.

In addition the minority say:

The Senate has also recently referred to the committee certain resolutions adopted by a convention of the Republican editors of Ohio, held at Columbus July 8, 1886, praying the Senate to investigate these charges. The newspaper reports of the convention show that the governor of the State was present at the convention and declared his concurrence in said prayer. There have also been communicated to us extracts from the Democratic newspapers of Ohio, showing that a majority of those papers have declared their opinion that the election was procured by corruption. Copies of these extracts are appended.

I will not venture to comment upon that statement. I will not trust myself to express my opinion in this body of an attempt to compel by a public convention of political editors the determination of a judicial question. I leave that for the minority. I think I only need to state it to have every honest man in the land affronted.

Now, we come down to the specific charges.

One member, after the caucus, deposited $2,500 in two amounts, and being charged that it was the price of his vote, did not persist in a denial.

That is Mr. Elliott. Now, there is nothing found in the report which will sustain that statement, but there is found in the remarks submitted by Mr. LITTLE to the committee a statement that Mr. Hughes, who is now in the foreign service somewhere, would so testify. Mr. Elliott was before the Ohio committee, and testified that on the night of the caucus he took an open ballot and shook it in the presence of the caucus, and said, "Here is a vote for Durbin Ward; if no other man votes for him, I will." Here is a man charged by the minority upon the statement of somebody as to what somebody says would be proved, who swears himself that it was false and could be contradicted by the seventy-nine men of that body, as he shook his ballot in the face of the whole caucus and stated, "Here is a vote for Durbin Ward, if no other man votes for him;" and the minority of the committee knew that that evidence of Mr. Elliott was in the record when they brought in the statement, or the pretended statement, of Mr. Hughes.

Mr. President, is it quite fair that the Senate, which was expected to deal with this question through its committee, should be kept in ignorance of so important a fact as that, that this man had denied it, and the denial was unquestioned and undisputed, and no man appeared before the committee to deny that Elliott had told the truth. The statement of Mr. Hughes goes then for naught, and it had no place in the report, and ought not to have been there.

The minority of the committee say:

Another, who changed to PAYNE, just before the caucus, stated to a colleague that he was offered $5,000 to vote for PAYNE, and intended to accept it, and tried to induce his colleague to do the same. That person's wife just afterward deposited $2,500 in a bank in Toledo, took a certificate therefor, which she transferred to her husband.

That was Mr. O. B. Ramey, a senator, Mr. Ramey appeared before the committee. It was said that he was originally for Mr. Pendleton. He denied it. He declared that he was not for Mr. Pendleton; that he had not committed himself at all. It was a question of veracity between him and another whether he was or was not for Mr. Pendleton the day of Mr. PAYNE'S nomination. At least his word ought to be as good upon that subject as the word of the other party, and I do not think the minority are justified in assuming it to be a fact that he changed suddenly from Mr. Pendleton to Mr. PAYNE.

The damaging part of that statement is—and I come to that now, the other would prove but little or nothing—the damaging part, and intended so by the minority of the committee, is, that his wife deposited $2,500 in a bank in Toledo. If I am not mistaken, the Senator who represents the minority of the committee yesterday stated in his remarks that there were two banks in the town in which she deposited it, and that raised a suspicion of guilt. This was one of the charges made by Mr. Donivan. Mr. Ramey was one of the inculpated members. He appeared before the committee and admitted that his wife had deposited $2,500; but when? Not as the minority say, just after the election, but on the 24th day of July, 1884, and theel ection was in January, 1884. The time might have been material, and was material, but the money was not deposited just before the election. The honorable chairman took that from the speech made before the committee and not from the evidence, because it was charged in the speech, as it will be found, that it was just before the election.

Upon that point there could be no question. The banker in whose bank the money was deposited appeared before the committee, after having examined his books, and declared that the deposit was made on the 24th day of July. Then came Mr. Ramey, a man of character and a man of some means, who testified where he got this money and more too. He testified that he had sold property in West Virginia, gave the date, the description of the property, the name of the agent, and everything connected therewith; and therefore he accounted in a manner that could leave no doubt in the mind of any fair, honest man who read the testimony carefully that he told the truth. He accounted for the money as to where he had received it. That raises no presumption whatever, and yet we have a one-sided statement, one-half of a story told here, and the other held back.

I gave offense once by saying that if any members of this committee should partake of the sentiment of Ohio that was calling newspaper conventions I should be sorry. It strikes me that some of that sentiment crept into the minority report. I would submit that question, as the Senator from Illinois said yesterday, to a jury with confidence of success. The party would be nonsuited who made such a claim as that.

So we may eliminate now from this time Mr. Ramey from consideration. The only possible reason to suppose otherwise is the statement of Mr. Kahle that he had offered him $5,000 and said he had been offered $5,000. Mr. Ramey appeared before the committee and declared that he never made any such statements at all, and he stated to the committee that he and the man making the charge were not personal friends, and I think that was admitted by Mr. Kahle. The only suspicion that could have been thrown on Mr. Ramey really was the statement that his wife had deposited money, and unexplained that might have raised a slight presumption at least; but it is fully explained, and the committee so treated it, I think, although they refer to it in their report.

I do not believe that I should be justified in spending any further time over the testimony touching Mr. Ramey. If the Senate had time, if it was near the beginning of a session, I would inflict upon the Senate Mr. Ramey's testimony. It bears the earmarks of truth. No man, I think, can read it and not feel that he made a clean and fair statement of the case.

Again:

Another who is claimed to have changed suddenly from Pendleton to PAYNE is found making, soon after, expenditures amounting to $1,600 with his own money on land, the title to which was taken in the name of his father, who paid $2,000 for it about the same time. The father and son lived together in the same house. The son testified that he did not know where the father got the money to pay the $2,000. The father refused to state where he got his $2,000, and said he did not know where the son got the $1,600, and if he did he would not tell. The same member also made other large payments of money about the same time.

That matter was carefully and thoroughly examined by the Ohio house committee. Mr. Elmer White is here referred to as a member of the State senate of Ohio and a newspaper man. It is said he suddenly changed from Mr. Pendleton to Mr. PAYNE. He declares that before the election he had determined not to support Mr. Pendleton and tells why. He says that owing to the affairs in Cincinnati, owing to Mr. Pendleton's course with reference to that contest of which every one here knows something, he had determined that he would not support Mr. Pendleton, and that he so announced in his paper before the Legislature met.

Nobody pretended that he had not so declared. Nobody appeared to show that he did not; but an enemy of his had published a statement that there had been undue prosperity on his part since the election. He had gone to work and figured up and shown the number of mortgages upon his property and the fact that they were paid off was asserted as evidence that he had got some money beyond his legitimate business. Mr. White came before that committee and made a full and complete statement; first, that the assertion which had gone out that he had a certain amount of mortgage on his property was not true; that one mortgage of $4,000 had been renewed, and that when it went back it was credited as $4,000, making $8,000 where there was but $4,000. This was long before the Senatorial contest. Mr. White then went on to show beyond any question and beyond dispute, accepted and not denied, that when this controversy arose as to the Senator he had reduced these mortgages to about three or four hundred dollars, and he shows where he obtained the money by which he paid that debt. Then he goes into a careful accounting before that committee to show where every dollar that he had expended came from.

I say that at least to me, after I had carefully read it and reread it, after I had read everything that had been said about his prosperity, I could not but conclude that he had told the truth, the exact truth, and nothing but the truth; that he accounted clearly and satisfactorily for every dollar that he had.

That matter was before the committee in Ohio. No more proof can be produced to the American Senate than was produced to that committee.

Mr. White, the father, who had expended $2,000 in property, when asked said, "it is none of your business; I decline to tell where I got my $2,000." It was shown that the elder White was a man who did occasionally have some money of his own. I submit that it would not be in the power of the Senate to compel him, in an investigation as to the right of the sitting member to his seat, to tell where he got it, unless at least we could bring some connection between him and the transaction. He swore positively and unequivocally that it had no connection with his son whatever; that it was not derived from him nor his wife, mediately or immediately; that nowhere had it any connection with him; yet that is brought before the Senate, one side of it, the charging part only, and the Senate is told upon that, "you ought to enter into an investigation as to the right of a Senator to his seat."

Mr. Elmer White said he did not know where his father got the money. He indicated that his father was not giving him always his confidence in matters of this kind, and he said, "If I did know I would not tell, as it had no connection with this transaction." Then he repeated that he had not in any manner, and never had any connection with the money that his father had invested in that property; and there it must be left as it would have to be left in the meanest court of law that ever sat.

Again:

Another, who had to borrow money when he went to Columbus, and changed suddenly from Pendleton to PAYNE, was shown just after the election to be in possession of money to purchase property, refurnished his house, &c. He was denounced by another member as having sold his vote. He turned exceedingly sick, made no denial, and was taken away.

That is the statement of the minority of the committee which came to the Senate. That is the one-sided statement of one witness who was his political enemy, as he declared, that is Dr. Fierce, a senator of the State. When Dr. Fierce heard that some attack was made upon him, he notified the committee and said he wanted to be heard, and the committee allowed him to testify. When he came before the committee he said to the committee that he understood there had been some testimony inculpating him and he would like to see it. The committee denied him access to it and said he could not see it, that he could not know what it was. Then they proceeded to examine him. Into every act of his life they went; into every transaction that he had had anything to do with for years, and they followed it up to the amount of furniture that he had put in his house, the number of sheep that he had on his farm, and the number of cattle he might have sold for several years past, the amount that he had collected from his profession, and all sorts of things. Sitting down there, he made a statement of all the money that he had received and of the money that he had paid out since 1882, and he accounted for more money than they were able to show he had expended.

When they asked him with reference to certain payments where the money came from he proved that he had sold land in Kansas and received the money, and from the proceeds of that land he had made the payment. He gave the name of his agents in Kansas. He gave the description of the property he had sold. Then he came further with a letter from his agents, who stated that they had sold the property and transmitted to him a draft. Then he gave the name of the bank in which he had deposited the draft and where he had had it cashed. Yet we are told that the fact that he had bought $170 worth of furniture in 1884 indicates that he was indulging in luxuries beyond his means, and that the Senate must infer that he had taken a bribe in this Senatorial election.

The minority of the committee proceed further to say:

Two others, elected as anti-monopolists, became supporters of Mr. PAYNE and were heard discussing together the amount of money each had received.

The Senator from Illinois yesterday commented upon that. He called the attention of the Senate to the fact that Mr. Mooney, who was one of the men charged, had appeared before this committee and desired to be heard but not being able to gain admittance and an audience so as to be heard, he submitted his affidavit, in which he stated that at the time of the caucus he was not boarding in this man's house, and had never been in it, and he submitted the affidavit of his room-mate to show that at that time he was occupying rooms in another and in a different part of the city.

When the minority of the committee bring this here for us to act on why do they not bring us all the evidence? Why do they not give us both sides of the case instead of one? He not only showed what I have stated, but he declared with great earnestness and emphasis that he never had been drunk for twelve years. It was said that he was drunk and quarreling over the money. He declared that he was not using liquor at all, and that he had never had any controversy with Mr. Roche of or concerning money or anything else. Mr. Roche does not appear to be inquired about. I do not know where he was, and nothing appears as to that.

Another, who had before been for another candidate, but voted for Mr. PAYNE, received from Oliver B. Payne $3,500, which he said was a loan.

When did he receive that? I submit now to the Senate, on that statement, when would you suppose he received it? Was it at the time of the Senatorial election or was it years later? A fair construction of that statement is that he received it at the time. The testimony shows, if it shows anything at all about it, that subsequent to the election he borrowed of Mr. Oliver Payne $3,500. Mr. Bruner was the man; Mr. Bruner was never a Pendleton man or a Ward man; he was for Mr. Converse first and last and all the time while Mr. Converse had any show, and when Mr. Converse withdrew and was no longer a candidate, then he was for Mr. PAYNE.

Another man, a Mr. Brenner, who was charged in the public press with having been corrupted in the interest of Mr. PAYNE, and I suppose one of the twenty-one, came before the committee and testified that he had never been for Mr. Pendleton at all; that he was elected upon a ticket of anything to beat Mr. Pendleton; that his people were against Mr. Pendleton and in favor of anybody to beat Mr. Pendleton; and that after the Legislature met forty-six of his constituents met in caucus and directed him to vote for Mr. PAYNE as the most certain to defeat Mr. Pendleton in that contest. Yet he is charged with having sold out because he voted for PAYNE, without a particle of evidence that the committee were able to get on that subject at all.

Mr. GEORGE. There was no improvement in his financial condition shown?

Mr. TELLER. There was no attempt made to show his financial condition.

There are some questions of law, to which, if we were not in the last days of the session, I might be disposed to call the attention of the Senate in connection with this matter.

I forgot one man to whom I desired to call attention, and that is Mr. Welsh. Mr. Welsh was alluded to by the chairman yesterday in his speech as one of the persons who had been put under suspicion. Mr. Welsh lives in the town where one of the members of Congress lives who signed this request for an investigation, the member of Congress of whom the Senator from Illinois spoke yesterday, who felt it his duty to go up to Cleveland and remonstrate with the Cleveland Republicans against their advocacy of HENRY B. PAYNE for the Senate. He testifies that there is nothing in Mr. Welsh's condition in life subsequent to that election to indicate that he had been corrupted.

There is not a particle of evidence in all that has been taken which can be called evidence which looks to any charge against Mr. Welsh. The newspapers had charged, Mr. Donavin had charged, that he was guilty of taking a bribe, and when asked, "Where did you get it?" he says he thinks he put that down himself. Mr. Donavin testified, as it would be seen if there were time to look at this document, that he got the facts from various sources, but the amounts he got from Mr. Taylor, who was a correspondent of one of the Cincinnati papers. Mr. Taylor was before the committee, and he denied having given the list of members as published, but said he had furnished the names of some, and when asked how he obtained his information he candidly admitted to the committee that he had no personal knowledge whatever on the subject, but he said he had made predictions as a newspaper man, and he was exceedingly anxious not to get left. He had predicted that Mr. Pendleton would be elected, and he was greatly chagrined and annoyed that the rush was the other way.

Therefore, so far as these men are concerned whom I have mentioned, the Ohio committee have thoroughly and fully investigated and obtained all the evidence which can be obtained. After careful examination I shall vote that there is no evidence to impute to them wrongdoing.

That public sentiment suddenly changed in the State of Ohio is not to be denied. HENRY B. PAYNE was not a known candidate until just before the election, although a great many at least testified that they had heard his name more or less mentioned in connection with it even before the election, but it was not publicly proclaimed until just before the Senatorial election. But there were reasons why. One witness said it seemed to him as if all the politicians of the State were there, and when asked if the Democracy were for Mr. PAYNE (and he was a Pendleton man), he declared that it appeared to him as if the majority of the Democrats, the great mass of them, were for Mr. PAYNE before they got there.

Shall it be said that the hundreds of men of that State who advocated Mr. PAYNE were all bought with money? Has it come to such a condition that it can be said that the great masses of men are corrupted in a Senatorial contest in that great State? I do not believe it; I can not believe it; and there is no evidence here that would justify the committee in believing that there was undue influence brought to bear on the public. If there is evidence of bribery and corruption it has been withheld from the committee, and the committee, as I said yesterday, are in no condition to enter intelligently upon an investigation of this character.

I said yesterday that I would not yield to the Senator from Massachusetts in devotion to good government and purity of elections anywhere. I realize as well as anybody can the danger that comes to a republic when the country grows rich. I recognize the danger of filling this great body with men who only represent a bank account. I am as sensitive to that as the Senator can be. I have had some observation on that point; I know something about it, and I am prepared to put my condemnation upon it in every case where it can be done within the law. I am for discouraging rich men who have no claim upon the

public, who have no fitness for official station, from occupying a place here simply because they are wealthy; but if we proceed to condemn those things we must condemn them within the law; we must follow the usual procedure or else we shall be worse than they.

It is most gratifying, as I said yesterday, that in this case we have it sheared of the usual disagreeable and annoying and humiliating branch of such cases, the charge of guilt against the sitting member. It is most gratifying to us as members of the committee and as members of the Senate that that branch of the case can be put aside, and that we can deal with this now as a question of law independent of him. The simple question is, was there such corruption and improper practices in the State of Ohio; and, judging from what we have before us, judging from the charge, judging from the evidence, is it within our province to find evidence sufficient to determine that question in the affirmative? If we can not, then we have nothing to do with the case.

I said yesterday it was not a question of politics. It is not a question of prejudice, and it ought not to be a question of passion. I said yesterday I would act independent of Ohio. I did not mean that I am not anxious for the good-will of the people of Ohio. I did not mean then, and I do not mean now, that I am insensible to the approbation of the people of that great State. I have in all my public career and private life regarded the approbation of my fellow-men as above everything else. I am prepared to receive it when I merit it, and I am prepared to receive their condemnation with equal equanimity when I do not deserve it. I have acted in this case upon my conscience, and I shall be unmoved by newspapers, by personal appeals, and by political interests, and I shall move forward to do my duty, as I have always done it as God has given me to see it; and in that way I approach my vote in this case.

Mr. SHERMAN obtained the floor.

Mr. GEORGE. Will the Senator from Ohio yield to me a moment, so that I may ask the Senator from Colorado a question? I was very much gratified to hear the Senator from Colorado say that, upon an examination of the whole case, there was nothing in it which tended to implicate the personal honor of the sitting member. I believe that declaration has been made by all. I desire to ask the Senator this question: Has an examination of the testimony convinced him that there was an entire absence of any improper use of money in that election?

Mr. TELLER. I am satisfied from an examination of the testimony that there is no proof of corruption of the members of the Legislature, and that no proof of it can be obtained by the Senate. I do not pretend to say that all the methods of Ohio politics are correct. I do not know as to that. I did not inquire as to what might have been done beyond, during the campaign, or at some other time. I confined myself to the question submitted to us by the Senate; and on that I have acted, on that I am prepared to record my vote, and to record it under the solemnities of my oath without reference to the wishes of any man or men, unmoved by prejudice or passion, by interest or favor, unawed by threats, unterrorized by what they say is public opinion, to vote as I regard it a Senator's duty to vote; and that is all I desire to say.

Mr. BLAIR. I should like to ask the Senator from Colorado one question.

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. SHERMAN. I would rather go on now.

Mr. BLAIR. Very well.

Mr. SHERMAN. Mr. President, I rise to perform the most disagreeable duty of my life. During the long time I have been in this body I never have had occasion to bring before the Senate the politics of Ohio. We have had in that State many political battles, and I have fought political contests on this floor with my colleagues, who have been sometimes and most of the time opposed to me in politics, but I have never had occasion heretofore to refer to Ohio politics as distinguished from national politics in its broadest sense.

I wish to say in the outset that in performing what I regard a public duty to the people of Ohio, and especially to the Republican party of Ohio, I do it in no spirit of unkindness to my colleague. I have known him, or have known of him, since I have arrived at the age of manhood. I have always known him as a respected and honored citizen of Cleveland, Ohio, regarded well by his neighbors; and I am glad to say that in this investigation, and in performing this duty, I shall not have occasion to personally arraign him. I believe the evidence shows by common consent that whatever corruption occurred in the process of his election, no personal knowledge of that was brought home to him; and if the investigation which I ask the Senate to grant is given, I sincerely believe that his personal honor will not be touched by the testimony which will be produced.

Having said that much, I wish to say also to the Republican Senators who have differed with me and have signed the majority reports, the Senator from Illinois [Mr. LOGAN], the Senator from New York [Mr. EVARTS], and the Senator from Colorado [Mr. TELLER], I have no sympathy whatever with the criticisms which have been made upon motives of these honored Senators. I do not think anything which was read from the newspapers by the Senator from Illinois shows that any substantial reflection upon their motives has been made in any paper that I have yet seen. The newspapers, as a matter of course, are often rude and rough in their language about public men; but if any one expects any better treatment he will have to live to some age yet far remote and in some country where free institutions do not exist. It is the history and the life of politics that every man in public life must be subject to the freest criticism, and although this is often unjust no true Republican would be willing to restrain the liberty of the press merely to avoid temporary injustice to individuals. If my honorable friend from Illinois was not so universally combative, as he is on all occasions, he would have found out that it is better not to combat a newspaper, to which he has no fair opportunity to reply.

I therefore on entering into this discussion disclaim any desire to reflect upon the motives, or the honor, or the conduct, or the opinions of the gentlemen who differ with me in opinion. But I must say that I believe from my own knowledge of the history of events in Ohio, as well as from the papers which are sent to us, that there is a profound conviction in the minds of the body of the people of Ohio of all political parties that in the election of my colleague there was gross corruption by the use of large sums of money to corrupt and purchase the votes of members of the General Assembly.

Now, that is a fact. Whether sufficient evidence has been produced before you to justify this belief it is for you to say. Whether sufficient has been said here to put you upon an inquiry, the fact remains that the people of Ohio believe that in the election of my colleague there was the corrupt use of money sufficient to change the result.

What is the evidence of that? Omitting for the time a statement of the fraud and crime which have been going on for two years, let us come down to the official statements recently presented to us. The first was a report accompanied with testimony from a committee of the house of representatives of Ohio, which certainly does not show any personal rancor or hostility to my colleague. Senators must see in the comments made upon the action of the Cowgill committee that there was no passion, no heat, no undue persecution or prosecution of that investigation. Although the committee said that as to the four members named in the resolution (and that was the only subject of their jurisdiction) they found no evidence to implicate them, yet they did find evidence which they undertook partially to detail, which led them to believe a report that there were gross frauds in connection with the election of a Senator from Ohio in 1884; and for that reason, because they had no jurisdiction of that question, they report it to the Senate of the United States to do what they think is best or right about it.

So you have at the outset the statement of a committee in Ohio who have fairly investigated this matter that there was just ground for investigation by the only body authorized to pass upon the election of my colleague. I shall have occasion hereafter to show that while this investigation was imperfect and unsatisfactory, it was for want of jurisdiction and power over the subject-matter, imperfect as it was, yet a majority of that committee come to these conclusions:

> However, although we find that the charge against the four members of this house named in the resolution has not been sustained, certain facts have been developed which we believe to be of sufficient significance to report to the house for disposition as hereinafter suggested.
>
> There is a general concurrence of testimony upon the following points:
>
> 1. That the candidacy of HENRY B. PAYNE for United States Senator was not made known publicly until a considerable time after the general election of 1883 at which members of the General Assembly were chosen.
>
> 2. That suspicion and charges of the employment of illegal means to secure the election of the successful candidate for Senator were very prevalent near the time of, and for weeks after, the Senatorial election, and that in many instances the suspicion amounted almost to conviction.
>
> 3. That as to choice of Senatorial candidates among members of the General Assembly, there were numerous remarkable changes, difficult to account for without assuming the use of unusual inducements.
>
> Mention is made of this concurrence of testimony, for the reason that the points specified have a general bearing upon several matters that follow.
>
> * * * * * * * * *
>
> Although, as stated in the outset, the testimony developed nothing of an inculpating character concerning the members of this house named in the resolution of inquiry, we believe that circumstances surrounding the election of HENRY B. PAYNE as one of the Senators to represent the State of Ohio in the Congress of the United States, as presented by the testimony, are such as to warrant us in recommending that an authenticated copy of the testimony and report be transmitted to the President of the United States Senate for the information of the body of which Senator PAYNE is a member, and for such action as it may deem advisable.

That is not all. The members of the house of representatives of Ohio to whom this report was made and who are now our present Legislature, elected after all the storms of our contest for the last two years, have passed a resolution and sent it here. It is now before me, and is made partially the basis of this investigation. I will ask the Secretary to read the resolution, adopted, as far as I know, by a unanimous vote of the Republicans members. I will speak about the Democratic position after a while. I ask the Secretary to read.

The PRESIDING OFFICER (Mr. SEWELL in the chair). The resolution will be read.

The Chief Clerk read as follows:

> *Be it resolved by the house of representatives of Ohio*, That in the investigation made under house resolution No. 28 ample testimony was adduced to warrant the belief that the charges heretofore made by the Democratic press of Ohio are true, to wit: That the seat of HENRY B. PAYNE in the United States Senate was purchased by the corrupt use of money; and
>
> *Further resolved*, That the honor of Ohio demands, and this house of representatives requests, that the said title of HENRY B. PAYNE to a seat in the United States Senate be rigidly investigated by said Senate; and

Further resolved, That the governor of Ohio be requested to forward a copy of this resolution to the President of the United States Senate.

Mr. SHERMAN. The Senate of Ohio, which had gone through a crucible for more than four months in perfecting its organization, where great party heat was elicited, after the organization had been perfected by the exclusion of what were called the Hamilton County representatives of fraud, passed a resolution, which I ask to have read.

The Chief Clerk read as follows:

Whereas by common report suggested and corroborated by the public press of the State without respect to party, and by a recent investigation of the house of representatives, the title of HENRY B. PAYNE to a seat in the United States Senate is vitiated by corrupt practices and the corrupt use of money in procuring his election; and

Whereas it is deemed expedient, in order to secure a thorough investigation of his said election as Senator by the United States Senate, that the belief of the General Assembly in this regard be formulated in a specific charge: Therefore,

Be it resolved, That in the opinion of the General Assembly, and it so charges, the election of HENRY B. PAYNE as Senator of the United States from Ohio in January, 1884, was procured and brought about by the corrupt use of money paid to or for the benefit of divers and sundry members of the Sixty-sixth General Assembly of Ohio, and by other corrupt means and practices, a more particular statement of which can not now be given.

Resolved, That the Senate of the United States be, and the same is hereby, requested to make a full investigation into the facts of such election, so far as pertains to corrupt means used in that behalf.

Resolved, That the governor be, and is hereby, requested to forward a copy thereof to the President of the Senate of the United States.

Mr. SHERMAN. I shall not ask the Secretary to read further because I do not wish to detain the Senate too long, but I will offer the resolutions adopted by the Republican State committee of Ohio, by its unanimous vote, in which they set out in different phraseology a little more specifically the same general statement that is contained in the Senate resolution. Instead of wearying the Senate with reading it, because it is already a public document, I submit it, as follows:

REPUBLICAN STATE COMMITTEE ROOMS,
Columbus, Ohio, May 5, 1886.

Whereas it has been shown to our satisfaction by the testimony taken by the committee of the Ohio house of representatives, under house resolution No. 28, and from other sources, so strongly as to induce us to believe and charge that the election of HENRY B. PAYNE to the Senate of the United States was secured by bribery, fraud, and corruption; and

Whereas the testimony so taken has been by the house of representatives reported to the Senate of the United States, for such action as that body may see fit to take on account thereof; and

Whereas the facts so established reflect upon the good name of the State of Ohio, and affect in morals, as well as in law, the validity of the title of Mr. PAYNE to his seat in the Senate: Now, therefore,

Be it resolved by the Republican central committee of Ohio, That in the name of all honest people in the State of Ohio, and for the credit of the hitherto unsullied name and reputation of our State, the Senate of the United States be, and hereby is, respectfully requested to prosecute such investigation into the matters suggested by said report, and the charges herein preferred, and to take such action thereon as may be necessary to relieve our State from the disgrace which it now rests under, and to do equity and justice to all concerned: and

Resolved further, That the chairman of this committee is directed to forward an authenticated copy of this resolution to Hon. GEORGE F. HOAR, chairman of the Committee on Privileges and Elections of the United States Senate.

We hereby certify the foregoing to be a true copy of the preamble and resolution adopted by the Republican State central committee of Ohio, at a regular meeting held in the city of Columbus, Ohio, this 5th day of May, 1886.

JAS. E. LOWRY, *Chairman*.

JOSHUA K. BROWN, *Secretary*.

I also tender, to be placed upon the record, the statement of the Republican delegation from the State of Ohio in the House of Representatives to the Committee on Privileges and Elections:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., June 29, 1886.

To the honorable Committee on Privileges and Elections United States Senate:

GENTLEMEN: The report that your committee is not disposed to grant an investigation into the methods of the election of HENRY B. PAYNE to the Senate of the United States, charged to have been signalized by bribery, petitioned for and requested by each house of the Ohio Legislature, and by representative citizens of the State, and demanded by a large majority in numbers and influence of the press of the State, has produced therein great disappointment.

There is a feeling in Ohio that the State has been deeply wronged by your supposed action. The undersigned are convinced that the facts and records, or some of them, laid before your honorable committee by our colleagues, Messrs. LITTLE and BUTTERWORTH, have, in the press of your other duties, failed to receive that consideration and weight which they merit and should have at your hands. We are informed that additional testimony is in the hands of Messrs. LITTLE and BUTTERWORTH, which they ask an opportunity to present to you.

We, therefore, as citizens of Ohio, venture to request at your hands a reconsideration of the matter submitted to you.

If there be any matter upon which the committee desires further information, we trust an opportunity will be given to furnish it before final action, in order that justice and right may be secured.

We take occasion now to join with our colleagues named in expressing our belief that, if an opportunity be offered, the charge of the Ohio senate will be sustained by testimony to your full satisfaction.

We have the honor to be, very respectfully, your obedient servants,

WM. McKINLEY, JR.
E. B. TAYLOR.
A. C. THOMPSON.
W. C. COOPER.
CHAS. E. BROWN.
CHAS. H. GROSVENOR.
ISAAC H. TAYLOR.
JACOB ROMEIS.

This statement was also supported by oral statements made by Mr. BUTTERWORTH and Mr. LITTLE, which have been printed with the report in this case.

I also present to the Senate, which is also in a public document laid before the Senate, the resolutions of the Republican editors of Ohio, of whom there are sixty-eight in number, sixty-eight firms or editors who publish that many different Republican papers in Ohio. This paper also states in a more emphatic manner what may be said to be the unanimous opinion of the Republican press in the State of Ohio upon this subject, not with any heat or passion as against my colleague, but their expression of the opinion that there was in this election gross wholesale corruption and the use of money in the purchase of members of the Legislature.

There is attached to the resolutions a long address setting out at length their views, which I shall omit:

To the Senate of the United States:

The Republican editors of Ohio in convention assembled respectfully represent that the circumstances preceding and attending the election in 1884 of HENRY B. PAYNE to the United States Senate from Ohio induced the firm belief in the public mind at the time that his election was accomplished by the corrupt use of money. The developments since have confirmed this belief. It has become the settled conviction of the people of Ohio that Mr. PAYNE holds his seat in the Senate as the result of bribery. It would be difficult to find a well-informed person in the State seriously to dispute the fact.

These convictions are not the result of partisan feeling, for it is notorious that the accusations of corruption originated with persons of opposite political principles from ourselves; and yet the influence of money and the power of party discipline have in most cases caused them to defend rather than to denounce these charges first made by themselves.

Your memorialists share the general conviction; the far reaching evils of the situation are manifest; redress can only come from the Senate of the United States.

We therefore respectfully and earnestly request that the Senate will direct an investigation to be made, believing that it will establish the charges of bribery and corruption formally presented by the Ohio senate and house of representatives.

Expressive of the convictions of the Republican editors of Ohio are inclosed resolutions and address adopted; and we ask that the Senate shall vindicate the character of the State either by clearing up these charges or by purifying that honorable body from the presence of a member corruptly elected:

"*Resolved*, That it is declared to be the belief of the members of this convention, and they so charge, that the election of HENRY B. PAYNE to the Senate of the United States was procured by the corrupt use of large sums of money, furnished and disbursed by the acknowledged agents and representatives of Mr. PAYNE, and that this convention further declares its belief that an investigation by the Senate will substantiate this charge; and they are not aware that the fact has been in any direct and responsible way denied.

"*Resolved*, That the Senate Committee on Privileges and Elections be, and it is hereby, requested to act favorably upon the communication of the members of the Ohio delegation in Congress asking for a reconsideration of the vote whereby the committee declined to recommend an investigation of the election of Mr. PAYNE, and also to take into consideration the final communication of Representatives LITTLE and BUTTERWORTH, offering further evidence of bribery in the election of Mr. PAYNE and further weighty reasons for investigation.

"*Resolved*, That in case the Senate Committee on Privileges and Elections adheres to its reported decision, that the Senate of the United States be requested to take this decision of its Committee on Privileges and Elections into consideration and reverse it.

"*Resolved*, That it is suggested to the Senate of the United States not to ignore its time-honored precedents and turn from its doors a State which comes so fully supported, preferring the charge that one of its seats in that body was purchased with money, a charge which, if ignored by the Senate, must unfavorably influence the reputation of the body itself.

"*Resolved*, That it is the right of the people of the State, fundamental and vital in character, to have an investigation into a Senatorial election therein when the same is charged by representative and responsible authority, as has been done in this case, to have been accomplished by bribery or other corrupt means.

"*Resolved*, That a copy of these resolutions, attested by the officers of this convention, be transmitted to the President of the Senate."

Mr. President, something has been said both by the Senator from Illinois and by the Senator from Colorado as to these documents. The Senator from Colorado went so far as to say that the expression of a belief by all the people of Ohio would not make him vote to order an investigation. If he had said that the expression of the opinion of all the people of the State would not make him vote against his judgment to convict my colleague then there would be some strength in his position. When passing upon the life and property of another, as judge or jury, all the motives that could influence mankind ought not to sway one a hair's breadth from rendering a conscientious judgment free from bias or corruption.

But that is not the question here. The question here is, when a charge is made affecting the right of my colleague to his seat by both houses of the Legislature, by the organs of opinion opposed to him, by the whole college of editors engaged in developing and making public opinion, backed, as I will show you after a while, by the opinion of forty Democratic papers expressed two years ago, the question is whether you will allow this charge to be explored, whether you will permit the truth to be found out, you having the power and the jurisdiction, and the only tribunal in the wide world that has power to pass upon the election of a United States Senator.

There is the question, and Senators ought not to avoid it. It seemed to me that my friend from Illinois and my friend from Colorado entirely mistook the issue. The questions in these papers were sent to the committee not to pass upon the merits of the accusation. They have not reached that far. A committee of this body has no power to pass upon that until after an investigation. But it is to say whether upon a showing made before them there was cause sufficient to induce an inquiry into the facts and circumstances.

Mr. President, this leads me to make a remark, that I did believe at one stage of this controversy my colleague for his own vindication would at once demand an investigation. I believe, with due deference to his more experienced judgment, that it would have been better if

he had seen his way clear to do it. I can say that I believe that a full investigation would acquit him of personal participation in bribery; but if, as it is alleged, others did by the corrupt use of money, public or private, control his election, while he would not be dishonored and disgraced, the public would be satisfied of the extent and nature of the actual offense committed, whether it was one that called for any further notice, whether the means employed was only the usual efforts in party warfare, whether it was a mere contest between party factions or factions within the Democratic party, or was open bribery and corruption or the purchase of a seat in this body. The sentiment in the Senate and among the people would have been just and generous and forbearing to my colleague. That was my opinion; but I suppose my colleague must have felt possibly an honorable feeling like this, that while he was conscious he was free from blame he did not choose to compel an investigation when others who were bound to him in various ways might be affected by the investigation.

Mr. LOGAN. Will the Senator allow me to interrupt him?

Mr. SHERMAN. Certainly.

Mr. LOGAN. I believe I did not misunderstand the Senator when he said he thought I had mistaken the issue, the question.

Mr. SHERMAN. I do think so.

Mr. LOGAN. In the next sentence the Senator says that he does not believe an investigation would inculpate Senator PAYNE, but that it would ascertain other persons who might be guilty. Do I understand you?

Mr. SHERMAN. Substantially so.

Mr. LOGAN. Then is not this the fact—we will see who understands the issue—if Mr. PAYNE can not be inculpated, he is the one we have jurisdiction over, and if other persons violate the law over whom we have no jurisdiction, is it not the duty of Ohio to proceed against those persons and investigate them, and not the duty of the Senate of the United States?

Mr. SHERMAN. I intended to come to that. I think the Senator overlooks the whole controversy here. The question is whether enough members of the Legislature have been corrupted to poison the election, not to affect the character of my colleague, but to poison the election and change the result, and no power in this world has jurisdiction of that question except the Senate.

I might here change the course of my remarks. The Senator asks, Why do we not indict our criminals? We have sent more men to the penitentiary for criminal offenses against the elective franchise in the last two or three years than Illinois has done, and she has done nobly in two or three marked cases.

Mr. EVARTS. Not in this case?

Mr. SHERMAN. Not in this case, but in connection with our election frauds. But what could be done in this case? Where would we find a bill of indictment? This is the first time it has ever been urged in the Senate of the United States that it will not examine into the character and conduct of the elections and qualifications of its members unless the record of indictment and conviction is first produced.

Mr. LOGAN. The Senator asks, where will you find your bill or indictment? I can tell him. At Columbus, the capital of the State of Ohio, where he charges that certain persons committed offenses. By their grand jury and before their courts they can try these men and convict them if they have been guilty of these offenses. There is where you can find your indictment.

Mr. SHERMAN. Would my honored friend from Illinois say to the people of the United States that the Senate will investigate no charge against a member of this body unless the person accused shall first have been convicted by a trial before a jury of twelve men?

Mr. LOGAN. No, sir; that is not the point. The Senator will not get away from the point. The point is this: that you say this man is not guilty but others are. Over them we have no jurisdiction. If they are guilty it is the duty of the State to indict them and to prosecute them. I do not say that you have got to find a man guilty, but I say that is the duty of your State, and unless it performs its duty it can not ask us to go around hunting up evidence for the purpose of having men indicted over whom we have no jurisdiction.

Mr. SHERMAN. The Constitution of the United States, to which we have all sworn our allegiance, declares that the Senate shall be the judge of the election returns and qualifications of its own members. When a great State, with over 3,000,000 people, through its organs, comes here and says that they believe that the election of a Senator has been tainted with fraud and corruption it will not do for Senators or for the Committee on Privileges and Elections to say, "We do not believe it; you have not evidence enough; you have not convicted the rascals who participated in this offense."

Now let us go a little further. My friend from Illinois complained of injustice having been done him. I think that injustice was done him. I sympathize with him heartily, but who can not quote newspapers to show that injustice is done to us all? What was the necessity of showing that Halstead——

Mr. LOGAN. Why does the Senator quote the newspapers in order to get an investigation, then, if he says the papers ought not to be quoted here? It is the resolutions of these newspaper representatives now that he makes a part of his argument.

Mr. SHERMAN. I have not yet quoted a newspaper. When I do the Senator may then ask me that question. I quote the opinions of editors of newspapers who come together and resolve and send here their opinions.

Mr. LOGAN. Exactly.

Mr. SHERMAN. Is not their opinion worth as much as yours?

Mr. LOGAN. Nobody doubts that; but if the Senator criticises me for quoting newspapers, I think the same criticism would apply to himself.

Mr. SHERMAN. I do not criticise you, except I say I do not see what effect that has in this debate except to show that injustice was done to the Senator. I admit that. What Senator here has not had such injustice done to him over and over again? He seems to throw the whole burden of the accusation made by the editors upon Murat Halstead, who is a kind of a fierce fighter, fighting everybody at times. The Senator says that Halstead has abused Grant, abused him, abused me, and everybody else. Suppose that to be true. Is it the position of Mr. Murat Halstead that is now commented upon? No, sir; it is the position of sixty-eight leading publishers of newspapers of Ohio, whose opinions are worth noting, nearly every one of whom is a warm friend of the Senator from Illinois. Do you suppose that there is nothing in this, that this is a mere partisan movement——

Mr. LOGAN. I do not propose to be placed in a false position by anybody. Inasmuch as the Senator admits that I have not been very well treated in this case, I propose to protect myself. He speaks about these editors. I have no complaint to make of these editors; I have not made any complaint; but when he speaks of their opinion, it is a mere request of these men. They do not give you any evidence; they do not name a man who knows anything; they do not present any fact; they do not present any case.

Mr. SHERMAN. The fact that these men say that——

Mr. LOGAN. They merely request that we shall do something, that is all.

Mr. SHERMAN. I have had their resolutions sent to the desk for publication to show what is the feeling in Ohio, that it would not be easily smothered, and that a resolution to investigate only would put an end to it. Do you not suppose it is a strong feeling which would induce General Kennedy, one of the bravest and truest soldiers of the war, to write that letter to his comrade and friend, the Senator from Illinois? It may have been unjust, but the very fact that men like Kennedy, the lieutenant-governor of our State, a man of character, and conscience, and honor, and courage, as the Senator knows, would state this thing to his fellow-soldier and friend, is an evidence of the strong feeling which prevails. The very editorials contained in the newspapers that my honorable friend read are an evidence of strong feeling. Nothing else could prove it so well. You can not move great masses of men, you can not move half of the people of a great State like Ohio unless something fearful is behind it. These newspapers may publish their arguments and their talks. That is not the thing that is behind this movement. It is the fear, I may say the conviction, that their most sacred right of representation has been tampered with by corruption. This is not a newspaper charge. It is no idle charge, but made firmly and openly, perhaps with heat but it is made nevertheless with honesty and sincerity. You may heed it if you will; you may reject it if you will.

The Senator from Colorado said that this newspaper meeting of editors was an affront. He expresses his opinion upon the result of the transaction, as he has a right to do. These editors who were interested as being represented, whose reputation in common with the people of Ohio is affected, can not express their opinion, and if they do it is an affront to us.

Sir, the Senate of the United States can never put itself so high that even the petition of the humblest citizen, black or white, may not be received with respect, and when a respectable body of men like this send their petitions in plain and not offensive words, it can not be treated as an affront, even if it does not harmonize exactly with the opinion of a Senator on this floor.

I might go on and show further evidences of the current state of opinion—what it is now. This investigation is an honest demand of a great State.

But there is another more important consideration I wish to mention, and I know my friend from Illinois will sympathize with me in this. There have events happened in the last two or three years in Ohio, of which the alleged corrupt purchase of a seat in this body is only one and not the most important, which have aroused the feelings of the people of the State to fever heat. They have gone through a contest unlike any that has ever happened before in the history of our Government. Up to three years ago our politics had been practically pure. We had had our manly contests, man to man, boldly contested on the stump and elsewhere, but in the summer of 1883 a new method of politics crept into our canvass. It first appeared at Cincinnati. Its first appearance was at the Highland House convention in the city of Cincinnati in August, 1883.

Up to that time, there had been here and there fraud, and men were tried and convicted sometimes and sent to the jails and the penitentiary for election frauds. Among the rest a man by the name of Mullin was

sentenced for a year, and was pardoned out by the President of the United States. Waiving that for the present, we had had our contests; but in August, 1883, there first appeared an organized and wholesale scheme to control by fraud the primaries, an important agency in our party politics. That was not a contest between the Republicans and the Democrats, but it was an internecine contest in the Democratic party. A small interest in Cincinnati got the control of what is called the Democratic executive committee. They had primary elections for delegates from Cincinnati to meet in convention and name candidates for the Legislature, and so on. This was the beginning of this legislative contest. Then it was that the night before the convention was to be held, before a single lawful delegate could meet to assert his power, this executive committee undertook to organize the convention by appointing a president, a vice-president, and all the officers. They appointed themselves a committee of credentials and passed upon the credentials of the delegates who were to meet the next day. They were a committe of organization, of credentials, and nominations, and mapped out even to the candidates who were to be voted for.

How was that scheme carried out? Sir, this executive committee acting as a committee of credentials rejected over two hundred Democrats, elected on what is called the Pendleton ticket in opposition to the ticket that was setting this machinery in motion. Those delegates were excluded by the fiat of this executive committee.

Mr. SAULSBURY. Will the Senator allow me to ask him whether the Highland House convention was not organized precisely as conventions of the Democratic party in Cincinnati had been organized for years previous, and whether the gentleman who presided over that convention was not an avowed friend of Senator Pendleton for the Senate?

Mr. SHERMAN. The best answer I can make to that is to have a single extract from a Democratic paper published in the city of Cincinnati read.

Mr. SAULSBURY. Does not the Senator know that there are on the files in the committee-rooms of this body affidavits made by the president of that convention and by the friends of Mr. Pendleton in reference to the proper organization of that convention?

Mr. SHERMAN. I know that a habit had sprung up there to allow the executive committee to do certain things, but it had not been the fixed or universal habit and it never had been perverted for the purpose of overthrowing the people elected by the Democrats of Cincinnati. It is their fight; I do not care anything about it. I will allow one of their newspapers to tell what was done. It is an extract I copied from the very paper there referred to.

Mr. LOGAN. It was a Pendleton fight.

Mr. SHERMAN. Certainly; an internecine fight.

The PRESIDING OFFICER. The article referred to will be read.

The Chief Clerk read as follows:

[Extract from the News-Journal, Cincinnati, Sunday, August 19, 1883.]

Before the meeting of the executive committee he had "fixed" his ticket, and "fixed" the agencies through which he carried out his designs. The most important of these was the committee on credentials, and this was firmly anchored and armed with five reliable (?) men, with L. G. Bernard at the helm. The primary elections occurred and the McLeanites met with defeat, the majority of the legally-elected delegates being men who were unpledged. The McLeanites openly boasted that no man opposed, either actively or passively, to the McLean interest would be allowed to have a voice in the convention, and the result proves that the boasts were not idle words. Every elected delegation opposed to the McLean interest was contested. The committee on credentials met in a saloon late Friday night and heard the contests, but reserved all decisions and refused to make any statement as to their number. It is understood that about one-half the city precincts were thus put in the hands of this committee. In many cases the contestees did not know that their rights were being questioned, and of course had no hearing. The committee reported (that is, Mr. McLean published a list of his delegates) and the committee tendered a copy of this to the convention as its report. By this means about two hundred legally-elected delegates were ruled out, and when the question came before the convention almost one-half of those voting were acting as judges and jury on their own cases.

Mr. SHERMAN. That is the account given by one of the papers of this controversy. Some Senators near me seem to think, and as the conversation is so loud I must hear it, that we are not interested in that, that this was a mere McLean and Pendleton fight. We are just as much interested in the purity of these primary meetings among the Democrats as we are among those of the Republicans. It is a very foolish idea to suppose that the people of this country are not interested in wise and judicious party organization, and if one party introduces fraud in order to defeat each other they will carry those same frauds into the final contests between the two great parties, and thus poison the Government of the country. When I show you here that the very motive and spirit that actuated all the movements of that party during the two years in Ohio started in the commencement to cheat themselves, or a portion of their own number, I show you a movement organized in fraud, born in fraud, which I will show had its natural results in stirring up the people of Ohio to an extent that they never have been before in a political matter.

After this was over and the ticket was nominated, then a combination was made between the Democratic party and the liquor dealers' organization, openly and boldly, by resolutions mutually passed during that fall; and at the same time the temperance people, being largely interested in the question of prohibition, went off in a side-show by themselves. The result of the combination between the liquor dealers' association and the Democratic party against the Republican party, weakened as it was by the deflection of many persons, led the Democratic party to success that fall, and a Democratic Legislature was elected.

After all the internecine contests, in which I felt and feel no interest whatever, between the members of that party, it was apparent to every one, according to the testimony here produced over and over again, that Mr. Pendleton had a majority, sometimes contested more or less, and that General Durbin Ward, a gallant soldier, now since dead, had a large vote also. My colleague then had no show, or at least there was no general agitation of his candidacy. No doubt he was spoken of by friends, as he has always been. He has been for many years spoken of as being worthy of a seat in this body, but there was no movement for him, nor was there any until some time in December. The extracts read by the Senator from Illinois show the fact that then some of the Republican papers, probably to create a diversion or division, commenced suggesting PAYNE, and movements were then set on foot for the nomination of Mr. PAYNE. All that only shows that up to that time in December there was no thought of Mr. PAYNE. The contest was supposed to be between Durbin Ward and Mr. Pendleton.

Soon after that the General Assembly convened. Then it was that corruption occurred, as it is alleged by these various people, not by the actual purchase of members of the Legislature to vote for Mr. PAYNE at the election of Senator after it was organized, but by bribery and corruption of the members of the Democratic party in the caucus to nominate a Senator. In this the friends of Mr. PAYNE, it is alleged, controlled a sufficient number of votes to change the result of the election and defeat Mr. Pendleton and defeat Mr. Ward and elect my colleague.

Mr. President, I do not intend to go into a critical examination of all this testimony. I am perfectly content with the statement made by the Senator from Massachusetts [Mr. HOAR]. I am perfectly willing to rest the case upon the arguments made by the several members of the Committee on Privileges and Elections. I am perfectly willing to take the statement of this case as made by Mr. LITTLE, a member of the House of Representatives, and also by Mr. BUTTERWORTH in his able speech, who refers to it. But before coming to that I wish to follow the election by bribery of a Senator in January, 1884, by a brief statement of the effort to elect another Democratic Senator by fraud, forgery, and perjury in January, 1886, for these events and attempts are kindred and associated with each other.

I said that I would show that this fraud, commenced in the Highland House convention, continued afterward, but was resisted at every stage by the popular will. At the very first election that occurred after the election of my colleague the Republicans carried by their usual majority the State of Ohio and overthrew the Democratic party. In the State election in October, 1884, we carried the State of Ohio by an overwhelming majority, and in the November election that followed, when Blaine and Logan were our cadidates, the majority was 50,000. This is the evidence of estimation in which the Senator from Illinois was held by the Republicans of Ohio. They admired him for his courage and stalwart Republicanism.

If there was a feeling of disappointment shown when his position in this matter was known which led to the act of striking his name from the Blaine and Logan Club at Good Hope, Ohio, it should only show to him how intense and great must have been the feeling of disappointment that he was not fighting their battle for them now as they supported him then in the same cause of republican government. I do not blame him, I do not call in question his conduct, but the very evidence he produced shows how intense must be the feeling of these people that they would suddenly change their attitude in regard to him.

In October and in November, 1884, we carried the election by an overwhelming majority. So again in the following spring we carried the election in the city of Cincinnati by six or seven thousand.

But in the summer of 1885, last summer, this same evil and corrupt influence was organized, after having captured one Senator, to capture another, and they organized in every part of Ohio schemes of fraud, of forgery, of ballot-box stuffing, of perjury, as well as of bribery.

These have been developed now by judicial process, and we can speak of them openly and boldly. In the city of Cincinnati there was a majority of several thousand for the Republican ticket if there had been an honest count, even if all the fraudulent votes cast were counted. This is shown by the testimony now produced both in court and by the committees of investigation. This corrupt gang of criminals practiced every manner of fraud that has been practiced in any city of the United States. In one single precinct of a single ward in the city of Cincinnati they changed enough votes by taking out Republican ballots and putting in Democratic ballots, and put in fraudulent votes known to be such, and then changed and altered the returns by palpable forgery so as in this precinct alone to reverse the election of ten members of the house of representatives and four senators in the State Legislature, and then upon these forged and fraudulent returns gave certificates of election to ten Democratic members and four Democratic senators. This is now admitted on all hands to have been a wholesale organized fraud and the trial of one of the chief guilty parties is now going on in Cincinnati. Why, Mr. President, the frauds committed in that city I will not detail to you, because no doubt you have heard enough of them.

Nor were these crimes confined to Cincinnati, but after the election was over they committed a forgery, an admitted forgery, of the returns of the election from the city of Columbus, which would have secured the return of a member of the Legislature and perhaps affected the result of the Senatorial election. These were plain and palpable forgeries. In the case in Cinninnati the forgery was so manifest that everybody could see it, and it was excluded afterward by both parties from the count. In the case at Columbus the successful consummation of the fraud was defeated, as I have always thought, by Judge Thurman and by other Democrats in Columbus who would not tolerate or permit such crimes. So the attempt to bribe a member of the Legislature at Dayton, Ohio, after he had been elected was clearly proven and admitted on all hands.

These were the incidents, these were the events that aroused the people of Ohio; and, sir, they are not a people who would submit to this thing. They can not be ridden over by fraud or violence, and the time was rife just after the election in October last when in Cincinnati if it had not been for prudent and wise and conservative counsels there might have been scenes even more dangerous, even more terrible than the burning of the court-house, which was one of the results of the previous fraud, by placing in power a corrupt police, men who would not stand by law-abiding citizens in their rights, but would protect and foster and aid the criminal classes.

Sir, happily that was passed by; and by peaceful methods, the ordinary course prescribed in the constitution and laws of the State of Ohio, having carried the election by a majority of nearly 20,000 on the State ticket and more than 30,000 on the legislative ticket, they corrected these errors in the Legislature according to the constitution of Ohio, and in this way saved another terrible contest that might have occurred in that State, and God knows where it would have ended. It was this hegira of fraud, this appearance there of all the election frauds that had been perpetrated North and South in our elections that stirred up our people in Ohio, if possible, to explore to the uttermost the beginning, the progress, and the end of this most infernal conspiracy to elect two members of this body by bribery and fraud.

Now, Mr. President, I return to the election in January, 1884. What was the result? Mr. PAYNE was elected. What was the opinion expressed at the time by the people of Ohio? My friend from Illinois, who reads newspapers by the wholesale, complains and seems to fear that I will read newspapers. I have here published in this document——

Mr. LOGAN. I want the Senator to keep within proper bounds. He says that I fear that he will read newspapers. What right has he to say that? What have I said that caused him to say that? I have said nothing about his reading newspapers. He can read the Bible if he wants to, or newspapers either. I make no objection to that. If he ever has read the Bible, he can read it here.

Mr. SHERMAN. That is very stale wit.

Mr. LOGAN. I know it is very stale, but that is the only kind of wit the Senator appreciates.

Mr. SHERMAN. I do think I was justified in saying that the remarks of my friend from Illinois about newspaper extracts, made before I read anything, before I proposed to read anything, when I had read only a petition in proper terms from editors of newspapers were uncalled for. I suppose he probably thought I was going to read all these newspaper extracts.

Mr. LOGAN. You can read them if you want to; I have no objection.

Mr. SHERMAN. I know I can without asking the Senator. I do not propose to read them. They are here in this public document, but not one-half of the utterances made by Democratic papers are gathered here.

What do they say? They uniformly with one voice pronounce the result of this election the act of fraud—call it a purchased seat obtained by corrupt methods—forty Democratic papers in the State of Ohio. It is said they were Pendleton papers. I do not know whether they were or not, but that was the judgment of the Democratic press of Ohio. That was not all. I read you here the words of a man written in his own handwriting who will command the respect of Senators and people, written at the very moment these transactions were going on, and I ask you think of his opinion, and that is Allen G. Thurman. Here is his letter:

The editor of the Times called upon ex-Senator Allen G. Thurman at the United States this afternoon, and asked him to let the Democracy of Ohio know his views. He stepped to his table, called for paper, and this is what he wrote:

"I have nothing against either of the candidates. They are all men of ability. My personal relations with each of them have always been friendly and pleasant. But there is something that shocks me in the idea of crushing men like Pendleton and Ward, who have devoted the best portions of their lives to the maintenance of Democracy, by the combination against them of personal hatred and overgrown wealth.

* * * * * * *

"Why, then, prefer PAYNE to him?

Speaking of Ward.

"The answer, I fear, is perfectly plain. There never has been any machine politics in the Democratic party of Ohio. We have, as a party, been freer from bossism than any party that ever existed. But some men seem to think that we ought to have a machine, amply supplied with money to work it, and under absolute control of a boss or bosses, to dictate who shall and who shall not receive the honors and rewards within the gift of the party.

Then the closing paragraph:

"I want to see our officers elected in the good old-fashioned Democratic mode, and not by some new-fangled mode that, to say the least of it, wears an evil-omened and inauspicious aspect. I want to see all true Democrats have a fair chance, according to their merits, and do not want to see a political cut-throat bossism inaugurated for the benefit of a close party corporation or syndicate."

That was the opinion of Thurman as to what was going on there. He also quotes the fact that when the people elected the members of the Legislature only two men were thought of or spoken of before or after. These extracts follow in this document. I will read a statement, not from a newspaper, but a statement——

Mr. FRYE. The Senator will allow me.

Mr. SHERMAN. Certainly.

Mr. FRYE. I would like to have the Senator read what Judge Thurman said immediately afterward, on page 78, in the Columbus Times, January 9, 1884, more significant still than what the Senator has already read.

Mr. SHERMAN. Yes, this is a quotation from the Columbus Times, a leading Democratic paper:

The Democratic clock is put back four years, and corruption is given a new leasehold in our land. Syndicates purchase the people's agents, and honest men stand aghast.—*Columbus Times*, January 9, 1884.

Mr. GEORGE. Is that Judge Thurman's language?

Mr. SHERMAN. It is in the Columbus Times, a paper published in his own town, right under his nose, and never has it been contradicted.

Mr. GEORGE. A Democratic paper?

Mr. SHERMAN. Yes.

Mr. GEORGE. Friendly to Judge Thurman?

Mr. SHERMAN. I presume it is. It was a leading organ of the Democratic party at the time. Many of these extracts are from other Democratic papers. One of the papers most severe in its comments on the result of that election was owned by a gentleman who published the Bucyrus Forum. He was a member of the Senate who participated in these events. I have extracts from his paper by the score.

Mr. GEORGE. I should like to ask the Senator from Ohio, does that extract from the Columbus Times purport on its face to be the language of Judge Thurman?

Mr. SHERMAN. It does. It is in quotation marks here. It was not like the other, written by him. This I can not say except that it was published in the daily paper in his own town, and I never heard it contradicted. Now, I will read you a statement made at this time by a member of the House of Representatives, a Democrat, whom you all respect, Mr. WARNER:

I protest that what has been done at Columbus is not the deliberate act of the Democracy of Ohio. On the contrary, I affirm, in the face of all that has been done, that the great body of men composing the Democratic party of my State have been, and still are, sincere in their opposition to monopoly and the corrupt use of money to gain political advantage and their declarations in favor of a better civil service. The nomination of Mr. PAYNE was the result of a cut-throat combination between McLean and the Enquirer crowd of Cincinnati and the Standard Oil Company. It was brought about by methods which every one who is a lover of free institutions and has faith in popular government must abhor and condemn. The truth is that the Democracy of Ohio has been deceived and basely betrayed by certain men to whom it had confided sacred trusts.

Now I ask you, Senators, whether this is a mere party contest, when I produce the general voice of the Republicans of Ohio, who have been baptized in a contest with fraud and have finally overcome it, and superadd to that the testimony of such men as Judge Thurman, Mr. WARNER, an honored member of the House of Representatives, and add to that forty Democratic papers with their stream of charges, sometimes too strong, that I do not desire to read. There is the condition of the matter.

We come next to the Cowgill investigation. The Senator from Colorado, I think, and perhaps the Senator from Illinois have said, "Why do not the people of Ohio investigate this matter?" Well, Mr. President, after this election took place all these charges were rife in the air, and within a week after my colleague was elected there was a resolution introduced into the house of representatives of the Ohio Legislature, then largely Democratic. I will ask the Secretary to read the resolution presented by Mr. Love.

The Chief Clerk read as follows:

H. R. No. 24.

Whereas the press of the State and reputable men of both political parties have openly charged that bribery and corruption have been resorted to and successfully practiced in securing the election of Hon. HENRY B. PAYNE as United States Senator from Ohio, and that members of the house of representatives of the Sixty-sixth General Assembly have solicited and received bribes for their votes for United States Senator: Therefore,

Resolved, That the Speaker appoint a select committee of five to make a full and complete investigation of said alleged charges of bribery and corruption, and that said committee shall have the power to send for persons, books, and papers, and shall report to the House at the earliest date practicable.

Mr. SHERMAN. That resolution was introduced by a Republican within a week after the election, right there before the very men who were charged with participating in it. How was that treated? Was it denounced as an unmeasured slander, as any man in this body would do? Was it denounced and was it said, "We dare you to this accusation; it is an infamous falsehood and lie?" No, sir. As I will show you that Legislature acted like a bought Legislature from the beginning to the end of its existence. They then offered an amendment, which I

ask the Secretary to read. One of their leading members, Mr. Bohl, gave notice of his intention to discuss, which under the rules, like an objection, carried it over. Mr. Love moved that the rules be suspended, which was agreed to.

The question being on the adoption of the resolution,
Mr. Myers—

Mr. Allen O. Myers, whose telegram was read here last evening, moves this amendment as a rider.

The Chief Clerk read as follows:

The question being on the adoption of the resolution,
Mr. Myers moved to amend the resolution by inserting after the preamble the following:
And whereas, it is charged by newspapers and other irresponsible parties, that one Charles Foster, late governor of Ohio, has corruptly expended money to debauch the voters of Ohio and corruptly secure the votes of candidates for the Legislature to vote for him for United States Senator in the event of their election and a Republican Legislature being chosen, and to secure his nomination and election for governor: Therefore,
Be it resolved, That said committee be authorized to investigate all said charges, beginning with the nomination of said Foster in Cincinnati in 1879, until the present time, and charges relating thereto or any other subject that may be called to their attention; said investigation shall be full, thorough, and complete, and the committee shall employ stenographers to make full reports of all their proceedings, and said committee may meet here or elsewhere and shall always sit with open doors.

Mr. SHERMAN. Instead of meeting this accusation that was hot and imminent before them, it is met with a rider that is voted on by these Democrats, the Republicans protesting that they are perfectly willing the examination should be made by a separate committee, but they did not desire the two matters to be mixed together. The one was there, immediate, the other was of the past, and they were perfectly willing to have an investigation in regard to Governor Foster.

Now, I ask the Secretary to read the next movement that was made after this was put on. See what was done next.

The Chief Clerk read as follows:

Mr. Jones raised the point of order that the amendment was out of order, inasmuch as the matter contained therein was not germane to the resolution.
Which point of order the Speaker decided was not well taken.
The question being on agreeing to the amendment,
Mr. Sheppard moved to amend the amendment by adding the following:

Mr. SHERMAN. Sheppard was a Democrat.

The Chief Clerk resumed and concluded the reading, as follows:

And whereas it is publicly charged that one Allen O. Myers obtained his nomination for a candidate for member of this Sixty-sixth General Assembly by stuffing the ballot-box; therefore said committee shall also fully investigate said charges, and shall report the result of the same to this house.
Which was agreed to, Mr. Myers accepting the amendment.
The question being on agreeing to the amendment as amended, it was agreed to.
The question now being on the adoption of the resolution as amended, the yeas and nays were taken; and resulted—yeas 35, nays 52; as follows:

That was the way in which this first demand for investigation was met. Three times during that Legislature the journals will show that an effort was made to get an investigation, and this same Allen O. Myers stood up there one day when he wanted to carry a point and was threatened with expulsion, and dared those men to expel him and said he knew the price of every one of them.

Mr. EUSTIS. Will the Senator from Ohio allow me to ask him a question?

Mr. SHERMAN. Yes, sir.

Mr. EUSTIS. I ask him whether or not a considerable number of Republicans did not vote against the adoption of that resolution?

Mr. SHERMAN. Undoubtedly; when they found it laden down in this way some of them did.

Mr. EUSTIS. So those Republicans voted against the adoption of the resolution.

Mr. SHERMAN. That may be, loaded down as it was with superfluous matter, but they demanded at the time, and the records will show it, an investigation. There was no charge against Mr. Foster; no public sentiment pointed out such a charge, and this was a rider to avoid an investigation. Day after day and week after week, when the Democratic party were making charges against their faithless servants, the Republican papers demanded, and Mr. Boyle, one of the leading correspondents of the Cincinnati Commercial, day by day charged members of the Legislature with bribery and demanded an investigation; but they never answered to that appeal. No man among them desired an investigation.

What would have been the feeling of any man who hears me under those circumstances? Who of us when faced by an enemy with a specific charge would refuse to face him manfully? And yet these members of the Legislature who were charged by their own constituents at home with bribery dared not ask in their own vindication an investigation, and whenever the proposition was made by the minority of Republicans in either house it was voted down in this kind of way.

And so that Legislature lived out its time, the worst we ever had in Ohio. They left our financial affairs embarrassed; they left our State degraded and dishonored; but I say proudly for the Democratic party that there were but four men of those who survived the burial that occurred at the very next election of the members who were suspected of this fraud. When some of these suspects were proposed for nomination they were defeated in their own party. When a few of them got the nomination some of them were defeated at the election. Four alone of the members of that house who were suspected of having voted for my colleague came back as members of the next house, four out of the one hundred. The Democratic party was not unobservant of its duty in this regard. And now this day the men whose names are connected with this offense are marked men in the communities in which they live.

Mr. President, it is said, however, as an answer to all that I have said, that this Cowgill committee's investigation was unsatisfactory and insufficient. Suppose it was, suppose we leave it out of view entirely, and take the broad allegations by men of both parties against this election, and how can you refuse to grant the investigation?

It is said the Cowgill committee was an imperfect one. So it had to be. What jurisdiction had that committee? Nothing except to investigate the conduct of four men, and they were only pointed out because they happened to be members of the Legislature that had been charged with this offense, shown to be guilty of this fraud or participation in it. One or two of them indeed claimed to have voted for Ward and not to have voted at all for Mr. PAYNE. They were acquitted. Does that investigation show any hostility or hard feeling or resentment or any desire to persecute or prosecute? No. They acquitted unanimously the four men whose names had been mentioned, suspected only because they were spared monuments of the old Legislature; but at the same time they do say in their report that the evidence did lead them beyond the mere examination of the four men, but they never pressed that examination so as to compel the attendance of a witness; they never pressed the examination so as to compel an unwilling witness to testify. They knew under the decision of the Supreme Court of the United States the perils of a legislative committee proceeding to investigate beyond its power; but they did say and they do say to you that although they found these four men guiltless, yet the testimony did disclose in their opinion such a state of affairs in regard to the election of the Senator from Ohio as to demand the jurisdiction of the only body that has power to act upon it. The language is here. I may be able to turn to it to show you that they go just as far as they dare go under their authority.

Mr. TELLER. If it will not interrupt the Senator now, I should like to ask him a question. He says this committee knew they had not the authority to compel the attendance of witnesses. I ask the Senator if anybody declined to attend that they requested to attend?

Mr. SHERMAN. I do not know, indeed.

Mr. TELLER. I will state that no one who was called on declined to testify. The Senator says further that they had not any power to compel the witnesses to testify. I ask if any witness declined to testify of and concerning the matter that the committee were investigating because of any lack of jurisdiction or even a suggestion of it? If the Senator does not know, I can state that there was nothing of that kind.

Mr. SHERMAN. If the Senator from Colorado should convince himself and even convince the Senate that this committee failed to do its duty, it only strengthens the case for an investigation here. If on the other hand, as I believe, this committee, a modest committee of the house of representatives of Ohio, feeling that they were treading upon ground sacred to the Senate of the United States, did not choose to go further than send forward this testimony, then I can see my way clear.

Mr. TELLER. I am not reflecting upon the committee; it is the Senator only who has suggested that they did not have power. They never suggested it.

Mr. SHERMAN. They do suggest it in their report.

Mr. TELLER. But not in their testimony.

Mr. SHERMAN. They do in their report set out exactly the reason why they did not go further. As a matter of course it did not appear in the testimony, because that is the action of the committee. Here they say, after speaking of the four persons implicated—

RESULTS OF INVESTIGATION.

However, although we find that the charge against the four members of this house named in the resolution has not been sustained, certain facts have been developed which we believe to be of sufficient significance to report to the house for disposition as hereinafter suggested.
There is a general concurrence of testimony upon the following points:
1. That the candidacy of HENRY B. PAYNE for United States Senator was not made known publicly until a considerable time after the general election of 1883 at which members of the General Assembly were chosen.
2. That suspicion and charges of the employment of illegal means to secure the election of the successful candidate for Senator were very prevalent near the time of, and for weeks after, the Senatorial election, and that in many instances the suspicion amounted almost to conviction.
3. That as to choice of Senatorial candidates among members of the General Assembly, there were numerous remarkable changes difficult to account for without assuming the use of unusual inducements.

Then they go on and give the different cases mentioned, which have already been discussed sufficiently in the Senate, and they conclude as follows:

Although, as stated in the outset, the testimony developed nothing of an inculpating character concerning the members of this house named in the resolution of inquiry, we believe that circumstances surrounding the election of HENRY B. PAYNE as one of the Senators to represent the State of Ohio in the Congress of the United States, as presented by the testimony, are such as to warrant us in recommending that an authenticated copy of the testimony and report be transmitted to the President of the United States Senate for the information of the body of which Senator PAYNE is a member, and for such action as it may deem advisable.

That is the modest statement. They do express their conviction strongly, and if you believe what they believe and what they here assert and report, you may not convict anybody, you may still say the evidence is insufficient, but for the purpose of an inquiry it goes far beyond any case I have ever known in my time in the Senate of the United States or any that I believe is shown by the public records.

Here is a demand by one great party, here is a complaint made by the leading papers of the other great party, here is a refusal by the Legislature that was charged with bribery to make any investigation or inquiry into the matter, here is the report of a committee impartially stating the impression the testimony has made upon them, and they send it to you to say whether or not it is sufficient to induce inquiry; that is the point; not whether the accused is guilty or not guilty; not whether my colleague should be expelled; that is not the question at all; but it is a question whether upon these allegations and upon this imperfect information given to you without examining the men who know the facts, it is sufficient to cause you to inquire into a charge which if true demands your consideration not now, but at some future time. There is the question.

Mr. President, this matter never can be quieted until there is a full inquiry. I tell Senators frankly that there are six or seven men who are known—I could name them, they are named in the testimony all the way through—who if they were brought before this Committee of Privileges and Elections would settle this matter forever one way or the other, in my judgment. In less time than has been consumed in disputing and discussing over this question, the whole matter would have been settled, and I do express my earnest hope and wish that all these charges may be dissipated into thin air and that after a full investigation of the men who know about these things it should appear that this charge made against a portion of the people of Ohio is unfounded no man will rejoice at more than I. It is no party advantage, no desire to see our Democratic friends tainted with anything wrong or corrupt, because I know the mass of the Democrats of Ohio are as honest and as true and as faithful to the obligations of honor and duty as any other portion of the people of the United States. All that can be reasonably asked—and that I hoped my colleague would agree to—is a means by which the men who have been pointed out here and named shall be brought forward to testify. I know some of them and I believe they would tell the truth frankly. If they went beyond the bounds of legality and propriety, let them say so; if they did not, let them say so.

Mr. LOGAN. Will the Senator allow me to interrupt him?

Mr. SHERMAN. Certainly.

Mr. LOGAN. Does he not know—and I am sure he has three of those men in mind that he says he might name—does he not know the fact that three men offered this committee to appear before them and testify and that the Ohio committee never sent for them. Does he not know that?

Mr. SHERMAN. I do not want to stand in the position of arraigning these men or prejudicing the public mind against them; but I know one thing, that the leading one among them was not there and was away from the State in which he lived until just at the conclusion of the examination, and at the time when the committee had resolved to proceed no further, when they were satisfied, so far as the four men were concerned whose case they had power to investigate, what would be the good of the examination of these three?

Mr. LOGAN. I will state to the Senator what would have been the good of it. If that committee intended to present anything to the Senate of the United States they certainly could have presented their evidence with the rest. The Senator well remembers that in one case here that came before the Senate affidavits were presented, affidavits of men were absolutely offered for the purpose of showing that there had been fraud in one case which I could mention. It will not do to say they had no jurisdiction. If a man chose to submit himself to the jurisdiction and testify, that was all that could be asked, and these people did. One of the men that he refers to—for I know very well to whom he refers—wrote a letter to the committee some time before they closed the investigation notifying them of the time he would be there and saying that if they desired his evidence they could take it. What was the response? The Senator says they had closed. That was a mistake. The chairman of the committee wrote him a note saying that if he desired his evidence he would notify him. That is the case and those are the facts.

Mr. SHERMAN. Suppose what the Senator says is true—suppose this committee neglected to do what they ought to have done, and as the Senator seems to wish to convict them of doing——

Mr. LOGAN. I do not wish to do any such thing. The Senator has been trying in several insinuations to put me in a false position. I do not charge any such thing. I only say it would have been a convenient method of getting that testimony before the Senate so as to give notice as to the evidence that would be produced, and where a man is willing to submit himself to a jurisdiction whether the tribunal has jurisdiction of him or not, the other party can not complain that there is no jurisdiction when the party is willing to submit to the jurisdiction.

Mr. SHERMAN. I have no further answer to make in regard to that than that I think it sufficient that the committee went to the extent to which they were authorized to go and then turned it over to us.

If there was no objection to the examination of these eight or ten witnesses this whole controversy might be settled at once. I could give a list of eight or ten witnesses to examine whose names are mentioned in these papers, and they are mentioned by my colleagues in the other House, and if there was any wrong done it must have been done by them. Let these men go before the Committee on Privileges and Elections and expurgate themselves. There is one pregnant piece of testimony that can only be had by taking a deposition in Germany, the testimony of as honest a man as is, the late Lieutenant-Governor Mueller, of Ohio. It is true it is hearsay, and therefore it would not in a court of justice be evidence, but it is that kind of evidence we always take in a preliminary inquiry to get at the facts, and here is the name of a gentleman we shall be able to furnish, and whose testimony is entirely consistent with his character and consistent with the honor and good fame and name of my colleague; his testimony ought to be obtained, and can only be obtained by sending and getting his deposition. Here is the testimony of a Democratic lawyer of Akron, by the name of Hall:

Q. Do you recollect any conversations with any other persons about the use of money, Mr. Hall?

A. I had a conversation with Mr. Mueller, ex-Lieutenant-Governor Mueller. I don't remember the time; but I was at his house. He lives in West Cleveland. He took me in his carriage and brought me into the city (I think I went out on a street car); anyway, we were riding into the city from his residence, and he told me that by accident (he was here in the city) he went into Mr. Paige's room—

The testimony was given in Columbus. Therefore he speaks of "here in this city"—

went into Mr. Paige's room—

Mr. Paige was the one to whom was attributed the care and custody of money.

He said it looked to him like a banking-house. There was a large amount of money in plain view. He said he found out that he was not wanted there and he went out. He went immediately and told Mr. PAYNE about it, before the election; told him they were using money here; told him what he had seen. Mr. PAYNE'S answer was, "You don't suppose I would indorse anything of that kind, do you?" He said he didn't know. That was about all he said about it. That is all the conversation that I know of directly with reference to this.

Mr. Mueller must have been there. He was a Democrat of high standing. He was an intimate friend of Mr. PAYNE, and also of Colonel Payne. His testimony would be important in this controversy. It is true he is not here. This is not evidence, but it is that kind of statement which is always admitted, and is essential and necessary in a preliminary inquiry. You never can convict any man except by first hearing what he said, gathering up reports, hearsay testimony. You do not offer it at the final trial until it is robed with all the sanctions of legal testimony, but in the scrutiny and finding out of fraud and wrong you use every kind of means possible, even to the offensive way of hiring detectives.

Here is the testimony of a gentleman whom I might name which would at once and could at once settle this controversy, and it seems to me end this matter, end it for the honor of Ohio, end it, I trust, for the good name of my colleague and with his continued seat here, no doubt.

No man can claim, unless this fraud or bribery or corruption can be shown to have gone to the extent to have caused enough members in the caucus to have changed so as alter the result, that it would affect the election. The rule is laid down in numerous cases; but here the allegation is that there were more than that. You say you do not believe these allegations, and here members of the House of Representatives who have their constituents behind them, men of high character and honor, come and tell you what they expect to prove.

You say the evidence before you was not sufficient, but yet you refuse to let other evidence be brought. Why this haste? Why this hurry? Why not give an opportunity to present this evidence? My own opinion is that most of this difficulty has grown out of a misapprehension by the people of Ohio. When the people of Ohio sent here their respectful petition by the two houses of the Legislature, by the members of the Republican committee, by this convention of editors, by this imperfect proof, and asked you to simply inquire into that which affected their honor and your duty, they supposed as a matter of course the request would be granted, and I was of that opinion myself. I supposed that as a matter of course inquiry would be at once entered into. Since I have been a member of the Senate I have seen Senators get up and read a newspaper paragraph without sanction or name, and upon that somebody else would demand a committee of inquiry, and it was always granted.

My friend from Massachusetts, and I do not know but I did myself, in the case of the Virginia troubles and the Mississippi troubles offered resloutions for inquiry. I have myself when charged with offenses that would have been improper in a Senator, when charged by newspapers, demanded an investigation. Therefore it was supposed that as a matter of course when this petition was presented there would be no lawyers' quirks and stratagems to avoid an investigation, but that on the assertion of these people it would be granted. A man may be arrested for murder, the highest offense known to the law, on the mere affidavit of a man who swears he believes that A B committed murder at such a time and place upon the body of C D. Such affidavits are sufficient on which to base an accusation. The grand jury hears all kinds of testimony, and that is the second stage of these inquiries; but

in the preliminary stage, in the stage in which this case is here before the Senate, a mere charge is sufficient.

Mr. President, it is not sufficient for us to state that the case made by this printed testimony is not strong enough to convict. It is a question whether it is sufficient to excite a suspicion because upon a suspicion a Senator's seat and his right to hold his seat here may be inquired into. Therefore with due deference to the distinguished and eminent gentlemen who treat this case as if we were now passing upon the guilt or innocence of an accused with the view of a lawyer and the strictness of a lawyer, it seems to me they have confounded the stage of this inquiry. It is now an inquiry only in the hands of a committee of our body to advise whether or not in these papers or in any that can be produced there is cause for investigation, or whether there is reasonable and probable cause that can be produced. If so, then the inquiry goes on. The final judgment, however, is only arrived at when we shall have completed testimony of a legal character, when with grave and deliberate justice, and with the kindness that we always give to our colleagues here, we proceed to render our judgment.

Mr. President, I have said more than I intended to say when I rose. I will now add in conclusion that I consider that I perform a duty to my State, and especially to the party that I represent here, and all we can say to you is that we have believed and do now believe, mainly upon the statements made by Democratic editors and Democratic citizens, for they know more about it than we do, that upon the belief generally held in the State of Ohio that fraud and corruption did supervene in this election we ask you to make such inquiries as will satisfy your conscience whether that charge is true or false. If it is true, you alone are the judges of it. If it is false, then you should punish the men who started these charges and you should vindicate the men who have been unjustly arraigned.

In any view I can take of it, I believe it is the duty of the Senate of the United States, as it regards its own honor and the future of our country, never to leave this matter in its present condition, to be believed by some and disbelieved by others, to be made the subject of party contest and party chicanery, but let us have a fair, judicial, full investigation into the merits of these accusations. If they are false, stamp them with the brand of ignominy; if they are true, deal with the facts proven as you think is just and right.

Mr. EUSTIS. Mr. President, I did not intend to take part in this discussion, but the majority of the Committee on Privileges and Elections who made this report have been arraigned in such severe and acrimonious terms and have been exposed to such a severe judgment by the appeals made by the Senator from Massachusetts [Mr. HOAR] and the Senator from Ohio [Mr. SHERMAN], that, having shared the responsibility of the majority report made by that committee, I deem it incumbent upon me to justify and to defend the conclusions which I have reached and the judgment which I have rendered as a member of that committee.

It is needless for me to say that that committee appreciated fully the very grave and serious responsibility which the Senate of the United States dictated that they should assume. It was a responsibility which became the graver from the fact that it is a question not only affecting the integrity of this body, the honor of the State of Ohio, but the interest which the American people will feel to know whether or not a committee of this body charged with this duty has been faithful and honest to the trust which has been imposed upon it.

Mr. President, whenever an inquiry is to be instituted in this country in whatever tribunal, whoever may be the accused, it has always been the boast of Americans that under our free institutions there are certain rules and laws which protect the citizen in the enjoyment of every right that he possesses.

I have myself been present at a memorable trial; I have been present at the trial of a French general when that man was condemned to be degraded and to be shot, and it was indeed a shocking spectacle to sit there and listen to those judges, the presiding officer of that court being no less than a high judicial officer, and despoiling that man of his reputation and of his rank, threatening to have him shot, and all that upon hearsay testimony; and I could not help but contrast that extraordinary proceeding and that extraordinary trial with what takes place in this country, which is a country of laws and of constitution; and as a member of that committee I wish to give to the Senate the reasons which actuated and influenced my judgment in reaching the conclusion that I did that there were not sufficiently specific and circumstantial charges made before that committee to authorize an investigation of such a character as is here proposed.

I overlooked, as I have no doubt the other members of the committee did, the merely personal considerations involved in this question, knowing that the honorable Senator whose seat was to be questioned by this proceeding has always borne a pure and a blameless life, that his private character and his public career have remained unassailed and unassailable to this moment. I sat in that committee as a judge overlooking and discarding whatever measure of respect and of friendship might be entertained for the honorable Senator.

What was the first proceeding which was had? The house of representatives of the State of Ohio had been engaged for two months and a half and had examined fifty-seven witnesses to ascertain and to determine the question whether certain members of that Legislature had been corrupted. That testimony was sent here by that house of representatives without any request or demand as regards the United States Senate. It was simply transmitted for our information, but the Senator from Massachusetts moved to have that testimony referred to the Committee on Privileges and Elections. That was the first branch of this inquiry.

There was no suggestion from any one that we should inquire into other sources of testimony. There was at that time no demand made from any quarter whatever, not even from either branch of the Legislature of the State of Ohio. We examined that testimony and we reached precisely and exactly the same conclusion that was reached by the house of representatives that had made that investigation, and in that conclusion the chairman of the Committee on Privileges and Elections coincided. Was there anything very extraordinary in that? Here was an investigation that had been passed by the legislative department of the government of Ohio, the whole body, and the result of that investigation was transmitted to the Senate of the United States and by their order a committee of the Senate investigated that same testimony and came to the same conclusion, which was declared explicitly and without equivocation by that investigating committee. I ask whether after reaching that conclusion, whether after forming that same judgment, for entertaining that same opinion we are liable to any criticism from any quarter whatsoever.

The Senator from Massachusetts and the Senator from Ohio, knowing the damaging effect that the mere statement of the committee that there was nothing discoverable in that evidence to substantiate or to sustain a single charge would have, have sought to shelter themselves under what I call a special and misleading and indefensible proposition of law; and what is that? That this house of representatives of Ohio had not jurisdiction of this investigation. After that evidence is transmitted to our committee, after we are required to examine that evidence, after we have carefully examined and carefully weighed that evidence, having, I say, reached the same conclusion that the investigating committee of Ohio reached, we are told by the Senator from Massachusetts as a legal proposition that the investigating committee had no jurisdiction of the subject-matter; and after all our labors, in order, as I say, to escape the terrible force, as a mere matter of argument, which that conclusion necessarily involves, he uses this language in his report:

> But the result of the investigation in Ohio seems to the undersigned absolutely unimportant.

What does the Senator mean by that? I understand perfectly well that the investigation of the committee of the house of representatives of Ohio does not conclude the United States Senate. That we all understand. We all understand that the United States Senate has original jurisdiction to institute and prosecute an inquiry of this kind. But what does the Senator mean by stating that that investigation is wholly unimportant?

Mr. HOAR. Does the Senator want an answer to his question?

Mr. EUSTIS. Certainly.

Mr. HOAR. I mean exactly this: They were authorized to investigate facts, whether four particular men, A, B, C, and D, were guilty or not guilty. They find they were not guilty. That is the result of their investigation, all they were charged to do; and whether those four men were guilty or not guilty is, in my judgment, absolutely unimportant to us. That is what I mean.

Mr. EUSTIS. Now, Mr. President, I propose to show to the Senate as a legal proposition that it is simply preposterous for a lawyer to assert that that house of representatives did not have ample, complete, and absolute jurisdiction of the whole subject-matter of investigation.

Mr. HOAR. Did the committee have it?

Mr. EUSTIS. Yes, sir, and I wish to call the Senator's attention to a confusion of ideas which was perfectly apparent to me when he was discussing this question. He says in his argument and he says in his report that that house of representatives of Ohio had no jurisdiction, because it could not invalidate or vacate the seat here of the sitting member. That is true. That is to say, that house of representatives could not render the judgment which we can render. We have under the Constitution supervisory jurisdiction and we are the power which renders judgment declaring that a seat shall be vacated because the election has been illegal or corrupt. The power conferred upon the United States Senate is not only a power of investigation, but it is a power of jurisdictional authority to render judgment in the case; but whereas the Ohio house of representatives has not jurisdiction to render judgment, I maintain that it has full jurisdiction to investigate for the purpose of expressing its opinion, whatever that may be worth, with reference to who shall be a representative from the State of Ohio.

The Senator from Massachusetts told us that the honor of the State of Ohio was involved in this question. I grant that. If the honor of the State of Ohio be involved in this question, as we all know that it is, certainly the State of Ohio and its Legislature have jurisdiction over its own honor.

The Senator from Massachusetts told us that the integrity of the legislative proceedings by which the member seated was elected was in question. I admit that. If that be true, has not the Legislature of

the State of Ohio jurisdiction over the question of the integrity of its legislative proceedings?

The honorable Senator from Massachusetts referred us to the case of Kilbourn *vs.* Thompson as applicable to a question of this kind. I must express my surprise that he has produced such an authority as that. That was a case where the House of Representatives of the United States passed a resolution to investigate certain matters with reference to dealings in real estate in the District of Columbia, and when they came to inquire into the private affairs of Mr. Kilbourn, matters which were purely of a private character, he refused to testify and he refused to surrender his books, and the Supreme Court of the United States held that the House of Representatives had no right or power to pass such a resolution and compel him to testify.

But here is a great public question, a question of supreme public moment, involving the issue, is the sitting member entitled to his seat as a representative from the State of Ohio in this body, involving the further question that if this tribunal should declare that he is not entitled to his seat the Legislature of Ohio would have the power to fill that vacancy, a question in which the State of Ohio has never ceased to have an interest, in which the people of Ohio have never ceased to have an interest, because the question is, who shall represent the people of that State in this body? And to tell me that with reference to such a question as that the house of representatives of Ohio had not jurisdiction to institute an investigation, to compel the attendance of witnesses, to summon those witnesses, and to compel those witnesses to testify, is to my mind a preposterous proposition.

I maintain on the contrary, and I will show by the authority of precedents in this body that that house of representatives had ample and complete and absolute jurisdiction of this whole question of the investigation of Mr. PAYNE'S election, not only with reference to the four members who were subsequently elected to the next assembly but with reference to every person and every transaction and every proceeding in the State of Ohio, because the State of Ohio has a right to-day, although she can not revoke or cancel the credentials of the Senator now representing that State, to inquire and to demand to know who represents her in this body and whether his title as a representative of Ohio is a legal, a constitutional title; and for the purpose of aiding the Senate of the United States that body has the right to exercise an original and auxiliary jurisdiction, to summon whom they please, to compel whom they please to answer, to explore every field of investigation in order that they should lay a basis and a foundation for the action of the Senate of the United States according to the nature of the transaction. That was the doctrine which was very clearly stated by the Judiciary Committee in the report made in 1857. That committee was then composed as follows: Messrs. Butler of South Carolina (chairman), Bayard of Delaware, Toombs of Georgia, Pugh of Ohio, Benjamin of Louisiana, Collamer of Vermont, and Trumbull of Illinois. I certainly think—and I do not speak in any spirit of disparagement of any one—that a collection of stronger, abler constitutional lawyers could hardly be made from a selection in any period of the history of the United States.

I wish to draw the distinction between this case and the case under consideration. That was a case where there was a protest made by forty-four members of the Legislature; there had not been any investigation made by the Legislature as has been made in this case, but that committee reported, with a single member dissenting, as follows:

> Under no state of facts could your committee deem it consistent with propriety, or with the dignity of this body, to send out a roving commission in search of proofs of fraud in order to deprive one of its members of a seat to which he is, *prima facie*, entitled; still less can they recommend such a course when the parties alleging the fraud and corruption are themselves armed with ample powers for investigation. If it be, indeed, true that members of the house of representatives of Pennsylvania have been influenced by corrupt considerations or unlawful appliances, the means of investigation and redress are in the power of the very parties who seek the aid of the Senate of the United States.

The Senator from Massachusetts stated yesterday that he did not believe that these gentlemen intended by "redress" that a legislative body of a State could by their decision affect the title to a seat in this body. Of course not; everybody understands that; but what these gentlemen reported to the Senate was this, that there being no specific charges, there being no specific accusation as regards time, place, individuals, and circumstance, the Senate of the United States would not be justified in even instituting or initiating an investigation or an inquiry, and that it was perfectly competent for the legislative body of the State to prosecute that inquiry because they had full and ample power to exercise their jurisdiction over the question of the investigation.

If that proposition be correct, this house of representatives of Ohio did have jurisdiction of this question. They certainly exercised that jurisdiction; they examined fifty-five witnesses; they spent two months and a half conducting that investigation, and came to the conclusion that there was no evidence whatever to substantiate or to sustain the charge of corruption or bribery, and we came to the same conclusion upon examining that same evidence; and I must, speaking as an individual, say that the fact that there had been an investigation by a legislative body, a full and complete investigation, that committee admitting that they received hearsay testimony, that they accepted rumors, surmises, conjectures, that they followed every trail, made every possible inquiry in every possible phase that an investigation can assume, and deliberately came to the conclusion, as I have already stated, that there was no evidence whatever to sustain or substantiate the charge made, ought to have great weight at least, if it be not conclusive.

If the proposition which I have endeavored to maintain be correct, that that investigating committee did have jurisdiction of the subject-matter, what becomes of the argument of the Senator from Massachusetts when he made the denial of that jurisdiction in his speech yesterday?

The other branch of this investigation was what I was going to call newly-discovered evidence, but I will correct myself and say newly-discovered zeal; and that was that after the Committee on Privileges and Elections had, I may say unanimously, unless the Senator from Maine [Mr. FRYE] corrects me, reached the conclusion that there was no evidence whatsoever developed in that investigation which would justify an inquiry, then appeared two gentlemen from Ohio.

Mr. HOAR. Will the Senator allow me to ask him a question? Upon what does he base the statement which I have heard other people make, that the Committee on Privileges and Elections ever reached a conclusion that there was no evidence which would justify an investigation?

Mr. EUSTIS. Here is the report.

Mr. HOAR. If the Senator will pardon me I desire to state——

Mr. EUSTIS. My recollection is that that was the report made by the chairman of the committee to the committee.

Mr. HOAR. Let me state the facts, because that has been alluded to. Evidence taken by the Ohio committee was sent to the Senate accompanied by no request whatever from any quarter for an investigation, but simply as was said for the Senate's information. I undertook to look at that and see what it contained, and I reported that while it contained certain facts that I stated, to wit, that there was a general public belief that the seat was obtained by bribery, that one or two members were shown to have been offered money for their votes, and that several others were shown to have received money under very suspicious circumstances, yet there was nothing that showed that Mr. PAYNE was implicated, and there was nothing in that evidence which showed that the result was thereby changed, and that Mr. LITTLE, the representative of this complaint, desired to be heard, and that I was informed that the four gentlemen who were Mr. PAYNE'S managers kept out of the State and did not testify before the committee.

Certainly it is one thing to say that the sitting member is not implicated, which everybody says now, and to say that that evidence did not tend to show that the result was changed, and quite another thing to say that the general belief in Ohio that there was a fraud, accompanied by evidence that several members, though not enough to change the result, were bribed, did not warrant an investigation.

The Senator from Maine, of course, will speak for himself when he comes to speak; but I never said anywhere that I had formed an opinion that an investigation should not be had. On the contrary I accompanied that report, as appears in the printed copy in the RECORD, although it is left out in what was sent out to the press, with the statement that there was an application for a further hearing on the subject, and when I made the report to the committee I urged a further hearing, and it was given to Mr. LITTLE.

Mr. DAWES. I should like to inquire either from the Senator from Louisiana or my colleague as to this fact: I understood the Senator from Louisiana to say that the committee arrived at a unanimous conclusion.

Mr. HOAR. There never was an expression of conclusion by any human being on the committee until after Mr. LITTLE was heard except in that printed report of mine.

Mr. DAWES. I understood the Senator from Louisiana to say that the committee arrived at a unanimous conclusion unless the Senator from Maine should correct him. Now, what I want to know was if the committee took any action as a committee on that subject?

Mr. HOAR. None whatever that I know of.

Mr. FRYE. I was waiting to see whether or not the Senator from Massachusetts would answer the inquiry which was made by the Senator from Louisiana, and he having done so, I now call his attention to the fact that the two gentlemen from the other House, Mr. LITTLE and Mr. BUTTERWORTH, were requested to make their statements before the committee; and I being required to be present before another committee stated my conclusion to the committee; and that was that I was in favor of an investigation, and gave some reasons for it. That was before any hearing had been completed, and therefore I did not agree to the Senator's construction of the report of the Senator from Massachusetts at all, and I am free to say now that I do not agree with the report of the Senator from Massachusetts, if there is anything in it which intimates directly or indirectly that there is not evidence enough in the report sent to us from the State of Ohio, accompanied with the request made, not only to justify but to demand from the Senate of the United States an investigation.

Mr. EUSTIS. I understand the Senator from Maine to state that he dissented from the view presented by the Senator from Massachusetts, that the Senator from Massachusetts agreed there was nothing in that evidence.

Mr. FRYE. No. I say if the Senator from Massachusetts can be

construed to have taken that view, then while he was taking it I was dissenting.

Mr. HOAR. I should like to ask the Senator from Maine if ever in his hearing he knew me express the opinion that there was not enough to warrant an investigation into the case at any time?

Mr. FRYE. I must confess I never did.

Mr. EUSTIS. The statement that I made was also made by the Senator from Colorado [Mr. TELLER] and also by the Senator from Illinois [Mr. LOGAN], and is based on the language contained in the report of the chairman of the Committee on Privileges and Elections to the committee.

Mr. HOAR. Will the Senator read that language from the report itself?

Mr. EUSTIS. Yes, sir:

Report made by Mr. HOAR, chairman of the committee, to the Committee on Privileges and Elections.

I have examined the evidence forwarded by the house of representatives of Ohio.

The investigation was under a resolution directing an inquiry as to the charges that four members of the present Legislature, being also members of the last, were guilty of being induced by corrupt means to vote for Mr. PAYNE.

These charges were not sustained, and the committee so report.

Mr. HOAR. As to the four members.

Mr. EUSTIS.

But the inquiry took a wider range.

Do you want the whole of it read?

Mr. HOAR. Certainly.

Mr. EUSTIS.

There was evidence tending to show—

That Mr. PAYNE's name was not publicly suggested as a candidate for Senator until after the State election;

That it was not very prominently suggested until shortly before his election in January;

That many persons who had been supposed to favor Pendleton voted for PAYNE;

That there was a widespread belief that corrupt means were used to procure the result;

That one member was offered a large sum of money for his vote by another member;

That there were hearsay statements charging corruption as to several others;

That two members of the Legislature received large sums of money about the time of the election, of which they, being called as witnesses, gave no satisfactory account;

That the principal managers of Mr. PAYNE's canvass, namely, Paige, McLean, Huntington, and Oliver H. Payne, did not testify before the committee, but there is not evidence tending to show the bribery of any member unless as above stated;

There is no evidence to connect Mr. PAYNE, the sitting member, with these transactions;

And none tending to show that the result was changed or affected by such means;

Informed that Mr. Little wishes to be heard;

That these persons kept out of State and reach of process.

Mr. HOAR. Does the Senator find there any statement that I saw nothing for investigation?

Mr. EUSTIS. Yes, sir.

Mr. HOAR. Where is it?

Mr. EUSTIS. I mean that is the inference. What you state is that you agree on the report made by the investigating committee of the Legislature of Ohio that there was no evidence to sustain the charge of corruption as made.

Mr. HOAR. Does not my honorable friend see the difference between saying that I think there is no evidence there which shows that the result was changed, and reporting and saying that I do not think there ought to be an investigation, when I report at the same time that there is a widespread belief in the State that the result was changed by bribery, that that belief is supported by hearsay testimony in regard to several members, is supported by direct testimony as to one or two offering bribes, and direct testimony as to two others who had got money suddenly and unaccountably, and that there was a desire for a further hearing? The Senator may think on that statement that there should not be an investigation. I never thought so. I merely was stating the result of a part of this case.

Mr. EUSTIS. I say, Mr. President, that the Senator from Massachusetts did come to this conclusion, that so far as there was any direct or legal evidence there was no testimony to sustain the charge made and as presented in the house of representatives of the General Assembly of Ohio. Am I correct in that?

Mr. HOAR. Certainly.

Mr. EUSTIS. Now with reference to these other matters——

Mr. HOAR. Those were charges against four members alone, so far as that question goes.

Mr. EUSTIS. With reference to these other matters which appear as suggestions, those are matters which are not based upon any established facts. They are mere inferences; they are mere indefinite and unsupported inferences. Is it to be established in this Senate that because an individual does not happen to be a candidate for election on a particular day, therefore that is to be held as a ground of investigation on the allegation of corruption? And all such propositions as those are stated by the Senator from Massachusetts. But I say that so far as the direct and legal and substantial evidence is concerned, evidence that goes to the proving of a fact and to the ascertainment of the truth, the chairman of the Committee on Privileges and Elections concurred with the views which are expressed by a majority of the committee.

Mr. HOAR. If my friend will pardon me once more, I will not interrupt him again, for I confess the interruptions are a great tax on his patience as far as they have gone. Suppose I had reported this one fact alone, that there was nothing in that testimony taken before the committee of the Legislature of Ohio except that there was a universal popular belief that their Legislature had been corrupted, and it had stopped there, or had gone on to say that universal belief does not prove the fact. Suppose that had been my report, would that give the Senator the right to say that I came to the conclusion that there ought not to be an investigation? I think the question whether you shall investigate is a very different thing from the question whether you shall vacate a seat, and I think the statement of the Senator from Ohio [Mr. SHERMAN] alone, made just now, would be enough to require an investigation by the Senate. The Senator from Louisiana may make an inference, but he has no right to say that because from a certain condition of facts at a certain preliminary stage in the case which he thinks does not warrant an investigation, I came to the conclusion that there ought not to be an investigation, because that is adding his logic to my facts. When he states my conclusion he must add my logic to my facts, and not his.

Mr. SAULSBURY. I should like to inquire of the Senator from Massachusetts, with the permission of the Senator from Louisiana, if he states the fact that that committee instructed the chairman to take upon himself the duty of investigating the report and evidence submitted by the Ohio Legislature and to make his report to the full committee. He did undertake that work; he did examine it; he did report to the committee just what has been read, without any recommendation whatever for a further investigation of the subject. And I ask the question now of the Senator if he did not understand that to be the opinion of the committee, that no further investigation of the matter was to be had, but that Mr. LITTLE, a member of the House, desired to be heard.

Mr. HOAR. I did not understand it to be the opinion of the committee; on the contrary, I do not remember that any member of the committee expressed an opinion on that subject except the Senator from Maine [Mr. FRYE], who expressed the opinion that he has stated sometime in the inquiry; whether it was before Mr. LITTLE began his address or afterward I can not recall. But I supposed when I said "This thing shows so and so, here are people who want to be heard," that every member of the committee would keep his judgment in suspense on the question whether there should be an investigation, until that hearing had been had.

Mr. SAULSBURY. As a member of that committee I was not present when the Senator from Massachusetts made his report to the committee. When I came back I was informed that the whole matter had been concluded, that the Senator from Massachusetts had made an investigation and come to the same conclusion that the Ohio Legislature did, that there was nothing in the testimony requiring investigation. That was my information, and I so believed at the time.

Mr. HOAR. My learned friend should remember that nothing happened in that committee after the reading by me of that written document, the original of which I am fortunate enough to have preserved, and which I read to the Senate yesterday, and therefore the informant of the Senator from Delaware made the same mistake in his conclusion that the Senator from Louisiana seems to me to make now. Nobody has a right to take one man's facts and apply his logic to them and say that his own conclusion from the facts is the other man's conclusion. I affirm here again that I never dreamed of such a conclusion as the Senator from Louisiana imputes to me. I made that report as to what that original document meant. Whether that taken alone warranted an investigation I expressed no opinion whatever upon, and waited for the hearing of Mr. LITTLE. But whether that would or would not warrant such investigation I did not say.

When Mr. LITTLE came he brought with him in his hand an offer of abundant additional proof. He brought with him the request for an investigation of each house of that Legislature, which was not before me or before you or the committee. He brought with him the opinions of the Republican editors of the State, which was suppiemented by the opinion of their convention and these extracts from their papers and the opinion of the governor of the State. He brought with him the direct application of the Republican State central committee of the State, and that opinion now supplemented by the statement of the lieutenant-governor of the State read by the Senator from Illinois, and the senior Senator of the State representing it on this floor in the speech he has made here. And the idea of undertaking to fasten a charge of inconsistency upon me out of that report, when this case has been so increased, is not worthy of being considered.

That is my question.

Mr. EUSTIS. Is that the Senator's question?

Mr. HOAR. That is my question.

Mr. EUSTIS. Mr. President, I am a very young member of the Committee on Privileges and Elections, but this occurred to me: Knowing that this proceeding can not be assimilated to any other proceeding known to any condition of things whatever, it certainly is not the case

supposed by the Senator from Massachusetts that you can go before a police magistrate and provoke an inquiry, treating it as though it was a criminal process in the case of some colored gentleman who had visited uninvited and at a very unseasonable hour a hen-roost. We are asked to initiate a proceeding to impeach and to nullify the solemn judgment of a State. The State of Ohio has designated and appointed a certain individual, who is the sitting member, to represent that State in this body. He holds the mandate of that State, and we are asked to revoke and cancel that mandate by a judgment which we shall render under the Constitution of the United States, to nullify and to vitiate the most solemn act that can be performed by a State, one of the highest acts of sovereignty; that is, that we, the Senate of the United States, shall sit in judgment upon the appointment made by the State of Ohio, and set aside, vacate, and nullify that judgment. Is that the case of going before a police magistrate for a warrant of process?

What is the answer that we have made—and, in my judgment, very properly made—to the request which has been preferred? I care not whether that request be preferred by an individual; I care not whether that request be preferred by a political opponent; I care not whether that request be preferred by a party friend; I care not whether that request be perferred by the General Assembly of a State; I say it is a proper, an orderly, and a constitutional response for us as United States Senators to make to that request, that if you have charges to make they shall be serious, specific, substantial, provable charges; and that is the answer, as I understand, which the Committee on Privileges and Elections has made.

We can not accept the belief of any one. When the house of representatives of the Legislature of Ohio send a resolution here declaring that it is their belief that such charges can be substantiated and they had examined themselves a part of them which they had already declared sustained a contrary belief and a contrary conviction on their part, I say under our responsibility we have a right and it is our duty to tell the Legislature of the State of Ohio that we can not and we will not accept your belief and your suspicion, but the doors of the Committee on Privileges and Elections have been and are to-day, and will continue to be, wide open to any party who chooses to come there and to show to that committee that serious and substantial charges can be maintained by proper and by legal evidence.

We can not accept the belief of Republican papers, not because they are Republicans, not because they are editors, but because under our responsibilities and under our oaths we can not accept the belief of any one; and it is utterly futile, so far as I am concerned, to ask me to institute an inquiry, an investigation involving the constitutional integrity of this body, involving the right of a State to her constitutional representation in this body, involving the gravest question of sovereignty that can be presented for our judgment and determination—I say that it is useless to ask me to accept the belief of any one, while I am ready and willing to have an investigation when proper charges are made, made responsibly, made seriously, and not for any mere partisan or political purpose.

Mr. SAULSBURY. As a member of the Committee on Privileges and Elections I would, if it were an earlier stage of the session, like to express my opinions to the Senate; but in view of the fact that we are approaching the time when we must adjourn, and I am anxious to have a vote on this proposition, notwithstanding the great desire I had felt to take part in the discussion, I shall decline to occupy any part of the time of the Senate. In justice to the sitting member and in justice to this case I should like to express my opinions, but I decline to do so. Having been a member of that committee for twelve years I should have felt it incumbent on me to participate in the debate under other circumstances; but under the circumstances that surround us I deem it proper not to take part in the debate.

The PRESIDING OFFICER. The question is on the adoption of the report of the committee.

Mr. HOAR. What is the question?

The PRESIDING OFFICER. On the adoption of the report of the committee.

Mr. INGALLS. Let the question be stated.

Mr. HOAR. I supposed the question was on the resolution reported by the minority as an amendment. I offer that as an amendment.

The PRESIDING OFFICER. Will the Senator from Massachusetts state his amendment again?

Mr. HOAR. I suppose the question is on the resolution offered by the minority. I offer that as an amendment.

The PRESIDING OFFICER. The question is on agreeing to the majority report, the only one before the Senate that the present occupant of the chair has heard.

Mr. HOAR. I move, as an amendment to the motion to agree to the majority report, the adoption of the resolution offered by the minority.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read as follows:

Resolved, That the Committee on Privileges and Elections, or any subcommittee thereof, be authorized to investigate the charges affecting the title to the seat of Hon. HENRY B. PAYNE, and to send for persons and papers, administer oaths, and employ a clerk and stenographer, and to sit during the recess of the Senate; and that the expenses of the investigation be paid out of the contingent fund of the Senate.

Mr. FRYE. Mr. President, I was entirely willing that a vote should be taken upon the resolution now, for I am not in physical condition to make a speech, and I am aware that the Senate has listened to this discussion as long perhaps as is profitable, and certainly as long as is pleasant on such an oppressive day as this. Beside that, the Senator from Ohio [Mr. SHERMAN] made, much more ably than it was possible for me to have done, the greater portion of the speech which I had in mind. I hope I shall not detain the Senate long, but urged by others to do so, I will submit a few words for their consideration; for I differed from perhaps all the members of the committee and, as appeared a few moments ago, very early in the investigation gave my opinion and left my vote with the committee, being called elsewhere.

I hold to the opinion that if a great State by its house of representatives, and by its senate deliberately and solemnly submits a resolution calling upon the United States Senate to investigate the election of a United States Senator, declaring that in their deliberate opinion corrupt means have been used to promote that election, it is not only the right of the United States Senate to proceed with the investigation but it is their duty to. I say if the United States Senate neglects to comply with such a request, that is the body which requires vindication.

Mr. President, this is not a question of vindicating the Senator from Illinois nor the Senator from Colorado nor the Senator from New York.

Mr. TELLER. We do not need any.

Mr. FRYE. As the Senator says, they do not need any; they need none here, they need none elsewhere; and yet in the discussions which have proceeded thus far, there has been great danger lest the Senators lose sight of the real issue in this case in their wish to vindicate these Republican Senators. The Senator from Ohio [Mr. PAYNE] is not on trial, and yet there is great danger that this may be regarded the issue, whether the Senator from Ohio is guilty of a crime or not.

Yet there is no such question pending here, nor is there a question as to whether or not the seat he occupies shall be declared vacant. The only question before the United States Senate to-day is whether or not it is our duty to investigate an election in the State of Ohio of a United States Senator, which has been declared to have been procured corruptly, by the Legislature of that State, by eleven members of the house of representatives familiar with the election in that State, by the Republican central committee, representing at least an equal number of the people of that State, by one-half of the Democratic press and by all the Republican press of that State—whether it is the duty of the United States Senate to so far give ear as to make inquiry whether there has been bribery or not, and to extend that inquiry to the question of whether or not the Senator occupying the seat was himself a participant in it, and whether or not if he was not a participant it so far affected the result that the seat ought to be declared vacant.

There is no resolution here declaring the seat vacant; there is no resolution of expulsion; yet, judging from the arguments which have been urged, it would seem that we are compelled to be bound and tied and repressed by all of the rigorous rules of the criminal law, as we ought to be if either of those questions was pending before the United States Senate.

The question is only, is it the duty of the United States Senate to investigate this matter of bribery which a great people charges against the members of its own Legislature? From the first reading of the evidence submitted by that Legislature down to now I never have had the slightest question of my duty. It has seemed as clear to me as the pathway to the stars, and it does now, notwithstanding the able arguments to which I have listened.

There is another thing asserted here, namely, that there is no testimony in the case submitted by the Legislature of Ohio which ought to induce an inquiry. I join issue. I am willing to agree with the chairman and with the other members of the committee that there is no testimony which proves that the Senator from Ohio has been guilty of bribery, or which even shadows the suspicion that he has been. I admit there is not testimony enough on which to declare that the Senator's seat is vacant; but I claim there is testimony, and abundant testimony, to put the United States Senate upon the inquiry, to make it its sworn duty to institute it and proceed with it rigorously.

Sir, the United States Senate is a powerful and a dignified body, unequaled by any other on the face of this earth; but it is not high enough nor great enough to refuse the demand of the people of the Republic.

The press within the last ten years has abounded in statements that the United States Senate is made up of men of great wealth, the children of overgrown monopoly power. What for? What is the insinuation? What else other than that United States Senators with their wealth have bought their Senatorships and that their presence here is not the result of a freely formed and expressed judgment of the people, but of purchase.

That is the insinuation. It has no convincing power with me, for I know these Senators and appreciate their worth; but what are the people thinking about it? I know, and so do they, that a man of great wealth, who loves money, easily grows into the idea that money is God, omnipotent, omniscient, can do whatever it pleases, and go whithersoever it may. I know that he proceeds upon the hypothesis that it can purchase anything he seeks or anything his heart may wish. I know that he names his price for every man, and declares that he can find the price that is fit.

The United States Senate, when the question comes before it as this

has been presented, whether or not the great Standard Oil Company, the greatest monopoly to-day in the United States of America, a power which makes itself felt in every inch of territory in this whole Republic, a power which controls business, railroads, men and things shall also control here; whether or not that great power has put its hand upon a legislative body and undertaken to control, has controlled and has elected a member of the United States Senate, that Senate I say can not afford to sit silent and let not its voice be heard in an inquiry as to the truth of the allegations.

Mr. President, I say there is evidence here ample, abundant. Look at it for a few moments. Here sitting, a year or two ago, was the Senator from Ohio, Mr. Pendleton, a favorite in the United States Senate, a favorite, too, in Ohio, a handsome man in personal appearance, a man always full of courtesy, attractive in manners, with every element of popularity it is possible for the dear Lord to give one of us men. He served his State well; he served his country faithfully. His first term in the Senate was expiring. There was the great State of Ohio with a rule which had been almost an iron rule, declaring to a faithful Senator, "Our party being in power, you shall be returned a second time to the Senate."

The canvass came on in the State. Two men were recognized in it and two only, General Durbin Ward, a brave soldier, a man actively engaged in political affairs; Mr. Pendleton, just leaving his first seat in the Senate with the rule that he should be returned if a faithful Senator, and one of the most popular men in his party in the State. No others. The canvass was fought through, day by day, week by week, and the Senatorial question was the issue. It finally closed, and Mr. Pendleton, according to the testimony here, for an offer to prove by a counsel in the case in the mere matter of preliminary inquiry is as evidence itself, had a clear majority. The offer of proof is that Mr. Pendleton is ready to testify before the committee that when that canvass was over he had a clean, clear majority of all the Democrats elected to that Legislature. There is also the testimony in this book of his private secretary, his business agent, who says that he knows Mr. Pendleton so believed and that he believed it from personal interviews with members-elect and letters from them, which he had received.

Now comes the time for the election, and the Standard Oil Company by its president, I believe he is, or treasurer, Oliver H. Payne, by, another officer, Mr. Thompson, by another, Mr. Huntington, appears on the scene, and takes charge and control of the political machinery of the Democratic party of Ohio, and what is the result? Presto, change! Pendleton, the peerless, 15 votes; HENRY B. PAYNE, 46; and General Ward, 17.

Now, sir, how was that accomplished? Was it a miracle? The Senator from Illinois suggests that the Republicans took a hand in it and helped nominate the Senator from Ohio, that they did it because that Senator was a brave, fearless Union man, standing by the armies of the United States all through the terrible war. The Senator from Illinois forgets that a large majority of the Democrats of the State of Ohio worshiped Vallandigham, the spirit of rebellion in the North, and it did not commend to the Democratic party of Ohio a man for election to a high office that he was a Union man in the rebellion.

Mr. Pendleton had behind him nearly all the recognized leaders of the Democratic party in Ohio, headed by Allen G. Thurman. Colonel Taylor, a leading Democrat and a man familiar with the political affairs of the State, traveling entirely over it during this canvass, James Boyle, another leader, doing the same thing, and Allen O. Myers on pages 118, 119, 51, 53, and 267 of that book of evidence, declare that Mr. PAYNE'S name was not mentioned during this canvass, and Myers, an enemy to Pendleton, says that it was concluded to adopt Mr. PAYNE'S name to beat Pendleton with, after the election was over.

How after the election? Baldwin on page 219, Taylor on page 119, Hall on page 48, declare that when the election was over, Pendleton still had a majority of the representatives and senators elect; that he counted upon that majority; and Hall says that he reported the majority from day to day as Pendleton, until within two days of the caucus.

Mr. TELLER. Who was that?

Mr. FRYE. Hall, a gentleman to whom the Senator referred.

The election occurred on the 15th day of January, 1884, and, as I have said, a wonderful change had come over the spirit of the dream. I say this testimony here satisfies me that when the Standard Oil Company appeared at Columbus money came with it; its recognized power was money. It brought its recognized power and strength with it, and put it into the headquarters of the Democratic party. I call attention to the testimony of Hall on page 49. That testimony has been read here in part. Hall says:

I had a conversation with Mr. Mueller, ex-Lieutenant-Governor Mueller.

He said he "by accident went into Mr. Paige's room," who was the acting attorney and agent for the Standard Oil Company:

He said it looked to him like a banking house. There was a large amount of money in plain view. He said he found out that he was not wanted there and he went out.

That was immediately on the arrival of the company's agents.

Take page 213, L. A. Russell. This has been alluded to also. He says: A man whom he knew told him that he was in Paige's room; that "Mr. Paige went out with one of the men then present;" that—

He sat there by the table, and he said there were canvas bags, and coin bags, and cases for greenbacks littered and scattered around the room and on the table and on the floor.

The Senator from Illinois did not quote this correctly in his speech, when he undertook to raise a laugh in relation to it. He said there was a bag of greenbacks lying on the floor, the greenbacks sticking out of it. The testimony is not that, but that there was a bag lying on the floor; that he saw under it something green that looked like a revenue-stamp; he pushed the bag away, picked up the supposed revenue-stamp and it was a ten or twenty dollar bill; that Mr. Paige came in and he told him what he had, and Paige let him have the ten or twenty dollar bill. Yet I understood from the speech of the Senator from Illinois (he did not mean it probably) that a whole bag of greenbacks was lying there and Paige said, "Oh, well, take the bag of greenbacks."

Mr. LOGAN. I said no such thing.

Mr. FRYE. That is the way I understood it.

Mr. LOGAN. You could not have so understood it. The RECORD shows no such thing. I said he found it on the floor, and Paige told him to keep it, which he did. That is what he said.

Mr. FRYE. That man told this to L. A. Russell, a leading Democratic lawyer in the State of Ohio, who can be had before any investigating committee of the United Senate, and will testify as to the truth of it.

Mr. LOGAN. Will the Senator allow me to ask why was he not called before that committee? I said yesterday that this Mr. Russell who stated this told the committee that if they would allow him to ask from this man his consent to give his name he would do it, and there the committee ceased and asked him no further question. That is the fact, and the evidence shows it. That is what I said, and that is the truth.

Mr. FRYE. I hoped that I would not be obliged to say anything about the committee of the Ohio Legislature, but from the examination I have made of this testimony, I am satisfied it would be utterly impossible to find a more incompetent one. I understand that the chairman of the committee of investigation was a farmer and not a lawyer, probably a thoroughly honest man, but clearly he had not the first principles of examining witnesses. Then, again, I can find twenty persons named in that testimony, who were stated to have known important facts they could have made known to the legislative committee, and they never summoned one of them. They are not on trial here, however.

Judge Little offers to prove that David R. Paige carried $65,000 to Columbus on this occasion. I say that this offer to prove, by the counsel in the case, a member of the other house, respected here and at home, is, so far as this matter now before us is concerned, as if proof.

Mr. LOGAN. Did not Mr. Paige offer to go before the committee and be sworn?

Mr. FRYE. The Senator from Illinois has stated it. I have never been able to find it.

Mr. LOGAN. He says so himself. I had his statement here yesterday and read it.

Mr. FRYE. Does the Senator know why they did not take him?

Mr. LOGAN. I do not.

Mr. HOAR. Why did not he come here?

Mr. LOGAN. Now that——

Mr. FRYE. No controversy in my speech, please, with another Senator.

Mr. LOGAN. If the Senator will allow me, the Senator from Massachusetts has the habit of saying things sometimes with meaning and sometimes without. This is certainly a thing without meaning. "Why does he not come here?" Who has asked him to come here?

Mr. HOAR. Why did you not ask him to come?

Mr. LOGAN. The committee have made their report. The chairman of the committee asks me why I did not ask him to come. You were chairman; why did not you ask him to come?

Mr. HOAR. That is just what we ask the Senate for authority to do.

Mr. LOGAN. I want these statements to be fair and honest and just. This man offered to go before that committee in Ohio, and they refused to examine him by saying that they would notify him if they wanted him. Now the Senator asks why does he not come here? That is a nice answer for a lawyer to make to a proposition of that kind.

Mr. HOAR. I think it is a better answer than yours.

Mr. LOGAN. It is a very good answer for the Senator from Massachusetts to make, however.

Mr. FRYE. Judge LITTLE and General BUTTERWORTH offered to prove that Oliver H. Payne stated to as respectable a man as there is in Ohio that it had cost him $100,000 to elect his father. Oliver H. Payne was not before the committee, however.

Mr. LOGAN. He was ready to go.

Mr. FRYE. As I was informed, he was not at home to go, and they could not reach him. These gentlemen offered, further, to prove that Mr. Oliver H. Payne drew a check for a large amount of money, payable to Thompson, one of the agents of the Standard Oil Company, and one of the political agents at Columbus, and indorsed by him to Huntington, another of the agents of the Standard Oil Company and political agent, cashed by him, and the money taken by him to Columbus.

Mr. LOGAN. Mr. Thompson wrote a letter to that committee, to Mr. Cowgill, stating that he was ready to go before the committee and

testify in reference to these charges, and they declined to ask him to come. He was at Cleveland, where they could have got him during the whole session.

Mr. FRYE. That only proves the incompetency of the committee. It does not affect the case here in the slightest degree; it does not affect the duty and responsibility of the United States Senate that that committee neglected its duty and did not call these gentlemen. I have here the affidavit of Mr. Criswell, which I ask the Secretary to read.

The Secretary read as follows:

After the October election of 1885 Mr. McLean came into the Enquirer office, where I was at work, and complained in a rather bitter spirit against the Standard Oil Company not having reciprocated to him in a proper way, and said that they had sent $250 into some county near Cleveland to help them elect the candidate for representative, or senator, I don't know which; and said that when Mr. PAYNE was a candidate for United States Senator he (Mr. John McLean) had spent $100,000 of his own money to effect Mr. PAYNE's election. I remarked that that was a good deal of money for a private citizen to spend for a big corporation like the Standard Oil Company; and Mr. McLean said nevertheless he had spent that much money of his own to elect Mr. PAYNE, and had elected him; and in return for that they had sent $250 into this county.

And prior to the election of Senator PAYNE, and prior to the caucus that nominated him, Allen O. Myers came into my office in the Enquirer office and said that Casper Loewenstein, a representative from Franklin County, had demanded $5,000 to vote for Senator PAYNE. Mr. Myers was apparently very indignant at that fact; that the price was exorbitant, and that he didn't want to pay it—didn't want to pay so much money. I got the impression that they were willing to pay a reasonable sum, but that $5,000 was too much; but he said that Casper Loewenstein had marked up the price, knowing they had to have his vote. But he said before he would pay $5,000 for him he would have to see Mr. McLean; and he left the office, I suppose, with the intention of seeing Mr. McLean about it.

When I suggested to Mr. McLean that it was a big amount of money to pay for another man he said that it cost a great deal of money to get these representatives and senators to vote for Mr. PAYNE and they had to be bought. It took money and a good deal of it to satisfy them.

And he (Mr. McLean) has frequently told me that he would defeat Senator Pendleton's election, no matter what it cost him. He told me that on a number of occasions.

Q. You are willing to make oath to these matters before the committee?
A. Oh, yes; entirely so.
Q. Do you object to putting that in the form of an affidavit?
A. Not at all.

He (Mr. McLean) appeared to be very much in earnest when he talked about spending this $100,000.

In addition I wanted to say that W. P. Thompson, who is supposed to be an officer of the Standard Oil Company, had been in consultation with Mr. McLean at the Enquirer office prior to the caucus which nominated Senator PAYNE. I would like to be positive about one occasion. I remember very well about the fact of his having been there. He was introduced to me by Mr. McLean, and sat in the office talking with me waiting until Mr. McLean had time to talk privately with him.

R. W. CRISWELL.

UNITED STATES OF AMERICA, DISTRICT OF COLUMBIA,
City of Washington, ss:

R. W. Criswell, being sworn, says that the foregoing statement contained on pages 1, 2, 3, 4, and 5, to which his name is subscribed, is a true one. He further states that he made, in substance, the same statement at Cincinnati, Ohio, some ten days or two weeks ago to Harry R. Probasco, affiant being at the time an editorial writer on the Cincinnati Enquirer. Affiant further states that when he saw so much corruption in the Cincinnati elections and heard so much about it in Senator PAYNE's election, he felt that it was his duty as a citizen to make this statement.

R. W. CRISWELL.

Sworn and subscribed to before me this 17th day of June, A. D. 1886.
[SEAL.] THOS. J. MYERS, *Notary Public.*

Mr. FRYE. Enough certainly, Mr. President, to establish a very profound suspicion that there was money there to be used in that election. Was it used?

Mr. LOGAN. Who is this man?

Mr. FRYE. He was a leading writer on the Enquirer, of which Mr. McLean, I believe, is the proprietor, and I understand an entirely respectable gentleman and a Democrat.

Mr. LOGAN. I am not asking anything about that. I only ask who he is. He is a writer now, is he?

Mr. FRYE. He was discharged after this Payne investigation.

Mr. LOGAN. You mean before?

Mr. FRYE. No, sir; I do not; I mean after it; exactly what I say.

Mr. LOGAN. Do you not know that McLean wrote a letter to that committee and offered to go there and testify to anything they wanted to ask him?

Mr. FRYE. For Heaven's sake, what is the use to keep thrusting that committee's dereliction of duty into my face? They are not on trial here.

Mr. LOGAN. I will state to the Senator why. It is because upon their testimony we are asked here as Senators to act, and if they have failed that is not my business nor is it his. We are not asked as Senators to substitute for their dereliction our action, but we are asked to act upon their action. That is the reason why I say so. I say to the Senator that Mr. McLean (and I know nothing about the person who has made this affidavit, I probably might say something about it but I do not desire to do so) stated in a letter addressed to Mr. Cowgill, the chairman of the committee, that he would be at Cincinnati or Columbus at a certain time. He said he would go before the committee if they desired him to do so and answer any question that they might ask him, and they declined to have Mr. McLean by saying to him that if they wanted him they would let him know, and they never let him know. Now then——

Mr. FRYE. Will the Senator pardon me?

Mr. LOGAN. I say this——

Mr. FRYE. I think this is going too far.

The PRESIDING OFFICER. Does the Senator from Maine decline to yield further to the Senator from Illinois?

Mr. FRYE. I am standing right in the way of the Senator from New York [Mr. EVARTS], and I am ashamed of myself for doing it.

Mr. LOGAN. I want to say this: This evidence does not prove that Mr. McLean spent a dollar. If Mr. McLean expended money Mr. McLean can say so. That committee declined to ask Mr. McLean to appear before them. I say that any collateral evidence with reference to what he may have said, or any remarks he may have made to some outsider is not such evidence as the committee or the Senate could be guided by for the purpose of making this investigation when he himself offered to go before the committee of the Legislature and testify fully in reference to his conduct in connection with the matter.

Mr. FRYE. I say, on the contrary, it is the solemn duty of the United States Senate to see to it that Oliver H. Payne, and Mr. McLean, and Thompson, and Huntington, and Paige, and every other agent, if there are others, of the Standard Oil Company shall come before a committee of the United States Senate and under oath tell whether or not they purchased the seat of a United States Senator.

Mr. LOGAN. In response to that, if the Senator will allow me, I just want to make one remark, and then I will retire so that he can have the rest of the evening to himself. Inasmuch as the Senate has no jurisdiction over Mr. McLean, if Mr. McLean corrupted men it is the duty of the State of Ohio through their grand juries to indict him and prosecute him, and we can not do it. When the Senator makes that statement and charge he goes outside of the legal proposition, because it is the duty of Ohio to indict, prosecute, and convict Mr. McLean if he is guilty of the charge, for we have no jurisdiction whatever over him.

Mr. FRYE. Whether Ohio performs her duty or not is no question for the United States Senate. The United States Senate has no power under law to convict criminals for the benefit of the State of Ohio, but it has power and a duty and a responsibility to bring these men before a committee here and let them tell whether they have disgraced this body in which we sit and imposed upon it a Senator by bribery. That is a question in which every man and woman in the United States of America has a direct interest.

Now, Mr. President, did they use the money after they brought it to Columbus? I call attention to this testimony—and I am obliged to, because it has been somewhat disguised in the progress of the debate—I call attention to the testimony of Mr. Kahle, page 67, a member of the Legislature, a man of high character. I read but a little:

Q. Did Senator Ramey at any time make to you what you regarded at the time as a corrupt proposition?
A. He did.
Q. Now, that is definite and distinct. Can you tell the nature of that proposition?
A. Yes, sir.
Q. Please do so.
A. He offered me $5,000 for my support.
Q. He told you he would obtain for you $5,000?
A. He told me he would stick it down in my pants pocket.
Mr. TOMPKINS. Will you please state where this conversation occurred?
A. If I am not mistaken it was on the third floor of the Neil House, in Mr. Ramey's room.
Q. When was it, in reference to the caucus that nominated a United States Senator?
A. The night after the caucus.

The argument here and in the minority report of this committee is that this statement is absurd and not entitled to belief because the word "after" the caucus is used, and yet on inquiry of stenographers I find that in stenography the signs for the word "after" and the word "of" are almost exactly alike, and I find that was the mistake here, because I turn to the next page of the testimony of the same witness and he says:

Q. Did you ever have any subsequent conversation with Ramey about this transaction after the election was over?
A. Once.
Q. When and what was that conversation?
A. He asked me if I had told anybody that he offered me $5,000.
Q. When was that?
A. Well, that must have been within a month after, I can not say exactly, but it must have been within a month or so after the election of Mr. PAYNE.
Q. Did he ever say anything about his getting anything?
A. He talked about it.
Q. What did he say?
A. He said that he had a standing offer of $10,000 for his vote and mine.
Q. When was it he said that to you?
A. He told me that—now I am not certain whether he told me that on Saturday night or whether it was the evening before the caucus.
Q. Well, you can not just fix the time of the conversation in which he told you that there was $10,000 in it for your vote and his?
A. I think it was in the afternoon or toward the evening before the caucus of the senate.

Mr. LOGAN. Did he take it?

Mr. FRYE. No, he did not; he voted for Pendleton.

Mr. LOGAN. What did Mr. Ramey swear?

Mr. FRYE. I do not care what Mr. Ramey swore. Perjury just as logically follows corruption and bribery as death follows life. The man who offers the bribe will commit perjury when cornered. The man who takes the bribe will commit perjury if compelled.

Considerable discussion has arisen about the testimony of Elmer White. I am not going to read all that testimony. I have been over it. I call the attention of anybody who has the curiosity to read it to the testimony of K. V. Haymaker, page 230; Edward Squires, page 223; S. P. Moon, page 244; Lyman White, page 247; and Elmer White, page 254. Notwithstanding the Senator from Colorado joins issue with me, I say that the testimony of these men satisfies me beyond any reasonable doubt that Elmer White was bribed to vote for Mr. PAYNE.

Mr. TELLER. That is a mere matter of judgment, then.

Mr. FRYE. Certainly.

Mr. TELLER. It did not satisfy me that way.

Mr. FRYE. The Senator differed from me, I know. I put my statement as against his, and I have examined the testimony. Elmer White's father lived with him, before this election, in a rented house in Defiance. After this election they lived no longer in a rented house. His father bought one, or somebody else did for him, and they lived together in the new house. Elmer White put $1,800 cash into the new house, the title being in his father, paid off mortgages, and all that sort of thing. They were called before the committee and Elmer White——

Mr. TELLER. I beg to correct the Senator. It was not $1,800; it was $1,600. It is not very important, but it shows that the Senator has not read the testimony with that critical care that he would have the Senate believe.

Mr. FRYE. In stating the testimony in this way, if I get even within $200 of it, it is doing better than some Senators who have preceded me.

Mr. TELLER. Besides I should like to call attention to the fact that it appeared by other evidence than that of Lyman White or his son Elmer that Mr. White had been for more than a year before that talking of buying property in that town and looking for property.

Mr. FRYE. Yes, and he did not have the money with which to buy.

Mr. TELLER. For a year before the election.

Mr. FRYE. He bought it just as soon as he got the money. He did not wait long after the election.

Now, Elmer White denies. Of course Elmer White denies. A man who would receive a bribe and not commit perjury if asked about it would be a fool. His father, on the contrary, stands up for his rights like a man, and to the questions of the committee, he says, "I will not tell you where I got my money; it is none of your business." Well, perhaps it was not, but under the circumstances it creates a reasonable suspicion in my mind that he did not wish to tell. It seems to me an honest man would have been perfectly willing to tell where he got his money.

I am not proposing to inflict upon you all, this testimony, but I wish especially to call your attention to that in relation to Dr. Fierce, because the Senator from Colorado [Mr. TELLER] discussed his case with, it seems to me, more ingenuity than correctness.

Mr. Gunning, a prominent man, a friend of Pendleton, who had assisted in the election of Fierce, hearing that he was faltering by the way, had an interview with him, in which this occurred:

Before I could follow the note Dr. Fierce came in and sat down, and when my client went away he turned to me and made this statement. He says, "Mr. Gunning, I find that I am under the necessity of voting for Mr. PAYNE. I find that the universal sentiment of our citizens in Vinton County—the Democratic citizens—is for Mr. PAYNE. * * * The only thing that I regret is that I have not the means of paying back to Mr. Pendleton his $250 which I got of him." This was the first intimation which I had that he had received through the agency of my letter to Mr. Pendleton any money. Of course my conversation with him for a little while was somewhat powderish.

Q. We would like to have it, Mr. Gunning, if you please.

A. Oh, Lord!

Q. We would like to know what you said to him about the sentiments of his constituents.

A. I can tell you that. I told him that he knew that he was telling an unmitigated—and I am sorry now; but I told him, "a God-damned lie." That is what I told him.

Q. Didn't you challenge him to produce in Vinton County a man of any prominence that was in favor of Mr. PAYNE? There were several Vinton County men in the city at the time, weren't there; and didn't you challenge him to produce a Vinton County man that was for Mr. PAYNE?

A. I told him he couldn't do it. I dared him to point out a man who favored Mr. PAYNE. * * *

Q. Did he name any Vinton County man, or any prominent Democrat from Vinton County, that was favorable to Mr. PAYNE?

A. No, sir.

Q. He named none at all?

A. No, sir; he didn't name any one. My question was such that I would not like to have it down on paper. It was very violent language. * * * When he came to me in October he said that he was poor, and couldn't raise any money. I believe he said he had raised some $300 or $400, and spent it all. I have no personal knowledge. I visited the town of Wilkesville (the home of Dr. Fierce) occasionally, having a married daughter there, and I am well acquainted with the inhabitants of the village, and I knew of his property. He was a poor man—quite a poor man.

Q. (P. 32.) Well, I think it is competent for you to state, Mr. Gunning, what those conclusions were which you reached.

A. I will answer your question in this way: In my remarks to Dr. Fierce on the occasion of his telling me he would have to vote for Mr. PAYNE, among other things I said to him that he was bought with 30 pieces of silver; that he was a corrupt scoundrel, and so on, for quantity; and from circumstances which have come to my notice since, I am convinced that I absolutely, whether through passion, or by accident, or what, told about the truth.

Q. When you made these statements to Dr. Fierce, what reply did he make?

A. He became exceedingly sick, white as a sheet, and answered not. I had to take care of him and send him away, and he went away and laid in bed for two days. He made no reply.

Now, I wish to call the attention of the Senate to the case of Mooney and Roche, because that has been considerably debated. Vernon E. Hanna, a man "sixty-six years old, soliciting for newspapers, for the Columbus Record and Market Reporter, resides in the city of Columbus." He goes on to state that he was at a hotel at the time of this caucus, that he roomed near Mooney and Roche; that they occupied the same room; that he, at the request of the landlord, sat up on the night of the caucus to let them in; that they came in about 4 o'clock in the morning; that he heard them discussing and quarreling over the question of money, about $50 that one had received more than the other; that one had received $350 and the other one only $300; that he opened the door at 4 o'clock and let them in. I am aware that the Senator from Colorado says that Mr. Mooney went before the committee and testified that there was no truth in that. The Senator said he testified positively he did not go to this house to board but he went somewhere else. The witness says he thinks he did not go to this house until the 18th. He says, "I believe I did not go to the house until the 18th. He is only certain about one thing, and that was that be said not a word about money.

Mr. TELLER. No; he is certain that he was not there the night of the caucus, and his room-mate, Mr. Harbaugh, swears that he was not there the night of the caucus.

Mr. FRYE. But this gentleman swears that Mooney and Roche were there together and slept in the same room and he let them in. Now, on page 184 comes the landlord of the hotel, James Finley Brown, and he corroborates this man in his statement that Mooney and Roche were living at his house at that time, and he says he remembers the night of the caucus that this man sat up to let them in; that the man told him in the morning that he did let them in, and that it was 4 o'clock before he did it.

I wish to call attention to the testimony of Donavin, who never was alleged to be a drunkard until he made these charges. He was always regarded as a highly respectable Democrat. He was clerk of the Democratic Legislature for a number of years and was editor of the Columbus Democratic paper, the only one I think there is there, and I do not know but what he is now. Donavin says:

Senator Elliot informed me that in conversation with Mr. Cable and another senator that Mr. Cable acknowledged that he had received $5,000 for his vote.

Again:

W. H. McLyman voted for you for $2,500 and future prospects.

Mr. TELLER. That is Donavin's statement in the press.

Mr. LOGAN. That is not his sworn testimony. He did not give that in his testimony, for it is not his testimony.

Mr. FRYE. It is testimony I am reading.

Mr. LOGAN. We will see.

Mr. FRYE. We will see.

Q. When was it and where that Mr. Elliott informed you of this confession of Mr. Cable?

A. In the city of Washington, some time in the month of December. I guess it was just before the holidays, or in the holidays.

How now?

Q. In what year?

A. The year just passed, 1885.

Q. You say here that "W. H. McLyman voted for you for $2,500 and future prospects."

A. I got that information from two parties; one party is Michael Harriman, of Toledo.

Now, the committee never summoned Michael Harriman, of Toledo, before it, and he never was there and testified.

The other gentleman's name I will give you and you can summon him as a witness. He told me he was purchased, and it could be proved that he was. He did not name the amount though.

* * * * * * *

You say, then, colonel, that "O. B. Ramey voted for you for $3,000 in hand paid." What is your information concerning that?

A. My information in regard to that is the same as in regard to Mr. McLyman.

Q. It came through the same source?

A. Yes, sir.

Q. You say "C. S. Welsh is placed at $2,000." What is your authority for making that statement, that he is placed at $2,000?

A. My authority for making that statement (the words "is placed," I guess I put in there myself. It was $2,000, the information came to me) came from two sources. One from Dan Grosvenor, and the sum was fixed by W. A. Taylor.

Now, Dan Grosvenor was not before that committee.

Mr. TELLER. Mr. Taylor was, and denied it.

Mr. FRYE. Denied that he fixed the sum?

Mr. TELLER. Yes; and denied that he had any knowledge of the matter at all.

Mr. FRYE. Dan Grosvenor was not there.

Mr. TELLER. No; he was not. I do not know where he was. His brother was there and testified about Welsh.

Mr. FRYE. I ask the Secretary to read the testimony of James Boyle, an honest man, a newspaper reporter, where I have marked it.

Mr. TELLER. On what page?

Mr. FRYE. Page 58.

The Secretary read as follows:

Q. (By Chairman COWGILL.) Give us any information you have bearing on this inquiry, where you obtained it, and from whom.

A. Mr. Norton, correspondent of the Cleveland press, told me at the door of

the Neil House, I think, on the occasion of the meeting of the Republican State central committee to fix the place for holding the last Republican State convention, that, I understood him to say, a partner of Mr. FORAN (Congressman FORAN, of Cleveland), who was I think he said a Republican, had told him a good story on Carron, I think that is his name, of Cleveland. I then remembered that I had heard something about Carron, and asked him for particulars. I recollected that Carron was here during the Senatorial fight, and was very active in behalf of Mr. PAYNE; and I was rather astonished at his taking such an interest, as he was a Republican. The story was this as told to me by Mr. Norton, and as corroborating what I had heard in a kind of a floating way. At the meeting of the Payne managers attention was drawn to the vociferousness of one member of the Legislature, who was working in behalf of Pendleton; and it was stated that he was such a sharp talker and worker that it was necessary to silence him; that Mr. Carron was selected as the man to perform this office; that he was given a thousand dollars to hand to this member. At a later meeting of the PAYNE managers, complaint was made that this Pendletonian still raged, and it was remarked that it was curious that he remained a Pendletonian in spite of the fact that he had got a thousand dollars. A member of the cabal, if you may call it so, or one of the gentlemen interested in Mr. PAYNE's election, went down to the lobby of the Neil House and secured this mossback and induced him to go down to the room of the Payne managers. He was there in the presence of Mr. Carron asked the straight question whether he had not received a thousand dollars. He declared he had not received a cent. Mr. Carron insisted that he had given him a thousand dollars to quit booming Pendleton. The two gentlemen quarreled and a scene occurred. To fix matters up, one of the Payne managers there and then gave this gentleman a thousand dollars. And it is still an open question (I am giving the story as told to me) whether Mr. Carron kept the thousand dollars and lied, or whether the Pendletonian lied. Shortly after this conversation with Mr. Norton, which, to the best of my recollection, was on that occasion when I was up in Columbus as political correspondent and as having some interest in the matter to be decided by the committee, I met Mr. Eck Heisley who saluted me, and, without any attempt on my part to draw him out, in most bitter and extravagant language, denounced the election of H. B. PAYNE as corrupt, and asked me whether I recollected a fight or row he had in the lobby of the Neil House with Senator Williams on that very question. I followed the conversation, and stated that I had written a pretty rich thing within the last two weeks about a townsman of his, a Republican, Senator Carron. He says: "Oh, yes; you mean that thousand-dollar story." "Well," he says, "it is true." He took such an interest in the matter because it had never been published. I believe in my publication I stated that this story had never been published, although I had this information and had had for a long time, but I had no recollection of seeing it in print. Mr. Heisley urged me to send him a paper containing the account of it. He said every word of it was true. He took position against Mr. Carron in the matter.

Mr. FRYE. I wish the Secretary to read further what is marked at the bottom of page 57, showing the method which these agencies of the Standard Oil Company adopted in order to detect whether or not a man who was purchased, paid the price by his vote.

The Chief Clerk read as follows:

Q. To further the PAYNE movement?

A. Yes, sir. The story in relation to which I had the memoranda was that Senator Elliott, after being elected as a Ward man, had been induced to promise to vote for Mr. PAYNE, but that the parties handling the money would not pay him. They did not pay, so it said, a number of other gentlemen, until after the vote in caucus; that Senator Elliott was to stand outside of the Neil House and a man was to come up to him and slip money into his hand if he voted for PAYNE; that he stood out there, but did not get any money. When he asked the parties about the money he was told that he did not vote for PAYNE but voted for Ward. There was a controversy over it in which Allen O. Myers cut quite a figure as to who Senator Elliott voted for. My information was that the means by which it was discovered that Senator Elliott did not vote for PAYNE were these: Certain members being doubtful, that is, they had been induced to promise to vote for PAYNE, but they fearing [the PAYNE managers] that they would go back on them, ballots had been handed about prepared; that certain lines were drawn on these ballots. Then the end of the ballot prepared, containing a portion of these lines, were saved and the name of the suspected member to whom the ballot had been handed written on the torn off portion and preserved. My information was that in the rough the ballot was in this form: [Referring to a diagram.] It was a fact, I believe, generally stated in the press at the time, and I believe is a fact, that as soon as the ballots were cast they were taken possession of by a member of the PAYNE adherents, generally stated to have been Mr. Myers, and by him sent over to the Neil House, and then the torn off edge was compared with the ballots.

Mr. TELLER. I think the Senator ought not to object if I should ask to read a word or two from Mr. Elliott's statement. If he will not object I should like to do it. It is the same Elliott of whom he speaks.

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Colorado?

Mr. FRYE. Yes, sir.

Mr. TELLER. The question is:

I believe you stated that you voted for Durbin Ward?

A. Yes, sir.

Q. Did you vote in the caucus openly or secretly?

A. I held up my ballot that way [indicating] and says, "Here's a vote for Ward if he never gets another!" and I put it in the hat.

There is a witness who testifies that this man told him so, and makes it as a big thing that he had voted for Ward.

Mr. FRYE. Here is a Democratic member from Hocking County, Col. Seth Weldy, I understand one of the leading men, who states he was there and a part of this concern; that he saw a great deal, and that he made up his mind that money was used. The question was asked him.

Q. While it is not evidence in the strict sense, yet I am going to ask you this question: Without absolute knowledge of the fact, did you believe that money was used to influence certain things of which we have been speaking, so as to amount to a conviction in your mind that such was the case?

A. Well, that would not be strictly testimony, as I said here. I suppose that the committee ought to confine its questions, and the answers of the witness, I suppose, ought to be confined, before a committee of this kind, to the rules which govern testimony in courts, probably.

Q. We understand that, colonel.

A. And my answer, whether in the negative or affirmative, would not assist any in the investigation here.

Q. In other words, you would rather not answer that question?

A. Well, I haven't much objection to answering it. I have repeatedly said, and I say now, that in my opinion there was money used.

Q. Yes, we have understood, colonel, that you have repeatedly said so, in your own office, in your own town, on the streets of Columbus, to newspaper men and to other persons, and that you have frequently and repeatedly expressed that opinion and conviction, so I simply wanted you to reaffirm that conviction before this committee.

Q. (By Mr. LE BLOND.) Now, I would ask you if that opinion and conviction is not based wholly upon newspaper report and common conversations held at the time of the contest?

A. No, sir.

Q. Isn't it based on common report?

A. No, sir.

Q. Without any direct knowledge of the facts whatever, but it is simply based upon rumors?

A. It is based not upon rumors nor upon newspaper statements or charges. It is based upon my own judgment of the circumstances.

He was present all the time.

Mr. TELLER. Had you not better read another sentence?

Mr. FRYE. No; I do not care to do so.

Mr. TELLER. Where he says he has no knowledge of any bribery?

Mr. FRYE. Very well. He says further:

A. Understand me, I have no knowledge of any specific acts or facts concerning any member or senator.

Q. (By Chairman COWGILL.) But the conviction remains with you, you say, colonel, that improper methods were employed in the Senatorial contest of 1883-'84?

A. Well, what I would call improper methods would be using money.

Q. Yes, that is what we mean.

A. I am opposed to all matters of that kind, and I introduced a bill, &c.

Is there anything more the Senator wants me to read?

Mr. TELLER. No, that will do.

Mr. FRYE. O. T. Gunning, a leading lawyer of Columbus, a Democratic lawyer, testifies on page 35:

Q. You have no other way of accounting for these sudden conversions from the adherents of Pendleton to the adherents of PAYNE except upon that presumption?

A. I just have my belief about that matter from the circumstances. While it is very probable in my mind that money was used somewhere, but I have never yet believed or thought that at the time it was used, however, it might have come to PAYNE's knowledge afterward, that he knew anything about it at the time. At the time it was used I don't think that Mr. PAYNE took any part in the matter, but I thought it was entirely from another source, which, in looking over the whole field, every one ought to see. That is simply a belief that I have had all along; but whether he was not afterward aware of it, and is aware of it now, why, as a lawyer, I should say the circumstances are rather shaky upon that point, but at the time I don't think he knew it.

Q. (By Mr. TOMPKINS.) Were you of the opinion at the time that money was used to secure votes for Mr. PAYNE?

A. Yes, sir; I am of that opinion.

Q. And were you at that time?

A. I was. It was based on these very sudden conversions. The case that I have related to you is sufficient to fix in any lawyer's mind the opinion that there was something more than simply moral persuasion.

Q. It was a common report on the streets, in the hotel lobbies, and elsewhere that money was being used to secure Senatorial votes?

A. Yes, sir. There was a common rumor to that effect, but we paid but little attention to that, because it could very easily be started by the opposite party; there was no trouble about that; that might be started and permeate every circle and line of society.

Q. (By Mr. LE BLOND.) That is a very common occurrence in politics, isn't it?

A. Yes, sir; a very common occurrence in politics.

Q. (By Chairman COWGILL.) But as I understand you it was not rumor that operated upon your mind?

A. No, sir; not at all. It was certain facts that came to my mind, and the overwhelming circumstance was that of the personal knowledge I had of Dr. Fierce's action in the matter.

Q. (By Mr. LE BLOND.) Then I understand you that the case of Dr. Fierce was the principal fact that entered into your mind in arriving at a conclusion in the matter?

A. That was the principal fact, but supplemented, as a matter of course, by similar results in other cases, in which I had no immediate connection, like conversion of other men.

There is the case of L. R. Bruner, which has been presented by the chairman of the committee, and by the Senator from Colorado; there are the additional cases on page 37 of this report submitted by the Senator from Massachusetts, three more cases given by the gentlemen from the House of Representatives, Mr. BUTTERWORTH and Mr. LITTLE, making in all, as asserted by the chairman of the committee [Mr. HOAR], twenty-one cases of alleged bribery. I wish also to call attention to the case about which the Senator from Illinois made a good deal of amusement for the galleries—the case of "Blank," "Blank," "Blank." I am happy to inform the Senator from Illinois that I am prepared to supply the blanks, so that the amusement will be over.

Mr. LOGAN. Why was it not supplied to the committee?

Mr. FRYE. I send to the desk to be read a letter.

The Chief Clerk read as follows:

CHAS. T. CLARK, Esq.,
Attorney, Columbus, Ohio.

DEAR CAPTAIN: As the Cowgill committee is now investigating the Payne Senatorial election I thought I would suggest to you "a pointer."

A few days after the caucus I had an interview with Hon. L. C. Cole, representative from Stark, and who, by the way, is an excellent gentleman, barring his politics.

Our representative, Dr. C. C. Stouffer, had been elected as a Pendleton man, and he agreed with McSweeney, Zimmerman, and others to support Pendleton. A few days before the caucus it was whispered that "Stouffer had been seen" and that he would vote for PAYNE. A telegram was at once sent from here to Stouffer by the leading Democrats warning him against such a course, and Zimmerman and others at once went to Columbus and saw Stouffer. He hooted at the idea that he would vote for PAYNE, and Zimmerman assured Pendleton that Stouffer would support him, and Zimmerman then came home feeling confident that Stouffer would not disappoint him.

All this I got from Zimmerman at the time. At the interviews between Stouffer and John Zimmerman Mr. Cole was present as the friend of Pendleton.

Now, Cole informed me that after this he kept an eye on Stouffer, and that S. up to within an hour of the caucus said he would support Pendleton.

As the hour of meeting approached Cole noticed that Stouffer was not present, and he went to Stouffer's room at the hotel to bring him over.

He there found him in company with one of the men who was handling the Payne boodle, and was much embarrassed at Cole's appearance, but he went to the caucus with Cole, and on the way again asserted his allegiance to Pendleton. If I remember correctly, Cole said that they had printed ballots for both candidates and that he (Cole) gave S. a Pendleton ticket, but when the vote was taken Cole observed that S. wrote something on a piece of legal cap and then tore it off. He afterward discovered that S. put in the hat the same piece of paper, and then C. quietly went to Stouffer's desk and tore off a piece of the legal cap large enough to include the small piece torn off by S. I think C. was one of the tellers. At any rate he got the ballot which fitted the piece of legal cap and which S. had voted, and found that PAYNE's name was on the ballot.

The next week our Wayne County Democrat charged Stouffer with having betrayed his friends, &c. Last fall Stouffer announced his name as a candidate for renomination, but the leading Pendleton men of the party made a "Coal Oil" attack on him and he withdrew.

Mr. Cole said to me that Stouffer had been bought.

Whilst I don't care to be *known* in this matter, yet you may use this if it will aid the committee. I think John Zimmerman ought to be subpœnaed.

Very truly,

JAMES B. TAYLOR.

Mr. TELLER. I do not think it is fair for the Senator to put in these things that have not been before the committee, without at least allowing Mr. Cole to be heard, who was before the Ohio committee. Mr. Cole said before that committee:

I won't say, in my judgment, there were any improper influences brought to bear in the sense of corrupting members. I want to be distinctly understood now as disclaiming any reflection upon any member being improperly influenced. I say this, that I doubt whether or not the members were corrupted, in the sense of using money corruptly to induce them to vote for Mr. PAYNE, but I say that sentiment was manufactured by the bringing in of great delegations from every part of the State in the interest of Mr. PAYNE, and were kept here to work up sentiment for him. I think their expenses were paid and they were brought here by the corporations of the State.

This is the same witness of whom I spoke, who said he found it difficult himself to keep from being a PAYNE man.

Mr. FRYE. I see he did. Mr. President, I have been over the testimony which the Legislature sent to us and about which it has been asserted over and over again here, that there was no testimony, that the Senator from Massachusetts, the chairman of the committee, declared there was no testimony. He made no such declaration; there has been no such declaration on the part of either of the members of the minority; on the contrary, both have declared from the beginning that there was testimony enough to justify an investigation. I have been over it, grouped it here so that it might be seen at a glance what there was before that legislative committee, which, while it perhaps would not properly convict those members, would clearly justify, and not only justify but compel, an investigation on the part of the United States Senate into the seat occupied by the Senator from Ohio and into the question of corruption. But the testimony in this case was not limited to that report. There were other cases presented in the report of the committee; there were seven more cases, which were read by the Senator from Ohio in his speech, presented, after this report was made, by the Representatives of the State of Ohio from the other House; and I will not occupy the attention of the Senate further with them.

Now, Mr. President, there is another thing I will call the attention of Senators to. I do not think public opinion is to be disregarded. I do not believe that a Senate can disregard it, or any man despise it. I believe that public opinion, as a rule, is an opinion which is entitled to the greatest weight, and ordinarily—not always—is entirely justified by the evidence on which it is founded. Mr. President, the press largely represents public opinion, oftener represents it, than creates it. I propose to read some of these extracts, which gentlemen do not like, from Democratic newspapers. I am going to do it even at the risk——

Mr. TELLER. I will not allow the Senator to say I do not like them. Everybody can see how unfair it is to read them and say that. I am quite willing the Senator may proceed to read them.

Mr. FRYE. I said some "gentlemen;" I did not say the Senator from Colorado.

Mr. TELLER. I will claim the right whenever the Senator does it to call attention to the balance of the testimony.

Mr. LOGAN. What gentleman does the Senator from Maine allude to?

Mr. FRYE. That is not necessary for me to say.

Mr. LOGAN. I want to know if you allude to me?

Mr. FRYE. No; because the Senator made a speech——

Mr. LOGAN. If you did, I only say I have never objected to reading any extracts from newspapers, Democratic or Republican.

Mr. FRYE. ——during which he read a heap of them, which I would not have read under any circumstances.

Mr. LOGAN. I read those on your side of the case—articles written for the purpose of destroying as good Republicans as you are.

Mr. FRYE. I will read from the Clinton County Democrat, Wilmington, Clinton County, January 19, 1884, a Democratic paper:

The nomination of Mr. PAYNE of itself would signify no harm to the party; but his nomination is what every well-thinking mind can not but admit—the fruits of corrupt methods. * * * As a Democrat we repudiate the corrupt methods of, what is clear to every decent mind, a purchased nomination.

Democratic authority.

Investigation and purification is what is now wanted.

Again, on January 18, 1884, this Democratic paper says:

The Cleveland Plaindealer says "Mr. PAYNE succeeded because he had the most votes." The crying shame is the manner in which the most votes were obtained. That's what's the matter.

From the Banner, Mount Vernon, Knox County, a Democratic organ, January 10, 1884:

It is painful and humiliating to record the fact, but it is nevertheless true, that a considerable number of members who went to Columbus professing to be the friends of either Pendleton or Ward, by some mysterious influence or agency, were as suddenly converted to PAYNE as Paul was converted to Christianity on his way to Damascus.

Not in the same way, though, I guess.

Had there been an open ballot, as was desired by the friends of Ward and Pendleton, there would no doubt have been a different result; but behind the secret ballot the recreant members took refuge and betrayed their trust. For the man who voted for Mr. PAYNE as a matter of duty and conviction, we have the highest respect. But for the men who sold their votes for money we have no other feeling than loathing and contempt.

For these men there will be a hereafter. An investigation will no doubt take place, and startling revelations be made, &c.

From the Cambridge Jeffersonian, another Democratic paper in Guernsey County, January 17, 1884:

Mr. PAYNE could not have been made Senator from Ohio with, as is the case, nine-tenths of the Democratic voters of the State against his selection, except by the use of corrupting influence to an extent heretofore unknown in the politics of the State, and which went to such dirty depths as to astound and shock the sentiment of justice which prevails among all honest men.

Again:

The Democracy of Ohio has until now been free from the domination of bribing cash; but when it fell a prey to the mercenaries, it fell to a depth which would degrade the worst Republican coterie of bribe-givers and bribe-takers which ever invaded the capital of any State. This is written in sorrow.

Now, from the Greenville Democrat, in Darke County, another Democratic paper, January 16, 1884:

The defeat of Pendleton * * * will be and remain a loathing stigma upon the treacherous political career of the miserable mercenary purchased of the so-called representatives of the true, just, and ever anti-monopoly Democracy of Ohio. There is no excuse, no explanation, or even palliation of the infamy which can be rendered an intelligent public. For base political outrage it is without a parallel in our history.

Again, from the Butler County Democrat, of Hamilton, Butler County, January 17, 1884, a Democratic paper:

It might be hard to prove that the Standard Oil Company used money to elect H. B. PAYNE, but Democrats went out from Columbus to all parts of the State with the firm and honest conviction that it did.

From the Delaware Herald, Delaware County, January 24, 1884, a Democratic paper:

No Democrat who has the future welfare of the party at heart and loves the institutions of his country but feels saddened and heartsick at the result of the Democratic legislative caucus at Columbus Tuesday night of the 8th instant. All the traditionary principles of the party were ignored and its future interests jeopardized by the men chosen by it to represent and uphold its great principles in the legislative halls of the State. These mercenary wretches, who would, like Esau, sell their country for a mess of pottage, and, like Judas, betray their God for money, sacrificed the interests of the party they professed fealty to for a money consideration to a corrupt ring, and thereby prove recreant to the sacred trusts imposed in them and false to their duty and to the interests of their country.

The Van Wert Times, January, 1884, a Democratic paper, said:

And thus has the machinery of an overshadowing, tyrannical, corrupt, and grasping corporation triumphed over the ingenuous, honest counsels of the rank and file of the Democracy of Ohio. The money gods * * * can now score another victory. We do not hold Mr. PAYNE responsible for the evil influences which secured his election.

Again, from the Experiment, Norwalk, Huron County, January 19, 1884, a Democratic paper:

It is Standard Oil that made PAYNE Senator, which, being fairly and liberally interpreted, means money. That tells the whole story.

From the Spirit of Democracy, Woodsfield, Monroe County, January 15, 1884:

We were present at the Senatorial contest in Columbus last week.

* * * * * * *

The Standard Oil combination made use of every known means to obtain votes for their candidate. They feared the people, and through a packed caucus committee fixed the nominating caucus for Tuesday evening, the 8th instant. They obtained more than enough to nominate on the first ballot. How they obtained them is no secret, and the methods and means employed are a disgrace and a stigma upon the fair fame of the Democracy of Ohio.

Again, from the Troy Democrat, Miami County, January 1884:

The Democratic party will gain nothing in this event. In the election of PAYNE they sacrifice much that Pendleton achieved for his party, by placing it upon a platform of justice to every man; securing to every son of America equal rights to hold an office, based on qualification. It is a war of monopoly against honest government—the Standard Oil Company, worth its untold millions, against the friend of the people.

So I might go on reading. I will read only one or two more. I now read from the Catholic Universe, Cleveland, Cuyahoga County, January 18, 1884:

This Columbus debauch is no surprise to us. For years we have seen the evil trail of these monopolies and corporations in Cleveland, dictating our Democratic local politics while preparing to grasp the State organization, and in the end to clutch at the very throat of the Democratic party in its "national" convention. We have witnessed how the money power wielded lash and bribe till an independent, manful Democratic politician of prominence in this city is a rarer bird than a white crow, or a swallow in winter.

So we are not surprised that Senator Williams, of this city, who, when nominated, was a declared free-trader and friend of Durbin Ward—so it has been

publicly stated—was converted as suddenly as Saul of Tarsus, and donned the Standard Oil collar as gracefully as Mayor Farley has ever worn it.

I next read from the Cincinnati News-Journal, Hamilton County, Ohio, January 9, 1884, as follows:

Bad men, corrupt men, men who, by means of money or ability to use the bummer element for their own ends, have acquired brief standing, place, and power; men who, stripped of money, would be the tag end of the lowest element in society, have made it necessary to expose their foul doings. In a few days they will be complaining bitterly of exposure, and denouncing those who have exposed their rascality for disgracing the Democratic party. The public fortunately no longer doubts.

Again I quote from the same paper:

The work is done, and the sale is complete. Bosses and monopolies and rings for the control of political patronage have won a complete victory in a Legislature elected by the people struggling against bosses, monopolies, and spoils rings. They have not yet gained a victory over the unpurchasable Democratic people of Ohio. Money has been shamefully used to buy a seat in the Senate by men professing to be of the party which opposes the use of money in politics.

From the Columbus Times, Franklin County, January 19, 1884, I read:

Thirty pieces of silver bought Judas Iscariot, the arch-traitor. But it cost the Standard Oil-McLean faction a much larger bundle to subvert the will of the people.

Report of the caucus which elected HENRY B. PAYNE United States Senator, and sold out the Democracy to the money power.

I read now from the Bohemian, Columbus, January, 1884:

The Democrats of Ohio have howled against monopoly for the last twenty years, and when the opportunity came for them to give monopoly a stinging blow and at the same time reward one of their true and tried leaders they sell themselves out for a few shining dollars and crown monopoly king. Fie, on such men! When such noble and able leaders as Thurman, Ward, Converse, Geddes, and Morgan are cast aside for the sake of pelf and personal interest it is high time for the honest voter to act for himself and see that such men as are willing to sell themselves for a dollar or so are let severely alone. There was a time when a poor man stood some show in Democratic politics, but that time has passed. Democracy has joined hands with monopoly, and hereafter no poor Democrat need apply for favors.

The Clermont Sun, a Democratic paper, of Batavia, Clermont County, in January, 1884, said:

If Mr. Pendleton is defeated it will be by some bargain and sale, or low trickery, through a secret ballot that conceals and covers up legislators who have sold themselves, like Judas, to betray Ohio's honored Senator.

The Senator from Ohio [Mr. SHERMAN] read the letter of Allen G. Thurman. I call his attention to what Judge Thurman said in the Columbus Times January 9, 1884, the day after the caucus. Judge Thurman was there during this controversy, and knew all about it. He is not a man to jump at conclusions, nor is he a man carried away by prejudice or enthusiasm. He says:

The Democratic clock is put back four years, and corruption is given a new leasehold in our land. Syndicates purchase the people's agents, and honest men stand aghast.

Judge Thurman ought to have an opportunity to come before a Senatorial committee and give the facts on which he based that plain, clear statement of his judgment.

Again, Judge McKemy, a judge of the court of common pleas of Butler County, who is a good Democrat, says:

Why, it was no caucus—t'was only a sale with but one bidder.

Judge Coryell, a leading Democrat of Adams, says:

Such infamous corruption I never saw in forty years of public life.

He ought to go before a Senatorial committee and tell them what he saw to justify that statement about his party friends. Again, E. K. Heisley, a leading Democrat of Cleveland, thinks "such a nomination, procured by such methods, a stench in the nostrils of honest men."

Colonel Mosher, of Morrow, a leading Democrat, wants it understood that the bosses may purchase a Senatorship, but the people will never ratify the sale.

I could read a great many more extracts from Democratic papers, and they are healthy extracts to read. They give me a new respect for the Democratic party of Ohio.

Mr. President, there is the evidence; there is the public opinion of the State of Ohio, as expressed in the Democratic newspapers of the State, a majority of them; there is the expression of all the Republican newspapers in the State read here by the Senator from Ohio; there are the resolutions of the Republican editors of Ohio, read also in this presence; there is the declaration of the senate and house of representatives of Ohio, the declaration of the Republican central committee, the declaration of a convention, and yet Senators say there is nothing presented here which justifies the United States Senate in making an inquiry as to whether or not these things are so. I admit, sir, that if the Senator from Ohio [Mr. PAYNE] was on trial, they would not justify his conviction, because there is not a thing there that touches the skirts of his garments. I yield to no man in my respect for the Senator from Ohio. I served with him in the House of Representatives. I believe him to be a man of the strictest integrity, and the only thing that has ever shaken my confidence in him, is that, under this perfect storm of testimony, of assertion, of resolutions of Legislature and convention and committees, of denunciations of Democratic newspapers, he could content himself to sit here in the United States Senate without promptly demanding an investigation which should show to the world that his skirts were clean from all this foul stuff.

I believe in the history of the United States there never has been but one case before where a charge affecting the personal character of a Senator or his right to his seat has been made that he has not himself promptly demanded that the charge should be investigated, and that the truth should be known; and yet here, with Ossa piled on Pelion, investigation upon investigation, denunciation upon denunciation, resolution upon resolution, the Senator from Ohio has not demanded an investigation, but, on the contrary, his party friends in this House have insisted that no investigation shall be had.

I say, sir, with pain in my heart, that there is nothing in this whole transaction that has touched in the remotest degree my respect for and my confidence in the Senator from Ohio except this silence under these charges. How any Senator, taking a seat in this Chamber, could calmly consent to occupy that seat an hour without demanding indignantly an investigation is certainly beyond my comprehension; and I say that there is no Senator within my knowledge, on that side or on this side, who under the same circumstances could hold his seat in silence and retain my unshaken confidence.

Mr. President, if I had not felt exceedingly cramped for time, knowing that I was keeping from the floor the distinguished Senator from New York [Mr. EVARTS], and that the hour was getting late, I should have presented this case in better form. It was not my intention to speak, but a Senator and some gentlemen from the other House desired me to go over this evidence and I have done so, not from a wish to participate in this debate, for to me there is nothing of pleasure in it. I voted for an investigation, and to me nothing on earth could be more painful as a legislative duty than an investigation into a matter of this kind. But, sir, duties must be performed however disagreeable their performance may be. Public life is not one of pleasure.

Neither I nor any Senator could be induced to vote for this investigation by any motive whatsoever other than from a stern sense of duty and the safety of the Republic. Surely no committee of this body would be eager to enter upon such an inquiry, affecting so seriously an honored Senator and a respected friend.

But, sir, in my opinion the United States Senate will be derelict in duty, will fall infinitely below its proper place in the Republic, if under these statements it fails to make inquiry further into this alleged corruption.

The result of that inquiry, I sincerely hope, will relieve the Senator [Mr. PAYNE], restore the confidence of the people of Ohio, and commend the Senate anew to the Republic. But if, on the contrary, it shall satisfy the Senate that corruption has entered its Chamber; that money has purchased a seat there, and then it shall declare that disgraced and degraded seat vacant, it will have served magnificently well our beloved country.

Sir, if popular government is still an experiment and shall become a failure, that failure will be the legitimate result of unfaithful citizenship. If this Republic shall be wrecked on the shoals, the rock on which it breaks shall be named "corruption of the ballot." The ballot-box is the fountain-head of a government of the people; whosoever defiles that, destroys the whole.

The Senate can engage in no holier, no more responsible duty than to devote itself to a work which, however painful and disagreeable, may result in a warning, a terrible warning, which shall sound from the East to the West, from the North to the South, declaring, with no uncertain voice, that the corruption by money power of the citizen at the polls or of the legislator in a State, must stop at once and forever.

Mr. EDMUNDS. I move that the Senate do now adjourn.

Mr. ALLISON. I hope the Senator from Vermont will not move an adjournment until we conclude this case. I understand the Senator frow New York [Mr. EVARTS] desires to speak and that he has the closing argument.

Mr. HALE. If we do not sit to-night we shall run on for a week.

Mr. EDMUNDS. I withdraw the motion temporarily.

Mr. HOAR. Mr. President, the burden of the speeches which have been addressed to the Senate on the other side has been very largely an attack upon me, a misconception or misunderstanding of my original position before the committee, and a misconception or misunderstanding of the arguments which I had the honor to address to the Senate.

Mr. COCKRELL. We can not hear a word.

The PRESIDING OFFICER. Senators will please be in order.

Mr. HOAR. I had expected to reply, to occupy half an hour or three-quarters of an hour in that, which I think no Senator would deny was fair and proper, considering the large number of speeches that have been made on the other side; but I am so anxious to promote the convenience of the Senate, so near the close of the session, and in this heated term, that I will refrain from that privilege unless something should come up hereafter which will require it.

Mr. PUGH. As far as I am concerned I am very anxious that the vote should be taken on this matter to-night, but it is with the Senate. If it is their pleasure to have it go over until to-morrow with the certainty that this case will be considered to-morrow and closed, I have no objection, but I insist, so far as I am concerned, upon the conclusion of the case without adjournment.

Mr. ALLISON. If we can have an understanding to-night that at 1 o'clock to-morrow a vote shall be taken upon this question, it will

suit me. We can begin at 11 to-morrow, and that will give two hours. If we can have a vote to-morrow at 1 o'clock, I shall not ask that the sundry civil bill be taken up before that time.

Mr. HOAR. What about the Calendar?

Mr. ALLISON. I do not know what we shall do about the Calendar. I desire that this matter shall be commenced in the morning immediately after the ordinary morning business, and that we take the vote at 1 o'clock.

Mr. PUGH. With the understanding that we commence the consideration of this case at 11, I will agree to that.

The PRESIDING OFFICER. There is no arrangement about the Calendar for to-morrow.

Mr. TELLER. It does not seem to me that we ought to limit the time for taking the vote. The Senator from New York [Mr. EVARTS] expects to be heard. I think the proper way would be to take the vote at the conclusion of his speech, and not limit him to any particular time.

Mr. ALLISON. I have consulted the Senator from New York, and I made the suggestion with a view of giving the Senator from New York time to conclude his remarks. I understand from him that the time I have indicated will be ample.

The PRESIDING OFFICER. Is there objection to the arrangement proposed by the Senator from Iowa?

Mr. HOAR. I do not think I wish to absolutely cut off the right to say anything.

Mr. ALLSION. Well, I will say half past 1.

Mr. HOAR. I do not expect to speak at all.

Mr. CALL. I desire to say before any agreement is come to on this matter that I wish to occupy about ten minutes of the time of the Senate before I give my vote on this subject. I think we can very well employ the time to-night, by returning here after a recess, in hearing the speech of the Senator from New York and any other that may be made and may dispose of this question to-night.

The PRESIDING OFFICER. Will the Senate agree to the proposition of the Senator from Iowa that a vote be taken on this question to-morrow at 1 o'clock?

Mr. EDMUNDS. The Senator from Massachusetts objected to that, if I correctly understood him.

Mr. ALLISON. I think the Senator from Massachusetts will withdraw his objection.

Several SENATORS. Half past 1.

Mr. HOAR. My objection does not relate to the time at all. What I have to say is this: I have not the slightest expectation of addressing the Senate again on this subject, though I had prepared some notes which would involve half or three-quarters of an hour.

I think it is due to the convenience of the Senate that I should forego that privilege under the circumstances. I do not suppose there is the slightest probability that I shall desire to speak, but I do not propose, considering the course this debate has taken, to put myself in a position where if any statement is made hereafter in regard to my position like that made by the Senator from Louisiana or the Senator from Illinois or anybody else, my mouth is to be shut, that I am to agree that I shall have no right to speak on this question after a particular moment, or after the Senator from New York has got through. At the same time I say in all good faith that I have not the slightest expectation that any such thing will happen, but I do not think I ought to be cut off.

Mr. EDMUNDS. Mr. President, I propose this: That after the Senator from New York shall have concluded his remarks the Senator from Massachusetts shall be entitled, if he desires it, to three-quarters of an hour to reply—he holds the affirmative of this proposition, and according to the ordinary rules of fair play he is entitled to a reply—and that then the vote be taken.

Mr. BUTLER. I object to that.

Mr. HOAR. I am bound to say in all good faith, though I agree with the Senator from Vermont as to my right, that the question came up between me and the Senator from New York in private, and I agreed with him that I should submit to the Senator from Alabama whether I was entitled to reply or not, and the Senator from Alabama decided that I was not, and I am bound therefore not to put it on that ground.

Mr. EDMUNDS. I understand objection is made to my proposition.

The PRESIDING OFFICER. Objection has been made to the proposition of the Senator from Vermont.

Mr. EVARTS. I regret personally to come so much into the arrangement. I was expecting to close the argument on the part of the majority report, as the Senator from Alabama [Mr. PUGH] did not desire to make a second speech in the case and I desired to make but one speech in this case. I do not understand that I am departing at all from the general course of debate here, that the majority report which opens a case has the right to close it. Everybody has a right to reply afterward. Every Senator has a right to speak as much as he pleases; and just now it was a matter of private discussion between the Senator from Massachusetts and myself, and whether he accepted that view or not it was so adjusted. Later he has informed me that as it was getting late he thought he would not speak at all before me. Now he suggests that if it goes over until to-morrow, then what he said to me that he would not speak before me ought not to bind him in regard to the disposition to speak before me to-morrow if he so desires.

Mr. HOAR. I desire to save the time of the Senate to-morrow.

Mr. EVARTS. Then when I am understood to have closed the debate for the majority report every Senator has a right to speak, and the Senator from Massachusetts has intimated very properly that he would like to reserve the right to reply if he thinks it is required. Under these circumstances, Mr. President, it will be quite safe to take the vote at two hours after we start, with the understanding that the two hours are not out until I have got through. [Laughter.]

Mr. ALLISON. That brings it to half past 1 o'clock. Now I ask again unanimous consent that the vote be taken to-morrow on this question at 2 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. HOAR. I object.

Mr. ALLISON. Then, Mr. President, I give notice that to-morrow morning after the morning business is concluded I will test the sense of the Senate as to whether the appropriation bills are to be passed or not.

Mr. EDMUNDS. Regular order.

Mr. ALLISON. The Senator from Massachusetts withdraws his objection.

Mr. EDMUNDS. I think there was objection on the other side. ["No."]

Mr. HOAR. I understand the Senator from New York has said (which I had not heard when I objected) that he expects to get through at 1 o'clock to-morrow. If that is true, my belief is that we can take the vote at once; and I will certainly make no objection to a proposition to take the vote at half past 1.

Mr. EVARTS. Provided we start at some time or other.

Mr. ALLISON. I ask the Chair to put the question on 2 o'clock.

The PRESIDING OFFICER. The Chair will put the question again. Is there objection to fixing the time for taking the vote on this question at 2 o'clock to-morrow. The Chair hears none, and it is so ordered.

Mr. CALL. I object.

Mr. EDMUNDS. I move that the Senate do now adjourn.

The PRESIDING OFFICER. The Senator from Vermont moves that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Friday, July 23, 1886, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July* 22, 1886.

The House met at 11 o'clock a. m. Prayer by Rev. Dr. BULLOCK.

The Journal of the proceedings of yesterday was read and approved.

HARBOR OF NEW YORK.

Mr. BURLEIGH, by unanimous consent, obtained leave to have printed in the RECORD the following resolution of the Chamber of Commerce of New York and memorial of merchants of New York city in regard to New York Harbor; which was referred to the Committee on Commerce:

CHAMBER OF COMMERCE OF THE STATE OF NEW YORK.

At a joint session of the executive committee and the committee on the harbor of the chamber of commerce, held Thursday, June 10, 1886, the following resolution was unanimously adopted:

Resolved, That these committees learn with pleasure and gratitude that through the efforts of Senator WARNER MILLER an appropriation of $1,000,000 has been placed in the river and harbor bill for the improvement of New York Harbor. And we respectfully request that such amount be placed subject to the discretion and judgment of the Secretary of War, but not be entirely confined to any one locality or plan of improvement.

Attest:

CORNELIUS N. BLISS,
Chairman Executive Committee.
A. FOSTER HIGGINS,
Chairman Committee on the Harbor.

NEW YORK, *June* 11, 1886.

To the honorable the Commerce Committee of the United States Senate:

By and with the consent of General Newton and the Board of Engineers, having put into the river and harbor bill an admendment appropriating $1,000,000 for commencing the permanent work of deepening the water over Sandy Hook Bar to 30 feet at low tide, the undersigned, merchants of New York, hereby express their approval of the same, and respectfully request the Senators and Representatives from this State to do all in their power to secure the passage of this amendment by the Senate, and also the concurrence of the House therein.

The undersigned believe this to be of paramount importance, not only to the commerce of this city but to that of the entire country.

Dated New York, June 14, 1886.

H. H. Ware, Cotton Exchange; Lehman Brothers, 40 Exchange Place; T. F. Russell, 80 Cotton Exchange; Charles Messick, 90 Cotton Exchange; Louis G. Schiffer, 12 Old Slip; E. R. Robertson, 26 Cotton Exchange; Thomas M. Robinson & Co., 135 Pearl street; H. M. Le Count, Cotton Exchange; Liegf Gruner & Co., 60 Broad street; Mohr Hammond, Cotton Exchange Building; C. Otho C. Miller, 18 Beaver street; Jno. F. Blair, 1 William street; Thomson & Foote, 72 Cotton Exchange; Harry Harts & Co., 8 So. William street; W. W. Hill, jr., New York Cotton Exchange; A. N. Setter, New York Cotton Exchange; E. H. Skinker, New York Cotton Exchange; H. M. Craus, New York Cotton Exchange; Woodward

& Stillman, 16 and 18 Exchange Place; J. B. Guest, Cotton Exchange; R. Macready & Co., Cotton Exchange; Ralli Brothers, 13-15 Old Slip; Dittman & Untfelder, 70 Broad street; J. A. W. Wemnan, Cotton Exchange; V. and A. Meyers & Co., 38 Exchange Place; Walla T. Miller & Co., 5 Hanover street; Waldron & Taintor, Cotton Exchange; H. W. Farley, 116 Pearl street; Robt. L. Hill, Cotton Exchange; Hopkins Dwight & Co., Cotton Exchange; Geo. Copeland & Co., 134 Pearl street; Gwathmey & Bloss, 123 Pearl street; R. J. Wingate, 54 Broad street; Faule & Wakefield, Cotton Exchange; Sondheim Brothers, 70 and 72 Broad street; Latham, Alexander & Co., 16 Wall street; Jas. F. Wurman & Co., 113 Pearl street; Oscar Hackman, 4 Exchange Court; Wellington Crosby, Cotton Exchange; D. C. Hopkins, 8 So. William street; P. C. Royce, 125 Pearl street; Henry C. Perkins, 125 Pearl street; J. Lloyd Abbot, Cotton Exchange; W. N. Curdy, 8 Old Slip; Charles A. Tronp & Co., 21 Beaver street; E. Leber, 3 William street; J. Luther Britton, 215 Produce Exchange; Thomas A. McIntyre, 211 and 212 Produce Exchange; J. W. M. Youngly, Produce Exchange; R. L. Engs; H. E. Call, 16 Beaver street; Henry Allen & Co.; C. J. Power Son & Co.; G. K. Clark, jr., 204 Produce Exchange; C. R. Heikex; R. P. Clapp, 205 Produce Exchange; J. H. Hemick & Co., 107 Produce Exchange.

The Commerce Committee of the United States Senate having put into the river and harbor bill an amendment appropriating $1,000,000 for commencing the permanent work of deepening the water over Sandy Hook bar to 30 feet at low tide, the undersigned, merchants of New York, hereby express their approval of the same, and respectfully request the Senators and Representatives from this State to do all in their power to secure the passage of this amendment by the Senate, and also the concurrence of the House therein.

The undersigned believe this to be of paramount importance not only to the commerce of this city but to that of the entire country.

Dated New York, June 9, 1886.

Bliss, Fabyan & Co., 117 Duane street; Smith, Hogg & Gardner, 115 Worth street; Jay, Langam & Co., 108 Worth street; Lewis Brothers & Co., 86 Worth street; A. D. Juilliard & Co., 66 and 68 Worth street; W. L. Strong & Co., 75 Worth street; H. B. Claflin & Co., 228 Church street; Inman, Swann & Co., Cotton Exchange; Sam. D. Babcock, 32 Nassau street; Brown Brothers & Co., 59 Wall street; Drexel, Morgan & Co., 23 Wall street; Ammidown & Smith, 87 Leonard street; Morton, Bliss & Co., 28 Nassau street; Jesse Seligman & Co., 21 Broad street; McKesson & Robbins, 91 Fulton street; Schultz, Inness & Co., 111 Cliff street; Phelps, Dodge & Co., 11 Cliff street; A. H. Low & Brothers, 31 Burling Slip; Oelrichs & Co., 2 Bowling Green; F. H. Parker, New York Produce Exchange Bank; L. F. Holman, 2 Starr street; Franklin, Edson & Co., 435 Produce Exchange; J. Edson Lowe, Pier 39, North River; S. Jacoby, 347 Produce Exchange; Jas. McGee, 75 New street; Wm. T. Wardwell, 75 New street; The Devoe Manufacturing Company, by Jos. H. Lecour, secretary, 75 New street; Melmine, Bodman & Co., 401 Produce Exchange; E. Annan, 101 Produce Exchange; H. O. Armour, Produce Exchange; Sanger, Wallace & Co., 18 Broadway; David Dow, jr., Produce Exchange.

REBECCA STRAIT.

Mr. GROSVENOR, by unanimous consent, introduced a bill (H. R. 9929) granting a pension to Rebecca Strait; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RIGHT OF WAY THROUGH INDIAN RESERVATION.

Mr. BEAN. I ask unanimous consent to have taken up and put on its passage now the bill (H. R. 9736) to grant the Maricopa and Phœnix Railway Company of Arizona the right of way through the Gila River Indian reservation.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. SPRINGER. I will ask——

Mr. REAGAN. In order that we may continue the consideration of the interstate-commerce bill I must ask for the regular order.

Several MEMBERS (to Mr. REAGAN). Withdraw the demand.

Mr. REAGAN. If the bill can be voted on without debate I will not object.

The SPEAKER. The Chair can not of course speak in regard to that.

Mr. COX. I want the report read.

The SPEAKER. That is in the nature of debate.

Mr. REAGAN. I withdraw my objection to the consideration of the bill.

Mr. JAMES. I would like to have the report read.

Mr. REAGAN. It is only four lines long.

Mr. JAMES. I withdraw the demand for the reading of the report.

There being no further objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. DORSEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TERRITORIAL LAWS.

Mr. SPRINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill (H. R. 5179) entitled "An act to prohibit the passage of local or special laws in the Territories of the United States," after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Insert at the end of section 3 "except that in addition to any indebtedness created for such purposes the Legislature may authorize a loan for the erection of penal, charitable, or educational institutions for such Territory if the total indebtedness of the Territory is not thereby made to exceed 1 per cent. upon the assessed value of the taxable property in such Territory as shown by the last general assessment for taxation, and nothing in this act shall be construed to prohibit the refunding of any existing indebtedness of such Territory or of any political or municipal corporation, county, or other subdivision therein;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Strike out the word "two," in section 4, and insert "four;" and at the end of section 4 insert the following: "That nothing in this act contained shall be so construed as to affect the validity of any act of any Territorial Legislature heretofore enacted, or of any obligations existing or contracted thereunder, nor to preclude the issuing of bonds already contracted for in pursuance of express provisions of law, nor to prevent any Territorial Legislature from legalizing the acts of any county, municipal corporation, or subdivision of any Territory as to any bonds heretofore issued or contracted to be issued;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Insert after the word "law," where the same occurs the second time in section 6, the words "of Congress;" and the Senate agree to the same.

WILLIAM M. SPRINGER,
WILLIAM D. HILL,
Managers on the part of the House.

BEN. HARRISON,
M. C. BUTLER,
CHARLES F. MANDERSON,
Managers on the part of the Senate.

The statement accompanying the report is as follows:

The managers on the part of the House of the committee of conference on the disagreeing votes of the two Houses on the bill H. R. 5179, entitled "An act to prohibit the passage of local or special laws in the Territories of the United States," submit the following explanation of the effect of the amendments ageed to by the committee of conference:

The fifth amendment of the Senate prohibited Territorial Legislatures from incurring any indebtedness except to meet casual deficits, to pay the interest upon the Territorial debt, to suppress insurrection, and to provide for the public defense. The House agrees to this amendment with an amendment to the effect that in addition to any indebtedness created for such purposes the Legislature may authorize a loan for the erection of penal, charitable, or educational institutions for such Territory if the total indebtedness of the Territory is not thereby made to exceed 1 per cent. of the assessed value of the taxable property in such Territory. The act is not to be construed to prohibit the refunding of existing indebtedness.

The sixth amendment of the Senate prohibited counties and municipalities from incurring indebtedness beyond 2 per cent. of the assessed value of the taxable property of the Territory. This amendment is amended by striking out "two" and inserting "four;" making the limit of such indebtedness 4 per cent., and providing that the validity of existing indebtedness or obligations shall not thereby be impaired.

The seventh amendment enlarged the general law applicable to Territories, so as to authorize general incorporation laws to be passed to include some other subjects specified, in harmony with the spirit of the general law.

The other amendments submitted to conference were merely formal, and are agreed to by the House managers.

The bill as amended will have a very important bearing upon the future of the Territories, and result in checking and preventing reckless and burdensome legislation.

WILLIAM M. SPRINGER,
WILLIAM D. HILL,
Managers on the part of the House.

Mr. SPRINGER. The gentleman from Colorado, one of the managers on the part of the House, is absent sick. He has agreed to the recommendations of the conference committee, but was not present when it was finally submitted for signature.

The report was adopted.

Mr. SPRINGER moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OLEOMARGARINE.

Mr. HATCH. Mr. Speaker, I rise for the purpose of submitting a privileged report.

The SPEAKER. The gentleman will send the report to the desk.

Mr. DUNHAM. I desire to reserve the right to make a point of order against that report if it is the bill I think it is.

The SPEAKER. This is the bill to impose a tax upon oleomargarine.

Mr. DUNHAM. Then I make the point of order that it is not a privileged report.

The SPEAKER. On what ground?

Mr. DUNHAM. The forty-ninth clause of Rule XI provides as follows:

The following-named committees shall have leave to report at any time on the matters herein stated, namely:

The Committee on Elections, on the right of a member to his seat.

This is certainly not a report from the Committee on Elections, nor has it anything to do with the right of a member to his seat.

The Committee on Ways and Means, on bills raising revenue.

This report does not come from the Committee on Ways and Means, but comes from the Committee on Agriculture. The rule then goes on to provide the other committees which shall have the right to report at any time, namely:

The committees having jurisdiction of general appropriation bills; the Committee on Rivers and Harbors, on bills for the improvement of rivers and harbors; the Committee on the Public Lands, on bills for the forfeiture of land grants to railroads and other corporations, &c.

These are the only committees which are authorized by the rule of the House to report at any time as a matter of privilege. My point of order is that this report does not come from any committee of this House

that is authorized to make a privileged report upon this subject. The rule specifies clearly and explicitly what committees are authorized to make such reports, and this is not one of the committees. It is therefore, I hold, under the express language of the rule not a privileged matter within the spirit and meaning of the rule.

The SPEAKER. The Chair will hear the gentleman from Missouri on the point of order.

Mr. HATCH. Mr. Speaker, there was so much confusion in the Hall that I was not able to hear distinctly what the question of order was.

The SPEAKER. The gentleman from Illinois makes the point of order that under the rules of the House the only committee which has the privilege to make a report at any time upon bills raising revenue is the Committee on Ways and Means, and that the only privilege of the Committee on Agriculture is to make reports as to the agricultural appropriation bill, and that this is not such a bill.

Mr. HERBERT. And I make the further point of order, while this is pending, that this day has been set apart for another bill.

The SPEAKER. That has not been called up yet.

Mr. HATCH. In reply to the point of order I think it is only necessary to call the attention of the Chair to the fact that by a vote of the House this bill was referred to the Committee on Agriculture for its consideration and report to this House, with all the rights and privileges obtaining under the rules to a revenue bill, and in every stage of its consideration it had the same privilege that it would have had if reported from the Committee on Ways and Means. On the day before yesterday the bill with the Senate amendments was referred to the Committee on Agriculture for their action. They report it back to the House to-day, and that report is as much privileged as if it came from the Committee on Ways and Means or any other committee of the House. The action of the House has itself fixed the status of this bill, and under the rule in regard to ordinary reports from committees it is unquestionably a privileged report.

Mr. DUNN. If the gentleman from Missouri will have the order of reference read so as to determine whether that order confers on the Committee on Agriculture the privilege which is conferred upon the Committee on Ways and Means in this regard his position will doubtless be good. If that order does not, however, confer such privilege, I do not see how his position could be maintained.

Mr. HATCH. That is a point of order that the Chair will decide, not the gentleman from Arkansas.

Mr. DUNN. I do not undertake to decide anything, but simply asked if you would have the order of reference read, so that the House could see for itself the condition under which this bill went to the Committee on Agriculture. I do not see how such a reasonable and respectful request could give the gentleman offense.

Mr. HATCH. I merely stated what I wished to have done, to let the Chair decide.

Mr. DUNN. Of course the Chair will decide.

Mr. HATCH. But the gentleman asks me to decide a question that has been submitted to the Chair.

Mr. DUNN. Not at all; I do not ask the gentleman to decide it. I ask to have the order of reference read. The gentleman need not be ill-natured about a matter of this kind.

Mr. HATCH. The Chair will remember the order of the House, which was made on the motion of the gentleman from Iowa [Mr. HENDERSON], to refer the bill known as the Scott bill to the Committee on Agriculture. Afterward, the chairman of the Ways and Means Committee came into the House, or some member of the committee with his approbation, and reported back certain bills on this subject from the Committee on Ways and Means, and asked that they be referred to the Committee on Agriculture. Therefore the whole subject-matter, by the action of the Committee on Ways and Means itself and the action of this House, was referred to the Committee on Agriculture, with all the rights and privileges pertaining to that subject-matter.

Mr. DINGLEY. I desire further to state that this bill, which is a House bill, comes back to the House with Senate amendments and a request for a conference.

Mr. DUNN. That is not privileged.

Mr. DINGLEY. That has been sent to the Committee on Agriculture, and the committee make a report recommending non-concurrence, and that the House agree to a conference; and under the practice established in this House when a bill amended by the Senate returns with a request for a conference that has been always held to be privileged.

Mr. DUNN. But the gentleman must remember the bill is not yet reported. This is a point of order against the privilege of reporting it now.

Mr. HISCOCK. I imagine the same question is presented here as was presented on the original reporting of this bill. It seems to me, this being a revenue bill has the right of way, and that whatever committee is charged with the bill, the bill itself fixes its privileges in the House. Certain privileges attach to it, and those privileges attach to it no matter to what committee it may have been referred.

Then take the point that has been made by the gentleman from Maine [Mr. DINGLEY]. The Senate asks a conference in reference to this matter, and has named its conferees. That request was referred to the committee. It comes back here as a privileged question, a question of courtesy toward the Senate; and it has been so ruled in reference to questions of that kind in the past. It seems to me on both these grounds the gentleman from Missouri is entitled to make his report this morning.

Mr. HATCH. I desire to call the attention of the Chair to a paragraph in the Digest upon page 319.

Mr. BROWNE, of Indiana. I rise to a question of order. I demand that there shall be order on the floor.

The SPEAKER. Gentlemen will please take their seats and stop conversation.

Mr. HATCH. On page 319 of the Digest there occurs this paragraph:

The practice is now well established of one House passing a bill of the other with amendments, and at the same time asking for a conference with the other House thereon. There is no instance on record of a refusal on the part of either House to grant a conference requested by the other; and as, under the long-established practice of both Houses, all questions relating to existing or proposed conferences are held to be highly privileged, it is probable that conferences will keep pace with the steady growth of Congressional representation and legislation. For this reason, and also the further reason that there are no joint rules regulating conferences, additional precedents touching this subject are added to those of former editions.

It is on the occasion of amendments between the Houses that conferences are usually asked; but they may be asked in all cases of difference of opinion between the two Houses on matters depending between them.

Now, the bill upon its face shows that it comes back to the House with Senate amendments, and that the Senate have asked for a conference and named their conferees; and the Senate amendments having been referred to the committee that had the bill in charge, it has reported them back with the recommendation that the House non-concur in the Senate amendments and agree to the conference asked for on the part of the Senate. It is a privileged report, and can be made at any time, and this privilege has never been denied in the House.

Mr. HERBERT. The point of the decision read by the gentleman from Missouri [Mr. HATCH] relates to the question whether or not the House will refuse a conference when it is asked, and does not go to the point whether or not this is a privileged report.

Mr. DUNN. I desire to call attention to the point to which I tried to get the attention of the gentleman from Missouri. I am perfectly satisfied that the privilege conferred by the rules of the House, which govern in this case, is not a privilege conferred upon a revenue bill wherever it may be found, but it is a privilege conferred upon a particular committee in dealing with a revenue bill. There must be a conjunction of the conditions required by the rule; the bill described in the rule must be offered for report by the committee described in the rule. Those two conditions must come together. It must be the Ways and Means Committee; it must be a bill raising revenue.

Now the Committee on American Ship-building and Ship-owning Interests may as well claim the privilege of the Ways and Means Committee as the Agricultural Committee can claim those privileges. Therefore I made the point to the gentleman from Missouri that unless the order of the House made at the time the bill was referred to the Committee on Agriculture conferred specially upon that committee the privileges of the Ways and Means Committee to report such bill to the House at any time, then no privilege went, and the fact that the House has permitted it to be reported and considered heretofore did not create such a privilege, for that could only have been by reason of the fact that no one made the point of order, if it came in before as a privileged report.

The SPEAKER. The Chair thinks there was no oversight about the matter, because the rule which gives priority of consideration to revenue bills in Committee of the Whole House on the state of the Union relates to the character of the bill alone without regard to the committee that reported it.

Mr. DUNN. That is true; but the privilege of reporting for consideration——

The SPEAKER. That is another question altogether.

Mr. DUNN. The privilege of reporting for consideration is to be considered under the head of the rule conferring privileges on committees. Now, I ask that the order of the House referring this bill be read by the Clerk. It can not be claimed that the bill itself by the fact of a simple reference would or could carry with it the privilege to be reported back at any time by another committee than that on Ways and Means.

The SPEAKER. The Clerk will read the order.

The Clerk read as follows:

IMITATION BUTTER AND OTHER DAIRY PRODUCTS.

Mr. SCOTT introduced a bill (H. R. 6569) to prevent the illegal sale of all imitations of dairy products, and for other purposes.

Mr. SCOTT. I ask the reference of this bill to the Committee on Manufactures.

The SPEAKER. Does this impose a tax?

Mr. SCOTT. Yes, sir.

The SPEAKER. Under the rules of the House it belongs to the Committee on Ways and Means.

The gentleman from Pennsylvania [Mr. SCOTT] moves the reference of this bill to the Committee on Manufactures.

Mr. HENDERSON, of Iowa. I move to amend by inserting "Agriculture" in place of "Manufactures."

The question was taken; and there were on a division—ayes 67, noes 40.

So the amendment was agreed to.

Mr. DUNN. It will be seen that this is a simple order of reference, and does not change the standing rule.

Mr. HATCH. Now, Mr. Speaker, subsequent to that was the action of the House which I have referred to, when the Committee on Ways and Means brought in their bills that had been referred to them, and, by request of the committee, this whole subject-matter was referred to the Committee on Agriculture.

Mr. DUNN. But without privilege. That is the point I make.

Mr. HATCH. That is the question. The position I take is that the reference carried with it all the privilege.

Mr. McCREARY. Mr. Speaker, under clause 49 of Rule XI certain committees are given the power to report at any time. It is true that in that enumeration the Committee on Agriculture is not mentioned, and that committee did not come here and make its report originally because of any power granted under clause 49. I hold, sir, that clause 49 is not applicable to the situation as it now exists.

The Committee on Agriculture made their report under an order of this House; the bill was passed and it went to the Senate; it was passed there with an amendment, and it came back here for concurrence, and clause 49 does not apply to that situation. The question is simply, what shall we do with a House bill that comes back from the Senate with an amendment? The usage in this House shows that there has been a well-established practice of one House passing the bill of the other with amendments and at the same time asking for a conference with the other House thereon. There is no instance on record of a refusal on the part of either House to grant a conference requested by the other. This bill, having passed the House, comes back from the Senate with an amendment, and according to usage and the practice of the House it is now in order to have a conference, and it is in order to make this report as a privileged report in order to get a conference.

Mr. GIBSON, of West Virginia. Will the gentleman permit me a question?

Mr. McCREARY. Yes, sir.

Mr. GIBSON, of West Virginia. Suppose a privileged matter was reported by some member not belonging to a committee having charge of privileged matters, would that individual get the privilege on this floor?

Mr. McCREARY. That case is not applicable to the question here.

Mr. GIBSON, of West Virginia. I will ask the gentleman another question. Can any committee have jurisdiction of a subject unless that jurisdiction which is given by the rules?

Mr. McCREARY. The Committee on Agriculture had charge of this bill, which passed the House and went to the Senate and comes back here with amendments, and I hold that, under the practice of the House, the Committee on Agriculture now have the right to call up the Senate amendments and ask for a conference.

Mr. GIBSON, of West Virginia. Mr. Speaker, there are only certain channels through which privileged questions can be presented to the House, and those channels must be such as are recognized by the rules of the House. If the friends of a privileged measure choose to refer it to a committee having no jurisdiction and no privilege, that committee does not, by that action of the House contrary to the rules, acquire any privilege, and when the gentleman took a revenue bill away from the committee having jurisdiction of revenue bills and referred it to his committee, having no such jurisdiction and no privilege except upon agricultural matters, the bill lost the privilege to which it otherwise would have been entitled.

Mr. DUNHAM. I wish to call the attention of the Chair to the fact that we have not reached the point of attempting to refuse to accede to the request of the Senate for a conference. The point of this matter now is simply this——

Mr. OATES. Will the gentleman allow me a moment? Only the day before yesterday——

Mr. DUNHAM. I am coming to that.

Mr. OATES. In the case of a bill for the appointment of an additional judge for the State of Alabama the Judiciary Committee reported in favor of non-concurrence in the Senate amendments, and proposed that the House accede to the request of the Senate for a conference. Upon an objection made by the gentleman from South Carolina [Mr. DIBBLE] it was ruled that the bill must go to the Calendar.

Mr. DUNHAM. That is the fact, and the same is true of the river and harbor bill, which, on the point made by the gentleman from Iowa [Mr. HEPBURN], went at once to the Calendar of the Committee of the Whole.

The proposition in the present case is simply to follow the rule. It will not do to say that because the bill was referred to the Committee on Agriculture the rule is set aside. This rule is positive; it contains no conditions whatever. It says:

The following named committees—

If the House had intended the Committee on Agriculture to have this privilege it would have been named in the rule—

shall have leave to report at any time on the matters herein stated, namely, the Committee on Elections, on the right of a member to his seat; the Committee on Ways and Means, on bills raising revenue.

Not the Committee on Agriculture upon a bill which slipped into their hands by a majority vote of the House without giving them any special privileges whatever.

I claim, Mr. Speaker, that the rule is positive; that there is no reversal of this rule by any action of the House in voting months ago to send the bill to the Committee on Agriculture.

The SPEAKER. It will be remembered by the House that when this bill, or a bill upon this subject, was first introduced, the Chair decided that it belonged under the rules to the Committee on Ways and Means; but the House by a vote referred it to the Committee on Agriculture—in other words, made a special order of reference without changing in any way whatever any of the rules of the House. Clause 49 of Rule XI, which has already been referred to, provides:

The following-named committees shall have leave to report at any time on the matters herein stated, namely: The Committee on Elections, on the right of a member to his seat; the Committee on Ways and Means, on bills raising evenue, &c.

Under another rule of the House it is provided that at any time after the expiration of the morning hour it shall be in order to move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering bills raising revenue or general appropriation bills.

The difference as to the privileges of this class of bills under these two rules is simply this: The privilege to report a revenue bill at any time applies only to the Ways and Means Committee, while the privilege to consider revenue bills in Committee of the Whole on the state of the Union in preference to other bills applies to all revenue bills, whether reported from the Committee on Ways and Means or not. Therefore when the question was raised as to the right of the Committee on Agriculture to call up in the Committee of the Whole on the state of the Union the bill imposing a tax upon oleomargarine it made no difference from what committee it was reported, it had that privilege of consideration under the rules.

But the point now made by the gentleman from Illinois [Mr. DUNHAM] is that this privilege to report at any time *bills* raising revenue belongs to only one committee, the Committee on Ways and Means; and the Chair does not see how, under the order which was made, a simple order referring the bill to the Committee on Agriculture, without giving to that committee any privilege which it did not already possess, carries with it necessarily this right to report at any time.

In regard to the other point—made, the Chair thinks, by the gentleman from Maine [Mr. DINGLEY]—in regard to the privilege of a measure coming from the Senate accompanied with a request for a conference before there has been any disagreeing vote, the Chair will state that the passage read from the Digest by the gentleman from Missouri [Mr. HATCH] undoubtedly states the parliamentary rule on this subject correctly. Either House has a right to ask a conference at any stage of its proceeding. For instance, the House of Representatives, when it passes a bill and sends it to the Senate, may accompany its message with a request for a conference on that bill, and the Senate, when it finally disposes of the bill by rejecting it or by passing it with amendments, may accede to the request. But the House to which a bill accompanied with such a request is sent must, when it takes up the matter for consideration, reach the final determination whether it will agree or disagree to the proposition sent to it by the other House according to the mode of proceeding prescribed by its own rules.

The fact that the House, when it passes a bill, requests at the same time a conference with the Senate could not prevent the Senate from proceeding to the consideration of that bill in the regular way under its own rules; and when that final determination is reached, it might be that, instead of granting a conference, it would agree to the measure as sent by the House, and thus render a conference unnecessary. There are cases in the parliamentary history of England, and perhaps in this country, where there have been conferences between the two branches of legislative assemblies, not upon disagreeing votes on amendments, but where one House had passed a bill and the other had absolutely rejected it. But in coming to that conclusion or stage of the proceeding which must be reached before a conference can be agreed to—because there can be no conference except upon disagreeing votes of the two Houses—each House must be governed by its own rules. If a conference is asked in advance upon a bill, the bill must nevertheless take its usual course, and the request can not be acceded to until the measure is rejected; and likewise if a conference be asked in advance upon amendments, they must take the usual course and be disagreed to before the request is granted. The only rule the House has upon this subject is one which makes the conference report privileged. It reads:

The presentation of reports of committees of conference—

The language is "reports"—

shall always be in order except when the Journal is being read, while the roll is being called, or the House is dividing on any proposition.

It is claimed now by the other branch of the legislative department that there are no joint rules existing which regulate the proceedings on any subject between the two Houses. Formerly there was a joint rule regulating this matter of interchanging messages between the two Houses and granting conferences on disagreeing votes; but we seem now to have no such joint rules—at least none which can be enforced on the part of the House of Representatives. Therefore, upon the points

which have been raised, the Chair holds first that this could only be a privileged report when coming from the Committee on Ways and Means; secondly, that its consideration is not privileged simply because the Senate chooses in advance of a disagreement to ask for a conference.

Mr. HISCOCK. I desire now to make an inquiry.

The SPEAKER. The gentleman will state it.

Mr. HISCOCK. As I understand it, to-day is set apart for the consideration of a bill for the construction of war ships.

The SPEAKER. It is.

Mr. HISCOCK. If that measure is antagonized and the House shall vote it down, or if we refuse to go into Committee of the Whole to consider that bill, then the regular order will be, as I understand it, the morning hour for reports from committees.

The SPEAKER. It will.

Mr. HISCOCK. Then I demand the regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. HATCH. I call for the regular order.

The SPEAKER. It has been already demanded.

Mr. DUNHAM. This report is not to be received, then, under the ruling of the Chair?

The SPEAKER. Not as a privileged report.

The regular order is demanded, and unless the gentleman from Alabama [Mr. HERBERT] calls up the special order, the regular order is the call of committees for reports.

Mr. HERBERT. I call up the special order.

Mr. HATCH. The gentleman from Alabama will save time for his measure by letting us have the hour this morning for the call of committees. If he will allow that, he will find that our committee will not be in his way.

Mr. HISCOCK. The morning hour is all we want.

Mr. HERBERT. Then I withdraw for that purpose.

CALL OF COMMITTEES.

The SPEAKER. The Chair will call the committees for reports.

The Committee on Elections was called.

Mr. DUNHAM. I wish to make a parliamentary inquiry. Does the right to call up the special order set apart for to-day exist only in the chairman of the Committee on Naval Affairs?

The SPEAKER. The special order relates to a bill in charge of the chairman of the Committee on Naval Affairs. If he does not call it up the Chair thinks that under the custom of the House no other gentleman should be recognized to do so.

Mr. DUNHAM. Then no other gentleman has the right to call up the special order?

Mr. HERBERT. Mr. Speaker, I desire to ask whether or not I may yield for the morning hour with the understanding that nothing else is to be done except receiving reports from committees?

The SPEAKER. The Chair does not understand the gentleman from Alabama to yield anything, except that for the present he does not call up the special order. He may call it up hereafter.

Mr. HERBERT. By waiving the demand for the special order at present I do not lose the right to call it up hereafter?

The SPEAKER. The gentleman may call it up at any time, as this day is set apart for its consideration. If he does so it will take precedence, unless the House chooses to take up some other measure.

The Committee on Ways and Means was called.

Mr. REAGAN. I call for the regular order.

The SPEAKER. The regular order is being pursued.

Mr. REAGAN. I wish to reach the consideration of the interstate-commerce bill under the order of the House.

The SPEAKER. That order fixes no time for its consideration, but it may be called up at any time during the day whether before or after the morning hour.

Mr. HERBERT. I think I had better call up the special order set for to-day.

The SPEAKER. The Chair thinks it is now too late, having already proceeded to call the committees.

Mr. REAGAN. And I raise the question of consideration.

The SPEAKER. Against what?

Mr. REAGAN. I understood the gentleman from Alabama to demand the special order.

The SPEAKER. But the Chair has proceeded to call the committees of the House, and nothing can be done until the call is completed.

MARIA SYPHAX.

Mr. TUCKER, from the Committee on the Judiciary, reported back favorably the bill (S. 2517) declaratory of the meaning of an act entitled "An act for the relief of Maria Syphax;" which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FEDERAL COURTS, COLORADO.

Mr. TUCKER, from the Committee on the Judiciary, also reported back the bill (H. R. 3014) to provide for terms of court in Colorado, with Senate amendments thereto recommending concurrence in the Senate amendments; which was referred to the House Calendar.

S. BARRON.

Mr. TUCKER, from the Committee on the Judiciary, also reported back favorably the bill (H. R. 9854) to remove the disabilities of S. Barron, of Virginia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PACIFIC RAILROADS.

Mr. TUCKER, from the Committee on the Judiciary, also reported back favorably the resolution of June 14 in reference to the interests of the United States in the Pacific railroads; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHARLES E. CREECY.

Mr. COLLINS, from the Committee on the Judiciary, reported a bill (H. R. 9930) conferring jurisdiction upon the Court of Claims and the Supreme Court of the United States to finally determine the case of Charles E. Creecy, asignee, in Congressional case No. 71, reported to the House of Representative by said Court of Claims under the provisions of the act of Congress of March 3, 1883; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NATIONAL BANK OF MARSHALLTOWN, IOWA.

Mr. CANDLER, from the Committee on Banking and Currency, reported back with a favorable recommendation the bill (H. R. 9855) authorizing the Commercial National Bank of Marshalltown, Iowa, to change its location and name; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SOUTHERN EXPOSITION AT LOUISVILLE, KY.

Mr. IRION, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 5633) relative to the Southern Exposition to be held in the city of Louisville, State of Kentucky, in the year 1886.

The SPEAKER. Does this bill require an appropriation?

Mr. IRION. It does not.

The SPEAKER. It remits customs taxes, and goes to the Committee of the Whole House on the state of the Union.

The bill was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

OLEOMARGARINE.

Mr. HATCH. I am directed by the Committee on Agriculture to make the report which I send to the desk.

Mr. DUNHAM. On that bill I make the point of order.

The SPEAKER. The gentleman will state it.

Mr. DUNHAM. The bill must go to the Committee of the Whole House on the state of the Union.

Mr. HATCH. That is exactly where I want it to go.

Mr. DUNHAM. All right; if you are satisfied, I am.

The bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine, with amendments by the Senate, was reported from the Committee on Agriculture, and referred to the Committee of the Whole House on the state of the Union.

DISEASES AMONG CATTLE.

Mr. SWINBURNE, from the Committee on Agriculture, reported back with an amendment the resolution (Mis. Doc. 374) in relation to diseases among cattle; which was referred to the Committee of the Whole House on the state of the Union, and, with the amendment and accompanying report, ordered to be printed.

Mr. SWINBURNE, from the Committee on Agriculture, also reported back with a favorable recommendation the resolution (Mis. Doc. 373) in relation to diseases among cattle; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

GRANT OF SEAL ROCKS TO SAN FRANCISCO.

Mr. HENLEY, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (S. 2428) to grant certain seal rocks to the city and county of San Francisco, State of California, in trust for the people of the United States; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT MADISON, IND.

Mr. HENLEY, from the Committee on Public Buildings and Grounds, also reported, as a substitute for H. R. 439, a bill (H. R. 9931) to provide for the erection of a public building in the city of Madison, in the State of Indiana; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill No. 439 was laid on the table.

PUBLIC BUILDING AT MARINE CITY, MICH.

Mr. HENLEY, from the Committee on Public Buildings and Grounds, also reported back with a favorable recommendation the bill (H. R.

1188) to provide for the erection of a public building for the use of the post-office and other Government offices at Marine City, State of Michigan; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LAND FOR FEDERAL BUILDING, BROOKLYN, N. Y.

Mr. ROCKWELL, from the Committee on Public Buildings and Grounds, reported back with an amendment the bill (H. R. 4620) for the purchase of land for the Federal building in Brooklyn, N. Y.; which was referred to the Committee of the Whole on the state of the Union, and, with the amendment and accompanying report, ordered to be printed.

BYRON R. M'INTYRE.

Mr. LOUTTIT, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 2333) granting a pension to Byron R. McIntyre; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

VETO MESSAGE—SALLY ANN BRADLEY.

Mr. ELLSBERRY. I am instructed by the Committee on Invalid Pensions to make a report on the Presidential veto of the bill (H. R. 5394) granting a pension to Sally Ann Bradley; which I ask may lie over for the present and be printed in the RECORD.

The report was ordered to be printed and laid over for the present, and was also ordered to be printed in the RECORD. It is as follows:

Mr. ELLSBERRY, from the Committee on Invalid Pensions, submitted the following report, to accompany H. R. 5394 and Executive Document 337:

The Committee on Invalid Pensions, to whom was referred the veto message of the President of the United States on the bill 5394, granting a pension to Sally Ann Bradley, submit the following report:

This bill was considered by the Committee on Invalid Pensions and reported favorably March 2, 1886, as follows:

We find from an examination of the papers in this case that a similar bill was favorably reported by the Committee on Invalid Pensions, and passed the House in the Forty-eighth Congress but failed to receive favorable action in the Senate. As the report referred to is a fair résumé of the points in the case, your committee herewith incorporate the same into their report, namely:

"The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2520) granting a pension to Sally Ann Bradley, have had the same under consideration, and beg leave to submit the following report:

"Sally Ann Bradley is the widow of Thomas J. Bradley, who served as a private in Company D, Twenty-fourth Ohio Volunteers, from June 13, 1861, to October 9, 1865. He was pensioned on account of shell wound of back received at Murfreesborough, Tenn., January 2, 1863, and died October 21, 1882. His death is not entirely chargeable to his military service, and consequently his widow has no title before the Pension Office.

"A petition signed by nearly three hundred of the best citizens of the county in which she resides, some of whom have known her and her deceased husband for many years before the late war, sets forth that she is seventy years of age, is as helpless as an infant, and left without means of support or friends able to assist her.

"Having been left destitute by the death of her husband, who served faithfully for more than four years in defense of his country, and who, while in such service, contracted a disability which necessarily impaired his ability to provide for himself and wife a comfortable support in their declining years, your committee are clearly of opinion that she should not now be abandoned to the charity of the world, but be, in a measure at least, provided for in her old days, and therefore report favorably on the bill and ask that it do pass."

Your committee indorse all the statements of the foregoing report as fully borne out by the facts and record proof, and in addition find that four of her sons followed their father into the cause of the Union, two of whom died upon battlefields; the others returned home, one with the loss of an eye, the other an arm, and are cripples for life. We believe this is a case deserving of the attention of Congress, and therefore recommend that the pending bill do pass.

On the 6th of July, 1886, the bill, having passed both Houses and been presented to the President for his signature, was returned to the House with the following message:

To the House of Representatives:

I herewith return without approval House bill No. 5394, entitled "An act granting a pension to Sally Ann Bradley."

The husband of this proposed beneficiary was discharged from the military service in 1865, after a long service, and was afterward pensioned for gunshot wound.

He died in 1882. The widow appears to have never filed a claim for pension in her own right.

No cause is given of the soldier's death, but it is not claimed that it resulted from his military service, her pension being asked for entirely because of her needs and the faithful service of her husband and her sons.

This presents the question whether a gift in such a case is a proper disposition of money appropriated for the purpose of paying pensions.

The passage of this law would in my opinion establish a precedent so far-reaching, and open the door to such a vast multitude of claims not on principle within our present pension laws, that I am constrained to disapprove the bill under consideration.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 6, 1886.

[An act granting a pension to Sally Ann Bradley.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sally Ann Bradley, widow of Thomas J. Bradley, late a private in Company D, Twenty-fourth Ohio Volunteers.

JOHN G. CARLISLE,
Speaker of the House of Representatives.
JOHN SHERMAN,
President of the Senate pro tempore.

I certify that this act originated in the House of Representatives.
Attest:

JNO. B. CLARK, JR., *Clerk.*

The message correctly states that the claimant has not applied to the Pension Office for a pension. As her husband's death is not directly chargeable to his military service, she could not be benefited by making such an application, as it would meet there with a prompt rejection under the provisions of the general pension laws.

Congress has taken favorable action on this woman's application, not because her husband's death is directly chargeable to his military service, but because by his death she is left in her old age dependent upon the charity of others not legally bound to aid in her support. Her husband served long and faithfully in defense of his country, and at date of his death was a sufferer from a wound received in line of battle. But it was not only the husband who responded to the call of his country. Four sons likewise entered its service. Two died while in service; the others returned home, disabled for life, and in consequence thereof unable to assist claimant.

It is for these sacrifices that Congress deemed it proper to go outside of the general pension laws and relieve this old and helpless woman by placing her upon the pension-rolls during the few remaining days of her life.

Believing that the action of the House in favorably considering the bill was eminently just and proper, your committee recommend its passage, the objection of the President to the contrary notwithstanding.

EDWARD T. PERKINS.

Mr. ELY, from the Committee on Private Land Claims, reported back, with the recommendation that it lie on the table, the bill (H. R. 9560) for the relief of Edward T. Perkins.

The bill was laid on the table, and the accompanying report ordered to be printed.

MARY E. CASEY.

Mr. DORSEY, from the Committee on Private Land Claims, reported back the bill (H. R. 5003) for the relief of Mary E. Casey, with Senate amendments, with the recommendation that the House non-concur, and that a conference be appointed in compliance with the request of the Senate.

Mr. DORSEY. I desire to call up the bill for the purpose of moving non-concurrence.

The SPEAKER. It must go to the Calendar. The gentleman can call it up at another time.

The bill with the Senate amendments was referred to the Committee of the Whole House on the Private Calendar.

W. C. HUTCHESON.

Mr. SMALLS, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 5733) for the relief of W. C. Hutcheson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN C. WEAVER.

Mr. SMALLS, from the Committee on War Claims, also reported back with a favorable recommendation the bill (H. R. 5949) for the relief of John C. Weaver; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ATLANTIC WORKS.

Mr. GEDDES, from the Committee on War Claims, reported, as a substitute for H. R. 5648, a bill (H. R. 9932) for the relief of the Atlantic Works; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 5648 was laid on the table.

GEORGE W. LAWRENCE.

Mr. GEDDES, from the Committee on War Claims, reported, as a substitute for H. R. 6073, a bill (H. R. 9933) for the relief of George W. Lawrence; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 6073) was laid on the table.

INSURANCE IN THE DISTRICT OF COLUMBIA.

Mr. ROWELL, from the Committee on the District of Columbia, reported with an amendment the bill (S. 1213) to regulate insurance in the District of Columbia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

STATUE OF EX-PRESIDENT TAYLOR.

Mr. STAHLNECKER, from the Committee on the Library, reported with amendments the bill (H. R. 9112) for the erection of an equestrian statue of ex-President Zachary Taylor; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. HERBERT. Mr. Speaker, I call up House bill No. 6664, to increase the naval establishment.

The SPEAKER. The Chair desires to complete the call of committees. [After a pause.] If there be no objection, the Chair will recognize to make reports gentlemen who were not in their seats when their committees were called.

AWARDS UNDER CONVENTION WITH MEXICO.

Mr. SINGLETON, from the Committee on Foreign Affairs, reported with amendments a bill (H. R. 8121) to amend and enlarge the act ap-

proved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th day of July, 1868;" which was referred to the Committee of the Whole House on the state of the Union, and, with accompanying report, ordered to be printed.

CREDITS TO THE DISTRICT OF COLUMBIA.

Mr. HEMPHILL, from the Committee on the District of Columbia, reported back with an amendment the bill (S. 1854) authorizing the Treasurer of the United States to credit the District of Columbia with certain moneys in lieu of investing the same in bonds; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. HATCH. Mr. Speaker, I rise to make a privileged report.

The SPEAKER. The gentleman from Alabama has already called up the bill for the consideration of which this day was set apart, and which has precedence over all others, and must be antagonized successfully in order to be displaced.

Mr. HATCH. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HATCH. Has not the motion to go into Committee of the Whole on the state of the Union for the purpose of considering a bill raising revenue precedence?

The SPEAKER. It has precedence except when the House by special order has determined otherwise. In this case, the House by a special order has set apart this day for the consideration of the bill which the gentleman from Alabama [Mr. HERBERT] calls up. The Chair held yesterday that the consideration of that bill could be resisted in two ways: first, by raising the question of consideration, and, second, by refusing to go into Committee of the Whole, where the bill is, to consider it; but until that question is disposed of no other motion can be entertained.

Mr. REAGAN. Mr. Speaker, I raise the question of consideration against that bill for the purpose of calling up the interstate commerce bill.

Mr. DUNHAM. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. DUNHAM. My point is that it is now the duty of the House to go at once to the consideration of bills reported from committees, as provided by the rules.

The SPEAKER. That is a matter of argument. The question of consideration is raised, and the House when it takes the vote will determine what is its duty.

Mr. DUNHAM. But I raise the point of order that it is the duty of the House at once to go to the consideration of that business.

The SPEAKER. That may be the duty of the House, but the House will determine that. The gentleman from Texas [Mr. REAGAN] raises the question of consideration against the special order, which makes it necessary for the House to determine its duty in the matter.

Mr. DUNHAM. But I raise the further point of order that the House can not, by a majority vote, set aside the rule of the House.

The SPEAKER. The Chair has already decided that. The Chair has decided that it is always in the power of the House to determine whether it will or will not consider a measure. In other words, there is no way to force the House to consider a measure which it does not wish to consider.

Mr. DUNHAM. But is it the decision of the Chair that the special order has the preference?

The SPEAKER. It has the preference, but the House may determine that it will not consider it at all.

Mr. HERBERT. I raise a point of order against the question of consideration.

The SPEAKER. That is what the gentleman from Illinois [Mr. DUNHAM] has just done.

Mr. HERBERT. I desire to make a brief statement on my point of order.

The SPEAKER. The gentleman will proceed.

Mr. HERBERT. I would not contest this question or make this point of order were it not for the fact that this interstate-commerce bill (which I favor) is a continuing order, and can be called up at any time. This day and Saturday were set apart for the consideration of House bill 6664.

Mr. REAGAN. Mr. Speaker, I shall object to that line of remark unless I have a chance to reply to it. I call the gentleman to order. He should confine himself to his point of order.

Mr. HERBERT. I am simply stating my proposition, Mr. Speaker.

Mr. REAGAN. The gentleman is not discussing his point of order.

The SPEAKER. What is the gentleman's point of order?

Mr. HERBERT. My point of order is that this day and Saturday have been set apart by order of the House for the consideration of House bill 6664. Now, the Speaker ruled yesterday, not directly but by a sort of *obiter dictum*, that the question of consideration could be raised against this bill to-day. The question, however, was not really up at that time.

I desire now to call the attention of the Chair to the rule which has heretofore been laid down on the subject, and which will be found in the House Journal of the Forty-seventh Congress. The question of consideration was raised against a special order which set aside a particular day for the business from a particular committee. The Speaker held that, "this day being set aside for the consideration of such business as might be presented from the Committee on the District of Columbia, the question of consideration could not be raised against such special order, but could only be raised against a particular bill or measure called up at that time."

In other words, the effect of the ruling is that a special order which has been made by the House can not be nullified. It was ruled in that case—and I think the present Speaker has followed the ruling repeatedly—that it was not competent for the House to undo the special order and destroy the effect of what had been done.

Now the special order in this case sets apart particular days, not for business from a committee, but for a particular bill. The effect of allowing the question of consideration to be raised against that particular order is to nullify the order itself, for that order relates to one bill only. Here are two days set apart by order of the House for the consideration of a particular bill, and no other. It is not a continuing order. Now, what would be the effect if that order should be set aside by taking up some other measure in place of it? It would be absolutely to destroy all chance under that order of getting at this bill; whereas other orders are continuing orders, and the bills to which they relate may be brought up at any time. I desire to call the attention of the House to the fact that a vote at this time in favor of any other bill as against this bill is a direct vote against considering at this session any bill relating to the increase of the Navy.

The SPEAKER. The Chair is ready to rule upon the question. In the opinion of the Chair, the decision referred to by the gentleman from Alabama [Mr. HERBERT] was correct; and the Chair adheres to it. The ruling in that case was that the House could not, except by unanimous consent or upon a motion introduced by unanimous consent and passed by a majority, set aside the order which had been made, but that the question of consideration could be raised against each bill as it was called up.

The gentleman from Alabama says that in this case there is but one bill to which the order applies, and if the House refuses to consider that bill it virtually nullifies the order. But the case would be the same if there were twenty bills embraced in the order, and the House should refuse to consider each one as called up. There is no difference between the two cases whatever. A special order applying to one bill does not differ, so far as the present question is concerned, from a special order covering a dozen bills, because if the House should refuse successively to consider each one of the dozen bills the order would be practically nullified, just as it would be by a refusal to consider a single bill embraced in a special order.

In addition to that, the bill which the gentleman from Alabama now desires to call up is in Committee of the Whole on the State of the Union; and it can not be reached except by a vote of the House agreeing to go into Committee of the Whole for its consideration. The Chair can not, by virtue of the order fixing to-day for the consideration of the bill and without a vote, appoint a chairman and declare the House in Committee of the Whole upon the bill. So that in any event the consideration of the bill can be defeated by the action of the majority; and there is no way to prevent it. The question of consideration is now raised against this bill.

LIEUTS. GILES B. HARBER AND WILLIAM H. SCHUETZE.

Mr. MCKINLEY. The gentleman from Alabama [Mr. HERBERT] has consented to yield to me that I may ask unanimous consent for the consideration of House resolution No. 54, which will take but a single moment.

Mr. HERBERT. Does it require any discussion?

Mr. MCKINLEY. No discussion; if it does, I shall withdraw it. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of joint resolution (H. Res. 54), and that the same be now considered in the House. This is a joint resolution to credit Lieuts. Giles B. Harber and William H. Schuetze with sea-duty and sea-pay while engaged in the search for Lieutenant Chipp and party, and also for the time employed in bringing home the remains of Lieutenant-Commander De Long and party. Under a technical interpretation of the statute, the Secretary of the Navy can only pay these officers shore-pay, when they are in fact entitled to sea-pay; and he recommends the passage of this joint resolution.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That the Secretary of the Navy be, and he is hereby, authorized and directed to credit Lieuts. Giles B. Harber and William H. Schuetze with sea-duty and sea-pay during their absence from the United States while employed in the search on the Lena Delta for Lieutenant Chipp and party, and also while engaged in transporting to the United States the remains of Lieut. Commander George W. De Long and his associates; all payments to be made from the current appropriation for pay miscellaneous.

The amendment reported by the Committee on Expenditures in the Navy Department was read, as follows:

In line 5 strike out "sea-duty and sea-pay" and insert "the highest rate of pay attached to their respective grades."

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. BLOUNT. I desire to inquire whether these officers were assigned to this duty under an order of the Department, or at their own request.

Mr. MCKINLEY. They were assigned to this duty under an order of the Secretary of the Navy.

Mr. DUNN. Has the joint resolution been reported by a committee?

Mr. MCKINLEY. It has been favorably reported at this session by the Committee on Expenditures in the Navy Department. There was also a favorable report in this House in a former Congress, and the measure has received the approval of the Committee on Naval Affairs of the Senate at the present Congress.

Mr. MCADOO. I reported it myself in the last Congress.

Mr. MCKINLEY. I take the liberty of publishing as a part of my remarks the report made at this session by the gentleman from Pennsylvania [Mr. SOWDEN]:

Mr. SOWDEN, from the Committee on Expenditures in the Navy Department, submitted the following report:

The Committee on Expenditures in the Navy Department, to whom was referred the joint resolution (H. Res. 54) to credit Lieuts. Giles B. Harber and William H. Schuetze with sea-duty and sea-pay while engaged in the search for Lieutenant Chipp and party, and also for the time employed in bringing home the remains of Lieutenant-Commander De Long and party, beg leave to report as follows:

The existing law provides for sea-duty and sea-pay only when an officer is attached to a sea-going ship in commission, and is the highest of the three rates of pay allowed by law. Lieutenants Harber and Schuetze were not attached to any sea-going ship, hence can only recover the difference between sea-pay and the amount actually received by them while engaged in the search for Lieutenant Chipp and party on the Lena Delta, and in transporting to the United States the remains of Lieut. Commander George W. De Long and his associates in the manner provided by the accompanying resolution as by a special act of Congress. Work in the "Arctic zones" is recognized as the severest and most dangerous that a naval officer can be called upon to perform in times of peace and taking him into foreign waters and on dangerous coasts, and all officers engaged in this service should receive the highest rate of compensation attached to their respective grades. All other officers of the United States Navy who have been ordered to perform duties in the Artic regions have been attached to sea-going ships, and consequently have received sea-pay and sea-duty, though in many cases performing similar work to that performed by Lieutenants Harber and Schuetze, and in some cases forming one of the same party.

The officers of the Jeannette were technically attached to that vessel long after she had gone to the bottom, and received sea-duty and sea-pay until after their return to the United States. Chief Engineer Melville remained for many months in Siberia to search for Lieutenants De Long and Chipp, and during that time he was considered on sea-duty and credited with sea-pay for doing the same kind of work in the same regions as that performed later by Lieutenants Harber and Schuetze. The officers of the Rodgers lived on shore many months after the vessel was burned and abandoned, during which time they received sea-pay and sea-duty. Later, one of these officers, Ensign H. J. Hart, joined Lieutenant Harber's expedition, and while actually working and living with them received the higher grade of pay, while his associates only received the pay they would have received had they been on duty in New York, Washington, or any other shore station. Lieutenants Harber and Schuetze were absent on this arduous and trying duty from February 4, 1882, to February 20, 1884, both days inclusive. The difference between the pay they actually received and the highest rate of pay attached to their respective grades, including the rations provided for in section 1578 of the Revised Statutes, amounts to $1,880.75. (See letter of Hon. W. C. Whitney, Secretary of the Navy, which is attached and hereby made a part of this report.) In the Forty-eighth Congress the Committee on Naval Affairs, to whom a similar joint resolution had been referred, reported it back to the House with a favorable recommendation. (See House Resolution 205, Forty-eighth Congress, and Report No. 2188.)

Your committee report back the joint resolution, with the recommendation that the words "sea-duty and sea-pay," in the fifth line, be stricken out and amended by inserting in lieu thereof the words "the highest rate of pay attached to their respective grades," and as thus amended recommend its adoption.

NAVY DEPARTMENT, *Washington July* 2, 1886.

SIR: I have the honor to acknowledge the receipt of your letter of the 12th ultimo, inclosing copy of joint resolution (H. Res. 54) relating to the proposed remuneration of Lieuts. Giles B. Harber and William H. Schuetze for services of a special nature, rendered by them in their official character as officers of the Navy, such remuneration to be effected by crediting them with sea-duty and sea-pay during their absence from the United States while employed in the search on the Lena Delta for Lieutenant Chipp and party, and also while engaged in transporting to the United States the remains of Lieut. Commander George W. De Long and his associates.

In reply to the inquiries presented in your letter I have to state as follows:

(1) "As to the difference between sea duty and pay, and pay not actually on sea-duty."

Officers on the active-list, when not on wating orders, are employed either on shore-duty or on sea-duty. Shore-duty embraces all service on land, whether it be the discharge of duties at naval stations of a permanent character or special duty of a temporary nature, either at such stations or at the Department or elsewhere, and the distinction is not affected by the fact that, in the discharge of the duties, the officer may be required to travel abroad.

Sea duty, properly speaking, is only that performed by an officer on board a sea-going vessel.

There are three rates of pay to officers on the active-list in the naval service, the highest being sea-pay, the next for shore duty, and the lowest that allowed while an officer is on leave or waiting orders. The pay attached to the respective grades and the differences in the respective rates are shown in the "pay table" prefixed to the Navy Register, a copy of which is herewith inclosed for reference.

(2) "As to the time said officers were engaged in said search and duty and the amount of money required for payment of the same."

It appears upon examination that the officers referred to were actually absent from the United States on the special duty mentioned in the resolution, from February 4, 1882, to February 20, 1884, both dates included, and that the difference between shore-pay and sea-pay amounts, for both officers, and for the period named, to $1,432.59.

Section 1578 Revised Statutes provides that all officers shall be entitled to one ration, or to commutation therefor, "while at sea or attached to a sea-going vessel," and section 1585 Revised Statutes fixes the commutation price of the Navy ration at 30 cents; if, in addition to sea-pay, the commutation in lieu of rations be allowed to the officers in question, the amount above stated would be increased by $448.20, making the total sum required for the purpose indicated $1,880.79, which would be apportioned to the officers, respectively, according to their grade during the period referred to, Lieutenant Schuetze being then a lieutenant of the junior grade.

(3) In reply to the request of the committee for an expression of my "views as to the propriety and policy of the adoption of the resolution, and also any suggestion concerning the same and the effect upon the service," I beg leave to say that, in my judgment, the adoption of the resolution in question would be in harmony with the policy, heretofore pursued by Congress, of rewarding meritorious services rendered under exceptional circumstances. In the present case the duties specially assigned to these officers were of an unusually arduous and trying character, while the physical hardships to which they were necessarily subjected in the faithful performance of their duties were much greater than those ordinarily attending the discharge of duty on a sea-going vessel. I am further of opinion that the effect of the action contemplated by the resolution will not be otherwise than beneficial to the service at large. I would, however, suggest a modification in the phraseology of the resolution by substituting, in lieu of the words "sea-duty and sea-pay," the words "the highest rate of pay attached to their respective grades."

Very respectfully,

W. C. WHITNEY, *Secretary of the Navy.*

Hon. JOHN M. TAYLOR,
Chairman Committee on Expenditures in the Navy Department, House of Representatives.

There being no objection, the House proceeded to the consideration of the joint resolution.

The amendment was agreed to.

The joint resolution as amended was ordered to be engrossed for a third reading; and being engrossed, it was according read the third time, and passed.

Mr. MCKINLEY moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INCREASE OF THE NAVY.

The SPEAKER. The question is now, Will the House proceed to the consideration of the bill (H. R. 6664) to increase the naval establishment? which was made a special order for to-day.

The question being taken, there were—ayes 79, noes 99.

Mr. MCADOO. I call for the yeas and nays.

Mr. REAGAN. I rose for the purpose of raising the question of consideration in favor of the interstate-commerce bill.

The SPEAKER. The question of consideration is already raised. The House is voting upon it.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 106, nays 136, not voting 80; as follows:

YEAS—106.

Allen, C. H.	Dockery,	Hewitt,	Sayers,
Ballentine,	Dougherty,	Hill,	Shaw,
Barnes,	Dunham,	Johnston, T. D.	Skinner,
Belmont,	Dunn,	King,	Sowden,
Bennett,	Eden,	Laffoon,	Spooner,
Bingham,	Ellsberry,	Lawler,	St. Martin,
Bliss,	Ermentrout,	Lore,	Stone, E. F.
Blount,	Farquhar,	Lovering,	Storm,
Boutelle,	Findlay,	Mahoney,	Swope,
Boyle,	Foran,	Maybury,	Taylor, J. M.
Breckinridge, C. R.	Ford,	McAdoo,	Taylor, Zach.
Breckinridge, WCP.	Forney,	Merriman,	Tillman,
Buck,	Gay,	Mills,	Trigg,
Burnes,	Gibson, Eustace	Mitchell,	Turner,
Cabell,	Glass,	Morrison,	Van Eaton,
Campbell, Felix	Glover,	Morrow,	Viele,
Campbell, J. E.	Goff,	Muller,	Wallace,
Candler,	Green, R. S.	Neal,	Ward, J. H.
Catchings,	Hale,	Negley,	Warner, A. J.
Collins,	Hall,	Oates,	Warner, William
Cox,	Halsell,	O'Neill, Charles	Wheeler,
Crisp,	Harmer,	Perry,	Willis,
Croxton,	Harris,	Randall,	Wilson,
Curtin,	Hayden,	Reed, T. B.	Wise,
Dargan,	Hemphill,	Rice,	Woodburn.
Davidson, A. C.	Henderson, J. S.	Richardson,	
Davidson, R. H. M.	Herbert,	Sadler,	

NAYS—136.

Adams, G. E.	Cutcheon,	Hiscock,	Matson,
Allen, J. M.	Dorsey,	Hitt,	McComas,
Anderson, J. A.	Eldredge,	Holman,	McCreary,
Atkinson,	Ely,	Holmes,	McKenna,
Barry,	Evans,	Hopkins,	McKinley,
Bayne,	Everhart,	Howard,	McMillin,
Blanchard,	Felton,	Hudd,	McRae,
Bound,	Fisher,	Hutton,	Millard,
Brown, C. E.	Fleeger,	Jackson,	Moffatt,
Brown, W. W.	Frederick,	James,	Morgan,
Bunnell,	Fuller,	Johnston, J. T.	Morrill,
Burleigh,	Funston,	Jones, J. H.	Murphy,
Burrows,	Gallinger,	Ketcham,	Neece,
Butterworth,	Gilfillan,	Kleiner,	Nelson,
Bynum,	Green, W. J.	La Follette,	Osborne,
Caldwell,	Grosvenor,	Laird,	Parker,
Campbell, J. M.	Grout,	Landes,	Peel,
Cannon,	Guenther,	Lanham,	Perkins,
Carleton,	Hatch,	Lehlbach,	Peters,
Clardy,	Haynes,	Lindsley,	Pettibone,
Clements,	Heard,	Little,	Pidcock,
Cobb,	Henderson, D. B.	Long,	Pindar,
Comstock,	Henderson, T. J.	Loutitt,	Pirce,
Conger,	Hepburn,	Lowry,	Plumb,
Cooper,	Hermann,	Lyman,	Price,
Culberson,	Hiestand,	Markham,	Rockwell,

Rowell,	Snyder,	Swinburne,	Weber,
Ryan,	Springer,	Taylor, I. H.	Wellborn,
Scott,	Stephenson,	Thomas, O. B.	White, A. C.
Scranton,	Stewart, Charles	Thompson,	White, Milo
Sessions,	Stone, W. J., Ky.	Townshend,	Wilkins,
Seymour,	Stone, W. J., Mo.	Wakefield,	Winans,
Singleton,	Strait,	Weaver, A. J.	Wolford,
Smalls,	Struble,	Weaver, J. B.	Worthington.

NOT VOTING—80.

Adams, J. J.	Davenport,	Miller,	Sawyer,
Aiken,	Davis,	Milliken,	Seney,
Anderson, C. M.	Dawson,	Norwood,	Spriggs,
Arnot,	Dibble,	O'Donnell,	Stahlnecker,
Baker,	Dingley,	O'Ferrall,	Steele,
Barbour,	Dowdney,	O'Hara,	Stewart, J. W.
Barksdale,	Geddes,	O'Neill, J. J.	Symes,
Beach,	Gibson, C. H.	Outhwaite,	Tarsney,
Bland,	Hammond,	Owen,	Taulbee,
Brady,	Hanback,	Payne,	Taylor, E. B.
Bragg,	Henley,	Payson,	Thomas, J. R.
Browne, T. M.	Hires,	Phelps,	Throckmorton,
Brumm,	Houk,	Ranney,	Tucker,
Buchanan,	Irion,	Reagan,	Van Schaick,
Campbell, T. J.	Johnson, F. A.	Reese,	Wade,
Caswell,	Jones, J. T.	Reid, T. B.	Wadsworth,
Compton,	Kelley,	Riggs,	Wait,
Cowles,	Le Fevre,	Robertson,	Ward, T. B.
Crain,	Libbey,	Rogers,	West,
Daniel,	Martin,	Romeis,	Whiting.

So the House refused to consider the bill.

During the roll-call,

Mr. HERBERT asked by unanimous consent to dispense with the reading of the names.

Mr. DUNHAM objected.

Mr. HISCOCK some time afterward asked that the further reading of the names be dispensed with.

There was no objection, and it was so ordered.

The following pairs were announced until further notice:

Mr. THROCKMORTON with Mr. WADSWORTH.

Mr. MILLER with Mr. HOUK.

Mr. DOWDNEY with Mr. O'HARA.

Mr. DANIEL with Mr. WHITING.

Mr. SPRIGGS with Mr. OWEN.

Mr. DAWSON with Mr. RANNEY.

Mr. HAMMOND with Mr. PAYNE.

Mr. NORWOOD with Mr. O'DONNELL.

Mr. ROBERTSON with Mr. STEELE.

Mr. RIGGS with Mr. PHELPS.

Mr. BLAND with Mr. VAN SCHAICK.

Mr. ARNOT with Mr. THOMAS, of Illinois.

Mr. ROGERS with Mr. EZRA B. TAYLOR.

Mr. BARBOUR with Mr. LIBBEY.

Mr. BARKSDALE with Mr. DAVENPORT.

Mr. REID, of North Carolina, with Mr. WAIT.

Mr. BRAGG with Mr. CASWELL.

Mr. SENEY with Mr. SYMES.

Mr. ANDERSON, of Ohio, with Mr. HANBACK.

Mr. O'FERRALL with Mr. DAVIS.

Mr. ADAMS, of New York, with Mr. WEST.

Mr. TUCKER with Mr. STEWART, of Vermont.

Mr. DIBBLE with Mr. BAKER, for the balance of this week.

Mr. OUTHWAITE with Mr. BRUMM, for this day.

Mr. MARTIN with Mr. KELLEY, for this vote.

Mr. REESE with Mr. BUCHANAN, for this day.

The vote was then announced as above recorded.

ORDER OF BUSINESS.

Mr. REAGAN and Mr. HATCH rose at the same time to submit privileged motions.

The SPEAKER. Gentlemen can make their privileged motions and then the Chair will decide. It makes no difference as to the result which motion is first submitted.

Mr. REAGAN. Mr. Speaker, I move to take up the interstate-commerce bill.

Mr. HATCH. I move the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of considering bills raising revenue.

The SPEAKER. The gentleman from Texas calls up the special order, which is the interstate-commerce bill. The question will be first put on that motion.

Mr. REAGAN. And on that motion I demand the yeas and nays.

Mr. HATCH. On that motion of the gentleman from Texas I raise the question of consideration.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8975) making appropriations for the naval service for the fiscal year ending June 30, 1887, and for other purposes.

Also that the Senate agreed to the amendments of the House of Representatives to the bill (S. 901) to grant the Astoria and Winnemucca Railroad Company the right to construct bridges over navigable water courses.

Also, that the Senate further insisted on its amendments numbered 2, 17, 88, 179, and 180 to the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, and asked a further conference on the disagreeing votes of the two Houses on said amendments, and had appointed Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL as managers at said conference on the part of the Senate.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 4670) granting to the county of Clatsop, in the State of Oregon, the right to construct a bridge across Young's Bay, a navigable stream in said county and State.

ORDER OF BUSINESS.

The SPEAKER. The question is on ordering the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Clerk will not proceed to call the roll until order is restored upon the floor.

Mr. HATCH. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. HATCH. I desire to know if it is not the duty of the Sergeant-at-Arms to assist the Chair in maintaining order upon the floor?

The SPEAKER. It is; but it is also the duty of members on the floor to preserve order. [Applause.] The Chair thinks it is certainly a mere matter of thoughtlessness on the part of members; but it interferes very much with the tranaction of the public business, which would be greatly facilitated if gentlemen would not engage in conversation on the floor.

Mr. ANDERSON, of Kansas. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON, of Kansas. I wish to know whether in the event the interstate-commerce bill is not considered now, and the oleomargarine bill is considered, will it then be in order to call up the interstate-commerce bill after that is disposed of?

The SPEAKER. Certainly; but there are two privileged motions now pending before the House—one the gentleman from Texas makes, and the other on the question submitted by the gentleman from Missouri. If the House now refuses to consider the interstate-commerce bill, the question then comes up on the motion of the gentleman from Missouri that the House resolve itself into Committee of the Whole to consider revenue bills. The first question is on the motion of the gentleman from Texas.

Mr. HISCOCK. But if the vote should be taken directly on the motion of the gentleman from Missouri that would save one roll-call.

The SPEAKER. Still, under the rules of the House, the other must be taken first, as it is a privileged order.

Mr. HISCOCK. I want to favor the motion of the gentleman from Texas, and the sooner we get through with the oleomargarine bill the sooner we will be able to get to that. [Cries of "Regular order!"]

The SPEAKER. The regular order is the call of the roll.

The question was taken; and there were—yeas 102, nays 151, not voting 69; as follows:

YEAS—102.

Barnes,	Davidson, R. H. M.	Lanham,	Singleton,
Belmont,	Dockery,	Lawler,	Skinner,
Bennett,	Dougherty,	Lehlbach,	Snyder,
Blanchard,	Dunham,	Little,	Stewart, Charles
Blount,	Dunn,	Lovering,	St. Martin,
Boyle,	Eden,	Mahoney,	Stone, E. F.
Breckinridge, C. R.	Ellsberry,	Martin,	Tarsney,
Breckinridge, W. C. P.	Farquhar,	Maybury,	Taylor, J. M.
Burnes,	Findlay,	McAdoo,	Taylor, Zach.
Cabell,	Ford,	McMillin,	Tillman,
Caldwell,	Forney,	McRae,	Trigg,
Campbell, Felix	Gay,	Merriman,	Turner,
Candler,	Gibson, Eustace	Mills,	Van Eaton,
Catchings,	Goff,	Mitchell,	Wallace,
Clardy,	Harris,	Morrison,	Ward, J. H.
Clements,	Hemphill,	Neal,	Ward, T. B.
Cobb,	Henderson, J. S.	Negley,	Warner, A. J.
Collins,	Herbert,	Oates,	Warner, William
Cowles,	Hewitt,	Peel,	Wellborn,
Cox,	Howard,	Perry,	Wheeler,
Crisp,	Hutton,	Reagan,	Willis,
Croxton,	Irion,	Reid, J. W.	Wilson,
Culberson,	Johnston, T. D.	Richardson,	Wise,
Curtin,	Jones, J. H.	Sadler,	Woodburn.
Dargan,	Kelley,	Sayers,	
Davidson, A. C.	Landes,	Shaw,	

NAYS—151.

Adams, G. E.	Brown, C. E.	Caswell,	Felton,
Allen, C. H.	Brown, W. W.	Comstock,	Fisher,
Allen, J. M.	Buck,	Conger,	Fleeger,
Anderson, J. A.	Bunnell,	Cooper,	Foran,
Atkinson,	Burleigh,	Cutcheon,	Frederick,
Barry,	Burrows,	Dingley,	Fuller,
Bayne,	Butterworth,	Dorsey,	Funston,
Bingham,	Bynum,	Eldredge,	Gallinger,
Bound,	Campbell, J. M.	Ely,	Gibson, C. H.
Boutelle,	Campbell, J. E.	Ermentrout,	Gilfillan,
Brady,	Cannon,	Evans,	Glass,
Browne, T. M.	Carleton,	Everhart,	Green, R. S.

Green, W. J.	King,	O'Neill, Charles	Springer,
Grosvenor,	Kleiner,	Osborne,	Stahlnecker,
Grout,	La Follette,	Parker,	Stephenson,
Guenther,	Laird,	Payne,	Stone, W. J., Ky.
Hall,	Lindsley,	Perkins,	Stone, W. J., Mo.
Halsell,	Long,	Peters,	Storm,
Harmer,	Lore,	Pettibone,	Strait,
Hatch,	Louttit,	Pidcock,	Struble,
Hayden,	Lowry,	Pindar,	Swinburne,
Haynes,	Lyman,	Pirce,	Swope,
Heard,	Markham,	Plumb,	Taylor, I. H.
Henderson, D. B.	Matson,	Price,	Thomas, O. B.
Henderson, T. J.	McComas,	Randall,	Thompson,
Hepburn,	McCreary,	Reed, T. B.	Townshend,
Hermann,	McKenna,	Rice,	Viele,
Hiestand,	McKinley,	Rockwell,	Wakefield,
Hill,	Millard,	Rowell,	Weaver, A. J.
Hiscock,	Milliken,	Ryan,	Weaver, J. B.
Holman,	Moffatt,	Sawyer,	Weber,
Holmes,	Morgan,	Scott,	White, A. C.
Hopkins,	Morrill,	Scranton,	White, Milo
Hudd,	Morrow,	Sessions,	Wilkins,
Jackson,	Muller,	Seymour,	Winans,
James,	Murphy,	Smalls,	Wolford,
Johnston, J. T.	Neece,	Sowden,	Worthington.
Ketcham,	Nelson,	Spooner,	

NOT VOTING—69.

Adams, J. J.	Davenport,	Libbey,	Spriggs,
Aiken,	Davis,	Miller,	Steele,
Anderson, C. M.	Dawson,	Norwood,	Stewart, J. W.
Arnot,	Dibble,	O'Donnell,	Symes,
Baker,	Dowdney,	O'Ferrall,	Taulbee,
Ballentine,	Geddes,	O'Hara,	Taylor, E. B.
Barbour,	Glover,	O'Neill, J. J.	Thomas, J. R.
Barksdale,	Hale,	Outhwaite,	Throckmorton,
Beach,	Hammond,	Owen,	Tucker,
Bland,	Hanback,	Payson,	Van Schaick,
Bliss,	Henley,	Phelps,	Wade,
Bragg,	Hires,	Ranney,	Wadsworth,
Brumm,	Hitt,	Reese,	Wait,
Buchanan,	Houk,	Riggs,	West,
Campbell, T. J.	Johnson, F. A.	Robertson,	Whiting.
Compton,	Jones, J. T.	Rogers,	
Crain,	Laffoon,	Romeis,	
Daniel,	Le Fevre,	Seney,	

So the House refused to consider the bill.

On motion of Mr. JAMES, by unanimous consent the reading of the names was dispensed with.

Mr. TAULBEE. Mr. Speaker, I ask to be allowed to record my vote on this motion.

The SPEAKER. Was the gentleman in the Hall at the time his name was called?

Mr. TAULBEE. I was in the Hall during a portion of the roll-call. If I were entitled to vote I should vote "ay" on this motion.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now recurs on the motion of the gentleman from Missouri, that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of bills raising revenue.

The question was taken; and on a division there were—ayes 127, noes 40.

Mr. DUNHAM and Mr. DIBBLE demanded the yeas and nays.

The yeas and nays were not ordered, 28 members only voting in favor of the demand—being less than one-fifth of the last vote.

Mr. DUNHAM. Then I demand tellers on the yeas and nays.

Tellers were not ordered.

So the motion of Mr. HATCH was agreed to.

MODIFICATION OF REVENUE LAWS.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the purpose of considering revenue bills. The Clerk will report the first revenue bill on the Calendar.

The Clerk read as follows:

A bill (H. R. 7652) to reduce tariff taxes and to modify the laws in relation to the collection of the revenue.

Mr. MORRISON. I ask that the consideration of that bill be passed over.

The CHAIRMAN. Is there objection to passing over this bill?

Mr. DUNHAM. I object.

The committee rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration revenue bills, had reached the bill (H. R. 7652) to reduce tariff taxes and to modify the laws in relation to the collection of the revenue, and that unanimous consent having been asked to pass this bill over, objection was made.

Mr. HATCH. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HATCH. I desire to know of the Chair if a House bill with Senate amendments has not precedence over a House bill not yet considered by the House?

The SPEAKER. The Chair knows of no such rule.

Mr. HATCH. There is a bill raising revenue which has been considered and passed by the House. It comes back from the Senate with amendments. I ask if that bill has not precedence over those not yet considered?

The SPEAKER. There is no rule to that effect. On the contrary, the rule provides that business of the Committee of the Whole on the state of the Union shall be taken up in its order on the Calendar. That is the language of the rule.

The question being taken on passing over the bill (H. R. 7652) the Speaker stated that the "ayes" seemed to have it.

Mr. DUNHAM. I call for a division.

The House divided; and there were—ayes 125, noes 13.

Mr. DUNHAM. No quorum.

The SPEAKER. The Chair appoints as tellers the gentleman from Illinois [Mr. DUNHAM] and the gentleman from Illinois [Mr. MORRISON].

Mr. MORRISON. I demand the yeas and nays.

Mr. DUNHAM. That is the quickest way.

The yeas and nays were ordered, 54 members voting therefor.

The question was taken; and there were—yeas 166, nays 64, not voting 92; as follows:

YEAS—166.

Adams, G. E.	Foran,	Little,	Sessions,
Allen, C. H.	Forney,	Long,	Seymour,
Allen, J. M.	Frederick,	Lore,	Shaw,
Anderson, J. A.	Fuller,	Lyman,	Singleton,
Atkinson,	Funston,	Mahoney,	Smalls,
Barry,	Gallinger,	McComas,	Sowden,
Bayne,	Gay,	McKenna,	Spooner,
Bingham,	Gilfillan,	McKinley,	Springer,
Bound,	Glass,	Merriman,	Stahlnecker,
Boutelle,	Goff,	Millard,	Stephenson,
Boyle,	Green, R. S.	Milliken,	St. Martin,
Brown, W. W.	Green, W. J.	Moffatt,	Stone, W. J., Ky.
Browne, T. M.	Grout,	Morgan,	Stone, W. J., Mo.
Buck,	Guenther,	Morrill,	Storm,
Bunnell,	Hale,	Morrison,	Strait,
Burrows,	Hall,	Morrow,	Struble,
Butterworth,	Harmer,	Muller,	Swinburne,
Bynum,	Hatch,	Neal,	Swope,
Caldwell,	Hayden,	Neece,	Taylor, I. H.
Campbell, Felix	Haynes,	Nelson,	Taylor, Zach.
Campbell, J. E.	Heard,	O'Neill, Charles	Thomas, O. B.
Campbell, J. M.	Henderson, D. B.	Osborne,	Thompson,
Cannon,	Henley,	Parker,	Townshend,
Caswell,	Hepburn,	Payne,	Turner,
Clardy,	Hermann,	Perkins,	Wakefield,
Clements,	Hiestand,	Peters,	Wallace,
Compton,	Hitt,	Pettibone,	Ward, J. H.
Conger,	Holman,	Pidcock,	Warner, A. J.
Cooper,	Holmes,	Pindar,	Warner, William
Cutcheon,	Hopkins,	Pirce,	Weaver, A. J.
Dingley,	Hudd,	Plumb,	Weaver, J. B.
Dockery,	Jackson,	Price,	Weber,
Dorsey,	James,	Randall,	White, A. C.
Dunham,	Johnston, J. T.	Reed, T. B.	White, Milo
Eldredge,	Ketcham,	Rice,	Wilkins,
Ely,	King,	Richardson,	Wilson,
Ermentrout,	Kleiner,	Rockwell,	Winans,
Evans,	La Follette,	Rowell,	Wolford,
Everhart,	Landes,	Ryan,	Woodburn,
Farquhar,	Lawler,	Sawyer,	Worthington.
Felton,	Lehlbach,	Scott,	
Fleeger,	Lindsley,	Scranton,	

NAYS—64.

Barnes,	Dargan,	Jones, J. H.	Reagan,
Belmont,	Davidson, A. C.	Kelley,	Reid, J. W.
Bennett,	Davidson, R. H. M.	Laffoon,	Sadler,
Blount,	Dougherty,	Lanham,	Sayers,
Breckinridge, C. R.	Eden,	Lovering,	Skinner,
Breckinridge, W. C. P.	Fisher,	Lowry,	Snyder,
Cabell,	Ford,	Martin,	Stewart, Charles
Candler,	Halsell,	Matson,	Tarsney,
Cobb,	Harris,	Maybury,	Taulbee,
Collins,	Hemphill,	McCreary,	Taylor, J. M.
Cowles,	Henderson, J. S.	McMillin,	Tillman,
Cox,	Herbert,	McRae,	Trigg,
Crisp,	Hewitt,	Mills,	Van Eaton,
Croxton,	Howard,	Oates,	Ward, T. B.
Culberson,	Hutton,	Peel,	Wellborn,
Curtin,	Johnston, T. D.	Perry,	Wheeler.

NOT VOTING—92.

Adams, J. J.	Crain,	Johnson, F. A.	Riggs,
Aiken,	Daniel,	Jones, J. T.	Robertson,
Anderson, C. M.	Davenport,	Laird,	Rogers,
Arnot,	Davis,	Le Fevre,	Romeis,
Baker,	Dawson,	Libbey,	Seney,
Ballentine,	Dibble,	Louttit,	Spriggs,
Barbour,	Dowdney,	Markham,	Steele,
Barksdale,	Dunn,	McAdoo,	Stewart, J. W.
Beach,	Ellsberry,	Miller,	Stone, E. F.
Blanchard,	Findlay,	Mitchell,	Symes,
Bland,	Geddes,	Murphy,	Taylor, E. B.
Bliss,	Gibson, C. H.	Negley,	Thomas, J. R.
Brady,	Gibson, Eustace	Norwood,	Throckmorton,
Bragg,	Glover,	O'Donnell,	Tucker,
Brown, C. E.	Grosvenor,	O'Ferrall,	Van Schaick,
Brumm,	Hammond,	O'Hara,	Viele,
Buchanan,	Hanback,	O'Neill, J. J.	Wade,
Burleigh,	Henderson, T. J.	Outhwaite,	Wadsworth,
Burnes,	Hill,	Owen,	Wait,
Campbell, T. J.	Hires,	Payson,	West,
Carleton,	Hiscock,	Phelps,	Whiting,
Catchings,	Houk,	Ranney,	Willis,
Comstock,	Irion,	Reese,	Wise.

So the bill was ordered to be laid aside for the present.

On motion of Mr. RANDALL, by unanimous consent the reading of names of members voting was dispensed with.

The following additional pair was announced:
Mr. DUNN with Mr. JOHNSON, of New York, on this vote.
The result of the vote was then announced as above stated.

HAWAIIAN TREATY.

The Committee of the Whole House on the state of the Union resumed its session.

The CHAIRMAN. The Clerk will report the next revenue measure on the Calendar.

The Clerk read as follows:

A joint resolution (H. Res. 74) to give notice to terminate the convention of June 3, 1875, with His Majesty the King of the Hawaiian Islands.

Mr. HATCH. I ask that the resolution be passed over.

Mr. DUNHAM. Reserving the right to object, I ask for the reading of the resolution.

Mr. HISCOCK. I object to the reading of the resolution.

Mr. HATCH. I make the point of order that the resolution can not be read until the question of consideration is determined.

Mr. DUNHAM. On the point of order I desire to say we do not know what the resolution is, and until we do, by hearing it read, we can not tell whether we wish to consider it or not.

The CHAIRMAN. The Chair decides that the joint resolution must be read, if the reading is demanded, before the question can be determined whether it shall be passed over.

The Clerk read the joint resolution.

Mr. DUNHAM. I object to passing over this resolution.

Mr. HISCOCK. I wish to inquire if that is a revenue bill.

Mr. McMILLIN. It affects the revenue. If carried out it would increase the revenues very largely.

Mr. HISCOCK. It does not appear on the face of it that it affects the revenues, that it either increases or decreases them. There is nothing before the committee to show that it does so.

The CHAIRMAN. The Chair is of opinion that this is a revenue bill. There is a treaty between the United States and the Kingdom of Hawaii affecting our revenue, and this affects the treaty, which is the law of the land.

Mr. McMILLIN. Unquestionably so.

The CHAIRMAN. The gentleman from Illinois [Mr. DUNHAM] objects to passing over the joint resolution.

The committee rose; and the Speaker *pro tempore* having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union having had under consideration revenue bills on the Calendar had reached the joint resolution (H. Res. 74) to give notice to terminate the convention of June 3, 1875, with His Majesty the King of the Hawaiian Islands, and that unanimous consent having been asked to pass the joint resolution over, objection was made, and under the rule the committee rose, and he reported the objection to the House.

The SPEAKER *pro tempore*. The question is, Shall this joint resolution be laid aside?

The House divided; and there were—ayes 108, noes 10.

Mr. DUNHAM. No quorum has voted.

The SPEAKER *pro tempore*. The point being made that no quorum has voted, the Chair will appoint tellers.

Mr. HATCH. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 157, nays 59, not voting 106; as follows:

YEAS—157.

Adams, G. E.	Farquhar,	Hudd,	Peters,
Allen, C. H.	Felton,	Jackson,	Pettibone,
Anderson, J. A.	Fisher,	Johnston, J. T.	Pidcock,
Atkinson,	Fleeger,	Ketcham	Pindar,
Ballentine,	Foran,	King,	Pirce,
Barry,	Forney,	Kleiner,	Plumb,
Bingham,	Frederick,	La Follette,	Price,
Blount,	Fuller,	Laird,	Randall,
Bound,	Funston,	Landes,	Reed, T. B.
Boutelle,	Gallinger,	Lawler,	Rice,
Boyle,	Gibson, C. H.	Lehlbach,	Richardson,
Browne, T. M.	Gilfillan,	Lindsley,	Rockwell,
Brown, C. E.	Green, R. S.	Long,	Rowell,
Brown, W. W.	Green, W. J.	Lore,	Ryan,
Buck,	Grosvenor,	Lovering,	Sadler,
Bunnell,	Grout,	Lowry,	Sawyer,
Burleigh,	Guenther,	Lyman,	Scott,
Burrows,	Hale,	Matson,	Scranton,
Caldwell,	Hall,	McComas,	Sessions,
Campbell, J. M.	Halsell,	McCreary,	Seymour,
Campbell, J. E.	Harmer,	McKenna,	Shaw,
Carleton,	Hatch,	McKinley,	Smalls,
Caswell,	Hayden,	Millard,	Sowden,
Clements,	Haynes,	Morgan,	Spooner,
Collins,	Henderson, D. B.	Morrill,	Springer,
Cooper,	Henley,	Muller,	Stahlnecker,
Cutcheon,	Hepburn,	Murphy,	Stephenson,
Dingley,	Herbert,	Neal,	Stone, W. J., Ky
Dorsey,	Hiestand,	Neece,	Storm,
Eldredge,	Hill,	Nelson,	Strait,
Ellsberry,	Hiscock,	O'Neill, Charles	Struble,
Ely,	Hitt,	Osborne,	Swinburne,
Ermentrout,	Holman,	Parker,	Swope,
Evans,	Hopkins,	Payne,	Taulbee,
Everhart,	Howard,	Perkins,	Taylor, I. H.
Taylor, J. M.	Ward, T. B.	Wheeler,	Wolford,
Thomas, O. B.	Warner, A. J.	White, A. C.	Worthington,
Townshend,	Weaver, A. J.	White, Milo	
Viele,	Weaver, J. B.	Wilkins,	
Wakefield,	Weber,	Winans,	

NAYS—59.

Barnes,	Davidson, A. C.	Johnston, T. D.	Oates,
Bennett,	Davidson, R. H. M.	Jones, J. H.	Peel,
Breckinridge, C. R.	Dockery,	Kelley,	Perry,
Breckinridge, W. C. P.	Dougherty,	Laffoon,	Reid, J. W.
Burnes,	Eden,	Lanham,	Sayers,
Cabell,	Findlay,	Mahoney,	Skinner,
Campbell, Felix	Ford,	Martin,	St. Martin,
Candler,	Gay,	Maybury,	Tillman,
Cobb,	Gibson, Eustace	McAdoo,	Turner,
Cowles,	Harris,	McMillin,	Van Eaton,
Crisp,	Hemphill,	McRae,	Wallace,
Croxton,	Henderson, J. S.	Merriman,	Warner, William
Culberson,	Hewitt,	Mills,	Wellborn,
Curtin,	Hutton,	Morrison,	Wilson.
Dargan,	Irion,	Negley,	

NOT VOTING—106.

Adams, J. J.	Cox,	Little,	Spriggs,
Aiken,	Crain,	Louttit,	Steele,
Allen, J. M.	Daniel,	Markham,	Stewart, Charles
Anderson, C. M.	Davenport,	Miller,	Stewart, J. W.
Arnot,	Davis,	Milliken,	Stone, E. F.
Baker,	Dawson,	Mitchell,	Stone, W. J., Mo.
Barbour,	Dibble,	Moffatt,	Symes,
Barksdale,	Dowdney,	Morrow,	Tarsney,
Bayne,	Dunham,	Norwood,	Taylor, E. B.
Beach,	Dunn,	O'Donnell,	Taylor, Zach.
Belmont,	Geddes,	O'Ferrall,	Thomas, J. R.
Blanchard,	Glass,	O'Hara,	Thompson,
Bland,	Glover,	O'Neill, J. J.	Throckmorton,
Bliss,	Goff,	Outhwaite,	Trigg,
Brady,	Hammond,	Owen,	Tucker,
Bragg,	Hanback,	Payson,	Van Schaick,
Brumm,	Heard,	Phelps,	Wade,
Buchanan,	Henderson, T. J.	Ranney,	Wadsworth,
Butterworth,	Hermann,	Reagan,	Wait,
Bynum,	Hires,	Reese,	Ward, J. H.
Campbell, T. J.	Holmes,	Riggs,	West,
Cannon,	Houk,	Robertson,	Whiting,
Catchings,	James,	Rogers,	Willis,
Clardy,	Johnson, F. A.	Romeis,	Wise,
Compton,	Jones, J. T.	Seney,	Woodburn.
Comstock,	Le Fevre,	Singleton,	
Conger,	Libbey,	Snyder,	

So the House determined that the committee pass over the joint resolution.

Mr. OATES. Mr. Speaker, I wish to announce that Mr. BLISS, Mr. BLANCHARD, and Mr. CANNON are absent on a committee of conference.

Mr. TAULBEE. I ask unanimous consent that the recapitulation of the names be dispensed with.

There was no objection, and it was so ordered.

The following additional pairs were announced:

Mr. BLANCHARD with Mr. BAYNE, on all votes preceding the vote on the oleomargarine bill.

Mr. SNYDER with Mr. WAIT, on this vote.

Mr. TRIGG with Mr. ZACH. TAYLOR, on this vote.

Mr. DUNN with Mr. JOHNSON, of New York, on this vote.

The result of the vote was then announced as above recorded.

INTERNAL REVENUE.

The Committee of the Whole resumed its session, Mr. SPRINGER in the chair.

The CHAIRMAN. The Clerk will report the next revenue bill on the Calendar.

The Clerk read, as follows:

A bill (H. R. 8327) to reduce the number of internal-revenue officers, provide a better and more economical administration of the internal-revenue laws, and for other purposes.

Mr. HATCH. Mr. Speaker, I move that that bill be laid aside for the present.

Mr. REID, of North Carolina. I object.

Mr. DUNHAM. I demand the reading of the bill.

The bill was read.

The CHAIRMAN. Is there objection to laying this bill aside for the present?

Mr. CABELL. I object. I hope we shall have consideration of that bill now.

The committee rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union having had under consideration revenue bills on the Calendar had reached the bill (H. R. 8327) to reduce the number of internal-revenue officers, provide a better and more economical administration of the internal-revenue laws, and for other purposes, and that unanimous consent having been asked to pass the bill over, objection was made, and, under the rule, the committee rose and he reported the objection to the House.

The SPEAKER *pro tempore*. The question is, Shall this bill be passed over?

The question was taken; and the Speaker *pro tempore* declared that the ayes seemed to have it.

Mr. REID, of North Carolina. I ask for a division.
The House divided; and there were—ayes 94, noes 32.
Mr. REID, of North Carolina. No quorum has voted.
Mr. ANDERSON, of Kansas. I call for the yeas and nays.
The yeas and nays were ordered.
The question was taken; and there were—yeas 159, nays 75, not voting 88; as follows:

YEAS—159.

Adams, G. E.	Fisher,	Laird,	Rockwell,
Allen, C. H.	Fleeger,	Landes,	Rowell,
Anderson, J. A.	Foran,	Lawler,	Ryan,
Atkinson,	Frederick,	Lehlbach,	Scott,
Ballentine,	Fuller,	Lindsley,	Scranton,
Barry,	Funston,	Little,	Sessions,
Bayne,	Gallinger,	Long,	Seymour,
Bingham,	Gilfillan,	Lore,	Shaw,
Bound,	Glass,	Lyman,	Smalls,
Boutelle,	Goff,	Matson,	Sowden,
Boyle,	Green, R. S.	Maybury,	Spooner,
Browne, T. M.	Grout,	McAdoo,	Springer,
Brown, C. E.	Guenther,	McComas,	Stahlnecker,
Brown, W. W.	Hale,	McCreary,	Stephenson,
Buchanan,	Hall,	McKenna,	Stone, E. F.
Buck,	Harmer,	McKinley,	Stone, W. J., Ky.
Bunnell,	Hatch,	Millard,	Stone, W. J., Mo.
Burleigh,	Hayden,	Milliken,	Storm,
Burrows,	Haynes,	Moffatt,	Strait,
Bynum,	Heard,	Morgan,	Struble,
Caldwell,	Henderson, D. B.	Morrill,	Swinburne,
Campbell, J. M.	Henderson, T. J.	Morrow,	Swope,
Cannon,	Henley,	Muller,	Taylor, I. H.
Carleton,	Hepburn,	Murphy,	Taylor, Zach.
Caswell,	Hiestand,	Neece,	Townshend,
Clardy,	Hill,	Nelson,	Viele,
Comstock,	Hiscock,	O'Neill, Charles	Wakefield,
Conger,	Hitt,	Osborne,	Ward, J. H.
Cooper,	Holman,	Parker,	Ward, T. B.
Cutcheon,	Holmes,	Payne,	Warner, A. J.
Dingley,	Howard,	Perkins,	Warner, William
Dockery,	Hudd,	Peters,	Weaver, A. J.
Dorsey,	Jackson,	Pidcock,	Weaver, J. B.
Eldredge,	James,	Pindar,	Weber,
Ely,	Johnston, J. T.	Pirce,	White, A. C.
Ermentrout,	Ketcham,	Plumb,	White, Milo
Evans,	King,	Price,	Wilkins,
Everhart,	Kleiner,	Randall,	Winans,
Farquhar,	Laffoon,	Reed, T. B.	Worthington.
Felton,	La Follette,	Rice.	

NAYS—75.

Allen, J. M.	Curtin,	Irion,	Skinner,
Barnes,	Dargan,	Johnston, T. D.	Snyder,
Blanchard,	Davidson, A. C.	Jones, J. H.	Stewart, Charles
Bliss,	Davidson, R. H. M.	Lanham,	St. Martin,
Blount,	Dougherty,	Lovering,	Taulbee,
Breckinridge, C. R.	Dunham,	Mahoney,	Taylor, J. M.
Breckinridge, WCP.	Dunn,	Martin,	Thomas, O. B.
Burnes,	Eden,	McMillin,	Tillman,
Cabell,	Ellsberry,	McRae,	Trigg,
Campbell, Felix	Findlay,	Merriman,	Turner,
Candler,	Ford,	Mills,	Van Eaton,
Clements,	Forney,	Neal,	Wellborn,
Cobb,	Gay,	Oates,	Wheeler,
Collins,	Green, W. J.	Peel,	Willis,
Cowles,	Halsell,	Perry,	Wilson,
Cox,	Hemphill,	Reid, J. W.	Wise,
Crisp,	Henderson, J. S.	Richardson,	Wolford,
Croxton,	Herbert,	Sadler,	Woodburn.
Culberson,	Hutton,	Sayers,	

NOT VOTING—88.

Adams, J. J.	Davis,	Louttit,	Rogers,
Aiken,	Dawson,	Lowry,	Romeis,
Anderson, C. M.	Dibble,	Markham,	Sawyer,
Arnot,	Dowdney,	Miller,	Seney,
Baker,	Geddes,	Mitchell,	Singleton,
Barbour,	Gibson, C. H.	Morrison,	Spriggs,
Barksdale,	Gibson, Eustace	Negley,	Steele,
Beach,	Glover,	Norwood,	Stewart, J. W.
Belmont,	Grosvenor,	O'Donnell,	Symes,
Bennett,	Hammond,	O'Ferrall,	Tarsney,
Bland,	Hanback,	O'Hara,	Taylor, E. B.
Brady,	Harris,	O'Neill, J. J.	Thomas, J. R.
Bragg,	Hermann,	Outhwaite,	Thompson,
Brumm,	Hewitt,	Owen,	Throckmorton,
Butterworth,	Hires,	Payson,	Tucker,
Campbell, J. E.	Hopkins,	Pettibone,	Van Schaick,
Campbell, T. J.	Houk,	Phelps,	Wade,
Catchings,	Johnson, F. A	Ranney,	Wadsworth,
Compton,	Jones, J. T.	Reagan,	Wait,
Crain,	Kelley,	Reese,	Wallace,
Daniel,	Le Fevre,	Riggs,	West,
Davenport,	Libbey,	Robertson,	Whiting.

So the House decided that the bill be passed over.
The following additional pair was announced:
Mr. LOWRY with Mr. KELLEY, for the rest of the day.
The result of the vote was announced as above stated.

BONDED WAREHOUSES.

The Committee of the Whole on the state of the Union resumed its session, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is again in Committee of the Whole on the state of the Union for the consideration of revenue bills. The Clerk will report the title of the next revenue bill on the Calendar.

The Clerk read as follows:

A bill (H. R. 7140) to amend the laws relating to the entry of distilled spirits in distillery and special bonded warehouses, and the withdrawal of the same therefrom, and for payment of tax thereon.

Mr. DUNHAM. In order that we may have a proper idea whether we wish this bill laid aside or not, I ask for the reading of the bill.

The Clerk proceeded to read the bill.

Before the reading was concluded,

Mr. BAYNE said: I ask unanimous consent that the further reading of this bill be dispensed with.

Mr. LAWLER. I object.

The Clerk resumed and concluded the reading of the bill.

Mr. HATCH. I move that this bill be passed over.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that this bill be passed over for the present.

Mr. DUNHAM. I object. I think this is too important a matter of legislation.

The CHAIRMAN. Objection being made, the committee will rise and report the objection to the House.

The committee accordingly rose; and Mr. BLOUNT having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union having had under consideration revenue bills had reached bill (H. R. 7140) to amend the laws relating to the entry of distilled spirits in distillery and special bonded warehouses, and the withdrawal of the same therefrom, and for payment of tax thereon; and that unanimous consent having been asked to pass this bill over objection was made, and under the rule the committee rose and he reported the objection to the House.

The SPEAKER *pro tempore*. The question is, Shall the bill (H. R. 7140) be passed over?

Mr. HATCH. Pending that question, I ask unanimous consent, in view of the decisive votes which have been taken to-day, that this bill and the other bills on the Calendar relating to revenue may be laid aside and the bill indicated by the expression of so large a majority of the House may be taken up for consideration.

Mr. DUNHAM and others objected.

The SPEAKER *pro tempore*. The question is, Shall the bill be passed over?

Mr. HENDERSON, of Iowa. On that I demand the yeas and nays.

Mr. BAYNE. I rise to a parliamentary inquiry. Is it competent to make a motion to lay aside all bills preceding the one which the gentleman from Missouri [Mr. HATCH] has just indicated?

The SPEAKER *pro tempore*. It is not.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 145, nays 54, not voting 123; as follows:

YEAS—145.

Adams, G. E.	Fleeger,	Lawler,	Seymour,
Allen, C. H.	Forney,	Lehlbach,	Shaw,
Allen, J. M.	Frederick,	Lindsley,	Singleton,
Anderson, J. A.	Fuller,	Long,	Smalls,
Atkinson,	Funston,	Lore,	Sowden,
Ballentine,	Gallinger,	Lyman,	Spooner,
Barry,	Gay,	McComas,	Springer,
Bingham,	Gibson, C. H.	McCreary,	Stahlnecker,
Bliss,	Gilfillan,	McKenna,	Stephenson,
Bound,	Glass,	McKinley,	Stone, W. J., Ky.
Boutelle,	Goff,	Millard,	Stone, W. J., Mo.
Browne, T. M.	Green, W. J.	Milliken,	Storm,
Brown, C. E.	Grosvenor,	Morgan,	Strait,
Brown, W. W.	Grout,	Morrill,	Struble,
Buchanan,	Guenther,	Morrow,	Swinburne,
Buck,	Hall,	Murphy,	Swope,
Bunnell,	Halsell,	Neal,	Taulbee,
Burrows,	Harmer,	Neece,	Taylor, Zach.
Bynum,	Hatch,	Nelson,	Thomas, O. B.
Caldwell,	Hayden,	O'Neill, Charles	Townshend,
Campbell, J. M.	Haynes,	Osborne,	Wakefield,
Caswell,	Heard,	Parker,	Wallace,
Clardy,	Henderson, D. B.	Payne,	Ward, J. H.
Clements,	Henley,	Perkins,	Ward, T. B.
Comstock,	Hepburn,	Peters,	Warner, William
Conger,	Hill,	Pindar,	Weaver, A. J.
Cooper,	Hiscock,	Pirce,	Weaver, J. B.
Cutcheon,	Hitt,	Plumb,	Weber,
Dingley,	Holman,	Price,	White, A. C.
Dockery,	Holmes,	Reed, T. B.	White, Milo
Dorsey,	Howard,	Rice,	Wilkins,
Eldredge,	Jackson,	Rockwell,	Winans,
Ely,	James,	Rowell,	Wolford,
Ermentrout,	Johnston, J. T.	Ryan,	Worthington.
Evans,	Kleiner,	Sadler,	
Everhart,	La Follette,	Scott,	
Fisher,	Landes,	Sessions,	

NAYS—54.

Barnes,	Dargan,	Lanham,	Snyder,
Bennett,	Davidson, A. C.	McMillin,	Stewart, Charles
Blount,	Davidson, R. H. M.	McRae,	St. Martin,
Breckinridge, C. R.	Dougherty,	Merriman,	Tillman,
Breckinridge, WCP.	Dunn,	Mills.	Trigg,
Cabell,	Eden,	Morrison,	Turner,
Catchings,	Ellsberry,	Oates,	Van Eaton,
Cobb,	Ford,	Peel,	Viele,
Cowles,	Hemphill,	Perry,	Wellborn,
Cox,	Henderson, J. S.	Reagan,	Wheeler,
Crisp,	Hewitt,	Reid, J. W.	Wilson,
Croxton,	Irion,	Richardson,	Wise.
Culberson,	Johnston, T. D.	Sayers,	
Curtin,	Jones, J. T.	Skinner,	

NOT VOTING—123.

Adams, J. J.	Dawson,	Laird,	Reese,
Aiken,	Dibble,	Le Fevre,	Riggs,
Anderson, C. M.	Dowdney,	Libbey,	Robertson,
Arnot,	Dunham,	Little,	Rogers,
Baker,	Farquhar,	Louttit,	Romeis,
Barbour,	Felton,	Lovering,	Sawyer,
Barksdale,	Findlay,	Lowry,	Scranton,
Bayne,	Foran,	Mahoney,	Seney,
Beach,	Geddes,	Markham,	Spriggs,
Belmont,	Gibson, Eustace	Martin,	Steele,
Blanchard,	Glover,	Matson,	Stewart, J. W.
Bland,	Green, R. S.	Maybury,	Stone, E. F.
Boyle,	Hale,	McAdoo,	Symes,
Brady,	Hammond,	Miller,	Tarsney,
Bragg,	Hanback,	Mitchell,	Taylor, E. B.
Brumm,	Harris,	Moffatt,	Taylor, I. H.
Burleigh,	Henderson, T. J.	Muller,	Taylor, J. M.
Burnes,	Herbert,	Negley,	Thomas, J. R.
Butterworth,	Hermann,	Norwood,	Thompson,
Campbell, Felix	Hiestand,	O'Donnell,	Throckmortor,
Campbell, J. E.	Hires,	O'Ferrall,	Tucker,
Campbell, T. J.	Hopkins,	O'Hara,	Van Schaick,
Candler,	Houk,	O'Neill, J. J.	Wade,
Cannon,	Hudd,	Outhwaite,	Wadsworth,
Carleton,	Hutton,	Owen,	Wait,
Collins,	Johnson, F. A.	Payson,	Warner, A. J.
Compton,	Jones, J. T.	Pettibone,	West,
Crain,	Kelley,	Phelps,	Whiting,
Daniel,	Ketcham,	Pidcock,	Willis,
Davenport,	King,	Randall,	Woodburn.
Davis,	Laffoon,	Ranney,	

So the House decided that the bill be passed over.

The following additional pair was announced:

Mr. HALE with Mr. HUTTON, on laying aside revenue bills.

The result of the vote was announced as above stated.

TREATY WITH MEXICO.

The committee resumed its session, Mr. SPRINGER in the chair.

The CHAIRMAN. By order of the House the bill is passed over, and the Clerk will read the title of the next bill for raising revenue.

The Clerk read as follows:

A bill (H. R. 1513) to carry into effect a convention between the United States of America and the United States of Mexico signed on the 20th day of January, 1883.

Mr. DUNHAM. Let us ascertain what that is by reading it.

The bill was read through.

Mr. HATCH. I ask by unanimous consent that this bill be passed over.

Mr. DUNHAM. I object.

The CHAIRMAN. Under the rule the committee will rise and report the objection to the House.

The committee accordingly rose; and Mr. BLOUNT having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had under consideration revenue bills, and having reached the bill (H. R. 1513) to carry into effect a convention between the United States of America and the United States of Mexico signed on the 20th day of January, 1883, objection was made to passing it over, and under the rule the committee rose and he reported the objection to the House.

The SPEAKER *pro tempore*. Under the rule the question is, Shall the bill be passed over?

Mr. DUNHAM. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 162, nays 51, not voting 109; as follows:

YEAS—162.

Adams, G. E.	Ellsberry,	Hiscock,	Neece,
Allen, C. H.	Ely,	Hitt,	Nelson,
Atkinson,	Ermentrout,	Holman,	O'Neill, Charles
Ballentine,	Evans,	Holmes,	Osborne,
Barry,	Everhart,	Hudd,	Payne,
Bingham,	Felton,	Jackson,	Perkins,
Bound,	Fisher,	James,	Peters,
Boyle,	Fleeger,	Johnston, J. T.	Pettibone,
Brady,	Forney,	Kleiner,	Pidcock,
Browne, T. M.	Frederick,	King,	Pindar,
Brown, C. E.	Fuller,	La Follette,	Pirce,
Brown, W. W.	Funston,	Laird,	Plumb,
Buchanan,	Gallinger,	Landes,	Price,
Buck,	Gay,	Lawler,	Randall,
Bunnell,	Gibson, C. H.	Le Fevre,	Reed, T. B.
Burleigh,	Glass,	Lehlbach,	Rice,
Burrows,	Goff,	Lindsley,	Richardson,
Bynum,	Green, R. S.	Little,	Rockwell,
Caldwell,	Green, W. J.	Long,	Rowell,
Cannon,	Grout,	Lore,	Ryan,
Carleton,	Guenther,	Markham,	Sadler,
Caswell,	Hale,	Matson,	Scott,
Catchings,	Halsell,	McComas,	Scranton,
Clardy,	Harmer,	McCreary,	Sessions,
Clements,	Hatch,	McKenna,	Seymour,
Collins,	Hayden,	McKinley,	Shaw,
Comstock,	Haynes,	McMillin,	Smalls,
Conger,	Heard,	Millard,	Sowden,
Cooper,	Henderson, D. B.	Milliken,	Spooner,
Davidson, R. H. M.	Henley,	Morgan,	Springer,
Dingley,	Hepburn,	Morrill,	Stahlnecker,
Dockery,	Hermann,	Morrow,	Stephenson,
Dorsey,	Hiestand,	Murphy,	Stone, W. J., Mo.
Eldredge,	Hill,	Neal,	Storm,
Strait,	Taylor, J. M.	Warner, A. J.	Wilkins,
Struble,	Thomas, O. B.	Warner, William	Winans,
Swinburne,	Thompson,	Weaver, J. B.	Wise,
Swope,	Townshend,	Weber,	Wolford,
Tarsney,	Turner,	Wheeler,	Worthington.
Taulbee,	Wakefield,	White, A. C.	
Taylor, I. H.	Wallace,	White, Milo	

NAYS—51.

Barnes,	Davidson, A. C.	Mahoney,	Skinner,
Bennett,	Dougherty,	Martin,	Snyder,
Bliss,	Dunham,	Maybury,	Stewart, Charles
Blount,	Dunn,	McRae,	St. Martin,
Breckinridge, C. R.	Eden,	Merriman,	Taylor, Zach.
Cabell,	Ford,	Mills,	Tillman,
Campbell, Felix	Hemphill,	Morrison,	Trigg,
Cobb,	Hewitt,	Oates,	Van Eaton,
Cowles,	Irion,	Peel,	Viele,
Cox,	Johnston, T. D.	Perry,	Wellborn,
Culberson,	Jones, J. H.	Reagan,	Wilson,
Curtin,	Laffoon,	Reid, J. W.	Woodburn.
Dargan,	Lanham,	Sayers,	

NOT VOTING—109.

Adams, J. J.	Cutcheon,	Jones, J. T.	Rogers,
Aiken,	Daniel,	Kelley,	Romeis,
Allen, J. M.	Davenport,	Ketcham,	Sawyer,
Anderson, C. M.	Davis,	Libbey,	Seney,
Anderson, J. A.	Dawson,	Louttit,	Singleton,
Arnot,	Dibble,	Lovering,	Spriggs,
Baker,	Dowdney,	Lowry,	Steele,
Barbour,	Farquhar,	Lyman,	Stewart, J. W.
Barksdale,	Findlay,	McAdoo,	Stone, E. F.
Bayne,	Foran,	Miller,	Stone, W. J., Ky.
Beach,	Geddes,	Mitchell,	Symes,
Belmont,	Gibson, Eustace	Moffatt,	Taylor, E. B
Blanchard,	Gilfillan,	Muller,	Thomas, J. R.
Bland,	Glover,	Negley,	Throckmorton,
Boutelle,	Grosvenor,	Norwood,	Tucker,
Bragg,	Hall,	O'Donnell,	Van Schaick,
Breckinridge, W. C. P.	Hammond,	O'Ferrall,	Wade,
Brumm,	Hanback,	O'Hara,	Wadsworth,
Burnes,	Harris,	O'Neill, J. J.	Wait,
Butterworth,	Henderson, J. S.	Outhwaite,	Ward, J. H.
Campbell, J. E.	Henderson, T. J.	Owen,	Ward, T. B.
Campbell, J. M.	Herbert,	Parker,	Weaver, A. J.
Campbell, T. J.	Hires,	Payson,	West,
Candler,	Hopkins,	Phelps,	Whiting,
Compton,	Houk,	Ranney,	Willis.
Crain,	Howard,	Reese,	
Crisp,	Hutton,	Riggs,	
Croxton,	Johnson, F. A.	Robertson,	

So the bill was ordered to be passed over.

FORTIFICATION OF WINE FOR EXPORTATION.

Under the rule the committee resumed its session, Mr. SPRINGER in the chair.

The CHAIRMAN. By order of the House the bill was ordered to be passed over, and the Clerk will read the title of the next bill for raising revenue.

The Clerk read, as follows:

A bill (H. R. 9114) to provide for the fortification, for exportation, of wine free from internal-revenue tax, and to prevent frauds in connection therewith.

Mr. DUNHAM. I ask for the reading of the bill.

Mr. ROWELL. Is that a demand by the gentleman which we are obliged to consider when objection is made to passing the bill over for the present? If the gentleman demands the reading of the bill, must it be read?

The CHAIRMAN. The Chair has so decided, in accordance with the uniform practice of the House.

The bill was read.

Mr. HATCH. I ask the bill be passed over for the present.

Mr. DUNHAM. I object.

The CHAIRMAN. Under the rule the committee will rise and report the objection to the House.

The committee accordingly rose; and Mr. BLOUNT having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the State of the Union had under consideration bills for raising revenue, and having reached the bill (H. R. 9114) to provide for the fortification, for exportation, of wine free from internal-revenue tax, and to prevent frauds in connection therewith, objection was made to passing it over for the present, and under the rule the committee accordingly rose and he reported the objection to the House.

The SPEAKER *pro tempore*. The question is, Shall the bill be passed over?

Mr. HATCH. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 161, nays 46, not voting 115; as follows:

YEAS—161.

Adams, G. E.	Browne, T. M.	Caldwell,	Cowles,
Allen, C. H.	Brown, C. E.	Campbell, J. M.	Cox,
Allen, J. M.	Brown, W. W.	Candler,	Cutcheon,
Anderson, J. A.	Buchanan,	Carleton,	Dingley,
Atkinson,	Buck,	Caswell,	Dockery,
Ballentine,	Bunnell,	Clardy,	Dorsey,
Barry,	Burleigh,	Clements,	Eldredge,
Bound,	Burrows,	Compton,	Ely,
Boyle,	Butterworth,	Conger,	Ermentrout,
Brady,	Bynum,	Cooper,	Evans,

Everhart,	Hiscock,	Morrow,	Sowden,
Felton,	Hitt,	Muller,	Spooner,
Fisher,	Holman,	Murphy,	Springer,
Fleeger,	Holmes,	Neal,	Stahlnecker,
Foran,	Hopkins,	Neece,	Stephenson,
Forney,	Hudd,	Nelson,	Stone, E. F.
Frederick,	Jackson,	O'Neill, Charles	Stone, W. J., Ky.
Fuller,	James,	Osborne,	Stone, W. J., Mo.
Funston,	Johnston, J. T.	Parker,	Storm,
Gallinger,	Ketcham,	Payne,	Swinburne,
Gay,	King,	Perkins,	Swope,
Gibson, C. H.	Kleiner,	Peters,	Tarsney,
Gilfillan,	La Follette,	Pettibone,	Taulbee,
Goff,	Landes,	Pidcock,	Taylor, I. H.
Green, R. S.	Lawler,	Pindar,	Taylor, J. M.
Green, W. J.	Le Fevre,	Plumb,	Thomas, O. B.
Grout,	Lehlbach,	Price,	Thompson,
Grosvenor,	Lindsley,	Randall,	Wakefield,
Guenther,	Little,	Reed, T. B.	Ward, J. H.
Hall,	Lore,	Rice,	Warner, A. J.
Halsell,	Long,	Rockwell,	Weaver, A. J.
Harmer,	Louttit,	Rowell,	Weaver, J. B.
Hatch,	Markham,	Ryan,	Weber,
Hayden,	Matson,	Sadler,	Wheeler,
Haynes,	McComas,	Sawyer,	White, A. C.
Heard,	McKenna,	Scott,	White, Milo
Henderson, D. B.	McKinley,	Scranton,	Winans,
Henley,	McMillin,	Sessions,	Wise,
Hepburn,	Millard,	Seymour,	Wolford.
Hiestand,	Morgan,	Shaw,	
Hill,	Morrill,	Smalls,	

NAYS—46.

Barnes,	Dougherty,	Mahoney,	Reid, J. W.
Bennett,	Eden,	Martin,	Sayers,
Blount,	Ford,	McAdoo,	Skinner,
Breckinridge, C. R.	Hemphill,	McRae,	Stewart, Charles
Cabell,	Henderson, J. S.	Merriman,	St. Martin,
Catchings,	Herbert,	Mills,	Taylor, Zach.
Cobb,	Hewitt,	Morrison,	Trigg,
Croxton,	Irion,	Norwood,	Wallace,
Culberson,	Johnston, T. D.	Oates,	Wellborn,
Curtin,	Jones, J. H.	Peel,	Wilson.
Davidson, A. C.	Laffoon,	Perry,	
Davidson, R. H. M.	Lanham,	Reagan,	

NOT VOTING—115.

Adams, J. J.	Davis,	Lovering,	Spriggs,
Aiken,	Dawson,	Lowry,	Steele,
Anderson, C. M.	Davenport,	Lyman,	Stewart, J. W.
Arnot,	Dibble,	Maybury,	Strait,
Baker,	Dowdney,	McCreary,	Struble,
Barbour,	Dunham,	Miller,	Symes,
Barksdale,	Dunn,	Milliken,	Taylor, E. B.
Bayne,	Ellsberry,	Mitchell,	Thomas, J. R.
Beach,	Farquhar,	Moffat,	Throckmorton,
Belmont,	Findlay,	Negley,	Tillman,
Bingham,	Geddes,	O'Donnell,	Townshend,
Blanchard,	Gibson, Eustace	O'Ferrall,	Tucker,
Bland,	Glass,	O'Hara,	Turner,
Bliss,	Glover,	O'Neill, J. J.	Van Eaton,
Boutelle,	Hale,	Outhwaite,	Van Schaick,
Bragg,	Hammond,	Owen,	Viele,
Breckinridge, WCP.	Hanback,	Payson,	Wade,
Brumm,	Harris,	Phelps,	Wadsworth,
Burnes,	Henderson, T. J.	Pirce,	Wait,
Campbell, Felix	Hermann,	Ranney,	Ward, T. B.
Campbell, J. E.	Hires,	Reese,	Warner, William
Campbell, T. J.	Houk,	Richardson,	West,
Cannon,	Howard,	Riggs,	Whiting,
Collins,	Hutton,	Robertson,	Wilkins,
Comstock,	Johnson, F. A.	Rogers,	Willis,
Crain,	Jones, J. T.	Romeis,	Woodburn,
Crisp,	Kelley,	Seney,	Worthington.
Daniel,	Laird,	Singleton,	
Dargan,	Libbey,	Snyder,	

So the House ordered the bill to be passed over.

On motion of Mr. WEAVER, of Iowa, by unanimous consent the reading of the names was dispensed with.

The following additional pairs were announced:

Mr. CAMPBELL, of Ohio, with Mr. HENDERSON, of Illinois, for the rest of this day.

Mr. COWLES with Mr. STRUBLE, on this vote.

Mr. WORTHINGTON with Mr. VAN EATON, on the question of consideration, for this day.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendments bills of the House of the following titles, namely:

A bill (H. R. 4335) making appropriations for continuing the construction of the public building at Clarksburg, W. Va., and changing the limit of cost thereof;

A bill (H. R. 1391) for the erection of a public building at Springfield, Mo.;

A bill (H. R. 3379) granting a pension to George G. Early;

A bill (H. R. 3750) for the relief of Frances H. Plummer;

A bill (H. R. 5051) to place the name of Jacob Madison Pruitt on the pension-roll;

A bill (H. R. 7513) to grant a pension to Katharina Nickert;

A bill (H. R. 8336) granting an increase of pension to Duncan Forbes; and

A bill (H. R. 9106) granting a pension to Rachel Barnes.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested, namely:

A bill (S. 757) granting a pension to Helen Plunkett;

A bill (S. 821) for the relief of James M. Willbur;

A bill (S. 1051) granting a pension to Lorenzo A Clark;

A bill (S. 1162) for the erection of a post-office building at Lynn, Mass.;

A bill (S. 1880) for the completion of a public building at Nebraska City, Nebr.;

A bill (S. 1987) for the relief of David L. Brainard;

A bill (S. 2024) for the relief of Thomas Smith;

A bill (S. 2424) granting a pension to George W. Kincaid;

A bill (S. 2487) granting a pension to Andrew Mucklin;

A bill (S. 2488) granting a pension to John B. Fuller;

A bill (S. 2155) granting an increase of pension to Thomas B. Shaw;

A bill (S. 2584) to authorize the commissioners of the District of Columbia to condemn land at Rock Creek for the purpose of a park, to be called Rock Creek Park;

A bill (S. 2660) granting a pension to Annie E. Gardiner;

A bill (S. 2699) granting a pension to Sarah E. Norton; and

A bill (S. 2720) to relinquish the interest of the United States in certain lands in Kansas.

The Committee of the Whole resumed its session.

VINEGAR MADE FROM GRAIN.

The next revenue business on the Calendar was the bill (H. R. 9733) to regulate the manufacture of vinegar made from grain.

Mr. DUNHAM. Mr. Chairman, I demand the reading of that bill.

The bill was read at length.

[Mr. DUNHAM (during the reading of the bill). I wish to call the attention of the Chair to the fact that the Clerk has *omitted a part* of this bill.

The CHAIRMAN. The Chair is informed by the Clerk that he has read the copy which is at the desk.

Mr. DUNHAM. I have observed the reading carefully, and in the twelfth line of one of the sections the Clerk has omitted the words "and penalties." [Laughter.] I wish the whole bill to be read.

The Clerk resumed and concluded the reading of the bill.]

Mr. HATCH. I am heartily in favor of the passage of this bill, and desire to address myself to it, and send to the Clerk's desk as a part of my remarks the report of the committee to be read in my time.

Mr. ADAMS, of Illinois, rose.

Mr. HATCH. I do no not yield the floor. I am entitled to it, and decline to yield now to interruption.

The report (by Mr. BRECKINRIDGE, of Kentucky) was read, as follows:

The Committee on Ways and Means, to whom was referred House bill 3973, having carefully considered the same, respectfully report a substitute for said bill, and recommend House bill 3973 do lie on the table, and the bill herewith reported do pass.

Under the law as it now is, the manufacturing of vinegar by the process of vaporization can be used successfully as a fraud on the revenue. It was proved before the committee that by this process four gallons of proof spirits can be manufactured from a bushel of corn; that more than 21 per cent. of spirits, in addition to that needed in the vinegar, can be successfully hid in a barrel of vinegar, and by redistillation can be separated therefrom; that fraud has been perpetrated on the revenue by factories claiming to be vinegar factories.

The tax on spirits is from 300 to 400 per cent. greater than the cost of production. A gallon of vinegar can be manufactured by this process at perhaps from 4 to 6 cents, and spirits at 14.14 cents a gallon. The tax on this gallon, manufactured without any supervision by the Government and without any guards thrown around its manufacture, is 90 cents, and temptation to fraud is too great to be always successfully resisted.

The object of the bill reported is to remove that temptation, and yet to give those engaged in this industry a drawback of the entire tax paid by them on all spirits used by them in the manufacture of vinegar. It is believed that the bill will prevent fraud and will not seriously burden those who have invested in vinegar factories.

Mr. MORRISON. Mr. Chairman, if what the committee has been trying to reach is to be or is offered as an amendment, I make the point of order that it is not germane to this vinegar bill.

Mr. HATCH. I have not offered an amendment. What has been read is simply the report of the committee, which I have submitted as a part of my remarks.

Mr. MORRISON. I got the impression from the reading that the bogus butter bill had been offered as an amendment.

Mr. HATCH. No; I have simply had read this report of the committee made by the gentleman from Kentucky, a very interesting and able report, as a part of my remarks.

Mr. MORRISON. I thought the gentleman had offered an amendment, which seemed, from what I gathered of the reading, to be out of order.

Mr. HATCH. No, sir; I am supporting the passage of this bill, and regret to see that the gentleman from Kentucky is not in his seat, as I would be glad to yield to him a part of my time; but in his absence I will yield ten minutes to the gentleman from New York [Mr. HISCOCK].

Mr. HISCOCK. Mr. Chairman, I believe rarely has a more important measure than this bill which is now pending been brought before

the committee. I only regret that its consideration has been postponed until this late day in the session, when it may be impossible to give it full consideration and properly perfect it so that it can be passed. [Applause.] But, Mr. Chairman, I also recognize the fact that there is other legislation in front of us so nearly completed that perhaps it would be unsafe for the interests of the people to claim for the consideration of this bill the necessary time to perfect it, when the result might be to defeat other important measures, and measures in which the agricultural interests of the country are interested as largely as in this. [Applause.]

This bill, Mr. Chairman, has been asked for by the fruit-growers and apple-growers of the country, and it has been asked for by the Internal Revenue Department, in the interest of the honest administration of our present internal-revenue laws. I believe that the report which has been read here to-day clearly sets forth the sentiment of the Treasury Department in respect to this bill.

Mr. ROWELL. I wish to know whether the gentleman thinks this bill is in the interest of cheap vinegar or not?

Mr. HISCOCK. My friend from Illinois asks me whether I think this bill is in the interest of cheap vinegar. I am so willing to-day that this bill should be discussed on both sides that when I have exhausted five minutes of my time I desire the chairman shall rap me down, that I may yield five minutes to some gentleman who is opposed to the bill. For, as I said, I suppose all we can hope to do to-day with regard to this measure is to get it before the committee and before the country.

Mr. STRUBLE. Will the gentleman yield to me for a question?

Mr. HISCOCK. Yes, sir.

Mr. STRUBLE. Would the gentleman be willing to yield time to the gentleman from Illinois [Mr. DUNHAM]?

Mr. HISCOCK. I am inclined to think the gentleman from Illinois will object to receiving time on this bill and that he will not prove to be in favor of it. [Laughter.]

Mr. CUTCHEON. Will the gentleman from New York yield to me for a question?

Mr. HISCOCK. Yes, sir.

Mr. CUTCHEON. Will the gentleman please explain what this bill is?

Mr. HISCOCK. The gentleman from Michigan asks me to explain this bill. Why, sir, he must be aware that it has been read from the Clerk's desk, and he must be aware of the fact that a very able report, prepared and I think unanimously concurred in by the Committee on Ways and Means in favor of this bill, has also been read from the Clerk's desk.

As was stated by the gentleman from Illinois [Mr. DUNHAM], the reading of this bill was listened to with great care; and now, when it is so near the time of adjournment, it is proper the bill should be considered.

Mr. BROWNE, of Indiana. Are you not filibustering now? [Laughter.]

Mr. HISCOCK. I am not filibustering, I will say to the gentleman from Indiana, and I have not the slightest doubt in the world that the future will satisfy him that what I am doing to-day is against filibustering, and in the direction of legislation that is, I have no doubt, for the interest of the country.

Mr. CANNON. This is the best speech I have heard the gentleman from New York make this session.

Mr. PAYNE. I would like the gentleman to explain whether this bill lightens the burden of taxation on the people?

Mr. HISCOCK. This bill simply provides, as I believe, against frauds on the revenues of the country. It does not discriminate in favor of one interest or against another. It is not subject to any objections, constitutional or otherwise, that have been urged against some other legislation here which we hope to obtain before Congress adjourns.

[Here the hammer fell.]

Mr. HATCH. I yield five minutes to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON, of Iowa. Mr. Chairman, I am opposed to this bill. Its propositions are surprising at this stage of legislation for revenue to run the Government. I am forced to say that the debate thus far had upon this bill develops the fact that it is not understood by those participating in the debate or by those so eagerly listening to it. I see before me hundreds of hungry and thirsty individuals (hungry and thirsty after knowledge, I mean; I make that explanation so as not to mislead the country) touching the scope and meaning of this wonderful bill, and I come to you like a friend, finding you starving in the desert, to supply the needed nourishment.

Up to 1879 the law which it is now sought to repeal by this bill was not upon the statute-books, and pure, wholesome, and cheap vinegar, as I am assured, was unknown to the tables of the country. In 1879—June 14, I think—the bill now sought to be repealed was enacted into law. What is that law? It simply provides that those engaged in the manufacture of vinegar may take the grain, the product of the virtuous soil of America, and by a continuous, honest, gentle process convert it into vinegar without adding any spirits from the outside. It will be understood that grain enters the vinegar factory's mouth and comes out vinegar. All this is done without violation of law and without patronizing the great whisky centers, Peoria, Cincinnati, or Kentucky. By a simple process permitted by this law spirits are developed a little from the grain, injected into a pure mash, and then in a little time we have the most healthful vinegar that ever was put upon the table of the daintiest epicure on earth. And its healthful, pure qualities only exceed its cheapness to the consumers.

The bill now under consideration proposes to abolish this simple process for producing a staple and common article of food, and instead of making by a continuous process vinegar from our grain the vinegar-maker "must bend the supple hinges of the knee" to the distillers of the country. It is proposed by this bill that they shall quit making vinegar by the continuous process, this moral process, and that they shall first buy the high wines or spirits from the distillers, make the vinegar with that, and then fall back on the United States, through the internal-revenue office, for a refunding of the taxes paid the distillers for their high wines.

Mr. CANNON. Which side of this fight is the gentleman from Iowa really on? Are you for or against this vinegar bill?

Mr. HENDERSON, of Iowa. At this time I am not very particular, though I have given you all some wholesome truths. Later on, if this bill comes up, I will be against it, but for the present I am more profoundly impressed with the necessity of reaching the bogus-butter bill.

Mr. HATCH. I supposed the gentleman from Iowa was in favor of the bill or I would not have yielded him five minutes of the time, because I am in favor of it. [Laughter.]

Mr. HENDERSON, of Iowa. It is the first time this session that the gentleman from Missouri [Mr. HATCH] has made a mistake in managing a bill, and this mistake will be all right when we resume our march against bogus butter in the morning. [Laughter.]

Mr. HATCH. I move that the committee do now rise.

The question was taken; and the Chair said that the ayes seemed to have it.

Mr. MCMILLIN. I call for a division.

The committee divided; and there were—ayes 117, noes 20.

The committee accordingly rose; and the Speaker resumed the chair.

Mr. MCMILLIN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The Chair has not yet heard the report of the chairman of the Committee of the Whole.

Mr. SPRINGER, from the Committee of the Whole House on the state of the Union, reported that they had had under consideration the bill (H. R. 9733) to regulate the manufacture of vinegar made from grain, and had come to no resolution thereon.

Mr. MCMILLIN. Now, Mr. Speaker, I move that the House adjourn.

Mr. BROWNE, of Indiana. I ask the gentleman to withdraw that motion long enough to allow me to introduce two bills and have them referred.

Mr. MCMILLIN. I will withdraw it for that purpose.

MARY CLARK.

Mr. BROWNE, of Indiana (by request), introduced a bill (H. R. 9934) for the relief of Mary Clark, widow of Capt. Charles F. Clark, Company F, Sixth Regiment Kansas Cavalry Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CELESLIA R. MUDD.

Mr. BROWNE, of Indiana (by request), also introduced a bill (H. R. 9935) for the relief of Celeslia R. Mudd, widow of Col. John J. Mudd, Second Regiment Illinois Cavalry Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 236) to authorize the Bellingham Bay Railway and Navigation Company to build certain bridges in the Territory of Washington;

A bill (S. 1839) for the relief of Richard C. Ridgway and others;

Joint resolution (S. 1937) authorizing the city of Salem to construct a bridge across the Willamette River, in the State of Oregon;

A bill (S. 2115) granting to the Oregonian Railway Bridge Company of Oregon the right to construct a bridge over the Willamette River in the vicinity of Ray's Landing, Oregon;

A bill (S. 2800) to authorize the construction of bridges across the Tennessee and Cumberland rivers by the Ohio Valley Railway Company; and

A bill (S. 63) to authorize the construction of a highway bridge across that part of the waters of Lake Champlain lying between the towns of North Hero and Alburg, in the State of Vermont.

Mr. BRUMM, by unanimous consent, was granted leave of absence until Tuesday next.

The question was taken on the motion to adjourn; and there were—ayes 79, noes 56.

So the motion was agreed to; and (at 4 o'clock and 58 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. DOUGHERTY: Resolution of the Jacksonville (Fla.) Board of Trade, for the issuance of small paper currency—to the Committee on Banking and Currency.

By Mr. GROSVENOR: Petition of Rebecca Strait, for a widow's pension—to the Committee on Invalid Pensions.

By Mr. SPOONER: Protest of Josiah W. Seabury and 127 others, citizens of Providence County, Rhode Island, against attaching to pension bills provision for special taxation for payment thereof—to the Committee on Ways and Means.

By Mr. J. B. WEAVER: Petition of Z. T. Vance and 80 others, of Wilcox Post, No. 138, Grand Army of the Republic, of Eddyville, Iowa, praying for the passage of bill for relief of dependent soldiers, known as Senate bill No. 1886—to the Committee on Invalid Pensions.

By Mr. WILLIS: Petition of Maria Hulse, mother of Silas Hulse, late private Company D, Third Regiment United States Infantry, for relief—to the Committee on Invalid Pensions.

The following petitions, asking for the passage of House bill 7887, repealing timber-culture, pre-emption, and desert-land acts; of House bill 7021, for adjustment of railroad and other land grants; of bill forfeiting all railroad land grants the conditions of which have not been strictly complied with; of House bill organizing the Territory of Oklahoma; of Senate bill opening a portion of the great Sioux reservation to settlement; of bill prohibiting aliens from holding land in the United States; of bill making Presidential and Congressional election days holidays, and punishing bribery; and of bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired, were severally referred to the Committee on the Public Lands.

By Mr. ANDERSON: Petition of William Hampton and 23 others, citizens of the fifth district of Kansas.

By Mr. BUNNELL: Petition of O. D. Lyon and 120 others, citizens of the fifteenth district of Pennsylvania.

By Mr. J. M. CAMPBELL: Petition of Grant Watkins and 70 others, citizens of the seventeenth district of Pennsylvania.

By Mr. CANNON: Petition of Theodore Thompson and 26 others, citizens of the fifteenth district of Illinois.

By Mr. CLARDY: Petition of E. C. Sebastian and 101 others, citizens of the tenth district of Missouri.

By Mr. CLEMENTS: Petition of John S. Thompson and 258 others, citizens of the seventh district of Georgia.

By Mr. CROXTON: Petition of A. Dawley and 32 others, citizens of the first district of Virginia.

By Mr. CULBERSON: Petition of W. D. Prescott and 39 others, citizens of the fourth district of Texas.

By Mr. CUTCHEON: Petition of James Martin and 100 others and of John D. Ferguson and 47 others, citizens of the ninth district of Michigan.

By Mr. R. H. M. DAVIDSON: Petition of Mrs. M. Williams and 64 others, citizens of the first district of Florida.

By Mr. DINGLEY: Petition of N. A. Hall and 72 others, citizens of the second district of Maine.

By Mr. DOCKERY: Petition of Jos. Huntington and 109 others, citizens of the third district of Missouri.

By Mr. FORAN: Petition of Henry Saylor and 65 others, citizens of the twenty-first district of Ohio.

By Mr. GALLINGER: Petition of Ed. E. Rice and 24 others, citizens of the second district of New Hampshire.

By Mr. HALSELL: Petition of Andrew Phelps and 64 others, citizens of the third district of Kentucky.

By Mr. HAYNES: Petition of C. A. Hamee and 50 others, of G. M. Henderson and 54 others, and of J. Ferguson and 65 others, citizens of the first district of New Hampshire.

By Mr. HITT: Petition of Parley M. Smith and 70 others, citizens of the sixth district of Illinois.

By Mr. J. H. JONES: Petition of W. C. Price and 26 others and of Harrison Davis and 160 others, citizens of the third district of Texas.

By Mr. LAWLER: Petition of W. Hayes and 49 others, citizens of the second district of Illinois.

By Mr. LYMAN: Petition of John Duff and 215 others, of M. H. Funk and 60 others, and of Edwin Dekay and 50 others, citizens of the ninth district of Iowa.

By Mr. MAHONEY: Petition of Anthony Demarest and 26 others and of James H. Doyle and 13 others, citizens of the fourth district of New York.

By Mr. MAYBURY: Petition of Berthold Moeller and 25 others and of Joseph Papolim, jr., and 25 others, citizens of the first district of Michigan.

By Mr. MERRIMAN: Petition of Frederick Able and 85 others, citizens of the eleventh district of New York.

By Mr. MILLIKEN: Petition of N. C. Leighton and 26 others, of W. Jennings and 17 others, and of R. Lather and 77 others, citizens of third district of Maine.

By Mr. NEAL: Petition of F. A. Fisher and 120 others, citizens of the third district of Tennessee.

By Mr. NEECE: Petition of W. Ritter and 70 others and of M. H. Rogers and 88 others, citizens of the eleventh district of Illinois.

By Mr. PLUMB: Petition of Thomas Farrington and 58 others, of Edward Sharmon and 114 others, and of Philip H. Kirkwood and 16 others, citizens of the third district of Illinois.

By Mr. RANNEY: Petition of A. Moss and others and of Richard Sewell and others, citizens of the fourth district of Massachusetts.

By Mr. REAGAN: Petition of John Grant and 116 others, citizens of the second district of Texas.

By Mr. SNYDER: Petition of J. A. Willis and 80 others, citizens of the third district of West Virginia.

By Mr. W. J. STONE, of Missouri: Petition of Arthur Bridges and 65 others, citizens of the twelfth district of Missouri.

By Mr. TARSNEY: Petition of Miles Dakin and 27 others, of J. K. Simons and 33 others, and of George Miller and 55 others, citizens of the eighth district of Michigan.

Also, petition of Otho Stempell and 21 others, of the eighth district of Michigan.

By Mr. TOWNSHEND: Petition of Henry Ellis and 31 others, citizens of the nineteenth district of Illinois.

By Mr. J. H. WARD: Petition of J. B. Landers and 17 others, citizens of the third district of Illinois.

By Mr. WILLIS: Two petitions of citizens of Louisville, Ky.

SENATE.

FRIDAY, *July* 23, 1886.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

GILES B. HARBER AND WILLIAM H. SCHUETZE.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate a joint resolution from the House of Representatives.

The joint resolution (H. Res. 54) to credit Lieutenants Giles B. Harber and William H. Schuetze with sea-duty and sea-pay while engaged in the search for Lieutenant Chipp and party, and also for the time employed in bringing home the remains of Lieutenant-Commander De Long and party, was read twice by its title.

Mr. HALE. I ask that the joint resolution may be taken up and passed, as the Senate Committee on Naval Affairs has reported a joint resolution of the same kind which is on the Calendar, and we can then take that off.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent to proceed to the consideration of the joint resolution at this time. It will be read for information.

The Chief Clerk read the joint resolution, as follows:

Resolved, &c., That the Secretary of the Navy be, and he is hereby, authorized and directed to credit Lieutenants Giles B. Harber and William H. Schuetze with the highest rate of pay attached to their respective grades during their absence from the United States while employed in the search on the Lena Delta for Lieutenant Chipp and party, and also while engaged in transporting to the United States the remains of Lieut. Commander George W. De Long and his associates; all payments to be made from the current appropriation for pay miscellaneous.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. VEST. Does that come from a committee?

The PRESIDENT *pro tempore*. The Committee on Naval Affairs of the Senate has reported a similar joint resolution.

Mr. HALE. The Senate committee has reported the same measure and it is on the Calendar, and this will save taking up time when we reach that. It has been fully considered and reported.

Mr. CALL. What is the proposition?

The PRESIDENT *pro tempore*. The joint resolution will be again read.

Mr. HARRISON. The Senator from Maine can explain it to the Senator from Florida in a moment.

Mr. CALL. I wish to understand it.

Mr. HOAR. What is the order of business on the Calendar of the Senate joint resolution?

Mr. HALE. Order of Business 1663.

Mr. CONGER. Is that the first case on the Calendar?

Mr. HALE. No; this is a joint resolution that has come from the House, and it is the same as the joint resolution on the Calendar, Order of Business 1663. It simply provides for giving sea-pay to these officers who were engaged in that arctic service who can not technically get sea-pay. They were in a harder service than anywhere else in the Navy in time of peace; and I do not believe that any Senator will object to

the joint resolution passing. Then we can postpone the one on the Calendar reported by the Senator from Kentucky [Mr. BLACKBURN].

Mr. CALL. I do not object. I made the inquiry simply for information.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HALE. I move to indefinitly postpone the joint resolution (S. R. 24) to credit Lieutenants Giles B. Harber and William H. Schuetze with sea-duty and sea-pay while engaged in the search for Lieutenant Chipp and party, and also for the time employed in bringing home the remains of Lieutenant-Commander De Long and party.

The motion was agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 236) to authorize the Bellingham Bay Railway and Navigation Company to build certain bridges in the Territory of Washington;

A bill (S. 1839) for the relief of Richard C. Ridgway and others;

A bill (S. 2115) granting to the Oregonian Railway Bridge Company of Oregon the right to construct a bridge over the Willamette River, in the vicinity of Ray's Landing, Oregon;

A bill (S. 2800) to authorize the construction of bridges across the Tennessee and Cumberland Rivers by the Ohio Valley Railway Company;

A bill (S. 63) to authorize the construction of a highway bridge across that part of the waters of Lake Champlain lying between the towns of North Hero and Alburg, in the State of Vermont; and

A bill (S. 1937) authorizing the city of Salem to construct a bridge across the Willamette River, in the State of Oregon.

KNIGHTS OF LABOR PETITIONS.

Mr. VEST. I desire to present petitions similar to those offered by other Senators relating to the eight measures of legislation which have been referred to.

I wish to say in this connection that I was not present in the Senate day before yesterday when the Senator from Nebraska [Mr. VAN WYCK] delivered quite a dissertation upon this subject in the way of defense, I take it, of these petitioners upon whom no attack had been made. I distinctly stated in what I said the other day that in regard to these petitions that I knew nothing about the persons whose names purported to be signed; that the rule of the Senate required that petitions should be signed by the parties themselves; and that it was very manifest in those petitions as it is in these which I hold in my hand that they are simply copies. I felt it to be my duty as a Senator to call attention to that fact.

I do not dispute the pleasure of any Senator who sees proper to pose here as the defender of the laboring people of the country or of the farmers. I represent a State which has I suppose as many of both these classes in it as the Senator from Nebraska, and a great many more; but, sir, I should have a very poor opinion of myself if I felt called upon here or anywhere else to disclaim any hostility to the laboring men or the farmers of the United States.

I have simply to remark now as to anything the Senator from Nebraska said and the letters he produced here, that I have again examined these new petitions sent to me and they seem to be copies written by the same person. I am not acquainted with the signers. My associations in Missouri have neither been aristocratic nor exclusive; yet I do not see the name of a single farmer upon this list.

The right of petition is sacred, and it is a mere platitude to say that the poorest and humblest citizen of the United States, white or black, has the right to present any petition here that he sees proper. At the same time I disclaim most emphatically that I am here either to attack or defend any particular class or section or interest in this country. I represent the people of my State and of the United States. I submit these petitions for the action of the Senate.

The PRESIDENT *pro tempore*. The petitions will be referred to the Committee on Finance.

Mr. HOAR. The Senator from Missouri states that the petitions which he has just presented are copies. I think, therefore, the Chair under the rule of the Senate should submit the question for unanimous consent that they may be received, which of course will be given, so that the rule of the Senate may not be departed from.

Mr. EDMUNDS. That ought to be done.

The PRESIDENT *pro tempore*. The Chair is perfectly willing to submit the question, but the Senator from Missouri does not state positively except that he believes they are copies. If they are he ought not to present them. It is a question for him to determine.

Mr. VEST. I understood the Senator from Nebraska—I did not hear his remarks, but I read them—to say in behalf of this gentleman, Mr. Beaumont, that they were copies.

The PRESIDENT *pro tempore*. The Senator from Nebraska so stated, and the Senator from Missouri so states, but the Chair does not feel at liberty to reproach either of the Senators for presenting petitions. It is against the rule; they have violated the rule; but the Chair does not feel at liberty to interpose.

Mr. HOAR. I think my proposition was not understood. The Senator from Missouri has stated that the petition he now holds in his hand and presents seems to him to be a copy, as I understand. I think therefore that the Chair should ask the unanimous consent of the Senate for its reception, otherwise the rule will be violated. That is my proposition.

The PRESIDENT *pro tempore*. The Chair thinks that it is not incumbent upon him to ask unanimous consent. When a Senator presents a paper and says it is a copy he violates the rules of the Senate in presenting it; but under the circumstances it is not the business of the Chair to call attention. Usually such papers are received as a matter of course.

Mr. VEST. I do not propose to violate any rule of the Senate; but after the statement made by the Senator from Nebraska, which has been uncontradicted, that these were simply duplicates—and these petitions are coming here by the score—I do not propose to be put in the attitude of opposing the right of petition from anybody, I do not care from what class or interest they may come. I submit these petitions with the statement that in my opinion, without any personal knowledge in regard to the matter, they are copies. The Senate can do as it pleases with them.

Mr. VAN WYCK. I do not consider it necessary to repeat the explanation I made in regard to this matter the other day, which has been spread in full upon the RECORD. I explained it, because if unexplained it would seem as if there was certainly a reflection upon somebody in sending petitions to either branch of Congress which apparently seemed to be written in one hand. Therefore it became necessary to explain how it was, in order to present petitions to each branch of Congress, the originals were sent to one body and duplicates were then presented in the other. It is not necessary to repeat what I said upon that point, but the explanation was certainly necessary in view of the fact that it had not been explained.

Mr. BLAIR rose.

The PRESIDENT *pro tempore*. Debate is not in order. The petitions have been referred to the Committee on Finance.

PERSONAL EXPLANATION.

Mr. BLAIR. Mr. President, I rise to a matter of personal privilege. I desire extracts from two papers which I send to the desk to be read. The first is an extract from the New York World of July 16, the present month.

The PRESIDENT *pro tempore*. It will be read.

The Chief Clerk read as follows:

Capital news notes—Threatened scandal in the Senate—One member said to have acted as a pension agent.

WASHINGTON *July* 15.

If a member of the Senate carries out the threat made by him to-day, there will be a livelier scene in that Chamber before adjournment than has been known there for many years. This Senator asserts positively that he has documentary evidence that a member of the Senate has taken from a widow, whom he assisted in procuring a pension, the sum of $200. This is a very grave charge. Senators and Members are expressly forbidden by statute to receive from any person a fee or gratuity for any service before the Departments. The penalty for violation of this statute is not more than two years' imprisonment in the penitentiary or not more than $10,000 fine, or both fine and imprisonment. They also render themselves liable to expulsion from Congress. If the matter is brought up in the Senate an investigation will undoubtedly follow.

Mr. BLAIR. The next is an extract from the Evening Star of this city of the same date.

The Chief Clerk read as follows:

A promised sensation—An intimation that one Senator may make grave charges against another.

In connection with the debate on the vetoed pension bills, when they shall be taken up, it is understood that several Republican Senators will make violent assaults upon the President. It is also understood that one Senator is making elaborate preparations for his speech, with the intention of raking the President fore and aft. If he carries out this intention that Republican Senator will be attacked from the Democratic side, and it is said a case will be presented in which he charged a widow $200 for procuring her pension since he came to Congress. This is a very grave charge. Senators and Representatives are expressly forbidden by statute to receive from any person a fee or gratuity for any service before the Departments. The penalty for violation of this statute is not more than two years' imprisonment in the penitentiary or not more than $10,000 fine, or both fine and imprisonment. They also render themselves liable to expulsion from Congress.

Mr. BLAIR. Mr. President, the only reason I have for supposing that this newspaper matter may have reference to myself rather than any other member of the Senate arises from the fact that on the day prior to the publications the honorable Senator from West Virginia [Mr. CAMDEN] who is a member of the Pension Committee came to me at my seat in the Senate and had with me a conversation with reference to the report upon the President's veto in the case of Mary J. Nottage, which had been previously made to the Senate by direction of the committee, under the circumstances that were earlier detailed in discussion here, but which had been on his motion, or the motion of his colleague [Mr. KENNA], and with my assent thereto, recommitted to the com-

mittee for further examination or consideration, it being claimed by the political minority that the report was made without their knowledge as to its contents at least; and so far as the contents were concerned, that undoubtedly was true.

This was on Thursday. For the next day at 10 o'clock a meeting of the committee had been called, at which it was agreed all around that the matter should be disposed of. The Senator from West Virginia [Mr. CAMDEN] came to me, as I stated, at my seat in the Senate, and urged me to assent to a modification of that report, which I declined to make. Our conversation was of some duration, and in the course of it he rather urged me to do it upon the ground that it would be better for myself so to do, and alluded to reports in circulation, as he stated, touching my personal integrity, to the effect that I had as a member of Congress charged a widow woman, an applicant for a pension, $200, taking that amount from her for services in obtaining the allowance of her pension by the Department.

I had heard no such rumor and no intimation of a charge of that description before from any source, and was of course surprised at it. I expressed my surprise, and stated further that however that might be, in a matter relating to public duty no consequences to myself on account of any personal conduct that I had been guilty of, if I had been guilty of any, could affect my action; and that I could not now under any circumstance assent to a modification of the report.

I thereupon questioned him a little further in regard to it, and he went on to say that rumors and reports of this kind and, as I understood him, papers supporting the statement were in circulation, and perhaps in the possession of members of the Senate. I then detailed to him the only circumstance which occurred to me upon which any such rumor could possibly be founded, and I will state now to the Senate the facts as I then stated them to him.

Before I was in public life at all, while in practice in Plymouth, N. H., and in the valley where I was born and where the people know me, there had been a person engaged in the prosecution of pension claims for a considerable time, but circumstances led to his severance from that class of business and his abandonment of it entirely, and there was left a large number of claims of soldiers, soldiers' widows, and others, dependent relatives, in that vicinity who were without assistance, there being no authorized claim agent, no one accustomed to transact the business, within many miles of that locality.

I was then engaged in a large and active practice. I sought no such business. I had none, or at least none of any consequence. Whatever I did was transacted only incidentally. These parties and their friends being thus interrupted in service, or the means of obtaining assistance in prosecuting their claims, came to me, large numbers of them, and urged me to assist them. I was not so situated that I could do so without great pecuniary sacrifice; but such was their situation that I assented to it on condition that the business be done with some authorized agent, and I recommended a gentleman who resided in Concord, the capital of the State. I do not know that I said this to the Senator from West Virginia, but it was the fact that that gentleman was, as I considered, the most reliable and certainly the oldest claim agent in the State. He had been engaged in that business for a great many years, and was a gentleman of the very highest character and standing for probity, rectitude, and capacity in that regard.

Accordingly subsequent to that time I assisted those whom I felt obliged to assist, more as a matter of charity than hope of reward to myself. Among others who came to me was an old lady, a Mrs. Hannah Ladd, the mother of a son, an only child, who died in the service; a dependent mother. They were very poor. Her husband was demented; a man apparently in sound health but with broken mind; I think softening of the brain, of which he subsequently died. Her friends brought her some 10 or 12 miles to my office. This was in 1871. From time to time thereafter I assisted her with service that was valuable; certainly that was extensive, for it was one of the most difficult cases to establish, though a good case, of any that I ever knew anything about.

This passed on, and the last item of charge was made July 13, 1874. Subsequently the pension was obtained, and in all some $1,500 or $1,600 was collected and paid to her.

I was elected to Congress on the second Tuesday of March, 1875. Ordinarily the election to Congress takes place, in most of the States, in the autumn previous, but in our State at that time the elections were held in the spring, and really occurred a few days after the commencement of the Congressional year, the second Tuesday of March rather than the 4th day of that month. As I said before, the last charge was of the July previous.

In rendering these services I paid out my own money. I find among the items some $16 or more, and all the items which are made in a general way where there was cash involved in the services themselves; so that I doubt not at least $25 or $30 of the entire bill was for money paid out. The entire amount of service rendered was some $80, or in that vicinity, of which I made a memorandum on my books at the time.

My election was in doubt for a short time, it being very close. My Democratic opponent was Hon. Henry O. Kent, now naval officer at Boston, a Democrat and a gentleman. The canvass being very close, he and I had several conferences. It was quite a number of weeks after the election before we were satisfied how the matter was, and finally the secretary of state, himself a Democrat, gave me the certificate of election.

Our next term of court came in May, 1875. Immediately after my election I entered into a partnership with a young man, now one of the leading lawyers of the State of New Hampshire and one of the best men in it or out of it, Mr. Alvin Burleigh, by which we were in partnership in reference to ordinary law business; but as was well understood I could have and did have nothing whatever to do with this pension matter or the claim-agent business which existed there in the valley.

From the time of my election until the present time I never had any connection whatever with any claim, prosecuting the same with the idea or expectation of any reward. I have rendered, as my friends know, from that time until now every year services, and have paid out money to assist this class of our people, by which it would have been easy for me to have earned far more than the salary I receive here. There has been no year in which, as attorneys charge for their services, I could not have received a very large sum of money, but, as I said before, since my election I have had no connection whatever, no interest whatever, of a pecuniary character in any claim against the United States.

I left my matters in the control of my partner and performed but very little law service in the period following. After three or four years we dissolved our partnership. He continued the business at first alone, and afterward took into connection with himself another young gentleman, a Mr. Adams, who was a student with us while we were engaged in practice together.

This matter passed on. The pension claim was collected. Mr. Burleigh, who was in charge of my affairs in my absence, proceeded to complete the services whatever they were, and the money was paid I suppose directly to her; and as he informed me he called upon her to come and settle the bill, which she failed to do, or to pay any attention to it. He called on her repeatedly; so he has informed me. The matter, however, passed on until the spring of 1880. The last item of the charge would have been outlawed in the July following. Our regular term of court is in the month of May; and while I was here in Washington in the month of March, without my knowledge, Mr. Burleigh called on this woman, went to her house, and endeavored to obtain a compromise of the claim; at all events to get back the money which had been paid out.

She had never, as I stated before, paid the slightest attention to any call that had been made upon her, and when Mr. Burleigh called upon her, as he informs me, she claimed not to know him, not to be aware that either he or myself had ever rendered any assistance whatever in this pension matter. He felt very indignant, but finally she did remember him. However, she refused to adjust the matter or to pay the money or to do anything about it; she said the Government paid it, and all that.

Mr. Burleigh returned and directed his partner, Mr. Adams, to institute a suit returnable to the May court following. It was entered. There was no appearance; that is, there was a default, and he took judgment upon a specification which I shall place in the possession of the Senate. He had found her living comfortably with the means that she had obtained through our services and cash paid out. When the suit was brought, according to our law and our custom he had laid an attachment by the sheriff, which is effected by leaving a copy of the writ with the clerk of the town where the defendant resides or where the real estate is situated; and thus it was secured.

Judgment having been obtained and the question of levy arising, he informed me what he had done, whereupon I at once notified him to drop the suit; that no matter what the old lady had done, I did not want any of her money if I was obliged to collect it; that if she was not willing to pay it to let it go and give it to her. The thing was dropped, and she never paid a cent to any human being for the services and for the cash paid out which made her comfortable.

Those are the facts which I stated to the Senator from West Virginia [Mr. CAMDEN], except that I said to him I had had the impression that a part of the services which were involved in this suit, the suit being brought in my name, were rendered after my election. I supposed that might have been so, for I did not recollect distinctly in regard to the dates, but on receiving the papers I find that all the services which were involved in that suit were rendered nearly a year, nine months or so, prior to my election to Congress at all. I send to the Secretary's desk a copy of the record, which I desire to have read.

The PRESIDENT *pro tempore*. The paper will be read, if there be no objection.

The Chief Clerk read as follows:

THE STATE OF NEW HAMPSHIRE, *Grafton, ss:*

At the trial term of the supreme court, holden at Plymouth, within and for the eastern judicial district of said county, on the first Tuesday of May, in the year of our Lord one thousand eight hundred and eighty.

Present: The honorable Isaac W. Smith, presiding justice.

Attest:

CHAS. B. GRISWOLD, *Clerk.*

Henry W. Blair, of Plymouth, in said county, esquire, plaintiff, against Hannah Ladd, of Holderness, in said county, housekeeper, defendant.

In a plea of the case set forth at large in the writ on file.

The plaintiff appears. The defendant, though three times called, appears not but makes default.

It is therefore considered by the court that the said plaintiff recover against the said defendant $100.31 damages, and costs of suit, taxed at $7.57. [234.]

Attest:

CHAS. B. GRISWOLD, *Clerk.*

THE STATE OF NEW HAMPSHIRE, *Grafton, ss:*

To the sheriff of any county in the State or his deputy:

We command you to attach the goods or estate of Hannah Ladd, of Holderness, in said county, housekeeper, to the value of $200, and summon her [L. S.] (if to be found in your precinct) to appear before the supreme court, to be holden at Plymouth, in the eastern judicial district of said county of Grafton, on the first Tuesday of May next, to answer to Henry W. Blair, of Plymouth, in said county, esquire.

In a plea of the case for that the said defendant, at said Plymouth, on the day of the date of this writ, being indebted to the plaintiff in the sum of $200 for goods, wares, and merchandise, bargained and sold by the plaintiff to the said defendant; and in a further sum of the same amount for goods, wares, and merchandise, sold and delivered by the plaintiff to the said defendant; and in a further sum of the same amount for work done, travel, and services as an attorney at law, and materials for the same provided by the plaintiff for the said defendant, at the said defendant's request; and in a further sum of the same amount for money by the plaintiff lent to the said defendant, at the said defendant's request; and in a further sum of the same amount for money by the plaintiff paid for the use of the said defendant, at the said defendant's request; and in a further sum of the same amount for money had and received by the said defendant to the plaintiff's use; and in a further sum of the same amount for interest for the plaintiff's forbearance, at the said defendant's request, of moneys due and owing from the said defendant to the said plaintiff; and in a further sum of the same amount for money found to be due from the said defendant to the said plaintiff, on account stated between them, in consideration thereof promised to pay the said several sums to the said plaintiff on demand, yet no part of said sums has ever been paid.

To the damage of said plaintiff, as he says, the sum of $200.

And make return of this writ with your doings therein.

Witness Charles Doe, esq., the 2d day of March, A. D. 1880.

CHAS. B. GRISWOLD, *Clerk.*

[Indorsed:]

[234]

Henry W. Blair *vs.* Hannah Ladd. Grafton County supreme court. May trial term, 1880. Burleigh & Adams, attorneys.

Writ	$1 00
Service	3 62
Entry fee	1 00
Attendance	1 25
Travel	50
	7 57

Damages, $100.31.

Henry W. Blair, indorser, by his attorneys.

Attachment of real estate.

GRAFTON, *ss:*

Fees:

Service	$0 50
Travel	1 08
Paid clerk	20
Copy	1 00
Attachment	
Travel to clerk's office	84
	3 62

MARCH 3, 1880.

I attached all the lands and tenements in the town of Holderness, in which the within-named defendant has any right, title, interest, or estate, by leaving at the dwelling-house of N. B. Whitten, the town clerk of said town, a true and attested copy of this writ, and of this my return indorsed thereon, at 9.30 of the clock in the forenoon of said day.

A true copy.

Attest:

C. M. BUCHANAN, *Deputy Sheriff.*

APRIL 17, 1880.

GRAFTON, *ss:*

I then gave the within-named Hannah Ladd in hand a summons in the form prescribed by law, with my name and office indorsed by me thereon.

C. M. BUCHANAN, *Deputy Sheriff.*

Supreme court, May term, 1880.

GRAFTON, *ss:*

Henry W. Blair *vs.* Hannah Ladd.

This action is brought to recover the amount due plaintiff on the account hereto annexed.

BURLEIGH & ADAMS,
Attorneys for Plaintiff.

Hannah Ladd to Henry W. Blair, debtor.

1871.		
Sept. 13.	To making application for pension and letters to United States Pension Agent Stevens	$10 00
1872.		
July 16.	To several consultations about same	2 00
22.	To services in getting two affidavits	6 00
27.	To services in getting several affidavits and letters	10 00
Aug. 21.	To letter and affidavit	3 00
24.	To services (sent all evidence to Stevens)	50
1873.		
May and June.	To several consultations and preparation of evidence, letters, postage, and cash	4 00
July 5.	To letters to secretary of state and cash, 50	1 00
11.	To letters to Stevens	50
	To services, correspondence, and employment of parties in Washington	10 00
1874.		
May 27, 28, and 29.	To trip to Holderness, Centre Harbor, and Moultenborough, three days	18 00
May 27, 28, and 29.	To cash paid expenses same trip	6 90
May 27, 28, and 29.	To cash paid clerk and letters	$5 00
July 13.	To cash paid for certificates and examination of evidence, &c.	4 00
		80 90
	Interest, six years	19 41
		100 31

STATE OF NEW HAMPSHIRE, *Grafton, ss:*

I, Charles B. Griswold, clerk of the supreme court of the State of New Hampshire for said county, do hereby certify that the foregoing is a true copy of the record in said action and of all papers on file in said cause.

In witness whereof I have hereunto set my hand and affixed the seal of said supreme court, this 20th day of July, A. D. 1886.

[SEAL.] CHAS. B. GRISWOLD, *Clerk.*

Mr. BLAIR. I ask for the reading of the affidavit of Mr. Burleigh

The PRESIDENT *pro tempore.* The affidavit will be read.

The Chief Clerk read as follows:

I, Alvin Burleigh, of Plymouth, in the County of Grafton and State of New Hampshire, depose and say that I am an attorney-at-law, practicing in the supreme court of New Hampshire, and senior member of the law firm of Burleigh & Adams.

I entered my name as a law student in the office of Hon. H. W. BLAIR at Plymouth aforesaid prior to 1872, and from August 12 of that year until the autumn of 1874, when I was admitted to the bar, remained his student and was in almost daily attendance at his office. In June, 1875, we formed a law copartnership under the name of Blair & Burleigh, which continued till the summer of 1879, when Mr. BLAIR retired and Mr. George H. Adams, our former student, came in as my law partner and our business has since been conducted under the firm name of Burleigh & Adams.

When I entered Mr. BLAIR'S office he was doing business for Hannah Ladd, of Holderness, N. H., a dependent mother and claimant for pension. Her regular pension attorney of record was Hon. L. D. Stevens, of Concord, N. H., who lived about 60 miles from claimant, and, I think, never saw her. He merely informed Mr. BLAIR when evidence was wanted and what kind; and the latter conducted the correspondence and held interviews with claimant and her witnesses, drew affidavits and with my aid did the necessary work and procured the evidence which resulted in securing her pension.

She came several times to the office urging Mr. BLAIR to expedite her claim. She was quite poor and had an imbecile, broken-down husband, totally unable to perform mental or physical work. In 1874, after years of effort in her behalf, the claim was brought to a stand-still from want of evidence that could not be elicited through correspondence.

Mr. BLAIR directed me to hire a team, go to her home, ascertain the residences of witnesses, see them, and obtain their own sworn statements. I visited her home, saw her imbecile husband, and heard her sad story. She implored me with tears in her eyes, when leaving, to have the claim prosecuted and everything done that was necessary to secure the pension, promising reimbursement of funds advanced and compensation for services rendered if the claim should be allowed.

I spent three days with a team, saw witnesses, took their statements, and paid for team and cash expenses of the trip $6.90, which Mr. BLAIR refunded to me. The pension was granted soon after and claimant drew over $1,000 at first, I think, and several hundred dollars afterward. The records of the Pension Office will show exactly. The amount of cash paid out by Mr. BLAIR in prosecuting this claim was over $12.

Mrs. Ladd never called at our office afterward, nor did she write a word to Mr. BLAIR or myself to my knowledge, although I addressed several letters to her.

When Mr. BLAIR entered Congress in 1875 his interest in all pension claims then pending was conveyed to me. I am not aware of his receiving any compensation on pension account since that date. In his absence he intrusted the management of a portion of his private property and business to me and a portion to Burleigh & Adams, but nothing was said in regard to the Ladd account. Before the May, 1880, term of court, Mr. Adams and I looked over claims under our management, including those in which Mr. BLAIR was interested.

We noticed that the collection of any part of the Hannah Ladd account would be barred by the statute of limitations before the next November term of court.

Wishing to give her every opportunity to be honorable without the expense of a lawsuit, I drove over to her home. At first she pretended not to know me and claimed that neither Mr. BLAIR nor myself had done pension business for her; though she finally admitted that we had some connection with it, but claimed that the Government had paid all that anybody was entitled to receive and refused to pay any part of the account, even the cash advanced for her. I regarded her treatment as ungrateful and impudent in the extreme. Neither the Government nor she has ever paid a cent to this day for the services and money expended by Mr. BLAIR and myself in her behalf. Upon consultation with my partner, we decided to bring suit against her, and accordingly caused a writ to be issued and her real estate to be attached, which in this State is done by leaving a copy of the writ with the town clerk where the land is situated. The case was entered at the May term of court 1880; the defendant was defaulted and execution taken out in June following.

Up to this time Mr. BLAIR had given no directions to have this particular account sued or collected in any manner; nor did he have any knowledge of what we had done. Having general authority to make collections and bring suits for him in other branches of business, and from our friendly relations with him, being watchful for his interest, we brought the suit in good faith to save him from loss, expecting his subsequent approval of what we had done.

After the issuance of the execution I wrote him fully about the suit and the reasons for our action in the matter without first obtaining his assent, asking for instructions as to levying the execution on the land attached.

He at once replied, ordering all proceedings in the case to stop just where they were, saying that rather than bother this old woman with an execution he would give her the whole thing, notwithstanding the treatment which I had complained of and which he considered reprehensible in her.

His orders have been carried out in letter and spirit, and whatever complications may arise from the bringing of this suit, Mr. BLAIR is entitled to complete exoneration from any connection with it whatever.

ALVIN BURLEIGH.

STATE OF NEW HAMPSHIRE, GRAFTON, *ss., July* 21, 1886.

Subscribed and sworn to before me.

GEO. H. BOWLES,
Justice of the Peace.

Mr. BLAIR. I send the affidavit of Mr. Adams to the desk, who is the partner of Mr. Burleigh, and who was formerly a student with Mr. Burleigh and myself.

The PRESIDENT *pro tempore.* The affidavit will be read.

The Chief Clerk read as follows:

I, George H. Adams, of Plymouth, in the county of Grafton and State of New Hampshire, depose and say that I am the junior member of the law firm of Burleigh & Adams; that in the month of March, 1874, I entered the office of Hon. H. W. BLAIR at said Plymouth as a law student and remained until my admission to the bar in September, 1876.

In the spring of 1874 Mr. BLAIR was assisting Mrs. Hannah Ladd, of Holderness, N. H., in the prosecution of her claim for a pension, although he was not her agent or attorney of record. The case had been pending for a long time owing to difficulty in procuring certain evidence called for by the Department. In May, 1874, Mr. Alvin Burleigh, then a law student in Mr. BLAIR's office, at his request, hired a team and spent several days in procuring testimony in her behalf from persons residing at a distance, which when laid before the Pension Department appeared to be sufficient, as the claim was soon allowed.

In July, 1879, Mr. BLAIR retired from the firm of Blair & Burleigh, and Mr. Burleigh and myself formed a copartnership.

At that time Mr. BLAIR requested our firm to collect certain unsettled accounts due him for professional services, and left several books of account in our hands, in one of which appeared charges for services and disbursements in the matter of Mrs. Ladd's claim for pension amounting to $80.90.

As she paid no attention to our letters addressed to her upon the subject, Mr. Burleigh called on her at her residence in the early spring of 1880 and endeavored to effect a settlement, but without success. She had then received over $1,600 as the results of the services for which she was charged, and as we were informed was abundantly able to pay the bill without inconvenience to herself. It was about to become barred by the statute of limitations, and we thought proper to commence suit upon it without waiting to ask for special instructions from Mr. BLAIR, acting under our general authority to make collections for him, he being in Washington at that time.

An action for the collection of the debt was accordingly begun and entered at the May, 1880, term of the supreme court, when judgment was rendered for the plaintiff by default for the full amount of the charges with interest. Before proceeding to levy execution upon the defendant's real estate, which had been attached on mesne process, we for the first time informed Mr. BLAIR of the steps we had taken in his behalf, and were immediately directed by him to abandon all proceedings in the matter. No attempt was afterward made to collect any part of the debt, and the whole remains unpaid at the present time.

GEO. H. ADAMS.

STATE OF NEW HAMPSHIRE, GRAFTON, *ss.*, *July* 21, 1886.

Subscribed and sworn to before me.

E. B. HODGE,
Justice of the Peace.

Mr. BLAIR. Immediately after my conversation with the Senator from West Virginia [Mr. CAMDEN] I addressed a letter to my former partner, Mr. Burleigh, stating that there was some remark in regard to this matter, and asking him to forward me a statement of the circumstances and also calling for the matter which has now been read. He immediately answered my letter giving the preliminary circumstances, which, as it contains some matter not already in proof, I wish to read and will then pass the letter to the Senate:

[Burleigh & Adams, attorneys and counselors at law.]

PLYMOUTH, N. H., *July* 19, 1886.

BROTHER BLAIR: I hasten to reply to your two last letters, giving you notes at hand to aid till a formal affidavit is sent, which will be in a day or two. The copy of specification inclosed will correct a wrong impression about the dates of service rendered in the claim. You will see they were all prior to our partnership, which was entered into June, 1875.

The writ was dated March 2, 1880; real estate attached March 3; April 17, service completed, and case returned May term; defaulted, and judgment rendered May 27; execution issued June 1, 1880. The last items of specification would have been barred by the statute of limitation before November term. She never darkened our office door after her pension was allowed, nor did she ever respond to any of the several letters written by me asking her for a settlement. She never paid a cent to you nor me. Shortly prior to date of writ I drove over to her house in Holderness and she claimed at first not to remember that either you or I had ever helped her; pretended not to know me; said the Government had paid for getting the pension. I never saw a cooler or more impudent piece of ingratitude. I was indignant and ordered my partner, Mr. Adams, to make a writ at once. I meant that she should feel the weight of my displeasure as soon as possible. You knew nothing of the suit until after judgment had been obtained. From my relationship with you in reference to lands, houses, and unfinished law business I took the liberty to bring this suit, knowing that it could be stopped at any stage if you did not ratify it. I considered the merits of the case resting with you. The woman was poor and utterly discouraged when, as your law student, I began to work on the case. I made a three days' trip through several towns, at her request, to get affidavits from persons who would not give them except at their own houses. She had an aged imbecile and husband to support in addition to her other burdens.

Before leaving her house on this three days' trip she called my attention to her wretched situation, and, with tearful eyes, begged me to stick by the case and her until the claim was allowed, saying that she would pay in some way for this special trip whether she got the pension or not. I replied that I would do anything that was lawful and honorable to get the pension. If unsuccessful she would not have to pay anything, and if the claim should be allowed reasonable compensation would be expected. The claim was a just one, but would never have been completed without extraordinary personal effort on the part of counsel. Her attorney of record was L. D. Stevens, of Concord, 60 miles from her residence. All the testimony was procured by you and me and sent to him. He did nothing, as I remember it, but file the declaration and call upon you for evidence. I suppose he got his $10 attorney fee. After the execution issued I notified you for the first time just what I had done and why I had done it, asking if I should have the officer set off land which had been attached or satisfy the execution in any other manner. I think I urged the levy of the execution as a just and reasonable thing. You at once replied in a peremptory letter ordering all proceedings against her to be stopped at once, saying that you preferred to give the whole thing to her rather than to be bothering an old woman even though she were ungrateful and impudent, or words to that effect. Nothing further was done. I thought you were more generous than just to the woman, yourself, and me, but your injunction was observed to the letter. It is really too bad that my hasty action should have furnished anybody with the shadow of a pretext for imputing improper conduct or questionable motives to you in this Ladd claim. I trust that this stale charge which was brought up at the eleventh hour at Concord to defeat your election to the Senate, and which was there refuted, will not be again exhumed for the unjust and cowardly purpose of smirching you as Senator-elect.

Yours, truly,

ALVIN BURLEIGH.

I perhaps ought not to have called the attention of the Senate to this matter, but I realized how the entire Senate, no names being used, was liable to suspicion, and I therefore considered it my duty to state this matter to some extent; and if it were touched at all I ought to state it fully. The Senate is now in possession of the facts as far as I know anything about them.

I suppose the papers ought to be referred to the Committee on Privileges and Elections. I will ask that reference and leave the matter with the Senate. I ask that the papers be referred with my statement.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the papers be referred to the Committee on Privileges and Elections.

Mr. CAMDEN. Mr. President, what has been said by the Senator from New Hampshire in relation to the conversation between him and myself is correct, substantially, though I do not remember the exact language.

I simply wish to add, by way of explanation, that the Senator and myself are colleagues upon the same committee, and that the kindest relations have always existed between him and myself. The conversation occurred for the reason that there had been a question about a report made by the Committee on Pensions in which there was a report aggregating twenty-three cases in one report, with general remarks applicable to the general principle of pensions. There had been an order by the Committee on Pensions referring each of the veto messages to the particular subcommittee that had reported the case originally.

The object of that conversation was the suggestion to my friend the Senator from New Hampshire that there was some feeling existing as to the nature of that consolidated report, that there was a feeling that it was intended to aggregate the cases together for the purpose of making campaign capital. The report had been referred again to the committee, and my suggestion to the Senator was that each case be taken up separately and that the strictures that the committee felt authorized or necessitated to make upon each veto should be confined to the particular case under consideration.

In that conversation I stated to the Senator, as he has said to-day, that I deprecated any personalities, any feeling of unkindness which could be got up in respect to these matters, and I stated to the Senator then the rumor which was current, as I am sure the Senator would have stated to me if the positions had been reversed.

Now, Mr. President, I simply want to say that I have had nothing to do with any of these publications; I have had nothing to do with any one concerned in these publications; and in justice to myself and to the Senator from New Hampshire I disavow any connection with any of these newspaper reports.

Mr. KENNA. I think my association with this subject makes it proper that I should say a word.

As a member of the committee of the Senate on Expenditures of Public Money, engaged with other Senators in an investigation of the Pension Department, I have been necessarily looking in that direction with reference to the facts which can be found there. Not long ago, and about the time of the making of the report by the Senator from New Hampshire in reference to the Presidential vetoes, the report which was made to the Senate, the papers touching the legal proceedings in New Hampshire, to which the Senator has alluded, came into my possession. I want to say here——

Mr. BLAIR. They came from the Pension Office into your possession?

Mr. KENNA. Came to me from members of the Pension Committee of this body.

Mr. BLAIR. Were they Pension Office papers?

Mr. KENNA. They are. Now, I want to say, and I want to say with emphasis, with reference to the action of the Senator from New Hampshire, that so far as I know no one has supposed that anything like criminality was asserted as against the Senator's action either by the papers, by the proceedings, or by any action of any person connected with the whole affair.

To be entirely frank, however, I want to state that it struck me—and I think that is the source of interest about the whole affair—as a matter of the very highest interest in connection with the apparently extraordinary devotion of the Senator to pension interests, as shown by his wholesale and indiscriminate assault on this administration in his report, that the fact should be found that a widow sixty-seven years old who had lost her only child in the Army and whose husband, as the Senator states, was demented should be the subject under any circumstances of a suit by that Senator in court by attachment of her only earthly possession, a little $500 farm, to recover $200 for his services in that line. This was regarded as a matter of some interest.

In so far as anybody may have intimated or any newspaper may have intimated any purpose on the part of those, so far as my knowledge goes, who have had connection with these papers or with this case to effect upon the legality of the Senator's action, I distinctly disavow it.

Mr. BLAIR. The Senator speaks of $200. The items are in the specification, and they amount, including cash, to something like $80. There is then an item of interest, which brings the total to about $100; but the $200 which is alluded to, every lawyer understands, is what is called the *ad damnum* of the writ, and had no real reference to the amount actually claimed. As I stated before, there never was any time that this woman could not have settled it by paying 5 cents. She did

settle it by paying nothing; and multitudes of other cases have been settled in the same way with me in that valley.

Mr. TELLER. I desire to ask was there a motion to send this matter to the committee?

The PRESIDENT *pro tempore*. There was.

Mr. TELLER. I think it had better be printed and let us look at it. I do not know whether it is suitable to go to the committee. It has gone into the RECORD, I suppose, and we can look at it to-morrow. I think it had better not go to the committee without further examination.

Mr. EDMUNDS. I hope the Senator from New Hampshire will insist on his motion. The question is not now so much what has been the conduct of the Senator from New Hampshire as how the proprieties of the Senate are affected by what took place when the committee shall know precisely what took place between the Senator from West Virginia and the Senator from New Hampshire. I hope, therefore, that the whole subject, the statements of these Senators and the papers, will be referred to the Committee on Privileges and Elections.

Mr. PUGH. I move that the Senate proceed to the consideration of the report of the Committee on Privileges and Elections——

Mr. BLAIR. I ask for action on my motion that the papers be referred.

The PRESIDENT *pro tempore*. Does the Senator from Alabama object to the question being put on the pending motion?

Mr. BLAIR. Only the reference of these papers.

Mr. EDMUNDS. That is the pending motion.

Mr. KENNA. Let us understand. Is it a motion to refer the papers?

Mr. BLAIR. The whole subject, all there is to it.

Mr. KENNA. Without any direction to the committee. I do not care where it goes. I think the Senator from New Hampshire and the whole Senate understand my connection with the matter.

Mr. BLAIR. Certainly I have no personal feeling about this. I do not want to be smirched unless I deserve to be; that is all.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Hampshire to refer.

Mr. EDMUNDS. That includes the statements of the Senators?

The PRESIDENT *pro tempore*. The whole case.

The motion was agreed to.

Mr. HOAR. I wish to understand distinctly before the matter passes what it is that is referred to the committee. Will the Chair state?

The PRESIDENT *pro tempore*. The whole record and the statements made by the Senator from New Hampshire and the Senator from West Virginia. The whole subject-matter is referred to the Committee on Privileges and Elections.

Mr. KENNA. I have the papers to which I alluded as coming from the Pension Office, and I ask that they go with the others.

The PRESIDENT *pro tempore*. They will be received and referred.

Mr. KENNA. I ask that the Senate be allowed to inspect them.

Mr. BLAIR. I ask Senators to produce all papers from the Pension Office to go to the committee.

Mr. KENNA. I think they are all there. I ask the committee to look at the papers.

Mr. BLAIR. All the papers in the prosecution of the case, everything that is on file.

Mr. KENNA. Let it be understood, then, that the whole case goes to the committee.

The PRESIDENT *pro tempore*. The papers are all referred.

ORDER OF BUSINESS.

Mr. PUGH. I move to proceed to the consideration of the report in the Payne case.

Mr. EDMUNDS. The morning business is not through.

The PRESIDENT *pro tempore*. The Chair is of opinion that after one hour the motion is in order, whether the Senate has concluded the morning business or not.

Mr. EDMUNDS. I give it up.

The PRESIDENT *pro tempore*. The motion of the Senator from Alabama is in order.

Mr. BECK. I call for the yeas and nays on that. There is some morning business that needs attention. I do not object to the Payne case going on and going on rapidly. I have an amendment which I desire to send to the Committee on Appropriations, and it will be too late to do so to-morrow.

Mr. HARRIS. The Senator from Kentucky will allow me to make a suggestion. I do not question that the Senator who is entitled to the floor upon the measure before the Senate will yield long enough for any Senator to dispatch any legitimate routine morning business.

Mr. BECK. I only asked that the motion be withheld until I could present an amendment to the sundry civil bill.

Mr. PUGH. I withdraw the motion for that purpose.

AMENDMENTS TO BILLS.

Mr. BECK submitted an amendment intended to be proposed by him to the fortification appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. ALLISON. I present the petition of E. Stoner and 192 other citizens of the seventh Congressional district of Iowa, the petition of Charles F. Wolfe and 112 other citizens of the fourth Congressional district of Iowa, the petition of John Smyth and 84 other citizens of the seventh Congressional district of Iowa, the petition of W. G. White and 71 other citizens of the tenth Congressional district of Iowa, and numerous other petitions of citizens of Iowa, relating to various subjects pending before Congress.

Petitions of this character, I believe, have usually been referred to the Committee on Finance, and I move the reference of these petitions to that committee.

The motion was agreed to.

Mr. CONGER. I present seven petitions from different Congressional districts of Michigan relating to the several bills mentioned on the backs of the petitions. I move their reference to the Committee on Finance.

The motion was agreed to.

Mr. CALL. I present the petition of Mrs. Mary M. Williams and 64 other women, citizens of Florida, of the first Congressional district, praying for the passage of the bill repealing the timber-culture, preemption, and other desert-land acts, the bill for adjustment of railroad and other land grants, the bill organizing the Territory of Oklahoma, and other bills. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. CALL. I also present a petition of the Board of Trade of Fernandina, Fla., respectfully urging that provision be made at the present session of Congress for the protection and prosecution of the important public works which have been undertaken by the Government for the improvement of rivers and harbors, and representing that the commercial interests of the country will suffer if there be a failure to make suitable appropriations for the more important of these works. I move the reference of the petition to the Committee on Commerce.

The motion was agreed to.

Mr. EDMUNDS. I present the petition of Thomas Fenton and 17 others, of Brattleborough, Vt., on the eight different bills and subjects referred to. This petition is sent to me by a person in this town, but it purports to come from Brattleborough, Vt. The names appear to be genuine, but I have not the pleasure of knowing any of the signers, and I have no doubt of the genuineness of the paper. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. EDMUNDS. I present the petition of Henry A. Hawley, of Delma Junction, Iowa, late a hospital steward in one of the Vermont regiments, praying to be allowed a pension. I move the reference of the petition to the Committee on Pensions.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, reported three amendments intended to be proposed to the sundry civil appropriation bill; which were referred to the Committee on Appropriations.

He also, from the same committee, to whom was referred the bill (H. R. 2475) to amend an act approved May 25, 1882, entitled "An act for the construction of a public building at Galveston, Tex.," reported it without amendment.

He also, from the Committee on Public Buildings and Grounds, to whom was referred the amendment of the House of Representatives to the bill (S. 453) for the erection of a public building at Jacksonville, Fla., reported it with the recommendation that the House amendment thereto be concurred in.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 926) granting a pension to James Stone, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3551) granting a pension to George W. Cutler, late a private in Company B, Ninth New Hampshire Volunteers;

A bill (H. R. 260) for the relief of Margaret S. Fain;

A bill (H. R. 4032) granting a pension to John McGowan;

A bill (H. R. 6824) granting a pension to James Savercool:

A bill (H. R. 8352) for the relief of Levi A. Cronkhite;

A bill (H. R. 8635) granting a pension to Irene Googins; and

A bill (H. R. 7712) granting a pension to Virginia Taylor Randall.

Mr. EDMUNDS. From the Committee on the Judiciary I am instructed to report back the bill (H. R. 8329) to relieve Lewis F. Casey, of Illinois, of disabilities under the fourteenth amendment of the Constitution of the United States adversely. We have examined the case, and find that this gentleman does not labor under any disabilities at

all. The act of the 22d of May, 1872 (volume 17, page 142 of the statutes), relieved all cases of the kind he describes his in his petition to be. We therefore recommend the indefinite postponement of the bill.

The bill was postponed indefinitely.

BILLS INTRODUCED.

Mr. CALL introduced a bill (S. 2872) to amend section 3220 Revised Statutes; which was read twice by its title, and referred to the Committee on the Judiciary.

RIGHTS OF AMERICAN VESSELS IN BRITISH WATERS.

Mr. EDMUNDS. I offer a resolution, but as it may possibly be discussed a little, I object to it myself so it will go over until to-morrow.

The resolution was read, and ordered to be printed, as follows:

Resolved, That the Committee on Foreign Relations be, and it hereby is, instructed to inquire into the rights of American fishing vessels and merchant vessels within the North American possessions of the Queen of Great Britain, and whether any rights of such vessels have been violated, and, if so, to what extent; that said committee report upon the subject and report whether any and what steps are necessary to be taken by Congress to insure the protection and vindication of the rights of citizens of the United States in the premises; and that said committee have power to send for persons and papers, to employ a stenographer, and to sit during the recess of the Senate, either as a full committee or by any subcommittee thereof, and that any such subcommittee shall for the purposes of such investigation be a committee of the Senate to all intents and purposes.

Resolved, That the necessary expenses of said committee in said investigation be paid out of the appropriation for the miscellaneous items of the contingent fund of the Senate upon vouchers to be approved by the chairman thereof.

The resolutions were ordered to be printed.

ART AND INDUSTRY.

Mr. HAWLEY submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed —— additional copies of Senate Executive Document No. 209 on art and industry; of which —— copies shall be for the use of the Senate, —— copies for the use of the House of Representatives, and —— copies for the use of the Bureau of Education.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. TOWLES, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 68) for the relief of William P. Chambliss.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 4335) making an appropriation to continue the construction of the public building at Clarksburg, W. Va., and changing the limit of cost thereof;

A bill (H. R. 1391) to provide for the erection of a public building in Springfield, Mo.;

A bill (H. R. 3379) granting a pension to George G. Early;

A bill (H. R. 3750) for the relief of Frances H. Plummer;

A bill (H. R. 5051) to place the name of Jacob Madison Pruitt on the pension-roll;

A bill (H. R. 7513) granting a pension to Katharina Nickert;

A bill (H. R. 8336) granting an increase of pension to Duncan Forbes;

A bill (H. R. 9106) granting a pension to Rachel Barnes; and

A bill (H. R. 5179) to prohibit the passage of local or special laws in the Territories of the United States, to limit Territorial indebtedness, and for other purposes.

OHIO SENATORIAL ELECTION.

Mr. PUGH. Now I call up the report in the Payne case.

The PRESIDING OFFICER (Mr. SEWELL in the chair). The Senate now proceeds to the consideration of the report of the Committee on Privileges and Elections in the Payne case.

Mr. CALL. Mr. President, it is not my purpose to make any extended remarks on the question before the Senate, but I do not desire to cast a silent vote upon so important a subject and, therefore, I wish in a very few words to give the views which I think are correct.

The question presented to the Senate is whether or not there is ground to institute an investigation either in regard to the validity of the election or the connection of the Senator from Ohio with certain alleged improper practices in that election. This subject divides itself into two separate and equally important and distinct questions; the one regarding the validity of the election, the other connected with the personal conduct of the Senator elected in relation to it. The one is a subject of expulsion, and comes within the rules of the Senate in that respect, and can not be otherwise regarded. The other is a question coming within the constitutional duty imposed upon the Senate in regard to the election of its members. I do not think that any analysis of this question can present it in any different light from this.

We are called upon then as Senators, under the obligations of our oaths, to consider what is our constitutional duty and our constitutional power in this matter.

We approach this question, if we approach it properly, under the influence of reason and argument, and not of prejudice or passion, not under the influence of reports or slanders or harsh judgments or popular influence, but under the plain and simple question, what is the duty of the Senate under the Constitution in relation to the validity of an election to a seat in this body. To ascertain that we must first consider what are the provisions of the Constitution, which is the law to us upon this subject. These provisions are to be found in a few very simple words:

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof.

Each House shall be the judge of the elections, returns, and qualifications of its own members.

The only other provision of the Constitution which relates to this subject is as follows:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

That is, the time and manner of the election may be prescribed by Congress. What, then, have we to decide in this matter? Whether or not a Senator has been chosen by the Legislature of a State at the place prescribed by the Legislature, and in the time and manner prescribed by the act of Congress. That is the whole chart of power given to this body to decide whether a Senator has been chosen by the Legislature of a State at the place prescribed by the Legislature and in the time and manner prescribed by the act of Congress.

What shall constitute a choosing by a Legislature, and by what law shall that choosing be determined? The Constitution has said the Legislature shall prescribe the place. The time and manner may be prescribed by the act of Congress. These are the only imperative conditions which are to govern the act of choosing by the Legislature of the State, but it is manifest that other provisions may be prescribed by the Legislature as to the act of choosing the Senator as to the persons who shall constitute the Legislature, as to the respective and relative power which the two branches of the Legislature may have, or whether it shall be by one branch.

But if you are sworn to observe this instrument, if it be true that this is the chart of power that is obligatory upon you, and that you can not get it otherwise, where is the authority in this body to do more than ascertain whether the Legislature of a State created in accordance with the laws of that State, all that is comprehended in the term "Legislature of a State," whether a Senator has been chosen by that Legislature at the place and in the time and manner prescribed by the State and by the act of Congress? I undertake to say that no reason, that no argument, that no plausible pretense of an argument can be asserted to declare that there is an authority in this body to determine anything more than that, and that you are sworn by your oaths, and we all are, simply to inquire whether or not the Legislature of a State has chosen a Senator at the place and in the time and manner prescribed by the State and the act of Congress, and that the qualifications other than the time and manner, the conditions of the choosing, the manner in which the choice shall be made, can not be prescribed by this body, but must be the subject of State law, and you can not go outside of that.

Let us here examine carefully what is meant by the term "chosen by the Legislature." It is admitted by all persons that the Senators here are on their oaths bound to protect every Senator in his seat and every State in her right to the vote of the Senator who is "chosen by the Legislature" at the place and in the manner and at the the time prescribed by the Legislature and by Congress. It is also admitted that the Senate may look into the certificate or returns from the State to verify the fact whether or not the Senator has been so chosen. But it is said that to be "chosen by the Legislature" he must be chosen without fraud or corrupt motives in the legislators who have chosen him, that fraud vitiates everything, and fraud in the election of a Senator must vitiate the election and that the Senate have power and it is their duty so to decide. This is one of the preliminary questions necessary to decide in this case.

By what processes of reasoning shall we determine whether this is true or untrue. We must try this proposition by the Constitution, by a consideration of the powers secured and reserved to the State. We must try it by the powers conferred on the Senate, which is the sole judge of what is an election of a Senator, but which is sworn to judge of such election and decide it by the law of the Constitution, which is that the Senator shall be chosen by the Legislature of a State in the place, time, and manner prescribed. Now, if the proposition that the term "chosen" requires that a Senator shall be fairly chosen, that there shall be no fraud or corrupt motives in the legislator who makes the choice of Senator, that fraud vitiates everything, is true, it is either because the words "chosen by the Legislature" include in their definition and proper meaning that the motives of the legislators must be correct and pure and uninfluenced by any motive of personal advantage, or because some law from some power having the right to make law has so prescribed.

Unless we can find this meaning is the proper and usual meaning of the word "chosen" or we can find some law of some power having authority over the subject, it can not be true. No one will contend that the word "chosen" means an act of choice or selection by a person made

from good and right motives. No one will contend that when the Constitution declares that a Senator shall be chosen and selected by the Legislature of the State, in the place prescribed by the State, and at the time and in the manner prescribed by act of Congress, it also declares that the Senate may require and impose any other conditions for his election or without violating their oaths declare that this would not be a compliance with all the conditions permitted by the Constitution. The power of the Constitution and of the Senate has exhausted itself in these terms and provisions, and the Senate can have no power but that which the Constitution gives it.

Law, therefore, must be derived from authority. The Constitution is the only authority or law that can exist on this subject for the Senate, unless it be found in the laws of the State of Ohio providing that the act of the legislator who has been influenced from corrupt motives shall be void.

There is no such act; there can not be such an act by any State. A discretion in any body to declare legislative acts void because of corrupt or improper motives in the legislator is to destroy the Legislature and make it subordinate to the authority having such a power. Apply this principle to executive power and declare that every appointment of the President shall be void if he has acted from motives which some other person shall have a discretion to declare are improper or fraudulent motives, and the independence and authority of the President will have disappeared entirely. There is no such principle. There is no reason for such an idea. It would subvert all free government, and vest in the department or person having such a discretion the supreme control of all the others.

Now, Mr. President, must we ascertain what the State law is? Has there been any reference had here as to whether the law of the State of Ohio has said that if in a caucus of a political party the motives which have influenced the choice of the members of that political caucus as to one or another shall be influenced by fear, through affection, or money that the choice shall be void when it is expressed through the Legislature? Is there any law of the State of Ohio or any other State which has prescribed that the vote of a member of the Legislature shall be rendered void and invalid and the law and the public function which he has performed invalidated because that legislator has been corrupted? Where is the decision of any court that has asserted that the laws and the public function performed by a Legislature shall be invalid and declared null and void because corrupt motives have influenced the legislators in the performance of that function? And that is the proposition which the Senator from Massachusetts and the Senator from Ohio have advocated here, that we may decide in this body that the legislative functions performed by the members of a Legislature of a State are void because in our judgment and opinion the men who exercised those functions were bought and paid to do it; that we shall so decide and declare, although the law of Ohio has not so declared, but on the contrary declare that the Legislature so exercised shall be and remain valid until repealed and reversed.

I undertake to say that no court can decide or has ever decided that the sovereign legislative power of a State and its functions are invalidated upon proof that the members of that body have been governed by corrupt considerations. Such a proposition would destroy the supreme sovereign legislative power vested in any assembly. Are we to say that law shall be void and of no force because another and distinct tribunal sees fit to decide that the members of that body have corruptly exercised their functions? To undertake to apply that principle to the Senate I say is utterly indefensible and unreasonable. Shall it be said that the sovereign action of the people's Government is void on a charge, pretended or true, that the members of this body have been influenced by corrupt considerations either in the confirmation of men or in the performance of legislative functions? Such a proposition is utterly unreasonable, and there can be no foundation for it.

In the very nature of this Government the responsibility of the members of this body is to the States and to the people and not to other independent and co-ordinate tribunals of the Government; and the responsibility of the members of the Legislatures of the several States is to the people of their States; and their responsibility for their criminal and corrupt conduct is, as the Senator from Illinois [Mr. LOGAN] clearly pointed out the other day, to the judicial tribunals of their States; and it has never been heard before nor asserted anywhere that the public functions performed by a legislator were to be impeached and rendered null and void because he had been influenced by corrupt considerations. It is frequently stated that fraud vitiates everything, but this is not true of the exercise of the powers of government. The argument is plain and clear. If it is true that fraud vitiates the act of the legislator it must be by force of positive law, and this law must be found either in the constitution or in the laws of Ohio. It is not to be found in either.

I say, therefore, that the Constitution is entirely plain, it could not be plainer, and whatever may be the impulse of prejudice and passion and the indignation which we may have when we hear that a member of a Legislature has accepted a corrupt consideration in a caucus of one party or the other and has carried that into effect in the Legislature, when we come to look at our Constitution, it is that the Senator shall be chosen by the Legislature of a State. As to what shall be the choosing, what it means, the Constitution says the choosing by the Legislature shall be at the place and in the time and the manner prescribed by the State and by Congress. That is all. Where will you go farther for this body to exercise power? Are you not sworn to say that I am remitted and confined to ascertaining whether the Legislature has chosen—in the sense of the Constitution at the place and in the time and manner chosen in accordance with the laws of the State; and if there be no law of the State imposing other conditions, can you impose other conditions here? Can you make a law for the State other than that required by the Constitution as to the place, time, and manner? It seems to me too plain even for argument.

But what is the effect of the proposition made here? That because the members of the Legislature of the State of Ohio have been governed by corrupt considerations the man elected and certified by the State to be chosen, admitted to be chosen at the place prescribed and in the time and manner prescribed, that because somebody without his knowledge or consent used corrupt considerations, therefore he shall not perform the functions to which he has been assigned in the very words and letter of the Constitution.

What does that mean? If the Constitution says that the qualifications of a Senator shall be certain qualities and the person elected has them, who will deny that he is eligible, and contend that the Senate can add others? Where is the provision of the Constitution which prescribes that there shall be any other qualification for an election to Congress than those contained in these words:

> No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

It does not say he shall not be a Senator if he has been charged with or guilty of any impropriety whatever. You can not enter into that subject, you can not add that qualification if he has been a murderer or committed some act of crime he shall not be a Senator. The Constitution says you may expel him if you have jurisdiction over him after he becomes a Senator. You can purge your body, but you can not add that as a qualification which is an inhibition upon the power of the States as to his election. This instrument which you have sworn to observe declares that if he be an inhabitant of the State at the time of his election, if he be thirty years of age, if he has been for nine years a citizen of the United States, he is qualified.

It seems to be too clear for argument, too clear for reasoning, that you can not add any other qualifications, however meritorious they may be, and you can not add any other disqualifications, however heinous may be those disqualifications. That is the Constitution, and there is no reason or argument and no man will pretend when you put it in words to say that this body can require anything else of a man sent here by a State.

But what does this proposition of the Senator from Massachusetts do but say it shall be a qualification of this man here and we will discharge him and declare that his election was void if he shall have been found to have been guilty of any improper practices in obtaining his election—not that you will expel him. These two things must not be confounded together. The Constitution has provided a mode of proceeding when you wish to purge this body of a man of corrupt character who has obtained a seat here by improper means.

Mr. President, this question is not here now for the first time. I will not speak of what my desire would be if there was any improper case presented here for investigation, whether on one side or the other. I should be glad to promote that investigation. But what Senators desire, what they wish, has nothing to do with their duty and our power. They are sworn here to do a certain act in a certain way, and to decide simply and alone whether a man has been chosen—chosen according to the laws of the State and the requirements of the Constitution by the Legislature of the State at the time, place, and manner prescribed, and whether he has the qualifications of having been nine years a citizen, an inhabitant of the State when he was elected, and thirty years of age.

The case of the election of Hon. Simon Cameron, which occurred in the State of Pennsylvania in 1857, was a stronger case than that which has been presented here. That was a case where the Republican party, then for the first time becoming a power in the country, was in a minority in the Legislature of the State of Pennsylvania, and the Democrats were in a majority. That Legislature elected a Republican Senator by Democratic votes, by men elected as Democrats. Here there is simply a charge that Democratic votes had been influenced to vote for a different Democrat from him whom the people had expected, and that they were influenced by corrupt motives. There the charge was on the plausible ground to start with that three Democrats, chosen as Democrats, pledged as Democrats, were found to vote for a Republican candidate for the Senate; and upon the foundation of that far more probable influence than anything alleged here twenty-five Democratic members of the Legislature of Pennsylvania certified to this body the charge and their belief that this Republican candidate had been elected by the corrupt use of money. There, as here, the distinguished gentleman elected was known to command greater sums of money than almost any other person, and to be connected with greater interests than any other; and this charge came before the Senate of the United States under these strong and apparently plausible circumstances; and what

was the action of the Senate? The Committee on the Judiciary, through Mr. Benjamin, as was read yesterday by the Senator from Louisiana [Mr. EUSTIS], reported adversely, upon the ground that there was nothing in these facts, without more distinct and positive evidence which should be produced by the Legislature of Pennsylvania, or from the courts of Pennsylvania, to move that Senate, a Democratic Senate, sitting in trial upon a Republican Senator from a Democratic State in the days of the highest party excitement, to affirm that conclusion. The case was stronger than this upon which the Senator from Maine assailed the Senator from Ohio yesterday, demanding that he should submit to his ideas of propriety and his ideas of public right as to what course a Senator under such circumstances should pursue. Yet the Senator from Pennsylvania retained his seat with the respect and confidence of his political associates and his brother Senators and made a distinguished record of honorable service in the Senate.

In that case a Democratic Senate almost without a dissenting voice affirmed that they could not find in these facts enough ground to institute an investigation of further inquiry on the subject. A distinguished Senator from South Carolina, Mr. BUTLER, so well known as a man of clear, concise, and animated thought and cultivated mind, and a lawyer of high distinction, a profound reasoner, and a man of wide information, spoke as follows in regard to the power of the Senate as well as the duty of the Senate:

> The idea of devolving upon the Senate of the United States a jurisdiction to try cases of corruption in the State Legislatures I utterly protest against. Let the members who have been charged with corruption be tried by their peers. It would be a very unsafe tribunal for them to come here and bring witnesses, or for us to send out a roving commission. If there is any real charge on this subject they can try the individuals, and if they implicate Mr. Cameron I will, for one, move for his expulsion right off. I will not have any impure man in this body that has obtained his seat here by any means of corruption. But let them purge themselves before they come here and ask us to give them the medicine. I have not the least idea of assuming a jurisdiction of this kind. It would be unsafe and unstatesman-like.

That is all I desire to say on this subject. In my judgment I am sworn to do a specific thing, and if that is not so I desire to be shown where the power comes to me to make a law for the State of Ohio as to the conditions other than those prescribed in the Constitution in which her choice of a Senator shall be made; and I wish to say that it would be the entire destruction of this Government and its dual character to vest in this body, as is sought to be done here, the power to attack other qualifications and other conditions than those prescribed in the Constitution to the Legislature of a State in choosing her Senators.

But before I sit down I desire to say upon the merits of this case, so to speak, upon the probability that there would be any cause developed by a roving commission, I find the following stated in the report made by the Senator from Massachusetts, the chairman of the Committee on Privileges and Elections, which is submitted to this body, and if it were added after every paragraph of the plausible speeches of the Senator from Maine and the Senator from Massachusetts as a conclusion it would demonstrate the utter impropriety and untenableness of all the proposition and operations or matters of argument in their several speeches. Says this report made by the Senator from Massachusetts upon a full examination of all the papers in this case:

> There is no evidence connecting Mr. PAYNE, the sitting member, with these transactions—

And there is no evidence—

> tending to show the result was changed or affected by such means.

If the sitting member is not affected, if there is nothing even tending to show that the result was changed by corruption—this is the report of the chairman of the committee after investigation of all the papers—if it is true that there was nothing before the committee to connect the sitting member with improper practices or even tending to show that the result was changed by any improper practices, what justification can there be in asking the Senate now to institute a new inquiry upon the suggestions of the same evidence upon which this report was made?

It does not seem as if there was even a shadow of a reason why this body, charged with the highest constitutional duties that can be imposed upon men, duties of the greatest dignity, requiring strict adherence to principle and truth and constitutional duty in the performance of a duty upon which the very Government rests—in this report made by the political opponents of Mr. PAYNE upon the whole evidence that is now before the Senate there is not a shadow of excuse in my mind for the Senate undertaking to investigate the subject further, even if we had the power to take any action invalidating his election in the event of discovering and proving the alleged corrupt motives of the Legislature, so long as the Senator himself remains entirely clear of offense, as he is admitted to be both by the Legislature of Ohio and by the unanimous report of the committee of the Senate.

Mr. HAWLEY. Mr. President, I propose to vote for the proposition to investigate, but the view of the case which governs my individual vote has not yet been presented, and, chiefly for my own satisfaction, I desire to place it upon the record.

It can not be said that this movement is promoted by a faction only of the people of Ohio. It can not be said that it comes from one political party only in that State. If we look around and beyond the legislative action we perceive that unquestionably a great majority of the citizens of that State believe that the seat occupied by the junior Senator from Ohio was obtained by means that will not bear the light of investigation. I waive the unanimous declarations of the Republican press and Republican organization. There is a vast representation of public sentiment from Democratic newspapers and from Democratic leaders, denouncing the conduct of that Legislature in language of the hottest indignation and evidently stimulated by a profound conviction that the question ought to be investigated. The behavior of the Legislature that elected the Senator whose seat is questioned was discreditable to the party and to the State and to the country; it is impossible to deny that. Nor has that public sentiment changed seriously, nor have even the manifestations of a hot indignation moderated.

After all that and concurrent with all that are the opinions of the governor, of the lieutenant-governor, of the other Senator from Ohio, and the declarations of both branches of the succeeding Legislature.

The Senator from Florida says there is no specific charge that the Senator whose seat is in question was himself personally guilty of fraud. I admit that. That is not enough. But he says further that it is not declared that there was fraud enough to vitiate the election. The house of representatives of the State of Ohio resolved—

> That in the investigation made under house resolution No. 28 ample testimony was adduced to warrant the belief that the charges heretofore made by the Democratic press of Ohio are true, to wit, that the seat of HENRY B. PAYNE in the United States Senate was purchased by the corrupt use of money; and
>
> *Further resolved*, That the honor of Ohio demands, and this house of representatives requests, that the said title of HENRY B. PAYNE to a seat in the United States Senate be rigidly investigated by said Senate.

That declaration covers the question. The senate of the Ohio General Assembly resolved similarly as follows:

> That in the opinion of the General Assembly, and it so charges—

Not that HENRY B. PAYNE was himself guilty of a crime in this matter; it does not charge that at all—

> That in the opinion of the General Assembly, and it so charges, the election of HENRY B. PAYNE as Senator from Ohio in January, 1884, was procured and brought about by the corrupt use of money paid to or for the benefit of divers and sundry members of the Sixty-sixth General Assembly of Ohio, and by other corrupt means and practices, a more particular statement of which can not now be given.
>
> *Resolved*, That the Senate of the United States be, and the same is hereby, requested to make a full investigation into the facts of such election, so far as pertains to corrupt means used in that behalf.

For myself I decline to enter into the details of the testimony presented in support of that declaration. The breadth and strength of the resolutions are sufficient for me. As a question of fact, I deem it beyond controversy that it represents the sentiment of the State of Ohio, presented here not with an absolute and perfect formality, but by the solemn declarations of both houses of the General Assembly backed by the governor, the lieutenant-governor, and the senior Senator of that State.

Now this whole proceeding is not to be governed by the technical details and small rules of practice to be pursued in a police court. This is a grander tribunal and a grander question. It is not a matter of the rumors of newspapers, of petty scandal at all, but a great outcry from an outraged people, if there be any truth whatever in these declaration from the existing Legislature and the press of Ohio, Republican and Democratic.

I decline to be bound by small technicalities in this matter. I hold that for the honor of the Senate, for the honor of the State of Ohio, for the general good of the country at large, there should be a dignified and thorough examination. If it should clear the sitting Senator from personal charges, it would be nothing more than most of the Senators expect. If it should show that the frauds committed there were not sufficient to be decisive of the election, it would be a satisfaction to know that. If it should show that the frauds were so complete and extensive that they were decisive and that there was not a lawful election, the Senate and the country ought to know that. I certainly can not see how in justice and on broad considerations we can escape voting for the proposition to inquire.

That is all, sir.

Mr. EVARTS. Mr. President, that the Senate is master of the question presented here and that it is under no law or restraint except that which is imposed by the Constitution, is not doubted. But by the same reason the scope and boundary of its mastery and its duty are limited and fixed by the same firm instructions of the Constitution. Whatever rights, whatever duties there may be touching the inspection or the vindication or the punishment of those concerned in frauds in States in the matter of Senatorial elections, this Senate in the plenitude of its authority on the heads that are committed to it for its duty and its performance are not to escape those bounds that the Constitution has fixed upon these duties and these powers. It has no power and no right to investigate the politics of one political party at the request of another. It has no power to investigate the internal discords of a party at the request or invitation of a faction of that party. It has no power to measure or estimate the conclusions, right or wrong, that are to touch the very matter presented for our consideration and decision that do not touch the very extent and authority and scope and result that are measured out or assigned to us for our duty by the Constitution.

Outside of these topics, when we come to dissect and determine them

in the result in our rules, we may have and should have great deference for a State, and I know it is emphasized here a great State with three millions of people. No constitutional distinction can be drawn between a great State with three millions and a great State under the Constitution and in the embrace of its equality to all, though it have no more population than Delaware or Rhode Island. The greatness of the State in this light and for this duty is not measured by the census, nor is it exalted by the swelling and just pride of its citizens.

Are we to be told in this presence that these exaggerating influences are to touch the definition and the scope of our duty? Neither then the excitements, just or unjust, that are aroused in condemnation of this or that degree of turpitude or corruption in the general mass or in the common scheme of politics within any State are matters for us to regard. They are by us to be regarded, measured, limited, and weighed only in their applicability and influence on the subjects that we are to determine upon and that our vote is to decide.

So, too, public opinion, the life of republics, is to be regarded here with the same reverence and with the same homage that are to be paid outside of the Senate and outside even of official life in any form. The American people—however the Senator from Massachusetts has appealed as if some special representation of them might be claimed in the Senate—the American people themselves are greater than all others. They are the framers of the Constitution, the framers of the establishment, judicial, legislative, and executive, which we have; but when they have established them the way to find out what the American people mean and what they know and intend shall be their representation is in the Constitution and their delegated powers. I know that I meet the American people, as well as the Senator from Massachusetts does when I go to the Supreme Court or the other courts of justice under the Federal system. I meet there the American people in the ermine unspotted and the scepter uncorroded of judicial power. At the hustings I meet the people themselves. I then am on the scene and they are on the scene. They are the American people that I meet, and their power is under the Constitution and under the law. If I am not restrained by civic duty or by truth or by justice or within the bounds of decency and rational force with the people they will understand it as well as ever. And now when between these two representations of the American people I stand in the Senate I meet the American people here. I meet them by their distinct delegation and I meet them in their dignity and sovereignty as States. I do not know who can speak for the American people except those who look and discern how the American people have expressed their mind in regard to subjects of legislation in either House of Congress; and in all the deliberative and decisive action of this Senate in the very matter of this Senatorial election in Ohio it is the American people by their seventy-six Senators chosen and delegated to settle this question.

Now, what are the functions of the Senate, not merely in regard to this matter, but in regard to every Senatorial investigation that is to touch either the genuineness of the election or the worthiness of the duly-elected Senator, worthy in the sense of the clause of the Constitution that gives not to the Senate at large, not under restraint but under the free exercise of its authority the power of expelling a member with the concurrent voice of two-thirds. I have in reading carefully the report of the three Senators, with whom I agree, a distinct assertion, and that I may not misstate it or enlarge it inadvertently I refer to the part of our report that is found on page 11:

> The only constitutional rights, powers, and duties which can sustain, or properly induce, an investigation such as is presented for the consideration of the Senate by the honorable house of representatives of the State of Ohio, arise from two separate and independent clauses of the Constitution:
>
> By the first clause of section 5 of Article I of the Constitution each House of Congress is made "the judge of the elections, returns and qualifications of its own members."
>
> By the second clause of the same section each House may, "with the concurrence of two-thirds, expel a member."

The report proceeds:

> As these two ends alone limit the basis and object of any investigation proposed, either for invalidating the election of a Senator or expelling from the Senate a duly elected and qualified member of it, a scrutiny of the grounds, in fact, upon which such action is demanded, in any case arising, from the Senate, requires an ascertainment whether the scope of the proposition and the testimony, presented or reasonably assured, would justify the ultimate action of the Senate under one or the other of these clauses of the Constitution.

I believe those propositions of the report are invincible. I do not understand that they are doubted. I do not find in the report of the minority; I do not find in the chairman's report to the committee itself, any doubt of the proposition that our authority is within those sections, and the scope of our investigation to be taken up must be under our just estimate of whether the matter proposed to us reaches by its imputation and its charge with reasonable assurance of truth the scope and result by which either the character of the Senator is of itself to expose him to expulsion or whether the election has been vitiated when he himself may be free from imputation.

That I believe to be conceded, necessarily conceded, that we are not to enter upon an inquiry unless the inquiry is to lead to results if upon the propositions presented to us upon such assurance as we are to judge of we are carried to the expectation that at the end if these propositions are carried out we shall be in a position to execute our duty.

But this is not the first time that these matters have been considered by a Senate. We have no other means of building up parliamentary law either in the mother country or here, except by instances as they arise and treatment of them and disposition of the law and of the good reason that should govern these considerations; and it is of the first importance—let me impress it upon Senators—that there shall be an accumulation, that there shall be a symmetry, that there shall be an even tenor not swayed by the predominance of one party or the other, but by the good rule and wisdom and restraints that should be thrown around these inquiries, and that each step if it be wise and just, candid and impartial, if it be attended by no external pressures of partisan advantage nor intimidated by incursions of popular feeling and prophecy, that we should hold on with both hands to these wise instructions administered now to a Democratic majority and now to a Republican majority, that caprice, will, rage, power shall not be the rule for every case.

He then who imports into any particular inquiry matters that do not conform to this wise reason that I have suggested and these rules that I have indicated, not only does a wrong in the particular case but he reduces the strength of the forces that have been painfully built up in the spirit of what upon its face is almost unrestrainable—the power of the majority to increase its authority and to depress that of its opponents.

Now, that being so, what is the situation as it stood when this Government deliberated and acted? In the first place, let me suggest that nothing could be wiser and nothing more applicable than that there should be a permanent, standing committee that should be constituted upon general selection of character, of intelligence, and of special fitness, not for one case, but for all cases that may arise. We have so determined that instead of there being a selection of a committee upon a case as it shall arise, we have a permanent committee that on one side and the other shall be accommodated to no case but intrusted with general authority and functions. It is not for me to say whether this committee that is now in its report under your eye was a wise and prudent and discreet and upright and candid and just committee; but if it is not you have chosen us to whom this subject has been presented. And I imagine that we are not to expect from this Senate when by a division of opinion we have illustrated the value of having deliberation and examination, candor and mutual respect, that it shall tear in pieces the conclusions of the committee upon a demand and principles applied by *post hoc* presentation to the subject which we have considered and upon which we have reported. After that, no disappointed plans and disappointed sentiments and disappointed opinions outside of the Senate should be permitted to think that they may come in and force their views, their interests, their duties, their candor, their justice, on the Senate by storming it with denunciation of members of the committee. Indeed, if this appeal to you meets any response in your hearts or in your consciences, I will not say that this committee is involved in any ruin that they do not share with the whole body of the Senate and with the whole exercise of this function of ours.

As I have said to you in the processes by which your authority is strengthened and built up, justice is confirmed, truth is illustrated; but by stepping down from that let me say to you that you destroy the process by which power and strength and justice are built up; and if indeed this be an instance in which these disturbances are to intervene in this Senate and this committee is to be judged askant with suspicion and unsearching criticism of the results by which they reach their several conclusions, it is scarcely worth the while of us Senators to keep up a pretension that we are entitled to regard and respect from our countrymen at large.

Under this first topic of matter touching the Senator under the second clause of the fifth section, that is, his expulsion, I have said, and in this report which I have signed it will be found, that there has not been brought to our notice from the State of Ohio in any form of presentation of its authority or its evidence an imputation that touches the personal character of the Senator. I do not mean merely outside in his general character and conduct before the world for his fifty years and more of manhood; but I mean of the very matter here, that while the air of Ohio was supposed to be full, while the mouths of men were full until they were emptied, there has not been presented to our committee in our whole constitution of nine in number any such imputation. I do not find in the report of the minority or in the instructions to us from the chairman as to the whole of the record which he had inspected the slightest suspicion of him. Let me be sure of that; let me see whether we are challenged at all in this statement:

> We do not understand that the house of representatives of Ohio presents any case upon the testimony taken or imagined to be accessible to any investigation by the Senate, or upon any allegation of the existence of facts suspected, though not probable, as would affect Mr. PAYNE with such personal delinquency or turpitude as would invite or tolerate his expulsion from the Senate for his participation in the transaction which resulted in his election. The examination of the testimony suggests no support for such an imputation, and the course of the select committee in not giving Mr. PAYNE an opportunity to be heard before them precludes any intimation that such a notion was entertained for a moment by that committee or the Ohio house of representatives.
>
> We do not understand that any member of the Committee on Privileges and Elections has harbored or expressed the idea that the testimony taken, or suggested as accessible or possible, touches the subject of this personal inculpation of Mr PAYNE. We shall, therefore, confine our further discussion of the matter, as presented for the investigation or action of the Senate, to the question arising

upon the validity of Mr. PAYNE's election and the declaration of his seat in the Senate vacant for such cause.

Let us terminate this matter so far as Ohio is concerned.

Mr. HOAR. If the Senator's inquiry whether that statement be challenged be intended to be answered now, it gives me great pleasure to avail myself of the privilege which his question puts to repeat what I have already said, that I do not understand that statement to have been challenged anywhere so far as I know.

Mr. EVARTS. I thought I had not overstated it, nor did I expect any other response than that which has been made to me by the chairman.

Now, about Ohio. Before looking at in detail the evidence presented, I want not merely that the absence of imputation in that record on the point which I am now discussing shall be admitted, as it is on all sides, but I want to have it understood that Mr. PAYNE presented in the most distinct manner to this committee of Ohio upon its entering on the investigation what he had to say about himself; and I want the answer that that committee made to him; and then, upon that issue thus presented, I want to present the silence of that committee in every nerve and sentiment of its heart and its action as an acquiescence.

Mr. PAYNE, on the 22d of January, wrote to the committee so constituted, addressing the chairman, as follows:

As one branch of the General Assembly has appointed a special committee, of which you are the chairman, to investigate the conduct of the Democratic caucus which in January, 1884, nominated a candidate for United States Senator, and as the matter is thus raised to the plane of respectability, and placed in charge of intelligent and honorable gentlemen, I propose to give it appropriate attention. For myself, I invite and challenge the most thorough and rigid scrutiny—

That is to the whole matter of the allegation—

My private correspondence and books of account will be cheerfully submitted to your inspection if you desire it—

A spontaneous offer—

I only insist, in case any testimony is given which in the slightest degree inculpates me, I may be afforded an opportunity of appearing before the committee.

Will any one ask from any Senator either more or less, a more prompt, a more universal proposition of his examination in regard to this whole matter—not as to his personal complicity, but his whole knowledge and connection with the matters of the election itself. And now let us see whether Mr. PAYNE was mistaken in thinking that he was addressing intelligent and honorable gentlemen. We shall find that he was not.

COLUMBUS, OHIO, *January* 25, 1886.

SIR: I acknowledge the receipt of your favor of the 22d instant, wherein you note the fact that a special committee of the Ohio house of representatives has been appointed to investigate the conduct of the Democratic caucus which in January, 1884, nominated a candidate for United States Senator, and you also declare that you propose to give the investigation appropriate attention.

In reply, I have to say that the resolution to which you refer recites the fact that allegations of bribery, published on authority of S. K. Donavin, are of so grave and positive character as to call for immediate action in order to vindicate the reputation of members of the present General Assembly. It directs the special committee to "inquire into all the facts of the alleged bribery, and report their conclusions thereon to the house."

If in the prosecution of this inquiry any testimony tending to inculpate you in any degree with any questionable transaction be received, I assure you that your request to appear before the committee in such event will be most cordially and fully acceded to.

Very respectfully,

THOMAS A. COWGILL,
Chairman.

Hon. H. B. PAYNE,
United States Senate, Washington, D. C.

Now for Ohio, she is clear in her opinion about her Senator. That is settled, that in Ohio, from one end of it to the other, in all the investigation, in all the allegations, in all the vituperation that has been marked with any degree of extravagance anywhere, no imputation has touched him. I am right, then, in saying, as the report that myself and my colleagues signed says, we may discard this part of the matter from our consideration and from yours.

But I ask more than that. I ask that when you have in your body a member that has sat in the other House and now nearly two years with us, when in all the rage of these elements whose wrath we can measure as we feel it poured upon us Senators, he stands *una exceptione major*. If Ohio has many citizens that emerging from such a stream can meet this encomium and illustration as I pronounce it to you, and which all consent to, Ohio is fortunate not only in the Senators it has chosen but in those who might take their places when the course of nature should require a change.

Mr. President, this is either a sincere and hearty and unreserved opinion and expression, or it is not. From the Senator from Massachusetts it is sincere, and from the body of our committee entirely so. All of them are of that opinion. Ohio is of that opinion. And now why should it be thought necessary in our body that we should think that when our minds were wholly unclouded and unruffled on this subject there should be the least occasion for this Senate to ask us to make up our opinions about him on any new investigation? All that has been suggested that is pertinent and personal to the Senator is under this head of examination, and when we have with one voice, with one heart, with one mind come to this conclusion let us understand that if there is any occasion for further inquiry by this body it relates to the other branch of the subject. In that Mr. PAYNE has no more interest than the Senate at large; that is whether the election was pure.

Now, Mr. President, before taking up more distinctly and accurately the situation by which our votes are to be determined, let me call your attention to some of the preliminary and surrounding incidents of this inquiry.

Each House is in the same language endowed with the control and determination of the qualifications of its members. But let me point out to you under the Constitution and under the relations of the members of these two Houses a distinction that is not unimportant. When the House of Representatives pass upon a contested election of one who has or one who claims a seat in it, the result by which it vacates the seat carries the subject back to the same body, that is the people at large by whom the first election took place and whose defeat or disappointment restores them in their own authority under the Constitution to fill the place.

But under the arrangement by which Senators are elected, unless the same body that by political delegation has represented the majority and the feeling of the State presently pass on the accusation when immediately presented and the determination, as it should be, is promptly made here, what may happen? If delay takes place the intervention of two years has dispersed the assembly that has sent the Senator here, and the suffrage may have changed the power in the Legislature from one party to another, and you have not before you by any possibility the resolution of the question before you so that you return it to the constituency as the same duty and as the same authority under which and by whom it was at first determined. And now I present as one of the first duties of this Senate that there should be a presentation under facts, under opinions, under charges, under doubts, under fears about the purity of an election, that it should be presented to the Senate from the remonstrant constituency, that is the State and the Legislature and the people, if you please, behind it, so that we shall have the question pure and simple, did the election in this competition between candidates in the zeal and the eager taste and thirst for promotion, go beyond the bounds of the purity of an election. When it is thus presented to you, you decide that simple question and return to the same Legislature and to the same political majority the present exercise of their power that you have thus adjudged was, and it is supposed rightly, disturbed.

Mr. President, there may be occasions when later unknown discoveries may present themselves that make it inexorable in the demand of the Senate that it should be judged on its merits, the difficulty in getting evidence having caused the delay. But that case which I have supposed is not this case. This fulmination, this wrath of disappointed candidates and their friends inside the Democratic party was not delayed. The Senator from Maine has thought it suitable to read, as instructive to us, the views of these calm disputants and editors in the very heat of the discord. I have looked at them to fix the dates all through and I propound to you that all this open and all this direct attack and all this undying opposition growing out of supposed wrongs is made evident and promulgated in the dates that run from the 9th to the 26th of January following that election.

All Ohio was ablaze with its honor and the redress of it. All the defeated candidates and their friends were full of wrath at the elevation of one to the neglect of others. Thus this mass, glowing and inflamed, was ready to be hurled at this Senate. It was then ready to be put forward. Then it was that the Republican party, permeated through and through with the love of country, and the love of duty, and the love of purity, without any reference to the question of its relations to politics, saw the Senator-elect, in March, six weeks afterward, come here and take his seat as calmly on a summer's morning as a king would come to his throne. The Senator whose seat he succeeds in presented his credentials, and the Senator from Ohio in the political party of which he is so great an honor and of which I am a humble member held up the hand of the sworn Senator when he took his seat.

You may talk until you are hoarse about the power and the force and the value of this crowded and collected testimony in the press when it is two years old and when it is gathered up by the opposite party and presented at a different situation. I say by the other party. I do not know who collected it. I never saw it in the committee-room. I never dreamed that such matters were to be presented. I know of no means by which imponderable evidence can be made weighty by the aggregation of improbable evidence. We are dealing now with our Democratic brethren entirely, and they were in this frame and they were in this chagrin.

These editors, instead, as sometimes happens in political distractions, instead of meeting together for a Democratic feast on crow, decided that they would hold a crow carnival. If anybody has ever observed the proceedings of that most extraordinary concert among these birds will find that their parliamentary system is extremely simple. They all speak at the same time, and they all say the same thing. They have great power of voice but a very limited vocabulary. They have great energy of assertion, but great poverty of argument. They have great emphasis in their elocution, but they lack a little the rising and falling inflections that are so recommended by rhetoricians from Quintilian down to all scholars of that charming art. I never expected to see journalists

collected in such a parliamentary search. I am casting no ridicule upon these editors. They did this as a part of their then present feeling and opinion and according to the custom of the country, as I understand it; and by that I do not mean Ohio, I mean the country at large.

But how do you account for it when within six weeks these credentials were sent here, that they were presented by Mr. Pendleton and received here, and there was no agitation whatever that I heard of on the part of the Democratic or the Republican active associates or their friends? I use this to show you how there is something in this idea, that at the bottom the great competition in our politics is, and is meant to be, not between men but between principles. Here we are to meet in debate the representation of the chosen men of these Republican opinions and of these Democratic views and purposes, and that is the agitation that the country at large is mainly interested in.

Now, in the convention of the two houses of Ohio, those of our party were so reduced to hopelessness as to carrying the election that we cast all our votes blank, a most extraordinary condition of things, not useful at the moment but doubtless looking to some proposition in the future. Usually when a party can not give a Senatorship it likes to pay a compliment and build up a future expectation. But our party seems to have been deaf to any of this sentiment of courtesy or to this interest of policy. What have we now to look at outside of the arrangements that have called our attention to the action of the press, or some portion of the press of Ohio?

It broke out the moment it was understood that a majority of the Republicans on this Committee of Elections had formed an opinion upon the evidence and the arguments before them that there was not such a presentation from that State as under the precedents of the Senate and the powers and duties of the Constitution they should proceed. I was alarmed, as every one should be, at such a terror as was let loose on us then. I did not know how it was then. I did not learn until the Senator from Ohio yesterday disposed of that question. He says he does not sympathize with any such attacks. He says that they are not the sentiments of the Republicans of the State nor of the editors of the State, but they are the opinions of the editor of the Cincinnati Commercial Gazette, who attacks everybody, Lincoln, and Grant, himself, the eminent President of the Senate, and whoever he pleases; that it is the manner, that it is the playfulness of the character and the conduct, and that nobody should be frightened by it.

I should not venture to speak of the editor of the Commercial Gazette quite in that tone. I think he might at least have been regarded by all as the man who scattered firebrands and death; but it seems it is on the plan that it is not the roaring of a lion at all. This position of the Senator reminded me of what we learn from Shakspeare on so many other occasions. When the young players were intending an entertainment with the comedy of Pyramus and Thisbé, they were frightened somewhat at the perils of the terrors that the drama would require, and after discussing the danger of killing Pyramus and Thisbé in the presence of the ladies the question then of the lion came up. Snout, who seems to have been a wise and prudent man, says:

Will not the ladies be afeard of the lion?

Starveling was also of a deliberative turn:

I fear it, I promise you.

These were statesmen, but they had not the versatility of politicians, and it was reserved for Bottom to find out the mode of not suppressing the lion in the play, and yet so demeaning him that he should not frighten the ladies:

Masters, you ought to consider with yourselves—

Says Bottom. He was a politician—

to bring in, God shield us! a lion among ladies, is a most dreadful thing: for there is not a more fearful wild-fowl than your lion, living; and we ought to look to it.

Snout again:

Therefore, another prologue must tell, he is not a lion.
Nay—

Says Bottom—

you must name his name, and half his face must be seen through the lion's neck; and he himself must speak through, saying thus, or to the same defect,—Ladies, or, fair ladies, I would wish you, or, I would request you, or, I would entreat you, not to fear, not to tremble: my life for yours. If you think I come hither as a lion, it were pity of my life: No, I am no such thing; I am a man as other men are:—and there, indeed, let him name his name; and tell them plainly, he is Snug the joiner.

I am indebted to the Senator from Ohio who addressed us yesterday so forcibly for the ready mode of disposing of this aggravation which seemed to threaten not only the peace of Ohio but the future prospects of some of the most eminent men in the Republican party.

I come now, having dispersed these surrounding circumstances, to bring the Senate to the direct inquiry. I hope it will not be doubted that by a change of politics it was thought that an investigation in the house of Ohio might be more usefully made than before; and about that I make no opinion and no criticism. Politics is rectified and redressed by change of authorities from a majority to a minority and back, and back and forth. We do not expect in these occasions the same severity, the same zeal, and the same hope of success when it is promoted from a mere sense of patriotism and justice as we do when there is tinged with it a sharp and poignant purpose of political advantage. I do not complain of it.

But I want to call your attention to the very beginning of this inquiry. On a certain day there appeared in the Commercial Gazette a charge under the name of Mr. Donavin, a person about whom I know no more than appears here, and about whom I have no occasion to speak, charging four men and demanding an investigation. Let me not misrepresent this situation.

Whereas the Cincinnati Commercial Gazette, of date of January 12, 1886, contains a printed statement, on the authority of S. K. Donavin, alleging grave charges against the official integrity and character of certain members of this house—namely, Hon. D. Baker, Hon. P. Hunt, Hon. W. A. Schultz, and Hon. G. Zeigler—so definite—

Look at it—

so definite and precise in statement as to call for immediate action in order to vindicate the reputation of members of this House: Therefore,

Ordered that the committee be raised. The result of the examination I have heard stated to you and will not attempt to point out, so far as the persons are concerned. What was the reason why these four men were named? Because they had been before charged in the Commercial Gazette? Is it not a little cruel to initiate a charge under a power of stain upon what is to build up the future, by what appears to have been an absolutely gratuitous and unfounded accusation? I do not like such things.

All that has appeared about these four men was that they were members in the former house and they were members of the new house, and yet the accusations are said to have been in the columns of this newspaper "so precise and definite" as that investigation should be made. The result of the two months and a half investigation is that there is not a smell of fire on the garment of any one of these members who have passed through this furnace. I do not look with that entire confidence between the accusation and the result as evidenced here which has been pointed out to you in regard to these four men.

It is said that the actual matter of investigation was only about these four men; and by some strange misconception of the views of the report which I have signed, the Senator from Massachusetts seems to think that because of the claim which is made, and which we all concede, that this body here is the sole judge of the qualifications, and the membership, and the worthiness of Senators, therefore the house had no power of investigation beyond these four names or beyond the punishment of individual guilty complicity. That is the power of their punishment, but the range of their inquiry as informers of just cause for all looking into the matter in future is limited by no such constraint, nor was it so treated by this committee.

If I could find that in this report the investigating committee had limited themselves to these four men and had limited themselves to legal evidences against them, I should have regarded it as that house would have regarded it, that there was no occasion for presenting anything to us at all.

What are we to make of the motion now introduced, that the scope of their investigation was the pursuit and punishment of these four men? If they had confined themselves to that and had decided that no fault was found with them, why should the Senate be informed of the release and justification of these accused men? No, the investigation was intended, was calculated, was rightly contrived, was rightly exerted, providing it was carried on within legal evidence and just reason, to the scope of bearing upon the question of what then was to bring discredit and defect on the election. Let us understand a little what these people mean and what they gave in their own statement of their authority.

Mr. HOAR. I will ask the Senator whether he will read, if he pleases, the authority itself, to wit, the resolution of the Legislature which appointed them. That would seem to settle the question of authority.

Mr. EVARTS. That I believe has been recited in the resolution of the house which I read, not at this moment but when I was talking about the Commercial Gazette.

Mr. HOAR. The resolution is a limitation of their power in the whole matter.

Mr. EVARTS. I read it in terms. All the report does not go on the principle of selecting or arguing in details. It sets before you what this committee on the one side and the other, majority and minority, of the house committee, chose to present to that house and to this Senate. Let us see if they were restrained. Now what did they do?

Whenever our attention—

Within the scope of their investigation—

was called to anything—

That is a pretty broad word

which indicated—

That is pretty liberal—

the probable—

That is wide too—

employment of improper means to gain support—

That is liberal, "support"—

we followed the clews presented, on the theory that we were not only authorized, but in duty bound, to pursue any matter that promised, even remotely, to show the use of such means in connection with the election, because the discovery

of one important fact, although having no immediate bearing upon the charge against the person named in the resolution, might lead to the discovery of facts having such bearing.

The house committee not only did not conceive themselves bound with restraint, but they caught at every clew and followed it, not on the question of these four men, but on anything that by implication might be wrapped up in the subject at all.

And furthermore—

Let me show you the largeness of their investigation, quite as large I think as our investigation would entitle us to use:

And furthermore, and upon the same theory, our inquiries were not confined to the technical rules of legal proof, but the committee availed itself of any source of information—admitted hearsay statements, and even the opinions of witnesses.

Whether we should go as wide as that, I will not dispute. My proposition is that there was not any basis for the proposition that the house confined its investigation to the four men, nor that it confined itself under any restraint whatever in the range and variety of evidence that was to be weighed. But the committee understood that that kind of evidence and that expression was to be taken as in their judgment in its parts and its detail as a quarry to be worked for truth. See the line they drew upon this subject:

But we consider in making this report no facts should be stated which are not sustained by testimony—

Would my friend from Massachusetts think these facts in the reports, sifted and presented by the two committees of the Ohio house, were limited to what was enough to convict? No.

But we consider in making this report no facts should be stated which are not sustained by testimony upon which a legislative body might base further action.

They do not limit it to what would convict. They had put forth everything in their report that they can extract from this mass that should furnish a fact upon which the very body to whom they were reporting should take further action.

In this report we have taken this true and I must think just method of presentation. Instead of picking out here and there and tinging this or that with color, justly if you please, judiciously if you please, we have given you appended to our report the whole body of the report of the majority and the minority, which the majority has described as containing all the facts upon which a legislative body might base further action. This being the preliminary process, what did the committee do? Did they say to the house of representatives, "our arm is shortened and our power to save is inadequate for the situation?" No, they did not say that. When they had pursued every clew and heard hearsay and heard opinions and everything else, how could they present themselves before the Ohio representatives with a pretension that there had not been an investigation, that it had been shortened, and that it could not be treated as the final point?

Why did they not ask for more power? Why did they not have it debated in the Ohio house of representatives? Why did they not say, "We have means by which we can follow this up, and we can punish the guilty at the law. We can bring evidence that touches the integrity of the election; give us the power and we will give you from this enlarged reaping a larger sheaf of evidence?" There was not a word of it.

Now I propose to show that in the action which was taken, in their own proposition, they did not believe that they had laid the basis for further investigation with profitable result—profitable, I mean, in producing truth; but they said, "Let us do this." And what is it that they proposed? This is their conclusion:

Although, as stated in the outset, the testimony developed nothing of an inculpating character concerning the members of this house named in the resolution of inquiry, we believe—

Now, what did they believe? They had given the evidence; they had given the facts, sifted and well brought out and presented. They had given the judgment that it did not inculpate these people. Now, what is it?

that circumstances surrounding the election of HENRY B. PAYNE, as one of the Senators to represent the State of Ohio in the Congress of the United States, as presented by the testimony, are such as to warrant—

What?

are such as to warrant us in recommending that an authenticated copy of the testimony and report be transmitted to the President of the United States Senate for the information of the body of which Senator PAYNE is a member, and for such action as it may deem advisable.

Is it not respectful to the Senate that they should send us in volume and force, in precision and in estimate, what they deem sufficient to show that there is to be a result reached upon what they communicate? It would settle the question here for them to say that matters surrounding the election warranted them in recommending that this testimony should be sent to the Senate for them to do what they think right. It came here. It was received with deference and with all the attention which belongs to such a communication from a State. It was sent to this committee of the Senate, and the committee took it up. They did exactly what the Ohio house of representatives desired us to do. Look at this and see what on that we ought to do. The reason why they thought it was worth while to send it to us for us to look at, though they could not find anything in it of value or strength, was because of something outside; that is, the circumstances surrounding the election. When we took it up and read it through and looked at it, what was the result? How did the examination that we made in the first and tentative inquiry as confided to the chairman result? What did we find out then? "The charges against the four members"—I will shorten this as much as may be; it is from the chairman's report to us—"were not sustained, and the committee so report."

Then we agree about that. Now the Senator from Massachusetts, the chairman, proceeds:

But the inquiry took a wider range. There was evidence tending to show—
That Mr. PAYNE's name was not publicly suggested as a candidate for Senator until after the State election;
That it was not very prominently suggested until shortly before his election in January;
That many persons who had been supposed to favor Pendleton voted for PAYNE.

There I stop for the moment. Those were circumstances surrounding the election that presented it to the mind of the select committee of the Ohio house and they sent it to us. The whole value of this of imputation or suggestion of inquiry would be that Mr. PAYNE was an unknown person, unknown to his party, unknown to the public, unknown as within the range of popular favor and strength. It is not that anybody in Ohio thought so, not that anybody said so; but of what importance is it when a man eminent for those virtues which have been characterized here, when an honored man representing that State, when his fame and his credit of patriotism during the war, his identification with great domestic interests of the time, the relations to all the benefits of life—when that was the name which came in, of what earthly purpose is it to say that his name was not brought in and that money must be the reason why he was named? If money bought it, very well; but that money brought his name in that community is a perversion of all fair dealing with the situation.

In the nomination for the Presidency of the United States in the convention of the party to which I belong, the name of President Garfield as a candidate before that convention was not suggested till just before the ballot was to be taken. He was there as the champion of another candidate, another favorite son of Ohio. Did anybody say that when a new name was sprung upon that convention? I do not say that it had anything to do with fraud, because the subject does not admit of anybody's imputing that; but it was a wonder, and as well might it be said that it could not be accounted for except by treachery that he was nominated. No; he was nearly the most famous man in the hearts and minds of the Republicans of Ohio, among those in the hearts and minds of the whole people in this country of his political opinion, and when named it was the solution between the party competition.

As I have said, the subject of its having any connection with improper use of money or means does not approach the occasion, but the novelty, the recentness, and the addition of all the men inside that convention to one other candidate are circumstances which are covered by the proposition here:

That there was a widespread belief that corrupt means were used to procure the result.

I need not comment upon that. This is a recital of what is found in the testimony:

That one member was offered a large sum of money for his vote by another member;
That there were hearsay statements charging corruption as to several others;
That two members of the Legislature received large sums of money about the time of the election, of which they, being called as witnesses, gave no satisfactory account.

If that goes beyond stating that those elements of opinion about these four men were found in the testimony, I must regard that the honorable chairman perhaps overstated what would be regarded as an investigation on those points, not intentionally, but it is giving in the just way perhaps all that could be found.

That the principal managers of Mr. PAYNE's canvass, namely, Paige, McLean, Huntington, and Oliver H. Payne, did not testify before the committee—

That is a fact; it is in evidence. It is not pointed any more than that. The testimony before the Ohio house committee does not dare to say that any of these evaded or avoided an examination, or that they were not accessible to process some time or other within the time when the investigation went on. I am right about that, am I not? However that may be, the fact surrounding the allegation is that five men were not examined, when this committee examined anybody and everybody that they wanted—

but there is no evidence tending to show the bribery of any member unless as above stated.
There is no evidence to connect Mr. PAYNE, the sitting member, with these transactions.

That is the result of the Ohio house committee as reported to us, and correctly, by the chairman of our own committee, no evidence to connect Mr. PAYNE:

And none tending to show that the result was changed or affected by such means.

It is not a cover, a suspicious allegation; it is a real one and an honest one, and to which the Senator from Massachusetts adheres here. What did he add to that? Anything about this testimony? Anything

about what we were to investigate? Anything we were to consider? No; it is mere notification to us.

Informed that—

It is a short phrase; it means "I am informed as the chairman"—

Mr. LITTLE wishes to be heard.

That was all put before us.

That these persons—

The five men, apparently—

kept out of State and reach of process.

Then we went on and examined. We heard Mr. LITTLE, in which it is no compliment to him to say, because his repute is already established, his examination and indorsement of the facts and the reasons were according to his ability as a lawyer and his honor as a man and a member of Congress. Did we fail in our duty, in our deference, in our respect? I am sure that gentleman will never open his mouth to say that there was disfavor of any kind or inattention during the whole of it. We heard the argument and were instructed by it, and instructed as to what was the most important, and what was the weightiest, and what was the fairest, and what the tendency, and what the effect, and under that instruction we found it was not enough. Now, are we to be told that we have shut against the examination? We have given you our opinions upon the matter that we did examine, and in this report we close our view, after showing what the power and authority of the State might be, by saying this:

That State has conducted and concluded its investigations into the election of Mr. PAYNE, and has placed the result before the Senate of the United States. It has attempted no further investigations either by the plenary power of its Legislature or through the functions of the courts of law. If, upon further examinations made by the State, through its Legislature or its courts, a case should be presented for renewed consideration by the Senate, within the rules and principles we have stated as governing the action of the Senate, the further action of the Senate will be governed by what may then appear.

And this, I submit, entirely considerate and judicious observation is spoken of by my learned friend from Massachusetts as a contemptuous proposition. Well, that is another thing. That is an epithet. I have read you what we said. I have read you what preceded our examination; I have read you the statement, and I understand the Senator from Massachusetts to agree that in our statement of the reach and scope of the evidence as being adequate to unseat the member if the number contained in the evidence that we considered was sufficient.

Now, we may go on a little further. Either this Ohio investigation was pressed to the extent or it was not. If it did not penetrate to the core and substance of the investigation it was a paltering on their part with the case and the honor of Ohio. It did probe the matter. It went just as far as it thought it could find evidence valuable and useful. If the latter, so necessary to the law, so necessary to their intelligence, is the true view of it, then the Senate can repose on that result; but if it be letting "I dare not" wait upon "I would" that followed that investigation, if these steps were like a sick man, three paces and then faltering, stopping, doubting, fearing, do not throw in the face of this Senate or this committee or these three Republicans who have come to this conclusion timidity or doubt.

The Ohio Legislature went to the bottom, or they did not—not that they went to the bottom of whether the decision would touch the title here. My learned friend, so good a lawyer and so experienced a statesman, has occupied a good part of the minority report and almost the whole of his argument by confuting what he calls a strange misconception, that we thought the Ohio Legislature had a larger control and dominion over the seat than we had. His reason against this barrier that he set up is overthrown, but it swings clear of any proposition that any of us have made. The point was this: We here are limited in our investigations to what will bear upon unseating or expelling a member; but the State has a larger range and a larger duty, and is not stopped in its investigation either by duty or responsibility, whether it finds twelve men, or six men, or four men, whether it finds that one bribe was administered and one received. That is their range, and we have none such. We have the range of the first, and the second, and the third, provided the count proposed to us is large enough in the evidence that they have presented to us on proper considerations that shows when the count is completed there will be enough to unseat. So all that argument of our proposition being very strange and being easily refuted is eliminated from our discussion.

But more strangely still my learned friend the Senator from Massachusetts quoted in evidence and read a passage from an eminent court and an eminent judge, the late Attorney-General Hoar, Mr. Hoar then on that bench. What did he read? He read a clause that the house of representatives, its powers and privileges, is not the final judge but that the warranty of its actions may be examined and determined by the court. That is plain. The question was whether within the range and the reach they had committed to them, or could embrace within what was committed to them, if the Legislature chose to do it, they had transcended it. They held, as might be expected, with the supreme court of New York, but now let me read the clause from this eminent lawyer that does touch this question and does touch our proposition:

The house of representatives has many duties to perform, which necessarily require it to receive evidence and examine witnesses. It is the grand inquest for the Commonwealth, and as such has power to inquire into the official conduct of all officers of the Commonwealth in order to impeachment. It may inquire into the doings of corporations, which are subject to the control of the Legislature, with a view to modify or repeal their charters. It is the judge of the election and qualification of its members. It has power to decide upon the expulsion of its members. It has often occasion to acquire a certain knowledge of facts, in order to the proper performance of legislative duties.

I do not need to travel beyond the confines of that one well-considered case to show what we say when we propound this:

At the outset of our observations we stated the limits which properly should control the action of the Senate, under the applicable clauses of the Constitution, and by the same reason the ends which should be proposed in its investigations and to which they should be confined. It is obvious that the province and duty of a State, in its investigations of fraud, corruption, and bribery in an election of Senator, are much more extensive. A State is not confined at all to the question whether the actual election brought in question involves the Senator personally in misconduct, or whether enough votes for him were effected by fraud, corruption, or bribery that would require his seat to be vacated, although himself free from imputation.

The State should execute its laws respecting the purity of Senatorial elections by the indictment and conviction of a single person who bribes or is bribed, whether the election is affected or not. The State should investigate as well to the end of better laws and surer execution of the laws. The State, too, is charged with the maintenance of "the honor of Ohio"—

Quoting from the resolution of the Ohio Legislature—

and its vindication rests with its own legislation, its own judiciary, and its own people, but it can not demand this vindication at the hands of the United States Senate, except as that may flow from investigations by that body within the limits of its constitutional powers and duties.

Will any lawyer, will any judge question the language thus fitly indicating the largeness of the duties and the largeness of the powers of the Ohio Legislature in taking care of its own purity in the matter of this very election? We stop on what you show to us as in the case of Mr. PAYNE that should induce us to regard as unworthy. You have shown us nothing. You can show us what you regard as evidence, as reaching not the bribery of one, not the bribery of two, not the bribery of three, not the bribery of four, but the bribery of enough to unseat. That is the logic of the proposition.

On the subject of the caucus I do not find that the Senator from Massachusetts differs from us on our view about the caucus. Let me state what we have said on that subject.

We have in our conclusions made no distinction between the use of fraud, corruption, or bribery in a caucus vote or in the legislative vote for a Senator. Although a caucus, or what proceeds in it, has no constitutional or legal relation to the election of a Senator, yet, by the habit of political parties, the stage of determination as to who is to be elected Senator and the influences, proper or improper, that produce that determination is that which precedes and is concluded in the caucus. So far as the question of personal delinquency or turpitude is concerned, no moral distinction should be taken between corrupt proceedings in caucus and those in the Legislature. How far any such distinction would need to be insisted upon in any case on the question of unseating a Senator, where he himself was not affected with any personal misconduct or complicity with the misconduct of others, we have no occasion in the immediate case or present attitude of the subject to consider or suggest.

Therefore, the notion that has been spread abroad that we confine ourselves to a technical rule about proceedings in the Legislature as distinguished from the proceeding in caucus is thus dispelled. For the purpose of our judgment, for the purpose of our examination we have made no distinction. Now let us see how the minority treat that subject. This is what they say about caucus:

What is the effect upon an election of Senator of bribery of voters in a caucus of the legislators who are to make the choice is a question upon which we prefer not to form an opinion until the evidence is before us.

Is not that exactly what I state? Then he proceeds to say:

The members of a caucus ordinarily deem themselves bound in honor to vote in the election for the person whom it nominates, by the vote of a majority, on condition that such person belong to their party and is fit for the office in point of character and ability. Bribery, therefore, which changes the result in the caucus, would ordinarily determine the election.

Did the minority state this proposition more clearly or more forcibly than our report? Compare them. The rule we have laid down for ourselves about the caucus is stronger and fuller than that laid down by the Senator from Massachusetts, but substantially they do concur, and we do not either of us propose to anticipate the somewhat embarrassed question about what the difference is when you come to unseating a member.

On that evidence all members of the Committee on Privileges and Elections did not think that, as then standing, it proved the case as it was before us, and we thought that was all properly before us then, and of course no one could have thought that further examination should be made.

Now, what happened afterward? I do not speak of any influence or a change of opinion on any of us, but I want to show the whole that has happened since, and whether that ought to affect that judgment of the majority of the Senators who thought that no further examination should be made. What is their character? Of presentation, of invitation or desire from sources entitled to great respect that we ought to yield to? I understand that the minority are disposed to put themselves upon the duty of this Senate not to exercise their own judgments upon the evidence laid before them, and reasonable prospects of assurance besides, but they must take it upon the request. Indeed I understood the Senator from Massachusetts to go so far in his argument as to say that when the Senator from Ohio, the President of the Senate, himself, stated that an investigation ought to be made for the honor of the State and the vindication of the Senate, it ought to be done.

Now, our propositions begin to divide. We have agreed on the facts and on the evidence as sifted and presented; but the question is as to what has come in in the arguments of the able and eminent lawyers, members of the House, who addressed us, the two resolutions from the house of representatives and the senate of Ohio, and a mass of newspaper comments which are collected in the minority report.

Let me look at these things. Look now at them deliberately. When I dissect these resolutions, first of the house and next of the senate of Ohio, see whether they add anything to what the house examined, sifted, and weighed when it sent the record on. It is only by inattention and heedlessness that any importance can be given to these other resolutions of the two bodies of the Legislature of Ohio besides what is conveyed in the first communication. Let me read first that which comes from the house, the same house:

Whereas it is the precedent in the United States Senate that charges of bribery must be directly made to warrant a committee of said body in proceeding to investigate the title of any United States Senator to his seat: Therefore,

Be it resolved by the house of representatives of Ohio, That in the investigation made under house resolution No. 28—

That is what we have already had—

ample testimony—

Does that make it any longer than the pages of the record disclosed?—

ample testimony was adduced to warrant the belief—

Not conviction—

to warrant the belief that the charges—

Now look at it. Are you going to change your views and your conscience on this resolution?—

to warrant the belief that the charges heretofore made by the Democratic press of Ohio are true, to wit, that the seat of HENRY B. PAYNE in the United States Senate was purchased by the corrupt use of money.

They have heard somehow or other that we needed some formulation of charges. We took the papers as they came up to us originally, investigated them, examined them, but they think it necessary to formulate the charge.

Resolved, That in the investigation made under house resolution No. 28—

That is our record, and we are told this is something new that is sent to us. It is the opinion of the same house about the same evidence. What do they add?—

ample testimony was adduced to warrant the belief—

By that evidence—

that the charges heretofore made by the Democratic press of Ohio are true, to wit, that the seat of HENRY B. PAYNE in the United States Senate was purchased by the corrupt use of money.

Now further:

That the honor of Ohio demands, and this house of representatives requests, that the said title of HENRY B. PAYNE to a seat in the United States Senate be rigidly investigated by said Senate.

That testimony under resolution No. 28 we sifted, and what the Democratic press of Ohio charged we have in this dole of objurgation that has been read to the Senate. Therefore we do not find anything new here, nothing but a repetition, and instead of an enlargement there is an absolute limitation to what was then in the mind of the Legislature in sending this last resolution that they did not know nor care for anything beyond the testimony before the Ohio committee and the newspapers indicating Democratic opinion in that State.

And now look at the senate resolution:

Whereas by common report, suggested and corroborated by the public press of the State without respect to party, and by a recent investigation of the house of representatives, the title of HENRY B. PAYNE to a seat in the United States Senate is vitiated by corrupt practices and the corrupt use of money in procuring his election.

They go back to the investigation and the resolutions of which we have the record. Will any Senator say to me that this recital, if it had left out that record and had simply put it on "common report, suggested and corrroborated by the public press of the State without respect to party," would have presented a charge for investigation by itself? Does it add anything that we have not already got, by basing their reason for asking intervention upon the investigation already made? Now another whereas:

Whereas it is deemed expedient, in order to secure a thorough investigation of his said election as Senator by the United States Senate, that the belief of the General Assembly in this regard be formulated in a specific charge: Therefore,

Be it resolved, That in the opinion of the General Assembly, and it so charges, the election of HENRY B. PAYNE as Senator of the United States from Ohio, in January, 1884, was procured and brought about by the corrupt use of money, paid to or for the benefit of divers and sundry members of the Sixty-sixth General Assembly of Ohio, and by other corrupt means and practices, a more particular statement of which can not now be given.

What else have we here? We have not anything except resolution No. 28 and the public rumor. We had that before. We had not forborne to examine that; we had not forborne to go into that. We had not failed to give all weight to these records and these rumors and these newspaper fulminations. We have omitted in the report which we three have signed any reference to the resolutions of the Republican committee of Ohio or the Republican editors in convention assembled. Whether they were before our committee at any time I do not know. They are here. They are no new matter. Will any Senator tell me that this aggregation and new presentation in the collective form of a Republican committee, however respectable, or of an editorial convention, however respectable and important in their character, in their conduct, in their purposes, in their wishes, adds to the preliminary investigation of the house and the sifting and weighing of the evidence and the presentation of it?

In regard to the evidence contained in this record, the committee who have united in this report of the three has produced that which the majority of the house of Ohio presented of their own sifting, of their own weighing, of their own presentation of all that they thought was worthy of future action—future action there or future action here. They do not say that other investigations would not show more and else. We are not to look at it in that attitude. But if the committee do not read these papers, if the Senate do not read them, then they take at haphazard the pointed and sincere views of this or that Senator on that allegation.

The Senator from Maine [Mr. FRYE] last evening brought forward a single item that attracted my attention as showing the absurdity of the pretension that value could be attached to these imputations. There were two representatives, Mooney and Roche—were they the labor representatives?

Mr. TELLER. They were the labor representatives.

Mr. EVARTS. Here are two plain men; they are chosen by their fellow-citizens for the purpose of being thus represented. Now look and see what you can find:

Vernon E. Hanna, of Columbus, testified that at the time of the Democratic Senatorial caucus in 1884 he roomed at the family residence of W. P. Brown, in said city, and that two members of the General Assembly—Messrs. Mooney and Roche—roomed in the same building; that at this time those members did not have keys to the house; that on the night of said caucus he agreed with Mr. Brown—

The boarding-house keeper—

that, as they would probably not be in until late, he would admit them to the house, as he would probably be up until they came; that he waited for their return until about 4 o'clock in the morning, when they came; that he admitted them to the house, and that after they entered there was a conversation between them in his presence in reference to money that they had, and that some feeling was manifested because one had received $50 more than the other—one seeming to feel pretty hard that he should not have had as much as the other; that they had money in their hands, in rolls, which the witness saw, but were not counting it; that he thought the respective amounts mentioned by them as having been received were $300 and $350; that he was not acquainted with them, and fixes their identity by the circumstances mentioned and others; and that in his mind he connected the fact of the possession of that money with rumors in the community that money was being used to influence votes for United States Senator.

Not from any remarks made by the men, but because of existing circumstances. Would you like to send this Senate out upon an inquiry of that kind? Here was this boarding-house; here were these members; here was Ohio; here was law; here were all the magistracies and all the apparatus for investigation.

James Finley Brown, of Columbus, testified that he is a brother of W. P. Brown, mentioned by Vernon E. Hanna, the witness last quoted, and lived with him; that he is acquainted with Messrs. Mooney and Roche, representatives in the Sixty-sixth General Assembly from Cuyahoga County; that they roomed at said brother's house in the forepart of the session of 1884; that the former staid during the whole session, and the latter about two or three weeks; that in the afternoon of a certain day, which, according to his best impression, was of the date that HENRY B. PAYNE was nominated for United States Senator, they asked about keys, and wanted an arrangement so they could get in that night; that his impression is they attended the Senatorial caucus that night; and that he thinks the nomination of Mr. PAYNE that night was announced in the newspapers the next morning.

I do not think we could convict anybody on that. Now the Ohio committee goes on:

The committee has received from Mr. Mooney, by mail, his affidavit denying that he roomed or lodged at Mr. Brown's "establishment" on the night of the Democratic Senatorial caucus, and stating that he had not previously lodged or visited there, and did not go there to lodge for several days thereafter.

I wish to make no reflection upon this committee of Mr. Cowgill. I do not quite agree with the views of the Senator from Maine that there was not much merit in the action of the committee. I do not know the circumstances or Mr. Cowgill's general repute for ability, but I must say that I think he was very respectable and candid.

But in the affidavit he omits to state where he was the night of the caucus.

Meeting the question whether he was in that house, saying not only that he was not there that night, but he had not been ever before and did not go till days after. Is it not more like Dogberry than the administration of justice to mark and note that this man did not state where he was that night? I do not want to convict Mr. Cowgill of impropriety, but I only want to show what little confidence is to be given to this general observation. Now I want to show you what the minority report of the Ohio house committee was on this matter:

Touching the testimony of one V. E. Hanna—

And this is very well worth considering—

Touching the testimony of one V. E. Hanna, from pages 384 to 405, inclusive, of the stenographer's copy of testimony, where he undertakes to give positive evidence, on page 384, in answer to the sixth question, he gives four distinct and positively contradictory statements, as follows:

"Q. Were you in the city of Columbus on the night of the Senatorial caucus?"

"A. I was; I can not say whether it was the night of the caucus or not; but I was here at that time; I might have been out of town that particular night, as I have forgotten the date of the caucus."

All reverted to that day, fixed in his testimony about his sitting up for them, because they were going to the caucus and they had not keys,

and he would not keep the landlord up, but he would sit up and let them in; and he did sit up and he did let them in at 4 o'clock in the morning. I do not know whether Mr. Mooney spoke the truth or not; but I know that Mr. Hanna did not speak the truth that time, and Mr. Mooney is entitled to every credit.

I will read one other passage to show you the nature of what is thrown out at large about the liberality of the display of money. Well, well, these gentlemen, if they were engaged in a business transaction jealously watched and greatly resented, did go to work in a very queer way, because they had been prosperous, were presumed to be sharp people, and I suppose they were. I never saw them; I do not know who they are; except from the relationship of one to the Senator by his name I should not know anything about him at all, and never expect to see him, except by chance, which may happen to all men. They had this place where anybody could get in that chose, and the demonstration of money was profuse; and then, strange to say, after it was all over and after the press had opened on them from the 9th of January to the 25th, they went around saying how much this senator or that representative got—that is, it was reported they said so; there is no proof that they said so—and the total amount expended was stated to be from $65,000 to $100,000. Whether Mr. Paige is a wise man or a fool I do not know. I should think the Senator and the Senator's son-in-law would know whether he was a fool and an ass or not. Here is a nice little piece of evidence that has been insisted on as showing the magnitude of the demonstration as to money; and as this narrative is complete, let me read it:

James Boyle—

I do not read from the testimony at large, but from the committee's report—

James Boyle, correspondent of the Cincinnati Commercial Gazette, testified that a business man in the city of Columbus related to him the following in substance: He—

That is this business man—

had just that day come down from Akron; that a button had come off his coat; that he had gone into a small tailor-shop, kept, he thought, by a Hebrew.

That is the only identification of the shop or the man, that he thought it was kept by a Hebrew. I suppose, then, it was not kept by a Christian.

While sitting behind the stove, waiting for the button to be sewed on, a young man burst into the store and, in an excited manner, ran to the proprietor of the store—

That is, the Hebrew—

and said he had had a wonderful experience in Columbus. * * * From the talk of this young man he was an employé of Mr. David R. Paige.

That is the entrance; we have got to that.

He stated that Mr. Paige thought it better for him to come down and attend to the store (Mr Paige keeping a store at Akron, and Mr. Paige being then in Columbus working in the interest of Mr. PAYNE).

So if he was an employé he was an employé in that store. I do not know what it was, whether it was groceries or hardware.

The young man said he had never seen so much money together as he saw in an inner room attached to the room occupied by Mr. PAYNE as headquarters. He said that he was the one who passed the members of the Legislature in to get the money. He raised his hands [illustrating] and said the money was in stacks.

Boyle is pointed out as a correspondent of the Commercial Gazette, of Cincinnati. I do not decry his value at all. A business man of Akron told him that he went into a tailor's shop to get a button sewed on, and a young man rushed in and he thought from what he said that he was in Paige's employ, and then he went on to say what he has said, expressing his wonder at the amount of money. Now, let the boy, or the Hebrew, or the business man tell us about these facts. When one man sees stacks of money they must have been seen by some others; and one man got in, not by mistake, because every one was invited to go in, and he says he thought he saw something sticking out that looked green; he thought it was some advertisement, but he picked it up and found it was a twenty-dollar bill.

Mr. President, I have forborne, in the exhibition of this testimony, picking it out in detail. I have presented the whole in the report that we have signed after it was sifted, stated in the language used by the committee of Ohio. Judge ye whether we are in fault for not going further than that committee did. I show you the Legislature in their respective resolutions plant themselves on the record, plant themselves on the newspapers, plant themselves on rumor, and after we have formed our opinion they produce for us nothing more than requests and a representation of what it was expected might be proved.

Mr. President, the resolution we have presented is that upon what now stands before us, the investigation should not proceed. We have not declined to examine and fairly weigh everything that was presented to us; and here you have the conclusion of seven out of nine, and the minority put their ground, as it seems to me, upon principles distinguishable from the established principles of law, and upon reasons and facts not disclosed in the evidence.

I then put it to you distinctly, that by the recognized authorities found in the records of your election cases, the question is settled in regard to the degree of weight required to inculpate a Senator of personal misconduct. In the case of Humphrey Marshall, although he himself desired that the investigation should be made, the Senate concluded that that could not give it a right and duty to investigate. We have always demanded that people who have charges to make against Senators shall put them in sincere, in secure, and in definite form.

Then if you proceed to the Pennsylvania election as to the Senator from that State in 1857 it was settled that a definite statement should be required that should carry proof or proposition of proof or concurrence of proof that it covered a sufficient number of votes to change the seat of the inculpated member. So in the Bogy case and in the Kansas case. You find in the record of these examinations that there has been a special complaint in every case except a very peculiar one which I know very little about, the case of Pomeroy, which seems to have been investigated in 1872 as to a charge in regard to an election as far back as 1867. Senators may correct me if I am wrong, but I believe that is the only exception where there have not been present investigations by a resolution on the state of things as then present.

Mr. President, I have no occasion, my colleagues have no occasion, to justify or defend our action. We are here; everybody knows it. We are members of the Senate; we are members of the committee; we have made our report, and we have spread out our reasons; we have given you our views of the condition and of the duty of the Senate; we have given you our views of the evidence; we have expressed our views of the desires that have been superadded in resolutions of the eminent and best considered presentation by the two Houses, the presentation of a committee of a political party, the presentation of the convention of the newspaper editors. I disparage them not; I give them their weight; I do not detract from them; but they all fall short of the character required to give any augmentation of proof.

I implore you then to stand upon the firm ground that we are the judges of when we should be moved to proceed further or to stop in the examination. We do not need any enlargement, any definition, any assurance, any application; but as we stand here we stand together that on the evidence presented, if nothing further was shown, we should not act. We differed as to whether upon request or demand, honorable and valuable demand, a further investigation should be made. I implore you then to stand upon a basis that will comport with a just determination, that will be a good rule and a good law, that will prevail whether the Republicans shall be in the minority or in the majority. I wish to hold the Democratic party when they shall be in the majority to the sound, sensible rules adopted in previous determinations, and however liberal and however inviting may be the field of argument and of persuasion that where there is prevalence of opinion we should surrender our judgment, or adopt the rule that what is asked for must be granted because it is asked for by respectable sources, by honorable men, and by measures of argument that are entitled to respect.

If this matter, resting thus as it has for two years since the first institution of the complaints, is again to be presented upon investigation through the courts or through the Legislature, our attention will be called to it; but we are not responsible for a deficient and a doubtful estimate of the testimony that we have got coupled with the fact that it is the only testimony presented as affecting the election. We are not to depart from that and take up new demands.

And now let us say a word by the way, that we are not insensible at all in regard to the mischiefs and the evils of corruption. We can not be saved from them merely by good laws. Unexecuted good laws do not help us. They do not maintain themselves; they do not promote purity; they are not a terror to the evil doer. Executed law is the measure of the law and of the policy and of the wisdom of a nation. The way to discourage is to punish. The way is to separate it from political consideration, nor make pursuit and your vindication and your punishment wait upon the settlement of other considerations, however great and important. Punish the man that bribes; punish the man that is bribed; then you do touch the evil; then the honor of your State, then the safety of your State, then the duty of your State are all served. But a readiness to be indifferent, to be silent, to be careless, and to be uncircumspect in the maintenance of the general administration of your domestic laws, is not the way to maintain honor or to promote security. We shall fall, if we fall in our general scheme of government, not by just, firm, humane legislation; we shall fall by amplifying the pages of the statute-book and leaving unpunished the violators of those laws. *Corruptissima in republica, plurimæ leges* is the maxim of philosophy and history.

I commend these considerations not only to the great State of Ohio but to all the States of the Union. I commend them to the attention of the party to which I belong. I propound them to the party that opposes those views of politics which I espouse and maintain. Do not think that the details of law can ever be wisely adjusted and only an appeal for signal and prominent instances of attention to execution of rightful purposes when larger considerations are exhausted.

I follow the law and the fact and the truth here and elsewhere. On that position the Senate never can be shaken in the opinion of itself or of its country.

Mr. HARRIS. I understand the question is on the resolution.

The PRESIDING OFFICER (Mr. SEWELL in the chair). The question is on the amendment offered by the Senator from Massachusetts [Mr. HOAR].

Mr. HARRIS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TELLER. Will the Chair have the question stated so that the Senate may understand just what the vote is?

The PRESIDING OFFICER. The amendment offered by the Senator from Massachusetts from the minority of the committee will be stated.

The Chief Clerk read as follows:

Resolved, That the Committee on Privileges and Elections, or any subcommittee thereof, be authorized to investigate the charges affecting the title to the seat of Hon. HENRY B. PAYNE, and to send for persons and papers, administer oaths, and employ a clerk and stenographer, and to sit during the recess of the Senate; and that the expenses of the investigation be paid out of the contingent fund of the Senate.

Mr. HOAR. Mr. President, I do not think I ought to consume what remains of another day by exercising even the privilege which I reserved to myself last night to reply to what should be new in the argument of the Senator from New York. The fall of the year is approaching, the golden-rod is in blossom in the meadows in Massachusetts, and the chirp of the autumn cricket is coming into our windows. I have been at work here hard, night and day, since the beginning of December, and for one I long to enjoy what to most of the Senate as to me is the chief reward of labor, the chief delight of living, to go home and see my folks. I do not wish, therefore, to prolong this debate, even under the temptation of replying at length to the Senator from New York.

I may perhaps be indulged in occupying two minutes in saying what seems to me to be the sum and substance of that honorable Senator's argument, stripped of its emotion, its passion, its eloquence, its wit, its moral exhortations, which he must permit me to say seem strangely out of place on the side on which they are invoked.

His argument reduces itself to these two propositions, and I desire to submit them to the lawyers of the Senate: First, knowledge should precede investigation, not follow it. That is his first postulate. The second is, that the people of the whole country are not so concerned in the question whether their lawmakers sit in the Senate by incorrupt title as that that question should ever be investigated in their behalf if the people of a State have been remiss or tardy in investigating the matter themselves. If any other proposition can be found left after the Senator's argument has been in alembic, I do not now think what it is.

Mr. President, I wish, however, to say a word in regard to one matter of detail with respect to what the Senator said as to the reading of the Ohio proceedings and the jurisdiction of the Ohio committee. He concedes that the house of representatives of Ohio did not delegate to their committee any jurisdiction upon this inquiry. They proceeded under a recorded resolution confining their inquiry to the guilt or innocence of four men. That he does not deny, although he has read one passage in which they say that they looked into the general matters of the election in order to get a general view of the situation. He does not deny either that they did not express and did not undertake to express any opinion upon the question of the election one way or the other.

So he bases that part of his argument upon the failure to draw a particular conclusion or to develop a particular fact by a tribunal to whom no jurisdiction over the question was committed, and who never proceeded to attempt to arrive at a decision upon the question themselves.

Mr. President, I sympathize with the feeling which the honorable Senator has expressed as well as his colleagues who signed the report, in regard to the bitter attacks which have been made upon their position. I value the good name and reputation with the people of the United States of the gentlemen who signed the report as they value their own. The reputation of the Senator from Illinois [Mr. LOGAN] is not only dear to his countrymen, growing out of distinguished and illustrious military service, but it is one of the treasured possessions and the most valued forces which are among the resources of the party to which I belong for its future action. I need not say that I have the pride and pleasure not only of a countryman but of a kinsman in that of the honorable Senator from New York. I believe that the attacks which have been made upon those three Senators are at this moment the strength and the sole strength, even after having heard their arguments, of the cause which they advocate. Stripped of the desire on this side of the Chamber, stripped of the desire on that side of the Chamber to stand by these three gentlemen under this most atrocious fire that has been leveled at them, I do not believe their report would command the conclusions of the gentlemen who sit in these seats.

Mr. President, it is needless to say, however that may be regretted or however natural that may be, that it is not a consideration which ought to move Senators in making a precedent upon which the purity of the election of members to seats in this body is hereafter so largely to depend.

I will not say that the adoption of this majority report will be a disgraceful fact; that would not be parliamentary or courteous or proper; but I do say that looking at the truth as it is given to me to see it, it will be the most unfortunate fact in the history of the Senate.

The PRESIDING OFFICER. On the adoption of the amendment reported by the minority of the committee the yeas and nays have been ordered.

Mr. LOGAN. Which is the vote to be taken on?

The PRESIDING OFFICER. On the resolution of the minority.

Mr. LOGAN. Is that offered as a substitute for the majority report?

The PRESIDING OFFICER. As an amendment to the majority report.

Mr. HARRIS. In the nature of a substitute.

Mr. MCMILLAN. Let that be read.

The PRESIDING OFFICER. It will be read again for the information of the Senate.

The Chief Clerk read as follows:

Resolved, That the Committee on Privileges and Elections, or any subcommittee thereof, be authorized to investigate the charges affecting the title to the seat of Hon. HENRY B. PAYNE, and to send for persons and papers, administer oaths, and employ a clerk and stenographer, and to sit during the recess of the Senate; and that the expenses of the investigation be paid out of the contingent fund of the Senate.

Mr. EVARTS. This resolution is the resolution of the minority, and the motion now I understand is that it be substituted for the majority resolution. The vote remains to be taken on the majority resolution.

The PRESIDING OFFICER. This is an amendment, practically a substitute.

Mr. EDMUNDS. Let us hear the resolution reported by the majority.

The PRESIDING OFFICER. The majority resolution will be reported.

Mr. HOAR. As I understand it, the majority accompanied their report with a motion that the committee be discharged.

Mr. PUGH. I was about to make that statement.

Mr. HOAR. That is the pending motion. To that I move as an amendment the resolution which has been read.

The PRESIDING OFFICER. The conclusion of the majority report will be read.

Mr. PUGH. I made the motion that the Committee on Privileges and Elections be discharged from the further consideration of the subject in conformity with the precedents.

Mr. EDMUNDS. I should like to hear from the authentic report.

Mr. PUGH. The proposition of the Senator from Massachusetts is an amendment of that motion.

Mr. EDMUNDS. I should like to hear the report made by the committee read; what it is that they recommend.

The PRESIDING OFFICER. The conclusion of the report will be read.

The Chief Clerk read as follows:

Your committee having made a protracted and exhaustive examination of the matters referred to them, report:

First. That HENRY B. PAYNE has not been charged with having anything to do personally, or with having any personal knowledge of, connection with, or participation in any act, or anything that may have been done, or charged as having been done, that was wrong, criminal, immoral, or reprehensible in his election; that no member of your committee, and no witness, representative, or other person, has expressed the opinion or intimated any belief or suspicion that HENRY B. PAYNE is or was connected in the remotest degree, by act or knowledge, with anything that was or may have been wrong, or criminal, or immoral in his election.

Second. A majority of your committee report that on the whole case as presented to them they recommend that the Senate make no further investigation of the charge involving the right of HENRY B. PAYNE to his seat.

Your committee ask to be discharged from further consideration of the matters referred to them, and that the whole subject be indefinitely postponed.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Massachusetts [Mr. HOAR].

The Secretary proceeded to call the roll.

Mr. DOLPH (when his name was called). On this question I am paired with the Senator from Colorado [Mr. BOWEN]. If he were here, I should vote "yea."

Mr. GEORGE (when his name was called). I am paired with the Senator from New Hampshire [Mr. PIKE]. If he were here, I should vote "nay."

Mr. KENNA (when his name was called). I vote "nay." I was paired with the Senator from Minnesota [Mr. SABIN], but have transferred that pair to the Senator from Nevada [Mr. FAIR], but information has come to me that the Senator from Minnesota has stated that both gentlemen would vote the same way. So I have taken the liberty to transfer the pair of the Senator from Nevada to the Senator from Iowa [Mr. ALLISON]. I vote "nay." The Senator from Iowa is paired with the Senator from Nevada on all questions connected with this case.

Mr. PLUMB (when Mr. MORGAN'S name was called). The Senator from Alabama [Mr. MORGAN] is paired generally with the Senator from Colorado [Mr. BOWEN], both of them being absent, but on this question the Senator from Colorado is paired with the Senator from Oregon [Mr. DOLPH].

I have been requested to state in connection with the pair of the Senator from Alabama on two other questions that he seems to think the pair in his absence has not been sufficiently stated, that he would have voted against the Hennepin Canal amendment and against the oleomargarine bill. He thinks in his absence that matter has not been stated sufficiently. In connection with his pair on this question, I will ask that that be put into the RECORD also. On this question the Senator from Alabama is paired with the Senator from Wisconsin [Mr. SPOONER].

Mr. SAULSBURY (when his name was called). I have been paired for some time with the Senator from Vermont [Mr. MORRILL]. I had a telegram from him last evening, saying to me that I might vote on this question as I saw proper, as he had no information sufficient to base any fixed opinion upon. I therefore vote "nay."

The PRESIDING OFFICER (Mr. SEWELL). The present occupant of the chair will state that he was paired with his colleague [Mr. MCPHERSON], but believing he would vote "nay" on this question, the Chair votes "nay."

Mr. SPOONER (when his name was called). On this question I am paired with the Senator from Alabama [Mr. MORGAN]. I understand if he were here, he would vote "nay." If he were here, I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 17, nays 44; as follows:

YEAS—17.

Blair,	Hale,	Mahone,	Sherman,
Conger,	Harrison,	Manderson,	Wilson of Iowa.
Dawes,	Hawley,	Mitchell of Oreg.,	
Edmunds,	Hoar,	Palmer,	
Frye,	McMillan,	Platt,	

NAYS—44.

Beck,	Colquitt,	Jones of Arkansas,	Sawyer,
Berry,	Cullom,	Jones of Nevada,	Sewell,
Blackburn,	Eustis,	Kenna,	Stanford,
Brown,	Evarts,	Logan,	Teller,
Butler,	Gibson,	Maxey,	Vance,
Call,	Gorman,	Miller,	Van Wyck,
Camden,	Gray,	Plumb,	Vest,
Cameron,	Hampton,	Pugh,	Voorhees,
Chace,	Harris,	Ransom,	Walthall,
Cockrell,	Hearst,	Riddleberger,	Whitthorne,
Coke,	Ingalls,	Saulsbury,	Wilson of Md.

ABSENT—15.

Aldrich,	Fair,	Mitchell of Pa.,	Pike,
Allison,	George,	Morgan,	Sabin,
Bowen,	Jones of Florida,	Morrill,	Spooner.
Dolph,	McPherson,	Payne,	

So the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the adoption of the majority report.

Mr. HOAR. I demand the yeas and nays.

The PRESIDING OFFICER. On that question the yeas and nays are demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from Nevada [Mr. FAIR].

Mr. DOLPH (when his name was called). I announce again my pair with the Senator from Colorado [Mr. BOWEN]. If he were here, I should vote "nay."

Mr. GEORGE (when his name was called). I am paired with the Senator from New Hampshire [Mr. PIKE]. If he were present, I should vote "yea."

Mr. SPOONER (when his name was called). I announce again my pair with the Senator from Alabama [Mr. MORGAN].

The roll-call having been concluded, the result was announced—yeas 44, nays 17; as follows:

YEAS—44.

Beck,	Colquitt,	Jones of Arkansas,	Sawyer,
Berry,	Cullom,	Jones of Nevada,	Sewell,
Blackburn,	Eustis,	Kenna,	Stanford,
Brown,	Evarts,	Logan,	Teller,
Butler,	Gibson,	Maxey,	Vance,
Call,	Gorman,	Miller,	Van Wyck,
Camden,	Gray,	Plumb,	Vest,
Cameron,	Hampton,	Pugh,	Voorhees,
Chace,	Harris,	Ransom,	Walthall,
Cockrell,	Hearst,	Riddleberger,	Whitthorne,
Coke,	Ingalls,	Saulsbury,	Wilson of Md.

NAYS—17.

Blair,	Hale,	Mahone,	Sherman,
Conger,	Harrison,	Manderson,	Wilson of Iowa.
Dawes,	Hawley,	Mitchell of Oreg.,	
Edmunds,	Hoar,	Palmer,	
Frye,	McMillan,	Platt,	

ABSENT—15.

Aldrich,	Fair,	Mitchell of Pa.,	Pike,
Allison,	George,	Morgan,	Sabin,
Bowen,	Jones of Florida,	Morrill,	Spooner.
Dolph,	McPherson,	Payne,	

The PRESIDING OFFICER. The resolution reported by the majority of the committee is adopted. [Applause in the galleries.]

Mr. EDMUNDS. Let us have order, Mr. President, or let the galleries be cleared.

Mr. LOGAN. Mr. President, I received a telegram this morning from the lieutenant-governor of Ohio in which he desired me to have published in the RECORD his letter in full from which I read extracts the other day in my remarks. I ask permission that it be done.

Mr. HOAR. Let it be read.

Mr. EDMUNDS. I want to know what is going into the RECORD. Let it be read if it is to be put in the RECORD.

Mr. LOGAN. If gentlemen want it read, certainly let it be read. Mr. Kennedy has already published it in all the Ohio papers and he sent a slip to me. I have not even compared it with the letter to see whether it is correct.

Mr. HOAR. The Senator will pardon me. An extract from that letter has been read and commented upon. I was shown by a member of the Ohio delegation in the other House a copy of that letter, and it seemed to me, taking it altogether, a kindly and affectionate letter, which did justice to the Senator, and I think it ought to be read in the hearing of the Senate.

Mr. LOGAN. I am not objecting to its being read, but the remark of the Senator is entirely uncalled-for about the kindness of the letter. I had said nothing about that letter. I was only going to say that I had no objection to its going into the RECORD. I took the extracts from the letter that censured me and read them here. Now I am willing the whole thing shall be read. If the gentleman thinks it will do any good to hear it, he can have it read as often as he pleases; I have no objection. If it will do the lieutenant-governor of Ohio any good anywhere on earth, I hope he will have it published all over the United States if that will benefit him.

Mr. HOAR. Let it be read.

The PRESIDING OFFICER. The paper will be read.

The Chief Clerk read as follows:

Full text of the letter of General Bob Kennedy to Senator LOGAN, only a portion of which the latter presented in his speech yesterday.

BELLEFONTAINE, OHIO, *June* 26.

DEAR SIR: You have not had in all Ohio a warmer or more devoted friend than myself. From my early acquaintance in the Army, renewed in 1878 during our campaigning in Ohio, and until this hour, I have been one of your admirers, and my chagrin at your failure to secure the Presidential nomination in Chicago in 1884 was not appeased by your nomination to the Vice-Presidency by that convention. The soldier element of Ohio has of late joined with me in an earnest admiration of your services and fearlessness, and I am persuaded that Ohio, without any forgetfulness of her own distinguished sons, would have given you a warm and hearty indorsement by her vote for the Chief Magistracy, if opportunity had offered. For all these personal reasons I am led to deeply regret that your judgment has led you to cast a vote upon the question of the investigation of the shameful frauds perpetrated in the election of HENRY B. PAYNE to the United States Senate which will forever prevent an inquiry into them. By what road of inquiry you were led to such conclusions I am at a loss even to guess.

The infamy and outrage of this well-known purchase, established long since to the satisfaction of every Republican of Ohio, and acknowledged and charged by one-third of the Democratic newspapers, and one-half of the Democrats of Ohio, are so flagrant and open as to cry for speedy and merited rebuke. Covered up as it has been by the most infamous perjury, yet its glaring villainies were so exposed that they asserted themselves in spite of false swearing and cowardly flight, and it has become to the people of Ohio the one great crime of their State demanding investigation, exposure, and punishment. I do not think I make the assertion too broadly when I say that your vote upon the question will be disapproved by every Republican in Ohio not a purchased and hired defender, and by at least one-half of the members of the Democratic party of this State. There have been so many charges of tampering and corruption with those whose duty it was to investigate the matter that I should say to you frankly that such charges have also been made against the committee of the Senate charged with the duty of determining this question of an investigation.

I am free to say that the matters which have come to my knowledge have led me to believe that the coal-oil gang thought that their money was sufficient to protect them under all circumstances, and that no one was too high and exalted to have his price. To such an end and to such a point had they come that the debauching of legislators in the securing of votes they regarded as among the easiest of their conquests. To say that Ohio is astonished at the report brought by telegraph from Washington that the Senate committee, by the vote of 7 to 2, had determined not to investigate, and that 7 including your vote, is to put it mildly indeed. And the telegraphic report says you desired your vote kept secret. I do not wonder much at that, and that any one who would vote to permit a man to keep his seat in the United States Senate after it had been purchased by infamy and outrage and corruption should desire his vote to be kept secret is a part of the eternal fitness of things. It is strange that the Democratic caucus, purchased by so much money and evidenced by so much corruption, should also have desired the votes of that caucus kept secret after it had venally declared in favor of HENRY B. PAYNE. I maintain this simply to be an unfortunate coincidence.

Your reasons may be good and satisfactory to yourself, but unless you can give them to the people of Ohio, not in secret, but by open and outspoken words, justified by good and sufficient reasons, they will not hesitate to condemn you and leave upon you the suspicion of undue influence. You were to a great number of the people of Ohio a political idol, and they would have hailed your elevation with delight, but I do not believe that your nomination would meet with a hearty indorsement, and I doubt if it would be possible for you, if nominated, to carry the election in this Republican State, so thoroughly do the honest people of this State condemn and despise fraud of every description that they are not in any mood to justify or excuse those who are patient with or ready to overlook or palliate it. This untold infamy has so cried out for punishment, and the people of the State have become so much inflamed by such open, notorious, and boasting frauds, that their patience has been entirely exhausted. I do not know what could be said in defense of a man who holds his seat in the face of open and formulated charges of bribery and corruption, and those charges made not only by his political opponents, but by members and newspapers of his own party, and who has neither demanded inquiry nor courted investigation, so that he might show them to be false and demonstrate his own honesty and integrity and the honesty and integrity of his seat, but who contents himself under such charges to remain silent while his hirelings are moving heaven and earth to put an end to all inquiry and investigation.

A sensitive man, and one thoroughly imbued with a knowledge of his own innocence, would have been the first to demand a speedy investigation and justification, and would have scorned to hold a seat tainted by fraud. But this man, whether by his own election or by the advice of those who know of the infamy surrounding the purchase of his seat, chooses to remain silent, and thus tacitly admit to the world his guilt. Is it wonderful that under such circumstances the people of Ohio are not enthused over your vote, and are questioning its justification and the reasons that impelled it? I challenge any man to find a single Republican in Ohio who will indorse your action, unless that man has been in some manner purchased by the frauds of the most infamous grade of political knaves this or any State ever knew, and I know that neither price nor money was permitted to be spared to accomplish these nefarious ends. Paid

attorneys and purchased lobbyists are laboring for the covering up of their infamies, and now the Senate, to put over them the cloak of virtue. God help the country when it can not depend upon such as you. This infamy cries out for justice, and not for covering up of crime. And you are the one to whom the people looked with assurance of confidence, and in this sublime hour you ask that your vote may be kept secret from the people.

If HENRY B. PAYNE was rightfully elected as a Senator from Ohio, no harm could possibly come from an investigation into the frauds charged against him, but upon the contrary, he would have been offered every opportunity to have proven them false, and to have justified himself and established his integrity. His course and the course of the Senate committee are equally unjustifiable. It is simply saying to fraud and infamy, no matter how glaring, the cloak of Senatorial courtesy, if not the cloak of Senatorial purchase, can hide it from view. It is simply a prisoner whose guilt is undoubted, and whose conviction is assured, but who has availed himself of the technicalities of the law to quash the indictment, and has escaped by reason of informality, but in the judgment of the people of Ohio he stands condemned already, and his excusers and defenders find no sympathy with the honest and fair-minded people of this State. I regret that you have so shaken my faith in your judgment, and have so speedily overthrown one of my political idols. With the hope that you may have better reasons for your vote than I think it possible for you to have, with kind regards, I am

Yours, very truly,

ROBT. P. KENNEDY.

General JOHN A. LOGAN,
United States Senator, Washington, D. C.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 8328) defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine.

The message also announced that the House further insisted upon its disagreement to the amendment of the Senate to the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors; asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIS, Mr. BLANCHARD, and Mr. T. J. HENDERSON, managers of the further conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 9208) to permit the entry free of duty of foreign goods for exhibition at the fourth biennial exhibition of the United States Bottlers' Protective Association; in which it requested the concurrence of the Senate.

RIVER AND HARBOR BILL.

Mr. MCMILLAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7480) "making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," having met, after full and free conference have been unable to agree.

S. J. R. MCMILLAN,
O. D. CONGER,
MATT. W. RANSOM,
Managers on the part of the Senate.

A. S. WILLIS,
NEWTON C. BLANCHARD,
THOMAS J. HENDERSON,
Managers on the part of the House.

Mr. MCMILLAN. I move that the Senate insist on its amendment and agree to the further conference asked for by the House.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. MCMILLAN, Mr. CONGER, and Mr. RANSOM were appointed.

BOTTLERS' PROTECTIVE ASSOCIATION EXHIBITION.

The bill (H. R. 9208) to permit the entry free of duty of foreign goods for exhibition at the fourth biennial exhibition of the United States Bottlers' Protective Association was read twice by its title.

Mr. HOAR. I ask that the bill may lie on the table.

The PRESIDENT *pro tempore*. The bill will lie on the table.

CLAIMS OF VOLUNTEER SOLDIERS.

Mr. COCKRELL. I offer the following resolution:

Resolved, That the Secretary of the Treasury be directed to certify to the Senate the claims of the volunteer soldiers adjusted by the accounting officers of the Treasury since his last report of such claims and up to July 20, 1886, latest day possible.

Mr. EDMUNDS. Let that go over; I should like to hear it explained in the morning.

Mr. COCKRELL. It is simply to get for use on the deficiency bill the allowances made to the soldiers, their widows and orphans, in order that they may be paid.

Mr. EDMUNDS. I do not object to it as now explained. I merely wanted to save time on the appropriation bill.

The resolution was considered by unanimous consent, and agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the sundry civil appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9478) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

Mr. ALLISON. I desire to say to the Senate that at 6 o'clock I will move a recess until 8 o'clock, hoping to finish the bill to-night. I hope Senators will consent to a recess at 6 o'clock and will be here promptly at 8 o'clock, and I believe if so we can complete the bill to-night.

The PRESIDENT *pro tempore*. The reading of the bill will commence where it was left off.

Mr. BECK. I shall vote for a recess, but with no hope of closing the bill to-night. I do not propose to discuss any matters in it except those questions the House has sent over to us in regard to the change of our currency, our certificates, and those matters. In regard to them I propose to be heard at some length. I do not think we can discuss them to-night.

Mr. CONGER. I rise to a point of order. I was unable to hear a sentence or hardly a word of what the Senator from Kentucky said. If it is important I should like to hear it.

Mr. BECK. I remarked that while I desired to progress with the bill and was willing that we should take a recess from 6 to 8 o'clock, I did not regard it possible to finish the bill to-night. The House sent over very important propositions relative to all the questions of our coinage and currency and the use to be made of silver certificates, upon which I expect to be heard and heard at some length, and I do not intend to discuss them to-night.

Mr. ALLISON. I now move that at 6 o'clock the Senate take a recess until 8.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that at 6 o'clock to-day the Senate take a recess until 8 o'clock p. m.

The motion was agreed to.

The CHIEF CLERK. The Committee on Appropriations report to strike out the clause from line 1861 to line 1869, inclusive, as follows:

Washington Monument: For completion of the Washington Monument, namely: For earth filling and grading around the monument, filling pond just north of monument, office expenses, including rent of necessary office rooms, and for each and every purpose connected with the completion of the monument, $57,000, to be expended under the direction of the joint commission created by the act of August 2, 1876.

Mr. INGALLS. I wish the chairman of the committee would explain upon what ground that proposition was stricken out. It appears to me that, the monument having been completed in its structure, provision should be made as was contained in the bill as it came from the House for necessary work at the base for its protection. There may be information before the committee that has not been communicated to the Senate, but in absence of other knowledge than I now possess I should be inclined to vote against this amendment.

Mr. ALLISON. The provision as it came from the House appropriated $57,000, and it will require $107,000 to make the improvement that is suggested by the engineer in charge.

Mr. INGALLS. Is that the earth-work, or is the plan that has sometimes been suggested, of an ornamental structure about the base with bronze cannon, included in the $107,000?

Mr. ALLISON. No; the $107,000 will be required to complete the earth-work as suggested by Colonel Casey. A portion of the committee thought it unwise to fill up the grounds in front of the monument.

Mr. INGALLS. Babcock Lake?

Mr. ALLISON. It is necessary to fill up that lake or a portion of it in order to carry out the general plan of Colonel Casey, and so the committee thought that for the present they would make no appropriation. That is all there is in it. If any appropriation is made it should be $107,000, so as to complete the work. The amount appropriated by the House, I will say, can not be economically expended.

Mr. EDMUNDS. This grand monument having been completed as a work, it only remains to build its surroundings. At a meeting of the Washington Monument Society held last spring, when a great many Senators and members of the House were present by invitation, the engineer in charge of the work, who has been so successful in carrying it to its great height with very little of accident and with great economy, stated to all the people who were present the two views of having an ornamental stone-work around it and a grass slope, and pretty much everybody there was of opinion after his explanation that the grass slope would be the best.

Then the matter of the security of the monument in respect of its being undermined or thrown out of perpendicular was discussed, and Colonel Casey explained the effect of this pond directly north of the monument, and only a few hundred feet distant, and that was that continually going into that pond were sand and fine particles of earth coming from water that came from the direction of that monument, and that every particle of sand, and every bushel of sand, and every load of sand that came was slowly, month by month and year by year, coming from somewhere, as we can readily understand.

The base of the monument, the lower part of its foundation, is a little above this lake as it is called, and the fair presumption was, as stated by Colonel Casey, that this fine quicksand, which it is, which was continually coming down in these streams into that lake came from under there, and that it was a question whether by and by so much would not have been filtered out as to render the foundation of the monument on one side or the other insecure, and that it would begin to settle, and that therefore it was necessary to take the thing into consideration, and that it ought to be stopped.

The object is to stop this filtering of sand from the direction of that

monument, this water that exists under it, and in which the very bottom of the foundation stands and above the level of this lake. It should be prevented from flowing in that direction by filling up that lake solid, so that this flow of underground water there should be stopped.

In that state of information, which was given to me as one Senator and to a great many other gentlemen who were there, it seems to me to be of the utmost importance, if we are to preserve against all possible contingencies that magnificent structure, I think, on the whole, the finest in the world, certainly of its kind, or of any kind for the purpose for which it was designed, that we ought not to hesitate to appropriate all the money that is necessary and do it now, and stop this quicksand from coming from the direction of the base of that monument; and every month and every year that we delay that we are exposing the monument, and ourselves in the end, to the peril of having the thing begin to slant over. Therefore, whatever sum is necessary to it I wish to vote now, to put a stop to that continual drain of sand that comes from the under side of the base of the monument. I hope the Senate will not agree to this amendment.

Mr. INGALLS. I move to amend the part proposed to be stricken out in line 1866 by striking out the word "fifty" and inserting the words "one hundred and;" so as to read: "Connected with the completion of the monument, $107,000," which the Senator from Iowa states is the amount estimated by Colonel Casey, the engineer, as necessary to complete this work and insure its stability. I am quite clear that if the Senate understood the importance of this work, and if they had all heard the statement of Colonel Casey on the 22d of February last, to which the Senator from Vermont has referred, there would practically be no objection to this amendment.

After having expended a million dollars in the erection of this great structure, it certainly seems a very foolish and frivolous policy to permit even the possibility of its being undermined with this subterranean infiltration and ultimately destroyed. Every moment is valuable. More or less of this sand is being subtracted from the foundation by every quart of water that flows north into that lake.

I ask the Senator from Iowa not to interpose an objection to this amendment, and let us see if we can not obtain the amount necessary to accomplish this work.

Mr. DAWES. I think there was no objection on the part of any member of the committee to doing everything that is possible for the security of the monument, and I think every member of the committee appreciated the necessity of putting a stop to this filtration, however inappreciable it may be, looking to the future and the results; but there was a difference of opinion in the committee whether that entire lake should be filled up or only a portion of it, and it was that difficulty which was encountered in the committee.

Mr. EDMUNDS. The only safety is to fill it all up.

Mr. DAWES. For my part, I would desire to see the whole lake filled up and to have the approaches to that monument made without regard to the presence of the lake, just as it would be if it were not there. The lake is so inconsiderable an item in considering the question as to how the approaches to the monument shall be fixed and ultimately provided that I think it ought not to stand in the way one moment.

I shall vote for the amendment proposed by the Senator from Kansas.

Mr. HALE. If the House proposition is to be amended and then accepted, it ought to be further amended, in addition to the amendment proposed by the Senator from Kansas, by adding to the end of it the words:

Provided, That the work of filling the pond to the north of the monument shall not commence before December 1, 1886.

That would give ample opportunity for the pond to be cleared by Professor Baird and his assistants of any fish, or whatever they may have there, and would not interfere with their work. I presume there would be no objection to this. In fact, Colonel Casey when consulted stated to the committee that such a limitation of this work would not in any way interfere with his general plan.

The committee examined Colonel Casey very carefully upon the subject of the danger if the lake should be left where it is, and Colonel Casey stated very clearly that while when the water was drawn down or sunk in the lake particles of sand were seen to be slowly oozing into the bed of the lake, he did not really believe that the danger was appreciable. The question was put to him in this form, whether at the distance which the monument is from the lake, 300 feet, and with an immense mass of masonry below the monument, running down 18 or 20 feet to a level almost with the line of the water of the lake, there would be any appreciable danger. The reply of this most skillful and competent engineer was clear and plain and frank, that he could not say that the danger was appreciable.

Still if there is any danger merely conjectural to so vast an enterprise, to so magnificent a monument, I think the feeling of the committee, even of those who opposed it, was that if that filling would not seriously interfere with the fish-work under Professor Baird it might be done, provided that the work should not be entered upon too soon.

Therefore I give notice, if my amendment is not in order, that after the adoption, should it be adopted, of the amendment of the Senator from Kansas I shall move to add further words at the end of the clause that the work upon this pond shall not be commenced before December 1 next.

Mr. INGALLS. It will be more agreeable to me, if the suggestions I have made meet with the approval of the committee, to have the committee adopt them and modify the paragraph in accordance with their own views. I will therefore withdraw my amendment and leave it to the committee to deal with the clause as they think best, they having more knowledge of the subject than I have.

The PRESIDENT *pro tempore*. The amendment is withdrawn.

Mr. INGALLS. With the understanding that the committee are to modify the text.

Mr. ALLISON. The committee recommends striking out this paragraph. I agree with the Senator from Kansas that if the paragraph is not stricken out I shall move to insert $107,000, because I think it is not wise to appropriate $57,000 for this work. It is of such a character that a considerable appropriation will be necessary in order to conduct the work, such as laying railway tracks along the streets and into the grounds, and it will probably require the bringing of this filling from Virginia.

Mr. EDMUNDS. It can be taken from Observatory Hill.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of tne committee [putting the question]. The noes have it and the amendment is rejected.

Mr. BECK. Mr. President, I was trying to be heard all the time.

The PRESIDENT *pro tempore*. The Senator from Kentucky.

Mr. BECK. The committee agreed to strike out the paragraph not with any idea I think of preventing any improvement of the monument grounds absolutely, but for the purpose of seeing whether some fair compromise between those of us who thought at least a portion of Babcock Lake might be preserved and those who just desired to fill it up whether it was needed or not, could be reached.

Colonel Casey, the superintendent, appeared before us and made a very full and clear statement. I took the pains afterward to go over the ground, and while I am not an engineer, it is plainly apparent that only about one-third, certainly not more than one-half, of that lake need to be filled up to accomplish all that Colonel Casey desires, and that he does not need to begin to fill it up and to kill all the fish that are there now and all that we have paid so much for. What Professor Baird relies so much upon for his next year's stock can be saved if the amendment suggested by Colonel Casey, and again suggested by the Senator from Maine, should be inserted not to fill it up till December. The only difficulty upon that point is that once or twice a year it is drawn off, and then when it is low, being below the level of the monument, there is some *débris* that Colonel Casey thinks may in some remote period endanger the base of the monument.

Mr. EDMUNDS. May I ask the Senator from Kentucky a question?

The PRESIDENT *pro tempore*. Does the Senator from Kentucky yield to to the Senator from Vermont?

Mr. BECK. Certainly; I think we all desire the same thing.

Mr. EDMUNDS. I wish to ask the Senator from Kentucky, as we are in favor of the same general thing, whether the ordinary level of this pond is not 2 or 3 or 4 feet lower than the water level that was found to exist under the base of the monument when it was filled in with concrete; and if so, whether the movement of the shore of the pond 100 feet or 200 feet further north would not leave the water level just the same?

Mr. BECK. I do not know whether when the pond is full its level is below the level of the base of the monument or not. It is within a foot or two of it. It is below it when the pond is drained.

Mr. EDMUNDS. Oh, yes; it is a great deal below then.

Mr. BECK. But when the pond is full I hardly think it is below the level. It is somewhere very near about the level.

Mr. HALE. There is about one foot difference.

Mr. BECK. About that somewhere, I think. I can not now recall it; but walls, cement, something can prevent any possibility of even the little seeping of sand or pebbles very likely. My idea is (it may be wrong) that if the suggestion the Senator from Maine has made is adopted, not to begin until December, and perhaps filling up so much of the point north of the monument as may be needed for the improvement of the monument grounds to be added, perhaps the filling of the whole pond might not even be desired by Colonel Casey.

I have only this to say, that I desire to do whatever Colonel Casey thinks is needed for the monument, but I desire to preserve whatever can be preserved of the lake which is not needed for the preservation of the monument. Having as much, I may say more, confidence in Colonel Casey than in any other officer I know, I am entirely willing to leave it to him to fill up so much of that pond as may be needed for the improvement he desires and to give him whatever money will do what he wants, provided he does not begin it before December, so as not to destroy what Professor Baird and the gentlemen of the Fish Commission have taken so much pains to preserve.

Any form which will accomplish that will meet my views and I believe it will meet the views of the committee. If this is passed over for the time being without taking time now, I believe the Senator from

Vermont, the Senator from Kansas, and the Senator from Iowa can prepare an amendment which will be acceptable to the Senate.

Mr. PLUMB. I wish to say in regard to the matter of estimates that it seems to me the estimates ought to be accompanied by a detailed statement showing what is to be done, and the cost at which it is to be done, in order that there might be some way of ascertaining whether the amount estimated for is correct or not. It is necessary in the very hurried consideration which the committee necessarily gives to these bills on account of the great delay by the House in sending them here, that the estimates should be taken in many cases without any opportunity of a detailed investigation.

When the committee came to consider the question of the repair of Anacostia and Benning's Bridges, they found an estimate contained in the Book of Estimates transmitted to Congress by the Secretary of the Treasury which they supposed, from their limited knowledge of the subject, was necessary; but when they came to investigate the matter, through the engineer commissioner of the District, they found that the estimate as contained in the Book of Estimates was largely overdrawn; that is to say, the amount was stated as being much larger than was necessary. That is evidenced by the letter of the engineer commissioner of the District on the subject, in which, referring to his estimates, he says:

The flooring of the Anacostia Bridge must be entirely replaced. * * * Colonel Wilson's estimate for this is $5,500, with lumber at $28 per thousand. Our contracts will enable us to procure this at $22, and correspondingly reduce the cost to $4,500.

That is a difference of $1,000 in that item of the lumber for flooring the Anacostia Bridge.

With regard to Benning's Bridge, the raising of the causeway may be regarded as a necessity. * * * Colonel Wilson's estimate is $10,000, but the filling is charged at 75 cents per cubic yard, whereas it should be practicable to get it done for 50 cents. This will save $1,000.

I only speak of this to show that in the hurry in which these bills are necessarily considered by the Senate, the committee and the Senate are under a certain constraint to take the estimates as they are sent in without a careful investigation as to their correctness. The repair of these two bridges under the auspices of the Engineer Department of the Army, according to this statement made by the engineer commissioner, would have cost $2,000 more than it ought to have cost.

So when we come to consider this question of $107,000, or whatever other number of dollars may be deemed to be necessary for the completion of this work, it seems to me that we ought to have something to show that the amount which is called for not only will complete the work according to the plan but that it is no more than is necessary for such completion.

Mr. EDMUNDS. What is the pending question?

The PRESIDENT *pro tempore*. The Chair understood the amendment of the committee to strike out the clause as having been disagreed to.

Mr. EDMUNDS. Then I move to amend it in view of what the Senator from Kentucky has said.

Mr. BECK. I was about to suggest that the Senator allow it to be passed over for a few moments for consultation with others and then call it up. By passing it over for a few moments perhaps we can agree to it without much discussion.

Mr. EDMUNDS. We had just as well dispose of it now. In view of what the Senator from Kentucky stated, that he wishes to save whatever of the pond he can, I move to amend the paragraph by inserting in line 1863, after the word "filling," the words "so much of the;" so as to read:

For earth filling and grading around the monument, filling so much of the pond just north of the monument—

Then to insert—

as may be needful to secure the foundation of the monument.

And then after "dollars," in line 1867, to insert "or so much thereof as may be necessary."

Mr. HALE. You want to increase the amount.

Mr. EDMUNDS. Yes; in line 1866 to strike out "fifty-seven" and insert "one hundred and seven" before the word "thousand," which I see is the estimate. I think I remember that Colonel Casey told this meeting on the anniversary day, with his statistics, how many cubic yards of earth would be required to be brought there and put in place and packed down, &c., and that the cost of it would be what he stated in the estimate.

Mr. ALLISON. There is a very full statement in a printed document made by Colonel Casey which I can not lay my hand on at this moment. The estimate of Colonel Casey is that 385,000 cubic yards will be required to complete this according to the plan, and I think his estimate is 30 cents per cubic yard. It may be 25 cents. The committee examined the estimate and were satisfied that the sum suggested by Colonel Casey was reasonable.

He said to us also that if we appropriated $57,000 now and $50,000 next year he thought the estimate would not be large enough, because in securing the necessary plant to do this work any contractor could do it for much less by having the contract now for the 385,000 cubic yards and making his plant in accord with the extent of the contract.

Mr. HALE. The chairman will remember that the subcommittee sent for Colonel Casey and examined very thoroughly into this matter, and that he showed all the estimates in detail, of the kind the Senator from Kansas [Mr. PLUMB] desires, and explained it fully to the committee.

Mr. ALLISON. I will say in response to the Senator from Kentucky [Mr. BECK] that Colonel Casey said he had not the slightest intention of interfering with this fish pond before the 1st of December, and he was entirely willing that the amendment now suggested by the Senator from Maine [Mr. HALE] should be inserted. But whether it is inserted or not the fish pond will not be interfered with.

Mr. BECK. If Colonel Casey lives it will not be interfered with. The amendment is only needed because something might happen to Colonel Casey.

Mr. EDMUNDS. I have not the slightest objection to the amendment of the Senator from Maine.

Mr. HALE. Let the amendment of the Senator from Vermont be adopted and then I will offer mine.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Vermont will be stated.

The CHIEF CLERK. In line 1863, after the word "filling," it is proposed to insert the words "so much of the;" in line 1864, after the word "monument," to insert the words "as may be needful to secure the foundation of the monument;" in line 1866, to strike out "fifty" and insert "one hundred and," and in line 1867, after the word "dollars," to insert "or so much thereof as may be necessary;" so as to read——

Mr. EDMUNDS. Then follows the amendment of the Senator from Maine, which I accept.

The CHIEF CLERK. And at the end of the clause add:

Provided, That the work of filling the pond north of the monument shall not be commenced before December 1, 1886.

So as to read:

Washington Monument: For completion of the Washington Monument, namely: For earth filling and grading around the monument, filling so much of the pond just north of the monument as may be needful to secure the foundation of the monument, including rent of necessary office-rooms, and for each and every purpose connected with the completion of the monument, $107,000, or so much thereof as may be necessary, to be expended under the direction of the joint commission created by the act of August 2, 1876: *Provided*, That the work of filling the pond north of the monument shall not be commenced before December 1, 1886.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Vermont.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1881, to insert:

Lincoln-Grant Monumental Bridge: To enable the Secretary of War to prepare suitable plans, drawings, and specifications, and to ascertain and estimate the soundings, site, and foundation for piers, and cost of a Lincoln-Grant Monumental Bridge, with suitable approaches, from Observatory Point, in the city of Washington, across the Potomac River to Arlington gate, $5,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, in the appropriations for "military posts," in line 1917, after the word "necessary," to strike out "one hundred and seventy-eight thousand eight hundred and fifty-six," and insert "two hundred and fifty thousand;" so as to make the clause read:

For the construction of buildings at and the enlargement of such military posts as in the judgment of the Secretary of War may be necessary, $250,000; $15,000 of which sum may be used for the purchase of additional land near Atlanta, Ga., for the ten-company post being erected there.

Mr. PLUMB. I should like to suggest to the chairman of the committee whether that sum should not be larger. It is less than the estimate, and it seems to me that the amount ought to be increased by somewhere from $25,000 to $50,000.

Mr. ALLISON. On looking over the papers it is thought that there should be added $25,000 to that sum. I move to increase the amount from $250,000 to $275,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1922, to insert:

Wharf at Fort Monroe, Va.: In full for the construction and completion of a permanent wharf at Fort Monroe, Va., $80,000.

Mr. MAHONE. I move to strike out all after the word "Virginia," in line 1923, and to insert:

For the construction of a new wharf and improvements for the roadway leading thereto on the Government reservation at Fortress Monroe, Va., upon plans approved by the Secretary of War, $150,000, or so much thereof as may be necessary for the purpose.

It appears that when the Committee on Appropriations inserted this item they were governed by the Book of Estimates. The committee it seems did not have before it a subsequent report and estimate submitted by the Secretary of War in respect to this object. In order that we may see what the Secretary of War says upon the subject I ask the Secretary to read what I send to the desk.

The PRESIDENT *pro tempore*. The paper will be read.

The Secretary read as follows from House of Representatives Report No. 3191 of the present session:

The War Department submitted an estimate of $80,000 for a permanent wharf at Fortress Monroe, which will be found on page 177 of the Estimates for 1877. This estimate was based upon a plan which, upon more mature consideration, was abandoned for another, with the approval of the Chief of Engineers and the Secretary of War, as will more fully appear by reference to letters herewith printed and marked respectively A and B.

The substantial changes recommended are these:

1. That the bill be amended so as to appropriate so much of $150,000 as may be necessary.
2. That authority be given to construct a new wharf instead of an iron pier.
3. That discretion be vested in the War Department to adopt such a plan for the new wharf as will best accomplish the end proposed.

It seems to be agreed on all sides that the original plan for this improvement is defective.

It is very clear that the present wharf not only does not meet the necessities of the case, but that it is in a very rickety condition, and soon will become totally useless.

WAR DEPARTMENT, *Washington City, March* 13, 1886.

* * * * * * *

In reply, I beg to invite your attention to the inclosed report of the 11th instant from the Chief of Engineers, embodying a report on the subject from Col. Q. A. Gillmore, of the Corps of Engineers, and recommending that the amount to be appropriated for the wharf in question be stated at $150,000, or as much thereof as may be necessary, and that the words "an iron pier," wherever they occur in the bill, be stricken out and the words "a new wharf" be inserted in their place.

I concur in the recommendation of the Chief of Engineers.

The papers referred to by you are returned herewith.

Very respectfully, your obedient servant,

WM. C. ENDICOTT,
Secretary of War.

Hon. JOHN V. L. FINDLAY,
Of Committee on Military Affairs, House of Representatives.

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., March 11, 1836.

* * * * * * *

Col. Q. A. Gillmore, Corps of Engineers, reports:

"The urgency of this case and the necessity for immediate action thereon renders it impossible to give mature consideration to all its features. I shall therefore mention only those few points upon which my convictions and my knowledge of the locality are comparatively clear.

"(1) Attention is invited to the fact that the act of the General Assembly of the State of Virginia contains no proviso or requirements that the United States shall 'erect a structure not only adapted to the wants of the Government, but the commercial interests of the adjoining section of Virginia, and to keep in repair the roadways leading to the same,' as stated in the communication from Hon. H. LIBBEY to the chairman of the House Committee on Military Affairs, upon which the Quartermaster-General apparently bases his recommendation for an increased appropriation.

"The proviso bearing on the subject in section 1 of said act is 'that nothing in the deed of conveyance required by the first section of this act shall authorize the discontinuance of the present road to the fort, or in any manner prevent the pilots from erecting such marks and beacons as may be deemed necessary.'

"(2) It appears to be immaterial, however, so far as the wharf is concerned, whether the United States was to maintain this road, or simply to leave it open and unobstructed. In either case its use as a public highway would necessarily imply the use by the public of such terminal facilities for transferring passengers, produce, and merchandise arriving at or leaving the place by water as might be provided by those having control of the highway. The wharfage facilities should, I think, be on a scale that will meet the wants of both the United States and the general public."

* * * * * * *

I concur generally in the views expressed by Colonel Gillmore, but as we have not yet sufficient information, owing to the varied opinions expressed, concerning the area of the wharf required, it is suggested that the amount to be appropriated be stated at $150,000, or as much thereof as may be necessary, and that the words "an open pier," wherever they occur, may be stricken out, and the words "a new wharf" be inserted in their place.

Very respectfully, your obedient servant,

JOHN NEWTON,
Chief of Engineers, Brig. and Bvt. Maj. Gen.

Hon. WILLIAM C. ENDICOTT,
Secretary of War.

Mr. MAHONE. I have also further to state that the Senate has already passed a bill authorizing the appropriation of $150,000 for this purpose and that furthermore it appears that the necessity for this wharf according to the new plan, the revised plan of the War Department, is justified by the large amount of business that is done at that wharf, over five thousand steamers touching at the wharf during one year, with a great many tugboats and sailing vessels, to accommodate not only the business of the port, but that of the surrounding country; and that the Government is obligated to provide for the traffic in and about Fortres Monroe by the terms of the cession of that land to the United States.

Such I say is the recommendation made by the commanding officer of that fort, and now we have a revised plan and revised estimate of the cost of the wharf asking for $150,000 or so much thereof as may be necessary to construct a wharf equal to the demands of that place. We have also before us the action of the Senate in passing a bill, I do not know whether unanimously recommended or not but certainly recommended by the Military Committee of this body, authorizing an appropriation of $150,000 for this purpose.

Mr. CAMERON. And the bill passed the Senate.

Mr. MAHONE. The bill has passed the Senate. I hope that this statement will be quite sufficient to induce the chairman of the Committee on Appropriations to accept the amendments.

Mr. ALLISON. The committee did have all the papers which have been suggested here, but we were of the opinion that the original estimates would be sufficient to build a very extensive and expansive wharf as suggested in the Book of Estimates. The Book of Estimates provides for $80,000 and says that that will be sufficient to build a wharf that will extend to 18 feet of water. We believe that $80,000 would furnish a very good wharf at Fortress Monroe. We had before us the letters of the Secretary of War saying that the plan had been changed, and that a more commodious wharf would be required there, but it was the judgment of the committee that $80,000 was sufficient to build a wharf there for the Government.

Mr. SEWELL. Let me ask the chairman of the Committee on Appropriations if the Senate did not pass a bill at this session giving $150,000 for the construction of a wharf of this kind?

Mr. ALLISON. It has done so.

Mr. SEWELL. Has not the judgment of the Senate been exercised on this question?

Mr. MAHONE. It is Senate bill 1148. Here is the bill.

Mr. ALLISON. The Senate passed a bill appropriating $150,000 for the purpose indicated now by the Senator from Virginia.

Mr. SEWELL. The wharf at Fortress Monroe, as we all know, accommodates an immense traffic. Some of it is public and some of it is private, but more steamboats stop there, I presume, than at any other point where there is water navigation at the present day; I know more than at any landing on the North River or the Mississippi River. If it is necessary for the Government to have a wharf there for the accommodation of a great fort and arrivals and departures, the unloading of ordnance stores, it ought to have a wharf that will accommodate the traffic.

I simply say that an estimate has been made of $150,000 and the Senate has acted on it, and a majority of the Senate has voted that that amount shall be appropriated, and it seems to me that it is a penny-wise kind of business for the Committee on Appropriations to cut it down to $80,000, and to give an appropriation that will in no wise answer the purpose. A good wharf can be built for $80,000, but whether a wharf of the character to accommodate the immense number of steamboats that land there is another thing.

I should think there might be a compromise entered into between the Senator from Virginia and the chairman of the Committee on Appropriations by agreeing to expend $125,000, which ought to answer the purpose.

Mr. MAHONE. I have great respect and confidence, and I have not the slightest doubt, because we have had too many evidences given of it in the Senate, that the Senate has great confidence and great respect for the judgment of the chairman of the Committee on Appropriations, but I should be loath to put the judgment of the chairman, with all the respect that I entertain for that gentleman, against the judgment of the Senate as expressed in the passage of Senate bill 1148. While the chairman of the Committee on Appropriations is happy at all things, I have never presumed that he would undertake to express a judgment against the deliberate judgment and opinion of the Chief Engineer of the Army charged with this subject.

It does seem to me that he might forego an insistance upon his judgment and that of the Appropriation Committee in this respect where the judgment of the Senate heretofore expressed and the judgment of the War Department heretofore is adverse. I hope my amendment will be adopted.

Mr. ALLISON. Do I understand the Senator from Virginia to accept the suggestion of the Senator from New Jersey, who does not seem to have so high an opinion of the Appropriation Committee?

Mr. MAHONE. I should like to stick to the amount of the estimate, but——

Mr. SEWELL. I think that would be a fair compromise on a question of this kind.

Mr. MAHONE. I am willing to place it at $125,000.

The PRESIDENT *pro tempore*. Does the Senator from Virginia accept the modification?

Mr. MAHONE. I accept the modification.

Mr. BECK. Let the amendment as modified be read.

The PRESIDENT *pro tempore*. The amendment will be read as modified.

The CHIEF CLERK. After the word "Virginia," in line 1923, strike out all down to and including the word "dollars," in line 1925, and insert:

For the construction of a new wharf and improvements to the roadway leading thereto on the Government reservation at Fortress Monroe, Va., upon plans to be approved by the Secretary of War, $125,000, or so much thereof as may be necessary for the purpose.

Mr. BECK. The committee amendment is in full for construction and completion of a permanent wharf at Fortress Monroe, Va., $80,000, and that is every dollar of the engineer's estimate. The approaches to it are past the Hygeia Hotel, along that line of road, as good approaches as can be made. The United States has no interest there except to give a good wharf, and $80,000 is believed to give, and I believe now will give, all the wharfage that ought to be had at that place, if we propose to do justice to other points.

Of course the military gentlemen at Fortress Monroe, guests of the Hygeia Hotel, and the people who desire great decorations can spend $125,000 or $150,000 or $250,000 in ornamentation; but every dollar beyond the original $80,000 proposed is not to be expended for the use

of the Government or for the people of the United States in any beneficial sense.

I shall vote against every proposition that seeks to raise it beyond the original estimate. I have no doubt the railroad companies, the gentlemen connected with that post, the lessee and guests at that hotel would be glad to have a grand, elegant iron wharf constructed there, but that is not the business of the United States. It is not the business of Congress in imposing taxation upon these people to do that sort of thing. When light-houses and life-saving stations and the thousand things that are needed are being pinched down to the very last point in order to keep this appropriation bill within the limits, when we are meeting with vetoes even of public buildings at places where it is supposed the rent may be a few hundred dollars less than the interest on the money invested, it seems to me that to go beyond $80,000 for a wharf at Fortress Monroe is not good legislation.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Virginia, as modified. [Putting the question.] The ayes appear to have it.

Mr. BECK. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COCKRELL. Is that amendment subject to a point of order under the rules?

The PRESIDENT *pro tempore*. No point of order has been made, as the Chair is informed.

Mr. COCKRELL. I make the point of order, if the amendment is subject to it.

The PRESIDENT *pro tempore*. The Chair is informed that it is an amendment which has been reported from a standing committee, and has been sent to the Committee on Appropriations. The Chair sees no ground on which the point of order can be made.

Mr. HARRIS. Has the amendment of the Senator from Virginia been heretofore considered by the committee?

The PRESIDENT *pro tempore*. The Chair so understands.

Mr. CAMERON. Certainly, it was reported from the Committee on Military Affairs.

The PRESIDENT *pro tempore*. It was reported from a committee and it has passed the Senate as a bill at this session.

Mr. CAMERON. In addition to that the Senate passed the bill authorizing the payment of $150,000 for building the wharf. The bill passed on the 17th of June without any opposition, I think.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Virginia to state those facts. The Secretary will call the roll on agreeing to the amendment of the Senator from Virginia to the amendment of the Committee on Appropriations.

The Secretary proceeded to call the roll.

Mr. CHACE (when Mr. ALDRICH's name was called). My colleague [Mr. ALDRICH] is paired with the Senator from West Virginia [Mr. CAMDEN].

The roll-call was concluded.

Mr. KENNA. I am paired generally with the Senator from Minnesota [Mr. SABIN]. Not knowing how he would vote on this proposition, I withhold my vote.

The result was announced—yeas 38, nays 14; as follows:

YEAS—38.

Blair,	George,	McMillan,	Spooner,
Brown,	Gibson,	Mahone,	Stanford,
Butler,	Gorman,	Manderson,	Teller,
Cameron,	Gray,	Maxey,	Vance,
Chace,	Harrison,	Miller,	Voorhees,
Coke,	Hawley,	Palmer,	Walthall,
Cullom,	Hearst,	Ransom,	Wilson of Iowa,
Eustis,	Hoar,	Sawyer,	Wilson of Md.
Evarts,	Ingalls,	Sewell,	
Frye,	Jones of Nevada,	Sherman,	

NAYS—14.

Allison,	Call,	Hampton,	Vest,
Beck,	Cockrell,	Harris,	Whitthorne.
Berry,	Colquitt,	Plumb,	
Blackburn,	Conger,	Pugh,	

ABSENT—24.

Aldrich,	Fair,	McPherson,	Pike,
Bowen,	Hale,	Mitchell of Oreg.,	Platt,
Camden,	Jones of Arkansas,	Mitchell of Pa.,	Riddleberger,
Dawes,	Jones of Florida,	Morgan,	Sabin,
Dolph,	Kenna,	Morrill,	Saulsbury,
Edmunds,	Logan,	Payne,	Van Wyck.

So the amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "Signal Service," in line 1943, before the word "thousand," to strike out "ten" and insert "eleven;" so as to make the clause read:

For expenses of storm, cautionary off-shore, cold-wave, and other signals on the sea, lake, and gulf coasts of the United States, and in the interior, announcing the probable approach and force of storms, including the pay of observers, services of operators, lanterns, and flags, $11,000.

The amendment was agreed to.

The next amendment was, after "United States," in line 1949, to strike out "eight thousand" and insert "twenty-six thousand three hundred and fifty;" so as to read:

For continuing the connections of signal stations with life-saving stations or light-houses, including services of operators, repairmen, materials, and general service, being for the maintenance and repair of the military-telegraph line along the Atlantic coast of the United States, $26,350.

The amendment was agreed to.

Mr. CONGER. Is this clause treated by paragraphs or by separate lines?

The PRESIDENT *pro tempore*. The amendment is agreed to unless the Senator wishes a division. The proviso has not yet been read.

Mr. CONGER. I wish to offer an amendment in line 1949, after the words "Atlantic coast." I desire that it shall not be limited to the Atlantic coast, but shall be extended to the lake coast.

The PRESIDENT *pro tempore*. The Chair is of opinion that the text of the bill is not now open to amendment. The amendment which follows is open to amendment. The proviso will be read.

The next amendment of the Committee on Appropriations was, in the clause appropriating $26,350 "for continuing the connections of signal stations, with life-saving stations or light-houses, including service of operators," &c., in line 1951, after the word "dollars," to insert the following proviso:

Provided, That not exceeding $18,350 of this sum shall be used for furnishing, delivering, and laying a new submarine cable at Block Island Bay, to replace the one now unserviceable, and for completing the connection by telegraph between Block Island, Rhode Island, and the mainland of Rhode Island; and the provision of the act of March 26, 1886, making an appropriation of $5,000 to repair the submarine cable, Block Island Bay, is hereby repealed; but any expenditure already incurred thereunder may be paid from said appropriation.

The amendment was agreed to.

Mr. CONGER. Here is an appropriation for laying cables to connect life-saving stations and signal stations with each other. The appropriation is for laying military telegraph lines and the most of the appropriation is made for laying a submarine cable not connecting at all with military telegraph lines. It is confined to the Atlantic coast entirely, with no more reason for it than upon the lake coast or the Pacific or anywhere else where these lines can be available.

Mr. ALLISON. If the Senator will allow me for a moment, I will state that this is only for the repair and care of military and Signal Service lines already established. It is not proposed to erect any new military telegraph lines by this provision.

Mr. CONGER. But all along the lake coast, wherever there is a life-saving station or signal station, where there is no telegraph that connects with it, then the military telegraph line has been established connecting it with the nearest general telegraph line. I do not see any particular necessity of confining this to the Atlantic coast or to any other coast. Where the same class of telegraph lines which they call military telegraph lines connects the signal stations and life-saving stations it should be done.

Therefore I object to the appropriation if it is not to be used for the purposes stated in the first part of the paragraph. These are placed on the upper lakes where the signal stations and life-saving stations are remote from telegraph lines and are connected sometimes by a mile, or two or three or ten or twenty miles, of military telegraph lines with the general telegraph lines. But out on rocky points, remote places where there is no line, they have been in use there for years. They need constant repair. That is the object of this appropriation. It is not for the Atlantic coast, but wherever that class of communication has been established and wherever they need repair.

Mr. ALLISON. This appropriation is in the exact line of the estimates. If the Senator will turn to page 215 he will see the precise use intended by this appropriation, the exact language of the paragraph.

The PRESIDENT *pro tempore*. The text will be open to amendment after the amendments of the committee are considered.

Mr. CONGER. I wish to call attention to this now because my duty as a member of the committee of conference on the river and harbor bill calls me away.

Mr. ALLISON. I assure the Senator that if there are any telegraph lines on the lake coast they are provided for by the general appropriations in the bill. This is for a specific purpose, which is found in the Book of Estimates, and the Committee on Appropriations of the Senate added another specific appropriation looking to the relaying of a cable at Block Island.

Mr. CHACE. I do not understand that the Senator from Michigan makes any opposition.

Mr. CONGER. Not at all. I think that ought to be done.

Mr. CHACE. Then I move that that special provision be agreed to.

Mr. ALLISON. It has been agreed to.

The PRESIDENT *pro tempore*. It has been agreed to, and the reading of the bill will be resumed.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, in line 1974, to increase the appropriation "for river and flood observations, and expenses incidental thereto," from $9,000 to $10,000.

The amendment was agreed to.

The next amendment was, in line 1977, after the word "maps," to

strike out "or bulletins;" and after the word "maps," at the end of line 1980, to strike out "bulletins;" so as to read:

For expenses (including paper, forms, printing supplies, hire of civilian printers, engravers) of preparing, printing, distributing, and displaying maps, and for the maintenance of a printing office, under the direction of the Chief Signal Officer, in the city of Washington, for the printing of the necessary orders, circulars, maps, as may be necessary to carry into effect the appropriations made for the support of the Signal Service, $25,000.

The PRESIDENT *pro tempore*. If there be no objection, the amendment will be regarded as agreed to.

Mr. CONGER. I ask that the question may be taken on striking out the words "or bulletin."

Mr. ALLISON. The words "or bulletin" should not be stricken out.

Mr. EDMUNDS. Why not?

Mr. ALLISON. Because they are a necessary part of the publication.

Mr. EDMUNDS. The expense of bulletins is pretty great. I should like to have the chairman of the committee explain why the committee reported to strike it out and why now it is proposed to be taken in again.

Mr. ALLISON. The reason is that bulletins in the Signal Service sense have a different meaning from bulletins used for instance in the Coast Survey or in the Geological Survey. These bulletins are just what you see out in the rear of the Senate Chamber. They are put up in the chambers of commerce and elsewhere in public places by the Signal Service every day. They are denominated bulletins——

Mr. EDMUNDS. But do they not also include a great lot of prints which are sent around and that do not reach anybody until weeks or days after the event has occurred, so that they are of no consequence?

Mr. ALLISON. It is quite possible that some of this class of material may be sent out that is of no consequence; I think very likely; but what I mean to say is that it is a very small, insignificant part.

Mr. EDMUNDS. Very well.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment striking out the words "or bulletin" in both places.

The amendment was rejected.

The next amendment of the Committee on Appropriations was in the appropriation for pay of Signal Corps, in line 2007, before the word "commissioned," to strike out "four" and insert "five;" so as to read:

And the Secretary of War is authorized, in his discretion, to detail for the service in the Signal Corps not to exceed five commissioned officers, exclusive of the second lieutenants of the Signal Corps authorized by law; and no money herein appropriated shall be used for pay and allowances of second lieutenants appointed or to be appointed from the sergeants of the Signal Corps, under the provisions of the act approved June 20, 1878, in excess of the number of sixteen, or for the pay and allowances of exceeding four hundred and seventy enlisted men of the Signal Corps.

Mr. CONGER. I move to amend by inserting "three" instead of "five" in the committee's report.

In order to encourage the enlistment of men in the Signal Service and make them ambitious of distinction in this service and in the scientific and practical work of it, Congress some years ago passed a law authorizing two of the signal observers, who had shown themselves most deserving of promotion and of belief in their ability to be useful to the country in this service, to be made second lieutenants in the Army. They are to be commissioned just as in other branches of the service; some men for gallant services may be promoted from sergeants in the Army to be regular commissioned officers. In this bill I see, commencing in line 2009, the following:

And no money herein appropriated shall be used for pay and allowances of second lieutenants appointed or to be appointed from the sergeants of the Signal Corps, under the provisions of the act approved June 20, 1878, in excess of the number of sixteen, or for the pay and allowances of exceeding four hundred and seventy enlisted men of the Signal Corps.

There are sixteen men since 1878, who, by their study and care, have from year to year through these years secured, as they were promised under the law, commissions in the Army as second lieutenants in the Signal Corps from the enlisted men. It has been one of the greatest incentives to these young men who have enlisted in that service to devote themselves with all their strength, soul, body, and mind, to acquiring the practical and scientific information which would enable them to gain this desired promotion, and they gained it, two in each year. They are an honor to-day to the service. They are as well versed in all that pertains to the Signal Service to-day as any lieutenant that may be sent from the plains or from the forts into Washington and placed in this service.

Why are those men, who have had the right by trial to gain a commission in the service of the United States, restricted? Why is legislation now injected into this bill virtually repealing a law which was passed with great unanimity, which has been received by the country with great favor, by restricting the number of men that can receive pay, thus either stopping the pay of those who are already second lieutenants or stopping further promotion?

Sir, the tendency nowadays is that every officer in the Army, even in the Signal Service branch of it, must come through West Point. There is no opening for the civilian; there is no opening left for the common citizen to enter into the sacred precincts of the Army by virtue of a commission, except this in the Signal Service and occasionally a chance promotion of a sergeant for gallant service in the regular Army in some way. Why is it that we, civilians all of us, close the door by consistent legislation to the admission of men who enlisted for five years in the Army as Signal Service observers, and enlisted under the promise of a chance, two chances out of five hundred, one in two hundred and fifty, of gaining an honorable promotion if they should be found deserving of it—why do we want to take that chance away?

I am one of those who believe the Signal Service of the United States, in its relations to navigation and commerce and agriculture and the crops of the country, is one of the few things which is gratifying in its operations and in its service to the vast mass of the people of the United States in every State and in every region connected with agriculture, connected with navigation, connected with the crops, connected with all the great industries of agriculture and navigation and shipping. Sir, I venture to say that on the lakes alone, since this system of cautionary signals and observations of storms has been in operation, I say it even of Lake Huron, on the borders of which I live, as the express result, the positive result of the knowledge which these cautionary signals and observations have enabled the observers to give to shipping men going out of port with their vessels, especially in the dangerous season of the year, there has been saved enough annually on that one lake to run the entire Signal Service of the United States.

I do not know what the saving may have been to the sugar-cane men and the cotton men of the South. I do not know whether any signals could give timely enough notice to save from the effect of frosts the crops of that kind which would be most affected by them; but on the great lakes and on the ocean I say that this service, by its timely warnings, by its increased knowledge on the subject of storms has saved to the navigation interests of the United States alone one hundred times the annual expense in each year in the saving of property alone. And when we compare the vast number of shipwrecks, the loss of life, the loss of property, even along the shores of our interior lakes, there is no man who lives there but attributes to the gallant service of the life-saving crews that are established on those coasts and to the timely warning of the Signal Service a diminution of the dangers and the losses both of property and life beyond comparison. Here is a direct stroke at the ambition, at the enterprise, at the study of these five hundred Signal Service observers all over the United States, altering the law to destroy their prospects, altering the law in an appropriation bill contrary to the rules of the Senate.

If we are to import from the different forts or from the different cities lieutenants and officers to have charge of this Signal Service, let it be as small a number as possible, and let the lieutenants who have been reared in this service, whose whole educated life has been connected with the Signal Service in observations and in computations and in making reports—let them be called in instead of the five and perhaps we can find room to carry out the law in regard to these young men who enlisted under the promise of the law that if they could succeed in being the best in their class there should be two of them in each year commissioned as officers in the United States service.

Mr. ALLISON. I only desire to say that at the request of the chief of the Signal Service the committee added another regular Army officer to the House provision, and he stated to us that he was added in order that Lieutenant (now Captain) Greely might be continued in the service.

Mr. CONGER. I should like a vote on this, because I can not reach under the amendment here the point which the committee have put into the bill or which is in the bill cutting off the pay or forbidding the promotion of any more lieutenants. I can not reach the provision in this bill when it came here to the Senate which reduces the five hundred enlisted men who have learned their business and every one of whom is employed now in all the great variety of signal stations as observers and as workmen in that service—reduces it to four hundred and seventy, thus cutting off thirty of these men enlisted under the law and sent off to remote points, to far-distant regions.

I say do not touch one of them. I say do not touch any one of them on the Rocky Mountains, or on the north shore of Lake Superior, or on the distant coast of Maine, or over in Oregon or California, or on Mount Washington, or on Pike's Peak. This bill leaves in the power of that office to drop unpaid and to return to his country alone, destitute, any one of the thirty men. I say a more barbarous provision never crept into a bill. There are five hundred men in the service now unless one or two died last night, and if they are to be treated in this way Heaven has had pity upon those who died. Why introduce a bill so cruel, a bill so wicked without any provision for pay? Not a cent of this appropriation shall go to pay more than four hundred and seventy men, when there are five hundred on the rolls to-day unless some died last night.

Mr. ALLISON. Will the Senator allow me?

Mr. CONGER. Yes, I will. I shall be mighty glad to have some half plausible excuse for the cruelty and iniquity of such a provision.

Mr. ALLISON. I think I can relieve the Senator. The thirty men dropped from the service are all but two of them men who are regularly enlisted in the Army, and who are engaged in working about the stables and digging about the roads and looking to the various little things connected with Fort Myer; and the four hundred and seventy

men who are engaged in signal duty and the Signal Service are not one of them touched by the provision in this bill.

Mr. CONGER. That may be the information of the Senator. There are not thirty men working on the stables of Fort Myer or anywhere else, and they can not be found there, and if they are every observer and every soldier must do duty connected with this service. There are thirty men who are observers enlisted under the law as Signal Service observers to be dropped, to be unpaid here, the 22d of this month, with this last month's pay unpaid them, and no part of this appropriation shall go to them.

There is an enemy in the field somewhere. I have not tracked the enemy to his hole yet. I have got on the footsteps of some of those who are opposing this service. I find, wonderful to relate, as to many of them whom I try to follow the tracks of that their tracks have been drawn in backward into the cave and the steps go the other way. So I can not track them up, but I will do it yet.

Who opposes this service? What influences are at work here to destroy it, the only active, beneficial, do-something service of the country? What are all the soldiers doing in the land? Fighting mosquitoes, waiting to see if there is any order for them to chase upon the plains some Mexican greaser. What else are they doing? What is the Navy doing? Performing a little home duty, weeping over the remains, the unburied remains of their service. Who wants this put into the naval service? I know the men who want it there. Who wants this taken away from the military service and put into the naval service? Who wants this Signal Service that is the only one of the great branches of the military service that is to-day practical and useful and commends itself to the great prominent principal farmers, sailors, and ship-owners of the land—who is it that is trying to break up this service? The attempt is here. Every session it works in secret. The approaches are in mines and ditches. The approaches are not open and direct. We can not find them. It first takes away the school of instruction, utterly and absolutely useless for any other purpose under God's heaven, Fort Myer up over the hill, that for years has been the place to educate these sons of the people to perform practical, useful, beneficial duties to their fellow-men; and now the bill destroys Fort Myer.

What is it to be used for? Artillery, somebody says; a naval station somebody else says. It is a branch of that grand service which is to-day in such important and absolutely necessary employment. What do you want artillery up at Fort Myer for, pointing their guns on the Capitol, and by their morning guns disturbing the reveries or the sleep of overwearied Senators who have been compelled to stay here into the late hours of the night to pass a bill to destroy Fort Myer and to destroy the Signal Service, as we are about to do to-night. What kind of a place is Fort Myer for an artillery school? Deluding the people of this mighty, peaceful city with the threatened approach of thunder storms by every roar of the artillery! Who wants it upon that hill? What kind of a fort do the American people want to look upon from this Capitol, from the highest eminence in view, right alongside of the thirty, ay, forty thousand dead heroes of the war.

They have had enough of artillery and gun firing. They are embalmed in the affection of the American people, in a place for rest, away from battle sounds, away from the roar of the artillery. The people who go there to see the remains of their friends and of their soldiers do not go there to be wakened by the sound of cannon and the rattling of artillery. And yet right up to the gate it is proposed to make this peaceful, educational institution, which is for the good of the whole people, an artillery school for the rattling of wheels and the thundering of ramrods and the cursing of the mule-drivers.

Those men will not be awakened, but it will waken up in the breast of every sensible man, every man of feeling, the idea that that proud spot is desecrated by the tumult and the noise of artillery training within a few feet of the graves of the dead. They will not wake, but in the breast of every American there is a feeling of sanctity about the abode and the resting-place of the honored dead, whether from military or civil life. That has not yet been disturbed by the contiguity of such scenes as these either in a private cemetery or the public resting-place of the veteran dead.

That is what is coming; that is what is in this bill. It is a system, a plan to destroy this, the people's service, and increase it by adding and bringing in lieutenants and captains from the different posts of the Army, who want places in Washington, and stopping the promotion and stopping the service of the sixteen men who have acquired their commissions and have more practical knowledge and can bring to the service of the people better service and better information than any one of the captains or lieutenants of the five that may be called here.

Sir, I oppose this whole system. I do not want this service "of the people, by the people, and for the people" turned over either to Army or Navy. I do not want that only school which we have for the training of a branch of the military service for the general benefit of the common people of the land turned over as an artillery station and these men driven away from that school and threatened with destruction.

I suppose the committee will carry this. I suppose the influences that have led the committee of the House and the committee of the Senate to make this side attack and this direct attack on this Signal Service will prevail. Committees do not generally engage in such a work as this at the instigation of outsiders, unless they think by some means and without rebuke and without the attention of the country being called to it, it will go through.

For myself, sir, there are provisions of this bill that I speak of now, as I am necessarily called away on a committee of conference, which go to destroy the efficiency of the only service which I believe really commends itself to the common heart and affections as being useful to the common people of the United States.

Not satisfied with this, they strike out the bulletins, the ordinary daily information; but that has been restored. Not satisfied with striking that out, they have provided for the discharge of thirty of these men—not mule-drivers—but every man is equal who is enlisted as an observer; he is under the same rule; he takes his duty in manual labor; he takes his duty in attending to driving and at the barns. After he takes his position as an observer there is no distinction; the law makes none; and if it does affect the people at Fort Myer, I oppose it all the more, because I am opposed to taking away that school of instruction from the people and turning it over to the artillery branch of the service.

While I am speaking I will call attention to another clause:

And no money herein appropriated shall be used for pay and allowances of second lieutenants appointed or to be appointed from the sergeants of the Signal Corps, under the provisions of the act approved June 20, 1878, in excess of the number of sixteen—

That is the number who since that time have got their commissions—

or for the pay and allowances of exceeding four hundred and seventy enlisted men of the Signal Corps.

The law authorizes five hundred. There are five hundred enlisted men. They have been serving from the 1st of July, the commencement of this fiscal year, under a resolution up to the time when this bill will become a law; but then this appropriation, no part of which can be used either to bring those men from remote stations back if they happen to be discharged there, or to pay them back pay or allowances for the best part of the month——

Mr. ALLISON. Will it disturb the Senator if I tell him that thirty people of the five hundred are enlisted as a permanent party at Fort Myer, and have no more to do with the actual work of the Signal Service than any other enlisted men in the Army?

Mr. CONGER. If there has been such a violation of a plain, direct law it should have been found out before this. There is no provision of law that authorizes the enlistment of separate grades and men employed in different objects. They are engaged and enlisted as privates in the Army and observers.

Mr. ALLISON. Not one of them is so enlisted.

Mr. CONGER. The Senator may know more about this than I do. If he does not, I am sure his means of information and his information itself is meager.

That is the law forming this corps, and the Senator I think can not point me to any different law than the enlistment of general men. Why? Because no more than four hundred and seventy of these enlisted men shall be paid, this bill says. Why does it not say that those who enlisted as drivers, those who were enlisted different from those, shall not be paid, or shall be discharged? The Senator, I think, knows a great deal more about this subject than any other man in the Senate, excepting myself—more than almost all of us put together. I do not profess to know anything about any subjects except those I have examined and studied. But he is mistaken. Under this rule the head of the Signal Service could drop from the pay-roll any one of these five hundred. There is no restriction. I assert that without fear of contradiction. He may drop a man in the observatory, or on the top of Mount Washington, or on Lake Superior, or in California, or Oregon, or Alaska. I assert that without fear of contradiction under the bill.

I have said what I desired to say on that; but at the proper time I hope the chairman will provide an amendment by which, in the commutation of rations, there may be a provision that enlisted men in the Signal Service may be allowed to buy as soldiers do quartermaster's stores under the same rule that the officers may be allowed to buy, and that the enlisted men may have their rations or their commutation.

I call the attention of my friend the chairman to this. I have not said anything that was disparaging to this corps. I want to know why these sixteen officers in the Signal Corps may not go and draw their rations, and pay for them as other officers do.

Mr. ALLISON. I suppose they can do so. If they can not, I will cheerfully agree to insert in this bill an amendment putting them upon a par with other officers of the Army in that respect.

Mr. CONGER. Then there is no provision in this bill for subsistence stores for sale to officers and enlisted men, as is provided for and authorized by section 1144 of the Revised Statutes. That ought to be put in. If the design is to kill off this service, do not starve them out, let them be killed in a bold, manly way. There are several of these things here that I would call attention to if I could be here at the time when it will be proper to make these amendments. I shall try to have the provision amended. I have noticed their absence in the bill.

I think the attack on this service is unwarranted. I think it shows

a disregard of the true interests of the common people of the United States that has not appeared in any other bill, so far as it affects this valuable branch of the semi-civil-military branch of the service of the country.

Mr. HAWLEY. Mr. President, there has been conducted a very careful examination into the Signal Service and some other branches. The chairman of this committee is familiar with the whole matter, I suppose. Now, when this bill passes under our eyes, unless we take last year's bill and carefully compare, we do not notice at first how much is left out and how much may be absolutely destroyed entirely without our knowledge. I know that an investigating committee was anxious to make some changes in the service. Whether its formal report recommended all that is desired to do, I do not know; but I wish the Senator would inform us of the nature and extent of the changes that are made in the Signal Service directly here or by omission. What is it to be hereafter, in comparison to what it has been?

Mr. ALLISON. This bill as it stands now makes no change in the bill of last year except that it does not provide for Fort Myer as a signal station, and only provides for four hundred and seventy privates instead of five hundred. The bill as it came from the House contains a provision allowing enlisted men rations at 85 cents per day each. The Senate Committee on Appropriations recommend that that be stricken out, but in doing so we find it necessary to offer some amendments changing the total, which amendments are not embraced, so that this bill will be the bill of last year except the number of enlisted men reduced from five hundred to four hundred and seventy and Fort Myer dispensed with.

Mr. PLATT. The only reduction of men is those thirty?

Mr. ALLISON. There are also at Fort Myer twenty-eight second-class privates, so-called, known as the permanent party. They are men enlisted for what would be called the care of Fort Myer, and they are not engaged in Signal Service observations. There is also one corporal there and a contract surgeon.

Mr. EDMUNDS. Making exactly the thirty.

Mr. ALLISON. That makes thirty.

Mr. HAWLEY. Is Fort Myer to be abandoned to a sergeant and a half-dozen men, or what is to be done with it?

Mr. ALLISON. Fort Myer is, as it always has been, under the control of the Secretary of War. I think the Secretary of War will make provision for Fort Myer in some way. I do not know what will be done.

Mr. HAWLEY. The chairman does not know what is to be done with it?

Mr. ALLISON. I do not know.

Mr. HAWLEY. I heard references made by the Senator from Michigan [Mr. CONGER] to an artillery school.

Mr. ALLISON. The Senator from Michigan seems to understand that it is to be devoted to the artillery service. I do not know how that may be. I suppose the General of the Army and the Secretary of War will be able to devote it to some useful and proper purpose. It is a very valuable site, as the Senator knows, comprising I think about 1,200 acres of land immediately opposite the city; and there are quite a number of very valuable buildings upon it.

Mr. HAWLEY. Good buildings and grounds handsomely improved.

Mr. ALLISON. Grounds beautifully improved, that have been made so largely by General Hazen, the Chief of the Signal Service, with the aid of this force of which I speak, and which is to be dispensed with.

Mr. EDMUNDS. It adjoins the Arlington Cemetery.

Mr. ALLISON. Part of the property abuts on part of the Arlington estate.

Mr. PLATT. To what particular use has the Signal Service put Fort Myer heretofore?

Mr. ALLISON. They have established Fort Myer as the chief signal station, so called, and have had there what they call a school of instruction, where the young men who are enlisted as observers in the Signal Service are sent for six months to acquire a knowledge of the practical work of observers.

The testimony taken by the joint commission who investigated that subject discloses the fact that any bright young man can acquire the knowledge necessary to take charge of a signal station in from two weeks to a month. It is not a very difficult thing to do. He wants to acquire a knowledge of the use of instruments, &c.

We found Fort Myer to be rather an expensive part of the Signal Service, and we believed it would be wiser and better for those young men who desire to enter the Signal Service to step into one of the observing stations in Maine or Iowa or Connecticut and take observations practically and study, which they can do anywhere, and when they enter the service they will enter as observers.

That was the view of the commission who examined that subject, and that seems to have been the view of the Committee on Appropriations of the House concurred in by the committee of the Senate.

Mr. HAWLEY. Where will these four hundred and seventy men be kept? How many of them stay at Fort Myer now?

Mr. ALLISON. Usually there are from eighteen to twenty there.

Mr. HAWLEY. Studying?

Mr. ALLISON. Studying.

Mr. HAWLEY. Besides the fatigue party?

Mr. ALLISON. Besides the fatigue party. There is an average of from thirty to forty young men per annum.

Mr. HAWLEY. Are they to be distributed among the different stations?

Mr. ALLISON. It is supposed and believed, certainly by myself, that the forty young men, or fifty, if you please, to come into the Signal Service each year, can be procured without the expensive system of Fort Myer. I know, as does the Senator, that a young man in two or three weeks can enter any signal station and acquire the use of the instruments necessary to enable him to take the observations required in the Signal Service and make reports.

Mr. HAWLEY. If the Senator refers merely to the signaling of flags, lanterns, &c., that is a matter any man can learn in a few weeks.

Mr. ALLISON. I do not refer to that at all. That is a distinct branch of the service known as army signals, with an army code of signals, and it is not supposed that these signal observers, or weather observers, more properly speaking, will in any sense be required to learn what is known in the Army as army signals.

Mr. HAWLEY. Is it contemplated by the committee hereafter that they will not be taught that at all?

Mr. ALLISON. They would not be taught that. They might be taught it, of course, by getting the signal code and acquiring it. They do not use army signaling at any signal station in the United States. Therefore there is no occasion for their acquring that knowledge that I can see.

Mr. CONGER. Does not the Senator know that by the law or by the regulations no young man who is enlisted as a private in the Signal Service Corps can even be sent as an assistant to another observer until he has been six months in training to get some knowledge of the service?

Mr. ALLISON. That is undoubtedly the regulation of the Chief Signal Officer with reference to Fort Meyer, and that is just what it is proposed here to abolish.

Mr. CONGER. Yes. Does the Senator not know that no man is promoted until he has been at least a year in the service and been an assistant at an important signal observation station, to take charge even of the most inconspicuous observing station in the United States?

Mr. ALLISON. I do not.

Mr. CONGER. That is the fact. No man is considered fit to be an assistant at a prominent station until he has had six months of training and examination and study at Fort Myer or somewhere else, and he is not allowed to have the control of the most obscure signal station until he has been a year or a year and a half in the service. We can not trust to uneducated men the delicate observations of the air and the lightning and the storms. The best and wisest men fail in it.

Mr. ALLISON. The universal testimony taken before the commission was that the ordinary education of an observer could be acquired at Fort Myer in from two to five weeks and that it was so acquired. What is that? It is the acquisition of the knowledge of certain instruments, the acquisition of certain information which is derived from what is known as Loomis's Code, a code of laws for the use of the instruments prepared by a professor in Yale College. The remainder of the six months at Fort Myer is occupied in listening to lectures delivered by the second lieutenants and in Army drill and going through all the operations that young men are required to do in the infantry service of the Army. Those are the facts.

Mr. HAWLEY. Now a few words more. If these young men are to pay no attention whatever to what is the Signal Service proper, that is the conveying of language, of words, by the flag, by the lantern, by the reflection from mirrors, &c., if they are not to be instructed in army telegraphy, running out rapidly and setting up military telegraphs and the working of the telegraph in war, if none of them are to receive that kind of military instruction—and I do not see where they are to get it if the school at Fort Myer be abolished—let us then go to the scheme frequently talked of and discussed; let us entirely divorce this other bureau from anything in the shape of military organization. The military feature will remain of very little use. There is this advantage, it is true, in having the four hundred and seventy men enlisted: they may be court-martialed; they are under military authority.

It is necessary to have men under such rule so that they can be governed absolutely by the destinies of military law, if they are to be relied on at all as weather observers. That I understand; but I should not despair of finding a body of young men who would be faithful in that respect if the enlistment were entirely destroyed and they were made civil employés. I have thought it would be a very great injury to the service to make this change entirely; but you are doing it. You are taking a very great step toward it by abolishing Fort Myer, where there is the school of the soldier, of the signal sergeant, as well as of the weather observer.

Mr. HALE. I only wish to say to the Senator from Connecticut that General Sheridan when brought before the commission told us that so far as army signaling was concerned and so far as teaching men in the Army that part of the military duty was concerned, so entirely had the Signal Service, so called, run into a weather bureau system that he never got any benefit in the Army from it, that the drill which was done there was of no account in the Army, and that he was all the time entirely

outside of Fort Myer teaching men signal service in the Army and using them, but that he never interfered with General Hazen in this regard; that the Army got no benefit from it, and that all the drill there and all the signaling and all the military duty was of no account whatever in the Army; that that had become a weather bureau. That was one of the things that conspired with all the others to lead the commission to the unanimous conclusion that there was nothing here that required that parade and show and the keeping up of a so-called military school, and that is the reason why the commission did not go as far as several members of the commission wanted, that was to divorce this entirely from the Army and make it civil simply.

Mr. SEWELL. Will the Senator indulge me there? Suppose you have four hundred and seventy men enlisted for five years, how are they going to acquire instruction? Suppose forty or fifty men come into the Signal Service every year. You propose to abolish the only station where instruction is given. You propose to do away with the whole basis of the organization as subject to army discipline.

Mr. HALE. Does the Senator know what kind of men General Hazen gets into this service? He prides himself not on getting untutored and uninformed minds, but on getting in young men from colleges; the men who are there at Fort Myer represent colleges all over the land. The pay is good; they are anxious to go in; the duties are very simple. There is not one of these young men with his mind sharpened by the drill to which he has been subjected already who can not in even less time than the Senator from Iowa says learn everything about this weather-bureau service—not one. We do not need any school of instruction.

Mr. SEWELL. They can learn about the weather bureau, but they can not learn anything pertaining to the Army.

Mr. HALE. General Sheridan tells us that these men have never anything to do with the Army. The Army never gets an appreciable thing from it.

Mr. SEWELL. Then the law is not observed. The law was intended to cover that point.

Mr. HALE. The whole face and feature of army signaling has disappeared, has dropped out, has sunk from human vision as entirely as if no man had ever known it in the uses of this service. General Hazen, who gives his time and attention to and who is zealous and earnest in this matter, is engaged now in this larger work that is referred to so eloquently by the Senator from Michigan, the making out and sending of bulletins that shall inform men in civilian life, that shall deal with civilian service, that shall operate upon civilian pursuits, and there is no military about it, so much so that General Sheridan told us that the army signaling and the tuition they have to be subjected to is all done by him outside of this. This is of more account—I agree with the Senator from Michigan about it—than a military service, and therefore the Army has no more need of a school up there than there is need of a school for clerks to go into the Agricultural Department, or for clerks who go into any civil department of the Government; indeed, not half as much, because it is a kind of service that men who have had training already in schools and academies and colleges readily fall into.

The commission of which the Senator from Iowa was at the head spent days and nights, had more than a hundred sessions, investigating into this affair, and the Senator from Iowa does not come unequipped to this matter. He has given, I venture to say, more time and attention to the state and to the working and operation of this service than any ten men put together outside the commission, in the Senate.

Mr. SEWELL. What I wanted to get at from the Senator from Maine is this fact: Is not this likely to divest the Signal Service of its connection with the Army?

Mr. HALE. No; it is already divested.

Mr. SEWELL. It is done by this bill.

The PRESIDENT *pro tempore*. The hour of 6 o'clock having arrived the Senate takes a recess until 8 o'clock.

EVENING SESSION.

The Senate resumed its session at 8 o'clock p. m.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8975) making appropriations for the naval service for the fiscal year ending June 30, 1887, and for other purposes.

SUNDRY CIVIL APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The bill (H. R. 9478) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, is before the Senate as in Committee of the Whole. The question is on the amendment proposed by the Senator from Michigan [Mr. CONGER] to the amendment of the Committee on Appropriations in line 2007.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question now is on the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in line 2019, after the word "men," to strike out "at 85 cents per day each;" so as to make the clause read:

For commutation of rations of not exceeding four hundred and seventy Signal Service enlisted men, $145,000.

The amendment was agreed to.

Mr. COCKRELL. I want to offer some amendments there.

Mr. ALLISON. So do I. If the Senator will wait a moment I will offer an amendment or two which I think will be satisfactory to him.

I propose, in lieu of "$145,000," in line 2020, to insert "$148,737.50."

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. In line 2020, it is proposed to strike out "$145,000" and to insert "$148,737.50;" so as to make the clause read:

For commutation of rations of not exceeding four hundred and seventy Signal Service enlisted men, $148,737.50.

Mr. EDMUNDS. What does that mean?

Mr. ALLISON. It is an exact computation of the commutation that these people are entitled to.

Mr. EDMUNDS. All right.

The amendment was agreed to.

Mr. COCKRELL. I want an amendment, after the word "men," in line 2019, to insert:

And for sales of subsistence stores to officers and enlisted men, as authorized by section 1144 of the Revised Statutes, and Army Regulations.

That is simply the old law re-enacted.

Mr. EDMUNDS. Is that an appropriation of money for these sales or only to provide the material?

Mr. COCKRELL. The material, simply placing them on the same footing as other officers of the Army.

Mr. EDMUNDS. I am not sure that those words will do it, but I will take it that the Senator from Missouri understands it.

Mr. COCKRELL. They are words copied from former bills on the same subject.

Mr. EDMUNDS. Then I understand that that amendment and the one as to the amount are agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of the clause in line 2026, as follows:

Regular supplies:
Fuel: For various offices on the United States military-telegraph lines, and at stations of observation outside of Washington, D. C. (for fires the year round when needed), $6,000.

Mr. COCKRELL. Now I offer an amendment to make it conform to the former clause and make it just what it was in the last law.

Mr. ALLISON. With the understanding that it does not change the existing law, I do not object.

Mr. COCKRELL. Oh, no; it is just continuing it.

Mr. EDMUNDS. Let us hear the amendment.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 2025, after the word "Columbia," it is proposed to insert:

And for sales to officers, as authorized by section 8 of the act approved June 18, 1878 (twentieth Statutes at Large, page 150), and Army Regulations.

Mr. ALLISON. I ask the Senator from Missouri if the amendment which he now suggests places these signal officers upon an exact equality with the other officers of the Army?

Mr. COCKRELL. Just the same. It simply places them on the same footing, and this is the language of the former acts on this subject.

Mr. ALLISON. I do not object to it, then.

Mr. EDMUNDS. The eighth section of the act referred to in a part of it relates to troops in the field, &c. Whether these signal observers can be considered as being in the field or not, may be open to question.

Mr. COCKRELL. If they are in the field it will be considered so, and if they are in cities they will not be considered so, just as the officers. It places them wherever they may be on the same footing as the officers. I think that is right. That is the way it has always been done heretofore.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri.

Mr. EDMUNDS. I sympathize with the Chair in his desire to get on; still I should like to understand it. This adds besides "and Army regulations." What are those?

Mr. COCKRELL. That is simply prescribing the quantity that is furnished to all officers at the different places.

Mr. EDMUNDS. It would make a statute which says that anything that is in accordance with Army regulations might be done under this clause, which reads:

And for sales to officers, as authorized by section 8 of the act approved June 18, 1878 (Twentieth Statutes at Large, page 150), and Army regulations.

What are these Army regulations that authorize sales to officers?

Mr. COCKRELL. The Army regulations simply prescribe what shall be furnished. As a matter of course they are not in conflict with the law, but they simply prescribe what shall be furnished.

Mr. EDMUNDS. I have seen some Army regulations that were not in conformity with law, and this makes valid any Army regulation.

Mr. COCKRELL. These are simply regulations in regard to fuel and subsistence and have been in force for years and about which there is no controversy at all. This is the same language that has been in all the acts heretofore, in the sundry civil bills. I have them here before me—under the head of "subsistence." The War Department and the accounting officers understand exactly how it is to be interpreted, and it is only to make this conform to what has been existing for years.

Mr. EDMUNDS. Then I move to amend the amendment by inserting before the word "Army" the word "existing;" so as to read:

And existing Army regulations.

Mr. COCKRELL. That is right.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed and continued to the end of line 2031.

Mr. ALLISON. In line 2031 I move to change the amount to $47,760; so as to read:

Commutation of fuel: For commutation of fuel for not exceeding four hundred and seventy men of the Signal Corps on duty at the office of the Chief Signal Officer and at signal-stations throughout the United States, $47,760.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of the following clause:

Forage:

For forage for ten mules and six horses, $1,805.65; straw for sixteen animals, at $7 each per annum, as allowed by paragraph 1898, Army Regulations, 1881, $112; for forage for thirteen horses kept by officers in the public service, as allowed by paragraph 1890, Army Regulations, and the act making appropriations for the support of the Army approved February 24, 1881, at $105 each per annum, $1,365; for straw for thirteen horses kept by officers in the public service, as allowed by paragraph 1890, Army Regulations, and the act making appropriations for the support of the Army approved February 24, 1881, at $8.40 each per annum, $109.20; in all, $3,391.85.

Mr. EDMUNDS. I should like to ask the chairman of the committee why a reference is made back to the distance of five years to find an analogy and an authority for putting this matter in. It refers back to the act of 1881 in both these instances. What has happened in the acts since? Is this a revival of an old allowance that has not been going on for five years, or what is it?

Mr. ALLISON. Two years ago the entire appropriations for the Signal Service were transferred from the Army appropriation bill to the sundry civil appropriation bill, and this is simply a reference to the appropriations respecting the officers of this corps. It has been in every bill since, referring back to that section.

Mr. EDMUNDS. I understand the Senator, then, to say that this is no increase of the appropriation over the appropriation for the same object in previous years.

Mr. ALLISON. It is not.

Mr. EDMUNDS. Although it refers five years back.

The reading of the bill was resumed and continued to the end of line 2082.

Mr. ALLISON. I move, in line 2082, to strike out "$84,000" and insert "$85,440;" so as to make the clause read:

Barracks and quarters:

For commutation of quarters to not exceeding four hundred and seventy enlisted men of the Signal Corps on duty at office of the Chief Signal Officer and at signal stations throughout the United States, $85,440.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2111, after "1879," to strike out "and for supplying headstones for unmarked graves of soldiers, sailors, and marines of the Revolution, war of 1812, Mexican and other wars not heretofore provided for, forty-five" and insert "forty;" so as to make the clause read:

Headstones for graves of soldiers: For continuing the work of furnishing headstones for unmarked graves of Union soldiers, sailors, and marines, including all who have died in the regular naval service at any time, in national, post, city, and village cemeteries, naval cemeteries at navy-yards and stations of the United States, and other burial places, under the acts of March 3, 1873, and February 3, 1879, $40,000.

The amendment was agreed to.

Mr. EDMUNDS. It may not be necessary, but I wish to call attention to line 2107, where the description of these cemeteries occurs. It says "national, post, city, and village cemeteries." In all New England, and I do not know but in New York, there is another municipal division known as towns, which are much more common than cities and villages. Therefore after the word "city" I move to insert the word "town," so as to cover every place where these soldiers are buried. I know that in Vermont a great many of our soldiers' bodies rest in the town cemetery, which has no village organization at all, but is under our New England town organization.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont.

Mr. ALLISON. I do not object to the insertion of the word "town."

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 2107, after the word "city," it is proposed to insert the word "town;" so as to read:

In national, post, city, town, and village cemeteries.

The amendment was agreed to.

Mr. PLUMB. I should like to make an inquiry of the chairman of the committee in regard to the paragraph commencing in line 2095 and ask him whether there are any other national cemeteries than those in which are buried volunteer soldiers.

Mr. ALLISON. This paragraph, as I understand it, is intended to cover only those national cemeteries in which volunteer soldiers are buried.

Mr. PLUMB. Then I observe in line 2098 there is an item for "headstones for deceased soldiers of the regular Army," while in the second paragraph below there is a provision "for unmarked graves of Union soldiers." I call attention to the distinction here, if there be one, between regular Army soldiers and Union soldiers.

Mr. ALLISON. That, I believe, is a new division not before inserted.

Mr. EDMUNDS. That had better be amended then.

In view of what the Senator from Kansas has stated, and to make it sure that there is no distinction, I move to insert after the word "soldiers," in line 2099, the words "in the service," and then strike out the words "of the regular Army" and insert "United States."

Mr. PLUMB. That will be all right, except that in the second succeeding paragraph there is a general provision embracing the Union soldiers, sailors, and marines.

Mr. EDMUNDS. Then why should this paragraph stand at all?

Mr. COCKRELL. The rest of it ought to be stricken out; there is no doubt about that.

Mr. PLUMB. All the rest ought to be stricken out as creating an unnecessary and somewhat injurious distinction perhaps between the regular Army soldiers and Union soldiers.

Mr. EDMUNDS. I think so too. I withdraw my amendment. That is better.

Mr. ALLISON. What is the amendment suggested?

Mr. PLUMB. Strike out all after the word "materials," in line 2099, to the word "Army."

Mr. ALLISON. Strike out "and headstones for deceased soldiers of the regular Army," in lines 2098 and 2099. I do not object to that. That is a new item and a new estimate.

The PRESIDENT *pro tempore*. The amendment can only be made by unanimous consent at this stage.

Mr. ALLISON. I hope it will be so modified.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 2098, after the word "materials," it is proposed to strike out "and headstones for deceased soldiers of the Regular Army;" so as to read:

National cemeteries:

For national cemeteries: For maintaining and improving national cemeteries, including fuel for superintendents of national cemeteries, pay of laborers and other employés, purchase of tools and materials, $100,000.

The amendment was agreed to.

Mr. PLUMB. Now in the line of the suggestion of the committee, in the last part of the paragraph commencing in line 2103, I move in line 2105 to strike out, commencing with the word "including," down to and including the word "time," in line 2106. That is in exact accord with the amendment of the committee in the latter part of the paragraph.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 2105, after the word "marines," it is proposed to strike out "including all who have died in the regular naval service at any time;" so as to read:

Headstones for graves of soldiers: For continuing the work of furnishing headstones for unmarked graves of Union soldiers, sailors, and marines, in national, post, city, and village cemeteries, naval cemeteries at navy-yards and stations of the United States, and other burial places, &c.

Mr. ALLISON. This is new also.

The amendment was agreed to.

Mr. HAWLEY. I should like to make an inquiry about that. Is it possible there is any existing statute which is qualified by these words, "including all who have died in the regular naval service at any time?" This evidently intends to authorize the War Department to go back to the Mexican war, the Florida war, and any other war, to furnish headstones.

Mr. ALLISON. All these provisions are new. I do not know but that is the reason why the committee did not at the time strike them out.

Mr. HAWLEY. It is possible these words about to be stricken out may have a qualifying effect, enlarging some previous statutes.

Mr. COCKRELL. On page 87 of the bill you will see a proposition there stricken out which provided for supplying headstones for unmarked graves of soldiers, sailors, and marines of the Revolution, war of 1812, Mexican and other wars, not heretofore provided for.

Mr. ALLISON. That was stricken out without striking out the corresponding provision.

Mr. COCKRELL. The corresponding provision ought to be stricken out.

Mr. ALLISON. So I agree.

Mr. EDMUNDS. Now it is left, as I understand——

Mr. ALLISON. Just as the law is now.

Mr. EDMUNDS. That this paragraph of appropriation will cover the placing of suitable marks of memory and respect at the graves of all who have died in the service of the Republic. Am I right about that?

Mr. ALLISON. Yes, sir.

Mr. EDMUNDS. I understand the chairman to say that is the correct construction.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Miscellaneous Objects," after line 2116, to insert:

Survey of Northern and Northwestern lakes: For printing and issuing charts for use of navigators, and electrotyping copper-plates for chart-printing, $2,000.

The amendment was agreed to.

The next amendment was, after line 2120, to insert:

Surveys and reconnaissances in military divisions and departments: For publication of maps for use of the War Department, $2,500.

The amendment was agreed to.

The reading of the bill was resumed, and continued to the end of the following clause, from line 2137 to line 2142, inclusive.

Support and medical treatment of destitute patients: For the support and medical treatment of seventy-five medical and surgical patients who are destitute, in the city of Washington, under a contract to be made with the Providence Hospital by the Surgeon-General of the Army, $15,000.

Mr. EDMUNDS. I should like to hear the chairman of the committee explain what that contract is, and how long it runs, and what is the price paid, &c.

Mr. ALLISON. That contract has been in existence a number of years. I do not know that I can state its details. The appropriation has been made for several years under the Surgeon-General of the Army.

Mr. EDMUNDS. Can the Senator give me a reference to where that contract can be found and how long it runs?

Mr. ALLISON. It is made year by year by the Surgeon-General. It is a very reasonable contract.

Mr. EDMUNDS. Do not the official reports set out the contract and show what it is?

Mr. ALLISON. I do not think they do in detail.

Mr. EDMUNDS. Does this include all sorts of people, or only Army people?

Mr. ALLISON. Only people sent by the Surgeon-General to the hospital.

Mr. EDMUNDS. Let it go for the time being; but I should like to know precisely what it all means.

Mr. BECK. We made the same provision in the law of last year and for a number of years past.

Mr. EDMUNDS. I remember that; but I have never yet been able to learn precisely what this contract is, how long it runs, whether it is from year to year, what its terms are, and how many patients are to be supported under this contract for $15,000. But I will not delay the bill to look into it now.

Mr. ALLISON subsequently said: I ask leave to have inserted in the RECORD an important statement of the expenditures last year for Providence Hospital. This is in the report of the Surgeon-General.

The PRESIDENT *pro tempore*. If there is no objection the paper will be inserted.

The Chair hears none.

The extract is as follows:

PROVIDENCE HOSPITAL.

Under the provisions of the act of March 3, 1885, making appropriation of $15,000 for the "care, support, and medical treatment of seventy-five transiept paupers, medical, and surgical patients, in the city of Washington, under a contract to be made with such institution as the Surgeon-General of the Army may select," a contract was entered into with Providence Hospital, and was fulfilled by that institution to my entire satisfaction and without complaint on the part of the persons sent there for care and treatment. The following is a statement of the amount of relief afforded under the appropriation:

Number of patients in hospital July 1, 1883	80
Number of patients admitted during the year	894
Total number of patients treated	974
Average number of patients admitted per month	74
Number remaining in hospital June 30, 1884	78
Total number of days' treatment afforded	32,376
Average number of days' treatment per patient	33
Average number of patients treated per day	88
Longest term of treatment.....days	365
Shortest term of treatment.....do	1
Number of patients in hospital during the whole year	15

The patients included in the statement represent all classes of diseases, acute and chronic, except those of a contagious nature. The fifteen patients shown as having remained in hospital during the whole year are paupers, incurable, without home or friends.

The PRESIDENT *pro tempore*. The reading will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2145, to increase the appropriation for "Garfield Hospital: For maintenance, to enable it to provide medical and surgical treatment to transient persons unable to pay therefor," from $7,500 to $10,000.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of the clause from line 2151 to 2160, inclusive, as follows:

Publication of the Official Records of the War of the Robellion, both of the Union and confederate armies, as follows: For continuing the publication of the Official Records of the War of Rebellion, and printing and binding, under direction of the Secretary of War, of a compilation of the official records, Union and confederate, so far as the same may be ready for publication during the fiscal year, to be distributed as required by act of March 3, 1885, $36,000.

Mr. EDMUNDS. Is that the appropriation that was made the year before?

Mr. ALLISON. The same amount, I believe.

Mr. BECK. Precisely the same.

Mr. ALLISON. It is the same amount as last year.

Mr. EDMUNDS. I will look it up.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 2160, to insert:

Examination of claims of certain States and Territories: To enable the Secretrry of War to make examination and report upon the claims of the States and Territories named in the act of June 27, 1882 (chapter 241 of the laws of the Forty-seventh Congress, first session), $7,500, said sum to be expended in his discretion.

Mr. EDMUNDS. I should like to have the chairman explain that fully. What are these claims?

Mr. ALLISON. These are the Indian-hostility claims. An act was passed June 27, 1882. I wish to amend the amendment by inserting $10,000 in line 2167 instead of $7,500.

Mr. EDMUNDS. I wish the Senator would explain a little more fully what this provision is of 1882.

Mr. ALLISON. The Senator has the statutes. It applies to several States and Territories. It applies to Kansas, Texas, Oregon, and, I think, Nevada. The State of Kansas has had her claim settled and paid, and the State of Texas, I believe, is now having her claims examined. It is necessary for the Secretary of War to have an appropriation for the purpose of enabling the proper officers of the Government to make these examinations. It is merely intended to cover expenditures.

Mr. HOAR. What are they?

Mr. ALLISON. The examinations are made by the regular Army officers.

Mr. HOAR. What is the nature of the claims?

Mr. ALLISON. They arise out of Indian wars.

Mr. EDMUNDS. It is a pretty broad statute.

Mr. ALLISON. So it is.

Mr. EDMUNDS. I should be glad to have a little attention given to this. This act of the 27th of June, 1882, chapter 241 of the laws of the first session of the Forty-seventh Congress (volume 22, page 111), provides—

That the Secretary of the Treasury is hereby authorized and directed, with the aid and assistance of the Secretary of War—

Which I suppose implies military assistance by the armies of the United States—

to cause to be examined and investigated all the claims of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territories of Washington and Idaho, against the United States of America for moneys alleged to have been expended and for indebtedness alleged to have been assumed by said States and Territories in organizing, arming, equiping, supplying, clothing, subsisting, transporting, and paying the volunteer and military forces of said States and Territories called into active service by the proper authorities thereof, between the 15th day of April, in the year 1861, and the date of this act.

Being a period of twenty years in round numbers—

to repel invasions and Indian hostilities in said States and Territories and upon their borders, including all proper expenses necessarily incurred by said States and Territories on account of said forces having been so called into active service as aforesaid, and also all proper claims paid or assumed by said States and Territories for horses and equipments actually lost by said forces while in line of duty in active service (excepting and excluding therefrom any claim said State of Oregon may have for money expended and indebtedness assumed or incurred in suppressing Modoc Indian hostilities during the Modoc Indian war, and in defending that State from invasion by said Indians during the years 1872 and 1873, which were submitted to and passed upon, by either approval or rejection, by Inspector-General James A. Hardie, United States Army). Said accounts for and on behalf of said State of Texas shall be confined to claims arising since the 20th day of October, 1865, and shall include the necessary expenses of defense against Mexican raids or invasions as well as those for defense against Indian hostilities, and for and on behalf of said Territories of Idaho and Washington for said claims arising in the years 1877 and 1878.

Then it makes sundry limitations. That act is four years old and upward, and I should like to ask the chairman of the committee how much money has been appropriated already for these examinations and reports.

Mr. ALLISON. This is the first appropriation, I will say to the Senator from Vermont, for this purpose, but it has been estimated for by every Secretary of War since the passage of this act. Secretary Lincoln estimated $25,000, and the present Secretary estimated $25,000, and wrote to the committee a very urgent letter respecting it, and stated that these claims were being pressed. They are on file in the War Department, and they are being pressed by the States interested,

and it is absolutely necessary that he shall have a small fund—he estimated for a fund of $25,000—to enable him to make a critical and careful examination of these claims. The Committee on Appropriations inserted $7,500, and have instructed me since that to move to increase it to $10,000. I therefore move that amendment to the amendment of the committee.

Mr. EDMUNDS. It is a very dangerous law.

Mr. ALLISON. So it is, but it is there.

Mr. EDMUNDS. I think we might well hold up a little while and see about that.

Mr. ALLISON. It is very difficult to hold up without repealing the law. The Committee on Appropriations on examination of the question felt that it was important to make some provision in order to give the Secretary of War an opportunity to make a careful investigation of these claims.

Mr. EDMUNDS. It is no more difficult to hold up than it has been for four years last past, I suppose. There is no gravitation that increases the rapidity of the pressure.

Mr. ALLISON. But the Secretary of War has already made some examinations. The State of Kansas has had all her claims presented, examined, and paid.

Mr. EDMUNDS. Out of what fund was the examination made?

Mr. ALLISON. It was made without any additional appropriation.

Mr. EDMUNDS. Why can it not be done again?

Mr. ALLISON. There was no appropriation made for the examination of those claims; but there has been one appropriation made for the payment of the Kansas claims, an appropriation of $230,000.

Mr. EDMUNDS. Do you mean to say $230,000 has been spent in the examination already?

Mr. ALLISON. No; I say claims have been examined to the extent of $230,000 of the State of Kansas and have been paid by appropriations under that law. The claims of the State of Texas I think are much larger than the claims of the State of Kansas, and the claims of the other States and Territories are on file in the War Department, and the Secretary of War desires to make a careful and critical examination of certain of these claims, and he has no fund with which to make that examination. This appropriation is for that purpose.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Iowa [Mr. ALLISON] to the amendment of the Committee on Appropriations.

Mr. DOLPH. I desire to say in regard to this law that although it was passed before I became a member of this body I have examined it since, and the class of claims payment of which is provided for under the act referred to by the Senator from Vermont is a class of claims that has always been paid by the General Government. The States have always been reimbursed for expenses in defending themselves against Indian hostilities and against invasions. There is not a precedent to the contrary since the Constitution was formed.

Mr. EDMUNDS. Does the Senator mean to say that was the breadth of this act of 1882?

Mr. DOLPH. Yes, sir, and some acts have gone further. I took occasion in making a report on the claim of the State of New York to cite all the acts that had ever been passed, and many of the reports that had been made on the claims of States—a report I made at the last session of Congress, in which I examined the matter thoroughly.

I say these are a class of claims that have always been paid to the States. The claims of Kansas have been examined and reported upon and paid, appropriations having been made for them. Now the Secretary of War reports that notwithstanding he details officers of the Army to make these examinations and audit these claims, it requires money to pay the expense of office rent, I think, and clerk-hire and some other incidental expenses in the examination of the claims; and he has asked, as the preceding Secretary of War, his predecessor, asked, $25,000 for that purpose.

The senior Senator from Texas [Mr. MAXEY] introduced a bill at the present session, and I am not sure but it passed the Senate, making an appropriation of $25,000 for that purpose. I am only sorry that he is not in his seat.

Mr. PLUMB. That bill is in the Committee on Appropriations, and has not been passed.

Mr. DOLPH. I know that it has not passed the House.

Mr. ALLISON. It has not passed the Senate. It was referred to the Committee on Appropriations.

Mr. DOLPH. This is a small sum, but it will enable the work to be carried on. The claims have been presented, but they can not be examined without an appropriation. I am certain the appropriation is a proper one.

Mr. PLUMB. There can not be any doubt in my judgment that the Government is committed not by this law, but by precedents that run clear back through the history of all the States in the Union, including the State of Vermont, the State of New York, and all the older States that had to do with the question of defense against Indians and other public enemies, except it may be in regard to the payment for horses. This law is certainly no broader than the bills that have been passed from time to time for the allowance of claims of the various States.

I had occasion many years ago when I first introduced a bill on this subject, and which was finally incorporated in the law referred to, to run that question down very thoroughly, and I was very much surprised to find the number of precedents there were for action of that kind at a very early date, the Senator from Oregon says extending through the entire history of the Republic. It is true also, as stated by the Senator from Iowa, that the State of Kansas has gotten its pay or the largest portion of it under this law, amounting to about $230,000.

I believe that the appropriation ought to be made. While I shall not at all object to making it $10,000—and I think possibly that under the circumstances that may be the wiser thing to do—I still have a conviction, growing out of an experience which I will not here narrate, that it is a much larger sum than would be really necessary if we could only apply to the administration of the War Department in this matter the rules that apply in the transaction of ordinary private business.

Mr. EDMUNDS. That is to have the officers work.

Mr. PLUMB. This determination will be arrived at upon the judgment of Army officers detailed for that purpose, and while it is true that in the paucity of room which exists in that great building which has already cost, I think, about $15,000,000 there is not space there to assemble a board of three officers for this work, the only thing that is necessary to be done is to rent a building in which they can be stored. I think myself that if we could have this matter done as it ought to be done a thousand dollars would be ample, but I have had experience enough in these matters to know that a thousand dollars does not amount to much in these cases, and so far as I am concerned I am entirely willing to accede to the proposed amendment of $10,000. The Secretary wanted $25,000, and as far as I am concerned I am glad to get off at $10,000. The experience that I have had, as I said, indicates that that is outside the necessities of the situation.

Mr. EDMUNDS. This act of 1882 is broader than Indian hostilities. It includes invasions, and it seems to imply that any State or Territory may on its own account and in its own discretion proceed to resist invasion and prepare to suppress it and to suppress Indian hostilities, and come to the Treasury of the United States to be reimbursed for whatever it has expended on its own account and in its own way and in its own discretion for such purposes.

I was under the impression—I do not remember this law; I was not in the city of Washington at the time the act passed—I was under the impression that it was the mission of the United States itself, as the government of the whole people for the whole people, to repress Indian hostilities and to repress and prevent invasions and to resist invasions, and that it must be a very rare and urgent and extreme case, indeed, in which a State or Territory would be justified in resorting to military force to do either of these things. That is a case extreme and sudden as where the President of the United States, the Commander-in-Chief of all its armies and all its militia, had not time in the emergency to act and to bring the force of the Government of the whole people to bear for the objects named in this law.

It will be an agreeable surprise to the tax-payers of the State of Vermont, who had some experience of this kind during the war that is now called the confederate war, but used to be called the war of the rebellion, in raising troops to resist confederate attacks from the friendly and allied territory of Canada. We had never gotten up to the idea—and probably my people in Vermont never observed this act—that the expense to which the State of Vermont went in putting troops on the border when the confederate authorities, as they were called, were fomenting invasions from that side of the country, as they had under the laws of war a perfect right to do, and as the English, favoring their side, were perfectly willing they should do, were to be paid for out of the Treasury of the United States.

It will be rather an agreeable surprise to us that we are to get one or two hundred thousand dollars on the theory of this act and on this investigation; and that rather leads me from a local motive to be in favor of this investigation; but I am very much afraid (to come back to the philosophy and propriety of the thing) that this act of 1882 goes altogether too far, and seems to be a continuing authority to the States and to the Territories to go on their own discretion and in their own way and do whatever they like or think fit and proper to resist any invasion that they may suspect that is about to be made or any hostilities that are about to break out. I do not think it is a very safe act.

Mr. COCKRELL. Mr. President, I am very sorry indeed that the aspirations of the distinguished Senator from Vermont prevent him from speaking of the "war of the rebellion," and that he has got to be so particular, fearing that he may offend the sensibilities of those engaged in that war, that he calls it the war of the confederacy. I hope the Senator will not indulge in that expression any more. Call it by its right name—the war of the rebellion.

Mr. President, I drew the bill that is under discussion. Sundry bills on this question were referred to me in the Committee on Military Affairs and I prepared this bill to meet all the cases, and I challenge the Senator from Vermont or any other Senator to show from 1789 down to this time one solitary law as well guarded, as carefully guarded, as closely guarded as this law is. I examined every solitary act on this question; I examined all the appropriations that had been made, and I put every provision in this bill that had ever been put in any other bill in covering the expenditures to be made under it.

Read section 2:

SEC. 2. That no higher rate shall be allowed for the services of said forces, and for supplies, transportation, and other proper expenses, than was allowed and paid by the United States for similar services in the same grade and for the same time in the United States Army serving in said States and Territories, and for similar supplies, transportation, and other proper expenses during the same time furnished the United States Army in the same country.

That did not give the States and Territories any opportunity of making any change over and above what the Army of the United States was at that very time paying in that region of country. Now read further:

And no allowance shall be made for services of such forces except for the time during which they were engaged in active service in the field; and no allowance shall be made for the services of any person in more than one capacity at the same time, or for any expenditures for which the Secretary of War shall decide there was no necessity at the time and under all the circumstances.

More complete guards could not be put around any provision.

SEC. 3. That to enable the said officers to make the examination and investigation herein authorized the governors of the said States and Territories, respectively, or their duly authorized agents, shall file with the Secretary of the Treasury abstracts and statements of all such claims by said States and Territories, showing the amounts of such expenditures and indebtedness and the purposes for which they were made, and accompanied with proper vouchers and evidence.

SEC. 4. That the Secretary of the Treasury shall, at the earliest practicable time, report to Congress for final action the results of such examination and investigation, and the amount or amounts found to have been properly expended for the purposes aforesaid: *Provided*, That whenever the examination of the accounts of any State or Territory hereinbefore mentioned shall have been completed, the same shall be separately reported to Congress, without reference to the final examination of the accounts of any other State or Territory.

This law provided that the governors of the States and Territories should file with the Secretary of the Treasury an itemized account of every claim for which they asked reimbursement, accompanied by vouchers and receipts for the sum. This was to be done before any action was taken. Then the officers of the Army, the regular officers, and the officers of the Treasury Department were to examine all these accounts, and the closest scrutiny was required to be given. They were prohibited from allowing these States and Territories any more than the regular Army acting in its ordinary capacity was allowing at the same time and place, and they were not allowed to pay these volunteer troops for any time except when they were in active service in the field in pursuit of Indians.

It is well known to every Senator here that in almost all the Western States and Territories there have been Indian outbreaks where the Indians would have completed their raid and their depredations before the President of the United States could have gotten a regular soldier within 100 miles of the place unless he was stationed there. Look at the raid that was made through Kansas. Its traces remain there, the remains of what was done even before the governor of the State could get the militia out to meet the raid. So it was in Washington Territory, so it was in Oregon, and so it was in other places.

This law was provided to adjust all these. Each State or Territory was coming in with a separate bill and these were all taken together, and this bill was provided for that purpose. In many other cases where bills have been passed the auditing by the Treasury and War Department was an absolute settlement of the claims and they were paid; but in this case under this law even after the Secretary of War and the Secretary of the Treasury have both adjudged the claims to be just they can not pay a dollar of them. They simply examine them and then report them back to Congress, and it is then in the power of Congress to do just what it pleases—appropriate or not.

There has only been one State whose claims have been entirely completed and reported to Congress and that was the State of Kansas; the accounts of that State were in a nearer state of completion than any other, and probably (unless possibly Texas may be as large) Kansas had the largest claims of any State or Territory. There were for years separate bills pending here, and they had been reported favorably and had passed the Senate once I believe for the reimbursement of Kansas alone, appropriating a certain amount of money. At the Congress of 1882, all these bills were put together and this law was prepared and was passed. There was a report made in the case, quite a lengthy report, giving the whole history of it.

The bill was prepared and reported, and, after full investigation, became a law, and I assure the Senator from Vermont that if that law is followed there can be no swindling under it, there can be no advantage taken. The governors have to file the accounts, itemized, with the vouchers and the receipts. Then the Department investigates them and by the rules there they report what they think ought to be allowed and then Congress determine whether they will pay a dollar or not.

Mr. HAWLEY. I think the question before the Senate is not upon the merits of that statute, but the question is whether the United States will examine these papers with a view of either refusing or paying these claims. I have not observed that claims diminish with age. The evidence decreases but the claim has usually grown.

One other observation I wish to make to my friend, the Senator from Vermont. He intimated that if the statute had been known to be in force it was possible Vermont might have gained some benefit from this appropriation for repelling invasions from Canada during the war of the rebellion. This is a little mistake. He will find himself without any benefit under the act, because there was a payment made to the State of Vermont for expenses incurred in protection against invasions from Canada in 1864, by the act of June 26, 1866, amounting to $16,463.81, and the amount has been paid.

Mr. EDMUNDS. That amount has been paid, but the others have not.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Iowa to the amendment of the committee.

Mr. HAWLEY. I still have the floor. I was only going to add in response to the remark of the Senator from Vermont that that was all Vermont claimed on the 4th of September, 1867, apparently.

Mr. EDMUNDS. We had not the act of 1882 in force at that time.

Mr. HAWLEY. No; the act of 1882 was not in force, but the Senator referred to expenses incurred by Vermont in attempting to protect herself against invasions from Canada during the rebellion, and if Vermont failed to present her bill in 1867 when she had an opportunity under a law for that, she is not a good Yankee State.

Mr. EDMUNDS. Probably not a law to this effect unhappily at that time.

Mr. MAXEY. I shall not go over the ground occupied by the Senator from Missouri. I was myself a member of the Committee on Military Affairs at the time the act of 1882 was prepared by that committee, presented to the Senate, passed through the Senate without, as far as I remember, a single amendment to it except to add California, went to the House, passed the House, and became a law. There were various States which had claims, and each of those States had presented a separate bill, Kansas, Nevada, Colorado, Oregon, Texas, and by amendments placed on the bill after it came to the Senate, on the motion of the late Senator from California, Mr. Miller, California was added. There was also the Territory of Washington and there were some other Territories perhaps included. The Committee on Military Affairs took all those bills and directed a committee bill to be prepared, which was done by the Senator from Missouri, and that bill passed as I have stated.

Now, the question is, shall the law be carried out? After the passage of this bill in 1882, Mr. Lincoln then being Secretary of War, I went to the War Department and had a conversation with him. He stated to me that there was a necessity for an appropriation to enable him to carry out this law, and after conferring with him in regard to it he sent a special estimate to the Committee on Appropriations, which is on file in the papers of that committee. When I returned to the Senate from the War Department I prepared an amendment to the appropriation bill then pending, sent it to the Committee on Appropriations, and they allowed the appropriation, which was $25,000. It came to the Senate and passed the Senate. No one dissented. It was lost in some way in conference.

During the present session of Congress I had another conversation with the present Secretary of War, Mr. Endicott, on the same subject. He took the same view as Mr. Lincoln, that this appropriation was necessary in order to the faithful execution of the law. He took the same course that Mr. Lincoln had taken. I proposed the amendment to the Committee on Appropriations. That committee took it up. That was also $25,000, but the committee reported only $7,500, which, in my judgment, is not enough to put the law in operation, according to the views of the Secretary of War; and the amount is now proposed to be increased to $10,000.

A word now on the subject of precedents. It was not necessary for the Senator from Connecticut to have stopped at the precedent for Vermont. There is a precedent for Minnesota and many other States, all of which were examined by the Committee on Military Affairs before this bill was presented from that committee to the Senate. But there can be no question whatever, where a State honestly and in good faith has expended money to raise forces to defend her own people when there are not sufficient troops at the command of the Federal Government to give them protection, that it is the bounden duty of the State to provide for the defense of her citizens from the scalping-knife of the Indian or from the raids of the Mexican.

That there were raids across the Rio Grande during a number of years into Texas, accompanied by robbery, arson, and every crime known to the law, is a part and parcel of the history of this country. That continued for years, and the State of Texas as a matter of duty to her own citizens did organize forces and send them to the frontier to protect her citizens. Subsequently the United States Government did send troops there in sufficient numbers to furnish defense, and I was informed by the late distinguished General of the Army, the brother of the present distinguished Presiding Officer of the Senate, that he had placed on the frontier of Texas a sixth of the effective force of the entire Army. It was absolutely necessary to the defense, of that frontier for 1,200 miles, and a large portion of that a wilderness, to place one-sixth of the Army there. My honored colleague [Mr. COKE] was for a portion of that time governor of the State, and as a matter of duty he called out forces and did defend the frontier.

A State has no power to raise and support armies. It is the duty of the Federal Government to provide for the common defense, and, *ex necessitate rei*, when the duty is temporarily devolved on the States to raise troops, it is the business of the Government, who ought to exer-

cise that duty, to refund the money thus paid by the State for the common defense.

So, Mr. President, the attack on this appropriation goes further than that. It is an attack on the majesty of the law. The law is in force on the statute-book, and the proper officer, the Secretary of War, declares that he can not execute that law without the aid of this appropriation; and the Appropriation Committee has done its duty when it comes forward with the necessary appropriation to enable the Secretary of War to discharge that duty. Of all the States which were embraced in that law, the State of Kansas and that only has received the amount to which she was justly entitled.

That claim went through the War Department and went through the Treasury Department. They came to Congress and the necessary appropriation was made. Why make fish of one and flesh of another? Why, having paid that claim, lock and bar and bolt the door and say no other State shall be indemnified? That will not do. It is not just and it is not right that the appropriation should be refused.

If these claims are not just, you have three distinct ways of closing the matter out, I say to the Senator from Vermont. First, if the claims are not just and meritorious, it is the duty of the Secretary of War so to say. Second, the claims are visaed by the Secretary of War before they are submitted here to Congress, and after all that is done the claims are presented here to this body; and it is for Congress after full investigation to determine whether or not these claims shall be paid.

De Lolme said that in a certain difficulty between the executive and the legislative department in England the executive could supply a ship of war but Parliament could leave the ship stranded; in other words, he would not make the necessary appropriation to carry out the law of the land. That is a dangerous method of thwarting law, and there is no need for it. If these claims are honest we have here the means of determining that fact, and if they are honest and clear we should pay them. If they are not honest claims then Congress can so say and payment be disallowed; but in the mean time let the law be carried out, furnish the officers of the Government the means of examining and auditing these claims and presenting them in a legal and intelligent form to Congress so that we may act upon them and determine whether or not they should be allowed.

I hope the amount will be raised to $10,000. I personally believe it is all we can get, but I do not know that the Secretary of War can carry out the act with that but he can start with that.

My State is no more interested in this matter than the State of Oregon, the State of Nevada, the State of California, the State of Colorado, and the Territories which have no representation in this body; but, sir, in the name of justice and fair dealing and right between man and man it is right that these States if they have a claim should have a fair and just way of presenting and asserting that claim, and if the claims are honest Congress should allow them.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Iowa to the amendment of the Committee on Appropriations.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "United States military prison at Fort Leavenworth," in line 2230, after the word "prisoners," to strike out the words "three thousand" and to insert "five thousand two hundred and fifty;" so as to make the clause read:

For lumber, new flooring, and paints for the hospital, and materials for general repairs of guards' quarters, prison buildings, shops and officers' quarters; new roofs, floors, painting, and pay of temporary employés for work which can not be done by prisoners, $5,250.

The amendment was agreed to.

The next amendment was, in line 2238, to increase the total amount of the appropriations for the "United States military prison at Fort Leavenworth," from $87,667.76 to $89,917.76.

The amendment was agreed to.

The next amentment was, in the appropriations for "National Home for Disabled Volunteer Soldiers," after line 2276, to insert:

For construction and repairs at Southern Branch, Hampton, Va., as estimated in Appendix Jj, pages 299 and 300, Book of Estimates for 1887, except the items for water-supply, gas-machine, John's Creek, and electric light, $107,500.

The amendment was agreed to.

The next amendment was, in line 2289, after the word "million," to strike out "five hundred and seventy-three thousand five hundred" and insert "six hundred and eighty-one thousand;" so as to make the clause read:

For out-door relief and incidental expenses, $15,000; in all, $1,681,000. And hereafter the estimates for the support of the Home for Disabled Volunteer Soldiers shall be submitted by items.

The amendment was agreed to.

The next amendment was, under the head of "Under the Department of Justice," in the appropriations for the Department of Justice building, after line 2305, to insert:

For preparing for occupancy the fifth-floor rooms, including the repairing, cleaning, and coloring of the walls, painting the wood-work, procuring and putting down carpets and matting or proper floor-covering, providing necessary desks, book-cases, and other furniture, gas-fixtures, and heating apparatus, $3,500.

The amendment was agreed to.

The next amendment was, in line 2314, before the word "thousand," to strike out "ten" and insert "twenty-five;" so as to make the clause read:

Penitentiary in Wyoming Territory: For necessary repairs of penitentiary building, $25,000.

Mr. ALLISON. I move to insert, after the word "for," the words "for completion and;" so as to read:

Penitentiary in Wyoming Territory: For completion and necessary repairs of penitentiary building, $25,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in line 2319, after the word "dollars," to insert:

For one brick tank-house, with wrought-iron tanks with a capacity of not less than 35,000 gallons, $4,500; in all, $19,500;

So as to make the clause read:

Reform School, District of Columbia: For one family building of brick and stone, complete, to include steam-heating apparatus, gas and water supply, $15,000; for one brick tank-house, with wrought-iron tanks with a capacity of not less than 35,000 gallons, $4,500; in all, $19,500; one-half of said sum to be paid from the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, in line 2328, after the words "may be," to strike out "required" and insert "assigned;" so as to make the clause read:

Court-house, Washington, D. C.: For annual repairs, steam-heating, inside changes, preparation of such rooms in the western wing of the old portion of the building as may be assigned for occupancy of the Civil Service Commission, and for repairing roof and cornice of the court-house, Washington, D. C., under the direction of the Architect of the Capitol, $12,000: *Provided*, That the Civil Service Commission shall remain in the building of the Agricultural Department until the rooms herein indicated are ready for their occupancy.

The amendment was agreed to.

The next amendment was, in line 2357, before the word "thousand," to strike out "thirty" and insert "thirty-five;" so as to make the clause read:

Expenses of Territorial courts in Utah Territory: For defraying the contingent expenses of the courts, including fees of the United States district attorney and his assistants, the fees and per diems of the United States commissioners and clerks of the court, and the fees, per diems, and traveling expenses of the United States marshal for the Territory of Utah, with the expenses of summoning jurors, subpœnaing witnesses, of arresting, guarding, and transporting prisoners, of hiring and feeding guards, and of supplying and caring for the penitentiary, to be paid under the direction and approval of the Attorney-General, upon accounts duly verified and certified, $35,000.

The amendment was agreed to.

Mr. ALLISON. I move to add after line 2357:

To aid in the further and more effectual prosecution of crimes in the Territory of Utah, $10,000, to be expended in the discretion of the Attorney-General.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, after line 2357, to insert:

Industrial Home in Utah Territory: To aid in the establishment of an Industrial Home in the Territory of Utah, to provide employment and means of self-support for the dependent women who renounce polygamy, and the children of such women of tender age, in said Territory, with a view to aid in the suppression of polygamy therein, $50,000; said sum to be expended upon requisition of and under the management of a board of control to consist of the governor and justices of the supreme court and the district attorney of said Territory; and said board shall duly and properly expend said sum, or so much thereof as may be necessary, for the purposes herein indicated, and shall, from time to time, report to the President their acts and doings and expenditures hereunder, for transmission to Congress.

The amendment was agreed to.

The reading of the bill was resumed; as follows:

Defending suits in claims against the United States: For defraying the necessary expenses incurred in the examination of witnesses and procuring of evidence in the matter of claims against the United States and the District of Columbia pending in any Department, and for necessary expenses incurred in defending suits in the Court of Claims, to be expended under the direction of the Attorney-General, $20,000. One-half of the expenses incurred hereunder on account of the District of Columbia shall be paid out of the revenues of said District; and hereafter the estimates therefor shall be submitted in the annual estimates for the District of Columbia.

Mr. EDMUNDS. Before we pass from that matter in regard to defending suits and claims against the United States I should like to ask the chairman of the committee why this appropriation is confined to the District of Columbia? It is only "claims against the United States and the District of Columbia pending in any Department." Does that mean separately and distributively?

Mr. ALLISON. In lines 2376 and 2377?

Mr. EDMUNDS. Yes. Would that allow the expenditure of this money in respect of a claim against the United States that did not concern the District of Columbia?

Mr. ALLISON. So I understand.

Mr. EDMUNDS. With that construction, then, it is right. Of course, it ought to be distributive.

Mr. ALLISON. It is for all claims that are presented against the United States and the District of Columbia.

Mr. EDMUNDS. Taken distributively.

Mr. ALLISON. Yes, sir.

Mr. EDMUNDS. That is right.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2406, before the word "thousand," to strike out "thirty" and insert "thirty-five;" so as to make the clause read:

Prosecution of crimes: For the detection and prosecution of crimes against the United States, preliminary to indictment, and for the investigation of official acts, records, and accounts of officers of the courts, including the investigation of the accounts of marshals, attorneys, clerks of the United States courts, and the United States commissioners, under the direction of the Attorney-General, and for this purpose all the records and dockets of these officers, without exception, shall be examined by his agents at any time, $35,000.

The amendment was agreed to.

The next amendment was, after line 2410, to insert:

Defense in French spoliation claims: To enable the Attorney-General to make proper defense for the United States in the matter of the French spoliation claims, $5,000, to be expended in his discretion.

Mr. ALLISON. After the word "thousand," in line 2414, I move to insert the words "six hundred;" so as to read:

Five thousand six hundred dollars, to be expended in his discretion.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. FRYE subsequently said: I was called out for a moment and the amendment from line 2411 to line 2415, inclusive, has been agreed to in my absence, I judge.

Mr. ALLISON. Yes. I had $600 added to the amendment.

Mr. FRYE. Would the Senator consent to insert in place of that the item which was contained in the legislative bill?

Mr. ALLISON. I should like to hear it read.

Mr. FRYE. It is as follows:

For the following additional force rendered necessary under the provisions of the act of January 20, 1885, providing for the ascertainment of the claims of American citizens for spoliations committed by the French prior to July 31, 1801, namely: Two law clerks at $2,000 each; one stenographer at $1,600, to be employed for one year, and to be appointed by the Attorney-General; in all $5,600.

Mr. ALLISON. I desire to say to the Senator from Maine that I inserted $600 additional to cover that exact expenditure.

Mr. HALE. The provision in the bill is better than what my colleague has read.

Mr. ALLISON. I think the phraseology of the bill is rather an improvement. What the Senator has read seems to be rather too long, and I think the Attorney-General can and will under this phraseology do what the Senator thinks ought to be done.

Mr. HALE. The provision in the bill is better for the Department.

Mr. FRYE. One of the gentlemen from the Department called my attention to it, knowing that I was interested in getting many of those French spoliation claims tried, and he said that they preferred this very much.

Mr. ALLISON. I think it is all right.

Mr. FRYE. Very well; I care nothing about it.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "United States courts," in line 2426, after the word "thereto," to strike out "generally, the expenses stated under the following heads;" and in line 2428, after the word "namely," to insert "those stated in the following itemized list;" so as to make the clause read:

Expenses of the United States courts: For defraying the expenses of the Supreme Court: of the circuit and district courts of the United States and of the District of Columbia and Alaska; of jurors and witnesses; of suits in which the United States is interested; of the prosecution of offenses committed against the United States; of the safe-keeping of prisoners; and of the enforcement of the provisions of title 26 of the Revised Statutes, or any acts amendatory thereof or supplementary thereto, namely, those stated in the following itemized list.

The amendment was agreed to.

The next amendment was, after the word "court," at the end of line 2450, to insert "and when they attend under sections 583, 584, 671, 672, and 2013 of the Revised Statutes;" so as to make the clause read:

For fees of clerks, $175,000. But no part of the appropriations under this act shall be used to pay the fees of United States marshals or clerks upon any writ or bench warrant for the arrest of any person or persons who may be indicted by any United States grand jury, or against whom an information may be filed, where such person or persons is or are under a recognizance taken by or before any United States commissioner, or other officer authorized by law to take such recognizance, requiring the appearance of such person or persons before the court in which such indictment is found or information is filed, and when such recognizance has not been forfeited or said defendant is not in default, unless the court in which such indictment or information is pending orders a warrant to issue; nor shall any part of the money appropriated by this act be used in payment of a per diem compensation to any clerk or marshal for attendance in court except for days when business is actually transacted in court, and when they attend under sections 583, 584, 671, 672, and 2013 of the Revised Statutes, which fact shall be certified in the approval of their accounts.

The amendment was agreed to.

The next amendment was, in line 2474, after the word "court," to insert "for stenographic clerk for the Chief-Justice and for each associate justice of the Supreme Court, at not exceeding $1,600 each;" and in line 2483, after the word "hundred," to strike out "thousand" and insert "and fourteen thousand four hundred;" so as to make the clause read:

For pay of bailiffs and criers; of expenses of district judges who may be sent out of their districts to hold court; of meals for jurors when ordered by court; of compensation for jury commissioners, $5 per day, not exceeding three days for any one term of court: for stenographic clerk for the Chief-Justice and for each associate justice of the Supreme Court, at not exceeding $1,600 each; and for such other miscellaneous expenses as may be authorized by the Attorney-General, including the employment of janitors and watchmen in rooms or buildings rented for the use of courts, interpreters, experts, and stenographers; of furnishing and collecting evidence where the United States is a party in interest, and other miscellaneous expenses, $314,400.

The amendment was agreed to.

Mr. HALE. Right there an amendment should come in which went out of the legislative appropriation bill. It will speak for itself. I move to add, after line 2484:

For increased clerical service in the Court of Claims, made necessary by the business of the French spoliation claims, $1,200.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the heading "Under legislative," after line 2491, to insert:

Works of art:

For the purchase of works of art, under the direction of the Joint Committee on the Library of Congress, $10,000.

The amendment was agreed to.

Mr. SEWELL. I move to amend the paragraph by adding after the word "art," in line 2493, the words:

And the necessary cleaning and repairing thereof, including new frames.

So as to read:

For the purchase of works of art, and the necessary cleaning and repairing thereof, including new frames, under the direction of the Joint Committee on the Library of Congress, $10,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SEWELL. I move to add to the paragraph the following words:

And the proper accounting officers of the Treasury are hereby authorized and directed to credit the disbursing officer of the Joint Committee on the Library with the sum heretofore disallowed on his account for works of art for the Capitol, the same being for the cleaning and repairing of such works of art at the Capitol, $172.50.

The amendment was agreed to.

Mr. BECK. Did these amendments come from the committee?

Mr. SEWELL. They come from the Committee on the Library.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2508, after the word "million," to insert "one hundred thousand;" so as to make the clause read:

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, the Executive Office, and the Departments, including the salaries or compensation of all necessary clerks and employés, for labor (by the day, piece, or contract), and for all the necessary materials which may be needed in the prosecution of the work, $2,100,000; and from the said sum hereby appropriated printing and binding may be done by the Public Printer to the amounts following, respectively, namely.

The amendment was agreed to.

The next amendment was, in line 2513, after the word "debates," to strike out "nine hundred" and insert "one million;" and in line 2514, after the word "dollars," to strike out:

And printing and binding for Congress chargeable to this appropriation, when recommended to be done by the Committee on Printing, shall be so recommended in a report containing an estimate of the cost thereof, together with a statement from the Public Printer of the amount and cost of work previously ordered by Congress within the fiscal year for which this appropriation is made (all reserve work shall be bound in sheep).

So as to read:

For printing and binding for Congress, including the proceedings and debates, $1,010,000.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 2547, to insert:

And the scientific reports known as the monographs and bulletins of the Geological Survey shall not be published until specific and detailed estimates are made therefor, and specific appropriations made in pursuance of such estimates; and no engraving for the annual reports or for such monographs and bulletins, or of illustrations, sections, and maps, shall be done until specific estimates are submitted therefor and specific appropriations made based on such estimates: *Provided*, That these limitations shall not apply to the current fiscal year, nor to any of the reports, mineral resources, monographs, or bulletins that may have been transmitted for publication to the Public Printer prior to the passage of this act: *Provided further*, That all printing and engraving for the Geological Survey, the Coast and Geodetic Survey, the Hydrographic Office of the Navy Department, and the Signal Service shall hereafter be estimated for separately and in detail, and appropriated for separately for each of said bureaus.

The amendment was agreed to.

The next amendment was, after line 2572, to insert:

To enable the Public Printer to comply with the provisions of the law granting fifteen days' annual leave to the employés of the Government Printing Office, $95,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, after line 2576, to insert:

For protection from destruction by fire of the Public Printing Office buildings and property, at Washington, D. C., by the introduction therein of such methods

as the Architect of the Capitol and the Public Printer may regard as most efficient for the purpose, $8,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, after line 2582, to insert:

Senate:

Eor extending Senate boiler-vaults and for additional steam-boilers for the same, $10,500, the same to be expended under the direction of the Architect of the Capitol.

To provide independent ventilating apparatus for the restaurant kitchen in the Senate wing of the Capitol, $1,500, the same to be expended under the direction of the Architect of the Capitol.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The reading of the bill is concluded.

Mr. ALLISON. After line 2591 I move to add:

For the construction of an elevator in the east end of the Senate wing of the Capitol, in the northeast corner of the corridor of the lower entrance, and the closing up of the doorway of the Senate committee-room of the District of Columbia, and the building of a new doorway in the southwest corner of said room, $15,500, or so much thereof as may be necessary; and the Architect of the Capitol is directed to have the same completed for use by December 1, 1886.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The amendments of the Committee on Appropriations which have been passed over will now be stated in their order.

Mr. BLAIR. Is it in order to move an amendment now?

The PRESIDENT *pro tempore*. Not now, as amendments of the committee are still pending.

The CHIEF CLERK. The Committee on Appropriations report to strike out lines 46, 47, and 48, in the following words:

For court-house and post-office at Denver, Colo.: For completion of building under present limit, $97,000.

Mr. TELLER. I desire to offer an amendment to that amendment.

The PRESIDENT *pro tempore*. The amendment to the amendment heretofore offered by the Senator from Colorado [Mr. TELLER] will be stated.

The CHIEF CLERK. It is proposed to strike out the words:

For completion of building under present limit.

And to insert after the word "dollars:"

That the act entitled "An act for the erection of a public building at Denver, Colo.," approved May 8, 1882, be amended by making the limit for said building $575,000, and that sum is hereby fixed as the limit of cost thereof. And the Supervising Architect and the officers of the United States Government having charge of the erection of public buildings are authorized and required to be governed by the limitation hereby prescribed in making plans and contracts for the erection of said building.

Mr. ALLISON. I make the point of order on the amendment of the Senator from Colorado that it changes existing law.

Mr. TELLER. I should like to know what the rule is.

The PRESIDENT *pro tempore*. The point of order is that it is not in compliance with existing law.

Mr. EDMUNDS. That it changes existing law.

Mr. TELLER. What is the rule that says you can not change an existing law?

Mr. ALLISON. The rule is at the desk.

The PRESIDENT *pro tempore*. It is the clause in regard to general legislation, the Chair supposes.

Mr. TELLER. It is not general legislation. I do not think the Senator can claim that it is general legislation.

Mr. FRYE. There is no such rule.

Mr. TELLER. I was aware of it, and that is the reason why I asked for the rule. I want to give the history of this, if I can, before the Chair passes upon this question.

The PRESIDENT *pro tempore*. The Senator from Colorado.

Mr. TELLER. In this case the amendment is a fac-simile of a bill which has passed the Senate and gone to the House and remains unacted upon. So this appropriation has already passed the Senate and gone to the House. I offered this amendment and referred it to the Committee on Public Buildings and Grounds. The committee reported it favorably and sent it to the Appropriation Committee, so that it has passed, I think, the necessary committees, and I do not think it can be objected to on the question of order. I ask the Senator from Iowa if he still insists on the question of order.

Mr. ALLISON. Yes. I call attention to paragraph 1 of Rule XVI.

The PRESIDENT *pro tempore*. The Chair will ask the Senator from Colorado if this is moved by direction of a standing or select committee?

Mr. TELLER. It is moved by direction of the Committee on Public Buildings and Grounds.

The PRESIDENT *pro tempore*. Has it been referred to the Committee on Appropriations?

Mr. TELLER. It has been referred to the Committee on Appropriations, as the papers show.

The PRESIDENT *pro tempore*. The Chair is of opinion that if this has been introduced on the report of a standing committee and has been duly referred under the rule to the Committee on Appropriations it is in order.

Mr. PLUMB. I call the attention of the Chair to paragraph 3 of the rule.

The PRESIDENT *pro tempore*. The Chair has read that. It clearly is not general legislation within the meaning of that clause. The Chair is of opinion that special legislation relates to the item referred to in the text of the bill and it does not fall within the class of general legislation.

Mr. PLUMB. Under that ruling of the Chair would it not be competent now to move for the erection of a public building *de novo?*

The PRESIDENT *pro tempore*. Where it has been reported from a standing or select committee and referred to the Committee on Appriations in that way it would be clearly in order.

Mr. PLUMB. That is to say, you can move for the enactment affirmatively for the erection of a new building on an appropriation bill and that would not be general legislation.

The PRESIDENT *pro tempore*. The Chair has no doubt of it. There are appropriations of that kind in the bill.

Mr. PLUMB. But they are to carry out existing law.

The PRESIDENT *pro tempore*. The Chair is of opinion that any new item of appropriation regularly reported from a standing or select committee and referred to the Committee on Appropriations in due form providing for the erection of a new building would be competent.

Mr. PLUMB. Does the Chair hold that that would not be general legislation?

The PRESIDENT *pro tempore*. It would not.

Mr. PLUMB. That is what I wanted to know. It has not been so held heretofore, and the committee has not acted on that idea heretofore.

The PRESIDENT *pro tempore*. The Chair would be glad to find any precedent to the contrary.

Mr. DOLPH. I should like to suggest that I think the Senator from Kansas is in error. A year ago, or at least at the close of the last session of the Forty-eighth Congress, by a vote of the Senate precisely such an amendment was declared to be in order. Half a dozen or more amendments were offered and made a part of the sundry civil appropriation bill and became a law authorizing the erection of public buildings.

Mr. EDMUNDS. What year was that?

Mr. DOLPH. That was the last session of the Forty-eighth Congress, found in the act of March 3, 1885, while the Senator from Vermont was in the chair and ruled upon the point of order.

The PRESIDENT *pro tempore*. The Chair would also call attention to the fact that there are new items of appropriations not provided for by existing law reported in this bill by the Committee on Appropriations.

Mr. HALE. No, I do not think so.

The PRESIDENT *pro tempore*. There is one for the custom-house and post-office at El Paso, Tex., for procuring a site and commencing the erection of a building, $50,000.

Mr. HALE. That is in pursuance of an existing law which passed both Houses.

The PRESIDENT *pro tempore*. That the Chair did not see. The Chair is of opinion that new items of appropriations may be reported from a standing committee if they are referred to the Committee on Appropriations in due order.

Mr. TELLER. The Chair having ruled my amendment in order——

Mr. PLUMB. I think I shall appeal from the decision of the Chair. It certainly will result in this, that there will be no necessity for any Committee on Public Buildings and Grounds. It will prevent in every possible way the discussion of the propriety of the erection of any building. It will absorb in the hands of the Appropriation Committee and in the hands of the Senate acting upon bills as reported the assumption practically of all the business of this body.

I have no objection if that is to be the rule, but I want it so fixed as to be thoroughly understood hereafter, because if that is the case there will be no necessity for referring any of these bills to the Committee on Public Buildings and Grounds.

Mr. TELLER. That is the very first step, as I understand. It has got to go to that committee, and when it has the approval of that committee it becomes in order.

The PRESIDENT *pro tempore*. The Senator from Kansas takes an appeal from the decision of the Chair. The question before the Senate is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. EDMUNDS. Will the Chair be kind enough to have read the precise form of this amendment?

The CHIEF CLERK. In lines 47 and 48 it is proposed to strike out the words "for completion of building under present limit;" so as to read:

For court-house and post-office at Denver, Colo., $97,000.

Mr. TELLER. It does not raise the appropriation.

Mr. EDMUNDS. What do you add?

Mr. TELLER. The Secretary will read it.

The CHIEF CLERK. After the word "dollars," in line 48, it is proposed to add:

That the act entitled "An act for the erection of a public building at Denver, Colo., approved May 8, 1882, be amended by making the limit for said building $575,000, and that sum is hereby fixed as the limit of cost thereof. And the Supervising Architect and the officers of the United States Government having charge of the erection of public buildings are authorized and required to be governed

by the limitation hereby prescribed in making plans and contracts for the erection of said building.

Mr. ALLISON. It seems to me perfectly clear that that is legislation. It is the insertion of a provision upon this appropriation bill changing existing law, legislating with reference to a public building, fixing the limit, directing the architect, and making a new law for the erection of this building at Denver.

Mr. TELLER. The chairman still adheres to the opinion that there is a rule somewhere about changing existing law. I know there is not any such rule, and the chairman will not claim that there is.

Mr. PLUMB. This is it, it proposes general legislation.

Mr. TELLER. This is not general legislation. That is a very different question. This is special legislation about an item in this bill. If this is general legislation there is no special legislation at all. There is a wide distinction between general and special legislation. There can be no special legislation if this is general.

Mr. ALLISON. It would be special legislation then to reorganize the Army on this bill because there is an item in it which specially relates to the Army.

Mr. TELLER. This is a specific item for a particular thing, not general in terms or character.

Mr. DAWES. That is, you can change the law as to any specific item, but you can not change it as to any two items.

Mr. HOAR. I should like to ask the Chair a question.

The PRESIDENT *pro tempore*. The Senator from Colorado has the floor on the point of order.

Mr. TELLER. I will yield to the Senator from Massachusetts.

Mr. HOAR. I should like to inquire of the Chair what is the answer to this provision of the first clause of Rule XVI:

No amendments shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law.

The PRESIDENT *pro tempore*. "Or."

Mr. HOAR. "Or treaty stipulation, or act, or resolution previously passed by the Senate during that session."

The PRESIDENT *pro tempore*. "Or."

Mr. HOAR. "Or unless the the same"—it is the alternative.

The PRESIDENT *pro tempore*. "Or unless the same be moved by direction of a standing or select committee."

Mr. HOAR. "Or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate"—the trouble is the last part.

Mr. EDMUNDS. I think the Chair, as it regards the first paragraph of the rule in respect of increasing items of appropriation, &c., is clearly right, because as it respects merely increasing an item of appropriation to carry out provisions of law, if a committee of the Senate reports an amendment which is sent in time for consideration to the Committee on Appropriations, then it covers that part of the rule. So it appears to me; and in respect of a local interest I should be glad to have the ruling of the Chair sustained, because a later amendment will come in like a good many others.

Now we come to the question under the third paragraph of Rule XVI, whether this is an amendment which proposes general legislation, and that is all the ground I can see upon which a point of order can be made. So the question is whether this is general legislation?

My friend from Oregon [Mr. DOLPH] said that this point was ruled in the session of 1884–'85 by the then presiding officer. I have sent for the Journal of that session, and I am not able to find under the head of "questions of order" any other than two questions that arose. One was decided by the occupant of the chair, the Senator from Connecticut [Mr. PLATT], on quite a different point, and the other was decided by myself, the then President *pro tempore*, and also on a different point, in respect of striking out a part of an amendment which made direction as to the service of soldiers who were to be pensioned.

Mr. DOLPH. I will refer the Senator to the RECORD in a moment.

Mr. EDMUNDS. I should be glad to hear what that was. In the index of the Journal I can not find that the question now presented was raised.

Mr. HARRIS. Will the Senator from Vermont allow me to inquire if the pending question is not kindred to, if not the same, that was involved in the cruisers, an appropriation having been made some years ago and divers and sundry sections, if not pages, of legislation were placed on an appropriation bill directing and describing the character of vessels that were to be constructed? Is this not very much the same if not the same question that was then ruled by the Senator from Vermont in the chair?

Mr. EDMUNDS. With great respect to my friend from Tennessee (and it is real respect in regard to this matter and all others), I do not think it is. There was no existing law which said that no cruisers should be built beyond a certain limit or in a certain way, or otherwise on the subject of the building of cruisers.

Here, as it is stated, and I assume it to be correct, a permanent law provided that a permanent building should be erected at a certain place at a cost not exceeding a certain sum. That was complete, comprehensive, and final, and general legislation in the sense of a general and permanent provision that did not expire at the end of a year.

Now then, when you come to the cruiser question, there being no previous law which regulated the construction and equipment, &c., of cruisers, Congress comes to the appropriation of money to build a cruiser, and the first question in that instance in respect of order on an appropriation bill, there being no existing law upon the subject, no general or special legislation upon the subject at all, is whether it would be competent, under the rules, for Congress to appropriate a million dollars for the construction of a cruiser. Everybody would say that it would be competent.

It being thus competent to appropriate that money, the next question would be whether it was competent to provide how and in what terms and under what limitations that money should be expended, and that of course logically would seem to be a question that could have only one answer. The then occupant of the chair thought it could only have one answer, and I believe the Senate universally acquiesced.

Now we have this case, and as I say the local interest that I represent (if a Senator can be said to represent a local interest) gives a strong bias in the hope that in some way or other we can get over this point in order to get in a little thing that came up in my State; but it does seem to me, with great respect to everybody, that this provision in the third clause of the rule was intended to prevent in an appropriation bill the appropriation and the expenditure of money in a way contrary to or beyond that in which Congress by a fixed and definite and permanent law had declared it should be done, and that it is stated in this case. I have not looked at the Denver law about that, but assuming it to be so——

Mr. TELLER. It was $300,000.

Mr. DOLPH. Mr. President——

Mr. EDMUNDS. Now, if my friend from Oregon has found the RECORD, to what page does he refer?

Mr. DOLPH. I desire to call attention, in the first place, to the act of March 3, 1885, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, found on page 478 of volume 23 of the Statutes at Large. There is contained in that bill a provision for the purchase of a site and the erection of a public building at Boston, Mass. There are a number of cases, Philadelphia, Pa., found on page 481; on page 482, Montpelier, Vt.; on page 483, Nebraska City, Nebr., Wilmington, Del., Winona, Minn., Manchester, N. H.

Many of these provisions were inserted in the Senate. There will be found on page 2373 of the RECORD of March 2, 1885, during the consideration of the sundry civil appropriation bill, the following:

Mr. VEST. I am instructed by the Committee on Public Buildings and Grounds to offer an amendment, to come in after line 315.

Then follows a colloquy with the Senator from Indiana [Mr. VOORHEES] about some amendment he was pressing.

The PRESIDING OFFICER—

My recollection is that the Senator from Vermont was in the Chair.

Mr. EDMUNDS. No, "the presiding officer" always means a Senator who is temporarily called to the Chair. It is always "the President *pro tempore*" otherwise.

Mr. DOLPH. The presiding officer said:

The bill is in Committee of the Whole.

* * * * * * *

The amendment of the Senator from Missouri [Mr. VEST] will be read.

The CHIEF CLERK. On page 14, after line 315, it is proposed to add:

Here follows the entire provision.

Mr. HALE. What is it? Read the amendment then proposed.

Mr. DOLPH. Very well. It is as follows:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase a suitable site, and cause to be erected thereon, at Montpelier, in the State of Vermont, a substantial and commodious public building, with fire-proof vaults, for the use and accomodation of the post-office, courthouses, and internal-revenue office. The site, and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of $75,000; and the site purchased shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys; and for the purposes herein mentioned the sum of $75,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, and the State of Vermont shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

The amendment was agreed to.

Then the Senator from Nebraska [Mr. VAN WYCK] offered an amendment for the purchase of a site and the erection of a public building at Nebraska City, Nebr. The chairman of the Committee on Appropriations [Mr. ALLISON] said:

Is this amendment subject to a point of order?

The PRESIDING OFFICER. The Senator from Nebraska states that by direction of the Committee on Public Buildings and Grounds he offers the amendment. The Chair thinks the amendment is in order. The question is, Will the Senate agree to it?

The amendment was agreed to.

Then came the Senator from Maryland, Mr. Groome, who had a bill which had passed the Senate and gone to the House but had not been referred to the Committee on Public Buildings and Grounds and favorably reported. The Senator from Tennessee [Mr. HARRIS] was in the chair, and the Chair ruled that the bill having passed the Senate it was equivalent to having been reported by a committee and it was adopted and passed.

Then came the Senator from New York [Mr. MILLER] who had not been so attentive to this matter of public buildings as some other Senators who had their amendments reported from the Committee on Public Buildings and Grounds, and he offered an amendment. But before I come to that I shall refer more particularly to the amendment offered by the Senator from Maryland, which was for the purchase of a site and the erection of a public building at Annapolis, Md.:

Mr. ALLISON. I make the point of order on this amendment.
Mr. GROOME. I will state that this measure has already passed the Senate unanimously as a bill, and hence I do not think it subject to the point of order.
The PRESIDENT *pro tempore*. Has it been reported from a committee and referred to the Committee on Appropriations?
Mr. GROOME. It has not been referred to the Committee on Appropriations as an amendment to this bill.
The PRESIDENT *pro tempore*. The Chair thinks then it is not in order.
Mr. GROOME. But I think the case is exactly like that of the State capital of Vermont. Certain it is this is a building for a State capital. It is for the only State capital I think in the Union for which steps have not been already taken to provide a public building. I hope, therefore, that the point of order will not be pressed if the amendment is amenable to the point.
The PRESIDENT *pro tempore*. The Chair thinks if it has not been reported from the Committee on Public Buildings, and referred to the Committee on Appropriations, it is not in order under the decision of the Senate this morning on the yeas and nays after discussion as to the meaning of the words "carrying out an existing law" or "a bill or resolution previously passed by the Senate during that session."
Mr. GORMAN. A moment ago, in a case precisely similar at Montpelier, Vt., where the bill had passed the Senate at the last session and been reported from the Committee on Public Buildings and Grounds, the Chair held that under the rule that was in order, and it was inserted on this bill within the last half-hour.
The PRESIDENT *pro tempore*. The present occupant of the chair was not present at that time.
Mr. GROOME. It was on the strength of that decision that I have moved the amendment.
The PRESIDENT *pro tempore*. The Chair bases his opinion on the distinctive decision of the Senate this morning after the discussion and upon the yeas and nays as to the meaning of the words of the rule.

Then came the Senator from New York [Mr. MILLER] and offered an amendment for a public building at Saratoga Springs, in the State of New York, and the following colloquy took place:

Mr. ALLISON. I make the point of order on that.
The PRESIDENT *pro tempore*. Is the amendment reported from a committee?
Mr. MILLER, of New York. What is the point of order?
Mr. ALLISON. It is not reported from any committee.
Mr. MILLER, of New York. The bill from which this amendment is copied was reported from the Committee on Public Buildings and Grounds, and passed this body in the last Congress.
The PRESIDENT *pro tempore*. Has it been reported as an amendment from any committee and referred to the Committee on Appropriations?

That was the point.

Mr. MILLER, of New York. I think not.
The PRESIDENT *pro tempore*. The Chair thinks it is not in order.
Mr. MILLER, of New York. The decision of the Chair heretofore has been the other way, as I have understood it.

That is, if the bill had passed the Senate, although it had not been referred as an amendment to the Committee on Public Buildings and Grounds and then referred to the Committee on Appropriations, it was still in order. That was the decision made in the case of the Senator from Maryland.

The PRESIDENT *pro tempore*. The present occupant of the chair was not present when any other decision was made. In the case referred to the Senator from Wisconsin stated that the amendment was reported by a committee and referred to the Committee on Appropriations.

That seems to be a case where the President *pro tempore* ruled on the amendment. That was the case of the Senator from Wisconsin.

Mr. EDMUNDS. Yes, Mr. President, if no law existed regulating the structure of a building and its expense then it would be clear, under the earlier paragraphs of this rule, that a new item of appropriation, there being no law in existence which it would overturn and change, which had been reported from the committee and sent to the Committee on Appropriations in due time would clearly be in order, as the President *pro tempore* at that time ruled; and in respect of a bill that had passed the Senate, the rule is it is to carry out the provisions of a bill that has passed the Senate. But the amendment offered in the case read by the Senator from Oregon was to do the very thing that the bill which had passed the Senate and had not passed the other House proposed to do, which is quite a different thing.

I was sure the Senator from Oregon could find no ruling of mine or any other President of the Senate which held that when an act of Congress had in specific terms said what should and what should not be done on an appropriation bill you could change that and reverse it and enlarge it; and that is this present question apparently.

The PRESIDENT *pro tempore*. The Chair had occasion during the present session to pass upon this very point, as the Chair remembers it, on the Post-Office appropriation bill, which must be familiar to most Senators, where the Chair held that an amendment somewhat similar to this, not general in its character, but applying to the particular subject then before the Senate—what that particular subject was the Chair does not now recall——

Mr. COKE. Post-Office subsidy.

The PRESIDENT *pro tempore*. It was something of that kind.

Mr. HARRIS. It was a subsidy to American steamers on some lines.

The PRESIDENT *pro tempore*. The question was whether the act referred to changed or was a general or special law. The Chair ruled that it was special legislation and not general legislation within the terms of the rule. The Senator from Tennessee, if the Chair remembers aright, took an appeal, and the decision of the Chair was sustained very largely. The Chair thinks that has always been the case, so far as his recollection is concerned, though he has not looked up any precedents. The language of the rule is that—

No amendment which proposes general legislation shall be received to any general appropriation bill.

The occupant of the chair as a Senator was always in favor of striking out the word "general" before "legislation" and excluding the possibility of changing existing law by an amendment to an appropriation bill. That has never been the rule. The fact is that the words "general legislation" as used imply that other legislation of a special character, relating to a particular subject-matter, does not come within the operation of the rule. The Chair would be very glad indeed if the Senate would determine that no legislative amendment could be offered on an appropriation bill. That has not been the practice of the Senate and is not the rule as the Chair construes it.

Mr. HALE. There is no doubt but that the effect of a decision now, either by the Chair or by the Senate on appeal, that such an amendment as the one offered by the Senator from Colorado is in order would be very far-reaching in its effect not only upon the question of public buildings but upon every other special appropriation. The whole tide of legislation would flow in upon the Committee on Appropriations.

Nobody who wanted a new public building would go before the Committee on Public Buildings and Grounds, whose business it is to give time to such subjects, and submit to the investigation of that committee and the chance of being reported against; but would some morning introduce an amendment, get it reported favorably, and have it referred to the Committee on Appropriations, and make it in order upon the appropriation bill; and so in other respects with other legislation.

One result upon this bill will be, if the amendment offered by the Senator from Colorado increasing the limit upon the cost of this building which is fixed by law is admitted to the bill, that it will be followed by dozens of other amendments. The building in Detroit, which I know about personally, is precisely in the situation of the building in Colorado.

Mr. BECK. And Brooklyn.

Mr. HALE. And Brooklyn in New York, and Troy, Concord, and others that I do not now remember. They will all be offered; they will all be pushed upon the bill; and the fault is with the rule. Under clause 1 of Rule XVI any amendment of this kind, it seems to me, is in order unless it is general legislation, whether it be to carry out the provision of some existing law or treaty stipulation, or act or resolution previously passed by the Senate during the session, or if the same be moved by direction of a standing or select committee of the Senate. Either the one or the other of all those alternatives, or all taken together, will embrace twenty bills which were before the Committee on Appropriations, and which when it completed its work upon this bill were left in a pile upon its table as high as that [indicating] rejected. There were twenty or thirty of them.

Now, the question comes whether such an amendment is general legislation. I am bound to agree with the Chair, I do not believe it is. General legislation implies that there is another kind of legislation. That other kind of legislation is special legislation, but it is legislation; it is an act of Congress; it is making law. If it is not general legislation it must be special legislation, and special legislation is legislation appertaining to a particular subject. The phrase "general legislation" is the *expressio unius*. It implies and carries resistlessly with it the idea that special legislation may be offered.

The Senate the other day upon the question whether in an appropriation bill the words "in full compensation" were or were not general legislation decided that they were not, and they were incorporated upon the bill then before the Senate, a general appropriation bill, and became a part of the act of the Senate, and when assented to by the other House and signed by the President became existing law, not as general legislatson but as special legislation.

The PRESIDENT *pro tempore*. That was the very question to which the Chair referred.

Mr. HALE. The fault is with the rule, Mr. President, and I never could see why it was in the readjustment and rearrangement of these rules and establishing them the little words "no amendment which proposes any change in existing law" were not substituted.

Mr. FRYE. That never was the rule in the Senate.

Mr. HALE. It ought to be, unless the Senate is prepared to accept all the results of this construction of the rule, which I think is rightly given by the Chair now. So evil would be the result, upon such a wide sea would we be launched, and so little is the Senate in the habit of paying any particular attention to rules, notwithstanding all this I would

vote as a precedent in the Senate on the proposition now before the Senate to declare that it is not in order. There never was a body that was so little bound by rules as the Senate. There never was a body that paid so little attention to the rules as the Senate. In all the years past, upon propositions making additions and new clauses to bills and to appropriation bills, the Senate has been in the habit of fixing its own rules.

Notwithstanding the ruling of the Chair upon this proposition, notwithstanding that the logic is in that direction, I would, under this undoubted practice and habit of the Senate, for fear of the results that would follow, vote here now that this proposition is not in order, thereby establishing that as the rule of the Senate until the sixteenth rule can be recast. So I shall vote on the appeal that the amendment is not in order.

Mr. TELLER. But you think it is.

Mr. HALE. I do not think it is. I do not mean that it shall be.

Mr. ALLISON. Mr. President, only one word. I, of course, do not wish to discuss the phraseology of these rules, but I think it has been uniformly held hitherto that amendments of this character are not in order. The effect of the adoption of the construction placed upon this rule by the Chair would be, in the nature of things, to substitute the Committee on Appropriations of the Senate as the final arbiter and judge with reference to all public buildings as against the Committee on Public Buildings and Grounds.

Mr. HALE. And pretty much everything else.

Mr. ALLISON. If the amendment of the Senator from Colorado is in order, many other amendments are in order or will be put in order, so that we shall have this whole contest with the House of Representatives upon the question of public buildings in this bill. That is a contest upon which I do not care to enter. Of course I shall submit to the judgment of the Senate in reference to it, but believing that the amendment is not in order I shall so vote.

The PRESIDENT *pro tempore*. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. BECK. Mr. President, I should like to say a word. Of course I am not an authority on rules, as the President of the Senate knows, but I should like to vote, if I could, that the amendment is not in order, and for this reason principally: If this Denver bill is allowed to become a part of the sundry civil bill in the shape it is by extending the limits, there are four or five others which are before us, the Detroit building, the Brooklyn building, and other buildings. I have just sent our clerk to the committee-room for the public-building bills which have passed the Senate at this session, all of which would be in order, and they would all be reported, of course, from this committee, as they all have been reported, and they have all passed the Senate and they are all tied up in the House. I have not counted them, but there are somewhere in the neighborhood of thirty.

Mr. ALLISON. Thirty-one.

Mr. BECK. Now, the Committee on Appropriations of the Senate have never had a chance to consider those bills. The House of Representatives has not acted upon them. Three of us have to go as conferees on the part of the Senate to confer with three conferees on the part of the House. If any number of these bills are put on, and perhaps they all will be (they are very likely meritorious, because the Senate acted upon them all, and the presumption is that they are meritorious or the Senate would not have passed them), then we meet the House conferees, three gentlemen from that body, and they say, "we agree to this," "we agree to that," "we reject this," "we reject that."

We can not say anything wherever they accept because we have passed them all, and here we come back without knowledge of them and without having had a chance to examine them and without having had them in such a shape as to enable us to understand them, and just whatever the three conferees on the part of the House say they will accept we have to accept, and what they say they will reject we have not a word to say about, and there we are. Of course, as is well suggested, those gentlemen would be glad to have certain of these bills pass, and then they might object to equally meritorious ones which we have put on the bill.

I do not want to be placed in that condition, and I am afraid that I shall be one of the conferees, as I was one of the subcommittee. That is the difficulty I have about it.

Mr. FRYE. Will the Senator allow me to interrupt him for one moment?

Mr. BECK. Certainly.

Mr. FRYE. I wish to call his attention to the point made by the Senator from Vermont. The point made by the Senator from Vermont would not extend to any of the bills the Senator holds in his hand. Those bills come very clearly under clause 1 of the rule, and the Senator from Vermont admitted that they did.

Mr. BECK. They have all passed the Senate at this session.

Mr. FRYE. They clearly come under it and are in order. The Senator from Vermont makes the additional point, which is a sharp one, too, that the bill touching the public building at Denver is a law now on the statute-book not coming as those bills will come, as bills having passed the Senate at this session, but being a law on the statute-book the proposition of the Senator from Colorado is to amend it, and the amending of a law already in the statute-book is general legislation. That is the point made by the Senator from Vermont.

Mr. SPOONER. Would it be so if the law on the statute-book is not a general law?

Mr. FRYE. That is the point made by the Senator from Vermont. I am not giving my view about it at all, but I only call the Senator's attention to the fact that every one of those bills is clearly in order under clause 1 of the sixteenth rule.

Mr. PLUMB. Does the Senator maintain that the third clause of that rule does not qualify and in fact render nugatory that provision of the first clause of the rule? If these matters which are sent from the various committees to the Committee on Appropriation are general legislation, are they not within the inhibition of the third clause?

Mr. FRYE. I have no question that so far as clause 3 is applicable it would qualify it; but how can it qualify this item?

Or act, or resolution previously passed by the Senate during that session.

There is an act or resolution which has previously passed the Senate at this session.

Mr. PLUMB. It does not say that those shall be in order. It is stated negatively that nothing shall be in order "unless," and then if you will strike out the second clause and put in the word "but," so as to read, "but no amendment proposing general legislation shall be in order on an appropriation bill," you will have it in its logical sequence.

Mr. PLATT. The difficulty all arises out of trying to get at an understanding of what general legislation is. It is suggested that general legislation is the opposite of special legislation, and therefore that all which is special legislation is in order upon a general appropriation bill, provided it has been referred to a committee and moved by direction of a committee. Evidently that is not so.

It must be evident to every Senator that certain acts which we know as special legislation would from the very nature of the case not be in order, although they had been recommended by some committee of the body and referred to the Committee on Appropriations. Let me give an illustration. Suppose in this appropriation bill, as might very probably be the case, there is an appropriation for gas for the Capitol. Suppose that an act to incorporate a new gas company had been referred to some committee of this body and had been recommended by that committee as an amendment to be inserted after that clause for an appropriation for gas. That incorporation of a new gas company is exactly what we mean by special legislation, but that kind of special legislation, I think, it would be very apparent would not be in order; yet that is just one of the things that we call special legislation in contradistinction to general legislation, such as has to be pleaded, to be taken notice of by a court.

That can not be the meaning; and without being able to find just exactly a reason why I am so impressed, it seems to me that the amendment proposed by the Senator from Colorado must come within the third clause of Rule XVI and be general legislation.

Mr. PLUMB. Of course if the proposition of the Senator from Colorado is not general legislation then there is no such thing practically as general legislation; the Committee on the District of Columbia could report a bill to buy the Washington Gas-works, and it would be in order, because it applies only to the Washington Gas-works and not to all the gas works in the country.

The Military Committee can report a bill to establish ten new grades, forty new grades in the Army, to provide for enlisting five or ten thousand additional men in the Army, for putting fifty additional regiments in the Army, and so you can cover the entire field of legislation, because the particular amendment under consideration only deals with one question; and it is not then general legislation.

Perhaps it will be said, "What is the odds if that be the will of the Senate?" We have had a good deal of discussion in the last few years about the functions of the Appropriations Committee, and that committee has been drubbed and cuffed and kicked here about its supposed disposition to absorb all the functions of legislation and to render unnecessary, practically, the other committees of the Senate; and in that drubbing there seemed to be an understanding, as I supposed, and I think the committee did also, that the committee was to stick very closely to and to govern itself by the laws that had been passed calling for the appropriation of money, and to report nothing except what was necessary to carry out those laws.

That committee itself, of course, would have no objection particularly to any new deposit of power such as would result from the adoption of this idea, but it would make the appropriation bills the vehicles to carry all the garbage of legislation. It would be absolutely impossible that anything that could be suggested, unless it was unusually vicious, could be refused entrance on appropriation bills. Here are a dozen, fifteen, fifty men, all the members of the Senate, interested in something that has not had the good luck to get through both Houses.

You could take our entire Calendar and get votes enough at almost any stage of proceedings on an appropriation bill of this kind, especially this one which is the *omnium gatherum* of all the bills, and put on it every single thing that was a claim, and it is idle to say that the Sen-

ate would resist it. This combination of interests—not speaking of it offensively at all—would always be sufficient to do it. By the same token that I would agree to the proposition of the Senator from Colorado, he is bound to agree to any proposition I advance in regard to amending the bill.

In this way the bill is loaded down with measures which, whether they have received the favorable consideration of the Senate or not, have not received the favorable consideration of the other House so as to become laws, and so are wanting in one of the essential elements necessary to constitute legislation, to wit, the consent of the other body of Congress.

They then go into conference, where, as the Senator from Kentucky [Mr. BECK] says, there are three men who direct the bill on the part of the Senate and three who direct the bill on the part of the House who meet for the purpose of determining what shall go into it.

The suggestion has been already made audibly to the Senator from Iowa that if these matters go in the bill they must not be given away. That amounts to simply this: that these matters are put on with this kind of understanding and are vital in some way. If they are not put on the bill finally the movers will not be offended, but of course if the committee yield, the result is the Senate stand in compact phalanx behind the conference committee and say, "You shall not give that up; if you give up one you give up all; if you do not give up all you must not give up any."

There the House stands and the House says, "Of course we have got to accept all or none, because here stands the Senate with this powerful impulse of private interest"—not offensively speaking, but of those things which concern the district or State of the different members who father these propositions and have them put on the bill. And thus we compel the House to enter on this course of legislation in violation of its own rules, in violation of propriety, in violation of everything which cencerns the dignity and the orderly procedure of that which finally becomes law.

I do not mean to say that I am any authority on the question of the rules; but whatever they may be, there can be no more vicious thing than to have that established as the rule. There will be no legislation anywhere except on appropriation bills, because it would be idle to work on the Calendar, except the private claims, that are excluded by another clause of the rule. Why not wait until the last moment and then take up bills for the Army establishment and for everything else that anybody happens to be concerned in, that have been reported from a committee and put them on appropriation bills, send them to the other House, and then send three men along with them to determine which of them shall be given away, and yet under the impulse, if we give anything away, we are subjected to the reproach of having discriminated against some one.

I am speaking now of the general unwisdom of that kind of proceeding, whether it be applicable to the frame of mind in which the Chair may be about this matter or the Senate itself. So far as that part of it is concerned, this thing applies to myself as well as anybody else. I have a public-building bill which I should be glad to put on this appropriation bill. It has gone through that stage of legislation which, as the Senator from Maine argues, entitles it to go on this bill. He says that while you can not do anything in regard to a measure which has passed both Houses, at the same time if it has only passed one House it may be put on this bill.

Mr. FRYE. The Senator from Maine said nothing of the kind.

Mr. PLUMB. It is not worth while to discuss it. The RECORD will show it to-morrow unless it is altered.

Mr. FRYE. It will not be.

Mr. PLUMB. And so on. That will be the worst possible condition of things that could arise. As I said a moment ago, I have a bill that has passed the Senate increasing the appropriation for a public building at Fort Scott. I should be glad to put it on this bill. Of course I am not going to be virtuous enough to keep that off if all the others are going on.

So it goes, and it will be a matter of surprise to my mind, under this construction of the rule, if the whole seventy-six members of the body do not find occasion to get something or other on this bill that is material to their State or to the particular locality in which they happen to live.

I think the bill had better be held open for a while in order that everybody may get in his amendment.

Mr. TELLER. I do not want to discuss this question at any length, but the fearful results of this ruling have so stirred up the Senator from Kansas that it seemed to me I might suggest that this was not a case where he should apply quite so much terror to the Senate. This case is a very harmless one at least, and it will be well enough for the Senate to meet the fearful cases as they occur. When we propose general legislation, the repeal of the Army bill, or a general increase of the Army on an appropriation bill, that will do.

Now let me state what the trouble is at Denver. Denver is the capital of Colorado. In 1882 an appropriation was made for a public building there, which was limited in its cost to $300,000. The Government paid $65,000 for a piece of land and the citizens around there paid $35,000 and gave it to the Government toward paying for the land. They have got up to the level of the street now with the building after three years, and it is a question to-day whether you will put wooden beams in it or whether you will have iron beams in it.

The Treasury Department say that with the appropriation heretofore made they can not complete the building without making it disgraceful to the Government, and it can not be built in the town under the ordinances of the city, because within the fire limits just such a building as that they do not allow any citizen to build. Besides, this building is to be constructed under the wing of a building that cost $800,000 not counting the ground. The State has a little new public building, a capitol, costing two millions, or somewhere in that neighborhood, and the Government of the United States is to put up a building with wooden beams and wooden columns inside of the fire limits, unless prohibited, as I hope they will be if the limit is not increased, by the city, or else they can stand still.

A suitable building can not be constructed with the $97,000 even with wooden beams. It is an absolute necessity that the building stop where it is or that the limit of cost be extended.

A bill for this purpose passed the Senate. It has had all the necessary observation of the Committee on Public Buildings and Grounds and the Committee on Appropriations; at least it was referred there and I was there with it, but I did not get much consolation out of the committee. Now, I hope the Senate will put the amendment in the bill, and then if any unworthy case comes up from Kansas or Nebraska or any neighboring State that can be acted upon when it is presented without prejudicing my case.

Mr. FRYE. I desire to say simply a word. I was not myself undertaking to express any opinion whatever touching this rule. I was simply undertaking to show the point which the Senator from Vermont [Mr. EDMUNDS] was making, and the admission which he made apparently would admit every bill the Senator from Kentucky [Mr. BECK] held in his hand. I did not express any opinion myself as to whether or not they were admissible under the rule, and I avoided doing it for this reason: I had occasion to examine once the decisions of the Senate on questions of order to see whether or not they ought to be incorporated in the Manual, and I found that it had been the habit of presiding officers to leave more than half the questions of order to the decision of the Senate, and I found on the very same day decisions of the United States Senate exactly the opposite of each other.

I found the decisions a perfect medley, and that the Senate always determined questions of order by the present wish of the Senate as to the enactment into law of any measure pending. For that reason I wished entirely to withhold my opinion of what the rule is, because I am going to vote against the proposition to receive any of these bills as amendments to this appropriation bill, and therefore I did not wish to express an opinion as to what the rule was.

Mr. TELLER. But you think they are in order?

Mr. FRYE. I am going to vote that they are not in order.

Mr. TELLER. But what does the Senator think about it?

Mr. FRYE. I do not wish to say what I think about it, because I prefer to vote that they are not in order. I wish to go home some time or other.

The Senator from Iowa has a proposition, which passed the Senate and passed the House, for a public building in Iowa, which was vetoed by the President of the United States. There is one in Ohio which was vetoed by the President of the United States, and one in North Carolina which was vetoed by the President of the United States. And if the Senate determines that that rule will admit of these building bills which have passed the Senate, it will admit of every one of these buildings; and I do not know what the result of that will be. I had rather myself go home in one week from to-day than to sit here and undertake to pass a vetoed bill.

Mr. TELLER. This is not to pass a law, but to erect a building. The law is already passed.

Mr. FRYE. I was not talking about the Senator's case. The Senator from Vermont makes an entirely different point on that case.

Mr. CALL. Mr. President, this argument and discussion, I think, very clearly illustrates the fact that the rule of the Senate is simply whether the Senate desire a bill passed or not. It is in order if we wish it to pass according to the Senator from Maine [Mr. FRYE] and it is not in order if the Senate does not wish it to pass. The proposition of the other Senator from Maine [Mr. HALE] is, that the ruling of the Chair shall not be sustained because the rule is a bad rule. The rule is, as the Chair has declared it to be, that special legislation is not general legislation—a very plain proposition—and that special legislation can not be prohibited because general legislation is prohibited.

The Senator from Kentucky [Mr. BECK] says that the decision of the Chair ought not to be sustained because the Committee on Appropriations have not been able to consider whether they will reverse the ruling of the Senate or not. The Senate has passed certain bills. Now the objection is that the committee have not had time to consider whether the Senate was right in passing those bills or not, and that the action which the Senate has taken may be reconsidered by the Committee on Appropriations.

Why, Mr. President, I do not think that character of argument is worthy of the Senate. The rule is plain, as the Chair has decided.

General legislation is not special legislation. To amend a bill relating to a particular individual does not make it refer to other individuals or to the country at large. These are plain propositions. You can not make a rule that no special legislation shall go upon an appropriation bill, because an appropriation bill is legislation, and a large part of it must be always special legislation in the very nature of things; and if the Senate has passed these bills and the House shall concur, either in a conference upon this appropriation bill or in any other way, they ought to be provided for.

If the Senator from Colorado [Mr. TELLER] is right, it is the duty of the Senate now to pass this amendment and it is not excluded by the rule; but if we have rules, it is a very poor argument to say that because they are bad rules we shall decide that they are not rules. It seems to me that the objections to the rulings of the Chair conclusively establish the propriety of it and of the Senate taking action on the subject.

The PRESIDENT *pro tempore*. In view of the statements made by Senators regarding the rule, the Chair will avail himself of the second clause of Rule XX, which provides that—

> The presiding officer may submit any question of order to the decision of the Senate.

The question submitted to the decision of the Senate is whether this amendment is in order. Those who hold that the amendment is in order will say "ay;" those of a contrary opinion, "no." [Putting the question.] The "noes" appear to have it.

Mr. TELLER. I ask for a division.

The question being put, there were on a division—ayes 18, noes 21.

Mr. TELLER. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. Not knowing how he would vote if he were present, I withhold my vote.

Mr. MITCHELL, of Oregon (when his name was called). I am paired with the Senator from Arkansas [Mr. BERRY]. If he were here, I should vote "yea."

Mr. CULLOM. I am paired with the Senator from Louisiana [Mr. EUSTIS].

The result was announced—yeas 18, nays 28; as follows:

YEAS—18.

Aldrich,	Coke,	Miller,	Teller,
Blair,	Dolph,	Sawyer,	Van Wyck,
Bowen,	Jones of Nevada,	Sewell,	Walthall.
Call,	McMillan,	Sherman,	
Chace,	Mahone,	Spooner,	

NAYS—28.

Allison,	Frye,	Hawley,	Plumb,
Beck,	Gibson,	Hoar,	Ransom,
Cockrell,	Gray,	Ingalls,	Saulsbury,
Colquitt,	Hale,	Jones of Arkansas,	Vest,
Dawes,	Hampton,	Maxey,	Voorhees,
Edmunds,	Harris,	Palmer,	Whitthorne,
Evarts,	Harrison,	Platt,	Wilson of Iowa.

ABSENT—30.

Berry,	Eustis,	McPherson,	Pugh,
Blackburn,	Fair,	Manderson,	Riddleberger,
Brown,	George,	Mitchell of Oreg.,	Sabin,
Butler,	Gorman,	Mitchell of Pa.,	Stanford,
Camden,	Hearst,	Morgan,	Vance,
Cameron,	Jones of Florida,	Morrill,	Wilson of Md.
Conger,	Kenna,	Payne,	
Cullom,	Logan,	Pike,	

The PRESIDENT *pro tempore*. The amendment is held not to be in order.

AMENDMENT OF RULES.

Mr. HARRIS. I ask consent of the Senate to give notice at this time that I will to-morrow move to amend the third clause of Rule XVI. I also introduce a resolution for that purpose and ask that it be referred to the Committee on Rules.

The PRESIDENT *pro tempore*. If there be no objection the resolution will be received and referred to the Committee on Rules.

The resolution is as follows:

> *Resolved*, That the third clause of the sixteenth rule of the Senate be, and the same hereby is, amended by striking out of the first line of said third clause the word "general," and insert after the word "legislation," in said first line, the words "which modifies or changes existing law."
>
> So that said clause will read:
>
> "No amendment which proposes legislation which modifies or changes existing law shall be received to any general appropriation bill."
>
> Leaving the balance of said clause as it now exists.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. TOWLES, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 5038) for the relief of Stephen Sauer.

The message also announced that the House had passed the bill (S. 1421) granting a pension to William H. Weaver.

The message further announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

A bill (S. 1492) for the relief of Ellen Sadler, sister of John Sadler; and

A bill (S. 2609) granting a pension to Emily J. Stannard.

The message also announced that the House had passed the bill (H. R. 8310) granting a pension to Cyra L. Weston; in which it requested the concurrence of the Senate.

EMILY J. STANNARD.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 2609) granting a pension to Emily J. Stannard, which were, in line 6, to strike out the words "one hundred" and to insert the word "fifty;" and in line 7 to strike out the words "June 1, 1886" and to insert the words "the passage of this act."

Mr. BLAIR. I move that the Senate disagree to the amendments of the House of Representatives, and ask for a committee of conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. BLAIR, Mr. SEWELL, and Mr. WILSON, of Maryland, were appointed.

ELLEN SADLER.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1492) for the relief of Ellen Sadler, sister of John Sadler, which was, at the end of the bill, to add the words "to pay her a pension at the rate of $12 per month."

Mr. BLAIR. I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9478) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is on the amendment reported by the Committee on Appropriations to strike out the clause from line 46 to line 48, inclusive, as follows:

> For court-house and post-office at Denver, Colo.: For completion of building under present limit, $97,000.

Mr. TELLER. Will it be in order for me to offer this amendment in the Senate when the bill is reported to the Senate?

The PRESIDENT *pro tempore*. The Chair will have to hold, under the decision made by the Senate, that it is not in order.

Mr. TELLER. I suppose we can take the question then on the question of order.

The PRESIDENT *pro tempore*. Of course it can be presented.

Mr. TELLER. I ask if the chairman who has the bill in charge will let this be passed over? I do not know whether this ought to be stricken out or not.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee to strike out this clause.

Mr. BECK. I only desire to say that my recollection is that the Supervising Architect of the Treasury, Mr. Bell, said to the committee that it would be a blunder to insert this appropriation of $97,000 for the completion of the building at Denver, that it can not be completed for that sum in such a way as to make it at all a satisfactory building, that we ought to allow it to go until the limit is extended by law. He says he can not complete it for this money, and it would be useless to appropriate it. I think I am correct in saying that. The chairman will recollect the facts.

Mr. TELLER. I do not suppose the building can be erected for any such sum. I said it could not be built, and that it ought not to be built, but the Senate, contrary to its own judgment upon this matter, terrorized by the suggestion that the Senate can not take care of itself, terrorized by the suggestion that the Senate is not able to control its vote and can not tell when to put on an appropriation bill proper legislation, has voted against the express judgment of several Senators.

This is not a matter of very great consequence to the State of Colorado, yet the United States has scarcely ever put a dollar in that State. We get nothing of the great appropriations. You appropriate millions of money for rivers and harbors, and you appropriate not a dollar for any purpose for that State. A Territory for sixteen years, we never had a dollar for public buildings except a small amount for a penitentiary. We have had no help from the Government at all, and when we come here to build a little insignificant building—insignificant when compared side by side with many private buildings—the spasm of virtue that seizes the Senate in fear of itself compels the Senate to vote against it.

I do not care very much whether the provision is in or out. I know the building can not be built for that sum, even if you put wooden beams in it, and you ought either to appropriate more money for this

building or let it stand uncovered and unfinished. To say that the Senate is so fearful that it would not know where to stop, when here is a case where the Architect came before the committee and declared the building must stand still now or this change must be made, when the Senate has said after careful deliberation by its committee that it is proper to increase the limit of cost, I do not know that it makes very much difference to me whether this item comes out or whether it goes in.

Mr. BLAIR. As I was just observing to the Senator from Maine in a conversation with him, if he had got up here in the Senate and made his argument upon the basis that the construction of the rule was wrong he would have been overwhelmingly defeated; but he got up and said to the Senate that the Chair was right, but it is going to keep us here a great while. He says this in substance. He says: "The Chair is right, but notwithstanding the Chair is right, I am determined to be wrong." That was the position which he took, and his colleague said he wanted to go home and see his folks; and, accordingly, this matter was decided against the sense of the Senate and the ruling of the Chair. Everybody who has made an argument here to-night on this question of order has admitted that the Chair was right in his ruling.

The PRESIDENT *pro tempore*. The Chair withdrew his ruling and submitted the question to the Senate.

Mr. BLAIR. I know the Chair withdrew his ruling, but nevertheless that was out of regard to the customs of the Senate, it having been stated upon the floor that the Senate was accustomed to decide one way or the other, disregarding the idea of consistency entirely, according to its present wishes. That may be all right, but there are some instances where this is working great hardship at the present time.

In my own State there has been $200,000 appropriated for the erection of a public building at the capital. It is the first public building of the slightest consequence ever erected in the State.

It is approaching completion, and it has been discovered that $35,000 more is indispensable in order that it may be made a fire-proof building. The matter has been submitted to the Supervising Architect of the Treasury, and on June 7 he sends this letter to the Secretary of the Treasury:

TREASURY DEPARTMENT, OFFICE OF THE SUPERVISING ARCHITECT,
Washington, June 7, 1886.

SIR: I have the honor to acknowledge the receipt by reference from you of letter of Hon. WILLIAM MAHONE, chairman of the Senate Committee on Public Buildings and Grounds, dated the 4th instant, in regard to the advisability of increasing the limit of cost of the court-house, &c., building at Concord, N. H., from $200,000 to $235,000, in order to permit of fire-proof construction. I respectfully recommend the additional appropriation of $35,000, in order that iron floor-beams and iron roof-framing can be used and to permit the substitution of iron for wood in stairs and of hard-wood finish instead of pine for the interior trimmings.

Respectfully, yours,

M. E. BELL, *Supervising Architect.*

To the honorable the SECRETARY OF THE TREASURY.

That is a letter which he writes on the 7th of June; and further on, June 17, he directs this letter to Hon. J. H. GALLINGER, House of Representatives, who represents the district in which the building is being erected, acknowledging the receipt of his letter, and says:

I inclose herewith copy of a letter of the 7th instant—

Which I have read.

The additional $35,000 is asked in order that the floor-beams and roof-framing of the building can be made of iron, and to permit the substitution of iron for wood in stairs, and to use hard-wood finish instead of pine for the interior trimmings.

This building is to be constructed of granite, and all the mason-work will be first class in every particular; and it seems to be very desirable that an additional appropriation of $35,000 should be made as soon as possible, as the structure is now ready for the first-floor beams, which will have to be put in——

Mr. PALMER. What is the question before the Senate?

The PRESIDENT *pro tempore*. The question before the Senate is on striking out a certain clause in regard to the Denver court-house and post-office building.

Mr. BLAIR. This is the point to which I wish to call especial attention. The building is in process of completion, and under the contract must very soon be finished, must be finished, and will be finished before the next session of Congress, and this appropriation must be made immediately.

The letter continues:

As the structure is now ready for the first-floor beams, which will have to be put in place within the next two or three weeks, unless action is taken by Congress in the matter, there does not seem to be any necessity for argument to show the advisability of making the work fire-proof and to put in first-class interior finish.

Respectfully, yours,

M. E. BELL, *Supervising Architect.*

There are a few cases of this kind, and it seems to me that when the ruling of the Chair was admitted to be right, we ought to have had the courage of our convictions to see that the money already appropriated to some of these buildings in process of construction is not practically wasted for the lack of a few dollars in order that they may be completed in a fire-proof way and so as to be durable and serviceable public structures.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee.

The amendment was agreed to.

Mr. HALE. In the next clause the amendment, instead of being agreed to, should be disagreed to, because, upon subsequent inquiry, I find that the money there appropriated is needed for completing the purchase of the ground. It is not intended to go on with the building until the limit of cost is removed by a law passing both Houses.

The PRESIDENT *pro tempore*. That amendment has already been agreed to, the Chair is advised. Does the Senator move to reconsider?

Mr. HALE. I move to reconsider, because I was not present at that time.

Mr. PALMER. That was not agreed to. It was passed over informally by the chairman of the committee.

The PRESIDENT *pro tempore*. It will be read.

The CHIEF CLERK. The Committee on Appropriations report to strike out lines 49 and 50, as follows:

For court-house and post-office at Detroit, Mich., for continuation of building, $50,000.

Mr. HALE. That should be disagreed to.

Mr. COCKRELL. If that is for the purchase of ground the language ought to be changed so as to read:

For purchase of ground.

Mr. HALE. In the Supervising Architect's office, where a provision has become a law for the purchase of ground and the erection of a building, they construe this phrase as covering ground and all.

Mr. COCKRELL. Is there any necessity for $50,000?

Mr. HALE. They have paid out already the previous appropriations, and this is needed for the ground. It is not intended to go on with the construction of the building until Congress passes a law. It is not proposed to put this in by a vote of the Senate.

Mr. PALMER. I will state for the information of the Senator from Missouri that there is a balance now on hand which, with this $50,000, may leave, after the purchase of the land, a balance, and on that account it was put in "for continuation of building." I think the phraseology has usually been "for the purchase of land and continuation of building."

Mr. COCKRELL. How much is the ground going to cost?

Mr. PALMER. Nearly $400,000.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Appropriations, striking out lines 49 and 50.

The amendment was rejected.

The next amendment passed over was to strike out from line 63 to line 69, as follows:

For custom-house at Galveston, Tex.: That the sum of $25,000 appropriated by the sundry civil appropriation act approved July 7, 1884, for continuation of the court-house and post-office, be, and the same is hereby, reappropriated and made available for the completion of the custom-house at Galveston, Tex.

Mr. ALLISON. When that paragraph was under consideration there was a difference of opinion between the members from Texas and the committee as to whether, outside of this appropriation, there had been the amount authorized by the original law providing for this building; and on a careful examination I find that this appropriation when inserted in this paragraph will only meet the $125,000 provided for. Therefore the amendment of the committee should be disagreed to and the paragraph allowed to stand.

The amendment was rejected.

The PRESIDENT *pro tempore*. The Chair is advised there is an amendment pending to this amendment.

Mr. ALLISON. No, I do not offer any amendment to it. I allow the paragraph to stand.

Mr. COKE. The amendment of the committee striking out the clause has been non-concurred in I understand.

The PRESIDENT *pro tempore*. It is non-concurred in. The clause stands.

The next amendment passed over was, after line 187, to insert:

For the purchase of land, and buildings thereon, being lots numbered 11 and 12 of the subdivision of square numbered 689 on the original plat of lands in the city of Washington, bounded north by South B street, east by New Jersey avenue, and west by South Capitol street, $275,000, or so much thereof as may be necessary; said purchase to be made by the Secretary of the Treasury, for the use of the Treasury Department.

The amendment was agreed to.

The next amendment passed over was, at the beginning of line 435, to strike out "That" and insert "And;" in line 437, after the words "denominations of," to strike out "ones" and insert "one;" in the same line, before the words "and five," to strike out "twos" and insert "two;" after the word "dollars," in the same line, to strike out the words "on all the surplus silver dollars now in the Treasury, in payment of the appropriations made in this bill and other expenditures or obligations of the Government. That;" in line 440, before the words "the silver" to insert "and;" after the word "receivable," in line 441, to insert "redeemable;" and after the word "character," in line 446, to strike out the words "and shall be redeemable in standard silver dollars on demand, and when paid into the Treasury shall be reissued, subject to the provisions herein for the redemption of the same," and insert "*Provided*, That said denominations of one, two, and five dollars may be issued in lieu of silver-certificates of larger denominations in the Treasury, and to that extent said certificates of larger de-

nominations shall be canceled and destroyed;" so as to make the clause read:

And the Secretary of the Treasury is hereby authorized and required to issue silver certificates in denominations of one, two, and five dollars; and the silver certificates herein authorized shall be receivable, redeemable, and payable in like manner and for like purposes as is provided for silver certificates by the act of February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar, and to restore its legal-tender character:" *Provided*, That said denominations of one, two, and five dollars may be issued in lieu of silver certificates of larger denominations in the Treasury, and to that extent said certificates of larger denominations shall be canceled and destroyed.

Mr. BECK. It is 11 o'clock. I desire to say something about that, but it is too late now. Perhaps we can take up other amendments.

Mr. ALLISON. I had hoped we could finish the bill to-night.

Mr. HALE. Take up the other amendments.

Mr. BECK. Take up the other amendments.

Mr. ALLISON. I will consent that this be passed over for the present and that we take up the other amendments which have been passed over.

The PRESIDENT *pro tempore*. This amendment will be passed over and the next amendment will be stated.

The CHIEF CLERK. The Committee on Appropriations reported to strike out the clause from line 1112 to line 1124, inclusive, as follows:

Mint at Philadelphia: For the removal of the steam-power plant to the northwest corner of the mint property, locating the boiler-room outside of the walls of the main building, for underpinning, new walls, girders, brick-work, new boilers, engine, steam-pipes, and shafting, $54,639.20; and for construction of vault for the storage of silver dollars out of the present boiler-room, $60,000; in all, $114,639.20; to be expended under the immediate supervision of the superintendent of the mint at Philadelphia, on contract, subject to the approval of the Director of the Mint.

Mr. ALLISON. Since that amendment was reported by the committee the committee have made further examination of this question. I believe that the first portion of the clause should be agreed to down to and including line 1117, and I move instead of striking out the whole paragraph to strike out lines 1118, 1119, 1120, and 1121, down to and including the word "cents."

Mr. HALE. That does not include the vault?

The PRESIDENT *pro tempore*. The amendment to the amendment will be reported.

The CHIEF CLERK. It is proposed to strike out, after the word "cents," to the end of line 1117, the following:

And for construction of vault for the storage of silver dollars out of the present boiler-room, $60,000; in all, $114,639.20.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on striking out the remaining part of the clause.

Mr. ALLISON. I hope the remaining part of the clause will not be stricken out.

The amendment was rejected.

Mr. BECK. You agree that the remainder of the clause shall stand?

Mr. ALLISON. The superintendent of the mint at Philadelphia was present in the committee the other day. I think the Senator from Kentucky was not there at the time.

Mr. BECK. Is the chairman content that the remainder of the clause shall stay in the bill?

Mr. ALLISON. Yes, sir.

Mr. BECK. Very well. Then I have nothing to say.

The PRESIDENT *pro tempore*. To avoid any misunderstanding the Secretary will read the part of this clause left in the bill.

The Chief Clerk read as follows:

Mint at Philadelphia: For the removal of the steam-power plant to the northwest corner of the Mint property, locating the boiler-room outside of the walls of the main building, for underpinning, new walls, girders, brick-work, new boilers, engine, steam-pipes, and shafting, $54,639.20; to be expended under the immediate supervision of the superintendent of the Mint at Philadelphia, on contract, subject to the approval of the Director of the Mint.

Mr. HALE. Should not that be "subject to the approval of the Secretary of the Treasury?"

Mr. ALLISON. I think so.

Mr. HALE. That is our general rule.

The PRESIDENT *pro tempore*. If there be no objection, the words "Secretary of the Treasury" will be inserted in line 1124.

Mr. HOAR. Now let the last clause be read again.

The PRESIDENT *pro tempore*. It will be reported.

The Chief Clerk read as follows:

Subject to the approval of the Director of the Mint, subject to the approval of the Secretary of the Treasury.

Mr. HALE. No; "Subject to the approval of the Secretary of the Treasury," in place of "Director of the Mint." We do not want two.

Mr. ALLISON. Strike out "Director of the Mint" and insert "Secretary of the Treasury."

The PRESIDENT *pro tempore*. The amendment will again be reported.

The Chief Clerk read as follows:

To be expended under the immediate supervision of the superintendent of the mint at Philadelphia, on contract, subject to the approval of the Secretary of the Treasury.

Mr. HALE. That is right.

The PRESIDENT *pro tempore*. The amendment will be considered agreed to in that form.

The next amendment passed over was, in line 1416, after the words "Capitol terraces," to strike out—

For continuing the work upon the terraces of the Capitol, sections marked K, D, and J, as shown on printed plan accompanying the letter of the Secretary of the Treasury (Executive Document No. 9, first session Forty-eighth Congress), including wages of mechanics and laborers, and for reconstructing boiler vaults connected with sections C and K, $150,000.

That the unexpended balance of the appropriation for continuing the construction of the terrace and grand stairways of the Capitol made in the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes," is hereby reappropriated or rendered available for the continuation of that work during the fiscal year 1887.

And in lieu thereof to insert:

All work upon the Capitol terraces shall be suspended till a further plan shall be submitted to Congress providing for committee-rooms upon the western front of said terraces, with proper ventilation and light from windows in the outer western wall.

Mr. VEST. Mr. President, this improvement was commenced deliberately by Congress and has proceeded up to the present time very satisfactorily. The original idea on which the appropriation was made aggregated an estimate of $815,000. The idea upon which this estimate was made and the appropriation which followed was simply this: The defect in the architectural plan and structure of the Capitol is that the building is too wide for its height. It was impossible to raise the Capitol and it was impossible to put another foundation under it.

It was thought then by the Committee on Public Buildings and Grounds after mature deliberation that the only way to remedy this matter was to construct this terrace, giving to the foundation of the Capitol on the western approach an appearance of solidity and of additional height. That was the theory on which Mr. Olmstead made his plan, and the plan has proved to be a correct one.

In this original idea as before the Committee on Public Buildings and Grounds no great stress was laid upon the proposition to obtain rooms for the use of either House of Congress. That was a subsequent matter. I have stated what was the principal idea, and that was to remedy this defect in the architectural plan and in the appearance of the Capitol, but, at the same time, if we could secure additional rooms that would be no objection and might be a small argument in favor of the appropriation. Mr. Olmstead asked how many committee-rooms would be necessary, and the Committee on Public Buildings and Grounds told him that twenty would be enough. Under this plan he obtained twenty-eight. They are each 25 feet by 15 in size.

It is now proposed by the Committee on Appropriations to do away with the very object that the Committee on Public Buildings and Grounds had in view when they recommended this appropriation, and which was the main feature and almost the only feature of the architectural plan adopted by Congress and proposed by Mr. Olmsted. It is proposed now to do away with that appearance of solidity on the part of this terrace and to put windows into it for the purpose of lighting these committee-rooms; in other words, to make this Capitol look like a Pennsylvania barn with windows in the lower story.

Mr. ALLISON. Red lines.

Mr. VEST. I suppose so. I suppose hereafter red lines will be proposed if this change is made in the terrace. I understand it is said—I have not heard the argument on the other side except by report, but I understand it is said—that these rooms are not sufficiently lighted. I have examined the rooms personally. They are all of good size and there is a window to each room opening on the area. Here is the plan, if any Senator desires to look at it.

There is an area, and between the rooms upon the inner space and the outer space, to each of these rooms there is a window with a door opposite, giving ventilation. There is a space above to give light to these committee-rooms. They are not lighted as any outside room would be. It is the same defect which the Senate Chamber has and all interior rooms must have; but at the same time it is not dark, and it is sufficiently lighted for all purposes of committee business.

Another objection, I understand, that is made is that these rooms are damp. They are damp now because they are unfinished and because no fires have been built there; but after they have been once thoroughly dried out and completed there can be and will be no complaint on this score.

What would be thought of a gentleman who would construct a building for a private residence worth $100,000, with a lower story or foundation taking the place of this marble terrace, who would then put windows in it looking on the street?

Mr. HALE. Let me ask the Senator a question.

Mr. VEST. Certainly.

Mr. HALE. Did the Senator ever see on this continent, or elsewhere, any great building, or any small building, that was intended for the use of human beings, where around the bottom of it there is to be a plain unrelieved blank wall such as would be put around the base of a monument, without windows in it; and if so I should be glad to have the Senator tell me where that building is to be found? I have asked a great many architects, and I can not find one.

Mr. VEST. Take any of the old private buildings in Washington and you will not find the thing the Senator speaks of.

Mr. HALE. An unrelieved wall at the bottom the height of a story without windows in it?

Mr. VEST. You will not find windows looking out upon the street. You will find that in the lower story the windows look out upon an area.

Mr. HALE. I never saw such a house, and the Senator can not find one.

Mr. VEST. Well, sir——

Mr. HALE. They all have windows in the basement. When they were building this Capitol originally with a basement, why did they not leave that without windows? That was the old basement. However, I did not mean to interrupt the Senator from Missouri. I shall have something to say by and by.

Mr. VEST. I find the letter that was written by Mr. Olmstead——

Mr. HALE. I have just sent for that, because I want to use it.

Mr. VEST. I have it. It is nothing but fair and just that we should hear what this architect says in regard to this matter.

Mr. HALE. I should like to have that whole letter read.

Mr. VEST. I intend to read it, if the Senator will contain himself a moment.

Mr. HALE. I did not know but that the Senator was proposing to leave out this valuable literature. I want it read.

Mr. VEST. I intended to have read every word and line in it. I ask the Secretary to read it.

The Chief Clerk read as follows:

Hon. WILLIAM B. ALLISON,
Chairman of Committee of Appropriations,
United States Senate:

DEAR SIR: I respectfully ask that the attention of your committee may be invited to certain considerations affecting the question of opening windows in the outer wall of the terrace of the Capitol.

The essential purpose of the Capitol is provided for in a range of halls for legislative assemblies with connecting corridors, ante-rooms, and side rooms, and this range is manifested exteriorly by colonnades and other decorative features carried around the entire building. It is set well above ground, and is held up and made more conspicuous and notable by a very plain basement story.

Below this basement story there are foundation walls, and between these foundation walls a cellar. It is not customary in buildings of any importance to make a show of the foundation walls or of the cellar. It would detract from the dignity of such buildings to do so. That the cellar may be lighted and ventilated it is usual to make what in common city buildings is called an area, within which windows are opened through the foundation walls into the cellar in such a manner that they can not be seen in a general view of the building from the outside.

This is essentially what has been done in building the Capitol, the area on the west side being a very large one. There are rooms of some importance in the cellar story, but these rooms are not designed to be presented to view, nor can they be presented to view with propriety any more than the coal vaults or any domestic offices in the cellar of ordinary fine large town houses.

The original design of the Capitol has thus been sufficiently explained. Now, as to the construction that is being added to it, called the terrace, it must not be supposed that this has been designed with the slightest idea of amending or reorganizing or overruling the original design of the building. It has not been intended to make a more important feature of the cellar part of the building, to bring it out of ground or to light it. Had there been any such purpose, had Congress asked for a plan for any such purpose, a very different plan would have been devised for it from that of the terrace. Nothing whatever of what has thus far been built of the terrace would have been proposed.

What, then, was the object of the terrace? The answer may be given in this way:

Here is a great and costly building, the greater part of the cost of which has been directed to the purpose of producing a certain impression on the minds of those looking toward it, and an impression that should be associated with ideas of the strength and majesty of a great nation.

There is nothing more necessary to a successful realization of such a purpose in a building than that it should seem to stand firmly; that its base should seem to be immovable. There is a difficulty in making as strong an impression in this respect as is desirable when an extraordinarily massive structure is placed, as in the case of the Capitol, hanging upon the brow of a hill.

The object of the terrace was to more effectually overcome this difficulty. How was it to be accomplished?

It was proposed to be accomplished by setting a strong wall into the face of the hill in front of the foundations of the building; that is to say, in front of its cellar wall. Such an outer wall, it was calculated, would have the effect upon the eye of a dam holding back whatever on its upper side looked liable to settle toward the down-hill side. Every dollar thus far spent on the terrace, and on the grounds in connection with it, has been spent on the supposition that this calculation was soundly made. If it was soundly made, then it will appear that the opening of holes in this wall would leave the same effect as the opening of holes in a dam. It would make the building behind it look less secure in its foundations, less firmly based on the down-hill side,

Another way of stating the intended effect of the wall is that it would seem to overcome all tendency of the upper part of the hill to be squeezed out by the weight of the great mass of masonry above it.

Now, such a wall being seen a short distance in front of the cellar wall of the Capitol, it is of no consequence, with reference to the purpose stated, whether the space between the two is occupied by solid earth, or whether the earth is excavated, and in its place cross-walls built, by which any tendency of the cellar walls to slip out would be resisted. The result must be the same, a firmly reinforced base. In this case the arrangement of cross-walls has been adopted, and it has been thought that an advantage would be gained by making the spaces between these cross-walls available for storage vaults, and in those parts where, under the old arrangement, a sunken area had been provided for the lighting of the cellar of the main building, that the spaces so gained should be prepared in a manner making them equally suitable with the best of the present cellar rooms in respect to the requirements of light and air. But the advantages to be gained in this way have always during the ten years in which the scheme has been under discussion been presented as incidental advantages simply, not as the main purpose.

With reference to this incidental purpose, and more especially to the requirement of additional committee-rooms, the Committee on Public Buildings and Grounds was asked to say how many additional well-lighted and ventilated rooms were desirable. The answer was that twenty would be enough. As the plan stands now, twenty-eight rooms are provided for. Their average area is 25 by 15 feet. Each has at least one window opening upon the area, and the smallest of these windows measures 8 by 11 feet. There is a large door opposite the window of each room opening from a spacious corridor, through which a thorough draught can be carried. The rooms would be large, lofty, airy, and well lighted.

Respectfully,

FRED'K LAW OLMSTED,
Landscape Architect.

WASHINGTON, *July* 15, 1886.

Mr. SEWELL. I desire to make an inquiry. This work is now being carried on under the authority of law, and the House provision is to conduct the work. The Committee on Appropriations strike out the provision, thereby suspending a present law. I make the point of order that there has been no reference from the Committee on Public Buildings and Grounds or from any other committee recommending this to the Committee on Appropriations.

Mr. DOLPH. I suggest other amendments for additional work are not in order, being general legislation. I make that point of order.

Mr. HALE. In other words, the point is that Congress can not at any time stop appropriating money.

Mr. SEWELL. You can not change existing law by an amendment to an appropriation bill.

Mr. HOAR. Is the proposed amendment in italics now before the Senate—that is, the motion to strike out and insert?

The PRESIDING OFFICER (Mr. HARRIS in the chair). The motion is to strike out and insert; to strike out the text of the bill as it comes from the House and insert the words in italics.

Mr. HOAR. Then I rose for the same purpose as the Senator from New Jersey. I desire to ask the Chair how this language—I do not speak of the mere stopping of the appropriation; that is a different thing—how this affirmative enactment that "all work upon the Capitol terraces shall be suspended till a further plan shall be submitted to Congress providing for committee-rooms upon the western front of said terraces, with proper ventilation and light from windows in the outer western wall," can be supported in the face of the ruling the Senate has just made?

Mr. HALE. I give my own answer to that. There is no law that fixes the kind of work that shall be done upon the terraces. It has never been the subject of any law. From year to year the Congress has appropriated sums of money and has declared how they shall be spent. After great solicitation, after being besieged and beset early and late, an appropriation was made allowing this work to be begun; and while that is not important I may say, in passing, every appropriation that was made was made upon the agreement on the part of the architect and Senators who were urging the measure that there should be windows on the outside; but appropriations were made from time to time, and each year the question whether there should be any work done, where it should be done, and how it should be done, has been settled upon the appropriation bills. There is not any law anywhere which declares that after an appropriation which has been made shall be spent the work shall be done in any particular way anywhere else, but it has awaited the action of Congress from year to year in appropriations.

Now all that is sought in this amendment is no change of law. It does not propose to change any law, but to provide, in view of future appropriations, that a plan shall be submitted. This is what is done with reference to every structure that has ever been made by the Government. From year to year when naval ships are being constructed, Congress intervenes and says that the work shall not go on until plans shall be submitted to Congress with a view to its enlightenment.

It is a direction as to the appropriation, and the power of limiting an appropriation and its uses has never been questioned by Congress. That is not the question we have already passed upon about general legislation, about removing limits, and all that, but it is the method of expending the money. I should be glad to have any law cited that shows how this money shall be spent.

Mr. VEST. I have sent for the sundry civil act of 1883 in which this appropriation was first made; and here is an extract from it.

The PRESIDING OFFICER. The Senator from Missouri will suspend a moment. A question of order is raised as to whether or not this amendment is in order.

Mr. VEST. I am speaking on that question.

The PRESIDING OFFICER. The Chair has indulged others to speak, though the question is not debatable. The Chair is not disposed to interpose objections.

Mr. VEST. The provision of the act of March 3, 1883, is as follows:

And hereafter all changes and improvements in the grounds, including approaches to the Capitol, shall be estimated for in detail, showing what modifications are proposed and the estimated cost of the same.

That is a clause in the sundry civil appropriation bill of March 3, 1883.

Mr. HALE. This is the same kind of a clause, that there shall be a plan submitted to Congress.

Mr. VEST. I will only say this: So far from the Committee on Public Buildings and Grounds having recommended any such legislation as is contained in the Italics on page 59, that committee are unanimously opposed to any such legislation, and are here to-night protesting against

it. We protest against taking this work out of the hands of the architect. After Congress has agreed to appropriate $815,000 for the construction of it, and after completing one-fourth of this work we are opposed now to stopping it and retaining it in this unfinished condition, in order to meet the ideas of the Senator from Maine.

Mr. HALE. Let me say to the Senator from Missouri that I do not agree with him. I do not admit anything that he has stated about the agreement here to appropriate. There has been nothing of that kind.

As to any change of plan, and as to its being sought now by the Committee on Appropriations or any member of it to take this out of the hands of the architect, before this discussion closes it will be shown that this architect has been going along from time to time and making changes that never were thought or heard of, and the Committee on Appropriations is only seeking to maintain the original design of this work. If I am not able to show that before this thing is through, then I will back out from this amendment.

Mr. EDMUMDS. Did the original design provide for windows down here?

Mr. HALE. There never was a time since the thing was started when the appropriations were discussed in the Committee on Appropriations that the question was not asked will there be light, bright, and well-ventilated committee-rooms on the interior walls, and it was always said that there would be. The Senator from Vermont [Mr. MORRILL], the colleague of my friend at my right, who is much interested and has had the charge of this matter so far as anybody has had on the Committee on Public Buildings and Grounds, always claimed that that was so; and when on the north side we came here at the end of the work and complained and found fault that there were no rooms out there with lights in them, it was said that upon the north side they proposed to have store-rooms without windows, but that upon the west side, looking out upon the sun and upon the light and the air, we were to have committee-rooms; and never till we got here this winter was there any suspicion in the mind of the Committee on Appropriations, who made these appropriations, that there were not to be committee-rooms there.

It has gone on in a bold and defiant and flagrant way in opposition, and the letter that has just been read introduced a theory about this dam or wall outside that was never thought of originally when discussed here in the Senate.

Mr. VEST. Now, Mr. President, I hold in my hand—and it is the most complete answer to the Senator from Maine that mortal man can conceive of—the estimate and plan submitted by Mr. Olmsted, from the Architect's Office, United States Capitol, Washington, D. C., September 27, 1883, giving the dimensions of this terrace, giving all the details, giving the estimated cost down to the minutest particular, and there is not one word about these committee-rooms.

Mr. DOLPH. What document is that?

Mr. VEST. The executive document referred to in this bill, being a "Letter of the Secretary of the Treasury, transmitting estimates for proposed terrace and approaches for the United States Capitol, Washington, D. C., December 5, 1883—Referred to the Committee on Appropriations," of which the Senator from Maine is a member, and he voted for the appropriations under this estimate and plan; and I want him now to show me what he says was always discussed in committee.

Mr. HALE. Let me say to the Senator that without consultation with a single member of the Committee on Appropriations that has from year to year considered this subject (and no other committee has reported these appropriations), I appeal with confidence to every member of that committee in years past whether every time that that matter came up and we were solicited to make appropriations it was not upon condition that these exterior walls should have well-lighted committee-rooms with windows on the outside.

Mr. VEST. Is it possible that the Committee on Appropriations have gone on with an estimate of $814,000 for this work, and they say now that this thing rested in a verbal understanding?

Mr. HALE. We never adopted that estimate. We always declined giving the $814,000.

Mr. VEST. Here is the estimate placed before that committee, referred to it.

Mr. HALE. I know that we rejected it. We never adopted that estimate. They wanted us to give $800,000 outright, so that they could go on and have their own sweet will here and do what they pleased, and the committee always declined to do it, but jealously watched and guarded, and gave the appropriation piecemeal, because it felt that this work had got to be watched.

Mr. HOAR. I ask the Senator from Maine was there or not a perspective drawing, a plan, an elevation of this work?

Mr. HALE. Never submitted to the committee with this line of blank wall.

Mr. VEST. Here it is, "referred to the Committee on Appropriations," the whole of it.

Mr. HOAR. Has there not been all these years in the room of the Committee on Public Buildings and Grounds, or elsewhere, a map, an elevation, seen by nearly all the members of both Houses of Congress, and was there not one hanging on each side of the terraces half way down?

Mr. HALE. I do not know. There never was brought to the Committee on Appropriations that reported these appropriations any idea or suggestion that there were not to be committee-rooms on the exterior walls. In fact that was negatived when the appropriation was given, and the debates will show that from time to time that was one of the things which commended the proposition, that there were to be committee-rooms.

Mr. HOAR. I think this is rather an important question, and I should like to be sure that I understand my friend's measure, and I will put the question again. My memory is that there have been for the last two or three years, in various places about the Capitol, drawings in perspective or otherwise, showing this wall, and showing it without windows as it is now proposed, and that there was a picture in the room of the Committee on Public Buildings and Grounds, and that there were two of those drawings on the second terrace showing that thing.

Mr. HALE. It has never been the understanding either in the debates here or in the Committee on Appropriations when the Senator from Vermont [Mr. MORRILL] came from the Committee on Public Buildings and Grounds and presented it—never. On the contrary, in terms that was all negatived.

Mr. SEWELL. Was not the matter in charge of the Committee on Public Buildings and Grounds.

Mr. HALE. The appropriations have always been made in the annual appropriation bills, and it was understood Mr. Olmsted was going on under the limitations contained in these bills.

Mr. SEWELL. Under the charge of the Committee on Public Buildings and Grounds.

Mr. HALE. I suppose it was under the direction of the Architect of the Capitol.

Mr. VEST. There has never been an appropriation that our committee did not appear and urge it. I distinctly affirm here, and every member who has taken any interest in the matter will corroborate what I say, the Senator from Kentucky and my colleague opposed this appropriation as originally made. The Senator from Vermont [Mr. MORRILL] and myself—and I acted only as the adjutant in the matter——

Mr. HALE. I should like the Senator himself to ask the Senator from Kentucky if he was not surprised when he came here this winter and found that there were not windows in the western wall of this structure?

Mr. VEST. I affirm this: that the Senator from Vermont [Mr. MORRILL] and myself explained and had before us that identical diagram now being examined by the Senator from Vermont [Mr. EDMUNDS] which was submitted to the Committee on Appropriations in 1883. We argued this case upon that estimate and upon that idea, and we carried the vote upon it.

Mr. HALE. Upon the proposition that there were not to be committee-rooms on the outside walls?

Mr. VEST. There is not one word in that paper about a committee-room. It was stated by the Senator from Vermont [Mr. MORRILL], and Mr. Olmsted had given the information to our committee, that if we needed committee-rooms they could be made there, but that was simply an incident to the main improvement.

Mr. HALE. It was made a very important matter in the Committee on Appropriations.

Mr. VEST. Mr. Olmsted's idea and the idea of the Committee on Public Buildings and Grounds from the beginning was to relieve the Capitol from the architectural defect that was thought to exist in it.

Mr. HALE. When did the Senator first hear of this idea of this being a dam around the Capitol?

Mr. VEST. From the time I read that paper in 1883 and from the time Mr. Olmsted first appeared before our committee. I became a member of the Committee on Public Buildings and Grounds seven years ago.

Mr. HOAR. What is the question?

The PRESIDING OFFICER. The Chair is indulging debate on the question of order.

Mr. HOAR. It is not on the question of order, but on the merits.

Mr. EDMUNDS. Executive Document No. 9, Forty-eighth Congress, first session, contains a letter from the Secretary of the Treasury embracing estimates for this work, accompanied by a ground plan and by a front elevation showing what the basis of this terrace work was to be, and everybody will see who looks at it that there is no provision for windows, but every provision for solid blocks of stone in every face of those bases on all sides, and nothing else, and the Senator from Maine will be obliged to admit that if he will come and look at the diagram.

Mr. HALE. I do not dispute that the diagram is so. I say it was never adopted; never.

Mr. EDMUNDS. Let us see. I find, opening the first book that happens to be on my desk, and the very last appropriation I think for this purpose, which I presume is like its predecessors—here is the paragraph:

For continuing the construction of the terrace and grand stairways of the Cap-

itol, as shown on plan accompanying the letter of the Secretary of the Treasury (Executive Document No. 9, first session Forty-eighth Congress), including wages of mechanics and laborers, $200,000.

So that the very last appropriation of Congress, as I have no doubt all its former ones were, expressly required that the work should be constructed in accordance with that plan, and that plan excludes windows from its front faces.

Mr. HALE. If the Senator will allow me further, he will find that so careful was Congress in guarding this matter that it declared no work should be done any more than on the north side, and that it should only come out to a line that should be parallel with the extension of the front line of the Capitol. It expressly in terms excluded the idea that it adopted that plan upon the western side.

The Senator will find, either in that act itself or in the act of one of the other years, how carefully Congress reserved to itself the control of the plan, and in terms declared that it did not adopt that plan, but they should not go beyond the line which should be a continuation of the west wall. Senators who were members of the Committee on Appropriations will remember how carefully that was guarded.

Mr. EDMUNDS. That proposition I deny, and insist upon the proof.

Mr. HALE. I will show it to the Senator in the laws.

Mr. EDMUNDS. Here is the law.

Mr. HALE. I say it is either in that one or in the one for the next year.

Mr. EDMUNDS. It is not in this one, unless in a different part of the act.

Mr. HALE. I will show it to the Senator.

Mr. EDMUNDS. At the time this law was passed, the 3d of March, 1885, according to the best of my recollection the work was substantially completed on the north front, and this last sum of money that has been appropriated was for continuing the work around to the west front where it is now being done. The very money that is named in this bill has been spent under this appropriation, and this appropriation says that that money shall be spent in that plan, and that plan says that there shall not be any windows in the faces of it.

I should be glad to know by what authority it is. If the Senator can find the law, I would be glad to see that statute.

In respect of putting holes in this terrace and spoiling its appearance, I saw in the newspapers the other day, if I may refer to it, a pretty rough illustration and statement that it would be like asking of Senators to move their eyes down from their heads into the middle of their stomachs. That is a good way to look at it.

Now, Mr. President, I am for utility. I was for utility when a large majority a good many years ago voted that they would provide for a library by extending the central eastern front of this Capitol, and it ought to have been done; but we were finally beaten out of it on the ground that it would injure somewhat, as was supposed, the architectural appearance of the building.

We started on the ground of utility in this instance. It was suggested that we could have rooms which could be used for one purpose or another, committee-rooms if you please; but there was submitted to Congress before the work was undertaken an exact proposition of how the work was to be done; and Congress in its appropriations in every instance, I believe—certainly in this last one which I happened to turn to at random, having the book before me—provided that the money should not be expended in any other way, that it should be done in that way, because to do it in any other would destroy the effect of the thing. If the Senator can show us any law by which we changed that plan, which is in the very last act we passed, or anything which should guide the architect I should be glad to see it.

Mr. HALE. I have sent for the book.

The PRESIDING OFFICER. If the Senator from Maine will suspend the Chair will dispose of the question of order. The Senator from Colorado [Mr. TELLER] to-night offered an amendment making an appropriation changing the limit of the cost of a public building. The Senate by a decided majority held that that amendment was out of order. This amendment of the committee strikes out an appropriation that appears in the text of the bill and inserts a legislative provision without an appropriation. The Chair holds that the amendment is not in order.

Mr. ALLISON. Then in lines 1422 and 1423 I move to strike out "one hundred and fifty" and insert "one hundred and seventy-five;" so as to read: "$175,000;" and then to add: "of which sum $25,000 may be expended for the completion of the work on sections A, C, E, L, and M of said terraces."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa.

Mr. VEST. How is that?

Mr. ALLISON. I will state the object of that amendment. It is merely to reappropriate what is the unexpended balance provided for in lines 1424 to 1432, inclusive.

Mr. VEST. That is right.

The amendment was agreed to.

Mr. HALE. I propose to test the sense of the Senate at some time when it is fuller than now upon an amendment which shall cover this feature of committee-rooms and that the money shall not be expended in that direction.

I have found the provision of law that I sent for, showing how carefully and judiciously Congress from time to time protected this matter and did not in any way adopt or embrace the entire plan. In the appropriation act of 1884, the same the Senator from Vermont was reading from but which he did not find, I find this proviso at the end of the appropriation:

Provided, That the work under this appropriation shall be confined to the north front of the Capitol building, and shall not extend westward beyond the line of the west front of the Senate wing of the Capitol.

And the consideration of the Senate and debate of the Senate——

Mr. VEST. What was the date of that law?

Mr. HALE. It was the sundry civil appropriation act of July 7, 1884.

Mr. EDMUNDS. This is March 3, 1885.

Mr. HALE. It was a previous one.

Mr. EDMUNDS. This gave the plan on the west side.

Mr. HALE. It shows how carefully guarded Congress intended this work should be, that it never would adopt or embrace or admit this plan as a whole.

I do not believe that there are ten men in the Senate who until this year knew or suspected that all this line of work was to be completed on the western side, a plain blank, dull, staring wall, with no committee-rooms lighted by exterior windows. When this first came to the committee which was considering this subject and making this appropriation, the Committee on Appropriations, there was not a member on it who was not surprised and astounded, and we adjourned and went out onto the terrace to see if it was possibly so, because from the beginning that was a distinctive feature, and understood.

Whether the architect had made a plan of that kind that was not submitted generally to members I do not know. I never saw it. It never occurred to me that there was to be this work done within the walls upon the outside. I shall prepare the amendment I suggested.

Mr. EDMUNDS. I will read the whole of the paragraph of the act of July 7, 1884, the proviso of which the Senator from Maine has read, in connection with his remark that the committee did not understand: that this money was to be spent in accordance with a particular plan

For constructing terraces north of the Capitol—

This was in 1884. The act I read was the next year, afterward, when we had got that done.

For constructing terraces north of the Capitol, section marked A, as shown on printed plan accompanying the letter of the Secretary of the Treasury (Executive Document No. 9, first session Forty-eighth Congress).

The very plan I have shown you where windows were excluded all around—

$60,000, including wages of mechanics and laborers: *Provided*, That the work under this appropriation shall be confined to the north front of the Capitol building.

The reason for that was as I remember it in general (I do not know what took place in committee, of course, but what I heard outside and in the Senate Chamber) was that some members of the Senate and a good many members of a body that I may refer to in that Congress, the House of Representatives, did not wish to go on with the work for one reason or another.

It was stated all the time that the House themselves did not want that sort of thing, and there was considerable trouble in getting them to agree to an appropriation at all. So the appropriation of 1884 was confined to the north front to see how it would look. That being done, we came to 1885, and then the Committee on Appropriations, in innocent ignorance of this plan but knowing enough of it to refer to it by name, although they did not take the trouble to look at it, said, "We will go on with the west front and spend $200,000, or whatever it was, there, in accordance with that very same plan, which excludes windows; and if the architect had proceeded to put in windows he would have violated the law, because the law said he should follow that plan, and that plan confessedly shows that no windows are to be admitted.

Mr. ALLISON. Mr. President——

Mr. MAHONE. With the permission of the Senator from Iowa I ask leave from the Committee on Public Buildings and Grounds to submit three amendments to the sundry civil appropriation bill. I ask that they be referred to the Committee on Appropriations.

Mr. PLUMB. I suggest that they be not printed.

Mr. EDMUNDS. Oh, yes; I want to see them in print.

Mr. ALLISON. They can easily be printed and be back here by 11 o'clock.

The PRESIDING OFFICER. The amendments will be referred to the Committee on Appropriations and printed.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 11 o'clock and 45 minutes p.m.) the Senate adjourned until to-morrow, Saturday, July 24, 1886, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July* 23, 1886.

The House met at 11 o'clock a. m. Prayer by Rev. Dr. BULLOCK.
The Journal of yesterday's proceedings was read.

EMPLOYÉS IN INTERIOR DEPARTMENT.

The SPEAKER laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with section 194 of the Revised Statutes, a list of the names of the employés of his Department for the year 1885; which was referred to the Committee on Expenditures in the Interior Department.

The SPEAKER. The Chair has not directed the printing of this document, and will not do so unless such be the pleasure of the House. It is a very voluminous document, containing simply the names of employés in the Interior Department.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House the following Senate bills; which were read a first and second time, and referred as indicated:

The bill (S. 757) granting a pension to Helen Plunkett—to the Committee on Invalid Pensions.

The bill (S. 821) for the relief of James M. Wilbur—to the Committee on Claims.

The bill (S. 1051) granting a pension to Lorenzo A. Clark—to the Committee on Invalid Pensions.

The bill (S. 1162) for the erection of a post-office building at Lynn, Mass.—to the Committee on Public Buildings and Grounds.

The bill (S. 1880) for the completion of a public building at Nebraska City, Nebr.—to the Committee on Public Buildings and Grounds.

The bill (S. 1987) for the relief of David L. Brainard—to the Committee on Claims.

The bill (S. 2024) for the relief of Thomas Smith—to the Committee on Claims.

The bill (S. 2424) granting a pension to George W. Kincaid—to the Committee on Invalid Pensions.

The bill (S. 2487) granting a pension to Andrew Mucklin—to the Committee on Invalid Pensions.

The bill (S. 2488) granting a pension to John B. Fuller—to the Committee on Invalid Pensions.

The bill (S. 2551) granting an increase of pension to Thomas B. Shaw—to the Committee on Invalid Pensions.

The bill (S. 2584) to authorize the commissioners of the District of Columbia to condemn land at Rock Creek for the purpose of a park to be called Rock Creek Park—to the Committee on the District of Columbia.

The bill (S. 2660) granting a pension to Annie E. Gardiner—to the Committee on Invalid Pensions.

The bill (S. 2699) granting a pension to Sarah E. Norton—to the Committee on Invalid Pensions.

The bill S. 2720) to relinquish the interest of the United States in certain lands in Kansas—to the Committee on the Public Lands.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. DAVIDSON, of Florida, for this day, on account of important business.

To Mr. LOUTTIT, indefinitely, on account of illness.

To Mr. J. M. TAYLOR, until next Monday, on account of sickness.

To Mr. NEGLEY, for one day, to attend to public business.

LEAVE TO PRINT.

Mr. BUCHANAN, by unanimous consent, obtained leave to print in the RECORD remarks on the bill (S. 1486) to authorize the Denison and Washita Valley Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

WITHDRAWAL OF PAPERS.

Mr. GROUT, by unanimous consent, obtained leave to withdraw, without leaving copies, testimony filed in support of the bill (H. R. 4399) granting a pension to Capt. H. C. Nichols.

FEDERAL BUILDING, BROOKLYN, N. Y.

Mr. DIBBLE, by unanimous consent, obtained leave to present the views of a minority of the Committee on Public Buildings and Grounds upon House bill 4620, reported yesterday from that committee, for the purchase of land for the Federal building in Brooklyn, N. Y.

PERSONAL EXPLANATION.

Mr. HEWITT. I desire to occupy a moment or two with a question of personal privilege. Upon the first page of this morning's RECORD will be found what appear to be two petitions, one from the Chamber of Commerce of New York, the other from sundry merchants of New York city. Unanimous consent to have these printed in the RECORD was granted yesterday to my colleague [Mr. BURLEIGH]. These papers are not addressed to the House or the Senate; they are addressed to the Committee on Commerce of the Senate. Of course no member had any knowledge of the contents of these petitions when leave was granted to print them. I never saw them before. I do not know for what purpose they are published, but I suppose to cast some doubt upon the statement I made when the river and harbor bill was under discussion, that the chamber of commerce and the merchants of New York had not petitioned for the expenditure of a million of dollars.

Now, it is unnecessary for me to call attention to the fact that the resolution of the chamber of commerce here inserted does not apply to the provision of the river and harbor bill at all, but to another provision they desire to have inserted in the bill. I have a telegram in my hand from the chairman of the harbor committee of the chamber of commerce, received in answer to a communication I addressed to him, in the following words:

NEW YORK, *July* 22, 1886.

Hon. ABRAM S. HEWITT, *M. C.:*

Written you fully. Entirely approve your views, which are wholly those of chamber of commerce. Kindly appear in behalf of chamber before Committee on Commerce to-morrow a. m. 10 sharp. Our last chance.

A. FOSTER HIGGINS, *Chairman.*

I ask permission to insert the letter, with the telegram, in full in the RECORD.

Mr. BURLEIGH. I object.

Mr. WILLIS. I shall not make any objection, if a brief letter from the Chief of Engineers be allowed to go in, in connection with it, which has just been received:

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., July 22, 1886.

DEAR SIR: Colonel Houston reports that by means of the hydraulic excavators the depth on Gedney's Bar has been within a month past, since the contractors have been able to put on sufficient plant, been increased 2½ feet, making thereby the depth about the same as in the interior channels (the main ship). In case of further increase of depth on the bar, the attainment of which there is no good reason to doubt, it would be necessary to increase likewise the interior depth at Flynn's Knoll.

The estimates for this operation are given in the papers herewith.

Very respectfully, &c.,

JOHN NEWTON,
Chief of Engineers.

Hon. A. S. WILLIS,
Chairman of Committee on Harbors and Rivers.

ENGINEER OFFICE, UNITED STATES ARMY,
New York, July 21, 1886.

MY DEAR PARKE: The morning papers state that Mr. HEWITT moved to strike out the appropriation for the improvement of New York Harbor, on the ground that there was no definite plan, &c. (See inclosed slip.)

In Gillespie's report to the Chief of Engineers, page 779, annual report for 1885, he estimates $620,000 for dredging in the main channel west of Flynn's Knoll. This will have to be done, whatever plan of dikes may be finally adopted, unless it should be decided to improve the Swash Channel, in which case a much larger amount of dredging would be necessary. These are both inside the bar.

One million dollars could be advantageously applied in deepening the main ship channel and in continuing the work on the bar (Gedney's Channel).

The assistant engineer reports an increased depth on the bar of 2½ feet for a width of 800 feet. This depth and width will be increased this season, and should be maintained by hydraulic excavators independently of any plan of improvement by dikes, which latter would take some years to build. This increased depth on the bar necessitates the improvement of the main ship channel west of Flynn's Knoll.

The present results on the bar and the character of the material give reasonable promise of permanency, or maintenance at a moderate expense. *At all* events, having obtained the increased depth, it should be maintained until permanent structures are built, if they are found necessary.

Very truly, yours,

D. C. HOUSTON.

General J. G. PARKE, *Washington, D. C.*

Report of Board of Engineers, page 786, *annual report of* 1885.

* * * * * * *

Dredging would be needed through the 25-foot shoal west of Flynn's Knoll.

Colonel Gillespie's estimate for a channel through this shoal 1,000 feet wide and 30 feet deep is $62.000.

If after the construction of the dike the main interior channels should remain as they now are, this dredging would form a part of the plan; but as that is uncertain, and as much relief would be afforded here by a clear channel 1,000 feet wide and 28 feet deep in advance of the completion of the 30-foot channel on the bar, dredging to that extent is recommended.

Colonel Gillespie estimates its cost at about $420,000.

Mr. BURLEIGH. Mr. Speaker, my colleague from New York did state on the floor of the House that the chamber of commerce and the merchants of New York were opposed to the insertion of this appropriation of $750,000 for the New York Harbor in the river and harbor bill, and yet the chamber of commerce has sent to the Senate and presented here a petition or series of resolutions in which this $750,000 is recommended, and showing that they are in favor of this identical bill. The bill and resolution and memorials of the citizens of New York are now before the Committee on Rivers and Harbors; and, sir, the gentleman states when he refers to Senator WARNER MILLER'S bill, No. 2153, I think with reference to dumping refuse matter in the harbor of New York, what is a mistake when he says that is what they referred to. They so state themselves. And the gentleman from New York is mistaken. He takes the back track now, as he always does. [Laughter.] Just the same position that he took when the distinguished chairman of the Ways and Means Committee [Mr. MORRISON] came in here with his bill, he was in favor of what he considered as the foundation stones of his tariff bill, the three articles of lumber, coal, and iron ore to be on the free-list; but he took the back track on that. [Renewed laughter.] He will take the back track, I have no doubt, upon the distin-

guished gentleman from Missouri on his silver bill. I shall be prepared for that at any time.

The truth is that the gentleman from New York is not well. [Laughter.] But the nation is well.

In the last six years, sir, the foreign trade of this country shows $800,000,000 increase of our exports over our imports. The importation of gold the last six years was $200,000,000 in excess of the exportation, while of silver it was fifty millions exports more than our imports.

Mr. MORRISON. I must insist upon the regular order.

Mr. BURLEIGH. I should like to have just a moment longer.

The SPEAKER. But the regular order is demanded.

Mr. BURLEIGH. All right; I withdraw my objection to the request of the gentleman from New York.

The SPEAKER. The regular order is demanded now, and of necessity this matter ceases.

Mr. MORRISON. I am directed by the Committee on Rules to submit a privileged report, which I send to the desk.

Mr. HEWITT. Before the gentleman proceeds, it seems to me that my colleague has made some remarks that justify me in asking the indulgence of the House for a moment or two in reply. I do not want to intrude on the House [cries of "Go on!"], but I think I should be permitted to make at least a brief explanation.

The SPEAKER. Without objection the gentleman will proceed.

Mr. BURLEIGH. I have withdrawn the objection to printing. [Laughter.]

Mr. HEWITT. Mr. Speaker, the resolution of the chamber of commerce to which my colleague refers is in the following language:

And we respectfully request that such amount be placed subject to the discretion and judgment of the Secretary of War, but not to be confined to any one locality or plan of improvement.

It is, therefore, a protest against the provision contained in the river and harbor bill, which is in the following words:

Harbor of New York:

Continuing improvement: To secure a 30-foot channel at mean low water at the Sandy Hook entrance to the harbor, upon such plans as the Secretary of War may approve, $750,000.

Now there is but one improvement going on at that point. We made an appropriation of $200,000 in the appropriation bill of last year for dredging Gedney's Channel, of which $15,000 has been expended in preliminary surveys and investigations. One hundred and eighty-five thousand dollars of this fund remain on hand and have not been expended, because they can not be until the plans are prepared. In addition to this amount this bill proposes $750,000 more. It is against that which I protest, not against putting in money to improve New York Harbor, but against continuing an improvement behind which it has been intimated to me that there may be a job; and since the gentleman has raised this question in this manner I send to the Clerk's desk and ask to have read a letter from Mr. Higgins, chairman of the committee of the chamber of commerce, in regard to this whole operation, so that the country may know what is going on.

The Clerk read as follows:

JULY 22, 1886.

MY DEAR MR. HEWITT: Yours of yesterday is at hand, and every word you write is exactly what I have confidently expected from you. I think it is due to you to state to you fully what has occurred. Your free and positive expression of an intention to put your foot on jobs met with my sincerest sympathy, and I determined to meet you more than half way by forcing our bill—then all in shape—constituting this harbor commission, to be composed exactly as recommended by those eminent men Generals Totten, Bache, and Commissioner Davis, more than twenty years ago, with the addition of two civilian members to represent New Jersey and New York. This bill had been committed to Senator MILLER's care last year and he wished to reintroduce it. My own feeling was that no jobs could well be foisted on the Government when such a board sat there watching everything. The bill was studiously left alone until a few weeks ago, when to my astonishment letters and verbal communications were received by the executive committee of the chamber of commerce from Senator MILLER stating that it was hopeless to try to pass the bill for a harbor board this session, but that he could get a million of dollars inserted in the river and harbor bill for New York as a beginning of permanent improvements to be continued, and that the chamber had better drop the bill and accept the appropriation. A council was called of all the members of the executive committee of the chamber and of my committee on harbor and shipping and the questions discussed of what was best. I set forth most forcibly that I was sure you would oppose any such request, as there certainly did not exist any accepted plan of permanent improvements, and that I could hardly believe the engineers of the United States were ready to put forward any definite plan. That the work of leveling Gedney's Channel was well enough; that there was $180,000 in hand for that and $200,000 more had been asked for that work in accordance with the engineers' report, and that beyond that I knew of no way of spending a million of dollars with any certainty of good results. I entirely convinced the council, and they avowed themselves as ready to reject MILLER's proposal if I said so. You can see my dilemma; and I frankly said, why of course, gentlemen, I can not be so unwise as to reject an offer of a million of dollars, provided it is not a wooden horse—to bind us down to some scheme or other. So we resolved to have Mr. MILLER notified that we accepted his offer of the million, provided it was to be spent on such plan as the Secretary of War should decide to be one best calculated to be self-maintaining and adapted to the wants of the harbor; at the same time to say to Senator MILLER that the bill must not be dropped, but urged for passage. In reply, Senator MILLER had to admit that the item had been inserted in such language that it would be to commence the work recommended by the engineers in their report. Of course this would be to commit us to that place alone, and shut off all consideration of any other or even examination of that, a plainly evident intention to keep all matters here confined to the exclusive judgment and control of the engineers of the Army alone. The United States board (quoted above) expressly warns against having the sole and exclusive judgment of engineers, and this all seemed to me more of a job than anything I had heard of elsewhere. When I state to you briefly that this scheme involves a system of stone walls or jetties projecting out from Coney Island some 4 to 6 miles, absorbing and destroying forever existing channels all largely used, involving an absolutely unknown limit of expenditure, but declared in the outset to involve not less than $6,000,000, and admitted to be so tentative that the work itself is recommended only to proceed as the result of each step is seen; in other words, to spend millions to find out that they are wasted; but, worst of all, the whole plan confining the channels to one single entrance, and producing such a revolution in the entire operations of nature that no one can possibly predict what destruction will not be thereby accomplished. You will see how wild and utterly unworthy such a plan appears to a business man. At all events no such scheme will ever be adopted here with my consent until the wisdom of more than United States engineers has been invoked upon and has approved it. Senator MILLER was given in unmistakable language to understand that the condition must precede the item or accompany it, and that it must not be committed to any predetermined plan. I have interchanged some very plain correspondence with Senator MILLER, and told him if he dropped this bill and accepted this sop in place of it I would deem it my duty to make a public explanation, which would not reflect credit on him. He declared he meant to pass the harbor bill if possible (our bill) in addition, and would have the condition stipulated added to the appropriation of $1,000,000, which you will see was done. I brought so many influences to bear that our bill was passed by the Senate. I will inclose you herewith the principal letters embodying the entire official action of the chamber of commerce. You will see that the general petition, which somebody had printed and sent here for circulation, was not signed by any official of the chamber as such. Its terms, however, did not commmit us to accepting the appropriation as only applicable to a specific work or plan. Instead we sent the communication to Senator MILLER, of which you have a copy herewith, and also the other, asking and urging our harbor bill. I expressly declared to Senator MILLER that of the two I deemed our bill more valuable to New York than the appropriation, and such is the view of the chamber.

I trust you will pardon the length of this epistle, but I wished you to know all about it.

Yours, most sincerely,

A. F. HIGGINS.

The paper referred to in the foregoing letter is as follows:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Preamble and resolutions adopted by the commercial associations of the city of New York in reference to New York Harbor.

Whereas the commerce of New York city and the continued prosperity of its merchants depend largely upon the superiority of its harbor in those qualities of safety and convenience which attract sea-going vessels to its shelter and accommodations; and

Whereas to retain this superiority, a careful consideration of the harbor's needs and a constant supervision over it, by a combination of expert talent and experience, is indispensable; and

Whereas these requisites are fully met in the bill drawn by the chamber of commerce, and introduced in the United States Senate by Senator WARNER MILLER, providing for a harbor board, consisting of five members, and representing by these members the interests of this city and of the State of New Jersey, and the expert knowledge of the Engineer Corps, the Navy, and the Coast Survey: Therefore,

Be it resolved, That this measure has the earnest support of this body. That any other measure substituted for it can not so fully serve the interests of our harbor; and that any appropriation, however large, for the harbor can not be of lasting benefit unless expended upon a well-considered, digested, and determined plan—decided only after the fullest possible examination under every available light and talent—and which it would be the duty of that board to invoke and obtain from all sources of value to aid in arriving at a sound conclusion.

Resolved, That a copy of these resolutions be forwarded at once to each of the Senators and Representatives in Congress from this State and city, and that they be requested, in the name of this body, to unite in vigorously urging the passage of this measure in Congress before the close of the present session.

THE CHAMBER OF COMMERCE OF THE STATE OF NEW YORK,
By CORNELIUS N. BLISS,
Chairman Executive Committee.
A. FOSTER HIGGINS,
Chairman Standing Committee on Harbor and Shipping.
WILLIAM. D. MORGAN,
Chairman of Committee on Harbor Obstructions of the New York Maritime Association.

NEW YORK, *June* 10, 1886.

[Extracts from New York Harbor commissioners' reports, 1856, page 45.]

Occupying a position, in relation to this branch of service, which is perfectly understood in the scientific community, having no local or personal interests in view, we venture to speak boldly in this matter. Indeed, we regard it as our highest duty to do so. Accordingly, we unite with the memorialists, of the Merchants' Exchange, and the majority of the committee on commerce and navigation, in condemning the irresponsible course which has hitherto been pursued in relation to the harbor, and in approving the appointment of a responsible body, like the present commission, to the end that 'what remains of the harbor may be preserved for the benefit of the increasing commerce of the port.' We go further, and say that, in our judgment, this commission, or one similarly constituted and invested with similar powers, should be continued until some permanent plan of supervision and control over the waters of the city of New York alone, or over all the tidal waters of the State together (as in Great Britain), has been matured and carried into execution.

It is neither necessary nor expedient that the members of such a general commission should be professional engineers. In the exercise of its judicial as well as its executive, functions it can call on and consult engineers, like other experts; and an engineer may always be appointed as special commissioner, to the supervision of works in actual progress, under the authority of the commission of the State.

With a commission advisedly constituted like the present, exercising supreme superintendence under the laws over the tidal waters of the State, and making an annual report of its decisions and doings, to be submitted to public examination and criticism, no further injury could accrue to the harbor. If, through an error in judgment or otherwise, any were contemplated, it would be known by the report, and when known could be arrested. There would be no longer occasion to apprehend that this great commercial avenue would in any manner be destroyed or abridged.

JOS. G. TOTTEN, *U. S. Engineers.*
A. D. BACHE, *U. S. Coast Survey.*
CHARLES HENRY DAVIS, *U. S. Navy.*

HARBOR COMMISSIONERS' OFFICE,
New York, December 1, 1855.

The original of this is in the hands of Senator WARNER MILLER.

Mr. HEWITT. Now I send to the desk a letter from the Superintendent of the Coast Survey, in regard to the condition of the survey, which I desire to have read.

The Clerk read as follows:

UNITED STATES COAST AND GEODETIC SURVEY OFFICE,
Washington, July 22, 1886.

SIR: I acknowledge the receipt of your letter of the 21st instant, in which you ask whether, in my opinion, the survey of New York Harbor and bar has yet been so far completed as to admit of the formation of a definite judgment upon the best plan for improving the depth of water at its entrance.

Upon reference, by telegram, of the above inquiry to Professor H. Mitchell, assistant Coast and Geodetic Survey, who is in charge of the surveys and investigations relating to the physical hydrography of New York Bay and Harbor, including the study of the best methods for preserving and improving the channels, I have received the following telegraphic reply:

"No; the survey is not completed; letter.

"H. MITCHELL."

Upon receipt of Professor Mitchell's letter explaining his reasons in detail for this opinion I will immediately communicate with you.

Very respectfully,

F. M. THORN, *Superintendent.*

Hon. A. S. HEWITT,
House of Representatives.

The following is the letter of Mr. Mitchell, referred to in the above:

NANTUCKET, MASS., *22d July*, 6 *a. m.*, 1886.

SIR: Your telegram received late last night. To my mind the physical survey at New York bar is as yet entirely insufficient to base an improvement upon; and I think the soundings, &c., should be extended down the New Jersey coast, so as to cover the known sources of bar-building material.

Very respectfully, yours,

HENRY MITCHELL.

Mr. F. M. THORN, *Supt. C. and G. S.*

Address care George P. Hayward & Co., 153 Milk street, Boston.

Mr. HEWITT. Now I ask to have read this telegram, which has been handed to me since I have been on my feet.

The Clerk read as follows:

BROOKLYN, N. Y., *July 23*, 1886.

Hon. A. S. HEWITT,
House of Representatives:

Chamber of commerce highly appreciates your valuable services; wishes you every success at meeting of committee on commerce here to-day.

A. FOSTER HIGGINS.

Mr. HEWITT. I think these documents have answered in full all that has been said, not, I am sorry to say, in a charitable spirit, by my colleague from New York [Mr. BURLEIGH]. I shall not imitate him in making any personal allusions whatever.

Mr. BURLEIGH. I ask unanimous consent to occupy one minute.

Mr. MORRISON. I will be through in a moment. I can not yield further now.

Mr. BURLEIGH. I ask unanimous consent that I may print a statement in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York that he may print a statement in the RECORD? The Chair hears none.

Mr. BAYNE. I think it is hardly fair that the gentleman from New York [Mr. BURLEIGH] should not have five minutes when his colleague has occupied so much time.

Mr. BURLEIGH. I only want three minutes.

Mr. MORRISON. I think I will be through in a moment.

Mr. BURLEIGH. The gentleman from New York [Mr. HEWITT] can not evade his position in this way. Over his own signature Mr. A. Foster Higgins, the chairman of the committee on the harbor, in a letter to the Senate, dated June 11, 1886, said:

CHAMBER OF COMMERCE OF THE STATE OF NEW YORK.

At a joint session of the executive committee and the committee on the harbor of the chamber of commerce, held Thursday, June 10, 1886, the following resolution was unanimously adopted:

Resolved, That these committees learn with pleasure and gratitude that through the efforts of Senator WARNER MILLER an appropriation of $1,000,000 has been placed in the river and harbor bill for the improvement of New York Harbor. And we respectfully request that such amount be placed subject to the discretion and judgment of the Secretary of War, but not be entirely confined to any one locality or plan of improvement.

Attest:

CORNELIUS N. BLISS,
Chairman Executive Committee.
A. FOSTER HIGGINS,
Chairman Committee on the Harbor.

NEW YORK, *June* 11, 1886.

The gentleman from New York [Mr. HEWITT] has read the RECORD, and this was referred to in it when the debates were going on in the Senate.

I also wish to have read a letter dated July 22, signed by C. N. Bliss, chairman of the executive committee, which further explains this subject.

The Clerk read:

NEW YORK, *July 22*, 1886.

MY DEAR MR. MILLER: I have your favor of the 21st. The copy of the RECORD is not yet to hand; but I am surprised to hear that Mr. Higgins has presumably made any opposition to the appropriation for the New York Harbor. In the prior letter sent you about June 11 you have his assent to the proposal over his own signature as chairman of a committee of the chamber of commerce, together with the approval of the executive committee; also of other interested bodies, besides the document signed by many of the merchants. I believe it to be, practically, the unanimous expression of opinion of the members of the chamber that the appropriation should be made now, whether the commission bill becomes a law or not. The latter is deemed to be very desirable if practicable, but the harbor should and must have immediate attention, whether the work be done just as my friend Mr. Higgins wishes or as the Congress chooses to have it done. If you will indicate anything you would wish to receive from here in further support of your action I will endeavor to furnish it promptly.

Very truly, yours,

C. N. BLISS.

Hon. WARNER MILLER,
United States Senate.

Mr. BURLEIGH. In the same connection I will ask the Clerk to read a letter which I send up, dated July 23, addressed to Hon. A. S. WILLIS, chairman Committee on Rivers and Harbors, by General John Newton, Chief of Engineers.

The Clerk read as follows:

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., July 23, 1886.

SIR: My communication of yesterday, forwarding Colonel Houston's communication, was to furnish some idea of the cost of dredging at New York, without adding expense of maintaining the channel thus dredged.

I send more complete information to-day. Appendix F, report of Colonel Gillespie, page 773 to page 779, discusses the survey made by him of Gedney's bar, and furnishes an estimate of the sums required to obtain 30 feet at mean low water by dredging without the aid of permanent works, namely:

Improving Gedney's Channel for 30 feet mean low water	$350,000
Improving channel inside the bar	620,000
Total	970,000

Say $1,000,000, and no estimate for yearly dredging thereafter to maintain the channels, because such estimate would at this time be a matter of pure speculation. The channel at Gedney's bar has been recently deepened 2½ feet for a width of two or three hundred feet, but no test has yet been made of the filling again when the storms of the autumn, winter, and early spring shall come on.

The board of engineers was called upon, and made a report upon the method of permanent improvement. (Pages 779, 780, and page 783 to page 787 of Appendix F.)

I also append a copy of Executive Document No. 78, Forty-eighth Congress, second session, which gives also the reports of Colonel Gillespie and of the board of engineers, the same as in Appendix F. This executive document is referred to to show that the matter of the permanent improvement of the harbor of New York has not only been made the subject of a definite plan, but has likewise been directly brought to the notice of Congress.

Of course, as in other places, a certain amount of dredging will be done in this harbor prior to the completion and full effects of the proposed jetties, but it will be small in proportion to the amount required if dredging alone be relied upon.

I know of no engineer of any experience who would rely upon dredging in this harbor except as a temporary measure in default of a better method, and it may be said that there is no certainty even of temporary benefit from dredging to last sufficiently long to prove of advantage to navigation.

Of course the more quickly the jetties are constructed the less would be the amount of auxiliary dredging, and as there are no data to give for the time to be consumed in building the jetties, which would depend upon the liberality with which appropriation shall be granted, no reliable estimate can be given for this auxiliary dredging, which ought, however, under favorable conditions of appropriations, to be small.

Very respectfully, your obedient servant,

JOHN NEWTON, *Chief of Engineers.*

Hon. A. S. WILLIS,
Chairman Committee on Harbors and Rivers.

Mr. BURLEIGH. Mr. Speaker, I am in favor of the improvement of the great harbor of New York, through which flows the commerce of this country, and I am also in favor of having the work done under the direction of the Secretary of War and the engineers of the United States Government, and I believe that this House will be in favor of it when it is properly understood. Of course, when the gentleman from New York [Mr. HEWITT], representing New York city, arose from his seat and stated that the citizens of New York or the chamber of commerce did not want this appropriation it appeared to be a good reason for the members of this House to vote against it; but I believe the facts have clearly shown that the gentleman was mistaken, and that the opinion and wishes of the people of New York, State and city, are that this appropriation should be granted and accepted, and I believe that this House will also recognize its importance.

The gentleman uses the following language:

It has been intimated that there may be a job.

I would like to have the gentleman explain to this House who the job is with. The chamber of commerce and the Senate bill state that the money is to be expended under the direction of the Secretary of War. Does the gentleman know of any job being put up with the Secretary of War?

BUSINESS OF PUBLIC BUILDINGS AND GROUNDS COMMITTEE.

Mr. MORRISON. I make a privileged report from the Committee on Rules.

The Clerk read as follows:

Resolved, That on Saturday afternoon, the 24th of July, the House shall take a recess from 5 o'clock until 8 o'clock p. m., the evening session to be devoted exclusively to the consideration of such bills as may be presented by the Committee on Public Buildings and Grounds; that the evening session herein provided for shall not continue later than 11 o'clock p. m.

Mr. MORRISON. I demand the previous question.

The House divided; and there were—ayes 115, noes 10.

So (further count not being called for) the previous question was ordered.

Mr. WARNER, of Ohio. Is the resolution debatable?

The SPEAKER. Under the rules of the House thirty minutes are allowed for debate; fifteen minutes for the proposition and fifteen minutes against it.

Mr. WARNER, of Ohio. I do not care to occupy the time of the House in debating the proposition, but I think it is due to the House

that the gentleman from Illinois [Mr. MORRISON] who offers the resolution should explain, before we vote on the question itself, the necessity for a special night session for this purpose.

Mr. MORRISON. Mr. Speaker, all the explanation that I have to give is there is a necessity—probably not so great as is claimed—for such structures as public buildings. It is the duty of the Government to provide them wherever they are necessary. To that end, we have in Congress and in the House a Committee on Public Buildings and Grounds, to which have been referred sundry bills with a view to providing for the necessity I have referred to, and these bills have been reported back. They have not been considered by the House and the committee has had no day to consider these bills. It has been deemed prudent and right by the Committee on Rules to give to the consideration of the subject of public buildings three hours in which the House may consider such bills as have been reported by the Committee on Public Buildings, during which time the House may authorize the construction of such buildings as are required for public uses and justified by public necessities.

Mr. WARNER, of Ohio. Mr. Speaker, I did not know but there might be some special reason for setting apart Saturday evening for the consideration of bills for the construction of public buildings. But it seems the gentleman from Illinois [Mr. MORRISON] knows of no particular reason. He knows of no one or two or three very important cases. If there were I should not object to setting apart an evening for that purpose. But as it is, with no important cases to pass upon, it seems to me quite unnecessary at this stage of the session. That committee has had its full share of time in this House. It has had a day or two already.

Mr. STORM. Is it not the fact that that committee has been recognized more frequently than any other for motions to suspend the rules?

Mr. WARNER, of Ohio. I believe so; and it has been recognized for the passage of bills by unanimous consent probably more frequently than any other committee of the House. And it has obtained the passage of quite as many bills I think as the Architect can well look after before we meet again. Several of them have been vetoed. It is too late in the session to require of the President to examine more bills of this kind. There will be an opportunity also for suspensions of the rules later in the session.

Mr. DIBBLE. If the gentleman from Ohio will allow me to interrupt him, I will state for his information that the only day the Committee on Public Buildings and Grounds has had was a day to consider small bills embracing no appropriation at all or appropriations under the sum of $25,000.

Mr. WARNER, of Ohio. Nevertheless, Mr. Speaker, the Committee on Public Buildings and Grounds has occupied quite as much of the time of this House, I think, as any other committee, unless it be the Appropriations Committee. If it has not had separate days set apart for the consideration of its bills, it has occupied a great deal of time.

Mr. MILLIKEN. Will the gentleman state how much time it has occupied?

Mr. McMILLIN. With the permission of the gentleman from Ohio I will answer the gentleman from Maine [Mr. MILLIKEN]. The time in addition to the regular session that has been given to the Committee on Public Buildings and Grounds has been a good portion of almost every day that has been devoted thus far by the House to motions for suspensions of the rules. I believe there have been very few such days on which some public-building bill has not gone through.

Mr. WARNER, of Ohio. I do not know how many bills have already been passed; but there are a large number, thirty or forty, on the Calendar, beside bills which have come from the Senate—bills for the construction of public buildings in little towns all over the country where there is certainly no urgent need of them. There are other measures of more importance than these bills for public buildings which ought to occupy the time of this House every hour it can remain in session.

I yield to the gentleman from Tennessee [Mr. McMILLIN] for a question or a statement.

Mr. McMILLIN. In the line of what the gentleman has just stated, let me remind the House that there are now pending bills declaring forfeited more than 50,000,000 acres of the public lands unearned by the corporations to which they were granted, and I think it is not only improper but highly improper for the House to neglect that kind of work and go into the passage of more public-building bills, many of which are, to say the least of it, in their very nature of questionable propriety.

Mr. DIBBLE. Will the gentleman permit an interruption?

Mr. McMILLIN. With pleasure.

Mr. DIBBLE. One of the objects of this proposed evening session is to give the gentleman from Tennessee an opportunity to put his views into practice by voting against the Chattanooga building.

Mr. McMILLIN. I will put my views into practice in the future as I have done in the past, by favoring every bill that I think is right and opposing every bill that I think is wrong, no matter where it comes from. I know no locality, as the gentleman is well aware, in the discharge of my duties here; and if he intends by his remark to imply that I am improperly influenced by such considerations, I am willing to place my record and his before the House and the country, and let them judge as to which of us stands here most strenuously for that which is right.

Mr. DIBBLE. It was to give the gentleman that opportunity that I spoke.

Mr. McMILLIN. I thank my magnanimous and considerate friend from South Carolina for this exhibition of superlative generosity. There is, I will say to him, need for a public building at Chattanooga.

But to return, Mr. Speaker, there is no more important question than the reclamation of unearned public lands. This Congress has already reclaimed 35,000,000 acres, and should not fail to consider the other bills reported by the committee. Let us go resolutely at the work and see that all lands fairly subject to forfeiture are reclaimed for "homes for the homeless."

Mr. WARNER, of Ohio. Mr. Speaker, if we are to have a night session for any purpose I agree with the gentleman from Tennessee [Mr. McMILLIN] that it should be for more important measures, like the bills forfeiting unearned land grants. There is a bill before the House for the forfeiture of 35,000,000 or 36,000,000 acres of unearned lands, or lands alleged to have been unearned, and that bill gets crowded out by other things. It could pass here in one evening.

There are many other measures, too, of infinitely greater importance than these public-building bills, of which I think we have passed quite enough for one session. I am therefore opposed to setting apart Saturday evening, or any evening, for the purpose of passing more of them. If it could be shown to the House that there were any one or two or three important measures of this character that ought to be acted upon without delay I should not object, but I see no necessity for an evening session at this time for the indiscriminate consideration of such measures.

Mr. BROWNE, of Indiana. What does the gentleman think of the importance of providing for public buildings at Dayton and Zanesville, Ohio?

Mr. WARNER, of Ohio. They are not important enough to require an evening session at this time. I have voted for no bills for my own State this year, and I do not think there is any pressing need of such bills anywhere. I think such bills can all very well go over till next session. I notice on the Calendar quite a number of bills for Indiana. Does my friend desire to have an opportunity to vote for those?

Mr. BROWNE, of Indiana. Oh, no. Since it has been solemnly decided that a city like Dayton, with 60,000 inhabitants, and a place like Asheville, N. C., where there is a United States court and no building for its accommodation, are not entitled to public buildings, I do not see any use in further legislation of that kind.

Mr. McMILLIN. I am very glad the gentleman agrees with our President.

Mr. WARNER, of Ohio. Well, whatever might be the result, I do not think we ought to be compelled to come here at night to pass any more of these public-building bills this session.

Mr. McADOO. Will the gentleman yield for a question?

Mr. WARNER, of Ohio. Yes, sir.

Mr. McADOO. Don't you think that the building of a good post-office at Zanesville is a more important local issue than the silver question?

Mr. WARNER, of Ohio. The gentleman is facetious, not serious. I do not think that Zanesville is suffering for want of a public building. I do not think there was any urgent necessity in the first instance for spending $8,000 or $10,000 to provide quarters for each Government official employed in that town, when the buildings that are erected by the people of the town for offices do not cost on an average, perhaps, more than $500 for each occupant. I think that rule should govern.

Mr. SOWDEN. Does not the gentleman consider it more important that the House should consider the bill reported from the Committee on Coinage, Weights, and Measures, providing for the redemption of the outstanding trade-dollars?

Mr. WARNER, of Ohio. Certainly. There are any number of bills more important. Let us get through with those first.

Mr. MORRISON. Mr. Speaker, every time in the last five or six months some gentlemen have endeavored to get away from the consideration of any question, they have run behind land-forfeiture bills, which have been here all these many months, and yet these forfeitures have not been made up to this time—some of them most justifiable and most urgent.

Mr. WARNER, of Ohio. The gentleman himself is on the steering committee, I believe.

Mr. MORRISON. Certainly, and we steered the Committee on Public Lands into a rule made by its own members—its chairman—but that did not satisfy them; they gave us notice that "in season and out of season" they would obtrude their greatly desired land forfeitures upon us until we should change the rule. We did that, and they have been out of season ever since. [Laughter.] The rules as they now are give the right of way to land-grant forfeitures at all times.

Mr. WARNER. Well, give us a chance to vote on the land-forfeiture bill and we will pass it.

Mr. McRAE. If the gentleman is so anxious to take up the land-grant-forfeiture bills why is it that he has voted so persistently with the

oleomargarine men to postpone everything else in order to take up the oleomargarine bill out of its order?

Mr. WARNER, of Ohio. I did not vote to take up the oleomargarine bill as against the land-grant-forfeiture bills. If the land-grant-forfeiture bill had been at issue I would have voted to take it up, and I will do that at any time.

Mr. McRAE. The gentleman from California who has charge of the bill is now ready and has heretofore attempted to get consideration for the Northern Pacific forfeiture bill, and would have done so but for the oleomargarine bill.

Mr. MORRISON. There are some meritorious bills pending for the construction of public buildings. I remember one for a building at the capital of the good old State of Maryland, and there are some others. It would seem that there should be a commodious public building at the capitals of all the States.

Now, Mr. Chairman, these gentlemen about me understand very well that all they have to do to prevent a bad bill from passing on Saturday night is to come here and say, "I object."

Mr. WARNER, of Ohio. That is not a part of the proposed order, I believe.

Mr. MORRISON. It is the result of it. No bill can pass without a quorum if objection is made by demanding a quorum, which is never present at night sessions.

Mr. WARNER, of Ohio. Of course the passage of bills can be obstructed by calling for a quorum, but a mere objection will not do it.

Mr. MORRISON. I have said more than once there are some meritorious bills for public buildings; and this Committee on Public Buildings and Grounds has never yet had a day for general business. It is always such cheeky members as the gentleman from Tennessee [Mr. McMILLIN], the gentleman from Ohio [Mr. WARNER], and myself [laughter] that rush in, importune the Speaker day after day until they get recognition, and not always for the most meritorious bills.

Mr. WARNER, of Ohio. I have not asked recognition from the Speaker to pass a bill this session, as he will bear witness.

Mr. MORRISON. Nor have I.

[Here the hammer fell.]

Mr. WARNER, of Ohio. I believe my time is not all out. I wish only to say that when the gentleman from Illinois [Mr. MORRISON] intimates that I have sought recognition to bring up bills, he does me injustice, and he fails to give credit to gentlemen who have exerted themselves, as I have not, in that way.

Mr. MORRISON. I did not say you had. I said "such cheeky members as you, the member from Tennessee, and myself" rushed in and got recognition. This was in answer to the statement that gentlemen had been recognized to call up public building bills, and that such recognition should be charged to the Committee on Public Buildings and Grounds.

Mr. WARNER, of Ohio. I understand that.

Mr. MORRISON. Then let us vote.

Mr. McMILLIN. I excuse the gentleman from Illinois for his reference to me, on account of his having put me in such good company as himself and the gentleman from Ohio. I try to have the courage at all times to fight for what I think right and oppose the wrong.

Mr. HENLEY. I rise to a parliamentary inquiry: Is an amendment to the resolution in order?

The SPEAKER. The previous question has been ordered; and the rule provides that the previous question cuts off all amendment.

Mr. HENLEY. I want to substitute the consideration of land-grant-forfeiture bills for public-building bills.

Mr. MORRISON. There goes the gentleman from California again under cover of land-grant forfeitures. [Laughter.]

When I used the names of the gentlemen from Tennessee [Mr. McMILLIN] and Ohio [Mr. WARNER] in connection with my own but a moment ago, I expected them to correctly understand me as meaning exactly what I did not say.

Mr. McMILLIN. I suggest to the gentleman from California [Mr. HENLEY] that he can attain his object by moving to recommit with instructions.

Mr. HENLEY. If there be no objection I will make that motion. [Cries of "Vote!" "Vote!"]

The SPEAKER. The previous question has been ordered; but the gentleman has the right to make a motion to recommit.

Mr. MORRISON. There is no objection to his making it.

Mr. HENLEY. I move then that this resolution be recommitted to the Committee on Rules with instructions to report a resolution appropriating the session of Saturday night for the consideration of land-grant-forfeiture bills—the Northern Pacific land forfeiture. [Applause.]

The SPEAKER. Will the gentleman from California put his motion in such a form that the Chair can submit it to the House? The gentleman first mentions land-grant-forfeiture bills generally, and then he names a particular bill.

Several MEMBERS (to Mr. HENLEY). Make it general.

The SPEAKER. The Chair does not understand whether the gentleman intends the business of that evening session to be the consideration of all land-grant-forfeiture bills or only the Northern Pacific——

Mr. HENLEY. The Northern Pacific.

Several MEMBERS. Make it general.

Mr. MORRISON. I call for the regular order.

The SPEAKER. The gentleman from California moves that this resolution be recommitted with instructions to report it back with a substitute providing for a session on Saturday evening next, beginning at 8 o'clock, for the consideration of the bill to forfeit the land grant of the Northern Pacific Railroad Company.

Mr. HENLEY. I modify my motion so as to allow the consideration of all bills forfeiting land grants.

Mr. WHEELER. I move to amend so as to fix Monday night for the consideration of bills for the forfeiture of land grants.

The SPEAKER. The gentleman from Alabama moves to amend the instructions so that the resolution as reported back shall provide for a session of the House on Monday evening for the consideration of bills forfeiting land grants.

Mr. WHEELER. I withdraw the motion.

Mr. CANNON. I rise to a parliamentary inquiry. Is it not now in order under the existing orders for the Committee on Public Lands to call up at any time the bill in relation to the forfeiture of the Northern Pacific Railroad land grant?

The SPEAKER. The Chair has ruled heretofore that the committee can report at any time when the House is not considering some other matter and can have the report considered.

Mr. REED, of Maine. That committee now has all the time there is, and it wants more!

Mr. HENLEY. I demand the previous question on my motion.

The previous question was ordered.

The SPEAKER (having put the question on the motion of Mr. HENLEY) said: The noes seem to have it.

Mr. HENLEY. I call for the yeas and nays.

The yeas and nays were ordered, there being—ayes 43, noes 123; more than one-fifth voting in the affirmative.

Mr. LONG. Will the Chair state the question?

The SPEAKER. The question is on the motion of the gentleman from California to recommit this resolution to the Committee on Rules with instructions to report the same back with a substitute providing that Saturday evening be set apart for the consideration of bills forfeiting land grants to railroad companies.

The question was taken on Mr. HENLEY's motion; and it was decided in the affirmative—yeas 138, nays 93, not voting 91; as follows:

YEAS—138.

Adams, G. E.	Foran,	Jones, J. T.	Sadler,
Allen, J. M.	Ford,	Kleiner,	Sayers,
Anderson, J. A.	Forney,	La Follette,	Scott,
Ballentine,	Frederick,	Landes,	Seymour,
Bayne,	Fuller,	Lanham,	Singleton,
Blanchard,	Gallinger,	Le Fevre,	Skinner,
Bound,	Gay,	Lehlbach,	Sowden,
Boyle,	Geddes,	Lowry,	Springer,
Breckinridge, C. R.	Gibson, Eustace	Martin,	Stewart, Charles
Breckinridge, WCP.	Glass,	McAdoo,	St. Martin,
Brown, C. E.	Glover,	McCreary,	Stone, W. J., Ky.
Buchanan,	Green, R. S.	McKinley,	Stone, W. J., Mo.
Buck,	Green, W. J.	McMillin,	Storm,
Bunnell,	Guenther,	McRae,	Struble,
Cabell,	Hale,	Merriman,	Swope,
Caldwell,	Hall,	Millard,	Taulbee,
Campbell, Felix	Halsell,	Mills,	Taylor, Zach.
Candler,	Harris,	Moffatt,	Thomas, O. B.
Clements,	Hatch,	Muller,	Townshend,
Collins,	Henderson, D. B.	Murphy,	Viele,
Conger,	Henderson, T. J.	Neece,	Warner, A. J.
Cooper,	Henley,	Osborne,	Warner, William
Cox,	Herbert,	Outhwaite,	Weaver, A. J.
Croxton,	Hitt,	Parker,	Weaver, J. B.
Culberson,	Holman,	Peel,	Wellborn,
Dockery,	Holmes,	Perkins,	Wheeler,
Dorsey,	Hopkins,	Pettibone,	White, A. C.
Eden,	Howard,	Pidcock,	Willis,
Eldredge,	Hudd,	Pindar,	Wilson,
Ely,	Hutton,	Plumb,	Winans,
Ermentrout,	Irion,	Reagan,	Wise,
Everhart,	Jackson,	Richardson,	Wolford,
Findlay,	James,	Romeis,	Worthington.
Fisher,	Johnston, J. T.	Rowell,	
Fleeger,	Jones, J. H.	Ryan,	

NAYS—93.

Allen, C. H.	Farquhar,	Lovering,	Sessions,
Barnes,	Felton,	Lyman,	Shaw,
Bennett,	Funston,	Markham,	Smalls,
Bingham,	Goff,	Maybury,	Snyder,
Boutelle,	Grosvenor,	McKenna,	Spooner,
Brady,	Grout,	Milliken,	Stone, E. F.
Browne, T. M.	Harmer,	Morgan,	Strait,
Brown, W. W.	Hayden,	Morrill,	Swinburne,
Burleigh,	Haynes,	Morrison,	Tarsney,
Bynum,	Hemphill,	Morrow,	Thompson,
Campbell, J. M.	Henderson, J. S.	Neal,	Tillman,
Cannon,	Hewitt,	Nelson,	Trigg,
Carleton,	Hiestand,	Oates,	Tucker,
Caswell,	Hill,	O'Neill, Charles	Turner,
Clardy,	Hiscock,	Owen,	Van Eaton,
Compton,	Johnston, T. D.	Perry,	Wade,
Comstock,	Kelley,	Peters,	Wakefield,
Cutcheon,	Ketcham,	Price,	Weber,
Dargan,	King,	Randall,	White, Milo
Dibble,	Laffoon,	Reed, T. B.	Wilkins,
Dingley,	Lindsley,	Reid, J. W.	Woodburn.
Dougherty,	Little,	Rice,	
Dunn,	Long,	Rockwell,	
Evans,	Lore,	Sawyer,	

NOT VOTING—91.

Adams, J. J.	Cowles,	Laird,	Rogers,
Aiken,	Crain,	Lawler,	Scranton,
Anderson, C. M.	Crisp,	Libbey,	Seney,
Arnot,	Curtin,	Louttit,	Spriggs,
Atkinson,	Daniel,	Mahoney,	Stahlnecker,
Baker,	Davenport,	Matson,	Steele,
Barbour,	Davidson, A. C.	McComas,	Stephenson,
Barksdale,	Davidson, R. H. M.	Miller,	Stewart, J. W.
Barry,	Davis,	Mitchell,	Symes,
Beach,	Dawson,	Negley,	Taylor, E. B.
Belmont,	Dowdney,	Norwood,	Taylor, I. H.
Bland,	Dunham,	O'Donnell,	Taylor, J. M.
Bliss,	Ellsberry,	O'Ferrall,	Thomas, J. R.
Blount,	Gibson, C. H.	O'Hara,	Throckmorton,
Bragg,	Gilfillan,	O'Neill, J. J.	Van Schaick,
Brumm,	Hammond,	Payne,	Wadsworth,
Burnes,	Hanback,	Payson,	Wait,
Burrows,	Heard,	Phelps,	Wallace,
Butterworth,	Hepburn,	Pirce,	Ward, J. H.
Campbell, J. E.	Hermann,	Ranney,	Ward, T. B.
Campbell, T. J.	Hires,	Reese,	West,
Catchings,	Houk,	Riggs,	Whiting.
Cobb,	Johnson, F. A.	Robertson,	

During the roll-call the following pairs were announced from the Clerk's desk:

Until further notice:

Mr. THROCKMORTON with Mr. WADSWORTH.

Mr. MILLER with Mr. HOUK.

Mr. DOWDNEY with Mr. O'HARA.

Mr. DANIEL with Mr. WHITING.

Mr. SPRIGGS with Mr. OWEN.

Mr. DAWSON with Mr. RANNEY.

Mr. HAMMOND with Mr. PAYNE.

Mr. NORWOOD with Mr. O'DONNELL.

Mr. ROBERTSON with Mr. STEELE.

Mr. RIGGS with Mr. PHELPS.

Mr. BLAND with Mr. VAN SCHAICK.

Mr. ARNOT with Mr. THOMAS, of Illinois.

Mr. ROGERS with Mr. EZRA B. TAYLOR.

Mr. BARBOUR with Mr. LIBBEY.

Mr. BARKSDALE with Mr. DAVENPORT.

Mr. REID, of North Carolina, with Mr. WAIT.

Mr. BRAGG with Mr. CASWELL.

Mr. SENEY with Mr. SYMES.

Mr. ANDERSON, of Ohio, with Mr. HANBACK.

Mr. O'FERRALL with Mr. DAVIS.

Mr. ADAMS, of New York, with Mr. WEST.

For this day:

Mr. DAVIDSON, of Florida, with Mr. LOUTTIT.

Mr. REESE with Mr. BAKER.

Mr. J. M. TAYLOR with Mr. NEGLEY.

Mr. LAWLER with Mr. WAIT, on this vote.

Mr. WILSON (after the vote had been announced) said: Mr. Speaker, I was in the Hall during the roll-call, but did not hear my name called. I ask, by unanimous consent, to have my vote recorded.

There was no objection, and Mr. WILSON'S vote was recorded.

The vote was then announced as above recorded.

Mr. MORRISON. Mr. Speaker, the House has decided to give Saturday night to the Committee on Public Lands, and I ask by unanimous consent it may be done under the provisions of the resolution without the inconvenience of making a report as ordered by the House.

The SPEAKER. The gentleman from Illinois asks the order may now be made in accordance with the provisions of the resolution recommitted to the committee.

Mr. MORRISON. I ask that may be considered done as if we had reported back the resolution.

Mr. HOLMAN. I ask by unanimous consent that to-morrow may also be set apart for the same purpose.

Mr. MORRISON. To-morrow's session is set apart for the consideration of other business, as everybody and the gentleman from Indiana knows.

Mr. HOLMAN. I ask by unanimous consent that to-morrow be set apart for the consideration of the same business to which the evening session is exclusively devoted.

Mr. MCADOO. I object.

The SPEAKER. The gentleman from Illinois asks that by unanimous consent a recess be taken to-morrow from 5 o'clock to 8 o'clock p. m., the evening session to be devoted exclusively to the consideration of bills for the forfeiture of unearned land grants, not to extend beyond 11 o'clock p. m.

Mr. BRADY and Mr. STRAIT objected.

PUBLIC BUILDINGS.

Mr. BAYNE. I move that Monday next be set apart for the consideration of bills reported from the Committee on Public Buildings and Grounds.

Mr. SOWDEN objected.

MORNING HOUR DISPENSED WITH.

The SPEAKER. The regular order of business has been called for. The regular order is the morning hour for the call of committees for reports.

Mr. HATCH. I move the morning hour for the call of committees for reports be dispensed with.

The SPEAKER. That requires a vote of two-thirds.

Mr. DIBBLE demanded a division.

The House divided; and there were—ayes 128, noes 8.

So (two-thirds voting in favor thereof) the morning hour was dispensed with.

PRIVATE BUSINESS DISPENSED WITH.

Mr. HATCH. I move to dispense with private business for to-day.

Mr. HISCOCK. Would it not be in order to move to go into Committee of the Whole House now?

The SPEAKER. Not until private business is dispensed with. The House could of course resolve itself into Committee of the Whole, but it would be for the consideration of private bills.

Mr. GROSVENOR. Would the affirmative of this vote dispense with the session of this evening for pension bills?

The SPEAKER. It would not affect the evening session, which is under a special order of the House, nor would it affect the two bills reported by the Committee on War Claims, with reference to which a special order was made for their consideration to-day.

The motion of Mr. HATCH was agreed to.

M'MINNVILLE AND MANCHESTER RAILROAD COMPANY.

The SPEAKER. There are two special orders which are to be disposed of in some way, the McMinnville Railroad bill——

Mr. RICHARDSON. Mr. Speaker, having reported that bill, and understanding that it will be impossible to have it considered now, I move that its consideration be postponed until the Friday after the first Monday in December, to be taken up immediately after the reading of the Journal, and to stand there as it now stands upon the Calendar.

The SPEAKER. The title of the bill will be read.

The Clerk read as follows:

A bill (H. R. 5194) directing the Quartermaster-General to settle with the McMinnville and Manchester Railroad Company, and for other purposes.

The motion was agreed to.

THE MOBILE AND OHIO RAILROAD COMPANY.

The SPEAKER. The Clerk will now report the title of the next business on which a vote was ordered to be taken up to-day.

The Clerk read as follows:

Joint resolution (H. Res. 72) to provide for the settlement of accounts with the Mobile and Ohio Railroad Company.

The SPEAKER. The question is on the passage of the joint resolution.

Mr. HOLMAN. I move that this be postponed until next Friday under the same conditions as the last bill acted upon.

Mr. OATES. I object to the postponement of that bill. It has been postponed several times already. It is under the operation of the previous question now, I believe, and I ask if it is competent under these circumstances to move to postpone the consideration? Would it not require unanimous consent?

The SPEAKER. The Chair thinks that until the question has been taken upon the engrossment and third reading of the joint resolution, upon which the previous question has been ordered, postponement could be made only by unanimous consent. As soon as the vote is taken on that question it could be postponed by a majority vote of the House. The reason, the Chair will state, is this: The effect of the previous question is to bring the House to an immediate vote on the question then pending, which is the engrossment and third reading of the resolution. The motion to postpone would defeat that order; but as soon as that vote is taken a majority can then postpone the resolution or take such other steps as it may see proper.

Mr. OATES. I hope the gentleman will withdraw that motion and let us have a vote directly upon the passage of the resolution. It has already been debated and favorably reported from the committee. There is nothing to do but to vote upon it.

Mr. HOLMAN. It will inevitably involve a yea-and-nay vote.

Mr. OATES. Not unless you demand it.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question recurred upon the passage of the joint resolution.

Mr. HOLMAN. I now move to postpone further consideration until next Friday.

Mr. OATES. I make the point of order now that it requires unanimous consent to do that.

The SPEAKER. It does not, as stated by the Chair a moment ago. As long as the previous question was pending the motion could only be made by unanimous consent, because the effect of the previous question is to bring the House to a direct vote, which would be defeated by postponing consideration.

Mr. OATES. Then I hope the House will vote down the motion.

The question was taken; and on a division there were—ayes 79, noes 58.

Mr. OATES. No quorum.

Mr. SPRINGER. I think it will facilitate business to move to lay this resolution on the table and settle it right here.

The SPEAKER. The question of no quorum being made, the Chair will order tellers.

Mr. OATES and Mr. HOLMAN were appointed tellers.

The House again divided; and the tellers reported—ayes 94, noes 75.

So the motion to postpone was agreed to.

WILLIAM P. CHAMBLISS.

Mr. WHEELER. I desire to submit a privileged report from a conference committee.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 68) for the relief of William P. Chambliss, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

FRANK L. WOLFORD,
JOSEPH WHEELER,
Managers on the part of the House.
CHARLES F. MANDERSON,
JOHN A. LOGAN,
Managers on the part of the Senate.

The statement submitted by the committee of conference is as follows:

The conferees on the part of the House on the disagreeing votes of the two Houses on H. R. 68 make the following statement of the action of the conference:

It leaves the bill as it passed the House of Representatives, and it is recommended to the favorable action of the House.

JOSEPH WHEELER,
FRANK L. WOLFORD.

Mr. HOLMAN. The report I think is not in conformity with the rule of the House, as it makes no statement of the effect.

Mr. WOLFORD. It leaves the bill just as it was passed by the House.

Mr. BAYNE. And this is the unanimous report of the conferees as I understand.

Mr. WHEELER. Last January the Committee on Military Affairs made a unanimous report, recommending the passage of this bill. It passed the House without division. The Senate amended the bill so as to provide for Major Chambliss by giving him a pension of $75 per month. The Senate conferees consent to recede from the amendment of the Senate, and agree that the bill stand as it passed the House.

The effect of the report of the conference committee is to restore Major Chambliss to the Army, and place him on the retired-list with the rank which he resigned nineteen years ago.

A similar bill passed the House in the Forty-seventh Congress, and was reported favorably by the Senate Military Committee. The case has been before Congress on several occasions, and it has never been adversely reported upon by any committee of either House.

Mr. BAYNE. And unanimously reported from the Committee on Military Affairs.

Mr. WHEELER. Yes; the report of the House committee in favor of Major Chambliss's bill was unanimous.

The service of this officer is given by the War Department in these words:

VOLUNTEER RECORD.

Enrolled as second lieutenant Company E, First Tennessee Mounted Volunteers, May 23, 1846, and served with regiment in Texas and in war with Mexico until muster out of regiment in June, 1847.

Re-entered service as captain Company C, Third Tennessee Volunteers, October 7, 1847, and served in the war with Mexico until mustered out with company July 24, 1848.

REGULAR ARMY RECORD.

Appointed first lieutenant Second Cavalry 3d March, 1855; captain Second Cavalry, 6th April, 1861; Fifth Cavalry, 3d August, 1861; major Fourth Cavalry, 30th March, 1864; brevetted major 4th May, 1862, for gallant and meritorious services in action at Warwick's Creek, Virginia; lieutenant-colonel 28th June, 1862, for gallant and meritorious services at the battle of Gaines's Mill, Virginia.

Service.—On regimental recruiting service in Tennessee from May 8, 1855, to September 14, 1855; with regiment at Jefferson Barracks, Missouri, to October 27, 1855; *en route* to and in Texas to May 18, 1858; on recruiting service to April 19, 1859; on leave to September 22, 1859; on duty at Carlisle barracks, Pennsylvania, to March 8, 1860; on recruiting service to July, 1860; on delay to October 17, 1860; on duty at Carlisle barracks, Pennsylvania, to November, 1860; conducting recruits to and with regiment in Texas to April, 1861; Washington, D. C., to March 10, 1862, and in the field, Army of the Potomac, to June 27, 1862, when wounded and taken prisoner at the battle of Gaines's Mill, Virginia; prisoner of war to July, 1862; sick on account of wounds and on parole to October 23, 1862; assistant instructor of tactics and commanding cavalry detachment at the Military Academy, West Point, N. Y., to August 23, 1864; special inspector of cavalry, Military Division of the Mississippi, from September, 1864, to December 23, 1865; joined regiment February 20, 1866, and commanded it at San Antonio, Tex., to May 9, 1866, and on duty with regiment at same place to October 19, 1866; on leave of absence until he resigned, November 1, 1867.

I also ask to have read a letter from Major-General McClellan, dated March 22, 1880, and an affidavit of this distinguished soldier made about a month later:

STATE OF NEW JERSEY, EXECUTIVE DEPARTMENT,
Trenton, March 22, 1880.

Independently of his services, when a mere boy, in the Mexican war, the admirable, gallant, and soldierly manner in which Col. William P. Chambliss performed his duty during the recent war merits high appreciation and reward.

Literally riddled with balls, he was left for days on the field of battle at Gaines's Mill, only to be taken thence to the Libby prison.

Escaping death as by a miracle, he has for several years past been in wretched health—the consequence of his many wounds, of exposure on the field of battle, and of a still unextracted ball.

If under any circumstances an officer who has voluntarily resigned his commission can be placed on the retired-list, I think that Colonel Chambliss, by his services and sufferings, eminently deserves to be of the number.

GEO. B. McCLELLAN.

I certify the foregoing is a correct copy of the original, which is now before me.

ROGER JONES,
Lieut. Col., Asst. Insp. Gen'l, U. S. A.

WASHINGTON, D. C., *April 20, 1880.*

STATE OF NEW JERSEY, *Mercer County, ss:*

On the 21st day of April, before me, a notary public in and for said State, personally appeared George B. McClellan, who, being by me duly sworn, declares and says that he is personally acquainted with William P. Chambliss, late captain Fifth United States Cavalry, and that the said Capt. William P. Chambliss was present with his company and regiment at the battle of Gaines's Mill, Virginia, on the 27th day of June, 1862, the army then being under my command, and that he was left on the field suffering from a wound from a musket ball in the left shoulder, and from a buckshot wound in the upper part of the chest, and from a rifle ball through the abdomen and another through the left thigh.

He had also received other injuries, among them the dislocation of the right shoulder.

He remained some days on the field of battle, and was finally taken into Richmond as a prisoner, but was exchanged a few weeks afterward. His condition when exchanged was such that his recovery seemed impossible, and I think that very few survived such wounds and exposure as fell to the lot of Captain Chambliss. He further declares that he has no interest directly or indirectly in this matter.

GEO. B. McCLELLAN.

During this session numerous bills have been referred to the Military Committee which have for their object the restoration of resigned officers, but I believe this is the only one which has received favorable action.

The report of the committee of conference was agreed to.

Mr. WHEELER moved to reconsider the vote by which the report of the committee of conference was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HATCH. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of bills raising revenue. Pending that motion, I ask unanimous consent that the bill under consideration in the Committee of the Whole House on the state of the Union when the committee rose yesterday evening may be laid aside for the present.

Mr. REID, of North Carolina. I object.

Mr. COBB. I move that the House proceed to the consideration of the House Calendar for the purpose of taking up the land-forfeiture bill.

The SPEAKER. That motion is not in order as against the motion of the gentleman from Missouri. The only way the gentleman from Indiana has of reaching his purpose is to refuse to go into Committee of the Whole House on the state of the Union.

Mr. COBB. Very well.

The question being taken on the motion of Mr. HATCH, the Speaker stated the "ayes" seemed to have it.

Mr. COBB. I call for a division.

The House divided; and there were—ayes 91, noes 24.

Mr. COBB. I demand the yeas and nays.

The yeas and nays were not ordered, only 16 members voting therefor.

So (further count not being called for) the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

MANUFACTURE OF VINEGAR FROM GRAIN.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the unfinished business. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 9733) to regulate the manufacture of vinegar made from grain.

Mr. HATCH. It is well understood by the House that when we entered upon the consideration of this bill yesterday it was with the view of an adjournment pending its consideration and not with an expectation on the part of the friends of the bill known as the oleomargarine bill that this bill would be finally disposed of at this time. Without desiring to place the bill in any other than its normal condition on the Calendar, and with a view to reaching the bill I indicated when I made my motion to go into committee, I now move to strike out the enacting clause of the pending bill.

Mr. HISCOCK. I think it would save time to ask unanimous consent of the committee that this bill be passed over. I make that request.

Mr. MORRISON. I object.

Mr. HATCH. I insist on my motion.

The motion was agreed to.

The CHAIRMAN. The effect of this vote is that when the commit-

tee reports to the House it will report this bill with the recommendation that the enacting clause be stricken out. The Clerk will report the next revenue bill.

Mr. BRECKINRIDGE, of Kentucky. Is it now in order to move that the committee rise for the purpose of finishing this matter?

Mr. HATCH. I will make that motion when we get to the other bill.

Mr. BRECKINRIDGE, of Kentucky. I do not desire to do anything that is obstructive, but I would prefer that the committee should rise and that this matter should be settled before we go further.

Mr. HATCH. Then I will make the motion that the committee rise.

Mr. HOLMAN. You may lose your ground if you do.

Mr. HISCOCK. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HISCOCK. If the committee should now rise, and if the House should reverse the action of the committee, when we return into committee would we not be on the same bill?

The CHAIRMAN. Certainly.

Mr. HATCH. I withdraw my motion that the committee rise, and hope the gentleman from Kentucky [Mr. BRECKINRIDGE] will not insist on it at this time.

Mr. BRECKINRIDGE, of Kentucky. I do not.

Mr. DIBBLE. I move that the committee rise.

The question being taken, the chairman stated that the "noes" seemed to have it.

Mr. MORRISON. I call for a division.

The committee divided; and there were—ayes 32, noes 152.

So the motion was not agreed to.

IMPORT DUTIES, INTERNAL-REVENUE TAXES, ETC.

The CHAIRMAN. The Clerk will report the next revenue bill on the Calendar.

The Clerk read as follows:

A bill (H. R. 9702) to reduce and equalize duties on imports, to reduce internal-revenue taxes, and to modify the laws in relation to the collection of the revenue.

Mr. RANDALL. I ask that that bill be passed over for the present.

Mr. DIBBLE. I ask for the reading of the bill.

The Clerk commenced to read the bill.

After a portion of the bill had been read,

Mr. DIBBLE. I withdraw the demand for the reading of this bill.

Mr. GROSVENOR. I move to strike out the enacting clause of the bill.

The CHAIRMAN. That motion is not in order under the rule unless the House determines to consider the bill. The gentleman from Missouri [Mr. HATCH] has asked unanimous consent that the bill be passed over for the present.

Mr. HATCH. The gentleman from Pennsylvania [Mr. RANDALL] asks that it be passed over. I ask the gentleman from Ohio [Mr. GROSVENOR] not to interpose an objection; he shall have the time he desires.

Mr. GROSVENOR. I withdraw my motion.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. RANDALL] asks unanimous consent that this bill be passed over for the present. Is there objection?

Mr. BRECKINRIDGE, of Arkansas. I object.

The CHAIRMAN. Under the rule the committee will rise and report the objection to the House.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had under consideration revenue bills, and having reached the bill (H. R. 9702) to reduce and equalize duties on imports, to reduce internal-revenue taxes, and to modify the laws in relation to the collection of the revenue, objection was made to passing it over, and, under the rule, the committee rose and he reported the objection to the House.

Mr. RANDALL. I move that the bill be passed over.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I understand this to be the revenue-tariff bill.

The SPEAKER. It is.

Mr. HATCH. Regular order.

Mr. BRECKINRIDGE, of Arkansas. This is the regular order.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] moves that this bill be passed over.

The question was taken; and the Speaker stated that the ayes seemed to have it.

Mr. BRECKINRIDGE, of Arkansas. I ask for a division.

The House divided; and there were—ayes 113, noes 26.

Mr. BRECKINRIDGE, of Arkansas. No quorum has voted.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint the gentleman from Arkansas [Mr. BRECKINRIDGE] and the gentleman from Pennsylvania [Mr. RANDALL] to act as tellers.

Mr. RANDALL. Mr. Speaker, I ask to be excused. This is a dilatory proceeding, and I do not want to take any part in it.

The SPEAKER. Then the Chair will appoint the gentleman from Missouri [Mr. HATCH] instead of the gentleman from Pennsylvania [Mr. RANDALL].

The House divided; and the tellers reported—ayes 145, noes 20.

Mr. BRECKINRIDGE, of Arkansas. I ask for the yeas and nays.

The question was taken on ordering the yeas and nays, and they were refused; only 18 members voting in favor thereof.

The bill was passed over.

The Committee of the Whole resumed its session, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of revenue bills. The Clerk will report the next revenue bill on the Calendar.

The Clerk read the title of the bill, as follows:

Joint resolution (H. Res. 164) repealing tax, special and otherwise, upon tobacco and upon the sale and manufacture thereof.

Mr. HATCH. I move that that joint resolution be passed over for the present.

Mr. MCMILLIN. I object.

Mr. GIBSON, of West Virginia. Let the joint resolution be read.

The Clerk read the joint resolution.

Mr. HATCH. I ask unanimous consent that this joint resolution be passed over for the present.

Mr. GIBSON, of West Virginia. I object.

Mr. HATCH. Mr. Chairman, as objection is made to passing this over, and as there is an adverse report on this joint resolution, I move to strike out the enacting clause.

Mr. REID, of North Carolina. On that I demand the yeas and nays.

The CHAIRMAN. That is not in order. The House is now in Committee of the Whole. The question is on the motion of the gentleman from Missouri [Mr. HATCH] to strike out the enacting clause.

Mr. GIBSON, of West Virginia. On that I ask for a division.

Mr. BROWNE, of Indiana. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BROWNE, of Indiana. Does the Chair mean that the motion is to report this bill back to the House?

The CHAIRMAN. The motion is that the joint resolution be laid aside, and that when it is reported to the House it be with a recommendation that the enacting clause be stricken out.

Mr. GIBSON, of West Virginia. That motion, I believe, is debatable.

The CHAIRMAN. It is not.

Several MEMBERS. The House is dividing.

Mr. TOWNSHEND. I call for the yeas and nays.

The CHAIRMAN. The House is now in Committee of the Whole.

The Chair, having counted those voting in the affirmative and those voting in the negative, was about to announce the result——

Mr. GIBSON, of West Virginia. I desire to make a parliamentary inquiry.

The CHAIRMAN. The committee is now dividing, and the Chair will first announce the result of the vote, and then hear the gentleman's inquiry.

Mr. GIBSON, of West Virginia. But it is in reference to this question that I desire to make the inquiry. I find on page 342 of the Digest this statement:

A motion in the Committee of the Whole to strike out the enacting words or clause is debatable.

I raised that question a moment ago, and the Chair decided that it was not debatable, and prevented debate.

Now, sir, the rule gives the right to debate——

Mr. TOWNSHEND. The House was dividing.

Mr. GIBSON, of West Virginia. No; it was not. I want to know whether the Chair is going to decide directly in the face of the rules.

The CHAIRMAN. The gentleman will pardon the Chair. Upon the pending question the committee has divided; and the Chair must now announce the result on that question.

Mr. GIBSON, of West Virginia. Mr. Chairman——

The CHAIRMAN. If the gentleman desired to appeal from the decision of the Chair, it was his duty to do so when the Chair announced that the question was not debatable and before the vote was taken. Now the vote has been taken, and the Chair must announce the result.

Mr. GIBSON, of West Virginia. But that does not alter the question.

The CHAIRMAN. The Chair must announce the result.

Mr. GIBSON, of West Virginia. I want to raise the question whether the Chair proposes to decide directly in the face of the rule. [Cries of "Regular order!"]

The CHAIRMAN. The Chair decides that this vote has been taken and must be announced. Upon this question the yeas are 112, the nays 17. The ayes seem to have it. [A pause.] The ayes have it, and the motion is agreed to. The Clerk will report the title of the next bill.

BIENNIAL EXHIBITION, BOTTLERS' PROTECTIVE ASSOCIATION.

The Clerk read as follows:

A bill (H. R. 9208) to permit the entry, free of duty, of foreign goods for exhibition at the fourth biennial exhibition of the United States Bottlers' Protective Association.

Mr. HATCH. I ask that this bill may be passed over.

Mr. GIBSON, of West Virginia. I object. I desire that the bill be read.

The bill was read.

The CHAIRMAN. The gentleman from Missouri [Mr. HATCH] asks unanimous consent that this bill be passed over for the present.

Mr. HATCH. Pending that request, I will ask unanimous consent that the vote be taken without debate on laying this bill aside to be reported favorably to the House.

Mr. GIBSON, of West Virginia. I object to that. I desire to debate it.

Mr. HATCH. I insist on my motion that the bill be passed over.

The CHAIRMAN. The gentleman from West Virginia objects to passing the bill over; and under the rules the committee will rise and report the objection to the House.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union, having had under consideration revenue bills, had reached the bill (H. R. 9208) to permit the entry, free of duty, of foreign goods for exhibition at the fourth biennial exhibition of the United States Bottlers' Protective Association; and that unanimous consent having been asked to pass this bill over objection was made, and under the rule the committee rose, and he reported the objection to the House.

The SPEAKER. The question is, Will the House direct the Committee of the Whole on the state of the Union to pass the bill over?

Mr. HATCH. Pending that, I ask unanimous consent that a vote be taken on this bill without debate.

Mr. RANDALL. The report of the Committee of the Whole relates only to passing the bill over in committee, and the only question is whether the House shall direct it to be passed over.

The SPEAKER. That is the only question.

Mr. GIBSON, of West Virginia. Mr. Speaker——

Mr. SPRINGER. This motion is not debatable.

The SPEAKER. It is not; but the Chair does not know for what purpose the gentleman from West Virginia rises.

Mr. GIBSON, of West Virginia. I want to make objection to laying this bill aside.

The SPEAKER, That objection has been made in Committee of the Whole. The question is, Will the House direct the Committee of the Whole to pass the bill over?

The question being taken, there were—ayes 107, noes 22.

Mr, GIBSON, of West Virginia. No quorum.

Tellers were ordered; and Mr. GIBSON, of West Virginia, and Mr. HATCH were appointed.

Before the count by tellers was concluded,

Mr. HATCH said: Mr. Speaker, the objection is withdrawn.

The SPEAKER. The objection can not be withdrawn in the House. The House may, however, by unanimous consent, direct the Committee of the Whole——

Mr. GIBSON, of West Virginia. I understand there is no objection to the passage of this bill; and I request unanimous consent that the bill may be considered and passed in the Committee of the Whole.

Mr. HATCH. Without any debate.

Mr. GIBSON, of West Virginia. Without any debate.

The SPEAKER. The gentleman asks unanimous consent to dispense with a vote upon the objection raised in Committee of the Whole, and to direct the Committee of the Whole to take a vote on the bill without debate. If there be no objection that order will be made, and the committee will resume its session. The Chair hears no objection.

Mr. COLLINS. I ask unanimous consent to say one word in favor of this bill.

Mr. GIBSON, of West Virginia. It will pass without any objection.

The SPEAKER. Unanimous consent has been given to dispose of the bill in Committee of the Whole without debate.

The Committee of the Whole resumed its session, Mr. SPRINGER in the chair.

The CHAIRMAN. Under the order of the House the question is on laying aside, to be reported to the House with a favorable recommendation, the bill (H. R. 9208) to permit the entry, free of duty, of foreign goods for exhibition at the fourth biennial exhibition of the United States Bottlers' Protective Association.

The question was decided in the affirmative.

The CHAIRMAN. The Clerk will now report the title of the next revenue bill on the Calendar.

The Clerk read as follows:

A bill (H. R. 9873) to reduce the tax on spirits distilled from apples, peaches, and other fruits, and for other purposes.

Mr. HATCH. I ask unanimous consent that this bill may be passed over.

Mr. MCMILLIN. I object. The bill provides among other things that farmers may sell leaf-tobacco without license or having to hunt a licensed dealer, and is very important.

The CHAIRMAN. Objection being made, the Committee of the Whole will rise and report the objection to the House.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration revenue bills, had directed him to report back with a recommendation that it pass the bill (H. R. 9208) to permit the entry free of duty of foreign goods for exhibition at the fourth biennial exhibition of the United States Bottlers' Protective Association; also that the Committee of the Whole had reached the bill (H. R. 9873) to reduce the tax on spirits distilled from apples, peaches, and other fruits, and for other purposes; and that unanimous consent having been asked to pass this bill over objection was made, and under the rule the committee rose and he reported the objection to the House.

Mr. REID, of North Carolina. If in order, I desire to have the bill read.

The SPEAKER. It might have been read if desired before objection was made in the Committee of the Whole. The bill is not in the House. The question is on ordering the bill to be passed over.

Mr. MCMILLIN demanded a division.

The House divided; and there were—ayes 94, noes 34.

Mr. REID, of North Carolina. No quorum.

The SPEAKER appointed as tellers Mr. REID, of North Carolina, and Mr. HATCH.

Mr. HATCH. I would request Mr. HENDERSON, of Iowa, to act in my place.

Mr. REID, of North Carolina. I demand the yeas and nays.

The House divided; and there were ayes 26.

The SPEAKER. Not a sufficient number.

Mr. REID, of North Carolina. Tellers.

Mr. MCMILLIN. Count the other side; that is the easiest way out.

The other side was counted; and there were noes 113.

The SPEAKER. The yeas and nays are not ordered, one-fifth not having voted in favor thereof.

Mr. HISCOCK. I make the point of order that the gentleman from North Carolina having demanded tellers, and tellers not having been ordered, he is not now entitled to tellers.

The SPEAKER. If the gentleman had simply demanded tellers and they had been ordered by the House, and he had then demanded the yeas and nays and the yeas and nays had been refused, the Chair thinks the point of order would be well taken; but the gentleman from North Carolina made the point that no quorum had voted, and if that is insisted upon the tellers will resume their places.

Mr. TUCKER. Will the Chair please state what the number voting was?

The SPEAKER. Twenty-six in the affirmative and 113 in the negative. It requires one-fifth of the entire vote, and 26 is not one-fifth of the entire vote. The tellers will resume their places.

The House again divided; and the tellers reported—ayes 134, noes 31.

So the bill was ordered to be passed over.

OLEOMARGARINE.

The committee resumed its session, Mr. SPRINGER in the chair.

The CHAIRMAN. The Clerk will report the title of the next bill.

The Clerk read as follows:

A bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine.

[Applause.]

The CHAIRMAN. The Clerk will report the amendments of the Senate.

The Clerk proceeded to read the amendments of the Senate.

Mr. BROWNE, of Indiana. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BROWNE, of Indiana. Is this one amendment, or are there several amendments of the Senate?

The CHAIRMAN. The Chair can not state until they have been read.

Mr. BROWNE, of Indiana. I will make that point at the proper time, that they are divisible.

The CHAIRMAN. Reserve the point until the amendments are read, and then the Chair will decide it.

The reading of the Senate amendments was concluded.

Mr. HATCH. I desire to submit the proposition by unanimous consent that all debate on the Senate amendments be limited to two hours.

Mr. BROWNE, of Indiana. Make it one hour. [Cries of "Vote!"] I withdraw my suggestion.

Mr. HATCH. I will state to the committee I make this proposition in deference to gentlemen on the floor opposed to the Senate amendments and opposed to the bill. I am making it in good faith. I desire gentlemen who have expressed the wish to speak for a few minutes on these amendments shall have the opportunity to do so. The gentleman from Illinois [Mr. DUNHAM] has requested the control of one hour.

Mr. BROWNE, of Indiana. An hour and a half.

Mr. HATCH. Well, I consent to one hour and a half, out of which the gentleman from West Virginia [Mr. GIBSON] is to have fifteen minutes.

Mr. BROWNE, of Indiana. Has no arrangement been made with those who are opposed to the bill?

Mr. HISCOCK. That is satisfactory.

Mr. BROWNE, of Indiana. That is as it stood in its original position, and who are now content to agree to the Senate amendments.

Mr. HATCH. If the gentleman will simply let me get my unanimous consent before the committee, it will be for the committee to determine. I ask all debate on the Senate amendments be limited to two hours, one and a half to be controlled by Mr. DUNHAM, and thirty minutes by myself in the interest of the bill.

Mr. BROWNE, of Indiana. Indulge me, before I give consent, in asking this question: In what way will this be presented for a vote of the committee? Will it be concurrence, or non-concurrence and asking for a conference?

Mr. HATCH. In obedience to instructions of the Committee on Agriculture this morning, it is in accordance with telegrams and petitions received in the last twenty-four hours from friends of the bill throughout the United States. I shall move to concur in the Senate amendments. [Applause.]

Mr. BROWNE, of Indiana. I shall concur in that most cheerfully.

Mr. REID, of North Carolina. I would like to ask the gentleman from Missouri if he makes that motion now.

Mr. HATCH. I will make it when the proper time comes.

Mr. REID, of North Carolina. For I desire to amend the motion so as to concur in the Senate amendments with an amendment which I send to the desk.

The CHAIRMAN. It is not now in order.

The gentleman from Missouri moves that all debate upon the Senate amendments be closed in two hours, of which time one and one-half hours are to be controlled by the gentleman from Illinois on the left [Mr. DUNHAM] and thirty minutes to be controlled by the gentleman from Missouri himself.

Mr. VAN EATON. I object.

Mr. WARNER, of Ohio. As the gentleman has stated that it is the intention of the committee to move concurrence in all of the Senate amendments, I do not see any necessity for this consumption of time.

Mr. HATCH. I hope the gentleman will not interpose any objection to this arrangement.

Mr. MORRISON. I do not want to object to the two hours' debate, but I do object to the time being farmed out between these two gentlemen.

Mr. HISCOCK. Is there any objection to limiting the debate to two hours, without specifying how it shall be divided?

Mr. COBB. I object.

Mr. HATCH. Then I move that the committee do now rise.

I will say before that motion is submitted that the amendments in the order in which they have been read at the Clerk's desk make but one material change in the bill as it left the House, and that is the reduction of the tax upon oleomargarine from 5 cents to 2 cents a pound.

There is one other amendment inserted in the eighth section—the word "knowingly," which of course changes the phraseology of the section to that extent. The other two amendments simply strike out the minimum punishment and leaves it in the discretion of the court to fix the punishment, not to exceed the maximum prescribed by the statute.

Reserving the remainder of my time, I move that the committee do now rise with a view to limiting debate.

The motion was agreed to.

The committee accordingly rose; and Mr. HOLMAN having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of Union having had under consideration House bill No. 8328, with Senate amendments thereto, had come to no resolution thereon.

Mr. HATCH. Mr. Speaker, I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of bills raising revenue, and pending that motion I move that all general debate upon the Senate amendments be limited to two hours.

Mr. RANDALL. I move to amend by making it one hour. [Cries of "Vote!" "Vote!"]

Mr. WEAVER, of Iowa. I move to amend the amendment by making it fifteen minutes.

[The Speaker here resumed the chair.]

Mr. HATCH. Mr. Speaker, I ask unanimous consent to indulge me for half a minute to state the reasons for making this motion. [Cries of "Regular order!"]

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Several members objected.

Mr. TOWNSHEND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND. I desire to know whether the motion of the gentleman includes all debate.

The SPEAKER. All general debate.

Mr. TOWNSHEND. And all debate under the five-minute rule?

The SPEAKER. That can not be done under the rules of the House.

The question is upon agreeing to the amendment to the amendment submitted by the gentleman from Nebraska.

The question was taken; and on a division there were—ayes 93, noes 58.

Mr. DUNHAM. No quorum.

Mr. TOWNSHEND. I call for the yeas and nays.

Mr. HISCOCK. I hope the chairman of the Committee on Agriculture who has charge of this matter may be permitted to make a brief statement in reference to this request for two hours, which I think will be satisfactory to the House. [Cries of "Regular order!"]

The SPEAKER. The regular order is the question on the demand of the gentleman from Illinois for the yeas and nays.

The yeas and nays were not ordered.

Mr. HISCOCK. There was a distinct understanding that there was to be a certain amount of time for debate.

Mr. HATCH. I again renew my request for unanimous consent to be permitted to make a very brief statement to the House.

Mr. STORM objected.

Mr. WEAVER, of Nebraska, Mr. DUNN, and others, demanded the regular order.

Mr. ROWELL. After an arrangement was made by which this time was to be granted for debate [cries of "Regular order!"] it ought not to be cut off.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. WEAVER, of Nebraska, and Mr. DUNHAM were appointed tellers.

The House again divided; and the tellers reported—ayes 113, noes 72.

So the amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The motion of Mr. HATCH as amended was agreed to.

Mr. HATCH. I now renew the motion that the House resolve itself into Committee of the Whole for the further consideration of bills raising revenue.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. By order of the House all general debate on the Senate amendments to the bill under consideration is limited to fifteen minutes.

Mr. HATCH. I yield the fifteen minutes allotted by the House for general debate on the Senate amendment to the gentleman from Illinois [Mr. DUNHAM] with the request that he will yield five minutes of that time to the gentleman from West Virginia [Mr. GIBSON]. I hope he will give him as much time as he can spare.

Mr. DUNHAM. Mr. Chairman, there was an arrangement entered into between the Committee on Agriculture, or the chairman representing that committee, and myself this morning by which one hour and a half was to be given to the opponents of this bill, the time to be under my control. The House has seen fit to refuse to carry out the agreement of the committee. Of course that action of the House must be accepted.

It was my intention to have presented to the House some statements that have been made by experts and chemists in regard to the composition of oleomargarine, from what it is made, and as to whether it is injurious, proving beyond a question that it is not injurious in any manner to the public health. But inasmuch as I have not been given the time I shall ask consent of the House to extend my remarks in order to embrace fully this expert testimony.

I agree to the request of the chairman of the committee and will yield five minutes to the gentleman from West Virginia, and will thank the Chair to notify me when I have but five minutes remaining.

I understand that nothing that can be said at this time will have any effect on the result of this vote. Friends of the cow are here in force, determined to enact this unprecedented and dangerous legislation. Nothing can now be said that can induce a change of plan or in any way alter the intention to pass this bill, not that the members of this House fully believe it fair to strike against an established industry, but because it is thought to be a good political move and will bring about a favorable result in the fall elections.

Mr. MILLIKEN. I desire to ask the gentleman——

Mr. DUNHAM. I yield to no interruption.

Mr. MILLIKEN. Does that not apply to yourself as much as to any man on our side?

Mr. DUNHAM. I have no time to answer questions. If time is given me I would be willing to stand here all the afternoon and allow you all the interruptions you wished.

Mr. MILLIKEN. You should not talk uncivilly.

Mr. GALLINGER. You should not make false charges.

Mr. DUNHAM. I make no false charges. I say the object of this bill is not revenue, but to increase the price of a certain article to benefit a particular class of citizens, and members representing dairy constituencies desirous of their own or their party success dare not vote against it.

A MEMBER. What are your motives?

Mr. DUNHAM. My motives are to oppose the bill for two reasons: First, it is wrong in principle; second, the Congress of the United States is engaged in the business of striking at an industry that is more largely represented in my district than in any other in this country, and I am here to defend the interests of my constituents.

Mr. MILLIKEN. Have not the other members of the House the right to do the same thing?

Mr. DUNHAM. You seek to benefit your people by injuring or attempting to ruin a portion of mine. You propose to destroy a legitimate commercial article because it comes in competition with another. The whole power of the United States Government is to be invoked to help defy commercial laws, to pull down established industries. Republicans, believers in protection favoring American citizens, unite now with free-trade Democrats to destroy capital and depress labor employed in one manufacturing branch in order to revive as it is said the drooping dairy interests. Such legislation is a species of iniquity that in time will return to "plague the inventor."

Some gentlemen seem to be troubled about my remarks or they would preserve a more dignified silence. I have heard it claimed the truth should not be told at all times or that men do not always desire to hear it. That is an exploded doctrine. No statesman sitting in a legislative body should seek to bar himself against a true statement as to the intent lurking beneath the lines of any measure presented for consideration.

I think gentlemen understand my meaning. I am not speaking of any individual, but I am speaking of what I have heard outside of this Hall and what I have read in the newspapers. It has been asserted in the public prints over and over again that the object of this bill is to raise the price of butter, and men expect to benefit their political party by this action in the same way as they do by legislation on other subjects. Republicans hope to accomplish a Democratic disaster, while Democrats pray for the opposite result; perhaps both will win. The dairy men only expect to be the financial gainers by this bill; they are to reap any benefit that accrues to their product.

A MEMBER. And who eat it.

Mr. DUNHAM. Yes—and who eat it. You have not a single petition in your committee or before this House from the consumers of butter in this country asking the passage of this bill.

Mr. HENDERSON, of Iowa. That is not so.

Mr. DUNHAM. You have petitions here from dairymen who ask its passage. You have no petitions from the great community at large who are not makers of butter but who are eaters of it.

Mr. MILLIKEN. Where do the petitions in favor of oleomargarine come from? The gentleman, knowing no one has any opportunity to answer him, should not make such statements.

Mr. DUNHAM. I will inform the gentleman that thousands of workingmen all over the country have petitioned against taxing oleomargarine. By the time you get through taxing oleomargarine you will then come here proposing to tax something else. The woolen manufacturers of the country will demand for their protection that everything that has cotton in it shall be taxed. The makers of cigars will demand that cigarettes shall be taxed so that nobody shall buy anything but cigars. And so all the interests of the country that think they are injured by the manufacture of something that sells on a par with their goods will come and ask for taxation on the competing goods. You say no now, but you do not know how large a fire you may kindle.

I say to you gentlemen who advocate this proposition because you expect to gain votes in the country, there is a great city vote and a great labor vote that is liable to go the other way. I join with you in requiring that this oleomargarine shall be sold for exactly what it is. I agree with you as to that, and will join in the enactment of any law that in that respect will be as binding as necessity may demand. I am opposed to having any man deceived. But your proposition is to overrun the houses in my district, for instance, with a lot of internal-revenue officers to annoy and put to trouble the manufacturers of this product, and you propose to assess them for the privilege of manufacturing it. You propose to charge the wholesale dealer three times as much as is charged for any other kind of license under the internal-revenue laws. You propose to assess the retail dealer, who perhaps does not sell over a hundred dollars' worth of this article in the year, $48 a year for the privilege of trying to make a little profit.

The tax goes on to the product. And why is this proposition made? Simply, as has been stated, to begin a system of trying to blot the product out of existence. If I were allowed to state here what I have heard in another branch of Congress, I think I could convince every man present that the principal object of this bill is to tax this product out of existence and to raise the price of butter; but I am not permitted to state this or to read the statement, and therefore I can not lay it before the House.

I have no expectation that any gentleman here will vote differently from the way in which he has started out in this campaign. This is a campaign made out of a farmers' panic. This is a campaign made not in response to the honest sentiments of the people, but because the people have been made to believe that they are being injured by the sale of oleomargarine.

As a part of my remarks I publish the following statements, being extracts from the testimony taken before the Senate Committee on Agriculture. This testimony bears upon and proves conclusively that oleomargarine is a wholesome food product.

[Statement of Professor Henry Morton, of the Stevens Institute of Technology, Hoboken, N. J.]

I appear at the request of Mr. Coudert to state facts within my own knowledge chiefly in regard to this matter, and it may not be improper for me to state, in the first place, how it comes that I should know about it.

Senator GEORGE. That is not material, if you will just tell the facts.

Professor MORTON. The subject is one which has been of great interest to all scientific men from the time of the original discovery by Mége, which was made, as you are aware, during the siege of Paris. Many persons have been interested in it and have followed it up. I have been frequently called upon to examine processes and superintend operations where modifications in the manufacture have been suggested, and so on, and specimens have been brought to me as a chemist to examine from time to time microscopically and chemically.

When the substance was first introduced, the question was raised as to whether it could be distinguished from butter by any test, and I was led in that way to investigate the subject, and to examine as to all the properties which it exhibited, as well as to compare different samples of it, and I have in my experiments in this line examined great numbers of specimens of oleomargarine prepared as butter, and of oleomargarine oil for the preparation of butter, from all parts of the country, and also have visited factories very frequently and spent long periods there. I have remained as long as a week in one of these factories continuously, sometimes spending the night as well as the day there in order to watch the process completely and see the operation from beginning to end—to see what was put in and what was not, and to observe what was done and what was not done.

In the course of these examinations I have reached the conclusion, founded on these observations, that the material is of necessity a pure one, and can not possibly be unwholesome, and is, in fact, in that sense, thoroughly desirable and safe article of food. I will express as briefly as I can my reasons for this opinion, and state the facts on which they are founded.

In the first place I have found, as a matter of observation, that fat which is to be used in the manufacture of oleomargarine, if it is in the slightest degree tainted before the manufacture begins, if it is not strictly fresh, if it is not taken almost directly from the slaughtered animal, if it is allowed to stand in a barrel for a few hours in ordinary weather or in cold weather, if put in a barrel with any animal heat in it for a few hours, then an incipient change begins which, in the succeeding process, is exaggerated so that an utterly offensive material is produced which could not be used for any such purpose.

Senator GEORGE. Offensive to the smell and taste?

Professor MORTON. Offensive both to the smell and taste, so much so that no one could eat it or endure it; it is very disagreeable. The only way to avoid that is to use extreme care in the collection and preparation of the material, and in the subsequent processes, after it has been cleaned and washed, by melting it carefully and then allowing it to settle and straining it so that all the animal fiber of every sort is removed. It is next submitted to a treatment by which the stearine is removed, and what is left is almost identically the same in composition as butter made from milk and cream.

Now, if in that process, after the melting has been gone through with, the slightest portion, even a microscopic portion, of the animal tissue, of the fibrous tissue, or anything else but the pure fat is left in the material in the oil, then in this process of crystallizing by which the stearine is removed (which has to be done at a temperature of about 80°), the result will be that the material will become putrid and utterly offensive. I have seen that done over and over again where there has been a little carelessness in the filtering or cleaning, or want of proper treatment where the fat has not been heated hot enough during the rendering, so that there may be a little fiber left in. Under these circumstances, during this process of crystallizing, a fermentation takes place which is very offensive, almost unendurable, and they have to throw the entire mass into the tanks used for the refuse to make tallow of, as it would not be food fit for use at all.

Senator GEORGE. Is there no way of counteracting this offensive condition?

Professor MORTON. No way whatever, except to take fat and purify it in a manner that would make it a very expensive process.

Senator GEORGE. Can it not be clarified?

Professor MORTON. No, sir; there is no way of doing that.

The CHAIRMAN. Would putrefaction take place if the material was kept at a temperature of 45 degrees, the usual temperature for keeping butter?

Professor MORTON. It will not take place after the butter is manufactured. That putrefaction of necessity takes place during the manufacture. One of these processes involves the keeping of the material for ten or twelve hours at a temperature favorable for fermentation or putrefaction if there is anything in it to putrefy. If it has gone so far as that without injury, it is because there is nothing in it capable of establishing putrefaction.

The CHAIRMAN. Have you never found any of these tissues in oleomargarine after it was manufactured, under the microscope?

Professor MORTON. Never. This statement I make is important as to the effect of the process; that is, the putrefying effect which would result from a neglect to thoroughly separate the fatty matter from the fiber. This is important because it bears upon the question which has been raised as to whether the germs of disease could in any way be carried from the animal into the product. These germs, in the first place, have never been found. There is no scientific testimony anywhere that they have ever been found in the fat of animals. They are always found in the muscles and tissues, but never in the fat.

Senator GEORGE. Then the germs of disease from diseased cattle are never found in fatty substances?

Professor MORTON. No, sir.

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Senator BLAIR. Is stearine an unhealthy substance that you wish to get rid of it?

Professor MORTON. It is not unhealthy except in this sense——

Senator BLAIR. I mean in the proportion in which it is found is it unhealthy?

Professor MORTON. It would be less digestible undoubtedly. It would be the difference between the digestibility of butter or a fat like butter and mutton fat. As it exists in the mutton fat, there being an excess of stearine, the fat is harder when it enters the stomach, and is not broken up so rapidly and absorbed by the digestive organs. In that sense it is less digestible, just as one kind of bread would be less wholesome than another because not so digestible. Very light bread would be more digestible than bread not so light. There would be that difference. A person with a delicate stomach might be able to eat beef and beef fat and yet not be able to eat mutton and mutton fat.

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The CHAIRMAN. What would you say then to a sample of oleomargarine which was still sweet, but which under the microscope did show fibrous material?

Professor MORTON. I should like to know a good deal about its origin; what its history was. Of course, if it was some one's object to make such a thing, there would be no trouble in making such a sample. In other words, all you have to do is to make good oleomargarine and then take a little fat with scrap in it and stir it up together.

The CHAIRMAN. Would it be possible to make in any oleomargarine factory, if they were not extremely careful but anxious to make a large profit by selling it and working carelessly, an unfit article for food?

Professor MORTON. It would never be done but once. They would make one such large product and send it out, but it would all be sent back to them. They would lose their money, and they would not do it again.

The CHAIRMAN. If it was sold to consumers it would not be sent back to the oleomargarine factory, but would be pronounced bad butter.

Professor MORTON. It would be recognized at once, because the stuff would be detected immediately.

The CHAIRMAN. Have you any knowledge as to the percentage of lard now used in the manufacture of oleomargarine in comparison with the amount of oleo used?

Professor MORTON. I do not now recall it. I have heard, but I have forgotten. I think it is something like 20 per cent. Some such proportions as that is frequently added, although that differs with the season of the year; in winter they need more than they do in summer.

The CHAIRMAN. Have you examined any of the oleomargarine factories lately where they use lard at all?

Professor MORTON. Yes; within a few weeks I have visited two of them in New York.

The CHAIRMAN. Then they were using lard mixed with fat?

Professor MORTON. Yes; they were using pure lard.

Senator GEORGE. What about the use of cotton-seed oil?

Professor MORTON. Cotton-seed oil has been used for the same purpose—that is to say, where the oleomargarine oil, as I have described it, has not had as much of its stearine removed from it as is required to bring it to the consistency of butter, then the same result can be obtained by adding more olein, more oil. Cotton-seed oil is like olive oil, almost pure olein. There would be another way of doing this thing. You might take the pure rendered fat, and instead of getting rid of the stearine, if you had some other material which would add the palmatin and olein by themselves, you might thus bring it to the same consistency or proportion by adding this instead of removing the stearine. The process, as I have said, is not entirely under control as to the amount of stearine to be removed. But when not enough is removed you can get the required consistency by adding olein or cotton-seed oil.

The CHAIRMAN. In the factories you have examined, do they use much cotton-seed oil?

Professor MORTON. They were not using it at either of the factories I examined. At one of them they were using all the winter what is known as benne oil or oil of sesame. Sesame is a grain very well known in the East. You may remember in the Arabian Nights in the story of the forty thieves, where the robbers opened the cave by saying "Open sesame." It is the name of a grain, a grain which is made into bread and eaten in that way, and by pressure there can be extracted from it an oil which is largely used in that region for cooking, and also as a salad oil. It is nearly pure olein, something like olive oil and cotton-seed oil.

The CHAIRMAN. You have stated that the pure fats of animals do not contain, or that it never had been discovered that they contain, germs of disease. Would it not be possible that the tissues surrounding the fats of these animals could contain germs of disease?

Professor MORTON. They have never been found in the fats—that is a scientific fact. There is not an instance recorded or a reliable statement made of their having been found in the fats, although there is abundant evidence of their being found in the muscles or muscular tissues.

The CHAIRMAN. I speak simply of the tissues that surround the fat; as to the oils I understood your statement.

Professor MORTON. No, sir; they have not been discovered.

The CHAIRMAN. Are you prepared to make the statement that they could not be found there?

Professor MORTON. They never have been in the history of science. With all these microscopical examinations, nobody has been found to make the statement. No one having the slightest show of authority has ever recorded the fact. Such things may have been stated in the newspapers.

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Senator JONES. In how many factories have you ever seen this substance prepared?

Professor MORTON. In about six factories.

Senator JONES. Is the plant and machinery of this process expensive?

Professor MORTON. It is rather expensive.

Senator JONES. Can it be manufactured in a small way and by small establishments profitably?

Professor MORTON. Not with profit. It must be done, I should say, on a fairly large scale to be profitable.

Senator JONES. Have you any idea how many establishments of this kind there are in New York and Philadelphia, for instance?

Professor MORTON. I have only heard of one in Philadelphia, and in New York, at present, I only know of four.

Senator JONES. In those which you have examined are there any tricks of the trade resorted to—if I may use a vulgar expression—by which a cheaper product is made which is more deleterious or objectionable than a product honestly made?

Professor MORTON. None whatever. There is very little temptation to do such a thing. In other words, anything that will cheapen the product spoils it. You can only make a good product. Any attempt to use fat that is really old and stale is unprofitable. An ounce of stale fat put into a ton of good fresh fat will spoil the whole thing before the process is completed. So that so far from there being any temptation to use anything impure, the object is to use the very best material, in order to make a good salable product.

The CHAIRMAN. Do you think the lard is used because it is cheaper than beef fat?

Professor MORTON. No, sir; I think the motive is to improve the structure.

The CHAIRMAN. What would you say of oleomargarine which contained 90 per cent. of lard and 10 per cent. of oleomargarine?

Professor MORTON. I should say it was a very poor article. Of course, it may happen that some man may make a foolish experiment, thinking he is going to make it cheaper, but he will find out that he has cheated himself. He could not make a good article that he could sell twice to the same customer, unless he is honest and cleanly in the manufacture.

Senator JONES. We have been told about the vile compounds that are used in making the oleo—the fat of cats and dogs and animals which died of disease.

Professor MORTON. To any one who knows about it these stories are simply absurd. It is utterly impossible to do any such thing. As I have said, if the animal has been dead a short time the fat can not be used. For instance, you could not use fat from the meat which is hung up and exposed for sale in market for the purpose of making oleomargarine. Although such meat is not hurt for ordinary use, and can be cooked and eaten, the fat of it would be utterly ruined for the purpose of making oleomargarine. The exposure of the meat in the market would give the product a strong tallowy odor, different from a putrid one, but the moment you tasted it you would say that it was not butter. No one would eat it. It would not have a butter taste. The very same taste in beef, to which we are accustomed, would be considered offensive if observed in butter. The very same flavor that I have defined as tallowy does not offend us at all in connection with cooked meat, because we are used to it in that connection.

But if you try this experiment—if you take from a piece of beef you are eating a piece of the fat and chop it up fine and mix it with butter which you have on your table, and taste it, you would say it was very bad butter. It tastes good enough as beef fat, because you are accustomed to it in that way, but you object to that flavor in butter. It is just the same way with cheese. If you know you are eating a piece of Swiss cheese with its peculiar odor, your sense is not offended. But if a piece of that cheese gets on the side of the table or on your coat, and you smell it, you think there is something very nasty about it.

Senator JONES. Then you think that animals which have died a natural death could not be used in this way, because a putrefaction would be produced in the manufacture?

Professor MORTON. Yes, a change would be produced which would render the product tallow and not oleomargarine.

Senator JONES. That you say would be unavoidable?

Professor MORTON. It would be unavoidable. It could not be helped.

Senator JONES. You do not think you could make good oleomargarine out of a dead cat or dog?

Professor MORTON. I will stake my reputation on that—that it could not be done, because I have tried an analogous experiment to that very thing. I have taken fat which was put in a barrel and left over night, and in melting it down I found that the product was perfectly offensive and could not be used for one moment.

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Senator GEORGE. I have been requested to ask several questions by some gentlemen present. You have probably gone all over this subject, and therefore you can answer these questions without making much explanation. I am requested to ask you first to state your age, residence, and occupation.

Professor MORTON. I am forty-nine years of age; I reside in Hoboken, N. J., and am president of the Stevens Institute of Technology in Hoboken, an institute of mechanical engineering.

Senator GEORGE. What attention have you given to the study of chemistry, and for how long a time?

Professor MORTON. For over twenty-five years it has been my particular life study.

Senator GEORGE. What knowledge have you regarding the manufacture of oleomargarine and relative substitutes for butter, as carried on in a commercial scale in this country?

Professor MORTON. From the time the process was first invented and the product first came to this country I was informed about it, and have been called upon to examine various patents and processes continuously from year to year. Hardly a year has passed where something has not come to me to be examined and reported upon in connection with that subject.

Senator GEORGE. What is your opinion in regard to this material as a wholesome article of food?

Professor MORTON. I consider it perfectly wholesome. I eat it myself without hesitation and have it often in my house.

Senator GEORGE. Is it true that this product can be or is made of improper substances or injurious substances, and that chemicals are used in its manufacture? Perhaps you have already answered that.

Professor MORTON. It is not true. It is utterly impossible to make it of tainted materials, and no chemicals are used in its manufacture—that is, nothing in the usual meaning of that term, such as violent corrosives or other injurious materials. Salt, which is in one sense a chemical substance, is used.

Senator GEORGE. Has any injurious substance been found in any specimen of oleomargarine by yourself or chemists of standing and repute, to your knowledge?

Professor MORTON. None whatever; there is no evidence of any such thing.

Senator GEORGE. Is it in your opinion probable or even possible under the normal conditions of manufacture, that any germs of disease could be introduced into oleomargarine?

Professor MORTON. I do not believe it is at all possible or probable.

Senator GEORGE. What are the comparative risks of the introduction of disease germs into oleomargarine and pure butter?

Professor MORTON. They are considerably greater in pure butter. It is easier to get germs into milk, and milk is never heated in the making of butter, so that nothing is done to protect it. The risk of introducing the germs of consumption from cows suffering with that disease would be far greater in the manufacture of butter than in the manufacture of oleomargarine.

Senator GIBSON. What is the point of temperature to which oleomargine is raised in the process of manufacture?

Professor MORTON. The individual particles of it come very nearly to the boiling point of water; just to a good cooking temperature.

Senator GIBSON. Would that destroy the germs necessarily?

Professor MORTON. It would destroy them under almost all circumstances. There are cases, but very rare ones, indeed, in which germs will resist very high temperature, and in such cases they would not be destroyed by ordinary cooking.

Senator GEORGE. What is your opinion of the relative digestibility of oleomargarine and butter?

Professor MORTON. I think they are substantially identical. If there is any difference it is only the difference, as I said before, between one variety of meat and another.

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[Statement of Professor Charles F. Chandler, of Columbia College, New York.]

I would not, of course, wish to take up the time of the committee by repeating anything that Dr. Morton has said, but I will say at the outset that I agree with Dr. Morton in every statement that he has made.

Senator GEORGE. You were present and heard his statement to the committee?

Professor CHANDLER. Yes, sir; I heard his statement which he has just concluded. I have been called upon officially on three different occasions to investigate this subject. I was first called upon as president of the board of health of New York city, by the State senate of New York, to carefully investigate it, and I prepared a report which was approved by my colleagues of the health department and forwarded to Albany. Afterward, in 1880, I was called upon by the Committee on Manufactures of the House of Representatives, and at that time I prepared a report with the approval of my colleagues of the health department, and I will leave a copy of that report with the committee.

Senator GEORGE. You indorse the statements therein made?

Professor CHANDLER. Yes, sir; I indorse them at the present time. I have not a copy of the first report sent to the New York State senate, but it is essentially the same. I was afterward called upon by the New York board of aldermen and made a report which was approved by the board of health and which was printed in the City Record, of which this is a copy.

Senator GEORGE. You reaffirm that statement now?

Professor CHANDLER. I do; yes, sir. In all of these reports I have taken the ground that this is a new process for making an old article, and that article is butter. This is a new process for making butter. It is made of materials which are in every respect wholesome and proper articles of food, whether it be made solely from the oleomargarine extracted from beef fat, or whether it has added to it more or less leaf-lard properly prepared, or more or less sesame oil or cotton-seed oil, and whether it be or not colored with annatto or the other coloring matters used. I take the ground that there is nothing in any one of these materials in any sense unwholesome, and nothing in any one of them which makes it inferior as an article of food to dairy butter.

I regard the discovery of Mége-Mouries, of a process by which beef fat and hog fat can be extracted from adipose tissue and converted into a wholesome article of food free from any disagreeable taste or odor, as one of the most important discoveries made in this century, a discovery by which it is possible to make a perfectly pure and satisfactory, as well as a wholesome, article of food at a reasonable price. I have visited various factories where this article is manufactured, from the time the industry began down to date. I am perfectly

familiar with the materials employed and the different processes, and know there is nothing whatever used either in material or process which is unwholesome or in any way deleterious to the public health.

Senator GEORGE. Or which would be disgusting if known?

Professor CHANDLER. Precisely. On the contrary, the processes by which this kind of butter is manufactured are much more cleanly than the processes by which dairy butter is manufactured. The beef fat or leaf lard is taken out of the animals there, put into cold water, and thoroughly washed and cleansed.

Senator PLUMB. Is it necessary that that should be done?

Professor CHANDLER. It is necessary. It is impossible to make an article that would sell unless this is done. In order to remove and cool the fat at once it is necessary that it should be washed, and the fat is converted into butter in both stages without being handled in any way. Then it is worked up and melted in vessels in jacketed kettles, and therefore it is much more cleanly, because never handled by human beings—all the work is accomplished by machinery. Whereas dairy butter is manufactured in small quantities without—well, it will hardly be worth while to say anything which will tend to disgust persons with dairy butter, and I will refrain from stating what everybody must know, that in some dairies at least cleanliness is not strictly observed. In the majority of the dairies the butter is constantly handled and worked by human hands, which, to my mind, is a process of manufacture far less appetizing than the process by which the oleomargarine butter is formed.

I, of course, have not followed all these proceedings before Congress, but I have read what has been printed, and am quite aware of the scope of this investigation. We had a senate investigation in New York city for the purpose of discussing fully the subject of artificial butter. The person who managed that investigation came and consulted me about it, but very carefully refrained from calling me as a witness, and the evidence taken before that commission is too ridiculous ever to have been printed by so august a body as the senate of the State of New York. The statements that were made there were utterly ridiculous. Stories with regard to offensive processes and offensive materials used in preparing food were rehearsed, and the story of the use of nitric acid was repeated, as well as the old story that the workmen employed in these factories lost their toe-nails in consequence of the acid which was used in working the fat, and many things of that kind. I never could understand how the State senators of New York could permit such testimony to go on record and be printed. But it was done, and that kind of evidence has been manufactured all over the country with the view of disgusting the public with this kind of butter. Artificial butter has never had a fair opportunity to be presented to the citizens of this country, and this legislation with regard to it recalls to my mind legislation which is found in the records of the past.

Some of you remember, I presume, that before the discovery of the passage around the Cape of Good Hope to India the only dye-stuff cultivated to any extent in England was woad, an inferior dye which our ancestors employed for dyeing their products. When the trade with Bengal sprang up indigo was brought to England, and immediately there was a great hue and cry made against indigo. It was said it was going to ruin the woad farmer of England, and they called it devil's dirt—Teufeldrockh was the name in German—and it was made a capital crime in England, France, and Germany for anybody to be caught with indigo on his premises. It was not suggested that it should be colored blue, because that was its natural color and it was not necessary.

Soon after logwood was discovered in Honduras, and when it was attemped to introduce it into England as a dye laws were passed against it. We have had that kind of legislation always. It is not many years since a petition was presented to Parliament in England protesting against the use of hops in beer, on the ground that it would destroy the digestion of the English people. There was a similar attempt at legislation in regard to the burning of soft coal. They had used only wood and charcoal in England, and when it was proposed to take coal out of the ground and bring it to London they said it would ruin the industry of the people who cut wood in the forests to make charcoal; that it was unhealthy and would make a smoke that would get into the lungs of the knights who came from the country to Parliament to sit and legislate for the people.

With regard to the statements concerning the unwholesome character of these materials, I have paid particular attention to the subject, and feel competent to speak upon it.

Senator GEORGE. Are you a doctor of medicine?

Professor CHANDLER. I am an M. D., but I am not a practitioner of medicine. I have been a professor in a medical college for twenty years, and have made a special study of this subject of germs—not recently, but I began a dozen years ago. I have a laboratory where I conduct my experiments by the use of the microscope, and I am familiar with all the literature on the subject of any value, and I do not hesitate to say that there is nothing whatever in the assertion that there is any danger of germs in this artificial butter. There is no foundation of fact at all for those statements. It is a bugbear which is conjured up in order to disgust people on the subject of beef fat.

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[Statement of Professor James F. Babcock, of Boston, Mass.]

I am a chemist by profession. At present I occupy a position which our statutes require all mayors of cities to fill by appointment, namely, that which is called with us in Boston inspector of milk. By our statntes, inspectors of milk are also charged with the enforcement of the laws in regard to butter and some other food products.

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It has been within my knowledge, and is within my knowledge at the present time, that there are thousands of persons in the city of Boston who buy butterine, knowing perfectly well what they are buying—who call for butterine, who pay the price of butterine, and who receive it in a paper marked as the statute requires of them in those cases. The marking, so far as those persons are concerned, is unnecessary, because they know what they are buying. But the dealer must mark it whether the person knows it or not. Not only are these goods marked upon the tubs and marked upon the papers provided for the retail sales, but I know of a great many dealers in Boston who in addition to what the law requires mark their goods by hanging a large sign directly over the tub or the ice-chest or refrigerator where the goods are kept.

I have in mind at the present time a new store which has only been started within a couple of weeks at the south end in Boston, fitted up, I had almost said with elegance, a store for selling dairy products. They have a refrigerator with some nine or ten compartments in it, with glass doors, and nine of these contain butter and one of them contains butterine. The butterine is marked by a sign hanging over that place with letters I should say 3 inches long; the price of it is marked—15 or 16 cents, the retail price—and the prices of all this butter, ranging from 18, 19, and 20 cents up to 30 and 35 cents per pound at this season of the year, are also indicated.

You will find in the same way, in the market located in that section of the city, where the patronage is chiefly from poor people, that these goods are exposed for sale and the name is marked upon the goods. A gentleman in South Boston, a very respectable grocer, whose name I could give to the committee if necessary, said to me only last Saturday, speaking of these goods—I will say that he had two tubs of butter and one tub of butterine, and his butterine and papers were marked—he was speaking to me of the sale of these goods to poor people. He said that a regular customer of his had said to him only a few days before that the butterine which he had bought during the winter for 15 cents a pound had enabled him to give his boy butter to eat; he called it butter, but butterine is what he bought.

These goods are spoken of in that general way as butter, although they are substitutes for butter. This man said that the sale of butterine at 15 cents a pound had enabled his boy to have butter during the winter; otherwise he would have had to go without. He said his boy had never eaten any butter in his life, and the man spoke of the goods as being something which he regarded it a privilege to buy. I say it can not be disputed that in the city of Boston, and in some of our large manufacturing cities in Massachusetts, such as Fall River, Lawrence, and Lowell, there are thousands of pounds of oleomargarine and butterine, imitation butter, sold to people who know perfectly well what they are buying, who call for it, and who could not be cheated in regard to it; they know what it is worth.

Senator JONES. Do they buy it for themselves and their families, or to feed boarders on?

Professor BABCOCK. They buy it for themselves and their families; they do not keep boarders. A poor man with a family of four or five has all the boarders he can take care of. It is undoubtedly sold to and bought by boarding-house keepers, saloon and restaurant keepers, and it is certainly true that they do not put any mark upon it when they put it on their tables. There is a large sale in that direction. But the people who buy it for their own consumption are very numerous and know very well what they are buying.

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Senator JONES. Has it been any part of your duty to determine whether these substitutes for butter are injurious to health or not?

Professor BABCOCK. It has not been a part of my duty to determine that.

Senator JONES. Have you investigated that matter?

Professor BABCOCK. I have.

Senator JONES. What are your conclusions on that subject?

Professor BABCOCK. My conclusions are that what is perfectly good on the side of a beefsteak is perfectly good when it is melted out and mixed with salt and milk. My conclusions are, in general, that oleomargarine is a perfectly wholesome food in every sense of the word. There are some points in relation to it in which it is superior to butter, I refer more especially to its keeping qualities. You take an oleomargarine print and put it on this table and leave it here for three months alongside of butter, and the oleomargarine will remain sweet while the butter will not.

The CHAIRMAN. Is that any evidence that it is better food?

Professor BABCOCK. It is no evidence that it is better food, but it is evidence that the fat from which it is prepared is freer from foreign substances.

The CHAIRMAN. Would it not equally be evidence that it is not as easily digested as butter if it will last that length of time? Salt meat will keep longer than fresh meat.

Professor BABCOCK. Certainly; but it is perfectly healthful, nevertheless. I presume it must be admitted as a physiological fact, at least to be debatable, that oleomargarine is slightly less digestible than butter. But how much less digestible? It is not as if oleomargarine required five hours to digest and butter required only a half an hour or an hour. The figures are expressed in much closer relations than that. I will not undertake to give them, but the committee can find them in the books or in the investigations of those who have considered the matter. It takes three and a half hours in one case and four hours in the other case, or something of that kind. Practically there is not any difference, and as far as food value is concerned, I do not think the physiologists have ever differed in the opinion that oleomargarine has a higher food value than butter. I mean by that that the amount of heat-producing qualities in oleomargarine is greater theoretically than in butter, but the relation still is very close; one is about the same as the other.

Mr. GIBSON, of West Virginia. Mr. Chairman, during the pendency of this bill before the House I fought it at every stage. Since it has gone to the Senate it has been amended and made much less obnoxious than it was before, but it is still so obnoxious that I can not vote for it. I have already stated that I oppose this bill because it is contrary to every theory of politics I have ever entertained. It is contrary to every platform that has ever been adopted by the Democratic party since the Democratic party was formed in these United States. It is contrary to every vote that a Democrat has given, in accordance with his party platform, in this House. It is contrary to the promises which the Democracy have made to the people, and it is a direct abandonment and sale of their party to a particular interest here, for what reasons I will not undertake to state now, because I could not make the statement in parliamentary terms. Gentlemen say they are voting for this as a revenue measure, yet there is not a Democrat in this House who is voting for this bill who has not declared that we are collecting too much revenue now and that it ought to be reduced. Still those gentlemen come here and stultify themselves and betray their party by voting against what have been the cardinal doctrines of the Democratic party from its inception down to the present time.

Mr. MILLIKEN. Will the gentleman yield for a question?

Mr. GIBSON, of West Virginia. I would be very glad to do so, but my time is limited. But, Mr. Chairman, they undertake to say now that because the tax has been reduced in the Senate from 5 cents to 2 cents that is relief which ought to make the bill acceptable. Why, sir, there can not be a pound of oleomargarine sold in any small town in the United States under this charge of $48 for a license.

There is scarcely a small town outside of the great grass-growing regions that supplies butter enough for its people throughout the year. In my own district there are months when there can not be a pound of butter purchased, and yet no merchant in a small town may sell a pound of this oleomargarine without paying a special license tax of $48 per annum.

Gentlemen know that the small dealers will not and can not take out a license for the sale of this article at such cost. Gentlemen know that that provision is in effect an absolute denial of both butter and a substitute for butter to many poor people throughout the country. Gentlemen make a mistake when they say that the farmers are for this bill. I have just returned from my district. I went into the greatest agricultural county in that district, the county where they have more cows and make more butter than in any other, and where they had in one grange adopted a resolution condemning me for my vote on this bill. I made them a speech and explained this bill to them,

told them what it was, and then asked them, as I did the people in six other counties, if the farmers wanted any such bill as that, and with a unanimous voice they declared that they had not understood it, that they had been misled about it.

Mr. Chairman, this bill professes to be in favor of the farmer. Gentlemen have antagonized and probably defeated the consideration of the great interstate-commerce bill, which would have cheapened freight charges to every farmer, to every mechanic, and to every business man in this land. They have antagonized the naval bill, and probably defeated it, when the country is demanding protection and defense and workingmen throughout the land are demanding employment. They have defeated every tariff and every revenue bill that has been put upon the Calendar. They have defeated or set aside nearly every interest represented in bills pending before this House, simply in order that these dairymen, whom I have before described as a rascally set living around the cities defrauding the people, should monopolize the butter or the grease trade of the land.

The CHAIRMAN. By order of the House all general debate upon this bill is concluded. The Clerk will report the first amendment to the bill.

Mr. HATCH. I ask unanimous consent that the amendments be read, and that the vote upon recommending concurrence in the amendments of the Senate be taken in gross.

There was no objection, and it was so ordered.

Mr. HATCH. I now move concurrence in the amendments of the Senate.

The CHAIRMAN. The gentleman from Missouri moves that the bill be reported to the House with a recommendation that the House concur in the amendments of the Senate.

Mr. REID, of North Carolina. Pending that I move to concur in the amendments of the Senate with the amendment which I send to the desk.

The CHAIRMAN. A motion to concur with an amendment takes precedence of a motion simply to concur. The Clerk will report the amendment.

The Clerk read as follows:

That after the passage of this act the tax on spirits distilled from apples, peaches, and other fruits shall be abolished: *Provided*, That no person or persons shall be allowed to manufacture or distill spirits partly from fruits and partly from grain without the payment of the full tax required by law upon the making or manufacture of liquors distilled from grain; and any person violating the provisions of this section shall be fined not more than $500, and imprisoned not more than one year, at the discretion of the court; and the distillery and the apparatus therein, at which such spirits were distilled, shall be forfeited.

SEC. 2. That on all original and unbroken hogsheads, barrels, or kegs of spirits held by manufacturers or dealers at the time such abolition shall go into effect, upon which the tax has been paid, there shall be allowed a drawback or rebate of the full amount of the said tax; but the same shall not apply in any case where the claim has not been ascertained or presented within sixty days following the date of the repeal. It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to adopt such rules and regulations, and to prescribe and furnish such blanks and forms, as may be necessary to carry this section into effect.

SEC. 3. That there shall be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, so much money as shall be necessary to repay the rebate provided for under the preceding section of this act.

SEC. 4. That no farmer or planter shall be required to pay a special tax for selling leaf-tobacco of his own production, or leaf-tobacco received as rent from tenants who have produced the same on his land; and any farmer or planter may sell leaf-tobacco of his own production, or leaf-tobacco produced on land belonging to him and received as rent from tenants who raised it, to persons other than those who have paid a special tax as dealers in leaf-tobacco, or as manufacturers of tobacco, snuff, and cigars, or to persons purchasing leaf-tobacco for export.

Mr. HENDERSON, of Iowa. I make the point of order that this amendment, to be admissible, should be in the form of an amendment to the amendments of the Senate; but it is an amendment to the text of the bill, which is not now before us for consideration. In addition to that, it is not germane.

Mr. HATCH. I make the point of order that the amendment offered by the gentleman from North Carolina [Mr. REID] is not germane to the Senate amendments.

Mr. BAYNE. I make the further point that the proposed amendment is the substance of a pending bill, and therefore not admissible.

Mr. REID, of North Carolina. In reply to the point last raised, I will say that this amendment is identical with no bill now pending in the House. Besides, as I am informed, the rule under which such a point could be made has been repealed.

Now, the bill before the House, as amended by the Senate, to levy a tax of 2 cents a pound on butterine and oleomargarine, is a bill raising revenue; and the tax is an internal-revenue tax. The amendment which I offer also affects the internal revenue. The only difference is that the pending bill proposes to impose internal-revenue taxation on a certain article, while my proposition is to take off the internal-revenue tax from spirits distilled from fruit, and to allow farmers to sell their tobacco to whomsoever they please. As gentlemen have stated that this oleomargarine bill is entirely in the interest of the farmers, I will say that the two items embraced in my amendment are also entirely in their interest. The amendment will enable our farmers to realize an income from the fruit of their orchards, now allowed to be wasted and lost, and that, too, in a section of country not yet very populous and rich. It also allows them to sell their leaf-tobacco to whomsoever they please. The justice of this provision is evident to every one. There will be no loss of revenue to the Government, as the tax on brandy for 1885 is $1,321,897.58, and the oleomargarine bill, with the rate of 2 cents per pound, will yield a revenue of about $2,000,000. I contend, Mr. Chairman, that the amendment is in order and should be adopted.

The CHAIRMAN. When this bill was under consideration in the first instance, in the Committee of the Whole House on the state of the Union, the Chair held that an amendment similar to the one now offered was in order. But the House passed the bill and sent it to the Senate without any such amendment; and the Senate has concurred in all the portions of the bill except the items indicated by the Senate amendments. Therefore the portions of the bill to which the gentleman's amendment would apply are not now subject to further amendment, they having been agreed to by both Houses. In the opinion of the Chair no amendment is now in order except one that is germane to the amendments of the Senate. Those amendments may be agreed to with an amendment, but the amendment must be germane. The Chair holds that the amendment proposed by the gentleman from North Carolina is not germane to the Senate amendments. It is therefore out of order on the ground raised by the gentleman from Missouri [Mr. HATCH] as well as that raised by the gentlman from Iowa [Mr. HENDERSON].

Mr. REID, of North Carolina. As the Senate rejected the proposed tax of 5 cents per pound, and fixed a tax of 2 cents, would not this proposition be germane to that amendment of the Senate?

The CHAIRMAN. That amendment relates simply to the rate of tax on oleomargarine. There is nothing in the bill or in any amendment of the Senate in regard to taxation upon distilled spirits. Therefore the Chair holds the amendment is not germane.

Mr. REID, of North Carolina. If the bill were now pending as it was originally in the House, and this amendment should be offered to that clause imposing a tax of 5 cents a pound, would not the amendment be germane?

The CHAIRMAN. If the bill were now pending in the first instance the amendment would be in order.

Mr. REID, of North Carolina. Then, as the only difference in that respect is that the tax has been fixed at 2 cents instead of 5 cents, why is not the amendment in order now?

Mr. HATCH. It is not germane to the Senate bill.

The CHAIRMAN. No amendment can be entertained now except one which is germane to the amendments of the Senate; and those amendments relate entirely to the tax upon oleomargarine. The Chair rules that the point of order is well taken.

Mr. WOLFORD. I rise to a parliamentary inquiry. I want to know whether I understood the decision of the Chair to be that gentlemen have not the right to pour whisky and brandy upon their butter? [Laughter.]

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. WARNER, of Missouri. I offer the amendment which I send to the desk.

The Clerk read as follows:

That nothing in this act shall be construed to apply to the manufacture, sale, or offer for sale, of any substance known as oleomargarine, which shall be shown before the same is sold or offered for sale, to the satisfaction of the Commissioner of Internal Revenue, under such rules and regulations as he may adopt, to be as wholesome as butter as an article of food, and that it is sold and offered for sale as oleomargarine, the same to be shown by the marks and brands thereon as provided in this act: *And provided, further*, That there shall be no fraud either in its manufacture, sale, or offer for sale. Any manufacturer, wholesale or retail dealer, or other person who shall knowingly manufacture, sell, or offer for sale, any such oleomargarine as butter, or without the same being put in packages plainly marked and branded as in this act provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $5,000, or by imprisonment not exceeding five years, or by both such fine and imprisonment.

Mr. HATCH. I make the point of order that the amendment is not germane to the Senate amendments; and in addition that it has already had consideration in the Committee of the Whole House on the state of the Union when the House bill was up in the first instance.

Mr. WARNER, of Missouri. In answer to the second point raised by my colleague from Missouri I did offer an amendment in the Committee of the Whole House on the state of the Union similar to this, but it was not this amendment. In the amendment offered in the Committee of the Whole it was simply this substance was wholesome, but in this amendment it must be shown to be as wholesome as butter. [Laughter.] It is to place it entirely before the people of the country whether it is for something as wholesome as butter or not.

As to the other question, it does seem to me the amendment is germane to the Senate amendments fixing the tax on the substance known as oleomargarine. I do not wish further to discuss the point of order.

The CHAIRMAN. The Chair is of the opinion that the amendment is not germane to the Senate amendments, and therefore sustains the point of order and rules the amendment out.

Mr. HATCH. I insist now on my motion that the amendments of the Senate be concurred in.

The motion was agreed to; and the Senate amendments were concurred in.

Mr. HATCH. I move the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having under consideration revenue bills, had taken up the bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine, and had directed him to report the same back to the House with the recommendation that the Senate amendments be concurred in.

Mr. HATCH. On concurrence in the Senate amendments I demand the previous question.

Mr. MORRISON. What has become of the vinegar bill?

The SPEAKER. There are other bills reported from the committee which take precedence of this, and unless the House takes some action they must be disposed of.

Mr. HATCH. Let us dispose of this first.

Mr. MORRISON. Let them be taken up in their order.

MANUFACTURE OF VINEGAR.

The first bill reported from the Committee of the Whole House on the state of the Union was the bill (H. R. 9733) to regulate the manufacture of vinegar made from grain.

The SPEAKER. The question is on agreeing to the report of the committee to strike out the enacting clause.

Mr. HATCH. I hope that will be voted down.

Mr. MCADOO. It is an excellent bill.

The House refused to strike out the enacting clause, and, under the rule, the bill was recommitted to the Committee of the Whole House on the state of the Union.

Mr. HISCOCK. As I understand it, the vinegar bill goes back without any order to the Committee of the Whole?

The SPEAKER. The Chair so stated. It has gone back to the committee without motion.

REPEAL OF TOBACCO TAX.

The next report from the Committee of the Whole was joint resolution (H. Res. 164) repealing the taxes, special and otherwise, upon tobacco, and upon the sale and manufacture thereof.

The SPEAKER. The question is on agreeing to the report of the committee to strike out the enacting clause.

The motion was disagreed to.

The SPEAKER. The bill, under the rule, is recommitted to the Committee of the Whole House on the state of the Union.

FOREIGN GOODS FREE OF DUTY.

The next report from the Committee of the Whole was the bill (H. R. 9208) to permit the entry free of duty of foreign goods for exhibition at the fourth biennial exhibition of the United States Bottlers' Protective Association.

The SPEAKER. That bill is reported from the Committee of the Whole with the recommendation that it do pass.

Mr. COLLINS. I move the bill be put upon it passage. [Cries of "No!"]

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COLLINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OLEOMARGARINE.

The next report from the Committee of the Whole was the bill (H. R. 8328) defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine.

The SPEAKER. The committee recommend concurrence in the amendments of the Senate.

Mr. HATCH demanded the previous question.

The previous question was ordered.

The SPEAKER. The question is on concurrence in the Senate amendments.

Mr. MILLS. Let us have the yeas and nays on that.

The House divided; and there were—ayes 60.

So (more than one-fifth having voted in the affirmative) the yeas and nays were ordered.

The question was taken; and there were—yeas 175, nays 75, not voting 72; as follows:

YEAS—175.

Adams, G. E.	Brown, W. W.	Collins,	Felton,
Allen, C. H.	Buchanan,	Conger,	Fisher,
Allen, J. M.	Buck,	Cooper,	Fleeger,
Anderson, J. A.	Bunnell,	Cox,	Foran,
Atkinson,	Burleigh,	Cutcheon,	Forney,
Ballentine,	Burrows,	Dingley,	Frederick,
Barry,	Butterworth,	Dockery,	Fuller,
Bayne,	Bynum,	Dorsey,	Funston,
Bingham,	Caldwell,	Eldredge,	Gallinger,
Bound,	Campbell, J. E.	Ellsberry,	Geddes,
Boutelle,	Campbell, J. M.	Ely,	Gilfillan,
Boyle,	Cannon,	Ermentrout,	Goff,
Breckinridge, W. C. P.	Carleton,	Evans,	Green, R. S.
Browne, T. M.	Caswell,	Everhart,	Green, W. J.
Brown, C. E.	Clardy,	Farquhar,	Grosvenor,
Grout,	Kleiner,	Perkins,	Stewart, J. W.
Guenther,	La Follette,	Peters,	Stone, E. F.
Hale,	Laird,	Pettibone,	Stone, W. J., Ky.
Hall,	Landes,	Pidcock,	Stone, W. J., Mo.
Halsell,	Le Fevre,	Pindar,	Storm,
Harmer,	Lehlbach,	Pirce,	Strait,
Hatch,	Lindsley,	Plumb,	Struble,
Hayden,	Little,	Price,	Swinburne,
Haynes,	Long,	Randall,	Swope,
Heard,	Lore,	Reed, T. B.	Taylor, I. H.
Henderson, D. B.	Lyman,	Rice,	Thomas, O. B.
Henderson, T. J.	McComas,	Richardson,	Thompson,
Henley,	McCreary,	Rockwell,	Townshend,
Hepburn,	McKenna,	Romeis,	Viele,
Hermann,	McKinley,	Rowell,	Wade,
Hewitt,	Millard,	Ryan,	Wakefield,
Hiestand,	Mitchell,	Sawyer,	Ward, T. B.
Hill,	Moffatt,	Scott,	Warner, A. J.
Hiscock,	Morgan	Scranton,	Weaver, A. J.
Hitt,	Morrill,	Sessions,	Weaver, J. B.
Holman,	Murphy,	Seymour,	Weber,
Holmes,	Neal,	Shaw,	White, A. C.
Hopkins,	Neece,	Singleton,	White, Milo
Hudd,	Nelson,	Smalls,	Wilkins,
Jackson,	Osborne,	Sowden,	Winans,
James,	Outhwaite,	Spooner,	Wolford,
Johnston, J. T.	Parker,	Springer,	Woodburn,
Ketcham,	Payne,	Stahlnecker,	Worthington.
King,	Payson,	Stephenson,	

NAYS—75.

Barnes,	Dunham,	Libbey,	Skinner,
Blanchard,	Dunn,	Lovering,	Snyder,
Bliss,	Eden,	Mahoney,	Stewart, Charles
Blount,	Ford,	Martin,	St. Martin,
Breckinridge, C. R.	Gay,	Maybury,	Tarsney,
Burnes,	Gibson, Eustace	McMillin,	Taulbee,
Cabell,	Glass,	McRae,	Taylor, Zach.
Campbell, Felix	Harris,	Merriman,	Tillman,
Candler,	Hemphill,	Mills,	Trigg,
Catchings,	Herbert,	Morrison,	Turner,
Clements,	Hutton,	Oates,	Van Eaton,
Cobb,	Irion,	O'Neill, Charles	Wallace,
Crisp,	Johnston, T. D.	O'Neill, J. J.	Warner, William
Croxton,	Jones, J. H.	Peel,	Wellborn,
Culberson,	Jones, J. T.	Perry,	Wheeler,
Curtin,	Kelley,	Reagan,	Willis,
Dargan,	Laffoon,	Reid, J. W.	Wilson,
Davidson, A. C.	Lanham,	Sadler,	Wise.
Dougherty,	Lawler,	Sayers,	

NOT VOTING—72.

Adams, J. J.	Crain,	Loutlit,	Riggs,
Aiken,	Daniel,	Lowry,	Robertson,
Anderson, C. M.	Davenport,	Markham,	Rogers,
Arnot,	Davidson, R. H. M.	Matson,	Seney,
Baker,	Davis,	McAdoo,	Spriggs,
Barbour,	Dawson,	Miller,	Steele,
Barksdale,	Dibble,	Milliken,	Symes,
Beach,	Dowdney,	Morrow,	Taylor, E. B.
Belmont,	Findlay,	Muller,	Taylor, J. M.
Bennett,	Gibson, C. H.	Negley,	Thomas, J. R.
Bland,	Glover,	Norwood,	Throckmorton,
Brady,	Hammond,	O'Donnell,	Tucker,
Bragg,	Hanback,	O'Ferrall,	Van Schaick,
Brumm,	Henderson, J. S.	O'Hara,	Wadsworth,
Campbell, T. J.	Hires,	Owen,	Wait,
Compton,	Houk,	Phelps,	Ward, J. H.
Comstock,	Howard,	Ranney,	West,
Cowles,	Johnson, F. A.	Reese,	Whiting.

So the report of the Committee of the Whole was concurred in.

Mr. WEAVER, of Iowa. I ask unanimous consent to dispense with the reading of the names.

Mr. ELY. I object.

The Clerk then recapitulated the names of those voting.

The following additional pairs were announced:

Mr. HAMMOND with Mr. O'DONNELL, until further notice.

Mr. GIBSON, of West Virginia, with Mr. MILLIKEN, on the oleomargarine bill. Mr. MILLIKEN would vote to concur in the Senate amendments and Mr. GIBSON, of West Virginia, against.

Mr. LOWRY with Mr. BRUMM, for the remainder of the day.

Mr. LITTLE with Mr. CAMPBELL, of Ohio, for this day.

Mr. DIBBLE with Mr. JOHNSON, of New York, on this vote.

Mr. BENNETT with Mr. WAIT, on this vote.

The result of the vote was then announced as above recorded.

Mr. HATCH moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 1391) to provide for the erection of a public building at Springfield, Mo.;

A bill (H. R. 3379) granting a pension to George G. Early;

A bill (H. R. 3750) for the relief of Frances H. Plummer;

A bill (H. R. 4335) making an appropriation to continue the construction of the public building at Clarksburg, W. Va., and changing the limit of cost thereof;

A bill (H. R. 5051) to place the name of James Madison Pruitt on the pension-roll;

A bill (H. R. 5179) to prohibit the passage of local or special laws in the Territories of the United States, to limit Territorial indebtedness, and for other purposes;

A bill (H. R. 7513) granting a pension to Katharina Nickert;

A bill (H. R. 8336) granting an increase of pension to Duncan Forbes; and

A bill (H. R. 9106) granting a pension to Rachael Barnes.

AMENDMENT TO THE RULES.

Mr. DINGLEY. Mr. Speaker, I wish to submit a privileged resolution relating to an amendment of the rules.

The SPEAKER. Does the gentleman desire to present it for reference, or as a matter of privilege, to lie over for another day?

Mr. DINGLEY. I ask that it be permitted to lie over, to be called up hereafter.

The Clerk read as follows:

Resolved, That the rules of the House be amended as follows:

First. By adding at the end of paragraph 4 of Rule XXIII, the following: "*Provided*, That pending a motion that the House go into Committee of the Whole on the state of the Union, a motion shall be in order to designate a particular bill on the Calendar to be considered."

Second. By inserting after the words "for one hour," in paragraph 5 of Rule XXIV, the following: "unless this call shall be dispensed with by a majority vote."

Third. By inserting after the words "shall have been occupied," in paragraph 6 of Rule XXIV, the following: "or dispensed with by a majority vote."

Fourth. By inserting after the words "general appropriation bills," in the first item of the seventh division of Rule XXIV, the following: "Second, House bills on the Calendar returned from the Senate with amendments."

Fifth. By adding to the second item of the seventh division of Rule XXIV, the following: "Second, House bills on the Calendars returned from the Senate with amendments: *Provided*, That pending a motion that the House proceed to the consideration of business on the House Calendar, a motion shall be in order to designate a particular bill on the Calendar to be considered."

Mr. MORRISON. Let that go to the Committee on Rules.

The SPEAKER. It is not introduced for immediate action, but under the rule to lie over for one day, and when it comes up to-morrow, or whenever it is called up, it will then be for reference or consideration, as the House may determine.

RHODE ISLAND CONTESTED-ELECTION CASE.

Mr. TURNER. Mr. Speaker, I desire to submit a privileged resolution.

Mr. WILLIS. I have one also which I wish to submit.

The SPEAKER. The Chair will hear the two, and the question of privilege will be decided as between them.

The Clerk read as follows:

Resolved, That the Committee on Elections be discharged from the further consideration of the contested-election case of Charles H. Page *vs.* William A. Pirce, from the second Congressional district of Rhode Island, and that the House proceed to consider said case.

Resolved, That neither Charles H. Page nor William A. Pirce was duly elected a member of this House from the second Congressional district of Rhode Island, and that the seat now occupied by said William A. Pirce be declared vacant.

The SPEAKER. This presents a question of the highest privilege.

Mr. HOPKINS. I raise the question of consideration.

Mr. SPOONER. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SPOONER. My inquiry is whether the resolution should not be referred to the Committee on Elections?

The SPEAKER. Not necessarily. If the resolution is taken up for consideration by the House a motion to refer is in order; but the gentleman from Illinois [Mr. HOPKINS] makes a question against consideration, and until that question is decided in favor of consideration no motion as to the disposal of the resolution is in order. The question is, Will the House consider the resolution?

Mr. GREEN, of New Jersey. On that I desire the yeas and nays.

The yeas and nays were ordered, 48 members voting therefor.

Mr. PAYNE. I move that the House do now adjourn; and pending that motion I move that when the House adjourns it be to meet on Monday next.

Mr. ROWELL. And upon the latter motion I call for the yeas and nays.

The yeas and nays were ordered, 56 members voting therefor.

The question was taken; and there were—yeas none, nays 138, not voting 184; as follows:

YEAS—0.

NAYS—138.

Allen, J. M.	Clardy,	Ellsberry,	Halsell,
Ballentine,	Clements,	Ermentrout,	Harris,
Barnes,	Cobb,	Everhart,	Hatch,
Barry,	Collins,	Farquhar,	Heard,
Belmont,	Comstock,	Fisher,	Hemphill,
Blanchard,	Cowles,	Foran,	Henderson, J. S.
Bliss,	Cox,	Ford,	Henley,
Blount,	Crisp,	Forney,	Herbert,
Boyle,	Croxton,	Frederick,	Hill,
Breckinridge, C.R.	Culberson,	Gay,	Holman,
Breckinridge, W.C.P.	Curtin,	Geddes,	Hudd,
Burnes,	Dargan,	Gibson, Eustace	Hutton,
Cabell,	Davidson, A. C.	Glass,	Irion,
Caldwell,	Dockery,	Goff,	Johnston, T. D.
Campbell, Felix	Dougherty,	Green, R. S.	Jones, J. H.
Carleton,	Dunn,	Green, W. J.	Jones, J. T.
Caswell,	Eden,	Hale,	Kleiner,
Catchings,	Eldredge,	Hall,	Laffoon,
Landes,	Neal,	Scott,	Turner,
Lanham,	Neece,	Seymour,	Van Eaton,
Lawler,	Norwood,	Skinner,	Viele,
Lore,	Oates,	Snyder,	Wallace,
Lovering,	O'Neill, Charles	Sowden,	Warner, A. J.
Mahoney,	O'Neill, J. J.	Stahlnecker,	Weaver, J. B.
Martin,	Outhwaite,	Stewart, Charles	Wellborn,
Maybury,	Peel,	St. Martin,	Wheeler,
McAdoo,	Perry,	Stone, W. J., Ky.	Wilkins,
McMillin,	Pidcock,	Stone, W. J., Mo.	Willis,
McRae,	Pindar,	Storm,	Wilson,
Merriman,	Randall,	Struble,	Winans,
Mills,	Reagan,	Swope,	Wise,
Morgan,	Reid, J. W.	Taulbee,	Wolford,
Morrison,	Richardson,	Tillman,	Worthington.
Muller,	Sadler,	Townshend,	
Murphy,	Sayers,	Trigg,	

NOT VOTING—184.

Adams, G. E.	Dibble,	Le Fevre,	Rogers,
Adams J. J.	Dingley,	Lehlbach,	Romeis,
Aiken,	Dorsey,	Libbey,	Rowell,
Allen, C. H.	Dowdney,	Lindsley,	Ryan,
Anderson, C. M.	Dunham,	Little,	Sawyer,
Anderson, J. A.	Ely,	Long,	Scranton,
Arnot,	Evans,	Louttit,	Seney,
Atkinson,	Felton,	Lowry,	Sessions,
Baker,	Findlay,	Lyman,	Shaw,
Barbour,	Fleeger,	Markham,	Singleton,
Barksdale,	Fuller,	Matson,	Smalls,
Bayne,	Funston,	McComas,	Spooner,
Beach,	Gallinger,	McCreary,	Spriggs,
Bennett,	Gibson, C. H.	McKenna,	Springer,
Bingham,	Gilfillan,	McKinley,	Steele,
Bland,	Glover,	Millard,	Stephenson,
Bound,	Grosvenor,	Miller,	Stewart, J. W.
Boutelle,	Grout,	Milliken,	Stone, E. F.
Brady,	Guenther,	Mitchell,	Strait,
Bragg,	Hammond,	Moffatt,	Swinburne,
Browne, T. M.	Hanback,	Morrill,	Symes,
Brown, C. E.	Harmer,	Morrow,	Tarsney,
Brown, W. W.	Hayden,	Negley,	Taylor, E. B.
Brumm,	Haynes,	Nelson,	Taylor, I. H.
Buchanan,	Henderson, D. B.	O'Donnell,	Taylor, J. M.
Buck,	Henderson T. J.	O'Ferrall,	Taylor, Zach.
Bunnell,	Hepburn,	O'Hara,	Thomas, J. R.
Burleigh,	Hermann,	Osborne,	Thomas, O. B.
Burrows,	Hewitt,	Owen,	Thompson,
Butterworth,	Hiestand,	Parker,	Throckmorton,
Bynum,	Hires,	Payne,	Tucker,
Campbell, J. E.	Hiscock,	Payson,	Van Schaick,
Campbell, J. M.	Hitt,	Perkins,	Wade,
Campbell, T. J.	Holmes,	Peters,	Wadsworth,
Candler,	Hopkins,	Pettibone,	Wait,
Cannon,	Houk,	Phelps,	Wakefield,
Compton,	Howard,	Pirce,	Ward, J. H.
Conger,	Jackson,	Plumb,	Ward, T. B.
Cooper,	James,	Price,	Warner, William
Crain,	Johnson, F. A.	Ranney,	Weaver, A. J.
Cutcheon,	Johnston, J. T.	Reed, T. B.	Weber,
Daniel,	Kelley,	Reese,	West,
Davenport,	Ketcham,	Rice,	White, A. C.
Davidson, R. H. M.	King,	Riggs,	White, Milo
Davis,	La Follette,	Robertson,	Whiting,
Dawson,	Laird,	Rockwell,	Woodburn.

The Clerk commenced to read the names of members voting.

Mr. WHEELER. I ask unanimous consent to dispense with the further reading of the names.

Mr. PAYNE and others objected.

Mr. BROWNE, of Indiana. I did not hear the affirmative vote read.

The SPEAKER *pro tempore* (Mr. DUNN). There is none.

The Clerk resumed and concluded the reading of the names of members voting.

The following additional pairs were announced:

Mr. MCCREARY with Mr. JOHNSON, of New York, for the rest of the day.

Mr. BENNETT with Mr. WAIT, on this vote.

The SPEAKER. On this question the yeas are none, the nays are 138.

Mr. PAYNE. No quorum.

Mr. TURNER. It appears from the call of the roll that there is not a quorum present of friends of the resolution and that we have not a sufficient number of Democrats in their seats to justify any hope of reaching a result in this case to-day. I am therefore willing to forbear pressing it for the present, that other business may proceed.

The SPEAKER. But the roll-call shows no quorum on the motion of the gentleman from New York [Mr. PAYNE]. The difficulty might be removed by that motion being withdrawn.

Mr. PAYNE. I withdraw it.

The SPEAKER. Then the question is on the motion to adjourn.

The motion was not agreed to.

The SPEAKER. Does the gentleman from Georgia [Mr. TURNER] withdraw his resolution?

Mr. TURNER. I will let it lie over until we have a quorum.

Mr. REED, of Maine. I understand the gentleman withdraws the resolution.

Mr. TURNER. I am willing the resolution should lie over until such time as we can command a quorum.

Mr. REED, of Maine. It would be better to withdraw it.

The SPEAKER. The gentleman has a right to offer the resolution.

Mr. REED, of Maine. He can offer it again.

The SPEAKER. He can offer it as a privileged resolution, and if the House refuses to consider it it lies on the table as a privileged matter.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS. I present a privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill of the House 7480, making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have been unable to agree.

ALBERT S. WILLIS,
N. C. BLANCHARD,
THOMAS J. HENDERSON,
Managers on the part of the House.
S. J. R. McMILLAN,
O. D. CONGER,
M. W. RANSOM,
Managers on the part of the Senate.

The SPEAKER. In the absence of objection the report will be accepted.

Mr. WILLIS. As is well known to the House, there were some matters embraced in the Senate amendment on which no opinion of the House had ever been asked. I now desire to say, representing a majority of the committee and a majority of the conferees, it has been thought right and proper to permit the House to vote on those matters. I therefore offer the resolution which I send to the desk and demand the previous question on it. I state that I represent a majority of the Committee on Rivers and Harbors in presenting the resolution.

The Clerk read as follows:

Resolved, That it is the opinion of the House that its conferees on the river and harbor bill should insist on striking out of the Senate amendments the following item:

For the national harbor of refuge of the first class at Sandy Bay: Continuing improvement, $75,000.

Mr. WILLIS. Upon that I demand the previous question.

Mr. STONE, of Massachusetts. Mr. Speaker, I wish to make a point of order against that resolution?

The SPEAKER. The gentleman will state it.

Mr. STONE, of Massachusetts. The river and harbor bill is now in the hands of a committee of conference, and I submit that the proposition just offered is in effect an instruction to the committee, and that it can not be adopted by this House without infringing upon the rule that when a matter has been referred to a committee of conference the conference shall be in all respects free. Any such vote as this would restrict or impair the authority of the committee of conference to deal with the subject which has been submitted to it.

The effect of this resolution would of course be to restrict the authority of the committee and tie it down so that it could not deal with the subject with that entire and full discretion which the very idea of a conference implies. A conference never takes place until the business has reached a stage where the House can not deal with it in the ordinary way; it is because the House finds it impossible to come to any agreement with the Senate that a committee of conference is appointed, and I understand it to be the established rule of parliamentary law that when a subject of this nature has once been submitted to a committee of conference it is irregular, out of order, not parliamentary to attempt in any way by a vote of this kind to restrict the authority of that committee.

The SPEAKER. The Chair will state to the gentleman from Massachusetts [Mr. STONE] that the conference is ended and the Senate amendments are not now in the hands of any committee of conference. They are before the House.

Mr. REED, of Maine. Then under what order of business, Mr. Speaker, does this resolution make its appearance here?

The SPEAKER. The gentleman makes a privileged report from the committee of conference, which brings the subject back to the House.

Mr. REED, of Maine. Is this a report from the committee of conference?

The SPEAKER. It is a report of a disagreement.

Mr. REED, of Maine. I do not understand this is a report of a disagreement. I understand that it is a request of the House for certain action.

The SPEAKER. The Clerk has just read the report. As soon as that report is made of course the subject is back before the House, and, the subject being before the House, the gentleman from Kentucky [Mr. WILLIS] offers a resolution to instruct the managers upon the part of the House as to the sense of the House with respect to a certain amendment.

Mr. CUTCHEON. But is the resolution privileged?

The SPEAKER. It has been very frequently so held.

Mr. REED, of Maine. Under what order of business can that possibly come here?

The SPEAKER. The amendments are here for some action on the part of the House. The Chair thinks that the original parliamentary practice was not to instruct committees of conference, but to leave them entirely free. However, a practice has grown up in this House, and has prevailed for several years, under which the House has very frequently passed resolutions instructing its managers as to the sense of the House with respect to certain amendments.

Mr. REED, of Maine. In this manner?

The SPEAKER. In this manner. There have been frequent occasions when it has been done. It is so stated in the Digest, and the rulings upon which the statement is based are cited. The Chair remembers several such cases in the House during the last eight or ten years. If this were an original question the Chair would be very much inclined to hold that the committee of conference must be free to decide in any way it choses, subject, of course, to the action of the House afterward.

Mr. WILLIS. I demand the previous question.

Mr. BAYNE. Does the committee of conference still exist, Mr. Speaker?

The SPEAKER. There is no committee of conference now existing with power to act until the House gives it some additional power.

Mr. REED, of Maine. Then, how does this committee of conference make this report? How does this come in here?

The SPEAKER. This resolution is offered by the gentleman from Kentucky [Mr. WILLIS] upon the floor, the subject being before the House.

Mr. REED, of Maine. What right has he to offer such a resolution? He is not acting as a member of the committee of conference?

The SPEAKER. Not at all.

Mr. REED, of Maine. Well, what right has he to offer such a resolution?

The SPEAKER. Any gentleman has a right to offer such a resolution, the Chair thinks. There are certain motions which would take precedence over it, but the gentleman has a right to offer the resolution.

Mr. REED, of Maine. Then when the gentleman from Kentucky gets through I may make a motion with regard to some amendment?

The SPEAKER. The Chair thinks so. There are certain other motions that would take precedence over this one even now, but there is no other motion now before the House with regard to this amendment. The question is on ordering the previous question.

Mr. STONE, of Massachusetts. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STONE, of Massachusetts. I desire to ask whether the Chair regards the report of the committee, in which they state that they have been unable to agree, as a dismissal on their part of the whole subject? Are not that committee still competent to deal with the subject notwithstanding their report to the House that they have failed to agree?

The SPEAKER. Not unless the House gives them new authority. The universal practice is to request a further conference or to decline to do so.

Mr. REED, of Maine. Is a motion to non-concur in order?

The SPEAKER. The House has already non-concurred.

Mr. LONG. Would not a motion to insist and have new conferees appointed be in order?

The SPEAKER. Certainly; and a motion that the House recede from its disagreement and agree to the Senate amendment is in order and has precedence over these other propositions. There are two motions, as the Chair has said, which would have precedence, but neither has been made.

Mr. LONG. Would not a motion to insist and appoint new conferees take precedence of the motion of the gentleman from Kentucky?

The SPEAKER. The Chair thinks so.

Mr. STONE, of Massachusetts. I make that motion.

The SPEAKER. Pending the proposition of the gentleman from Kentucky, the gentleman from Massachusetts moves that the House insist on its disagreement to the Senate amendment and ask a new conference.

Mr. WARNER, of Ohio. Is it not too late to make that motion?

The SPEAKER. The Chair thinks not, because it relates directly to the disposition of the matter in controversy between the two Houses and has priority over any of these other motions.

Mr. STONE, of Massachusetts. I ask the previous question on my motion.

Mr. WILLIS. I submit to the gentleman from Massachusetts that his motion will not accomplish probably the object which he is seeking. He asks now that the House further insist; and if it does so, it non-concurs——

Mr. REED, of Maine. It non-concurs as to the Mississippi River now.

Mr. WILLIS. I am speaking of this particular point.

Mr. LONG. The House has already non-concurred.

Mr. WILLIS. I submit that, if the gentleman from Massachusetts wants to get an affirmative expression of the wish of the House, he should move to concur in the Senate amendment with an amendment, or should move that the House recede.

The SPEAKER. There are two motions, as the Chair has stated, which, under the practice, have preference over the motion made by the gentleman from Kentucky. One of these, which has precedence over all other motions, is that the House recede from its disagreement to the Senate amendment and agree to the same. The other is that the

House insist upon its disagreement to the Senate amendment and ask a further conference. The gentleman from Massachusetts makes the motion which the Chair has last stated.

Mr. STONE, of Massachusetts. And on that motion I call the previous question.

The previous question was ordered; and under the operation thereof the motion of Mr. STONE, of Massachusetts, that the House insist on its disagreement to the Senate amendment and ask a further conference, was agreed to.

Mr. KING. I rise to a parliamentary inquiry. What effect does that have?

The SPEAKER. That has the effect of making it the duty of the Chair to appoint managers to represent the House in the further conference, provided the Senate should agree to the request for such a conference. The Chair appoints as managers on the part of the House the gentleman from Kentucky, Mr. WILLIS, the gentleman from Louisiana, Mr. BLANCHARD, and the gentleman from Illinois, Mr. HENDERSON.

Mr. WILLIS. I desire to submit a resolution; but before offering it I hope the House will indulge me one moment.

Mr. REED, of Maine. Let us hear it first.

The SPEAKER. The resolution will be read for information.

The Clerk read as follows:

Resolved, That it is the opinion of the House that its conferees on the river and harbor bill should insist on striking out of the Senate amendment the following item, namely: For the purchase of the two improved water ways known as the Portage Lake and River Improvement Company Canal and the Lake Superior Ship-canal Railway and Iron Company Canal, $212,500.

Mr. MOFFATT. I raise a point of order on that resolution.

Mr. WILLIS. Before demanding the previous question I will say I think the House understands——

The SPEAKER. The gentleman from Michigan [Mr. MOFFATT] makes the point of order that the resolution is not now in order. The gentleman from Kentucky [Mr. WILLIS] desires unanimous consent to make a statement. Is there objection? The Chair hears none.

Mr. WILLIS. Very briefly I desire to say that there were six matters which, when the river and harbor bill reached the Senate, were ingrafted upon it as amendments. Those six matters have never been discussed or voted upon in this House. The other day when the motion for a conference was pending, several members claimed that they would not have an opportunity to vote upon those six matters; and acting then, as I thought, for the very best, in the interest of the bill, I consented that a vote should be taken upon these six propositions. Thereupon objections were withdrawn; and the bill went into conference. Subsequently there was a meeting of the Committee on Rivers and Harbors, and by a majority of that committee I was requested, as a matter of practical parliamentary experience, to test the sense of the House upon these six propositions, the object being to find out what the House wanted in regard to them. That is the whole object of the propositions I have submitted. We do not want to do anything that the House does not want us to do.

Mr. REED, of Maine. I hope the gentleman will bear that in mind in regard to the Mississippi River Commission. The House has pronounced against it, and I hope the conferees will stand by the action the House.

Mr. WILLIS. I will say to my friend from Mississippi, or rather from Maine——

Mr. REED, of Maine. There is a very great difference. [Laughter.]

Mr. WILLIS. The gentleman was speaking about the Mississippi at the time. I will say to my friend from Maine that when the subject of the Mississippi River was up, the gentleman from Indiana [Mr. HOLMAN], as will be recollected, requested that that also be voted on in the House; and I said to him I did not feel authorized to go to that extent as to the Mississippi River, for the reason that we were then proposing to non-concur in the Senate amendments as to the Mississippi; and that question had been fully discussed before the House. It stood in a different relation to the House from what these six other amendments did. For that reason only as to the Mississippi River proposition I was not willing to request a vote of the House to be taken, and that is the only reason why it was not included with the six other amendments.

Mr. ROWELL. Have all these propositions been insisted upon?

Mr. REED, of Maine. I should like to have a report on that river commission from some one who is not interested in its continuance.

Mr. WILLIS. None of the propositions which the Committee on Rivers and Harbors suggest I should ask the House to vote on have been voted on by the House.

Mr. ROWELL. Or in committee.

Mr. WILLIS. Neither in committee nor out of committee as a matter of courtesy and legislative propriety. These being important amendments, we felt it was right we should ask the House to instruct us what to do. That is the whole of it. If the House is willing in the exercise of its judgment to leave the whole matter with the conferees, very well. We will do our duty to the best of our ability; but we prefer the House should not abdicate its privilege, but in these responsible matters we should like to have the opinion of the House in order we may know what to do. In that hope I represent the Committee on Rivers and Harbors.

Mr. LONG. I demand the regular order of business.

The SPEAKER. The gentleman from Michigan has raised the point of order the resolution can not be acted on, because the subject is not before the House. The House having disposed of it by further insisting upon its disagreement to the Senate amendment and requesting a conference and the managers of the conference having been appointed on the part of the House, theoretically of course the matter has gone to the Senate, and is not in the House.

Mr. WILLIS. I will say to my friend in all candor it is in the direction of accomplishing what he wants, and I ask unanimous consent after that statement we may take a vote on these propositions.

Mr. ANDERSON, of Kansas. If it is in the direction of what my friend asks, then I object. [Laughter.]

Mr. WILLIS. I take it that the gentleman wants action on this subject.

The SPEAKER. Objection is made.

Mr. HOLMAN. I rise to a parliamentary inquiry. Has not the gentleman from Kentucky the right to submit a motion to the House to test the sense of the House on all these matters?

The SPEAKER. The Chair thinks so when the matter is before the House. Now the amendments of the Senate have been disposed of and gone to the committee of conference again.

Mr. WARNER, of Ohio. And that carried the amendments with it.

The SPEAKER. It did.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage of a joint resolution (H. Res. 54) to credit Lieuts. Giles B. Harber and William H. Schuetze with sea-duty and sea-pay while engaged in the search for Lieutenant Chipp and party, and also for the time employed in bringing home the remains of Lieutenant-Commander De Long and party.

NAVAL APPROPRIATION BILL.

Mr. HERBERT. I present the following privileged report:

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8975) "making appropriations for the naval service for the fiscal year ending June 30, 1887, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 20, 55, and 56.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 7, 8, 10, 12, 13, 16, 17, 19, 21, 23, 24, 25, 26, 27, 28, 30, 31, 33, 35, 36, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 57, 58, 59, 60, 61, 63, 64, 65, 66, and 67; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the total sum proposed insert "$7,000,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "And other necessary incidental expenses, two hundred and twenty-five thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Substitute for the matter stricken out by said amendment the following: "And for publishing the same;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: Restore of the matter stricken out by said amendment the following words: "Procuring, producing;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Insert after the amended paragraph a new paragraph, as follows:

"One or more rifled cannon of each type constructed at the cost of the United States for the Navy shall be publicly subjected to the proper test for endurance, including such rapid firing as a like gun would be subjected to in battle. This test shall be under the direction and to the satisfaction of the Secretary of the Navy, and if such guns do not prove satisfactory the type they represent shall not be put in use in the naval service."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14 and 15, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"For new ferry launch in place of the one now in use, which shall be sold, and building fuse-room and coal-shed, $8,500."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Strike out the word "foreign," proposed to be inserted by said amendment, and insert after the word "postage," in line 23, page 6 of the bill, the following: "On letters sent abroad;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$170,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: Strike out from said amendment the word "absolutely;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "And the sum of $260,000 of the amount now standing to the credit of the clothing fund, and the further sum of $75,000 of the amount now standing to the credit of the small stores fund of the Bureau of Provisions and Clothing, shall be forthwith covered into the Treasury;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "Other necessary incidental expenses;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate

numbered 37, and agree to the same with an amendment as follows: In lieu of the total sum proposed insert "$900,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Restore the words stricken out by said amendment, and add at the end of said restored words the following: "But the United States shall be put to no charge or expense, and shall incur no liability in relation to said vessel while the same is in such use," and insert after the word "Provided," where it first occurs in the matter proposed to be inserted by said Senate amendment, the word "further;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "And other necessary incidental articles;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"SEC. 2. All balances of moneys appropriated for the pay of the Navy or pay of the Marine Corps for any year existing after the accounts for said year shall have been settled shall be covered into the Treasury."

And the Senate agree to same.

H. A. HERBERT,
JOSEPH D. SAYERS,
A. C. HARMER,
Managers on the part of the House.

EUGENE HALE,
JOHN A. LOGAN,
JAMES B. BECK,
Managers on the part of the Senate.

The SPEAKER The Clerk will read the statement accompanying the report.

The Clerk read as follows:

Statement to accompany conference report on H. R. 8975.

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to H. R. 8975, "An act making appropriations for the naval service for the fiscal year ending June 30, 1887, and for other purposes," submit the following statement, showing the effect of the action of the conference committee on said amendments and bill, namely:

Amendment numbered 1: Makes the appropriation for pay of the Navy $7,000,000, instead of $7,129,087.26 as proposed by the Senate, and $6,889,087.26 as proposed by the House, which included a reappropriation of the sum of $576,380 of the surplus on hand to the credit of pay of the Navy. The conferees agreed upon a new provision which takes the place of section 2, as proposed by Senate amendment, and provides that "all balances of moneys appropriated for the pay of the Navy or pay of the Marine Corps for any year existing after the accounts for said year shall have been settled shall be covered into the Treasury.

Amendment numbered 2: Strikes out under "Pay Miscellaneous" a specification for the payment of officers in excess of the number of each class provided for and for any increase arising from different duty, which provision was unnecessary.

Amendment numbered 3: Restores the appropriation for Pay Miscellaneous to $225,000, the amount in the House bill. These two appropriations, Pay Miscellaneous and Pay of the Navy, when added together as agreed upon by the conferees, carry $90,780 less than the same items appropriated for under the same heads for last fiscal year. Many items formerly included in Pay Miscellaneous are transferred to Pay of the Navy, where they properly belong.

Amendment numbered 4: Makes the appropriation for the general expenses of the "Bureau of Navigation" $83,500, instead of $87,500.

Amendment numbered 5: Makes provision for publishing the charts of the Mexican coast in lieu of charts of the coast from San Francisco to Panama, and appropriates $7,000, instead of $10,000, as proposed in the House bill, for preparation and publication.

Amendment numbered 6: Leaves the provision substantially as in the House bill.

Amendments 7 and 8: Correct clerical error.

Amendments numbered 9 and 10: Provide for preserving in addition to procuring, producing, and handling ordnance material as well, as provided for by House bill.

Amendment numbered 11: Makes the appropriation $109,300 instead of $127,500, and adds a provision agreed upon by the conferees for testing one or more rifled cannon of each type constructed at the cost of the United States for the Navy shall be publicly subjected to the proper test for endurance, including such rapid firing as a like gun would be subjected to in battle. This test shall be under the direction and to the satisfaction of the Secretery of the Navy, and if such guns do not prove satisfactory, the type they represent shall not be put in use in the naval service.

Amendments numbered 12 and 13: Strike out words which are unnecessary.

Amendments numbered 14 and 15: The conferees agreed upon an amendment which more effectually carries out the purposes of the House bill.

Amendment numbered 16: Appropriates $91,137 to complete the armament of the three steam cruisers, the Chicago, Boston, and Atlanta, and the dispatch-boat Dolphin.

Amendment numbered 17: Reduces the amount appropriated for under the head of "Equipment of Vessels" from $90,000 to $82,200.

Amendments numbered 18, 19, and 20 are verbal amendments and unimportant.

Amendment numbered 21: Strikes out the rent of officers' quarters at Washington.

Amendments numbered 22: Appropriates $170,000 instead of $190,000 as in the House bill.

Amendments numbered 24, 25, and 26: The effect of these amendments was to strike out appropriation for erecting brick kitchen, removing boilers, tubs, and kitchen range, making a reduction from $74,257 to $63,057.

Amendments numbered 27, 28, 29, and 30 are unimportant verbal amendments not affecting the amounts.

Amendment numbered 31: Reduces the appropriation for provisions from $1,081,000 to $1,052,000.

Amendment numbered 32: The conferees agreed to strike out the provision of the House bill transferring from the funds on hand to the credit of the clothing fund and the small-stores fund the sum of $325,000 to the credit of provisions, and instead thereof cover the same into the Treasury. This effects the reform the House intended to accomplish by its original provision, taking away from the Bureau of Provisions and Clothing surplus moneys standing to the credit of these funds which seemed to have been heretofore not only unnecessary but to have operated as a temptation to abuse.

Amendments numbered 33 and 34: Make unimportant amendments.

Amendment numbered 35: The House conferees consented to add the words "preservation of materials," for the purpose for which money is appropriated for the Bureau of Construction and Repair.

Amendment numbered 36: Takes away the power to purchase the rights of patent articles.

Amendment numbered 37: Reduces the appropriation for construction and repair from $957,000, as proposed by the Senate, to $900,000.

Amendment numbered 38: The Senate conferees consented to the provision in the House bill authorizing the Secretary, in his discretion, to furnish a vessel as a nautical school-ship at Philadelphia, Pa., with the proviso that "the United States shall be put to no charge or expense and shall incur no liability in relation to said vessel while the same is in use." And it also adds the usual provision that vessels shall not be repaired when the estimated cost of such repairs shall exceed 20 per cent. of the estimated cost of the vessel.

Amendment numbered 39: Adds to the bill $95,861 to complete the construction of the three steel cruisers, the Chicago, Boston, and Atlanta, and to pay the amount due on the dispatch-boat Dolphin, in accordance with the agreement of compromise entered into between the Secretary of the Navy and the assignees of John Roach.

Amendment numbered 40: Is a verbal amendment.

Amendment numbered 41: Puts in the words "and perservation."

Amendment numbered 42: Authorizes the purchase of pneumatic steerers.

Amendment numbered 43: Adds the words "and other steam auxiliaries."

Amendments numbered 44, 45, and 46: Are verbal amendments striking out the words "and so forth."

Amendment numbered 47: Reduces the appropriation for Bureau of Steam-Engineering from $780,000 to $763,000.

Amendment numbered 48: Provides that engines and machinery shall not be repaired where the cost of repairs shall exceed 20 per cent. of the estimated cost of new engines.

Amendments numbered 49 and 50: Are verbal amendments and unimportant.

Amendments numbered 51 and 52: Operate to add one professor of English studies, history, and law at the Naval Academy.

Amendments numbered 53 and 54: Raise the wages of the attendants at recitation-rooms from $240 to $300 each.

Amendment numbered 55: Strikes out the word "abroad" and leaves the appropriation as in the House bill for special course of study and training of naval cadets, as authorized by act of Congress, approved August 5, 1882.

Amendment numbered 56: The Senate receded from its objection to appropriation for the new Naval Observatory.

Amendments numbered 57, 58, 59, and 60 altogether have the effect to cover into the Treasury the sum of $200,000 of the surplus fund now standing to the credit of the pay of the Marine Corps and appropriating the said sum directly instead of reappropriating it.

Amendment numbered 61: Has the effect to limit the commutation of quarters for officers on duty where there are no public quarters instead of where they are serving without troops, as in the House bill.

Amendment numbered 62: Substitutes the words "other necessary incidental articles" for the words "and so forth."

Amendment numbered 63: Strikes out the words "appropriation to be immediately available;" which are now unnecessary, as the new fiscal year has begun.

Amendments 64 and 65: Add the word "and" and strike out the words "and so forth."

Amendments numbered 66 and 67: Limit the appropriation for hire of quarters for officers to places where there are no public quarters.

Amendment numbered 68: Has already been explained.

Mr. HERBERT. I move the adoption of the report, and upon that demand the previous question.

Mr. BURROWS. I would like to inquire of the gentleman how much this increases the bill as it left the House?

The SPEAKER. If the previous question is ordered there will be thirty minutes for debate.

Mr. BURROWS. I know, but I do not care to debate it; I only ask this for information.

Mr. HERBERT. I have not figured the exact amount, but I do not think there is any material increase. It is about the same. There have been some reductions and some increases by the amendments, which I think nearly balance.

Mr. BURROWS. There is no increase but what is perfectly proper.

Mr. HERBERT. No, sir. There is an increase in two items amounting to about $194,000, but the decrease will about offset that.

Mr. REED, of Maine. Is there any appropriation to complete the monitors?

Mr. HERBERT. No, sir. We have that in the bill which we hope to get up to-morrow, and the gentleman can help us on that occasion.

The question being taken on ordering the previous question, the Speaker decided that the ayes seemed to prevail.

Mr. STRAIT. I ask a division.

The House divided; and there were—ayes 109, noes 6.

Mr. STRAIT. No quorum.

Mr. HERBERT. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. TAULBEE. Before the roll-call is begun I ask unanimous consent to dispense with the evening session for to-night.

Mr. GROSVENOR, Mr. SAWYER, Mr. BRADY, and others objected.

The SPEAKER. The Clerk will call the roll.

The question was taken; and there were—yeas 231, nays none, not voting 91; as follows:

YEAS—231.

Adams, G. E.	Breckinridge, W. C. P.	Carleton,	Cutcheon,
Allen, C. H.	Browne, T. M.	Caswell,	Dargan,
Anderson, J. A.	Brown, C. E.	Catchings,	Davidson, A. C.
Atkinson,	Brown, W. W.	Clardy,	Dingley,
Ballentine,	Buchanan,	Clements,	Dockery,
Barnes,	Buck,	Cobb,	Dorsey,
Bayne,	Bunnell,	Collins,	Dougherty,
Belmont,	Burnes,	Comstock,	Dunn,
Bingham,	Burrows,	Conger,	Eden,
Blanchard,	Butterworth,	Cooper,	Eldredge,
Bliss,	Bynum,	Cowles,	Ellsberry,
Blount,	Caldwell,	Cox,	Ely,
Boutelle,	Campbell, Felix	Crisp,	Ermentrout,
Boyle,	Campbell, J. M.	Croxton,	Evans,
Brady,	Candler,	Culberson,	Everhart,
Breckinridge, C. R.	Cannon,	Curtin,	Felton,

Fisher,	Johnston, J. T.	Neal,	Springer,
Fleeger,	Johnston, T. D.	Neece,	Stahlnecker,
Ford,	Jones, J. H.	Nelson,	Stephenson,
Forney,	Jones, J. T.	Norwood,	Stewart, Charles
Frederick,	Kelley,	Oates,	Stewart, J. W.
Fuller,	Ketcham,	O'Neill, Charles	St. Martin,
Funston,	King,	O'Neill, J. J.	Stone, E. F.
Gay,	Kleiner,	Osborne,	Stone, W. J., Ky.
Gilfillan,	Laffoon,	Outhwaite,	Stone, W. J., Mo.
Glass,	La Follette,	Parker,	Strait,
Goff,	Laird,	Payne,	Struble,
Green, R. S.	Landes,	Payson,	Swope,
Green, W. J.	Lanham,	Peel,	Tarsney,
Grosvenor,	Lawler,	Perkins,	Taulbee,
Guenther,	Le Fevre,	Perry,	Taylor, I. H.
Hall,	Lehlbach,	Peters,	Taylor, Zach.
Halsell,	Lindsley,	Pettibone,	Thomas, O. B.
Harmer,	Little,	Pindar,	Thompson,
Harris,	Long,	Pirce,	Tillman,
Hatch,	Lore,	Price,	Townshend,
Hayden,	Lovering,	Randall,	Tucker,
Heard,	Lyman,	Reagan,	Turner,
Hemphill,	Mahoney,	Reed, T. B.	Van Eaton,
Henderson, D. B.	Markham,	Reid, J. W.	Viele,
Henderson, J. S.	Martin,	Rice,	Wade,
Henley,	Maybury,	Richardson,	Ward, J. H.
Hepburn,	McAdoo,	Rockwell,	Warner, A. J.
Herbert,	McComas,	Romeis,	Warner, William
Hermann,	McKenna,	Rowell,	Weaver, A. J.
Hewitt,	McKinley,	Sadler,	Weaver, J. B.
Hiestand,	McMillin,	Sawyer,	Weber,
Hill,	McRae,	Sayers,	Wellborn,
Hiscock,	Merriman,	Scott,	Wheeler,
Hitt,	Milliken,	Scranton,	White, A. C.
Holman,	Mills,	Sessions,	White, Milo
Holmes,	Mitchell,	Seymour,	Wilkins,
Hopkins,	Moffatt,	Shaw,	Wilson,
Hudd,	Morgan,	Skinner,	Winans,
Hutton,	Morrill,	Smalls,	Wise,
Irion,	Morrison,	Snyder,	Wolford,
Jackson,	Morrow,	Sowden,	Worthington.
James,	Murphy,	Spooner,	

NAYS—0.

NOT VOTING—91.

Adams, J. J.	Davidson, R. H. M.	Johnson, F. A.	Seney,
Aiken,	Davis,	Libbey,	Singleton,
Allen, J. M.	Dawson,	Louttit,	Spriggs,
Anderson, C. M.	Dibble,	Lowry,	Steele,
Arnot,	Dowdney,	Matson,	Storm,
Baker,	Dunham,	McCreary,	Swinburne,
Barbour,	Farquhar,	Millard,	Symes,
Barksdale,	Findlay,	Miller,	Taylor, E. B.
Barry,	Foran,	Muller,	Taylor, J. M.
Beach,	Gallinger,	Negley,	Thomas, J. R.
Bennett,	Geddes,	O'Donnell,	Throckmorton,
Bland,	Gibson, C. H.	O'Ferrall,	Trigg,
Bound,	Gibson, Eustace	O'Hara,	Van Schaick,
Bragg,	Glover,	Owen,	Wadsworth,
Brumm,	Grout,	Phelps,	Wait,
Burleigh,	Hale,	Pidcock,	Wakefield,
Cabell,	Hammond,	Plumb,	Wallace,
Campbell, J. E.	Hanback,	Ranney,	Ward, T. B.
Campbell, T. J.	Haynes,	Reese,	West,
Compton,	Henderson, T. J.	Riggs,	Whiting,
Crain,	Hires,	Robertson,	Willis,
Daniel,	Houk,	Rogers,	Woodburn.
Davenport,	Howard,	Ryan,	

So the report was adopted.

Mr. RANDALL. I ask unanimous consent to dispense with the reading of the names.

Mr. STRAIT. I object.

The Clerk recapitulated the names of those voting.

The following additional pairs were announced:

Mr. CAMPBELL, of Ohio, with Mr. LOUTTIT, on this vote.

Mr. BARRY with Mr. BINGHAM, for the remainder of the day.

Mr. BENNETT with Mr. WAIT, for this day.

Mr. WILLIS with Mr. HENDERSON, of Illinois, for the remainder of this day.

Mr PIDCOCK with Mr. RYAN, for to-day.

The result of the vote was then announced as above recorded.

Mr. HERBERT moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. STRAIT. I move that the House now take a recess until half past 7 o'clock.

Mr. BRECKINRIDGE, of Arkansas. I want to introduce a bill, if the gentleman will withdraw that a moment, for reference.

Several MEMBERS. Make the motion until 8 o'clock.

The question was taken on the motion of Mr. STRAIT; and there were ayes 30.

Before the negative note was taken,

Mr. LONG. I understand the gentleman from Minnesota modifies his motion so as to make the recess until 8 o'clock.

Mr. WARNER, of Ohio. But the House is dividing. [Cries of "Regular order!"]

The SPEAKER. Still if the gentleman made the motion under a misapprehension as to the order of the House the Chair thinks he should have the privilege of correcting it.

Mr. WARNER, of Ohio. But that was his own mistake.

Mr. GROSVENOR. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSVENOR. What effect will an affirmative decision have upon the order of the House for this evening's business?

The SPEAKER. None whatever. The motion is to take a recess until 8 o'clock.

Mr. STRAIT. I have asked for a division on the motion.

The SPEAKER. But that was a different proposition.

Mr. STRAIT. No, sir; my proposition was submitted to the House and the question was being taken upon it. I have not modified it. The vote has not been taken on the motion.

The SPEAKER. The Chair understood the gentleman to move that the House take a recess until half past 7?

Mr. STRAIT. Yes, sir.

The SPEAKER. And after the Chair had commenced taking the vote the Chair distinctly understood the gentleman to modify that motion so as to take the recess until 8 o'clock.

Mr. STRAIT. No, sir; the gentleman from Massachusetts was mistaken. I did not modify it.

The SPEAKER. The Chair thought the gentleman himself had modified it, as he was standing close by the gentleman from Massachusetts.

Mr. STRAIT. No, sir.

The SPEAKER. Then those opposed to a recess until half past 7 o'clock will rise, the affirmative vote having been taken.

The negative vote on a division was announced as 69.

So the motion was not agreed to.

Mr. STRAIT. I now move that the House take a recess until 8 o'clock.

Mr. WARNER, of Ohio. That has just been voted down.

The SPEAKER. It has not been voted down. The motion of the gentleman originally was to take a recess until half past 7, which the Chair thought had been modified; but the gentleman stated he had not modified it, and a vote was taken on that motion, which was rejected.

The question now is on the motion to take a recess until 8 o'clock.

Mr. STRAIT. And on that I demand a division.

The House divided; and there were—ayes 22, noes 70.

Mr. STRAIT. No quorum.

The SPEAKER. The Chair will appoint as tellers the gentleman from Minnesota [Mr. STRAIT] and the gentleman from California [Mr. HENLEY].

Before the count was completed,

Mr. HENLEY said: I have agreed, inasmuch as it is obvious we can not reach the object we have in view before 5 o'clock, and there are several gentlemen who have reports to present to which there will be no objection—I have agreed not to insist on making the report from the Committee on the Public Lands.

Mr. COBB. I hope the gentleman from California will insist.

The SPEAKER. Unless the motion to take a recess is withdrawn any gentleman has a right to insist that the vote by tellers shall be taken.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate further insisted on its amendment to the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, disagreed to by the House of Representatives, agreed to the further conference asked by the House, and had appointed Mr. MCMILLAN, Mr. CONGER, and Mr. RANSOM the conferees on the part of the Senate.

ORDER OF BUSINESS.

The SPEAKER. The tellers report ayes 10, noes 55. A quorum has not voted; but the hour of 5 o'clock having arrived, the House under its former order takes a recess until 8 o'clock this evening.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m.

Mr. MCMILLIN took the chair as Speaker *pro tempore* and directed the reading of the following letter from the Speaker:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES, *July* 23, 1886.

I hereby designate Hon. BENTON MCMILLIN to preside as Speaker *pro tempore* of the House of Representatives this evening.

JOHN G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK,
Clerk House of Representatives.

Mr. MORRILL. I ask before the House resolves itself into Committee of the Whole on the Private Calendar we take up and dispose of the bills reported by the Committee of the Whole House last Friday evening and still undisposed of.

There was no objection.

BILLS PASSED.

The bill (S. 1421) granting a pension to William H. Weaver, reported without amendment, was ordered to a third reading; and it was accordingly read the third time, and passed.

Bills of the following titles were reported with amendments. The amendments were adopted, the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 8310) granting a pension to Cyra L. Weston;

A bill (H. R. 6314) to increase the pension of James Carlin; and

A bill (H. R. 8474) granting a pension to James McGlynn; the title was amended so as to read: "A bill granting a pension to James McGlenn."

The bill (H. R. 8296) to remove the political disabilities of Duff Green Reed, reported from the Committee of the Whole House without amendment, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed—two-thirds voting in favor thereof.

The bill (S. 1492) for the relief of Ellen Sadler, sister of John Sadler, was reported from the Committee of the Whole House with an amendment. The amendment was agreed to, and the bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. MORRILL moved to reconsider the several votes by which the bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STEPHEN SAUER.

The bill (H. R. 5038) for the relief of Stephen Sauer was reported with a recommendation that the House agree in the Senate amendments.

The amendment of the Senate was concurred in.

EMILY J. STANNARD.

Mr. MORRILL. Before we go into Committee of the Whole, as a courtesy to the Committee on Invalid Pensions, I ask unanimous consent to take up the bill (S. 2609) granting a pension to Emily J. Stannard, widow of General Stannard, who was doorkeeper of the House for the last two or three sessions, and who was also a clerk of the Committee on Invalid Pensions. He distinguished himself at Gettysburg and on other fields. The committee ask, as a special courtesy to them, that the House take up this bill and pass it before going into Committee of the Whole.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Emily C. Stannard, widow of the late George J. Stannard, brevet major-general of volunteers, and to pay her a pension at the rate of $100 per month, from and after June 1, 1886.

The Committee on Invalid Pensions recommend the following amendment:

In line 6 strike out "C." and insert "J."
In line 8 strike out "$100" and insert "$50."

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. WALLACE. I ask to have the report read, reserving the right to object.

Mr. MORRILL. The report is very long. If the gentleman will allow an explanation to be made it will save time.

Mr. GROUT. I think if the first portion of the report is read, extending only to the beginning of the second page, it will satisfy the gentleman. The rest of the report consists mainly of affidavits.

Mr. WALLACE. I do not desire that the whole report should be read if some gentleman will make a statement in explanation of the bill.

Mr. GROUT. I would like to have the report read as far as I have indicated, and I think then everybody will be satisfied.

Mr. DOCKERY. Some gentleman has suggested that this bill embraces the idea of arrears. Is that correct?

Mr. CUTCHEON. Oh, no; General Stannard only died two months ago.

The Clerk proceeded to read the report.

Before the reading of the report was concluded,

Mr. WINANS said: I ask that the further reading of the report be dispensed with.

There was no objection.

The report (by Mr. HAYNES), without the affidavits, is as follows:

The Committee on Invalid Pensions, to which was referred the bill (S. 2609) granting a pension to Emily J. Stannard, submits the following report:

This committee adopts the report of the Senate committee, which is hereto appended, and recommends the passage of the bill, with the following amendment:

In line 8, strike out the words "one hundred" and insert the word "fifty."

The claimant, Emily J. Stannard, is the widow of the late George J. Stannard, brevet major-general of volunteers, who entered the service of the United States as a volunteer April 14, 1861, and was mustered out June 27, 1866.

The following is an abstract of his military record:

"Tendered services as a volunteer to Governor Fairbanks, April 14, 1861; commissioned lieutenant-colonel, Second Vermont Volunteers, June 6, 1861; distinguished himself in the battles of Bull Run, July 21, 1861; Lee's Mills, April 16, 1862; Yorktown, May 3, 1862; Williamsburg, May 5, 1862; Golding's Farm, June 26, 1862; Harper's Ferry, September 13 and 15, 1862; [prisoner of war, September 15, 1862; exchanged January 9, 1863;] appointed brigadier-general United States volunteers March 11, 1863; Gettysburg (wounded), July 3, 1863; Bermuda Hundred, June 2, 1864; Drury's Bluff, June 15, 1864; Cold Harbor (wounded twice), June 3, 1864; Petersburg (wounded), June 15, 1864; the Petersburg Mine, July 30, 1864; Chapin's Farm (wounded and lost right arm), September 30, 1864; mustered out of United States service June 27, 1866."

General Stannard died at Washington, D. C., June 1, 1886, in consequence of wounds received in line of duty, and debility of physical constitution the result of those wounds and of hardship and exposure in the service. His last sickness was brief, commencing with an ordinary cold, which, fastening upon a body worn out and exhausted with sufferings prolonged through the long period elapsing since his discharge from the service, terminated his valuable life, with hardly an effort of nature to resist the attack of what otherwise would have been a trifling malady.

Maj. Gen. George J. Stannard was one of the most able and brilliant military officers which our country has produced. He conceived and executed with the troops of his own command the decisive movement at the decisive moment in the great battle of Gettysburg universally admitted to have been the turning point of the struggle for the preservation of the Union, and a contest of arms which in generalship, bravery, and glory, in the consequences involved, and in everything which contributes to historical interest was inferior to no other in the annals of the race.

This country is under greater obligation to none of her martial heroes than to this modest volunteer officer, who in his lifetime earned everything while he claimed nothing, but whose greatness of soul was recognized by those who knew him, and whose name is sure of that immortality which belongs to conspicuous deeds done in the cause of mankind and to a noble personal character.

The widow of General Stannard has been for more than twelve years utterly unable to wait upon herself by reason of paralysis, unable to raise either hand from her side, both arms being paralyzed. She is entirely dependent upon others for every want. She is also entirely destitute, and has no friends able to support her and no means or source of income.

Besides, there are two unmarried daughters wholly unprovided for, whose services are constantly required by the unfortunate condition of the widowed mother.

The committee recommend the passage of the bill, feeling that a grateful country will never consent to a less generous provision for the helpless and destitute widow of Maj. Gen. George E. Stannard.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Kansas [Mr. MORRILL] that this bill be taken up and considered now?

There was no objection.

Mr. PRICE. I move to amend by striking out "$50" and inserting "$25."

Mr. LONG. The husband had $37.50.

The SPEAKER *pro tempore*. The question is first on the amendment to strike out "$50" and insert "$25."

Mr. GROUT. I want to say a word. It is this. [Cries of "Vote!" "Vote!"] Then I will not say a word.

The SPEAKER *pro tempore*. The question is on the amendment of the gentleman from Wisconsin [Mr. PRICE].

Mr. PRICE. Gentlemen around me tell me that this applicant is entirely paralyzed and helpless. That fact does not appear from the report so far as it was read, but being assured that such is the fact, I withdraw my amendment.

Mr. MORRILL. It is stated in the report that this lady is unable to wait on herself by reason of paralysis.

Mr. GROUT. That is what I wanted to state. [Cries of "Vote!" "Vote!"]

Mr. BLANCHARD. I understand this bill carries a pension from a certain day fixed in the bill.

The SPEAKER *pro tempore*. From the 1st day of June.

Mr. MORRILL. The day on which General Stannard died.

Mr. BLANCHARD. I move to strike out that provision and to insert "the passage of this act."

The SPEAKER *pro tempore*. The question is first on the amendment of the committee to strike out "$100" and insert "$50."

The amendment was adopted.

The SPEAKER *pro tempore*. The question is next on the amendment of the gentleman from Louisiana [Mr. BLANCHARD] to strike out "June 1, 1886," and insert in lieu thereof the words "the passage of this act."

The amendment was adopted.

The bill as amended was ordered to a third reading; and it was accordingly read the third time.

The SPEAKER *pro tempore*. The question is, Shall the bill pass?

Mr. GROSVENOR. Mr. Speaker, I desire to submit some general observations upon the subject of pensions, and I do so because in my judgment the people of the country misapprehend the situation of affairs touching this most interesting and important question.

It is customary throughout the country to charge that the soldiers of the Army are being pensioned to an extravagant degree, in a manner more than adequate to their just deserts, and in a manner indicative of the purpose of the friends of pensions to lavish the income of the Government regardless of the merit of the applicant or the aggregate amount of the appropriations. I think there is more misinformation, perhaps, upon this question than almost any one of present public concern. I undertake to say, Mr. Speaker, that while it is true that the Government has paid out and is paying out very large sums of money upon the pension-roll of the country, the sums expended in individual cases are smaller than the most penurious citizen would be willing to indorse as satisfactory in amount.

In the first place, however, before proceeding to this branch of the subject I desire to especially refer to some of the arguments with which we have been furnished during the current session of Congress upon this subject. Whenever a Republican has ventured to complain of the pension system as inadequate, cumbersome, and inefficient, and that the

Government has been illiberal in detail and not overgenerous in the aggregate; and when we have seen fit to criticise the existing legislation upon this subject, we have been reminded that these pension laws were all passed by Republican Congresses, and that if they are defective and deficient now that it is the fault of the Republican party.

I desire to say that if this be true it is no answer to the just complaints of the soldiers of the country. Nor is it any defense to the majority in Congress if it be true that they have been negligent and derelict in passing suitable pension legislation. The soldiers of the country are not so much interested at this time in ascertaining who is to blame for past failures of duty as they are in seeking a remedy for existing evils.

But, Mr. Speaker, there is another and better answer. This legislation was passed nearly a quarter of a century ago—or the most of it. The things which we now complain of were reasonable and just at that time. It was a reasonable regulation to compel the soldier applying for a pension in 1864, and for many years after, to prove by proper evidence that he entered the service a sound man and that the disability of which he complains was caused by his service in the Army, There was no difficulty about complying with that regulation then. His comrades were living. The surgeons and assistant surgeons of his regiment in most cases were living. The friends who knew him before he went into the Army were living.

The officers of the provost-marshal's department which had mustered him, the medical examiner who examined him, the officer who enlisted him were living, in most instances, and it was by no means an unreasonable requirement that he should bring the proof specified in the law. But lapse of time has changed all this. Lapse of time has produced the result of obliteration of this evidence. Twenty-odd years in this country has made a terrible inroad upon the soldiers of the grand army of 1861–'65. The men who enlisted the soldiers are dead; the men who examined the recruits and certified to their soundness are dead; the surgeons of the regiment in which the soldier served are largely dead; and the comrades who stood around the soldier, who saw him fall or heard his complaints and witnessed his sufferings, are largely dead; and the great majority are on the other side of the water.

On fame's eternal camping-ground
Their silent tents are spread.

And the waters of oblivion have washed away the sands upon the seashore in which was written the evidence that testified to their valor and devotion. Every intelligent man knows this; and every man who stands insisting that the present statutes shall remain upon the statute-books, the present regulations of the Pension Department shall be maintained, that the present restrictions upon the character of proof shall be upheld, does it knowingly and with his eyes wide open, and with intent, necessarily inferable, that he does it to hinder, delay, and prevent the soldier from securing his just deserts.

Read the pitiful responses to the inquiries of Congressmen sent to the Pension Office that come daily thronging our Department mails, informing the applicants, whose cases have often been pending from five to ten and fifteen years, that they must produce the evidence of the physicians who treated them in the Army, or an officer who knew that at a certain time and a certain place the soldier was stricken by sun-stroke or some deadly disease that broke him down and made him a helpless man, depending upon the public for support. Where is the propriety in adhering to this pod-auger system of pensions? It is equivalent to a refusal, and it is a practical refusal to substantially all the soldiers of the Army.

I want to point out some hardships of the present pension system. We profess to grant pensions to dependent parents because of the loss of their children in the service of the country. Let us see how we administer that duty. The mother of a promising boy in 1861 was in affluent circumstances—able to take care of her only son and to educate him. She was not dependent upon him, but he was dependent upon her; and she was looking forward to the time when, in the days of his manhood and her declining years, he would be the staff upon whom she could lean. The country called for soldiers. The boy, with his heart swelling with patriotism, offered to volunteer, and went to his mother for permission. The call of the country was to him and to her. His patriotism inspired him to offer his services. Her patriotism inspired her to consent.

With a bleeding heart and tear-washed face she laid the dearest offering that life had given her upon the altar of her country's demand. The boy goes forth to battle, and amid the iron hail of war he surrenders up his life upon the battlefield, and the mother's heart lies bleeding and torn. Years elapse. Her property is swept away by the mutations of business. She has no means of support. Age is coming on. She remembers her dead boy, and in her extremity appeals to the country for whose salvation she gave him up. And that country, proud and rich and prosperous, turns upon her and says, "As a condition precedent to our bounty you must prove that at the date of the enlistment of your son you were dependent upon him for bread and clothes and shelter." She can not, for the fact was not so.

In her agony she cries out, "I did not depend upon him, for then I was blessed with property;" and the Government says, "We will conclusively hold, as against your appeal for aid, that had your son lived until now he would have been recreant to his duty, and would not have supported you." And the American mother, the mother of a dead Union soldier, the mother who clasped to her breast the brave soldier boy of 1861 and sent him forth with the Spartan mother's injunction, "My son, come back with your shield or on it," that mother turns from the cold repulse of the Government that her son died to save and takes up her place in the poor-house!

And that occurrence is going on day by day. To-day, Mr. Speaker, there are in the poor-houses of this country more than seven thousand men who wore the blue and bore the musket and carried the knapsack amid wintry snows and summer heats in the long, perilous marches, in the deadly battle, in the lonely bivouac, to save the nation that to-day turns them over to indigence, to poverty, and the potter's field.

We asked at the hands of this Congress a change of the law in regard to dependent mothers and we were refused. Later on I shall call attention to the manner in which it was done.

Now, Mr. Speaker, let me reply to the assumption so often and so recklessly made that we have been lavish in the bestowal of pensions upon the soldiers of the late war. I have here, sir, a table which I have clipped from the official report of the Pension Office for the year ending June 30, 1885, which is the latest report which has been placed within my reach, and is very interesting as reflecting upon this claim of munificent generosity. From that table, sir, it appears that at the date aforesaid there were upon the pension-rolls of the country 244,201 persons; and during that year there had been dropped from the rolls and officially reported to the Pension Office 15,223, or an average of 1,269 per month.

It is fair to assume that there were two thousand or more dead, married, or otherwise removed from the pension-rolls which had not been reported to the Department, for these reports can not reach the Department instantaneously.

Now, sir, the average annual value of pensions paid to this great body of pensioners was how much, do you think? How much, you holder of the Government bonds in Wall street, who through your organs, through your paid agents, sneer constantly at the patriotic efforts of the friends of the soldier to save from misery and want these brave men; how much do you think, you men rolling in sordid wealth which you have extracted from the misfortunes of the Government; how much per annum per capita do you imagine these pensions amount to? I will tell you. They amounted to the munificent sum of $110.36! That was the average. Nine dollars and sixteen cents per month; 30½ cents per day. That, Mr. Speaker, is the average pension paid by this munificent Government of ours to the men who saved the Union.

We hear it said sometimes that the Mexican war soldiers ought to be pensioned because as the result of their patriotism, their courage, their soldierly endurance a vast empire within an empire was gained to this Government. I agree, Mr. Speaker, that there is great force in the suggestion. We measure our rewards by the good accomplished by those upon whom we bestow rewards. That is correct. It ought to be so; and I begrudge not the survivors of the Mexican war if they shall become the beneficiaries of the Government's bounty. They deserve it. They deserve it not only because of the munificent wealth which they poured into the lap of this Government, but because of the greater and better proposition that the Government of this country ought never to permit the soldiers of the volunteer army at least to suffer for shelter, for clothing, nor for food.

But, sir, if that is to be the criterion of rewards for our soldiers, if that is to be the standard of measurement, what is to be given to these men who saved the Union—the Union of these States, "the union of lakes, the union of lands, the union of hearts, the union of hands?" How much is it worth to the capitalists of Wall street that they have a Union, saved by the sacrifice of these men to protect them? How much is it worth in prospective, looking down the years, that we have one flag, one harmonious Union, one God in a political sense, as compared with the prospects and the possibilities—ay, the probabilities, when three-fourths of my comrades went forth to rescue the country? How much is it worth to the holders of $1,500,000,000 of Government bonds to-day that they have a Government Treasury to go to to get their interest from, instead of a broken country and a broken treasury? How much is it worth to the railroads of the country that they are able to carry on their traffic in a united land? How much is it worth to the commercial interests of this country to-day—to the manufacturing interests of this country, to the agricultural interests of this country, to all the interests of this country—that we have a mighty empire which has sprung up into existence out of the blows of war that were delivered by these brave men? How much is it worth that out of the conflict of arms there sprang up an impetus of improvement, of material growth, that made it possible for this nation to pay the interest on its public debt, to redeem its "greenbacks" in gold, and to carry its empire into new States and new Territories? How much is it worth to the creditor classes of this country and the laboring classes of this country that the line of the nation's improvement has been taken up from the Missouri River and carried across the great plains of the West, over the Rocky Mountains, over Wyoming, Dakota, and Montana, and Idaho, out to the

blooming Territory of Washington; out upon the banks of the Columbia, down upon the coast of the Pacific Ocean, down to the arid but auriferous plains of Arizona and New Mexico?

How much is it worth, Mr. Speaker, to this generation and to the generations which are to come that loyalty is at a premium in this country and disloyalty at a discount? How much is it worth that civil and religious liberty are guaranteed, and that the education of the masses of the people has become the fundamental idea of political parties and statesmanship? How much is it worth that social and political and public virtue are things to be sought after and patronized and upbuilded by the general sense of the Government, instead of anarchy, debauchery, crime, licentiousness, fraud, corruption, dismembered nationality, a broken-up Constitution, and a disfigured and ruined public conscience?

I do not say that the soldiers have done all this development, but I do say that the saving of the Union, the restoration of the Constitution, the rehabilitation of the public judgment of the country made all this development possible; and I do say, and I challenge successful contradiction, that without a restored Union, without a rehabilitated Constitution there could have been no such growth.

And to the men who have done all this the country pays, when they are disabled, mark you—when they are sick from the effect of their service in the Army, when they are shattered and maimed by the bullet on the battlefield—in this case, and in this case only, this great Government, with its $300,000,000 of surplus that the gentleman from Pennsylvania [Mr. RANDALL] talked about on his famous "march to the sea," as it has been well called by my colleague from Ohio [Mr. MCKINLEY], gives to the soldier 30½ cents per day!

But we used to talk about protecting the children of the dead soldier from the contamination of the poor-house. The immortal Lincoln, standing in the presence of the whole nation, said:

> Let us strive on to finish the work we are in, * * * to care for him who shall have borne the battle, and for his widow and his orphans.

How have we fulfilled this sacred promise? We give to the soldier's orphan, in lieu of our promise, in false redemption of our promise, 6½ cents per day! Think of it. The soldier's child; heir of his father's rich crown of patriotism—his only patrimony—left to the cold charities of the creditor class of this country, to stand between him and the vice of the poor-house and the horrors of the orphan asylum, this Government, for the salvation of which this child's father died or ruined his health—this Government gives this child 6½ cents a day! It is a shame and an outrage. I care not who did it. I am not here to divide responsibility; I am here to condemn the parsimonious spirit that thus gives out the bounty of the Government in sums so small as to make it valueless and defeat the purpose for which it was inaugurated as a fraud, a crime, and a shame.

Such an appropriation when the country was poor and when our credit was low was one thing. To maintain such a rate now with an overflowing Treasury is quite another thing.

And so all along the line of these pensions. I append here, Mr. Speaker, a table showing the rates upon which these men are pensioned, and I hope that the Eastern press—the men who daily and hourly, in the interest of their friends, cry out against the pension system of the country—will read this. It is not new. It is a tale that has been told, but it can not be told too often. Here is the table, Mr. Speaker:

Statement showing the different monthly rates of pension and the number pensioned to each rate of the Army and Navy invalids on the roll June 30, 1885.

Rates.	Army.	Navy.	Total.
$1 00	1,241	19	1,260
1 87	1		1
2 00	25,927	207	26,134
2 12	12		12
2 25	42		42
2 50	137	12	149
2 66	430	4	434
3 00	2,920	36	2,956
3 06		1	1
3 33		1	1
3 50	3	1	4
3 75	371	6	377
4 00	59,740	528	60,268
4 25	482		482
5 00	1,579	68	1,647
5 25	15		15
5 33	385	3	388
5 50	1		1
5 62	3		3
5 66	73		73
5 75	20		20
6 00	34,327	312	34,639
6 25	80		80
6 37	14		14
6 50	2	2	4
6 66	38		38
6 75	2		2
7 00	276	5	281
7 50	1,265	24	1,289
7 66	1		1
7 75	18	2	20

Statement showing the different monthly rates of pension, &c.—Continued.

Rates.	Army.	Navy.	Total.
$8 00	44,190	585	44,775
8 25	20		20
8 33	1		1
8 50	1,303		1,303
8 75	12	2	14
9 00	397	9	406
9 25	26		26
9 37	1		1
9 50	22	5	27
9 75	5	3	8
10 00	9,176	121	9,297
10 20	1		1
10 25	9	2	11
10 50	24	10	34
10 62	3		3
10 75	1	16	17
11 00	54	13	67
11 25	385	19	404
11 33	34		34
11 50	20	4	24
11 66	1		1
11 75	10	6	16
12 00	15,316	164	15,480
12 25	11		11
12 37	1		1
12 50	205	24	229
12 75	621	1	622
13 00	229	12	241
13 25	7	21	28
13 33	22		22
13 50	21	3	24
13 75	5	1	6
14 00	3,383	30	3,413
14 25	19	4	23
14 50	8		8
14 75	7		7
15 00	1,810	39	1,849
15 25	1	1	2
15 50		2	2
15 62	1		1
15 75		10	10
16 00	4,457	31	4,488
16 25	7	2	9
16 50	12		12
16 66	11		11
16 75	12		12
17 00	2,010	9	2,019
17 25	1	2	3
17 50	14	2	16
17 75	9		9
18 00	1,568	30	1,598
18 25		5	5
18 50	10	1	11
18 75	120	2	122
19 00	4	1	5
19 25	8		8
19 50		2	2
20 00	1,310	18	1,328
20 75	1	2	3
21 00	6		6
21 25	3		3
22 00	2		2
22 50	97	1	98
23 75	3	1	4
24 00	14,903	117	15,020
24 50	2		2
25 00	328	2	330
25 75		3	3
26 25	1		1
26 66	1		1
26 75	1		1
27 50	3		3
28 50	1		1
30 00	7,801	126	7,927
30 75		3	3
31 25	132	3	135
31 75		1	1
33 00	1		1
36 00	35	1	36
37 50	64		64
38 25		1	1
38 50		1	1
40 00	14		14
42 00	1		1
40 25		1	1
45 00	7		7
47 00	1		1
48 00	1		1
50 00	821	13	834
72 00	904	26	930
75 00	1		1
100 00	1		1
Total	241,456	2,745	244,201

It will be seen that 26,132 of the grand total whose names appeared upon the pension-roll at the close of the fiscal year about which we are talking received the munificent sum of $2 per month, or 6½ cents a day. These are the shattered heroes of the Wilderness. These are the men who protected Washington city from Lee's army. These are the men who stood at Nashville and hurled back the columns of Hood in his march upon Louisville and Cincinnati. These are the men who "bore the heat and burden of the day." Each one of them has to prove that out of this service has come to him more or less disability; and he is

receiving 6½ cents a day from this glorious Government, this munificent Government!

But, sir, there are 60,268 more of them who are receiving the glorious, magnificent, luxurious appropriation of $4 a month, or 13 cents a day; and the Eastern press of the country and some from other sections shriek out in condemnation and the President of the United States dares to put it by insinuation into a message and hurl it in the face of Congress that the men who denounce these things and claim something better for the soldiers of the country are demagogues, and are not the true friends of the soldier. But, sir, there are 34,639 more—more seriously disabled; their health more terribly impaired; and they receive $6 a month—19½ cents a day.

Now, Mr. Speaker, there are upon these rolls other classes who are drawing $1.87, $2.12, $2.25, $3, $3.75, $5, and $5 and fractions, and so on, various sums, all at $6 a month or under; and the total number who receive $6 or less is 128,907, leaving but 115,294 who get above that sum. Then, Mr. Speaker, they run along at $8, $9; and at $10 a month we find but 9,277; and at $11 a month we find but 67; and at $12 a month we find but 15,480; and, Mr. Speaker, when we get above $14 a month and begin to approach 50 cents a day we find the numbers growing smaller and smaller; 4,000 and a fraction at $16, 2,000 at $17, 1,500 at $18, 1,300 at $20, 14,000 at $24. These are the legless men or the armless men; the helpless cripples of the war. At $30 a month there are but 7,800. These are the men totally disabled by the war and compelled to be helped at all times. And then above that class we find less than 2,000 men. These figures are absolutely startling, and show that the munificence of the Government, which has been boasted about, is in the imagination of the men who constitute themselves critics.

Let us go to another class of individuals, Mr. Speaker. But before going there I would say that since the war we have paid for pensions $765,092,640.18.

But this large sum includes the expense of the Pension Department, which has grown into an enormous sum, and which amounted in the single matter of fees for examining surgeons alone, in the year 1885, to $592,822.01. I have not before me the exact total of expenditures for carrying on the pension service, but it is very large, and amounts to somewhere in the neighborhood of $3,250,000 per annum. I estimate, and I can not be far from right, that the expense of administering the Pension Department has amounted to $25,000,000, which would leave the sum actually paid to pensioners $740,000,000. This looks like a large sum. I read here a table of certain annual expenses of the Pension Office:

Appropriations and expenditures for the Pension Office each year since 1862, properly chargeable to the expenses of settling claims.

[Form A.]

Fiscal years.	Salary fund.		Expenses and per diem of special agents.		Contingent fund of the Pension Office.		Fees for examining surgeons.		Total amounts.	
	Appropriated.	Expended.	Appropriated.	Expended.	Appropriated.	Expended.	Appropriated.	Expended.	Appropriated.	Expended.
1862	$82,340 00	$113,746 07	.....	.....	$15,000	$4,221 30	.....	.....	$97,340 00	$117,967 43
1863	165,040 00	140,322 64	$2,500	.....	10,000	18,067 23	.....	$10,000 00	177,540 00	177,489 87
1864	185,840 00	210,335 76	2,500	.....	15,000	16,544 77	.....	50,000 00	203,340 00	276,880 53
1865	236,340 00	230,080 49	2,500	.....	12,000	20,957 72	.....	50,000 00	250,840 00	301,038 21
1866	257,920 00	246,367 45	2,500	.....	15,000	17,891 97	.....	50,000 00	275,420 00	314,259 42
1867	261,340 00	311,835 24	2,500	.....	15,000	27,092 90	.....	50,000 00	278,840 00	388,928 14
1868	257,920 00	357,487 17	10,000	.....	22,000	27,394 21	.....	50,000 00	289,920 00	434,881 38
1869	426,440 00	368,033 60	20,000	.....	20,000	43,217 28	.....	60,000 00	466,440 00	471,250 88
1870	334,240 00	334,592 90	25,000	.....	15,000	39,811 70	.....	40,000 00	374,240 00	414,404 60
1871	367,418 00	356,192 41	30,000	.....	29,000	57,281 34	.....	40,000 00	426,418 00	453,473 75
1872	421,160 00	436,772 26	40,000	.....	17,000	57,550 53	.....	50,000 00	468,160 00	544,322 79
1873	471,609 00	453,968 47	40,000	.....	12,500	74,994 72	$100,000	75,000 00	624,109 00	603,963 19
1874	445,580 00	446,051 78	40,000	.....	12,500	74,099 35	100,000	75,000 00	598,080 00	596,051 13
1875	453,700 00	472,507 45	40,000	.....	12,500	73,740 00	1,200,000	90,000 00	606,200 00	636,247 45
1876	479,780 00	459,747 88	40,000	$40,999 12	12,500	32,403 66	125,000	90,000 00	657,280 00	623,150 66
1877	446,680 00	445,153 31	50,000	40,022 70	17,500	18,267 84	101,000	100,000 00	615,180 00	603,443 85
1878	444,430 00	444,355 70	40,000	38,235 80	16,500	10,303 30	137,600	134,805 26	637,930 00	627,700 06
1879	538,330 00	493,595 13	40,000	35,860 50	14,000	14,298 50	51,000	86,296 00	643,330 00	630,050 13
1880	537,350 00	581,689 60	40,000	26,467 19	23,000	20,000 00	204,500	75,047 00	804,850 00	703,203 79
1881	687,155 00	686,738 92	40,000	22,745 12	32,000	26,987 76	101,000	115,610 00	860,155 00	852,081 80
1882	868,530 00	867,401 02	125,000	89,148 63	56,000	50,934 20	280,000	232,565 37	1,329,530 00	1,240,049 22
1883	1,957,150 00	1,729,556 71	300,240	170,085 47	40,000	59,995 42	578,000	573,431 81	2,875,390 00	2,533,069 41
1884	1,941,550 00	1,924,934 34	240,000	368,740 03	34,000	33,910 68	725,000	636,725 91	2,940,550 00	2,964,310 96
1885	*2,195,353 80	2,118,596 00	580,000	516,097 16	†34,000	33,328 23	500,000	481,963 13	3,309,353 80	3,149,884 52

*This item includes salaries and expenses of special examiners.

†This item is included in contingent fund of Interior Department.

But let me speak of what we have paid to another class of people. I append a table showing the amount of interest paid upon the national debt, and the amount of pensions paid every year, beginning with 1862 and ending with 1885.

Table showing amount of pensions and interest on the public debt.

Year.	Pensions.	Interest.
1862	$852,170 47	$13,190,344 84
1863	1,078,513 36	24,729,700 62
1864	4,985,473 90	53,685,421 69
1865	16,347,621 34	77,395,090 30
1866	15,605,549 88	133,067,624 91
1867	20,936,551 71	143,781,591 91
1868	23,782,386 78	140,424,045 71
1869	28,476,621 78	130,694,242 80
1870	28,340,202 17	129,235,498 00
1871	34,443,894 88	125,576,565 93
1872	28,553,402 76	117,357,839 72
1873	29,359,426 86	104,750,688 44
1874	29,038,414 66	107,119,815 21
1875	29,456,216 22	103,093,544 57
1876	28,257,395 69	100,243,271 23
1877	27,963,752 27	97,124,511 58
1878	27,137,019 08	102,500,874 65
1879	35,121,482 39	105,327,949 00
1880	56,777,174 44	95,757,575 11
1881	50,059,279 62	82,508,741 18
1882	61,345,193 95	71,077,206 79
1883	66,012,573 64	51,436,709 50
1884	55,429,228 06	47,926,432 50
1885	65,733,094 27	47,014,133 00
Total	765,092,640 18	2,205,019,419 19

The amount that it appears we have paid to pensioners and on account of pensions, as before stated, is $765,092,640.18, and we have paid as interest upon the public debt $2,205,019,419.19; excess of interest paid to the bondholder above the total expenditures on account of pensions, $1,439,926,779.01. I do not put these figures in juxtaposition, Mr. Speaker, as reflecting upon the propriety of the payment of the national debt. I believe in paying every dollar of it. I believe in paying the interest on the bonds just as stipulated in the contract. I belong to the party which upholds the Government faith and considers it the very ark of our national safety.

But, sir, when these men, holding this enormous debt, are clipping their coupons semi-annually and taking the gold, I protest that they shall do it reverently and thankfully; and that when a Wall-street bondholder draws his gold interest upon his gold interest-bearing bond and meets one of my maimed comrades upon the street, I protest that he shall not sneer because the poor fellow has $2 a month in his pocket or $4 or $10 or $30, but, figuratively, he shall take off his hat and bow to the man who made it possible that the Government can pay her debt. I do not object that the creditors shall enjoy wealth, I do not object that they shall live in fine houses. I believe in it. I wish I had one of my own. I do not object that their children shall be educated, that they shall travel in Europe and all over the world and become great and good citizens. I do not object that they shall fill their palatial houses with works of art, that they shall foster everything which makes life beautiful in this country. But I demand that they shall, while thus enjoying the benefits of a great Government, cease to begrudge my comrades of the battlefield the miserable pittance which the Government gives out to them.

What I object to, Mr. Speaker, in addition to the foregoing, is the impossibilities which are surrounding the large majority of the applicants for pensions. I do not desire to criticise the administration of the Pension Office, and I will not. I do not complain of the administration of General Black, and I will not. I do not complain that he stands on this roll which I have appended here—this roll of honor, the pensioners of the country—as the one man at the foot of the table drawing $100 a month. I would not suffer what Black has suffered for one year—no, Mr. Speaker, for one month, nor for one day, nor for one hour—for all that Black has drawn as a pension, for all he ever will draw as a pension, nor for all the wealth in the Treasury of the United States.

Whether or not his selection was a wise one it is not for me to say. That he has brought to the discharge of his duty all the physical and mental ability he had I doubt not. That he has met with a measure of success I do not deny; and I would speak in equally strong words of praise of the distinguished, patriotic, and good man, the deputy commissioner.

I care not that Colonel McLean is a Wabash Democrat. I care not that his appointment was recommended by the "Tall Sycamore of the Wabash," if it was, and if it was conferred as a favor to him. It was little reward and little recognition enough for the gallant man who diverged from the line of his party in the Senate of the United States and made a magnificent and eloquent appeal for the soldiers, as he did some years ago. But, sir, the regulations of the Pension Department and the laws of the country are a substantial barrier against the allowance of pension claims; and to-day, while it is true that large numbers of pensions are being allowed, it is equally true that a startling number are being refused; and the day following the receipt of the ultimate rejection the trustees of the townships are taking charge of the soldiers of the Union, their widows and their orphans.

Here is a table showing the facts as to the feature of the subject:

A comparative statement of pension claims, of all classes, settled by allowance and rejection, each year since 1881, *except arrears.*

	Army.						Navy.						Restorations.	Total Army and Navy.	War 1812.		Total number of original claims.	Aggregate of all classes.
	Invalids.			Widows, &c.			Invalids.			Widows, &c.					Survivors.	Widows.		
	Original.	Increase.	Total.	Original.	Increase.	Total.	Original.	Increase.	Total.	Original.	Increase.	Total.						
1881.																		
Number of claims admitted	21,143	12,353	33,496	3,717	200	3,917	251	154	405	203	10	213	1,344	39,375	115	1,965	.....	41,455
Number of claims rejected	2,625	8,875	11,500	1,137	30	1,167	55	65	120	83	.....	83	20	12,890	391	1,605	.....	14,886
Total number settled	23,768	21,228	44,996	4,854	230	5,084	306	219	525	286	10	296	1,364	52,265	506	3,570	.....	56,341
1882.																		
Number of claims admitted	22,684	9,435	32,119	3,910	48	3,958	262	88	350	89	11	100	649	37,176	26	693	.....	37,895
Number of claims rejected	4,030	15,199	19,229	1,512	26	1,538	128	149	277	59	.....	59	.....	21,103	49	143	.....	21,295
Total number settled	26,714	24,634	51,348	5,422	74	5,496	390	237	627	148	11	159	649	58,279	75	836	.....	59,190
1883.																		
Number of claims admitted	31,801	22,554	54,355	5,216	67	5,283	213	112	325	87	13	100	796	60,859	23	822	38,162	61,704
Number of claims rejected	16,901	19,978	36,879	4,512	28	4,540	530	141	671	346	.....	346	.....	42,436	51	200	22,540	42,687
Total number settled	48,702	42,532	91,234	9,728	95	9,823	743	253	996	433	13	446	796	103,295	74	1,022	60,702	104,391
1884.																		
Number of claims admitted	27,173	22,190	49,363	6,260	56	6,316	241	270	511	106	1	107	1,221	57,518	24	388	34,192	57,930
Number of claims rejected	17,587	19,887	37,474	4,983	15	4,998	347	139	486	112	1	113	....	43,071	50	262	23,341	43,383
Total number settled	44,760	42,077	86,837	11,243	71	11,314	588	409	997	218	2	220	1,221	100,589	74	650	57,533	101,313
1885.																		
Number of claims admitted	27,286	33,648	60,934	7,632	144	7,776	294	182	476	111	11	122	1,835	71,143	18	426	35,767	71,587
Number of claims rejected	9,028	19,281	28,309	3,058	28	3,086	189	89	278	57	.....	57	.....	31,730	38	167	12,537	31,935
Total number settled	36,314	52,929	89,243	10,690	172	10,862	483	271	754	168	11	179	1,835	102,873	56	593	48,304	103,522

The greatest number of cases settled was in 1883, when General Dudley was Commissioner.

It has been said that the present administration is doing wonders in granting pensions.

I append a table throwing light upon that. It is not strange that as the years go along some of the claims filed each year are at last worked through.

The table follows.

Army invalid claims allowed each year since July 1, 1861, *showing in each year's allowance the number of those which were filed each year and allowed in the report years, giving also the percentage of the number which have been allowed out of those filed each year.*

Years in which the claims were filed.	The several years in which the claims were allowed and the number allowed each year.																								Per cent. of claims allowed of each year's filing.
	1862.	1863.	1864.	1865.	1866.	1867.	1868.	1869.	1870.	1871.	1872.	1873.	1874.	1875.	1876.	1877.	1878.	1879.	1880.	1881.	1882.	1883.	1884.	1885.	Total.	
1862	305	258	131	27	19	20	12	11	12	20	6	6	16	4	5	7	4	5	24	78	38	18	9	16	1,051	77.2
1863	.....	3,657	9,331	1,138	517	395	235	185	143	293	156	110	129	159	121	139	147	135	281	415	392	384	263	280	19,005	71.9
1864	.....	.....	7,303	3,459	844	562	253	166	114	239	139	96	107	101	84	126	109	100	228	395	328	305	240	264	15,562	76.8
1865	.....	.....	.....	10,049	7,819	1,863	685	417	223	382	198	132	100	92	96	113	122	92	172	335	234	284	189	204	23,797	87.2
1866	.....	.....	.....	.....	12,721	9,292	2,511	1,150	529	732	440	251	211	185	145	187	202	158	257	477	368	335	235	236	30,645	85.6
1867	.....	.....	.....	.....	.....	3,586	3,626	1,132	525	724	349	356	149	153	88	154	139	104	190	339	281	262	202	263	12,622	79.3
1868	.....	.....	.....	.....	.....	.....	1,641	1,692	421	502	218	196	172	89	56	62	59	49	109	177	99	124	93	190	5,949	81.5
1869	.....	.....	.....	.....	.....	.....	.....	2,238	2,208	1,286	493	300	182	142	124	97	102	54	143	312	267	208	180	282	8,616	78.1
1870	.....	.....	.....	.....	.....	.....	.....	.....	1,040	3,094	1,639	799	441	273	167	197	132	121	220	451	379	319	243	363	9,878	76.0
1871	.....	.....	.....	.....	.....	.....	.....	.....	.....	342	1,946	1,055	438	348	214	149	125	100	228	368	293	243	218	241	6,308	71.4
1872	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	434	1,638	1,018	371	278	276	214	153	251	404	328	288	231	314	6,198	70.0
1873	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1,322	1,762	674	342	461	253	123	257	454	330	274	209	221	6,682	76.5
1874	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	794	1,869	606	593	243	188	328	497	384	312	213	385	6,412	68.9
1875	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	937	2,243	1,169	483	273	455	756	559	478	349	461	8,163	68.5
1876	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	624	2,595	1,844	608	758	1,219	905	773	578	630	10,534	61.8
1877	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	777	2,217	1,464	1,063	1,570	1,050	1,006	709	740	10,596	64.1
1878	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	908	2,568	1,806	2,385	1,400	986	888	879	11,820	62.8
1879	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	778	2,685	7,767	4,865	4,116	2,298	2,045	24,554	66.6
1880	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	263	2,358	9,825	17,626	12,277	9,706	52,055	47.0
1881	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	155	157	1,350	1,651	1,499	4,812	26.0
1882	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	133	1,485	2,326	2,245	6,189	21.3
1883	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	582	2,579	2,517	5,678	16.2
1884	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	917	2,434	3,351	11.5
1885	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	810	810	02.9
Total	305	3,915	16,765	14,669	21,923	15,718	8,963	6,991	5,215	7,612	6,018	6,261	5,519	5,397	5,193	7,102	7,303	7,073	9,718	20,912	22,615	31,758	27,117	27,225	291,287	

What do you say, Mr. Speaker, at this late day in the country's history to a communication like this: "You are called upon to furnish the evidence of a commissioned officer or two comrades who can testify to your injuries received in line of duty, and medical evidence is required as to your treatment in the Army and each year since the war." That is a beautiful prospect before the face of a man starving, whose wife is hungry and whose children are crying with cold. It is a mockery. It is holding out to the starving man the grapes and the viands of the feast while an insurmountable barrier holds him back. His sufferings are augmented by the hope of relief, while his way is obstructed until relief is made impossible of attainment.

It is not worth while, Mr. Speaker, to flatter ourselves that we are doing justice by the soldiers of the Army. It is false. It is a false proposition. It is untrue, and everybody knows it. They are dying. They are falling as the leaves fall; falling with hope lost, and with the last thought of earth as they go to the great majority the failure of their Government to redeem its pledges and make good its duty.

Time would fail me to speak of the embarrassments that hedge in the way of the soldier seeking for relief. And so it has come about, Mr. Speaker, that intelligent men have long ago demanded of Congress that relief shall be granted. The men who know all about the troubles of the soldier, the impediments lying in his pathway, have from time to time come here to Congress with plain, simple, easy solutions, and have been met with failure. At the session of Congress in the winter of 1883–'84 the pension committee of the Grand Army of the Republic submitted the following proposition as embodying the sort of relief which they believed desirable:

Memorial of the committee on pensions of the Grand Army of the Republic.

To the honorable the Senators and Representatives in Congress:

GENTLEMEN: The undersigned beg leave to respectfully represent to you—

That they comprise the committee on pensions of the national body of the Grand Army of the Republic, and that this committee was instituted for the express purpose of having some recognized medium through which the Grand Army could officially address the Congress of the United States.

This committee, therefore, represents a constituency of upward of two hundred and twenty thousand veteran soldiers and sailors. We desire to give whatever weight we may have as a body or as individuals in favor of such measures as we deem just which may now or hereafter be before you. We likewise desire to protest against and condemn certain propositions which are now on your files, ostensibly in the interest of the old soldier or sailor, but which seem to us to be inconsiderate and calculated to bring into disrepute the general standing of the saviors of the nation.

We are unqualifiedly opposed to the proposition to distribute land warrants to veterans without regard to whether they occupy the land or not.

We are also opposed to the proposition to pay to the soldier or sailor to-day the difference in value of the greenback when we received it in payment for our military services and the value of gold on the same date.

We are also opposed to the bill or bills proposing to grant pensions at the present time to all survivors of the war, regardless of whether they were wounded or became disabled in the service or are needy.

We are in favor of a bill granting pensions to survivors of rebel prisons who are suffering from disability, without compelling them to prove that such disability arose from said imprisonment.

We are in favor of the extension of the arrears limit to January 1, 1885.

We are in favor of giving widows of veterans the increase from eight to twelve dollars per month. We would cheerfully recommend an even greater increase if we thought you would grant it.

We are in favor of the bill which provides that the fact, as shown by the record of the acceptance and muster-in of the soldier and sailor, shall be received by the pension authorities as *prima facie* evidence that he was sound at that time—the Government not to be debarred from proving that he was unsound at date of enlistment, but the *onus* of the proof to be on the Government.

We are in favor of a bill to give the men who lost both eyes or arms or legs, or an arm and a leg, or disability equivalent thereto, $100 per month.

We are in favor of increasing the additional pension for minor children from $2 per month to $5 per month, and extending the limit for minors from the age of sixteen years to eighteen years; and in case said minor child is insane, idiotic, or otherwise helpless, that there be no limit. Think of your own children living on 7 cents per day!

We are in favor of the following amount of pensions for the hereinafter specified rates of disability:

For amputation at the hip or shoulder joint, or so near thereto as to prevent wearing an artificial limb, $50 per month.

For amputation of leg or arm at or above the knee or elbow, or in case of amputation so near the knee or elbow joint as to render the joint useless, $40 per month.

For amputation below the knee or elbow, $30 per month.

We also favor the continuance of a soldier's pension to his widow or his dependent relatives, regardless of whether he dies from the effects of wounds or disease resulting from service or not.

We also favor giving pensions to all honorably discharged soldiers and sailors who are now disabled and are dependent upon their own labor for support and are sixty-five years of age, without compelling them to prove at this date that such disability actually arose from the service.

We believe that a present condition of physical inability and dependence upon others than those legally bound therefor for support, and the fact that the soldier or sailor left no widow or minor child, should alone be required to be shown by competent evidence to entitle the names of dependent parents to be placed on the pension-roll, and no proof of dependence at date of death of the soldier should be required or necessary, and that such pension should commence at the date of and continue during such dependence.

We trust also that this session of Congress will not be allowed to expire without the passage of a law fixing the qualification and status of claimants and their agents or attorneys, remedial of the present existing anomalous condition thereof.

We are in favor of the passage of a bill for a just and equitable equalization of the bounties paid to soldiers by the General Government.

In conclusion, we beg leave to respectfully submit, that if any one thinks the foregoing carefully considered requests make too large drafts on the resources of the country, that we represent a body of men on whom in the hour of its direst extremity the country made drafts of blood, of limbs, of suffering and of life, and the nation's draft never went to protest.

GEO. S. MERRILL,
LOUIS WAGNER,
CHAS. H. GROSVENOR,
PAUL VAN DER VOORT,
JAMES TANNER,
Committee.

No relief was granted by Congress in response to this appeal. Certain amendments were placed upon the Mexican pension bill by a Republican Senate which would have afforded almost complete and perfect relief. But in the House of Representatives, in a Democratic House of Representatives, the bill was defeated, and the soldiers suffer on. A year later the same committee again made its appearance in Congress, and again respectfully urged the enactment of the same measures; and they were again refused relief. During the current session of Congress this same committee again made its appearance and submitted the following memorial:

To the honorable the Senators and Representatives in Congress:

GENTLEMEN: The undersigned respectfully represent that they are "The committee on pensions" of the national body of the Grand Army of the Republic, and that this committee was instituted for the purpose of having a recognized medium through which the Grand Army of the Republic can officially address the Congress of the United States.

This committee represents a constituency of upward of three hundred thousand veteran soldiers and sailors. We desire to give whatever weight we may have, as a body or as individuals, in favor of such measures as we deem just which may now or hereafter be before you.

We favor legislation by which the record of the acceptance and muster-in of the soldier and sailor shall be *prima facie* evidence that he was sound at that time—the Government not to be debarred from proving that he was unsound at date of enlistment, but the onus of the proof to be on the Government.

We favor giving widows the increase from eight to twelve dollars per month.

We favor the continuance of a pension to the widow or dependent relatives, whether the pensioner dies from the effects of wounds or disease resulting from service or not.

We favor increasing the pension paid on account of minor children from $2 to $5 per month, and of extending the limit for minors from the age of sixteen to eighteen years; and in case said minor child is insane, idiotic, or otherwise helpless, that the pension shall continue during the life of said child.

We favor the extension of the arrears limit to January 1, 1888.

We favor legislation providing that if the pensioner left neither widow nor minor child, the name of the dependent parent to be placed on the pension-roll from the date of actual dependence of such parent.

We favor granting pensions to survivors of rebel prisons who are suffering from disability, without requiring them to prove that such disability arose from said imprisonment.

We favor the following pensions:

To the men who lost both eyes or arms or legs, or an arm and a leg, or disability equivalent thereto, $100 per month.

For amputation at the hip or shoulder joint, or so near thereto as to prevent wearing an artificial limb, $50 per month.

For amputation of leg or arm above the knee or elbow, or amputation so near the knee or elbow joint as to render the joint useless, $40 per month.

For amputation below the knee or elbow, $30 per month.

We favor pensions to all honorably discharged soldiers and sailors now disabled or dependent upon their own labor for support, or who are sixty-five years of age, without compelling them to prove at this date that such disability arose from the service.

We favor a just and equitable equalization of the bounties paid by the General Government.

GEO. S. MERRILL,
LOUIS WAGNER,
JAMES TANNER,
JOHN C. LINEHAN,
JOHN S. KOUNTZ,
Committee.

Let the country study these propositions, and let the holders of the Government bonds and the beneficiaries of the soldier's patriotism and blood say, with their hands upon their hearts, that these propositions are unjust and unfair if they can.

But what has been the result in this Congress? I shall have something further to say about this matter later on. I wish to turn aside now and speak of a few of the arguments which have been hurled in our faces here when we have pressed the interests of the soldier in this Congress. There are certain stock matters which certain gentlemen have committed to memory and which they reel off with the fluency of experts in the vindication of the refusal of this House to do anything for the interest of the soldier. They tell us that General Grant vetoed the equalization-of-bounty bill. I state, Mr. Speaker, from the best information I have, there is no truth in the statement. I have it from high sources of information—none higher about this Capitol—that there can not be found in the United States the original or a copy of any veto of that bill ever issued by General Grant or ever communicated by General Grant to Congress. Vetoes are not usually hard to find.

It is not very hard to find the vetoes of the present Executive. They fall as the leaves fall. "They come as the waves come when navies are stranded;" and you can find them. They are gracing, or otherwise, all the records of this Congress. We are full of them. We can furnish them by the dozen or by the hundred. They are on record. The Journals of both Houses show their receipt and the action taken upon them. What Journal of what House of Congress shows the veto by Grant of the equalization-of-bounty bill? It can not be found. The bill failed either between the two Houses or in one of the Houses by other causes, and not by the veto of Grant.

But, it is said, you have been in power here, why didn't you correct these evils? Let me reiterate: These evils did not grow up just after the war. Let me tell my Democratic friends that they have been in power substantially ever since a few Congresses after the war. Who has been Speaker of this House since the war? Colfax, four years; Blaine, six years; Kerr, one term; RANDALL, two terms; Keifer, one term; CARLISLE, two terms. Ten years since the war has the House of Representatives been governed by a Democratic majority. Twelve years has the Committee on Invalid Pensions been the choice of a Democratic Speaker. And during several of the other Congresses when the Republicans had a majority in the House of Representatives the Demo-

crats controlled the Senate. So this argument falls to the ground for that reason; and it falls to the ground for a better reason. The necessity for this improved legislation has not manifested itself until within a recent date. But, Mr. Speaker, I answer the whole of it by saying that I care not who has been derelict in the past.

I care not who has been strongest for the soldier at one time or at another time. I know that the votes which have passed the measures have been to a very large extent the votes of Republicans. I know that the votes that have been given against the relief of soldiers have been almost exclusively the votes of Democrats. I do not pause to note the singular feature of the vote here last winter upon the widows' pension bill. I do not wish to disturb the equanimity or happiness of the friends on the other side of this House. I have no word to say against the honest confederate soldier. I do not wonder that they do not feel the zeal in this behalf that we do. I say, Mr. Speaker, that these confederate generals and colonels and majors and captains and statesmen have been vastly out of proportion in their liberality as compared with the Northern Democrats. The men who in this Congress have hedged the way to the relief of the soldier have not been the confederate gentlemen, but have been the Democratic members from the North, as I will proceed to show you.

I do not wonder, Mr. Speaker, that our Southern brethren—our erring Southern brethren—our returned brethren—the men who boast that they are "in their father's house," and have "come to stay"—I do not wonder that they have feeling upon this question. The brave men of the South who, at the call of what they believed to be patriotism—mistaken, and horrible though the mistake was—are suffering as our men are suffering, and barred from participation in these bounties by constitutional provision, barred by public sentiment, and yet no constitution, no public sentiment can bar humanity. You may pile constitutions as high as mountains between the vote of an ex-confederate Congressman and a suffering and dying comrade of his own command, and you can not strangle humanity; you can not stifle that feeling of comradeship which is as strong between the men of the South as between the men of the North. I hope it may never die. It ought to live. I say when we come to think of the sufferings of our men it is not strange that the men of the South halt and hesitate, and it is not strange that they show irritation when strong words are hurled at them from our side of the Chamber. But they must bear in mind that the stake that they fought for was lost, and the stake that we fought for was won; and the *ignis fatuus* of the confederacy went down with all its hopes and possibilities "in one red burial blent."

But, sir, we came into this Congress with bright hopes for the soldiers. The campaign of 1884 in the North witnessed protestations on the stump of friendship to the soldier from all sorts of candidates; the men of the North were confident that relief was at hand. Both parties joined in the protestations, and everywhere these candidates for Congress asserted their love of the soldier; and in many of the districts of the North they were elected solely because of these assurances, and could not have been without. How have they kept the faith? Bills have been introduced into this Congress for the relief of the soldiers. At an early day I had the honor to introduce one myself. It is as follows:

A bill to remove the limitations in pension cases, to increase certain pensions, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all pensions which have been, or which may hereafter be, granted in consequence of death occurring from a cause which originated in the service since the 4th day of March, 1861, or in consequence of wounds or injuries received or diseases contracted since that date, shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted, if the disability occurred prior to discharge; and if such disability occurred after discharge, then from the date of actual disability, or from the termination of the right of the party having prior title to such pension.

SEC. 2. That every person specified in the several classes enumerated in section 4693 of the Revised Statutes of the United States, and the amendments thereto, who served in the military or naval service, as mentioned in said section, for the period of three months during the war of the rebellion, and has an honorable discharge therefrom, and who is or shall become disabled from any cause not the result of his own gross carelessness, disreputable conduct, or vicious habits, and who is dependent upon his own labor for support, shall, upon making due proof of the facts, under such regulations as may be prescribed by the proper authority, be placed upon the list of pensioners of the United States, and be entitled to receive a pension, during the continuance of such disability, at a rate proportionate to the degree thereof; and such pension shall commence at the date of the passage of this act. The highest rate of pension granted under this section, which shall be for total incapacity to perform any manual labor, shall be $24 per month, which is hereby made divisible upon that basis for any less degree of disability: *Provided*, That no person entitled to or receiving an invalid pension under any existing laws, or such as may be hereafter enacted, granting pensions for disabilities contracted in the military or naval service of the United States, and in line of duty, greater than that provided for herein, shall receive the benefits of this act; but any applicant for such invalid pension having an application therefor pending, or who shall hereafter file his application for such pension, may, by a declaration over his own signature, at any time, elect to prosecute his said claim under this act or under the general laws; but nothing herein contained shall deprive any pensioner of the right to complete his claim under the general pension laws, and to be pensioned thereunder, deducting all payments made under the provisions of this section.

SEC. 3. That the pensions of all widows, dependent mothers, and fathers who are now drawing $8 per month shall be increased to $12 per month, and the said rate of $12 per month shall hereafter be paid as pension to the widow, mother, or father of the soldier, sailor, or marine whose death is or was due to a cause which originated in the line of duty in the military or naval service of the United States; and said increased rate shall commence only from and after the date of the passage of this act: *Provided*, That in considering the claims of dependent parents the fact and cause of death, and the fact that the soldier left no widow or minor children, having been shown as required by law, it shall be necessary only to show by competent and sufficient evidence that such dependent parent is without other present means of comfortable support than his or her own manual labor or the contributions of others not legally bound for his or her support.

SEC. 4. That if any invalid pensioner pensioned for a disability contracted in the military or naval service of the United States, and in the line of duty, has died, or shall hereafter die, leaving a widow or minor child under sixteen years of age, or both, at the date of the death of such pensioner, his widow and minor children shall be entitled, in the order of succession named, to an original pension in their own right, under existing laws, without being required to prove that the death of such pensioner was due to his military or naval service of the United States, and shall receive the rates now allowed by law, except that such as may be found to be entitled to $8 per month under existing laws shall receive in lieu thereof $12 per month.

SEC. 5. That the pensions of minor children shall be increased from $2 to $5 per month, and shall be paid in the same manner as is now provided by existing laws.

SEC. 6. That all pensions hereafter granted on account of minor children shall be continued without limit as to age whenever it shall appear that such minors are of unsound mind or physically helpless, so as to render them incapable of earning a subsistence; and in case of the death or remarriage of the widow having such minors in her care at the date when her pension ceases by law, her pension and the additional pension shall be continued to them in their own right, without limit as to age, during the continuance of such disability, payable to a duly constituted guardian.

SEC. 7. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the names of such officers, soldiers, sailors, and marines who, while in the service of the United States and while in the line of their duty, were captured and held as prisoners of war, and as such confined in any so-called confederate prison or prison camp, between the 1st day of May, 1861, and the 1st day of May, 1865, and who are now disabled from earning a support by manual labor by reason of disability originating during said confinement as prisoners of war: *Provided*, That pensions under this act shall be rated in accordance with the actual degree of disability existing, the same as is now provided for pensions under the laws pertaining to pensions for disability originating during the war of the rebellion: *And provided further*, That the disability in each case shall be presumed to have originated in and during the confinement of such officers, soldiers, sailors, and marines, without requiring them to prove the origin or continuance of said disabilities since discharge from service: *And provided further*, That the Government shall not be debarred from establishing the fact in any case that the disability or disabilities did not originate by reason of such confinement as a prisoner of war, in which event no pension shall be paid under the provisions of this section: *And provided further*, That such pensions as are provided for in this section shall commence from the date of discharge of the person entitled to such pension, and shall continue during the period of actual disability: *And provided further*, That nothing in this act shall be construed to entitle any person to receive more than one pension, but that such survivors of the so-called confederate prisons who are now on the pension-roll for disability contracted in the line of duty in the military or naval service shall be entitled to such increase of pension as their disabilities may entitle them under the provisions of this section.

SEC. 8. That in case a dependent mother who has applied for pension and has died, or shall hereafter die, before her pension shall have been allowed or paid, leaving a husband who is the father of the soldier, said father shall have the right to complete the said pension claim of the mother, and shall be entitled to receive all the pension found due the mother.

SEC. 9. That the rate of $13 per month now provided by law as pension for total loss of hearing of both ears be, and the same is hereby, increased to $30 per month for said disability; and for inferior degrees of deafness of either or both ears the said rate of $30 may be proportionately divided according to the degree of disability shown to exist therefrom.

SEC. 10. That the act of Congress approved June 16, 1880, increasing the pensions for total helplessness be, and the same is hereby, amended so as to allow the sum of $72 per month to all those pensioners who would have been entitled to said sum had they been on the pension-roll at $50 per month on the 16th day of June, 1880: *And provided further*, That all pensioners whose pensions shall be increased by the provisions of this section from fifty to seventy-two dollars per month shall be paid the difference between said sums monthly from the date when they became entitled to $50 under the provisions of the act approved June 18, 1874, to the date of the passage of this act, and such pensioners shall hereafter receive in lieu of all other pensions paid them the sum of $72 per month.

SEC. 11. That the act of Congress approved March 3, 1879, increasing the pensions of certain persons who have lost a leg at the hip-joint, and the act of Congress approved March 3, 1885, increasing the pensions of certain persons who have lost an arm at the shoulder-joint, be, and the same are hereby, amended so as to hereafter entitle to $37.50 per month all those who are now receiving $30 for loss of leg or for loss of arm, or for an amputation performed within 6 inches of the hip-joint or within 6 inches of the shoulder-joint, and in such other cases where, in the opinion of the Commissioner of Pensions, the loss of the limb or the existence of a disability in addition to the loss of the limb renders the degree of disability equivalent to the loss of an arm at the shoulder-joint or the loss of a leg at the hip-joint.

SEC. 12. That in all cases where invalid pensions are paid for specific disabilities at a less rate than $50 per month, and it shall be found that there are additional disabilities, proved to have been contracted in the service and in line of duty, such additional disabilities shall be rated in accordance with the degree of disability therefrom, without regard to the amount of pension that the pensioner may be receiving in any case for other disabilities: *Provided*, That no greater pension than $50 per month shall be paid under the provisions of this section.

SEC. 13. That all acts or parts of acts so far as they may conflict with the provisions of this act be, and the same are hereby, repealed.

And there were introduced from time to time other bills, bills for all sorts of relief for all the suffering soldiers and their widows and orphans.

Furthermore, I had the honor to introduce the following bill. This bill provides for the enactment of just such a law as nearly all the Northern Democrats had declared they were in favor of. The bill reads:

A bill to equalize the bounties paid by the United States to the volunteer soldiers and sailors of the late war of the rebellion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be allowed and paid to each and every non-commissioned officer, musician, artificer, wagoner, and private soldier, sailor, and marine who faithfully served as such in the military or naval service of the United States and who has been honorably discharged from such service the sum of eight and one-third dollars a month, including all amounts heretofore paid to each person as a bounty for all the time, including one or more enlistments under which such non-commissioned officer, musician, artificer,

wagoner, and private soldier, sailor, and marine may have actually served between the 12th day of April, 1861, and the final discharge of such non-commissioned officer, musician, artificer, wagoner, and private soldier, sailor, and marine by the United States if so discharged prior to July 1, 1866; and the provisions of this act shall extend to all soldiers and sailors who were mustered into the service of the United States, to any person who was duly enlisted and mustered as a member of the militia of any State during the time such person was acting with the volunteer forces of the United States or of the regular Army or Navy under the orders of any military or naval officer, and to any person who was duly enrolled in any regularly organized volunteer military or naval force of the United States and who from any cause failed to be mustered, if such person faithfully served out the time for which he enlisted, or if such person was prevented from completing such term for which he enlisted by reason of wounds received or disease contracted while performing the duties of a soldier or sailor, or if such person was otherwise honorably released from such enlistment, then and in that case for the time actually served; but in all cases where there was no muster of the person claiming or of the person on whose account a bounty is claimed under the provisions of this act, the burden of proving such service shall be upon the person claiming: *Provided*, That in all applications for bounty under the provisions of this act where there was no muster of the person claiming, or if the person on whose account such bounty is claimed, after giving thirty days' notice, in writing, to the claimant, of the time and place, the Government shall have the right to prove that the failure to be regularly mustered was the fault of the person not so mustered, and when such proof establishes that fact it shall be a bar to such claim for bounty, but such fact must be determined from all the evidence filed in the case.

SEC. 2. That in case of the death of any person specified in the several classes enumerated in section 1 of this act, either before or after the passage of the same, the allowance and payment of the bounty herein provided for shall be made, first, to his widow, if she has not remarried, or if there be no widow, or if she has remarried, then to the minor child or children of such person, through their duly appointed guardian; or if there be no minor child or children, then to any child or children of such person; or if there be no child or children, then to the mother of such person; or if there be no mother, then to the father of such person; and in all cases coming within the provisions of this section the burden of proving title to such bounty shall be upon the person claiming.

SEC. 3 That applications for bounty under the provisions of this act shall be made to the Second Auditor of the United States Treasury, and the applicant shall set forth and state specifically the name of each company, regiment, or organization in which service was rendered by the person claiming, or by the person on whose account a claim for bounty is made, together with the date of enlistment into and of the discharge, release, or muster-out from such company, regiment, or organization, and every fact necessary to show a clear title in such applicant to such bounty; and such applicant shall further state, as near as it can be done, the amount of bounty that has been paid, under the provisions of any United States law or laws, to the non-commissioned officer, musician, artificer, wagoner, or private soldier, sailor, marine, or other person specified in section 1 of this act, by whom or on whose account the claim for bounty is made.

SEC. 4. That it shall be the duty of the Second Auditor of the Treasury, under such rules and regulations as the Secretary of the Treasury shall prescribe, to compute and ascertain the amount of bounty that has heretofore been paid under any law or laws of the United States to the person claiming, or to the person on whose account a bounty is claimed under the provisions of this act, and the amount so ascertained to have been paid shall be deducted from the whole amount that would be due if no such payment had ever been made; and in all cases where a balance is found to be due the claimant, payment thereof shall be made under the law, rules, and usages now in force governing such cases.

SEC. 5. That in any case where a person entitled to receive payment of bounty under the provisions of this act shall make application therefor, or where such application shall be made by the proper representative of such person, being deceased, and the discharge of such person has been lost, it shall be competent for the accounting officers to receive, in lieu of the actual production of such discharge, proof of the actual loss of the same and secondary proof of its issue and contents, together with proof of the identity of the claimant or person deceased, under such rules defining the character and form of the evidence as the Secretary of the Treasury shall prescribe. And in all cases where there was no muster-in of the person claiming, or of the person on whose account a bounty is claimed, proof of service must be made by comrades or officers, or both, who were actually present when such service was rendered, and the kind of service performed must be specifically set out.

SEC. 6. That declarations for bounty under the provisions of this act, and all affidavits of witnesses, may be verified before any officer duly authorized to administer oaths for general purposes; and if the officer who administers the oath or affirmation has an official seal, then his signature to the jurat thereto attached, together with an impression of his official seal, shall be sufficient; but if the officer administering the oath or affirmation has no seal of office, then and in such case his official character and signature must be duly certified by the proper officer of a court of record, under the seal of such court. All allegations of a claimant and statements of witnesses shall be made under oath or affirmation and under the pains and penalties of perjury; and it shall be the duty of every officer who administers an oath or affirmation to a claimant or witness in any case to carefully read over and fully explain to such claimant or witness the contents of the declaration or affidavit, including interlineations and erasures, before such claimant or witness has signed or is sworn or affirmed to the same; and each witness must state that he or she has no interest, direct or indirect, in such claim, and give their post-office address; and the officer must certify that he did carefully read over and fully explain the contents of such declaration or affidavit to the person who signed and who was sworn or affirmed to the same, including all additions or erasures, and that he has no interest, direct or indirect, in such claim for bounty. But in no case shall any declaration or affidavit be made before any officer who is or who may become the agent or attorney of record in such case; and every person who shall purposely and willfully swear or affirm to a statement knowing it to be false, or if any officer shall make a false certificate in any case, upon conviction thereof such persons shall be fined in any sum not exceeding $500, to which may be added imprisonment for not more than one year.

SEC. 7. That the provisions of this act shall not extend to any person who served as a substitute in the Army or Navy, nor to any person who was discharged at the request of parents or guardians on account of minority, nor shall any assignment, sale, or transfer of a right to bounty under the provisions of this act be valid or of any effect whatsoever.

SEC. 8. That any agent or attorney who shall receive from any claimant a sum greater than $10 for the prosecution of any claim under the provisions of this act, upon conviction thereof, shall be fined in any sum not to exceed $100, to which may be added imprisonment for a term not less than one year.

SEC. 9. That the Secretary of the Treasury be, and he is hereby, authorized and directed to prescribe such regulations as are necessary to give force and effect to this act; and when the right of any claimant to the bounty herein provided for has been determined, such claimant shall be notified of the result, which notice shall include a complete statement of the amount of bounty heretofore paid to the claimant, or to the person on whose account the claim is made, showing the date and amount of each payment.

That bill died in the hands of the committee. Gone where Democratic promises to the soldier generally go!

The Committee on Invalid Pensions of the House of Representatives has done faithful work in many respects. It has reported a vast number of private pension bills, a few of which have become laws, and many of which have been vetoed by the President, and some of which have fallen between the two Houses. And they have reported back general legislation enough to satisfy the strongest reasonable friend of the soldier, with recommendations that it pass.

What else have they done? On the 10th day of June last I had the honor to call upon the chairman of the Committee on Invalid Pensions, Hon. COURTLAND C. MATSON, of Indiana, in the House of Representatives, in the following manner:

Mr. GROSVENOR rose.

Mr. GIBSON, of West Virginia. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Ohio rise?

Mr. GROSVENOR. I rise to move an amendment to this paragraph of the bill.

The CHAIRMAN. The gentleman will state it.

Mr. GROSVENOR. I move to strike out in line 247 the words "clerk to the Committee on Invalid Pensions."

Mr. Chairman, there is no committee of this House which in my judgment has performed more arduous labor than the Committee on Invalid Pensions; and yet, sir, as I look upon the probabilities ahead of us I deem it a waste of public money to continue the employment of that officer.

We came here with the demand upon us, which was responded to and had been responded to by both political parties in this country, that there should be radical changes made in the matter of the general pension legislation; and a large number of bills were presented which voiced and echoed the sentiment of the people and of the political conventions of both parties, as well as the promises of gentlemen who had been candidates for Congress in more than two-thirds of the Congressional districts of the country—sentiments which had been echoed and reiterated upon platforms of both political parties, both State and national. The bills embodying these views found their way into the hands of this industrious and patriotic committee, accompanied as they were by a number of petitions, and special bills granting special pensions were introduced in large numbers.

That committee has reported a number of bills which are in keeping with the sentiment to which I have alluded. They reported, for instance, House bill 4915, amending paragraph 3 of section 4693 of the Revised Statutes; they have reported House bill 7640, to increase pensions in certain cases; House bill 3238, to amend section 4700 of the Revised Statutes relating to invalid pensions; House bill 8098, for pensioning prisoners of war; House bill 2653, for the relief of West Virginia troops, &c.; House bill 1578, relating to claims for pensions by dependent parents, and House bill 663, to repeal the limitation upon the pension act known as the arrears of pensions. All of these bills are upon the Calendar of the House. This House, acting through its majority, has assigned a day to the consideration of nearly every other class of business which has been brought before it by the reports of its committees.

It has assigned days to the consideration of the Banking and Currency Committee's reports; to the Committee on Coinage, Weights, and Measures; to the Committee on Rivers and Harbors; to the Committee on Agriculture; the Committee on the Judiciary; the Committee on American Shipping; in fact, to every committee on everything else in the world except the demands of the Union soldiers of the country. It assigned a day to the consideration of the Mexican pension bill and passed it, and I may not stop here to give my judgment of what the principal consideration that induced that action was. During all this long session of Congress, while members on both sides of the House have been besieged to give attention to these other matters of interest to the Union soldiers of the country, I have not heard that this House has assigned a day to the consideration of these bills. We have not only the bills to which I have referred and others I might name, but we have also Senate bill 1886; and there is not a member here, from any Northern State certainly, if not from the South, who within the last four days has not found his mail burdened by appeals from army posts and everybody else throughout the country asking that action may not be deferred on that bill. These appeals come from all quarters, and yet no day has been assigned its consideration. I do not mean, Mr. Chairman——

The CHAIRMAN. The time of the gentleman has expired.

Mr. GIBSON, of West Virginia, was recognized.

Mr. MATSON rose.

Mr. GIBSON, of West Virginia. If the gentleman the chairman of the Committee on Invalid Pensions desires now to speak, if the Chair will recognize me next, I will yield the floor to him at this time.

Mr. MATSON. Does the gentleman desire to reply to the gentleman from Ohio?

Mr. GIBSON, of West Virginia. I want to add a word in reference to this same section of the bill, but yield to the gentleman from Indiana.

Mr. GROSVENOR. I hope the gentleman from Indiana will allow me to finish the sentence that I was on.

Mr. MATSON. Certainly.

Mr. GROSVENOR. That it was entirely outside of any intention on my part to charge the Committee on Invalid Pensions with any negligence.

Mr. MATSON. I think the gentleman from Ohio has made the motion facetiously. I am sure he does not intend to insist upon it; and when he comes to discuss the action of the House in reference to the general policy of legislation with regard to pension bills I will have something to say to him in reply.

Upon this question and at this time I want to say only this in reply to his remark in reference to fixing a time for the consideration of general bills covering pension matters, that the Committee on Invalid Pensions have reported to the House a resolution, and if he looks upon the House Calendar, page 29, he will find it favorably reported, asking the House to fix a day for the consideration of that class of business.

Mr. GROSVENOR. Yes, several bills were favorably reported; but what I complain of is that no day has been assigned for their consideration.

Mr. MATSON. Now, I want to know from the gentleman from Ohio what that has to do with the dereliction of the clerk of the Committee on Invalid Pensions or why this motion should obtain on that account? The gentleman has moved to strike out from this bill the money allowed to the clerk of the Committee on Invalid Pensions, while he has admitted that that committee has more work than it possibly can do, having already four thousand bills and three thousand petitions in its hands. He wants to strip that committee of its clerk so that it can not do anything.

What we have been able to do we have only been able to do by help of the clerk; not because the clerks write our reports, but because it keeps them busy to keep the run of the bills. The motion of the gentleman from Ohio is an unfriendly motion to the pensioners of this country. It can not be any other than an unfriendly one, and I think, therefore, as I have suggested, it must have been made facetiously and not in earnest.

* * * * * * * *

Mr. MCCOMAS. I move to strike out the first word, and I yield my time to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. I suppose there is no gentleman on this floor who understands better than the gentleman from Indiana [Mr. MATSON] that my motion to

strike out the appropriation for the payment of the clerk of the Committee on Invalid Pensions was made for the sole purpose of presenting my views very briefly upon the prospect of any future or further pension legislation, and not out of any unfriendly feeling toward that committee, which has so faithfully discharged its labors.

But, Mr. Chairman, what I was saying was that when the distinguished gentleman from Pennsylvania [Mr. RANDALL], the leader of one branch of the sentiment of this House, the antagonistic branch to the majority branch of the Democratic branch of this House [laughter]—the gentleman upon whom we on this side of the House rely to prevent the other side from committing any mischief in this country [laughter]—when that distinguished gentleman called forth from the Pension Office the statement that the bill to repeal the arrears act would cost $200,000,000 per annum, I made up my mind that none of this general pension legislation was to pass this House. Therefore it is that I have been watching the progress of events with a feeling of the deepest interest, not that it might not be done, but that it might be done. I am exceedingly anxious that a bill for the relief of dependent parents should be passed, and I care not whose bill is reported or who shall get the credit for it.

I am exceedingly anxious that the bill which has come from the Senate which gives a pension to every disabled soldier who is dependent upon his labor for support shall pass; I am anxious that all these great reforms in this system of legislation shall be enacted by this House, but I have been jealous of the interests of those concerned and even fearful that we should have no such legislation in this Congress. The chairman of the Committee on Invalid Pensions says that that committee has reported a resolution asking for a day. It is enough for my purpose to know that no day has been assigned. I have been hearing continually for some time that this session is to adjourn somewhere from the 8th to the 15th of July. I know nothing about that; I am not consulted upon the subject [laughter]; but I am now pressing upon the consideration of the other side of the House the proposition that, while every other interest here has been assigned time and a generous allowance of time, this great pension interest (which I concede is as near to the heart of the gentleman from Indiana [Mr. MATSON] as it is to mine) has had no opportunity to be heard upon any pension bill, except the general appropriation bill and the bill to increase the pensions of widows. I now withdraw my proposition to strike out the appropriation for the payment of the clerk of the Committee on Invalid Pensions.

I was trying to urge it upon the Invalid Pension Committee that a day be set apart for consideration of these bills. That gentleman made the foregoing reply, and thus promised by fair implication that a request should be made for a day to consider the legislation reported from the Committee on Invalid Pensions. The answer of the honorable chairman was then satisfactory. That was a splendid answer, was it not? It gave the soldiers of the country assurance that he had been ordered by the committee of which he was chairman to ask that a day be set apart for the consideration of pension legislation. Did he ask for a day? If so, when?

On what page of the RECORD of Congress does the application for a day to consider these bills stand? When did he get up and meet the demands of this committee and say to the Speaker of the House of Representatives, "Mr. Speaker, I ask unanimous consent that such a day may be set apart for the consideration of the demands of the soldiers of the country?" On what day did he introduce a resolution like this: "Resolved by the House of Representatives that the —— day of —— be set apart for the consideration of bills from the Committee on Invalid Pensions," and ask that it be referred to the Committee on Rules that they might report it back fixing a day? What day did he do that? When has he opened his mouth since that day upon this important subject? I will answer you. Never! No, never!! The promise that he made or the implied promise that he made when he answered me that he had been instructed to call for a day has not been fulfilled, and no day has been assigned. No day will be assigned. No general legislation, in my humble judgment, is possible. I will gladly join in it if it is possible.

But that is not all of it, Mr. Speaker. The Senate of the United States—the Republican Senate—passed the following bill:

A bill for the relief of soldiers of the late war, honorably discharged after three months' service, who are disabled and dependent upon their own labor for support, and of dependent parents of soldiers who died in the service or from disabilities contracted therein.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person specified in the several classes enumerated in section 4693 of the Revised Statutes of the United States, and the amendments thereto, who served in the military or naval service, as mentioned in said section, for the period of three months during the war of the rebellion, and has an honorable discharge therefrom, and who is or shall become disabled from any cause not the result of his own fault, and shall also be dependent upon his own exertions for support, or upon the contributions of others not legally bound thereto, shall, upon making due proof of the facts, under such regulations as may be prescribed by the proper authority, be placed upon the list of pensioners of the United States, and be entitled to receive a pension during the continuance of such disability and dependence at a rate proportionate to the degree of such disability; and such pension shall commence at the date of filing an application therefor. The highest rate of pension granted under this section, which shall be for total incapacity to perform any manual labor, shall be $24 per month, which is hereby made divisible upon that basis for any less degree of disability: *Provided*, That no person entitled to or receiving an invalid pension under existing laws, or such as may be hereafter enacted, granting pensions for disabilities contracted in the military or naval service of the United States, and in line of duty, greater than that provided for herein, shall receive the benefits of this act; but any applicant for such invalid pension having an application therefor pending, or who shall hereafter file his application for such pension, may, by a declaration over his own signature, at any time, elect to prosecute his said claim under this act or under the general laws, and his pension, when allowed, if prosecuted under this act, shall commence from the date of such election: *Provided further*, That no pension paid under any law hereafter shall be rated at less than $4 per month.

SEC. 2. That in considering the claims of dependent parents, the fact and cause of death, and the fact that the soldier left no widow or minor children having been shown as required by law, it shall be necessary only to show by competent and sufficient evidence that such dependent parent is without other present means of comfortable support than his or her own manual labor, or the contributions of others not legally bound for his or her support; and such as may be found to be entitled to $8 a month under existing laws, as modified by this section, shall receive in lieu thereof $12 a month from and after the approval of this act.

SEC. 3. That in all applications under the general pension laws, including this act, where it appears by record evidence that the applicant was regularly enlisted and mustered into the service, that fact shall be conclusive evidence of soundness at the time of his enlistment, except in case of fraud.

SEC. 4. That no person shall be entitled to more than one pension at the same time under any or all laws of the United States, whether such pension shall have been already obtained or shall be hereafter obtained, unless the act under which such pension is claimed shall specially so declare.

It was passed by the following yea-and-nay vote (Republicans in Roman, Democrats in *Italics*):

YEAS—33.

Aldrich,	*Gibson*,	Mahone,	Sewell,
Allison,	Hale,	Manderson,	Sherman,
Blair,	*Hampton*,	Miller,	Van Wyck,
Bowen,	Harrison,	Mitchell of Oreg.,	*Voorhees*,
Brown,	Hawley,	Morrill,	*Walthall*,
Conger,	Hoar,	*Payne*,	Wilson of Iowa.
Cullom,	Ingalls,	Plumb,	
Frye,	Logan,	Riddleberger,	
George,	McMillan,	Sawyer,	

NAYS—14.

Beck,	*Cockrell*,	*Jones of Ark.*,	*Whithorne*,
Berry,	*Eustis*,	*Morgan*,	*McPherson*.
Blackburn,	*Gorman*,	*Saulsbury*,	
Call,	*Gray*,	*Vest*,	

All Democrats.

Thus it will be seen that 25 Republicans voted for this bill and 8 Democrats voted for it; no Republicans voted against it and 14 Democrats voted against it. There is the record. And the bill came over here and was sent to the Committee on Invalid Pensions and was brought back and put on the Calendar of the House with the following substitute:

That all persons who served three months or more in the military or naval service of the United States in the war for the suppression of the rebellion, and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from mental or physical disability, not the result of their own vicious habits or gross carelessness, which incapacitates them for the performance of labor in such a degree as to render them unable to earn a support, and who are dependent upon their daily labor for support, shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide in pursuance of this act, be placed on the list of invalid pensioners of the United States, and be entitled to receive, for such total inability to procure their subsistence by daily labor, $12 per month; and such pension shall commence from the date of the filing of the application in the Pension Office, upon proof that the disability then existed, and continue during the existence of the same in the degree herein provided: *Provided*, That persons who are now receiving pensions under existing laws, or whose claims are pending in the Pension Office, may, by application to the Commissioner of Pensions, in such forms as he may prescribe, receive the benefits of this act; but nothing herein contained shall be so construed as to allow more than one pension at the same time to the same person; and rank in the service shall not be considered in applications under this act.

SEC. 2. That no agent, attorney, or other person instrumental in the presentation and prosecution of a claim under this act shall demand or receive for his services or instrumentality in presenting and prosecuting such a claim a sum greater than $5, payable only upon the order of the Commissioner of Pensions, by the pension agent making payment of the pension allowed, except in cases heretofore prosecuted before the Pension Office, when, in the discretion of the Commissioner of Pensions, a fee of $10 may be allowed in like manner to the agent or attorney of record in the case at the date of the passage of this act; and any agent, attorney, or other person instrumental in the prosecution of a claim under this act who shall demand or receive a sum greater than that herein provided for, for his services in the prosecution of the claim, shall be subject to the same penalties as prescribed in section 4 of the act of July 4, 1884, entitled "An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes."

It is not half so good a bill as the Senate bill, but that is not the worst of it. It has slept "the sleep that appears to know no waking" from the time it came from the committee until now.

I may be mistaken, Mr. Speaker. I would intentionally misrepresent no one. I would make an assault upon no candidate for Congress here, but it is my firm belief that this was a systematic thing; it is my firm belief that it was never intended from the beginning that any considerable amount of general legislation should be had in this House on this subject. Very early in the session, Mr. Speaker, the honorable chairman of the Appropriations Committee [Mr. RANDALL] sent to the Commissioner of Pensions a letter inquiring of him three several matters: First, how much has it cost the Government to date as the result of the repeal of the limitations by the acts of January 25 and March 3, 1879? And he asked him in that connection, "What will be the probable expenditure by reason of said act without regard to the second proposition?" Second, what will be the probable cost if Congress repeal the limitations imposed by said acts of January 25 and March 3, 1879? Third, what will be the additional value of the pension-roll should a pending bill (H. R. 545) become a law, which proposes to increase to $12 the monthly rate of widows, minors, and dependent relatives?"

In answer to this the honorable Commissioner of Pensions figured out a sum so enormous that it paralyzed patriotism in Congress and turned loose the Jew's-harps, the Æolian harps, and the French-harps all over the country to denounce and condemn the struggle for the increase of pension facilities. I do not stop here to criticise the letter of the Commissioner. That has been sufficiently done by other and abler men; and it has been shown that his figures are totally wrong, that the estimates were enormously overstated, and that no satisfactory result could grow out of his figures.

But it had its effect. Whether it had the effect that it was designed to have by the gentleman from Pennsylvania, I know not. He was criticised by the Republicans in this House for having interfered with something that he had no business to interfere with; but I do say that if he intended by his letter to lay the foundation to defeat all pension legislation in this Congress—if that was his motive, he could not have more ingeniously gone about his work. Nothing that he could have done would have been more effective. No scheme that his brilliant mind could have conceived could by any possibily have better subserved his purpose. Grand as he is in strategy, incomparable in *finesse*, unflagging in perseverance, he can never achieve more significant results by any device that he can be capable of putting in motion than he has on this occasion.

But, Mr. Speaker, if he will listen properly he can hear the crash of broken hopes, the clanking of the iron chains of poverty, the sobs of starving orphans, the groans of dying men, the struggles of children and women in the grasp of poverty, as the music that resounds to the ingenious contrivance which he put in motion. The spirit of his side of the House perished under the withering blast of this report. Its patriotism dried up, shriveled, went out; and the evils which we came here to try to remedy are just as bad as they were, and worse, indeed, because of lapse of time.

Days have been assigned to the consideration of revenue measures. Days have been assigned to the improvement of rivers and harbors. Days have been assigned by special order of the House for the consideration of banking and currency questions—questions affecting the national debt, questions affecting the value of the bonds held by the bondholders, questions affecting every class of people who have asked for it. There have been days lavished on interstate commerce; days lavished on oleomargarine; days lavished on fraudulent attempts to build a navy—fraudulent in the sense that there was no real purpose to build a real navy. Refusals have stared nobody in the face except the suffering soldiers of the country, their widows, and their orphans. They have been refused, or that which was equivalent to it.

To the proposition of certain Democrats to add a revenue measure to each pension bill I put up the answer of the committee on pensions of the Grand Army of the Republic made to Congress this year. It is as follows:

BOSTON, MASS., *July* 1, 1886.

SAMUEL S. BURDETT,
Commander-in-chief Grand Army of the Republic:

The committee on pensions, appointed under resolution of the national encampment of the Grand Army of the Republic, and authorized to speak therefor, feel impelled, through you, in the name and behalf of three hundred and twenty-five thousand veterans, to enter an emphatic protest against the proposition now pending in Congress to attach to all pension bills—and pension bills only—a measure of special taxation to provide for the payment thereof.

This proposition is not to increase the revenues of the Government for general purposes by new taxation, but in effect a declaration that while all other expenditures of the General Government, for salaries, public buildings, river and harbor improvements, and the like, shall continue to be paid from existing sources of revenue, the debt due to the soldiers and sailors of the Republic, for which the most solemn faith of the nation has been plighted, the pensions to the men who gave sight and hearing, limbs and health, and who offered their lives in defense of the nation, shall mercilessly stand aside, unless subjected to the invidious distinction of a special method of taxation.

That every other obligation of the National Government shall be met from the usual and ordinary revenues, but the obligation to the soldier be singled out and alone made to bear the burden of a new and special tax.

That in the payment of pensions, and pensions alone, one class of the people shall be arrayed against another—the tax-payer against the beneficiary—by providing as to pensions, and for no other form of indebtedness, a particular tax for a specified purpose.

Speaking in behalf of our comrades of the Grand Army of the Republic, we protest against this measure as the most iniquitous possible, and which the Union veterans of the country will resent and repudiate.

Respectfully yours,

G. S. MERRILL,
JAMES TANNER,
JOHN C. LINEHAN,
JOHN S. KOUNTZ,
Committee on Pensions.

No such condition was attached to the Fitz-John Porter bill. Nor yet to the bills giving great pensions to certain persons. Nor yet the bills to pay any of the other claims of the United States.

The common soldier and the widow and orphans were selected to try this new experiment upon, and we on this side spurn the offer and denounce it.

They have been turned away from this Congress, and I want to say one word to them: What good does it do you to elect a Democrat in the North, pledged, honestly pledged, if you please, to subserve the best interests of the soldier—what good does that do? If you thereby elect a majority of Democrats to the Congress of the United States you thereby elect a Democratic Speaker; and thereby a Democratic Committee on Invalid Pensions, which will repeat the refusal of 1886 in all coming years until you are starved to death. No matter that 49 per cent. of the Democratic side of this House are in favor of you. The 51 per cent. controls the action of the caucus. The 51 per cent. creates the Speaker; the 51 per cent. creates the Committee on Invalid Pensions; the 51 per cent. forbears to give you the day; the 51 per cent. controls the 49 per cent.; and the 100 per cent. strangles you to death.

Mr. Speaker, I would pass into law the suggestions of the pension committee of the national encampment of the Grand Army of the Republic. They embrace the best judgment of the best study of this question. It is my opinion, and I give it to you for what it is worth, that the enactment into law of the second section of the bill which I had the honor to introduce, and which has its equivalent in many bills introduced by other members of the House, would not result in an enormous drain upon the Treasury. The principle of that proposition is to simply grant to each soldier and sailor who served honorably for a period of at least three months and was honorably discharged a pension based on the degree of his disability, provided he is indigent and dependent upon his own labor for support. This provision would terminate further prosecution of a very large proportion of the pending claims for arrears. It would give to the suffering soldier something now, and in a large per cent. of cases it is my judgment he would abandon the hopeless task of proving his arrears. It would cut off one-half of the expense of the Pension Office. That is a low estimate. It would stop the demand for perjury in the country. It would be beneficent in its results in every direction.

I have not time to go into detail upon this legislation, thus requested by the Pension Committee. Their recommendations are wise and just. Their adoption by Congress would relieve Congress of the constant cry for aid. The presence in Congress of this vast number of private bills does not signify fraud. The President of the United States is mistaken about that, honestly mistaken, I doubt not; patriotic in the opinion, I doubt not; but erroneously of the opinion I know. The presence of this vast number of bills simply signifies that the general legislation upon the subject of pensions has become defective and worthless, and in their agony these claimants cry out to Congress for relief.

The passage of my bill would relieve all this, and open the door for immediate relief. Would the country be worsted, would the country be injured? I say no. There is no money paid out in this country that is as valuable to the country as money paid the pensioners of this country. It goes to the country as blood goes through the veins and arteries. It goes to the cabins of the starving poor; it returns on the pathway of commerce, into the stores, and into the workshops; and it draws out the vast accumulation of money in the public Treasury and sends it over the land; and in return trade springs up, and commerce grows. I deny that the country is impoverished by the payment of pensions. I believe that a constant payment of $100,000,000 per annum to the worthy pensioners of the country would make this country rich more rapidly than any other plan that has been devised by man.

The country owes it to its honor; the country owes it to its history, that these men should be protected. Other nations have done it. The French veterans of Waterloo, the survivors of the battalions of Napoleon found a home in the great hotel, *Des Invalides* of Paris; and the British Government sees to it with a jealous eye that no man who was ever decorated with the cross of honor for service to the flag of England shall perish in the poor-houses of the country. No soldier of England wears a decoration to-day that is as honorable as the decoration of the American soldier. The British soldier fights for empire and a crown. The American soldier fought for liberty and the Union. The kingly government cherishes the one as the jewels of its crown. A republican government is willing that these jewels shall die in the poor-houses of the country!

I appeal for these men. I have no interest to subserve but the interests of these comrades of ours. I stand here simply to represent them. I appeal for them. I do not appeal as a creditor to the Government, literally; but I appeal on behalf of the men who saved the Government; and I ask that this great nation, blessed of God with a fruitage of patriotism such as has blessed no other nation in former history, shall see to it that that blessing shall not be turned into a reproach by the failure of the nation to protect him who "bore the burden and heat of the day."

The bill was then passed.

Mr. MORRILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WINANS. I move that the House resolve itself into the Committee of the Whole for the consideration of bills on the Private Calendar under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of bills on the Private Calendar under the special order. The Clerk will report the next bill.

WILLIAM J. OWINGS.

The first business on the Private Calendar was the bill (H. R. 4097) for the relief of William J. Owings.

Mr. MORRILL. I ask that that bill be passed over informally.

There was no objection, and it was so ordered.

SECTIONS 4756 AND 4757 REVISED STATUTES.

The next business on the Private Calendar was the bill (H. R. 4702) amending sections 4756 and 4757 of the Revised Statutes.

Mr. MORRILL. Mr. Chairman, that bill is not properly before the House this evening, and I ask that it be passed over.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. ELDREDGE. Mr. Chairman, I ask unanimous consent that members present be allowed to call up such bills as they desire.

Mr. GUENTHER, Mr. LAWLER, and others objected.

The CHAIRMAN. Objection is made. The Clerk will report the bills in their order.

JACOB S. BIDDLE.

The next business on the Private Calendar was the bill (H. R. 4712) to place the name of Jacob S. Biddle on the pension-roll.

Mr. LONG. I ask that that bill be passed over.

There was no objection, and it was so ordered.

MRS. JANE R. M'QUAIDE.

The next business on the Private Calendar was the bill (S. 1852) granting a pension to Mrs. Jane R. McQuaide.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Jane R. McQuaide, mother of F. G. McQuaide, deceased, late a private in Company C, Ninth Regiment of Pennsylvania Infantry Volunteers.

Mr. WALLACE. I ask the reading of the report.

The report (by Mr. CONGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 1852, have considered the same, and report:

This bill is for the relief of a dependent mother. The merit of the case is fully set forth in the Senate report appended hereto.

Your committee therefore adopt the same as their own, and recommend that the bill do pass.

The petitioner is the mother of F. G. McQuaide, deceased, late a private in Company C, Ninth Regiment Pennsylvania Volunteers. The application was rejected on the ground that the claimant was not dependent on the soldier at the date of his death.

The evidence shows that the father and mother were living on a farm at the time of the son's enlistment, prior to which he had contributed by his labor to their support; that he sent them a portion of his monthly pay; that he died shortly after his discharge from disease contracted in the service; that his father owned a farm, but it was heavily mortgaged, and that the dockets contained innumerable judgments against him; that he died poor, leaving his widow in destitute circumstances; that she is still very needy.

The committee report the bill favorably, with a recommendation that it do pass.

The CHAIRMAN. The question is on laying this bill aside to be reported to the House with the recommendation that it do pass.

Mr. WALLACE. Mr. Chairman, I think that is a bill that was objected to on a previous occasion, and I ask that it be passed over. The cause of death is not shown.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana that this bill be passed over, retaining its place on the Calendar?

Mr. CONGER. For what reason does the gentleman make that request?

Mr. WALLACE. This bill was taken up about two weeks ago, and was laid aside. The reasons were then very plainly stated, and I think the gentleman who called it up asked that it be laid aside. I have no objection to its coming to a vote, but for the sake of other bills that follow it on the Calendar I would rather that it should be laid aside now, because I shall object to it.

Mr. CONGER. Mr. Chairman, I wish to make a brief statement, and I think the gentleman will then withhold his objection. It was at my suggestion that this bill was laid aside on the former occasion. I had made the report in the case myself, but it was so long ago that I had forgotten some of the details. I have since taken occasion to get the papers from the Department, and from them it appears that this soldier was discharged from the service on the 22d of June, 1862, for chronic bronchitis and general debility, and that he was sick continuously from that time until the time of his death, which resulted from the same disease.

So that he did not die in the service, but he came home sick and continued sick until he died of the same disease. The application was rejected at the Pension Office because, at the time it was made, the parent was not dependent upon the son. It is also in proof that the son sent home to his father and mother nearly every dollar of his pay, and that the mother is at this time in hopeless poverty. The case is on a par with many others that we have been passing here, and the President has signed several just such bills. I asked that the bill be passed over on a former occasion because I was unable to tell from memory the disease of which the soldier died, but I have since ascertained it from the papers, and it is as I have stated. I trust that this statement will be satisfactory to the gentleman from Louisiana.

Mr. WALLACE. Mr. Chairman, I can not really say that the statement of the gentleman makes the case any clearer than it was before. I do not see that there is any evidence that the disease was contracted in the service, nor do I think that the report in any way enlightens us as to the cause of the bronchitis, and I think that if such cases are to be pensioned here it will open up a broad avenue leading to an enormous number of cases that are not entitled to pension. I do not think that this is a bill that ought to pass this House.

Mr. CONGER. Why, as to the disease being incurred in the service, the soldier was discharged from the service for bronchitis.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana that the bill be passed over and retain its place on the Calendar.

Mr. BUCHANAN. Yes.

Mr. CONGER. I object to this bill being passed over.

The CHAIRMAN. The question then recurs on the request that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The question was taken; and the chairman stated that the ayes seemed to have it.

Mr. WALLACE. I ask for a division.

The House divided; and there were—ayes 62, noes 3.

Mr. WALLACE. No quorum.

The CHAIRMAN. The point being made that no quorum has voted, the Chair will appoint as tellers the gentleman from Louisiana, Mr. WALLACE, and the gentleman from Iowa, Mr. CONGER.

Mr. MORRILL. Mr. Chairman, I ask that the previous question be ordered upon this bill and that it then be laid aside to be reported to the House and that a vote be taken upon it there. That is certainly a fair proposition, because it gives an opportunity for a vote upon the bill when a quorum is present, and all that the gentleman from Louisiana asks is that there shall be a quorum present to pass upon the bill.

Mr. WALLACE. At this late stage of the session it seems to me not quite proper, when we have set aside a special night for pensions and occupy that whole session with nothing but pension business, to take up the time of the House during the day with these questions when there are matters of greater importance to be attended to. For that reason I think the proposition of the gentleman is not fair to the House or to members.

Mr. MORRILL. It will occupy but a few moments to take a vote on the bill. This thing has been done repeatedly.

The CHAIRMAN (Mr. DOCKERY). Is there objection to the request of the gentleman from Kansas?

Mr. WALLACE. Yes; I object to it.

Tellers were ordered; and Mr. WALLACE and Mr. CONGER were appointed.

Before the tellers had reported,

Mr. MORRILL said: It is agreed that the bill shall go to a full House with the previous question ordered and be submitted to a vote of a quorum.

The CHAIRMAN. That agreement of course can be made informally——

Mr. MORRILL. We can recommend that course to the House.

The CHAIRMAN. The point of "no quorum" is withdrawn; and the Chair understands the agreement to be that this bill be reported to the House favorably, and that when we get into the House the previous question be ordered and a vote be taken to-morrow when there is a quorum. Is that the agreement?

Mr. RANDALL. I make objection to an order which will require a vote in the House to-morrow on this question.

Mr. MORRILL. Let Monday be named.

Several MEMBERS. Next Friday.

The CHAIRMAN. Then, as the Chair understands, the agreement is modified so that a vote be taken in the House next Friday. At what time?

Mr. CONGER. Immediately after the reading of the Journal.

The CHAIRMAN. Then the order will be understood as applying to next Friday instead of to-morrow.

Mr. BAYNE. I ask unanimous consent that when bills are reached on the Calendar——

Mr. GUENTHER. I rise to a parliamentary inquiry. I understand that the House will have adjourned by next Friday.

The CHAIRMAN. That is hardly a parliamentary inquiry, but a matter of fact. The gentleman from Pennsylvania [Mr. BAYNE] will proceed.

ORDER OF BUSINESS.

Mr. BAYNE. I ask unanimous consent that when bills are reached to-night in their order on the Calendar they be passed over informally, retaining their place, unless some gentleman rises and asks for the consideration of the bill.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that as bills are called in their regular order on the Calendar each bill as reached be passed over informally, retaining its place on the Calendar, unless some gentleman rises and asks the consideration of the bill. Is there objection? The Chair hears none, and it is so ordered.

CATHARINE LANIGAN.

The next business on the Private Calendar (called up by Mr. ADAMS, of Illinois, and Mr. RANDALL) was the bill (S. 2349) granting a pension to Catharine Lanigan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Catharine Lanigan, mother of John Lanigan, late of Company K, Twenty-third Illinois Volunteers, in the late war, at the rate of $50 per month, from and after the passage of this act, in lieu of the pension she is now receiving.

Mr. WALLACE. I call for the reading of the report.

The report (by Mr. NEECE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill S. 2349, submit the following report:

The Senate Committee on Pensions, to whom was referred the bill (S. 776) granting arrears of pension to Catharine Lanigan, reported as follows:

"That Catharine Lanigan was pensioned at the rate of $15 per month from March 18, 1882, as dependent mother of John Lanigan, who served as second lieutenant of Company I, Twenty-third Illinois Volunteers, and who died September 11, 1881. A very thorough examination of this claim was made by the Pension Office, and the fact that the soldier died from causes originating in the service was medically established. The dependence of the mother upon the son during his life is shown, and it also appears that she has been bedridden for years. Mrs. Lanigan is now eighty-one years of age, has long been a helpless invalid, and is dependent for support upon the pension allowed her and the exertions of her two daughters. Her title to a pension having been satisfactorily established before the Pension Office, and the rating allowed under the general laws being insufficient for her maintenance in her helpless condition, the committee consider this an exceptional case, which justifies special action and the allowance of a higher pension to Mrs. Lanigan during the brief time that she can receive any benefit from the bounty of Congress.

"We therefore recommend that the original bill (S. 776) be indefinitely postponed, and the passage of the accompanying substitute bill, granting Mrs. Lanigan a pension at the rate of $50 per month."

Your committee find, on thorough examination of the papers in the case, the facts to be substantially as above set forth, to which we desire, however, to add that the proofs show Major Lanigan to have been a most gallant soldier, who, though a great sufferer from disease contracted while in the Army, never during his lifetime sought any relief from the Government. Indeed, your committee are advised that but for physical disabilities incurred during four years' service as a volunteer in the war of the rebellion Major Lanigan might now be holding high rank in the regular Army, a captain's commission having been offered him immediately after the war in appreciation of his gallant conduct, which he declined for the reason that his health was already so far impaired by the disease from which he finally died as to render him unfit for active military duty.

He was practically the only support of his aged, widowed, and helpless mother, who, in the opinion of your committee, is clearly entitled to a pension adequate to her comfortable support during the, at most, very few years she may reasonably be expected to survive.

Your committee therefore recommend the passage of the bill.

Mr. WALLACE. I move to amend the bill so as to make the pension $25 instead of $50.

Mr. SKINNER. I desire to ask what amount of pension the Senate bill carried.

The CHAIRMAN. Fifty dollars.

Mr. LAWLER. Mr. Chairman, on last Friday night the friends of the unfortunate woman who is to be the beneficiary of this bill agreed (so as not to interfere with other business) that we would try to reach some compromise upon this case. We have looked over the situation, and we find that this unfortunate bedridden lady is now about eighty-two years of age; and the pension which it is proposed to grant her will cease at her death. There are several members of this House who were well acquainted with Major Lanigan, whose widow this lady is. He was a brave soldier, and was too proud ever to ask anything in the way of pension at the hands of the Government. We now ask that this aged woman be allowed a small pension, barely sufficient to maintain her and her crippled daughter until the mother passes away. I hope the gentleman from Louisiana [Mr. WALLACE] will consent to modify his motion so as to make this pension $40. The committee were unanimous in their report in favor of $50. Senators CULLOM and LOGAN, both of whom knew Major Lanigan personally, have interested themselves earnestly in this bill, have interceded in person in behalf of this lady.

Mr. BAYNE. What was the rank of her husband?

Mr. LAWLER. He was a major.

Mr. SKINNER. I desire to ask what amount of pension the original Senate bill carried.

Mr. LAWLER. Fifty dollars.

Mr. SKINNER. If the original Senate bill carried $50, why was a substitute put in?

Mr. LAWLER. There was no substitute; this is the Senate bill.

Mr. SKINNER. The Senate report recommends as a substitute for the original bill a bill granting Mrs. Lanigan a pension at the rate of $50 a month.

Mr. LAWLER. The bill as passed by the Senate proposes to pay this lady a pension of $50 a month; and the House committee has unanimously recommended concurrence in the Senate bill.

Mr. SKINNER. Then it is not a substitute bill?

Mr. LONG. The report of the Senate committee, which has been read, shows that there was a substitute bill which was adopted by that committee in place of the original bill referred to them.

Mr. WALLACE. I think from what General BEAGG said the other night that it was very clear this case was not entitled to so large a pension. I am perfectly willing to make it $30 a month if the gentleman will accept that.

Mr. LAWLER. I will state that the gentleman from Louisiana agrees to make this $30 and we will agree to accept that.

Mr. JOHNSTON, of Indiana. The gentleman can not accept it. That is for the committee.

Mr. SKINNER. I think $50 is little enough.

The CHAIRMAN. Does the gentleman from North Carolina offer an amendment?

Mr. SKINNER. No, sir; I do not.

The CHAIRMAN. The Chair understands, then, that there is but one amendment offered, to strike out "fifty" and insert "thirty."

Mr. JOHNSTON, of Indiana. I move to amend by making it thirty-five.

Mr. ADAMS, of Illinois. I do not desire to detain the committee, but simply want to say that this old lady, eighty-two years of age, has no one to support her except one daughter; and she has another daughter who is an invalid, who is also supported by her sister who is not an invalid. I hope that $30 will be the amount fixed.

The question being taken on the amendment to the amendment submitted by Mr. JOHNSTON, of Indiana, it was not agreed to.

The question recurred on the motion to strike out "fifty" and insert "thirty."

Mr. LAWLER. That is the amendment proposed by the gentleman from Louisiana which I said I was willing to accept.

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH S. MOODY.

The next business on the Private Calendar was the bill (S. 948) granting a pension to Joseph S. Moody.

Mr. STONE, of Missouri. I ask consideration of that bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joseph S. Moody, late a private in Company B, Fourth Regiment United States Artillery.

Mr. WALLACE. Let the report be read.

The report (by Mr. WHITE, of Pennsylvania) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 948) granting a pension to Joseph Moody, have examined the same. They adopt the report of the Senate committee, and recommend the passage of the bill.

[Senate Report No. 455, Forty-ninth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 948) granting a pension to Joseph S. Moody, have examined the same, and report:

The petitioner enlisted in Company B, Fourth United States Infantry, October 20, 1845, and was discharged October 20, 1850. He alleges that his disability is the result of measles and a wound received in the battle of Molino del Rey, Mexico. In his advanced years he finds himself broken in health and poor.

The committee report the bill favorably, with a recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GENERAL BENJAMIN F. KELLEY.

The next business on the Private Calendar was the bill (S. 838) granting an increase of pension to General Benjamin F. Kelley.

Mr. GOFF. I ask consideration of that bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Kelley, late a brigadier-general in the Army of the United States, at the rate of $100 per month, said pension to be in lieu of that which he now receives.

Mr. WALLACE. I ask for the reading of the report.

The report (by Mr. ZACH. TAYLOR) is as follows:

The Committee on Pensions, to whom was referred the bill (S. 838) granting an increase of pension to General Benjamin F. Kelley, have examined the papers in the case, and have adopted the Senate report on said bill as their report, as follows:

It appears from the record that B. F. Kelley was commissioned colonel of the First Virginia Regiment, United States Army, May 25, 1861, and was mustered into the service.

That on August 6, 1861, he was commissioned as brigadier-general of volunteers, to rank as such from May 17, 1861; and that he resigned June 1, 1865.

At the battle of Philippi, the first fought during the war, he was severely wounded and permanently injured by a gunshot wound fracturing the bones of the breast and shoulder, and injuring his lungs. The following extracts from his military history furnish information in regard to his service:

General B. F. Kelley, of West Virginia, raised the very first regiment of loyal troops south of Mason and Dixon's line during the late war, and was commissioned colonel of the regiment May 25, 1861, and mustered into the service of the United States.

By order of General McClellan, then commanding the Department of the Ohio, Colonel Kelley was directed to assume command of all the loyal troops then in Virginia, and all other troops that had been ordered to report to him.

On the 27th of May, 1861, Colonel Kelley left Wheeling with his regiment for Grafton, on the Baltimore and Ohio Railroad, followed the next day by the Sixteenth Ohio and the Ninth Indiana.

Grafton at that time was held by a confederate force under command of Colonel Porterfield.

On June 1, 1861, Kelley's forces reached Grafton and occupied the place, Colonel Porterfield having retreated to Philippi on the approach of the Union forces.

On the afternoon of the 2d of June, Kelley moved on to Philippi, marching all night through a drenching rain, and attacked the enemy at 4 o'clock on the morning of the 3d.

The enemy was completely taken by surprise and routed; some were killed and many captured. A large amount of stores, arms and ammunition, horses, wagons, &c., fell into the hands of the Union forces.

Colonel Kelley, commanding, was severely, and at first thought to be mortally, wounded, having been shot, while making the charge, through the right breast and the upper part of the lung.

As an evidence of the high appreciation of his conduct, attention is called to the following telegrams from Generals McClellan and Morris:

CINCINNATI, *June* 3, 1861.

To General T. A. MORRIS:

Say to Colonel Kelley that I can not yet believe it possible that one who has opened his career so brilliantly can be mortally wounded. In the name of the country I thank him for his conduct, which has been the most brilliant episode of the war thus far. If it can cheer him in his last moments, tell him I can not repair his loss, and that I only regret that I can not be by his side in person.

God bless him.

GEORGE B. McCLELLAN.

GRAFTON, *June* 3, 1861.

SIR: I am extremely pleased and greatly gratified at your gallant and soldierly conduct in the expedition which owes its success to your gallant conduct. I feel that your country owes you a deep debt of gratitude for your services on the occasion, and a grateful people can not but render to you that honor you so richly deserve.

T. A. MORRIS, *Brigadier-General.*

To Colonel KELLEY:

[Extract from General Morris's report.]

"I am extremely sorry to report that the gallant Colonel Kelley, of the First Virginia Regiment, while leading the attack of his column, fell severely wounded by a shot in the breast. The wound, at first supposed to be mortal, I am glad to know will only deprive us of his valuable counsels and assistance for a few weeks. Much of the success of our attack is due to him. His thorough knowledge of the country, his skill in rendering that knowledge available, his cool and unflinching courage, will deprive us for the time of a great support."

[Extract from General McClellan's report.]

"Colonel Kelley, who conducted the movement on Philippi with marked ability and zeal, received a severe wound early in the action, which at the time was supposed to be mortal, but I am now happy to say he is considered out of danger.

"From the moment he received my orders at Wheeling to move on Grafton up to the time he was wounded, he has exhibited in an eminent degree the qualities of an efficient commander, and I take this opportunity of renewing my recommendation for his promotion to the rank of brigadier-general."

It will be observed that General Kelley not only organized the first loyal regiment in the entire south, but that he fought and won the first victory achieved on Southern soil, in which he was severely wounded. The war record shows an unbroken series of brilliant achievements by him during the whole war.

General Kelley is now in his seventy-ninth year, and for the want of means necessary to the support of himself and family, he has been forced to seek and accept a subordinate position in the Pension Office, where he is subject to all the rigid rules and exactions incident to the conduct of that Department.

He is frequently disabled for duty in consequence of an almost constant cough and other effects of his wound, which necessarily involves loss of time and pay; and in the course of nature he will soon be totally disabled for clerical duty.

Your committee, in view of the marked and peculiar services rendered by General Kelley, which makes his case an exceptional one—considering the fact that he raised the first Union regiment south of Mason and Dixon's line, fought the first battle, and was the first officer wounded in the war, and that after recovering he continued in the service with marked ability to the close of the war, receiving many testimonials of approbation from his commanding officers and the Government, and considering his age and necessities—your committee are of the opinion that, now in his advanced age and still suffering from the effects of his wound, he should be relieved from the necessity of daily physical labor for his support.

Your committee recommend the passage of the bill.

Mr. CUTCHEON. I would like to ask the gentleman who reports this bill a question: What amount is General Kelley now receiving?

Mr. ZACH. TAYLOR. Twenty-two dollars and a half a month.

Mr. CUTCHEON. This seems to be a large increase.

Mr. WALLACE. I would like to ask why it is that this report comes from the Committee on Pensions? The Committee on Invalid Pensions considered this bill and an adverse report has been made. I should be glad, therefore, to hear from some gentleman on that committee why they made an adverse report. The case was not passed through that committee, and it is rather peculiar that it should pass through the House under the circumstances. I think the gentleman from Kentucky [Mr. TAULBEE] made the adverse report, and I should be glad if he would give the reasons before the vote is taken.

Mr. ZACH. TAYLOR. I do not know, Mr. Chairman; but will yield the floor to the gentleman from Kentucky, who will perhaps explain it.

Mr. TAULBEE. As well as I remember about this case it was reported adversely, and the reasons were stated in the report, which I think I submitted in the case.

This is a bill which was brought to my notice by the gentleman from West Virginia [Mr. GOFF]. I called his attention to the report submitted by the committee, and perhaps at my request, in the House on his motion, the bill was placed upon the Calendar with the adverse report. My recollection is that the reasons assigned for the adverse report were that the beneficiary in this bill was an employé in the Pension Office, therefore having access to the medical board for examination, giving him every facility to procure under the general law the pension to which his disability entitled him. I am not sure that the reason was stated in the report, but it had something to do with the case, that General Kelley was borne on the soldier's roll of the Pension Office at $100 a month. These matters induced the committee to report adversely, and that is all I remember about the case. From the evidence, as borne in the record and before our committee, General Kelley had a most excellent record as a soldier.

Mr. DORSEY. The gentleman from Kentucky is correct in his recollection as to the grounds stated in the report on which they rejected this case, that he was employed in the Pension Office, and having that position was not entitled to a pension.

Mr. TAULBEE. Lest the remark might be misunderstood I wish to say that the fact of his being employed in the Pension Office, considered in the abstract, was not the cause of the adverse report. But being employed in the Pension Office, in the opinion of our committee, gave him every facility to avail himself of the general pension laws by the action of the medical board of examiners in the office, coupled with the further fact that in consequence of his gallant service as a soldier and his injury received in the Army he was borne on the soldiers' roll of the Pension Office at a large salary.

These two facts considered together were sufficient to induce the Committee on Invalid Pensions to recommend that the bill do lie on the table.

Mr. GOFF. The gentleman from Kentucky is mistaken in one respect, and yet in another respect he is correct. The bill that the gentleman from Kentucky alludes to was introduced by me in this House and referred to the Committee on Invalid Pensions. Previous to the time that that committee considered the bill a bill was introduced in the Senate, passed the Senate, was received by the House and referred to the Committee on Pensions. The Committee on Pensions considered the case fully. Such evidence as I had I submitted to that committee, as they had the matter under consideration. They made a favorable report to this House unanimously. The report has been read by the Clerk to-night.

When the gentleman from Kentucky, as a subcommittee, came to consider this bill he did it without any evidence before him, because the evidence in the case had already been submitted to the Commtitee on Pensions, and without evidence he nevertheless, with this magnificent record staring him in the face that the gentleman has alluded to, and owing to the fact that this old man was in the service of the Government when this report was made, submitted an unfavorable report. I submit to the gentleman he would not have made that report nor would a member of the committee have acquiesced if the evidence which was laid before the Committee on Pensions had been considered by the Committee on Invalid Pensions. And most undoubtedly it was not necessary to submit that evidence to the committee of which he was a member when another committee had already taken jurisdiction of this case and had reported it favorably to the House. I ask that this House will pass this bill according to the unanimous report of the Committee on Pensions. There has not been a more meritorious measure submitted to the consideration of the Congress of the United States. The case of this old man is as full of merit as he was of loyalty in the hour when the country needed loyal men.

This is not an unusual thing. The amount recommended here is not unusual. It is the same amount that the Congress of the United States voted to General Black, the present Commissioner of Pensions. It is the same amount that the Congress of the United States voted to that gallant old soldier of more than one war, General Shields. It is the amount that the Congress of the United States in the days gone by, when committees recommended $50 a month as they did in General Shields's case, intervened, and struck out $50 and inserted $100; as they did in General Black's case, when the $50 recommended was stricken out in the Senate of the United States and $100 inserted. It is not unusual; and if members of this House were as familiar with the facts in this case as I am I do not believe there is one who would hesitate to vote in favor of this measure.

I have known this applicant. He is not asking for charity. He is asking for justice. He is asking the American Congress to do naught but justice to one of the gallant soldiers of the American war for the Union. I met this man twenty and odd years ago when he was in the flush of his manhood and I of my boyhood. I met him west of the Alleghanies when he was carrying the first banner of the Union Army that floated in the breeze there, around which the young men of that country rallied. When the President of this Republic called for troops to sustain it in the hour of our direst necessity he was the first man that unfurled that banner west of the Alleghanies, in a land, it is true, Mr. Chairman, where others who differed with him raised another banner. But all who believed as he and I did rushed forward under the standard that he bore. He fought the first battle of the war of the rebellion. He was the first soldier that fell on any field pierced with an enemy's bullet. You see that from the dispatch sent to him by General McClellan, then commanding in West Virginia.

It surely can not be brought against him to-night that he is upon the soldiers' roll of the Government. He is doing to-night as he has done from his boyhood, earning an honest living not only for himself, but he is earning an honest living for the orphan children of his dead son, who went down to death in order that his country's flag might float. And that old man, burdened with his fourscore years, for he is eighty years old, gentlemen, will not long receive your bounty if you give it to him. He has been struggling these twenty-odd years for a living for himself and his wife and the children of his dead son. Without crossing a "t" or dotting an "i" I ask the American Congress to be just to this brave old soldier.

Mr. TAULBEE. I presume every member present understands I have an aversion to consuming the time of the House on Friday nights or at any other time when the occupancy of the floor by myself or any other member interferes with the progress of business, and I did not think my remarks could have been construed as offering any objection to the passage of this bill. I was called upon by the gentleman from Louisi-

ana [Mr. WALLACE] to state why it was that our committee had reported this case adversely, and I tried briefly to state the reason. I regret that the remarks of the gentleman from West Virginia [Mr. GOFF] make it necessary, as I believe, in order to prove my vindication and the vindication of my committee, that I should now state some of the objections we had to reporting this case favorably. The gentleman endeavors to impress the Committee of the Whole with the belief that I, as a subcommittee, and the Committee on Invalid Pensions acted on this case without the evidence. In that he is altogether mistaken. We had the evidence before our committee.

We called upon the Pension Office for the record of the case of General Kelley; I investigated it diligently and carefully, and I understood fully the evidence in the case before I submitted my report to the committee. The gentleman says that the Committee on Invalid Pensions would not have reported the case adversely had we had the evidence before us that was before the Committee on Pensions. If there was any evidence submitted to that committee without having come from the Pension Office, I confess that we did not have it, but that was not our fault; it was the fault of the gentleman who was looking after this case that that evidence, if any such is in existence, was not submitted to our committee.

But, Mr. Chairman, there is another question involved. After this case was submitted to our committee and it became known to the gentleman from West Virginia [Mr. GOFF] that our committee would not recommend the passage of the bill, the Senate bill was referred to the Committee on Pensions, when, under the rule, it should have been referred to the Committee on Invalid Pensions, and that reference was no doubt made for the reason that the gentleman having the bill in charge could not hope for a favorable report from the Committee on Pensions.

Mr. GOFF. Will the gentleman allow me to interrupt him?

Mr. TAULBEE. Certainly.

Mr. GOFF. The gentleman will find, from the records of the House, that the Senate bill passed and was referred here long before he made his report.

Mr. ZACH. TAYLOR. Yes; the gentleman from Kentucky is entirely in error on that point.

Mr. TAULBEE. Mr. Chairman, as to the time when this bill came from the Senate of course I do not know, but I presume that it was after it was known to the gentleman from West Virginia [Mr. GOFF] that a favorable report could not be had from the Committee on Invalid Pensions.

Mr. GOFF. Not at all.

Mr. ZACH. TAYLOR. Not at all.

Mr. TAULBEE. For, Mr. Chairman, I could not and I can not understand why it is that after this bill was passed by the Senate and brought to this House and referred to the Committee on Pensions, a new bill covering the same matter should have been introduced and referred to a different committee.

Mr. GOFF. The gentleman well knows that it is very common for bills to be introduced in both Houses at the same time and in relation to the same matters.

Mr. TAULBEE. Was that this case?

Mr. GOFF. That was the case here.

Mr. TAULBEE. Then, Mr. Chairman, what I said is correct.

Mr. GOFF. But the bill had passed the Senate and came to this House before you made your report at all.

Mr. TAULBEE. If the bill had passed the Senate and had come to this House before the introduction of the bill on which our committee acted, then I am correct and the gentleman from West Virginia is wrong.

Mr. GILFILLAN. The gentleman from West Virginia did not say that.

Mr. TAULBEE. Even, Mr. Chairman, if the bill came from the Senate before the report from our committee was submitted, that does not argue in favor of the position of the gentleman from West Virginia, for the gentleman well knows that long before the report from our committee was submitted I told him the action of that committee, and informed him that a favorable report could not be had.

Mr. Chairman, this bill proposes to grant a pension of $100 a month. It is known to this House that it is the well-established rule of the Committee on Invalid Pensions not to recommend the granting of pensions of $100 a month. Our committee has taken the position that the private legislation that is had at these Friday evening sessions should be for the relief of suffering soldiers; that the money that we vote away here in pensions should be for the relief of actual want. Therefore, where the Government is undertaking to provide for a soldier, and provides as well for him as it does for General Kelley, who now receives for his services and by way of pension $122.50 a month, we do not consider that to increase the pension is just to the other soldiers of the country, many of whom, with meritorious claims, are to-day without any pension at all. Our efforts have been directed toward aiding those who need relief, who are actually in suffering or destitute circumstances. Upon that principle our committee has acted, and I believe that has been the general course of the House at its Friday evening sessions for the consideration of pension bills.

Mr. CUTCHEON. May I ask the gentleman what he means when he speaks of a pension of $122.50 a month?

Mr. TAULBEE. I did not say anything of the kind. The gentleman misunderstood me.

Mr. CUTCHEON. I thought you did not mean it; but I understood you to say so.

Mr. TAULBEE. I beg the gentleman's pardon.

Mr. BRADY. You said that.

Mr. TAULBEE. I beg pardon, but I did not say it.

Mr. CUTCHEON. What did the gentleman say?

Mr. TAULBEE. If the gentleman will allow me, this is what I said: That when the Government undertook to provide for a soldier, as it did in the case of General Kelley, who was now receiving for his services and by way of pension $122.50 a month, we did not think it proper to increase the pension in this way. That is what I said.

Mr. MORRILL. One hundred dollars for his services, and $22.50 a month as a pension.

Mr. TAULBEE. Yes, sir.

Mr. ZACH. TAYLOR. Mr. Chairman, as I reported this bill I should like to say a word or two in reply to the gentleman from Kentucky [Mr. TAULBEE] who has just taken his seat. I did not know that the Committee on Invalid Pensions had in its charge any bill for the relief of General Kelley when this bill was referred to our committee. Hence it was not with any object of taking jurisdiction away from the Committee on Invalid Pensions——

Mr. MORRILL. Will you allow me to ask a question?

Mr. ZACH. TAYLOR. Certainly.

Mr. MORRILL. Did you not know when you considered this bill that it had been improperly referred to your committee? Did not the very face of the bill show that fact?

Mr. ZACH. TAYLOR. I really never thought about it at all. If anybody is to blame for the erroneous reference of this bill it is the House or the Speaker or the clerks—not our committee. We did not think about that question at all. The House referred the bill to our committee. When we have discovered that bills of this kind have been improperly referred to us we have reported them back in order that they might receive correct reference.

I wish to explain my connection with this bill. I have been as careful and scrupulous about reporting any bill for an increase of pension as any man, either on our own committee or on the Committee on Invalid Pensions; and I believe I can say I have opposed in the Committee on Pensions more bills for the increase of pensions than any other member of that committee. I did not know anything about the Committee on Invalid Pensions having this bill.

Now, as to the merits of this case. This gentleman is nearly eighty-one years old——

Mr. BRECKINRIDGE, of Arkansas. Seventy-nine.

Mr. ZACK. TAYLOR. He is very feeble. He was shot through the lungs during the war; and if members of this House really knew the circumstances of this case, I do not think any one would have the parsimony to vote against giving him this increase of pension. He deserves it as much as any soldier ever did. I feel that I am only discharging a public duty in voting for the passage of this bill.

Mr. WILSON. Mr. Chairman, so far as concerns any conflict of jurisdiction between committees of the House in reference to this bill, I have heard that question raised for the first time to-night. After this bill had passed the Senate, as I felt a great deal of interest in securing its favorable consideration, I inquired which committee of the House had it in charge, and was directed to the Committee on Pensions. I was not aware that any bill on this subject was before the Committee on Invalid Pensions; and I of course took it for granted that the reference to the Committee on Pensions was a proper one in accordance with the distribution of committee work in this House. I went before the Committee on Pensions, and called attention as best I could to the facts upon which, as it seemed to me, this application might justly rest; and I am glad to say this committee promptly reported the Senate bill to the House with a unanimous recommendation that it receive favorable action. That report I find was made on the 3d day of June. The report made by the gentleman from Kentucky from the Committee on Invalid Pensions was made on the 22d day of June, nearly three weeks thereafter.

Now, I am sure the Committee of the Whole is not going to allow this bill to be prejudiced because of any conflict of jurisdiction between the committees that have considered it. I desire to occupy only a few moments in calling attention to the facts which give this bill its peculiar merit, and which in my judgment make it one which this House without question ought to pass just as it came from the Senate.

General Kelley is a West Virginian—not from my district, but from the district represented by my colleague [Mr. GOFF]. It is not contended by those who champion General Kelley's cause here that he was one of the great commanders of the late war; that he ever gained a great and imposing victory or ever commanded a large army in a conspicuous field. But it is contended, and it is proved by the report in this case, and by the records of the war, that his services were of so useful a character as to have been more effective for good and to have contributed more to the substantial results of the war than the services of some men who did command great armies, who figured in the bulletins and histories of the war and in the newspapers.

This report shows that early in May, 1861, before the State of Virginia had adopted her ordinance of secession, although she had her

armed forces in the field, General Kelley was commissioned to raise the first regiment raised in any Southern State; that without a moment's hesitation, while all around him were wavering, and while in the northwestern section of Virginia there was such diversity and conflict of opinion that few men could tell whether they would stand by the Union or follow the mandate of the State; under these circumstances, when to decide and act promptly was of more consequence than much greater achievements at any later stage of the war, General Kelley promptly raised his regiment, marched against the opposing forces, fought the first fight, and gained the first victory of the civil war. Very few of us remember anything of that fight at Philippi, a village in my own Congressional district; but those who can go back in memory to that date will recollect what was the effect from one end of this country to the other—the moral effect both North and South—of the brilliant little skirmish fought by General Kelley in that town of Philippi, a skirmish in which he received those fearful wounds he bears upon him to-day, bringing him pain and suffering and disabling him in his old age from any work by which he can support his family.

Mr. Chairman, all of General Kelley's operations, so far as I am informed, were in the section of country which I have the honor to represent on this floor. He fought his first fight there. I represent here many of the soldiers who fought under General Kelley, and I represent a still larger number of the soldiers who fought against him. Gentlemen who live in the Northern States and gentlemen who live in the Southern States do not realize what it was to live in a border community where sentiment was divided, where, when the war came, men from the same household buckled on their armor and went into opposing armies. It was in just such territory as this, where neighborhood was divided against neighborhood, county against county, family against family, and often members of the same family arrayed against each other, that General Kelley conducted his operations during the war. And it gives me pleasure on this floor to-night to say—having differed with my colleague on the other side, as he, a school-boy, went in one direction and I went in the other—it gives me pleasure on this floor to-night to testify on behalf of the soldiers I represent, both those who fought against General Kelley and those who fought with him, that no act this committee could pass could give them greater pleasure than to grant this old veteran this substantial pension for the few remaining months of his life. [Applause.]

Those who fought under him know he was skillful and prompt and courageous. Those who fought against him testify to that; and they further testify that in just such a community as I have described, where brother was arrayed against brother, where the horrors of war were aggravated by rapine, by plunder, and by oppression which other communities escaped, General Kelley never struck a foul blow and never failed to put forth his arm, and to put it forth vigorously and promptly for the protection of defenseless non-combatants. I say this, sir, in justice to the man. [Applause.]

Now, as to the principle involved in this pension, I know we are trying to place this old veteran in a very small and select list. There are but two, not more than two soldiers of the war who are receiving as much as $100 a month. General Shields had such a pension voted to him. General Black, I believe, has such a pension voted to him. Some colonel from Pennsylvania whose name I do not remember, but General Osborne championed his bill on this floor, has had a like pension granted to him by a yea-and-nay vote in this House. We present this old veteran, seventy-nine when the bill was introduced, eighty now; in the course of nature having but a few months more, or, at most a few years more, to live—bearing, I say, these honorable wounds received in the first skirmish of the war, one whose services by reason of their promptness, of their decision, of the time he struck, and the circumstances under which he struck were so valuable and useful to this country and contributed so much to the subsequent current of events in the section in which his military operations occurred; and it seems to me when we state these facts we do make out that exceptional case which entitles him to the favorable consideration of the House and of the country for the pension which his friends request.

It is true that General Kelley, under the stress of poverty—and poverty when it is accompanied with extreme old age is a fearful pressure to be under—under the stress of poverty has accepted a clerkship in the Pension Office, subject to the discipline the other clerks there are subject to, compelled to sit at his desk and comply with the rules that young and vigorous men are compelled to comply with, suffering with his wounds, with weakness and decrepitude; but to-day he is not there except under dire necessity of poverty, and it is to relieve him of this pressure and to enable him, as I said before, in the few months, or as we hope in the remaining years of his life, to have some of the repose and freedom from anxiety to which he is justly entitled, that I, speaking, I say, for both sides, for those who fought under him and those who fought against him, appeal to this House to pass this bill as it came to us from the Senate. [Applause.]

Mr. PRICE was recognized.

Mr. WILSON. I yield to my friend from Kentucky such time as he may desire.

The CHAIRMAN. The Chair has recognized the gentleman from Wisconsin, but will afterward recognize the gentleman from Kentucky.

Mr. PRICE. Mr. Chairman, I rise to move that the bill be amended by striking out the sum fixed, namely, $100 per month, and inserting in lieu thereof the words "subject to the provisions and limitations of the pension laws."

Mr. MORRILL. That is what he gets now.

Mr. PRICE. I am informed by those who know the facts that he gets a pension of $22.50 a month; but I am told also by men skilled in military affairs, and especially in the pension laws, that the rank he held would entitle him under these laws to a pension of $30. He does not therefore receive, according to that statement, what he is entitled to under the law. But it does not matter to me, Mr. Chairman, whether he gets 30 cents or $300 a month. I want the broad, general, comprehensive rule established and enforced and made applicable in this and similar cases that you apply to all other American soldiers; and I want the same rule you enforce with reference to them applied to this man—gallant, self-sacrificing, and skillful though he may have been.

If I could be seduced from the path of duty I do not doubt but that it would be by the eloquence and fervid utterances of my friend from West Virginia who has just taken his seat. If I could be governed by my sentiments instead of my honest convictions of what I believe to be a spirit of justice to all of our soldiers, I would vote for the passage of this bill.

But yet, Mr. Chairman, you must not forget the fact that he alone, gallant as he was, did not do all the fighting and did not win the victories. You must not forget the important fact that when he carried the starry banner into the enemy's country, as stated so eloquently by the gentleman, and won the first fight, that there were other men with him who did the fighting, who did the hard, stern duty of war, on the march, in the camps, and on the field, and that he alone should not be accredited with all the honor of the victory.

If we had a pension of $100 a month for all of our disabled soldiers who won victory in the face of danger and death, I would most cheerfully vote for it in this case. But I protest in the name of justice to all our American soldiers against the unequal and discriminating policy of giving a large sum to one and a slender pittance to the other. I would have all of them placed upon an equal footing and treated alike. Why should they not be?

My experience and observation in this world, Mr. Chairman, lead me to the conclusion that there were men in the ranks who were just as gallant, just as brave and as self-sacrificing; men who loved the flag as well, in whose veins the patriotic blood flowed just as warmly and tingled with just as much ardor and enthusiasm as in the case of the commanders; and it is not right, in common justice to these men, to permit sentiment to control our action in such a case as this, deserving as this man may be, and lead us to forget the fact that we have not $100 a month for all.

It is in conflict with every principle of justice; it is opposed to every consideration of right; and when the time shall come, if it ever does come, which God forbid, that we shall need our gallant soldiery to unfurl that banner in an enemy's country, your policy, this policy that gentlemen are pursuing here, will enable you to get men, too many of which we had before as simple commanders, but not enough men to create the great rank and file without which it would be impossible to win victories or prevent disaster.

I have no desire to make further speeches. I have no wish to consume the time of the committee. I know what I want to do. I know what you will do. I know if you start a proposition here with a brigadier-general behind it, and invoke the fervid eloquence of my friend from West Virginia and of some gentleman on this side of the House, you will carry it through with a rush, following blindly the path that is marked for you in a manner which does credit to your hearts but does little honor to your brains.

My friend on the right here tells me to shut up. [Laughter.] Well, perhaps I ought to. I know I can not make as good a speech as he does. He relies on his heart for his inspiration, and I on mine tempered somewhat with such little brains as I may possess.

I therefore, sir, move you, as I said, to strike out $100 where it occurs in this bill and insert "subject to the provisions and limitations of the pension laws," which will give him, as I understand, $30 a month.

The CHAIRMAN. The Chair will now recognize the gentleman from Kentucky.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I suppose it is really unnecessary to say a word in support of this case, and yet it presents an aspect which renders it pleasant for me to ask your indulgence for a few moments upon it.

I know better than the gentlemen who represent the extreme Northern or Southern States the condition of things in the border States during the spring of 1861. It was a condition of affairs that probably had no parallel in history, and has not had justice done to it in the lives of the men who claimed power, which was somewhat obscure but extraordinarily important, if not vital. There were in these States, especially in the mountain regions, such as in West Virginia, parts of Tennessee, and parts of Kentucky, as well as portions of North Carolina, a certain number of men who, it is not too much to say, perhaps saved the Federal Union.

I do not mean to say, Mr. Chairman, that it might not have had the same result if there had been no division, because it is impossible for human intelligence to say that the result would have been different; but I do mean to express my own opinion that if in the month of April, when Sumter fell, there had been that unanimous impulse that carried certain States out in those mountain regions, so that West Virginia, Tennessee, and Kentucky had gone with enthusiasm and all their vigor, it is not at all unlikely that the result would have been very different from what it was.

I know something of that period. I was so peculiarly situated that I happened to have somewhat of the confidence of men who were on extreme sides; and I know that the efforts of a few resolute, determined, and heroic men gave the necessary breathing time to organize the Union sentiment of the border land. I can afford to say this, although I disagreed *toto cœlo* with those men. I can speak from personal knowledge of one of them who is here to-night. There were in the State of Kentucky three distinct parties of three distinct modes of thought—the men who believed in going South, the men who believed in fighing for the Union, and the men who were not quite sure which side they would take. And we men who were for going South waited, hoping we could get that middle element. But such men as General Wolford and Bramlett and Rousseau in Kentucky put arms into their hands, and into the hands of a few men; and that gave to the Federal administration the opportunity to organize in the State of Kentucky and carry Kentucky away from us and make it give seventy-five thousand soldiers to the Federal Government.

In the State of Tennessee there was a similar manifestation. In East Tennessee and in Virginia there was a similar body of men, mostly residing in West Virginia. I speak of things which may have been forgotten, but which I know to be true.

Another thing I wish to speak of, Mr. Chairman. Those men during the war when they could be harsh were kind; when they could be oppressive were generous; when they could be dishonest had clean hands. It was not by that class of men that the rapine and plunder and the oppression of which my friend from West Virginia speaks was countenanced nor was it from them it came. Those men who with simple fidelity at the beginning of the war stood by their conviction were of the class of whom we are told that—

> The loving are the daring
> And the gentle are the brave.

They were the men that gave to us confederates when we returned our rights and our privileges, for having fought like heroes they were willing to forgive like gentlemen.

Now, sir, to that class of men this applicant belongs. I never saw him; I do not know that I ever will see him; but I know the type of man to which he belongs—prompt to do what he thinks is right, with the convictions that lead him in the line of duty, and with the courage to stand by his convictions; brave in the discharge of any duty, but discharging it with kindness, with liberality, and with magnanimity. Now wounded and aged, he comes to the country,that he helped in the time of her peril and asks for a mere support.

Mr. Chairman, I am not much given to voting pensions, because I reserve the right as a Representative to select out of the cases such as seem to me to be proper; but when it is a proper case to give a pension I do not want to dole it out, counting the nickels as I dole them; but I want to give it with a generosity that shall be somewhat commensurate with the generosity with which the blood was given by the applicant for the pension. [Applause.] And whenever another war comes you need not tell me privates will not volunteer because they do not get pensions. It was not the pension-seeking soldier that saved the Federal Union. It was not your bounty-men who saved it. It was the volunteer that went in early. It was the man that did it out of a sense of duty. It was the soldier who felt he was under the star-spangled banner of his country fighting for what he believed to be the right, fighting as he believed to save his country. They are the men who are going to save it again. [Applause.]

All this idea that there was a merchandise in blood and that a man sold his services for so many pieces of silver is not a just tribute to our brethren who fought in that glorious, even if it was a sad and disastrous, war. For myself, sir, I feel they were my brethren although I fought against them. In some homes there are crossed swords, one of which was held by a grandfather that fought on one side and another by a grandfather that fought on another. In many an English home there are such relics of the past; and the sons that inherit the commingled blood of the men that fought in the wars of the Roses or as Cavalier and Roundhead look back to the days when their ancestors fought, not with carping criticism as to the side, but with tender and grateful memories of the courage and heroism displayed. And I do not hesitate to predict in this Hall of the American Congress that the day will come when the memories of our soldiers, ay, sir, I repeat, our soldiers, whether they wore the blue or wore the gray, now buried in indistinguishable graves will be indistinguishable in their memory and the grateful recollection of our posterity. That day has not come now, but it will come; it will come because in your great war those soldiers were exemplars of manhood, of heroism, of devotion, of courage; and standing in my place to-night I want to hurry on the dawn of that day by giving to this old soldier the meed of my praise, the tribute of my admiration, the humble obeisance of my respect accompanying it. We ought to vote not for him only, but for every gallant soldier who through conviction did honestly do his duty. God bless them where they live. Upon their graves I have naught but a wreath of flowers to lay. [Great applause.]

Mr. CUTCHEON. I can say in one minute or less all that I desire to say on this case. We are told that this old man is at work in the Pension Office as a common clerk, and that is urged here as a reason why his pension should not be made larger. I desire simply to say that this Government ought not to allow this old man to work another day—this man, eighty years old, who gave his young life and his young blood to his country. I think this Republic is great enough and rich enough to take that burden off his shoulders and give him whatever is necessary for his comfortable support during the remainder of his days. [Cries of "Vote!" "Vote!"]

Mr. TAULBEE. Mr. Chairman, after the sentiment of the House has became so apparent under the eloquent appeals of the friends of this bill, I do not know that it is necessary, or even proper, that I should say another word, but, while I agree with every sentiment of admiration expressed here for the patriotism and the courage and the devotion of this soldier, as well of the other soldiers who fought for the Republic, I wish to call the attention of the House and of the country to the fact that there are hundreds and thousands of soldiers throughout this land who fought as gallantly for the flag that we all love as did this man, who received wounds in the service rendering them unable to procure a livelihood by their labor, and who are drawing pensions ranging from two to eight dollars per month.

It is in the name of the soldiers who followed, not those who led, the soldiers who bore the muskets and knapsacks that I appeal to you as the American Congress, feeling that I am backed by the men to whose muscle and courage and blood is due the safety of this Government which guarantees to us and to our constituents the privileges which we enjoy. Go, Mr. Chairman, to the humble homes of these private soldiers of the mountain region of which my colleague has spoken so eloquently; go into my own district, if you please, where we are not blessed with great men [laughter], but where the private soldiers rushed to the rescue of their country at the first tap of the drum; go to their humble homes as I have gone, sit down by their firesides, look at the evidences of poverty, dejection, and want; see those soldiers with their wounds yet open, look at the evidences of distress as you read in their pale faces the story of their sufferings during the war and since. I appeal to my colleague to turn his eloquence in the direction of benefiting those to whom the most honor is due and to whom pensions would bring relief from actual suffering and want.

Mr. BRECKINRIDGE, of Kentucky. Will my colleague allow me to say that he has never reported a bill that I have had a chance to vote for that I have not voted for it, just in blind faith, asking no questions, being willing to follow him in any kind act that his sense of duty prompted?

Mr. TAULBEE. I am very much obliged to my colleague, but, Mr. Chairman, I was laboring under a mistake—I did not think that my colleague had voted for the widows' increase bill.

Mr. BRECKINRIDGE, of Kentucky. Ah, that was not reported by you as an individual case.

Mr. TAULBEE. Perhaps I did not make the report, but I advocated the bill, and that is the kind of bill, Mr. Chairman, that I shall always be found ready to advocate, a bill that goes out and ramifies through the different sections of our country and seeks out the suffering soldiers and their widows and gives them relief.

Mr. JOHNSTON, of Indiana. Will the gentleman allow me a question?

Mr. TAULBEE. Yes, sir.

Mr. JOHNSTON, of Indiana. Why did not you report Senate bill 1886, to pension all the disabled soldiers?

Mr. MORRILL. We did.

Mr. JOHNSTON, of Indiana. You did, but you cut it all to pieces. You cut the heart out of it.

Mr. TAULBEE. Mr. Chairman, I do not think the gentleman understands just what we did in that particular. We did report a bill that proposed to relieve those suffering men, the soldiers of the Union, who were in needy circumstances and unable to procure a living by their labor, regardless of how their disability was incurred, whether before or during or since the war. I voted in favor of that bill in committee. I have urged it upon this House, and I am ready to-night, to-morrow, or at any other time, as long as I have a seat upon this floor, to vote for that and all similar bills.

But, Mr. Chairman, this bill is different. I agree that such men as General Kelley rendered gallant service to the Union cause, and that to such men as General Kelley is due the Union of the States to-day. But shall we say that all the honor is due to one man or one set of men? Shall we say that the victory of the Union arms was won by the officers or by a few? I enter my protest against such assertions. I say that it was the hard-handed private soldier who bared his bosom to the

storm of shot and shell and stood to his flag on every battlefield that saved the Union, and that to him is due the praise and the gratitude of this and all future generations.

Mr. NEECE. Mr. Chairman, I move to amend by striking out "$100" and inserting "$50," so as to make this pension $50 a month.

Mr. BRECKINRIDGE, of Arkansas. I ask the gentleman from Kentucky [Mr. TAULBEE] what family General Kelley has.

Mr. TAULBEE. I do not know; perhaps the gentleman from West Virginia [Mr. GOFF] may be able to tell us.

Mr. GOFF. He has a wife and two grandchildren.

Mr. BRECKINRIDGE, of Arkansas. An aged wife and two grandchildren dependent upon him?

Mr. GOFF. Yes, sir.

Mr. WINANS. What is the age of the grandchildren?

Mr. GOFF. I do not know exactly; but they are along in their teens.

Mr. BRECKINRIDGE, of Arkansas. Are they still at an age when they require to be educated?

Mr. GOFF. Yes, sir.

A MEMBER. What are their ages?

Mr. GOFF. I do not remember—some fourteen or fifteen years.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, after the forcible arguments and eloquent appeals made to this House I think there is not any substantial ground for difference of opinion upon the points which have been considered. The gentleman from Kentucky [Mr. TAULBEE], a member of one of the committees, opposes this bill and does so upon a principle which is well worthy of consideration, but I take it that the bill is advocated in strict observance of just that principle. When a soldier of the Union Army has been badly wounded and has reached the age of seventy-nine or eighty years, when the infirmities of great age, which are not due to service in the war and in the line of duty but which come in the course of nature, are superadded to the wounds or disabilities caused by military service—when a man of that class applies for an increase of pension, being thus totally disabled, he is very apt to get it. Why, sir, we are advocating a pension bill for soldiers of the Mexican war, a bill predicated upon military service and the accumulation of age alone, and that is the argument in this case independently of the conspicuous personal service rendered by General Kelley. Total disability from wounds alone, requiring care and attention, as the very aged do, now secures for a private soldier under the general law $75 a month. That is practically this old officer's condition, now in his eighty-first year, as stated, and shot through and through, and he has three dependent ones with him. He would really be getting only $25 a month more than a private with no dependent ones. For whom do we do less?

We must consider each case in connection with the dependents upon the applicant. Why, sir, when we grant a pension to a private soldier we take into consideration the mother and the children or other dependent ones associated with him. I do not believe there is in the history of the country that agrarian sentiment, that objectionable spirit which it would be difficult to characterize, which would make pensions uniform throughout the country without any regard to the actual necessities of the applicant, as created by education and the nature of the service rendered to the country. I do not believe there was a gallant soldier on either side during the war who begrudged to his general officer a single dollar of the salary which he received; and the same sentiment would cause every private soldier to acquiesce in a certain degree in the higher grades of pensions which are given to officers as compared with privates.

I do not consider that the amount of pension recommended by the committee which reported this bill is at all out of proportion to the real necessities of this applicant or inconsistent with the consideration which is given to other applicants in similar circumstances, taking into view the dependents upon them and the actual measure of that dependence. I do not think that principle is violated in this application. I think the facts show, as I have tried to recount them. View this case in as cool, just, and businesslike a way as we can, apart from all sentiment, however noble and commanding, yet the facts show that this bill hardly brings this old general up to an equality with what we do for many private soldiers, instead, as claimed, making an invidious distinction.

Mr. CANNON. Mr. Chairman, I have no desire to detain the committee, and am somewhat diffident in addressing it at all after the eloquent speech of the gentleman from Kentucky [Mr. BRECKINRIDGE], to whom I always listen with very great pleasure. In a worthy cause he always moves me; and in one that does not meet my approval he is so plausible, so eloquent, and so forcible that I am moved even then.

But there is a class of men throughout the length and breadth of this country who I think deserve our consideration, men who served their country in the field, and who, now that age is coming on, find themselves disabled either by wounds or by disease contracted in the war, and who are not upon the pension-roll—can not be under existing law—men who send their petitions and prayers to this Congress asking for legislation which will give them, weak, disabled, and poverty-stricken as they are, some slight assistance for their support. It was of this class that I thought while the gentleman was talking so eloquently about this case, which I have no doubt is as worthy a case as he says it is; and I certainly have it not in my heart to vote against the bill after it has passed the Senate, has been favorably reported upon here, and is so eloquently advocated. This is the case of one claimant, while they number many thousands.

I did not rise to oppose this bill; but I did wish, while the gentleman was presenting this case so strongly, that it were possible to call up as a matter of privilege a case which I was not and am not now familiar with, except as I gathered the circumstances the other day from a message of the Chief Executive of the country. The case, as I understand it, was something like this, and the gentleman from Kansas [Mr. MORRILL], who I believe made the report, will correct me if I misstate it:

A man in the prime of early manhood entered the Army and served his country well. After twenty-five months of service he was discharged on account of disease of the heart—valvular disease of the heart I believe it is called in the message of the Executive. He was a sound man when he entered the service, but when discharged was unable to work. Poverty-stricken, with a family dependent upon him, he was thrown out of his home, and went off alone to hunt some shelter for himself and his wife and small children. He was never again seen alive; but six months afterward his skeleton was found in a byway. It did occur to me that in such a case as this humanity would justify the presumption that the man died from valvular disease of the heart contracted in the military service. But the President thought otherwise, and returned the bill here with his veto, although the pension proposed to be granted to his widow was, I believe, only $12 a month.

Mr. HILL. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HILL. Is it in order for the gentleman from Illinois to discuss a Presidential veto when a private pension bill is under consideration?

Mr. CANNON. I am only illustrating the point I make. I will observe the rules of the House.

The CHAIRMAN. The gentleman from Illinois is familiar with the rules of the House.

Mr. CANNON. I did wish when I heard the gentleman from Kentucky that he had heretofore, or would now, or will hereafter rise in his place and help two-thirds of the members of the House on both sides to consider and pass that bill and give that widow a pension of $12 a month.

One step further. There is in every neighborhood throughout the length and breadth of the Northland and in the border States and in many of the Southern States men who served their country well in the late war who can not make the technical proof under the law to entitle them to go upon the pension-rolls, but who are disabled and dependent upon their labor for support, men who are standing advertisements to all their fellows who were in the Army and out of the Army that justice is not being done to them. They have knocked at the doors of Congress year after year.

The Senate has passed a bill to pension them months ago. Oh, I wish the gentleman from Kentucky, with that eloquent voice of his, and with his magnetic power, would advocate even-handed justice to this class of people and help the men on that side of the House and on this side of the House to give not $100 a month, but $8 or $12 a month to these worthy men, men who entered the Army not as officers—and I have nothing to say against the officers, for God knows you can not have an army without officers, and you want able men—men who did not occupy as important positions, yet who made part and parcel of that magnificent Army to which the gentleman and all of us owe a debt of gratitude which can not be paid. [Applause.]

I only want to say to the gentleman from Kentucky that there is some danger we may pick out the case of a man in the border land he speaks of or elsewhere eighty years old and give him $100 a month, and with the eloquent speeches and high-sounding phrases we may feel our duty is done, when there are thousands of humble men who had the sentiment of patriotism in their hearts, and who offered all they had, and no man could give more, in the defense of the flag of their country—there is some danger, I say, these men may not receive evenhanded justice and the pittance which the country demands and the Senate has given and now awaits the action of this House.

I beg the gentleman from Kentucky, not for political effect—gentlemen will bear me out I have borne myself modestly touching these matters, but I beg for my constituents, and the constituents of us all, that these men, before this Congress shall adjourn, shall have this general bill passed for their relief. I feel called upon to say that, not by way of criticism, not to find fault, but to give warning that we do not set up one case or two cases as beacons, and in the light of those cases let the humble men of the country who deserve well of the Republic go without the simple mite which is due to them from the Treasury of the country they helped to save. [Great applause.]

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, if the speech which we have just listened to had been made by some other gentleman it would have excited no surprise; but when a gentleman so able, whose seat in Congress is so certain, whose necessities for calling upon what is supposed to be the help of the brave soldier are so entirely small, follows the speeches made this evening, the speech we have just heard does cause surprise.

I take it for granted the meaning of it is this: First, it attacks in a covert way the bill; and second, it is a covert attack on myself. So far as the bill is concerned I leave that to gentlemen on the other side, knowing the gentlemen on this side who intend to vote for it will not be driven off from that purpose by the temper and tone and criticism of the speech just made. So far as it is a criticism on what I have had the honor to submit to the House, I have no other answer to make to it than this: In each case whenever it shall arise I shall give to that case the best thought I can, and will vote what I think my duty and convictions require me to vote.

I shall do that as I have been in the habit of doing it, not deterred by any criticism the gentleman may choose to make upon me.

No man goes further than I in true admiration of the private soldier wherever he may have fought, if he did his duty. No man has more contempt for any form of demogogy to attract the vote of the private soldier than I. [Applause on the Democratic side.] Wherever a private soldier fought and fought well, he deserves praise, but it is the merest—I will not use the word I intended to—it is utterly obliterative of all the distinctions of both war and peace that does not recognize the distinction of position.

You give the salary of a Chief-Justice to a retired Chief-Justice; you give the salary of a district judge to a retired district judge, and so on in all positions in civil service in everything; that is, you recognize the position of the person upon whom you are conferring the favor or to whom you are giving the benefit.

I know nothing of the case to which the gentleman has referred; and yet when we shall be called to take a vote upon it I shall endeavor to vote in such manner as to satisfy my own conscience.

It seemed to me, Mr. Chairman, that it was not improper in me to have said this much, while perhaps it would have been improper to have passed unnoticed and in silence the speech of the gentleman in reference to myself.

Mr. CANNON. A single word.

The CHAIRMAN. The Chair has promised to recognize the gentleman from Missouri.

Mr. BRECKINRIDGE, of Kentucky. I yield to the gentleman from Illinois; but not until after I have yielded, as promised, to the gentleman from Kentucky, my colleague [Mr. WOLFORD].

Mr. CANNON. Just a single word in response.

I must confess to very great surprise at the remarks just made by the gentleman from Kentucky. It was not in my heart to criticise him personally or to antagonize this case; and notwithstanding the statement he makes that my remarks savored of demagogy and were made for a selfish purpose, I must say to him and to the committee I am not aware that there has been anything in my service in this House that would lay me open to that insinuation or imputation.

I certainly did not in my remarks seek to array prejudice against this measure nor against those who held position in the Army. On the contrary I stated that no army could exist without its generals, its captains, its officers.

I certainly would not detract anything from any of them. I simply aimed to say, and thought I did say, that in representing my constituency—and here all the country are my constituency as well as the constituents of every other member of Congress—that I believed justice was not being done to a great many soldiers of this land, not as to the rate of pension they were getting, but as to the fact that they were getting no pension at all, no matter how much entitled to it. My remark was in good faith. I state it again, repeating what I said; and having stated this much, if my remarks lay me open to the accusation of demagogy, then I am glad to be a demagogue, and shall so continue one of the chief of demagogues to the end of my service in this Congress, or until by apt and proper general legislation justice is done to these men. [Applause.]

Mr. BRECKINRIDGE, of Kentucky. I have but this to say: So far as my observation of the gentleman's service in the House was concerned it was such that his speech filled me with surprise. I made that statement and I repeat it: his speech filled me with surprise. We were engaged in a case without a single criticism that entered the domain of partisan warfare, and without any excuse that I could see the gentleman made a sneering partisan speech.

I yield to the gentleman from Kentucky.

Mr. CANNON. Yield to me before you do that. You can not afford to make a remark of that kind and do me such injustice as to prevent a reply. I did not mention party. I did not intimate that there was party in the question. On the contrary, I was speaking of these men without regard to party. Many of them are Democrats, but all, without reference to party, who performed their duty and are disabled and dependent on their labor are entitled to relief.

Mr. BRECKINRIDGE, of Kentucky. The gentleman made a distinct assault upon the President and a violent assault upon the majority of this House.

Mr. CANNON. Oh, if it is a crime to criticise and condemn the vetoes of the President, then I am guilty of flagrant crime, for I feel like assaulting them now and to the end.

Mr. BRECKINRIDGE, of Kentucky. I have no answer to make to the gentleman as to his attack upon the vetoes of the President. I am not engaged in that now. When the time shall come, if it be necessary or it shall fall upon me to do so, I will try to make fitting answer.

But the point I made, and the gentleman repeated the offense, was that at a time when the House was engaged in all honesty in an endeavor to do a generous act and a just act, the gentleman injected a bitter and unnecessary partisan speech.

I yield to the gentleman from Kentucky [Mr. WOLFORD].

Mr. CANNON. I am the judge of the propriety of my action here, and am willing to let the country judge who is the partisan, the gentleman from Kentucky or myself.

Mr. BRECKINRIDGE, of Kentucky. Undoubtedly the gentleman is judge of his conduct, but I am judge of the answer to make to him.

The CHAIRMAN. The gentleman from Kentucky on the right [Mr. WOLFORD] has been recognized by the Chair, and is entitled to the floor.

Mr. WOLFORD. I hope nothing will transpire coming from the mouth of any gentleman for any purpose, partisan or otherwise, that will keep a gallant officer that did his duty to his country in trying moments from having justice at the hands of this Congress.

I want in my way—and I make no effort at eloquence, I shall attempt to make none—I want in my plain way to talk about this question as it ought to be talked about, according to my judgment. In the first place there was a difference between the gallant and the brave men that went to fight for their country in a trying time, in an hour that tried men's souls. There was a difference then and there is a difference now, and will be while God Almighty continues to rule the universe, between the power of intellect, the power of mind, the power of decision, the great heart and soul that come to a great cause; and there never was a greater cause than the cause of this Union and of the flag of this country.

It required a great heart and a great soul for a man to stand up for that great cause in a trying time when he was surrounded by men who disagreed with him, who thought the country ought to be divided and the Union destroyed, that we ought to have two governments where one existed. That feeling was strong and powerful, and mighty men, men of eloquent tongue, men of powerful hearts, men of powerful souls, all over the country were pledged to that view. Just at such a time as that this gallant man in Virginia, right in the very heart of those who said that the country ought to be divided, declared with a manliness, with a nobleness that will always be remembered by every patriot and every lover of his country: "We go for the flag of our country, for the land of Washington; we go for its unity, its integrity of territory." It required no little power of mind, no little power of resolution, no little soul, no little heart to make and stand by such a declaration as that under those circumstances.

Will gentlemen tell me it is doing injustice to the private soldiers when you vote to pay this man? No, sir; you can not pay him; money will not pay him; it is impossible to pay him. But you vote to honor yourselves, and to honor your children, and to honor your country by voting him such a pension as will put him above want. Will my eloquent colleague from Kentucky tell me that is doing injustice to the private soldier? Stop and think for a moment how that is doing any injustice to the private soldier.

No man will go further than I will to pension every private soldier. And let me here, before I forget, digress a little. We are making a mistake in this Congress, and it will be seen by our children and those who follow us. There are other men besides the men that were wounded that got sick and that became disabled; there are other men that require and demand for their services recognition for going in winter's cold and summer's heat in the face of the enemy, in the face of those that defied their country, for going and fighting three and four years. They were the men that bore your flag on many a field; sometimes it trailed in the dust when they were hard pressed; sometimes they gained a glorious victory. But through trouble, through tribulation they went onward and onward till the glorious victory was gained of which everybody is proud, even the men who fought on the other side now thank God that victory was gained.

There are other soldiers besides those that get wounded. That poor fellow that went for years through the fight for his country that never was wounded but suffered all the hardships of the war—is he entitled to no credit? Will not gentlemen enlarge their souls and their sympathies when they think of him and will they not say that gallant soldier who fought so long and so bravely for his country, though he might not be wounded, deserves a recognition at the hands of his rich country? For, Mr. Chairman, we are rich. No one can say that America is poor and poverty-stricken. Day after day we are getting richer and richer. We are abundantly able to pay a pension to every soldier of our war.

But I am not going to digress on such a subject to-night. When gentlemen talk about doing injustice to private soldiers, they ought to think they are doing injustice by withholding their voice and their votes from pensioning every private soldier in the country. They ought all to be pensioned. That is what ought to be done, and what you will yet do. I will not be in Congress to see it; but those who come after

me will see I was right in my view. They ought to be pensioned. And I will repeat again that every confederate soldier from whom we took an arm or leg should have one given him by the Government. You will come to that, too. That is my prediction. I am old and will not be in Congress again. I have declined to run again. But the time is coming when you will remember my prediction.

Harmony will be restored. The people of this country will come back to their original patriotism, to their original love of country, that deep, abiding love that fired the Union heart during the war. That feeling will come like the spirit of the eternal God into the hearts of the people, and they will love all the brave and gallant men who fought either with us or against us.

Before I sit down I want to talk just a minute about another point.

Gentlemen speak about our doing injustice to the private soldier. My answer to those gentlemen is, I am ready to do him justice; are you? That is the question I put to them.

Gentlemen admit, my gallant friend from Illinois [Mr. NEECE] admits, that we ought to pension men according to their merits. We all honor General Washington more than we do any private soldier. We voted large annuities to General Grant, and to his widow, because he did more than any private soldier could do. That spirit has always operated in the history of mankind and it will operate while we have a history. The rule is that he who does much shall receive much, and he that does little shall receive little. No private soldier ought to demand for a moment the pension that should be granted to a gallant officer who had the mind and the heart and the soul to take the lead in a great crisis, to be true to his manhood, true to his honor, true to his flag, and to influence others to follow him.

This was such a man. He never trampled upon a fallen foe. That is the history that is given of him by the men that vote against him. He was always kind to his adversaries, always anxious to see justice done them. There will come a time when you will be willing to vote all these soldiers pensions, and there will come a time when everybody will admit that it is right and proper to give a higher pension to an officer than to a private soldier.

One word more, Mr. Chairman. I do hope that no jealousy between the Committee on Pensions and the Committee on Invalid Pensions as to which of them should have jurisdiction of this case will keep a just and righteous Congress from doing justice to a brave man.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois [Mr. NEECE] to strike out $100 and insert $50.

Mr. NEECE. I hope the friends of this bill will accept that amendment.

Several MEMBERS. No, no!

Mr. SPRINGER. Mr. Chairman, I want to say a word about this bill. I will detain the committee only a few minutes. I am acquainted with the gentleman for whose benefit this bill has been reported. During the last Congress we boarded at the same hotel and our rooms were on the same floor, and I speak of my own knowledge, outside of the report of the committee, when I say that he is in a condition that entitles him to receive the pension provided in this bill because of his disabilities incurred in the service of the country, and because of the further fact that he can have but a few more years in this world. I know that during the whole of the last Congress he was an invalid to such an extent that he ought not to have been required to take a clerkship in a Department in order to earn his living.

This man went into the service in 1861 as a colonel and served until 1865, when he was mustered out as a brigadier-general. He was wounded very early in the war, but did not cease his service until the close of the war. General McClellan wrote when he heard that General Kelley was wounded, "In the name of the country, I thank him for his conduct, which has been the most brilliant episode of the war thus far." General Morris said, "I feel that your country owes you a deep debt of gratitude for your services on the occasion, and a grateful people can not but render to you that honor you so richly deserve." Now is the time when the American people can respond to that promise of General Morris, and I hope it will be done by voting down all these amendments and passing this bill.

The question being taken on the amendment of Mr. NEECE, there were—ayes 19, noes 41.

So the amendment was rejected.

The question recurring on the amendment of Mr. PRICE to strike out "at the rate of $100 per month, said pension to be in lieu of that which he now receives," and insert "subject to the provisions and limitations of the pension laws," it was not agreed to.

The question being taken on laying the bill aside to be reported to the House with a recommendation that it do pass, there were—ayes 47, noes 13.

Mr. WINANS. No quorum.

The CHAIRMAN. The point of no quorum being made, the Chair will appoint tellers.

Mr. CUTCHEON. I move that the committee rise.

Mr. BAYNE. I hope the gentleman from Michigan [Mr. CUTCHEON] will withhold that motion for a moment. I ask the gentleman from Michigan [Mr. WINANS] to consent that this bill be reported to the House with a recommendation that the previous question be ordered, and that a vote be taken in the House when a quorum is present.

Mr. WARNER, of Ohio. Taken when?

Several MEMBERS. Next Friday.

The CHAIRMAN. The gentleman from Pennsylvania asks that it be agreed by unanimous consent that this bill be reported to the House with a recommendation that the previous question be ordered on it, and that a vote be taken upon it on Friday next.

Mr. WARNER, of Ohio, and others. A yea-and-nay vote.

The CHAIRMAN. Is there objection to the proposition of the gentleman from Pennsylvania? The Chair hears none; and it is so ordered.

Mr. CUTCHEON. I now renew the motion that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House, having had under consideration the Private Calendar, had directed him to report sundry pension bills with various recommendations.

CATHARINE LANIGAN.

The House proceeded to the consideration of the bill (S. 2349) granting a pension to Catharine Lanigan, reported from the Committee of the Whole House with an amendment striking out "fifty" and inserting "thirty."

The amendment was agreed to.

The bill as amended was ordered to a third reading, was accordingly read the third time, and passed.

MRS. JANE R. M'QUAIDE.

The next bill reported from the Committee of the Whole House was the bill (S. 1852) granting a pension to Mrs. Jane R. McQuaide.

Mr. CONGER. There was an agreement in Committee of the Whole that this bill be passed over to be voted on by a full House next Friday, immediately after the reading of the Journal.

The SPEAKER *pro tempore*. The question is on the third reading of the bill.

The bill was ordered to a third reading, and was accordingly read the third time.

The question being on the passage of the bill, the previous question was ordered.

The SPEAKER *pro tempore*. By an agreement in Committee of the Whole, as the Chair is informed——

Mr. CONGER. The bill was to be laid over till next Friday morning, to be voted on immediately after the reading of the Journal.

The SPEAKER *pro tempore*. The previous question having been ordered, the bill goes over under the agreement.

JOSEPH S. MOODY.

The House next proceeded to consider the bill (S. 948) granting a pension to Joseph S. Moody; which was reported from the Committee of the Whole House with a recommendation that it pass.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GENERAL BENJAMIN F. KELLY.

The House next proceeded to consider the bill (S. 838) granting an increase of pension to General Benjamin F. Kelly.

Mr. ZACH. TAYLOR. Under the aggreement which was made, I now ask the previous question upon that bill with the view that it may go over till next Friday to be voted on in a full House.

The SPEAKER *pro tempore*. If there be no objection the bill will be considered as read a third time and the previous question ordered upon its passage; and the bill will go over to be voted upon in pursuance of the agreement stated by the gentleman from Tennessee [Mr. ZACH. TAYLOR]. Is there objection? The Chair hears none.

Mr. NEECE. I ask that the yeas and nays be ordered now, in accordance with what I understand to have been the agreement.

A MEMBER. They can not be ordered now.

Mr. WINANS. It was understood that the question should be taken by yeas and nays.

The SPEAKER *pro tempore*. The RECORD will show what was the understanding.

Mr. WINANS moved to reconsider the several votes by which bills reported from the Committee of the Whole House had been passed this evening; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIFURS ROBERSON.

Mr. JOHNSTON, of North Carolina. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 3167) to restore the name of Lifurs Roberson to the pension-roll.

The SPEAKER *pro tempore*. The Chair is informed by the Clerk that the bill is not at the desk.

Mr. JOHNSTON, of North Carolina. I have a copy of the bill here.

although it does not show the amendment recommended by the Committee on Pensions.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to restore the name of Lifurs Roberson, late of the First North Carolina Regiment, Mexican war, to the pension-roll.

Mr. JOHNSTON, of North Carolina. The committee recommend an amendment, to strike out "First North Carolina Regiment" and insert "Fifth Tennessee Cavalry."

Mr. BUCHANAN. I would like to inquire why the name of this man was stricken from the pension-roll.

Mr. JOHNSTON, of North Carolina. It was upon the allegation that he was disloyal; but he proved his loyalty by showing that he was twice conscripted into the confederate army and twice deserted from it.

Mr. BUCHANAN. Can he not prove his loyalty to the satisfaction of the Pension Office?

Mr. JOHNSTON, of North Carolina. He has not been able to do it.

Mr. BUCHANAN. I think that, after the particularity which has been observed with reference to other pension bills, this bill had better go over.

Mr. GROSVENOR. I will not consent to the passage of this bill at this time and upon our present information.

Mr. WINANS. I move that the House adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 40 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BELMONT: Petition of John White, of Lawrence Station, L. I., for increase of pension—to the Committee on Invalid Pensions.

By Mr. J. T. JONES: Petition of Dr. George A. Ketchum and others, for continuance of appropriation for the National Board of Health—to the Committee on Appropriations.

By Mr. KING: Two petitions of citizens of Catahoula Parish, La., for relief from suffering inflicted by recent storms and floods—to the same committee.

By Mr. J. J. O'NEILL: Petition of vinegar-makers of Saint Louis, against bill repealing vaporizing laws of 1879—to the Committee on Ways and Means.

Also, petition of United States Maimed Soldiers' League, favoring Senate bill 2056, increasing pensions of maimed soldiers—to the Committee on Invalid Pensions.

By Mr. SPRINGER: Memorial of William C. Haines and other citizens of Manito, Mason County, Illinois, praying for the passage of the bill for the relief of ex-Union prisoners of war—to the same committee.

Also, petition of John Stewart and others, for the passage of Senate bill 2056—to the same committee.

By Mr. W. J. STONE, of Missouri: Petition of John H. Roberson, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. TAULBEE: Petition of William H. Shirley, of Lewis County, Kentucky, for relief—to the Committee on Military Affairs.

By Mr. VOORHEES: Petition of settlers upon school lands in Washington Territory, for such legislation as may be necessary to protect them in such settlement—to the Committee on the Public Lands.

By Mr. J. H. WARD: Resolution of the directors of the Board of Trade of Chicago against curtailing the Signal Service Department of the Government—to the Committee on Commerce.

Also, petition of Carter H. Harrison, mayor, and other officers of the city of Chicago in favor of early consideration of Senate bill 925—to the Committee on Public Buildings and Grounds.

By Mr. WILLIAM WARNER: Petition of George W. McKean, asking an allowance of $1,200, amount claimed to be due him as late postmaster at Lexington, Mo.—to the Committee on Claims.

The following petitions, asking for the passage of House bill 7887, repealing timber-culture, pre-emption, and desert-land acts; of House bill 7021, for adjustment of railroad and other land grants; of bill forfeiting all railroad land grants the conditions of which have not been strictly complied with; of House bill organizing the Territory of Oklahoma; of Senate bill opening a portion of the great Sioux reservation to settlement; of bill prohibiting aliens from holding land in the United States; of bill making Presidential and Congressional election days holidays, and punishing bribery; and of bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired, were severally referred to the Committee on the Public Lands:

By Mr. BUCK: Petition of P. Fitzpatrick and 90 others, citizens of the first district of Connecticut.

By Mr. BUTTERWORTH: Petition of John Hooldorbs and 120 others, of Richard Dondan and 216 others, and of W. F. Cummings and 43 others, citizens of the first district of Ohio.

By Mr. CABELL: Petition of G. W. Nonley and 40 others, of Samuel Baker and 64 others, citizens of the fifth district of Virginia.

By Mr. J. M. CAMPBELL: Petition of Michael McGuire and 64 others, citizens of the seventeenth district of Pennsylvania.

By Mr. CONGER: Petition of C. D. Brown and 71 others, and of N. E. Ratliff and 110 others, citizens of the seventh district of Iowa.

By Mr. DAVIS: Petition of James Madison and 45 others, citizens of the first district of Massachusetts.

By Mr. DUNHAM: Petition of Lewis Hogan and 48 others, citizens of the first district of Illinois.

By Mr. HARMER: Petition of George W. Waterman and 130 others, citizens of the fifth district of Pennsylvania.

By Mr. T. J. HENDERSON: Petition of L. A. Liitle and 230 others, citizens of the seventh district of Illinois.

By Mr. HEPBURN: Petition of D. B. Slater and 182 others, citizens of the eighth district of Iowa.

By Mr. HOLMES: Petition of W. G. White and 71 others, citizens of the tenth district of Iowa.

By Mr. J. T. JONES: Petition of B. Edwards and 35 others, citizens of the first district of Alabama.

By Mr. LAIRD: Petition of J. D. Chamberlain and 16 others and of C. C. Bennett and 25 others, citizens of the second district of Nebraska.

By Mr. McADOO: Petition of Alexander Vesan and 70 others, citizens of the seventh district of New Jersey.

By Mr. McRAE: Petition of D. D. Barber and 35 others and of T. D. Buchanan and 42 others, citizens of the third district of Arkansas.

By Mr. MURPHY: Petition of Oscar Kein and 26 others, citizens of the second district of Iowa.

By Mr. J. J. O'NEILL: Petition of J. Vaughan and 77 others, of K. Alexander and 84 others, and of George F. Andrews and 23 others, citizens of the eighth district of Missouri.

By Mr. PERKINS: Petition of Ed. Thurston and 85 others, citizens of the third district of Kansas.

By Mr. PETERS: Petition of Louis Abry and 46 others and of S. D. Fisher and 69 others, citizens of the seventh district of Kansas.

By Mr. ROCKWELL: Petition of A. A. Warner and 28 others, citizens of the twelfth district of Massachusetts.

By Mr. ROGERS: Petition of Henry Hart and 68 others and of W. T. Scullian and 175 others, citizens of the fourth district of Arkansas.

By Mr. ROMEIS: Petition of David Levisse and 48 others, citizens of the tenth district of Ohio.

By Mr. ST. MARTIN: Petition of Marcus Richardson and 120 others, citizens of the first district of Louisana.

By Mr. SCOTT: Petition of L. L. Brown and 80 others, of F. B. Shrew and 28 others, of William Morris and 39 others, of John S. Maultby and 86 others, and of T. P. Bell and 84 others, citizens of the twenty-eighth district of Pennsylvania.

By Mr. SPRINGER: Petition of Thomas Grant and 67 others, citizens of the thirteenth district of Illinois.

By Mr. E. F. STONE: Petition of George Morse and 53 others, of Andrew Falby and 15 others, of James Ryan and 70 others, of M. H. Rafferty and 22 others, of John R. McCormick and 22 others, of Charles A. Brown and 57 others, of George J. Davis and 25 others, of E. F. Colburn and 40 others, and of J. J. Cahill and 26 others, citizens of the seventh district of Massachusetts.

By Mr. WORTHINGTON: Petition of Ralph W. Lowe and 510 others, citizens of the tenth district of Illinois.

SENATE.

SATURDAY, *July* 24, 1886.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Attorney-General relative to compensation to H. L. Warren and N. C. Collier for defending a Zuni Indian under a charge of murder in the second judicial district of New Mexico; which was read.

The PRESIDENT *pro tempore*. The communication will be referred to the Committee on Indian Affairs, and printed.

Mr. DAWES. Perhaps it had better go to the Committee on Appropriations.

Mr. EDMUNDS. It ought to go to the Committee on the Judiciary first, without printing, and I will look at it and try to report an amendment.

Mr. DAWES. And then referred to the Committee on Appropriations.

Mr. EDMUNDS. Yes, and without printing, so that I can have it to-day.

The PRESIDENT *pro tempore*. The communication will be referred to the Committee on the Judiciary without printing.

HOUSE BILL REFERRED.

The bill (H. R. 8310) granting a pension to Cyra L. Weston was read twice by its title, and referred to the Committee on Pensions.

BOTTLERS' PROTECTIVE ASSOCIATION EXPOSITION.

The bill (H. R. 9208) to permit the entry free of duty of foreign goods for exhibition at the fourth biennial exhibition of the United States Bottlers' Protective Association was read twice by its title.

Mr. HOAR. That bill is in the ordinary form of similar bills, to allow to come in free of duty, subject to the Treasury regulations, articles for an international exposition. It is for the American Bottlers' Association, which is composed of some six thousand firms in this country, who employ about fifty thousand persons; and it is quite important that it should be passed promptly, because they are making arrangements already for the exposition.

I ask, therefore, that the bill may be passed. It has been shown to every member of the Finance Committee, I think, without an exception, and every member of the Finance Committee without exception authorizes me to say he has no objection to it.

Mr. ALLISON. I shall not object if it takes no time. If it leads to the slightest debate, I shall object.

Mr. EDMUNDS. Let it be read for information.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks the unanimous consent of the Senate to proceed to the consideration of a bill which will be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That all articles which shall be imported for the sole purpose of exhibition at the fourth biennial exhibition of the United States Bottlers' Protective Association, to be held in Boston, Mass., from the 18th to the 23d days of October, 1886, inclusive, shall be admitted without the payment of duties or of customs fees or charges, under such regulations as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles as may be sold in the United States, or withdrawn for consumption therein, at any time after such importation, shall be subject to the duties, if any, imposed upon like articles by the revenue laws in force at the date of importation: *And provided further*, That in case any articles imported under the provisions of this act shall be withdrawn for consumption or shall be sold without payment of duty as required by law, all penalties prescribed by the revenue laws shall be applied and enforced against such articles and against the persons who may be guilty of such withdrawal or sale.

Mr. EDMUNDS. I am not going to take any time about this, but I should like to have the acting chairman of the Committee on Finance tell me when, pursuant to this proposed law, these articles would have to be withdrawn for consumption or exported out of the United States. There seems to be no limit in point of time.

Mr. HOAR. The Secretary of the Treasury will fix that in his regulations, as I understand it.

Mr. EDMUNDS. You think that the provision of their being admitted under such regulations as the Secretary of the Treasury may prescribe would warrant him in making a lawful regulation, that being admitted they should be withdrawn within a certain time?

Mr. HOAR. I think that would be a fair condition under the circumstances, and I think that has been the usual form of such bills.

Mr. EDMUNDS. I am very much afraid about that. I have an impression that such bills have prescribed a time within which they should run out; but I do not know. It is a pretty dangerous way to pass bills when they first come here; but in this instance I am not going to object.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment.

Mr. HOAR. I ought to say that when I stated that I had shown the bill to every member of the Finance Committee I suppose I was understood as not to include the Senator from Vermont [Mr. MORRILL], who is absent, and I believe I have not shown it to the Senator from Nevada [Mr. JONES]. But I have shown it to every other member of the committee.

The bill was ordered to a third reading, read the third time, and passed.

PETITIONS AND MEMORIALS.

Mr. COCKRELL. I present a petition of merchants, manufacturers, and dealers of Saint Louis, Mo., praying for the passage of what is known as the James bill, providing that—

Residents of each State and Territory may, within the other States and Territories and within the District of Columbia, solicit from dealers or merchants orders for goods and merchandise by sample, catalogue, price-list, description, or other representation, without payment of any license or other mercantile tax.

I move the reference of the petition to the Committee on Commerce.

The motion was agreed to.

Mr. COCKRELL. I present the petition of Hon. Isaac H. Sturgeon, of Saint Louis, Mo., late collector of internal revenue and one of the prominent citizens of Missouri, praying for the establishment by the General Government of national savings-banks. This is a very carefully prepared petition. I move its reference to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. TELLER. I present two petitions of citizens of Colorado, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus. I believe the petitions should lie on the table, for I think most of the bills the passage of which is asked have been reported.

The PRESIDENT *pro tempore*. That order will be made.

PUBLIC BUILDING AT JACKSONVILLE, FLA.

Mr. MAHONE. I am instructed by the Committee on Public Buildings and Grounds to report back the amendment of the House of Representatives to the bill (S. 453) for the erection of a public building at Jacksonville, Fla. The amendment is an immaterial one, and I am directed to ask the concurrence of the Senate therein.

Mr. EDMUNDS. That is a report. Let it go on the Calendar and take its fair place with other reports of committees.

The PRESIDENT *pro tempore*. The Senator from Virginia desires the action of the Senate.

Mr. MAHONE. I ask concurrence in the amendment of the House. It is a quite immaterial amendment.

The PRESIDENT *pro tempore*. Does the Senator from Vermont object?

Mr. EDMUNDS. There is no objection to anything; only we can do but one thing at a time, and there are a great many things reported days ago.

The PRESIDENT *pro tempore*. If there be no objection——

Mr. ALLISON. I shall object if it takes a moment's time.

The PRESIDENT *pro tempore*. The amendment of the House of Representatives will be read.

The CHIEF CLERK. After the word "dollars," in line 9, the House of Representatives inserted the words:

Nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury:

The PRESIDENT *pro tempore*. The question is on concurring in the amendment of the House of Representatives.

The amendment was concurred in.

REPORTS OF COMMITTEES.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2794) to amend an act entitled "An act for the erection and construction of a public building at Oxford, Miss.," approved July 12, 1882, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1847) for the purchase of land for the Federal building in Brooklyn, N. Y., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 246) to provide for the erection of a public building at Charlotte, N. C., reported it without amendment, and submitted a report thereon.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 9736) to grant the Maricopa and Phœnix Railway Company, of Arizona, the right of way through the Gila River Indian reservation, reported it with an amendment.

Mr. MILLER. I am instructed by the Committee on Education and Labor to report back House bill 9232 with a recommendation that it pass. I desire to make a statement of half a minute, and then to ask that this bill be put on its passage. It will be remembered——

The PRESIDENT *pro tempore*. The title of the bill will be stated.

The CHIEF CLERK. A bill (H. R. 9232) to amend an act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

Mr. MILLER. I said I would make a statement of half a minute and then I would ask unanimous consent that the bill be taken up.

It will be remembered that in the last Congress we passed a bill prohibiting the importation of what is known as contract labor. That bill failed to make any proper provision for the enforcement of the law.

Mr. ALLISON. Mr. President, I must object. I can not yield for this.

Mr. MILLER. The Senator can not object to my statement, for I have not yet asked unanimous consent. He can not take me off my feet to do that.

Mr. ALLISON. I can object to debate on the bill.

Mr. MILLER. I am not debating the bill yet. I have not asked unanimous consent, and I can make a statement, I think. I shall have to commence over again as I have been interrupted.

Last year Congress passed a bill prohibiting the importation of contract labor. It was a bill demanded by all the labor interests of this country, but——

Mr. ALLISON. I rise to a question of order.

Mr. MILLER. That bill failed——

The PRESIDENT *pro tempore*. The Senator from New York will suspend. The Senator from Iowa rises to a question of order. He will state his question of order.

Mr. ALLISON. What is the question pending before the Senate?

The PRESIDENT *pro tempore*. The Senator from New York is making a report from a committee, as the Chair understands.

Mr. ALLISON. That report was made, I understand.

Mr. MILLER. It was not made. I said I would make a statement and then I would make a request for the consideration of the bill.

The PRESIDENT *pro tempore*. The Chair receives the statement as part of the report, not otherwise.

Mr. MILLER. I am making a report from a committee, and I have a right to make it.

The PRESIDENT *pro tempore*. The Senator from New York will proceed.

Mr. MILLER. That bill passed, but it failed to make any proper provision for its enforcement. It left it to the free option of any person in the country to make complaint against the importation of contract labor, to bring suit, and to recover damages. It did not instruct the customs officers of the Government to take any action in regard to the matter, but whenever a complaint was made by a private citizen or otherwise the district attorney was instructed to bring suit for damages against the shipmaster or against any other person connected with it. It has been found substantially to be inoperative.

Now, we have upon the statute-book a law forbidding the importation of convicts or paupers, and that law is properly enforced by the Treasury Department, acting through the commissioners of immigration, in the various ports of the country where there are commissioners, and where there are no commissioners then it is enforced by the collector of customs.

The law which we passed last winter, which was so much desired as I say, has proved to be of no substantial benefit except that it has acted as a warning to certain people against bringing in contract labor.

This bill now proposes to empower the Secretary of the Treasury to take such means and actions as will prevent the violation of the original law passed last winter. It enables him to make contracts with the commissioners of immigration, just as we have heretofore done in regard to the importation of convicts or paupers. In the city of New York, or where that whole matter is under the control of a board of commissioners of immigration created by the State of New York, and working under contract with the Secretary of the Treasury, they enter upon all steamships coming into the port to prevent the landing of any convicts or paupers, requiring the steamship companies to take such persons back to the country from which they brought them.

This bill proposes to give the Secretary of the Treasury power to do precisely the same thing in regard to convict labor, and it requires the Secretary of the Treasury to enforce the law instead of leaving it to the voluntary action of private individuals.

Unless this bill can be passed, of course the other law will go on indefinitely without doing any good. Therefore I ask unanimous consent that the bill be put on its passage now.

The PRESIDENT *pro tempore*. The Senator from New York asks the unanimous consent of the Senate to proceed to the consideration of the bill reported by him.

Mr. ALLISON. I reserve the right——

Mr. EDMUNDS. I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. EDMUNDS. I object, because the bill turns the whole thing of the control of vessels and everything else over to State officers and the power of the Secretary of the Treasury and collectors of customs will be entirely impaired. It is a very unsafe bill.

Mr. MILLER. Mr. President——

The PRESIDENT *pro tempore*. Objection being made, debate is not in order.

Mr. MILLER. When an objection is made, is that to be accompanied with debate?

The PRESIDENT *pro tempore*. The Chair does not think anybody heard the debate of the Senator from Vermont. The Chair promptly tried to check the debate.

Mr. MILLER. All right; let it go.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. GEORGE. I am instructed by the Committee on the Judiciary, to whom was referred the petition of Edgar O. Murden, a native of South Carolina, now a citizen of New Jersey, praying for the removal of his disabilities imposed by the fourteenth amendment of the Constitution, to report it back to the Senate. We find that he was only in the revenue-cutter service of the United States, and not in the Navy, and therefore his disabilities have already been removed. We recommend that the prayer of the petitioner be denied.

The report was agreed to.

TRANSFERS FROM SENATE LIBRARY.

Mr. SEWELL, from the Committee on the Library, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized to transfer to the custody of the Librarian of Congress such volumes and parts of volumes of newspapers in the files of the Senate as are not needed for current use in his office, and the Librarian of the Senate shall also transfer to the Library of Congress the collection of maps now in that Library, the same to be catalogued and to form part of the collections of the Library of Congress.

INTERNATIONAL SHEEP AND WOOL SHOW.

Mr. HAWLEY. The Committee on Printing, to whom was referred the joint resolution (H. Res. 138) to print 10,000 copies of the Report of the Commissioner of Agriculture on the International Sheep and Wool Show, held in Philadelphia in September, 1880, direct me to report it favorably, and I ask for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

It directs that there shall be printed 10,000 copies of the Report of the Commissioner of Agriculture on the International Sheep and Wool Show, held in Philadelphia, Pa., September, 1880; of which 3,000 copies shall be for the use of members of the Senate, 6,000 copies for the use of members of the House of Representatives, and 3,000 copies for the use of the Commissioner of Agriculture; the work to be subject to the approval of the Commissioner of Agriculture.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRIBUTION OF CONGRESSIONAL RECORD.

Mr. HAWLEY. I also report favorably from the Committee on Printing the joint resolution (H. Res. 129) directing the Public Printer to forward the CONGRESSIONAL RECORD to our legations abroad, and I ask for its immediate consideration.

Mr. ALLISON. That will be likely to lead to debate. I ask the Senator to let it go over.

Mr. HAWLEY. The chairman of the Committee on Appropriations will understand that it is simply to send out 30 or 40 copies of the CONGRESSIONAL RECORD, one to each of our legations abroad. It passed the House and is recommended by the State Department.

Mr. ALLISON. If it does not lead to debate, I do not object.

The PRESIDENT *pro tempore*. The joint resolution will be read subject to objection.

The Chief Clerk read the joint resolution, as follows:

Resolved, &c., That the Public Printer be, and he is hereby, authorized and directed to forward, free of charge, through the Department of State, one copy of the daily CONGRESSIONAL RECORD to each of our legations abroad, commencing at the beginning of the present session.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRESIDENTIAL VETOES.

Mr. HAWLEY. My colleague [Mr. PLATT] offered a resolution which was referred to the Committee on Printing providing for the printing of all Presidential vetoes from the organization of Congress to the present time. The committee reports a substitute therefor for which it asks consideration.

The amendment was agreed to; and the resolution as amended agreed to, as follows:

Resolved, That the Senate Committee on Printing, be and hereby is, directed to have prepared a collection of all Presidential vetoes from the organization of Congress to the present time, arranged in chronological order, with explanatory notes and an index; and to report the same in print to the Senate on or before the 10th day of December next. And the expenses for copying and indexing the same, not to exceed $300, shall be paid from the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. GORMAN introduced a bill (S. 2873) for the relief of Rachel Walcott; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALLISON introduced a bill (S. 2874) authorizing the Commercial National Bank of Marshalltown, Iowa, to change its location and name; which was read twice by its title, and referred to the Committee on Finance.

WITHDRAWAL OF PAPERS.

On motion of Mr. GORMAN, it was

Ordered, That William Talbert have leave to withdraw his petition and papers from the files of the Senate.

On motion of Mr. INGALLS, it was

Ordered, That Casimir Suffozyuski be permitted to withdraw the papers in his case from the files of the Secretary of the Senate, under the rules.

TREASURY SURPLUS.

Mr. COKE submitted the following resolution; which was read:

Resolved, That the Committee on Finance be discharged from the further consideration of House joint resolution No. 126, "directing payment of the surplus in the Treasury on the public debt."

Mr. COKE. I ask that the resolution be printed and laid on the table; and I give notice that at the conclusion of the morning business on Monday next I shall call it up and ask a vote on it.

The PRESIDENT *pro tempore*. The resolution will lie on the table and be printed.

LOUISIANA PRIVATE LAND CLAIMS.

Mr. GIBSON. I ask unanimous consent for the consideration of the following resolution:

Resolved by the Senate of the United States, That the Secretary of the Interior is hereby directed to inform the Senate, on or before its next regular session, what progress has been made annually by the surveyor-general of Louisiana in satisfying and adjusting the confirmed and unsatisfied private-land claims in said State, as required by the third section of the act of Congress, approved June 2, 1858, entitled "An act to provide for the location of certain confirmed private land claims in the State of Missouri, and for other purposes."

And especially to inform the Senate—

First. The whole number and aggregate quantity, as near as may be, of said claims in said State wholly or partially unsatisfied at the date of said act, and entitled to relief under its provisions.

Second. The number and aggregate quantity of said claims finally satisfied and adjusted under said act, and the number and aggregate quantity remaining unsatisfied.

Third. What defect, in his opinion, if any, in existing laws, executive regulations and decisions, or otherwise, impedes the adjustment of said claims under said law, and what new legislation and changes in said regulations and decisions, if any, are required, in his opinion, to enable the said surveyor-general to finally adjust and settle said claims.

Mr. EDMUNDS. That is an extraordinary resolution, as calling on the head of a Department to recommend legislation to Congress. I think we had better think of that a little. My impression is that there are some later acts on the subject of private land claims in Louisiana which ought to be looked at before we confine ourselves to the act of 1858.

Mr. GIBSON. I have no desire to insist upon that particular feature of the resolution.

Mr. ALLISON. Let it go over.

Mr. EDMUNDS. I think there should be a reference to some later statutes; I am not sure. If the Senator will allow it to go over, to come up as a matter of course on Monday morning, we can look at it.

The PRESIDENT *pro tempore*. Being objected to, the resolution goes over.

Mr. GIBSON. I desire to state——

The PRESIDENT *pro tempore*. Does the Senator desire to have it printed?

Mr. EDMUNDS. It had better be printed; we can amend it better if it is printed.

The PRESIDENT *pro tempore*. The resolution goes over and will be printed.

ACTS RELATING TO LOANS AND CURRENCY.

Mr. SHERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of Treasury be directed to transmit to the Senate the compilation of the laws of the United States relating to loans and currency, including the coinage acts, with index recently prepared in the Treasury Department.

DISTRICT STREET-RAILROADS.

Mr. VEST. I offer the following resolution, and I ask for it immediate consideration:

Resolved, That the Committee on the Judiciary be instructed to inquire whether the chartered rights and powers of the corporations owning and operating street-railroads in the city of Washington, D. C., are such as to prevent appropriate legislation by Congress requiring said corporations to remove or alter the rails now used by them, and the road-beds of said roads as now constructed within said city; and that the committee report in writing to the Senate on the first Monday in December next, or as soon thereafter as practicable.

Mr. INGALLS. Let that lie on the table.

The PRESIDENT *pro tempore*. The resolution lies on the table.

Mr. EDMUNDS. You mean it is objected to and goes over.

The PRESIDENT *pro tempore*. It is objected to and goes over.

Mr. INGALLS. Until to-morrow.

Mr. EDMUNDS. Lying on the table is a different thing.

The PRESIDENT *pro tempore*. The resolution goes over and will be printed.

RIGHTS OF AMERICAN VESSELS IN BRITISH WATERS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolutions heretofore submitted by the Senator from Vermont [Mr. EDMUNDS], which come over under objection.

The resolutions submitted by Mr. EDMUNDS July 22 were read, as follows:

Resolved, That the Committee on Foreign Relations be, and it hereby is, instructed to inquire into the rights of American fishing vessels and merchant vessels within the North American possessions of the Queen of Great Britain, and whether any rights of such vessels have been violated, and, if so, to what extent; that said committee report upon the subject and report whether any and what steps are necessary to be taken by Congress to insure the protection and vindication of the rights of citizens of the United States in the premises; and that said committee have power to send for persons and papers, to employ a stenographer, and to sit during the recess of the Senate, either as a full committee or by any subcommittee thereof, and that any such subcommittee shall for the purposes of such investigation be a committee of the Senate to all intents and purposes.

Resolved, That the necessary expenses of said committee in said investigation be paid out of the appropriation for the miscellaneous items of the contingent fund of the Senate, upon vouchers to be approved by the chairman thereof.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolutions.

The resolutions were agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 2349) granting a pension to Catharine Lanigan, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 948) granting a pension to Joseph S. Moody.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 6314) to increase the pension of James Carlin;

A bill (H. R. 8296) to remove the political disabilities of Duff Green Reed; and

A bill (H. R. 8474) granting a pension to James McGlen.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 901) to grant the Astoria and Winnemucca Railroad Company the right to construct bridges over navigable water courses; and it was thereupon signed by the President *pro tempore*.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the sundry civil appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9478) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

Mr. ALLISON. I desire to go back to page 19 of the bill, to the amendment passed over last night at the request of the Senator from Kentucky.

The PRESIDENT *pro tempore*. If there be no objection the amendment on page 19 will be stated.

The CHIEF CLERK. The Committee on Appropriations report, at the beginning of line 435, to strike out "That" and insert "And;" in line 437, after the words "denominations of," to strike out "ones" and insert "one;" in the same line, before the words "and five," to strike out "twos" and insert "two;" after the word "dollars," in the same line, to strike out the words "on all the surplus silver dollars now in the Treasury, in payment of the appropriations made in this bill and other expenditures or obligations of the Government. That;" in line 410, before the words "the silver" to insert "and;" after the word "receivable," in line 441, to insert "redeemable;" and after the word "character," in line 446, to strike out the words "and shall be redeemable in standard silver dollars on demand, and when paid into the Treasury shall be reissued, subject to the provisions herein for the redemption of the same," and insert "*Provided*, That said denominations of one, two, and five dollars may be issued in lieu of silver certificates of larger denominations in the Treasury, and to that extent said certificates of larger denominations shall be canceled and destroyed;" so as to make the clause read:

And the Secretary of the Treasury is hereby authorized and required to issue silver certificates in denominations of one, two, and five dollars; and the silver certificates herein authorized shall be receivable, redeemable, and payable in like manner and for like purposes as is provided for silver certificates by the act of February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar, and to restore its legal-tender character:" *Provided*, That said denominations of one, two, and five dollars may be issued in lieu of silver certificates of larger denominations in the Treasury, and to that extent said certificates of larger denominations shall be canceled and destroyed.

Mr. ALLISON. That is a single amendment, and before proceeding to its consideration I ask unanimous consent that after 2 o'clock the five-minute rule may be applied to the bill and all amendments thereto. I desire very much to get through with the bill by 4 o'clock this afternoon, if possible, and I think we can do so by limiting somewhat the debate.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that after 2 o'clock to-day all debate on the bill and amendments shall be limited to the five-minute rule. The question is on agreeing to the motion.

Mr. TELLER. I shall object to that, unless the Senator excepts the pending financial amendment.

Mr. ALLISON. I mention 2 o'clock, which is two hours and a half nearly from this time.

Mr. TELLER. I do not know that I want to say anything on it.

The PRESIDENT *pro tempore*. The Senator from Iowa moves——

Mr. HOAR. He asks unanimous consent. It is not a motion.

The PRESIDENT *pro tempore*. The Chair understands that under the rule a majority can at any time pending an appropriation bill make this order.

Mr. TELLER. I do not object, with the understanding indicated.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Iowa.

Mr. INGALLS. If this debate begins now—and we are all aware of the gift of the Senator from Kentucky of continuance and his great familiarity with this subject and the profound interest he feels in it—and if he should occupy the time very nearly until 2 o'clock, it would obviously be unjust to apply the five-minute rule at the expiration of his speech. I therefore ask the Senator from Iowa to withhold his request until later, when if it should appear that there is danger of unnecessary or unreasonable delay the rule could be applied.

Mr. ALLISON. I only desire to say that the Senator from Kentucky informed me that he would occupy about one hour, and that leaves an hour and a half, which I supposed would be ample time in which to reply.

Mr. INGALLS. Then wait until he is through.

Mr. BECK. I rather agree with the Senator from Kansas. While I intend to be as brief as I can, this is a very large subject and the provision of the House is a very radical proposition.

Mr. ALLISON. The difficulty is, if we wait until the Senator from Kentucky gets through then some other gentleman will take the floor, and we shall be obliged to wait until he gets through, and in that way we may run along for a week.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the motion of the Senator from Iowa?

Mr. HOAR. If that is put as a request for unanimous consent I consent. If it is endeavored to set a precedent of limiting debate by a majority vote in the Senate, I object.

Mr. ALLISON. Then I ask unanimous consent, so that the Senator from Massachusetts will not object.

Mr. HOAR. That is it exactly.

Mr. INGALLS. I trust the Senator from Iowa will withhold his request for unanimous consent until a later hour, when if it becomes necessary I have no doubt everybody will agree to it.

Mr. BECK. I hope that will be done. I do not want to have the floor for an hour or so and have everybody else gagged in advance.

Mr. ALLISON. I will waive my request for the present.

The PRESIDENT *pro tempore*. The Senator from Kentucky has the floor.

Mr. BECK. I know this is a very important question——

The PRESIDENT *pro tempore*. If the Senator from Kentucky will pause for a moment the Chair will try to get order in the Chamber.

Mr. BECK. I should like that.

The PRESIDENT *pro tempore*. Senators will please resume their seats. The Chair noticed a day or two since, during the discussion, that nearly every Senator was engaged in full conversation, quite a number being present, and a very slight whisper under those circumstances is certain to be an embarrassment to the speaker. The rules require that Senators shall refrain from conversation and be in order. The Chair will endeavor to enforce that rule if possible.

Mr. BECK. Mr. Pretident, however reluctant the Senate may be, at this late day of the session, to enter upon the discussion of questions involving radical changes in our financial system, we are compelled, by reason of the action of the House of Representatives, to meet these questions and to decide them on their merits.

In the "sundry civil bill" the House has incorporated the following provisions, the second of which radically changes existing laws and regulations relative to our coin and the paper representatives thereof.

It has been amended by the Appropriation Committee of the Senate.

The parts stricken out and the words in Italics show the difference in the two propositions:

Provided, That no portion of this sum shall be expended for printing United States notes of large denomination in lieu of notes of small denomination canceled or retired.

* * * * * * *

And the Secretary of the Treasury is hereby authorized and required to issue silver certificates in denominations of [ones] *one*, [twos] *two*, and *five dollars* [on all the surplus silver dollars now in the Treasury, in payment of the appropriations made in this bill and other expenditures or obligations of the Government. That]; *and* the silver certificates herein authorized shall be receivable, *redeemable*, and payable in like manner and for like purposes as is provided for silver certificates by the act of February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar, and to restore its legal-tender character" [and shall be redeemable in standard silver dollars on demand, and when paid into the Treasury shall be reissued, subject to the provisions herein for the redemption of the same]: *Provided, That said denominations of one, two, and five dollars may be issued in lieu of silver certificates of larger denominations in the Treasury, and to that extent said certificates of larger denominations shall be canceled and destroyed.*

As the sundry civil bill must pass in some form before we adjourn, because it provides the money for successfully carrying on the various Departments of the Government, and as the House had the undoubted right to make the provisions it has relative to our coinage and currency, a part of it, and as the simple striking out of these provisions will not secure the passage of the bill without them, we are compelled to consider them upon their merits whether we want to or not, making such amendments to them as we think will best promote the public interest.

It was because these questions were before us in that shape that I gave notice the other day of the following amendment which I propose to offer as a substitute for both the House provisions and the amendments of the Committee on Appropriations of the Senate.

There were two or three mistakes in it as originally printed, which I have corrected. It now reads as follows:

Provided, That hereafter no United States note shall be issued of a denomination less than $10 nor more than $500, and the denominations higher than $50 shall not exceed in value one-fourth of the value of the total amount outstanding at any time; and not more than one-fourth in value of the amount of circulation issued to national banks outstanding at any time shall be of a less denomination than $10: *Provided further*, That in all new issues coin certificates shall be hereafter substituted for silver certificates and gold certificates, wherever either is authorized to be issued under existing laws; and all gold and silver certificates now outstanding shall be retired, if now owned by the United States, or when they are received at the Treasury or any subtreasury, and coin certificates of the denominations hereby provided for issued in their stead; and the Secretary of the Treasury is hereby authorized and required to issue coin certificates, in denominations of $1, $2, and $5, on all the surplus coin and gold bullion held at any time by the Treasury as the property of the United States in excess of $100,000,000 of gold and silver coin and gold bullion, and pay out the same in discharge of all the obligations of the United States except such as have been heretofore made payable expressly in coin; and it shall be the duty of the Treasurer of the United States, upon the receipt of an original certificate of deposit issued by the United States assistant treasurer at any United States subtreasury, stating that there has been deposited therein, by any person or corporation, gold coin or standard silver dollars of the United States in the sum of $10 or any multiple thereof, to order payment of a like amount in coin certificates, at the counter of any United States depository designated by the depositor, in such denominations as he may request in writing, at not less than $1 or not more than $500, which shall be redeemable in gold or silver coin, at the option of the United States; and all the certificates hereby authorized, when paid into the Treasury, shall be reissued, or new certificates of the same denomination substituted for such as are returned because of being mutilated or defaced, as now provided by law in regard to the notes of the United States. No coin certificates shall be issued of a denomination greater than $500, and at least two-thirds in value of such certificates outstanding at any time shall be of denominations not exceeding $50.

We can not shut our eyes to the fact that the good of the country requires us to make important changes in existing laws and Treasury regulations in order to prevent ruinous contraction of the currency in consequence of the withdrawal of a large portion of that now in existence, by the reduction of national-bank circulation and by the locking up in the Treasury of the surplus revenue collected under our excessive and onerous system of taxation.

Certain facts are self-evident: First, that Congress is unable or unwilling to reduce taxation. No man regrets that more than I do. Therefore, the $96,000,000 surplus collected during the fiscal year ending June, 30, 1886, will be increased during the present fiscal year, and each succeeding year, unless we make wasteful and extravagent appropriations, so that the annual surplus hereafter will not be less than $100,000,000, no matter what our Treasury officials may say to the contrary. Second, the Treasurer of the United States in his letter to my colleague in the House, Hon. W. C. P. BRECKINRIDGE, dated July 12, 1886, shows that there is only about one hundred and thirty-six millions of 3 per cent. bonds actually outstanding, and that there is enough idle money now lying in the Treasury to pay them all off and leave a large surplus.

It shows, certainly, that before the close of the present fiscal year they can all be paid, and all the reserve that the most conservative Senator would insist on holding in the Treasury for any purpose will be there from the collections made by our tax-gatherers during this year.

That letter reads as follows:

TREASURY OF THE UNITED STATES, *Washington, July 12, 1886.*

SIR: Your letter of the 12th instant is before me, asking—

First. What is the number of 3 per cent. bonds now outstanding, and of this number how many have been called for and not presented?

Second. What number of bonds of each issue of 3 percents, 4½ percents, and 4 percents are deposited by national banks to secure national-bank currency?

Third. What was the total cash in the Treasury July 10, and of what did this cash consist?

Fourth. What have been the daily receipts of the Treasury during the month of July?

To the first question I reply as follows:

Amount of 3 per cent. bonds outstanding, to include July 10, 1886.	$147,831,950
Of this amount bonds of the one hundred and thirty-eighth call not due until August 1, 1886	4,007,700
3 per cent. bonds called and matured not yet presented for payment	7,770,200
	11,777,900
Actually outstanding	136,057,050

To the second:

Currency sixes	3,565,000
Four-and-one-halfs	50,821,700
4 percents	114,212,500
3 percents	106,783,600
Total	275,382,800

To the third:

Total cash in Treasury July 10, 1886:

United States notes	35,998,623
National-bank notes	296,309
Standard silver dollars	180,903,221
Gold coin	189,877,431
Subsidiary silver coin	28,786,635
Gold certificates	52,414,110
Silver certificates	27,529,320
Gold bullion	42,137,404
Silver bullion	3,547,831
Minor coin	360,496
In national-bank depositaries	11,994,308
Total	573,845,688

* * * * * * *

A copy of this reply has been forwarded to the Secretary of the Treasury.

Very respectfully,

C. N. JORDAN, *Treasurer United States.*

Hon. WILLIAM P. C. BRECKINRIDGE,
House of Representatives.

Third. It is an undisputed fact that we have so adjusted the public debt that after the 3 per cent. bonds are paid off it is out of our power to pay any more of our interest-bearing obligations as a matter of right until September, 1891, when two hundred and fifty millions of 4½ percents mature. After those are paid, the remaining seven hundred and thirty-seven millions can not be paid until 1907 otherwise than by buying them in open market.

Fourth. Although the national banks now have a right to issue currency without limit equal to 90 per cent. of all the bonds of the United States held by them, they have in fact contracted their circulation in the last few years nearly if not quite $80,000,000; not because they desire to do so, nor because the business of the country did not need the currency, but because the bonds upon which their circulation was based have been paid off, and the premium on the four-and-a-halfs and 4 percents has become so high, because of their scarcity and the uses to which they can be put, that the banks can not afford to buy them, as the profit on the circulation is not equal to the premium.

It will be seen by the letter of the Treasurer which I have just read that the national banks now hold nearly one hundred and seven millmillions of our 3 per cent. bonds, which will be withdrawn from them in a year or so; so that a further contraction of their circulation, which

is now only in fact two hundred and fifty millions, will be reduced at least eighty millions more, while the legal-tender notes, lying idle in the Treasury on deposit for the redemption of their retired notes, which ran up from November 1, 1885, from $39,542,979 to $61,580,663 on the 25th of June last, will be doubled before another year has expired, to the great detriment of the business of the country.

The last official data I have in regard to the national-bank notes outstanding is contained in the following statement from the Comptroller of the Currency, dated June 25, 1886:

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE CURRENCY,
Washington, June 25, 1886.

National-bank notes outstanding.

Date.	Currency.	Gold notes.	Total.
November 1, 1885	$315,462,899	$384,269	$315,847,168
June 1, 1886	311,510,245	328,049	311,838,294
Decrease since November 1, 1885	3,952,654	56,220	4,008,874

National-bank notes outstanding November 1, 1885, including notes of national gold banks	$315,847,168	
Deduct lawful money on deposit	39,542,979	
		$276,304,189
National-bank notes outstanding June 1, 1886, including gold notes	311,838,294	
Deduct lawful money on deposit	61,580,663	
		250,257,631
Decrease since November 1, 1885		26,046,558
Actual decrease of circulation from November 1, 1885, to June 1, 1886		$4,008,874
Decrease of circulation secured by United States bonds from November 1, 1885, to June 1, 1886		26,046,558

As the banks hold over one hundred and fourteen millions of the 4 per cent. bonds maturing in 1907, they may be tempted by the high premium to sell them and thus contract the currency that much more. They certainly will if they think that it is to the interest of their stockholders to do so. No one will be silly enough to assume that they will be restrained for a moment in doing whatever will best subserve their private interests by any consideration for the public welfare.

Fifth. The sham that Congress has been parading before the country for the last ten years as to the necessity of taxing the people to maintain an annual sinking fund which the Secretary of the Treasury fixes this year at $45,750,000, and estimates for next year at $46,659,000, can no longer be kept up, or the necessity for it even plausibly asserted, as there are no longer any bonds to sink without buying those that do not mature for years at any premium the holders may see fit to ask.

I have struggled in vain for years to have that law modified or repealed because our bonds of 1891 and 1907 could not be paid. At last the folly of maintaining it is now so apparent, that I doubt whether any Senator will venture to advocate the continuance of it longer.

The estimates for our necessary annual expenditures may just as well be reduced forty-six millions, since the sinking-fund humbug can no longer be successfully used as a pretext for keeping up onerous taxation.

No Senator will now say that we ought to be required by law to impose and collect taxes annually to the amount of $46,000,000 in excess of the ordinary wants of the Government in order to buy bonds bearing 4 per cent. interest twenty years before they are due, and pay $127,000,000 for each $100,000,000 we buy. A private trustee would be treated by any respectable court as a knave or a fool who managed his employer's affairs in that way.

As I think the time has come at last when my often-presented bills to repeal the sinking-fund laws will receive consideration, if not during this session at the next, I will at the risk of being charged with wandering from my subject say something about this sinking-fund legislation. It has been used for the last twelve years simply as a means of preventing Congress from reducing taxation. Indeed in 1875 it was made the pretext for increasing the taxes on whisky, tobacco, and sugar, and for reinstating all the provisions of the war tariff which a Republican Congress had reduced 10 per cent. in 1872.

I resisted all the false pretenses then so ostentatiously paraded, and showed by official statements that all the clamor about violated faith in not maintaining this so-called sacred fund was untrue. I proved by the official reports of Secretaries Morrill and Sherman in 1876 and 1877 that all possible claims under it had been met and provided for and over $220,000,000 in excess had been paid, but I could not even get a respectful hearing for my resolution of January 21, 1878, the last preamble of which, with the resolution, is as follows:

And whereas the present Secretary of the Treasury, in his report to this Congress, in December last, after repeating the statements of his predecessor upon that subject, says: "On the same basis the amount of the sinking fund would have reached $475,318,888.78 on the 1st of July, 1877, on which date the reduction of the debt, including accrued interest, less cash in the Treasury, since its highest point in 1865, amounted to $696,273,348.17," or $220,954,459.39 in excess of the amount required by law to be provided for that fund: Therefore,

Be it resolved by the Senate (the House of Representatives concurring), That it is unnecessary and inexpedient either to maintain or impose taxes at this time for the purpose of providing for the $37,196,045.04 asked for by the Secretary of the Treasury in his estimates for the purpose of providing further for the sinking fund, and that the Secretary of the Treasury is hereby directed not to purchase any bonds for the reduction of the principal of the national debt till the further order of Congress; and that the committees of Congress having charge of the subject be, and they are hereby, instructed not to provide for the payment, during the next fiscal year, for any part of said sum in the adjustment of the taxation required for the maintenance and support of the Government.

The protectionists knew that their excuse for keeping up high-tariff taxation would have been swept away to the extent of over $37,000,000 a year, and they were a unit in resisting its repeal. They did not content themselves with mere opposition; they magnified its importance and swelled it up by every possible contrivance until the Secretary of the Treasury tells us in his last report that "the requirements of the sinking fund for the present fiscal year, computed upon the same basis as in former years, will aggregate $49,000,000," an increase since 1878 of $12,000,000 a year. Nobody outside of the Treasury in determining what was 1 per cent. of the debt of the United States, when they saw the statement—

Total debt	$1,800,000,000
Cash in the Treasury	400,000,000
Debt less cash in the Treasury	1,400,000,000

would decide that the 1 per cent. for the sinking fund on the debt should be $18,000,000 instead of $14,000,000, yet that was the system up to the time when Mr. Manning thought that another construction might be be given. He thought that we might claim that our own cash in the Treasury which nobody had any claim on should not be charged against us as a debt even to swell a sacred fund. Secretary Manning thought too that the interest charge for 1886, which exceeded $29,000,000, might be reduced $9,000,000 (it ought to be reduced $14,000,000). I have a complete table, which was made with great care, showing all the facts relative to the sinking fund and how it is made up, but it would take too long to explain it. The recapitulation is easily understood. It shows that $586,415,491 has been set apart for this fund, and that while 3 per cent. is the rate of interest now on Government bonds we are charged 6 per cent. on over $55,000,000 of retired greenbacks and fractional currency that never bore interest.

The proposed rate is also shown. The whole performance is a humbug; and I have only taken time to refer to it now in order to show that the law ought to have been repealed long ago, and it would have been if it had not been that it was used to keep up taxation and aid the protectionists, who up to Mr. Manning's time ran the Treasury and kept its accounts to make the strongest showing possible for the maintenance of the highest rate of tariff taxation, and the sinking fund was the strongest card they had to play. The recapitulation of how they manufactured $29,000,000 of interest to add to the 1 per cent. on the debt, and thus make up an annual sinking fund of over $47,000,000, will not be as plain as if the detailed statement was given, but I think Senators will understand it. It is as follows:

Requirement of bond payments on account of interest on redemptions for sinking fund, 1886.

Description of securities.	Redemptions prior to July 1, 1885.	Rate per finance report of 1885 and prior years.	Amount required.	Rate proposed.	Amount required.
		Per cent.		*Per cent.*	
Bonds, as above, Nos. 1 to 11, and No. 19	$265,352,200 00	6	$15,921,132 00	4	$10,614,088 00
Bonds, as above, No. 12	676,050 00	5	33,802 50	4	27,042 00
Bonds, as above, No. 13	68,616,900 00	5	3,430,845 00	3	2,058,507 00
Bonds, as above, No. 14	1,500,000 00	4	60,000 00	4	60,000 00
Bonds, as above, No. 15 to No. 17	137,175,000 00	3½	4,801,125 00	3	4,115,250 00
Bonds, as above, No. 18	57,836,150 00	3	1,735,084 50	3	1,735,084 50
United States notes and fractional currency	55,259,191 60	6	3,315,551 50	3	1,657,775 75
Total principal of sinking fund	586,415,491 60		29,297,540 50		20,267,747 25

Requirement on account of interest, as per financial report of 1885..	$29,297,540 50
Requirement on account of interest, as proposed	20,267,747 25
Reduction of requirement, as proposed	9,029,793 25

Mr. President, I agree that this sinking-fund matter is not strictly germane to the proposition I am discussing, but it precipitated the present condition of things and it has to be dealt with very soon. Therefore we may as well be looking to see what can be done with the elephant we have on our hands.

Coming back to the questions more strictly relating to the currency, it is or ought to be conceded that we must have a paper currency that the people can use in their ordinary transactions. It is obvious that the national banks can not be longer relied on to furnish it. Something must be done and done now.

The remedy I propose differs somewhat from that proposed by the House. It is, however, in the same line, and would, I think, be acceptable to a majority of that body. I propose, as it is apparent that we can no longer rely upon national-bank circulation, to substitute small notes for it based upon coin; and I seek to abolish all distinction or discrimination between our gold and silver coin by issuing on the deposit of either "coin" certificates of the denominations desired by the depositor, within the limits set forth in my amendment, which shall be redeemable in either gold or silver coin, at the option of the Secretary of the Treasury.

It will not do to assume that men will not deposit gold coin and take certificates which may be paid in silver. Our past experience negatives that assumption. When Hon. John Sherman, then Secretary of Treasury, issued the following order—

TREASURY DEPARTMENT, SECRETARY'S OFFICE,
Washington, D. C., September 18, 1880.

Until further notice the United States assistant treasurer in New York will pay out at his counter standard silver dollars or silver certificates in sums of $10, or any multiples thereof, in exchange for like amounts of gold coin or gold bullion deposited with him.

Upon the receipt by the Treasurer of the United States in this city of an original certificate of deposit issued by the United States assistant treasurer at New York, stating that there has been deposited with him gold coin or gold bullion in the sum of $10, or any multiple thereof, payment of a like amount in standard silver dollars or silver certificates at the counter of any United States assistant treasurer designated by the depositor will be ordered.

JOHN SHERMAN, *Secretary.*

The demand for silver certificates was such that in December, 1881, the Secretary of the Treasury, in his report, says:

The Department has issued silver certificates at the several subtreasury offices, upon a deposit of gold coin in like amount with the assistant treasurer at New York, and through this means certificates have been issued for nearly all the silver held by the Treasury. These certificates amount to about $66,000,000 and are now outstanding.

That condition of things doubtless rendered the following order necessary, as all or nearly all the silver coin in the Treasury was represented by outstanding silver certificates:

TREASURY DEPARTMENT, SECRETARY'S OFFICE,
Washington, D. C., November 1, 1881.

Until further notice the exchange of silver certificates for gold coin deposited at the office of the United States assistant treasurer at New York will be suspended, and Department circular No. 75, of September 18, 1880, is hereby modified accordingly.

H. F. FRENCH, *Acting Secretary.*

The privilege was afterward temporarily extended and the amount of gold coin deposited was increased from $66,000,000 to $80,730,500, when it was withdrawn.

The Treasurer, in his last report, page 24, says:

The issue of silver certificates by Treasury officers in the South and West for gold coin deposited with the assistant treasurer at New York, under departmental circular of September 18, 1880, was discontinued in January last. The amount which had been issued in that manner to the date named was $80,730,500.

I confess I never could understand why the privilege of depositing gold and receiving silver certificates for it should have been refused so long as there was a silver dollar lying idle in the Treasury to redeem the outstanding silver certificates with, assuming that our Treasury officials are honest in the professions they have always made of a desire to maintain, support, and circulate the silver dollar, or, what is the same thing, its legal representatives. The $80,000,000 of gold paid for silver certificates became at once the absolute property of the United States, the man who took the silver certificates voluntarily gave his gold in exchange for the paper he received after sending it to New York at his own expense. He asked no better security for what he took than the much abused silver dollar. So long as he was willing to exchange gold for a certificate payable in silver, the abuse of silver comes with a bad grace from our Treasury officials, when they refuse to take gold for it or the paper payable in it. Surely our stock of gold coin is thereby increased to exactly the same extent that the citizen who gave it to us took paper payable in silver. My proposition restores that privilege.

If men do not desire to deposit gold for certificates payable in either coin, at the option of the Government, they will not; if they desire to do so they ought to have the right; and all distinction either by law or executive orders ought to be abolished between the gold and silver coins of the country, if for no other purpose than to let our own officials, the country, and the world know that they are both coins of the United States, equal under our laws, and equally protected by our authority and credit, no matter what bullion dealers in London or Berlin may say or do in regard to the raw material out of which they are made.

Our stamp, our adoption of each coin, takes each equally out of the fluctuations of the bullion market.

Fully agreeing with the House that it is a violation of the trust confided to them for our Treasury officials needlessly to lock up in their vaults the money which they have received from our tax-gatherers, and either fail or refuse to pay out the surplus not needed promptly in the liquidation of our interest-bearing debt, so as to lighten the burdens of taxation hereafter to the extent of the interest stopped by the payment of the principal, I go further and insist that it is wise to secure against loss and abrasion by use, as far as possible, the coins which form the basis of our circulation by retaining them in the Treasury and by issuing paper representatives of them in such denominations as will cause them to circulate freely and satisfactorily as currency among the people. Therefore I propose that the Treasury Department shall issue certificates to represent coin owned by the United States which shall be of the denominations of one, two, and five dollars to an amount equal to the circulation of small notes needed for trade, and when issued on coin deposited by citizens they shall be in such denominations, not exceeding $500, as they may desire; always provided that not exceeding one-fourth in value outstanding at any time shall be in denominations exceeding $50.

I do not regard any note or certificate in excess of $500 as currency in any sense, and I deny that the United States is under any sort of obligation to become the depositary, holder, or insurer of the coin of any man or set of men by giving them one-thousand-dollar or ten-thousand-dollar notes or certificates which are not intended for general circulation. All our issues of substitutes for money ought to be confined to currency for general use. In all issues of denominations exceeding $500 our Treasury and subtreasuries are simply used for the private convenience of rich men and wealthy corporations, while we, without compensation, pay all the expenses of these costly establishments and become insurers and voluntary bailees without pay for their accommodation.

We receive ample compensation for our storage and care of all the coin represented by notes and certificates of small denominations in the loss and destruction which is a necessary consequence of active use, and the casualties from fire, flood, and the thousand risks to which they are daily subjected, all of which inure to the benefit of the tax-payers of the country, as we only redeem those returned to the Treasury. The one-thousand-dollar and ten-thousand-dollar certificates are held in the private vaults of their owners more safely and cheaply than gold or silver coin could be held; they never see the light of day and are never subjected to any risk, except that of being carried to the United States Treasury when the owner wants the coin. Therefore we only aid them in withdrawing that much money from general use, as they would put it in circulation rather than hold it at their own risk. There are now $84,738,000 in gold certificates of denominations of $1,000 and upward out of a total of $128,746,825 outstanding. There are $37,432,000 of legal-tender notes in denominations of $1,000 and upward; while out of a total of $115,821,675 of silver certificates outstanding only $1,920,000 are of the denomination of $1,000, as shown by the following tables furnished to me by the acting Secretary of the Treasury the other day:

The United States legal-tender notes outstanding on June 30, 1886, were composed of the following denominations:

One dollar	$17,603,922
Two dollars	18,204,370
Five dollars	85,629,220
Ten dollars	66,658,660
Twenty dollars	55,078,380
Fifty dollars	23,291,300
One hundred dollars	31,359,700
Five hundred dollars	12,424,000
One thousand dollars	37,362,000
Five thousand dollars	60,000
Ten thousand dollars	10,000
	347,681,552
Deduct for unknown denominations destroyed	1,000,000
Total United States legal-tender notes	346,681,552

The outstanding gold certificates on the same date were composed of the following denominations:

Twenty dollars	$11,976,470
Fifty dollars	9,717,955
One hundred dollars	8,943,900
Five hundred dollars	13,370,500
One thousand dollars	18,278,000
Five thousand dollars	13,430,000
Ten thousand dollars	53,030,000
Total gold certificates	128,746,825

And the outstanding silver certificates by denominations were:

Ten dollars	$50,188,387
Twenty dollars	44,882,628
Fifty dollars	7,384,840
One hundred dollars	9,610,820
Five hundred dollars	1,835,000
One thousand dollars	1,920,000
Total silver certificates	115,821,675
Total currency issues of the United States	591,250,052
The outstanding national-bank notes on June 30, 1886, were	309,010,460
Total currency of all issues	900,260,512

It will be observed that I propose to limit the five-dollar notes of the national banks to one-fourth in value of the amount of their circulation, which is about the average of notes of that denomination now called for by them. The Comptroller in his last report says "the fives constitute 26 per cent. of the entire circulation" (see page 141), and I propose to prohibit the reissue of legal-tender notes of denominations less than $10.

My object is obvious. I seek to increase the coin certificates of small denominations and the use of silver coin as small change, which can only be done permanently and effectually by withdrawing the other notes of like denominations whose place the coin certificates will gradually fill. The life of notes of small denominations being, as the Treasurer states, only about three years, it will not take long to make the substitution even if we wait for those now outstanding to be returned as mutilated paper, which will be the case in regard to only a small part of them, as most of them will reach the Treasury very soon in the regular course of payments.

I propose that the Treasury officials shall see to it that small certificates are issued sufficient to supply the wants of the people by issuing them on our surplus idle coin, leaving it optional with depositors of coin, who want certificates, to take such denominations as best suit their purposes. As they can always be informed how many "ones," "twos," and "fives" are outstanding there need be no apprehension that they will take more than can be kept in active use, the object of all coin depositors being to obtain circulation of the denominations most needed at the time for the wants of trade.

There are now about $121,000,000 of legal-tender notes of denominations of $5 and under outstanding, and probably $75,000,000 of $5 national-bank notes. They are diminishing so rapidly it is not easy to speak with accuracy as to them, but it is safe to say that the change of denominations I propose would in less than two years open a place for $200,000,000 of coin certificates of denominations of $5 and under, and that not less than $125,000,000 of them could be used at once advantageously. Perhaps the $50,000,000 of $10 silver certificates now outstanding might be reduced somewhat by the proposed change; that depends a great deal on the improvement in our industries which we all hope for.

As the advantage the "greenbacks" have over certificates and national-bank notes consists in the fact that the bank notes are redeemable in them, and they are legal tender for all debts, public and private, and are by law fixed in volume at about $346,000,000, there is no need for any of them to be in denominations of less than $10 when we can fill their place with certificates based on coin. The legal-tender quality is not needed in payments of sums of $10 or less. Coin is always ready for that purpose, while notes not less than $10 are more convenient to hold as a reserve for bank circulation, or for use in payment of taxes or customs dues, for which legal-tender notes are now used more than all other forms of currency combined, as shown by the following official table:

Statement showing the monthly receipts from customs at New York, from July, 1885, and the percentage of each kind of money received.

Months.	Total receipts.	Gold coin.	Silver coin.	Gold certificates.	Silver certificates.	United States notes.
1885.		Per ct.	Per ct.	Per ct.	Per ct.	Per ct.
July	$11,821,000	0.8	0.2	28.8	23.6	46.6
August	12,700,500	0.7	0.3	47.4	13.5	38.1
September	12,167,000	0.7	0.3	63.4	9.8	25.8
October	10,771,000	0.8	0.3	70.8	11.3	16.8
November	8,730,000	0.9	0.4	56.9	13.4	28.4
December	9,935,000	0.7	0.3	60.5	13.8	24.7
1886.						
January	10,929,000	0.6	0.3	53.3	14.8	31.0
February	11,704,000	0.4	0.2	43.3	8.8	47.3
March	12,512,000	0.6	0.3	31.5	9.2	58.4
April	10,442,000	1.0	0.3	20.2	12.3	66.2
May	9,029,000	0.8	0.3	12.2	15.3	71.4
June	11,887,000	0.7	0.2	04.8	12.6	81.7

It will thus be seen that for the last month over 81 per cent. of all the taxes on imported goods at the port of New York was paid in greenbacks, notwithstanding the provision of law that "coin and coin only shall be receivable for customs dues." That is one of the evasions of law which I do not complain of. I insist, however, that Congress ought to legalize it, and not wink at executive disregard of bad Congressional enactments.

We have been furnished lately with another striking evidence of the popularity of our paper money. The bonds are payable in "coin." Fifty million of dollars of 3 per cent. bonds have been paid off since January 1, 1886, yet the holders of more than three-fourths of them received payment in greenbacks, because they preferred them even to gold.

The reason is obvious; and the custom-house returns showing payment at 81 per cent. in greenbacks for June proves that the money received by the bondholders was at once loaned to the importers and by them paid to the custom-house officers, and the Treasurer when he received it paid it out to all of us in satisfaction of the obligations of the Government. There was no sense in hauling gold or silver about at great expense and risk when the paper substitute answered every purpose without risk or cost, yet every greenback can be legally and honorably redeemed with the standard silver dollar; they are but silver or coin certificates with general legal-tender quality.

Again, Mr. President, we have been often told that the Treasury is in danger of being depleted of its gold coin. Even the sacred humbug called a reserve, which is about as silly a pretense as the sacred sinking fund, would be endangered if we ventured to pay off the 3 per cent. bonds. I and others have steadily denied it.

The discussion in the early part of last winter reached the country. The people made themselves heard. They demanded relief from the interest-bearing debt, and insisted that their money should not be locked up any longer, but should be applied promptly to the payment of their debts. Their voice was partially heeded, and over $50,000,000 of bonds have been paid off in the last six months.

Have any of the gloomy forebodings of the alarmists been verified? Has the Treasury been depleted? Has gold taken wings and flown to more favored climes?

The following official table answers these questions in the negative:

Statement showing the amount of gold coin and bullion in the Treasury and of gold certificates outstanding at the end of each month.

Date.	Total gold in Treasury, coin and bullion.	Gold certificates in the Treasury, cash.	Gold certificates in circulation.	Net gold in Treasury, coin and bullion.
1885.				
July 31	$249,367,595 20	$17,322,320	$123,289,000	$126,078,595 20
August 31	250,257,417 89	16,606,230	123,885,490	126,371,927 89
September 30	251,251,114 54	22,249,240	118,127,790	133,113,324 54
October 31	251,359,349 29	31,115,850	109,020,760	142,338,589 29
November 30	251,945,578 13	34,492,968	105,554,092	146,391,486 13
December 31	253,351,409 48	34,350,479	105,359,601	147,991,808 48
1886.				
January 30	251,371,561 58	24,060,709	115,284,951	136,086,610 58
February 27	249,801,087 53	33,671,010	105,637,050	144,164,037 53
March 31	242,155,167 40	46,797,927	90,775,643	151,579,524 40
April 30	240,580,532 67	52,396,875	84,715,225	155,865,307 67
May 29	236,424,734 21	51,735,670	80,120,025	156,304,709 21
June 30	232,838,123 91	55,129,870	76,044,375	156,793,748 91

It will thus be seen that we had over $30,000,000 more net gold coin and bullion in the Treasury on July 1, 1886, than we had July 1, 1885, and over $20,000,000 more than we had January 1, 1886, when we began to pay off the $50,000,000 of bonds, thus falsifying all the predictions of the gold worshipers.

Mr. President, I hardly think the amendment I propose needs any further explanation. We have determined to maintain the gold and silver coins of the United States of the standard value of July 14, 1870, as equal to each other in all respects, no matter how much the bullion in each may vary in the London market.

Having so determined, it is not only our right but our duty to use them and treat them upon terms of absolute equality in all the transactions of the Government and to take care that they are on equal terms invested with every function which will add to their value and utility, because it is use that gives value to coin. Money is worth nothing to its owner till he parts with it. That may be a "bull," but it is a fact. It is its potentiality not its possession that gives it value.

I seek to furnish both the Government and the owners of coin with the means of parting with it on terms advantageous to themselves and to the people who receive it, in the form of paper currency, securing both; one by holding and preserving the coin, and the other by having the right to demand so much of it as he can return the paper representatives of, when he thinks he would rather have coin than paper.

That is all I care to say in regard to the merits of the substitute I have offered. I believe it would aid, and in no way embarrass, our Treasury officials in the circulation of small notes. I think it is better than the House proposition contained in the text of the bill, and would be more likely to be accepted by the House than the amendment submitted by the Committee on Appropriations of the Senate.

It will be observed that there are two distinct and in some regards inconsistent provisions in the House bill. The first seeks to maintain the legal-tender notes of small denominations, while the second requires silver certificates in denominations of one, two, and five dollars to be issued on "all the surplus silver dollars now in the Treasury in payment of the appropriations made in this bill and other expenditures and obligations of the Government."

Of course the small notes and small certificates will compete with each other, and as the legal-tender notes are a well-known and long-established currency they will be preferred, and the object the House had in view when it required the issue of silver certificates of small denominations will be thwarted to the extent that the small legal-tender notes and small certificates compete, as there is a limit beyond which the business interests of the country does not need small notes of any sort. The Treasury Department in its effort to increase the circulation of standard silver dollars has in the last year reduced the issues of one and two dollar United States notes over $14,000,000, as shown by the following table, which shows the issues and redemption for the fiscal year ending June 30, 1886:

Issues and redemptions for the fiscal year ending June 30, 1886.

Denominations.	Issued.	Redeemed.	Increase.	Decrease.
One dollar		$7,348,139		$7,348,139
Two dollars		7,090,700		7,090,700
Five dollars	$21,320,000	11,688,586	$9,631,414	
Ten dollars	9,960,000	7,840,725	2,119,275	
Twenty dollars	$7,120,000	$7,168,130		$48,130
Fifty dollars	2,000,000	2,168,630		168,130
One hundred dollars	4,700,000	6,237,090		1,537,090
Five hundred dollars	400,000	4,533,000		4,133,000
One thousand dollars	17,500,000	8,855,000	$8,645,000	
Five thousand dollars Ten thousand dollars		70,000		70,000
Total	63,000,000	63,000,000	20,395,689	20,395,689

The Secretary of the Treasury and the Treasurer, while they opposed the House proposition in regard to the issue of small certificates with which to make specified payments, did not oppose—indeed they favored—the issue of silver certificates of small denominations and suggested the following amendment:

That the Secretary of the Treasury is hereby authorized and required to issue silver certificates in denominations of $1, $2, and $5, and that the silver certificates herein authorized shall be receivable, payable, redeemable, and exchangeable in like manner and for like purposes as is provided for silver certificates by the act of February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character."

Saying among other things:

The issue of the silver certificates thus provided will be of greater service to the Treasury and the people than the one-dollar and two-dollar legal-tender notes, as the immediate effect of the issue of the legal-tender notes is to throw back upon the Treasury the custody of the silver dollars issued as the result of the suspension of the issue of these notes. The amount outstanding, of silver dollars, on June 30, 1885, about which time the suspension of the issue of the one-dollar and two-dollar legal-tender notes was ordered, was $38,471,269. There was outstanding on June 30, 1886, $52,469,720, showing an excess of issue caused by the withdrawal of the one-dollar and two-dollar notes of $13,998,451, which by comparison with the amount of one-dollar and two-dollar legal-tender notes redeemed during the same period, $14,438,838, shows that the circulation of the standard silver dollars nearly equaled the amount of the one-dollar and two-dollar notes withdrawn from circulation. The notes thus withdrawn were mainly reissued in the form of five-dollar notes, the amount issued during the fiscal year 1886 being nearly $10,000,000 in excess of the redemptions of that year of these notes.

These facts satisfied me that the only permanent small paper currency in future must be secured by utilizing our surplus "coin" as the basis on which it should rest; therefore it must have the right of way over all competitors. Small legal-tender and national-bank notes must be set aside; the usefulness of neither of them will be impaired by this proposed change; and as control over the coin certificates is given to the Secretary, who has and can promptly impart all needed information every day as to issues, redemptions, volumes, and demand, everybody can regulate his business and his operations with perfect assurance that he has the same means of knowing all about the condition and volume of our circulation as anybody else, and that there will be no organized combination to control the volume of the currency either by contraction or expansion.

Mr. President, I would have no fear of the success of my amendment, and would feel assured of the good results that would follow its adoption, but for the fact that the great combinations of wealth have not yet given up the hope that they can, with the co-operation of England and Germany, strike down our silver coinage and degrade all the currency based upon it. I do not believe they can. They thought for years that they owned and controlled the finances of the country, and they can not consent to give it up. This controversy between them and the people has to be settled sooner or later. I am content to stand on the presentation of the question made by me on the 21st of December last. It has not been materially shaken by the attacks of Senators on this floor, nor by the elaborate reviews of it by gentlemen outside of this Chamber.

The discussion at that time attracted attention, and the people resolved that one-half of the coinage of this country and the world should not be stricken down in order to double the purchasing-power of gold in the hands of the combinations of money-changers in England, Germany, and the United States.

It forced even the bondholders, here and elsewhere, to admit (no matter what Jay Cooke or anybody else had said) that the standard silver dollar can be legally, honestly, and honorably paid in discharge of every obligation, by the United States, and by every State, municipality, corporation, and individual within their borders.

It exposed the impertinence of the assumption by the men who held our bonds that they have the right to demand gold and refuse silver in discharge of either the principal or the interest of the obligations they hold; and it exploded the pretense, so arrogantly asserted, and so meekly acquiesced in by the Treasury officials, that the bondholders had rights superior to and more sacred than other equally meritorious creditors of the Government.

It did more. It served notice on our executive officers that they must act as the trustees of the tax-payers of the country, and not as the agents of the public creditors. It caused them to admit that the money collected by the tax-gatherers at the custom-houses and internal-revenue offices, whether it was in gold or silver, or the paper representatives of either, should be paid out as Congress has by law directed it to be, fairly, equally, and promptly to all our creditors alike; and that no set of men shall be allowed to dictate what coin or its equivalent shall be paid to them, as has been done for many years by the holders of our bonds.

I repeat what I said before, that the national banks can no longer be relied upon to furnish a safe, stable, and sufficient currency for the wants of the country, even if none of the grave objections existed to their power to do so, which are too apparent to need elaboration.

With a reduction of at least $75,000,000 in their circulating notes in the last four years and a probable greater reduction from year to year in the future, the folly of withdrawing the legal-tender notes or striking down their legal-tender quality, canceling the silver certificates, and stopping the coinage of the silver dollar must be apparent to all men who do not propose to unite with England and Germany in the single gold standard and place the business (and the legislation as well) of the country at the mercy of the bondholders. I know of no calamity equal to such a policy. The men who control the circulating medium of a country necessarily control its business and its legislation.

The transfer of such powers from the representatives of the people to any combination of interested capitalists is a surrender of liberty, and a practical return to the serfdom of the old feudal system, when it was claimed and maintained that the mass of mankind were born saddled and bridled, while a favored few were born booted and spurred, ready to ride them, by the grace of God.

The banks are our creatures; we created them. Our only object, indeed, our only authority for granting them charters, for taxing the circulation of the State banks out of existence for their benefit, and endowing them with the exclusive privileges they have, is that they shall act as our fiscal agents and aid us in faithfully executing the laws. Have they done so? Do they propose to do so? Let us see.

We have said, by law, that silver coin shall be a full legal tender in payment of all debts, public and private. They deny that it can be, or ought to be, paid to them in payment of the principal and interest on the obligations they hold, though they agree that it may be to all other public creditors. They make systematized war on our silver coinage; they seek to take the legal-tender quality from the greenback in which their own notes are payable; in short, their conduct is and has been unbecoming in agents dealing with their principal.

I ask would any private man extend the powers and privileges of agents who treated them thus?

We provided by law that silver certificates should be received for all debts due to the United States, and, very justly, fearing that the banks might make war upon them, we made it a condition in their renewed charters, the violation of which should authorize a forfeiture, that they should not belong to any organization which refused to receive silver certificates at the clearing-house.

They not only repudiated and annulled the known will and object of Congress in that regard, but in order to avoid the penalty of the law, and yet render nugatory its provisions, entered into a conspiracy (no milder word will express the idea) with other banks, not national, that neither silver nor silver certificates should be received by any of the banks in the combination; so that no silver or silver certificates can by possibility reach their clearing-house.

I have heard of "boycotting" and other forms of violating law while evading its penalties, but for the agents of Congress not only to defy their masters, but to induce State organizations to do so, which but for their influence might and probably would have aided us in giving faith and currency to our silver coin and certificates, was so perfidious, that I am amazed that they have the audacity to ask to be further trusted.

It is plain that we must hereafter devise other instrumentalities to provide and maintain a stable and satisfactory currency for the people. That can be done readily through the coin certificates of the denominations proposed by me.

I am not unmindful that all sorts of gloomy prophecies are indulged in here and elsewhere in regard to the dire calamities that will befall us if silver and gold should part company in their purchasing power and the balance of trade with foreign countries should turn against us. It is a sufficient answer to say that they have not parted company, and while less enterprising nations, like France, can keep them together with nearly equal quantities of each coin, and with over ten silver dollars to each inhabitant, we are in but little danger with two and one-half

gold dollars for every silver dollar among a people occupying a continent larger than all Europe.

It might be well for gentlemen who delight to indulge in gloomy forebodings concerning remote possibilities to ask themselves whether the balance of trade is not just as likely to turn against us after we have destroyed our greenbacks, our silver certificates, and our silver coin, as it is now; and if it does, and gold leaves the country, when we have nothing else, whether their prophetic eye does not see miseries untold and bankruptcies unparalleled when the country is stripped of the only basis it had for a circulating medium. Then the value to the people of the despised greenback, the silver dollar, and its paper representatives would be appreciated by all but the Shylocks, whose hearts never felt human sympathy.

"Damn the people" expresses the sentiments of more of the millionaires who seek wealth by class legislation than care to say it aloud. It suits the pharisaical portion of them better to profess to be profoundly interested for the poor laborer, whose welfare is assumed to be their greatest concern. They are so much afraid that he will be required to take a degraded, dishonest, 80-cent dollar that they are consumed with anxiety on his account. "Oh, for a forty-parson power to sing thy praise, Hypocrisy!"

Mr. President, we may as well look the question squarely in the face. The war against silver and all currency based upon it was begun in this country simultaneously with similar action by Germany in 1871, and was the result as I believe of a grasping, selfish, unscrupulous combination among the moneyed classes at home and abroad. The time and circumstances favored the scheme. Neither gold nor silver were then in circulation, and the representatives of the people in Congress were not thinking about questions of that character. Silver was more valuable (as bullion) than gold up to 1871, but the legislative attorneys of the gold monometallists knew that if the United States could be induced, betrayed, or inveigled into a union with Germany in demonetizing silver as England had done years before, that condition would soon be reversed and the price of gold would rapidly advance under the combined influence and power of the leading nations of the world.

They doubtless thought that France, defeated and plundered, could not resist such a combination with only a few comparatively feeble nations at her back.

When the history of the war on silver and legal-tender notes in this country comes to be written and understood it will strike the American people as one of the most insidious and carefully concealed conspiracies ever attempted by interested and designing men to destroy, for selfish ends, one-half of the metallic currency of the world in order to double the purchasing power of the other half, which they had so adjusted that the great mass of it, in this country at least, was secured to them and to them alone by carefully concocted laws and regulations, the scope and effect of which they hoped to conceal until it was too late for the people either to resist or remonstrate.

The act of July 14, 1870, had secured the payment of the principal and interest of all the bonds of the United States in gold and silver coin of the then standard value. The time within which about $735,000,000 could be paid had been extended till 1907, and all of them had written on their face, as part of the obligation—

> The principal and interest are exempt from the payment of all taxes and duties of the United States, as well as from taxation in any form, by or under State, municipal, or local authority.

The object and effect of this being that the bondholding millionaire can, with his liveried servants, drive his carriage without cost to him over roads built by his tax-oppressed neighbors—the tax-gatherers can not invade his palace. He is relieved from all the burdens of taxation for schools, churches, or railroad bonds issued by States, counties, or cities; in short, for all public objects, even to the police that guard his wealth. He was made, by law, the drone in the hive, for whom all the workers should toil. Only one step more was needed to make him absolute master over all the other classes of his fellow-citizens, and that was to increase as much as possible the purchasing-power of his untaxed and untaxable coin.

It was obvious that if one-half of the world's coinage could be destroyed the scarcity thereby created would enable him to buy with the remaining half twice as much of the property, real and personal, which the tax-payers owned and labored to produce as he could if the coinage of both gold and silver continued free and unrestricted, as they always had been prior to 1873.

The action of Germany in 1871–'72, as I said, gave shape and motive power to the crusade of the bondholders against silver, which was cunningly, insidiously, and secretly consummated by the infamous act of February 28, 1873, and the fraudulent manipulation of the Revised Statutes, both of which were in 1878 swept away by the indignant representatives of an outraged people overriding the veto of the President as soon as they realized the fraud that had been perpetrated upon them.

The natural and universal consequences of contraction followed the destruction of the silver coin and the contraction of the currency. During the five years from 1873 to 1878 the tramp was abroad in the land; starving men, willing to work, were begging bread. Money was said then, as it is said now, to be abundant. Of course it was. It always is when no man dare invest in property or produce goods which he knows will not bring more than half the price when he has to pay the debt, as they would when he borrowed the money to enable him to purchase or produce them.

No better illustration of that truth is needed than the fact that the same amount of the products of human labor will not now pay off that portion of the public debt of the United States still unpaid as would have paid it fifteen years ago, when it was over one billion more, nominally, than it is now. The benefit the people were entitled to receive from the reduction of the debt has been neutralized by the increase of the purchasing-power of money.

Mr. President, I wish I could read before the Senate and make part of the permanent records of the country an article by Emile De Laveleye, in the May number of the Contemporary Review, on "The economic crisis and its causes;" in which he proves beyond peradventure that the rejection by England and Germany of silver as one of the bases of circulation has caused more distress in these countries and in the world than any other cause, and perhaps more than all other causes combined.

I will, however, read one or two extracts, which show that the apparent surplus of money is often caused by its scarcity. He says:

> With respect to money a strange phenomenon is observable which occurs in the case of no other merchandise. The quantity of money has but to be lessened for there to be more than enough, and the more it diminishes the more will the excess be felt. The reason is this: When the quantity of means of exchange decreases two consequences result. In the first place, prices fall, and therefore less cash is necessary for the operation of exchanges and the effecting of transactions; there is therefore no insufficiency of money; and secondly, there seems to be too much money because, as the crisis consequent on the fall in prices puts a restraint on transactions, less money is necessary, and this therefore is unemployed and appears to be in excess.

Again, he says:

> The evils produced during the first period were admirably described by the American Monetary Commission of 1876, which simply depicted what was taking place before its eyes.
>
> The very same reasons which make capitalists refuse to exchange money, whose command over property is increasing, for property, whose command over money is decreasing, also makes them to refuse to exchange it for labor. In a commercial sense industrial enterprises are never undertaken nor carried on except with the hope and expectation of gain.
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> This expectation, unless under exceptional conditions, falling markets destroy. While capitalists, for these reasons, can not afford to invest money in productive enterprises, still less can anybody afford to borrow money for such investments at any rate of interest, however low, and but little money is now borrowed except for purely speculative ventures, or to supply personal and family wants, or to renew old obligations. Money withdrawn from circulation and hoarded in consequence of falling prices, although neither paying wages nor serving to exchange the fruits of industry nor performing any of the true functions of money, is nevertheless not unproductive.
>
> It may not be earning interest, but it is enriching its owner through an increase of its own value, and that, too, without risk and at the expense of society. * * * The peculiar effect of a contraction in the volume of money is to give profit to the owners of unemployed money through the appreciation of its purchasing power by the mere lapse of time. It is falling prices that rob labor of employment and precipitate a conflict between it and money capital; and it is the appreciating money that renders the contest an unequal one and gives to money capital the decisive advantage over labor and over other forms of capital invested in industrial enterprises.
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> * * * * * * *
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> The labor of the past is enslaving the labor of the present; at least that portion of the labor of the past which has been crystallized into money is enabled, through a shrinkage of its volume, and while lying idle in the hands of its owners, to increase its command over present labor and over all forms of property. The laborers must make their wants conform to their diminished earnings. Consumption is, therefore, constantly shrinking toward such limits as necessity requires.
>
> Production, which must be confined to the limits indicated by consumption, is constantly tending to a minimum, whereas its appliances, built up under more favorable conditions, are sufficient to supply the maximum of consumption. Thus idle money, idle capital, idle labor, idle machinery stand facing each other, and the stagnation spreads wider and wider.
>
> It is in the shadow of a shrinking volume of money that disorders, social and political, gender and fester; that communism organizes, that riots threaten and destroy, that capitalists conspire and workmen combine, and that the revenues of government are dissipated in the employment of laborers or in the maintenance of increased standing armies to overawe them.

The Senator from Nevada [Mr. JONES] is, I think, entitled to the credit of that wonderful presentation of facts. Speaking not long ago of the rapid rise in the price of our 4 per cent. bonds from 123 to 127, he said to me: "Men who have money find it more profitable to gamble in 'money futures' than in 'property futures.'" That covered the case and exhausted the argument. No man dares borrow money to invest in production of goods when the product will not bring enough to pay back the money borrowed; and no man cares to lend when the money increases in value while lying idle in his own hands more than the interest he could get for its use.

The plain, unlearned people of the country know that destruction of silver means doubling the value of gold and taking from them half the value of all they labor to produce. They never consented to the passage of any law which produced such results. The law which passed the English Parliament in 1824 could no more be passed now, when suffrage is so widely extended, than it could be in the Congress of the United States now when the motives and purposes of its advocates are understood.

The Parliament of England before the reform bill of 1836 was in no sense a representative body. It legislated for the aristocracy and the annuitants only. The laboring poor had no rights which it felt

under any obligation to respect. A highly respectable authority describes the English Parliament of that day as follows:

The house of commons did not at that time index public opinion because of radical defects in its constitution. The rotten-borough system then prevailed. The whole population of the kingdom was 21,000,000, but those who voted for members of the house numbered only 400,000. The Duke of Norfolk was himself represented by eleven members, Lord Lonsdale by nine, Lord Darlington by seven, and the Duke of Rutland, the Marquis of Buckingham, and Lord Carrington each had six—*forty-three members representing six persons!* The borough of Old Sarum had two members, who were elected by one voter, who kept an ale-house, while the great cities of Edinburgh, Glasgow, and Bath, with a united population of over 400,000 souls, had six members elected by a constituency of 105 voters. The borough of Bramber had two members, representing a male population of 56 persons, while Gatton and Dunwich had four members—two elected by 6 voters and two by 7, and so on. These boroughs were held as a property; Gatton being valued at the good round figure of one hundred thousand British pounds sterling, or half a million dollars, as a mere investment, because it supplied a seat in the house of commons.

Listen to what the historian Alison says on this crisis, and volumes of cumulative evidence could be furnished to support it:

The distress among the mercantile classes for years after the dreadful crisis of 1825, of the agricultural interests during the lowering of prices from 1832 to 1835, was extreme. The investment of capital in agriculture was during this distress everywhere grievously abridged, and in many places totally annihilated. Ireland, during the whole period, had been in a state of smothered insurrection.

The heart sickens at the evidence, numerous and incontrovertible, which the parliamentary reports of the last ten years have accumulated of widespread, and often long-enduring, suffering among the laboring poor of England. * * * Since the peace the all-important question arises, What was it that had this effect? The answer is, It was the contraction of the currency which has been the chief cause of all these effects.—*England in 1815 and 1845; or a Sufficient and Contracted Money*, page 51.

Times have changed; the English people vote now; other ideas are coming to the front. I read the following report of a meeting held in London on the 7th of this month:

The silver question—An animated discussion by English bankers in London—They resolve that to remonetize silver means greater prosperity.

LONDON, *July* 8.

An important meeting of the British and Colonial Chambers of Commerce was held yesterday at which there was an animated discussion of the silver question and its bearings upon the commerce of India, Australia, and Great Britain. Mr. Henry H. Gibbs, ex-governor of the Bank of England, opened the proceedings by a strong speech, showing the world-wide importance of restoring the monetary value of silver. Sir Robert W. Fowler, M. P., the London banker and ex-lord mayor, opposed the idea in a speech which was feeble in comparison with that of Mr. Gibbs, and was followed by two Indian members.

Both of these contended that the effect of the depreciation of silver must be finally the ruin of the wheat and cotton industries of America, and the development of India as the chief wheat and cotton exporter of the world. They, therefore, protested against England's aiding America to restore the value of silver at the expense of the interests of India.

Mr. Paul F. Irdman, an East India merchant, argued that England had other interests besides those of India, which stood sorely in need of the restoration of silver, and trusted that Mr. Gibbs's ideas would be adopted by the meeting.

Mr. Crump, of the London Times, denounced the agitation of the silver question as the work of the silver miners of Nevada, and their allies, the Washington ring.

Mr. Moreton Frewen opposed Mr. Crump in a strong speech in behalf of the farmers in the West and the planters in the South of America, and a resolution was passed by a vote 28 to 15, amid great excitement, declaring that the remonetization of silver would relieve the depression under which trade is now staggering. The meeting is regarded as highly important, and its influence upon the coming silver demonstration in Lancashire must necessarily be very strong.

There are volumes in that statement. I might cite the action of the German associations, demanding the restoration of their silver coinage, and the almost defiant attitude of the "Reichstag" against the despotic orders of Prince Bismarck, but I will content myself with the assertion that the people of Great Britain and Germany only need the assurance of the United States that we mean in good faith, and at all hazards, to maintain gold and silver coin and their paper representative on terms of equality, in spite of the clamor of those who are interested in doubling the purchasing power of gold by making it the only standard of value, to make them insist, with such emphasis that their rulers will not dare to disregard them, that silver shall be restored to its old and time-honored relation with gold in all transactions, great and small, public and private.

I said that the American people never consented to the demonetization of silver by the act of 1873 and the Revised Statutes. I am not unmindful that official and unofficial statements have been made denouncing all who dare to say what I do now as fools and slanderers, and parade has been made of reports and bills looking to that end as conclusive evidence that every intelligent legislator knew all about the action then taken. In answer to all these arguments I assert that no member of either House of Congress, either in the great debate in 1878, when silver coinage was restored, or before or since, has ever ventured to assert that he knew that it was done either by the act of February, 1873, or the Revised Statutes, or both; and none of them ever will.

Hon. WILLIAM D. KELLEY was chairman of the committee having the bill in charge, and he said in the House of Representatives, when required to say what he knew about it:

In 1872, when I made the remarks which were cited by those gentlemen, and which have been frequently quoted in both Houses, and always with an air as much as to say that to convict this man of the crime of having been instructed by the logic of events would forever settle this momentous question, we were not using coin, and no gentleman in either House appears to have appreciated the scope and magnitude of the silver question or to have given it special study. Hence the bill—and I wish gentlemen to know what that bill was; it was a bill to reorganize the mints, not to revise the coin money of the country, but to reorganize the mints, and it was passed without allusion in debate to the question of the retention or abandonment of the standard silver dollar. The then Speaker of the House, now a distinguished member of the Senate, and Hon. Mr. VOORHEES, of Indiana, who is also a member of that body, were then members of this House, and during the last Congress this colloquy occurred between them. It was, I think, denied by Mr. VOORHEES that members of the House knew that the bill proposed to demonetize the silver dollar, and to sustain his view he said to the ex-Speaker: "Did you know it, sir?" "No," said Senator Blaine; "did you?" "No," replied Senator VOORHEES.

I was chairman of the committee that reported the original bill, and I aver on my honor that I did not know the fact that it proposed to drop the standard dollar, and did not learn that it had done it for eighteen months after the passage of the substitute offered by Mr. Hooper, when I disputed the fact. The distinguished gentleman from Ohio [Mr. Garfield] who now leads this side of the House was then as now an attentive and already a distinguished member of the House; yet when in joint debate before the people of Ohio in October, 1877, the question arose as to who was responsible for its demonetization, he frankly said he did not know that such a provision was in the bill when it passed the House. I state this the more freely in his absence because I informed him that I intended to do so; and he replied, "It is the case; I did make that statement, and it is true."

Nor did the President who signed the bill know that it abolished legal-tender standard silver dollars, for in his letter to Mr. Cowdrey of October 6, 1873, cited by the gentleman from Ohio [Mr. WARNER], he said:

"Silver will gradually take the place of this currency, and, further, will become the standard of values, which will be hoarded in a small way. I estimate that this will consume from $200,000,000 to $300,000,000 in time of this species of our circulating medium. * * * I confess to a desire to see a limited hoarding of money. It insures a firm foundation in time of need. But I want to see the hoarding of something that has a standard value the world over. Silver has this.

Much more and perhaps more conclusive proof even than that might be adduced to substantiate the truth of my assertion, but I am content to stand on Judge KELLEY's statement, at least until some Senator says he knew at the time what was done and avows that the act of 1873 and changes in the Revised Statutes were made with his knowledge and consent. When any gentleman makes such an avowal I will show, especially in regard to the change made in the statutes, that he aided in practicing a deliberate fraud on the American people, as the managers at that revision asserted and reiterated in the most emphatic manner that no existing law was changed or modified in any regard.

It was on the faith of these repeated assurances that the Revised Statutes were adopted; yet they struck the legal-tender quality from the standard silver dollar; still the gold worshipers declare it was done openly, fairly, and with full knowledge on the part of Congress. All these assertions are refuted by the facts in the RECORD, and if they were not so refuted the condition of the country, the needs of business, the amount and adjustment of our indebtedness, Federal, State, and individual, made the destruction of silver as coinage a most disgraceful and indefensible performance.

The national debt exceeded $2,000,000,000. Silver of the standard value of July 14, 1870, was one of the two metals in which it was all expressly payable. The silver mines of the West were rapidly developing their productive power. The debt of the States, corporations, and people more than doubled the national debt. There was only $135,000,000 of gold coin in the country, of which the Treasury and the banks held $98,000,000, and other banks and the people held $37,000,000—not as much by many millions as is locked up in the Treasury to-day on the pretense that it is needed to guard greenbacks. There were $400,000,000 of greenbacks to guard then as against $346,000,000 now; there were $354,000,000 of national-bank notes authorized then against $250,000,000 outstanding to-day, and only $98,000,000 held by the Treasury and the banks, with no reserve in the country to sustain it.

In view of these and many other facts I might state, it is simply absurd to contend that the American people consented to the demonetization and destruction of their silver coinage, or that it was done knowingly by their representatives. Even the ever-vigilant reporters for the press did not find it out, which shows that it was a well-kept secret. No possible reason can be imagined why the people or their representatives should deprive themselves of the right to pay their debts according to their contracts, and double the value of gold in the hands of a few or reduce the value of all they had one-half to enrich the bondholders, to whom all the gold from customs was pledged. Everything proves that that legislation was the result of a secret combination of the holders of our bonds to enrich them and to ruin everybody else.

The truth is, that the national banks and bondholders then believed that they could control the legislation and finances of the country as they pleased, and they combined to destroyed all the coin and currency except gold and national-bank notes. The legislation of the years that follow proves it.

There was, as shown by the Finance Report for 1873, only $135,000,000 of gold in the United States at that time; the Treasury and the banks held $98,000,000 of that. The national-bank notes were made by law payable in lawful money, that is, in greenbacks.

The monometallists have struggled from that day to this to deprive the greenbacks of their legal-tender quality, still leaving them lawful money; that is, money good enough to pay off the bank notes with when payment of any of them are demanded, but not good enough for any citizen to tender to his creditor in payment of his obligations; he was to be required to borrow gold from the banks for that purpose at such premium as they could exact from his necessities. That was another of the contrivances to degrade greenbacks and keep them at a discount with gold.

The banks were, up to 1875, limited by law in their issues to $354,000,000, and New England had the lion's share of that. They managed to reduce the legal-tender notes from over $400,000,000 to $354,000,000 in 1873. Black Friday came, and $28,000,000 of greenbacks were thrown on the market to save Wall street from bankruptcy, making $382,000,000. They were legalized by a subsequent act.

In the mean time the national banking system was readjusted to save the East from distributing the surplus it held illegally, and they were allowed to issue notes without limit, while provision was made to retire all the greenbacks in excess of $300,000,000, and a construction was sought to be given to the resumption act which required all the greenbacks to be canceled and permanently retired as soon as they were presented at the Treasury for redemption after January 1, 1879.

Contraction and destruction of all our currency except national-bank notes, which were authorized to be issued without limit, and repudiation of everything but gold coin and bullion was the order of the day from 1873 to 1878. Distress, financial ruin, and general stagnation in business prevailed in every part of the land. Bankers and bondholders alone prospered; they alone could command gold, as all the custom-house receipts were pledged to them, and nothing but gold, after silver was demonetized, was receivable there.

Neither gold nor silver coin ever could or ever can be demanded from a national bank even for its own notes when presented at its own counter, for payment. They have not resumed specie payment and do not intend to. The act of June 20, 1874, prohibited a demand for the redemption of any national-bank notes from any bank except those issued by the bank itself, and they could always be kept far from home. The national banks are not required to take their own notes in payment of the obligations of the United States held by them, nor for the interest on the bonds which secure their circulation, while every other creditor of the Government is compelled to receive their notes in full discharge of its obligations to him.

Section 5182 Revised Statutes provides:

That the national-bank notes shall be received at par in all parts of the United States in payment of taxes, excises, public lands, and all other dues to the United States, except duties on imports; and also for all salaries and other debts and demands owing by the United States to individuals, corporations, and associations within the United States, except interest on the public debt, and in redemption of the national currency.

Thus every creditor of the United States is compelled to take the promises to pay of national banks, except the national banks, who owe them, and they are not to this day required to pay either gold or silver coin to redeem their notes. They have not yet resumed specie payment and do not propose to.

The greenback is redeemable in silver coin; it is only a coin certificate; it would be lawful money even if deprived of its legal-tender quality. Therefore all the provisions of the act of July 12, 1882, carefully avoid the use of the words "legal-tender" notes when designating the money in which national-bank notes may be or shall be redeemed for the next twenty years under their renewed charters; and in settling up under their old ones, and in all its provisions, it provides that they shall be liquidated in "lawful money."

Even after resumption they would not agree to pay in coin; not even in silver coin or in legal-tender notes; yet they and their advocates, official and unofficial, in and out of Congress, have kept up an unrelenting war upon the legal-tender quality of the greenback, so as to degrade it, and yet pay all their obligations with it, because it would still be lawful money.

Mr. Burke said:

The most dangerous class in the state is an extensive, discontented, moneyed interest.

They, and they alone, combine, call conventions, make denunciatory and inflammatory speeches, evade and defy Congressional enactments, and seek to spread discontent with, and distrust of, the coin of the United States. No laborer nor combination of laborers have ever complained of the greenback or the silver dollar or its paper representative; they never suspected that they were being defrauded till the banks constituted themselves their guardians, and through their speeches and their "press" raised a clamor against silver in the (so-called) interest of the laboring poor.

They tried to annul the contract which they required us to make with them on the 14th of July, 1870, which provided that they should be entitled to receive payment of both the principal and interest of their bonds in gold or silver coin, of the standard value of that date, hoping to get a decision from the then Attorney-General that their bonds were payable in gold. After silver was stricken down they caused the then Secretary of the Treasury to write a letter, asking his opinion on that subject. The letter and answer are as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., April 21, 1877.

SIR: I beg leave to call your attention to, and ask your opinion upon, the following questions growing out of the refunding act of July 14, 1870, to wit:

Can I stipulate in the body of the 4 per cent. bonds about to be issued that they shall be redeemable in coin of the present standard value; that is, the standard value at the date of their issue, or must it be the date of the law?

I submit a statement prepared by Hon. H. F. French, assistant Secretary, having reference to the laws.

It may become important to the public interests to make the new bonds payable in coin of the present standard; that is, gold coin. Some doubts have been expressed upon whether previous bonds issued under acts passed prior to 1873 are not legally payable in silver coin. This question may become important, as any doubt upon the legal terms of a public security affects its value.

Very respectfully,

JOHN SHERMAN, *Secretary.*

Hon. CHARLES DEVENS,
Attorney-General.

DEPARTMENT OF JUSTICE, *Washington, April 26, 1877.*

SIR: In answer to your letter of the 21st instant, requesting my opinion upon the following question growing out of the refunding act of July 14, 1870, to wit, "Can I stipulate in the body of the 4 per cent. bonds about to be issued that they shall be redeemable in coin of the present value, that is, the standard value at the date of their issue, or must it be the date of the law," I have the honor to reply:

The act provides for the issue of bonds "redeemable in coin of the present standard value." The word "present" undoubtedly refers as a matter of date to the time when the act was passed, and not to the time when the bonds were thereafter issued. It contemplated that a long period would elapse before it would finally be carried into effect, and that changes in the coinage of the country might occur during that period.

Whatever changes in the coinage should occur, these bonds were, however, to be redeemed in coin of the standard value as it existed at the date of the act. By this provision the holder was guarded against any depreciation that might take place in the value of the coin, and the Government would not be compelled to pay the additional value should the coinage be appreciated. All the bonds issued under the act were to stand alike, no matter what was the date when such bonds were issued. Each was to be redeemable in coin which was included in the authorized coinage of the country at the date referred to, it being of the standard value as it then existed. Since the law was passed, no change has taken place in the standard value of the coin. It is understood that there has been a certain change in the coinage of the country, and that silver dollars have now ceased to exist practically as coin.

It has been further provided by the statute of February 12, 1873 (Revised Statutes, sections 3585-'86), that "the silver coins of the United States shall be a legal tender at their nominal value for any amount not exceeding $5 in any one payment."

Notwithstanding this practical change in the coinage of the country, and the passage of this act in regard to legal tenders, the form of bond to be issued by you should not be changed so far as the mode in which it is to be redeemed is concerned. It was not intended that this should be varied according to the changes which might be made in the coinage, because a definite rule was given by reference to the coin of a particular date. That which will pay the bonds heretofore issued under this act will pay the bonds which you may hereafter issue.

It can not be authoritatively said that the words "payable in coin" or "payable in gold" are equivalent to the words used by the statute. Even if this leaves open for discussion the question whether bonds issued under th s act are or are not redeemable in silver coin of the character and standard which existed July 14, 1870, it is not a doubt which it is in your power to remedy by the use of words in the bond other than those which this statute provides.

While I comprehend the difficulty suggested in your letter and the convenience that there might be in removing any question upon this matter, I am, therefore, of opinion that it would not be safe to issue the bonds, except as redeemable in coin of the standard value of July 14, 1870.

Very respectfully, your obedient servant,

CHAS. DEVENS, *Attorney-General.*

Hon. JOHN SHERMAN,
Secretary of the Treasury.

The answer of Attorney-General Devens will be found on page 24 of Executive Document No. 9, second session of the Forty-sixth Congress, but for some reason unknown to me the letter of the Secretary is not to be found. My colleague, Hon. W. C. P. BRECKINRIDGE, procured it, however, from the archives of the Treasury Department, so that there is no doubt as to its authenticity.

That official's answer settled the question, and the absurd pretenses about Jay Cooke's advertisements, and the understanding about gold, and gold alone being the coin in which the bonds were to be paid, were exposed and settled by Mr. Devens; the indorsement he directed to be made was made and is now a part of each bond, in accordance with the opinion of the Attorney-General of the United States.

In the mean time the contraction of the greenbacks was hurrying on at a rapid rate. The representatives of the people became alarmed when they saw that they were reduced from $384,000,000 to $347,000,000, and that they were being converted into notes of large denominations, so as to be useless for currency.

They called a halt by the passage of the following law on the 31st day of May, 1878:

An act to forbid the further retirement of United States legal-tender notes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act it shall not be lawful for the Secretary of the Treasury or other officer under him to cancel or retire any more of the United States legal-tender notes. And when any of said notes may be redeemed or be received into the Treasury under any law, from any source whatever, and shall belong to the United States, they shall not be retired, canceled, or destroyed, but they shall be reissued and paid out again and kept in circulation: *Provided*, That nothing herein shall prohibit the cancellation and destruction of mutilated notes and the issue of other notes of like denomination in their stead, as now provided by law.

All acts and parts of acts in conflict herewith are hereby repealed.

Approved May 31, 1878.

That act settled the question raised under the resumption act of January 14, 1875, as to the final redemption and retirement of the legal-tender notes after January 1, 1879.

Secretary Sherman, in his report dated December 3, 1877, asked for the passage of some such law for the double purpose of settling that question and of securing a convenient and satisfactory legal-tender currency to the people. He expressed his opinion that they could be reissued after 1879, adding:

But this construction is controverted, and should be settled by distinct provisions of law. It should not be open to doubt or dispute. The decision of this question by Congress involves not merely the construction of existing law, but the public policy of maintaining in circulation United States notes either with

or without the legal-tender clause. These notes are of great public convenience; they circulate readily; are of universal credit; are a debt of the people without interest; are protected by every possible safeguard against counterfeiting, and when redeemable in coin at the demand of the holder form a paper currency as good as has yet been devised.

Congress by the act I have read not only complied with the request of the Secretary, it went further and repealed the law which authorized the reduction of the legal-tenders to $300,000,000 by making it unlawful to cancel or retire any more of them. It required them to be reissued and paid out again and kept in circulation, no matter from what source they were received; and it provided when they were mutilated and new notes had to be substituted for them that the new notes issued in their stead should be of like denominations as the mutilated notes that were for that cause canceled.

Congress did not intend to empower any Secretary to tamper with the then outstanding legal-tender notes. They were in a shape satisfactory to the law-making power, while before the passage of that act the Secretary could by law cancel one thousand mutilated one-dollar notes and issue in their stead one one-thousand-dollar note. That power was taken from him, and he was restricted to the right, and the duty was imposed upon him, to issue notes of like denominations in the place of those destroyed. The reason was obvious. As Secretary Sherman said, they circulated readily in their then form, being of denominations both large and small; they had universal credit; they were not easily counterfeited; they were the best paper currency that had yet been devised.

The national banks were allowed to issue their notes without limit and of any denomination of not less than $5. They needed large amounts of legal-tenders for reserve and redemption funds. If they could require the Secretary to issue legal-tenders in such denominations as they chose they could convert the ones, twos, fives, and tens into one-thousand-dollar, five-thousand-dollar, and ten-thousand-dollar notes and destroy the greenback circulation among the people and occupy the field themselves. Nothing better illustrates the difficulty of restraining executive officers from doing what they please, *fas aut nefas*, than the fact that every Secretary of the Treasury from 1878 till now has changed the denominations of the legal-tender notes to suit his own ideas of convenience, and they claim that the law of 1878 gives them the right to do so. If it does I confess my inability to construe a law.

It was to prevent the exercise of that assumed power that the House of Representatives inserted into this bill as a limitation on the use of the money appropriated the proviso: "That no portion of this sum shall be expended for printing United States notes of large denominations in lieu of notes of small denominations canceled or retired."

That is not new legislation; it is an express order to our Treasury officials not to violate the law.

I do not assert that the public interest has suffered, or that it is likely to suffer, by the changes in the denominations which have been or are likely to be made; that is not the question. My position is that no official has a right to violate the law, even when he thinks he is improving the service by doing so. The House was right in ordering obedience. I think the legal-tender notes are in better shape now than they were in 1878, as the following table shows:

Denominations of legal-tender notes outstanding at the dates named.

Denominations.	June 30, 1878.	May 31, 1886.
Ones	$20,929,874 30	$18,272,775 40
Twos	20,910,948 20	18,890,141 60
Fives	54,709,556 50	85,803,894 00
Tens	65,511,644 00	67,475,511 00
Twenties	62,720,643 00	55,833,479 00
Fifties	27,182,680 00	23,508,915 00
One hundreds	31,624,670 00	31,570,300 00
Five hundreds	30,878,500 00	12,515,500 00
One thousands	33,212,500 00	33,740,500 00
Five thousands	.....	60,000 00
Ten thousands	.....	10,000 00
	347,681,016 00	347,681,016 00
Deduct amount destroyed in Chicago fire (estimated)	1,000,000 00	1,000,000 00
	346,681,016 00	346,681,016 00

TREASURY DEPARTMENT, OFFICE COMPTROLLER OF CURRENCY,
Washington, June 25, 1886.

The gain, it will be observed, is in the five-dollar notes at the expense of the five-hundred-dollar. That is a great improvement over the condition in 1878; but they may all be converted into five-hundred-dollar notes if the Secretary has the power, which all of them have exercised, as I insist, in violation of law.

Mr. President, I ought not to close these remarks without adding that the gold in the country is now fourfold more than it was when silver was demonetized in 1873, and that we have acquired more gold and added it to our stock since silver coinage was restored in 1878 than all the silver coinage from that date till now amounts to. The Director of the Mint makes the following statement:

GOLD COIN IN THE COUNTRY.

[From Mint reports.]

July 1, 1873:	
In the Treasury and national banks	$98,000,000
In other banks and in hands of the people	37,000,000
	135,000,000
January 1, 1879:	
In the Treasury and national banks	147,700,000
In other banks	11,000,000
In hands of people	119,600,000
	278,300,000
July 1, 1885:	
In the Treasury and national banks	219,700,000
In State banks	26,000,000
In other banks and with people	297,500,000
	542,200,000

This amount would have been $582,200,000, but the present Director of the Mint deducted $30,000,000 for the consumption in the arts from 1873 to 1880, which sum was not deducted before that time for the reason that it was claimed to be offset by the coin brought in by immigrants in excess of that taken out by travelers.

By the most careful estimates the excess of gold exports over imports will not exceed $3,000,000 for the present fiscal year.

I have not the official figures for 1886, but it is safe to say that the gold coin in the country now is not less than $540,000,000 as against $135,000,000 in 1873 and $278,000,000 in 1879. The total coinage of silver dollars since 1878 is less than $240,000,000; the gain in gold has exceeded that sum since 1878 by over $20,000,000, yet we are told that gold is taking wings and fleeing away, and that same old tradition called Gresham's law is going to ruin us, if it has not done so already.

Mr. President, the United States owes next to nothing abroad and substantially nothing at home outside of ordinary expenditures that can be paid till 1891 and 1907. The premium on our 4 per cent. bonds has risen in a few months from 123 to 127. The exports and imports of gold are principally in bullion, and almost altogether on private account. Our foreign commerce is increasing and our home industries are improving. Our greatest need is a full, reliable, and convenient circulating medium, which I think my amendment to this bill will furnish, and the prompt restoration to the people of the money gathered into the Treasury by our tax-collectors. I repeat what I have in every form of speech and illustration so often asserted, that the greatest calamity of all is the hoarding and locking up of money in the Treasury; hence my anxiety to require our Treasury officials to pay it out promptly, and pay it out in such form as will best promote the general welfare.

The PRESIDENT *pro tempore*. Did the Senator from Kentucky move a substitute for the amendment of the Committee on Appropriations?

Mr. BECK. I offer my amendment as a substitute for the Senate committee's amendment.

The PRESIDENT *pro tempore*. In what part of the clause is it proposed to be inserted?

Mr. ALLISON. Before that substitute gets too far I desire to reserve any point of order that I can reserve upon it.

The PRESIDENT *pro tempore*. Does the Senator raise a point of order now?

Mr. ALLISON. I do.

The PRESIDENT *pro tempore*. The Chair has not yet carefully read the amendment of the Senator from Kentucky.

Mr. ALLISON. I have. I think it changes a great many existing laws and is in the nature of general legislation.

The PRESIDENT *pro tempore*. The Chair has no doubt that this is general legislation of the broadest character, and on that ground it is not in order as an amendment to this bill. The Chair has not read it through, but so far as he has gone it is clearly so.

Mr. BECK. It changes existing law, and as an original proposition I agree that it would not be in order; but I ask the Chair to read the provision made by the House on page 19 from line 435 to line 454 inclusive, which the House had a right to insert in the bill, and which being in we have a right to amend, because that is general legislation and a great deal more comprehensive in its scope than what I propose. I have a clear right to vote for the House provision as it stands, of course, because it is here. I do not want it, I do not think it wise legislation; but I think it can be amended so as to make it wise legislation, and hence the amendment I have offered.

The PRESIDENT *pro tempore*. We can not apply the rules of the Senate to whatever is proposed by the other House. The House must judge of that matter for itself. But under the rules of the Senate the Chair is of opinion that this amendment is not in order. If the Senator desires, he may take an appeal or if the Senator wishes the question submitted to the Senate it will be done.

Mr. BECK. I only want to say one word. I desire the Chair to look at it—I will offer it again in the Senate—from this standpoint: Assume that the law is to-day what the House proposes to make it, is

my modification of it new legislation? The House having asserted as much, for the purpose of acting upon the point of order that must be assumed to be existing law because it was made in order by the House; and we can not take the provision out under a point of order. Then the question is, assuming that to be true, have we not a right to amend it? Hence the amendment I have offered.

The PRESIDENT *pro tempore*. The Chair is of opinion that the proviso moved by the committee is entirely new legislation not affecting or even pertinent or germane to anything contained in the House proposition.

Mr. BECK. I will offer this again in the Senate after further time for reflection and contemplation.

The PRESIDENT *pro tempore*. The Chair thinks it is out of order.

Mr. BECK. I shall have the right to offer it again in the Senate notwithstanding the impression of the Chair.

The PRESIDENT *pro tempore*. Certainly. The Chair will submit the question to the Senate at any time it is desired.

Mr. BECK. I will offer it when the bill is reported to the Senate.

Mr. TELLER. It seems to me that if the amendment offered by the Senator from Kentucky is not in order the amendment offered by the committee is not in order. If the Senator from Kentucky can not amend the clause because the amendment is in the nature of general legislation, how can the committee do the same thing?

Mr. FRYE. That point has not been made yet.

Mr. TELLER. That point I desire to make now.

Mr. ALLISON. If the Senator makes the point seriously I should like to say a word about it.

Mr. TELLER. I do make it seriously.

Mr. ALLISON. Certainly it is in order to strike out provisions that are in the House bill; and I should think that if those provisions were struck out the Senator himself would waive the point of order on the proviso, which is the only thing subject to the point of order. The proviso is in the direction of the views of the Senator from Colorado, and I should hope that after we have stricken out the House provision he would not disturb the harmony of this proceeding by suggesting that the proviso should not be inserted. Certainly it is in order to strike out.

The PRESIDENT *pro tempore*. The Chair is clearly of the opinion that all the amendments proposed by the committee are in order except the proviso.

Mr. ALLISON. I should like to be heard on that question.

Mr. TELLER. I do not raise any question on the proviso.

The PRESIDENT *pro tempore*. The other amendments merely change the language of the clause grammatically.

Mr. TELLER. The proviso is the only merit there is in the action of the committee.

Mr. ALLISON. I understand the Senator from Colorado does not raise the point of order on the proviso.

Mr. TELLER. I raise the point of order on striking out and inserting the words in the upper part of the clause.

The PRESIDENT *pro tempore*. The Chair is of opinion that that is a mere question of grammar.

Mr. TELLER. Bad grammar does not vitiate the law if it passes in that shape.

The PRESIDENT *pro tempore*. The Chair thinks those amendments are in order.

Mr. TELLER. Well, we will reserve that point until we get into the Senate.

The PRESIDENT *pro tempore*. The clause will be read as it will stand if the amendments of the committee be adopted.

The SECRETARY. In line 435 it is proposed to strike out the first word "That" and insert "And;" in line 437, after the words "denominations of," to strike out "ones" and insert "one" and strike out "twos" and insert "two;" so as to read:

And the Secretary of the Treasury is hereby authorized and required to issue silver certificates in denominations of one, two, and five dollars.

Mr. ALLISON. I think these amendments had better be agreed to as we go along. They are all different amendments.

The PRESIDENT *pro tempore*. The amendment striking out the word "That" and substituting the word "And." in line 435, will be regarded as agreed to if there be no objection. The Chair hears no objection.

The SECRETARY. In line 437, after the word "denominations," it is proposed to strike out "ones" and insert "one."

The amendment was agreed to.

The SECRETARY. The next amendment of the Committee on Appropriations is, in line 437, to strike out the word "twos" and insert "two;" so as to read:

Issue silver certificates in denominations of one, two, and five dollars.

The amendment was agreed to.

The SECRETARY. The next amendment of the Committee on Appropriations is, after the word "dollars," in line 437, to strike out:

On all the surplus silver dollars now in the Treasury, in payment of the appropriations made in this bill and other expenditures or obligations of the Government. That.

The amendment was agreed to.

The SECRETARY. The next amendment of the Committee on Appropriations was, in line 440, before the words "the silver," to insert "And;" and in line 441, after the word "receivable," to insert "redeemable;" so as to read:

And the silver certificates herein authorized shall be receivable, redeemable, and payable in like manner and for like purposes as is provided for silver certificates by the act of February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar, and to restore its legal-tender character."

The amendment was agreed to.

The SECRETARY. The next amendment of the Committee on Appropriations is, in line 446, after the word "character," to strike out the words:

And shall be redeemable in standard silver dollars on demand, and when paid into the Treasury shall be reissued, subject to the provisions herein for the redemption of the same.

The PRESIDENT *pro tempore* put the question on the amendment and declared that the noes appeared to prevail.

Mr. ALLISON. I ask for a division.

Mr. HARRIS. Let us have the yeas and nays at once.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. RANSOM (when his name was called). I am paired with the Senator from Illinois [Mr. LOGAN].

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. Not knowing how he would vote on this amendment, I withhold my vote.

The roll-call was concluded.

Mr. CULLOM (after having voted in the affirmative). I cast my vote, forgetting that I was paired with the Senator from Louisiana [Mr. EUSTIS]. I therefore withdraw my vote.

Mr. PAYNE (after having voted in the negative). I am paired with the Senator from South Carolina [Mr. HAMPTON], and I withdraw my vote.

Mr. TELLER. My colleague [Mr. BOWEN] is paired with the Senator from New Hampshire [Mr. BLAIR]. If my colleague were present, he would vote "nay."

Mr. CAMDEN. I announce the pair of my colleague [Mr. KENNA] with the Senator from Minnesota [Mr. SABIN].

The result was announced—yeas 25, nays 24; as follows:

YEAS—25.

Aldrich,	Dolph,	Hawley,	Sherman,
Allison,	Edmunds,	Hoar,	Spooner,
Butler,	Evarts,	McMillan,	Stanford,
Cameron,	Frye,	Miller,	Wilson of Iowa.
Chace,	Gray,	Palmer,	
Conger,	Hale,	Platt,	
Dawes,	Harrison,	Sawyer,	

NAYS—24.

Beck,	Colquitt,	Jones of Nevada,	Vance,
Berry,	George,	Maxey,	Vest,
Brown,	Gibson,	Mitchell of Oreg.,	Voorhees,
Call,	Harris,	Pugh,	Walthall,
Camden,	Ingalls,	Riddleberger,	Whitthorne,
Coke,	Jones of Arkansas,	Teller,	Wilson of Md.

ABSENT—27.

Blackburn,	Gorman,	Mahone,	Plumb,
Blair,	Hampton,	Manderson,	Ransom,
Bowen,	Hearst,	Mitchell of Pa.,	Sabin,
Cockrell,	Jones of Florida,	Morgan,	Saulsbury,
Cullom,	Kenna,	Morrill,	Sewell,
Eustis,	Logan,	Payne,	Van Wyck.
Fair,	McPherson,	Pike,	

So the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment inserting the proviso, which will be read.

Mr. BECK. What was the precise question just now voted on?

The PRESIDENT *pro tempore*. The question just voted on was striking out the words from line 446 to line 449. The question now is on inserting the proviso.

Mr. BECK. I desire to give notice that I shall ask for a separate vote on that question in the Senate, which was, I believe, striking out the words from line 446 to line 449; and I will ask for a separate vote in the Senate on the amendment striking out after the word "dollars," in line 437, down to the word "Government," in line 440; and also on the amendment inserting the word "redeemable" in line 441, after the word "receivable." I shall ask a separate vote on each of these when the bill comes into the Senate.

The PRESIDENT *pro tempore*. The pending amendment will be read.

The CHIEF CLERK. The Committee on Appropriations propose to add to the clause just acted upon, at the end of line 449, the following proviso:

Provided, That said denominations of one, two, and five dollars may be issued in lieu of silver certificates of larger denominations in the Treasury, and to that extent said certificates of larger denominations shall be canceled and destroyed.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALLISON. Now we go back to the terraces. The next amendment I believe in order reserved is the amendment, on page 58, respecting the Capitol terraces.

The PRESIDENT *pro tempore*. There is no question pending upon that amendment.

Mr. HALE. When the Senate adjourned last night I gave notice of an amendment.

The PRESIDENT *pro tempore*. The present occupant of the Chair was not in at the moment, but he is advised that the then occupant of the Chair held the amendment of the committee to be out of order.

Mr. HALE. But I gave notice when the Senate adjourned that I had another amendment to offer.

The PRESIDENT *pro tempore*. It will be now in order.

Mr. HALE. After the words "eighteen hundred and seventy-seven," in line 1432, I move to add the following proviso:

Provided, That the work under the appropriation shall be done so as to provide committee-rooms upon the western front of the terraces, with proper ventilation and light from windows in the outer western wall.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Maine.

Mr. HALE. Mr. President, I do not propose to occupy much of the time of the Senate upon this subject, because it is a thing in which I can have no greater interest than any other Senator. I wish to give in brief the history of this matter so far as it has depended upon the only thing that has given it life, and that is the appropriations of money for the work.

The Capitol as it stood ten years ago was a most beautiful and imposing and majestic structure. People of taste, of judgment, and of trained and discerning skill in architecture who had traveled the world over were always impressed when they viewed the Capitol. There were inconveniences about it. In its original structure not enough attention had been given to the convenience of Senators and members in occupying either the chambers of the legislative bodies or the committee rooms. The prevalent fault-finding about the building was that not enough attention had been given to the feature of air and light and ventilation from exterior walls. The halls of the two legislative bodies are castles in the center of the wings, coming nowhere to the sun, to the air, to the light, and many of the rooms in the Capitol are subject to the same objection. But all the same it was a great, beautiful, grand structure, and it ought to have been let alone. If it had not been for uneasy spirits, experimentalists who wanted to get hold of this building and to work out their own plans and their own devices and their own schemes, it would have been let alone, as it should have been.

Ten years ago and more the plan began to be urged and the idea mooted of changing the outside. It came up first upon a project to extend from the center in the form of a Greek cross wings to the east and to the west. That was abandoned, but during that discussion one thing was urged continually, and stress was laid upon it as an architectural feature, that the appearance of the building was low; that it was not high enough for its immense length and breadth. I think that was recognized by architects and by people of taste and judgment in every way.

When that plan was abandoned we first began to hear about this scheme for extending out upon the three sides, to the north and west and south, in the form of a new structure called the terrace. There was a bank of earth which was called a terrace. The question arose whether anything was needed to be done there, as the old Library project had been abandoned.

When that subject came before Congress, Senators, almost everybody, had a great deal of skepticism about it. It was a pretty serious question to deal with this magnificent building, situated on this commanding eminence as it is. Having commended itself to the taste and judgment of the world, it was a pretty serious thing to begin to meddle with its foundation, and it did not meet with much favor at first. But like everything else about Washington, like everything else that is urged upon Congress, the more it was repelled and discarded as an impracticable idea the more persistent the men became who were engaged in it.

At last the Committee on Public Buildings and Grounds, and more especially a long-experienced member of that committee, the Senator from Vermont [Mr. MORRILL], for whom we all have the highest respect and reverence, became possessed of the idea that as well as being a sound public man and a good legislator he was an artist and architect, and that he could immensely improve this building about its foundation. He kept at it in the Committee on Public Buildings and Grounds until at last, through the aid of an architect imported from New York, a Mr. Olmsted, a plan was prepared for building out terraces of marble instead of the terrace made from the natural earth presented before, and as is commonly presented about buildings.

The history of that move, of that performance is rather an interesting one. When the Committee on Public Buildings and Grounds had succeeded, as that committee thought, in perfecting this plan for improving the appearance of the Capitol, and had got a report, and had got estimates made for this whole transaction, which it was said would cost $800,000 (and which, like every other estimate and like the whole plan, was essentially and fundamentally faulty and weak in the amount as in everything else), it became necessary to secure the attention of Congress, and the favorable attention of Congress, because Senators as well as Members were doubtful, skeptical, hesitating, were afraid that some grotesque, absurd thing might be ingrafted upon the foundation of this building which would be a shame and a reproach to the future.

The question came up first of giving the whole plan adopted, and that was abandoned. It could not be done; the House would not agree to it; the Senate would not agree to it. So it proceeded piecemeal, and from year to year the Senator from Vermont, representing the Committee on Public Buildings and Grounds, appeared before the Committee on Appropriations, because he had found, as the committee had found, that they could not get any bill through that committed Congress to the whole plan.

Mr. EDMUNDS. It went through the Senate.

Mr. HALE. They could not get it through Congress. They must get it in the place where comes the test of embarking in any practical scheme of legislation requiring money about Washington, that is an appropriation in terms made. They came before the Committee on Appropriations, which had no more interest in this matter, and has no more interest in it to-day than any other committee, and no member of the committee has any more interest in it than the member of any other committee—they came before that committee and did not dare to propose that the whole scheme should be taken, but that Congress should embark in it and should test it.

The first appropriation was made four years ago for starting and developing to a limited extent this work; and the appropriations were made referring in their terms to certain plats and plans which were made. Since last night I have been hunting up my papers, for like other members of the Committee on Appropriations and members of other committees I have the fashion after a subject is closed of putting up the papers and filing them away because I may want to turn to them afterward. I remembered in the discussion last night that whenever this subject was brought to the Committee on Appropriations it never was urged upon them that these limited appropriations from year to year were to involve any plan that comprehended a blank, unrelieved wall upon the outside.

Mr. TELLER. What kind of a plan did you think it was?

Mr. HALE. I am coming to that. When we made the appropriations we made them upon little maps which were presented to us, and I have one of them here that I found. [Exhibiting.] The maps upon which we made the appropriations and which were submitted to us were like the one which I have in my hand.

Mr. EDMUNDS. A ground plan, and no elevation?

Mr. HALE. A ground plan.

Mr. EDMUNDS. And no elevation?

Mr. HALE. And no elevation. We were asked, in order to fix where the money should be placed, to mention by letters certain sections of this plan. They began with A on the north side, B, C, D, E, G, F, H, I, J, K, L, and M. In the old discussions upon the Library, upon carrying out the east and west wings in the form of a Greek cross, the question of committee-rooms was always uppermost and discussed; and the moment that the project was broached before the Committee on Appropriations to begin this work the question arose about committee room, and not one dollar I may say, and if I am wrong in this I ask any member of the Committee on Appropriations, then or now, present at any time, to contradict me—not a dollar of appropriation would have been given unless it had been believed that in accordance with the thread of the discussion on the old question of changing the Capitol there should be clean, fresh, and amply-lighted exterior committee-rooms.

Mr. VEST. Will the Senator from Maine permit me to ask him a question?

Mr. HALE. Certainly.

Mr. VEST. I understand the Senator to state now that there never has been any appropriation made in bulk for this work, but the appropriations have always been made by parcels at the solicitation of the Committee on Public Buildings and Grounds, represented by the Senator from Vermont [Mr. MORRILL], and that it was always distinctly understood that there should be committee-rooms with windows upon the outside. Do I understand the Senator correctly?

Mr. HALE. Always.

Mr. VEST. I wish to ask the Senator if in 1884, in the first session of the Forty-eighth Congress, the Appropriations Committee did not report unanimously the bill which I hold in my hand, entitled "An act for the completion of the Capitol terraces and the stairways connected therewith," appropriating $770,588.98 for that work, which was the full amount of the estimate, "the work to be done according to the plans and specifications furnished by Frederick Law Olmsted, landscape architect;" and if that bill, so reported by the committee of which he is a member, did not pass the Senate unanimously, as the RECORD shows? Now, let the Senator answer that.

Mr. HALE. I referred to that before. That project came to naught; it never passed the House of Representatives. Look at the discussion; look at the time when the bill was reported; look at the whole of the proceedings accompanying it, and the Senator can not find anywhere that there was any abandonment of the idea of committee-rooms.

Mr. TELLER. It was the indorsement of a plan which never had any windows at all. Olmsted's plan never had any windows.

Mr. HALE. I wish to say a word about that plan.

Mr. VEST. If the Senator will permit me, I shall not interrupt him again.

Mr. HALE. The Senator is himself one of the most generous men in allowing interruptions, and I think sometimes I trespass upon his generosity. I do not object to his interrupting me at any time.

Mr. VEST. I am much obliged for the compliment. But I say the Senator stated over and over again last night, and has reiterated it again to-day, that the Committee on Appropriations has never recommended any appropriation for this work except in parcels. He said it last night, or the RECORD is at fault, and my memory is at fault, and I undertake to say the memory of every Senator here. I produce a bill which passed the Senate unanimously, which was reported by the Committee on Appropriations unanimously, which appropriated the whole amount of the estimate according to the plans and specifications which I read last night, which I have here now, and which did not mention any committee-rooms or any windows on the outside.

Mr. HALE. Neither do the appropriations that were made, for the reason that always in the conferences and always in the investigation of this matter it was declared that committee-rooms could be upon the outside in consonance with the plan. When Mr. Olmstead, the architect, appeared within the last ten days before the Committee on Appropriations and was asked by the chairman whether it was essential in this plan that there should be no windows upon the outside of this structure that they have built, or if windows could not be cut in there now, he declared that they could be and that it would not destroy the plan; that it was not considered by him as essential, but it was considered by Congress as essential.

Mr. HOAR. I do not know that I ought to interrupt the Senator.

Mr. HALE. Oh, yes.

Mr. HOAR. I think the Senator said it would not destroy the plan. Does he mean by that to say that the architect was of opinion that it would have no effect on the architectural beauty of the structure?

Mr. HALE. The architect did not say that; but it had been said, and the chairman asked the question thinking that it would bring out that answer from the architect, whether it would be practical now to cut these windows without destroying the effect of the plan, and the architect answered that they could be, and did not lay stress upon that.

Mr. TELLER. It would destroy the plan, but not the effect.

Mr. HALE. He put it in that way. But I was going on in order. This plan which I found among my papers is a plan that does not give windows anywhere. It does not give windows on the Capitol itself. It is under the background of this structure that is projected out in front. It simply gives the outline. It does not give spaces.

Mr. TELLER. Being a background plan, it could not very well.

Mr. HALE. He had the diagram in his hand. The Senator from Vermont asked us to appropriate for section A. Where is section A? It is right there. Where is section B? It is right in the corner. Where is section C? He said "it is right along there." Then in order that this work should proceed not in an irresponsible way, they put on the appropriation which they made for the north side, after the little experiment which one of the Senators I know characterized as a tunnel or a canal by which we come in to the steps out here. After it had got so far along they wanted to proceed with the rooms and the terrace upon the north side, and the committee were so careful not to let it proceed irresponsibly that they tied up the appropriation which they gave, and provided that the work under the appropriation should be confined to the north front of the Capitol and should not extend westward beyond the line of the west front of the Senate wing of the Capitol. It did not mean that it should go on without from time to time holding it in check.

When we came here the next winter we found that that had been done, and that there were no committee-rooms on the north side. When the Senator from Vermont representing his committee came before the Senate Committee on Appropriations the first question asked him was, what had become of the plan of having committee-rooms there? The reason was not that the plan did not involve committee-rooms until you got around to the center, but that on the north side away from the sun it was thought that the rooms could be made for storage, and that we should not have the committee-rooms until we got around to the front; and so the committee upon that made an appropriation for the work in front.

I affirm—and I ask members of the Committee on Appropriations to contradict me if I am wrong—that when that appropriation was made and the plans declared where there should be work, no plan was shown to us, nothing indicating that here was a scheme for an entire wall to be run along, and that the desire of Congress for committee-rooms was to be disregarded.

When we came here this winter, and the committee found that this work had been going on, and the question arose as to what should be done further in the way of appropriations, it was a complete surprise to the committee when they went out on the western front and found that rooms had been made there without a particle of light in the exterior wall at the west.

The Senator from Kentucky [Mr. BECK], who is now with the Senator from Missouri [Mr. VEST] and the Senator from Vermont [Mr. EDMUNDS], will bear testimony that he himself was as much surprised as any member of the committee, and that when he went out there and saw that, he declared that he had been deceived in this matter.

Then for the first time it was found on investigating into the ulterior purposes of this architect and this scheme that the only rooms which can be used for committee-rooms, as much as we need them and as much as the need constantly is arising, were out opposite and in front of the center of the Capitol, in that little area shaped like that before the Secretary's desk here, upon which we look when we sit in the barber's chair looking out through the open window to the west, and not one of those committee-rooms is to have any outlook, any window, any light, out toward the west where all the winds blow, where the air is pure and sweet and clear, but every one of the committee-rooms opens upon this little area or court, which is closed, into which no wind can sweep, which whenever the sun runs high and the weather becomes warm, is hot and oppressive, so that a man in any one of those committee-rooms would be obliged to close the window to keep out the accumulated heat that would pour into the room the moment that he opened his window. No breath of life in the air from the heavens or the winds that blow can penetrate one of those rooms.

Mr. INGALLS. Like this Chamber.

Mr. HALE. Yes; just like this Chamber; and I say that is one of the features, and the inconvenient and unhealthy features of this Capitol as it was originally, which seem to be perpetuated and carried out by this plan.

Now, the question comes, what is to become of these rooms all along on the north side to the open air, all along on the west side to the open air? Opposite each wing, where the Senate sits and where the House sits, are large, spacious, lofty rooms, connected from an inner corridor with a bull's-eye light overhead like a coal cellar, and on the face to the west of those rooms is nothing but the blank, dark wall, purposely made to exclude light and air and ventilation. Yet it is a part of this plan to make that portion of the Capitol which the architect in the remarkable letter which was read last night characterizes as the cellar.

I never heard of the cellar being up above and open, and 15 or 18 or 20 feet above the level of the ground. But to carry out his plan of dungeons into which men might be immured, rather than clean, healthy, spacious committee-rooms, the architect sticks to his idea of a cellar. Those rooms are along this corridor, lighted from above, lighted perhaps by a little window opening into a court, no outside light, or ventilation, or air; and yet the plan embraces, as I have said, the feature of so using that floor which should be one of the most attractive and convenient and handy of any in the Capitol. There is to be the entrance from the center.

The corrider along the elevator that runs now is to run down another floor; there is to be egress and ingress freely; and if these rooms could have been given what a natural man would have supposed as a matter of course would be given to them, we should have found there some of the best committee-rooms that there are in this Capitol (I should be very glad to go into one of them) the way that buildings are built now, with asphalt and with lead linings, and with subcellars and with everything that can be made where there is no stint in money, and those rooms could be made the best of any in the Capitol. But they are closed, they are left cold, dark, and damp, and you can not ventilate them. The north rooms which were made for storage are so damp that if you put furniture into them in one week the varnish begins to drop, the paint peels off, the articles become damp. If you put papers in there they will not keep, they become damp and begin to rot—decay and putrefy. They are good for nothing, because every element and every consideration of convenience has been sacrificed by this plan of this architect, who tells us in that remarkable letter which was read last night that the only feature about the building is that it should have an imposing look. He says:

> Here is a great and costly building, the greater part of the cost of which has been directed to the purpose of producing a certain impression on the minds of those looking toward it, and an impression that should be associated with ideas of the strength and majesty of a great nation.

I agree that the strength and majesty of the structure should not be sacrificed:

> It was proposed to be accomplished by setting a strong wall into the face of the hill in front of the foundations of the building; that is to say, in front of its cellar wall. Such an outer wall, it was calculated, would have the effect upon the eye of a dam holding back whatever on its upper side looked liable to settle toward the down-hill side. Every dollar thus far spent on the terrace, and on the grounds in connection with it, has been spent on the supposition that this calculation was soundly made.

In another part of the letter the architect states that the great reason why this work has been entered upon and carried out after the fashion it is being carried out is that there was an impression before that the Capitol would squeeze out the ground around it and would settle, and that there was a lack of firmness in its base. The Senator from Kansas [Mr. INGALLS] participated in a very pungent and effective way, as is his habit, in the discussions with reference to carrying out the east and west wings for a new library accommodation; and I venture to say that in all of those discussions he will bear me out that this idea that the

architectural effect of this building could be improved because it was necessary to put a wall or a dam out there to prevent the impression of sinking or squeezing out the ground never was heard of.

The thing that was heard of then in the discussions here and in the committee was that the building presented rather a squat appearance, and that this new work, instead of being a cellar, would add another story in effect to the building and would thereby in effect heighten it and would relieve that appearance. I wonder if the Senator from Kansas in those discussions ever heard before this letter from the architect of this idea that the object was to have a dam outside to prevent the Capitol from appearing to squeeze out the ground. And if Congress had been told what this design was not a dollar would ever have been appropriated for it. I venture this assertion that there are not ten Senators in this body who before the last two weeks ever knew or heard or believed there was a plan here for running a blank, bare, staring wall around the Capitol without a window in it.

Mr. TELLER. It was their own fault if they did not know it.

Mr. HALE. They did not know it; and in the solicitations with which the Committee on Appropriations were visited that was carefully concealed, and we made our appropriations and our references to this plan simply upon the plot of the ground in order to fix upon the diagram where the money was to be expended. I never saw any feature, nor any report, nor any diagram of this entire plan without windows upon the outside walls until I came here this winter.

Mr. HAWLEY. I would suggest to the Senator from Maine that there it is: "Referred to the Committee on Appropriations, and ordered to be printed, December 5, 1883."

Mr. TELLER. There never was any other.

Mr. HALE. I know that document, the same one referred to last night.

Mr. HAWLEY. There is the illustration itself, and there are the specifications, all of which describe exactly that kind of wall, and repeat it over and over.

Mr. HALE. I have read those specifications. They do not say anything one way or other about windows. The truth is that at all the times when that feature was presented it was said, "Yes, you can have your committee-rooms, and your windows, and when we get to the west side it will be done." It was not pretended that it was a distinctive feature that there should be no windows, and Mr. Olmsted himself did not pretend that when he came last week before the Committee on Appropriations.

Mr. HAWLEY. Will the Senator be so kind as to let me explain a matter? I am anxious to get at the truth.

Mr. HALE. I yield.

Mr. HAWLEY. Senators and members and everybody visiting the Capitol will remember a picture that hung for years on the terrace at the western front and at the foot of the entrance near what is to be the grand staircase, and which thousands of people have looked at as showing what was to be the future of the Capitol. There is a completed terrace in that picture precisely as described in the plan three years old, precisely as it is partly finished on the north and west sides.

Mr. TELLER. That was hung up at least five years ago.

Mr. HAWLEY. I have gone to the architect's office and inquired for it and it was dug out of the old lumber.

Mr. VEST. I raise the point of order on this amendment.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator will state his point of order.

Mr. VEST. That the amendment offered by the Senator from Maine is out of order.

Mr. HALE. If the Senator will withhold that for a few minutes, I am nearly through what I was going to say——

Mr. VEST. I will withdraw it for the present.

Mr. HALE. I have no feeling except to present this matter to Senators and then let it be disposed of. If the Senate does not desire these committee-rooms, then we can get along without them. I can, for one, if other Senators can. I was only giving the history to show that this plan is now sprung and that in the quarters that had the responsibility of appropriating this money this never was understood until the present time.

Now as to the beauty and the fitness of this long, unbroken band. I am not an architect; I do not know that any Senator here is an architect; the chairman of the Committee on Public Buildings and Grounds [Mr. MAHONE] is not; the Senator from Missouri [Mr. VEST] is not; and the venerable Senator from Vermont [Mr. MORRILL] is not an architect.

I have had experience enough with architects—and I have had a good deal within the last few years—to know that upon great questions of the appearance of a public building or a private building, of a dwelling-house or any feature of it, as to how it shall strike the intelligent and cultivated and observant eye, the judgment of any intelligent and enlightened gentleman is as good as that of an architect; and, moreover, it is not pestered and thwarted and disturbed and turned awry by any particular scheme or plan that an architect has and that he is bound to carry out. No man ever built a house and let the architect have his way and gave him *carte blanche* who did not find afterward that he ought to have kept his own eye, his master-eye, upon the subject.

I have asked and have tried to find out from others who have professional knowledge and experience in this matter where a public building can be found with its outer base—not a cellar, because the architect is bright enough to keep calling this a cellar in order to avoid the point I am now making that this is an outer face to the base—I do not know where any building can be found with the basement out clear to view a plain line of granite or marble or brick, or whatever it may be, unbroken by windows. I believe the effect would be better to have windows inserted in these rooms all along in front, because whatever may be said about this dam, this wall that is to prevent the appearance of squeezing out the ground, the general effect to the beholder as he stands far off and approaches the Capitol is just as it was said it would be at the time we entered upon this work, that another story is added to this building, that it lifts it up and makes it less squat, and it appears as if this wall was right under the continuation of the old wall. It will be improved by windows properly put in with proper supports and proper strengthenings at the sides below and above.

I do not believe that any building of this kind can be found anywhere. The architect was asked when he was before us if he knew of any such building. He instanced a building in England, the country home of the Duke of Devonshire I believe, and it happened fortunately that a member of the committee had visited that place last year and he said at once that is nothing but a wall that rises above the ground like any wall and is not in any way like this feature, and the architect then was obliged to confess that it was so and he could not give the name.

I have been to the Library and I have been looking over the engravings and pictures of stately buildings, remarkable buildings, buildings the structures of which have given renown to the architects, and I can not find anywhere any building with a great base unrelieved by doors or windows, but precisely in form like the base of a monument.

While I do not pretend to have any architectural education and may be all wrong about it, I have a profound belief that if that is carried out in the years to come the question first asked by everybody approaching it will be, why have you got that blank, staring wall outside there? You may dam this building now, but our children and our successors will damn it a great deal worse in the years to come. I do not believe in it any way. I think the architect is all wrong. He has got this idea into his head, and like all architects he is bound on carrying it out whether or no.

I do not know but that it will be said we have gone too far, that we can not retract. It will be said that if Senators did not know they ought to have known. Perhaps that is so. Perhaps I ought to have known, perhaps the Committee on Appropriations ought to have known more, ought to have been more wary, ought to have examined more fully into the details of this plan; but when every appropriation was accompanied by an assurance that we should have these committee-rooms, we did not. Perhaps we were at fault. I do not say that we were not. I do say—and in this I appeal to the consciousness of Senators surrounding me now—that I believe not ten men up to this winter ever had a thought that there was a feature here to be carried out of a blank, staring wall upon the outside and no windows and no committee-rooms. I may be all wrong about it, but I make that statement as my impression from the talk I have heard from Senators and from the way my own mind has run. And with this I am going to leave it.

I can have, as I said, no more interest than anybody else, no more than the Senator from Missouri. The Committee on Appropriations divided on the subject. They have no interest in it. It is not a desire to stop the work, but it is well that in a matter of this importance Senators should know just what has been going on, how it has gone on, and what they are likely to see in the future.

Mr. VEST. I now renew the point of order, Mr. President.

The PRESIDING OFFICER. The Senator from Missouri raises the point of order that the amendment of the Senator from Maine is not in order.

Mr. HALE. Let us have it read.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. After the word "seven," in line 1432, it is moved to add:

Provided, That the work under this appropriation shall be done so as to provide committee-rooms upon the western front of the terraces with proper ventilation and light from windows in the outer western wall.

Mr. CONGER. I ask the Senator from Missouri to withdraw the point of order for a moment.

The PRESIDING OFFICER. Does the Senator from Missouri withdraw the point of order?

Mr. VEST. Of course I do not wish to prevent the Senator from speaking.

Mr. CONGER. I wish to make a remark or two in regard to this subject.

I do not know what other Senators may have thought during the few years in which this work of carrying around the marble base in place of the earth slope around the Capitol has been going on; but with the little attention that I have given to it I supposed from the first until now that the general feeling was among all who looked at this Capitol from the west side and from the north side and from the east side that the earth embankment against this Capitol resembled too much the embankments around the little prairie houses that are built for tempo-

rary purposes, the commencement of a place to stay a little while when a man was making his homestead, banked up, as I have heard in Ireland and in Norway and in other places some residents bank up with earth or with snow or with ice as a matter of protection. That was the appearance of the Capitol to other people as it was to myself.

The main argument that I ever heard for leaving these grass plats or slopes was to afford a place for children to roll their eggs down on Easter Day, so that it was their part of the Capitol on that occasion for a play-ground; it was said to be convenient for that purpose. I have always understood that the very length of the building gave, especially upon the western side of the ground against it, the impression that it was a flat building; and I have heard it suggested here and in Congress that in some way, by some expense, the old Capitol should be raised another story, and the dome itself raised on the top of another story to relieve the idea of the flatness of the building. That has been the criticism of those who have had advantages which I never did have of seeing the famous buildings of the capitals of the Old World.

When this was proposed I understood, from all the conversation I ever had with members of Congress and others, and I supposed there was to be this wall around the building in the place of the earthwork, of the grass slope, of the embankment, and the theory of it was that in looking at the building from the west and that part of it from the north and south, which was to be affected by this wall, it would to the eye and in point of fact equal to some extent another story of the building, and although it was removed far off from the building, was a mere foundation for the sidewalk and for the top of the promenade-ground around the building, yet the effect of it and the object of it was esthetic almost entirely to improve the appearance of the building.

I have heard from time to time, and innumerable times, members of Congress of both Houses speak of the work as it progressed, as a view of it from the north and latterly from the south showed its effect, that it did have the effect in coming from the west around the walks of the Capitol Grounds, it did have the effect to the eye—illusory perhaps, a mere delusion of the senses—of raising the whole Capitol a story, these outer parts of it taking the place of the earthwork, blending in with the building and lifting it another story from the earth.

I never heard that anything about that building was to be used for committee-rooms, and I am free to say that I do not believe there is a Senator in this body or a member of Congress in the other House if these rooms were completed in the best possible style, with windows of any possible form and with great elevations or greater depth as it may be, could be found would agree beforehand as chairman of a committee or a member of it to go, from this Senate in any possible mode either down through the engine-room or out through the west-front of the Capitol and into the corridors there and select a committee-room to which he would go in summer and winter and hold his committee meetings there. This getting committee-rooms off to other places has been attempted from the necessities of the case and has uniformly failed everywhere and in whatever building. A committee that goes away from the immediate presence of the body is at a disadvantage because its attention may be called by the alarm-bells of yea-and-nay votes, executive sessions, and all those things where a committeeman desires to be within immediate reach of the scene of his labors.

There were two windows on that subterranean west front of this Capitol. One of them remains there yet, I think—ghastly, unsightly sepulchral windows, as if the entrance to the dead-house, the entrance to the vault whitewashed as in old times if my recollection is right, like the outside of a sepulcher. There is one now that has not been torn away right in front of the Senate portion of this beautiful building, a great gaping, staring window whitewashed within and without. I think it has been used in some way or other as a means of getting air through this earth embankment and through the engine-room and through the heating-room, and the Lord knows what for. I have never explored all these places and means of getting fresh air to the Senate. The window in the further end of this Capitol was so unsightly to the members in the other House that many of them who were there then cheerfully accepted any proposition by which the window could be removed, and so they built a martello tower away off on the grounds somewhere in order that the air should not come from the immediate surface of the ground.

The Senator from Maine proposes for these committee-room windows. We raised up this martello tower 20 feet, a perfectly air-tight building except at the top so that the air that should come in should be pure. It used to come sweeping along the surface of the humid ground, and it was thought it should at least come up a little higher and come down through this tower and then come into this old window, and come into the House in that way.

The Senate that is careful about these matters of health and smell have continued the use for their refreshment and recreation up to this time of a window opening low down, the air coming through some kind of a whitewashed vault and coming to the Senate Chamber, and it comes here yet. No man in the spring or in the winter when the beautiful grounds around this Capitol are properly fertilized by the fertility of the Guano Islands or the fertility of South Carolina phosphates or the more common fertilizing processes that are secured around the different livery stables of the city and piled away in immense magazines of fertilizers—no man in the Senate unless he has a very bad cold and his sense of smell has been very much obstructed can fail to tell in a moment when the fertilizers are scattered over the grass and how the current of air coming along in a moist spring day up this beautiful slope finds its passage within the fan, as if we must bring in by the aid of machinery surface air from the fertilized grounds around. One sitting here can tell with the ordinary exercise of his sense of smell when the fertilizers are there.

The same effect will come from a window low down with the slope, the air coming up to it from the immediate surface and from the soil whether affected by fertilizers or the natural moisture arising from the frequent rains. The air taken from the surface of the ground around this Capitol is not healthy and is not pleasant, and is not fit for the Senate, and is not desirable for a committee-room, window or no windows.

That striking window which used to stare us like a great tunnel entrance at the House end was removed years ago, but the other window has remained at the Senate end and is there to-day if it has not been removed within a few days, and I do not know how that may be.

I venture to say that the sole object and the only practical object of the expense of building this marble wall around the building was to sustain the foundations of the building and to remove the unsightly grass plots that slope down from the building, and if I may so say to substitute the pure white marble in the place of the leek-covered earthen parapet. There never was a time but that the pure air was impregnated with the leeks and the garlic coming over this ground. It is not to-day, although twenty to thirty men are busily engaged from early spring to midsummer with their little knives weeding out these little roots of the leek, the garlic, or the onion, or whatever name you call it by, and carrying it off in basketsful day after day, the smell of the garlic will linger there still. Now, do you want committee-rooms just overlooking these grounds? We desire to have the view even from the committee-rooms down there hidden by the already great trees and shrubbery, and shut out from the view of the heavens or the earth by the shrubbery which must necessarily cover that ground.

The Senator has spoken of the delightful view from the barber-shop——

Mr. HALE. I do not like it.

Mr. CONGER. I do not like that view. I did not hear him very exactly, but I thought the Senator had expatiated upon the delightful view from the window of the barber-shop.

Mr. HALE. I was saying that the trouble with this plan is that the committee-rooms provided for are rooms looking out on that space. I do not like it better than he.

Mr. CONGER. Any man of taste who can fall back in the barber's chair and go through the *soaporific* and *barberous* practices of a good barber learns to enjoy that place, and gathers around it even when there is no special *barberous* necessity for it. We associate the idea of comfort and nicety with it, and regard the place as being a pleasant and a sightly place. There is my friend from Nebraska [Mr. MANDERSON]. I saw a heavenly smile come over his countenance when I described it, even when he was not looking out on the beautiful view, with the Monument in the distance and the grove before him.

But, sir, there is something serious about this, and I generally when I talk to the Senate desire to say serious things, though the Senator from Maine may consider these allusions a little humorous. I have thought that his remarks about this parapet, or whatever it is called, were made with the intention of showing to the Senate how ridiculous it would be to have this wall all cut up with windows, a solid basement for one of the most beautiful promenades in the world. What kind of windows? Double windows, Gothic windows, the big Gothic in the middle and the little hanging on at the side, or the kind of windows with little square holes like the windows in the upper story of this Capitol? What could be put in there in any arrangement that would not demand a greater height of these walls, and what could be put in there which would not, to the eye of any man educated or uneducated in artistic things, mar the harmony and the solidity and the beauty of these walls? How many windows shall there be? How situated? What is to be placed there in any event that would not take away the entire effect if there is a good effect in having these walls carried around the Capitol.

Sir, the plan for what was to be done when we reached around the front of the main building and the entrance to the main building was hung up under glass, stuck down along the walk, and it was there for some years. I had supposed from it that in the immediate front of the building there was to be a double staircase, a stairway leading from the walks from Pennsylvania avenue and from Maryland avenue, winding up by some suitable plan to the front of the main center of the Capitol. In that there might be ornament; in that there might be openings and windows; in that there might be tracery. Any of those things there would be appropriate, but here there should be nothing except the plain, distinct, clear purpose of this work, which was to raise the building and put in place of a mud wall the white granite or the mottled granite. The stairway would be the place for ornament. If the Senator from Maine will exercise his taste, and I hope he will, there may be ornamental things there on the two grand stairways on which the visitors to the Capitol and the people of the United States coming from the two main branching avenues that lead up to the west front of the

Capitol should come up the walks that are already prepared, and come up to the Capitol by a staircase which is appropriate and tasteful in regard to the construction of the building.

It is said that this building lacks air. It is said that it lacks ventilation. It is said that the store-rooms down here are so moist that papers melt, corrode, or mold. Why not? All along they have been there to mold, and probably it is no worse now. There never has been any attempt to clean out that space to make it even free from the dampness of the building. But there are many rooms in this building that have no ventilation that are occupied for committee-rooms no better than they have to-day; and the ventilation of those vaults or rooms must depend upon the forcing of the currents of air to them, and so the drying of those rooms depends on the heat and hot air sent through.

But, sir, I will say another word. No man will want to go to one of these rooms as a committee-room either for the reasons of convenience or health or proximity to either of the Chambers. If they were there nobody would want them. No man will say beforehand that he will take them either as chairman of a committee for his committee or as a member of it. You may circulate the request and I venture to say you can not get a signature in a week. So then I think the idea of these rooms for committee-rooms, thus by openings and by windows and by whatever process marring the plan and the design of the work itself, ought not to be undertaken.

We have no need to prepare down under ground and in dark places committee-rooms. Whenever the work already ordered by Congress, the building of a new library, shall be so far completed as to permit the removal from the library part of this Capitol of the vast accumulation of books and pamphlets and magazines occupying those rooms, there will be more and better rooms in that one part of the building than all these front committee-rooms put together.

Besides it is proposed—how soon it may come I do not know, for these are things reaching through years that we are considering now—and I have no doubt it will soon be entered upon, to build upon the other side of East Capitol street over where the library may be located a place for the law library, for the United States Supreme Court, and for the officers connected with it, leaving for the use of the Senate in the Capitol from twelve to fifteen rooms which can be the best committee-rooms in this building. The uses for which they are now occupied will be taken away. In both ends of the Capitol, the prospective buildings for the library, and United States court-rooms, and for the law library, and for the clerk's office, and the marshal's office connected with the courts, will leave rooms that are desirable and that will be sought by committees without going down elevators and without going down into the engine-rooms and through the corridors below.

These are my views. I was astonished beyond measure when I found that a committee of the Senate would stop the progress of a work which to the mind of every man with whom I have ever conversed and of every citizen of the United States with whom I have talked about this improvement on actual inspection, has been considered very proper in its form and very desirable, and worthy of the Capitol and worthy of the nation; and when it comes to any vote upon that I shall vote against the report of the Committee on Appropriations stopping the appropriation for any purpose whatever, and most of all I shall vote against it when the object of stopping the appropriation is to make an unnecessary and a useless and an undesired and an undesirable number of committee-rooms far down in the bowels of the earth and mar the plan and mar the usefulness of the work as it is now proceeding.

Mr. ALLISON. I now ask unanimous consent that the usual five-minute rule may by applied to amendments to this bill.

The PRESIDING OFFICER. The Chair did not hear the Senator from Iowa.

Mr. ALLISON. I now ask unanimous consent that in the further consideration of this bill the five-minute rule may be applied to the amendments.

The PRESIDING OFFICER. The Senator from Iowa asks the unanimous consent of the Senate that hereafter in the consideration of this bill the five-minute rule shall be applied to the discussion of amendments. Is there objection? The Chair hears none, and it is so ordered.

Mr. VEST. I now renew the point of order on the amendment of the Senator from Maine.

The PRESIDING OFFICER. The Senator from Missouri [Mr. VEST] raises the point of order upon the amendment proposed by the Senator from Maine [Mr. HALE] that it is not in order. The bill as it came from the House contains an appropriation for continuing the work on the terraces of the Capitol to which the Senator from Maine proposes an amendment changing the plan upon which that work has heretofore been prosecuted under the authority of law. Following the decision of the Senate yesterday evening upon the amendment proposed by the Senator from Colorado [Mr. TELLER] the Chair is constrained to hold that the amendment is out of order.

Mr. ALLISON. Now the pending amendment is to strike out from line 1416 to line 1432 inclusive.

Mr. VEST. Let us take a direct vote on that.

Mr. ALLISON. Let us take a vote on that. We have had full debate now.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to strike out, beginning in line 1416, after the words "Capitol terraces," down to line 1432, as follows:

For continuing the work upon the terraces of the Capitol, sections marked K, D, and J, as shown on printed plan accompanying the letter of the Secretary of the Treasury (Executive Document No. 9, first session, Forty-eighth Congress), including wages of mechanics and laborers, and for reconstructing boiler-vaults connected with sections C and K, $150,000.

That the unexpended balance of the appropriation for continuing the construction of the terrace and grand stairways of the Capitol made in the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes," is hereby reappropriated or rendered available for the continuation of that work during the fiscal year 1887.

The PRESIDING OFFICER. The Chair will state to the Senator from Iowa and to the Senate that that amendment, as the Chair understood, was ruled out. The entire amendment of the Committee on Appropriations was a proposition to strike out the words read and to insert what follows in italics, it being one amendment to strike out and insert, which the Chair held last night to be out of order. So that amendment is disposed of already.

Mr. ALLISON. I offered last night an amendment to the text at the end of line 1423. I did that with a view of moving to strike out from line 1424 to line 1432, because my amendment is intended as a substitution for the House provision.

The PRESIDING OFFICER. The Senator's amendment is now in order.

Mr. ALLISON. I then move to strike out the clause from line 1424 to line 1432, inclusive.

The PRESIDING OFFICER. The language proposed to be stricken out will be read.

The Chief Clerk read as follows:

That the unexpended balance of the appropriation for continuing the construction of the terrace and grand stairways of the Capitol made in the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes," is hereby reappropriated or rendered available for the continuation of that work during the fiscal year 1887.

The PRESIDING OFFICER. The question is on the amendment to strike out these words.

The amendment was agreed to.

Mr. ALLISON. Now, do I understand that the original text remains in the bill from line 1416 to line 1423 with the amendment that I offered?

The PRESIDING OFFICER. That is the effect of the ruling of last night, in which the Senate concurred.

Mr. ALLISON. Then I hope we shall go on.

The PRESIDING OFFICER. The next reserved amendment will be stated.

The CHIEF CLERK. The next amendment of the Committee on Appriations which was passed over was, in line 1463, after the word "lands," to strike out "seventy-five" and insert "sixty;" so as to make the clause read:

Depredations on public timber: To meet the expenses of protecting timber on the public lands, $60,000.

Mr. TELLER. I ask that the amendments relating to public lands be passed until the chairman of the Committee on Public Lands, for whom I have sent, comes in. He desires to make some amendment, and I do not know what it is. I think this and the next amendment had better go over until he comes in.

The PRESIDING OFFICER. The question is on the amendment.

Mr. COCKRELL. Was the request acceded to?

Mr. ALLISON. I will say that the Senator from Kansas told me before he left the Chamber that he favored these two amendments, and that if they were adopted it would be satisfactory to him. I do not understand that he desires to offer any amendment to these two amendments of the committee.

Mr. COCKRELL. I hope this amendment will not be agreed to. I think that the House cut the appropriation down to the very lowest possible limit in this case. The appropriation is only $75,000. The estimate was much larger than that, and without the entire appropriation I do not think that this service can be properly and efficiently administered. I hold in my hand a statement which was prepared at the General Land Office, showing the proceedings, civil and criminal, instituted for depredations committed upon public lands. This is prepared by Mr. Archibald Young, acting chief of the special service division, dated July 17, 1886, and addressed to Commissioner Sparks.

WASHINGTON, D. C., *July* 17, 1886.

SIR: During the fiscal year ending June 30, 1886, legal proceedings were instituted on recommendation of this Department against parties in the Southern States for timber depredations upon the public lands, as follows:

States.	Criminal.	Civil.	Amount involved.
Alabama	4	8	$61,050 25
Arkansas	29	16	34,345 02
Florida	4	2	1,037 50
Louisiana	120	60	257,603 65
Mississippi	26	17	108,183 00
Total	182	103	462,219 42

While in the same States during the previous fiscal year only twenty-two criminal suits and twenty civil suits were instituted, involving $148,713.92. (See Land Office Report, 1885.)

Very respectfully,

ARCHIBALD YOUNG,
Acting Chief Special Service Division.

Hon. W. A. J. SPARKS,
Commissioner of the General Land Office.

Then I have a comparative statement showing the number of entries in the Southern States reported by special agents and the number canceled or held for cancellation during the fiscal years ending June 30, 1885, and June 30, 1886. That refers to a different branch of the same subject, which shows that the total number reported by the agents in 1885 was 221—that is, entries for cancellation—and in 1886, 325, and those canceled or held for cancellation in 1885 amounted to 122, and in 1886 to 260. I will insert the table:

Statement showing number of entries in the Southern States reported by special agents, and number canceled or held for cancellation during the fiscal years ending June 30, 1885, and June 30, 1886.

States.	Reported by agents.		Canceled or held for cancellation.	
	1885.	1886.	1885.	1886.
Alabama	12	3	57	5
Arkansas	44	50	10	67
Florida	64	31	30	38
Louisiana	90	154	11	131
Mississippi	8	11	5	18
Missouri	3	76	10	1
Total	221	325	122	260

ARCHIBALD YOUNG,
Acting Chief, Division P.

It is clear that this particular branch of the service has been efficient, and it is not right to cripple it by reducing this appropriation. In fact it ought to be increased above what the House has it. I hope the amendment will not be agreed to.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations.

The question being put, there were on a division—ayes 15, noes 17.

Mr. ALLISON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. GIBSON. Let the amendment be read.

The CHIEF CLERK. In line 1463, after the word "lands," it is proposed to strike out "seventy-five" and insert "sixty;" so as to read:

Depredations on public timber: To meet the expenses of protecting timber on the public lands, $60,000.

Mr. COCKRELL. If the amendment is disagreed to the appropriation remains at $75,000.

Mr. BECK. After this action was taken by the committee I called upon the Secretary of the Interior and endeavored to have as careful an ascertainment as I could, and he assured me that what had been given by the House was not enough, and that to strike it down would cripple the service. Therefore I shall vote against the amendment.

The yeas and nays were taken.

Mr. KENNA. The Senator from Minnesota [Mr. SABIN] is paired with the Senator from Nevada [Mr. FAIR] on this question.

The result was announced—yeas 27, nays 30; as follows:

YEAS—27.

Aldrich,	Dolph,	Ingalls,	Platt,
Allison,	Edmunds,	Jones of Nevada,	Plumb,
Blair,	Evarts,	McMillan,	Sawyer,
Cameron,	Hale,	Mahone,	Sherman,
Conger,	Harrison,	Manderson,	Spooner,
Cullom,	Hawley,	Mitchell of Oreg.,	Wilson of Iowa.
Dawes,	Hoar,	Palmer,	

NAYS—30.

Beck,	Coke,	Jones of Arkansas,	Van Wyck,
Berry,	Colquitt,	Kenna,	Vest,
Blackburn,	George,	Maxey,	Voorhees,
Brown,	Gibson,	Payne,	Walthall,
Butler,	Gorman,	Pugh,	Whitthorne,
Call,	Gray,	Ransom,	Wilson of Md.
Camden,	Harris,	Teller,	
Cockrell,	Hearst,	Vance,	

ABSENT—19.

Bowen,	Hampton,	Mitchell of Pa.,	Sabin,
Chace,	Jones of Florida,	Morgan,	Saulsbury,
Eustis,	Logan,	Morrill,	Sewell,
Fair,	McPherson,	Pike,	Stanford.
Frye,	Miller,	Riddleberger,	

So the amendment was rejected.

The PRESIDING OFFICER. The next amendment passed over will be stated.

The CHIEF CLERK. The Committee on Appropriations reported, in line 1467, before the word "thousand," to strike out "ninety" and insert "sixty;" so as to make the clause read:

Protecting public lands: For the protection of public lands from illegal and fraudulent entry or appropriation, $60,000.

Mr. COCKRELL. I hope that amendment will not be agreed to. The estimate for that item is $300,000. The appropriation last year was $90,000. The appropriation in this bill as it came from the House was just the same as it was last year. In the estimates of appropriation a note is appended stating:

With the present limited appropriation it is impossible to employ a sufficient number of agents to investigate charges of fraud already made, much less expose and prevent many other fraudulent entries from being made. The appropriation of $75,000, with the deficiency of $25,000, making a total of $100,000, only allowed the employment of an average of twenty-eight agents for a period of nine months and sixteen days, or twenty-two agents for the entire fiscal year. In order to prevent fraud there should be a force of at least one hundred agents constantly in the field, which would require an appropriation of the amount estimated for under this head.

In order to make this service at all effective $90,000 should be appropriated, and I trust that the amendment will be disagreed to.

Mr. PLUMB. It seems to me that the amendment ought to be agreed to. There were no public lands surveyed last year and practically none are to be surveyed this year. Therefore the limit of the operations of this class of agents is something entirely different from what has heretofore obtained, and the necessities, whatever they may have been heretofore, will be largely diminished.

In addition to that, a bill has passed both Houses of Congress and is now in conference which ought to become a law, disposing wholly of pre-emption entries. By reason of all these various facts I doubt very much if there ought to be even so much appropriated as the Senate committee propose for the purpose of protection of the public lands from illegal entries. There can be no illegal entries or entries of any kind unless the lands are surveyed, and, as I said, last year no money was used for that purpose, and none is to be used this year, so that the area within which these agents can be employed is much less than it has been heretofore, and the necessity for agents to look after the entries is very much diminished.

Mr. GIBSON. I ask the Senator from Kansas what the estimate is.

Mr. PLUMB. The estimate of the Department for surveys was $350,000, against $350,000 and $400,000 appropriated heretofore, and last year out of $350,000 appropriated to survey public lands the Commissioner of the General Land Office only expended $9,000. The Senator from Pennsylvania [Mr. CAMERON] asks what is the use of appropriating anything? Probably there is no use in appropriating anything because it will only be expended.

The area in which these agents can operate and the number of entries about which they can be concerned and which can be the subject of scrutiny by the Department will be reduced to almost a nominal number. Why should we use the great machinery for carrying on the public lands in this way when there are to be no surveys whereby these lands may be the subject of entry? It is worse than locking the stable door after the horse is stolen. It is an entirely useless expenditure of public money.

Mr. INGALLS. How much was spent last year?

Mr. PLUMB. Ninety thousand dollars was appropriated last year for this purpose, but that was in connection with a large expenditure for public surveys, as there had been the year before, but last year no land was surveyed and for this coming year no land will be surveyed. It will be readily seen that the force necessary to carry on this branch of the Land Office work is naturally much less than it has been heretofore.

Mr. COCKRELL. This does not relate to the surveys. This relates to the illegal and fraudulent entries and appropriations of the public land by cattle syndicates, foreign corporations, and things of that kind. Thousands of acres have been entered in the names of cowboys and other persons who do not enter the lands for actual settlement or in good faith, and this is the only way I see in which these fraudulent entries can be reached.

Mr. PLUMB. But I want to say to my friend as of course he knows very well that if the lands are not surveyed they can not be entered, and consequently the necessity of the detection of these entries will be diminished. It is not a question of surveying, it is true, but at the same time, as there are to be no new entries because there will be no new surveys, why have people to inspect the entries?

Mr. COCKRELL. Because of fraudulent entries already made.

Mr. PLUMB. But that we appropriated for last year and the year before.

Mr. COCKRELL. But the appropriation was not sufficient to complete one-tenth of the investigation. If it did not say "up to date," I would not ask for this, but these are the entries of cattle syndicates and corporations and foreign combinations where they have taken up thousands upon thousands of acres of land fraudulently in the name of parties. They have not been investigated yet, and they can not be. It will take time to do it. They will probably not be able to complete it during the present year.

Mr. PLUMB. The trouble about it is that the money has not been used for that purpose. I know of a case which has occurred recently where an agent of the Department, who assumed to investigate entries which have been made apparently by cowboys and transferred to a cattle syndicate direct, reported that those entries were lawful and proper and ought to be confirmed. That is a result of what is going

on under the employment of what are known as special agents. The rich people, the people who have money, can get their lands reported upon favorably, while the poor homesteader, who has barely enough for subsistence from year to year, and a hard time to get that, is the man who can not make favor with that class of people.

I think I have heard something from the Senator from Missouri with his eloquent speech in times past about the infamy and the wrong of the spy system as applied to the internal-revenue system of the United States.

Mr. COCKRELL. I never opened my mouth on it.

Mr. PLUMB. Then he was like the Irishman's owl—he kept up a deal of thinking.

Mr. COCKRELL. I have always been in favor of the internal-revenue agents breaking up all illegal trade.

Mr. PLUMB. Then there was a lack of harmony among the Democratic Senators on that subject.

Mr. COCKRELL. It was my friend from North Carolina [Mr. VANCE].

Mr. PLUMB. The Senator from Missouri says it was the Senator from North Carolina. He, it seems, is the black bass of the internal-revenue system.

I wish to say that this is a system of private inquiry, of *ex parte* determination of rights, which has been carried on at the expense of the lawful homesteaders of the United States and in favor generally speaking of the men who have made an unlawful appropriation of the public domain. These agents have exercised judicial functions and executive functions. They have been appointed without reference to their functions for these important places. They have exercised functions of as much importance as the functions exercised by a Territorial judge or by a judge of the district court of the United States anywhere; and yet they have not been men selected by reason of having the qualifications necessary to exercise those great functions. They have no power to summon witnesses. No one has any power to summon a witness to appear before them. They have carried on what they please to call investigations, the results of which show plainly that they are tinged by the self-interest of parties, and that they are sometimes open to even a stronger characterization than that. That is in the past. The damage which has been done of that kind will outlive the life of any person on the floor of this Chamber.

Now, that there was no land surveyed last year and that no land is to be surveyed this year, so that the area within which entries can be made has thus been circumscribed, the necessity for the appointment of these men, whatever it might originally have been, has disappeared; and to make this appropriation will simply be to give to the Commissioner of the General Land Office the authority to appoint a great number of these agents with no work practically for them to perform. In regard to current entries the matter is somewhat different. I do not object now for the purpose of this appropriation to what the executive officer may think necessary to accompany the entries that may be made during the coming year, but I do object to any appropriation that is not necessary for that purpose.

Mr. CALL. Mr. President, this is a very important amendment. The sum allowed by the House ought to be continued in the bill and even a larger sum appropriated.

As to the homesteader, the people of the United States I think would hear with some degree of surprise that the agents of the General Government could not be used and were not used for their protection in their homestead rights. In the State which I have the honor in part to represent here this money could be used, and usefully, for the protection of the poor, honest homesteaders against men of wealth, against corporations, against grants made to the State of the swamp and overflowed land and the location of homesteads upon dry land under that grant, through agents employed by one person and another.

I doubt not that everywhere in the United States the poor man has no friend in the protection of his home and his right to his land except the General Government and the agent of the Land Office with the service honestly administered.

There is no need of there being spies. They ought not to be spies. If the regulations of the Land Office permit secret inquisitorial examinations and statements made upon which to determine the question of title it is simply a bad administration, and the Committee on Public Lands here ought to introduce a bill to correct that practice. But the Government of the United States should investigate and ascertain whether the homesteader has a right to be upon his land, whether it is a fictitious entry by some corporation or some rich man for the purpose of accumulating a large tract of land in his position for speculative purposes. The land laws of the United States have been by the cupidity of men perverted from the purpose which the Government intended and donated them for into means of accumulating large bodies of land and large fortunes in the interests of individuals. That is the evil which now affects the country.

The Committee on Public Lands at every session since I have been here have reported to that effect. The Commissioner of the General Land Office in the discussions which have occurred during this session has furnished such evidence, as is shown in repeated and numerous extracts from the testimony taken before that committee. This appropriation is needed. Every homesteader and poor man in the United States is interested in an efficient system of investigation in order that the honest poor man who has located upon his land in good faith should be protected, and where some moneyed man has induced an unjust and fraudulent entry and obtained land by fraud and misrepresentation it should be corrected. This appropriation is intended for that purpose.

The PRESIDING OFFICER. The question is on agreeing to the amendment. [Putting the question.] The ayes appear to have it.

Mr. PLUMB. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MCMILLAN. Let the amendment be read.

The CHIEF CLERK. In line 1467, before the word "thousand," strike out "ninety" and insert "sixty;" so as to read:

Protecting public lands: For the protection of public lands from illegal and fraudulent entry or appropriation $60,000.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were here, I should vote "yea."

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

The roll-call was concluded.

Mr. HALE (after having voted in the affirmative). I withdraw my vote and announce my pair with the Senator from Kentucky [Mr. BECK].

The result was announced—yeas 28, nays 25; as follows:

YEAS—28.

Aldrich,	Dolph,	McMillan,	Plumb,
Allison,	Frye,	Mahone,	Riddleberger,
Blair,	Hawley,	Manderson,	Sawyer,
Cameron,	Hearst,	Miller,	Sherman,
Chace,	Hoar,	Mitchell of Oreg.,	Spooner,
Conger,	Ingalls,	Palmer,	Stanford,
Dawes,	Jones of Nevada,	Platt,	Wilson of Iowa.

NAYS—25.

Berry,	George,	Maxey,	Voorhees,
Blackburn,	Gibson,	Payne,	Walthall,
Butler,	Gorman,	Ransom,	Whitthorne,
Call,	Gray,	Teller,	Wilson of Md.
Camden,	Harris,	Vance,	
Cockrell,	Jones of Arkansas,	Van Wyck,	
Colquitt,	Kenna,	Vest,	

ABSENT—23.

Beck,	Eustis,	Jones of Florida,	Pike,
Bowen,	Evarts,	Logan,	Pugh,
Brown,	Fair,	McPherson,	Sabin,
Coke,	Hale,	Mitchell of Pa.,	Saulsbury,
Cullom,	Hampton,	Morgan,	Sewell.
Edmunds,	Harrison,	Morrill,	

So the amendment was agreed to.

The PRESIDENT *pro tempore*. The next amendment which was passed over will be stated.

The CHIEF CLERK. In line 1493, after the word "and," insert the the word "of;" in line 1494, strike out the words "as far" and insert "$10,000, or so much thereof;" and in line 1496, after the word "field," insert "made under this appropriation;" so as to read:

And of the sum hereby appropriated $10,000, or so much thereof as may be necessary, may be expended for the examination of surveys in the field made under this appropriation, &c.

Mr. COCKRELL. Just before that I should like to offer an amendment, as I gave notice of it.

The PRESIDENT *pro tempore*. The amendments of the Committee on Appropriations must first be acted upon according to the rule. The pending amendment will be agreed to if there be no objection. The next amendment which was passed over will be stated.

Mr. COCKRELL. In connection with the amendment that is pending I wish to offer an amendment.

The PRESIDENT *pro tempore*. If there be no objection the Chair will receive it.

Mr. COCKRELL. I will ask to have a letter from James Edmunds, assistant in charge of the surveying division, read.

The PRESIDENT *pro tempore*. The letter will be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, July 19, 1886.

SIR: In response to your request for a statement in regard to the requirements of the surveying service so far as relates to the examination of surveys in the field for the purpose of ascertaining the character of the work performed by deputy surveyors before accepting their surveys and reporting their accounts to the Treasury for payment I have the honor to state:

There are now in this office returns of unexamined surveys from the several surveying districts made under fifty-seven contracts, distributed as follows:

In Arizona, 1 contract; California, 13; Colorado, 3; Dakota, 6; Idaho, 1; Florida, 1; Minnesota, 4; Montana, 11; Nevada, 3; New Mexico, 3; Oregon, 2; Utah, 1; Washington, 7; Wyoming, 1.

These contracts embrace the survey of standard lines, the exterior boundaries of about one hundred townships, and the subdivisional survey of nearly two hundred townships and fractional townships, the subdivisional surveys covering an estimated area of 4,000,000 acres.

In addition to the surveys above referred to the work under contracts charge-

able to the appropriations for the fiscal year just ended must be taken into consideration. Seventy contracts payable from said appropriations have been approved the aggregate liability of which is $112,000.

The examinations thus far made show that a number of surveyors have returned surveys so defective as to be useless for the purpose intended, and others, with an utter disregard of their obligations, have returned fictitious field notes and plats and the examiners' reports show that the deputies made no attempt to comply with the terms of their contracts and that the surveys alleged to have been made were wholly fraudulent.

The number of fraudulent and defective surveys developed by the examinations thus far made is conclusive proof of the necessity for the examination of all surveys before acceptance and payment.

The complaints from settlers in various sections of the country, stating in many instances that no evidence of subdivisional surveys in given townships can be found, and in others that the lines and corners are erroneous, causing frequent disputes and litigation as to boundaries, furnish further evidence of the necessity for careful examinations of surveys in the field.

With the present force of examiners it will be utterly impracticable to complete the examination of the surveys now awaiting payment and those under contract before the close of the present fiscal year, and unless a liberal appropriation shall be made during the present session of Congress applicable to the examination of surveys contracted for under former appropriations the examinations must be delayed until the requisite funds shall have been provided.

I am, sir, very respectfully,

JAS. EDMUNDS,
Assistant in charge Surveying Division.

Hon. WILLIAM A. J. SPARKS,
Commissioner of the General Land Office.

The PRESIDENT *pro tempore*. The next amendment which was passed over will be stated.

Mr. COCKRELL. In that case I really think an amendment should be made, although there is no amendment proposed by the committee to the text. I do not know whether it would be in order to suggest an amendment now, or must I wait until we get through?

The PRESIDENT *pro tempore*. The rule adopted requires action on the committee amendments first.

Mr. COCKRELL. Very well.

The PRESIDENT *pro tempore*. The next amendment which was passed over will be stated.

The CHIEF CLERK. In line 1522, after the word "for," strike out the words "necessary expenses of survey, appraisal, sale, and pay of custodians" and insert the words "care and preservation;" and in line 1527, before the word "thousand," strike out "ten" and insert "two;" so as to read:

For care and preservation of abandoned military reservations transferred to the control of the Secretary of the Interior under the provisions of an act of Congress approved July 5, 1884, $2,000.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The next amendment will be stated.

The CHIEF CLERK. After line 1585——

Mr. MCMILLAN. What was done with the amendment beginning in line 1528?

The PRESIDENT *pro tempore*. That was agreed to.

Mr. MCMILLAN. It was reserved by the Senator from Vermont, I think.

The PRESIDENT *pro tempore*. The Chair is informed that it was agreed to.

Mr. MCMILLAN. It was amended, I think, and then the Senator from Vermont desired to make some inquiry about the matter and said he would ask to have it laid over.

Mr. ALLISON. What amendment is that?

Mr. MCMILLAN. The paragraph which was inserted, beginning in line 1528, which reads as follows:

For the survey of the grant known as the Hanson grant, in the State of Florida, $100, the said sum to be expended under the direction and in the discretion of the Secretary of the Interior.

Mr. ALLISON. That was agreed to. The Senator from Vermont put in an amendment.

Mr. MCMILLAN. I think he said he desired to have it go over.

Mr. ALLISON. No, sir.

Mr. MCMILLAN. Then it is all right.

The PRESIDENT *pro tempore*. The next amendment which was passed over will be stated.

The CHIEF CLERK. After line 1585 insert:

Report of Geological Survey of the Territories: For the preparation, from material already in hand, of volume 3, book 2, and volume 4 of the Report of the United States Geological Survey of the Territories, the publication of the same having been ordered by Congress, $10,000, to be expended in preparing, drawing, and rewriting the same; said work to be done by Professor E. D. Cope, under the direction of the Secretary of the Interior, and the printing and illustrations to be made by the Public Printer.

Mr. PLUMB. I ask the Senator from Iowa who has charge of the bill to state what this $10,000 is for; that is to say, what work it is to pay for?

Mr. HALE. This is to fill the hiatus in these valuable reports, which exists by reason of these volumes never having been published. They are elaborate works upon paleontology. The work was done and the papers, so far as they have been collected and are ready for publication, by Professor Cope, who was under Professor Hayden when the leadership and charge of this service went out of Hayden's hands into the present hands. No further work was requested or done in the way of publishing. Professor Cope was not continued in the work by Professor Powell, and so the material has remained there.

I am assured by those who are experts that the work is very valuable, and that when completed and published, like the others, it will be of great use.

Mr. PLUMB. That is not still an answer to my question. I do not desire to interpose a point of order at this period, but I wish to know now what work this appropriation will pay for doing?

Mr. ALLISON. This will not pay for any work. This will simply pay for the preparation of work to be put in the hands of the Printer.

Mr. PLUMB. Then there is $10,000 for the arrangement of material that has already been prepared for this work. The amount proposed to be appropriated leads me to believe that practically nothing has been done, but that somebody has thought now of something he would like to do at Government expense to be incorporated in the series of works of the Geological Survey.

Mr. HALE. No; that is not true. So far as the work in the field, which is the basis of all these publications, is concerned that has all been done. The materials have been collected by Professor Cope and are very valuable. Professor Powell himself recognizes that they are of the greatest value. But the work has not been put into condition for printing. The printing has been ordered, the appropriation has been made for that purpose, and all that is wanted is the work necessary on this volume. The foundation, the fundamental work in the field, of course has all been done. If it has not, and if the appropriation is made, it will remain there just as it has been.

Mr. PLUMB. I make the point of order on the amendment that it has not been estimated for.

The PRESIDENT *pro tempore*. Is there any estimate from the Department?

Mr. ALLISON. That point of order is good against it.

The PRESIDENT *pro tempore*. The point of order is sustained, there being no estimate. No other amendment was reserved, the Chair is advised.

Mr. ALLISON. I offer a series of amendments to be read in their order. I will state that these amendments are amendments relating to public buildings which were sent to the committee by the Secretary of the Treasury after the bill had been reported. They relate to the completion of heating apparatus, &c., for public buildings which have been already constructed.

The PRESIDENT *pro tempore*. Are the amendments reported from the Committee on Appropriations?

Mr. ALLISON. Yes, sir; all the amendments I propose I report from that committee.

The PRESIDENT *pro tempore*. The amendments will be stated in their order.

The CHIEF CLERK. After line 56 insert:

For court-house and post-office at Fort Scott, Kans.: For approaches and heating apparatus complete, $12,000.

The amendment was agreed to.

The CHIEF CLERK. After line 85 insert:

For court-house and post-office at Keokuk, Iowa: For heating apparatus complete, $8,000.

The amendment was agreed to.

The CHIEF CLERK. It is proposed to insert after the preceding amendment:

For post-office at Lexington, Ky.: For approaches and heating apparatus complete, $13,000.

The amendment was agreed to.

Mr. ALLISON. I now offer another amendment on behalf of the committee. I will say respecting the amendment that it relates to a building at Savannah, Ga. When the bill was in the Committee on Appropriations the law authorizing this public building had not passed both Houses. Some days ago it passed both Houses and received the signature of the President. The committee recommend the insertion, after line 153, of these words:

For court-house and post-office at Savannah, Ga.: For purchase of site and commencing the erection of building, $100,000.

Mr. HOAR. Does the Senator say the bill passed both Houses and has received the signature of the President?

Mr. ALLISON. I do. It is now the law. It has been the law for seven or eight days. The amount proposed in the amendment is one-half of the amount.

The amendment was agreed to.

Mr. ALLISON. After line 187, I move to insert:

Bureau of Engraving and Printing: For construction of a new sewer from the south side of said building to the corner of Fourteenth and D streets, southwest, to connect at that point with the city sewer, $1,800; the work to be done under the direction of the commissioners of the District of Columbia.

I will say one word respecting this appropriation. The improvement of the river is so conducted as to close up the sewer now conveying the *débris* of the Bureau of Engraving and Printing which runs into the Potomac, and it is necessary that this new sewer should be made in view of that fact.

The amendment was agreed to.

Mr. ALLISON. I also offer three amendments to be inserted after line 316. I will say respecting these amendments that they relate to light-ships which were provided for by a law that received the signa-

ture of the President four or five days ago, and they come from the Committee on Commerce.

The PRESIDENT *pro tempore*. The amendments will be stated.

The CHIEF CLERK. After line 316, it is proposed to insert:

For construction and equipment of a light-ship to be placed off the south end of Ram Island, Fisher's Island Sound, Long Island Sound, New York, $40,000.

The amendment was agreed to.

The CHIEF CLERK. After the preceding amendment insert:

For the establishment of a light-ship to be stationed off Grosse Point, Lake Saint Clair, Michigan, $3,000.

The amendment was agreed to.

The CHIEF CLERK. After the preceding amendment insert:

To enable the Secretary of the Treasury to remove the light-ship formerly stationed at Eel Grass Shoals to the south end of Hogg Island Shoal, Narragansett Bay, $100.

The amendment was agreed to.

Mr. ALLISON. Now, after the word "coin," in line 1095, I move to insert:

Including fractional silver coin by registered mail or otherwise.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In line 1095, after the word "coin," it is proposed to insert:

Including fractional silver coin by registered mail or otherwise.

The amendment was agreed to.

Mr. ALLISON. I move now to insert $100,000 instead of $75,000 in the same line; so as to read:

Transportation of silver coin: For transportation of silver coin, including fractional silver coin by registered mail or otherwise, $100,000.

The amendment was agreed to.

Mr. ALLISON. I move to strike out lines 1104 and 1105 and insert what I send to the desk.

The PRESIDENT *pro tempore*. The amendment will be reported.

The SECRETARY. It is proposed to strike out lines 1104 and 1105, as follows:

Transportation of minor coin: For the transportation of minor coin, $5,000.

And in lieu therof to insert:

Recoinage, reissue, and transportation of minor coins: The Secretary of the Treasury is authorized to transfer to the United States Mint, at Philadelphia, for cleaning and reissue, any minor coins now in, or which may be hereafter received, at the subtreasury offices, in excess of the requirement for the current business of said offices, and the sum of $5,000 is hereby appropriated for the expense of transportation for such reissue. And the Secretary of the Treasury is also authorized to recoin any and all the uncurrent minor coins now in the Treasury, and the sum of $4,000, or so much thereof as may be necessary, is hereby appropriated to reimburse the Treasury for the loss on such recoinage.

The amendment was agreed to.

Mr. ALLISON. In line 992, I move to amend by inserting after the word "engraving" the word "printing;" so as to read:

Engraving, printing, electrotyping, and photographing supplies, &c.

The amendment was agreed to.

Mr. ALLISON. By direction of the committee I offer an amendment, after line 1052 to insert:

To provide for the expense of executing the provisions of the oleomargarine act, $25,000.

This amendment is rather irregular, but it is a necessary amendment in view of the fact that the oleomargarine bill passed a day or two ago.

Mr. MILLER. I ask the chairman if he thinks that is sufficient?

Mr. ALLISON. I think that will be sufficient in connection with the appropriations in the regular appropriation bill. Of course the Bureau of Internal Revenue will use the regular officers for most of this work, but there are some things provided for which can not be paid for out of the regular appropriations for that bureau.

Mr. PLUMB. Let me ask the chairman if that amendment would not substantially cut off the authority of the Commissioner of Internal Revenue to use other funds, this being a specific appropriation?

Mr. ALLISON. That is a very good criticism. I will modify the amendment by saying:

In addition to the regular appropriations for the internal-revenue service.

The PRESIDENT *pro tempore*. That modification will be made.

The amendment as modified was agreed to.

Mr. ALLISON. I offer the following amendment, to come in after line 1701:

Bureau of Labor: For books, periodicals, and newspapers for the library of the Bureau of Labor, $1,000.

The amendment was agreed to.

Mr. ALLISON. Those are the amendments the committee propose to this bill.

PERSONAL EXPLANATION.

Mr. MILLER. I rise to a matter of privilege or personal explanation.

The PRESIDENT *pro tempore*. The Senator from New York states that he rises to a matter of privilege.

Mr. MILLER. Mr. President, it will be remembered that when the river and harbor bill was under consideration by the Senate an amendment was moved by the Committee on Commerce, which read as follows:

Improving New York Harbor, New York: Continuing improvement to secure a 30-foot channel at mean low water at the Sandy Hook entrance of the harbor, upon such plan as the Secretary of War may approve, $1,000,000.

In reply to an inquiry made by the Senator from Kentucky [Mr. BECK] in regard to this, among other things I said:

There has been much discussion in regard to the matter, and a generally expressed opinion by all the commercial bodies of the city of New York, the chamber of commerce, the maritime association, together with the leading shipping merchants of New York, that the work should be undertaken in such a way as to secure a depth of 30 feet at low water over Sandy Hook bar.

It will be seen that in those words I made the statement that the chamber of commerce and other commercial bodies and the leading shipping merchants of New York desired this appropriation.

I find in a paper before me some words which were spoken in another place, which seem to controvert the statement made by myself. I send these words to the desk and ask that the paragraph I have marked be read:

The Chief Clerk read as follows:

Mr. HEWITT. * * * This is the view taken by the Chamber of Commerce of the City of New York. They do not ask for the money. They do ask that the channel be deepened, but first that a competent board shall be created to determine how the amount of money shall be expended; how the improvement may be best made, and then they will come and ask an appropriation to carry it out.

Mr. MILLER. Now I ask the Secretary to turn over the leaf and find a paragraph marked on the next page. Let that be read also, as it was submitted at the same time.

The Chief Clerk reads as follows:

Mr. HEWITT. * * * So I stand here on behalf of my constituents. I think they know what they want, and I think I know what they ought to have. They have not asked for this money. I do ask that it be withheld, but I ask the House to pass the bill which has come over from the Senate to give us a competent board to determine what we need and what it will cost and how it can best be expended. [Applause.] After that is done we shall hope to get all the money we need.

Mr. MILLER. I also hold in my hand some words which were spoken in another place, which I send to the desk and ask to have read:

The Chief Clerk read as follows:

PERSONAL EXPLANATION.

Mr. HEWITT. I desire to occupy a moment or two with a question of personal privilege. Upon the first page of this morning's RECORD will be found what appear to be two petitions, one from the Chamber of Commerce of New York, the other from sundry merchants of New York city. Unanimous consent to have these printed in the RECORD was granted yesterday to my colleague [Mr. BURLEIGH]. These papers are not addressed to the House or the Senate; they are addressed to the Committee on Commerce of the Senate. Of course no member had any knowledge of the contents of these petitions when leave was granted to print them. I never saw them before. I do not know for what purpose they are published, but I suppose to cast some doubt upon the statement I made when the river and harbor bill was under discussion, that the chamber of commerce and the merchants of New York had not petitioned for the expenditure of a million of dollars.

Now, it is unnecessary for me to call attention to the fact that the resolution of the chamber of commerce here inserted does not apply to the provision of the river and harbor bill at all, but to another provision they desire to have inserted in the bill. I have a telegram in my hand from the chairman of the harbor committee of the chamber of commerce, received in answer to a communication I addressed to him, in the following words.

Mr. MILLER. It will be seen there that the statement is made that the person speaking had no knowledge of these petitions or resolutions from the chamber of commerce. By reference to the RECORD of June 13, of this session, it will be seen that I presented those resolutions and stated in presenting them:

Mr. MILLER. I present resolutions adopted by the executive committee and the committee on the harbor of New York of the Chamber of Commerce of New York, favoring an appropriation of $1,000,000 for the beginning of the permanent work of deepening the water over Sandy Hook bar to 30 feet at low tide. I move the reference of the resolutions to the Committee on Commerce.

The motion was agreed to.

At the same time I presented a petition:

Mr. MILLER. I also present a petition of similar purport, which has been prepared and signed by a very large number of leading commercial men of the city of New York, praying that the appropriation be made, and stating that "the undersigned believe this to be of paramount importance not only to the commerce of this city but to that of the entire country." As the petition is short, I ask that it may be printed in the RECORD, as I shall desire to refer to it hereafter.

It was so printed. This was public notice to everybody that these petitions had been received and presented to the Congress of the United States. I find also that upon June 21 I presented other petitions to the same purport, asking for this appropriation of a million dollars to deepen the water over Sandy Hook bar, and if any one did not know of it I certainly am not to blame.

In reply to what was read a moment ago at the desk, I send to the desk also words which were spoken in another place, and ask that what I have marked may be read by the Secretary.

The Chief Clerk read as follows:

Mr. BURLEIGH. Mr. Speaker, my colleague from New York did state on the floor of the House that the chamber of commerce and the merchants of New York were opposed to the insertion of this appropriation of $750,000 for the New York Harbor in the river and harbor bill, and yet the chamber of commerce has sent to the Senate and presented here a petition or series of resolutions in which this $750,000 is recommended, and showing that they are in favor of this identical bill. The bill and resolution and memorials of the citizens of New York are now before the Committee on Rivers and Harbors; and, sir, the gentleman states when he refers to Senator WARNER MILLER's bill, No. 2153, I

think with reference to dumping refuse matter in the harbor of New York, what is a mistake when he says that is what they referred to. They so state themselves. And the gentleman from New York is mistaken. He takes the back track now, as he always does. [Laughter.]

Mr. MILLER. I find in this paper another statement which was made at the same time, which I send to the desk and ask to have read.

The Chief Clerk read as follows:

Mr. BURLEIGH. The gentleman from New York [Mr. HEWITT] can not evade his position in this way. Over his own signature Mr. A. Foster Higgins, the chairman of the committee on the harbor, in a letter to the Senate, dated June 11, 1886, said:

CHAMBER OF COMMERCE OF THE STATE OF NEW YORK.

At a joint session of the executive committee and the committee on the harbor of the chamber of commerce, held Thursday, June 10, 1886, the following resolution was unanimously adopted:

Resolved, That these committees learn with pleasure and gratitude that through the efforts of Senator WARNER MILLER an appropriation of $1,000,000 has been placed in the river and harbor bill for the improvement of New York Harbor. And we respectfully request that such amount be placed subject to the discretion and judgment of the Secretary of War, but not be entirely confined to any one locality or plan of improvement.

Attest:

CORNELIUS N. BLISS,
Chairman Executive Committee.
A. FOSTER HIGGINS,
Chairman Committee on the Harbor.

NEW YORK, *June* 11, 1886.

The gentleman from New York [Mr. HEWITT] has read the RECORD, and this was referred to in it when the debates were going on in the Senate.

I also wish to have read a letter dated July 22, signed by C. N. Bliss, chairman of the executive committee, which further explains this subject.

The Clerk read:

NEW YORK, *July* 22, 1886.

MY DEAR MR. MILLER—

Mr. VEST. These are proceedings of the House of Representatives. I raise the point of order that it is not competent to speak of them here. If we have any rules here let us follow them.

Mr. MILLER. I have said nothing about proceedings of the House of Representatives. I have stated that these were remarks submitted in another place, and I have sent them to the desk to be read. If they can not be read there they can be read from my desk. There is no parliamentary power that can prevent my doing so, and no parliamentary practice that will prevent its being done.

The PRESIDENT *pro tempore*. The point of order being raised, it is the duty of the Senator to withhold his remarks until it is decided. The Chair knows no rule to prevent the reading of remarks made in the House of Representatives. There is a general parliamentary principle that reference shall not be made to the proceedings of the other House, but there is no rule of the Senate which forbids the reading of extracts from the proceedings of the House. The Chair has had occasion to look at that carefully. If the Senator from Missouri thinks otherwise and if he will refer the Chair to any rule or decision on the subject the Chair will be obliged to him.

Mr. MILLER. I do not think the Senator from Missouri desires to prevent me from making a personal explanation and putting into the RECORD the necessary papers to show the correctness of the statement which I made upon this floor on the 3d day of July, which was to the effect that the Chamber of Commerce of New York had passed a resolution indorsing the amendment I had proposed and asking the Senators and Representatives from New York to support it, and that a large number of the shipping merchants of New York had also petitioned for it. Proof of its correctness can not be shut out at this time, and I do not think the Senator from Missouri desires to do anything of that kind.

Mr. VEST. I do not want to prevent the Senator from New York making any personal explanation, but I want to get through with the public business and adjourn this session of Congress as soon as possible; and I do think that according to the best parliamentarians it is a violation of the rules of parliamentary law and of the Senate to take up a speech delivered in the House of Representatives and ask that it be read here. If I am not correct about it, let it go. I want to get through with the business.

Mr. MILLER. This has been done in the other body to which I have referred in the last two days. At whatever point the Chief Clerk stopped reading I ask him to resume.

The Chief Clerk read as follows:

MY DEAR MR. MILLER: I have your favor of the 21st. The copy of the RECORD is not yet to hand; but I am surprised to hear that Mr. Higgins has presumably made any opposition to the appropriation for the New York Harbor. In the prior letter sent you about June 11 you have his assent to the proposal over his own signature as chairman of a committee of the chamber of commerce, together with the approval of the executive committee; also of other interested bodies, besides the document signed by many of the merchants. I believe it to be, practically, the unanimous expression of opinion of the members of the chamber that the appropriation should be made now, whether the commission bill becomes a law or not. The latter is deemed to be very desirable if practicable, but the harbor should and must have immediate attention, whether the work be done just as my friend Mr. Higgins wishes, or as the Congress chooses to have it done. If you will indicate anything you would wish to receive from here in further support of your action I will endeavor to furnish it promptly.

Very truly, yours,

C. N. BLISS.

Hon. WARNER MILLER,
United States Senate.

Mr. MILLER. Mr. President, as I have before said, on the 3d day of July from my seat on this floor I stated that the chamber of commerce and other commercial bodies and leading citizens of the City of New York had asked for this appropriation of $1,000,000 for the deepening of the water over Sandy Hook bar to 30 feet at low water. I have had read statements which call in question the correctness of the statement which I then made. It now seems that the chairman of the committee on harbors of the chamber of commerce of the City of New York is attempting to prevent the adoption of that amendment by the House of Representatives, and in order to do so it has been attempted to be shown that the chamber of commerce had approved what was known as the harbor commission bill which I introduced into this body, which I reported favorably and had passed only a few days ago, and that these recommendations and that these petitions were not for the appropriation of $1,000,000 to deepen the water over Sandy Hook bar at all, but were simply in favor of the passage of the harbor commission bill.

In addition to the petitions which I have had the honor to present to this body at several times during the past few months, I find from the public records that a very large number of petitions have been presented to the American Congress upon this subject from the city of New York very largely signed by the leading commercial men and shipping merchants of New York city. I hold one of them in my hand. It is a petition praying for an immediate appropriation by Congress to be expended under the direction of the Secretary of War for the purpose of securing a depth of 30 feet at low tide. There are a number of these petitions. I find that they were presented to the House of Representatives by Hon. Joseph Pulitzer, then a member of Congress from the city of New York. These have all been presented at this session.

I judge that the chamber of commerce, through its proper officers, is better able than any one else either here or elsewhere to answer the question as to what it has suggested and recommended. I have received this morning a letter from the chamber of commerce, signed by the chairman of the executive committee and approved by the president and vice-president of that body, which in very plain terms states their views. I send this to the desk and ask to have it read.

The PRESIDENT *pro tempore*. The paper will be read if there be no objection.

The Chief Clerk read as follows:

CHAMBER OF COMMERCE OF THE STATE OF NEW YORK,
New York, July 23, 1886.

DEAR SIR: Mr. HEWITT'S remarks in the House of Representatives relative to an appropriation for New York Harbor, as reported in the RECORD of the 21st instant, must have been made under serious misapprehension of the position of the chamber of commerce. You have official documents from the chamber, signed by James M. Brown, president; Cornelius N. Bliss, chairman executive committee; A. Foster Higgins, chairman harbor committee, and William D. Morgan, chairman produce exchange harbor committee, supported by a memorial from many of the leading mercantile and shipping firms of the city, fully approving the Senate's amendments to the river and harbor bill, which appropriates $750,000 for the improvement of New York Harbor, the same to be expended under the direction of the Secretary of War. Probably the misapprehension in Mr. HEWITT'S mind arises from the fact that the chamber of commerce also supports very heartily your bill for the appointment of a commission to have permanent charge of the harbor. The chamber does not consider that there is any conflict between the two measures, and while the members favor a commission and hope Congress will provide for one, they ask, absolutely and urgently, that the appropriation proposed by the Senate be granted at the present session.

The statement of Mr. HEWITT places the chamber before Congress as not knowing its own mind, or of being divided in its counsels, neither of which is true. I shall be glad if you will give Mr. HEWITT an opportunity to inspect the papers above referred to, and the executive committee of the chamber trust that the appropriation will be restored to the bill.

Respectfully, yours,

CORNELIUS N. BLISS,
Chairman of Executive Committee.

Approved by—

JAMES M. BROWN, *President.*
CHARLES S. SMITH, *Vice-President.*

Hon. WARNER MILLER,
United States Senate, Washington, D. C.

Mr. MILLER. That, I think, fixes the present position of the chamber of commerce upon the question which has been raised as to their position in favor of this appropriation and in favor of its being made now and in favor of its being made whether the bill for the harbor commission shall pass or not.

I have here a few words which I will read myself without taking the trouble to send them to the Secretary's desk:

In addition to this amount this bill proposes $750,000. It is against that which I protest, not against putting in money to improve New York Harbor, but against continuing an improvement behind which it has been intimated to me that there may be a job; and since the gentleman has raised this question in this manner I send to the Clerk's desk and ask to have read a letter from Mr. Higgins, chairman of the committee of the chamber of commerce, in regard to this whole operation, so that the country may know what is going on.

Then follows a long letter signed by Mr. C. A. F. Higgins, which, while it in no way makes any direct charges against me, does intimate that I have been earnest and energetic in securing the passage of what is known as the harbor-commission bill, and refers incidentally to correspondence which has taken place between Mr. Higgins and myself in regard to the harbor-commission bill and in regard to this improvement of the harbor by the appropriation of a million dollars to deepen the water over Sandy Hook Bar.

Mr. President, it is not customary, I believe, to print letters of this kind without the consent of the writer. Whether that consent was obtained in this case or not I do not know, but I assume that it was.

And when a gentleman permits a letter of that kind to be printed in the public records of our Government he must expect that the correspondence to which he has referred in the letter will also be submitted to the public, and I do now submit this correspondence which has taken place between myself and Mr. Higgins upon the matter of the harbor-commission bill and in regard to this appropriation. In order to save time I will not read this correspondence unless it shall be insisted upon, but will submit the letters each one in order, together with my answer, to be printed in the RECORD, if that is satisfactory to the Senate. Otherwise I shall be compelled to read them.

The PRESIDENT *pro tempore*. If there be no objection the papers will be printed in the RECORD.

Mr. MILLER. They will be submitted. They are marked in their order.

Now, Mr. President, a few words in regard to the statement which I read a moment ago: "It has been intimated to me that there may be a job."

Mr. HARRIS. What is the character of papers the Senator proposes to have printed in the RECORD?

The PRESIDENT *pro tempore*. The Chair feels bound to state that the remarks just made by the Senator from New York do not fall within the privileges of a personal explanation.

Mr. MILLER. Certainly they do, Mr. President. This language here refers to my action in securing this appropriation in the Senate, and it intimates that there may be a job connected with it. Certainly I have a right to reply to that, as to any suggestion or intimation coming from any source whatever.

The PRESIDENT *pro tempore*. The Chair did not hear any intimation of that kind.

Mr. MILLER. The Chair is at fault then in not hearing.

The PRESIDENT *pro tempore*. The Chair was listening carefully.

Mr. MILLER. Now, Mr. President, as to the possibility of there being any job in connection with the appropriation of $750,000, as it now stands or as it stood in the river and harbor bill when it left this body, it seems to me to be necessary to say but a single word.

I have read here the language of that amendment, which provides that that money shall be expended by the Secretary of War upon such plan as he shall approve. It does not adopt any plan of any set of engineers, although the engineers have prepared a plan and have submitted it to Congress; but I did not think it wise at that time to put into the bill what we ordinarily put in when we make an appropriation of this kind, which is to provide that the money shall be expended in accordance with a certain plan, specifying that plan; but in order that there might be a wider scope of examination, in order that the Secretary of War might consider all plans coming from his own Army engineers, or coming from civil engineers, or coming from men in private life, the language of the appropriation was simply to the effect that the Secretary of War should expend this money upon plans approved by him.

As I stated some days ago in my speech on the river and harbor bill, there has never been a scandal connected with the expenditure of any river and harbor money expended under the control of the Secretary of War from the beginning of the Government down to the present time. It is impossible that there should be any job connected with it. No person could have any power or influence over it in any possible way save through the Secretary of War; and if this imputation of a job, which I have read the words of, is intended to apply to the Secretary of War I leave that for the Secretary of War himself to answer.

Mr. HARRIS. I asked what was the character of the papers that were proposed to be inserted in the RECORD. I should like to know something of their character.

Mr. MILLER. The character of the papers is that of a correspondence had between myself and one of the officers of the Chamber of Commerce of New York in relation to the harbor commission bill which has passed this body and in relation to this appropriation of $1,000,000 which the Senate put into the river and harbor bill.

The PRESIDENT *pro tempore*. Does the correspondence reflect upon a member of another House of the legislative department?

Mr. MILLER. It does not in the least, but it is put in in explanation of a letter which I find printed in the RECORD from the same person with whom I had the correspondence, and which letter is intended indirectly to reflect upon me, and therefore I submit the whole correspondence, that this Senate and the whole country may know precisely what the correspondence has been instead of leaving it in the dark as it has been left by the party who inserted this letter.

The correspondence is as follows:

OFFICE No. 50, WALL STREET, *June* 7, 1886.

MY DEAR SIR: It was with the utmost astonishment that I learned from two different sources your expressions, first, as to the hopelessness of passing our harbor commission bill, and your intention of substituting a request for a million of dollars for Gedney's Channel. I hasten to warn you that such a move will produce a feeling here most prejudicial to you personally, and which will be very unfortunate in view of the present desire to have you again an honored Senator. You must recall the fact that this bill in its present form originated with you, and as the proper substitute for the more simple bill presented by Mr. Cox; that it was heralded as the proper and in fact only effectual remedy for the evils existing in our harbor and for which no cure has been found by any possible State action, and was the result of the most earnest and searching examination of the subject by the mayor, the chamber of commerce, the produce exchange, the maritime exchange, the pilot commissioners, and every one else interested.

It has no relation to any other commission ever talked of or created. It was to cover a condition of things unique and not existing in any other harbor of the United States, and was deemed essential to preserve this national gateway. There could not be an objection to its fairness and simplicity except by persons to whom it would become an obstacle in perhaps interfering with schemes of their personal profit or aggrandizement. I called your attention to the value it would have as a means of practically annihilating jobbery, and showed you the great saving to the Government and advantages it would gain by carefully considering every proposed plan and opposing any and all which failed to offer positive results. The only possible opponents of the plan were the engineers of the Unired States who saw in it a possible interference with their exercise of sole judgment, power, and authority in matters connected with the harbor and the possible objection of New Jersey.

Before the introduction of the bill this session I took the precaution of submitting it to the governor of New Jersey and obtaining his approval and the assurance that Senator MCPHERSON would aid you in its passage. As the Engineer-in-Chief of the Army was to be the head of the commission I could not imagine any reason for their opposition which could bear the light of day. I find now that some surreptitious influence is at work, and that they are bringing upon you pressure to swerve you from that course as to this bill which alone can win you the approval of your constituents. This bill was introduced as an honest, fair demand of this city and State for a remedy for evils beyond the State's control. It is at least entitled to have it pressed for passage and honest reasons given for its defeat.

It will not in the least satisfy its requirements to have a sop of even a million of dollars to be expended in a measure utterly tentative and which may require every succeeding year a similar amount to keep the depth once attained. This latter I know to be a job and that the parties urging it are working in interests entirely selfish, and not really in the permanent interests of this harbor. I am quite sure the loss of our bill would in no degree be compensated by any such appropriation. I shall be driven, if this bill be dropped, to a personal explanation to the chamber of commerce and the public of New York, and I beg that you will not permit yourself to be made the peg upon which this whole unjust and most improper action will be hung.

Yours, most truly,

A. FOSTER HIGGINS,
Chairman of the standing Committee on Harbor and Shipping of Chamber of Commerce of New York.

Hon. WARNER MILLER,
United States Senate, Washington, D.C.

SENATE CHAMBER, *Washington, D. C., June* 9, 1886.

MY DEAR SIR: I am in receipt of yours of the 7th.

You are mistaken in supposing that I have given up the harbor-commission bill. I shall do my best to pass it through the Senate at this session, but I do not believe it possible to pass it through the House this session and become a law, and the proposed appropriation of $1,000,000 for the improvement of the entrance to New York Harbor is no way a substitute for the commission bill.

The commission bill provides for a permanent commission to have in charge the harbor of New York and adjacent waters, and to prevent any injury being done the harbor by preventing the dumping of any material into the same, and it provides very stringent penalties for any violation of the law, but there is no power given the commission by the bill to expend money for the improvement of the entrance to New York Harbor, as is now given the Secretary of War through the board of engineers, such as the work at Hell Gate, Gowanus Bay, and other work now going on in New York Harbor, and in my judgment if the commission bill was now a law it would be impossible to get appropriations for the work on Gedney's Channel, but it would require that all money to be expended should be expended in the ordinary way.

The House of Representatives, in the river and harbor bill which they passed, did away with the Mississippi River Commission and also the Missouri River Commission, which have been engaged for many years in the improvement of those streams, and it has relegated both works to the Secretary of War, the money to be expended this year under the Secretary of War, as all moneys this year in these matters are to be expended.

They are also mistaken in supposing that any "surreptitious influence" or any influence of any kind is being brought to bear on me to induce me to give up the commission bill. No one has approached me on the subject except the friends of the bill. Of course I understand fully that the board of Army engineers is opposed to it, but what they have done to exercise any influence on this bill I do not know at all, as they have not in any way approached me.

The proposed appropriation for the deepening of Gedney's Channel is not to carry on the present experimental work of sea-dredging, but it is to begin the permanent improvement which has been proposed by a board of three Army engineers and approved by General Newton.

General Newton came before the Committee of Commerce and fully explained the plan to the committee and assured the committee that if they were supplied with sufficient funds the work could be accomplished in three years and a depth of 30 feet of water at low tide obtained and he had no doubt as an engineer of the complete success of this plan.

Believing that the great bulk of the merchants of New York are very desirous that this improvement should be made and that they have great confidence in General Newton, who has done so much in New York, I did not hesitate to recommend the committee to appropriate $1,000,000 to commence this improvement.

General Newton has little or no confidence in the work or attempt at work in sea-dredging, but he thought it well to experiment to see whether sea-dredging can be done at all, and while he has no confidence that it will succeed in New York, he thinks it might be valuable at some points along the coast, but he has decided that it is possible to obtain the depth of 30 feet by the plan proposed by the board of engineers, and I must say I fully concur with him in that.

When you say that you know "there is a job in this" and that "the parties are working in interests entirely selfish," you must refer, I presume, to the attempts of dredging which is now going on, for certainly you can not refer to the permanent improvement proposed by General Newton. No one has appeared to urge this except General Newton, and he was invited by the committee to come and give his views on the whole question.

In taking this action I have been guided entirely by what I believe to be the pressing necessity of New York, that the water over the bar should be at the earliest moment possible deepened to 30 feet at low water, and I have no doubt myself of the ability of General Newton to accomplish this result if he be furnished with the funds.

You suggest that my action in this matter will be prejudicial to you (me) personally and which will be very unfortunate in view of the present desire to have you (me) again our honored Senator. Prizing your good opinion of myself as highly as I do, I can not believe for a moment that you think that I would perform or leave unperformed any public duty for the purpose of advancing my own political interests. I have never yet given a vote or performed a public act with any such view, and should I ever be unfortunate enough to do such a thing, I trust my constituents will retire me to private life.

Of course if the great commercial interests of New York city do not desire that this great improvement be made, it will be a very easy matter to have the appropriation stricken out of the bill, but I am very clear in my own opinion that this work should be commenced at once and pursued with all vigor to a successful completion.

Believing that you have misunderstood the matter in some of its aspects, I send by this mail a copy of the report of the board of engineers on this subject, which you may not have seen.

Yours, truly,

WARNER MILLER.

A. FOSTER HIGGINS, Esq.,
50 Wall Street, New York City.

JUNE 10, 1886.

MY DEAR SIR: Your esteemed favor of the 9th is received, and I thank you for the trouble you have taken to fully inform me of the true condition of matters. My judgment and mind are so deeply interested in procuring for our harbor the protection from injury, which is only to be attained by such a bill as has been presented by you from the chamber, that perhaps I err in looking with suspicion upon everything which is proposed as a substitute. I beg that you will understand my communication as flowing from this fact.

We have to-day had a formal session of the two committees of the chamber of commerce, and by to-morrow's mail I will forward to you the resolutions passed expressing our gratitude to you for your action, and our desire that this appropriation if obtained shall be subject to the discretion and judgment of the Secretary of War and not appropriated to be spent upon any specific locality or plan. If you will see yourself that this feature is introduced you will remedy the very important objection I entertain as to its being a substitute.

To explain to you more fully you will see that to accept this sum specifically to be applied only to Gedney's Channel will be to institute a work in that spot alone and in connection with that channel which will be fatal to any consideration even of any other channel or plan. I fear this to be the intention of its proponents, but if it be placed at the disposal of the Secretary of War he will be at liberty to listen to all objections, consider any and all other plans, and adopt that one which in his opinion is the best. This can not be objected to by any one who honestly has the interests of New York at heart, but will be opposed by any who have a desire to direct those expenditures in some indefensible direction.

We shall trust to your good management to see that this condition is made a part of the appropriation. We still urge that you do not suffer to be suspended a single possible exertion to get our harbor bill passed. It is nothing new that a board shall be appointed to consider New York work, and it is certain that no power less than such a board as has been asked for will ever put an end to the vandalism daily and hourly being perpetrated. Of the two measures I am firmly of conviction that this harbor bill is worth more to us than the million of dollars.

Yours, very truly,

A. FOSTER HIGGINS,
Chairman of Standing Committee on Harbor and Shipping of Chamber of Commerce.

Hon. WARNER MILLER,
United States Senate.

SENATE CHAMBER, *Washington, D. C., June* 11, 1886.

MY DEAR SIR: I am in receipt of your esteemed favor of the 10th, and am glad to know that my letter to you has explained matters so that you fully comprehend what I am attempting to do. It is my intention to so draw the clause in the bill to leave the Secretary of War free to adopt any plan for the improvement of the entrance to the harbor which he and the engineers may decide to be best. General Newton himself approves of such a wording of the clause, and I do not see that there will be any objection to it. At all events I will put it in that shape, and with the hearty co-operation of the chamber of commerce and other bodies of New York I hope to succeed in keeping it in the bill.

Yours, truly,

WARNER MILLER.

A. FOSTER HIGGINS, Esq., *New York city.*

JUNE 14, 1886.

MY DEAR SIR: I am becoming more and more astonished at the masterly work evinced and performed by the opponents of our harbor-commission bill, and the same persons, in their evident desire to force all action in connection with New York Harbor, into the acceptance of some declared plan (*sic*) of the United States engineers. Now, my dear sir, I must ask you to calmly consider for a moment the facts I shall state to you, for your letter indicates to me that you have listened to General Newton. You avow to be familiar with his plan, and you are publicly quoted as saying that you are "in favor of it."

I have carefully reread the report you sent me, and in it I find but two plans or suggestions of plans. The first is the simple dredging of Gedney's Channel to a uniform depth, as much as the sum appropriated will accomplish. At first this was the balance of the $200,000 obtained. A contract was made in accordance—iron-clad, a failure completely—and the announcement that the sum available was too small to be worthy of contracting for, as no one would build a sea-dredge capable of work there unless a sum of at least $300,000 was available; consequently $150,000 additional was asked for, and at the instance of General VIELE and Mr. BURLEIGH was asked for from the Committee on Rivers and Harbors.

I went to Washington and advocated it, as well as the other national (?) works of Buttermilk Channel and Newtown Creek, both of which I expressed the opinion were entitled to aid, and at the same time most vigorously stated that New York did not want any large appropriation until the best channel for improvement and the best plan for permanent maintenance had been fixed on, and that our commission bill had this object in view.

Permit me just here to inform you that the bill did expressly make it the duty of the commission to examine and report to Congress from time to time such plans of permanent improvement and protection of the harbor as they should decide on. I understood that the committee would recommend the appropriations named, and looked with favor on the commission. Certainly within the last month I was told the committee had consented to embody the whole bill introduced by you into the river and harbor bill. It was my plan to thus have it pass, and if passed by the Senate and vetoed by the President, as is confidently predicted, that your bill should then be pushed, and being embodied in the river and harbor bill would certainly meet with no new opposition. How all this has been changed you know better than I do.

The other plan of the engineer report was deemed a mere suggestion. It involved an expenditure stated roughly to be from five to six millions; consisted of a jetty system extending south to southwest from Coney Island. It involved the direct obstruction and complete annihilation of the 14-foot channel and the east channel, and confined the entrance to New York Harbor to one single channel—Gedney's on the sea and its two corresponding inner channels, the main ship and swash.

This entire plan seemed to a civilian so wild that I asked General Newton personally if he could possibly foretell what would be the effect on the inner or outer bay of such a plan, and if he did not see that to contract the entrance to one single channel would be a great loss. He admitted that no one could possibly tell the effect, that he by no means advocated such a work to be carried out at once or continuously, but tentatively, little by little—to construct walls only of comparative height and length—and then to await the effect of so much, and to take step No. 2 only after step No. 1 proved effective. You will see that in the same manner his printed report most cautiously says: "If the experiment fails here then the composition and nature of al lthe shoals should be accurately determined by deep borings, the action of the currents definitely learned, and the method of contraction studied." (Page 5.) Again on page 6: "I do not know that the cut once opened will be self-maintaining, but the present appropriation being small it is well enough to experiment with it."

All this indicates the (to say the least) propriety of following the resolutions of the chamber of commerce asking for an appropriation of $75,000 or $100,000 wherewith to make the tidal observations, the borings, and all the studies required by common sense, and which do not exist, to determine at least the feasibility of any scheme and the probability of its maintenance.

I candidly think the engineers are afraid to subject their plans to public scrutiny; otherwise why should they object to a commission constituted exactly like the one which, I think, in 1854 was appointed for New York, on which Generals Bache and Totten acted? I notice an interviewer with you calls those who advocate the commission "schemers."

What possible scheme lies hid under a board of men like the Chief of Engineers, a Navy officer, a professor of the Coast Survey, and an honored representative of New Jersey and New York? It is wicked and absurd to so speak of it. I regret exceedingly to learn that the bill when called up did not have any attention and was passed over. I trust you did not sanction this, as it certainly does not consist with a desire for its passage. I am told that Senator MCPHERSON declares he favored the passage of the bill, but does not now wish to antagonize you.

My dear Senator, I feel convinced that you can, if you desire, pass this bill. It is of so much real value to save wasting money on our harbor, as naturally all moneys to be expended in new plans would be submitted to such a commission, and to stop the injuries going on uninterruptedly for twenty-five years past, that I again beg you to give it your aid.

I inclose a petition which was signed by the most influential and important firms and organizations in New York, which was sent in by Mr. Pulitzer and then seems to have been buried. I beg you to revive it, and if the appropriation can be made to fit in with its request we will have gained a most important end.

Yours, hurriedly, but sincerely,

A. FOSTER HIGGINS.

Hon. WARNER MILLER,
Washington, D. C.

SENATE CHAMBER, *Washington, D. C., June* 16, 1886.

DEAR SIR: I am in receipt of yours of the 14th. If the person who furnishes you with information from Washington would undertake to be certain of his facts and give you only facts, you would not have written the letter of the 14th, for I can not believe you would have written such a letter if you had been in possession of the truth in the matter. You say, "I regret exceedingly to learn that the bill when called up did not have any attention and was passed over. I trust you did not sanction this, as it certainly does not consist with a desire for its passage."

The person who gave you that information, if he knew anything about it, knew that the Senate was acting under the five-minute rule by unanimous consent, under which no bill can be taken up and have more than five minutes, and under that rule all bills giving rise to debate go over. The bill on New York Harbor went over still retaining its place on the Calendar, like a large number of other bills. I can not believe that your informant did not know of that fact when he gave you information regarding it, and I must consider it a willful intent on his part to misrepresent it.

You also state that Senator MCPHERSON favors the passage of the bill, but does not wish to antagonize me. As to his views, I know nothing whatever. He has never mentioned it to me in any way.

You state that you were told a month ago that the committee had consented to put the bill into the river and harbor bill, and in case that bill was vetoed it would be taken up and passed separately, and you say, "How all this has been changed you know better than I do." I presume you refer to the House committee, for certainly there never was any such understanding in the Senate committee, for the Senate committee could not put the bill into the river and harbor bill under its rules. I did it two years ago and it was ruled out under a point of order.

I never knew that the House committee had consented to put the bill into the river and harbor bill, and I have no knowledge whatever as to why it changed its views, if it did change, and any intimation that I know how it was done better than you do is entirely gratuitious on your part. I know nothing whatever about it.

I need not repeat my former assurances that I shall do my best to secure the passage of the commission bill, notwithstanding your intimations that you do not believe that I am in earnest in the matter. I shall not change my course of action or my determination to do what I can to secure its passage.

I beg to remain, yours, truly,

WARNER MILLER.

P. S.—I notice in your letter also that you say that you have seen in an interview that I called the advocates of the commission "schemers," which you say is both wicked and absurd.

I have never characterized the advocates of the commission bill as "schemers" in any authorized interview or in any conversation with anybody, as I would not likely put myself in such a list, as I consider myself and am one of the advocates of a commission bill.

W. MILLER.

A. FOSTER HIGGINS, Esq.,
50 Wall street, New York City.

Mr. MILLER. Mr. President, as I have stated, it is impossible there should be a job connected with the expenditure of this money if it is to be expended absolutely under the control of the Secretary of War. Why it is that this Mr. Higgins, after having signed a communication from the chamber of commerce to this body or to the Committee on Commerce of this body advising and recommending this appropriation of $1,000,000, should now in another way seek to defeat it, I do not know. I see that he takes the ground that this appropriation should not be made until after the commission bill has been passed entirely and become a law and until after of course the commission has had an opportunity to make plans of their own. But the two Houses of Congress have not looked favorably this year upon the expenditure of money for the improvement of rivers and harbors under commissions and have taken the power away from the commissions and have given it to the Secretary of War.

This harbor-commission bill which I introduced and had passed through this body provided for the appointment of a commission of five men, whose duty it should be to maintain a supervisory power over the harbor of New York to prevent the dumping into it in any way of refuse or other matter tending to destroy the harbor or in any way injure navigation in it. There is nothing in that bill giving the commission power to expend money for the improvement of the harbor, and if an appropriation was made at any time after the bill should become a law it

could not be expended under that commission unless Congress gave it direct power to do it, but all the moneys appropriated in the river and harbor bill are to be expended under the direction of the Secretary of War.

Why this attack has been made I do not know, but I have had read here a letter received to-day from the chamber of commerce, signed by its president, its vice-president, and the chairman of its executive committee, calling upon this Congress to see to it that this appropriation is not lost at this time.

If there is any job connected with any portion of this movement it will be found somewhere else than in the appropriation of $75,000 to be expended under the direction of the Secretary of War. Whether there is any job of that kind or not, I know not; whether any improper influences have been at work and have favored the passage of the harbor commission bill or not, I do not know; but it is very evident that some gentlemen having that bill particularly in view and in interest are now very anxious to secure from this Congress a rejection of that amendment, in order that nothing may be done in the harbor of New York until after the commission shall have been permanently established and shall have had an opportunity to make its own plans and bring them before Congress. I do not know what those plans may be, nor whether Congress would approve them; but if we are to judge by the action of Congress at this session we shall find that Congress has not been favorable to the expenditure of money for such purposes under a commission.

I have here a letter from Capt. Francis J. Palmer, an engineer who has been in some way connected with the chamber of commerce and who has been making investigations in the harbor of New York. I send it to the desk and ask to have it read. Perhaps that may throw some light upon some reasons which have influenced some people in attemping to have this amendment stricken out of the river and harbor bill.

The Secretary read as follows:

CHAMBER OF COMMERCE OF THE STATE OF NEW YORK,
New York, July 14, 1886.

DEAR SIR: I desire to thank you for securing the passage of the harbor board bill. Your work, although very late, is most welcome. That Sun article twitched you off. We know your brain power, your commanding presence, and the merits of the bill, and have been very much annoyed that you did not take action ten weeks ago, as it can only at this late season become law through united exertions, that is, you and other Senators bringing your influence to bear upon such men as Judge REAGAN, Hon. A. HEWITT, &c., to get the bill taken up from the Speaker's desk with the approval of the majority. I have only deferred taking bolder steps toward securing that end at the wish of the chamber of commerce, as they believe the appointment of such a board will give New York at once what she wants, and other ports—Galveston and Charleston—will likewise obtain relief years earlier than they could otherwise.

Yours, very respectfully,

FRANCIS J. PALMER.

Hon. WARNER MILLER,
United States Senate.

I have right at my back and can get all the millions needed to carry the biggest kind of harbor work that may be decided upon by the Secretary of War, and there is no doubt in my mind that he will have the best.

Mr. MILLER. Just one word in regard to the passage of the harbor-commission bill through this body, and then I shall have finished.

I think two years ago I secured the adoption of substantially the same bill as the harbor-commission bill which has passed here at this session, and secured its addition to the river and harbor bill. It was placed upon that bill by the Committee on Commerce when the bill was reported to this body, and, it being discussed, a point of order was made against it by, I think, the Senator from Alabama [Mr. MORGAN]. The Chair ruled it out of order and it was thrown out of the bill. This session I brought in the same bill, secured its adoption by the Committee on Commerce, and I was authorized by that committee to report it favorably, placed it upon the Calendar, and passed it at the earliest opportunity. It will be remembered that several times when going over the Calendar this bill was reached, and it was objected to by several Senators and went over.

After talking with those Senators and explaining the bill to them their opposition was withdrawn, and finally one morning the bill was again reached when we were passing over the Calendar, and foregoing any right to make any remarks upon it at all, though we were operating under the five-minute rule, the bill was taken up, and no Senator objecting to it, it was passed.

I simply desire to say in answer to these insinuations which have been thrown out in this letter and other letters that I was not prompt or energetic in my endeavors to pass that bill, that they are without foundation. I never lost any opportunity to secure the passage of that bill or to secure it at the earliest possible moment, believing and feeling that it was a measure of very great importance, particularly to the people of the city of New York; and any imputation that I was dilatory or delayed action upon that bill is absolutely without foundation.

I have nothing more to say.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine; and

A bill (H. R. 8975) making appropriations for the naval service for the fiscal year ending June 30, 1887, and for other purposes.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 6314) to increase the pension of James Carlin; and

A bill (H. R. 8474) granting a pension to James McGlen.

The bill (H. R. 8296) to remove the political disabilities of Duff Green Reed was read twice by its title, and referred to the Committee on the Judiciary.

DEATH OF VICE-PRESIDENT HENDRICKS.

Mr. VOORHEES. Will the Senator from Iowa allow me to offer a resolution which I desire to have printed and referred to the Committee on Printing?

Mr. ALLISON. Certainly.

The PRESIDENT *pro tempore.* If there be no objection, the Chair will receive the resolution.

Mr. VOORHEES submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the proceedings of the Supreme Court of the United States, as they appear on page 707 of volume 117 of the Supreme Court Reports, on the occasion of the death of Thomas A. Hendricks, late Vice-President of the United States, be published with the memorial addresses already authorized by Congress.

VETOED PENSION BILLS.

Mr. BLAIR. I desire to submit the reports of a majority of the Committee on Pensions on the veto messages of the President of the United States on the bill (S. 1077) granting a pension to Newcomb Parker and the bill (S. 1797) granting a pension to John S. Kirkpatrick. I call the attention of the minority of the committee to these reports.

The PRESIDENT *pro tempore.* The reports will be received and placed on the Calendar.

SEIZURES OF AMERICAN VESSELS IN FOREIGN WATERS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate of the United States:

In response to the resolutions of the Senate, dated respectively May 10 and July 10, 1886, touching alleged seizures and detentions of vessels of the United States in British North American waters, I transmit herewith a report of the Secretary of State, with accompanying papers.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, July 24, 1886.

WILLIAM P. CHAMBLISS.

Mr. MANDERSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 68) for the relief of William P. Chambliss, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

CHARLES F. MANDERSON,
JOHN A. LOGAN,
Conferees on the part of the Senate.

FRANK L. WOLFORD,
JOSEPH WHEELER,
Conferees on the part of the House of Representatives.

The report was concurred in.

PACKING AND SELLING CUT TOBACCO.

Mr. BECK. I ask unanimous consent to have a letter from the Commissioner of Internal Revenue printed to accompany the bill (H. R. 8738) to so further amend section 3362 of the Revised Statutes, as amended, and section 3363, as makes a distinction in the mode of packing and selling cut tobacco.

That was omitted at the time the bill was reported. I desire to have it printed.

The PRESIDENT *pro tempore.* It will be printed as a document to accompany the bill.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. EDMUNDS. I ask unanimous consent to report from the Committee on the Judiciary, which has considered it informally, an amendment intended to be proposed to the deficiency appropriation bill, which I ask may be printed and referred to the Committee on Appropriations and printed.

The PRESIDENT *pro tempore.* The amendment will be received, referred to the Committee on Appropriations, and printed, if there be no objection.

CATHARINE LANIGAN.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2349) granting a pension to Catharine Lanigan; which was in line 5, after the words "rate of," strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Catharine Lani-

gan, mother of John Lanigan, late of Company K, Twenty-third Illinois Volunteers, in the late war, at the rate of $30 per month, from and after the passage of this act, in lieu of the pension she is now receiving.

Mr. SAWYER. I move that the amendment be concurred in.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the amendment be concurred in.

The motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9478) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

Mr. DAWES. I offer the following amendment, to come in after the amendment already agreed to on page 70, after line 1701:

For the education of the children of school age in the Territory of Alaska, without regard to race, $25,000.

I beg that the chairman of the Committee on Appropriations will not object to the amendment. This is a regular estimate found on the sixty-second page of the Book of Estimates. I think the item must have been left out when this bill was framed, by mistake, growing out of the fact that it is found in the Book of Estimates under the legislative appropriation bill, and I suppose, though I have no knowledge, that when the legislative bill was made up, this item being found there and not belonging there, it was left out, and when the sundry civil bill was made up it was not found in the estimates for that bill.

It is a regular estimate, and this is all the money that has been proposed for this purpose. If this should be adopted, it is all that has been appropriated for the purpose since the act establishing a government over Alaska. At that time $25,000 was appropriated for this purpose, and, if my memory does not fail me, that is all the appropriation for the purpose which has been made.

The necessity of it is so apparent under the work which has been done there that I shall occupy no time of the Senate in advocating the amendment.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment proposed by the Senator from Massachusetts [Mr. DAWES].

The amendment was agreed to.

Mr. COCKRELL. On page 61, line 1488, after the word "dollars," I ask that the following amendment be added:

The moneys received at the General Land Office as fees for furnishing transcripts of records and plats shall be deposited in the Treasury and be deemed an appropriation to pay for making such copies; and the Commissioner of the General Land Office shall be authorized to use any portion of this appropriation for piece-work, or for temporary clerk-hire by the day, month, or year, at such rate or rates as he may deem just and fair, not exceeding $1,000 a year.

Mr. ALLISON. I feel bound to make a point of order on that amendment, but I will say to the Senator from Missouri that I do not myself object to an appropriation of, say, $5,000 for that purpose. I had prepared an amendment covering that idea, but I can not lay my hand on it now—$5,000 to make copies of maps and plats—but I do not believe we ought to place in the hands of the Commissioner the funds arising from fees for copies as a fund to meet such expenditures.

Mr. COCKRELL. Then just add there "not exceeding $5,000."

Mr. ALLISON. That is not what I propose. I am willing to make an appropriation to enable the Commissioner of the General Land Office to make these copies.

Mr. COCKRELL. That is all we want.

Mr. ALLISON. Very well. But I do not wish a specific fund set apart for that purpose, thereby changing existing law.

Mr. COCKRELL. This directs that the fees shall be covered into the Treasury and only appropriates a certain amount. I would as soon have a specific appropriation.

Mr. ALLISON. I shall not object to that.

Mr. COCKRELL. I will prepare an amendment.

Mr. ALLISON. The law provides that these fees shall be turned into the Treasury, and I desire that that law shall continue.

The PRESIDING OFFICER. Does the Senator from Missouri modify his amendment?

Mr. COCKRELL. I will in a moment. I withdraw it for the present, but I will offer another one that I hope the Senator will not object to. On page 49, at the end of line 1182, I move to insert:

And the appropriation herein made for gas consumed in any of the public buildings shall include the rental or use of any gas-governor, gas-purifier, or other device for reducing the expenses of gas, when first approved by the Secretary of the Treasury and ordered by him in writing: *Provided*, That no sum shall be paid for such rental or use of said gas-governor, gas-purifier, or device greater than one-half of the amount of money actually saved thereby.

Mr. ALLISON. I reserve any point of order until we have an explanation of the object.

Mr. COCKRELL. There are gentlemen who claim that they have a gas-governor or purifier by which they can save in all the public buildings of the United States a very large sum of money, and they simply ask that the Secretary of the Treasury shall have authority to rent and use this, and not pay for such rental or use exceeding one-half the amount actually saved. It does seem to me such a plain proposition that there can be no objection to it. The proviso explains it so that the Secretary shall not authorize the use or rental of this at any sum greater than 50 per cent. of the amount actually saved by its use.

Mr. ALLISON. That on its face seems to be a very economical proposition, and I do not know but that it is; but I always fear legislation which will authorize the placing in public buildings all over the country of a patented arrangement. It seems to me that if there is a device which will save the consumption of gas in any way that can be utilized by the Government the easiest possible course would be to apply this instrument to use in the Treasury building, or some building here in the city of Washington under the eye of our own officers, and thus demonstrate its utility.

Mr. COCKRELL. Well, I will restrict it to the District of Columbia.

Mr. ALLISON. Suppose you restrict it to the Treasury building.

Mr. COCKRELL. That might not be well, but the Secretary of the Treasury would certainly not be likely to try it in any other place. I amend my amendment by saying "in the District of Columbia."

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. COCKRELL. I had a letter from the Secretary of the Treasury, upon which I can not lay my hands just now, in which, as I recollect it, he recommends that the provision should be put in, that there would be no harm in it.

Mr. ALLISON. Let us try it in the District of Columbia and see how it works.

The PRESIDING OFFICER. The amendment as modified will be read.

The Chief Clerk read the amendment as modified as follows:

And the appropriation herein made for gas consumed in any of the public buildings in the District of Columbia shall include the rental or use of any gas-governor, gas-purifier, or other device for reducing the expenses of gas, when first approved by the Secretary of the Treasury and ordered by him in writing: *Provided*, That no sum shall be paid for such rental or use of said gas-governor, gas-purifier, or device greater than one-half part of the amount of money actually saved thereby.

Mr. ALLISON. The District of Columbia ought not to control the Treasury Department, because this relates to the Treasury Department.

Mr. COCKRELL. It is under the control of the Treasury Department.

The amendment as modified was agreed to.

Mr. HOAR. I move the following amendment to come in after line 2495, on page 102:

For the purchase of the painting The First Fight of Ironclads, by W. F. Halsall, $7,500.

Mr. ALLISON. I raise the point of order, unless that comes from a committee.

Mr. HOAR. It comes from the Committee on the Library.

Mr. ALLISON. Is it recommended by the committee?

Mr. HOAR. It was recommended by the Committee on the Library and sent to the Committee on Appropriations. I ask to have read a letter from Rear-Admiral Worden.

The PRESIDING OFFICER. The paper will be read.

The Chief Clerk read as follows:

WASHINGTON, *May* 19, 1886.

GENTLEMEN: I take the liberty of addressing you in reference to the painting by W. F. Halsall of the first fight of ironclads, now on exhibition in this city. I have examined the picture closely, and regard it as giving a correct representation of the vessels engaged and as presenting an accurate picture of the event it is intended to illustrate. In my judgment, too, it has decided artistic merit, and illustrates with marked effect an epoch in the history of the naval warfare of which our nation and people have the right to be proud. For that reason I beg to suggest that it should become the property of the Government and be placed in a prominent position in its legislative halls.

With great respect, your obedient servant,

JOHN L. WORDEN,
Rear-Admiral, United States Navy.

To Senators SEWELL, HOAR, and VOORHEES,
Committee on Library, United States Senate.

Mr. HOAR. I now send to the desk a letter from Lieutenant Littlepage, who was on the Merrimac.

The Chief Clerk read as follows:

WASHINGTON, D. C., *May* 19, 1886.

To the Joint Committee on the Library:

GENTLEMEN: Having been an officer on the Merrimac and having participated in the memorable engagement between that vessel and the Monitor, I take the liberty of stating that I consider the painting by W. F. Halsall as correct a representation of that fight as it would be possible to produce on canvas.

As to the artistic merits of the picture I leave it for others to judge, but as to its historical importance I can conceive of no greater event of the kind, not only for its effect upon this country, but for the deep impression it made upon the whole world.

It made the great naval powers feel that they were without war vessels, completely revolutionized naval warfare, and caused the remodeling and reconstructing of all navies.

On account of the historical importance of the scene it so vividly and so accurately represents, I submit that the Government should purchase it and suitably place it where the public can see it.

I am, most respectfully, your obedient servant,

H. B. LITTLEPAGE.

Mr. HOAR. I have letters from persons who were on both sides. This painting is not intended as a commemoration of a victory, but of a great epoch in naval architecture, in which the equipment of the Merrimac was a great exploit on one side and the invention and equip-

ment of the Monitor on the other. I will say that the picture has been examined by a great many persons who were in that fight on both sides, and all speak of it with great enthusiasm. It is the production of an artist who is commended to me by eminent artists as a man standing high in his profession. While the price is $7,500, it is a painting which has been insured for $15,000, and my only doubt about the matter is that the price is too small. If the Senate will allow the other letters I have on the subject to be printed in the RECORD without reading I will not delay the proceedings by reading them.

The PRESIDING OFFICER. If there be no objection the letters will be printed in the RECORD. The Chair hears none.

The letters referred to are as follows:

NAVY DEPARTMENT, BUREAU OF STEAM ENGINEERING,
Washington, May 20, 1886.

SIR: Learning that the committee of which you are chairman has under consideration the purchase of Mr. Halsall's picture of the Merrimac-Monitor fight, I venture, as a participant in some and an eye-witness of all the incidents connected with that momentous engagement, to commend to you the faithful and skillful manner in which the artist has handled his subject. The picture recalls vividly the events of those two fateful days, and is a worthy memento of one of the great naval battles of history.

Very respectfully, yours,

CHAS. H. LOSSING,
Engineer-in-Chief, U. S. N.

Hon. WILLIAM J. SEWELL,
Chairman Joint Committee on the Library.

NAVY DEPARTMENT, BUREAU OF CONSTRUCTION AND REPAIR,
Washington, May 21, 1886.

SIR: Referring to the painting of W. F. Halsall of the fight between the Monitor and Merrimac, now on exhibition in this city, having examined it, I desire to state that it gives a splendid illustration of the fight. I have taken the liberty to commend it from my standpoint, having been engaged in the first day's fight and an eye-witness of what took place on the second day.

Very respectfully, your obedient servant,

THEODORE D. WILSON,
Chief Constructor, U. S. N.

Hon. WILLIAM J. SEWELL,
Chairman Joint Committee on Library.

WASHINGTON, *May*, 1886.

To the joint Committee of the Library:

GENTLEMEN: I witnessed the fight between the Monitor and Merrimac on the 9th of March, 1862, and I can not conceive of anything more truthful and realistic than Mr. Halsall's picture of that engagement. I sincerely hope that the historical painting will become Government property and be placed where the public can have access to it.

I have the honor to be, very respectfully,

WM. P. RANDALL, *United States Navy.*

WASHINGTON, D. C., *April 30*, 1886.

To the Committee of the Library of the United States Senate and House of Representatives:

GENTLEMEN: I respectfully ask your consideration of a painting by me entitled The First Fight of Ironclads, with a view to its purchase by Congress. The subject is the naval engagement between the Monitor and the Merrimac, in Hampton Roads, on the 9th of March, 1862. The purpose is not to recall an episode in the late war, but to portray an event which revolutionized naval architecture and warfare throughout the world. An effort has been made to attain historical accuracy by careful studies at the scene of action by the use of the original drawings of the constructors of both vessels and by interviews with many of the opposing participants in the engagement.

I have the honor to refer by permission to Admiral Worden, U. S. N., as to the merits of the picture in these respects, and it has met with the approbation of officers of the Merrimac.

I also inclose criticisms published in the Boston press in respect to its artistic qualities.

It would give me pleasure to have you visit the painting at 1425 New York avenue at such time as may be most convenient to the committee.

I am, respectfully, your obedient servant,

W. F. HALSALL.

Mr. ALLISON. I should like to inquire of the Senator from Massachusetts why it is that this picture can not be purchased under the general appropriation which we have made, if it is so meritorious. We appropriate annually a sum for the purchase of works of art. I suppose this comes under that description. If the painting is especially meritorious, I should think that the Committee on the Library would be entirely able to control the purchase without the intervention of a special appropriation for the purpose.

Mr. HOAR. It did not seem to me that this quite large appropriation of $7,500 should be made without the approbation of Congress; and it seems to me also that the general appropriation should be left, as it always has been, for such special calls as come up during the year; and very often it is not exhausted. For instance, this year, I may state, we had an opportunity to purchase for $1,200 an original painting of Henry Laurens, president of the Continental Congress, made in the Tower and while he was a prisoner, by Copley, the most eminent American portrait painter that ever lived. That picture was offered to Mr. Corcoran, who desired it very much for his gallery, but he said that the Government ought to own it, and I suppose nobody would doubt that. It is a portrait of marvelous value and beauty and excellence in every way. The general appropriation is for such calls as are frequently made, and the committee thought this special matter should come to the attention of Congress. I hope the Senator from Iowa will not object.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Massachusetts [Mr. HOAR].

Mr. HAWLEY. I have no doubt that engineer officers, architects, mathematicians of any kind are quite capable of certifying as to the true proportions and perhaps the perspective of the two ships. I do not like to trust my own judgment as to the artistic merit and value of this as a work of art, but a mere presentation that is architecturally correct is not sufficient. I have seen, as we all have, a great many pictures. I do not wish to express an opinion, and I do not know whether this is a valuable work of art or not. An architect has certified to that. Where are the artists and critics?

Mr. HOAR. I have a letter from the most eminent portrait painter in Boston, who certifies to the excellence of this work. The author, Mr. Halsall, is a well-established man in his profession, making four or five thousand dollars a year, and this is the work of four years. He had insured it at $15,000, but he desires the Government to have it.

I had also two or three personal applications from Mr. Daniel C. French, who is the author of the famous statue of the Concord Minuteman and the author of the famous statue of John Harvard at Harvard College, which I think are the two first statues in this country, unless we except the work of St. Gaudens and Ward. The work of Mr. French, in my judgment, is unsurpassed. He is a man of absolute truthfulness, of a rigorous, ideal taste in his conception of artistic excellence, thoroughly devoted to his profession, and would recommend nothing that was inferior or mean.

I think on the universal expression of delight of everybody who has visited the picture, including many Senators on both sides of the Chamber, we can act upon it when we have such testimonials from artists in addition.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Massachusetts.

The amendment was agreed to.

Mr. TELLER. Some days ago I submitted an amendment, which was sent to the Committee on Indian Affairs and reported favorably. I desire to have it follow the amendment of the chairman of the committee on page 70.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the amendment already agreed to, at the end of line 1701, it is proposed to insert:

That the sum of $37,500 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of a school farm and the repair of old and the erection of new buildings and outhouses for the indian industrial school at Carlisle, Pa., to be expended under the direction of the Secretary of the Interior.

Mr. ALLISON. What is the amount?

Mr. TELLER. The total amount is $37,500.

Mr. ALLISON. I make the point of order.

Mr. TELLER. You can not.

Mr. ALLISON. What do I understand in reference to the amendment?

Mr. TELLER. I will say to the chairman of the Committee on Appropriations that this was reported by the Committee on Indian Affairs favorably, and it also has an estimate and the indorsement of the Interior Department, and the personal indorsement of the Secretary in a letter that I have here which he personally sent to the committee.

I should like to state, if the chairman will listen, that this is to buy a farm adjoining the school, which is very much needed, and to repair some buildings. It is thoroughly indorsed by the Commissioner of Indian Affairs and by the Secretary of the Interior, and is asked for by the superintendent of the school. It is a very meritorious thing, and it ought to be done. If that school is to be kept up it should be kept as it has been.

Mr. ALLISON. May I ask the Senator how much land it is proposed to purchase?

Mr. TELLER. About 90 acres, as I recollect, and about $18,000 is for the land, which is much cheaper than it was offered at two years ago.

Mr. ALLISON. Two hundred dollars an acre?

Mr. DAWES. It will be worth that to anybody, and can be sold at any time for that.

Mr. CAMERON. I can say something about the value of land in that neighborhood. It is within 18 miles of where I reside. The amount asked is not a high price.

Mr. DAWES. The Government could not invest money any more safely than putting it in that land. If there is any opposition to the amendment, I wish to state that the relation of this school to the public Treasury is a very remarkable one. Captain Pratt, who has the management of it, has done such amazing work there that he ought to be commended to the consideration of Congress. He has obtained every dollar that has been put upon that plant by begging it around throughout the country from the charity of the people of the country; he has bought the land in that way. He has never had a dollar of appropriation from the Treasury of the United States to keep up and to enlarge the grounds of that institution. This is the first time that there has been an appropriation asked for by him. He has been from city to city and from town to town soliciting subscriptions for all that has been done there. We have appropriated $36,000 I think this very year to erect a new building at Lawrence, Kans.

Mr. TELLER. Fifty odd thousand dollars.

Mr. DAWES. Yes; $50,000. I think this is the most reasonable application that could be made, and it is as perfectly safe as anything can be.

Mr. CALL. I merely wish to say a single word in regard to Captain Pratt. I saw him first at Saint Augustine, Fla., in 1878 probably. He was then in charge of some of the wild Indians from the plains, who had committed murders and outrages there and had been transported to the fort at Saint Augustine for safe-keeping. Captain Pratt was there, I think, with a single sergeant and not more than one or two men at the most, and there were about sixty Indians. He devoted himself to them for some months, had them under the most perfect control, and had the old and the young engaged in learning their books and making considerable progress; in fact, they were to some extent civilized people. During the six or eight months that he occupied that fort with these Indians they were permitted to go out in the country and work for themselves, and there was never a single case of outrage or disorder among them.

He has devoted himself entirely for some years to solving the problem of the civilization and education of the Indian, with a very disinterested purpose and with the most signal success. These Indians were the most outrageous characters on the Western plains, and he had the most perfect command over them. I have no question that he is and will be a very great agent in the solution of the problem of Indian civilization.

I shall vote for this amendment.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Colorado [Mr. TELLER].

The amendment was agreed to.

Mr. VEST. I offer the following amendment from the Committee on Commerce, to be inserted after line 1621:

For salaries and traveling expenses of the Missouri River Commission, office expenses, and contingencies, $25,000.

Mr. EDMUNDS. I should like to hear that explained.

Mr. VEST. The House of Representatives put an amendment upon the existing law which did away with the Missouri River Commission. The Senate put back the commission in the river and harbor bill, but there is no provision for the payment of the salaries of the civilian members of the commission or traveling or office expenses. This is simply an appropriation, which was inadvertently omitted in the river and harbor bill, and the Committee on Commerce suggest that it be put in this bill.

Mr. EDMUNDS. Has the Senator from Missouri a copy of the river and harbor bill? My friend appears to have the documents.

Mr. VEST. I am a member of the Committee on Commerce and know there is no provision for it. This comes from that committee.

Mr. EDMUNDS. Their conduct is regulated in that bill.

Mr. VEST. Yes; but there is no provision for expenses.

Mr. EDMUNDS. Very good.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri.

The amendment was agreed to.

Mr. MANDERSON. I offer the following as an amendment, to come in on page 5, after line 108:

For court-house, custom-house, and post-office at Omaha, Nebr.: Paying for paving of streets adjacent to said building, $3,017.75

This item is in the Book of Estimates.

Mr. ALLISON. Has it been submitted to the Committee on Appropriations?

Mr. MANDERSON. Yes, sir; it is within the rule.

Mr. ALLISON. The only trouble about that class of appropriations—and I desire to say it once for all, because there are a number of them I believe—is the difficulty of ascertaining the amount. I should like to ask the Senator from Nebraska how he knows that this sum has been expended, and if so, by whom.

Mr. MANDERSON. It has been expended by the city of Omaha, and the amount of the expenditure has been certified to the Treasury Department. The estimate comes from the city authorities. To my personal knowledge this paving has been done and should have been paid for years ago if the Government desired to do what it should.

Mr. ALLISON. I ask that the amendment be again read.

The Chief Clerk read the amendment.

Mr. ALLISON. I move to add to the amendment "or so much thereof as may be necessary."

The PRESIDING OFFICER. Does the Senator from Nebraska accept the modification?

Mr. MANDERSON. Yes, sir; I have no objection.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment as modified was agreed to.

Mr. EVARTS. I offer an amendment, Mr. President, of which I gave notice the other day, a copy of which I send to the Secretary.

The PRESIDING OFFICER. The amendment proposed by the Senator from New York will be read.

The CHIEF CLERK. On page 56, after line 1349, it is proposed to add:

For the expenditure upon Bedloe's Island, in New York, under the direction of the Secretary of War, for the purpose of restoring and accommodating to the occupation of that island by the monument and beacon of Liberty Enlightening the World the surface and the structures of the Government upon the said island, and for access to the said island, namely:

For building a permanent wharf of stone and concrete, $16,000.

For strengthening interior walls of the fort, $7,200.

For connecting arches between the walls of the fort and the foundation mass of the pedestal, $26,400.

Mr. EVARTS. The Committee on Foreign Relations, acting upon communications made by the State Department and the President, reported unanimously an amendment, which I ask may be read, and which was sent to the Committee on Appropriations.

The Chief Clerk read as follows:

To defray the expenses incident to the landing, housing, protecting, and inaugurating upon Bedloe's Island of Bartholdi's statue of Liberty Enlightening the World, and to construct platforms, and other incidental expenses, and for incidental expenses of the ceremony of inauguration, and for certain improvements on the island estimated for by Charles P. Stone by estimate dated May 19, 1886, $106,100.

Mr. EVARTS. A similar report I think was considered in the other House. The Committee on Appropriations of this body have inserted a provision, which I will now read, immediately before what I ask my amendment to follow:

Statue of Liberty Enlightening the World: To defray the expenses incident to the landing, housing, protecting, and inaugurating upon Bedloe's Island of Bartholdi's statue of Liberty Enlightening the World, and for construction of platforms, repairs of wharf, clearing grounds of unsightly structures, and other incidental expenses, and for incidental expenses of the ceremony of inauguration, $56,500.

That is ample for the purposes asked, and meets and satisfies so far and for those objects the recommendation of the State Department and the recommendation of the Committee on Foreign Relations; but this which I now offer is not connected with any immediate necessity for the inauguration, but is included within what is manifestly a proper duty and necessity not to the immediate event but to the Government's own care of its own island.

It will be remembered that by a resolution adopted by both Houses of Congress, and I believe with entire unanimity, in 1877 this Government accepted the proposed gift of the statue provided that a site should be determined for it to which it should be surrendered, that it should be accepted in the sentiment of friendship and of generosity, and that upon a pedestal which should be furnished by the voluntary contribution of means by the citizens this statue when thus placed should be preserved and kept up as a beacon.

The island selected was Bedloe's Island, and was turned over to the committee for the purpose of the structure after the proper examination by the Treasury Department, including the work on the part of the committee, whose funds have been raised and whose funds have been employed, and whose function has been completed. It only becomes necessary for this committee under either head that has been provided for, or is now asked to be provided for, to put the Government in proper relation to the condition of things and the situation of proper inauguration and provision for the island.

In this $106,000 that was recommended by the President and the Secretary of State and by the Committee on Foreign Relations, I have neither added to nor varied in the least either of the items to which the amendment relates. The committee found perhaps that in making their present provision for what the honor and dignity of this Government required in the principal matter of the reception and provision for the inauguration of the statue it was sufficient; but I submit that this subject which is thus described is within the *immediate* and necessary duty of this Government at any time when it is sufficiently advised that the work remains to be done.

The PRESIDENT *pro tempore*. The Senator from New York is reminded by the Chair that we are under the five-minute rule.

Mr. EVARTS. I will with permission continue a few moments if no objection is made.

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. EVARTS. This island in its little area of 11 acres by its devotion to this structure is necessarily set apart for this purpose; and all that is asked here is that the United States should now accommodate the structures of the old works of the Government on the island in order to comport with the present devotion of this island to this great work of art and this great work of celebration of unity of feeling between these two great nations.

Thus we ask for building a permanent wharf of stone and concrete $16,000, or so much thereof as may be necessary, rather than that there should be an expenditure merely for temporary repairs. Then for a structure "for strengthening interior walls of the fort, $7,200;" "for connecting arches," a large structure, "between the walls of the fort and the foundation mass of the pedestal, $26,400," being the precise items that are contained in the recommendation of the Committee on Foreign Relations and the executive government.

The point is that for this inauguration this island should be certainly put in the condition which soon and necessarily it must be put by the Government for the fitness of things and the demands of public opinion and by visitors who shall resort to the island.

Mr. ALLISON. The Committee on Appropriations gave every dollar that was estimated for and deemed necessary for the purposes of the inauguration of this statue. The amendment now proposed by the Senator from New York is really an amendment which involves the idea of ornamentation and beautification, and the committee did not believe it judicious, and I hope the Senate will not agree at this time to enter upon that expenditure. It can be made at any time in the future when this statue shall have been inaugurated. But I trust the Senator from New York will not urge this amendment. I feel con-

strained to test the sense of the Senate by moving to lay it on the table.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the amendment lie on the table.

Mr. EVARTS. Mr. President——

The PRESIDENT *pro tempore*. The motion is not debatable. The question is on the motion to lay on the table.

The motion was agreed to.

Mr. VAN WYCK. I propose the following amendment at the end of line 108, page 5:

There is hereby appropriated $500 to repair walks and fountain in United States grounds surrounding post-office building in Lincoln, Nebr.

I will say that that item is approved by the Treasury Department, and has been referred to the Committee on Public Buildings and Grounds, and by them reported favorably.

Mr. ALLISON. It is not estimated for, and I do not think we had better enter upon this system.

The PRESIDENT *pro tempore*. Does the Senator raise the point of order?

Mr. ALLISON. I raise the point of order.

The PRESIDENT *pro tempore*. Has the amendment been sent to the Committee on Appropriations?

Mr. MAHONE. Yes, sir.

Mr. VAN WYCK. It was referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. And was it reported from a standing committee?

Mr. VAN WYCK. It was reported from the Committee on Public Buildings and Grounds and referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Chair thinks it is in order, then.

Mr. ALLISON. I move that it lie on the table then.

The motion was agreed to.

Mr. GIBSON. Mr. President——

Mr. VAN WYCK. I ask the Senator to withdraw the motion to lay on the table for a moment.

The PRESIDENT *pro tempore*. The Senator from Louisiana is recognized.

Mr. GIBSON. I offer an amendment similar in character to the amendment offered by the Senator from Missouri [Mr. VEST] about the Missouri River Commission. This is for the Mississippi River Commission. I ask that it be inserted on page 67, just after the amendment adopted on the motion of the Senator from Missouri. This is reported from the Committee on Commerce, and I think is acceptable to the chairman of the Committee on Appropriations.

The PRESIDENT *pro tempore*. The amendment will be read.

The SECRETARY. On page 67, after the amendment adopted on motion of Mr. VEST, it is proposed to insert:

For salaries and traveling expenses of the Mississippi River Commission, and for salaries and traveling expenses of assistant engineers under them, and for office expenses and contingencies, $100,000.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Louisiana [Mr. GIBSON].

The amendment was agreed to.

Mr. HARRISON. I offer an amendment to come in after the amendment offered by the Senator from Nebraska [Mr. MANDERSON] which was adopted.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. On page 5, line 108, and after the amendment already agreed to, it is proposed to insert:

For custom-house at Indianapolis, Ind.: Paving streets adjacent to said property, $350.52.

Mr. HARRISON. This is estimated for and is of precisely the same character as the amendment adopted on the motion of the Senator from Nebraska [Mr. MANDERSON].

Mr. ALLISON. There is a question as to whether the Government of the United States should pay for paving streets under the direction of the officers of a city or town. I believe there are a great many instances where the Government has paid for sidewalks, but the question of paving streets is an open question.

Mr. HARRISON. I do not know who should pay except the Government.

Mr. ALLISON. I raise no point on it.

The amendment was agreed to.

Mr. COKE. I wish to make a verbal amendment to an amendment already agreed to. In line 51, page 3, after the word "custom-house," I move to insert "court-house;" so as to read:

For custom-house, court-house, and post-office at El Paso, Tex., &c.

The amendment was agreed to.

Mr. MAHONE. On page 81, I move to insert, after line 1964, the following:

To enable the Secretary of War to lay a submarine cable from Cape Charles to Cape Henry, $20,000.

I want to say in reference to the amendment that it was introduced here and sent to the Committee on Military Affairs, and by that committee reported back favorably and referred to the Committee on Appropriations. Sustaining this proposition is a letter from the Superintendent of the Signal Service, transmitted by the War Department, urging the laying of this cable as very essential for the purposes of the Signal and Life-Saving Services. Now between the coast south of Cape Charles and north there are no connections; and in order to get in communication dispatches have to travel over a thousand miles to come up this bay and go around to Wilmington.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Virginia [Mr. MAHONE].

The amendment was agreed to.

Mr. VOORHEES. I am authorized by the Committee on the Library to offer the following amendment; it has been reported by the committee and referred to the Committee on Appropriations; I ask that it come in on page 102, at the end of line 2495.

For the purchase of the painting entitled "Farming in Dakota," by Carl Gutherz, $3,000.

Mr. ALLISON. I suppose the point of order will not lie against that, but it seems to me, inasmuch as we have provided already in the bill for $10,000 for the purchase of works of art, and now $7,500 for the great painting that the Senator from Massachusetts spoke of, this might wait until next session for this additional purchase.

Mr. VOORHEES. I think the Senator from Iowa will concur with me that we ought not to wait. This is a painting of a great scene in the agricultural history of this country. We have appropriated money, and none too much, for paintings illustrative of the art of war and destruction and things of that kind. This is the only painting, I believe, we have ever had an opportunity to procure representing the cultivation of the soil, the breaking of the great prairies, rendering the bosom of the earth fruitful and productive, and I am satisfied that it is $3,000 better spent than most of the money that is in this bill. I must insist on my amendment. I do not understand that there is any point of order against it. It is agreed on by the Committee on the Library, reported here by their authority, referred to the Committee on Appropriations, and I believe that takes in all the conditions of the rule.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Indiana [Mr. VOORHEES].

The amendment was agreed to.

Mr. HAWLEY. I propose two amendments, to come in after line 119, page 6, as follows:

For the post-office, custom-house, internal-revenue office, and court-house at New Haven, Conn.: To pay an assessment for the connection with the city sewer, $210.

For the post-office, custom-house, internal-revenue office, and court-house at Hartford, Conn.: Paving street between said post-office and the city hall, $892.46.

Both items may be acted on together. They are both in the Book of Estimates, on page 156.

The amendments were agreed to.

Mr. BLAIR. On page 56, at the end of line 1349, relating to the statue of Liberty Enlightening the World, I move the following amendment:

Provided, however, That no part of the sum herein appropriated shall be used to procure or pay for spirituous or intoxicating liquors or tobacco or stimulants or narcotics in any form; nor shall any charge or expenditure for the same be paid by the United States.

Mr. ALLISON. What is that about?

Mr. BLAIR. I propose this proviso to the appropriation for the ceremonies at the dedication of the statue of Liberty Enlightening the World.

Mr. ALLISON. I assure the Senator there is not the slightest possibility or probability of any such thing being done; and the items of the appropriation do not include anything of the kind indicated in the Senator's amendment. I hope he will not press it.

Mr. BLAIR. I assure the Senator that if I did not think it was necessary, I would not offer it.

Mr. ALLISON. I assure him that it is totally unnecessary. There is nothing in this appropriation except a small sum to entertain our foreign guests who may come here from France.

Mr. BLAIR. That is precisely what I have reference to.

Mr. GORMAN. I raise the point of order on the amendment.

Mr. BLAIR. I have the floor, I believe.

Mr. ALLISON. I raise a point of order, if it is possible for me to do so.

The PRESIDENT *pro tempore*. The Chair must hold that the Senate have the power to limit their appropriations to any purpose. A motion to lay on the table would be in order.

Mr. ALLISON. I make that motion.

Mr. BLAIR. That motion can not be made while I am on the floor I submit.

The PRESIDENT *pro tempore*. The Senator from New Hampshire has a right to the floor.

Mr. BLAIR. The Senator from Iowa gives the Senate the assurance that no part of this appropriation will be made use of in such a way as I think it may be unless restricted by the amendment which I propose.

I desired that this amendment might be adopted without any remark; in fact I anticipated no opposition; but as a direct contradiction

to the Senator's assumption that there is no danger that any portion of this may be expended in the way I speak of, I send to the desk and ask to have read a bill which was contracted and was paid for by this Government at the recent celebration at Yorktown for the direct purpose of entertaining our foreign guests.

It may be thought that this is a trifling matter, an unseemly matter possibly, but I do not believe that the American people will justify us in so making appropriations that any part of the public money can be expended in a manner to produce a public disgrace.

I ask for the reading of the bill I have sent up, a bill actually paid as a part of the ceremonies of the centennial celebration at Yorktown.

Mr. ALLISON. The Senate is perfectly familiar with all the details, and I trust the Senator will not have that read.

Mr. BLAIR. I do not care to have the bill read if the Senator objects.

Mr. ALLISON. I do not object to it, but I think it is unnecessary.

Mr. BLAIR. Is there objection to the amendment then? All I want is to restrict the payment for stimulants and narcotics. There are ways in which they can be supplied on great occasions of that kind, if it be necessary that such expenditure should be made. It is not necessary to pay seven or eight thousand dollars, as was the case then, out of the public Treasury for the nations of the earth to get drunk on. I object to it, and ask that the amendment be acted on.

Mr. GORMAN. I move that the amendment lie on the table.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maryland that the amendment lie on the table.

Mr. BLAIR. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BLAIR. I ask that the amendment be read in connection with the clause.

The PRESIDENT *pro tempore*. The amendment will be read.

The Chief Clerk read the amendment of Mr. BLAIR and the clause as it would stand if amended.

Mr. BECK. That proviso is too ridiculous for the Senate. I move to lay it on the table.

The PRESIDENT *pro tempore*. The Chair can receive but one motion to lay on the table. The Senator from Maryland [Mr. GORMAN] has already moved to lay this amendment on the table.

Mr. BECK. That is right.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered on that motion.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS].

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. RANSOM (when his name was called). I am paired with the Senator from Illinois [Mr. LOGAN].

The roll-call was concluded.

Mr. GEORGE (after having voted in the affirmative). I ask the Senator from New Hampshire whether he thinks I ought to vote on this question, as I am paired with his colleague [Mr. PIKE]?

Mr. BLAIR. If it is a party question it would be understood that the pair should stand. I leave it entirely to the Senator's own judgment.

Mr. GEORGE. I withdraw my vote.

Mr. HARRIS. Does the Senator from New Hampshire regard this as a party question?

Mr. BLAIR. No, I did not say that; but if the Senator from Mississippi regards it so——

Mr. GEORGE. I do not; but I asked if you did.

Mr. BLAIR. I notice that one party votes one way and the other the other.

Mr. GEORGE. I will let my vote stand.

The result was announced—yeas 27, nays 28; as follows:

YEAS—27.

Beck,	Cockrell,	Hampton,	Stanford,
Berry,	Coke,	Harris,	Vance,
Blackburn,	Evarts,	Jones of Arkansas,	Vest,
Brown,	George,	Kenna,	Voorhees,
Butler,	Gibson,	Payne,	Walthall,
Call,	Gorman,	Pugh,	Whithorne.
Camden,	Gray,	Sherman,	

NAYS—28.

Aldrich,	Edmunds,	Jones of Nevada,	Platt,
Allison,	Frye,	McMillan,	Riddleberger,
Blair,	Hale,	Mahone,	Sewell,
Cameron,	Harrison,	Manderson,	Spooner,
Conger,	Hawley,	Maxey,	Teller,
Dawes,	Hoar,	Mitchell of Oreg.,	Van Wyck,
Dolph,	Ingalls,	Palmer,	Wilson of Iowa.

ABSENT—21.

Bowen,	Hearst,	Morgan,	Saulsbury,
Chace,	Jones of Florida,	Morrill,	Sawyer,
Colquitt,	Logan,	Pike,	Wilson of Md.
Cullom,	McPherson,	Plumb,	
Eustis,	Miller,	Ransom,	
Fair,	Mitchell of Pa.,	Sabin,	

So the motion to lay the amendment on the table was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment.

Mr. BLAIR. I ask for the reading of the document I sent up. ["No!" "No!"]

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New Hampshire.

The amendment was agreed to.

Mr. SEWELL. I offer an amendment after line 59, on page 3, to insert:

To pay the city of Jersey City, in the State of New Jersey, for paving streets adjacent to Government property, to wit, the post-office, &c., $244.

This is estimated for.

The amendment was agreed to.

Mr. KENNA. I move to amend the bill on page 21, line 495, by adding, after the word "Oregon" in that line:

Great Kanawha River, West Virginia.

I desire to say in support of this amendment only, that the Department has recommended lighting this river. The length of the river in which danger results from the want of lights is very short. I do not desire to increase the total amount appropriated by the clause in the bill, because the lights on that part of the river will require only a few hundred dollars. Great losses have occurred annually on that river for the want of these lights, for the lack of the expenditure of a very small sum of money to provide these lights, while at the same time the Government is spending a large amount of money to improve the river.

I hope the suggestion will have no opposition.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from West Virginia [Mr. KENNA].

The amendment was agreed to.

Mr. PALMER. I offer the following amendment, to come in immediately after the amendments of the Senator from Connecticut [Mr. HAWLEY], after line 119:

To pay assessment for replacing sidewalk for marine hospital, Detroit, Mich. $530.62.

The amendment was agreed to.

Mr. PALMER. I offer the following amendment, to follow the one just adopted:

For paving streets adjacent to the public buildings at Grand Rapids, Mich., $1,824.33.

The amendment was agreed to.

Mr. HARRIS. I move to amend in the clause "for lighting rivers," on page 21, line 496, after the word "Missouri," by inserting the word "Tennessee;" so as to read:

At the mouth of the Red River, Louisiana, Mississippi, Missouri, Tennessee, and Ohio River.

Mr. ALLISON. Where is that amendment to be inserted?

The CHIEF CLERK. On page 21, line 496.

Mr. ALLISON. I make the point of order on that. It is not estimated for.

Mr. HARRIS. I hope the Senator from Iowa will not make the point of order. It is not estimated for as far as I know; but there are over 700 miles of navigable water on the Tennessee, in the midst of which at Muscle Shoals is an obstruction dangerous to navigation, and the necessity is certainly quite as great for lighting it as for lighting any one of the rivers that the Senator and his committee have provided for.

The PRESIDENT *pro tempore*. There is no estimate, and the point of order is well taken.

Mr HARRIS. I am sorry the point of order is insisted on.

Mr. COCKRELL. I offer the following amendment after line 115, on page 6:

For custom-house at Saint Louis: For reconstructing and paving Eighth and Ninth streets, adjacent to the Saint Louis custom-house, $4,053.26.

Mr. ALLISON. I ask the Senator from Missouri if that is estimated for?

Mr. COCKRELL. Yes, sir; and the pavements on the other streets have already been made under the laws, and the appropriation on them is in the deficiency bill. These two streets are there unpaved. The estimate has been made, and it is a very low estimate for only one-half the cost.

The amendment was agreed to.

Mr. DOLPH. I offer the following amendment, to come in on page 6, after the amendments of a similar character which have been just adopted:

For macadamizing one-half of two streets adjacent to property owned by the United States, at Portland, Oreg., upon which the Government building is situated, $1,500.

This is estimated for and the assessment has been made. In the city of Portland the cost of improving streets is assessed on the adjacent property, and there is no other provision by which the streets can be repaired or improved.

The amendment was agreed to.

Mr. BROWN. I offer the following amendment, to come in after the

amendment just adopted on the motion of the Senator from Oregon [Mr. DOLPH]:

For paving streets in front and rear of the custom-house in Atlanta, Ga., $1,323.

I will state that there is an estimate——

Mr. ALLISON. The estimate for this is:

Atlanta, Ga.: Court-house and post-office—paving alley in rear, $900.

Mr. BROWN. I had just commenced to make a statement when the Senator popped up.

Mr. ALLISON. I will make the point of order if I can on the amendment if the Senator does not offer it as estimated for.

Mr. BROWN. The $900 for the paving on one side of the house, the larger part of it is estimated for. The paving on the other side has been done since and has not been estimated for, though it has been recommended by the Committee on Public Buildings and Grounds. I offered the amendment and had it referred to the Committee on Appropriations. So I think, with all due respect, I come within the rule.

The PRESIDENT *pro tempore*. Did the Senator report it from the Committee on Public Buildings and Grounds and have it referred to the Committee on Appropriations?

Mr. BROWN. Yes; it was referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Chair thinks it is order.

The amendment was agreed to.

Mr. MCMILLAN. I offer the following amendment, to be inserted after line 2335:

To defray the expenses of making a Departmental exhibit at the Minneapolis exposition, to be held at Minneapolis, Minn., during the months of August and September, 1886, to be expended under the direction of the Secretary of the Interior, $15,000.

Mr. ALLISON. I make the point of order on that. It is not estimated for and not reported from any standing committee.

The PRESIDENT *pro tempore*. The point of order is made.

Mr. MCMILLAN. There is no estimate for this, but I suppose it is of the same character as the appropriations which have been made heretofore for expositions in other cities. I am not aware that points of order lie as to amendments of this character.

The PRESIDENT *pro tempore*. Was this amendment reported by a standing committee and referred to the Committee on Appropriations?

Mr. MCMILLAN. It was referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. Was it reported by a standing committee?

Mr. MCMILLAN. A bill is pending in Congress to authorize the Government to contribute to this exposition by sending articles for exhibition at Minneapolis. I hope the Senator from Iowa will not interpose an objection here if it will lie. Appropriations have been made for contributions of this kind by the Government to the expositions at Louisville and at Cincinnati and other cities. I desire to have read a couple of paragraphs which will inform the Senate as to the character of this exposition.

The PRESIDENT *pro tempore*. The point of order being made——

Mr. MCMILLAN. I ask that the point of order be withdrawn.

Mr. ALLISON. We all know that this is a very great exposition. I regret exceedingly to be compelled to make the point of order, but we can not afford to appropriate for these exhibitions. If the Committee on Appropriations assented to this there would be at least four more applications of a similar character.

The PRESIDENT *pro tempore*. The point being made, the Chair thinks it is well taken.

Mr. WILSON, of Iowa. I offer the following amendment, which has been referred to the Committee on Appropriations and also estimated for in the Book of Estimates: On page 6, after line 125, I move to insert:

For paying for paving one-half of alley adjacent to Government property at Des Moines, Iowa, $514.42.

The amendment was agreed to.

Mr. MAHONE. After line 1442 I move to insert the following paragraph:

For the purchase of the Edison electric-light plant, including dynamo base and frame, engine, belting, steam pipes and fittings, wiring, lamps, sockets, chandeliers, drop-lights, shades, and all other appurtenances now and for some eleven months on trial in the Senate wing of the Capitol, including the cost of engineer for eleven months, $4,350.

Mr. BECK. Is there any estimate for that?

Mr. EDMUNDS. It is reported from a committee, it is understood?

Mr. MAHONE. Yes, sir; and recommended by the Committee on Public Buildings and Grounds.

Mr. HALE. It has been referred to the Committee on Appropriations.

Mr. MAHONE. It was referred to the Committee on Appropriations. It is duly in order. It was reported by the Committee on Public Buildings and Grounds and referred to the Committee on Appropriations.

Every Senator knows that the latter part of the last session we had an electric light introduced in our cloak-rooms here, and it is now in the Marble Room and in several of the corridors and other places. It was introduced here by permission and put on trial. The proprietors now come forward and ask that we shall take what there is of the plant, not yet fully complete for the whole Senate wing, at a fair cost as to all the fixtures.

I should observe that according to the estimate of the Architect the cost of gas for lighting the Capitol and the Capitol grounds when we had no electric light was $26,900 when there was a session of Congress for three months; and now when we have had so much of this electric light the cost is $25,000 for a session of over eight months.

I should also add that we have this light in the Government Printing Office building, and it gives the utmost satisfaction both as to cost and to comfort. It appears that while the electric light costs $2.84 per day, gas costs $7.20 per day. We have plenty of evidence that it is very much cheaper than gas; and that is more pleasant and agreeable in every relation I think no Senator here will doubt. I have in my hand a telegram just handed to me by the Senator from Massachusetts [Mr. DAWES] from Boston addressed to him:

The cost of lighting the post-office and the subtreasury in Boston with gas for the year 1884 was $16,775.52. The cost for the year 1885, with electricity and some gas, was $8,539.95.

So it seems to me that we might as well undertake the matter of lighting the Senate wing by electricity.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. RANSOM. After line 216, I move to insert:

For re-establishing the light at Harbor Island Bar, between Pamlico and Core Sounds, North Carolina, $20,000.

Mr. ALLISON. I make the point of order on that amendment.

Mr. RANSOM. I will state to the chairman of the Committee on Appropriations that it is estimated for. Here is the estimate——

The PRESIDENT *pro tempore*. Is there a report from a standing or select committee?

Mr. ALLISON. It is estimated for, but it not reported from any committee.

Mr. RANSOM. It does not have to be reported from a committee when it is estimated for.

Mr. HARRIS. If estimated for it is within the rule.

The PRESIDENT *pro tempore*. The Chair will look at the rule.

Mr. RANSOM. It is estimated for.

The PRESIDENT *pro tempore*. Has it been referred to the Committee on Appropriations?

Mr. RANSOM. Yes; it has been referred to the Committee on Appropriations. There can be no question about its being in order.

The PRESIDENT *pro tempore*. The Chair is of opinion that it is in order if it has been duly referred to the Committee on Appropriations.

Mr. ALLISON. I submit to the Senator from North Carolina that he ought not to ask the Senate, with all the lights and light-houses and light-ships and appropriations in the bill, to make a still further appropriation for this light-house.

It is true, probably, that it is in the Book of Estimates; but there are a vast number of light-houses estimated for which are not in the bill.

The Committee on Appropriations sent to the Light-House Board with a view of ascertaining what particular number of light-houses of this class estimated for were absolutely necessary, what were desirable, &c., and the light suggested by the Senator from North Carolina is not put among the lights which are absolutely necessary.

The bill has been loaded down, I submit, with a great many small amendments relating to court-houses and post-offices, &c., and if we are to add to all these every light-house estimated for, I submit that the bill will be swamped. I do not think the Senator from North Carolina ought to press the amendment at this time.

Mr. RANSOM. Of course I admire the earnestness of the chairman of the Committee on Appropriations; I am glad to see it; but——

The PRESIDENT *pro tempore*. The Senator from North Carolina is not strictly in order. The rule forbids a Senator from speaking twice on the same question.

Mr. RANSOM. I have not spoken at all, except to say a word on the point of order. I beg leave to say that I have been to the Light-House Board, too; and here is what the Light-House Board says about this:

It appearing from the papers before the committee—

That is, the light-house committee—

that many small vessels running for Core Sound and the adjacent waters have been wrecked because there was no light at Harbor Island, that the trade in that section is growing and important, and that without this light no vessel can enter Core Sound from the northward at night, nor make a safe anchorage in bad weather after dark, and that a light on Harbor Island would be of great assistance in running Wainright Slue, the committee is of the opinion that the light should be established, and recommendation is made accordingly.

Very respectfully,

W. P. MCCANN,
Captain U. S. N., Chairman of the Committee on Location.

Further, I find in the annual report of the Light-House Board:

Harbor Island, on Harbor Island Bar, between Pamlico and Core Sounds, North Carolina.—The old light-house at this station is in such a dilapidated and insecure condition that its relighting, as contemplated, has been found to be im-

practicable. The necessity for the light is, however, so great that the board asks for an appropriation of $20,000 for its re-establishment.

Then in the Book of Estimates is this:

Harbor Island light-station, namely: For re-establishing the light at Harbor Island Bar, between Pamlico and Core Sound, North Carolina, $20,000.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from North Carolina [Mr. RANSOM].

Mr. ALLISON. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

The roll-call was concluded.

Mr. COLQUITT (after having voted in the affirmative). I withdraw my vote, as I am paired with the Senator from Rhode Island [Mr. CHACE].

The result was announced—yeas 30, nays 17; as follows:

YEAS—30.

Blackburn,	Gorman,	Miller,	Vance,
Brown,	Gray,	Mitchell of Oreg.,	Van Wyck,
Butler,	Hampton,	Payne,	Vest,
Coke,	Jones of Arkansas,	Pugh,	Walthall,
Conger,	Kenna,	Ransom,	Whitthorne,
Dolph,	McMillan,	Riddleberger,	Wilson of Md.
George,	Mahone,	Sawyer,	
Gibson,	Manderson,	Teller,	

NAYS—17.

Allison,	Frye,	Ingalls,	Sherman,
Berry,	Hale,	Jones of Nevada,	Spooner.
Call,	Harris,	Palmer,	
Cockrell,	Harrison,	Platt,	
Dawes,	Hawley,	Plumb,	

ABSENT—29.

Aldrich,	Cullom,	Logan,	Saulsbury,
Beck,	Edmunds,	McPherson,	Sewell,
Blair,	Eustis,	Maxey,	Stanford,
Bowen,	Evarts,	Mitchell of Pa.,	Voorhees,
Camden,	Fair,	Morgan,	Wilson of Iowa.
Cameron,	Hearst,	Morrill,	
Chace,	Hoar,	Pike,	
Colquitt,	Jones of Florida,	Sabin,	

So the amendment was agreed to.

Mr. HARRISON. After line 1701 I move to insert:

That the Secretary of the Interior be, and he is hereby, directed to pay to Len-ne-pi-ze-qua, alias Nancy Lafontain, an Indian woman residing in Miami County, State of Indiana, and of the band of Indians known as the Miamies of Indiana, the sum of $695.77, with interest thereon at 5 per cent. per annum for one year, equal to one per capita share paid to the said Miamies of Indiana by authority of the act of Congress of March 3, 1881, which appropriated the sum necessary to make the final payment to said Indians and directed the payment thereof, the sum herein directed to be paid to said Len-ne-pi-ze-qua being her per capita share in said payment; and the sum necessary to pay the same is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Indiana [Mr. HARRISON].

Mr. HARRISON. In the Forty-sixth Congress in a deficiency bill there was an appropriation to pay the Miami Indians the balance due them under treaty stipulations. That act referred to a certain list which had been made up. When the payment came to be made this woman was held by the Secretary of the Interior not to be sufficiently described on the list. The mistake evidently grew out of the attempt to convert Indian names into English names. She had been recognized as a Miami Indian, she had received her annuity for years as a Miami Indian, but was left out at the final payment by reason of that discrepancy in the name.

Members of the tribe living in that county have petitioned that she might have her share, and they did so at the time. There was no question raised among the Indians as to her right. It is a small amount. She was the only one omitted, and I think it fair she should have this small sum.

Mr. ALLISON. I make the point of order against the amendment.

Mr. HARRISON. No point of order will lie against it. It was reported from the Committee on Indian Affairs and referred to the Committee on Appropriations.

Mr. ALLISON. It is a claim.

The PRESIDENT *pro tempore*. As it arises under a treaty stipulation the Chair thinks it does not fall within the provision of the rule relating to a private claim.

The amendment was agreed to.

Mr. MCMILLAN. After line 202 I move to insert:

That the amount heretofore fixed as the limit of cost for the erection of a public building by the United States Government at Minneapolis, Minn., be, and the same is hereby, increased to $650,000, and that sum is hereby fixed as the limit of cost for the erection of said building.

Mr. ALLISON. I make the point of order against the amendment.

The PRESIDENT *pro tempore*. The point of order being made, it falls within the rule adopted last night by a large majority on an amendment of almost precisely the same character.

Mr. MCMILLAN. The amendment has been referred to the Committee on Public Buildings and Grounds.

The PRESIDENT *pro tempore*. The Senate decided last night by a large majority that where an amendment changed the existing law in respect to the limit it was not in order. The Chair is bound by that decision of the Senate.

Mr. MCMILLAN. I am sorry.

Mr. TELLER. After the word "dollars," in line 1108, I move to insert:

No charge or deduction shall be made for transportation to the Treasury or coinage mints against, or collected from, any person who deposits bullion in any mint or assay office to be coined or sold under the provisions of sections 3549, 3544, and 3545 of the Revised Statutes.

Mr. ALLISON. I make the point of order on that.

Mr. TELLER. What is the point of order?

Mr. ALLISON. It changes the existing law to begin with, and is general legislation, because if it does not change existing law it is not needed.

Mr. TELLER. It does not change existing law. It changes a rule of the Department.

Mr. ALLISON. It is not reported from any committee.

Mr. TELLER. No, it is not.

The PRESIDENT *pro tempore*. The Chair is of opinion that it falls within the inhibition of general legislation.

Mr. TELLER. I wish to say one word about the amendment if the chairman will allow me before he insists upon the point of order.

At the several assay offices or mints, as they are called, where the Government buys gold, it is in the habit of deducting from two to three and a half dollars a thousand for transportation. From January, 1883, to July, 1885, that charge was not made. Mr. Folger, the Secretary of the Treasury, held that it was contrary to law. Since July, 1885, it has been charged. It seems to me that it is a very improper charge.

Most people take their gold to the mint and sell it under the statute. I do not believe this charge for transportation can be supported under the statute, and I think there ought to be a provision put in the bill to prevent that. Of course, if the Chair holds it to be out of order I suppose that is the end of it.

The PRESIDENT *pro tempore*. The Chair is clearly of the opinion that this is legislation intended to change the law.

Mr. SEWELL. After line 1349 I move to insert:

To enable the Department of State to pay Benjamin F. Stevens for a series of transcripts of original unpublished documents in the archives of Great Britain, France, and Holland relating to the peace negotiations of 1783, $7,500, or so much thereof as may be necessary.

I will say that this is reported from the Committee on the Library, after a thorough investigation of the matter at the request of the Secretary of State, and on an examination of the papers.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from New Jersey [Mr. SEWELL].

The amendment was agreed to.

Mr. DOLPH. After line 1211 I move to insert:

For the establishment of a salmon hatchery upon the Columbia River, its tributaries or their branches, and for the current expenses of the same for one year, $15,000.

Mr. ALLISON. I do not know that a point of order will lie upon this amendment. I believe it is reported from the Committee on Fisheries. It is not estimated for, and I hope it will not be agreed to. If I have the right to raise a point of order I will do so.

The PRESIDENT *pro tempore*. Has the amendment been reported from a committee?

Mr. DOLPH. It was reported favorably from the Committee on Fisheries and sent to the Committee on Appropriations.

Mr. ALLISON. I suppose it is in order.

Mr. DOLPH. It is not only in order, but it is a very important amendment.

I see by looking at the bill as reported from the committee that the sum of $259,540 is proposed to be appropriated in connection with this subject for the Bureau of Fish and Fisheries under the charge of the Fish Commission. In the bill at the place where I propose this amendment to be inserted there is also an amendment reported by the committee making an appropriation of $10,000 for a fish-hatchery on Lake Superior.

I do not believe that there is a point in the United States where this amount of money can be expended with as much benefit as upon the Columbia River. It is well known that the Columbia River is the second river in extent, and the second great river upon the continent.

My colleague in discussing the river and harbor bill the other day referred to the growth of the salmon fisheries upon the Lower Columbia. He showed that in the year 1866 the product was 4,000 cases, which at their then cash price of $16 a case made a total value of $64,000, and that it had increased in 1883 to 630,000 cases, of the value of $5 per case, making a total value for that year of the catch of $3,150,000. That was salmon which was put up in cans and cases alone caught in the Lower Columbia River, not saying anything about the pickled salmon and the fish which were used in a fresh state.

I received a letter recently from the president of the Chamber of Commerce of Astoria, in which he informed me that there was a great falling off in the last year's catch and a greater decrease in the number of salmon which have been taken the present year. He says the prospect is, unless there is something done to replenish the supply of salmon in

the river, this great industry, bringing $3,000,000 into the country, will be destroyed.

A few years ago the fishermen having canneries upon the river formed an association and voluntarily contributed money to construct a hatchery upon the Clackamas River, a branch of the Willamette River. That was maintained for a year or two, but they were unfortunate; their dam was washed away by a flood. The hatchery being sustained by voluntary contributions, they were unable to obtain the necessary money to keep it up.

The Columbia River forms the boundary between Washington Territory and Oregon, and it is difficult to get legislation which shall protect the fisheries and carry out any plan to replenish the supply of fish from the fact that it requires the joint action of the Legislative Assembly both of the Territory and the State.

While we are appropriating so large an amount of money for fish and fisheries as we appropriate by this bill, it seems to me that what is asked here, $15,000, to construct a salmon hatchery upon the Columbia River is very little. I am satisfied that there is no other industry that is so great as this demanding so little which would not receive attention from Congress. I hope the amendment will be adopted.

Mr. ALLISON. It may be that this is an important work on the Pacific coast. I do not know but that it is. Of course the Committee on Appropriations had not time to go into the whole investigation of the fishery question. But I wish to submit to the Senate that this is a new work. It is a new question not submitted by the Fish Commission, not submitted in the Book of Estimates, and if it is in order or if it is proper to pass this amendment it seems to be that the natural sequence will be that every public building which has been suggested at this session not now provided for by law is proper to be put upon the bill. I submit to the Senator from Oregon that it is not a wise thing to now embark upon this question of fish-hatching on the Pacific coast.

Mr. DOLPH. If the Senator will allow me a moment I will state that the Government has for some years been maintaining a salmon hatchery upon McCloud River, a tributary of the Sacramento, and in this very bill the committee proposes to enter upon a new work by the establishment of a fish-hatchery at Duluth.

Mr. ALLISON. If they can hatch salmon upon the McCloud River and upon the Sacramento, why should we make a special appropriation for this purpose?

Mr. DOLPH. The Senator well knows, I suppose, that the fish which are hatched in the McCloud and Sacramento Rivers go back there. They do not go to the Columbia River. The salmon, like any other fish, will go back to the river where they are hatched.

Mr. ALLISON. I understand that fish hatched in the Sacramento will not very likely get into the Columbia. I have supposed all the time that the Columbia River was rather the home of the salmon, but now it seems it is necessary that we should establish there a fish-hatchery.

I move to lay the amendment on the table.

Mr. BECK. I wish to say a word.

Mr. ALLISON. I withdraw the motion if my colleague on the committee will renew it.

Mr. BECK. One reason why I thought the amendment ought to be left out of the bill was this: The Sacramento hatchery has been abandoned, as I understand, and simply because it was for the use of a few canning establishments and we were planting fish for them to catch. The only complaint now on the Columbia River is that the canning establishments are not making as much money as they used to make, that the fish are getting scarcer, and we are asked to establish a fish-hatchery to raise fish for them to catch again.

It is not for a public use, but it is in the interest of a few corporations who have canning establishments there, and it is proposed that we shall assist them.

Mr. ALLISON. I renew my motion.

The PRESIDENT *pro tempore*. The Senator from Iowa moves to lay the amendment on the table.

Mr. DOLPH. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PALMER. If the Senator from Iowa will withdraw his motion for a moment, I would like to say a word on this question.

Mr. ALLISON. I will withdraw it for a moment.

Mr. PALMER. I will merely say that this amendment was reported favorably by the Committee on Fisheries, and that I had an interview with Professor Baird, who said that he thought it was advisable to establish a fish-hatchery on the Columbia River. He stated that the diminution of salmon there was already appreciable, and that in ten years it would take double the men and expenditure and effort to catch the amount that they are catching at the present time.

Mr. BECK. They catch them for private establishments.

Mr. PALMER. We thought it was advisable to establish a fish-hatchery there.

Mr. ALLISON. I renew my motion to lay the amendment on the table.

The PRESIDENT *pro tempore*. The Secretary will call the roll on the motion to lay the amendment on the table.

The Secretary proceeded to call the roll.

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

Mr. CULLOM (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS].

Mr. KENNA (when Mr. SABIN'S name was called). I desire to announce that the Senator from Minnesota [Mr. SABIN] is paired with the Senator from Nevada [Mr. FAIR].

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL], but I am informed that he would vote "yea" on this question. I shall therefore vote. I vote "yea."

The roll-call having been concluded, the result was announced—yeas 28, nays 24; as follows:

YEAS—28.

Aldrich,	Camden,	Hale,	Saulsbury,
Allison,	Coke,	Harris,	Sherman,
Beck,	Dawes,	Jones of Arkansas,	Vance,
Berry,	Edmunds,	Kenna,	Walthall,
Blackburn,	Gibson,	Maxey,	Whitthorne,
Brown,	Gorman,	Plumb,	Wilson of Iowa,
Call,	Gray,	Pugh,	Wilson of Md.

NAYS—24.

Blair,	Harrison,	Manderson,	Riddleberger,
Butler,	Hawley,	Miller,	Sawyer,
Conger,	Hearst,	Mitchell of Oreg.,	Spooner,
Dolph,	Jones of Nevada,	Palmer,	Teller,
Evarts,	McMillan,	Payne,	Van Wyck,
Hampton,	Mahone,	Ransom,	Vest.

ABSENT—24.

Bowen,	Eustis,	Jones of Florida,	Pike,
Cameron,	Fair,	Logan,	Platt,
Chace,	Frye,	McPherson,	Sabin,
Cockrell,	George,	Mitchell of Pa.,	Sewell,
Colquitt,	Hoar,	Morgan,	Stanford,
Cullom,	Ingalls,	Morrill,	Voorhees.

So the amendment was laid on the table.

Mr. ALLISON. I desire now to move that the Senate take a recess until 8 o'clock.

Mr. CONGER. I wish to offer an amendment before the recess, so as to have it pending.

The PRESIDENT *pro tempore*. The motion to take a recess has a prior right.

Mr. ALLISON. I will yield to the Senator from Michigan of course.

Mr. CONGER. The Senator from Iowa yields until I can offer an amendment. After line 2016, I move to add the following proviso:

Provided, That this restriction shall not apply to the pay or commutation or expense of return from their stations to their homes of any enlisted men in excess of the four hundred and seventy men accruing prior to the passage of this act.

I suppose there will be no objection to that.

Mr. ALLISON. I will look into it after the recess.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Michigan [Mr. CONGER].

The amendment was agreed to.

Mr. ALLISON. I now move that the Senate take a recess until 8 o'clock.

Mr. BECK. Mr. President——

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. BECK. I know that. I move that the Senate adjourn. If we have a night session to-night no quorum will be here, and there are important questions to be decided by the Senate on the bill.

Mr. HALE. We can get through with the deficiency bill too if we come here. It will make two days' difference in the adjournment if we have a session to-night.

Mr. BECK. I do not believe it.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Kentucky that the Senate adjourn. [Putting the question.] The noes appear to have it. The noes have it.

Mr. BECK. I insist upon a vote by yeas and nays, so that we shall see to-night who comes and who does not come.

Mr. ALLISON. One moment. I appeal to the Senator from Kentucky not to insist on his motion. If it were the desire of the Senate to go on for an hour or two and complete this bill I would not ask for a recess; but it is very important (and no one knows better than the Senator from Kentucky that it is important) that this bill should be completed to-night so far as the Senate is concerned.

Mr. KENNA. Let us go on and finish it now.

Mr. BECK. I have no objection to going on for an hour or two, but I have objection to a recess, as we shall be here to-night with barely a quorum, when a great many important questions are reserved which will have to be voted upon.

Mr. HALE. We have had a large attendance here at the evening sessions.

The PRESIDENT *pro tempore*. Debate is not in order. The Senator from Kentucky demands the yeas and nays on the motion to adjourn.

Mr. BECK. It is evident that a large majority is opposed to adjourning, and I do not want to take time by calling the yeas and nays. I withdraw the call for the yeas and nays.

The PRESIDENT *pro tempore*. The demand for the yeas and nays is withdrawn and the motion to adjourn is lost. The question recurs on the motion of the Senator from Iowa to take a recess until 8 o'clock this evening.

The motion was agreed to; and (at 6 o'clock and 5 minutes p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate resumed its session at 8 o'clock p. m.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask that the sundry civil appropriation bill be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9478) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

Mr. EDMUNDS. Is any amendment pending?

The PRESIDENT *pro tempore*. No amendment is pending.

Mr. EDMUNDS. Then let the bill be reported to the Senate.

The PRESIDENT *pro tempore*. If there be no further amendments as in Committee of the Whole the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. TELLER. I wish to reserve the amendments of which I gave notice in regard to the Denver public building.

Mr. ALLISON. I hope the amendments will be concurred in unless there are some special amendments that Senators desire to reserve for a separate vote.

Mr. BECK. I am willing that all the amendments that are in the bill from the Committee on Appropriations may be concurred in.

Mr. ALLISON. That is what I mean.

Mr. BECK. But the amendments that were offered by Senators on the floor came in so fast that I did not know even what they were. I should like to have some of them read so as to see what they are. It may be that they had better all go in.

Mr. ALLISON. I think they had better all go in. I watched them as closely as I could, I will say to the Senator.

Mr. BECK. Very well. I desire a separate vote on the amendments from line 435 to line 454.

Mr. HARRIS. Has the bill been reported to the Senate.

The PRESIDENT *pro tempore*. The bill has been reported to the Senate.

Mr. HARRIS. I hardly think——

The PRESIDENT *pro tempore*. The bill is still open to amendment.

Mr. HARRIS. That I understand. I wish to say merely that there are more Senators than one who desired to offer amendments as in Committee of the Whole. I desired to offer one myself. I can offer it of course in the Senate, and I shall raise no question about the reporting of the bill to the Senate.

Mr. BECK. The Senator from Missouri [Mr. COCKRELL] requested me to ask to have reserved the amendment in line 1465 in regard to protecting public lands.

Mr. HARRIS. I had that marked to request a separate vote upon it.

The PRESIDENT *pro tempore*. The amendments which have been reserved will be read, so that there may be no misunderstanding.

The SECRETARY. The first reserved amendment is that striking out lines 46, 47, and 48, which is in the following words:

For court-house and post-office at Denver, Colo.: For completion of building under present limit, $97,000.

The PRESIDENT *pro tempore*. Are there further amendments to be reserved?

Mr. BECK. On page 19 I ask that the amendments be reserved from line 435 to line 454, inclusive.

Mr. EDMUNDS. I rise to a parliamentary inquiry, as the phrase is, about the Denver amendment. I wish to know where we stand about the Denver post-office and court-house building. I believe that the Committee of the Whole agreed to the amendment of the Committee on Appropriations striking out the clause.

The PRESIDENT *pro tempore*. The amendment of the Committee on Appropriations striking out the clause was agreed to by the Senate as in Committee of the Whole.

Mr. EDMUNDS. I did not know but that it was the other way.

Mr. ALLISON. The Senator from Colorado has reserved the amendment for a separate vote, and the Senator from Kentucky has reserved the amendments on page 19.

Mr. BECK. That is right; all from line 434 to 454.

The PRESIDENT *pro tempore*. What other amendments are reserved?

Mr. HARRIS. In line 1467 I reserve for a separate vote the amendment reducing the appropriation for the protection of public lands from illegal and fraudulent entry or appropriation from $90,000 to $60,000.

Mr. ALLISON. Does the Senator also reserve for a separate vote the amendment from line 1462 to 1464 reducing the appropriation for discovering depredations on public timber?

Mr. HARRIS. No, that amendment was disagreed to.

The PRESIDENT *pro tempore*. The amendment was disagreed to.

Mr. EDMUNDS. What was the amendment reserved by the Senator from Kentucky?

Mr. BECK. From line 435 to line 454, all the amendments on page 19 relating to the silver question.

The PRESIDENT *pro tempore*. If there are no other amendments to be reserved, the question, if there be no objection, will be taken upon concurring in the amendments made as in Committee of the Whole.

Mr. HARRIS. Had there not better be a call of the Senate?

Mr. ALLISON. I think not.

Mr. EDMUNDS. Let us get on with the bill.

Mr. HARRIS. I shall not ask for a call, but a number of Senators are absent who wished to reserve amendments.

Mr. ALLISON. They ought to be here.

Mr. HARRIS. They ought, I grant.

Mr. EDMUNDS. There is a good quorum here.

Mr. HARRIS. Very good.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole which have not been reserved.

Mr. GEORGE. I wish to reserve an amendment.

The PRESIDENT *pro tempore*. The Senator has an opportunity now to do so. The Chair has not announced concurrence.

Mr. GEORGE. I refer to the amendment to appropriate $5,000 for the completion of the court-house at Oxford, Miss.

Mr. HARRIS. That is an amendment which you can offer in the Senate.

Mr. GEORGE. Oh, yes; that is right.

The PRESIDENT *pro tempore*. The bill will be open to amendment. The question is on concurring in the amendments not reserved.

The amendments were concurred in.

Mr. EDMUNDS. On page 3 is the first reserved amendment, I believe.

The PRESIDENT *pro tempore*. The first reserved amendment will be stated.

The SECRETARY. The Senate, as in Committee of the Whole, struck out lines 46, 47, and 48, in the following words:

For court-house and post-office at Denver, Colo.: For completion of building under present limit, $97,000.

Mr. TELLER. I ask that that be passed over.

The PRESIDENT *pro tempore*. If there be no objection the amendment will be passed over.

Mr. SPOONER. I wish to offer an amendment and to ask unanimous consent for its adoption.

The PRESIDENT *pro tempore*. Pending the consideration of the amendments reserved, the Senator from Wisconsin asks unanimous consent to offer at this stage of the bill an amendment. The Chair hears no objection.

Mr. SPOONER. At the end of line 180 I move to add:

For the completion of the public building at Montpelier, Vt., in addition to the sum appropriated by the act entitled "An act for the erection of a public building at Montpelier, Vt.," approved March 3, 1835, $50,000.

Mr. President, it will be observed by the Senate that I offer this amendment for the Senator from Vermont [Mr. MORRILL] and not for myself. I some time ago gave notice of an amendment increasing the appropriation for a public building at La Crosse, in my own State, which I was exceedingly anxious should be adopted, but I can not challenge the wisdom of the Senate in the construction of the rule which was agreed to last evening precluding these "public-building" amendments. I hope, notwithstanding that action, however, that no Senator will object to the incorporation of this amendment in the bill. I ask unanimous consent that it be done.

The Senator from Vermont [Mr. MORRILL] was authorized by the Committee on Public Buildings and Grounds to report this amendment favorably to the Senate. He was stricken down by a serious illness, as Senators know, and requested me to report it for him. Later, before he left the city, he asked me to "test the sense of the Senate" upon it; and I trust the sense of the Senate will be in its favor.

There was appropriated last year the sum of $75,000 for the construction of a public building at Montpelier. Fifteen thousand dollars of this have been expended in the purchase of a site, which leaves but $60,000 for the construction and finish of the building, an amount absolutely inadequate for the purpose. Montpelier is, I think, the only State capital in the Union in which the Federal flag does not float above a Federal building. This should not any longer be true of Montpelier. The Senator from Vermont was anxious about this, and it has seemed to me that it would be a graceful and handsome compliment to that Senator, who for the first time in twenty years of service here is absent from the Senate during its session, and who may justly be called the father of the Senate, if in his enforced absence this amendment is by common consent placed upon the bill; and I sincerely hope it may be done.

Mr. BECK. I do not want to violate the rule, but if the Chair will ask unanimous consent to have the amendment put in I hope it will be done by unanimous consent.

Mr. ALLISON. I hope that unanimous consent will be asked and given.

Mr. SPOONER. I ask unanimous consent.

The PRESIDENT *pro tempore*. The Senator from Wisconsin asks unanimous consent to insert the amendment. Is there objection? The Chair hears none, and it is accordingly inserted.

Mr. BLAIR. I am aware that no such considerations can be urged with reference to the capital of New Hampshire as have touched the sensibilities of the Senate and induced a suspension of the rules and the unanimous incorporation of this amendment, which I have supported. I am delighted that the thing has been done; but the capital of my State is without any public building for the uses of the Government.

One is in process of completion now, and, as I said last night, there is immediate need of a slight additional appropriation for the purpose of fire-proofing the building. Unless the appropriation is made at this session the building must proceed under the contracts to completion with wooden finish inside, and the building itself, which otherwise will be a beautiful and durable structure, will lack the proper internal finish to correspond with its other appointments.

The Architect has recommended the additional appropriation. It is only $35,000 that is needed, and I ask the indulgence of the Senate to consider the amendment, which I now send to the desk and ask that it be inserted immediately after the one just adopted.

Mr. ALLISON. The capital of my State desired some new legislation with respect to a public building in an incomplete state, but I did not have the nerve and the energy to suggest a proper change in the law. Therefore I shall be obliged to object.

The PRESIDENT *pro tempore*. Objection being made, the amendment is not now in order.

Mr. BLAIR. I am sorry the heart of my friend is so hard. I do not know but what that suggestion is true.

Mr. MAHONE. On page 59——

The PRESIDENT *pro tempore*. Does the Senator from Virginia ask unanimous consent at this time to offer an amendment.

Mr. EDMUNDS. The pending question being on page 3, in respect of the item for Denver.

Mr. TELLER. I want to pass that by. I have not any idea that the Senate is going to make an exception in favor of Denver. I rather want this appropriation made, but if the Senate will consent I wish that it may be made and left discretionary with the Treasury Department whether to expend it now or wait until the limit is changed. I want it in such a shape that if the bill now pending in the other House should pass it may be available. If that bill does not pass then I do not care about it being available.

The PRESIDENT *pro tempore*. What does the Senator from Colorado desire?

Mr. TELLER. I ask to have the amendment passed over for the present and I shall call it up when I prepare an amendment to it.

The PRESIDENT *pro tempore*. The amendment will be passed over if there be no objection. The next reserved amendment will be read.

The SECRETARY. In line 435, the Senate, as in Committee of the Whole, struck out the first word, "that," and inserted the word "and;" so as to read:

And the Secretary of the Treasury is hereby authorized and required, &c.

The amendment was concurred in.

The PRESIDENT *pro tempore*. The next reserved amendment will be stated.

The SECRETARY. After the word "of," in line 437, the Senate, as in Committee of the Whole, struck out the word "ones" and inserted "one;" and struck out the word "twos" and inserted "two;" so as to read:

Authorized and required to issue silver certificates in denominations of one, two, and five dollars.

The amendment was concurred in.

The PRESIDENT *pro tempore*. The next reserved amendment will be stated.

The SECRETARY. In line 437, after the word "dollar," the Senate, as in Committee of the Whole, struck out the words:

On all the surplus silver dollars now in the Treasury, in payment of the appropriations made in this bill and other expenditures or obligations of the Government.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. BECK. I am not sure whether there is a quorum of the Senate here. I want a quorum of the Senate when that is voted on. I do not like to make any question of a quorum, but the attendance is very slim on this side.

Mr. EDMUNDS. There is a quorum here all the time.

Mr. ALLISON. I desire to ask the Senator from Kentucky if it is his wish to retain those words in the bill.

Mr. BECK. I should like very much to divide the question and retain the words, "on all the surplus silver dollars now in the Treasury." I do not feel quite so well satisfied in regard to the words, "in payment of the appropriations made in this bill and other expenditures or obligations of the Government.

Mr. SHERMAN (Mr. HARRIS in the chair). Mr. President, I trust that no member of the Senate will feel called upon to enter legislation of the character embraced in this amendment at this stage of the session and at this stage of the bill. I would not vote for the bill, although it contained all the appropriations in the whole list and category of appropriations for the Government if this amendment were inserted in it. I believe it is a breach of public faith, contrary to the pledged faith of the nation; and to discuss this question at this time it seems to me is a mockery of legislation.

The silver dollar has been coined under an existing law passed in 1878, confessedly of a less value than the gold dollar. Without entering into a discussion of the dangers which may ensue in the hereafter as to the possibility of our coming to the single standard of silver, waiving all those questions which have been discussed so often, it is certain that all these dollars were issued upon the distinct understanding that they should be issued as a legal-tender coin, and whenever presented to the Government of the United States at its Treasury, any parts of them that were outstanding were to be redeemed by silver certificates as prescribed by existing law.

The coinage of the silver dollar goes on at the rate of $2,000,000 worth a month, nearly 2,000,000 ounces, because an ounce now is worth less than a dollar. It was to be coined, put in the Treasury, issued, and paid out from time to time, and whenever presented back to the Treasury silver certificates were to be issued in its place.

There are now in the Treasury from $60,000,000 to $80,000,000 not represented by silver certificates. Under existing law these certificates can only be issued when the silver or gold is brought to the Treasury to exchange for the silver certificates. At present there are from $60,000,000 to $80,000,000 of these silver dollars not represented by outstanding silver certificates.

To provide for the issue of paper money based upon those dollars, which are confessedly of less commercial value than the gold dollar—that is, the silver is worth 25 per cent. less than gold—to issue paper money based upon this inadequate and insufficient foundation, it seems to me at this hour of the session, would be a mockery of legislation.

I believe that the passage of such a proposition did not excite much attention in the House of Representatives, because I have no doubt it was generally believed and supposed it would not be acquiesced in by the Senate. To pass it now I think would alarm the public credit and do more to bring about a condition of affairs which every man would regret, when gold would disappear from circulation, when gold would be either hoarded or exported, and the gap be widened between these two standards of value.

Mr. President, I have no objection, but on the contrary I am in favor of issuing the one, two, and five dollar certificates instead of the larger denominations. From the first I believed that that would have been the best form to represent the silver, because as the silver was intended for the minor wants of commerce and trade, the representatives of silver ought to be in those denominations which could be most commonly used in place of ordinary silver. Therefore I approve of the amendment made by the Committee on Appropriations to issue the ones and twos and fives as a part of the silver certificates to be issued under existing law.

Mr. EDMUNDS. What place has that in an appropriation bill?

Mr. SHERMAN. None whatever. Now, to introduce this subject at this stage, without the sanction of the Committee on Appropriations, or the Committee on Finance, which ought to have charge of this matter, against the common consent of the commercial classes of this country, against the almost united opposition of the great business interests of this country, merely from a foolish idea that it may tend to advance the value of silver, it seems to me is wrong. Although the Senator from Kentucky may be eager in this pursuit, and although a few other Senators may desire to enter into this great hazard, I beg them not to do it, at least not without the concurrence of a single committee of this body.

Sir, I need not tell you how this may be regarded in other quarters, because probably I ought not to do it, but it is sufficient to say that you propose a revolution in our currency which will endanger the whole foundation of our financial system, without the report of a committee, against the report of the Committee on Appropriations, without the sanction of the Committee on Finance, and without the subject ever having been considered.

Mr. EDMUNDS. And without any place in an appropriation bill at all.

Mr. SHERMAN. Yes; it has no place here. It is a change of existing laws. If the Senator from Kentucky was now offering the proposition as an amendment to this bill it would be rejected at once; first, because it is not reported by any committee of this body; next, because it is not recommended by any Department of the Government; next, because it is not only not provided for by existing law but it is against existing law, and besides that it is general legislation. So, on four grounds it would be excluded by your rules; and now simply because it has been put on by the House of Representatives, it is brought here without the advice of a committee and is to be thrust forward.

If I believed there was a danger—and I was somewhat startled with the vote on this question to-day on another less important provision—if I thought there was any danger, with my knowledge of the various

laws that enter into and are modified by this proposition, I would feel it to be my bounden duty even from this time on to resist it to the uttermost.

I beg Senators to allow this to go over. Let this silver question stand.

I do not believe the time is far distant when by wise and judicious consideration we may solve it upon some basis which will secure to us a double standard of money, gold and silver of equal commercial value, but it is proposed to issue certificates now when the basis upon which they are issued, that which is proposed to be bought, is worth only 78 or 79 cents on the dollar, without the advice of a committee, without any forms of legislation, in violation of your rules, against the protest of the business men of this country, with the probability that it will prolong this session and endanger the passage of this bill.

I trust, therefore, that the Senator from Kentucky who expressed his opinions to-day in a speech that was not answered—although it would have been answered but for the lateness of the session on the spot—now that he has had his say even without a reply, will not attempt to force this most obnoxious legislation to the business men of this country merely because he has fixed opinions. Sir, he ought to have a reasonable deference for the opinions of others who have studied this question as much as he has, and not force us to this issue here in the expiring hours of the session.

I feel it my duty to say this much. To provide for the issue of from sixty to eighty millions of silver certificates not according to existing law but against existing law it seems to me is unpardonable legislation at this time.

Mr. BECK. Mr. President, the proposition that I insist upon retaining here is the proposition which came from the House of Representatives. It has been on the tables of Senators for a month, or nearly so. It has been before the Committee on Finance informally, at the suggestion of the Senator from Ohio himself, though never acted upon; and it has been called up time and again.

Mr. SHERMAN. Does the Senator say that I ever suggested the idea of the issuing of silver certificates based upon the excess in the Treasury?

Mr. BECK. No, never; but it has been brought up in the Finance Committee as a matter to be considered by that committee ever since this bill was sent here. Of course the Senator from Ohio opposed it. The Senator from Ohio when Secretary of the Treasury tried to get a construction of the law so as to have the bonds paid in gold in the face of the law; and in the book which was published when he got a decided opinion from the Attorney-General, the letter demanding the opinion was not even published in the book.

The Senator from Ohio when Secretary of the Treasury demanded that the legal-tender quality should he taken away from greenbacks year after year; and the Senator from Ohio when Secretary of the Treasury demanded that the coinage of silver should stop at $100,000,000, and predicted year after year all the results which he is now predicting would follow from it, that gold would flee from the country and leave us a single standard. It was the perpetual, the continual effort of the Senator from Ohio all the time while he was in the Treasury to destroy the silver coinage of the country by suppressing the coinage of that metal.

He said he would have answered me to-day but for the time being precious. He has had all this winter to answer a dozen of us who have made speeches upon the subject.

When he speaks of the business interests of the country, he may mean Wall street, he may mean a set of bankers and bondholders; but nineteen-twentieths of the people of this country do not intend that one-half of the basis of the circulation, the silver of the country, shall be destroyed to double the value of the gold in the hands of a few millionaires.

While he may resist it, and no doubt will resist it, as he always has done, a majority of the House have inserted this provision and a majority of the Senate in my opinion favor it. I know if this remains in the bill it will be kept here over his vote and against his protest; and whenever he undertakes to go into that argument I will bring his own reports, year after year, as long as he was in the Treasury, and show that the silver coinage of this country has never had a more inveterate enemy than the Senator from Ohio. I do not ask him to favor anything in that direction.

Mr. EDMUNDS. Mr. President——

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Kentucky yield to the Senator from Vermont?

Mr. BECK. Certainly.

Mr. EDMUNDS. I should like to ask the Senator from Kentucky, sympathizing with all his general statement, what place this question of disputed financial management has in a bill that professes simply to appropriate money to carry on the lawful operations of the Government?

Mr. BECK. I answer that only in this way: The House of Representatives in the exercise of its undoubted authority, so far as the Senate is concerned, inserted this provision. I agree with the House that the officials of this Government have no right to hold and hoard money in the Treasury without utilizing it, when men come before us, as our Treasurer did the other day, and insist (and I have his printed statement before me agreeing with the Senator from Ohio) that equity demands that the payment of the national bank issues shall be made either in United States notes or gold coin, although the law, the opinion of the Attorney-General, the face of the law, and everything agrees that the silver and gold coins of the country stand upon perfect equality. Still there is a body of men at the other end of the Capitol and in this Chamber, of which the Senator from Ohio is a conspicuous member, who are demanding gold and gold alone as the only coin in which our national obligations can be paid.

It is because I do not intend by my vote to say that that is the view of the Senate of the United States, after the House of Representatives have deliberately inserted it in this bill, that I ask to have the language retained which was placed there by the House of Representatives.

I agree that under our rules I could not have brought it up here, and I would not have attempted it. But it is here. Even striking it out does not get clear of it. It throws it into conference between the two Houses; no more, no less.

The provision being here, and believing that it is the right and the duty of our Treasury officials, and that it is good for the country that small silver certificates or coin certificates (which I think ought to be a proper use of them) should be issued, I shall vote to retain what the House of Representatives have inserted.

I say now and repeat, whenever the Senator from Ohio sees fit to come into this argument, either in answer to what I said to-day or what I had the honor to say six months ago, I shall be ready to reply to him to the satisfaction of the Senate and of the country.

Mr. EDMUNDS. The Senator from Kentucky has not answered my question so that I perfectly understand him. My question was, what place this evidently disputed question of the financial management of the country has in a bill which is to provide the means for carrying that Government on?

As far as the Senator from Kentucky responded to my question at all, he simply said it was in the bill, that the House of Representatives had put it in, and they had a right to put it in—to that I agree—and they have sent it to us.

We are, so far as I have heard or believe or know, a body equally independent in regard to legislation. We have our rules, which the Senator from Kentucky agrees would prohibit him or myself or the Senator from Ohio, no matter how strongly we might believe in it, from embarrassing the expenditure of money to carry on the obligations and duties of the Government by bringing into it a question of legislative difficulty and dispute and doubt, whoever may be right, that this proposition embodies.

Saying nothing about the House rules—and how under the House rules, which we have a right to take notice of, it could have got in in the House bill I can not understand—how the Senate with its rules, which prohibit all of us from doing anything in this way on a question of this kind, on the theory that we ought to do it by a distinct and independent measure, are going to say that we will allow this thing to stand in this bill and insist upon keeping it in when there is a division of opinion about it—not one of those little legislative amendments that everybody agrees to and that we wink at and let go by, but a great and disputed financial question to be retained on an appropriation bill simply because a body that has no more power than we have has a right to propose it to us, I am unable to understand."

On the theory of the Senator from Kentucky I could move on this bill a dozen propositions which are just as germane to it as this is, and which I believe are for the necessary interests of the public service; and yet I should not get three Senators, if I did one, to stand by me to do it. I might propose the bill which has passed the Senate in regard to the affairs in Utah; I would strip from it everything that any Senator in this body objected to; and then I would ask the Senate of the United States and every Senator to agree to a proposition that we are for, on all sides of the Chamber, and put it on this appropriation bill, and I should expect and I should deserve that every Senator would say, "However good your proposition may be, however perfectly it may have been considered in the Senate as it was, however unanimous we were in agreeing to it, you have no business to send this proposition to the House of Representatives as a rider on a bill appropriating money to carry on this Government."

That is the proposition; and I can name a dozen others of what I consider to be measures of great public moment and interest, as great as this; and yet I should be ashamed of myself if I stood up and asked the Senate to do it on a bill to appropriate money to carry on the ordinary operations of the administration of affairs in this Government.

The Senator from Kentucky does not dispute that. He only says that this is a good thing as he thinks, and the House of Representatives (in spite of its rules, and I think I do not transgress the proprieties in saying that, because its rules are public) has sent this bill to us with this provision on it, somehow or another. If it were proposed here, it is against our rules; but wherever proposed it has no relevancy to any of the objects of the appropriations named in the bill or any other sundry civil bill, which simply is to appropriate money that is in the Treasury to pay the obligations and to provide for carrying on the Government.

Therefore it is a forced, ingrafted rider, to be got through without

discussion, or with short discussion, and to coerce somebody, somewhere, in some department of the Government, into swallowing it whether he likes it or not (no, I will not say that, because that goes beyond me), for fear if it shall fail to pass this bill that the Government will break down, and we shall be called upon to have a called session of Congress. Is that right?

I have said all this without reference to the merits of this proposition; and if I believed in it as thoroughly as the Senator from Kentucky does I should have been bound to say the same thing, because you are drawing in against what we all know to be the correct methods of doing business—you are drawing into the mere expenditure of money to carry out the existing laws of the United States a difficult and doubtful and disputed question, whichever side of it may be right, and to ride it onto an appropriation bill in order to get it through this body or some other or somewhere into a law.

If anything can be vicious that is vicious, and I say that without expressing any opinion. It may be that I should agree with the Senator from Kentucky. I certainly agree with him that the silver coin of the United States is just as good a legal tender for every bond and debt of the United States that does not say gold coin exclusively, if there be such a one, as the gold is, and so far and to that extent I am just as strong a silver man as my friend from Kentucky is. But what has that to do, here and now, on a question whether we will appropriate the money necessary to carry on the objects which are named in this bill under the established laws of the United States?

Mr. SHERMAN. Mr. President, a few words only in reply to the Senator from Kentucky [Mr. BECK]. I have listened to the Senator from Kentucky often in talking upon this subject and never replied. He says that I sat here all of this session and did not reply. That is true. I never make speeches merely for the pleasure of repeating and airing my own ideas over and over again.

All I can say to the Senator from Kentucky is that had I at any time seen an opportunity to have this silver question brought up and fairly discussed in all its length and breadth, and seen the possibility of securing the passage of any measure which would tend to aid the parity between silver and gold and to maintain these two standards side by side with each other, I should have done all I could to secure the passage of such a law.

At the beginning of this Congress I thought perhaps it was possible, and I thought there was a growing concurrence of opinion which would enable us, instead of putting in an eighty-cent dollar as the basis of different silver certificates to put in a commercial dollar's worth of silver bullion as the basis of silver certificates. I believe in the end that will be the solution of it. It may be postponed to so long a time that Senators will force the single silver standard first; but when the time comes for the final settlement of this question, in my judgment it will be that gold and silver will have the same commercial value and go side by side with each other.

Mr. EDMUNDS. They have got to be corelated.

Mr. SHERMAN. Yes, they have got to be corelated by a change of ratio. But that is neither here nor there. I would postpone the time until I can see a proper solution of the question by consent of the silver men, because silver is a great product of our country and it ought not to be disfavored. The silver men who produce silver now sell their silver at its market value, about a dollar for 500 grains of silver. Therefore the measure which has been proposed to bring about this parity between these two metals could not injure them, but in my judgment would tend immediately to advance the price of silver bullion on the market, just as resumption tended to lift all forms of paper money to the standard of gold, and then made both gold and paper money more abundant than before. That is my idea.

The Senator says I am an enemy to silver. On the contrary, I introduced the bill under which the fractional silver coin was first issued, the first step toward resumption. I made no distinction at all between gold and silver. Indeed in those times, prior to 1872, I think in 1873 and 1874 and along there, the silver dollar was worth more than the gold dollar, and therefore no discrimination was made against the silver dollar.

The Senator says I wrote a letter to Attorney-General Devens. So I did. That letter was in the public archives. I have no doubt it has been published a hundred times. I think I have seen it in print often. There was no secret about it. He said it was not published with Devens's opinion. That is very probable, because the Attorney-General's opinion made in pursuance of a request from the head of a Department was the recognized law for the time upon that subject; and it is good law, and I believe in it.

Mr. EDMUNDS. They never give a copy of the request with the opinion.

Mr. SHERMAN. In all the opinions of Attorneys-General I have ever read there is no printing with those opinions of the letters which called out the opinions. The Senator or the Senator's colleague, a distinguished member of the House of Representatives, had no difficulty in finding my letter upon the official files there in broad, plain language. I remember very well submitting that question. It was at the time we were about to issue 4 per cent. bonds, the beginning of the funding operation, at a time when it appeared to be pretty difficult to float 4 per cent. bonds, and the question was then in debate whether those bonds when issued were payable in gold coin or whether they were payable in gold or silver coin. That question was submitted to the Attorney-General, and the opinion of the Attorney-General was not only adopted by the Treasury Department, but ingrafted and printed upon the back of every bond that was issued, and it is there to-day.

So far from being an enemy to silver, the measure that I would propose would do more to lift silver out of its depreciation than all these wild schemes which my friend from Kentucky has fallen into. That is my belief. He thinks differently. He is just as honest in his belief as I am. But shall we decide on this bill at this period of the session this question, which has divided cabinets and kingdoms, which in Europe is acknowledged to be the great financial question of the age, and is so not only here but in all countries of the civilized world? We have been hoping and hoping and seeking to get by communication with foreign powers some proper ratio or some form of settlement of this silver question. England is agitated with it, Germany is agitated with it, and so is France.

Shall we undertake to settle that question here at the closing hours of this session, against our rules, by a chance vote in the Senate at the late hours in which we are now engaged in legislation? I trust not. I trust the good sense of the Senate, which can always be appealed to on practical questions, will see that that should not be done, whatever their opinions may be on this silver question. So far as the silver in the Treasury is concerned it is now equal to gold. It is maintained at par with gold by the power of the National Government, not by its intrinsic value. But because the Government redeems the silver, and receives it and gives the silver certificate for it and receives that silver certificate for all purposes, it does not follow that in violation of the existing law we should issue more silver certificates upon these coins which are commercially of less value than their face.

That is the question, and that is a question we ought not to deal with now. When the time comes, when with slow and deliberate consideration the Committee on Finance, of which my friend from Kentucky and myself are both members, shall take these questions up, having in view the interests of the people at large, having in view the interests of the whole civilized world, having especially in view the interest of the silver producers of our country, having in view our standing as a commercial and financial nation now growing to be the chief in the world—when we come to consider those problems in all their length and breadth by the quiet table in our committee-room and report a measure to this body which can be discussed and considered in all its length and breadth, then there will be time enough for the Senator from Kentucky and I to cross swords with each other; and he will not find me backward.

But I never want to fight a bootless task. I do not want to proclaim my opinions on this subject day after day, to repeat them over and over again with a little change of phraseology; but let the fight come on, and then I shall meet my friend from Kentucky, who always charges gallantly, though sometimes a little too rashly. We will meet together and we will discuss this matter fully, and I shall not shrink from the combat.

I hope the Senate will pass this by without respect to its merits, if you please, although if the time were opportune I would be prepared, I think, to show that this step above all others would be the most dangerous to the public credit, dangerous to the foundation of our present currency and our financial system. But that may be waived for the present. It is sufficient to say that it has no place here, and it ought not to be considered now.

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER. The Senator from Indiana will suspend. The Chair, unmindful of the five-minute rule that was agreed to some time ago, has indulged debate beyond it.

Mr. TELLER. I do not think the Chair ought now to invoke the rule.

Mr. ALLISON. The Senate now having heard the Senator from Kentucky and the Senator from Ohio, and as they have exhausted this question nearly, I hope the Chair will enforce the rule.

Mr. HARRISON. I did not rise to discuss this question, but rather to get some information. If I understand the effect of lines 435 to 440, as they come to us from the House, they require the Secretary of the Treasury to issue silver certificates upon all silver now in the Treasury. I notice from the remarks of Mr. Jordan before the Finance Committee a day or two ago that the surplus of silver dollars and silver bullion is something over $96,000,000.

I understand the second proposition contained in this amendment which comes from the House is that after the Secretary of the Treasury has issued silver certificates on this $96,000,000 of silver in the Treasury he shall from that time forward pay out for the appropriations contained in this bill and for other appropriations and obligations of the Government only silver certificates until he has paid them all out. If I understand the amendment he is not allowed to pay out silver, he is not allowed to pay out any gold or any greenbacks until, he has paid out the entire $96,000,000 of silver certificates which would be issued.

Mr. ALLISON. That is not only true, but he must pay them out in one-dollar and two-dollar and five-dollar bills.

Mr. HARRISON. So, if this amendment is adopted, until the $96,000,000 of silver certificates have been exhausted we shall be upon a silver basis alone of one, two, and five dollar bills, and it would not be lawful for the Secretary of the Treasury to pay out any other kind of money at all.

It does seem to me that that goes beyond anything the Senator from Kentucky would desire, and so I understood him to say, when the Senator from Iowa asked him whether he really desired these words retained, to express doubt as to whether the last requirement to which I have just alluded should be retained in the bill.

I wish to add that it appears to me to be unfair to the Executive that this change of the financial policy should be put into an appropriation bill, and that he should be forced to consider it, coerced to consider it in connection with a bill making appropriations for the support of the Government.

So I think this goes further than the Senator from Kentucky desires, and it is putting here in connection with this bill a proposition which must coerce the action of the Executive, and something that is not germane. Therefore it is apparent that this has not received that careful consideration which it ought to have even from the friends of silver money.

Mr. BECK. Mr. President, I do not propose to debate the question further. I understand the rule fully——

The PRESIDING OFFICER. Is there objection to the Senator from Kentucky being heard? The Chair hears none.

Mr. BECK. I only wish to say that I do not understand that this provision has any such effect. It has the effect of requiring one, two, and five dollar bills to be issued from the surplus dollars in the Treasury.

Mr. HARRISON. If the Senator from Kentucky will allow me, the Secretary of the Treasury would be compelled to issue them in payment.

Mr. BECK. There is a contraction now, as we know, of $80,000,000 of national-bank notes. There has been a destruction of $14,000,000 of one and two dollar greenbacks in the last six months. Those two items are nearly $100,000,000—more than all the silver dollars in the Treasury. It is proposed to use that money lying in the Treasury and to issue one, two, and five dollar bills as a substitute for that currency, $80,000,000 of national-bank notes, $14,000,000 of ones and twos of greenbacks which have been destroyed, to be used when it is issued like any other money. It is not a thing you can force men to take, and nobody proposes to do that. I said I was willing to stop with the surplus money in the Treasury and strike the other words out.

Mr. ALLISON. Do I understand the Senator from Kentucky to think that unless we pass this bill these appropriations will be provided for in the Treasury?

Mr. BECK. No, I do not undertake to say any such thing. I say the effort of the House was to keep up the currency as it has been for the last few years, and provide against the contraction caused by the withdrawal of $80,000,000 of national-bank notes and $14,000,000 small greenbacks.

There are enough silver dollars in the Treasury to issue one, two, and five dollar certificates upon, to be used as money among the people for the payment of the debts of the Government. That is what the House intend, in my judgment; and while I would not put in the last words, I do not think they are open to the construction sought to be given to them.

Mr. ALLISON. Mr. President, I only desire to occupy one moment on this particular provision of the bill. The clause which is now under discussion is intended, if it is intended for anything whatever, to compel the Secretary of the Treasury to issue one, two, and five dollar bills in payment of every obligation of the Government until the surplus silver in the Treasury is exhausted.

Mr. TELLER. It does not say so.

Mr. ALLISON. That is exactly what it means, or it means nothing whatever.

Mr. BECK. To simplify that and avoid any discrepancy, I am willing for the time being, until we meet with the House in conference, that the words "in payment of the appropriations made in this bill and other expenditures or obligations of the Government" shall remain stricken out, and that the clause proposing to issue silver certificates on all the surplus dollars in the Treasury shall be retained. I am willing to do that.

Mr. ALLISON. I knew quite well that the Senator from Kentucky would not, when it came to the test, vote for the provision as it stands. He can not do it, nor can any Senator, because it means the exclusion of any payments whatever except the single payment of one, two, and five dollar bills. If I am a creditor of the Government, or an officer of the Government in San Francisco, it becomes the duty of the Secretary of the Treasury, as soon as he can issue these one, two, and five dollar certificates, to transmit them to the subtreasury at San Francisco and to the exclusion of everything else pay these out upon the obligations of the Government.

Mr. DAWES. Forty thousand dollars at a time.

Mr. ALLISON. Whatever it may be, $40,000 as the Senator from Massachusetts says, or a million dollars as the case may be, and pay them out in one, two, and five dollar bills.

It does not need any further argument from me to show that this is a crude provision, that it is a provision which has not been digested by any committee in either branch of Congress. It is a provision that is thrust in this bill for a single purpose only, and that is to coerce an unwilling President or administration to pay out money which it is thought has been accumulated to too great an extent in the Treasury.

If the Senators desire to change the existing law upon that subject, let them do it in a reasonable way after full and proper debate. As every one knows who hears me, we still have an opportunity of doing it within two or three days, because, although this measure was passed upon an appropriation bill and sent by the House of Representatives to the Senate, the House of Representatives reconsidering its haste, reconsidering what it had done upon this appropriation bill, very wisely in comparison with this provision provided that the surplus in the Treasury should only be paid out at the rate of $10,000,000 per month. Here is an absolute coercive provision requiring an immediate and oppressive execution, without delay and without limitation, upon one, two, and five dollar bills, to pay out in one case, depending upon the consideration, $96,000,000 and in another case $75,600,000.

The House of Representatives, itself retracing its steps with reference to this coercive provision upon an appropriation bill, passed a joint resolution only a few days ago which, compared with this provision, is a wise and conservative one, namely, that the Secretary of the Treasury should only pay out at the rate of $10,000,000 a month.

I ask the Senator from Kentucky and those who agree with him to wait until we can have an open, fair, and free discussion, divested of these questions of appropriations for light-houses, for all the necessary and proper operations of the Government, of the great question as to what shall be done with the surplus in the Treasury. Are not Senators willing to wait for one Sabbath day to pass, until we can have an opportunity of discussing that question divested of the necessities of the operations of the Government with reference to current appropriations, and when, unless we pass this bill and make it become a law before the 30th day of this month, the operations of our Government will be compelled to stop under existing law?

Yet we are asked now and here to adopt this extremely radical and as I believe dangerous measure, dangerous to the interests of those who advocate the silver dollar as a currency in this country. I do not yield to any man on either side of this Chamber in my devotion to silver as a part of the circulating money of this country. I have been for it in season and out of season.

I have advocated and devoted what little energy I could to the support of it. Yet I believe that this provision of a coercive character upon the Treasury of the United States will do more to depreciate and destroy the parity of value between silver and gold, which I believe is essential to the silver currency, than any other thing we could adopt.

Therefore it is that I finally ask Senators on both sides of this Chamber to allow the wise and judicious amendments to be made which a majority of the Committee on Appropriations—I say majority although I might say more—have agreed to with reference to this bill.

The PRESIDING OFFICER. Does the Chair understand the Senator from Kentucky as offering an amendment to the amendment agreed to as in Committee of the Whole?

Mr. BECK. I do.

The PRESIDING OFFICER. Dictate it to the clerks so that they may take it down and report it.

Mr. BECK. I am willing that the words from the word "in," in line 438, to the word "Government," in line 440, "in payment of the appropriations made in this bill and other expenditures or obligations of the Government," shall remain stricken out, and I ask the Senate to retain the words, beginning in line 437, "on all the surplus silver dollars now in the Treasury."

The PRESIDING OFFICER. The Senator proposes simply to divide the question, and to strike out down to and including the word "Treasury," in line 438.

Mr. BECK. I oppose the striking out of the words down to "Treasury," in line 438.

The PRESIDING OFFICER. It is the remainder that you consent to be stricken out?

Mr. BECK. Yes, so far as I am concerned, because I do not desire to give that construction to the language which some gentlemen seem to think it has. I only desire to say now that I introduced an amendment this morning and I made an argument in favor of it, and that I did not in that amendment agree either with the House or with the Senate committee, but my amendment was ruled out of order, and upon reflection I suppose it is not in order.

Therefore I desire now to retain this part of what the House have inserted, simply requiring the issue of silver certificates of one, two, and five dollars on the silver now in the Treasury. That does not force out any payment from the Treasury. It can be done in the legitimate course of business.

The PRESIDING OFFICER. The question being divided, the Secretary will report the first part of the amendment.

Mr. HARRISON. I rise to a parliamentary inquiry. Has this division of the question been taken by unanimous consent? It does not seem to me that it is a question divisible according to parliamentary law; it is one proposition from the House of Representatives.

Mr. TELLER. There are two propositions.

Mr. HARRISON. I think not.

Mr. TELLER. It seems to me there are two propositions here; first, to issue a silver certificate upon all the surplus; and second, to pay that out upon certain indebtedness specifically named in the bill.

The PRESIDING OFFICER. The Chair holds that the amendment is divisible.

Mr. EDMUNDS. Supposing it to be divisible and we have got the two questions, what will be the difference if we strike out the clause that the Senator from Kentucky now thinks ought to be stricken out from what it was before? Is the Secretary of the Treasury to issue these silver certificates to anybody who applies for them or is he to issue them to pay the public debt of the United States?

Mr. ALLISON. He must loan them.

Mr. EDMUNDS. Loan them?

Mr. ALLISON. Loan them to individuals, if there is any difference.

Mr. EDMUNDS. If he is to loan them to individuals without security I rather think I am for the proposition.

Mr. TELLER. I wish to answer the Senator's inquiry.

Mr. EDMUNDS. I will yield for that purpose.

Mr. TELLER. The Senator inquires what will be done. The Treasury Department would issue $96,000,000 of silver certificates. They have now probably on hand one-third of that amount of silver certificates, and they would put those silver certificates in their drawer, for the bonds, just as they do to-day, and hold them there. There is no obligation under the bill, if those words are stricken out, to pay out a dollar of them; and knowing the animus of the Treasury Department, it may be said that they will not pay out a dollar.

Mr. SHERMAN. What is the use of having it then?

Mr. TELLER. Very likely it will not be of any use at all, but no harm can be done by it. There is no obligation on the Department to pay out a dollar unless they want to pay it, unless somebody goes there and demands silver certificates.

Mr. EDMUNDS. Now, Mr. President, we have got a large addition to our stock of information. We find this clause with a provision containing a totally untenable proposition that the Senator from Kentucky wishes to strike out as a little too tough even for him. Then we have a provision that the Secretary of the Treasury shall issue these certificates, stopping right there, giving the denominations. How? When? To whom? They are to be put out (unless, as the Senator from Iowa says, they are to be loaned to somebody) to pay the debts and obligations of the United States whether they are contained in the appropriations in this bill or any other bill. Everything that the United States owes shall be paid, so far as these certificates go, by these certificates.

That is where you stand. You have therefore precisely the same legal result, whether these words moved to be stricken out by the Senator from Kentucky are in the bill or out of it. Taking those out, the Secretary of the Treasury would be bound to do precisely the same thing that he would if they were in. Now, whether on an appropriation bill you propose to go into this subject, as I said before, is a question for the good sense of this body, irrespective of whatever may be the different views among gentlemen in this Chamber or elsewhere concerning the propriety of one movement about silver and another about gold and another about paper in any of the forms that it may be brought forward. If we are to block up the operations of this Government by going into a question of this kind on such a bill, then I shall be surprised. I should hope that the Senator from Kentucky and everybody else would agree that we should go on and appropriate money, and go home in time and come back again by the 1st of December, without raising these questions on an appropriation bill at this time. If they are to be raised, however, I shall have a good deal more to say on the merits of the proposition by and by.

The PRESIDING OFFICER. The first branch of the amendment proposed to be stricken out by the Committee of the Whole will be read.

Mr. JONES, of Arkansas. In justice to myself I should like to state what I understand to be the meaning of the lines in controversy. In the first place, as the law stands now, silver certificates are issued in denominations of $10 and upward. This provision would make it necessary for the Secretary of the Treasury to issue certificates in denominations of one, two, and five dollars, and it makes it compulsory that he shall issue certificates of one, two, and five dollars on all the surplus silver now in the Treasury of the United States.

Mr. BECK. I think the Senator from Arkansas fails to notice that when they were originally issued it was provided that the certificates should be receivable for taxes, customs, and all public dues, "and when paid into the Treasury shall be reissued." The Senator from Vermont asks, Are you going to give them away? The law now is that they shall be reissued. There is no difficulty about that.

Mr. JONES, of Arkansas. The effect as I understand it of this law, if enacted, would be to require the Secretary of the Treasury instead of issuing ten-dollar certificates to issue ones, twos, and fives, and that they should be issued on all the surplus silver in the Treasury. The declaration in the words stricken out by the committee, it seems to me, would only make this money available just as any other money in the Treasury would be available, to pay any debts the Government might owe. It means no more and no less.

If these words are left in the bill I do not believe that any appropriation provided for in this bill will be necessarily paid in the surplus silver or in certificates issued for that silver which is now in the Treasury, any more than with any other money of the Treasury of the United States. If I believed so, I would not vote for the provision as it is. It seems to me it can do no harm, and I prefer to leave these words standing in the bill.

With this explanation of my vote, I leave the matter.

The PRESIDING OFFICER. The matter proposed to be stricken out in the first print of the clause will be reported.

The SECRETARY. After the word "dollars," in line 437, it is proposed to strike out:

On all the surplus silver dollars now in the Treasury.

The PRESIDENT *pro tempore*. The question is on striking out these words.

Mr. BECK. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BECK. Let the amendment be stated again so that it may be understood. I think I understand it, but there is some confusion about it.

The PRESIDING OFFICER. The question is on striking out the words in the House bill that have just been read.

Mr. BUTLER. How will the section read if they are stricken out?

Mr. FRYE. That is not what the Senate wishes to strike out.

Mr. BECK. I object to striking that out.

Mr. FRYE. And propose to strike out the other three lines?

The PRESIDING OFFICER. The Chair will state to the Senator from Maine that the Committee on Appropriations reported an amendment striking out that language and other language in connection with it, and the Committee of the Whole agreed to that amendment. Now the Senator from Kentucky asks a division of the amendment. Being divided, the question is first upon the language which has just been read.

Mr. FRYE. But when the committee offers an amendment here striking out five lines and the Senator from Kentucky offers an amendment to that limiting the striking out to the last three of the five lines, why should not that be put first?

The PRESIDING OFFICER. The Senator from Kentucky asked a division of the question, and the Chair was putting the question upon the first branch of the amendment.

Mr. EDMUNDS. But is there not a rule which says that a motion to strike out shall not be divided.

Mr. COCKRELL. A motion to strike out and insert shall not be divided.

Mr. FRYE. There is where the trouble with this proposition is.

The PRESIDING OFFICER. There is a rule prohibiting a motion to strike out and insert being divided; but the Chair is aware of no such rule as the Senator from Vermont suggests.

Mr. TELLER. I would like to know what we are going to vote on. I am a little at a loss to know how the question stands.

The PRESIDING OFFICER. The striking out of the language which the Chair has directed twice to be read, and the Chair will now direct the Secretary to read it again.

The CHIEF CLERK. Beginning in line 437, after the word "dollars," it is proposed to strike out:

On all the surplus silver dollars now in the Treasury.

Mr. TELLER. That is not the amendment of the Senator from Kentucky.

Mr. COCKRELL. Certainly not.

Mr. BECK. I oppose those words being stricken out. I vote "nay."

Mr. RIDDLEBERGER. I want to vote intelligently on this. I understand the Senator from Kentucky to move to strike out that which the committee strikes out after the words read by the Secretary.

The PRESIDING OFFICER. That is what the Chair understands the Senator from Kentucky to mean and what he proposed.

Mr. RIDDLEBERGER. But that is not the question as put to the Senate. The question is whether you will strike this out on the motion of the Senator from Kentucky. The question upon striking this out is upon the report of the Committee on Appropriations.

Mr. COCKRELL. The vote will be taken on the other.

The PRESIDING OFFICER. The question now is, will the Senate concur with the Committee of the Whole in striking out the language just read?

Mr. RIDDLEBERGER. But I want it understood distinctly that when I cast my vote on this bill I cast it for the proposition of the Senator from Kentucky.

Mr. BUTLER. Then vote against this.

Mr. RIDDLEBERGER. I understand, and I want to vote against this; but I do not want the proposition put in this way, that the Senator from Kentucky asks to strike out those words. They are stricken out in the printed bill in black lines by the Committee on Appropria-

tions. What the Senator from Kentucky asks a division on is that which follows the word "Treasury," to wit:

In payment of the appropriations made in this bill and other expenditures or obligations of the Government.

His motion is to leave that clause out.

Mr. BECK. Will the Senator allow me? I object to the words being stricken out down to the word "Treasury," in line 438.

Mr. RIDDLEBERGER. So I understand.

Mr. FRYE. Now, suppose the motion of the Senator from Kentucky should prevail and these words should be stricken out, and then on the other three lines no action should be had, the bill would be absolutely senseless. In my judgment it is all one amendment reported by the Committee on Appropriations, it is not capable of division; and the only way to treat it is by amendment, and the Senator from Kentucky should have offered his amendment to strike out the last three lines of this amendment.

Mr. BECK. Allow me to say a word. I think I understand this. If the Senator does not agree with the action of the Committee on Appropriations and the Committee of the Whole in striking out these words and leaves the clause as I propose it will read:

And the Secretary of the Treasury is hereby authorized and required to issue silver certificates in denominations of one, two, and five dollars on all the surplus silver dollars now in the Treasury; and the silver certificates herein authorized shall be receivable, redeemable, and payable, &c.

I object to striking out those words.

Mr. EDMUNDS. Is the motion of the Senator from Kentucky amendable?

The PRESIDING OFFICER. The Chair does not understand the Senator from Kentucky as having made a motion, except to demand a division of a question that the Chair has decided was divisible.

Mr. EDMUNDS. Then a motion to amend is certainly in order, and I propose to amend the words proposed to be stricken out and the rest of the amendment together by striking out the whole of it after the word "on," down to and including the words "Government. That," in line 440.

Mr. TELLER. That is the question now pending, is it not?

The PRESIDING OFFICER. Will the Senator from Vermont restate his amendment?

Mr. EDMUNDS. I understand the Senator from Kentucky asks a division of the question in striking out from line 437, after the word "dollars," to line 440, including the word "That." Am I right?

The PRESIDING OFFICER. The Senator from Kentucky asked a division upon the question of striking out "on all the surplus silver dollars now in the Treasury," as one branch; and as another, "in payment of the appropriations made in this bill and other expenditures as obligations of the Government. That."

Mr. EDMUNDS. Exactly. Now, in order to perfect the text that is proposed to be stricken out, before the matter is divided, I move to amend the whole paragraph by striking out all after the word "on," on line 437, down to and including the word "That," in line 440.

The PRESIDING OFFICER. The Senator proposes to leave the word "on" in the bill?

Mr. EDMUNDS. That is precisely what I propose to do.

The PRESIDING OFFICER. That amendment is in order the Chair holds, striking out a part of the language but not the whole.

Mr. ALLISON. What shall we do with "on" after we get that done?

Mr. EDMUNDS. We shall see.

Mr. RIDDLEBERGER. As we are to pass on the committee amendment, or on the amendment of the Senator from Kentucky, and it seems to be the intention here to leave the preposition "on" in in order to defeat a fair consideration and fair vote on a great and growing question like this, I move to amend the proposition of the Senator from Vermont by striking out all after the word "Treasury" down to and including the word "that," in the four hundred and fortieth line.

Mr. EDMUNDS. That is in the third degree and not in order.

Mr. RIDDLEBERGER. No, sir; it is not in the second degree quite.

Mr. EDMUNDS. That is in the third degree and not in order.

Mr. RIDDLEBERGER. I want the judgment of the Chair on that proposition, and not of gentlemen who are on one side of this question.

The PRESIDING OFFICER. Will the Senator restate his proposition?

Mr. RIDDLEBERGER. I understand the Senator from Vermont to offer a new amendment after the word "on," which is stricken out in the committee amendment. He offers a new amendment after the word "on," in line 437, that all shall be stricken out down to and including the word "that." That is evidently a new amendment, because he leaves in the word "on," which is marked off in this bill.

Mr. EDMUNDS. It is an amendment to the amendment of the committee.

Mr. RIDDLEBERGER. I then propose to amend that new amendment by striking out all after the word "Treasury" down to and including the word "that."

The PRESIDING OFFICER. That amendment would not be in order at this time because there is an amendment to an amendment pending.

Mr. RIDDLEBERGER. I ask the Chair to pardon me on this point. The Senator from Vermont distinctly stated that he did not offer an amendment to an amendment, but he moved to strike out all after the word "on," and then he was asked what he would do with the word "on," and he said, "I will tell you further on, after a while."

The PRESIDING OFFICER. The Senator from Virginia did not understand the Senator from Vermont. He distinctly stated that he did offer an amendment to an amendment.

Mr. RIDDLEBERGER. But if he does not do it, what becomes of what he tells you? If the fact is here and the statement is here, which will the Chair be governed by? He leaves "on" in here when the amendment strikes it out. I submit on the statement of facts and not on anybody else's say so, upon the record made here, he proposes to leave in the little word "on" in order to make a new amendment, and then he can forsooth call it an amendment to an amendment.

Now I undertake to say on this proposition that while I am ready to be defeated I want to be defeated on a fair fight. I do not want defeat in the way the silver money has been beaten here. I do not want to go back to a people who I know are oppressed for the want of currency and let them understand that I stood up and listened to the Senator from Vermont making statements that are not borne out by the record, when they are panting for money that will fix some price for their products.

I say, sir, that if the Chair can rule this to be in order it will rule in violation of every principle that ought to control parliamentary bodies. The Senator from Vermont distinctly stated, he has stated the second time, and yet the Chair rules that he can have the opportunity of leaving in a word that is stricken out by the original amendment, and then offering an amendment after that word and call his an amendment to an amendment.

I do not propose to discuss the proposition itself. I should like to do so even under the five-minute rule; but I want to have a fair and open contest, such as the Senator from Ohio has bid for on this floor, such as the chairman of this committee has bid for on this floor when he said the intervention of the Sabbath would not help this proposition a particle, his purpose being if possible to carry this bill to its consummation to-night before 12 o'clock.

I am ready now to ask the Senator from Ohio if he means a fair fight on an open field. If he means it, then do not call that an amendment to an amendment. No man who is capable of a fair fight will do it or can do it.

Mr. HAWLEY. Mr. President, it strikes me, I humbly submit, that the logic of the situation is precisely this: The Senator from Kentucky desires to perfect the text before taking the vote on the committee's proposition. In order to perfect the text he wishes to strike out the words "in payment of the appropriations made in this bill and other expenditures or obligations of the Government. That"——

Mr. BECK. I have no objection to their going out now.

Mr. HAWLEY. Having stricken out those he would resist the proposition of the committee.

The PRESIDING OFFICER. If the Senator from Kentucky had offered such an amendment the Chair would have held that it was in order just as the Chair held that the amendment of the Senator from Vermont was in order.

Mr. HAWLEY. I have just consulted the Senator from Kentucky, and he has no objection to that form, which is logical and fair.

Mr. BECK. No; I will take it in that way.

The PRESIDING OFFICER. That amendment is not in order unless the Senator from Vermont shall withdraw his amendment, which is an amendment to an amendment. The question is on the amendment proposed by the Senator from Vermont to strike out all after the word "on."

Mr. TELLER. That is practically the committee's amendment to all purposes.

The PRESIDING OFFICER. It leaves one word of the committee's amendment, and therefore falls within the purview of the rule.

Mr. TELLER. I understand that; but it is practically for all purposes the committee's amendment. It is taking the committee's proposition in another form. Of course if we do not want it we can vote it down.

Mr. HARRISON. So I understand; and I think the Senate should understand the amendment of the Senator from Vermont practically leaves the bill where it would be left if the Senate agreed to the amendment recommended by the Committee on Appropriations.

Mr. EDMUNDS. That is it.

Mr. DOLPH. Is that amendment of the Senator from Vermont to strike out of the text of the bill all after the word "on," in line 437, or does it leave the committee's amendment to be simply to strike out all after the word "on?"

The PRESIDING OFFICER. The Senator from Vermont proposes to perfect the text of the bill by striking out all after the word "on." Is the Senator ready for the question on the amendment of the Senator from Vermont?

Mr. EDMUNDS. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLAIR (when his name was called). On this question I am paired with the Senator from Colorado [Mr. BOWEN].

Mr. KENNA (when Mr. CAMDEN'S name was called). On this question my colleague [Mr. CAMDEN] is paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

Mr. CULLOM (when his name was called). I was paired with the Senator from Louisiana [Mr. EUSTIS], but I have taken the liberty of transferring my own pair with that Senator to the Senator from New Jersey [Mr. SEWELL], and I shall therefore vote. I vote "yea."

Mr. PLUMB (when his name was called). On this question I am paired with the Senator from Alabama [Mr. MORGAN]. If he were present, I should vote "nay."

Mr. RANSOM (when his name was called). I am paired with the Senator from Illinois [Mr. LOGAN].

Mr. KENNA (when Mr. SABIN'S name was called). The Senator from Minnesota [Mr. SABIN] is paired on this question with the Senator from Nevada [Mr. FAIR].

Mr. EDMUNDS (when Mr. SAULSBURY'S name was called). My colleague [Mr. MORRILL] is paired with the Senator from Delaware [Mr. SAULSBURY]. If my colleague were here, he would vote "yea."

Mr. SEWELL (when his name was called). On this question I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were here, I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 28, nays 17; as follows:

YEAS—28.

Allison,	Frye,	Hoar,	Platt,
Butler,	George,	McMillan,	Sawyer,
Cullom,	Gorman,	McPherson,	Sherman,
Dawes,	Gray,	Mahone,	Spooner,
Dolph,	Hale,	Manderson,	Walthall,
Edmunds,	Harrison,	Miller,	Wilson of Iowa,
Evarts,	Hawley,	Payne,	Wilson of Md.

NAYS—17.

Beck,	Coke,	Maxey,	Vest,
Berry,	Harris,	Mitchell of Oreg.,	Whitthorne.
Blackburn,	Jones of Arkansas,	Riddleberger,	
Brown,	Jones of Nevada,	Teller,	
Cockrell,	Kenna,	Van Wyck,	

ABSENT—31.

Aldrich,	Conger,	Logan,	Ransom,
Blair,	Eustis,	Mitchell of Pa.,	Sabin,
Bowen,	Fair,	Morgan,	Saulsbury,
Call,	Gibson,	Morrill,	Sewell,
Camden,	Hampton,	Palmer,	Stanford,
Cameron,	Hearst,	Pike,	Vance,
Chace,	Ingalls,	Plumb,	Voorhees.
Colquitt,	Jones of Florida,	Pugh,	

The PRESIDING OFFICER. The amendment is agreed to.

Mr. EDMUNDS. Now I move to strike out the word "on," if there is no special objection.

The PRESIDING OFFICER. The pending question, Will the Senate agree to the amendment made as in Committee of the Whole, that word "on" being the only part of it remaining in the bill?

Mr. RIDDLEBERGER. I object to striking out the word "on." The proposition now is to strike out the word "on." The first amendment which came here was from the committee, and that included the word "on." The amendment of the Senator from Kentucky [Mr. BECK] substantially and effectually was an amendment to the amendment of the committee. The Senator from Vermont [Mr. EDMUNDS] could not have interposed his amendment, in his own judgment as an old presiding officer of this body, unless he had changed the amendment of the committee, which was the original proposition, by leaving the word "on" in there, and that, in effect, left his an amendment to an amendment to a committee amendment.

The committee proposed the amendment which has been stricken out, the Senator from Kentucky proposed an amendment to that amendment, and then the Senator from Vermont came in and proposed an amendment to that amendment of the Senator from Kentucky, which was an amendment to the proposition reported by the committee. I say, therefore, there has not been a fair and square contest on this question.

It is of no consequence to me whether or not Senators shall get up here and endeavor to protect a Democratic President. I think he can take care of himself. I admit his record rather beats that of any President we have had in the veto line. This is a proposition to relieve the pressure on the business interests of this country by throwing into circulation money that is hoarded up in the Treasury. That policy has been pursued here long enough by the friends of gold, by New York millionaires, and even by New York Secretaries of the Treasury. The money should be thrown out among the people, increasing the circulating medium to the extent of $96,000,000.

The proposition is put in the only bill in which I believe it could have any hope of ever passing; and we here find ourselves the same Senate that the United States has had for years past, until it now realizes that the Republican party finds itself in the attitude of protecting a Democratic administration by striking out of the bill this simple provision. You are protecting it by taking this provision out. I am willing you shall take it out; but I want you to give the credit to those who do take it out. They ought to be permitted to die a natural death.

There is not a day that we do not have Senators on this floor talking about hard times and making speeches of that sort, and now when we come to relieve the pressure, the Senator from Ohio [Mr. SHERMAN] talks about the business interests as I have always heard him talk. What constitutes the business interests of this country? The millionaires, the corporations, the banks, the large importing merchants? These are the men who come to you as representing the business interests in the opinion of some people. The men who constitute the business interests, in my judgment, are those who produce that which lies at the very foundation of all values in a country like this.

Mr. President, of course after the vote just taken this whole question has the go-by, far beyond the Sabbath that we heard of in the persuasive manner of the Senator from Iowa, and it will not be brought back to sunlight after he has had communion to-morrow. It is dead now. It has been killed by means which the Senator from Ohio at the outset suggested should not be employed, for he said he wanted free, fair, and open combat. If he had killed it in that way, it would have been another thing; but it has been killed here by a dodge on a little preposition, and I believe, with all deference to the Chair, by a ruling that will never be sustained by parliamentary rules. Even the Senator who offered it would not rely on that.

Mr. DOLPH. I do not think the word "on" should be stricken out, and I desire to call the attention of the Senator from Vermont to the proposition I make.

The language which was covered by the motion of the Senator from Vermont is a part of the text of the bill, and the amendment adopted by the committee was to strike out the word "on" and all that followed down to and including the word "that," in line 440. The Senator from Vermont moved to strike out all after the word "on." Strike it out of what? Out of the proposed amendment, not out of the text of the bill; and when the proposed amendment is amended by striking out certain language which is a part of the text of the bill, in my judgment the effect of the motion is to leave that text still a part of the bill. If that is so the word "on" should be left there in order to complete the text.

I have no doubt about what the parliamentary effect of the action taken by the Senate is. I reserved my vote until the close of the roll-call, being in doubt as to the effect of it, but after voting I was persuaded that I was right in regard to it, and that the effect of the motion of the Senator from Vermont is to leave all that was covered by his motion standing a part of the text of the bill.

Mr. FRYE. I desire to make a motion to reconsider the vote by which the last four lines, all after the word "on," were stricken out of this amendment.

Mr. ALLISON. One moment. How does the text stand? I understand now that the amendment of the Committee of the Whole striking out the words "all the surplus silver dollars now in the Treasury, in payment of the appropriations made in this bill and other expenditures or obligations of the Government. That" has been concurred in to that extent.

The PRESIDING OFFICER. That was the action of the Senate.

Mr. ALLISON. Now I hope that we shall concur in striking out the word "on" also, and I think that will end it.

Mr. FRYE. If we do that, it simply restores the text of the bill.

Mr. ALLISON. The Senator is entirely mistaken. The Senate as in Committee of the Whole struck out these words, and the Senate has now concurred in the amendment made as in Committee of the Whole, except as to one word.

Mr. FRYE. If the Senator will look at it he will see that the Committee on Appropriations offers an amendment to this bill to strike out all after the word "dollars," in line 437, down to and including the word "that," in line 440. That is an amendment of the committee. The Senator from Vermont moves to amend that by striking out all of it after the word "on."

Mr. ALLISON. Not at all.

Mr. FRYE. That is the amendment exactly. That has been stricken out. Now the Senator moves to strike out the word "on;" and if that is carried, your whole amendment is stricken out and the original text remains.

Mr. ALLISON. But the Senator from Maine is entirely mistaken. The Senate as in Committee of the Whole struck out all these words, and the Senator from Vermont moved to concur—practically that was the effect of his motion—in the committee amendment, except as to the word "on."

Mr. FRYE. No, sir, that was not it at all. The other lines were stricken out.

Mr. EDMUNDS. I am a little surprised that my friend from Maine does not understand it. Here we had the simple or the compound proposition in this bill, as the case may be, of the text of the bill. A committee of this body, just as if it had not been reported from a committee at all, and a Senator in the body move to strike out a certain number of words in that text.

I moved to amend the proposition in order to perfect the paragraph proposed to be stricken out, by limiting that motion to strike out, which had been made before my motion, so that it would not apply to the whole of that text to strike out a part of the words and leave the others stand. On that the yeas and nays have been taken, and the Senate has voted to strike out the words except those that are left in the proposed amendment as stated. So far we have gone.

Therefore, I submit, with great respect, that it is perfectly clear that the Senate has voted to strike out of the text of this bill the words that I proposed to strike out, instead of striking out all the words that the preceding proposition of a committee or of a Senator sought to do. That leaves the word "on" in.

Mr. FRYE. Now, suppose the Senator from Vermont withdrew his second amendment, which was to strike out the word "on," and then the Chair put the question, what would the question be? It would be on the amendment of the committee as amended; and what is that amendment as amended? It is "five dollars on," the rest of it having been stricken out from the amendment is restored to the text of the bill. How can the Chair put the proposition in any other way?

The PRESIDING OFFICER. The Chair will state that the proposition pending at the time the Senator from Vermont offered his amendment was a simple amendment striking out four lines, the text of this bill. The Senator from Vermont distinctly stated that he proposed to perfect the language proposed to be stricken out before the question to strike out should be put. The Chair held that amendment to be perfectly in order.

Mr. FRYE. It was in order. I have no doubt about that.

The PRESIDING OFFICER. That amendment was proposed and the question taken upon it, and a majority of the Senate has agreed to that amendment. Now the remaining part of the amendment proposed by the committee is before the Senate for its action.

Mr. BUTLER. If in order, I should like to make a motion to strike out all of that clause from line 435 down to and including line 454, so as to strike out the whole question from this bill.

I make that motion upon the ground that this is general legislation upon an appropriation bill; and however much I might be in favor of the proposition itself, or of any part of the proposition, I should vote to strike it out; and I make that motion if in order.

Mr. PLUMB. Would it be in order to perfect the clause before striking it out? If so, I move to amend by inserting, after the word "on," these words:

All the surplus silver dollars now in the Treasury.

Mr. ALLISON. I raise the point of order on the amendment of my friend from Kansas. Those words have just been stricken out and can not be reinserted.

Mr. PLUMB. But they have been stricken out in connection with other words.

The PRESIDING OFFICER. The Chair thinks the amendment of the Senator from Kansas is in order. Those words have just been stricken out, it is true, but they were stricken out in connection with other words.

Mr. PLUMB. Then I move to amend by inserting, after the word "on," in line 437:

All the surplus silver dollars now in the Treasury.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas.

Mr. EDMUNDS. Let it be reported from the desk.

The PRESIDING OFFICER. The amendment of the Senator from Kansas will be reported.

The CHIEF CLERK. In line 437, after the word "on," it is proposed to insert:

All the surplus silver dollars now in the Treasury.

Mr. DAWES. Let the clause be read as it will be after it is amended.

The PRESIDING OFFICER. The Secretary will report the clause as it would stand if amended as proposed.

The Chief Clerk read as follows:

And the Secretary of the Treasury is hereby authorized and required to issue silver certificates in denominations of one, two, and five dollars on all the surplus silver dollars now in the Treasury, and the silver certificates herein authorized shall be receivable, redeemable, and payable in like manner and for like purposes as is provided for silver certificates by the act of February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar, and to restore its legal-tender character," &c.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas.

Mr. PLUMB. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BLAIR (when his name was called). I am paired with the Senator from Colorado [Mr. BOWEN].

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

Mr. CULLOM (when his name was called). The Senator from New Jersey [Mr. SEWELL] has returned to the Senate Chamber, and I therefore announce my pair with the Senator from Louisiana [Mr. EUSTIS].

Mr. KENNA (when Mr. FAIR'S name was called). The Senator from Nevada [Mr. FAIR] is paired with the Senator from Minnesota [Mr. SABIN]. My colleague [Mr. CAMDEN] is paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. CULLOM (when Mr. PALMER'S name was called). I am informed that the Senator from Michigan [Mr. PALMER] is paired with the Senator from North Carolina [Mr. VANCE].

Mr. PLUMB (when his name was called). On this question I am paired with the Senator from Alabama [Mr. MORGAN]. If he were present, I should vote "yea."

Mr. RANSOM (when Mr. VANCE'S name was called). My colleague [Mr. VANCE] is paired with the Senator from Michigam [Mr. PALMER].

The roll-call was concluded.

Mr. DOLPH (after having voted in the affirmative). I inquire whether this is a motion to amend the amendment of the committee or to amend the text of the bill?

The PRESIDING OFFICER. The amendment is to insert a part of the language of the text of the bill which was stricken out by the amendment of the Senator from Vermont [Mr. EDMUNDS].

Mr. DOLPH. And insert it as part of the amendment of the committee?

The PRESIDING OFFICER. As part of the bill.

Mr. DOLPH. I change my vote then. I vote "nay."

Mr. RANSOM. I am paired with the Senator from Illinois [Mr. LOGAN].

Mr. COCKRELL. The Senator from Kansas [Mr. PLUMB] announced that he was paired with the Senator from Alabama [Mr. MORGAN], and therefore declined voting. I am quite certain that the Senator from Alabama, if present, would vote "yea" on this amendment. I feel warranted in saying that upon this amendment the Senator from Kansas is at perfect liberty to vote.

Mr. PLUMB. After that statement I ask that my name be called. I vote "yea."

The result was announced—yeas 19, nays 27; as follows:

YEAS—19.

Beck,	Cockrell,	Kenna,	Teller,
Berry,	Coke,	Maxey,	Van Wyck,
Blackburn,	Harris,	Mitchell of Oreg.,	Vest,
Brown,	Jones of Arkansas,	Plumb,	Whitthorne.
Call,	Jones of Nevada,	Riddleberger,	

NAYS—27.

Allison,	Gorman,	McPherson,	Sewell,
Butler,	Gray,	Mahone,	Sherman,
Dawes,	Hale,	Manderson,	Spooner,
Dolph,	Harrison,	Miller,	Walthall,
Edmunds,	Hawley,	Payne,	Wilson of Iowa.
Frye,	Hoar,	Platt,	Wilson of Md.
George,	McMillan,	Sawyer,	

ABSENT—30.

Aldrich,	Cullom,	Jones of Florida,	Ransom,
Blair,	Eustis,	Logan,	Sabin,
Bowen,	Evarts,	Mitchell of Pa.,	Saulsbury,
Camden,	Fair,	Morgan,	Stanford,
Cameron,	Gibson,	Morrill,	Vance,
Chace,	Hampton,	Palmer,	Voorhees.
Colquitt,	Hearst,	Pike,	
Conger,	Ingalls,	Pugh,	

So the amendment was rejected.

Mr. BUTLER. Is it in order now to move to strike out the whole clause? The text is perfected, I understand.

Mr. ALLISON. Let us get the word "on" out first if we can.

Mr. BUTLER. From line 435 to line 454 inclusive I wish to strike out.

The PRESIDING OFFICER. The Senator's amendment is in order, but any amendment proposing to change the text proposed to be stricken out would be in order first.

Mr. ALLISON. I hope we shall get rid of the word "on" now.

Mr. BUTLER. Very well.

The PRESIDING OFFICER. The question is, Will the Senate agree to the amendment reported by the Committee of the Whole striking out the word "on?"

Mr. RIDDLEBERGER. I want the yeas and nays on that.

The yeas and nays were ordered.

Mr. FRYE. Will the Chair, before the roll is called, have the Chief Clerk report what the amendment now is?

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. In line 437, after the word "dollars," it is proposed to strike out the word "on."

Mr. ALLISON. That is, to concur with the recommendation made by the Committee of the Whole.

Mr. FRYE. What was the vote just had? Was it not on the motion of the Senator from Kansas to strike out the words "on all the surplus silver dollars now in the Treasury?"

The PRESIDING OFFICER. On the contrary, it was to insert certain language beginning with the word "all."

Mr. RIDDLEBERGER. If the Senator from Maine will allow me to interrupt him for a moment, I wanted to show the importance of this word and try to impress it on the Senate. I will, however, by unanimous consent, withdraw the call for the yeas and nays, provided the Senator from South Carolina will make his motion to strike out the whole clause; which, of course, I shall vote against.

The PRESIDING OFFICER. If there be no objection, the order for the yeas and nays will be withdrawn. The Chair hears none. The question is, Will the Senate concur in that part of the amendment not disposed of?

Mr. FRYE. Before the question is put, I want to know what part of that amendment is not disposed of. I want it read in words.

The PRESIDING OFFICER. The Secretary will read that part of the amendment not yet disposed of.

The CHIEF CLERK. In line 437, after the word "dollars," it is proposed to strike out the word "on."

The PRESIDING OFFICER. The question is on concurring in this amendment.

The amendment was concurred in.

The PRESIDING OFFICER. The next reserved amendment will be read.

Mr. SHERMAN. There are no other amendments reserved.

The PRESIDING OFFICER. The Chair is informed by the Secretary that there are no other reserved amendments.

Mr. BUTLER. Then my motion is in order, and I renew it.

Mr. COCKRELL. There is a reserved amendment in another part of the bill.

The PRESIDENT *pro tempore*. There is a reserved amendment, the Chair is now advised.

Mr. COCKRELL. On page 60.

Mr. ALLISON. We have not finished this paragraph yet. The Senate, as in Committee of the Whole, recommended to strike out all after the word "character," in line 446.

The PRESIDENT *pro tempore*. That amendment was concurred in. It was not reserved.

Mr. ALLISON. Do the Secretary's minutes so show?

The PRESIDENT *pro tempore*. So it appears.

Mr. ALLISON. If those words are out now, as there has been some confusion about it, I ask the Secretary to read the paragraph as it stands now in the bill.

The PRESIDENT *pro tempore*. That will be done.

The Chief Clerk read as follows:

And the Secretary of the Treasury is hereby authorized and required to issue silver certificates in denominations of one, two and five dollars, and the silver certificates herein authorized shall be receivable, redeemable, and payable in like manner and for like purposes as is provided for silver certificates by the act of February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar, and to restore its legal-tender character:" *Provided*, That said denominations of one, two, and five dollars may be issued in lieu of silver certificates of larger denominations in the Treasury, and to that extent said certificates of larger denominations shall be canceled and destroyed.

The PRESIDENT *pro tempore*. The next reserved amendment will be reported.

The CHIEF CLERK. On page 60, line 1467, before the word "thousand," the Senate, as in Committee of the Whole, struck out the word "ninety" and inserted the word "sixty."

Mr. ALLISON. I ask unanimous consent, if that be necessary, to insert "seventy-five" instead of "sixty."

The PRESIDENT *pro tempore*. The amendment is open to amendment.

Mr. ALLISON. I believe that will remove the objection.

The PRESIDENT *pro tempore*. The Senator from Iowa moves to amend the amendment by striking out "sixty" and inserting "seventy-five;" so as to read:

Protecting public lands: For the protection of public lands from illegal and fraudulent entry or appropriation, $75,000.

The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

Mr. BUTLER. Now, I propose to go back to the paragraph on page 19.

The PRESIDENT *pro tempore*. The amendments of the Committee of the Whole have been disposed of. The Senator from South Carolina moves to strike out a clause.

Mr. BUTLER. I move to strike out, on page 19, from line 435 down to and including line 454.

The PRESIDENT *pro tempore*. The Senator from South Carolina moves to strike out the paragraph from line 435 to line 454 inclusive. The words proposed to be stricken out will be read.

The Secretary read the words proposed to be stricken out, as follows:

And the Secretary of the Treasury is hereby authorized and required to issue silver certificates in denominations of one, two, and five dollars; and the silver certificates herein authorized shall be receivable, redeemable, and payable in like manner and for like purposes as is provided for silver certificates by the act of February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar, and to restore its legal-tender character:" *Provided*, That said denominations of one, two, and five dollars may be issued in lieu of silver certificates of larger denominations in the Treasury, and to that extent said certificates of larger denominations shall be canceled and destroyed.

The motion was not agreed to.

Mr. MCMILLAN. I move to insert, after line 1349, the following amendment:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Charles A. Ruffee, from any money in the Treasury not otherwise appropriated, the sum of $1,350, being the balance due to him for pay as agent of the White Earth agency consolidated, from July 1, 1879, to September 30, 1881, inclusive.

Mr. ALLISON. I make the point that that is a deficiency, if anything.

Mr. MCMILLAN. This matter has been referred to the Committee on Indian Affairs, who reported a bill covering it which is now on the Calendar. It has also been referred to the Committee on Indian Affairs as an amendment to the pending bill, and that committee reported the amendment, and had it referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Chair is of opinion that this is subject to objection, as being a private claim.

Mr. COCKRELL. No doubt of that.

Mr. MCMILLAN. I desire to state the facts in regard to this matter, and I think it will strike the Senate as an item that ought to be put in this bill.

Mr. Ruffee was appointed Indian agent at the White Earth agency in Minnesota. The salary of that agency was $1,600 per annum. After his appointment and during his term of office the agencies of Mille-Lac, of Red Lake, and Leech Lake were consolidated with the White Earth Indian agency under the title of "the White Earth agency of Minnesota." That was done under authority of law by the President of the United States. The salary of the consolidated agency was fixed at $2,200 per annum.

The PRESIDENT *pro tempore*. It is the duty of the Chair to inform the Senator that unless he takes an appeal he is not at liberty to debate the question.

Mr. MCMILLAN. I did not know the Chair had decided the question.

The PRESIDENT *pro tempore*. The Chair held that this was clearly a private claim, the payment to an individual of a specific sum of money.

Mr. MCMILLAN. If the Chair has so decided I suppose I must submit.

Mr. COCKRELL. In line 1483 I move to amend by inserting:

For furnishing transcripts of records and plats and paying therefor, $5,000.

That meets the wishes and requirements.

Mr. ALLISON. I move to add "to be expended in the discretion of the Secretary of the Interior."

Mr. COCKRELL. That is right.

Mr. ALLISON. I desire to say with reference to that amendment, that while I agree to it, when we had under consideration the legislative, executive, and judicial appropriation bill it was claimed that the clerical force in the Land Office could be reduced, and we did reduce the clerical force some five or six, and now in this indirect way it is to be restored. I merely want it understood.

The PRESIDENT *pro tempore*. The amendment will be reported as modified.

The SECRETARY. In the clause making appropriation for "reproducing plats of surveys," after the word "dollars," at the end of line 1488, it is proposed to insert:

For furnishing transcripts of records and plats and paying therefor, $5,000, to be expended under the direction of the Secretary of the Interior.

Mr. PLUMB. If I were wickedly disposed, I should say that this was a manner of getting around the civil-service law; but I do not say that.

I do not rise for the purpose of objecting to this amendment, but simply for the purpose of saying that I think I know the force now employed in the General Land Office has not work enough to keep it going; that there is an excess of clerical force in that department. Whereas under former administrations there were issued three thousand patents a month, the issues now amount to only about three hundred, and in every way there has been a decrease of the ordinary business of that office, which has served to keep a large number of the employés unemployed.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri as modified.

The amendment as modified was agreed to.

Mr. MAHONE. On page 59 I move to insert after line 1436:

For gilding in gold the statue of Freedom on the Dome of the Capitol, including base, and the scaffold, to be done under the supervision and direction of the Architect of the Capitol, $5,000, or so much thereof as may be necessary.

Mr. ALLISON. If I can I reserve the point of order on that amendment.

Mr. MAHONE. The amendment has been recommended by the Committee on Public Buildings and Grounds, and has been referred to the Committee on Appropriations. I believe it is in order.

Mr. ALLISON. It is for gilding in gold. If it was silver I might have been disposed to report it, but I do not like this discrimination. [Laughter.]

Mr. MAHONE. You are not much of a silver man to-night. [Laughter.] The necessity of this is manifest. We are advised that this statue is corroding and that this work is necessary for its proper preservation. We all must admit that it is very necessary, for its appropriate relations to the Capitol. I hope it will be adopted.

Mr. ALLISON. Is the amendment in order?

The PRESIDENT *pro tempore*. The Chair sees no point of order that can be raised against it.

Mr. ALLISON. I believe the Senator stated that it was reported

by the Committee on Public Buildings and Grounds and referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. That makes it in order. The question is on the amendment of the Senator from Virginia.

The amendment was rejected.

Mr. HARRIS. In line 1472, on page 61, I propose to strike out the word "ten," before "thousand," and insert "twenty;" and I will ask the Secretary to read a letter from the Commissioner of the General Land Office, indorsed by the Secretary of the Interior, which I send to the desk.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 1472, before the word "thousand," it is proposed to strike out "ten" and insert "twenty;" so as to make the clause read:

Expenses of hearings in land entries: For expenses of hearings held by registers and receivers, under instructions from the General Land Office, to determine whether alleged fraudulent entries are of that character or have been made in compliance with law, $20,000.

Mr. HARRIS. That is in accordance with the estimate, I will say.

The PRESIDENT *pro tempore*. The paper will be read.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., July 22, 1886.

SIR: I beg to call your attention to the paragraph in the sundry civil appropriation bill, lines 1468, 1472, reducing the amount of appropriation for "expenses of hearings in land entries," from $20,000, as estimated and as previously appropriated, to $10,000. The expenses necessary to be appropriated for under this head are the expenses of publication of notices and costs of witnesses for the Government. The hearings are ordered upon application of parties to show cause why their entries should be sustained, and it is imperatively necessary both for the protection of claimants and for the interest of the Government that such hearings should be proceeded with. It has heretofore happened that the Government has been unable to go on with these hearings after parties were prepared and witnesses summoned, because of the want of funds to meet costs on the part of the United States. This has resulted in a double expense to private parties and frequently to a duplication of all the expenses of investigation by special agents, cases having to be begun *de novo* when, as it often occurs, the agents who made the original investigation have left the service or it has been necessary to transfer them to other fields of duty. Meanwhile witnesses have disappeared, and embarrassment to the operations of this department arises on every hand.

The amount estimated for, $20,000, averages barely $200 to a land district, and is insufficient for the needs of the service. The amount appropriated ought to be not less than $30,000, and my estimate of $20,000 was made only because I desired to keep the appropriations down to the lowest limit at which the service could go on in any manner. To further reduce this small sum to $10,000 is to so cripple this office as to render it practically impossible to extend to claimants whose entries have been investigated the privilege of controverting the evidences in possession of the Government upon which their entries are held for cancellation. I earnestly urge that the amount of $20,000 be restored to the bill.

Very respectfully,

WM. A. J. SPARKS, *Commissioner*.

Approved:
L. Q. C. LAMAR, *Secretary*.

Hon. W. B. ALLISON,
Chairman of the Committee on Appropriations,
Senate of the United States.

Mr. PLUMB. This matter was all submitted to the committee of the House of Representatives, presumably in sympathy with the administration of this office, as it is with the entire administration, and that committee, after a hearing, and presumably for good reasons, made the amount $10,000 in place of $20,000. If the Senator from Tennessee is satisfied that he has information on this point that the amount ought to be $20,000, I shall not oppose his amendment.

It is a little remarkable, I may say, in matters of this kind, in regard to which there has been so much clamor and so much has been said, that the House of Representatives should have so disregarded the estimates of the Secretary of the Treasury and the recommendations and solicitations of the Commissioner of the General Land Office and the Secretary of the Interior as to have cut the amount down from $20,000 to $10,000.

Mr. HARRIS. All I have to say on the subject is that I submit this question to the Senate without knowing or caring what has been done elsewhere. The Secretary of the Interior and the Commissioner of the General Land Office say the public service will be seriously crippled if this appropriation is cut down to $10,000.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Tennessee.

The amendment was agreed to.

Mr. VAN WYCK. I ask for the adoption of the following amendment, to be inserted at the end of line 108, page 5:

Five hundred dollars to repair walks and fountain in United States grounds surrounding post-office building in Lincoln, Nebr.

Mr. ALLISON. I find that the Secretary of the Treasury recommends that as absolutely necessary to preserve the grounds.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Nebraska.

The amendment was agreed to.

Mr. TELLER. I reserved the question on the appropriation for the public building at Denver. I do not desire to offer the amendment that I offered in committee, but I desire to offer an amendment which I believe is acceptable to the chairman, namely, strike out, in line 47, the words:

For completion of building under present limit.

And after the word "dollars," in the next line, to add:

Said sum shall be available only when the limit of expenditure fixed by an act entitled "An act to erect a public building at Denver, Colo.," approved May 8, 1882, shall by act of Congress be extended.

I will state why I do that. Should this bill pass, say early at the next session, the money would be available without waiting for the next annual appropriation bill. Otherwise it would not.

Mr. ALLISON. I have no objection to that.

Mr. TELLER. And then the committee's amendment should be disagreed to.

The PRESIDING OFFICER. The amendment of the Senator from Colorado will be stated.

The CHIEF CLERK. In line 47, strike out the words:

For completion of building under present limit.

And after the word "dollars," at the end of line 48, insert:

Said sum shall be available only when the limit of expenditure fixed by an act entitled "An act to erect a public building at Denver, Colo.," approved May 8, 1882, shall by act of Congress be extended.

Mr. ALLISON. Now I desire to say, before the vote is taken on that amendment, that the appropriation is within the present limit.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Colorado.

The amendment was agreed to.

Mr. COCKRELL. I desire to call the attention of the chairman of the committee to line 2016, on page 83, in the clause making appropriation for pay of the Signal Corps.

Mr. TELLER. We are not through with my proposition, I understand. Having amended the text, should we not now disagree to the amendment to strike out?

The PRESIDENT *pro tempore*. The Chair understood that was already the action.

Mr. TELLER. Very well.

Mr. COCKRELL. The provision on page 83, line 2014, is—

Or for the pay and allowances of exceeding four hundred and seventy enlisted men of the Signal Corps.

Unless there is some proviso put in there that might cause an immediate discharge of a number of enlisted men who have been regularly enlisted for the term of five years, and who may be at distant stations. I propose, in accordance with the suggestion made by the Secretary of War, that an amendment be added there after the word "Corps" to this effect:

And there shall be no new enlistments or re-enlistments in the Signal Corps until the number of privates is reduced below two hundred and ninety, and thereafter there shall not be in the corps more than four hundred and seventy men.

I understand that according to the ratio of decrease and enlistment in the service about one hundred changes occur each year by expiration of enlistment, discharge, death, and so on. So it will only take three or four months for the service to be reduced in regular order down to four hundred and seventy, without doing injustice to any one.

The PRESIDENT *pro tempore*. The Senator from Missouri will send up his amendment in writing.

Mr. ALLISON. I will say to the Senator from Missouri that I will not object to this amendment going in, but I want to reserve the right, if I have anything to do with the future fate of this bill, to examine it further; and, if I find that there is some mistake about it, I want the privilege of correcting it in conference.

Mr. COCKRELL. Certainly.

Mr. ALLISON. I make that statement, because it is rather an extraordinary thing to do. I would be glad to reserve the right to overlook the matter.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Missouri, which will be stated.

The CHIEF CLERK. After the amendment agreed to in line 2016 it is proposed to insert:

And there shall be no new enlistment in the Signal Corps until the number of privates is reduced below two hundred and ninety; and thereafter there shall not be in the corps more than four hundred and seventy men.

The amendment was agreed to.

Mr. MANDERSON. I offer the following amendment, to come in on page 105, after line 2572:

For payment of sixty-five printers regularly employed on the CONGRESSIONAL RECORD, $90 each, for time unemployed during the present session, $5,850.

Mr. ALLISON. I want to suggest to the Senator from Nebraska that that is a proper thing for the deficiency bill, for if it is anything it is a deficiency for the last fiscal year. I hope the Senator will not offer it on this bill.

Mr. MANDERSON. If I can have any assurance from the chairman of the Committee on Appropriations that it has received or will receive the consideration of his committee I shall accept his suggestion. I introduced it as an amendment to the sundry civil bill, and as such it went to the Committee on Printing and received their approbation.

Mr. ALLISON. I can assure the Senator it has received already quite a considerable consideration at the hands of the Committee on Appropriations.

Mr. MANDERSON. Favorably?

Mr. ALLISON. We had it in and out once or twice. We have had

a great deal of discussion concerning it; but I think its present status is that it is not in the bill.

Mr. MANDERSON. I am afraid if offered to the deficiency bill that it would be subject to a point of order that will not be raised here. It is offered as an amendment to the sundry civil bill.

Mr. ALLISON. I will agree for one to waive the point of order.

Mr. HOAR. Let there be unanimous consent that this amendment may stand in relation to the deficiency bill as it now stands in relation to this bill.

Mr. HALE. The invariable practice of the Committee on Appropriations is where an amendment is referred to that committee to be considered in connection with the sundry civil bill it is proper as a deficiency to consider it on that bill and to consider that it is not subject to the point of order.

The PRESIDENT *pro tempore*. Does the Senator from Nebraska withdraw his amendment?

Mr. ALLISON. No point of order shall be made.

Mr. MANDERSON. I ask unanimous consent that the point of order shall not be made when I offer the amendment to the deficiency bill.

The PRESIDENT *pro tempore*. That is understood.

Mr. DOLPH. I move to amend, on page 50, after line 1211, by inserting:

For the establishment of a salmon hatchery upon the Columbia River, its tributaries, or their branches, and for the current expenses of the same for one year, $15,000.

The question being put on the amendment, the Chair declared that the "noes" appeared to prevail.

Mr. DOLPH. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

Mr. CULLOM (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS].

The roll-call was concluded.

Mr. PLUMB (after having voted in the negative). I am paired with the Senator from Alabama [Mr. MORGAN], and withdraw my vote.

Mr. MCMILLAN. My colleague [Mr. SABIN] is detained from the Senate by illness.

Mr. KENNA. The Senator from Nevada [Mr. FAIR] is paired on this question with the Senator from Minnesota [Mr. SABIN]. My colleague [Mr. CAMDEN] is paired with the Senator from Rhode Island [Mr. ALDRICH].

The result was announced—yeas 29, nays 17; as follows:

YEAS—29.

Blair,	Harrison,	Manderson,	Teller,
Butler,	Hawley,	Miller,	Van Wyck,
Call,	Hearst,	Mitchell of Oreg.,	Vest,
Dolph,	Hoar,	Ransom,	Walthall,
Evarts,	Jones of Arkansas,	Riddleberger,	Wilson of Iowa.
Frye,	Jones of Nevada,	Sawyer,	
George,	McMillan,	Sewell,	
Gray,	Mahone,	Spooner,	

NAYS—17.

Allison,	Coke,	Harris,	Sherman,
Beck,	Dawes,	Kenna,	Whitthorne.
Berry,	Gibson,	McPherson,	
Blackburn,	Gorman,	Maxey,	
Cockrell,	Hale,	Platt,	

ABSENT—30.

Aldrich,	Cullom,	Mitchell of Pa.,	Sabin,
Bowen,	Edmunds,	Morgan,	Saulsbury,
Brown,	Eustis,	Morrill,	Stanford,
Camden,	Fair,	Palmer,	Vance,
Cameron,	Hampton,	Payne,	Voorhees,
Chace,	Ingalls,	Pike,	Wilson of Md.
Colquitt,	Jones of Florida,	Plumb,	
Conger,	Logan,	Pugh,	

So the amendment was rejected.

Mr. PLUMB. On page 60, line 1452, I move to strike out of that paragraph all succeeding the word "dollars."

The Chief Clerk read the words proposed to be stricken out, as follows:

All fees collected by registers or receivers, from any source whatever, which would increase their salaries beyond $3,000 each a year, shall be covered into the Treasury.

Mr. PLUMB. I will state briefly in regard to it that this provision does not work a limitation upon the salaries of receivers. The only possible effect of it is to take away from them the fees which are paid by contestants in land contests, and which now they use to pay for clerk-hire for the doing of the work necessary to carry on the contests. In all the land districts of the United States where there are many contests of entries the work is behind. If this provision remains in the bill the contests can not be heard, and they are not only burdensome to claimants themselves, but they result in the holding of a very large amount of public land from settlement and use because of the doubt about the title.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas.

The amendment was agreed to.

Mr. ALLISON. I desire to say one word and then offer an additional amendment.

The Secretary of the Treasury and the Treasurer of the United States wrote me a day or two ago that if the provision with reference to small silver certificates should prevail the issue and distribution of these certificates would be from the subtreasury in New York, and that it would be absolutely necessary to increase to a small extent the clerical force there. I ask now to offer an amendment increasing the clerical force, after line 1083, by inserting:

For additional clerical force for the assistant treasurer at New York, $6,400, or so much thereof as may be necessary.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (H. R. 3186) to declare a forfeiture of lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company, to confirm title to certain lands, and for other purposes; in which it requested the concurrence of the Senate.

REPORT OF A COMMITTEE.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. 2871) for the relief of Semon, Bache & Co., reported it without amendment.

HOUSE BILL REFERRED.

The bill (H. R. 3186) to declare a forfeiture of lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company, to confirm title to certain lands, and for other purposes, was read twice by its title, and referred to the Committee on Public Lands.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I ask unanimous consent—I suppose there will be no objection—to take up the general deficiency appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9726) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1886, and for prior years, and for other purposes.

Mr. HALE. I ask that the formal reading of the bill be dispensed with, and that then the amendments of the Committee on Appropriations be first acted on as recited in the reading.

The PRESIDENT *pro tempore*. The Chair hears no objection to that suggestion, and that order is agreed to.

Mr. CULLOM. I move that the Senate adjourn.

Mr. BLAIR. I desire to say to the Senate that on Monday morning I will ask part of the morning hour to attend to pension legislation.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that the Senate adjourn.

The motion was agreed to; and (at 10 o'clock and 31 minutes p. m.) the Senate adjourned until Monday, July 26, 1886, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July* 24, 1886.

The House met at 11 o'clock a. m. Prayer by Rev. Dr. BULLOCK, of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

FURLOUGHS, INTERIOR DEPARTMENT.

The SPEAKER laid before the House a communication from the Secretary of the Interior in reply to a resolution of the House asking for information in regard to leaves of absence and furloughs of employés in that Department; which was referred to the Select Committee on Reform in the Civil Service.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. WALLACE, for three days, on account of important business.

To Mr. OWEN, until Tuesday next, on account of sickness.

To Mr. O'NEILL, of Pennsylvania, until Monday.

To Mr. MCKINLEY, for three days, on account of important business.

To Mr. WHITE, of Pennsylvania, for four days, on account of important business.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that

they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 901) to grant to the Astoria and Winnemucca Railroad Company the right to construct bridges over navigable waters.

VETO MESSAGE—MARY ANDERSON.

Mr. SAWYER, from the Committee on Invalid Pensions, submitted a report from that committee upon the bill (H. R. 7436) granting a pension to Mary Anderson, vetoed by the President; which was ordered to be printed in the RECORD.

Mr. SAWYER, from the Committee on Invalid Pension, submitted the following report:

[To accompany bill H. R. 7436 and Ex. Doc. 322.]

The Committee on Invalid Pensions, on a review of the case, would submit the following statement of the facts:

The claimant is the widow of Richard Anderson, who at the time of his death was receiving a pension on account of chronic diarrhea contracted in the service. On the day of his death he was at Sparta, Wis., by order of the Commissioner of Pensions, for examination by a board of surgeons on his application for an increase of pension. The surgeon's report in relation to his condition on that day is as follows, to wit:

"Soldier's pulse soft and compressible; tongue red, smooth, and glossy, with deep lines extending through and over it; muscles soft and flabby; abdomen at present distended and tympanitic, with some tenderness upon pressure; that there is at present considerable gaseous rumbling; find external hemorrhoids; that soldier appears poverty stricken, and evidently can not labor at all. His hands are soft, and he states that he has almost lost all control of his bowels, which statement the examining surgeons credit from the condition of his clothing and person, and rate him total third grade."

This shows a pitiable condition indeed; a condition resulting from his faithful service in the defense of his country, for his military record shows that he was a brave and faithful soldier during the whole war of the rebellion.

Your committee are reliably informed that said Richard Anderson was and had been for about five years before the commencement of the war a soldier in the regular Army of the United States, and at the breaking out of the rebellion was stationed in Texas, under the command of General Twiggs; that when that officer joined the rebellion, Anderson with many other private soldiers refused to do likewise, and worked their way north, and reported to the United States military authorities, and served from that time faithfully in the Army of the United States until peace was declared.

The President is of opinion that the circumstances indicate that Anderson committed suicide. In this we are of opinion, first, that there is no evidence even in the circumstances to indicate that such was the case, and, second, if it is true that he committed suicide, it was under such circumstances as to show that he was in irresponsible condition of mind caused by his disease contracted in the service and in the line of duty.

That there is no circumstance indicating suicide we submit is established from the facts known and set forth in the original report of this committee. That report sets forth that—

"He was, in consequence of his disability, so weak at the time he started to Sparta as to make it unsafe for him to go alone. He arrived in Sparta in the evening, reported to the examining surgeons at 9 p. m. for examination, in order to take the morning train home. When the examination had taken place it was so late that the hotels had been closed, and he went to the depot of the railroad and was in the room of the night operator, where he sat for a few moments; having occasion to go out some time in the night, in the morning he was found dead, supposed to have been struck by a passing freight train."

This is all that is known of the manner of his death. Is there anything in these circumstances that indicate suicide? We think not. He was, as shown by the surgeon's report, very weak and sick, in a most deplorable condition. Is it not much easier to believe that his death was caused by his condition rendering him unable to get out of the way—a condition which undoubtedly existed, and which originated in the service in the line of duty, and which, we think, was the cause of his death by rendering him incapable of taking care of himself while obeying the order of the Pension Office in presenting himself before the surgeons at Sparta for examination.

Second. If the President is right in his supposition of the cause of death, we think the case is still stronger for the granting of a pension, and it appears to your committee that under the unbroken decisions of the Secretary of the Interior, the Pension Office under such circumstances should have granted the application of claimant for a pension. The man was in such physical condition as to show that his mind was enfeebled and probably dethroned; that suicide, if it occurred, was the act of a diseased mind, caused by a terribly diseased and enfeebled body. Claimant is entitled to this presumption, if presumptions are to be indulged in.

The following decisions of the Interior Department will show the usual rulings of the Government in relation to presumption of facts, to wit: Pension laws should be construed and executed in the liberal and generous spirit which prompted their enactment, and when doubts can not be resolved by evidence, presumptions should incline towards the claimants; following this view in the case of a man who was found dead in his tent with a bullet wound in the head, the fact that he committed suicide can not be presumed, it must be proved before the claim of his widow for pension can be rejected. (Vimont, Mary Jane, application No. 65251; Harlan, James, Secretary, January 17, 1866, vol. 1, page 50; Benner, Mary A., application No. 137738; Delano, C., Secretary, January 29, 1874, vol. 3, page 94); and so if it is presumed that he committed suicide, it should under the circumstances in this case be presumed that his disease made him insane.

The claimant and her family of eight little children are, as the message of the President admits, in a pitiable condition. He says: "His wife and family present pitiable objects for sympathy." As your committee are still of the opinion that the death of the soldier is fairly attributable to his military service; that his disease, contracted in the service, was such that it either rendered him too weak to avoid destruction by the passing train, or deprived him of reason whereby he, in a demented or crazy condition of mind, threw himself under the train, and that if his death had thus occurred he could not have long survived.

The committee believe that the pitiable condition of the claimant should be relieved, and therefore recommend that the bill do pass notwithstanding the objections of the President.

[House Ex. Doc. No. 322. Forty-ninth Congress, first session.]

Message from the President of the United States, returning House bill No. 7436, with his objections thereto.

To the House of Representatives:

I return herewith without approval House bill No. 7436, entitled "An act to grant a pension to Mary Anderson."

This claimant is the widow of Richard Anderson, who at the time of his death was receiving a pension on account of chronic diarrhea contracted in the service.

On the 7th day of February, 1882, the deceased pensioner went to Sparta, in the State of Wisconsin, to be examined for an increase of his pension. He called on the surgeon and was examined, and the next morning was found beheaded on the railroad track under such circumstances as indicated suicide.

The claim of the widow was rejected by the Pension Bureau on the ground that the cause of the death of her husband was in no way connected with his military service.

His wife and family present pitiable objects for sympathy, but I am unable to see how they have any claim for a pension.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 23, 1886.

[H. R. 7436. Forty-ninth Congress, first session.]

An act to grant a pension to Mary Anderson.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Anderson, widow of Richard Anderson, late a private in Company I of the Seventeenth Regiment of Wisconsin Volunteer Infantry.

JOHN G. CARLISLE,
Speaker of the House of Representatives.
JOHN SHERMAN,
President of the Senate pro tempore.

I certify that this act originated in the House of Representatives.
Attest:

JNO. B. CLARK, JR., *Clerk.*

ORDER OF BUSINESS.

Mr. RANDALL. I demand the regular order.

Mr. HERBERT. I move that the House resolve itself into Committe of the Whole on the state of the Union to consider the special order fixed for to-day, the bill providing for an increase of the naval establishment.

Mr. COBB. I want to raise the question of consideration upon that bill with a view to taking up the Northern Pacific land grant.

Mr. RANDALL. The Committee on the Public Lands will have to-night.

Mr. COBB. I raise the question of consideration.

The SPEAKER. The question of consideration can not be raised in that way to defeat the consideration of this bill. The only way to do that is to refuse to agree to the motion to go into Committee of the Whole House on the state of the Union.

Mr. DINGLEY. I desire to ask the gentleman from Indiana a question in connection with this matter [cries of "Regular order!"] whether or not under the rules of the House the question of land forfeitures may not be taken up at any time [cries of "Regular order!"], and the naval bill has only to-day?

The SPEAKER. The regular order is demanded on all sides of the House.

The motion of Mr. HERBERT was agreed to; there being on a division—ayes 88, noes 27.

Mr. PAYSON. Before the House formally resolves itself into Committee of the Whole, I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYSON. Has the Committee on Rules reported any resolution giving the Committee on Public Lands the session for this evening?

The SPEAKER. It has not.

Mr. PAYSON. I understood the gentleman from Pennsylvania to say that the Committee on the Public Lands would have to-night.

Mr. RANDALL. I did not say the Committee on Rules had reported it back; but the House by its vote on yesterday fixed to-night for that committee.

Mr. PAYSON. But I understand it requires a report from the Committee on Rules.

Mr. RANDALL. I did not say it had been reported.

Mr. PAYSON. I know the gentleman did not state that, but I understood him to say that the committee would have to-night.

Mr. RANDALL. I said so. The House has fixed this evening by its vote on yesterday for that business.

The SPEAKER. The Chair will state that the Committee on Rules could make no change in the resolution which instructed them to do a certain thing. If there be no objection, the order will be made now.

Mr. PAYSON. My inquiry was whether the committee had or had not acted in pursuance of the order of the House.

The SPEAKER. The Chair will again state that the Committee on Rules, if they had a meeting, could do no more than report back the resolution under the instructions.

Mr. RANDALL. The understanding was that at some time during the day the Committee on Rules would obey the order of the House.

Mr. ANDERSON, of Kansas. Why not do it now?

The SPEAKER. It will be done some time during the day.

INCREASE OF NAVAL ESTABLISHMENT.

The House, in obedience to the vote just taken, resolved itself into Committee of the Whole on the state of the Union, Mr. CRISP in the chair.

The CHAIRMAN. The Clerk will report the title of the bill which is a made a special order for to-day.

The Clerk read as follows:

A bill (H. R. 6664) to increase the naval establishment.

Mr. HERBERT. I ask unanimous consent to dispense with the first formal reading of the bill.

There was no objection, and it was so ordered.

Mr. HERBERT. Mr. Chairman, the development in the art of making war at sea in the last twenty years is simply wonderful.

We all remember the bombardment of Alexandria by the British fleet in 1882. Stone forts like ours at Boston and New York afforded no protection. Before modern artillery they were as if made of cardboard.

Two years ago, in the Minn River, China, the Chinese fleet was attacked by the French under Admiral Courbet. The Chinese had eleven vessels, mounting forty-five guns. The French fleet was about twice as strong. It was thoroughly modern—ships, guns, and torpedoes. The Chinese were anchored under their forts.

Lieutenant Osterhaus, who witnessed the battle, in his report, says:

In less than half an hour the entire Chinese fleet was destroyed, and all that could be seen of the fine fleet were hulks in flames or sunken vessels.

It was simply a massacre. The loss of the French was seven men. The loss of the Chinese from eight hundred to fifteen hundred.

Against such a fleet as the French had in that battle our ships now in commission would be utterly worthless.

As a fair sample of our Navy I may state that the Alliance, one of the eight wooden ships suddenly built when we were in dispute with Spain about the Virginius affair in 1873, recently refitted and furnished with new engines, has just reported her speed as 9 knots an hour. A first-class modern cruiser makes 18 knots. Even an armored vessel makes 16 and 17. In all our Navy we have but one that makes 13 knots—the Trenton.

The truth is that our Navy could neither run away nor fight. We have not afloat a single high-power gun—not a gun that could pierce the armor of the Brazilian steamer Riachuelo. This vessel carries four 9-inch and four smaller modern breech-loading rifles. She is protected by armor 10 to 11 inches thick and makes over 16 knots an hour.

At sea, against any of our vessels or all of them, she could choose absolutely her own distance for battle. It is humiliating to say it, but if all this old navy of ours were drawn up in battle array in mid-ocean and confronted by the Riachuelo it is doubtful whether a single vessel bearing the American flag would ever get into port. And if in the *mêlée* and the chase which followed some ship by leaving its fellows should escape into port, the Brazilian could follow and destroy it under the guns of any fort we have. We have not even a safe harbor of refuge for a fleeing vessel.

Mr. Chairman, your committee having this matter in charge have been deeply impressed with the defenseless condition of our country. If we could believe that the days of war had passed we would be glad to abolish our Naval Academy, discharge our naval officers, on some terms that would be just to them, make a bonfire of such of our vessels as we could not sell, and go home and tell our constituents we had economized. For one, I believe unless we are prepared to take steps to render our Navy more efficient, which it is not now either for purposes of peace or war, we ought to abolish it.

Your committee were not ready to recommend this step, so we framed with care a bill to increase our naval establishment and brought it into this House on the 10th of March.

Every President this Government ever had, from Washington down to the present day, recognized the necessity of putting the country in a condition to resist attacks by sea. I will not stop to quote from them all.

In his annual message December 2, 1834, Andrew Jackson said:

The wide seas which separate us from other governments must of necessity be the theater on which an enemy will aim to assail us; and unless we are prepared to meet him on this element we can not be said to possess the power requisite to repel or prevent aggressions. We can not, therefore, watch with too much attention this arm of our defense or cherish with too much care the means by which it can possess the necessary efficiency and extension.

Here is Jackson advising Congress to "cherish" the Navy in order that we may be prepared to "repel or prevent aggressions," and here we have had a distinguished gentleman on this floor arguing that we ought not to consider a bill to increase that Navy even in its present pitiable plight, because "we do not represent a timid people." Let me commend also to the consideration of this House the words of President Tyler, who in his first annual message said:

It is due not only to the honor but to the security of the people of the United States that no nation should be permitted to invade our waters at pleasure and subject our towns and villages to conflagration or pillage. Economy in all branches of the public service is due from all the public agents of the people, but parsimony alone could suggest the withholding of the necessary means for the protection of our domestic firesides from invasion and our national honor from disgrace. I would most earnestly recommend to Congress to abstain from all appropriations for objects not absolutely necessary, but I take upon myself without a moment of hesitancy all the responsibility of recommending the increase and prompt equipment of that gallant Navy which has lighted up every sea with its victories and spread an imperishable glory over the country.

All our recent Presidents have recommended the increase of our naval establishment. President Cleveland is very emphatic. He says in his message:

All must admit the importance of an effective navy to a nation like ours, having such an extended seacoast to protect. And yet we have not a single vessel of war that could keep the seas against a first-class vessel of any important power. Such a condition ought not longer to continue. The nation that can not resist aggression is constantly exposed to it. Its foreign policy is of necessity weak, and its negotiations are conducted with disadvantage, because it is not in condition to enforce the terms dictated by its sense of right and justice.

The recent patriotic letter of our great statesman Mr. Tilden, too, is fresh in our minds.

But it is urged with great persistency that we ought not to expend money in building a navy because improvements are constantly being made in the material of war.

But ships to go to sea will always be necessary. In shape there has been little change since the days of the Phenicians. We build them stronger and larger, but the limit of practicable size seems to have been reached and passed long ago in the Great Eastern. We build them of better material, but are we now to stand still until some other substance shall supplant steel? Improvements are still going on in the application of motive power, but what gentleman here is willing to leave our seacoast undefended while he waits for something to supersede steam?

Again, guns as offensive weapons, heavy guns for long range and lighter guns for rapid firing at close quarters, must always be in use. Torpedoes may and I think will become more effective for some purposes, but guns will probably never be superseded. In fact there has, strictly speaking, been no revolution in the art of war, simply a development; and in the opinion of the best authorities the advance has reached a point beyond which the development is not likely to be so rapid as in the past.

But if this argument, that we must not build ships and guns and torpedoes at this time because the future will develop something superior to what we know of at present, is good now it will always be good; for improvements will continue till human ingenuity shall fail. Washington, Adams, Madison, Monroe, Jackson, Polk, and Pierce listened to no such argument as this. They waited not on other nations, but took the lead in developing and improving ships and guns and fortifications. They held themselves always in readiness to defend and maintain the rights of our fellow-citizens, native and adopted, at home and abroad.

What American is there who does not remember with pride how in 1853 the gallant Captain Ingraham saved Martin Kostza from an Austrian prison? When the liberties of this foreigner, who was not even an adopted citizen, but had simply declared his intention to become such, were endangered, there was an American ship to offer him refuge and the American flag to welcome and protect him.

It was the old Democratic idea that while a large standing army was dangerous to the liberties of the citizen, an efficient navy was the right arm of the nation.

It was its broad policy, its bold aggressiveness, its ever readiness, with the will and the means to defend our rights, that attracted to the standard of Democracy equally the generous youth of the land and the liberty-loving foreigner who sought our shores. If we who belong to this grand old party were looking no further than to party advantage, the same elements are with us to-day and the same reasons would impel us to a similar policy.

But, Mr. Chairman, this is not and ought not to be made a party question. I have seen some indications here that there was a disposition on the part of a few gentlemen on the other side of this Chamber to put impediments in the way of this bill in order, as it occurred to me, that party capital might be made by reason of a failure of the Democratic majority here to answer the demands of the country; but, sir, I can not believe that any such motives will actuate gentlemen, now that the question is up for consideration. This bill is not for party, but for the country—a bill for the "common defense"—the great purpose for which the Union of these States was formed. It is a reasonable bill and both sides must be for it. The Republicans have been demanding an increase of our naval establishment, they claim to be friends of the Navy; and as for Democrats, they certainly will not desert the traditions of their party.

I have said, sir, that this bill was reasonable. It provides for a very moderate increase. Our Government has never sought to have the largest navy in the world. Our insulated position always gave us advantages which rendered this unnecessary; but it was deemed essential by the statesmen of the past that we should keep pace with all the improvements in maritime warfare, that our ships should be among the best that floated, that our guns should be equal to any in the world, and that we should demonstrate our capacity rapidly to increase our Navy to any required extent. All this we accomplished.

It is now just thirty years ago since we put in commission four ships which with their guns were superior to anything that floated—the Wabash, the Merrimac, the Niagara, and Minnesota. The Wabash went to England and became the sensation of the day. English sailors and merchants and ship-builders crowded her decks.

The Prince of Wales came down to see the vessel and the guns which proclaimed that America was foremost among nations—not in the number, but in the character of her ships and their armament.

Why should we abandon the policy approved by the statesmen of the past? What security have we against the recurrence of war?

Our true policy is peace, but a defenseless nation often finds it difficult to maintain its neutrality in time of war. It was the violation of our rights as a neutral that forced us into the war of 1812. In case of war now between Great Britain and any other great maritime power our immense carrying trade, most of which is at present in foreign bottoms, would seek our flag, and I ask gentlemen to think—how could we protect it without a navy?

Sir, even while I speak there are unsettled questions with Canadian fishermen. These questions are not without their dangers. To add to the complication the English doubtless feel some offense at the sympathy shown by Americans for the Irish in their struggle for home rule.

And it was only last year we had occasion to use our Navy on the Isthmus of Panama. Great Britain claims treaty rights and Frenchmen have interests there. What if France or England had forbidden our interference and war had resulted? Sir, it is not too much to say that our Navy would go down before that of France or England or Germany or Italy in half an hour, like that of China before Admiral Courbet.

War in this age of steam is short, sharp, and terrible. Austria was defeated at Sadowa, seventeen days after her emperor had issued his war manifesto. Napoleon III surrendered himself with one hundred thousand men at Sedan within forty-seven days after he had declared war against Prussia.

If a naval descent upon our coast cities were planned it would come almost like the lightning. It would be upon us before breakfast.

Sir, I can not understand gentlemen who shut their eyes upon the lessons of experience and philosophize themselves into the belief that war will never come again.

Twenty-six years ago I listened to a great orator theorizing in that manner. He was the most eloquent man I ever heard. He stood by a cotton bale, which was on end before him, as he spoke. He was arguing that secession would be peaceable; that there would be no war; that Europe could not afford to let the North coerce the South. After discoursing eloquently upon the distress that would come upon the industrial world if the supply of cotton should be cut off by a blockade he brought his hand down upon it and proclaimed with triumphant emphasis, "This cotton bale will command the peace."

Within four years and a half mighty armies had swept over the spot where he spoke, leaving death, desolation, and despair behind them, and the great orator had sunk broken-hearted into his grave.

The old Democratic idea, as expressed by James K. Polk, was that our Navy should be increased in proportion "to the growing interests to be protected" by it.

Let us contrast our present expenditures with those made thirty years ago for the Navy.

In 1856 our population was 27,000,000, our exports and imports combined six hundred and twenty-five millions, and our wealth eleven and a half billions of dollars. That was the day of wooden ships and cast-iron guns. Our expenditures for the Navy in that year were $14,074,000. And this was not an exceptional expenditure. The appropriations for the Navy were more than fourteen millions in 1858 and more than fourteen millions in 1859.

Now in this day of steel ships and steel guns, incalculably more expensive, with a population of 55,000,000, with exports and imports combined amounting to thirteen hundred and seventy-two millions, and wealth equal to $54,000,000,000—in other words, when our population has more than doubled, our exports and imports more than doubled, and our wealth quintupled, we have just passed in the House a bill appropriating for the expenses of the Navy less than $13,000,000.

If we should carry out President Polk's idea and increase our naval establishment in proportion to the magnitude of the interests to be protected (and certainly a due proportion of all this increase is in the cities on our coast), we should spend on the Navy more than $28,000,000. This would give us for the increase of the naval establishment $15,000,000 per annum.

Sir, it would be an easy matter to put our Navy back where it belongs, to give it that place among the navies of the world assigned to it by the wise statesmanship of the past. We have but to make moderate appropriations from an overflowing treasury, avail ourselves of the experience of other nations, the results of which are all at hand, and rely on the enterprise and talent of our people. In no other field has American genius shone more conspicuous than in fashioning material of war. Look back at some of its achievements.

In 1861 the confederates, almost without workshops, armored the Virginia, and hearing of the progress of the work on that vessel, in ninety days the Federals built the Monitor to match it.

The noise of the conflict between these two vessels in Hampton Roads reverberated around the world and as the echoes came back to us they were mingled with the sound of the hammers that had been set going in the workshops of Europe. From these two American inventions and from the development of the torpedo by the confederates have come the modern ship of war and the modern torpedo. The Yankee has make the best pistols, the best small-arms, and the best rapid-firing guns in the world, the Gatling and the Hotchkiss. And see what we have already accomplished in ordnance here at the navy-yard in Washington. We have only just begun, and yet we are making guns which are not copies of, but improvements upon, the best guns in the world. The highest velocity ever imparted to a projectile from a 6-inch gun was obtained from a piece tested at Annapolis on the 30th of last March.

If we are ever to undertake the work of rehabilitating our Navy we ought to begin it now, in a time of profound peace. Every step ought to be taken with great care and deliberation. The modern vessel, like the modern gun, is a work of high art. To plan it in detail is a great labor and requires time and patience; to build it requires time and patient labor.

The act of March 3, 1883, authorized the construction of three cruisers and a dispatch boat. These were the first modern vessels ordered by Congress. Secretary Chandler began at once to devise them. On the 28th of April he advertised for offers. The contracts were closed in July, 1883, and the vessels were to be built all within eighteen months, and still these ships (the Chicago, Boston, Atlanta, and Dolphin) are not completed. They will all, however, be ready for sea before March next—that is, within four years from the passage of the act authorizing them. The $186,000 necessary to their completion is carried in the annual appropriation bill. The delays in the construction of these ships, those which occurred before the failure of the contractor, resulted from alteration of plans after the vessels were begun. This has been a frequent cause of delay in the construction of such vessels.

A careful study of the history of recent naval ship-building in England shows that delays in the construction of modern vessels are inevitable. They occur if not in maturing plans, then certainly afterward in altering them. The Ravensworth report sets this forth clearly.

The act of March, 1885, authorized the construction of two more cruisers and two gunboats and appropriated for that purpose $1,895,000. With the experience before him gained from the construction of the Boston, Chicago, Atlanta, and Dolphin the new Secretary went very carefully to work. His purpose has been to perfect plans before giving out work. He believes it is better that delays should occur before than after construction begins, and he hopes by taking great pains with plans to avoid the necessity for alterations. It therefore results that invitations for proposals have not yet been advertised. Such advertisements, however, will be out in a few days. One of these vessels the Secretary proposes to build after the plans of the Nani-wa-kan, a 4,000-ton cruiser, recently built by an English firm for the Japanese Government. This vessel is the fastest of her class in the world, making 18.9 knots an hour. It is the last and best result of twenty years of costly experience in the building of metal ships in England. The Secretary bought from the builder the plans and working drawings all complete.

With one accord American ship-builders and their designers, who have examined these plans approve the project, and they believe that, having these plans to work from, we will hereafter improve upon them. Utilizing information gained from the experience of other nations is precisely what we have already done in our Ordnance Bureau, and it is the theory upon which the Navy Department has always proceeded—that to be abreast of the times we should have accurate knowledge of all improvements abroad. It is what every engine-builder and ship-builder in this country does. Prior to 1882 each bureau in the Navy Department obtained this information for itself. March 23, 1882, Secretary Hunt established the office of Naval Intelligence. Secretary Chandler continued and fostered it, and Secretary Whitney has still further utilized it.

I feel sure that the result will vindicate the wisdom of the Secretary's course.

Your committee does not believe, as I have before said, that we are called upon to build a navy equal to that of England or France. At the same time we should not utterly disregard what has been done and is doing elsewhere. We do not believe we have yet passed entirely beyond the wisdom of President Polk, who in his first annual message December 2, 1845, said:

> Considering an increased naval force, and especially of steam-vessels, corresponding with our growth and importance as a nation and proportioned to the increased and increasing naval power of other nations of vast importance as regards our safety and the great and growing interests to be protected by it, I recommend the subject to the favorable consideration of Congress.

Let us look a moment at the fleets of other nations. Great Britain has available, armored and unarmored vessels, including torpedo boats and all other classes:

Armored	50
Unarmored	286
Total	336

FRANCE.

Armored	47
Unarmored	261
Total	308

ITALY.

Armored	14
Unarmored	46
Total	60

RUSSIA.

Armored	31
Unarmored	154
Total	185

GERMANY.

Armored	26
Unarmored	70
Total	96

SPAIN.	
Armored	7
Unarmored	135
Total	142
AUSTRIA.	
Armored	13
Unarmored	31
Total	44
HOLLAND.	
Armored	23
Unarmored	115
Total	138
DENMARK.	
Armored	6
Unarmored	53
Total	59
NORWAY.	
Armored	4
Unarmored	28
Total	32
SWEDEN.	
Armored	14
Unarmored	43
Total	57
TURKEY.	
Armored	18
Unarmored	82
Total	100
GREECE.	
Armored	2
Unarmored	23
Total	25
PORTUGAL.	
Armored	1
Unarmored	25
Total	26
BRAZIL.	
Armored	11
Unarmored	23
Total	34
ARGENTINE REPUBLIC.	
Armored	4
Unarmored	20
Total	24
MEXICO.	
Armored	2
Unarmored	3
Total	5
HAYTI.	
Unarmored gun-vessels	4
CHILI.	
Armored	3
Unarmored	7
Total	10
CHINA.	
Armored	3
Unarmored	46
Total	49
JAPAN.	
Armored	4
Unarmored	25
Total	29

This list comprises only those now available for service—not those that are being built nor those unserviceable. *And still these nations are building other vessels.*

When the committee had decided to recommend a further increase the next question was what vessels we should recommend and how should we build them. None of us claim to be experts. So we took the testimony of ship-builders and naval officers and of the Secretary of the Navy, and we consulted the best authorities. The vessels we recommend the construction of are those in favor of which we found a decided preponderance of testimony. I think I may say the committee were all agreed as to the class of vessels we should construct.

Since the bill was reported, finding that the appropriation proposed was larger than many members of this House were willing to vote for, and that the number of vessels proposed was greater than the House seemed disposed to authorize, the committee have empowered me to propose a substitute. Every member of the committee agrees, as I understand it, that every vessel mentioned in the substitute ought to be built; that they all should be constructed in the manner provided in the substitute. In other words, we all agree on all that is in the substitute, but the minority think that we should build more vessels.

In explanation of the action of the majority I have this to say: We have not changed our views. It is, I am sure, the individual opinion of each of us that it would have been well to pass the bill as originally reported. But we recognize the fact that as a committee we are but the organ of the House, and that it is our duty when principle is not involved, and the question is one simply of the amount of money to be expended on an enterprise, to frame a bill that will accord with the sentiment of the House. This we have done willingly and without reservation because we most sincerely desire to increase our naval establishment.

I appeal most earnestly to every friend of the Navy on this floor, Democrat and Republican, to every one who really desires to increase the Navy, to stand by the committee on these amendments and on this bill. Remember that there is not a ship or a boat in the substitute that does not have the assent of every member of the committee, Democrat and Republican. Every one here knows that at this stage of the session and in the present temper of the House it will be an easy matter, if members so desire, to defeat the bill by loading it down with amendments. I sincerely trust that the friends of the measure will see to it that this is not done. It can be defeated by parliamentary tactics, but the country will know who does it. If Democrats defeat it the responsibility will be on them. If Republicans do it they must take the responsibility.

Mr. Chairman, I shall not take time here to repeat what is said in the report in explanation of the class of ships we recommend. But in view of what was said by the gentleman from West Virginia [Mr. GOFF] about the monitors of which we recommend the completion, I beg the indulgence of the House while I speak briefly to that point.

For myself I am free to say I began the investigation of the question what to do with these monitors with a prejudice against them. They had been begun as I believed without authority of law, and nearly $5,000,000 had been expended on them altogether. But we were all determined to do what was best and cheapest for the Government if we could ascertain it, and we concluded that as so much money had been expended upon them and as they would make effective coast-defense vessels when clad with modern armor, it was best to complete them. We did not conclude they would be the "finest of their class," as the gentleman from West Virginia [Mr. GOFF] stated in his speech on the naval appropriation bill. Here is what the gentleman said:

> Now, these much-abused vessels, these double-turreted monitors, the construction of which was commenced in 1874 and has been dragging along from that time to this with occasionally a small appropriation, and often none—these ships are to-day conceded by Secretary Whitney and the officers of the Navy Department to be the best ships of their class in the world. The Secretary of the Navy in his testimony before the Naval Committee concedes that these vessels, which have been thus shamefully treated for years, and referred to as worthless, as not fit to finish, are the finest of their class.

The gentleman is mistaken and must have quoted from memory. What the Secretary did say was as follows:

> By the CHAIRMAN:
>
> Q. Give us your opinion as to whether this Congress ought to appropriate money to complete these monitors.
>
> A. It would be my opinion that they ought. It was not my opinion originally when I first began to think about it. I think there has been considerable prejudice against these ships. They have been taken up piecemeal and carried on by little contracts and drawn on through a great many years, and I don't think perhaps in a business-like way. I think there is some prejudice against them from that. When you think what we have spent on those ships——
>
> By Mr. HARMER:
>
> Q. You base your opinion upon what their usefulness would be to the Navy?
>
> A. Yes, sir. We have already spent nearly $5,000,000, and they require about four million two hundred and odd thousand to complete. So, of course, it is not as if it were an original question.
>
> By Mr. NORWOOD:
>
> Q. How many ships?
>
> A. Five. As I have said, the Miantonomoh is nearly completed. She only requires about $200,000, and that entirely for her armament. I don't suppose for the expenditure of $4,000,000 you could expect to get the same amount of fighting qualities anyway other than by completing those ships, and that I suppose is about what the question is just now.
>
> By Mr. THOMAS:
>
> Q. Before you leave the Miantonomoh I would like to ask you if you have made a personal examination of these vessels, especially the Puritan.
>
> A. No; I have not.
>
> Q. You have examined the Miantonomoh?
>
> A. Yes, sir.
>
> Q. For the purposes for which they are intended, do you not regard them, if completed according to your proposed plan, *as first-class vessels?*
>
> A. *I suppose they would be quite formidable vessels.*
>
> Q. Would be successful vessels, as far as one can judge now, for coast and harbor defense?
>
> A. I should suppose so.

So here we see that the Secretary was distinctly invited by Mr. Thomas to say they would be "first-class vessels" and that he distinctly refused to say so, but answered, "I suppose they would be quite formidable vessels."

The views of the Secretary were shared by the majority of the committee. We recommend the completion of these monitors, not as an original question but because we believe that they will be quite formidable and effective coast-defense vessels. We may believe they were begun without authority of law, but we can not now remedy that. Neither is it profitable to discuss the question whether the work was extravagantly done. Nearly $5,000,000 have been expended upon them.

We think it economy to complete them. They will present a small surface as a target, they are admirable gun-platforms, and will carry heavy guns.

The turret system is still in favor. The British are now building two turreted ships, the Nile and the Trafalgar, but the turrets are different from those of our monitors, and in many other respects they are on widely different principles. We could never recommend, and not a single person that I know of has proposed, we should build new vessels like these monitors. But the overwhelming sentiment of naval officers is that as they are started it is economy to complete them; and such is the opinion of the naval boards which have examined them. There is one vessel in the substitute which was not in the original bill—the pneumatic torpedo cruiser. This is not explained in the report, and it is too important for me to pass it by. The inventor of the pneumatic gun seems to have solved the problem of projecting a dynamite bomb from a gun. It is done by using instead of powder compressed air as the motive power. The explosive shock from powder explodes the dynamite in the gun, and therefore powder can not be successfully used to propel bombs containing large charges of dynamite.

The pneumatic gun overcomes this difficulty, and the contractor guarantees to throw 200 pounds of dynamite at least a mile. The radius of destruction of such a bomb is claimed to be about 33 feet; that is, it is claimed that such a bomb exploding in the water within 33 feet of a vessel will destroy it. It is also claimed that compressed air is a more uniform motive power than powder; that the bomb thus thrown is superior to and cheaper than the Whitehead or any other torpedo, and the company guarantees that the boat it is to construct will make 20 knots per hour.

If these claims be well founded, and they seem to be, this pneumatic gun will become a leading feature in coast defenses. But it is believed that nothing will ever supersede entirely the necessity of having ships and guns for a navy. The substitute we offer for the bill carries only $3,500,000. It must be remembered that to plan and construct the vessels we propose will require nearly or quite four years. So that in estimating the cost of the vessels included in our proposed bill we must divide the appropriations into four parts. The limit to the final cost of the vessels the substitute carries is as follows:

First. Two sea-going armored vessels, to cost not more than $2,500,000 each	$5,000,000
Second. One protected double-bottom cruiser	1,500,000
Third. One first-class torpedo boat	100,000
Fourth. For the completion of the Puritan, Amphitrite, Monadnock, and Terror	3,178,046
Fifth. One dynamite pneumatic cruiser	350,000
Present bill	10,128,046
Add for the four vessels, under act of 1885, necessary to complete	1,100,000
Total necessary for vessels under both acts	11,228,046

The estimate of the chief of the Bureau of Ordnance for the armament of all the vessels in the bill, for the Miantonomoh, for which no armament has been provided, and for the four vessels under the act of 1885, likewise without any appropriation for armament, is as follows:

Vessels authorized by act of March 3, 1885:	
One cruiser (type of the Naniwa-kan)	$380,000
One cruiser, ordinary type, between 3,000 and 5,000 tons	315,000
One gunboat, 1,700 tons	190,000
One gunboat, 800 tons	90,000
The vessels now proposed:	
Two armored vessels carrying each four 10-inch and seven 6-inch guns	1,236,700
One large cruiser (say 6,000 tons) carrying four 10-inch and twelve 6-inch guns	625,000
Dynamite gunboat, secondary battery only, no torpedoes	62,600
Five monitors, including the Puritan	1,735,000
Total for all vessels authorized, including those in this bill	4,634,300

This includes main and secondary batteries, torpedo outfits, searchlights, defense-nets, and equipments complete.

Adding together the estimates required to complete all the ships I have mentioned and all their armaments and we have the sum of $15,862,346 to be spent in four years, which is less than four millions per annum. This is a liberal and an outside estimate, for the reason that if we pass this bill we shall allow our old ships to drop out. We will spend on them less money for repairs, and the annual appropriation bill, excepting out of it the items here estimated, would be less than thirteen millions. But counting it at thirteen millions and adding the four millions each year, the annual appropriations for all purposes of the Navy need not exceed seventeen millions. Even if we add, to be spent during these four years, one million for plant and another for torpedoes, our annual bill for four years would be only seventeen and one-half millions. The appropriation for 1876, ten years ago, was $18,963,309.82—in round numbers, nineteen millions. With one and a half millions less per annum we can in four years complete all the ships in this bill and all now authorized. For ten years prior to 1877, including that year, the appropriations averaged twenty-one millions.

As to the material of which we propose to construct these ships and how we shall procure it, I can not do better than to read from the report of the committee:

It will be seen that we propose in section 2 of the bill herewith reported that all the vessels "shall be built of steel of domestic manufacture, having a tensile strength of not less than 60,000 pounds per square inch and an elongation in 8 inches of not less than 25 per cent." Experience derived from the construction of the Chicago and other vessels recently provided for shows there will be no difficulty in procuring such steel, and that the competition therefor is likely to be considerable. Should there be any combination, however, in this or in any other matter against the Government, such a contingency is amply met by the provision in section 6 of the bill, giving the Secretary of the Navy power "to reject any or all bids made under the provisions" of the act.

The tests of tensile strength and elongation provided in section 2 are a little higher than those in use by the English, but will probably secure about the same quality of steel.

In section 4 of the bill it is provided that the armor used in constructing the armored vessels provided for, and in completing the monitors, *shall be of the best obtainable quality and of domestic manufacture, provided contracts for furnishing it in a reasonable time, at a reasonable price, and of the required quality can be made with responsible parties;* otherwise the Secretary may import it. The armor heretofore used in completing the Miantonomoh was imported. It is hoped, however, that in view of the very considerable quantity of armor required to carry out the purposes of this bill, responsible American firms may be induced to enter upon the work of making such armor as shall be needed. It is well known that such is the wish of the present Secretary of the Navy, who is invested with large discretion by this and other sections of the bill.

Your committee have not considered it prudent, in view of the fact that no such armor is now made in this country, to limit the Secretary in this matter absolutely to the American market. This would be to place the Government in the hands of those who might bid. We feel quite confident that if the Government, by the passage of the bill reported, shall enter upon the work of creating a respectable navy, holding out all the time such inducements to make armor-plates as are provided in this bill, the needed workshops will grow up along with the Navy. It is matter of history that all such great establishments as Whitworth's and Armstrong & Co.'s, in England; Schneider's, at Le Creuzot, in France, and Krupp's, in Germany, have been creatures of gradual growth. We hope to see such establishments in the United States at no distant day. Their existence is essential to our complete and perfect security. But the attempt to create such an establishment suddenly might prove to the Government a costly experiment.

As an instance of natural growth in this direction, we cite the Midvale Steel Works, in Philadelphia. These works made, first, steel for 6-inch guns equal in quality to the best English article. Next they produced steel for 8-inch, and now they will soon, it is believed, manufacture forgings for the construction of 10-inch guns. Side by side with, and as part of, this development, the Government shops in the navy-yard at Washington have progressed with the manufacture of guns, using steel imported from Whitworth's, in England when necessary, and that made at the Midvale Works when obtainable. In like manner your committee confidently hope that using competition as an aid and not in hindrance, the arts of forging heavy steel and of building guns and ships of war will, under the policy indicated in the bill of your committee, develop in America side by side, and that in a few years we shall have that feeling of national security which can only result from the conscious ability to beat back all invaders, whether they come by land or sea.

I will also read from the report as to

HOW THE SHIPS SHALL BE BUILT.

Another question your committee have considered with great care, was whether the ships provided for in the bill should be built by contract or in the Government yards. There seems to be no serious question as to having all repairs done in Government workshops. The difficulty of defining and valuing the work to be performed renders the contract system so impracticable that all important naval powers have repairs and refits done in their own shops. Some, as England, even establish government workshops in their colonies. The plant necessary for repairs and refits is almost, if not quite, sufficient for the construction of vessels; and navy-yards and docks are certainly in better condition to do such work when also engaged in construction.

The bill reported, therefore, provides that one or more of the new vessels contemplated by the bill shall be constructed in one or more of the navy-yards of the United States. Power is also given to the Secretary to build or complete in Government workshops all the vessels included in the bill, in case it shall become apparent to him that contractors have made a combination against the Government. *This provision will, it is believed, operate as a security for the Government, and will at the same time result in having most of our naval vessels procured by contract.* The weight of evidence is that contract ships are cheaper; but there is some very strong testimony tending to show that Government-built ships are better.

In a table recently prepared by Maj. W. A. Jones, Engineer Corps, United States Army, it appears that the annual cost of repairs per ton of hull of British naval vessels built by contract is £1.2 per annum, and of vessels built in the Government dock-yards the cost is £0.08; but the report of a special mixed committee appointed by the English admiralty in 1884, to inquire into the building and repair of ships, known as the Ravensworth committee, recites that the unanimous testimony of witnesses was that the quality of contract work in the construction of ships "as performed under admiralty supervision" was "in no way inferior to that performed in the dock-yards." Ships have heretofore been built in England, almost in equal numbers, by contract and in the Government dock-yards. This committee also found that it was "expedient to extend the practice of building ships of war by contract."

One of the desirable results to follow from this policy, with us, will be the encouragement of private building of naval vessels, and the consequent multiplication of the means of rapidly increasing our naval strength in case of need.

I read now another extract from the report, showing that as the responsibility is with the Executive Department, and as we desire to utilize all the mechanical genius of the country, we have given the Secretary a discretionary power over contracts:

The general policy pursued in framing the bill reported by the committee has been to leave a large amount of discretionary power in the hands of the Secretary of the Navy, who will thus be held responsible for results. One leading consideration urging to this policy is that changes in the mode of constructing vessels, engines, and ordnance are still occurring, and it is desirable not to embarrass the Executive Department of the Government by unwise restrictions. We think it better to leave it free to select what may seem at the moment to be the most desirable plan.

In another respect the present bill is a departure from precedent. Instead of requiring that before making contracts for vessels or engines the Secretary should have provided or adopted "full and complete detail drawings and specifications," it is required only that he shall have provided or adopted "drawings and specifications," thus leaving him power to dispense with such details as it may be impracticable to require. To what extent detail drawings and specifications should be required has been a much mooted point in the construction of modern engines and vessels.

It has been contended before us that it was impossible to furnish full and complete detail drawings and specifications beforehand of either vessels or engines, and the practice of the English Government has been cited. There it has not been the custom to insert in the contract detail specifications and drawings. But it will be seen by consulting a form given, pages 61-83 of the appendix to

the report of the Hawley committee, that, though the admiralty contract for results, the specifications in an English contract for engines are quite minute. The Ravensworth committee say on this point as to ships:

"It has been represented to the committee by several witnesses that the incomplete and meager character of the specifications furnished by the admiralty to contractors not only increases the time during which ships are under construction, but also materially enhances the cost of the work, the contractors being under the necessity of framing their estimate without possessing full knowledge of the extent and details of the work they may be called upon to perform. The contractors, in conjunction with the admiralty, ought, in the opinion of the committee, to complete the specifications and designs, so that the plans may be as far as possible agreed upon before the work is commenced. This opinion is strengthened by the evidence submitted that, in the case of several ships of war which have been recently built in this country for foreign powers, specifiations and drawings have been so prepared as to enable the vessel to be completed without important changes and in a reasonable time."

The considerations urged in this extract, as well as others which will readily occur, render it very desirable that the Secretary of the Navy should always have drawings and specifications as minute and specific as practicable. This the committee does not doubt will be done.

The latitude allowed by the proposed bill to constructors of engines permits the Government to utilize all the constructive genius of the country. The bill further purposes to have all our engines constructed by contract. Americans have had comparatively little experience in the construction of naval engines. In many other classes of engines we excel the world, and it is hoped that by the adoption of the policy of this bill we shall soon build the best naval engines afloat. It will be observed that in this as in other respects the bill arms the Secretary with a check upon contractors. It provides that in case he can not contract at fair prices he may construct the engines in Government workshops.

And now, Mr. Chairman, in conclusion, permit me to say a few words about the *personnel* of our Navy; for the bravest ships that ever stood out to sea are worthless unless manned by brave officers and brave men.

There are in history no brighter pages than those which record the deeds of our naval heroes. There is not a generous youth in all the land who does not warm with emotion and aspire to great deeds as he reads of Paul Jones during the war of the Revolution lashing his vessel, inferior in force, alongside the British Serapis, and winning victory with a sinking vessel; of Preble in the war with Tripoli, and of Perry and Hull and Macdonough and Lawrence in the war of 1812.

And look at our civil war—at Federals and Confederates—Americans all. There was Catesby Jones in the Merrimac at Hampton Roads; Buchanan on the Tennessee in Mobile Bay; Brooke, who designed the great ironclad; Hunter Davidson constructing torpedoes; Maffit, with a genius born of audacity, running the blockade in open day in the presence of a hostile fleet whose officers could not believe, until the feat was almost accomplished, that an enemy would dare to attempt it; and there was Waddell in the Shenandoah, and Semmes, bold rover of the seas, who developed that branch of warfare inaugurated by the United States in the war of 1812, and whose wonderful career was cut short only when those two American game-cocks met—the Alabama and the Kearsarge. All these were officers trained in the American Navy.

And on the Union side there were the passage of the batteries at Vicksburg, the capture of the forts on the Mississippi, the exploits of the fleet at Fort Fisher, and many other engagements in which officers and men distinguished themselves by their gallantry. There was Porter, bold, indefatigable, fertile in expedient; John Rodgers, chivalrous and cultivated; Jouett, full of dash and courage; and Dupont and Truxton and Farragut; and there were Worden and his men, whose courage in trusting themselves to go down in the untried Monitor and out to sea, while the waves dashed over it, even surpassed if possible the gallantry with which they fought that vessel when it was in that great contest with the Merrimac. All these are but representatives of gallant veterans whose names even I have not time to call. Those who won the greatest names in those days that tried men's souls have most of them passed away; but many of their gallant comrades are with us, still in the prime of life. And as our old veterans drop away, young men replace them—young men gathered together as boys from the North and the South, the East and the West—young men worthy to share in the glorious memories of the past, and given, in order to fit them for the demands of the future, a still higher culture than their predecessors.

These constitute the *personnel* of our Navy. Give them the guns and the ships—the *matériel* of war—and they will protect the honor and the rights of this nation on the high seas as securely as the millions of citizen soldiers, ready to spring to arms, like the clansmen of Rhoderick Dhu, at the sound of the bugle, would defend us from assaults by land.

Mr. McCREARY. Will the gentleman permit me to ask him a question before he sits down? I do not understand from the remarks of the gentleman which I have heard just what amount he desires to have appropriated. The bill shows an aggregate appropriation of $3,500,000, but the items contained in it added together make much more than that. I wish the gentleman would state to the committee just how much he desires to have appropriated under this bill.

Mr. HERBERT. Three millions and a half.

Mr. McCREARY. The bill covers much more than that.

Mr. HERBERT. But the gentleman has not seen the substitute.

Mr. McCREARY. I have the substitute in my hand.

Mr. HERBERT. Well, the substitute on its face purports to appropriate only three and a half millions.

Mr. McCREARY. I understand that; but in the body of the bill appropriations are made which go much beyond three and a half millions. I wish the gentleman would explain that.

Mr. HERBERT. I have been unfortunate if I have not already explained it satisfactorily. I said that the bill itself carried $10,128,046, that it would require about four years to plan and complete these vessels, and that that amount had to be divided into four annual appropriations. Then I added the other things necessary to arm the vessels, to provide docks, &c., and stated that the appropriations would be about four millions a year. In the substitute, the appropriation is only three and a half millions. This simply begins the work.

Mr. DINGLEY. If the gentleman will pardon me, I wish he would explain one other point before he sits down. Do I understand that the bill authorizes the Secretary of the Navy to construct all of these vessels in the navy-yards of the United States?

Mr. HERBERT. I will answer that question after we have limited debate.

Mr. DINGLEY. I would like a definite answer on that point now.

Mr. RANDALL. The bill itself answers the question.

Mr. HERBERT. Yes, in very plain terms—in section 5.

Mr. DINGLEY. Then the Secretary of the Navy is authorized to construct all these vessels in the navy-yards, if he so desires.

Mr. HERBERT. Yes, if he so desires; but the bill contemplates that he will not do so—at least, will not construct more than one in a navy-yard.

Mr. DINGLEY. Nevertheless he is authorized, in his discretion, to construct all in the navy-yards.

Mr. HERBERT. Yes, sir.

Now, I desire that the Committee of the Whole rise for the purpose of limiting debate. I will ask my friends on the other side who are upon the committee whether we can agree upon a half-hour more of general debate.

Mr. BOUTELLE rose.

Mr. HERBERT. I would like very much to limit the debate. I am satisfied that all of us at least who are on the committee desire to get through with this bill.

Mr. BUCK. The gentleman has already taken twenty minutes.

Mr. HERBERT. I am willing to deduct that from our share of the debate after debate is limited.

Mr. BOUTELLE. What does the gentleman propose as the limitation of debate?

Mr. HERBERT. I propose half an hour more of general debate, and will deduct from my part of that the twenty minutes, or not quite twenty minutes, which I have already occupied.

Mr. BOUTELLE. Why, Mr. Chairman, it strikes me this is a proposition on which there should be an opportunity for more debate than the gentleman indicates.

Mr. HERBERT. There will be opportunity for debate under the five-minute rule.

Mr. BOUTELLE. The committee has spent eight months on this subject, and it is a very remarkable proposition that it should now be disposed of here without any opportunity to discuss it at all. I certainly desire to make some observations in regard to this bill.

Mr. HERBERT. That is all very true; but I suggest to my colleague on the committee [Mr. BOUTELLE] that it is very apparent this is the only day we shall have, and that insisting on debate kills the bill, which I am satisfied he does not want to do.

Mr. BOUTELLE. I certainly have no desire to kill the bill. On the contrary, if proper time be allowed for discussion I propose to show the House that I not only do not propose to kill the bill, but desire to give you a great deal more bill than you seem to want.

Mr. HERBERT. Yes, sir; that is what I understand. I think, however, that we ought to be able to get along with half an hour more of general debate. I will give the other side twenty-five minutes and occupy only the concluding five minutes.

Mr. BOUTELLE. There are two or three gentlemen on this side who desire to speak on this question.

Mr. McADOO. There are three or four gentlemen on this side also who desire to make speeches, but they are afraid a prolonged debate might imperil the bill, and they are not going to speak.

Mr. BOUTELLE. It is now only quarter before 12 o'clock.

Mr. HERBERT. I know; but dilatory motions may be made. Would not the gentleman be satisfied——

Mr. BOUTELLE. What other business is there to supervene to-day?

Several MEMBERS. Oh, lots of it.

Mr. HERBERT. I do not know anything that will necessarily interfere with this bill to-day; but the bill is subject to amendment and discussion under the five-minute rule, which will occupy considerable time.

Mr. REED, of Maine. Do you propose not to allow any general discussion?

Mr. HERBERT. I propose that half an hour be allowed, all of which can be occupied on the other side except five minutes, which I will occupy myself.

Mr. REED, of Maine. It seems to me that is preposterous.

Mr. HERBERT. If the gentleman from Maine, who knows all about the rules of this House, will reflect for a moment, I think he will see that to insist on a longer time for general debate will endanger the passage of the bill, and the gentleman certainly does not want to do that.

Mr. REED, of Maine. Certainly it will not endanger the bill. The idea of passing a bill like this without any discussion——

Mr. HERBERT. It has been before the House for four months with an elaborate report.

Mr. REED, of Maine. "Before the House!" It has not been before the House in any sense involving discussion. Gentlemen of the House are busy about a thousand things and depend upon the discussion on a bill to understand what it is. Now at the very outset the statement is made here that the Secretary of the Navy under this bill can not construct these vessels in the navy-yards, yet the bill shows he can.

Mr. HERBERT. I never said he could not.

Mr. REED, of Maine. We want to discuss these points and see where the difficulties are. We want to understand what the bill means.

Mr. HERBERT. I move that the committee rise.

Mr. BOUTELLE. We can not vote intelligently on this subject without some discussion.

Mr. HERBERT. How much time do you want?

Mr. BOUTELLE. I desire to occupy an hour myself on this question.

Mr. HERBERT. I move that the committee rise for the purpose of limiting debate.

The motion was agreed to.

Mr. HERBERT. Will the gentlemen on the other side accept an hour——

The CHAIRMAN. The Committee of the Whole has voted to rise.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. CLEMENTS reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 6664) to increase the naval establishment had come to no resolution thereon.

Mr. HERBERT. I move, Mr. Speaker, that the House resolve itself into Committee of the Whole for the further consideration of this bill; and pending that I move that all general debate be limited to one hour and fifteen minutes, intending that the gentlemen on the other side shall control the hour and that the fifteen minutes shall be under my control.

Mr. HOLMAN. I trust that the gentleman from Alabama will not press that motion. This is a very important measure.

Mr. RANDALL. Not so important as the forfeitures of land grants.

Mr. HOLMAN. No, it is not nearly so important; and it is remarkable that this has been taken up to-day to the exclusion of the forfeitures. But I trust the gentleman will consent, inasmuch as this day will be consumed for this measure, to allow a reasonable time for debate. I move to amend by making it three hours.

Mr. HERBERT. That motion is just made to kill the bill.

Mr. HOLMAN. I move two hours, then.

Mr. HERBERT. That is made with the same purpose.

Mr. COBB. I move to amend the amendment by making it one-half hour. We want to get on with the land-grant-forfeiture bills.

The question being taken on the amendment of Mr. COBB, the House divided; and there were—ayes 38, noes 100.

So the amendment was not agreed to.

The question recurring on the amendment submitted by Mr. HOLMAN, the House divided; and there were—ayes 73, noes 77.

Mr. HOLMAN. No quorum has voted, I believe.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. HOLMAN and Mr. HERBERT were appointed tellers.

The House again divided; and the tellers reported—ayes 60, noes 105.

So the amendment was rejected.

The motion of Mr. HERBERT was agreed to.

Mr. HERBERT moved to reconsider the vote by which the debate was limited; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The motion to go into Committee of the Whole was then agreed to.

INCREASE OF NAVAL ESTABLISHMENT.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CRISP in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the pending bill, and by order of the House all general debate is limited to one hour and fifteen minutes.

Mr. HERBERT. The agreement was that the gentleman from Maine should be recognized in his own right to control the hour, and I will control the fifteen minutes on this side.

Mr. BOUTELLE. Mr. Chairman, my desire to obtain a reasonable time for the discussion of this measure has been based solely upon my conception of the importance of the subject and my belief that the House ought to understand the proposition which is submitted; not that I expect to influence the action of any member by any argument that I may submit, but because I believe there are circumstances connected with the shape and phase in which this proposition comes before us that ought to be disinctly stated.

On the Calendar of the House since the 10th of March last there has been reposing a bill to increase the naval establishment of the United States (H. R. 6664), representing the deliberately formed conclusions of the Naval Committee of this House, arrived at after months of careful and painstaking investigation of the subject. That bill embraced the results of information obtained as to the views and wishes of the Navy Department, and was supposed to be, as reported here, a practical embodiment of the contribution that the present administration believed this Congress should make toward the great work of rehabilitating the Navy of the United States.

There has been no subject connected with the Government concerning which more of controversy and discussion has taken place during the past few years than in regard to this matter of the condition and needs of the Navy. It is within the knowledge of members of the present House that during several Congresses the efforts that have been made by the Republican party in the direction of adding to the effective force of our Navy have been hampered and obstructed by an indisposition on the part of our Democratic brethren to intrust to what they held to be the incompetent hands of a Republican administration the great work of rebuilding that important branch of our military service. We had a right, therefore, to expect upon the accession of the Democratic party to power that we should see some substantial and energetic progress made in the direction in which they had so constantly asserted their desire to advance whenever their own party should obtain control.

The message of the President of the United States in its reference to the Navy Department, describing the Navy as "a shabby ornament to the Government;" the official report of the Secretary of the Navy, in which he declared that we have nothing that deserves to be called a navy; the speech and report which accompanied the regular naval appropriation bill when introduced into this House by the chairman of the Naval Committee, all prepared us for a feeling of confidence that the Democratic party, being in control, having full swing in regard to this matter, was about to attempt at least to rise to the plane of the public demands and show the people of the United States what Democracy could do in a field in which it had claimed that the Republicans had made so conspicuous a failure. I desire to say also, Mr. Chairman, that the Democratic party in dealing with this question has been relieved from the chief embarrassment which beset the Republicans in dealing with the same subject. Instead of having its efforts beset by the nagging and harassing of an opposition with its appetite keenly whetted for partisan advantage, I am justified in saying that from the beginning of this session to the present time the Republican minority of the Committee on Naval Affairs, representing their associates on this side of the House, have been ready and willing to co-operate to the fullest extent in every legitimate and wise effort for the improvement of our naval establishment.

Within a few days after the beginning of this session, at a gathering of distinguished representatives of the Army and Navy of the United States, in response to a sentiment which had been assigned to me, I freely took the responsibility of pledging in advance of the session that the party, of which I have the honor to be an humble member, finding itself in a minority in the House of Representatives and with the scepter of power in the executive branch departed from it, would not emulate the bad example of its political opponents but would be found as honestly and sincerely striving throughout this session of Congress to build up the two great military arms of the Government as it had been when it controlled the administration of public affairs.

I think I may claim that that pledge has been fully redeemed. While exercising, as we had the right to do, the free privilege of criticising details and of endeavoring to perfect, so far as we could, the measure to be submitted by our committee, the minority have endeavored in no way to thwart or to impede any efforts of the Naval Committee or of the administration towards putting our Navy on a footing that would be creditable to our nation. As I have said, Mr. Chairman, the result of those deliberations was this bill, No. 6664, providing for the construction of a number of vessels of different classes; providing for the completion of the monitors; providing for the construction of torpedo vessels, and in its entirety embodying what was believed to be a wise, prudent, and essential contribution at this time to the strengthening of the naval establishment.

That bill has rested upon the Calendar until to-day. Yet with that expression on file as the deliberate judgment of the committee of this House selected to formulate recommendations in regard to the Navy, we find the chairman of the Naval Committee (again acting upon a majority vote of the committee) practically saying to the House to-day that we ought not to pass the bill that the committee reported; practically saying to the people to-day that the Democratic party through its chosen exponents has reconsidered its purpose of making a substantial contribution to the increase of the Navy establishment; practically saying that the Government of the United States, with its coffers alleged by the Democrats to be so overflowing with money that resolutions are introduced here and forced through, in despite of the counsels of the financial officers of the Government, to rid the Treasury of what is claimed to be its teeming surplus—in spite of that alleged redundancy of cash, the majority of the Naval Committee of the House of Representatives come in here to-day with a declaration in effect that the Government ought not at this time to appropriate so much as $6,425,000

to supply the deficiency in what the Chief Magistrate of the country declares to have become "a shabby ornament to the Government."

We are asked to say to the people of this country that the Government does not need the ships that the Naval Committee in March said we ought to have. We are asked to-day to proclaim to the people that there is no need for the defense which only a few months ago we were urging as essential to the maintenance of the dignity and safety of our Government. We are asked to take up here and pass at the very heel of the session, as a lame and impotent conclusion of all the grand fanfaronade of what the Democracy were going to do for the Navy, a substitute for the original measure, so hacked and slashed and emasculated that its parent would not recognize the offspring in its present guise.

Now, why, Mr. Chairman—why this change of front? I desire, so far as I am personally concerned and on behalf of my colleagues of the Republican minority, to divest myself and them of every vestige of responsibility for this change in the attitude of the committee upon this great question. Why is it that we are considering here to-day a substitute bill appropriating $3,500,000 in place of the bill appropriating $6,425,000?

Why is it that the three hundred and twenty-five Representatives of the American people have not been permitted to take up this carefully formulated bill of the Naval Committee and express in regard to its provisions their assent or dissent, according to their convictions? How is it that the committee's original bill has not been brought up here for discussion and amendment? Why, Mr. Chairman, I understand that the reason is because the Democrats in this House, distrustful of themselves in open legislation, fearful of what they might do if left to their untrammeled course, have delegated the entire power to control the legislation of this body to three distinguished members of the Democratic party; and that those three eminent gentlemen, for all of whom personally I entertain a very high degree of respect, have been invested by the Democratic caucus with dictatorial power, have been set up as a triumvirate who can say in effect to a committee of this House: "You shall not be permitted to bring your measure before the Representatives of the people to be acted upon; you shall not be permitted to test the sense of the House upon the proposition that you have formulated. We know that the Naval Committee, with practical unanimity, has declared that $6,000,000 ought to be appropriated and certain vessels ought to be built; that there is a very general opinion afloat that something in that direction ought to be done at this time; but we will not permit you to take the expression of the House upon your proposition; we will not let you take up your own bill; we will say to you what you shall submit, and unless you consent to have your bill cut and carved according to our notions you shall not bring it before the Representatives in Congress."

Mr. HENDERSON, of Iowa. May I ask the gentleman a question?

Mr. BOUTELLE. Yes, sir.

Mr. HENDERSON, of Iowa. This substitute appears to be proposed by the Committee on Naval Affairs?

Mr. BOUTELLE. I have undertaken to state, Mr. Chairman, that while this substitute comes here practically with a proclamation that it represents the second thought of the Naval Committee and is indorsed, as I understand, by a majority of that committee, I reserved for myself the right to express the dissent of the minority upon that subject, and I am endeavoring now to show that the Republican members of that Naval Committee are in no way responsible for this emasculating process.

Mr. SAYERS. May I ask the gentleman from Maine a question?

Mr. BOUTELLE. Yes, sir.

Mr. SAYERS. Is not the only difference between yourself and the Democratic majority of the committee as to the number of vessels rather than as to the organism of the bill? Is not that the difference?

Mr. BOUTELLE. My friend from Texas [Mr. SAYERS] asks me if the only difference between the committee and myself is not as to the number of ships rather than as to the organism of the bill. As the bill is simply a proposition to build ships, the difference in the number of ships to be built strikes me as a very important element in the matter.

Mr. SAYERS. Is not that the only difference between yourself and the majority of the committee, that you want more ships built and the majority of the committee think it advisable under the circumstances to provide for the building of the number indicated in the substitute bill?

Mr. BOUTELLE. I have been exceedingly unfortunate, Mr. Chairman, in my endeavor to explain my views if I have failed to make it clear that that is exactly what I have been talking about. I have stated heretofore that there are some minor features of the original bill upon which I desired to indulge in some criticism and to which I would possibly have offered some amendment, but I say that upon the general proposition that we need a navy, that we need it now, that the people are able and willing to construct it, and that we ought to begin its construction to-day, the Republican members of that committee have uttered their voices and given their votes with no uncertain purpose. And what I am complaining of is that our Naval Committee, after reporting to the House an appropriation of $6,425,000 to build and complete a certain number of ships, should now turn about and come before the House with bated breath, without a whisper of support for their original proposition, but practically saying that they made a great mistake, that we ought not to appropriate six millions of dollars; that we ought not to build these ships which a few months ago they said were necessary; and that they think on the whole that about all the United States can afford this year is to appropriate $3,500,000 for the Navy, or about one-half of the amount in the original bill. Mr. Chairman, if the great effort on behalf of the construction of a Democratic Navy was so soon to be done for, we might well ask "what on earth it was begun for?"

But I was adverting to the manner in which this measure comes before the House, to the peculiarly undemocratic and unrepresentative manner in which it appears here. I have no right to speak for the majority of the committee. I have no right to say that the majority have not been thoroughly converted from the views they expressed last month; but yet I have a conviction, based upon the bill which they did formulate, that there has been a time within a few months when they thought the Government of the United States ought to do something more toward building up its Navy than appropriate $3,500,000, and I want to put the responsibility for the change of base just where it belongs. I do not want my Democratic friends to bear one ounce of responsibility that is not justly placed upon them, for we all know they are heavily enough handicapped already; but there is no propriety or justice or reason, under the conditions that exist to-day, when the Democrats of the House have had full control of this subject, with a Democratic Secretary of the Navy behind them and a Republican minority to re-enforce them—if they utterly and abjectly fail to come up to the measure of public expectation, there is no reason why they should be permitted to share the responsibility with those who are not justly chargeable with it. My understanding is that the reason why we are to-day considering this emasculated and unsatisfactory substitute for the original bill is that organized Democracy in its concrete form—the tripartite Executive of the Democratic party—has put its mailed hand upon the bill of the committee and said, "Gentlemen, you shall not add $6,000,000 to the appropriations in the off-year before the Congressional elections. Wait until another year; not this session, some other session. Unless you permit us to run a pencil through one-half of the appropriations in this bill, starting out with a 'horizontal reduction' of one-half of its total and then indicating the particular portions that we want eliminated, you shall not consider the bill at all."

Now, Mr. Chairman, I believe if it is wise for us to do anything toward building up the Navy, that after these eight months of incubation we ought to make at least a respectable addition to our ships of war. Everybody familiar with the subject understands that this matter of building ships is not one that can be accomplished in a moment. The authorization has got to antedate by a long time the completion of the vessels. I understand that it requires at least three years to complete the ordnance for one of these ships, and if we are to have a modern navy, if we are to fulfill the pledge, the promise, the boast of the Democratic party that it is going to rehabilitate the Navy during the Democratic administration of the Government. I certainly think the gentlemen on the other side have reason to "hurry up their cakes," for, according to the present outlook, Democratic administration in this country does not promise to be sufficiently protracted to warrant the belief that they will succeed in rehabilitating the Navy at the rate of $3,500,000 a year. [Laughter.]

I want to show in brief and without going into details some of the changes that have been made from the original bill.

The first clause of the substitute provides, as the former bill did, for two sea-going double-bottomed armored vessels of about 6,000 tons displacement, to cost, excluding armament, not more than $2,500,000 each. But in the original bill $1,250,000 is specifically appropriated toward the construction of these vessels, while in the substitute no specific appropriation is made.

The second paragraph of the original bill provided for three protected double-bottomed cruisers from 3,500 to 5,000 tons, to cost in aggregate not exceeding $4,000,000, and appropriated $1,100,000 toward their construction. The Naval Committee, under the tutelage of those distinguished marine architects, the gentlemen composing the Democratic "steering committee"——

Mr. FINDLAY. Being "steerers," they ought to know something about ships. [Laughter.]

Mr. BOUTELLE. Possibly. The Naval Committee, Mr. Chairman, after consultation with those distinguished gentlemen, have come to the conclusion that, on the whole, we need only one double-bottomed protected cruiser, and they have cut down the appropriation accordingly. The original bill provided for four first-class torpedo boats—and on this matter of torpedo boats we had volumes of testimony as to the importance of that arm of the service and the immediate necessity of strengthening it as an intermediary mode of defense pending the time when we shall have some ships—the Naval Committee have reconsidered that and have concluded that, on the whole, a nation with only 3,000 or 4,000 miles of seacoast does not really need three or four first-class torpedo boats, but that one will answer every purpose.

The original bill provided for one torpedo cruiser; and that has been stricken out. The original bill provided—and I understood at the time that the provisions were made upon the recommendation of the experts

of the Navy Department—for the completion of the monitors, with a specific appropriation indicated for each. For some reason—possibly a good one, but involving a mistake either in the first bill or the present—the specific appropriation to the different vessels of the sum required to complete them has been stricken out, and the appropriation left in block to be applied to the completion of the monitors as the Secretary of the Navy may see fit.

Mr. SAYERS. You do not complain of the amount appropriated for the purpose, do you?

Mr. BOUTELLE. This was the original amount?

Mr. SAYERS. Yes, sir. You do not complain of the appropriation?

Mr. BOUTELLE. I was heartily in favor of it.

Mr. FINDLAY. Is it understood that the three million and a half of dollars appropriated by this bill is to be spread all over these different vessels the construction of which is provided for in the bill?

Mr. BUCK. It can be.

Mr. BOUTELLE. I am not sure that I understand the question of the gentleman from Maryland.

Mr. FINDLAY. Here, for instance, the first paragraph provides for "two sea-going double-bottomed armored vessels;" the second paragraph provides for "one protected double-bottomed cruiser;" then there is a torpedo boat; in addition to that provision is made for the completion of the monitors Puritan, Amphitrite, Monadnock, and Terror; then there is provision made for armament, and the total amount appropriated in the bill is three and a half million of dollars. Is that amount to be spread all over these different vessels? That is what I understand.

Mr. BOUTELLE. I understand that these various vessels contemplated by the bill are provided for at a limited cost, but that the appropriation here made is considerably under the aggregate. We do not in this bill or in the substitute appropriate for the entire cost of these vessels.

Mr. FINDLAY. The appropriation would not meet one-fourth of the expense.

Mr. HERBERT. That is the estimate of the Department for the completion of the monitors; it was always so understood.

Mr. BOUTELLE. We are not speaking about that particular item. Let us have this matter understood. The gentleman from Maryland [Mr. FINDLAY] wants to know whether the $3,500,000 appropriated by this substitute is to cover the construction of all the vessels provided for or authorized by it. I understand not. I understand that this appropriation of three and a half million dollars is an appropriation on account.

Mr. HERBERT. On account.

Mr. BOUTELLE. Have you made an estimate of the entire cost?

Mr. SAYERS. Ten million five hundred thousand dollars.

Mr. HERBERT. The entire work contemplated by the bill carries an expense of $10,000,000 and a little over.

Mr. SAYERS. About $10,600,000.

Mr. BOUTELLE. The gentleman states that the provisions of this substitute, when entirely carried out according to the present estimates, would involve an expenditure of something over $10,500,000.

Mr. FINDLAY. But this bill appropriates only about three and a half million dollars.

Mr. HERBERT. Because it will take over three years to do the work.

Mr. BOUTELLE. Exactly. Three and a half million dollars is appropriated in this bill toward operations which are to carry an expenditure of $10,500,000. Now, I do not know why that is done; I suppose, of course, there is a good reason for it.

Mr. SAYERS. The reason is that the amount appropriated in this bill is all that can be advantageously expended during the coming year.

Mr. BOUTELLE. I suppose one good reason is that there are exigencies which require that the aggregate of appropriations should appear small upon given occasions.

Mr. MCADOO. Has it not always been the custom——

Mr. BOUTELLE. During my brief experience in Congress I think it has been. I believe appropriations have very largely been conducted upon the principle that the first thing to be considered was to make the expenditure appear as small as possible before the people.

Mr. MCADOO. Has not Congress frequently provided for the building of a vessel without appropriating anything at the time, the object being that the work should be started, and that Congress should make the appropriation afterward?

Mr. BOUTELLE. That is a very poor way to do. But I will answer the gentleman's question specifically. His statement is true; but no better illustration of the fallacy of that sort of proceeding could be presented than the condition in which we found ourselves during the last Congress. Gentlemen who are now present will recollect that at the close of the last Congress, having failed in our efforts to get an appropriation for the Navy, we were only enabled finally to get a provision for building the vessels for which designs are now in course of preparation by hunting up a law which had been passed at a previous Congress providing for building certain ships, but making no appropriation whatever. If that law under which these cruisers are now being designed at the Navy Department had carried with it originally the appropriation required to complete the ships those vessels would probably have been afloat to-day. But a Democratic House refused to provide a dollar of appropriation. While the authorization was put upon the statute-book—they were always willing to make the promise to the people—they would not appropriate a dollar. That provision for building the vessels rested upon the statutes until in the last hours of the last Congress the gentleman from Maryland, Mr. Talbott—and I am glad to give him the credit for it—by dint of persistent effort succeeded, by aid of Republican votes, in getting an appropriation based upon that authorization for those vessels.

Mr. HEWITT. Will the gentleman yield to me?

Mr. BOUTELLE. Yes, sir.

Mr. HEWITT. What provision for those two vessels was made in the Forty-seventh Congress, which was a Republican Congress? No appropriation was made by that Congress.

Mr. BOUTELLE. I do not know what Congress it was.

Mr. HEWITT. It was the Forty-seventh Congress, a Republican Congress. The last one did appropriate money.

Mr. BOUTELLE. I do not know what Congress it was. I know the votes by which Congress was prevented from making appropriation for the Navy in that Congress, the Forty-seventh Congress, were Democratic votes. And I know also that the votes in the Forty-eighth Congress against the proposition of the gentleman from Maryland, Mr. Talbott, by which we got the ships now being designed, were also Democratic votes.

Mr. HEWITT. That may be, but the Forty-seventh Congress was controlled by Republicans.

Mr. BOUTELLE. Without discussing the matter of control, I need only say that the people of the country are sufficiently intelligent to know the difference between placing the responsibility for legislation upon either party in Congress because it is nominally Republican or Democratic, and placing responsibility which belongs to them upon the men who voted for or against a proposition. I affirm that in the Forty-fifth, Forty-sixth, Forty-seventh, and Forty-eighth Congresses, as in the Forty-ninth Congress, the votes of the Republican representatives of the people have been in favor of liberal appropriations for the Navy, and that the obstruction to such legislation has come from the gentleman's side of the House. That, sir, can not be disputed.

Mr. SAYERS. Is it not true that day before yesterday a majority of those who voted against the consideration of the bill for an increase of the Navy were Republicans, and did not they vote to take up the oleomargarine bill instead?

Mr. BOUTELLE. If the gentleman asks that question I will remind him that more voted on this side than on that to take up the naval bill.

Mr. REED, of Maine. Did they not have a vote on it yesterday?

Mr. BOUTELLE. The gentleman referred to day before yesterday. That was entirely a question of the order of business. I say to my friend from Texas that before we get through with the discussion and disposition of this bill I trust we will have a vote that will advertise to him how people stand on this matter of building up the Navy. I propose, when the time comes, if under our remarkable system of parliamentary procedure, which I do not pretend to understand——

Mr. STEWART, of Vermont. Nobody does.

Mr. BOUTELLE. I say I will take an opportunity at the proper time to offer as an amendment, if you like, or as a substitute, or as a substitute for the substitute, or in whatever shape I can get it in—I propose to offer the original conclusions of the Naval Committee in regard to the matter of building ships before they were wrestled with by the conerete will of the Democratic party as exercised by the steering committee. And on that we will try to have a record made.

Mr. REED, of Maine. How does this matter come up now? Is it not on the original bill?

Mr. BOUTELLE. I understand this original bill, reported with prayer and hopefulness on the part of a practically unanimous committee, unanimous as to substance, with only the reservation of criticism as to matters of detail—I understand that devoted bill No. 6664 has sunk into some obscure crevice or cranny from which the power of the House is unable to extract it.

Mr. REED, of Maine. I wish to say that was not the understanding of the Committee on Rules when permission was given to this committee to come here. The understanding was the original bill was to be brought up. I never heard of any change until this morning.

Mr. BOUTELLE. I am afraid my friend has never been admitted to the holy of holies.

Mr. REED, of Maine. I was admitted to very nearly that, the Committee on Rules.

Mr. BOUTELLE. There is a Committee on Rules, but behind the veil are the seraphim and the cherubim.

Mr. REED, of Maine. There is evidently a difference between them. I do not know whether the seraphim or the cherubim differ or not, but there is evidently a difference.

Mr. BOUTELLE. "You pays your money and you takes your choice." [Laughter.]

Mr. HEWITT. A trinity.

Mr. BOUTELLE. Yes; a Democratic trinity.

Mr. BUCK. I ask the gentleman from Maine to yield to me for a moment.

Mr. BOUTELLE. Certainly.

Mr. BUCK. The gentleman from New York [Mr. HEWITT] said the Forty-seventh Congress was a Republican Congress and controlled by the Republican party. That is true. He said further that, while they authorized the construction of these cruisers, they did not appropriate any money. I wish to read the law on that subject passed March 3, 1883, by the Forty-seventh Congress. It is as follows:

For the construction of the steel cruiser of not less than 4,300 tons displacement now specially authorized by law, two steel cruisers of not more than 3,000 nor less than 2,500 tons displacement each, and one dispatch boat, as recommended by the naval advisory board in its report of December 20, 1882, $1,300,000.

These are the cruisers, the Boston, the Atlanta, the Chicago, and the dispatch-boat, the Dolphin.

Mr. HEWITT. We do not disagree——

Mr. BUCK. And we appropriated more than a million of dollars for that purpose.

Mr. HEWITT. We agree fully upon that point.

Mr. BUCK. We agree fully now, but we did not before.

Mr. HEWITT. Yes, we did before. It is not these ships that the gentleman from Maine referred to, not the Boston, the Atlanta, the Chicago, and the Dolphin, but he referred to two other ships which were authorized to be constructed but were never begun.

Mr. BUCK. Then there is a further correction to be made, for the Forty-seventh Congress had nothing to do with the appropriations for these ships, and if the gentleman referred to the appropriations of the Forty-seventh Congress he could have meant nothing else than the four cruisers.

Mr. HEWITT. The gentleman from Maine referred to two other ships which had been authorized but were not appropriated for at all.

Mr. BOUTELLE. Mr. Chairman, I shall not proceed further in the comparison of these two propositions. I think I have made it clear to the committee that this measure which is now before us is a mere makeshift. It is not a respectable response to the demands of the people of this country that a Congress which has control of the people's money, and which is intrusted with the protection of the public interests and national security, should on this question make a reasonable and a wise contribution toward strengthening our naval force. There is no need, Mr. Chairman, there should be no need, to go into a discussion as to the necessity and the importance of increasing our naval establishment.

Any man who reads the newspapers of the day must be duly impressed with the humiliation of the attitude occupied by a great government with sixty millions of people, so weak in its naval power that it would be incompetent to cope with the naval force of any of the petty nations of the earth.

I will not plead the weakness of our naval power as an excuse for any failure to uphold the dignity of the Government in its relations with the nations of the world, because the people of this country do not expect of those who are intrusted with maintaining the dignity and honor of the United States that they should be governed at every stage of controversy by the consideration of how much of a naval force we could bring to bear in behalf of the assertion of the clear, plain, unquestionable rights of our citizens.

But I am very much afraid that it may have had some influence in controlling the action of our present authorities. I can conceive of no other excuse for the present halting, indecisive, and impotent policy of our Government in regard to rights which at one time in the history of our country were jealously guarded by the Democratic party of the United States. There is hardly a newspaper which reaches the desks of members of Congress which does not contain some account of a petty outrage perpetrated upon vessels of the United States by the so-called improvised navy of a mere province of Great Britain on our Northeastern border. We are told that Canada, after fitting out her armed schooners and steam-tug cruisers with their pop-gun armament to harry and obstruct our fishermen and legitimate traders, has sent over into the United States to buy a steam-yacht and is going into the commerce-raiding business on a wholesale basis. And yet with this kind of reminder brought home to us daily and hourly, with this knowledge of the present needs of our Government in regard to its maritime defensive power forced upon us, not hypothetically but by the actual occurrences of the day, the Congress of the United States, the House of Representatives, with a large Democratic majority, with its "great Jacksonian President in the White House, and a Secretary of the Navy representing in himself all the beauties of Jeffersonian simplicity with Jacksonian energy combined, have dodged and evaded and hid away from their responsibility in this matter until at the close of the session they come creeping in with this substitute behind the coat-tails of three members of their party to whom they have delegated the power to say what kind of legislation the three hundred and twenty-five Representatives of the people ought to permit themselves to consider.

I say that the passage of such a substitute under the circumstances will be regarded by the American people as an affront to the necessities of the hour. If the measure had been brought in here as an original proposition the people might have said they were surprised that the Democratic party had been willing to do even so much. But when we have had a bill brought in here after months of incubation; when we have had the telegraph wires of the country burdened with hymns of praise as to what the Democratic party was at last going to do to build up the Navy, it is an astonishing proposition and one which will not fail to make its proper impression upon the public mind, that here on the 24th day of July the Naval Committee changes front in line of battle, committing in its official capacity an offense similar to that which if committed by an individual in the Army or Navy would subject him to court-martial and to be shot. And unless I mistake all the signs of the times, Mr. Chairman, the members of the dominant party in the House of Representatives and in other branches of the Government, who take upon themselves the responsibility of forcing that substitute through under this sort of coercion, will, before the ides of November, be called to face something a great deal more formidable than this contribution which they propose to make to the Navy.

I would like if I had time to refer to some of the features which have cropped out in the discussion and management of this question which indicate, more clearly than even this remarkable performance with regard to the bill, the peculiar disposition of the Democratic party toward this subject.

When the regular naval appropriation bill was under discussion I asked the chairman of the committee if he could tell me how many thousand dollars had been expended in Europe to purchase plans and designs from Sir William Armstrong or some other British constructor. He was unable to give the figures. But it has since been developed that the Secretary of the Navy, following at first in the beaten track of his predecessors, who have been, I may say for years, obtaining very full and complete information in regard to naval matters in all parts of the world, went a step farther and bought a complete set of detailed drawings and specifications of a steam-vessel designed by Sir William Armstrong. It has been recently promulgated that one of the vessels already provided for by the last Congress, and the designs for which have been so much delayed, shall be built upon these designs of the Na-ne-wa-kan, a cruiser designed by Sir William Armstrong for the Japanese Government; probably a fine vessel, and undoubtedly containing features that would be worth our while to examine, to imitate, and, in accordance with American precedent and habit, to improve upon.

But there has seemed to be all through this matter of Democratic dealing with our naval establishment a desire to imitate foreign models, an overweening desire to depend almost unquestioningly upon English precedents, a distrust of American capabilities, a feeling that the best can only be obtained across the water. This disposition cropped out in the proposition to buy the engines for one of the new cruisers in England and import them as an "object lesson" to American engine-builders. And now we are informed that the Department has decided to build in this country, line upon line, and rivet upon rivet, a duplicate of a vessel built by Sir William Armstrong at a period of development and evolution in naval construction in which I venture to say that Sir William Armstrong would never think of thus duplicating his last ship. But we are to have something "English, you know." We are to have something we can set up and make a comparison with. And so in the Navy Department they have placed upon the wall a beautiful model of this British-built cruiser as a sort of fetich before which the officers of our Navy may be led to bow down, and from which they are expected to derive inspiration. Now, Mr. Chairman, I am not affected with Anglophobia to the extent of being unwilling to take a good thing because it is from abroad. I have none of that in my composition. But, Mr. Chairman, this is the first time in the history of our country that it was ever proposed that in anything connected with maritime excellence or achievement the American people should slavishly copy from any nation or any people on the face of the globe.

It is the first time in the history of maritime development that it has been proposed to place the American standard anywhere below the pinnacle of superiority. Never before has the idea been entertained that the United States flag should be hoisted by the Government at any mast-head except where it would float as a challenge of American skill to the admiration of the world.

From the time of our early colonial struggles, when our fathers boldly grappled with the mistress of the seas, and with American-built and American-manned vessels fought Britain's most formidable war-ships broadside to broadside and won the victories that are cherished in song and story; from the hour when Perry sent from Lake Erie the immortal message: "We have met the enemy and they are ours," all through the glorious history of our early naval prowess, in which stand out in bold relief the achievements of the grand "Old Ironsides," the Constitution, frigate, to whose venerated remains I wish our present Secretary and some of his advisers might make a pilgrimage as to a shrine of American inspiration—in every field of commercial enterprise and every phase of maritime progress, the Stars and Stripes of the American Union have led the advance and left the world to follow.

The birth of steam navigation dates from the hour when Robert Fulton's little Clermont made her trial trip on the Hudson in 1806.

A year later the Phœnix, built by John Stevens, made the first ocean trip of a steamboat, from New York to Philadelphia.

In 1818 the first passage across the ocean by steam-power was made by the Savannah, built in New York, which made the trip from that port to St. Petersburg via Liverpool, reaching the latter port in twenty-six days, and making the return trip across the ocean.

Following up this experimental voyage, the first regular passages made by steam-vessels across the ocean were by the American vessels Sirius and Great Western, in 1838.

Next to the application of steam itself to ocean navigation the most important change has been the substitution of the screw-propeller in place of the paddle-wheel. And here, again, while tentative experiments were made in Europe, the practical introduction of the propeller was made by that Ericsson who has since become famous as an American inventor, and the second screw-steamer ever built was constructed for an American citizen in 1839.

The history of our mercantile marine in the early days is full of interest and a source of pride to every American citizen.

Immediately after the war of 1812–'14 had secured the rights of American commerce, the famous Black Ball line of packets was established in New York, sailing once a week between that port and Liverpool. The ships then employed were only of 400 or 500 tons, but at that time were deemed large vessels. The average passage eastward was twenty-three days and homeward forty. One ship, the Canada, made the outward trip in fifteen days and eighteen hours, which was considered very remarkable. In 1821 the Red Star line was organized, and soon after Grinnell, Minturn & Co. established the Swallow-tail line, so named from the shape of the signal-flag of the firm. New York then had weekly packets to Liverpool, carrying the mails and passengers.

Then came the famous Dramatic line, founded by Capt. E. K. Collins, who afterward organized the splendid line of steamships that bear his name. Among his sailing packets were the Shakspeare, Siddons, Garrick, and Roscius, all of them greatly admired on both sides of the Atlantic. Grinnell, Minturn & Co. entered competition with what were known as the Statesman fleet, and the ships by this time had grown to double the size of the packets of 1816—the Patrick Henry, of 1,000 tons; the Ashburton and Henry Clay, of 1,250 tons; and in 1846 the New World, of 1,400 tons, was launched for this line from the yard of Donald McKay, of East Boston, and created a great furore on her arrival in England as the largest and finest vessel afloat. She was followed in 1848 by the Constitution, of the same tonnage, and a splendid vessel. In 1852 the Spofford & Tileston line put afloat the Orient, followed by the new Henry Clay, the Webster, and Calhoun, built in New Hampshire, the former being still afloat a few years ago. Then there were the beautiful ships of Williams & Guion's Black Star line, the Havre line, the London line, Enoch Train's famous Boston Diamond line, the Philadelphia line, and others, which whitened the seas with American canvas and won credit for their country wherever they displayed their colors.

At this time no maritime nation thought of competing or comparing with American vessels, whose beauty of model, superior speed, and luxury of appointments were unapproached by any other craft. They had a monopoly of the passenger business, and their superiority was everywhere conceded.

The discovery of gold in California and the development of the tea and silk trade with China created a demand for the application of the Baltimore clipper model to ships of larger size, and W. H. Aspinwall's Rainbow, Helena, Houqua, and Sea Witch, ranging from 700 to 900 tons, were followed in 1852 by the launching from the yard of William H. Webb in New York of the clipper ship Challenge, of 2,000 tons, which became famous under the command of Capt. Bob Waterman. Then came the Invincible, 2,150 tons; Comet, 1,209, and Sword Fish, 1,150; the latter sailing from Shanghai to San Francisco in thirty-one days, an average of 240 miles a day.

Closely following came the Flying Cloud, Tornado, and Sovereign of the Seas from the Boston yard of Donald McKay. In 1852, of one hundred and fifty-seven arrivals at San Francisco, seventy were clippers, and in 1853 more than $8,000,000 in tea was imported into New York in these vessels. Their achievements in regard to seaworthiness and speed continue to be marvels of maritime history. The Samuel Russell for thirty days averaged 226 miles per day. The Flying Cloud, Capt. Josiah P. Creesy, made the fastest trip on record, eighty-four days from New York to San Francisco. Lieutenant Maury, of the Naval Observatory, reported that the greatest distance ever made by a sailing vessel from noon to noon, 433½ miles, was covered by the Flying Cloud on that voyage.

In 1853 the Dreadnought, built in Newburyport, Mass., commanded by Capt. Samuel Samuels, beat the Cunard steamer Canada one day on the trip across the Atlantic, the Dreadnought sailing from Liverpool to New York and the Canada from Liverpool to Boston. The same clipper made the trip from Sandy Hook, New York, to Queenstown, 2,760 miles, in 9 days, 17 hours.

The Red Jacket, built by George Thomas, at Rockland, Me., in 1853, made the passage in 1854 from New York to Liverpool Bar, 3,000 miles, in 13 days, 1 hour, 25 minutes.

The Lightning, built by Donald McKay, made the passage from Liverpool to Melbourne in sixty-two days and back in sixty-four. Also sailed from Boston to Liverpool, 2,827 miles, in thirteen days.

At this period the glory of the American merchant marine was at its height. Our ships were the acknowledged sovereigns of the seas, and nothing more beautiful or inspiring will ever be seen on the ocean than the picture presented by one of the great sailing packets, or one of the magnificent clipper ships of that era from the ship-yards of New England or New York, dashing along under a cloud of canvas.

Not satisfied with laurels won on the outer ocean, American enterprise determined to compete with John Bull in a field where he had long boasted pre-eminence; and in 1851 the little yacht America, built by James R. and George Steers, of New York, sailed across the ocean and boldly entered for the Queen's cup in the regatta of the London Royal Yacht Club. Although ruled out by a technicality as to ownership the Yankee yacht sailed over the course, beat the English yacht squadron out of sight, and was presented by Queen Victoria with a duplicate of the Queen's cup, which has been held by the New York Yacht Club ever since against all comers, the latest trial for it having been won by the Boston sloop Puritan, which defeated the British cutter Genesta last year.

The victory of the America created the most profound sensation in England; it was deplored in the newspapers and made the subject of speeches in Parliament. As a direct result of that race and the achievements of our clipper ships the English began to imitate our models and to buy many of our ships. I well remember seeing in one of the docks of Liverpool a fleet of American-built ships flying the Cross of St. George and the private signal of James Banes & Co., a great shipping firm, which my friend from New York [Mr. HEWITT] has undoubtedly known. At a time when Great Britain was subsidizing its commerce for the transportation of its overcrowded population to fill up the colonies of Australia; when the English ship-builder had every advantage that government aid could give, people came from all parts of the kingdom and the continent to admire the superb fleet of American ocean racers, purchased by that British house from the ship-yards of Massachusetts and Maine, the Blue Jacket, the Red Jacket, the Donald McKay, the Lightning, and other triumphs of naval architecture, such as no other nation in the world had ever produced.

The superiority of American models and types of war vessels was no less conspicuously maintained so long as our ship-building industries continued to flourish. In his recent interesting article on the United States Navy, Rear-Admiral Edward Simpson, than whom there is no higher authority, says:

> Our wooden ships that sailed the sea from 1840 to 1860 were the finest in the world. The old frigate Congress, in 1842, was the noblest specimen of the frigates of the day, and the sloop-of-war Portsmouth was unsurpassed as a corvette. The clipper ships of that period need no eulogy beyond their own record. Those ships were the models for the imitation of all maritime nations, and among the constructors of the period may be recalled, without detriment to many others omitted, the names of Lenthall, Steers, Pook, and Delano. The poetry of sailing reached its zenith during this period.

The Princeton and San Jacinto were among the first war ships fitted with screw-propellers, and were fine ships of their time. The Merrimac frigate, built in 1856, was greatly admired by foreign architects, and the British admiralty at once proceeded to imitate the type in vessels that became the crack ships of the British navy. The Wabash, Minnesota, Roanoke, and Franklin were of the same class and all splendid ships. A few years later the corvettes of the Hartford class were built of live-oak and proved famous vessels, the Hartford being identified with the glory of Farragut as his flag-ship. Admiral Simpson says these vessels were reproduced by England and France when they made their appearance upon the ocean. And so I might enumerate the noble ships that have borne our flag in honor to every sea, and show that they were the pride of our people and the envy of all others.

At the time of the outbreak of our civil war England and some other European powers had been experimenting with heavily armored ships, and had expended vast sums in their construction. At that time the advantage over us in facilities for iron-clad ship building, as to machinery and experience, was vastly greater than it is to-day, and in the spring of 1862 few would have believed that we could produce anything in this country that could attempt to cope with the great wall-sided castles of iron that were the boast of the British navy. An awakening came on the 9th of March, 1862, when the little turreted Monitor defeated the rebel iron-clad Merrimac at Hampton Roads, established the fame of Ericsson, and proclaimed a revolution in naval warfare.

Again America took the lead in naval development, and again the naval constructors of Europe abandoned their latest designs and set at work copying the new and formidable type of war vessel that the Yankees had produced. At no period in the naval history has there been so sudden and complete a revolution wrought in plans and methods of construction as that which immediately followed the success of the "cheese-box on a raft" in 1862. An eminent naval officer has told me that on visiting the office of the chief constructor of the British navy just after our war he found all the models on the walls were adaptations of our Monitor type, and the most formidable iron-clads of England to-day are designed on the same general principles.

The war also furnished another and most conspicuous illustration of American superiority in the destruction of the Alabama by the Kearsarge in the English Channel, June 19, 1864.

The Kearsarge was built at the navy-yard at Kittery, Me., in 1859,

and during the progress of the war was sent to cruise in search of the rebel privateer Alabama, which was engaged in capturing and destroying our unarmed merchant vessels.

The Alabama was built for the confederate government in 1862 in the famous Laird ship-yard at Birkenhead, and, being designed three years later than the Kearsarge, represented the best effort of one of the greatest ship-building establishments of Europe in the production of that type of vessel.

In point of size, armament, &c., they were remarkably well matched, as the following figures will show:

	Alabama.	Kearsarge.
Length over all.....feet...	220	232
Length of keel.....do...	210	198½
Beam.....do...	32	33
Depth.....do...	17	16½
Tonnage.....tons...	1,040	1,031

Alabama's battery: Eight guns—one 68-pounder pivot smooth-bore, one 100-pounder pivot rifle, six heavy 32-pounders.

Kearsarge's battery: Seven guns—two 11-inch pivot smooth-bores, one 28-pounder rifle, four light 32-pounders

The Kearsarge, Commander John A. Winslow, lay off and on, outside of Cherbourg, France, for several days until the Alabama, which was in port, made all preparations for the fight and steamed out on Sunday morning, the 19th of June, 1864, under command of Raphael Semmes, accompanied by some English friends in the yacht Deerhound, who had come out to see the Yankee gunboat captured or destroyed.

The Alabama commenced firing first, and the Kearsarge steamed up to close quarters and opened fire, the two vessels circling around a common center and plying their guns until within an hour and a half from the firing of the first shot the rebel cruiser flung her bow high into the air and disappeared forever.

The executive officer of the Alabama, Mr. Kell, in a recent article in the Century magazine, says of that vessel:

The Alabama was built for speed rather than battle. Her lines were symmetrical and fine; her material of the best. In fifteen minutes her propeller could be hoisted, and she could go through every evolution under sail without impediment. In less time her propeller could be lowered; with sails furled and yards braced within two points of a head wind she was a perfect steamer. Her speed independent was from 10 to 12 knots; combined and under favorable circumstances she could make 15 knots.

Yet, after this high praise of his British-built ship, largely manned by seamen from the British navy, Mr. Kell, in accounting for the swift and utter defeat concedes to the Kearsarge superiority of speed and also pays a tribute to the effectiveness of the American guns, saying:

The 11-inch shells of the Kearsarge did fearful work, and her guns were served beautifully, being aimed with precision and deliberate in fire. She came into action magnificently. Having the speed of us, she took her own position and fought gallantly.

In another article in the same magazine Mr. Haywood, one of the Alabama's crew, sums up the the matter as follows:

One grim old tar who had been quartermaster in the British navy and was saved with me, said to the point: "We was whipped because she was a better ship, better manned; had better guns better served. That's about the size of it."

Thus, during the progress of a great civil war, American genius not only revolutionized the construction of armored vessels, but we also demonstrated the superiority of an American wooden sloop of war over a similar type of vessel built three years later by one of the foremost naval constructors of England.

For various reasons, since the war, less has been done to keep up the pre-eminence of our Navy. Our ocean commerce having been largely destroyed, the most of our great wooden-ship building establishments have fallen into decay, and with the attention of our people being more and more directed to internal development, we have failed to make adequate provision for the maintenance of our prestige on the high seas. Yet there has been good work done, and our naval corps is capable of designing as good ships as can be built in any country. There is too much of a tendency to belittle and detract from the ability of our own constructors and engineers. I believe that the bureaus of our Navy Department are capable to-day of furnishing as fine models and as excellent designs for the hulls, engines, and armament of modern warships as can be produced anywhere under the sun. The flippant slurs at the Engineer Bureau which are indulged in by those who want us to buy our ships and our machinery abroad find no warrant in the history of the service. It is a well-known fact that the Wampanoag, built in 1868, made an average speed of 16¾ knots for thirty-eight hours at sea; an average of 17 knots for twenty-four hours, and a maximum speed of 17¾ knots—the fastest time that had ever been made by any ship of war.

The Inconstant, built by the British navy on a similar model and intended to beat the American ship, succeeded in making only 15 knots an hour.

Of another of our vessels, the Vandalia, whose machinery was designed by the Bureau of Steam Engineering under its present accomplished Engineer-in-Chief, and concerning which criticisms have been made, the following commendation was expressed by Sir Thomas Brassey in The British Navy, volume 1, page 545:

The record of the Vandalia affords a good illustration of the efficiency of the type of machinery employed for her. This ship was first commissioned in 1875, and returned home, after a full three years' cruise, late in 1878 in good order, having steamed during her absence the very unusual distance of 26,230 knots. During the entire interval she was never detained a single day in port on account of repairs to the engines or boilers, or for work required in the engineer's department. A record equal to this can rarely be found on the logs of any other American ship of war. There can be no more convincing proof needed that the engines and boilers were properly designed and well built, and had excellent management and care during the cruise.

That is an English indorsement, and on this side of the water we have that of Secretary Whitney's advisory board, who have accepted the designs of the bureau for the machinery of the new steel cruisers.

The present administration seems to have started out with so intense a determination to discredit the new ships commenced under Republican auspices, that no effort has been spared to convince the public that they are failures. The effort was so strong that it overreached itself, and the public has been convinced only of the injustice and recklessness with which the Department drove into bankruptcy in his old age one of the greatest ship-builders in the world, and practically broke up the most important ship-building establishment in the country. The people have looked into this matter and public sentiment has determined that the crusade against John Roach was the most cruel and unjustifiable persecution of which a government was ever guilty toward one of its own worthy citizens.

The people were quick to note and condemn the manner in which one board after another was "organized to convict" the Dolphin of failing to meet the conditions of the contract; and the systematic publication of everything unfavorable, while everything favorable was suppressed, added to the popular conviction that Mr. Roach was not receiving "fair play."

Take the matter of speed. The advisory board reported that it satisfied the conditions of the contract, but the Belknap board was ordered to make a special test. In the Secretary's report in November he gave the official report of the Belknap board, dated June 15, 1885, in which they said:

The board witnessed her performance on the smooth waters of Long Island Sound on three occasions. The conditions were most favorable but the speed attained was not in excess of 15 knots per hour, a result far from promising a like speed at sea, under the conditions she must always be ready to meet in actual service.

In response to a call from the Senate the Secretary recently sent some correspondence, among which appears in print for the first time the following dispatch sent to Captain Belknap nearly a month previous to the date of the report above quoted:

[Telegram.]

NEW YORK, *May* 28, 1885.

HON. SECRETARY OF NAVY,
Washington, D. C.:

Dolphin ran six consecutive hours to-day without mishap of any sort, averaging from 72 to 76 turns per minute; all conditions very favorable; steam pressure from 84 to 89 pounds; average speed 15½ knots; speed for two hours 15.9 knots per hour; approximate mean collective horse-power, 2,240. As ship was aground on reef on Wednesday, she ought to be docked before sea trial.

G. E. BELKNAP,
President of Board, Astor House.

This shows that she did make an average speed of 15½ knots and a maximum of nearly 16 knots per hour. It will be remembered that the Belknap board also severely denounced the construction of the vessel in many respects, and especially on account of "structural weakness." The naval advisory board, however, very effectively answered the criticisms made, although the Secretary would not publish their report to offset the Belknap strictures that had been promptly given to the press. Finally Capt. R. W. Meade was put under confidential instructions to give the Dolphin another trial at sea. From the experiments to which he subjected the vessel one would infer that he had been ordered to destroy her if possible, but she passed safely through an ordeal that few steamship owners would select with a view to benefiting their vessels.

But Captain Meade's report was withheld, and for months the public could only surmise that his findings were favorable to the devoted craft or the Secretary would have promptly advertised them. A few weeks ago the report saw the light under a resolution of the Senate, and it will make some old salts open their eyes to learn the sort of tests that the Secretary of the Navy deemed it necessary to apply to determine the stability of a vessel. Captain Meade says:

When about 65 miles east by north of Cape Hatteras encountered a moderate gale from the southward, the force of the wind being recorded as from seven to eight; *sea rough.*

The proposition I made to the civilian experts in order to test the ship was acceded to, and is substantially as follows:

To run the Dolphin *under full steam power (draught forced) two hours head to wind and sea;* two hours with the wind and sea four points on the starboard bow; two hours before the wind and sea; and, finally, two hours with the wind and sea on the port quarter.

He reports the result of these experiments as follows:

At 7.50 a. m. the trial commenced, the revolutions of the screw being sixty-eight per minute; steam pressure, 75 pounds; speed per log, 11.1 knots; the ship very uneasy, pitching through large arcs and taking large quantities of water forward, necessitating the battening down of the hatches.

The lack of a proper number of freeing ports now became painfully evident. The angle of pitch was 20°; S'cend, 15°; roll to starboard and port, not over 5°.

At 10 a. m., just as the first part of the proposed trial was over and I was about to subject the vessel to the second test of running with wind and sea on the bow, instead of directly ahead, she plunged and took a solid green sea over the bows, which carried away bridge-ladders and gratings, started the frame-work of the bridge, filled the pilot-house and forward fire-room ventilators, and left 2½ feet of water fore and aft the deck, which passed off through the scuppers and filling ports very slowly (on reducing the speed), the ship trembling under the increased weight—*which must have been quite 40 tons*—and manifestly suffering.

Not desiring to strain the vessel unnecessarily, I slowed the engines until the ship became dry and easy; the revolutions were then forty per minute and the speed by log 3 knots, the ship being still head to wind and sea.

I am satisfied, however, that had I continued to urge the Dolphin to full speed she would speedily have been in great jeopardy from the vast amount of water which would have continued to come on board owing to the absence of the usual "turtle back" fitted to small vessels required to run at high speed in rough water.

Yet under like conditions of wind and sea the steamers of the Ward, Alexandre, or Cromwell lines, and even the small channel packets (half the size of the Dolphin), could have made their schedule speed without any difficulty. The gale was but a moderate one, and just before the heavy sea referred to was shipped I noticed several merchant vessels running before the wind under top-gallant sails. *The sea, however, was rough for a small vessel.*

The Dolphin, as at present fitted, can not safely be driven at full power even in moderately rough water, and my opinion is, she is merely useful for smooth-water dispatch.

Under these circumstances it seems rather a misnomer to call her a "dispatch vessel."

And comparing her with sea-going yachts she appears to great disadvantage, since she is too large, too expensive, and much too ill-arranged and inconvenient for use as a pleasure craft. (See Inclosure C.)

About 2.30 p. m., with the acquiescence of the civilian experts, I altered the course to the westward to close with the land, and ran the vessel in the trough of the sea to test her rolling powers. I soon found I could not run her over forty revolutions per minute without endangering the boats, and forty revolutions under the circumstances only gave a speed of about 6 knots. The engine-room pendulum showed the greatest roll to be 26°, but the pendulum in the pilot-house marked 40° to leeward and 34° to windward. Yet the roll was easy, and she shipped no water so long as the revolutions were kept down to forty. The experiment of increasing them to fifty caused her to roll quickly and uneasily, and I slowed again.

During this *time neither myself or officers observed any lack of strength in hull or machinery*, and through the voice-tube from the pilot-house I was in constant communication with the engine-room. *If any structural weakness exist it did not exhibit itself;* and the engines ran smoothly, and were only stopped once in sixty-four hours, and then merely to sound. There was but slight tendency to heat reported, and no unusual amount of oil or water, for a new ship, used on bearings or journals. The ship arrived at Hampton Roads the next morning.

By separating the statements of fact from the expression of opinions in the above report it will be seen that this much-criticised vessel was subjected to most extraordinary tests of her stability, and that she ever reached port to tell the story of how she had been driven into a heavy head-beat sea at the rate of over 11 knots an hour, and then run "in the trough of the sea to test her rolling powers," is in itself an ample refutation of the charge of "structural weakness."

It will also be seen that the criticism of Captain Mead, as he says, "concerns the designer rather than the builder." In other words, he raises a question of judgment as to the design between himself and the other eminent naval officers and civilian experts who designed the vessel. Such a dispute would be likely to arise between any two sets of persons and is a matter of opinion.

A strenuous effort seems to have been made to figure the speed of the Dolphin down to the lowest point, but the statistics given in the log reports of the various trials show indisputably that the vessel developed more than the fifteen knots claimed by her designers; and Admiral Simpson says, in an article printed since all the trials were made:

She (the Dolphin) has proved herself eminently successful, and is the fastest sea steamer of her displacement built in the United States, with perhaps the exception of the steam-yacht Atlanta. She is a staunch vessel of great structural strength, and does credit to the ship-building profession of the country.

The action of the Department in finally, though reluctantly, accepting the vessel and undertaking the completion of her consorts is a confession that the unprecedented efforts made have failed to discredit these first-fruits of American handiwork in the line of building steel ships of war.

It now seems that the administration, which commenced by breaking down the greatest ship-building establishment in America, is following its un-American policy by going to England for designs for our ships, and insisting that we shall literally copy a foreign model.

This is the first time, to my knowledge, in the history of this country when we have had before us the proposition to lower our standard and say to England or any other country, "We acknowledge that with all our inventive capacity and ability we must come to you and take your models and build upon them without improvement or modification."

I protest that we have the ability, and it should be a matter of national pride with us to improve upon the best models and designs that the Old World can furnish, and to put afloat American ships of American design, and built of American materials, that will set the example of our superiority as of old. [Applause.]

Mr. HERBERT. My colleague on the committee from Maine [Mr. BOUTELLE] is very badly mistaken in his facts. When, in 1867, engines were put into the Quinnebaug Secretary Welles bought them abroad as models by which our builders in this country could work and on which they were expected to improve. So, when the American line of steamships constructed their four vessels, the Pennsylvania, the Ohio, the Illinois, and the Indiana, it was understood and recommended that William Cramp & Sons should go abroad and purchase plans, which they did, at an expense of more than $10,000. This shows that the gentleman is not familiar with the facts at all. The Yankee of this country is ahead of the world, because he puts himself ahead whenever he can. That is exactly what Secretary Whitney has done. He has bought the plans of the best cruiser that has ever been constructed, the last result of twenty years' experience in ship-building. Now, as to the substitute, I have only this to say, and I think I speak for all the majority of the committee.

We have not changed our opinion. We thought at the time that it would be well to appropriate the amount of money carried in the original bill and to build the number of ships there provided for; but we recognize the fact that the committee is simply a representative of the House; and when we found that there was an opinion in the House that we ought not to expend this year as much money as was carried in that bill and that we ought not to authorize the building of as many ships as were there authorized, we conformed to what we believed to be the sentiment of the House, and for that we have no apology to offer.

Mr. REED, of Maine. I think we will show the gentleman that that sentiment does not exist on this side of the House.

Mr. HERBERT. Very well; perhaps it does not. But we understood that to be the sense of the House, and therefore we proposed this substitute. I ask gentlemen who are in earnest in their desire to do something for the Navy to stand by the majority of the committee upon this substitute, and I ask gentlemen on the other side who are in favor of even more to stand by the substitute upon the principle that "half a loaf is better than no bread."

Mr. BOUTELLE. Why should we not have the whole loaf?

Mr. REED, of Maine. If the gentleman from Alabama will permit me, I will say this: If you have forty Democrats who are in favor of your original idea you can carry it, because our side will vote for it. If you have not forty Democrats who are in favor of it, I shall be glad to see you admit it in this way.

Mr. HERBERT. I have no doubt, Mr. Chairman, that there will be attempts to load down this bill, but I hope the gentleman from Maine will not do anything of that kind.

Mr. REED, of Maine. "Load it down" with your original proposition!

Mr. BOUTELLE. Is not the chairman of the committee in favor of the original bill?

Mr. HERBERT. I have spoken on that question. No, not now. I am in favor of the substitute now.

Mr. REED, of Maine. We will give you an opportunity to show what you are in favor of.

Mr. BOUTELLE. Well, do not say that we "load it down" when we simply give you your own original proposition.

Mr. HOPKINS. That was an embarrassing question which the gentleman from Maine [Mr. BOUTELLE] asked, and he ought not to have asked it.

Mr. HERBERT. I am not embarrassed at all. I say that I am in favor of the substitute.

Mr. Chairman, I yield the remainder of my time to the gentleman from Pennsylvania [Mr. CURTIN].

Mr. CURTIN. Mr. Chairman, in the Forty-eighth Congress Mr. Ellis, of Louisiana, then a member of the House and on the Committee on Naval Affairs, stated that since the war $154,000,000 had been expended for the construction and repair of the Navy, and that the money was gone and the Navy with it. In the Forty-seventh Congress we spent time and money in an effort to repair the old monitors, which were of no value at all. I remember that a long time ago Davy Crockett, then a member of the House of Representatives from the State of Tennessee, said, "Whar' now is your public Treasury? Echo answers, nowhar'." The same might be said, Mr. Chairman, of our Navy and of our expenditures for it. I am in favor of the bill as introduced, because it received the sanction of the administration and of a majority of the committee. Who would not favor the construction of a navy for this country? Who can fail to remember the glorious achievements of our Navy. In 1812 and 1813, when the British fleet was on our coast and our armies surrendered and disaster came upon us and our capital was burned, our improvised Navy went out upon the high seas, lowered the flag of the greatest nation in the world, and, as a result of that war, gave the country consequence before the world.

Mr. Chairman, we should be provided against war. In the affairs of humanity wars come suddenly upon all nations. Wars have come to us. We have been engaged in two foreign wars. We have had a domestic war. The wise men of to-day may say they knew the war was coming; but the wise men of that day did not know it was coming. If the storm had at that time burst suddenly upon the country in all its force, and we had at the beginning of the terrible struggle understood the magnitude of the war, that it would involve an expenditure of billions of money and the loss of seven hundred thousand precious lives, perhaps nobody would have been brave enough to face the conflict. But as the war progressed we realized its magnitude, and stood by the issue which had been made up of fanaticism, frenzy, and insanity.

It is true, Mr. Chairman, that we did improvise a navy which blockaded the Southern coast—the only actual blockade in the history of the world. It was not a blockade by proclamation; foreign countries admitted that we did blockade 4,000 miles of coast with an improvised navy. But that blockade was intended to prevent commercial intercourse between the people of the South and foreign countries; we never with that navy could have resisted foreign aggression. One ship of the Italian navy could have destroyed our whole blockading squadron if gathered together.

Now, the administration is in favor of commencing the building of a navy. There is no use turning this question into politics. It is a question which appeals to the American heart. Our commerce should be extended throughout the world, and should be protected under the flag of this country and by the guns of this Government. Why, Mr. Chairman, in the Forty-seventh Congress I introduced a bill appropriating $25,000 to try experiments on steel armor made in this country. An ingenious man in the State of Pennsylvania discovered that he could weld steel of three qualities: the first pliable, the second harder, and the outside layer as hard as a file. There was thus constructed a plate 13 feet long and 6 feet wide; but the Government of the United States admits that it has not a single gun with which to try experiments upon that plate.

Now, as I understand, the present administration has reported through this committee a modified proposition to commence building a navy. If you would appropriate $100,000,000 you could not build a navy at once, though you did improvise a fleet at the time of our domestic war. It is proposed now to make cruisers. What difference about the models? The learned gentleman and gallant sailor from Maine [Mr. BOUTELLE] has said that we accept English models. Why, I would have that gentleman remember that the fight down here in Hampton Roads between the Merrimac and the Monitor changed the naval warfare of the world. The ingenuity of our people conceived a plan of warfare with iron-clad or steel-clad cruisers or ships of war. Foreign nations imitated our example. If there is anywhere in the world a model of a ship better than we have yet constructed in this country, let us adopt it. Let us take it for what it is worth. Let us build a navy, proceeding, as proposed by the administration and by the bill under consideration, by degrees, and thus prepare for the future and be prepared for war if such a calamity is in the future to afflict our country and interrupt our peaceful pursuits, and further break our normal condition.

Let us make adequate appropriations now, so that we may have the cruisers upon the high seas as soon as possible to defend our commerce. As I understand now, the great question is whether you can build a cruiser with one gun which can get away from the big ships which can not make the same speed that your cruiser makes, and that should be our policy. Let us give our commerce protection; let us build up a navy such as will comport with the glory and power and consequence of this country. Let us do it through the administration in power. And I say to the gentleman from Maine that the administration now in power and the man who occupies the Presidential Mansion stand by the measure now proposed; and we on this side of the House will stand by it.

Mr. BOUTELLE. Which bill do you understand the administration stands by?

Mr. CURTIN. As I understand, the substitute—the smaller one.

Mr. REED, of Maine. The "half-a-loaf" proposition.

Mr. CURTIN. I do not care whether it is "half a loaf" or one grain of wheat that is to make the loaf. I want a navy. I do not want it to be said that we have spent $154,000,000 for a navy and have neither the money nor the Navy.

Mr. BOUTELLE. Does the gentleman understand that the administration desires the passage of this bill cut in two in this way?

Mr. CURTIN. I understand that from the chairman of the committee.

Mr. BOUTELLE. That this measure is desired by the Department?

Mr. CURTIN. I understand so.

Mr. REED, of Maine. The chairman of the committee does not say so.

Mr. BOUTELLE. I should like to have that matter understood.

Mr. CURTIN. I think he means that.

Mr. REED, of Maine. He does not say it; and he is silent yet.

Mr. CURTIN. I understand that it meets the approbation of the Navy Department.

Mr. HERBERT. I have not said anything as to what the President wishes. This bill was reported from the committee; the committee considered and approved it. That is what I said.

Mr. BOUTELLE. What do you understand the fact to be?

Mr. HERBERT. I understand the fact to be that the committee reported this substitute, and are in favor of its passage.

Mr. HISCOCK. Do you not understand that the administration wants the bill as reported in the first instance?

Mr. HERBERT. Neither the Secretary of the Navy nor the President is a part of the legislative power or a part of this House.

Mr. REED, of Maine. I hope you are in harmony with them.

Mr. HERBERT. I think I am. They are both in favor of increasing the Navy; so am I; and so is the committee.

Mr. REED, of Maine. We do not want another Department out of joint.

Mr. CURTIN. Nobody is "out of joint." [Laughter.]

The CHAIRMAN. The time allowed for general debate has now expired.

Mr. CURTIN. I am quite sure this bill meets the approbation of the administration.

Mr. HERBERT. I have no doubt it approves of everything in it.

Mr. REED, of Maine. The administration does not seem to have the support of the chairman of the committee.

Mr. CURTIN. Oh, yes, it has; and I would be willing to give $100,000,000 if necessary for this purpose.

Mr. HERBERT. If I can have order, I desire——

Mr. CURTIN (addressing the Republican side of the House). You are an organized party on your side; we are not well organized. [Laughter.] You move at the indication of the distinguished gentleman from Maine. We do not move at anybody's indication. I would like to know where I am. [Laughter.] Surely I desire to submit to party discipline, and in doing so to advocate measures that will give a navy to the country worthy of its consequence and magnitude in the nations of the world.

Mr. HERBERT. I ask the substitute be considered instead of the original bill.

Mr. REED, of Maine. We are in favor of the original bill.

The CHAIRMAN. Is there objection to taking up and considering the substitute instead of the original bill?

Mr. REED, of Maine. I object.

Mr. HERBERT. Very well; then let us proceed with the consideration of the original bill, and I give notice that when we get through with it I will offer the substitute.

The CHAIRMAN. The time for general debate has expired, and the bill will now be considered under the five-minute rule, and will be read by paragraphs for amendment.

The Clerk read as follows:

Be it enacted, &c., That the President is hereby authorized to have constructed, as hereinafter provided—

First. Two sea-going double-bottomed armored vessels of about 6,000 tons displacement, designed for a speed of at least 16 knots an hour, with engines having all necessary appliances for working under forced draught, and costing, including engines and machinery and excluding armament, not more than $2,500,000 each. Toward the construction of said vessels the sum of $1,250,000 is hereby appropriated. Said cruisers shall have each a complete torpedo outfit and be armed in the most effective manner.

Second. Three protected double-bottomed cruisers of not less than 3,500 nor more than 5,000 tons displacement, with the best type of modern engines, furnished with necessary appliances for working under forced draught, said cruisers designed to have the highest practicable speed. No one of said vessels shall cost, including engines and machinery and excluding armament, exceeding $1,500,000, and the cost of the three vessels, including engines and machinery, shall not exceed $4,000,000. Two of said cruisers shall be provided with spars and rigging to spread at least two-thirds of full sail-power: *Provided, however*, That said spars shall be easily removable in case of need. The other of said cruisers shall be required to have only military masts, but shall be so constructed that masts and spars may be readily inserted sufficient to carry at least two-thirds of full sail-power. Toward the construction of said cruisers the sum of $1,100,000 is hereby appropriated. Said cruisers shall be armed in the most effective manner.

Mr. BALLENTINE was recognized.

Mr. REED, of Maine. Is this being read for amendment?

The CHAIRMAN. It is.

Mr. REED, of Maine. Has the first reading been waived?

The CHAIRMAN. It has.

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. MCADOO took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment a bill and joint resolution of the House of the following titles:

A bill (H. R. 9208) to permit the entry free of duty of foreign goods for exhibition at the fourth annual exhibition of the United States Bottlers' Protective Association; and

Joint resolution (H. Res. 129) directing the Public Printer to forward the CONGRESSIONAL RECORD to our legations abroad.

It further announced that the Senate had agreed to the amendments of the House to bills of the following titles:

A bill (S. 453) for the erection of a public building at Jacksonville, Fla.; and

A bill (S. 1492) for the relief of Ellen Sadler, sister of John Sadler.

It further announced that the Senate disagreed to the amendments of the House to the bill (S. 2609) granting a pension to Emily J. Stannard, asked a conference on the disagreeing votes of the two Houses to the amendments of the House, and had appointed as managers of said conference on their part Mr. SEWELL, Mr. BLAIR, and Mr. WILSON, of Maryland.

NAVAL ESTABLISHMENT.

The committee resumed its session, Mr. CRISP in the chair.

Mr. BALLENTINE. I move the following amendment.

The Clerk read as follows:

Strike out paragraph 2, and in lieu thereof insert the following:

"One cruiser of not less than 2,500 nor more than 3,500 tons displacement; said cruiser to be constructed upon designs, plans, and specifications furnished by

Charles G. Lundborg, of New York, and under his supervision and direction. The said vessel shall have the highest practicable speed (not less than 20 knots per hour), full sail power, and an armament as heavy as may be compatible with the foregoing conditions. The cost of said vessel, including engines and machinery and exclusive of armament, shall not exceed the sum of $1,200,000, which sum, or so much thereof as may be necessary, is hereby appropriated."

Mr. BALLENTINE. Mr. Chairman, in submitting this amendment, I do so in view of the fact, publicly stated, that during the last administration the Navy Department procured the plans of the Esmeralda, a cruiser built in England for the Chilian Government, and the advisory board accepted this design as a type of vessel of the highest speed and greatest efficiency after which to model and construct the ships now building at Chester. The present administration has purchased the plans of the Naniwa-Kan, and propose to build a cruiser upon her design. Neither of these ships is over 18 knots speed, and the copies which our Government propose to build will not be likely to equal the originals in speed and efficiency. The ship proposed by the amendment just read will be superior to both these foreign plans, as attested by the eminent authorities who indorse it.

"There is a rank due to the United States among nations which will be withheld, if not absolutely lost, by the reputation of weakness. If we desire to avoid insult we must be able to repel it; if we desire to secure peace, one of the most powerful instruments of our prosperity, it must be known at all times that we are ready for war."

Mr. Chairman, these words of wisdom and sound policy, spoken by the first Chief Magistrate of the Republic, inspired the organization and development of a naval establishment in this country, which enabled us to repel insult, vindicate the rights of our citizens, defend our national honor, and achieve the highest rank among the foremost naval powers of the world. Under the wise counsel of Washington we achieved this high distinction within the first half-century of our national existence.

If we desire to relieve ourselves from our present condition of defenselessness, avert humiliation and disgrace, we must return to the wise policy enunciated and carried out by the Father of his Country. The time for doing so is both opportune and propitious. Public sentiment demands it, and the condition of our public Treasury warrants it. It devolves upon Congress to enact the necessary legislation to establish an adequate and efficient navy for this country.

Two questions confront us: What kind of a navy do we require, and how can we secure it? In solving these important questions correctly, it may not be unprofitable to take a retrospective view of our naval history. The inventive talent, mechanical skill, and undaunted courage of our people, stimulated by an ardent patriotism, attained for us the highest distinction, and secured national safety and prosperity. We continued to hold this proud position of honor and security until wooden walls were superseded by ironclads and turreted ships, created out of the unfortunate emergency of our internal conflict. Even in the extraordinary transition in naval construction, from wooden to iron vessels, we taught the naval powers of the world, and revolutionized, by the results of a single engagement, their systems and establishments. The encounter between the Merrimac and Monitor inaugurated a new era in naval architecture. The results demonstrated in the naval battle of Hampton Roads rendered obsolete the navies of the world. The enterprise, ingenuity, and skill of our people were again equal to the great emergency. They adopted the innovations in naval construction with alacrity, and produced with wonderful facility and dispatch a formidable fleet of ironclads, gunboats, and cruisers, the number and type being controlled only by the public necessity and the facilities available to build them.

Our war navy was an emergency navy. When it had fulfilled the purposes for which it had been created, it should have given place to, and should have been superseded by, a modernized fleet of efficient, superior ships of the latest improved type. It should have been apparent not only to our naval constructors but also to the administration that the radical and universal change in the methods and materials of marine construction rendered it impossible to make our war navy permanently useful and efficient as a peace establishment. Here is where our fatal naval policy began. Waste, extravagance, and disgrace followed. Disregarding the grand achievements and glorious history of our gallant Navy in the past, and ignoring all improvements in naval architecture and construction, we degenerated into a navy for repairs only. This policy, wasteful and profligate, not only squandered many millions of the public funds, wrung from the honest tax-payers of the country, but it excited the cupidity of the unscrupulous and venal, and was prolific of jobbery, corruption, and scandal.

If proof is demanded in support of this grave charge I need only cite the books of the public Treasury, which will disclose the fact that the expenditures for the Navy from 1866 to the present time, covering a period of twenty years since the war, aggregate the enormous sum of over $400,000,000. And then examine the Register of our Navy, and you will not find a single first-class war ship. Is not this a national disgrace?

It is the permanent policy of all the first-class naval powers of Europe, and particularly of Germany, France, and England, to destroy their obsolete war ships and to replace them with modern improved types. It seems most singular indeed that we do not possess the wisdom and sagacity to adopt a similar policy, as it is in the interest of both economy and the efficiency of our Navy. But it is still more inexplicable that we should now attempt to rehabilitate our Navy by undertaking to reproduce obsolete English ships.

While we have been squandering hundreds of millions in repairing old ships other nations have availed themselves of the latest inventions and improvements in naval architecture, and, keeping up with the progress of the science, they have modern efficient naval establishments. During our era of repairs

England expended for new modern ships over	$170,000,000
France expended about	90,000,000
Germany	60,000,000
Italy	32,000,000
Holland	20,000,000
Turkey	17,000,000
Brazil	10,000,800
Chili	7,000,000

In addition to these vast expenditures by England and Germany and France, these powers have now under consideration propositions to still further increase their naval establishments, at an aggregate expense of over $100,000,000.

Uncle Sam's "naval repairs" teat having run dry, and the voracious cormorants tugging at it for twenty years having let loose their hold, it may be assumed that we are now in condition to enter upon a new era for the restoration of our Navy to its former position of efficiency and distinction.

In entering upon this new era let Congress make no mistake. As to the proper measures necessary to provide this country with a naval establishment commensurate with its necessities, upon that momentous question there is a wide difference of opinion. But it may be contended that the era of rebuilding our Navy began a few years ago when Congress provided for the construction of the Chicago, Boston, Atlanta, and Dolphin.

The new ships now building are surrounded by the most serious doubts as to their success. The Dolphin is pronounced a failure. Will the Chicago, the Boston, and the Atlanta be any better? All the criticisms upon them, both in this country and England, are adverse and condemnatory. Chief Engineer Isherwood, one of the ablest and most experienced officers of our Navy, testified concerning the Chicago as follows:

Her machinery is inefficient in type, and will fail at high speed. She has but half sail-power, and can not cruise under sails; she will always have to use steam. Her speed will be entirely too little, and her endurance much too small.

Concerning the Atlanta and Boston, he said:

That excepting their machinery they would have all the faults of the Chicago in an exaggerated degree.

But assuming that these vessels may fulfill the expectations and prove successful, according to the theories of their designers, even then they will then be comparatively useless and not equal to the exigencies of the times. In what respect, may I inquire, do the cruisers provided for in the pending bill differ from those now building at Chester? Only in size and cost. Like the Chicago and her consorts, the proposed ships will be too slow for cruisers and too vulnerable to give battle. Not being able to fight or run, I ask, what are this class of vessels fit for? Are they intended as slow pleasure boats to accommodate a few line officers of our Navy with independent commands? For any other purpose they will be absolutely worthless.

The political situation and necessities of this nation differ entirely from those of European countries. We have no outlying colonial possessions to maintain and defend. A naval establishment suitable and adequate for their purposes would not be adapted to the requirements of this country. If we should get into war with any of the great naval powers of Europe, we would encounter ironclads of the most formidable type. In such a conflict armored cruisers, and especially of low speed and light armor, such as we are building and propose to build under the provisions of this bill, would be utterly worthless. In defending our seaboard we must be prepared to resist and fight the largest and most powerful iron-clad navy in the world, and to do that successfully requires ships equal to if not superior to the best now afloat. The idea advanced in some quarters that forts and torpedoes are a safe reliance for the protection of our exposed cities is utterly untenable. The sea must be the field of battle, and therefore a navy is essential. But if forts and torpedoes were adequate as a means of defense, to fortify our extended seaboard would cost more than ten times the amount necessary to build a powerful navy. A scheme already reported by the "ordnance commission" estimates the cost of earthen-work forts and great guns alone at $126,000,000.

In referring to the matter of independent commands, an explanation may be found in the following extract from the testimony before the Naval Committee of one of the most intelligent officers of our Navy, who says:

I would have these vessels for the purpose of giving command to lieutenants, who are rusting out for want of something to do. We have the finest body of lieutenants in the world, simply rusting away.

This, sir, is doubtless an honest expression of the prevailing sentiment of our Navy. It is no doubt the dominant sentiment among the line

officers, who are all anxious that the Government should build a large number of small ships, so that each one of these "rusty lieutenants" may have an independent command. It seems to be a fancy and not an efficient Navy which these officers desire.

Can it be possible that the views and desires of this class of officers have controlled the head of the Navy Department in his recommendations to Congress as to what class of vessels should be built at this time? Whether such influences have controlled or not I am unable to state, but it is a fact patent to any one who reads the testimony before the Naval Committee that there is a remarkable concurrence of views on this subject between the line officers and the head of the Department. But the important fact was not disclosed whether the vessels recommended to be built are to increase the efficiency of the Navy, or only to gratify "rusty lieutenants" with independent commands.

The Committee on Naval Affairs, of which I have the honor of being a member, has recommended the building of five additional vessels, ranging from 3,500 to 6,000 tons displacement. The largest of these are to have armor belts of the maximum thickness of 10 inches, protecting the engines, boilers, and magazines. They will probably carry a few 10-inch breech-loading rifle guns, besides some lighter ordnance and machine-guns, and they are believed to make quite formidable fighting ships. The weight of thicker armor plates than permitted by the limited displacement would, of course, necessitate a larger ship. Let us now for a moment suppose two vessels of precisely equal speed and armanent, but one of them unarmored, having no protective armor at all, while the other carried a protective belt of compound plates of 10 inches at the water line. We would naturally at once conclude that the unarmored ship had no chance whatever in a contest with the armored one. Let us see, however: The two vessels, if armored with 10-inch breech-loading guns, would be within range of each other at a distance of 5 miles or more. But I will suppose that they approached each other to within a distance of 7,000 yards, or about 4 miles.

Referring to the report to the present Congress by the Select Committee of the Senate upon Ordnance and War-ships, we find, page 25, that at the distance of 7,000 yards, the projectile from a 10-inch breech-loader will penetrate a plate of solid wrought iron of 13.23 inches thickness. At that distance, therefore, the 10-inch armor would probably be penetrated if fairly hit, and its capability of protection would thus be, if not completely nullified, at least very much reduced. The only practical advantage that one vessel might have over the other would, consequently, consist in the best gunnery, and that leads us to inquire what would be the chances of hitting each other at that distance. A circle with a radius of 7,000 yards has a circumference of nearly 44,000 yards, or 132,000 feet, and assuming the ship to be 300 feet long it follows that it would occupy only one four-hundredth part of the circumference, or less than one degree.

Any artillerist with experience in a seagoing vessel knows that the chances of hitting a ship under such circumstances, taking into consideration the motion of the vessel, are very small—not one in a hundred. At shorter range the armor would offer no protection at all against the projectiles from the 10-inch gun, which at a distance of 4,000 yards, or about 2½ miles, would penetrate 16.33 and at 2,000 yards 18.96 inches of solid iron. Indeed, it will be seen that at this distance the 10-inch plating would offer no effectual protection even against the 8-inch breach-loading rifle gun, the projectile of which would then penetrate 13.63 inches of solid wrought iron.

It appears, therefore, that the chances of the unarmored ship would not be quite so hopeless as at first supposed. So far from that being the case, the issue of the battle would most likely depend upon the most skillful commander and upon the greater steadiness, the ship presenting the most steady gun platform or most free from rolling and pitching having a most decided advantage, and if this advantage should happen to be on the side of the unarmored ship it would probably more than counterbalance the armor. It is evident, however, that the protection obtained by a moderate thickness of armor plates against modern guns such, as most ships now carry, is only imaginary, and thus we come to the conclusion that cruisers—the principal object of which can only be to show our flag in distant waters, protect our merchant ships, if we had any to protect, and possibly to destroy those of an enemy in times of war—would be as effective if unarmored as if armored. On the score of economy, since the difference in cost between the two kinds of vessels is very great, this may be well worthy of consideration.

But if armor of moderate thickness, such as is used by the most powerful cruisers, like the English Warspite and Imperieuse, the armor of which has ten inches maximum thickness, can not be considered to afford protection even against an unarmored vessel of equal strength, what quality then would be most desirable as conducive to superiority? The answer is speed. In this direction lies the way to improvement. Superior speed means substantially superior power, whether for offense or defense. A difference of only a quarter of a knot between two ships otherwise equal gives such a decided advantage that it means victory. This quality is of so great importance that no effort should be spared to gain any possible improvement in this respect. Improvement in that direction is of far greater importance than improvements in guns and armor, because the advantage of the former will always exist, whatever may be the fate of enormously heavy armor plates and guns, which is in the highest degree problematical.

Modern iron-clad ships have never been in battle, and we know consequently absolutely nothing of what is likely to happen, except by theory. There has been no experience whatever in the matter worth mentioning, except so far as regards experiments in firing against targets on shore, consisting of iron or steel plates fastened to frames, representing a ship's side. But I need hardly say that the experience derived from such experiments must be greatly at variance with what is likely to happen on a vessel moving in the sea. These experiments in firing against targets, which have been carried on by the European powers for more than twenty years, or ever since the memorable battle in Hampton Roads between the Monitor and Merrimac inaugurated the era of iron-clad ships, have cost enormous sums, hundreds of millions of dollars.

Even the smallest European nations, living as they do in a chronic state of political uncertainty requiring great sacrifices and unceasing vigilance and preparation for possible eventualities, have found it necessary to spend large sums upon such experiments. But owing to our isolated geographical position our people have not been called upon for sacrifices of such nature. The fruit of these enormously expensive experiments have come to us gratuitously, and this fact might be urged as one of the reasons why our country, rich and powerful as it is, should not hesitate to bear any reasonable expense that might be needed in the practical solution of questions which may be of importance for our national security and honor.

If these experiments against targets have proved anything at all it is that no steel, compound, or iron plate yet manufactured is strong enough to resist the projectiles from a heavy modern gun. At the experiments at Spezzia in the latter part of 1884 with a 100-ton gun against solid steel and compound plates of 19 inches thickness it was found that the projectile weighing 1,840 pounds passed through the plates with the greatest ease. An examination of the table on page xxv of the report of the Committee on Ordnance and War-ships shows, that the projectile from the 100-ton gun will penetrate 29 inches of solid iron at the distance of 1,000 yards, and it also shows how little protection may really be expected from the armor in a battle between large ironclads armed with heavy guns, particularly if engaged at close quarters. The probability is that they would sink each other.

The only recent trial of iron-clad ships from which can be drawn even an approximate estimate of their efficiency and power was the bombardment of Alexandria by the British fleet in 1882. But that was an engagement between ships and forts, and gives no reliable data as to what is likely to happen in a battle between ships armed with heavy modern guns. The Egyptians were greatly overmatched, having only mostly light smooth-bore guns to oppose tremendously heavy rifled breech-loaders. Yet it is shown by the results of that unequal conflict that the few rifled muzzle-loaders of the Egyptians, although much inferior to the modern high-power rifled breech-loader, did considerable damage. The Inflexible, the most powerful ironclad of the British fleet, having armor 24 inches thick, was penetrated below water, necessitating her going into dock at Malta for repairs. The extent of the damage was, however, concealed from the public, which would indicate that it was of a serious character.

It is safe to say that the first battle between iron-clad ships will totally upset a great many notions and theories prevailing at the present time, and the inevitable consequence will then be a more or less complete remodeling and rebuilding of all navies in the world, and it would not be at all surprising if the final result would be a total discarding of all sorts of ponderous armor on vessels. It is clearly evident that all modern war ships, ironclads, armored, and belted cruisers, are, without a single exception, huge experiments. The philosopher may well ask why is it that all these vast sums, aggregating thousands of millions, have been spent upon a matter involving so much uncertainty.

Was there ever in all history, such a display of reckless folly? Never! Posterity will contemplate with wonder and amazement this extravagant and wasteful expenditure. And this, too, in an age of progress and vaunting intelligence. It is idle to speculate upon what incalculable benefit might have been conferred upon mankind if this vast treasure had been expended upon matters of practical utility instead of upon these studendous experiments.

If the Cumberland and Congress on that memorable day in Hampton Roads had been armed with modern guns, the projectiles from which would have crashed through the improvised iron-clad sides of the Merrimac as through brown wrapping paper, not only would those ill-fated ships probably be afloat to-day, but we should in all likelihood never have witnessed the enormous development of tremendous guns and iron-clad ships which has since taken place. At the period of the beginning of our late unpleasantness the great powers of Europe were in a state of nervous expectation, watching every movement of the Sphinx in the Tuileries of Paris. The Empress Eugenie astounded the better half of mankind with new inventions and adornments in female attire, and while she was absorbed in the mazes and intricate tours of the lanciers, which through her heroic efforts was made to triumph over the polka, her crafty husband racked his brain with new projects and inventions

in fire-arms, cuirasses, and explosives. The event of the Monitor gave him the clue so eagerly sought for, and the result was the Gloire, the first iron-clad ship ever built in Europe. This, of course, excited the jealousy of England, and so the ball was set rolling.

It is needless to review the developments of the modern navies which have followed. Every year, every month has brought a change. New plans are started and acted upon in rapid succession, and new ships are projected and built almost without even the slightest regard to cost, but only more formidable in theory—only in theory, sir, for the practical test of these stupendous experiments is yet to come. As to when and where the limit is to be no one can tell. It would seem that the size of the ships necessary to carry a still greater burden of armor, guns, engines, and coal is limited by the draught of water at the entrance to harbors, but that limit is yet far off, not perhaps with the present model, as exemplified in the largest English and other foreign ships, but with improved models there is yet a wide range beyond the tonnage of the largest vessel ever yet designed before the size of ships will be limited even by the depth of harbors on our coast. Guns of 150 tons and more, throwing projectiles of 1½ tons, are already projected, and the thickness of armor plates will no doubt keep time to the music, until a naval war shall happily deliver us from this terrible nightmare.

This is a time of rapid transitions, the age of evolution in every direction, and the most formidable iron-clad ship of to-day, may be practically useless a few years hence. Common sense, sir, divested of all sophistry, is after all not a bad guide, and it points out plainly enough that the near future, perhaps within the next few years, will witness a total revolution in the building of war ships, and probably in naval architecture. This state of transition which, while we go on building armored ships, may, and probably will, end in the actual throwing away of most, if not all, of the public money hitherto spent and now proposed to be appropriated upon the Navy, clearly points to a conservative policy on the part of this country as the wisest and most prudent under the circumstances. Although we may realize the utter folly of spending large sums of money upon a matter of so extremely doubtful a nature as the building of vessels to-day which may be obsolete to-morrow, yet I can see no way of escaping from the dilemma.

The necessities of the country demand a navy. This country, North, South, East, and West, appreciates the importance of the fact that all the great cities on our coast, with an aggregate value of five thousand million dollars, are at the present moment practically defenseless against the fire of an enemy's guns. Such a state of things, which makes it possible for any nation possessing a ship with heavy guns to come and insult us with impunity, should not be permitted to exist. While it lasts it is a blot upon the national honor, and as there seems to be no other policy left us we are thus reluctantly compelled to strike in, even at this late hour, upon a road similar to that upon which the European powers have been traveling for the last quarter of a century.

We are now building what is called unarmored cruisers and are on the point of beginning to build armored ones, and the bill from the Committee on Naval Affairs now before the House contemplates, besides more cruisers, the building of two iron-clad vessels, each of about 6,000 tons displacement. This, it is thought, will be the beginning, the nucleus of an efficient navy, commensurate with the power and greatness of our people.

Mr. Chairman, I sincerely hope it may. But an indispensable condition for an early realization of this hope requires us to emancipate ourselves at once from European tutelage. If we are compelled by the force of circumstances to build up a navy of iron-clad ships, although with the full knowledge that they may all be worthless for their intended purpose within a few years, or perhaps even before they have been completed, if we are forced to do this apparently senseless act, let us at least confine ourselves to the act itself without committing the fatal error of simply imitating other nations, particularly Great Britain, in the building of our ships. The copy is always worse than the original, and if we go on imitating the English or other people's vessels we must, with mathematical certainty, always be behind, always remain in the rear instead of being in the front, which is our rightful position among the naval powers of the world.

But here I would ask, Why is it that we never hear of any but English-built ships as the original for our copies? Why do we never hear of other nations as having vessels worthy of our consideration? It is England—England, first and last England. But we are alone in this abject adulation. Other nations do not blindly follow in her wake in the construction of their vessels. They all have confidence in the ability of their own people, and while they all must admit the fact that John Bull has a very long purse, they are not by any means prepared to accord to him superior intelligence; but to the very contrary they are apt to remember that Englishmen always were, and are, greatest in their own conceit. This abject pandering to English conceit, believe me, sir, is repulsive to American feelings. The very thought of an emergency which makes us dependent upon England is humiliating.

Does this nation of sixty million people possess less intelligence and independence now than in the past? Have we degenerated and forgotten our glorious history, or are we unworthy as successors of the heroes and statesmen who achieved our national independence? If not, then let us cease to debase ourselves before the world. Let us cease to go hunting after foreign designs and begging foreign constructors to teach us how to build a navy. I am sure that I reflect the feelings and sentiments of the American people when I characterize as disgraceful the recent covert overtures and negotiations to this end reported in the public prints. Is it not sufficiently humiliating to proclaim our defenselessness from the house-tops? Must we offend our national pride by a confession of ignorance, inefficiency, and helplessness? With such national debasement I would hardly be surprised to hear of a proposition not only to buy our war ships of England, but also to man them with British sailors.

England's greatness, sir, like that of any other country, has been attained through originality, and not by imitation. An Englishman scorns to imitate anybody under the sun. He may be flattered for a moment by foreign, fawning imitation, but his unerring instinct of manhood will breed a sovereign contempt for the individual or nation practicing it. He acknowledges no superiority over the achievements of his country, and that spirit, Mr. Chairman, has given England the lead in the march of civilization. No people, sir, ever achieved greatness by force of imitation. A nation must be true to itself or sink into insignificance and contempt. Let us be Americans at all hazards, for no grotesqueness to which originality may lead us can be more revolting and debasing than a cowardly policy of imitation. Let us continue to be Americans. Let us stand on our own bottom, free and independent, and rely upon the genius and the skill of our own people, now as in by-gone days.

But in order to make superiority possible it is absolutely necessary to take a new departure. The road leading to tremendously heavy armor and guns, in which we are far behind the European powers, and in which it would be hopeless to attempt ever to take the lead, is not the road for us to superiority. But there is another way, which may lead to improvements of more substantial value. It is the improved ship itself. If we can improve the qualities of the ship, making her superior in any of the essential qualities to what other nations have, then we shall have a sure and sound foundation upon which we may confidently expect to take the lead among nations and to build up a powerful navy such as our people demand. This would only be in strict keeping with our own traditions, recalling the glorious era of the clipper ship thirty years ago, when we built and sailed the best and fastest ships in the world, and when our flag was to be seen proudly floating on every sea.

Our great ship-builders of that day, Donald McKay, Webb, and others, did not then go to England for the designs and models of their ships. To the very contrary, English merchants bought our ships for models to copy. The tables are now turned, but they may be turned again. If in deviating from the beaten track we can secure vessels of a different and better model than the ordinary type, superior in speed, steadiness, stability, or handiness, we shall then have secured advantages of permanent value, such as will always endure whatever may be future inventions in armor and guns. Innumerable attempts at innovations and improvements have been made, but they have generally proved to be either the crude conceptions of persons ignorant of physical and mathematical laws, or they have simply involved some slight modification in the old model. But when such innovations and improvements are proposed upon whose judgment are we to rely? This is a legislative body. It is not composed of naval architects and scientific experts. In legislating upon technical matters of this character Congress must rely upon the superior knowledge and judgment of somebody. That has been the invariable practice of all preceding Congresses since the foundation of the Government.

It may be contended that we should accept the views and recommendations of the technical corps of the Navy as our guide and basis of legislative action. As a humble representative on this floor I am not prepared to admit any such necessity. And here it may be pertinent to inquire what ability has this corps displayed or what has it produced in recent years which entitles its opinions upon this question to the consideration and confidence of Congress? Gentlemen on this floor who have such implicit faith and confidence in the ability of this corps may answer that it has produced the Dolphin. It did indeed, and I shall not in this presence utter a word which might in any respect detract in the slightest degree from the honor or credit due to anybody who was concerned in or responsible for the production of that naval abortion.

While the naval advisory board was incubating upon "the maximum of unarmored fighting efficiency," and "the pure type of the lightly-armed high-speed economically-maintained commerce destroyer," (their own words, sir,) and hatched out only a lot of hybrids of 13 to 14 knots speed, unable to fight or run, what was transpiring among other naval powers? England was building five large ironclads, the Collingwood, Rodney, Benbow, Campredown, and Howe, of 16 knots speed and armed with the heaviest guns. And two armored cruisers, the Warspite and Imperieuse, and six unarmored cruisers of about 3,500 tons displacement, the Arethusa, Leander, Phæton, Amphion, Mersey, and Severn, all of 17 knots speed. France was building two large ironclads and several small vessels of at least 16 knots speed. Italy was building four large ironclads of 16 knots speed, and three smaller vessels of from 3,000 to 3,500 tons displacement, of 17 to 18 knots speed. Germany was building six vessels of 16 to 18 knots speed, and Russia four of 16 knots.

Thus it is shown that while our advisory board was engaged planning four inferior, obsolete, worthless ships, almost all the European countries, and Brazil, Chili, and even China were building superior ships of greater speed and greater power than ours. Can it be possible that our tehnical corps were totally ignorant of the events transpiring in other countries? No, this is not the fact, for I find a descriptive table of these very ships printed in the paper compiled by the secretary of the advisory board. Then being in possession of this knowledge there is ground for only one other conclusion, which is that our technical corps of experts did not possess the ability to even imitate the best results obtained in other countries.

In view of these undisputed facts, I must submit that the skill and ability to design modern ships has not yet been developed, or it does not exist among our technical corps of experts. In either case Congress should be cautious in accepting without question their recommendations as a basis of wise legislation. But permit me to say in defense of our corps of experts that they are not altogether responsible for their incompetency, as our naval policy for the past twenty years has made no demands upon them which they were not able to meet out of their practical experience acquired in a past era. They have had no encouragement by our Government either to acquire scientific education or to adopt new methods. Their skill and energies have been absorbed in carrying out a comprehensive and huge policy of repairs. It is true we have made some slight efforts to keep up with the progress of the age, by occasionally sending a constructor and engineer abroad to examine shipyards and machine-shops in the hope of accumulating some useful knowledge. The result has been that the extent and value of the knowledge acquired by such officers has been about what would be gained of the inhabitants, manners, and customs of a people by traveling through their country on an express train at the rate of 40 miles an hour.

A design and model embracing improvements of the very highest importance has been presented by Capt. Charles G. Lundborg, a gentleman well known as one of the ablest scientific architects of our time. Like Captain Ericsson, a Swede by birth, but now a citizen of this country, Captain Lundborg was educated in the Swedish navy, and his record for scientific attainments from his youth is of the highest order. Having since then had great practical experience at sea in the command of ships, he has devoted the latter part of his life exclusively to science, particularly to naval architecture. As an authority on that subject I doubt if he has a superior, if an equal, in the world. Captain Lundborg's system is the fruit of scientific research extended over half a lifetime. It shows a radical deviation from the common vessel, but it is yet in every particular based upon sound mathematical premises and in strict conformity with the scientific principles, which are the foundation of naval architecture.

The principles and theories of his system have been examined and indorsed by the most eminent ship-builders and scientific experts in this country and Europe, and being based upon purely scientific ground there can be no doubt as to the correctness of the conclusions which follow from it. These conclusions are of so great importance that I feel abundantly justified in bringing the matter before the country. The subject was presented to the Forty-eighth Congress and was carefully and thoroughly examined by the Committee on Shipping. General Slocum, a technically educated man, was chairman of that committee, and among its distinguished members who are in the present House are the learned gentlemen from Maine and Massachusetts, Governors DINGLEY and LONG, and my friend from South Carolina, General DIBBLE, and my colleague on the Naval Committee, Mr. LORE from Delaware. That able committee of the last House submitted a report in which I find the following language:

> Your committee have examined and considered the subject of the invention of Capt. Charles G. Lundborg, and have had full hearings and explanations by the inventor, which are reported and printed by order of the House in Miscellaneous Document 36.
>
> Every intelligent person who examines this document will be impressed with the great scientific as well as with the practical ability of its author, the inventor, and of the importance of his design.

I will now submit some testimonials of leading ship-builders and practical naval architects who have examined this matter, which were presented to the Naval Committee the present session.

[W. H. Webb, 64 Cedar street.]

NEW YORK, *October* 31, 1882.

DEAR SIR: Having examined the model presented by you this day, and which you have designed for the Atlantic merchant service, I find so much in accord with my own experience and practice of former years that I do not hesitate to give it my approval.

It possesses many important advantages over the generally accepted models of ocean steamers. Its general dimensions will secure very light draught, and with fine lines, as shown in the model, and adequate power, great speed can certainly be obtained.

Also, greater stability when light; less disposition to roll at sea when loaded; greater certainty of answering the helm quickly; large carrying capacity on a light draught; greater safety and comfort at sea.

Yours, very respectfully,

W. H. WEBB.

Capt. C. G. LUNDBORG, *Naval Constructor.*

[Morgan Iron Works, foot Ninth street, E. R., John Roach & Sons, proprietors.]

NEW YORK, *September* 18, 1882.

DEAR SIRS: I have examined the model and specifications of Capt. C. G. Lundborg's plans for Atlantic express steamships, and I consider them just what is requisite for transatlantic steamers of greater speed, greater safety, and greater comfort to passengers than has hitherto been given to the traveling public.

Yours, respectfully,

EDWARD FARRON,
Engineer and Constructor to John Roach & Sons.

Messrs. CHARLES L. WRIGHT & Co., 51 *Broadway.*

[C. & R. Poillon, ship-builders, &c., 224 South street.]

NEW YORK, *October* 30, 1882.

GENTLEMEN: Having examined the drawings and calculations of Capt. C. G. Lundborg's model of steamship for the Atlantic service, we would state that we can see no objection to anything he claims, and in our judgment his model possesses several important advantages over the common form of steamships now in use, combining fine lines for speed, great stability, and light draught.

The advantage of two propellers, acting always in solid water, is very important to obtain a high rate of speed, also as a means of safety in case of accident to the machinery. The form of model gives great stability when light, avoiding the necessity of using ballast, thus saving cargo space, trouble, and expense.

In our judgment, Captain Lundborg's plans and specifications possess all the advantages claimed by him, as they contain all the elements of success for the Atlantic service, namely, speed, safety, comfort, large carrying capacity, and light draught.

Yours, truly,

C. & R. POILLON.

NEW YORK, *October* 20, 1882.

MY DEAR SIRS: The design of an ocean steamship made by Capt. C. G. Lundborg, for the Atlantic Steamship Company of New York city, presents much that is novel, and after a thorough examination and analysis of its principal features, its fine lines, combined with great stability, and the capacity of the hull for the introduction of a much greater amount of propelling power than is now afloat, we unhesitatingly assert herewith that Captain Lundborg's ship must prove faster, and at the same time steadier and more profitable, than any other vessels of similar dimensions or capacity built on the prevailing type of model, and propelled by a single-screw propeller-wheel.

Both in the abstract and detail his plans are in the highest degree practical, when viewed in the light of the well-known principles of steam naval architecture.

It is beyond dispute that the maximum efficiency of the single-screw propelling wheel has been already reached in sea-going steamers. More propelling power, and its consequent speed can be achieved only by the use of twin screws, and this feature in Captain Lundborg's plan makes its superiority obvious to us.

We remain, respectfully, yours,

NATHANIAL McKAY,
CORNELIUS W. McKAY,
Naval Architects.

[John Elder & Co., Govan, Glasgow.]

GOVAN, *September* 17, 1880.

DEAR SIR: I have looked through your design for an Atlantic steamer of 20 knots an hour, and I am of opinion that this speed would be obtained with the power you state, and I also believe that you would have a very steady ship at sea. The idea is going in the right direction, as I am convinced that 20 knots an hour must be the speed of Atlantic steamers in the immediate future.

I remain, dear sir, yours, faithfully,

W. PEARCE.

Captain LUNDBORG.

PHILADELPHIA, *February* 5, 1886.

DEAR SIR: In compliance with your request to submit my views to the Naval Committee upon the merits of a vessel of war, constructed upon the design and plan proposed by Capt. C. G. Lundborg, I beg to say that I have given the subject careful consideration, and I am of opinion that his theories and principles are sound and correct, and that, while I might suggest modifications in his proposed details of construction, I do not hesitate to approve the general design and plan of his proposed ship, and I believe that the advantages of the proposed type are sufficiently evident to warrant the Government in taking steps to test it by the construction of a ship embodying the Lundborg system.

Yours, very truly,

CHAS. H. CRAMP,
President of the Wm. Cramp & Sons Ship and Engine Building Company.

Hon. H. A. HERBERT,
Chairman Committee on Naval Affairs,
House of Representatives.

Mr. Speaker, this is positive and reliable testimony from the highest and best sources. It is trustworthy and valuable because of the well-known and conceded skill and ability of the witnesses, and especially on account of their absolute disinterestedness.

The system presented by Captain Lundborg, when introduced and practically tested, will no doubt revolutionize naval architecture. It promises on the highest scientific as well as practical authority greater speed, greater stability, greater steadiness at sea, and greater handiness than can possibly be obtained by a vessel of the common form. Each of these advantages is of so great importance in a ship of war, that even a slight improvement in either of them would lead to the universal adoption of this new system.

I have already shown, with regard to the speed of ships, that this is of even greater importance than armor; for superior speed, if only a fraction of a knot, would be apt to decide the battle in favor of the fastest ship, everything else being equal. And of almost equal importance is the steadiness of the ship. Comparative freedom from rolling and pitching is the great desideratum in a ship of war; a steady gun platform insures an accurate fire, the importance of which is sufficiently clear. Quickness of maneuvering, or handiness, is hardly less desirable, for reasons equally obvious.

Naval men will tell you that the importance of these advantages can hardly be overestimated. They are even of greater importance than armor and guns, for the superiority, as derived from the qualities of the vessel itself, will not change or deteriorate, while armor and guns are liable to infinite and immediate changes. But there is still another point which makes the adoption of the Lundborg ship highly desirable. In the report submitted to the House by the Committee on Naval Affairs we say with regard to large iron-clad ships of 13,000 tons displacement,

like the Italian Lepanto and others, that the great draught of such ships would prevent them from entering any of the principal seaports of the United States, except San Francisco, and for that reason the committee would not advise the building now of such vessels.

It is, however, clear that unless the experience of a naval battle should in the near future totally change the nature of the navies of the world the time must evidently come very soon when we must build large ships, able to compete with the most powerful navies of other nations. This can not possibly be avoided. Here the ship upon Captain Lundborg's system is just what is wanted. According to all authorities it is admirably adapted for light draught of water. The model easily admits of constructing ships of immense displacement, very much larger than any ships hitherto built, and yet upon moderate draught, enabling them to enter our great harbors. There would be no difficulty whatever in building a ship upon the Lundborg plan of 20,000 tons displacement or more, of good proportions and the finest lines for high speed, on 24 feet draught of water, or even less if necessary.

I have only mentioned some of the great advantages of the Lundborg system with respect to ships of war, as more particularly coming under the functions of the Committee on Naval Affairs. But I ought not, on this occasion, to omit to say that it also possesses many other features of the highest importance of which I have not spoken, but which will prove of incalculable benefit to shipping at large, to the merchant marine as well as to ships of the Navy. Among these I will only mention stability, or the quality of the ship which keeps her upright in the water. Thousands of vessels, steamers in particular, capsize and are lost at sea because, after consuming a portion of their coal, water, and stores, they become top heavy, upset and are lost, in most cases with all hands.

Sir Edward Reed, the celebrated chief constructor to the British admiralty, threw a vivid light upon this subject in his report as chairman of the board appointed to investigate the capsizing of the Daphne and Austral, two large English ships which capsized in port, one in the Clyde and one in Sydney Harbor, Australia. Judging from this able report, published in October, 1883, there exists no more fruitful source of danger to navigation than want of sufficient stability in modern ships. It is clear, therefore, that the discovery of a system of designing vessels so that they can not under any circumstances capsize at sea would be not merely a great advantage, but a positive benefit to mankind, which would entitle that inventor to a place in the front rank among public benefactors.

This problem has been solved in Captain Lundborg's system, for it possesses this inestimable quality. A ship upon that plan possesses the singular, or rather wonderful, feature, that it actually gains in stability the lighter she becomes by the consumption of coal, stores, and ammunition, making capsizing impossible. And I need hardly say that that great and inestimable advantage alone, even if there were no others, ought to insure the immediate and universal adoption of Captain Lundborg's system.

In view of the many potent reasons which I have now given, it appears clearly that it would be an act of eminent wisdom for Congress to authorize the building of a vessel upon Captain Lundborg's design. It is superfluous to say that if that vessel should fulfill even only partly the claims of the inventor, and of the eminent scientists and experts who indorse and vouch for his plans, all the vessels already built will be quickly superseded by others upon his system. It would therefore be in the direction of economy to build such a vessel as soon as possible, so that the result as to her performance could be ascertained before spending any more money upon ships of the ordinary type.

There is a bill (No. 4329) introduced in the House by my colleague on the Committee on Naval Affairs, Mr. LORE, for the building of a large armored cruiser of 20 knots' speed upon Captain Lundborg's system. She would unquestionably be the most efficient and powerful cruiser in the world, a ship capable of accepting battle with heavily armed ships, and unequaled in speed and endurance. The building of that ship, however, would probably take considerable time, particularly as there might be much delay on account of the armor plates, which must be ordered from abroad, since we are not yet prepared to manufacture such plates in this country. But as it is of the highest importance that the question should be settled with the least possible delay, I would suggest the building of a smaller ship, an unarmored cruiser of about 3,000 tons displacement. She would, if successful, be a most efficient and useful vessel, armed with powerful guns, and capable of higher speed than any existing war ship, probably exceeding 20 knots. She would also have great endurance, carrying full sail power, enabling her to keep the sea cruising under sail alone, thus saving the coal for emergencies when high speed was required. Such a vessel could be built complete for service in less than a year from the signing of the contract.

In pursuing this course there would probably be but little or no delay in the building of the proposed new ships. The four vessels authorized by last Congress, now more than a year ago, are not yet laid down or even contracted for, the designs and specifications not being completed; and there is but little reason to suppose that the designs of the vessels now proposed by the Committee on Naval Affairs, if the bill should become a law, will be completed in less time. If, therefore, by the time that these designs are about to be completed the performance of the Lundborg ship, which may be built in the mean time, should cause further work upon the old vessels to be abandoned, the loss would be limited to the salaries of the constructors and draughtsmen who had been employed upon the designs, while many million dollars would be saved to the Treasury from being wasted upon inferior or obsolete vessels. The cost of the cruiser of about 3,000 tons displacement upon Captain Lundborg's system would not exceed $1,200,000. This would not increase the appropriation beyond what is recommended in the bill under consideration. The amendment provides only that one of the proposed cruisers shall be built on Captain Lundborg's design without increasing the appropriation.

Some members of the House may look upon this as an experiment, and I must say for myself that until I had more fully studied the question I was inclined to be of a similar opinion. But after hearing Captain Lundborg's testimony and explanations before the Committee on Naval Affairs during the last and present Congress, in conjunction with the testimony and unqualified indorsements of his system by the most eminent living authorities, and having given the subject most careful study and investigation, I feel now justified in declaring most emphatically that the term experiment, in the general acceptation of the word, is a misnomer when used in connection with the building of a vessel upon Captain Lundborg's design, for there can be no experiment in it, none whatever.

Every vessel without exception, be its shape ever so singular or fantastic, is amenable to certain laws, which if disregarded must cause failure, while, on the other hand, if these laws are not infringed upon, failure in the broad sense of the word is entirely out of the question. The experience of ages has proved that the theoretical calculations, determining the behavior of a vessel at sea, are correct. Indeed, it could not possibly be otherwise, since the rules for such calculations are derived purely from mathematical conclusions. They infallibly give true results, and any failure which might occur can always be traced either to errors in the calculations, which, if rightly performed would at the outset have shown the faults in the design, or to mechanical mistakes in the ship not having been built strictly in conformity with the design.

Captain Ericsson's Monitor presented a most radical deviation from the old type vessel, and the building of her was consequently looked upon as an experiment by everybody, except those very few whose scientific attainments enabled them to form a just opinion. But the great inventor knew that his design did not conflict with the laws of science, and the result did not disappoint either him or the American people. This invention, made by a countryman of Captain Ericsson, is also based upon the same immutable laws, in complete accordance with the rigid principles of science; and, therefore, we may safely assume that failure is impossible. Any other conclusion would simply be a contradiction of the laws of science. The building of the bridge between New York and Brooklyn, the Washington Monument, and all other great engineering works ever made, were quite as much experimental as will be the building of this ship.

The vessels now building for our Navy are quite as much experiments as can possibly be the building of a ship on Captain Lundborg's plan, while the vessels proposed in the pending bill, armored and protected cruisers, are experiments in the broadest sense of the word. Captain Lundborg's system involves nothing which can not be foretold with absolute certainty by science, correct and infallible, as proved through the experience of all ages; while the armored vessel is built upon conjectural theories and based upon assumptions without having ever yet been brought to any reliable practical test. Yet we are ready to spend large sums of public money upon these doubtful experiments, while the building of a vessel on the Lundborg plan is no experiment at all. But let us take the worst possible view of the matter; let us for a moment suppose that Captain Lundborg and all the eminent scientists and experts who have indorsed his system are totally wrong—an assumption which is simply absurd—that science in short is no science at all, but only a heterogeneous mass of conjectures, what then would be the actual loss under such circumstances by having built the vessel? The calculation is quickly made:

The cost of a vessel of 3,000 tons displacement would, as before stated, not exceed $1,200,000. Of this sum the engines would cost fully one-half, and they could always be utilized in other vessels, and so could the masts and sails, the anchors, the cables—everything, in fact, which, together with the engines, would make up the greatest portion of the cost of the complete vessel; while finally the hull itself, the cost of which would only be a small fraction of the whole, could probably also be used for some purpose. The actual loss would, therefore, in the worst imaginable contingency be confined to a sum considerably less than one-half and probably not even one-third of the total cost of the vessel. One-third of $1,200,000 is four hundred thousand, which sum consequently would represent the possible loss; but this sum also includes the labor.

Let us now compare this with the risk incurred by building the proposed armored ships. The armor of one of the 6,000-ton vessels will weigh not less than 1,500 tons, and the price of such armor plates may be assumed to be about $500 per ton. That of the Miantonomoh cost,

as stated in the report of the Select Committee on Ordnance and War Ships, $535 per ton. The cost of the armor plates for one of these armored ships will therefore amount to $750,000, and for the two vessels to $1,500,000. Add to this the cost of the protective armor for the three cruisers, which may be assumed to cost at least $750,000, and we have an aggregate of $2,250,000 to be expended upon armor plates for these vessels. The whole of this large amount will actually be jeopardized in a purely experimental way, liable to entire loss at any moment if the experience of an actual battle, an experience which is now totally wanting, should prove armor on ships to be worthless, and to be abandoned for something else in keeping with new theories.

Almost every dollar expended on armor plates would then be lost, for the ponderous masses might perhaps not bring even the price of scrap-iron. The comparison as to the possible risk will then take this form: The risk on the Lundborg ship will be $400,000, while the risk on the proposed new ships will be two $2,250,000. But this comparison does not after all give a true conception of the case. More fairly it may be stated thus: In building a vessel on Captain Lundborg's system we incur a very remote risk of losing $400,000, with the expectation, amounting almost to the certainty, of gaining something of inestimable and imperishable national value; while in building the proposed armored and protected cruisers we run a very great risk of losing $2,250,000 at any moment, with a fancied public utility depending upon precarious conditions of continuous peace among the naval powers and the absence of radical changes which may be expected.

But the incredulous, skeptical, and ignorant always antagonize and resist the introduction and progress of improvements in every branch of science and industry. To this rule our non-progressive rulers of the American Navy, whether Secretaries or line officers or advisory boards, are not an exception. They seem to oppose any and all innovations with the same apprehension as they would if a personal right was in jeopardy. When anything new is presented, no matter how meritorious, they cry out "experiments!" "cranks!" and at once retire within their charmed circle of obsolescence.

It may be contended that we are obliged to go abroad for the skill and ability to reconstruct our Navy. I am not willing to admit that assumption. Have our executive authorities made any effort to discover and secure the requisite skill and ability in this country, outside of the technical corps of the Navy Department? Has our Government given any encouragement or offered any inducements to develop this talent? On the contrary has not the policy been to repel and reject all advice and suggestion from outside parties, no matter how wise and important? Has not the Department always given encouragement and support to the technical corps in its suspicions and jealousies toward civilian naval architects? This Government has given no encouragement or recognition to anybody, no matter of what distinction, for superior knowledge, skill, and ability.

John Ericsson was tabooed and ridiculed when he first submitted his proposition to the Government to build the Monitor. There were some officers of our Navy who even predicted that the vessel would not float when launched, and it was only through the influence and efforts of patriotic private citizens and the exigencies of the times that the Monitor was built. Ericsson was compelled to break through the armor of the technical corps of the Government before he could get recognition and be permitted to become a benefactor to his adopted country. Are we going to have another illustration of this illiberal and narrow policy? I trust not. This amendment now under consideration contemplates avoiding that. If it becomes a law, I predict that the American Navy will no longer be the subject of ridicule and derision among the naval powers of the world.

But if we assume this matter to be in any degree experimental, what then is the duty of Congress? In view of the testimony of eminent and skillful experts, its immense importance and value to the country if successful, the small risk in making a practical test, then every consideration of wise policy demands without delay the construction of a ship of this type. It has been a well-established practice of Congress for half a century to appropriate public funds for purposes of experiments for both public and private benefit. The Twenty-seventh Congress, in the days of strict construction of the Constitution, appropriated $30,000 to test the electro-magnetic telegraph invented by Professor Morse. From that period to the present every Congress has appropriated public moneys for experimental objects for almost every conceivable purpose, and the amounts aggregate millions of dollars. Then with preponderating expert testimony approving, with public expediency urging, with the public exigencies demanding, and with abundant legislative precedent sanctioning, and in the highest interest of economy, public safety, and national honor, wisdom, duty, and sound statesmanship, all require and demand the enactment of this measure. [Applause.]

Mr. HERBERT. I hope the committee will not adopt this amendment. This gentleman, Mr. Lundborg, whose name appears in the amendment of the gentleman from Tennessee, who is so much opposed to taking up the inventions of foreigners, is a Swede. He appeared before the committee and was heard at considerable length. We were, some of us, considerably impressed with his arguments, but the experts to whom we submitted the plans did not advise the building of this vessel, and the Committee on Naval Affairs thought it was their duty not to prescribe the model for the vessel, but to leave the responsibility in that matter where it properly belongs—with the executive department of the Government. When Captain Lundborg appears before the Department he will no doubt have a fair hearing.

Mr. FINDLAY. I will ask the gentleman was not Captain Ericsson a Swede?

Mr. HERBERT. I think it is the duty and the right of the American Government to go anywhere and everywhere that the best possible plans can be had, and utilize all the information that can be got, come from where it may. Although I have mentioned the fact that this gentleman is a Swede I do not say that is anything in the world against him or his plans. What I say is he should go to the executive department. We were not willing to tie the Department down by adopting a particular plan.

Mr. BALLENTINE. I desire to inform the honorable gentleman from Alabama that Captain Lundborg is a citizen of the United States, and so was Ericsson. When Captain Ericsson submitted his design to build the Monitor there were officers in our Navy who predicted it would not float when launched, and it was only through the influence and efforts of patriotic private citizens and exigencies of the times that the Monitor was built. Captain Ericsson had to break through the technical corps of the Government to get recognition and be permitted to confer a boon on his adopted country.

But I wanted to let the gentleman from Alabama know that this gentleman is not a foreigner; although he was born in Sweden, he is to-day a citizen of the United States. This amendment is in the interest of the civilian naval architects of the country. If we can not find the necessary skill and ability in the technical corps of the Navy to build these vessels let us get the help of the civilian naval architecture of the country. This amendment contemplates doing that thing; and if the amendment becomes a law I predict the American Navy will no longer be a subject of ridicule and derision among the naval powers of the earth.

Mr. MILLIKEN. Was not the Monitor private property? Was it the property of the Government when it fought the Merrimac?

Mr. BALLENTINE. I do not know.

Mr. OSBORNE. Mr. Chairman, this bill, in my judgment, is one of the most important that has been brought to the consideration of this Congress, and can not fail to attract the earnest attention of the American people.

It has long been a matter of astonishment that the American Congress has contemplated with such supreme indifference the dilapidated and utterly inefficient condition into which our once proud navy has been allowed to fall. When the Republic was in its infancy, and while still struggling for its existence, no flag floated with more confidence than our starry banner, and the heroic deeds of the American Navy during those years can never be recalled without emotions of pleasure and pride. The renown of our Navy spread through the world and received unbounded praise. From that high eminence we have suffered an ignominious fall, and to-day it can hardly be claimed that we have a navy worthy to be so called. If this Congress shall succeed in putting under headway any plan that shall result ultimately in giving the country such a navy as our wants and standing demand, its work in that regard will receive the just plaudits of the nation, and will be remembered with much gratitude through all coming time.

The bill now under consideration, when shorn of the objections to which I propose to call attention, will, in my judgment, "promote the general welfare of the American people," and if it shall become a law, when so amended, will place us in the way of realizing much that the American heart desires.

The objections to which I allude and would strike out of the bill are to be found:

First. In section 4 I would strike out the following:

Provided, Contracts for furnishing the same in a reasonable time, at a reasonable price, and of the required quantity, can be made with responsible parties; otherwise the Secretary of the Navy is hereby authorized to purchase the same, or any portion thereof, and to import it.

Second. In section 6 I would strike out the following:

Provided, That the Secretary of the Navy may buy abroad and import such shafting and other material or machinery as he may be unable to procure in the United States: *Provided further*, That the Secretary of the Navy may purchase abroad only such shafting and other special materials as it may be impossible to obtain in the United States in time for use in the construction of the vessels herein provided for.

Mr. Chairman, we have all the material in our own country necessary to construct these vessels, and why should we go to the foreigner to buy that which we already have? Our mechanics and ship-builders are as intelligent and skillful as the foreigner. Why should we go to him for his labor? To go abroad for anything entering into the building, construction, and armament of these vessels is not patriotic, it is not just to our own people, it is not American, and I can never consent to do it. Whenever our people have been brought in contact with the cheap labor of Europe they have risen in their might and repelled it with just indignation. I need hardly to ask you to remember the discontent aroused among the coal-workers of Pennsylvania when a few years ago the mining corporations threatened and in some cases actually did import contract labor to take the place of our citizens in their

mines. Nor need I, perhaps, call to your mind the degrading influence imported Chinese labor has had upon American labor on the Pacific coast.

The sections in this bill to which I object propose instead of bringing the cheap labor of Europe here that the Secretary of the Navy shall go to cheap labor in Europe with America's money and buy in part these proposed ships of war, a proposition I am sure the American people will denounce as a blow at their industries and an injustice they will be slow to forget.

It is our duty to care for our own workmen without regard to what can be done by the pauper labor of Europe.

The proposition here suggested to go abroad for material and armament for these war vessels is but an entering-wedge of the pernicious doctrine of free trade and will not be tolerated by the freemen of America.

If we have regard for the prosperity of our people we will never allow the Secretary of the Navy to go abroad to buy a farthing's value in material, labor, or armament for these vessels.

When the European comes to our country to make a home for himself and his family we extend to him a hearty welcome, but our citizens are not willing to adopt a policy which in any respect is more beneficial to the foreigner than to ourselves.

Any measure which has a tendency to reduce the wages of labor should not be advocated for one moment in this House.

I believe it is the patriotic duty of the Government to build our war vessels and all other vessels at home, even though to do so will cost more in wages to workmen than to go abroad.

The building of ships is a great industry and the Government should encourage those engaged in it.

It will be anything but pleasant for the American people to behold the Secretary of the Navy of the United States in the workshops of Europe making contracts to build ships of war for the American Navy. Such a spectacle would hardly be creditable to the self-respect of our people.

Permit me to illustrate how important it is to our people to foster and encourage the art of building ships.

To build a first class iron vessel costs about $550,000. Five per cent. only of this cost is for material. The balance, or 95 per cent., is for labor. This labor begins with the miner and his drill, the woodman and his ax. It passes through many other grades and kinds of employment and receives wages ranging from $2 a day for the laborer to $20 a day paid to the skilled designer. When a ship is built in our own yards all this money is kept at home. It goes to the mechanic and laboring man, to the merchant and professional man. It furnishes the wages and the profits by which our people are enabled to procure homes, to educate their children, and to cultivate the arts of peace. It also represents the property upon which taxes are levied and collected to support the Government.

For one I am not willing to take this money, no, not one cent of it, to a foreign country and pay it to their cheap labor. It belongs to our own people and should be kept here.

In the name of the millions of freemen of Pennsylvania I protest against such a policy and earnestly hope that the objections to which I have referred may be stricken from the bill.

I appreciate fully how important it is to plant our flag boldly and strongly upon the sea, and I am sure the day is not far in the future when it will be there to stay.

It is our duty to build up a navy; but it must be an American navy, built in our own country by our own people and of domestic material.

Then, indeed, may we begin to see the dawn of that period when our country shall stand forth among the nations of the earth a beacon-light to cheer the world, and our flag shall be recognized as an emblem of the superior greatness and dignity of the American people. [Applause.]

Mr. HERBERT. Mr. Chairman, I hope we shall now have a vote. There is nothing in the bill about foreign materials.

Mr. OSBORNE. Mr. Chairman, I withdraw my amendment.

Mr. SCOTT. I move to strike out the last word.

I propose, Mr. Chairman, to vote for this bill as it comes from the committee. I did intend to offer an amendment to it, but I am conscious of the fact that very few amendments offered to any bill coming from any committee of this House ever receive much consideration here. I wish to call attention, however, to the fact that there is a large section of our country which is equally as important in every respect as our seacoast, but for the protection of which no provision is made in this bill. I mean our frontier upon the northern lakes.

It was only this morning that the distinguished gentleman from Maine [Mr. BOUTELLE] referred to Commodore Perry's famous message, "We have met the enemy and they are ours," and it was on the waters of Lake Erie that the war of 1812 between the United States and England was settled. Yet, Mr. Chairman, the Committee on Naval Affairs and the Navy Department, while they recommend the construction of ships for the protection of our seacoasts, make no recommendation for the protection of that great northern frontier extending for nearly 2,000 miles. In the year 1840 the Congress of the United States made an appropriation for one war ship for our northern lakes. That ship has now been in commission forty-six years, and I do not think that during the whole period there has been $10,000 expended upon her for repairs. I have risen on this occasion merely to call the attention of the honorable chairman of the Committee on Naval Affairs to this subject, and to suggest that when he brings in a bill in the future for the increase of our Navy it might be well for him to remember that we have a coast on the northern lakes which needs protection as well as the seacoast, and that the people living along that northern border pay a larger proportion of the taxes that go to maintain and keep up your Navy than is paid by those on your Atlantic coast.

Mr. HERBERT. There is nothing in this bill to prevent the use of these vessels on the lakes.

Mr. SCOTT. You can not get them there.

Mr. HERBERT. They can be built there.

Mr. MCADOO. If the gentleman from Pennsylvania will permit me a suggestion, the condition of things is totally altered since the war of 1812. The changes in the relative population of Canada and the United States since that time make it almost impossible that we should have another war on that border.

Mr. SCOTT. You can not tell about that.

The question was taken on the amendment of Mr. BALLENTINE; and it was agreed to—ayes 37, noes 36.

The Clerk completed the reading of the first section of the bill.

Mr. BUCK. Mr. Chairman, I offer an amendment to come in at the end of the first section.

The amendment was read, as follows:

SEC. 9. That the Secretary of the Navy is hereby authorized to contract with the Pneumatic Dynamite-Gun Company of New York for one dynamite-gun cruiser, as follows: Said cruiser to be not less than 230 feet long, 26 feet breadth of beam, 7½ feet draft, 3,200 horse-power, and guaranteed to attain a speed of 20 knots an hour, and to be equipped with three pneumatic dynamite-guns of 10½-inch caliber, and guaranteed to throw shells containing 200 pounds of dynamite or other high explosives at least 1 mile, each gun to be capable of being discharged once in two minutes, at a price not to exceed $350,000; said contract to be made only on condition that there shall be a favorable report made by the existing naval board on the system; to be paid for as the work progresses, and upon the report of such board or boards of inspectors as the Secretary of the Navy may for that purpose appoint, reserving 30 per cent. on all such payments until the whole work is completed and accepted by the Secretary of the Navy.

The Pneumatic Dynamite-Gun Company shall furnish bonds satisfactory to the Secretary of the Navy for the faithful performance of its contract, and for the refunding of the money paid hereunder in case of the non-performance of the same, and shall further agree with the Secretary of the Navy upon a limit of price which shall not be exceeded in any future contracts which the Government may desire to enter into for the purchase of the company's guns.

Mr. BUCK. Mr. Chairman, since the original bill was perfected this matter has been brought to the attention of the Committee on Naval Affairs and they have unanimously recommended that an addition be made to this bill in the precise language of the amendment which I have offered. It was the unanimous opinion of the committee that we ought to purchase this gun and gunboat at a cost of $350,000. It is the invention of Lieutenant Zalinski, of the United States Army, one of our own citizens. It is a pneumatic gun, which is guaranteed by its inventor and owner to throw a projectile of dynamite a distance of one mile; which, when at an elevation of 10 degrees, will strike a blow of 6,500 pounds to the square inch and will of course destroy any vessel that it comes within 21 feet of. It has been experimented with for a long time and is considered to be a complete success, and, as I have said, the owner of the gun guarantees that it will accomplish this result, and that guarantee is provided for in the amendment which I have offered.

I have offered it here because this is the proper place for it in the original bill. It is also in the substitute which the gentleman from Alabama has under his charge, and which I understand he proposes to offer later; but I hope that the original bill as reported by the committee will be adopted by this Committee of the Whole and by the House. Of course it may not be, but if it should be, I contend that it is important to have this provision included in it. I offer the amendment in good faith, and hope the gentleman from Alabama [Mr. HERBERT] will not object to it, because it can do no harm, even if it has to be stricken out afterward by the adoption of the substitute.

It makes the bill, as the gentleman from Pennsylvania [Mr. BAYNE] suggests, that much better; and it can not possibly do any harm. If we should conclude to adopt the original bill to construct ten ships, instead of five as the substitute provides, then we should want this amendment to be in the bill. I do not know what may be the temper of the House on this question. The committee as constituted by a majority of the House thought it not best to support the original bill; in that respect I think they made a very serious mistake. But if following our individual judgments we should decide here in Committee of the Whole to adopt the original bill, then a provision of this kind would be necessary. I hope therefore it will be adopted.

Mr. BUTTERWORTH. As I understand, this provision simply authorizes the Secretary of the Navy in his discretion to make this contract?

Mr. BUCK. That is all; and it is provided that he shall take a bond from the inventor and owner.

Mr. BUTTERWORTH. This matter was investigated somewhat by our committee and was favorably considered, but we thought it best that, if this board should be appointed, the matter should be left to them.

Mr. BUCK. The amendment proposes simply to appropriate $350,-

000, to be expended for this purpose if the Secretary of the Navy deems it proper. If this provision should become law I am inclined to think it would revolutionize the question of armament of all war vessels, for this invention is, in my judgment, altogether the most deadly projectile ever discovered. It would destroy the largest ship of war afloat by throwing a charge of 100 pounds of dynamite, which, falling within 21 feet of the vessel, would certainly sink her.

Mr. HERBFRT. As I understand, this amendment is precisely the same provision that is in the substitute; is it not?

Mr. BUCK. Precisely the same, word for word.

Mr. HERBERT. I hope it will be voted down. There is no necessity for it if we adopt the substitute.

Mr. BAYNE. Suppose we adopt the original bill, would it not be best to have this in?

Mr. HERBERT. I do not think we shall do that.

Mr. BAYNE. Is not the chairman of the committee in favor of having the original bill in as good a form as possible if we should adopt it?

Mr. HERBERT. There is no doubt about that; but I do not care to discuss that question now.

Mr. BUCK. I hope the gentleman from Alabama will allow the amendment to come in. It will not do the least harm in the world.

The question being taken on the amendment of Mr. BUCK, it was agreed to.

The Clerk, resuming the reading of the bill, read the following:

SEC. 4. That the armor used in constructing said armored vessels and for completing said monitors shall be of the best obtainable quality and of domestic manufacture, provided contracts for furnishing the same in a reasonable time, at a reasonable price, and of the required quality can be made with responsible parties; otherwise the Secretary of the Navy is hereby authorized to purchase the same, or any portion thereof, and import it. Such armor shall be accepted only after passing such tests as shall be prescribed by the Secretary of the Navy and inserted in the contracts.

Mr. BOUTELLE. I move to amend by striking out in the section just read all after the word "manufacture," in line 3, down to and including the words "import it," in line 8. The clause which I propose to strike out is in these words:

Provided contracts for furnishing the same in a reasonable time, at a reasonable price, and of the required quality can be made with responsible parties; otherwise the Secretary of the Navy is hereby authorized to purchase the same, or any portion thereof, and import it.

Mr. FINDLAY. Will the gentleman allow me to make a suggestion in the same line which I see he is pursuing?

Mr. BOUTELLE. Certainly.

Mr. FINDLAY. The object of the gentleman is evidently to require that the armor which is to be used for the purpose contemplated shall be manufactured in this country and nowhere else.

Mr. BOUTELLE. My amendment will secure that object. The first portion of the section will then read:

That the armor used in constructing said armored vessels and for completing said monitors shall be of the best obtainable quality and of domestic manufacture.

Mr. FINDLAY. I understand the gentleman's object—that the armor shall be made in this country.

Mr. BOUTELLE. My amendment provides for that.

Mr. FINDLAY. I suggest that the amendment would be much simplified if it merely struck out at the beginning of line 8 the words "and import it." The previous part should remain in. It will then read:

Provided contracts for furnishing the same in a reasonable time, at a reasonable price, and of the required quality can be made with responsible parties; otherwise the Secretary of the Navy is hereby authorized to purchase the same, or any portion thereof.

The provision in line 3 requiring this armor to be "of domestic manufacture" will remain; and consequently under the section, if amended as I suggest, the Department will be required to purchase armor of domestic manufacture.

Mr. REED, of Maine. Not with that proviso.

Mr. FINDLAY. Not with the proviso, undoubtedly. If you strike out the proviso——

Mr. REED, of Maine, rose.

Mr. FINDLAY. Excuse me a moment. If you strike out the proviso there is nothing in the section which will provide for the purchase of this material, which of course can be done outside of the contract, if necessary, whereas if you strike out what I propose you will prevent the importation of such material and confine it to domestic manufacture.

Mr. BOUTELLE. Permit me to call the attention of the gentleman from Maryland to the lines in the preceding section of the law. He will see the Secretary of the Navy is there empowered to make contracts, or take such course as may be necessary for that purpose. And then in section 5 it is provided—

That the Secretary of the Navy shall cause one or more of the new vessels hereinbefore provided for to be constructed and one or more of the said monitors to be completed in one or more of the navy-yards of the United States.

Mr. FINDLAY. There is no power in that for him to purchase abroad or import material from abroad.

Mr. BOUTELLE. I do not wish him to import from abroad.

Mr. FINDLAY. Neither do I, and that is what I wish to prevent, especially after you provide in this section 4—

That the armor used in constructing said armored vessels and for completing said monitors shall be of the best obtainable quality and of domestic manufacture, provided contracts for furnishing the same in a reasonable time, at a reasonable price, and of the required quality can be made with responsible parties.

Mr. BOUTELLE. That is provided for.

Mr. FINDLAY. The part of the proviso I leave in provides that the Secretary is authorized to purchase the same, or any portion thereof, or to make contracts for furnishing the same in a reasonable time.

Mr. REED, of Maine. Practically, how can the armor be purchased except under contract? It is not kept in stock.

Mr. FINDLAY. Undoubtedly not. That is true, but still at the same time if this section is passed with the words I have suggested left out, that is, if those words, "and import it," are struck out, there is nothing by which the Secretary of the Navy could make purchase of this armor abroad.

Mr. REED, of Maine. There is nothing if the proviso be taken away.

Mr. FINDLAY. There is no use of the proviso except for the power to be vested in the Secretary of the Navy to make contracts.

Mr. REED, of Maine. Contracts abroad?

Mr. FINDLAY. If you strike these words out—that is, the words "and import it"—you will give him no power to make contracts abroad. You may infer that from what power you do give him. You will have a barren, naked proposition if you adopt the amendment proposed by the gentleman from Maine.

Mr. BOUTELLE. No; it provides it must be of the best obtainable quality of domestic manufacture.

Mr. REED, of Maine. Strike out all after the word "otherwise."

Mr. FINDLAY. Certainly you should leave something in there by which he may be guided in obtaining the article.

Mr. HISCOCK. The amendment of the gentleman from Maine [Mr. REED] will accomplish the purpose certainly.

The CHAIRMAN. The gentleman's time has expired.

Mr. WHEELER addressed the committee. [See Appendix.]

Mr. HERBERT. I hope we are not going to get into a political discussion here upon this question. It will not further the bill, and there is an amendment before the House for consideration. The question is, ought that amendment to be adopted?

Now, this section of the bill provides that this armor shall be of domestic manufacture; that is to say, it is mandatory, with the proviso that contracts for furnishing the same at a reasonable time, and at a reasonable price, and of proper quality can be made. I do not have any doubt whatever about the fact that this armor would be procured here under this bill.

But there is a limitation that simply provides against any combination on the part of the iron men or of anybody else so that the Department or the Government shall not be placed in their power. The Secretary is directed in express terms to get it of domestic manufacture if he can, at a reasonable price, and certainly no gentleman here would desire that an unreasonable price should be paid. It is simply a provision put in there for the protection of the Government.

I admit what the gentleman from Ohio says, that the Senate Committee on Ordnance and War Ships did report that the armor could be made in this country, and I hope it will be made in this country, because we will not be independent, so far as the means of self-defense are concerned, until we can furnish our own ships and heavy guns here. That is the purpose of the bill in every line and in every section of it. If gentlemen will examine they will see that purpose clearly. There is no sort of doubt about it, and this provision is simply for the protection of the Government.

Mr. BUTTERWORTH. I have had my attention called by my honored friend from New York to the fact that this seeks to secure armor which can not be manufactured in this country inside of three years, and that this is only to meet an emergency which may possibly arise.

Mr. HERBERT. I was coming to that in a moment. It is a provision inserted for caution sake, so that in case it can not be done here within the time required it can be gotten elsewhere. So far as the Miantonomoh is concerned, which is now being armored, Secretary Chandler bought that armor abroad because he could not get it here within the time required. Now, suppose we could not within a reasonable time get it here; if our own people can not get the plant ready in time, the Government certainly should not be compelled to wait until American manufacturers can procure the necessary plant and material, which may take years. If they can furnish it, and I think there is no doubt of the fact that they can, why the Secretary of the Navy is required to get it from them. There is no doubt of our ability to have these vessels built within a reasonable time and out of iron and steel of domestic manufacture. If possible, this must be done; and I do not see how gentlemen would really want the bill to pass or want the Navy increased without some such provision as this in it.

Mr. BOUTELLE. I would like to have my amendment as modified reported.

The amendment was again read.

Mr. BUTTERWORTH. Mr. Chairman, I wish to say to my honored friend from Alabama that for one I would not throw any obstacle in the way of securing the early completion of these cruisers. A condition of things may arise, and very speedily, which will suggest to this

country the importance of having vessels of this character ready for service. But there is one thing equally clear that unless our domestic manufacturers are encouraged by the Government they can not, they will not establish plants equal to providing the character of armor required in completeing these cruisers; and it is in the interest of the Government ultimately that it should give such aid and encouragement to domestic manufacturers as will enable them to meet all requirements as they arise.

But we have reason to be apprehensive from the experience of the past few years that there will not be given that encouragement to our own people in the matter of producing heavy armor plates and guns which they ought to receive, and in the absence of which it is utterly impossible for us to ever realize our hopes that our own people will invent and manufacture every kind of war enginery needed to defend our country against all assaults, whether of a domestic character or whether they shall come from abroad. I recognize the force of what my honorable friend suggested, that in this emergency it might possibly be necessary to purchase certain guns or material abroad; but for one I do not want that to interfere with that policy of the United States which looks to establishing a plant in this country equal to providing whatever our Government may need in the conduct of offensive and defensive warfare.

This can only be done by giving our own manufacturers such encouragement and governmental patronage as will insure a just and proper return for the outlay and effort embarked in establishing a proper plant.

If I could conceive it possible that the bill as it is would not have the effect to stifle rather than encourage our own manufacturers I would be glad to clothe the Secretary of the Navy with power to purchase wherever in the earth he could find that material which is necessary to push forward the very early completion of these cruisers.

I yield the remainder of my time to the gentleman from Maine [Mr. BOUTELLE].

Mr. BOUTELLE. My object in offering this amendment has been to encourage if possible what I regard as one of the primarily important features of the re-establishment and maintenance of a navy; and that is the establishment in this country of the machinery and the plant and the hammers that are necessary to furnish the material out of which the navy can be constructed. The establishment of a navy for a nation like ours is not accomplished when we have simply obtained ships. We want to have the ability here to construct ships. That is infinitely of more importance than the question whether we shall have a few ships at this time.

I am told by manufacturers that the only difficulty in the way of manufacturing this armor is as to the size of the hammer and the weight of certain machinery which is too expensive to be put up in this country, unless there is some encouragement that there would be use for it. These immense masses of iron and steel are not used in business operations in civil life. They are only used in the military operations of the Government. I want the Government of the United States to offer an inducement and encouragement for setting up this plant.

[Here the hammer fell.]

Mr. FINDLAY. I desire to say a single word in favor of the amendment offered by the gentleman from Maine.

There has been a variety of efforts made at one time or another to introduce into the policy of this country the purchase of foreign-built ships; but each time that attempt has resulted in failure. Now, it seems to me the attempt, even in the very mild form in which it appears in this section, to purchase abroad the armor which is necessary for the monitors, particularly when it is followed up, in section 6 of the bill, by a provision for the purchase of engines, boilers, machinery, shafting, and what not that may be necessary for the vessels to be constructed under this bill, in certain contingencies where it is impossible for the Secretary of the Navy to purchase it or have it made in this country—when this provision, coupled with the second one, comes before this House it simply means an attempt to buy abroad what is necessary for the motive power and machinery of the Navy.

Mr. WARNER, of Ohio. Will the gentleman permit me to ask him a question?

Mr. FINDLAY. In a moment. Now, I say, sir, if we are to have a navy in this country we must be able to put into the vessels all that is necessary to run them, all that is necessary to armor them, all that is necessary to make them effective, and that we have only half a navy if we are to build ships and then go abroad and buy what is necessary to run them.

Mr. WARNER, of Ohio. The gentleman has anticipated my question, which was, whether it is not as important to be able to construct a navy as to have it.

Mr. FINDLAY. That is what I am contending for. And I go further. If it be requisite to appropriate a large sum of money for the purpose of establishing the plant by the Government of the United States in its own navy-yards, necessary to turn out the guns and the armor requisite to make the ships effective, I am ready to vote that sum. There seems to be an impression a navy, by the wave of some magic wand, can spring out of the sea like an exhalation. Why, sir, it is a tedious process. The ocean on her sterile and uncertain bosom produces no fruit of her own. All that is there comes from the land, from the forests and from the mines. And even, sir, if in some pitying throe she should cast up her dead and deliver them to us, if all the fleets, argosies, armadas that ever floated on her bosom and now lie in the oozy bottom of the deep were to come up and with weather-stained wings should again rustle upon the face of the sea, not a stick or spar would be of any use in our modern naval service. It is true in that strange resurrection much of the United States Navy would come up. But of what use would it be to us?

We might as well settle on the policy now and here by laying the foundations of our future navy broad and deep, not merely to stand upon our bottom, as was suggested by a distinguished gentleman, but to stand on our bottoms, which make a still surer foundation. The time has come when we should not be nibbling at this thing, when we should not be building half and buying half, but when we should determine upon a policy right now and here by which we can build the whole and furnish the whole by American enterprise and genius, which I hold to be equal to anything required of us in any emergency.

[Here the hammer fell.]

Mr. BUTTERWORTH addressed the Chair.

Mr. HERBERT. I hope the friends of this bill will allow a vote. If we have too much talk it can not pass.

Mr. BUTTERWORTH. Only a moment. I was unhappy if I conveyed the idea to some of my friends here that I advocated the provision of this section. It is manifest to my mind that if we adopt this section the steps in the direction of providing sufficient plant in this country and of giving sufficient encouragement to American enterprise will be indefinitely postponed. I do not think there is any such pressing want now as should authorize or compel Congress to make such a provision here which looks to reasonable prices and raises the question of economy. Nor is there anything here that requires the Secretary of the Navy to recognize the necessity in procuring plans and giving contracts to encourage our own industries enabling them to provide for what is absolutely essential to give us anything having the semblance of a navy.

I can not fully reconcile myself to voting for that clause as it stands unless my friend will couple with it a provision to compel the Secretary of the Navy to proceed at once to make contracts for whatever may be required in the matter of constructing our Navy, and to see to it that these plants shall be established under the encouragement of the Government, if they can not be established otherwise.

Mr. LONG. Have you any doubt that in case the Secretary of the Navy should find that he could purchase the armor abroad much cheaper than at home, even if it could be produced at home, he would feel that the consideration of price would compel him to prefer the foreign article?

Mr. BOUTELLE. I have not a doubt of it.

ENROLLED BILLS SIGNED.

The committee rose informally; and the Speaker having resumed the chair, Mr. ALLEN, of Massachusetts, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 8975) making appropriations for the naval service for the fiscal year ending June 30, 1887, and for other purposes.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. WHITE, of Minnesota, for the remainder of the session, on account of important business.

To Mr. GLASS, indefinitely, on account of indisposition.

To Mr. PETERS, on account of sickness.

INCREASE OF THE NAVAL ESTABLISHMENT.

The Committee of the Whole resumed its session.

Mr. HERBERT. Mr. Chairman, I desire to make a motion to limit debate.

Mr. REED, of Maine. Mr. Chairman, it seems to me that this is a very important proposition that we are now on. Do I understand the chairman of the Committee on Naval Affairs to say that armor can not be procured in this country for the purposes which this section is intended to cover?

Mr. HERBERT. No, sir; I do not say that.

Mr. REED, of Maine. Then why should the Secretary have such a privilege with regard to this matter?

Mr. HERBERT. Will the gentleman allow me to answer him right here?

Mr. REED, of Maine. I will.

Mr. HERBERT. The Secretary of the Navy will be obliged, in order to procure the armor in this country, to make contracts for large amounts of it to carry out the provisions of this bill.

Mr. REED, of Maine. Precisely.

Mr. HERBERT. And this contemplates that he shall make those contracts with persons who will enter into an agreement to furnish the armor, but in order not to put himself at the mercy of combinations

who might charge him whatever they chose this provision is inserted, that the contracts shall be made on condition that the contractors shall agree to furnish the armor in a reasonable time and at a reasonable price. These provisos are put in here simply for the purpose of protecting the Government against combinations.

Mr. FINDLAY. Will there be no competition among the contractors?

Mr. HERBERT. Of course there will be competition among them, and this is the way to secure competition. This is for the protection of the Government.

Mr. REED, of Maine. Mr. Chairman, I recognize the force of what the gentleman from Alabama [Mr. HERBERT] says, but we are giving the Secretary of the Navy a very grave power. We are proposing that his judgment as to what is a reasonable price shall control. Now, the real thing that we need in this country is not so much armor for two or three monitors, as it is establishments which can make armor for all the monitors and all the iron-clad vessels that we may want, and we want it for the future not for the present. Yet we must make a beginning somewhere. We have got to cause the establishment in this country of plants capable of manufacturing this armor, and we have got to make a beginning. It would seem to me that this bill is a good place to begin, and to put it in such a shape that we shall have establishments that can do this work.

The idea which I got when I was on the commission for investigating this and cognate subjects, was that there were already two or three establishments in this country capable of making the necessary armor, and if the amendment which my colleague has proposed is adopted the Secretary can at once see what can be done; and if he receives any bids which he can satisfy Congress are exorbitant, why, we meet next December, and in the mean time he can reject all bids that he does not regard as proper and on the rejection of which he is ready to face Congress. But if we give him the simple right to reject on account of price, then we do not get any responsibility and we do not get any establishments for making armor. I confess I hesitated when the gentleman from Alabama made his suggestion that we were in danger of subjecting the Government to extortion. I am opposed to that. I do not believe in surrendering this Government to any great establishment, nor, on the other hand, do I believe in surrendering the power and capacity of this country to make what we need.

We have delayed this matter of a navy year after year; we have delayed it Congress after Congress; and although we made a commencement in the Forty-seventh Congress we have to-day no war vessels of any consequence except the Dolphin, and everybody knows what a struggle we have had to get even the Dolphin.

Mr. CURTIN. Will the gentleman allow me a suggestion?

Mr. REED, of Maine. Certainly.

Mr. CURTIN. We shall never have a navy until we build it from the keel up and put the guns on.

Mr. REED, of Maine. True.

Mr. CURTIN. Now, I can inform the gentleman that iron for this armor imported from abroad will cost three or four hundred dollars a ton, and I can bring to the Secretary of the Navy in ten days men who would produce that armor for $175 a ton, and better armor than can be obtained abroad. [Applause.]

Mr. HERBERT. Now I hope we shall have a vote.

Mr. CURTIN. I am not in favor of allowing to any Department of this Government any latitude for the use of foreign material. We should require that all our ships be built of material produced in this country and by the ingenuity of American citizens.

Mr. HISCOCK. I heartily agree with the gentleman from Maine that we should be prepared in this country to build all parts of a ship. Nevertheless I suppose it is true, and we might as well meet the question——

Mr. REED, of Maine. What did the gentleman from New York say?

Mr. HISCOCK. I said I agreed with the gentleman that we should be prepared to build all parts of our ships in this country.

Mr. CURTIN. We are prepared now.

Mr. HISCOCK. We are not prepared as to every part. So far as concerns the armor for the turrets we are not prepared to make that.

Mr. RANDALL. Permit me to say to the gentleman from Maine there is no difficulty so far as I know in some of the establishments in this country making the armor necessary for the double-bottomed ironclads, and we really need not embrace that in this provision at all.

A MEMBER. It is not embraced.

Mr. RANDALL. I think it is embraced by the language.

Mr. HERBERT. I think the gentleman will see that it is not. This provision only applies to the armor used in constructing the armored vessels.

Mr. RANDALL. Well, the term "armored vessels" applies to the other vessels as well as to the monitors.

Mr. HERBERT. Yes, of course.

Mr. RANDALL. Now I suggest that we do not apply this provision to the new vessels at all, but leave it to apply to the turrets of the monitors. As has been stated by the gentleman from New York [Mr. HISCOCK], there may be difficulty in getting immediately some of the armor for the turrets of the monitors, but there is no difficulty in getting in this country the armored steel-plate essential for the vessels other than the monitors.

Mr. HISCOCK. As I understand, we are not prepared and can not be for some little time to build the armor for these turrets. I am willing, nevertheless, to accept the amendment of the gentleman from Maine and force the preparation. We may as well get ready now to do the work as at any other time.

Mr. BOUTELLE. Mr. Chairman, the best information which I have been able to obtain—and it is information which I believe to be entirely reliable—is to the effect that the manufacturing establishments of this country can within six months put themselves in condition to produce this armor which is required——

Mr. HISCOCK. No.

Mr. BOUTELLE. Well, I am making this statement on what I believe to be sufficient authority. The gentleman can contradict it afterward if he wishes to do so. I say the best information I have—and I have had reassurance on this subject very recently—is that if we will offer simply the inducement provided in this amendment that American manufacturers shall have the opportunity to produce the armor for these vessels, they will within six months be ready to respond. Certainly this a very small inducement.

I am also informed and know that to-day there is at one of the hotels in this city the agent of a French manufactory of armor who is here ready to make these contracts. Furthermore, I am informed that two or three officers of the United States Government in the city of Washington to-day are the representatives of an English manufactory of armor.

Mr. MCADOO. Is it not the fact that the last administration contracted with the English firm of Cammell & Brown for compound armor for the Miantonomoh?

Mr. BOUTELLE. I think it likely it did.

Mr MCADOO. And the plates are now on the dock at Brooklyn, being put on the turrets.

Mr. BOUTELLE. But I tell you, no other administration, with my consent or by my vote, will be permitted to make these contracts abroad, refusing to our people the inducement which I believe is all that is necessary to make us independent in this matter.

I yield to the gentleman from Pennsylvania [Mr. KELLEY].

The CHAIRMAN. The time of the gentleman from Maine [Mr. BOUTELLE] has expired.

Mr. SAYERS. Mr. Chairman, it is well known to members of this House that when the hour of 5 o'clock to-day is reached, if this bill shall not have passed, we shall have no bill at this session for the increase of the Navy. Now, if gentlemen will consume time in talking instead of voting, we may as well put a stop to the consideration of this bill and go to something else.

Mr. MCADOO. That is so.

Mr. SAYERS. From 1874 up to this hour these monitors have been in process of construction. Gentlemen on the other side have complained that appropriations have not been made by previous Congresses for the completion of these monitors. The Naval Committee has reported in favor of such appropriations. We obtained from the House an assignment of two days for the consideration of this bill. One of those days, the day before yesterday, was taken from us by a vote of this House; and a majority of those who voted against the consideration of this bill were Republicans. Now, we have not quite three hours before us for the consideration of this bill. Let us vote upon this amendment; and if the House is in favor of it let it be put on the bill.

Mr. REED, of Maine. Mr. Chairman, I must say I am surprised at the extreme lameness of the excuse the gentleman from Texas [Mr. SAYERS] presents. I am surprised at his introduction of it at this moment. We are discussing the bill legitimately and properly, and he is proposing an important matter like this shall be disposed of without discussion. And why? Simply because eight months have elapsed without the party which is responsible for the control of the business of the House doing anything for the construction of a navy. And he comes in here with his little excuse that the other day a majority of Republicans voted one way or the other. What has that to do with it? It was pitted against another important bill. Why did the gentleman and his associates so conduct the business of the House that the naval bill which interests your coast should be pitted against a bill which interests all the other country? Does he think he can disguise from the people the real issue? It was not a question of a naval bill or nothing; it was a question of the naval bill or another bill in which the people of the interior of the country thought themselves more interested. But after having gone eight months without bringing these matters here before the House as he ought to have done he proposes now to stifle honest and legitimate discussion on the ground the bill is in danger.

Mr. CURTIN. Let us have a vote.

Mr. KELLEY. Mr. Chairman, the gentleman from Texas intimates if we do not go this thing blindly and accept the bill without discussion we can not have any naval legislation at this session of Congress. Sir, if we are to accept conditions which will preclude the establishment of places and means for making the armor of naval vessels or go without this bill, I say go without the bill, and try next year or the

next to put ourselves on a footing for the construction of ironclads or steel vessels which will compete with the stoutest navy of the world. [Applause.]

We do not know what we can do, and we do not know how far the hope excited by the agitation of the establishment of a metallic navy has led the people in the way of preparation. There by yonder eastern door of the Senate lies a single piece of metal which comes to us from the Union Iron and Steel Works of the Pacific coast, an establishment that is prepared to do the largest and best work which can be done in armored ships of any size. What are its appointments? I do not know in full, but I know that establishment has paid to one of the manufacturers of machine tools in my district $130,000 in order to have the latest improvements in such machinery, and has not given the firm in my district the monopoly of its trade.

I do know a firm in Pittsburgh which will produce you armor for ships which will resist any projectile that any naval vessel of the world can withstand.

Mr. CURTIN. Let me say they have the plate ready now.

Mr. KELLEY. They have the plate ready. It is of steel, not riveted, of three kinds, welded with the weldable qualities of each of the grades of steel.

Look at Alabama as an iron and steel producing country. Who of us four years ago knew that Anniston was a region from which the country might hope some day to equip itself for shaping its steel guns for armament? I do not say it can produce either now, but it is advancing with progress that seems magical to the master workmen and contractors of Great Britain and Germany.

[Here the hammer fell.]

Mr. BUCK. We have now but two hours and ten minutes to complete this bill. I would like to say how much I favor the amendment of the gentleman from Maine, but I will not take the time of the committee to do it, for time is more valuable now than speech. We can spend it to much more advantage in voting. [Applause.] I appeal, therefore, to every friend of this bill to give his vote for the amendment, and give it now.

Mr. RANDALL. Mr. Chairman, I would like to read what I have written here in the shape of an amendment to the amendment, which I think will meet the views of all parties. It is as follows:

SEC. 4. That the armor used in constructing said armored vessels shall be of the best obtainable quality and of domestic manufacture, and the armor used in finishing said monitors shall be of the best obtainable quality and of domestic manufacture, unless it shall be found that a part of the turret armor for said monitors can not be furnished within a reasonable time and at a reasonable price in the United States. Such armor shall be accepted only after passing such tests as shall be prescribed by the Secretary of the Navy and inserted in the contracts.

Mr. WHEELER. Strike out "reasonable price"——

Mr. RANDALL. The effect of this is to allow the Secretary of the Navy to buy certain armor that it is alleged can not be produced in this country at present for the turrets within reasonable time, but that all of the other armor shall be purchased in our own country.

Mr. WARNER, of Ohio. I think that ought to be adopted.

Mr. FINDLAY. Upon what information is the statement made that this armor can not be produced for the turrets in this country?

Mr. RANDALL. By expert testimony; those conversant with the matter.

Mr. FINDLAY. Where is that information to be found?

Mr. RANDALL. Well, I have heard it stated by American manufacturers themselves. I am not at liberty to mention names here, but I so understand.

I want to say that the Secretary of the Navy is as firm in purpose as any of us here in desiring to make these purchases of domestic material and of domestic manufacturers. I offer that, therefore, as an amendment to the amendment, and think that it will meet the views of the gentleman from Maine.

Mr. BOUTELLE. I prefer the original proposition.

The question being taken on the amendment to the amendment, it was rejected.

The question recurred on the amendment of Mr. BOUTELLE.

Several MEMBERS. Let the amendment be again read.

The amendment was read, as follows:

SEC. 4. That the armor used in constructing said armored vessels and for completing said monitors shall be of the best obtainable quality and of domestic manufacture, and the Secretary of the Navy is hereby authorized to purchase the same by contract or otherwise. Such armor shall be accepted only after passing such tests as shall be prescribed by the Secretary of the Navy and inserted in the contracts.

The question was taken; and on a division there were—ayes 101, noes 67.

So the amendment was adopted.

Section 5 was read, as follows:

SEC. 5. That the Secretary of the Navy shall cause one or more of the new vessels hereinbefore provided for to be constructed and one or more of the said monitors to be completed in one or more of the navy-yards of the United States; and if he shall be unable to contract with responsible parties to construct or complete, at reasonable prices, all or any of the vessels hereinbefore provided for, he shall cause the same to be constructed or completed in such of the navy-yards of the United States as may be best adapted thereto.

Mr. BRADY. I offer an amendment to this section.

The Clerk read as follows:

Amend by adding to the section:

"*Provided*, That if practicable one of said vessels shall be constructed or completed at the Norfolk (Va.) navy-yard.

Mr. BRADY. Mr. Chairman, I realize fully the importance of the passage of the bill under consideration and have no desire to take up any of the time of the committee except for a few brief moments in advocacy of the amendment I have offered. It is a well-known fact that the navy-yard at Norfolk is superior in many respects to any navy-yard in this country if not in the world. Admiral Decatur, Rear-Admiral Smith, successive boards of naval officers, and successive Secretaries of the Navy have in their reports all agreed that it is, or should be, made the great navy-yard of the country. Its climate is unsurpassed, its harbor is open all seasons of the year, mechanics can work at Norfolk out of doors all the year round; indeed it is the only great naval establishment on the whole Atlantic coast.

Now, as to the plant necessary for the construction of these vessels a very considerable portion of it is already on hand at the Norfolk navy-yard. We also have the facilities in order to establish all the requisite plant to do the work. Millions of dollars of Northern capital has been invested in our State to develop our valuable iron and coal resources, and we can more readily than many other sections of the country furnish all the iron and steel needed for the complete construction of all these vessels. As to skilled mechanics and laborers, I assert that we have at Norfolk men who are equal in that respect to any elsewhere in this country or in the world.

These mechanics and laborers are now and have been for months unemployed; idleness reigns supreme at this magnificent naval establishment, and our people who pay the United States millions of dollars yearly of internal-revenue taxes are sadly in need of work.

Under the provisions of the section as embodied in the bill, and without the amendment I have submitted, the discretion as to this construction and completion of these vessels is left with the Secretary of the Navy. I am not in favor, in consideration of the treatment by the present Democratic administration of the Norfolk navy-yard, of permitting that discretion to remain in his hands. I have no fault to find with him; but I do claim that he is under the influence of New York. We have a New York President and a New York Secretary of the Treasury and a New York Secretary of the Navy; and, sir, unless the amendment I propose is adopted, in my judgment this work will go to New York and to the other navy-yards in the North and the Norfolk navy-yard will be left out and our section of the country will not receive the consideration it deserves in the distribution of the work authorized under the bill.

I am not here, Mr. Chairman, making an appeal as far as my own party is concerned; because it is a fact well known that we have had under the present administration a clean sweep in the Norfolk navy-yard, and the question of politics therefore has nothing to do with it, so far as I am concerned. I am for justice to all sections; and I believe that the Norfolk navy-yard, with all its facilities, can do this work equally as good, if not better, than any other navy-yard in the country. It can be demonstrated to every fair-minded man that in many respects our Virginia navy-yard is the best in the United States, and as a matter of justice and fair-dealing we should have at least one of these vessels to build. [Applause.]

[Here the hammer fell.]

Mr. O'NEILL, of Pennsylvania. Mr. Chairman, I hope there will be no such restrictive provision adopted as that suggested by the gentleman from Virginia. There are other navy-yards in this country besides the navy-yard at Norfolk in which the work can be done equally well and probably better; and I will merely mention here in that connection that there is the League Island navy-yard.

Mr. ANDERSON, of Kansas. Where is it? [Laughter.]

Mr. O'NEILL, of Pennsylvania. Near Philadelphia; in which any kind of work can be done, and all the vessels, iron-clad or otherwise, can be constructed, where we have thousands of skilled mechanics and laborers ready and fit to do that work.

I have nothing to say against the Norfolk navy-yard. I believe it is a great navy-yard and a very good situation, but I am unwilling to make such a direction as this to the Secretary of the Navy. I am unwilling to take from him that discretion which would enable him to select the best locality for this work and oblige him, by legislation, to do a portion of the work in any navy-yard that may be named. Why, sir, can you doubt the ability of the League Island navy-yard, located where it is near everything that enters into the construction of an iron vessel or a wooden vessel?

I simply rose, Mr. Chairman, to protest against individualizing any naval station in which any of this work may be done. I am willing to leave it to the Secretary of the Navy, and I believe the Secretary of the Navy, in considering and making up his mind where the work shall be done, or a portion of it, will select the League Island naval station.

Mr. HERBERT. I move that the committee rise to obtain an order to limit debate, unless the committee is willing to vote now.

Mr. BOUTELLE. Let us vote on this amendment.

The question being taken on Mr. BRADY'S amendment, the chairman stated that the "noes" seemed to have it.

Mr. BRADY. I call for a division.

The committee divided; and there were—ayes 28, noes 86.

Mr. BRADY. No quorum.

The CHAIRMAN. The Chair appoints as tellers the gentleman from Alabama [Mr. HERBERT] and the gentleman from Virginia [Mr. BRADY].

Before the count was completed,

Mr. BRADY said: I withdraw the point as to a quorum.

So the amendment was disagreed to.

Mr. BOUTELLE. I offer as a substitute for the fifth section what the Clerk has at the desk.

The Clerk read as follows:

That the Secretary of the Navy shall advertise for proposals and shall contract with responsible parties in the United States to construct or complete at reasonable prices all or any of the vessels herein provided for: *Provided*, That all the repairs of vessels of the Navy, so far as practicable, shall be made in the navy-yards of the United States, one or more of which shall be completely equipped for the construction of modern war ships in case of exigency.

Mr. BOUTELLE. The section of the bill for which this is proposed as a substitute provides that one or more of the new vessels shall be constructed and one or more of the monitors completed in one or more of the navy-yards of the United States. And it provides further if the Secretary shall be unable to contract with responsible parties to construct or complete at reasonable prices all or any of these vessels he shall cause the same to be constructed or completed in the navy-yards.

Under the section as it stands in the bill the Secretary may, if he choose, cause all of these vessels to be constructed and all of the monitors to be completed in the navy-yards. The experience of naval construction has been that work in the navy-yards is very much more expensive than the work which has been done outside. And in consonance with the principle on which I advocated the amendment discussed a short time ago I believe it is of the very first importance that we should encourage the establishment of private ship-building yards in this country upon which the Government may rely in case of exigency.

It is well known that for many years the British Government have adopted the principle of having their vessels very largely constructed outside of the navy-yards.

Mr. HEWITT. "English, you know."

Mr. BOUTELLE. I quoted that for the purpose of endeavoring to secure for this amendment the vote of my friend from New York, as he is always so fond of an English precedent.

In this country the experience has been, as I have said, that the construction of vessels in private yards has cost very much less than in the navy-yards. My substitute provides that these vessels shall be constructed upon proposals from private parties; but that one or more of the navy-yards of the United States shall be put in complete equipment for the construction of war vessels, so that the Government may have its own establishment in readiness, if necessary, and that the navy-yards shall be utilized as far as practicable for all the repairs required by the Navy.

I think it would be profitable for the Government not only to offer such encouragement as is afforded in giving the construction of these vessels to the open competition of private ship-builders, but I believe that we could well afford to offer a large bonus, a large pecuniary encouragement for the establishment of the great plants which are necessary to do this work. But it appears to me that we ought at least to afford such encouragement as is furnished in the construction of these few ships to the great ship-building establishments of this country, to encourage them in keeping up their plant and improving it so as to put us in a position of independence of foreign manufacturers.

Mr. MCADOO. I desire to ask the gentleman a question before he resumes his seat. Do you contemplate by this amendment that any ships shall be built in the navy-yards?

Mr. BOUTELLE. None of these. But I have provided that at the discretion of the Secretary one or more of the navy-yards of the United States shall be completely equipped for the purpose of constructing ships, so that if hereafter at any time some succeeding Congress, Democratic or Republican, shall be liberal enough to provide for building a large number of vessels the Government will have facilities in its own yards to participate in the construction.

Mr. MCADOO. I desire to say one word on this amendment. In the first place, one or two of the navy-yards, as they exist to-day, are in better condition for building or repairing vessels than any private establishment. In the second place, considering the profit derived by the contractor from the Government, it is about as cheap to build the vessels in the navy-yards. In the third place, and on the authority of eminent men in the naval service, I will say that the vessels which have heretofore been built or repaired in the navy-yards have given more satisfaction as to the working of their machinery and the durability of their hulls than any vessels constructed or repaired by private parties.

I hope this amendment will not prevail. The bill as it is now simply leaves it to the discretion of the Secretary of the Navy that he can build one or more of these vessels in a navy-yard and the rest can be built by contract. I have no doubt from my knowledge of that gentleman that in the exercise of his discretion he will not undertake to build all of these vessels in the navy-yards, and even if he did I fail to see anything to be condemned I hope a vote will soon be reached. A minority of the whole House, as I think, but a strong and determined one, have given us a hearing on condition. As a matter of honor I for one propose to keep faith with them. Let us start the new navy now, at any rate.

Mr. FELTON. Is there a navy-yard in the United States capable of building an iron-clad ship?

Mr. MCADOO. Yes, sir.

Mr. FELTON. What one?

Mr. MCADOO. The Brooklyn navy-yard, or the navy-yard at Norfolk, or the navy-yard in the gentleman's own State.

Mr. FELTON. I think the gentleman is mistaken. I do not think there is one in the United States.

Mr. MCADOO. Oh, yes; they have an excellent navy-yard at Mare Island, where this work can be done better than in any private yard.

Mr. REED, of Maine. Mr. Chairman, I should like to know the object of this section. Here is a proposition to have all these ships built in the Government navy-yards by workmen under Government employ. Now, what is the object of that?

Mr. HERBERT. The gentleman is mistaken. There is no such proposition in the bill. The bill, fairly read, simply indicates that it is the intention that not more than one of these vessels shall be built in the Government yards, but it gives the Secretary the discretion, if he can not get the work done at fair prices outside, to do it all in the navy-yards—which, however, he does not propose to do, and I have no idea that he will do.

Mr. MILLIKEN. But this gives him the power.

Mr. HERBERT. It gives him the power to protect the Government against combinations. That is the purpose, and the sole purpose.

Mr. REED, of Maine. The sole purpose? It will take pretty nearly eighteen months to get up the plans, and that will bring us to a period when the public mind will be in such a condition that the state of things which seems to be provided for here ought not to be permitted. It seems to me that if we really want this legislation for the benefit of the Navy we had better not have in it this provision. It is going to be liable to misconstruction either on the part of the Secretary of the Navy or on the part of the public, and I should much rather have misconstruction on the part of the public than on the part of the Secretary.

Mr. HERBERT. Oh, I think there is no danger. While we undertake to build these ships, we must not lose sight of the necessity of protecting the Government.

Mr. BOUTELLE. I will ask the gentleman from Alabama whether there would not be as thorough protection secured by open competition between the bidders as there would be by setting up the Government of the United States to compete against its own citizens?

Mr. HERBERT. There is nothing wrong in setting the Government to compete against its own citizens if they are making combinations against it. I trust that we shall now have a vote.

The question was taken on the amendment of Mr. BOUTELLE; and it was rejected—ayes 69, noes 93.

Mr. HISCOCK. Mr. Chairman, I move to strike out the words "or more," in line 2 of this section, and also the words "or more," in line 3. It seems to me that we do not want to enter upon a new policy with reference to this matter by requiring all these vessels to be built in the navy-yards, for that is what this means.

Mr. HERBERT. Oh, no; not at all. I hope we shall have a vote.

Mr. HISCOCK. Then if you mean only to build up one navy-yard, say so. If you want to have one navy-yard fully equipped for the purpose of building or repairing vessels, this amendment of mine will not interfere with that.

Mr. MCKENNA. May I ask the gentleman from New York [Mr. HISCOCK] a question?

Mr. HISCOCK. Certainly.

Mr. MCKENNA. If there is a necessity for one navy-yard——

Mr. HISCOCK. I don't think there is any such necessity.

Mr. HENLEY. There is a necessity, I suppose, for contract work, to make men work ten hours a day at starvation prices.

Mr. MCKENNA. Mr. Chairman, there is a great deal said about encouraging home industry and American labor—— [Cries of "Vote!" "Vote!"] I do not want to occupy time, Mr. Chairman, or to delay the passage of the bill.

The question being taken on the amendment of Mr. HISCOCK, it was rejected—ayes 62, noes 94.

The Clerk read as follows:

SEC. 6. That the engines, boilers, and machinery of all the new vessels provided for by this act shall be of domestic manufacture and procured by contract, unless the Secretary of the Navy shall be unable to obtain the same at fair prices, in which case he may construct the same, or any portion thereof, in the navy-yards of the United States: *Provided*, That the Secretary of the Navy may buy abroad and import such shafting and other material or machinery as he may be unable to procure in the United States: *Provided further*, That the Secretary of the Navy may purchase abroad only such shafting and other special materials as it may be impossible to obtain in the United States in time for use in the construction of the vessels herein provided for.

Mr. BUCK. Mr. Chairman, I offer an amendment which I send to the desk.

The Clerk read as follows:

Strike out all after the word "States," in line 6, to and including the word "States," in line 9. Also strike out the word "further," in line 9.

Mr. BUCK. The provision proposed to be stricken out is that the

Secretary of the Navy is authorized to buy abroad or to import such shafting and other material or machinery as he may be unable to procure in the United States. That provision would authorize him to purchase all the materials, engines, and boilers abroad. I have separated that from the following proviso because they are entirely different. In the one at the end of the section it is only provided that the Secretary may purchase such shafting and special materials as it may be impossible for him to obtain in this country. While I should vote to strike that out also, I do not feel so strongly called upon to oppose it as to offer an amendment striking it out, but if any gentleman chooses to offer such an amendment to my amendment, I will vote for it.

Mr. BOUTELLE. I will state for the information of the House that as a matter of fact the language from "provided," in line 6, down to "provided," in line 9, is a misprint.

Mr. HERBERT. No; it is not. The gentleman himself in committee offered the last proviso as an amendment in addition to the other.

Mr. BOUTELLE. The last proviso was a substitute for the other.

Mr. HERBERT. The gentleman is mistaken.

Mr. BUCK. The first proviso should be struck out.

Mr. BOUTELLE. It is surplusage.

Mr. BUCK. I think there can be no objection to striking it out.

Mr. HERBERT. I do not object. With that clause omitted, I presume the section will read better.

The amendment to strike out from "United States," in line 6, down to and including "United States," in line 9, was agreed to.

Mr. BUCK. Mr. Chairman, for the purpose of testing the sense of the House, I move to strike out the second proviso. I do not care to occupy time with any remarks.

The CHAIRMAN. The Clerk will read the clause proposed to be struck out.

The Clerk read as follows:

Provided further, That the Secretary of the Navy may purchase abroad only such shafting and other special materials as it may be impossible to obtain in the United States in time for use in the construction of the vessels herein provided for.

Mr. HERBERT. We can not get along without that provision.

The amendment was not agreed to.

The Clerk read as follows:

SEC. 7. That the Secretary of the Navy shall not contract for the construction or completion of any of said vessels, or of their engines, machinery, or boilers, until drawings and specifications of the same shall have been provided or adopted by him; and after said drawings and specifications shall have been provided, adopted, and approved as aforesaid, and work shall have been commenced on any contract made therefor, such plans and specifications shall not be changed in any respect when the cost of such change in the execution of the work exceeds $500, except upon the written order of the Secretary or acting Secretary of the Navy; and if changes are thus made, the actual cost thereof and the damage caused thereby shall be ascertained, estimated, and determined by a board of naval officers to be provided for in the contract; and in any contract made pursuant to this act it shall be provided in the terms thereof that the contractor shall be bound by the determination of said board, or a majority thereof, as to the amount of increased or diminished compensation said contractor shall be entitled to receive, if any, in consequence of such change or changes. In every contract to be made under this act there shall be prescribed a period within which the work provided for in said contract, or specified portions thereof, shall be completed, and the completion of such work within the periods prescribed shall be insured by penal provisions. For the construction or completion of such vessels hereinbefore provided for as the Secretary of the Navy shall propose to have constructed or completed by contract, as well as also for the engines, boilers, and machinery hereinbefore provided for, he shall invite proposals from every American ship-builder and other person who shall show to the satisfaction of the Secretary of the Navy that within three months from the date of the contract he will be possessed of the necessary plant for the performance of the work in the United States which he shall offer to undertake, and such contract shall be let to the lowest and best responsible bidder or bidders, after at least sixty days' advertisement, published in five leading papers in the United States, inviting proposals for the work proposed, which work shall be subject to all such rules, regulations, superintendence by naval officers during construction, and provisions as to bonds and security for the quality and due completion of the work as the Secretary of the Navy shall prescribe; and no vessel, boiler, engine, machinery, or portion thereof shall be accepted unless completed in strict conformity with the contract; and the authority given hereby shall take effect at once. The Secretary of the Navy shall have the power to reject any or all bids made under the provisions of this act.

Mr. EVERHART. I move to amend by inserting after the word "same," in line 4, the words "by citizens of the United States," so as to read, "until drawings and specifications of the same by citizens of the United States shall have been provided or adopted by him."

The amendment was not agreed to, there being—ayes 16, noes 77.

Mr. BOUTELLE. I desire to inquire whether there is any provision of general law which will secure the proper distribution of the advertisements which this section provides shall be "published in five leading newspapers of the United States." Of course the newspapers selected should not be confined to one or two cities.

Mr. HERBERT. I do not know whether there is any general law on the subject; but this provision is copied from previous bills.

Mr. BOUTELLE. Of course the newspapers selected ought to be published in different parts of the United States.

Mr. HERBERT. That matter will of course be looked after by the Department.

Mr. BOUTELLE. Well, we will trust the Secretary of the Navy.

The Clerk resumed and concluded the reading of the bill.

Mr. BUCK. If no gentleman desires to offer any amendment to the last section I move that the committee rise and report the bill and amendments favorably to the House.

The CHAIRMAN. The gentleman from Connecticut moves that the committee rise and report the bill as amended.

Mr. HERBERT. The understanding is that in the House I shall offer the substitute.

Mr. REED, of Maine. The substitute can not be offered in the House.

Mr. HERBERT. Oh, yes, it can.

Mr. REED, of Maine. It must be first considered in Committee of the Whole.

The CHAIRMAN. The Chair has no control of that matter.

Mr. REED, of Maine. I notify the gentleman from Alabama that the course he indicates will be objected to.

The CHAIRMAN. That is a matter which the present occupant of the chair can not determine.

The motion of Mr. BUCK was agreed to.

The committee accordingly arose; and the Speaker having resumed the chair, Mr. CRISP reported that the Committee of the Whole on the state of the Union having had under consideration the bill (H. R. 6664) to increase the naval establishment had directed him to report the same back with sundry amendments.

Mr. BUCK and Mr. HERBERT addressed the Chair.

The SPEAKER. The gentleman from Alabama [Mr. HERBERT].

Mr. REED, of Maine. I call the attention of the Chair to the fact that in Committee of the Whole the gentleman from Connecticut [Mr. BUCK] made the motion that the committee rise and report the bill.

The SPEAKER. But the gentleman from Alabama, as the Chair understands, has charge of the bill, being the chairman of the Committee on Naval Affairs, and having reported the bill from that committee.

Mr. REED, of Maine. He did not seem to have much charge of it.

Mr. BOUTELLE. I desire to make a parliamentary inquiry.

Mr. HERBERT. I do not yield the floor.

The SPEAKER. The gentleman from Maine [Mr. BOUTELLE] will state his parliamentary inquiry.

Mr. BOUTELLE. At the conclusion of the reading of the bill by sections in Committee of the Whole the gentleman from Connecticut [Mr. BUCK] moved that the committee rise and report the bill and amendments favorably to the House; and upon that motion the committee did rise and so report. Does not that give the gentleman from Connecticut the right to control the disposition of the bill?

The SPEAKER. The Chair thinks not. The gentleman from Alabama, as chairman of the Committee on Naval Affairs, reported the bill to the House from that committee and has had charge of it; and until there is some adverse vote of the House, some vote indicating that the gentleman does not represent the sentiment of the House on this question, he must, according to all the practice heretofore prevailing, be recognized to control the bill.

Mr. BOUTELLE. I merely asked for information.

Mr. HERBERT. I offer a substitute for the bill and amendments reported from the Committee of the Whole House on the state of the Union, and then I demand the previous question.

Mr. BUCK. Does the gentleman demand the previous question?

Mr. HERBERT. I do.

Mr. BUCK. I hope it will be voted down.

Mr. HERBERT. We have to do something of that kind in order to get to a vote.

Mr. BUCK. The gentleman has provisions in that substitute for the purchase of the armor abroad in case the Secretary can not contract for it within a reasonable time in this country.

The SPEAKER. The substitute is offered in the House, but the amendments reported by the Committee of the Whole House on the state of the Union to the original bill must first be disposed of.

Mr. REED, of Maine. But the substitute has never been in the Committee of the Whole.

The SPEAKER. It will be read.

Mr. RANDALL. That substitute is in the nature of an amendment permissible in the House to the original bill.

The SPEAKER. If an amendment to the bill——

Mr. RANDALL. It is.

The SPEAKER. And contains any provisions not considered in the Committee of the Whole House on the state of the Union the Chair will decide it must be read.

Mr. FINDLAY. As I understand the Chair, the amendments to the original text must first be voted upon.

Mr. REED, of Maine. It contains provisions which the Committee of the Whole have stricken out of the original bill.

The SPEAKER. Still the House can overrule the Committee of the Whole, and does it frequently, and refuses to agree to amendments the committee incorporated and agree to amendments it has not incorporated; but the substitute must be read.

Mr. RANDALL. The previous question has been demanded.

Mr. REED, of Maine. We want it read.

The SPEAKER. It must be read before the vote is taken. The House may not want to order the previous question until it has heard it read.

Mr. HERBERT. I ask for the previous question.

The SPEAKER. But the amendment must be read. The ordering of the previous question is the consideration of a matter——

Mr. BUCK. Will the gentleman from Alabama allow me to ask him this question? Is the substitute he offers precisely like the paper which has been distributed and placed upon the desks of members?

Mr. HERBERT. It is precisely the same, having only the word "thereunder" instead of "hereunder," which is a mistake.

The SPEAKER. The substitute will be read.

The Clerk read as follows:

Strike out all after the enacting clause and in lieu thereof insert the following:

"That the President is hereby authorized to have constructed, as hereinafter provided—

"First. Two sea-going double-bottomed armored vessels of about 6,000 tons displacement, designed for a speed of at least 16 knots an hour, with engines having all necessary appliances for working under forced draught, and costing, including engines and machinery and excluding armament, not more than $2,500,000 each. Said vessels shall have each a complete torpedo outfit and be armed in the most effective manner.

"Second. One protected double-bottomed cruiser of not less than 3,500 nor more than 5,000 tons displacement, designed to have the highest practicable speed and furnished with the best type of modern engines, furnished with necessary appliances for working under forced draught. Said vessel shall cost, including engines and machinery and excluding armament, not exceeding $1,500,000.

"Third. One first-class torpedo-boat, costing in the aggregate not more than $100,000.

"SEC. 2. That the vessels hereinbefore authorized to be constructed shall be built of steel of domestic manufacture, having a tensile strength of not less than 60,000 pounds per square inch, and an elongation in 8 inches of not less than 25 per cent.

"SEC. 3. That the President is hereby authorized to direct the completion, as hereinafter provided, of the double-turreted monitors Puritan, Amphitrite, Monadnock, and Terror, at a total cost, exclusive of armament, not to exceed $3,178,046.

"SEC. 4. That the armor used in constructing said armored vessels and for completing said monitors shall be of the best obtainable quality and of domestic manufacture, provided contracts for furnishing the same in a reasonable time, at a reasonable price, and of the required quality can be made with responsible parties; otherwise the Secretary of the Navy is hereby authorized to purchase the same, or any portion thereof, and import it. Such armor shall be accepted only after passing such tests as shall be prescribed by the Secretary of the Navy and inserted in the contracts.

"SEC. 5. That the Secretary of the Navy shall cause one or more of the new vessels hereinbefore provided for to be constructed and one or more of the said monitors to be completed in one or more of the navy-yards of the United States; and if he shall be unable to contract with responsible parties to construct or complete, at reasonable prices, all or any of the vessels hereinbefore provided for, he shall cause the same to be constructed or completed in such of the navy-yards of the United States as may be best adapted thereto.

"SEC. 6. That the engines, boilers, and machinery of all the new vessels provided for by this act shall be of domestic manufacture and procured by contract, unless the Secretary of the Navy shall be unable to obtain the same at fair prices, in which case he may construct the same, or any portion thereof, in the navy-yards of the United States: *Provided*, That the Secretary of the Navy may buy abroad and import such shafting and other material or machinery as he may be unable to procure in the United States: *Provided further*, That the Secretary of the Navy may purchase abroad only such shafting and other special materials as it may be impossible to obtain in the United States in time for use in the construction of the vessels herein provided for.

"SEC. 7. That the Secretary of the Navy shall not contract for the construction or completion of any of said vessels, or of their engines, machinery or boilers, until drawings and specifications of the same shall have been provided or adopted by him; and after said drawings and specifications shall have been provided, adopted, and approved as aforesaid, and work shall have been commenced on any contract made therefor, such plans and specifications shall not be changed in any respect when the cost of such change in the execution of the work exceeds $500, except upon the written order of the Secretary or acting Secretary of the Navy; and if changes are thus made, the actual cost thereof and the damage caused thereby shall be ascertained, estimated, and determined by a board of naval officers to be provided for in the contract; and in any contract made pursuant to this act it shall be provided in the terms thereof that the contractor shall be bound by the determination of said board, or a majority thereof, as to the amount of increased or diminished compensation said contractor shall be entitled to receive, if any, in consequence of such change or changes. In every contract to be made under this act there shall be prescribed a period within which the work provided for in said contract, or specified portion thereof, shall be completed, and the completion of such work within the periods prescribed shall be insured by penal provisions. For the construction or completion of such vessels hereinbefore provided for as the Secretary of the Navy shall propose to have constructed or completed by contract, as well as also for the engines, boilers, and machinery hereinbefore provided for, he shall invite proposals from every American ship-builder and other person who shall show to the satisfaction of the Secretary of the Navy that within three months from the date of the contract he will be possessed of the necessary plant for the performance of the work in the United States which he shall offer to undertake, and such contract shall be let to the lowest and best responsible bidder or bidders, after at least sixty days' advertisement, published in five leading papers of the United States, inviting proposals for the work proposed, which work shall be subject to all such rules, regulations, superintendence by naval officers during construction, and provisions as to bonds and security for the quality and due completion of the work as the Secretary of the Navy shall prescribe; and no vessel, boiler, engine, machinery, or portion thereof shall be accepted unless completed in strict conformity with the contract; and the authority given hereby shall take effect at once. The Secretary of the Navy shall have the power to reject any or all bids made under the provisions of this act.

"SEC. 8. That the sum of $1,000,000 is hereby appropriated toward the armament of the vessels authorized by the act of March 3, 1885, of the vessels authorized by section 1 of this act, and of the unfinished monitors hereinbefore mentioned, and of the Miantanomoh; and the Secretary of the Navy is hereby authorized to direct the application of such portions of this sum as may be necessary to the manufacture or purchase of such tools and machinery or the erection of such structures as may be required for use in the manufacture of such armament, or any part thereof: *Provided*, That the Secretary of the Navy may contract with domestic manufacturers for the construction of such portion of the heavy guns herein provided for as may not be built by the Government.

"SEC. 9. That the Secretary of the Navy is hereby authorized to contract with the Pneumatic Dynamite-Gun Company of New York for one dynamite-gun cruiser, as follow: Said cruiser to be not less than 230 feet long, 26 feet breadth of beam, 7½ feet draught, 3,200 horse-power, and guaranteed to attain a speed of 20 knots an hour, and to be equipped with three pneumatic dynamite-guns of 10½ inch caliber, and guaranteed to throw shells containing 200 pounds of dynamite or other high explosives at least 1 mile, each gun to be capable of being discharged once in two minutes, at a price not to exceed $350,000; said contract to be made only on condition that there shall be a favorable report made by the existing Naval Board on the system; to be paid for as the work progresses, and upon the report of such board or boards of inspectors as the Secretary of the Navy may for that purpose appoint, reserving 30 per cent. on all such payments until the work is completed and accepted by the Secretary of the Navy.

"The Pneumatic Dynamite-Gun Company shall furnish bonds satisfactory to the Secretary of the Navy for the faithful performance of its contract, and for the refunding of the money paid thereunder in case of the non-performance of the same, and shall further agree with the Secretary of the Navy upon a limit of price which shall not be exceeded in any future contracts which the Government may desire to enter into for the purchase of the company's guns.

"SEC. 10. That toward the construction and completion of the vessels hereinbefore mentioned, including the vessel and guns mentioned in section 9, the sum of $2,500,000 is hereby appropriated, of which not more than $75,000 may be expended in manufacturing, purchasing, and experimenting with torpedoes of domestic manufacture, and not exceeding $150,000 may be expended, under the direction of the Secretary of the Navy, in improving the plant of such of the navy-yards as he may select.

"Amount appropriated by this bill, $3,500,000."

Mr. MCKENNA. I ask by unanimous consent to dispense with the reading of the substitute, as we all know what it is.

Mr. BRECKINRIDGE, of Arkansas. I object.

The previous question was ordered.

The question recurred on the following amendment of the Committee of the Whole House on the state of the Union.

Strike out in section 1 the following:

Second. Three protected double-bottomed cruisers of not less than 3,500 nor more than 5,000 tons displacement, with the best type of modern engines, furnished with necessary appliances for working under forced draught, said cruisers designed to have the highest practicable speed. No one of said vessels shall cost, including engines and machinery and excluding armament, exceeding $1,500,000, and the cost of the three vessels, including engines and machinery, shall not exceed $4,000,000. Two of said cruisers shall be provided with spars and rigging to spread at least two-thirds of full sail-power: *Provided, however*, That said spars shall be easily removable in case of need. The other of said cruisers shall be required to have only military masts, but shall be so constructed that masts and spars may be readily inserted sufficient to carry at least two-thirds of full sail-power. Toward the construction of said cruisers the sum of $1,100,000 is hereby appropriated. Said cruisers shall be armed in the most effective manner.

And in lieu thereof insert the following as a substitute therefor:

One cruiser of not less than 2,500 nor more than 3,500 tons displacement; said cruiser to be constructed upon designs, plans, and specifications furnished by Charles G. Lundborg, of New York, and under his supervision and direction. The said vessel shall have the highest practicable speed (not less than 20 knots per hour), full sail-power, and an armament, as heavy as may be compatible with the foregoing conditions. The cost of said vessel, including engines and machinery, and exclusive of armament, shall not exceed the sum of $1,200,000, which sum, or so much thereof as may be necessary, is hereby appropriated.

The amendment was disagreed to.

Mr. BALLENTINE. I ask for a division on that amendment.

The SPEAKER. The Chair has announced the result. Does any gentleman ask for a separate vote on the amendments of the Committee of the Whole House on the state of the Union? If not, they will be voted on in gross.

No separate vote was asked.

The question recurred on the amendments of the Committee of the Whole House on the state of the Union.

The House divided; and there were—ayes 73, noes 77.

Mr. BOUTELLE demanded the yeas and nays.

The question was taken; and it was decided in the negative—yeas 108, nays 111, not voting 103; as follows:

YEAS—108.

Adams, G. E.	Felton,	Little,	Rockwell,
Anderson, J. A.	Findlay,	Long,	Romeis,
Ballentine,	Fleeger,	Lovering,	Ryan,
Bayne,	Fuller,	Lyman,	Sawyer,
Bingham,	Gallinger,	Mahoney,	Scranton,
Bound,	Gay,	Markham,	Sessions,
Boutelle,	Green, R. S.	McKenna,	Spooner,
Brady,	Grosvenor,	Merriman,	Stahlnecker,
Browne, T. M.	Grout,	Millard,	Stephenson,
Brown, C. E.	Harmer,	Milliken,	Stewart, J. W.
Brown, W. W.	Hayden,	Moffatt,	Stone, E. F.
Buck,	Henderson, D. B.	Morrill,	Strait,
Bunnell,	Henley,	Morrow,	Struble,
Burleigh,	Hepburn,	Negley,	Swinburne,
Burrows,	Hiestand,	Nelson,	Symes,
Butterworth,	Hiscock,	O'Neill, J. J.	Taylor, I. H.
Campbell, Felix	Hitt,	Osborne,	Taylor, Zach.
Conger,	Holmes,	Parker,	Thomas, O. B.
Curtin,	Jackson,	Payne,	Thompson,
Cutcheon,	James,	Payson,	Tillman,
Davis,	Johnston, J. T.	Perkins,	Wade,
Dingley,	Kelley,	Pettibone,	Warner, A. J.
Dunham,	Ketcham,	Pirce,	Warner, William
Ely,	La Follette,	Plumb,	Weaver, J. B.
Evans,	Lawler,	Price,	Weber,
Everhart,	Lehlbach,	Reed, T. B.	White, Milo
Farquhar,	Lindsley,	Rice,	Woodburn.

NAYS—111.

Allen, J. M.	Burnes,	Cowles,	Dougherty,
Barnes,	Bynum,	Cox,	Dunn,
Barry,	Caldwell,	Crisp,	Eden,
Belmont,	Candler,	Croxton,	Eldredge,
Bennett,	Carleton,	Culberson,	Ermentrout,
Blount,	Clardy,	Dargan,	Fisher,
Boyle,	Clements,	Davidson, A. C.	Foran,
Breckinridge, C. R.	Cobb,	Davidson, R. H. M.	Ford,
Breckinridge, W. C. P.	Comstock,	Dockery,	Forney,

Frederick,	King,	Outhwaite,	Stone, W. J., Mo.
Gibson, C. H.	Kleiner,	Peel,	Storm,
Glass,	Laffoon,	Perry,	Swope,
Green, W. J.	Landes,	Pindar,	Tarsney,
Hale,	Lanham,	Randall,	Taulbee,
Hall,	Le Fevre,	Reagan,	Townshend,
Halsell,	Lore,	Reid, J. W.	Tucker,
Hatch,	Martin,	Richardson,	Turner,
Hemphill,	McCreary,	Sadler,	Van Eaton,
Henderson, J. S.	McMillin,	Sayers,	Viele,
Herbert,	McRae,	Scott,	Wellborn,
Hewitt,	Mills,	Seymour,	Wheeler,
Hill,	Mitchell,	Singleton,	Wilkins,
Holman,	Morgan,	Skinner,	Wilson,
Hudd,	Morrison,	Snyder,	Winans,
Irion,	Neal,	Sowden,	Wise,
Johnston, T. D.	Neece,	Springer,	Wolford,
Jones, J. H.	Norwood,	Stewart, Charles	Worthington.
Jones, J. T.	Oates,	Stone, W. J., Ky.	

NOT VOTING—103.

Adams, J. J.	Crain,	Hutton,	Rogers,
Aiken,	Daniel,	Johnson, F. A.	Rowell,
Allen, C. H.	Davenport,	Laird,	Seney,
Anderson, C. M.	Dawson,	Libbey,	Shaw,
Arnot,	Dibble,	Louttit,	Smalls,
Atkinson,	Dorsey,	Lowry,	Spriggs,
Baker,	Dowdney,	Matson,	Steele,
Barbour,	Ellsberry,	Maybury,	St. Martin,
Barksdale,	Funston,	McAdoo,	Taylor, E. B.
Beach,	Geddes,	McComas,	Taylor, J. M.
Blanchard,	Gibson, Eustace	McKinley,	Thomas, J. R.
Bland,	Gilfillan,	Miller,	Throckmorton,
Bliss,	Glover,	Muller,	Trigg,
Bragg,	Goff,	Murphy,	Van Schaick,
Brumm,	Guenther,	O'Donnell,	Wadsworth,
Buchanan,	Hammond,	O'Ferrall,	Wait,
Cabell,	Hanback,	O'Hara,	Wakefield,
Campbell, J. E.	Harris,	O'Neill, Charles	Wallace,
Campbell, J. M.	Haynes,	Owen,	Ward, J. H.
Campbell, T. J.	Heard,	Peters,	Ward, T. B.
Cannon,	Henderson, T. J.	Phelps,	Weaver, A. J.
Caswell,	Hermann,	Pidcock,	West,
Catchings,	Hires,	Ranney,	White, A. C.
Collins,	Hopkins,	Reese,	Whiting,
Compton,	Houk,	Riggs,	Willis.
Cooper,	Howard,	Robertson,	

So the amendments were rejected.

Mr. HERBERT. I ask unanimous consent to dispense with the reading of the names.

Mr. REED, of Maine. This is a very close vote; let them be read.

The Clerk then recapitulated the names of those voting.

Mr. BURROWS. I was paired with the gentleman from Virginia, Mr. WISE, this afternoon, and was present in the Hall when my name was called, but refrained from voting, believing the pair to be still in force. I understand that Mr. WISE has voted, and I ask to record my vote.

The SPEAKER. The gentleman's name will be called.

The following gentlemen were announced as paired until further notice:

Mr. MCKINLEY with Mr. MILLS.

Mr. HAMMOND with Mr. O'DONNELL.

Mr. SENEY with Mr. SYMES.

Mr. HERBERT. I ask unanimous consent to dispense with the further reading of the pairs.

Mr. BOUTELLE. I object.

The Clerk resumed the reading of the pairs as follows:

Mr. ANDERSON, of Ohio, with Mr. HANBACK.

Mr. ADAMS, of New York, with Mr. WEST.

Mr. ROGERS with Mr. EZRA B. TAYLOR.

Mr. BARBOUR with Mr. LIBBEY.

Mr. THROCKMORTON with Mr. WADSWORTH.

Mr. MILLER with Mr. HOUK.

Mr. DOWDNEY with Mr. O'HARA.

Mr. DANIEL with Mr. WHITING.

Mr. ROBERTSON with Mr. STEELE.

Mr. RIGGS with Mr. PHELPS.

Mr. ARNOT with Mr. THOMAS, of Illinois.

Mr. SPRIGGS with Mr. OWEN.

Mr. DAWSON with Mr. RANNEY.

Mr. BLAND with Mr. VAN SCHAICK.

Mr. BARKSDALE with Mr. DAVENPORT.

Mr. BRAGG with Mr. CASWELL.

Mr. GLASS with Mr. SWINBURNE.

Mr. MURPHY with Mr. LOUTTIT, on this vote.

Mr. WARD, of Indiana, with Mr. ALLEN, of Massachusetts, for this day.

Mr. CAMPBELL, of Ohio, with Mr. O'NEILL, of Pennsylvania, for this day.

Mr. GIBSON, of West Virginia, with Mr. CANNON, for this day.

Mr. SHAW with Mr. GOFF, for this day.

Mr. PIDCOCK with Mr. ATKINSON, for this day.

Mr. WILLIS with Mr. HENDERSON, of Illinois, for this day.

Mr. CABELL with Mr. CAMPBELL, of Pennsylvania, for this day.

Mr. MULLER with Mr. WAIT, for this day.

Mr. WALLACE with Mr. WAKEFIELD, for this day.

Mr. O'FERRALL with Mr. LAIRD, for this day.

Mr. T. J. CAMPBELL with Mr. GUENTHER, for this day.

Mr. WARD, of Illinois, with Mr. HOPKINS, for this day.

Mr. BLANCHARD with Mr. PETERS, for this day.

Mr. LOWRY with Mr. MCCOMAS, for this day.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is upon agreeing to the substitute proposed by the gentleman from Alabama.

Mr. HERBERT. I ask unanimous consent that the hour for adjournment to-day be extended until this bill is disposed of.

Mr. HOLMAN. There is an evening session, I believe——

Mr. ELY. I object.

The question being taken on the adoption of the substitute, there were on a division—ayes 82, noes 70.

Mr. BOUTELLE. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. HERBERT. It is manifest that we can not get through with this bill to-day unless we get an extension of the time. I therefore renew the request for unanimous consent.

Mr. NEGLEY. I object.

Mr. BOUTELLE. I do not think that anybody on this side will object.

Mr. MORRISON. I ask unanimous consent to submit a resolution under instructions from the Committee on Rules.

Mr. HERBERT. I shall object to anything until this bill is disposed of, unless we can extend the time.

Mr. NEGLEY. I withdraw my objection.

Mr. BUCK. I rise to a parliamentary inquiry. I wish to ask whether if we vote down this substitute we still have a vote upon the original, or if we vote for the substitute will we have another vote upon the original bill?

The SPEAKER. If the House agrees to the substitute that would take the place of the original bill, and the question would then be upon ordering its engrossment and third reading.

Mr. BUCK. That will be a final vote?

The SPEAKER. It is a final vote as between the two propositions. It does not dispose of the bill finally, but as between the two measures. The substitute will then be before the House.

Mr. HERBERT. I understand the objection has been withdrawn.

Mr. COBB. I object.

Mr. GROSVENOR. I rise to a parliamentary inquiry.

Mr. BOUTELLE. The objection made by the gentleman from Massachusetts to the request of the gentleman from Alabama has been withdrawn.

Mr. ELY. I withdraw the objection.

The SPEAKER. But the gentleman from Indiana objected.

Mr. MORRISON. I again ask unanimous consent to submit this resolution.

There was no objection.

EVENING SESSION ON LAND-GRANT FORFEITURES.

Mr. MORRISON. I now submit a resolution under instructions from the Committee on Rules.

The Clerk read as follows:

Resolved, That on this Saturday evening, the 24th day of July, the House shall take a recess at 5 o'clock until 8 o'clock p. m., the evening session to be devoted exclusively to the consideration of such bills forfeiting unearned land grants to railroads as may be presented by the Committee on the Public Lands. That the evening session herein provided for shall not continue later than 11 o'clock p. m.

The resolution was adopted.

Mr. MORRISON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INCREASE OF NAVAL ESTABLISHMENT.

Mr. HERBERT. I now renew my request for unanimous consent.

The SPEAKER. Is there objection to the request of the gentleman from Alabama to extend the time for the recess until the completion of this bill?

There was no objection, and it was so ordered.

Mr. GROSVENOR. I now wish to ask a parliamentary question, whether if the substitute is adopted it will be liable to the point of order that it must go to the Committee of the Whole.

The SPEAKER. It is too late to make the point of order. It has been considered by the House, the previous question having been ordered, and the yeas and nays ordered upon its adoption.

Mr. BOUTELLE. In the interest of forwarding legislation I desire to ask the chairman of the Committee on Naval Affairs whether he will not consent to accept as an amendment to the original bill the proposition submitted by me and adopted in Committee of the Whole, providing for the purchase of the armor in this country, as I am confident he will thereby secure the solid support of this side of the House for the original bill of the committee.

Mr. HERBERT. I have not got authority to make any such agreement.

Mr. BOUTELLE. I believe you can pass your original bill if you accept that amendment.

Mr. HERBERT. The question must be passed upon by the House.

The question was taken on the substitute; and there were—yeas 118, nays 103, not voting 101; as follows:

YEAS—118.

Allen, J. M.	Eden,	Landes,	Seymour,
Barnes,	Eldredge,	Lanham,	Singleton,
Barry,	Ermentrout,	Le Fevre,	Skinner,
Belmont,	Fisher,	Lore,	Sowden,
Bennett,	Ford,	Lowry,	Springer,
Blount,	Forney,	Martin,	Stewart, Charles
Boyle,	Frederick,	McAdoo,	St. Martin,
Breckinridge, C. R.	Gibson, C. H.	McCreary,	Stone, W. J., Ky.
Breckinridge, W. C. P.	Glass,	McMillin,	Stone, W. J., Mo.
Burnes,	Green, W. J.	McRae,	Storm,
Bynum,	Hale,	Mitchell,	Swope,
Caldwell,	Hall,	Morgan,	Tarsney,
Candler,	Halsell,	Morrison,	Taulbee,
Carleton,	Harris,	Murphy,	Tillman,
Clardy,	Hatch,	Neal,	Townshend,
Clements,	Hemphill,	Neece,	Trigg,
Comstock,	Henderson, J. S.	Norwood,	Tucker,
Cowles,	Henley,	Oates,	Turner,
Cox,	Herbert,	O'Neill, J. J.	Van Eaton,
Crain,	Hewitt,	Outhwaite,	Viele,
Crisp,	Hill,	Peel,	Warner, A. J.
Croxton,	Holman,	Perry,	Weaver, J. B.
Culberson,	Hudd,	Pindar,	Wheeler,
Curtin,	Irion,	Randall,	Wilkins,
Dargan,	Johnston, T. D.	Reagan,	Wilson,
Davidson, A. C.	Jones, J. H.	Reid, J. W.	Winans,
Davidson, R. H. M.	Jones, J. T.	Richardson,	Wolford,
Dockery,	Kleiner,	Sadler,	Worthington.
Dougherty,	Laffoon,	Sayers,	
Dunn,	La Follette,	Scott,	

NAYS—103.

Adams, G. E.	Farquhar,	Ketcham,	Price,
Anderson, J. A.	Felton,	King,	Reed, T. B.
Ballentine,	Findlay,	Lawler,	Rice,
Bayne,	Fleeger,	Lehlbach,	Rockwell,
Bingham,	Foran,	Lindsley,	Romeis,
Bliss,	Fuller,	Long,	Ryan,
Bound,	Funston,	Lovering,	Sawyer,
Boutelle,	Gallinger,	Lyman,	Scranton,
Brady,	Gay,	Mahoney,	Sessions,
Browne, T. M.	Gilfillan,	McKenna,	Spooner,
Brown, C. E.	Green, R. S.	Merriman,	Stahlnecker,
Brown, W. W.	Grosvenor,	Millard,	Stephenson,
Buck,	Grout,	Milliken,	Stewart, J. W.
Bunnell,	Harmer,	Moffatt,	Stone, E. F.
Butterworth,	Hayden,	Morrill,	Strait,
Campbell, Felix	Henderson, D. B.	Morrow,	Struble,
Cobb,	Hepburn,	Negley,	Swinburne,
Conger,	Hiestand,	Nelson,	Symes,
Cutcheon,	Hiscock,	Osborne,	Taylor, I. H.
Davis,	Hitt,	Parker,	Taylor, Zach.
Dingley,	Holmes,	Payne,	Thomas, O. B.
Dorsey,	Hutton,	Payson,	Thompson,
Dunham,	Jackson,	Perkins,	Wade,
Ely,	James,	Pettibone,	Weber,
Evans,	Johnston, J. T.	Pirce,	Woodburn.
Everhart,	Kelley,	Plumb,	

NOT VOTING—101.

Adams, J. J.	Cooper,	Louttit,	Snyder,
Aiken,	Daniel,	Markham,	Spriggs,
Allen, C. H.	Davenport,	Matson,	Steele,
Anderson, C. M.	Dawson,	Maybury,	Taylor, E. B.
Arnot,	Dibble,	McComas,	Taylor, J. M.
Atkinson,	Dowdney,	McKinley,	Thomas, J. R.
Baker,	Ellsberry,	Miller,	Throckmorton,
Barbour,	Geddes,	Mills,	Van Schaick,
Barksdale,	Gibson, Eustace	Muller,	Wadsworth,
Beach,	Glover,	O'Donnell,	Wait,
Blanchard,	Goff,	O'Ferrall,	Wakefield,
Bland,	Guenther,	O'Hara,	Wallace,
Bragg,	Hammond,	O'Neill, Charles	Ward, J. H.
Brumm,	Hanback,	Owen,	Ward, T. B.
Buchanan,	Haynes,	Peters,	Warner, William
Burleigh,	Heard,	Phelps,	Weaver, A. J.
Burrows,	Henderson, T. J.	Pidcock,	Wellborn,
Cabell,	Hermann,	Ranney,	West,
Campbell, J. M.	Hires,	Reese,	White, A. C.
Campbell, J. E.	Hopkins,	Riggs,	White, Milo
Campbell, T. J.	Houk,	Robertson,	Whiting,
Cannon,	Howard,	Rogers,	Willis,
Caswell,	Johnson, F. A.	Rowell,	Wise.
Catchings,	Laird,	Seney,	
Collins,	Libbey,	Shaw,	
Compton,	Little,	Smalls;	

So the substitute was adopted.

Mr. LORE. I ask unanimous consent that the reading of the names be dispensed with.

There was no objection.

Mr. BURROWS. The gentleman from Virginia [Mr. WISE] desired me to state that if present he would vote "ay;" I would vote "no."

The following additional pairs were announced:

Mr. WISE with Mr. BURROWS, for the remainder of the day.

Mr. SNYDER with Mr. MCCOMAS, for the remainder of the day.

Mr. COLLINS with Mr. LOUTTIT, on this vote.

Mr. WELLBORN. I was not present when my name was called. If I had been present, I would have voted in the affirmative.

The result of the vote was then announced as above stated.

Mr. HERBERT moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HERBERT. I demand the previous question on the passage of the bill.

The previous question was ordered.

The SPEAKER. The question is, Shall the bill pass?

Mr. HOLMAN. Upon that question I demand the yeas and nays.

The yeas and nays were not ordered, only 6 members voting therefor.

The bill was passed.

Mr. HERBERT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HERBERT. Some gentlemen desire leave to print some remarks on this bill. I make that request for them.

There was no objection.

Mr. HATCH. I ask to be excused from attendance on the evening session, on account of sickness.

The SPEAKER. The gentleman has already been excused.

By order of the House a recess is taken till 8 o'clock, the evening session to be devoted to the consideration of bills forfeiting land grants to railroad companies reported by the Committee on Public Lands.

The House accordingly (at 4 o'clock and 57 minutes p. m.) took a recess until 8 p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m. and was called to order by the Clerk, who directed the reading of the following letter:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES, *July* 24, 1886.

Hon. BENTON MCMILLIN, of Tennessee, is designated to preside as Speaker *pro tempore* at this evening's session of the House of Representatives.

JOHN G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK, Jr.,
Clerk House of Representatives.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Clerk will read the resolution under which the House assembles this evening.

The resolution assigning the session of the House this evening for the consideration of such bills forfeiting unearned land grants to railroad companies as may be presented by the Committee on Public Lands was read.

NEW ORLEANS, BATON ROUGE AND VICKSBURG RAILROAD.

Mr. COBB. I call up for consideration from the House Calendar the bill (H. R. 3186) to declare a forfeiture of lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company, to confirm title to certain lands, and for other purposes.

The bill was read, as follows:

Be it enacted, &c., That the lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company by the act entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes," approved March 3, 1871, are hereby declared to be forfeited to the United States of America in all that part of said grant which is situate on the east side of the Mississippi River, and also in all that part of said grant on the west of the Mississippi River which is opposite to and coterminous with the part of the New Orleans Pacific Railroad Company which was completed on the 5th day of January, 1881; and said lands are restored to the public domain of the United States.

SEC. 2. That the title of the United States and of the original grantee to the lands granted by said act of Congress of March 3, 1871, to said grantee, the New Orleans, Baton Rouge and Vicksburg Railroad Company, not herein declared forfeited, is relinquished, granted, conveyed, and confirmed to the New Orleans Pacific Railroad Company, as the assignee of the New Orleans, Baton Rouge and Vicksburg Railroad Company, said lands to be located in accordance with the map filed by said New Orleans, Baton Rouge and Vicksburg Railroad Company in the Department of the Interior, which indicates the established line of said railroad.

SEC. 3. That the relinquishment of the lands and the confirmation of the grant provided for in the second section of this act are made and shall take effect whenever the Secretary of the Interior is notified that said New Orleans Pacific Railroad Company, through the action of a majority of its stockholders, has accepted the provisions of this act, and is satisfied that said company has accepted and fully discharged all the duties and obligations imposed upon the New Orleans, Baton Rouge and Vicksburg Railroad Company by the act of March 3, 1871, entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes."

SEC. 4. That it shall be the duty of the Secretary of the Interior, in issuing patents for the lands conveyed herein, to establish such rules and regulations as to enable all persons who on the 1st day of December, 1884, were in the actual occupancy of any of the lands to which the New Orleans Pacific Railroad Company is entitled under the provisions of this act, and who are of the description of persons entitled to make homestead or pre-emption entry on public lands under the general laws of the United States, to secure titles to the lands so held by them, not to exceed in quantity one quarter-section and not less than one-sixteenth of a section, on the payment to said company, in lawful money of the United States, at the rate of $2 per acre, for the lands so occupied, at one-third cash and balance in such equal annual installments as the Secretary of the Interior shall by regulations prescribe; it being the intention of this section to protect the settlers upon said lands, and to give binding force and effect to the Blanchard-Robinson agreement made with the New Orleans Pacific Company on the —— day of ——, ——, and filed in the office of the Secretary of the Interior.

SEC. 5. That the Secretary of the Interior shall make all needful rules and regulations for carrying this act into effect, and shall have the authority to direct, if he shall think proper, and shall so declare in such regulations, that payments may be made for the lands held and occupied under the fourth section of this act in not exceeding four equal annual installments from the date of sale, with interest thereon not to exceed 6 per cent. per annum.

SEC. 6. That the patents for the lands conveyed herein that have already been issued to said company be, and the same are hereby, confirmed; but the Secretary of the Interior is hereby fully authorized and instructed to apply the provisions of the fourth and fifth sections of this act to any of said lands that have been so patented, and to protect any and all settlers on said lands in all their rights under the said Blanchard-Robinson agreement.

The Committee on the Public Lands reported the following amendment:

Fill the blank in section 4, line 19, with the word "fourth;" and the blank in line 20, section 4, with the words "January, eighteen hundred and eighty-two;" so that it will read "4th day of January, 1882."

Mr. OATES addressed the Chair.

Mr. COBB. I yield to the gentleman from Alabama [Mr. OATES]. How long time does he desire?

Mr. OATES. I do not wish to make a speech. I desire to say only a few words.

Mr. COBB. I will yield the gentleman five minutes.

Mr. OATES. I will not occupy so much time as that. I desire, as the author of the bill, to submit no remarks. No change has been proposed by the committee except one, upon which they are unanimous. The bill as reported by the gentleman from Kentucky [Mr. LAFFOON] is entirely satisfactory.

Mr. PAYSON. I may say in addition to what the gentleman from Alabama has said that the Secretary of the Interior in his last annual report has recommended in express terms the passage of this bill. It was prepared in accordance with that action, and the Secretary wrote a letter to the Committee on Public Lands on which they acted as the basis of their unanimous report that the bill in its present form should be adopted.

Mr. OATES. I was aware that the bill met the Secretary's approval.

Mr. WHEELER. I desire to ask the gentleman from Alabama how much land will be restored to the public domain under this act.

Mr. OATES. I do not know the precise amount.

Mr. PAYSON. All opposite 68 miles of road. Between three and four hundred thousand acres, as I am advised.

Mr. LAFFOON. Mr. Speaker, when I came to this House it was my purpose to be a silent member and in no event to interrupt its proceedings by anything I might say except in obedience to the strict demands of duty, and I promise now that I will be brief as the facts in this particular case will permit.

The Committee on Public Lands has delegated to me the authority and made it my duty to explain to this body the provisions of this bill and to give you the reasons which have led them to adopt the report which we have presented to this House.

This bill I regard as a very important measure and in the line of very important legislation, if we are here to discharge our duty to the American people. Its provisions are simple, and will be easily comprehended by this Congress. It provides—

First. That all the land granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company by the twenty-second section of the act incorporating the Texas Pacific Railroad Company be declared forfeited to the United States of America.

Second. From this forfeiture is reserved all that part of the grant which is situate between White Castle, in the State of Louisiana, and the city of Shreveport, in the same State.

Third. That in order to quiet the title of the settlers thereon that part of the grant situated between the said points is confirmed to the said New Orleans Pacific Railroad Company.

Fourth. It provides for the designation and identification of those lands so confirmed and identified, and establishes the manner in which they are to be patented so as to preserve the rights of the settlers thereon, and confirms the provisions of the Blanchard-Robertson agreement, the terms of which are explained in the accompanying report.

The New Orleans, Baton Rouge and Vicksburg Railroad Company was chartered by an act of the Legislature of the State of Louisiana December 30, 1869. By said charter it was authorized to construct and operate a railroad from any point on the line of the New Orleans, Jackson and Great Northern Railroad within the parish of Livingston, running thence to any point on the boundary line dividing the States of Louisiana and Mississippi. The line thus indicated by its charter was east of the Mississippi River as far north as Baton Rouge. Its charter also authorized it to construct a branch road from its main stem as above described to the city of Baton Rouge, and for the purpose of connecting its railroad with the railroad of other compaines it was authorized "to construct, maintain, and use by running thereon its engines and cars such branches and tracks as it may find necessary to own and use," and such railroads were to be considered as part of its main track in the State of Louisiana.

Every one who has given the history of this company a study can but conclude that outside of its corporate franchises it had not a cent. It was an institution formed for the purpose of catching every passing opportunity to make its stockholders rich. It was a bag of wind and a thing of straw. With this purpose in view, armed and equipped with its franchises, it awaited every chance to speculate on its position and to catch every comer that wanted what it had. So skillfully was its affairs managed that it secured a donation of public lands to it from the Congress of the United States by virtue of the twenty-second section of the act incorporating the Texas Pacific Railroad Company. As this section is the one which grants the land a part of which we are seeking to forfeit, I desire to read it:

That the New Orleans, Baton Rouge and Vicksburg Railroad Company, chartered by the State of Louisiana, shall have the right to connect by the most eligible route, to be selected by said company, with the said Texas Pacific Railroad at its eastern terminus, and shall have the right of way through the public land to the same extent granted hereby to the said Texas Pacific Railroad Company; and in aid of its construction from New Orleans to Baton Rouge, thence by way of Alexandria, in said State, to connect with said Texas Pacific Railroad Company at its eastern terminus, there is hereby granted to said company, its successors and assigns, the same number of alternate sections of public land per mile in the State of Louisiana as are by this act granted in the State of California to said Texas Pacific Railroad Company; and said lands shall be withdrawn from market, selected, and patents issued therefor, and open for settlement and pre-emption upon the same terms and in the same manner and time as is provided for and required from said Texas and Pacific Railroad Company within said State of California: *Provided*, That said company shall complete the whole of said road within five years from the passage of this act.

In pursuance of this grant this rotten company filed on November 11, 1871, in the General Land Office a map designating the general route of a road projected by it from Shreveport by way of Alexandria to Baton Rouge, and thereupon a withdrawal of the public lands along said route was made to take effect in April, 1873.

On February 13, 1873, a second map was filed in the General Land Office by the same company designating the general route of a road projected by it from New Orleans to Baton Rouge, and a withdrawal of the public lands along said route was ordered, which took effect in April, 1873.

The quantity of land withdrawn from the public domain and from entry by actual settlers by these filings consisted of twenty sections to the mile of completed road built under the sections of this act of Congress. This meant 12,800 acres to the mile—a grand donation in the shape of inducement to build this road. The land proposed by this bill to be restored to the public domain is 870,000 acres, which will be brought back to actual settlement and homestead entry.

This company rested in a perfect state of "innocuous desuetude" until the expiration of the time in which it was to complete the road. It appears to have done nothing in that direction, nor in any other direction, except to execute a mortage which will appear further along in my remarks.

The five years in which this road was to be completed expired on March 2, 1876, and during all this time nothing had been done by this company to earn this grant. Owing to this neglect in performing or attempting to perform this grant, the Legislature of the State of Louisiana, by an act approved April 30, 1877, repealed the charter of this company, and all acts amendatory thereof, and this company was then thought to have passed out of existence.

It is useless for the purpose of my argument to advert to what has been said of the methods by which this legislation was obtained. But for the execution of the mortgage which I have mentioned, this repealing act would have been the fit funeral ceremony over the remains of this corrupt institution.

But on the 9th day of June, 1877, a few days after the repeal of the charter of this company, Jeremiah Councellor filed his suit in the circuit court of the United States in and for the fifth circuit and district of the State of Louisiana against the New Orleans, Baton Rouge and Vicksburg Railroad Company, alleging that he was the owner and holder of a quantity of its mortgage bonds for valuable consideration paid to it, denying the constitutionality of the act of the Legislature forfeiting its franchises and corporate existence as against its acquired rights and the vested rights which the plaintiff had by virtue of his ownership for valuable consideration of said mortgage bonds. The courts in that case decided that the act forfeiting said charter was "unconstitutional, invalid, and without the slightest effect."

This decision of the court invalidating the act of the Louisiana Legislature left this company in full possession of all the franchises which had been conferred on it by all the legislation to which I have referred.

On the 5th day of January, 1881, it sold all of its franchises and property to the New Orleans Pacific Railroad Company. I desire here to read an extract from the deed showing what property passed to the latter company:

All the right, title, and interest of the said party of the first part, its successors or assigns, of, in, or to a certain grant of public lands granted to the said party of the first part by an act of Congress of the United States, approved March 3, 1871, and entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes," together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

This deed was authorized by the directors of the New Orleans, Vicksburg and Baton Rouge Railroad Company at a meeting held 29th of December, 1880, was approved by the stockholders of said company on the 9th day of December, 1881, and on the 3d day of December, 1881, the grant and deed by a resolution of the directors of the assignee company were duly accepted.

The New Orleans Pacific Railway Company by virtue of all these facts had become, as is conceded by the courts and by all persons who have attempted to argue the question, the perfect owner of all the property and rights which had been granted by the United States and the

State of Louisiana, the New Orleans, Baton Rouge and Vicksburg Railroad Company and were subrogated to all its right, franchises, and property; subject, of course, to whatever right the General Government had to forfeit this grant for failure to complete the road in the time fixed by law creating the original donation, and the New Orleans, Baton Rouge and Vicksburg company passed out of existence.

I desire in this connection and before I go further in my argument to give a sketch of the history of the company which claimed to own the property and franchises of this company.

The New Orleans Pacific Railroad Company was incorporated by notarial act under the general laws of the State of Louisiana, approved April 7, 1875, and the Legislature of that State by an act approved February 14, 1876, confirmed its corporate existence and enlarged its powers. Its charter was further amended by an act of the Legislature on the 5th day of February, 1878, still further enlarging and confirming its powers. By all this legislation it had all the ordinary powers conferred in this way on railroad corporations. It could sue and be sued, contract and be contracted with, locate, construct, lease, buy, and use a railroad from any point on the Mississippi River in the State of Louisiana to the city of Shreveport, or to Dallas or Marshall, Tex., or any route or routes it saw proper to select.

This company now owning the property as stated, under grant from the General Government to the other company, projected a line in the same general direction as the route which had been indicated by its assignor on file in the General Land Office, except that the latter was on the east side of the Mississippi River and the former on the west side, but within the granted limits.

It is a fact that a line of road has been partly purchased and partly built by this company from New Orleans to Shreveport, and that the great purpose had by the State of Louisiana in granting the charter and the General Government in giving the land has been effected. A line of railroad connecting the Lower Mississippi and the Texas Pacific system has been accomplished. With these facts before this House the questions to be discussed are, Should this grant be forfeited and returned to the public domain? Should any part of it be forfeited; if so, how much? These are the pertinent questions to be answered, and I desire to give my views after thorough investigation of this subject.

Sixty-eight miles of this road was built before the grant was ever made, or if not built before that date was never constructed on the faith of this grant. It was built by another company. The Morgan Louisiana and Texas Railroad and Steamship Company owned it and sold it to the New Orleans Pacific Company. That 68 miles extends from New Orleans to White Castle, and is within the limits of the land withdrawn from settlement or sale by the order of the Commissioner of the General Land Office, dated February 13, 1873, to which I have heretofore referred. The most favorable and latitudinarian construction which can be given to these grants to this corporation can go no further than to the building of railroads. They were gifts to induce construction of great highways for commerce rather than to enrich great corporations, and certainly did not extend to the buying of constructed lines of railroads.

It is perfect folly to talk about the equity which belongs to railroad companies. He who seeks equity must do equity, and it yet remains to be discovered where they have ever regarded this maxim. Their rights in these grants which are attempted to be forfeited must be measured by the clean-cut, cold law, and when thus determined let them be respected, but let them be tested by no other standard. Construing the grant of lands coterminous with this 68 miles of purchased road this House can come to no other conclusion than that these lands as to this part of the road have never been earned. But if a solitary doubt yet remains in the minds of any gentleman on this floor let me say that this company has filed in the General Land Office a disclaimer of any right or title to these lands by virtue of their deed from the defunct company. I desire to have it read and made a part of my remarks:

In the matter of the application of the New Orleans Pacific Railway Company as assignee and grantee of the New Orleans, Baton Rouge and Vicksburg Railroad Company, for the approval of the report of the commissioner to examine the road constructed by the former company and for the issue of patents under section 22 of the act of March 3, 1871.

Now comes the said New Orleans Pacific Railway Company and states that it claims as the assignee and grantee of said New Orleans, Baton Rouge and Vicksburg Railroad Company, the benefit of the grant of lands made by section 22 of the act of March 3, 1871, to said last-named company, as shown by documentary and record evidence on file in the office of the Secretary of the Interior; it also states that it has built and has in operation a road from New Orleans to Shreveport; that about 68 miles of said line of road extending from New Orleans to White Castle was acquired from another company and put in repair by the New Orleans Pacific Railway Company, and the said New Orleans Pacific Railway Company hereby disclaims any right to receive land under the said section 22 of the act of March 3, 1871, in respect of the said 68 miles of railroad extending from New Orleans to White Castle, but claims and insists that it is entitled to the lands granted by said section 22 for and in respect of all of the rest and residue of the line of railway built by it extending from White Castle to Shreveport, with a branch or spur to Baton Rouge.

Dated and signed this 19th day of October, A. D. 1882.

NEW ORLEANS PACIFIC RAILWAY COMPANY,
By JOHN F. DILLON, *its Attorney.*

In the light of these facts it must be apparent that all that part of the grant embraced within the territory co-terminous with this 68 miles should be forfeited and restored to the public domain and opened up for settlement under the homestead law.

I now come to a question which involves more difficulty of solution. Can this Congress forfeit that part of the granted lands which lie coterminous with the road from White Castle to Shreveport? It is a conceded fact that all this part of the road was completed out of the time fixed by the twenty-second section of the act of March 23, 1871, for its construction. It is further conceded that if there were no other facts appearing, if the Government had done nothing by its authorized agents which would estop the Government from forfeiting this grant, then the power of this Congress to declare a forfeiture and a restoration of these lands to the public domain would be unquestionable.

The New Orleans Pacific Railroad Company, after obtaining the deed to which I have referred from the New Orleans, Baton Rouge and Vicksburg Company, before the construction of any part of their road applied to the General Land Office and Interior Department as to the recognition of the validity of the transfer to it of the lands lying along the contemplated roads, and on February 17, 1881, before the construction of any part of this road, and in response to their inquiries, the company received the following answer, which I send to the Clerk's desk to be read:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 17, 1881.

SIR: In compliance with the verbal request of Hon. J. H. KETCHAM I make the following statement:

By the twenty-second section of an act of Congress, entitled "An act to incorporate the Texas Pacific Railroad Company," &c., approved March 3, 1871, a grant of land was made to the New Orleans, Baton Rouge and Vicksburg Railroad Company for the purpose of aiding in the construction of its road.

At a special meeting of the directors of said New Orleans, Baton Rouge and Vicksburg Railroad Company, held December 29, 1880, a resolution was adopted authorizing the president and secretary of the company to transfer all the right, title, and interest of said company in and to said grant to the New Orleans Pacific Railway Company, and to make and execute such instruments as should be necessary for that purpose.

On the 5th day of January, 1881, the president and secretary, pursuant to said authority, executed a deed in the name of the New Orleans, Baton Rouge and Vicksburg Company, conveying all the right, title, and interest of said company in and to said grant to the New Orleans Pacific Railway Company.

On the 3d day of February, 1881, the directors of the last-named company adopted a resolution authorizing the president of the company to accept said conveyance, and to execute any documents necessary to evidence the acceptance.

There can be no doubt that when the president of the New Orleans Pacific Railway Company accepts said transfer the company will be fully vested with all the right, title, and interest which the New Orleans, Baton Rouge and Vicksburg Company has in and to said grant.

J. A. WILLIAMSON, *Commissioner.*

Still further anxious of ascertaining their rights to this land before they began the construction of their road, they asked for and received this further communication from the Interior Department on this subject, on the 21st day of February, 1881:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 21, 1881.

SIR: The president of the New Orleans Pacific Railway Company has duly accepted, in behalf of said company, the deed referred to in my letter addressed to you, dated February 17, 1881, being the deed to the said New Orleans Pacific Railway Company by the New Orleans, Baton Rouge and Vicksburg Railroad Company of all its right, title, and interest in and to the grant to said last-named company by the twenty-second section of an act of Congress entitled "An act to incorporate the Texas Pacific Railroad Company," &c., approved March 3, 1871.

The transfer by the said New Orleans, Baton Rouge and Vicksburg Railroad Company of all its right, title, and interest in and to said grant to the said New Orleans Pacific Railway Company is now complete.

Very respectfully,

J. A. WILLIAMSON, *Commissioner.*

The road was completed, accepted by the Government, and classified as a land-grant road before any hostile legislation was undertaken by Congress.

These events in their order show that before its acceptance of the grant under the deed to which I have referred the company was careful that their title would be effectual. They built the road with the exception I have mentioned with the understanding and on the assurance of the officers of the Government that they would be entitled to the land embraced in the grant. As the road progressed in its construction the land to which they claimed title was duly certified to them and patents issued therefor. The company acquired credit and obtained money on the faith of these lands and on the assurance of the Government that the company's title was perfect.

The settlers who are in possession have acted in good faith and purchased these lands depending upon the Government to keep good faith and make this title good. These lands on the line from White Castle to Shreveport, as the committee is informed, have all been sold in small quantities and all in the possession of innocent purchasers for valuable consideration, and I can see no law, no justice, no reason of public policy why their title should be disturbed. If it was a question between the Government and the company I would look on it with more favor, but as it could only affect the interest of the poor settler I am opposed to the forfeiture of this part of the grant.

But if I were disposed to override all the questions of policy and justice embraced in the situation as I have stated it, could this Congress as a matter of law at this late stage of proceedings forfeit this grant? If there were no rights involved in this forfeiture except those which are claimed by the company, I would go as far to consummate it as

any member on this floor. But would not the Government, after all the proceedings had, to which I have referred, be estopped in any court from insisting upon this forfeiture?

The legal feature of this case has been before this House before. This is no new question here. This proposition of forfeiture was submitted to the Judiciary Committee by a joint resolution introduced into this body by Mr. Ellis, a Representative from the State of Louisiana, on April 21, 1884.

In an exhaustive report, after reviewing all the facts as I have attempted to state them, and numerous citations of authorities, they conclude their report as follows:

The facts already set forth with sufficient fullness satisfy your committee that the substantial fulfillment of the condition has been met by the assignee company; that it was done under the eye of and was accepted by the executive department under the provisions of the law of Congress; that all which Congress contemplated in making the grant has been realized, and that it was done by the company on the belief of having secured the grant—a belief based upon the assurance of the Department of the Interior and upon the official action of the President of the United States in the examination of the work as it progressed, in his sanction of its sufficiency under the law, and in his order for the issue of patents for the land. After all this the question is, can—and if it can, ought—Congress to forfeit the land grant to this assignee company?

Your committee think both branches of the question must be answered in the negative.

The same question, by a similar resolution introduced into the Senate, was referred to the Committee on Railroads, and I desire to have read their report:

[Senate Report No. 711, Forty-seventh Congress, first session.]

In the Senate of the United States. June 7, 1882.—Ordered to be printed.

Mr. Jonas, from the Committee on Railroads, submitted the following report:

The Committee on Railroads, to whom the subject was referred, submit the following report:

A petition has been referred to the Committee on Railroads of certain citizens of Louisiana, asking for the forfeiture of the land grant made to the New Orleans, Vicksburg and Baton Rouge Railroad Company by the ninth section of the act entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes," approved March 3, 1871, on the ground that the company to whom the grant was made has failed to build the road within the time prescribed by the act.

The grant was made to the New Orleans, Baton Rouge and Vicksburg Railroad Company, its successors and assigns. That company was incorporated by an act of the Legislature of Louisiana, approved December 30, 1869. The object of Congress in making the grant was to aid in the construction of the proposed road, via Baton Rouge, Alexandria, and Shreveport, to connect with the eastern terminus of the Texas Pacific Railroad, and thus connect that road with the Mississippi River and the Gulf of Mexico.

The committee find that this connecting road, on almost the same line, and between the same points (if not built by the original grantees) has been built by the New Orleans Pacific Railway Company, which was organized under a charter confirmed by an act of the Legislature of Louisiana, approved February 19, 1876. This road is now completed and running between New Orleans and the eastern terminus of the Texas Pacific Railroad, at or near Marshall, Tex., its route being via Baton Rouge, Alexandria, and Shreveport.

The New Orleans, Baton Rouge and Vicksburg Railroad Company (which still has corporate existence), by deed dated the 5th day of January, 1881, granted and transferred to the New Orleans Pacific Railway Company all its right, title, and interest in and to the lands granted to it by the before-mentioned act of Congress incorporating the Texas Pacific Railroad Company. This transfer was approved, ratified, and confirmed at a meeting of the stockholders of the New Orleans, Baton Rouge and Vicksburg Railroad Company by a vote of two-thirds of its entire capital stock. The transfer was formally accepted by the board of directors of the New Orleans Pacific Railway Company.

The deed of transfer, a certified copy of the resolution of the stockholders of the New Orleans, Baton Rouge and Vicksburg Railroad Company ratifying the transfer, and a certified copy of the resolution of the board of directors of the New Orleans Pacific Railway Company accepting the transfer, have been filed in the Department of the Interior.

A commissioner to inspect a portion of the railroad built by the New Orleans Pacific Railway Company was, upon the application of that company, appointed by the President of the United States, and the report of the said commissioner, approving the construction of the portion of the railroad inspected by him, was duly filed in the Department of the Interior.

Application is now made for the issuance of patents to the New Orlean Pacific Railway Company for the lands granted by Congress to the New Orleans, Baton Rouge and Vicksburg Railroad Company, and by the last-named company assigned to the New Orleans Pacific Railway Company as heretofore stated.

The grant was originally made to the New Orleans, Baton Rouge and Vicksburg Railroad Company, its successors and assigns, for the purposes above stated.

The road has been built by the assignee of the grantee, and the objects of the grant have been fully attained.

No forfeiture of the grant was made before the completion of the road, on the grounds alleged, and we think it would be unjust and inequitable to make such forfeiture now when the work has been completed by the assignee company, which has built the road in good faith and in full expectation of receiving the benefit of the grant which remained unforfeited and assignable in the control of their grantor.

Your committee think no consideration of public policy requires the forfeiture of the grant, and they recommend that the committee be discharged from further consideration of the memorial.

In further support of the views I entertain on this subject I desire to call the attention of this House to the opinion of the Attorney-General of the United States embraced in a letter written by him to the Secretary of the Interior Department June 13, 1882. I send it to the Clerk's desk to be read.

The Clerk read as follows:

DEPARTMENT OF JUSTICE, *Washington, D. C., June 13, 1882.*

SIR: By a letter dated the 5th of January last, your predecessors submitted to me a number of questions arising upon an application of the New Orleans Pacific Railway Company for certain lands claimed under the land grant made to the New Orleans, Baton Rouge and Vicksburg Railroad Company by the act of Congress of March 3, 1871, chapter 122.

The land grant mentioned is contained in the twenty-second section of that act, which provides:

"That the New Orleans, Baton Rouge and Vicksburg Railroad Company, chartered by the State of Louisiana, shall have the right to connect, by the most eligible route, to be selected by said company, with the said Texas Pacific Railroad at its eastern terminus, and shall have the right of way through the public land to the same extent granted hereby to the said Texas Pacific Railroad Company; and in aid of its construction from New Orleans to Baton Rouge, thence by the way of Alexandria, in said State, to connect with the said Texas Pacific Railroad Company at its eastern terminus, there is hereby granted to said company, its successors and assigns, the same number of alternate sections of public lands per mile, in the State of Louisiana, as are by this act granted in the State of California to said Texas Pacific Railroad Company; and said lands shall be withdrawn from market, selected, and patents issued therefor, and opened for settlement and pre-emption, upon the same terms and in the same manner and time as is provided for and required from said Texas Pacific Railroad Company, within said State of California: *Provided*, That said company shall complete the whole of said road within five years from the passage of this act."

The eastern terminus of the Texas Pacific Railroad, as fixed by the same act, was a point at or near Marshall, Tex.

The New Orleans, Baton Rouge and Vicksburg Railroad Company was incorporated by an act of the Legislature of Louisiana passed December 30, 1869, which authorized it to construct and operate a railroad "from any point on the line of the New Orleans, Jackson and Great Northern Railroad, within the parish of Livingston, running from thence to any point on the boundary line dividing the States of Louisiana and Mississippi," the route here indicated lying east of the Mississippi River. It was also authorized to construct and operate a branch railroad from its main line (above described) to the city of Baton Rouge; and for the purpose of connecting its railroad with the railroads of other companies, &c., it was furthermore authorized "to construct, maintain, and use, by running thereon its engines and cars, such branch railroads and tracks as it may find necessary and expedient to own and use;" and such branch railroads were, for all the purposes of the act, to be deemed and taken to constitute a part of the main line of its railroad within the State of Louisiana.

On November 11, 1871, that company filed in the General Land Office a map designating the general route of a road projected thereby from Shreveport, by way of Alexandria, to Baton Rouge, and thereupon a withdrawal of the public lands along the same was ordered, which became effective in December following.

Subsequently, by an act of the Legislature of Louisiana passed December 11, 1872, the same company was given "full power and authority to commence the construction of their road in the city of New Orleans or Shreveport, or at any intermediate point on their line of road, as may best suit the convenience of said company and facilitate the speedy construction of a continuous line from the city of New Orleans to the city of Shreveport, or perfect railroad communication with the Texas Pacific Railroad, or any other railroad in Northwestern Louisiana, at or near the Louisiana State line: *Provided, however*, That the said company shall construct the line of its road between the city of New Orleans and the city of Baton Rouge on the east side of the Mississippi River, to the corporate limits of the said city of Baton Rouge, or adjacent thereto."

In the mean time, by the act of Congress of May 2, 1872, chapter 132, the Texas and Pacific Railway Company (formerly styled the Texas Pacific Railroad Company) was "authorized and required to construct, maintain, control, and operate a road between Marshall, Tex., and Shreveport, La., or control and operate any existing road between said points, of the same gauge as the Texas and Pacific Railroad." The same act further provided that "all roads terminating at Shreveport shall have the same right to make the same running connections, and shall be entitled to the same privileges, for the transaction of business in connection with the said Texas and Pacific Railway as are granted to roads intersecting therewith."

On February 13, 1873, a second map was filed in the General Land Office by the New Orleans, Baton Rouge and Vicksburg Railroad Company, designating the general route of a road projected thereby from New Orleans to Baton Rouge, and a withdrawal of the public lands along the same was ordered, which took effect in April, 1873. The route between those places, those designated, lies on the east side of the Mississippi River. That company has not constructed any part of its road, either on the route between New Orleans and Baton Rouge or on the route between the latter place and Shreveport; nor, indeed, has there been a definite location of its road anywhere between the points mentioned. Nothing beyond the designation of the general route thereof appears.

Pursuant to a resolution of its board of directors, adopted December 29, 1880, all the right, title, and interest of that company in and to the aforesaid grant of public lands made by the act of March 3, 1871, were deeded by it to the New Orleans Pacific Railway Company. This action of the board of directors and officers of the former company was afterward approved and ratified by the stockholders thereof at a meeting held in December, 1881.

The New Orleans Pacific Railway Company was originally incorporated under the general laws of the State of Louisiana in June, 1875. Its charter was subsequently amended by acts of the Louisiana Legislature passed February 19, 1876, and February 5, 1878. It is thereby authorized to construct a railroad "beginning at a point on the Mississippi River at New Orleans, or between New Orleans and the parish of Iberville, on the right bank of the Mississippi, and Baton Rouge, on the left bank, &c., or from any point within the limits of this State, and running thence toward and to the city of Shreveport," which is made its northwestern terminus.

The route of this company as projected is understood to extend from New Orleans to Baton Rouge, and thence, by way of Alexandria, to Shreveport. Between New Orleans and Baton Rouge it lies on the west side of the Mississippi River; while the designated route of the New Orleans, Baton Rouge and Vicksburg Railroad Company, between the same points, lies on the east side of that river. Between Baton Rouge and Shreveport its general course and direction corresponds, in the main, with the route designated by the last-named company. It is throughout its entire length from New Orleans to Shreveport within the limits of the before-mentioned withdrawals of public lands.

In October, 1881, the president of the New Orleans Pacific Railway Company made affidavit that three sections of its road were then completed and ready for examination by the Government; whereupon a commissioner was appointed to examine the same, the result of whose examination appears in a report made by him to the Secretary of the Interior, under date of the 26th of that month. One of the sections embraces 68 miles of road, beginning on the west bank of the Mississippi River, opposite New Orleans, and ending near the town of Donaldsonville; another embraces 20 miles of road near Alexandria: and the third embraces 50 miles of road terminating at Shreveport. For each of these sections lands are claimed by that company under the aforesaid land grant, as assignee of the New Orleans, Baton Rouge and Vicksburg Railroad Company.

No map of definite location of any portion of its road has been filed other than those of constructed portions.

It appears that in February, 1881, the New Orleans Pacific Railway Company purchased from Morgan's Louisiana and Texas Railroad and Steamship Company the road constructed on the west bank of the Mississippi River by the New Orleans, Mobile and Texas Railroad Company, from Westmego to White Castle, a distance of 68 miles, and that the same has become a part of the main line of the road of the New Orleans Pacific Railway Company.

The following are the questions submitted:

"1. Was the grant to the New Orleans, Baton Rouge and Vicksburg Railroad Company a grant *in præsenti*?

"2. Had the New Orleans, Baton Rouge and Vicksburg Railroad Company,

at the date of its alleged transfer of lands to the New Orleans Pacific Railway Company, such an interest in the lands, under said act, as was assignable?

"3. Is the New Orleans Pacific Railway Company such a successor to or assignee of the New Orleans, Baton Rouge and Vicksburg Railroad Company as is contemplated by said act?

"4. Should it appear that the 68 miles of the New Orleans, Mobile and Texas Railroad was constructed prior to the act of March 3, 1871, granting lands to aid in the construction of the New Orleans, Baton Rouge and Vicksburg Railroad, can the New Orleans Pacific Company (its assignee) claim any benefit from the grant? Or, in case of such prior construction and the non-construction of any portion of the New Orleans, Baton Rouge and Vicksburg Road, has the purpose for which the grant was made failed and the grant consequently lapsed?

"5. If the New Orleans, Mobile and Texas Road was constructed subsequently to the date of said act, is so much of its road as is now owned by the New Orleans Pacific Company such a road as is contemplated for acceptance by the President within the meaning of said act, and may patents issue to the latter for lands opposite to and coterminous with such constructed portion of road?"

These questions are accompanied by a request for an opinion upon such other questions of law as may suggest themselves touching the transfer of said land grant, to which reference is above made.

Of the above-stated questions the first three may be considered together, in connection with the following inquiry, which presents itself at the outset, whether the assent of Congress to the transfer made by the New Orleans, Baton Rouge and Vicksburg Railroad Company of all its interest in said land grant to the New Orleans Pacific Railway Company is necessary (by reason of anything in the provisions of the grant itself) to entitle the latter company to the benefit of said grant in aid of the construction of the road projected by it.

The act of March 3, 1871, passed to the New Orleans, Baton Rouge and Vicksburg Railroad Company a present interest in a certain number of alternate sections of public lands per mile within the limits there prescribed. Its language is "there is hereby granted to said company" the number of alternate sections mentioned; words which import a grant *in præsenti*, and not one *in futuro*, or the promise of a grant. (97 U. S. Rep., 496.) But the grant thus made is in the nature of a float. It is of sections to be afterward located, their location depending upon the establishment of the line of the road. Until this is definitely fixed the grant does not attach to any specific tracts of land. Upon the line of the road being definitely located the grant then first acquires precision, and the company becomes invested with an inchoate title to the particular lands covered thereby, which can ripen into a perfect title only as the construction of each section of 20 miles of road is completed and approved, when the right to patents for the lands opposite to and coterminous with such constructed section accrues.

The *proviso* in the grant that the company shall complete the whole of its road within five years from the date of the act is a condition-subsequent, the failure to perform which does not *ipso facto* work a forfeiture of the grant, but only gives rise to a right in the Government to enforce a forfeiture thereof. Yet in order to enforce a forfeiture such right must be asserted by a judicial proceeding, authorized by law, or by some legislative action amounting to a resumption of the grant. (Schulenberg *vs.* Harriman, 21 Wal., 44.) Hence, until advantage is taken of the non-performance of the condition, under legislative authority, the interest of the grantee in the grant remains unimpaired thereby.

Such being the nature and effect of the grant and its accompanying condition, and no action having been taken either by legislation or judicial proceedings to enforce a forfeiture thereof, it follows that at the period of said transfer by the New Orleans, Baton Rouge and Vicksburg Railroad Company this company was invested with a present interest in the number of alternate sections of public lands per mile granted by the act of 1871, notwithstanding it was already in default in the performance of the condition referred to, and that it still retained a right to proceed with the construction of the road, in aid of which the grant was made until advantage should be taken of the default. But as it had not then definitely fixed the line of its road, although a map designating the general route thereof was duly filed, that interest did not attach to any specific tracts of land, but remained afloat, as it were, needing a definite location of the road before it could become thus attached. Was the interest here described assignable to another company, so as to entitle the latter to the benefit of the grant in aid of the construction of its road between the places named therein, without the assent of Congress?

Doubt has perhaps arisen on this point in view of the fact that in one or two instances it has been thought expedient to obtain legislation by Congress confirming or authorizing a similar assignment (see section 2 of the act of March 3, 1865, chapter 88, and section 1 of the act of March 3, 1869, chapter 127) and also in view of the adverse ruling of this Department in the case of the Oregon Central Railroad Company. (13 Opin., 382.) However, a similar assignment made in 1866 by the Hannibal and Saint Joseph Railroad Company to the Pike's Peak Railroad Company, afterward known as the Central Branch Company, was held to be valid by Attorney-General Stanbery in an opinion given to the Secretary of the Treasury under date of July 25, 1866.

In the latter case the Hannibal and Saint Joseph Company, which was incorporated by the State of Missouri, with authority to construct a railroad between Hannibal and Saint Joseph, within that State, was, by the Pacific Railroad act of July 1, 1862 (section 13), authorized to "extend its road from Saint Joseph, via Atchison, to connect and unite with the road through Kansas, * * * and may for this purpose use any railroad charter which has been or may be granted by the Legislature of Kansas," &c., and by the fifteenth section of the same act it was provided that "wherever the word company is used in this act it shall be construed to embrace the words their associates, successors, and assigns, the same as if the words had been properly added thereto."

Subsequently, in 1863, an assignment was made by that company of all its rights under said act (which included an interest in both a land and a bond subsidy) to the Atchison and Pike's Peak Railroad Company, a company previously organized under a charter granted by the Legislature of Kansas. The latter company having constructed a section of 20 miles of the proposed road west from Atchison claimed the benefit of the grant made to the Hannibal and Saint Joseph Company, as its assignee, and this claim was recognized and allowed, in accordance with the opinion of the Attorney-General. It will be observed, however, that the Hannibal and Saint Joseph Company was authorized to "use any railroad charter which has been or may be granted by the Legislature of Kansas," and this, together with the provision in the fifteenth section quoted above, may have been regarded as sufficient to sustain the assignment.

In the case of the Oregon Central Railroad Company, mentioned above, a grant of a right of way through the public lands, and also of alternate sections thereof, was made to that company, "and to their successors and assigns," by the act of May 4, 1870, chapter 69, for the purpose of aiding in the construction of a railroad and telegraph line between certain places in Oregon. In August following an instrument was executed by the company assigning all its interest in the grant to the Willamette Valley Railroad Company, and thereupon the question arose whether the grant was susceptible of being thus trasferred. The Attorney-General (Mr. Akerman), to whom the question was submitted, after reviewing the various provisions of the act, some of which (see section 5) imposed certain duties and required certain important acts to be performed by the company, decided in the negative, holding that, upon consideration of those provisions, the Oregon Central Company was alone within the contemplation of Congress in respect of the donation made and duties imposed by that act. The words "their successors and assigns," as used in the act, were regarded as words of limitation merely

But the grounds upon which that decision appears to have been based are not found to exist in the case now under consideration. Here a grant of a certain number of alternate sections of public lands per mile is made to the New Orleans, Baton Rouge and Vicksburg Railroad Company, its successors and assigns, in and of the construction of a road from New Orleans, by the route indicated, to connect with the eastern terminus of the Texas and Pacific Railroad, which lands are required to be "withdrawn from the market, selected, and patents issued therefor, and opened for settlement and pre-emption upon the same terms and in the same manner and time as is provided for and required from said Texas Pacific Railroad Company."

The grant is coupled with no special duties or trusts, for the performance of which there is reason to believe the particular company named therein was more acceptable to Congress than any other. Its purpose is to secure the construction of a railroad between the points designated, and whether this purpose be fulfilled by that company or by another company must be deemed unimportant in the absence of any provision indicative of the contrary. The interest derived by the grantee, though it remain only afloat, is a vested interest, and it is held under the same limitations which apply after it develops into an estate in particular lands until extinguished by forfeiture for non-performance of the condition annexed to the grant. I perceive no legal obstacle arising out of the grant itself to a transfer of such interest by the grantee to another company, and should the latter construct the road contemplated agreeably to the requirements of the grant, and thus accomplish the end with Congress had in view, I submit that it would clearly be entitled to the benfits thereof.

The question of the assignability of the interest of the grantee would be more difficult if, after definitely locating the line of its road, and thus attaching the grant to particular lands along the same, it was proposed to transfer that interest to another company for the benefit of a road to be constructed by the latter on a different line, though following the general course of the other road. But in the present case the facts give rise to no such difficulty. The grant had not, previous to the transfer, become thus identified with a particular line of road, and was thereafter susceptible of location upon the line of the road projected by the assignee (the New Orleans Pacific Company), provided this road met the requirements of the grant in other respects, as to which no doubt is suggested.

My conclusion is that the assent of Congress to the assignment made by the New Orleans, Baton Rouge and Vicksburg Railroad company as above, is not necessary in order to entitle the assignee to the benefit of the land grant in question.

The remaining questions relate to the 68 miles of railroad formerly belonging to the New Orleans, Mobile and Texas Railroad Company, but now owned by the New Orleans Pacific Company, and made a part of its main line between New Orleans and Baton Rouge.

The land grant in question was, as its language imports, made in aid of the construction of a railroad between certain termini, contemplating a road to be constructed, not one already constructed. It has not been the policy of Congress thus to aid constructed roads. Had a constructed road existed at the date of the grant, which extended from one terminus to the other, and afterward the New Orleans, Baton Rouge and Vicksburg Railroad Company, instead of entering upon and completing the construction of a road, had purchased the road already constructed, this, it seems to me, would not have satisfied the purposes of the grant so as to entitle the company to the benefit thereof. The same objection would apply were the constructed road extended over only a part of the route contemplated by the grant. So far as I am advised, the action of the Government hitherto has accorded with this view.

On the other hand, if such road was constructed subsequently to the date of the grant, and is owned by the grantee or the assignee of the latter, I see no ground for excluding it from the benefit of the grant should it otherwise fulfill the requirements thereof.

Agreeably to the foregoing views, and in direct response to the several questions submitted, I have the honor to reply as follows: The first, second, and third questions I answer in the affirmative. The fourth question (including the alternative added thereto) I answer in the negative. The fifth question I answer in the affirmative—assuming, as I do, the company named therein to be an assignee of the grantee in the act referred to.

I have the honor to be, very respectfully,

BENJAMIN HARRIS BREWSTER,
Attorney-General.

Hon. H. M. TELLER,
Secretary of the Interior.

Mr. LAFFOON. Summing up now the facts in their order that relate to the forfeiture of that part of the grant from White Castle to Shreveport, we find that the grant was made by the Government on the 22d day of March, 1871, to the New Orleans, Vicksburg and Baton Rouge Railroad Company. That company sold out all its rights, property, and franchises to the New Orleans Pacific Railroad Company on the 5th day of January, 1881; that before any construction of that road the authorities of the Government in two different communications assured it that it was the owner of said grant and that its title was complete; that the citizens along its line purchased in small tracts the land from the railroad company and are now in possession of same, engaged in all sorts of industrial pursuits; that the President of the United States has appointed commissioners and they have examined and accepted the road as it progressed, and that it has been classified as a land-grant road, and in all of its settlements with the Government of its postal accounts has been so considered and regarded, and that no hostile legislation was ever attempted until all these things in their regular order had been transacted and done.

In the face of these facts the question arises, can Congress as a matter of "cold-cut" law forfeit this part of the grant? The committee after a full discussion of these questions have agreed with the Attorney-General, the Committee of the Judiciary of this House, and of the Railroad Committee of the Senate, and say "no."

The settled doctrine of the courts in regard to all grants to railroads in analogy to private grants is that they are grants *in præsenti*, and vest the donor with a present title subject to be forfeited at the option of the grantor or donor upon the violation of the condition upon which they are made. It is further held by the courts that the grant carries the title without the aid of a patent to the lands. They hold that a patent only identifies the land granted and only to that extent perfects the title of the holder.

In the case of a grant on condition the holder takes the immediate title subject to be forfeited upon the application of the party who made the grant. If the grantor encourages the fulfillment of the condition

after the time expires for its performance, then the law says you can not object, and the title in the grantor is complete.

I have read with care on this subject the cases of Schulenburg *vs.* Harriman, reported in 21 Wallace; Ludlow *vs.* New York and Harlem Railroad Company (12 Barbour's report, page 440); People of Vermont *vs.* The Society, &c. (2 Payne's report, page 562); Willard *vs.* Alcott (2 New Hampshire); Chalker *vs.* Chalker (1 Connecticut); Hume *vs.* Kent and Andrews *vs.* Suiter (32 Maine); Murray's Lessees *et al. vs.* Hoboken Land and Improvement Company (18 Howard, 280); Cooley's Constitutional Law, page 69; Lyttle *vs.* State of Arkansas (9 Howard, 383); United States *vs.* Arredendo (6 Peters, 691).

Mr. Speaker, there is now one other proposition of this bill on which I have not touched, and that is the Blanchard-Robertson agreement. I prefer to let that agreement explain itself. The Blanchard-Robertson agreement made with the New Orleans Pacific Company originated from a protest filed by Hons. E. W. Robertson and N. C. BLANCHARD, members from the State of Louisiana, with the Interior Department, requesting the holding up the action of said Department in patenting lands to said company until some agreement could be made by them with said company looking to the protection of the settlers on said land in the limits of said grant. Said protest is as follows:

SIR: Referring to our interview a few evenings since with yourself, relative to the land-grant claimed in Louisiana by the New Orleans Pacific Railroad Company, we hereby formally ask that further action by your Department toward recognizing the said land-grant as existing in favor of any party or parties be deferred for the present, and until such further action can be taken by us as will conserve the rights and interests of the people most vitally interested, namely, those living in the country in which the grant lies, and included within the limits of the fourth and sixth Congressional districts of Louisiana, now represented by us.

In support of this request, we submit the following, namely:

1. A large portion of the land embraced in the grant above referred to was, by an act of Congress passed in 1856, donated to another railroad company. Prior to 1856, many persons had settled upon this land preparatory to the entry and purchase of the same from the Government. These parties were settlers in good faith, and if time is given us, a list of their names and the extent of their claims can be furnished. Between the year 1856 and that of 1871 a great many more persons settled upon said lands. In the mean time, somewhere about the year 1870, the original grant to the railroad company in 1856 was, by act of Congress, declared forfeited. Upon this declaration of forfeiture, the parties who had settled on the land became entitled to file their applications for entry and purchase. But before this could be done a grant, covering the land, was made by the act of Congress approved March 3, 1871, to the New Orleans, Baton Rouge and Vicksburg Railroad Company, and under this grant the land, something over a million acres, was withdrawn from the market.

We think these parties who had, under the circumstances above enumerated, settled on the land, are settlers in good faith, and have legal rights that should be protected.

We ask for time to present more fully the case of these settlers, and to produce their names, extent of their claims, &c.

2. Many of the parties who had settled on this land up to 1871 could not make application for the entry and purchase of the land, for the reason that a large part of the land, up to that time, had not been surveyed by the Government so as to designate the sections, townships, and ranges in which were situated the different tracts of land settled upon, or else their settlements were upon lands that required to be resurveyed—the necessity for which surveys and resurveys is shown by the reports of the Commissioner of the General Land Office, made repeatedly to Congress, and asking for adequate appropriations for surveys and resurveys declared to be necessary in order to enable settlers to locate their claims and the Government to dispose of the lands. By the failure of Congress to make these adequate appropriations the surveys and resurveys have never been completed, and hence the rights of these settlers have remained in abeyance, and would now be entirely lost by the issuance of patents to cover the land included in the grant made to the New Orleans, Baton Rouge and Vicksburg Railroad Company.

Reserving the right to file additional and supplemental reasons and protests, we are,

Respectfully, &c.,

E. W. ROBERTSON,
M. C., Sixth District, Louisiana.
N. C. BLANCHARD,
M. C., Fourth District, Louisiana.

Hon. SECRETARY OF THE INTERIOR.

After this protest was filed and the suspension of the issual of patents by the Interior Department this letter, which contained the agreement mentioned, was written by said company and embraces the agreement which is proposed to be confirmed by this bill.

WASHINGTON, *January* 4, 1882.

GENTLEMEN: In consideration of the withdrawal by you of the protest and objection filed by you with the Department of the Interior against the recognition of the claims urged by the New Orleans Pacific Railroad Company, to the land grant made by the New Orleans, Baton Rouge and Vicksburg Railroad Company by the act of Congress of 1871, and now claimed by the New Orleans Pacific Company, transferees of the New Orleans, Baton Rouge and Vicksburg Company, on behalf of the said New Orleans Pacific Company and any other railroad association or combination with which said New Orleans Pacific Company is connected, I hereby agree, consent, and obligate myself and the said company and any other company or association connected with it that the right of settlers and occupiers on the land included within the limits of said grant shall be recognized and protected as follows, to wit:

Settlers and occupiers of any of the lands aforesaid up to this date shall be given the right within twelve months from the register of the patents issued by the Government to the said company or its transferees for said lands, in the office of the clerk of the district court and *ex officio* recorder of conveyance and mortgages of the parish where the land wanted by such settlers or occupiers is situated, to file their applications with the railroad company, through agents to be designated by the company for the purpose, for the land claimed or wanted by them; such settlers or occupiers shall at the time the title-deeds are issued to them pay one-third in cash of the price of the land so occupied or settled by them, and shall have one and two years from that time, with 6 per cent. interest, in which to pay the remainder, mortgage and vender's privilege to be retained by the company.

The price of land to be paid by such settlers or occupiers shall not exceed $2 per acre, and the quantity of land to be claimed by each shall not exceed 160 acres.

Immediately upon the register of the patents in the office of the recorder of mortgages of the parishes affected by the land grant, the railroad company shall give notice by publication for ten days in a newspaper in the parish where any settlers or occupiers live, and also by publication at the court-house door of such parish, the fact of the register of patents, and that the company is ready to receive application from settlers and occupiers for the land wanted by them, and indicating the place where, and person to whom, application should be made.

Should this notice not be given immediately upon the register of the patents these settlers and occupiers are to have twelve months in which to file their application from the time of the giving of such notice aforesaid. Proof of occupancy shall be the same as required by the laws of the United States for the acquisition of public lands, if required by the company.

E. B. WHEELOCK,
President New Orleans Pacific Railway Company.

Hons. E. W. ROBERTSON and N. C. BLANCHARD,
Representatives in Congress from Louisiana.

Accepted on behalf of settlers and occupiers.

After the filing of this letter was made Blanchard and Robertson filed their withdrawal of protest on the same day, and the Department proceeded to adjust the conflicting land titles upon the basis fixed by this agreement, and have so acted ever since.

I have explained the features of this bill, and now I hope the bill will pass, and I demand the previous question on the bill and amendment.

The previous question was ordered; and under the operation thereof the amendments reported by the committee were adopted, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER *pro tempore*. The question is, Shall the bill pass?

Mr. HOLMAN. I wish to ask the gentleman from Alabama [Mr. OATES] whether this bill goes as far as the one on this subject that was before the House in the last Congress.

Mr. OATES. It does not. It forfeits, however, all the land on the east side of the river and all to the terminus of the Morgan road, but it carries out the Robertson-Blanchard agreement as to the other lands.

Mr. WARNER, of Ohio. It forfeits all that is forfeited.

Mr. OATES. Yes.

Mr. HOLMAN. But the grant is not all forfeited.

Mr. OATES. It is not.

Mr. HOLMAN. It seems to me that this is a case in which it would be eminently proper to forfeit the entire grant.

Mr. OATES. The House did not think so last Congress.

Mr. HOLMAN. I know, but the House acted under a misapprehension.

Mr. OATES. And the Public Lands Committee did not think so this Congress.

Mr. HOLMAN. The House acted under a misapprehension in the last Congress. I think it was evident that they acted on the opinion of the Judiciary Committee as to the estoppel of the Government, and I am sure that all lawyers will agree—I am sure that the gentleman from Alabama himself will agree—that an examination of the subject shows clearly that the rule laid down by that committee as to the estoppel of the Government is not properly laid down, and that the law of estoppel does not go to the extent there declared. However, as the Committee on Public Lands seem to be entirely harmonious in support of this bill, I shall raise no objection, although I do not see why an acre of these lands should be exempt from forfeiture.

Mr. McRAE. Mr. Speaker, I do not rise to oppose this bill, but neither do I desire the House to vote under the misapprehension that the committee are unanimously in favor of it. There is no minority report, yet some members of the committee are opposed to it. The minority advocated a different policy in the committee and sought to have the House adopt it, but the House upon another bill which was presented to it refused to adopt the policy of the minority, and since that time we have not seen fit to urge it upon the House. I want to state, however, that I do not agree to the policy upon which this bill is based. I do not agree with those who say that we have no right to forfeit all of this land grant, yet, under the circumstances, it may be best to let the bill pass in its present form, since the House at the last session refused to pass it in the other form. I will vote against it.

Mr. HOLMAN. And yet this bill has the effect of confirming a large portion of that grant.

Mr. OATES. It does confirm the grant as to a large portion of the land; but that land has already been sold to settlers upon terms very favorable to them, giving them one, two, and three years' time to pay for it; that is the Robertson-Blanchard agreement with those settlers which this bill carries out.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COBB moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MOBILE AND GIRARD RAILROAD GRANT.

Mr. COBB. Mr. Speaker, I now call up the bill (H. R. 9117) for the forfeiture of certain lands granted to the Mobile and Girard Railroad Company.

The bill was read, as follows:

Be it enacted, &c., That all the lands granted and certified to the State of Alabama to aid in the construction of the Mobile and Girard Railroad, from Girard to Mobile, within said State, by act of Congress approved June 3, 1856 (11 Statutes at Large, page 17), be, and the same are hereby, forfeited to the United States, for the non-performance by said railroad company of the conditions upon which said grant was made, and at the expiration of one year from the approval of this act shall be subject to entry and homestead under the general land laws of the United States, without any further previous offering: *Provided, however*, That all of the aforesaid lands which have been sold and conveyed by said railroad company, or which have been sold as the property of said railroad company for State and county taxes thereon, and purchased by actual settlers, are hereby excepted from said forfeiture to the extent of 320 acres, and the titles to said lands, to the extent so excepted, are hereby confirmed and made valid to such purchasers, their heirs or assigns; and if any such purchaser shall have purchased more than 320 acres for the uses of actual settlement, he shall select said 320 acres herein excepted from forfeiture within one year from the approval of this act, and file notice of such selection with the register of the land-office at Montgomery, Ala.; and any such purchaser who shall fail to make such selection and file said notice shall not thereafter have the benefit of the exception herein made: *Provided further*, That when any such purchaser shall have purchased in excess of 320 acres for the purpose of actual settlement, or in cases where any of the lands hereinbefore forfeited have been sold and conveyed by said railroad company, or sold and conveyed as the property of said railroad company for State and county taxes thereon, and purchased by other than actual settlers, all such purchasers shall have a prior right to purchase said lands from the United States at the price and sum of $1.25 per acre, which prior right of purchase shall continue for one year after the approval of this act, and not longer: *Provided further*, That all such purchasers, or their assigns, shall each, within one year after the approval of this act, make proof, before the register of the land office at Montgomery, Ala., of the amount of land purchased, from whom, the title received, and the amount paid therefor, and when: *Provided also*, That such proof may also be made before a judge of probate or clerk of the circuit court, under the seal of office, and forwarded by mail to said register: *And provided further*, That the above-named privileges to purchasers are granted only on condition that no claim shall even be made by them or any of them against the State of Alabama, or any county, school district, or municipality thereof, for taxes erroneously assessed and collected on any of said lands, whether the same were paid voluntarily or not.

SEC. 2. That the said Mobile and Girard Railroad Company shall, within three months after the approval of this act, file with the aforesaid register a full list and description of all the lands of said grant certified to them, and designate the portions thereof which have been sold and conveyed by said company, to whom, if practicable, when, and for what price or consideration, which list and statement must be sworn to by two of the officers of said company, or two other credible witnesses who know the facts to be true; and with such list said company shall surrender to said register all patents and certificates to said lands now held or owned by the said company; and whenever the said register is satisfied that said company has in good faith complied with the requirements of this act, he shall certify the same to the Commissioner of the General Land Office, with all of the evidence upon which his certificate is based; and if said Commissioner approve the same, it shall be final, subject to appeal and review of the Secretary of the Interior.

SEC. 3. That whenever said railroad company complies with the requirements of this act as hereinabove provided, the Secretary of the Interior shall certify to the president of said railroad company that it is thenceforth relieved and absolved from all the duties and obligations of a land-grant railroad.

SEC. 4. That at the expiration of the one year as hereinabove provided the said register of the land office at Montgomery shall certify to the Commissioner of the General Land Office a list of the lands proven to have been purchased, and owners thereof, and a brief of the evidence, and his decision, succinctly stated, which, if approved by said Commissioner, shall be final, subject to appeal to the Secretary of the Interior.

SEC. 5. That it shall be the duty of the Secretary of the Interior to prescribe notices and rules for the enforcement of this act.

Mr. COBB. I yield to the gentleman from Mississippi [Mr. VAN EATON] who reported this bill.

Mr. VAN EATON. Mr. Speaker, the grant now proposed to be forfeited was made by an act of Congress of June 3, 1856, and it comprised some 850,000 acres of land. The grant was made in aid of a road proposed to be built from Girard to Blakely, Ala., a point on Mobile Bay, opposite the city of Mobile. The road was only partially built. The obligation of a land-grant road had been imposed upon this railroad by the Government, namely, the obligation to carry the mails and troops and munitions of war at reduced rates. The company have not completed the road. Having built it only some 84 miles to a point called Union Springs, they abandoned its construction from thence to Mobile.

Mr. ANDERSON, of Kansas. What is the distance?

Mr. VAN EATON. The length of the unbuilt portion of the route is probably about the same as the portion built, or perhaps greater. In view of these circumstances, Mr. Speaker, the committee have reported in favor of forfeiting the entire grant, with the condition that, so far as the company is concerned, it shall be absolved when the grant is so forfeited from all the obligations of a land-grant road. This is, in brief, the substance of the bill, with the exception that it proposes to give to persons who have purchased lands from the railroad company the right for one year to purchase them from the Government at the Government price. The company has sold some of these lands, but members will observe that the bill provides that within a certain time the company shall give up their patents and yield their title, and that then and in that case the lands being forfeited to the Government, persons who have bought them from the company may obtain title from the Government at the Government minimum price.

Mr. DUNN. What does the railroad company do with the purchase-money which it has received from those people?

Mr. VAN EATON. With regard to that I will state that it is a very small sum. None of these lands were sold at over 50 cents an acre, and some of them were sold as low as 10 cents an acre. There was a proposition before the committee to make an account of how much money the company had received from the sale of the lands on the one side, and then how much they had lost by conveying the mails and other property of the Government at reduced rates and strike a balance; but we found that if that were done we would be owing the road a very considerable amount of money, and we thought it was easier, better, and cheaper all round to just quit, striking no account with the company for the money which they had received for those lands, which, as I have said, was a small amount comparatively, or for their loss from carrying the mails, &c., at a reduced rate.

Mr. DUNN. Does the railroad company agree to accept that condition?

Mr. VAN EATON. Yes, sir.

Mr. DUNN. I wish to call the attention of the gentleman to the fact that we have had some experience in that kind of recession heretofore, and that the parties have always come in with claims for pay for the difference.

Mr. VAN EATON. Precisely.

Mr. DUNN. Is there anything in this bill requiring the company to accept the provisions of the act and to release the Government from the payment of that difference?

Mr. VAN EATON. The road wants to be released from its obligation as a land-grant road.

Mr. DUNN. The other roads did also, but afterward they wanted pay for the difference.

Mr. VAN EATON. I think the bill is sufficiently guarded so far as that is concerned. It provides that the company—

Shall, within three months after the approval of this act, file with the aforesaid register a full list and description of all the lands of said grant certified to them, and designate the portions thereof which have been so'd and conveyed by said company, to whom, if practicable, when, and for what price or consideration, which list and statement must be sworn to by two of the officers of said company or two other credible witnesses who know the facts to be true; and with such list said company shall surrender to said register all patents and certificates to said lands now held or owned by the said company; and whenever the said register is satisfied that said company has in good faith complied with the requirements of this act, he shall certify the same to the Commissioner of the General Land Office, with all of the evidence upon which his certificate is based.

Then the company, if this is approved, will be relieved from its obligations as a land-grant road.

Mr. DUNN. Now there should be added just there words to this effect: "And shall release the Government from any payment on account of the reduction heretofore made in the compensation for transportation of mails, troops, and Government property."

Mr. VAN EATON. I presume the committee will have no objection to adding that provision.

Mr. DUNN. It ought to go in.

Mr. VAN EATON. If the gentleman will kindly draw up an amendment of that kind, I will, so far as I am concerned, accept it.

Mr. CANNON. Will the gentleman allow me a question?

Mr. VAN EATON. Yes, sir.

Mr. CANNON. What amount of these lands adjacent to the completed portions of the road have been sold?

Mr. VAN EATON. I do not remember; not a very large amount. I was going on to remark that the State of Alabama for some years has treated these lands as the property of this road and has sold them on account of unpaid taxes. Certain parties have purchased the lands at the tax sales; and we provide in the bill that such parties shall have the right to enter the lands from the Government at $1.25 an acre.

Mr. CANNON. Suppose they do not choose to enter the lands from the Government at $1.25 an acre, but claim that the title of the lands adjacent to the completed portions of the road is already in them by proper conveyance.

Mr. VAN EATON. I think that is provided for in the bill in this proviso, which will be found on page 3:

That the above-named privileges to purchasers are granted only on condition that no claim shall even be made by them or any of them against the State of Alabama, or any county, school district, or municipality thereof, for taxes erroneously assessed and collected on any of said lands, whether the same were paid voluntarily or not.

Mr. CANNON. Let me make my question more explicit. If this is an ordinary land grant upon conditions-subsequent, the probabilities are that the purchasers of these lands adjacent to the railway have taken a title which they claim to be perfect and which probably is perfect. This bill provides, as I understand, that these parties may purchase from the Government that which no doubt they claim to own already. Now, if there be a mortgage upon these lands or if they have been in the main sold, 84 miles of the road having been constructed and the lands probably taken, the title passed from the Government, so that it can not forfeit those lands, may it not be perhaps doubtful policy to release this road from the liabilities and burdens of a land-grant road?

Mr. VAN EATON. I will answer my friend from Illinois in this way: I believe it is within the scope and contemplation of all these forfeiture bills to forfeit the grant along the completed road if not completed in time; and the same difficulty would arise in all these cases. How it is to be met I do not know.

Mr. LONG. Is it not true that the provisions of the bill are satisfactory to those parties who appeared before the committee, and who represent the ownership of the land purchased under a tax title?

Mr. VAN EATON. I thank the gentleman from Massachusetts for

that suggestion. It is true so far as the evidence before the committee is concerned.

Mr. BOYLE. Will the gentleman allow me a question?

Mr. VAN EATON. I would like to answer the other question first.

Mr. BOYLE. My question relates to that point. Do I understand the gentleman to say that the purchasers of these lands from the railroad company are content with the provisions of this bill?

Mr. VAN EATON. They came before the committee and so expressed themselves, nearly all of them.

Mr. BOYLE. I happen to have as a constituent the principal purchaser, who has bought some 50,000 acres of these lands; and I am prepared to say for him that he is not satisfied with the provisions of this bill, and not content that it shall pass.

Mr. McRAE. Let me inquire of the gentleman from Mississippi whether he knows the purchaser the gentleman from Pennsylvania is concerned for did not take a quitclaim from the railroad, and whether he holds anything more than a quitclaim?

Mr. VAN EATON. I think that is true. And further, I would state, and I do not think it is out of place to say, that before the committee in the Forty-eighth Congress parties professing to represent the gentleman spoken of by the gentleman from Pennsylvania came and told us that would be satisfactory to them.

Mr. BOYLE. If the gentleman will allow me, I will say that I know the gentleman to whom he refers, and he denies he ever was before the committee.

Mr. VAN EATON. In fairness I would admit that statement was made before the committee of the Forty-ninth Congress, but as stated by my colleague on the committee, this gentleman took a quitclaim from the railroad, and that is all.

Mr. BOYLE. Allow me again.

Mr. VAN EATON. Certainly.

Mr. BOYLE. My constituent does not hold a quitclaim at all. He holds a deed of grant, bargain, and sale, a deed in fee-simple.

Mr. VAN EATON. What is to prevent him coming on the railroad for his warranty?

Mr. BOYLE. I understand the railroad to be worthless and not responsible.

Mr. VAN EATON. I would state to the gentleman that we examined that very deed, if I remember aright, before the committee, and while it is not in form a quitclaim deed, in substance it is, in this, that it goes on and guarantees the right and title to the land so far as the railroad is concerned. Every lawyer knows that is only a quitclaim.

Mr. BOYLE. Every lawyer does not know that. It is a deed of grant, bargain, and sale, with special warranty.

Mr. VAN EATON. So far as the railroad is concerned.

Mr. BOYLE. That is not material in the view I present.

Mr. WARNER, of Ohio. Permit me to ask the gentleman a question for information. I understand from all that has been said that a part of the road has been completed and that a certain quantity of land thereby earned. Is that correct?

Mr. VAN EATON. I believe that is in substance correct.

Mr. WARNER, of Ohio. That a part of the land was earned. If that be the case were not these lands mortgaged by the road?

Mr. VAN EATON. No, sir.

Mr. WARNER, of Ohio. No mortgage?

Mr. VAN EATON. No, sir; no incumbrance whatever.

Mr. FINDLAY rose.

Mr. VAN EATON. Let me finish.

Mr. FINDLAY. Certainly.

Mr. VAN EATON. The evidence before the committee is that this part of the road was built without their knowing they had a land-grant fund.

Mr. FINDLAY. I wish to ask this question——

The SPEAKER *pro tempore*. Does the gentleman yield?

Mr. VAN EATON. Certainly.

Mr. FINDLAY. It is whether this bill and other bills on the table propose to do anything more than express the intent on the part of the United States to forfeit these lands.

Mr. VAN EATON. Nothing more.

Mr. FINDLAY. Under the decision in Schulenberg *vs.* Harriman, 21 Wallace?

Mr. VAN EATON. That is all.

Mr. FINDLAY. I ask the further question whether it is not a judicial question which must be determined by the court.

Mr. VAN EATON. Undoubtedly.

Mr. FINDLAY. We must express our intention to forfeit; we must declare our intention to enter upon it.

Mr. VAN EATON. That is undoubtedly true. [Cries of "Vote!"]

Mr. DUNN. If the gentleman will allow me, I will move my amendment.

Mr. VAN EATON. I do not think we will object to the amendment of the gentleman from Arkansas.

Mr. DUNN. I will move my amendment, and I ask the Clerk to read it.

The Clerk read as follows:

Add to section 2 of the bill:

"And said railroad company shall also release the Government from any right or claim for payment of any further compensation for transporting the mails, troops, and Government property than that heretofore allowed and paid by the Government."

Mr. VAN EATON. I hope that amendment will be adopted. I now yield to the chairman of the committee.

Mr. COBB. Mr. Speaker, I think all has been said that is necessary to be said in reference to the provisions of this bill; and I therefore move the previous question on the bill and amendment.

Mr. HOLMAN. I trust my colleague will yield to me for a few minutes.

Mr. COBB. I hope we will get along with the bills.

Mr. HOLMAN. I shall insist upon having a few minutes—five minutes at least.

Mr. COBB. Very well; I have no objection to that.

Mr. HOLMAN. I want to suggest to my colleague, if I can have the ear of the House for a few moments, that there is grave doubt whether the effect of this act is not more beneficial to the corporation than to the Government. About half of this road, as I understand it, has been completed. The road has obtained the benefit of the sale of a portion of the lands, and the corporation now seeks to be released from the obligation to transport the troops and supplies of the United States free of cost and to transport the mails of the United States at such price as Congress may designate, and I submit to my friend from Mississippi, as a fair question for consideration, whether it is not likely to confer a substantial benefit upon the corporation and none whatever upon the Government? On the one hand you release to this railroad company all the lands which have been disposed of by them, and upon the other you release them from the obligation they are now under to the Government. I think this is rather a liberal proposition as far as the road is concerned.

My friend stated that if you made up an account as between the Government and the railroad company showing the amount of money received by the corporation upon the sale of the lands and the amount due to it for the transportation of the mails, as I understand it, with the 20 per cent. reduction, that such an account would show a favorable balance to the corporation.

Mr. VAN EATON. I said that the Government would owe the railroad company money.

Mr. DUNN. But that is only the money received from the sale of a small amount of the lands. I understand that no great quantity of the land has been sold. It does not take into account the value of the lands which are forfeited under this act.

Mr. HOLMAN. The Government now has a very valuable right in regard to that corporation; that is to say, the transportation of its troops and supplies free of all charge, and the transportation of its mails at such rates as Congress shall prescribe, and Congress has already prescribed that the compensation of these land-grant roads shall be 20 per cent. less than the amount paid to the other railroad corporations who have received no benefit from the Government.

Now, I do not think this ought to be done. I am perfectly willing, if my friend will allow me, to offer an amendment to declare a forfeiture of the lands conterminous with that portion of the road not completed.

Mr. DUNN. Would the gentleman from Indiana insist upon imposing a condition upon the railroad company to carry the mails of the Government at a reduced price, for nothing?

Mr. HOLMAN. No, sir; I would leave to them the lands conterminous with the 84 miles of completed road.

Mr. DUNN. But they have nothing left. I understand this act forfeits all of the lands.

Mr. HOLMAN. I know; but does not the gentleman see that that portion of the land which is not forfeited has already inured to their benefit?

Mr. DUNN. But this railroad company have retained no portion of the lands.

Mr. VAN EATON. Not an acre.

Mr. HOLMAN. But they get the benefit of the lands which have been sold.

Mr. COBB. Only about 120,000 acres have been sold.

Mr. HOLMAN. Some of the lands have been sold for taxes and the Government gets nothing.

Mr. DUNN. What is the consideration that you would propose for carrying the mails, or what will be the consideration in the event of the forfeiture should your amendment be adopted?

Mr. HOLMAN. These lands have been kept from settlers for some thirty-odd years——

Mr. DUNN. I understand that, but, as I understand further, the lands have been sold in many instances for 10 cents an acre.

Mr. HOLMAN. But the corporation obtained credit upon the strength of the land grant.

Mr. DUNN. Which lands were sold for 10 cents an acre. What do you propose in return for the service you demand? They got little or nothing for the lands.

Mr. HOLMAN. That was their own bargain; but they agreed, nevertheless, to transport the troops and supplies of the United States free, as well as to carry the mails at the rate that might be fixed by Congress.

Mr. DUNN. It is a matter of no differenee to me; but I merely wanted to test the gentleman's sense of justice.

Mr. OATES. I would like to make a statement to the gentleman from Indiana.

Mr. HOLMAN. In a moment.

Mr. OATES. I wanted to give the gentleman some information upon this subject.

Mr. HOLMAN. I will yield with pleasure for that.

Mr. OATES. The completed portion of this road runs right through my district, and I know pretty well all about it. I offered this bill, which the committee have reported or rather a substitute, and there is no difference in the bill reported from the committee except in some of the provisions of the first section. There are 84 miles of the road completed from Girard, opposite the city of Columbus, Ga., to Troy, in Alabama. There were no public lands available under the grant along this line of completed road until it reached within about 10 or 12 miles of Troy, which is its present southern terminus. So that the lands that the company have received or nearly all of them lie beyond the constructed portion of the road and are of but little value. The company has sold no lands at more than a dollar and a quarter an acre, and most of them up to $1, and to actual settlers.

Mr. HOLMAN. What about the 50,000 acres, spoken of by the gentleman from Pennsylvania, in one body?

Mr. OATES. But they have earned more than that, of course.

Mr. HOLMAN. But I understood my friend to state that these lands had been sold to actual settlers. That certainly was not a sale to actual settlers.

Mr. OATES. My recollection is the lands were sold under a quitclaim to give the right to cut the timber off them.

Mr. BOYLE. I have the deeds.

Mr. OATES. They are only quitclaims.

Mr. BOYLE. No; they do not quitclaim; they have no resemblance to quitclaims. They are an actual conveyance of title to this property.

Mr. OATES. Let me go on with my statement. I will come to that a little later on. That land down there was granted, and has been used and sold to these gentlemen, and has been used for the purpose of cutting the timber off it. There have been other purchases in that locality by saw-mill men for the purpose of cutting timber.

Mr. COBB. I yielded to my colleague, the gentleman from Indiana [Mr. HOLMAN], five minutes. I believe his time has expired.

Mr. OATES. I hope the gentleman will allow me to get through with my statement.

Mr. COBB. I yield to the gentleman from Alabama [Mr. OATES] five minutes.

Mr. OATES. It may take me a little longer. I want to state the facts. I do not wish to take any time unnecessarily, for I desire to see the bill pass.

The company received certification of the whole of these lands and held the title improperly I conceive, and it is to the credit of that company that they have not disposed of the quantity of land which they have earned by the construction of the road. I will not undertake to state the exact figures, but I have them in my desk. They have earned much more land than they have disposed of. The company do not set up any claim against the Government for any service rendered in the transportation of the mails, but are perfectly willing to surrender all these lands which they have not sold, and be released from their obligations as a land-grant company.

The effect of a forfeiture of these lands would release them as a matter of law, because you can not revoke a contract as to one party, and leave it binding as to another, as every lawyer knows. Then it is simply incorporated in the bill so as to make it clear and beyond dispute that this contract is revoked except so far as these lands have been sold by the company to actual purchasers who have paid for them. And the substitute reported by the committee confirms such purchase and also the purchase at tax-sales to the extent of 320 acres, and then gives the option or a preference to the purchasers of larger quantities than 320 acres to buy the excess at $1.25 from the Government.

Mr. LONG. Just what they would pay if there had been no grant.

Mr. OATES. Precisely so. Just as if there had been no grant at all.

Mr. WARNER, of Ohio. Do I understand the gentleman to say that up to 320 acres the title is confirmed to actual settlers without their being required to pay any more?

Mr. OATES. Yes, sir; where the purchase has been made in good faith the bill provides for certification and proof to be made before the register of the local land office, which must be confirmed by the Commissioner of the General Land Office.

Mr. HOLMAN. What amount has been received for these lands?

Mr. OATES. The actual amount received for lands sold is less than $200,000.

Mr. BOYLE. That remains with the company?

Mr. OATES. Of course. The title of that company to all of those lands was certainly defective under the provisions of the grant which I hold in my hand. That act I may say has been construed by the supreme court of Alabama in a recent decision to the effect that the company had not the power to dispose of these lands any further than they had constructed the road, and in attempting to convey a title they could not convey to the purchaser the title to these lands when they had none themselves or when they had a mere shadow of title, a right to complete the road and perfect the title. Then the purchaser who accepted such a title accepted it with all these defects.

I would say as matter of law if such were not the fact and the purchaser was chargeable with notice that this would be a judicial question the title of such a purchaser could only be divested by a judicial proceeding; it could not be by legislation. But it is a defective title to lands which the Government might denounce and forfeit for failure to perform the condition on which the lands were granted. It is, therefore, competent for the House by its action to confirm the titles upon certain other conditions imposed upon the purchasers. That is my view of the law of the case.

I think that this bill can work no injustice to any one. To my certain knowledge it is satisfactory to the people of that country except a few of these large purchasers for saw-mill purposes; and some of them, I believe, are satisfied. I believe some of them are the constituents of my friend from Massachusetts [Mr. LONG]. They are satisfied to pay $1.25 for the lands in excess of the 320 acres. The provisions of the bill are also acceptable to the railroad company. It is a company which I know well. They are not disposed to take any unfair advantages. It is a company which is popular with the people. It never has sought any unfair advantages either of the people of the country through which the road runs or of the Government; and I trust the bill will pass.

Mr. HOLMAN. I trust my colleague [Mr. COBB] will allow me to submit the amendment.

Mr. COBB. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. CANNON], reserving the remainder of my time.

Mr. CANNON. Mr. Speaker, I send to the Clerk's desk to be read an amendment which I hope to offer.

The amendment was read, as follows:

Amend by striking out "entry and," in line 11, and "without further previous offering," in lines 12 and 13 of section 1.

Mr. CANNON. Now, Mr. Speaker, if I can have the attention of the House for a moment, I want to say that I am heartily in sympathy with the amendment proposed by the gentleman from Indiana [Mr. HOLMAN]. I feel satisfied that it is far safer to forfeit this land that has not been earned than to seek to forfeit the land that has been earned with these conditions and provisions. I want to say further, that my amendment as to these lands to be forfeited will prevent the purchase of them at $1.25 an acre and leave them to be homesteaded. I think that it is now, perhaps, an open secret that we are not to have any legislation this session repealing the pre-emption law; at least we have not had it, and I think there is a fair chance that that legislation will fail.

Now it is already confessed here that gentlemen who claim to own large quantities of these lands are willing, and perhaps glad, to pay $1.25 an acre for them, and I apprehend that under this proposed forfeiture, even if it were made under the amendment of the gentleman from Indiana [Mr. HOLMAN], we would find parties entering very large tracts of these lands at $1.25 per acre. I hope that this amendment of mine will be adopted as well as the amendment of the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. I trust that my colleague [Mr. COBB] will permit me to offer the amendment.

Mr. COBB. I can not yield any further.

Mr. HOLMAN. I hope the amendment will be at least voted upon.

Mr. COBB. I can not yield for any further amendments, Mr. Speaker. I demand the previous question.

Mr. HOLMAN. I hope the amendment will be allowed to be received.

Mr. COBB. I can not yield now.

Mr. HOLMAN. My colleague must see that this bill as it stands is simply for the benefit of the railroad corporation.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. COBB] insists on the previous question.

Mr. HOLMAN. I insist on offering the amendment.

The SPEAKER *pro tempore*. The question is on ordering the previous question.

The question was taken; and there were—ayes 80, noes 40.

Mr. BOYLE. Mr. Speaker, I raise the point that no quorum has voted.

The SPEAKER *pro tempore*. The point is made that no quorum has voted. The Chair will appoint the gentleman from Indiana [Mr. COBB] and the gentleman from Pennsylvania [Mr. BOYLE] to act as tellers.

The House again divided; and the tellers reported—ayes 105, noes 37.

Mr. BOYLE. No quorum.

Mr. OATES. I demand the yeas and nays on the motion of the gentleman from Indiana [Mr. COBB] for the previous question.

The yeas and nays were ordered.

The question was taken; and there were—yeas 128, nays 37, not voting 157; as follows:

YEAS—128.

Baker,	Eldredge,	Lanham,	Sayers,
Ballentine,	Ely,	Lawler,	Sessions,
Barnes,	Everhart,	Lehlbach,	Seymour,
Barry,	Fisher,	Little,	Singleton,
Blanchard,	Foran,	Long,	Skinner,
Blount,	Ford,	Lowry,	Snyder,
Boutelle,	Forney,	Mahoney,	Sowden,
Brady,	Frederick,	Martin,	Stahlnecker,
Breckinridge, C. R.	Fuller,	McCreary,	Stephenson,
Breckinridge, WCP.	Gallinger,	McMillin,	Stewart, Charles
Burnes,	Gilfillan,	McRae,	Stone, E. F.
Bynum,	Green. R. S.	Milliken,	Stone, W. J., Mo.
Campbell, Felix	Guenther,	Mills,	Storm,
Candler,	Hale,	Morgan,	Strait,
Carleton,	Hall,	Morrison,	Struble,
Clardy,	Halsell,	Murphy,	Swope,
Clements,	Harmer,	Neal,	Taylor, J. M.
Cobb,	Hayden,	Neece,	Taylor, Zach.
Comstock,	Henderson, J. S.	Negley,	Thomas, O. B.
Conger,	Hepburn,	Oates,	Tillman,
Cowles,	Hitt,	O'Neill, J. J.	Townshend,
Cox,	Holmes,	Osborne,	Trigg,
Crisp,	Hutton,	Payson,	Tucker,
Croxton,	Irion,	Peel,	Turner,
Culberson,	Jackson,	Perry,	Van Eaton,
Curtin,	Johnston. T. D.	Pindar.	Viele,
Davidson, A. C.	Jones, J. H.	Randall,	Warner, A. J.
Davidson, R. H. M.	Jones, J. T.	Reagan,	Weaver, A. J.
Dingley,	Ketcham,	Reid, J. W.	Wellborn,
Dockery,	Laffoon,	Richardson,	Willis,
Dougherty,	Laird,	Romeis,	Winans,
Dunn,	Landes,	Sadler,	Worthington.

NAYS—37.

Adams, G. E.	Findlay,	Johnston, J. T.	Taulbee,
Anderson, J. A.	Fleeger,	Kleiner,	Thompson,
Bayne,	Funston,	La Follette,	Wade,
Bingham,	Grosvenor,	Lyman,	Weaver, J. B.
Boyle,	Hemphill,	Moffatt,	Wheeler,
Brown, W. W.	Henderson, T. J.	Parker,	Wilson,
Buck,	Hermann,	Price,	Woodburn.
Bunnell,	Hill,	Reed, T. B.	
Eden,	Holman,	Ryan,	
Felton,	James,	Springer,	

NOT VOTING—157.

Adams, J. J.	Dawson,	Lindsley,	Rogers,
Aiken,	Dibble,	Lore,	Rowell,
Allen, C. H.	Dorsey,	Louttit,	Sawyer,
Allen, J. M.	Dowdney,	Lovering,	Scott,
Anderson, C. M.	Dunham,	Markham,	Scranton,
Arnot,	Ellsberry,	Matson,	Seney,
Atkinson,	Ermentrout,	Maybury,	Shaw,
Barbour,	Evans,	McAdoo,	Smalls,
Barksdale,	Farquhar,	McComas,	Spooner,
Beach,	Gay,	McKenna,	Spriggs,
Belmont,	Geddes,	McKinley,	Steele,
Bennett,	Gibson, C. H.	Merriman,	Stewart, J. W.
Bland,	Gibson, Eustace	Millard,	St. Martin,
Bliss,	Glass,	Miller,	Stone, W. J., Ky.
Bound,	Glover,	Mitchell,	Swinburne,
Bragg,	Goff,	Morrill,	Symes,
Brown, C. E.	Green, W. J.	Morrow,	Tarsney,
Browne, T. M.	Grout,	Muller,	Taylor, E. B.
Brumm,	Hammond,	Nelson,	Taylor, I. H.
Buchanan,	Hanback,	Norwood,	Thomas, J. R.
Burleigh,	Harris,	O'Donnell,	Throckmorton,
Burrows,	Hatch,	O'Ferrall,	Van Schaick,
Butterworth,	Haynes,	O'Hara,	Wadsworth,
Cabell,	Heard,	O'Neill, Charles	Wait,
Caldwell,	Henderson, D. B.	Outhwaite,	Wakefield,
Campbell, J. E.	Henley,	Owen,	Wallace,
Campbell, J. M.	Herbert,	Payne,	Ward, J. H.
Campbell, T. J.	Hewitt,	Perkins,	Ward, T. B.
Cannon,	Hiestand,	Peters,	Warner, William
Caswell,	Hires,	Pettibone,	Weber,
Catchings,	Hiscock,	Phelps,	West,
Collins,	Hopkins,	Pidcock,	White, A. C.
Compton,	Houk,	Pirce,	White, Milo
Cooper,	Howard,	Plumb,	Whiting,
Crain,	Hudd,	Ranney,	Wilkins,
Cutcheon,	Johnson, F. A.	Reese,	Wise,
Daniel,	Kelley,	Rice,	Wolford.
Dargan,	King,	Riggs,	
Davenport,	Le Fevre,	Robertson,	
Davis,	Libbey,	Rockwell,	

Mr. VAN EATON. I rise to a parliamentary inquiry. I desire to know whether some gentlemen who are paired would not, if their attention were called to the matter, be at liberty to vote in order to make a quorum, this not being a political question.

The SPEAKER *pro tempore*. The Chair will state that the language of the majority of the pairs, all of them which follow the printed form, is "not to break a quorum." The question, however, as to how far a member is restricted in regard to voting by a pair is a matter which the member must determine for himself; it is not a question which the Chair can decide.

Mr. CANNON. I voted unwittingly. I am paired for to-day, and I desire to withdraw my vote.

Mr. MILLS. I am paired with the gentleman from Ohio [Mr. McKINLEY], reserving the right to vote to make a quorum. In addition to that, the gentleman from Ohio would vote upon the same side as myself on this question.

Mr. SNYDER. I am paired on all political questions with the gentleman from Maryland [Mr. McCOMAS]. Understanding that he would vote in the affirmative on all land-forfeiture bills, I have voted "ay."

Mr. LAFFOON. I desire to announce that my colleague [Mr. STONE, of Kentucky] is sick at his room. If present, he would vote "ay."

Mr. WARD, of Illinois. I was paired with my colleague [Mr. HOPKINS]; but after this roll was called I wished to be relieved from the pair, and the gentleman from North Carolina [Mr. BENNETT] was substituted in my place. I would like to vote on this question.

Mr. BOYLE. I object.

Mr. COBB. I think the gentleman has the right to vote. As I understand, he withheld his vote on account of a misunderstanding about a pair.

Mr. WARNER, of Ohio. He was present in his seat during the roll-call.

Mr. BAKER. I am paired on all political questions with the gentleman from South Carolina [Mr. DIBBLE]. If he were here, he would vote in the affirmative on this question. I desire to be recorded in the affirmative.

Mr. TOWNSHEND. Where a gentleman refrains from voting because of a pair which he has misunderstood, or where he has, though present, failed to hear his name called, it seems to me he is entitled to vote.

The SPEAKER *pro tempore*. The Clerk will read the rule on this subject.

The Clerk read as follows:

Upon every roll-call, the names of the members shall be called alphabetically by surname, except when two or more have the same surname, then the whole name shall be called; and after the roll has been once called, the Clerk shall call in their alphabetical order the names of those not voting; and thereafter the Speaker shall not entertain a request to record a vote or announce a pair.

Mr. TOWNSHEND. The practice of the House has been different.

The SPEAKER *pro tempore*. The Chair is of opinion that the gentleman from Illinois [Mr. WARD] does not bring himself within the rule, and the gentleman from Pennsylvania [Mr. BOYLE] objects to his vote being recorded.

Mr. WARNER, of Ohio. Has not the practice been to receive the vote in such a case?

The SPEAKER *pro tempore*. The practice has been to allow gentlemen to vote where they state that they were in the Hall during the roll-call and failed to hear their names.

Mr. DOCKERY. Or where they failed to vote because of a misunderstanding about a pair.

Mr. TOWNSHEND. The gentleman from New York [Mr. BAKER] was in the Hall when his name was called.

Mr. BAKER. I was present when my name was called and refrained from voting for the reason that I was paired with the gentleman from South Carolina [Mr. DIBBLE]. Believing that if present he would vote for this proposition I desire, if it be in order, to be recorded in the affirmative, so as not to break a quorum.

Mr. BOYLE. I object.

Mr. OATES. The gentleman from New York [Mr. BLISS] came in during the roll-call, but after his name had been passed. I ask unanimous consent that he may vote in order to make a quorum.

The SPEAKER *pro tempore*. Was the gentleman in the Hall at the time his name was called, and did he fail to hear it? If so, he is entitled to vote.

Mr. BOYLE. I object.

The SPEAKER *pro tempore*. It is not a matter for objection. If the gentleman is entitled to vote the objection is of no avail; and if he is not entitled to vote, the Chair can not entertain the request. The gentleman from New York can state the facts of the case. If he brings himself within the rule, objection is of no avail; if he does not, objection is unnecessary.

Mr. BOYLE. If I understand the rule, it is too late now for the gentleman to be allowed to vote.

The SPEAKER *pro tempore*. It is not too late if the gentleman brings himself within the rule.

Mr. BOYLE. But does he bring himself within the rule?

The SPEAKER *pro tempore*. That is the matter which the Chair is trying to find out.

Mr. BLISS. I was in during the roll-call, but not until after my name had been called, having gone to a committee-room on business with the gentleman from Pennsylvania [Mr. CURTIN] and his colleague [Mr. RANDALL].

The SPEAKER *pro tempore*. The gentleman's statement does not bring him within the rule.

Mr. TOWNSHEND. The gentleman from New York [Mr. BAKER] was in the Hall when his name was called.

The SPEAKER *pro tempore*. The gentleman from New York [Mr. BAKER] has stated that he was in the Hall when his name was called, but refrained from voting for the reason that he was paired. He now desires to vote, understanding that the gentleman with whom he is paired would, if here, vote on the same side of the question.

The Chair is inclined to think it does not bring him within the rule. It has been customary to entertain a request to vote when a party

stated he was in the Hall and refrained from voting because he thought he was paired, but subsequently ascertained he was not paired. The Chair knows of decisions to that extent, but none where a party refrained from voting because he was paired and afterward desired to vote.

Mr. CANNON. On second thought, not knowing how my pair would vote, I will record my vote.

Mr. BOYLE. I am advised that I am not paired. I refrained from voting on the supposition that I was paired with Mr. DIBBLE.

The SPEAKER *pro tempore*. The Chair thinks the gentleman comes within the rule and his vote will be recorded.

The following additional pairs were announced from the Clerk's desk:

Mr. BENNETT with Mr. HOPKINS, for the rest of the evening.

Mr. HERBERT with Mr. SPOONER, for the evening session.

Mr. LE FEVRE with Mr. BUTTERWORTH, for the rest of the day.

Mr. ERMENTROUT with Mr. HIESTAND, for the night session.

Mr. STONE, of Kentucky, with Mr. BRUMM, for the night session.

Mr. MAYBURY with Mr. JOHNSON, of New York, for the evening session.

Mr. GREEN, of North Carolina, with Mr. LOUTTIT, for the evening session.

Mr. ELLSBERRY with Mr. HENDERSON, of Iowa.

Mr. GEDDES with Mr. NELSON, for the evening session.

Mr. CATCHINGS with Mr. PERKINS, for the evening session.

Mr. OUTHWAITE with Mr. BURROWS, for the evening session.

Mr. TOWNSHEND. My colleague [Mr. WARD] states he was paired. He found out after his name was called that he was not paired. I submit to the Chair he is entitled to vote.

The SPEAKER *pro tempore*. If the gentleman makes that statement, he is entitled to vote.

Mr. WARD, of Illinois. I was paired with my colleague [Mr. HOPKINS], but after the roll-call I wished to be relieved, and Mr. BENNETT was substituted in my place.

Mr. BOYLE. The gentleman was not mistaken; he was paired.

The SPEAKER *pro tempore*. The Chair thinks he does not come within the rule.

The vote was then announced as above recorded.

Mr. BOYLE. No quorum has voted.

Mr. COBB. I move there be a call of the House.

The House divided; and there were—ayes 71, noes 18.

So the motion was agreed to.

The roll was called; and the following members failed to answer to their names:

Adams, J. J.	Dawson,	Le Fevre,	Robertson,
Aiken,	Dibble,	Libbey,	Rockwell,
Allen, C. H.	Dorsey,	Lindsley,	Rogers,
Allen, J. M.	Dowdney,	Lore,	Rowell,
Anderson, C. M.	Dunham,	Louttit,	Sawyer,
Arnot,	Ellsberry,	Lovering,	Scott,
Atkinson,	Ermentrout,	Matson,	Scranton,
Barbour,	Evans,	Maybury,	Seney,
Barksdale,	Farquhar,	McAdoo,	Shaw,
Beach,	Gay,	McComas,	Smalls,
Belmont,	Geddes,	McKenna,	Spooner,
Bennett,	Gibson, C. H.	McKinley,	Spriggs,
Bland,	Gibson, Eustace	Merriman,	Steele,
Blound,	Glass,	Millard,	Stewart, J. W.
Bragg,	Glover,	Miller,	St. Martin,
Brown, C. E.	Goff,	Mitchell,	Stone, W. J., Ky.
Browne, T. M.	Green, W. J.	Morrill,	Swinburne,
Brumm,	Grout,	Morrow,	Symes,
Buchanan,	Hammond,	Muller,	Taylor, E. B.
Buck,	Hanback,	Nelson,	Taylor, I. H.
Burleigh,	Harris,	Norwood,	Thomas, J. R.
Burrows,	Hatch,	O'Donnell,	Throckmorton,
Butterworth,	Haynes,	O'Ferrall,	Van Schaick,
Cabell,	Heard,	O'Hara,	Wadsworth,
Caldwell,	Henderson, D. B.	O'Neill, Charles	Wait,
Campbell, J. M.	Henley,	Outhwaite,	Wakefield,
Campbell, J. E.	Herbert,	Owen,	Wallace,
Campbell, T. J.	Hewitt,	Payne,	Ward, T. B.
Caswell,	Hiestand,	Perkins,	Warner, William
Catchings,	Hires,	Peters,	Weber,
Collins,	Hopkins,	Phelps,	West,
Compton,	Houk,	Pidcock,	White, A. C.
Crain,	Howard,	Pirce,	White, Milo
Cutcheon,	Hudd,	Plumb,	Whiting,
Daniel,	Johnson, F. A.	Ranney,	Wilkins,
Dargan,	Kelley,	Reese,	Wise,
Davenport,	Ketcham,	Rice,	Wolford.
Davis,	King,	Riggs,	

The SPEAKER *pro tempore*. The doors will now be closed, and the names of the absentees will be called for excuses.

Mr. LAWLER. I have seen this performance gone through more than once, and I have never yet seen it come to anything.

The SPEAKER *pro tempore*. The Chair will state that a quorum have responded to their names.

Mr. TOWNSHEND. Then we ought to dispense with all further proceedings under the call.

The SPEAKER *pro tempore*. That motion is in order, if the motion to adjourn be withdrawn.

Mr. LAWLER. I will withdraw my motion to adjourn, and move that the absentees be excused in gross.

The SPEAKER *pro tempore*. That can only be done by unanimous consent.

Mr. LAWLER. I ask by unanimous consent that the question be acted on in that shape.

The SPEAKER *pro tempore*. Is there objection?

Several members objected.

The SPEAKER *pro tempore*. The roll of absentees will now be called for excuses.

Mr. HISCOCK. How many members answered to their names?

The SPEAKER *pro tempore*. One hundred and seventy, which is more than a quorum.

Mr. HISCOCK. I move then to dispense with all further proceedings under the call.

The motion was agreed to.

Mr. COBB. I suppose the next thing in order will be the call of the roll?

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Indiana for the previous question on the bill and amendments.

Mr. BOYLE. Mr. Speaker, will it not be necessary to carry out the order of the House for the call of the roll?

The SPEAKER *pro tempore*. If that is demanded it will be.

Mr. BOYLE. The yeas and nays have been ordered, and I ask for the execution of the order.

The SPEAKER *pro tempore*. The Clerk will call the roll.

The question was taken; and there were—yeas 125, nays 20, not voting 177; as follows:

YEAS—125.

Baker,	Dougherty,	Landes,	Sayers,
Ballentine,	Dunn,	Lanham,	Seymour,
Barnes,	Eldredge,	Lawler,	Singleton,
Barry,	Ely,	Lehlbach,	Skinner,
Blanchard,	Everhart,	Little,	Snyder,
Bliss,	Fisher,	Long,	Sowden,
Blount,	Forney,	Lowry,	Stewart, Charles
Boutelle,	Frederick,	Lyman,	Stone, E. F.
Breckinridge, C. R.	Fuller,	Mahoney,	Stone, W. J., Mo.
Breckinridge, WCP.	Gallinger,	Martin,	Storm,
Buck,	Gilfillan,	McCreary,	Strait,
Burnes,	Green, R. S.	McMillin,	Struble,
Bynum,	Guenther,	McRae,	Swope,
Campbell, Felix	Hall,	Milliken,	Tarsney,
Candler,	Halsell,	Morgan,	Taylor, J. M.
Carleton,	Harmer,	Morrison,	Taylor, Zach.
Clardy,	Hayden,	Murphy,	Townshend,
Clements,	Henderson, J. S.	Neal,	Trigg,
Cobb,	Hepburn,	Neece,	Tucker,
Comstock,	Hitt,	Negley,	Turner,
Conger,	Holmes,	Oates,	Van Eaton,
Cooper,	Hutton,	O'Neill, J. J.	Viele,
Cowles,	Irion,	Osborne,	Ward, J. H.
Cox,	Jackson,	Payson,	Warner, A. J.
Crisp,	Johnston, J. T.	Peel,	Wellborn,
Croxton,	Johnston, T. D.	Perkins,	Wheeler,
Culberson,	Jones, J. H.	Pindar,	Willis,
Curtin,	Jones, J. T.	Reagan,	Winans,
Davidson, A. C.	Ketcham,	Reid, J. W.	Worthington.
Davidson, R. H. M.	King,	Richardson,	
Dingley,	Laffoon,	Romeis,	
Dockery,	Laird,	Sadler,	

NAYS—20.

Bayne,	Fleeger,	Holman,	Reed, T. B.
Bingham,	Funston,	Kleiner,	Springer,
Brown, W. W.	Hemphill,	La Follette,	Taulbee,
Bunnell,	Hermann,	Parker,	Thomas, O. B.
Eden,	Hill,	Price,	Weaver, J. B.

NOT VOTING—177.

Adams, G. E.	Dargan,	Hires,	Payne,
Adams, J. J.	Davenport,	Hiscock,	Perry,
Aiken,	Davis,	Hopkins,	Peters,
Allen, C. H.	Dawson,	Houk,	Pettibone,
Allen, J. M.	Dibble,	Howard,	Phelps,
Anderson, C. M.	Dorsey,	Hudd,	Pidcock,
Anderson, J. A.	Dowdney,	James,	Pirce,
Arnot,	Dunham,	Johnson, F. A.	Plumb,
Atkinson,	Ellsberry,	Kelley,	Randall,
Barbour,	Ermentrout,	Le Fevre,	Ranney,
Barksdale,	Evans,	Libbey,	Reese,
Beach,	Farquhar,	Lindsley,	Rice,
Belmont,	Felton,	Lore,	Riggs,
Bennett,	Findlay,	Louttit,	Robertson,
Bland,	Foran,	Lovering,	Rockwell,
Bound,	Ford,	Markham,	Rogers,
Boyle,	Gay,	Matson,	Rowell,
Brady,	Geddes,	Maybury,	Ryan,
Bragg,	Gibson, C. H.	McAdoo,	Sawyer,
Brown, C. E.	Gibson, Eustace	McComas,	Scott,
Browne, T. M.	Glass,	McKenna,	Scranton,
Brumm,	Glover,	McKinley,	Seney,
Buchanan,	Goff,	Merriman,	Sessions,
Burleigh,	Green, W. J.	Millard,	Shaw,
Burrows,	Grosvenor,	Miller,	Smalls,
Butterworth,	Grout,	Mills,	Spooner,
Cabell,	Hale,	Mitchell,	Spriggs,
Caldwell,	Hammond,	Moffatt,	Stahlnecker,
Campbell, J. E.	Hanback,	Morrill,	Steele,
Campbell, J. M.	Harris,	Morrow,	Stephenson,
Campbell, T. J.	Hatch,	Muller,	Stewart, J. W.
Cannon,	Haynes,	Nelson,	St. Martin,
Caswell,	Heard,	Norwood,	Stone, W. J., Ky
Catchings,	Henderson, D. B.	O'Donnell,	Swinburne,
Collins,	Henderson, T. J.	O'Ferrall,	Symes,
Compton,	Henley,	O'Hara,	Taylor, E. B.
Crain,	Herbert,	O'Neill, Charles	Taylor, I. H.
Cutcheon,	Hewitt,	Outhwaite,	Thomas, J. R.
Daniel.	Hiestand,	Owen,	Thompson,

Throckmorton,	Wakefield,	West,	Wise,
Tillman,	Wallace,	White, A. C.	Wolford,
Van Schaick,	Ward, T. B.	White, Milo	Woodburn.
Wade,	Warner, William	Whiting,	
Wadsworth,	Weaver, A. J.	Wilkins,	
Wait,	Weber,	Wilson,	

So no quorum voted.

Mr. WEAVER, of Iowa. I ask unanimous consent to dispense with the reading of the names.

Mr. BOYLE. I object.

The Clerk then recapitulated the names of those voting.

The following additional pairs were announced:

Mr. BOYLE with Mr. ANDERSON, of Kansas.

Mr. WILKINS with Mr. MORRILL.

The result of the vote was then announced as above recorded.

The SPEAKER *pro tempore*. No quorum has voted.

Mr. COBB. Mr. Speaker, it is evident from the call of the House, and the roll-call now, that gentlemen are here who refuse to vote, and therefore it will be impossible, I presume, to pass this bill or anything to-night. I therefore move that the House do now adjourn. [Cries of "No!" "No!"]

Mr. WEAVER, of Iowa. Can not we lay this bill aside and take up another? [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The regular order is the question on the motion of the gentleman from Indiana.

The question was taken; and on a division there were—ayes 55, noes 53.

Mr. SOWDEN and others demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 23, nays 109, not voting 190; as follows:

YEAS—23.

Ballentine,	Davidson, R. H. M.	Landes,	Reagan,
Blount,	Eden,	Martin,	Romeis,
Candler,	Forney,	Morgan,	Trigg,
Clements,	Hayden,	Morrison,	Turner,
Cobb,	Henderson, J. S.	Oates,	Van Eaton.
Curtin,	Hill,	Price,	

NAYS—109.

Adams, G. E.	Felton,	La Follette,	Sowden,
Anderson, J. A.	Fisher,	Laird,	Springer,
Baker,	Fleeger,	Lanham,	Stephenson,
Bayne,	Frederick,	Lawler,	Stewart, Charles
Bingham,	Fuller,	Lehlbach,	Stone, W. J., Mo.
Bliss,	Funston,	Lowry,	Storm,
Boyle,	Gallinger,	Lyman,	Strait,
Breckinridge, C. R.	Gilfillan,	Mahoney,	Struble,
Breckinridge, WCP.	Green, R. S.	Markham,	Swope,
Brown, W. W.	Guenther,	McCreary,	Tarsney,
Bunnell,	Hall,	McMillin,	Taulbee,
Burnes,	Halsell,	McRae,	Taylor, J. M.
Bynum,	Hemphill,	Moffatt,	Taylor, Zach.
Campbell, Felix	Henderson, T. J.	Murphy,	Thomas, O. B.
Carleton,	Hepburn,	Neal,	Townshend,
Clardy,	Hermann,	Neece,	Tucker,
Conger,	Hiscock,	O'Neill, J. J.	Wade,
Cooper,	Hitt,	Osborne,	Ward, J. H.
Cowles,	Holman,	Parker,	Weaver, A. J.
Cox,	Holmes,	Peel,	Weaver, J. B.
Croxton,	Hopkins,	Pindar,	Wellborn,
Culberson,	Hutton,	Reed, T. B.	Wheeler,
Dockery,	Jackson,	Richardson,	Willis,
Dougherty,	Johnston, J. T.	Sadler,	Winans,
Dunn,	Johnston, T. D.	Sayers,	Worthington.
Eldredge,	Jones, J. H.	Sessions,	
Ely,	Kleiner,	Seymour,	
Everhart,	Laffoon,	Snyder,	

NOT VOTING—190.

Adams, J. J.	Catchings,	Hale,	McComas,
Aiken,	Collins,	Hammond,	McKenna,
Allen, C. H.	Compton,	Hanback,	McKinley,
Allen, J. M.	Comstock,	Harmer,	Merriman,
Anderson, C. M.	Crain,	Harris,	Millard,
Arnot,	Crisp,	Hatch,	Miller,
Atkinson,	Cutcheon,	Haynes,	Milliken,
Barbour,	Daniel,	Heard,	Mills,
Barksdale,	Dargan,	Henderson, D. B.	Mitchell,
Barnes,	Davenport,	Henley,	Morrill,
Barry,	Davidson, A. C.	Herbert,	Morrow,
Beach,	Davis,	Hewitt,	Muller,
Belmont,	Dawson,	Hiestand,	Negley,
Bennett,	Dibble,	Hires,	Nelson,
Blanchard,	Dingley,	Houk,	Norwood,
Bland,	Dorsey,	Howard,	O'Donnell,
Bound,	Dowdney,	Hudd,	O'Ferrall,
Boutelle,	Dunham,	Irion,	O'Hara,
Brady,	Ellsberry,	James,	O'Neill, Charles
Bragg,	Ermentrout,	Johnson, F. A.	Outhwaite,
Browne, T. M.	Evans,	Jones, J. T.	Owen,
Brown, C. E.	Farquhar,	Kelley,	Payne,
Brumm,	Findlay,	Ketcham,	Payson,
Buchanan,	Foran,	King,	Perkins,
Buck,	Ford,	Le Fevre,	Perry,
Burleigh,	Gay,	Libbey,	Peters,
Burrows,	Geddes,	Lindsley,	Pettibone,
Butterworth,	Gibson, C. H.	Little,	Phelps,
Cabell,	Gibson, Eustace	Long,	Pidcock,
Caldwell,	Glass,	Lore,	Pirce,
Campbell, J. M.	Glover,	Louttit,	Plumb,
Campbell, J. E.	Goff,	Lovering,	Randall,
Campbell, T. J.	Green, W. J.	Matson,	Ranney,
Cannon,	Grosvenor,	Maybury,	Reid, J. W.
Caswell,	Grout,	McAdoo,	Reese,
Rice,	Skinner,	Taylor, I. H.	Warner, William
Riggs,	Smalls,	Thomas, J. R.	Weber,
Robertson,	Spooner,	Thompson,	West,
Rockwell,	Spriggs,	Throckmorton,	White, A. C.
Rogers,	Stahlnecker,	Tillman,	White, Milo
Rowell,	Steele,	Van Schaick,	Whiting,
Ryan,	Stewart, J. W.	Viele,	Wilkins,
Sawyer,	St. Martin,	Wadsworth,	Wilson,
Scott,	Stone, E. F.	Wait,	Wise,
Scranton,	Stone, W. J., Ky.	Wakefield,	Wolford,
Seney,	Swinburne,	Wallace,	Woodburn.
Shaw,	Symes,	Ward, T. B.	
Singleton,	Taylor, E. B.	Warner, A. J.	

So the House refused to adjourn.

On motion of Mr. JACKSON, by unanimous consent the recapitulation of the names was dispensed with.

The result of the vote was then announced as above recorded.

The SPEAKER *pro tempore*. The question recurs on the demand for the previous question, on which the yeas and nays have been ordered.

Mr. COBB. Mr. Speaker, I rise for the purpose of asking to pass this bill over and take up Senate bill No. 149.

Mr. STRUBLE. I hope that will be done.

Mr. WEAVER, of Iowa. There ought to be no objection to that request. This is a little matter up in the State of Iowa——

Mr. HILL. Does that require unanimous consent?

The SPEAKER *pro tempore*. It does.

Mr. HILL. Then I object.

The SPEAKER *pro tempore*. The Clerk will call the roll.

Mr. BYNUM. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BYNUM. The roll-call on the motion for the previous question showed no quorum; and the roll-call just taken on the motion to adjourn also showed no quorum. I desire to know if we can transact business till we get a quorum.

The SPEAKER *pro tempore*. The next roll-call may show a quorum.

Mr. WEAVER, of Iowa. I desire to make a statement. I know the gentleman from Ohio [Mr. HILL] did not understand the object of the request. [Cries of "Regular order!"]

Mr. SOWDEN. I move that there be a call of the House.

The motion was not agreed to.

Mr. CULBERSON. I move that the House do now adjourn.

The motion was agreed to—ayes 52, noes 38.

And accordingly (at 10 o'clock and 48 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BALLENTINE: Memorial of Joseph M. Sowell, of Lawrence County, Tennessee, for payment of his war claim—to the Committee on War Claims.

By Mr. BYNUM: Petition of Laura Newberry, widow of Jefferson Newberry, late of Company H, Eleventh Indiana Volunteers, for a pension—to the Committee on Invalid Pensions.

By Mr. CLEMENTS: Papers relating to the claim of Newton Kinnebrew, of Richard Tucker, executor of David Luber; of Martha N. E. Rice, widow of Fleming Rice, of John Dejournett, of John W. Dunnahoo, of Matthew Harper, of Rebecca Hood, of William H. Johnson, and of Mary Ann Parton, of Floyd County; of Jane A. King, of Polk County; of Daniel Lowry, sr., and of Joseph H. Smith, of Walker County, Georgia—to the Committee on War Claims.

By Mr. HOUK: Petition of Sanford Johnson, of Tennessee, asking reference of claim to the Court of Claims—to the same committee.

By Mr. LITTLE: Petition of Azel B. Smith, guardian of minor children of Thomas B. Smith, late private in Company B, Twenty-third Missouri Volunteer Infantry, for a pension—to the Committee on Invalid Pensions.

Also, protest of Currie Post, No. 94, Grand Army of the Republic, of Cedarville, Ohio, against special taxation for payment of pensions—to the same committee.

By Mr. McCOMAS: Petition of James M. Lindsay, administrator of James Lindsay, deceased, late of Washington County; of Daniel C. Miller, of Frederick County; of Philip Beck, of Washington County, and of C. J. Maddox, of Montgomery County, Maryland, praying that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. CHARLES O'NEIL: Preamble and resolutions of the Engineers' Club, of Philadelphia, favoring competition in plans for the improvement of the entrance to New York Harbor—to the Committee on Rivers and Harbors.

By Mr. PETERS: Petition of citizens of Derby, Kans., favoring the bill pensioning Jesse G. Hamilton—to the Committee on Invalid Pensions.

By Mr. PETTIBONE: Petition of Thomas B. Moody, of Grainger County; of Jethro Hill, of Hamblen County, and of H. C. Smith, of Timber Ridge, Tenn., asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. ZACH. TAYLOR: Petition of John Henry, of Jefferson

County, and of C. M. Wellons, administrator of Solomon P. McKinnie, deceased, of Hardeman County, Tennessee, asking that their war claims be referred to the Court of Claims—to the same committee.

By Mr. WAKEFIELD: Petition of Philip Bardon and 136 others, of Sibley County, Minnesota, for the passage of an act embodying the recommendations of the national committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. WHEELER: Papers relating to the claim of William W. Campbell, administrator of James Campbell, of Jackson County, Alabama—to the Committee on War Claims.

The following petitions, asking for the passage of House bill 7887, repealing timber-culture, pre-emption, and desert-land acts; of House bill 7021, for adjustment of railroad and other land grants; of bill forfeiting all railroad land grants the conditions of which have not been strictly complied with; of House bill organizing the Territory of Oklahoma; of Senate bill opening a portion of the great Sioux reservation to settlement; of bill prohibiting aliens from holding land in the United States; of bill making Presidential and Congressional election days holidays, and punishing bribery; and of bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired, were severally referred to the Committee on the Public Lands:

By Mr. BAKER: Petition of Patrick Haggarty and 24 others, citizens of the first district of Delaware.

By Mr. FARQUHAR: Petition of members of Stephens Local Assemby, Knights of Labor, of Buffalo, N. Y.

By Mr. McCOMAS: Petition of 136 citizens of Lonaconing, and of James Finn and 24 others, citizens of Vale Summit, Md.

By Mr. PLUMB: Petition of Thomas M. Gent and 147 others, citizens of the eighth district of Illinois.

By Mr. E. F. STONE: Petition of Frank Welsh and 195 others, and of William M. Ginley and 43 others, citizens of the seventh district of Massachusetts.

SENATE.

MONDAY, *July* 26, 1886.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Saturday last was read and approved.

PETITIONS AND MEMORIALS.

Mr. WILSON, of Iowa. I present the petition of W. W. Allen and 70 other citizens of Richland, Iowa, praying for the passage of the bill (S. 1253) granting a pension to James D. Haworth, vetoed by the President, and stating the reasons for their request.

I am personally acquainted with a large number of the signers of this petition and know them to be among the best citizens of our State. Inasmuch as the Committee on Pensions report in favor of the passage of the bill over the President's veto, in order that the members of the Senate may know what this man's neighbors think of him I ask that the petition without the names be printed in the RECORD.

The petition was ordered to lie on the table and to be printed in the RECORD, as follows:

RICHLAND, IOWA, *July*, 1886.

To the Senate and House of Representatives of the United States in Congress assembled:

GENTLEMEN: We, the undersigned, your petitioners and citizens of Richland and vicinity, who are well acquainted with our fellow-citizen, James D. Haworth, late of Company H, Thirty-third Iowa Infantry, whom many of us have known for many years, even for a time before the late war of the rebellion, and know him to be a good citizen and deserving ex-soldier, would most respectfully ask that whereas your honorable bodies did both pass Senate bill No. 1253, granting a pension to said James D. Haworth because of disabilities incurred during his three years' service in the United States Army; and

Whereas Grover Cleveland, President of the United States, vetoed said bill, thus depriving a good soldier and honest citizen of his just dues; and

Whereas from what we know of the case personally we believe said soldier's claim to be a just one, and that he ought to be placed on the pension-list:

Therefore we most respectfully pray that each of your honorable bodies take such action as shall secure to him his just dues.

Mr. McPHERSON. I present ten different petitions, signed by a large number of citizens of New Jersey, praying for the passage of eight different bills as heretofore stated. I move the reference of the petitions to the Committee on Finance.

The motion was agreed to.

Mr. GORMAN. I present a similar petition of James Finn and 24 other citizens of the sixth Congressional district of Maryland, praying for the passage of the eight bills referred to. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. RIDDLEBERGER presented the petition of Samuel Baker and 64 other citizens of the fifth Congressional district of Virginia, and the petition of George H. Wilson and 104 other citizens of the second Congressional district of Virginia, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the distribution of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. HOAR presented the petition of Matthew McFarlan Lewey, late of Company D, Eleventh Massachusetts Volunteers, praying to be allowed an increase of pension; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. BLAIR, from the Committee on Education and Labor, to whom was referred the bill (S. 2857) to grant leaves of absence to employés of the Bureau of Engraving and Printing, reported it with amendment.

Mr. BLAIR. I am directed by the Committee on Education and Labor, to whom was referred the joint resolution (S. R. 6) proposing an amendment to the Constitution in relation to alcoholic liquors and other poisonous beverages, to report it without amendment, and submit a report thereon. It is the report of the majority, and there may be views of the minority.

Mr. McPHERSON, from the Committee on Naval Affairs, to whom was referred the bill (S. 2870) for the relief of Alfred B. Mullett, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

CONVICT LABOR.

Mr. BLAIR. I am instructed by the Committee on Education and Labor, to whom was referred the joint resolution (H. Res. 142) authorizing and directing the Commissioner of Labor to make an investigation as to convict labor, and for other purposes, to report it without amendment.

As this is simply directory to the Commissioner with reference to the discharge of his duties, and requires that he may make this investigation during the present year out of funds already appropriated for the expenses of his bureau, I ask that the joint resolution be put on its passage.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution; which was read, as follows:

Resolved, &c., That the Commissioner of Labor be, and he is hereby, authorized and directed, under the direction of the Secretary of the Interior, to make a full investigation as to the kind and amount of work performed in the penal institutions of the several States and Territories of the United States and the District of Columbia, as to the methods under which convicts are or may be employed, and as to all the facts pertaining to convict labor and the influence of the same upon the industries of the country, and embody the results of such investigation in his second annual report to the Secretary of the Interior: *Provided*, That the investigation hereby authorized can be carried out under the appropriations made for the expenses of the Bureau of Labor for the fiscal year ending June 30, 1887.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALASKA AND BRITISH COLUMBIA BOUNDARY.

Mr. MANDERSON. There came to the Committee on Printing a report of the Secretary of State relative to the frontier line between Alaska and the British possessions. This report was accompanied by numerous maps bearing upon the subject, and the question of their printing was referred to the Committee on Printing. The committee upon investigation found that the cost of the reproduction of the maps, many of which are in print, would be some six or seven thousand dollars. The committee took the liberty of consultation with the Secretary of State, who has withdrawn his demand for the printing of these voluminous maps, and selected but one or two of the number needed to be reproduced.

We find that the cost of printing the accompanying documents thus reduced will be, for the usual number, $450, and for 100 additional for the State Department, $36.30.

I ask that the report and accompanying resolution be read and now considered, providing that the usual number be printed, and 100 additional copies for the use of the State Department.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the report and resolution, as follows:

The Committee on Printing, to whom was referred the map and documents accompanying the message from the President of the United States on the location of the frontier line between Alaska and British Columbia, having considered the same, respectfully report:

The message of the President of the United States dated May 17, 1886, was accompanied by a report from the Secretary of State, with accompanying papers and several maps. The message was read and ordered to be printed, and the accompanying maps and documents were referred to the Committee on Printing.

The committee found on examination that the publication, or rather republication, of the larger portion of the documents accompanying the report of the Secretary of State might be dispensed with, and on calling the attention of the Secretary of State to the fact that it already existed in print he withdrew it.

Your committee recommend the printing of the report of the Secretary of State with the accompanying maps and documents, and that 100 additional copies be printed for the use of the Department of State.

Resolved, That the documents and maps accompanying the message of the President of the United States on the location of the boundary line between Alaska and British Columbia be printed, and that 100 additional copies be printed for the Department of State.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution reported by the committee.

The resolution was agreed to.

MAP OF UNITED STATES.

Mr. MANDERSON. I am also directed by the Committee on Printing to report back favorably with amendments the joint resolution (H. Res. 160) to authorize the Commissioner of the General Land Office to

cause 15,000 copies of the map of the United States and Territories to be printed. I ask for its present consideration.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendments reported by the Committee on Printing were, in line 6, after the word "each," to strike out "15,000" and insert "3,500;" in line 8, to strike out "4,500" and insert "1,000;" in line 9, to strike out "10,000" and insert "2,000;" and in line 12, before the word "dollars," to strike out "twenty thousand two hundred and fifty" and insert "four thousand seven hundred and twenty-five;" so as to make the joint resolution read:

Be it resolved, &c., That the Commissioner of the General Land Office be, and he is hereby, directed to cause to be printed, under the existing contract, at a rate not exceeding $1.35 each, 3,500 additional copies of the map of the United States, edition of 1885; 1,000 of which shall be for the use of the Senate, and 2,000 copies for the use of the House of Representatives, and 500 copies for the use of the Commissioner of the General Land Office; and the sum of $4,725, or so much thereof as may be necessary, is hereby appropriated for that purpose out of any money in the Treasury not otherwise appropriated.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The title was amended so as to read: "A joint resolution to authorize the Commissioner of the General Land Office to cause 3,500 copies of the map of the United States and Territories to be printed."

Mr. MANDERSON. I move that the Senate insist on its amendments, and ask for a committee of conference with the House of Representatives.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. MANDERSON, Mr. HAWLEY, and Mr. GORMAN were appointed.

REPORTS OF CONGRESSIONAL COMMITTEES.

Mr. MANDERSON. I am also directed by the Committee on Printing to report favorably without amendment the joint resolution (H. Res. 22) authorizing the preparation of a compilation of the reports of committees of the Senate and House of Representatives. I ask for its present consideration.

By unanimous consent, the Senate as in Committee of the Whole, proceeded to consider the joint resolution. It provides that there shall be prepared, under the direction of the Joint Committee on Printing, a compilation of the reports of the Senate and House of Representatives from the Fourteenth to the Forty-eighth Congress, inclusive, classified by committees, arranged, indexed, and bound in suitable volumes, for the use of the standing committees of the two Houses of Congress, and appropriates $7,750 for the preparation of the work.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DIGEST OF OPINIONS OF ATTORNEYS-GENERAL.

Mr. MANDERSON. I am also directed by the Committee on Printing to report back the concurrent resolution submitted by the Senator from Missouri [Mr. COCKRELL] July 7, 1886, for printing 6,000 additional copies of the Digest of the Official Opinions of the Attorneys-General of the United States from 1789 to 1881, and I ask for its present consideration.

By unanimous consent, the Senate proceeded to consider the resolution, which was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 6,000 additional copies of the Digest of the Official Opinions of the Attorneys-General of the United States from 1789 to 1881; of which 2,000 copies shall be for the use of the Senate and 4,000 copies for the use of the House of Representatives.

Mr. HOAR. We ought to have added a digest of the opinions of the Attorneys-General down to the present date, which could be added in a very short time by a clerk there, because otherwise this document will have grown old like an old edition of an encyclopedia before it is published; it will be born worthless. I move to add to the resolution:

With which shall be included a digest of such official opinions from 1881 to the date of publication.

Mr. MANDERSON. I do not object to that amendment.

Mr. COCKRELL. I hope the amendment suggested by the Senator from Massachusetts will be made. It will not cost much labor.

Mr. MANDERSON. I have no objection to it.

The amendment was ageeed to.

The concurrent resolution as amended was agreed to.

ELECTRICAL CONFERENCE REPORT.

Mr. MANDERSON. I am also directed by the Committee on Printing to report back a Senate concurrent resolution to print 2,500 additional copies of the report of the electrical conference at Philadelphia in 1884. I ask that it be considered at this time and that a letter from the State Department in connection therewith be read.

By unanimous consent the Senate proceeded to consider the concurrent resolution, which had been submitted by Mr. MANDERSON March 23, 1886, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 2,500 additional copies of the report of the electrical conference at Philadelphia in 1884, being Senate Executive Document No. 45, Forty-ninth Congress, first session, for the use of the Department of State.

The PRESIDENT *pro tempore*. The accompanying letter from the Secretary of State will be read.

The Chief Clerk read as follows:

DEPARTMENT OF STATE, *Washington, March* 22, 1886.

SIR: The report of the United States Electrical Commission, together with the proceedings of the national conference of electricians in 1884, was communicated to Congress by the President on the 25th of January last and is now going through the press.

As it is desirable that copies of this report should be furnished to all the delegates participating in the conference, and it being deemed advisable, with a view to the dissemination of the important results of the conference, to furnish foreign governments also with copies of the report, I therefore have the honor to recommend that 2,500 additional copies be printed for the purpose herein expressed. Inclosing a draught of a resolution,

I have the honor to be, sir, your obedient servant,

T. F. BAYARD.

Hon. CHARLES F. MANDERSON,
Chairman Committee on Printing, Senate.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The concurrent resolution was agreed to.

THOMAS R. WARE.

Mr. GEORGE. I am directed by the Committee on the Judiciary to report favorably without amendment the bill (H. R. 7881) to remove the political disabilities of Thomas R. Ware, of Virginia, and I ask unanimous consent that the bill may be put on its passage.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed, two-thirds of the Senators present voting in the affirmative.

MINT REPORT.

Mr. GORMAN. I am instructed by the Committee on Printing to report favorably with amendments the concurrent resolution of the House of Representatives for printing the report of the Director of the Mint on the production of the precious metals in the United States. I ask for its present consideration.

By unanimous consent the Senate proceeded to consider the concurrent resolution; which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the report of the Director of the Mint on the production of the precious metals in the United States for the year 1885 be printed, and that 6,000 extra copies be printed; 4,000 copies for the use of the House of Representatives, 2,000 copies for the use of the Senate.

The amendments of the Committee on Printing were, in line 6, to strike out "six" and insert "nine;" and at the end of the resolution to add: "And 3,000 copies for the use of the Director of the Mint;" so as to make the resolution read:

Resolved by the House of Representatives (the Senate concurring), That the report of the Director of the Mint on the production of the precious metals in the United States for the year 1885 be printed, and that 9,000 extra copies be printed; 4,000 copies for the use of the House of Representatives, 2,000 copies for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

Mr. GORMAN. I move that the Senate insist on its amendments and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. GORMAN, Mr. MANDERSON, and Mr. HAWLEY were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 6664) to increase the naval establishment; in which it requested the concurrence of the Senate.

BILLS INTRODUCED.

Mr. VEST introduced a bill (S. 2875) to determine and settle final alanc es of accounts due to and from the United States Government, and for other purposes; which was read twice by its title, and referred to the Committee on Finance.

Mr. CALL (by request) introduced a bill (S. 2876) to transfer a certain lot or tract of land in the city of Saint Augustine, Fla., known as the "Old Powder-House" lot, to the city of Saint Augustine, Fla., in trust, for educational, library, and park purposes; which was read twice by its title, and referred to the Committee on the Public Lands.

A. K. CUTTING.

Mr. INGALLS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested, if not incompatible with the public interests, to communicate to the Senate such information as may be in his possession concerning the alleged illegal detention of A. K. Cutting, an American

citizen, by the Mexican authorities at El Paso del Norte, and also whether any additional United States troops have been recently ordered to Fort Bliss.

LOUISIANA PRIVATE LAND CLAIMS.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolution," the Chair lays before the Senate a resolution which comes over under objection.

The Chief Clerk read the following resolution, submitted by Mr. GIBSON July 24, 1886:

Resolved by the Senate of the United States, That the Secretary of the Interior is hereby directed to inform the Senate, on or before its next regular session, what progress has been made annually by the surveyor-general of Louisiana in satisfying and adjusting the confirmed and unsatisfied private land claims in said State, as required by the third section of the act of Congress approved June 2, 1858, entitled "An act to provide for the location of certain confirmed private land claims in the State of Missouri, and for other purposes."

And especially to inform the Senate—

First. The whole number and aggregate quantity, as near as may be, of said claims in the said State wholly or partially unsatisfied at the date of said act and entitled to relief under its provisions.

Second. The number and aggregate quantity of said claims finally satisfied and adjusted under said act, and the number and aggregate quantity remaining unsatisfied.

Third. What defect, in his opinion, if any, in existing laws, executive regulations and decisions, or otherwise, impedes the adjustment of said claims under said law, and what new legislation and changes in said regulations and decisions, if any, are required, in his opinion, to enable the said surveyor-general to finally adjust and settle said claims.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. HOAR. I think it was the intention of the Senator from Louisiana to strike out a portion of the third clause of the resolution.

Mr. GIBSON. If the Senator from Massachusetts insists upon it, I have no objection. I think it is quite usual for the Secretaries to come before the committees of Congress and make suggestions and give information.

Mr. HOAR. We have a right to direct the Departments to furnish evidence and facts or documents in their possession, but I do not think we have a right to require them to express an opinion. I do not think we have a right to give an order which the Department is under no obligation to obey.

Mr. GIBSON. I have no desire to insist on retaining that portion of the third clause. I wish to say, however, to the Senator from Massachusetts that this resolution was submitted to the Secretary of the Interior, and he had no objection to it whatever. I offered it by request. I will ask that the resolution be amended by striking out the concluding lines of the third clause, which direct the Secretary of the Interior to report what new legislation, &c., is, in his opinion, required.

Mr. HOAR. The objection was made by the Senator from Vermont [Mr. EDMUNDS].

Mr. PLUMB. I wish to say that I do not think the resolution is unusual in form. I certainly think I remember the Senate having adopted resolutions calling on various Secretaries for a statement as to what, if any, legislation would be necessary to accomplish certain objects. It is the suggestion of a form from the Department which has finally to administer the law, and I do not think it would be amenable to any of the objections which the Senator from Massachusetts has stated.

Mr. HOAR. The Senator will pardon me. I do not know whether there be any precedent or not, but I thought when the Senator from Vermont made his point the other day that it was well taken, and that if any such practice ever existed it was an irregular one and puts the Departments into a new and awkward relation with the President. The President has the right to recommend to us such legislation as he sees fit, and when such recommendation comes from the heads of Departments it comes in reports made to the President and by him forwarded either with or without his indorsement, but it comes from him.

It seems to me without the intervention of the President, for each head of an Executive Department to recommend such legislation as he thinks best, especially when directed to do it, would make a very irregular relation between the Departments and the President. Suppose the head of each of these Departments happened to differ with the President about some matter in his Department, or to make a recommendation to Congress one way and the President the other. Of course this particular case is an unimportant one, but it seems to me if we want suggestions about the recommendations of a Department we should apply to the President, and he should obtain from the head of the Departments the suggestions and transmit them to Congress.

Mr. GIBSON. I concur in the theory stated by the Senator from Massachusetts. Technically it is correct; but I think a different practice has prevailed for many years. We are in the custom of calling the Secretaries before our committees and calling upon them for information and suggestions.

Mr. PLUMB. And we send bills to them for their approval or suggestions of amendment.

Mr. GIBSON. Certainly. This body has often called on the Secretary of the Treasury to give suggestions as to what legislation was necessary in relation to the finances of the country, or funding the public debt and various measures which he does without having consulted the President at all. I will modify my resolution, however.

The PRESIDENT *pro tempore*. The Senator from Louisiana modifies the resolution. The proposed modification will be stated.

The CHIEF CLERK. It is proposed to strike out the latter part of the third clause of the resolution in the following words:

And what new legislation and changes in said regulations and decisions, if any, are required, in his opinion, to enable the said surveyor-general to finally adjust and settle said claims.

So as to make the resolution read:

Resolved by the Senate of the United States, That the Secretary of the Interior is hereby directed to inform the Senate, on or before its next regular session, what progress has been made annually by the surveyor-general of Louisiana in satisfying and adjusting the confirmed and unsatisfied private land claims in said State, as required by the third section of the act of Congress approved June 2, 1858, entitled "An act to provide for the location of certain confirmed private land claims in the State of Missouri, and for other purposes."

And especially to inform the Senate—

First. The whole number and aggregate quantity, as near as may be, of said claims in the said State wholly or partially unsatisfied at the date of said act and entitled to relief under its provisions.

Second. The number and aggregate quantity of said claims finally satisfied and adjusted under said act, and the number and aggregate quantity remaining unsatisfied.

Third. What defect in his opinion, if any, in existing laws, executive regulations and decisions, or otherwise, impedes the adjustment of said claims under said law.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

TREASURY SURPLUS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate as a part of the morning business a resolution submitted by the Senator from Texas [Mr. COKE] which comes over under objection.

The resolution submitted July 24, 1886, by Mr. COKE was read, as follows:

Resolved, That the Committee on Finance be discharged from the further consideration of House joint resolution No. 126, "directing payment of the surplus in the Treasury on the public debt."

Mr. COKE. I ask that House joint resolution 126, referred to in my resolution, be read.

The PRESIDENT *pro tempore*. The Chair feels authorized as a member of the Committee on Finance to state to the Senator from Texas that the joint resolution will in all human probability be reported to-morrow from that committee. Whether the Senator would care about pressing the resolution under that statement, it is for him to determine.

Mr. COKE. I shall not press the resolution this morning upon the information given me by the Chair. My object is to get the joint resolution before the Senate. It is a matter of great importance to the country and to the Treasury Department. The joint resolution was passed by the House of Representatives on the 14th of July. It has been since that time in the Senate. The session is drawing to a close, and it ought to be acted on during this session of Congress.

I am satisfied with the statement of the Chair that the joint resolution will be reported to-morrow, and will agree that my resolution may go over.

The PRESIDENT *pro tempore*. The resolution will be passed over.

DISTRICT STREET RAILROADS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution submitted by the Senator from Missouri [Mr. VEST] which comes over under objection. It will be read.

The Chief Clerk read the resolution submitted by Mr. VEST July 24, 1886, as follows:

Resolved, That the Committee on the Judiciary be instructed to inquire whether the chartered rights and powers of the corporations owning and operating street railroads in the city of Washington, D. C., are such as to prevent appropriate legislation by Congress requiring said corporations to remove or alter the rails now used by them, and the road-beds of said roads as now constructed within said city; and that the committee report in writing to the Senate on the first Monday in December next, or as soon thereafter as practicable.

Mr. VEST. Since offering the resolution I have had a conversation with the chairman of the Committee on the District of Columbia. This matter, I find, is pending substantially before that committee. I ask unanimous consent to modify the resolution so as to make it read "that the Committee on the District of Columbia be instructed," and let the resolution then go to that committee.

The PRESIDENT *pro tempore*. The Senator has a right to modify the resolution; and as amended it will be referred to the Committee on the District of Columbia.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7087) authorizing and directing the Secretary of the Interior to extend the time for the payment of the purchase-money on the sale of the reservation of the Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas.

The message also announced that the House still further insisted upon its disagreement to the amendments of the Senate numbered 2, 17, 88, 179, and 180 to the bill (H. R. 8974) making appropriations for

the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOLMAN, Mr. CABELL, and Mr. CANNON managers at the further conference on the part of the House.

FORTIFICATION APPROPRIATION BILL.

Mr. DAWES. The Committee on Appropriations, to whom was referred the bill (H. R. 9798) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1887, and for other purposes, have instructed me to report the same back with amendments. I give notice that as soon as the deficiency bill is disposed of, or as early thereafter as practicable, I will call this bill up for action.

OTOE AND MISSOURIA LANDS.

Mr. DAWES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7087) authorizing and directing the Secretary of the Interior to extend the time for the payment of the purchase-money on the sale of the reservation of the Otoe and Missouria tribes of Indians, in the States of Nebraska and Kansas, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to said bill, and agree to the same, with an amendment as follows: Add to said Senate amendment the following: "*Provided further*, That no forfeiture shall be deemed to have accrued solely because of a default in payment of principal or interest becoming due April 30, 1886, if the interest due upon said date shall be paid within sixty days after the passage of this act."

And that the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same.

H. L. DAWES,
BENJ. HARRISON,
S. B. MAXEY,
Managers on the part of the Senate.

OLIN WELLBORN,
T. G. SKINNER,
B. W. PERKINS,
Managers on the part of the House.

The report was concurred in.

WILLIAM P. CHAMBLISS.

Mr. MANDERSON. I wish to call attention to the fact that the bill (H. R. 68) for the relief of William P. Chambliss, that passed by a mistake occurring in the House, contains a wrong initial. I therefore move to reconsider the vote by which the Senate agreed to the conference report on that bill.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The Senator from Nebraska moves to reconsider the vote by which the Senate agreed to the report of the commitee of conference on House bill No. 68.

The motion was agreed to.

Mr. MANDERSON. I now present a new conference report, that I ask may be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 68) for the relief of William P. Chambliss, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

Strike out the name of William B. Chambliss wherever it appears in the bill and insert the name of William P. Chambliss.

CHARLES F. MANDERSON,
JOHN A. LOGAN,
Conferees on the part of the Senate.

FRANK L. WOLFORD,
JOSEPH WHEELER,
Conferees on the part of the House of Representatives.

The report was concurred in.

HOUSE BILL REFERRED.

The bill (H. R. 6664) to increase the naval establishment was read twice by its title, and referred to the Committee on Naval Affairs.

COURTS IN COLORADO.

Mr. TELLER. I desire to enter a motion to reconsider an amendment made by the Senate to House bill 3014. I ask that the bill may be recalled from the House.

Mr. HARRIS. What is the bill?

Mr. TELLER. A local bill. I ask unanimous consent to reconsider the amendment made by the Senate to the bill (H. R. 3014) to provide or terms of court in Colorado.

The PRESIDING OFFICER. The Senator from Colorado desires to reconsider the bill, as the Chair understands.

Mr. TELLER. I ask to recall the bill from the House of Representatives, and I wish to enter a motion to reconsider the amendment.

Mr. HARRIS. I suggest that the Senator move to reconsider the vote by which the bill passed. That is the way to get at his object, and then ask the House to return the bill.

Mr. TELLER. Very well. I should like to have my request put in such a way that it will accomplish what I want.

The PRESIDING OFFICER. The Senator from Colorado enters a motion to reconsider the vote by which the bill was passed, and also moves that the House of Representatives be requested to return the bill. Is there objection? The Chair hears none; and the order requesting the return of the bill will be made.

AMENDMENT TO A BILL.

Mr. MITCHELL, of Oregon, submitted an amendment intended to be proposed by him to the bill (H. R. 9736) to grant the Maricopa and Phœnix Railway Company of Arizona the right of way through the Gila River Indian reservation; which was refered to the Committee on Indian Affairs, and ordered to be printed.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate the following communication from the Secretary of the Treasury; which was referred to the Committee on Printing:

To the President pro tempore United States Senate.

SIR: I have the honor to transmit herewith, in compliance with Senate resolution dated the 24th instant, the compilation of the laws of the United States relating to loans and the currency, coinage, and banking, now being prepared in the Treasury Department.

It was the intention of the Department to include in the compilation any legislation which might be enacted during the present session of Congress, and it is respectfully suggested, if it be the pleasure of the Senate to direct the printing of the compilation, that it be returned to the Department for completion.

The index will be prepared when a paged proof shall have been received.

Very respectfully,

C. S. FAIRCHILD,
Acting Secretary.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with a resolution of the 23d instant, a list of claims of volunteer soldiers adjusted by the accounting officers of the Treasury since the allowance of those embraced in House Executive Document No. 294, amounting to $122,938.49.

Mr. COCKRELL. Perhaps that had better lie on the table instead of being referred to the Committee on Appropriations, as I shall move it as an amendment to the deficiency bill.

Mr. ALLISON. Why print it? It can not be printed in time.

Mr. COCKRELL. It ought to be printed afterward, so as to show the reason for our action; but we do not want it taken away.

The PRESIDENT *pro tempore*. The communication will lie on the table, and the order to print withheld until the deficiency bill is disposed of.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 5038) for the relief of Stephen Sauer;

A bill (H. R. 9208) to permit the entry free of duty of foreign goods for exhibition at the fourth biennial exhibition of the United States Bottlers' Protective Association;

A bill (S. 948) granting a pension to Joseph S. Moody;

A bill (S. 453) for the erection of a public building at Jacksonville, Fla.;

A bill (S. 1492) for the relief of Ellen Sadler, sister of John Sadler;

A bill (S. 1421) granting a pension to William H. Weaver;

Joint resolution (H. Res. 129) directing the Public Printer to forward the CONGRESSIONAL RECORD to our legations abroad; and

Joint resolution (H. Res. 54) to credit Lieutenants Giles B. Harber and William Schuetze with sea-duty and sea-pay while engaged in the search for Lieutenant Chipp and party, and also for the time employed in bringing home the remains of Lieutenant-Commander De Long and party.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of the deficiency appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9726) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1886, and for prior years, and for other purposes.

Mr. BLAIR. Saturday I gave notice that during the morning hour to-day I would ask the Senate to consider pension cases, but the Senator having charge of the deficiency bill has satisfied me that it will facilitate the public business if I give way, and ask for a corresponding courtesy on his part to-morrow morning.

The PRESIDENT *pro tempore*. The Senate having by unanimous consent dispensed with the formal reading of the bill, it will be read now for action upon the amendments of the Committee on Appropriations. The reading will be proceeded with.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, in section 1, under the head of "Department of State," in the clause making appropriations "for contingent expenses Department of State, to pay outstanding accounts," line 26, after the word "dollars," to insert:

Unionist Gazette, Somerville, N. J., 78 cents; Washington Post, $3; Baltimore Sun, $6.60; National Republican, $30; A. K. Williams, newspapers, $11.80.

The amendment was agreed to.

The next amendment was, in section 1, line 30, to increase the total amount of the appropriation for contingent expenses Department of State, to pay outstanding accounts, from $405.43 to $517.61.

The amendment was agreed to.

The next amendment was, in section 1, after line 79, to insert:

Salaries of charges d'affairés *ad interim:* To supply a deficiency in the appropriation for salaries of charges d'affaires *ad interim*, $8,100.

To supply deficiencies in the appropriations for salaries of charges d'affairés *ad interim* for the fiscal years 1879 and 1880, $30,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 87, to insert:

Contingent expenses foreign missions: To enable the proper accounting officers, without the payment of any money from the Treasury, to settle the accounts of United States ministers and others on account of the appropriation for "contingent expenses of foreign missions" for the fiscal year ending June 30, 1885, by means of utilizing the entire appropriations under that head generally; and, without regard to the division of the amount between specified and unspecified objects, authority is hereby granted for that purpose.

The amendment was agreed to.

The next amendment was, in section 1, after line 97, to insert:

To enable the accounting officers, without the payment of any money from the Treasury, to allow and credit Gustavus Goward, secretary of legation of the United States in Japan, the sum of $552.55, expended by him as bearer of dispatches from Washington to Tokio, Japan, in 1883, the same having been disallowed in his accounts.

The amendment was agreed to.

The next amendment was, in section 1, in the appropriations for "contingent expenses United States consulates," after line 153, to insert:

To pay Fulton Paul, late consul-general at Bucharest, for protest fees and expenses incurred by him on his draft for contingent expenses for second quarter of 1884, while consul at Odessa, Russia, returned to him on account of the exhaustion of the appropriation for contingent expenses United States consulates for the fiscal year ending June 30, 1884, $22.50.

The amendment was agreed to.

The next amendment was, in section 1, after line 239, to insert:

Rent of court-house and jail in Japan: For payment of the annual rental of the court-house and jail at Tokio, Japan, for the year ending March 15, 1886, $3,400.

The amendment was agreed to.

The next amendment was, in section 1, after line 267, to insert:

CIVIL SERVICE COMMISSION.

To pay amount found due by the accounting officers of the Treasury on account of contingent expenses, Civil Service Commission, being for the service of the fiscal year 1885, $73.62.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," in section 1, after line 329, to insert:

Coast and Geodetic Survey:

For party expenses Coast and Geodetic Survey, being a deficiency for the fiscal year 1885, $518.75.

For furnishing points for State surveys, being a deficiency for the fiscal year 1885, $350.50.

For general expenses Coast and Geodetic Survey, being a deficiency for the fiscal year 1885, $1,498.33.

For expense of lithographing illustrations for the Coast and Geodetic Survey annual report, during the fiscal year 1882, $75.

The amendment was agreed to.

The next amendment was, in section 1, after line 355, to insert:

For heating, hoisting, and ventilating apparatus, and for repairs to the same, for court-house and post-office building in New York, $4,092.

The amendment was agreed to.

The next amendment was, in section 1, after line 359, to insert:

To pay Mrs. Imogene Robinson Morrell for painting the portraits of Howell Cobb and John C. Spencer, ex-Secretaries of the Treasury, $1,000.

The amendment was agreed to.

The next amendment was, in section 1, to strike out the clause from line 380 to line 391, inclusive, as follows:

For repayment to importers the excess of deposits for unascertained duties, or duties or other moneys paid under protest, including interest and costs in judgment cases, the balance of the appropriation made by the deficiency act of August 5, 1882 (22 Statutes, page 260), for the purposes mentioned, and carried to the surplus fund June 30, 1885, amounting to $248,574.59, is hereby reappropriated for the same object and under the same limitations.

The amendment was agreed to.

The next amendment was, in section 1, after line 432, to insert:

For the maintenance of the United States carp-ponds in Washington and elsewhere, and the distribution of the young fish, including salaries or compensation of all necessary employés, being a deficiency for the fiscal year 1884, $226.03.

The amendment was agreed to.

The next amendment was, in section 1, after line 438, to insert:

For the maintenance of the vessels of the United States Fish Commission, including salaries or compensation of all necessary employés, being a deficiency for the fiscal year 1884, $178.78.

The amendment was agreed to.

The next amendment was to strike out the clause from line 453 to 455 of section 1, as follows:

To pay George Wardman, late assistant agent at the seal fisheries in Alaska, salary from date of his removal to date of his arrival home, and traveling expenses incurred by him in proceeding to his home, $696.25.

The amendment was agreed to.

The next amendment was, in section 1, after line 524, to insert:

In cases where vouchers and accounts based upon expenditures under appropriations heretofore made have been suspended or disallowed since January 1, 1885, the Secretary of the Treasury is hereby authorized and directed to cause to be revised by the accounting officers of the Treasury such disallowed or suspended accounts and vouchers; and upon such revision such accounts and vouchers, and payments covered by the same, shall be allowed by such accounting officers where it appears that the United States received and used or retained the consideration and value stipulated for by the appropriate executive officer of the Government who authorized and directed the payments in such cases to be made, or who authorized or directed the services rendered or the supplies or materials so furnished: *Provided*, That no fraud appears or is shown in such transaction.

The amendment was agreed to.

The next amendment was, in section 1, after line 540, to insert:

To enable the Secretary of the Treasury to pay a reasonable additional compensation to the employés of the Treasury Department who were actually employed during the months of July, August, September, and October, 1882, in addition to the usual business hours, on account of the work of exchanging bonds of the United States bearing 3½ per cent. interest for bonds bearing interest at the rate of 3 per cent. per annum, authorized by section 11 of "An act to enable national banking associations to extend their corporate existence, and for other purposes," approved July 12, 1882, to be paid by the said Secretary to those actually engaged as aforesaid, in such sums as shall seem to him to be just and equitable, as follows:

For employés in the division of loans and currency of the office of the Secretary of the Treasury, $1,384.48; the office of the Secretary of the Treasury, $1,384.48.

For employés in the division of records, files, and mail in said office, $564.56.

For employés in the office of the Register of the Treasury, $1,498.10.

For employés in the office of the Treasurer of the United States, $699.80; in all, $4,146.95.

The amendment was agreed to.

The next amendment was, in section 1, after line 567, to insert:

For expense of paving on Locust and Olive streets around the United States custom-house, Saint Louis, Mo., fiscal year 1884, $6,169.39.

The amendment was agreed to.

The next amendment was, in section 1, after line 572, to insert:

That the Secretary of the Treasury is hereby authorized and directed to pay to the Alamo Cement Company of San Antonio, Tex., for work done and material furnished by said company in constructing a permanent pavement around the United States arsenal in the city of San Antonio, Tex., $8,233.13.

The amendment was agreed to.

The next amendment was, under the head of "District of Columbia," in section 1, after line 624, to insert:

For completion of the boundary sewer, $20,000.

The amendment was agreed to.

The next amendment was, in section 1, line 686, after the words "submit to," to strike out:

The board of engineers for fortifications and for river and harbor improvements whether any changes are demanded for reasons of safety or economy in the method of lining said tunnel heretofore adopted and pursued.

And in lieu thereof to insert:

A board consisting of two expert civilian engineers and two officers of the Corps of United States Engineers whether any and what changes are demanded for reasons of safety or economy in the entire system of the new water supply, including the reservoir and the method of constructing and lining said tunnel; and said board shall make full report thereon to the Secretary of War before such work shall be resumed.

So as to read:

Increase of water supply, Washington, D. C.: To enable the Secretary of War to complete the work of increasing the water supply of the city of Washington under the act entitled "An act to increase the water supply of the city of Washington, and for other purposes," approved July 15, 1882, namely: To complete the reservoir, $160,000; to complete the tunnel, $395,000; in all, $555,000, or so much thereof as may be necessary; but the Secretary of War is instructed forthwith, and before resuming work on said tunnel, to submit to a board consisting of two expert civilian engineers and two officers of the Corps of United States Engineers whether any and what changes are demanded for reasons of safety or economy in the entire system of the new water supply, including the reservoir and the method of constructing and lining said tunnel; and said board shall make full report thereon to the Secretary of War before such work shall be resumed.

Mr. SHERMAN (Mr. HAWLEY in the chair). This is a very important amendment and I wish the attention of the Senate to it. The Senate seems to be taking this bill as a matter of course and I am disposed to do so; but, at the same time, there are some provisions in it which should be looked at.

This amendment proposes to stop the construction of the work for the supply of water for the city of Washington until a board of civil engineers shall review the plan of the military engineers and the matter is settled hereafter by the action of the Secretary of War or of Congress.

If the Senate wish to stop during the whole of this season and perhaps the next the construction of the water-works to supply the city of Washington with water they ought to agree to this amendment, because the amendment does do it if it is left to stand.

I have inquired of the members of the Committee on Appropriations what they desire, and I have no objection to what they really desire, but their amendment goes far beyond what they seek to accomplish. A member of that committee tells me that they fear the dam or the reservoir will not hold the supply of water but will leak; that it is not sufficiently protected. I have no objection to that part of the water-works being suspended, but the operation of this clause as it now stands would suspend the whole work until a board of civil engineers, to be hereafter organized, shall have examined all the plans of the board of military engineers under which the work is going on, and shall have reported to the Secretary of War; and until the matter is disposed of the work on the whole improvement is stopped.

As a matter of course, when this report is made to the Secretary of War he can not act upon it; he has no power to decide that dispute; and he must wait to communicate the information to Congress; so that the amendment stops the whole work until the next session of Congress, and even then when we come here we shall not be in a very good condition to decide an engineering problem between a board of civil engineers and a board of military engineers. If the committee are willing to strike out the last five words in the clause, "and said board shall make full report thereon to the Secretary of War before such work shall be resumed," I shall have no objection. I wish simply to strike out the words suspending the operation of the work.

Mr. VOORHEES. There would have to be an amendment in line 685 also striking out "and before resuming work on the said tunnel."

Mr. HALE. No, those words should not be struck out. That clause is only submitting the question. I am entirely willing that the words indicated by the Senator from Ohio shall go out, because I am willing that the matter should be left to the discretion and judgment of the Secretary of War.

The committee has no desire to interrupt for a single day unnecessarily this great work, but there are serious alleged defects in the tunnel, so serious that if the work should proceed without a new examination and an overhauling of the work that has been done, all the money that has been expended would be useless and we should not get the supply that we want. I am willing that those words should be struck out, and that then the Secretary of War should make up this board; and I will say in passing that it is not a civil board, but it is a board to be composed of two expert civil engineers and two officers of the Corps of United States Engineers, that body in the service not being eliminated from the consideration and examination of this subject at all, but it is intended to get the best men that can be found, and I believe that in twenty days, or in thirty days at most, a report can be made giving a complete examination of this work and suggesting changes which the Secretary of War, I have no doubt, will be glad to accept and embody in the work.

For these reasons I am willing that those words, "before such work shall be resumed," after the words "Secretary of War," should come out.

Mr. PLUMB. The committee had information of the most reliable character to the effect that the bottom of this reservoir was porous quicksand and in such a condition generally as that it would not hold water and that it would have to be covered probably with a course of clay at least 10 feet deep thoroughly pounded down in order to make it a compact, solid mass at the bottom of the reservoir. There was other information too from similar authoritative sources in regard to the tunnel, which indicated that the whole scheme of construction had been defective to the last degree, and it was feared there might be some effort now to hide those defects of construction in such a way as to impose finally upon the public a work in reference to this most important matter of the water supply which would prove insecure and entirely insufficient for the purpose for which it was constructed; and at the threshold of this new appropriation, which is made to repair the errors and defects of former estimates, it was deemed wise to pause long enough to enable us to see whether or not we were building upon an insecure foundation before we cast any more money into this great reservoir which has been so effective in absorbing money heretofore without any useful result.

There will be necessarily no detention whatever, because the investigation in regard to this matter can be very speedily performed. The Secretary of War, as stated by the Senator from Maine, can very readily summon a board and have it at work and have the result of its work before him within thirty days at least in such a way as to resume operations on some portion of this tunnel or reservoir, unless it shall be found that the whole thing is in such a faulty shape that it had better be abandoned rather than to go ahead with it in its present shape in the way of repairs or something of that kind. While, of course, it is desirable to have a water supply, at the same time a water supply with a defective improvement is no more certain than it is without any improvement. The design of the committee simply is that there shall be a useful expenditure of the money and that the method of that useful expenditure shall be determined in advance of any further action being taken.

Mr. SHERMAN. The idea of the Senator from Kansas, and that seemed to inspire the Committee on Appropriations, is that the water is going to leak out of the reservoir that has been provided for the holding of the water. The same idea was entertained when General Meigs was prosecuting the work in the upper reservoir. A great many people said that if they took reservoirs up there, which were much larger than this one, the water would all leak out into the Potomac River before it would get down to the city of Washington; but skilled engineers knew very well that the water in the reservoir rests substantially upon the level of the Atlantic Ocean, and it is not at all likely to leak out.

If there should be even a stratum of quicksand at the bottom of this reservoir, it would come to a stratum of blue clay and other clay that holds water perfectly. The same difficulty might be said to have existed in the reservoir above. Senators have passed it a hundred times and there they see a great high bank and a large reservoir which protects the water from going right over into the Potomac. There it has stood and there has been no leakage for twenty or thirty years.

This will be found a mere scare, a mere idea started for the purpose of getting up some scheme to compel a new contract and a new expenditure by the Government of the United States; that is what I believe. We have two great reservoirs now of this same water that is brought down to this new reservoir, and nobody ever heard of their leaking, although they are protected by much less secure banks than are built here. The bank built for the protection of the city in this case is one of the greatest works of the kind to be found anywhere. It is made enormously strong in order to prevent the possibility of its breaking and flooding this city. It is made under the direction of the most skilled engineers of the United States, including the whole engineer corps of the United States Army. Every one of these problems that are now talked about has been solved in the most careful manner, and this outcry is merely made by somebody, who no doubt may believe in it, who is endeavoring to stop this great work and compel some experiment by a new board of engineers.

I have no objection to an experiment being made: I have no objection to the appointment of this mixed commission to examine into the work of General Newton and the engineers who have charge of this work. Let them go and see it. All I want is that the work shall not be stopped. If there is any doubt about the safety of the reservoir, I want to know it.

Mr. HALE. That is all the committee want.

Mr. SHERMAN. Then strike out the last clause of the amendment.

Mr. HALE. Strike out the words "before such work shall be resumed."

Mr. SHERMAN. That is all I desire. I have no objection to the other part of the amendment.

Mr. VOORHEES. Allow me to ask the Senator from Ohio whether, if this board should agree upon different plans for the prosecution of this work, the continuous prosecution of it from now on would not be hazardous? Would it not be likely to interfere with any different plans? In other words, the Department would be pushing a work subject to an entire change of plan after a little while.

Mr. SHERMAN. No, the Senator is mistaken there. The only defect in this work, as I understand, is the reservoir up here; that is, they fear it will leak, but this money can all be properly and judiciously expended in making the tunnel.

Mr. PLUMB. No; the tunnel is defective. That defect has been ascertained.

Mr. SHERMAN. But upon a mere outcry, without any report from the engineers, is it worth while to stop this great work? I have no objection even to allowing the President of the United States to stop the execution of this work, or the Secretary of War to stop the execution of the work if he finds there is something in all this scare. But there is not anything in it. It is important to have this commission in order to dissipate a possibility; and if the work is only suspended upon the declaration or finding of the President of the United States that there is sufficient reason to believe that the plans have been defective, that would be different; but to stop it suddenly, merely because a report might be made by this mixed commission, is not wise. And even without the report, this amendment stops it until they make a report and until somebody acts on it.

Mr. HALE. I think we have it now so as to be satisfactory to everybody.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). Will the Senator from Ohio please state his amendment.

Mr. SHERMAN. I move to strike out the last words in the amendment of the committee, "before such works shall be resumed."

The PRESIDING OFFICER. The question is on the amendment to the amendment.

Mr. GORMAN. Do I understand that the Senator from Maine accepts that amendment?

Mr. HALE. So far as I am concerned, I do not object to it. I am willing to leave it discretionary. Whether or not there are serious defects there I can not tell. There are a great many people who believe there are. If there are, a board selected in this way will report to the Secretary of War after an examination, and that will be beneficial, whether they recommend going on just as things are now, or whether they suggest some changes. It will tend to settle in the mind of the people this important question, and will show that the subject has been investigated. I am willing to strike out these words, as I have said, and leave the matter with the Secretary of War as to whether or not the work shall be entirely suspended.

Mr. GORMAN. I trust the Senate will not agree to this amendment to the amendment of the committee. I understood the Senator from Ohio [Mr. SHERMAN] to say that the proposition of the committee was for the purposes of those who wanted a new contract. I beg to say to the Senator that this whole question has originated with the United States Engineers, and it seems to be a very serious one. Captain Hoxie, who was formerly connected with the District government, is the designer of this tunnel and of the reservoir. I happened to serve with my friend from Tennessee [Mr. HARRIS] upon a subcommittee

that had the matter in charge originally. Captain Hoxie began the work, or, rather, the work was begun in conformity with his plan. Captain Hoxie was shortly after removed from Washington and the work was placed in the charge of another engineer.

Mr. HARRIS. He being in charge of it up to the time he was removed.

Mr. GORMAN. Up to the time he was transferred to some other place. Recently Captain Hoxie, in a public communication and in a communication addressed to the Appropriations Committee of the House, states that the original plans of the tunnel have been changed, that the location of the tunnel is now defective, that it has not been sunk as deep as was intended, nor is constructed in solid rock, and therefore it will of necessity require to be lined; and the question arrises whether it shall be lined, contrary to the original plan, either with brick or with concrete—a difference in cost of some hundred or more thousand dollars.

But that is not all. The construction of the tunnel under Rock Creek coming down on an inclined plane on both sides, with no possibility of ever draining the tunnel or getting the water out in case of accident except by pumping it with the most powerful engines for weeks at a time, is a matter that nearly all engineers in the country say is a defect in the design and location.

As to the lining, the United States engineers who were before the committee and examined on the subject do not agree as to what shall be done. As to the construction of the reservoir I think I am perfectly within bounds when I say that there is a great difference of opinion; but it seems clear that a large part of the bottom of that reservoir is a quicksand, and it is doubtful to-day whether it can be made, within any reasonable cost, to hold water.

Certainly the United States Army officers, who have no special adaptation or experience in construction of works of this character, have misled Congress as to the cost of the work. I do not think I overstate it when I say it will cost two million and a half of dollars before it is completed; and, as I have said, the difficulty comes principally from placing the work in charge of gentlemen who have never had experience in this class of work, confiding it to young Army engineers who have thought more of the society of Washington than they have of making a great improvement here; and hence the Committee on Appropriations believed that the only way the Government could be protected was by bringing in two civil engineers, selected by the President of the United States, whose judgment should be had upon this work. I trust, therefore, that the amendment of the Senator from Ohio will not be agreed to.

Mr. PALMER. I should like to know of the committee if the work has been suspended, as the phraseology of this clause would seem to indicate when it says that work shall not be resumed. Can the Senator from Maine tell me?

Mr. PLUMB. The work has been suspended for some time. The appropriation was exhausted and it was ascertained that it was necessary to line the tunnel.

Mr. PALMER. I hope the amendment of the Senator from Ohio, which has been accepted by the member of the Committee on Appropriations in charge of the bill, will be adopted, or that the amendment will be adopted with that proviso. It is a well-known fact that the supply of water is deficient. There are a great many houses in K street, and it is so in a still greater degree when you come to a lower level, in which the occupants can not get water in their third stories and even in their second stories. It is very essential I think that this great work should be carried on. I do not know the animus of the amendment as incorporated in the bill, but it seems to me all the good to be accomplished can be accomplished by the amendment as amended by the Senator from Ohio.

I understand if the work is suspended for any length of time great damage will ensue from the infiltration of water and the percolation of water, and the necessary pumping will be greatly increased. On that account I think the discretion should be left with the Secretary of War, and the work should not be suspended authoritatively as it is in the committee's amendment.

Mr. INGALLS. I ask the Senator from Ohio how he secures the result he professes to desire by striking out in lines 696 and 697 the words which he proposes to omit after "Secretary of War," if he retains in lines 685 and 686 concerning the tunnel?

Mr. SHERMAN. The answer to that is that "the Secretary of War is instructed forthwith, and before resuming work on said tunnel, to submit to a board consisting of two expert civilian engineers and two officers of the Corps of United States Engineers," &c. He can do that any day. He need not await their report.

Mr. INGALLS. He is "instructed forthwith, and before resuming work on said tunnel, to submit the question to a board," &c. That is to say, the Secretary is required to obtain the opinion of a board before any work can be resumed or money expended on the tunnel.

This whole operation and the entire expenditure will be futile unless the work is to go on upon the tunnel; and having been familiar with this transaction from the beginning, having been a member of the Committee on the District of Columbia when the bill was passed for extending the water supply, I have followed the operations since with a great deal of interest, and it is my deliberate opinion that the principal reason why there has been so much delay about completion of the tunnel is that sufficient money has not been appropriated and expended to put it in proper condition so as to prevent percolation. In other words, water has been allowed to infiltrate and accumulate in the apertures. It is true that the conjecture of the engineer was not entirely verified. He supposed, from surface examination and from borings, that the entire orifice would be made through solid rock; but no person can tell by examination of the surface of the earth what is underneath. So it turned out that in certain places the rock not being continuous the bore was through soft strata, which necessarily will require masonry for support, and hence the work has become more expensive than it otherwise would have been, and, in consequence of the failure to appropriate, much of the work has been obstructed from the infiltration of water and the subsequent destruction of the roof.

With regard to the reservoir I have conversed with Major Lydecker, Captain Hoxie, and other engineers who are familiar with the subject, and they all state affirmatively that nothing has thus far been disclosed in the excavation than might reasonably have been anticipated; certain alluvial deposits will have to be removed; but that on the whole the work is absolutely satisfactory, and there is no more uncertainty about a reservoir that will hold water satisfactorily being constructed there than there would be in any other place that might be selected. No quicksand has been discovered that can interfere with its security.

It will be a great calamity if the work on this tunnel and reservoir is permanently arrested. The health and convenience of the city require an additional water supply; and whether we have made mistakes, or whether we have not, so much money has been expended and so great progress made with this present system that returning would be as difficult as going over. Money may have been wasted, but it certainly will cost a great deal more to adopt a new plan and abandon what has been accomplished than it will to go on and appropriate the necessary amount for completing this present system under the most extravagant appropriations that have yet been estimated. I hope the committee will agree that, subject to an intelligent supervision by the Secretary of War of this work, it may be allowed to proceed and that the appropriations made by the House will not be hampered by any unnecessary limitation imposed upon the Secretary of War; and if the Senator from Maine is not strenuous about it, it occurs to me that it would be wise to strike out the proviso about the resumption of work on the tunnel in line 685, because the longer that work remains as it is now the greater is the destruction. Every day is a direct loss. They are doing the best they can to pump out the water that is in the perforation; but if is to be completed then the sooner it is finished the better, and there ought not to be any delay depending upon the caprices of the Secretary of War or any one else unless we intend to abandon it. If we intend to go on with it, the sooner the money is begun to be expended the better it will be for all parties concerned and all interests involved.

Mr. VOORHEES. There has been a great deal of controversy over the subject we are now considering, and I see by the bill, as it is reported here with amendments, that the House of Representatives, where gentlemen of antagonistic views were heard before the proper committee, inserted that—

> The Secretary of War is instructed forthwith, and before resuming work on said tunnel, to submit to the board of engineers for fortifications and for river and harbor improvements whether any changes are demanded for reasons of safety or economy in the method of lining said tunnel heretofore adopted and pursued.

It seems to have occurred to everybody, there seems to have been quite a unanimity on the subject of an examination and a resurvey, and all the difference proposed by the Senate amendment is as to the board to which this subject shall be submitted. The House provided that it be submitted to the board of engineers for fortifications and for river and harbor improvements, and the Senate Committee on Appropriations has simply amended it by striking that out and asking for a different board.

It was my desire mainly to call the attention of the Senator from Ohio and others who are taking an interest in this subject to the fact that the amendment complained of offered by the Committee on Appropriations of the Senate makes no change as to the suspension of the work contemplated by the bill when it reached here. It reached here with a provision for the suspension of the work until the board of engineers for fortifications and for river and harbor improvements can make this very examination. The Senator from Ohio dissents. I will read and see whether the Senator is right or not.

Mr. SHERMAN. It suspends work on the lining, not on other parts. There is a great deal of work going on at the dam and other work besides the lining. The House provision only suspended operations on the lining.

Mr. VOORHEES. I think there is the distinction which the Senator has pointed out, but I am strongly inclined to think that a general examination of the whole system as provided for by the committee is required. I have not been satisfied that there has been fair play on this subject for the last year. I never thought Captain Hoxie ought to have been ordered away in the midst of his great work. I regard him as the most competent man who has ever had charge of works of this

kind in the District of Columbia. For many years he was in charge of this and other Government works here, and no charge, no word was ever uttered against him.

As to his competency and his integrity there can be but one opinion. He was in the midst of this work on plans of his own creation when ordered away upon other duty; new men were placed in charge of it, and ever since that there has been difficulty and confusion. Captain Hoxie is a singularly modest man; he has made no complaint, but some observations he has submitted on this subject which I believe to be correct.

When this question first arose, as the Senator from Maryland [Mr. GORMAN] knows, I was not aware there had been a departure from the original plans. I was under the impression there had been a defective execution of the original plans rather, but I see it stated here that the original plans as they emanated from the War Department, and for which Captain Hoxie was responsible, have been departed from by those now in charge of this work, and I think it eminently proper that an examination of the entire system should be made before more money is expended.

Now the proposition of the Senator from Ohio involves this, that in face of the uncertainty as to whether these plans are the best or not those in charge of them shall go on and execute them, while at the very time side by side with their execution they are under investigation, to be changed perhaps by this new board. If there is a sufficient question as to the propriety and correctness of these plans as to call for an investigation, that very fact should cause a suspension of the work. If there is a query in the minds of legislators, if there is a doubt, that doubt should be solved before any additional money is buried in the ground under those rocks and hills. Some light should be thrown in. Therefore I concur with the Senator from Maryland in the hope that these four or five important words at the end of this amendment may not be stricken out, and that it shall stand as it is now:

And said board shall make full report thereon to the Secretary of War before such work shall be resumed.

"Resumed work" is what the Senator from Ohio insists upon, on defective plans, or upon plans that have been departed from. Are we to agree with him when he says it is a baseless clamor? Others think otherwise. There are people who think that these charges are well founded. At any rate there is a difference of opinion, so that upon a full examination in the House of Representatives the bill came over here as it was; and men of the highest reputation and standing in the service of the Engineer Corps have been examined, and they say that it is necessary before any other work is done that the method of lining the tunnel should be thoroughly examined to see what changes were necessary. The lining of a tunnel to bring water to this city or any place else is a very important matter. It is pretty much all there is of security to a tunnel. When the question is raised as to whether a tunnel is so lined as to hold water or not, I think we had better stop spending money, and not only investigate that, but while investigating that investigate other things besides.

Mr. PLUMB. I wish to say that I think this tunnel and this water improvement generally will be accelerated by the adoption of the amendment of the committee. The work has already been stopped. Very great doubt exists in the public mind, as I think it does in the minds of Senators and Members who have investigated the matter, whether or not the plans which are being proceeded on now are the very best, and whether they will not result in the expenditure of a large amount of money, and therefore require a large amount next year and the year thereafter. While this doubt exists, which has certainly substantial foundation so far, it seems to me it would be wiser to take counsel from the best possible sources before expending any more money; and, as I said before, it seems to me that will not really work delay, for the Secretary of War may have the report before him in thirty days. This science of water supply—because it is a science—is one of those things which have come to be understood very well by certain very eminent civil engineers, whose word has an authority on that subject which is not generally attributed to that of Army engineers.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio [Mr. SHERMAN] to the amendment of the Committee on Appropriations.

Mr. HALE. There are evidently two sides to this subject. My personal belief is that the most satisfactory way would be to adopt the amendment of the Senator from Ohio and go no further. I am willing for one to vote for that.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio, after the words "Secretary of War," in line 696 of the amendment reported by the committee, to strike out the words "before such work shall be resumed."

The amendment to the amendment was rejected.

Mr. INGALLS. Was there any motion pending about the same words in lines 685 and 686?

The PRESIDING OFFICER. There was not. The question is on the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "War Department," in section 1, to strike out the clause from line 709 to 713 inclusive, as follows:

To pay Meredith H. Kidd amount found due him, on settlement numbered 55667, by the Second Auditor, on account of pay, &c., of the Army, $237.84.

The amendment was agreed to.

The next amendment was, in section 1, after line 723, to insert:

To enable the Secretary of War to pay, out of the unexpended balance of the appropriation of $57,500 made by the act approved August 5, 1882, for payment of awards growing out of the illness and burial of the late President Garfield, to Mrs. Blanche W. Woodward, widow of the late Surg. Joseph J. Woodward, United States Army, for especial and meritorious services rendered by her husband in the last illness of President Garfield, $2,500.

The amendment was agreed to.

The next amendment was, in section 1, after line 723, to insert:

Army and Navy hospital, Hot Springs, Ark.: For completion of hospital, to put it in proper condition to receive patients, as enumerated in House Executive Document No. 62, page 15, first session Forty-ninth Congress, $8,952.

The amendment was agreed to.

The next amendment was, in section 1, line 778, to reduce the total amount of the appropriation "for transportation of the Army, including baggage of the troops, when moving either by land or water," &c., from $95,000 to $85,000.

The amendment was agreed to.

The next amendment was, in section 1, line 805, after the word "dollars," to insert:

The same to be received in full compensation for such work up to the present time; and hereafter none of such work shall be done except under specific appropriations therefor made in advance.

So as to make the clause read:

To pay the American Graphic Company of New York city for making plates and publishing weather maps, during the fiscal year 1885 and 1886, $5,750, the same to be received in full compensation for such work up to the present time; and hereafter none of such work shall be done except under specific appropriations therefor made in advance.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," in section 1, line 822, after the words "year 1884," to strike out "$160.67" and insert "and prior years, $538.39;" so as to make the clause read:

To pay amount found due by the accounting officers of the Treasury on account of the library, Navy Department, being for the service of the fiscal year 1884 and prior years, $538.39.

The amendment was agreed to.

The next amendment was, in section 1, to strike out the clause from line 825 to line 829, inclusive, as follows:

That the sum of $377.72 is hereby reappropriated to pay amount found due by the accounting officers of the Treasury on account of the library of the Navy Department for the fiscal year 1883.

The amendment was agreed to.

The next amendment was, in section 1, line 851, to strike out the head-line "Bureau of Navigation."

The amendment was agreed to.

The next amendment was, in section 1, line 864, to strike out the head-line "Bureau of Equipment and Recruiting."

The amendment was agreed to.

The next amendment was, in section 1, after line 898, to insert:

To supply a deficiency in the contingent service of the Bureau of Ordnance, $2,500.

The amendment was agreed to.

The next amendment was, in section 1, after line 1060, to insert:

To enable the Secretary of the Navy to pay E. P. Nisson, as managing owner and agent for the other owners of the American schooner Viking, of San Francisco, the amount due, under charter-party dated April 17, 1885, for conveyance from Mare Island, California, to Kotzebue Sound, of fifteen officers and enlisted men, comprising the "expedition to make exploration in Northern Alaska," together with stores pertaining thereto, $2,800.

The amendment was agreed to.

The next amendment was, in section 1, after line 1069, to insert:

To pay to Benjamin Atwood, late an acting master's mate in the United States Navy, the sum of $150, for reimbursement for clothing lost by him in consequence of the destruction of the Iron Age.

The amendment was agreed to.

The next amendment was, under the head of "Interior Department," in section 1, line 1109, after the word "Gazette," to strike out "two thousand" and insert "five hundred;" so as to make the clause read:

For photolithographing or otherwise producing plates for the Patent Office Official Gazette, $500.

The amendment was agreed to.

The next amendment was, in section 1, line 1115, after the word "session," to strike out "to be paid out of any moneys already appropriated for the Capitol terrace;" so as to make the clause read:

For the payment of the amount due Messrs. Middleton, Lane & Co. for material and labor furnished for north approach of United States Capitol terrace, as per statement, Executive Document No. 104, Forty-ninth Congress, first session, $2,833.48.

The amendment was agreed to.

The next amendment was, in section 1, after line 1141, to insert:

The accounting officers of the Treasury are authorized and directed to credit

the accounts of Richard Joseph, late disbursing clerk, Department of the Interior, with the following disbursements, made in good faith and on properly approved vouchers, heretofore disallowed in the settlement of said disbursing clerk's accounts by the late accounting officers of the Treasury, namely:

Extension of the Government Printing Office: June 30, 1882, to Michael Brady, for rent of small building in rear of Government Printing Office, used as a workshop while engaged in the extension of the Printing Office, $25.

Annual repairs United States Capitol: June 30, 1882, to Washington and Georgetown Railroad Company, for rent of frame building used by the engineer's office, Capitol Grounds, during the second quarter, 1882, $120.

Salaries office Secretary of the Interior: June 30, 1880, to George W. Evans, extra services, $200.

Expenses of the Tenth Census, $11,329.52.

The amendment was agreed to.

The next amendment was, in the appropriations for "Indian affairs," in section 1, to strike out the following clause from line 1209 to line 1216, inclusive:

To enable the accounting officers to adjust certain appropriations on the books of the Department the sum of $2,621.60 is hereby reappropriated, to be carried to the credit of appropriation "Fulfilling treaty with Seminoles," being amount found due this appropriation in the adjustment of the accounts of the late Douglas H. Cooper, United States Indian agent.

The amendment was agreed to.

The next amendment was, in section 1, to strike out the following clause from line 1217 to line 1229, inclusive:

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be paid to the Western Miami Indians of Kansas, in the Indian Territory, out of the land fund to their credit in the United States Treasury, in cash, per capita, or to be expended in such other manner as he may consider best for their interest and welfare, the sum of $9,495, in order to relieve their pressing wants and necessities, occasioned by the destruction of their crops and loss of cattle, hogs, and horses by disease during the summer and fall of the year 1885, to be available for expenditure until June 30, 1887.

The amendment was agreed to.

The next amendment was, in section 1, to strike out the following clause from line 1230 to line 1245:

For this amount to be paid to the Pottawatomie Indians, or expended for their benefit under the direction of the Secretary of the Interior, being the difference between the amount paid to said Indians in currency in the years 1863, 1864, 1865, 1866, and 1867, and the sum due in coin, under their treaties of 1818 and 1829, as required to be ascertained by article 9 of their treaty of August 7, 1868, $49,382.08; but this provision shall not be held as precedent hereafter for the regulation or decision of any controversy between the Government of the United States and any parties whatsoever.

The amendment was agreed to.

The next amendment was, in section 1, to strike out the following clause from line 1246 to line 1260, inclusive:

For pay of employés of the Round Valley Indian agency, California, being for services rendered during the fiscal years 1885 and 1886, namely: To G. W. Cummings, $532.18; C. M. Brown, $486.04; J. W. Hannah, $131.65; P. G. Tuttle, $809.83; A. Odell, $280.80; S. B. Larimer, $473.89; N. C. Salisbury, $336.30; D. W. Reardon, $123.41; in all, $2,974.10.

The amendment was agreed to.

The next amendment was, in section 1, to strike out the clause from line 1261 to line 1265, inclusive, as follows:

Flora Skinner, widow of Dr. Gilbert A. Skinner, deceased, $400, being the amount of salary due said Dr. Gilbert A. Skinner, Government physician at said agency at the time of his death; in all, $400.

The amendment was agreed to.

The next amendment was, in section 1, after line 1265, to insert:

Lighting Capitol and grounds:

For payment of balance due for gas service for the fiscal year 1885, $1,945.20; for balance due for gas service, electric lighting, pay of superintendent of meters, and for pay of one lamplighter for the fiscal year 1886, $4,419.85; in all, $6,365.05.

The amendment was agreed to.

The next amendment was, in section 1, after line 1275, to insert:

National Museum:

For expense of heating, lighting, and electrical and telephonic service, $631.67.

The amendment was agreed to.

The next amendment was, under the head of "Department of Justice," in section 1, after line 1356, to insert:

The proper accounting officers of the Treasury are hereby authorized and directed to allow credit in the accounts of Lieut. W. P. Duvall, Fifth Artillery, United States Army, disbursing officer for the board of United States Executive Departments, New Orleans Exposition, for payments made, by order of the said board, for filling and engrossing charts for the exhibit of the Department of Justice, amounting in all to $81.75, as follows: December 1, 1884, to C. Mahon, $37.50; December 1, 1884, to H. M. McNeal, $10; December 3, 1884, to S. G. R. Raby, $17; December 3, 1884, to James V. Kearny, $17.25; the same not to involve the payment of any money from the Treasury.

The amendment was agreed to.

The next amendment was, in section 1, line 1376, after the word "courts," to strike out "twenty" and insert "fifty;" so as to make the clause read:

Fees and expenses of marshals: For fees and expenses of marshals, United States courts, $50,000.

The amendment was agreed to.

The next amendment was, in section 1, line 1390, after the word "pay," to insert "to the legal representatives of;" so as to make the clause read:

To enable the Attorney-General to pay to the legal representatives of Thomas Simons for services rendered in the case of the Choctaw Nation of Indians *vs.* The United States, in the Court of Claims, between June 3, 1885, and March 2, 1886, $2,500.

The amendment was agreed to.

The next amendment was, in section 1, in the clause appropriating $50,000 "for fees of commissioners, and justices of the peace acting as commissioners," after the word "dollars," in line 1408, to strike out the words:

And hereafter the whole of the compensation and fees paid a commissioner, and to which he may be entitled, for services in the examination of criminal charges, shall not exceed eight hundred dollars per annum, or exceed that rate for any time less than a year.

The amendment was agreed to.

Mr. COCKRELL. In connection with the clause appropriating for a deficiency in commissioners' fees for 1885, lines 1417 to 1421, and for information which may be desired hereafter, I wish to call attention to a letter transmitted to me by the First Comptroller dated July 24, 1886. I ask that it be read.

The PRESIDENT *pro tempore*. The paper will be read.

The Secretary read as follows:

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
Washington, D. C., July 24, 1886.

SIR: Complying with your request of the 22d to be informed as to the number, compensation, &c., of United States commissioners throughout the United States, I inclose herewith lists of all the commissioners who drew compensation from the United States during the fiscal years 1884 and 1885 respectively, and the amount of compensation so drawn, in the States of Maine, Connecticut, Vermont, Pennsylvania, Indiana, and Missouri. In the State of Massachusetts Mr. Henry L. Hallett was the only commissioner that rendered accounts against the United States, and the books of the Department do not show money paid to any other commissioner.

It has not been practicable, in the limited time at my command, to make the list embrace other States, but I will do so if desired.

I think, however, the information before you will show that legislation which would fix the maximum compensation of United States commissioners at $500 a year would be legislation in the interest of the great body of commissioners throughout the country, and I do not entertain a doubt but it would be legislation in the interest of the United States. Some twenty-five commissioners might be found in the United States who by their system of absorbing business that should properly go to other commissioners—to commissioners nearer the locality in which the accused and the witnesses are resident—are responsible for the needless expenditure of fully one-fourth of the judiciary appropriations of the Government.

I suppose that the most easy, legitimate, and proper way to correct this evil would be for Congress to remove from commissioners the motive they have heretofore had that influenced them to useless activity and improper practices. I do not see why a commissioner should seek to draw business from every part of a judicial district, nor do I see why a deputy marshal should pass by two, three, or more commissioners with prisoners and witnesses in order to reach some particular commissioner.

If, however, the lawmakers should prefer that the accounting officers undertake to correct the evil herein referred to with the law as it stands at present, I am willing to do my whole duty in the matter.

Very respectfully,

M. J. DURHAM, *Comptroller.*

Hon. F. M. COCKRELL,
United States Senate Chamber.

Mr. COCKRELL. I ask that the exhibit accompanying that letter be printed in the RECOD in connection with it, and I simply desire to call attention to a few statements.

The exhibit is as follows:

MAINE.	
W. S. Choate, Augusta, 1884	$216 65
W. S. Choate, Augusta, 1885	232 40
E. M. Rand, Portland, 1884	704 65
E. M. Rand, Portland, 1885	731 95
Charles Hamlin, Bangor, 1884	
Charles Hamlin, Bangor, 1885	90 00
L. G. Downes, Calais, 1884	
L. G. Downes, Calais, 1885	18 30
E. F. Webb, Calais, 1884	
E. F. Webb, Calais, 1885	16 35
J. E. Badger, Augusta, 1884	12 15
J. E. Badger, Augusta, 1885	
VERMONT.	
Royal Tyler, Brattleborough, 1884	
Royal Tyler, Brattleborough, 1885	16 60
R. W. Clarke, Chelsea, 1884	
R. W. Clarke, Chelsea, 1885	11 25
T. Sibley, Bennington, 1884	11 35
T. Sibley, Bennington, 1885	
H. A. Harmon, Rutland, 1884	12 20
H. A. Harmon, Rutland, 1885	
B. B. Smalley, Burlington, 1884	28 00
B. B. Smalley, Burlington, 1885	
G. E. Johnson, Burlington, 1884	34 05
G. E. Johnson, Burlington, 1885	127 35
E. L. Waterman, Jamaica, 1884	42 50
E. L. Waterman, Jamaica, 1885	
C. W. Porter, Montpelier, 1884	17 50
C. W. Porter, Montpelier, 1885	10 85
A. P. Cross, Saint Albans, 1884	
A. P. Cross, Saint Albans, 1885	12 90
CONNECTICUT.	
E. E. Marvin, Hartford, 1884	288 35
E. E. Marvin, Hartford, 1885	118 70
Allen Teney, Norwich, 1884	6 80
Allen Teney, Norwich, 1885	29 50
Johnson T. Platt, New Haven, 1884	48 40
Johnson T. Platt, New Haven, 1885	96 45
INDIANA.	
C. G. McCord, Vincennes, 1884	25 80
C. G. McCord, Vincennes, 1885	12 15
W. A. Van Buren, Indianapolis, 1884	27 65
W. A. Van Buren, Indianapolis, 1885	19 30
J. W. Wartman, Evansville, 1884	159 70
J. W. Wartman, Evansville, 1885	54 20
C. Martindale, Indianapolis, 1884	151 60
C. Martindale, Indianapolis, 1885	210 95
H. J. Milligan, Indianapolis, 1884	68 25
H. J. Milligan, Indianapolis, 1885	55 20
J. G. Harrison, New Albany, 1884	

J. G. Harrison, New Albany, 1885	$121 50
S. E. Williams, La Porte, 1884	
S. E. Williams, La Porte, 1885	13 19
J. B. Harper, Fort Wayne, 1884	12 00
J. B. Harper, Fort Wayne, 1885	69 55
PENNSYLVANIA (EASTERN DISTRICT).	
Morris Kirkpatrick, Easton, 1884	19 60
Morris Kirkpatrick, Easton, 1885	53 75
Henry Phillips, jr., Philadelphia, 1884	310 50
Henry Phillips, jr., Philadelphia, 1885	95 35
John P. Hobart, Pottsville, 1884	
John P. Hobart, Pottsville, 1885	45 45
Samuel Bell, Philadelphia, 1884	272 95
Samuel Bell, Philadelphia, 1885	882 75
Charles Gibbons, Philadelphia, 1884	85 15
Charles Gibbons, Philadelphia, 1885	
H. R. Edmunds, Philadelphia, 1884	203 35
H. R. Edmunds, Philadelphia, 1885	302 90
L. J. Wolfe, Harrisburg, 1884	84 80
L. J. Wolfe, Harrisburg, 1885	15 55
PENNSYLVANIA (WESTERN DISTRICT).	
F. W. Grant, Erie, 1884	33 10
F. W. Grant, Erie, 1885	24 60
G. Hahn, Wilkes Barre, 1884	124 55
G. Hahn, Wilkes Barre, 1885	126 35
J. W. Lingenfelter, Bedford, 1884	
J. W. Lingenfelter, Bedford, 1885	130 19
S. C. McCandless, Pittsburgh, 1884	263 70
S. C. McCandless, Pittsburgh, 1885	177 35
J. O. Parmelee, Warren, 1884	16 70
J. O. Parmelee, Warren, 1885	
J. M. Wilson, Scranton, 1884	79 95
J. M. Wilson, Scranton, 1885	
B. S. Bently, Williamsport, 1884	25 20
B. S. Bently, Williamsport, 1885	7 50
D. S. Herron, Knox, 1884	
D. S. Herron, Knox, 1885	9 05
N. Ewing, Uniontown, 1884	
N. Ewing, Uniontown, 1885	12 40
J. H. McDevitt, Sunbury, 1884	
J. H. McDevitt, Sunbury, 1885	31 20
J. W. Mix, Towanda, 1884	78 20
J. W. Mix, Towanda, 1885	96 70
A. G. Richmond, Meadville, 1884	
A. G. Richmond, Meadville, 1885	7 50
Edmund Shaw, Altoona, 1884	23 50
Edmund Shaw, Altoona, 1885	
H. E. Smith, Bloomsbury, 1884	81 75
H. E. Smith, Bloomsbury, 1885	
S. C. Clarke, Washington, 1884	5 95
S. C. Clarke, Washington, 1885	5 75
S. B. Chase, Great Bend, 1884	2 40
S. B. Chase, Great Bend, 1885	
W. A. Ambrose, Altoona, 1884	
W. A. Ambrose, Altoona, 1885	7 05
James Doughty, Meadville, 1884	
James Doughty, Meadville, 1885	6 25
W. A. Sober, Sunbury, 1884	57 25
W. A. Sober, Sunbury, 1885	
MISSOURI (EASTERN DISTRICT).	
William Morgan, Saint Louis, 1884	468 90
William Morgan, Saint Louis, 1885	442 30
M. R. Cullen, Saint Louis, 1884	168 75
M. R. Cullen, Saint Louis, 1885	153 80
E. Higbee, Lancaster, 1884	18 45
E. Higbee, Lancaster, 1885	18 45
J. R. Musick, Kirksville, 1884	18 15
J. R. Musick, Kirksville, 1885	
H. F. Millan, Kirksville, 1884	7 00
H. F. Millan, Kirksville, 1885	32 05
Bernard Zwart, Ironton, 1884	18 85
Bernard Zwart, Ironton, 1885	
J. Holland, Saint Louis, 1884	63 00
J. Holland, Saint Louis, 1885	
A. P. Selby, Saint Louis, 1884	57 70
A. P. Selby, Saint Louis, 1885	
MISSOURI (WESTERN DISTRICT).	
McLain Jones, Springfield, 1884	1,340 85
McLain Jones, Springfield, 1885	1,769 70
F. W. Perkins, Kansas City, 1884	745 60
F. W. Perkins, Kansas City, 1885	602 50
J. W. Scott, Lebanon, 1884	588 35
J. W. Scott, Lebanon, 1885	158 55
W. A. Mills, Versailles, 1884	22 35
W. A. Mills, Versailles, 1885	
H. W. Long, Jefferson City, 1884	34 75
H. W. Long, Jefferson City, 1885	
E. G. Evans, Cuba, 1884	28 40
E. G. Evans, Cuba, 1885	12 95
L. A. Chapman, Chillicothe, 1884	17 00
L. A. Chapman, Chillicothe, 1885	30 40
S. G. Brock, Macon, 1884	51 15
S. G. Brock, Macon, 1885	
Arthur Corse, Rolla, 1884	10 15
Arthur Corse, Rolla, 1885	
MISSOURI (WESTERN DISTRICT).	
A. C. Scott, Sedalia, 1884	44 40
A. C. Scott, Sedalia, 1885	97 20
John M. Stewart, Saint Joseph, 1884	26 50
John M. Stewart, Saint Joseph, 1885	
C. H. E. Shutte, West Plains, 1884	
C. H. E. Shutte, West Plains, 1885	8 75
L. D. Burns, Jefferson City, 1884	65 55
L. D. Burns, Jefferson City, 1885	32 20
Warren Watson, Kansas City, 1884	
Warren Watson, Kansas City, 1885	39 75
MISSISSIPPI (NORTHERN DISTRICT).	
S. P. Seay, Iuka, 1884	6 65
S. P. Seay, Iuka, 1885	
B. C. Simms, Aberdeen, 1884	5 00
B. C. Simms, Aberdeen, 1885	
John H. Kimmons, Oxford, 1884	18 60
John H. Kimmons, Oxford, 1885	$21 80
W. G. Beanland, Oxford, 1884	
W. G. Beanland, Oxford, 1885	5 00
E. Dismukes, Macon, 1884	
E. Dismukes, Macon, 1885	8 50
MISSISSIPPI (SOUTHERN DISTRICT).	
L. M. Lowenburg, Vicksburg, 1884	13 40
L. M. Lowenburg, Vicksburg, 1885	
J. M. McKee, Jackson, 1884	30 05
J. M. McKee, Jackson, 1885	
Fred. Parsons, Natchez, 1884	14 50
Fred. Parsons, Natchez, 1884	8 45

Mr. COCKRELL. The most paid to any commissioner in Maine in 1885 was $731.95 to E. M. Rand, of Portland. The most paid to any one commissioner in Vermont in 1885 was $127.35, to G. E. Johnson, of Burlington. The most paid to any commissioner in Connecticut in 1885 was $118.75, to E. E. Marvin, of Hartford. The most paid to any commissioner in Indiana in 1885 was $210.95, to C. Martindale, of Indianapolis. In Pennsylvania the most that was paid to any commissioner in the eastern district in 1885 was $882.75, to Samuel Bell, of Philadelphia, and in the western district the greatest amount in 1885 was $177.35 to S. C. McCandless, of Pittsburgh. In the eastern district of Missouri the greatest amount paid in 1885 was to William Morgan of Saint Loius, $442.30, and in the western district of Missouri——

Mr. HOAR. Has the Senator got the aggregate paid to all the commissioners in those different districts?

Mr. COCKRELL. I have not the aggregate, but I have the amount paid to each one and it will be printed. I am only calling attention to the highest ones.

Mr. HOAR. But you have the amount of all?

Mr. COCKRELL. Yes; and it will be printed with this. In the western district of Missouri the largest amount paid in 1885 was $1,769.70, to McLain Jones, of Springfield, Mo. In Mississippi the largest amount paid to any commissioner in 1885 was $21.80, to John H. Kimmons, of Oxford, and the largest amount paid in the southern district of Mississippi in 1885 was $8.45, to Fred. Parsons, of Natchez.

In connection with that, I desire to read a letter I have just received from the First Comptroller in regard to certain affairs in Alabama:

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
Washington, D. C., July 24, 1886.

SIR: I desire to further call your attention to the matter in reference to United States commissioners.

An account of a United States marshal has been laid before me, in which witnesses have been paid who appeared before a United States commissioner at Mobile, Ala. I find that on January 29 this year two witnesses were summoned to appear before him, and they charged, one 324 and the other 320 miles. On February 1, three days thereafter, they both charged the same sum. On February 2 one charges 207 and the other 205 miles. On January 17 one of them charges 324 miles, and on January 18, 252 miles. They both claim from a town named Claiborne, which I suppose to be their residence. But what I desire to call your attention to particularly is that there are two United States commissioners living not very far from where both these men were summoned, and where the offense charged was committed. The United States commissioner at Mobile, as I wrote to either you or Mr. EDMUNDS, receives five or six thousand dollars a year for his fees; and you need not wonder at this when persons are called from the most distant portions of the State to appear before him, although other United States commissioners are living close by.

You will observe that it is not alone the large amount paid to commissioners which is involved, but there is an enormous expense for the traveling expenses of witnesses who have to go so far to appear before these commissioners. The mileage of the witnesses in the cases above mentioned amount to nearly $20 apiece for each trip, whereas it would not have been half as much had they gone before a nearer commissioner. I simply give you this as an additional illustration of the excessive amounts paid by the Government, showing that the fees of these commissioners should be limited to $800 or $1,000. I am sure that you wish to be put into possession of all the facts possible in regard to this matter.

Very respectfully,

M. J. DURHAM.

Hon. FRANCIS M. COCKRELL,
United States Senate.

Mr. EDMUNDS. I wish to suggest to my friend from Missouri, whose general views about this matter I entirely concur in, that in respect of commissioners bringing the accused person and the witnesses a long distance, passing by other commissioners, to the injury of the public service, as it generally is, and to the worry and unnecessary discomfort of the person accused and everybody else, it may not be the fault of that particular commissioner. The commissioner under the law stands as a committing magistrate, on official information presented to him by the district attorney of the United States, who is the prosecuting attorney; and he has no authority to issue a warrant, so far as I know, upon any other ground than upon the application of the official authority; and if applied to, by the proper and formal information, by that district attorney he is bound by law to issue the warrant on that information for the arrest and bringing before him of the accused person.

Mr. COCKRELL. Just there let me ask does the law require that the accused shall be brought before the commissioner who issues the warrant rather than before the nearest commissioner to the place where the alleged criminal is arrested?

Mr. EDMUNDS. That was just the next subject I was going to call attention to. That raises a question I was about to state. If the commissioner has the discretion to issue a warrant commanding the marshal to arrest me and take me before some other commissioner, in that case the commissioner ought to issue his warrant ordinarily directing the marshal to take me before a commissioner nearest conveniently to

the place where I am supposed to be found. However, I confess that I do not know anything in the statutes of the United States which regulates this business, which authorizes one commissioner to issue a warrant for my arrest and direct the marshal not to bring me before him where the official information of the district attorney is filed, but before some other commissioner or magistrate; and I am very much afraid, if I were brought before some other commissioner or magistrate and were committed for trial that I should get out on a habeas corpus, and should be able to sue the marshal for a false imprisonment. I am very much afraid that that is the law. Whether it ought to be otherwise is another question.

But supposing it to be so, then if the district attorney of the United States does his business properly, when a complaint was made against him for counterfeiting, or distilling illicit whisky, or doing any other offense against the laws of the United States, he would cause the information to be filed before the commissioner most convenient to the place where the alleged culprit and the witnesses were, and then all this thing would be easily disposed of and without expense.

We have no difficulty of that kind in the region of country from which I come; nobody would think of carrying a man a great distance. I have reason to belive that in one of the States of this country where there is a good deal of this commissioner business from illicit whisky, and so on, where the judge of the court, who has the appointment and removal of the commissioners in his hands, has informed the commissioners that they must be extremely careful in respect of issuing these warrants, and must hold the district attorney, by reporting to the court, &c., up to a careful performance of his duties; and secondly, that the judge in that State has admonished the district attorney that his accounts will not be passed, and that he will be reported to the Department of Justice if he undertakes the business of carrying an accused man or the witness a long distance over the State to one commissioner rather than bring him before the nearest one, in order that the matter may be disposed of.

It is really a question of administration which between the President of the United States, the Attorney-General, and the judges of the courts can be perfectly well and economically and satisfactorily disposed of, except the question as to what the Supreme Court have decided about docket fees, which nobody in New England I suppose ever suspected would be a charge against the United States.

Mr. COCKRELL. I should like to ask the Senator from Vermont what power the President has in the matter?

Mr. EDMUNDS. The President has the power, as the general supervisor of the administration of the Government, in the first place, to select and nominate district attorneys who, by and with the advice and consent of the Senate, shall be appointed, who are so clearly fit for their places, so upright, so intelligent, so economical, and so just that they will see that every abuse of this kind continues no longer. The judges of the courts have the power to regulate it where abuses may occur, as I say has been done in one State, where it has been brought to the attention of a very just judge, and who is a Democrat, I am sorry to say; it is the only fault he has, so far as I know——

Mr. COCKRELL. A very commendable one.

Mr. EDMUNDS. That is not a bad one with him. He having had his attention called to this business, has, I believe, removed two or three commissioners who have been in that sort of business, apparently cuddling with somebody to multiply business and get more fees, &c., and has admonished the new Democratic district attorney, his brother in the faith, that that sort of thing must not go on in that way any longer. It is really a question of administration.

Mr. COCKRELL. The Attorney-General would have authority to issue instructions to district attorneys to prefer their complaints to the commissioner residing nearest the place of the offense?

Mr. EDMUNDS. Undoubtedly. It is a mere matter of administration.

Mr. HOAR. I think there ought to be some regulation of this matter by law to secure improved administration, but I do not think the proper remedy is that suggested in the passage inserted by the House which is proposed to be stricken out.

I wish to say to the Senator from Missouri that while I quite agree with him that there is call for new legislation, and also for more circumspect administration, I think that he will himself agree with me that this particular proposition of the House has much that is bad in it as well as much that is good.

Mr. COCKRELL. Yes, I know that.

Mr. HOAR. In the first place, in populous cities like Boston and New York it is desirable to have this important duty done by an experienced man rather than divided among a hundred men, who will all be of less experience. Take the case of Mr. Hallett, whose name has been mentioned here, I think; at any rate it has been mentioned in connection with this matter. He is a gentleman of great education and experience. He is the son of Mr. Benjamin F. Hallett, who is the grandfather of all the Democrats in our part of the country.

If you provide that no commissioner shall get more than $800 a year you have got this difficulty among others. Suppose there are ten cases and they go to one commissioner. He disposes of them all in a day. He can charge but one day's service for that work, whereas if they are divided among ten men, as they would be if nobody could get more than $800 a year, each of them will get a day for what one commissioner would do perhaps in half an hour or an hour in the morning. So it is quite obvious that the House enactment is not the road out of the difficulty.

It seems to me you might very properly have a limit put to the amount that the commissioner shall receive, enough to make a reasonable compensation, and then make some enactment which will cover the difficulty suggested by the Senator from Missouri, which is a very great one.

Mr. COCKRELL. There is force in what the Senator from Massachusetts says. If the portion recommended to be stricken out by the Senate committee were to be retained it would be proper, in my judgment, to except cities of a certain population; but as the committee have recommended striking out that clause I shall leave it just where it is. I wanted to get these facts before the country, because I believe, as the Senator from Vermont has said, that the judges and the district attorneys and the Attorney-General can correct most of these abuses.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the appropriations for "Territorial courts in Utah," in section 1, after line 1443, to insert:

To enable the Attorney-General to pay a reasonable compensation to the assistants of the United States attorney in the Territory of Utah for services rendered in prosecuting offenses in that Territory (namely, Edward Critchlow, V. Bierbower, Charles W. Zane, and C. S. Varian), $2,300, or so much thereof as shall be necessary.

The amendment was agreed to.

The next amendment was, in section 1, after line 1450, to insert:

To reimburse W. H. Dickson, United States attorney, Territory of Utah, the sum paid by him as a reward for the apprehension of George Q. Cannon, $2,500.

The amendment was agreed to.

The next amendment was, in section 1, after line 1464, to insert:

To pay Edwin B. Smith for legal services rendered the Government in the case of the United States *vs.* Charles J. Guiteau, $2,000.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill, as follows:

Judgments Court of Claims:
For payment of the judgments of the Court of Claims, as follows——

The PRESIDENT *pro tempore*. The Chair asks the Senator from Maine whether he desires to have all the judgments of the Court of Claims read in the succeeding pages?

Mr. HALE. I wish to ask that the reading of the text from line 1471, on page 60, to line 2250, on page 92, may be passed over. They are simply lists of judgments and amounts, and I ask that the reading be dispensed with. There are several little amendments in that part of the bill which we can go back to afterward.

The PRESIDENT *pro tempore*. If there be no objection the reading will be dispensed with.

Mr. INGALLS. Have these items all been carefully examined by the committee?

Mr. HALE. They have been carefully examined by the committee, and also with the documents before us.

The PRESIDENT *pro tempore*. The verbal amendments referred to by the Senator from Maine in the part passed over will be stated in their order at this time.

Mr. HALE. Very well.

The next amendment of the Committee on Appropriations was, in the appropriations "for payment of the judgments of the Court of Claims," in section 1, line 1512, after the word "Company," to insert "limited;" so as to read:

Curtis & Brown Manufacturing Company, limited, $46.50.

The amendment was agreed to.

The next amendment was, in section 1, line 1606, to strike out the name "Pardue" and insert "Perdue;" so as to read:

A. J. Perdue, $1,524.

The amendment was agreed to.

The next amendment was, in section 1, line 1623, to strike out "Cardoza" and insert "Cardozo;" so as to read:

Isaac N. Cardozo, $930.

The amendment was agreed to.

The next amendment was, in section 1, line 1660, to strike out the name "Groynne" and insert "Gwynne;" so as to read:

Gwynne and Day, $678.64.

The amendment was agreed to.

The next amendment was, in section 1, line 1753, to change the name "Dornett" to "Domett;" so as to read:

Domett and Nichols, $1,049.89.

The amendment was agreed to.

The next amendment was, in section 1, line 1772, to change the name "Hemingway" to "Heminway;" so as to read:

A. G. Heminway & Co., $113.78.

The amendment was agreed to.

The next amendment was, in section 1, line 1918, before the word

"cents," to strike out "ninety-eight" and insert "eight;" so as to read:

Worthy S. Streator, $561.08.

The amendment was agreed to.

The next amendment was, in section 1, line 1954, to change the name "Girard" to "Giraud;" so as to read:

F. W. Giraud, $139.

The amendment was agreed to.

The next amendment was, in section 1, line 1968, to change the name "Dullard" to "Dillard;" so as to read:

Alfred T. Dillard, $407.

The amendment was agreed to.

The next amendment was, in section 1, line 1986, to change the name "John G. Allen" to "John J. Allen;" so as to read:

John J. Allen, $6,962.

The amendment was agreed to.

The next amendment was, in section 1, line 2039, to change the name "G. A. Scroggs" to "Gustavus A. Scroggs;" so as to read:

Gustavus A. Scroggs, $282.

The amendment was agreed to.

The next amendment was, in section 1, after the word "cents," at the end of line 2045, to insert:

John I. Brown & Sons, $445; John Bond, $72.27.

The amendment was agreed to.

The next amendment was, in section 1, line 2048, to increase the total amount of the appropriations "for payment of the judgments of the Court of Claims" from $83,228.12 to $683,744.49.

The amendment was agreed to.

The next amendment was, in section 1, to strike out the following clause from line 2060 to line 2070, inclusive:

To pay Albert Grant for interest, at 5 per cent. per annum, on judgment of Court of Claims for $14,016.29, from January 17, 1870, the date the original transcript was filed with the Secretary of the Treasury, until paid, a sufficient sum to pay the same, the principal of the judgment having been appropriated by the act making appropriations to supply deficiencies in the appropriations for 1884, and for other purposes, approved July 7, 1884.

Mr. FRYE. I hope that my colleague in charge of the bill will consent that the Senate may disagree to that amendment. I have known about this case ever since I entered Congress, and have been entirely familiar with it, having made myself two reports in relation to it, and my judgment is that Mr. Grant is entitled to this interest beyond any manner of question.

On a bill which I reported he was given leave to go the Court of Claims. He went to the court and recovered a judgment for $34,000; I do not give the odd figures. There was a clear, palable error made by the court of fourteen thousand and some odd dollars. He might have entered an appeal, but the United States itself entered an appeal. The appeal was withdrawn by the United States after the adjournment of that term of court. Thus Mr. Grant was left without any opportunity for review or appeal.

He then applied again to Congress and finally on a report made by me as a member of the Senate Committee on Claims he was authorized go to to the Court of Claims. Here I have the act of the 5th of January, 1883, by which he was thus authorized, and after giving him the authority to go the act itself says "that the judgment recovered shall be a part of the original judgment in the case recorded in the fifth Court of Claims Reports, page 80." The court investigated the case and determined that it did make a mistake of over $14,000, and accordingly entered up judgment as a part of the old judgment of some six or eight years prior.

The United States only offered to pay the $14,000 which had been made a part of that judgment, but the United States had paid 5 per cent. interest on the former judgment, and here the delay was entirely the fault of the United States and not of Mr. Grant.

I understand that the Senate Committee on Appropriations had an idea that he had slept on this claim, but on reference to the RECORD I find that in the Forty-second Congress I made a report on it, in the Forty-third Congress, Mr. BURROWS, in the Forty-fourth, Mr. FRYE, in the Forty-fifth, Mr. Ellsworth, in the Forty-sixth, Mr. Lindsey, in the Forty-seventh Ossian Ray, so that in every Congress there has been a favorable report made on this item.

The House committee in the last Congress inserted this item for Mr. Grant. It was stricken out on a point of order in the Senate, and therefore did not become a law. After full and careful consideration at this session of Congress the House Committee on Appropriations unanimously reported it, and it was inserted unanimously in the bill by the House without any division, and as I understand was stricken out by the Senate Committee on Appropriations upon the ground that Mr. Grant had been negligent himself. I have shown already that there has been no laches on his part. He is clearly under the law entitled to this sum.

The only reason why the United States declines to pay interest is because it is assumed that the United States is ready to pay its debts. That can not be assumed in this case, because it is a part of a judgment recovered away back in 1879, made a part of it by a law of Congress, and made a part of it by the court itself which gave the former judgment, and it was not the fault of Mr. Grant at all, but the fault of the United States in entering an appeal and afterward withdrawing it.

Mr. Grant is now an old man, stricken with paralysis, probably will not live long; it is a matter of almost life and death with him as he is situated; and I hope that under these circumstances my colleague will assent that the Senate may disagree to this amendment.

Mr. GEORGE. I desire to ask the Senator from Maine at what rate the interest is calculated.

Mr. FRYE. At 5 per cent.; the same as the interest on the other judgment.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, after line 2250, to insert:

To enable the Secretary of War to pay to J. Volney Swetting, $1,173.25; to J. C. Burdick, $1,440.95; to John C. Thompson, $882.60; to George H. Buckstaff, $332.60; to E. M. Wadsworth, $255.15; and to George H. Read, $357.30, commissioners appointed under the authority of an act of Congress approved March 3, 1875, entitled "An act to aid in the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin," for services in ascertaining and awarding the amount of damages by reason of the flowage of lands caused by the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin; in all, $4,441.85.

The amendment was agreed to.

The next amendment was, under the head of "Senate," in section 1, after line 2276, to insert:

To enable the Secretary of the Senate to pay to Mary C. Miller, widow of Hon. John F. Miller, late a Senator from the State of California, deceased, the amount of compensation as a Senator from March 9, 1886, to March 3, 1887, inclusive, $4,931.50.

The amendment was agreed to.

The next amendment was, in section 1, after line 2283, to insert:

For folding documents, $2,500.

The amendment was agreed to.

The next amendment was, in section 1, after line 2285, to insert:

For furniture and repairs of furniture, $1,800.

The amendment was agreed to.

The next amendment was, in section 1, after line 2287, to insert:

For horses and wagons, $1,253.35.

The amendment was agreed to.

The next amendment was, in section 1, after line 2289, to insert:

For horses and wagons, fiscal year 1885, $11.50.

The amendment was agreed to.

The next amendment was, in section 1, after line 2291, to insert:

For fuel for heating apparatus, fiscal year 1885, $20.77.

The amendment was agreed to.

The next amendment was, in section 1, after line 2294, to insert:

For miscellaneous items, $17,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 2295, to insert:

To pay W. P. Canaday, Sergeant-at-Arms of the United States Senate, for hire of horse and wagon for his use from December 19, 1883, to June 30, 1885, inclusive, at $600 per annum, $921.20.

The amendment was agreed to.

The next amendment was, in section 1, after line 2301, to insert:

To enable the Secretary of the Senate to pay to the following persons, namely: J. C. Witel, M. Rea, J. T. Johnson, P. P. Finigan, S. C. Wailes, Jed. Gittings, W. J. Johnson, V. B. Sharpe, E. T. Bynum, N. J. Coffin, Alex. Green, J. E. Clifford, C. F. Holbrook, R. L. Cooper, G. W. Price, J. H. Davis, J. W. Pettit, J. H. Houston, Asa Gardner, and J. W. Hayward, the sum of $9 each, being the amount due them for services rendered as special policemen on the 3d, 4th, and 5th days of March, 1885; in all, $180.

Mr. FRYE. I ask my colleague to consent, in line 2308, after the name of "Asa Gardner," to insert the name of "Asa P. Barker." He was employed on the special police for three days, and the Sergeant-at-Arms tells me in rendering the statement to the committee he accidentally omitted that name.

Mr. HALE. I knew that one name was omitted, and if my colleague knows that that was the name I consent to the insertion.

Mr. FRYE. I know that to be the name which was omitted.

The PRESIDENT *pro tempore*. The amendment to the amendment will be stated.

The CHIEF CLERK. In line 2308 it is proposed to insert the name of "Asa P. Barker;" and in line 2311, after the words "in all" to strike out "$180" and insert "$189."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, after line 2314, to insert:

To enable the Secretary of the Senate to pay Christopher Phillips for services rendered by him to the Senate, under employment of the Sergeant-at-Arms, from November 10 to December 1, 1884, in pursuance of the resolution of the Senate of March 3, 1885, $41.

The amendment was agreed to.

The next amendment was, in section 1, after line 2319, to insert:

To enable the Secretary of the Senate to pay Beverly Hudnell for services as laborer in the Senate from the 15th day of May to the 31st of July, 1884, $145.

The amendment was agreed to.

The next amendment was, in section 1, after line 2324, to insert:

That the Secretary of the Senate be, and he is hereby, authorized and directed to pay William M. Olin as clerk to the Committee on Indian Affairs from the 16th day of December, 1885, to the 21st day of January, 1886, out of the appropriation for salaries of officers, clerks, messengers, and others, Senate, for the fiscal year ending June 30, 1885.

The amendment was agreed to.

The next amendment was, in section 1, after line 2322, to insert:

To enable the Secretary of the Senate to pay for clerical and stenographic services and other expenses of the Joint Commission to Consider the Organizations of the Signal Service, Geological Survey, Coast and Geodetic Survey, and the Hydrographic Office of the Navy Department, $1,828; the accounts for said services and expenses to be paid on vouchers audited and approved by the chairman of said joint commission, and to the persons who have rendered the services, notwithstanding section 1765 of the Revised Statutes, or section 3 of the act of June 20, 1874, chapter 328.

The amendment was agreed to.

The next amendment was, under the head of "House of Representatives," in section 1, after line 2414, to insert:

To pay to the widow of the late Hon. William H. Cole the amount of salary and allowance for stationery for the unexpired term of his service as a member of the Forty-ninth Congress, $3,458.

The amendment was agreed to.

The next amendment was, in section 1, line 2420, after the name "Urban," to strike out "and;" after the name "Antz," at the end of the line, to insert "and Julia Schuetze;" in line 2421, to strike out the word "dependent" before the word "sisters;" and after the word "sisters" to insert "and only heirs;" so as to make the clause read:

To pay to Caroline Urban and Christine Antz and Julia Schuetze, sisters and only heirs of the late Hon. Michael Hahn, the amount of salary for the unexpired term of his service as a member of the Forty-ninth Congress, $4,974.41, to be paid in equal parts to said dependent sisters.

The PRESIDENT *pro tempore*. In line 2426 the word "dependent" should also be stricken out, as the word is stricken out in line 2421.

Mr. HALE. Yes, that is right.

The PRESIDENT *pro tempore*. The amendment will be so amended.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, in section 1, after line 2480, to insert:

To enable the Clerk of the House of Representatives to pay A. Vangender $300, for extra compensation as assistant clerk to the Committee on Invalid Pensions during the present session of Congress.

Mr. HALE. The name should be changed in that item. It is "Vangeuder."

The PRESIDENT *pro tempore*. That correction will be made. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. VOORHEES. I should like to ask the Senator from Maine whether amendments are in order now or whether the bill is being read under the usual custom, waiting until the bill is read through?

Mr. HALE. Amendments will be in order after we get through with the committee amendments.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 2, under the head of "claims allowed by the First Comptroller," in line 35, after the date "1883," to strike out the words "except the claims numbered forty-six thousand and fifty, forty-seven thousand three hundred and eighty-one, and forty-seven thousand four hundred and thirteen contained in said Executive Document number seventy, seventeen thousand one hundred and ninety-seven dollars and thirteen cents," and in lieu thereof to insert "thirty-nine thousand and twenty dollars and twenty-eight cents;" so as to make the clause read:

For refunding taxes illegally collected, prior to July 1, 1883, $39,020.28.

The amendment was agreed to.

The next amendment was, in section 2, to strike out the clause from line 168 to line 171, inclusive, as follows:

To pay fees of jurors and witnesses, United States courts, 1885 and prior years, when said claims are in the hands of said jurors and witnesses, $10,000.

The amendment was agreed to.

The next amendment was, in section 2, under the head of "claims allowed by the Third Auditor and Second Comptroller," in line 496, after the word "years," to strike out "except the claim numbered 34-652 in said Executive Document No. 70, $6,358.84" and insert "$9,-278.84;" so as to make the clause read:

For regular supplies Quartermaster's Department, 1883 and prior years, $9,-278.84.

The amendment was agreed to.

The next amendment was, in section 2, line 506, after the word "years," to strike out "except the claims numbered 80737, 79968, 54216, and 80966, $13,413.29" and insert "$39,367.35;" so as to make the clause read:

For transportation of the Army and its supplies, 1883 and prior years, $39,-367.35.

The amendment was agreed to.

The next amendment was, in section 2, under the head of "Claims allowed by the Sixth Auditor," in line 619, after the word "eighty-nine," to insert the word "and;" in line 620, to strike out the words "sixty-eight hundred, and sixty-eight hundred and two;" in line 621, after the word "seventy," to strike out the words "four thousand eight hundred and sixty-three dollars and thirteen cents," and to insert the words "twenty-four thousand three hundred and forty dollars and ninety three cents;" so as to make the clause read.

Post-Office Department:

For deficiency in postal revenues, 1883 and prior years, except the claims numbered 6788, 6789, and 6799, contained in said Executive Document No. 70, $24,-340.93.

The amendment was agreed to.

The next amendment was, in section 3, under the head of "Claims allowed by the First Comptroller," in line 34, after the date "1883," to strike out the words "except the claims numbered forty-eight thousand one hundred and ninety-one, forty-eight thousand two hundred and eighty-one, and forty-eight thousand two hundred and eighty-two, contained in said Executive Document number seventy, two thousand nine hundred and ninety-six dollars and eighty-four cents," and insert "$10,-735.53;" so as to make the clause read:

For refunding taxes illegally collected, prior to July 1, 1883, $10,735.53.

The amendment was agreed to.

The next amendment was, under the head of "Claims allowed by the Second Comptroller," in section 4, line 41, after the words "Executive Document number two hundred and ten," to strike out "except the claims numbered 4377 and 1308 enumerated therein, $59,-405.81," and insert "$107,994.29;" so as to make the clause read:

For the payment of the claims on account of transportation of the Army and its supplies certified as due by the Second Comptroller in Schedule A, pages 21 and 22, of said Executive Document No. 210, $107,994.29.

The amendment was agreed to.

The next amendment was, in section 4, after line 51, to insert:

For the payment of the claim on account of barracks and quarters, certified as due by the Second Comptroller in Schedule A, page 22, of said Executive Document No. 210, $18,430.56.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 6. That for the payment of the following supplemental list of claims, which are fully set forth in Senate Executive Document No. 213, first session, Forty-ninth Congress, there is appropriated as follows:

CLAIMS ALLOWED BY THE THIRD AUDITOR AND SECOND COMPTROLLER.

War Department:

For horses and other property lost in the military service prior to July 1, 1883, $14,343.26.

Compensation of postmasters readjusted under act of March 3, 1883:

For compensation of postmasters readjusted because of the act of March 3, 1883, and to pay the several amounts reported by the Auditor of the Treasury for the Post-Office Department as due and unpaid, payable from deficiency in the postal revenue for 1883 and prior years, $380,209.46: *Provided*, That the method of reviewing and readjusting the salaries of postmasters and late postmasters of the third, fourth, and fifth classes, under the classification of the act of July 1, 1864, during the period between July 1, 1864, and July 1, 1874, which has been practiced in the Post-Office Department under and since the act of March 3, 1883, entitled "An act authorizing and directing the Postmaster-General to readjust the salaries of certain postmasters in accordance with the provision of section 8 of the act of June 12, 1866," by which all such reviews and readjustments have been made prospectively for the biennial periods provided for in the said act of July 1, 1864, upon the basis of the quarterly returns of postmasters during the preceding biennial periods, respectively, whenever the salary actually paid was 10 per cent. less in amount than such salary should have been if adjusted correctly upon such returns by computing what the commissions upon the same would have been under the act of June 22, 1854, and averaging the amount thereof annually, as directed by the act of July 1, 1864, for fixing salaries, is approved and ratified as a correct administration of the aforesaid act of March 3, 1883, and of all other acts applicable thereto; and that the several readjustments which have been made are ratified as a correct disposition of the several claims which have been considered and disposed of, and for which this appropriation is made; and the several persons to whom amounts have been respectively found due are declared the rightful persons entitled to the same, and such amounts to be the full sums due upon any and all such claims; and that all claims in excess thereof, and all other claims for readjustment which have been examined and found by the proper officers of the Post-Office Department not entitled to readjustment within such rule of administration, are disallowed and barred. That no claim for review or readjustment of any such salary shall be hereafter considered unless the same shall be presented to the Post-Office Department before the 1st day of January, 1887; and in considering all claims not yet readjusted the same method shall be pursued which is hereby approved; and any and every different method of readjutment of salaries of such postmasters and late postmasters during the period between July 1, 1864, and July 1, 1874, than is herein approved, is hereby prohibited; and no action or suit shall be maintainable in any court against any officer of the United States by reason of his action in reviewing or refusing to review, or allowing or disallowing, any application for readjustment of any such salary: *And provided further*, That payment of all sums hereby appropriated shall be made by warrants or checks, as provided by the said act of March 3, 1883, payable to the order of and transmitted to the persons entitled respectively thereto.

The amendment was agreed to.

Mr. HALE. I have certain amendments to offer from the Committee on Appropriations, which I will now take up in order. In section 1, line 220, after the word "eighteen hundred and eighty-three," the amount of the appropriation should be put in "$600, or so much thereof as may be necessary," so as to read:

To reimburse C. C. Andrews, late United States consul-general at Rio de Janeiro, amount expended by him for clerk-hire in excess of the amount allowed by law during the year ending September 1, 1883, $600, or so much thereof as may be necessary.

The amendment was agreed to.

Mr. HALE. In section 1, line 382, after the word "cases," the rest of the clause should be stricken out and the amount appropriated, "$248,574.59," inserted.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Chair informs the Senator that that paragraph has been stricken out.

Mr. HALE. Then I ask that the vote be reconsidered.

The PRESIDING OFFICER. If there be no objection the vote by which the paragraph was stricken out will be reconsidered. The Chair hears no objection, and it is so ordered.

Mr. HALE. Now instead of reappropriating it should appropriate the sum of $248,574.59, and I move to insert that after the word "cases," and then to strike out the rest of the paragraph, making a direct appropriation instead of a reappropriation, as we have done all through the bill.

The PRESIDING OFFICER. The paragraph will be read as now proposed by the Senator from Maine.

The Chief Clerk read as follows:

For repayment to importers the excess of deposits for unascertained duties, or duties or other moneys paid under protest, including interest and costs in judgment cases, $248,574.59.

Mr. PLUMB. I wish the Senator would explain that appropriation and the necessity for it, and tell us why the committee came to its present conclusion on the subject.

Mr. HALE. The Secretary of the Treasury has written a letter stating the amount which would be needed to cover costs and receipts in these suits which have been brought where imposts have been exacted and are paid back upon judgments. The amounts of the judgments are paid out of the general fund, a permanent appropriation, and the Secretary now writes that this exact amount, $248,574.59, will be needed to cover cases for the last two or three years.

The PRESIDING OFFICER. If there be no objection the amendment proposed by the Senator from Maine is agreed to, and the remainder of the paragraph is stricken out. The Chair hears no objection, and that amendment is made.

Mr. HALE. In section 1, after line 379, I move to insert:

To pay the amount found due Chester A. Arthur, late collector of customs for the district of New York, on account of expenses of collecting the revenue from customs, fiscal year 1879, $972.29.

The amendment was agreed to.

Mr. HALE. In section 1 I move to strike out the two clauses from line 433 to line 443, inclusive.

The PRESIDING OFFICER. Does the Senator from Maine propose to reconsider the vote by which those clauses were inserted?

Mr. HALE. I do.

Mr. FRYE. What for?

Mr. HALE. The superintendent has telegraphed that they are not necessary.

Mr. FRYE. That is a good reason.

The PRESIDING OFFICER. The paragraph will be read.

The Chief Clerk read as follows:

For the maintenance of the United States carp-ponds in Washington and elsewhere, and the distribution of the young fish, including salaries or compensation of all necessary employés, being a deficiency for the fiscal year 1884, $226.03.

For the maintenance of the vessels of the United States Fish Commission, including salaries or compensation of all necessary employés, being a deficiency for the fiscal year 1884, $178.78.

The PRESIDING OFFICER. If there be no objection the vote by which these two amendments were agreed to will be reconsidered and the amendments will be disagreed to. The Chair hears no objection, and it is so ordered.

Mr. HALE. In section 1, the clause included in line 1230 down to and including line 1245 should be agreed to. The vote disagreeing to that paragraph should be reconsidered.

The PRESIDING OFFICER. The words which have been stricken out will be read.

The Chief Clerk read as follows:

For this amount to be paid to the Pottawatomie Indians, or expended for their benefit under the direction of the Secretary of the Interior, being the difference between the amount paid to said Indians in currency in the years 1863, 1864, 1865, 1866, and 1867, and the sum due in coin, under their treaties of 1818 and 1829, as required to be ascertained by article 9 of their treaty of August 7, 1868, $49,382.08; but this provision shall not be held as precedent hereafter for the regulation or decision of any controversy between the Government of the United States and any parties whatsoever.

The PRESIDING OFFICER. If there be no objection the vote by which the amendment was agreed to as in Committee of the Whole will be reconsidered. The Chair hears no objection. The question recurs, Will the Senate agree to the amendment striking out the paragraph?

The amendment was rejected.

Mr. HALE. On page 53, in section 1, after line 1279, I move to insert:

For preservation of collection 1883 and prior years, $149.16.

The amendment was agreed to.

Mr. HALE. On page 57, in section 1, line 1388, after the date "1884," I move to insert "two thousand;" so as to read:

Fees of district attorneys: For payment of district attorneys and their assistants, being a deficiency for the fiscal year 1884, $2,195.09.

The amendment was agreed to.

Mr. HALE. On page 60, in section 1, lines 1465, 1466, and 1467 should be struck out. That provision is in another part of the bill.

The PRESIDING OFFICER. The clause proposed to be stricken out will be read.

The CHIEF CLERK. It is proposed to strike out from line 1465 to line 1467, inclusive, as follows:

To pay Edwin B. Smith for legal services rendered the Government in the case of the United States *vs.* Charles J. Guiteau, $2,000.

The PRESIDING OFFICER. This was reported as an amendment by the Committee on Appropriations and agreed to by the Senate. The Senator from Maine moves that the vote by which this amendment was agreed to be reconsidered and the amendment disagreed to.

Mr. COCKRELL. Why should that be done?

Mr. HALE. It is in one of the schedules.

The PRESIDING OFFICER. If there be no objection the vote by which this amendment was adopted will be reconsidered and the amendment will be regarded as disagreed to. The Chair hears no objection.

Mr. HALE. On page 95, after line 2345 of section 1, I move to insert:

For expense of draping the Capitol building on the occasion of the death of ex-President Grant, $624.25, one-half to be paid by the Secretary of the Senate and one-half by the House of Representatives.

The amendment was agreed to.

The PRESIDING OFFICER. The Chief Clerk suggests that the last amendment should be modified so as to read:

One-half by the Clerk of the House of Representatives.

Mr. HALE. That is right.

The PRESIDING OFFICER. The amendment will be so modified if there be no objection.

Mr. HALE. On page 149, after line 202 of section 5, I move to insert the following and I file to be printed in the RECORD the estimate of the Department:

Pay on account of mail transportation over non-subsidized railroads operated, leased, or controlled by the Central Pacific Railroad Company, being a deficiency for the first three quarters of the present year ending June 30, 1886, and for prior years, as estimated for by the Secretary of the Treasury, in Executive Document No. 280, first session Forty-ninth Congress, or so much thereof as may be necessary, $626,714.57.

The amendment was agreed to.

The PRESIDING OFFICER. The document referred to will be printed in the RECORD if there be no objection.

The document is as follows:

TREASURY DEPARTMENT, *June* 19, 1886.

SIR: I have the honor to transmit herewith, for the consideration of Congress, estimates of appropriations submitted by the Postmaster-General on account of mail transportation over non-subsidized railroads operated, leased, or controlled by the Central Pacific Railroad Company, amounting to $626,714.57.

Respectfully, yours,

C. S. FAIRCHILD, *Acting Secretary.*

The SPEAKER *of the House of Representatives.*

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., June 18, 1886.

SIR: I submit herewith for transmission to Congress additional deficiency estimates of appropriations required for the service for the first three-quarters of the fiscal year ending June 30, 1886, and for prior years, on account of mail transportation over non-subsidized railroads operated, leased, or controlled by the Central Pacific Railroad Company.

Very respectfully, your obedient servant,

WM. F. VILAS, *Postmaster-General.*

The SECRETARY OF THE TREASURY.

Estimates of appropriations required for the service of the fiscal year ending June 30, 1886, and prior years, by the Postmaster-General, out of the postal revenue.

Detailed objects of expenditure, and explanations.	Estimated amount which will be required for each detailed object of expenditure.
Year ending June 30, 1886.—Inland mail transportation—Railroad.	
On account of mail transportation over non-subsidized railroads operated, leased, or controlled by the Central Pacific Railroad Company. (March 3, 1879; Revised Statutes, sections 3964, 4002, 5260; 20 Statutes at Large, page 420, section 1).	
Central Pacific Railroad, California	$58,100 43
Central Pacific Railroad Company, lessee of the Southern Pacific Railroad Company of New Mexico	2,821 23
Central Pacific Railroad Company, lessee of the Berkley Branch Railroad, California	185 31
Central Pacific Railroad Company, lessee of the Northern Railway	5,204 38
Central Pacific Railroad Company, lessee of the Southern Pacific Railroad of Arizona	47,853 29
Central Pacific Railroad Company, lessee of the San Pablo Railroad, California	5,640 48
Central Pacific Railroad Company, lessee of the Los Angeles and San Diego Railroad, California	2,025 09
Amador Branch Railway Company, California	1,372 26
Stockton and Copperopolis Railroad Company, California	2,195 55
California Pacific Railroad Company, California	3,103 61
Los Angeles and Independence Railroad Company	621 21
Southern Pacific Railroad Company, California	40,971 86
Total, 1886, to March 31, 1886	170,094 76

Estimates of appropriations required for the service, &c.—Continued.

Detailed objects of expenditure, and explanations.	Estimated amount which will be required for each detailed object of expenditure.
Inland mail transportation—Railway post-office car service.	
On account of mail transportation over non-subsidized railroads operated, leased, or controlled by the Central Pacific Railroad Company. (Same acts).	
Central Pacific Railroad Company, California	9,620 61
Central Pacific Railroad Company, lessee of the San Pablo Railroad, California	958 89
Southern Pacific Railroad Company, California	4,409 14
Total, 1886, to March 31, 1886	14,988 64
Year ending June 30, 1885.—Inland mail transportation—Railroad.	
On account of mail transportation over non-subsidized railroads operated, leased, or controlled by the Central Pacific Railroad Company. (March 3, 1879; same acts.)	
Central Pacific Railroad Company, California	77,456 32
Central Pacific Railroad Company, lessee of the Southern Pacific Railroad of New Mexico	3,782 38
Central Pacific Railroad Company, lessee of the Berkley Branch Railroad, California	247 08
Central Pacific Railroad Company, lessee of the Northern Railway	6,965 67
Central Pacific Railroad Company, lessee of the Southern Pacific Railroad of Arizona	64,113 84
Central Pacific Railroad Company, lessee of the San Pablo Railroad, California	7,520 64
Central Pacific Railroad Company, lessee of the Los Angeles and San Diego Railroad, California	2,861 72
Amador Branch Railway Company, California	1,829 68
Stockton and Copperopolis Railroad Company, California	2,927 40
California Pacific Railroad Company, California	4,152 72
Los Angeles and Independence Railroad Company	833 60
Southern Pacific Railroad Company, California	54,992 91
Total, 1885	227,683 96
Inland mail transportation—Railway post-office car service.	
On account of mail transportation over non-subsidized railroads operated, leased, or controlled by Central Pacific Railroad Company. (Same acts.)	
Central Pacific Railroad Company, California	12,827 48
Central Pacific Railroad Company, lessee of the San Pablo Railroad, California	1,278 52
Southern Pacific Railroad Company, California	6,040 48
Total, 1885	20,146 48
Year ending June 30, 1884.—Inland mail transportation—Railroad.	
On account of mail transportation over non-subsidized railroads operated, leased, or controlled by the Central Pacific Railroad Company. (March 3, 1879; same acts.)	
Central Pacific Railroad Company, California	$61,829 81
Central Pacific Railroad Company, lessee of the Southern Pacific Railroad of New Mexico	2,818 62
Central Pacific Railroad Company, lessee of the Berkley Branch Railroad, California	185 31
Central Pacific Railroad Company, lessee of the Northern Railway	5,227 83
Central Pacific Railroad Company, lessee of the Southern Pacific Railroad Company of Arizona	46,060 00
Central Pacific Railroad Company, leesee of the San Pablo Railroad, California	5,619 89
Central Pacific Railroad Company, lessee of the Los Angeles and San Diego Railroad, California	1,864 98
Amador Branch Railway Company, California	1,372 26
Stockton and Copperopolis Railroad Company, California	2,195 55
California Pacific Railroad Company, California	3,114 54
Los Angeles and Independence Railroad Company	622 35
Southern Pacific Railroad Company, California	47,779 73
Total, 1884	178,690 87
Inland mail transportation—Railway post-office car service.	
On account of mail transportation over non-subsidized railroads operated, leased, or controlled by the Central Pacific Railroad Company. (Same acts.)	
Central Pacific Railroad Company, California	9,620 61
Central Pacific Railroad Company, lessee of the San Pablo Railroad, California	958,89
Southern Pacific Railroad Company, California	4,530 36
Total, 1884	15,109 86

WASHINGTON, *July* 21, 1886.

I have examined and compared the above statement of accounts pertaining to the Post-Office Department, and they agree with the books of this office.

D. McCONVILLE, *Auditor.*

Mr. HALE. The Committee on the Judiciary, through the chairman, submitted the following amendment; and, as he is not here, I offer it for him, it having been regularly examined by the Committee on Appropriations and approved by them. On page 52, after line 1265 of section 1, insert:

To enable the Secretary of the Interior to pay H. L. Warren and N. C. Collier, attorneys at law, for services, under appointment of the court, in defending Nannock-qui, a Zuni Indian, charged with murder, at the May term, 1886, of the district court of the second judicial district of New Mexico, $200.

The amendment was agreed to.

Mr. HALE. I believe I am through. The Senator from Missouri [Mr. COCKRELL] has an amendment to offer from the committee.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair will recognize the Senator from Missouri.

Mr. COCKRELL. To come in on page 150, I offer an amendment, covering a list of claims audited and allowed by the accounting officers of the Treasury to the soldiers of the late war for back pay, bounty, &c.; let it be a new section.

The Chief Clerk read the amendment, as follows:

SEC. 7. That for the payment of the following supplemental list of claims transmitted to the Senate by the acting Secretary of the Treasury, July 26, 1886, in response to Senate resolution of July 23, 1886, being Senate Executive Document No. 218, there is appropriated as follows:

CLAIMS ALLOWED BY THE SECOND AUDITOR AND SECOND COMPTROLLER.

War Department:

For pay of two and three year volunteers, 1871 and prior years, $52,628.61.

For bounty to volunteers and their widows and legal heirs, 1871 and prior years, $38,204.69.

For bounty under act of July 28, 1866, 1880 and prior years, $8,846.59.

For pay, &c., of the Army, 1883 and prior years, $1,952.60.

For pay of volunteers (Mexican war), 1871 and prior years, $2.64.

For support of four companies of volunteers mustered at Camp Scott, Utah (act of June 12, 1858), $6.92.

For traveling expenses of First Michigan Cavalry prior to July 1, 1883 (act of July 28, 1866), $203.07.

For medical and hospital department, 1883 and prior years, $36.80.

Interior Department:

For pay of Indian agents, 1883 and prior years, $262.15.

For support of Klamaths and Modocs, 1883 and prior years, $281.97.

For traveling expenses of Indian inspectors, 1885, $60.53.

CLAIMS ALLOWED BY THE FOURTH AUDITOR AND SECOND COMPTROLLER.

Navy Department:

For pay of the Navy prior to July 1, 1883, $12,874.40.

For pay miscellaneous, 1883 and prior years, $22.96.

For contingent Marine Corps, 1886, $82.25.

For contingent Bureau of Equipment and Recruiting, 1883 and prior years, $12.

For enlistment bounties to seamen prior to July 1, 1883, $590.72.

For indemnity for lost clothing prior to July 1, 1883, $60.

For bounty for the destruction of enemy's vessels prior to July 1, 1883, $22.05.

For payments on account of clothing or bedding destroyed by order for sanitary purposes in preventing the spread of contagious diseases, 1886 and prior years, $13.98.

For payment of claims for difference between actual expenses and mileage allowed under the decision of the United States Supreme Court in the case of Graham *vs.* United States, $6,773.56.

Mr. COCKRELL. This amendment is offered in accordance with a report made by the Secretary of the Treasury to-day in response to a resolution of the Senate passed on Friday last calling for the list of these claims which have been audited and allowed and properly certified since the last report.

The amendment was agreed to.

Mr. ALLISON. I offer the following amendment, to be inserted on page 28, after line 668 of section 1:

For the rent of school buildings in the District of Columbia for the fiscal year 1887, $1,500.

The amendment was agreed to.

Mr. ALLISON. I also offer the following amendment to follow the one just adopted:

That the sum appropriated for the erection of school buildings during the current fiscal year as appropriated for by the District appropriation act be increased to $75,000; and the sum of $25,000 additional is hereby appropriated for said purpose.

Mr. EDMUNDS. That is a piece of very bad legislation to increase on a deficiency bill a regular yearly appropriation. It may be that it is necessary, but it would be very bad legislation indeed to put into a deficiency bill an increase of appropriation for carrying on the future work of the Government. I object to it.

Mr. ALLISON. I ask the Senator to withdraw his objection for one moment.

Mr. EDMUNDS. Certainly.

Mr. ALLISON. There is an additional appropriation there of $25,000 to meet the increase. It is a very necessary thing. Some of the buildings which have been occupied by the public schools in the District of Columbia have recently been vacated by a judgment of the court, so that they must have a new appropriation. This provision was agreed to by the Committee on Appropriations to be inserted on the sundry civil bill, but by a mistake of my own it was omitted on Saturday night from that bill. It is so important, however, that it ought to go on some bill, and although it is a little irregular I think it ought to be inserted.

Mr. EDMUNDS. I withdraw all objection under the circumstances.

The amendment was agreed to.

Mr. DAWES. On page 50, after line 1208 of section 1, I move to insert:

To enable the Secretary of the Interior to pay to the Chippewa Indians residing upon Winnebagosish and Leech Lake Indian reservations in Minnesota, on account of damage heretofore sustained by them in consequence of the overflow

of the land of their reservations by the erection of United States reservoir dam, the whole amount of such damage to be hereafter ascertained, $25,000.

The amendment was agreed to.

Mr. ALDRICH. I offer the following amendment, to come in on page 99, after line 2426, of section 1:

To pay to the family of the late William Hunter the amount of salary as Assistant Secretary of State for the fiscal year ending June 30, 1887, $2,500.

The amendment was agreed to.

Mr. MANDERSON. I offer the following amendment to come in on page 101, after line 2490, at the end of section 1:

For payment of sixty-five printers regularly employed on the CONGRESSIONAL RECORD, $90 each, for time unemployed during the present session, $5,850.

The amendment was agreed to.

Mr. WILSON, of Iowa. On behalf of the Committee on Post-Offices and Post-Roads, and in the absence of the chairman, I offer the following amendment to come in after line 1320, of section 1, on page 54:

To enable the Secretary of the Treasury to pay the United States and Brazil Mail Steamship Company for carrying the United States mails during the fiscal year ending June 30, 1886, $36,000.

Mr. GORMAN. I should like to have some explanation in regard to that matter.

Mr. WILSON, of Iowa. The explanation is simply this: In the transportation of the mails by that company there was no special agreement made with reference to compensation to the company, who performed the service regularly and acceptably. The Department agrees that it should have this additional compensation over and above the amount that it would receive from the inland and ocean postage. It was considered fully and carefully by the Committee on Post-Offices and Post-Roads, and they agreed, I believe unanimously, that that sum was a fair and reasonable compensation for the service rendered by the company.

Mr. PLUMB. I ask to have the amendment read again.

The PRESIDING OFFICER (Mr. PLATT in the chair). The amendment will be read.

The Chief Clerk read the amendment.

Mr. GORMAN. I know the amendment was referred to the Committee on Appropriations. I have no question that some amount is due this steamship company for this service, but, as I understand, no amount has been agreed on between the company and the Post-Office Department. I may be mistaken, but my impression is that this is to pay them at the rate of 50 cents per mile run. It seems to me unwise to make an appropriation here until the proper amount is ascertained.

Mr. WILSON, of Iowa. The Senator is mistaken in regard to the amount. It is not placed on that basis at all, but after considering the character of the service, the expense of the service to the company, this sum was agreed upon as a lump sum, so to speak, as a fair compensation.

Mr. GORMAN. I ask the Senator from Iowa has that amount been agreed upon by the Post-Office Department?

Mr. WILSON, of Iowa. I did not mean to say that the Post-Office Department had agreed on that particular sum. In fact, the Post-Office Department has not committed itself exactly to a particular sum, but it was left to the consideration of the committee, and the committee, having investigated the subject carefully, concluded that this amount was a fair compensation.

Mr. GORMAN. The Committee on Post-Offices and Post-Roads?

Mr. WILSON, of Iowa. Yes, sir.

Mr. GORMAN. Then I have no objection.

The amendment was agreed to.

Mr. HOAR. I move after line 1356, of section 1, on page 56, to insert the following:

To enable the Attorney-General to cause to be prepared a digest of the opinions of the Attorneys-General from 1881 to the time of publishing the new edition of the digest of such opinions from 1789 to 1881, $300, or so much thereof as may be necessary.

Mr. COCKRELL. Is that under the resolution adopted this morning?

Mr. HOAR. It is. The amendment is subject to a point of order if anybody objects, but nobody, I am sure, will object after hearing an explanation.

We passed this morning a resolve to publish a new digest of the opinions of the Attorneys-General—not the opinions but the digest that comes down to 1881—and, of course, if we merely publish a new edition of the old book all the opinions in the years since 1881 will not be in it, and that book will be comparatively worthless. Accordingly the Senate adopted an amendment to the resolution this morning that there should be a digest of the opinions for these last five years; and it has been suggested to me that that would involve a small expense for preparing it in the Attorney-General's Office. This is only an appropriation of $300, and it will prevent the waste entirely of the matter.

Mr. COCKRELL. I hope it will be agreed to. The resolution for printing that document was introduced by myself, and I think it is very important to have it printed.

The amendment was agreed to.

Mr. HARRIS. I offer the following amendment, to come in on page 94, after line 2301 of section 1:

To enable the Secretary of the Senate to pay Charles B. Reade, clerk of the Committee on Rules of the Senate, for preparing, under resolutions of the Senate of July 1, 1884, February 28, 1885, and April 1, 1886, three editions of the Senate Manual, $1,000.

The amendment was agreed to.

Mr. ALDRICH. I offer the following amendment, to come in at the bottom of page 56, in section 1, after line 1373:

National Board of Health:

To pay outstanding liabilities contracted by the National Board of Health for rent, clerk-hire, messenger service, traveling expenses, and sundry contingent expenses for the fiscal year ending June 30, 1885, $1,449.37.

Mr. EDMUNDS. I should like to hear that explained.

Mr. HALE. Is it regularly estimated for?

Mr. ALDRICH. I am informed by the Secretary of the board that it is regularly estimated for. The vouchers which I have in my possession are all certified to by the proper officers as being correct.

Mr. HARRIS. If the Senator from Rhode Island will allow me, I think I can explain. In the appropriation bill of the session of 1884–'85 the House made an appropriation of a certain sum deemed to be necessary to pay the expenses of the National Board of Health up to the 1st of March, 1885, and also incorporated a clause in the bill repealing the act creating the board.

The bill came to the Senate in that form. The Senate increased the appropriation and struck out that part of the bill which repealed the act, but neglected to strike out that part of the act which limited the appropriation to the 1st of March. In consequence, the bill was so framed as to strike out the repealing clause and reduce the appropriation to the original amount appropriated by the House, being only sufficient to carry the board to the 1st of March, 1885. It left the board in existence, but with an appropriation not for the whole fiscal year. This is intended to cover that period from the 1st of March to the 30th of June, 1885, the end of the fiscal year.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Rhode Island [Mr. ALDRICH].

The amendment was agreed to.

Mr. TELLER. I offer an amendment on page 14, section 1, after the word "cents," in line 321, to add:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay William R. Beatty, of Denver, Colo., the sum of $585.84 for services as internal-revenue gauger for Colorado from August 1, 1872, to January 31, 1873, which sum is hereby appropriated for that purpose out of any money in the Treasury not otherwise appropriated.

Mr. HALE. Is that estimated for by the Department?

Mr. TELLER. It is, I think.

Mr. HALE. If the Senator has the estimate for it it is not subject to the point of order.

Mr. TELLER. This is for services rendered in the internal-revenue department in 1872 and 1873. The Treasury Department, through the head of the Department, sends up a stated account showing services rendered for each month and the amount, with a recommendation that it be accepted. I think that brings it within the rule. It was by a technicality that this young man was left without his money and through no fault of his. They say the services were properly rendered, and the claim should have been put in at the time.

Mr. HALE. Is there a letter from the head of the Department?

Mr. TELLER. The head of the Department says under date of July 22, 1886, and there are several letters before that, but this is the important one——

Mr. EDMUNDS. Let it be read at the desk that we may hear it.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The letter will be read.

Mr. TELLER. There must be read with it the letter of the Commissioner of Internal Revenue, but let the letter of the Secretary of the Treasury be read first.

The Secretary read as follows:

TREASURY DEPARTMENT, *July* 22, 1886.

SIR: I have the honor to transmit herewith, for the consideration of the Senate Committee on Appropriations, copy of report of the Commissioner of Internal Revenue, of the 20th instant, in the matter of the claim of William R. Beatty, late internal-revenue gauger for Colorado, for services as such gauger from August 1, 1872, to January 31, 1873, $585.84.

Respectfully, yours,

C. S. FAIRCHILD, *Acting Secretary.*

Hon. WILLIAM B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

Mr. HALE. Whether that paper is an estimate is a question that I will take the ruling of the Chair upon.

The PRESIDING OFFICER. If there be no objection——

Mr. HALE. I make the point of order. I said I was willing to take the ruling of the Chair as to whether the letter brings it within the rule.

Mr. TELLER. There is a detailed statement sent here by the Treasury Department of the amount they recognize as due him, in addition to that. It seems to me that is an estimate within the meaning of the rule.

The PRESIDING OFFICER. The Chair will look at the letter.

Mr. TELLER. The Chair can hardly tell what that letter is without reading the letter of the Commissioner of Internal Revenue accompanying it.

The PRESIDING OFFICER. The letter of the Commissioner of Internal Revenue will be read.

The Secretary read as follows:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, July 20, 1886.

SIR: I have the honor to return herewith the letter of Hon. H. M. TELLER, United States Senate, referred by you to this office for report, and the accompanying papers, relative to a proposed amendment to the sundry civil appropriation bill authorizing payment to William R. Beatty, late internal-revenue gauger for Colorado, the sum of $585.84 for services as such gauger from August 1, 1872, to January 31, 1873.

The records of this office show that William R. Beatty was appointed internal-revenue gauger in June, 1871, but did not file a proper bond or take the oath as required by law and regulations, or receive a commission as gauger, until February 6, 1873.

Prior to August 1, 1872, gaugers were paid by the distillers or rectifiers for whom the gauging was done.

Since August, 1872, they have been paid by the United States, under provisions of the act of June 6, 1872.

Accounts for fees as gauger for the months of August, September, October, November, and December, 1872, and January, 1873, were filed in this office by Mr. Beatty, which were not paid, for the reason that as there was no evidence that he had filed the bond or taken the oath required by law prior to February 6, 1873, there was no authority of law for paying for services rendered prior to the date he was duly qualified to act as such officer. The amount of fees to which Mr. Beatty would have been entitled for services rendered during the period stated, if he had been duly qualified, was $585.84, as claimed, and as these services appear to have been faithfully rendered, this office would recommend favorable action on the claim as proposed.

Respectfully,

JOS. S. MILLER, *Commissioner.*

Hon. SECRETARY OF THE TREASURY.

Mr. EDMUNDS. That seems to be a fair case.

Mr. TELLER. I think that brings it within the rule.

The PRESIDING OFFICER. Is the amendment reported by a committee or offered by the Senator?

Mr. TELLER. It is offered by myself, not reported by a committee, but it comes with the indorsement of a stated account sent from the Department.

Mr. HALE. I think the letter of the Secretary of the Treasury sending to the Senate the communication just read is enough, and I shall not insist on the point of order.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Colorado.

The amendment was agreed to.

Mr. MCMILLAN. I offer an amendment to be inserted after line 613 of section 1.

The PRESIDING OFFICER. The Secretary suggests that the place the Senator indicates is not the proper place for the amendment. The words proposed to be inserted will be read.

The Secretary read as follows:

To pay George F. Potter the difference between the pay of a laborer and that of a clerk in the post-office from March 4, 1885, to April 5, 1886, $520.

Mr. MCMILLAN. It should come in under the head of Post-Office Department.

Mr. HALE. Is that estimated for?

Mr. MCMILLAN. Yes, sir. On page 95——

Mr. HALE. I raise the point of order. That is not estimated for, nor is it to my knowledge reported as an amendment by any committee of the Senate.

Mr. MCMILLAN. The amendment was referred to the Committee on Appropriations.

Mr. HALE. Was it reported from any committee?

Mr. MCMILLAN. It was not reported from a committee. An item of a similar character was inserted in last year's bill.

The PRESIDING OFFICER. Was this amendment reported by any standing or select committee of the Senate and sent to the Committee on Appropriations?

Mr. MCMILLAN. It has not been reported by the Committee on Appropriations. That is what I regret. I thought perhaps they would have done that. I observe other items of a similar character in the bill.

The PRESIDING OFFICER. If the question of order is insisted on the Chair will be bound to rule that the amendment is not in order.

Mr. HALE. There are no such items on the bill that I know of. The committee has been very careful. Of course if a standing committee investigates one of these subjects and reports it with a favorable recommendation, the Committee on Appropriations sometimes puts it on.

Mr. MCMILLAN. What is this item in the bill?

To pay Maurice Ruddlesden the difference between the pay of a laborer, at $720 per annum, and that of a messenger, at the rate of $3.60 per day, from January 1 to June 30, 1886, $291.70.

Mr. HALE. On what page?

Mr. MCMILLAN. On page 97.

Mr. HALE. That is for an employé of the House of Representatives. We do not deal with the House of Representatives at all.

Mr. MCMILLAN. Here is another item:

To pay Frank B. Gorman the difference between his pay as laborer and that of page from January 13, 1886, to June 30, 1886, inclusive, $97.50.

Mr. HALE. That is a House item.

The PRESIDING OFFICER. The Chair holds that the amendment is not in order.

Mr. BUTLER. I offer the following amendment, to come in after line 1073 of section 1, on page 44:

For completing coaling-shed and buildings, Port Royal Harbor, $4,000.

Mr. HALE. Is that reported from a committee?

Mr. BUTLER. That amount has been estimated for in the Book of Estimates, on page 161. I introduced the amendment, and had it referred to the Committee on Appropriations, and therefore it is not amendable to any point of order.

Mr. HALE. Is it estimated as a deficiency?

Mr. BUTLER. I do not know about that. I have a letter from Commodore Harmony, which explains the whole matter.

Mr. HALE. It clearly ought not to go on this bill.

Mr. BUTLER. This is as good a bill as any for it to go on.

Mr. HALE. This bill is for deficiencies for last year and prior years.

Mr. BUTLER. I ask that the letter which I send to the desk be read.

The Secretary read as follows.

BUREAU OF YARDS AND DOCKS, NAVY DEPARTMENT,
Washington, D. C., July 20, 1886.

SIR: Referring to your conversation this morning, in accordance with your request, I have the honor to state that there is now on hand in this bureau unexpended about $4,000 of the appropriation for store-house and wharf at Port Royal, S. C.

The wharf is entirely completed and in use. Owing to the want of sufficient funds it has not been deemed advisable to commence work on the store-house until action is taken by Congress on the estimate submitted for $4,000 additional, with which and the money on hand a building can be erected to hold 1,200 tons of coal, sufficient quantity of general stores for the station, and a berthing room for the sailors employed there, and also a small house for the officer in charge. The building now occupied by him is an old structure, formerly occupied by negroes, and is in such dilapidated condition as to be almost uninhabitable. I beg that you will favor the bureau by having the above-named sum, namely, $4,000, for the purpose mentioned, added to the naval appropriation.

Very respectfully, your obedient servant,

D. B. HARMONY,
Chief of Bureau.

Hon. M. C. BUTLER, *United States Senate.*

Mr. HALE. That ought to have gone on the naval appropriation bill or the sundry civil bill.

Mr. BUTLER. I got it too late for the naval appropriation bill. That bill had been reported. This is the first bill I could get it in on.

The PRESIDING OFFICER. The question is on the amendment of the Senator from South Carolina [Mr. BUTLER].

Mr. HALE. What has the Chair done with my point of order?

The PRESIDING OFFICER. The Chair was not aware that the Senator raised a point of order. If he did he will state it.

Mr. HALE. This is not a deficiency and not proper for this bill.

Mr. BUTLER. I insist that it is a deficiency. Commodore Harmony so states.

The PRESIDING OFFICER. The Chair is not prepared to decide whether an amendment is for a deficiency or for some other object. As a question of order the Chair will not rule it out on such ground as that.

Mr. ALLISON. I call the attention of the Chair to the language of the bill which purports to be a bill to meet deficiencies for the fiscal year 1886 and prior years. If this money has been expended, of course it ought to go on this bill; but if it is to be expended for the next year I do not see how you can put it on this bill under the title of the bill.

Mr. BUTLER. It is a deficiency, and Commodore Harmony so states.

The PRESIDING OFFICER. The Chair is not prepared to decide as a question of order whether an amendment is or is not for a deficiency.

Mr. BUTLER. Let us have a vote on it.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from South Carolina [Mr. BUTLER].

The amendment was agreed to.

Mr. KENNA. I offer the following amendment, to come it on page 97, after line 2381 of section 1:

To pay Patrick V. Dolan the difference between the pay of a laborer at $720 per annum and that of a messenger at the rate of $3.60 per day from July 1, 1885, to January 1, 1886, $302.40.

Mr. HALE. I must make the point of order on that.

Mr. KENNA. I hope the Senator will not urge any point of order against this proposition. It is precisely in every feature a duplicate of clauses already agreed to; and if there is any employé of either House who should receive this reasonable and fair compensation for his services it is this man, and the mere fact that he may not have given that attention to it which involves an amendment being introduced and referred to the Committee on Appropriations it seems to me ought not to affect him injuriously.

The PRESIDING OFFICER. The Chair notifies the Senator that the question of order is not debatable.

Mr. KENNA. I appeal to the Senator from Maine to allow the amendment to be voted on.

Mr. HALE. There are a good many such cases, and I must make the point of order on all of them.

The PRESIDING OFFICER. Is the amendment reported by a committee?

Mr. KENNA. It is not. I offer the amendment, not on a report, but on its merits.

The PRESIDING OFFICER. It is not estimated for by a Department. The Chair is bound to hold that the amendment is not in order.

Mr. KENNA. I only know that it is precisely like the preceding clause which makes a discrimination in favor of Maurice Ruddlesden, and my impression is that Mr. Dolan is as much entitled to this as an honest debt as Mr. Ruddlesden.

Mr. HALE. The item the Senator refers to, that he says discriminates, is a House item, that under the courtesies between the two Houses we have little or nothing to do with; but there are no provisions in this bill providing for this increase of pay for employés of the Senate. There are scores of cases where men are appointed as laborers and then do the duties of messengers. They are very desirous of doing the duties of messengers; it is a little higher rank and place, and after a little while they come in and want the pay of messengers for the work they do. The committee has put none of those on.

Mr. GORMAN. I move to strike out from lines 649 to 651 of section 1.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 27, after line 648, it is proposed to strike out the following words:

For judicial expenses: For counsel fees in defending the District of Columbia against the claims of Samuel Strong in the courts, $1,000.

Mr. GORMAN. As I understand, there was no authority whatever to the District commissioners to employ extra counsel in this or any other case. Some $8,000 are paid annually to the legal officers of the District of Columbia, and there is nothing to show that there was any special necessity for this appropriation. I therefore move to strike it out.

Mr. HALE. This is a provision that came to us from the House of Representatives. The committee investigated it, as they did all of those portions of the bill that came from the House, and found that here was a case involving a very great amount of money that is and has been in controversy in the courts for years. The counsel employed by the District has heretofore been in the employment regularly of the District; he has left that employment, and has gone into the practice of his profession by himself, but the commissioners of the District and the attorney of the District, Mr. Riddle, declared that his knowledge of this case was such that it would be very bad management and bad husbandry to discontinue his employment, and therefore they recommended this appropriation, and the House put it in the bill. The Committee on Appropriations of the Senate, with the exception perhaps of the Senator from Maryland—I do not know whether any one else was with him—thought it was a proper item, and left it in.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Maryland.

The amendment was agreed to.

Mr. EVARTS. On page 58, section 1, I move to strike out from line 1413 to line 1416 inclusive, as follows:

Provided, That for issuing any warrant or writ and for any other necessary service commissioners may be paid the same compensation as is allowed to clerks for like services, but they shall not be entitled to any docket-fees.

This bill contains some change of the fee bills, one of which the Senate Committee on Appropriations has discarded. I now move that this also be discarded, leaving the item to stand:

Fees of commissioners: For fees of commissioners, and justices of the peace acting as commissioners, $50,000.

Leaving the regulation of their fees undisburbed by the present appropriation. The docket-fees are not very important in the aggregate, but they are of some importance to the commissioners and to some that are not largely compensated for their services. The Department of Justice recently within some years required these commissioners to do what had not been exacted from them before; that is, to keep docket entries and docket records with the same regularity as of a court, and to make reports of them to the Department of Justice. This docket-fee then stands on the same footing for these commissioners that it would stand for the clerks. I ask that this clause may be stricken out because it does not properly belong to an appropriation bill, and on its merits it ought not to be retained.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from New York [Mr. EVARTS].

The amendment was rejected.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole. The occupant of the chair desires to have the amendment made on page 29, in relation to the increase of water supply of the District of Columbia, reserved for a separate vote.

Mr. HALE. Let that be reserved.

Mr. EDMUNDS. What is that amendment?

Mr. HALE. About the reservoir.

The PRESIDENT *pro tempore*. Are there any other reservations desired by Senators? If not, the question will be taken on the amendments in gross with that exception.

The amendments not reserved were concurred in.

Mr. EDMUNDS. Now we come to the reserved amendment.

The PRESIDENT *pro tempore*. The reserved amendment will be stated.

The CHIEF CLERK. In section 1, line 686, after the words "submit to," the Senate, as in Committee of the Whole, struck out the words:

The board of engineers for fortifications and for river and harbor improvements whether any changes are demanded for reasons of safety or economy in the method of lining said tunnel heretofore adopted and pursued.

And inserted:

A board consisting of two expert civil engineers and two officers of the Corps of United States Engineers whether any and what changes are demanded for reasons of safety or economy in the entire system of the new water supply, including the reservoir and the method of constructing and lining said tunnel; and said board shall make full report thereon to the Secretary of War before such work shall be resumed.

So as to read:

To complete the reservoir, $160,000; to complete the tunnel, $395,000; in all, $555,000, or so much thereof as may be necessary; but the Secretary of War is instructed forthwith, and before resuming work on said tunnel, to submit to a board consisting of two expert civilian engineers and two officers of the Corps of United States Engineers, &c.

Mr. SHERMAN (Mr. HARRIS in the chair). I have an amendment to the amendment which I should like to have adopted, and to which I hope there will be no dissent. I have shown it to the Senator in charge of the bill.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The amendment proposed by the Senator from Ohio to the amendment will be stated.

The CHIEF CLERK. In line 696, after the word "war," it is proposed to strike out the words "before such work shall be resumed," and to insert, "but pending such examination the work shall proceed upon such parts thereof as the Secretary of War shall direct," so as to read:

And said board shall make full report thereon to the Secretary of War, but pending such examination the work shall proceed upon such parts thereof as the Secretary of War shall direct.

Mr. HALE. I think that is right.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. SHERMAN. I think in line 685 the words "and before resuming work on said tunnel" should be stricken out, because the clause provides that the Secretary of War is instructed forthwith, &c. I move to strike out, after the word "forthwith," the words "and before resuming work on said tunnel."

The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

RECESS.

Mr. ALLISON. I move that the Senate at 6 o'clock take a recess until 8 o'clock this evening.

Mr. BECK. Tell us why.

Mr. KENNA. For what reason?

Mr. ALLISON. For every purpose connected with the public business.

Mr. EDMUNDS. To go on with work.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Iowa, that the Senate at 6 o'clock this evening take a recess until 8 o'clock.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and thirty-five minutes spent in executive session a recess was taken at 6 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m. in executive session, and after fifty minutes spent therein the doors were reopened.

CONSIDERATION OF PENSION BILLS.

Mr. SAWYER. I move that the Senate proceed to the consideration of pension bills on the Calendar favorably reported.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the Senate proceed to the consideration of cases on the Calendar favorably reported from the Committee on Pensions. Is there objection? The Chair hears none, and the first case of that kind on the Calendar will be stated.

ELIZABETH MILLER.

The bill (S. 2768) granting a pension to Elizabeth Miller was announced as first in order, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension-roll the name of Elizabeth Miller, dependent mother of Martin V. Miller, late acting second lieutenant of Company E, Seventieth New York

Volunteers, at the rate allowed to dependent relatives of second lieutenants.

The bill was reported to the Senate without amendment.

Mr. CULLOM. That seems to have been reported from the Committee on Military Affairs.

Mr. PLATT. I should like to have the report read in that case.

The PRESIDENT *pro tempore*. The report will be read.

Mr. CULLOM. This seems to have been reported from the Committee on Military Affairs, according to the Calendar.

Mr. PLATT. Therefore I should like to have the report read.

Mr. CULLOM. I do not see exactly how the Committee on Military Affairs got the control of a pension bill.

Tho PRESIDENT *pro tempore*. The Chair is advised that the Committee on Military Affairs reported this as a pension case as the best way of disposing of a claim. The report will be read.

The Secretary proceeded to read the report submitted by Mr. CAMERON from the Committee on Military Affairs July 29, 1886, but before concluding was interrupted by

Mr. GORMAN. I move to refer the bill to the Committee on Pensions. It evidently ought to be referred for their report.

The PRESIDENT *pro tempore*. The Senator from Maryland moves that the bill be referred to the Committee on Pensions.

The motion was agreed to.

CATHERINE REISINGER.

The bill (H. R. 5950) granting a pension to Catherine Reisinger was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Catherine Reisinger, widow of Martin Reisinger, late a private in Company B, Twenty-fifth Regiment Indiana Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JONATHAN S. LENTS.

The bill (H. R. 6425) granting a pension to Jonathan S. Lents was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jonathan S. Lents, late a private in Company K, One hundred and forty-third Regiment of Indiana Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. JULIA DE QUINDRE.

The bill (S. 2451) for the relief of Mrs. Julia De Quindre was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 4, after the word "at," to strike out "fifty" and insert "twenty-five;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at $25 per month, the name of Julia De Quindre, for services as nurse during the war of the rebellion, subject to the provisions and limitations of the pension laws.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MORRIS T. MANTOR.

The bill (S. 2686) granting a pension to Morris T. Mantor was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Morris T. Mantor, late a private in Company F, of the Eighteenth Regiment Wisconsin Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. MARY M. GILLHAM.

The bill (H. R. 8374) granting a pension to Mrs. Mary M. Gillham was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary M. Gillham, widow of James G. Gillham, late a private in Company I, Seventeenth Regiment of Iowa Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIZZIE WRIGHT OWEN.

The bill (S. 2797) granting a pension to Lizzie Wright Owen was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lizzie Wright Owen, only surviving daughter of George Wright, late a brigadier-general of United States volunteers, at the rate of $50 per month.

Mr. SAULSBURY. There ought to be some explanation from the committee which reported these bills. We do not know anything about them unless we have the reports read. It is a very ungracious matter to object to pension bills unless we know something about them. I ask that the report be read in this case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. BLAIR July 6, 1886:

The Committee on Pensions, to whom was referred the bill (S. 2797) granting a pension to Lizzie Wright Owen, have considered the same, and report:

The claimant is the daughter of George Wright, late a brigadier-general of the United States volunteers. We append hereto the record of his distinguished military service furnished by the War Department, and a notice of his services and death which appeared at the time. Also a copy of her petition, which states the grounds of her present claim, and other documents in support thereof.

She is now poor, and her physician in this city presents a statement of her present condition, that she is suffering with attacks of disease, increasing in severity, which will soon entirely disable her.

It will be observed that the extraordinary services and misfortunes detailed in this case prevent its forming a precedent to any extent for other applications, and to refuse this application would in the opinion of your committee be an exhibition of ingratitude unworthy the Republic.

We recommend the passage of the bill.

To the honorable Committee on Pensions, United States Senate:

GENTLEMEN: I have the honor to present my petition for a pension at the rate of $50 a month in recognition of the services of my father, the late General George Wright, United States Army, who after more than forty years' services lost his life while in pursuance of his official duty in traveling from California to Oregon on the steamer Brother Jonathan, which was lost July 30, 1865.

His wife, my mother, losing her life at the same time, no pension has ever accrued to any member of the family for my father's services, and at this date, I, his only daughter, find myself a widow entirely dependent on my own exertion for the support of myself and daughter, with a son still dependent upon me for assistance in placing him in life. My health, which has of late failed, may at any time unfit me for further exertions, and I pray that a consideration of these facts and furthermore that my husband served for eighteen years as an officer of the regular Army, but resigning a short time before his death deprived me of a pension on his account, and that my brother, the late Col. Thomas F. Wright, to whom I might have looked for assistances in my present circumstances, having been killed in the Modoc war, and no pension being drawn at the present time for his service, may have such weight with the honorable committee, as may induce you to grant my prayer.

LIZZIE WRIGHT OWEN.

BRIGADIER-GENERAL WRIGHT.

When a noble and brave soldier falls in the heat of battle, the sorrow that must be felt is in a measure assuaged by the fact that he periled life in a noble cause—the defense of the land of his birth and the institutions of his government. We are apt, however, when we learn the sudden taking from our midst of a faithful soldier, to lose sight of the great good he accomplished in his official career. But a few brief days and we chronicled the departure of Brig. Gen. George Wright, to take command of the new military district of Columbia. We little thought that it should be our duty to pen the notice of his death, for we have no reason to doubt that he, with the ill-fated passengers of the Brother Jonathan, has found a watery grave.

California and the Pacific coast may well put on sables, for one of the truest and best of men has been taken from among us. As a military chieftain, his record stands among the most distinguished of American generals. Not alone was he great in the field—where masterly ability characterized his every action—but his diplomatic tact, as evinced during the trying period of the past four years, enabled our people to enjoy the blessings of peace.

We owe everything to that conciliatory spirit which marked General Wright's military administration, and it must be remembered that although many could not look into the future with his foresight, the whole nation is indebted, in a very great measure, for the pacification of the turbulent spirit which at one time threatened to embroil us on the Pacific coast in the horrors of rebellion and civil war. When we look back and review the past, we can not but feel grateful to the wisdom and prudence which marked General Wright's career. Isolated as we were at the inception of the rebellion, almost wholly without defense, with a community of mixed and multiform opinions, liable to become excited, and when excited to do deeds of violence, which sober second thought would condemn, he steered the bark of nationality throughout the whole sea of troubles with discretion, foresight, and wisdom. At the time we speak of California did not appear as prominent as history has made her. The slightest difficulty—a rupture between the civil and military authorities—would have embroiled her in the horrors which beset our sister States. At this period our industry was an essential to the maintenance of our Government and our institutions. If we were not in actual strife, if the clang, clamor, and clash of conflict did not resound from San Diego to Fraser River, we know of no one but Brigadier-General Wright to whom the honor and credit is due.

Peace has its victories as well as war. In a peaceful capacity General Wright did his country great service. Had California proved recreant to her fidelity to the Union; had our mines ceased to pour their wealth into the national Treasury, who could depict the sad picture of our national dishonor? During General Wright's direction of the military department of this coast, no measure was left untried which could further, not alone our own interests, but the great and absorbing interests of the General Government. By his wise and conciliatory conduct he cemented the bonds of union and drove gaunt war and all its attendant horrors from our midst.

General Wright was a soldier, and had a record that any great and good man might feel proud of. His career in Mexico and in the various Indian campaigns in Oregon is well known. He was born in Vermont, and entered the Army as a second lieutenant of the Third Infantry in July, 1822. His rank in the regular Army was colonel of the Ninth Regiment of Infantry, and he was brevetted a brigadier-general of volunteers in 1861. He leaves a son in the service, a colonel, commanding the Sixth Regiment of California Volunteers, at the Presidio.

As an officer he won the respect and esteem of all; as a man he was kind and genial; as a citizen he filled all the various positions with credit to himself and the flag he served and so revered. His loss is a public calamity, yet the keen edge of sorrow is tempered when we all know that, covered with years and honors, he surrended life in the discharge of his duty.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, June 17, 1886.

Statement of the military service of George Wright, late of the United States Army, compiled from the records of this office.

He was a cadet at the United States Military Academy from September 14, 1818, to July 1, 1822, when graduated and appointed second lieutenant Third Infantry; promoted first lieutenant September 23, 1827, and captain October 30, 1836; transferred to Eighth Infantry July 7, 1838; promoted major Fourth Infantry January 1, 1848; lieutenant-colonel February 3, 1855; appointed colonel Ninth Infantry March 3, 1855, and brigadier-general United States Volunteers September 28, 1861.

He received the brevets of major March 15, 1842, "for meritorious conduct in zeal, energy, and perseverance in the war against the Florida Indians;" of lieutenant-colonel August 20, 1847, "for gallant and meritorious conduct in the battles of Contreras and Churubusco, Mexico;" of colonel September 8, 1847 "for gallant and meritorious conduct in the battle of Molino del Rey, Mexico," and

of brigadier-general December 19, 1864, "for long, faithful, and meritorious services.

He joined his regiment September 29, 1822, and served therewith at Fort Howard, Wis., to July, 1824; on recruiting service to May, 1826; with regiment at Fort Howard, Wis., to September, 1826; at Jefferson Barracks, Mo., to May, 1828; at Fort Leavenworth, Kans., to May, 1829; at Jefferson Barracks, Mo. (regimental adjutant from February 1, 1831, to October 30, 1836), to September, 1831, and at Fort Jesup, La., to October 7, 1836; on leave to February, 1837; on recruiting service to October, 1838; with regiment at Madison Barracks, N. Y., to May 2, 1840; at Fort Winnebago, Wis., to June 22, 1840; near Fort Crawford, Wis., to July 8, 1840; at Madison Barracks, N. Y., to August, 1840; at Jefferson Barracks, Mo., to September 3, 1840, and in the operations against Seminole Indians in Florida to June 3, 1841; on leave to October, 1841; with regiment in Florida to April 26, 1844; on recruiting service to December 25, 1846, when he joined his regiment and served with it in the war with Mexico, being wounded September 8, 1847, at the battle of Molino del Rey. He commanded the regiment from September 20 to November 25, 1847, the second brigade, first division, army of Mexico, from November 25 to December 15, 1847, and the regiment to February 20, 1848; was on detached service in the city of Mexico to March, 1848; on sick-leave to June, 1848; mustering out volunteer troops to August, 1848; awaiting orders to November, 1848; commanded the post of Fort Ontario, N. Y., from November 13, 1848, to June 15, 1852; *en route* to California to August 19, 1852; on duty at Benicia Barracks, Cal., to September 17, 1852; was in command of Fort Reading and the northern district of California to May 19, 1855; commanded his regiment at Fort Monroe, Va., from July to December 15, 1855; *en route* to Washington Territory to January 22, 1856; he commanded the Columbia River district to June, 1857; Fort Dalles, Oreg., to July 17, 1858; the expedition against Cœur d'Alene and Spokane Indians to October 16, 1858; Fort Dalles, Oreg., to June 15, 1859; Fort Walla Walla, Wash. Ter., to June 29, 1860; the Department of Oregon from July 5, 1860, to September 13, 1861; the Department of the Pacific from October 20, 1861, to July 1, 1864, and the district of California to July 27, 1865. He was drowned July 30, 1865, in the wreck of the steamer Brother Jonathan, while on his way to Portland, Oreg., to assume command of the Department of the Columbia.

O. D. GREENE,
Assistant Adjutant-General.

WASHINGTON, D. C.

To the honorable the Chairman of the Senate Committee on Pensions:

The undersigned respectfully beg leave to invite the attention of your honorable committee to the claim for pension presented by Mrs. L. W. Owen, the daughter of the late General George Wright, United States Army.

General Wright entered the military service as a commissioned officer, upon graduation from the Military Academy in 1822, and remained therein, continuously, until his death in 1865, which occurred at sea by the foundering of the steamer Brother Jonathan, between San Francisco and the Columbia River, General Wright being at the time *en route* to Portland, Oreg., to assume command of the Department of the Columbia.

General Wright's record of military service extended over a period of near half a century, covering three wars (Seminole, Mexican, and the rebellion), and unnumbered conflicts with hostile Indians, in all of which he was most highly distinguished and successful.

While serving in the junior grades his record was invariably characterized by zeal, energy, and brilliant acts of gallantry. In the higher grades, and especially as a general officer in command of the Department of the Pacific during the critical period of the late war, his services were of inestimable value, characterized by wisdom and ability, both as soldier and statesman, of the highest order.

His whole career was that of the gallant, noble, heroic, spotless man and soldier whose deeds and fame will ever be remembered and cherished in our service.

At the time of his death he was accompanied by his wife, who went down with him. His son was killed in the lava-beds during the Modoc war while gallantly leading his company.

We are informed that no claim for pension has heretofore been presented on account of the services of either father or son. Mrs. Owen, the only daughter, was widowed several years since and left with quite a family of children. By her own exertions she has hitherto reared, educated, and maintained her children most reputably and well; but now, with advancing years and failing health, she asks aid from a generous Government in her and their support.

We respectfully beg to hope her claim will receive your most favorable attention and consideration.

P. H. SHERIDAN,
Lieutenant-General.
R. MACFEELY,
Commissary-General of Subsistence, Brigadier-General, U. S. Army.
J. C. KELTON,
Colonel, Assistant Adjutant-General.
JOHN NEWTON,
Brigadier-General, Chief of Engineers.
JOHN M. WILSON,
Lieutenant-Colonel Engineers, Colonel, U. S. Army.
JOHN G. PARKE,
Colonel of Engineers, Brevet Major-General.
S. V. BENET,
Brigadier-General, Chief of Ordnance.
A. BAIRD,
Brigadier-General, Inspector-General.
O. D. GREENE,
Assistant Adjutant-General, Brevet Brigadier-General.
ROBT. N. SCOTT,
Lieutenant-Colonel Third United States Artillery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALLIE B. BENT.

The bill (H. R. 6606) granting a pension to Sallie B. Bent was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sallie B. Bent, dependent mother of David P. Bent, late a private in Company G, Fourth Regiment Vermont Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH WARD.

The bill (S. 2587) granting a pension to Elizabeth Ward was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Ward, the dependent widow of General Durbin Ward, at the rate of $100 per month.

Mr. PLATT. Let the report be read.

Mr. CAMDEN. Let us have the report read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary proceeded to read the report, submitted by Mr. BLAIR from the Committee on Pensions, July 6, 1886, but before concluding,

Mr. HALE. That is right; let it go. I hope the bill will pass without objection. The whole country knows about the case.

Mr. CAMDEN. I withdraw the call for the reading of the report. I did not understand the case. I see that it is all right.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Connecticut [Mr. PLATT] to call for the reading of the report?

Mr. PLATT. I did call for the reading of the report, and I wish to record my vote against this case.

Several SENATORS. It is all right.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSHUA ARMSTRONG.

The bill (H. R. 2027) granting a pension to Joshua Armstrong was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joshua Armstrong, dependent father of John E. Armstrong, late of Company A, Seventh Regiment United States Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIA L. STRONG.

The bill (S. 2708) for the relief of Maria L. Strong was considered as in Committee of the Whole. It proposes to pay out of the Navy pension fund, to Maria L. Strong, widow of the late Real-Admiral James H. Strong, of the United States Navy, $50 per month, during her widowhood, in lieu of her present pension.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ANTONIA B. LYNCH.

The bill (H. R. 1630) to increase the pension of the widow of the late Capt. Dominick Lynch, United States Navy, was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 6, before the word "dollars," to strike out "thirty" and insert "forty;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to increase the pension now allowed Mrs. Antonia B. Lynch, widow of the late Capt. Dominick Lynch, United States Navy, from twenty-five to forty dollars per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SUSAN E. ALGER.

The bill (S. 363) for the relief of Susan E. Alger was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and in lieu thereof to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Susan E. Alger, dependent mother of Warren A. Alger, late of Company D, Fifteenth Regiment of Massachusetts Volunteers.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN F. BERKLEY.

The bill (S. 2311) granting an increase of pension to Benjamin F. Berkley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Benjamin F. Berkley, formerly of Company C, Seventh Regiment Illinois Cavalry, at the rate of $24 a month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MICHAEL FITZPATRICK.

The bill (S. 2803) granting a pension to Michael Fitzpatrick was announced as next in order.

The PRESIDENT *pro tempore*. The Chair is advised that a House bill of precisely similar character is upon the Calendar; and if there be no objection the House bill will be placed before the Senate instead of the Senate bill, and the Senate bill indefinitely postponed.

Mr. SAWYER. I ask that the House bill be considered.

The bill (H. R. 8963) granting a pension to Michael Fitzpatrick was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Michael Fitzpatrick, late a private in Company A, One hundred and fiftieth New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SAWYER. I move that the bill (S. 2803) granting a pension to Michael Fitzpatrick be indefinitely postponed.

The motion was agreed to.

PENSIONS FOR DEAFNESS AND LOSS OF SIGHT.

The bill (S. 2818) to increase the rate of pension for deafness and loss of sight was announced as next in order.

Mr. COCKRELL. That is a general bill. Let that be passed over.

The PRESIDENT *pro tempore*. The bill will be passed over. The next case will be stated.

MRS. ELIZABETH COLLINS.

The bill (H. R. 7728) granting a pension to Mrs. Elizabeth Collins was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Elizabeth Collins, widow of William H. Collins, late of Company H, Sixth Regiment of Minnesota Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE H. LAURENCE.

The bill (H. R. 1617) for the relief of George H. Laurence was considered as in Committee of the Whole. It proposes to increase the pension of George H. Laurence, late a first lieutenant and brevet major of Company C, Second Regiment New York Mounted Rifles Volunteers, United States Army, to $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET D. MARCHAND.

The bill (S. 226) granting a pension to Margaret D. Marchand was announced as next in order.

Mr. PLATT. I presume that it is not proposed to take that bill up to-night.

The PRESIDENT *pro tempore*. That is one of the bills vetoed by the President.

Mr. COCKRELL and Mr. HARRIS. Let it be passed over.

The PRESIDENT *pro tempore*. The bill will be passed over.

THEODORE DUNMIRE.

The bill (H. R. 8057) for the relief of Theodore Dunmire was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Theodore Dunmire, late of Company E, First Regiment United States Veteran Engineers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS W. HALDEMAN.

Mr. SPOONER. I ask that Order of Business 1695 may be taken up at this time. It is not absolutely a pension case, but it is so near it that I think the Senate will not object. It is a House bill.

Mr. HOAR. Let it be read, for information.

The PRESIDENT *pro tempore*. The Senator from Wisconsin asks the unanimous consent of the Senate pending the present order to proceed to the consideration of a bill which will be read for information.

The Chief Clerk read the bill (H. R. 658) for the relief of Francis W. Haldeman, and the Senate, as in Committee of the Whole, proceeded to consider it. It proposes to pay to Francis W. Haldeman, of Avoca, Iowa, $200, as compensation for services performed and money expended for the benefit of the United States during the late civil war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INTERNATIONAL SHEEP AND WOOL SHOW.

Mr. HAWLEY. I ask unanimous consent to correct a mistake made in the passage of a printing resolution day before yesterday. The Senate, intending to concur with the House in the passage of a joint resolution, acted upon a copy, which was the original House resolution. The House passed an amended resolution, and that is what we intended to concur in. I move to reconsider the vote by which the Senate ordered to a third reading and passed the joint resolution (H. Res. 138) to print ten thousand copies of the Report of the Commissioner of Agriculture on the International Sheep and Wool Show, held in Philadelphia in September, 1880.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The joint resolution is before the Senate and open to amendment.

Mr. HAWLEY. I desire to have the joint resolution passed. It is the one the Senate thought it was passing, and is the same thing precisely except in line 9 of the copy passed by the Senate the word "three" occurred before the word "thousand" in place of the word "one."

Mr. COCKRELL. What is the number for the Senate and for the House?

The PRESIDENT *pro tempore*. The joint resolution will be read at length.

The joint resolution was read, as follows:

Resolved, &c., That there be printed 10,000 copies of the Report of the Commissioner of Agriculture on the International Sheep and Wool Show, held in Philadelphia, Pa., in September, 1880; of which 3,000 copies shall be for the use of members of the Senate, 6,000 copies for the use of members of the House of Representatives, and 1,000 copies for the use of the Commissioner of Agriculture; the work to be subject to the approval of the Commissioner of Agriculture.

The joint resolution was ordered to a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. Does the Senator from Connecticut wish to have the copy which was passed recalled from the House?

Mr. HAWLEY. It has not been sent to the House. The clerks retained it here.

ARETUS N. BUTLER.

The PRESIDENT *pro tempore*. The next pension bill on the Calendar will be proceeded with.

The bill (H. R. 7749) granting a pension to Aretus N. Butler was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Aretus N. Butler, late a member of Company B of the Twenty-seventh Iowa Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. PARKS.

The bill (H. R. 7736) granting a pension to George W. Parks was considered as in Committee of the Whole. It proposes to increase the rate of pension now allowed to George W. Parks, late a private in Company I, Seventh Regiment Missouri Cavalry Volunteers, from $30 per month to $45 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. H. BUCK.

The bill (H. R. 3118) granting an increase of pension to William H. H. Buck was considered as in Committee of the Whole. It proposes to place the name of William H. H. Buck, late of Company G, First Vermont Cavalry, upon the pension-roll, at the rate of $12 per month, instead of $6 per month, as provided by act of Congress approved March 3, 1879.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL BULMAN.

The bill (H. R. 8977) to restore to the pension-roll the name of Samuel Bulman was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Samuel Bulman, late a private in Company M, First Regiment New York Volunteer Artillery, as dependent father of Dewitt C. Bulman, late a private in Company B, Twenty-eighth New York Volunteers.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The report will be read.

The Secretary read the following report, submitted by Mr. BLAIR July 13, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 8977) to restore to the pension-roll the name of Samuel Bulman, have examined the same, and report:

The facts of this case are briefly stated in the annexed report of the House committee, made during the present session, House Report No. 2551, which we adopt, and recommend the passage of the bill:

The claimant in this case was himself a private of Company M, First Regiment New York Artillery, and, as appears from the official discharge on file, enlisted September 4, 1862, and was discharged March 25, 1863, "for physical disability by reason of old age, no upper teeth, broken-down constitution, and improper enlistment."

The son, Dewitt C. Bulman, private Company B, Twenty-eighth New York Volunteers, was killed in battle at Cedar Mountain, August 9, 1862, as appears by the report from the Adjutant-General's Office.

It appears by the evidence on file in the Pension Office that the son contributed to the support of the claimant $50 per year for the four years prior to his enlistment, and sent home $40 while in the service.

The claimant was placed on the pension-roll July 8, 1869, as the dependent father of said soldier, at the rate of $8 per month, and in November, 1878, he made application for an additional pension for disability incurred while in the service of the United States. While said claim for additional pension was pending the claimant was dropped from the roll as dependent father on the ground that at the time of the death of his son the claimant was not dependent on him, for the reason that he himself was in the United States service as a soldier. The evidence from the Adjutant-General's Office, however, shows that the father enlisted about a month after the death of his son, who for four years had been contributing to his support, and these facts show that the Department was incorrect in its reasons for suspending and dropping him from the rolls.

The special examiner having charge of the examination on the application for additional pension, in his report of date September 16, 1885, finds against his claim for the additional pension, but says:

"The pension as dependent father is undoubtedly very meritorious, and I recommend its continuance."

The claimant is seventy years of age, has been stricken with paralysis, and is poor and dependent. His son, who had contributed to his support for years, was killed in battle. The claim is eminently meritorious, as a dependent father, and the committee recommend the passage of the bill herewith reported as a substitute for House bill 6531, by which the claimant is restored to the pension-roll as the dependent father of Dewitt C. Bulman, late private of Company B, Twenty-eighth New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. AURELIA C. RICHARDSON.

The bill (H. R. 1584) for the relief of Mrs. Aurelia C. Richardson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Aurelia C. Richardson, dependent mother of Albert H. Fillmore, late of Company F, Eleventh New York Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY ANN DOUGHERTY.

The bill (S. 2868) granting a pension to Mary Ann Dougherty was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Ann Dougherty, at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EMMA J. HALLOWAY.

The bill (H. R. 578) for the relief of Emma J. Halloway was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Emma J. Halloway, widow of Henry C. Halloway, late a captain and commissary of subsistence in the United States Army.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. SEWELL July 20, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 578) for the relief of Emma J. Halloway, have examined the same, and report as follows:

The committee find upon examination that the papers in the case show the following statement of facts, as set forth in the report of the House Committee on Invalid Pensions:

The claimant is the widow of Henry C. Halloway, who served during the entire war, for the first few months in the Nineteenth Regiment Indiana Volunteers, and later, by appointment of President Lincoln, as assistant commissary of subsistence, with the rank of captain.

The evidence of the late Commissioner of Pensions, Col. W. W. Dudley, is to the effect that he had known the soldier since boyhood, and was a comrade with him in aforesaid Nineteenth Indiana Regiment. He further says "that afterward the said Halloway was serving in the same army and part of the time in the same division with him; that his acquaintance was intimate and that he remembers well that at the battle of Gettysburg the said Halloway was seriously injured by being thrown from his horse, which was shot under him and fell upon him; that he was not an eye-witness to the accident, but that it was a matter of common report in the command in which he was then serving and where Halloway had many warm friends, and that this was known to him very soon after it happened, and that said Halloway was seriously injured in the chest by said accident. He says that Halloway was a stout, robust man when he entered the service, and that he so continued until the time of said accident; that he then complained of said injury and that his health failed him, and that he continued to grow worse, until his death, as said Dudley believes, was the result of said accident. A number of persons testify to the physical soundness of said Halloway prior and up to the time of his entering the army."

Dr. J. K. Bigelow, a member of the board of pension-examining surgeons of Indianapolis, testifies that he began to treat said Halloway in 1866 for lung trouble, and continued his treatment for ten years for that disease, and also for chronic diarrhea.

This officer appears, from the testimony of those who served with him, to have been conspicuous for his gallantry, and although serving on the staff of general officers, in a capacity where he was not required to go into a general engagement, he never lost an opportunity to act as aide-de-camp, and could always be seen in the thickest of the fight. While serving in the Nineteenth Indiana he was engaged in every skirmish and battle in which that regiment took part.

He never applied for a pension, because he said he did not need one. He has, however, left his widow without property, and she, having applied at the Pension Office, has met with a rejection of her claim upon the ground that the origin of his fatal disease in the service was not sufficiently proven.

This committee, after a careful review of the above case, feel justified in reversing the decision of the Pension Office, and without hesitation say that they believe that this officer died of an injury and disease contracted in the military service and in the line of his duty, and that his widow should be pensioned; and therefore report the bill to the House with a favorable recommendation, and ask that it do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANN KINNEY.

The bill (H. R. 5389) granting a pension to Ann Kinney was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ann Kinney, widow of Edward Kinney, late a private in Company E, Seventy-seventh Ohio Infantry Volunteers.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. SAWYER July 20, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 5389) granting a pension to Ann Kinney, have examined the same, and report:

The claimant is the widow of Edward Kinney, who was pensioned at the rate of $18 per month. The Pension Office rejected her application on the statements, which were solicited, of two persons who, it is alleged, were prejudiced, and whose statements are positively contradicted by sworn evidence. The report of the House committee is adopted, and is as follows:

"Ann Kinney is the widow of Edward Kinney, who was a private in Company E, Seventy-seventh Ohio Volunteer Infantry, who was upon the pension-rolls at $18 per month from 1862 until the time of his death, which occurred September 5, 1875. Mrs. Kinney filed her claim November 28, 1877, alleging that her husband died from the effects of his wounds received at the battle of Shiloh. The Pension Office disputed this fact and alleged that death ensued from the result of a drunken spree, as Kinney was said to have been addicted to the intemperate use of liquors, and for this reason the widow's claim was rejected.

"Only two witnesses are brought up to sustain this allegation—one of them the postmaster at Bellaire, Ohio, and the other the city marshal of the same place. These two persons were not even sworn when giving this testimony, and as both were persons who disliked Kinney, it is not probable they would say anything in his favor. On the other hand, a large amount of testimony, sworn to, was adduced by Mrs. Kinney to the effect that her husband was subject to epileptic fits, and that death ensued from congestion of the brain while in one of those fits. In view of these facts, and that the unsworn testimony of the persons stated seems to be all upon which the rejection of the claim was based, your committee recommend that the bill do pass."

The bill is herewith reported to the Senate, with a recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM HICKS.

The bill (H. R. 1681) for the relief of William Hicks was considered as in Committee of the Whole. It proposes to place the name of William Hicks, late of Company D, Fifth Regiment Vermont Volunteer Infantry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETER ADAMS.

The bill (H. R. 7163) granting a pension to Peter Adams was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Peter Adams, late of Company D, One hundred and sixty-fifth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ERASTUS W. KENNEDY.

The bill (H. R. 8046) granting a pension to Erastus W. Kennedy was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Erastus W. Kennedy, late a private in Company K, Ninth Regiment Michigan Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WARREN L. RICE.

The bill (H. R. 7517) for the relief of Warren L. Rice was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Warren L. Rice, late a private in Company F, Sixth Michigan Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES ROBINSON.

The bill (H. R. 7169) to grant a pension to James Robinson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Robinson, late of Company F, Fortieth Regiment United States Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCINDA SAWYER.

The bill (H. R. 8333) granting a pension to Lucinda Sawyer was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lucinda Sawyer, stepmother of John Sawyer, late a private in Company C, Third Regiment Maine Volunteers.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. SAWYER July 20, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 8333) granting a pension to Lucinda Sawyer, have examined the same, and report:

This is the claim of a dependent step-mother. The soldier, John Sawyer, died from wounds received in battle, and his dependent father received a pension until he died. There has been no application for pension, because a step-mother can only be pensioned by special act. The need and worthiness of this claimant is well described in the report of the House committee, which is adopted and is as follows:

"The petitioner is the step-mother of John Sawyer, a private of Company C, Third Regiment Maine Volunteers, who died from wound received in the first battle of Bull Run. The mother of soldier died while he was an infant. His father married the petitioner when John was about three years old, and she filled a mother's place in every particular from that time till the time of his death; in fact, she had the care of him almost from the time of his father's death. She reared him as her own child, nursed, clothed, and worked hard for him, for the family seem to have been poor.

"Leason Sawyer was pensioned as dependent father of the soldier. He died in 1879. The claimant was equally dependent with the father upon the pension for support, but, as a step-mother, can have no claim under the laws governing pensions. She is sixty-three years old, and in feeble health, with no means of support, having no money or property from which she derives any income.

"It is in the line of numerous precedents, and this committee think it is right that this woman, the only mother John Sawyer ever knew, who nursed him and reared him and sent him forth to die in the service of his country, is entitled to the same consideration she would receive as his natural mother.

"We therefore report the accompanying bill and recommend that it do pass."

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., June 15, 1886.

SIR: In response to your request for the papers in the case of Lucinda Sawyer, step-mother of John Sawyer, Company C, Third Maine Volunteers, I have the honor to state that the records and files of this office fail to show that a claim for pension by Mrs. Sawyer, or by any other person on account of the service of the above-named soldier, has ever been filed.

Very respectfully,

JOHN C. BLACK, *Commissioner.*

Hon. JOHN I. MITCHELL,
Chairman Senate Committee on Pensions.

The bill is herewith reported to the Senate with a recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES F. SALYERS.

The bill (H. R. 3948) granting a pension to James F. Salyers was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James F. Salyers, late a private in Company B, Eighteenth Regiment Kentucky Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM P. SHELTON.

The bill (H. R. 3851) granting a pension to William P. Shelton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William P. Shelton, late of Company A, First Alabama Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB NIX.

The bill (H. R. 8334) granting a pension to Jacob Nix was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jacob Nix, who served as a captain in the Brown County (Minnesota) militia during the attack of Indians upon New Ulm, Minn., August, 1862, and grant him the pension as a captain.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDING OFFICER. The Secretary will read the report.

The Secretary read the following report, submitted by Mr. SAWYER July 20, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 8334) granting a pension to Jacob Nix, have examined the same, and report:

The claimant was pensioned by special act of Congress, at the rate of $6.66. A recent examination reports him totally disabled. The committee adopt the report of the House committee, which is as follows:

"Claimant was a captain of a company called out by the governor of the State of Minnesota during the Sioux Indian outbreak and massacre, 1862, when he was wounded in the hand and arm, and lost its use on account of said wound.

"The Legislature of the State of Minnesota passed the following resolution:

"'That our Senators and Representatives in Congress are hereby requested to obtain a special act of Congress granting a captain's pension to said Jacob Nix, or such other relief as his condition demands.

"'Approved February 2, 1881.'

"Claimant was granted a pension by act of Congress approved July 22, 1882, with the rank of captain, at the rate of one-third disability. In accordance with said act claimant is now drawing a pension of $6.66⅔ per month. Owing to the act referred to claimant is barred from the relief intended and can not be rated in accordance with his disability. The Mankato board of examining surgeons makes the following report:

"'The examination reveals the following conditions: A circular cicatrix, size of quarter of a dollar, on inner side of left arm, a little anteriorly and about 3 inches above internal condyle of humerus, said to be site of alleged gunshot wound; no exit wound, ball being removed some time after injury; arm and forearm atrophied, measuring 1 inch less than right; loss of left ring finger, it being amputated near metacarpo-phalangal joint; cicatrix adherent to bone and very tender; muscles of left hip, thigh, and leg much atrophied; knee joint enlarged, tender, and painful; is very lame. Claimant connects this condition with gunshot wound. Thinking it not our province to rate this injury we omit it, and rate for gunshot wound of left arm three-fourths of total; for loss of left ring finger one-fourth of total. We find the disabilities entitle him to a total rating.'

"Your committee recommend that House bill 6096 lie on the table and the accompanying substitute be adopted in lieu of said bill."

The bill is herewith reported to the Senate, with a recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time and passed.

ELIZABETH S. DE KRAFFT.

The bill (S. 2730) granting an increase of pension to Elizabeth S. De Krafft was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth S. De Krafft, widow of John Charles Philip De Krafft, late a commodore and rear-admiral in the United States Navy, at $50 per month, in lieu of that which she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS S. DUVALL.

The bill (H. R. 887) granting a pension to Thomas S. Duvall was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Thomas S. Duvall, late captain of Company A, Kentucky Home Guards.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDING OFFICER. The Secretary will read the report.

The Chief Clerk read the following report, submitted by Mr. BLAIR July 20, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 887) granting a pension to Thomas S. Duvall, have examined the same, and report:

Your committee have considered the facts in this case and adopt the report of the Committee on Invalid Pensions of the House of Representatives made during the present session (House Report No. 2623), and recommend that the bill do pass.

Thomas S. Duvall was captain of Home Guard Company attached to Eighteenth Kentucky Infantry Volunteers, under command of Col. John J. Landrum; that on 17th July, 1862, and during an engagement in the battle of Cynthiana, Ky., he received a gunshot wound in left hand, resulting in amputation. He filed claim for pension June 16, 1882, which was rejected on the ground that no claim of a State militiaman or non-enlisted person, on account of disability from wounds or injury in battle with rebels or Indians while temporarily rendering service, shall be valid unless prosecuted to a successful issue prior to July 4, 1874.

Your committee has invariably recommended the passage of similar bills. This case is a very meritorious one. We therefore recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALLY A. STONE.

The bill (H. R. 5041) granting a pension to Sally A. Stone was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sally A. Stone, dependent mother of Lieut. Col. Henry M. Stone, deceased, late of the Third New York Volunteer Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHERINE M. LEE.

The bill (S. 2790) granting a pension to Catherine M. Lee was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 7, before the word "dollars," to strike out "twenty-five" and insert "twelve;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catherine M. Lee, a volunteer nurse during the late war, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARTIN V. CURRY.

The bill (H. R. 9457) granting a pension to Martin V. Curry was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Martin V. Curry, late a private in Company G, First Regiment United States Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABEL MISHLER.

The bill (H. R. 2964) to restore to the pension-list the name of Abel Mishler, of Pennsylvania, was considered as in Committee of the Whole. It proposes to restore to the pension-list the name of Abel Mishler, late a first lieutenant of Company H, One hundred and twenty-eighth Regiment Pennsylvania Volunteers, and quartermaster of that regiment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JONAS SCHOONOVER.

The bill (H. R. 8663) to increase the pension of Jonas Schoonover was considered as in Committee of the Whole. It proposes to increase the pension of Jonas Schoonover, late colonel of the Twenty-ninth Regiment Ohio Infantry Volunteers (who is now on the pension-roll under certificate of invalid pensions numbered ——, at the rate of $30 per month), to $40 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

VETOED PENSION BILLS.

Mr. SAWYER. Mr. President——

Mr. HARRIS. The bills on the Calendar from Order of Business No. 1745 to 1760 inclusive, being bills which have been vetoed by the President, should be passed over.

Mr. SAWYER. That is just what I was going to suggest, that we pass over vetoed cases.

The PRESIDING OFFICER. The bills referred to will be passed over.

THOMAS W. EGAN.

The bill (S. 2682) granting a pension to Thomas W. Eagan was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment in line 7, after the word "month," to strike out "from the 29th day of September, 1864, in lieu of the pension he is now receiving," and insert "in lieu of any pension he is now receiving;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Thomas W. Egan, late colonel of the Fortieth Regiment New York Volunteers, and pay him a pension of $100 per month, in lieu of any pension he is now receiving.

Mr. COCKRELL. Let the report be read.

The PRESIDING OFFICER. The report will be read. The Chair understands it is quite a long report.

Mr. HARRIS. Let the bill go over then.

Mr. SAWYER. It is report No. 1534.

Mr. CULLOM. May I inquire what the case is?

The PRESIDING OFFICER. The bill is for the relief of Thomas W. Egan.

Mr. SAWYER. The report is here.

The PRESIDING OFFICER. The Chair understands that the report proper is not very long.

The Chief Clerk proceeded to read the report, submitted by Mr. VAN WYCK from the Committee on Pensions July 20, 1886.

Mr. COCKRELL. That is a very long report.

The PRESIDING OFFICER. The Chair understands that the body of the report is not long.

Mr. COCKRELL. Unless there is some grave reason why this pension is put up to $100 I shall have to object.

Mr. SEWELL. I beg that the Senator from Missouri will not object to the case. It is a very peculiar one. I served with General Egan. He was one of the most gallant men in the Army of the Potomac. He is utterly and totally unfit to earn a living and has been for a number of years. He was wounded, I do not know how many times, but a great many. He was one of the most gallant men we had, always in the thickest of the fight, and he always managed to get wounded in almost every fight the Army was engaged in. I look upon it as a most meritorious case, one where you can not in view of the fact that he was a volunteer officer put him on the retired-list as you would an officer of the regular Army similarly situated, utterly unable to earn a living. I think the Senator ought not to object to that. The Senate ought to pass the bill.

The PRESIDING OFFICER. Does the Senator withdraw his objection?

Mr. COCKRELL. Let the reading proceed.

The PRESIDING OFFICER. Objection is withdrawn.

The Secretary resumed the reading of the report.

Mr. CULLOM. I thought all objection was withdrawn.

Mr. COCKRELL. I want the report read without the exhibits.

The Secretary resumed and concluded the reading of the report, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2682) granting a pension to Thomas W. Egan, have examined the same, and report as follows:

Thomas W. Egan was colonel of the Fortieth Regiment New York Volunteers; that he is now and has been since 1864 receiving a pension at the rate of $30 per month.

General Egan was a brave, faithful, and distinguished officer—distinguished for long, faithful, and valuable service. His long service was exceptionally brilliant, his many wounds were severe, his injury permanent, his pains and disabilities increasing, so that now and for many years his pension has been inadequate to his just claims.

In 1869 Dr. Potter says:

"Finds gunshot wound of right forearm, fracturing the ulna, from which several pieces of bone have exfoliated, and injuring both the ulna and radial nerve, causing loss of sensation in part of finger and impairing motions of forearm and hand; also a wound of right thigh, through its middle; also wound of thorax, 1 inch to left of spinal column. Disability total; permanent."

In 1873, an examining surgeon in New York city, Thomas Franklin, says:

"About 2½ inches of right ulna has been resected; hand is cold and clammy; complete anchylosis of the wrist joint."

In 1886, Dr. J. E. Dexter, late medical inspector Third Army Corps, states:

"WASHINGTON, D. C., *June* 23, 1886.

"I knew General Egan when he first entered the military service of the United States, being at that time the assistant surgeon of his regiment. He was then a man in the enjoyment of perfect health. None more active and enthusiastic. I well knew of his gallantry on the field. His record, as it appears in the War Department, does him but partial justice.

"General Egan is at present under my treatment, and I can state that his condition is unqualifiedly deplorable, requiring the regular attendance of another person, or a physician, all the result of wounds received and exposure incident to his military life.

"J. E. DEXTER, M. D.,
"*Late Medical Inspector, Third Army Corps.*"

The following certificate of General Hancock was given January 30, 1869:

"Thomas W. Eagan was a colonel, brigadier-general, and brevet major-general in my command, and is, as I am informed, an applicant for an invalid pension; that he was honorably discharged January 15, 1866, by reason of his services being no longer required, he also tendering his resignation.

"And I further certify that the said Thomas W. Eagan was wounded June 16, 1864, near the Avery House, in front of Petersburg, Va., by being struck over the left kidney with a piece of shell, from the effect of which he fell from his horse and was carried from the field.

"He was also wounded November 14, 1864, on the picket line of my command in front of Petersburg, Va., being struck by a minie-ball, which passed through his right forearm. That at both of these times he was in the line of his duty commanding a brigade of my command. And that the said Thomas W. Egan was in perfectly good health and not suffering from any wound or disability when he entered the service."

The following is a brief statement of the military history and indorsements of General Egan:

"General Thomas W. Egan entered the service in April, 1861, as quartermaster of the "Constitution Guard," afterward known as the "Mozart Regiment" and "Fortieth New York Volunteers." The work of subsisting, clothing, arming, and equipping the regiment fell upon him. On its completion, June 14, 1861, he was commissioned and mustered in as lieutenant-colonel.

"He was in charge of the fatigue parties during the entire siege of Yorktown, Va., they averaging ten thousand men per day. Their supervision demanded constant personal risk and superhuman exertion. For several weeks he passed twenty hours per day in the trenches.

"The gross misconduct of the colonel at Fair Oaks, Va., on May 31, 1862, compelled Eagan to place him under arrest and assume command of the regiment. His (Eagan's) action was fully approved by his superiors, and his subsequent gallantry in the fight was conspicuous. He was commissioned and mustered in as colonel June 5, 1862, commanding the regiment in the battles of Robinson's Field, Savage Station, Charles City, Cross Roads, Malvern Hill, Second Bull Run, Chantilly, Chancellorsville, Gettysburg, Mine Run, Wilderness, and Ny River. He commanded the brigade in the battles of Spottsylvania Court-House, North Anna River (Taylor's Bridge), Cold Harbor, and Petersburg.

"He was wounded at Gettysburg and had two horses killed under him. Scorning to dismount under fire, he always rode into action, and lost eight horses in all.

"He was wounded again at Petersburg, June 16, 1864, and compelled to retire from the field for about two months. This wound was near the spine, and caused a progressive paralysis of the lower limbs.

"On September 3, 1864, he was promoted to brigadier-general. Secretary Stanton handed him his commission in person, accompanying it with passionate encomiums on his military services. He (Egan) was placed in command of the second brigade, second division, Second Army Corps, then in front of Petersburg. He pressed the siege works in his front with his accustomed vigor and address. At the battle of the Boydton Plank Road, October 27, 1864, he commanded the division, consisting of four brigades, with consummate skill and courage, saving the day and converting an impending disaster into a brilliant victory. He was brevetted major-general for his services on that day. He was to have had the full rank, but there was no vacancy.

"This was his last battle, for on November 14, 1864, he was almost fatally wounded in front of Petersburg. On his partial recovery in March, 1865, he was sent to the Shenandoah Valley at General Hancock's personal requests and commanded the provisional division, Army of the Shenandoah. The brigades were commanded by Generals McCook, McKibbin, Banning, Fisher, Raum, and others. The command was under marching orders for General Lee's rear when the news of his surrender and the assassination of the President arrived.

"Egan was held in service until January 15, 1866, the administration expecting a conflict with the Maximilian empire in Mexico, but Bazaine's departure averted the necessity, and Egan was honorably mustered out at his own request.

"He never went through an action without winning the unstinted praise of his superiors and the admiration of his associates and subordinates.

"A single company of his original regiment had forty men killed in battle. This proportion was not greater than that of the whole regiment.

"His gallantry was not greater than his humanity to the enemy, and his ungrudging kindness to such families as the fortunes of war threw within his lines was proverbial.

"His testimonials were written by such men as Lincoln, Stanton, Heintzelman, Sedgwick, Porter, McClellan, Pope, Hancock, Kearny, Birney, Sickles, Berry, Ward, Meade, Hooker, and Grant. Copies of some of them are appended.

THOMAS W. EGAN.

"His wounds have rendered his right arm useless, and partly paralyzed his lower limbs. For two years he has been under the constant care of nurses and physicians. His present pension is wholly insufficient for his support, and he is and always will be unfit for work of any kind."

HEADQUARTERS MILITARY DIVISION ATLANTIC,
Philadelphia, June 29, 1866.

SIR: I take great pleasure in bearing testimony to the good conduct and meritorious services of General Egan whilst under my command in the Army of the Potomac. He was particularly distinguished for his gallantry at the battle of Hatcher's Run, October 27, 1864, where his good conduct was so conspicuous that at my urgent solicitation he was brevetted a major-general of volunteers.

Very respectfully, your obedient servant,

GEO. G. MEADE,
Maj. Gen., U. S. A.

To his Excellency ANDREW JOHNSON,
President United States.

General Egan served with the Army of the Potomac during all the time I was with it, and I believe from the beginning of the rebellion.

His military record is of the first order, he having risen by merit from lieutenant-colonel to brigadier and brevet major-general during the war.

U. S. GRANT, *Lieutenant-General.*

JULY 24, 1866.

HEADQUARTERS THIRD DIVISION, SECOND CORPS, *July* 8, 1864.

COLONEL: I have the honor to state, in reply to circular from headquarters Second Army Corps of this date, that I have no recommendation to make, except in the case of Col. Thomas W. Egan, Fortieth New York Volunteers, whom I have already recommended for his gallant conduct, throughout this campaign, particularly at the Wilderness, Spottsylvania, Nortn Anna, and before Petersburg.

Colonel Egan was first brought to my attention at the battle of Fair Oaks. On that occasion I sent for his regiment—Fortieth New York, of which he was lieutenant-colonel—to come to the front. The colonel (Riley) hesitated. Egan, pronouncing him drunk, placed him in close arrest, took command, and reported with his regiment.

At the battles of Glendale, Malvern, and Bull Run his conduct elicited the strongest commendations of myself (his brigadier commander) and of Major-General Kearny, the division commander. In the three battles his conduct was the most distinguished. At the battle of Chantilly, upon the rout of Stevens's division, his regiment (Fortieth New York) under his command held the enemy in check until our line could be re-established, and received my highest praise.

During the battle of Chancellorsville, upon the misbehavior of Colonel ——, Egan was placed in command specially of First Brigade (First Division, Third Corps), and again received the warmest encomiums on his energy and gallantry.

At Gettysburg, when the enemy was pressing Ward's brigade, who reported himself in the last extremities, I sent Egan to charge with the Fortieth. He led his regiment, and succeeded in repulsing three times his number in a *bona fide* bayonet charge. My staff officer (Capt. James C. Briscoe) reported it to me as the most brilliant affair of the day.

At Kelly's Ford, November 9, 1863, I selected Egan's regiment to storm the enemy's rifle-pits by wading the river. He was entirely successful.

At Paynes's farm, November 27, 1863, in the engagement of the Third Corps, his regiment received my warmest thanks.

During the winter of 1863, under his personal attention, his regiment was not surpassed in its discipline, complete equipment, and soldierly bearing.

On the 5th and 6th of May, 1864, at the Wilderness, his conduct was admirable, and he was selected to command the rear guard, which he did with great address.

On the 12th of May (Spottsylvania) he commanded the brigade, and during that day and all of this campaign, until he was wounded in storming the enemy's works at Petersburg, his conduct met my warmest approval. I was always sure of a warm and hearty co-operation from him.

I have frequently recommended him for promotion. He is one of the oldest colonels in the volunteer service, and his term has expired. He has ever been an active, "healthy," gallant soldier—always at the head of his command.

I earnestly recommend his promotion, to date from the storming of the enemy's works at Taylor's bridge, North Anna River, May 26, 1864.

I have no one in my command who has so well earned promotion. The gallantry and providential escapes of this officer are proverbial in my division. I trust that this officer will be promoted and assigned to my command.

I am, colonel, very respectfully, your obedient servant.

D. B. BIRNEY,
Major-General Volunteers.

Lieut. Col. F. A. WALKER,
Assistant Adjutant-General Second Army Corps:

[General Hancock's indorsement.]

HEADQUARTERS, SECOND ARMY CORPS,
Near Petersburg, Va., July 15, 1864.

GENERAL: I have the honor to recommend the following officers of the Second Army Corps for promotion to the rank of brigadier-general for distinguished services. * * * Col. T. W. Egan, Fortieth New York Volunteers, for gallant and meritorious conduct while in command of a brigade, to date May 26, 1864.

* * * * * * *

WINFIELD S. HANCOCK,
Major-General, Commanding.

[General Meade's indorsement.]

HEADQUARTERS ARMY OF THE POTOMAC, *July 20, 1864.*

Respectfully forwarded approved.

GEO. G. MEADE,
Major-General, Commanding.

[General Grant's indorsement to General Birney's letter.]

HEADQUARTERS ARMIES OF THE UNITED STATES,
City Point, Va., July 22, 1863.

Respectfully forwarded approved, with the remark that the officer herein recommended is worthy, meritorious, and deserving of promotion, or to fill any vacancy that may exist.

U. S. GRANT, *Lieutenant-General, &c.*

[President Lincoln's indorsement.]

This is a very meritorious case for appointment, which should be made at the earliest opportunity.

A. LINCOLN.

AUGUST 20, 1863.

Extracts from reports of battles and operations in which General Hancock gave General Egan honorable mention.

[Second epoch—Wilderness.]

A strong picket line, under command of Colonel (now Brevet Major-General) Thomas W. Egan, Fortieth New York Volunteers, remained out in front of our line of battle, along the Brock road, to cover the departure of my troops from that position.

[Third epoch—North Anna.]

Egan's brigade, led gallantly by its commander, charged over an open field, several hundred yards in breadth, which ascended sharply towards the enemy's position, carrying the intrenchments, and driving the enemy pell-mell across the stream, with considerable loss to them. I have seldom witnessed such gallantry and spirit as the brigade of Egan displayed in the assault upon the enemy's works which covered the wooden bridge over the North Anna.

[Fifth epoch—Petersburg.]

During this first advance on the morning of the 16th, Egan's brigade of Birney's division made a spirited attack upon the enemy, who held a small redoubt on Birney's left, which was carried by Egan in his usual intrepid manner. * * * The following officer is entitled to my thanks for his distinguished and valuable services: Colonel Egan, commanding First Brigade, Third Division, Second Corps.

[Boydton Road.—Hatcher's Run, October 27, 1864.]

* * * The march was somewhat delayed by obstructions in the road, but the head of Egan's column reached Hatcher's Run very soon after daylight, and Egan at once made his arrangements to force the crossing. The enemy were posted in a rifle-pit on the opposite bank. The approaches were difficult, trees having been filled in the stream, which was waist deep, above and below the ford.

Smythe's brigade was deployed in the first line, and went forward in gallant style, carrying the works with a loss of about fifty, including Lieutenant-Colonel Spalter, Fourth Ohio, killed. Egan then moved by the nearest road to Dabney's Mill.

Here the enemy, under A. P. Hill, charged heavily, forcing their way between Egan's division and Mott's, and capturing a section of Metcalf's battery. Egan formed his men into an irregular square, covering one front with a heavy skirmish line. He was now entirely isolated, but causing the brigade forming the front nearest Mott to face by the rear rank, and execute a "left wheel," he closed the gap and cut off a large body of the enemy.

At the first sound of this attack I sent Major (now Brigadier-General) Mitchell, my senior aid, to General Egan, with orders to desist from his own assault and to face his command to the rear and attack the enemy with his whole command. When Major Mitchell reached General Egan, he found that the general, with the instinct of a true soldier, was already in motion to attack the force in his rear.

General Egan had perhaps an unusual opportunity for distinguishing himself and he availed himself of it to the utmost, materially to our success. He has been recommended for the appointment of brevet major-general of volunteers for his distinguished service and marked gallantry on this occasion. * * *

W. S. HANCOCK,
Major-General, Commanding Second Corps.

[Hatcher's Run.—Meade.]

* * * I have no hesitation in attributing our success and freedom from disaster to the personal exertions of Major-General Hancock and the conspicuous galantry of Brigadier-General Egan.

GEO. G. MEADE, *Major-General, U. S. A.*

[Fair Oaks.—General Ward.]

* * * I can not find words to express my admiration of the conduct of both officers and men in the discharge of their several duties. I would beg leave to mention as having conspicuously distinguished himself Col. Thomas W. Egan, Fortieth New York Volunteers. Colonel Egan was "superb." * * *

J. H. HOBART WARD,
Brigadier-General.

[Robinson's Field, June 25, 1862.—General Birney.]

I take pleasure in speaking of the high state of discipline manifested by the Fortieth New York Volunteers, Colonel Egan. * * *

D. B. BIRNEY, *Brigadier-General.*

[Williamsburg.—General Birney.]

* * * The left wing of the Fortieth New York was sent to take the enemy in the rear. The right wing marched steadily in the front and drove the enemy, after a furious contest, from the woods. The Fortieth behaved nobly, and maintained their position.

[Extract from letter of General Porter.—Yorktown.]

WASHINGTON, D. C., *December 16, 1862.*

I take great pleasure in bearing testimony to the energy, ability, and excellent judgment of Colonel Egan, Fortieth New York Volunteers, as exhibited by him while under my direction during the siege of Yorktown. He always foresaw what was required and did it without prompting. By his exertions the preparations for the opening of the siege batteries were hastened and prepared.

F. J. PORTER, *Major-General.*

["Seven Days' Battle."—General Birney.]

* * * On the 1st of July, at Malvern Hill, my brigade was again ordered to the front to meet the advancing enemy. This was done in good order, with full ranks and determined spirits. We held the front line during a furious cannonade and intrenched our whole front under fire. We held the position until 2 a. m. July 2 (having been exposed to nine hours' cannonade unsheltered), and then marched to Harrison's Landing.

[Second Bull Run.—Kearny.]

* * * The Fortieth New York Volunteers, under the brave Colonel Egan suffered the most.

P. KEARNY, *Major-General.*

[Chantilly.—Birney.]

* * * I immediately ordered forward the Fortieth New York Regiment, and it gallantly advanced, and was soon in active conflict. This regiment held the enemy, and sustained unflinchingly the most murderous fire from a superior force.

D. B. BIRNEY.
Brigadier-General, Commanding Division.

HEADQUARTERS THIRD BRIGADE,
FIRST DIVISION, THIRD CORPS,
Camp near Falmouth, Va., November 24, 1862.

SIR: The friends of Colonel Egan, of the Fortieth New York Volunteers, have applied to me for a letter recommending that officer as a proper person for promotion. I have known Colonel Egan for a year or more. He was always regarded as a most devoted officer. He acted with great gallantry at Williamsburg and Fair Oaks, after which he was made a full colonel. He led his regiment at Fair Oaks, where it did most gallant service. At the "Orchards," Glendale, and Malvern Hill his conduct was no less conspicuous. Under General Pope he did good service, particularly at Chantilly. General Kearny regarded Colonel Egan as one of his best fighting colonels, and as one of his most reliable officers. I do not know of a more gallant officer than Colonel Egan, and no one that I would more like to have in my command, were it admissible.

Respectfully, your obedient servant,

H. G. BERRY,
Brigadier-General Volunteers.

ABRAHAM LINCOLN,
President of the United States.

[General Heintzelman's indorsement and others.]

HEADQUARTERS DEFENSES OF WASHINGTON, *December 13, 1862.*

The Fortieth New York is one of the most distinguished regiments I have had under my command. Colonel Egan was with it in all the battles, and has always conducted himself with great gallantry and good judgment, and I cheerfully recommend him to the favorable consideration of the President.

S. P. HEINTZELMAN, *Major-General.*

Colonel Egan was under my command as colonel of Fortieth New York Volunteers for six months. I always regarded him as a faithful, gallant officer, always doing his duty with zeal and ability.

JOHN SEDGWICK,
Major-General Volunteers.

WASHINGTON, D. C., *December 24, 1862.*

I most cordially and heartily indorse the within recommendation. The Fortieth New York belonged to the division of the late lamented Kearny, and rendered the most distinguished and gallant service under my command in the battles at Bull Run and Chantilly. Colonel Egan was regarded by General Kearny as one of his most distinguished and capable officers, and he deserves and should receive promotion.

I most earnestly present his claims to the Government. It will be well for the interests of the Government, as well as a proper tribute of gratitude from the Government, that Colonel Egan should be appointed brigadier-general.

JOHN POPE, *Major-General.*

I cheerfully concur in all that is said of Colonel Egan by this commanding general, and desire that he be promoted.

JOSEPH HOOKER,
Major-General Commanding.

[Chancellorsville—Birney.]

COLONEL: * * * Among the colonels under my immediate eye in the movement, Col. Thomas W Egan was distinguished for his energy, dash, and enthusiasm. I would call the attention of the major-general commanding the corps to this officer, and would recommend his promotion. * * *

I am, your obedient servant,

D. B. BIRNEY,
Brigadier-General Commanding Division.

Lieut. Col. O. H. HART,
Assistant Adjutant-General, Third Corps.

[Chancellorsville—Sickles.]

I commend to the particular notice of the general-in-chief the high praise bestowed by General Birney upon Col. Thomes W. Egan (Fortieth New York) for the energy and dash which he threw into this attack. All our guns and caissons and a portion of Whipple's mule train were recovered, besides two pieces of the enemy's artillery and three caissons captured.

D. E. SICKLES, *Major-General Volunteers.*

[Gettysburg—Ward.]

* * * The valuable services rendered by Col. T. W. Egan and his noble

regiment (Fortieth New York) at an opportune moment can not be overestimated. Their steadiness and valor were not unknown to me, I having commanded them on other occasions. They came to me at the right time, and well did they perform their duty.

J. H. HOBART WARD, *Brigadier-General.*

[Gettysburg.—Birney.]

* * * The Fortieth New York, Col. Thomas W. Egan, was sent by me to strengthen Ward's line, and, led by its gallant colonel, charged the enemy and drove him back from his advanced point. * * *

D. B. BIRNEY,
Major-General, Commanding First Division, Third Corps.

[Second Bull Run.—Robinson.]

* * * General Birney turned over to me his Fortieth New York Regiment. These troops were deployed to the right and left of the railroad, and pushed forward. Our men now gained steadily on the enemy, and drove him before them until he brought up fresh masses of troops. Then, with ammunition nearly expended, we withdrew to our second position. Our loss was severe, embracing some of our best officers.

My thanks are due to Col. Thomas W. Egan, Fortieth New York Volunteers, for valuable services.

JOHN C. ROBINSON,
Brigadier-General Volunteers.

[Orange Grove and Kelly's Ford, November, 1863.—Birney.]

* * * General Carr now reporting his center hard pressed, I moved forward the Third Brigade (Egan), and relieved his center line. They were driven back, and the ridge firmly held by Egan. Before daylight on the 30th November, I received orders from General French to be prepared to assault the enemy in my front, crossing Mine Run.

* * * * * * *

The Third Brigade (Egan) was most hotly engaged, and acquitted itself most gallantly. Colonel Egan exhibited much skill in handling the troops.

D. B. BIRNEY,
Major-General Volunteers.

[Mahone's report.—Extract.]

The most prominent action in which Mahone was to emulate the thunderbolt was at Hatcher's Run, on the 27th of October, 1864, when Grant operated to turn Lee's extreme right in order to gain possession of the South Side Railroad. The main movement was intrusted to the Second Corps, Hancock's; subsequently the Second was supported by the Fifth, Warren's. The latter was ordered up to form a connection between Hancock's right and the left of the Ninth (Parke's), who was to engage the attention of the rebel troops in the front while Hancock was making the turning maneuver.

Hatcher's Run is a marshy stream, flowing from east to west through thick forests and dense underbush. Its headwaters are near Zion and Corinth churches, on the South Side Railroad, about 15 miles east-southeast of Petersburg, and it struck the extreme left of the Union lines near Armstrong's, on the Duncan road (Grant's map), about 7 miles of the "Cockade City."

It would be difficult to conceive a more ugly country to operate in. Our maps were defective; brigades and regiments went astray; staff officers sent to disentangle the "Toho Bohn" became lost themselves in the maze; a driving rain and fog made bad worse; night came on, and thus, in an unknown region, "darkness which could be felt" converted the termination of this military movement into a literal groping in the dark. This was one of our disasters, and had Mahone been adequately supported it is impossible to estimate what might have been the extent of our losses. On our side it was redeemed by General Egan, commanding Gibbon's division of the Second Corps. Mahone pays the highest compliments to the ability and intrepidity displayed. Praise from such a man is indeed praise, and Egan deserved it.

While Heth was to head us off at the bridge, at the Burgess Mill Dam, and attack vigorously, and Hampton was to harass us, Mahone, as usual, made a turning march through the woods, and, after a detour, formed his line in their edge, charged across an open field, and struck Egan on the right flank. Egan's division, which was posted on a clearing south of the run, with his guns on an elevation to the left of the Boydton road, made a conversion, wheeled around his guns, and gave Mahone such a stunning reception as finally, after a hard fight, drove him back to the shelter of the forest.

Mahone says the scene was beautiful in the dimness of the mist, and the thickening darkness through which the blaze of the musketry shone like lightning against a black cloud. While he was performing according to his wont, he appears to confine his praise to that officer, Hampton, who did his part well. There seems to have been as little co-operation in our own Army, and the glory of this involved engagement belongs to Egan and Mahone. Our losses were great, the result a failure, and this, as on so many other occasions, was due to that little man whose name is hardly known in the North, and yet was one of our most dangerous and indomitable adversaries. He realized the idea of the "hornet" of the Scripture in the spitefulness and persistency of his attacks. He was a perfect military yellow-jacket wasp.

Historical Magazine, January to June, 1870.
Vol. VII, 2d Series, 17, Rebellion Record.

CITY POINT, *October* 23, 1864.

To E. M. STANTON, *Secretary of War:*

The attack on General Hancock, now that a report has been received, proves to be a decided success. He repulsed the enemy and remained in his position, holding possession of the field until midnight, when he commenced withdrawing. Orders had been given for the withdrawal of the Second Corps before the attack was made. We lost no prisoners except the usual stragglers, who are always picked up. Our captures for the day on the South Side, 910.

The rebel General Dering is reported killed.

General Meade in his report says: "I am induced to believe the success of the operation, which was most decided, was mainly due to the personal exertions of Major-General Hancock, and the conspicuous gallantry of Brig. Gen. Thomas W. Egan."

U. S. GRANT, *Lieutenant-General.*

MY DEAR GENERAL: I regret my condition is such at this time as to be totally unfit for the task I have undertaken. My mind will not obey my wish, and it is very difficult for me to connect two words; still I feel very anxious to say something in your favor where so much is due. I, who was an eye-witness of your conduct on that memorable day, surely ought to be able to say something, but in truth I am not the man to do it justice even at my best. One thing I have kept in view, namely, a strict regard for truth. I have not gone beyond the mark. Much more might be said without infringing on the truth, but if I were to write as I think and feel it would sound like a romance.

Yours, in haste,

J. G. SMITH.

Stray shots from Gettysburg.

The closing conflict of the Fortieth New York Volunteer Regiment and Fourth New York Independent Battery at "Devil's Den." * * *

We had been swept from the crest of "Devil's Den," leaving three of our guns behind, and had opened with the remaining three from a position about 75 yards nearer Little Round Top. Our fire was directed at the enemy there stationed at or near Plum Run Gorge. We were trying to keep up the character of a fight, hoping for help, and fearing the enemy were about to charge us, in which event our weakness would be discovered, and then our bold front would avail us nothing. All that men could do the artillerists of the battery were doing. If the enemy would stand off and fight us the battle would last as long as there was a man left to load a gun, but when it came to a charge we must fall back or yield. During this critical moment the fate of the Round Top hung in the balance; five minutes more and the battery must retire or fall into the enemy's hands. The Round Tops were still defenseless. General Warner, who had gone in search of troops for the purpose of defending this important position, had not yet returned. Time was precious. The nation was greatly in need of men at this particular moment, and at this point of the Federal line.

Brave men had fought over this ground but a few minutes before, and left many of their comrades to tell the tale of the unequal contest. Still the harvest was incomplete, more human grain must be garnered before the demon of destruction could be appeased. It was coming. The Fortieth New York Volunteer Regiment, led by the indomitable Col. Tom W. Egan, has heard the roar of cannon, and, without waiting for orders, following the true instincts of a brave and gallant soldier, noble Tom Egan moved at a double quick with his band of heroes and was soon charging through the battery. A new lease of life was given us; in fact, this timely assistance enabled the battery to renew the contest, and with the aid of the Fortieth New York impose a longer delay of half an hour upon Hood's troops, thereby giving the approaching troops under Vincent O'Rourke and others just sufficient time to scale the summit of Little Round Top, together with Hazlett's Battery, and after a short, sharp struggle repulse the foe.

The importance of Colonel Egan's intelligent and soldierly manner of moving his command to a point of our line where he could do the most good can not be estimated. His practiced ear, ever on the alert for the sound of the enemy's guns, when confronted by the foe, led him to discern where he was most needed. As soon as he arrived he quickly divined the enemy's intentions and made such disposition of his troops as to best delay, if not entirely thwart his purpose. If, as has been said, the enemy lost Little Round Top by less than five minutes, what can be said of Col. Tom Egan's timely arrival, and the importance of his fight at Devil's Den? May it not truly be said of him, "He deserves well of his country?" If the American people had seen this fearless soldier in the battle at "Devil's Den," July 2, 1863, his name would be a household word at every fireside "in the land of the free and the home of the brave."

J. G. SMITH,
Late Captain Fourth New York Independent Battery, Third Corps.

Reference is also called to the following report:

Report of Gettysburg, page 498, General Ward's report.

Page 514, de Trobriand says that Colonel Egan, Fortieth New York Volunteers, has had his horse killed under him.

Pages 517, 518, official report Fortieth New York Volunteers, Colonel Egan commanding.

General A. A. Humphreys' "Virginia Campaign, 1864 and 1865."

Page 160, North Anna. "Egan's and Pierce's brigades had to advance several hundred yards over open ground, ascending to the river bank," &c.

Page 216, assault on Petersburg, June 16, 1864.

Page 295, Boydton Plank Road (pages 298, 299, 301, 302), quotes from Hancock's report.

These services are also referred to by William Swinton in his Campaigns of the Army of the Potomac, published by Charles B. Richardson, New York, 1866.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., June 21, 1886.

Statement of the military service of Thomas W. Egan, late of the United States volunteer army, compiled from the records of this office:

He entered the service as lieutenant-colonel, Fortieth New York Infantry, July 1, 1861, and was promoted colonel June 5, 1862.

He served with his regiment in the Army of the Potomac to June, 1862, and commanded the regiment in November 26, 1862; was on leave to January, 1863; commanded the regiment to November 22, 1863; the Third Brigade, First Division, Third Corps, to December 30, 1863; the regiment to February 22, 1864; the Third Brigade, First Division, Third Corps, to March 18, 1864; the regiment to April 1, 1864; the First Brigade, Third Division, Second Corps, to April 8, 1864; the regiment to May 12, 1864, and the First Brigade, Third Division, Second Corps, to June 16, 1864, when wounded in battle before Petersburg, Va.; was absent on account of wounds to September, 5, 1864, upon which date he was honorably mustered out on expiration of term of service.

He was appointed brigadier-general United States Volunteers, September 3, 1864.

He received the brevet of major-general United States Volunteers, October 27, 1864, for gallant and distinguished services at the battle of Boydton Plank Road, Virginia.

He commanded the First Brigade, Second Division, Second Corps, Army of the Potomac, from September 27 to October 9, 1864; the Second Division to November 1, 1864, and the First Brigade, Second Division, Second Corps, to November 14, 1864, when wounded in action before Petersburg, Va.; was absent on account of wounds to March 18, 1865; commanded the Third Provisional Division, Army of the Shenandoah, to July 18, 1865, and the Division of Harper's Ferry to August, 1865; was awaiting orders to January 15, 1866, upon which date he was honorably mustered out of service.

O. D. GREENE,
Assistant Adjutant-General.

The present bill provides for arrears of proposed increase of pension. As this is in violation of the well-known policy of Congress, the committee can not recommend that much, but, with an amendment striking out the proposition for increase, they recommend that the bill do pass, adding as a further amendment the words "in lieu of any pension he is now receiving."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MOSES B. WALKER.

Mr. SHERMAN. The next case on the Calendar is reported from the Committee on Military Affairs. It is to pay a small sum due to an officer, a perfectly clear case, already passed by the House of Representatives and reported by the Military Committee. I ask unanimous consent to proceed to its consideration; it is House bill No. 1802. I ask it now because I can not always attend to these matters.

Mr. SAWYER. I hope it will be passed without reading the report.

By unanimous consent, the Senate, as in Committee of the Whole,

proceeded to consider the bill (H. R. 1882) for the relief of Moses B. Walker. It proposes to direct the Secretary of the Treasury to enter in the records of the Treasury Department the settlement of $550 which is charged in the accounts of Moses B. Walker, late colonel of the Thirty-first Ohio Volunteer Infantry, as of the 30th of September, 1861, for money received by him while in the service of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN HAWES.

The bill (H. R. 7234) granting a pension to Susan Hawes was considered as in Committee of the Whole. It proposes to place the name of Susan Hawes on the pension-roll, she being the mother of Jeremiah H. Hawes, late a private in Howe's battery, Company G, Fourth Artillery, United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT B. KIRKPATRICK.

The bill (H. R. 7244) granting a pension to Robert B. Kirkpatrick, was considered as in Committee of the Whole. It proposes to place the name of Robert B. Kirkpatrick, late a private in Company E, Eighty-ninth Ohio Infantry Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS WALSH.

The bill (H. R. 8481) granting a pension to Thomas Walsh was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas Walsh, late of Company F, Seventy-fourth Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABRAHAM POINTS.

The bill (H. R. 8556) granting a pension to Abraham Points was considered as in Committee of the Whole. It proposes to place the name of Abraham Points, late a private in Company C, Forty-second Regiment Missouri Infantry, and now a resident of Allerton, Iowa, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPT. JOHN F. MORRIS.

The bill (H. R. 9052) granting an increase of pension to Capt. John F. Morris was considered as in Committee of the Whole. It proposes to increase the pension of John F. Morris, late captain of Company B, Eighty-third Regiment Pennsylvania Volunteers, to $72 per month.

Mr. CAMDEN. Let the report in that case be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. SAWYER July 22, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 9052) granting a pension to John F. Morris, have carefully examined the same, and report, recommending the passage of the bill. The subjoined House report correctly states the facts in the case.

Capt. John F. Morris enlisted August 25, 1861, in Company B of the Eighty-third Regiment Pennsylvania Volunteers, and was discharged September 15, 1862. In the battle of Gaines's Mills, June 27, 1862, he received three wounds, one in the hip, one in the side, and a shell wound in the lower portion of his spine.

Soldier was granted a pension of $20 per month from September 15, 1862, upon the report of the examining surgeon, John T. Ray, dated April 29, 1863, which is as follows:

"Captain Morris was wounded in the back by a musket ball, which has never been extracted; also in the side and lower portion of the spine by a fragment of shell. This wound has produced paralysis of left leg, rendering him unable to walk without the assistance of crutches, and then only for a short distance, accompanied by pain and a shrunken condition of the muscles of the thigh and leg."

His pension was increased, as his disability became greater, as follows: May 12, 1882, to $24 per month; by act of March 3, 1883, to $30 per month; and to $50 per month March 6, 1885, upon the report of the examining surgeon, dated June 14, 1882, which states:

"I find shell wound over the lower part of sacrum, also over the right nates; scar of minie-ball in front of trochanter major on right side, also on about opposite the lower dorsal vertebra and to the right of spine 1 inch; shell wound over sacrum very tender and painful; it also extends to foot of left side, especially along the course of sciatic nerve; left limb is atrophied, is 2 inches less in circumference than right around thigh, and 1½ inches less above knee; the temperature is 2 degrees less than right. First and second toes were amputated at the metatarso-phalangeal articulation last August on account of gangrene. Foot is œdematous; general health very poor, and he is now obliged to take 4 grains of morphine per day to keep down the pain, and he requires an attendant most of the time. He came very near dying this spring; is a little better now. Since last sickness he has a feeling of suffocation at times, or dyspnœa; the increased disability has not been caused by any vicious or imprudent habits. Disability is much greater than if whole limb had been amputated and was without pain. I find his disability to entitle him to total first-grade degree of disability."

At a special examination held March 8, 1883, at Meadville, Pa., the board of examining surgeons reported:

"We find wounds by shell and ball, the ball passing through or rather between the eleventh and twelfth ribs. This ball has never been extracted. As it passed very near the spine, it evidently has affected spinal and sciatic nerves on left side. We find atrophy of left hip, thigh, and leg, with paralysis of same. The degree of vitality has been so low that great and second toes have had to be amputated by reason of gangrene. Captain Morris is and has long been known to each member of this board.

"We can certify to his intense suffering day and night for years past, his pains only relieved by large subcutaneous injections of morphia, with all supplemental means that could be devised by his physicians. Captain Morris is entirely unable without constant attendance to care for himself, and requires at all times watchful care, from paralysis of the lower portion of the bowels. They are never moved except by use of injections. We would therefore recommend in this case an increase to $50 a month."

Your committee here append the petition of soldier asking the increase by Congress, together with the affidavits of his attending physicians; also a petition from his comrades.

To the honorable Members of the House of Representatives:

Your petitioner, Capt. John F. Morris, of Company B, Eighty-third Pennsylvania Volunteers, would state that he enlisted in the service of the United States August 25, A. D. 1881. He served with the Army of the Potomac during all its campaigns up to the battle of Gaines's Mills, June 27, 1862. In that conflict he received three wounds—one in the hip, one in the side, and a shell wound in the lower portion of his spine; the latter caused paralysis of the lower limbs, while the ball from the gunshot still remained lodged under the spine, producing pains to such an extent that it impaired his eyesight to such a degree that it is impossible for him to read or write or perform any duties whatever. He has been bedridden for months, and now gropes his way along on crutches.

His sufferings are intense, relieved only by hypodermics of morphine injected in his limbs, and with no hope for any relief, as he is growing worse, and at times even morphia does not relieve him. He is in need, as he can not support his family, has exhausted means in medical attendance that he had accumulated in his younger days. He made application for an increase some years ago; it was made from $20 to $24; then from that to $30, and, as his disabilities increased, to $50 a month. This does not cover the medical attendance and incidentals consequent upon his constant illness and suffering.

JOHN F. MORRIS.

STATE OF PENNSYLVANIA,
County of Crawford, ss:

Personally came before me, clerk of the court in and for the county aforesaid, John F. Morris, late captain of Company B, Eighty-third Pennsylvania Volunteers, who, being duly sworn, says that the above and foregoing statement is just and true to the best of his knowledge and belief. And I hereby certify that I have no interest direct or indirect in the prosecution of this claim.

Witness my hand and official seal this 20th May, A. D., 1886.

[SEAL.] A. B. EDSON,
Proth'y and Clerk of Court of Common Pleas.

MEADVILLE, PA., *May* 20, 1886.

I have known intimately John F. Morris, formerly captain Company B, Eighty-third Regiment Pennsylvania Volunteers, for nearly thirty years, and have been his physician for nearly twenty years. Have attended him profesionally for gunshot wound received in the service of United States. The injury was to his spine and left leg. Left sciatic nerves diseased, consequently circulation very feeble; so much so that two toes had to be removed for gangrene. The pain resulting from this condition has been the most intense I have ever known. After these long years of suffering his general health has given way, and now he is a physical wreck, unable to care for himself in many ways, and in my opinion requires and should have a constant attendant.

I have been in active practice of medicine and surgery for twenty-four years. Have no personal interest in claim for his pension.

T. B. LASHELE, *M. D.*

Sworn to before me this 20th day of May, 1886.

[SEAL.] JAMES GRAHAM, *C'k.*

Affidavit of physician or surgeon.

STATE OF PENNSYLVANIA,
County of Philadelphia, ss:

In the pension claim of Capt. John F. Morris, late of Eighty-third Regiment Pennsylvania Volunteers, personally came before me, a deputy prothonotary, clerk, in and for the aforesaid county and State, Alf. W. Green, a citizen of Meadville, in the county of Crawford and State of Pennsylvania, whom I believe to be reputable and entitled to credit, and who, being duly sworn, declares in relation to the aforesaid case as follows:

That he is a practicing physician, and that he has been acquainted with said soldier for about thirteen years, and that for that length of time have known the aforesaid Capt. John F. Morris intimately; although not his regular physician, have seen him frequently professionally; he has been to my certain knowledge one of the greatest sufferers I have ever met with, the result of wounds received at Gaines's Mills. He is unable to dress himself, and can only limp around with the aid of a crutch and cane; he is totally unable to perform manual or other labor.

He further declares that he has been a practitioner of medicine for forty years, and that he has no interest, either direct or indirect, in the prosecution of this claim.

ALF. W. GREEN, *Late Surgeon P. R.*

Sworn to and subscribed before me this 20th day of May, A. D. 1886, and I hereby certify that the affiant is a practicing physician in good professional standing; that the contents of the above declaration, &c., were fully made known unto him before swearing, including the words erased and the words added; and that I have no interest, direct, or indirect, in the prosecution of this claim.

F. H. SMITH, *Deputy Prothonotary.*

We, the undersigned, members of the Grand Army of the Republic, would respectfully petition the honorable members of the House of Representatives to a special act for the increase of pension for Capt. John F. Morris, of Company B, Eighty-third Regiment of Pennsylvania Volunteers.

We feel that it would be no more than justice to a suffering comrade to grant him the pension he is now applying for.

We subscribe ourselves, respectfully:

Chas. C. Johnson, Thos. A. Stebbins, Chas. W. Lane, S. F. Nelson, C. Van Horne, F. N. Clark, B. F. Smith, J. H. Dickson, R. B. Burns, Sam'l B. Dick, J. D. Gill, E. H. Bernhoft, O. H. Hollister, I. E. Myers, H. H. Davis, S. C. Beach, T. L. Flood, J. W. Cainer, Almond Delamater, H. P. Marley, F. E. Underwood, Wm. Roberts, E. G. Taylor, Lloyd E. Riddle, Benjamin Emerson, John Porter, Frank Shippen, W. P. Porter, A. B. Edson, J. G. Lindeman, John J. Henderson, S. C. McDowell, Sturges T. Dicks, Geo. F. Davenport, H. J. Humes, Geo. A. West, H. E. Wilson, R. Michael, John F. Bruner, M. R. Jenks, F. H. Davis, Robt. Andrews, John Hull.

The evidence as to the condition of this claimant for increase of pension as detailed above has been further supplemented by inquiries made of gentlemen of character whom your committee have consulted concerning this case.

They are therefore fully satisfied that the soldier is suffering as is claimed; that he is practically totally disabled; that he requires the almost constant ministration of others; and that cost of medicines and medical treatment are a heavy tax upon the pension which he now receives.

They therefore report this bill favorably, with an amendment striking out the words "one hundred" in line 6, and inserting the words "seventy-two," and as thus amended recommend that it do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. ANNA ETHERIDGE HOOKS.

The bill (2774) to provide a pension for Mrs. Anna Etheridge Hooks was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 5, after the words "rate of;" to strike out "fifty and insert "twenty-five;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll the name of Mrs. Anna Etheridge Hooks, at the rate of $25 per month.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. SAWYER July 22, 1886:

The Committee on Pensions, to whom was referred the bill (S. 2774) to provide a pension for Mrs. Anna Etheridge Hooks, have considered the same, and report:

Anna Etheridge, now Mrs. Anna Etheridge Hooks, shows in her petition that she entered the military service of the United States in May, 1861, among the first to respond to her country's call in its hour of need, with the Second Michigan Volunteer Infantry, determined to serve her flag as long and as faithfully as her comrade brothers in every duty which a woman could do. She remained during the entire war with the Second, Third, and Fifth Regiments Michigan troops attached to the Army of the Potomac, returning home with the Fifth Michigan Volunteer Infantry (which was the Third and Fifth consolidated), in July, 1865.

She was in twenty-eight battles, as will appear from a list presented to her when camped near Jeffersonville, Ind., July 5, 1865, in which she shared with her commands the dangers of the field, having two horses shot under her, and the hardships of the camp hospital, under fire, dressing the wounds of the fallen, caring for the dying, and preparing and supplying from the stores in her care the nourishment and stimulants which alone could save the lives of many of our brave men.

During her four years' service she was in every battle in which the Army of the Potomac was engaged, except South Mountain and Antietam, when her division was temporarily detached and left in front of Washington.

She was also one of the few among the meritorious and distinguished non-commissioned officers and privates who received the "Kearny Cross," the division decoration.

She received no compensation whatever during the war for any services, and, more than that, expended a considerable amount out of her own funds for expenses in living, clothing, transportation, &c., for which she has never been recompensed in any way.

She is now poor and needy, has never recovered from the results of her long and arduous service, and now asks this recognition of her services, sacrifices, and disabilities incurred during the war.

Your committee report back the bill with a recommendation that the word "fifty," in line 5, be changed to "twenty-five," and with this amendment that the bill do pass.

Mr. COCKRELL. I must have some explanation of that bill. Here is a soldier who served four years as a non-commissioned officer. Why has not the Pension Office granted the pension? The report does not state what capacity she served in or anything about it. I should like to know on what evidence the report is based. The only thing it refers to there is her petition. I should like to know whether there is any other evidence than her petition.

Mr. PALMER. This is one of those few cases that were well known all through the Army of the Potomac. This woman has had one of the most remarkable and dramatic records of any woman that was ever in the Army of the Potomac. At Chancellorsville when the Michigan Eighth, I think it was, were repulsed, she rallied them and led them again to the attack. She was a woman who went on the battlefield in the face of fire. At it appears in the report, two horses were shot under her. The evidence that was put before the committee was too long to print; but, if it had gone into the report, it would have been enough to convince any one that she was entitled to fifty dollars a month instead of twenty-five.

Mr. COCKRELL. Was she enlisted? Was her name on any muster-roll?

Mr. PALMER. Not that I know of.

Mr. COCKRELL. The report says she was a non-commissioned officer.

Mr. SAWYER. I think not.

Mr. PALMER. I think the Senator misapprehended the report.

Mr. COCKRELL. I do not know whether I do or not.

The report says:

She was also one of the few among the meritorious and distinguished non-commissioned officers and privates who received the "Kearny Cross," the division decoration.

I apprehend she was a soldier if she received that.

Mr. PALMER. I imagine that was put in because although she was neither a private nor a commissioned officer, she was regarded as one of the regiment, and she was so endeared to the soldiers that she was called "our Anna."

I hope no levity will be indulged in, for this really is a very dramatic case, and if I could take up the time of the Senate I think I could convince them that she is entitled to $75 a month.

Mr. COCKRELL. I must have more of an explanation. I am examining the papers; I ask that the case be passed over. I want to see if there is any evidence here besides her own petition, because this report is evidently inaccurate, as it is admitted here on the floor of the Senate. It is stated in the report that she was a non-commissioned officer or a private.

Mr. PALMER. I think it does not follow as a matter of course from the phraseology of the report that she was either a private or a non-commissioned officer, but she was among them. What they call a *vivandière* in the French army might be considered among the privates and non-commissioned officers, but still she would not be either of them, but she was among them.

Mr. SAWYER. That is the idea. The language may be unfortunate.

Mr. PALMER. I think the Senator from Missouri misapprehends the statement. I hope he will make no objection. I know that his kind heart, if he knew the whole case, would permit the bill to go through without objection.

Mr. COCKRELL. If I knew all about the case, perhaps I would; but my trouble is that I want to know about it. I think we can ascertain by an examination of the papers; and if there is any other business that can be transacted, it will take less time than to have these whole documents read. Therefore I ask that it be passed over.

Mr. PALMER. If the Senator insists, I ask that it be passed over informally, not losing its place on the Calendar.

The PRESIDING OFFICER. There being no objection, that order will be made.

ELLEN J. WELCH.

The bill (H. R. 7721) granting a pension to Ellen J. Welch was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ellen J. Welch, widow of John H. Welch, late of the Third Massachusetts Light Battery Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. CUTLER.

The bill (H. R. 3551) granting a pension to George W. Cutler, late a private in Company B, Ninth New Hampshire Volunteers, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET S. FAIN.

The bill (H. R. 260) for the relief of Margaret S. Fain was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret S. Fain, widow of William C. Fain, who was killed while recruiting a regiment about April 6, 1864, at Pitman's Ferry, Hope County, Tennessee, and to pay her the pension allowed to the widow of a captain.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M'GOWAN.

The bill (H. R. 4032) granting a pension to John McGowan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John McGowan, late of Company K, Twenty-seventh Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES SAVERCOOL.

The bill (H. R. 6824) granting a pension to James Savercool was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Savercool, late of the United States Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEVI A. CRONKHITE.

The bill (H. R. 8352) for the relief of Levi A. Cronkhite was considered as in Committee of the Whole. It proposes to place the name of Levi A. Cronkhite, late a private in Company E, Eighty-sixth Regiment Indiana Volunteer Infantry, on the pension-roll.

Mr. COCKRELL. Let the report be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. SAWYER July 23, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 8352) granting a pension to Levi A. Cronkhite, have examined the same, and report:

The report of the House committee is full and conclusive, and the committee believe that the facts fully warrant its approval of this claim. It is adopted, and is as follows:

"Cronkhite served as private of Company E, Eighty-sixth Indiana Volunteers, from August 15, 1862, to June 6, 1865. He applied for pension July 29, 1871, alleging that he contracted measles in November, 1862, in consequence of which he is suffering from disease of eyes. The record of the War Department shows that he was absent, sick, from October, 1862, to February, 1863, but the Surgeon-General reports the absence of the medical records which cover the period of aforesaid treatment.

"Two comrades testify to claimant's sickness after enlistment, but can no now recall the nature of the disease.

"Dr. Asa Bigelow testifies that he treated claimant for measles on November 21 and 24, 1862, also on December 4 and 11, 1862, as shown by his books. Claimant was then at home on furlough.

"Assistant Surgeon Van Vorhis, of claimant's regiment, testifies that, at New Hope Church, May 27, 1864, claimant received an injury to eyes by explosion of shell; was taken to the rear and affiant examined him. Found that dirt and gravel had been thrown with great violence in his face, injuring his eyes very much; remained under treatment for about three weeks, but returned to duty

and suffered with impaired eyesight during remainder of his service. Claimant is now (August, 1882) almost blind in right eye, with vision of left eye much impaired. Affiant does believe that this condition is due to the injury above mentioned.

"Joseph Jones, late surgeon of the regiment, testifies that claimant had an attack of measles after his enlistment; that he took cold while convalescent, which greatly impaired his eye-sight, but continued to do duty until he was stunned and blinded by the explosion of a shell in May, 1864, while in battle, after which he became so disabled in his sight that he was transferred to the Pioneer Corps.

"Medical examination in August, 1881, showed asthenopia, which the examining surgeon states was undoubtedly caused from the effects of measles.

"Doubts as to claimant's soundness before enlistment were thrown in the case by information furnished the office, tending to show that claimant, prior to his enlistment, was slightly near-sighted, and the case was specially examined. The examination was concluded in December last, the case being returned to the Pension Office, with the special examiner's recommendation for admission. In April last claimant was again examined by an oculist, who pronounced the defective vision the result of hypermetropic astigmatism, which is probably congenital. Upon this finding the claim was rejected by the medical referee.

"There may have been some defect in claimant's sight prior to his service, but he was not disqualified in any way to perform military duty until after he suffered from an attack of measles, and still later, when he received a more serious injury to his eyes, as is shown by the unimpeached testimony of both the surgeon and assistant surgeon of the regiment.

"He is now in a deplorable condition, and in the opinion of this committee should receive the benefit of whatever doubt may exist in the case.

"The Commissioner of Pensions, in a recent letter to this committee, says:

"The action of rejection was based on the opinion of the medical referee of this Bureau, who was unable, on the testimony on file, to accept that the disease of eyes alleged by claimant was caused by, or due to, his army service. In my opinion it is an equitable case, worthy the consideration and action of your committee."

The bill is herewith reported to the Senate, with a recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IRENE GOOGINS.

The bill (H. R. 8635) granting a pension to Irene Googins was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Irene Googins, widow of Oscar Googins, late a private in Company B, Seventh Regiment of Minnesota Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VIRGINIA TAYLOR RANDALL.

The bill (H. R. 7712) granting a pension to Virginia Taylor Randall was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Virginia Taylor Randall, widow of Lieut. Col. Burton Randall, late a surgeon in the United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SAWYER. I believe that finishes up the pension bills.

The PRESIDING OFFICER. That closes the list.

MRS. BARBARA FUCHS.

Mr. SAWYER. I ask that Calendar No. 1177, being House bill 6489 granting a pension to Mrs. Barbara Fuchs, be now taken up. It was passed over on a former call.

Mr. HARRIS. Let it be read for information.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Barbara Fuchs, stepmother of John Fuchs, late of Company H, Sixth Regiment of Wisconsin Infantry Volunteers.

Mr. COCKRELL. Let the report be read.

Mr. GORMAN. I object.

The PRESIDING OFFICER. Objection being made, the bill goes over.

R. D. BECKLEY AND LEON HOWARD.

Mr. HARRIS. I ask consent of the Senate to proceed at this time to the consideration of Calendar No. 1639. It is House bill 5872, granting compensation to two colored employés of the House, about $600 between the two. I ask the Senate to consider it at this time.

There being no objection, the bill (H. R. 5872) for the relief of R. D. Beckley and Leon Howard was considered as in Committee of the Whole. It provides for payment to R. D. Beckley and Leon Howard, late employés under the Doorkeeper of the House of Representatives, Forty-eighth Congress, the sum of $368 each, being the difference in salary paid to laborers and that paid to messengers, which latter office they respectively filled from the 2d of January, 1884, to the 7th of July, 1884, and from the 1st of December, 1884, to the 4th of March, 1885, aggregating nine months and six days, during which they performed all of the duties of messengers and received only the pay of laborers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOTEL AT FORTRESS MONROE.

Mr. VEST. I ask the Senate to consider Senate joint resolution 73. There will be no objection to it, I think. It is Order of Business 1629.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 73) authorizing the Secretary of War to grant a permit to John F. Chamberlin to erect a hotel upon the lands of the United States at Fortress Monroe, Va.

Mr. VEST. This is reported with the recommendation of the Secretary of War and the commanding general of the Army. I move in line 7, after the words "Secretary of War," to strike out "and the commanding officer at Fortress Monroe," so as to leave it in the discretion of the Secretary of War.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 7, after the words "Secretary of War," it is proposed to strike out "and the commanding officer at Fortress Monroe;" so as to read:

That the Secretary of War be, and he is hereby, authorized to grant permission to John F. Chamberlin to build a hotel upon the lands of the United States at Fortress Monroe, Va., upon such site and with such plans and dimensions as may be approved by the Secretary of War.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

CARROLLTON TURNPIKE.

Mr. BECK. I ask to take up Order of Business 1679, being House bill 4503.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4503) to authorize the Secretary of War to permit the Corrollton and Lock Number One Turnpike Road Company to locate and construct its road on land belonging to the United States at Lock No. 1, on the Kentucky River, in the State of Kentucky.

Mr. BECK. This is reported by both the Committee on Public Buildings and the Committee on Commerce. The company undertook to do it themselves, but found that they had to come to Congress.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAND OFFICE AT LAMAR, COLO.

Mr. TELLER. I desire to call up Order of Business 1692, being the bill (S. 2796) to establish a land office at Lamar, Colo.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC-BUILDINGS BILLS.

Mr. MAHONE. I ask to take up the few remaining public-buildings bills. The first in order is Order of Business 1678.

The PRESIDING OFFICER. The Senator from Virginia asks permission to call up in order the public-buildings bills. Is there objection? The Chair hears none.

PUBLIC BUILDING AT READING, PA.

The bill (H. R. 1983) to increase the appropriation for the erection of the public building at Reading, Pa., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT OWENSBOROUGH, KY.

The bill (S. 1536) for the purchase of suitable grounds in the city of Owensborough, in the State of Kentucky, and the erection thereon of a public building for the post-office, United States collector's office, United States commissioner's office, and for the use of other United States officers in said city, and appropriating money for said purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT HAVERHILL, MASS.

The bill (S. 2194) for the erection of a public building at Haverhill, Mass., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT LA CROSSE, WIS.

The bill (S. 2242) to change the limit of appropriation for the public building at La Crosse, Wis., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT GALVESTON, TEX.

The bill (H. R. 2475) to amend an act approved May 25, 1882, entitled "An act for the construction of a public building at Galveston, Tex." was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT OXFORD, MISS.

The bill (S. 2794) to amend an act entitled "An act for the erection and construction of a public building at Oxford, Miss.," approved July 12, 1882, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT BROOKLYN, N. Y.

The bill (S. 1847) for the purchase of land for the Federal building in Brooklyn, N. Y., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT CHARLOTTE, N. C.

The bill (S. 246) to provide for the erection of a public building at Charlotte, N. C., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT ABINGDON, VA.

Mr. MAHONE. I move that Order of Business 1699, being the bill (H. R. 2539) authorizing the Secretary of the Treasury to exchange property purchased at Abingdon, Va., as a site for a public building, for more suitable property, be recommitted to the Committee on Public Buildings and Grounds.

The motion was agreed to.

JAMES CAIN.

Mr. SEWELL. I ask for the consideration of Order of Business 1627, reported from the Committee on Military Affairs.

By unanimous consent, the bill (H. R. 5552) for the relief James Cain was considered as in Committee of the Whole. It proposes to authorize the Secretary of War to change the record of James Cain, late a captain in the One hundred and fifty-eighth Regiment of Infantry, New York State Volunteers, and grant to him an honorable discharge, with the rank held by him at the time his connection with the service was severed, such change of record not to involve any claim for pay or services from the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SIDNEY R. SMITH.

Mr. SEWELL. I have two more bills from the Committee on Military Affairs which I should like the Senate to indulge me in considering, the first one being Order of Business No. 1628.

By unanimous consent, the bill (H. R. 1511) for the relief of Sidney R. Smith was considered as in Committee of the Whole. It provides for paying to Sidney R. Smith, late a sergeant in the Thirty-third Regiment of New Jersey Infantry Volunteers, the pay and allowances of a second lieutenant of infantry from the 10th of March, 1864, the date at which he was assigned to duty under his commission as such, to the date of his actual discharge from service, deducting therefrom the pay received by him as sergeant during that period.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET F. RYAN.

Mr. SEWELL. I ask to take up Order of Business No. 1702.

There being no objection, the bill (H. R. 1249) for the relief of Margaret F. Ryan was considered as in Committee of the Whole. It provides for the payment to Margaret F. Ryan, late widow of George F. Cole, late a private in Company F, Fifty-first Regiment of New York Infantry Volunteers, the amount due Cole for military services rendered by him from the 15th of August, 1864, to the 25th of July, 1865; also commutation for rations and clothing not drawn by him while a prisoner of war, from the 30th of September, 1864, to the date of the discharge of his regiment from the service, July 25, 1865; and, further, to pay to her such bounty as she is by existing law entitled on account of the services of Cole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILITARY POST AT DENVER.

Mr. SEWELL. I ask to take up Order of Business No. 1706.

The bill (S. 2477) making an appropriation for the establishment and erection of a military post near the city of Denver, in the State of Colorado, was considered as in Committee of the Whole. Two hundred and fifty thousand dollars, or so much thereof as may be necessary, is by the bill appropriated for the establishment and erection of a military post or garrison near the city of Denver, Colo., to be expended under the direction of the Secretary of War.

Mr. COCKRELL. Is that to be selected without any action on the part of the War Department and the commanding general?

Mr. SEWELL. Oh, no; the report will show that the War Department approve, it and the commanding general is very anxious to have this post established in order to abandon four other posts.

Mr. SHERMAN. The report had better be read.

The PRESIDING OFFICER. The reading of the report is called for. It will be read.

The Secretary read the following report, submitted by Mr. SEWELL July 13, 1886:

The Committee on Military Affairs, to whom was referred the bill (S. 2477) making an appropriation for the establishment and erection of a military post near the city of Denver, in the State of Colorado, beg leave to report as follows:

The committee present the following communications from the Secretary of War and the Lieutenant-General commanding the Army, and make them a part of their report:

WAR DEPARTMENT, *Washington City, July 7, 1886.*

SIR: I have the honor to acknowledge the receipt of your letter of the 4th ultimo, inclosing a copy of Senate bill No. 2477, "making an appropriation for the establishment and erection of a military post near the city of Denver, in the State of Colorado," and requesting to be furnished with my opinion upon the proposed measure, accompanied with such facts and information as the Department may possess.

In reply I have the honor to inclose herewith a copy of the report of the Lieutenant-General of the Army, made to me under date of the 8th ultimo, upon this subject.

The subject-matter of this bill involves, in its consideration, the question of abandonment of numerous small posts that are no longer necessary, and the concentration of larger forces at strategic points near the frontier, or at points of railroad intersection. This question has hitherto engaged the attention of the Department, and has been presented to Congress through the annual reports of the Secretary of War for several successive years.

There can be no doubt that such a policy would prove highly advantageous to the military service, and result in greater economy, and I think from such facts as are before me and such consideration as I have been able to give the subject, that Denver should be one of the points at which one of the permanent military posts of the country should be located, and with that view I do not think there would be any objection to making an appropriation now for that purpose. If such an appropriation is made and a military post near Denver established, the following smaller posts could be disposed of, as no longer needed for military purposes, namely: Forts Lyon, Colorado; Union, New Mexico; Fred. Steele, Wyoming, and the cantonment on the Uncompahgre, Colorado.

Very respectfully, your obedient servant,

WM. C. ENDICOTT,
Secretary of War.

Hon. WILLIAM J. SEWELL,
Of Committee on Military Affairs, United States Senate.

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., June 8, 1886.

SIR: I have the honor to return herewith Senate bill 2477, making an appropriation of $250,000 for the establishment and erection of a military post near the city of Denver, Colo.

The city of Denver is situated in about the center of population of the State of Colorado. It is at the base of the Rocky Mountains, and is noted for its picturesque beauty and healthfulness. It is the center of a railroad system which embraces several transcontinental and one continental railroad, and strategically answers all the conditions of speedy transfer of troops in all directions. It is inexpensive compared with other posts, and the troops at Forts Lyon and Union could be advantageously quartered there at a much less expense to the Government. These posts have outlived the wants of the country surrounding them, and there is no necessity of keeping them up except to furnish shelter for the troops. If a post be established at Denver it would be attended with much less expense to the Government than the maintenance of the troops at the posts of Forts Lyon and Union.

Very respectfully, your obedient servant,

P. H. SHERIDAN,
Lieutenant-General, Commanding.

Hon. WILLIAM C. ENDICOTT,
Secretary of War.

The committee, after full consideration of this bill, believe that there is now no doubt as to the propriety of concentrating the posts of the Army, and to abandoning the numerous small ones, which, by reason of the settlement of the country, have, to a certain extent, become unnecessary to the service.

The concentration of the troops and the establishment of larger posts at points where railroad facilities are such that they can be maintained at minimum cost, and the commands distributed, in case of necessity, with the least possible delay, seem to the committee to be the policy which should be adopted by the Government. Denver is admirably situated for this purpose.

The committee therefore recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORT OF COMMISSIONER OF AGRICULTURE.

Mr. MANDERSON. I report from the Committee on Printing the joint resolution (H. Res. 201) for printing report of the Commissioner of Agriculture favorably, with amendments, and I ask for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported from the Committee on Printing with amendments, in section 1, line 3, after the word "hundred," to strike out "and forty;" in the same section, lines 5 and 6, after the word "hundred," to strike out "and thirty-three;" in the same section, line 7, before the word "thousand," to strike out "seventy-six" and insert "seventy-five;" and in the same section, line 8, before the word "thousand," to strike out "thirty-one" and insert "twenty-five;" so as to make the joint resolution read:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed 400,000 copies of the Annual Report of the Commissioner of Agriculture for the year 1886; 300,000 copies for the use of Members and Delegates of the House of Representatives, and 75,000 copies for the use of members of the Senate, and 25,000 copies for the use of the Department of Agriculture.

SEC. 2. That the sum of $200,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the cost of the publication of said report.

Mr. MANDERSON. I ask that the amendments may be put as one amendment, and I will explain what they are. We reduce the total number 40,000 and make a different distribution, giving 300,000 to the House of Representatives, 75,000 to members of the Senate, and 25,000 to the Department of Agriculture, which is the usual proportion of these reports.

The PRESIDING OFFICER. If there be no objection the question will be put on all the amendments as one.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

SUPPLEMENT TO THE BOWMAN ACT.

Mr. HOAR. I move to take up Senate bill 2643.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2643) supplemental to an act approved March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government."

Mr. SHERMAN. I give notice that after this bill is disposed of I will move an adjournment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE AT MEMPHIS.

Mr. SHERMAN. I move that the Senate adjourn.

The PRESIDING OFFICER. The Chair takes the liberty to say that there are two or three Senators who have applied for recognition, and the Chair promised to recognize them. The Senator from Tennessee is now entitled to the floor.

Mr. SHERMAN. Very well.

Mr. HARRIS. I ask for the consideration at this time of Order of Business 1563, being the bill (S. 2516) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.

Mr. CULLOM. I object to that.

Mr. SHERMAN. There being objection, I move that the Senate do now adjourn.

The motion was agreed to; and (at 10 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, July 27, 1886, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate the 26th day of July, 1886.

TERRITORIAL JUSTICES.

Henry P. Henderson, of Mason, Mich., to be associate justice of the supreme court of the Territory of Utah, *vice* Philip H. Emerson, resigned.

Charles M. Thomas, of Bowling Green, Ky., to be associate justice of the supreme court of the Territory of Dakota, *vice* William E. Church, resigned.

UNITED STATES ATTORNEY.

Dupont Guerry, of Americus, Ga., to be attorney of the United States for the southern district of Georgia, *vice* S. A. Darnell, whose term of office expired July 18, 1886.

COLLECTOR OF CUSTOMS.

Bradley B. Smalley, of Vermont, to be collector of customs for the district of Vermont, in the State of Vermont, *vice* William Wells, resigned, in lieu of previous nomination in place of the suspended officer.

UNITED STATES MARSHALS.

James H. Freeman, of Tennessee, to be marshal of the United States for the western district of Tennessee, *vice* M. T. Williamson, commission expired, in lieu of previous nomination in place of the suspended officer.

Nathan D. Bates, of Preston, Conn., to be marshal of the United States for the district of Connecticut, *vice* John C. Kinney, whose term of office will expire August 4, 1886.

Ezra Baird, of Lewiston, Idaho, to be marshal of the United States for the Territory of Idaho, *vice* Frederick T. Dubois, whose term of office expired July 17, 1886.

INDIAN AGENTS.

Charles E. Sausser, of Lebanon, Ohio, to be agent for the Indians of the Yakima agency in Washington Territory, *vice* Robert H. Milroy, commission expired, in lieu of previous nomination in place of the suspended officer.

Wilson H. Talbott, of Grand Junction, Colo., to be agent for the Indians of the Tulalip agency in Washington Territory, *vice* Patrick Buckley, resigned.

REGISTER OF LAND OFFICE.

Mornethy Grover, of Miles City, Mont., to be register of the land office at Miles City, Mont., *vice* Washington Berry, resigned.

SURVEYOR OF CUSTOMS.

Jeremiah W. Coveney, of Boston, Mass., to be surveyor of customs for the district of Boston and Charlestown, in the State of Massachusetts, *vice* Adin B. Underwood, commission expired.

ASSISTANT SURGEON IN THE NAVY.

Eugene Potter Stone, of Massachusetts, to be an assistant surgeon in the Navy, to fill a vacancy in that grade.

FOR PROMOTION IN THE ARMY.

Fifth Regiment of Artillery.

First Lieut. Selden A. Day, to be captain, July 18, 1886, *vice* Weir, deceased.

Second Lieut. J. Walker Benét, to be first lieutenant, July 18, 1886, *vice* Day, promoted.

Additional Second Lieut. Gustave W. S. Stevens, of the Fourth Artillery, to be second lieutenant, July 18, 1886, *vice* Benét, promoted.

Twenty-fifth Regiment of Infantry.

First Lieut. David B. Wilson, adjutant, to be captain, July 16, 1886, *vice* Courtney, deceased.

APPOINTMENTS IN THE MARINE CORPS.

First Lieut. Mancil C. Goodrell; a resident of Iowa, to be a captain in the Marine Corps from the 16th of July, 1886, *vice* Capt. J. H. Washburn, Marine Corps, retired.

Second Lieut. T. Glover Fillette, a resident of South Carolina, to be a first lieutenant in the Marine Corps from the 16th of July, 1886, *vice* First Lieut. M. C. Goodrell, Marine Corps, promoted.

POSTMASTERS.

Frances B. Sprague, to be postmaster at Haywards, Alameda County, California, the office having become Presidential.

Napoleon B. Witt, to be postmaster at Tulare, Tulare County, California, *vice* Joseph M. Johnston, resigned.

Frank B. Genovar, to be postmaster at Saint Augustine, Saint John's County, Florida, *vice* William M. Dewhurst, commission expired.

William A. McAlister, to be postmaster at Vinton, Benton County, Iowa, *vice* Stephen A. Marine, suspended.

The nomination of William H. McAlister for the said office, delivered to the Senate on the 17th instant, is this day withdrawn.

Emanuel M. Funk, to be postmaster at Manning, Carroll County, Iowa, the office having become Presidential.

William H. Bowser, to be postmaster at Warsaw, Kosciusko County, Indiana, *vice* John N. Runyan, resigned.

Frederick H. Bates, to be postmaster at Elmhurst, Du Page County, Illinois, *vice* Jacob Glas, commission expired.

The nomination of Christian Blievernicht, who was appointed and afterward nominated to the Senate, and who since resigned, is this day withdrawn.

William H. Loomis, to be postmaster at Shawneetown, Gallatin County, Illinois, *vice* Sarah E. Edwards, commission expired.

Isaac D. Toll, to be postmaster at Petoskey, Emmet County, Michigan, *vice* Ralph Connable, resigned.

Duncan Patterson, to be postmaster at Wymore, Gage County, Nebraska, *vice* Seth H. Craig, resigned.

Isabell Campbell, to be postmaster at Blairsville, Indiana County, Pennsylvania, *vice* Elizabeth Alter, commission expired.

James P. Owens, to be postmaster at Scottdale, Westmoreland County, Pennsylvania, *vice* John Robertson, commission expired.

John R. Young, to be postmaster at Hempstead, Waller County, Texas, *vice* A. C. Tompkins, removed.

Otis G. King to be postmaster at Kenosha, Kenosha County, Wisconsin, commission expired.

Executive nomination confirmed by the Senate July 10, 1886.

B. F. Ellsberry to be postmaster at Ironton, Lawrence County, Ohio.

The injunction of secrecy having been removed from the report in this case it was ordered to be printed in the RECORD, as follows:

Your Committee on Post-Offices and Post-Roads have considered the case of S. B. Steece, suspended and to be removed from the office of postmaster at Ironton, in the State of Ohio, and the appointment of B. F. Ellsberry to the same. The response of the Postmaster-General to the request of the committee for information, supplemented by their investigation elsewhere, satisfies them that Major Steece was a brave and faithful soldier in the Union Army in the war of the rebellion; that he is a reputable citizen of unblemished character and undoubted integrity; that his conduct of the affairs of his office was unexceptionable; that he was not removed for any cause affecting his official or personal character, but for political reasons alone.

Your committee further find that the appointee, Ellsberry, is entirely competent for the performance of the duties of this office, and, as Major Steece has no wish touching this suspension and appointment other than full vindication of his personal and official character against any suspicion that might attach from the same, they report back to the Senate this nomination with the recommendation that the nominee be confirmed.

O. D. CONGER, *of Committee.*

HOUSE OF REPRESENTATIVES.

MONDAY, *July* 26, 1886.

The House met at 11 o'clock a. m. Prayer by Rev. Dr. BULLOCK, of Washington, D. C.

CORRECTION OF JOURNAL.

The Journal of Saturday's proceedings was read.

Mr. OATES. Mr. Speaker, I desire to correct the Journal wherein it states that on the last bill under consideration at the evening session on Saturday, on the motion of the gentleman from Indiana [Mr. COBB] for the previous question on the bill and pending amendments, it was announced that no quorum voted thereon. That point was made, and the House, under a misapprehension, supposed it was so. In fact a quorum had voted, and the previous question was ordered. The RECORD shows there were 128 yeas and 37 nays, making 165 votes. That was the fact; but the House, on the suggestion of the gentleman from

Pennsylvania [Mr. BOYLE] that no quorum had voted, accepted that as correct, although in fact a quorum had voted and the previous question was ordered.

The SPEAKER. The Journal will be corrected in accordance with the statement of the gentleman from Alabama. The Chair desires to state as a matter of justice to the tally clerk, that in recording the affirmative vote in the column assigned for that purpose upon the sheet, when that vote had reached 49, he put down the figures 49, and called two or three more names before there was any other vote in the affirmative. When the next gentleman voted in the affirmative the tally clerk, looking back to his previous figures, took the 9 for a 4, and it looks very much like a 4, as the gentleman from Alabama will see if he examines it, and therefore recorded the next vote as 45, when it should have been 50; and that error was continued until the close of the roll-call, and the footings were made accordingly. It was a mistake made simply by the tally clerk on account of mistaking the figure. The Chair therefore thinks the Journal should be corrected to show the previous question was ordered. On the next vote taken in the House a quorum did not vote, and further proceedings were stopped.

Mr. HOLMAN. I suggest that much inconvenience may result from going back from the announcement made, if under a mistake the Chair makes an incorrect statement and the House proceeds with the current business.

The SPEAKER. But the session of Saturday evening was a special session. The only effect of the mistake was to prevent apparently the previous question being ordered on that bill. As a matter of fact the previous question was ordered. The Chair thinks the Journal should be corrected; and the bill comes over when next taken up for consideration with the previous question ordered on the amendments and the engrossment and third reading of the bill as amended.

Mr. OATES. The RECORD does not show that the Speaker *pro tempore* announced that no quorum had voted. It says: "The vote was then announced as above recorded." The gentleman from Pennsylvania [Mr. BOYLE] suggested that no quorum had voted, and the House accepted that statement.

The SPEAKER. The Chair calls the attention of the gentleman from Alabama to the fact that the House got as far as it could in the proceedings anyhow, because on the next vote it was clear there was no quorum on the call of the yeas and nays.

Mr. MCMILLIN. I do not know what the RECORD shows, but as a matter of fact, misled by the mistake to which the Speaker has called attention, I, being in the chair at the time, announced that no quorum had voted. I was under the same misapprehension as the clerk was.

The SPEAKER. The mistake of 5 votes in the tally would show no quorum. The Journal will be corrected, and without objection will be approved as corrected.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. LAFFOON, for to-day, on account of sickness.

To Mr. DAVIDSON, of Florida, indefinitely, on account of important business.

To Mr. SMALLS, until Tuesday next.

To Mr. WADE, for this day, on account of sickness.

To Mr. HOWARD, until Thursday, the 29th instant, on account of important business.

To Mr. MORROW, indefinitely, on account of sickness.

CHANGE OF REFERENCE.

The SPEAKER. The bill (H. R. 9807) for the relief of Mrs. Mary A. Smith has been erroneously referred to the Committee on Pensions. It should have been referred to the Committee on Invalid Pensions. That order will be made.

YELLOW FEVER COMMISSION.

Mr. DAVIS. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of Senate bill 1730, with amendments, providing for the appointment of a commission to investigate the truth of alleged discoveries of the specific cause of yellow fever, and that the bill be put upon its passage.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill and amendments were read.

Mr. DAVIS. Mr. Speaker, I now ask unanimous consent to introduce the amended Senate bill as a distinct bill.

Mr. DOWDNEY. I object.

ADDITIONAL CIRCUIT JUDGE, SECOND JUDICIAL DISTRICT.

Mr. COLLINS. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of House bill 8599, providing an additional circuit judge in the second judicial district, and that the same be put upon its passage.

The bill was read.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. COX. Let the report be read, Mr. Speaker.

Mr. HOLMAN. Mr. Speaker, as the consideration of this bill is likely to occupy more time than we can give to it this morning, I shall call for the regular order, suggesting that the bill go over until to-morrow morning, and reserving my right to object.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. Mr. Speaker, I ask to have the sundry civil appropriation bill taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

Mr. HEPBURN. I object. Let it go to the Committee of the Whole on the state of the Union.

OTOE AND MISSOURIA RESERVATION.

Mr. PERKINS. Mr. Speaker, I desire to present a conference report:

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7087) entitled "An act authorizing and directing the Secretary of the Interior to extend the time for the payment of the purchase-money on the sale of the reservation of the Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to said bill, and agree to the same with an amendment as follows: Add to Senate amendment the following: "*Provided further*, That no forfeiture shall be deemed to have accrued solely because of a default in payment of principal or interest becoming due April 30, 1886, if the interest due upon said date shall be paid within sixty days after the passage of this act;" and that the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same.

OLIN WELLBORN,
T. G. SKINNER,
B. W. PERKINS,
Managers on the part of the House.

H. L. DAWES.
BENJ. HARRISON,
S. B. MAXEY,
Managers on the part of the Senate.

Mr. PERKINS. Unless some gentleman desires an explanation I move that the conference report be adopted.

The report was agreed to.

Mr. PERKINS moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter morton was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. Does the gentleman from Iowa [Mr. HEPBURN] withdraw his objection to the request of the gentleman from Pennsylvania [Mr. RANDALL] that the sundry civil appropriation bill be referred to the Committee on Appropriations and ordered to be printed?

Mr. HEPBURN. I withdraw it.

The SPEAKER. If there be no further objection it will be so ordered.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 2349) granting a pension to Catharine Lanigan.

The message also announced that the Senate had passed with amendments the bill (H. R. 9478) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 68) for the relief of William P. Chambliss.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 453) for the erection of a public building at Jacksonville, Fla.;

A bill (S. 1492) for the relief of Ellen Sadler, sister of John Sadler;

A bill (S. 1421) granting a pension to William H. Weaver; and

A bill (S. 948) granting a pension to Joseph S. Moody.

LEGISLATIVE APPROPRIATION BILL.

Mr. HOLMAN. I desire to submit as a privileged question the report of a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, having met, after full and free conference have been unable to agree.

W. S. HOLMAN,
GEORGE C. CABELL,
J. G. CANNON,
Managers on the part of the House.

W. B. ALLISON,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.

The following is the statement accompanying the report:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for 1887 submit the following written statement in explanation of the accompanying report from the conference committee:

The amendments referred to and considered by the conference committee relate to the payment of clerks to Senators who are not chairmen of committees, the increase of the amount for payment of subordinate officers of the internal-revenue service from $1,900,000 to $2,050,000, and the sum of $10,000 proposed for the collection of statistics relating to the laws of marriage and divorce. Being unable to agree upon any of said amendments, the bill is in the same condition as when last considered by the House.

WM. S. HOLMAN,
GEO. C. CABELL,
J. G. CANNON,
Managers on the part of the House.

The SPEAKER. If there be no objection this report will be accepted.

Mr. HOLMAN. The conferees of the two Houses have been unable to agree on the first of the three pending points of disagreement; that is, the appropriation of $23,250 for clerks of Senators. The other two points of disagreement are more formal than real. The real point of disagreement is in regard to the clerks for Senators. I believe this is the second or third time the subject has been reported to the House. The conferees on the part of the Senate are not willing to recede, and the question is what the House shall do.

I wish to state as a reason why this subject should be disposed of at the earliest moment that the bill, as already agreed upon by the two Houses, materially reduces the number of employés of the Government, so that every day that this bill is delayed in becoming a law expense is being incurred to the extent of several thousand dollars more than would be incurred if the bill were in force. I mention this as a reason why it is important the two Houses should come to an agreement at the earliest moment. Every day's delay involves an extra expenditure of several thousand dollars. As a matter of form, I move that the House further insist on its disagreement.

Mr. STRUBLE. Why does the gentleman make that motion "as a matter of form?"

Mr. HOLMAN. So that any gentleman may make any other motion he thinks proper.

Mr. BLOUNT. I wish to ask the gentleman from Indiana whether it is not true that the main question now in controversy is in reference to the salaries of clerks of Senators.

Mr. HOLMAN. That is what I have been attempting to say. That is really the point of disagreement.

Mr. BLOUNT. In an experience of many years has not the Senate always insisted firmly on this point and has not the House always yielded; and is not that likely to be our experience at this time? If so, and if the delay in the passage of the bill is imposing expense upon the Government, had we not better yield at once than yield later on after further expenditure has been incurred?

Mr. HOLMAN. Well, experience demonstrates that the House finally yields the point. [Laughter.] And the subject is presented in this form—that the Senate is a unit in insisting upon this provision, while the House is not a unit in opposition to it.

Mr. BROWN, of Pennsylvania. Does not the gentleman think the House has held out long enough to satisfy the country of the reform tendency of the House? [Laughter.]

Mr. HOLMAN. I think it important the measure should be disposed of promptly. I think that this expenditure of several thousand dollars a day ought to be saved.

Mr. OATES. Will the gentleman from Indiana yield to me?

Mr. HOLMAN. Yes, sir.

Mr. OATES. As the gentleman from Indiana feels a delicacy in making the motion I will move that the House concur in the Senate amendments.

Mr. HOLMAN. I call the previous question.

Mr. CABELL. The gentleman from Alabama moves that the House concur in the Senate amendments. I do not think we ought to concur as to the first amendment. I am perfectly willing for the House to say what should be done in regard to the other amendments; but as to the first amendment, I think it possible we may come to some agreement.

The SPEAKER. The Chair understands the gentleman from Alabama to move that the House recede from its disagreement to amendments numbered 2 and 17 and agree to the same, those being the amendments relating to compensation of clerks of Senators.

Mr. OATES. That is my motion.

Mr. HOLMAN. There are two other matters pending and not finally disposed of; but an agreement is practically reached upon those. I call the previous question.

Mr. BURROWS. Will the gentleman from Alabama [Mr. OATES] give us some reason in favor of his motion?

Mr. OATES. I think it is right. Senators have determined that they ought to have clerks, that the clerks are necessary for the performance of the duties of Senators; and I think they ought to have them.

Mr. BURROWS. Will the gentleman give us some reason why the pay of a Senator should practically be $19.69 a day, while that of a Representative is only $13.69?

Mr. OATES. Perhaps that is the fault of the House; perhaps the trouble is that Representatives have not asked for what they are entitled to in this respect. I am in favor of members of the House who are not chairmen of committees having clerks.

Mr. BURROWS. I am opposed to the inequality. I would like to hear some reason for allowing a Senator $6 more compensation per diem than a Representative.

Mr. OATES. Well, as I said, it is perhaps the fault of the House that we have not asked for an allowance of this kind; otherwise we might be on equal terms with the Senators.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Alabama [Mr. OATES] that the House recede from its disagreement to Senate amendments numbered 2 and 17 and agree to the same, those being the amendments which provide compensation for Senators' clerks.

Mr. COX. I demand a division.

The question being taken, there were—ayes 61, noes 45.

Mr. PAYSON and Mr. REED, of Maine, called for the yeas and nays.

The yeas and nays were ordered; there being—ayes 35, noes 73; more than one-fifth voting in the affirmative.

The question was taken and there were—yeas 96, nays 121, not voting 105; as follows:

YEAS—96.

Adams, G. E.	Foran,	Lore,	Sawyer,
Allen, C. H.	Forney,	Martin,	Skinner,
Baker,	Funston,	Millard,	Spooner,
Bayne,	Gilfillan,	Moffatt,	Springer,
Bingham,	Glover,	Morgan,	Stephenson,
Blount,	Goff,	Morrill,	Stewart, J. W.
Boyle,	Grosvenor,	Morrison,	St. Martin,
Brady,	Grout,	Murphy,	Stone, E. F.
Breckinridge, C. R.	Guenther,	Negley,	Strait,
Breckinridge, W. C. P.	Hall,	Nelson,	Struble,
Burleigh,	Harmer,	Oates,	Swinburne,
Butterworth,	Harris,	O'Neill, Charles	Tarsney,
Carleton,	Henderson, D. B.	O'Neill, J. J.	Taulbee,
Catchings,	Henley,	Outhwaite,	Thomas, O. B.
Conger,	Hewitt,	Parker,	Van Eaton,
Crisp,	Hiestand,	Payne,	Wakefield,
Cutcheon,	Hill,	Peel,	Warner, A. J.
Davidson, A. C.	Holman,	Perkins,	Weber,
Davis,	Irion,	Plumb,	Wilkins,
Dowdney,	Jones, J. T.	Reagan,	Wilson,
Dunham,	Kelley,	Rice,	Winans,
Eden,	Ketcham,	Romeis,	Wolford,
Evans,	La Follette,	Rowell,	Woodburn,
Felton,	Lindsley,	Sadler,	Worthington.

NAYS—121.

Allen, J. M.	Dockery,	Lehlbach,	Rockwell,
Anderson, J. A.	Dorsey,	Little,	Ryan,
Ballentine,	Dunn,	Lovering,	Sayers,
Barnes,	Ellsberry,	Lowry,	Seney,
Belmont,	Ermentrout,	Lyman,	Sessions,
Bennett,	Everhart,	Mahoney,	Shaw,
Bound,	Farquhar,	McAdoo,	Singleton,
Brown, C. E.	Findlay,	McComas,	Snyder,
Brown, W. W.	Fleeger,	McCreary,	Sowden,
Browne, T. M.	Ford,	McKenna,	Stahlnecker,
Buchanan,	Frederick,	McKinley,	Stewart, Charles
Bunnell,	Fuller,	McMillin,	Stone, W. J., Ky.
Burnes,	Geddes,	McRae,	Stone, W. J., Mo.
Burrows,	Green, R. S.	Merriman,	Swope,
Bynum,	Green, W. J.	Milliken,	Taylor, J. M.
Cabell,	Hatch,	Mills,	Thompson,
Caldwell,	Hayden,	Mitchell,	Tillman,
Campbell, Felix	Hemphill,	Neal,	Townshend,
Campbell, J. M.	Henderson, J. S.	Neece,	Trigg,
Cannon,	Herbert,	Osborne,	Turner,
Clardy,	Hitt,	Owen,	Viele,
Cobb,	Hopkins,	Payson,	Wade,
Collins,	Hudd,	Perry,	Ward, J. H.
Compton,	Hutton,	Peters,	Warner, William
Cowles,	Johnston, T. D.	Pettibone,	Weaver, A. J.
Cox,	Jones, J. H.	Pindar,	Weaver, J. B.
Croxton,	Kleiner,	Pirce,	Wheeler,
Culberson,	Landes,	Price,	Wise.
Curtin,	Lanham,	Randall,	
Dargan,	Lawler,	Reed, T. B.	
Dibble,	Le Fevre,	Richardson,	

NOT VOTING—105.

Adams, J. J.	Crain,	Hermann,	O'Donnell,
Aiken,	Daniel,	Hires,	O'Ferrall,
Anderson, C. M.	Davenport,	Hiscock,	O'Hara,
Arnot,	Davidson, R. H. M.	Holmes,	Phelps,
Atkinson,	Dawson,	Houk,	Pidcock,
Barbour,	Dingley,	Howard,	Ranney,
Barksdale,	Dougherty,	Jackson,	Reid, J. W.
Barry,	Eldredge,	James,	Reese,
Beach,	Ely,	Johnson, F. A.	Riggs,
Blanchard,	Fisher,	Johnston, J. T.	Robertson,
Bland,	Gallinger,	King,	Rogers,
Bliss,	Gay,	Laffoon,	Scott,
Boutelle,	Gibson, C. H.	Laird,	Scranton,
Bragg,	Gibson, Eustace	Libbey,	Seymour,
Brumm,	Glass,	Long,	Smalls,
Buck,	Hale,	Louttit,	Spriggs,
Campbell, J. E.	Halsell,	Markham,	Steele,
Campbell, T. J.	Hammond,	Matson,	Storm,
Candler,	Hanback,	Maybury,	Symes,
Caswell,	Haynes,	Miller,	Taylor, E. B.
Clements,	Heard,	Morrow,	Taylor, I. H.
Comstock,	Henderson, T. J.	Muller,	Taylor, Zach.
Cooper,	Hepburn,	Norwood,	Thomas, J. R.

Throckmorton,	Wait,	West,	Willis.
Tucker,	Wallace,	White, A. C.	
Van Schaick,	Ward, T. B.	White, Milo	
Wadsworth,	Wellborn,	Whiting,	

So the motion was not agreed to.

On motion of Mr. PAYSON, by unanimous consent the recapitulation of the names was dispensed with.

The following pairs were announced until further notice:

Mr. GLASS with Mr. SWINBURNE.
Mr. ARNOT with Mr. THOMAS, of Illinois.
Mr. DAWSON with Mr. RANNEY.
Mr. BLAND with Mr. VAN SCHAICK.
Mr. BARKSDALE with Mr. DAVENPORT.
Mr. SPRIGGS with Mr. OWEN.
Mr. BRAGG with Mr. CASWELL.
Mr. MILLER with Mr. HOUK.
Mr. DANIEL with Mr. WHITING.
Mr. ROBERTSON with Mr. STEELE.
Mr. ANDERSON, of Ohio, with Mr. HANBACK.
Mr. ADAMS, of New York, with Mr. WEST.
Mr. ROGERS with Mr. EZRA B. TAYLOR.
Mr. BARBOUR with Mr. LIBBEY.
Mr. THROCKMORTON with Mr. WADSWORTH.
Mr. HAMMOND with Mr. O'DONNELL.
Mr. RIGGS with Mr. HAYNES.
Mr. CANDLER with Mr. LOUTTIT.

The following pairs were announced for to-day:

Mr. WELLBORN with Mr. PHELPS.
Mr. DAVIDSON, of Florida, with Mr. WAIT.
Mr. PIDCOCK with Mr. JOHNSON, of New York.
Mr. LAFFOON with Mr. WADE.
Mr. HALSELL with Mr. ELY.
Mr. CAMPBELL, of Ohio, with Mr. BRUMM.

The result of the vote was then announced as above recorded.

Mr. HOLMAN. I move that the House still further insist upon the amendments numbered 2, 88, 179, and 180, the remaining amendments, and ask a further conference; and on that I call the previous question.

The previous question was ordered.

The motion of Mr. HOLMAN was agreed to.

The SPEAKER appointed Mr. HOLMAN, Mr. CABELL, and Mr. CANNON as conferees on the part of the House.

CORRECTION OF A ROLL.

Mr. COWLES. Mr. Speaker, I desire to correct the RECORD of the 23d instant. I am recorded as voting upon the last ballot recorded on page 7341. That is a mistake. I had been called out of the House and was not present during that ballot, but was paired with my friend from Iowa [Mr. STRUBLE]. The pair is inserted, but my name is erroneously recorded as voting in the affirmative.

The SPEAKER. Will the gentleman indicate the matter under consideration on that occasion?

Mr. COWLES. The question was on considering the bill (H. R. 9114) to provide for the fortification of wine for exportation.

The SPEAKER. The correction will be made.

ORDER OF BUSINESS.

Mr. TAULBEE. I ask unanimous consent that members be allowed to hand their bills to the Clerk for reference to-day, without taking the time of the House to call the States in their alphabetical order, just as was done on last Monday. I make this request for the purpose of saving time.

The SPEAKER. For how long a time? Will the gentleman indicate? The leave on last Monday was quite indefinite, and members continued to hand bills in at the desk for a day or two afterward.

Mr. TAULBEE. Only for this day.

Mr. STRAIT. I object.

HARRIET A. ROBB.

Mr. DUNN introduced a bill (H. R. 9936) for the relief of Harriet A. Robb; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL F. DAVIDSON.

Mr. DUNN also introduced a bill (H. R. 9937) for the relief of Samuel F. Davidson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM W. STOUT.

Mr. BRECKINRIDGE, of Arkansas, introduced a bill (H. R. 9938) for the relief of William W. Stout, administrator of James M. Stout; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GOVERNMENT BALANCES OF ACCOUNTS.

Mr. BRECKINRIDGE, of Arkansas, also introduced a bill (H. R. 9939) to determine and settle finally balances on accounts due to and from the United States Government, and for other purposes; which was read a first and second time, referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

JOHN EAGAN.

Mr. DAVIDSON, of Florida, introduced a bill (H. R. 9940) for the relief of John Eagan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TRANSFER OF PROPERTY AT SAINT AUGUSTINE, FLA.

Mr. DAVIDSON, of Florida (by request), also introduced a bill (H. R. 9941) to transfer a certain lot or tract of land in the city of Saint Augustine, Fla, known as the "old powder-house lot," to the city of Saint Augustine, Fla., in trust, for educational, library, and park purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SILVER-PROFIT FUND.

Mr. ADAMS, of Illinois, submitted the following resolution; which was read, and referred to the Committee on Expenditures in the Treasury Department:

Resolved, That the Secretary of the Treasury be requested to furnish to the House of Representatives, at the beginning of next session of Congress, a detailed statement of all sums expended by the various mints and assay offices from the fund known as the silver-profit fund, authorized by section 3526 of the United States Statutes, from and including the year 1878 to the present time.

HENRY P. ALEXANDER.

Mr. RYAN introduced a bill (H. R. 9942) granting a pension to Henry P. Alexander; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

R. M. WILSON.

Mr. TAULBEE introduced a bill (H. R. 9943) for the relief of R. M. Wilson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELISHA YOUNG.

Mr. TAULBEE also introduced a bill (H. R. 9944) for the relief of Elisha Young; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RACHEL WALCOTT.

Mr. FINDLAY (by request) introduced a bill (H. R. 9945) for the relief of Rachel Walcott; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM P. GORSUCH.

Mr. SHAW introduced a bill (H. R. 9946) for the relief of William P. Gorsuch; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH WHITE.

Mr. McCOMAS introduced a bill (H. R. 9947) granting an increase of pension to Joseph White; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTHA H. SANBORN.

Mr. LONG introduced a bill (H. R. 9948) for the relief of Martha H. Sanborn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWIN R. GUSTIN.

Mr. LONG also introduced a bill (H. R. 9949) granting a pension to Edwin R. Gustin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY POWELL.

Mr. SINGLETON introduced a bill (H. R. 9950) for the relief of Mary Powell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. HATTIE E. BOUGHTON.

Mr. GLOVER introduced a bill (H. R. 9951) granting a pension to Mrs. Hattie E. Boughton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS HUGHES.

Mr. GLOVER also introduced a bill (H. R. 9952) granting a pension to Thomas Hughes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT A. MURRAY.

Mr. GLOVER also introduced a bill (H. R. 9953) granting a pension to Robert A. Murray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OLIVER H. P. APPLEGATE.

Mr. GLOVER also introduced a bill (H. R. 9954) granting a pension to Oliver H. P. Applegate; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OWNERS OF STEAMER CLARA BELL.

Mr. GLOVER also introduced a bill (H. R. 9955) for the relief of owners of steamer Clara Bell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EXPENDITURES BY GENERAL HANCOCK.

Mr. GLOVER (by request) also submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That a committee of three be appointed to inquire as to the expenditures made by the late General W. S. Hancock in September and October, 1881, in entertaining, under direction of the Secretary of War, the French officers invited to assist at the centennial celebration of the surrender of the British army at Yorktown to the combined forces of the United States and France, and whether the same had been paid to him in his lifetime or to his estate since his decease.

EXPENDITURES OF THE POST-OFFICE DEPARTMENT.

Mr. CLARDY introduced a bill (H. R. 9956) requiring all expenditures of the Post-Office Department to be passed upon by a comptroller; which was read a first and second time, referred to the Committee on Expenditures in the Post-Office Department, and ordered to be printed.

JAMES DE CAMP.

Mr. BUCHANAN introduced a bill (H. R. 9957) granting a pension to James De Camp; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES JONES.

Mr. BUCHANAN also introduced a bill (H. R. 9958) for the relief of James Jones; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MICHAEL CORBIN.

Mr. MULLER introduced a bill (H. R. 9959) granting an increase of pension to Michael Corbin, late a private in Company A, First New York Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN L. HOPSON.

Mr. JOHNSTON, of North Carolina, introduced a bill (H. R. 9960) for the relief of John L. Hopson; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM E. BOUDINOT.

Mr. COX introduced a bill (H. R. 9961) for the relief of William E. Boudinot; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MEMPHIS BRIDGE.

Mr. HILL introduced a bill (H. R. 9962) to authorize the construction of a bridge across the Mississippi River at Memphis, in the State of Tennessee; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JACOB CROSLY.

Mr. SENEY introduced a bill (H. R. 9963) granting a pension to Jacob Crosly; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY WEATHERWAX.

Mr. FORAN introduced a bill (H. R. 9964) for the relief of Henry Weatherwax, of Cleveland, Ohio; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN PENDLETON.

Mr. FORAN also introduced a bill (H. R. 9965) granting a pension to John Pendleton, Company E, Forty-fifth Regiment United States Colored Troops; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE A. M'KAY.

Mr. FORAN also introduced a bill (H. R. 9966) granting an increase of pension to George A. McKay, captain Seventh Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES GOOD.

Mr. FORAN also introduced a bill (H. R. 9967) granting a pension to Charles Good, Company E, Fifth United States Colored Troops; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGET SHANLEY.

Mr. FORAN also introduced a bill (H. R. 9968) granting a pension to Bridget Shanley, widow of William Shanley, late of Company C, One hundred and twenty-fourth Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS B. POWERS.

Mr. FORAN also introduced a bill (H. R. 9969) granting a pension to Lieut. Thomas B. Powers, One hundred and ninety-ninth Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

M. J. SHELP.

Mr. FORAN also introduced a bill (H. R. 9970) granting accrued pension to M. J. Shelp, widow of Charles Shelp, Company G, One hundred and twenty-second New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY STEWART.

Mr. FORAN also introduced a bill (H. R. 9971) granting a pension to Mary, widow of John Stewart, Company F, Thirteenth Ohio Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. C. CONLEY.

Mr. FORAN also introduced a bill (H. R. 9972) granting a pension to Mrs. C. Conley, late army nurse; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BOUNTY ACT OF JULY 28, 1866.

Mr. FORAN also introduced a bill (H. R. 9973) to extend the limitation of the additional bounty law known as the act of July 28, 1866; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATRICK TIGUE.

Mr. FORAN also introduced a bill (H. R. 9974) to remove the charge of desertion from the military record of Patrick Tigue; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN JOHNSON.

Mr. FORAN also introduced a bill (H. R. 9975) to remove the charge of desertion from the military record of John Johnson; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ANDREW BROWN.

Mr. FORAN also introduced a bill (H. R. 9976) to remove the charge of desertion from the military record of Andrew Brown; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NICHOLAS MOSER.

Mr. FORAN also introduced a bill (H. R. 9977) to remove the charge of desertion from the military record of Nicholas Moser; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MICHAEL SHANNON.

Mr. FORAN also introduced a bill (H. R. 9978) to remove the charge of desertion from the military record of Michael Shannon; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MINOR CHILDREN OF LIEUT. GEORGE R. M'GUIRE.

Mr. BINGHAM introduced a bill (H. R. 9979) granting a pension to Victor, Gertrude, Margaret, Helen, minor children of Lieut. George R. McGuire; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. CLAY FISHER.

Mr. HARMER introduced a bill (H. R. 9980) for the relief of H. Clay Fisher, second lieutenant United States Marine Corps; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANDREW N. BURNS.

Mr. GLASS (by request) introduced a bill (H. R. 9981) for the relief of Andrew N. Burns, late of Company C, First Kentucky Mounted Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ESTATE OF J. G. RANDOLPH, DECEASED.

Mr. JOHN M. TAYLOR introduced a bill (H. R. 9982) for the relief of the estate of J. G. Randolph, deceased, of McMinn County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JURISDICTION OF DISTRICT COURTS.

Mr. CULBERSON introduced a bill (H. R. 9983) to enlarge the jurisdiction of the district courts of the United States, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HEIRS OF JOSÉ B. MARTINEZ.

Mr. JOSEPH introduced a bill (H. R. 9984) for the relief of the heirs of José B. Martinez, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LAND GRANT IN NEW MEXICO.

Mr. JOSEPH also introduced a bill (H. R. 9985) to confirm a grant of land to citizens of Socorro, N. Mex.; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

SWEETWATER LAND DISTRICT, WYOMING.

Mr. CAREY introduced a bill (H. R. 9986) to establish the Sweetwater land district, in the Territory of Wyoming; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

EIGHT-HOUR LAW FOR LETTER-CARRIERS.

Mr. LAWLER introduced the following resolution; which was referred to the Committee on Rules:

Resolved, That on Saturday evening, July 31, the House shall take a recess at 5 o'clock until 8 o'clock p. m., the evening session to be devoted exclusively to the consideration of Senate bill 2076, passed by the Senate, and entitled "An act to extend to letter-carriers the advantages secured to other employés of the United States by section 3738 of the Revised Statutes relating to the hours of labor," and known as "the eight-hour law."

BUSINESS OF COMMITTEE ON NAVAL AFFAIRS.

Mr. HERBERT introduced the following resolution; which was referred to the Committee on Rules:

Resolved, That the first Wednesday after the first Monday of December, 1886, and from day to day thereafter, after the morning hour for the consideration of bills and resolutions be set apart for the consideration of business from the Committee on Naval Affairs; not to interfere with revenue nor general appropriation bills, nor with prior orders, nor with the consideration of reports from the Committee on Public Lands under the special order, nor with the business of Mondays and Fridays; and the consideration of such business from said Committee on Naval Affairs shall be continued subject to the limitation until the said committee shall have occupied for two days the time remaining after the expiration of said morning hour for the consideration of bills and resolutions.

ENROLLED BILLS AND JOINT RESOLUTIONS.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and joint resolutions of the following tittles; when the Speaker signed the same:

A bill (H. R. 5038) for the relief of Stephen Sauer;

A bill (H. R. 9208) to permit the entry free of duty of foreign goods for exhibition at the fourth biennial exhibition of the United States Bottlers' Protective Association;

Joint resolution (H. Res. 54) to credit Lieutenants Giles B. Harber and William H. Schuetze with sea-duty and sea-pay while engaged in the search for Lieutenant Chipp and party, and also for the time employed in bringing home the remains of Lieutenant-Commander De Long and party; and

Joint resolution (H. Res. 129) directing the Public Printer to forward the CONGRESSIONAL RECORD to our legations abroad.

FORFEITURE OF NORTHERN PACIFIC LAND GRANT.

Mr. HENLEY. I rise to make a privileged report for present consideration from the Committee on the Public Lands.

The title of the bill was read, as follows:

A bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes.

The following substitute proposed by the Committee on the Public Lands as an amendment was read:

Strike out all after the enacting clause and insert the following:

That except as to all lands granted for that portion of the road of the Northern Pacific Railroad which was completed before July 4, A. D. 1879, and also excepting the right of way, with necessary lands used in operating said railroad, and also except all lands included within the limit of any village, town, or city site, the grant of public lands made in aid of the construction of the said Northern Pacific Railroad by act of Congress approved July 2, A. D. 1866 (13 Statutes at Large, page 365), be, and it is hereby, declared forfeited and determined; and the said act making the grant is, so far as said grant is concerned, hereby repealed, and said lands are hereby restored to the public domain, for sale and settlement under existing laws of the United States; and all of said lands shall be held and treated as though said grant and the withdrawals under it had never been made: *Provided*, That in case of any of the lands embraced within the terms of this act, to which said railroad company would have been entitled had the said road been constructed as provided in the act making the grant, have been sold by said company prior to January 1, A. D. 1884, the party or person so purchasing any of said lands, his heirs and assigns, shall have the right to the lands so purchased to the extent of 320 acres, upon making proof of the fact of such purchase before the register at the local land office of the district where said land may be located; and upon proof as above within twelve months of the passage of this act patents shall issue to the parties entitled thereto for the land; and in any case of purchase or settlement, as contemplated in this act, of more than 320 acres by each settler, the 320 acres to each settler may be selected by him within one year from the passage of this act, he filing the description of such selection at the proper land office or with the Commissioner of the General Land Office.

SEC. 2. That all persons who have made actual settlement or have made valuable improvements upon the odd-numbered sections adjacent to the said road or branch thereof, with or without contract of purchase therefor, with a *bona fide* intent to secure title thereto by purchase from said Northern Pacific Railroad Company when the said company had earned the same by compliance with the conditions and requirements of said act, or to acquire title to the same under the public-land laws of the United States, and being a citizen of the United States, or having declared his intention to become one in compliance with the naturalization laws of the United States, shall be entitled to enter one-quarter section of 160 acres each, of the lands so settled upon or improved by such person, under the pre-emption or homestead laws of the United States; and in case such person has exhausted his or her right under said laws, then and in that case such person may enter one-quarter section, of 160 acres, of the land so settled upon or improved, by paying therefor $1.25 per acre.

SEC. 3. That the following words in act of July 2, 1864, section 2, "and the right of way shall be exempt from taxation within the Territories of the United States" are hereby repealed.

The SPEAKER. The question is upon the amendment proposed by the committee.

Mr. DUNHAM. How does this bill come here?

The SPEAKER. By report from the Committee on Public Lands.

Mr. DUNHAM. Then it goes to the Calendar, does it not?

The SPEAKER. It does not. The committee reports it under a rule of the House.

Mr. HENLEY. It is a privileged report.

The SPEAKER. The committee makes a privileged report, and asks its immediate consideration.

Mr. DUNHAM. How does it become privileged?

The SPEAKER. The rules of the House, clause 49, Rule XI, give to the committee the right to report at any time upon certain classes of bills.

Mr. DUNHAM. Do I understand that this is a substitute for a bill before the House?

The SPEAKER. The committee reports back a Senate bill with a recommendation that a substitute be adopted.

Mr. DUNHAM. Is it the Northern Pacific forfeiture bill?

The SPEAKER. It is. It has just been read.

Mr. DUNHAM. Is it in order to vote on the question at this time?

The SPEAKER. The bill is up for consideration unless the question of consideration be raised against it—it is before the House for a vote or for debate or amendment. [Cries of "Regular order!"]

Mr. DUNHAM. Has the bill been printed?

The SPEAKER. The Senate bill, as the Chair supposes, was printed; and the bill offered as a substitute appears to be in print.

Mr. DUNHAM. Has the amendment been printed?

The SPEAKER. It has.

Mr. HENLEY. Mr. Speaker, it would seem advisable to have some understanding about the limit of debate on this question. This bill is simply an amendment of the bill passed by the Senate. The distinctive difference between the Senate bill and the House bill is this: The Senate bill proposes to forfeit all the lands within the grant to the Northern Pacific Railroad Company from the town of Wallula, Wash., to the city of Portland, Oreg.

The House committee have recommended the amendment of that bill, including the forfeiture of the grant from Bismarck out to the Pacific Ocean.

Mr. Speaker, those are the distinctive features of difference between the two measures.

I should like now to hear from the other side; that is, from the opponents of this measure, if there be any, as to the limitation of this debate.

Mr. WEAVER, of Iowa. What is the difference as to the number of acres of land?

Mr. HENLEY. It amounts to somewhere between 33,000,000 and 34,000,000 of acres.

Mr. WEAVER, of Iowa. In favor of your bill?

Mr. HENLEY. Yes; in favor of the House bill.

Mr. WEAVER, of Iowa. This is the land the Government granted to the Northern Pacific Railroad?

Mr. HENLEY. Yes, sir.

Mr. WEAVER, of Iowa. Now, does he propose to take it back?

Mr. HENLEY. Yes, sir. Now, Mr. Speaker, in order to get the bill before the House so that we may have action at the earliest possible period, I ask by unanimous consent that all general debate be closed at 4 o'clock this afternoon. [Cries of "No!" "That is too long!"] Then I will amend by saying 3 o'clock.

Mr. VAN EATON. No; say 5 o'clock.

The SPEAKER. The gentleman from California asks that by unanimous consent the previous question shall be considered as ordered on this bill. Does the gentleman ask that it shall be ordered on the passage of the bill or on the engrossment and third reading of the bill?

Mr. HENLEY. On the passage of the bill.

Mr. VAN EATON. I wish to say a word, if I may be allowed to do so——

The SPEAKER. The gentleman from Mississippi has the right to make a suggestion.

Mr. VAN EATON. I favor the adoption of the Senate bill, and so far shall antagonize the gentleman from California. This is a matter of grave importance, and, I take it, ought to be discussed at length. Such time as members wish for its discussion ought to be allowed. It was discussed for nearly two weeks in the Senate. It is a matter of too grave importance to force it to a vote without both sides being fairly heard. I think it would be better not to fix a limitation to the debate at this time, but to allow it to run on for a time, and then after members have been heard on both sides we can with more judgment fix a time for closing debate.

Mr. HENLEY. It is quite true as stated by the gentleman from Mississippi, but the very fact the subject has been discussed so elaborately during the two weeks in the Senate furnishes an additional reason why we should not spend much time on the subject in this House. Members have undoubtedly informed themselves by perusal of those debates in the Senate and are prepared to vote on one side or the other. My proposition is that general debate be limited, and I therefore move that the previous question be called on the passage of the bill at 3 o'clock.

The SPEAKER. That can not be done. The gentleman can not move the previous question in advance. At any time he gets the floor he has the right to move the previous question.

Mr. HENLEY. I give notice, then, Mr. Speaker, that I will call the previous question at 3 o'clock this afternoon.

Mr. PAYSON. On the third reading and engrossment of the bill?

Mr. HENLEY. Yes, on the third reading and engrossment of the bill.

Mr. REED, of Maine. Does the bill make an appropriation of money or land?

The SPEAKER. On the contrary, it forfeits land to the United States.

Mr. REED, of Maine. If it can.

Mr. HENLEY. It is understood that the opponents of the bill are to have half the time allowed for debate.

The SPEAKER. The Chair will endeavor to recognize members alternately.

Mr. VAN EATON. I ask to be recognized as in control of the time on the other side.

The SPEAKER. The gentleman can not control the time. He will have one hour, of course.

Mr. REED, of Maine. He has his hour.

The SPEAKER. Yes; he will have his hour, and other gentlemen will get each his hour.

Mr. HENLEY. It will probably conform to the wishes of a number of gentlemen upon the floor if I request that members so desiring may have leave to print remarks in the RECORD on this subject.

The SPEAKER. Is there objection to allowing members to print remarks in the RECORD on this subject?

There was no objection, and it was ordered accordingly.

Mr. HENLEY. Mr. Speaker, it is proper I should submit some preliminary remarks.

The SPEAKER. The gentleman will proceed.

Mr. HENLEY. Mr. Speaker, I desire to submit some preliminary remarks in reference to this measure, and for the reasons which I hope to be able to outline to secure the favorable regard of the House in its behalf.

I am quite certain that I could do nothing better, that I could by no possibility better employ my time or my imperfect powers of advocacy in any way more directly responsive than this to the pledges of the national platform upon which the Democracy won its late victory and placed in the Presidential chair that calm, self-poised, self-reliant man and statesman who now illustrates the highest tenets of its faith and upholds its loftiest traditions.

Sir, a simple invocation to members of this House to discharge a plain duty, to vindicate a solemn promise, solemnly made by the chosen representatives of the dominant party of this mighty nation in convention assempled at Chicago, could not assume a more impressive shape than by this bill, which proposes to wrest from the clutch of corporate rapacity 35,000,000 of acres of the public domain and turn them over to those from whom they were originally taken and to whom, by reason of the breach of the conditions of their bestowal, they now rightfully belong—the people of this Union of American States.

To the discharge of this high, this imperative, this necessitous duty, to its discharge in a manner and with that unanimity that shall leave no doubt that gladly and freely and cordially we do it, I now invoke the patient and earnest consideration of this House. And, sir, speaking in this regard at least for the Representatives of the Democracy on this floor, I may be permitted to say that with a purpose of showing the world that there was no disposition to dally or palter with the obligations of this lofty duty we have first presented for forfeiture the most valuable of all of the grants that was ever made in the history of this Government, the Northern Pacific.

Now, let me be understood. I say again that in order to make the test in respect to the forfeiture of land grants crucial, to the end that all doubt should be dispelled from the mind of every human being on earth desiring to be informed thereon as to the honesty and earnestness of the promises contained in our platform, we have selected for our first action the largest and most valuable grant of land that any government has made probably for two hundred years to a corporation, and which from its immensity and its almost incalculable value has, according to report, brought into play for its perpetuity and to defeat its forfeiture multitudinous agencies, powerful influences, and every meretricious method of controlling legislation that could be devised.

To give an adequate conception of the vastness of this grant I will state that it reaches from Lake Superior to Puget Sound on the Pacific Ocean, embraces 12,800 acres of land for every mile of railroad built in the States and 25,600 acres for every mile built in the Territories, and amounts to about forty-seven millions of acres, worth, at the lowest calculation, $4 per acre, making a grand aggregate of $188,000,000.

Including its indemnity limits, by this grant Congress ceded to this corporation the absolute power to exclude, as a trespasser, any American citizen who should attempt to set his foot within one-half of a scope of country reaching across the continent from one of our great lakes to the Pacific, being 2,000 miles in length and 120 miles in breadth in the Territories and 100 miles in the States. It is larger than the State of Indiana multiplied by nine; larger than France.

Well has one of our great statesmen, Senator Casserly, of California, speaking in the Forty-first Congress of the magnitude of this grant, said:

> Sir, it is not much to say that no such grant was ever before made by our Government. None such has been made within the last one hundred and fifty or two hundred years by any government in Europe to any private corporation, nor indeed to any grantee. No emperor or minister there to-day, however secure his power, would venture on such a spoliation of his country. Considering the wide difference between to-day in the United States, with all its golden promise, and a hundred years ago in India, I greatly doubt whether the grant made in 1864 to the Northern Pacific Railroad Company is not equal in all real elements of wealth, prosperity, and power to the vast Indian possessions held in the latter part of the last century by the East India Company, the mightiest chartered company the world has ever seen, or I hope will ever see again.

Mr. Speaker, it is upon this grant, environed and buttressed by so many of the potentialities ever arrayed in behalf of great wealth, that we propose to make the test of our fidelity to the platform upon which we solicited the votes of the American people in the late political campaign.

"This grant," we said to the people, "will afford roof and livelihood to homeless millions; in an hour of reckless or criminal improvidence, or overpowered and subdued by the artful solicitations of the myrmidons of corporate power, Congress gave this, your heritage, away; restore to us the supremacy, and we will give you back your land, whereon you may make your homes." The people, believing in our sincerity, gave us a majority in this House, and now the hour for the redemption of our pledge has arrived, and by the passage of this bill more than any other before the House that act may be consummated.

PROMISES IN PLATFORMS.

I beg to pause right here to advert somewhat to this matter of promises made in political platforms. A great English jurist and philosopher, Lord Brougham, upon a memorable occasion in defending his queen against an accusation involving her honor, involving her right to be received among the reputable matrons of England, in a burst of inspirational eloquence declared that a lawyer's duty to his client should be held paramount to every other earthly consideration; fame, fortune, life, property, even one's country, should be subordinate to the one great object, namely: the successful issue of the litigation or other matter in hand.

In my humble judgment there is one other duty of equal solemnity, of loftier dignity, whose obligation can never be forgotten without a forfeiture of self-respect, nor ignored without personal dishonor. I mean that deathless devotion that a public officer owes to his constituency. This he never, never should forget. This, whenever he does forget, he thereby is self-decreed to political outlawry; this, if he be a man of rectitude of character, he can not forget; it should be ever present to him to guide, control, and dominate his public acts. He should have no wish that does not emanate from his constituents; no hope that is not born of a free and frank communion with them, and no aspiration that does not spring from a constant and fervid desire to do the very thing that he has promised them to do.

It is the custom of political parties to require of their candidates pledges. These pledges are ordinarily contained in the party platforms of the conventions nominating the candidates. No compulsion is used to make a man run for office, and if he can not stand on the platform he should decline the nomination. But if he does accept, then he pledges himself thereby to support the platform—a pledge from which no power short of Omnipotence can absolve him, except the reassembling of another convention of his party. But suppose he does violate his pledges; suppose that being instructed by his platform to do a certain thing, he does another and a different thing, what then? You can not punish him by the instrumentality of sheriff, juries, or courts; he has violated no penal statute, and is not amenable to indictment or trial.

What then should be done in such a case? Sir, the only available remedy is to make such recreant feel the weight of a people's wrath in some other way; and I declare here and now that he who being elected by the people to office upon a platform suffers himself to be beguiled by any means or any agency or influenced to a betrayal of these pledges should be burned with a brand so that he may be known of all men, a "fixed figure for the time of scorn to point its slow unmoving finger at;" he should be forever pilloried in the stocks of infamy and shame.

Mr. Speaker, every party that ran a ticket in the late campaign pledged itself to the forfeiture of railroad land grants—Democratic, Republican, Prohibition, and Greenback Labor parties—all by their platforms recognized the widely prevalent, in fact the universality, of the desire of the people for this legislation, and pledged themselves to that end. In truth, it is about the only great question upon which all parties united in their professions and promises.

We of the Democracy pointed to the record of the Republican party, which showed that in thirteen years, namely, from 1860 to 1873, that party had given about 180,000,000 acres of the public domain to corporations, while the entire amount given before then during the history of the Government extending over a period of ninety-seven years was but 30,000,000. We drew public attention to the shameful sat-

urnalia of maladministration and corruption that were the natural concomitants of these vast and prodigal gratuities, all of which was in apt and truthful phraseology described in the Senate by a distinguished Republican, Hon. G. F. HOAR, from whose speech I quote one paragraph:

When the greatest railroad of the world, binding together the continent and uniting the two great seas which wash our shores, was finished, I have seen our national triumph and exultation turned to bitterness and shame by the unanimous reports of three committees of Congress—two of the House and one here—that every step of that mighty enterprise had been taken in fraud.

These things we dwelt upon in every town and city, in every hamlet and at every cross-roads in the land, and my judgment is, that it was the confidence that our record and our promises created in the people's mind, more than any other one thing, that reinstated us in the political supremacy after so many years.

PROPOSITIONS OF LAW CONSIDERED.

Now, sir, as to certain legal propositions. I beg the House to remember that we are merely acting as trustees in our dealing with the public lands and that the duty of a trustee prohibits the exercise of generosity or the play of those delicate sensibilities by which we might be animated were we acting for ourselves. These lands belong to the people, and we as trustees are only permitted to stand upon the law.

Another thing that should never be lost sight of. In the interpretation of a public grant its provisions are always to be construed most strongly against the grantee, reversing the rule which obtains in reference to grants from one private party to another.

The consideration of the case involves two general and leading questions: First, the power of Congress to declare a grant of public lands forfeited for breach of condition-subsequent; second, whether, this power being established, there are any features in this particular case excepting the grant from the general rule.

The power of Congress to declare forfeited a grant of the public lands, made to either a corporation or a State, by an act containing a clause providing that the lands should revert upon failure to build the road within a specified time, is established beyond all controversy by repeated decisions of the Supreme Court.

It is specially so held in United States *vs.* Repentigny (5 Wall., 211) and Schulenburg *vs.* Harriman (21 Wall., 44).

Following these cases is another which even more unequivocally defines the power of Congress in this regard. In Farnsworth *vs.* Minnesota and Pacific Railroad Company (92 U. S., 66), the court, considering the question, said:

A forfeiture by the State of an interest in lands and connected franchises granted for the construction of a public work, may be declared for non-compliance with the conditions annexed to their grant or their possession, when forfeiture is provided by statute, without judicial proceedings to ascertain and determine the failure of the grantee to perform the conditions.

Following these authoritative expositions of the law, as well as the reasons and sense of the principle involved, your committee have uniformly held that jurisdiction existed in Congress to declare these grants forfeited and have reported several bills to accomplish that purpose, some of which have already passed the House. We adhere to this position in the case under consideration.

The question turns upon a consideration of sections 3, 5, 8, and 9, hereinbefore quoted. The company claim that they constitute an absolute dedication of the lands to the purpose of constructing the road; and that the only power in the United States is the power through Congress to adopt such measures as may be necessary to insure the completion of the road in case the company does not build it.

On the other hand, I regard this construction as utterly untenable, and am of the opinion—

1. That section 8 of the act declares a condition-subsequent, namely, that the road shall be completed within a certain time, upon breach of which the grantor may declare a forfeiture.

2. That section 9 is in no way repugnant to section 8, but while embracing all that is included therein, and to that extent perhaps cumulative, is also, in connection with section 5, a declaration of further and additional conditions-subsequent, for breach of which Congress may interfere to protect the rights of the United States.

3. That under either of said sections, or both together, the United States, by Congress, has the right to declare the grant forfeited for failure to build the road within the limitation.

Section 8 is perfectly plain in the language used and the purpose contemplated. It declares in so many words that the grant made is given by the United States and accepted by the company "subject to the following conditions, namely, that the said company * * * shall construct, equip, furnish, and complete the whole road," &c. This is too plain for any construction. Congress intended to provide, and did provide, that the road should be completed within a certain time, and that that should be a condition of the grant. If a condition, the grant is determinable upon its breach, at the option of the grantor.

The argument of the company rests upon the absence of express words declaring a reversion in case of the breach. The estate, so conditioned, is created by declaring the condition, not by declaring the result of its breach. The latter, re-entry or its equivalent, follows as matter of legal effect. Every lawyer knows the result of a breach of condition-subsequent, and the statement of that result in any grant adds nothing to the previous description of the estate created. The land does "revert" by operation of law upon the breach being enforced by re-entry or its equivalent; but the right to that re-entry depends upon no express provisions that the land shall revert. It stands upon the condition declared and its breach. Upon this point I beg to quote from the report of the Public Lands Committee, made at this session of Congress, upon the bill forfeiting the Texas Pacific land grant, reported to the House by Judge PAYSON:

In other words, generally stated, the distinguished counsel for the company declares that in law the power to declare a forfeiture of a grant made on condition-subsequent for breach of the condition must be reserved to the grantor by express terms in the act making the grant, or it does not exist.

No authority was produced to the committee except the statement of the attorneys asserting this extraordinary doctrine in support of it; but the interest being so great, we have examined the books on the question, and are not able to find a single authority in support of the proposition, and we believe none can be found.

On the contrary, Washburn on Real Property (vol. 2, 3d ed., p. 15) asserts the rule to be: "Where the condition of a grant is express there is no need of reserving a right of entry for a breach thereof in order to enable the grantor to avail himself of it." See also Jackson *vs.* Allen (3 Cowan, 220; Gray *vs.* Blanchard, 8 Pic., 284; Littleton, sec. 331.)

Indeed, all the decided cases we can find, as well as the text-books, are in harmony and to the same effect; so we do not present argument upon it here.

The estate is created by proper words of description declaring the condition, and the legal effect of what follows the breach is exactly the same whether it be described in the grant or not. Thus in the case under consideration the estate upon condition is created by the specific language used. The legal effect of reversion follows the breach and declaration of forfeiture. No provision that the land should revert was necessary, and if added would simply have described the legal result of what preceded it.

The Touchstone, page 122, thus describes the operative words creating an estate on condition:

Conditions annexed to estates are sometimes so placed and confounded among covenants, sometimes so ambiguously drawn, and at all times have in their drawing so much affinity with limitations, that it is hard to discern and distinguish them. Know, therefore, for the most part, conditions have conditional words in their frontispiece, and do begin therewith, and that among these words there are three words that are most proper, which in their own nature and efficacy, without any addition of other words of re-entry in the conclusion of the condition, do make the estate conditional, as proviso, *ita quod* and *sub conditione*.

Washburn, in his work on Real Property, marginal page 42, says:

Among the forms of expression, which imply a condition in a grant, the writers give the following: "On condition," "provided always," "if it shall so happen," or "so that the grantee pay, &c., within a specified time," and grants made upon any of these terms vest a conditional estate in the grantee.

When the condition of a grant is express, there is no necessity of reserving a right of entry for breach of the condition in order to enable the grantor to take advantage of it. (Jackson *vs.* Allen, 3 Cow., 220; Gray *vs.* Blanchard, 8 Pick., 284.)

That the words "upon condition," and even words less specifically expressing the intent, are construed as establishing an estate upon condition-subsequent, without further description, is shown by many authorities. (Littleton, pp. 228, 329, 330, Com. Dig. Condition A 2; 2 Wood, Com. Powell's ed., 505, 512, *et seq.;* Wheeler *vs.* Walker, 2 Conn., 201; Thomas *vs.* Record, 477 Me., 500; Sharon Iron Co. *vs.* Brin, 41 Penn. St., 341; Taylor *vs.* Cedar Rapid R. R. Co., 25 Iowa, 371; Attorney-General *vs.* Merrimack Co., 14 Gray, 612; Hadley *vs.* Hadley, 4 Gray, 145; Rawson *vs.* School District, 7 Allen, 128; Caw. *vs.* Robertson, 1 Selden, 125; Pickle *vs.* McKissick, 21 Penn. St., 232; Hooper *vs.* Cummings, 45 Me., 359; Chapin *vs.* School, 35 N. H., 450; Wiggin *vs.* Berry, 2 Foster, 114; Hayden *vs.* Stoughton, 5 Pick., 534; Wright *vs.* Tuttle, 4 Day, 326.)

Authorities upon this point might be multiplied. It is the construction of principle and authority, and your committee have been referred to no case which in their judgment militates at all against the position here assumed. The Touchstone, at page 122, immediately following the quotation which we have made, is suggested as modifying the authority of the citation in its applicability to the case under consideration. But no such effect can possibly be given the language used. After stating the broad proposition quoted, the writer proceeds to say that although the words mentioned are "the most proper words to make conditions," yet that they are sometimes used for other purposes. He then points out instances where the word "proviso" in certain particular relations may be given a different meaning.

But the entire discussion is limited to that particular word—does not once mention the words "*sub conditione*" or name a single instance where they are used in a sense contrary to the general rule, and even in respect to the word "proviso" the exception could not apply to the case under consideration, for it is expressly limited to a use of the word where it does not stand "originally, by and of itself."

The other authorities to which I have referred are not in any sense repugnant to the view of the law I adopt. They are few in numbers, and at the best simply hold that these apt words may, in certain instances, be restricted by immediate reference to other portions of the deed clearly expressing a different intent in the grantor. That this is true is not denied; but it does not change the general rule, and its applicability to the case under consideration will more properly be noticed hereafter.

I am, therefore, clearly of the opinion that section 8 of the act, by

the express language used, created an estate upon condition-subsequent, forfeitable upon breach of the condition.

FINANCIAL MANIPULATION.

As to the financial features attendant upon the construction of this road I can do no better than quote from a speech made in the Senate this session by that stalwart and able champion of the people's rights, Hon. J. Z. GEORGE, of Mississippi. The Senator, speaking of the reorganization that took in the company in 1875, and after showing how the corporators allowed ten long years to pass by without sticking a spade in the ground or without making any visible effort to build the road, said:

Then came reorganization; and how did they reorganize? With only 530 miles of road completed, this is the way they reorganized: they reorganized by issuing to the bondholders $30,000,000 which had been spent on building these 530 miles of road in preferred stock guaranteed to pay 8 per cent. interest and $21,000,000 more of preferred stock—$51,000,000. Then what became of the balance? They could not give up this magnificent empire, and so they issued $49,000,000 of common stock to the stockholders.

My friend from Texas [Mr. COKE] a few days ago told us something of the watering of stock by the railroads of this country. I do not know whether he referred to this company or not. If he did not, when he has occasion again to say as he did then in eloquent and strong pointed language anything about the watering of stock he ought to talk about this. All other waterings of stock were mere little dews falling on the morning grass to vivify and make it fresh; but here, when the stockholders had never paid a cent, as was charged by Mr. Thurman in his speech, and he challenged Senators on the other side to show that they had ever paid a cent, they turned loose a Niagara of water into the stock of this corporation—$51,000,000 of preferred stock and $49,000,000 of common stock, $100,000,000 to represent 530 miles of completed road!

Mr. President, that is not all. Here is $100,000,000 to represent 530 miles of road, just $25,000,000 more than the Commissioner of Railroads estimates as the cost of the whole 2,000 miles.

* * * * * * *

Now let us see what else they did. This $100,000,000 of stock, preferred and common, represented $188,698 a mile of railroad built. The line built was the easiest in the world. One Senator said they had nothing to do but to stick a spade in the ground and level it a little and put the cross-ties on, and the Commissioner of Railroads put the cost at $28,000 a mile. That left $160,000 of stock to each mile of the railroad for $28,000 a mile of actual expenditure.

That was not all. They were entitled on the 530 miles to a land grant and nobody proposed to take it away from them. That land grant amounted to 10,518,756 acres. At $1 an acre—and they sold their lands at that, and those 530 miles of road were in the best part of the country, as I understand—its value was $42,075,000, or at the rate of $78,000 a mile for a road which ought not to have cost and did not cost over $28,000 a mile.

A land grant worth over twice the cost of the road and $100,000,000 of stock were the proceeds of this first operation on the property of the American people; and yet we are told that we are bound in good faith or we are bound by some sort of generosity on subjects of this sort to waive the right of the American people in order that the men who captured 530 miles of this railroad and this enormous sum may capture still more. The company reported that it cost them $40,000 a mile to build the road.

Mr. VAN WYCK. At what time was that report?

Mr. GEORGE. They reported that the first 530 miles cost $40,000 a mile.

Mr. VAN WYCK. Allow me right there to say that in 1872 there was an investigation ordered in regard to this road by the House of Representatives, if it is proper to refer to it.

Mr. TELLER. That was a past House. You can refer to that.

Mr. VAN WYCK. In that investigation this question was put:

"What has been the total cost of the work done, and the cost per mile; first, for the eastern division; second, for the western division?"

This was to Mr. J. Gregory Smith, president of the Northern Pacific at that time.

"Answer. The roadway and superstructure on 229 miles of the eastern end of the road cost $5,397,843, or $23,571 per mile; the same for the 25 miles on the west end of the road cost $714,000, or $28,560 per mile. All the elements of railroad construction cost more on the Pacific slope than on the Atlantic slope."

Mr. GEORGE. Is that their own report?

Mr. VAN WYCK. That is the sworn statement of Smith, the president of the road in 1872.

Mr. GEORGE. I have no doubt that was ample, and I was going further to quote the Commissioner of Railroads.

Mr. MCPHERSON. Allow me right there——

Mr. GEORGE. No, sir; I prefer to go on. I am very much disposed to oblige everybody, but I shall never get through if I keep on yielding; and I am getting weary, and I prefer to go on. I would yield to the Senator from New Jersey as soon as to anybody living, but I want to get through.

The PRESIDENT *pro tempore*. The Senator from Mississippi declines to yield.

Mr. GEORGE. They charge $42,000 a mile in the report. I will show you how they made up that charge. It appears that in this $42,000 a mile was $1,108,278.52 or $1,900 a mile for surveys. That is a good deal for surveys of 530 miles, and it would almost build the road. The equipment was put at $2,434,346, a pretty extensive equipment, indicating, if it was an honest and just amount, the doing of an immense business on the 530 miles of railroad. Then there was $2,728,346.25 which they expended for what they called "auxiliary railroad and water lines," which they had no right, as far as I can see, to expend.

I understand that stock represents money paid into the corporate treasury. Is that right, I ask the Senator from Texas [Mr. COKE]? He nods assent. Stock represents money paid into the treasury of the corporation. Then at the end of 530 miles, with all these magnificent land grants, they had $100,000,000 stock, and according to the estimation of the Commissioner of Railroads only $75,000,000 was necessary to complete the entire road for 2,000 miles.

I think that even these poor men who happened to be so unfortunate as to get all these magnificent grants from Congress ought to have been satisfied with the gains they had then made. But suppose we go on and give them all they ask, still let us see how they will come out. Their grant, as estimated by the Commissioner of Railroads, amounts to 42,000,000 acres of land, or 65,620 square miles—a little more than twice the size of the State of Indiana, about as large as the State of Indiana and the State of Ohio combined. An empire the size of these two great States is the game for which the Northern Pacific is playing now in the American Congress and before the American people.

The Railroad Commissioner estimates these lands in 1881 as follows: They had sold, up to the 30th of June, 1880, 2,600,000 acres of this land, for $9,000,000, about $4 an acre. The rest of this land, estimated at $2.50 per acre by the Railroad Commissioner, amounts to $99,750,000; total, $108,750,000; and then the watered stock of $100,000,000; when the whole cost of the road did not exceed $75,000,000.

Now, Mr. President, I want to put before the Senate and the country some thing about the character of this railroad. Gentlemen talk about it being built over mountains and through a vast desert plain and all that sort of thing, and tell us that the immense cost justified these enormous drafts. I will read from the report of the Commissioner of the General Land Office in 1869:

"The Northern Pacific presents as one of its strong claims to public attention its comparatively low summit levels. It proposes to cross the Cascade Mountains in Washington Territory by the Snoqualmie Pass, 3,000 feet above sea level, and the highest range of the Rocky Mountains by Cadotte's Pass, whose elevation of 6,167 feet may be reduced to 5,337 feet by a tunnel 2¼ miles long. Blodget's charts show that the respective points where the Northern Pacific and the Union Pacific pass the main range of the Rocky Mountains are on nearly the same winter isothermal parallel of 20° Fahrenheit, with about the same winter temperature on the adjacent plains and foot-hills, and with a summit level at Cadotte's Pass"—

That is on the Northern Pacific—

"three thousand feet lower than that at Evans's Pass"—

Which is on the Union Pacific Railroad. The Commissioner continues:

"The Northern Pacific offers a pretty safe guarantee against these formidable obstructions from snow which the more southern route has already experienced. The Northern Pacific route claims to be the shortest and most central from the tributary waters of the Atlantic and Pacific Oceans."

Then, speaking of the company, he says:

"The undeveloped resources of this company are attracting the attention of capitalists. Its landed subsidy is double that of the Union Pacific road. Comparatively a very small proportion of its line runs through an elevated region. Governor Stevens was of the opinion that not more than one-fifth of the land from Red River to Puget Sound is inarable"—

Not fit for cultivation—

"and that this is largely made up of mountains covered with valuable timber."

Says the Commissioner:

"It is evident that an immense agricultural area is here awaiting development. The great wheat-growing regions, on the left bank of the Upper Missouri, promise speedy settlement upon the opening of an avenue for the transportation of their products to market."

That is the kind of country, four-fifths of it arable, a great wheat-producing country.

The foregoing clearly shows that this company have no ground to complain of the severity of this measure; that in fact they have never spent one dollar of their own money and have built the entire road from Government bounty.

DANGERS OF MONOPOLY.

Nearly one year to-day I addressed an audience in the city of San Francisco, and I am prompted right here to read an extract from that speech.

In 1836 Jackson aroused the people to the danger of monopoly in a message that rang like the peal of a clarion from end to end of this continent. He solemnly admonished them that their dearest rights and liberties were menaced by the great monopolistic power of that day, namely, the United States Bank. He removed the deposits and vetoed the bill rechartering the bank. Then came the mighty contest, the shock of which rocked our political fabric to its foundation. As Judge Black says of it, Jackson knew the corporators had done wrong and he would make no compromise with wrong. Do not we know our corporators have done wrong, and, if so, shall we dally or compromise with wrong? Nothing was spared to swerve him from his lofty purpose. But his steadfast and unquailing heart never knew a pulsation of doubt. The bank suddenly withdrew her discounts and pressed her debtors. This created widespread distress and ruin, and the bank pointed to Jackson as the prime cause. Committees from all over the Union waited upon him, protesting against his course; bitter complaints assailed him on all sides; two-thirds of the press, three-fourths of the orators, abused him with an acrimony of temper and a variety and recklessness of assault never before equaled; violence and assassination were threatened, but there stood Jackson, "constant as the Northern Star, of whose true, fixed, and resting quality there is no fellow in the firmament."

Well has his great eulogist Judge Black said of him: "The electric chain of communication between him and the people was still unbroken, and whatever link of that chain was struck by his master hand the response was a deep thrill of sympathy from the hearts of millions. His steady and fearless voice was ever heard above the din of conflict and it went over the land like the tones of a trumpet ringing full on the ear, banishing doubt, inspiring confidence, and swelling the hearts of the people with a foretaste of victory."

He pointed out the incalculable power wielded by those moneyed institutions with their $35,000,000 of capital, and controlling $70,000,000 of indebtedness. The danger, at that time, was tangible, ominous, and it startled the nation by its gigantic proportions. It was promptly grappled, met by that intrepid old hero and those whom he marshaled in his train, beaten down, and overthrown. If the danger really existed at that time, what shall be said of that which threatens us to-day? Thirty-five million dollars appalled the stout heart of Jackson.

A combination representing hundreds of millions have inaugurated the crusade against your rights and liberties, and it reaches out with the arms of the fabled Briareus in countless directions. It is seen in every phase of life that confronts us—moral, social, political. In the highways, in the marts of commerce, in the counting-house and shop, at the fireside, in every pursuit, trade, and avocation, the sorcery of this all-prevading and infernal influence is felt. It is as widespread as the winds, and its universality is as the light of the opening of day. You have seen it, as we all have; you have seen what you have presumed to be the keenest sense of honor, the highest obligations, the most solemn ties of gratitude or friendship, the dearest affections, everything that you revere, love, or cherish, fade and wither at the touch of corporate power or like the flower before the sirocco's breath; while laws, ordinances, and constitutions are but as cobwebs in the pathway of its consuming desires.

I defy contradiction upon the asseveration. It is within the knowledge and profound belief of every one who listens that these corporations have habitually, by money, controlled primary elections, suborned conventions, and purchased Legislatures ever since their origin, and now I ask you, my countrymen, how long this thing shall last. It is a disgrace that burns so deeply, an iniquity so monstrous that upon every side it uprears its crest and challenges our attention in tones that we dare not deny. [Loud applause.] Of course, in addressing you thus, I know what the penalty is going to be. It will be fraught with nothing that I can contemplate with unconcern. The assaults upon me will intensify in fierceness, but through no merit or seeking of my own, the logic of events has cast upon me a duty from which I can not escape without dishonor, and I shall take no step in retrogression, come what may. And I confess to you that I do not say this without trepidation. I know the power of constant, unsparing, and remorseless detraction. I know what it has accomplished in former times and with others, and I have no reason to doubt of its malign efficacy today. I may, and probably will, be finally overborne, find myself circumvented, baffled, with my influence and power destroyed or materially abridged; but somebody else will be my successor, able, more capable, and will find some of the work already accomplished.

Besides, my overthrow is of trivial moment and does not weigh even as the dust in the balance compared with those mighty issues, the evolution of which

now progresses and will soon confront with solemn and portentous aspect for permanent solution this American people. The brutal and arbitrary exercise of power, the scornful disregard by its possessors of the rights of those who are enthralled from the beginning of time, has brought upon itself, sooner or later, atonement, expiation, justice. Lurid, dark, and ghastly, we summon from the chambers of our memory a recollection of the unimaginable excesses of the French Revolution, when for eighteen never-to-be-forgotten months the streets of Paris were red and slippery with carnage, and, as a writer describes it, "the sun's eye had a sickly glare and the world grew faint with horror." Abnormal causes produce like results.

The signs of the times are not to be mistaken; mutterings of discontent are heard throughout the land; a cloud heavy and dark with a people's wrath overspreads the sky, and the red bolt of retribution threatens soon to descend and scathe these transgressors. In many States besides our own the law has been cloven down and lies prone beneath the parted and satanic hoof of corporate insolence and greed. But time wears apace; the handwriting upon the wall is visible, but not, my friends, by violence or the inauguration of chaos—not in the wild swirl of physical strife nor with the concommitants of havoc or the destruction of property, but peacefully, calmly—with that majesty that befits a great cause; but inexorably these corporations will be reduced to subordination, to justice, and to law. And this revolution, though peaceful, is, as I have said, near at hand. "It comes with a force that nothing can stay; a force that is so stupendous that it can only be likened to the great ocean when it lifts itself beneath a darkened sky and a rolling thunder and resists everything short of the Supreme Power with an elemental force and fury that defies the expedients of carping man."

Never again say, as I have heard said: "Don't quarrel with the railroad, temporize with them or with money they will beat us." Oh, fatal, false, perfidious words! Even if they were true, could they speak who have gone before us, who have passed to the "realms of shade," they would tell us as our own manhood tells, that better, a thousand times better, to go down fighting like free men, than to live in servitude, than to live lifting to the gaze of mankind our wrists encircled with the galling manacles of a willing degradation. [Loud and continued applause.] But it is not true. The fear is begotten of abjectness and cowardice. Never tell me that the gallant, free, chivalric, hospitable, cultivated people of America are, when the battle comes, to be dragged at the chariot wheels of monopoly, and that money has so debauched or devitalized their lofty, imperial manhood. Never say that money can control our elections. The record belies the assumption. Whenever the test has been fairly made the corporations have been defeated. Their impotency was demonstrated in last election, when money was lavished without stint, and every one for sale was purchased. He lies in his throat and slanders our people who asserts it. And I deny it. In the name of an educated, Christianized people I deny it; in the name of bright-eyed Truth; in the name of the dauntless, invincible spirit of Democracy; in the name of the on-rushing, stalwart, ever-progressive genius of American civilization, I deny this allegation, and denounce it as the slanderous outgrowth of either the hopeless pessimist or corporation sycophant.

Therefore I say again to you, my friends, stop this folly. Tear from your bosoms this loathsome fetichism, this frightful superstition, which has lured you on and on until you have found yourselves prostrate before an idol falser than hell, fouler to the sight than the beast of the Apocalypse, and whose votaries can not worship at the same shrine with freemen, whose ministrations are death to free government, and the incense from whose altar is a poisonous stench in the nostrils of Democracy. [Cheers.] Together then let us gird up our loins; together we will storm the temple of this base and paltry idol. Aye, by the beard we will drag him from his unclean sanctuary, disrobed and unsceptered; and then this grand constellated sisterhood of States will look upon the vision prefigured by the blazing genius of Milton: "Methinks I see a noble and puissant nation arousing herself like a giant and shaking her invincible locks; methinks I see her as an eagle, renewing her mighty youth and kindling her undazzled eyes in the full midday beam."

Sir, as we have seen in other days and generations, humanity has been beaten down, humiliated, and oppressed, and has finally turned upon their oppressors. From the speech of the eloquent Senator from Louisiana [Mr. EUSTIS] I am furnished a suggestion. I am minded, sir, to read a page from that wizard of literature, Charles Dickens, in his wonderful creation entitled A Tale of Two Cities. While something may be conceded to the advance of thought and the humanizing tendencies of widely disseminated education, yet the railway magnate of to-day, in his disregard of natural right and the imperial reach of his ambition and sway, presents many points in common with his predecessor, the marquis of the last century.

Yes. It took four men, all four ablaze with gorgeous decoration, and the chief of them unable to exist with fewer than two gold watches in his pocket, emulative of the noble and chaste fashion set by Monseigneur, to conduct the happy chocolate to Monseigneur's lips. One lackey carried the chocolate pot into the sacred presence; a second milled and frothed the chocolate with the little instrument he bore for that function; a third presented the favored napkin; a fourth (he of the two gold watches), poured the chocolate out. It was impossible for Monseigneur to dispense with one of these attendants on the chocolate and hold his high place under the admiring heavens. Deep would have been the blot upon his escutcheon if his chocolate had been ignobly waited on by only three men; he must have died of two.

Monseigneur had been out at a little supper last night, where the Comedy and the Grand Opera were charmingly represented. Monseigneur was out at a little supper most nights, with fascinating company. So polite and so impressible was Monseigneur, that the Comedy and the Grand Opera had far more influence with him in the tiresome articles of State affairs and State secrets, than the needs of all France. A happy circumstance for France, as the like always is for all countries similarly favored—always was for England (by way of example) in the regretted days of the merry Stuart who sold it.

Monseigneur had one truly noble idea of general public business, which was, to let everything go on in its own way; of particular public business, Monseigneur had the other truly noble idea that it must all go his way—tend to his own power and pocket. Of his pleasures, general and particular, Monseigneur had the other truly noble idea, that the world was made for them. The text of his order (altered from the original by only a pronoun, which is not much) ran: "The earth and the fullness thereof are mine, saith Monseigneur."

Yet Monseigneur had slowly found that vulgar embarrassments crept into his affairs, both private and public; and he had, as to both classes of affairs, allied himself perforce with the Farmer-general. As to finances public, because Monseigneur could not make anything at all of them, and must consequently let them out to somebody who could; as to finances private, because Farmer-generals were rich, and Monseigneur, after generations of great luxury and expense, was growing poor. Hence Monseigneur had taken his sister from a convent, while there was yet time to ward off in the impending veil, the cheapest garment she could wear, and had bestowed her as a prize upon a very rich Farmer-general, poor in family. Which Farmer-general, carrying an appropriate cane with a golden apple on the top of it, was now among the company in the outer rooms, much prostrated before by mankind—always excepting superior mankind of the blood of Monseigneur, who, his own wife included, looked down upon him with the loftiest contempt.

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Monseigneur having eased his four men of their burdens and taken his chocolate, caused the doors of the holiest of holiests to be thrown open, and issued forth. Then, what submission, what cringing and fawning, what servility, what abject humiliation! As to bowing down in body and spirit nothing in that way was left for Heaven—which may have been one among other reasons why the worshipers of Monseigneur never troubled it. Bestowing a word of promise here and a smile there, a whisper on one happy slave and a wave of the hand on another, Monseigneur affably passed through his rooms to the remote region of the Circumference of Truth. There, Monseigneur turned, and came back again, and so in due course of time got himself shut up in his sanctuary by the chocolate sprites, and was seen no more.

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Its owner [the marquis] went down-stairs into the court-yard, got into his carriage, and drove away. Not many people had talked with him at the reception; he had stood in a little space apart, and Monseigneur might have been warmer in his manner. It appeared, under the circumstances, rather agreeable to him to see the common people dispersed before his horses, and often barely escaping from being run down. His man drove as if he were charging an enemy, and the furious recklessness of the man brought no check into the face or to the lips of the master. The complaint had sometimes made itself audible, even in that deaf city and dumb age, that in the narrow streets without footways the fierce patrician custom of hard driving endangered and maimed the mere vulgar in a barbarous manner. But few cared enough for that to think of it a second time, and in this matter, as in all others, the common wretches were left to get out of their difficulties as they could.

With a wild rattle and clatter, and an inhuman abandonment of consideration not easy to be understood in these days, the carriage dashed through streets and swept round corners, with women screaming before it, and men clutching each other and clutching children out of its way. At last, swooping at a street corner by a fountain, one of its wheels came to a sickening little jolt, and there was a loud cry from a number of voices, and the horses reared and plunged. But for the latter inconvenience the carriage probably would not have stopped; carriages were often known to drive on, and leave their wounded behind, and why not? But the frightened valet had got down in a hurry, and there were twenty hands at the horses' bridles.

"What has gone wrong?" said Monsieur, calmly looking out.

A tall man in a nightcap had caught up a bundle from among the feet of the horses, and had laid it on the basement of the fountain, and was down in the mud and wet, howling over it like a wild animal.

"Pardon, Monsieur the Marquis!" said a ragged and submissive man, "it is a child."

"Why does he make that abominable noise? Is it his child?"

"Excuse me, Monsieur the Marquis—it is a pity—yes."

The fountain was a little removed; for the street opened, where it was, into a space some 10 or 12 yards square. As the tall man suddenly got up from the ground, and came running at the carriage, Monsieur the Marquis clapped his hand for an instant on his sword-hilt.

"Killed!" shrieked the man, in wild desperation, extending both arms at their length above his head and staring at him. "Dead!"

The people closed round and looked at Monsieur the Marquis. There was nothing revealed by the many eyes that looked at him but watchfulness and eagerness; there was no visible menacing or anger. Neither did the people say anything; after the first cry they had been silent, and they remained so. The voice of the submissive man who had spoken was flat and tame in its extreme submission. Monsieur the Marquis ran his eyes over them all, as if they had been mere rats come out of their holes.

He took out his purse.

"It is extraordinary to me," said he, "that you people can not take care of yourselves and your children. One or the other of you is forever in the way. How do I know what injury you have done my horses. See! Give him that."

He threw out a gold coin for the valet to pick up, and all the heads craned forward that all the eyes might look down at it as it fell. The tall man called out again with a most unearthly cry, "Dead!"

He was arrested by the quick arrival of another man, for whom the rest made way. On seeing him, the miserable creature fell upon his shoulder, sobbing and crying, and pointing to the fountain, where some women were stooping over the motionless bundle, and moving gently about it. They were as silent, however, as the men.

"I know all, I know all," said the last comer. "Be a brave man, my Gaspard! It is better for the poor little plaything to die so than to live. It has died in a moment without pain. Could it have lived an hour as happily?"

"You are a philosopher, you there," said the Marquis, smiling. "How do they call you?"

"They call me Defarge."

"Of what trade?"

"Monsieur the Marquis, vendor of wine."

"Pick up that, philosopher and vendor of wine," said the Marquis, throwing him another gold coin, "and spend it as you will. The horses there; are they right?"

Without deigning to look at the assemblage a second time, Monsieur the Marquis leaned back in his seat, and was just being driven away with the air of a gentleman who had accidentally broken some common thing, and had paid for it, and could afford to pay for it, when his ease was suddenly disturbed by a coin flying into his carriage, and ringing on its floor.

"Hold!" said Monsieur the Marquis. "Hold the horses! Who threw that?"

He looked to the spot where Defarge the vendor of wine had stood a moment before; but the wretched father was groveling on his face on the pavement in that spot, and the figure that stood beside him was the figure of a dark, stout woman, knitting.

"You dogs!" said the Marquis, but smoothly, and with an unchanged front except as to the spots on his nose: "I would ride over any of you very willingly and exterminate you from the earth. If I knew which rascal threw at the carriage, and if that brigand were sufficiently near it, he should be crushed under the wheels."

So cowed was their condition, and so long and hard their experience of what such a man could do to them, within the law and beyond it, that not a voice, or a hand, or even an eye was raised.

The foregoing, though professing to be a fiction, is conceded by all students of history to be a true portraiture of the condition of things at that time.

Is there no moral to be drawn from all this? Must we stand idly by, in the face of all our professions, and do nothing to abate the evils resulting from corporate power that seem to multiply every day? I hope not.

Mr. Speaker, this is not the time for this House to hesitate or falter in its onward course in this matter of land forfeiture. We have thus far done good work. Right nobly have we responded to the obliga-

tions of our platforms. Thus far the Public Lands Committee has considered and favorably reported and has on the Calendar now ready for action the following bills: The Atlantic and Pacific grant; Memphis and Charleston Railroad; Savannah and Albany Company; the Southern Pacific; the Northern Pacific; the Ontonagon and Wisconsin State Line; the Oregon and California; the California and Oregon; the Houghton, Marquette and Ontonagon; the Ontonagon and Brulé River; the Mobile and Girard Company.

The foregoing embraces over 70,000,000 of acres to be reclaimed from the corporations and returned to the people.

Then, gentlemen, I adjure you, stand to your promises now, stand to them ever. Renew in yourselves the purer and better days of your party and of the Republic. Reclaim this vast area of land for your countrymen and for their wives and children. They ask it, and it is for you to award it. And remember, if in this beautiful country of ours, whose landscape to-day laughs in its exuberant and abounding fertility, there be disquiet and unrest; if it be true that the affluence of the few waxes and the independence of the many wanes; if there be "sloth in the mart and schism in the temple;" if the omnipotence of wealth has indeed undermined the people's faith in the integrity of the judiciary, than which nothing can be more ominous of ill in a free government; if in many instances justice has been cloven down and dragged from its high eminence by the hand of official malversation; if Congress has come to be regarded in the last twenty years as the arena for the employment of those malign agencies that thrive and fatten upon wrongdoing and misrule; if within sight of the palatial home may be heard ascending to Heaven from poverty's wan lips the unavailing prayer for bread; if the millionaire's invocation for the law's protection be sometimes drowned by the starving laborer's malediction upon a system that denies him the means of decent sustenance; if peace and content, the offspring of requited toil, find no longer an abiding-place at the hearthstone of labor; if the bomb-thrower, if the mad, insensate spirit of the Old World that impels men to the wanton destruction of life and property has found a lodgment with us; if, in other words, the red specter of communism has dared to imprint its cloven hoof and uprear its hideous crest upon American soil; if these things have gone on and on and on until the heart sickens and the pulses of the nation throb with apprehension of some vague, unspoken, undefined disaster; if any or all of these things be true, then remember, Representatives, that the primary, substantial cause therefor is to be found in the concentration of colossal fortunes in the hands of the few, which, in turn, was caused by those enormous gifts of the public lands, one of which gifts this measure is designed to reclaim. [Loud applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, informed the House that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7087) authorizing and directing the Secretary of the Interior to extend the time for the payment of the purchase-money on the sale of the reservation of Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 68) for the relief of William P. Chambliss.

The message also announced that the Senate agreed to the resolution of the House of Representatives of July 17 to print the annual report of the Director of the Mint on the production of the precious metals in the United States, with amendments, requested a conference with the House of Representatives on the said resolution and amendments, and had appointed Mr. GORMAN, Mr. MANDERSON, and Mr. HAWLEY the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment (two-thirds agreeing therein) the bill (H. R. 7881) to remove the political disabilities of Thomas R. Ware, of Virginia.

The message also announced that the Senate had passed without amendment joint resolutions of the House of the following titles:

Joint resolution (H. Res. 22) authorizing the preparation of a compilation of the reports of committees of the Senate and House of Representatives; and

Joint resolution (H. Res. 142) authorizing and directing the Commissioner of Labor to make an investigation as to convict labor, and for other purposes.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House was requested, joint resolution (H. Res. 160) to authorize the Commissioner of the General Land Office to cause 15,000 copies of the map of the United States and Territories to be printed.

The message also announced that the Senate had passed a resolution, in which the concurrence of the House was requested, for printing 2,500 additional copies of the report of the electrical conference at Philadelphia in 1884, for the use of the Department of State.

The message further announced that the Senate had passed a resolution, in which the concurrence of the House was requested, for printing 6,000 additional copies of the official opinions of the Attorneys-General of the United States from 1789 to 1881, to which shall be added a digest of such official opinions from 1881 to the date of publication.

The message also requested the House of Representatives to return to the Senate the bill (H. R. 3014) to provide for terms of court in Colorado.

NORTHERN PACIFIC LAND-GRANT FORFEITURE.

Mr. VAN EATON. Mr. Speaker, there is no doubt, as gentlemen have said, that both political parties come here pledged to restore to the public domain all of such lands as have been granted but not earned by the grantees, and for one, sir, I came here to fulfill that pledge, and so I believe did every member of this House. Now, sir, the history of land-grant legislation is perhaps the most singular chapter in the legislative history of this country. It is true that between about 1860 and 1870 Congress voted away the public lands with the utmost profusion and recklessness. It is also true that shortly after that time the tide turned, and to-day we are feeling the force of the refluent wave. So strong is the demand among the people that lands not earned shall be restored to the public domain that it has been formulated as a plank in I believe each political platform. Mr. Speaker, gentlemen can not frighten me from my legal position by intimating that I am not standing upon that platform if I take a view of the law and of the equity of the case different from that taken by other gentlemen. As time is limited, I will come at once to the point. I take it we all wish to forfeit these lands so far as they are forfeitable. I take it that we wish, all of us, to restore all of them that ought to be restored to the public domain. For one I certainly do. There is, however, a difference in men's minds about this question of "earned lands"—a difference in the minds of the members of the Committee on Public Lands—and I will state it briefly.

The majority of the committee hold that where lands have been granted to aid, for instance, in the construction of a railroad, if the entire road has not been completed within the time fixed, the entire grant is forfeitable, utterly regardless of any rights or equities that may have grown up.

A MEMBER. Except the road-bed.

Mr. VAN EATON. Except the road-bed. They, however, qualify that position to the extent of saying that for reasons of public policy they do not favor forfeiting the lands coterminous with the portions of the road completed within time, as it is called. The view of the minority of the committee, and the view, as I understand, of other gentlemen upon this floor is, that where the road has been completed strictly in accordance with the law, strictly in accordance with the terms of the granting act, whether in time or out of time, even if built after the time limited for the completion of the whole road, if that road has been examined, accepted, and certified to the company before any steps have been taken by the Government to declare the lands forfeited, then the granted lands coterminous with the portions of the road so completed are earned lands, and not to be forfeited.

Mr. Speaker, I hold not only that this view is correct, in accordance with law and in accordance with right, but I take the further position that it has been emphatically sustained by the Supreme Court of the United States in every word, line, and letter that the minority claim, and to that I shall now address the argument. Understand me. Wherever any portion of the road has been completed without any attempt at forfeiture, where it has been constructed according to law, strictly according to the bond, and examined, accepted, and certified, although out of time, the coterminous lands, whether patented or not, are lands upon which we have no right to lay our hands. I propose to show that the Supreme Court of the United States has already decided this point, so that it is now the settled law of the land; and I propose to show that the decisions of the Supreme Court are in exact accord with what the minority of the committee claim, and what I understand to be claimed by many members on this floor.

Let us, in the first place, examine the grant. It is contained in the act of July 2, 1864, 13 Statutes, 362, and reads as follows:

SEC. 3. *And be it further enacted*, That there be, and hereby is, granted to the "Northern Pacific Railroad Company," its successors and assigns, for the purpose of aiding in the construction of said railroad and telegraph line to the Pacific coast, and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores, over the route of said line of railway, every alternate section of public land, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile, on each side of said railroad line, as said company may adopt, through the Territories of the United States, and ten alternate sections of land per mile on each side of said railroad whenever it passes through any State, and whenever on the line thereof, the United States have full title, not reserved, sold, granted, or otherwise appropriated, and free from pre-emption, or other claims or rights, at the time the line of said road is definitely fixed, and a plat thereof filed in the office of the Commissioner of the General Land Office; and whenever, prior to said time, any of said sections or parts of sections shall have been granted, sold, reserved, occupied by homestead settlers, or pre-empted, or otherwise disposed of, other lands shall be selected by said company in lieu thereof, under the direction of the Secretary of the Interior, in alternate sections, and designated by odd numbers, not more than 10 miles beyond the limits of said alternate sections: *Provided*, That if said route shall be found upon the line of any other railroad route to aid in the construction of which lands have been heretofore granted by the United States, as far as the routes are upon the the same general line, the amount of land heretofore granted shall be deducted from the amount granted by this act.

Wherever the lands are referred to in succeeding sections they are spoken of as "the lands hereby granted." Now, as to the decisions of the Supreme Court, I commence with the case of Schulenberg *vs.* Harriman, reported in 21 Wallace. The grant in that case was to the State

of Wisconsin to aid in the construction of a railroad, and the language of the granting act was the same as in the case of this Northern Pacific grant, "that there be and is hereby granted," &c. Now, Mr. Speaker, it is important to notice the condition of things when the circumstances took place out which this controversy grew. The grahting language, as I said, is identical in both these acts. In the case to which this decision relates, when the trouble arose out of which the lawsuit grew, there had not been one single foot of the road constructed, and the time limited for its construction had expired. That was the condition of things, the land having been granted to the State by this language, "be and is hereby granted." The time limited had expired without the road being built. Harriman was the agent of the State. Schulenberg went upon the land and cut logs. Harriman seized them. Schulenberg brought replevin, and in that way the case went to the Supreme Court, and the court decided that the title to the lands remained in the State. Why?

The Supreme Court, on page 59 of the volume which I hold in my hand, 21 Wallace, in speaking of this question, say:

The company named in the act never constructed any portion of the road; and there is no evidence the State ever exercised the power to sell, &c.

Now, what does the Supreme Court say about that grant—a grant of the identical sort that we have here in the case of the Northern Pacific Railroad? I ask the Clerk to read from page 60 the passage I have marked.

The Clerk read as follows:

First. That the act of Congress of June 3, 1856, passed a present interest in the lands designated there can be no doubt. The language used imports a present grant, and admits of no other meaning. The language of the first section is "that there be and is hereby granted to the State of Wisconsin" the lands specified. The third section declares "that the said lands hereby granted to said State shall be subject to the disposal of the Legislature thereof;" and the fourth section provides in what manner sales shall be made and enacts that if the road shall not be completed in ten years "no further sales shall be made, and the lands unsold shall revert to the United States." The power of disposal and the provision for the lands reverting both imply what the first section in terms declares, that a grant is made, that is, that the title is transferred to the State. It is true that the route of the railroad, for the construction of which the grant was made, was yet to be designated, and until such designation the title did not attach to any specific tracts of land. The title passed to the sections, to be afterward located; when the route was fixed their location became certain, and the title, which was previously imperfect, acquired precision and became attached to the land.

In the case of Rutherford *vs.* Greene's Heirs, reported in 2 Wheaton, a similar construction was given by this court to an act of North Carolina passed in 1782, which provided that 25,000 acres of land should be allotted and given to General Greene and his heirs within the limits of a tract reserved for the use of the Army, to be laid off by commissioners appointed for that purpose. The commissioners, pursuant to the directions of the act, allotted the 25,000 acres, and caused the quantity to be surveyed and the survey to be returned to the proper office, and the questions raised in the case related to the validity of the title of General Greene and the date at which it commenced. The court held that the general gift of 25,000 acres lying in the territory reserved became by the survey a particular gift of the quantity contained in the survey, and concluded an extended examination of the title by stating that it was the clear and unanimous opinion of the court that the act of 1872 vested a title in General Greene to the 25,000 acres, to be laid off whithin the bounds designated, and that the survey made in pursuance of the act gave precision to that title and attached it to the land surveyed.

On the 6th of March, 1820, Congress passed an act for the admission of Missouri into the Union, and among other regulations to aid the new State enacted "that four entire sections of land be, and the same are hereby, granted to said State for the purpose of fixing the seat of government thereon, which said sections shall, under the direction of the Legislature of said State, be located as near as may be in one body, at any time, in such townships and ranges as the Legislature aforesaid may select, on any of the public lands of the United States." In Lessieur *vs.* Price, reported in the twelfth of Howard, the operation of this act was considered, and the court said:

The land was granted by the act of 1820; it was a present grant, wanting identity to make it perfect; and the Legislature was vested with full power to select and locate the land; and we need only say here, what was substantially said by this court in the case of Rutherford *vs.* Greene's Heirs, that the act of 1820 vested a title in the State of Missouri of four sections, and that the selection made by the State Legislature pursuant to the act of Congress, and the notice given of such location to the surveyor-general and the register of the local district where the land lay, gave precision to the title, and attached to it the land selected. The United States assented to this mode of proceeding, nor can an individual call it in question.

Numerous other decisions might be cited to the same purport. They establish the conclusion that unless there are other clauses in a statute restraining the operation of words of present grant, these must be taken in their natural sense to import an immediate transfer of title, although subsequent proceedings may be required to give precision to that title and attach it to specific tracts. No individual can call in question the validity of the proceeding by which precision is thus given to the title where the United States are satisfied with them.

The rules applicable to private transactions, which regard grants of future application, of lands to be afterward designated, as mere contracts to convey, and not as actual conveyances, are founded upon the common law, which requires the possibility of present identification of property to the validity of its transfer. A legislative grant operates as a law as well as a transfer of the property, and has such force as the intent of the Legislature requires.

The case of Rice *vs.* Railroad Company, reported in 1 Black, does not conflict with these views. The words of present grant in the first section of the act there under consideration were restrained by a provision in a subsequent section declaring that the title should not vest in the Territory of Minnesota until the road or portions of it were built.

Mr. VAN EATON. I have had that read to show, and the majority of the committee admit it in their report, that this sort of a grant is a grant *in præsenti* with a condition subsequent; that is to say, the title passes *eo instanti* when the act is approved.

Mr. CASWELL. And without any reversionary clause.

Mr. VAN EATON. And in this case without any reversionary clause. I will come to that directly. The Supreme Court hold that although a definite line of location is required to give the grant precision, yet the title passed out of the grantor and into the grantee at the date of the approval of the act. This being the case, what rights has the grantee and when do those rights terminate?

I pause right here to remark that it has been held in both ends of this Capitol by committees of both bodies, by lawyers, by everybody who has ever discussed the question as a lawyer so far as I know—it has been held on all hands until a recent date that this is just that sort of a grant, a grant passing the title at once with a condition-subsequent. In these latter days it has been assumed by some that it is a grant upon condition-precedent, and that the title never passed until the condition was performed, and even the case of Rice *vs.* The Railroad Company has been quoted to sustain that doctrine.

Mr. HOLMAN. Will the gentleman from Mississippi allow me this question? Has he considered in this connection the act of July 1, 1868, in which it is provided—

That section 8 of an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast," is hereby so amended as to read as follows: That each and every grant, right, and privilege herein are so made and given to and accepted by said Northern Pacific Railroad Company upon and subject to the following conditions, namely: that the said company shall commence the work on said road within two years from and after the 2d day of July, 1868, and shall complete not less than 100 miles per year after the second year thereafter, and shall construct, equip, furnish, and complete the whole road by the 4th day of July, A. D. 1877.

Mr. VAN EATON. Oh, yes, Mr. Speaker, I have considered all that.

Mr. HOLMAN. That is the express condition on which the grant was made.

Mr. VAN EATON. No, sir; the grant had been made long before that.

Mr. HOLMAN. But had the road been constructed?

Mr. VAN EATON. This was an added burden placed upon this road, and had nothing to do with the grant, because the title had already passed. If the title had passed what could any subsequent legislation do to affect what had already taken place, except to resume the grant, &c.?

Mr. HOLMAN. This provision was put upon the law before the road was constructed.

Mr. VAN EATON. I can not yield; I have not the time. If the gentleman will get the House to vote down the previous question, if it should be called at 3 o'clock, he will have just as much time as he wants; but I can not now yield further.

I was saying that in these late days it has been held, and sometimes in high quarters, that this is a grant upon a condition-precedent, and the case of Rice *vs.* The Railroad Company has even been quoted in support of that doctrine. But in this case the Supreme Court considers that question and brushes it aside as having nothing to do with this sort of a grant. Why? Because in that particular case after the granting words "be and are hereby granted" it was subsequently provided in that case in express terms that no title should pass until certain things had been done and so much of the road completed.

Mr. STRUBLE. Does the gentleman refer to the Wisconsin grant?

Mr. VAN EATON. I am referring to the case of Rice *vs.* The Railroad Company, which was discussed by the court in the case of Schulenburg *vs.* Harriman; and the court shows distinctly that the two grants were not of the same class, for the reason that in Rice *vs.* The Railroad Company the words "be and are hereby granted" in the first section were restricted by a provision in a subsequent section declaring that the title should not vest until the road or certain portions of it had been completed.

Now, Mr. Speaker, having established that this is a present grant, conveying a title at once with a condition-subsequent, the next question is, what happens if the condition-subsequent is broken? Very strange to say up to the time of this decision it had been held, I believe, to a very great extent by the profession that in a case where the granting act provided that if the road should not be built within a certain time the lands should revert, that the lands reverted *ipso facto* on the termination of the time designated.

Surely if lawyers had looked into the law relating to this subject more carefully they would never have come to such a conclusion as that. Let us see what the Supreme Court has to say on that subject:

The provision in the act of Congress of 1856 that the lands remaining unsold after ten years shall revert to the United States if the roads be not then completed is no more than the grant shall be void if the condition-subsequent be not fulfilled.

There was the plain provision—not found in the granting act to the Northern Pacific—that the land should revert and no further sales should be made if the road was not built in time, in ten years. When this time elapsed and the road was not built, then what? The Supreme Court holds that the provision against further sales in that event adds nothing to the force of the provision, and if the condition be not enforced the power to sell continues as before the breach. Mark the language—limited only by the object of the grant. What was the object of the grant? To build the road. They said in a preceding page the sale never could be made so as to pass title only as the road is built. Here they say, although the time is out, although the time in which the road was to be built has long since passed, if there has been no en-

try on the part of the grantor the power to sell continues as before its breach limited only by the object of the grant.

I think up to this point I have established two steps in this argument: First, the character of the grant, being a present grant on a condition-subsequent; secondly, when the condition is broken the grantee may then comply with the condition and earn the grant if the grantor stands by and allows it to be done. I think that is decided emphatically.

I should have remarked, but being hurried I overlooked it when I started, and I shall take occasion to do so now, that in this case the road was completed to the Missouri River—to Bismarck—within the time limited, July 4, 1879. It is true the grant was made on the 2d of July, 1866, and the road was to be completed by July 4, 1876, but it was afterward extended, by law and by construction of the Interior Department, until the time for building the road was said to be July 4, 1879.

Mr. PAYSON. That was under numerous Congressional extensions.

Mr. VAN EATON. I said that by acts of Congress and departmental constructions it might go on until the 4th of July, 1879. This road was completed to Bismarck in time. After the time, I admit it, the road was built to Wallula. From Wallula to Portland, 214 miles, the company leased a road which they found completed between those points. From Portland to Tacoma they built their road. They are now engaged in the construction of what is called the Cascade branch. There is no dispute about the facts. There is no dispute except as to the law.

Now, having shown why the minority of the committee hold as we do, let me read further. This decision of the Supreme Court has been criticised. I have heard men, not lawyers, speak of it in terms of great opprobrium. I have heard lawyers assert if the Supreme Court had the chance again they would decide differently; reverse their decision in Schulenberg *vs.* Harrimon. Let us see whether that is possible. The Supreme Court on page 63 say:

> The prohibition against further sales, if the road be not completed within the period prescribed, adds nothing to the force of the provision. A cessation of sales in that event is implied in the condition that the lands shall then revert; if the condition be not enforced the power to sell continues as before its breach, limited only by the objects of the grant and the manner of sale prescribed in the act.
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> And it is settled law that no one can take advantage of the non-performance of a condition-subsequent annexed to an estate in fee, but the grantor or his heirs, or the successors of the grantor if the grant proceed from an artificial person; and if they do not see fit to assert their right to enforce a forfeiture on that ground the title remains unimpaired in the grantee. The authorities on this point, with hardly an exception, are all one way from the Year Books down. And the same doctrine obtains where the grant upon condition proceeds from the Government; no individual can assail the title it has conveyed on the ground that the grantee has failed to perform the conditions annexed.
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> In what manner the reserved right of the grantor for breach of the condition must be asserted so as to restore the estate depends upon the character of the grant. If it be a private grant, that right must be asserted by entry or its equivalent. If the grant be a public one it must be asserted by judicial proceedings authorized by law, the equivalent of an inquest of office at common law, finding the fact of forfeiture and adjudging the restoration of the estate on that ground, or there must be some legislative assertion of ownership of the property for breach of the condition, such as an act directing the possession and appropriation of the property, or that it be offered for sale or settlement. At common law the sovereign could not make an entry in person, and, therefore, and office-found was necessary to determine the estate, but, as said by this court in a late case, "the mode of asserting or of resuming the ferfeited grant is subject to the legislative authority of the Government. It may after judicial investigation, or by taking possession directly under the authority of the Government without these preliminary proceedings." In the present case no action has been taken either by legislation or judicial proceedings to enforce a forfeiture of the estate granted by the acts of 1856 and 1864. The title remains, therefore, in the State as completely as it existed on the day when the title by location of the route of the railroad acquired precision and became attached to the adjoining alternate sections.

Mr. PAYSON. The same title they had by act of Congress.

Mr. VAN EATON. Why, of course.

Mr. PAYSON. Precisely.

Mr. VAN EATON. And by the act of Congress they had a right to build the road. They have the same right to build it if the Government did not see fit to enforce the forfeiture of the grant that they had in the beginning. The title remains unimpaired in the grantee. But if there is a possibility of being mistaken in that point there are two other points to which I desire to call attention. In 12 Howard I find this in the case of The Propeller Genesee Chief *et al. vs.* Fitzhugh *et al.*, and which I believe first laid down the doctrine in referencs to maritime law as applicable to fresh-water rivers and lakes. The Supreme Court had previously decided differently in the case of the Thomas Jefferson. In the present case the court go on to hold, page 76:

> The case of the Thomas Jefferson did not decide any question of property or lay down any rule by which the right of property should be determined. If it had we should have felt ourselves bound to follow it, notwithstanding the opinion we have expressed. For every one would suppose that after the decision of this court in a matter of that kind he might safely enter into contracts upon the faith that rights thus acquired would not be disturbed. In such a case *stare decisis* is the safe and established rule of judicial policy and should always be adhered to. For if the law as pronounced by the court ought not to stand, it is in the power of the Legislature to amend it without imparing rights acquired under it.
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> But the decision referred to has no relation to rights of property. It was a question of jurisdiction only, and the judgment we now give can disturb no rights of property nor interfere with any contracts heretofore made. The rights of property and of parties will be the same by whatever court the law is administered.
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> And as we are convinced that the former decision was founded in error and that the error, if not corrected, must produce serious public as well as private inconvenience and loss, it becomes our duty not to perpetuate it.

Under this decision (Schulenberg *vs.* Harrimon) rights have been acquired, rights innumerable, and that would be the reason why the Supreme Court, even if it were not the established law, would never interfere. But, again, I hold in my hand a letter from the Interior Department written by Commissioner Sparks, in which he holds this language; he was answering a question:

> The rights of the State and of the company claiming under the State were not vacated by the failure to complete the road within the time required. In the case of Schulenberg *vs.* Harrimon (21 Wallace, 44) the Supreme Court of the United States held that until some action be taken either by legislation or judicial proceedings to enforce a forfeiture of the grant, the title remains in the State as completely as it did on the day that it took effect by the location of the road.
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> The Department has been, and is now, governed by that decision in all cases to which it is applicable, and in view thereof it is not seen how the grant can be considered as "vacated" until a forfeiture of the same has been declared.

Then, the point is this: That since the decision of the case in Schulenberg against Harriman, rendered in 1874, this has been the accepted doctrine upon which the Interior Department and the Commissioner of the General Land Office have acted namely, that the grantee company may go on and build their road just as well after the ten years (or the time limited) had expired as before, and the constant practice is that when the road is built in sections each section, say, of 25 miles for instance, as completed is examined by special examiners sent out by the President, who report the fact of the completion within the terms of the law; and I repeat that has been the practice and still remains the practice, and that is just what has been done in this particular case.

My text, so to speak, is that these lands can not be forfeited, and that is what I promised to prove. Having gone as far as I have with reference to the nature and effect of the grant, I want to call attention to another decision that in my opinion settles beyond all possibility of controversy the correctness of the position I assume with reference to the language of this grant. I refer now to the case of Van Wyck *vs.* Knevals (106 United States Rep., page 368). This is a very important decision in connection with the argument I am making, because if there is anything that has been left out as far as I have gone with these decisions, it is completed or supplemented in this case. I quote now from the case to which I have referred, 106 United States Rep., 16 Otto. In this case it was provided, and I want it distinctly understood—but I had better read the language:

> The third section provides that the lands granted "shall inure to the benefit of said company as follows: When the governor of the State of Kansas shall certify that any section of 10 consecutive miles of said road is completed in good, substantial, and workmanlike manner as a first-class railroad, then the Secretary of the Interior shall issue to the said company patents for so many sections of said land hereinbefore granted as lie opposite to and coterminous with the said completed sections, and when certificates of the governor aforesaid shall be presented to the Secretary of the completion as aforesaid of each successive section of 10 consecutive miles of said road the said Secretary shall in like manner issue to said company patents for the said sections of said lands as aforesaid for each of said sections of road until said road shall be completed: *Provided*, That if said railroad company or its assigns shall fail to complete at least one section of said road each year from the date of its acceptance of the grant provided for in this act, then its right to the lands for said section so failing of completion shall revert to the Government of the United States: *Provided further*, That if said road is not completed within ten years from the date of the acceptance of the grant hereinbefore made, the lands remaining unpatented shall revert to the United States."

What I wish to remark in this connection is this, and it will be seen by the language of the granting act, that if this road was not completed within the ten years the unpatented lands should revert to the United States. The Supreme Court held that all the lands coterminous with the completed portion of the road belonged to it, whether patented to it or not, and right in the face of the language of the granting act.

> The defendant having failed to establish the validity of his own title, attacks the right of the company to the lands covered by the grant, alleging that the company never completed the construction of the entire road for which the grant was made; that after filing its map with the Secretary of the Interior it changed, for part of the distance, the route of the road, and that it never complied with the conditions of the laws of Nebraska for the extension of its road within the limits of that State.
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> We do not deem these objections when considered with the facts on which they are based as having any force. There is to them a ready and conclusive answer. Assuming that the Burlington and Missouri River Railroad with which the company's road connected was not, as averred by the complainant, a branch of the Union Pacific Railroad, and that, therefore, the company's proposed road was not entirely completed the fact remains that the company constructed a portion of the proposed road, and that portion was accepted as completed in the manner required by the act of Congress. Patents for some of the adjoining sections were accordingly issued to the company and a right to all of them, not especially reserved by the condition of the grant, was vested in it.

Then, so far as that portion of the road which was completed and accepted is concerned, the contract of the company was executed.

> So far as that portion of the road which was completed and accepted is concerned, the contract of the company was executed, and as to the lands patented the transaction on the part of the Government was closed and the title of the company perfected. The right of the company to the remaining odd-numbered sections adjoining the road completed and accepted, not reserved, is equally clear. If the whole of the proposed road has not been completed any forfeiture consequent thereon can be asserted only by the grantor, the United States, through judicial proceedings or through the action of Congress. (Schulenberg *vs.* Harriman, 21 Wall., 44.) A third party can not take upon himself to enforce conditions attached to the grant when the Government does not complain of their breach. The holder of an invalid title does not strengthen his position by showing how badly the Government has been treated with respect to the property.

Although the act provided that the unpatented lands should revert to the United States, yet having built the road and earned them, the Supreme Court held that the title of the road is as clear to these lands as it is or was to those that were patented. I should before this have read section 4 of the granting act to the Northern Pacific Railroad. I will read it now:

SEC. 4. *And be it further enacted*, That whenever said "Northern Pacific Railroad Company" shall have 25 consecutive miles of any portion of said railroad and telegraph line ready for the service contemplated the President of the United States shall appoint three commissioners to examine the same, and and if it shall appear that 25 consecutive miles of said road and telegraph line have been completed in a good, substantial, and workmanlike manner, as in all other respects required by this act, the commissioners shall so report to the President of the United States, and patents of lands as aforesaid shall be issued to said company, confirming to said company the right and title to said lands, situated opposite to, and conterminous with, said completed section of said road; and, from time to time, whenever 25 additional consecutive miles shall have been constructed, completed, and in readiness as aforesaid, and verified by said commissioners to the President of the United States, then patents shall be issued to said company conveying the additional sections of land as aforesaid, and so on as fast as every 25 miles of said road is completed as aforesaid: *Provided*, That no more than ten sections of land per mile, as said road shall be completed, shall be conveyed to said company for all that part of said railroad lying east of the western boundary of the State of Minnesota, until the whole of said railroad shall be finished and in good running order, as a first-class railroad, from the place of beginning on Lake Superior to the western boundary of Minnesota: *Provided also*, That lands shall not be granted under the provisions of this act on account of any railroad, or part thereof, constructed at the date of the passage of this act.

That is our case on the law up to this time. I have brought these decisions down now so as to apply the law to the exact case before us, making it applicable to the existing facts. Although much of this road was built out of time, yet it was built when there was no act of forfeiture on the part of the grantor. On the contrary the grantor was cooperating with the builders of the road all the time, sending out examiners, inspecting portions of the road completed, certifying to the fact that it was properly constructed and patenting the conterminous lands.

Mr. MCKENNA. Is that under the act?

Mr. VAN EATON. Yes, sir; in strict accordance with the very letter of the law.

But, Mr. Speaker, that is not all. I might stop here and claim that this land coterminous with the built portion of the road is not forfeitable. But I have something else to submit on this point. I will refer here to Ludlow's case in 12 Barber, and to the text in 2 Washburne on Real Property, where the following is held:

Where, however, a grant to a railroad company of land was upon condition that the road should be completed by a certain time, which was not done, and after that, the grantor knowing the fact, suffered the company to go on and incur expenses in constructing their road and made no objection, it was held to be a waiver of the condition and forfeiture. And it is laid down as a general principle that a condition which, if taken advantage of, destroys the whole estate, if once dispensed with, in whole or in part, is gone forever, for a condition being an entire thing can not be apportioned except by law. Thus, where a grant was made to a company on condition that they should erect a bloomery on the estate by such a time, and the grantor afterward waived that and gave them permission to erect a blast-furnace in its stead, and extended the time for its erection, it was held that a failure to erect the furnace within the extended time was not a ground for forfeiture. The condition was gone, and the terms of the grant did not create a covenant.

That was the case of a road built out of time. Yet the grantor saying nothing, the court held the title was good to the land. It is true that was an individual, but the great principles of right and justice, I take it, are the same between nations and individuals and corporations as they are between individuals.

There is another thing to which I wish to call the attention of the House particularly. The facts in this case were that no road had been built up to March, 1869. The granting act provided that the company should not put out any mortage bonds on any of its property without the consent of Congress. In 1869 Congress authorized the company to issue its bonds and secure the same by mortgage on its railroad and telegraph line. Even on that no money was raised and no road was built.

What was done next? We now come to the joint resolution of May 31, 1870. The gentleman from California [Mr. HENLEY] who opened this argument treated this very lightly; but I think it is absolutely conclusive.

In section 10 of the original granting act this was provided:

SEC. 10. *And be it further enacted*, That all people of the United States shall have the right to subscribe to the stock of the Northern Pacific Railroad Company until the whole capital named in this act of incorporation is taken up, by complying with the terms of subscription; and no mortgage or construction bonds shall ever be issued by said company on said road, or mortgage, or lien made in any way, except by the consent of the Congress of the United States.

Well, now we come down to 1870, and find this state of things. No road had been built. It was not even commenced. Then Congress came in and did this. Perhaps, Mr. Speaker, it would have been wiser then to have repealed the act and resumed the land. But, sir, they did not do it. Congress, in 1870, passed this joint resolution, approved May 31:

[Resolution of May 31, 1870.]

No. 67.—A resolution authorizing the Northern Pacific Railroad Company to issue its bonds for the construction of its road and to secure the same by mortgage, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Northern Pacific Railroad Company be, and hereby is, authorized to issue its bonds to aid in the construction and equipment of its road, and to secure the same by mortgage on its property and rights of property of all kinds and descriptions, real, personal, and mixed, including its franchises as a corporation; and, as proof and notice of its legal execution and effectual delivery, said mortgage shall be filed and recorded in the office of the Secretary of the Interior; and also to locate and construct, under the provisions and with the privileges, grants, and duties provided for in its act of incorporation, its main road to some point on Puget Sound, via the valley of the Columbia River, with the right to locate and construct its branch from some convenient point on its main trunk line across the Cascade Mountains to Puget Sound; and in the event of there not being in any State or Territory in which said main line or branch may be located, at the time of the final location thereof, the amount of lands per mile granted by Congress to said company, within the limits prescribed by its charter, then said company shall be entitled, under the directions of the Secretary of the Interior, to receive so many sections of land belonging to the United States, and designated by odd numbers, in such State or Territory, within 10 miles on each side of said road, beyond the limits prescribed in said charter, as will make up such deficiency; on said main line or branch, except mineral and other lands as exempted in the charter of said company of 1864, to the amount of the lands that have been granted, sold, reserved, occupied by homestead settlers, pre-empted, or otherwise disposed of subsequent to the passage of the act of July 2, 1864, and that 25 miles of said main line between its western terminus and the city of Portland, in the State of Oregon, shall be completed by the 1st day of January A. D. 1872, and 40 miles of the remaining portion thereof each year thereafter, until the whole shall be completed between said points: *Provided*, That all lands hereby granted to said company which shall not be sold or disposed of or remain subject to the mortgage by this act authorized, at the expiration of five years after the completion of the entire road, shall be subject to settlement and pre-emption like other lands, at a price to be paid to said company not exceeding $2.50 per acre; and if the mortgage hereby authorized shall at any time be enforced by foreclosure or other legal proceeding, or the mortgaged lands hereby granted, or any of them, be sold by the trustees to whom such mortgage may be executed, either at its maturity or for any failure or default of said company under the terms thereof, such lands shall be sold at public sale, at places within the States and Territories in which they shall be situate, after not less than sixty days previous notice, in single sections or subdivisions thereof, to the highest and best bidder: *Provided further*, That in the construction of the said railroad, American iron or steel only shall be used, the same to be manufactured from American ores exclusively.

SEC. 2. *And be it further resolved*, That Congress may at any time alter or amend this joint resolution, having due regard to the rights of said company, and any other parties.

Approved May 31, 1870.

The gentleman from California [Mr. HENLEY] said if they meant to give the road any greater right or title to these lands than had been already given why not set it up in this amending act or joint resolution? Why, Mr. Speaker, that is just what they did do. I do not think Congress could have done it in any plainer language than they have done it in this act. They provide this:

Provided, That all lands hereby granted to said company which shall not be sold or disposed of or remain subject to the mortgage by this act authorized, at the expiration of five years after the completion of the entire road, shall be subject to settlement and pre-emption like other lands, at a price to be paid to said company not exceeding $2.50 per acre; and if the mortgage hereby authorized shall at any time be enforced by foreclosure or other legal proceeding, or the mortgaged lands hereby granted, or any of them, be sold by the trustees to whom such mortgage may be executed, either at its maturity or for any failure or default of said company under the terms thereof, such lands shall be sold at public sale, at places within the States and Territories in which they shall be situate, after not less than sixty days' previous notice, in single sections or subdivisions thereof, to the highest and best bidder.

Mr. Speaker, I put it to any lawyer, is the express permission to mortgage the granted lands and the specific directions as to the manner of sale in case the mortgage is foreclosed consistent with the idea that Congress also and at the same time or at any time can declare a forfeiture of the lands, and so destroy the very security it has authorized?

Mr. PAYSON. Will the gentleman permit me one question?

Mr. VAN EATON. Yes, sir.

Mr. PAYSON. Does he think as a matter of law that under the mortgage any better title would pass than the mortgagor himself had at the time of its execution?

Mr. VAN EATON. No, sir.

Mr. PAYSON. In other words, the power to mortgage being given in 1870, when the time for the construction of the road did not expire until 1879, and the general grant contained the conditions of which the gentleman has spoken, does he not think, as a lawyer, the same conditions attach to the land after the mortgage as before?

Mr. VAN EATON. With this exception, that by this very permission that condition was waived.

Mr. PAYSON. How?

Mr. VAN EATON. By allowing these lands to be mortgaged and inviting the people of the United States to come in and take these mortgage bonds to enable them to build the road, and this permission, when that act was passed, they had.

Mr. PAYSON. Except, subject to the condition.

Mr. VAN EATON. The condition of forfeiture as far as that is concerned is waived. The mortgage was authorized expressly to "aid the Northern Pacific Railroad Company in the construction and equipment of its road."

Mr. WEAVER, of Iowa. They had the land on certain conditions.

Mr. VAN EATON. Please make your speeches in your own time.

Now, sir, let us look at this for a minute in a common-sense point of view. What was the object of allowing the railroad company to mortgage these lands? Was it not to raise money to build the road? Now, suppose the men who loaned the money had said to the company, "You are giving us a mortgage on these lands, it is true, but suppose you do not build the road in time and the United States Government forfeits the lands, what security have we got?" and suppose that right then and there a competent authority could have told the money-lenders, "You run the risk of losing your money if this road is not built in

time, strictly up to the letter of the bond," do you suppose any money-lender in Christendom would have invested his money on such conditions? Certainly not. But when he looked at the resolution granting to the company the right to mortgage these lands and saw prescribed the manner in which they should be sold in case the debt was not paid, and saw further that the road was to be completed in 25-mile sections and the coterminous lands patented, then he could not doubt any longer.

Mr. McKENNA. Do you not suppose the money-lender would take into consideration the power of the road to complete the road within the prescribed time, and thereby to earn the land grant?

Mr. VAN EATON. Very likely he would; and he would know perfectly well, too, that just as the road was built the lands coterminous with that portion of it would be earned and a security for his debt.

Mr. FINDLAY. How long did these bonds run?

Mr. VAN EATON. I do not remember just now; but I will answer the gentleman later. Now, Mr. Speaker, I want to call attention at this point to what was done under this resolution. After the passage of the said resolution giving the company permission to mortgage the road mortgages were made as follows:

1. The mortgage of July 1, 1870, now represented by the preferred stock of the company.
2. The Missouri division mortgage of March 1, 1879.
3. The Pend d'Oreille mortgage on that portion of the line of September 1, 1879.
4. The general mortgage of June 1, 1881, at the rate of $25,000 per mile, now the first mortgage on the greater portion of the main line.
5. The second mortgage of November 20, 1883, for $20,000,000.

The outstanding mortgage bonds of the company were as follows July 30, 1883, the close of last financial year:

General first-mortgage bonds	$43,403,000
General second-mortgage bonds	18,857,000
Missouri division mortgage bonds	2,233,500
Pend d'Oreille division mortgage bonds	3,240,000
	67,833,500
Add to this preferred stock, which is an equitable mortgage, being the old first mortgage converted into stock	38,610,584
	106,454,084

The power to make these mortgages and give a valid title which could be enforced by foreclosure is utterly inconsistent with the existence of a forfeiture.

However, I must go back a little before I leave the subject of the mortgage. I want to call attention to one point in the second section of the resolution passsed in May, 1870, and I lay particular stress upon it. It is this: "Congress may at any time alter or amend this joint resolution, having due regard to the rights of said company and any other parties." Now, that is very important. What other parties were there? What other parties could there be than the creditors of the road? And if Congress altered the act, it was to be done with due regard not only to the rights of the railroad company but to the rights of "any other parties." As throwing further light on what the object of the grant was I wish to call attention to the recapitulation in section 20, and I read it:

The better to accomplish the object of this act, namely, to promote the public interest and welfare by the construction of said railroad and telegraph line and keeping the same in working order, to secure to the Government at all times, but particularly in time of war, the use and benefits of the same for postal, military, and other purposes, Congress may at any time, having due regard for the rights of said Northern Pacific Railroad Company, add to, alter, amend, or repeal this act.

There you have the object of the grant recited and repeated.

Then, Mr. Speaker, we have this state of facts: The road virtually completed, at least so far so as to obtain the object of the grant, and the cars running from lake to ocean, completed and accepted from Lake Superior to Wallula, say 2,000 miles, connection of Wallula and Portland by leased lines, and built from Portland to Tacoma, with the Cascade branch from Wallula to Seattle in rapid process of construction, and since February, 1884, 150 miles of the road have been accepted and approved by the President of the United States, and of this 25 miles of the Cascade branch by President Cleveland, November 18, 1885.

Great quantities of the lands proposed to be forfeited are in the hands of innocent purchasers. Five mortgages, ranging in date from July 1, 1870, to November 20, 1883, have been executed by the Northern Pacific Railroad Company, all covering the lands filed in the Interior Department and recorded in the proper offices along the line of the road.

And this was done under authority of Congress. We know it was the intention of Congress to allow the entire land grant to be mortgaged, and that the lands were so mortgaged five times with the knowledge of Congress and the Interior and Executive Departments. It is a fact that the bonds issued under the mortgage have been sold to citizens who paid their money for them. They have gone into the business of the country, and are held by innocent purchasers. In fact it is said, and no doubt truly, that these bonds are held in every State in the Union. There can be no doubt that all this has been done under the firm and confident belief that every step was taken under the approbation of Congress and to carry out its policy. The bondholders, citizens everywhere, have now this day the lands and all the lands for their security. If we have the power, have we the right to deprive them of that security? Is it only the railroad we are injuring? Are we not deranging the business of the country to the extent of depreciating these securities in the hands of all sorts of people, not simply bankers and capitalists?

Again, have the purchasers of these lands no rights we are bound to respect? Oh, yes, say the majority. We will give each of these 360 acres, no more, whether he be settler, or purchaser for investment, as doubtless many of them are. A father may have invested his hard earnings for the benefit of his growing family; another may have invested all his earnings, looking prudently forward to a rise in price. Ownership of these lands may in many cases stand for the earnings of a lifetime. No matter; ruthlessly sweep all away save only 360 acres, say the majority of the committee. What for, I would respectfully ask? Why, simply to drive out the present settlers and purchasers to let others come in.

A great deal of rhetoric has been expended in describing the magnitude of this grant, and it is a large one; but what has that to do with the argument? The grant is for the alternate odd-numbered sections of the public lands, to the amount of twenty alternate sections per mile, on each side of the line of the road, through the Territories, and ten alternate sections on each side in the States, with an addition of not more than ten sections on each side for indemnity limits. Now, gentlemen speak of the grant as if it comprised a tract of land 60 miles wide from the lakes to the Pacific Ocean, which is a gross exaggeration. In the Territories very little indemnity lands will be required, and whatever the quantity it must be borne in mind an equal quantity, the even-numbered sections, are along the line of the road, and remain at the disposal of the Government for the benefit of settlers and purchasers. Gentlemen speak of the granted lands as if they were lost, obliterated, wiped out. Why, they are still there in place, open for settlement the same as they ever were. True, they can not be homesteaded, and there may be some increase in the price, but so far, as a general thing, very little, if any, more than the lands reserved by the Government.

Again, much is said of the great munificence of this grant and its vast pecuniary value. This, as I have said, is greatly exaggerated, but even if true what gives the lands their increased value? What but this very road it is proposed to deprive of the lands? Why, it is well known that but for the road these lands would have no present value, could not be sold for any price, nor could they be taken for homesteads. To illustrate how railroads enhance the price of lands coterminous with their lines, I venture to read here an extract from the Commercial Herald of recent date, a progressive and representative paper of my State, published in the city of Vicksburg. Speaking of a road recently constructed through Mississippi, and forming, I believe, a part of what is known as the Huntington system, that paper in a late issue said:

THE BOOM.

We print this morning a letter from a correspondent, which shows how railroads develop a country. We venture the assertion that the magnificent trunk line known as the Louisiana, New Orleans and Texas Railroad has added to values in the State five times what the road coast, and its own value in addition, for it runs through the State on a longer line than any other road. Its building and operation have acted like magic. The trackless swamps of the Mississippi River have been subdued, and the famed tales of Aladdin's lamp are surpassed by the reality. On all the line through the State prosperity prevails, and the throb of renewed life is given to lands that were before considered worthless. Where a forest stood before, in old abandoned fields, in the tangled jungles of the great valley, may now be seen thriving towns, cities, and villages, and happy homes. It is almost beyond the most ardent hopes of the friends of railway development what has actually been the direct result of the construction of this road through our State.

These results are to be observed by all, but there are others, not to be estimated in dollars and cents, but fully appreciated, and perhaps more valuable to the Yazoo Delta. The people of the Delta have a powerful ally to protect their lands from the floods of the mighty Mississippi, and an indorser of their credit to enable them to utilize in the best manner their own means of protection. Years ago we wrote up this giant enterprise, but as hopeful as we were we dared not anticipate what has actually occurred.

These values have been added in a very short time, and the future is before us. Who can tell the full extent of the benefit the country will receive? Who can tell what limits our city will reach in business and growth as the years roll by, if our citizens realize the advantages now within our grasp? Let our citizens resolve not to be outstripped by any city, no matter what its size. Let the boom be kept up, and in a short while those who knew the old sluggish town of Vicksburg will see in its place a large and rapidly growing city. Certainly these results are to be obtained with the proper co-operation and effort.

Now, Mr. Speaker, where much of this improvement and prosperity are being developed three years ago were impenetrable jungles and swamps, rarely penetrated by man save by the adventurous hunter. The much-abused railroad has been the agent of the change, and what a change! So with trackless deserts where now runs the Northern Pacific. Where only wild beasts and wild Indians roamed, fields and villages and settlements with all the appliances of civilized life abound. Yes, the lands are increasing in value and will continue to increase as population surges westward, and all on account of the Northern Pacific Railroad. This road is abused as an oppressive corporation and monopoly, and for all I know, justly; of that I know nothing. Nor has that anything to do with the question before the House. I am not the apologist of the road; in fact, I know nothing about it, its owners, directors, or officers. I am simply arguing a legal question; and it seems to me all the rhetoric brought into requisition to excite undue prejudice against the road is simply wasted in the argument. If this road or any other is guilty of acts of oppression let us apply the correctives proposed by the gentleman from Texas [Mr. REAGAN], or something in that direction, and to that I have no sort of objection.

The lands granted in aid of the building of this road should be for-

feited, we are told, because the road was not completed in time. Well, why was it not so completed?

In the first place, the building of the road was greatly retarded by the financial troubles of 1873. It is in the memory of members that for several years after that panic no enterprise of this kind could be prosecuted, the money could not be had, and so several years passed and nothing was done or could be. But that was not all. It was part of the contract on the part of the Government that surveys should be made as fast as might be required for the construction of the road. Section 6 of the granting act provided as follows:

SEC. 6. *And be it further enacted*, That the President of the United States shall cause the lands to be surveyed for 40 miles in width on both sides of the entire line of said road, after the general route shall be fixed; and as fast as may be required by the construction of said railroad; and the odd sections of land hereby granted shall not be liable to sale, or entry, or pre-emption before or after they are surveyed, except by said company, as provided in this act; but the provisions of the act of September, 1841, granting pre-emption rights, and the acts amendatory thereof, and of the act entitled "An act to secure homesteads to actual settlers on the public domain," approved May 20, 1862, shall be, and the same are hereby, extended to all other lands on the line of said road, when surveyed, excepting those hereby granted to said company. And the reserved alternate sections shall not be sold by the Government at a price less than $2.50 per acre when offered for sale.

How did the Government comply with its part of this agreement? The answer is found in the views of the minority as set forth on pages 22, 23, which I here quote:

3. The grantor agreed to clear the right of way of Indians to enable the grantee to construct its road. The grantor alone had the power to do that. It was not done, and many of the surveying parties of the company were killed while endeavoring to select a route for said road. What was the condition of the country through which said road has subsequently been built prior to July, 1879? Let the commanding officers of the United States Army tell. General Brisbin, commanding at Fort Keogh, wrote from that place under date of April 23, 1882, as follows:

"I mention these incidents to show you the condition of the Yellowstone country prior to 1877. It was so unsafe that not less than one thousand armed men could penetrate it without suffering great risk. I advised the delay or abandonment of the survey for the Northern Pacific Railroad because we had not sufficient men to make the country safe. These brave fellows were several times attacked, and I expected they would be massacred."

General Gibbon, April 27, 1882, wrote:

"From 1870, when I first went to Montana, till 1876, that whole region (between Mandan, Dak., and Bozeman, Mont.) was an almost unknown wilderness, where it was not safe for any but large and well-organized parties of white men to go. Engineer parties had upon all occasions to be well protected with troops, and even after the establishment of Forts Keogh and Custer, in 1876-'77, the bands of roving, hostile Indians rendered engineering operations along the line of the Northern Pacific Railway hazardous."

On same date General Terry, commanding the department, wrote from Fort Snelling:

"I came into command in this department in January, 1873. From that time up to the beginning of 1877 it would have been impossible to make surveys in the valley of the Yellowstone from the mouth of the river to the western part of the Crow reservation except under the protection of a very large escort of troops. That portion of the valley of which I have spoken has been constantly overrun by hostile Sioux, and even with a powerful escort surveys could have been prosecuted only at a very great disadvantage."

Under such circumstances, we think that the company has done all that a reasonable government could expect or require. The condition was one which it was impossible to peform within the time required. It was rendered impossible by the failure of the grantor to keep its part of the contract. There was, therefore, no breach of condition. (2 Blackstone's Com. (by Cooley), 156, note 11; 4 Kent's Com., 129, 130; Coke's Ins., 206*b*, 2209*a*; Sheppard's Touchstone, 133; United States *vs.* Maca, 18 Howard, p. 557; United States *vs.* Reading, 18 Howard, 1.)

But this is not all. In section 2 of the granting act is found these words:

The United States shall extinguish, as rapidly as may be consistent with public policy and the welfare of the said Indians, the Indian titles to all lands falling under the operation of this act, and acquired in the donation to the [road] named in this bill.

Now, when the engineers and construction men reached the Crow reservation in Montana they were stopped by the Indian agent and threatened with military force if they entered, and thus they were halted until the treaty of 1882.

Now, Mr. Speaker, as late as 1882 what did Congress do? I contend they condoned any delay on the part of the company, acknowledged its right to go on and build the road, and again waived any right of forfeiture (if any existed, which I deny, and will attempt to prove if I have time) on the part of the Government.

Let us see. Chapter 284, 22 Stat., page 157, July 10, 1882, was "an act to accept and ratify an agreement with the Crow Indians for the sale of a portion of their reservation in the Territory of Montana required for the use of the Northern Pacific Railroad Company, and to make the necessary appropriation for carrying out the same." In this act the right of the company to construct its road through this reservation is distinctly recognized, and the fact that it had filed a map showing the definite location of the road was conceded, and then the act recites—

Whereas the said company desires to construct its line of railroad upon such designated route, and claims the right by virtue of said act (the act granting the lands) so to do: Now, therefore, to fulfill the obligations of the Government, &c.

Then follows the act ratifying the treaty with the Crow Indians. What for? To enable the company to construct its road through their reservation. And this was as late as July 10, 1882, barely four years ago and more than three years after the time for the completion of the road had elapsed. Comment, Mr. Speaker, is unnecessary. In the case of United States *vs.* Union Pacific Railroad Company (9 Supreme Court Reports, page 72), the Supreme Court, in rendering their decision, have so well described the interests requiring and the difficulties attending the construction of such a road as this that I quote what they have to say in the opinion delivered by Mr. Justice Davis. All that was said on the subject with regard to the building of that road applies with equal force to this:

In construing an act of Congress we are not at liberty to recur to the views of individual members in debate nor to consider the motives which influenced them to vote for or against its passage. The act itself speaks the will of Congress, and this is to be ascertained from the language used. But courts, in construing a statute, may with propriety recur to the history of the times when it was passed; and this is frequently necessary in order to ascertain the reason as well as the meaning of particular provisions in it. (Aldridge *vs.* Williams, 3 How., 24; Preston *vs.* Browder, 1 Wheat., 120.)

Many of the provisions in the original act of 1862 are outside of the usual course of legislative action concerning grants to railroads, and can not be properly construed without reference to the circumstances which existed when it was passed. The war of the rebellion was in progress; and, owing to complications with England, the country had become alarmed for the safety of our Pacific possessions. The loss of them was feared in case those complications should result in an open rupture; but, even if this fear were groundless, it was quite apparent that we were unable to furnish that degree of protection to the people occupying them which every government owes to its citizens. It is true, the threatened danger was happily averted; but wisdom pointed out the necessity of making suitable provisions for the future.

This could be done in no better way than by the construction of a railroad across the continent. Such a road would bind together the widely separated parts of our common country and furnish a cheap and expeditious mode for the transportation of troops and supplies. If it did nothing more than afford the required protection to the Pacific States, it was felt that the Government, in the performance of an imperative duty, could not justly withhold the aid necessary to build it; and so strong and pervading was this opinion that it is by no means certain that the people would not have justified Congress if it had departed from the then settled policy of the country regarding works of internal improvement and charged the Government itself with the direct execution of the enterprise.

This enterprise was viewed as a national undertaking for national purposes, and the public mind was directed to the end in view rather than to the particular means of securing it. Although this road was a military necessity there were other reasons active at the time in producing an opinion for its completion besides the protection of an exposed frontier. There was a vast unpeopled territory lying between the Missouri and Sacramento Rivers which was practically worthless without the facilities afforded by a railroad for the transportation of persons and property. With its construction the agricultural and mineral resources of this territory could be developed, settlements made where settlements were possible, and thereby the wealth and power of the United States largely increased; and there was also the pressing want, in time of peace even, of an improved and cheaper method for the transportation of the mails and of supplies for the Army and the Indians.

It was in the presence of these facts that Congress undertook to deal with the subject of this railroad. The difficulties in the way of building it were great, and by many intelligent persons considered insurmountable.

Although a free people, when resolved upon a course of action, can accomplish great results, the scheme for building a railroad 2,000 miles in length, over deserts, across mountains, and through a country inhabited by Indians, jealous of intrusion upon their rights, was universally regarded at the time as a bold and hazardous undertaking. It is nothing to the purpose that the apprehended difficulties in a great measure disappeared after trial, and that the road was constructed at less cost of time and money than had been considered possible. No argument can be drawn from the wisdom that comes after the fact. Congress acted with reference to a state of things believed at the time to exist; and, in interpreting its legislation, no aid can be derived from subsequent events. The project of building the road was not conceived for private ends; and the prevalent opinion was, that it could not be worked out by private capital alone. It was a national work, originating in national necessities, and requiring national assistance.

The policy of the country, to say nothing of the supposed want of constitutional power, stood in the way of the United States taking the work into its own hands. Even if this were not so, reasons of economy suggested that it were better to enlist private capital and enterprise in the project by offering the requisite inducements. Congress undertook to do this, in order to promote the construction and operation of a work deemed essential to the security of great public interests.

It is true the scheme contemplated profit to individuals; for, without a reasonable expectation of this, capital could not be obtained, nor the requisite skill and enterprise. But this consideration does not in itself change the relation of the parties to this suit. This might have been so if the Government had incorporated a company to advance private interests, and agreed to aid it on account of the supposed incidental advantages which the public would derive from the completion of the projected railway. But the primary object of the Government was to advance its own interests, and it endeavored to engage individual co-operation as a means to an end—the securing a road which could be used for its own purposes. The obligations, therefore, which were imposed on the company incorporated to build it must depend on the true meaning of the enactment itself, viewed in the light of contemporaneous history.

Here I desire to call attention to the report of the Commissioner of Railroads for 1885. Speaking of the Northern Pacific he says:

The eastern portion of the road has been completed to Ashland, the last section being accepted by the President January 6, 1885. On October 7, 1884, 25 miles eastward from Tacoma, constructed in 1877, were accepted; and on December 9, 1884, 37¼ miles westward from the Columbia, and January 17, 1885, 25 miles more, were accepted.

The length of the company's road, including the Cascade branch, is 2,029.58 miles. It has leased 143.34 miles, and the length of its branches is 477.65 miles.

The length of road finished would entitle the company to 43,200,000 acres of land. It had sold to June 30, 1885, 5,468,779.97 acres.

The rolling-stock consists of 391 engines, 167 with air-brakes; 274 passenger cars with train-brakes; and 9,217 freight cars of all kinds, 1,097 of which have train-brakes.

The terminus at Duluth and the recent extensions to Superior and Ashland give such excellent connections with the Lake Superior trade and with the railways from the ports South and East that its through traffic may be considered quite well secured at these points.

The road-bed has been well constructed throughout nearly the whole length; good provision made for drainage; bridges and trestles strongly built; good buildings put up at all stations; abundant water supply provided; and the track put in good order, much more than half its length being well ballasted with good gravel and stone.

It seems to me, Mr. Speaker, if we wish to do something practicable and practical we should pass the Senate bill that declares forfeited all

the granted lands coterminous with the uncompleted portions of the road. For myself I should be willing to except the lands along the Cascade branch, for the reason that the road there is being constructed about as fast as is humanly possible, considering the natural obstructions in the way; at the same time I would not make a point on that. Gentlemen may insist on passing the House bill, but I have no idea one of us here will ever live to see it become law.

In the mean time the settlers along the unbuilt portions of the road, on lands clearly forfeitable, are begging us for action; petitions signed by hundreds and hundreds of these hardy pioneers have been received by their Representatives on this floor begging Congress to do something for their relief, so that they may know when they have titles to their lands. They pray to be separated and relieved from the ever-returning attempt to forfeit the entire grant, or that portion between Bismarck and Wallula. They pray for speedy, separate relief for themselves first, and action, if we see proper, as to the rest afterward.

And exactly this, Mr. Speaker, the Senate bill gives us an opportunity to do—the last section providing as it does that the act shall not be construed to estop the Government from proceeding in future against the rest of the grant. If we refuse this, if we turn a deaf ear to the prayers of these settlers, it will not be long before they will lay the blame of our non-action at the right door. Session after session Congress goes through this farce of demanding what we know we can not get, and nothing is done, and no relief is furnished to anybody.

Each succeeding Congress we commence where we left off, and at the close of the session we leave off where we commenced. Some day our masters, the people, will get tired of this game of hide-and-seek, fast-and-loose, and will send men here who will act and will effect something.

Mr. Speaker, I am just as anxious as any member on this floor to forfeit every acre of land that has been granted to railroads or other corporations or enterprises, and which they have not earned. The people demand such forfeitures, and they demand speedy action, and they are right, and it is our bounden duty to execute their will in this respect. Why, sir, there is no official, no body, no man in this Capitol or in this country that is or can be superior to or independent of the will of the people. And it is equally certain the people do not and will not demand an unjust thing. Why, sir, what does the forfeiture demanded by the majority of the committee mean? That the Government, the representatives of the people, shall forfeit the grant of these lands, utterly reckless and regardless of all rights, not of the railroad simply, but of the innocent holders of their bonds, of the settlers all along the line of the road, of the purchasers of these lands, and of the multitudes of rights and interests which for years have been both accumulating and maturing in connection with this grant.

Are there no people living along the long line of this road worthy of our consideration? Have no rights grown up there which we are bound in all fairness and strict justice to regard? Can we now enter as of our first estate? Suppose we can and do forfeit all these lands and enter, what will be the state of affairs? Well, we shall resume the grant, take back all the lands on the faith of which the money was loaned which built the road and developed that vast country. We shall ignore the rights of every person who has invested honest money in bonds or lands. We shall have the lands we have reserved, the even-numbered sections, doubled or trebled in value by the road, and the others, the odd-numbered sections, the ones we forfeit, according to the argument of some gentlemen quadrupled in value, an immense accretion and aggregate of wealth literally created by this very road. We shall get all the advantages of the road. We shall get just that for which the grant was made—and then get back the lands largely increased in value We shall impoverish vast numbers of purchasers and holders of these lands, and owners of the bonds—but we shall have all the lands. We shall have the road with all its measureless advantages, while all these others, who trusted in the good faith of their Government, shall have nothing! Mr. Speaker, I do not believe the people, our masters, demand at our hands any such course of conduct. The people, sir, are not unjust, they are not cruel, they ask at our hands only even-handed justice, and this, so long as I remain in public life, I shall endeavor, so far as in me lies, to mete out to all comers without regard to ephemeral popular clamor and without regard to the position, standing, wealth, or poverty of the comers!

The SPEAKER *pro tempore* (Mr. McCREARY). The Chair will inform the gentleman from Mississippi [Mr. VAN EATON] that he has consumed fifty-five minutes of his hour.

Mr. VAN EATON. This argument ought to go on a little longer. I ask that I may have fifteen minutes in addition to my hour.

Mr. COBB. I object.

Mr. VAN EATON. I would like to finish my argument.

Mr. BUTTERWORTH. I hope the time which the gentleman from Mississippi asks will be granted. This is a matter of very great consequence.

Mr. HENLEY. How much time does the gentleman desire to occupy?

Mr. VAN EATON. I desire an hour and a quarter in all.

Mr. HENLEY. I have no objection, but I give notice that I propose to adhere to my original determination in regard to calling the previous question.

SEVERAL MEMBERS. We will vote that down.

Mr. VAN EATON. I hope there will be no objection to giving me an hour and a quarter.

The SPEAKER *pro tempore*. The gentleman from Mississippi asks an extension of fifteen minutes beyond his hour.

Mr. COBB. I object.

Mr. HENLEY. I consider that the fate of this bill depends on reaching a vote to-day.

Mr. REED, of Maine. I think after eight months' waiting we can afford to give some time to this discussion.

Mr. COBB. It is not necessary for the gentleman from Maine to be making charges against the committee.

Mr. REED, of Maine. No, it is not necessary; that is so.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. COBB] objects to the extension.

Mr. VAN EATON. I hope the gentleman will not insist on the objection.

Mr. COBB. Let the time be granted by some of your friends. We want to reach a vote.

Mr. HERMANN. I give notice that, representing a great State in the Northwest directly interested in this question, I propose to ask for at least thirty minutes. It is neither courteous nor just to the great Northwest that we should be cut off in this manner.

The SPEAKER *pro tempore*. Does the gentleman from Mississippi yield five minutes to the gentleman from Wisconsin [Mr. PRICE], or does he propose to occupy all his time himself? The gentleman has five minutes more in his own right, but the Chair was informed that he had agreed to yield those five minutes to the gentleman from Wisconsin.

Mr. VAN EATON. I trust I may be allowed ten minutes additional.

Mr. HENLEY. I would have no objection if we could arrive at an amicable understanding, but I have understood——

Mr. REED, of Maine. Let us have the regular order.

Mr. HENLEY. Precisely. I was about to say that there is an evident disposition to defeat this bill at any rate by the consumption of time, and I do not see that anything is to be gained by attempting to reach an understanding.

Mr. VAN EATON. Mr. Speaker, when this wrangling commenced the Chair stated that I had five minutes remaining. Certainly this colloquy is not to be deducted from my time, and I ought to have five minutes now. I yield those five minutes to the gentleman from Wisconsin, and ask leave to print the residue of my remarks.

Mr. HENLEY. I believe there has been a general leave to print.

Mr. NEGLEY. No, there has not been.

The SPEAKER *pro tempore*. The gentleman from Mississippi asks permission to print the residue of his remarks in the RECORD, and without objection permission is granted. The Chair hears no objection.

Mr. HENLEY. Do I understand that the request is for general leave to print?

Mr. VAN EATON. I believe I will make the request general.

Mr. HENLEY. I object to a general leave.

The SPEAKER *pro tempore*. The gentleman from Mississippi asks that all members be allowed to print in the RECORD their remarks on this bill.

Mr. REED, of Maine. I object.

Mr. HENLEY. I object to the gentleman from Mississippi being allowed to print. Let him control those who are on his side.

Several MEMBERS. The objection comes too late.

Mr. VAN EATON. I had permission already.

Mr. COBB. I understood the gentleman from Mississippi was granted leave to print additional remarks in the RECORD on condition that the same privilege was granted to others.

The SPEAKER *pro tempore*. The Chair so understood.

Mr. COBB. And objection being made, he can not print.

Mr. HENLEY. I objected under a misapprehension. I am reminded that while I was speaking I asked leave to print in my remarks something which I had not time to read, and leave was granted me. I am therefore not in condition to object to the gentleman from Mississippi having such leave.

The SPEAKER *pro tempore*. The Chair will state the request again. The gentleman from Mississippi asks permission to print in the RECORD the residue of his remarks.

Mr. REED, of Maine. I understand the gentleman from Mississippi already has permission——

The SPEAKER *pro tempore*. Without objection, the permission is granted. The Chair hears no objection.

Mr. REED, of Maine. I understood the gentleman from Mississippi had fifteen minutes to conclude his remarks.

The SPEAKER *pro tempore*. No; there was objection to that request.

Mr. REED, of Maine. By whom was the objection made?

The SPEAKER *pro tempore*. By the gentleman from Indiana [Mr. COBB].

Mr. COBB. I made the objection.

The SPEAKER *pro tempore*. The gentleman from Wisconsin [Mr. PRICE] is now entitled to occupy the floor for five minutes, granted to him by the gentleman from Mississippi [Mr. VAN EATON].

Mr. PRICE. Mr. Speaker, this is a proposition to forfeit 6,170,640 acres of land yet unearned on 340 miles of road now unconstructed, and also to forfeit 30,737,101 acres on 1,492 miles of road constructed since the expiration of the time named in the original grant. As I imperfectly caught the remarks of the gentleman who advocated the passage of this bill, he referred to declarations made by the several political platforms in 1884 on this question as a justification for pursuing the course indicated by this bill. I desire to call attention to the fact that no political party that ever had existence has by any declaration in any platform ever enunciated any such doctrine. Take the Republican platform of 1884, and we find this language:

We demand of Congress the speedy forfeiture of all land grants which have lapsed by reason of non-compliance with acts of incorporation, in all cases where there has been no attempt in good faith to perform the conditions of such grants.

That certainly does not justify the passage of this bill.

Take the platform of the Democratic party of 1884 and we find this language:

We believe that the public land ought, as far as possible, to be kept as homesteads for actual settlers; that all unearned lands heretofore improvidently granted to railroad corporations by the action of the Republican party should be restored to the public domain, and that no more grants of land shall be made to corporations, or be allowed to fall into the ownership of alien absentees.

"All unearned grants!" Nobody will pretend to say there has not been by virtue of this grant 30,737,101 acres earned since the expiration of the time limited by the original grant.

Next we find that the anti-monopoly national convention said:

That no further grants of public lands shall be made to corporations. All enactments granting land to corporations should be strictly construed, and all land-grants should be forfeited where the terms upon which the grants were made have not been strictly complied with. The public lands must be held for homes for actual settlers, and must not be subject to purchase or control by non-resident foreigners or other speculators.

That certainly will not justify the forfeiture of this land which has been earned by the construction of this road.

One other party and I am done.

A MEMBER. What party?

Mr. PRICE. I will read a plank from the platform of the Prohibition national convention—a party small in numbers but magnificent in its principles. [Laughter and applause.] Yes, gentlemen, a party behind which is a more vital principle than ever governed any political party which ever rose or ruled or exists or has fallen in this country. This party platform affords no justification on the part of this Government to violate the contract under which this railroad corporation has gone on to finish its road.

A MEMBER. You have not read what the platform of that party is.

Mr. PRICE. I will read from the platform of the Prohibition national convention of 1884:

That the public lands should be held for homes for the people and not for gifts to corporations, or to be held in large bodies for speculation upon the needs of actual settlers.

You and I, Mr. Speaker, and all of us were before the people on these various platforms avowing the doctrine which has been expressed in the language I have read to the House. We must stick to our pledges to the people, and if we do observe the spirit of those pledges, it is not possible that we can advocate the forfeiture of the land granted for the construction of this Northern Pacific Railroad. It has been earned by that corporation under an implied contract, upon which they have gone on to finish the road. Such forfeiture, I may say, would be inequitable.

I deny there was ever an acre of land given to this road. It was a fair contract by which the Government was to be the beneficiary, and by which the road was to be also benefited. The Government was to be benefited in the construction of the road so that emigrants might be able to get into and open up to settlement and cultivation that then almost inaccessible Territory. In consideration of the construction of this road for that purpose the corporation was to be compensated by this grant of lands.

As I have said, it was a fair contract, with obligations on both sides, and no one can say the road has not fulfilled fairly its part of the contract to the extent that it is built.

While the Government was justified under the then existing circumstances in accepting such a policy, change of circumstance makes a change of policy necessary. It was necessary at that time to do as we did, but under all the circumstances we do not now wish to go further. I am willing to bow to the very general sentiment which seems to prevail throughout the country on the subject of withholding further land grants, but I am opposed to doing any injustice under the contract we have made with this road, or to violating the pledges made by the several parties in national conventions, under which we have been elected to seats upon this floor. Every principle of justice is hostile to the destruction of the right inherent in this road by reason of the contract which it made with the Government.

We will not pretend to interfere with that contract if we are wise. If we do, every good lawyer will see at once they will only have to carry the investigation into the courts to secure every acre of the land belonging to the road as its part of the consideration under that contract with the Government.

This bill is wrong in principle, illegal, illogical, and contrary to the stipulations and pledges upon which at the last election we went before the people of the United States and were elected to this House of Representatives.

Mr. NEGLEY. And it is the sheerest demagogy.

Mr. PRICE. Yes, demagogy of the cheapest class. Let us stick to our promises. We have received our consideration under the contract; let us not deny to the road the consideration which belongs to it under the same contract.

It is true they only built a part of the road within the time limited, but it is equally true that they have built 1,492 miles since that time in good faith, and we have raised no protest against it, but have stood by and justified it by examining it and accepting it, and have compelled the company to carry our mails at the reduced rates allowed to land-grant roads, by which reduction we have been benefited over a million dollars.

Strike from the bill the provision forfeiting the lands earned between the time limited by the grant and the passage of the bill, and I will join its friends in forfeiting the lands unearned at this time; and I do this more in obedience to the will of the people as expressed in platforms to which I have subscribed than because I believe it to be right.

My own idea is that all grants that are now being earned in good faith should remain undisturbed.

[Here the hammer fell.]

Mr. VOORHEES. Mr. Speaker, when, on the 2d day of July, 1864, Congress passed the act granting lands to aid in the construction of the Northern Pacific Railroad, there was entailed upon all the communities through which the road extends the blighting and far-reaching curse which inevitably attends the control of large landed estates by corporations.

Born, as it was, in the midst of falling homes and shattered hearthstones, when the wheels of progress were clogged by the disasters of civil war, this corporation, through all the years of its existence, seemingly drawing its inspiration from the unsettled period of its creation, has been essentially a stumbling-block and an obstruction in the way of the material progress of the country through which it passes. For nearly a generation the people of Washington Territory have watched and waited for the consummation of this enterprise, to aid in the completion of which Congress granted, with unexampled munificence, nearly 50,000,000 acres of the public domain. They believed in the honeyed promises of this corporation. They believed that, fostered as it has been by the generous care of the Government, it would come as the evangel of a broader and more comprehensive civilization. They believed that in its coming they would find a mighty ally in their struggles to meet the rapidly increasing demands of the tax-gatherer. They congratulated themselves that the completion of this transcontinental highway would afford cheaper and more expeditious transportation for the products of their industry. These were the vain and illusive dreams of the hardy pioneer, whose unflinching courage and intelligent industry had overcome the savagery of man and beast, as well as of nature, long before the first evidences of the completion of this enterprise began to appear. The assurance had gone forth that the Northern Pacific Railroad Company was to be regarded as a "benevolent monopoly," which was to result in naught save the choicest blessings and benefits to the people.

Scarcely had the sound of the construction hammer with which was driven the last spike on that portion of the road which was completed in September, 1883, died away, when the people were rudely and savagely awakened from their dreams of security against corporate oppression because of the benevolence of their masters. With the completion of the greater portion of their road it was believed that Congress could be induced to ignore the flagrant breach in the conditions of the grants, and that there existed no further necessity for concealing the cloven foot which had up to that time been so cleverly hidden from public view. Big with this idea they have dominated the various governmental Departments, dictated the laws touching their interests, and have by every conceivable method endeavored to set at defiance every legitimate right of the people and to escape the exactions of any portions of the public burdens. By the exercise of their peculiar tactics they have succeeded in securing within the Territory of Washington immunity from the burdens of taxation in respect of all their real property. The present law providing a scheme for the taxation of railroad property in Washington Territory was born in the law offices of the attorneys of the Northern Pacific Railroad Company, and by them lobbied through the Territorial Legislature. With insufferable and amazing effrontry the principal counsel of this company in Washington Territory sought and obtained an opportunity to lecture the representatives of the people in the Territorial Legislature upon their duties in providing for the taxation of railroad property.

The result of this intermeddling of railroad attorneys was the enactment of a law which, for cold-blooded and grotesque iniquity, has seldom, if ever, been paralleled in the entire history of bad legislation. After providing that 2 per cent. of the gross earnings shall constitute the full measure of taxation upon railroad property within the Territory, and providing a scheme for its collection, the very apex of infamy was reached when section 5 was incorporated into the law. On page

66 of the session laws of 1883 this villainous section is to be found in the following terms:

The lands of any railroad company shall become subject to taxation in the same manner as other similar property as soon as the same are sold, leased or contracted to be sold or leased; and on or before the 1st day of April of each year each railroad company having land within this Territory shall return to the county auditor of each county, full and complete lists, verified by the affidavits of some officer of the company having knowledge of the facts, of all lands of such company situated in said county, sold or contracted to be sold or leased, during the year ending the last day of December preceding; and the list furnished on or before the 1st day of April, A. D., 1884, in compliance with the terms of this section, shall include a complete list of all lands sold or leased, or contracted to be sold or leased prior to the last day of December, A. D., 1883.

A cursory examination of this section makes it painfully apparent that, so long as any railroad company holds the title to any real property in the Territory derived from any source whatever, such property is wholly exempt from its legitimate and just proportion of the public burdens. If, however, it should chance that some struggling pioneer, a little more favored than his fellows, has been enabled by frugal industry to lay aside a sufficient sum to purchase from such company a home, immediately upon the consummation of such purchase with the transfer of title all the burdens of taxation which properly belong to such property, and from which the company has enjoyed complete immunity, must be borne by such purchaser in order that the vast interests of such company may receive their full measure of protection under the laws. There is no exemption for the farmer. On the contrary, this law makes it necessary that he shall go to his daily labor a little earlier in the morning and work until the gathering shadows envelop the objects of his labor, in order that he may, in addition to his own taxes, pay those of the wealthy corporation as well.

Surely of these corporate spoilers was spoken the word of Agur, the son of Jaketh, even the prophecy:

There is a generation, whose teeth are as swords, and their jaw teeth as knives, to devour the poor from off the earth, and the needy from among men.

When the law has chanced to declare in their favor they have been most punctilious in their insistence that its provisions shall be rigidly and literally complied with. When, as has almost continually been the case, the law has been adverse to their claims and pretensions, they have simply placed upon it the tourniquet of official subserviency, its plainest mandates have been disregarded, and the people left to deprecate the cruel results of corporate dictation in high official places.

During the twenty-one or twenty-two years of Republican supremacy which have elapsed since this grant was made to the Northern Pacific Railroad Company, every demand for an honest and reasonable exposition of the law has been made in vain. "Corporation logic" has invariably proved too much for the judicial fairness of those intrusted with the interpretation of the law. In all the litigation of the past arising out of this grant, the people, whose rights have constantly been invaded, have been the plaintiffs, because of the unrighteous rulings of Republican officials. With the advent of Democratic officials positions have been reversed, the railroad company is now the plaintiff, and the people have been greatly advantaged by the change.

In advocating the passage of the pending bill I am simply demanding that which the law entitles me to demand. The friends of the road insist, however, that even admitting that a strict construction of the law would authorize a forfeiture in the premises, the extreme honesty of the corporation in all its transactions, and its perfect good faith in constructing the road, should entitle it to a generous measure of forbearance on the part of Congress. It is only necessary to refer to its earlier records to completely overthrow these flimsy pretensions.

In 1881 an effort was made to transfer, without any authority of law whatever, to certain favored individuals, 180,000 shares of stock of the Northern Pacific Railroad Company valued at $18,000,000. Henry Villard objected to this proceeding, and filed a bill for an injunction to restrain the issuance of the stock. In his affidavit he uses this language:

After such preferred stock had been issued to the bondholders, to the creditors, and parties entitled to the same under said agreement, and after shares of common stock had been issued to all the then existing stockholders of the Northern Pacific Railroad Company who came in and surrendered their existing shares and took new common stock in the place of the same, there remained, as appears by the reports of the directors which have been published, an amount of shares of the common stock not required to satisfy the existing stockholders who were entitled to receive such shares in lieu of their former stock. Such surplus of shares amounted to one hundred and eighty thousand shares, or $18,000,000. Such shares have never been brought to the public for subscription.

No money has been received or paid for the same, as I am informed and believe, at any time. It is not pretended that any money or other consideration has been received or paid for the same since the organization of the company. The said shares remain in the control of the company, and scrip or certificates as I am informed and believe, were issued for the same to the treasurer of the company, subscribing himself as a trustee. It has been publicly announced that at a meeting of the executive committee of the board of directors of the Northern Pacific Railroad Company, held on the 18th of March, 1881, it was determined to issue this 180,000 shares of stock and to make and deliver certificates for the same to certain persons who claim to be holders of certain interests which are known and described as "proprietary interests" in the Northern Pacific Railroad Company. Such interests have been quoted and sold in the stock market for some time past, selling for about 20 cents on the dollar, while the common stock of the said company has been at the same time selling for between 40 and 50 cents on the dollar.

These proprietary interests, as I am informed and believe, are alleged or pretended to have been created under some agreement made as long ago as the year 1867, between certain persons who assumed to create and issue all the stock, to the amount of $100,000,000, of the Northern Pacific Railroad Company, and to distribute the same among themselves. I have not been able to obtain a copy of this agreement, nor can I state who now are or claim to be the holders of all shares described as proprietary interests, and claimed to have been created under this agreement; but I am advised and believe that if any such agreement was ever entered into, it was annulled and canceled and rendered impossible of execution by the foreclosure of the mortgage to which I have referred, and the reorganization of the company.

The agreement to which he refers, and I read from the court records of the superior court of New York, so that there can be no question as to its authenticity, is as follows:

Whereas a charter has been granted by the Congress of the United States for a railroad and telegraph line from some point on Lake Superior in Minnesota or Wisconsin to Puget Sound, with the right to construct a branch to Portland, Oreg., under the name of the Northern Pacific Railroad Company, and granting lands to aid in the construction of said road and telegraph to the amount of ten sections per mile on each side of said road in the States and of twenty sections per mile on each side in the Territories, which said grant of land amounts by estimate to nearly 47,000,000 of acres; and

Whereas the control of said charter and franchise is now in the hands of J. Gregory Smith, of Saint Albans, Vt., and his associates; and

Whereas said Smith and his associates have paid for the procurement of the charter and other expenses the sum of $102,000 in cash—

Paid for the procurement of the charter from Congress—

exclusive of any compensation for himself or his associates—

So determined and grasping were the demands upon that fund here in Washington that he could not save even a portion of it for the purpose of compensating himself and associates—

and have issued the certificates of indebtedness of the company bearing interest from March, 1866, for $100,000 additional, and have agreed to recognize the stock of the company issued by Josiah Perhem, late president of the company, to the amount of $600,000; and

Whereas it is proposed for the purpose of providing—

Bear in mind that it was three years after the passage of the original charter that it occurred to these people that it was time to think of an efficient organization for the purpose of accomplishing results—

for the purpose of providing for the early commencement and prosecution of the work of construction of said road and telegraph, to effect an efficient organization of said company, and to procure from Congress—

Forty-seven millions of acres of the public domain did not constitute sufficient aid, it seems, but they were to make an effort to—

Procure from Congress additional aid therefor by way of subsidy, and such other legislation as may be necessary in the premises; and

Whereas it is proposed for the purpose of more convenient organization—

More "convenient organization," not for the purpose of a lawful organization, but—

For the purpose of more convenient organization to divide the said enterprise into twelve shares to be valued at the rate of $8,500 per share: Now, therefore, for the purpose above set forth, this agreement made and concluded this 10th day of January, A. D. 1867, between J. Gregory Smith, of Saint Albans, Vt., acting for himself and associates, of the first part, and such persons as may hereafter become subscribers to this agreement, parties of the second part,

Witnesseth—

First. That each subscriber or party of the second part shall pay, on demand of said Smith, the sum of $8,500 for each one-twelfth part or share in said enterprise, and in that proportion for any lesser part so by himself subscribed for; and upon payment of said amount each subscriber aforesaid shall, and he does thereby, become jointly interested with said Smith and his associates, according to the number of shares or parts of shares so subscribed for by him, in the charter and franchise of the Northern Pacific Railroad, with all its rights, powers, privileges, and immunities.

It will be borne in mind, Mr. Speaker, that section 10 of the act of July 2, 1864, provides—

That all the people of the United States shall have the right to subscribe to the stock of the Northern Pacific Railroad Company, until the whole capital named in this act of incorporation is taken up, by complying with the terms of the subscription, &c.

The subscriptions were to be opened to the public generally, and not to be confined to a few. But the provisions of this section did not suit the purposes of this small coterie who were endeavoring to swallow up this immense franchise for the trifling sum, in comparison with its value, of $102,000; so they were incontinently ignored.

In his complaint, in the action referred to, Mr. Villard thus characterizes this feature of the agreement:

The plaintiff alleges, on his information and belief, that the parties or persons to whom such stock was issued, or directed to be issued, claimed the same under and by virtue of some agreement made before the foreclosure and reorganization of said railroad, by which agreement certain parties undertook to divide among themselves all the capital stock of the said corporation, without offering the same to public subscription, and without paying any money for the same, as required by the said acts of Congress and the law of the land, and this plaintiff avers the fact to be that said agreement, if any such agreement there were, was fraudulent, illegal, and void; that neither the parties making the same nor the directors of the said company-corporation, nor the defendants hereinbefore named, had any right, power, or authority to make or issue any shares of stock of the said corporation, whether the same be designated as preferred or common stock, except upon an open and public subscription to be offered to all the people of the United States, nor except upon receiving for the same the sum of $100 in cash for each and every share so issued.

This indicates, among other things, that at the very threshold the Northern Pacific Railroad Company was inspired with no purpose or desire to carry on its operations within the clear scope and purview of the law. All of the law made and provided for its government was set at defiance at the very outset.

The agreement continues:

Second. It is mutually agreed by and between the parties that the best efforts of each and all shall be given to obtain from Congress the passage of a bill grant-

ing aid to the said company for the construction of said road and telegraph, and for such further legislation as may be needed; and that each party shall contribute according to the interest that he holds, the necessary funds for that purpose; said moneys and expenses to be paid and incurred under the direction of a committee to be appointed for that purpose.

Third. It is further agreed that each share in the enterprise shall be entitled to one director in the company to be elected at the next annual election of the board, and that in the mean time the vacancies that can now be obtained by the resignation of present members may be filled from such parties from among the subscribers hereto as may be by them designated.

Fourth. That as soon as the necessary legislation from Congress can be obtained a meeting of the subscribers shall be held at an early day to make such further organization as may be advisable, with a view to the commencement of the work of construction of said road and securing the land granted by the charter.

Fifth. Each party hereto may subdivide his interest according to his own choice, the subdivision and addition of new parties, however, not to change the mode and manner of representation in the management as set forth above.

I advert to these earlier records to emphasize the assertion that there never has been an honest purpose on the part of this company to proceed in accordance with the law.

For nearly three years after the passage of the act of 1864 practically nothing was accomplished toward the inauguration of work upon this enterprise. On the 10th day of January, 1867, the above agreement was executed, which told the story of the corruption which presided at the birth of this "benevolent monopoly."

From this agreement it will be seen that the first steps taken by this corporation were steeped in fraud and infamy. From the very outset it developed into a combination for the purposes of individual aggrandizement, by most questionable methods, and each succeeding management has religiously adhered to this cardinal principle of the organization.

Until the 20th day of May, 1869, the records show that the holders of these proprietary interests faithfully and zealously waited for something to turn up. On that date an agreement was executed with Jay Cooke & Co. looking to some substantial result.

Five years had elapsed since the granting of the charter by Congress, during which time the projectors of this enterprise had been so busily occupied in an effort to purchase the Congress of the United States that they had no time to even attempt a compliance with the terms of the act of 1864, nor is there any evidence that they ever contemplated doing so until it became certain that such compliance would result in their individual advancement.

An enterprise which is founded as the records show this to have been can at no stage of its existence be said to be characterized by any degree of honesty or good faith.

In addition to the corrupt tendencies of this corporation thus evidenced, there has never been that degree of good faith in the construction of the road which would entitle it to the special consideration of Congress. The work of construction was not even begun until 1870, six years after the granting by Congress of this magnificent charter. Congress originally intended that the road should be constructed as the result of the sale of the stock of the corporation. This intention is made manifest by the provisions of section 10 of the act of 1864, that "no mortgage or construction bonds shall ever be issued by said company on said road, or mortgage or lien made in any way except by the consent of the Congress of the United States."

It is evident, however, that there never existed a purpose on the part of the managers of this "gift enterprise" to construct the road within the scope of this well-defined intention of Congress.

On the 31st day of May, 1870, they procured from Congress permission to mortgage their franchise and other property interests, and then, and then only, was any substantial step taken toward the accomplishment of the result foreshadowed in the act of July 2, 1864. Every mile of this long line of road has been constructed with the proceeds of the sale of the mortgage bonds contemplated in the act of May 31, 1870. The individual capital of not one of the projectors of the enterprise has ever been for an instant jeopardized or endangered.

Whenever they could negotiate their mortgage bonds they resumed work on the road. Whenever the bonds could not be negotiated and the prosecution of the work required any investment whatever of private capital a deadly paralysis settled upon all their operations. The entire history of this corporation conclusively demonstrates that in its incipiency and throughout all its stages it was designed to enhance the personal fortunes of a few; and that the road was constructed only so fast as would contribute to such a result.

In the language of section 20 of the act of July 2, 1864, the object of said act was "to promote the public interest and welfare by the construction of said railroad and telegraph line, and keeping the same in working order." The policy of this company has always been of such a character, however, as to lead to the conclusion that corporation construction has been wholly unable to distinguish between the "public interest and welfare" and the pecuniary advancement of the individual members of the corporation by whatever methods. Manifold illustrations of this policy might be given. In a single illustration, however, to which I shall direct attention, will be found all the *indicia* of highway robbery and piracy on the high seas, sufficiently marked to emphasize the company's entire policy.

More than twenty years ago, when the suggestion of transcontinental railroad communication was regarded as the offspring of the theorist and the dreamer, a few hardy spirits, who had picketed the outposts of civilization, planted a pioneer town in the Yakima Valley in Central Washington Territory, and called it Yakima city. Year by year they zealously guarded their isolated offspring until they saw it develop into a thriving, beautiful town, the commercial center of an exceedingly rich agricultural region. Under their progressive touch it became the largest town within a radius of 100 miles, and assumed sufficient importance to justify the Territorial Legislature in clothing it with all the functions of a city by an act of incorporation.

From the beginning the Northern Pacific Railroad Company had given the inhabitants of this little city every assurance that the coming of the road meant permanent prosperity for them. The clouds of frontier deprivation were to be rolled back, and the sunshine of an assured and permanent growth was to envelope the results of more than twenty years of frugal industry and toil. Many made modest investments, from scant means, in the town, with the purpose of realizing the legitimate profits certain to attend the arrival of railroad facilities. In this instance, as in every other, however, they who placed any reliance in the promises of this corporation found themselves the victims of Punic faith.

Up to the time of the completion of the road to Yakima city it was supposed that the Northern Pacific Railroad Company had sounded all the depths and shoals of corporate infamy and rapacity. It remained for it, however, to emphasize, in its conduct, the most heartless, ruthless, and damnable transaction ever known to the full history of corporate speculation. To deliberately set on foot and push forward a speculation in ruined homes, shattered fortunes, and broken hearts requires such colossal and gigantic scoundrelism that the mind instinctively shrinks from its contemplation. And yet this is just what the Northern Pacific Railroad Company did in dealing with Yakima city.

When the time came for striking the blow, they pushed their road through the corporate limits of the old pioneer town of Yakima city to a point about 4 miles beyond and there located a town upon one of the odd sections embraced within the limits of the grant so long since forfeited by the company, and called it North Yakima. Certainly no one will seriously contend that Congress in its wildest flights of imagination ever contemplated that its bounty should become such an engine of oppression and destruction as it thus developed under the skillful manipulation of this company. The fact that this move carried consternation into many a hard-earned home was not sufficient to turn them from their nefarious purpose.

The fact that in pursuing such a course they advertised themselves as the monumental liars of the century was insufficient to deter them from the infamy. The fact that bankruptcy and ruin hovered over many a household as the result of the success of the assault upon the old town seemed to urge them to renewed effort. It mattered not to them that the old town had been made sacred by the associations of nearly a generation; that within its precincts children had grown to manhood and womanhood; that within its quiet churchyard "the rude forefathers of the hamlet sleep;" and in short, that all the tender and beautiful memories of home, both joyous and sad, were rudely trampled upon and uprooted.

Seemingly fearful lest, with any encouragement whatever, the feeling of devotion to the home of nearly a generation might induce a resistance to this scheme of pillage and plunder, the order was issued to afford the old town no railroad facilities whatever. Every passenger residing in Yakima city who was forced to ride over the road was compelled to go to North Yakima to take the train, notwithstanding the fact that every train passed directly through the center of the old town.

People walked about as in the shadow of a great bereavement and cursed the evil hour in which Congress chartered so villainous a combination. A more daring, shameless outrage has no place in the wide range of corporate villainy.

It is marvelous that in the face of such an exhibit as this any one can be found to insist that this corporation is entitled to any consideration save that which belongs to the common marauder upon the property of others. It is entitled to no consideration at the hands of honest people.

Alaric and his Goths would have blushed to have been charged with such wholesale and comprehensive villainy.

Do I misrepresent my constituency in thus boldly denouncing the crushing methods of corporate brigandage? As demonstrating that the people are actively alive to their present wrongs, I read from a petition to Congress recently received, signed by 438 citizens of Klikitat County, in which the characterization of this company's methods is none too pronounced:

"That the policy of the company has been such as to alienate the affections and good-will of the people of the Territory; that they have discriminated in rates; that they have induced settlers to locate on and improve their lands under a circular notice that they would be sold for $2.60 per acre; but that as soon as they obtained title to said lands, the value of which had been enhanced by the labor that had been bestowed upon them by reason of this promise, the company shamefully and unblushingly broke faith with the people and demanded and collected from $2.60 to $18 per acre, the average being about $5 per acre; thereby reaping the benefits of their own fraudulent violation of contracts and compelling the settlers to pay them exorbitant prices for the land, or to see the fruits of the labor of years pass into the hands of strangers, speculators, and swindling adventurers.

That the history of this company is a chapter of broken promises, misrepre-

sentations, and double-dealing; that it has cheated the people, juggled with their most vital interests, and betrayed their confidence until there is a feeling of distrust and fear seizing those who have settled and improved what is known as railroad lands; that the permanent settlement and improvement of the country is retarded; that the hopes and energies of the people are paralyzed, and that every material interest of the country is most seriously impaired.

A close and careful examination of the record of the Northern Pacific Railroad Company will convince the most skeptical that the only evidences of good faith evinced by its management have arisen not through any consideration whatever for the rights of the public, but from a desire to advance their individual interests.

Having established the utter lack of honesty or good faith in connection with the transactions of this company, it becomes important to ascertain just what power resides in Congress or elsewhere to restore to the people the lands withheld from settlement for so many years for the benefit of this company.

Section 3 of the act of 1864 contains the following granting clause:

That there be, and hereby is, granted to the Northern Pacific Railroad Company, its successors and assigns, for the purpose of aiding in the construction of said railroad and telegraph line to the Pacific coast, and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores over the route of said line of railway, every alternate section of public land, not mineral, designated by odd numbers, to the amount of 20 alternate sections per mile, on each side of said railroad line, as said company may adopt, through the Territories of the United States, and 10 alternate sections of land per mile on each side of said railroad whenever it passes through any State, and whenever, on the line thereof, the United States have full title, not reserved, sold, granted, or otherwise appropriated, and free from pre-emption or other claims or rights at the time the line of said road is definitely fixed and a plat thereof filed in the office of the Commissioner of the General Land Office.

It has been held by the Supreme Court repeatedly that the words "there be, and hereby is, granted" import a present grant when unaccompanied by words which restrain their present operation. These words of restraint in the present grant are to be found in section 8 of said act, which is as follows:

And be it further enacted, That each and every grant, right, and privilege herein are so made and given to and accepted by said Northern Pacific Railroad Company upon and subject to the following conditions, namely: That the said company shall commence the work on said road within two years from the approval of this act by the President, and shall complete not less than 50 miles per year after the second year, and shall construct, equip, furnish, and complete the whole road by the 4th day of July, A. D. 1876.

This section is mandatory and provides that the acquisition of each and every "grant, right, and privilege" is dependent upon the construction of the road within a specified time. This section was subsequently amended so as to fix the time as the 4th day of July, 1877. The Committee on Public Lands have fixed the 4th day of July, 1879, as the date of the expiration of the grant. In this conclusion I am unable to agree. A careful analysis of the legislation in this connection I think will establish the 4th day of July, 1877, as the date. Did these two sections stand alone, there is no doubt but that, in order to acquire title to any of the lands contemplated by the act, the entire road should have been located and constructed within the time specified.

Section 4, however, contains certain provisions from which the conclusion is possible that Congress intended that as fast as each section of 25 miles was completed the company should receive patents for the lands lying opposite to and conterminous therewith; but in view of the provisions of section 8, it is absolutely essential that each section of 25 miles must have been constructed within the time specified, to entitle the company to the issue of patents for the lands conterminous therewith.

From a careful consideration of all the legislation in the premises, I am justified in the conclusion that this is a grant upon conditions precedent, and that time is one of these precedent conditions.

Throughout the act of 1864 the intention of Congress to throw around its princely generosity the safeguards of a condition precedent is manifest.

In addition to the conditions to be found in section 8, section 19 contains a most pronounced precedent condition in the following language:

And be it further enacted, That unless said Northern Pacific Railroad Company shall obtain *bona fide* subscriptions to the stock of said company to the amount of $2,000,000, with 10 per cent. paid within two years after the passage and approval of this act, it shall be null and void.

By the terms of this section unless certain results are accomplished within a period of two years after the passage and approval of the act it shall be null and void. This section indicates very clearly the intention of Congress relative to the character of the conditions contained in the grant from the beginning to the end. There is nothing that antagonizes the position that Congress intended that certain well-defined results should be attained by this company before they should become entitled to any portion of the land grant contemplated.

Section 20 of the act of 1864 provides that Congress may add to, alter, amend, or repeal the act, having due regard for the rights of the said Northern Pacific Railroad Company. Every step taken by Congress within the scope of this provision most conclusively fixes the status of the grant as one upon conditions precedent.

In the United States *vs.* Freeman (3 How., 556), the Supreme Court of the United States thus lay down the rule governing the construction in such cases:

The correct rule of interpretation is, that if divers statutes relate to the same thing they all ought to be taken in consideration in construing any one of them; and it is an established rule of law that all acts *in pari materia* are to be taken together as if they were one law. If a thing contained in a subsequent statute be within the reason of a former statute, it shall be taken to be within the meaning of that statute; and if it can be gathered from a subsequent statute *in pari materia*, what meaning the Legislature attached to the words of a former statute, they will amount to a legislative declaration of its meaning, and will govern the construction of the first statute.

In the act of July 15, 1870 (16 Stat., 305), Congress exercised the power conferred upon it in section 20 of the original act, and provided:

That before any land granted to said company by the United States shall be conveyed to any party entitled thereto under any of the acts incorporating or relating to said company, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same to the said company or party in interest.

In Railroad Company *vs.* McShane, 22 Wall., 462, the Supreme Court, in determining the character of the condition created by a provision identical with this, reached the following conclusion:

That the payment of costs of surveying of the land is a condition precedent to the right to receive the title from the Government can admit of no doubt. Until this is done the equitable title is incomplete. There remains a payment to be made to perfect it.

In a case involving the settlement of just this question, in which the Northern Pacific Railroad Company was a party (Northern Pacific Railroad Company *vs.* Rockne), the Supreme Court recently affirmed its decision in the case just cited, and held that the act of July 15, 1870, embodied a condition precedent. Keeping entirely within the rule laid down in the case of United States *vs.* Freeman, if any legislative declaration was required to fix the status of this grant it is to be found in this act of July 15, 1870, which unequivocally declares the grant to be one upon conditions precedent.

Nor is this all the legislation of Congress bearing upon this point. Prior to this act Congress had put forth the most unequivocal legislative declaration of the meaning of the act of 1864. Recognizing the fact that the time within which this road should be completed was a condition precedent to the acquisition by this company of any right to enjoy any of the privileges enumerated in the act, by joint resolution 1866, 14 Stat., 355, Congress declared:

That the time for commencing and completing the Northern Pacific Railroad and all its several branches is extended for the term of two years.

Again, on July 1, 1868, the last day of the extension, work not having been commenced in accordance with the undoubted requirements of the law, and still regarding time as a condition precedent and as of the essence of the contract, Congress provided, 15 Statutes, 225, that section 8 of the act of 1864 should be amended so as to read:

* * * That the said company shall commence the work on said road within two years from and after the 2d day of July, 1868, and shall complete not less than 100 miles per year after the second year thereafter, and shall construct, equip, furnish, and complete the whole road by the 4th day of July, A. D. 1877.

From this subsequent legislation the conclusion is irresistible that Congress originally, in 1864, made a grant upon conditions precedent, and that subsequently, in 1866 and 1868, becoming convinced that the grant must lapse for want of a compliance with its conditions within the time specified, new life was imparted to it by legislative action. At the expiration of this extension no further action was taken, and whether the limitation be taken as the 4th day of July, 1877, or the 4th day of July, 1879, no action was had on the part of Congress, and every acre of land opposite to and conterminous with the uncompleted portion of the road at that day was forfeited to the United States for the failure in the performance of a condition precedent, and became subject to entry under the public-land laws of the United States.

Up to and including July 4, 1877, the President of the United States was authorized to issue patents for the lands opposite to and conterminous with each section of 25 miles completed within that time. After the expiration of that period he was wholly without authority to issue any patents whatever in the premises. When Congress limited the time in which this road should be built it also limited the time in which patents might issue. This limitation was as operative in governing executive action as it possibly could be in determining the rights of the company. A temporary statute is in force up to the time for which it is made. (9 Bac. Abr., 223.)

"The time within which the condition precedent is to be performed is as much the essence of the contract as any other part of the requirement of the condition. Conditions precedent must be strictly, literally, and punctually performed; and if not so performed within the time provided, no act or declaration of forfeiture is necessary, and no subsequent performance can avail." (2 Dallas, 317; 6 Otto, 544.)

"Not even equity will relieve against failure to perform within the time allowed a condition precedent." (Willard's Eq. Jurs., 274–5; 16 Wallace, 229–30; Hilliard on Vendors, 184–5; Pomeroy on Contracts, 379.)

"Nor when the time of performing a condition, whether precedent or subsequent, is fixed by statute." (2 Otto, 68; 2 Story's Eq. Jurs., 103, 27.)

"Nor when time is the essence of the condition, whether precedent or subsequent." (Willard's Eq. Jurs., 294.)

The representatives of this railroad company who in 1866 and 1868 were clamorous for legislation preventing the death of their grant, are

at this time most diligent in their efforts to make it appear that this grant of lands was irrevocably dedicated for the construction of this railroad, and that it could not possibly be used for any other purpose. As sustaining this theory great reliance is placed upon the decision of Judge Deady, in the United States district court for the district of Oregon, on the 27th of June, 1882, in the case of United States *vs.* William Childers. In this decision Judge Deady holds "that the grant is not a grant *in præsenti*, and that it was in effect a grant upon conditions precedent."

In this conclusion I agree. His suggestion, however, that it was the intention of Congress to set apart and devote the lands in question absolutely to the construction of the Northern Pacific Railroad is nowhere sustained in all the legislation of Congress upon this subject, as I think I have already demonstrated. Section 9 of the act of 1864 is not at all incompatible with the idea of a grant upon conditions precedent. This section reads as follows:

That the United States make the several conditioned grants herein, and that the said Northern Pacific Railroad Company accept the same upon the further condition that if the said company make any breach of the conditions thereof and allow the same to continue for upward of one year, then, in such case, at any time hereafter, the United States, by its Congress, may do any and all acts and things which may be needful and necessary to insure the speedy completion of the said road.

It will be observed that in this section, as in every other section in the act containing any essential provision, the consideration of time is an important one. By this section Congress is simply empowered to take such steps in the event of any breach of conditions as may be needful and necessary looking to the speedy completion of the road. Congress is not required to do so, but may do so or not in its discretion.

Section 9 can not be so construed as to justify or warrant the conclusion that Congress was directed by its provisions to build this road in the event of a failure on the part of the Northern Pacific Railroad Company to do so. The power of Congress to declare a forfeiture for a breach of the conditions of the grant is nowhere abridged, in section 9 or elsewhere in the act.

Had the Congress of the United States had in its mind in 1864 this irrevocable dedication theory, which is so conveniently invoked at this time, the task of substituting in the phrase "may do any and all acts and things which may be needful and necessary to secure a speedy completion of the said road" the word "must" would not have been surrounded by any serious or insurmountable difficulty. The fact is Congress meant exactly what it said, which simply was that it might, in the event of a breach of condition, devote granted lands to the construction of the road, should the public interest demand it, and that it might, on the other hand, restore the land to settlement and occupancy under the public land laws of the United States, should the public interest demand it.

The peculiar theory advanced by the railroad people was born of the necessities of the corporation and was not dreamed of until their grant expired by limitation of time because of the refusal of Congress to further extend its operation. In framing his decision Judge Deady has entirely ignored that condition of the grant which appeared to Congress to be of sufficient importance to justify two separate and distinct pieces of legislation. I refer to the condition of time. As I have already shown, almost every piece of legislation subsequent to the act of 1864 has been declarative of the meaning of said act.

If Congress contemplated by the act of July 2, 1864, a grant *in præsenti* upon conditions subsequent, the act of July 15, 1870, which the Supreme Court of the United States has decided embodies a condition precedent, must be wholly nugatory, since it assumes to legislate with reference to property to which the United States has no title whatever. In the case of The Northern Pacific Railroad Company *vs.* Iver L. Rockne, county treasurer of Traill County, October term, 1885, in construing the act of July 15, 1870, the Supreme Court, instead of reaching such a conclusion, reaffirmed the decisions in the cases of Railway Company *vs.* Prescott, 16 Wallace, 603, and Railway Company *vs.* McShane, 22 Wallace, 444.

A simple present grant, as every lawyer knows, is a grant where the title, the fee-simple, passes with the act, by the words of the act itself, from the State to the grantee. It is equivalent to a deed in fee-simple to the property in question, and the State thereafter is completely divested of title, and can no more control the property the title to which has thus passed forever out of its hands than it can control property to which it never had the shadow of right, that may, perchance, belong to the same or any other citizen. To assume that Congress may retake to the Government all the pre-emptions and homesteads and grants that have ever been made by the Government is a proposition too monstrous to need discussion.

A present grant with conditions subsequent is a grant where the fee passes from the State to the grantee by the words of the grant itself, the deed, the instrument of transfer, the law itself containing a clause, which is a notice to all the world, that if certain conditions are not performed within a certain time the fee to the granted premises will revert to the grantor. It is like unto deed of gift of property to a daughter conditioned that if she should die without issue the property shall revert to the estate of the grantor.

A grant with conditions precedent is a promise that if the party to whom the promise is made will perform certain conditions on or before a certain specified time the State will thereupon make to the grantee a full and complete title in fee-simple—issue its letters patent to the grantee or his assigns.

Observe that neither a simple present grant, nor a present grant with conditions subsequent, requires patent, for if the fee does not pass by the words of the act itself, if the act does not pass the fee from the State to the grantee, the grant is less than a present grant, either simple or with subsequent conditions. Hence as the law constitutes the transfer, after the passage of the act the Government, no longer possessing the fee in the land, can lend no additional validity to the title by the issuance of a patent.

Where a grant is upon precedent conditions Congress might convert its promise into a grant *in præsenti* upon conditions subsequent, or might give it full fruition by adding a fee-simple absolute—a simple present grant. Congress could transfer any title or remnant of title the Government might possess; but Congress can not grant that which it does not own.

Now if the fee in this property passed from the United States prior to July 15, 1870, as it must have passed had there been a grant *in præsenti*, simple or with conditions subsequent, the Government could not then require the performance of a condition precedent to the transfer of the fee, for it had already parted with the fee. The Government can not take the property of a citizen from him and require him to perform a precedent condition before he can again be vested with his property. It must of necessity follow that if on July 15, 1870, the company was vested with a present grant the act of that date was wholly nugatory and of no effect; and if the act of July 15, 1870, was a valid piece of legislation, as held by the Supreme Court of the United States, the previous grant was a grant upon conditions precedent. It could not have been otherwise.

Having clearly demonstrated the power of Congress to declare this grant forfeited for non-compliance with the plain and manifest conditions of the contract, it becomes important to determine from the standpoint of public policy the propriety of exerting that power, which it undeniably possesses. A brief but careful examination of all the facts in the premises will conclusively prove that this grant of lands has been a scourge and curse to the people. At the very threshold of the grant a monstrous iniquity was imposed upon the toil and labor of the pioneer settlers of the remote regions of the Republic.

Congress in 1864, instigated by this corporation, provided that every settler upon the even sections within the railroad limits should pay $1.25 more for his land than he who had planted his home outside the baleful shadow of this grant. Every settler who, because of the crowded condition of the public domain, has been forced, in pursuit of a home, within the limits of this railroad grant, has been forced as a condition precedent to the acquisition of his home to make a donation of $1.25 per acre to reimburse the Government for the lands granted to the Northern Pacific Railroad Company. It is in the nature of a special tax imposed by Congress on all the people for the building up of an enterprise which has for its ultimate object the enrichment of those connected with it.

I submit that it is most difficult to conceive of a more unrighteous piece of legislation. The capitalist who dwells in the cities, in that far away western country, pays no such price for the privileges of railroad communication. In addition to all this, after having laboriously gathered together and paid the increased demands arising out of the presence of this railroad grant, an additional burden is imposed upon them of paying all the additional taxes made necessary in the protection of such large and varied property interests. It is well known that this railroad company pays no taxes, unless forced to do so in the court of last resort. These considerations are most weighty and deserving of the gravest attention. They, however, become practically insignificant when we proceed to the consideration of the infamous contract upon which is based the conveyance of the company's alleged title to these lands.

By its provisions every public burden chargeable upon the land is lifted from the broad and stalwart shoulders of the company and put upon the weak and overburdened shoulders of the settler, carrying out the avowed policy of the company to pay no taxes when able in any manner to avoid so doing. Although exempt from taxation on its lands in the Territory, by Territorial legislation, while the title remains in the company, for fear that in some inconceivable way it might become subject to some measure of the burden, piratical ingenuity inserted the following in this indefensible contract:

The purchaser shall, so long as the contract remains in force, pay all taxes and assessments, ordinary and extraordinary, that may be levied or assessed, or that may become chargeable on the premises or any part thereof; and all buildings and improvements that shall be erected, placed, or made thereon, shall not be removed therefrom, but shall be and remain the property of the company until the contract shall be fully performed by the purchaser; and should default be made in any of the payments of principal or interest, at the time for the payment thereof; or in case the purchaser should fail to pay the taxes or assessments upon the land, the contract, at the option of the company, shall be null and void, and all the payments that shall have been made on the land, and all the building and improvements shall be and forever remain the absolute property of the company, and the purchaser shall have no right or claim thereto, it being expressly understood that time is of the essence of the contract, and that the performance of each and every of the covenants and agreements is as much

a part of the consideration of the contract, and a condition-precedent, as the payment of the purchase-money.

How like the exactions of the feudal barons these unconscionable restrictions appear! How entirely devoid of anything like common decency they are! When some one is to be oppressed "time is the essence of the contract." When an assault is in contemplation upon the scanty accumulations of daily toil "the performance of each and every of the covenants and agreements is as much a part of the consideration of the contract, and a condition precedent, as the payment of the purchase-money." When an outraged people demand the literal construction of the conditions precedent in the act of July 2, 1864, a change comes over the spirit of this "benevolent monopoly," and that condition which, in their infamous contract is precedent, becomes subsequent in the act of July 2, 1864.

Having thus mortgaged the bone and sinew of the country, it was necessary to suggest some method of foreclosure, so the following altogether one-sided provision was inserted:

And in case the purchaser should fail to pay, when due, any installment of principal or interest, or to pay any taxes or assessments at the date when the same shall become payable, or shall be in default in respect of any other condition of the agreement, the whole amount of principal unpaid shall at the option of the company become due and payable forthwith, with interest thereon at the rate of 10 per cent. per annum until paid.

It would seem from such a showing that the limits of oppression had been reached. The purchaser has an expert to deal with, however, in matters of this kind, so he must submit to the following additional burden:

The company reserves a strip of land extending through the land sold (or so much of such strip of land as may be within the sold premises) of the width of 200 feet on each side of the center line of the Northern Pacific Railroad or Cascade branch, or 50 feet on each side of the center line of any other branch or other railroad operated or to be operated, in whole or in part, by the company, to be used for right of way, or other railroad purposes, in case the line of the Northern Pacific Railroad has been, or of such branch or other railroad as has been or shall be, located on or over or within 200 feet respectively of the premises; and the purchaser shall, on receiving notice so to do from the company, erect a good and substantial fence, sufficient to turn stock and to comply with the requirements of law, on the line or lines between any part of the premises and the lands reserved to the company for right of way on other railroad prior and herein expressed; and thereafter ——— shall maintain such fence or fences in a good, substantial, and sufficient manner. The company reserves the coal and iron in certain of its lands in Montana and Western Washington.

Herein is provided a burden to which there is no end. It is a continuing, never-ending incumbrance. Through all the generations of a family the power of this company to run a branch road over any portion of the purchased premises is assured.

Does any one doubt that such incumbrances upon real titles work a lasting and substantial injury to a country? Does any one imagine that the home-builder can be induced to surround himself with such rank and heartless tyranny? Such contracts have resulted and are resulting in checking the tide of immigration into Washington Territory, and are, of themselves, entirely sufficient to justify the restoration of this unearned grant to the public domain.

In accomplishing this great act of justice the right of every *bona fide* purchaser should be amply guarded. Relying upon the erroneous representations of Government officials that this company had earned its grant, thousands of settlers have purchased their homes from the company, and a failure to protect such purchasers would result in widespread distress. While I insist that this company shall be made to restore to the public domain every acre of land not earned by a rigid and literal compliance with the terms of the grant, I insist at the same time that every settler who has been drawn into a controversy over the title to his home by reason of this grant shall not have his burdens increased by a failure on the part of Congress to offset by legislation the misleading rulings of Republican officials. I would go even further in the direction indicated than does the bill under consideration.

I would confirm to every purchaser, from the company, who is residing thereon, the title to every acre of his purchase. I would be in favor of this course, and I would supplement it with such legislation as would enable the United States to recover by suit from the company the value of the lands, the title to which is thus confirmed. The Committee on Public Lands have, however, submitted to the House in the pending measure a proposition to confirm *bona fide* purchasers from the company in their titles to the extent of 320 acres without reference to actual residence thereon. While this does not go so far as I would be willing to go, it will tend largely to avoid the bad effects which will follow a failure to include some such legislation in the bill.

Mr. Speaker, the day of unquestioning acquiescence in railroad domination, in this country, has passed away. The day when the American citizen was forced to humbly sue at the feet of the railroad magnate for permission to enjoy the natural rights of man has given place to a kindlier day, and a mighty protest is taking its place in history as the outgrowth of the gross wrongs committed upon the sovereignty of the American people.

"The multitude is patient to a certain point," and the American people, after years of lethargy and indifference have reached that point, and refuse longer to enact the rôle of pack-horses for the corporations of this country.

Mr. HENLEY. I think it would be satisfactory for gentlemen all around if some understanding could be reached as to when the previous question shall be called. Gentlemen on the other side have said, under the intimation that the previous question would be called at a certain hour, that they would not have time to express their views upon this subject; and I want to get from them an expression of opinion as to what may be agreeable in that respect.

Mr. STRAIT. I think that debate had better be allowed to run.

Mr. VAN EATON. I ask the gentleman from California to allow the general debate to run along until 5 o'clock at all events.

Mr. REED, of Maine. And then we will be better able to determine when the previous question may be ordered.

Mr. HENLEY. I will make this proposition to the other side that the previous question will not be called to-day, but that general debate shall be continued up to the ordinary hour of recess, and to-morrow as soon as this comes up I will call the previous question upon it.

Mr. REAGAN. I must object to this debate going over.

Mr. McMILLIN. I suggest that the debate be continued up to the hour of adjournment, with the understanding that the previous question is to be called at that time.

Mr. HENLEY. I am in favor of that.

Mr. REED, of Maine. Let it go on and see how it comes out.

Mr. REAGAN. I give notice that if the debate is not closed to-day I will antagonize the bill with the interstate-commerce bill.

Mr. REED, of Maine. This is a matter which involves a large question and very important interests. We have spent many a day this session in discussing affairs which involved less than $100, and it is now proposed that we shall dispose absolutely at 5 o'clock this afternoon of a question which involves thirty million acres of land and very important and serious principles of law, which need to be discussed. There are several gentlemen who desire to make some observations with regard to this. There is no disposition to prevent action on this bill after due and proper discussion. It seems to me the discussion might as well run on this afternoon, because it is in the power of the gentleman from California representing the Committee on Public Lands to call for the previous question at any time when he gets the floor and sees fit to do so and he will be recognized by the Chair for that purpose. If he chooses to call the previous question at 1 o'clock to-morrow and the House sustains him, that will be an end of the matter. It seems to me that is fair and just and that we should go on now without a request for unanimous consent to close up the debate; because from the very nature of a debate of this kind there may be some questions come up that it will be desirable to discuss, and we may find ourselves confronted with the unanimous decision of the House, so that those questions can not be discussed in the presence of the House.

Mr. HENLEY. I made the proposition I did in order to learn if the disposition on the other side of the House was in good faith to come to a vote on this bill within a reasonable time. The response of the gentleman from Maine is not satisfactory, and the House now understands he is unwilling to enter into an agreement to that effect. I therefore now move that general debate close at 15 minutes to 5 o'clock.

Mr. REED, of Maine. The gentleman from California has not the floor for the purpose of making that motion.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. PAYSON] has the floor.

Mr. REED, of Maine. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is to proceed with the debate. The gentleman from Illinois has the floor.

Mr. PAYSON. Without prejudice to my right to the floor, I am willing to yield it to the gentleman from California to make the motion he has indicated.

Mr. REED, of Maine. I object to that.

Mr. PAYSON. I am anxious an amicable adjustment should be arrived at.

Mr. HENLEY. I understand the gentleman from Illinois [Mr. PAYSON] has yielded to me.

Mr. PAYSON. Before doing so I propose to occupy a minute in my own right. As I have said, I am desirous there should be some amicable arrangement with reference to closing the debate. On the other hand I appreciate the desire of several gentlemen opposed to the bill to be heard in reference to it. I shall be content when the proper time comes to occupy the litfle fragments of time allotted to me by gentlemen who have spoken at length. Without interfering with the right of anybody else, I have no objection, if it is the sense of the House, without prejudice to my right to occupy the floor, to yield to my colleague on the committee to make the motion he has stated.

Mr. REED, of Maine. I object. If the gentleman yields the floor that ends it.

Mr. HENLEY. The gentleman can yield the floor for a specific purpose, and has yielded to me to make the motion.

Mr. PAYSON. Without prejudice to my right I yield to the gentleman.

Mr. HISCOCK. I would like to inquire of the gentleman from California whether he really desires to pass the bill?

Mr. HENLEY. The gentleman knows we desire to pass the bill.

Mr. HISCOCK. Then I suggest you allow a reasonable amount of debate in order to facilitate that object.

Mr. HENLEY. What is a reasonable amount of debate?

Mr. HISCOCK. The gentleman from Illinois has suggested it; and

it has been suggested this bill might have been brought in a long time ago. It is brought here in the late hours of the session.

Mr. COBB. It was brought in on an early day of the session.

Mr. REAGAN. It is obviously the object of gentlemen on the other side to delay action on this bill.

Mr. HENLEY. The gentleman from Illinois [Mr. PAYSON] yields the floor to me that I may make the motion indicated.

Mr. REED, of Maine. I object to any such arrangement.

Mr. MCMILLIN. The gentleman from Illinois can yield the floor.

The SPEAKER resumed the chair.

Mr. PAYSON. I rise to a parliamentary inquiry. Is the Speaker advised as to the parliamentary condition of affairs at this time?

The SPEAKER. The Chair understands that the gentleman from California [Mr. HENLEY] yielded a portion of his time to the gentleman from Illinois [Mr. PAYSON], and also that the gentleman from Washington Territory [Mr. VOORHEES] yielded some time to the gentleman from Illinois.

Mr. PAYSON. The gentleman from Washington Territory [Mr. VOORHEES] yielded me fifteen minutes, and the gentleman from California [Mr. HENLEY] twenty minutes.

The SPEAKER. And the Chair understands that the gentleman from Illinois [Mr. PAYSON] has been recognized as entitled to the floor.

Mr. PAYSON. Yes. Now, Mr. Speaker, my parliamentary inquiry is this: Have I a right, without prejudice to my own right to resume the floor, to yield to the gentleman from California [Mr. HENLEY] in order that he may make a motion for the purpose of limiting debate?

Mr. REED, of Maine. In the face of an objection.

Mr. PAYSON. Yes.

The SPEAKER. In the face of an objection, the Chair thinks not. The Chair thinks the gentleman from Illinois could not yield to the gentlemen from California to make a motion so as to cut off other gentlemen who may hereafter obtain a right to the floor. In other words, if the gentleman from Illinois [Mr. PAYSON] yielded to the gentleman from California [Mr. HENLEY] to move the previous question, and if the previous question were ordered by the House, the effect would be to stop the debate and take the gentleman from Illinois off the floor.

Mr. MCMILLIN. But the gentleman from California [Mr. HENLEY] did not move the previous question. He simply moved to limit the debate so as to have it terminate at 15 minutes past 5 o'clock.

Mr. REED, of Maine. That motion can not be made.

The SPEAKER. The motion to limit debate in the House can not be made. This bill is not being considered in the House as in Committee of the Whole; it is being considered by the House as an ordinary legislative body, and it has been often decided that the only way to limit debate in the House is by the previous question or by unanimous consent.

Mr. OATES. Mr. Speaker——

Mr. PAYSON. I do not yield the floor. Now, Mr. Speaker, as I represent the same side of this question that has been advocated by the gentleman from Washington Territory [Mr. VOORHEES], and as the gentleman from Minnesota [Mr. STRAIT] desires to be heard in opposition to the bill, I will yield to him, reserving my time.

Mr. STRAIT. Mr. Speaker, I desire to offer an amendment to the bill so that it may be pending.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

Amend by striking out all after the enacting clause and inserting the following: That in consequence of the failure of the Northern Pacific Railroad Company to construct its road from Walla Walla junction to Portland, in the State of Oregon, a distance of 214 miles, over which line the said company have running connections with the Oregon Railway and Navigation Company, and have abandoned the building of their own road between said points, the United States resume the title to the lands granted to said company coterminous with such unfinished part of said road, and so much of the act making the grant of lands to said Northern Pacific Railroad Company as applies between Walla Walla and Portland is hereby repealed and the said land is resumed as a part of the public domain.

The SPEAKER. The Chair understands the gentleman to offer this as a substitute for the amendment proposed by the committee.

Mr. STRAIT. Yes, sir.

The SPEAKER. The gentleman will proceed.

Mr. ANDERSON, of Kansas. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Minnesota [Mr. STRAIT] has the floor.

Mr. ANDERSON, of Kansas. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman from Minnesota [Mr. STRAIT] has the floor unless he yields it.

Mr. ANDERSON, of Kansas. Well, Mr. Speaker, I make a point of order.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON, of Kansas. My point is that as the House is now engaged in general debate and has not reached the stage of the proceedings at which amendments can be offered, this amendment is not in order.

The SPEAKER. This is not a case in which the House is engaged in general debate in the ordinary sense of that term. General debate takes place in Committee of the Whole on the state of the Union. This is simply the consideration of a bill in the House, and any gentleman who obtains the floor in his own right has a right to offer an amendment at this stage of the bill, to be voted upon after the debate closes.

Mr. ANDERSON, of Kansas. I have implicit confidence in the Chair always.

Mr. STRAIT. Now, Mr. Speaker, I yield to my colleague [Mr. GILFILLAN].

Mr. GILFILLAN. Mr. Speaker, I rise to oppose the bill reported by the Committee on Public Lands as a substitute for the Senate bill. No one can be more profoundly impressed than myself with the fact that in the brief time which seems to be allotted to any one member here to discuss the important issues involved in this question it is impossible for any gentleman to begin to do anything like justice to those issues or to himself.

With all due deference to the gentlemen who have preceded me on this question, it seems to me, Mr. Speaker, that we are to try the issues here not by the use of declamation, which has merely a tendency to irritate passion and prejudice against railway companies and other corporations; but that we are to come down to the record, examine the issues as they are, and try them upon the facts and the law in the case.

It is idle also to try to arraign this or that political party as responsible for the present condition of things, for I would simply remind our friends on the other side of the Chamber that this doctrine of land grants was inaugurated by the great prophet of Democracy in these modern days, Stephen A. Douglas, and almost every statesman of that persuasion down to the late lamented Vice-President, whose memory is still fresh in the minds of us all, was an advocate of grants of this kind as conducive to the public interest and promotive of the public good. And the party on this side of the House can "throw no stones," for they themselves in this respect "live in glass houses." The Republican party, and the better part of it, has been devoted during all these years to the granting of just such aids as that involved in this grant to the Northern Pacific Railway Company, and it is through just such a policy as this that our country has made the rapid and unprecedented strides in growth and development which the last quarter of a century has witnessed.

This is no longer a party issue, for both parties have receded from this doctrine upon the ground that public necessity no longer exists for aid of this kind. For more than a decade both parties have abandoned the policy as well as the practice of granting lands to States or railroads to aid enterprises of this character.

Now let us go back to the contract rights of the parties in controversy; for I apprehend that it is simply a question of contract rights and nothing else. There is no question here but that this railway company has discharged and is continuing to discharge its duty. This is not a proceeding to impeach its charter; it is simply a question of forfeiture of lands. Both political parties and all parties are agreed upon forfeiting such lands and such only as we have the right to forfeit—the right in law and in good morals. There is no party in this land to-day that is pledged to any doctrine which involves dishonesty or want of integrity or moral turpitude.

Now I undertake to say right here that when we come to view this issue in the light of the facts and the law there is a great deal of moral turpitude in the form of the proposition which now comes before this House. I undertake to say we have neither the legal right nor the moral right to do what is proposed to be done by the substitute presented here by the Committee on Public Lands.

This whole matter has its origin in the act of July 2, 1864 (13 Statutes at Large, 365). The first section of that act creates this company. The company thus created and existing under this act of Congress has ever since been under the control of Congress. The act is subject to amendment; and for every dereliction of duty, for every violation of any provision of this act, for every neglect of a condition precedent or subsequent, this company has during every moment of its lifetime been amenable to Congress. Congress has had the power at any time to call it to account; and if this company was proving inefficient, or dishonest, or not faithful to the trust which was committed to it, it has been within the legal power of Congress at any time to resume all the rights which were granted by the original act and to control this whole property.

Section 1 of this act enumerates a long list of corporators, comprising some of the best known public men in the country, gleaned from some twenty-seven or twenty-eight States of this Union, thus seeking to make this enterprise a matter of national interest, represented by men from all the different States, selected for their well-known ability, integrity, and trustworthiness. It creates them a body-corporate by the name of the Northern Pacific Railway Company. This section gives them the right not only to be a corporation, but to construct a railway planned and mapped out in this act from the great lakes of the continent to the Pacific Ocean by the nearest and most practicable railroad route.

Section 2 gives the right of way for the requisite width of 200 feet through all the public lands of the United States; and inasmuch as for

a long distance the road was to traverse the new country, a wilderness inhabited only by hostile savages, the Government in the closing paragraph of section 2 assumed the following obligation:

The United States shall extinguish as rapidly as may be consistent with public policy and the welfare of the said Indians the Indian titles to all lands falling under the operation of this act, and acquired in the donation to the road named in this bill.

Section 3 is devoted to the granting of the land.

Section 4 provides for the construction of the road in sections of 25 miles each; for its inspection under the control and authority of the executive department of the Government, and for its acceptance when found to have been completed in accordance with the conditions of the act.

Section 5 contains the provisions and specifications by which the company was to be controlled as to the manner of the construction and the kind of road.

Section 3 also specifies the considerations for which the Government enters upon this enterprise, "to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores over the route of said line of railway."

These purposes are further stated in section 11, as follows:

That said Northern Pacific Railroad, or any part thereof, shall be a post-route and a military road, subject to the use of the United States for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation.

The objects of the act are further recited in the last section, where an unlimited right to repeal, amend, or modify the act is reserved, in order to secure the objects sought to be accomplished by the act.

Sections 8 and 9 prescribe the conditions upon which the grant is made and the conditions upon which the lands and other rights granted shall be held.

The company duly organized and accepted the grant. The time within which this road was to be completed was by the original act limited to July 4, 1876; by subsequent legislation this time was extended to July 4, 1879.

Now, what has been done by the railway company under this act in execution of these provisions on their part? The company not being able to raise the necessary funds to prosecute the work, Congress, in 1870, by a joint resolution, to be found in the sixteenth volume of the Statutes at Large, page 378, authorized the company to issue bonds and to mortgage its property to raise means to prosecute the enterprise. The work was begun and carried forward with such progress that up to and including the year 1874 529 miles of road were constructed and accepted in pursuance of the act. This much, then, was indisputably done within the time of the original limit as extended; and this embraces the only portion of the road in relation to which the Public Lands Committee do not propose a forfeiture of the granted lands. They concede that the company has earned and is entitled to the lands pertaining to this portion of the road.

The financial disaster of 1873 put a stop to the work and the company was unable to resume operations during the continuance of the depression, which prevailed throughout the country for more than five years. In the mean time the bondholders had become the owners of the property and of the enterprise with all the grants, rights, privileges, and franchises of the company, including the right to be a corporation by means of the foreclosure of the mortgage. They reorganized the company, and in the fall of 1878 the work was resumed, and from that time the construction was carried on unremittingly, so that the following miles of road have been completed, examined, and accepted by the President of the United States under the provisions of section 4 in the following years—that is to say: In 1880, 150 miles; in 1881, 325 miles; in 1882, 404 miles; in 1883, 411 miles; in 1884, 112 miles; in 1885, 88 miles; in 1886, 40 miles; or a total of nearly 2,100 miles.

The work has been accomplished by means of money borrowed on the security of the land grant as authorized and sanctioned by the said acts of Congress.

The purpose of the pending bill as reported by the Public Lands Committee is to declare a forfeiture of the land grant pertaining to so much of the road as was not completed strictly within time, or all of such grant pertaining to all that part of the road west of the Missouri River. The sole ground for such action is that the whole road was not completed by July 4, 1879.

The first and important question now is whether Congress can so declare a forfeiture of these lands, and that depends upon the proper construction of the granting act. As preliminary to this main question there naturally arise two other questions.

First. Did Congress reserve to itself the right to declare a forfeiture for breach of condition-subsequent, or does such rights follow as the legal effect of such breach? And second, if yea, has such right been waived or lost by the United States?

The grant embraced in this act is manifestly one of the class which by repeated decisions of the Supreme Court has been held to be a grant *in præsenti* upon condition-subsequent, and the sections of the act directly bearing upon the grant of lands are sections 3, 5, 8, and 9, which are as follows:

SEC. 3. *And be it further enacted*, That there be and is hereby granted to the Northern Pacific Railroad Company, its successors and assigns, for the purpose of aiding in the construction of said railroad and telegraph line to the Pacific coast, and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores, over the route of said line of railway, every alternate section of public land, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile, on each side of said railroad line, as said company may adopt, through the Territories of the United States and ten alternate sections of land per mile, on each side of said railroad, whenever it passes through any State, and whenever, on the line thereof the United States have full title, not reserved, sold, granted, or otherwise appropriated, and free from pre-emption or other claims or rights at the time the line of said road is definitely fixed and the plat thereof filed in the office of the Commissioner of the General Land Office; and whenever prior to said term, any of said sections or parts of sections, shall have been granted, sold, reserved, occupied by homestead settlers or pre-empted, or otherwise disposed of, other lands shall be selected by said company in lieu thereof, under the direction of the Secretary of the Interior, in alternate sections and designated by odd numbers, not more than 10 miles beyond the limits of said alternate sections.

SEC. 5. That the said Northern Pacific Railroad shall be constructed in a substantial and workmanlike manner, with all the necessary draws, culverts, bridges, viaducts, crossings, turnouts, stations, and watering-places and all other appurtenances, including furniture and rolling stock equal in all respects to railroads of the first class, when prepared for business, with rails of the best quality, manufactured from American iron. And a uniform gauge shall be established throughout the entire length of the road. And there shall be constructed a telegraph line of the most substantial and approved description to be operated along the entire line: *Provided*, That said company shall not charge the Government higher rates than they do individuals for like transportation and telegraph service. And it shall be the duty of the Northern Pacific Railroad Company to permit any other railroad, which shall be authorized to be built by the United States or by the Legislature of any Territory or State in which the same may be situated, to form running connections with it, on fair and equitable terms.

SEC. 8. *And be it further enacted*, That each and every grant, right, and privilege herein are so made and given to and accepted by said Northern Pacific Railroad Company, upon and subject to the following conditions, namely: That the said company shall commence the work on said road within two years from the approval of this act by the President, and shall complete not less than 50 miles per year after the second year, and shall construct, equip, furnish, and complete the whole road by the 4th day of July, A. D. 1868.

SEC. 9. *And be it further enacted*, That the United States make the several conditioned grants herein and that the said Northern Pacific Railroad Company accept the same, upon the further condition, that if the company make any breach of the conditions hereof and allow the same to continue for upward of one year, then in such case, at any time hereafter, the United States by its Congress, may do any and all acts and things, which may be needful and necessary to insure a speedy completion of said road.

It will be observed that there is no provision to be found anywhere in these sections nor in the act expressly providing for a forfeiture of the lands or of anything in case of a breach of any condition. But say the Public Lands Committee in their majority report accompanying H. R. 147, which is the same as the pending substitute, "that section 8 of the act declares a condition-subsequent, namely, that the road shall be completed within a certain time, upon breach of which the grantor may declare a forfeiture."

Now, it is unnecessary here, and we shall not attempt, to controvert the proposition that Congress has the right and power to declare a forfeiture of granted lands for breach of condition-subsequent in a proper case. We might not care to contend against the abstract proposition enunciated by the committee as above stated. But the committee insist that there is nothing elsewhere in the act repugnant to their construction of section 8 or that qualifies it in any way, and so they segregate that section from the remainder of the act and construe it by itself, and as a result arrive at what seems to us a mischievous and misleading misconstruction of the act.

The granting act in this case is in the nature of public law and it must be construed as a whole to ascertain the legislative intent, and force and effect must be given to the whole act; it is also in the nature of a grant and no rule is better settled than that all the stipulations in a deed must be considered in construing it, and that, if possible, full force and effect be given to all its parts; it is also in the nature of a contract between the parties, and the same rules of construction must apply. Those principles are elementary and need not be further argued. It is also a principle of familiar and elementary law that when a statute creating a right provides a specific remedy for non-compliance with its provisions such remedy is exclusive of all other and different remedies, and only the remedy prescribed can be pursued.

It is familiar law also that the court must construe the contract, and determine its legal effect, when the contract is in writing and its terms are unambiguous; but it is to be construed in the light of surrounding circumstances, and the situation of the parties at the time of entering into it, and parol proof even if necessary of these facts is admissible both for the purpose of raising and explaining a latent ambiguity (1 Chitty on Contracts, 11 Am. ed., 149; 20 Minn. at page 297).

Now, one of the facts and circumstances surrounding the inception of this contract, and it is a very significant one and may very properly be here noted, is that up to the date of the passage of this act all grants of public lands to railroad companies or to States to aid in the construction of railroads were by the terms of the act not only made subject to certain conditions, but also made forfeitable to the United States for failure to comply with such conditions. This fact should be distinctly borne in mind as we come to consider the provisions of this act, because we can not assume that so important a provision could be inadvertently omitted from the terms of a grant styled by the committee to have been "in extent the most munificent of all the princely donations in the era of liberality to aid in the construction of railroads," but if omitted it must have been intentionally omitted.

By reference to section 9 of this act we find that the usual forfeiture clause is transformed into another and very different provision, and that instead of providing for a forfeiture of the lands it is provided "that if the company make any breach of the conditions hereof" (that is of the whole act) "and allow the same to continue for upward of one year, then in such case at any time hereafter the United States by its Congress may do any and all acts and things which may be needful and necessary to insure a speedy completion of said road."

That is to say, all the grants, not only of lands but of the franchise, rights, and privileges, were so made, given, and accepted upon this express condition. We can not and must not assume that so important a feature of this act was incorporated in it thoughtlessly, being such a wide departure from all previous grants, for not only this fact but every word and clause of the section seems to lead to the inevitable conclusion that such phraseology was used with the utmost care, caution, and intendment. And having provided the remedy and an adequate one for the protection of all public rights and interests in case of a breach, the presumption of law is that it is exclusive of all other remedies.

This theory that the remedy prescribed in section 9 was exclusive and to be in lieu of and to take the place of the usual forfeiture clause is not only supported by the natural import of the language used but is in harmony with the leading ideas and scope of the whole granting act.

The leading ideas of the act were to insure the construction of a railway and telegraph line from the great lakes of the continent to the Pacific Ocean by the shortest route. It was to be aided and encouraged as a great national enterprise for national purposes, for national protection and service, including the transportation of the mails, troops, munitions of war, and public stores, and thus to provide for the common defense of the nation, the suppression of Indian wars and disturbances, the development and settlement of that vast portion of the national domain, and the general welfare of the people of the United States.

The prime desire and object was to accomplish this great enterprise and to avoid a possible failure of it. And so the act first creates a company that should in the first instance be clothed with the necessary powers, rights, and duties, and which should undertake the construction of this great national highway. The contingency sought to be guarded against was a possible failure by that company to complete the work, and this was to be met and overcome not by a forfeiture of the lands and an abandonment of the enterprise, but by the interposition by the United States, through its Congress, and a resumption of the situation in case of necessity; not only a resumption of the lands but of the franchise as well and of such portion of the road as may have been constructed, and the doing of any and all acts and things which might be needful and necessary to insure the speedy completion of said road. Those were the leading ideas of the scheme as declared and provided for by the very terms of the act, and the idea of a forfeiture of the land, leaving the company with the mere skeleton of a franchise, without means or credit, entailing an inevitable abandonment of the enterprise, but merely standing in the way of other agencies, would be wholly repugnant to the declared objects sought to be accomplished.

We therefore insist that it was manifestly the fixed purpose of Congress to adopt a different theory in the enactment of this law from that before acted upon, to ingraft upon it a new feature with respect to the building of this road; instead of a forfeiture to provide other means if this company should fail; to resume the possession and control of all it had granted, and to prosecute the work through new instrumentalities, or a new company, and to push it forward to a speedy conclusion.

Hence we say, with reference to section 9, that it clearly appears from the language there used, and the theory is corroborated by the other provisions of the act, that it was the intention of Congress to provide against the legal effect of section 8, or what its legal effect might have been standing alone, by providing in the very next section another and different result that should follow in case of a breach of the conditions of the act by the company, and the continuance of such breach for one year. This section in effect provides that the other result that is a forfeiture shall not follow. By prescribing this one result that should follow the breach of a condition, Congress excluded the idea of any other result or effect following upon a breach of such condition.

Now, the Public Lands Committee, in their majority report, at page 5, contend that this remedy provided in section 9 has no relation to the conditions in section 8, but relates to some other condition than that mentioned in section 8. They say:

> This section evidently relates to some other condition than that mentioned in section 8.
>
> These other conditions or requirements are found in section 5, which provides that six separate and distinct things should be done by the company, namely: First, that the road should be constructed in a substantial and workmanlike manner, equal in all respects to first-class railroad; second, that it should be made of rails of the best quality, manufactured from American iron; third, that a uniform gauge should be established throughout the entire line; fourth, that the company should construct a telegraph line of the most approved and substantial description; fifth, that it should not charge the Government higher rates than individuals, and, sixth, that it should permit other railroads to make running connections on fair and reasonable terms. These are the other and further conditions mentioned by section 9, in default of any of which, continuing for a year, Congress should have the right to "do any and all acts and things" to secure the "speedy completion of the said road," as contemplated and provided.

Now in answer to this argument we insist that these are not the further conditions referred to in section 9. Section 9 was never intended as the guarantee of compliance with those conditions. Compliance with the first four of these enumerated conditions is infinitely better secured by the provisions of section 4, which requires that all of these conditions must be performed before the road is accepted in sections of 25 miles each, and before the lands accruing thereto, that is to each of such sections of road, can or will be confirmed to the company by the issuance of a patent therefor. And security against a violation of the last two conditions is abundantly provided for in section 20 in the reserved right to alter, amend, or repeal the act. We say again the direct and only object to be accomplished by the conditions of sections 8 and 9 was as stated therein, to secure a speedy completion of the said road.

There are other facts and circumstances surrounding the inception of this grant which may perhaps with propriety be considered, as throwing light upon this question and leading to correct conclusions as to just what Congress did intend and what was its real object and intention in the enactment of this charter and the bestowing of this grant of lands. Without impugning the motives of any one, I will say that it is difficult to read the report of the committee reporting this substitute without feeling that the natural effect of some of the language is rather to prejudice and bias the judgment of the reader rather than to throw light upon the question as to what was intended by the act of Congress. They style this grant:

> An isolated example of unparalleled generosity on the part of the United States in giving away millions of acres of the public domain without any provision for resuming its title even upon absolute failure of the company to fulfill its part of the contract.

Again they say:

> The grant itself was in extent the most munificent of all the princely donations made in the era of liberality to aid in the construction of railroads—

And again, "this munificent grant," "this princely gift," "this munificent donation," all quoted from the report of the committee, are simply catch-words, the effect of which is to excite prejudice against the railroad corporation and to bias the mind in favor of a proposition which it seems to me is wholly indefensible. Instead of looking at the country as it is to-day, with its lands enhanced in value by the construction and operation of this railroad which now spans the continent from the lakes to the western ocean, let us go back a little and look at the state of things in this part of the country now traversed by this road as seen at the time by those who enacted this law. What they said and what may now be gleaned from the debates involving the consideration of the original bill will best disclose what they understood and what they intended and what was the legislative intent in the framing and enactment of this law. By a reference to the Globe of April 18, 1864, volume 51, page 1698, we find that the House of Representatives, on the motion of Mr. Stevens, proceeded to the consideration of the bill granting lands to this road.

Mr. Stevens said:

> I do not know that I desire to say anything upon this bill unless there shall be some objection to it. I hope there will be none.

Mr. Wilson said:

> I do object to the passage of this bill, for it proposes to grant to this company over 46,000,000 acres of the public lands, &c.

Mr. HOLMAN said:

> I believe, Mr. Speaker, that this is the largest grant of public lands ever proposed to be made and will absorb a very large proportion of the remainder of the national domain. It will operate to that extent in defeating the operation of the homestead law.

Mr. Stevens said:

> In answer to the gentleman from Indiana I will say that in our grants to the Union Pacific Railroad we gave $16,000 a mile in bonds, $48,000 across the mountains and ten sections of land per mile. And there the United States Government was to pay for all transportation the same as other individuals. The committee has refused in this bill to grant the company any subsidies except in public lands in that unbroken wilderness.
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> As to these lands, the committee was willing to give to the company almost any amount that it thought that it could make use of, and because the Government has already devoted the land not for sale, but for homesteads of such individuals as chose to settle on it. The committee supposed that the true way to provide for homesteads there was to have a railway constructed; and hence it proposed to give this increased quantity of the public lands, while it refused to report any subsidies. I submit to the gentleman from Indiana [Mr. HOLMAN] whether he believes that the value of the lands here given approaches at all near the amount of subsidies granted to the other company.
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> I am not discussing the subject of the Union Pacific Railroad now. I am in favor of it. Indeed I am in favor of all these roads; and I hardly expected that when the company asks a grant of lands that are now worthless there should be any objection at all to it.
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> Mr. SLOAN. I am certainly in favor of the purpose of this bill, that is, the construction of a Northern Pacific Railroad. I believe that the shortest route for reaching the Pacific is by the northern route, and if I had any assurance that the grant which is proposed to be made by this bill would result in the construction of the road I would certainly be very earnestly and zealously in favor of the bill.
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> But, sir, I see by the bill that the grant of the public lands which it is proposed to make, and which it is estimated will reach not less than 46,000,000 of acres of land, is to be given to a corporation chartered by the State of Maine, a State certainly the farthest removed of any State in the Union from the scene of the operations of the proposed project.
>
> I know nothing in reference to the company which is named in the bill, nothing in relation to its facilities or ability to accomplish this great work. The special committee having this matter in charge have proposed to commit it to it. If I were satisfied that it is composed of such men as will insure the execution of the work, they would not have a more earnest supporter upon this floor

than myself. But it must be recollected that this is an enormous grant of land to be donated to a single company, and that if they should fail to do anything under it they may stand in the way of the organization of another company for the completion of this important national work.

I confess that I have not had an opportunity of examining the details of the bill so as to understand all the guards which the committee have thrown around the grant. But, sir, I desire to say that without understanding what the precedents have been in this respect, it does seem to me that in a work of such national importance as the construction of a railroad between the Atlantic and Pacific States a corporation should be organized under this bill by the Congress of the United States, and this within such limits and under such liabilities as may be deemed proper, instead of leaving it to a company organized in one of the States.

Mr. Sweat: "I hope to live long enough, without looking forward to a very long life, to see mining and agricultural communities growing up in that interior, which shall constitute an element of peace and concord among the States of this Union," were words spoken on this floor in May, 1860, upon the very question now under consideration, by the gentleman whose labors in behalf of the project of developing that vast extent of territory between the Mississippi River and the Pacific Ocean entitle him to the high consideration and gratitude of the American people. He did live long enough to see the initiation of a part of his plan in the charter granted for the Union Pacific or Central road, and had he lived until this time he would have rejoiced still more in this other fact now before us of the unanimous report of your committee in aid of his favorite northern route, and which, I trust, is to receive the friendly support of this Congress. His mind, remarkable for its quickness and vigor of action, comprehended from the first, not only the importance in a commercial view of opening a communication to the Pacific Ocean by railway but upon the broader ground of developing the untold resources and wealth of the vast, unsettled, and almost unknown territory within our borders, and as a means of providing for the military defenses of the great Northwest of this Republic.

Mr. Speaker, the question of railroads to the Pacific is not another chimera. It has been answered. They are not only practicable but they are indispensable as a means of developing and protecting that portion of our country destined at no distant day to equal if not transcend in importance any other equal extent of our domain. Thanks to such men as Lewis and Clark and Whitney in earlier days, and Stevens, Mullan, McClellan, Lander, Fiske, and others, more recently, public interest is now centered upon this grand movement, scarcely second in importance to the establishment of peace within our borders, for without the development of this portion of our country no peace can be permanently assured and maintained.

REFERRING TO LANDS GRANTED.

This land is now virtually useless to the Government, and so far as surveyed is open to occupation and settlement at mere nominal prices. The land which would be left after this appropriation to the road will be increased a hundredfold after the road is built; and to meet any possible suspicion that this is to be used as a mere speculative scheme for the purpose of getting hold of the public lands I beg you to bear in mind that by the language of the bill expressly prepared for the purpose not one single acre of land can ever vest in this corporation except upon the terms of actually constructing and having ready for service the road in sections of at least 25 miles each.

Page 1701:

Is this road important? Is it worth the attention of this Congress? It is not credible that at this late day any argument can be needed to show either the importance or the necessity of this northern connection with the Pacific. What is the extent of territory proposed to be opened by the various routes between the Missouri River and the Pacific? More than 1,000,000 square miles, and extending from the thirty-second to the forty-ninth degrees of latitude, large enough for thirty States like Ohio. In the absence of all knowledge of the resources of this country the simple statement of so vast an area of unimproved land would of itself preclude the idea that it could be too unimportant to attract public attention and interest, unless one adopts the theory that the Almighty created so large a portion of the western world for naught. Happily we are not obliged to rest on the blind faith that nothing is created in vain to be satisfied that this territory was made for the abode of man; and not only so, but that it is full of wealth and capabilities, inviting the enterprise of the world. All those who have surveyed this route concur in saying that the land is cultivable nearly the whole distance.

May 16, 1864, Globe, volume 52, page 2291:

Mr. Sloan: In my judgment no better disposition could be made of the lands along the proposed line than this. A northern Pacific railroad will undoubtedly be built, and I hope if the grant proposed in the bill is made it will accomplish that important object.

If this road is not built within our own territory, it will be built within the British possessions. There are already settlements in the lower and western portion of British Columbia which are rapidly increasing in population and commercial importance, and they are largely interested in opening up a communication with the seaboard. The English never neglect their own interests. If this bill will be the means of constructing a road on our own soil, south of the British possessions, it is certainly a measure which every gentleman in the House ought to vote for.

Mr. Sweat (page 2292), May 16:

I had occasion, Mr. Speaker, to make some remarks upon this subject two or three weeks ago, and I will say in the outset that I will occupy the attention of the House but a few minutes. I wish simply to reply to the remarks of the gentleman from Ohio, Mr. Spaulding, who has just taken his seat. He objects to giving away so much of our public domain. I admit that the amount which is taken under this bill is large, some 40,000,000 acres; but let me ask that gentleman and all other gentlemen what that land is worth unless it is improved? And how will you improve it unless you open avenues to it? Why, these public lands of ours, let me say to the gentleman from Ohio, he knows very well are now open to settlement at a mere nominal price, and what are they worth?

Mr. Brown, of Wisconsin (page 2293):

I wish to say, as representing a Western State that is mentioned in this bill, that we care little by what State the charter was given to this company. One thing is very certain, that either a railroad is to be built to the Pacific by a northern route over American soil or over British soil. If it is built over American soil it is necessarily for all hostile purposes an American road and within our control. If built on British soil, then it comes in collision with our interests on the Pacific; and I insist that whenever a practical proposition is submitted to Congress by which it can aid in the construction of a road to the Pacific that is to be over our national territory, within our own power, it ought to do so.

So far as the mere question of donating land is concerned I will say that as a general principle I have been entirely opposed to railroad grants. But there are exceptions to the rule. The *rule* would have applied to various grants made at this session. The *exception* is applicable to this very road by which a great national object is to be attained.

Mr. Morrill: I desire to say a few words in regard to the gentleman's position. If this road was built it would be an American road in time of war provided we have a sufficient force to protect it. If it is built over our own soil and the British have sufficient force to seize it, then it will be a British road to all intents and purposes.

Mr. Brown, of Wisconsin: I will inform the gentleman that the States of Wisconsin and Minnesota, over whose soil this road is to pass, have furnished very good evidence during this war that they are able to maintain and hold in behalf of the United States any road that may pass through their territory; and I think the fear of the gentleman in that respect is entirely unfounded.

Mr. Donnelly said (May 16, 1864, Globe, volume 52, page 2294):

If this grant is made, a region of country reaching from the Mississippi Valley to the Pacific Ocean, with an average width of a thousand miles, will be opened up to settlement which otherwise would probably remain an unbroken wilderness for very many years to come.

It is not to be expected that any large agricultural population can ever be brought to settle in a country having no ready outlet to the market of the world. This railroad is a necessity to that great region of country.

But it may be said that that outlet will be found in the Central Pacific road. I answer that it is impracticable for this important and immense region of country ever to be drained by a series of transverse railroads reaching to a central line nearly a thousand miles distant. In fact this country never can be opened unless Congress, following the course it has always heretofore pursued, shall make a liberal grant of public lands to aid in the construction of a railroad running from the great valley to the sea, through its midst, and which will develop its immense resources. The land itself, which this bill proposes to give away, is worth nothing to the Government in its present condition, and will remain of no value unless communication is opened between the Mississippi Valley and the Pacific Ocean. * * * You can not deny to this great region of country an outlet; and it is simply a question whether you will make it a complete and perfect outlet as you now can, or trust, with the gradual development of the country, to add link after link to a crude, imperfect, and gradually developed system as State after State is built up in that great interior region.

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Another question occurs. It may be said—and there is upon the minds of many such an impression—that this wide interior region of country is a vast wilderness, unfitted for settlement and incapable of supporting any considerable body of population. This is very far, indeed, from being the case. I have never been more surprised by the perusal of any work than I was in reading the report of Capt. John Mullan in reference to the construction of a wagon-road from Fort Benton westward. It appears from that official document that on the line over which this road would pass the road would scarcely ever be beyond the reach of timber, and rarely, if ever, beyond the reach of fertile and cultivable soil.

I state to this House a fact, referred to more than once upon this floor, that there is a wide difference between the country over which the Central Pacific road will pass and the region which this road would develop. It is the popular belief that all that interior region is a sterile, treeless wilderness; and yet there is at one point on the route of this road a solid forest 120 miles in width; there are vast ranges of fine agricultural soil; there is room for the development of immense States, and the day will come when those States will be represented upon this floor, and, gazing back to the event of the present hour, man will wonder that the right of this great region to a railroad outlet ever was denied by intelligent members of this House.

I say to you that if a continuous line of fertile agricultural States ever reaches across this continent it must be through the country over which this road will pass. This region of country and the British possessions north of it are the only unsettled regions in the temperate zone of our continent fitted to sustain large agricultural populations. The flood of emigration must move in that direction or be permanently checked.

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How wide the difference between this favored region and the country farther south through which the Central Pacific road must pass! A vast, treeless waste of sage bushes, alkaline plains, and sand hills, it will be impossible ever to establish through it any continuous line of settlements. The way-traffic of such a road can be of little or no value; it must create depots of fuel at stated intervals, and must carry forward with it everything it consumes.

Listen to the description which Lieut. G. K. Warren gives in his report (page 8) of an exploration of the country between the Missouri and Platte Rivers and the Rocky Mountains, of the sand-hill country, a description which applies to a very large portion of the route of the Central Pacific Railroad:

"The sand hills present their most characteristic appearance just north of Calamus River, spread out in every direction to the extreme verge of the horizon. The sand is nearly white, a lightish yellow, and is about three-fourths covered with coarse grass and other plants, their roots penetrating so deep that it is almost impossible to pull them out.

"The sand is formed into limited basins, over the rims of which you are constantly passing, up one side and down the other, the feet of the animals frequently sinking so as to make the progress excessively laborious.

"The scenery is exceedingly solitary, silent, and desolate and depressing to one's spirits. Antelope, and at times buffalo, are numerous. The character of the country is well calculated to cover a stealthy march or retreat; and if one keeps as much as possible to the hollows he may even fire his rifle within a quarter of a mile of an enemy's camp without the faintest sound reaching it. Two parties may pass close without being aware of each other's presence, and I consider it hopeless to attempt to capture any who had sought refuge in the sand hills. Farther west, I am told, these hills increase in height and are impassable for horses."

And yet, while to a railroad running over such a country as this not only lands but bonds of the United States are given, the country described by Captain Mullan is denied even the poor boon of a land grant, and all manner of captious objections are raised against the one great measure necessary for its development But there is still another fact, a very significant fact, connected with this measure.

We have upon our continent a chain of mighty lakes which have been not inaptly termed a great river, because from the point where they arise in the plains of Minnesota to the point where the St. Lawrence falls into the Atlantic they are, as it were, but the expansions of one mighty river. The head of Lake Superior, at its western extremity, is almost half way across this continent. What, then, is more natural to connect this mighty system of water communication with a railroad system stretching away from its western extremity by the most direct route to the Pacific Ocean? You can not ignore the great fact that at the head of Lake Superior you are several hundred miles further westward, several hundred miles further into the heart of this continent, several hundred miles nearer the Pacific than you are upon the shores of Lake Michigan. Shall we, then, ignore this mighty fact; shall we, in aiming at the Pacific, seek land travel in a parallel line for several hundred miles side by side with Lake Superior? Shall the movement of commerce over this mighty water system be forever checked and arrested at the mouth of Lake Superior, and be forever interdicted from moving over its broad waters? Certainly not; no local jealousy, no temporary superiority in numbers in this House of rival interests can permanently negative the importance of that great fact. Commerce is not to be tied to the heels of local prejudice, but will seek out its own natural pathways with an instinct that never errs. These lakes, with a railroad prolongation from their western extremity, will yet form the great causeway of commerce across our continent.

Hence, if we have, as I have tried to show, first, a great territory, nearly a thousand miles in width, demanding this outlet; secondly, a territory capable of a very high degree of agricultural development, to which this road is a necessity; and, thirdly, a chain of great lakes, running from east to west, reaching half way across the continent and to the very point where this road proposes to commence, and forming a connecting link is this great system of continental communication—if we have all these things, Mr. Speaker, in our favor, can this House deny us what it has given so liberally to all other projects—a grant of the public lands?

But there is still another argument just been brought to bear against this bill. It is said that we should keep the public lands to pay the public debt. Let us consider this.

I had occasion a few days since, in some remarks I made upon another question, to allude hurriedly to the same objection now raised here; and nothing but the respect which I entertain for the gentleman from Ohio [Mr. Spalding], who has made the objection at this time, would induce me to recur to it. It is this: The great interior of the country, as it now lies, unsettled, uninhabited, incapable of settlement, because without the great outlets of rivers or rails agriculture can not prosper, for it depends for its growth not upon itself but upon its markets; this great interior region, I say, so situated, is valueless to the people and to the nation. And so long as that region of country remains in the condition in which it now is it can be of no value to the Government or the people, and its land can not be worth any conceivable price. But if, by the granting of these lands, you can build up vast communities; if you can develop a mighty country; if you can create great States that will come on this floor by their Representatives and on the floor of the other House by their Senators; if vast populations can be made to cluster around these fertile regions, then you obtain the means of taxation; you obtain men; you obtain the sinews of strength, of government, of power.

Contrast for an instant the States of Ohio, Indiana, and Illinois, as they now stand—mighty Commonwealths, inhabited by vast and patriotic and intelligent populations, full of wealth, and prosperity, and happiness—with the value that the territory upon which they are planted would now possess to the nation if it had never been settled. Who will dare to draw the comparison?

This, then, seems to me to be not only the policy of the Government, but it has been its settled, uniform, unvarying policy for a quarter of a century; and it is too late now to attempt to displace or alter it.

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Mr. Morrill: Mr. Speaker, of course I despair of retarding the progress of this bill longer than while I am talking or of ultimately preventing its passage. I know that when a proposition of this kind is introduced here giving away forty or fifty millions acres of lands it is certain to pass, especially under the lead of the distinguished gentleman from Pennsylvania [Mr. Stevens]. It is at least singular that we should propose to take up and galvanize an obsolete, dead corporation of the State of Maine, a thousand miles away even from its eastern terminus, for a great national work of this kind. If it is a thing proper to be done by Congress, why not create the machinery ourselves and have the credit for it? I do not like the idea of giving away lands to extend the Grand Trunk railroad of Canada. This appears to me to be the object aimed at. I am reminded in this connection that this bill proposing to aid in the building of a railroad over a tract of country in which there are no inhabitants, to reach a State containing only one hundred thousand inhabitants, is like the proposition of a gentleman who formerly represented Oregon here and who urged upon the Committee of Ways and Means to recommend an appropriation for establishing a fort at Walla Walla and sending a regiment of soldiers there. It was asked if there were any inhabitants there; he said no, but if we would only build a fort there and place a regiment of men in it there would be. [Laughter.]

So it is argued here that if we build this road we will have inhabitants in the region through which it passes, and that we shall thus develop the resources of the country. It strikes me, Mr. Speaker, that the more prudent course for us at this time is to husband our resources, such as we have left, to sustain the credit of the Government, and let this stupendous project wait until the commerce of the country will do something toward sustaining the road after it shall be built. This is a most munificent grant, involving, I believe, not less than 40,000,000 acres of land; at least there is no agreement among the friends of the measure as to how much it will require, whether thirty-six, forty, or fifty million acres. I hope the House will consider long before they pass a bill of this kind. I can see no trade there is now to support a road through this country, except the carrying of a few muskrat skins from the Red River of the North. There is no trade whatever, except the fur trade, beyond the limits of our settlements. If I can have the opportunity I shall move that this bill be postponed till December next.

Mr. Stevens, page 2296:

What then have we given them which gentlemen seem so sensitive about? We gave them that which to this nation to-day is not worth a dollar. We gave them land wholly uninhabited, lying in the bleak regions of the north and which, without some such road as this, never will be inhabited until the great fire shall consume those forests. It is therefore as a means of settling that country, now without one white inhabitant, and it is for the purpose of bringing the alternate sections into value so that homesteads may be worth something there, that we propose to give this company an opportunity to open up that vast wilderness to civilized man.

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I do not call the grant of these lands giving away anything. The Governt ment does not sell this land now. The Government at present says that any man who chooses to go and take may do so by paying simply $10 for the surveying expenses. The land is no longer held as part of the national revenue My eloquent friend from Ohio [Mr. Spalding] seems not to have remembered a. the moment that the land is no longer for sale by the Government of the United States; the whole of it is devoted to the purposes of population, and it is for that same purpose that I urge the building of this great road. What private owner of such land would not say, "Open out a road through it and you shall have half the land that lies anywhere within a reasonable distance, to the extent even of a kingdom?" Who would not dispose of it in that way if it were his own, and who would not do it acting disinterestedly in trust for the nation? I think, sir, that this is one of the greatest enterprises of the age, the opening of a railroad from the Pacific Ocean to the northern lakes.

I do not suppose that at once it would attract much trade from the East Indies, from Japan and China, but it will not be long before a very important country will be developed which lately belonged to China but now to Russia, which is drained by the waters of the Amoor River. This road would be the nearest outlet for the trade of that great country.

The value of our Northwestern possessions depends upon their being populated, and their population depends wholly on the construction of such a road.

I do not speak of the value of our public lands as a source of revenue. That never was of much importance compared with the value of its products. Now they have ceased to be of any marketable value. How, then, can the road be built?

Important as is the enterprise, the committee were unwilling to give any grant of bonds by the United States as was done to the Union Pacific road, but they felt willing to give them almost any amount of land along the route. By doing so we really gave away nothing, as the whole of it may be now taken by settlers without paying anything to the Government. The committee feel sure that this is the quickest way of settling it.

The Territories through which this road would run contain about 516,726 square miles. When settled at least eleven new States would be added to the Union. From Puget Sound to either China, Japan, or Calcutta is from three to four hundred miles nearer than from San Francisco. This would in some measure compensate for the greater population and better climate of California.

The building of this road and settlement of the country would prevent future Indian wars, and save the repetition of the horrible scenes which were lately enacted in Minnesota.

To aid the company the Government are asked to give twenty sections a mile through the States, being 12,000 acres, which, if it could be sold at the highest Government prices, would be $16,000, and double that in the Territories. To the Union Pacific Railroad she granted that sum in bonds and ten sections of land, and across the mountains three times that amount. But we in truth give nothing. Government no longer sells her lands, as I before said.

The bill being put on final passage there were—ayes 55, nays 66. So the bill was lost.

This was May 16, 1864.

Now, it will be observed that in the debates upon this bill grave doubts were expressed as to the propriety of giving this grant of lands to the People's Company, a company created and organized under the laws of the State of Maine, and it was advocated by some that a corporation should be organized under the bill by the Congress of the United States, and which should be under its control. Consequently just a week after the failure of the bill upon which the foregoing discussion was had the following proceedings were had, to wit:

[May 23, 1864. Globe, volume 52, page 2427.]

Mr. Stevens asked unanimous consent to introduce a bill for the purpose of having it printed and committed (H. R. 433), a bill granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound on the Pacific coast by the northern route.

The rules were suspended, and the bill was committed to the Committee on Pacific Railroads.

May 31, 1864 (Globe, volume 52, page 2611), Mr. Stevens called up H. R. 483.

Mr. HOLMAN. I understand that this is the same bill that has been already before the House; and I raise the point of order that it can not be again considered.

The point of order was overruled as coming too late.

This is substantially the same bill as that defeated in the House on May 16, except as to the company to receive the grant, and except also the provision as to the forfeiture of the lands; and excepting also that the new bill provides that the alternate sections should not be sold under $2.50 per acre.

Mr. Stevens said that he supposed it would be tedious for gentlemen to make their old speeches over again, and therefore he moved the previous question. (Top of page 2612.)

The previous question was ordered and the bill put upon its final passage, and passed—ayes 74, noes 50.

In Senate, June 27, 1864 (Globe, volume 53, page 3290):

The Senate proceeded, on the motion of Mr. Harlan, as Committee of the Whole, to consider the bill H. R. 483.

In the course of remarks Mr. Hendricks said:

"The bill before the Senate proposes to encourage the construction of a very important railroad to connect the waters of Lake Superior with the waters of the Pacific Ocean. Everybody can see at a glance that it is a work of national importance. It proposes to grant lands in a northern latitude where without the construction of a work like that the lands are comparatively without value to the Government. No person acquainted with the condition of that section of the country supposes that there can be very extensive settlements until the Government shall encourage such settlements by the construction of some work like this."

Mr. Harlan (page 3292, column 2):

Perhaps it is my duty to call the attention of the Senate to the difference between this grant and other land grants that have been made heretofore to aid in the construction of railroads. There is no material difference except in this, that this bill grants four times as much land per mile to the road west of the western boundary of Minnesota as Congress hitherto has ever granted to aid any other road. It will amount to about 25,000 acres to the mile. The Committee on Public Lands agreed to report this bill favorably on account of the vast consequence that will attach to the completion of the road. The land is to be conveyed to the company only as the road progresses. The committee were of opinion that if the road should be built the Government could well afford to give one-half of the land for the distance of 40 miles on each side of the road to secure its completion.

The bill was then passed with some amendments, which were afterward concurred in by the House or agreed upon by a committee of conference, and finally passed.

Now, it is a significant circumstance surrounding the inception of this grant that the only substantial points of difference between the provisions of the bill that failed and the one that became the law were three, to wit:

First. In respect to the company provided for to build the road and receive the grant.

Second. The clause with reference to the forfeiture.

Third. The price at which the lands within certain limits which were not granted should be sold.

Section 9 of the bill, which was lost, read as follows (Globe, page 2293):

SEC. 9. *And be it further enacted*, That the United States make the several conditional grants herein, and that the said People's Pacific Railroad Company accept the same, upon the further condition that if the said company make any breach of the provisions or conditions hereof, and allow the same to continue for upward of six months, then in such case the lands hereby granted shall revert to the United States and the grant hereby made shall be null and void.

Now we submit that if the former bill had become a law, and the new bill had been amendatory of the former one, proposing just this change in section 9, could there be any possible question as to what was intended by such change? The lawyers of the House need hear no argument upon such a proposition. As a matter of legislative intent, from the foregoing facts there is as little doubt. And we have a construction of these sections by at least one court.

In the case of Hughes *vs.* The Northern Pacific Railroad Company and others, heard and decided by the circuit court of the United States for the district of Oregon, in October, 1883, a suit in equity brought to restrain this company from proceeding further with the erection of a bridge over the Willamette River, one ground alleged was that the company had lost the right to build the bridge or further construct the road by failure to comply with the condition upon which the grant to it was made.

In the decision the court (Deady, J.) says:

> But the condition imposed upon the defendant by section 8 of the act, is even modified by the provisions of section 9, from which it plainly appears that so far from Congress intending that the powers of the corporation should cease, or become forfeit in any particular, by reason of its failure or inability to keep any of the conditions imposed by said section 8, expressly reserved to itself the right in case of such failure for the period of one year, to "do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road."
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> In this way Congress undertook to secure the completion of this great national work in any event, and so plainly declared in advance what might otherwise have been left to inference and argument from analogous cases, that it reserved to itself the right to deal with the defendant for any failure to comply with the conditions of the grant, and to excuse or enforce the same as it might, under all the circumstances, deem just to the defendant and best for the public good. Indeed, in view of the magnitude and hazard of the undertaking, it was expressly provided that even Congress should not take advantage of a failure to perform any of the conditions for any period less than a year. And even the land set apart by Congress to aid in the construction of the road was not left liable to revert to the public domain or be otherwise disposed of by Congress for the failure of the company to construct or complete the work as required by the act, but, as was said in United States *vs.* Childers, 8 Sawyer 174, it was devoted to the construction of the road in any event, and it is the duty of Congress to see that it is so applied. See, also, on this point Southern Pacific Railroad Company *vs.* Orton, 6 Saw., 178.
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> And this position is fortified by the fact that when Congress intended that the corporate existence of the defendant should be forfeited or affected by its failure to keep a condition imposed upon it, it has expressly said so, as in section 19, where it is provided that unless two millions of the stock is subscribed, and 10 per cent. paid thereon within two years from the passage of the act, "it shall be null and void." (18 Federal Reporter, 106, 108.)

Against this honest and well-considered opinion of a judge of great eminence and ability the committee have furnished no legal authority nor cited any legal principle directly in point. To say the least, it is clear, that, in view of this decision and opinion, it is extremely doubtful whether this land grant can be forfeited as proposed.

The conclusion of this whole matter then is, that what was intended by Congress in the passage of the act granting the franchise and the land to this company was to create a company which, unlike the former one, should be the creature of the act and under the control of Congress so far as might be necessary to carry out the objects of its creation, to create a trust fund in lands to aid in this enterprise, to make such company the trustee of that fund and to irrevocably devote that franchise and the lands to the consummation of this national enterprise.

It was manifestly the intention that if this trustee should prove recreant to its trust or fail to perform the conditions annexed to it Congress might interpose after the equitable forbearance of one year, resume the control of the whole matter, and do any and all acts and things which might be needful and necessary to insure the speedy completion of said road. This was not intended to be an act depriving the trustee of its rights in the property or ignoring such rights in any way, but it was framed with the purpose of so managing the trust by placing it in the hands of more energetic and active agencies to carry on the grand work which had been commenced. It is idle to say that such a purpose could be accomplished by a forfeiture of the lands and a diversion of them to any other purpose. Such a course would inevitably but cripple the trustee and disable it to execute the trust.

The policy of Congress was rather to aid the trustee, and to aid the enterprise by aiding the trustee, as long as it was acting in good faith; and it was in pursuance of this theory that in 1869 and again in 1870, before the limitation had expired, in view of the necessity of aid to the trustee in its great and embarrassing work, Congress did interpose at the solicitation of the trustee—the company—and did, for the purpose of furthering this work, authorize a mortgage to be given by the trustee upon all the lands covered by its grant, not only those pertaining to the constructed portion of the road but those pertaining to the unconstructed portion, and which are now sought to be reclaimed to the Government by this legislation. It was by this means and this means only that the company was enabled to proceed and build the road with the full sanction and approval of Congress and its co-operation in the inspection, examination, and acceptance of the road by sections as the same was completed, and the confirming of the lands accordingly. I mean its sanction and co-operation implied by its silences, and allowing these things to be done when it had the right and it was its duty to speak. It was only by this friendly co-operation of Congresss that the company was enabled to realize the means whereby to build the road, and it was from the proceeds of the mortgage so authorized and made that the road was finally built.

It is evident, therefore, that the authority given by Congress to the company to make this mortgage and give a valid title which could be enforced by foreclosure is utterly inconsistent with the idea of the existence of a forfeiture; and Congress so understood the matter at the time, and held out such view as an inducement for the company to proceed with its work in execution of the trust. This was evidently the contemporary construction given by both the parties to the contract and upon which they both acted, and this consideration ought to have great weight in a proper rendering of the contract now in the light of what has been done.

Another act of contemporary construction of the act by the parties to it occurred in 1882, for it was in furtherance of this same purpose to insure the speedy completion of this road, that Congress, as late as 1882, long after the expiration of the limitation referred to, again interposed, and by the act of July, 1882, entitled "An act to accept and ratify an agreement with the Crow Indians for the sale of a portion of their reservation in the Territory of Montana, required for the use of the Northern Pacific Railroad, and to make the necessary appropriations for carrying out the same," lent its friendly aid to this enterprise, fully and distinctly recognized the continuing force and effect of this grant, manifested its satisfaction with the progress that was being made and the manner in which the trustee was acting, and virtually waived any forfeiture which might otherwise have been claimed. This act was a full and complete legislative recognition of the continued and continuing power, right, and authority of the company to proceed with the work of construction and to remain in the possession, use, and enjoyment of every grant, right, and privilege originally granted to it for the purposes specified.

It is true that for a period of years, from 1874 until 1878, the financial stringency of the times, resulting in disasters all over the country, interrupted the progress of this work; but at the date of the last-named act and for some four years prior thereto work had been resumed upon the road and was being carried forward with a rapidity and diligence that was entirely satisfactory to Congress. It was manifest that the company was doing everything that could be done and making progress as rapidly as any agency which could have been invoked by any interposition by Congress. Hence the satisfaction which then existed on the part of Congress and its disposition to again lend its friendly aid to enable the trustee, the company, to carry out the purpose of its creation. The work progressed as rapidly as could reasonably have been expected, and, to borrow an argument from the majority report of the Public Lands Committee, no reasons of public policy demanded the interposition by Congress or a resumption of any of the rights granted to the railroad company, but on the other hand the most enlightened policy dictated the recognition of such rights as still continuing. No one then claimed or urged a right of forfeiture of the lands. We say then in conclusion upon this point that no right of forfeiture such as is here claimed was reserved in this grant, nor does it follow as a consequence of any breach of any condition-subsequent attached to the grant. Such was the natural import of the language used and such was the construction given to the contract while being executed by the parties to it.

But conceding, for the sake of the argument, that this was a forfeitable grant, forfeitable for breach of condition-subsequent, what, then was the condition of these lands after the failure of the railway company to complete the line within the time limited? Happily this question has been settled by the Supreme Court by repeated decisions, and the law applicable to them is tersely stated in the case of the Saint Louis, Iron Mountain and Southern Railway Company *vs.* McGee, 115 United States, at page 473, where the court says:

> It has often been decided that lands granted by Congress to aid in the construction of railroads do not revert, after condition broken, until a forfeiture has been asserted by the United States, either through judicial proceedings instituted under authority of law for that purpose or through some legislative action legally equivalent to a judgment of office found at common law.

In other words, both the title and the possession remained in the railway company unimpaired for all the purposes of the grant until Congress should interpose to assert its rights to a forfeiture. Congress has not yet so interposed nor authorized any judicial proceeding to declare a forfeiture. Can it do so now in the light of subsequent events? It has also been decided by the Supreme Court in the case of the Home of the Friendless *vs.* Rouse, 8 Wall., at page 437, that a legislative grant is a contract to be construed the same as a contract between individuals. This doctrine is also affirmed in a later case, which we will note further on.

Now I claim it to be elementary that one having the right of re-entry for breach of condition-subsequent who stands by looking on and permits one having the right so to do to perform the condition thereby waives and loses his right of re-entry. I will go further and contend that if such one having the right of re-entry suffers his grantee in possession without objection to spend money in part performance of the condition broken, the right of re-entry is thereby lost. The right of re-entry once lost, it is lost forever; the party must resort to equity for relief.

And conceding that the right of forfeiture exists under the grant, I hold that the Government has waived that right, and is equitably estopped from asserting a forfeiture as to the portion of road built.

It is a rule of law in private controversies between man and man that when work has been fully done under a special contract, though not within the time prescribed, that if the work has been accepted and enjoyed, without objection, the party performing is entitled to recover on a *quantum meruit*. (2 Smith's Leading cases, 48 and 49.)

In this case the President, under the provisions of section 4 of the original act, has from time to time inspected and accepted nearly all

the road built, and the Government, as well as all the people of this country, have used and availed themselves of the road.

The principles and doctrines of equitable estoppel apply to States as well as to private persons. So held by a Federal judge in Vermont *vs.* Society, &c. (2 Paine, U. S. Cir., 545). Touching equitable estoppel the Supreme Court of the United States, in Morgan *vs.* Railroad Company (96 U. S., 720) say:

> The principle is an important one in the administration of the law. It not unfrequently gives triumph to right and justice where nothing else could save them from defeat. It proceeds upon the ground that he who has been silent as to his alleged rights when he ought in good faith to have spoken shall not be heard to speak when he ought to have been silent.

These are golden words of equal sanctity with a decree from Mount Sinai, and should be taken to heart by all of us. Surely a great government ought not to bid defiance to this principle nor to be beyond and above the rules that govern private individuals.

This principle has been practically applied in a case quite analogous to this. In the case of Ludlow *vs.* The New York and Harlem Railroad Company, 12 Barbour, 445, Ludlow had conveyed certain lands to the railroad company, with a condition in the deed of conveyance that the same should be void unless the railroad was completed through the premises conveyed on or before the 1st day of January, 1843. The road was not completed through the premises by the 1st day of January, 1843, but was completed on the 25th day of September, 1844; and on the 22d day of October, 1846, the grantor, Ludlow, commenced an action of ejectment for the land, but no attempt was made by the plaintiff to enter for the condition broken, or to assert his right to the possession until the 9th of September, 1846, when he gave the defendant written notice to surrender to him the possession. The court said:

> Did the grantor in the case under consideration manifest an intention not to insist upon a breach of the condition and dispense with the forfeiture? Was his conduct such as to induce the company to expend its money and proceed with the construction of the road after he knew that the condition had been broken? The referee found that he did. The facts, which are the evidence of this design, are not in dispute, and leave no room for doubt as to their real tendency. He made no effort to assert his right to the estate, or to do any act equivalent to an entry at the common law, until two years after the forfeiture had occurred. During this time he saw the company making large expenditures over the premises in question, and extending the road at an enormous expense toward its northern terminus. * * * No stronger evidence could be exhibited short of the execution and delivery of a new deed, of a design to waive the forfeiture and confirm the grant, than the facts to which I have adverted. Motion to set aside the report of the referee is denied. (12 Barbour, 445.)

The United States have been silent nearly seven years, while money has been borrowed to the extent of over $60,000,000, and while 1,400 miles of most difficult road has been constructed and equipped—a continent has been spanned during this interregnum—the Forty-sixth, Forty-seventh, and Forty-eighth Congresses have been in session since the alleged default occurred, and neither took any action. If there is any negligence in this, it is the joint property of both parties, for two Congresses were Democratic and one Republican.

Now, we say that not only has the executive department of the Government participated in the performance or the substantial performance of all the conditions subsequent in this grant, and examined and accepted the road in sections of 25 miles, as provided by section 4 of the act, and in the conveying and confirming of the lands accordingly, but all these steps and the progress made by the railroad company from year to year has been faithfully spread before Congress by the Executive in his messages and in the report of the Secretary of the Interior accompanying the same, so that Congress has been kept fully advised and informed of all these proceedings from time to time. The Secretary of the Interior, in his report of November 15, 1879, gives a full account of the status of affairs at that time, and presents an opinion in a letter to the attorney of the railway company, in which he sets forth the non-forfeitable character of this grant that such was the construction placed upon it by the Interior Department. Again, in his report of November 1, 1880, after a general review of the affairs of the company, the Secretary says:

> Under the present management the general condition of the company has greatly improved and vigorous measures have been adopted to push the work to a successful completion.

This it will be observed was after the time limited had expired for the completion of the road and after more than one year had elapsed after the limited time for the completion of the road, and Congress is here informed that vigorous measures have been adopted by the company to push the work to a successful completion. Surely it was the duty of Congress here to interpose and declare a forfeiture or else forever keep silent. Again in the report of the Secretary of November 1, 1881, the Secretary again reviews the general status of the company, refers to lines of road under construction lands, patented to the company, and other statistics. Again in his report of November 1, 1882, speaking of the affairs of this company, the Secretary says "the rapidity with which construction has been progressing upon both eastern and western divisions of this road is without precedent in the history of that company," and gives statistics.

Again, in report of the Secretary of the Interior of November 1, 1883, the Secretary reports the completion of the main line of this road, and refers to the entire line as having been inspected and found to be very thoroughly constructed. He refers to the settlement and development of the extensive regions tributary to the road and the immense increase in population and the growth of the towns along the line from Minneapolis and Saint Paul and Duluth to Portland and Tacoma. As said before, all these facts are thus brought to the knowledge of Congress, which has stood by looking on and had thus participated in and sanctioned the performance of these conditions-subsequent when it had the right to object. Now, we insist that, having stood silent when it had the right to object, it shall not now be heard to object. By every principle of justice and equity the right of the Government to re-enter or to declare a forfeiture has been waived.

But not only is the Government estopped by its silence—during this to the company pregnant and active period—but by its open and affirmative acts both through the executive department and through the legislative department, it has clearly and unmistakably indicated to the company and to the whole world that this great work should proceed to final completion undisturbed and unconfiscated. There are three of these open and affirmative acts. The first is the joint resolution of Congress, approved May 31, 1870 (16 Statutes at Large, 378), whereby the Government, with a knowledge of the inability of the company to construct the road, and before any of it was constructed, authorized it "to issue its bonds to aid in the construction and equipment of its road and to secure the same by mortgage on its property and rights of property of all kinds and descriptions, real, personal, and mixed, including its franchises as a corporation." And in the proviso it declares:

> That all lands hereby granted to said company which shall not be sold or disposed of or remain subject to the mortgage by this act authorized, at the expiration of five years after the completion of the entire road, shall be subject to settlement and pre-emption like other lands, at a price to be paid to said company not exceeding $2.50 per acre; and if the mortgage hereby authorized shall at any time be enforced by foreclosure or other legal proceeding, or the mortgaged lands hereby granted, or any of them, be sold by the trustees to whom such mortgage may be executed, either at its maturity or for any failure or default of said company under the terms thereof, such lands shall be sold at public sale, at places within the States and Territories in which they shall be situate, after not less than sixty days' previous notice, in single sections or subdivisions thereof, to the highest and best bidder.

Here was an authority to mortgage the lands before any of them were earned, and that, too, at a time when the company was in default. Surely this act ought to estop the Government from confiscating the security and lien of the mortgage creditors.

The Supreme Court, in its opinion in the Sinking-fund cases (99 U. S. Sup. Ct. Rep., 721), opinion by Chief-Justice Waite, says:

> Congress can not undo what has already been done, and it can not unmake contracts that have already been made * * * It might originally have prohibited the borrowing of money on mortgage, or it might have said that no bonded debt should be created without ample provision by sinking fund to meet it at maturity. Not having done so at first, it can not now by direct legislation vacate mortgages already made under the powers originally granted, nor release debts already contracted.

The final and strangest act of estoppel, however, was by the legislative department in 1882, when the company were three years in default.

On the 10th day of July, 1882, Congress passed an act entitled "An act to accept and ratify an agreement with the Crow Indians for the sale of a portion of their reservation in the Territory of Montana, required for the use of the Northern Pacific Railroad, and to make the necessary appropriations for carrying out the same." (22 Statutes at Large, 157.)

In the agreement accepted and ratified by the Forty-seventh Congress, it is, among other things, recited that—

> Whereas the said company did, on the 25th day of June, 1881, file in the Department of the Interior a map showing the definite location of its line of railroad from the one hundred and seventh degree of longitude west from Greenwich westwardly through said reservation and adjacent territory to the western boundary of the said reserve, as provided by said act of 1864. And whereas said company desires to construct its line of railroad upon such designated route, and claims the right by virtue of the said act so to do.

Now, this definite location of the line was nearly two years after the expiration of the extended time specified for the completion of the road, namely, July 4, 1879.

By the agreement, as set forth in the act, the Indians, for the consideration therein mentioned, did surrender and relinquish to the United States a strip of land 400 feet in width, that is to say, 200 feet in width on each side of the line laid down on the map of definite location, through the reservation, containing 5,384 acres; also, eleven several tracts of land therein particularly described, and aggregating 266 acres, and by section 3 of this act, approved July 10, 1882, it was enacted:

> That the right of way over the land, relinquished by said agreement for the construction of said Northern Pacific Railroad, and the use of the several parcels of land so relinquished, intended to be used for depots, stations, sidings, and so forth, for said railroad, are hereby granted to said Northern Pacific Railroad Company, its successors, and assigns, for the uses and purposes in said agreement set forth.

Under and pursuant to this legislative act and on the faith of it the company on the 19th day of August, 1882, filed its acceptance in writing of the terms and conditions thereof, and on the 23d day of August, 1882, paid to the Treasurer of the United States the $25,000 required by section 3 of the said act of July 10, 1882.

By these various acts and by this conduct Congress is estopped and can not now declare a forfeiture. Its right so to do has been waived.

But, says the committee, "Estopped can not be pleaded against the Government."

We respectfully dissent from this doctrine. We think that when the Government steps down from its pedestal of sovereignty and en-

gages in contracts with its subjects it is amenable to the laws and it is governed by the laws the same as an individual. Or, in other words, that the courts will treat the estate created by a grant of this kind the same as it would a like estate between individuals. (The case of the United States *vs.* Arredondo, 6 Peters, 691.)

In this case there was a grant of land containing about 300,000 acres of land from the King of Spain to Arredondo, of lands in Florida while it was still a province of Spain, upon a condition-subsequent that the grantee should establish on the lands two hundred Spanish families. This, it will be observed, is a grant by a king to his subjects, and if estoppel can be pleaded in such a case, why not against the government constituted as ours is, where the fallacy that the king can do no wrong has never found a place in our jurisprudence. In this case the Supreme Court in its decision says:

The condition of settling two hundred families on the land has not been complied with in fact; the question is, has it been complied with in law, or has such matter been presented to the court as dispenses with the performance and divests the grants of that condition?

It is an acknowledged rule of law that if a grant is made on a condition-subsequent, and its performance becomes impossible by the act of the grantor, the grant becomes single. We are not prepared to say that the condition of settling two hundred Spanish families in an American Territory has been or is possible. The condition was not unreasonable or unjust at the time it was imposed. Its performance would probably have been deemed a very fair and adequate consideration for the grant, as Florida remained a Spanish province; but to exact its performance after its cession to the United States would be demanding the *summon jus* indeed, and enforcing a forfeiture on principles not forbidden by the common law would be utterly inconsistent with its spirit. If the case required it, we might feel ourselves at all events justified, if not compelled, to declare that the performance of this condition had become impossible by the act of the grantor; but transferred the territory, the change of government, manner, habits, customs, laws, religion, and all the social and political relations of society and of life.

The United States have not submitted this case to her highest court of equity on such grounds as these. We are not either authorized or required by the law, which has devolved upon us the final consideration of this case, to be guided by such rules or governed by such principles in the deciding on the validity of the claimant's title. Though we should even doubt, if sitting as a court of common law and bound to adjudicate this claim by its rigid rules, the case has not been so submitted. The proceedings are in equity, according to its established rules, and our decree must be in conformity with the principles of justice, which would in such a case as this not only forbid a decree of forfeiture, but impel us to give a final decree in favor of the title conferred by the grant.

In the case of Fremont *vs.* United States (17 Howard, 542), which was a grant of a tract of land in California while it was a province of Mexico, upon certain conditions-subsequent requiring certain improvements and settlements to be made, it was held that the fact that Mexico, and California as a part of it, had for some years before been in a disturbed and unsettled state, constantly threatened with revolutionary and insurrectionary movements, and that in this state of things the uncivilized Indians had become more turbulent and were dangerous to the frontier settlements, which were not strong enough to resist them, and that this state of things existed in the Mariposa valley when this grant was made, that it was unsafe to remain there without a military force, and that this continued to be the case until the Mexican Government was overthrown by the American arms was a sufficient excuse for a non-performance of the conditions-subsequent.

In the case of the Northern Pacific Railway, it is an admitted fact that a similar state of affairs, so far as hostile Indians were concerned, existed along a great portion of its line or route during the most of the time allowed for the construction of its railroad. Davis *vs.* Gray (16 Wallace, 203) presents a case in some of its aspects very applicable to the facts involved here. This was a grant of land by the State of Texas to the Memphis, El Paso and Pacific Railroad Company in 1856 to build a railroad across the State upon certain conditions-subsequent. The company accepted the grant, expended about $100,000 in surveys, and built about 50 miles of railroad before the 1st of March, 1861; and up to this time there was no bridge of any condition, but at this time the State of Texas went into the rebellion and the company went into bankruptcy. Afterward Gray was appointed receiver of the road.

In 1869 Texas, by constitutional amendment, undertook to declare a forfeiture of the lands granted and to devote them to the benefit of the school fund. The receiver (Gray) brought this action against Davis, who was governor of the State, and against the Commissioner of the General Land Office to restrain them from disposing of the lands under this constitutional amendment, and the court granted the relief. In its opinion the court says:

Here the controlling consideration is that the performance of all the conditions not performed was prevented by the State herself. By plunging into the war and prosecuting it she confessedly rendered it impossible for the company to fulfill during its continuance. This is alleged in the bill and admitted by the demurrer.

The rule at law is that if a condition-subsequent be possible at the time of making it, and becomes afterward impossible to be complied with, by the act of God, or the law, or the grantor, the estate having once vested, is not thereby divested, but becomes absolute. The analogy of that rule applied here would blot out these conditions. But this would be harsh and work injustice. Equity will, therefore, not apply the principle to that extent. It will regard the conditions as if no particular time for performance were specified. In such cases the rule is that the performance must be within a reasonable time. We are clear in our conviction that, under the circumstances, a reasonable time for performance had not elapsed when this bill was filed.

The State, by her own acts, has lost the benefit of an earlier completion of the work. The company has lost the income which it might have enjoyed, and has doubtless been thrown into embarrassments it would have escaped. The circumstances do not call for a severe application of the rules of law upon either side.

Breaches of such conditions may be waived by the grantor expressly or *in pais*. * * * That the act of incorportion and the land grant here in question, were contracts, is too well settled in this court to require discussion. As such, they they were within the protection of that clause of the Constitution of the United States, which declares that no State shall pass any law impairing the obligation of contracts is too well settled in this court to require discussion. As such, they were within the protection of that clause of the Constitution of the United States which declares that no State shall pass any law impairing the obligation of contract. The ordinance of 1869, and the Constitution adopted in that year, in so far as they concern the question under consideration, are nullities, and may be laid out of view. When a State becomes a party to the contract, as in the case before us, the same rules of law are applied to her as to private persons under like circumstances. When she or her representatives are properly brought into the form of litigation, neither she nor they can assert any right of immunity as incident to her political sovereignty.

By these various acts of performance by the company and acceptance by the executive department of the Government brought home to the knowledge of Congress, &c., we insist that the Government has recognized the continuing force of the original grant and the rightful possession and title of the company in all its granted rights and is estopped to now allege to the contrary in condemning its earned lands. The only ground upon which it can be claimed that a forfeiture should be declared is because the road was not completed strictly within the time limited in the act, to wit, by July 4, 1879. Such a claim we say is purely technical and puerile and absolutely without merit. The road has been built and substantially completed faster than was ever anticipated by the most sanguine and as fast as it was possible to do it under all the circumstances surrounding the enterprise. The people and the Government have reaped and are reaping all the beneficial results which could possibly accrue from so great a work. The road has not only been built but has been maintained efficiently and in full compliance with the grant. The Government has for years been enjoying and is now enjoying the safe and speedy transportation of the mails, troops, munitions of war, and public stores over the route of said line of railway. It is to-day enjoying and will for all time to come enjoy a large deduction in the expense of the transportation of the mails and other property of the United States through that vast extent of country.

The substitute ought not to prevail.

The time having expired,

Mr. REED, of Maine, said: I ask by unanimous consent that the gentleman's time be extended for fifteen minutes.

Mr. STORM. I object.

Mr. HENLEY. The gentleman from Minnesota [Mr. STRAIT] has not used all his time.

Mr. BURROWS. The gentleman from Minnesota has promised to give away all of his time. Let the gentleman [Mr. GILFILLAN] have fifteen minutes more by unanimous consent.

Mr. COBB. I object.

Mr. GILFILLAN. Before yielding I ask leave to extend my remarks in the RECORD.

There was no objection.

Mr. STRAIT. I yield the balance of my time to the gentleman from Alabama.

Mr. OATES addressed the House. [See Appendix.]

Mr. PAYSON. Mr. Speaker, although coming in at nearly the close of the debate, I venture the hope that my remarks may not prove devoid of interest to the House.

I shall endeavor, sir, to confine myself to the question of the actual merits of the controversy, and, in the limited time permitted under the rules of the House, endeavor, in a practical way, to give the reasons which impel me to support the committee amendments and oppose the Senate bill.

The important questions involved, partaking largely of a judicial character, suggest to my mind the propriety of discussing them before this body as I would in a court of justice, making no appeals except to the reason of those who do me the honor of giving me their attention, and to the precise questions presented I at once address myself.

Mr. Speaker, as has been stated, this bill involves over 36,000,000 acres of the public lands. This area of lands, as large as the State in which I live, belongs either to the people of this country or to the Northern Pacific Railroad Company. One of those two propositions is true. It does not belong to the Government as such; for I take it that it goes without saying that all the property which we control, the lands of the nation, the public buildings, the Navy, the money in the Treasury, all the property under our control and subject to our direction, belongs to the people whom we represent, and we deal with it simply as their agents and in the capacity of trustees. And it does not matter what my individual notions may be in reference to any proposition which appeals to my generosity, in my official position here I am bound to deal with this property acting in a fiduciary capacity.

Nor do I believe, Mr. Speaker, that we have the right, unless under the law we are bound to do it, or there are strong equitable reasons which are practically equivalent to a legal obligation, to dispose of this vast empire of territory to the Northern Pacific Railroad Company unless they occupy one of those two positions. When I say "dispose" of it, I mean pass it from under the assumed control that we have over it. If it belongs to them, nothing that we can do here will divest them of their title to it. No action of ours here can interfere with any legal right that that company has to this area of land.

Believing as I do, Mr. Speaker, that we not only have the legal right

but that it is our duty in dealing with the question from equitable considerations to restore this land to the public domain, I am in favor of the adoption of the bill reported by the Committee on Public Lands.

The reasons which I have for entertaining these views I am very glad to have the opportunity to give to the House, premising what I say with reference to them with another statement. I do not believe, while not indulging in any criticism on the course of any other gentleman, that it is a proper method of discussing this question to allow political considerations to enter into it. There is no party or partisan question connected with this discussion. I yield to nobody in my fidelity to the views which I believe to be the national political questions which the Republican party of this country have espoused hitherto. And yet I deny the right of any man who belongs to that party or any convention of its membership to bind me in my ideas or actions in dealing with an economic question of this character, involving, as I know it does, legal questions which I am called on to deal with as a lawyer.

Nor do I believe in that policy which has prompted some of the gentlemen on the other side of the Chamber, but on the same side of the question that I occupy, in assuming to the Democratic party as a party the sole credit which may grow out of any attempt on the part of this Congress to restore to the public domain these millions of acres of the public lands to which these corporations are not in my opinion entitled. On this point I may say, Mr. Speaker, that within the last four or five years both political parties have manifested a somewhat tumultuous haste in coming to the front on this question and indorsing public sentiment with reference to it. There is no party politics in it. I have been in it from the first; not as a partisan, but as a citizen. Gentlemen on both sides of the Chamber honestly entertain, I have no doubt, different views with reference not only to the question of law involved here, but also the question of policy as to dealing with the questions betweeen the Government and the railway company.

To correct erroneous impressions and to convince the judgment of those who differ from me is my sole purpose here to-day.

But I notice, sir, in the debate thus far that possibly a sufficient amount of information has not been given to members of the House with reference to the exact position of this case as it presents itself to the House and to the country. And I desire to be permitted to give briefly a résumé as to the history of the corporation.

Mr. Speaker, three classes of people are interested in the provisions of this bill:

First. The holders of its securities, which are first and second mortgage bondholders.

Second. The holders of the preferred stock of the company.

Third. The holders of the common stock of the company.

To understand the exact situation, then (for I may remark here that I hope to demonstrate that we have the legal right to assert this forfeiture, and therefore the question of the policy of so doing will be presented), a history of the company is important.

The grant was made by the act of Congress of July 2, 1864, to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound.

It contemplated the construction of a competing transcontinental line, in round numbers 2,500 miles in length. It was assumed upon the face of the legislation that the railroad would be built by the wealthy and distinguished gentlemen who were named as corporators and their associates with money which they would furnish and the grant which the Government made to them; for the granting act contained a provision prohibiting the railway company from making any mortgage whatever. It had no right under the granting act to issue a bond or a security upon what Congress gave it. It was represented, as has been stated by the gentleman from Minnesota [Mr. GILFILLAN], that the corporators of the company were men of wealth and influence in the communities where they resided and amply able to build the road with their means and the public grant. The charter was very broad and contemplated a right on the part of citizens of every portion of the Union to subscribe to the capital stock of the corporation, which was fixed at a hundred million dollars, and these gentlemen coming here and asking to be named as corporators, being, as I have said men of wealth and influence, the charter was given to them with all the privileges which are contained in it, upon the assumption that they would furnish the money to build the road with the Government aid, because there was a prohibition in the charter against their issuing securities. This was in 1864.

September 1, 1864, the books of the company were opened for subscription to the capital stock, and on paper appeared the subscription for twenty thousand and seventy-five shares, on which, by the charter, $10 per share in cash should have been paid, so that there should have been in the treasury of the company $200,750.

Nothing in the way of progress was done. In January, 1867, twelve persons met in Boston and made an agreement, in substance, reciting that J. G. Smith, of Saint Albans, Vt., and his associates held this charter; that it could be purchased, and should be, and that the "enterprise" be divided into twelve shares, each $8,500, or $102,000, to be paid Smith and his associates therefor. This was done, and the "enterprise" became the property of these gentlemen.

In July, 1867, a second agreement was made between these parties for paying assessments to the amount of $12,500 each, if needed, for expenses in obtaining legislation.

Bear in mind, sir, that no work was being done; none of these wealthy gentlemen had expended a dollar in the legitimate work of building the railroad; but legislation was necessary, and apparently it was expected to be costly.

The legislation then sought was of two kinds—first, an extension of the time within which the road was to have been completed (which was fixed at July 4, 1876); and, secondly, to obtain from Congress the power to mortgage the road.

They secured both by the joint resolutions of May 7, 1866, and July 1, 1868. The time for the completion of the road was extended first two years and then one, so that July 4, 1879, became the date when the whole road should be completed; and of the second character, the act of March 4, 1879, first gave the power to mortgage the railroad and telegraph line. This not proving satisfactory, they secured the passage of the joint resolution of May 31, 1870, which gave them full power to mortgage "all its property and rights of property, real, personal, and mixed, including its franchise, &c."

But resuming the history:

As I have said, on July 3, 1867, this second agreement was made between the same persons to use further effort to obtain aid from Congress, that assessments, not to exceed $12,500, might be made upon any of the twelve parts or shares as contribution for expenses in obtaining legislation. On May 20, 1869, an agreement was made between J. Gregory Smith, as president, and six of the directors of the company, acting as executive committee, on the one part, and Jay Cooke & Co. on the other part. This agreement recites the division of interest into the twelve parts or shares, and creates six (afterward increased to twelve) more parts, to be held and enjoyed by Jay Cooke & Co., subject to the two agreements of 1867 given above. It then provides that "the capital stock of said company, $100,000,000, shall be appropriated as follows, that is to say, $80,001,000 thereof shall be subscribed for by the representatives of the eighteen (afterward twenty-four) shares above described in equal proportions by each share, and shall be issued in fully paid-up stock to each of said eighteen shares, $2,241,000 of which was to be issued at once, and the remainder from time to time, and the residue of said capital stock, $19,999,000, shall be delivered to Jay Cooke & Co., in fully paid-up stock of equal value with the rest of said stock," in such amounts that Jay Cooke & Co. shall have $200 of stock (afterward increased to $400) for every $1,000 of the bonds of the company sold by them.

This agreement then provided for the issue by the company of one hundred millions of bonds to be negotiated by Jay Cooke & Co. The thirteenth section of this agreement provides for the payment to all the holders of these eighteen (afterward twenty-four) parts or shares for all amounts paid by them or expenses incurred, with interest, and for their personal service, by giving them these bonds of the company at the rate of 88 cents on the dollar. So that now J. Gregory Smith and his associates, and the twelve shareholders who became liable to pay for legislation, &c., got back their money with interest, in marketable bonds at 12 per cent. below par. The $600,000 worth of stock said to have been "issued by Josiah Perham, late president of the company," was also by the agreement to be taken up and retired with these bonds at the rate of 50 cents on the dollar of said stock.

But the most remarkable exposure made by this agreement is its recital of the fact that the twenty thousand shares originally subscribed for, and upon which the company was organized at Boston, had been "forfeited for non-payment of assessment."

It is therefore known now, out of the mouths of the persons at present claiming this $18,000,000 of new stock, that all the originally subscribed stock had been extinguished; that the six thousand shares of Perham stock, however created, were to be extinguished; that J. Gregory Smith "and his associates," and the persons afterward joining him in the enterprise for getting Congressional aid, were to be paid for all advances "and compensation for personal services and expenses" out of company bonds at an extravagant share.

The agreement shows more, by implication, that at this time, excepting the six thousand Perham stock to be immediately extinguished, there was no stock of this company of any kind in existence; none had been ever subscribed for as contemplated by the charter, except the twenty thousand shares already forfeited. But the parties to these agreements, calling themselves the Northern Pacific Railroad Company, without subscription or payment of 10 per cent. as required by the charter, without any consideration to the company from them of any kind, because all their expenses, advances, and personal services were paid for in bonds—these persons, without the payment of a dollar, agreed to issue to themselves and Jay Cooke & Co. $80,001,000 of stock, and besides this, to issue to Jay Cooke & Co. a further $19,999,000, at the rate of $400 for every $1,000 bond the latter should sell.

A large part of the $80,000,000 was to be divided at once among these persons, and the remainder to be issued, but always to them, as the road was built. This is the "old proprietary interests," and these persons and their "assigns" are the "proprietors" who upon this state of facts claimed the ownership of, and have received from themselves, as the company, the $18,000,000 of stock just issued.

But a word need be said as to the effect of the foreclosure by the bondholders in 1875. Under this foreclosure all the property and franchises of the company were sold to the bondholders, represented by a committee, and a "plan" of reorganization was agreed to by which preferred stock was issued in exchange of bonds, and new common stock in substitution of old common stock.

The original twelve "proprietors" were J. Gregory Smith, W. B. Ogden, R. H. Burdell, D. N. Barney, R. H. Barney, B. P. Cheney, W. G. Fargo, G. W. Cass, J. Edgar Thomson, and Edward Reilley. When Jay Cooke became the financial agent of the company the number of "proprietors" was increased to twenty-four.

The agreement of these "proprietors" was, that of the $80,001,000 left after Jay Cooke had been granted $19,999,000 for selling bonds, $2,241,000 was to be issued to them directly, and the remainder, $77,760,000, was to be issued, "$40,500 to each of said twenty-four shares, whenever and so often as 25 miles of said road is completed, so as to be run over by cars."

So it appears, Mr. Speaker, that after this first paper subscription for 20,075 shares these proprietors issued their prospectus, and endeavored to get other subscribers. That effort failed and nothing was done. Nobody would subscribe any money to the enterprise, so they came to Congress again in 1868 and asked a grant of additional privileges. Upon their petition an act of Congress was passed authorizing them to mortgage their road (not a rod of which was yet constructed), to mortgage their franchise and their telegraph line for any amount that the directors might think justifiable. No money was raised under that proposition. Not a spadeful of earth had been turned in the enterprise up to that time. In 1870, six years after the charter was passed, they again came to Congress and asked for additional privileges, namely, the privilege to mortgage their interest in the land grant as well as their franchises. Bear in mind, Mr. Speaker, that down to this time not a dollar had been subscribed even upon paper, except at the meeting of these twelve gentlemen in Boston in 1864, and I will say in passing, in order that my argument may be appreciated, for I shall emphasize this point a little later, that even that subscription was only a paper subscription, because not a dollar was paid into the treasury by any of those gentlemen, although the act of Congress provided that no incorporation should be made until at least 10 per cent. of the amount of the stock was paid in cash into the treasury.

This point is of special importance, because the holders of the common stock are one class of persons interested in this bill, and especially as the common stock in the original enterprise is the common stock in the present company, which was organized in 1875, after the failure of Jay Cooke & Co., of which I shall speak later. I may as well notice that interest now and here, as it bears upon the question of equity as to the common-stock holders, which I shall emphasize a little further on. I have heard it said in debate, and have read it in reported discussions of this question in another place, as bearing upon the question of equity here, that gentlemen who have subscribed to the capital stock of this company and have put their money into the building of the road relying on the non-action of Congress ought not to be interfered with; that the bonds which have been issued are a security that ought not to be lessened in value by Congressional interference; that the rights of the common-stock holders of the company, men who put their money into this enterprise upon the faith and credit of the enterprise itself and who have nothing to show for the money which they invested in the common stock and which has gone into the construction of the road for all these years, except the hope of the ultimate profit which would come out of it—I have heard the rights of all these gentlemen adverted to in very feeling terms.

Now, Mr. Speaker, what I desire to be understood as saying is—and I have the documents here to prove it and will read them now if disputed—that not a dollar was ever paid into the treasury of the Northern Pacific Railroad Company by the holder of a share of the common stock of that company—not a dollar. The common stock of that corporation was $49,000,000 under the reorganization of 1875, and every dollar of that stock was parceled out to the promoters of the enterprise and to those who joined them later as a bonus and a speculation; and Mr. Speaker, if any gentleman thinks I am mistaken about this I will now and here yield five minutes of my time to any one who is familiar with the history of these transactions in order that he may have an opportunity to prove the contrary of what I have stated.

Mr. BUTTERWORTH. I understand the gentleman's statement to apply to the original stockholders.

Mr. PAYSON. What I say is that the only subscription that was ever made under the old organization was the subscription to these twenty thousand and seventy-five shares by the twelve gentlemen who met in Boston in 1864, and I say that not a dollar was ever paid on that subscription. Then, when the company reorganized in 1875, the common stock of the company was fixed at $49,000,000, the entire stock being one hundred millions. Of that total fifty-one millions was preferred stock and forty-nine millions was common stock. Upon that common stock not a dollar was ever paid, and the subscription for the twenty thousand and seventy-five shares had been canceled because no money had ever been paid upon them.

Mr. BUTTERWORTH. The gentleman's statement, as I understand it, is that the stock was parceled out and nothing was paid for it.

Mr. PAYSON. That is what I say—that is it exactly; and a large part of the preferred stock as well, as I shall show.

Mr. BUTTERWORTH. I am simply asking for information, and I now ask the gentleman whether that stock has been scattered and distributed among innocent holders?

Mr. PAYSON. That I can not say. I do not know whether it has or not. I know where it went originally. I know also, as part of the financial history of the country and from an examination of the reports coming from New York, the great financial center, that very little of it is on that market, and that what little of it there is is quoted at about 21 cents.

Mr. GILFILLAN. I would like to ask the gentleman from Illinois whether the facts he is now adverting to constitute any reason why the securities——

Mr PAYSON. I hope the gentleman will not anticipate me. I say no, it has nothing to do with the securities. I shall come to them in due time.

Mr. GILFILLAN. The gentleman will perhaps hear my question. I desire to ask him whether the facts he has just been stating have anything to do with the franchise or constitute any reason why the securities which men hold who furnished the money to build the road should now be snatched away from them?

Mr. PAYSON. If the result were so I should say not at all; certainly not. But I say to my friend, if he will follow me, that I am dealing now only with the question of the common shareholders, not the holders of the bonded indebtedness. I shall address myself to them later, and I hope to his satisfaction.

I am trying, Mr. Speaker, to make myself definitely understood upon each proposition as I proceed. I was addressing myself to the proposition which I have heard stated on this floor, and have read in the debates which have occurred elsewhere as to the duty which Congress owes to the stock-holders of this company. It has been urged that at this late day, owing to the inaction on the part of Congress heretofore with reference to this matter, we ought to do nothing which may in any degree impair the security which these holders of the common stock have in this line of railroad and the property therewith connected. I am now talking about them and them alone. As I have said as to the class of gentlemen referred to by the gentleman from Minnesota [Mr. GILFILLAN], I shall have something to say later on.

Now, Mr. Speaker, precisely how is this question presented? What are the facts about it? After Congress had given to this railway company in 1870 the power to mortgage the road, the gentlemen who were at the head of the enterprise made a contract with Jay Cooke & Co., whose names are somewhat familiar with the affairs of this company the country over. That arrangement was, in substance, that under the act of Congress of 1870 a mortgage should be issued upon the property of the company, whatever it was, to the amount of $30,000,000. Mortgage bonds to this amount were to be floated by Jay Cooke & Co., under a contract made between that firm and the railroad company at that time. This was in the fall of 1870. A large share of this common stock was parceled out as a bonus to Jay Cooke & Co., as I have said, as part of the consideration for their services in floating the $30,000,000 of bonds which were issued. These bonds were put upon the market and were sold. There was realized from the sale of these securities a trifle over $20,000,000, which was expended in good faith by the promoters of the enterprise in constructing the line of railroad from Lake Superior westwardly to where Bismarck now is on the Missouri River, a distance of 529 miles and a fraction.

In detail, there was built before October, 1872, the line from Thompson to Red River in Minnesota, 228 miles, and thereon to Bismarck, 196 miles, in 1873; that same year from Kalama to Tenino in Washington, 65 miles; and in the fall of 1873, Tenino to Tacoma, 40 miles; in all, 530 miles before March 1, 1874, and this is all that was built before the expiration of the grant.

I desire, Mr. Speaker, that these facts, as part of the history of this transaction, be kept in mind; that when it became apparent to the promoters of the enterprise during the years intervening between 1864 and 1870, and later on, after Jay Cooke's failure, that the road could not be constructed within the time required, application was made to Congress to extend the time. The original act provided that the road should be completed and accepted by the 4th day of July, 1876.

Many of us remember the statements which were made in connection with the passage of the bill, that the centennial anniversary of the foundation of the Government would be celebrated by the opening of this transcontinental line; and it was confidently predicted by the eminent gentlemen named as corporators that with the money they had and were willing to advance the road could be completed by that time. But, failing to secure subscriptions outside, and failing or refusing to invest their own money in the enterprise, of course the road could not be built; so they came to Congress and asked for an extension of time, and the time was extended. By an act of Congress passed in 1866, an extension was granted for two years, running to 1868. Later, in 1868, another act of Congress was passed, at the instance of the same gentlemen, extending the time for another year and giving them, as they claim, an additional grant of land for the branch line across the Cascade Mountain.

And, sir, no work was done after 1874 until 1880, when the bonds

issued to build the Missouri division were sold on the market. And in 1881, the first session of the Forty-seventh Congress, bills were introduced declaring a forfeiture of lands not earned "in time," and have been pending since, constantly, and though vigorously pressed, the condition of the public business has been such that no vote could be had until now.

The time has been twice extended by Congress, and though afterward applications were made for further extensions of time, those applications were invariably refused. So that, pending the construction of the road west of the Missouri River, those engaged in the enterprise as well as the public at large were notified that Congress had given all the extensions that the railway company would ever get.

But 530 miles of road were built within the time required for the completion of the whole line. There remain unconstructed to-day, according to reports from the Interior Department, 340 miles; and there have been built out of time 1,492 miles, making, with the 530 miles constructed in time, a total of 2,362 miles, the mileage of the road. The number of acres to which the railroad company is entitled for the road built "in time," is 10,039,450. The acreage lying opposite that portion of the road which was built "out of time" is 30,737,101. The number of acres lying opposite the unconstructed portion of the road is 6,170,640, the total amount of the grant being in round numbers 46,947,200 acres. The Senate bill proposes to allow the railway company all lands lying opposite the road which is now constructed. The House substitute for the Senate bill proposes to restore to the public domain every acre of land lying opposite the road which was not constructed in time, aggregating, as I have stated, 36,907,741 acres.

I resume now the history of this transaction from its financial standpoint. After this contract with Jay Cooke in 1870, by virtue of which $30,000,000 of bonds were to be floated, and on which a trifle over $20,000,000 was realized, the building of the road was proceeded with, and all the road which was constructed in time was constructed prior to the spring of 1874. During the year 1873 the bubble burst; Jay Cooke & Co. failed, and in their downfall were involved the affairs of the Northern Pacific Railroad Company, that firm having been the financial agents of the corporation. Construction ceased. Nobody who was interested in the railroad company sought to pick up the wreck and go on with the work by furnishing the money; but the same policy was expected to be pursued that had been adopted in the past—to build the road only when the people of the country would advance their money upon the faith of the securities of the road and without its promoters putting a dollar into the enterprise. So, the five valuable years between 1875 and 1879, which could have been utilized in the construction of this road by the promoters of the enterprise, if they had furnished the money, were allowed to elapse and the enterprise to lie dormant. So the time expired.

In 1875, after the failure of Jay Cooke & Co., those who had money in the enterprise in the form of these bonds met together to see what could be done with reference to it. A plan of reorganization was entered upon in the summer of 1875, growing out of litigation which arose in this state of the case.

On the 10th day of April, 1875, a bill was filed in the United States courts in the city of New York for the foreclosure of these $30,000,000 of bonds. The decree in that case was entered on the 25th of August, 1875. On the 20th of May of that year in anticipation of this decree, or rather pending the litigation between the filing of the bill and decree, a large number of bondholders got together and adopted a plan of reorganization of the affairs of the road, which plan I hold in my hand and shall ask leave to insert it in the RECORD. It is too lengthy to read to the House at this time; but the substance of which, so far as it bears on what we are considering, is this:

The plan contemplated taking up the $30,000,000 of bonds outstanding, adding two years of interest in arrears, and three of interest yet to come, making an aggregate of $42,000,000, and for this amount $42,000,000 of preferred stock in the new company should be issued for the bonds and interest. The capital stock of the company under this reorganization was fixed at $100,000,000, $51,000,000 of preferred stock, being a majority and giving the control of the affairs of the company, $51,000,000 of preferred stock, and $49,000,000 of common stock. Forty-two million dollars represented the $30,000,000 of bonds and the two years' interest in arrears, and the three years' interest to come, or five years in all. The other $9,000,000 was left in the Treasury as the plan of the organization suggests to be used as might be deemed expedient and proper by the directors of the company.

I may say in passing here, so the history may be connected, that this $9,000,000 of preferred stock has been held in the Treasury of the company and parceled out as a bonus to those who subscribed to the mortgage bonds of the company in the directory so that the subscribers should get on the ground floor. This bonus was always given when mortgage bonds were taken, and this $9,000,000 of stock was parceled out in this way.

The other $49,000,000 of common stock was used, as I stated ten minutes ago, that is divided up as a bonus and a gift to the original directors of the enterprise as their interest might appear; not a dollar being subscribed on it, not a dollar given for it or charged by way of interest on it. It was used to fatten up those already plethoric with wealth in this transaction.

Another provision was inserted in this plan of reorganization; that is this: any holder of any preferred stock in the company might at his option exchange it for lands of the company which lay east of the Missouri River. Who hears me that does not remember they embrace the great wheat-raising belt in the Northwest. It was determined by experiment and observation that land was rich and fertile and these gentlemen of the company being interested, holding all these securities and all this preferred stock of the company, incorporated in the plan of reorganization this proposition. The bonds then selling in the market, as I happen to know from experience of some of my townsmen, at 9, 10, and 11 cents, were gathered together in this plan of reorganization and put into the lands of the company, at $1.50 and $2.50 per acre, which was the highest, in the great wheat-growing country in the Northwest. Every thinking gentleman will remember, when they hear accounts of the great farms of the West devoted to wheat raising, the Dalrymple farm with 56,000 acres, the Cheney farm with 42,000 acres, the Cass farm, the Dwight farm consisting of two townships, and other farms belonging to men, some of whom are in public life to-day, every one of them coming from the surrender of these bonds at from 10 to 15 cents for lands of this company, east of the Missouri River. That is one part of the plan of the reorganization of this company.

So much of this plan of reorganization as I deem material I here read:

The capital stock of the company shall be as fixed in the act of incorporation, and shall be divided into preferred and common.

On the sale of the railroad and the other property, and the acquisition of title thereto by the committee above named, the present stockholders shall surrender their certificates of stock into the hands of the said committee, to be held by them either as confirmatory evidences or muniments of title, to be used accordingly by them.

PREFERRED STOCK.

Preferred stock shall be created and issued to the amount of $51,000,000 (being a majority of the share capital) for the following purposes: to retire the principal of the outstanding 7.30 bonds, and the interest thereon due and to become due up to and including July 1, 1878, at the rate of 8 per cent. currency per annum; and also to retire the principal and interest, to and including January 1, 1875, of the land-warrant bonds; to pay the floating debt not protected under the existing orders of the court; and, generally, for the purpose of carrying into effect this plan.

The preferred stock shall have all the rights and privileges of the common stock, with the right to vote, and the holders thereof shall be entitled to dividends, not exceeding 8 per cent. per annum, as the "net earnings" hereinafter defined, in each calendar year, may suffice to pay, and before any dividends shall be paid on the common stock.

After and during the time the income of the road shall be sufficient to pay 8 per cent. dividends on both the preferred and the common stock, the surplus shall be divided on both alike per share, according to the number of shares issued of each.

The preferred stock shall be convertible at the par value into any lands belonging to the company, or hereafter to belong to it, east of the Missouri River in the State of Minnesota and in the Territory of Dakota, until default shall occur in some of the provisions of the new first-mortgage bonds, hereinafter provided for, and such conversion shall be an extinguishment of such stock. The proceeds of all sales of such lands, until such default, shall be used likewise in extinguishment of such stock.

The words "net earnings," as used above, shall be construed to mean such surplus earnings of the said railroad as shall remain, after paying all expenses of operating the said railroad and carrying on its business, including all taxes and assessments and payments on incumbrances, and including the interest and sinking fund on the first-mortgage bonds, the expenses of repairing or replacing the said railroad, its appurtenances, equipments or other property, so that the same shall be in high condition, and of providing such additional equipment as the said company shall deem necessary for the business of said railroad.

COMMON STOCK.

Common stock shall be issued to the amount authorized by the charter, less the amount of $51,000,000 of preferred stock. The holders of the common stock shall not have the right to vote on it, until on or after July 1, 1878. The holders of this stock shall only be entitled to dividends in each year at the discretion of the board of directors, when the net earnings, as heretofore defined, exceed an amount sufficient to pay interest and sinking fund on the mortgage debts and 8 per cent. on the preferred stock. Certificates of this stock shall be issued to holders of, or to those now entitled to, certificates, share for share; and the residue ratably to those originally entitled thereto, or their assigns.

FIRST-MORTGAGE BONDS.

To provide the means to complete and equip the road, there shall be issued first-mortgage bonds not to exceed an average of $25,000 per mile of road actually completed and accepted by the President of the United States, to be secured by a mortgage or mortgages which shall be a first and paramount lien on the whole line of road, constructed and to be constructed, and on the equipment, property, lands and franchises, acquired and to be acquired, including the franchise to be a corporation, subject only to the right of the holders of the preferred stock to convert their stock into the lands of the company, now owned or hereafter to be acquired east of the Missouri River, in the State of Minnesota, and Territory of Dakota, and also to the right to the proceeds of the sales of said lands, to be used in the extinguishment of said stock, until any default is made in the provisions of this mortgage. The principal of these bonds shall be payable forty years after date, and the interest and sinking fund may be made payable in gold.

There shall be provided a sinking fund for the redemption of the principal of these first-mortgage bonds, at or before their maturity, which shall be accumulative and shall commence five years after the date of the issue of each series. The first-mortgage bonds shall be countersigned by one or more trust companies, and said trust company or companies shall deliver to the railroad company bonds to the amount of $25,000 per mile of each mile of road already completed, and shall continue to deliver bonds to the company, not to exceed $25,000 per mile of road constructed, or for which the materials may have been furnished.

Provision shall be made in the first mortgage or mortgages to secure effectually the holders of the bonds issued under them in the event of any and every default. No other bonds shall be issued, except on a vote of at least three-fourths of the preferred stock, at a meeting specially held in reference thereto, on a notice of at least thirty days by advertisement in two newspapers published respectively in the cities of New York, Philadelphia, and Boston.

[Here the House adjourned, Mr. PAYSON holding the floor.]

Mr. HENLEY. If the gentleman from Illinois will yield to me for a moment I will ask consent to make an order with reference to the debate.

Mr. PAYSON. If the House desires the debate should be closed I will yield to the gentleman from California.

Mr. WARNER, of Ohio. I ask unanimous consent that the time for adjournment be extended to let the gentleman conclude his remarks.

Mr. PAYSON. I do not ask that. I prefer to continue in the morning. I think sitting here until 5 o'clock is late enough.

Reserving my right to the floor, I will yield for a moment.

The SPEAKER. The gentleman will be entitled to the floor.

INFORMATION FROM TREASURY DEPARTMENT.

McMILLIN, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Ways and Means:

Resolved, That the Secretary of the Treasury be requested, if not inconsistent with the public welfare, to transmit to the House, in compliance with its request embraced in House resolution of January 28, 1886, such information as has been compiled as therein directed.

DETENTION OF A. K. CUTTING IN MEXICO.

Mr. KING, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Foreign Affairs:

Resolved, That the President be requested, if not incompatible with the public interest, to communicate to the House of Representatives such information as may be in his possession concerning the alleged illegal detention of A. K. Cutting, an American citizen, by the Mexican authorities at El Paso Del Norte, and also whether any additional troops have been recently ordered to Fort Bliss.

ORDER OF BUSINESS.

Mr. WARNER, of Ohio. The hour of 5 o'clock has arrived.

Mr. REED, of Maine. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ATKINSON: Petition of Robert S. Lacy, of Alexandria County, Virginia, relative to claim—to the Committee on War Claims.

By Mr. C. R. BRECKINRIDGE: A bill for the improvement of rivers and harbors—to the Committee on Rivers and Harbors.

By Mr. CARLETON: Protest of Miles Post, No. 113, Grand Army of the Republic, against the passage of a law making a special tax for the purpose of paying pensions—to the Committee on Invalid Pensions.

Also, resolutions of Fairbanks Post, No. 17, Grand Army of the Republic, of Detroit, Mich., for the passage of the bill granting a pension to Cornelia R. Schenck over the veto of the President—to the same committee.

By Mr. GEDDES: Petition of members of Ogden Post, Grand Army of the Republic, of Ashland County, Ohio, for pension legislation, without first providing means of payment—to the same committee.

By Mr. HIESTAND: Petition and papers of John R. Reynolds, of Dayton, Ohio, for payment of his claim for property taken and property purchased—to the Committee on War Claims.

By Mr. KING: Concurrent resolution of the General Assembly of Louisiana, relative to the national defenses—to the Committee on Naval Affairs.

By Mr. O'FERRALL: Petition for the relief of Isaac N. Hollingsworth—to the Committee on War Claims.

By Mr. SENEY: Petition of John Stewart and others, for the passage of Senate bill 2056—to the Committee on Invalid Pensions.

By Mr. J. W. STEWART: Memorial of property-holders in squares 729, 730, and 731 in the city of Washington, asking for relief—to the Committee on the Judiciary.

By Mr. WAKEFIELD: Petition of R. H. Wade and 30 others, citizens of Jackson County; of George R. Browning and 20 others, citizens of Martin County; and of 58 citizens of Watonwan County, of Minnesota, for Congressional action in the matter of alleged illegal certification of lands to the Saint Paul and Sioux City and Southern Minnesota Railroad Companies—to the Committee on the Public Lands.

The following petitions, asking for the passage of House bill 7887, repealing timber-culture, pre-emption, and desert-land acts; of House bill 7021, for adjustment of railroad and other land grants; of bill forfeiting all railroad land grants the conditions of which have not been strictly complied with; of House bill organizing the Territory of Oklahoma; of Senate bill opening a portion of the great Sioux reservation to settlement; of bill prohibiting aliens from holding land in the United States; of bill making Presidential and Congressional election days holidays, and punishing bribery; and of bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired, were severally referred to the Committee on the Public Lands:

By Mr. CANNON: Petition of W. B. Kerr and 173 others, of Carl C. Winston and 250 others, and of David H. Murchey and 316 others, citizens of the fifteenth district of Illinois.

By Mr. CRAIN: Petition of J. T. Cornelius and 60 others, of Samuel Muller and 60 others, and of James E. Moore and 138 others, citizens of the seventh district of Texas.

By Mr. EUSTACE GIBSON: Petition of Lewis Foaly and others, and of W. R. Neale and 46 others, citizens of the fourth district of West Virginia.

By Mr. SENEY: Petition of John Wolf and 79 others, citizens of Seneca County, Ohio.

SENATE.

TUESDAY, *July* 27, 1886.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, and after reading for ten minutes,

Mr. HALE. It is a long Journal, and I ask that its further reading be dispensed with.

The PRESIDENT *pro tempore*. If there be no objection——

Mr. INGALLS. I doubt whether the time of those who are present can be better employed than in listening to the reading of the Journal.

Mr. HALE. If the Senator wants to hear it, of course he has the right.

Mr. INGALLS. There is not a quorum present.

The PRESIDENT *pro tempore*. The reading of the Journal will be proceeded with.

The Secretary resumed and concluded the reading of the Journal.

The PRESIDENT *pro tempore*. If there be no objection the Journal will stand approved as read.

PETITIONS AND MEMORIALS.

Mr. SAWYER presented the petition of Lorenzo Forbes, late a private in Company H, Twentieth Regiment Wisconsin Volunteer Infantry, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

Mr. HALE presented three petitions of citizens of Maine, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. CULLOM presented a petition of ex-Union soldiers of Manito, Ill., praying for the passage of the bill pensioning ex-prisoners of war; which was referred to the Committee on Military Affairs.

He also presented a memorial of citizens of Chicago, Ill., remonstrating against the passage of the oleomargarine bill; which was ordered to lie on the table.

Mr. PALMER. I present a resolution of Fairbanks Post, Grand Army of the Republic, of the State of Michigan, concerning the veto by the President of the bill for the relief of Cornelia R. Schenck. I ask that it be read, so that it may placed in the RECORD.

The PRESIDENT *pro tempore*. If there be no objection the resolution will be read.

Mr. HARRIS. Will the Senator from Michigan state again what the paper is which he proposes to put in the RECORD.

Mr. PALMER. A resolution in regard to the veto message of the President in the matter of the pension of Cornelia R. Schenck.

Mr. HARRIS. A resolution of what body?

Mr. PALMER. A resolution of a post of the Grand Army of the Republic.

Mr. HARRIS. I hardly see the propriety of that.

The PRESIDENT *pro tempore*. Is there objection to reading the paper? The Chair hears none, and it will be read.

The paper was read, and ordered to lie on the table, as follows:

HEADQUARTERS FAIRBANKS POST, No. 17,
DEPARTMENT OF MICHIGAN, G. A. R.,
Detroit, July 22, 1886.

DEAR SIR: At a largely attended meeting of Fairbanks Post, No. 17, Department of Michigan, Grand Army of the Republic, Wednesday evening, July 21, the veto by the President of the special pension bill of Mrs. Cornelia R. Schenck was discussed, and as the beneficiary is well known to our comrades and the belief in the justness of her claim being strong, the following resolution was passed by a unanimous vote of the post:

"*Resolved*, That the Senators and Representatives in Congress from the State of Michigan be instructed to cast their votes in favor of the passage of the pension bill of Cornelia R. Schenck over the President's veto."

And I was directed to communicate the same to our representatives.

With great respect, respectfully, yours, &c.,

JAS. C. WHEELER, *Adjutant*.

Hon. T. W. PALMER,
United States Senate, Washington, D. C.

Mr. EVARTS. I present a petition signed by the president of the Eight-hour League of Brooklyn, N. Y., the secretary and representative of the same league of Philadelphia, and the officers of the same in the city of Washington. The petitioners in very respectful statements ask that they may be allowed to go to the Court of Claims for a determination of their rights. As the petition is brief I will read it. It is as follows:

To the honorable the Senate of the United States:

Your petitioners respectfully represent that they are a committee appointed by and acting for a large number of laborers, workmen, and mechanics who are now or have been employed by the Government of the United States since the enactment of what is commonly known as the eight-hour law.

That a large number of the above-named classes of employés have been compelled to work ten hours per day since the passage of said act to earn their daily wages, and as your petitioners honestly believe in violation of said law, and for which your petitioners feel that they have a just and equitable claim against the Government of the United States.

Your petitioners further respectfully represent that for several years they have petitioned the Congress of the United States to grant them the relief to which they consider themselves justly entitled. That bills have been introduced and favorably reported looking to the adjustment of their claims, but that said bills have heretofore been allowed to die upon the Calendar of the Senate and the House. That there is now pending in your honorable body, favorably reported, Senate bill 1884, which if passed would allow your petitioners to bring suits in the Court of Claims and there have their rights under said law determined, and that is all that your petitioners now ask; but from all the information your petitioners are able to obtain we very much fear that this bill will be allowed to die upon the Calendar unless your honorable body will have sufficient compassion upon your humble petitioners to take immediate action upon the same.

Your petitioners further respectfully state that for the last ten years committees have been sent to Congress by the claimants from the various parts of the country, at great expense to said claimants, imploring Congress to take such action as would meet the justice and equity of the case, but so far to no purpose except as above stated.

Finally, your petitioners respectfully submit that they have a just and equitable claim against their Government for services honestly and fairly rendered, and which up to the present time has been denied them although committee after committee have admitted that their claims were just and ought to be paid, and have so reported to their respective bodies. And now your petitioners humbly implore you to send them to a tribunal of your own creation where their claims may be adjudicated upon the basis named in the bill above referred to.

We are all poor men; most of us have families to support; and while the amount is small in each individual case, it is money that is due us for hard work in the service of our Government, and we feel that we ought to have it.

We do not ask for bounty or gratuity; we ask for simple justice, nothing more; and we humbly beg and pray that before the present session closes your honorable body will find it consistent with your public duties to mete out to us that simple justice for which we humbly implore and pray.

IRA LILLIE,
President Eight-hour League of Brooklyn, N. Y.
JACOB M. DAVIS,
Secretary and representative of Government employés,
1031 *Frankford road, Philadelphia, Pa.*
RICH'D EMMONS,
Washington, D. C.
A. M. WARFIELD,
Washington, D. C.

I move that the petition be referred to the Committee on Claims.

The motion was agreed to.

Mr. EUSTIS presented five petitions of citizens of Louisiana, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the distribution of a part of the Treasury surplus; which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. SEWELL. I report back from the Committee on Pensions the bill (S. 1850) granting a pension to Mrs. Annie C. Owen, with the accompanying veto message of the President, and submit a report thereon. The committee recommend the passage of the bill, the President's objections to the contrary notwithstanding.

The PRESIDENT *pro tempore*. The bill will be placed, with the accompanying message, on the Calendar.

Mr. SEWELL, from the Committee on Pensions, to whom was referred the bill (S. 5599) granting a pension to Joshua L. Morris, reported it without amendment, and submitted a report thereon.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1920) to increase the appropriation for the erection of the public building at Minneapolis, Minn., reported it without amendment, and submitted a report thereon.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6314) to increase the pension of James Carlin;
A bill (H. R. 8474) granting a pension to James McGlen;
A bill (H. R. 8310) granting a pension to Cyra L. Weston;
A bill (H. R. 8150) granting a pension to Jesse Campbell;
A bill (H. R. 8830) granting a pension to Aaron Garis;
A bill (H. R. 6825) granting a pension to James R. Baylor;
A bill (H. R. 6132) granting a pension to William Lynch;
A bill (H. R. 6443) granting a pension to Alexander Falconer;
A bill (H. R. 8836) granting a pension to John Miller;
A bill (H. R. 429) granting a pension to Harry McElhinny;
A bill (H. R. 7796) granting a pension to James Long; and
A bill (S. 2293) granting a pension to Hannah C. De Witt.

Mr. ALDRICH, from the Committee on Pensions, to whom were referred the messages of the President returning to the Senate the following bills with his objections thereto, submitted reports theron, recommending the passage of the bills, the objections of the President thereto to the contrary notwithstanding:

A bill (S. 342) granting a pension to Marrilla Parsons, of Detroit, Mich.; and

A bill (S. 183) for the relief of Thomas S. Hopkins, late of Company C, Sixteenth Maine Volunteers.

Mr. WILSON, of Maryland, from the Committee on Pensions, to whom was referred the bill (H. R. 7616) for the relief of W. D. Havely, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8335) to restore William S. Ray to the pension-roll, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

TREASURY SURPLUS.

Mr. ALLISON. I am instructed by the Committee on Finance, to whom was referred the joint resolution (H. Res. 126) directing payment of the surplus in the Treasury on the public debt, to report it with an amendment.

Mr. INGALLS. I should like to hear the amendment read.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to amend the joint resolution by adding the following proviso:

Provided, That no call shall be made under the provisions of this resolution until a sum equal to the call is in the Treasury over and above the reserve herein mentioned: *And provided further*, That the Secretary of the Treasury, in his discretion, may have in the Treasury over and above the foregoing sums a working balance not exceeding $20,000,000. And in the case of any extraordinary emergency, and when, because thereof, in the opinion of the Secretary of the Treasury, the public interests shall require it, he may, by written order, suspend the further call for the payment of such indebtedness for such period of time as shall be necessary to maintain the public credit unimpaired.

The PRESIDENT *pro tempore*. The joint resolution will be placed on the Calendar.

Mr. BECK. I only desire to say that that is the report of a majority of the committee. The minority adhere to the joint resolution as passed by the other House.

WILLIAM P. SQUIRES.

Mr. VAN WYCK. From the Committee on Pensions I report back the amendment of the House of Representatives to the bill (S. 1227) granting an increase of pension to William P. Squires. As the bill was passed by the Senate it proposed to increase the pension to $50 per month. The other House amended the bill by making it $45 a month. The amendment came back to the Senate and was referred to the Committee on Pensions, and the committee report recommending concurrence in the amendment of the House. I ask for its present consideration.

Mr. EDMUNDS. That seems to be the same bill we acted upon a day or two ago.

Mr. VAN WYCK. It is not the same bill.

Mr. EDMUNDS. It is exactly the same amendment.

Mr. INGALLS. Does the House recommend an increase or a diminution of the amount?

Mr. VAN WYCK. A diminution. The Senate passed the bill giving $50 a month and the House recommend $45.

Mr. EDMUNDS. It seems to me there was a bill exactly like that acted upon two or three days ago. I do not know that it was the same name, but it was the same amendment.

The PRESIDENT *pro tempore*. The Chair is advised that the Senator from Nebraska has not reported back the bill which was referred to the committee.

Mr. VAN WYCK. I have here the bill.

The PRESIDENT *pro tempore*. What is the suggestion of the Senator from Vermont?

Mr. EDMUNDS. I merely suggested that I thought we had acted upon, I was afraid, that very bill, or a precisely similar amendment, a day or two back. It may have been another soldier, but it was a similar amendment, where $50 fixed by the Senate was put down to $45. I did not know but that this might be the same one.

Mr. VAN WYCK. What was done with that?

Mr. EDMUNDS. It was concurred in.

The PRESIDENT *pro tempore*. This is a Senate bill with a House amendment reducing the pension from $50 to $45.

Mr. SAULSBURY. Is there any report with the bill?

The PRESIDENT *pro tempore*. This is not the bill which was referred to the committee with the amendment of the House. This is the printed and not the engrossed copy of the bill.

Mr. VAN WYCK. I shall get the proper bill and call it up presently.

The PRESIDENT *pro tempore*. Meanwhile the bill will lie over.

Mr. VAN WYCK subsequently said: I now present from the Committee on Pensions the amendment of the House of Representatives to the bill (S. 1227) granting an increase of pension to William P. Squires, and I ask that it may be now considered.

There being no objection, the Senate proceeded to consider the amendment of the House of Representative to the bill, which was in line 7, before the word "dollars," to strike out "fifty" and insert "forty-five;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William P. Squires, late of Company C, Seventy-fifth Illinois Volunteer Infantry, at the rate of $45 per month, in lieu of the pension he is now receiving.

The amendment was concurred in.

DEATH OF VICE-PRESIDENT HENDRICKS.

Mr. GORMAN. I am directed by the Committee on Printing to report with an amendment the resolution providing for printing the proceedings of the Supreme Court of the United States on the occasion of the death of Thomas A. Hendricks, late Vice-President, with the me-

morial addresses authorized by Congress. I ask for its present consideration.

By unanimous consent the Senate proceeded to consider the following resolution:

Resolved, That the proceedings of the Supreme Court of the United States, as they appear on page 707 of volume 117 of the Supreme Court Reports, on the occasion of the death of Thomas A. Hendricks, late Vice-President of the United States, be published with the memorial addresses already authorized by Congress.

The amendment of the Committee on Printing was, after the word "*Resolved*," to insert "*by the Senate (the House of Representatives concurring)*."

The amendment was agreed to.

The resolution as amended was agreed to.

ACTS RELATING TO LOANS AND CURRENCY.

Mr. MANDERSON. There came to the Senate yesterday a report from the Secretary of the Treasury, being a compilation of all the laws of the United States relating to loans and the currency, coinage, and banking. It was referred to the Committee on Printing, that they might investigate the advisability of printing it as a document. The committee direct me to report favorably, and ask the adoption of a concurrent resolution.

The PRESIDENT *pro tempore*. The concurrent resolution will be read.

The Secretary read as follows:

Resolved by the Senate (the House of Representatives concurring), That the compilation of the laws of the United States relating to loans and the currency, coinage, and banking (including any subsequent legislation which may be enacted on those subjects at the present session of Congress) now being prepared at the Treasury Department, be printed; and that 6,000 additional copies be printed; of which 2,000 copies shall be for the Senate and 4,000 copies for the House of Representatives.

The resolution was considered by unanimous consent, and agreed to.

REPORT OF COMMISSIONER OF AGRICULTURE.

Mr. MANDERSON. I move that the Senate insist upon its amendments to the joint resolution (H. Res. 201) for printing the report of the Commissioner of Agriculture, and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. MANDERSON, Mr. HAWLEY, and Mr. GORMAN were appointed.

BILL INTRODUCED.

Mr. TELLER introduced a bill (S. 2877) to promote the efficiency of the General Land Office; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Lands.

MRS. ANNA ETHERIDGE HOOKS.

Mr. SAWYER. I ask that the bill (S. 2774) to provide a pension for Mrs. Anna Etheridge Hooks be recommitted to the Committee on Pensions. There is an error in the report, and it is my fault, I have no doubt. I failed to get the evidence in the report.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Wisconsin to recommit the bill named by him.

The motion was agreed to.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there are no concurrent or other resolutions the Calendar is now in order.

Mr. HARRISON. I move that the Senate proceed to the consideration of executive business.

Mr. BLAIR. I wish to say, with the permission of the Senator from Indiana, that it is, I believe, the intention to move to proceed to the consideration of the vetoed pension bills at the conclusion of morning business day after to-morrow. I shall at that time move to take them up in their order.

Mr. PUGH. I ask unanimous consent of the Senate to allow me to make a motion that the House be requested to return to the Senate the bill (S. 428) to provide for the appointment and compensation of a district judge for the southern district of Alabama.

Mr. HARRISON. I can not give way to any other business.

The PRESIDENT *pro tempore*. The Chair is of the opinion that the offer to enter a motion to reconsider is in the nature of morning business.

Mr. EDMUNDS. But is it within the time?

The PRESIDENT *pro tempore*. Probably it is not within the time. If the Senator from Indiana insists upon it, his motion to proceed to the consideration of executive business is now in order.

Mr. HARRISON. I insist on my motion.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, returned to the Senate, in compliance with its request, the bill (H. R. 3014) to provide for terms of court in Colorado.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 1983) to increase the appropriation for the erection of the public building at Reading, Pa.;

A bill (H. R. 7087) authorizing the Secretary of the Interior to extend the time of payment to purchasers of lands of the Otoe and Missouria and of the Omaha Indians;

A bill (H. R. 7881) to remove the political disabilities of Thomas R. Ware, of Virginia;

Joint resolution (H. Res. 22) authorizing the preparation of a compilation of the reports of committees of the Senate and House of Representatives; and

Joint resolution (H. Res. 142) authorizing and directing the Commissioner of Labor to make an investigation as to convict labor, and for other purposes.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The Senator from Indiana [Mr. HARRISON] moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After six hours spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted upon its amendments to the bill (S. 2609) granting a pension to Emily J. Stannard, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOVERING, Mr. TAULBEE, and Mr. MORRILL managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the joint resolution (H. Res. 160) to authorize the Commissioner of the General Land Office to cause 15,000 copies of the map of the United States and Territories to be printed, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. REID of North Carolina, Mr. DUNN, and Mr. FARQUHAR managers at the conference on the part of the House.

The message further announced that the House had passed a concurrent resolution for printing 1,000 copies of Senate Executive Document No. 85, Forty-ninth Congress.

The message also announced that the House had passed a concurrent resolution for printing 5,000 copies of the Special Intelligence Report by Lieutenant Kimball and Naval Cadet Capp, United States Navy, upon the progress of the Panama Canal during the year 1885.

The message further announced that the House still further insisted upon its disagreement to the amendment of the Senate to the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIS, Mr. BLANCHARD, and Mr. T. J. HENDERSON managers at the further conference on the part of the House; and that it had further—

Resolved, That the managers of the said further conference on the part of the House be, and they are hereby, instructed that it is the sense of the House that the item in the Senate amendment to said bill, making an appropriation for the Portage Lake and Lake Superior Ship-canal, be stricken from said Senate amendment.

Resolved, That the managers of the said further conference on the part of the House be, and they are hereby, instructed to insist on striking out from the amendment of the Senate to said bill the item making an appropriation for the Lake Michigan and Hennepin Canal.

Resolved, That the managers of the said further conference on the part of the House be, and they are hereby, instructed to insist upon striking out from the amendment of the Senate to said bill the item making an appropriation for Sturgeon Bay and Lake Michigan Ship-canal.

Resolved, That the managers of the said further conference on the part of the House be, and they are hereby, instructed to insist upon striking out from the amendment of the Senate to said bill the item commencing with line 1446, down to and including line 1525, providing for the improvement of the Mississippi River from the head of the passes to the mouth of the Ohio River.

Resolved, That the managers of the said further conference on the part of the House be, and they are hereby, instructed to insist upon striking out from the amendment of the Senate to said bill so much thereof as appropriates $375,000 for continuing the improvement of the Potomac River in the vicinity of Washington.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on July 26, 1886, approved and signed:

An act (S. 1839) for the relief of Richard C. Ridgway and others; and

An act (S. 2759) to remove the political disabilities of William H. F. Lee.

REPORT ON EDUCATION IN ALASKA.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring therein), That 10,000 copies of Senate Executive Document No. 85, Forty-ninth Congress, be printed; one-half for the use of the Senate and the other half for the use of the House.

PROGRESS OF PANAMA CANAL.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That the Committee on Printing be directed to cause to be printed, for distribution by the Senate and members of the House in the usual proportion, 5,000 copies of the Special Intelligence Report, by Lieutenant Kimball and Naval Cadet Capp, United States Navy, upon the Progress of the Panama Canal during the year 1885, which report was transmitted to the House by the honorable Secretary of the Navy on May 20, and referred to the Committee on Printing.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 36 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, July 28, 1886, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate the 27th day of July, 1886.

INDIAN AGENTS.

Charles E. McChesney, of Dakota, to be agent for the Indians of the Cheyenne River agency in Dakota, *vice* William A. Swan, whose term of office has expired. This nomination is in lieu of that delivered to the Senate December 15, 1885.

Mark W. Stevens, of Flint, Mich., to be agent for the Indians of the Mackinac agency in Michigan, *vice* Edward P. Allen, whose term of office has expired. This nomination is in lieu of that delivered to the Senate December 15, 1886.

POSTMASTERS.

W. T. Anderson, at Washington, Wilkes County, Georgia, *vice* George Ware, commission expired. The nomination of John T. Erwin for the above office is this day withdrawn.

William T. Martin, at Madison, Morgan County, Georgia, *vice* David S. Johnson, removed for failure to qualify as postmaster. The nomination of Benjamin M. Blackburn for the said office is this day withdrawn.

Samuel Jacobs, at Hamburg, Fremont County, Iowa, *vice* H. C. Colbaugh, suspended; the nomination of George Wise, who was designated and afterward nominated to the Senate, having been rejected.

John A. McLaughlin, at Guthrie Centre, Guthrie County, Iowa, *vice* William Holsman, commission expired. The nomination of W. H. Camp for the said office is this day withdrawn.

Lewis C. Martin, at Garden City, Finney County, Kansas, the office having become Presidential.

Everett K. Brewer, at Bar Harbor, Hancock County Maine, the office having become Presidential.

Agnes J. Smith, at Stockbridge, Berkshire County, Massachusetts, *vice* Henry L. Plumb, commission expired.

Henry A. Baker, at Rockland, Plymouth County, Massachusetts, *vice* Joshua S. Smith, commission expired; the nomination of Andrew Shanahan to fill the vacancy having been rejected by the Senate.

Morgan L. Gage, at Vassar, Tuscola County, Michigan, *vice* Edward C. Crane, commission expired.

James Cannon, at Mankato, Blue Earth County, Minnesota, *vice* Lewis P. Hunt, suspended; the nomination of John C. Wise, who was designated and afterward nominated to the Senate, having been rejected.

James S. Jennings, at Waynesburg, Greene County, Pennsylvania, *vice* Joseph Cooke, commission expired.

George T. Mooney, at Saint Albans, Franklin County, Vermont, *vice* Benjamin D. Hopkins, resigned; the nomination of Felix W. McGettrick to fill the vacancy having been rejected by the Senate.

Clinton Babbitt, at Beloit, Rock County, Wisconsin, *vice* Chalmers Ingersoll, suspended; William T. Hall, who was designated and also nominated to the Senate, having resigned and his nomination having been withdrawn.

William W. Hart, at Murray, Shoshone County, Idaho, the office having become Presidential.

UNITED STATES MARSHAL.

Thomas Jefferson Carr, of Wyoming, to be marshal of the United States for the Territory of Wyoming, *vice* Gustave Schnitger, commission expired. The nomination of Mr. Carr for the said office, heretofore delivered to the Senate, is this day withdrawn.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 26, 1886.

UNITED STATES ASSAYER.

John W. Twiggs, of California, to be assayer of the mint of the United States at San Francisco, in the State of California.

INDIAN AGENTS.

Robert L. Upshaw, of Brenham, Tex., to be agent for the Indians of the Tongue River agency in Montana.

L. Foster Spencer, of New York, to be agent for the Indians of the Rosebud agency in Dakota.

George W. Norris, of Woburn, Mass., to be agent for the Indians of the Nez Percé agency in Idaho.

ASSISTANT APPRAISER OF MERCHANDISE.

Charles E. Stott of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York.

MINT SUPERINTENDENT.

Israel Lawton, of California, to be superintendent of the mint of the United States, at San Francisco, in the State of California.

UNITED STATES CONSUL.

Samuel H. Keedy, of West Virginia, to be consul of the United States at Rheims.

SUPERVISING INSPECTOR OF STEAM-VESSELS.

Irwin Dugan, of Kentucky, to be supervising inspector of steam-vessels for the sixth district.

RECEIVERS OF PUBLIC MONEYS.

Dominick F. McDermott, of Clontarff, Minn., to be receiver of public moneys at Benson, Minn.

Sterling S. Smith, of Mandan, Dak., to be receiver of public moneys at Devil's Lake, Dak.

Colin F. MacDonald, of Saint Cloud, Minn., to be receiver of public moneys at Saint Cloud, Minn.

David W. Hutchinson, of Girard, Pa., to be receiver of public moneys at Bismarck, Dak.

John J. Hoge, of Boonville, Mo., to be receiver of public moneys at Boonville, Mo.

REGISTERS OF LAND OFFICES.

Frederick A. McDonald, of Cross Keys, Oreg., to be register of the land office at The Dalles, Oreg.

David H. Hall, of Eureka, Nev., to be register of the land office at Eureka, Nev.

Patrick B. Gorman, of Saint Cloud, Minn., to be register of the land office at Saint Cloud, Minn.

S. C. Boon, of Eureka, Cal., to be register of the land office at Humboldt, Cal.

Leland Wright, of Missouri, to be register of the land office at Boonville, Mo.

UNITED STATES MARSHALS.

Barton Atkins, of New York, to be marshal of the United States for the district of Alaska.

Daniel W. Maratta, of Dakota, to be marshal of the United States for the Territory of Dakota.

UNITED STATES ATTORNEYS.

Mark D. Wilbur, of New York, to be attorney of the United States for the eastern district of New York.

Charles Parlange, of Louisiana, to be attorney of the United States for the eastern district of Louisiana.

Monti H. Sandels, of Arkansas, to be attorney of the United States for the western district of Arkansas.

James C. Williams, of Tennessee, to be attorney of the United States for the eastern district of Tennessee.

JUSTICES OF THE PEACE FOR THE DISTRICT OF COLUMBIA.

John A. Moss, whose commission expires July 1, 1886, to be assigned to Anacostia.

Alfred G. Osborn, whose commission expired June 20, 1886, to be assigned to Brightwood.

Mathias V. Buckey, to be assigned to the city of Georgetown.

COLLECTORS OF CUSTOMS.

John S. Hager, of California, to be collector of customs for the district of San Francisco, in the State of California.

Oliver Kelly, of New Jersey, to be collector of customs for the district of Perth Amboy, in the State of New Jersey.

Wyndham R. Mayo, of Virginia, to be collector of customs for the district of Norfolk and Portsmouth, in the State of Virginia.

Baker P. Lee, of Virginia, to be collector of customs for the district of Yorktown, in the State of Virginia.

George G. Savage, of Virginia, to be collector of customs for the district of Cherrystone, in the State of Virginia.

Philander Cobb, of Massachusetts, to be collector of customs for the district of Plymouth, in the State of Massachusetts.

COLLECTORS OF INTERNAL REVENUE.

George N. Davis, of Michigan, to be collector of internal revenue for the fourth district of Michigan.

Robert Black, of New York, to be collector of internal revenue for the first district of New York.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 860) of Robert Black, of New York, to be collector of internal revenue for the first district of New York, in place of Rodney C. Ward, suspended, and, so far as they have been able to obtain the information, they find that Mr. Black is a

fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Mr. Ward, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Rodney C. Ward, late collector of internal revenue for the first district of New York, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions.

But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Black.

John A. Sullivan, of New York, to be collector of internal revenue for the second district of New York.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 862) of John A. Sullivan, of New York, to be collector of internal revenue for the second district of New York, in place of Marshall B. Blake, suspended, and, so far as they have been able to obtain the information, they find that Mr. Sullivan is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Mr. Blake, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Mr. Marshall B. Blake, late collector of internal revenue for the second district of New York, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions.

But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance April 6, 1886, in relation to this and all similar letters to the foregoing:

Resolved, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character.

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Sullivan.

TERRITORIAL JUDGE.

William W. Porter, of California, to be associate justice of the Territory of Arizona.

FOR APPOINTMENT IN THE ARMY—MEDICAL DEPARTMENT.

To be assistant surgeons with the rank of first lieutenant.

Francis J. Ives, of New York, July 25, 1885.
William P. Kendall, of Massachusetts, August 12, 1885.
Edward R. Morris, of Indiana, September 17, 1885.
William B. Banister, of Alabama, January 26, 1886.
Charles F. Mason, of Virginia, May 5, 1886.
Leonard Wood, of Massachusetts, January 5, 1886.

FOR PROMOTION IN THE ARMY.

Fifth Regiment of Infantry.

First Lieut. Charles E. Hargous, to be captain, May 12, 1886.

Second Lieutenant Charles A. Churchill, to be first lieutenant, May 12, 1886.

Third Regiment of Cavalry.

First Lieut. James F. Simpson, to be captain, November 26, 1884.

First Lieut. Edgar Z. Steever, to be captain, January 18, 1886.

Second Lieut. George H. Morgan, to be first lieutenant, November 26, 1884.

Second Lieut. Joseph T. Dickman, to be first lieutenant, January 18, 1886.

MEDICAL DEPARTMENT.

Capt. Calvin De Witt, assistant surgeon, to be surgeon with the rank of major, July 21, 1885.

Capt. Benjamin F. Pope, assistant surgeon, to be surgeon with the rank of major, September 16, 1885.

Capt. James P. Kimball, assistant surgeon, to be surgeon with the rank of major, January 24, 1886.

Capt. John H. Bartholf, assistant surgeon, to be surgeon with the rank of major, January 4, 1886.

FOR APPOINTMENT IN THE REVENUE-MARINE SERVICE.

Daniel J. Ainsworth, of Virginia, to be a third lieutenant.
J. Charles Harris, of New York, to be a third lieutenant.

FOR PROMOTION IN THE REVENUE-MARINE SERVICE.

Third Lieut. George H. Doty, to be a second lieutenant.
Third Lieut. Howard Emery, to be a second lieutenant.
Third Lieut. Francis M. Dunwoody, to be a second lieutenant.
Third Lieut. John E. Lutz, to be a second lieutenant.

POSTMASTERS.

Lloyd Reed, to be postmaster at Clarksburg, in the county of Harrison and State of West Virginia.

A. S. Hottenstein, to be postmaster at Milton, Northumberland County, Pennsylvania.

Herman Baumer, to be postmaster at Johnstown, Cambria County, Pennsylvania.

James H. Mudey, to be postmaster at Pottsville, Schuylkill County, Pennsylvania.

Louis Doumaux, to be postmaster at Wellsborough, Tioga County, Pennsylvania.

Hugh W. Barrett, to be postmaster at Bryn Mawr, Montgomery County, Pennsylvania.

Cornelius Casey, to be postmaster at Sharpsburg, Allegheny County, Pennsylvania.

J. H. Brinker, to be postmaster at West Point, in the county of Clay and State of Mississippi.

Deville L. Harkness, to be postmaster at Berlin, Green Lake County, Wisconsin.

Gilbert P. Hall, to be postmaster at Petaluma, Sonoma County, California.

Dennis G. Clary, to be postmaster at Sleepy Eye, Brown County, Minnesota.

H. M. Sapp, to be postmaster at Thomasville, Thomas County, Georgia.

George W. Andrews, to be postmaster at Murphysborough, Jackson County, Illinois.

Albert Snyder, to be postmaster at Arcola, in the county of Douglas and State of Illinois.

Edward McClung, to be postmaster at Fairfield, Wayne County, Illinois.

Wilbur B. Foster, to be postmaster at Rockville, Tolland County, Connecticut.

Henry D. Linsley, to be postmaster at Branford, New Haven County, Connecticut.

Walter S. Armstrong, to be postmaster at Kokomo, in the county of Howard and State of Indiana.

James E. McDonald, to be postmaster at Ligonier, Noble County, Indiana.

John B. Ruger, to be postmaster at La Fayette, in the county of Tippecanoe and State of Indiana.

William Huber, to be postmaster at Lawrenceburg, in the county of Dearborn and State of Indiana.

Thomas Brady, to be postmaster at Bergen Point, Hudson County, New Jersey.

J. J. L. Peel, to be postmaster at Spokane Falls, Spokane County, Territory of Washington.

Frank Chapman, to be postmaster at Fenton, Genesee County, Michigan.

Charles W. Stewart, to be postmaster at Alma, Harlan County, Nebraska.

Thomas O'Shea, to be postmaster at Madison, Madison County, Nebraska.

George F. O. Kimball, to be postmaster at Vergennes, in the county of Addison and State of Vermont.

L. W. Redington, to be postmaster at Rutland, Rutland County, Vermont.

Willebald Yehle, to be postmaster at Maryville, Nodaway County, Missouri.

M. E. Smith, to be postmaster at Osborne, Osborne County, Kansas.

Charles E. Monell, to be postmaster at Kirwin, Phillips County, Kansas.

Frank B. Smith, to be postmaster at Wichita, Sedgwick County, Kansas.

Charles L. Knight, to be postmaster at Council Grove, Morris County, Kansas.

James B. Goff, to be postmaster at Lincoln, Lincoln County, Kansas.

John B. Burbridge, to be postmaster at Attica, Harper County, Kansas.

Patrick H. McKanna, to be postmaster at Stockton, Rooks County, Kansas.

Paul Barthel, to be postmaster at Jamaica, Queens County, New York.

William McNeily, to be postmaster at Canandaigua, Ontario County, New York.

Nathaniel Y. Elliott, to be postmaster at Mayville, in the county of Chautauqua and State of New York.

John Van der Burgh, to be postmaster at Matteawan, in the county of Dutchess and State of New York.

Edward H. Freeman, to be postmaster at Binghamton, Broome County, New York.

Darius A. Ogden, jr., to be postmaster at Penn Yan, Yates County, New York.

Robert Robson, to be postmaster at Dundee, Yates County, New York.

Suber McCaru, to be postmaster at Clayton, Jefferson County, New York.

Blucher Rick, to be postmaster at Pratt, Pratt County, Kansas.

John H. Wallbank, to be postmaster at Mount Pleasant, Henry County, Iowa.

Thomas Bowman, to be postmaster at Council Bluffs, Pottawattamie County, Iowa.

David W. Flowers, to be postmaster at Newton, Jasper County, Iowa.

David S. Beardsley, to be postmaster at Grinnell, Poweshiek County, Iowa.

Ferris W. Latimer, to be postmaster at Addison, Steuben County, New York.

Anthony L. Underhill, to be postmaster at Bath, Steuben County, New York.

William C. Allen, to be postmaster at Akron, Summit County, Ohio.

Albert H. Jones, to be postmaster at Granville, Licking County, Ohio.

James G. Hunt, to be postmaster at Frankfort, Herkimer County, New York.

John C. Streeter, to be postmaster at Watertown, Jefferson County, New York.

John D. Thompson, to be postmaster at Mount Vernon, Stark County, Ohio.

Samuel S. Clayton, to be postmaster at Ada, Hardin County, Ohio.

John Finn, to be postmaster at Decorah, in the county of Winneshiek and State of Iowa.

The above confirmation was accompanied by the following report from the Committee on Post-Offices and Post-Roads; which was ordered by the Senate to be printed in the RECORD:

The Committee on Post-Offices and Post-Roads, to whom was referred the nomination of John Finn to be postmaster at Decorah, Iowa, submits the following report:

The President suspended from the position of postmaster at Decorah, Iowa, A. K. Bailey, on June 15, 1885, and designated John Finn, the present nominee, to discharge the duties of said office. The suspension of Mr. Bailey was solely for and on account of political reasons, and there is nothing in the case in any degree reflecting injuriously on his integrity as a man or his efficiency as an officer. He is a man having the confidence and respect of the community in which said office is located. His term of office expired December 16, 1885, and John Finn was nominated to the full term. The committee recommend that the nomination be confirmed.

William G. Buckner, to be postmaster at Brownsville, Saline County, Missouri.

The above confirmation was accompanied by the following report from the Committee on Post-Offices and Post-Roads; which was ordered by the Senate to be printed in the RECORD:

The Committee on Post-Offices and Post-Roads, to whom the nomination of William G. Buckner to be postmaster at Brownsville, Mo., *vice* Milo L. Laughlin, whose removal for cause is proposed, reports:

That the papers in this case show that in May, 1885, petitions numerously signed by citizens of Brownsville and vicinity were presented to the President praying for the appointment of William G. Buckner as postmaster at Brownsville. These petitions contained no charges of any character against Mr. Laughlin. No action was taken in the case by the President or Postmaster-General until about the month of December following, when an inspection of the office and its administration was ordered by the Post-Office Department, based on complaints made by several citizens relative to the management of the office. The substance of the complaints was communicated to Mr. Laughlin by the committee, and he made a very satisfactory response in writing thereto. And the inspector who made the examination and reported the results to the Department said in his report that—

"Mr. M. L. Laughlin, the postmaster at Brownsville, seemed to be a very nice gentleman, and as such the patrons of the office entertained a very high opinion of him."

But the inspector reported several objections to the management of the office, which, in the opinion of the committee, might be alleged against many officers of the same class throughout the country, as they do not involve the element of moral turpitude. The inspector, however, concluded that, taking the case altogether, it would be proper to make a change in the office. Hence the nomination of a successor to Mr. Laughlin. And the committee can safely say that, taking the case altogether, no good reason appears why the community should change the high opinion which it holds of Mr. Laughlin, as testified to by the inspector in his report.

Mr. Laughlin says, in a letter to a member of the committee:

"I am a Republican, and if removed because I am one, I have no objection."

The committee think that, in view of all the information it has of the case, the real cause of the removal lies in the fact that Mr. Laughlin is a Republican, and as he has no objection to removal on that ground, the case is reported with a recommendation that the nomination of William G. Buckner be confirmed.

Homer Luce, to be postmaster at Higginsville, in the county of La Fayette and State of Missouri.

The above confirmation was accompanied by the following report from the Committee on Post-Offices and Post-Roads; which was ordered by the Senate to be printed in the RECORD:

The Committee on Post-Offices and Post-Roads, to whom was referred the nomination of Homer Luce to be postmaster at Higginsville, Mo., *vice* John W. Endly, suspended, submits the following report:

The papers in the case were communicated to the committee on its request by the Postmaster-General. From these it appears that the petition to the President praying for the appointment of Homer Luce was signed by a large number of citizens, and contained no charges of any character whatever against Mr. Endly, the postmaster, nor does it appear that at any time or in any other way charges were preferred against him except of a political character; and it appears from papers submitted to the committee in the nature of protests against the suspension of Mr. Endly and the appointment of Mr. Luce that the community in which the post-office is situate holds the suspended officer in high esteem and indorses him as an estimable citizen and competent and faithful public officer. These protests are about as numerously signed as are the petitions asking for the appointment of Mr. Luce.

This being the case, the committee can but regard the suspension of Mr. Endly as being based on political considerations exclusively. His place was wanted for a member of the Democratic party; hence he was suspended and Mr. Luce nominated to succeed him. This being the case, and it appearing that the nominee is a competent person to discharge the duties of the office, the committee report the nomination of Homer Luce to the Senate with a recommendation that it be confirmed.

William Hyde, to be postmaster at Saint Louis, in the county of Saint Louis and State of Missouri.

The above confirmation was accompanied by the following report from the Committee on Post-Offices and Post-Roads; which was ordered by the Senate to be printed in the RECORD:

The Committee on Post-Offices and Post-Roads, to whom was referred the nomination of William Hyde to be postmaster at Saint Louis, Mo., in place of Rodney D. Wells, suspended, submits the following report:

The records and files supplied to the committee in this case by the Postmaster-General disclose a very resolute purpose on the part of the partisan adherents of the present administration of the executive department of the Government to effect a change in the office of postmaster at Saint Louis.

Applications and importunities in this regard were so frequent and persistent that a commission of three post-office inspectors was organized and instructed to inspect the affairs and condition of the office. The commission entered upon its work early in July, 1885, and forwarded its report to the Department on the 22d of that month. The committee has examined the report so made, and is impressed thereby most favorably in respect of the efficiency of the service in the Saint Louis post-office, and it may well be doubted whether any first-class office in the country could be subjected to the ordeal applied to that office and withstand it with as little resulting damage as it did. The service of the office during Mr. Wells's administration has been efficient; his accounts are correct. The only faults found with him by the commission are such as the members thereof admit and state in their report to be, "those which appeal to the noblest sentiments of manhood." No one can read the report of the commission without coming to the conclusion that Mr. Wells is a man of high character, of resolute purpose to do right, and to so conduct the affairs of his office as to secure a satisfactory service to the public and to maintain absolute integrity in his accounts as a public officer.

Taking the case in its entirety it does not admit of a doubt that the suspension of Mr. Wells was the result of partisan pressure. He is a Republican. His office is wanted by a Democrat. He is suspended, and a Democrat designated to his place. If Mr. Hyde, the nominee, shall succeed in giving to the public as efficient service, and to the Government as correct and faithful accounting of the revenues of the office as Mr. Wells did, he may indeed congratulate himself.

The evidence of the files in the case indicates that the nominee is a fit and competent man to discharge the duties of the office, and the committee therefore report his nomination to the Senate with a recommendation that it be confirmed.

Executive nomination confirmed by the Senate July 27, 1886.

MINT ASSAYER.

George C. Munson, of Colorado, to be assayer of the mint of the United States at Denver, Colo.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July* 27, 1886.

The House met at 11 o'clock a. m. Prayer by Rev. Dr. BULLOCK, of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

FEDERAL BUILDING, BROOKLYN, N. Y.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, filed, in accordance with a previous order, views of the minority on House bill 4620, for the purchase of land for the Federal building, Brooklyn, N. Y.

PAY OF FOLDING-ROOM EMPLOYÉS.

Mr. TAULBEE, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Accounts:

Resolved, That the Clerk of the House of Representatives pay to Hon. Samuel Donelson, Doorkeeper of the House of Representatives, out of the contingent fund of the House, the sum of $288, being the amount paid by him to A. B. Raber,

Benjamin Doane, and Frank Bissicks, jr., for work done in the House folding-room during the present session of the House.

MAPS OF UNITED STATES AND TERRITORIES.

The SPEAKER laid before the House the joint resolution (H. Res. 160) to authorize the Commissioner of the General Land Office to cause 15,000 copies of the map of the United States and Territories to be printed, with Senate amendments.

Mr. DUNN. Mr. Speaker, in regard to that I ask, in view of the absence of the chairman of the Committee on Printing, and as I had the honor to introduce the resolution, unanimous consent that the Senate amendments be non-concurred in, and the conference asked for agreed to. It is a matter of printing some maps which is of general interest to both Houses.

There was no objection, and it was so ordered.

REFERENCE OF SENATE RESOLUTIONS.

The SPEAKER laid before the House the following Senate concurrent resolutions; which were read, and referred to the Committee on Printing, namely:

Concurrent resolution providing for printing 2,500 additional copies of the report of the electrical conference at Philadelphia in 1884, for the use of the Department of State.

Concurrent resolution providing for printing 6,000 additional copies of the Digest of the Official Opinions of Attorneys-General from 1789 to 1881.

REPORT OF THE DIRECTOR OF THE MINT.

The SPEAKER also laid before the House a concurrent resolution of the House providing for printing the annual report of the Director of the Mint on the production of the precious metals in the United States, with Senate amendments; which was referred to the Committee on Printing.

RETURN OF A BILL TO THE SENATE.

The SPEAKER also laid before the House the following message from the Senate:

IN THE SENATE OF THE UNITED STATES, *July* 26, 1886.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 3014) to provide for holding terms of court in Colorado.

The SPEAKER. Without objection this request will be complied with.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. HOUK, an extension of leave until Saturday next.

To Mr. GALLINGER, from further attendance during the present session.

To Mr. ALLEN, of Massachusetts, indefinitely, on account of important business, from Friday morning, July 30.

To Mr. CANDLER, for the balance of the session, on account of sickness.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed with amendments in which the concurrence of the House was requested, bills of the following titles:

A bill (H. R. 1630) to increase the pension of the widow of the late Capt. Dominick Lynch, United States Navy; and

A bill (H. R. 9726) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1886, and for prior years, and for other purposes.

The message further announced that the Senate had passed without amendment joint resolution and bills of the following titles:

Joint resolution (H. Res. 138) to print 10,000 copies of the report of the Commissioner of Agriculture on the international sheep and wool show held in Philadelphia in September, 1880;

A bill (H. R. 658) for the relief of Francis W. Haldeman;

A bill (H. R. 1249) for the relief of Margaret F. Ryan;

A bill (H. R. 1511) for the relief of Sidney R. Smith;

A bill (H. R. 1802) for the relief of Moses B. Walker;

A bill (H. R. 1983) to increase the appropriation for the erection of the public building at Reading, Pa.;

A bill (H. R. 2475) to amend an act approved May 25, 1882, entitled "An act for the construction of a public building at Galveston, Tex.;"

A bill (H. R. 4503) to authorize the Secretary of War to permit the Carrollton and Lock Number One Turnpike Road Company to locate and construct its road on land belonging to the United States at lock No. 1, on the Kentucky River, in the State of Kentucky;

A bill (H. R. 5552) for the relief of James Cain;

A bill (H. R. 5872) for the relief of R. D. Beckley and Leon Howard;

A bill (H. R. 260) for the relief of Margaret S. Fain;

A bill (H. R. 578) for the relief of Emma J. Halloway;

A bill (H. R. 887) granting a pension to Thomas S. Duvall;

A bill (H. R. 1584) for the relief of Mrs. Aurelia C. Richardson;

A bill (H. R. 1617) for the relief of George H. Laurence;

A bill (H. R. 1681) for the relief of William Hicks;

A bill (H. R. 2027) granting a pension to Joshua Armstrong;

A bill (H. R. 2964) to restore to the pension-list the name of Abel Mishler, of Pennsylvania;

A bill (H. R. 3118) granting an increase of pension to William H. H. Buck;

A bill (H. R. 3551) granting a pension to George W. Cutler, late a private in Company B, Ninth New Hampshire Volunteers;

A bill (H. R. 3851) granting a pension to William P. Shelton;

A bill (H. R. 3948) granting a pension to James F. Salyers;

A bill (H. R. 4032) granting a pension to John McGowan;

A bill (H. R. 5041) granting a pension to Sally A. Stone;

A bill (H. R. 5389) granting a pension to Ann Kinney;

A bill (H. R. 5950) granting a pension to Catherine Reisinger;

A bill (H. R. 6425) granting a pension to Jonathan S. Lents;

A bill (H. R. 6606) granting a pension to Sallie B. Bent;

A bill (H. R. 6824) granting a pension to James Savercool;

A bill (H. R. 7163) granting a pension to Peter Adams;

A bill (H. R. 7169) to grant a pension to James Robinson;

A bill (H. R. 7234) granting a pension to Susan Hawes;

A bill (H. R. 7244) granting a pension to Robert B. Kirkpatrick;

A bill (H. R. 7517) for the relief of Warren L. Rice;

A bill (H. R. 7712) granting a pension to Virginia Taylor Randall;

A bill (H. R. 7721) granting a pension to Ellen J. Welch;

A bill (H. R. 7728) granting a pension to Mrs. Elizabeth Collins;

A bill (H. R. 7736) to increase the pension of George W. Parks;

A bill (H. R. 7749) granting a pension to Aretus N. Butler;

A bill (H. R. 8046) granting a pension to Erastus W. Kennedy;

A bill (H. R. 8057) for the relief of Theodore Dunmire;

A bill (H. R. 8333) granting a pension to Lucinda Sawyer;

A bill (H. R. 8334) for the relief of Jacob Nix;

A bill (H. R. 8352) for the relief of Levi A. Cronkhite;

A bill (H. R. 8374) granting a pension to Mrs. Mary M. Gillham;

A bill (H. R. 8481) granting a pension to Thomas Walsh;

A bill (H. R. 8556) granting a pension to Abraham Points;

A bill (H. R. 8635) granting a pension to Irene Googins;

A bill (H. R. 8663) to increase the pension of Jonas Schoonover;

A bill (H. R. 8963) granting a pension to Michael Fitzpatrick;

A bill (H. R. 8977) to restore to the pension-roll the name of Samuel Bulman;

A bill (H. R. 9052) granting an increase of pension to Capt. John F. Morris; and

A bill (H. R. 9457) granting a pension to Martin V. Curry.

The message further announced that the Senate had passed joint resolution and bills of the following titles; in which the concurrence of the House was requested:

Joint resolution (S. R. 73) authorizing the Secretary of War to grant a permit to John F. Chamberlin to erect a hotel upon the lands of the United States at Fortress Monroe, Va.;

A bill (S. 246) to provide for the erection of a public building at Charlotte, N. C.;

A bill (S. 1536) for the purchase of suitable grounds in the city of Owensburg, in the State of Kentucky, and the erection thereon of a public building for the post-office, United States collector's office, United States commissioner's office, and for the use of other United States officers in said city, and appropriating money for said purposes;

A bill (S. 1847) for the purchase of land for the Federal building in Brooklyn, N. Y.;

A bill (S. 2194) for the erection of a public building at Haverhill, Mass.;

A bill (S. 2242) to change the limit of appropriation for the public building at La Crosse, Wis.;

A bill (S. 2477) making an appropriation for the establishment and erection of a military post near the city of Denver, in the State of Colorado;

A bill (S. 2643) supplemental to an act approved March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government;"

A bill (S. 2794) to amend an act entitled "An act for the erection and construction of a public building at Oxford, Miss.," approved July 12, 1882;

A bill (S. 2796) to establish a land office at Lamar, Colo.;

A bill (S. 368) for the relief of Susan E. Alger;

A bill (S. 2311) granting an increase of pension to Benjamin F. Berkley;

A bill (S. 2451) for the relief of Mrs. Julia De Quindre;

A bill (S. 2587) granting a pension to Elizabeth Ward;

A bill (S. 2682) granting a pension to Thomas W. Egan;

A bill (S. 2686) granting a pension to Morris T. Mantor;

A bill (S. 2708) for the relief of Maria L. Strong;

A bill (S. 2730) granting an increase of pension to Elizabeth S. De Krafft;

A bill (S. 2790) granting a pension to Catherine M. Lee;

A bill (S. 2797) granting a pension to Lizzie Wright Owen; and

A bill (S. 2868) granting a pension to Mary Ann Dougherty.

ORDER OF BUSINESS.

Mr. PAYSON. I demand the regular order.

I move to dispense with the morning hour for the call of committees.

The SPEAKER. Under the order of the House made on yesterday morning, by unanimous consent a bill called up by the gentleman from Massachusetts [Mr. COLLINS] comes over until this morning, subject, however, to objection.

Mr. HOLMAN. I hope that will go over under the same conditions until to-morrow morning.

Mr. COLLINS. I must be content if that is the desire of the gentleman.

Mr. REED, of Maine. What is the bill to which the gentleman refers?

The SPEAKER. It is a bill providing for an additional circuit judge in the second judicial circuit.

Mr. REED, of Maine. What is the wish of the gentleman from Massachusetts?

Mr. COLLINS. As there is objection to its present consideration, I am content that it shall go over until to-morrow morning under the same conditions.

The SPEAKER. The bill has not been printed in the RECORD, and by consent it goes over until to-morrow, subject to the same objection that might be made against it to-day.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I desire to make a report from the Committee on Appropriations.

Mr. WILLIS. I have a privileged report which I wish to make.

The SPEAKER. The gentleman from Pennsylvania, the Chair supposes, presents a privileged report?

Mr. RANDALL. It is.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

The Committee on Appropriations, to whom was referred the bill (H. R. 9478) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, together with the Senate amendments thereto, having considered the same, beg leave to report as follows:

They recommend concurrence in the amendments of the Senate numbered 68, 69, 70, 71, 72, 73, 144, 147, 156, 157, 158, 170, 171, 204, 218, 223, 224, 225, 231, 240, 241, and 242.

They recommend non-concurrence in the amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 75, 76, 77, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 145, 146, 148, 149, 150, 151, 152, 153, 154, 155, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 219, 220, 221, 222, 226, 227, 228, 229, 230, 232, 233, 234, 235, 236, 237, 238, 239, and 243.

That the House concur in the amendment of the Senate numbered 74, with an amendment as follows: In lieu of the matter proposed to be inserted, insert the following: And denominations of one, two, and five dollars may be issued in lieu of silver certificates of larger denominations in the Treasury, or in exchange therefor, upon presentation by the holders, and to that extent said certificates of larger denomination shall be canceled and destroyed.

That the House concur in the amendment of the Senate numbered 78, with an amendment as follows: After the word "Virginia," in said amendment, insert "Tennessee River."

Mr. RANDALL. I ask the previous question on the report of the committee.

Mr. REED, of Maine. I think some explanation ought to be offered.

Mr. RANDALL addressed the Chair.

Mr. BURROWS. No intelligent idea can be obtained from the reading of the report. We ought to have some knowledge of what is recommended. I make the point that the report must have its first consideration in Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair sustains the point of order.

Mr. RANDALL. It will take all day. I ask the regular order.

The SPEAKER. The regular order is the motion made by the gentleman from Illinois [Mr. PAYSON] to dispense with the morning hour.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS. I present a report of a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate on the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have been unable to agree.

ALBERT S. WILLIS,
NEWTON C. BLANCHARD,
THOMAS J. HENDERSON,
Managers on the part of the House.

S. J. R. McMILLAN,
O. D. CONGER,
M. W. RANSOM,
Managers on the part of the Senate.

Mr. WILLIS. I offer the resolution which I send to the desk, and ask the previous question on it.

Mr. ANDERSON, of Kansas. I make the point of order that this, being an appropriation bill, must be considered in Committee of the Whole.

The SPEAKER. But this is a conference report.

Mr. ANDERSON, of Kansas. Does that make any difference?

The SPEAKER. All amendments have been considered in Committee of the Whole House on the state of the Union, and even if that were not the case the point of order made by the gentleman does not apply to a conference report.

The Clerk read the resolution offered by Mr. WILLIS, as follows:

Resolved, That it is the sense of this House that the item in the river and harbor appropriation bill making an appropriation for the Portage Lake and Lake Superior Ship-canal be stricken from the amendment of the Senate, and that the conferees of the House, when next appointed, be, and are hereby, so instructed.

Mr. WILLIS. Upon that I demand the previous question.

The previous question was ordered.

The SPEAKER. Under the rules, thirty minutes are allowed for debate, fifteen minutes in support of the proposition and fifteen against it. [Cries of "Vote!" "Vote!"]

Mr. MOFFATT. I would like to be heard on that proposition. What is the pending question?

The SPEAKER. The previous question has been ordered and the question is on the adoption of the resolution.

Mr. MOFFATT. I desire to be heard on it.

The SPEAKER. The gentleman will proceed.

Mr. MOFFATT. In the very few moments which under the rules are allotted to me to explain the proposition contained in the Senate amendment I can expect of course to do so only very briefly. But I shall say to the House that this amendment proposed by the Senate is one of the most meritorious propositions that have been suggested in the river and harbor bill.

This amendment is in the interest of the commerce of the great Northwest. It is in the interest of a commerce which last year aggregated $53,000,000 and will this year reach $60,000,000, and has the right to demand consideration from the Congress of the United States. The Keweenaw Peninsula of Michigan extends for about 100 miles into Lake Superior across what would be the direct line of the commerce of the great lakes. Near the southern extremity of this peninsula is the Portage Lake and River, extending within 1½ miles of the whole distance. Between Portage Lake and Lake Superior a canal has been cut connecting these two waters. Portage River, the outlet of the lake, has been deepened and improved. So by these two improvements a channel or water way has been made across this peninsula.

These improvements are owned by private corporations, authorized to charge and collect toll from all vessels using these canals and their freight. By means of these canals the great commerce of Lake Superior is enabled to save a distance of 125 to 150 miles, or from fifteen to twenty hours of time. It needs, I apprehend, no argument to demonstrate to this House the benefit to the great commerce of the Northwest of a saving of 150 miles' distance, or twenty hours' time each way each trip of the vessel. This alone should be sufficient reason why this amendment should be adopted, to the end that these canals should be made free to this commerce.

Time is money, and a saving of twenty hours in the single passage of a steamer or sail vessel the length of Lake Superior means a large amount of money in the season of navigation. It means at least seventy-five or one hundred dollars per trip. Why, sir, in the matter of time alone the money saved by making these water ways free to the commerce of the lakes would equal, yes, exceed, in one season all you are called upon to pay for them, and, sir, if this was the only reason for concurring in the amendment of the Senate I should feel perfectly justified in urging this action.

But, sir, there are still further and more important and weightier reasons. From the Apostle Islands to Marquette, a distance of 270 miles or thereabout, along the southern shore of Lake Superior, the bleakest and most dangerous coast on the great lakes, there is not a harbor where a vessel engaged in this great and rapidly growing commerce can seek a shelter and protection from the storms which sweep over Superior. Vessels engaged in this great commerce, $53,000,000 of freight, and hundreds of lives are thus put in jeopardy.

I know of no place in the nation where commerce is left thus exposed and unprotected. I know of no coast where for this distance an enormous commerce is left without a harbor in which it can seek a shelter.

Why, sir, the whole coast of Keweenaw is strewn with the wrecks of steamers and vessels and its beach covered with their valuable cargoes. There is not a year but what the loss by shipwrecks on Superior far exceeds the amount necessary to purchase the canals and provide a harbor of refuge.

Again, sir, on the Keweenaw Peninsula, on Portage Lake and tributaries thereto, there is one of the greatest industries in this nation, to wit, copper mines which produce one-half of the copper product of the world, and every pound has to be tolled as it passes through these canals to the markets of the world, and everything which enters into the production of this copper—the machinery, the coal, all material, all that the large population of this country eat or wear, everything exported and imported into the countries where are situated these great industries—is tolled. It amounted last year to a tax of $1.25 upon ever man, woman, and child in the copper district.

A toll on a great commerce is odious, a great burden, a grievous wrong which should not be tolerated. Here then are three reasons, any one of which is good and sufficient of itself, why these canals should be owned and controlled by the General Government.

This is not a proposition in which my State or the constituency I represent in this House are alone interested. The commerce of Superior is wholly interstate. It is the wheat of Dakota, the grain and flour and iron of Minnesota, the iron of Wisconsin, and the copper and iron of Michigan, and the return cargoes from Chicago, Milwaukee, Buffalo, Toledo, Erie, and Cleveland. Not 20 per cent. is to or from Michigan ports. It is the great commerce to and from the Northwest growing and developing with marvelous rapidity every day that asks care and protection at your hands.

You have on the files of this House resolutions from the Legislatures of Minnesota, Wisconsin, Illinois, and Michigan, asking that the General Government acquire title to these canals; petitions from the boards of trade in cities of Illinois, Minnesota, Wisconsin, Ohio, Pennsylvania, and Michigan, asking that these canals be made free to the commerce of the lakes; you have petitions from more than one thousand ship-owners and navigators, asking that their property and lives may be protected by the acquisition of the titles to the canals, that they be a free harbor of refuge. You have been petitioned by citizens of New York, Massachusetts, and Connecticut, interested in the commerce of the lakes, asking this action. Your files are burdened with these petitions and memorials from all parts of the country, asking at your hands what this amendment will accomplish. No proposition ever came before any Congress better indorsed or more strongly urged.

It has also been indorsed by the Engineer Department of the Government. On the 22d day of April, 1884, the Senate passed a resolution calling on the War Department for a report as to the advisability of this purchase, in response to which the Department transmitted the report of General Poe, of the Engineer Corps (see Senate Executive Document No. 15, Forty-eighth Congress, second session). I quote from said report:

> Lieutenant-Colonel Poe reports that the price asked for the two canals is $350,000, and if the ownership of this important water way can be vested in the Government free from all incumbrance, thus rendering their navigation free to commerce, there can be no question but that the price is reasonable and the purchase advisable.
>
> The opening of these canals would shorten the route for all vessels from Sault Saint Mary to Duluth and avoid the dangerous passage around Keweenaw Point, which is extremely hazardous, especially during the stormy months of spring and fall.
>
> The already great and rapidly increasing commerce of Lake Superior would seem to commend this purchase to the favorable consideration of Congress.

Now, sir, if this amendment simply provided that, in answer to the demands of Legislatures, boards of trades, ship-owners, navigators, and citizens all over the country, a harbor of refuge should be constructed for the commerce of the lakes, or to shorten the sailing distance of the vessels engaged in that commerce and to relieve one of the great industries of the nation from an excessive burden in the shape of tolls, I doubt if a man in this House would object.

Then what is the cause of the opposition in this case? It was voiced the other day by the distinguished gentleman from Indiana [Mr. HOLMAN], and I am surprised that a man of his accuracy and with his great knowledge of matters of legislation should have made the statement he did. He said these canals were built with a land grant and that they had served their purpose, and it was now proposed to unload them on the General Government. As to the last statement, I will say, the canals to-day are of infinitely more importance than they were at that time. They were then of a mere local importance, and now they are in the pathway of the commerce of the whole Northwest, amounting to $60,000,000.

And I submit that the objection as to the land grant is not valid. Here it is claimed that because a grant of land worth $500,000 was made to aid in the construction of one of these canals twenty years ago when the commerce of Lake Superior was in its infancy, therefore we will refuse to care for and protect the commerce of to-day, worth fifty or sixty millions. Because somebody some time may have made some money out of a land grant the great commerce of the lake shall be exposed to shipwreck and destruction for want of a harbor of refuge, valuable time shall be lost each year worth more than you are asked to appropriate, and great communities and industries taxed and tolled. It is proposed that the interests of the States and cities and commercial bodies who have memorialized and petitioned you shall have no relief because forsooth somebody received $500,000 worth of land to aid in constructing a canal that cost millions twenty years ago.

For this reason all these great interests, rivaling any on this continent, must be turned away from these Halls and their prayer for relief refused. But, sir, I want to say to gentlemen that it is not proposed to pay a cent for the canal constructed by the aid of this land grant—not a cent. You will have to invent some other objection.

This is the situation: There is a canal, so called, at each end of Portage Lake. The upper one was built by aid of the land grant. The lower one was constructed without the aid of a dollar of money or an acre of land from the General Government. Both canals are now owned by the same company, or rather the individuals composing the two companies are the same. The upper canal, to the construction of which the Government lent its aid, is of no value to its owners. It nets less than $1,000 per year, as you will see testified to before a committee of this House in the last Congress, and I have a certified statement of receipts and expenditures showing the same. This, of course, is no object to the company. They would be glad to give it away to get rid of it. But the lower canal is a valuable property. The tolls collected amount to from fifty to sixty thousand dollars per year, and the net profit is a large interest on the amount asked for both canals. So we are only to pay what the lower canal is actually worth as an investment, and the one into which the land grant went is "thrown in" because it is of no value to the company. This is the condition of affairs, and the land grant is foreign to the question.

This is a safe amendment. It has been indorsed by the Engineer Department, as I have before stated; and it is now further provided that the purchase shall not be consummated until two other officers of the Engineer Corps shall certify that it is desirable and necessary, and the price to be paid is reasonable.

This is not an effort of a corporation to unload a poor property on to the United States. It is the effort of a people interested in a great commerce; a people interested in great industries, striving for protection for that commerce and relief for these industries.

I but give voice to the request and prayer of the people of Minnesota, Illinois, Wisconsin, and Michigan, as expressed by their Legislatures, of the boards of trades of all the cities of the great lakes; of the cities of almost every commercial center of New England; and of the ship-owners and sailors of the lakes, when I ask this House to hearken to their requests and give to the commerce of Lake Superior the consideration its importance demands, by providing in this bill, carrying from fifteen to eighteen millions of dollars, the comparatively small sum necessary to provide for it that protection accorded to the commerce of all other sections of the country, and to relieve its industries by removing the burden of tolls. And I wish to say to the members of this House who favor the river and harbor bill that you can not afford to pass this resolution and thus tie up the hands of your conferees so that they can not agree to these amendments, if they deem it best, in order to secure the passage of the bill.

[During the delivery of the above remarks the fifteen minutes allowed in opposition to the resolution expired.

Mr. MOFFATT. May I have a moment more?

Mr. WILLIS. How much time does the gentleman desire?

Mr. MOFFATT. About three minutes.

Mr. WILLIS. I yield the gentleman three minutes.

Mr. MOFFATT resumed and completed his remarks as above printed.]

Mr. STONE, of Massachusetts. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STONE, of Massachusetts. I desire to know whether as this resolution relates to three distinct matters debate should not be permitted upon each distinct proposition?

The SPEAKER. The Chair understands the resolution embraces only one proposition. It relates only to what is known as the Portage Lake Canal.

Mr. STONE, of Massachusetts. Then I misunderstood it.

Mr. WILLIS. I desire briefly to call the attention of the House to the condition of this bill. I have great sympathy with every effort to make free every water way of this country; but I have still greater sympathy at the present moment with the pressing necessity of providing for the wants of the great harbors and rivers of this country; and I fear that if this and other schemes—I use the word scheme in no improper sense—be placed upon this bill they will sacrifice all the great interests that I have alluded to without accomplishing anything for their own benefit.

If I desired to go into the merits of this proposition, I would state to the House that there are two canals, as the gentleman from Michigan has stated, but that they are owned by the same parties. I would state that the Congress of the United States appropriated over $500,000, over half a million dollars, to complete one of these canals, giving 400,000 acres of the richest mineral and agricultural lands of this country for that purpose, upon the express stipulation that it should be made free to the commerce of the country. But the gentleman from Michigan states that there is a burden now of $64,000 per annum by way of tolls. I stated, as the gentleman knows, that of that $64,000 $60,000 are paid by these great copper mines, whose owners in large part are the owners of these canals.

Mr. MOFFATT. May I interrupt the gentleman? He is quite mistaken. The owners of the canals are not the owners of the mines.

Mr. WILLIS. In part, I stated.

Mr. MOFFATT. I think not.

Mr. WILLIS. Now I say to my friend, let this wait a little. This House has been exceedingly liberal to Michigan, and to that part of the country, and I am glad of it; but let them not jeopardize other interests, and their own interests also, by pressing this matter on this bill to the destruction, as I believe, of the whole bill. Let them wait a few months or a year. It has been only a few years since the toll has

been imposed, and I ask the friends of this bill, and I ask my friend from Michigan [Mr. MOFFATT] not to press this measure here, but to give us a vote on the bill, eliminating for the present, without regard to its merits if you please, this item. Let us leave this out and act upon the other subjects that we can agree upon, and go on and dispose of the bill. I yield four minutes to the gentleman from Ohio [Mr. GROSVENOR.]

Mr. GROSVENOR. Mr. Speaker, I desire to say a few words to the House in favor of the adoption of this resolution. The time has come in the history of this bill when something will have to be yielded or the life of the bill will be imperiled. I do not assail this Portage Lake Canal appropriation as one which, under other circumstances, might not be properly made; but with the light which I was able to get during the examination of the question in the committee, I was unable to bring my mind to agree that the time had been reached when Congress could act intelligently and wisely in making an appropriation for this purpose. The fact of the title of the property being in a corporation which has to be extinguished, raises a number of questions which, putting it upon the very best ground, leaves the case a doubtful one. I do not share the idea that piling up in one State a large amount of the appropriations made by this bill is necessarily an objectionable thing; but we can not shut our eyes to the fact that an unreasonable proportion of the appropriations carried in a bill like this lavished upon a single State must affect the passage of the bill in the House and in the Senate.

So it occurred to me as a member of the committee, and I am still of the opinion, as to these great improvements along the line of the great lakes—and I agree that there are none more important in this country—that, inasmuch as a very large sum of money was appropriated in the bill for improvements in that region, inasmuch as there was no emergency pressing upon us in regard to this item, and inasmuch as the sum which it requires runs away above a quarter of a million dollars, it ought in my judgment to be postponed until another Congress, or another session of this Congress, shall have further light upon the various questions involved. I subtract nothing from the argument of the gentleman from Michigan [Mr. MOFFATT] in regard to the ultimate importance of this improvement, but——

Mr. COBB. Is the gentleman aware of the fact that Congress gave to the original corporation for the construction of this canal a grant of 400,000 acres of the very best lands in the northern peninsula in Michigan?

Mr. GROSVENOR. I am aware of that. My colleague on the committee [Mr. WILLIS] has just stated that fact. Congress did give a large body of very valuable land to aid in the original construction of this work, and I will never consent to the purchase of the canal without an accounting being made to the Government for a fair proportion of the value which Congress has given to the work by that donation. In other words, I am not willing to consent that after Congress has conferred a great subsidy upon a corporation to enable it to construct its works, Congress should then buy the works without any allowance being made to the Government for the value created by that original grant. So, Mr. Speaker, for all these reasons, I think that the friends of this project, without compromising its ultimate adoption, without compromising the question of the great value of this canal as a public work—I think that under the circumstances they can very well afford to withdraw this provision, and let us try to pass the bill leaving it out.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. WILLIS. I now yield to the gentleman from California [Mr. HENLEY].

Mr. HENLEY. Mr. Speaker, I know something about the canal that is sought by this amendment to be settled upon the Government. It was a subject of investigation by the Committee on Public Lands in the Forty-eighth Congress. A resolution was introduced to refer the subject to that committee for the purpose of investigating the questions connected with the construction of that canal and the grant of land that accompanied the act providing for it. The grant, as I remember, was of 400,000 acres of land of enormous value, containing some of the most valuable mineral deposits and some of the best timber on the continent. The Committee on Public Lands would have reported in favor of the forfeiture of the grant had it not been for the fact that the act devolved upon the governor of Michigan the duty of certifying as to the completion of the canal in accordance with the terms of the law. The governor had so certified, and the committee thought that it would be perhaps dangerous for Congress to undertake to interfere with the validity of that certification. But the inquiry that was instituted under the resolution developed the fact that the canal had been constructed in an exceedingly imperfect and incomplete manner, so as to be quite insufficient to meet the requirements of commerce, and had it not been for the provision of the law which authorized the governor of Michigan to certify the completion of the canal, the committee would have recommended the forfeiture of the grant upon the ground that the grantees had not complied with the terms of the law.

Mr. OATES. If the gentleman will permit me, I will ask him if it was not also a part of the defense made by Mr. Davis, the president of the company, that the lands had been sold and had passed into the hands of aliens, English capitalists, who knew nothing of any possible defect in the title.

Mr. HENLEY. Yes, sir; that is true. One of the grounds against forfeiture urged by the president of the canal company was that the lands embraced within the grant itself had actually passed into the hands of foreign capitalists, and were therefore beyond the reach of Congress. We did not pay special attention to that position; for if that was the only difficulty with which the committee was confronted we should certainly have urged a forfeiture. It was claimed, however, that they were innocent purchasers.

Mr. MOFFATT. May I ask the gentleman a question?

Mr. HENLEY. Certainly.

Mr. MOFFATT. Are you aware of the fact that we are not paying a single dollar for that canal?

Mr. HENLEY. Why you got $5,000,000 more than enough to build the canal, according to the requirements of the act of Congress.

Mr. MOFFATT. This bill does not provide a dollar for that canal.

[Here the hammer fell.]

The SPEAKER. The question is on agreeing to the resolution which has been read.

Mr. NEECE. I ask that it be reported again.

The resolution was again read.

The resolution was agreed to; there being on a division—ayes 109, noes 63.

Mr. WILLIS moved to reconsider the last vote taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WILLIS. I now offer the other resolution, which is at the desk.

The Clerk read as follows:

Resolved, That the conferees of the House on the river and harbor bill, when next appointed, be instructed to insist on striking out the amendment of the Senate making an appropriation for the Lake Michigan and Hennepin Canal.

Mr. WILLIS. On that I demand the previous question.

The previous question was ordered.

The SPEAKER. Under the rule, thirty minutes are allowed for debate, fifteen on each side. The Chair will recognize the gentleman from Illinois [Mr. HENDERSON] to control the time in opposition.

[Cries of "Vote!" "Vote!"]

Mr. HENDERSON, of Illinois. I yield one minute to my colleague from Illinois [Mr. NEECE].

Mr. NEECE. Mr. Speaker, there is no measure pending before Congress, nor is it likely that there will be one, which tends so largely to regulate the charges of railroads for the transportation of freight as the completion of this Hennepin Canal. It is a question which has been before Congress for many years; it is before this one and will be here before the next one, urged by the friends of cheap transportation in this country, unless it is adopted; and you people who have so much trouble about the Constitution in connection with this canal will find that the Constitution will take care of itself and that the people will force this canal to be built in the interest of cheap transportation in this country. It will have the effect to put it beyond the power of railroad corporations to extort just what they please from the people of the Northwest, and to that extent it will help the entire country. I hope the resolution will not be agreed to.

[Here the hammer fell.]

Mr. HENDERSON, of Illinois. I now yield one minute to the gentleman from Illinois [Mr. PLUMB].

Mr. PLUMB. Mr. Speaker, by the action of the Senate the House is now brought to face the question of accepting from the State of Illinois 96 miles of canal with an appropriation to begin the work of extending said canal to the Mississippi River.

It seems to me, sir, that not in this Congress nor in many preceding sessions of this body has any question which affects so largely and directly the prosperity of the whole country been presented for our consideration.

The resolution now offered by the chairman of the River and Harbor Committee [Mr. WILLIS], by which it is proposed to instruct the committee of conference to strike out the Senate amendment which provides for the acceptance and construction I have referred to, ought not to pass.

Mr. Speaker, in the discussion of this question a few days ago this enterprise was characterized on this floor as a scheme. It was denied emphatically that it was a "steal," but it was insisted that it was a "scheme." Mr. Speaker, it is a scheme, and one of the grandest schemes that has ever been presented to the American Congress in the interests of all our people. It is a scheme, sir, to connect the East with the West. It is a scheme to connect the Mississsppi Valley, which contains one-half of the population of these States, with the industries of the East. It is a scheme to connect the waters of the Mississippi Valley with the waters of the East. It is a scheme to benefit all the farming interests that lie west of Chicago in six States of this Union and one Territory particularly. It is to benefit the manufacturing interests of the East. It is a scheme to develop every coal field in these portions of the United States. It is a scheme that will aid and benefit one-half of the people of this country, and which does no injury to the remainder.

It is a scheme to present to the Government of the United States a canal that has cost $6,000,000 for the sole purpose of inaugurating the scheme I have suggested.

Mr. Speaker, the Illinois and Michigan Canal extends from Chicago and the waters of Lake Michigan southwesterly to the city of La Salle, a distance of 96 miles, and there connects with the Illinois River improvement. This canal was built by the State of Illinois, aided by grant of lands from the United States, and has been in successful operation since its completion in 1847. It is 60 feet wide at water-line, with a water depth of 6 feet. The total cost of the work was $6,557,681.50. It has been the practice of the State to operate the canal on the policy of low tolls, and yet its net receipts over operating expenses amount to $2,993,691.74.

By an act of the Legislature of Illinois approved April 28, 1882, "the Illinois and Michigan Canal, its right of way, and all its appurtenances, and all rights, titles, and interest which the State has in any real estate ceded to the State by the United States for canal purposes," was ceded to the United States upon the express condition that the grant should be accepted within five years, and that thereafter the said canal should be maintained as a national water way for commercial purposes, to be used by all persons without discrimination, under such rules and regulations as Congress may prescribe. This act was ratified by a large majority of the voters of the State at the election of November 7, 1882.

The proposed canal from Hennepin, on the Illinois River, to the Mississippi, is designated as the Illinois and Mississippi River Canal, and is known as the "Hennepin Canal." It has been surveyed by authority of the Forty-seventh Congress, under the direction of the Secretary of War, and the United States engineers report "a perfectly feasible route" for a canal 80 feet wide at the water-line, with 7 feet of water. When completed direct water communication will be secured between the great lakes and the water ways of the East to the Mississippi River on the west and the Gulf of Mexico on the south. The length of the line from Hennepin to the Mississippi at the mouth of Rock River is 74.5 miles. A feeder 37.1 miles in length is to be built extending to Dixon, on Rock River, and called the Rock Island route. Major Benyaurd, in his report, says of the dimensions of canal and locks:

It is proposed to make the canal and feeder 80 feet wide on the water surface, and 7 feet deep, with slopes of 1 on 1½. The locks for the main canal are 170 feet long and 30 feet wide. These latter dimensions were adopted after considering the question of low-water navigation on the Upper Mississippi, as affecting barge transportation. The hull measurement of the larger size barges adapted to the passage of the locks, is, according to the custom-house authorities, about 300 tons, though with deeper water afforded by higher stages of the river, and also by the proposed dimensions of the canal, such barges can, with the box-top, carry over 600 tons; but we had to be governed by the minimum draught of the boats at the most unfavorable stage of of the main river.

The same lock dimensions for the Hennepin Canal were also adopted by Colonel Macomb in the report of 1874, in connection with the subject of transportation routes to the seaboard.

The estimated cost of constructing this canal and feeder, including right of way, is $6,672,890.67; the estimated cost of enlarging the Illinois and Michigan Canal, $2,298,919.15; total, $8,971,809.82. This estimate is for the construction of what is known as the Rock Island route, which is recommended by the committee.

The proposition in the bill is to accept of the proffered grant of the Illinois and Michigan Canal made by the State of Illinois on the terms proposed, and to construct, under the direction of the Secretary of War, the Illinois and Mississippi River Canal (called the Hennepin), thus connecting the great water systems of the East and West.

The western system, consisting of the Mississippi and its tributaries, drains an area of 1,244,000 square miles—considerably larger than all central Europe, a region which for richness of soil is without a parallel, and contains a population of over 25,000,000.

Turn now to the East; look at the great lakes, the River Saint Lawrence, the Erie Canal, and the Hudson River, which touches New England and reaches New York Harbor, and you have another grand system which in its importance as a developed inland water way stands unequaled in this country. These two are waiting to be united in one grand water way, calling, if you please, on this Congress to supply the needed link that shall furnish to the nation advantages for internal commerce unequaled on the globe.

Why is this work demanded now? Mr. Speaker, the answer is to cheapen and regulate rates of transportation.

As has well been said, the four great departments of industry which give employment to our people are, agriculture, mining, manufacture, and commerce. Next to personal liberty and the equal rights of all, if there be any duty which in time of peace a government owes to the people of greater sacredness than is involved in promoting these, I know not what it is. Cheap transportation is essential to the prosperity, ay, and almost to the very existence, of every one of these departments of industry. To the agriculturist it is the same as cheaper production; to the miner it is better wages for his work; to the manufacturer it is a saving in the cost of his wares; to commerce it lessens outlay and enlarges the volume of business, and to the consumer of both agricultural products and of manufactured goods it lessens the cost of living. In short, cheap transit is a blessing to all and an injury to none.

In discussing transportation, two methods now in use must be considered—one by water, the other by rail.

The railway age in which we live has made us almost forget the river and the canal, and the impression seems to have been made on the public mind that the canal method has passed away, or, at least, has been so completely superseded by the railroad as to be unworthy of attention. Mr. Speaker, no greater mistake can be made.

Sir Vernon Harcourt, in his late work on rivers and canals, says there are in use in Great Britain 3,138½ miles of canal; in France, 2,954 miles; while Holland and Italy are famed for their extensive systems of canals. In India, canals are utilized for both irrigation and transportation; one of the most important being the Lower Ganges Canal, 582 miles in length, just completed. In concluding a chapter on canals this distinguished authority says:

It is evident that rivers and canals when properly maintained and developed still form important routes of inland communication. Their commercial value has in most cases been considerably impaired by railways; but they are gradually recovering from the depression into which they were thrown by the keen competition of the railway systems. Though canals can not hope to compete with railways in the conveyance of passengers and of light, perishable articles, it is certain they possess advantages for the transport of heavy and bulky goods.

He concludes by saying:

Canals, if maintained, extended, and, when necessary, enlarged, as is being done now in France, and if not suffered to fall into the hands of the proprietors of railways traversing the same districts, both foster a healthy competition with railways and tend consequently to reduce the cost of transport to the advantage of the public.

Mr. Speaker, it is by no means strange that the advent of railways and the wonderfully rapid development of the system should, for a time at least, have caused the river and canal to be pushed out of favorable consideration. Why, sir, as young as I am, the first laid railway track on which passengers were carried in the United States is within my recollection. Since then, what a miracle has been wrought by steel and steam. From that small beginning railways having covered as with a net-work every State east of the Alleghanies, have found their way over these mountain barriers into the valley of the Mississippi, entering every State and Territory, and almost every county therein. They have sped across the plains from the Missouri to the base of the Rockies, and, nothing daunted by their steep ascents, have found for themselves passes or pierced their way through tunnels, and with five magnificent trunk lines are now carrying passengers and freight from the shores of the Atlantic to the Pacific, while with the numberless branches, the rich valleys and mining region of the Rocky and Sierra mountain ranges are everywhere being reached by the railway train.

Since the world began, in no other half century has so much been done by any one agency to push forward the interests of the four great departments of industry already referred to, or to advance civilization, as by the railways of the United States. They represent an invested capital of $8,000,000,000; they are conducted by the best business talent the country affords; they have had, moreover, conferred upon them corporate powers under which they claim the right to act in any way that in the judgment of their managers is calculated to promote their own interests. The railway shareholder delegates the management of his capital to a board of directors and to managers, and thereafter has no care respecting it other than a good dividend. Selfishness, strengthened by corporate powers, must necessarily control every railway corporation in the land. The competition to which a confiding public once looked for protection has faded from sight, and combination has taken its place. The powers conferred by State government upon the corporations which control the 125,000 miles of existing railways in this country have been so exercised that nowhere is there a section wherein commerce is not at the mercy of the railways, save where there is water transportation.

In all this I bring no railing accusation, but merely state facts as they do and must exist with such a railway system as we now have. The men who control these railways will compare favorably with any other class in all that goes to make up business character and respectability, and it is by no means probable that those by whom railroad managers are assailed would have shown themselves less subject to criticism than the latter had the same business devolved upon them. I put this case as it is, simply to show the criminal folly of a government that proposes irrevocably to commit its internal commerce to the unrestrained and uncontrolled guardianship of such a system. But, Mr. Speaker, I do not propose to enter now into the discussion of the railway problem and its bearing on the vital interests of the country. The highest interests of our

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require that transportation should be regular, the tariff on heavy articles should be placed at the lowest remunerative rates that actual competition can secure. To accomplish this a free water way open to all is the only certain method; and this proposition I shall endeavor to prove before I conclude.

Fortunately for this discussion, Mr. Speaker, we are not left to any speculation or guess-work for facts on which to base our arguments; we have instead, years of legitimate competition between railways and water ways, conducted on a grand scale, each system doing its very best to secure the enormous traffic which has been carried on; and I have here the results to which I invite the candid attention of the House.

The following statements are copied from a public document entitled "Commerce and Navigation, 1884:"

Statement showing the average freight per bushel on wheat from Chicago to New York for ten years.

Years.	Lake and canal.	Lake and rail.	All rail.
	Cents.	*Cents.*	*Cents.*
1874	14.10	16.9	28.7
1875	11.43	14.6	24.1
1876	9.58	11.8	16.5
1877	11.24	15.8	20.3
1878	9.15	11.4	17.3
1879	11.60	13.3	17.3
1880	12.27	15.7	19.7
1881	8.19	10.4	14.4
1882	7.89	10.9	14.6
1883	8.40	11.5	16.5
1884	6.60	9.75	31.0

Statement showing the rate per ton per mile on railroads west of Chicago compared with railroads east of it—1883.

	Cents.
WESTERN ROADS.	
Chicago and Alton	1.13
Chicago, Rock Island and Pacific	1.56
Illinois Central	1.43
Chicago and Northwestern	1.42
Chicago, Milwaukee and Saint Paul	1.39
EASTERN ROADS.	
New York Central	0.91
New York, Lake Erie and Western	0.78
Pittsburgh and Fort Wayne	0.79

Now, sir, here is demonstration that water rates from Chicago to New York are 6.40 cents per bushel less than all-rail rates between the same points. Mr. Speaker, I challenge the closest scrutiny as to the correctness of these statements, and I here ask any who can to controvert them. I repeat the statement—water beats rail between Chicago and New York over 6 cents per bushel. This is the result of a contest in which railways having superior facilities and managed by the ablest have done their best to absorb and control the traffic, and I may add that one of the leading authorities on railway traffic concedes that water lines must control rates for all heavy traffic.

Now, suppose we apply these ascertained facts in relation to the effect of all-water transportation eastward from Chicago to the traffic west of Chicago and what do we find? Why, sir, we find, first, that railway rates west of Chicago are 70 per cent. higher than rail rates east, and why? Simply because of the absence of an all-water competition to the West. Nor is this all that would inevitably follow if the great lakes and the Mississippi were connected by the proposed Hennepin Canal.

The same reduction already secured on freights east of Chicago applied to freight west, upon the basis of the facts as shown in the tables furnished, would amount to a saving of 8 cents per bushel on grain from Mississippi points to Chicago.

Now, Mr. Speaker, having shown by reliable data the saving on each bushel of grain transported over the contemplated route, it is next in order to ascertain the quantity of cereals produced in the region of country that will be reached and influenced by the proposed canal, and in this way we can satisfy ourselves as to whether or not we can afford to build it.

The following tables are compiled from the report of the Statistician, Department of Agriculture, No. 25, made to Hon. Norman J. Coleman, Commissioner, for the year 1885:

CORN.

States and Territories.	Acres.	Bushels.
Illinois	8,559,036	268,998,000
Wisconsin	1,088,019	32,750,000
Minnesota	648,913	18,431,000
Iowa	7,549,542	242,496,000
Missouri	6,295,728	196,861,000
Kansas	3,526,475	129,426,000
Dakota	530,100	15,345,000
Nebraska	3,526,475	129,426,000
Total	31,724,288	1,033,733,000

WHEAT.

Illinois	1,255,905	10,683,000
Wisconsin	1,362,785	15,665,000
Minnesota	3,084,274	34,285,000
Iowa	2,683,944	30,332,000
Missouri	1,517,598	11,275,000
Kansas	1,000,250	11,197,000
Nebraska	1,755,252	19,828,000
Dakota	2,187,084	27,913,000
Total	14,847,092	161,178,000

OATS.

States and Territories.	Acres.	Bushels.
Illinois	3,290,081	107,968,000
Wisconsin	1,412,474	47,778,000
Minnesota	1,076,393	37,544,000
Iowa	2,210,338	74,718,000
Missouri	1,267,849	28,312,000
Kansas	853,920	27,145,000
Nebraska	700,048	24,028,000
Dakota	352,800	13,229,000
Total	11,163,903	360,722,000

RECAPITULATION.

Total corn	31,724,288	1,033,733,000
Total wheat	14,847,092	161,178,000
Total oats	11,163,903	360,722,000
Grand total	57,733,283	1,555,633,000

These tables must be received as the most reliable data within our reach, and they show the annual production of cereals in the States most directly affected by the construction of the proposed canal, in 1885, to be the enormous total of 1,555,633,000 bushels. No one will pretend but that the value of every bushel of this grain is determined by the price of what is shipped away; so that whatever of saving can be made in the cost of transportation should be calculated on the entire crop whether it is shipped or not; but to meet every possible criticism, let us calculate the saving on one-half the crop of 1885, or 777,000,000 bushels, to be not 8 cents, as the facts before quoted demonstrate, but only 4 cents per bushel, and the result is a saving of over $30,000,000 per annum to the producer of those cereals alone. But, Mr. Speaker, this saving, vast as it is, becomes insignificant when compared with the future possibilities of the region we are considering, and these we should take into account if we desire to act wisely in reference to the question before us.

It is estimated that the proportion of acres cultivated to the cultivable land in the States named is as follows: Wisconsin, 1 in 6½; Minnesota, 1 in 13; Nebraska, 1 in 29; Kansas, 1 in 34; Dakota, 1 in 30; Missouri, 1 in 11; Illinois, 1 in 5.

Nowhere else in our own country is there such an agricultural region; none where the proportion of cultivable lands is so large; none capable of making so many homes of plenty for prosperous, intelligent cultivators of the soil—a class of citizens indispensable to the stability of our institutions.

Now, Mr. Speaker, suppose we build the canal and so cheapen transit on the productions of these States as to give to the agriculturist a fair return, and to the farm laborer fair wages, who can doubt but in a few years the sparsely settled portions of that entire region will be covered with homes of comfort. Hither the surplus laborers in the crowded cities and towns of the East will find their way, and a happy deliverance from deprivation and want will await their coming.

But to come back to our present condition—I propose to show what effect the proposed canal will have on other portions of our country, but more especially on the East, with which naturally our traffic relations are most extensive and direct. Now, it must be conceded that any saving in freights on the cereals and other products of the West consumed in the East must be shared by both producer and consumer, and this will be especially the case in the "good time coming," when we shall more nearly consume what we produce, and produce what we consume at home. The amount of grain distributed from the trade centers of the East for consumption (see Nimmo's Report on Internal Commerce of the United States, 1880, page 57) shows the cereal receipts in bushels and exports from the cities of Boston, New York, and Philadelphia as follows:

	Receipts.	Exports.
Boston	37,091,004	18,197,240
New York	164,942,425	132,656,499
Philadelphia	49,102,688	31,509,465

Subtracting the exports from the receipts of each of these cities, the balance will show what was retained in each for home consumption, as follows, namely: Omitting small fractions, Boston retained 19,000,000 bushels, New York retained 32,000,000 bushels, and Philadelphia retained 17,500,000 bushels, all for consumption. Besides this, as every business man knows, shipments of grain from the West to Pittsfield, Springfield, Worcester, Lowell, Lawrence, and numerous other cities and towns in Massachusetts do not go to Boston at all, but directly to those cities and towns.

Neither does the grain from the West shipped to the many cities and towns west of New York city go the city of New York, but directly to those cities and towns. There is no extravagance, therefore, in the sup-

position that the amount of grain from the West consumed in Massachusetts west of Boston, and in New York west of the city of New York, equals the quantity retained for home consumption in those cities and their immediate neighborhoods respectively.

This granted, and we have a grand total of grain consumed in the cities of Philadelphia, New York, and Boston, and in the New England States, New York, New Jersey, and Pennsylvania, amounting to 137,000,000 of bushels annually. How much of the freight saving accrues to the consumer I will not undertake to determine, but conceding that it is 1 cent per bushel, it is more than sufficient to pay annual interest at 10 per cent. on the entire cost of the improvement provided for in this bill.

But, Mr. Speaker, there are other reasons why the manufacturing and commercial East should take a deep interest in this great enterprise. The people of the West are the customers of the East. They buy their manufactured articles, and whatever adds to the prosperity of the people of the West increases their ability to purchase from the East; and whatever reduces the cost of shipment, not only enlarges the market, but adds to the profit of the manufacturer.

In view of these facts so well known to business men is it surprising that the National Board of Trade, the New York Produce Exchange, the New York Board of Trade and Transportation, the Buffalo Board of Trade, and numerous other boards of trade and conventions in various parts of the country, and that the Legislatures of New York, Illinois, and Iowa should have so unanimously passed resolutions calling upon Congress to make the necessary appropriations for the construction of this much needed improvement?

Before entering upon another branch of this discussion allusion should be made to the fact that with this improvement barges towed by steam will transport such heavy articles from New Orleans and the entire South to Chicago as may seek market there, and in turn take back the products of the North—a traffic that will assume an importance undreamed of now as soon as with enlightened statemanship we reach out and secure a proper commercial alliance with our South American republican neighbors.

Mr. Speaker, I come now to the effect of cheap transit on our

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This brings us to the contemplation of a commercial fact that never before existed, namely: Wheat produced by American farmers competing for a market with wheat raised in India.

Wheat sown and harvested in fields 12,000 miles from each other are to-day being sold side by side in the markets of Central Europe, and mostly Great Britain. The significance of the stupendous fact more fully appears when we examine the agencies that have produced it, and the lesson that it teaches.

The Mississippi Valley we know; the depth and richness of its soil, its climate, its beautiful prairies where our hardy pioneers have made themselves homes, erected churches and school-houses—with cities and towns already built up and building—a population called "rowdyish" sometimes, but as intelligent, industrious, enterprising, and brave as ever gave character to any country on which the sun of heaven shines.

Labor-saving implements have enabled them to conquer in part the drudgery of farming. The gang-plow, the seeder, the harvester, and the thrashing-machine move through their fields in obedience to the intelligence that guides them. Mr. Speaker, not elsewhere on earth is there to be seen the equal of the farm laborers of the great Northwest.

But, sir, they are raising wheat for the European market, and who are their competitors? They are the lowest caste or outcasts of India; men whose religion dooms them to remain the hopeless victims of a degraded caste. For clothing a strip of cotton about their loins and another about their brows is the one unchanging costume. The outfit of one of these competing wheat producers consists of—

One pair of bullocks, cost	$12 00
One plow	40
One yoke	15
One leveler	30
One weeder	06
One sickle	06
One winnowing scoop	03
One water lifter	50
Total cost of outfit	13 50

Thus equipped he pays a rental of $3.60 per acre for the land to till. He manures his field, and with his rude plow scratches a shallow furrow, a process which he repeats not less than twenty times before the wheat is sown. The village priest is consulted as to the time the sowing is to begin. Seeding is done by hand-dropping in the furrows. The sprouting crop is often weeded by hand and is watered again and again in the same way. When the harvest is ripe, the reaper with his 6-cent sickle, sitting upon his haunches, cuts a gathered handful at each stroke and lays it in a gavel by his side, and in this way the patient harvester finishes one-twelfth of an acre each working day. The thrashing-floor is a spot of hard ground with a center stake, to which a group of bullocks in line are attached by ropes, and around this stake they tramp until the straw is flattened and the thrashing is done. Then comes the winnower with his scoop, that costs 7 cents, and finishes the work.

Mr. Speaker, is it possible that while we have a soil so rich that if transported to these fields in India it would bring a high price as manure, and with every agricultural implement brought to the highest perfection of labor-saving, it is yet a question whether we can maintain our hold on the wheat markets of Great Britain?

It is even so, and the reasons for it should now command our serious attention.

The British Government, guided by a statesmanship that does it honor—a statesmanship worthy of a nation that aspires to lead the world in commercial greatness—has had the courage to act upon the conviction that the operators in her mines and factories must be fed at the lowest possible cost.

British statesmanship has secured the control of the Suez Canal; it has improved the rivers and harbors of India, and with a lavish hand dug canals which are used both for irrigation and transportation; and has by subsidizing railways and controlling rates and by government building of railways brought the distant wheat-fields of India within profitable reach of Calcutta, Bombay, and Kurrachee.

The following statement of the amount expended by the British Government in aid of inland transportation in India is taken from the administration report on the railways in India for 1884–85, made to the British Parliament.

SUMMARY.

The total extent of railways open for traffic in India on the 31st of March, 1885, is 12,004 miles, of which 6,906 miles are in the hands of companies, 4,434 miles are state lines, either imperial or provincial, and 664 miles belong to native states.

The total capital outlay on the railways and connected steamer services amounted on the 31st of December, 1884, to £155,450,365, of which £105,319,144 have been expended by guaranteed companies inclusive of the cost of the East India Railway.

Total expenditure on canals used for irrigation and navigation, from 1873 to 1883, a period of ten years, amounted to £11,333,964.

Thus we find that the total amount expended by the British Government in India for canals for irrigation and transportation, for railways and connected steamer service, either directly in building, or by guarantees to companies, up to 1884, is over $800,000,000.

The total expenditure of the United States, from the beginning of the Government, for river and harbor improvements, to June 30, 1882, was less than $125,000,000. What a contrast! Great Britain providing for an expenditure of $800,000,000 in India alone to develop the resources of one of her dependencies, while we in a century have only expended one hundred and twenty-five millions on our rivers, harbors, and canals.

Sir Lord Salisbury, in speaking of the United States and Great Britain, declared:

We are rivals—rivals politically, rivals commercially. We aspire to the same position; we both aspire to the government of the seas. We are both manufacturing people, and in every port, as well as in every court, we are rivals to each other.

Mr. Speaker, shall we hesitate to accept of the position thus authoritatively assigned us? Shall we not rather with eagerness enter into a contest with the only country on the globe that can cope with the great Republic in a rivalry which embraces every object so aptly stated by the noble lord? Sir, there are some who propose that we shall ignobly refuse to assert our right to lead the nations of the earth in the grand march toward that true greatness which protects and defends without hesitation the weak and the strong alike, and which, so far as a government can, will secure life, liberty, and happiness to all. There are some who insist that in respect to supremacy in manufactures and commerce we must not strive to win, and that the best that can be done for our agriculturists is to suffer them to become the unaided competitors of the wheat-growers of India for the markets of Europe.

Our great rival expends immense sums to secure cheap transit for cereals produced by her subjects, and we refuse to aid our own Western farmers—not subjects, but fellow-sovereigns. Look now at the result of our folly. Why, sir, that we are steadily losing our market for cereals can not be denied. In 1880, our exports of wheat and corn amounted to $288,000,000, and decreased from year to year until in 1885 the shipments had fallen to $162,000,000, a loss of $126,000,000 in five years. During the same period the increase of exports of wheat from India have been most remarkable.

In 1872 the first experimental cargo came to Liverpool from India. In 1875 she sent only 1,500,000 bushels; in 1882, 37,000,000, and last year India shipped to England over 60,000,000 bushels.

It is profitable, Mr. Speaker, to note here the effect of this British policy in India on our monetary system and our financial condition. Sir, recent discussions in this House have made so prominent the danger to which a loss of gold would expose every interest in the land that a reference to it is sufficient here in this connection, and I desire to call attention to the fact that in 1880, the year that India wheat began to compete with American in Europe, our exports of cereals amounted to $288,000,000 in value, which was 35 per cent. of our entire exports for that year. Now observe our loss year by year until in 1885, when the value of cereals exported by our people was reduced to $126,000,000, or 17 per cent. of the entire export trade of 1884 (exclusive of coin and bullion).

In this connection I call attention to the exports of coin and bullion:

1880	$9,347,893
1881	14,226,944
1882	43,480,271
1883	21,623,181
1884	50,925,635
	138,003,924

coin and bullion exported in the same years that our exports of cereals fell off one hundred and twenty-six millions.

Mr. Speaker, the proposition is a plain one. We still buy largely from abroad; how shall we pay? If we send our great staples to market we keep our gold; if we can not do this, the gold must go. The financial doctors disagree as to whether silver will drive gold from us, but practical men will let doctrinaires dispute about that, for they know from long experience that neither silver nor gold will leave the country to any harmful extent if we send to foreign markets more in value of the great staples we produce than we buy from abroad.

What, then, is duty? Sir, it is as plain as the proposition. We should henceforward devote the energies of the nation to the regulation of internal commerce by cheapening transportation, so that the producers of our staples can obtain living prices for their products and yet successfully compete with the cheaper labor of other countries. Let no man tell us that this can not be done. It must be done; and that, too, without laying burdens on the back of labor. It is the mission of our civilization to do this very work, and do it well. It was for this that the great Republic came to be. For this, through costly, bloody war we have wiped out chattel slavery, and established forever the integrity of the Union. Impelled by a force as silent as it is resistless we are even now brought face to face with the question.

Next to the freedom of the negro as a person bound to labor, is the emancipation of labor itself. It is ours to meet this question and to invite to its solution the laborer himself; to reverse the history of the past, which through weary centuries has made money king, and labor its tool.

With a country as rich in material resources and as vast in extent as ours, with a population as energetic and enterprising, we think, as any other, our expenditures for internal improvements have fallen far below the demands of a wise economy. True, there has been a remarkable interruption of our energies and of our attention to these improvements. An immense debt had to be incurred to preserve the integrity of the nation, and now, after a quarter of a century has been employed to repair as far as possible the terrible waste which has come to all sections, we find ourselves confronted with questions pertaining to progress and peace. Mr. Speaker, I am rejoiced to witness on all sides and from all sections a disposition to take up the questions pertaining to internal commerce, and especially the establishment and maintenance of our water ways.

Investigation will show, I am sure, that we are not only able to carry forward these enterprises on a scale commensurate with our present and future needs, but that we can not afford to delay. We should begin now the interrupted work. There is much to do, but this great nation can do it all. Year by year these improvements can be carried forward and the burden will scarce be felt. Why, Mr. Speaker, we know not the possibilities of sixty million of people in time of peace. Let all who want to labor have an opportunity to do so at fair wages, so that all this vast army of workingmen may have the means to supply the wants of themselves and of their dependent families, and you will at once set in motion the wheels of industry throughout the land.

Mr. Speaker, in my opinion this question is one of most serious import. It will be a shame and a disgrace to a government like ours, in a country like this, to permit the existing state of things to continue.

I hold in my hand a petition from an honorable body of laboring men in my district, an organization as intelligent and law-abiding as can be found elsewhere, men who are as true patriots as ever loved a country, many of whom have shown their devotion by the personal sacrifices they have made as soldiers in the ranks. These men ask in language so respectful and with statements so forcible for relief, that I will incorporate their own language into my remarks:

Resolved, That in time of depression the General Government should make liberal appropriations of the surplus revenue for the construction of works of internal improvement and of national importance, and redistribute among the people, in the form of wages, funds hoarded in the vaults of the Treasury that have been taken from the people by taxation on what they eat and on what they wear.

Resolved, That we heartily indorse the plan for the construction of the Hennepin Canal by the General Government as an undertaking of national importance and necessity, an improvement that will not only benefit thousands of needy men pending the construction, but one that will furnish employment for all time to come to thousands engaged in a vast system of internal water traffic between New Orleans, Saint Paul, and New York; that will present an insurmountable check to the greed of monopolies; that will give cheaper bread to the East and cheaper goods to the West; that will stimulate commerce, industry, and agriculture everywhere in this great Republic.

Resolved, That our Representatives in Congress are hereby urged to consider this and like projects, questions of paramount and immediate importance, and to act in accordance with the spirit of these resolutions.

This plea comes from the real wealth producers. They do not ask that a dollar shall be ruthlessly taken away from any man; they only ask for the privilege to produce more wealth in a form that, like the proposed Hennepin Canal, shall be a national blessing for all time. Their demands are just, and their ideas of true political economy are sound. Sir, on every grave question of public concern the instincts of the American people are always right.

Let us pass this bill and the great work will thereby be made sure. By it we shall connect the two grandest inland water ways of the world into one system. We shall thereby add untold millions to the value of the agricultural lands of the Mississippi Valley and to the coal lands of Pennsylvania. We shall foster and strengthen the manufacturing towns of New England and New Jersey, and by increasing our foreign shipments benefit our Atlantic seaports and add to the financial strength of the country by aiding to maintain our foreign commerce; and more than that, when the time comes, if it shall, when we produce no surplus cereals for foreign markets, this water line will continue then as before to cheapen breadstuffs and provisions to the consumers of our manufacturing towns of the East.

Build this canal and provide for the enlargement of the Erie Canal, and you will have done something, at least, to restrain the influence of railway monopoly and combination. Build it, and you will supply the missing link in the great line of navigable waters from the Gulf of St. Lawrence to the Gulf of Mexico. Build this canal, and you will not violate the letter of the Constitution, but, on the contrary, will fulfill the spirit of the preamble to that instrument which interprets one of its great objects to promote the general welfare of the people.

Mr. Speaker, there be some I know who still hold to the old idea that each State should build all public improvements intended for water ways within its own borders—a proposition which must carry with it an imputation that the State of Illinois, in which the Hennepin Canal is located, is not willing to do her duty as one of the States of the Union. Why, sir, Illinois never yet has asked to be excused from doing all that she should do to promote the interests of her own people or of the people of the United States. In this very bill she asks the Government to accept as a free gift 96 miles of canal, costing over six and one-half millions of dollars, in order to assist in securing cheap transportation for the people of the States east, west, and south of her own borders—a canal that has already earned above operating expenses nearly three millions of dollars.

I have already pointed out that the region most directly interested in this canal is the six States and one Territory lying west of Chicago, comprising the Upper Mississippi section.

Now that we may correctly decide whether or not the section described is fairly entitled to take from the public Treasury the amount required to build the Hennepin Canal, let us see how much these same States have put into this same Treasury for a period of ten years.

The following apportionment of the public revenues of the United States to the States and Territories named below, according to the population, from 1871 to 1880, is from a speech delivered by Hon. Thomas Turner, of Kentucky, to the Forty-sixth Congress:

Public revenues collected on importations of dutiable articles consumed in the following States for a period of ten years.

Illinois	$205,812,817 45
Iowa	96,754,019 03
Kansas	29,528,032 78
Minnesota	35,630,305 72
Missouri	139,480,241 12
Nebraska	9,966,364 84
Wisconsin	85,462,192 48
Dakota	782,616 69
Total	603,416,590 11

In regard to the foregoing table Mr. Turner says:

In ascertaining the amount of money paid into the Treasury by each State I do not proceed on the erroneous idea that Kentucky paid into the Treasury the tobacco and whisky tax, or that New York city paid into it the customs collected at that port, but that each State consumed tariff and internal-revenue articles in proportion to its population. I am aware that this assumption may not be exactly accurate, but it is the best possible approximate basis.

Sixty millions a year, then, is the amount which, according to population, the States named are entitled to have credit for as their contribution to the national Treasury. I do not admit, Mr. Speaker, that the dutiable goods consumed by the people of these States have cost the consumer more by the amount named than the same goods would have cost had there been no protection, for, as I understand it, the foreign manufacturer has contributed the largest share; but be that as it may, the credit fairly belongs to those States, and on every principle of justice and equity the national Legislature should appropriate the amount required by the provisions of the bill for the construction of a public work national in its character, of great importance to one-half of the States of this Union, and an injury to none.

In conclusion: The substance of the facts set forth in the report on the Hennepin Canal, and of the arguments which follow with irresistible logic therefrom, may be briefly summed up as follows:

1. Our aggregate cereal exports in 1880 amounted to $288,000,000.
2. Since 1880 we have lost more than 40 per cent. of our cereal exports by reason of competition in the great foreign markets.
3. Foreign markets are indispensable for our surplus products.
4. Nothing but the cheapest transport possible can enable us to compete with Russia, Australia, and India in those markets.
5. The value of every acre of wheat and corn producing land in the

Mississippi Valley depends upon the cheapest possible transport to the seaboard.

6. The cheapest transport possible is admitted to be by water.

7. The Hennepin Canal is the missing link to furnish complete water navigation from Saint Paul to New York, a distance of 2,000 miles, utilizing about 600 miles of the Mississippi River in its course.

8. By building this canal we can regain and retain the great foreign markets for our cereals, and increase the magnitude of our exports.

9. By this extension of our water ways to the West the products of that region will reach the consumers of the East at reduced cost to the latter and increased profits to the former.

10. No public improvement proposed in this country has been so generally and so strongly commended and urged by Legislatures, internal-improvement conventions, boards of trade, and other commercial bodies, and eminent public men.

Mr. HENDERSON, of Illinois. I yield now two minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman, I was under the impression that when this subject was before the House for consideration in Committee of the Whole a few days ago the question as to whether this proposition should remain in the bill or be stricken out was definitely settled. The friends of the river and harbor bill desired at that time to take the sense of the House as to whether this proposition should be retained in the bill or not. That question was submitted, a fair vote was taken, and when those who are opposing the policy of getting control of this canal discovered that there was a majority of this House in favor of this proposition they immediately changed their tactics and insisted that the subject should go into conference.

It was then agreed by the friends of the measure, recognizing as they did the importance of the subject and its value to the people of this country, that it might go into conference, and we then believed, and hope now, that the House would regard that action as an instruction to the committee which will be again ratified by this body.

Mr. Speaker, I want to say to the friends of this bill that if they expect to pass it through this House they must allow these lines to stand. If they strike that out, although the thermometer is bordering on the nineties, there will be frost in Washington before this bill passes. [Applause.]

Mr. HENDERSON, of Illinois. Mr. Speaker, I have not often in the twelve years, or nearly so, in which I have occupied a seat on this floor, troubled the House with many or with long speeches; and, of course, it is utterly impossible now for me, in the very few minutes I have in which to address the House, to enter into any extended argument on this proposition. But I beg the attention of the House to what I may have to say.

The Senate amendment, which it is proposed by this resolution to insist upon striking out of the river and harbor bill, embraces one of the most important improvements to the people of the Northwest contained in this bill. I assert here as a proposition which can not be successfully contradicted, that the lakes, connected as they are by the Erie Canal with the Atlantic seaboard, have for very many years controlled the freight rates on the commerce of the country, transported east and west, in at least the northern part of the United States, and that they have saved to the United States untold millions of dollars in the way of reducing freights and saving the cost of transportation to the people, both producers and consumers. I assert here that from 1868 down to 1884 the saving on freight charges on the Erie Canal for the transportation of wheat and other cereals, the products of the Northwest, has not been less than 6 cents on every bushel of grain transported in each and every year; and there have been saved annually to the people of this country by the cheap transportation, secured by lake and canal, many millions of dollars. So much for that.

Now, Mr. Speaker, what is this proposition? It is to extend the benefits of that cheap line of transportation from Chicago to Saint Paul at the head of navigation on the Mississippi River. It is to extend this advantage five or six hundred miles farther west into the heart of the great grain-growing region of this country. And I say here now that it is astonishing to me that people will support improvements in this bill which are of minor interest, when here is an improvement of great national importance, one of deep interest to millions of people in the Northwest, and gentlemen say it must be stricken out of this bill or they will not vote for it. But the people of that section have been demanding and will continue to demand this improvement, and I give notice here and now to the members of this House that like Banquo's ghost it will not down. [Applause.] It is in the interest of the people. It is for the benefit of the people. You spend millions to erect magnificent buildings for the public service. You spend millions to erect monuments to the fathers and distinguished men of our country and to our great benefactors. But this is a government of the people and we should legislate in the interest of the people, and to benefit them. When gentlemen say here on the floor of this House, not publicly, but quietly to those who are the friends of this canal, that "if you vote for this proposition you strike down the river and harbor bill," that is a game that can be played by more than one; and I want those who are the friends of cheap transportation for the people, who believe in legislating in the interest of the people, to stand together and make judicious appropriations for important public works, such as will prove a public benefit and promote the public welfare.

Here are 500 miles of the Mississippi River from Keokuk to Saint Paul that would be put in direct connection with the lakes at Chicago, a city now of seven hundred and fifty thousand people. And it is in the interest of New York; it is in the interest of New England; it is in the interest of Pennsylvania; it is in the interest of all the Northwest to make this connection. You do our manufacturing for us. You send us your iron, your coal, and the products of your manufactories; and we send you the products of our farms. We have a common interest.

This canal would make an east and west line of transportation. It would convert the Upper Mississippi River into an east and west line of commerce as well as a north and south line. I say to the friends of the Lower Mississippi River it does not divert, in my opinion, one ton of freight from that river. But I have here a statement, which I shall incorporate in my remarks, showing that while in 1875 and 1878 less than 200,000 tons of merchandise in each year reached Saint Louis from the North, in the same years the tonnage which moved east by rail across the Mississippi River above Saint Louis was, in 1875, 2,344,354 tons, and in 1878, 3,554,838 tons, to say nothing of the tonnage which goes west. This immense tonnage goes to Chicago, and why? To find cheap transportation which the lakes and the canal secure. Is it not in the interest of the people to make a cheap line of water transportation from Saint Paul to New York? As the Erie Canal has been so productive of good would it not be productive of more good to extend this line of cheap transportation a few hundred miles further west and on toward Kansas, Nebraska, Colorado, Minnesota, Dakota, and all the great grain fields of the West and Northwest and which States I have the statistics here to show produce a large percentage of all the wheat, corn, and rye that are produced in this country?

I say to the people of the city of New York you are deeply interested in cheap transportation and you must encourage it, if that city maintains its commercial importance. The commerce of the West has helped to enrich New York and to make it the great commercial city of the continent; and unless that city encourages these lines of cheap transportation her commercial growth and prosperity can not be maintained.

I repeat there is no question of greater importance to our prosperity than this question of transportation. We improve and sometimes properly improve rivers by simply removing overhanging trees, and snags, and digging out shoals, and so benefit a small amount of commerce. But can we refuse to do a great national work like this, that will benefit millions of people and millions of commerce? If so, we fall short of our duty, and exhibit narrow statesmanship. [Applause.]

[Here the hammer fell.]

Mr. WILLIS. I yield five minutes of my time to the gentleman from Missouri [Mr. HATCH].

Mr. HATCH. It is utterly impossible, Mr. Speaker, in five minutes to review this canal scheme, as the gentleman from Illinois [Mr. HENDERSON] himself characterizes it, or to present anything like an elaborate argument against it. It has been so often discussed, however, in this House that that is unnecessary at this late day. I have sought this opportunity to intensify the expression of my opposition to this scheme, and also for the purpose of expressing my admiration of the earnestness and zeal with which the gentleman from Illinois [Mr. HENDERSON] and my friend from Iowa [Mr. MURPHY] have supported and urged this scheme. In season and out of season these gentlemen have pressed this Hennepin Canal project upon the attention of Congress at every session since the beginning of the Forty-sixth Congress. And if you will take out the personal influence of the gentleman from Illinois [Mr. HENDERSON] and the gentleman from Iowa [Mr. MURPHY] there are not to-day 25 votes upon this floor in favor of the scheme upon its merits. Every vote that it gets here to-day beyond 25 will be due to the personal exertions and personal influence of those two gentlemen.

The gentleman from Illinois says that this scheme will not down. Yes, it will down, if members of this House do their duty, and this will be the last time that it will come here from the Senate after the House has condemned it time and again as a rider upon the river and harbor bill. It has no place upon this bill under our rules; it is here now as an intruder. It comes as an amendment from the Senate in violation of the rules of the House, and its supporters hope to get it through in that way in the conference report. It will down to-day unless members of this House are willing to embark upon a series of appropriations not only for this but for every canal scheme that has been introduced into Congress in the past twenty-five years. And does it not come with a bad grace from the State of Illinois to ask that the Federal Government shall build this canal through half a dozen counties in that State when the people of Illinois have put the mark of their disapprobation upon it in the very constitution of the State, so that while that constitution exists not one dollar of the money of Illinois can ever be appropriated by the State Legislature to aid this Hennepin Canal scheme? Nevertheless, they seek to "unload" it upon the Government of the United States, and to make the tax-payers of the country pay for it. It is said that this is in the interest of the farmers. The farmers will pay this tax and the monopolists of Chicago will get whatever benefit there may be in the scheme. But, sir, I do not believe

there is any benefit in it. I do not believe it has a single merit to recommend it to-day. If it had, the wide-awake monopolists and business men of Chicago would build it inside of six months. It is nothing in the world but an attempt to "unload" a local State scheme upon the Federal Government.

Mr. PLUMB. Will the gentleman permit me to ask him a question?

Mr. HATCH. With pleasure.

Mr. PLUMB. Is the gentleman aware that the canal, instead of having been a burden to the State of Illinois, has been a source of profit to the State thus far?

Mr. HATCH. Then why in the name of common sense and good business do you not go and build it yourselves? Take that provision out of your State constitution, and go on and build the canal.

Mr. NEECE. If the gentleman will permit me to answer that question, it is because your State, and the State of Iowa, and the State of Michigan, and all the Northwest, have as much interest in it as Illinois.

Mr. HATCH. Oh, we have no interest in it, and we do not ask for any.

Mr. NEECE. We improve the Mississippi River for you; we build you Government buildings in your towns, and yet you stand up here and oppose this work which is for the benefit of the commerce of the West.

Mr. HATCH. Yes; and you stood here and obstructed the appropriations for the improvement of the Mississippi River in behalf of this scheme. Missouri and Iowa and all the Northwest that understand the merits of this proposition are opposed to it, of course.

[Here the hammer fell.]

Mr. WILLIS. I now yield three minutes to the gentleman from Tennessee [Mr. MCMILLIN].

Mr. MCMILLIN. The Secretary of War has recommended the appropriation of about $42,000,000 to carry on river and harbor improvements this year. There has never been a Congress assembled bold enough to appropriate twenty millions in one year for those purposes. Only a small proportion of the amount that is actually required for river and harbor improvements can be appropriated in any one year, and therefore it seems to me that the inauguration of new canal schemes to draw off a portion of the money that can be allowed for the improvement of rivers and harbors is the beginning of the death-knell of that kind of work.

Mr. BRECKINRIDGE, of Arkansas. If the gentleman will permit me, the estimates in the book I hold in my hand are forty-two millions, but the summary in the Book of Estimates reduces the amount to ten and a half millions.

Mr. MCMILLIN. I was going by the Book of Estimates; but whether the estimates be one thing or another the measures which have already been undertaken by Congress in the way of river and harbor improvements can not be carried out for $250,000,000. The result is that you have to appropriate dribbling amounts for improvements, instead of appropriating sufficient sums to prevent that waste and destruction which with partial appropriations inevitably result from delay. Shall we aggravate that state of affairs, or shall we struggle to mend it? That is the question for us to determine here to-day; and the man who votes for the inauguration of new canal schemes is only putting a stumbling-block in the way of legitimate river and harbor improvements. This proposition for the Hennepin Canal does not belong on this bill. It is a different kind of work. It has always been so held. The rules provide a different committee for the consideration of such questions. This proposition has been saddled upon the bill by the Senate; and the question is whether we shall let the Senate ride this bill to death.

[Here the hammer fell.]

Mr. WILLIS. I yield three minutes to the gentleman from Alabama [Mr. OATES].

Mr. OATES. Mr. Speaker, I am one of those who are denominated by some as "old fogies," who believe that Congress has no power to act in any case unless that power is derived from constitutional grant. Not only is there no power in the terms of the Constitution for this sort of legislation and appropriation, but in the history of the convention which framed that instrument there is an express negative, showing clearly that this power was purposely withheld by the convention. Dr. Franklin, as appears in Mr. Madison's record of the debates, moved to add, after the words "post-roads," in Article I, section 8, the power to provide for cutting canals where deemed necessary:

Mr. Wilson seconded the motion.

Mr. Sherman objected. The expense in such cases will fall on the United States, and the benefit accrue to the places where the canals may be cut.

Mr. WILSON. Instead of being an expense to the United States they may be made a source of revenue.

Mr. Madison suggested an enlargement of the motion into a power to grant charters of incorporation where the interests of the United States might require and the legislative provisions of individual States may be incompetent. His primary object was, however, to secure an easy communication between the States, which the free intercourse now to be opened seemed to call for. The political obstacles being removed, a removal of the natural difficulties as far as possible ought to follow.

Mr. Randolph seconded the proposition.

The motion being modified so as to admit a distinct question specifying and limiting the case of canals, the vote was taken and resulted—

Pennsylvania, Virginia, and Georgia, 3—yea; Massachusetts, Connecticut, New Jersey, Delaware, Maryland, North Carolina, South Carolina, no—8.

Thus it is shown conclusively that the convention refused to incorporate into the Constitution any such power on the part of Congress as is now proposed we shall exercise. Some of those in this House—Democrats among them, I am sorry to say—who find with remarkable facility some clause in the Constitution under which to claim power to do anything which cupidity or demagogy deems expedient, may try to derive this power from that clause of the Constitution which gives to Congress the right to regulate commerce between the States. If such power resides therein, Congress can cut canals, construct artificial harbors, build railroads, and create as well as regulate commerce. In short, can do anything, and there is no limit to its power.

Sir, in receiving my political education, such as it is, I learned that the doctrine of the Democratic party was that this is a government of enumerated and limited powers, and that all powers which were not by the Constitution granted to this Federal Government were reserved to the States or the people; and an attempt to exercise any powers not granted but reserved was usurpation and diametrically opposed to the principles of American democracy.

Mr. Speaker, there is an old Roman adage that times change and we change with them, but principles never change but live on forever. No power is enumerated in the Constitution to cut canals. Is it possible that the patriots who framed that instrument could have been such a lot of dolts, such dunderheaded asses as to have left or intended to have left in the Constitution an implied power to cut canals when they utterly refused to place within it the express power to do so?

Why, sir, it is much more respectable and manly and far more creditable to the intelligence of those who advocate this and similar measures to boldly stand on the damnable heresy of the decision of the Supreme Court in the lost Legal-tender case, namely, that Congress has power to do whatsoever it is not prohibited by the Constitution from doing. They can not well refer it to the general-welfare clause, because the canal is not beneficial to the entire people but only to those in close proximity to the proposed work. The framers of the Constitution wisely withheld from Congress this power. One State has as much right as another to have a canal, which is but an artificial river cut through it at the expense of the Federal Treasury.

The people of each State have contributed the money to be appropriated. That one has or may have a greater amount of commerce to float than the other has no effect upon their respective rights to the benefaction. They are the same in principle, and one State is as much entitled to the benefit as the other. The difference is only in degree. If Congress is going to embark in this business of cutting canals why not now provide for one across the Florida Isthmus? It would be more important and useful to commerce than the Hennepin.

If Congress is to embark in the business, why not now and at once make an appropriation for a canal to connect the waters of the Tennessee River with the Gulf of Mexico by the way of Mobile, passing through the vast and as yet undeveloped wealth of coal and iron for hundreds of miles in Alabama, which when utilized will produce hundreds of millions of dollars—many, many times more than the canal would cost; more than double all the wealth which the proposed Hennepin Canal could produce even on the most extravagant estimates of the wildest and most zealous promoters of that scheme?

I could mention many others equally feasible and gigantic. I warn gentlemen here and now to think twice before they vote once to embark the Government in this unconstitutional business. Southern men, with few exceptions, have ever been the supporters and defenders of the Constitution; but whenever your clamors and combinations overcome their opposition to this kind of appropriation, as I hope they never may, and they enter into the grab-game, remember that the solid South will have but few trades and but limited combinations to make in order to vote more money out of the Treasury for internal improvements in the Southern States than twice your present high rates of taxation will put into it. I trust that there never may be occasion for such a state of affairs.

To construe the Constitution by precedents proves nothing beyond the number of times it has been violated. They are the sappers and miners in the work of its destruction. Nowhere on earth is precedent, right or wrong, but mostly wrong, so potential as in the Congress of the United States.

Mr. Speaker, we are told by the advocates of the Hennepin Canal scheme that if the United States would but accept of the Illinois Canal upon the condition of its enlargement and cutting the Hennepin to connect it with the Mississippi River, as proposed by the State of Illinois, there would, in the language of Col. Mulberry Sellers, be "millions in it." I have no doubt of it. There would at least be the ten millions in it which the work would cost the Government. But the millions to come out of it would be no nearer realization than those of that hopeful individual for the vast fortune he expected to obtain by the sale of his eye-water.

The total number of canals which have been constructed within the United States is one hundred and four, with an aggregate length of 4,468½ miles at a total cost of construction of $214,041,802. Of these fifty-two have been abandoned. The gross income of all the canals

operated in the year 1880 was $4,538,620. The gross expenditures for the same period were $2,954,156. The net income for the same time was $1,584,464. The fifty-two abandoned canals aggregate a total length of 1,953½ miles, and cost $44,013,166 to construct them.

The net income of the operating canals is shown to have been for the year 1880 less than three-quarters of 1 per cent., only about seventy one-hundredths of 1 per cent. upon the money invested. I publish below some statistical statements which illustrate what I say in this connection. Now, if this Hennepin Canal scheme is a good one and would prove a paying investment, why does not the great and prosperous State of Illinois take hold of it and build it?

Why does not the great and growing city of Chicago, which is situated immediately on the proposed line, raise the money and cut the canal? It is entirely within that State. If the Illinois Canal is a paying institution, as is asserted here, why did the voters of the State poll such a tremendous majority—nearly all the votes being one way—to give it to the United States? Whence comes such liberality? It seems to me like the story of the dog-skin, which the owner could not sell nor give away, and finally determined to lose it. I hope the United States will never be committed to such a scheme as cutting canals or buying those already constructed.

OPERATING CANALS.

Statement of length, cost of construction, and annual report of business operations for the year 1880 of all canals, including their branches and feeders, in the United States costing each $1,000,000 or more, and being twenty-five in number.

NEW YORK.

Erie Canal and branches and feeders: Cost, $51,609,200; length, 365.48 miles; gross income, $1,120,691; total expenditures 1880, $678,124; dividend, eight hundred and fifty-six one-thousandths of 1 per cent. net income from operating Erie, 1880, $442,567.

Oswego: Cost, $3,077,429; length, 18 miles; gross income, $14,388; total expenditures for 1880, $37,877; percentage of loss, seven hundred and sixty-three one-thousandths of 1 per cent.; net loss 1880, $23,489.

Cayuga and Seneca: Cost, $1,520,542; length, 24.77 miles; gross income, $1,532; total expenditures 1880, $11,788; net loss 1880, $10,256.

Champlain feeder and dam: Cost, $2,378,910; length, 81 miles; gross income, $51,267; total expenditures 1880, $136,520; percentage of loss, 3.58; net loss 1880, $85,253.

Black River and improvements: Cost, $3,224,779; length, 35.50 miles; gross income, $11,800; total expenditures 1880, $51,293; loss 1.23 per cent.; net loss 1880, $39,493.

Delaware and Hudson: Cost, $6,339,210; length, 83 miles; gross income, $39,500; total expenditures 1880, $184,272; percentage of loss, 2.28; net loss 1880, $144,772.

NEW JERSEY.

Morris Canal and Banking Company: Cost, $6,000,000; length, 103 miles; gross income, $215,677; expenditures for 1880, $160,418; dividend, nine thousand two hundred and nine ten-thousandths of 1 per cent.; net income 1880, $55,259.

PENNSYLVANIA.

Pennsylvania Company, six divisions: Cost, $7,731,750; length, 322 miles; gross income, $368,770; total expenditures for 1880, $177,826; dividend, 2.47 per cent.; net income 1880, $190,944.

Susquehanna Tide Water: Cost, $4,930,705; length, 30 miles; gross income, $55,260; total expenditures for 1880, $35,979; dividend thirty-nine one-hundredths of 1 per cent.; net income 1880, $19,281.

Union Canal Company: Cost, $5,907,850; length, 84.64 miles; gross income, $26,997; total expenditures 1880, $22,496; dividend, seven hundred and sixty-one ten-thousandths of 1 per cent.; net income 1880, $4,501.

Schuylkill Navigation Company: Cost, $12,580,461; length, 58.18 miles; gross income, $573,133; total expenditures 1880, $169,952; dividend, 3.20 per cent.; net income 1880, $403,181.

Lehigh Coal and Navigation Company: Cost, $3,000,000; length, 48 miles; gross income, $187,520; total expenditures 1880, $78,854; dividend, 3.622 per cent.; net income 1880, $108,666.

Delaware Division Canal: Cost, $2,433,350; length, 60 miles; gross income, $113,334; total expenditures 1880, $43,313; dividend 2.87 per cent.; net income 1880, $70,021.

Monongahela Navigation Company: cost, $1,115,452; length, — miles; gross income, $236,929; total expenditures 1880, $50,585; dividend, 16.70 per cent.; net income 1880, $186,344.

DELAWARE.

Chesapeake and Delaware: Cost, $3,730,230; length, 14 miles; gross income, $201,783; total expenditures for 1880, $62,245; dividend, 3.74 per cent.; net income 1880, $139,538.

MARYLAND.

Chesapeake and Ohio: Cost, $11,290,327; length, 179.50 miles; gross income, $372,616; total expenditures 1880, $227,277; dividend, 1.28 per cent.; net income 1880, $145,339.

VIRGINIA.

Albemarle and Chesapeake: Cost, $1,641,363; length, 8.44 miles; gross income, $86,138; total expenditures for 1880, $56,432: dividend, 1.80 per cent.; net income 1880, $29,706.

Dismal Swamp: Cost, $1,151,000; length, 28 miles; gross income, $13,524; total expenditures 1880, $6,000; dividend, sixty-five one-hundredths of 1 per cent.; net income 1880, $7,524.

Alexandria and Georgetown: Cost, $1,250,000; length, 7.12 miles; gross income, $4,386; total expenditures for 1880, $9,200; percentage of loss, thirty-eight one-hundredths of 1 per cent.; net loss 1880, $4,814. Of above $9,200 expenditures, $6,200 was for repairing aqueduct.

GEORGIA.

Augusta Canal: Cost, $1,500,000; length, 9 miles; gross income, $909; total expenditures for 1880, $7,382; percentage of loss, forty-three one-hundredths of 1 per cent.; net loss for 1880, $6,473.

LOUISIANA.

Orleans Bank Company: Cost, $1,000,000; length, 6.5 miles; gross income, $20,340; total expenditures 1880, $13,650; dividend, sixty-seven one-hundredths of 1 per cent.; net income 1880, $6,690.

ILLINOIS.

Illinois and Michigan: Cost, $6,557,681; length, 102 miles; gross income, $107,605; total expenditures for 1880, $125,601; percentage of loss, twenty-eight one-hundredths of 1 per cent.: net loss 1880, $17,996.

MICHIGAN.

Saint Mary's Falls: Cost, $3,500,000; length, 1.02 miles; gross income, $44,743; total expenditures for 1880, $23,437; dividend, six hundred and eighty-one thousandths of 1 per cent.; net income 1880, $21,306.

Lake Superior Company: Cost, $3,925,300; length, 2.12 miles; gross income, $7,776; total expenditures for 1880, $6,095; dividend, four one-hundredths of 1 per cent.; net income 1880, $1,681.

OHIO.

Ohio Canal and feeders: Cost, $4,695,202; length, 323 miles; Walhonding Branch, cost, $607,369; length, 25 miles; Hocking Canal, cost, $947,670; length, 42 miles; Miami and Erie and feeders, &c., cost, $7,144,234; length, 284.25 miles; Muskingum improvement, cost, $1,628,028; total cost, $15,022,503; gross income, $214,891; total expenditures for 1880, $223,643; percentage of loss, 5.69; net loss, 1880, $8,752.

The foregoing exhibit shows as follows: That the twenty-five canals, with branches and feeders, cost $162,418,042; that they are in length (miles) 2,345.56; (miles) slack water 309.55.

The business exhibit herein made is for the year 1880. The moneys received by these companies from every source said year, show gross income, $4,091,509, and all moneys expended for all purposes whatsoever, $2,600,259; leaving a balance as net income of $1,491,250, and being equal to a net annual dividend of nine hundred and eighteen one-thousandths of 1 per cent. on the capital invested in said companies.

Abandoned canals in United States.

VIRGINIA.

James River and Kanawha: Length, 196.50; cost construction, $6,139,280.

NEW YORK.

Chenango Canal: Length, 128.17; cost construction, $2,782,124.
Chemung Canal: Length, 23; cost construction, $1,273,261.
Genesee Valley: Length, 107; Genesee (Dansville branch), length, 11; Genesee (Millgrove extension), length, 6.75; cost construction, $5,827,813.

PENNSYLVANIA.

Pennsylvania Canal, western division: Length, 104.25; cost construction, $3,173,432.
Lehigh Coal and Navigation Company: Length, 36; cost construction, $1,455,000.
Erie and branches: Length, 161; cost construction, $6,433,291.

OHIO.

Sandy and Beaver: Length, 84; cost construction, $2,000,000.
Ohio and Pennsylvania: Length, 87; cost construction, $1,000,000.

INDIANA.

Wabash and Erie: Length, 379; cost construction, $6,325,262.
Whitewater Canal: Length, 74; cost construction, $1,400,000.
Total length of all abandoned canals in the United States, 1,953.56 miles; cost, $44,013,166.

[Here the hammer fell.]

Mr. WILLIS resumed the floor.

The SPEAKER. The gentleman from Kentucky [Mr. WILLIS] has four minutes.

Mr. WILLIS. I accept the judgment of the friends of the Hennepin Canal in this Congress, and it has no abler or better friends anywhere; and that judgment is and was that the Hennepin Canal should stand in a separate bill, be voted on as a separate proposition, and not incorporated in a river and harbor bill.

Mr. HENDERSON, of Illinois. Will the gentleman yield a moment?

Mr. WILLIS. I have not time.

Mr. Speaker, there are knocking at the door of this House——

Mr. HENDERSON, of Illinois. I desire to correct the gentleman.

Mr. WILLIS. Twenty other propositions——

Mr. HENDERSON, of Iowa. The gentleman should not misstate the position of the friends of the Hennepin Canal, and then deny an opportunity for correction. The gentleman does not correctly state the views of the friends of the Hennepin Canal.

Mr. WILLIS. If my friend will restrain his impetuosity I will go on. I can not be drawn off by these interruptions.

Mr. DUNHAM. Then state the facts.

Mr. WILLIS. I state, Mr. Speaker, that the Hennepin Canal proposition was introduced into this House, referred to the Committee on Railways and Canals, reported by that committee, and is to-day on your Calendar. There are other canal schemes—and I use the word in no offensive sense. There is the project for a great canal across the Florida isthmus, which will cost $10,000,000 or $15,000,000. There is the Chesapeake and Ohio, and there are others. These in the aggregate would amount to about $150,000,000. Can you construct them upon a river and harbor bill? Can you construct the Hennepin Canal upon a river and harbor bill? The amount proposed to be appropriated for that project in this bill is $300,000. It would require a quarter of a century, by the showing of the friends of the enterprise, putting the lowest estimate upon the cost of this improvement, to complete it by appropriations on a river and harbor bill. Do you want to wait a quarter of a century for the completion of this work? Bring in your separate bill and test the sense of the majority of this House. If it passes, then you have a practicable scheme. But the work can not be completed by appropriations on a river and harbor bill. By the estimates of the engineers $42,000,000 could be profitably expended during the present year on legitimate and important works of river and harbor improvement. We have not been able to appropriate more than one-third of that amount. Now, if you put these canals on this bill we shall not be able to appropriate one-tenth of what the engineers estimate from year to year can be profitably expended on the great rivers and harbors of the country.

I appeal to the friends of the Hennepin Canal, I appeal beyond them to the friends of rivers and harbors, not to ingraft upon this bill this proposition, which may be—and I say it after a calm review of the situation—destructive to the whole bill. I appeal to them to stay their hands for the present, and let us bring fairly before the House this bill upon which there is no objectionable item. Let the friends of the Hennepin Canal take from the Calendar their proposition, for which they have an order; let them in proper time call up their bill. I will vote to give it consideration at any time.

[Here the hammer fell.]

Mr. HENDERSON, of Illinois, rose.

Mr. WILLIS. I hope the House will allow the gentleman to be heard.

Mr. HENDERSON, of Illinois. The gentleman from Kentucky certainly does not fairly state the position of the friends of the Hennepin Canal. We have tried twice to get the Hennepin Canal.

Mr. WILLIS. I said in this Congress.

Mr. HENDERSON, of Illinois. We did not at this time, because we knew the point of order would be made. It is now in a position where the point of order can not be made. The Senate have twice incorporated it in the bill. [Cries of "Regular order!"]

Mr. NEECE. And I wish to say, Mr. Speaker, that while I represent a district running for 150 miles along the Mississippi River, and while I am in favor of the Mississippi River [cries of "Order!" "Vote!"] my constituents have more interest in the construction of the Hennepin Canal than they have in the improvement of the Mississippi River. [Cries of "Vote!"]

Mr. WILLIS. I have no doubt of it.

The SPEAKER. The question is on the adoption of the resolution.

The House divided; and there were—ayes 111, noes 98.

Mr. HENDERSON, of Illinois, demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 139, nays 112, not voting 71; as follows:

YEAS—139.

Adams, J. J.	Dibble,	Howard,	Reagan,
Allen, J. M.	Dockery,	Hutton,	Reid, J. W.
Atkinson,	Eldredge,	Johnston, T. D.	Richardson,
Barnes,	Ellsberry,	Jones, J. H.	Sadler,
Barry,	Ermentrout,	Kelley,	Sayers,
Belmont,	Evans,	Ketcham,	Scranton,
Bennett,	Everhart,	Laffoon,	Seney,
Bingham,	Felton,	La Follette,	Seymour,
Blount,	Fisher,	Lanham,	Shaw,
Bound,	Foran,	Le Fevre,	Singleton,
Boyle,	Ford,	Lehlbach,	Sowden,
Breckinridge, C. R.	Forney,	Little,	Stewart, J. W.
Breckinridge, WCP.	Geddes,	Lore,	St. Martin,
Browne, T. M.	Gibson, Eustace	Lowry,	Stone, W. J., Ky.
Buck,	Glover,	Martin,	Stone, W. J., Mo.
Bunnell,	Green, R. S.	Matson,	Storm,
Burnes,	Green, W. J.	McAdoo,	Swope,
Bynum,	Grout,	McComas,	Taulbee,
Cabell,	Hale,	McCreary,	Taylor, J. M.
Caldwell,	Halsell,	McMillin,	Tillman,
Campbell, Felix	Harmer,	McRae,	Trigg,
Clardy,	Harris,	Millard,	Tucker,
Clements,	Hatch,	Morgan,	Turner,
Cobb,	Hayden,	Neal,	Van Eaton,
Collins,	Heard,	Norwood,	Walt,
Compton,	Hemphill,	Oates,	Warner, A. J.
Comstock,	Henderson, J. S.	O'Ferrall,	Warner, William
Cowles,	Henley,	O'Neill, Charles	Wheeler,
Crisp,	Herbert,	Osborne,	Wilkins,
Croxton,	Hewitt,	Outhwaite,	Willis,
Culberson,	Hiestand,	Peel,	Wilson,
Curtin,	Hill,	Perry,	Winans,
Daniel,	Hires,	Pidcock,	Wise,
Dargan,	Hiscock,	Pindar,	Woodburn.
Davidson, A. C.	Holman,	Randall,	

NAYS—112.

Adams, G. E.	Fleeger,	Markham,	Sessions,
Allen, C. H.	Frederick,	McKenna,	Skinner,
Anderson, J. A.	Fuller,	McKinley	Smalls,
Baker,	Funston,	Miller,	Snyder,
Bayne,	Gay,	Mitchell,	Spooner,
Blanchard,	Gilfillan,	Moffatt,	Springer,
Brady,	Grosvenor,	Morrill,	Stephenson,
Brown, C. E.	Hall,	Morrison,	Stewart, Charles
Brown, W. W.	Henderson, D. B.	Murphy,	Stone, E. F.
Burleigh,	Henderson, T. J.	Neece,	Strait,
Campbell, J. M.	Hepburn,	Negley,	Struble,
Campbell, T. J.	Hitt,	Nelson,	Swinburne,
Cannon,	Holmes,	O'Neill, J. J.	Symes,
Carleton,	Hopkins,	Owen,	Tarsney,
Catchings,	Irion,	Parker,	Taylor, Zach.
Conger,	Jackson,	Payson,	Thomas, O. B.
Cooper,	James,	Perkins,	Thompson,
Cox,	Johnson, F. A.	Peters,	Townshend,
Crain,	Johnston, J. T.	Pettibone,	Wade,
Cutcheon,	Jones, J. T.	Pirce,	Wakefield,
Davis,	Kleiner,	Plumb,	Ward, J. H.
Dorsey,	Laird,	Price,	Ward, T. B.
Dowdney,	Lawler,	Rice,	Weaver, A. J.
Dunham,	Libbey,	Rockwell,	Weaver, J. B.
Dunn,	Lindsley,	Romeis,	Weber,
Eden,	Long,	Rowell,	West,
Ely,	Lovering,	Ryan,	Wolford,
Farquhar,	Lyman,	Sawyer,	Worthington.

NOT VOTING—71.

Aiken,	Davenport,	Landes,	Rogers,
Anderson, C. M.	Davidson, R. H. M.	Louttit,	Scott,
Arnot,	Dawson,	Mahoney,	Spriggs,
Ballentine,	Dingley,	Maybury,	Stahlnecker,
Barbour,	Dougherty,	Merriman,	Steele,
Barksdale,	Findlay,	Milliken,	Taylor, E. B.
Beach,	Gallinger,	Mills,	Taylor, I. H.
Bland,	Gibson, C. H.	Morrow,	Thomas, J. R.
Bliss,	Glass,	Muller,	Throckmorton,
Boutelle,	Goff,	O'Donnell,	Van Schaick,
Bragg,	Guenther,	O'Hara,	Viele,
Brumm,	Hammond,	Payne,	Wadsworth,
Buchanan,	Hanback,	Phelps,	Wallace,
Burrows,	Haynes,	Ranney,	Wellborn,
Butterworth,	Hermann,	Reed, T. B.	White, A. C.
Campbell, J. E.	Houk,	Reese,	White, Milo
Candler,	Hudd,	Riggs,	Whiting.
Caswell,	King,	Robertson,	

So the resolution was adopted.

Mr. LANHAM. Let me say, Mr. Speaker, that my colleague [Mr. THROCKMORTON], who is absent from the House on account of sickness, is paired with the gentleman from Kentucky [Mr. WADSWORTH]. He is also absent by leave of the House. If present, he would vote in the affirmative on the adoption of this resolution.

The following pairs were announced:

Until further notice:

Mr. ARNOT with Mr. THOMAS, of Illinois.

Mr. DAWSON with Mr. RANNEY.

Mr. BLAND with Mr. VAN SCHAICK.

Mr. BARKSDALE with Mr. DAVENPORT.

Mr. SPRIGGS with Mr. OWEN.

Mr. BRAGG with Mr. CASWELL.

Mr. ROBERTSON with Mr. STEELE.

Mr. ANDERSON, of Ohio, with Mr. HANBACK.

Mr. ROGERS with Mr. EZRA B. TAYLOR.

Mr. BARBOUR with Mr. LIBBEY.

Mr. THROCKMORTON with Mr. WADSWORTH.

Mr. HAMMOND with Mr. O'DONNELL.

Mr. RIGGS with Mr. HAYNES.

Mr. CANDLER with Mr. LOUTTIT.

Mr. WELLBORN with Mr. PHELPS.

Mr. GLASS with Mr. SWINBURNE.

Mr. DAVIDSON, of Florida, with Mr. GALLINGER.

For this day:

Mr. KING with Mr. WHITING.

Mr. CAMPBELL, of Ohio, with Mr. HOUK.

Mr. MULLER with Mr. BRUMM.

Mr. MAYBURY with Mr. MORROW.

Mr. BALLENTINE with Mr. GOFF.

The vote was then announced as above recorded.

Mr. HENDERSON, of Illinois. Is it too late to move to reconsider the vote just taken?

The SPEAKER. The gentleman did not vote with the majority side, and under the rules of the House can not make the motion to reconsider.

Mr. OWEN. My attention is called to the fact that I am announced as paired with Mr. SPRIGGS. That is a mistake. Who is the pair signed by?

The SPEAKER. It is signed by Mr. PRICE.

Mr. OWEN. I have voted and will allow my vote to stand.

STURGEON BAY AND LAKE MICHIGAN SHIP-CANAL.

Mr. WILLIS. I submit the following resolution, on which I demand the previous question.

The Clerk read as follows:

Resolved, That the conferees of the House on the river and harbor bill, when next appointed, be instructed to insist on striking out the amendment of the Senate making appropriations for the Sturgeon Bay and Lake Michigan Ship-canal.

The SPEAKER. Under the rules thirty minutes are allowed for debate, fifteen minutes for and fifteen minutes against the adoption of the resolution. [Cries of "Vote!"]

Mr. WILLIS. I have no desire myself to take up the time of the House in any discussion, but the gentleman from Wisconsin [Mr. GUENTHER] desires to be heard, and I will yield the floor to him.

Mr. GUENTHER. Mr. Speaker, I sincerely hope this amendment will be allowed to remain in the bill. It is a disgrace the navigation of the great lakes is not free, especially when it can be procured for the paltry sum of $112,000, or even much less. I wish gentleman of the House to understand that while it has been charged there is a job in this amendment, there is no foundation for any such allegation. There is no job in this amendment, but, on the contrary, the purchase of this Sturgeon Bay and Lake Michigan Ship-canal is demanded by the commerce of the lakes. The canal company has not asked for it. The canal company will not receive a cent more than the canal cost it. I know from actual knowledge this canal was built as cheaply as it was possible to be built, and that it was built far more cheaply than the Government could build it.

This canal is 114 miles in length, and vessels drawing 14 feet of water

can pass through it with ease. Lines of barges laden with lumber, half a mile in length, can pass from the lakes into the canal and through the canal without uncoupling—barges containing over 3,000,000 feet of lumber. If this canal is purchased and the navigation made free 500,000,000 feet of lumber annually will pass through it.

A line of steamers runs upon it to-day. The entire commerce from Chicago to Green Bay and from Green Bay to Chicago and other lake ports has to pass through this canal in order to avoid a dangerous passage. This canal saves to the navigation of the lakes 160 miles, which are so dangerous that the point of this peninsula around which it has to pass is called by navigators Death's Door. For a paltry sum you can make this navigation free. You will allow everybody, every vessel from Chicago or from Green Bay to pass through the canal and thus save 160 miles. I sincerely trust this Senate amendment will be allowed to remain in the bill. My colleague [Mr. HUDD] is perhaps better posted in regard to its bearing on navigation, and I will yield my time to him.

Mr. HUDD. Mr. Speaker, every case that comes for consideration before a legislative body, as well as before a court of justice, should be governed by the circumstances surrounding that particular case. Here we have not a canal really, not an internal work of improvement that somebody's constitutional scruples may be opposed to acquiring on the part of the Government, but here is something in the direct interest of commerce and for the protection of the great harbors of our inland lakes.

This Sturgeon Bay Canal, so called, is what? It is only an opening or an arm of Sturgeon Bay, which is an indenture on the great Lake Michigan, which arm in the process of time has been filled up by sand, but which now by the operations of this canal company has been cleared out and a continuous harbor made into Lake Michigan.

As my colleague has already told you, there is a channel provided through which millions upon millions of feet of lumber are shipped every year; all of the great commerce between Chicago and Green Bay, both ways, goes through this canal, as well as all the commerce in connection with the many miles of water and scores of lumber mills of the Menomonee, Peshtigo, Oconto, and Pensaukee Rivers in Wisconsin and Michigan, which finds an entrance into the lake at that point.

My colleague is mistaken in one thing when he says, "I think that it might cost the Government to make this a free canal $112,000." That is a mistake, and I will explain the conditions as to that part of the question.

This canal, or this scooping out and reopening of this old channel, was made by a corporation, which received a grant through the State of Wisconsin of 200,000 acres of the United States public lands for that purpose. They have used that grant in constructing this canal. They claim that in addition to the grant they have expended some thousands of dollars in excess of the amount derived from it. What amount this is we do not know positively. I am passably well informed, however, from my acquaintance with the matter, that the excess which the corporation paid over and above the grant will not exceed $35,000 or $40,000, and we have provided that the Secretary of War shall investigate the matter, and if there is an honest investigation—and we all believe and must believe that the War Department will have an honest investigation—we shall obtain the needed channel for our commerce—for the free commerce of the Northwest—at a cost of probably not exceeding thirty-five or forty thousand dollars.

Mr. Speaker and gentlemen of the House of Representatives, I have had the honor in the State Legislature of Wisconsin for three sessions in the last six years to introduce and send to this body a memorial from the great State of Wisconsin asking the passage of this act. It is not the request of the canal company; it is not somebody who is presenting a scheme here that has a job back of it; but the people of Wisconsin, interested in the great commerce of the lakes, who petition to have this made a free canal.

I do not care to detain the House longer in this matter. I think I have stated the question, and it seems to me that the acquisition of this property by the Government will benefit the people of that State (Wisconsin) and of all the lake regions in its commerce.

Mr. PAYSON. What was the cost of this improvement?

Mr. HUDD. It is variously stated to be somewhere about a half a million of dollars. All of this has been paid for by the land grant except perhaps from $35,000 to $40,000, and the company are willing to surrender it back to the General Government if that amount which they have paid in excess of the value of the grant be refunded.

Let me state also that this Congress has appropriated considerable sums of money already for the purpose of constructing a harbor of refuge immediately adjacent to this canal and a part of it. Now, will we, by the action of this House, fritter away that appropriation for making provision for something which is absolutely necessary and destroy a harbor of refuge for the mariner in case of storms? Will you oblige them to be forced to take a course across this point, which is not improperly called Death's Door, on account of the dangerous character of the navigation there? I repeat, therefore, that it is in the interest of commerce as well as of humanity to let this remain and be a harbor for those people.

I will yield back the remainder of the time to my colleague.

Mr. GUENTHER. In order that the House may fully know what they are voting on, I ask that the Senate amendment be read.

The SPEAKER. It can be read in the time of the gentleman.

The Senate amendment was read, as follows:

For making free of toll to commerce the Sturgeon Bay and Lake Michigan Ship-canal, connecting the waters of Green Bay with Lake Michigan, in the State of Wisconsin, $112,500, or so much thereof as may be necessary: *Provided*, That no part of said sum shall be expended until the Secretary of War shall have caused an examination to be made by a board of three United States engineers into the importance and value to commerce and navigation of the free use of said ship-canal, and unless the report of said board shall be in favor of making said canal free to commerce: *And provided further*, That no part of said sum shall be expended until the Secretary of War shall be satisfied, upon investigation, as to the actual cost of said canal to said company; and then only so much of said sum shall be expended as the said Secretary of War shall be satisfied is necessary to reimburse the said company for advances and expenses actually made and incurred in constructing said canal, and in maintaining the same, over and above the net proceeds of the lands granted by Congress to aid in constructing said canal, and over and above the tolls received therefrom, with interest, as provided by the act of Congress making said grant, approved April 10, 1866; and none of said moneys shall be expended upon a full and absolute conveyance to the United States of said ship-canal, harbor, easements, rights of way, piers, docks, and appurtenances of every name and nature pertaining to said work, free and clear of all liens and incumbrances.

Mr. GUENTHER. I want to emphasize again that this is not a company which asks this appropriation, but the commerce of the great lake demands it. The canal is completed, and nothing is to be done by the Government in that respect. It is moreover a harbor of refuge. There is a life-saving station and light-house there, and there is not another within 75 miles of the canal. I sincerely trust the amendment, in the interest of the great commerce of the lakes, will remain as passed by the Senate.

Mr. WILLIS. I desire in three minutes to endeavor to state the reasons why this appropriation should not be increased upon a river and harbor bill. Years ago certain parties applied to the United States Government to secure a grant of 200,000 acres of land—rich, fine land—the object of which grant was to construct this identical canal.

A company was soon found who undertook to use this great land grant—a company composed, as I am informed, in large part of the owners of these immense pine forests and of the copper mines in that vicinity.

Mr. GUENTHER. Will the gentleman allow me to interrupt him? That has nothing to do with the case.

Mr. WILLIS. I think I can show it has to do with the case.

Mr. GUENTHER. The Secretary of War is going to ascertain what the cost was and therefrom deduct the value of the lands and everything.

Mr. WILLIS. I will say in 1882 that company completed the canal. The charter required it should make a report to the State of Wisconsin. Up to the present time, I am informed, no such report has been made.

Mr. GUENTHER. It has been made. The State authorities inspected the canal.

Mr. WILLIS. When was the report made?

Mr. GUENTHER. About six years ago. I was one of the State officers who examined and inspected the canal in compliance with the law.

Mr. WILLIS. I repeat what I stated. In 1882, immediately after the completion of this work, they came to Congress with a resolution looking to the purchase of this canal. It had not been completed more than six months when Congress, the same Congress that had given this land grant, was applied to by a resolution, whether in behalf of the canal company I care not, to find out how much it would cost to get back from the company this work which had been improved by its own grant. At that time, I state again, and up to the time this investigation was made, no report to the State had ever been made.

Mr. GUENTHER. There has been a report.

Mr. WILLIS. Since then. Now I state upon the report of the officers themselves it appeared that this canal had not only been constructed, but there were very reasonable fees in the shape of presidents' salaries and directors' fees and negotiation fees; and when all these were put together and added to the cost of the construction of the canal it did not reach the value of this 200,000 acres by $25,000.

Now, we are called upon without investigation of these facts, without time to look into them, to throw this into a conference report on a river and harbor bill in the hurly-burly of the closing hours of the session. I do not say the proposition is wanting in merit, but it is one which ought to be diligently and properly inquired into before action is taken.

Mr. GUENTHER. That will be done.

Mr. WILLIS. Well, let it wait till that is done. The gentleman says a commission has been appointed. Why this haste? I respectfully ask a vote upon the resolution striking this out of the bill.

The House divided; and there were—ayes 95, noes 41.

Mr. HUDD. I call for the yeas and nays.

The yeas and nays were not ordered, only 18 members voting therefor.

Mr. GUENTHER. I make the point of no quorum.

The SPEAKER. The Chair will appoint as tellers the gentleman from Wisconsin [Mr. GUENTHER] and the gentleman from Kentucky [Mr. WILLIS].

Before the count was completed,

Mr. GUENTHER (one of the tellers) said: I withdraw the point of no quorum.

So (further count not being called for) the resolution was agreed to.

Mr. WILLIS. I move that the House further insist on its disagreement to the Senate amendment and ask for a conference.

Mr. HISCOCK. I desire to offer a resolution of instruction.

The SPEAKER. The Chair will state the situation. The gentleman from Kentucky [Mr. WILLIS] moves that the House further insists upon its disagreement to the Senate amendments and requests a further conference. The Chair ruled the other morning that that motion had priority over the resolution to instruct; and the Chair also ruled at the same time that a resolution to instruct the conferees was not in order after the Chair had actually appointed the managers, as was the case when the gentleman from Kentucky moved an instruction at that time. But the Chair thinks even if the present motion of the gentleman from Kentucky prevails, at any time before the Chair actually appoints the conferees, which takes the matter away from the House, resolutions of instruction are in order, and the Chair will entertain them after this motion is disposed of.

There has been one instance in the House where a resolution of instruction was offered and entertained while the motion to insist and for the appointment of conferees was pending; but the question of order was not then made. At any rate, there is an interim after the motion of the gentleman from Kentucky [Mr. WILLIS] has been disposed of when instructions are in order under the practice of the House. The question is on the motion of the gentleman from Kentucky.

The motion was agreed to.

Mr. HISCOCK. Now I offer the instruction which I send to the desk.

The Clerk read as follows:

Resolved, That the conferees of the House, when appointed, be instructed to insist upon striking out the amendment of the Senate commencing with line 1401 and ending with line 1465 providing for the improvement of the Mississippi River from the head of the passes to the mouth of the Ohio River.

Mr. DUNN. I move to lay that on the table; and on that motion I call the previous question, if it is in order.

The SPEAKER. The gentleman can not call for the previous question. The gentleman from New York [Mr. HISCOCK] has the floor.

Mr. HISCOCK. I now demand the previous question upon the resolution.

Mr. BRECKINRIDGE, of Arkansas. I will ask the gentleman from New York whether the lines he proposes to strike out include the appropriation for the Mississippi River?

Mr. HISCOCK. If this portion is stricken out the House provision will still remain.

Mr. WILLIS. I call for the regular order.

Mr. BRECKINRIDGE, of Arkansas. I ask that the lines proposed to be stricken out be read.

The SPEAKER. They can not be read now without indulging in debate, which would prevent any debate after the previous question is ordered. The first question is upon ordering the previous question.

The previous question was ordered.

The SPEAKER. Under the rules thirty minutes are allowed for debate—fifteen minutes in support of the resolution and fifteen minutes in opposition to it—and the gentleman from Arkansas [Mr. BRECKINRIDGE], when he has the floor, can call for the reading of the lines proposed to be stricken out if he desires.

Mr. BRECKINRIDGE, of Arkansas. I have no desire for debate. [Cries of "Vote!" Vote!"]

The SPEAKER. The gentleman from New York [Mr. HISCOCK] is entitled to the floor.

Mr. HISCOCK. Will there be any discussion upon the other side?

Mr. WILLIS. I want only about two minutes.

Mr. HISCOCK. Well, use up the time on the other side first.

Mr. WILLIS. I have nothing to say if you have nothing to say.

Mr. HISCOCK. Mr. Speaker, the provision in the House bill was adopted after a full and exhaustive debate. The subject then received full consideration, and I do not propose now to discuss the proposition upon its merits. The effect of the Senate provision is of course to reestablish the Mississippi River Commission. More than that, it is extremely vicious in its provisions for the construction of levees, and there is omitted from it the provision for the expenditure of the money upon certain reaches of the river with a view of demonstrating by that expenditure whether or not any good results will come from the proposed methods. It goes much further than the original House bill, and is more vicious than that.

Mr. REED, of Maine That is saying a great deal.

Mr. HISCOCK. Now, Mr. Speaker, the result of our vote I suppose will be this: The House will insist upon striking out the Senate amendment, and that will leave the House provision of the bill in conference; it will leave the appropriation and all of the provisions of the bill as adopted by the House in conference, and the conferees will be authorized to agree to those provisions as we adopted them here. In my judgment, the Senate provision is far more vicious than the Hennepin Canal project; I am inclined to think it is more vicious than the provision urged by the gentleman from Michigan [Mr. MOFFATT]; and I know of no reason why we should send back our conferees without instruction upon this point which was so elaborately discussed here, or why we should hesitate to instruct them in regard to this, as we have already done in regard to other provisions of the bill. It seems to me that in this case where there is so wide a difference between the two Houses the conferees should go back into conference fully advised of the intention and the judgment of the House on the subject. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has twelve minutes remaining.

Mr. HISCOCK. I will yield three minutes to the gentleman from Ohio [Mr. BUTTERWORTH].

Mr. BUTTERWORTH. Mr. Speaker, not only has the Senate restored to this bill a provision which the House deliberately struck out, but it has gone further. The bill not only requires that the Secretary of War shall construct levees above the reaches now being improved, the Lake Providence and Plum Point reaches, but it also authorizes the construction of levees below those reaches. The House was advised before that under the peculiar phraseology of this bill not only were the engineers permitted but they were required to construct levees there, because they were required to construct them wherever in the judgment of the commission it was necessary to give ease and safety to navigation, and the commission had distinctly said that it was necessary all along the river. Although the statements were scattered through different portions of the report the commission had distinctly taken that ground. Not only does this provision require the Secretary of War to construct levees which are in fact for the benefit of the riparian owners and not for the benefit of navigation according to the testimony of experts, but it goes further and says that below the reaches now being improved the Secretary of War may construct levees whenever a crevasse is threatened, or wherever it may be necessary to prevent a crevasse; which simply means that they are to build levees for the benefit of the riparian owners from the Ohio River to the Balize. Now, I would discuss the propriety of doing that if it were presented as a distinct proposition, but so far as the improvemont of the navigation of the river is concerned the testimony of men who have been navigating the Mississippi for half a century is that the levees do no good whatever. The reasons I have not time now to discuss, but it was the deliberate judgment of the House that the building of these levees ought not to be permitted, and the plan of the commission has been condemned by experience.

Mr. HISCOCK. I reserve the balance of my time until we shall have heard from the other side if they wish to discuss this question.

Mr. WILLIS. If the House will hear me for a moment or two, I do not think that the resolution offered by the gentleman from New York [Mr. HISCOCK] is in the direction of securing the objects that I know he has in view. The House agreed upon certain matters; the Senate disagreed and put in entirely new matters.

I submit to him that there has never been within my recollection a provision connected with the Mississippi River which so carefully guarded the very objects that he wants to accomplish as does this provision. Why do I say that? Because by express terms upon a resolution which I may be permitted to say was offered by the Senator from Kansas, Mr. INGALLS, the commission was practically dethroned—was directed not to expend one dollar; and this, I say to the gentleman from Maine, is in the direction of his desire not to expend one dollar upon what is known as the revetment system, which is the costly part of this work. The expenditure is confined to the contraction work, upon the plan of Mr. Eads—the original plan by which the Mississippi River was to be improved. I submit to my friend that we had better take this as the best provision that has ever been presented on the subject.

In regard to the levees, that is simply the plan in regard to Plum Point and Providence reaches, which has been in operation in the improvement of this river from the very first. It is not a new departure. The difference between that and this is that the small amount we have appropriated in this bill will in the first place not permit us to go beyond Plum Point and Providence reaches. Why? Because the estimate made by the engineer for these two reaches alone was $2,000,000; and the Senate gives not enough by one-half to complete those two reaches. So that it not only prevents revetment, but it practically limits the work to Plum Point and Providence reaches, and in connection with the resolution of Senator INGALLS looks to confining the improvement of this river to the original plan of Captain Eads.

I may be permitted to go so far as to say that the committee of conference have not agreed upon this matter; and that the resolution I have offered provides that the House still further insist upon its nonconcurrence.

Mr. BAYNE. Does the Senate amendment cut down the amount proposed by the House 25 per cent.?

Mr. WILLIS. Yes, it cuts it down 25 per cent. I submit to gentlemen here that we have not come to any conclusion on this matter. We know the views of the House, and we are bound to carry them out. Speaking for myself, I have no desire in the world in connection with this paragraph or any other except to execute as far as we can in the conference committee the will of this House.

Mr. REED, of Maine. One of the objects which I certainly had—and I suppose a great many other members agreed with me—was to confine whatever appropriations were made, if we must make any, to the two reaches named, so as to make a test or experiment. My judgment (it may be an uncharitable one) about the purposes of gentlemen who are specially behind these Mississippi appropriations is that they desire to extend the expenditure of whatever money is appropriated over such distance of river, to use it in making such commencements that they continually involve us in expense before we have determined whether the experiment can by any possibilty be a success. Why, then, can there be any objection to an amendment which shall absolutely limit the expenditures to these two reaches upon which the experiment is in progress at present?

Mr. WILLIS. The gentleman has expressed my views of this Mississippi River improvement much better than I could do myself. I submit to him that this provision—I do not say we have assented to it, I do not know that we shall assent to it, but if we should, it practically accomplishes in that direction the very object which he has in view. Why? Because the Senate has cut down by 25 per cent. the Mississippi River appropriation. Prior to this cutting down there was only $2,000,000 for this work; and the lowest estimate made for Plum Point and Providence reaches by the Engineer Corps or by the commission was $2,000,000. Besides, if we adopt the resolution of the gentleman from New York [Mr. HISCOCK] we supersede the resolution introduced by the Senator from Kansas, Mr. INGALLS, which goes to the very heart of these heavy expenditures, this revetment system.

Mr. REED, of Maine. What is to keep the commission within bounds? What is to confine it inside the banks? Can we not build some sort of levees to hold the commission in check? That is what I want to do.

Mr. WILLIS. They can not expend more money than we give them, certainly.

Mr. ROWELL. If the House passes this resolution there is no danger of the conference committee agreeing to it, is there?

Mr. WILLIS. I yield five minutes to the gentleman from Arkansas [Mr. DUNN].

Mr. DUNN. Mr. Speaker, the resolutions which have been introduced prior to this one by the chairman of the committee [Mr. WILLIS] sought to ascertain the sense of this House on projects which had never been considered by the House, which were introduced into the bill and insisted upon by the Senate. The votes upon those resolutions were in the nature of an expression of the wish of the House upon those points. This measure, this project, this item was carried into the bill by the vote of the House originally. It was debated deliberately and adopted by Congress many years ago, and has been adhered to with great firmness and great unanimity. The Senate changes simply the details of the plan and imposes some directions as to the application of the appropriation for this item in a manner which they say will make it more economical and more effective. I am myself well satisfied that limitation imposed by the Senate amendment will largely reduce the cost of the work and accomplish the best results, and do it more expeditiously.

Now the conference committee ought to be left to deal freely with these details. It will all come back for acceptance by us. We all must understand, and do understand, this great project for the improvement of the Mississippi River is to be slaughtered anyhow, at all events, and under all circumstances. It is not to be spared at any stage of the proceedings.

Gentlemen say they want a better plan. The truth is they do not want any plan at all. The gentleman from New York [Mr. HISCOCK], when he attacked this provision of the bill while before the House originally, said the revetment was the great scarecrow at which he was so frightened. He told us, and quoted from a speech of my colleague [Mr. BRECKINRIDGE] in a former Congress, that the revetments were to cost $150,000,000, or even more. And also because they were ineffectual and could not be made secure; that they were liable to destruction; and he relied on the speech of my colleague in a former Congress as the highest authority he could find to sustain that theory. He advocated an amendment which contained an arbitrary provision proposing absolutely to prohibit all revetment in future plans of operations for the improvement of the Mississippi River. Now he insists on restoring revetment and striking out everything else.

The gentleman from New York [Mr. HISCOCK] and the gentleman from Maine [Mr. REED] constantly attack the motives of those of us who support this improvement. Who can believe in the sincerity of their motives when they leap so glibly and nimbly over every barrier set before them, and are one day found advocating what they opposed on a former day? If they were really frank, they would admit that the Mississippi River does not run toward New York and Maine, and hence should be blockaded.

They mean simply, and the friends of the bill might as well understand it, that this measure of improvement is to be slaughtered. They can see nothing in all this great work, in which more of the commerce of the country is interested than in any other great work in progress. They can see nothing but private interest, some proposition for the improvement of private property. All the private interests of New York and the East which come under the operation of the tariff law are for the public good. They have the ingenuity and skill to project and set before us all the private interests in their country as questions of great public moment, of public and not individual interest.

The SPEAKER. The gentleman's time has expired.

Mr. DUNN. I leave the country to judge of the sincerity of the motives of those gentlemen who deal with great public interests in that way.

I hope we will leave the managers for the House free to consider all the propositions in the bill, and to select that which promises the best results at least cost.

Mr. HISCOCK. How much time have I remaining?

The SPEAKER. The gentleman has nine minutes.

Mr. WILLIS. I yield whatever time I have remaining to the gentleman from Arkansas.

The SPEAKER. There is but one minute remaining.

Mr. BRECKINRIDGE, of Arkansas. If the time has been kept correctly there are five minutes remaining on this side.

The SPEAKER. The gentleman ran over his time, and there is now but one minute remaining.

Mr. REED, of Maine. I hope the gentleman from Arkansas will be permitted to go on and submit his remarks.

The SPEAKER. For how long?

Mr. REED, of Maine. For five minutes.

The SPEAKER. Is there objection to the proposition of the gentleman from Maine?

Objection was made.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, it is provided in the Senate amendment that no levees shall be built for the purpose of reclaiming lands or preventing injury to lands on private property by overflows. Then there is the usual provision of power to build levees if they are required by the needs of navigation. It is probably not a very amiable word to employ, but it certainly seems absurd for gentlemen to pretend that the requirement, that the commission shall bring up the high-water bank by levees within the measure of these two reaches, is a movement to benefit the private property on either side. The population along these reaches is scant, the land limited, and does not belong to influential bodies, and it would not be protected by this from crevasses above. It is solely to conserve the volume of water immediately in the reaches. It prevents dispersion of power there. The amendment is restrictive to a full application of the adopted plan in the reaches that we are committed to.

The SPEAKER. The gentleman's time has expired.

Mr. HISCOCK. I yield five minutes to the gentleman from Iowa.

Mr. BRECKINRIDGE, of Arkansas. Will the gentleman permit me first to read a few lines?

Mr. HISCOCK. Certainly.

Mr. BRECKINRIDGE, of Arkansas. In the last Congress I inveighed against the introduction of the revetment system as not being in the plan adopted by Congress, as gentlemen will remember; and I want to read a few lines from a resolution that was adopted unanimously by the commission, as reported in their minutes, at a meeting when they were maturing the plan that was adopted. It was proposed by the president of the commission, General Gillmore, at the meeting in Saint Louis, on January 17, 1880:

That the method of improvement by outlets of any kind is not adapted to the Mississippi River, either to the permanent improvement of its navigation or to the ultimate prevention of destructive floods.

That the method of improvement of the navigation of the Mississippi River which promises the most valuable and permanent results will comprise as its essential features the contraction by suitable works of the water way in the wide portions of the river and the protection of caving banks by special means wherever the contracting works referred to do not effect that result.

This idea of uniformity of width and of bringing the banks, new and old, up to the high-water point, and of the projecting works in the wide places being at all times, with the closures of all crevasses or other outlets, the first thing, the main thing, and the leading thing to do, was adopted time and again, and it was clearly set forth in the plan that was recommended to Congress for adoption, and it was adopted on, say, June 28, 1880. It then became law, and was the plan laid down in the law. Some of you remember my surprise, and I may say my indignation, when I found, in the last Congress, that it was being abandoned by the commissioners, and in defiance of what we have been taught to believe is reason and of what we know to be law.

To my astonishment and to the astonishment of both Houses of Congress the commissioners claimed in their last report that they were conforming to the plan of 1880. The result was that the House, by a decisive vote, though I think an unwise one, passed a motion that was intended to destroy the commission itself, instead, as I have always striven for, effecting a change of commissioners or else giving instructions so specific as could not be evaded. This course, which I think the wiser one, and I have always striven for it, holds on to the commission, but reforms the commissioners. They are excellent gentlemen, only they do not carry out the plan that Congress saw fit to confide to them for execution. They show confusion of thought, division in counsel, and feebleness in action. As one of the distinguished Senators from Louisiana [Mr. GIBSON] said in his very able speech a few days ago, such gentlemen "ought to be removed." This amendment from the Senate cites again the "adopted plan," and then it goes on and so

clearly defines it that misconception is impossible. I trust the House will adopt it, and not strike a blind and angry blow at the organic feature—the commission. The commission is one thing; the commissioners are another. They may come, and they may go; but let the work and the organization, or framework, continue.

I am deeply obliged to my kind and distinguished friend from New York [Mr. HISCOCK] for his indulgence, and I will append the amendment that passed the Senate and I hope we shall adopt it, and that in conference the full amount of two and a quarter millions will be restored:

Improving Mississippi River from head of the passes to the mouth of the Ohio River: Continuing improvement, $1,687,500; which sum shall be expended under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission: *Provided*, That no portion of this appropriation shall be expended to repair or build levees for the purpose of reclaiming lands or preventing injury to lands or private property by overflows: *Provided, however*, That the commission is authorized to repair and build levees if, in their judgment, it should be done as part of their plan to afford ease and safety to the navigation and commerce of the river and to deepen the channel: *And provided further*, That the expenditure of so much of said appropriation as may be required to continue the improvement of Plum Point and Lake Providence reaches shall be confined to the complete repair and maintenance of the levees throughout said reaches to the height of 2 feet above the flood of 1882, and to the completion of the permeable works of contraction to such extent as may be required to bring the high-water banks of the river to the comparative uniformity of width contemplated in the first five paragraphs of the plan of improvement recommended by the Mississippi River Commission and adopted by Congress in 1880, and more fully set forth in the report of the Secretary of War for 1881, volume 2, part 3, page 2733: *And provided further*, That no works of bank protection or revetment shall be executed in said reaches or elsewhere until after it shall be found that the completion of the permeable contracting works and uniform width of the high-water channel will not secure the desired stability of the river banks: *Provided, however*, That nothing herein contained shall prevent the construction of revetment works where the banks are caving at Greenville reach, Delta Point, in front of the cities of Vicksburg, Memphis, Hickman, and Columbus: *And provided further*, That contraction works shall be built at the same time in the wide portions of the river immediately above the said revetment works. Of the amount herein appropriated for the Lower Mississippi, $75,000 are to be expended in continuing the work in progress at New Orleans; $187,500 for the rectification of the Red and Atchafalaya Rivers by preventing further enlargement of the latter stream and restricting its outlet capacity, and for keeping open a navigable channel through the mouth of Red or Old River into the Mississippi; $37,500 in improving navigation in the Greenville reach by preventing the bank at Greenville from further caving; $75,000 in deepening the channel at Vicksburg by dredging through the bar existing there; but this last-named sum shall not be expended unless after another examination or survey the commission shall deem it advisable; and if they shall not, then $37,500 shall be expended in the improvement of navigation at Vicksburg by constructing suitable dikes and other appropriate works, and $56,250 in completing the work on the river at Memphis; also $18,750 for the work on the river at Hickman, and $18,750 for work on the river at Columbus, Ky.

Mr. HEPBURN. Mr. Speaker, all the results of the consideration of this question in the House have been lost to the House by the Senate amendment; for that portion which was regarded as objectionable in the original bill by the House, and which was eliminated after a full and extended discussion, has been re-enacted by the Senate and much more added, which, in my opinion, is more objectionable than anything previously incorporated in the bill.

Under this amendment of the Senate the feature that gentlemen have constantly denied as the prominent one they had in view, namely, the protection of their own plantations by levees, is forced absolutely upon the commission. Heretofore gentlemen have constantly said that they wanted no improvement of the levees of the river, except as it might affect the navigation, and that the commission was to be allowed to determine for themselves in regard to them. Now they have thrown off their disguise and present this extraordinary provision in the bill:

And provided further, That the expenditure of so much of said appropriation—

That is the whole of it—

as may be required to continue the improvement of Plum Point and Lake Providence reaches shall be confined to the complete repair and maintenance of the levees throughout said reaches to the height of 2 feet above the flood of 1882, &c.

Now, I want to know how they propose to reconcile that proposition with their statements heretofore made that they were content to allow the commission to determine exclusively the question as to whether or not the levees were essential to improving the navigation of the river. Here it is imperatively made, by the terms of the bill, compulsory upon them, not if in their judgment it shall be so required, but they actually fix the limit to which they shall go before there is an appropriation available for entering upon the work of the improvement of channel navigation by revetment, contraction, or otherwise. They say, first you must perfectly repair the levees before any work on contraction of the channel, revetments, or repairs of existing work shall be done.

I am glad they have put that provision into the bill. I am glad that gentlemen have at last thrown off the disguise. I am glad that the pretense of the improvement of the Mississippi River is no longer to be held up before the American people. Now we have it in plain terms that the primary object, that the first thing to be done, that the first step in the enterprise, is to secure from overflow the plantations bordering upon the river, even in the district represented by the exceedingly solicitous gentleman from Arkansas. I think it is well for him to omit statements he has indulged in here in regard to the motives of other men and the springs of action that animated them. I know of nothing in all the history of legislation in this House that could be well characterized with all that is offensive in connection with selfishness more than this very amendment that the gentleman is the special advocate of.

[Here the hammer fell.]

Mr. HISCOCK. Mr. Speaker, there is one other feature of this amendment to which I desire to call the attention of the House for a few moments. It is this: The report of the commission—the Mississippi River Commission—recommended the levee system as one of the necessities for the improvement of the Mississippi River. The House provision struck that out. We got rid of the plans and recommendations of the Mississippi River Commission; but here we go right back to that commission again, and all their reports, at least the most pronounced of them, lay great stress upon the levee system.

Now, then, the provision to which the gentleman from Kentucky has called attention is wise enough and should be in the bill; but if you go further down into the bill you will find another provision, which will readily absorb all the money here appropriated. The first is in conflict with this one to which the gentleman from Iowa has alluded, and if I read this provision of the bill correctly there is a change permitting the construction of the levees, and to carry on the work of revetments, to carry on the whole system which was once denounced by the gentleman from Arkansas [Mr. BRECKINRIDGE] upon this floor.

Now, it seems to me, sir, that it is high time we should settle this controversy finally. With reference to this question, so far as the Mississippi River Commission is concerned and the plans of the Mississippi River Commission are concerned, the House should take no backward action.

My attention is called by a gentleman near me to the fact that this bill provides actually for the construction of 138 miles of levees. There is no doubt about that, and I appeal to the gentleman from Kentucky [Mr. WILLIS] for the correctness of the statement. It provides for the building of 138 miles of levees above high-water mark. When has a provision of that kind ever before been introduced in this House—a provision absolutely directing that the work to this extent shall be carried on?

Mr. BRECKINRIDGE, of Arkansas. There is no such provision there. Those levees are in existence to-day.

Mr. HISCOCK. Well, the provision is for their repair.

Mr. BAYNE. It is to raise them.

Mr. BRECKINRIDGE, of Arkansas. About 2 feet. But that is a different thing from building them.

Mr. HISCOCK. This is the provision:

That the expenditure of so much of said appropriation as may be required to continue the improvement of Plum Point and Lake Providence reaches shall be confined to the complete repair and maintenance of the levees throughout said reaches to the height of 2 feet above the flood of 1882, and to the completion of the permeable works of contraction to such extent as may be required to bring the high-water banks of the river to the comparative uniformity of width contemplated in the first five paragraphs of the plan of improvement recommended by the Mississippi River Commission.

Mr. BRECKINRIDGE, of Arkansas. That is very different from building them.

The SPEAKER. The time of the gentleman from New York has expired. The question is on the adoption of the resolution.

Mr. HISCOCK. I hope we may have the yeas and nays on this.

The yeas and nays were ordered, 50 members voting therefor.

The question was taken; and there were—yeas 143, nays 88, not voting 91; as follows:

YEAS—143.

Adams, G. E.	Dunham,	Johnston, J. T.	Rice,
Allen, C. H.	Eden,	Johnston, T. D.	Rockwell,
Anderson, J. A.	Eldredge,	Ketcham,	Rowell,
Atkinson,	Ely,	La Follette,	Ryan,
Baker,	Ermentrout,	Lehlbach,	Sawyer,
Bayne,	Evans,	Lindsley,	Scranton,
Belmont,	Everhart,	Little,	Seney,
Bingham,	Farquhar,	Long,	Sessions,
Blount,	Felton,	Lowry,	Seymour,
Bound,	Fisher,	Lyman,	Smalls,
Boutelle,	Fleeger,	Mahoney,	Sowden,
Boyle,	Frederick,	Matson,	Spooner,
Browne, T. M.	Fuller,	McAdoo,	Springer,
Brown, C. E.	Funston,	McComas,	Stewart, J. W.
Brown, W. W.	Geddes,	McKinley,	Stone, E. F.
Buchanan,	Gibson, Eustace	Merriman,	Storm,
Buck,	Green, R. S.	Millard,	Strait,
Bunnell,	Grout,	Milliken,	Swinburne,
Burnes,	Hall,	Morrill,	Swope,
Burrows,	Harmer,	Morrison,	Taylor, I. H.
Butterworth,	Hayden,	O'Ferrall,	Thomas, O. B.
Bynum,	Henderson, D. B.	O'Neill, Charles	Townshend,
Campbell, Felix	Hepburn,	Osborne,	Viele,
Campbell, J. M.	Herbert,	Outhwaite,	Wait,
Cannon,	Hermann,	Owen,	Wakefield,
Caswell,	Hewitt,	Parker,	Ward, J. H.
Cobb,	Hiestand,	Payne,	Ward, T. B.
Conger,	Hill,	Payson,	Warner, A. J.
Cooper,	Hiscock,	Perkins,	Weaver, A. J.
Cowles,	Hitt,	Peters,	Weaver, J. B.
Cox,	Holman,	Pidcock,	West,
Curtin,	Hopkins,	Pirce,	Wilkins,
Cutcheon,	Hudd,	Plumb,	Wilson,
Davis,	Jackson,	Price,	Winans,
Dockery,	James,	Randall,	Worthington.
Dorsey,	Johnson, F. A.	Reed, T. B.	

NAYS—88.

Allen, J. M.	Findlay,	Laffoon,	Sayers,
Barnes,	Foran,	Lanham,	Shaw,
Barry,	Ford,	Lore,	Singleton,
Blanchard,	Forney,	Markham,	Skinner,
Breckinridge, C. R.	Gay,	Martin,	Stephenson,
Breckinridge, WCP.	Glover,	McCreary,	Stewart, Charles
Burleigh,	Green, W. J.	McMillin,	St. Martin,
Cabell,	Hale,	McRae,	Stone, W. J., Ky.
Caldwell,	Harris,	Miller,	Stone, W. J., Mo.
Carleton,	Hatch,	Mills,	Symes,
Catchings,	Heard,	Moffatt,	Taulbee,
Clardy,	Hemphill,	Neal,	Taylor, J. M.
Clements,	Henderson, J. S.	Negley,	Taylor, Zach.
Compton,	Henderson, T. J.	Nelson,	Tillman,
Crisp,	Henley,	Norwood,	Tucker,
Croxton,	Howard,	O'Neill, J. J.	Turner,
Daniel,	Hutton,	Peel,	Van Eaton,
Dargan,	Irion,	Perry,	Wade,
Davidson, A. C.	Jones, J. H.	Reagan,	Warner, William
Dibble,	Jones, J. T.	Reid, J. W.	Wheeler,
Dowdney,	King,	Richardson,	Willis,
Dunn,	Kleiner,	Romeis,	Wise.

NOT VOTING—91.

Adams, J. J.	Dawson,	Libbey,	Scott,
Aiken,	Dingley,	Louttit,	Snyder,
Anderson, C. M.	Dougherty,	Lovering,	Spriggs,
Arnot,	Ellsberry,	Maybury,	Stahlnecker,
Ballentine,	Gallinger,	McKenna,	Steele,
Barbour,	Gibson, C. H.	Mitchell,	Struble,
Barksdale,	Gilfillan,	Morgan,	Tarsney,
Beach,	Glass,	Morrow,	Taylor, E. B.
Bennett,	Goff,	Muller,	Thomas, J. R.
Bland,	Grosvenor,	Murphy,	Thompson,
Bliss,	Guenther,	Neece,	Throckmorton,
Brady,	Halsell,	Oates,	Trigg,
Bragg,	Hammond,	O'Donnell,	Van Schaick,
Brumm,	Hanback,	O'Hara,	Wadsworth,
Campbell, J. E.	Haynes,	Pettibone,	Wallace,
Campbell, T. J.	Hires,	Phelps,	Weber,
Candler,	Holmes,	Pindar,	Wellborn,
Collins,	Houk,	Ranney,	White, A. C.
Comstock,	Kelley,	Reese,	White, Milo
Crain,	Laird,	Riggs,	Whiting,
Culberson,	Landes,	Robertson,	Wolford,
Davenport,	Lawler,	Rogers,	Woodburn.
Davidson, R. H. M.	Le Fevre,	Sadler,	

So the resolution of instruction was agreed to.

Mr. GIBSON, of West Virginia. I ask unanimous consent that the reading of the names be dispensed with.

Mr. BURROWS. I object. Let them be read.

The following additional pairs were announced:

Mr. SPRIGGS with Mr. DINGLEY, for the rest of the day.

Mr. NEECE with Mr. STRUBLE, on this vote.

Mr. OATES with Mr. WHITING, on this vote.

Mr. BENNETT with Mr. KELLEY, on this vote.

The result of the vote was then announced as above stated.

Mr. MCMILLIN. I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That it is the sense of the House that the managers upon the part of the House in any conference hereafter granted upon the disagreeing votes of the two Houses on the bill (H. R. 7480) insist upon striking out of the Senate amendment so much thereof as appropriates $375,000 for continuing the improvement of the Potomac River in the vicinity of Washington.

Mr. MCMILLIN. I demand the previous question.

The previous question was ordered.

The SPEAKER. Under the rule thirty minutes are allowed for debate, fifteen minutes in support of the proposition and fifteen minutes against it.

Mr. MCMILLIN. I will only detain the House for a minute or two in advocacy of the resolution I have offered. This appropriation was refused in the House, and for the best of reasons. In the first place it does not legitimately belong on a river and harbor improvement bill. The expenditure is to be made above the Long Bridge, where navigation of the river is utterly impossible. In addition to that, we are already investigating the title of the flats, which are intended to be raised by the appropriation. I think that work should be done before any appropriation is made. I think of this as of other matters that it is not properly on the river and harbor bill; and I hope the resolution will be adopted.

The question being taken, there were—ayes 70, noes 39.

Mr. STRAIT. No quorum.

The SPEAKER. The Chair appoints as tellers the gentleman from Minnesota [Mr. STRAIT] and the gentleman from Tennessee [Mr. MCMILLIN].

The House again divided; and the tellers reported—ayes 107, noes 70.

So the resolution was adopted.

The SPEAKER. The Chair appoints as managers of the conference on the part of the House on the river and harbor bill Mr. WILLIS of Kentucky, Mr. BLANCHARD of Louisiana, and Mr. HENDERSON of Illinois.

MAP OF THE UNITED STATES AND TERRITORIES.

The SPEAKER. The Chair appoints as managers on the part of House of the conference on the disagreeing votes of the two Houses on the joint resolution (H. Res. 160) to authorize the Commissioner of the General Land Office to cause 15,000 copies of the map of the United States and Territories to be printed, the gentleman from North Carolina, Mr. REID, the gentleman from New York, Mr. FARQUHAR, and, in the absence of the chairman of the Committee on Printing, the gentleman from Arkansas, Mr. DUNN.

EMILY C. STANNARD.

The SPEAKER. If there be no objection, the House will insist upon its amendment to the bill (S. 2609) granting a pension to Emily C. Stannard, and agree to the request of the Senate for a committee of conference on the disagreeing votes of the two Houses.

There was no objection, and it was so ordered.

The SPEAKER. The Chair will appoint as conferees on the part of the House the gentleman from Massachusetts, Mr. LOVERING, the gentleman from Kentucky, Mr. TAULBEE, and the gentleman from Kansas, Mr. MORRILL.

GENERAL DEFICIENCY BILL.

Mr. BURNES. Mr. Speaker, I ask unanimous consent that the general deficiency bill be taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

There was no objection, and it was so ordered.

TREASURY BALANCES.

Mr. MCMILLIN. Mr. Speaker, I desire to present a privileged report from the Committee on Ways and Means.

The report was read, as follows:

Resolved, That the Secretary of the Treasury be requested, if not inconsistent with the public welfare, to transmit to the House, in compliance with its request embraced in House resolution of January 28, 1886, such information as has been compiled as therein directed.

The committee having considered the resolution report that they have considered the same; that they are informed that the information can be furnished without great additional labor; that bills are pending providing means of settling the balances, and it is important to have information concerning their nature and amounts. They therefore recommend that the resolution be amended by striking out the words "requested, if not inconsistent with the public welfare," and inserting in lieu thereof the word "directed;" and that as amended it do pass.

Mr. MCMILLIN. I demand the previous question on the amendment and the adoption of the resolution.

The previous question was ordered.

The amendment was agreed to.

The resolution as amended was then adopted.

Mr. MCMILLIN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROGRESS UPON THE PANAMA CANAL, 1885.

Mr. REID, of North Carolina. Mr. Speaker, I rise to present a privileged report from the Committee on Printing.

The SPEAKER. The report will be read.

The report was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *June* 7, 1886.

Resolved by the House of Representatives (the Senate concurring), That the Committee on Printing be directed to cause to be printed, for distribution by the Senate and the members of the House in the usual proportions, 5,000 copies of the special intelligence report by Lieutenant Kimball and Naval Cadet Capp, United States Navy, upon the progress of the Panama Canal during the year 1885, which report was transmitted to the House by the honorable the Secretary of the Navy on May 20, and referred to the Committee on Printing.

The Committee on Printing, to whom was referred the House concurrent resolution of June 7, 1886, to cause to be printed 5,000 copies of the special intelligence report by Lieutenant Kimball and Naval Cadet Capp, United States Navy, upon the progress of the Panama Canal during the year 1885, having considered the same, have instructed me to report the resolution with a favorable report thereon and to recommend its passage. The estimated cost of the proposed printing is $3,347.50.

The report was agreed to.

Mr. REID, of North Carolina, moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT ON ALASKA.

Mr. REID, of North Carolina. Mr. Speaker, I desire to present another privileged report from the Committee on Printing.

The report was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *June* 21, 1886.

Resolved by the House of Representatives (the Senate concurring therein), That 10,000 copies of Senate Executive Document No. 85, Forty-ninth Congress, be printed, one-half for the use of the Senate and the other half for the use of the House.

The Committee on Printing, to whom was referred the resolution, have considered the same, and have instructed me to make a favorable report thereon and to recommend its passage. The estimated cost of printing said report is $5,477.

Mr. REID, of North Carolina. I will state for the information of the House that this is the report of Mr. Jackson concerning Alaska.

The resolution was adopted.

Mr. REID, of North Carolina, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 1227) granting an increase of pension to William P. Squires.

The message also informed the House that the Senate had passed a concurrent resolution, in which the concurrence of the House was requested, providing for the printing of 6,000 additional copies of the compilation of the laws of the United States relating to loans and the currency, coinage, and banking.

The message further informed the House that the Senate had passed a concurrent resolution, in which the concurrence of the House was requested, providing that the proceedings of the Supreme Court of the United States (as they appear on page 707 of volume 117 of the Supreme Court reports), on the occasion of the death of the late Vice-President Hendricks, be published with the memorial addresses already authorized to be published by Congress.

The message further informed the House that the Senate had passed with amendments the joint resolution (H. Res. 201) to provide for the printing of the report of the Commissioner of Agriculture, requested a committee of conference, and had appointed as conferees on the part of the Senate Mr. MANDERSON, Mr. HAWLEY, and Mr. GORMAN.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 1983) to increase the appropriation for the erection of the public building at Reading, Pa.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 7881) to remove the political disabilities of Thomas R. Ware, of Virginia;

A bill (H. R. 22) authorizing the preparation of a compilation of the reports of committees of the Senate and House of Representatives;

A bill (H. R. 7087) authorizing and directing the Secretary of the Interior to extend the time for the payment of the purchase-money on the sale of the reservation of the Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas; and

Joint resolution (H. Res. 142) authorizing and directing the Commissioner of Labor to make an investigation as to convict labor, and for other purposes.

NORTHERN PACIFIC LAND-GRANT FORFEITURE.

Mr. HENLEY. Mr. Speaker, I now move to proceed to the consideration of the Northern Pacific land-grant forfeiture bill.

A MEMBER. I call for the regular order.

The SPEAKER. That is the regular order. It is a privileged report, which was under consideration at the adjournment of the House yesterday.

Mr. STRAIT. I make the point of order that the bill must go to the Calendar as unfinished business. I do not believe that the right to bring a bill in as a privileged report at any time carries with it the right of consideration beyond the day when it is taken up.

The SPEAKER. There is no rule limiting the privilege. The Chair thinks, however, that if the House should enter upon the consideration of a privileged report of this character and should cease to consider it before adjournment, it would perhaps lose its standing as a matter of privilege. But in this case there was a privilege not only to report, but to consider, and the consideration was going on at the hour of adjournment.

Mr. PAYSON. And it was only interrupted by the adjournment.

Mr. REED, of Maine. Is this equivalent to an order from day to day?

The SPEAKER. It is a privileged report, and privileged for consideration under the rules, and the House was proceeding with its consideration.

Mr. REED, of Maine. It is a privileged report only; and the right to report at any time gives the right of consideration at any time. It thereupon comes before the House in regular order, like any other bill having the right to be considered. But any other bill which was being considered would become unfinished business by the adjournment of the House.

The SPEAKER. The Chair thinks not, unless it were a privileged bill. But the privileged character of this measure does not prevent any member from raising the question of consideration, as the Chair has ruled frequently.

Mr. REED, of Maine. I know it does not.

The SPEAKER. But the Chair thinks the consideration of the bill continues to be privileged from day to day, especially when its consideration was proceeding at the time of adjournment on the day before.

Mr. HENLEY. Regular order!

Mr. REED, of Maine. This does not set aside the morning hour, does it?

The SPEAKER. It has preference over the morning hour; but the gentleman from Illinois [Mr. PAYSON] has moved to dispense with the morning hour.

Mr. PAYSON. I withdraw that motion and demand the regular order.

Mr. REED, of Maine. Does this bill have precedence over the morning hour on the second day of its consideration?

The SPEAKER. The Chair thinks it does, until its consideration is completed. It is not a report of as high privilege, for instance, as a report from a committee of conference; still it is a privileged report of the same character, and if its consideration is entered upon by the House it continues, if called up, to be privileged until the House refuses to consider it.

Mr. REED, of Maine. I supposed the report was privileged, but it hardly seemed to me the consideration was privileged continuously.

Mr. HENLEY. I call for the regular order.

The SPEAKER. The gentleman from Illinois [Mr. PAYSON] is entitled to the floor for the remainder of his time.

Mr. PAYSON. Mr. Speaker, at the hour of adjournment yesterday I was giving a history of this corporation and of its present relation toward the public interest. One fact which I regard as important, and which I should have stated, I overlooked and desire now to state. It is this: While in the granting act the city of Portland was named as the western terminus of the line of the road down the Columbia Valley, the Northern Pacific Railroad Company in the fall of 1880 (about the time Mr. Villard, who was subsequently closely identified with the interests of that company, was operating in Oregon) made a contract with the Oregon Railroad and Navigation Company, the substance of which was that the last-named company would build a line of road from Portland, Oreg., eastward along the valley of the Columbia River and to what is known as Wallula Junction, 214 miles distant eastwardly from Portland, and the Northern Pacific refrain from building on that line and use the line of the Oregon Company by rental; that is, in advance the Northern Pacific Railway Company contracted with the Oregon Railroad and Navigation Company for the right of user of this road to be built by the Oregon Company, and, as we upon the Public Lands Committee are advised, though we have never seen the original contract, it contemplates a perpetual lease.

Thus the Northern Pacific Railroad Company practically abandoned a portion of the road which Congress authorized them to construct, and which was in contemplation at the time the grant was made. The importance of this fact will be seen later. I deem it essential to state it now in connection with the other points in the history of the corporation. I think I stated also, but if not, I do now, that the road has been built from the sale of bonds and lands and the earnings; the promoters have invested nothing not paid for.

I have said, Mr. Speaker, that I am in favor of the House bill and opposed to that of the Senate; and having given the facts as I understand them I reach the point to state the reasons. Involved in this case, as in every other of like character, are two questions: First, the question of power; second, the question of policy; that is to say, first, whether we have the legal right or authority under the law to declare a forfeiture of these lands; secondly, if the first point should be established affirmatively, whether as a matter of policy, as a matter of fair dealing under all the circumstances of the case, the power that Congress has ought to be exercised.

I am ready to agree now at the outset that upon both these questions gentlemen who do me the honor to listen to me will differ, and differ with sincerity. I shall address myself first to the legal question involved, insisting that we have the legal right to assert this forfeiture with reference to these lands. Afterward I shall address myself to the question of policy—whether or not this power should be exercised.

It will be remembered, Mr. Speaker, that in this grant two things are given by the General Government to the railroad company. First is given the right of way through the public lands of the nation. For 200 feet on either side of the line of the road as it shall be definitely located, the General Government makes an out-and-out donation of the land for this purpose, and I ought to say here that there is not and has never been any disposition on the part of the Public Lands Committee or of either House of Congress to interfere with the right of the railway company to that grant. There has never been any proposal to interfere with its right to the right of way, the right to build the railroad, or its right to operate under the franchises which were given to it by this act of Congress. Second, the grant of land to aid in its construction. Only, then, with reference to this grant of public lands have we any concern now.

The first time that this question was presented in Congress (and I may say that this is the pioneer case as to the investigation of the legal right or power inherent in Congress to interfere for a breach of the condition upon which the land was granted) was in this very case. In the Forty-seventh Congress a bill was introduced to declare a forfeiture of this grant. That bill was referred to the Judiciary Committee of this House, of which the gentleman from Maine [Mr. REED] was then chairman, and of which I had the honor to be a member. It was, as I have said, the first grant in connection with which the matter was considered, and the inquiry involved then was as to the power of Congress to deal with the question and assert a forfeiture.

By a majority vote of 1, the vote in the committee standing 8 to 7,

the Judiciary Committee determined there was no power on the part of Congress to interfere. In other words, it was held this enactment making this grant to the Northern Pacific Railroad Company was an irrevocable pledge of this area of public land to the purpose of the construction of this road, either by this company or such other instrumentality as Congress in its wisdom might determine should carry it out.

The report from that committee was made by the gentleman from Maine [Mr. REED], a copy of which I hold in my hand, and without stopping to read the whole of it, only stating the substance of it, I shall incorporate it in my remarks for economy of time.

I had the honor to prepare the views of the minority on that committee in reference to the same proposition, taking the ground then, as I say now for reasons I shall personally give, that Congress had the right to declare a forfeiture of this grant, and that the question of policy was one to be determined by the House.

No discussion was ever had in the House of Representatives in reference to these two propositions during that Congress. For parliamentary reasons, the whole matter going on the table and the point of order being made against it, it was never adopted.

The reports from that committee are as follows:

[House Report No. 1283, Forty-seventh Congress, first session.]

NORTHERN PACIFIC RAILROAD LAND GRANTS.

June 6, 1882.—Ordered to be printed.

Mr. REED, from the Committee on the Judiciary, submitted the following report:

The Committee on the Judiciary, to whom were referred sundry bills relating to land grants to railroads, have had the same under consideration and report, as to the Northern Pacific Railroad, as follows:

The Northern Pacific Railroad Company derives its chartered rights from the act of July 2, 1864 (13 Statutes, 365). The road is to be constructed from a point on Lake Superior to Puget Sound, with a branch, via the valley of the Columbia, to a point at or near Portland, Oreg. Twenty alternate odd-numbered sections per mile on each side of the road in Territories and ten in States were granted to the company, with a right under that and subsequent statutes to make up out of a twenty-mile limit on either side all losses arising from prior disposal by the United States of lands the company would have otherwise been entitled to.

By the terms of the original act the road should have been completed July 4, 1876. By joint resolutions approved May 7, 1866 (14 Statutes, 355), and July 1, 1868 (15 Statutes, 255), such changes were made as to time of completion that the Secretary of the Interior, June 11, 1879, held that the effect of them was to require the completion of the road July 4, 1879. Whether this was the exact date or not, it is sufficient to say that the time for completion has now expired beyond question. Eleven hundred and eighty miles of the road have been completed. On the western side it is finished from Puget Sound to the western boundary of Montana, and on the eastern side from Lake Superior to the crossing of the Big Horn, in Montana. About 600 miles remain to be built. These figures we understand to refer to the main line.

Under the provisions of section 3 of the act of July 2, 1864, the land was granted; under those of sections 8 and 9 the conditions were imposed.

The important granting words of section 3 are as follows:

"SEC. 3. *And be it further enacted*, That there be, and hereby is, granted to the Northern Pacific Railroad Company * * * every alternate section of public land, &c."

The conditions are as follows, in full;

"SEC. 8. That each and every grant, right, and privilege herein are so made and given to and accepted by said Northern Pacific Railroad Company upon and subject to the following conditions, namely: That the said company shall commence the work on said road within two years from the approval of this act by the President, and shall complete not less than 50 miles per year after the second year, and shall construct, equip, furnish, and complete the whole road by the 4th day of July, A. D. 1876.

"SEC. 9. That the United States make the several conditioned grants herein, and that the said Northern Pacific Railroad Company accept the same, upon the further condition that if the said company make any breach of the conditions hereof and allow the same to continue for upwards of one year, then, in such case, at any time hereafter, the United States, by its Congress, may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road."

Upon this state of facts your committee are called upon to state their opinion as to the legal rights of the United States, and to advise what legislative action, if any, ought to be taken.

The legal effect of the sections as quoted above is to make a present grant to the company of the lands in question, subject to the provisions and conditions stated in sections 8 and 9. The sections taken together vest in the company an estate upon condition-subsequent. If section 9 had not been enacted, it would be quite clear that the estate of the company would have been determinable, at the pleasure of the United States, on the happening of any one of three things: 1st, a failure to begin the road in two years; 2d, a failure in any one year to build 50 miles; and, 3d, a failure in ten years to build, equip, and complete the whole road. To secure this right of forfeiture it was not necessary to mention it in the act. The words "upon condition" were the only words needed. They are as potent as if the words had been added, "and if these conditions are not fulfilled the land shall revert to the United States." But the severity of the words in section 8 Congress had a perfect right to modify. It had a right to say just what should be the effect of a breach of the conditions of the grant. It could rest its reserved rights on the words "upon condition," and then the legal effect would be to retain the right of revertiter, or it could claim that right in so many words, as was done in all the railroad grants made to States. Instead of either of these things, Congress enacted section 9, limiting and defining the effect of a breach of the conditions named in section 8. By that limitation the sole right which remains in the United States at the present time is the right, "by its Congress, to do any and all acts which may be needful and necessary to insure the speedy completion of the road." Of course this still leaves to Congress a wide range of power, but its power is necessarily subordinate to the speedy completion of the road. If Congress deems the forfeiture of the lands needed for the speedy completion of the road, it would have a right so to forfeit the lands. It might give them to another company, sell them, and apply the proceeds, provided it judged such a course "needful and necessary to secure the speedy completion of the road."

The purposes and intention of Congress in passing the act of July 2, 1864, appear throughout all the act to be the speedy completion of the road. Every provision has that in view. All the limitations and conditions are to that end, and the limitations of time had that purpose only. Even the right to amend and repeal is subject to the same controlling desire.

Section 20 reads as follows:

"SEC. 20. *And be it further enacted*, That the better to accomplish the object of this act, namely, to promote the public interest and welfare by the construction of said railroad and telegraph line, and keeping the same in working order, and to secure to the Government at all times (but particularly in time of war) the use and benefits of the same for postal, military, and other purposes, Congress may, at any time, having due regard for the rights of said Northern Pacific Railroad Company, add to, alter, amend, or repeal this act."

The United States did not want back its lands. It wanted a great public thoroughfare across the continent, and it took every precaution to insure its completion.

The remaining question, therefore, for us to consider is "what is needful and necessary to insure the speedy completion of the road?"

As has already been stated, 1,180 miles of the road have been completed; 600 or less remain. Work is going on at both interior termini and on the tunnels in the heart of Montana. It appears that 150 miles were approved by President Hayes in 1880, and 325 miles by President Arthur last year. The company assert that by September, 1883, they will finish the road; that they are progressing as fast as can possibly be done. No testimony or suggestion to the contrary has been made by any one. Your committee do not see how the transfer of the lands to another company could hasten the completion of the road, nor would it be regarded as advisable for the Government to complete the road by its own direct action. Congress would hardly regard either course as needful and necessary to insure the speedy completion of the road.

We can conceive of no legislation which would hasten the completion of the road, and therefore recommend none.

[House Report 1283, part 2, Forty-seventh Congress, first session.]

NORTHERN PACIFIC RAILROAD LAND GRANT.

July 24, 1882.—Ordered to be printed.

Mr. PAYSON, from the Committee on the Judiciary, submitted the following as the views of the minority:

Unable to agree with the majority of the committee in its conclusions as to the legal rights of the United States as to the land grant in aid of this railroad, we submit our views.

Two questions are presented under the bill before us.

First. Is there the right of forfeiture as to all unpatented lands within the limits of the grant to this road, so that the United States may revest itself with the title thereto, as in its former estate, by declaration of forfeiture? And,

Second. If the right of such forfeiture is found to exist, is it policy to exercise it?

Of course the first question is purely a legal one, and, if determined in the negative, renders absolutely unnecessary any inquiry as to the second.

The eminent counsel for the railroad company have, in the elaborate briefs filed with the committee, as well as in their oral arguments before it, assumed that by the acts of Congress making the grant and the acts amendatory thereto the title to all these lands was absolute in the company; that because no power was reserved to Congress in express terms to declare a forfeiture for breach of the condition as to the time of the completion of the road, therefore no such power exists; and they also insist that, in any event, by the provisions of the ninth section of the act of July 2, 1864, the grant is irrevocably pledged to the construction of this particular road, and that by that section of the act Congress has restricted its right and power to this: That the land or its proceeds must be appropriated to the completion of the road, irrespective of the time required for its completion.

This latter view the majority of the committee adopt, and, while not assenting to the views of the company as to the necessity of an express reservation in the granting act of the right to declare a forfeiture, yet hold that—

"By that limitation (section 9) the sole right which remains in the United States at the present time is the right by its Congress to do any and all acts which may be needful and necessary to insure the speedy completion of the road. * * * All the limitations and conditions are to that end."

And conclude:

"We can conceive of no legislation which would hasten the completion of the road, and therefore recommend none."

The minority do not agree with these views; we assert that the power to declare an absolute forfeiture of this land grant is in Congress, and that the question of the policy of action to that end should be considered and be decided after a careful examination of existing conditions as well as past transactions, and with a broad and liberal view of what has been done under the disadvantageous surroundings of the promoting, constructing, and equipping a railroad through the unimproved section of the country traversed by this road.

The questions are important, involving the title to upwards of 39,900,000 acres of land, estimated by the company to be worth $2.50 per acre, or $99,750,000. (Report of Commissioner of Railroads, 1881, page 185.)

The legislation necessary to be noticed is as follows:

The act incorporating the company and making the grant was passed July 2, 1864 (13 Statutes, 365), sections 3, 8, 9, and 20 being the only ones deemed essential to be noticed in this inquiry, and they are as follows:

"SEC. 3. *And be it further enacted*, That there be, and hereby is, granted to the Northern Pacific Railroad Company, its successors and assigns, for the purpose of aiding in the construction of said railroad and telegraph line to the Pacific coast, and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores over the route of said line of railway, every alternate section of public lands, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile, on each side of said railroad line, as said company may adopt, through the Territories of the United States, and 10 alternate sections of land per mile on each side of said railroad whenever it passes through any State. * * *

"SEC. 8. That each and every grant, right, and privilege herein are so made and given to and accepted by said Northern Pacific Railroad Company upon and subject to the following conditions, namely: That the said company shall commence the work on said road within two years from the approval of this act by the President, and shall complete not less than 50 miles per year, and shall construct, equip, furnish, and complete the whole road by the 4th day of July, 1876.

"SEC. 9. That the United States make the several conditioned grants herein, and that the said Northern Pacific Railroad Company accept the same, upon the further condition that if the said company make any breach of condition hereof and allow the same to continue for upward of one year, then in such case, at any time hereafter, the United States by its Congress may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road.

"SEC. 20. *And be it further enacted*, That the better to accomplish the objects of this act, namely, to promote the public interest and welfare by the construction of said railroad and telegraph line, and keeping the same in working order, and to secure to the Government at all times (but particularly in time of war) the use and benefits of the same for postal, military, and other purposes, Congress may at any time, having due regard for the rights of said Northern Pacific Railroad Company, add to, alter, amend, or repeal this act."

By joint resolutions of May 7, 1866, and July 1, 1868 (as ruled by the Department), the time of the completion of the road was extended to July 1, 1879; so that absolute default has occurred so far as time is concerned.

It is perfectly clear, under the authorities, that the interest acquired by the company by the act of 1864 to the lands in question was an estate *in præsenti*, with the conditions-subsequent created by the eighth and ninth sections of the act. (R. R. Co. *vs.* Smith, 9 Wall., 95; Schulenberg *vs.* Harriman, 21 Wall., 60; Leavenworth, &c., R. R. Co. *vs.* U. S., 92 U. S., 741.)

By the eighth section of the act it was distinctly asserted—

"That each and every grant, right, and privilege herein are so made and given to and accepted by said Northern Pacific Railroad Company upon and subject to the following conditions, namely, (1) that the said company shall commence the work on said road within two years from the approval of this act by the President: and (2) shall complete not less than 50 miles per year; and (3) shall construct, equip, furnish, and complete the whole road by the 4th day of July, 1876."

These are the conditions of the eighth section of the act. Nothing could be clearer than that upon a default in the performance of either of these conditions the right attached of declaring a forfeiture for the breach by the Government. The right existed independent of any express reservation in the grant. The law gives the right; it follows as an incident to the estate "upon condition subsequent" as fully and absolutely in the grantor as though expressly reserved; indeed, it is believed that no respectable authority can be found which holds that the power to determine, by the grantor, an estate on condition-subsequent for breach thereof is strengthened by express reservation of the power.

The majority of the committee concede this, and say:

"To secure this right of forfeiture it was not necessary to mention it in the act; the words "upon condition" were the only words needed."

It is perfectly clear, then, that to this point in the legislation the position of the company was that of any ordinary grantee of such an estate, one determinable at the pleasure of the grantor on the happening of either of the three contingencies named in the eighth section.

To this the majority of the committee agree with us.

The divergence in opinion between us begins with the introduction of the ninth section. The majority says:

"But the severity of the words in section 8 Congress had a perfect right to modify. It had a right to say just what should be the effect of a breach of the conditions of the grant. It could rest its reserved rights on the words 'upon condition,' and then the legal effect would be to retain the right of revertiter, or it could claim the right in so many words. * * * Instead of either of these things, Congress enacted section 9, limiting and defining the effect of a breach of the conditions named in section 8. By that limitation the sole right which remains in the United States at the present time is the right, by its Congress, to do any and all acts which may be needful and necessary to insure the speedy completion of the road."

Is this conclusion warranted? That is the question to be first considered.

It should be observed that the language of the ninth section is peculiar, namely:

"That the United States make the several conditional grants herein, and the said Northern Pacific Railroad Company accept the same upon the further condition," &c.

Is it not absolutely certain, leaving no room for interpretation or the entertainment of any doubt, that to this point in the legislation, by breach of any of the conditions named in section 8, every right of the company, not only to the land grant, but its very franchises as a corporation, were determinable at the option of the Government, expressed by Congressional action? There is no foundation for even conjecture on this point; the language is explicit, and there is no conflict of authority in the text-books or reports as to the right of revertiter of all rights granted by the act, upon breach of any condition, if forfeiture should be declared by Congress.

So well established is this proposition that it would appear to be an affectation of learning to cite authorities in support of it.

Now, it is insisted that because Congress inserted the provisions of section 9, that "the United States makes the several *conditional grants* herein" (plainly referring to the condition in section 8; there can be no question as to this), "and the said Northern Pacific Railroad Company accept the same" (that is, the grant of land, as well as the franchise and privileges in the act conferred, subject to the conditions named in section 8).

"Upon the *further condition* that if the company make any breach of conditions hereof and allow the same to continue for upward of one year, then * * * the United States * * * may do any and all acts which may be needful and necessary to insure a speedy completion of the said road."

This was, in express terms, inserted as a further condition upon the already "conditional grants" of the act; a condition superadded to those in the eighth section, and, by apt expression in the act, the company accepted the "conditional grants" created by the eighth section, with the additional burden imposed by the "further conditions" of the ninth section.

How can it be pretended that the provisions of the ninth section were intended to "modify the severity of the words in section 8?"

No reference is made in the language of the ninth section to any intention to divest the Government of any rights it has reserved by the provisions of the eighth section by operation of law; indeed, we insist that no language could be used which would more forcibly convey the idea that Congress reserved all rights which it had under the eighth section than by using the expression that it did in the ninth section, that "the conditional grants" are made and accepted on the "further (additional) condition," &c.

Undoubtedly Congress had the right to "modify the severity of the words in section 8;" equally clear is it that it had the right "to say just what should be the effect of a breach of the condition of the grant." But has Congress "modified the severity of the words of section 8?" Has it said just "what the effect of a breach of the condition of the grant" should be? Not a word as to this in express terms. Keeping in mind that to reserve the right of forfeiture it was not necessary to mention it in the act; that all that was needed was to use the expressions that were used, namely, "that every grant, right, and privilege herein are so made and given to and accepted by said Northern Pacific Railroad Company upon and subject to the following condition," and that the right of declaring a forfeiture for breach of condition is not in the least strengthened by an express reservation of the right in the act, if Congress did modify the severity of the words of section 8, the modification must arise from the legal effect of the provisions of section 9, because no express words are used showing such intention, and the modification, if it exists, must be by an interpretation of the ninth section.

The difficulty with the report of the majority is that it assumes this interpretation of the provisions of section 9, that by imposing a further condition on the company, namely, giving Congress the right to exercise power in its discretion as to the details of business management of the company, and to say what should or should not be done by the company affecting its methods of advancing the work, &c.—a right that Congress would not have had without such a provision—Congress relinquished and absolutely lost all the rights of declaring a forfeiture for breach of condition which the law gave it, and which rights, as we have seen, were as well preserved by operation of law as though saved by express reservation in the grant.

In other words, the majority assert that because, in express terms, Congress imposed a further condition on an already existing "conditional grant," which further condition was not inconsistent with the prior conditions and correlative rights and liabilities under them, the imposition of such further condition was, in legal effect, an abrogation of all legal rights beneficial to the Government growing out of the prior conditions, and the grantee took the estate practically discharged therefrom.

As this is the material portion of the inquiry, let us examine it further.

Under section 8, for a breach of either of the conditions, Congress could determine the estate in the company and revest itself with the granted title, and here its power would end. It could not give direction as to any of the details of the business of the company; it would be powerless to command any act to be done with reference to a speedy completion of the road, or to coerce in any way any action on the part of the company. It was in a position simply of ability to restore itself to its former position, if it chose to exercise its right, leaving the company perfectly free to do as it chose as to either manner or time of completion of the road.

Congress assuming that perhaps it might be to the advantage of the Government to have the power, in certain contingencies, to give such direction to the company in any matter that would insure more speedy action on its part in the construction of its road, in case default should continue as to any condition for more than a year, the ninth section was added, not as a substitute for the provisions of section 8, but, as stated in the section, as a further condition to the already "conditional grants." This is the only reason which can properly be assigned for inserting section 9.

There is no inconsistency between the two sections.

For breach of either condition of the eighth section a power to declare forfeiture existed. This power might or might not be exercised, in the discretion of Congress.

A mere delay to assert the right would not interfere with the subsequent exercise of it, nor relieve the grant of its conditional character. Nothing is better settled than that laches is not imputable to the Government. (See U. S. *vs.* Kirkpatrick, 9 Wheat., 720.) The doctrine is reaffirmed in 11 Wheat., 184; 7 Otto, 584; 8 Otto, 489.

If Congress did not choose to assert the right it had, and the default continued for more than a year, then the provisions of section 9 became operative, and all the rights growing out of the conditions in both sections were in a condition to be enforced by the Government, at its pleasure.

It could, as it did, extend the time for the performance of the work, the conditions meanwhile being none the less operative on the ground; no one pretending, however, that the mere extension of time relieved the grant of any of the conditions imposed by the original act.

All parts of a statute must be construed together and effect given to all the provisions, if possible. It is never to be presumed that the Legislature enacts useless provisions; effect must always be given to every provision of a statute, if that be possible, and in the construction of the grants that interpretation should always be given which strengthens the rights reserved by or for the Government.

The courts have frequently held that these grants are laws as well as conveyances, and that such effect must be given them as will carry out the intent of Congress. (Mo. R. R. Co., &c., 7 Otto, 491; Hall *vs.* Russell, 11 Otto, 503.)

In Leavenworth, &c., R. R. *vs.* U. S. (92 U. S., 740), citing approvingly Dubuque, &c., *vs.* Litchfield (23 Howard, 66), the court say:

"All grants of this description are construed strictly against the grantee."

And further:

"A grant like this should be neither enlarged by ingenious reasoning nor diminished by strained construction. If the terms used are plain and unambiguous, there can be no difficulty in interpreting them; if they admit of different meanings, they must be accepted in a sense favorable to the grantor.

"What is not expressly given or follows by necessary implication is withheld."

These views are substantially indorsed by Attorney-General Devens (16. Op. Attorney-General, page 572), when, in giving a construction to the charter of the Atlantic and Pacific Railroad Company, where the provisions were identical with those being considered here, that officer held, under these two sections, in case of default continued for more than a year, that it would be necessary for the United States to take advantage of such condition by acting under the ninth section, or by declaring a forfeiture of the grant by legislative action, or by proceeding for enforcing a forfeiture by a judicial proceeding; and he concludes:

"If the United States were disposed to revest in itself or enforce a forfeiture of the lands granted, it would be necessary to take some action indicative of that intention."

Showing that the common-law right of declaring a forfeiture exists in his judgment.

Nor is the character of the grant changed or the rights of the company enlarged as to the estate granted by the resolution of May 31, 1870, which authorized the issuing of bonds and securing them by mortgage, as that resolution only authorized the pledging of "its property and rights of property of all kinds and description," &c.

No language is used which in any way changes the legal character of the original grant or makes the estate in the company other than one "on condition-subsequent."

Nothing is better settled than that a grantee of such an estate can not, by any act less than performance, defeat the condition and convert such estate into an absolute fee.

This committee, in its report in the matter of "Title to certain lands in Michigan," No. 1266, asserted the true doctrine on this question; and if further authorities were needed, Foxcroft *vs.* Mallett (4 Howard, 353) would appear decisive.

We conclude, then, on the legal question of power in Congress (and we are only dealing with the abstract legal question now), that it has the right—

First. To declare the title to all unpatented lands in the grant forfeited, and revest the United States with it, so that it can be restored to the public domain, open to sale and settlement under existing laws, under section 8.

Second. To take any steps it may deem advisable to insure a speedy completion of the road, under section 9.

So much on the questions of power and the legal *status of the grant*.

The first question presented by the bill being answered affirmatively, an examination of the second is necessary, namely, Is it wise and prudent policy to exercise the power to forfeit?

The company has contented itself with resting its case before the committee on the legal arguments against the right of forfeiture.

Of course, the majority being of the opinion that no right of absolute forfeiture exists, the facts, figures, conditions, &c., upon which the question of policy must necessarily be decided have not been presented to the committee, and this report does not assume to deal with aught but the legal aspects of the case. The House will determine the question of policy.

Under the law, as we understand it, we are driven to the conclusion above stated.

L. E. PAYSON.
N. J. HAMMOND.
D. B. CULBERSON.
M. A. McCOID.
J. PROCTOR KNOTT.
VAN H. MANNING.
R. W. TOWNSHEND,
Of Illinois.

So, Mr. Speaker, for the first time in the history of this grant, though pending before Congress for all these years, and continuously, the House of Representatives is now called upon to pass its judgment on the question.

I insist at the outset, Mr. Speaker, that this legislation is not a contract in the ordinary acceptation of the term; that is to say that in this legislation there is no mutuality of obligation between the two parties. There is no reciprocity of obligation between the railroad company and the Government. The railroad company has either to accept or decline the proffered aid which was made by that act of Congress. The proposition was, if they would build a railroad between the points indicated Congress would hold out to them as a bounty, as a donation, as a gift to them this area of public land. They did not agree in consideration of this they would build it, and there was no obligation whatever on their part to do or not to do it. It must be entirely in their discretion and in their judgment as to whether they should or should not perform. It was a bounty, a donation, nothing else. I agree if they had performed they would have been entitled.

But, Mr. Speaker, you test the liability of the Government and determine what Congress may do by the offer they made, by the language they used. What was it?

First, it was a grant, as I have said, of the right of way; second, a grant of alternate sections designated by odd numbers, twenty sections in width on either side in the States and forty in the Territories. On the face of the section making the grant it is an absolute donation. After this are provisions in the act as to details, how this should be carried out, how the Government should be advised of the performance of the railroad company; after providing for appointment of commissioners by the President for the examination of sections of 20 miles of the road, after providing for determination and report by these commissioners on all these matters to the Government as to whether or not the road had been constructed in the manner provided by the law, after all these details had been provided for, there was inserted in the law section 8:

That each and every grant, right, and privilege herein are so made and given to and accepted by said Northern Pacific Railroad Company, upon and subject to the following conditions, namely: That the said company shall commence the work on said road within two years from the approval of this act by the President, and shall complete not less than 50 miles per year after the second year, and shall construct, equip, furnish, and complete the whole road by the 4th day of July, A. D. 1876.

In connection with this section I beg to add, that by the act of 1866, and the subsequent act of 1868, the time for the completion of this road under this section was extended to the 4th of July, 1879. So that as a matter of course the legislation we are now considering stands precisely in the same attitude as though it bore date of July 4, 1879, instead of July 4, 1876.

But that is followed by section 9:

And be it further enacted, That the United States make the several conditioned—

And I beg, Mr. Speaker, the attention of the House to this language—

That the United States make the several conditioned grants herein, and that the said Northern Pacific Railroad Company accept the same upon the further condition that if the company make any breach of the conditions hereof, and allow the same to continue for upward of one year, then in such case, at any time hereafter, the United States by its Congress may do any and all acts and things which may be needful and necessary to insure a speedy completion of said road.

Under these two sections, Mr. Speaker, has arisen a difference among the lawyers who have had occasion to examine into the question with reference to the legal effect of the sections I have quoted. The railway company have always contented themselves, so far as I know, with insisting that because section 9 was incorporated in the act that the only thing left for the Government to do was, after the expiration of one year from the time within which the road should have been completed—all that was left for Congress was "to take such steps as might be needful to insure the speedy completion of the road." That was the doctrine of eight members of the committee in the Forty-ninth Congress which made the report presented to the House by the gentleman from Maine [Mr. REED], who doubtless adheres to that position now.

Without going into the details with reference to the matter, I think it is enough to say that upon an examination of these two sections, section 8 providing in express terms for the creation of the old common-law estate, known as an estate in fee upon condition-subsequent, and the language of section 9, which I have quoted, there can be no doubt of the right of Congress in the premises. Of course this is not as exciting as a discussion of a point of order; but I hope to have the attention of the House for a few moments, and especially those who are unlearned in the law or whose attention has not been called to the terms of these sections, while I state the character of the estate that language would convey, leaving out the ninth section; and all agree, so far as I know with reference to this, that (leaving out section 9 for the present) the estate conveyed here is an estate in fee upon condition-subsequent; that is, a present vesting of the title to this land in the company.

The Supreme Court have decided in numerous cases, beginning with Rice *vs.* The People and coming down through the case of Schulenberg *vs.* Harriman, and so on through the Leavenworth and Galveston case and others unnecessary to mention here, that when, in an act making a grant of this character, words in the present tense are used, as that "there be and hereby is granted," it vests a present interest in the company and conveys a title *sub modo*, vesting in them the title, but subject to the condition as named in the act.

What was the condition? That certain things were to be done within a certain time, and everything was to be done and completed according to the terms of the act by the 4th day of July, 1879.

Now under the law, and under the decisions of the courts, what incidents attach to an estate of that character? I shall content myself, Mr. Speaker, by stating what I believe the law to be, and I have under my hand the adjudication of the courts holding what the law is, but shall content myself by asserting what the law is, and unless disputed by some gentleman who differs in regard to the matter I shall not stop to cite the precedents. If, however, the legal points that I now make are disputed I shall be very grateful, and yield to any interruption with reference to the authorities from which I speak. If any gentleman desires to dispute the authority I will be glad to have my attention called to it.

Mr. ADAMS, of Illinois. Permit me to ask my colleague whether in this part of his argument he proposes to discuss this case without reference to section 9?

Mr. PAYSON. I have said that I did not. I am dealing with the question now in view of the grant and section 8.

Mr. ADAMS, of Illinois. And will my colleague then proceed with the discussion of the case in connection with that section?

Mr. PAYSON. I promise in advance to cover every question made by any gentleman, and all I ask is that I may not be interrupted to anticipate the course of my argument, but simply to keep in mind what I desire to convey.

Mr. ADAMS, of Illinois. And in that connection I hope my colleague will state what he believes to be the object of inserting this ninth section.

Mr. PAYSON. I will come to that in the due course of the argument, and in the mean time refer my colleague to my report in the Forty-seventh Congress, already in, for as good an argument as I can now make on section 9.

Now, Mr. Speaker, I will come at once to the legal propositions involved. What is the character of the estate vested under the law which is conveyed by this kind of enactment, or, in other words, what are the incidents which attach to such an estate? I assert that the law is that the holder of the title possesses the lands in fee with a condition-subsequent.

The object of inserting a condition, at the common law, was to insure the use of the granted property to the purpose intended to be secured. A forfeiture for breach of the condition always, at law, brought back the property *ab initio* to the grantor, though the title had passed and been paid for by the grantee and he held what was practically the absolute fee, with all the incidents of that kind of title, except the reserved right of the grantor to re-enter for breach of the condition; and it did not matter into how many hands the title had passed.

But such a title to lands in the hands of any grantee, direct or remote is this: He holds them with every incident attached to ownership and possession in fee and absolute conveyance of the title to him, with only one exception; and that is the right on the part of the grantor to insist upon a forfeiture of this estate for a disregard of the condition when it shall be asserted. That is the only exception made in any of the books as between the estate upon condition-subsequent, such as is admitted to be, and an absolute fee-simple. It may be conveyed, it may be mortgaged, it may be sold and dealt with in any way that an absolute fee-simple could be dealt with. Now, that is the condition this grant was in.

I presented to the House in the Forty-eighth Congress a report on the forfeiture of lands granted to a railroad in Oregon (Report No. 383) and which expresses my views so well on the legal question involved that I read so much of it, as part of my argument here, as is relevant.

It must be remembered that under the law the grant of lands to aid in the construction of this road is a grant *in præsenti;* and the conditions in the act conditions-subsequent (Rutherford *vs.* Green's heirs, 2 Wheat.; Luessen *vs.* Price, 12 How., 59; Schulenberg *vs.* Harriman, 21 Wall., 44; Van Wyck *vs.* Knevals, 16 Otto; Opinion Attorney-General Devens, 16 Opinions Attorneys-General, page —; Opinion Attorney-General Brewster, United States Senate Ex. Doc. 31, first session Forty-eighth Congress).

That the legal title to all the land is in the railroad company; and your committee also agree with the counsel for the company that the legal title so conveyed by the granting act is a subject of sale and transfer by the original grantee (subject, as we insist and shall show, to the condition contained in the act). So that no question arises as to the alleged transfer of the grant by the Oregon Central to the Oregon and California, so far as the passing of the legal title, as such, is concerned. We agree that the last named company took by the transfer all that the first corporation had, and stood where the Oregon Central stood, with the legal title to the grant and charged with the conditions imposed and the burdens created by the act.

This brings us then to consider the real question at issue, and as this is the first grant we have considered where the question is presented of the effect legally of part performance by the grantee or its "successor and assigns," of the conditions named in the granting act, and as the determination of that question in this case is to be a precedent, necessarily, for the action of the committee in subsequent cases, in

like character of grant, we have given the subject careful attention, and believe our conclusions fully warranted.

Upon the agreed statement that the grant was one *in præsenti*, counsel for the company insist that this grant is materially and radically different from any grant ever made by Congress before or since in these two very material respects:

First. There is no reservation in it whatever of any kind or character of a right to re-enter for condition broken; and

Second. There is no reservation whatever of any right to alter, amend, or repeal the act. Nor is there, third, as in the North Pacific and Atlantic Pacific, any reservation of a right upon the part of Congress, in case the grantee does not complete the road within the time specified, "to do any and all acts and things which may be needful and necessary to insure a speedy completion of the road."

All there is in the act upon the subject of a condition is in these words:

SEC. 6. And the foregoing grant is upon condition that said company shall complete a section of 20 or more miles of said railroad and telegraph within two years, and the entire railroad and telegraph within six years from the same date.

Counsel call attention to the fact that in grants of this character, before and since, Congress has generally, in terms, provided for forfeiture for breach of the expressed condition, and that in this case there is a departure in the language, in this, that all that section 6 provides is as above recited; and, quoting from his brief:

It is respectfully insisted that the clause in the last section of the act (section 6) requiring said company to complete a section of 20 or more miles within two years, and the entire road within six years from the date of the grant, inasmuch as there is no clause of reverter or right of entry for condition broken, and no reservation of any right to alter, amend, or repeal, can not be held a condition, but simply a direction; it is not a limitation, but merely declaratory of the desire of Congress in the premises, and the failure to keep which on the part of the company gives no right of forfeiture.

We do not deem it necessary to argue that proposition; no language could be used more apt to make the estate one on condition-subsequent than is used in this act; the words are of present grant, "there is hereby granted," and then section 6, "and the foregoing grant is upon condition," &c.

This has always been held by the Supreme Court of the United States, as shown by the cases cited above, to make the grant one on condition-subsequent. (See those cases.)

Again, the counsel urges:

But conceding, for the present, that the words used in the last section are sufficient to create a condition, it is respectfully insisted that there being no express reservation either of a right to re-enter, or to alter or repeal, Congress has no power to declare a forfeiture, and it can be done, if at all, by the judiciary alone. That the very most that Congress could do in this case would be to instruct the Attorney-General to institute the necessary proceedings to have a judicial forfeiture declared.

There being no such reservation in the grant of May 4, 1870, it follows that the judiciary only, and not Congress, can declare a forfeiture on account of failure to perform conditions.

And, aside from all technical rules, it is respectfully submitted that the judiciary, and not the legislative department, is the one to which all these questions of failure to comply with conditions-subsequent should be remitted. The questions to be determined are essentially of a judicial and not of a legislative nature. We considered the same question in the Texas Pacific case, and are content to repeat here what we said there as to both propositions, namely: first, the lack of power to declare forfeiture because of a want of express reservation of the right; and, second, that declaring a forfeiture is a judicial proceeding purely. We said in that case:

As has been stated, we have had the benefit of legal argument by some of the most eminent counsel in the land, and the claim by this company to the grant on legal grounds may be stated in this way:

By the act making the grant the title to the land passed to the Texas Pacific—the act was a grant *in præsenti*, with a condition-subsequent.

The Texas Pacific, thus being vested with legal title (although subject to the condition-subsequent, which contained, among other things, the building of the road to San Diego and the completing of the whole line by May 2, 1882, and that there should be no consolidation with any competing line, yet) the legal title was an assignable interest, which could be conveyed, and that by the deed made by the Texas Pacific January 18, 1882, to the Southern Pacific, it became vested with the legal title to all land, and because the Congress did not, in making the grant and coupling with it a condition-subsequent, in express terms to reserve to itself the power to declare the grant forfeited for breach of the condition if it should not be complied with, therefore no right of forfeiture exists, and the hands of Congress are tied, and the Government is powerless to resume the grant by reason of such omission.

In other words, generally stated, the distinguished counsel for the company declares that in law the power to declare a forfeiture of a grant made on condition-subsequent for breach of the condition must be reserved to the grantor by express terms in the act making the grant, or it does not exist.

No authority was produced to the committee except the statement of the attorneys asserting this extraordinary doctrine in support of it; but the interests being so great, we have examined the books on the question, and are not able to find a single authority in support of the proposition, and we believe none can be found.

On the contrary, Washburn on Real Property, vol. 2, 3d ed., p. 15, asserts the rule to be—

"Where the condition of a grant is expressed there is no need of reserving a right of entry for a breach thereof in order to enable the grantor to avail himself of it."

See also Jackson *vs.* Allen, 3 Cowan, 220; Gray *vs.* Blanchard, 8 Pick., 284; Littleton, sec. 331.

Indeed, all the decided cases we can find, as well as the text-books, are in harmony and to the same effect; so we do not present argument upon it here.

Counsel also urge that, under the law, a forfeiture of a grant is purely a judicial question; one for the courts alone, and that Congress has no power in the matter.

We are of different opinion. It seems perfectly clear to this committee that a declaration of forfeiture is only the act of the grantor, asserting his right to resume the grant, to be exercised at his option, terminating an estate for breach of the condition on which it is granted. The power rests with him; it is at his option whether he will exercise it or not; purely a matter of discretion, with the exercise of which the courts have nothing to do; and until it is exercised there is nothing on which the court can act.

When forfeiture is declared and resumption of ownership asserted by the grantor, then the court may be invoked to declare whether the right existed or whether it had been effectively exercised; but the question of forfeiture is with the grantor, personal or legislative, as the grant is private or public, and the judiciary has no jurisdiction whatever until after the grantor has acted to assert his or its right to declare the forfeiture, and then the grantee may invoke the judiciary.

To us this is too clear to be regarded as debatable or needing elaboration.

To this it might be added that the judicial proceedings, suggested as a necessity by the opponents of forfeiture, must be specially authorized by Congress. Nobody pretends that the Department of Justice could institute any such proceedings without an express act of Congress authorizing it; therefore, the whole matter comes back to this, that affirmative legislation must be had, and we are clearly of opinion that Congress is the only body to exercise the option of reclaiming the lapsed grants.

No difficulty has arisen in any of these cases as to the fact of nonperformance; indeed, in all of them breach of the condition is admitted, so there are no disputed questions of fact to be investigated; and whether the people shall preserve their own property is clearly a question more properly for the people to determine through their representatives than for any court. The Supreme Court, in United States *vs.* Repentigny (5 Wallace, 267), decided that an act of Congress is an equivalent for the ancient "inquest of office found."

The election to waive the forfeiture or to enforce it rests with Congress.

It is a question of intention, and neither the executive nor judicial department of the Government can know what the pleasure of Congress may be, and can not, therefore, act to revest the title until Congress has declared its intention in that regard.

In cases like this, where there is no limitation in the act on the power, the declaration of forfeiture relates back to the date of the grant, and the Government is restored to its original estate.

This follows from the nature of the estate granted; the estate is one on condition-subsequent, that is, an estate liable to terminate and become no estate on the happening or non-happening of some event in the future.

Here the legal title to the grant as an entirety passed to the company by the act as fully and completely as though the patents had issued at that date, subject, of course, to the conditions named in the grant.

Let this be kept clearly in mind, that the act passed the legal title and conveyed all the estate which the grantee could get; the subsequent building of the road and the issuing of patents only gave precision to the grant, but did not add to or strengthen the title which the company had under the act. What it had it derived wholly from the act making the grant. This the Supreme Court has expressly and repeatedly decided. There has been a breach of the condition of this grant since May 4, 1876, and an abandonment of the project. Therefore there is a right of forfeiture. How far does it extend?

In Sheppard's Touchstone, 154, it is said:

It is generally true that he that doth enter for a condition broken doth make the estate void *ab initio*, and that he shall be in of his first estate in the same course and manner as it was when he departed with the possession and at the time of the making of the condition. And hence it is that, if there be any charge or incumbrance on the lands, as if the lessee of land upon condition grant a rent charge out of the land or enter into a statute or recognizance and the consee has the land in execution and this charge is after the condition is made, in this case when the condition is broken and the party doth re-enter he shall by relation avoid the rent, statute, and recognizance and hold the land freed from them all.

The same doctrine is found in other authorities. Thus in Coke-Littleton 202*a*, it is said broadly:

He who enters for breach of condition regularly shall have the land of his first estate.

At 201*a* it is said:

In these cases if the rent be not paid at such time or before such time limited and specified within the condition comprised in the indenture, then may the feoffer or his heirs enter into such lands or tenements and them in his former estate to have and to hold the feoffee quite to ouste thereof.

This is the language of Littleton. Coke says:

Regularly it is true he that entereth for a condition broken shall be seized in his first estate which he had at the time of the estate made upon condition, but yet this fayleth in many cases.

Coke goes on to specify the cases in which it "fayleth." They are placed under the two heads of "impossibility" and "necessity," and have no application here.

Butler and Hargreaves, in their note to this passage, say:

It may be further observed: 1st. That as the entry of the feoffer on the feoffee for a condition broken defeats the estate to which the condition was annexed, so it defeats all rights and incidents annexed to that estate, as dower, &c., and all mesne incumbrances of the feoffee.

The same doctrine is in 1 Rolle's Abridgment, 474, 617; Comyn's Digest, title Condition, 0.6.

So in Greenleaf's Cruise on Real Property, volume 2, page 25, section

10 (in Greenleaf's edition the original six volumes are bound in three, and the passage quoted is therefore in his first volume as bound), it is said:

Where a particular time is appointed for the performance of a condition, it must be performed at or before that time.

At page 40, section 39, it is said:

Upon the breach of a condition the feoffer or grantor, or his heir, becomes entitled to the estate to which such condition was annexed.

At page 44, section 52, it is said:

Where a person enters for a condition broken the estate becomes void, *ab initio;* the person who enters is again seized of his original estate in the same manner as if he had never conveyed it away. And as the entry of the feoffer on the feoffee for a condition broken defeats the estate to which the condition was annexed, so it defeats all rights and incidents annexed to that estate, together with all charges and incumbrances created by the feoffee during his possession; for upon the entry of the feoffer he becomes seized of an estate paramount to that which was subject to these charges.

In section 53 the writer says that on re-entry a rent charge or judgment is gone; and in section 54 he says that the dower of the feoffee's wife is gone on re-entry.

Washburn on Real Property, volume 2, section 13, says:

When such entry had been made the effect was to reduce the estate to the same plight and to cause it to be held in the same terms as if the estate to which the condition was annexed had not been granted.

At page 457, same volume, section 24, it is said that an estate subject to a condition does not lose its capacity of being sold or devised in the same manner as an indefeasible estate, but that the purchaser or whoever takes the estate will take it subject to the condition annexed.

Kent declares the law to the same effect:

Persons who have an estate or freehold subject to a condition are seized, and may convey, though the estate will continue defeasible until the condition be performed or released, or is barred by statute of limitations, or by estoppel.

Again he says:

Laches are chargeable upon the grantee (of an estate subject to condition), even though such grantee or his assignee be an infant or *femme covert* for nonperformance of the condition annexed to the estate. (Kent's Com., volume 4, pages 125, 126.)

As held in the case of Jackson *vs.* Crisler (1 Johns. Cas., 125–126), he who purchases an estate of a grantee who holds upon a condition-subsequent takes the estate subject to the condition. He must look to the title and take it as it exists.

The Supreme Court of the United States has expressly decided this to be the law in the well-considered case of Foxcroft *vs.* Mallet (4 How., 353). The State of Massachusetts gave a large body of land in Maine to Williams College, on the condition that thirty settlers in each township might each have 100 acres for $5. The college conveyed a township to Ingersoll, who conveyed 6,000 acres of the same to Samuel Mallet, subject to the condition that it should bear its proportion of that burden.

Mallet gave back to college a mortgage upon all the land, without expressly referring to that condition in his title, though he did refer to the deed.

That mortgage was afterwards foreclosed, and the lands were conveyed thereunder by mesne conveyances to Foxcroft, who claimed to own the whole tract by title superior to David Mallet, one of the settlers who took title after the mortgage was made. The court decide that the mortgagor could not pass by mortgage a greater interest than he obtains; that—

The condition or charge was on the land as an incumbrance by the very terms of the deed to him, and he could not, if he tried, convey a title to the land which should be free from it. Such a condition attaches to the land wherever it goes, although the same should pass through a hundred hands. In our view, it operates like a covenant which runs with the land, and all assignees are bound by covenants real that run with the land. (Page 377.)

The case of Schulenberg *vs.* Harriman, 21 Wallace, 44, has been cited as against this doctrine, but an examination of that case will show that it is in harmony with the principle. That case arose on this state of fact:

A grant was made to the State of Wisconsin to aid in the construction of a certain railroad.

The road was not built within the time—ten years—and after its expiration the plaintiff went upon the land and cut a lot of trees growing upon it and floated them off, with others.

The defendant, as agent for the State, seized the logs as its property, they having been cut from the lands the title to which was in the State, under the grant, as he insisted.

The plaintiff replevied them, and as to the claim that the title was in the State by the grant, made these points:

(1) That the legal title did not pass by the act to the State; that the act did not vest the title *in præsenti;* that the State was only an agent for the future disposition of them.

(2) If the title passed to the State by said acts such title reverted to the United States, no part of the road having been built at the expiration of the period limited in the grant, the condition being, "if the road is not completed within ten years no further sales shall be made, and the lands unsold shall revert to the United States."

So the precise question was, whether there was title in the State sufficient to maintain trespass or replevin against a wrongdoer.

The court held that the grant was one *in præsenti;* that the legal title to the lands passed to the State by the act itself; that the conditions in the act were conditions-subsequent, and as to them the court said:

The provision that all lands remaining unsold after ten years should revert to the United States if the road be not then completed is no more than a provision that the grant shall be void if a condition-subsequent be not performed; * * * that it is the settled law that no one can take advantage of the non-performance of a condition-subsequent annexed to an estate in fee but the grantor or his heirs, or the successors of the grantor, if the grant proceed from an artificial person, and if they do not see fit to enforce a forfeiture on that ground the title remains unimpaired in the grantee.

In what manner the reserved right of the grantor for breach of the condition must be asserted so as to restore the estate depends upon the character of the grant. If it be a private grant that right must be asserted by entry or its equivalent; if the grant be a public one it must be asserted by judicial proceedings authorized by law * * * or there must be some legislative assertion of ownership of property for breach of the condition, such as an act directing the possession and appropriation of the property or that it be offered for sale or settlement.

Upon the question of sales by the State, after failure to complete the road within the ten years, the court says:

The provision in the act of Congress of 1856 that all lands remaining unsold after ten years shall revert to the United States, if the road be not then completed, is no more than a provision that the grant shall be void if the condition-subsequent be not performed. * * * The prohibition against further sales, if the road be not completed within the period prescribed, adds nothing to the force of the provision. A cessation of sales in that event is implied in the condition that the lands shall then revert; if the condition be not enforced the power to sell continues as before the breach, limited only by the objects of the grant and the manner of sale prescribed in the act.

It was further held that where no action had been taken to assert forfeiture of the estate granted by the act, the title remains "in the State as completely as it existed on the day when the title by location of the route of the railroad acquired precision and became attached to the adjoining alternate sections."

The court therefore held that the plaintiff could not recover the logs, and, as must be apparent, the only question dealt with was the one of legal title, and of course, as the legal title (though subject to the condition-subsequent) was in the State by the grant, it would continue there until Congress took advantage of the breach of the condition by asserting a forfeiture.

This is in harmony with the text-books; the legal title is in the State or the corporation, as the case may be, and the estate may be sold, conveyed, and mortgaged precisely as though the condition was not annexed.

Washburne says, in his work on Real Property, volume 2, page 452, section 24:

An estate subject to a condition does not lose its capacity of being sold or devised in the same manner as an indefeasible estate, but the purchaser or whoever takes the estate will take it subject to the condition annexed. So in Kent's Commentaries, volume 4, pages 125, 126, it is said: "Persons who have an estate or freehold, subject to a condition, are seized and may convey, though the estate will continue defeasible until the condition be performed or released, or is barred by the statute of limitations or by estoppel."

Foxcroft *vs.* Mallet, 4 Howard, 353, also contains a full exposition of the law on this subject worthy of careful reading.

But Van Wyck *vs.* Knevals, 16 Otto, 365, is relied on as an authority that by a partial performance by the company it earns, so to speak, a proportional amount of its grant as to all the road constructed before a declaration of forfeiture in the proportion to the whole grant that the constructed portion of the road bears to the whole length of the line. The question was betwen individuals and as to priority of right in this state of case. Van Wyck entered the land April 13, 1870, and received a patent therefor November 15, 1871.

The map of definite location of the road, which gives precision to the grant, was filed in the Department of the Interior March 25, 1870, accepted the same day, forwarded to the local land office April 8, 1870, and received there April 15, 1870. In the mean time Van Wyck had made his entry, and the question was whether the filing of map or the notice at the local land office gave the right to the company to the land, Knevals claiming from the company. On that question the court held for Knevals that the filing of the map and its acceptance by the Department fixed the right.

The condition in the grant in question was as follows:

Provided further, That if said road is not completed within ten years from the date of the acceptance of the grant hereinbefore made, the lands remaining unpatented shall revert to the United States.

And on the question we are considering, the language of the court relied on by those denying the right of absolute forfeiture is as follows:

The defendant [Van Wyck] having failed to establish the validity of his own title, attacks the right of the company to the lands covered by the grant, alleging that the company never completed the construction of the entire road for which the grant was made; that after filing its map with the Secretary of the Interior it changed for part of the distance the route of the road, and that it never complied with the conditions of the law of Nebraska for the extension of its road within the limits of that State. We do not deem these objections, when considered with the facts on which they are based, as having any force. There is to them a ready and conclusive answer. Assuming that the Burlington and Missouri River Railroad, with which the company's road connected, was not, as averred by the complainant, a branch of the Union Pacific Railroad, and that therefore the company's proposed road was not entirely completed, the fact remains that the company constructed a portion of the proposed road, and that portion was accepted as completed in the manner required by the act of Congress.

Patents for some of the adjoining sections were accordingly issued to the company, and a right to all of them, not specially reserved by the condition of the grant, vested in it. So far as that portion of the road which was completed and accepted is concerned, the contract of the company was executed, and as to the lands patented, the transaction on the part of the Government was closed and the title of the company perfected. The right of the company to the re-

maining odd-numbered sections adjoining the road completed and accepted (not reserved) is equally clear.

If the whole road has not been completed any forfeiture consequent thereon can be asserted only by the grantor, the United States, through judicial proceedings or through the action of Congress. (Schulenberg vs. Harriman, 21 Wall., 44.) A third party can not take upon himself to enforce conditions attached to the grant when the Government does not complain of their breach.

All, then, that the court decides is that, as between the Government and the company, the title passed by the grant; it acquired precision by filing the map without regard to the question of notice; that, under the act, when the lands were patented the transaction is closed, and for the obvious reason that in the condition in the grant the act of *revertitur* in a declaration of forfeiture is restricted to "the lands remaining unpatented."

Let it be remembered that in the acts making these grants various powers are conferred and various restrictions on the power of forfeiture are provided, and we agree that Congress may impose restrictions upon the power to declare a forfeiture in case of default; that it may bind the Government by a limitation as to the extent of the reversion as to what lands shall be affected by the assertion of the right, and what shall be exempted from the operation of the forfeiture; further, that whatever limits the act itself or subsequent legislation imposes on the power to declare forfeiture, either as to the manner of its exercise or the extent to which it shall extend, or as to what shall be exempted from its operation, subsequent Congresses are bound.

In the earlier grants, like that to Illinois for the Illinois Central, the power to declare forfeiture was restricted to this: that if the railroad was not completed within ten years the State should pay the United States what it received upon sales by it; the title of the purchasers to remain valid; the title to the residue of the lands to reinvest in the United States as if the act had not been passed. (9 Statutes, page 467.)

In later grants, like those to Mississippi, Alabama, Florida, and other States, in 11, 13, and 14 Statutes at Large, the restriction on the power of forfeiture was, that if the roads were not completed within the time fixed "no further sales shall be made, and the lands unsold shall revert to the United States."

Or, like the cases of the Wisconsin Central, and Lake Superior, and Michigan Railroads (13 Statutes, pages 64 and 66), where, if the roads were not completed, no further patents shall be issued to the company, and no further sales shall be made, and the lands unsold shall revert to the United States."

Or, like the grants to Arkansas, Minnesota, and Missouri (14 Statutes, pages 83 and 87), where, if the roads were not completed as required, "the lands not patented shall revert to the United States."

Or, like the grant to Iowa (13 Statutes, 72) for the Sioux City and Saint Paul Railroad, "if the road be not completed within ten years, the lands not patented shall revert to the State for the purpose of securing the completion of the road, and should the State fail to complete the road within five years after the ten years, then the lands undisposed of shall revert to the United States."

Or, like the California and Oregon, and the Oregon and California grants (14 Statutes, 239), if the roads were not completed, or failed to file assent as required, "the act shall be null and void, and all lands not conveyed by patent at the date of such failure shall revert to the United States."

Or, like the Northern Pacific act (13 Statutes, 365), the Atlantic and Pacific act, and the Southern Pacific act (14 Statutes, 292), the Texas Pacific act, and the New Orleans, Baton Rouge and Vicksburg act (16 Statutes, 573), where the right of forfeiture was not restricted, but left as at common law (unless modified by the subsequently conferred power to mortgage, not necessary to be noticed now and here) with the imposition of further conditions, "that the United States might, in case of default, do any and all acts necessary to insure the speedy completion of the road."

Or, as in the case, in the act we are now considering, where the "estate on conditions" simply is granted, and no restriction whatever on the power of forfeiture. These different classes of conditions and restrictions on the power we are discussing show the varying moods of Congress on the question, and each case must be examined, when the exercise of the power is invoked, under the particular terms of the condition and the restriction, if any, in it, and as to them all, this clearly follows under the authorities: That where, as in this case, the grant stands on common-law grounds, without restriction on the power by act of Congress, the forfeiture restores the whole grant as it was "at the date of it, at the time of making the condition," nothing but full performance under the act, or waiver by some expressed enactment, will prevent it.

Although the attention of the learned counsel for the company was especially called to this question (and time given to examine into it), namely, the power to declare an absolute forfeiture of this grant, notwithstanding a portion of the road has been built within the time, not an authority has been produced to the committee showing or tending to show that the power does not exist; nor does the committee believe that a respectable authority can be produced, either elementary or among the reported cases decided by the courts, holding that the power to declare an absolute forfeiture is not in the grantor in cases like this where there is no restrictions in the act, or any subsequent enactment.

This, the committee think, determines the legal question, and that Congress has the power to declare full forfeiture.

But having the power, it does not follow that it ought to be exercised.

The question of proper policy, in the exercise of a wise and just discretion, is frequently more difficult of solution than the one of legal right. In this case there appears absolutely no equity or claim to favorable consideration for aid for that part of the road built.

This question in such an estate must be kept in view; that is, namely, who may exercise the right of declaring the forfeiture for breach of the condition, if it occurs? The law is uniform. There has been no divergence, no breach in the uniformity of the authorities on the question—that nobody could assert that but the grantor himself, in this case the General Government of the United States. And I make this statement here so that gentlemen may understand when remembering the case of Schulenberg and Harriman, to which attention was called by the gentleman from Alabama [Mr. OATES], and the case of Van Wyke and Knevals, referred to by the gentleman from Mississippi [Mr. VAN EATON]—that gentlemen may understand the application of those cases as I shall make it. Nobody can insist upon a declaration of forfeiture for breach of this condition except the Government of the United States itself. Both these cases are referred to and fully explained in my report in the Oregon case, which I have just read.

My report in the Forty-seventh Congress asserts all that I desire to say as to section 9.

It simply inserts another condition: In express terms, "this further condition" giving the Government all the right it could take under section 9, in addition to those it already had under section 8.

Mr. CASWELL. Will the gentleman allow me a question?

Mr. PAYSON. I will if it does not anticipate what I am going on to advert to.

Mr. CASWELL. Before you depart from your construction of the grant, I wish to ask you a question for information. I understand that you say you do not regard this as a contract with the company?

Mr. PAYSON. I will anticipate the gentleman myself. It is not necessary to debate that; in the strictest acceptation of the term it is not unless the company performs; because there was no mutuality or reciprocity of obligation. I make that statement that the gentleman may understand me.

Mr. CASWELL. Section 12 provides the company shall accept within two years. You understand they did so accept?

Mr. PAYSON. I do.

Mr. CASWELL. Why does not that make a contract?

Mr. PAYSON. Because the company was not obliged to build the road unless it chose.

Mr. REED, of Maine. Why not a contract?

Mr. PAYSON. I am saying that because this grant is held up as a bounty to them; they either have it or are entitled to it or they are not. What I am trying to arrive at does not turn upon that question. I was led to say what I did by the statement of the gentleman from Wisconsin [Mr. PRICE], on yesterday, in which he asserted that we had never given this railroad company nor agreed to give them an acre of ground, and made other remarks of that character which made some impression on some of the gentlemen who listened to him. Another point that was adverted to by some of the gentlemen yesterday was the omission in this act of Congress of reserving to Congress a right to declare a forfeiture. I do not know whether that would be insisted on seriously by any gentlemen within the sound of my voice. It is enough to say I have the authorities at hand here, and read them in the Oregon case. They are numerous, and there is no one to the contrary so far as I am aware; and without any affectation of learning or vanity I assert that one can not be found that holds that where there is an express condition in a deed or an act of Congress making a grant it strengthens the right of the grantor as to the power to declare a forfeiture by reserving in express terms the power so to do. In other words, if there is a condition in the grant the law implies conclusively the right on the part of the grantor to assert a forfeiture, whether there is an express reservation or not. To that doctrine the Judiciary Committee of the House committed itself in the Forty-seventh Congress in a report made by Mr. REED, of Maine, which I have in my hand, of which I shall read only two sentences.

Mr. OATES. If the gentleman will permit me, I do not understand that there is any contention about that. Even where it is stated in the grant that the land shall revert if the condition is not performed, yet it requires a re-entry on the part of the grantor.

Mr. PAYSON, Oh, I agree to that; but the point I am making is that no express reservation of the right of forfeiture is required, and I may say in passing that it is perhaps necessary for me to call attention to this, because it is suggested to me that the counsel for the railroad company have elaborated that point in the brief which they have filed and copies of which have been distributed among members of the House. This is what I desire to read from the report of the Judiciary Committee:

To secure this right of forfeiture it was not necessary to mention it in the act. The words "upon condition" were the only words which were needed, and they are as potent as if the words had been added, "and if these conditions are not fulfilled the lands shall revert to the United States."

That is the language of the Judiciary Committee in the Forty-seventh Congress, and that is undoubtedly the law.

Now, Mr. Speaker, I come to another point. It was asserted earnestly by the gentleman from Mississippi [Mr. VAN EATON] that it was expressly decided in the case of Schulenberg *vs.* Harriman that any railroad company getting a grant of this kind was entitled to the lands as earned lands, provided they were co-terminous with the constructed portion of the road. I deny that proposition *in toto*. There is not a word in that decision that even squints in that direction, not one; and the sole effect of the decision in the case of Schulenberg *vs.* Harriman is to enhance and emphasize the position which I have asserted here as to the character of an estate upon a condition-subsequent and the incidents of that estate and the parties who can take advantage of it. Without stopping to read the report (for I assume to be a little familiar with that case, it being the text-book upon which we have been acting for six years here), the case was this: Suit was brought by Schulenberg against Harriman to recover the value of certain logs which had been cut upon land which it was claimed was Government land. For the value of those logs suit was brought by the plaintiff as the agent of the State of Minnesota, he claiming that the land had been granted to the State to aid in the construction of certain railroads; that although the railroads had never been built, still the title to the lands was in the State, and that therefore an action would lie by the State through its agent, he being authorized for that purpose to recover the value of the logs which were thus severed from the land. The defendant pleaded, as against that, that although the land was granted to the State of Minnesota, it was granted upon condition that the railroad should be built within five years; that more than five years had elapsed since the date of the grant, and that not only was the road still unbuilt, but that no attempt had ever been made to construct it, and because the law provided that in case the road was not built within five years all unsold lands should revert to the United States; that by operation of law the title did revert to the United States, and therefore that the plaintiff could not maintain his suit. That is the whole case in a nutshell.

In that case the decision was simply that the estate was an estate upon condition-subsequent, that the title was in the State of Minnesota, that it made no difference whether the railroad was built or not so far as the condition of the title was concerned, that it was in the State of Minnesota, that nobody could take advantage of the failure to comply with the condition except the Congress of the United States by declaring a forfeiture for breach of the condition, that that right continued in Congress, subject to the right of the State to sell the land for the purposes named in the grant. Now it will be noticed that the provision of that grant was that all lands unsold should revert to the United States. In other cases it is provided that all unpatented lands shall revert to the United States. In some other cases, like the California and Oregon case, there is a provision for certification and a provision that all uncertified lands shall revert to the United States, while in other cases, like this which we are now considering, the power of forfeiture is absolute, there being no limitation or restriction upon it. In the Minnesota case it was decided, and very properly decided, that the title being in the State the suit could be maintained.

Mr. CASWELL. Will the gentleman permit a question?

Mr. PAYSON. Yes, sir.

Mr. CASWELL. Should not the Government have exercised its right of forfeiture before the road was built?

Mr. PAYSON. It could have done it then.

Mr. CASWELL. And having failed to do it, then are we not estopped now by every consideration of equity from exercising that right?

Mr. PAYSON. No, sir. I say no.

Mr. Speaker, gentlemen will persist in anticipating me. I will promise if I have time to reply to any question asked me, as I am ready to give my views on every possible aspect of the case.

I do not undertake to convince the gentleman, but I will give him my idea.

On the first question he asks me. I have answered it fully in the language in the Oregon report. That the election to waive the right of forfeiture or to enforce it rests alone with Congress; no Department of the Government can assume to know the intention of Congress as to its future action in cases of discretion, and therefore can not act to divest the Government of its right to the title, until Congress has declared its intention in that regard.

His last question, as to equity, involves the whole question of policy, which I shall discuss later and fully.

But resuming, to notice the cases cited by the opponents of the bill, in the case of Van Wyck against Knevals, the attempt was to reach lands that were patented. Van Wyck had bought land which had been patented to the railroad company, and the Supreme Court put its decision upon the ground that because the condition in the grant was that unpatented lands only should be subject to forfeiture, and because the lands in question were patented, therefore Congress could not interfere and the transaction was closed. They did put forward one other consideration which I ought to state, for I desire to discuss this question fully and candidly. It being a familiar rule of law that the right to a patent is equivalent to a patent issued, the court say, as to the lands lying opposite to the portions of the road which had been constructed and accepted, that the right to the patent was in the company, and that the right of the company to the lands was equally clear.

If gentlemen will examine the opinion of the court in that case, they will find that one of the salient points of the case is that the limitation upon the power of forfeiture was as to patented lands. That is all there is of it. I say here, and I challenge any gentleman who may follow me to show to the contrary, that there never has been a case decided by a Federal or a State court, as between the United States and a railroad company, where the right of the United States to declare a forfeiture *ab initio* for breach of the condition in the grant has been denied. No such case can be found. Every case which has been cited here by gentlemen opposed to this bill has been a case which presented a contest between individuals, an individual claiming under the general land law on one side, and by or under the railroad company on the other, and the court has always contented itself in those cases with saying that because this right to declare a forfeiture could be exercised only by Congress, and because Congress had not exercised it, therefore the title with this condition annexed rested in the party who claimed under the railroad grant, and had affixed to it all the incidents of title that a fee-simple title has, subject to this reserved right to which I have so frequently alluded.

This, sir, disposes of all the legal questions made in the cases cited by the opponents of the bill.

There are a few other questions which should be noticed.

It has been suggested that the act of 1870 giving the power to mortgage was a strengthening of the title of the lands in those who claim under the mortgage!

The act, sir, simply gave the company the right to mortgage "its property and rights of property," &c.; that is, just what it had, and nothing more, and all it could mortgage?

The Supreme Court in Farnsworth *vs.* The Railroad Company, 92 United States, 66, as to precisely such a case, where the right to the land depended upon the completion of the road as a condition-subsequent, which condition was operative when the mortgage was made, precisely as in this case, say:

> The mortgage not having been executed until after the amendment was accepted, and the holding of the lands of the company having been made dependdent upon the completion of the road within the period prescribed, the beneficiaries under that instrument took whatever security it afforded in subordination to the right of the State to enforce the forfeiture.

No, sir, a power to mortgage can never be held to strengthen the title of the mortgagor.

Nor does a "standing by" and permitting the road to be built affect the Government.

The road was theirs; we did not care to and did not interfere; we had given them the right of way, and were and are still willing they should have and use it, and aided them in getting it, as the gentleman from Alabama [Mr. OATES] has said. But that related only to the right of way, not to this grant; not at all.

Let me put it in another way: It is admitted that they have not built the Cascade branch, even now. And that they have not built the road from Wallula to Portland, 214 miles, and have practically abandoned that part of the route.

Now, sir, for this non-user of the franchise have we not the legal right to forfeit it, now and here? Unquestionably; and if so, have we not the right to the incident—the land grant?

I am only now discussing the question of power, of strict legal right.

Gentlemen say "the law abhors a forfeiture," and this is a frequent text in this case. If it were so the law would be very like the gentlemen who quote the maxim.

But it is not so; the law is the reverse, as expressly decided in the Farnsworth case (92 United States). There the court says, that while forfeiture is not favored as between individuals where compensation can be made, yet in case of public grants like this the courts can not and ought not to relieve, and that the maxim quoted does not apply.

We had the power to assert this in 1879, and the authorities I have cited show that we have it now, as a legal right, beyond question.

Should it be exercised?

That is the question of policy, and to that I now address myself.

If, sir, the road as an enterprise is worth all that it has cost, is an excellent investment for the money that is actually put into its construction and maintenance, then so far as the holders of the securities are concerned the proposed action is not inequitable to them, nor does it injure them.

As I have before said, there are only three classes of people interested in this matter—the bondholders, the preferred-stock holders, and the common-stock holders. If the property covered by the mortgage (which is all the property of the company, as well as these lands) outside the lands is ample security they can not complain; and it is.

The financial condition of the company as to bonds is this—given us by the counsel for the company:

First-mortgage bonds	$43,403,000
Second-mortgage bonds	18,857,000
Missouri Division bonds	2,233,500
Pend d'Oreille Division bonds	3,240,000
Total	67,733,500

The length of the road is 2,362 miles, an average of $28,000 per mile. This, sir, is moderate. The Atlantic and Pacific is bonded for $32,500 per mile; the Southern Pacific of California for $34,000; the Southern Pacific of Arizona for $25,000; the Southern Pacific of New Mexico for $25,000; the Oregon Short Line for $25,000. This road runs through a better country than either of the other transcontinental lines.

With the present undeveloped condition of the great West, it has always had a good balance of net earnings; after paying all its operating expenses, its interest on the bonded debt, fixed charges, &c., its net earnings have been as shown officially each year:

To June 30—	
1881	$969,129
1882	1,857,465
1883	2,518,529
1884	5,425,820
1885	5,037,848

And after expending large sums for new equipment there was to its surplus account in 1882, $3,258,483; in 1883, $1,149,583; in 1885, $91,959.

It is becoming more and more valuable year by year; so the bondholders are perfectly safe.

It may be said that the sales of land have helped this. I shall show, later, that the sales of land for cash have barely paid the expenses of the land department; the preferred-stock holders have had the cream of this.

The next class are the preferred-stock holders. They are the representatives of the wreck of Jay Cooke & Co.'s failure and are amply secured by having the preference over all except the bondholders, and there is not much of this left—about $35,000,000 secured by the plan of 1875 on all lands east of the Missouri River, which we do not touch by this bill, about 10,000,000 acres, and they hold also $4,667,440 of dividend scrip, drawing 5 per cent. interest, issued to them in January, 1883. They are well provided for, the last class, and those who are actually interested are the common-stock holders. Not a dollar was ever paid into the treasury of the company by a holder of this stock, as I have shown in detail. Therefore no hardships result by this proposed action that can be justly criticised.

When this company asks for equitable treatment at the hands of the representatives of the people they should show that they are treating the people justly. This they are not doing and never have done.

They were created and assisted to build a competing through route to the Pacific. They abandon that, and make an alliance with the Oregon Railway and Navigation Company—a rival company—and abandon 214 miles of their route altogether, as I have shown.

They exact onerous and burdensome contracts from the settlers along their line.

This is one of their contracts:

Pacific Division, Land Department, Northern Pacific Railroad Company, Portland, Oreg., May —, 1883.—This certifies that ——— ———, of King County, in the Territory of Washington, hereinafter called the purchaser, has this day paid to the Northern Pacific Railroad Company, hereinafter called the company, the sum of $——, being payment in full for the following described tract of land, situate in the county of King, in the Territory of Washington, to wit: ————, containing 40 acres, more or less, according to the United States Government survey; and that the said purchaser is entitled to a deed from the company conveying said above described premises (subject to the reservations and conditions herein contained) to the said purchaser, to be delivered upon the surrender of this certificate at the office, and until then this certificate shall entitle said purchaser to the full possession and occupancy of said land; reserving and excepting therefrom, however, a strip of land extending through the same (or so much of said strip of land as may be within said described premises) of the width of 400 feet, that is, 200 feet on each side of the center line of the Northern Pacific Railroad, or of any branch or other railroad operated or to be operated, in whole or in part, by the said company, to be used for right of way or other railroad purposes, in case the line of the said Northern Pacific Railroad, or of such branch or other railroad, has been or shall be located on or over or within 200 feet of said described premises; and also reserving and excepting from said described premises so much and such parts thereof as are or may be mineral lands, or contain coal or iron, and also the use, and the right and title to the use, of such surface ground as may be necessary for mining operations, and the right of access to such reserved excepted mineral lands, including lands containing coal or iron, for the purpose of exploring, developing, and working the same, and also reserving the right to take water from, over, or through the said described premises for the use of said company's successors or assigns.

It is hereby agreed that the said purchaser shall, on notice so to do from the said company, erect a good and substantial fence, sufficient to turn stock, and to comply with the requirements of law, on the line or lines between any part of said described premises and the lands reserved to the said company for right of way or other railroad purposes, as hereinbefore expressed; and thereafter, forever, the said purchaser, his heirs or assigns, shall maintain such fence or fences in a good, substantial, and sufficient manner, as above provided; and this agreement shall be expressed in the deed as a condition and a covenant to run with the land.

In witness whereof the said company has caused this certificate to be signed by the general agent of its land department for the western —— district the day and year above written.

SAM. SCHULTZ,
General Land Department, N. P. R. R.

That is what a purchaser gets in buying land from them: subject to a "condition" which may be enforced by the company as long as it shall have existence, running with the land perpetually.

The land grant is used to benefit those inside, and always has been.

The "sales" were, up to May, 1882:

For cash	$684,477
For bonds and stock	10,880,989

In 1884:

For stock	$1,725,570
For cash	715,224
Expenses	482,193

In 1885:

For stock	$1,196,484
For cash	476,631
Expenses	424,999

So the cash received barely pays the expenses and the lands are swallowed up for "preferred stock."

They make discriminations in freight which are illegal and oppressive.

Previous to March 1, 1884, the rates from Chicago to points west of Pend d'Oreille were the same as Portland tariff (from which tariff the Portland merchants received concessions, provided they received all their eastern goods via the Northern Pacific road).

The late advance is, as a rule, made by adding to this tariff the rate from Portland eastward to the local stations in the territory named, thus advancing the rates from Chicago to territory covered by over 600 miles of road in Idaho, Washington, and Oregon from 50 cents to $1.65 per 100 pounds.

This rate was in force to last year, when it was suspended temporarily, as I am told, and again enforced, but I know it was adopted and enforced.

It tells its own story of monopolistic oppression, and is confessedly unjustifiable.

They were to give us a competing line to the Pacific; they celebrated their entrance to Portland by joining the "pool."

We endeavored to procure in the Forty-eighth Congress primary evidence of this, but could not; the Senate committee did the same, but without success; but one of the live papers in Chicago, in an editorial which I quote in part, gave us some information, and the suggestions are in point:

LAND-GRABBING IGNORANCE.

Very remarkable was the ignorance displayed by the officials of the Northern Pacific who appeared before the Senate Committee on Public Lands to argue against the forfeiture of its land grant when they were asked about the anti-competitive pool which the Northern Pacific had formed with the Central Pacific. The Northern Pacific was chartered to give the Pacific coast competition, but almost the first act of its officers was to make an arrangement with the Central Pacific monopoly agreeing not to compete. But the representatives of the road protested that they knew nothing about any such arrangement. The counsel of the road was present and he coolly remarked that "he would have known of such a contract if there had been one," but he had never heard of it. Dear innocents! Fortunately we are able to supply the information about the Northern Pacific which the president and the able counsel did not have about them. We have before us a printed copy prepared for the use of the transcontinental roads of what is called "The Agreement of the Transcontinental Association." The second paragraph reads as follows:

"*Resolved*, That through rates via all routes to and from Portland via San Francisco and to and from San Francisco via Portland shall be the same," &c.

The fifth section reads:

"All lines here represented solemnly agree to maintain the rates now in force or which may hereafter be mutually agreed upon between San Francisco and Portland on the one hand, and eastern through or competitive points in the United States on the other hand, without cut, rebate, or deviation in any manner."

Subsequent sections provide for the appointment of a pool commissioner, who shall have authority to enforce all the details of this "solemn" agreement not to compete. He is to have copies of all the contracts made by the roads with freight shippers; he is given the power to examine the books of the roads for evidence of violation of this agreement, and is empowered to fine any roads that give the public lower than the monopoly rates, the fine in no case to be less than $500. The Northern Pacific goes so deep into the pool that it agrees to bear its proportionate share of the subsidy paid by the Central Pacific to the Pacific Mail Steamship Company as a reward for not giving the shippers of the Pacific coast lower rates by water than the Central Pacific wants to charge by land. The Pacific Mail, too, be it remembered, has been the recipient of aid from the Government, like the Northern Pacific.

On the last page of this "Transcontinental Agreement" we see the signature of—

"The Northern Pacific Railroad Company by John Muir, superintendent of traffic."

The inquiry is one that if pursued would develop some very interesting information for the people of the United States who have given hundreds of millions of dollars' worth of lands and bonds to the Texas Pacific and the Atlantic and Pacific and the Northern Pacific and the Pacific Mail Steamship Company to secure the competition which this agreement is made to prevent. These corporations have failed to deliver us the competition, but they have no false modesty about insisting that they shall have the lands and the bonds.

Again, sir, they join the combination in paying their part of the subsidy to the Pacific Mail.

The people have not forgotten the contract between the Union and the Central Pacific Railroads and the Pacific Mail Steamship Company by which the whole transcontinental traffic and transportation was placed in the hands of these two railroad companies, and tribute was levied to the verge of endurance—daily extortion and robbery under the forms of law.

The contract they made which caused such a state of feeling in the popular mind, so well remembered, I have, and will print so much of it as is specially relevant:

This agreement between the Union Pacific Railroad Company and the Central Pacific Railroad Company, parties of the first part, and the Pacific Mail Steamship Company, party of the second part, made and entered into this 4th day of March in the year 1880.

First. That the said railroad companies, in consideration of the undertakings and agreements of the said steamship company, hereinafter contained, undertake, promise, and agree to and with said steamship company to guarantee, and

do hereby guarantee, that the gross earnings upon through freight and passengers between New York and San Francisco, to be provided to said steamship company by said railroad companies, shall be $110,000 per month for 1,200 tons of 2,000 pounds each way, being 600 tons for each of two steamers per month each way, and agree to pay that sum to the steamship company monthly, as hereinafter provided.

All the gross earnings of said steamers from through business between New York and San Francisco, each way, shall go to and belong and be payable to said railroad companies, whether collected by them or by said steamship company.

Second. In consideration of said undertakings and agreements of said railroad companies, the said Pacific Mail Steamship Company covenants, promises, and agrees to and with said railroad companies that it, the said steamship company, will, at its own cost and expense, dispatch and run from the port of New York for Aspinwall two through steamers per month and no more, and two steamers connecting therewith from Panama to San Francisco, and from the port of San Francisco for Panama two through steamers per month and no more, and two steamers connecting therewith from Aspinwall to New York, and that said steamship company will permit said two railroad companies to fix the rates at which all through freight between New York and San Francisco and all passengers shall be transported by the vessels of the steamship company from the port of New York to the port of San Francisco, and from the port of San Francisco to the port of New York: *Provided, always*, That such rates shall in no case be increased beyond the present general tariff rates of the railroad companies now existing, and will furnish room on each of said steamers from New York and San Francisco, respectively, and their connecting steamers for the transportation of, and will transport from New York to San Francisco and from San Francisco to New York, all such passengers and such freight as may be obtained under rates fixed by said railroad companies as hereinbefore provided, to an amount as to freight not exceeding 600 tons of 2,000 pounds each upon any one steamer. All above steamers to be first-class and equal to those now maintained, and in case of the loss of a steamer, or its withdrawal for any cause, the Pacific Mail Steamship Company shall, as soon as possible, furnish a steamer of equal capacity and rating.

The steamship company is to bear and pay all the expenses and charges of every kind of transporting such goods, passengers, and freight from New York to San Francisco and from San Francisco to New York, including all charges and expenses of every kind in the ports of New York and San Francisce, and all supplies of passengers with food and sleeping accommodations, giving them first-class accommodations, and to continue to use all efforts to obtain passengers as heretofore.

Third. The understanding and intention of this agreement is that the railroad companies shall have entire and exclusive control of all the through business of the said steamship company between New York and San Francisco each way, and that no through freight or passengers shall be taken except at prices to be fixed as hereinbefore provided by the railroad companies and by their consent, but if the said steamship company shall have room or capacity for more than 600 tons of through freight on any steamer and the railroad companies shall desire to fill it, they shall be at liberty to do so at rates fixed by themselves, but at the regular tariff rates then prevailing, the railroad companies to have one-half of the freights on such excess over 600 tons and the steamship company the other half.

Fourth. The said railroad companies shall have the privilege, upon the delivery of freight by the steamship company, to examine the same for the purpose and to the extent only of being enabled to ascertain whether the same is of the character described in the bill of lading thereof.

Fifth. The Pacific Mail Steamship Company shall render to the railroad companies an account or statement of the transactions for through business of each month on or before the tenth day of the succeeding month, showing the amount claimed to be due from the railroad companies under this agreement, and settlement shall be made of the accounts of each month on or before the twentieth day of the succeeding month.

The railroad companies may at any time, on demand, examine the books and accounts of the said steamship company for the purpose of obtaining full details as to freight and passengers transported by said steamship company under this agreement, and verifying the statements and accounts of the said steamship company.

But, sir, that all pretense of competition has been abandoned, and all hopes to that end must be relinquished, I read the next chapter in the history, the entering into this subsidy combination by the Northern Pacific Railroad Company:

This agreement between the Transcontinental Association, an association consisting of the following railroad companies, namely, the Southern Pacific Company, the Atchison, Topeka and Santa Fé Railroad Company, the Atlantic and Pacific Railroad Company, the Burlington and Missouri River Railroad Company, the Denver and Rio Grande Railway Company, the Denver and Rio Grande Western Railway Company, the Northern Pacific Railroad Company, the Oregon Railway and Navigation Company, the Texas and Pacific Railway Company, the Oregon Short Line Railway Company, and the Union Pacific Railway Company, which association is now represented by L. G. Gannon, its general agent, party of the first part, and the Pacific Mail Steamship Company, a corporation created by and existing under the laws of the State of New York, party of the second part, made and entered into this 1st day of June, 1885, witnesseth:

First. That the said party of the first part, in consideration of the undertakings and agreements of the said steamship company hereinafter contained, undertakes, promises, and agrees to and with said steamship company to guarantee, and does hereby guarantee, that the gross earnings upon through freight and passengers between New York and San Francisco to be provided to said steamship company by said party of the first part shall be $85,000 per month for 1,200 tons of 2,000 pounds, each way, being 600 tons for each of two steamers per month each way, and agrees to pay that sum to the steamship company monthly, as hereinafter provided. All the gross earnings of said steamers from through business between New York and San Francisco, each way, shall go to and belong and be payable to said party of the first part, whether collected by it or said steamship company.

Second. In consideration of said undertakings and agreements of said party of the first part, the said Pacific Mail Steamship Company covenants, promises, and agrees to and with the said party of the first part that it, the said steamship company, will, at its own cost and expense, dispatch and run from the port of New York for Aspinwall two through steamers per month and no more and two steamers connecting therewith from Panama to San Francisco, and from the port of San Francisco for Panama two through steamers per month and no more, and two through steamers connecting therewith from Aspinwall to New York, and that said steamship company will permit said party of the first part to fix the rates at which all through freight between New York and San Francisco and all first-class or cabin passengers shall be transported by the vessels of the steamship company from the port of New York to the port of San Francisco and from the port of San Francisco to the port of New York, and will furnish room on each of said steamers from New York and San Francisco respectively and their connecting steamers for the transportation of, and will transport from New York to San Francisco and from San Francisco to New York all such passengers and such freight as may be obtained under rates fixed by said party of the first part to an amount as to freight not exceeding 600 tons of 2,000 pounds each upon any one steamer.

All above steamers to be first-class and equal to those now maintained, and in case of the loss of a steamer or its withdrawal for any cause, the Pacific Mail Steamship Company shall as soon as possible furnish a steamer of equal capacity and rating.

The steamship company is to bear and pay all the expenses and charges of every kind of transporting such goods, passengers, and freight from New York to San Francisco, and from San Francisco to New York, including all charges and expenses of every kind in the ports of New York and San Francisco, and all supplies of passengers with food and sleeping accommodations, giving them first-class accommodations, and to continue to use all efforts to obtain first-class passengers as heretofore.

Third. The understanding and intention of this agreement is that the party of the first part shall, through agents appointed by itself, have entire and exclusive control of all the through business of the said steamship company between New York and San Francisco each way, and that no through freight or passengers shall be taken except at prices to be fixed by the party of the first part and by its consent; but if the said steamship company shall have room for or capacity for more than 600 tons of through freight on any steamer, and the party of the first part shall desire to fill it, the said party of the first part shall be at liberty to do so at rates fixed by itself, but at the regular tariff rates then prevailing, the party of the first part to have one-half of the freight on such excess over 600 tons, and the steamship company the other half.

Fourth. The said steamship company, in consideration of the undertakings and agreements of the party of the first part, covenants and agrees that it will not carry any steerage passengers between New York and San Francisco, or between San Francisco and New York.

Fifth. The Pacific Mail Steamship Company shall render to the party of the first part an account or statement of the transactions for through business of each month on or before the 10th day of the succeeding month, showing the amount claimed to be due from the party of the first part under this agreement, and on or before the 20th day of the succeeding month the general agent of the party of the first part shall draw his draft in favor of the Pacific Mail Steamship Company upon each of the railroad companies constituting the party of the first part for the pprtion payable by it to said steamship company on account of the aggregate amount payable by the party of the first part to the said steamship company according to the foregoing provisions hereof. The portions of such aggregate amount payable from time to time by the respective companies forming the party of the first part shall be such as has been or may be fixed or prescribed among themselves, and each of the said companies forming the party of the first part shall be liable for its own portion of such aggregate amount, but none of such companies shall be liable for the portion payable by the others or any other of such companies.

The party of the first part, or any of the companies constituting the same may, at any time, on demand, examine the books and accounts of the said steamship company for the purpose of obtaining full details as to freight and passengers transported by said steamship company under this agreement and verifying the accounts and statements of the steamship company.

Sixth. It is mutually understood and agreed that this contract shall be deemed to have commenced on this 1st day of June, 1885, and to include the earnings from through business on steamers sailing on and after that day; and as to each and all of the foregoing provisions shall continue in force for four months from said date and thereafter until thirty days after written notice of the intention to terminate the same shall have been given by either party to the other, which notice may be given on or after, but not before, the 1st day of September, 1885, with this exception, that if the exclusive contract between the said steamship company and the Panama Railroad Company, so far as it refers to the business of the steamship company between San Francisco and New York, is broken or changed in any respect, or if any other competing line by rail or vessel shall be established between the waters of the Atlantic and Pacific Oceans, either overland or via the Isthmus of Panama, that shall affect the through business concerning which this agreement is made, then the said party of the first part may abrogate and terminate this agreement at any time or not, as it may elect.

Seventh. The arrangements heretofore made between the Union Pacific Railway Company, the Central Pacific Railroad Company, and the Pacific Mail Steamship Company in regard to freight and passengers received by the steamship company in San Francisco for transportation to Europe via Panama shall remain as at present, but the party of the first part agrees with the steamship company that the same shall be referred to their respective representatives at San Francisco, in order that if the same is found practicable an agreement may be arrived at between them on a basis permitting said steamship company to take said class of freight and passengers when and so far as it does not in any manner conflict with the business of the railroad companies forming the party of the first part overland.

This company, which now appeals to us for equitable consideration, enters into the agreement to pay the share of $1,020,000 per annum to the Pacific Mail for the privilege of fixing the rate of all passenger and freight charges between the oceans, no freight or passengers to be carried by water except at prices to be fixed by the railroads, and no steerage passengers to be carried at all.

I do not enlarge upon this state of case; it amply illustrates the adage that where combination is possible competition is impossible.

The ocean is under tribute as well as the land.

The House bill protects all settlers who have purchased from the company, validating their title to the extent of 320 acres each.

We deal equitably and liberally with this company in the House bill. They are permitted to retain 10,039,459 acres of land, much of it very valuable coal land; also all town, city, and village sites. Of the land they have conceded to them they still retain the title to over 5,500,000 acres, worth, exclusive of coal lands, at least $12,000,000; their coal lands are estimated at $8,000,000; the city, town, and village sites are worth at least $2,500,000; in all, over $22,000,000 that we give them by this bill. Repeating then what I said at the outset, this great area of land, 36,907,741 acres, worth at least $100,000,000, which this bill proposes to restore belongs, as a matter of legal right, either to the railroad company or to the people.

I have shown, sir, that under the law we have the power, the legal right, to assert this forfeiture.

I said also that if this land belongs to the people, nothing should constrain us to yield it to the company, except the strongest equitable consideration; equities which are equal to legal obligations.

With confidence I submit, that with what the House bill proposes, the liberality of its provisions in what it permits the company to re-

tain, the facts in the history of the building of the road, and the action of the company toward the people—monopolistic, exacting, and unyielding always—I earnestly insist that to make this additional donation of one hundred millions of property would be an act of stupendous folly.

A word more, sir, and I conclude. I have endeavored to discuss this question with calmness and utter absence of passion. I have no feeling in the matter beyond that of doing my duty to the people whom I represent and the people of the whole country.

I have not attempted to inspire feeling against that company by passionate appeals or vehement declamation.

I confess I desire to see this bill pass, and by an overwhelming majority such as I believe it will receive, but every vote cast for it I desire to be directed by the reason and calm judgment of the member who casts it.

To that end I have addressed the House, Mr. Speaker, as I have, and I thank the body sincerely for the considerate kindness it has shown me in its attention this oppressive day to these observations.

But I can not close in justice to myself without noticing the closing remarks of the gentleman from Wisconsin, which I see he permits to remain in the RECORD, that these efforts on the part of the Committee on the Public Lands to restore these lands to the public domain "are the sheerest demagogy and of the cheapest class."

This kind of talk is not new to us. We have had a good deal of it, sir, first and last since this work began. Not only so, sir, but predictions have been freely indulged in by gentlemen who think and act as my neighbor, the gentleman from Wisconsin [Mr. PRICE], thinks that nothing ever could or would come of it; that no lands would ever be restored to the Government by this movement, and that it would all end in empty talk.

Mr. Speaker, it is a matter of pride to me that I have been connected in my way and to the best of my ability with these efforts to reclaim these vast areas of land from those technically holding them, but without right or equity. I was among the first in the matter, and am in the battle still, and expect to remain there.

I have seen the bills in the cases of the Oregon Central grant, with its 3,000,000 acres; the great Texas and Pacific grant, with its 18,000,000 acres; the Iron Mountain grant, with its 800,000 acres; the Atlantic and Pacific grant, with its 23,000,000 acres, all become laws and these great bodies of land saved to the pioneer as a practical gift from the Government, instead of being held at a price by those who had already carved out princely fortunes from the lavish grants and donations of a people's Government.

I see upon the calendars of both Houses bills from our committees which we hope to pass involving 25,000,000 of acres more, nearly all fit some day for cheap homes to landless emigrants.

The results of these laws already passed are now apparent. I have seen myself some of the benefits already accruing to the sturdy pioneer in his quest for a cheap home, and I shall be glad, sir, to see the same measure of success in the near future in Congress that has attended my efforts since I have been here.

I am not seeking popular approval except so far as that approbation is given to efforts for the public good.

Mr. Speaker, next to the confidence and esteem of the membership here my highest desire and ambition is to be connected with efforts for the benefit of the common people of this land; and in the line of this class of legislation which has come to my hand by your partiality, Mr. Speaker, in committee assignment I know I have not been unsuccessful, and I am satisfied with it. When all this work shall be accomplished or when my connection with public service shall have ceased, I venture the hope that my name shall be spoken in terms of kindly remembrance by many who know me not except through earnest, heartfelt labor for their benefit, to provide for them, without cost to themselves except their own labor, the fields which support and the homes which shelter them. [Applause.]

The SPEAKER. The gentleman from Illinois [Mr. PAYSON] has three minutes remaining.

Mr. PAYSON. I yield the residue of my time to the gentleman from California [Mr. HENLEY].

Mr. HENLEY. I demand the previous question on the pending amendments and the third reading of the bill.

Mr. REED, of Maine. The gentleman from Oregon [Mr. HERMANN], whose constituents are deeply interested in this matter, desires to be heard. This question ought not to be disposed of in this way without giving him a hearing.

The SPEAKER. The gentleman from California [Mr. HENLEY] demands the previous question upon the amendments and upon ordering the bill to be read a third time. That is the question before the House. Of course, if the House does not order the previous question further debate will be in order.

The question being taken on ordering the previous question, there were—ayes 79; noes 36.

Mr. NEGLEY. No quorum.

Mr. HENLEY. I wish to make a record on this question, and therefore I demand the yeas and nays.

The yeas and nays were ordered, 50 voting in the affirmative, which was more than one-fifth of those present.

The question was taken; and it was decided in the affirmative—yeas 184, nays 52, not voting 86; as follows:

YEAS—184.

Allen, J. M.	Eldredge,	Lawler,	Richardson,
Anderson, J. A.	Ermentrout,	Le Fevre,	Romeis,
Baker,	Everhart,	Lehlbach,	Rowell,
Barnes,	Felton,	Lore,	Ryan,
Barry,	Findlay,	Lovering,	Sayers,
Bennett,	Fisher,	Lowry,	Seney,
Blanchard,	Foran,	Lyman,	Sessions,
Boyle,	Forney,	Mahoney,	Seymour,
Breckinridge, C. R.	Frederick,	Markham,	Shaw,
Breckinridge, WCP.	Fuller,	Martin,	Singleton,
Browne, T. M.	Funston,	Matson,	Skinner,
Brown, W. W.	Gay,	McAdoo,	Snyder,
Buchanan,	Geddes,	McComas,	Sowden,
Buck,	Gibson, Eustace	McCreary,	Springer,
Burnes,	Glover,	McKenna,	Stahlnecker,
Bynum,	Green, R. S.	McKinley,	Stewart, Charles
Cabell,	Green, W. J.	McMillin,	Stone, W. J., Ky.
Caldwell,	Grosvenor,	McRae,	Stone, W. J., Mo.
Campbell, Felix	Guenther,	Millard,	Storm,
Campbell, J. M.	Hale,	Miller,	Swinburne,
Campbell, T. J.	Hall,	Mills,	Tarsney,
Cannon,	Halsell,	Mitchell,	Taulbee,
Catchings,	Harris,	Morgan,	Taylor, J. M.
Clardy,	Hatch,	Morrill,	Taylor, Zach.
Clements,	Heard,	Morrison,	Tillman,
Cobb,	Hemphill,	Murphy,	Townshend,
Compton,	Henderson, D. B.	Neal,	Trigg,
Comstock,	Henderson, J. S.	Neece,	Tucker,
Conger,	Henley,	Norwood,	Turner,
Cooper,	Herbert,	Oates,	Van Eaton,
Cowles,	Hermann,	O'Ferrall,	Viele,
Cox,	Hill,	O'Neill, J. J.	Wade,
Crain,	Holman,	Outhwaite,	Ward, T. B.
Crisp,	Howard,	Parker,	Warner, A. J.
Croxton,	Hutton,	Payne,	Warner, William
Culberson,	Irion,	Payson,	Weaver, A. J.
Curtin,	Jackson,	Peel,	Weaver, J. B.
Daniel,	James,	Perkins,	Wheeler,
Dargan,	Johnston, T. D.	Perry,	Wilkins,
Davidson, A. C.	Jones, J. H.	Peters,	Willis,
Dibble,	Jones, J. T.	Pettibone,	Wilson,
Dockery,	Kleiner,	Pidcock,	Winans,
Dorsey,	Laffoon,	Pindar,	Wise,
Dowdney,	Laird,	Pirce,	Wolford,
Dunn,	Landes,	Randall,	Woodburn,
Eden,	Lanham,	Reagan,	Worthington.

NAYS—52.

Adams, G. E.	Davis,	Hitt,	Plumb,
Allen, C. H.	Dunham,	Holmes,	Price,
Atkinson,	Evans,	Hopkins,	Reed, T. B.
Bayne,	Farquhar,	Kelley,	Rice,
Bingham,	Fleeger,	Ketcham,	Rockwell,
Bound,	Ford.	Libbey,	Scranton,
Brady,	Gilfillan,	Lindsley,	Smalls,
Brown, C. E.	Grout,	Long,	Spooner,
Bunnell,	Harmer,	Moffatt,	Stephenson,
Burrows,	Hayden,	Negley,	Stewart, J. W.
Butterworth,	Hepburn,	O'Neill, Charles	Stone, E. F.
Caswell,	Hewitt,	Osborne,	Weber,
Cutcheon,	Hiestand,	Owen,	West.

NOT VOTING—87.

Adams, J. J.	Dawson,	Louttit,	Strait,
Aiken,	Dingley,	Maybury,	Struble,
Anderson, C. M.	Dougherty,	Merriman,	Swope,
Arnot,	Ellsberry,	Milliken,	Symes,
Ballentine,	Ely,	Morrow,	Taylor, E. B.
Barbour,	Gallinger,	Muller,	Taylor, I. H.
Barksdale,	Gibson, C. H.	Nelson,	Thomas, J. R.
Beach,	Glass,	O'Donnell,	Thomas, O. B.
Belmont,	Goff,	O'Hara,	Thompson,
Bland,	Hammond,	Phelps,	Throckmorton,
Bliss,	Hanback,	Ranney,	Van Schaick,
Blount,	Haynes,	Reid, J. W.	Wadsworth,
Boutelle,	Henderson, T. J.	Reese,	Wait,
Bragg,	Hires,	Riggs,	Wakefield,
Brumm,	Hiscock,	Robertson,	Wallace,
Burleigh,	Houk,	Rogers,	Ward, J. H.
Campbell, J. E.	Hudd,	Sadler,	Wellborn,
Candler,	Johnson, F. A.	Sawyer,	White, A. C.
Carleton,	Johnston, J. T.	Scott,	White, Milo
Collins,	King,	Spriggs,	Whiting.
Davenport,	La Follette,	Steele,	
Davidson, R. H. M.	Little,	St. Martin,	

So the previous question was ordered.

During the roll-call,

Mr. FINDLAY moved by unanimous consent to dispense with the reading of the names.

Mr. GILFILLAN objected.

The following additional pairs were announced:

Mr. ADAMS, of Illinois, with Mr. WHITING, until further notice.

Mr. BLOUNT with Mr. WAKEFIELD, on this bill. Mr. BLOUNT would vote for the House bill, and Mr. WAKEFIELD against it.

Mr. WALLACE with Mr. LITTLE, for the rest of the day.

Mr. COLLINS with Mr. NELSON, for the rest of the day.

Mr. CARLETON with Mr. STRUBLE, for the remainder of the day.

Mr. SADLER with Mr. WAITE, for the rest of the day.

The vote was then announced as above recorded.

The SPEAKER. The question recurs on the proposition of the gen-

tleman from Minnesota [Mr. STRAIT] as a substitute for the amendment of the committee.

The Clerk read as follows:

A bill to resume the title to a portion of the lands granted to the Northern Pacific Railroad Company, and to repeal in part the granting act approved July 2, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in consequence of the failure of the Northern Pacific Railroad Company to construct its road from Wallula Junction to Portland, in the State of Oregon, a distance of 214 miles, over which line the said company have running connections with the Oregon Railway and Navigation Company, and have abandoned the building of their own road between said points, the United States resumes the title to the lands granted to said company coterminous with said unfinished part of said road; and so much of the act making the grant of lands to said Northern Pacific Railroad Company as applies between Wallula and Portland is hereby repealed, and the said land is resumed as a part of the public domain.

Mr. STRAIT. I ask to withdraw that amendment so as to let the vote be taken on the substitute proposed by the committee.

Mr. OATES. Is that open to amendment?

The SPEAKER. It is not. The previous question has been ordered.

Mr. HOLMAN. On that I demand the yeas and nays.

Mr. HENLEY. I ask the gentleman to withdraw his motion for the yeas and nays.

Mr. OATES. On the adoption of your substitute?

Mr. HENLEY. Yes.

Mr. OATES. If he does I will renew it.

The yeas and nays were ordered.

Mr. BURROWS. If this vote on the substitute fails will the vote recur on the Senate bill?

The SPEAKER. The question will be on ordering the Senate bill to be read the third time.

The question was taken; and it was decided in the affirmative—yeas 174, nays 65, not voting 83; as follows:

YEAS—174.

Anderson, J. A.	Findlay,	Lawler,	Ryan,
Barnes,	Fisher,	Le Fevre,	Sayers,
Barry,	Fleeger,	Lehlbach	Seney,
Bayne,	Forney,	Lore,	Sessions,
Bennett,	Frederick,	Lovering,	Seymour,
Boyle,	Fuller,	Lowry,	Shaw,
Breckinridge, C. R.	Funston,	Martin,	Singleton,
Breckinridge, WCP.	Gay,	Matson,	Skinner,
Brown, W. W.	Geddes,	McAdoo,	Smalls,
Browne, T. M.	Gibson, Eustace	McComas,	Snyder,
Brumm,	Glover,	McCreary,	Sowden,
Buchanan,	Green, R. S.	McKenna,	Springer,
Buck,	Green, W. J.	McKinley,	Stahlnecker,
Bunnell,	Hale,	McMillin,	Stewart, Charles
Burnes,	Hall,	McRae,	Stone, W. J., Ky.
Bynum,	Halsell,	Merriman,	Stone, W. J., Mo.
Cabell,	Harris,	Miller,	Storm,
Caldwell,	Hatch,	Mills,	Swinburne,
Cannon,	Heard,	Mitchell,	Swope,
Clardy,	Hemphill,	Morgan,	Tarsney,
Clements,	Henderson, D. B.	Morrill,	Taulbee,
Cobb,	Henderson, J. S.	Morrison,	Taylor, J. M.
Compton,	Henderson, T. J.	Neal,	Taylor, Zach.
Comstock,	Henley,	Neece,	Thomas, O. B.
Conger,	Hepburn,	Norwood,	Tillman,
Cooper,	Herbert,	O'Ferrall,	Townshend,
Cowles,	Hires,	O'Neill, J. J.	Trigg,
Cox,	Holman,	Osborne,	Viele,
Crain,	Holmes,	Outhwaite,	Wade,
Crisp,	Hopkins,	Parker,	Ward, T. B.
Croxton,	Howard,	Payson,	Warner, A. J.
Culberson,	Hudd,	Peel,	Warner, William
Cutcheon,	Hutton,	Perry,	Weaver, A. J.
Daniel,	Irion,	Peters,	Weaver, J. B.
Dargan,	Johnston, J. T.	Pettibone,	Wheeler,
Davidson, A. C.	Johnston, T. D.	Pidcock,	Wilkins,
Dibble,	Jones, J. H.	Pindar,	Willis,
Dockery,	Jones, J. T.	Plumb,	Wilson,
Dorsey,	Kleiner,	Randall,	Winans,
Dowdney,	Laffoon,	Reagan,	Wise,
Dunn,	La Follette,	Reid, J. W.	Wolford,
Eden,	Laird,	Richardson,	Worthington.
Eldredge,	Landes,	Romeis,	
Everhart,	Lanham,	Rowell,	

NAYS—65.

Adams, G. E.	Evans,	Ketcham,	Rockwell,
Allen, C. H.	Farquhar,	Lindsley,	Sawyer,
Allen, J. M.	Felton,	Long,	Scranton,
Bingham,	Ford,	Markham,	Spooner,
Bliss,	Gilfillan,	Millard,	Stephenson,
Bound,	Grosvenor,	Milliken,	Stewart, J. W.
Boutelle,	Grout,	Moffatt,	Stone, E. F.
Brady,	Harmer,	Negley,	Strait,
Burleigh,	Hayden,	Oates,	Tucker,
Burrows,	Hermann,	O'Neill, Charles	Turner,
Butterworth,	Hewitt,	Owen,	Van Eaton,
Campbell, J. M.	Hiestand,	Payne,	Weber,
Campbell, T. J.	Hiscock,	Perkins,	West,
Caswell,	Hitt,	Pirce,	Woodburn.
Catchings,	James,	Price,	
Davis,	Johnson, F. A.	Reed, T. B.	
Dunham,	Kelley,	Rice,	

NOT VOTING—83.

Adams, J. J.	Ballentine,	Bland,	Candler,
Aiken,	Barbour,	Blount,	Carleton,
Anderson, C. M.	Barksdale,	Bragg,	Collins,
Arnot,	Beach,	Brown, C. E.	Curtin,
Atkinson,	Belmont,	Campbell, Felix	Davenport,
Baker,	Blanchard,	Campbell, J. E.	Davidson, R. H. M.
Dawson,	Hill,	O'Hara,	Taylor, I. H.
Dingley,	Houk,	Phelps,	Thomas, J. R.
Dougherty,	Jackson,	Ranney,	Thompson,
Ellsberry,	King,	Reese,	Throckmorton,
Ely,	Libbey,	Riggs,	Van Schaick,
Ermentrout,	Little,	Robertson,	Wadsworth,
Foran,	Louttit,	Rogers,	Wait,
Gallinger,	Lyman,	Sadler,	Wakefield,
Gibson, C. H.	Mahoney,	Scott,	Wallace,
Glass,	Maybury,	Spriggs,	Ward, J. H.
Goff,	Morrow,	Steele,	Weilborn,
Guenther,	Muller,	St. Martin,	White, A. C.
Hammond,	Murphy,	Struble,	White, Milo
Hanback,	Nelson,	Symes,	Whiting.
Haynes,	O'Donnell,	Taylor, E. B.	

So the substitute was adopted.

Mr. ANDERSON, of Kansas. I ask unanimous consent to dispense with the reading of the names.

Mr. STRAIT. I object.

The Clerk then recapitulated the names of those voting.

During the roll-call the following proceedings took place:

Mr. BRUMM. I am announced as having been paired to-day, but that pair is only on political questions; and not regarding this as a political question, I have voted.

The following additional pairs were announced:

Mr. FORAN with Mr. IKE H. TAYLOR, for the remainder of the day.

Mr. ERMENTROUT with Mr. JACKSON, for the remainder of the day.

Mr. KING with Mr. BAKER, for the rest of the day.

The result of the vote was then announced as above recorded.

Mr. HITT. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HITT. At what stage of the proceedings would it be in order to move to recommit this bill with instructions?

The SPEAKER. When the question is on the passage of the bill such a motion is in order, even though the previous question has been ordered upon it.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

Mr. HENLEY. I demand the previous question on the passage of the bill.

Mr. HITT. I move to recommit the bill to the committee with instructions to report the Senate bill for which this substitute has been adopted.

Mr. SPRINGER. I make the point of order that this Senate bill is just the text that the House has stricken out, and it is not in order to direct the committee to report that which the House has just rejected.

The SPEAKER. It has frequently been decided that it is not in order to move to recommit a bill with instructions to bring in a report which would not be in order if offered in the House. The House has just voted to strike out what the gentleman proposes to instruct the committee to report; hence it would not be in order to move that the Senate bill be reported as a substitute for the House bill.

The point of order is sustained.

The previous question was ordered upon the passage of the bill.

Mr. PAYSON. On the passage of the bill I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 187, nays 47, not voting 88; as follows:

YEAS—187.

Anderson, J. A.	Davidson, A. C.	Hitt,	Morgan,
Barry,	Dibble,	Holman,	Morrill,
Bayne,	Dockery,	Holmes,	Morrison,
Bennett,	Dorsey,	Hopkins,	Neal,
Blanchard,	Dowdney,	Howard,	Neece,
Bound,	Dunn,	Hudd,	Norwood,
Boyle,	Eden,	Hutton,	O'Ferrall,
Breckinridge, C. R.	Eldredge,	Irion,	O'Neill, J. J.
Breckinridge, WCP.	Ely,	Johnston, J. T.	Osborne,
Browne, T. M.	Ermentrout,	Johnston, T. D.	Outhwaite,
Brown, W. W.	Everhart,	Jones, J. H.	Owen,
Brumm,	Farquhar,	Jones, J. T.	Parker,
Buchanan,	Felton,	Kleiner,	Payson,
Buck,	Fisher,	Laffoon,	Peel.
Bunnell,	Fleeger,	La Follette,	Perkins,
Burnes,	Forney,	Laird,	Perry,
Burrows,	Frederick,	Landes,	Peters,
Bynum,	Fuller,	Lanham,	Pettibone,
Cabell,	Funston,	Lawler,	Pidcock,
Caldwell,	Gay,	Le Fevre,	Pindar,
Campbell, Felix	Geddes,	Lehlbach,	Plumb,
Cannon,	Gibson, Eustace	Lovering,	Randall,
Clardy,	Green, R. S.	Lowry,	Reagan,
Clements,	Green, W. J.	Lyman,	Reid, J. W.
Cobb,	Guenther,	Mahoney,	Richardson,
Compton,	Hale,	Markham,	Romeis,
Comstock,	Hall,	Martin,	Rowell,
Conger,	Halsell,	Matson,	Ryan,
Cooper,	Harris,	McAdoo,	Sayers,
Cowles,	Hatch,	McComas,	Seney,
Cox,	Heard,	McCreary,	Sessions,
Crain,	Hemphill,	McKenna,	Seymour,
Crisp,	Henderson, D. B.	McKinley,	Shaw,
Croxton,	Henderson, J. S.	McMillin,	Singleton,
Culberson,	Henderson, T. J.	McRae,	Skinner,
Curtin,	Henley,	Miller,	Smalls,
Cutcheon,	Hepburn,	Mills,	Snyder,
Daniel,	Herbert,	Mitchell,	Sowden,
Dargan,	Hermann,	Moffatt,	Springer,

Stahlnecker,	Taulbee,	Wade,	Wilkins,
Stewart, Charles	Taylor, J. M.	Ward, T. B.	Willis,
Stone, W. J., Ky.	Taylor, Zach.	Warner, A. J.	Wilson,
Stone, W. J., Mo.	Thomas, O. B.	Warner, William	Winans,
Storm,	Tillman,	Weaver, A. J.	Wise,
Swinburne,	Townshend,	Weaver, J. B.	Wolford,
Swope,	Trigg,	Weber,	Worthington.
Tarsney,	Viele,	Wheeler,	

NAYS—47.

Adams, G. E.	Catchings,	Kelley,	Rockwell,
Allen, C. H.	Dunham,	Ketcham,	Scranton,
Allen, J. M.	Evans,	Lindsley,	Spooner,
Bingham,	Ford,	Long,	Stewart, J. W.
Bliss,	Grout,	Milliken,	Stone, E. F.
Boutelle,	Harmer,	Negley,	Strait,
Brady,	Hayden,	Oates,	Symes,
Burleigh,	Hewitt,	O'Neill, Charles	Tucker,
Butterworth,	Hiestand,	Pirce,	Turner,
Campbell, J. M.	Hiscock,	Price,	Van Eaton,
Campbell, T. J.	James,	Reed, T. B.	West.
Caswell,	Johnson, F. A.	Rice,	

NOT VOTING—88.

Adams, J. J.	Davis,	Libbey,	Scott,
Aiken,	Dawson,	Little,	Spriggs,
Anderson, C. M.	Dingley,	Lore,	Steele,
Arnot,	Dougherty,	Loutitt,	Stephenson,
Atkinson,	Ellsberry,	Maybury,	St. Martin,
Baker,	Findlay,	Merriman,	Struble,
Ballentine,	Foran,	Millard,	Taylor, E. B.
Barbour,	Gallinger,	Morrow,	Taylor, I. H.
Barksdale,	Gibson, C. H.	Muller,	Thomas, J. R.
Barnes,	Gilfillan,	Murphy,	Thompson,
Beach,	Glass,	Nelson,	Throckmorton,
Belmont,	Glover,	O'Donnell,	Van Schaick,
Bland,	Goff,	O'Hara,	Wadsworth,
Blount,	Grosvenor,	Payne,	Wait,
Bragg,	Hammond,	Phelps,	Wakefield,
Brown, C. E.	Hanback,	Ranney,	Wallace,
Campbell, J. E.	Haynes,	Reese,	Ward, J. H.
Candler,	Hill,	Riggs,	Wellborn,
Carleton,	Hires,	Robertson,	White, A. C.
Collins,	Houk,	Rogers,	White, Milo
Davenport,	Jackson,	Sadler,	Whiting,
Davidson, R. H. M.	King,	Sawyer,	Woodburn.

So the bill was passed.

On motion of Mr. PAYSON, by unanimous consent the reading of the names was dispensed with.

The following additional pairs were announced:

Mr. ELLSBERRY with Mr. PAYNE, for the rest of the day.

Mr. LORE with Mr. MILLARD, for the rest of the day.

The result of the vote was then announced as above recorded.

Mr. HENLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. PAYSON. Would it be in order to move at this time that a conference be requested with the Senate on this bill?

The SPEAKER. The House can ask a conference.

Mr. PAYSON. I make the motion, then, that the House ask a conference.

The motion was agreed to.

The SPEAKER. The Chair will announce the conferees at some time during the day.

ORDER OF BUSINESS.

Mr. REAGAN. I now call up the interstate-commerce bill.

Mr. SPRINGER. Pending that, I ask unanimous consent that gentlemen present may have leave to print remarks upon the amendments of the Senate to the river and harbor bill considered to-day.

The SPEAKER. The Chair thinks that order was made this morning on the request of the gentleman from Kentucky.

Mr. SPRINGER. I am informed by the gentleman from Kentucky that he does not think the request was granted.

The SPEAKER. Without objection that order will be made.

There was no objection, and it was so ordered.

Mr. RANDALL. I have reason to believe that there will be no objection now to consider in the House the report of the Committee on Appropriations in relation to the sundry civil appropriation bill, and I therefore ask consent at this time to discharge the Committee of the Whole House on the state of the Union from the further consideration of the Senate amendments and consider them in the House. The gentleman from Texas will yield to me for that purpose.

Mr. REED, of Maine. I think we had better go in the regular way about this.

Mr. HEPBURN. I object.

The SPEAKER. Objection is made. The gentleman from Texas calls up the special order.

Mr. BUCHANAN. Does that take precedence of the morning hour?

The SPEAKER. It does.

Mr. BUCHANAN. Then I ask unanimous consent that gentlemen having reports from committees may be permitted to hand them to the Clerk for proper reference to the Calendars.

The SPEAKER. For this day only?

Mr. BUCHANAN. Yes, sir.

Mr. BROWN, of Pennsylvania. Can that not be extended until to-morrow also?

The SPEAKER. It could be if asked.

Mr. BROWN, of Pennsylvania. Then I ask that to-morrow be included in the order.

Mr. MORRISON. Let each day take care of itself.

The SPEAKER. Objection is made to the request of the gentleman from Pennsylvania. Is there objection to the request of the gentleman from New Jersey?

There was no objection, and it was so ordered.

DAVID L. BRAINARD AND OTHERS.

Mr. BUCHANAN, from the Committee on Claims, reported back favorably the bill (S. 1987) for the relief of David L. Brainard and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RICHARD B. RIANS.

Mr. CONGER, from the Committee on Invalid Pensions, reported back with an amendment the bill (S. 2519) granting an increase of pension to Richard B. Rians; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRYANT WATERS.

Mr. COWLES, from the Committee on Pensions, reported back favorably the bill (H. R. 7988) granting an increase of pension to Bryant Waters; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANDREW J. ELLIOTT.

Mr. COWLES, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 639) granting a pension to Andrew J. Elliott, a soldier of the Mexican war; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HOTEL, FORTRESS MONROE, VA.

Mr. NEGLEY, from the Committee on Military Affairs, reported back favorably the joint resolution (H. Res. 197) authorizing the Secretary of War to grant a permit to John F. Chamberlin to erect a hotel upon the lands of the United States at Fortress Monroe, Va.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. SPOONER, from the Committee on Accounts, reported back adversely the resolution providing for the continuance of three session messengers of the House post-office in employment one month after adjournment; which was laid on the table, and the accompanying report ordered to be printed.

FRANZ AND CHARLES HUNING AND OTHERS.

Mr. SESSIONS, from the Committee on Indian Affairs, reported back favorably the bill (H. R. 5530) for the relief of Franz and Charles Huning and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. HIESTAND, from the Committee on War Claims, reported back adversely bills and petitions of the following titles; which were laid on the table, and the accompanying reports ordered to be printed, namely:

A bill (H. R. 2177) for the relief of Daniel Black;

The petition of Alexander P. Rose, of La Grange County, Tennessee;

The petition of James D. Terry, of Marshall County, Tennessee; and

A bill (H. R. 813) for the relief of Abijah B. Gilbert.

MINNEAPOLIS INDUSTRIAL EXPOSITION.

Mr. MCMILLIN, from the Committee on Ways and Means, reported back with amendments the bill (H. R. 9818) relative to the Minneapolis industrial exposition to be held annually in the city of Minneapolis, State of Minnesota; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MCMILLIN, from the Committee on Ways and Means, also reported back with an adverse recommendation bills of the House of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed:

A bill (H. R. 7341) to provide for the payment of the salary of the agent of the Treasury Department at New York, now employed to supervise the imprinting of internal-revenue stamps upon tin-foil wrappers; and

A bill (H. R. 7342) for the relief of John J. Crooke.

WAREHOUSING AND COLLECTION OF REVENUE.

Mr. HEWITT, from the Committee on Ways and Means, reported back with amendments the bill (H. R. 8730) to modify existing laws in regard to warehouses and the collection of the revenue; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. LONG. Has the morning hour been dispensed with?

The SPEAKER. It has not been; but the order as to the interstate commerce bill comes up without the morning hour being dispensed with.

INTERSTATE COMMERCE.

Mr. REAGAN. I ask consent of the House that a vote be first taken on the amendment recommended by the Committee on Commerce, so that that vote may determine which one of the bills we are to amend. I make this request in order to avoid the delay consequent on amending both bills. If the House will take that vote at this time it will indicate which bill it proposes to take up.

The SPEAKER. The gentleman from Texas asks unanimous consent to take the first vote on agreeing to the substitute proposed by the Committee on Commerce, leaving the substitute if agreed to or the bill if not agreed to open to amendment.

Mr. O'NEILL, of Pennsylvania. Will the gentleman from Texas state what his purpose is afterward?

Mr. REAGAN. The purpose is afterward to take it up by sections.

The SPEAKER. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none. The question is on agreeing to the substitute.

Mr. HISCOCK. What is the proposition? It was not understood here.

The SPEAKER. The first vote will be on agreeing to the substitute of the Committee on Commerce.

Mr. HISCOCK. That I object to.

Mr. TOWNSHEND. The objection is made too late.

The SPEAKER. The Chair accepts the statement of the gentleman from New York that he did not hear the proposition.

Mr. HISCOCK. If we can have a direct vote on the Senate bill I am in favor of it.

The SPEAKER. This will be a direct vote as between the substitute and the Senate bill.

Mr. HISCOCK. But I want to have a vote in direct terms on concurring in the Senate bill. I wish to have the question decided in that way.

The SPEAKER. Unless some amendment is offered the question now is on agreeing to the substitute proposed by the Committee on Commerce.

Mr. HISCOCK. But we can not vote on that without unanimous consent.

The SPEAKER. Unless some other amendment is offered that is the only amendment pending.

Mr. HISCOCK. What motion can I make to obtain a direct vote on the Senate bill?

The SPEAKER. There is no way except to vote down the substitute which the committee proposes, and then the Senate bill will be before the House for consideration. But the gentleman from Texas proposes the vote shall now be taken on the substitute, leaving to gentlemen the right, if it should be agreed to, to offer thereafter amendments to the substitute; the right to do which does not exist without an agreement to that effect.

Mr. O'NEILL, of Pennsylvania. I supposed from what I had understood the gentleman from Texas to say to-day that he was not going to call up this bill, but was to let it go over until next session.

Mr. TOWNSHEND. Regular order.

Mr. HISCOCK. Would it be in order——

Mr. REAGAN. I demand the previous question.

The SPEAKER. The previous question has been ordered; not the previous question, technically speaking, but general debate was closed by order of the House at 11 o'clock on the last day this bill was considered as in Committee of the Whole.

Mr. HISCOCK. Would it be in order to move as an amendment the Senate bill, adding to it a clause that it shall take effect on the 1st day of January next?

The SPEAKER. Both the Senate bill and the substitute proposed by the Committee on Commerce are before the House; and it is in order to move an amendment to either one before the vote is taken on agreeing to the substitute.

Mr. HISCOCK. Then I move to amend the substitute offered by the gentleman from Texas by substituting the Senate bill with an additional clause that the act shall take effect on the 1st day of January next.

Mr. REAGAN. I suggest that that is an evasive proposition.

The SPEAKER. The question now is between the Senate bill and the substitute.

Mr. HISCOCK. But I want a vote directly on the Senate bill, and not in the form of being called on to vote down a substitute.

The SPEAKER. The question would be as between the Senate bill and the substitute.

Mr. HISCOCK. I understand that; but there is just this difference: In one case I would be voting against the substitute, and of course if I voted against it I would be voting in favor of the Senate bill. But I want to vote affirmatively on the Senate bill and not by a negative vote.

The SPEAKER. The gentleman from New York moves to amend the substitute of the committee by substituting for it the Senate bill with the additional clause attached, and which he has indicated.

Mr. REAGAN. Is that in order?

The SPEAKER. It is.

Mr. HISCOCK. Is it in order to call the previous question on that?

The SPEAKER. It is.

Mr. HISCOCK. I move the previous question on my amendment.

Mr. HENDERSON, of Iowa. Upon that I desire to have the yeas and nays.

Mr. TOWNSHEND. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND. The House had agreed by unanimous consent to take the first vote on the bill of the committee. After that was agreed to the gentleman from New York now proposes a bill already pending as an amendment to the committee's bill. I submit that is not in order.

The SPEAKER. The House agreed, as the Chair supposed, on the request of the gentleman from Texas, to take a vote immediately on the adoption of the substitute, with the privilege to any gentleman thereafter to move amendments to it if it should be defeated. But the gentleman from New York rose and said he did not understand what the gentleman's request was and thereupon objected. The Chair was obliged to take the gentleman's statement of facts.

Mr. TOWNSHEND. If the gentleman from New York can nullify the agreement of the House in that way any other gentleman could rise and nullify any agreement by saying he had not understood the proposition.

The SPEAKER. The Chair will state there was so much confusion at the time on the floor that it is not surprising the gentleman from New York did not hear the proposition.

Mr. SPRINGER. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. I understood the motion of the gentleman from Texas to be to strike out all after the enacting clause and insert the House bill. Now the gentleman from New York moves the Senate bill with an additional clause attached to the end of the bill. Am I correct?

The SPEAKER. The gentleman from New York offers as a substitute for the committee's bill the Senate bill with an additional clause.

Mr. SPRINGER. How can we strike it out at one end and put it in at the other?

The SPEAKER. But the House has not yet voted to strike it out. The vote on striking out will come afterward.

Mr. REAGAN. Mr. Speaker, I did not understand the proposition to be as it is stated by the Chair. I understood the gentleman from New York [Mr. HISCOCK] to offer his amendment as a substitute—not to be added, but as a substitute.

The SPEAKER. He offers it as a substitute for the substitute, but it is a different proposition from the Senate bill, because he attaches to it another section.

Mr. SPRINGER. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. The point is that the only motion the gentleman from New York can make before the motion of the gentleman from Texas is voted upon is to perfect the text of the original bill.

The SPEAKER. But no one has made a motion to perfect the text.

Mr. SPRINGER. The gentleman's motion is in effect to perfect the text. It is simply an amendment to the Senate bill.

The SPEAKER. That may be the ultimate result of it, but in form it is a proposition to adopt the Senate bill, with an addition to it, as the substitute for the amendment offered by the gentleman from Texas [Mr. REAGAN].

Mr. O'NEILL, of Pennsylvania. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. O'NEILL, of Pennsylvania. In case the motion of the gentleman from New York [Mr. HISCOCK] should prevail, would there then be an opportunity for other amendments to be offered to the Senate bill? In other words, my inquiry is whether I would have an opportunity of offering amendments to the Senate bill?

The SPEAKER. The gentleman would not, except by unanimous consent. That was the request which the gentleman from Texas [Mr. REAGAN] made, that after the vote amendments might still be offered to the proposition adopted, but that was not agreed to.

Mr. O'NEILL, of Pennsylvania. Then I suppose I can offer any amendment on the floor, whether in the Senate bill or not?

Mr. LONG. Mr. Speaker, is not the demand for the previous question pending?

The SPEAKER. It is.

The question was taken on ordering the previous question on the amendment of Mr. HISCOCK.

Mr. O'NEILL, of Pennsylvania, called for the yeas and nays, but before the question could be taken he withdrew the call.

The previous question was ordered.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries,

who also announced that the President had approved and signed bills of the following titles:

An act (H. R. 33) for the relief of Alexander K. Shepard;

An act (H. R. 4139) for the relief of Thomas Sampson;

An act (H. R. 8973) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Dubuque, in the State of Iowa;

An act (H. R. 1205) to provide for the construction of a bridge across the west channel of the Detroit River to connect Belle Isle Park with the mainland;

An act (H. R. 8975) making appropriations for the naval service for the fiscal year ending June 30, 1887, and for other purposes;

An act (H. R. 1062) for the relief of Ernest H. Wardwell;

An act (H. R. 9438) appropriating money for the completion of the public building at Greensborough, N. C.;

An act (H. R. 6979) authorizing the construction of additional light-house districts;

An act (H. R. 7471) to provide for the establishment of additional aids to navigation to guide vessels through the channels leading to Pensacola, Fla.;

An act (H. R. 6087) granting a pension to Patrick Murphy;

An act (H. R. 8602) granting a pension to Sarah M. Carroll;

An act (H. R. 3358) granting a pension to Hiram L. Wait;

An act (H. R. 5715) granting a pension to Mary Sprague;

An act (H. R. 8372) granting a pension to John E. Doggett;

An act (H. R. 758) granting a pension to Alexander Harper;

An act (H. R. 8351) for the relief of Edward Coleman;

An act (H. R. 944) for the relief of Mary Jane Conrad;

An act (H. R. 8066) for the relief of Martha A. Vorhes;

An act (H. R. 4374) to increase the pension of Samuel Frost; and

An act (H. R. 7750) to place the name of John W. Payton on the pension-roll.

INTERSTATE COMMERCE.

The SPEAKER. The question now is upon the amendment proposed by the gentleman from New York [Mr. HISCOCK] as a substitute for the amendment proposed by the Committee on Commerce.

Mr. HENDERSON, of Iowa. On that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 102, nays 125, not voting 95; as follows:

YEAS—102.

Adams, G. E.	Dunham,	Johnston, J. T.	Rice,
Allen, C. H.	Ely,	Kelley,	Rockwell,
Atkinson,	Evans,	Ketcham,	Romeis,
Barnes,	Everhart,	La Follette,	Rowell,
Bayne,	Farquhar,	Laird,	Ryan,
Bliss,	Felton,	Long,	Scranton,
Bound,	Fleeger,	Lyman,	Sessions,
Boutelle,	Funston,	Markham,	Seymour,
Brady,	Grosvenor,	McKenna,	Smalls,
Brown, C. E.	Grout,	McKinley,	Spooner,
Brown, W. W.	Guenther,	Milliken,	Stephenson,
Buchanan,	Hayden,	Moffatt,	Stewart, J. W.
Buck,	Henderson, D. B.	Morrill,	Stone, E. F.
Bunnell,	Henderson, T. J.	Negley,	Strait,
Burleigh,	Hepburn,	O'Neill, Charles	Swinburne,
Burrows,	Hermann,	O'Neill, J. J.	Symes,
Butterworth,	Hewitt,	Osborne,	Taylor, Zach.
Bynum,	Hiestand,	Owen,	Thomas, O. B.
Campbell, Felix	Hires,	Parker,	Thompson,
Campbell, J. M.	Hiscock,	Perkins,	Wade,
Cannon,	Hitt,	Peters,	Warner, William
Conger,	Holmes,	Pettibone,	West,
Cooper,	Hopkins,	Pirce,	Wilkins,
Cutcheon,	Jackson,	Plumb,	Worthington.
Dargan,	James,	Price,	
Dorsey,	Johnson, F. A.	Reed, T. B.	

NAYS—125.

Allen, J. M.	Ford,	Martin,	Sowden,
Anderson, J. A.	Forney,	McAdoo,	Springer,
Bennett,	Frederick,	McComas,	Stahlnecker,
Boyle,	Fuller,	McCreary,	Stewart, Charles
Breckinridge, C. R.	Gay,	McMillin,	St. Martin,
Breckinridge, WCP.	Glass,	McRae,	Stone, W. J., Ky.
Brumm,	Green, R. S.	Merriman,	Stone, W. J., Mo.
Burnes,	Green, W. J.	Miller,	Storm,
Cabell,	Hall,	Mills,	Swope,
Caldwell,	Halsell,	Morgan,	Tarsney,
Campbell, T. J.	Harris,	Morrison,	Taulbee,
Clardy,	Hatch,	Neal,	Taylor, J. M.
Clements,	Heard,	Neece,	Tillman,
Cobb,	Hemphill,	Norwood,	Townshend,
Compton,	Henderson, J. S.	Oates,	Trigg,
Cowles,	Herbert,	O'Ferrall,	Tucker,
Cox,	Holman,	Outhwaite,	Turner,
Crain,	Howard,	Payson,	Van Eaton,
Crisp,	Hutton,	Peel,	Viele,
Croxton,	Irion,	Perry,	Ward, T. B.
Culberson,	Johnston, T. D.	Pidcock,	Warner, A. J.
Daniel,	Jones, J. H.	Pindar,	Weaver, A. J.
Davidson, A. C.	Jones, J. T.	Randall,	Weaver, J. B.
Dibble,	Kleiner,	Reagan,	Wheeler,
Dockery,	Laffoon,	Reid, J. W.	Willis,
Dowdney,	Landes,	Richardson,	Wilson,
Dunn,	Lanham,	Sayers,	Winans,
Eden,	Le Fevre,	Seney,	Wise,
Eldredge,	Lehlbach,	Shaw,	Wolford.
Ellsberry,	Lovering,	Singleton,	
Ermentrout,	Lowry,	Skinner,	
Fisher,	Mahoney,	Snyder,	

NOT VOTING—95.

Adams, J. J.	Curtin,	Hudd,	Rogers,
Aiken,	Davenport,	King,	Sadler,
Anderson, C. M.	Davidson, R. H. M.	Lawler,	Sawyer,
Arnot,	Davis,	Libbey,	Scott,
Baker,	Dawson,	Lindsley,	Spriggs,
Ballentine,	Dingley,	Little,	Steele,
Barbour,	Dougherty,	Lore,	Struble,
Barksdale,	Findlay,	Louttit,	Taylor, E. B.
Barry,	Foran,	Matson,	Taylor, I. H.
Beach,	Gallinger,	Maybury,	Thomas, J. R.
Belmont,	Geddes,	Millard,	Throckmorton,
Bingham,	Gibson, C. H.	Mitchell,	Van Schaick,
Blanchard,	Gibson, Eustace	Morrow,	Wadsworth,
Bland,	Gilfillan,	Muller,	Wait,
Blount,	Glover,	Murphy,	Wakefield,
Bragg,	Goff,	Nelson,	Wallace,
Browne, T. M.	Hale,	O'Donnell,	Ward, J. H.
Campbell, J. E.	Hammond,	O'Hara,	Weber,
Candler,	Hanback,	Payne,	Wellborn,
Carleton,	Harmer,	Phelps,	White, A. C.
Caswell,	Haynes,	Ranney,	White, Milo
Catchings,	Henley,	Reese,	Whiting,
Collins,	Hill,	Riggs,	Woodburn.
Comstock,	Houk,	Robertson,	

So the amendment of Mr. HISCOCK was rejected.

The following additional pair was announced:

Mr. WARD, of Illinois, with Mr. HARMER, for the rest of this day.

The SPEAKER. Upon this question the yeas are 102, the nays 125; so the amendment is not agreed to. And the hour of 5 o'clock having arrived, the House stands adjourned until to-morrow morning at 11 o'clock.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. CULBERSON: Papers relating to the claims of Joseph Commons, of Huntsville, Ala.—to the Committee on War Claims.

By Mr. R. H. M. DAVIDSON: Memorial of the Pensacola (Fla.) Board of Trade and Exchange—to the Committee on Rivers and Harbors.

By Mr. FLEEGER: Petition of soldiers of Butler County, Pennsylvania, asking for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. GROUT: Petition of George W. Hartwell and 88 others, citizens of Lowell, Vt., for the passage of Senate bill 1886—to the same committee.

By Mr. HEARD: Petition of soldiers of the sixth district of Missouri, for the passage of Senate bill 1886—to the same committee.

Also, petition of citizens of Hickory and Polk Counties, Missouri, for a pension to be granted to Herbert Vanderberg—to the same committee.

By Mr. MORGAN: Petition of Malinda M. Whaley, of Marshall County, Mississippi, for relief—to the Committee on War Claims.

By Mr. PEEL: Petition of John W. Foster, of Benton County, Arkansas, for relief; also papers in the claim of Paul Meyer—to the same committee.

By Mr. ZACH. TAYLOR: Petition of G. A. Reese, of Jefferson County, Tennessee, asking reference of his claim to the Court of Claims—to the same committee.

The following petitions, asking for the passage of House bill 7887, repealing timber-culture, pre-emption, and desert-land acts; of House bill 7021, for adjustment of railroad and other land grants; of bill forfeiting all railroad land grants the conditions of which have not been strictly complied with; of House bill organizing the Territory of Oklahoma; of Senate bill opening a portion of the great Sioux reservation to settlement; of bill prohibiting aliens from holding land in the United States; of bill making Presidential and Congressional election days holidays, and punishing bribery; and of bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired, were severally referred to the Committee on the Public Lands:

By Mr. MILLER: Petition of J. W. Martin and 45 others, citizens of the eighth district of Texas.

By Mr. SAYERS: Petition of E. N. Harris and 128 others, citizens of the tenth district of Texas.

SENATE.

WEDNESDAY, *July* 28, 1886.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

RIVER AND HARBOR BILL.

Mr. MCMILLAN. I rise to present a conference report on the river and harbor bill.

The PRESIDENT *pro tempore*. The Senator from Minnesota presents a conference report, which will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7480) "making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," having met, after full and free conference have been unable to agree.

S. J. R. McMILLAN,
O. D. CONGER,
M. W. RANSOM,
Managers on the part of the Senate.
ALBERT S. WILLIS,
N. C. BLANCHARD,
THOMAS J. HENDERSON,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The message from the House of Representatives received yesterday in respect to the same matter will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *July* 27, 1886.

Resolved, That the House still further insists upon its disagreement to the amendment of the Senate to the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and asks a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. WILLIS, Mr. BLANCHARD, and Mr. T. J. HENDERSON be the managers of the said conference on the part of the House.

Resolved, That the managers of the said further conference on the part of the House be, and they are hereby, instructed that it is the sense of the House that the item in the Senate amendment to said bill making an appropriation for the Portage Lake and Lake Superior Ship-canal be stricken from said Senate amendment.

Resolved, That the managers of the said further conference on the part of the House be, and they are hereby, instructed to insist on striking out from the amendment of the Senate to said bill the item making an appropriation for the Lake Michigan and Hennepin Canal.

Resolved, That the managers of the said further conference on the part of the House be, and they are hereby, instructed to insist upon striking out from the amendment of the Senate to said bill the item making an appropriation for Sturgeon Bay and Lake Michigan Ship-canal.

Resolved, That the managers of the said further conference on the part of the House be, and they are hereby, instructed to insist upon striking out from the amendment of the Senate to said bill the item commencing with line 1446, down to and including line 1525, providing for the improvement of the Mississippi River from the head of the passes to the mouth of the Ohio River.

Resolved, That the managers of the said further conference on the part of the House be, and they are hereby, instructed to insist upon striking out from the amendment of the Senate to said bill so much thereof as appropriates $375,000 for continuing the improvement of the Potomac River in the vicinity of Washington.

Mr. McMILLAN. A parliamentary question arises under the circumstances in regard to this bill with respect to the right of the House to make the instructions which have been read and change the character of the conference from a free conference to one with instructions to the members of the conference on the part of the House, but under the circumstances we have concluded to waive any question of that kind in the present case, as the session is so near a close and the interests of the public require, if we can, that the bill be disposed of.

I therefore move that the Senate further insist upon its amendment and grant the further conference asked by the House of Representatives.

Mr. ALLISON. I wish to ask the Senator from Minnesota what he understands by waiving the question which would arise?

Mr. McMILLAN. That I do not desire to insist upon a point of order in regard to the instructions of the other House.

Mr. ALLISON. Then I hope it will be understood as the sense of the Senate that our Senate conferees will be required equally to insist upon the Senate amendments.

Mr. CULLOM and others. All of them.

Mr. ALLISON. All of them. We have just as much right to say to our conferees what they shall do as the House has to instruct its conferees what they shall do; and I hope especially where the House of Representatives have singled out items that the Senate conferees, with reference to those particular items, will feel themselves bound to insist upon the amendments.

Mr. DAWES. I think this is a matter of more consequence than its bearing upon two or three items in this bill. If this precedent is established, or if this method of instructing conferees, going into what is called a full and free conference, is in a single instance yielded to, the whole matter of conference between the two Houses ought to be abandoned, and will be abandoned.

I have no particular solicitude about these three or four items in the bill; I voted for each of them; but I say to the Senator from Minnesota that he is yielding the independence of this body when he proposes to waive and go into what he calls and comes back here and reports to be a full and free conference with other conferees who are bound hand and foot.

The Senator is yielding what is of more consequence in legislation and in intercourse between these two bodies than the whole river and harbor bill together; and I do trust that the Senate, looking to the future as well as to this bill, will not for a moment enter into a conference of that kind with conferees instructed beforehand what to do and what not to do. Never in my experience here in this body was such a proposition put upon the records of either House.

Mr. MILLER. Will the Senator from Massachusetts allow me to ask him a question before he sits down?

The PRESIDENT *pro tempore*. The Senator from New York will pause for a moment. Does the Chair understand the Senator from Iowa to move instructions?

Mr. ALLISON. I will offer the following resolution——

Mr. MILLER. I have the floor, I believe.

Mr. ALLISON. I yield.

Mr. MILLER. I wish to ask the Senator from Massachusetts a question.

The PRESIDENT *pro tempore*. The Senator from New York has the floor.

Mr. MILLER. I ask the Senator from Massachusetts whether in his long experience there can properly be any such thing as a conference between the two Houses when one House sends their conferees to the meeting absolutely instructed that they shall do a certain thing and shall not do a certain other thing?

Mr. DAWES. I never heard it attempted before. I have heard it discussed in both branches before as a thing which could never be tolerated in a committee of conference by either side. I have heard it discussed by parliamentarians of great experience, and I never yet heard it suggested that there could be such a thing as one set of conferees going in free to concede, to consider, and to adopt modifications with another body of conferees bound not to make concessions or modifications upon the bill.

Mr. FRYE. I desire to ask the Senator from Massachusetts, who has a large experience, whether or not——

The PRESIDENT *pro tempore*. The Chair would like to have the opportunity of having the question presented to the Senate before the debate proceeds. The resolution submitted by the Senator from Iowa [Mr. ALLISON] will be read, the Senator from Maine [Mr. FRYE] holding the floor.

The Chief Clerk read as follows:

Resolved, That the Senate refuse to accede to the request of the House of Representatives for a further conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, coupled as it is with instructions to the conferees on the part of the House in respect to certain items in the amendment.

Mr. MILLER and others. That is right.

Mr. FRYE. I desire to ask the Senator from Massachusetts whether he has heard of such a proposition as a vote on the part of one House to adhere to a certain amendment to a bill?

Mr. DAWES. Certainly.

Mr. FRYE. And whether that action of one body is not in effect precisely the action of the House in this case?

Mr. DAWES. It may be in effect the same, but a vote of adherence is a parliamentary motion of last resort, and I understand the effect of it to be a notice to the other House that as between giving up the amendment and giving up the bill the House must consider what they are free to consider in that respect. I understand that it would be competent for the Senate to-day to adhere to its amendment, and I understand that so long as the record of a vote of adherence is upon the Journals of the Senate there is nothing for the House to consider but whether they will take that amendment or lose the bill.

Mr. FRYE. Let me ask the Senator if the Senate should adhere to one amendment and then conferees should be apppointed on the remainder of the bill, or what would practically be the remainder of the bill, is it still a free conference?

Mr. DAWES. It is a free conference on the remainder of the bill, and it is to a conference alone that the remainder of the bill would be committed. Notice would be given to the other branch that this branch had voted to adhere to that amendment, and that as to all other amendments they were ready to go into a full and free conference; but it is a notice to the other branch that we do not desire to go into a conference upon that to which they have voted to adhere. It is a clear distinction, and it is a clear parliamentary path to be trod; but at this moment I should rather vote to adhere to the amendment which substituted this matter than to be left hereafter to the continual plague that would be about us whenever an appropriation bill with many items in it should ever come to that stage when a conference between the two Houses was proper.

I think a further consideration in another quarter of the position in which they have put themselves will show to them that they have taken a step which puts an end to all full and free conference between these bodies, and it is better to retrace when you can a step which may have been taken without due consideration or with too much hurry than to leave it upon the record in the condition in which it is.

Mr. FRYE. I agree entirely with the Senator from Massachusetts, and only asked him these questions to call the attention of the Senate to the parliamentary condition of the bill and to the difference between adhering and the action of the House on the bill.

I am not in favor of a vote of the Senate to adhere to the amendments which it has made, for the reason that I am opposed to all the amendments myself, and voted against them both in committee and in the Senate; but I am in favor of the proposition of the resolution presented by the Senator from Iowa [Mr. ALLISON], which is of adherence in a parliamentary point of view. I think that resolution ought

to be passed, and that the House should understand the position which the Senate takes in relation to it.

Mr. HAWLEY. I should like for my own instruction in parliamentary law to know what the real moral and legal difference is between a general insistence upon all the amendments, which each House d es usually do, and an insistence which simply specifies particular items. In one case we determine to adhere to A, B, C, and D, the several amendments, and in the other the House a little more formally and emphatically declares that its conferees are instructed to insist upon A, B, C, and D.

As to the matter of instruction, my memory was to the effect that this had been done, as I had known it to have been done in the other House.

I am fortified by a person whose memory and whose experience are a great deal older than mine, and than that of any of us, that this thing has been done in both Houses more than once. I do not think it is an adherence. It is simply an emphatic insistence. That is all there is to it. In one case the ordinary language is used to insist upon the amendments. In this case they resolve to insist upon A, B, C, and D. The door is not closed to a conference by the action of the other House.

Mr. MCMILLAN. I understand the resolution of the Senator from Iowa to be an amendment to my motion that the Senate further insist upon the amendment and grant the further conference asked by the House.

The PRESIDENT *pro tempore*. The Chair wishes to state that under the decisions of the Senate made by a very large majority the motion of the Senator from Iowa would not be in order. Under the rules of the House they have the right to give instructions to their committees, and that is occasionally done, and has been done in a recent case.

Mr. INGALLS. I wish we might hear the resolution of the Senator from Iowa once more read.

The PRESIDENT *pro tempore*. It will be read. The Chair has a case before him where the Senate have decided that this motion would not be in order. The resolution of the Senator from Iowa will be again read.

The Chief Clerk read as follows:

Resolved, That the Senate refuse to accede to the request of the House of Representatives for a further conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, coupled as it is with instructions to the conferees on the part of the House in respect to certain items in the amendment.

Mr. PLATT. I think that practically we have done the same thing in the Senate which has been done in the House, and my recollection is that it has come about in this way, that a motion has been made to recede from the Senate amendments, and then to vote it down almost unanimously. I think that has been done over and over again to show the sentiment of the Senate. Perhaps we have not instructed our committee of conference, but we reached it in another way on former occasions.

Mr. HOAR. I understand the parliamentary attitude of this matter to be this, that the two Houses, in the first place, have disagreed in regard to certain Senate amendments, and that the two Houses have each insisted upon their respective positions. Everybody understands the parliamentary difference between such a motion and a motion to adhere, which means that the House adhering will not further consider the proposition of the other House. That of course puts an end to anything like a free conference, but a free conference takes place after an insistence.

Mr. MILLER. If the Senator will allow me——

Mr. HOAR. Certainly.

Mr. MILLER. The Senator does not certainly state the position of affairs just as they are. He may not have heard the message from the House read.

Mr. HOAR. I have read it carefully three or four times.

Mr. MILLER. It is in effect that the House instructs its conferees not to consent to a certain amendment made by the Senate. It is not a general insistence.

Mr. HOAR. I have read it three or four times over. I was coming to that point. I differ from my honorable friend in his interpretation of it.

The House of Representatives has taken special action since the last disagreement between the two Houses in regard to several of these items. In regard to the first it instructs its committee "that it is the sense of the House that the item in the Senate amendment to said bill making appropriation for the Portage Lake and Lake Superior Ship-canal be stricken from said Senate amendment." That is nothing more than ordinary non-concurrence in an amendment. That would appear even if that had not been specially called to the attention of the House. It is merely emphasizing the parliamentary attitude.

In regard to the other three items there is a different form, which is this:

Resolved, That the managers of the said further conference on the part of the House be, and they are hereby, instructed—

Not to adhere, but only—

to insist on striking out from the amendment of the Senate to said bill the item making an appropriation for the Lake Michigan and Hennepin Canal.

That is not a direction to these persons to adhere, but is a direction to the committee to maintain what is the attitude of the House itself; the attitude of insistence, which in parliamentary language only means and imports a present opinion, and not a determination that they will not depart from that opinion in the future.

Although it is a little irregular, so far as the practice of the Senate is concerned, as the Senator from Ohio occupying the chair well said, it has been settled that while it is not the practice of the Senate to accompany a free conference with instructions, yet it is the established practice in the other House.

In 1874, the question having come up in the Senate on the salary bill passed at the end of the preceding year, the Senator from Vermont [Mr. EDMUNDS] had read to the Senate a summary of the precedents on that subject, which was understood to have been drawn up by Mr. Murphy, the Reporter, who is very well acquainted with the parliamentary practices of the Senate, and I should like to send that to the desk and have it read. I ask the Secretary to read the passage beginning in fine print.

Mr. CULLOM. Before that is read, I should like to inquire of the Senator from Massachusetts whether he regards the conferees on the part of the House as having any freedom at all in the consideration of the items which are specified in the particular resolutions.

Mr. HOAR. In answer to that question, I suppose the conferees on the part of the House would be required in the first place to insist upon this attitude of the House, but that they would be at perfect liberty to report to the House that having insisted and communicated the attitude and purpose of the House, they had been led by the general attitude of the bill or the reasons suggested by the Senate conferees to report to the House that in their judgment it was not expedient for the House further to maintain that attitude, and that it would be wise for the House to withdraw from its disagreement. I ask to have the paper read which I have sent to the desk.

Mr. DAWES. I should like to say to my colleague——

The PRESIDENT *pro tempore*. The Chief Clerk will first read what has been sent to the desk.

The Chief Clerk read as follows:

An examination, extending back but a few years, shows two instances in direct opposition to the ruling of the Senate on the 3d of March last.

At the first session of the Thirty-eighth Congress, the committee of conference upon a bill "to increase the internal revenue and for other purposes" having reported on the 1st of March, 1864, to the House of Representatives their inability to agree, a resolution was offered by Mr. Washburne, of Illinois, as follows:

"*Resolved*, That the House insist upon its disagreement to the Senate amendments to House bill No. 122, and that the House request of the Senate another committee of conference on the said bill; and it is hereby declared to be the judgment of this House that in an adjustment of the differences between the two Houses on the said bill, there should be an additional duty of not less than 20 nor more than 40 cents per gallon imposed on spirits on hand for sale." (Congressional Globe, page 892, part 1, first session Thirty-eighth Congress.)

A question of order being raised, the decision of the Speaker (Mr. Colfax) was as follows:

"The SPEAKER. The Chair holds that the House of Representatives has the power to instruct any committee which it authorizes to be appointed. It is a judicious check upon the power of the Speaker in appointing committees. They have a right to instruct a committee of conference as they have a right to instruct a standing or a select committee. The gentleman from Illinois moves this himself as a resolution. It seems, however, susceptible of division, first, upon asking another committee of conference, and, secondly, upon the instructions. As to the right to move instructions the Chair has no doubt. (Congressional Globe, part 1, first session Thirty-eighth Congress, page 892.)

The decision of the Speaker was acquiesced in by the House, no appeal being taken, and the resolution of Mr. Washburne was agreed to.

On the following day, the action of the House of Representatives having been communicated to the Senate, the Senator from Ohio, Mr. SHERMAN, offered the following resolution:

"*Resolved*, That the conference requested by the House of Representatives be agreed to; and that the conference heretofore appointed by the Senate be instructed to agree to proper amendments to the Senate amendments disagreed to by the House, providing for a tax of not exceeding 20 cents a gallon on spirits on hand for sale." (*Ibid.*, page 900.)

The late Senator from Maine, Mr. Fessenden, at once suggested a doubt as to the resolution being in order; to which the Senator from Ohio replied as follows:

"I have not examined for precedents, but I think there can be no doubt of the power of the Senate to instruct its conferees on any point. It is a question of discretion. Ordinarily it would not be done; but there have been two conferences on this disagreement, which has all grown up out of one difference. The House of Representatives have now expressed their opinion on that difference, and I think the Senate ought also to do so." (*Ibid.*, page 900.)

Mr. Fessenden then raised the question of order directly for the decision of the Chair, and the Vice-President, who is now Senator from Maine, Mr. Hamlin, gave his decision in the following words:

"The VICE-PRESIDENT. The Chair can have no doubt that the resolution proposed by the Senator from Ohio is in order. Conferences are of two characters—free and simple. A free conference is that which leaves the committee of conference entirely free to pass upon any subject where the two branches have disagreed in their vote, not, however, including any action upon any subject where there has been a concurrent vote of both branches. A simple conference—perhaps it should more properly be termed a strict or a specific conference, though the parliamentary term is 'simple'—is that which confines the committee of conference to the specific instructions of the body appointing it. The Chair therefore rules that the resolution is in order."

In the discussion which ensued the Senator from Ohio said:

"The Senate might very properly object to any action by the Senate conferees which was not strictly within the parliamentary rule, but the Senate itself may, by its instructions, enlarge the power of the committee. There is no doubt about that. There is no limit to the power of the Senate over its committees. It may authorize its conferees to agree to amendments to its amendments, which might not be in order if those amendments to the amendments came directly from the conferees without the action of the Senate. That is the view all the conferees took, although they differed on the question of parliamentary law." (*Ibid.*, page 900.)

In the course of the debate, Mr. Hendricks, of Indiana, said:

"I agree with the decision of the President of the Senate that it is competent to instruct a committee of conference on the part of the Senate." (*Ibid.*, page 902.)

Again he said:

"In respect to the questions of disagreement, the Senate may instruct its part of the committee, but outside of the questions of disagreement the Senate can not instruct that committee, for the reason that that is not one of the modes of legislation known to parliamentary usages. * * * The Senate may instruct the committee upon all the questions that were referred to that committee, but not upon other questions." (*Ibid.*, pages 902 and 903.)

From this view of parliamentary law no Senator dissented, although the debate on the subject-matter extends over many pages of the Congressional Globe.

The result of the debate, which was quite protracted, was the rejection of the resolution of the Senator from Ohio, although no one doubted the right of the Senate to instruct the conferees, and the adoption of the following resolution offered by Mr. Conness, of California:

"*Resolved*, That the Senate disagree to the resolution of the House of Representatives of the 1st instant, proposing instructions to the conferees, and ask another free conference on the disagreeing votes of the two Houses on the bill (H. R. 122) to increase the internal revenue, and for other purposes." (*Ibid*, page 907.)

The House of Representatives having agreed to a further free conference, the conferees on again meeting were unable to agree, and the bill was disposed of by the Senate receding from its amendments.

The proceedings in this case, as in that which follows, are recorded in the Journal, but the Congressional Globe is quoted from, because it contains the details of the points raised, with the decisions made and the debate thereon, instead of the Journal, which merely records the votes.

At the first session of the Thirty-ninth Congress an amendment was added by the Senate to the sundry civil expenses appropriation bill increasing the pay of Senators and Representatives and taking effect retroactively from the beginning of that Congress. This amendment was disagreed to by the House of Representatives, but they amended other Senate amendments by the addition of a provision granting bounties to the soldiers of the war of the rebellion. Two committees of conference were unable to agree upon the disagreeing votes of the two Houses, and when the second disagreement was recorded the Globe shows these proceedings occurred:

"Several SENATORS. What shall be done?

"Mr. SHERMAN. There is but one point of difficulty. The Senate conferees proposed to recede from the amendment in regard to the pay of members, but found that that was not at all in the way; that could be laid out of view; the only difficulty is in regard to the question of bounties. The House insist upon some legislation being had in regard to the bounties, and their conferees submitted a proposition which we did not feel at liberty to accept. I will say that the proposition submitted is much more moderate and much more reasonable than any I have yet seen; but we considered that the action of the Senate did not leave us at liberty to accept it." (Congressional Globe, Thirty-ninth Congress, first session, part 5, page 4246.)

And subsequently the Senator from Ohio suggested:

"The Senate may instruct the conferees." (*Ibid.*, page 4247.)

Whereupon Mr. Trumbull, then a Senator from Illinois, moved

"That the committee of conference be instructed to agree to that proposition of the House." (*Ibid.*, page 4247.)

Meaning the proposition which had been stated in detail by Mr. SHERMAN as having been made by the House conferees.

A modification of the terms of the proposition having been suggested by Mr. Doolittle, Mr. Trumbull said:

"The proper motion, I suppose, would be to recommit the report to the committee with instructions to agree to that proposition." (*Ibid.*, page 4247.)

No point of order was raised, no doubt was suggested by any Senator as to the power of the body to instruct the conferees; and the motion having been stated, amendments to the instructions were moved, and finally, the question recurring on the motion of Mr. Trumbull, it was agreed to by a vote of yeas 28, nays 5. (*Ibid.*, page 4248.) And on the very same page of the Globe it appears that the conferees immediately made a report conformably to the instructions of the Senate, and it was agreed to and the bill disposed of.

Mr. HOAR. I merely wish to add that I have no doubt a large majority of the Senate do not desire and do not mean that this bill or any item in it shall be defeated by any difference of opinion or controversy or quarrel stirred up between the two Houses on a side issue not relating to the merit of the bill or the merit of the items. I feel quite sure that if the Senate shall adopt the motion of the chairman of the Committee on Commerce he will feel himself bound to maintain the position of the Senate as to all the items of the bill with the same zeal as if he had gone into a conference entirely instructed.

Mr. MCMILLAN. The Senator from Massachusetts is entirely right.

Mr. DAWES. No one ever doubted the parliamentary power of the two bodies to create a special committee of conference, a committee of conference for a special purpose, to do a special thing, and to accomplish that by the form of instruction or in the manner in which the committee is appointed; but I assert again that there can not be found a precedent where either body has yielded what to it was a committee of full and free conference with another committee that was not capable of entering into a full and free conference. It is perfectly competent for us (the parliamentary law I do not doubt and never did) to instruct a new committee like the committee which is tendered to us here, bound hand and foot, and send the two to meet each other face to face, the one instructed to insist upon a particular line of conduct and the other instructed to insist upon an opposite line of conduct. But what the Senator from Minnesota proposes is not that.

Mr. HOAR. May I ask my colleague a question? Suppose the House had simply prayed for a free conference and nothing more, having itself insisted, would not the committee by all parliamentary law and usage go into the conference exactly as they do now, instructed themselves to insist?

If my colleague will pardon me with one sentence not a part of my question, but that my point may be understood, I have heard Senators here state that they were bound in honor to insist on Senate amendments the majority of which they themselves disapproved of, merely from the fact of having been appointed to represent the Senate. There is one case in my mind which my colleague will recollect, of the Senator from Kansas [Mr. PLUMB]. The Senator from Kansas [Mr. PLUMB] resisted with very great earnestness, with all the force of which he was capable, an amendment to an Indian appropriation bill some years ago, providing for a large expenditure for Indian education. Thereafter he was appointed a member of the committee of conference on the part of the Senate, and he went into that conference and insisted upon that amendment to which he had been personally opposed with as much zeal and loyalty and strength as if it had been an amendment of his own creation; and I wish to say that in my judgment the great progress which has been made in Indian education, which has delighted the friends of the Indians throughout the country since that time, has been very largely due to the thorough honor and loyalty with which that Senator stood by the proposition he had not originally approved. So these conferees of the House, without this thing, could go into the conference instructed exactly as they will be now.

Mr. DAWES. If my colleague had added to that long explanation this single sentence he would have answered himself, that the Senator from Kansas after having insisted as he felt bound in honor to do on that vote after that yielded to a modification of it; and he would have said merely this, that every conferee is bound in honor to maintain the position of the body that appoints him, but to maintain it subject, however, to deliberation on the whole, subject to perfect freedom, to consider whether on the whole it is not best to concede either some portion or the whole of the proposition that he was sent out to maintain. He is bound, but he is not bound absolutely; he is bound to maintain it under the limitations that the conferees who are sent over here have not upon them, that is after having considered the matter fairly to yield such modifications as their judgment shall dictate.

My colleague thinks that the House, after having insisted upon a disagreement to the whole of this amendment of the Senate, when they went further and instructed their conferees in addition to the insistence upon the whole, to do a particular thing, did not add at all to the original vote. I guess the House does not understand it so. I do not think anybody over there understood it so, and I do not understand it so now. If the Senate is disposed to instruct its conferees, then its conferees will stand upon an equality, and they will go into the conference and show their credentials and act accordingly.

Mr. MCPHERSON. What does the Senator from Minnesota propose?

Mr. DAWES. He proposes to concede a committee of conference which on our part will be free and full to a committee proposed by the other branch which is instructed to do a particular thing.

Mr. MCMILLAN. Will the Senator from Massachusetts allow me to ask him whether the action of the House has not been merely to permit their conferees to yield any differences that exist on all other points and to maintain their former position in the points in controversy specified in the resolutions?

Mr. DAWES. It does not make any difference in parliamentary law whether it is a big thing or a small thing that they have instructed them upon.

Mr. MCMILLAN. No; but——

Mr. DAWES. The question is whether they send their conferees here just as free as the Senator from Minnesota proposes to send out ours.

Mr. MCMILLAN. I desire to inquire if the resolution of the Senator from Iowa is before the Senate.

The PRESIDENT *pro tempore*. It is before the Senate.

Mr. CULLOM. I do not desire to take up the time of the Senate, but simply to say that if the action of the House in reference to those particular amendments means anything, it means to strengthen their conferees in opposing the particular items which are mentioned in the resolutions from the other House. But if that action does not take those items out of the question of conference, then, so far as I am concerned, I care not whether the resolution of the Senator from Iowa is adopted or whether the motion of the chairman of the Committee on Commerce is adopted.

The thing that I desire to emphasize in the Senate is that the Senate conferees shall stand by the action of the Senate on all the amendments that the Senate has placed on the bill, and if they construe the action of the House in the instruction that was given to the House conferees as a taking out of the conference those particular items, then, so far as I am concerned, I am unwilling to vote simply for a general vote of insistance, but want some action on the part of the Senate that will place the Senate squarely as against the action of the House on those particular things. But the chairman of the committee, I suppose, will regard the action of the Senate heretofore as instructions to him and to his committee to stand by all the amendments that the Senate made to the bill; and if that is the understanding, I do not know that it is very material, so far as practical results are concerned, which action is taken by the Senate at this time.

Mr. INGALLS. Mr. President, this is not the first time that victories won upon the field were in danger of being lost by diplomacy. The enemies of the river and harbor bill, I assume, will hail with satisfaction any emergency that will prevent any further conference between the two Houses upon the amendments of the Senate; and I should regard the adoption of the resolution offered by the Senator from Iowa as a summary and final disposition of this bill. Such I do not assume to

have been the object or purpose of the Senator in offering the resolution, but he can see as well as the rest of us can that it would be the black flag. It would be an announcement to the House of Representatives that unless they go through with the formality of backing out of the *cul de sac* in which they have placed themselves, there will be no conference on this bill. If that suits him, it suits me.

But I wish to state as a parliamentary proposition that I can see no difference in the attitude of the House in instructing their conferees to insist upon striking out these five amendments from what it would have been if they had said to their conferees "we insist that you shall endeavor to prevail upon the Senate to strike out all their amendments." In voting to insist upon our amendments, we simply act upon the whole in gross. The greater contains the less. And the House of Representatives in saying that they disagreed to all the amendments of the Senate and asked for a further conference, merely have ventured to express their opinion in rather an unusual way upon five of the amendments about which I suppose they desired to have a public declaration that they are particularly opposed to them.

If the House of Representatives, instead of passing the five particular resolutions that they have adopted, had declared that it was the sense of the House that the managers be instructed to insist on striking out all the Senate amendments, nobody would have objected. That would have been merely in a more formal way what they would have done any way by simply insisting on their refusal to concur in our amendments and asking for a further conference.

But I think it would be well instead of allowing our conferees to go into this conference upon this formal action of the House of Representatives on these five amendments, to express our opinion about these five amendments; and I am particularly interested in the appropriation for the improvement of the Potomac River, and if I am in order I will move that it is the sense of the Senate that the managers on the part of the Senate in the conference hereafter to be granted upon the disagreeing votes of the two Houses on the bill H. R. 7480, insist upon retaining the Senate amendment appropriating $375,000 for continuing the improvement of the Potomac River in the vicinity of Washington.

That will relieve the conferees from any embarrassment so far as the action of the House is concerned, as it will be offset by the action of the Senate, and therefore the conference would be full and free on that item.

Mr. CULLOM. I move to amend that by adding the other four items that are objected to by the House.

Mr. EDMUNDS. Let us take them one at a time.

Mr. ALLISON. Before that is done I desire, if I can, to withdraw the resolution which I offered. Of course I am as anxious for the passage of this bill as the Senator from Kansas, and I do not wish by any action of mine or any resolution of mine to impede the natural progress toward a conclusion of this bill satisfactorily to the Senate. I also yield to the judgment of the Senator from Kansas with reference to the proprieties of this particular resolution, so that I withdraw my resolution, if I can.

The PRESIDENT *pro tempore*. The Senator from Iowa withdraws his resolution. The question recurs on the motion of the Senator from Minnesota to grant a further conference.

Mr. INGALLS. No, sir. I have moved to amend.

Mr. EDMUNDS. Or rather to instruct.

The PRESIDENT *pro tempore*. The Senator from Kansas moves to amend the motion of the Senator from Minnesota.

Mr. INGALLS. Certainly I have so moved. I think the Reporter has my motion.

The PRESIDENT *pro tempore*. The Chair supposed it was a motion to amend the resolution of the Senator from Iowa.

Mr. EDMUNDS. No; his motion was to amend the motion to agree to the conference.

Mr. INGALLS. If the Secretary has not the amendment I propose to offer, I will submit it again. I suppose the Reporter took it down. I had not written it. I will restate it:

Resolved, That it is the sense of the Senate that the managers on the part of the Senate in any conference hereafter granted upon the disagreeing votes of the two Houses on the bill H. R. 7480, insist upon retaining——

The PRESIDENT *pro tempore*. It is impossible for the Secretary unless he is a short-hand reporter to write so fast. Will the Senator write it himself?

Mr. EDMUNDS. While the Senator from Kansas is preparing his amendment I would like to say a word.

If the Senate and the House of Representatives desire to pass any river and harbor bill and for objects that in the main all parties on all sides of the Chamber would be glad to appropriate money for, the simple way to do it now is for the Senate to agree to the four propositions of the House omitting the Potomac River business, with an amendment which shall take out of the text of the House bill or now out of the text of our amendment the Muskingum business and the Barren River business in Kentucky, and subjects that ought to be considered separately and by themselves and without passing in this action any judgment upon the propriety of them intrinsically one way or the other, and the same in regard to the Portage Lake and the Sturgeon Bay and the Hennepin Canals and so on and so on. That would leave the bill then, like most of its predecessors, a pure and simple river and harbor bill for carrying on existing works and opening some new ones upon natural rivers and natural harbors that now exist; and while the bill would still contain many items that I should not be willing to vote for as unnecessary and going too far to localities, still its main objects would be such and the proportionate amount of good expenditure would be so great that I believe it would become a law and the public work would go on.

But it looks to me exactly as if when we attempt to ride into these appropriation bills new schemes, opening new enterprises, no matter how good they are, which are not adapted to the existing rivers and harbors of the United States as our fathers understood them to be, we seem to be working to the end of breaking the whole thing down and doing nothing at all. I suppose it would be perfectly useless to make such a motion, but I think it right to state it.

Mr. CONGER. Mr. President, I can not understand the reasoning of the Senator from Vermont. He says the Senate inserted certain things which might be left out as not being improvements of rivers and harbors. There is not one of the things that he mentioned by name which is not an improvement of the rivers and harbors as fully and as absolutely as any item in any of the bills. I illustrate by one of the things mentioned, the Portage Lake Canal. The object of this is to make a perfect harbor of refuge at each end of that passage-way, one of which the Government has entered upon the construction of by granting land, and has made it a harbor of refuge, and the only harbor of refuge there is for hundreds of miles on the worst part of Lake Superior. Another is the case in regard to the Sturgeon Bay Canal, which in the last appropriation bill and this appropriation bill and every appropriation bill has had aid for making a harbor of refuge by this Government independent of the company's works in deepening the channel across this point. A part of the appropriation for the Hennepin Canal is work upon the Illinois River connecting it as it now is with Lake Michigan by the canal already built and already in use, just as much as the Keokuk Canal, the Louisville Canal, the Sault Ste. Marie, or the Muscle Shoals Canal.

There is no more reason why Congress should make two or three million dollar appropriations to construct a canal through some 30 miles of rocky falls in the Tennessee River than why it should provide for a canal or a harbor of refuge already built, already used, already subjected to tolls; and the only object in putting these items in this bill is to do as we did with the Louisville Canal, and as we did with the Sault Ste. Marie Canal, make a free canal.

On Lake Champlain we are spending thousands of dollars of money in making a harbor of refuge where the lake is only 6, 7, 8, or 10 miles wide, where there is no danger from storms, at the Senator's own home, where the water is deep enough, where there are no rocks in the way, but the Senator here and before the committee urged that appropriation on principle, and yet refuses to let a harbor of refuge exist on the stormy shores of Lake Superior or of Lake Michigan. Usually accurate, usually logical, I insist that the Senator in his remarks here misstates the case. What is the necessity of the $35,000 put on to this bill by the urgency of the Senator from Vermont, when he attacks the open harbors, the useful harbors of refuge assisted in building by this Government on Lake Superior and on Lake Michigan along a coast where the ribs of vessels destroyed for lack of a harbor of refuge to-day lie rotting in the sand.

Sir, the question ought to be, what does the navigation of the country require? At how small and how trifling an expense can we free that navigation from tolls which are onerous in one part of the country, when we have free navigation in other parts of the country? There is no logic in it; there is no reason in it; there is no liberality in it. The question is not one of locality. The question is one of advantage to commerce, to navigation, of the safety of the lives of the sailors, of the protection of the property that goes upon vast fleets around Lake Superior and along Lake Michigan, and to give them, as this Government has attempted to do, by granting land to aid in building these harbors of refuge, to give protection to life and property, which is demanded by the resolutions of five States, by the resolutions of three hundred chambers of commerce, by the petitions of 5,000 navigators and those interested in navigation on Lake Michigan and on Lake Superior.

I can not believe that men who know the wants of that region can be driven from supporting them because a Senator, living on his little inland lake, urges the committee to increase even the House appropriation for a harbor of refuge on a lake that is itself a harbor of refuge! Oh, sir, if we had any place on Lake Superior or on stormy Keweenaw Point where we could run into, a place landlocked as Lake Champlain is, we could wait and wait for the assistance of this Government.

That is the condition. Why should the Senate, in view of the kind of advantage it is to commerce and navigation, relinquish its judgment upon these subjects although the House may ask it? Why should we give two, three, or four hundred thousand dollars to improve harbors which have been used since the country was discovered, along the Atlantic coast where there is access, in order to make them two or three feet deeper, and deny to the great, growing, increasing commerce (increasing beyond all extent and beyond all comparison) upon the great

lakes what it needs? Why should we withhold and refuse that little pittance which is asked here to make for the navigation of the lakes these free harbors of refuge and these free channels which are now used?

I do not believe that Senators who desire this bill to be passed for the benefit of navigation all over the country, embracing objects which are useful in all parts of the country, will yield, or will instruct any committee to yield, so plain, palpable, and desirable objects as the Senate by a yea-and-nay vote has placed in this bill.

Why is it, sir, that the protection of navigation in the North and in the Northern States and along the great lakes is the object of attack here? When have the representatives of the North ever shown any opposition to the improvement of every river from the Father of Waters down to the meandering stream of the South where we had to cut away the trees that overhung the banks to permit the passage of vessels, even where there was water enough? I for eighteen years or more in the House and in the Senate have had to do with this question of improving water navigation in all parts of the country, and I defy any man here or elsewhere or anywhere to show that I have ever looked upon these appropriations with reference to sectional feeling or locality. If a place was worthy of improvement for the good of the people along the banks of a river, or for the protection of navigation along the shores of the ocean or Gulf or lake, these interests have found a firm and I believe a consistent friend in me, and they will continually.

But, sir, there seems to be some rule about this, that the importance of the subject, the interest of navigation, wherever it may be found, is to be considered by all members of the Senate alike, and that there shall not be one rule to make great appropriations for one region of country and either in the House or in the Senate a rule which shall condemn the sailor and the vessel-owner and the owners of the cargoes to the uncertainties and to the vicissitudes and to the dangers of shipwreck and the loss of life and of property wherever vessels sail and wherever steamboats run.

There is something more in this question of improving the water communications of the country than mere local desire. It is a question affecting the empire; and wherever commerce can be gathered from one river to another by a little canal, as at Keokuk, or as at Louisville, or as at the Sault Sainte Marie, or as in Romely Marsh, or as in the Tennessee River or the Cumberland River or any other river, it is proper for us to extend the aid of the National Government. And where there are works which have been carried on by this Government aid, and the judgment of Congress is that the facility of navigation demands the assistance of the Government, it should be further extended. There are places where railroad transportation meets water transportation which demand the assistance of the Government, and there, in my judgment, the Senate and the House should agree to give whatever is reasonable and fair, and finally appropriate it to improve the general water courses of the country; whether by making canals up through rocky falls and rapids, or whether by paying a small sum to free from toll those already made, the principle is the same. I insist that we should be guided in our votes and in our judgment by the great demands of the country, and among those demands I venture to say that none is more meritorious than that of the great West with its teeming acres of grain and of cattle and of produce to be transported—the great West when it comes here and demands that between one system of navigation, the Mississippi River, and the lakes there shall be a canal, longer perhaps than the Tennessee Canal, which is only 20 miles long; longer than the Louisville Canal, which is only 2 or 3 miles long; longer than the Keokuk Canal, which is 5 or 6 miles, but which we are improving above where the canal was put by deepening the channel of the Mississippi itself.

Wherever the object is worthy, wherever the connection of one system of navigation with another cheapens transportation, I know of no set rule to prevent our granting aid. The objects of the regulation of commerce and the powers given in that connection are not to do this thing or that thing, not to make this canal or to blast out all the rocks of that river, or to make connection between the upper part and the lower part of it; the object is to regulate commerce; and if by cutting a new channel you can connect two rivers that do not flow in continuous lines, it is as legitimate and as reasonable as it is to make a canal 20 miles long or 1 mile long to connect the lower part of a navigable river with the upper navigation of that river. The benefit to commerce and navigation is the object. That being kept in view, under the power to regulate commerce if we have power to pass any river and harbor bill at all, we have power to do it where in the judgment of the Senate it will be of important value to transportation and to commerce. And I venture to say there is not put into this bill by this Senate—and it has been by yea-and-nay votes—these important works without the full consideration that the growing demands of the country, the interests of commerce, of navigation, of safety all demanded that in the proper time and in the proper amounts these improvements should be made.

Allusion has been made—and I renew the allusion—to the fact that along the northern boundary line that extends from Puget Sound to Montreal the British Government, by the expenditure of millions and millions of dollars, has constructed one of the best-constructed railway beds and railroads ever built on the continent. It runs right alongside of our line. It is the bid of England to get away the traffic of the Pacific Ocean from our borders and from going through our land. All these improvements in the northern lakes—the Hennepin Canal, the Illinois Canal, the Portage Lake Canal—all these are in aid of navigation and of transportation across this continent. Shall we forego the opportunity, at a small expense by commencing works of this kind, of preserving within our own borders this commerce and this transportation which belong to our country and which will so much enrich it?

Mr. President, if one will look at the course of transportation in this world from the earliest history down to the present time, he will find that that nation in the Orient or in Europe, or in any part of the Old World or the New that controls the passage of transportation and the commerce that passes back and forth rules this world. Any nation that kept control of it were the most prosperous in the world. The ruined towers and columns of Palmyra and Baalbec recall the time when transportation from India to Europe passed by caravans through that country, and then Persia and Phenicia were the ruling powers of the world. Finally that route was changed. The great general Alexander made Alexandria the depot for commerce by the Red Sea, and the caravans went out from there on the voyage across the continents of the Old World. Then for a time Egypt controlled. Then Holland, by the discovery of a passage around the capes, commenced that transportation which destroyed the caravan transportation. Venice first, and then Holland, had the control; and for the time being Holland ruled the world. Then England got possession of those means of communication and to-day England, a little island circumscribed and almost powerless in itself, has control of the commerce and the navigation and the transportation of the products of the world from one country to another. This it is which gives England that supremacy which she has earned.

Now, sir, we are here between two oceans midway betweeen the East and the West, the Orient and the Occident, able to control this commerce. Its natural passage is through our country and it should be under our control; and for a paltry difference of opinion we are to give that up and let it remain with England where it is to-day.

Sir, there are higher and more important considerations than the building of this canal, or the improvement of that river, or the deepening of the channel into this harbor or that; they are worthy of care and of thoughtful consideration by the Senate; and they are involved to a greater or less extent in the very questions which are under consideration.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas [Mr. INGALLS].

Mr. GIBSON. Mr. President, I propose to amend that proposition by adding that the conferees on the part of the Senate shall insist on the amendment adopted by the Senate relative to the Mississippi River. I would say, however, in the outset that the best way would be not to instruct the committee at all, but to leave it to their discretion to do what they think best. I offer this amendment, however, notwithstanding the fact that the bill as it came from the House of Representatives appropriated two million and a quarter for the improvement of the Mississippi River, while the bill as adopted by the Senate appropriated only $1,600,000, a difference of quite $600,000 in favor of the House bill.

I do this because the House bill as it appears to me is inconsistent, illogical, and tends to a discontinuance of the work on the Mississippi River, and is directly in opposition to the reports of the engineers employed on the river.

The House bill provides that the appropriation shall be limited to the improvement of the work from Plum Point reach to Lake Providence reach. General Gillmore, whose engineering ability is well known to all Senators, particularly desires that that amendment should not be adopted. He says the Plum Point reach and Lake Providence reach have been improved to the extent desired by the commission for the present. I propose to incorporate an extract from this letter on that subject in my remarks. I will read it to the Senate if they will give me their attention:

It is neither desirable nor expedient that the plan of the commission should be further "tested"—

As the House bill directs—

as the House bill directs, by the completion of the work on the Plum Point and Lake Providence reaches. The plan has been tested there already with amply successful results; there are 50 per cent. greater-low-water-channel depths now over the stretches of river covered by the works than the commission originally promised to accomplish, and quite enough to insure transportation at the lowest water rates when it shall be extended to the shoals above and below. What is needful there at present is that the works should be repaired and maintained at the stage of most advanced progress reached by them. It is not necessary to deepen the channel to 20 feet to prove that a 10-foot channel is attainable.

It must be admitted, however, that the through navigation of the stream has not as yet received any practical benefit, for the simple reason that the improvement is restricted to localities hemmed in by bad river above and below. Two or three additional reaches of shoals and bars should be attacked with the money that first becomes available, with a view to gradually extending the limits of improved navigation. As we already have a fine plant, fully equipped for service, nearly all the money allotted for works of improvement would be applied directly to them.

Here then we have the House bill providing that this large appropriation, two million and a quarter dollars, shall be expended on Plum Point and Lake Providence reaches, and we have at the same time the report of the chief of the commission, General Gillmore, stating that he

does not desire any further sum to be appropriated for the improvement of these reaches because the commission have already obtained satisfactory results larger than they had expected to accomplish. In other words they have deep water already throughout those reaches 12 and 15 feet where there were only 4½ and 5 feet. That would appear to be ample reason why we should insist on this amendment.

There is another view of the matter. The bill as it came from the House provides that this sum of two million and a quarter of dollars "shall be expended under the direction of the Secretary of War, without the intervention of the Mississippi River Commission." The Mississippi River Commission have never had anything to do with the actual expenditure of the money appropriated by Congress for the improvement of the river, but it has been expended by the War Department through the engineers of the Army, so that this provision in the House bill would be inoperative and is superfluous and useless. But if it have the meaning which many might ascribe to it, namely, that the improvement should be executed without reference to the plan or recommendation or supervision of the Mississippi River Commission, then I submit that this would be inexpedient and inadvisable.

Here are a number of engineers who have adopted a plan for the improvement of the river which has been approved by the War Department and approved by Congress, for Congress has already voted $28,000,000 to execute it, and it is now in process of successful execution. They have on hand a large plant costing $1,279,000. Is it reasonable now to retire these officers from the execution of this plan, from the supervision of it, and to turn the work over to new officers without experience or the special training required—a responsibility not to be justified upon any safe principles? But the House bill does not supersede the Mississippi River Commission.

In line 1112, the bill of the House expressly provides that the works at Plum Point and Lake Providence reaches which are in progress shall be completed at an early day, "and the plan of the commission for the navigation of the river fully tested." They desire these works to be executed according to the plan of the commission; and yet according to a construction that might be adopted of the bill they provide that the commission shall have no supervision whatever over the methods that may be adopted for the execution of their plan.

But they go further. They provide in line 1117 expressly that the commission is authorized to repair and build levees if, in their judgment, it should be done as part of their plan to afford ease and safety to the navigation and commerce of the river and to deepen the channel.

Here it is in one part of the bill provided that the money shall be expended "without the intervention of the Mississippi River Commission," and another part of the same bill provides that the commission is authorized to repair and build levees and so on—an utter inconsistency between the different provisions of the bill.

But further than that, with respect to the Vicksburg harbor it provides "that the Mississippi River Commission shall execute further surveys and examinations if it shall deem the same advisable."

So we have a bill here which I submit is liable to two constructions. One is that the Mississippi River Commission is thereby abolished. If that be true, I submit that it is inexpedient in the present condition of the work on the Mississippi River after we have appropriated $8,000,000 to be expended according to the plans and under the direction of the Mississippi River Commission, after they have a plant costing a million and a quarter dollars, after Congress has repeatedly indorsed and approved their plan, that this work should be taken out of the hands of these experienced, trained officers, and turned over to others who have had no experience and who, perhaps, possess no knowledge of the phenomena of the Mississippi River.

But whether the commission be abolished or not, I say that the other amendments which were put in the bill by the Senate are proper and wholesome, especially the amendment of the Senator from Kansas [Mr. INGALLS] which imposes a restriction upon the Mississippi River Commission in respect to the revetment system which they have adopted in part through certain of the broad reaches in the river, and that system in a letter addressed to Senator HOAR by Captain Eads is shown to be expensive and in his judgment unnecessary, and as a friend of the improvement of the Mississippi River I am as anxious as any Senator on this floor to adopt not only the most enlightened and practicable system, but the most economical one that can possibly be suggested. I am sure if Senators will read the letter—I think it was printed by order of the Senate—addressed by Captain Eads to Senator HOAR, they will be convinced that the amendment offered by the Senator from Kansas is in the interest of the improvement of the Mississippi River on the most economical plan possible. I would request Senators who feel any interest in this measure that they read this letter of Captain Eads addressed to the Senator from Massachusetts so that they may appreciate not only the difficulties which restrict and suspend navigation in the Mississippi River for a great many months in the year but the plan by which that distinguished engineer proposes to remove them.

Mr. COCKRELL. Let the Senator have the letter of Captain Eads printed.

Mr. GIBSON. I think it is printed. The Senator from Massachusetts can inform us.

Mr. COCKRELL. Had it not better be printed in the RECORD as part of the Senator's remarks?

Mr. GIBSON. It is not a very long letter, and I should like to ask the Senator from Massachusetts whether the letter addressed to him by Captain Eads was printed by order of the Senate. I am not sure, but I think I saw a copy of it on my desk.

Mr. HOAR. I do not remember that it was. I think it was printed as a pamphlet and circulated.

Mr. GIBSON. I will ask the Senate to allow me to incorporate that letter, if I can find a copy of it, in my remarks.

The PRESIDENT *pro tempore*. If there be no objection the letter will be printed in the RECORD.

The letter is as follows:

Letter to Hon. GEORGE F. HOAR, United States Senate, from James B. Eads, on the improvement of the Mississippi River, July 10, 1886.

MY DEAR SIR: Remembering that you framed the original act by which I was authorized to apply the jetty system to the improvement of the mouth of the Mississippi and that you have on many occasions evinced a deep interest in the success of that undertaking, I feel especial pleasure in furnishing you the information you now desire relative to the application of the same system to the river from Cairo to the sea, and the cause of the failure of the Mississippi River Commission to secure any additional depth of channel since that which it secured in 1883 through Plum Point and Lake Providence reaches, and also to explain in what important feature the plan it recommended in 1880 differs from that which it has been pursuing since 1883, and which has led the House of Representatives to virtually suspend its functions.

In 1880 the commission recommended and Congress adopted what is known as the jetty system. This system consists in the reclamation of such excessively wide parts of the river as now interrupt its approximate uniformity. It is called "the jetty system" because the proposed contraction of these wide places is to be accomplished by constructing permeable jetties of brush or willows across the shoals and shallow parts of the river intended to be reclaimed, so that when the floods come these works will make the currents passing through and over them still more sluggish and thus cause more rapid deposits to be made upon such places and so develop new shore lines and concentrate the flow in the main channel and thus deepen it.

At locations A and B on Chart No. 34 are shown some of these permeable works at Plum Point. Those located parallel to the current are mattresses laid on the bottom of the river to protect the channel ends of cross dikes or jetties.* As the frictional resistance to the flow of water increases in exact proportion to the width of the river-bed in contact with it, the current flows more sluggishly over these wide places, and thus retards the passage of the floods to the sea and causes them to assume greater heights. It is well known that the more rapid the current, the more highly the water becomes charged with sand and mud. As the current is made sluggish by the excessive friction of the wide places, large portions of these materials are deposited in them, and form shoals. These only exist in the wide places.

The theory upon which the jetty system is based is that the shoals, shifting channels, caving banks, and inundations result from these excessively wide parts of the river, and from the escape of its flood waters through lateral outlets and over its banks; and also upon the fact that the greater the volume flowing in one channel of uniform width, the greater will be its excavating or erosive power, and therefore the deeper will be its channel and the lower will be the height of its flood line. The logical remedy for these evils consists in the contraction of the wide places, and in the conservation and concentration of all the flood waters into one single channel of uniform width, by the closure of lateral outlets, the repair of defective levees, and the closure of island chutes.

The minutes of the proceedings and the report of 1880 show that the views of the several members were unanimous as to the recommendation of the permeable contraction works, the concentration of all the flood waters into one channel of uniform width, and the closure of outlets. They were by no means unanimous, however, as to protecting the banks against caving and the repairing of the levees.

It will be seen that the grand essential feature of the jetty system consists in bringing the high-water banks to a uniformity of width. The commission has undertaken to create this uniformity, without the chief factor of the plan it recommended in 1880, namely, the permeable jetties. Since 1883 it has been endeavoring to do this by revetting the banks with willow mattresses where they are caving or are likely to cave away. Where this protection is applied the steep banks are first cleared of trees and graded down to the water's edge, to an angle of 45 degrees, and are then covered with willow mattresses about a foot thick, made as wide as practicable, the channel edge being sunk as far down on the submerged bank as is possible.

There are three methods by which this uniform width of the high-water channel can be created:

First. By permeable jetties or contraction works properly placed in the wide portions of the river;

Second. By means of levees alone; and

Third. By bank protection or revetment works and levees.

The first is rapid, certain, and economical; the second is slower and more expensive but equally certain; the third is uncertain, more expensive, liable to serious casualties, and involves wasteful expenditures in the construction of works which the changes in the river will often make wholly useless.

The first method was applied at Plum Point reach, 20 miles long (see chart No. 34), and at Lake Providence reach, 35 miles long. These were the worst parts of the river, and are distant about 400 miles from each other. During the first flood (1882-'83), when the contraction works were only partially completed, the low-water depth through both reaches was more than doubled.

Since 1883 the third method, or revetment system only, has been applied in other parts of the river. The report for 1885 shows that $2,240,000 have been expended for revetment works alone. (See Appendix B.)

To give a clearer idea of the value of these three methods, it may be well to refer briefly to some of the phenomena of the Mississippi, and to explain the causes of them.

Every one has observed that water flows more sluggishly in shallow depths near the shore than in the central ones which are deep. This is because the frictional resistance in proportion to the volume is greater in the shallow depths than in the deep ones. The friction at one locality is not increased by the weight of the water as it would be if it were a solid mass. This fact is thoroughly established by a vast number of experiments on the flow of water through pipes. The deep currents are more rapid because they have greater volume in proportion to this frictional resistance, and the shallow ones are more sluggish because they have less. The friction between the water and the river-bed is only increased by increasing the surface of the bed in contact with the water, and not by the depth or weight of the water. He who does not keep these simple facts

*In Appendix A will be found extracts from the report of 1880, more fully explaining the plan then recommended.

in mind will be unable to comprehend the seeming vagaries of the river. (See Appendix C.)

A third element of the problem consists in the transporting power of the water. This power increases and diminishes very rapidly as the velocity of the current changes. It increases with the square of the velocity and diminishes in the same ratio; hence if a shallow shore current move at 2 miles per hour, while the central current moves at 5, the shallow water can carry only four units of sediment per unit of volume, while the other can carry twenty-five, hence all silt-bearing rivers deposit sediment in the shallow parts and take up sediment from the deeper parts of their beds. This creates a tendency in them to narrow and deepen the bed of the river. The shallow margins naturally grow more shallow by receiving the excess of sediment with which the water becomes charged when flowing elsewhere more rapidly. This tendency is hastened by levees because they conserve the whole volume of the river, and therefore increase the rapidity of the current in flood time, and thus create deeper channels, and thereby lessen the ratio of frictional resistance and thus promote the discharge of the floods.

The current being thus made more rapid excavates the deep channels and ultimately produces in this way a lowering of the height of the floods, and so lessens the need of high levees. Although the width between the levees at first must necessarily be very unequal, the shallow parts of the bed which they inclose become gradually built up by deposits upon them, and where lands are valuable the riparian owners are prompt to reclaim these shallow parts, or battures, by advancing the levees around them, and thus they gradually contract the stream by taking in these accretions, until finally the flood channel between the levees attains a remarkable uniformity of width.

This process is necessarily slow when accomplished by individual effort alone, but that it will accomplish it will be seen by inspecting the accompanying chart, No. 28,* of a part of 230 miles of the river below Red River which has been thus improved. It represents this part of the river as surveyed by Humphreys and Abbot in 1851, and the survey of the commission in 1883. It shows the very slight changes which have occurred since that date, the latter survey being superposed upon that of 1851.

These two surveys, thus compared, prove absolutely one of the most important facts ever brought to light in the improvement of an alluvial or silt-bearing river subject to overflows, namely, the immense importance of levees as a factor in deepening, correcting, and permanently locating its channel. (See Appendix F.) This chart is incontestable evidence that the caving of the banks practically ceases when the flood channel assumes a uniform width, and that revetment works are neither necessary in creating the desired contraction, nor in protecting the banks when it has been attained, and it proves beyond controversy the soundness of the foregoing theories. The total absence of shoals in this part of the river shows that the opinion of the commission advanced in its report of July, 1885, that uniform width of the high-water channel will not produce uniform depth, nor any considerable approach to it, in a river where great differences exist between its high and low water stages, is not well founded.

The commission says: "*But it is nowhere asserted in the report*, nor is it believed by the commission, that uniform depth or any very near approach to it is practically attainable upon the Mississippi River, or upon any large silt-bearing stream flowing through an alluvial bed and having a difference of 45 to 50 feet between its high and low water stages." In answer to the part of the above extract which I have italicized, I submit, first, that the following from the report of 1880 led me to believe that it is so asserted:

"This would seem to be so in the very nature of things, because uniformity of width secured by contraction will produce increased velocity, and therefore increased erosion of bed at the shallow places."

I am further constrained to believe that the commission is in error in its opinion that any "near approach to uniformity of depth is practically unattainable upon the Mississippi River or upon any large silt-bearing stream flowing through an alluvial bed and having a difference of 45 to 50 feet between its high and low water stages."

The chart of the river I have submitted, showing the effect of levees, proves the contrary, and if it be answered that this part of the river does not have a difference of 45 to 50 feet between its high and low water stages, the rejoinder is that from Cairo to Columbus, 21 miles, the river has a difference of over 50 feet between its high and low water stages, and it has maintained a comparative uniformity of width and freedom from shoals ever since it has been inclosed with levees. The fluctuations of the river, shown in the chart, are about 30 feet, and if these had anything to do in preventing the attainment of a near approach to a uniform depth, they would certainly prevent the remarkable uniformity which exists in this part of the river. The uniformity in width, which has been accomplished here by levees alone, the stability of its banks, and its deep channel, prove conclusively that works of revetment are wholly unnecessary in bringing about or maintaining this condition of things.

Caving will continue to occur in the wide reaches of the river until the high-water banks are fully developed, and the flood volume is brought to a uniformity of width, but the caving will become less and less as contraction takes place. Although breaches may occur in the contraction works from time to time, during excessive floods, their repair will not often be required, for the very reason that the main channel will continue to develop, and minor ones, through breaches in the contraction works, will become less and less in depth until they are finally obliterated. I know this fact from experience with such works, where the river is a mile and three-quarters in width, and where breaches occurred through them, in some cases 200 feet wide, and of very considerable depth. The contraction works are expected to be simply temporary aids to the natural action of the river, and to promote its efforts to bring its banks to a uniformity of width; which uniformity, once obtained, is permanent, as chart 28 proves.

The idea upon which the revetments are used is not simply because the commission believes that they are necessary for the fixation of the channel by preventing the caving, but that if the river be prevented from further widening by holding its caving banks it will contract itself by natural agencies. It is not claimed by the commission that the channel can be immediately deepened by revetment. (See Appendix E.) Contraction works are immediate in their deepening effect, and require but one flood to produce all or nearly all of this effect Hence no part whatever of the improvement produced by the flood of 1883 in these two reaches can be credited to the revetment works, then partially completed. Nearly all of this was destroyed in a year or two, and the efforts to renew it with stronger and more costly work since 1883 have not given an inch more depth through these reaches. The conclusion is, therefore, unanswerable that all of this revetment work was utterly useless, so far as the improvement of the channel is concerned. Its beneficial effect, where it is claimed that it remains intact, except at Memphis, is confined solely to the protection, at different localities, of a few acres of land, worth probably $20 per acre. (See Appendix D.) Unless maintained intact for many years it can be of no benefit to the channel.

The contraction works, costing probably one-fourth as much per mile, do not require to be strong or kept in repair. Having performed their duty during one flood, the next year's work consists in building other similar structures on the deposits caused by those of the previous year. In some parts of these reaches the deposits caused by these works during the flood of 1883 were over 30 feet deep.

It is a mistake to suppose that when breaches occur through these permeable works the deepening produced in the channel by the parts left uninjured will be lost again if they be not repaired. The tendency of the river, as before stated, is to deepen its deepest channel and to deposit in its shoalest parts. Crevasses through the levees and outlets interrupt this natural process by diverting more or less of its volume into abnormal channels. This interrupts the uniformity of its velocity and a reduction of its volume also takes place. The excavating power of the river depends wholly upon these two, namely, velocity and volume. Therefore its natural tendency to deepen and contract its channel is interrupted and lessened.

Keep the whole flood volume within levees, and in forty or fifty years it will assume the desired uniformity of width without other treatment than that of contracting the levees and inclosing the land made by the deposit. Revetting its banks, without the maintenance of the levees, will never accomplish it. With levees, revetment may possibly reduce this period slightly, but it will involve the additional expenditure of at least $100,000,000. (See Appendix E.) With the contraction works and the levees 15 feet should be secured from Cairo to the sea within three years, and the entire completion of the work should be done within six or eight years, at a cost of thirty or forty millions. Then, levees above Red River would be practically useless, and the least low-water depth would be over 20 feet. The tendency to caving would become less and less as the correction of the width progressed, and, when completed, bank protection would be almost wholly unnecessary, or no more necessary than it now is below Baton Rouge.

With respect to the value of levees I took issue with the commission, and submitted a minority report, in which I said, "I am unwilling to commit myself now to any expression in the present report which in the slightest degree tends to throw a doubt upon the necessity of, or to justify any further delay in, the closure of these outlets (or gaps in the levees). On the contrary, I deem it proper to urge with redoubled force the absolute necessity of their immediate closure." My reasons for urging the maintenance of the levees during the period of river improvement were given at full length in this report, and were further urged before the Committee on Commerce and the Mississippi River, in the House of Representatives. (See Appendix F.)

Congress at that session appropriated $4,123,000 for the improvement of the river, and left the commission free to use so much of it as they thought proper in the repairs of the levees. The commission now fully recognize the importance of maintaining the levees as a factor in the improvemant of the river. But its members are not agreed as to the height to which they should be raised. My own opinion is that the extraordinary floods should be restrained, and that 2 feet above the flood of 1883 is amply sufficient.

Contracting the channel of a stream to deepen it is a plan as old as navigation itself. It has been applied all over Europe and elsewhere, to deepen the low-water channels of navigable rivers. Yet the last report and recommendation, made in 1879 by a board of United States engineers, for the improvement of the Mississippi below the Ohio, rose only to the dignity of advising such a plan as an engineer of the Nile would probably have suggested in the time of Thothmes I, namely, "the contraction of the low-water channel and the protection of caving banks where necessary." This plan has been often confounded with the jetty system, and is referred to to prove that there is nothing new in the latter. The wide difference between the two is not generally understood.

This board said:* "As the shoals are, ordinarily, at points where the river, being wide, crosses at low water from one bank to the other, those are the places at which greater depth of water is needed, and here works to narrow the low-water river will often be required on both sides.

"The object of these works is simply to give through the low-water river the form which it has given to itself where the navigation is good." * * *

"If 10 feet of water could be secured at low river, from Saint Louis to New Orleans, it would probably satisfy all demands; and if the improvement of the river is undertaken, that depth should be aimed at."

This board does not propose to cause the river to build up new high-water shore lines through the wide places. Its report has not a line in it alluding to the necessity of controlling the flood volume of the river, between high-water banks of uniform width, as the certain means of producing the deepest and most permanent low-water channel for navigation. It does not even allude to the necessity of closing the natural outlets and maintaining the levees during the progress of the work, to the end that the increased volume of water so controlled will insure the deepest excavation of the bed and thus lower the flood surface of the river, and so, in a few years, make safe, without levees, 32,000 square miles of land now subject to devastating inundations. Nor does it offer to demonstrate, by referring to the natural laws controlling the river, that these great benefits to navigation, agriculture, and commerce must inevitably follow the closure of outlets, the maintenance of levees, and the building up of new and parallel high-water banks through its wide places. Neither does this report explain why these wide places and depleting outlets are the disturbing causes which would have made the permanence of their 10-feet channel a simple impossibility so long as these outlets remain open and the excessive widths of the high-water channel still exist. Yet this report was made by some of the most accomplished officers of the United States Army, namely: Generals Barnard, Tower, Wright, Comstock, and Suter, and it was approved by General Humphreys, Chief of Engineers.

Their plan was wholly a low-water treatment such as the ancients practiced. It does not approximate the dignity of a system. It stops where the chief features of the jetty system begin. It only resembles this system in the fact that its completed contraction works are part of the initial works required by the jetty system. It is a plan based wholly upon observation and one made without reference to the natural laws controlling the river, and in the belief that there is no relation between the velocity of the current and the quantity of silt transported by the water; that outlets will not cause shoals; that the confinement of the flood-waters between levees would increase the height of the floods, and that the bed of the river was too firm to be eroded by the current; errors which had been advanced in the celebrated report of Humphreys & Abbot, and generally accepted by the United States Engineer Corps and by other engineers all over Europe and America, and which have now been proven to be errors by the investigations of the Mississippi River Commission.

The jetty system is based upon a theory which is the result of thorough study of the river, and is in perfect harmony with the laws of gravity and friction and with their modifying control over the silt-bearing power of the river, by which all of its apparently complex phenomena are produced, and by which theory each one of these mysteries can be fully explained. By this theory the works recommended are clearly indicated and their necessity fully demonstrated, and I may add that the absolute truth of it has been proven by the results secured in 1883 at Plum Point and Lake Providence. This theory was not, in 1879, accepted by the distinguished engineers just referred to.

Congress when it created the commission directed it to examine and report upon the jetty system. It did so in 1880 and recommended its adoption. If this system (not simply contraction of the low-water channel, but the complete rectification of the high-water channel of a river by the methods set forth in the report of 1880) has ever been applied elsewhere, I have never seen an account of it. It is only applicable through the alluvial basin of a very large river. It

*This chart and all of the others herein are reduced by photolithography from those published in the Annual Report of the Mississippi River Commission, 1883, Ex. Doc. No. 37, H. R., Forty-eighth Congress, first session, except No. 34, which is from the report three weeks later.

*See Report of Chief of Engineers, 1879, volume 2, part 2, page 1012.

would not do on the Ohio or on any stream having a bottom interrupted by chains of rocks or hard beds of gravel.

The inevitable lowering of the flood-line which would follow the complete rectification of the high-water channel, below the iron gate on the Danube, would increase the obstruction there, and compel the blasting of a deeper channel at that point, and this would allow a more rapid discharge than the river above could supply in summer without injury to the navigation above, hence the contracting dikes used there are built up only to the mean height between extreme high and low water on this and on most other rivers in Europe. Permeable jetties or contraction works are not used on any of them, I believe.

The rectification of the Rhine, below Cologne, has produced results similar to those desired on the Mississippi, by bringing its high-water banks to a uniform width. But the new banks were not made by the river, or induced by permeable contraction works, but were stone dikes built by hand. This would be wholly impracticable on the Mississippi, because of its enormous cost. The uniform widths of channel on the Danube, Elbe, Rhone, and other rivers in Europe are made by stone dikes also.

By narrowing Current River in Missouri at its several shoals to improve its navigation the stream was virtually made dry through the dry season.

The Ohio, Rhine, Danube, Elbe, and many other rivers constitute in low water a series of pools, the waters of which are prevented from rapidly escaping in the dry season by a shoal at the lower end of each. To completely scour this away, as is proposed on the Mississippi, would result in draining off the water in the pool and increasing the obstruction at the next shoal above. Such streams are usually improved by movable dams, or by locks and dams at the shoals.

The rectification of the high-water channel of the Mississippi and the closure of the Atchafalaya will in all probability lower the height of the floods at Red River 5 feet, and at Cairo probably 10 feet; but this will not impair the low-water navigation above, because of the immense volume of its discharge even in low water, when its surface slope is greatly reduced and its current more sluggish. At Cairo the rise is about 52 feet.

I think the action of the House in suspending the commission is to be regretted, not only because of the reflection which such action casts upon the distinguished, conscientious, and earnest men who compose it, but because they have accumulated a large amount of important data with which they are thoroughly familiar, in addition to which they have secured an experience of much value in the further prosecution of the work, acquired after years of familiarity with the prominent features of the river under the stimulus of a laudable professional pride, tempered by a sense of grave responsibility. The organization, with its *personnel*, plant, and floating machinery for prosecuting this certainly the most important and extensive improvement ever undertaken on this continent, will be disorganized, and the success of the plan adopted in 1880 will be imperiled by new experiments and needless delay. The views of any seven men on such a problem can never be completely harmonious until the work is finished, and final results are known.

Congress alone has authority to decide and dictate where such conflicts of opinion on important questions occur; and it has not hesitated heretofore to instruct the commission as to what it shall, and what it shall not, do. It interdicted and subsequently authorized it to build levees. It twice gave the commission instructions to close the Atchafalaya, and it has instructed it on various other matters.

As the attempt to protect the banks has not deepened the channel, after three years of trial, would it not be better, instead of suspending the commission, to instruct it to confine its expenditures to the levees and contraction works? Experience has proved their efficacy in deepening the channel, and this was the primary object in creating the commission. (See Appendix G)

Very respectfully yours,

JAS. B. EADS.

WASHINGTON, D. C., *July* 10, 1886.

Hon. GEORGE F. HOAR,
United States Senate.

NOTE.

JULY 26, 1886.

The House of Representatives voted to adopt the following amendment to the River and Harbor bill offered by Mr. HEPBURN, of Iowa, just before its final passage by that body:

"Improving Mississippi River from head of the passes to the mouth of the Ohio: Continuing improvements, $2,250,000, which sum shall be expended under the direction of the Secretary of War without the intervention of the Mississippi River Commission."

This amendment was adopted by 22 majority.

The last eight words of this amendment were stricken out in the Senate Committee on Commerce, and the following were inserted in lieu of them, namely: "In accordance with the plans, specifications, and recommendations of the Mississippi River Commission."

When the bill was under consideration by the Senate Mr. INGALLS, of Kansas, after consultation with the friends of the improvement, offered the following amendment:

"*And provided further*, That the expenditure of so much of said appropriation as may be required to continue the improvement of Plum Point and Lake Providence reaches shall be confined to the complete repair and maintenance of the levees throughout said reaches to the height of 2 feet above the flood of 1882, and to the completion of the permeable works of contraction to such extent as may be required to bring the high-water banks of the river to the comparative uniformity of width contemplated in the first five paragraphs of the plan of improvement recommended by the Mississippi River Commission and adopted by Congress in 1880, and more fully set forth in the report of the Secretary of War for 1881, volume 2, part 3, page 2733: *And provided further*, That no works of bank protection or revetment shall be executed in said reaches or elsewhere until after it shall be found that the completion of the permeable contracting works and uniform width of the high-water channel will not secure the desired stability of the river banks: *Provided, however*, That nothing herein contained shall prevent the construction of revetment works where the banks are caving, at Greenville reach, Delta Point, in front of the cities of Vicksburg, Memphis, Hickman, and Columbus: *And provided further*, That contraction works shall be built at the same time in the wide portions of the river immediately above the said revetment works."

This amendment was adopted by a vote of 32 to 18.

On the return of the bill to the House, Mr. HOLMAN, of Indiana, moved to strike out this amendment. This motion was defeated by 44 majority. The bill is now before a conference committee of the Senate and House, and the amendment of Mr. INGALLS has been accepted by this committee.

APPENDICES.

A.

On pages 2733 and 2734, volume 2, part 3, Report of the Secretary of War, 1881, the commission says:

"The bad navigation of the river is produced by the caving and erosion of its banks, and the excessive widths and the bars and shoals resulting directly therefrom.

"It has been observed in the Mississippi River, and is indeed true of all silt-bearing streams flowing through alluvial deposits, that the more nearly the high-river width, or width between the banks, approaches to uniformity, the more nearly uniform will be the channel depth, the less will be the variations of velocity, and the less the rate of caving to be expected in concave bends. This would seem to be so in the very nature of things, because uniformity of width secured by contraction will produce increased velocity, and therefore increased erosion of bed at the shoal places, accompanied by a corresponding deposit of silt at the deep places, and consequently greater uniformity of depth.

"Uniform depth joined to uniform width, that is to say, uniformity of effective cross-section, implies uniform velocity, and this means that there will be no violent eddies and cross-currents, and no great and sudden fluctuations in the silt-transporting power of the current. There will, therefore, be less erosion from oblique currents and eddies, and no formations of shoals and bars produced by silt taken up from one part of the channel and dropped in another. As the friction of the bed retards the flow of the water, any diminution of the friction will promote the discharge of floods. The frictional surface is greater in proportion to volume of discharge where the river is wide and shoal than where it is narrow and deep. It follows, therefore, that after the wide, shoal places are suitably narrowed and the normal sectional area is restored by deepening the channel the friction will be less than it was before.

"This will result in a more easy and rapid discharge of the flowing water, and consequently in a lowering of the flood-surface. It would seem, therefore, that the plan of improvement must comprise, as its essential features, the contraction of the water way of the river to a comparatively uniform width, and the protection of caving banks, and this is presumed to be the plan referred to in the act as the 'jetty system.' It is known, from observation of the river below Cairo, not only that shoals and bars, producing insufficient depth and bad navigation, are always accompanied by a low-water width exceeding 3,000 feet, but that wherever the river does not exceed that width there is a good channel. In other words, bad navigation invariably accompanies a wide low-river water way, and good navigation a narrow one.

"The work to be done therefore is to scour and maintain a channel through the shoals and bars existing in those portions of the river where the width is excessive, and to build up new banks and develop new shore lines, so as to establish as far as practicable the requisite conditions of uniform velocity for all stages of the river.

"It is believed that this improvement can be accomplished below Cairo by contracting the low-water channel way to an approximately uniform width of about 3,000 feet, for the purpose of scouring out a channel through the shoals and bars, and by causing, through the action of appropriate works constructed at suitable localities, the deposition of sand and other earthy materials transported by the water upon the dry bars and other portions of the present bed not embraced within the limits of the proposed low-water channel. The ultimate effect sought to be produced by such deposits is a comparative uniformity in the width of the high-water channel of the river."

On page 2735 the report says:

"By a permeable dike located upon the new shore line to be developed, connected with the old bank at suitable intervals by cross-lines of like character, or by jetties of hurdles, or other permeable works projecting from the bank with their channel ends terminating on the margin to the proposed water way, or by any other equivalent works, the area to be reclaimed and raised will be converted into a series of silting basins."

B.

The minutes of the commission show that I gave no sanction whatever for any revetments or other bank protection, unless it should be found that the contraction works would not stop the caving; and the report shows that the caving was not expected to stop until the high-water channel was made uniform by the contraction works.

The commission endeavored to prove in its report of 1885 that all of the members of the commission in 1880 contemplated an extensive use of bank revetment, and it appeals to the minutes of the meetings of the commission to sustain this statement. It is proper here to say that as soon as I saw this report, which was not published until about six months after it was submitted, I addressed a letter to the president of the commission protesting against my being included in the expression of any such views, and I made extensive quotations from the minutes to show that wherever bank protection was contemplated in any of the propositions proposed I had the idea of the necessity of it eliminated from such propositions, and never consented to any such idea being incorporated into the report of 1880 as the protection of the banks without the additional words "wherever necessary."

That the commission did not contemplate the revetment system in 1880 except as a contingent and supplementary part of the plan it recommended, is shown by the minutes of the meeting held by it in Saint Louis, February 17, 1880, when preparing its official report. Several propositions for insertion in the report were then offered by different members, containing the idea that it would be necessary to protect the banks, and each one of these was omitted, after argument by me, from the report. The following, which was offered by the president of the commission, was unanimously adopted, all the members being present:

"*Resolved*, That the following general principle be embodied in the report of the commission that the method of improvement of the navigation of the Mississippi River which promises the most valuable and permanent results, will comprise, as its essential features, the contraction by suitable works of the water way in the wide portions of the river, and the protection of caving banks by special means, *whenever the contracting works referred to do not effect that result.*"

The part of this resolution I have italicized, clearly conveys the idea that the protection of caving banks should not be undertaken until it shall have been first ascertained that the contracting works referred to will not stop the caving.

C.

One illustration of the effect of increasing the surface in contact with flowing water, without altering the slope, weight, or depth of the water, is the following: Construct a conduit or flume, say 3 feet wide and 3 feet deep, with any given fall or slope, and supply it with water until it is brimful. Then put a cover on it in contact with the water's surface, and its capacity to discharge the water is at once diminished, because the wetted surface or frictional resistance has been increased from 9 feet to 12 feet. If a pipe 24 inches in diameter be substituted for the square box, its maximum discharge will be attained when the flowing water is about 22½ inches deep. When flowing full it would discharge less with the same head of water, because a very little additional volume of water has brought a very large part of the surface of the pipe, not previously wetted, into contact with the water.

D.

The river at Memphis is about 2,700 feet wide; 2½ miles above, it is at least 12,000 feet. (See chart No. 44.) If there be any reliance placed upon the natural laws above stated here is a place suggesting the contraction of this wide part of the river to cut down the shoals existing in it and transport their substance by the current down into the deep place in front of Memphis, which was causing the caving there. The water being checked by the great resistance to its flow in the wide part, unloaded its excess of sand there in flood-time, and shoaled the river to 6 feet depth. Being contracted into one-fifth of its width at Memphis its current became again rapid, because the water had so much less frictional resistance here, and having unloaded its burden and thus built up the

shoals a mile or two above, the water was ready to carry its load again. Assuming that its flood velocity in the wide place was reduced to 3 miles an hour, and in the narrow place was increased to 6 (not an improbable assumption), then through the wide part the water could only carry nine units of sand for every thirty-six units in front of Memphis.

That it went to work in the bed of the river to recover this, or some approximate difference in its burden, is shown in the fact that the depth became twelve or sixteen times as great at Memphis as on the shoals above, and when the supporting pressure of the water was removed by the subsidence of the flood from its concave bank, a part of this bank, carrying valuable city improvements, slid into this deep hole and restored the angle of repose to the bank. The process was repeated year after year, and so this caving has continued for eight or ten years past.

An examination of charts, Nos. 25 and 26, shows that these wide places, with their resultant caving banks, gradually move down stream, and this wide place has followed this general rule until its influence reached the narrow locality of Memphis.

Some idea of the difference in cost of the works for bank protection and those for contraction may be formed from the following statement (see page 2121, Report of the Chief of Engineers, part 3, 1883):

"The main item of cost will, of course, be the bank protection. The work so far done on the Plum Point reach has cost below low water about $3 per running foot, the upper bank protection not yet on will not exceed $9 per foot, making a total cost of bank, per foot, $12. As regards contraction works, the dikes on Lake Providence reach have so far cost, complete with piles, foot mats, and screens, $3.50 per running foot. The prices given are for recent work, and do not include cost of plant."

In the Annual Report for 1883, Executive Document No. 37, Forty-eighth Congress, H. R., I find the following statement:

"In Louisiana Bend the work of revetting the bank has been commenced, and to date about half a mile has been completed. This is a work offering peculiar difficulties, the water being over 100 feet deep at low water, while at high stages work is impossible owing to the great depth of water and extremely rapid current."

The first indication which the reports of the commission give of their determination to advance the revetment system to an equal prominence with the system of contraction works referred to, occurs in its report for 1882 on page 2120, Report of Chief of Engineers, part 3, 1883, and is as follows. In describing the plan of improvement, it says:

"It consists essentially in seeking to increase the navigable depth at low water by narrowing the width at that stage to about 3,000 feet, it being found that where this width is exceeded bad navigation as a rule exists. To accomplish this result recourse is had to light, permeable structures erected in the river-bed, and designed by checking the velocity of the current to induce deposits of sediment on those portions of the bed which it is proposed to reclaim from the river. By a continuance of this action, which merely imitates the natural processes constantly at work, it is expected that these deposits will ultimately be raised to the level of the normal banks. When this is done the river will have a nearly uniform width, and the tendency which now exists to form shoals in the wide places will be done away with. At the same time the concentrated flow thus set up will scour down the bed, remove the present shoals, and ultimately to some extent lower the good line. To prevent the constant bank erosion now going on, both the old banks, and the new ones where exposed to this action, must be protected by brush mattresses below the low-water line, and above that point by brush or stone, or the natural vegetation."

In the commission's report (see page 2538, Executive Document, part 2, volume 1, Forty-ninth Congress, H. R.) we find that the revetment system has been still further advanced in importance as follows:

"They also deem it essential to the success of the work already done, and a necessary part of their plan of improvement, that the revetment of banks which are caving with sufficient rapidity to endanger or embarass navigation should be at once undertaken and carried forward systematically, beginning at Cairo and progressing down stream, precedence in time being given to those places where the caving is most rapid or injurious. Throughout the portions of the river lying between the reaches of bad navigation are found many long stretches where navigation is now good, and which only need work of this character to keep it so, while at other points shoals exist which would probably disappear or become less troublesome if the banks were held and the river allowed to contract and deepeen by natural agencies. The fixation of the channel is of the utmost importance in the plan of improvement contemplated by the Commission, as otherwise changes may occur from the caving of the banks which will destroy or render useless costly works of improvement, and by causing fresh shoals where navigation is now good, render an indefinite extension of the work necessary.

"This work is conservative in its nature, and can not supersede the work already begun or projected for the shoal portions of the river, but it is an important adjunct, and as much time will be required for its execution there should be no delay in beginning it. The commission have provided for initiating this work between Cairo and Memphis in the estimate which accompanies this report."

This is really a proposition to revet the whole river commencing at Cairo, and to make this work the leading feature of the plan.

On page 2867, annual report Chief of Engineers, 1885, the following indicates plainly that the commission has placed still greater stress upon the revetment system than upon the contraction works. It says:

"It has been claimed that the caving of banks should be arrested by works of channel contraction at the wide places above, and much unwarranted stress seems to have been laid upon a hypothetical discussion introduced into the first report of the commission, where it is stated theoretically that "uniform depth joined to uniform width—that is to say, uniformity of effective cross-section—implies uniform velocity, and this means that there will be no violent eddies or cross-currents, and no great and sudden fluctuations in the silt-transporting power of the current." But it is nowhere asserted in that report, nor is it believed by the commission, that uniform depth, or any very near approach to it, is practically attainable upon the Mississippi River, or upon any large silt-bearing stream flowing through an alluvial bed and having a difference of 45 to 50 feet between its high and low water stages. In its low stage the obstructed portions of the river present a series of shallow crossings or bars, where the width is excessive and upon which there is frequently only about 6 to 10 feet depth of water, alternating with concave bends, where there are depths of 80 feet, and in some places of 90 to 95 feet and upward.

"The scour induced by works of improvement at the wide places will doubtless deepen the channel across the bars to 15 or 20 feet, leaving the depths in the bends substantially unchanged, so that the full measure of approach to uniform depth attained by these results consists in this, that where there formerly existed, as between the deep bends and the shallow bars, a difference ranging from 70 to 90 feet in depth, there now exists, after the improvement, a difference of 60 to 80 feet, or more. This represents an amelioration of former conditions, which, although sufficient for purposes of navigation, is evidently too small to effect in any considerable degree, or perhaps in any sensible degree, the cross-currents, eddies, and fluctuations of velocity resulting from constantly varying depths. It would seem, therefore, that stability of banks, as the result of such uniformity of depth as can be secured by works of contraction is practically unattainable.

"For this reason the plan of improvement contemplated a liberal use of bank revetment, roughly estimated to cost more than four times as much as the corresponding works of channel contraction. It may be stated that it is not the intention, nor has it been the practice, of the commission to protect a bank by revetment merely because it is caving. Other considerations must govern this question. But where an imminent danger threatens the immediate destruction of interests of great value—as, for example, where a caving bend is about to take in flank and carry away costly works of improvement, or produce a disastrous cut-off, or where a city's river front is to be maintained, as at Vicksburg, or a portion of the city itself to be protected against undermining, as at Memphis—then it is believed to be imperative that the local remedy of holding the banks intact by a mattress revetment or other equivalent device should be adopted."

In the report of 1880 will be found the following statement: "The views of the several members, however, are not in entire accord with respect to the degree of importance which should be attached to the concentration of the flood waters by levees as a factor in the plan of improvement of low-water navigation, which has received the unanimous preference of the commission."

In the next annual report of the commission I differed with the majority so radically on the subject of levees that I submitted a minority report, from which I append the following extract. (See report of the Chief of Engineers, 1882, volume 2, part 3, pages 2766-2780.)

WASHINGTON, D. C., *April* 12, 1882.

General Q. A. GILLMORE, U. S. A.,
President of the Mississippi River Commission:

SIR: I feel compelled to withhold my signature from the last annual report of the Mississippi River Commission, as I differ with the views expressed therein on the following important points.

LEVEES.

In the report the following paragraph occurs:

"It is considered by all that levees, by confining the flood waters of the river within a comparatively restricted space, do tend, in some degree, to increase the scouring and deepening power of the current. But the extent and potency of their influence in the improvement of the low-water channel, in respect to which, for the purpose of navigation merely, improvement is most needed, and their value, for that purpose, as compared with other methods of improvement, and as compared with their cost, are regarded as subjects requiring further observation and study, and the accumulation of further and more comprehensive data, before final conclusions can be reached concerning them."

The effect of this paragraph is to weaken the recommendation made by the commission in its report of February, 1880, with regard to the importance of closing the gaps in the levees. The report of 1880 states that—

"The views of the several members, however, are not in entire accord with respect to the degree of importance which should be attached to the concentration of flood waters by levees as a factor in the plan of improvement of low-water navigation which has received the unanimous preference of the commission."

My views regarding the important agency of the levees in improving the low-water channel of the Mississippi were not expressed in that report with the degree of emphasis which I then desired, and I am unwilling to commit myself now to any expression in the present report, which, in the slightest degree, tends to throw a doubt upon the necessity of, or to justify any further delay in the closing of these outlets. On the contrary, I deem it proper to urge with redoubled force the absolute necessity of their immediate closure.

From quotations hereinafter made from the previous report of the commission, it will be seen that it relies upon the increased volume of discharge for scouring more deeply the bed of the river and lowering its floods. The loss of its volume through outlets or crevasses is fully recognized in that report, as the cause of the deposition of sedimentary matters in the bed of the river, by which its flood surface is raised from year to year.

Observations made by the commission plainly show that the effect of the present gaps in the levees has been to raise the flood-line of the river many inches above any heights previously attained within the 700 miles in which they exist most numerously, between Natchez and the mouth of the Ohio River. Within this distance there have occurred during the last eighteen years innumerable crevasses, aggregating, in 1875, a length of about 100 miles, and throughout this part of the river the deposits have raised its bed so much as to greatly injure navigation and to cause smaller floods to rise to heights never before attained.

This question is of such vast importance, and in view of my dissenting from the report of the commission, I trust that I will be pardoned for explaining, at some length, the general principles underlying the plan of improvement recommended by the commission, and the relation which the levees have to that plan. It should be borne in mind that this plan is only applicable to the rectification of a sediment-bearing river, and not to rivers flowing through rocky beds, and whose waters are clear. It should be especially noted, also, that this plan, when fully executed, will render the further use of levees almost, if not entirely, unnecessary. A more ready understanding of the principles upon which it is based will be had by first briefly describing the formation of the lower or main alluvial basin of the river.

This basin extends from Commerce, Mo. (a few miles above the mouth of the Ohio), to the Gulf of Mexico, and has an average width of about 60 miles. Its length is about 600 miles in a direct line, and it contains about 34,000 square miles, or an area equal to that of the State of Indiana. At the upper end of the basin a spur of the Ozark Mountains has been cut through by the river at the town of Commerce, and through this, over a rocky bottom 6 or 8 eight miles in length, the Mississippi now flows. Forty miles above Cairo, on the Ohio River, the same spur has been cut through by that tributary. Throughout this entire basin bounded by highlands on each side we have every reason to believe that an estuary of the Gulf of Mexico once existed similar to the Gulf of St. Lawrence or to the Rio de la Plata, which is now being filled and built up by the immense mass of deposits annually poured into it by the Parana and Paraguay Rivers.

The floods of the Mississippi River, being highly charged with sedimentary matter, have filled this ancient and extensive estuary with alluvial deposits to the height of about 300 feet above the sea at the upper end of the basin. The surface of the land thus made by the river has a comparatively regular descent from the upper end of the basin to the Gulf, being at Gaines's Landing, midway to the Gulf, about 140 feet above the sea. Through these deposits the river winds its tortuous course in a channel about 1,150 miles long.

Experience and observation prove most conclusively that the quantity of solid matter which the water of the river is able to hold in suspension is strictly regulated by the velocity of the current. Therefore during the natural process of this land formation whenever the flood waters escaped over the banks of the channel the loss of current in the water thus escaping caused the sandy or heavier portions of the solid matter held in suspension in it to settle almost immediately on the submerged banks, while the argillaceous and lighter portions, which take longer to settle, were carried back by the feebler current to the swamps or lower lands, on which they were deposited over a much more extensive area. These lighter matters now constitute the blue and other colored clay strata which are found in all parts and at all depths of the basin. The river banks were thus kept constantly higher than the lands more distant from the stream. Before any levees were built on them they were usually from 10 to 15 feet higher than the lands one or two thousand yards distant from the river.

The size of the flowing volume of any river constitutes, as will be seen hereafter, a very important element in determining the velocity of its current, and

as the loss of volume over the natural banks has the effect of producing a more sluggish current in the main channel, a deposition of sediment resulted wherever this loss occurred.

In this manner the bed of the stream, during each successive flood, was built up higher and higher, while the water escaping over the banks built them up also. Thus the river and its banks were both gradually elevated above the neighboring lands until some important breach occurred in one or the other bank, and caused the river to seek a new channel through or over the lower lands. Illustrations of this process are frequently occurring at this time in the lower part of the basin.

Sixty miles above the mouth of the river its flood surface is now 7 or 8 feet higher than the mean level of the Gulf, and through this 60 miles it flows to the sea between narrow banks that have been elevated by repeated overflows above the sea-level. From time to time the river has broken through these narrow embankments and found a steeper and shorter route to the salt water. Through such new route its heavily-laden waters bear immense quantities of sediment, which is deposited in the Gulf at the mouth of the outlet, because the current can carry it no farther.

About 35 miles above the mouth, one of these outlets, known as "The Jump," occurred about forty years ago. It has already formed over a hundred square miles of territory upon which rice plantations exist, and on which trees are growing larger than a man's body. From 6,000 acres of this land, purchased from the State of Louisiana, were obtained nearly all of the willows used in the construction of the jetties. The gradual enlargement of this sub-delta has so lengthened the outlet and flattened the surface-slope of its branching channels that the current from the river through them, even in flood time, is now too sluggish to carry the heavy sedimentary matters of the main river by that route to the sea, and hence this outlet is gradually closing up. When it first occurred the water in it was 100 feet deep; now it is scarcely 4 or 5.

During this land-building process of the river outlets were doubtless formed from time to time throughout the entire 600 miles of the basin in a similar manner to the one described at "The Jump." Occasionally the conditions were such as to cause the entire stream to forsake its old channel, and in this way it was enabled to distribute its deposits throughout the whole width of the basin from bluff to bluff. Cut-offs and crevasses facilitated this distribution, and the elevation of the bed and the banks of the stream give it the ability to maintain a sufficient height above the adjacent lands to send its earthy matters many miles away from its channel, while the unstable character of its banks enabled it to change its location from time to time, and thus to cover every part of the basin with its deposits.

Levees stop this land-building process, because they restrain the floods within the defined channel of the river, and so long as they are intact it is impossible for the banks or the bed of the river to be built up to greater heights by the natural process just described. It is an error completely and often disproved, but still repeatedly advanced by misinformed persons, that rivers confined between levees have a tendency to have their beds elevated, and, as a consequence, to need a corresponding elevation of the levees. The Po and the Rhine and other rivers in Europe effectually disprove such assertions. Their channels have been deepened and their floods lowered as a consequence of perfect levees, and this, it will be presently seen, is an inevitable result of the laws which control the phenomena of sedimentary streams, wherever they flow in channels made through their own deposits. These principles or laws I will now endeavor to explain.

The term "slope of the river" is used by engineers to indicate the inclination which the surface of the flood bears to the sea-level. When "the slope" is referred to without qualification, it means the flood line at the various points along the river, and is synonymous with the term "the fall of the river per mile." It has no reference to the slope of the bottom of the river. One end of the slope is unalterably fixed by the Gulf of Mexico. Other points in its line may be lowered or elevated to a certain extent by natural or artificial causes.

The force which produces the current is the fall of the water from a higher to a lower level, and the slope is an indication of the amount of this force. Other conditions being the same, the steeper the slope the more rapid will be the current.

The chief element which retards the current is the friction between the water and the bed of the stream. This friction increases as the surface in contact with the water increases, and is, therefore, greatest where the width is greatest, and conversely it is least where the width of the channel is least. Hence it is evident that the velocity of the current may not only be increased by increasing the slope, but also by decreasing the friction. It must be remembered that nearly all of the sedimentary matter transported by the water is carried in suspension, and that the quantity carried is in proportion to its velocity. Only a small quantity of it is rolled along the bottom. Hence if the current be checked when its waters are heavily charged with this sediment (as they always are in flood time), a deposition of a portion of their burden becomes inevitable.

No fact in connection with the river is more thoroughly established than that the current in flood time can not be checked in the slightest degree without causing a deposition of some part of the sediment. Screens of iron wire with meshes 1 foot square, placed across shoals in the Missouri River, have sufficed to retard the current enough to cause deposits 16 feet deep to be formed during one flood, and in this simple manner new banks have been developed in excessively wide parts of that river to deepen its channel and lower its slope. Willow screens, first used at the jetties at the mouth of the river for the same purpose, raised the bottom during one flood over a large area at the head of the passes where it was from 12 to 16 feet deep, almost to the surface of the water, and 70 or 80 acres of land covered with vegetation are now to be seen on the eastern side of the upper end of the South Pass channel that has been thus formed.

I have named three controlling principles which are present in every problem presented by the characteristic phenomena of the river. Each one of these is very simple in itself. It is, however, absolutely necessary to remember each of them to fully comprehend the subject, and to be able to recognize the respective influence of each in creating these phenomena. I will briefly repeat them to more strongly impress their importance. The first is the force producing the current. This force is simply the result of the fall of the river from a higher to a lower level. The second is the frictional resistance of its bed. The third is the intimate relation between the quantity of sediment carried in the water and the velocity of the current.

If we increase or decrease the current from any cause, we increase or decrease the quantity of sediment carried by the river. We can increase or decrease the current temporarily by either of two methods, namely, by altering the slope or by altering the frictional resistance. Therefore by these two methods the scouring and depositing effect can be produced. If we increase the current during the floods we produce a greater deepening and enlarging of the channel through the shoals, and they are left in better condition during low water, and at the same time we ultimately lower the height of the floods. If we decrease the current we produce shoals and higher floods.

The river, from Commerce to the Gulf, between the levees, is simply a grand trunk into which is poured all of the sedimentary matters of the tributaries. This trunk must discharge as much sediment as it receives, or that which it does not discharge must be left in the channel and thus injure navigation. If it discharges more than it receives the excess must be taken out of the bed of the channel, and it will be deepened thereby and the floods will be lowered. Hence it follows that by the process of deposit, or scour, the river has the ability to produce a current capable of carrying its sedimentary burden, without loss or gain, to the sea. The velocity of current we may call the normal current. In seasons of great floods the normal current will be more rapid than when the waters are less highly charged with sediment.

This normal current is produced by the river itself as a result of these three controlling principles. Flowing over a bed of deposits from which it takes up additional sediment when the current is too rapid, it thus deepens the bed, and with it the slope, and thus the current declines. If it be too sluggish, deposits fall to the bottom and by raising the bed it increases the slope, and as this is steepened the current is accelerated until the normal velocity is again attained. It follows, therefore, that it is not in the power of man to permanently increase its current above the normal velocity. If it be increased from any cause, the water will take up an additional burden from the bed of the river and thus enlarge and deepen its channel, and its slope will be thereby reduced, and with this reduction will follow a reduction of current and the scouring will cease as the current diminishes until the normal rate is attained, and then the channel will be sufficiently enlarged and the slope so lowered as to prevent any further scouring.

The importance of the levees as a means of improving the navigation of the river comes wholly from the relation which the volume of a sedimentary stream bears to the frictional resistance of the bed. If the volume be diminished the ratio of friction to the volume will be increased; and, conversely, if the volume be increased the ratio of frictional resistance will be decreased. Hence, if it can be shown that a higher velocity of current results from the retention of the whole volume within the levees it must follow that a greater amount of sediment will be transported, and if this amount be greater than that which the tributaries contribute it must be taken up out of the bed to the benefit of navigation and the flood line must consequently be lowered to such a degree as will finally reduce the excess of current which the increased volume has produced, down to the normal velocity. The increase of volume which will be secured by the closure of these gaps will produce this increased current.

Through these a large part of the volume of the floods now escapes, and this force the river is expending in its prehistoric occupation of land-building—a process wholly incompatible with the occupation of this vast alluvial district by man. Instead of letting this worse than wasted force be thus employed, the plan recommended by the commission proposes to utilize the entire force of the river to deepen its channel for the safe transit of the immense products of the valley, and for the safe discharge of its entire volume of flood waters without interrupting in any manner the avocations of commerce and agriculture. That it is entirely practicable to retain within the present levees the entire flood discharge of the river, if they be repaired, even without raising them any higher, I will now endeavor to prove.

* * * * * * *

Some idea of the immense increase in the capacity of the river to discharge its floods, as a result of the reduction of friction and increase of slope, may be inferred from a few facts I have tabulated from the exact measurement of Humphreys and Abbot during the floods of 1851 and 1858. They are excerpted from Appendix D of their report. These measurements were made at two places on the river nearly 1,000 miles apart, and when the floods were confined within the levees.

FIRST—AT COLUMBUS, 20 MILES BELOW CAIRO.

1853.	Height in feet.	Discharge per second in cubic feet.	Mean velocity in feet.
June 15, 1858, height of river above low water	40.1	1,349,400	8.19
June 28, 1858	38.0	1,156,960	7.22
Difference	2.1	192,440	.97

SECOND—AT COLUMBUS.

June 15, 1858	40.1	1,349,400	8.19
July 1, 1858	33.3	841,487	5.62
Difference	6.8	507,913	2.57

THIRD—AT CARROLLTON, NEAR NEW ORLEANS.

February 24, 1851	11.8	894,491	5.04
March 17, 1851	14.8	1,152,504	6.22
Difference	3.0	258,013	1.18

FOURTH—AT CARROLLTON.

February 21, 1851	10.1	766,497	4.41
March 8, 1851	14.1	1,068,464	5.81
Difference	4.0	301,967	1.40

FIFTH—AT CARROLLTON.

March 19, 1851	14.9	1,149,398	6.19
August 25, 1851	8.1	572,388	3.38
Difference	6.8	577,010	2.81

We see by the first table that when the river at Columbus was 83 feet above low-water mark an additional rise of only 2.1 feet was sufficient to increase the mean current nearly 1 foot per second, and that the discharge was one-sixth greater. The depth of river at the time was about 96 feet. Therefore this 16 per cent. increase of discharge was attained with the addition of only one-fortieth part of its depth.

The second table shows that a decrease of 6.8 feet in the height of the river at this place resulted in a loss of more than 2½ feet per second in the current and a diminution of 508,000 cubic feet per second in the discharge. If we suppose the banks of the river to have been 90 feet above the bottom of the channel, this table proves that with levees only 7 feet high upon them, they would retain a sufficiently increased volume to add 60 per cent. to the discharge of the river, and over 45 per cent. to the velocity of the current.

The third table shows that at Carrollton, near New Orleans, an increase of 3 feet in the height of the river added nearly 30 per cent. to the amount which was discharged (almost doubling the percentage of increase shown with a rise of 2.1 feet at Columbus) while the current was accelerated at the same time more than 20 per cent.

The fourth table shows that at 4 feet greater height of the river it discharged 40 per cent. more water and that its current was increased 32 per cent.

The fifth table shows that with a difference of only 6.8 feet the discharge of the river at Carrollton was more than double. The river here at the lowest stage was 115 feet deep. Hence there was an increase of only one-seventeenth part of its total depth required to produce this astonishing difference in the discharge of the river. The velocity was at the same time increased 85 per cent.

These tables are the result of actual observation and careful measurements. They represent stubborn facts, without any theorizing, and they show how absurd are some of the statements made as to the effect of outlets in lowering the floods of the river. For instance, the fifth table shows that when the river (March 19, 1851) was nearly up to the highest water mark known at Carrollton, it would have required an outlet larger than the Mississippi itself to lower it 6.8 feet. Such outlet would have had to discharge 577,000 cubic feet per second, while the whole river could only discharge 572,000 feet, when its surface was 6.8 feet lower.

This enormous quantity of water (577,000 cubic feet per second) would cover a square mile 1 foot deep in about forty-eight seconds. In twenty-four hours it would cover 1,800 miles to the same depth, and in less than a fortnight it would put an average depth of 3 feet over an area as large as the entire State of New Jersey. To lower the river only 2 feet at Carrollton, when in flood, would require an outlet as big as Red River. This is because such loss of volume lowers the slope and increases the frictional resistance in the main stream below the outlet; and this causes it to flow more slowly, and thus prevents that great reduction in its height which the thoughtless would expect.

When we refer to the three principles governing this problem and know how thoroughly they are established by experience, observation, and experiment, and remember the intimate relation existing between the quantity of sediment carried and the velocity of the current, it would seem impossible to arrive at any other conclusion than that the loss of velocity which invariably accompanies a lower height of the flood line can not fail to result in a deposition of sediment in the channel of the river where such loss of velocity occurs during a flood when the water is carrying such an enormous volume of sediment. But this fact does not rely for proof upon the plain deductions to be drawn from a consideration of the three principles we have referred to. The numerous soundings and examinations made of the bed of the river show that below every outlet its channel is reduced in size by the deposits thrown down as a result of the loss of volume through such outlet and the consequent reduction in velocity of current.

The floods do not come so suddenly but that the increased velocity due to the increased volume is felt many days before the floods rise near the top of the levees, and if these gaps were closed I have no doubt that the increased velocity resulting therefrom would enable the floods to be discharged without any danger of their overtopping the present levees. It is possible that some very extraordinary flood, if it occurred the next year after they were closed, might break through them or escape at some one of the lowest points in them; but extraordinary floods are exceptional, and it is altogether possible that before another one comes the channel of the river would be restored to the dimensions which it had when these levees were intact, and when they were capable of discharging any one of the ordinary floods which occurred.

If they be left open, new shoals and injurious changes in the channel will be occuring at other points of the river than those selected by the commission for immediate improvement, and these new obstructions and changes in the channel will require so much more additional work, and this will undoubtedly cost twice or thrice as much as it will to repair the levees. By repairing them the channel will not only be prevented from becoming worse at any point on the river, but the shoaling which has occurred as a result of these outlets will be removed by the effect of the levees, and the works of improvement can then be limited to the reduction of the excessively wide places which now exist, and which are inclosed by the present lines of levees. These wide places are the cause of cut-offs, caving banks, shifting channels, and vexatious shoals.

The plan of improvement recommended by the commission differs from any other previously proposed for the correction of the channel in the fact that it looks to a rectification of the high-water channel by the ultimate narrowing of these wide places as the only method by which a deep and uniform low-water channel can be permanently secured.

The wide places in the high-water channel create alternations of current velocity and steeper slopes to overcome the excessive frictional resistance. These cause the water to be highly charged with sediment at one part of its journey to the sea, and much less highly charged at others. This creates scouring and depositing in the bed and radical changes in the channel by the caving away of its banks.

By reducing these wide places to a width approximately the same as that of the narrow parts of the river, the friction is reduced, a lower slope and more uniform depth will be obtained, and the velocity of current will not be subject to its present changes. A uniform charge of sediment will result from uniformity of current velocity, and the caving of the banks will then be practically arrested, for the reason that when the water has the full charge of sediment due to its velocity it can carry no more, and can not, therefore, scour the channel more deeply, by which the undermining of the banks is effected. Permanence of channel will not, therefore, be secured until excessive widths are reduced. A less depth at low water than 20 feet will not insure stability of channel for the reason that a less depth will result from only a partial reduction of the wide places.

Permanence of channel will be attained only in proportion as uniformity of width of the high-water channel is attained, and when this is secured the depth at low water may be considerably more than 20 feet, but it will certainly not be less. The sooner these wide places are corrected the less will the improvement of the river cost. The maintenance of the levees, as far as they may be necessary to control the floods, will greatly lessen the cost of the work, because the retention of the water within them will prevent new shoals from forming during the narrowing of the wide places, and because the larger is the volume of a silt-bearing river in flood time the deeper will be its channel.

Through the 330 miles below the mouth of Red River the river has a comparatively uniform width, and the caving of the banks is very slight as compared with the changes occurring in the 820 miles above Red River. In conclusion, I may say that what I have urged here in regard to the closing of these gaps is but a repetition of an argument made by me before the Committee on Commerce of the House six years ago (1876). In closing my address to the committee, I then said:

"There can be no doubt of the entire feasibility of so correcting the Mississippi River from Cairo to the Gulf that a channel depth of 20 feet during the low-water seasons can be permanently secured throughout its entire course, and that the alluvial lands on each side of its waters can be made absolutely safe from overflow without levees by such correction. This can be accomplished for a sum entirely within the ability of the Government, and one really insignificant when compared with the magnitude of the benefits which would flow from such improvement. Until such work is accomplished an annual expenditure for the maintenance of the levees is imperative."

In the report for 1883 we find the following views at that time regarding levees:

"The facts observed during the past year, of which the more important have been here recapitulated, have corroborated the views of the commission heretofore expressed in reference to the utility of levees as a means of channel improvement. This statement is made as heretofore, with the limitation that for purposes of channel improvement merely the limit of economy is reached with the confinement of the ordinary flood, and does not extend to the restraint of the abnormal or extraordinary flood. The result of this qualification is that the building of levees to the height necessary to protect the alluvial basin from overflow is not necessary as a part of a logical plan of river improvement. The work of determining approximately what will be the necessary height of such system of levees has been in the hands of a committee since a time prior to the last report who will report upon it as soon as the extensive investigations necessary to reach satisfactory conclusions upon the subject can be finished."

It will be seen, in view of the facts developed by chart 28 and the theories advanced in the text, that the extraordinary floods must be controlled.

Chart 28 of the report of 1883 shows the effect of maintaining the levees continuously for many years. Chart 27 shows the portion of the river immediately above the former. Here the land was less valuable and the levees less thoroughly maintained. Charts 26 and 25 show the river above the last one, where the effect of escapements of the floods, made many miles above, have, after passing over extensive swamps and depositing their sand, returned again into the river almost clear and ready to take up a fresh burden. The tendency of the river to correct its width has thus been continually disturbed by defective levees above these places, as well as by imperfect levees in these localities.

Of the contraction works it says on the same page:

"Wherever the contraction works had been even approximately completed, the depths were nearly double those found on the unimproved portions of the river in their vicinity. It seems as if this fact should settle all doubts as to the possibility of so improving the navigation of the river by the methods adopted by the commission as to meet any reasonable requirement."

Mr. GIBSON. This celebrated engineer, who has been so successful at the mouth of the river, insists on the application of the jetty system from the mouth to Cairo, and I wish Senators would do themselves and the great interests involved in the improvement of the Mississippi the justice to read his letter on the subject.

I attempted the other day before the Senate to explain as far as I could the principles upon which the theory and plan of that engineer rested, and I am sure if Senators will read his letter and give a little thought to the subject they will see that while the Senate bill provides $600,000 less for the Mississippi River than the House bill, the Senate bill is founded upon better principles not only of hydraulic engineering but of economy. I see for one that unless this plan shall be executed with economy and produce results that will justify these expenditures, the improvement of the Mississippi River will break down. I hope it will not be permitted to fail on account of misrepresentations or through influences inimical to or jealous of the greatest natural water way in our country. The fate of this measure is watched with eager interest by the millions of people in the Mississippi Valley, whose voice will again be heard demanding that the claims of this great river for improvement shall not be neglected.

Mr. ALLISON. Mr. President, I think that the wisest thing we can do at this moment—and now I am addressing myself to the proposition of my friend from Kansas [Mr. INGALLS]—is to insist upon all our amendments; and I hope the Senator from Kansas will withdraw the particular instruction that he proposed, especially so as that particular amendment is in no possible danger. I do not believe there are five Senators here who are not in favor of continuing the improvement about the city of Washington on the Potomac River. But it is manifest that if we enter upon the question of specific instructions we shall occupy anew the time of the Senate with reference to these different questions. The Senator from Illinois [Mr. CULLOM] is very much interested in one branch of this bill, as I am, namely, that portion of it which accepts the Illinois and Michigan Canal. The Senator from Louisiana [Mr. GIBSON] just now has made a very able and considerate argument in favor of the Senate amendment for the improvement of the Mississippi River, including the amendment suggested by the Senator from Kansas. The other House, it seems, did not agree with that provision.

Now if we argue them over and over again here the effect will be that at the end we shall be practically in no better position in reference to this bill than we shall now be if we insist upon the Senate amendments one and all and intrust this question again to our conferees, having faith that they will do what they understand to be the best thing to do as representing the true vote and sentiment of the Senate upon these questions.

So I trust my friend from Kansas now will withdraw his motion to instruct and that we shall take the vote upon the motion of the Senator from Minnesota.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Kansas [Mr. INGALLS].

Mr. HOAR. I desire to raise a question of order on that motion if it is insisted on. Let the Chair have the motion read from the desk.

The PRESIDENT *pro tempore*. The motion will be read.

The Chief Clerk read as follows:

Resolved, That it is the sense of the Senate that the managers on the part of the Senate insist upon retaining Senate amendment appropriating $375,000 for continuing the improvement of the Potomac River in the vicinity of Washington.

Mr. HOAR. I thought the Senator read it in a different form. There was a point of order I had in my mind, which will not lie against this.

The PRESIDENT *pro tempore*. If the Chair understands the Sena-

tor from Iowa [Mr. ALLISON], he moved, instead of the proposition of the Senator from Kansas, the following:

That the Senate insist on its amendments, including the clauses thereof referred to in the message of the House of Representatives, and agree to the conference asked for.

Mr. ALLISON. I will offer that if the Senator from Minnesota [Mr. MCMILLAN] is satisfied.

The PRESIDENT *pro tempore*. The Chair has endeavored to put the Senator's motion in form.

Mr. INGALLS. That proposition is the last one made.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Iowa to move it as an amendment to the proposition of the Senator from Kansas.

Mr. INGALLS. Let it be again reported.

The Chief Clerk read as follows:

That the Senate insist upon its amendment, including the clauses thereof referred to in the message of the House, and agree to the conference asked for.

Mr. MCMILLAN and others. That is right.

The PRESIDENT *pro tempore*. The Chair will put the question on this amendment of the Senator from Iowa to the amendment of the Senator from Kansas.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT *pro tempore*. The question is on the motion as amended.

The motion was agreed to; and, by unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. MCMILLAN, Mr. CONGER, and Mr. RANSOM were appointed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of G. W. Church and 26 other citizens of Montague, Tex., praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which was referred to the Committee on Finance.

Mr. CALL presented the petition of the Pensacola (Fla.) Board of Trade and Exchange, praying that provision be made by the present Congress for the protection and prosecution of the important public works which have been undertaken for the improvement of rivers and harbors; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 3173) for the relief of Samuel H. Flemming, reported it without amendment, and submitted a report thereon.

Mr. WILSON, of Iowa, from the Committee on Post-Offices and Post-Roads, to whom the subject was referred, reported a bill (S. 2878) to amend section 3860 of the Revised Statutes of the United States; which was read twice by its title.

Mr. CAMERON. I am instructed by the Committee on Naval Affairs, to whom was referred the bill (H. R. 6664) to increase the naval establishment, to report it back favorably with amendments, and I give notice that immediately upon the completion of the fortification bill I shall ask the Senate to consider this bill.

Mr. TELLER, from the Committee on Mines and Mining, to whom was referred the bill (S. 2714) to submit to the Court of Claims for adjudication the title of William McGarrahan to the Rancho Panoche Grande tract of land, in the State of California, and for other purposes, reported it with an amendment, and submitted a report thereon.

Mr. BLAIR, from the Committee on Pensions, to whom were referred certain messages from the President of the United States returning the following bills with his objections thereto, submitted reports thereon recommending the passage of the bills, the objections of the President to the contrary notwithstanding:

A bill (S. 857) granting a pension to Dudley B. Branch; and

A bill (S. 1630) granting a pension to James C. Chandler.

Mr. EVARTS, from the Committee on the Judiciary, to whom was referred the bill (H. R. 2124) amendatory of and supplementary to "an act to alter the judicial districts of Pennsylvania, and for other purposes," approved May 26, 1824, and providing an additional place for holding the several courts thereof, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 9857) in relation to the western judicial district of Wisconsin, reported it with an amendment.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 2553) for the relief of Thomas A. Osborne, reported it without amendment, and submitted a report thereon.

Mr. BLACKBURN, from the Committee on the District of Columbia, to whom was referred the bill (S. 2483) to grant to the trustees of the German Lutheran Trinity congregation of Washington, D. C., the right to sell a portion of their cemetery lands, reported it without amendment.

Mr. SHERMAN, from the Committee on Foreign Relations, to whom was referred the joint resolution (H. Res. 118) relative to certain papers in the State Department by error, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred a resolution submitted by Mr. CALL on the 9th instant in relation to the arrest and detention of American citizens in Mexico, reported it with the recommendation that its further consideration be indefinitely postponed, and reported the following resolution in lieu thereof, recommending its passage:

Resolved, That the President be requested, if in his opinion not incompatible with the public interests, to send to the Senate all the information and correspondence in his possession concerning the imprisonment of citizens of the United States in Mexico, and any delays or injustice in respect of their being brought to trial, or their trial, and what efforts have been made by the Executive Departments to redress such grievances, if any exist.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the bill (H. R. 5196) to detach certain counties from the United States judicial district of California and create the United States judicial district of Southern California, reported it with amendments.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (S. 982) granting the right of way to the Wyoming Central Railway Company across the Fort Fetterman military reservation, in the Territory of Wyoming, reported adversely thereon; and the bill was postponed indefinitely.

HASKELL MULTICHARGE GUN.

Mr. GORMAN, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to.

Resolved, That the testimony taken before the two Houses of Congress on the Haskell multicharge gun, with the accompanying reports, be printed, and that 200 additional copies be printed for the use of the Senate Committee on Military Affairs.

BILLS INTRODUCED.

Mr. CALL introduced a bill (S. 2879) granting an increase of pension to Matthew McFarlan Lewey; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PALMER introduced a bill (S. 2878) donating condemned cast-iron cannon and cannon-balls for monumental purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BECK introduced a bill (S. 2881) for the relief of G. D. Hamilton; which was read twice by its title, and referred to the Committee on Military Affairs.

JUDGE FOR SOUTHERN ALABAMA—JUDICIAL SALARIES.

Mr. PUGH. I ask unanimous consent of the Senate to allow me to enter a motion to reconsider the vote by which the Senate passed House bill 28, and to accompany that with a request to the House to return that bill to the Senate. I make this motion with the knowledge and consent of the Senator from Illinois [Mr. LOGAN], who offered an amendment to this bill. The bill merely provides for the appointment and compensation of a district judge for the southern district of Alabama, while the amendment affects the salaries of all district judges.

The PRESIDENT *pro tempore*. The Senator from Alabama asks unanimous consent of the Senate for leave at this time to offer a motion to reconsider the action of the Senate on the passage of a bill, the title of which will be stated.

The CHIEF CLERK. A bill (H. R. 28) to provide for the appointment and compensation of a district judge for the southern district of Alabama.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none. The motion to reconsider will be entered and the usual request for the return of the bill from the House of Representatives will be sent.

FORTIFICATIONS APPROPRIATION BILL.

Mr. DAWES. I move to proceed to the consideration of House bill 9798.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9798) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1887, and for other purposes.

FEDERAL COURTS IN COLORADO.

Mr. TELLER. I appeal to the Senator from Massachusetts to lay the appropriation bill aside temporarily to allow me to call up a bill which has been recalled from the other House. The bill came from the House to the Senate, and was amended after it came from the committee. Finding that it is impossible to get it through the House, I have had it recalled, and now ask to reconsider the vote by which the amendment was agreed to, and that we disagree to the amendment and let the bill become a law. It will only take a moment.

The PRESIDENT *pro tempore*. The Senator from Colorado moves to reconsider the vote by which the Senate passed the bill (H. R. 3014) to provide for terms of court in Colorado. The question is on that motion.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senator also moves to reconsider the vote on the third reading of the bill.

The motion was agreed to.

The PRESIDENT *pro tempore*. The amendment made by the Senate will be stated.

The CHIEF CLERK. After the word "year" in line 6 the Senate inserted "instead of the terms now provided by law."

The vote adopting the amendment was reconsidered.

Mr. EDMUNDS. I wish to explain, and then I shall leave it to the Senate to do what it likes. The committee recommended that amendment, or it was put on here, I do not remember which.

Mr. TELLER. It was put on here.

Mr. EDMUNDS. On the ground that as the bill was drawn it provides on the face of it for other and different terms from those now fixed by law without abolishing the other terms. If that construction be correct—and in point of mere literal law I think it really is, although that is not what was meant to be done—then as in criminal cases (as the judges will not call the old terms) the man must be bound over to the next legal term of court. I am afraid there may be a failure of justice. My friend from Colorado thinks that as the judge himself drew the bill he and all the other judges will construe it to be a provision in lieu of the old terms. I think that in point of law administered in a criminal case it will not bear that construction; but as I have stated to the Senator from Colorado who thinks it quite desirable to get it done now, if he is willing to take the risk I have nothing to say.

Mr. TELLER. I ask that the amendment may be disagreed to.

The PRESIDENT *pro tempore*. The Chair will put the question on the amendment.

The amendment was rejected.

Mr. TELLER. Now, I hope the bill will pass without amendment.

The bill was ordered to a third reading, read the third time, and passed.

FORTIFICATIONS APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9798) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1887, and for other purposes.

Mr. DAWES. I move that the formal reading of the bill be dispensed with.

Mr. ALLISON. Before the bill proceeds I desire to give notice that immediately upon its conclusion I shall ask the Senate to take up the joint resolution relating to the surplus in the Treasury, and I think from what I know of the fortification bill that it will not take much time, so that I can call up the joint resolution by 3 or 4 o'clock.

Mr. EUSTIS. I ask the Senator from Massachusetts to yield to me for a moment to call up House bill 8738 to amend the Revised Statutes as to packing and selling cut tobacco. I very seldom make such a request, but this bill will take but a very few minutes.

Mr. DAWES. I should be very glad to——

Mr. EDMUNDS. I wish to appeal, too. I have a bill I should like to pass.

Mr. ALDRICH. I wish to appeal, too.

Mr. INGALLS. I desire to call up a bill reported from the Committee on the District of Columbia for the purpose of erecting a bridge over the Eastern Branch at the eastern end of Pennsylvania avenue, a very important bill.

Mr. DAWES. I have no recourse but to object.

Mr. EUSTIS. I am unable to hear the answer of the Senator from Massachusetts.

Mr. DAWES. I am compelled under the circumstances to decline to yield.

Mr. EUSTIS. I must appeal to the Senator from Massachusetts. This is a bill which has passed the House of Representatives and been reported by the Finance Committee. It is simply with reference to the mode of packing tobacco.

Mr. MILLER. I shall object to it.

The PRESIDENT *pro tempore*. The fortification bill is before the Senate.

Mr. DAWES. I ask that the formal reading of the bill be dispensed with.

The PRESIDENT *pro tempore*. If there be no objection the formal reading will be dispensed with, and the bill will be read in connection with the amendments of the Committee on Appropriations.

Mr. CONGER. What bill is it?

The PRESIDENT *pro tempore*. The bill will be stated.

The CHIEF CLERK. A bill (H. R. 9798) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1887, and for other purposes.

Mr. DAWES. I desire to state before the reading of the bill commence that the bill as it came from the House contained an appropriation of $620,000, although the estimates of the Department for the necessities of fortifications and coast defense were $3,396,000. The act of last year contained an appropriation of $725,000. The amount proposed by the Senate Committee on Appropriations to this bill is $6,010,000. That amount is added to the bill, so that the amount of the bill as reported to the Senate is $6,630,000.

Notwithstanding the fact that the Senate is impatient at any debate upon matters under consideration, I think that it will contribute to the speedy disposition of this bill if I should in as few words as possible explain to the Senate what has led the Committee on Appropriations to recommend this departure not only from the bill as it has come from the House of Representatives, but from the fortification bills which have passed both branches of Congress for a great many years past.

It is true that for over twenty years Congress has appropriated for fortifications and coast defenses but little more, if any, in any one year than the amount appropriated in this bill as it came from the House, that is $600,000 yearly for nearly twenty-five years.

Mr. HAWLEY. How was that divided—for what purposes?

Mr. DAWES. About $100,000 of it was appropriated to the preservation and care simply of the fortifications of the country, not one dollar for the improvement of their efficiency or the enlargement of their power and ability to do what they were erected for. The miserable balance of $400,000 or $500,000 from year to year has been devoted to minor propositions, the construction of small guns, the purchase of powder, and other matters of no moment at all.

Mr. HARRIS. May I ask the Senator from Massachusetts whether I understood him to say that the estimates of the Department were about $3,000,000?

Mr. DAWES. Three million three hundred and ninety-six thousand dollars.

Mr. HARRIS. Did I further understand him to say that the Senate Committee on Appropriations had recommended the appropriation of something over $6,000,000?

Mr. DAWES. The Senator ought to have understood me so. I said that the Committee on Appropriations had added to this bill by way of amendment $6,010,000, making the appropriations in the bill as recommended by the committee $6,630,000.

Mr. HARRIS. Then I would be glad to say to the Senator from Massachusetts that I want to hear his explanation as to why the committee has exceeded the estimates.

Mr. DAWES. I hope that the Senator from Tennessee will give me his attention, for I thought it was due to the Senate that there should be some explanation of this considerable departure from the precedents in this respect.

I have said that only $100,000 or such a matter each year had been appropriated for over twenty years to the preservation and care of the fortifications of the country. The result of this policy of appropriations simply for the preservation and repair of fortifications without any addition or improvement has been that while the fortifications of this country in 1860 were perfectly ample for the purposes for which they were erected, and equal in reference to the power of assault upon them from armament on the sea to those of any other country in the world, the utter failure by this policy of any enlargement or improvement during all the time from 1860 to this present day has been, in view of the great improvement of the power and effective work possible from offensive warfare from the sea, to leave all our ports absolutely defenseless.

There is not a port of the United States that can offer the slightest resistance to the approach of a hostile vessel of war which now would rank at all among the first-class vessels of war. There are powers, what are called third or fourth rate powers, among the nations of the earth who possess ships of war capable of laying the port of New York under contribution, if not in ashes, in an hour's time, or any other port of the United States, in spite of any resistance that any of those ports can offer to any hostile vessel of war that can be sent into them. And not only can they lay them in ashes or under contribution, but, being the center from which radiates commerce by railroad or international commerce, it would be the same as seizing the center of the nervous system of the body in a close grasp or cutting it with a knife; it would paralyze the entire commercial interests of the country.

This has been called to the attention of Congress from time to time. It is no new statement on my part. Nothing which I can offer in support of the amendments proposed by the committee will have the attraction of anything new in statement. It is an old story, often repeated, that such has been the progress of improvement in the armament of war vessels owned by other countries, and such has been the stationary condition of our coast defenses, that in view of them we are, as I say, perfectly defenseless.

There are now in construction guns that are to be carried upon vessels of war incased in an armament of wrought steel 30 inches in thickness, and which will carry themselves a projectile of 2,000 pounds, or a ton's weight, for 10 miles.

Mr. EDMUNDS. Where is that?

Mr. DAWES. Being constructed in England at this moment is a war vessel and guns with which to arm it which, I beg leave to repeat, will be of such formidable character as to be incased in an armament of steel 30 inches in thickness and carrying a projectile of 2,000 pounds 10 miles. It so happens that the harbors into which vessels of the deepest draught may enter are the great commercial centers of the country and are more exposed than any other points upon our coast, and into them a vessel owned by the inconsiderable, in comparison with us, power of Chili or Italy is able to enter to-day to work the ruin or the subjection of the great commercial centers and through them all the radiating nerves of commerce in this country.

Sir, the question which the Committee on Appropriations met and which they have endeavored in some part to answer is this: Are we content to continue this condition of things? Are we content to confess to the whole world that we are entirely helpless in defense? Are we content to present this Government in such a helpless condition that in all our negotiations with foreign powers, in all our treatment with them or complications which necessarily arise, we are to take their terms? The committee felt as if that question had been ignored from year to year quite long enough. They felt that in some respects this was an opportune moment to seek, if possible, to adopt some policy that would clearly bring us into some condition of defense on our coast commensurate with our importance in other respects as a nation and our wealth and enterprise and growth, which are all temptations to those who might desire, in our helpless condition, to pick a quarrel with us.

While we have been thus hesitating, other nations have been assiduous in their efforts to keep their coast defenses abreast *pari passu* with all the improvements which have been adopted in modern warfare in the armament of vessels and in the construction of guns. While we have left ourselves prostrate before England she has erected at Halifax on our north and at the Bermuda Islands on our south fortifications of modern improvement and of modern strength and capacity; so that in our present condition she actually commands us. Although there is nothing in our present relations with England that would lead us to suppose that our present peaceful condition in reference to her may not continue, yet she has the power to take in her great war vessels at either point and from them to dictate to us any terms she might please to impose in any negotiations, even the pending negotiations in reference to the fisheries.

I say that other nations have been thus assiduous. They have developed the true method of improving armament, and they present to us to-day the results of all their experiments and inventions, and we are able, if we are disposed to avail ourselves of them all, to start from this time forward where they leave off. We are safe if we avail ourselves of existing knowledge upon the subject and all the expense to which other nations have resorted. And, sir, this is an opportune moment in other respects. The Treasury of this country is in such a condition as will justify an appropriation of as large an amount in entering upon this policy as can be economically and wisely expended. There is even in the Treasury so much money that some of us are willing, as has been expressed upon this floor, to vote for very extraordinary outlays for rivers and harbors and for like appropriations in order to get that money out of the Treasury and into circulation among the people. If that was a sound policy for a statesman upon this floor, here is an opportunity to expend money in a way that will bring to the country permanent and indispensable benefits.

Therefore the committee made up their minds that it would not do for us to continue this state of things any longer, and they addressed themselves to the best means, and to what means would be justified in this present condition of things, toward inaugurating a policy which would at least lead this Government to put itself in a comparative attitude of safe defense.

The great outlay and that which will cost the most time and money is the construction of the armament of fortifications and of vessels of war. If we were prepared to enter to-morrow upon the work of constructing guns that would compare favorably with those already completed and in existence and in operation among foreign nations, it would take us two years or two years and a half before a single gun would be constructed and ready for use. But before that is to be considered in what way and by what means shall we obtain those guns. There are three ways of obtaining them. One is to purchase them abroad, constructed in the great gun foundries of England or France, and import them. The answer to that is twofold. First, in the condition of the opportunities and ability to construct guns abroad, there is no capacity existing abroad to supply the foreign demand; there is no ability in the largest plants abroad to take a contract in addition to what they now have to supply the Government of the United States with any considerable supply of these guns. They would, therefore, be obliged to enlarge their plant and require as much time for that purpose as would be required by us for the construction of a plant to produce these guns.

Another answer is that to be dependent upon foreign nations for the supply of guns for our own defense is to surrender in advance our power to defend ourselves, for the moment that any difficulty should arise with the foreign nation with whose subject we had that contract, that moment our ability to supply ourselves with the means of defense would be cut off, and therefore we should be as dependent as if we had made no effort whatever.

The committee were led step by step to the conclusion they have arrived at in their amendments to this bill, and the first step was to determine that if possible they would seek to embark in the work of producing the armament for the fortifications of this country. The next step was to determine that in securing these guns they would if possible determine that they should be made in this country, and thereby make ourselves as independent in our ability to arm ourselves as we should be when we had got possession of the guns themselves.

The next step was to determine how in this country it could be brought about that these large results could come to us whatever inducement we might hold out by way of appropriation. There are three ways of doing it. One way is to open up this project to everybody and advertise for bids from those who would undertake to furnish the Government with this material. The answer to that was apparent to the committee, that an outlay in the outset to the amount of a million dollars was perhaps necessary, for anybody who would undertake to manufacture a single gun of the quality required, and there being no such manufactory now existent in this country, no men to offer in advance to take a contract that would involve them in the first instance in an outlay of a million dollars, and then trust not only to the uncertainty of obtaining a contract but to the uncertainty of its continuance for more than a single year, so that the committee were compelled to abandon that project.

Another project and another step in the investigations of the committee was to consider whether the United States could not in some sort of partnership with private enterprise so encourage it that it would come forward and invest itself in such plant. The answer to that is from experience everywhere that it is not only fruitless but entangling and always accompanied with loss and ultimate abandonment.

The committee, however, were led to inquire whether it were possible under any circumstances to embark in this country in the production of the materials suitable for the proper armament of our coast defenses. That involves a preliminary question before all others, whether there exists in this country the proper material out of which to construct such armament. On that point the committee had the advantage of the investigation which the Senate had ordered two years ago by a special committee of which the Senator from Connecticut [Mr. HAWLEY] was chairman, which made, after a most thorough and exhaustive examination of the resources of this country in this regard, a report to the Senate which is full of not only most valuable information an instruction upon these points, but information which is most gratifying to those who feel the necessity of so developing this country as to put it upon an independent footing in all its relations to the other countries of the world. From that report they learned, and upon it they act in this bill, that this nation has at hand all the material of the quality and the quantity needed, and so located as to be able in and of itself to produce from itself everything necessary to make the coast armament and the fortifications of this country equal to the exigencies and necessities of this day.

Then it was considered by the committee that if the Government could not do this itself, could not do it in partnership with private enterprise, was it possible to divide this work, and is there any part of it that private enterprise can well and successfully, and more so than the Government, undertake, and is there some part of it that the Government can better perform than private enterprise? And upon this point they had the benefit of a board called the gun foundry board, appointed by act of Congress three or four years since, that considered this subject most elaborately and made a report, and of a commission that was appointed by the last fortification act, which has also reported, which commission consisted of the Secretary of War as its president, General Benét, General Newton, Lieut. Col. Henry L. Abbot, Capt. Charles S. Smith, Commander W. T. Sampson, Commander C. S. Goodrich, and Messrs. Joseph Morgan, jr., and Erastus Corning from civil life. They all join, and the committee have adopted their conclusions upon the developments of the special committee of which the Senator from Connecticut [Mr. HAWLEY] was chairman, that it is possible to make this division of the work; first, that the rough casting, the material, the parts of all the gun armament and armor of the country could best be produced out of material in this country by private enterprise, and that the finishing and the completing and the putting together for final use of these parts thus produced was better to be done in a Government establishment than by private enterprise.

The operating considerations which led to this were that an establishment made for the purpose of producing the rough parts of the gun could also be utilized in other private enterprises, would not be exclusively devoted to the uses of the Government, and that therefore they could be maintained at less cost and with more prospect of successful and profitable operation than could those that were established for the final finishing up and nice construction of those parts which would require machinery of great force and of special application, so that they could be used for nothing else, and an establishment for that work could look nowhere else for remuneration except by contracts with the Government. Therefore it was thought by these boards—which opinion the Committee on Appropriations adopted in this bill—that it was better to divide the whole work and to contrive some method by which the rough parts would be constructed at private establishments and the finer finishing of those parts by the Government.

Mr. GIBSON. I wish to ask whether I understood the Senator correctly in saying that the report of the committee of which the Senator from Connecticut was chairman ascertained that we had in this country steel and other materials suitable for heavy ordnance, such as would be required for modern warfare?

Mr. DAWES. The Senator from Connecticut of course will answer that much better than myself. I will say that the committee so understand the report of the Senator from Connecticut.

Mr. HAWLEY. I thought the question was addressed to the Sena-

tor from Massachusetts, and I did not pay close attention. Will the Senator from Louisiana kindly repeat it?

Mr. GIBSON. The question was whether we have in this country the necessary materials, steel, &c.?

Mr. HAWLEY. We make as fine steel as there is in the world for certain purposes, and we have a large number of open-hearth furnaces, some of them capable of producing and producing very large quantities. I am not aware that the steel-makers of any nation in the world confine themselves absolutely and strictly to the ores of their own country; but I think we are more nearly independent than any other nation; and in reality, if it be needed, we can furnish from the ore up to the manganese, everything that is necessary to the operation of making steel, from our own soil. We do not produce it now in the sizes; we have no machinery in the sizes adapted to large guns, but it requires only a respectable contract to induce any one of a dozen manufacturers to undertake that.

Mr. GIBSON. I am very much gratified to hear that we have steel to make the heaviest ordnance in modern warfare.

Mr. HAWLEY. We have the steel and can produce it now in a small quantity, but there is no plant that is capable of producing and wielding and handling it. We now make admirable steel for all ordinary purposes, and can, if necessary, confine ourselves to domestic materials entirely.

Mr. DAWES. I think the Senator from Louisiana has only to study the report and the evidence accompanying it made by the Senator from Connecticut to be relieved of any doubt. The fact that there exists in this country the material in the quantity necessary, of the finest quality, to produce this armament, that it is brought into use, no one intends to declare; but the upshot of this bill, as amended, is to bring it forth, to demonstrate its existence here. The very fact that all these resources are within our reach is of itself an element of strength in any contest we may have with foreign nations who undertake to arrogate to themselves all the facilities of making the armaments of the world.

Going upon that supposition and upon that idea of division, I will state the next step taken by the committee. It is perfectly evident, as I have said in reference to another point, that in order for any private concern to undertake to produce at all any portion of the armament which it is proposed to produce, they must first make a very large outlay of capital, investment, plant—a plant which will depend almost exclusively upon the chance of obtaining a contract with the Government to produce this article. As I have said, no half-dozen concerns, companies, organizations will enter into an investment in advance before the Government upon the uncertainty of a competition in entering into this contract. Then it must take at least two years to perfect such a plant, and no man is going to make that investment in advance of knowing what he is going to do.

The committee, following the suggestions of these boards, and the other committee to which I take such pleasure in alluding, whose help in this matter the Committee on Appropriations are so willing to acknowledge, make this proposition: They offer to contract after advertisement for thirty days with anybody who will enter into a contract with the Government to produce a certain quantity of this material; and they say you shall not depend for the ability to fulfill this contract on our part upon a yearly appropriation, which is always subject to the contingencies of Congressional action, but we will say to you that this contract shall be to the extent of $6,000,000. For that amount we want as early as practicable to be produced all the specifications indicated in the bill, and that you shall have six years to fulfill this contract, requiring them to complete their plant and be able to produce portions of it within a year and a half or two years.

This is the plan of the committee. Along with it comes the idea that the Government has establishments furnished to some extent now, and if this plan is adopted to enlarge, to meet this branch of the case, a plant in which they can assemble and finish and put together the parts of this armament just as fast as they can be produced by private contract.

I apologize to the Senate for taking so much time to explain this plan. Any Senator who has followed me will see the idea of the committee. If any Senator feels satisfied with the present condition of things he of course will not vote for this proposition. If any Senator, feeling that he is not satisfied with this condition of things, desires to enter upon any method of restoring to their relative power and efficacy the fortifications of this country and yet does not agree to this method, it will be certainly within his power to offer by way of amendment such suggestions as will improve and work out the problem that the committee desire to work out.

Mr. McPHERSON. I wish to ask the Senator from Massachusetts a question.

Mr. DAWES. I will say before the Senator puts his interrogatory that with any Senator who with the committee agrees that this condition of things ought not longer to exist, but who may not quite agree with the plan suggested by the committee, the committee will have no struggle, but will join heartily with any Senator in an earnest and honest effort to improve this plan in such a way as will most effectively and most speedily accomplish the result which he and they have at heart. But with any Senator who is satisfied with the confessed helpless and defenseless condition of this country, confessed to the world, the committee have an earnest and a sincere difference. They feel that the country has continued in this condition quite long enough. They feel that this is a serious question which commends itself to the statesmanship of the Senate and can not be longer ignored.

The fact that for twenty-five years we have gone on developing and increasing in population and wealth and have suffered no harm from this condition of things does not to the Committee on Appropriations seem a sufficient argument for continuing this condition of things, but rather an argument that we should make haste, availing ourselves of our increased abilities as well as our increased necessities to seek out the best and the most efficient remedy.

Mr. BECK. Mr. President, the Senator from New Jersey [Mr. McPHERSON] said to me that before he put his question to the Senator from Massachusetts he would allow me to make a suggestion about the difficulties I have in regard to the bill, and that I might ask to see whether some improvement could not be made.

Mr. DAWES. Will the Senator allow me to add a few words more?

Mr. BECK. After I have made a few suggestions I will yield, because it is only at this point that I desire to do it, and I do not wish to take the Senator from New Jersey off the floor. I desire to explain something of the extent the committee went, because I am a member of the committee, and I have had a good deal of difficulty to know what it was best to do.

Mr. DAWES. Would it not be as convenient to the Senator to postpone his remarks until I have said all I desire to say?

Mr. BECK. Of course; but I should a great deal rather have the Senator tell me wherein I am mistaken. It is only that.

Mr. DAWES. Very well.

Mr. BECK. I was very much at ease with regard to this bill, as the Senator knows. My desire is to procure the best guns, and to procure them now, and then to go on and make more. I went to see the commanding general of the Army and had a long and very interesting conversation with him. I went to see the Secretary of the Navy and had an interesting conversation with him. I went wherever I thought I could obtain information. The result of my examination was that guns are what we want, and big guns; that we want them now, and then we want to make as many more as we can on the best terms which can be made; to make them at home ultimately, but not to wait defenseless until we can make such as we need. I want to see the ports of Boston, New York, Norfolk, and San Francisco, which seem to be the most important points, fortified now; and my desire was to buy from Mr. Krupp or anybody else in the world enough guns to give us protection while we were going on.

This bill seems to me to fail to do that, and as we have waited for years and years, lying at the mercy of England as the Senator has said, with Halifax on one side of us and Bermuda on the other, to dictate terms, I do not want to lie that way any longer, nor to wait until we make guns of our own and establish plants of our own, which may be very difficult. The Senator from Connecticut [Mr. HAWLEY] made a statement the other day before the committee which was so full of information and so hopeful of the future that I think the time is not far distant when we can do it.

As to fortifications, I should keep up what we have got, partly for ornamentation and partly for the purpose of showing what we have once had. As the commanding-general of the Army said to me, he would rather have something in the shape of guns. He said that he would dig the holes if we would give him the guns, and I believe he will, and he will have a sufficient amount of troops and a safe place to prevent the landing of any hostile force from any fleet.

I am not going to vote against this bill. I am for it. I will take the chances on it, whether it is right or wrong; but I should like to add to it something that would give us some guns now, such as all the world use. As the Senator from Massachusetts said, we can not buy them abroad, because where they are making first-class guns they can not fill their contracts. That shows that there are some guns which the world has accepted as being first class, and we had better have some of them added also to what we are going to make, and then make as good as those are and improve on them if we can, and I think we can, for I believe if the opportunity was given to us we have talent enough to improve on anything made anywhere. But it takes time and it takes a great deal of expense, and a plant has to be established.

I intended to propose an amendment to have Mr. Barlow test a gun. That amendment was to insert the following:

To enable the Secretary of War to procure one 8-inch cast-iron rifled cannon, to be constructed after the design and under the superintendence of Milton Barlow, of Richmond, Ky., and for testing the same, $20,000: *Provided*, That the said Barlow shall make no claim on the United States other than an amount which may seem reasonable to the Secretary of War for his services in superintending the construction and testing of said gun, and which amount shall be paid from the sum above appropriated.

This gun is designed by a simple and effectual method to accomplish the same object for which the multicharged gun is designed, namely, a prolonged application of force to a heavy shot. Barlow's plan of gun will be like ordinary guns of the same caliber except an increase of length and a different method of charging and consuming an increased charge

of powder. It is intended that this gun is to be made at the South Boston Iron Works, an establishment that served us so well during the late war and has been held intact at great expense expecting patronage from the Government, &c.

The only reason why I wanted that appropriation made is because I have known Mr. Barlow so long. He invented the first rifle-gun in 1866, and he is one of the best men I ever saw to make things useful. I could not get that put in; perhaps it would not be right; but still I want something done, and to appropriate money, I do not care how much, in the bounds of reason, to relieve us from our present defenseless position. That is what I want. The very statement the Senator from Massachusetts has made about the power England has over us and the humiliating condition we are in, ought to be removed at once. I would regret nothing so much as to see England, France, or Germany do anything to humiliate us. When there was trouble between Chili and Peru I would not have regretted so much if Chili had sent some ship of war to make some demonstration upon us, perhaps to bore a hole or two in the post-office in New York or some other fine public building, to show our folly in being so defenseless so long. We could have stood that from some little power, though not from a big one, only to illustrate the condition we are in.

I do not believe the bill goes quite far enough to get us something now while we are waiting to see if we can make these great guns; and that is my objection to it, after talking with the best informed men upon the subject.

Mr. DAWES. No one can appreciate more than I do, and the rest of the committee, the attitude of the Senator from Kentucky toward this measure, and certainly no one would more heartily co-operate with him in the very direction he has indicated than I myself. As to his allusion to the statement made by the Senator from Connecticut before the committee, I would not take a word of that out of the mouth of the Senator from Connecticut, but I choose to have him make the impression that we know he will upon the Senate and which he did make upon the committee, when I shall get through with my remarks.

Mr. BECK. I did not mean that. I meant to say that I hoped the Senator from Connecticut would tell the Senate in substance what he said to the committee.

Mr. DAWES. I have no doubt we shall have the benefit of it. I should regret very much if we did not.

On the point of obtaining guns sooner than these plants would obtain them, I should like very much some plan that would result in that; but we are informed by this very able board which made its report to this session of Congress, and which was appointed last year, over which the Secretary of War presided, the ablest board that it was possible for the President to select to test means for us to procure guns of Krupp or any of those great establishments, that they are employed now to their utmost capacity in filling the contracts of nations abroad, and that it would be impossible for them to undertake to produce for us any considerable number of these guns, or any gun perhaps until they had enlarged their plant, which would take substantially as much time as it would to develop as efficient a plant here. So, very little time would be gained by any resort to a foreign purchase for that purpose.

My idea is (it may be a crude one, and may not be worth anything) for us to hurry on this process as fast as possible, and to supply in the mean time all present exigencies by utilizing the plants in this country in the production of cast-iron guns, which are of great value. Though the common consent of all engineers and learned men on this point is that they are ultimately to be superseded entirely by steel, at present they can be utilized just as far as we can find opportunity and place to put them. There is in this bill a provision looking to that end, but any amendment to the bill which will produce sooner than this proposition does what we want, and at the same time not make us more dependent on foreign nations than we are now, which can be suggested by the Senator from Kentucky, or the Senator from New Jersey who is familiar with these things, will find no more earnest and honest supporter than myself.

Mr. BECK. That is just the difficulty I have had. I do not know what to suggest, but I desired to call out some suggestion from the Senator from Massachusetts and the Senator from Connecticut.

Mr. DAWES. I am unable, it would be foolishness for me to pretend that I was able, to suggest any method by which we could sooner than this produce any considerable amount of armament. This, in the opinion of the committee, will ultimately produce these results.

Mr. President, one word more and I shall leave this subject. This is a matter which deserves the serious consideration of the Senate. It is embarking upon a policy which must necessarily cost the Government a great deal of money. The fortifications in their present condition (the same they were in in 1860, not improved at all from that time) cost the Government to put them in that position $45,000,000. They are now in comparison with offensive warfare utterly useless. It will cost us many more millions before we get through with this work to put our fortifications again in a position relatively to what they were in in 1860. It is no small or child's work; it is an earnest work; and if it does not address itself to the statesmanship of the country we had better abandon it at once and content ourselves with the helpless condition we find ourselves in. If, on the other hand, we are determined to take hold of it in earnest, let us address ourselves to this plan with such suggestions of improvement as shall come from better knowledge and better experience than the Committee on Appropriations have been able to bring to bear upon the subject.

Mr. MCPHERSON. Before the Senator from Massachusetts sits down I should like to have him answer a question or two, which I presume he has already answered, but owing to my necessary absence from the Chamber I did not hear him. I wish to premise, however, before asking the question, by saying that I am in entire sympathy with him; and in proof of my earnestness and sincerity upon this subject I will state that five years ago I introduced a bill into the Senate making provision for an appropriation of about $5,000,000 for a like purpose, and almost in like terms with those employed by the committee in this bill.

I find, however, on the second page, in the second amendment offered by the committee, that it is proposed to expend $400,000 in the purchase, manufacture, and erection of tools and machinery at a location designated in the bill, namely, Frankford arsenal, Philadelphia, Pa. I wish to ask the Senator——

Mr. DAWES. I think the words "Frankford arsenal, Philadelphia, Pa.," are in there by mistake.

Mr. MCPHERSON. They are in the copy of the bill I have.

Mr. DAWES. Those words are printed in the amendment, but I certainly am of the opinion that they were stricken out.

Mr. MCPHERSON. It seems to me that unless the committee have excellent information touching that point it would be unwise to designate a particular point where the money should be expended, because there are many things to be considered.

Mr. DAWES. I beg the Senator's pardon; those words were left in by design. It was in another part of the bill that that modification was stricken out.

Mr. MCPHERSON. I am not prepared to say that the Frankford arsenal is not the best location for these works, but there are many things to be taken into consideration in a measure of this kind. The material being very heavy the matter of transportation should weigh very much. It seems to me that unless the committee are thoroughly advised it would be unwise to designate any particular point, but we should rather leave it to the board appointed to supervise these matters under the direction of the Secretary of War and the Secretary of the Navy.

Mr. DAWES. I will state to the Senator what led to the insertion of those words. It comes back to me now. There was another location in another part of the bill which it was thought wise to strike out, and I first thought this was the one. If I do not interrupt the Senator I will state it.

Mr. MCPHERSON. Not at all.

Mr. DAWES. The committee were led to insert these words because of the establishment already existing at Frankford arsenal, Philadelphia, where, on the information the committee had from the Ordnance Bureau, they are in process of doing, on a small scale, the very work which it is proposed to do here, and that it would be economy to go on and develop the work there. If, however, I understand and see the force of the Senator's suggestion——

Mr. MCPHERSON. Is there any water transportation at Frankford, Pa., where these guns when made, or any of the material proposed to be made, could be moved immediately by water transportation?

Mr. DAWES. I am not able myself to answer that question. I was about to say to the Senator that if the location at Frankford arsenal, Philadelphia, is any obstacle in that amendment, and he will move to strike it out, I shall not object to leaving it to the discretion of the Secretaries to locate it either there or anywhere else, availing themselves of their knowledge of the existing condition of things at Frankford.

Mr. MCPHERSON. I think for safety it would be wise to do it.

Mr. DAWES. When the amendment is reached I shall leave the matter to the consideration of the Senate.

Mr. MCPHERSON. Then there is another clause to which I wish to call the attention of the Senator, which he will find near the bottom of the third page. I see that provision is made for testing guns to be manufactured, to be contracted for at the South Boston Iron Works. The first test is a very severe one. They shall endure "a firing test of two hundred rounds with standard charges adapted to such a weapon." I find as we go on there shall be such a test of each of said guns thereafter manufactured and tested by ten rounds in the same manner. I suggest to the Senator that inasmuch as the test of a heavy gun is a very delicate matter and one which requires a good deal of care, he ought to increase the test of all the guns to fifty rounds instead of ten.

Mr. DAWES. That may be.

Mr. MCPHERSON. Because if there is a defect in the individual gun, of course it always produces disaster. Then I would recommend fifty rounds instead of ten rounds.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had receded from its disagreement to the amendments of the Senate numbered 2 and 17 to the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial

expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes; still further insisted upon its disagreement to the amendments of the Senate to the said bill numbered 88, 179, and 180; asked a further conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOLMAN, Mr. CABELL, and Mr. CANNON managers at the further conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 71) for the benefit of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territories of Washington and Idaho, and Nevada when a Territory.

The message also announced that the House had agreed to the resolution of the Senate to print the proceedings of the Supreme Court of the United States on the occasion of the death of Thomas A. Hendricks, late Vice-President of the United States.

The message further announced that the House had passed the following bills:

A bill (S. 2794) to amend an act entitled "An act for the erection and construction of a public building at Oxford, Miss.," approved July 12, 1882; and

A bill (S. 2796) to establish a land office at Lamar, Colo.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 658) for the relief of Francis W. Haldeman;

A bill (H. R. 1249) for the relief of Margaret F. Ryan;

A bill (H. R. 1511) for the relief of Sidney R. Smith;

A bill (H. R. 1802) for the relief of Moses B. Walker;

A bill (H. R. 2475) to amend an act approved May 25, 1882, entitled "An act for the construction of a public building at Galveston, Tex.;"

A bill (H. R. 4503) to authorize the Secretary of War to permit the Carrollton and Lock Number One Turnpike Road Company to locate and construct its road on land belonging to the United States at Lock No. 1, on the Kentucky River, in the State of Kentucky;

A bill (H. R. 5552) for the relief of James Cain;

A bill (H. R. 5872) for the relief of R. D. Beckley and Leon Howard;

A bill (H. R. 260) for the relief of Margaret S. Fain;

A bill (H. R. 578) for the relief of Emma J. Halloway;

A bill (H. R. 887) granting a pension to Thomas S. Duvall;

A bill (H. R. 1584) for the relief of Mrs. Aurelia C. Richardson;

A bill (H. R. 1617) for the relief of George H. Lawrence;

A bill (H. R. 1681) for the relief of William Hicks;

A bill (H. R. 2027) granting a pension to Joshua Armstrong;

A bill (H. R. 2964) to restore to the pension-list the name of Abel Mishler, of Pennsylvania;

A bill (H. R. 3118) granting an increase of pension to William H. H. Buck;

A bill (H. R. 3551) granting a pension to George W. Cutler, late a private in Company B, Ninth New Hampshire Volunteers;

A bill (H. R. 3851) granting a pension to William P. Shelton;

A bill (H. R. 3948) granting a pension to James F. Salyers;

A bill (H. R. 4032) granting a pension to John McGowan;

A bill (H. R. 5041) granting a pension to Sally A. Stone;

A bill (H. R. 5389) granting a pension to Ann Kinney;

A bill (H. R. 5950) granting a pension to Catherine Reisinger;

A bill (H. R. 6425) granting a pension to Jonathan S. Lents;

A bill (H. R. 6606) granting a pension to Sallie B. Bent;

A bill (H. R. 6824) granting a pension to James Savercool;

A bill (H. R. 7163) granting a pension to Peter Adams;

A bill (H. R. 7169) to grant a pension to James Robinson;

A bill (H. R. 7234) granting a pension to Susan Hawes;

A bill (H. R. 7244) granting a pension to Robert B. Kirkpatrick;

A bill (H. R. 7517) for the relief of Warren L. Rice;

A bill (H. R. 7712) granting a pension to Virginia Taylor Randall;

A bill (H. R. 7721) granting a pension to Ellen J. Welch;

A bill (H. R. 7728) granting a pension to Mrs. Elizabeth Collins;

A bill (H. R. 7736) to increase the pension of George W. Parks;

A bill (H. R. 7749) granting a pension to Aretus N. Butler;

A bill (H. R. 8046) granting a pension to Erastus W. Kennedy;

A bill (H. R. 8057) for the relief of Theodore Dunmire;

A bill (H. R. 8333) granting a pension to Lucinda Sawyer;

A bill (H. R. 8334) for the relief of Jacob Nix;

A bill (H. R. 8352) for the relief of Levi A. Cronkhite.

A bill (H. R. 8374) granting a pension to Mrs. Mary M. Gillham;

A bill (H. R. 8481) granting a pension to Thomas Walsh;

A bill (H. R. 8556) granting a pension to Abraham Points;

A bill (H. R. 8635) granting a pension to Irene Googins;

A bill (H. R. 8663) to increase the pension of Jonas Schoonover;

A bill (H. R. 8963) granting a pension to Michael Fitzpatrick;

A bill (H. R. 8977) to restore to the pension-roll the name of Samuel Bulman;

A bill (H. R. 9052) granting an increase of pension to Capt. John F. Morris;

A bill (H. R. 9457) granting a pension to Martin V. Curry; and

Joint resolution (H. Res. 138) to print 10,000 copies of the report of the Commissioner of Agriculture on the international sheep and wool show held in Philadelphia in September, 1880.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I ask the Senator from Massachusetts to yield to me that I may call up the legislative, executive, and judicial appropriation bill in order to agree to the conference asked by the House.

Mr. DAWES. Certainly.

The PRESIDING OFFICER (Mr. SEWELL in the chair). If there be no objection the action of the House of Representatives will be laid before the Senate.

The Secretary read the action of the House of Representatives receding from its disagreement to the second and seventeenth amendments of the Senate, and still further insisting upon its disagreement to the eighty-eighth, one hundred and seventy-ninth, and one hundred and eightieth amendments of the Senate to the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

Mr. ALLISON. I move that the Senate still further insist upon the amendments disagreed to by the House of Representatives and agree to the further conference asked by the House.

The motion was agreed to.

By unanimous consent the presiding officer was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL were appointed.

FORTIFICATIONS APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9798) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1887, and for other purposes.

Mr. HALE. Mr. President, this is a very important bill and it launches upon a field of expenditure which in my view is entirely necessary. I agree to the provisions of the bill as amended by the Committee on Appropriations. The subject embraces not only the Army but the Navy. There are certain features in it to which as a member of the Committee on Naval Affairs I have given a good deal of investigation and study. I have before me my notes and figures touching upon the subject, and was purposing to take some time of the Senate, but at this late day and with the desire of the Senate to do business rather than listen to talk and to long speeches when business is required I shall not inflict my speech upon the Senate, but will content myself with hoping that the bill may be put through speedily. I shall be glad to vote for it as the Senator from Massachusetts has brought it in. I prefer to do that to taking up the time of the Senate.

The PRESIDING OFFICER. The reading of the bill will be proceeded with.

The Secretary proceeded to read the bill.

The first amendment reported from the Committee on Appropriations was, in section 1, after line 13, to insert:

For continuing the sea-wall around Governor's Island, $50,000.

The amendment was agreed to.

The next amendment was, in section 2, line 1, after the words "Sec. 2," to strike out:

For the armament of seacoast fortifications, including the procurement of steel forgings for the manufacture of heavy guns; for guns, carriages, projectile, fuses, powder, implements, and materials for which shall all be of American production, their trial and proof, and the testing of improvements of the same, and all necessary expenses incident thereto, $500,000, to be available until expended.

And in lieu thereof to insert:

For the purchase, manufacture, and erection of the necessary tools and machinery for the finishing and assembling of heavy ordnance at the Frankford arsenal, Philadelphia, Pa.; for gun-carriages, projectiles, fuses, powder, implements, and materials for the trial and proof of such ordnance, and to complete the two 10-inch breech-loading steel guns now under fabrication, their trial and proof, and all necessary expenses incident thereto, including compensation of draughtsman on gun construction, $400,000, to be available until expended.

Mr. DAWES. I wish to offer some verbal amendments to the amendment before it is adopted. In the eleventh line, after the word "for," I move to insert "guns in process of construction;" so as to read:

For guns in process of construction, gun-carriages, projectiles, fuses, powder, &c.

The amendment to the amendment was agreed to.

Mr. DAWES. In the sixteenth line the word "draughtsmen" should be inserted in the place of "draughtsman."

The PRESIDING OFFICER. That modification in the amendment will be made.

Mr. DAWES. In line 16, after the word "construction," I move to insert the words "while employed in the Ordnance Bureau;" so as to read:

Including compensation of draughtsmen on gun construction while employed in the Ordnance Bureau.

The amendment to the amendment was agreed to.

Mr. DOLPH. Mr. President, I desire to offer an amendment to the amendment. In line 11, after the word "Pennsylvania," I move to insert:

In accordance with the plan recommended by the gun foundry board.

The PRESIDING OFFICER. Is there objection to the amendment proposed by the Senator from Oregon to the amendment of the Committee on Appropriations?

Mr. DOLPH. Let the amendment be read. If there is objection to it I will explain it.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The SECRETARY. In line 11, after the word "Pennsylvania," it is proposed to insert the words:

In accordance with the plan recommended by the gun foundry board.

So as to read:

For the purchase, manufacture, and erection of the necessary tools and machinery for the finishing and assembling of heavy ordnance at the Frankford arsenal, Philadelphia, Pa., in accordance with the plan recommended by the gun foundry board.

Mr. MCPHERSON. Do I understand that the gun foundry board have recommended this place?

Mr. DOLPH. I shall talk about the place directly. The location is one thing and the building and plant another. In regard to the location, although that is not involved in the amendment offered by me, I will say that the gun foundry board recommended Watervliet arsenal, but the Chief of Ordnance and the Secretary of War have recommended Frankford arsenal. I will read from some correspondence which I have in my possession.

Mr. MCPHERSON. If the Senator from Oregon will permit me to offer my amendment prior to his perhaps he would add his amendment to it in better form.

Mr. DOLPH. I do not think my amendment involves the question of location. With the understanding that the Senator from New Jersey is to offer an amendment in regard to location, I shall reserve what I have to say upon the matter of location until his amendment is offered.

Mr. MCPHERSON. Then I will move——

Mr. DOLPH. Let my own amendment be first disposed of.

Mr. MCPHERSON. Do I understand the Senator to permit my amendment to be first disposed of.

Mr. DOLPH. No; I propose to have the amendment offered by myself first disposed of.

Mr. President, it will be observed that the appropriation proposed here for the purchase, manufacture, and erection of the necessary tools and machinery for the finishing and assembling of heavy ordnance, and also for the purchase of gun-carriages, &c., and the completion of guns already in course of construction is only $400,000. The question of the location and the necessary plant for the manufacture of guns was reported upon by the gun foundry board. That board reported that $900,000 would be required for the purpose of the erection of the necessary buildings and the furnishing of the necessary machinery for a gun factory; that is, a factory at which the parts of the guns could be assembled and the guns constructed after the steel, forged and roughly turned and bored, had been furnished.

What I fear is that with this limited appropriation of $400,000, which is only in part to be expended for the necessary machinery for the manufacture of guns, the Secretary of War may not understand that he is expected to furnish machinery necessary for a complete gun factory at which the largest guns may be built up and finished.

This is an important matter. I do not wish to see any more money wasted upon it. What is required is a factory sufficient for the manufacture of the largest steel guns. Therefore I want this provision amended so that the proposed appropriation may not be considered the entire appropriation for that purpose, and that whatever expenditure is made shall be made in pursuance of the plan recommended by the gun foundry board; in other words, so as to secure a sufficient plant for the construction of 16-inch steel guns.

Mr. PLUMB. There is substantially no difference of opinion among people skilled in the art of constructing guns as to what kind of a plant is necessary to do the work that is here under contemplation. The gun foundry board only brought together that which was the common knowledge of all persons engaged in this business and who had given it any attention. Therefore their plan has no special merit as against other plans, because it simply is the plan of putting in the necessary lathes and machinery of a known pattern and character for the finishing of the forging which may be made and delivered for that purpose.

The committee in determining upon the appropriation of this amount of money took counsel of those persons who will have the administration of this law, if it shall be passed, and learned from them, in the first place, that we have at the Frankford arsenal, near Philadelphia, the ground necessary for this purpose; that there is also there a considerable portion of the buildings necessary for this work; that in addition to that there were already on hand a good many of the lathes which are necessary, so that it would not be necessary to appropriate as large a sum of money to do the work satisfactorily at the Frankford arsenal as it would if we were to build an entirely new establishment somewhere where we should have to supply both buildings and machinery and probably also the ground. I do not find the estimate of the cost of one of these gun factories, but the amount is about $800,000 or $900,000, and in that was $350,000 for the building.

Mr. MCPHERSON. Will the Senator yield for a moment to me?

Mr. PLUMB. I will.

Mr. MCPHERSON. We have a certain number of buildings in Washington, we have a plant here of quite large size and abundance of ground. We have water transportation which leads directly to the works. If there is no water transportation at Frankford, Pa., by which this heavy material can be readily and cheaply moved, the cost of all the buildings which may be located at Frankford would be a simple bagatelle compared with the cost of transporting yearly from those works. As the Government is intending to build great establishments for use in the future, it seems to me that the location is one of vast importance to be considered, and as the committee have recommended positively and have determined positively that the work shall be done at Frankford, I wish to know the ground upon which they made that location. Was it simply because a few old rickety buildings are now constructed at Frankford, which have lathes and other things, as are in other such establishments, which could be very readily and very cheaply moved?

Mr. PLUMB. That to me was a minor reason, but it was one of the reasons which operated upon the minds of the committee, myself included, in determining upon the location.

In the first place, it is, the committee believe, more economical to make use of what we already have and building on to it in the way of machinery. I am speaking about that proposition alone. In the next place, Philadelphia is the center of a great industrial activity. It is a place where mechanics, as we believe, can as readily as anywhere else, and much more readily than at Washington, be obtained and drawn into the service of the Government. In the next place it is in proximity to the great iron works of the country, and therefore the facility for getting the rough work, the forgings, to this place where they must be finished is greater and better than it would be at Washington, for instance.

But the Senator will bear in mind with reference to Washington that it was the plan of the gun foundry board to have two establishments of this kind, two gun factories, one for the Navy and one for the Army. There is one at Washington now for the Navy, which is doing here the work on 6-inch guns and over required for the Navy, though not equipped as it ought to be. I think probably the Senator will see before we get through that provision will be made in some other bill for enlarging the establishment at Washington which is doing the Navy work, with a view of making it capable of doing all the Navy work.

Mr. MCPHERSON. Why can it not do both the Navy and Army work?

Mr. PLUMB. There seems to be a consensus of opinion to the effect that this work ought to be divided. While it is true that a gun is a gun for the purposes of use upon a ship as upon land, at the same time it is equally true that methods of construction of ships sometimes require a little different length of gun, they require to be mounted differently, and so on, in such a way that there is great force in the suggestion that the ultimate manufacture and mounting and assembling and finishing of guns for the Army and Navy should be done at different establishments.

In the next place, while in the Army the calibers divide themselves into 6, 8, 10, and 12 inch bore and so on, in the Navy frequently the calibers are arranged differently, and they go from 6-inch to 8, and from 8 to 9½, and so on. In the problem of making a gun which would answer all purposes on shipboard, the facility for handling is different from what it would be in a fort on the land, and the question of the protrusion of the armor would affect in some way the length of the gun, and the place in which it should be worked on shipboard, inside of the ship, would, of course, affect the gun in the same way—that is, the length of it, the style of it, and the manner of its being mounted; and for that purpose it seems to have been agreed that it were better to have two establishments.

Besides that, one establishment will not be enough. This is a work which seems to have been underestimated not only in its importance but in the preparation and the length of time necessary to produce the guns. It is not expected that under this bill we shall get scarcely any, if any, satisfactory forgings inside of eighteen months, and it takes a long time to complete the guns even after all the experimental stages have been passed.

As a very accomplished officer of ordnance said to the committte, what we want now is that learning, that knowledge which comes of an effort to do a particular thing had in mind to be done. We have learned all that could be learned by mere investigation, by inquiry, by observation, by the work which others have done and are doing now. What we need to learn are those things which come with the skill, the labor, and the directing of it in the making of guns. If we fail, undoubtedly we shall learn a great deal. One of the largest iron works of Pennsylvania is now on its third forging for a 6-inch gun, having failed in the two preceding attempts to make a satisfactory piece of steel or form for

the purpose of making a gun. It is not a simple problem. It is one which has to be learned by manufacturer, by workman, by draughtsman, by all the people who have to do with it, as thoroughly as any other branch of manufacture. Though they may be skilled generally in what it is necessary to know to make up the manufacture, the strength of steel or iron, all these things have to be done not by inquiry nor by observation but by the actual test of doing, and that ought to be entered upon at as early a day as possible.

After that is all done we provide here for not to exceed 10,000 gross tons. Suppose we get them, when you consider the weight of these great guns, from 100 to 200, 300, 400, and 500 tons, it will readily be seen that we shall get very few guns out of these 10,000 gross tons of steel. We shall have got only into the experimental stage really, and this experimental stage will exhaust two, three, four, or perhaps six years of time.

By reason of all these things the committee thought that we ought to provide for this Army work by itself; and inasmuch as it was experimental, instead of saying we will go to work and carry out a certain plan which has been put upon paper we will take what we already have and build on to it from time to time according as experience, which we learn in doing the thing, shall determine is best to be done; so that we shall not be, as sometimes is the case, in the condition of having a great plant which we made according to a formula, building it all at once, without trial, without experiment as we go along, and which may be a failure in some essential part in such a way as will not only require it to be done over again but will merely delay the work in the end.

We have at Frankford arsenal a number of lathes; we have buildings; we have grounds. It is in a place, as I said, which is the center of industrial activity. Mechanics of all kinds, and especially those who are skillful workers in steel and iron, can be had there probably as well as anywhere else in the United States and better than in many other places. By means of that which is there provided already at hand we shall be able to put in the additional lathes and the additional machinery necessary for the finishing of guns to greater advantage, as we believe, than it would be if we were to cut out, as I said, one single pattern as a whole in some new place and work that, being meanwhile forbidden, as we should be, or at least unable to give any use of it as we went along.

If we commence at Frankford putting in this machinery we shall almost immediately commence to use it. The great guns that we have in various stages of preparation elsewhere will be brought there and we shall begin upon them, and as one piece of machinery after another goes in we shall be using it in such a way as to determine not only its capacity but its proper relation to the other machinery which has been put in; so that what we put in from time to time is merely cumulative, and offers as I think a very much better chance for illustrations than though we were to take some general plan which, as I said before, has only been formulated and put on paper.

Mr. DAWES. I will read just what the board recommend applicable to the amendment of the Senator from Oregon:

The board recommends the establishment of two gun factories under the control of the Government and selects the Watervliet arsenal, West Troy, N. Y., as the site for the Army, and the Washington navy-yard, District of Columbia, as the site for the Navy.

They estimate that each one of these will cost $900,000.

Mr. PLUMB. And in that $350,000 is for the necessary buildings.

Mr. HAWLEY. And the shrinking-pit, an expensive part of the work, but that is a part of the construction of buildings.

Mr. DAWES. Here are the items of expense:

Buildings and shrinking-pit, $350,000; guns from 12-inch to 16-inch caliber, $350,000; guns from 6-inch to 12-inch caliber, $150,000; guns up to 6-inch caliber, $50,000.

Mr. PLUMB. In regard to the suggestion which the Senator from New Jersey [Mr. MCPHERSON] makes, that a place directly upon the seacoast, where there will have to be no handling——

Mr. MCPHERSON. Upon the water.

Mr. PLUMB. Upon the water somewhere, he says, where there will be no handling, I think myself the land transportation would be better. He will realize without any suggestion of mine that that thing evens itself up. If you have a place situated upon the water, as for instance Washington, you have got to carry your raw material, your forging, to the water in order that it may be transported by water to Washington; and therefore there is no more necessary saving in the handling and the transportation of the material to such a place. When, as is the case now, the iron works are chiefly in the interior and away from navigable waters, whatever is produced there that the Government desires for this purpose has to be transported by rail to some point on the coast, or on the water, and it may take a double transportation. I do not know exactly what the relation of the Frankford arsenal is to the navigable waters which come to the city of Philadelphia. I have no doubt that easy arrangements for transportation to and from the river and the bay can be readily made.

Mr. HAWLEY. This does not seem to me to be by any means an important or essential point in the bill. These heavy guns, if we decide to embark in the enterprise, as I believe we shall and must, will be manufactured in their several pieces at some one of the great steel establishments in the country. That may be near the sea-shore or a great river, but it is as likely to be somewhere else. Perhaps at Cleveland, perhaps up at Troy, perhaps at the Bethlehem Works at Bethlehem, Pa., perhaps over at the Cambria Works, Johnstown, Pa., or at the Midvale Steel Works, near Philadelphia. There are a dozen establishments that ought to be competing for the contracts.

But, then, the transportation of the forgings is not a serious problem. It can easily be done by rail.

The finishing factory will of course have to deliver guns running from 5 tons up to 110, and the only matter of transportation is that it should be near water that will bear steamers or barges sufficient for such burdens. Frankford arsenal is convenient enough in that respect. The Senator knows well the communication through the Delaware and Raritan Canal with the waters of New York city, reaching either the proving-grounds at Sandy Hook or the war vessel at the Brooklyn navy-yard. Indeed, Frankford arsenal, 4 or 5 miles above Philadelphia, on the Delaware River, has all needed communications by rail or water with forts or ship-yards.

I was of the opinion that Watervliet would be a good place for the Army gun factory, but I do not regard it as at all material. I am so intensely anxious to see the Government begin the construction of heavy guns that I waive these points. Put the factory where you please, or let the Secretary of War select the place.

Mr. DOLPH. Mr. President, I do not desire to discuss this amendment at length, but I desire to be understood in what I have said. At some subsequent stage of this discussion I will have something to say on the subject of coast defenses. I repeat, the amendment offered by me does not involve the question of location, but in order that the Senate may know what the opinion of the Department is upon the subject of location, I will state that I have here a letter addressed to myself by the Secretary of War and dated May 24, 1886, in which the Secretary says that he concurs in the opinion of the Chief of Ordnance that Frankford should be the location of the gun factory for the Army.

I have also a letter from the Chief of Ordnance addressed to the Secretary of War, dated May 24, 1886, from which I read:

The gun factory ought not to be erected at Watervliet arsenal, but at Frankford arsenal, and I strongly recommend that the bill be amended so as to read "at the Frankford arsenal, Philadelphia, Pa."

The bill referred to was Senate bill 662, being the bill reported from the Committee on Coast Defenses by the Senator from Connecticut [Mr. HAWLEY] on the 11th of May, 1886, which I submitted to the Secretary of War for his opinion, and which was by him submitted to the Chief of Ordnance for his views. That bill is substantially the same, except as to amount, as I understand it as the amendment proposed by the Committee on Appropriations to this bill.

Mr. MCPHERSON. It is all satisfactory; I withdraw the amendment I offered if the committee are satisfied.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. DOLPH. One moment. I desire further for information on this subject to read what was said in another communication dated April 21, 1886, to the honorable Secretary of War by the Chief of Ordnance upon the question of location. He says:

With regard to the location of the Army gun factory my own views are and have always been in favor of the Frankford arsenal, Philadelphia, Pa. This location fulfills in a very satisfactory degree the conditions laid down in the report of the House Committee on Ordnance and Gunnery, Report No. 1450, Forty-ninth Congress, first session, namely:

1. Freedom from danger of capture by hostile forces.
2. Proximity to the establishments to furnish the materials.
3. Facilities for transportation both by water and by rail.
4. Proximity to centers of skilled labor.
5. The utilization of existing resources of the Government, so that due regard be had to economy. The board on fortifications indorsed the recommendations of the gun foundry board that there be established two gun factories, one for the Army and one for the Navy, but left the question of location an open one. In the opinion of this office the Frankford arsenal is considered the best location for the Army gun factory.

So we have the recommendation of the Chief of Ordnance for the Frankford arsenal, and that recommendation concurred in by a letter of the Secretary of War.

Now, I come to consider the amendment offered by myself. If it is supposed by Senators that the appropriation proposed by the committee in this bill will be expended in such a manner as to secure a proper and sufficient plant for the manufacture of the heaviest ordnance, I have no objection to the amendment of the committee in its present form. I have no objection as to the amount, because there can be appropriated at a subsequent session of Congress the amount necessary to obtain what further machinery will be necessary for the factory; but what I do desire is that so far as the money proposed to be appropriated by this bill is expended for the purpose of the erection of a gun factory, it shall be expended in accordance with a plan which will eventually secure a sufficient factory for the purposes desired. The gun foundry board estimated as the cost of a plant for a gun factory the following:

Guns up to 6-inch caliber	$50,000
Guns from 6-inch to 12-inch caliber	150,000
Guns from 12-inch to 16-inch caliber	350,000
Buildings and shrinking-pit	350,000

After they had made their report—

The gun foundry board, reconvened by order of the Secretary of War, May 7, 1884, and the Secretary of the Navy, April 29, 1884, was directed:

1. To prepare plans and estimates for the preparation and purchase, both for the Army and the Navy, of plants for gun factories to complete guns from 6-

inch caliber to 16-inch caliber, including buildings and shrinking-pit, and to report the full and detailed estimates for the cost of the work aforesaid.

2. To state whether the same can be better and more economically performed in establishments owned by the Government, or by private contract, or by a combined system whereby the said work can be accomplished partly by the Government and partly by private contract.

3. To make specific recommendations as to the best method of procuring steel for guns, and to indicate in what manner appropriations can most advantageously be made.

The board report, in conclusion:

1. The total cost of each gun factory will be about $1,000,000.

The Army committee has restricted its estimate to the special tools for gun construction and to the erection of buildings, as indicated in the previous report of the board, omitting such details as locomotives, cars, railway tracks, pipes for the transmission of power, crane tracks, boilers, engines, &c.

I repeat, that so far as my amendment is concerned there is no question of location involved. I myself believe that Frankford is the best location for the gun factory for the Army. Nor is there any question of amount. I am satisfied, as I said before, with the amount proposed to be appropriated in the bill if it is simply for the commencement of the work, and if it is understood that it is to be expended for the machinery necessary for the plant recommended by the gun foundry board. I only desire to make that clear, and I should like to ask the Senator from Massachusetts now what objection there would be to saying that this appropriation is made for the purpose of commencing the work in accordance with that plan?

Mr. DAWES. I think the Senator will be satisfied with the amendment as it is, inasmuch as the location is that recommended by the gun foundry board.

Mr. DOLPH. No; the location is not the one recommended by the gun foundry board. It is recommended by the Secretary of War.

Mr. DAWES. It is recommended by the Secretary of War. He is satisfied with the location.

Mr. DOLPH. I am satisfied with the location.

Mr. DAWES. Then the plant which is already there is one which conforms to the same view. The work to be performed is of the same nature as that suggested by the gun foundry board.

Mr. HAWLEY. And so described in the amendment.

Mr. DAWES. And so described in the amendment. The difference between the Senator and the amendment is simply that we do not go on and appropriate sufficient for a large plant, $900,000 or a million dollars at once. Whatever is done will be done necessarily in the line indicated by the gun foundry board, because the work to be performed is in that line. It is for the assembling and finishing of the rough parts produced elsewhere. Then the committee thought that this considerable sum of $6,000,000 and more was about as far as they could ask Congress at once to embark.

Mr. DOLPH. I shall have something to say hereafter on those particular points.

Mr. DAWES. If the Senator will make haste slowly, if he will content himself with undertaking with the committee to go thus far so long as we do not go across his ideas, I think the Senator will find it is the best way to bring Congress up to his own ideas, and that therefore on the whole the bill in its present shape is about as good as he could expect from so unsophisticated and unlearned a committee as the Committee on Appropriations, and that he had better take it thankfully from them and say that we will make this over the next session if we find that it has not gone right. I make that suggestion to him. I have no criticism to make of the ideas the Senator has thrown out.

Mr. DOLPH. Mr. President, I perhaps ought to be willing to take anything thankfully which comes from the Committee on Appropriations and is reported to the Senate by the Senator from Massachusetts, and I presume if we do get anything in the matter of appropriations for fortifications the country ought to be thankful, and we will all be thankful. But for all that I think I ought to have something to say in regard to this question of fortifications, and I propose to say it. I propose to advocate what I think ought to be done, and if I think any portion of the bill or the amendment of the committee should be amended I propose to offer the amendment. One amendment I am authorized to offer.

Mr. DAWES. The Senate did not understand me as trying to get the Senator to suspend any considerations which he might offer? I only suggested to him the considerations which weighed with the committee, not to go as far as he suggested to us now to commit ourselves, but to insist upon appropriations according to the gun foundry board, which would result in two great plants, one for the Army and one for the Navy, with an outlay of a million dollars or more for each. We have at the Washington navy-yard for the Navy and at the Frankford arsenal for the Army now plants of considerable proportions, growing, fit to do all the work required for a year or two, and as they are in the very places suggested by the War and Navy Departments we can not go far wrong if we say we will do this much at this session, but not embark so far into this matter as to make others who must co-operate with us shrink from the undertaking and thereby lose the whole.

Mr. DOLPH. The question of the amount of the appropriation is not involved in my amendment. The question as to committing Congress to the proposition of two factories, one for the Army and one for the Navy, is not involved in the amendment. We have not the question of the construction of a gun factory for the Navy under consideration. We have not yet reached the provision of the bill which is intended to secure a plant for forging the steel ingots necessary for heavy ordnance. We are considering the matter of an appropriation proposed by the committee for the procuring of the necessary machinery for fabricating heavy ordnance. The gun foundry board recommended that there shall be such a gun factory; that instead of the Government erecting a gun foundry at which the steel ingots can be cast and forged and rough-turned and rough-bored, that those shall be procured from private manufactories, and that the Government shall erect a gun factory where these rough steel ingots can be taken and the guns built up, the parts assembled.

The gun foundry board, as I have said, recommended Watervliet arsenal as the location for such a gun factory for the Army, but I think Frankford arsenal is the best location, and Frankford is recommended by the Secretary of War. I make no question as to the amount of the proposed appropriation. It will, however, require a much larger amount than is proposed to be appropriated here to procure the machinery for such a foundry. A large portion of the $400,000 proposed to be appropriated must be necessarily used for the other purposes mentioned, and only a small portion of the appropriation can be applied to the purchase of such machinery.

What I desire is that the expenditure of the money shall not be left to the Chief of Ordnance, that it shall not be left to the Secretary of War alone without direction. If it is to be, of what benefit will have been all the investigations of the several boards and commissions which have been created under the authority of acts of Congress? By the act of March 3, 1883, a board was created who examined this question and reported in favor of a gun factory. The question was submitted to them as to the character of the machinery which should be procured for the purpose of erecting and furnishing a gun-factory. They reported a plan for the factory and estimated the cost of the machinery necessary. I think it would be the part of wisdom now to say that this money shall be expended, so far as it is expended, in accordance with that plan. By so doing we will secure a plant which will be sufficient for the manufacture of 16-inch breech-loading steel rifles.

I am not very tenacious about the matter. I presume the discussion which has been had upon it, if there could have been any doubtful construction placed on the clause, will enable the officers charged with the expenditure of the appropriation to see that the money is intended for the commencement of the work only and cause it to be expended in the direction indicated in the report of the gun foundry board. I can see, however, no objection to my amendment, and I do not understand why it should be opposed.

Mr. PLUMB. Let me call the attention of the Senator from Oregon to the fact that this bill recognizes the essential features of that report.

Mr. DOLPH. I should like to have that made clear.

Mr. PLUMB. This carries out the essential features of that report. It provides for the purchase of forgings by contract and the finishing and assembling of them by the Government employés, the Government machinery, and under Government officers. In those essential particulars the recommendations of the gun foundry board have been carried out. When we go into the matter of detail in regard to just how the things shall be put together, what is really administration, if the Senator will look at the report of the board he will see they have not gone into that matter very materially, but it might be a question of doubt as to what we would require if we should act upon the plan they propose. And at all events their report has been made two years last December; there have undoubtedly been guns made since that time in a variety of directions; and to tie ourselves down to something that is even two years old, in this age of invention and in the progress of manufactures and of arts, might be the very thing we have been trying to avoid by keeping out of this matter until we thought we had arrived at the sum of human knowledge.

I have no doubt that we shall have at the hands of the Department the very best which their present knowledge, embracing, of course, what the gun foundry board disclosed by their investigation. The Senator from Connecticut told the committee in a very interesting way what he saw abroad and how completely the processes of to-day were changed by those of to-morrow, what great advances have been made in the art of gun-making. Something may have transpired within two years which would enable the Secretary of War to put up something which should be, while accomplishing the same purpose, largely different from that contemplated by the gun foundry board at the time they made their report.

Mr. HAWLEY. There is force in what the Senator from Kansas says. The gun foundry board was a very able and skillful board, and made a very admirable report, but I hardly think there is a member of it who would, without going back to see exactly what he had said, desire to be obliged to-day to say the same things, because, without question, there have been changes. I can think now of a shade of modification these very same men would express. So, while we know this board was a feature of the War Department, and that it was greatly pleased with its report, and all able and intelligent men interested in this question have been urging these ideas on us, we understand that the War Department, if we give it the money, will follow in that general direction, but it ought not to be obliged literally to do so.

The PRESIDING OFFICER. The question is on the amendment

of the Senator from Oregon [Mr. DOLPH] to the amendment of the Committee on Appropriations.

The amendment was rejected.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations to section 2.

Mr. HAWLEY addressed the Senate. [See Appendix.]

Mr. DAWES. I hope we shall have a vote on the amendment.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations to the second section of the bill as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was to insert as a new section the following:

SEC. 4. To enable the Secretary of War to contract with the South Boston Iron Works for the construction of ten 12-inch, muzzle-loading, rifled, cast-iron mortars, each of 31,000 pounds weight, at a sum not exceeding $6,000 each, or six with steel bands, not to exceed $10,000 each, in the discretion of the Secretary of War, $60,000, or so much thereof as may be necessary: *Provided*, That no part of this sum shall be paid for any such guns until after one of the same shall have been completed in accordance with the contract, and shall have endured a firing-test of two-hundred rounds with standard charges adapted to such a weapon; and after such test each of said guns thereafter manufactured, and tested by ten rounds in the same manner, shall be paid for at the price aforesaid, on the completion and satisfactory trial-test of each; all of said guns to be completed within one year from the termination of the firing-test of the first gun.

Mr. DOLPH. I myself am opposed to that amendment.

Mr. ALLISON. May I ask the Senator from Oregon to yield to me a moment that I may make a report from the committee of conference on the legislative appropriation bill?

The PRESIDING OFFICER. The report will be received.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound and to restore the same to settlement, and for other purposes, with an amendment; that it asked a conference with the Senate on the disagreeing votes of the two Houses on the said bill and the amendment thereto, and had appointed Mr. COBB, Mr. VAN EATON, and Mr. FISHER the managers of the conference on the part of the House.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON submitted the following conference report; which was read:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 88, 179, and 180 to the bill (H. R. 8974) "making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 179.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$1,970,000;" and the Senate agree to the same.

Amendment numbered 180: That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$52,960;" and the Senate agree to the same.

W. B. ALLISON,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.
WM. S. HOLMAN,
GEO. C. CABELL,
J. G. CANNON,
Managers on the part of the House.

Mr. HARRIS. What amendment is it that the Senate recedes from?

Mr. ALLISON. The two subjects of difference were the matters relating to the collection of internal revenue and the item inserted by the Senate respecting statistical information relating to marriage and divorce. The first of these was amicably arranged by a division of the sum, so that in lieu of the sum inserted by the Senate the sum of $1,970,000 is inserted as agreed to by the conference.

Mr. HARRIS. What was agreed to by the Senate?

Mr. ALLISON. The Senate appropriated $2,050,000, the Senate surrendering $80,000 and the House $70,000 of the difference. The other item relating to statistics of marriage and divorce the Senate conferees were obliged to surrender, having had three or four conferences on the subject, the House insisting robustly and continually that they would not consent to this appropriation.

The PRESIDING OFFICER. Will the Senate agree to the report of the committee?

The report was concurred in.

FORTIFICATIONS APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9798) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1887, and for other purposes; the question being on the amendment of the Committee on Appropriations to insert the proposed section 4.

Mr. DOLPH. I am opposed to this amendment. I see no good reason why an appropriation should be now made for the construction of further cast-iron guns or mortars. As I understand cast-iron guns have been condemned by all the great powers of Europe. They have been reported against by all the boards that have been recently appointed to examine into the question of guns. We have guns now on hand, according to the report of the Senate Committee on Ordnance and War Ships, as follows:

The Army has in forts and arsenals:

Smooth-bores:		
20-inch caliber	2	
15-inch caliber	308	
10-inch caliber	998	
8-inch caliber	210	
		1,518
Parrott rifles:		
10-inch caliber, 300-pounders	38	
8-inch caliber, 200-pounders	81	
6.4-inch caliber, 100-pounders	173	
		292
Converted from 10-inch smooth-bores to 8-inch rifles	160	
Ditto under contract for conversion	50	
		210
Smooth-bore mortars		45
		2,065

The committee say of these:

These are all muzzle-loaders. The nine classes require thirty-three kinds of ammunition. They are totally inadequate to the defense of our most important harbors. They may be utilized in the protection of harbors admitting only vessels of light armor and draught, and even there they should usually be supplemented by the modern breech-loading steel rifle, with its more rapid and efficient fire.

The number of serviceable naval great guns is:

Smooth-bores:		
20-inch caliber	3	
15-inch caliber	76	
11-inch caliber	357	
10-inch caliber, shell	12	
10-inch caliber, shot	21	
9-inch caliber	1,011	
8-inch caliber, 6,500 pounds	346	
32-pounders, 4,500 pounds	378	
		2,204
Parrott muzzle-loading rifles:		
150-pounders	28	
100-pounders	267	
60-pounders	75	
30-pounders	375	
20-pounders	245	
Dahlgren muzzle-loading rifles, converted from 11-inch to 8-inch	50	
		1,400
Parrott breech-loading rifles:		
80-pounders	9	
60-pounders	27	
30-pounders	5	
		41
		3,285

The committee reports that these guns are worthless so far as defense against modern-armored ships, ships armed with heavy modern guns, is concerned. I would like to inquire of the committee what is the object of making further appropriations for cast-iron ordnance? Cast-iron guns have been condemned by the experience of foreign nations; they have been condemned by our own committees; they are not recommended, as I understand—at least I know of no recommendation of the Secretary of War or the Chief of Ordnance or any other officer whose business it is to make recommendations on the subject—I should like to know why this appropriation should be made and why we should make further guns that are not serviceable.

Mr. GORMAN. The Senator from Oregon is entirely mistaken in his statement that this class of guns has not been recommended by the fortification board and by the Ordnance Department. There is but one opinion, as the committee was informed by the Department and the board, that these cast-iron mortars with a steel hoop are absolutely necessary for defense. They recommend a very large number of them. We further found on examination that probably the South Boston Works was the only establishment——

Mr. DOLPH. From what does the Senator read?

Mr. GORMAN. I am giving the information that came to the committee from the Chief of Ordnance and the recommendations of the fortification board, that rifled muzzle-loading mortars should be constructed for coast defenses.

Mr. HAWLEY. May I ask what board or committee that was from?

Mr. DAWES. The recent board.

Mr. HAWLEY. The fortification board?

Mr. DAWES. No, the last board.

Mr. HAWLEY. That is the last.

Mr. DAWES. The board of which the present Secretary of War, Mr. Endicott, is president.

Mr. HAWLEY. That is the one to which I referred as the fortification board. Did they recommend cast-iron mortars?

Mr. DAWES. They recommend seven hundred steel mortars.

Mr. HAWLEY. Nobody recommends any cast-iron nowadays.

Mr. GORMAN. The Chief of the Ordnance Department was before the committee and did not hesitate to say that cast-iron mortars

bound with steel would answer the purpose, and he recommended that they be tried. It is also perfectly clear that while there is a great rage for steel mortars all over the world, it is not definitely settled that they are better than the cast-iron mortar with a steel cord and hooped with steel. It was thought very advisable in this state of the manufacture of guns in this country that we should continue this work.

Mr. DOLPH. In the opinion of the committee it is desirable to continue this work?

Mr. GORMAN. And also of the Ordnance Department.

Mr. DOLPH. I do not suppose it is incumbent on the Government to authorize the construction of guns that are not serviceable for the sake of continuing any gun manufactory. The next section of this bill proposes such a contract with the steel manufacturers as will enable them to supply the materials for serviceable guns, for such guns as have been adopted by foreign nations, and for such guns as have been recommended by the gun foundry board, the board on fortifications and other defenses, the Senate Committee on Ordnance and War Ships, and recommended substantially by the Getty board; and it does not necessarily follow that the South Boston Company will be the successful bidder and secure that contract. I see no reason why that company should be favored.

It seems to me that it would be a great mistake, while we with difficulty shall succeed, if at all, in securing a sufficient apppropriation to commence the work of fortifying our coast, of supplying guns for coast defenses and for the Army, to expend money, either a large or a small sum, upon a character of gun that is not recommended by competent boards which have investigated the subject and have reported recently.

I have examined the report of the fortifications board carefully, and I do not remember to have seen in any part of the report any recommendation of any cast-iron guns or guns of the character designated by the Senator from Connecticut a few moments ago as hybrid guns, that is, guns of cast-iron with steel hoops. I do not believe myself in that character of gun. I think the experiment of their manufacture and use will be a failure. I think the materials of which a gun is to be constructed should be homogeneous as far as possible. They should be either all steel or all cast-iron.

I ask the Secretary to read what I have marked on page 11 of the report of the board on fortifications and other defenses, so that we may see what the board does recommend. I have underscored the last sentence.

The Chief Clerk read as follows:

The material of which the powerful guns needed in the fixed and floating defenses are to be constructed is also a proper subject of discussion if it is intended to secure strength with a minimum of weight which the board deems of much moment, in view of the complication, weight, and additional cost of the gun-carriages arising from the increased dimensions of the gun, and of other vital considerations.

Cast-iron as material has been advocated on account of supposed cheapness and facility of manufacture, but the sole method of arriving at a sound conclusion in this respect is a careful analysis. A comparison has been made between breech-loading cast-iron rifles and Krupp's steel rifles which by no means sustains the claims either of superior economy or facility of manufacture for a cast-iron gun of power equal to one made of steel. On the other hand the difference of weight against the cast-iron appears to be 66 per cent. of the weight of the steel gun, a defect which would greatly interfere with facility of maneuver and rapidity of fire. It would be singular if, after waiting so many years with the alleged intention of profiting by the experience of nations foremost in the manufacture of heavy ordnance, we would begin the long-neglected defense of the country with accepting a material for guns which, after having been tried by leading European nations, has been deliberately rejected in favor of steel. The board emphatically recommends steel.

Mr. DOLPH. I also read from the conclusions arrived at by the Senate Committee on Ordnance and War Ships in their report:

(6) The costly experiments of twenty-five years have reached a stage which justifies certain conclusions. Guns should be made of open-hearth steel, forged, breech-loading, chambered, of calibers ranging from 5 to 16 inches, of lengths ranging from 30 to 35 calibers. Armor and projectiles should be made of forged steel.

That, in brief, is the recommendation of that committee. If there have been two committees who have thoroughly investigated this question, not only in the United States but in Europe, who were competent to investigate it and who have given reasons for their opinions which ought to be satisfactory, I think those committees are what is known as the gun foundry board and the Select Committee of the Senate on Ordnance and War Ships, and their conclusions are adopted by the board on fortifications and other defenses, appointed under the provisions of the act of March 3, 1885.

I am satisficd that this idea of cast-iron guns did not originate with the committee or any member of the Committee on Coast Defenses. It may have come from some other committee, the Committee on Military Affairs perhaps, but I have failed to see, and I should like to be referred to the recommendation of the Chief of Ordnance, the Secretary of War, or of any board that has been appointed to consider the question, for the construction of cast-iron mortars.

Mr. PLUMB. The mortar is not a first-class gun, at least for what might be called the ordinary purposes for which guns of heavy caliber are used, but it still has a recognized place in modern warfare. That was abundantly shown by the use made of mortars during the last war in which this country happened to be engaged. It is true also that cast-iron is not the best material for the making of guns, having reference to the durability and strength of the material, but it is, nevertheless, stated by as good authority as we have in this country that a cast-iron mortar banded with steel performs a very good office indeed. It has the advantage also that it can be produced at a very early period and we can get it soon. The number proposed here is only about one-seventieth, I think, of the number which the fortifications board say we need for finally completing the coast defenses of the country.

In agreeing to this provision the Committee on Appropriations thought it would do the best it could with the material which was within reach, and begin the work of constructing this class of guns, especially in view of the fact that the South Boston Iron Works have undertaken and at very considerable loss to themselves to construct large cast-iron guns, some of which are now under way, for the Government, and who are qualified to do this work, which, as I said before, can be turned out and put in condition to be used within the next two years.

The testimony, which I think can not be disputed, is to the effect that a cast-iron mortar banded with steel never explodes. It may crack, it may become incapacitated for use by the ordinary wear and tear of frequent explosions; but the danger which ordinarily results from the use of a cast-iron gun in action is now removed by wrapping the gun with steel. That has been abundantly shown by the experiments carried on near New York with a gun made and wrapped in that way, a cast-iron mortar wrapped with steel. It has been used very largely, as much as any mortar probably would be required to be used in action, with the result only of cracking it but not of scattering the parts in such a way as to be dangerous to parties who might be working it.

While, as I said, this is not the highest type of gun, yet such guns have a recognized place, and the committee thought inserting a provision for constructing only ten of them was not going very deep into that class of construction, but would result in giving us something of use until the time we may get something better.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to insert as a new section, the following:

SEC. 5. That the Secretary of War and the Secretary of the Navy be, and hereby are, authorized jointly to make contract with responsible steel-manufacturers, after suitable advertisements, to continue not less than thirty days, in newspapers most likely to reach the manufacturers addressed, for the supply of rough-bored, rough-turned, and tempered steel in forms suitable for heavy ordnance adapted to modern warfare, for Army and Navy purposes, in quantity not to exceed 10,000 gross tons, in quality and dimensions conforming to specifications, subject to inspection and tests at each stage of manufacture and including all the parts of each caliber specified: *Provided*, That no money shall be expended except for steel accepted and delivered; and each bidder shall contract to deliver yearly a specified quantity of each caliber, the time of delivery of the smaller calibers to commence at the expiration of not more than eighteen months and the largest calibers at the expiration of not more than three years from the date of the execution of the contract; and all the forgings shall be of American product and manufactured in the United States; and one-half of the material purchased under this provision shall be for the use of the War Department, and one-half for the use of the Navy Department, in the armament of ships heretofore or hereafter authorized by Congress; and for the purposes of the foregoing provision the sum of $6,000,000 is hereby appropriated, to be available during six years from the date of the execution of the contract.

Mr. HAWLEY. I invite the attention of the member of the Committee on Appropriations in charge of this bill to a mere verbal amendment which is suggested to me by one more skillful than myself. In line 6 I suggest to insert after the word "tempered" the word "forged." It is implied everywhere that these are to be forged, and if you leave it without that word some fellow will be claiming that he has the right to offer a cast-iron gun.

Mr. DAWES. I have no objection to that change.

Mr. HAWLEY. I move to insert the word "forged" between the word "tempered" and the word "steel," in line 6.

The amendment to the amendment was agreed to.

Mr. HAWLEY. Beginning in line 24, the amendment reads:

And for the purposes of the foregoing provision the sum of $6,000,000 is hereby appropriated, to be available during six years from the date of the execution of the contract.

I would suggest striking out the words "the foregoing provision" and saying "this section." The provision before this is the proviso of the section.

Mr. DAWES. Yes; say "this section."

Mr. HAWLEY. The amendment is in line 25, to strike out the words "the foregoing provision" and insert instead the words "this section."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Connecticut to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. DOLPH. I am in favor of this amendment if there is nothing better to be had; but I should like to ask the Senator from Connecticut a question before the vote is taken. There seems to be no doubt that American manufacturers are willing to undertake the manufacture of cast and forged and tempered steel ingots for the manufacture of the largest guns; and the board on fortification and other defenses recommend that there should be made for the purpose of securing such

material an appropriation of $15,000,000, to be divided between the Army and the Navy. That would give $7,500,000 to the Army, if divided equally, for the purpose of contracting for the furnishing of gun metal.

I hold in my hand a report made at the present session by the commission on ordnance and gunnery of the House, of which Mr. RANDALL was chairman, appointed to report on this question of securing for the Army and Navy gun material, in which, on page 2 of the report, I find the following:

(2) That various companies are willing to undertake the operations of casting, forging, rough-boring, rough-turning, and tempering the parts necessary to make guns of the largest caliber, provided they receive "sufficient remuneration."

The whole question of all-steel high-powered guns in the United States hinges on what is "sufficient remuneration." The replies of the various companies indicate what they considered this to be.

The Bethlehem Iron Company requires contracts to the extent of 6,000 tons per year for a period of five years.

That would be 30,000 tons.

The Tredegar Company, from 1,000 to 2,000 tons per year for "a long term of years."

The Cambria Iron Company, 2,000 tons per year for a period of five years.

Which would be 10,000 tons.

The above are for calibers up to 16-inch, 102-ton guns.

For calibers up to 10-inch, the Midvale Steel Company requires an order of 3,000 tons for one year; for calibers up to 12 inches, a gross order of 5,000 tons.

The figures furnished by the Cambria and the Midvale Companies are about $800 per ton, and may be taken as about what would now have to be paid; that is to say:

For 10-inch guns, 3,000 tons of steel, $2,500,000 will be required.
For 12-inch guns, 5,000 tons, at a cost of $4,000,000.
For 16-inch guns, 10,000 tons, at a cost of $8,000,000.

While the Secretary of War by this amendment is to be authorized to contract "for the supply of rough-bored, rough-turned, and tempered steel in forms suitable for heavy ordnance adapted to modern warfare for Army and Navy purposes, in quantity not to exceed 10,000 tons," an appropriation of only $6,000,000 is made.

Of course the Secretary can only contract for the amount of steel this appropriation will purchase. The appropriation will induce American manufacturers to bid for the contract, but the cost of the plant necessary for forging the steel ingots required for the manufacture of large guns, and the risks of the manufacturer in expending the large sum required for such a plant, will to a greater or less extent enter into this contract and into the cost of every ton of forged steel that is furnished under it. Now, I submit to the Senator from Connecticut whether we will not be compelled to pay a much larger price for the steel gun-metal furnished under the contract authorized by this amendment than we should be compelled to pay if we should appropriate the whole seven and a half or eight million dollars in order that we might get the 10,000 tons of metal at once, and if in such a case it would not be very poor economy in Congress to cut this appropriation as recommended to $6,000,000.

Mr. HAWLEY. I think I can throw some light upon it. The two bills, Senate bills 662 and 663, that were offered by the Senator from Pennsylvania [Mr. CAMERON] and referred to the Committee on Coast Defenses, and reported favorably with some amendments by that committee, were just the outcome of these various boards and the result of consultations innumerable. They provided $8,000,000 in each case and 10,000 tons in each case. The bill 662 was by instructions of that committee proposed by me as an amendment to the fortification bill, and in general substance is here; but the figures are made $6,000,000 instead of $8,000,000. Out of that $8,000,000, however, in the bill 662, about $1,000,000 was to go to the plant of a finishing factory. That reduces it down to $7,000,000. Again, the Committee on Appropriations struck out all that we said in that bill about armor, leaving that to be done next winter. It has to be done; but we are very thankful that they put the guns in.

I telegraphed and had a consultation last evening with an eminent manufacturer, who talked to me not as a manufacturer alone but as an American, and he thinks the contract can be made under the $6,000,000, because they will not have to get all the machinery necessary for forging, rolling, and adapting the various forms of armor, but they will be devoted under this provision to guns alone, and we then can make a contract. If they are cut off anywhere, they will not agree to furnish quite the 10,000 tons, but the main object will be reached. I think a contract can be made with some of the leading manufacturers under this amendment.

Mr. DAWES. I should like to go just as far as it is wisdom to go, just as far as we can economically expend the money; but after a good deal of conversation and after eliminating some items of expense alluded to by the Senator from Connecticut [Mr. HAWLEY], the whole committee were of opinion that it was wise to put it at $6,000,000. If we shall be unable to make a satisfactory contract before next winter, it will be perfectly competent then to enlarge the amount; and I suggest to the Senator from Oregon whether on the whole, to meet different views and different conceptions of duty at this point and in the inaugurating of this policy, we had not better remain at the point of $6,000,000, as all of the committee agree.

Mr. HAWLEY. One thing more in answer to the Senator from Oregon. This bill gives more than $6,000,000 to the purposes of bill 662, because a part of the $400,000 in the section for finishing is to be devoted to this purpose.

Mr. DOLPH. The Senator from Massachusetts I think did not understand me as opposing this amendment. I am heartily in favor of the amendment, if it is the best we can get. The suggestion I made was whether we should not pay for the plant and get less than 10,000 tons of material.

Mr. DAWES. We shall be here in four or five months again.

Several SENATORS. Let us vote.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Appropriations.

The amendment was agreed to.

Mr. DOLPH. I am instructed by the Committee on Coast Defenses to offer an amendment to the bill which has been printed and laid on the tables of Senators for some time. I offer it as an additional section to the bill.

The Chief Clerk read the words proposed to be inserted, as follows:

For the construction of fortification and other works of coast defense, in accordance with the recommendations of the board of fortifications or other defenses, appointed by the President of the United States under the provisions of the act of Congress approved March 3, 1885, $2,000,000, to be expended under the direction of the Secretary of War.

Mr. DOLPH. Mr. President, I am aware of the impatience of the Senate at any further discussion upon this bill or amendments to it; and if the object sought to be accomplished by this amendment were less important than it is I should be willing to allow the vote to be taken in silence. But the necessity for providing defenses for our seacoast and protection for our shipping, and our great commercial cities is so urgent that at the risk of wearying the patience of the Senate I must ask to be permitted to present in a general way what is sought to be accomplished by this amendment and the reasons which induced the Committee on Coast Defenses to offer it.

It is proposed by the amendment which has just been adopted and which was first reported from the Committee on Coast Defenses by the Senator from Connecticut [Mr. HAWLEY], and by the amendment under consideration, to commit Congress to the proposition that the fortification of our coasts shall now be undertaken, and to provide for the commencement of the work, and also to adopt in a general way a plan for the fortification of the coasts, namely, the system recommended by the board on fortifications and other defenses, appointed under the provisions of the act of March 3, 1885.

The subject of coast defense embraces so many topics and so much of technical learning that a full presentation of it, even if I possessed the ability to make it, and I do not, would occupy the attention of the Senate longer than would be justifiable at this late day in the session. It comprehends the question of ships, of armor, of guns, of fortifications, of mines, of torpedoes, of torpedo boats, floating defenses, explosives, and projectiles, and the best material for and the best mode of manufacture of each; in short, almost every question connected with fortifications and a navy sufficient to defend our coasts against the attacks of modern ships of war.

Fortunately many of these questions have been made the subject of examination and report by the several boards which have been constituted under the provisions of acts of Congress. The Secretaries of War have in their annual reports for several years past urged upon the attention of Congress the defenseless condition of our coasts and recommended that the work of fortifying our principal ports should be commenced at once; and various officers of the Army and Navy have in official reports and in other ways made valuable suggestions in regard to suitable and efficient coast defenses.

As we have just heard from the Senator from Connecticut, by reason of the improvements which have been made in guns and armor, our fortifications, which are stated by the board on fortifications and other defenses to have been in 1860 equal to those possessed by any nation in the world, have become worthless and unable to cope with the armored war vessels armed with heavy modern breech-loading rifled guns.

I take it for granted that on both sides of this Chamber we are agreed as to the necessity of fortifying our coasts. The truth is that we have no guns capable of resisting an attack of a modern ship of war, and if we had them we have neither ships nor fortifications prepared to receive them where they could be effectively used to repel a naval attack. Our entire Atlantic and Gulf coast, from the northern boundary of Maine to the southern boundary of Texas, a distance of 3,000 miles and over, is wholly defenseless. Our great centers of wealth, of commerce, and of manufactures are without protection. A single modern ship of war could, before we would be able to improvise a defense, destroy property of a value greater than the necessary cost of fortifying our entire coasts.

I have here a statement which I take from the report of a speech made recently by Hon. JOSEPH WHEELER, of Alabama, in the House of Representatives, a statement in which the unprotected situation of the cities along the Atlantic and Gulf coast and the Pacific coast is described. The statement is as follows:

NEW YORK AND BROOKLYN.

These cities have a population of 1,772,962. One of these vessels could float in 30 feet water off Coney Island, beyond the range of any guns in our forts, and

throw projectiles into the business part of the city of New York and to nearly every point in the city of Brooklyn.

I would like to ask what would be the effect if a shell weighing 2,000 pounds should drop and burst at the corner of Wall street and Broadway, and what would be the further effect of a few hundred such shots in New York and Brooklyn. And yet such an occurrence is at this moment a mechanical possibility.

BOSTON.

This city has a population of 369,832. An enemy's vessel could lie in 30 feet of water 5 miles from the State-house in Boston and throw these massive shells into Lynn, Chelsea, Charlestown, the navy-yard, East Boston, Boston, Cambridge, South Boston, Roxbury, and Dorchester.

PORTLAND, ME.

This city, with a population of 35,080, could be shelled by any one of the vessels described in the table, lying off to the northeast of the city, or to the southeast, in more than 30 feet of water, at distances varying from 3 to 4 miles.

NEW BEDFORD.

This city has a population of 26,845. Any vessel with such an armament as I have described could lie off in the outer harbor, at almost any point to the southward of the city, in 27 or 30 feet of water, at any distance the commander might select, from 2 to 6 miles, destroy the bridge to Fairhaven, and either exact a heavy contribution or lay the city in ruins in a few hours.

PROVIDENCE.

The harbor at this point has numerous shoals, which, in the absence of a pilot, would render it impossible for a hostile ship to approach it safely nearer than 6½ miles (Conimicut Point), but the high-powered guns I have referred to could readily destroy the vast and important manufacturing industries which center at Providence, with its population of 104,857, from even a greater distance.

NEW HAVEN.

This city has a population of 62,882. Vessels could rest securely 4 miles from the city, in 30 feet of water, and destroy it in a very few hours.

NORFOLK.

The population of this city is 21,926. Vessels drawing 26 feet of water can approach to within 7 miles, and, with high-powered guns, shell every foot of the city.

BALTIMORE.

This city, with a population of 332,313, is, in a great measure, protected by the difficulties of access, but it would be possible for vessels drawing not more than 15 feet to sail abreast of the city, and some of the vessels carrying guns of 10 miles range draw but 10½ to 15 feet.

WASHINGTON.

The capital of our country was once in the hands of British troops. It is 200 miles from the ocean, but vessels drawing 19 feet can sail to the city. Its population is 159,871.

RICHMOND.

This city has a population of 63,600. It is 150 miles from the mouth of James River, which has 13 feet of water to the city.

CHARLESTON.

This city has a population of 49,984. There are many points not more than 7 miles from the city from which vessels drawing 25 feet could shell the city.

SAVANNAH.

This city, with a population of 30,709, could be easily protected. Only very light-draught vessels can approach nearer than 10 or 12 miles.

PENSACOLA.

This city has but 6,845 population, but it is important on account of its excellent harbor. A position could be taken in 30 feet of water south of Santa Rosa Island, the distance being not more than 5 miles from the city.

MOBILE.

This city has a population of 29,132, and could very easily be protected, but at present there is water sufficient to float vessels drawing less than 16 feet to within 4 miles of the city.

NEW ORLEANS.

This city has a population of 216,090. It is 110 miles from the sea, but the largest vessels could sail abreast of the city. The control of the jetties would be a strong element in the defense of the city. Small craft not drawing over 5 feet could enter the lake in rear of the city.

GALVESTON.

The population is 22,248. Vessels drawing 30 feet could select any position not more than 3 miles off and shell the city.

SAN FRANCISCO.

The population is 233,959. The harbor, which is one of the finest in the world, could in the present condition of the defenses be entered, but even if this could not be done, vessels carrying high-powered guns could rest outside the bay in 30 feet of water, at a distance of 6 or 7 miles, and shell the city.

I have referred to the larger cities, but it might be well to mention that our smaller seaports are equally defenseless.

Each of the following-named cities could be shelled by the foreign vessels I have named:

PACIFIC COAST.

Port Townsend, Steilacoom, Seattle Harbor, Olympia, New Dungeness Astoria, Kalama, Portland, Newport, Empire City, Crescent City, Trinidad, Mendocino, Benicia, Vallejo, Santa Cruz, Monterey, San Luis Obispo, Santa Barbara, and San Diego.

GULF COAST.

Brownsville, Clarksville, Brazos Santiago, Apalachicola, Saint Mark's, Tampa Bay, Cedar Keys, and Key West.

ATLANTIC COAST.

Saint Augustine, Jacksonville, Ferdinanda, Saint Mary's, Port Royal, Georgetown (S. C.), Smithville, Wilmington, Beaufort, Plymouth, New Berne, Edenton, Annapolis, Hampton Roads, Lewes, Atlantic City, Little Egg Harbor, Perth Amboy, Bridgeport, New London, Stonington, Bristol, Newport, Fall River, Vineyard Haven, Nantucket, Provincetown, Barnstable, Plymouth, Lynn, Marblehead, Salem, Gloucester, Rockport, Newburyport, Portsmouth, Saco, Bath, Camden, Bucksport, Bangor, Belfast, Rockland, Eastport, and Calais.

I mention these places merely for the purpose of corroborating the statement I have previously made relative to the defenseless condition of all our seaports.

In addition to the foregoing I also ask the Secretary to read in connection with this matter of the defenseless condition of our Atlantic and Gulf coast an extract from a letter from Bvt. Maj. Gen. Q. A. Gillmore, United States Army, to the Chief of Engineers, dated July 15, 1881.

The Chief Clerk read as follows:

It is an error to suppose that the channels leading into our most valuable harbors are too shallow to admit a modern fleet.

Depth of draught is not a measure of offensive power and never can be. The most powerful batteries are carried on a moderate draught of water. The English turret cruisers Inflexible, Agamemnon, and Ajax, armed with 38-ton and 81-ton guns, throwing projectiles of 700 to 1,700 pounds weight, draw but 25 feet when fully equipped and ready for sea, and high naval authority asserts that armored cruisers of a very formidable type, capable of navigating the ocean with safety and dispatch, can be built on a service draught of 23 to 24 feet. Moreover, the practice of naval construction at the present time unmistakably tends to light-draught vessels, thus destroying that partial security against armored fleets which all our comparatively shallow harbors were formerly and very properly thought to possess.

It seems improbable that many such unwieldly monsters as the four-gun turret ship Dreadnaught and the twelve-gun broadside ship Alexandria, which, together, cost the English Government over $5,000,000, exclusive of armament and outfit, will be built in future.

Disregarding, however, any additional danger to ourselves from vessels of lighter draught than those now afloat, there are among the present armored fleets of Europe only ten cruisers drawing more than 27 feet of water, and only three drawing more than 28 feet, while there are more than half a hundred drawing 24 feet or less.

There are more than a dozen fine harbors on our Atlantic coast—Portland, Portsmouth, Boston, Newport, and Hampton Roads being among the number—easily accessible to the largest war vessels hitherto constructed or contemplated.

There are more than half a dozen other harbors, among which may be specified New Bedford, New London, New York, and Key West, into which a few of the deepest draught men-of-war can not enter. But there is not one of them that does not possess ample depth to pass half the armored cruisers of Great Britain, including vessels armed with the 38-ton and 81-ton guns; all the German armored vessels except one; more than two-thirds of those of the Italian navy; all belonging to the Russian navy except two; all belonging to the Austrian navy except three; all belonging to Holland and Turkey without exception, and a large portion of those belonging to the French and Spanish navies.

The aggregate population clustered closely about these twenty harbors for armored vessels is nearly 3,000,000, while the value of public and private property exposed within easy and destructive range of a hostile fleet can not be far short of $2,000,000,000. The losses that might be inflicted upon these communities in a few hours, in their present unprotected condition, would exceed more than tenfold the entire cost of suitable, permanent defenses for the whole country.

No account is here taken of that incalculable and far greater injury which would be entailed by even the brief presence of a victorious hostile fleet in our waters, keeping the whole coast in alarm, and deranging and destroying the business and industry of the people.

There is yet another numerous class of harbors, with still shallower channels of entrance, into which a draught of 22 to 24 feet can be safely carried, many of them being the centers of extensive commercial and manufacturing interests, which are exposed to the attacks of the lighter draught iron-clad cruisers.

It appears therefore that our entire Atlantic and Gulf coasts from Maine to Texas, a distance of more than 3,000 miles, is peculiarly at the mercy of a hostile naval power, and that our largest centers of population, commerce, and manufactures, where the greatest values are accumulated, and hence where the greatest temptations are offered and the greatest injury could be inflicted in the briefest interval of time, are within easy reach of the most destructive engines of war born of modern invention and science.

Mr. DOLPH. The Pacific coast is equally defenseless. The harbors of San Francisco and Puget Sound will admit of the entrance of the largest ships of war afloat, while more than one-half of the vessels of the navies of the great powers of Europe could enter the mouth of the Columbia River and reach Portland at most seasons of the year. The fortifications and guns on the Pacific coast—at San Francisco, at San Diego, and at the mouth of the Columbia—are like those on the Atlantic coast, utterly useless for purposes of modern warfare. We have not to-day, as was substantially stated by the Senator from Connecticut, a single fort that could not be demolished with ease by a projectile fired from a modern steel rifle of the smallest caliber. We have not to-day a ship of war that could not be pierced through and through by a projectile fired from a 5-inch steel rifle, or even from a rapid-firing gun.

We have to-day in the Army no modern guns. There are, I believe, two steel breech-loading rifles of small caliber in process of construction for the Army as experimental guns, the construction of which was authorized by a provision contained in the fortification appropriation bill of 1883, in accordance with the recommendation of the Senate Committee on Ordnance. We have not to-day in the Navy any high-power modern guns or any steel rifles except those already constructed and in process of construction at the Washington navy-yard, and elsewhere by contract, for the armament of the new cruisers.

This is not the worst feature of the case. These things can not be furnished in a day. It will take years to provide them. According to the report of the gun foundry board, which is approved by the board on fortifications and other defenses, it will take from one to three years to prepare a plant sufficient to forge the steel ingots required for the construction of a 16-inch steel rifle, and it will take two years thereafter to assemble the parts and manufacture the gun. It will take many years for the two plants, which it is proposed to secure by the two bills which have been reported from the Committee on Coast Defenses to authorize the Secretary of the Navy and the Secretary of War to contract for the supply of ingots for steel guns and armor and steel for other purposes for the Navy, to cast and forge the ingots which will be required for the guns necessary to fortify our principal seaports.

It will take years to construct the foundations for the gun emplacements, and the magazines and engine-rooms of the fortifications. If we are to have fortifications, modern ships, and modern guns in time of war, we must provide them in advance. For an army we may wait until an emergency arises which requires it and depend upon the patriotism of the people to respond to the country's call for its defense.

With a small standing army and a sufficient number of officers educated in the theory of their profession and with some experience in the field we may be able to do as we did at the breaking out of the civil war, speedily organize and equip an efficient army.

The same thing may be said of the Navy; but there are some things that can not be provided as readily as an army; there are some things that can not be improvised. The time was, and that not more than fifty or seventy-five years ago, when the great nations of Europe required six months to get ready for war. Now their armies and navies are in constant readiness, and war is often proclaimed at the cannon's mouth before the manifesto has issued. Modern wars are fought and ended and the unsuccessful nation pays the cost in less time than it would take us to build a single fortification or a single ship of war or even to manufacture a single modern gun.

The great nations of Europe are fortifying their coasts with the most formidable defensive works that human ingenuity can devise. They are providing themselves navies with modern ships of war, armored ships, armed with the most powerful guns that have been invented. The time has not arrived when the nations of the earth shall beat their swords into plowshares and their spears into pruning-hooks. "Peace is the dream of philosophers, but war is the history of man."

The defenseless condition of our seacoasts, the unprotected condition of our shipping and our great cities, are not calculated to procure us immunity from insult or to command respect abroad. They are sources of national weakness and of national danger; and to-day there is no duty more imperative on the American Congress than that of providing for the national defense. We should be prepared not only to defend our coasts, but to punish an insult to our flag wherever it floats.

The times are ripe for undertaking the work. The people demand it. Why do we procrastinate? We have the experience of the great nations of Europe that have spent years and expended millions of dollars in experimenting with guns, with armor, and with ships. We have appointed boards to examine the questions of ships, of armor, of guns, of fortifications, and other defenses, and we have their reports, and we know enough about the subject now to undertake this work in accordance with plans that will admit of the adoption of any improvement which may be hereafter made in guns or in armor.

I agree with the Senator from Connecticut; for I, too, do not regard it as a matter of regret that since the war we have been engaged in other matters for the development of our country, and have spent comparatively nothing in the manufacture of modern guns, or of armor, or of ships of war. We have undoubtedly saved large sums by so doing. We may take advantage of the experience of other nations; we may study their failures, and their successes, and so far as the character and type of ships and armor and guns are concerned we may commence the work at the point which they have attained after a quarter of a century of costly experience.

The objects to be gained by coast defense are the protection of our shipping, the fortification of the great cities that line our coasts, with their costly public buildings, their business blocks, their fine residences, and their accumulations of manufactured and agricultural products, they being also centers of extensive systems of inland transportation by water and rail, and the providing of fortified harbors of defense for our merchant marine, both foreign and coastwise, in case of war. Why, sir, in case of war with a foreign nation possessing a modern navy, or even with a nation possessing a single modern war ship, our extensive coastwise commerce, extending over 4,000 miles of coast, not including the coast of Alaska, would be seriously interrupted, if not wholly destroyed. And in order that our merchant marine should not be entirely destroyed in case of war, it will be necessary to provide fortified harbors of refuge into which our ships could retire, because it would be utterly impracticable with any navy we can ever hope to possess to protect our extensive coastwise commerce by a navy alone.

We require fortified harbors of refuge for the vessels of our Navy, our unarmored cruisers, because while they might be able, on account of their greater speed, to escape from armored vessels of the enemy, they would require fortified harbors into which they could retire for the purpose of securing coal and other supplies. It will be seen that the importance of a harbor when considered in connection with coast defenses does not depend alone on the value of the property exposed to destruction, the amount of commerce that centers there, or the amount of shipping in the port, but the question of providing fortified harbors of refuge for our merchant marine becomes an important factor.

This brings me to the consideration of the report of the board on fortifications and other defenses. That board has named twenty-seven ports as the ports at which fortifications are most urgently needed. They are New York, San Francisco, Boston, the lake ports, Hampton Roads, New Orleans, Philadelphia, Washington, Baltimore, Portland (Me.), Rhode Island ports in Narragansett Bay, Key West, Charleston (S. C.), Mobile, New London, Savannah, Galveston, Portland (Oreg.), Pensacola (Fla.), Wilmington (N. C.), San Diego (Cal.), Portsmouth (N. H.), defenses of Cumberland Sound at Fort Clinch, defense of ports on the Kennebec River, Maine, New Bedford, Mass., defense of ports on the Penobscot River, Maine, at Fort Knox, and New Haven, Conn.

The board did well in placing San Francisco the second on the list. I do not think they did as well in placing Portland, Oreg., or rather the mouth of the Columbia River, the eighteenth on the list.

As I have already said, the question of providing fortified harbors of refuge should be taken into consideration when we undertake to determine at what ports fortifications are most urgently needed. I think the board underestimated the commerce of Portland. In addition to its foreign commerce, the vessels engaged in the transportation of wheat and flour, and salmon and wool and lumber, it has a great and rapidly increasing coastwise commerce, which, when the resources of the Northwest are further developed—and they are now rapidly developing—and when Alaska has been occupied and its resources developed to some extent, will increase to great proportions. Again, look at the condition of the coast. From Cape Farewell, the northern boundary of Washington Territory, on the Pacific Ocean, to the southern boundary of California, is 1,630 miles. The distance from San Francisco to the mouth of the Columbia River is 550 miles, and in all that distance there is not a harbor into which the larger vessels engaged in the coasting trade of that coast can enter.

I think, therefore, it is important to provide for the fortification and defense of the mouth of the Columbia River, not alone to protect the commerce of the Columbia River and the cities of Portland and Astoria, which might without sufficient defenses be reached by a hostile armored vessel, but to provide a fortified harbor of refuge for the vessels engaged in our coastwise commerce. Portland should have been placed higher on the list, and Puget Sound should have been added to it.

Mr. FRYE. Great Britain will have a place all fixed up for you.

Mr. DOLPH. I was just going to allude to that. The senior Senator from Alabama [Mr. MORGAN] in discussing in the Senate the bill for the admission of Washington Territory during the present session called attention to the foresight and sagacity of the British statesmen who secured for Great Britain a portion of the waters of Puget Sound and of the islands that are encircled by them. He called attention to the fact that at the southern end of Vancouver's Island Great Britain has a navy-yard and a dry-dock larger than any possessed by the United States on the Atlantic coast, while just south on the American shore were the cities of Port Townsend and Seattle and Tacoma and Olympia entirely uprotected, the United States never having thrown a shovelful of earth toward constructing a fortification upon Puget Sound.

The Senator might have gone further and told how the British Government by large subsidies has secured the construction of a transcontinental railroad entirely upon its own soil, which gives it facility for massing large bodies of troops rapidly upon the Pacific coast. He might have stated that the harbors upon the British side in Puget Sound are large enough for the navies not only of Great Britain but of the world to float in safety. He did state that Great Britain had at the time of his remarks stationed there one of the vessels that shelled Alexandria, with a distinguished British admiral in command. He might have told you—for such is the fact—that Great Britain keeps constantly there from one to three vessels of war, a menace against the United States. I clipped from a city paper the other morning something which I will read. It is taken from the National Republican of Saturday, July 24, 1886:

OUR NORTHERN NEIGHBORS ARE AT IT

is the heading.

HALIFAX, N. S., *July* 23.

A party of royal engineers, under command of Lieutenant-Colonel O'Brien, left here last Monday for British Columbia. They go to look over the ground with a view of reporting to the imperial authorities as to the best manner of fortifying the Pacific coast.

The Straits of Juan de Fuca, running east and west, separate the American possessions from Vancouver's Island, and that strait and the canal De Haro form the boundary between British Columbia and the United States. South of this boundary line there are two entrances to the bays and harbors of Puget Sound, upon which are situated the cities I have named. One is Deception Pass; the other is Admiralty Inlet. Deception Pass is a narrow inlet through which the tide ebbs and flows with great velocity and which could only be passed by large vessels of war at favorable stages of the tide, and may be easily defended. The defense of Admiralty Inlet would be more difficult. The distance between Wilson's Point, which is on the mainland, and Admiralty Head, which is upon the island opposite, is 4 miles. I think the largest vessels of war could float in any part of the channel, but with the increased range of modern guns it would not be difficult to fortify that channel by batteries on either side. Two miles is considered an efficient range for land batteries, and would be sufficient to insure the destruction of almost any vessel whose armor could be pierced by modern guns mounted upon land fortifications.

It must be apparent to every one that unless the entrances to Puget Sound are fortified, in case of a war with Great Britain, and probably in case of a war with any foreign country, we must give up Eastern Washington, or Puget Sound, and the cities upon it, with all their wealth and commerce, to the enemy.

In this connection, I submit a letter from Brig. Gen. Nelson A. Miles, then commanding the Department of the Columbia, to the Assistant Adjutant-General, Division of the Pacific:

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Vancouver Barracks, Wash., July 7, 1885.

SIR: I desire again to call attention to the importance of the fortifications at the entrance of Puget Sound.

In company with Colonel Mendell, Major Jones, and Captain Powell, of the

Engineer Corps, I have recently visited the principal points that have heretofore been mentioned in several communications from these headquarters, and am fully impressed with the necessity of the Government taking such action as will secure proper defense to the great commercial interests of Puget Sound. These are constantly increasing every year, and have now reached such magnitude as to become of national interest.

Many reports have been forwarded and are now on file in the War Department, and particularly in the office of the Chief Engineer of the Army.

Last year I detailed a board of experienced officers, consisting of Major Rodgers, Captain Taylor, and Captain MacMurray, to examine the subject, and their report was forwarded to division headquarters.

Many valuable points have been reserved, but I regard the two main entrances to Puget Sound as of the first importance for present consideration, namely, Admiralty Inlet and Deception Pass.

Suitable ground commanding the entrance to Deception Pass has been reserved by the Government. That at Admiralty Head, Point Wilson, and Marrowstone Point has been reserved only in part, and a sufficient sum should be appropriated, in addition to that required for defensive works, to secure a permanent title for the Government.

One objection to any action being taken toward the defense of this inlet has been the distance between Point Wilson and Admiralty Head, about 4 miles, but this it is believed can be greatly overcome now by the use of modern appliances.

I recommend that the attention of Congress be called to this subject in time for action during the coming session.

The British Government is now expending a very large amount of money in completing its navy-yard and dry-docks at Esquimalt, near Victoria, British Columbia, and has kept during the past ten years from a single ship-of-war to a small fleet in these waters, and I think it advisable that our Government should take an equal interest in the establishment of a naval station in this part of the United States.

Several reservations have been made on the Straits of Fuca and Puget Sound for naval purposes.

What point is best suited for all the requirements of the Navy could probably best be determined by a board composed of naval officers.

Lake Washington, near Seattle, has many advantages for such a purpose, it being a lake of fresh water of great depth, and in close proximity to the deep water of the sound.

I request this communication be referred to Colonel Mendell for remark.

Very respectfully, your obedient servant,

NELSON A. MILES,
Brigadier-General Commanding.

To the ASSISTANT ADJUTANT-GENERAL,
Division of the Pacific, Presidio, San Francisco, Cal.

It seems to be settled that a complete defense can only be made with modern guns of high power, mounted upon fixed or floating batteries. Theoretically it is possible to defend our coast by a navy consisting of a sufficient number of modern war-ships. Practically it can not be done. To do so it would be necessary to possess a navy so large that we could concentrate at every one of these twenty-seven ports which should be defended according to the report of the board on fortifications or other defenses and other ports which are not included in their list, a navy larger and more powerful than any naval force which could be brought against them. It will be seen at once that the number of ships required for such a character of defense would be practically beyond the ability of the Government to provide.

The defenses recommended by the board consist of armored turrets revolving or fixed, armored casemates, barbette batteries, mortar batteries, and floating batteries. Floating batteries are recommended for the ports of San Francisco and New Orleans. They are recommended at San Francisco because the city is situated so near the sea that a modern ship of war could anchor outside the harbor and throw projectiles into the city. It is necessary for the defense of the port therefore to have these floating batteries to meet and repel the enemy outside the harbor. They are recommended for the defense of the mouth of the Mississippi because owing to the nature of the soil sufficient foundation for turrets and land fortifications can not be there obtained.

As was said by the Senator from Connecticut, it is not deemed practicable to thoroughly defend a harbor by means of land fortifications alone, because modern ships of war with such armor as they carry would be able in the night-time, or even in the day-time, to sail by our fortifications, get beyond the range of the guns and destroy the cities our fortifications are intended to protect. It is therefore necessary to have mines or clusters of torpedoes as obstructions in the channel to detain the armored vessels of the enemy within the range of the heavy guns of the forts until they can be effectively used upon them. These mines must be protected by shore batteries specially designed for that purpose. The mines will be operated by electricity. The operating room and the cable which extends from the operating room into the water must be protected by armor. Electric search-lights will also be required, so that at night an enemy will be detected if he undertakes to remove the torpedoes or grapple for their connections.

As was stated by the Senator from Massachusetts, modern guns have arrived at such perfection that they throw a projectile weighing 22,000 pounds and have a range of 11 miles. It is said that the 10-inch cast-iron smooth-bore gun, which was the largest gun we possessed in 1860, had a muzzle energy of 2,000 foot-tons, while the modern steel rifles have a muzzle energy ranging from 20,000 to 35,000 and 40,000 and even 61,000 foot-tons of muzzle energy, and the projectiles have increased in size more than twenty-fold.

I read just now in discussing another amendment a statement showing the number and character of guns possessed by the Army. We have in the Army 2,065 guns, all smooth-bore muzzle-loading cast-iron guns with the exception of the few steel-lined converted rifles, and all comparatively worthless. We have in the Navy 3,285 guns of the same character, of little value. The only modern guns we have are the modern breech-loading steel rifles, which have been recently constructed for the armament of our cruisers. These are 5-inch, 6-inch, 8-inch, 10-inch, and 10½-inch breech-loading, built-up, forged-steel rifles of the latest type.

We have constructed and in process of construction two steel breech-loading rifles of 5-inch caliber, twenty-one of 6-inch caliber, eight of 8-inch caliber, two of 10-inch caliber, and one of 10½-inch caliber, making thirty-four in all. That is our means of defense so far as guns are concerned.

So far as our forts are concerned, as was said by the Senator from Connecticut to-day, they are not only unsuited for defense but they are in such a condition that they would be positively dangerous to the occupants in case of a naval attack, and would be readily destroyed by projectiles fired from a modern gun of the smaller caliber.

Our present Navy consists of one first-rate, the Tennessee, of 4,840 tons displacement; eleven second-rates, the Trenton, Lancaster, Brooklyn, Pensacola, Richmond, Hartford, Omaha, Lackawanna, Vandalia, Shenandoah, and Powhatan, varying in displacement from 2,100 to 3,980 tons; and nineteen third-rates, the Juniata, Ossipee, Quinnebaug, Swatara, Galena, Marion, Mohican, Iroquois, Wachusett, Kearsarge, Adams, Alliance, Essex, Enterprise, Nipsic, Yantic, Monocacy, Alert, and Ranger, varying in displacement from 900 to 1,900 tons.

The Secretary of the Navy in 1884 reported that out of this number the Tennessee, the Lackawanna, the Powhatan, and the Wachusett would be condemned when surveyed, and that it was estimated that there would pass out of the service within six years the Brooklyn, the Hartford, the Iroquois, the Kearsarge, the Pensacola, and the Richmond.

There should be added to these thirty-one vessels four vessels of the fourth-rate of small displacement, the Michigan, the Palos, the Pinta, the Despatch, and the Thetis.

We also have two torpedo rams, the Intrepid, undergoing alterations at New York, and the Alarm at New York out of commission.

We also have fourteen single-turreted iron-clad monitors, which are all of them reported as being out of repair and requiring more or less repairs to make them serviceable. We have also launched, and awaiting appropriations to complete them, five double-turreted monitors.

I hold in my hand a table, taken from the speech already referred to of Hon. JOSEPH WHEELER, made in the House of Representatives, showing the number of guns afloat ranging 10 miles or upward owned by foreign nations, with the names, the maximum armor, the draught of ship, the number and caliber of guns, and also guns afloat ranging from 9 to 10 miles, which I submit:

GUNS AFLOAT RANGING POSSIBLY TEN MILES OR UPWARD.

Nation.	Ship.	Maximum armor.	Draught.	Guns.	Caliber.
		Inches.	*Ft. in.*	*No.*	*Inches.*
England	Conqueror	12	24 0	2	12
	Colossus	18	26 3	4	12
	Edinburgh	18	26 3	4	12
	Collingwood	18	26 3	4	12
	Rodney	18	25 3	4	13.5
	Benbow	18	27 0	2	17
	Camperdown	18	27 3	4	13.5
	Howe	18	27 3	4	13.5
	Anson	18	27 3	4	13.5
	Hero	12	24 0	2	12
	Renown	18	27 3	2	16.25
	Sanspareil	18	27 3	2	16.25
France	Amiral Duperré	21.6	26 9	4	13.4
	Dévastation	15	24 11	2	10.6
	Foudroyant	15	24 11	4	13.4
	Terrible	19	24 7	2	16.5
	Tonnant	17¾	16 9	2	13.4
	Vengeur	13¾	16 9	2	13.4
	Am. Baudin	21½	26 0	3	16.5
	Formidable	21½	26 0	3	16.5
	Furieux	19¾	21 7	2	13.4
	Indomptable	19¾	24 7	2	16.5
	Caïman	19¾	24 7	2	16.5
	Requin	19¾	24 7	2	16.5
	Marceau	17¾	27 3	2	13.4
	Hoche	17¾	27 3	2	13.4
	Magenta	17¾	27 3	2	10.6
	Neptune	17¾	27 3	3	13.5
	Brennus	17½	26 8	4	13.4
	Charles Martel	17½	26 8	4	13.4
Italy	Italia	18.9	30 3	4	17
	Lepanto	18.9	29 6	4	17
	Ruggiero di Lauria	17.7	25 11	4	17
	Andrea Doria	17.7	29 6	4	17
	F. Morosini	17.7	25 11	4	17
Germany	Salamander	8	10 2	1	12
	Natter	8	10 2	1	12
	Hummel	8	10 2	1	12
China	Ting Yuen	14	20 0	4	12
	Chen Yuen	14	20 0	4	12
Russia	Catherine II	24	27 0	4	12
	Tchesme	24	25 0	4	12
	Sinope	24	25 0	4	12
Denmark	Tordenskiold	8	15 0	1	13.8

GUNS AFLOAT RANGING POSSIBLY NINE TO TEN MILES.

Nation.	Ship.	Maximum armor.	Draught.	Guns.	Caliber.
		Inches.	*Ft. in.*	*No.*	*Inches.*
England	Inflexible	24	25 4	4	16
France	Friedland	7⅞	29 4	2	10.6
	Redoubtable	14	24 10	4	10.6
	Duguesclin	9⅞	24 10	4	9.5
	Bayard	9⅞	24 10	4	9.5
	Turenne	9⅞	24 10	4	9.5
	Vauban	9⅞	24 10	4	9.5
	Fulminant	13	21 4	2	10.6
	Tonnerre	13	21 4	2	10.6
Italy	Duilio	21.7	28 0	4	17
	Dandolo	21.7	28 9	4	17
Germany	Sachsen	17.25	19 8	4	10.2
	Baiern	17.25	19 8	4	10.2
	Wurtemberg	17.25	19 8	4	10.2
	Baden	17.25	19 8	4	10.2
	Wespe	8	10 2	1	12
	Viper	8	10 2	1	12
	Biene	8	10 2	1	12
	Mücke	8	10 2	1	12
	Scorpion	8	10 2	1	12
	Basilisk	8	10 2	1	12
	Cameleon	8	10 2	1	12
	Crocodil	8	10 2	1	12
Brazil	Riachuelo	11	20 0	4	9

It will be seen that the list is large and every one of these powerful guns could be brought to bear upon the important cities which dot our seacoast.

I also have from the same source clipped a statement of the naval strength and annual expenditures for naval purposes of different countries, which I submit in connection with the statement I have already made of the present condition of the guns of the Army and Navy and of the ships of our Navy.

Naval strength and annual expenditure of different countries.

Nations.	Total ships.	Available ships.	Total personnel.	Annual expenditure.	Population.
Great Britain	388	336	58,000	$56,928,850	35,246,633
France	436	308	67,636	46,884,161	37,405,290
Russia	197	185	28,400	25,326,000	98,356,100
Italy	76	60	12,032	11,529,710	28,452,639
Germany	99	96	13,000	9,802,880	45,194,172
Spain	145	142	21,700	7,466,538	16,625,860
Brazil	34	34	5,800	6,100,000	10,108,291
Austria-Hungary	49	44	9,800	5,369,295	37,741,413
Holland	138	138	10,500	5,032,450	1,400,000
China	49	49	.....	5,000,000	434,626,000
Chili	10	10	1,600	4,359,893	2,400,396
Turkey	100	100	40,400	4,000,000	25,036,480
Denmark	59	59	1,300	3,081,892	2,096,400
Argentine Republic	25	25	1,500	2,915,000	2,400,000
Japan	31	29	7,000	2,103,630	36,700,118
Portugal	26	26	3,500	1,918,789	4,550,699
Sweden	58	57	4,000	1,448,064	4,465,668
Greece	25	25	3,450	885,635	1,979,423
Norway	32	32	1,000	470,000	1,806,900
Roumania	10	10	700	123,000	5,376,000
Mexico	5	5	720	.....	9,389,461

This amendment is intended to enable the Secretary of War to commence the foundations for fortifications. In the judgment of the board on fortifications or other defenses this work should be carried on *pari passu* with the work of providing guns for the fortifications.

I have here a joint letter of the Chief of Engineers and the Chief of Ordnance, submitted at my request at the time I proposed to offer for reference to the Committee on Coast Defenses an amendment for this purpose. These officers evidently understood that my proposed amendment contemplated an appropriation for furnishing guns and armor, as well as foundations; but the communication itself contains some things that I have not seen elsewhere, and which I consider a valuable contribution to the general fund of information upon this subject. These officers call attention to the necessity of making an appropriation for foundations at the same time appropriations are made for securing metal for guns. I ask to have the Secretary read it.

The PRESIDENT *pro tempore*. The letter will be read.

The Secretary read as follows:

[Personal.]

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., April 29, 1886.

SIR: In submitting to you the proposed amendment to the fortification bill, should this when it comes from the House need modification, we beg leave to add a few considerations which we hold to be pertinent to the object and necessity of coast defenses, meaning by that term coast batteries with their armament, and leaving out of consideration, for the moment at least, such auxiliaries as torpedo boats and floating batteries.

And first, lest public opinion be led astray by the fallacy that a coast as extensive as ours, fully 4,000 miles in extent, could be defended by any naval force which the resources of the country would ever create, we will begin here by stating that this serious error has arisen and been nurtured from the example of England (which has heretofore and for the future will ever owe its protection from invasion to the navy), without discriminating between the radically different conditions and circumstances of the two countries. England has coast batteries, armored casemates, and has constructed one turret at Dover, but these coast batteries are to prevent sudden descents of a hostile navy upon her dockyards and important seaports.

Their objects are local, and such defenses would never prevent the landing upon a coast of an army, but for the powerful navy which for this purpose it has been the intention to keep at a strength superior to the force of a single hostile power or even to a probable combination of powers. We have also seen in past wars that her efforts have been persistently and successfully directed to the destruction of her adversary's naval power as the pledge of her own security.

Her proximity to the Continent, joined to the necessity of distributing her land forces over various stations and colonies throughout the world, would leave her defenseless against invasion from her powerful adversaries but for a predominance, and that a large one, of her naval power over any other nation. The small extent of her coast renders a complete defense by a navy practicable, as it is also the sole means upon which she could rely for such object.

Our situation is radically different; our distance from any powerful nation renders an invasion in force improbable and even impossible, and an invading army if landed must finally succumb to the large force we could assemble (since our strength would not be frittered away by the necessity of protecting colonies and foreign stations), or would be compelled to re-embark. What temptation, therefore, would an enemy have to make war against us? The answer is evident and it is, the occupation of our large seaports if left undefended. But if hostile fleets be prevented from reaching these cities or effectually bombarding them, what prize is left to an enemy's efforts?

With every important seaport that is fortified against naval attack we have so far diminished the chances of war. How many should be so fortified in order to eliminate the probability of war against us is a question which the statesman as well as the soldier should be called upon to answer.

Wars nowadays have been made so costly that the successful party relies upon making the defeated one pay expenses; but what basis to a foreign power would there be for such calculation, when invasion becomes impossible and our rich seaports shall be secure from naval attack by batteries and submarine mines?

So far a navy for defense has not been invoked, and it is plainly seen that the defense would be complete by simply barring by other means the way to the principal seaports.

The fortification board in its report, page 7, states:

"It is proper to discuss briefly the objects to be secured by a defense of the coasts and the nature of the attack to which these are most exposed.

"To the last named the answer would be a naval attack. An attack by land, if attempted in force, must be resisted by the armies of the country, and the mode of doing this it is not necessary here to consider.

"The objects against which a naval attack would be directed are:"

These are enumerated, as first, the important commercial ports. "In the second place, vessels in the foreign trade must be protected—this at sea could be performed only by the navy—but when these arrive upon the coast, they should find fortified harbors of refuge provided for their security."

On page 9, the report goes on: "The defenses, as to character and kind with reference to armament, should be fixed and floating, one or both, according to locality, armed with powerful cannon needed to repel attack from the most formidable ships.

"In the phrase 'floating defenses' first used, the armored sea-going ship of the navy is not referred to. We have none of that kind, and if hereafter built in sufficient number and power they would act offensively and not be confined to the defense of ports. The floating defenses mean floating batteries designed specially for operating in harbors or close to the land, armored more heavily and armed with heavier guns than any probable adversary. Of considerable less draught than the armored sea-going ship they could, by operating among the shoals, avoid ramming, and even torpedoes. To gain such advantages speed must be sacrificed; but it is quite evident that for the defense of harbors and bays the advantages of extra thickness of armor and of superior power of gun more than compensate for that loss.

"These batteries are costly, and their use should be restricted to cases of necessity; as, for instance, where the port is so near to deep water that a bombardment may not otherwise be prevented; also in localities where the nature of the foundations forbids the construction of fixed defenses, or where the width of the channel is too great to be well swept from shore batteries."

For the reasons assigned in the last paragraph floating batteries were recommended as parts of defense at New Orleans and San Francisco.

In the estimates made by the board, page 29 of the report, is found the following: "An appropriation for the building of floating batteries, the type to be selected by a joint board of Army and Navy officers." * * *

The board also recommended as a useful auxiliary the employment of torpedo boats in the active defense of harbors.

"Their use will be quite general: First, in disturbing blockades and preventing these being made close, as no fleet would like to lie over night within striking distance of a station of these boats; second, in attacking an enemy's ship enveloped in fog or smoke; third, in relieving a vessel pursued by the enemy; fourth, in defending the mines by night and day against attempts at countermining, and in many other ways not necessary to recapitulate."

The board steadily adhered after a deliberate study of the question of coast defense, taking into consideration also all modern appliances of moment useful for attack and defense, to the principles laid down by preceding boards from 1820 to the present time, that the defense of the coast could be made complete by the construction of batteries on shore armed with guns powerful enough to pierce the ships of the period, assisted and supplemented in exceptional cases already referred to by floating batteries; and to these should be added obstructions in the channel to detain the hostile fleet under the fire of the guns on land.

The Navy was not to be relied upon for the defense of ports, and for this decision there were many reasons: First, the immense number of ships that would be required to protect such extent of coast and to be in sufficient force everywhere to meet an enemy's fleet which might strike anywhere. Second, the exceeding great cost per gun in comparison with land defenses. Third, the risk of being disabled by storms at a critical moment and the uncertain issue of a naval engagement. This is especially the case at the present time owing to the free use of self-moving torpedoes and other modern destructive agencies. Fourth, the greater cost of keeping in repair, and the expenses of going out of and into commission.

The land defenses may take the forms of armored turrets, armored casemates, and earth batteries, in every case mounted with modern heavy guns of caliber sufficient to penetrate armored vessels; and to these are added lines of submarine mines operated by electricity to serve as obstructions and detain the fleet under fire.

While the board was very emphatic in recommending forged steel as the material for guns, their opinion as to the material for armor-plates was not so de-

cided. On page 9 you will find as follows: "The materials used in construction for the armor might either be iron or steel, although the latest experiments indicate the superiority of forged-steel plates. While the board is of opinion that forged-steel plates should be used, it also recommends that immediate experiments be undertaken to determine the most suitable armor for turrets and casemates."

Our engineers claim for rolled iron plates some points of superiority over steel plates—and it has been suggested that a test should be made of separate iron and steel plates combined in a composite shield, as it is argued that such form might combine the best qualities of resistance of the two metals.

We will remark here that similar tests are made continually among the most advanced nations to test the qualities in their contracts for armor—and are specially required in this country where the manufacture of armor will require such action to bring it up to the high standard of resistance required.

It was the idea of the board that the construction of other parts of the batteries should advance *pari passu* with the manufacture of armor and guns, in order that these should be utilized so soon as they were ready. The following are the words of the report, page 6: "That there may be no delay in mounting the guns as fast as completed, the work upon the extensive foundations for the gun emplacements, as well as magazines, shell-rooms, engine-rooms, and other constructions necessary for the service for the guns, should be commenced at the earliest moment."

We will conclude by stating in brief: That land batteries armed with modern heavy guns, in conjunction with lines of submarine mines across the practicable channels of entrance—these lines being defended by the fire of the batteries against attempts to remove the mines—afford with few exceptional cases the requisite protection against the passage of hostile fleets.

The exceptional cases are the heads of the passes in the Mississippi River at which places the foundations for heavy batteries do not exist, and at San Francisco where the distance between some of the batteries is too great to admit of a good cross-fire from them. In both of these cases the defense may be supplemented with floating batteries of peculiar construction with extra heavy armor, thicker than a sea-going vessel could carry.

Torpedo-boats, although not essential to security, would be useful at many points along the coast.

The preference in preparations for defense, if any are to be postponed, it is needless to state should be given to those which are essential.

One advantage of land-batteries over armored ships consists in the greater thickness of armor and the ability to increase that thickness without reconstructing the works, whenever the increase of penetration of projectiles may demand additional protection to the guns.

Very respectfully, your obedient servants,

S. V. BENÉT,
Brigadier-General, Chief of Ordnance.
JOHN NEWTON,
Chief of Engineers.

Hon. JOSEPH N. DOLPH, *United States Senate.*

Mr. DOLPH. I call the attention of the Senate again to the quotation made in the letter just read from the report of the board on fortifications or other defenses. It is as follows:

That there may be no delay in mounting the guns as fast as completed, the work upon the extensive foundations for the gun emplacements, as well as magazines, shell-rooms, engine-rooms, and other constructions necessary for the service of the guns, should be commenced at the earliest moment.

This amendment is offered to meet the views here expressed in order that this work of preparing the foundations for the defenses to receive the guns may be commenced at the same time that we commence to provide the gun material. The two ought to go together. The Committee on Appropriations should have reported them together, and I hope the Senate will adopt the amendment offered by me, at least if not as offered in some modified form, so that the work may be commenced.

I desire to call attention to the recommendation of the board on fortifications and other defenses as to what should be appropriated for this purpose, and I insert in my remarks, as the question is of sufficient importance to justify it, the consolidated estimate of the board on fortifications or other defenses of the expense of the fortifications at the twenty-seven ports included in their list.

Consolidated estimate.

	Port.	Land defenses.			Armament.		Floating batteries and their armament.	Submarine mines and their adjuncts.	Torpedo boats.	Total.
		Masonry and earthwork.	Armor.	Structural metal.	Guns and mortars.	Carriages.				
1	New York	$5,488,000	$7,950,000	$1,000,000	$6,027,000	$1,992,000		$411,500	$1,080,000	$23,948,500
2	San Francisco	5,656,000	2,250,000	450,000	5,426,000	1,787,000	$10,787,000	494,150	1,080,000	27,868,150
3	Boston	2,214,000	3,100,000	330,000	2,971,000	970,000		245,250	1,080,000	10,910,250
4	The Lake ports	1,648,000	650,000	125,000	598,000	189,800		206,000	*720,000	4,136,800
5	Hampton Roads	1,632,000	2,200,000	230,000	1,608,000	534,000		208,000	1,080,000	7,492,000
6	New Orleans	1,200,000			1,130,000	380,000	8,150,000	130,500	720,000	11,710,500
7	Philadelphia	832,000	1,300,000	130,000	828,000	274,000		114,250	360,000	3,838,250
8	Washington	520,000			512,000	171,000		120,500		1,323,500
9	Baltimore	632,000	650,000	65,000	578,000	190,000		69,000		2,184,000
10	Portland, Me	2,096,000		200,000	1,784,000	587,000		278,500	360,000	* 5,305,500
11	Narragansett Bay	1,296,000	450,000	150,000	1,374,000	450,000		173,000	360,000	4,253,000
	Total of above eleven ports	23,214,000	18,550,000	2,680,000	22,836,000	7,524,800	18,875,000	2,450,650	6,840,000	102,970,450
12	Key West	1,064,000	450,000	150,000	976,000	320,000		86,500	360,000	3,406,500
13	Charleston	872,000		80,000	636,000	210,000		86,500	360,000	2,244,500
14	Mobile	1,372,000		80,000	858,000	284,000		144,000		2,738,000
15	New London	580,000		80,000	308,000	103,000		169,500	1,080,000	2,320,500
16	Savannah	652,000	650,000	65,000	492,000	162,000		222,000		2,243,000
17	Galveston	552,000			232,000	75,000		91,500		950,500
18	Portland, Oreg	849,000			671,000	219,000		100,000	1,080,000	2,919,000
19	Pensacola	520,000		40,000	208,000	71,000		109,000		948,000
20	Wilmington, N. C	640,000	650,000	105,000	335,000	112,000		100,000		1,942,000
21	San Diego	260,000			108,000	36,000		100,000		504,000
22	Portsmouth, N. H	420,000			308,000	103,000		134,350		965,350
23	Cumberland Sound	240,000		40,000	154,000	52,000		150,000		636,000
24	Kennebec River	120,000			81,000	27,000		70,000		298,000
25	New Bedford	152,000			167,000	53,000		150,000		522,000
26	Penobscot River	120,000			81,000	27,000		70,000		298,000
27	New Haven	236,000			103,000	33,000		100,000		472,000
	Grand total of twenty-seven ports	31,863,000	20,300,000	3,320,000	28,554,000	9,411,800	18,875,000	4,334,000	9,720,000	126,377,800

* Torpedo gunboats.

The board say:

Certain portions only of the whole amount above indicated as necessary are needed at once, namely:

A. An appropriation for gun steel sufficient to induce contracting steel works to prepare for and begin the manufacture of steel forgings for guns of all calibers, $8,000,000.

We have provided for that substantially. We appropriate $6,000,000 by the amendment to this bill already adopted.

Now comes the balance which are unprovided for:

B. An appropriation for a gun factory with plant sufficient to machine, assemble, and finish the guns, $1,000,000.

We have in part provided for that by making an appropriation for the purchase of machinery for the arsenal at Frankford, near Philadelphia.

C. An appropriation to inaugurate the building of masonry foundations, engine-rooms, shell-rooms, magazines, &c., necessary to the reception of the armor, guns, &c., $4,000,000 for the first year and $2,000,000 annually thereafter until completed.

All that is proposed by this amendment, all that is asked by the Committee on Coast Defenses for this purpose, is one-half of the amount recommended by the board.

D. An appropriation for armor and structural metal, $2,000,000 annually until completed.

E. An appropriation for gun-carriages, $1,000,000 annually until completed.

F. An appropriation for the building of floating batteries, the type to be selected by a joint board of Army and Navy officers, $3,000,000 for the first year and $2,000,000 annually until completed.

G. An appropriation for submarine mines and their adjuncts, $1,000,000 for the first year and $500,000 annually thereafter until completed.

H. An appropriation for building torpedo boats, $1,500,000 annually until all are built.

Summing up these recommendations, the board presents the following project for annual appropriations.

Appropriations recommended.

Purpose.	Appropriation for first year.	Future annual appropriations until work is completed.
A. Gun metal	$8,000,000	
B. Gun factory	1,000,000	
C. Masonry, &c	4,000,000	$2,000,000
D. Armor, &c	2,000,000	2,000,000
E. Gun-carriages	1,000,000	1,000,000
F. Floating batteries	3,000,000	2,000,000
G. Submarine mines, &c	1,000,000	500,000
H. Torpedo boats	1,500,000	1,500,000
Totals	21,500,000	9,000,000

It will be seen that the board recommend a total of $21,500,000 for the first year, and $9,000,000 annually thereafter until this work is completed, and they say that the work of providing the foundations should proceed *pari passu* with the work of providing the guns. The estimate is $13,500,000, or, without the estimate for the gun factory, $12,500,000 is recommended for fortifications not including the estimate for providing the gun metal and for the gun factory. The Committee on Coast Defenses has modestly asked of the Senate, and all that I am asking by this amendment, is $2,000,000 out of the $12,500,000 estimated, in order that the work of providing foundations may be proceeded with at the same time with the work of providing the guns, so that when the guns are constructed there may be some place in readiness to receive them. If we are going to enter upon the matter of coast defenses and of providing guns for the Army, I think the Senator in charge of the bill will agree with me, I think he does agree with me now, that we had better make this appropriation in order to commence this branch of the work.

I had intended, but the Senator from Connecticut saved me the trouble, to refer to the reports and recommendations of the several boards and committees on this subject. I shall not do it. I will only state that as the reports of the several committees and boards who have investigated the subject of coast defenses, and of ordnance, ships, &c., show the United States has no navy worthy of the name, not a single armed vessel of war, no forts capable of resisting attacks of vessels armed with modern guns, and no modern guns except a few constructed and in process of construction for the armament of new cruisers.

There is not a plant in the United States capable of forging a steel ingot required for the manufacture of a steel rifle of over 8 inches caliber. The United States is metallurgically independent of all other nations so far as the construction of ships, armors, guns, and projectiles are concerned. We possess the metals necessary to cast and forge steel ingots of the best quality suitable for the construction of modern steel rifles of the largest caliber. Our citizens possess the knowledge and experience, or will soon acquire it, if sufficient inducements are offered, to supply the steel necessary for the construction of modern guns. Our citizens stand ready to provide it, if the United States will guarantee a reasonable return for the investment.

The officers of the Army and Navy charged with such matters are well informed upon all subjects connected with the Navy and coast defenses. Their recommendations accord with the conclusion arrived at by the great European powers after years of costly experiment. Competent boards have recommended the character and types of guns, armor, fortifications, and other defenses, and have recommended a plan for the same. Public sentiment demands the commencement of the work, the condition of the Treasury justifies it, the national honor and national security demand it. The cost is not great compared with the importance of the objects to be secured. Congress should assume the responsibility at once of commencing the work and making the necessary appropriations for that purpose.

Mr. President, owing to the lateness of the hour and the natural impatience of the Senate at this late day in the session I shall not dwell upon this matter further. I hope the amendment will be adopted. If it is considered that the amount is too large I hope it will be reduced and at least some appropriation will be made by which we shall adopt the plan of the board on fortifications or other defenses for the defense of our seacoast, and authorize the commencement of the work. No matter how small the amount is, if the appropriation is made much will have been gained by adopting a general plan.

Mr. DAWES. I hope the amendment will not be adopted. I shall trust to the good judgment of the Senate not to sink this little bill by overloading it; and I will take no time of the Senate to give the reasons why I hope so.

Mr. DOLPH. I should like to state that this was unanimously reported by the Committee on Coast Defenses; that there was no dissenting member of the committee.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Oregon [Mr. DOLPH].

Mr. DOLPH. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PLUMB (when his name was called). On this subject I am paired with the Senator from Alabama [Mr. MORGAN].

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. I do not know how he would vote.

The roll-call was concluded.

Mr. RANSOM. I am paired with the Senator from Illinois [Mr. LOGAN]. I do not know how he would vote.

Mr. SAULSBURY. I am paired with the Senator from Vermont [Mr. MORRILL], but I am informed by his colleague [Mr. EDMUNDS] that he thinks he would vote "nay" on this question. I will, therefore, vote "nay" myself.

The result was announced—yeas 22, nays 39; as follows:

YEAS—22.

Aldrich,	Cullom,	Harrison,	McMillan,
Cameron,	Dolph,	Hawley,	McPherson,
Conger,	Frye,	Jones of Nevada,	Manderson,
Mitchell of Oreg.,	Riddleberger,	Spooner,	Whitthorne.
Palmer,	Sawyer,	Stanford,	
Platt,	Sewell,	Vest,	

NAYS—39.

Allison,	Coke,	Hampton,	Saulsbury,
Beck,	Colquitt,	Harris,	Sherman,
Berry,	Dawes,	Hoar,	Teller,
Blackburn,	Edmunds,	Ingalls,	Vance,
Blair,	Eustis,	Jones of Arkansas,	Van Wyck,
Brown,	Evarts,	Kenna,	Voorhees.
Butler,	Gibson,	Mahone,	Walthall,
Call,	Gorman,	Maxey,	Wilson of Iowa,
Camden,	Gray,	Payne,	Wilson of Md.
Cockrell,	Hale,	Pugh,	

ABSENT—15.

Bowen,	Hearst,	Mitchell of Pa.,	Plumb,
Chace,	Jones of Florida,	Morgan,	Ransom,
Fair,	Logan,	Morrill,	Sabin.
George,	Miller,	Pike,	

So the amendment was rejected.

Mr. PLUMB. I offer an amendment from the Committee on Appropriations. I move to add as a new section:

SEC. —. To enable the Secretary of the Navy to provide and erect additional tools and machinery for the finishing and assembling of heavy ordnance at the Washington navy-yard, $200,000.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment offered by the Senator from Kansas [Mr. PLUMB].

The amendment was agreed to.

Mr. SEWELL. In the fortification-appropriation act of the last session of Congress there was the following provision:

For the armament of seacoast fortifications, including the manufacture of heavy guns and carriages for the constructing and testing experimental gun-carriages; for the purchase or manufacture of a multicharge gun, and testing same—

And then it goes on with other items—

Four hundred and fifty thousand dollars.

Upon an investigation in relation to this gun by a committee of the House of Representatives they made a report, which I shall not take the time of the Senate now to read, but it was recommended that $100,000 be appropriated for the purpose of properly testing this gun. The appropriation being a lump sum, and not sufficient to cover all the items contained therein, the gun was not tested or constructed.

An amendment was offered in the Senate for the manufacture of two guns of this character, which was referred to the Committee on Military Affairs and reported favorably by the chairman of that committee, the Senator from Illinois [Mr. LOGAN], who is now absent. I offer for him the amendment to the bill.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from New Jersey will be read.

The CHIEF CLERK. It is proposed to add to the bill the following:

For the manufacture of two improved Haskell multicharge guns of 8-inch caliber, $100,000; of which guns one shall be made of steel, at a cost not to exceed $60,000, and one principally of cast-iron, at a cost not to exceed $40,000; said guns to be made under the supervision and according to the directions of the projector; this appropriation being in lieu of the unexecuted provision for the multicharge gun in the act entitled "An act making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1886, and for other purposes," approved March 3, 1885.

Mr. DAWES. The reason why that gun was not purchased was because of the fact that the board of engineers, considering the quality and purpose and promise of the gun, came to the conclusion that although at one time it promised great results, yet those results at less expense have in the opinion of the commission been achieved by a longer bore or caliber gun and by a slow-burning powder, so that they think they obtain a better result without the use of that gun than with it. The matter is not absolutely certain, but in the present doubt about it both the board and the Ordnance Department were of opinion that it was not wise at this moment to purchase another of these guns.

The committee heard the inventor of this gun and heard the Ordnance Department upon the subject, and had before them written documents upon it. The conclusion they came to was that they would not at this time make this purchase, not condemning the gun outright, but because so much doubt is thrown upon the ultimate utility of the gun by more recent invention that it was not wise.

Mr. SEWELL. The Senator from Massachusetts in charge of this bill has several questions mixed up. I doubt if the Department has made a report against this gun unless the Senator can produce it. The board that investigated this gun wind up by saying that they do not approve of it entirely, but that is not a new thing in the Ordnance Department. It is well known to the Senate that the Ordnance Department very rarely approve of anything that they do not originate, and that if you want to have advanced improvements in arms and armaments you have in many cases to force them on the Ordnance Department of the Army.

The board can not finish this report without giving its earnest testimony as to its belief in the sincere integrity of Mr. J. R. Haskell, and expressing its admiration for his courage and energy. Believing thoroughly in the principle of his invention, he has, unaided by the Government, wrecked his fortune and impoverished himself and family in his efforts to provide a powerful weapon for the national defense. He stands high among all who know him, and no higher anywhere than with the members of this board, who have for years watched his struggles under adverse circumstances to perfect his invention.

The committee which investigated this matter in the House of Rep-

resentatives made a strong report in favor of the multicharge gun, and on that report the Secretary of War was ordered to have this gun constructed and the tests made of the gun. It is not a new thing. The gun has been constructed at the expense of Mr. Haskell and has been tested, and in that test the 6-inch bore multicharge gun exceeded in range and penetration the ordinary 9-inch guns, at the same time using 10,000 pounds less pressure to the square inch. The theory of it is that the discharge from the multicharge gun brings less pressure on the gun than is involved in the expansion of the material.

I beg to say that this inventor has spent years of his time and I believe about $300,000 of money to perfect this gun, and having given him last year an appropriation we owe it to him that that appropriation shall be continued.

Recognizing the fact from the votes of the Senate that the cast-iron guns will not be appreciated hereafter, as I do not think they ought to be, I am perfectly willing to modify the amendment, and take the responsibility in the absence of the chairman of the Military Committee to modify the amendment by providing for the manufacture of one steel gun at $60,000. I hope the Senator in charge of the bill will accept the amendment so modified.

Mr. DAWES. I will read from the report of the board on fortifications which has been made to this body what led me to the remark which the Senator from New Jersey criticised:

> The great improvements in the quality of steel and in the manufacture of slow-burning powders, with the resulting increase in the length of bore and weight of the charge, have already within a few years past led to a marked increase in the velocity and energy of the projectile without impressing an undue strain upon the walls of the gun, and it is this condition of the art which has set aside that which at one time promised to be a useful invention—guns manufactured upon the multicharge principle, such as the "Haskell" and "Ripley." The board can not recommend the manufacture or purchase of either of these guns. From information which appears to have been carefully compiled and laid before the board, the Haskell multicharge gun would much exceed in weight and cost a single charge gun of the same power.

Mr. SEWELL. Yes, and it will exceed in power and force at the same time. The paragraph which was read by the Senator in charge of the bill might be more forcibly applied to section 4 of the bill as reported from the committee——

> To enable the Secretary of War to contract with the South Boston Ironworks for the construction of ten 12-inch muzzle-loading, rifled, cast-iron mortars—

A gun which has become entirely obsolete, and of which I suppose we have five hundred lying along the coast at the present time. Still the committee will report an absolute contract in a section of the bill without giving even the Secretary of War discretion, and naming the price to be paid.

Mr. DAWES. It is in his discretion.

Mr. SEWELL. I take that back. It is in the discretion of the Secretary of War, but it is an absolute direction for the purchase of a gun which has become practically obselete, fixing the price. Still an obligation of the Government entered into last year, when this gentleman had to spend money to make preparations, to change his plans in order to carry out that clause in the appropriation act of last year—an obligation of the Government of that kind will not meet with the approval of the committee.

I submit a modification of the amendment reducing it to one gun.

The PRESIDENT *pro tempore*. The amendment will be read as modified.

The Chief Clerk read as follows:

> For the manufacture of one improved Haskell multicharge gun of 8-inch caliber, $60,000; the gun to be made under the supervision and according to the direction of the projector; this appropriation being in lieu of the unexecuted provision for the multicharge gun in the act entitled "An act making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1886, and for other purposes," approved March 3, 1885.

Mr. HAWLEY. Mr. President, the Senator from New Jersey read from the report of some committee, a House committee perhaps, a high compliment to Mr. Haskell. It was a deserved compliment. The man has exhibited a great deal of inventive genius, a great deal of energy, and has spent a large sum of money upon what at one time promised to be an invention of considerable value; pardon me if I make it clear to the most unprofessional mind.

He proposed to put nearly an ordinary charge of powder in the base of the gun, the projectile upon that, and then at intervals running above the shot to have a series of pockets, as it were, to be screwed into the gun, containing powder, and the shot as it passed each pocket would discharge the powder within that pocket, and so continue to renew the pressure upon the shot as it went out. That was to save the explosion of a very large amount of powder at one time in the base of the bore, and to get a greater velocity by a less strain upon the gun. The practical difficulty is if you construct it of cast-iron you have all these blocks and warts upon the side of the gun, which make a very curious-looking weapon of it, and the result is an unequal crystallization, and what the technical men call veins of weakness in it.

Another incident of the invention is its very slow process to load. In the first place the first charge and projectile are to be put in the base, and then these several little infant guns which issue along the side of the gun again are to be loaded and attached. In the mean time the battle is supposed to be going on. It is rather a slow operation. No doubt a 6-inch gun on the Haskell principle would get great speed and a great deal of force, but the fortification board——

Mr. SEWELL. It gives greater force than any other gun that has ever been tried.

Mr. HAWLEY. No doubt the 6-inch gun if you had time to load it and fire it would give more force to the projectile than an ordinary 6-inch rifle, unless you take one of the ordinary 6-inch steel rifles now and do the same thing by that, just attach these little bags of powder to that, and then you would beat the Haskell gun.

But during all the time that Mr. Haskell has been prosecuting this work with a great deal of energy and science the art of gun-making has gone on until, as the Senator from Massachusetts has explained it, we now make a steel gun and slow-burning powder, which powder continues to burn all the time and presses forward the shot while in the chamber of the gun and gets a still greater result than the Haskell gun out of a very much simpler weapon. A steel modern-forged gun on the Haskell principle 6 inches bore would give as much power or more than an 8-inch forged steel rifle. The 8-inch forged steel rifle would give the same power that a 6-inch Haskell would with this improvement upon it.

I think unfortunately for Mr. Haskell the progress of the military art has left him. I sympathize with him. He is an ingenious, excellent, faithful man.

Mr. RIDDLEBERGER. Mr. President, I think I have read somewhere of a famous gun—

> That whether aimed at duck or plover
> Kicks back and knocks the owner over.

I am not sure that I have that classical quotation right; but I should like to know at whom this gun is to be aimed. If it is to be placed somewhere I should like to know where. I should like to know in what direction it is going to shoot. It looks to me like it is going to kill more people in Virginia than anywhere else.

This is a bill to make a gun ostensibly, with the amendments put in here by the committee. What do you want with a gun? Whom do you propose to fight with your gun? It is a conceded fact that England does not ask you for anything but to subject yourselves to serfdom and to allow yourselves to be made the purchasers of her manufactures. Do you want this to go and fight Mexico with? Take the guns you have. I think we can whip her with what we have on hand.

This bill gives to England all she could ask, and giving her that you do not need any guns on the Atlantic Ocean. I know that this is controverted here. I know it is said that free trade is not specifically mentioned in the bill. Neither are the Ten Commandments; neither is the Lord's Prayer; yet we know they are in existence. We know that free trade is howling around over this country, and we know that New England to-day, protection as she is, is only for protection so far as protection protects the manufactured article and not the raw material.

This bill says that we will invite people from the other side of the Atlantic Ocean to come here and establish factories and to make their own plant and to bring with them all the material that they shall choose to bring, and that the United States Government shall make under this bill a contract with them to take what they shall manufacture. That may satisfy some manufacturing States, but it does not satify those who have to go down into the mines and bring out the ore.

A few years ago we could not sell the iron ores west and south of this capital because, it was said, they were too largely intermingled with manganese; they did not make the best iron, and the best iron was required to make the best guns. Since that time we have Bessemer steel, we have other grades of steel, and now we have in two States of the Union south and west of the capital more manganese than there is in all Sweden, to which the Senator from Connecticut referred to-day, and we can make all the steel that is required to manufacture all the guns that this country may want a hundred or five hundred or a thousand years to come.

You propose to let in the manganese, the ores from foreign countries, on condition that a syndicate shall follow them, or shall, forsooth, come ahead of them and join a syndicate here to manufacture guns at a named place, as it was in the original amendment.

Whom do you propose to fight with these guns, I repeat, and what do you propose to fight for? I have never yet known a country to go to war for mere sentiment, (unless it was half or one-third of this country of our own,) except to promote their commercial interests. You give them by this bill all that they ask for. The very moment that you allow the moth to commence eating into our cloth you adopt in America the principle which Lord North suggested to the council that surrounded him when the Boston tea was thrown overboard. Once inaugurate the principle, in other words, and you will soon find the consummation.

Mr. President, I did not propose to argue this question, but I propose to give the reasons why I shall vote against this and all similar bills. If we are American people, united by a common interest, that interest being protection to American industries, then let us know it; but if we are American people divided up into selfish factions then let us know that.

The people whom I in part represent I say can furnish all the iron ore that is necessary to make all the guns that this and all the coun-

tries of the world will need for general warfare for a century, for a thousand years to come.

Mr. HAWLEY. I should be sorry to have the Senator labor under a misapprehension. I am afraid he has not looked at that text of the bill. The bill is too strict in my judgment, requiring that every single item of the project shall be from American material; that all the forging shall be of American product and manufactured in the United States. I am afraid under this we could not use a Swedish bloom if we wanted to. I am afraid we could not use a little foreign manganese or spiegeleisen. We can furnish all the ordnance, and the bill provides that we shall.

Mr. RIDDLEBERGER. I shall be very much obliged to the Senator if he has correctly informed me that I am mistaken. I should like to be certain that I am.

Mr. HAWLEY. "And all the forgings"——

Mr. RIDDLEBERGER. I do not understand that forgings mean raw material.

Mr. HAWLEY. "And all the forgings shall be of American product and manufactured in the United States."

Mr. RIDDLEBERGER. "All the forgings shall be of American product," but I could draw from my pocket an amendment of his which better states it. All the forgings shall be of American product, but I think the Senator is possibly mistaken when he undertakes to say that the gentlemen who are invited here from abroad to fix their plant on this side and make a contract with the Government to the extent of making one or two guns can not bring the forgings, as he calls them, of one or two guns. That is the way I understand the bill. I know Senators here differ from me. I have talked to half a dozen of them today about it.

But, Mr. President, that is not the question. We do not want any doubtful legislation on this subject. I do not want any doubtful legislation on it, for one. If I represent anything here it is peculiarly the principle of protection, protection to that which American labor produces. If we want to have that specified in the bill, it is very easy to put it there. I do not see it there.

I do apprehend danger to come from this measure. I do apprehend that it means what I saw here two years ago—the introduction of Spanish ore as ballast to American steamships to be introduced along the Atlantic coast to fill the blast furnaces of New England because, forsooth, Virginia and all the other States in the Union which are now underlaid with these same ores can not get their ore there at the same rates of transportation, because one has water transportation and the other must come by railway.

I say, sir, that I present these views only as the reason why I shall vote against the bill with this amendment on it. I am for coast defenses. I want to see this Government not only able to take care of itself at home, but if necessary to go upon the seas and challenge any country in the Old World. I voted to-day and would vote to-morrow for an increase of the naval establishment, but I want America to make her own navy; I want her to employ her own workmen; I want her to expend her own money among her own people, and if she means protection when she says so, that she will protect herself against the world by just such processes and just such methods as these.

I may be mistaken about this, but I would rather see the English written in plain, fair, square, monosyllabic sentences. I do not see in this anything more than a right guaranteed to these people under the very name and the word between themselves and the Government to come here in the discretion of a Secretary of the Navy or a Secretary of War to establish a plant on this side of the Atlantic and bring with them all the raw material that they may want, and make for us the guns that we shall never need if we can concede free trade to them.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from New Jersey [Mr. SEWELL] as modified.

The amendment wes rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

TREASURY SURPLUS.

Mr. ALLISON. I move that the Senate proceed to the consideration of the joint resolution (H. Res. 126) directing payment of the surplus in the Treasury on the public debt.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Iowa.

Mr. BLAIR. Before the question is taken I ask the Senator from Iowa whether it is his purpose to go on to-night?

Mr. ALLISON. I shall of course accommodate myself to the judgment of the Senate.

Mr. EDMUNDS. Is the joint resolution up?

Mr. BLAIR. It is not up. I ask——

The PRESIDENT *pro tempore*. The motion is to take up the joint resolution.

Mr. BLAIR. I ask the unanimous consent of the Senate to make a statement.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks the unanimous consent of the Senate to make a statement.

Mr. BECK. I object until the pending question is disposed of.

The PRESIDENT *pro tempore*. The Senator from Kentucky objects.

Mr. BECK. Until this motion is disposed of.

Mr. BLAIR. Then let the joint resolution be taken up.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Iowa to proceed to the consideration of the joint resolution.

The motion was agreed to.

The PRESIDENT *pro tempore*. The joint resolution is before the Senate.

Mr. BLAIR. I should like to ask the Senate either that we may go on to-morrow morning with the vetoed pension cases, as has been suggested and of which I gave notice of my intention to move to-morrow morning—either to go on with those to-morrow morning or that we may have a night session and dispose of them to-night. ["No," "No!"]

Mr. KENNA. We do not want to do either. As one gentleman——

Mr. BLAIR. Then I will say that to-morrow morning at the conclusion of the morning business I shall move to take up the vetoed pension cases in their order.

Mr. EDMUNDS. I move that the Senate do now adjourn.

Mr. MCMILLAN. I ask the Senator from Vermont to withdraw his motion for the purpose of passing a bill which is upon the Calendar. It will only take the time to read it, there is no opposition to it, and it is a local measure.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 52 minutes p. m.) the Senate adjourned until to-morrow, Thursday, July 29, 1886, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July* 28, 1886.

The House met at 11 o'clock a. m. Prayer by Rev. Dr. BULLOCK, of Washington, D. C.

The Journal of yesterday's proceedings was read.

CORRECTION.

Mr. REAGAN. The gentleman from Louisiana [Mr. BLANCHARD] yesterday voted "ay" on the substitute of the gentleman from New York [Mr. HISCOCK] for the interstate-commerce bill, and afterward changed his vote to "no." He is recorded as not voting.

The SPEAKER. The Chair has a recollection of the gentleman from Louisiana changing his vote. The correction will be made.

The Journal was then approved as corrected.

PERSONAL PRIVILEGE.

Mr. O'NEILL, of Pennsylvania. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. O'NEILL, of Pennsylvania. I will state it after the Clerk reads the few lines from the Washington Star of yesterday afternoon, which I have sent to the desk. It is headed: "Commerce Committee's last meeting."

The Clerk read as follows:

Mr. REAGAN then stated to the committee that he thought the interstate-commerce bill too important a measure to be passed in a hurry without proper discussion, and as there would be no time to give it such consideration this session he would ask the consent of the committee to make a statement to the House, withdrawing it from consideration until next winter. The committee approved of this course, and Mr. REAGAN will withdraw the bill.

Mr. O'NEILL, of Pennsylvania. I will explain the reason why I rise to this question of personal privilege. I endeavored yesterday to get the floor, but was not recognized, so that I might make a statement to cover exactly what is stated in the Evening Star of yesterday afternoon upon information obtained through the reporters of that paper. I consider this is a question of personal privilege, because after the adjournment of the committee and after the House got into session at 11 o'clock I stated to a number of members that the interstate-commerce bill would not come up till next session; that the chairman of the committee on his own motion at a meeting of the Committee on Commerce had stated just what is stated in the Evening Star as it has been read from the desk. Some members on this side, known to me, were not here and present to vote, being probably absent from the House on account of what I had stated. My colleague [Mr. BINGHAM] has just made a statement to the House as to how he would have voted had he been here.

I call the attention of the House to this because I consider it a personal matter. The understanding in the Committee on Commerce was complete, and not one member of that committee, so far as I have learned, had any idea by any kind of notice or statement from the chairman of the committee that he would call the bill up. Members went and asked him and he made no explanation. And I would like

him for his own sake and for the sake of the members of the committee who were not informed of what he was going to do after he had informed the Committee on Commerce that he would not call up the bill—I would like him to state why he departed from what his word had stated he would not do.

Mr. REAGAN rose.

The SPEAKER. Does the gentleman from Pennsylvania yield?

Mr. O'NEILL, of Pennsylvania. Yes, for a moment.

Mr. REAGAN. I think a word of explanation is necessary from me.

The SPEAKER. The gentleman from Pennsylvania [Mr. O'NEILL] says he yields for a moment. Does he yield the floor?

Mr. O'NEILL, of Pennsylvania. I yield for an explanation.

Mr. REAGAN. I did not ask the gentleman to yield the floor to me, and I do not take it from him.

The SPEAKER. The Chair asked the gentleman from Pennsylvania if he yielded the floor, and he said he yielded for a moment. The gentleman from Pennsylvania has the floor.

Mr. O'NEILL, of Pennsylvania. I will let the gentleman have the floor in his own right to make an explanation, if he can make an explanation of his conduct.

The SPEAKER. The gentleman can not yield to the gentleman from Texas merely for the purpose of making an explanation. He can yield the floor or retain it.

Mr. O'NEILL, of Pennsylvania. I yield the floor.

Mr. REAGAN. After the Committee on Commerce had made its formal adjournment until the first Tuesday of the next session I mentioned to the members of the committee present that the question was an important one whether we should call up the interstate-commerce bill, and that I would like to hear an expression of opinion from them. The opinion expressed by the members of the committee present, I think by about all of them, was favorable to the postponement of the consideration of the bill till the next session, through the apprehension that it would necessarily have to go into conference, and it was not probable that we would get a final agreement at this session of Congress, and if we could not that it was perhaps better it should go over till next session. That was the view I entertained of the subject at the time, and which I suggested to the committee.

When I came upon the floor and the matter was suggested to several members here, I found there were protests against that course, and as we approached the conclusion of the consideration of the bill forfeiting the Northern Pacific land grants a number of members came to me and urged very earnestly the absolute necessity of acting upon the interstate-commerce bill at this session.

I felt impelled by the suggestions made by gentlemen on the floor to call the bill up. When the opportunity came for calling it up I had no time to go about and notify the members of the committee whom I had told that I believed I would adopt the course of postponing the bill. That was the language I used in conversation with the members of the committee—that I believed I would do so. It was not a proceeding in committee. There was no vote, no action by the committee, but informally, in conversation after the committee had adjourned, I suggested that I believed I would adopt the course of asking to have the bill postponed. As I have stated, the urgency of members upon the floor that it should not be postponed induced me at the last hour, or almost at the last minute, before the consideration of the land-forfeiture bill was concluded, to determine to call up the interstate-commerce bill. In doing so I felt that members of the committee would perhaps be somewhat surprised, because of the previous informal understanding that it was to be postponed. But, Mr. Speaker, while these are the actual facts as they occurred, I desire to add that no one could have been really taken by surprise. The members of the committee were, every one of them, upon the floor, and every one of them who was present voted. There was not a full committee present. When the matter came up I made a proposition to take a vote upon the recommendation of the Committee on Commerce and accept the bill which received a majority vote as a basis for amendment; but that was objected to. I have stated now the circumstances under which I called the bill up after there had been an informal understanding in conversation that I would probably pursue a different course.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, the conversation in the Committee on Commerce was not informal. Every member who was present at the time knew that the chairman of the committee had said that he would come in here and say to the House that he wished the bill to go over until next winter so that we could have an opportunity to debate it fully. Now, sir, the members of the committee fortunately were present in the House when the gentleman proceeded to call the bill up, but that does not excuse the course of the gentleman from Texas——

Mr. VAN EATON. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. VAN EATON. Is there any limit to this debate? If not, I call for the regular order.

The SPEAKER. If the gentleman makes the point——

Mr. VAN EATON. I do make the point, Mr. Speaker.

The SPEAKER. The gentleman from Mississippi makes the point of order that this is not privileged. The Chair is clearly of opinion that it is not a privileged matter.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, the statement which the gentleman has made does not excuse him for not having notified his fellow-members of his intention to call the bill up.

The SPEAKER. The Chair sees no question of privilege whatever involved in this matter.

Mr. O'NEILL, of Pennsylvania. It is a question of privilege, Mr. Speaker, because it involves the truth of my statement to my fellow-members in regard to this matter.

The SPEAKER. The gentleman is called to order by the gentleman from Mississippi [Mr. VAN EATON], who makes the point that this is not a privileged matter. The Chair sustains the point of order. The rule states distinctly what are questions of privilege.

JULIO R. SANTOS.

The SPEAKER laid before the House the following message from the President of the United States; which was referred to the Committee on Foreign Affairs:

To the House of Representatives:

I transmit herewith, in response to the House resolution of the 10th instant, a report from the Secretary of State, and accompanying papers, relating to the imprisonment in Ecuador and subsequent release of Julio R. Santos.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 27, 1886.

The SPEAKER. The papers accompanying this message are very voluminous, and unless some gentleman desires to have them printed they will be referred in the first instance to the Committee on Foreign Affairs without being printed.

There was no objection.

REPORT OF THE COMMISSIONER OF AGRICULTURE.

The SPEAKER laid before the House the joint resolution (H. Res. 201) for printing the report of the Commissioner of Agriculture, with Senate amendments; which was referred to the Committee on Printing.

CAPT. DOMINICK LYNCH.

The SPEAKER also laid before the House the bill (H. R. 1630) to increase the pension of the widow of the late Capt. Dominick Lynch, United States Navy, with Senate amendments; which was referred to the Committee on Naval Affairs.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House the following Senate bills; which were severally referred as follows:

The bill (S. 2451) for the relief of Mrs. Julia De Quindre—to the Committee on Invalid Pensions.

The bill (S. 2311) granting an increase of pension to Benjamin F. Berkley—to the Committee on Invalid Pensions.

The bill (S. 2708) for the relief of Maria L. Strong—to the Committee on Naval Affairs.

PUBLIC BUILDING, OXFORD, MISS.

The SPEAKER also laid before the House a bill (S. 2794) to amend an act entitled "An act for the erection and construction of a public building at Oxford, Miss.," approved July 12, 1882.

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that that bill be taken up for present consideration. It has been fully considered by the House committee.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read.

Mr. MORGAN. I now ask that the report of the House committee be read.

The SPEAKER. That is in the nature of debate. Is there objection to the present consideration of this bill?

Mr. PAYSON. Mr. Speaker, saving my right to object, I desire to ask the gentleman from Mississippi whether the Federal courts are regularly held at this place.

Mr. MORGAN. They have been for twenty-five years.

Mr. PAYSON. Are they now?

Mr. MORGAN. They are now.

Mr. PAYSON. What is the population of the town?

Mr. MORGAN. About 5,000. The courts have been established there for very many years.

Mr. WILKINS. This bill simply increases the limit of cost, and provides for completing the building.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MORGAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT CHARLOTTE, N. C.

The SPEAKER also laid before the House the bill (S. 246) to pro-